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Entries in the Index are carried primarily under the names of the issuing agencies, with the most significant entries additionally carried in appropriate alphabetical position.

A List of CFR Sections Affected (cumulative codification guide) keyed to the *Code of Federal Regulations*, is also published monthly. It lists titles, parts, and sections, and indicates the nature of changes effected by *Federal Register* documents published to date in the calendar year. Proposed rules are listed at the end of pertinent titles.

Page

Accidents:
AIRCRAFT ACCIDENTS, investigation. *See* Civil Aeronautics Board.
GAS PIPELINES, telegraphic reporting; proposed rule 14111
RAILROAD ACCIDENTS, public examination of reports 9543
SAFETY POLICY FOR FEDERAL SERVICE (Memorandum and Statement of February 16, 1965) 2517, 2519

Additives, Color and Food:
See Food and Drug Administration.

Administration on Aging:
COMMISSIONER, position placed in level V of Federal Executive Salary Schedule (Executive Orders 11245, 11248) 11947, 12999
GRANTS for community planning, services, training, research and development projects, etc 13257

Advertising:
ADHESIVE COMPOSITIONS, guides against deceptive labeling and advertising 9090
CIGARETTES:
Enforcement of Act 12249
Health hazard warning 9484
INSECTICIDES 8775
PUBLIC LANDS, restrictions on advertising near road rights-of-way; proposed rules 10295

Advisers, Consultants, and Other Special Government Employees:
ETHICAL STANDARDS OF CONDUCT (Executive Order 11222) 6469

Advisory Commissions, Committees, Councils, etc.:
See Committees, boards, etc.; Committees, boards, etc., Presidential.

Agency for International Development:
ADVISORY COMMITTEE, General, on Foreign Assistance Programs 4642, 12304, 15376
ARMED SERVICES BOARD OF CONTRACT APPEALS, authorized representative of Administrator to hear contract appeals; rules, etc 13584
AUTHORITY DELEGATIONS:
By Administrator to certain officials:
Assistant Administrator, Africa; redelegation of authority to principal African Bureau diplomatic officer 13410
Assistant Administrator, Material Resources; transfer of surplus agricultural commodities, etc 8973, 12955
Assistant Administrators, Near East and South Asia, et al.; contracting functions, transfer of surplus agricultural commodities 8973
Principal diplomatic officers, certain; administration of A.I.D. programs:
Ceylon 14567
Indonesia 9326
Israel 2159
Syrian Arab Republic 2159
Regional Assistant Administrators; transfer of surplus agricultural commodities and funds for purchase of foreign currencies, etc 12955
By Assistant Administrator, Development Finance and Private Enterprise, to Chief, Investment Guaranties Division; guaranty contract transfers, delinquency notices, etc 8170
Title changed to Chief, Specific Risk Guaranty Division 11977
By Assistant Administrator, Material Resources, to certain officials:
Chief, Contract Services Division, et al.; sign contract amendments, letters of commitment, etc 14567
Incumbents, Offices of International Training (A/TT) and Public Safety (OPS); executive purchase orders 14567
By Assistant Administrator, Near East and South Asia, to certain officials:
Assistant to Director, Capital Projects, Turkey; letters of commitment, disbursements, etc 7398
Chief, Contract Staff, et al.; contracts, letters of commitment, etc 5763
Director, Capital Development and Finance Office, et al.; loan agreements 9325, 9326

Agency for International Development—Con. Page
AUTHORITY DELEGATIONS—Continued
By Assistant Administrator, Near East and South Asia, to certain officials—Continued
U.S. Ambassador and Director, A.I.D. Mission, Ankara, Turkey; loan agreement amendments 7398
By Assistant Secretary of State, Inter-American Affairs, and U.S. Coordinator, Alliance for Progress, to Deputy Assistant Administrator, Capital Development for Latin America; Latin American guaranties 847
By Deputy Administrator to certain principal diplomatic officers; administration of A.I.D. programs:
Chad and Dahomey; rescinded 1011
Congo (Brazzaville) and Ivory Coast; rescinded 2877
Mali 8344
By Deputy Assistant Administrator, Capital Development and Financing, Latin America, to USAID Director, Honduras; loan agreements regarding farm to market access roads 13585
By U.S. Coordinator, Alliance for Progress, to Mission Director, Colombia; loan agreements authorized by Agricultural Trade Development and Assistance Act of 1954 13584
From Secretary of State to Administrator, contract amendments to protect foreign policy interests 11110
COMMODITY TRANSACTIONS financed by A.I.D.:
Payment and reimbursement, required documents 12941
Procurement policy, Webb-Pomerene Associations, et al.; proposed rules 2552, 4321
CONSTRUCTION WORK financed from foreign assistance funds; limitation on employment of third country nationals, exceptions 9304
FOREIGN ASSISTANCE PROGRAMS, General Advisory Committee on 4642, 12304, 15376
LOYALTY AND SECURITY INVESTIGATIONS for persons serving under contracts financed from U.S. foreign assistance funds 15658
MUTUAL SECURITY ACT of 1954, guaranties of investments under; revoked 7571
NONDISCRIMINATION in Federally-assisted programs; effectuation of Title VI of Civil Rights Act of 1964 317
PROCUREMENT 12968, 13826
SUPPLIERS OF COMMODITIES and commodity-related services ineligible for A.I.D. financing, information concerning 10843
VOLUNTARY FOREIGN AID AGENCIES, certificates of registration:
American Emergency Committee for Tibetan Refugees, Inc., 12954.
Christian Medical Society, Inc., 4501.
Community Development Foundation, Inc., 7614.
International Educational Development, Inc., 7614.
World Neighbors, Inc., 7614.
VOLUNTARY RELIEF AGENCIES, overseas shipments of supplies by; reimbursement of freight charges 9059

Agriculture Department:
ADMINISTRATIVE REGULATIONS; procedure for contract appeals, deletion 12329
AGRICULTURAL STABILIZATION AND CONSERVATION county and community committees; selection and functions 3809, 4157, 5759, 5787, 14301
ALMONDS, marketing:
Orders:
California, 10114, 10993, 11133, 11596, 13053.
Record retention requirements 3104
ANIMALS:
See also Livestock; Meat and meat products; Packers and Stockyards Division.
Cattle, slaughter; standards, proposed rules 12832
Codification changes 4195
Diseases:
Brucellosis (Bang's disease) 2307, 3312, 3757, 7596, 8463, 8525, 8825, 9089, 10229, 10946, 12463, 12684, 14707, 16141, 16257
Dourine in horses and asses 5790
Foot-and-mouth 7445, 12118
General provisions 8327, 13573
Hog cholera, swine diseases 1975, 9987, 12128, 16195
Paratuberculosis 7596, 8825
Rinderpest 7445, 12118
Scabies in sheep 701, 4363, 4750, 7274, 8566, 11949, 15999
Texas (splenetic) fever in cattle 2702, 10840
Tuberculosis 7596, 8825

Agriculture Department—Continued Page

ANIMALS—Continued
- Dogs, cats, etc., certified products for; composition of canned certified variety pet food 10284
- Exports; inspection of calves, proposed rule 1945, 10202, 11106
- Humane slaughter of livestock, identification of carcasses:
  - Lists of establishments 100, 1204, 3228, 4501, 6496, 7402, 8908, 9962, 11398, 13020, 14334, 16167
  - Statement of policy 16105
- Overtime services, imports and exports:
  - Overtime work 14042
  - Travel time 4609, 7893
- Pigs, feeder; standards 8225, 16253
- Viruses, serums, toxins, etc. *See* Viruses, serums, toxins, etc., *below.*

APPLES; export restrictions 6782, 8775

APRICOTS, marketing:
- Orders:
  - Washington, 8255, 8525, 9054.
- Record retention requirements 3104

ASPARAGUS, fresh; standards, proposed rules 17170

AUTHORITY DELEGATIONS:
- *See also* Organization and functions.
- By Agricultural Marketing Service Administrator to Associate Administrator, Deputy Administrators, divisions and offices; functions vested in Administrator 1260
- By Agricultural Stabilization and Conservation Service officials:
  - Administrator to Thomas M. Gachet, approving determinations by county committees for counties in Arkansas 1323, 6124
  - Director, Procurement and Sales Division, to Director, Kansas City ASCS Commodity Office:
    - Approval or division of plants 6798
    - Export wheat marketing certificates 8547
- By Commodity Credit Corporation Executive Vice President to certain officials respecting export commodity certificates:
  - Agricultural Stabilization and Conservation Service 286
  - Commodity Credit Corporation; Controller, Treasurer, and Assistant Treasurers 849
- By Consumer and Marketing Service officials:
  - Administrator to Deputy Administrator, Consumer Protection; exercise functions vested in Administrator 2160
  - Poultry Division:
    - Director to Chiefs, Grading and Inspection Branches; grading and inspection of poultry, rabbits, etc 5863
    - Grading Branch Chief to National Technical Supervisors; approval and disapproval of labels, plant facilities, etc 5862
    - Inspection Branch Chief to Heads of Facilities and Poultry Products Sections; approval and disapproval of labels, plant facilities, etc 5863
  - Transportation and Warehouse Division:
    - Chief, Warehouse Service Branch, to Officers in Charge, National Grain and Cotton Field Offices, Kansas City, Mo., and New Orleans, La.; license issuance, modification, suspension, etc 7295
    - Director to Chief, Warehouse Service Branch, et al.; warehouse examination function, administration of Warehouse Act, etc 7295
- By Secretary to General Counsel and certain officials; settle claims of personnel 8722

AVOCADOS:
- Import restrictions 7244, 7436, 9152, 11751, 11960
- Marketing:
  - Florida, 916, 3883, 4666, 7240, 7436, 7501, 7893, 8093, 9052, 9648, 10154, 10880, 11751, 11959, 12117, 13309.

BARLEY:
- *See also* Grains.
- Contract market; name of San Francisco Grain Exchange changed to Northern California Grain Exchange 8547, 8548
- Loan and purchase programs:
  - 1964 crop, 4606, 5702, 6681.
  - 1965 crop, 7811, 10936, 11272.

Agriculture Department—Continued Page

BARLEY—Continued
- Payment-in-kind regulations, 1965; price support and diversion 1247
- Price-support programs:
  - 1964 and subsequent crops, 848, 4750, 9088, 9877, 15032.
  - 1965 crop, 14310, 15582.
- Reseal loan programs:
  - 1965 and subsequent storage periods, 2852, 10023, 10838, 13357.
- Warehouses, Federally licensed:
  - Standards for approval 4193, 11315
  - Storage loans, due date 848

BEANS:
- Canned green and wax beans, standards; proposed rule 9776
- Dry edible:
  - *See also* Grains.
  - Loan and purchase programs:
    - 1964 crop, 5762.
    - 1965 crop, 7988.
  - Price-support programs:
    - 1964 and subsequent crops, 848, 4750, 5763, 9088, 9877, 15032.
    - 1965 crop, 14310, 15582.
  - Record retention requirements 3109
  - Reseal loan programs:
    - 1965 and subsequent storage periods, 2852, 10023, 13357.
  - Warehouses, Federally licensed:
    - Agricultural Marketing Service changed to Consumer and Marketing Service 8093
    - Standards for approval 4193, 11315
    - Storage in 3244, 3246
    - Storage loans, due date 848, 5763

BROOMCORN; warehouses, Federally licensed:
- Agricultural Marketing Service changed to Consumer and Marketing Service 8093
- Storage in 3245, 3247

BUTTERFAT; price-support program:
- April 1965–March 1966, 4351.

CANNED FOODS; warehouses, Federally licensed:
- Agricultural Marketing Service changed to Consumer and Marketing Service 8093
- Storage in 3245

CARROTS:
- Marketing:
  - Orders:
    - Texas, 257, 644, 777, 880, 1728, 6479, 7274, 13014, 13572.
  - Record retention requirements 3104
  - Standards, topped carrots 12254, 14519

CELERY, marketing:
- Florida, 8684, 12474, 13708, 14266, 14991, 15416.

CHERRIES:
- Marketing:
  - Orders:
    - Red tart; certain States 1984, 5514, 6255, 8850
    - Sweet; Washington 7648, 8110, 8823
  - Record retention requirements 3104
  - Purchase program GMP 96a; canned and frozen pitted red tart cherries 9067

CHICKENS. *See* Poultry and products.

COCONUTS into Hawaii, plant quarantine 2106, 4099

COMMODITY CREDIT CORPORATION. *See main heading* Commodity Credit Corporation.

COMMODITY EXCHANGE AUTHORITY. *See main heading* Commodity Exchange Authority.

CONDUCT STANDARDS, employee purchases from private business enterprises regulated by C&MS, standardization 16167

CONSERVATION PROGRAMS:
- Agricultural:
  - Farmer Programs Division Director, ASCS; change in designation 14035
  - National, 1966 11371, 12661
  - Naval stores, 1966 program 14035
  - Payments due persons who have died, disappeared, or been declared incompetent; applicability, etc 6246
  - Record retention requirements 3107
- Appalachian 9758, 14099
- Great Plains, counties within certain States:
  - Kansas 8016
  - Texas 9328, 15502
- Soil bank program, conservation reserve:
  - 1956 through 1959 7311
  - 1960 7311

Agriculture Department—Continued Page

CONTAINERS:
- Food; standards for condition, proposed rules 15424
- Standard; sizes, marking 479

COOPERATIVE MARKETING ASSOCIATIONS, eligibility requirements for price support 6907, 7037, 9260, 9877, 14915

CORN:
- *See also* Grains.
- Loan and purchase program:
  - 1965 crop, 10836, 14361, 15033.
- Payment-in-kind regulations, 1965; price-support and diversion 1247
- Price-support program:
  - 1964 and subsequent crops, 848, 4750, 9088, 9877, 15032.
  - 1965 crop, 14310, 15582.
- Reseal loan programs:
  - 1965 and subsequent storage periods, 2852, 10023, 10838, 13357.
- Warehouses, Federally licensed:
  - Standards for approval 4193, 11315
  - Storage loans, due date 848

COTTON:
- Agricultural Marketing Service changed to Consumer and Marketing Service 6637, 7426, 8093, 15351
- Domestic allotment program, upland cotton, 1965 2592, 8748
- Equalization program, payment-in-kind 4410, 8825, 12384
- Export market acreage, upland cotton:
  - 1964 crop 643, 4606
  - 1966 crop 15569
- Loan programs:
  - 1964 crop, 8908.
  - 1965 crop, 8096, 8451, 8673, 9800, 9904, 13777, 15795, 16257.
- Marketing quotas, acreage allotments, etc.:
  - Extra long staple:
    - 1964 and succeeding crops, 7271, 7809.
    - 1965 crop, 532, 777, 2018, 8461.
    - 1966 crop, 12079, 13250, 14421, 15141, 16061.
  - Upland:
    - 1966–69 crops, 12079, 13249, 14260, 14307, 14412, 14592, 14728, 15282, 15568, 15647, 15648, 15735, 16061, 16185, 16189.
- Price-support program:
  - 1965 and subsequent crop years, 7198, 7814, 14310, 15582.
- Record retention requirements 3107, 3110
- Standards:
  - American upland, proposed rules 6255
  - Withdrawn 8049
  - Fees, fiber and processing tests 9529
  - Micronaire reading fees 7426
  - Fiber fineness and maturity 4064, 7239
  - International calibration program, abolishment 17154
  - Transfer of certain functions from Washington, D.C., to Memphis, Tenn 6637
- Surplus supply, extra long staple, available for export, 1965–66 marketing year 8495
- Warehouses, Federally licensed:
  - Record retention requirements 3107
  - Standards for approval 9759, 14100
  - Storage in 3229, 3245
- Wrapping cotton; jute bagging and bale ties, proposed specifications 2805

COTTONSEED:
- Agricultural Marketing Service changed to Consumer and Marketing Service 8093, 15351
- Price-support program; record retention requirements 3109, 3110
- Warehouses, Federally licensed; storage in 3245

COTTONSEED OIL AND MEAL; purchase program:
- 1965 crop, 9214, 9674, 10840.

CRANBERRIES, marketing:
- Orders; certain States 12485, 13013, 13627
- Record retention requirements 3105

CROP INSURANCE. *See main heading* Federal Crop Insurance Corporation.

CURRANTS, dried; standards for grades 8905, 11595

DAIRY PRODUCTS:
- *See also* Milk and milk products.
- Agricultural Marketing Service changed to Consumer and Marketing Service 6637
- Exports:
  - Payment-in-kind program, terms and conditions 6910
  - Payment rates-by-contract, liquidated damages 4314
- Import quotas 8623

Agriculture Department—Continued Page

DAIRY PRODUCTS—Continued
- Inspection, record retention requirements 3105
- Price-support program, milk and butterfat:
  - April 1965–March 1966; 4351.

DATES:
- Import restriction exemptions, proposed rule 14934
- Marketing, domestic:
  - Orders:
    - California, 9924, 10054, 10247, 11045, 11046, 11047, 11100, 11315, 12452, 12454.
  - Record retention requirements 3104
  - Substandard dates, outlets; proposed rule 16210

DISASTER AREAS, need for agricultural credit:
- Arizona, 17177.
- Arkansas, 12690, 16027.
- California, 65, 165, 451, 8801, 15673.
- Colorado, 8282, 8495, 9886.
- Connecticut, 2562, 12302.
- Delaware, 1953.
- Florida, 12302, 13968.
- Georgia, 165, 1953.
- Idaho, 451, 9279.
- Illinois, 7257.
- Indiana, 5911.
- Iowa, 5713.
- Kansas, 2117, 8418, 8861, 9114.
- Louisiana, 808, 12302, 12520.
- Maine, 653, 10864, 11534, 17177.
- Maryland, 653.
- Massachusetts, 2878, 12302.
- Michigan, 2287, 2414, 5713, 6191, 7048, 11735, 14579.
- Minnesota, 2287, 4726.
- Missouri, 653, 1880, 11112, 11534, 17177.
- Montana, 8801.
- Nebraska, 7616, 8071, 9993.
- New Hampshire, 2287, 12302
- New Jersey, 9114.
- New Mexico, 8548, 10330.
- New York, 11070.
- North Carolina, 9114, 9550, 9886, 10121, 10330, 11112, 11360, 11775, 12521, 13749, 14334, 14753.
- North Dakota, 451, 653, 808, 1880, 2117, 2562, 4693, 6124, 9886, 13021, 13621, 13907, 14041, 14334, 15673.
- Ohio, 653, 5911, 11775, 13547, 15673.
- Oklahoma, 65.
- Oregon, 66, 165.
- Pennsylvania, 849, 2827, 7048, 13585, 13968, 14533.
- Rhode Island, 2287, 12302.
- South Carolina, 11360.
- South Dakota, 451, 1880, 7969, 11112, 11360, 11977, 12690.
- Texas, 1204, 2287, 5335, 7969, 8861, 9279, 9498, 9550, 9993, 10330, 10864, 11112, 11534, 11977, 12302, 12812, 13021, 13907, 14334, 14533, 14753, 15333.
- Utah, 6927, 13968, 15298.
- Vermont, 2287, 11112.
- Washington, 451, 7257, 7616.
- West Virginia, 1880, 15298.
- Wisconsin, 1953, 2117, 5911, 6927, 13547, 13968.

DIVERSION PROGRAMS, record retention requirements 3107

DOGS, CATS, etc., certified products for; composition of canned certified variety pet food 10284

DRY EDIBLE BEANS. *See* Beans.

EGGS AND PRODUCTS:
- *See also* Poultry and products.
- Agricultural Marketing Service changed to Consumer and Marketing Service 6207
- Egg whites; pasteurization, heat treatment, and analysis for Salmonella 3450, 6141

EXPORTS:
- Animals and products:
  - Calves, exportation; proposed rule 1945, 10202, 11106
  - Overtime work 14042
  - Travel time 4609, 7893
- Chicken export payment program, GMX 73a 12720, 13120, 15089
- Cotton:
  - Extra long staple; surplus supply 8495
  - Upland; export market acreage:
    - 1964 crop 643, 4606
    - 1966 crop 15569
- Export commodity certificates, tobacco, redemption 644, 6639

Agriculture Department—Continued Page

EXPORTS—Continued
- Export credit sales program (GSM–3) 2129, 4056, 6249, 10942, 11133
- Tobacco 12067
- Flour, wheat; cash payment (GR–346) 6771, 6976, 15319
- Record retention requirements 3110
- Payment-in-kind:
  - Dairy products, 6910.
  - Feed grain (GR–368), 2784, 3515.
  - Flaxseed (PS–GR–4), 1178, 4532.
  - Linseed oil (PS–GR–4), 1178, 4532.
  - Rice (GR–369), 778.
  - Wheat (GR–345), 532, 4531, 8898.
- Payment rates-by-contract:
  - Dairy products, liquidated damages, 4314.
- Plants and products:
  - Overtime work 14035
  - Travel time 4745, 6429, 9147, 9875, 12023, 14770
- Restrictions:
  - Apples, 6782, 8775.
  - Grapefruit, 11682.
  - Oranges, 11682.
  - Pears, 6782, 8775.

FARMERS HOME ADMINISTRATION. *See main heading* Farmers Home Administration.

FARMS, reconstitution; allotments, history, and soil bank base acreages 5701, 6511, 6975

FEDERAL CROP INSURANCE CORPORATION. *See main heading* Federal Crop Insurance Corporation.

FEDERAL SEED ACT regulations:
- Agricultural Marketing Service changed to Consumer and Marketing Service 8460, 11167
- Record retention requirements 3106
- Vegetable seed, grasses, etc 1945, 7887

FEED GRAIN PROGRAMS:
- Emergency program 2854, 6909
- Export payment-in-kind program (GR–368) 2784, 3515
- Payment-in-kind regulations, price support and diversion 1247
- Record retention requirements 3107, 3109
- Special programs, 1964 and 1965 5334, 7515, 11167, 11914

FIGS, canned Kadota; purchase program GMP 96a 12047

FILBERTS, marketing:
- Orders:
  - Oregon and Washington, 12539, 13143, 13357.
- Record retention requirements 3104

FLAXSEED:
- *See also* Grains.
- Exports; payment-in-kind (PS–GR–4) 1178, 4532
- Loan and purchase program:
  - 1964 crop, 918, 4606.
  - 1965 crop, 8823, 10835, 15033.
- Price-support programs:
  - 1964 and subsequent crops, 848, 4750, 9088, 9877, 15032.
  - 1965 crop, 14310, 15562.
- Purchase program, Texas crops:
  - 1965 crop, 6338.
- Reseal loan program:
  - 1965 and subsequent storage periods, 2852, 10023, 13357.
- Standards for grades 1118, 4605, 5760
- Warehouses, Federally licensed:
  - Standards for approval 4193, 11315
  - Storage loans, due date 848

FLOUR, wheat:
- Export program, cash payment (GR–346) 6771, 6976, 15319
- Record retention requirements 3110

FOOD CONTAINERS, standards for condition; proposed rules 15424

FOOD STAMP PROGRAM:
- Administrative and judicial review, retailers and wholesalers 13132
- Definitions, general information 4315, 8155
- Editorial note 2247
- Participation:
  - Retail food stores, wholesale food concerns, and banks 569, 6859, 13861
  - State agencies and eligible households 258, 4316
- Pilot program, supersedure in certain areas 848, 2649, 2651, 4262, 6280, 7322, 8495
- Record retention requirements 3105

FOREST SERVICE. *See main heading* Forest Service.

Agriculture Department—Continued Page

FRUITS, vegetables, and tree nuts:
- *See also specific fruits, vegetables, etc.*
- Agricultural Marketing Service changed to Consumer and Marketing Service 2129, 8093, 10184
- Cold-pack fruit, storage in Federally licensed warehouses 3245
- Filing of hearing notices and other documents 254
- Imports from Puerto Rico or Virgin Islands, quarantine 748
- Marketing orders, procedure for referenda 15414

GRAIN CONTRACT MARKET for wheat and barley; name of San Francisco Grain Exchange changed to Northern California Grain Exchange 8547, 8548

GRAIN SORGHUM:
- *See also* Grains.
- Loan and purchase program:
  - 1965 crop, 7991, 10940, 13228.
- Payment-in-kind regulations, 1965; price-support and diversion 1247
- Price-support programs:
  - 1964 and subsequent crops, 848, 4750, 9088, 9877, 15032.
  - 1965 crop, 14310, 15582.
- Reseal loan programs:
  - 1965 and subsequent storage periods, 2852, 10023, 10838, 13357.
- Warehouses, Federally licensed:
  - Standards for approval 4193, 11315
  - Storage loans, due date 848

GRAINS:
- *See also specific grains.*
- Agricultural Marketing Service changed to Consumer and Marketing Service 8031, 8093
- Price-support programs:
  - 1964 and subsequent crops, 848, 4750, 5763, 9088, 9877, 15032.
  - 1965 crop, 14310, 15582.
- Reseal loan programs:
  - 1965 and subsequent storage periods, 2852, 10023, 10838, 13357.
- Warehouses, Federally licensed:
  - Standards for approval 4193
  - Storage in 3233, 3245
  - Storage loans, due date 848, 5763, 13100

GRAPEFRUIT:
- Export restrictions 11682
- Imports:
  - From Mexico and certain Central American countries; fumigation 1119, 4745
  - Restrictions 257, 754, 4055, 5359, 6065, 6638, 11713, 14361
- Marketing:
  - Orders:
    - Arizona and California, 753, 2020, 2591, 4054, 5788, 6430, 7273, 13052, 13143, 13934, 15318.
    - Florida, 6, 255, 751, 754, 987, 988, 1281, 1282, 2019, 2589, 2592, 3263, 3311, 3961, 4663, 5358, 6065, 6638, 6917, 6983, 11174, 11683, 12298, 13443, 13833, 13933, 14014, 14041, 14262, 14265, 14274, 14488, 14522, 14524, 14730, 15031, 15204, 15261, 17155.
    - Texas, 11684, 12735, 13435, 16061.
  - Record retention requirements 3104

GRAPEFRUIT JUICE, canned, blended; standards 205

GRAPES:
- Marketing:
  - California:
    - Crushing; Grape Crush Administrative Committee, liquidation of affairs, 10955.
    - Tokay, 10981, 11728, 12534.
  - Standards, American (Eastern type) bunch 842, 3371

GREAT PLAINS CONSERVATION PROGRAM, counties within certain States:
- Kansas 8016
- Texas 9328, 15502

GREEN BEANS and wax beans, canned; standards, proposed rule 9776

HAY, standards; Agricultural Marketing Service changed to Consumer and Marketing Service 8031

HONEY; price-support programs 7097
- 1964 and subsequent crops, 15032.
- 1965 crop, 14310, 15562.
- Record retention requirements 3110

HOPS, marketing; Washington, Oregon, Idaho, and California, proposed rules 3268, 7825, 9650, 11282

HUMANE SLAUGHTER. *See under* Livestock.

IMPORT QUOTAS; butter, dried milk and cream, certain cheeses 8623

Agriculture Department—Continued Page

IMPORTS:
- Agricultural Marketing Service changed to Consumer and Marketing Service 10184
- Animals and products, overtime work and travel time 4609, 7893, 14042
- Meats. *See under* Meat and meat products.
- Plants and products:
  - Foreign quarantine. *See under* Plant quarantine.
  - Overtime work and travel time 4745, 6429, 9147, 9875, 12023, 14035, 14770
- Potatoes, foreign; importations from Bermuda and Dominion of Canada (except British Columbia and Newfoundland) free of restrictions 9087, 15141
- Restrictions:
  - Avocados, 7244, 7486, 9152, 11751, 11960.
  - Dates, proposed rule, 14934.
  - Grapefruit, 257, 754, 4055, 5359, 6065, 6638, 11713, 14361.
  - Limes, 3374, 5621, 7743, 14848.
  - Onions, 880, 9649, 10834.
  - Oranges, 11713.
  - Potatoes, Irish, 13935, 14551.
  - Rhubarb, Hawaii, 5619.
  - Tomatoes, 4416, 5505.

INSECTICIDES, PESTICIDES, etc., enforcement of Federal Insecticide, Fungicide, and Rodenticide Act; economic and noneconomic poisons:
- Advertising 8775
- Directions for use 6857
- Interpretation revoked 1728
- Labeling:
  - Claims for germicides, disinfectants, and sanitizers for use in hard water areas 8960
  - Large containers 9051
  - Registration, etc., postponement of effective date 10153
  - Safety and nontoxicity on labeling of economic poisons, safety claims 2033, 3542, 11272
  - Thallium compounds intended for household use 4201, 8509

INTERNATIONAL COFFEE ORGANIZATION, functions of Secretary (Executive Order 11229) 7741

LAND STABILIZATION AND CONSERVATION PROGRAM, Appalachian 9758, 14099

LAND USE ADJUSTMENT PROGRAM; 1963–65 cropland conversion 2852, 14099

LANDS, Indiana, Hoosier National Forest; boundary description 104

LEMONS, marketing:
- Arizona and California, 5, 156, 344, 777, 988, 1282, 2021, 2306, 2591, 2650, 2924, 3187, 3373, 3421, 3704, 3748, 4055, 4350, 4665, 5504, 5573, 5789, 5826, 6148, 6430, 6479, 6681, 6712, 6939, 6975, 7240, 7435, 7647, 7947, 8222, 8511, 8747, 8998, 9051, 9087, 9248, 9573, 9623, 9876, 9904, 10154, 10184, 10879, 10935, 11132, 11169, 11346, 11373, 11685, 11959, 12024, 12284, 12637, 12879, 12937, 13228, 13254, 13529, 13822, 13823, 13861, 14041, 14265, 14523, 14730, 14771, 15032, 15092, 15319, 15654, 15735, 16063, 16103, 16210.

LETTUCE; marketing:
- Orders:
  - Texas, 3264, 12785, 13235, 13935, 15143, 15655, 16256.
- Record retention requirements 3104

LIMES:
- Import restrictions 3374, 5621, 7743, 14848
- Marketing:
  - Orders:
    - Florida, 700, 915, 2207, 2521, 3373, 5620, 7501, 7647, 8031, 9052, 9648, 10833, 14847.
  - Record retention requirements 3104

LINSEED OIL; exports, payment-in-kind (PS–GR–4) 1178, 4532

LIVESTOCK:
- *See also* Animals; Meat and meat products; Packers and Stockyards Division.
- Agricultural Marketing Service changed to Consumer and Marketing Service 10935
- Codification changes 4195
- Exports; inspection of calves, proposed rule 1945, 10202, 11106
- Feed grains. *See* Feed grain programs.
- Grading and certification by Livestock Division 4157
  - Changes in fees 11680, 14360
- Pigs, feeder; standards 8225, 16253

Agriculture Department—Continued Page

LIVESTOCK—Continued
- Slaughter of livestock:
  - Humane slaughter; identification of carcasses:
    - Lists of establishments 100, 1204, 3228, 4501, 6496, 7402, 8908, 9962, 11398, 13020, 14334, 16167
    - Statement of policy 16105
  - Standards, slaughter cattle; proposed rules 13828
  - Swine, feeder pigs; standards for grades 8225, 16253

MANGOES; imports from Mexico, fumigation 9247

MARKETING QUOTAS, acreage allotments, etc.:
- *See also specific commodities.*
- Acreage and compliance determination 1281, 5708, 7427, 10980
- Reconstitution of farms, allotments, history, and soil bank base acreages 3855, 5701, 6511, 6975
- Referenda 2521, 6144, 14411, 15222
- Review; establishment of areas of venue, marketing quota review committee panels 595, 17174

MEAT AND MEAT PRODUCTS:
- *See also* Livestock; Packers and Stockyards Division.
- Acceptance service, on fee basis, for certifying compliance with specifications; availability to vendors, Government agencies, etc 11000
- Agricultural Marketing Service changed to Consumer and Marketing Service 10935
- Carcass beef, standards for grades 4453
- Codification changes 4195
- Federal-State cooperative meat inspection program; authority, conditions, etc., proposed rules, time extension 625
- Grading and certification of livestock by Livestock Division 4157
  - Changes in fees 11680, 14360
- Horse meat and products, inspection; applicability, proposed rule 11970
- Imports:
  - Foreign countries, eligibility 13823
  - Inspection legend, application 9364, 14365
  - Limitations 4364, 8348, 12690, 16275
  - Outside containers of foreign product 9365, 14365
- Inspection of animals:
  - *See also* Reinspection.
  - Ante-mortem; approval for slaughter of animals used for research 826
  - Applications for; exemptions, proposed rules 14108
- Horse meat and products:
  - Applicability, proposed rule 11970
  - Imports, eligibility of foreign countries 13823
- Post-mortem, kidneys 12384
- Reindeer 258
- Labeling:
  - False or deceptive 13214
  - Calcium propionate or sodium propionate in pizzas 3272, 9357
  - Meat patty or mix, proposed rule 15434
  - Polyglycerol esters of fatty acids 3272, 9357
  - Sausage and other products 844, 998, 5708, 8673
- Ionizing radiation 5702
- Marking, branding, etc.:
  - Meat food products:
    - Products which resemble other products, use of "imitation" label, proposed rule 15434
    - Sausage and other products 844, 998, 5708, 8673, 8674
  - Tank cars and trucks used in transporting edible products 8675
- Reinspection and preparation of products:
  - Containers of products entering official establishments; labels showing chemical names 5702
  - Gamma radiation 5702, 6731
  - Canned bacon, proposed rule 14737
  - Meat food products, substances for use in:
    - Calcium propionate or sodium propionate in pizzas 3272, 9357
    - Cooling and retort water treatment agents, denuding and hog scald agents 5702
    - Curing agents, glucono delta lactone 3273, 8463
    - Fatty acids, polyglycerol esters of 3272, 9357
  - Sausage and other products 844, 998, 5708, 8673, 8674
- Slaughter of livestock. *See under* Livestock.

Agriculture Department—Continued Page

MEAT AND MEAT PRODUCTS—Continued
- Special services:
  - Reindeer inspection 258
  - Tank cars and trucks, requirements for movement of products 8675
- Transportation; denaturing of uninspected or unsound meat required prior to shipment, proposed rule 11970

MERION KENTUCKY BLUEGRASS SEED, parity prices, added 2923

MILK AND MILK PRODUCTS:
- Editorial note 2129
- Export payment-in-kind program, dairy products, terms and conditions 6910
- Export payment rates-by-contracts, dairy products, liquidated damages 4314
- Import quotas 8623
- Indemnity payment program 251, 7426, 13897
- Marketing in various areas, orders proposed or adopted:
  - Arizona:
    - Central, 3386, 4201, 4250.
  - Arkansas:
    - Central, 6534, 8228, 14733, 15327, 15332, 15373, 15742, 15998.
    - Fort Smith, 6534, 8228, 14733, 15327, 15332, 15373, 15591, 15742, 16368, 17157.
    - Memphis, Tenn., 6534, 8228, 9318, 9953, 14733, 15327, 15463.
    - Ozarks, 3224, 9829, 11694, 13076, 13728, 13789, 14662, 14810, 16125.
  - Colorado:
    - Colorado Springs-Pueblo, 537, 917, 1802, 8525, 12396, 13767.
    - Eastern, 538, 917, 1802, 8525, 12396, 13767.
    - Rio Grande Valley, 3781, 5851, 6538, 6573, 7288, 8050, 8391.
  - Delaware:
    - Delaware Valley, 91, 3311, 6947, 7195, 7249, 8301, 11214, 14564.
  - District of Columbia:
    - Washington, D.C., 2402, 3765, 4100, 14992.
  - Florida:
    - Northeast-Central, 16115, 16268.
    - Southeastern, 1048, 2870, 3748, 15741.
    - Tampa Bay, 2263, 9925, 13143, 14640.
  - Idaho:
    - Great Basin, 2723, 7893, 8049, 8566, 10023, 12736, 13266, 15223, 17158.
    - Inland Empire, 3606, 7284, 7988, 8000, 9249.
  - Illinois:
    - Central, 11761, 14993.
    - Chicago, 625, 3187, 4241, 9829, 11694, 13076, 13789, 14662, 14812, 14849, 16125.
    - Quad Cities-Dubuque, 3224, 4160, 4314, 5603, 5907, 8340, 9829, 9946, 11021, 11694, 13076, 13789, 14662, 14813, 14849, 16125.
    - Rock River Valley, 3224, 4160, 4314, 9829, 11694, 13076, 13789, 14662, 14812, 14849, 16125.
    - St. Louis, Mo., 3224, 4160, 4314, 9829, 11694, 13076, 13789, 14662, 14813, 14849, 16125.
    - Suburban St. Louis, 3224, 4160, 4314, 9829, 11694, 11761, 13076, 13789, 14662, 14812, 14849, 14993, 16125.
  - Indiana:
    - Northwestern, 3188, 3224, 4160, 4314, 9008, 9220, 9829, 10993, 11642, 11694, 12463, 13076, 13789, 14662, 14812, 14849, 16125.
  - Iowa:
    - Cedar Rapids-Iowa City, 3224, 4160, 4314, 5603, 5907, 8337, 9829, 9946, 11021, 11694, 13076, 13789, 14662, 14813, 14850, 15326, 16125, 16189.
    - Des Moines, 3224, 4160, 4314, 5603, 5907, 8337, 9829, 9946, 11023, 11694, 13076, 13789, 14662, 14813, 14850, 16125.
    - Eastern South Dakota, 38, 953, 2805, 4111.
    - Nebraska-Western Iowa, 1857, 2522.
    - North Central, 3224, 4160, 4314, 5603, 5907, 8337, 9829, 9946, 11022, 11694, 13076, 13789, 14662, 14813, 14850, 16125.
    - Quad Cities-Dubuque, 3224, 4160, 4314, 5603, 5907, 8340, 9829, 9946, 11021, 11694, 13076, 13789, 14662, 14813, 14849, 16125.
  - Kansas:
    - Colorado Springs-Pueblo, 537, 917, 1802, 8525, 12396, 13767.
    - Eastern Colorado, 1802, 8525, 12396, 13767.
    - Greater Kansas City, 2317, 2604, 3965, 4170, 12487, 13015.
    - St. Joseph, Mo., 2317, 2604, 3965, 4161, 12487, 13015.
    - Southwest, 12847, 15294, 15326, 16008.
    - Wichita, 12847, 15294, 15326, 16008, 16190.

Agriculture Department—Continued

MILK AND MILK PRODUCTS—Continued
- Marketing in various areas, orders proposed or adopted—Continued
  - Kentucky:
    - Greater Cincinnati, Ohio, 12846.
    - Nashville, Tenn., 824.
    - Paducah, 273, 2672, 3750, 13581.
    - Tri-State, 584, 4761, 5904, 6111, 9815, 10953, 11627, 12455.
  - Maryland:
    - Upper Chesapeake Bay, 14992.
    - Washington, D.C., 2402, 3765, 4100, 14992.
  - Michigan:
    - Muskegon, 6163, 7903, 8302.
    - Southern, 6163, 7903, 8302.
    - Upper Peninsula, 212, 14993, 16126, 17156.
  - Minnesota:
    - Eastern South Dakota, 38, 953, 2805, 4111.
    - Minneapolis-St. Paul, 7721, 8227, 8312, 14855, 15374, 15431, 15470, 15997.
  - Mississippi:
    - Central, 2058, 3470, 4181, 8312.
    - Delta, 2058, 3470, 4181.
    - Gulf Coast, 8312.
    - Memphis, Tenn., 6534, 8228, 9318, 9953, 14733, 15327, 15463.
    - Mississippi, 2058, 3470, 4181.
  - Missouri:
    - Greater Kansas City, 2317, 2604, 3965, 4170, 12487, 13015.
    - Ozarks, 3224, 9829, 11694, 13076, 13728, 13789, 14662, 14810, 16125.
    - Paducah, Ky., 273, 2672, 3750, 13581.
    - St. Joseph, 2317, 2604, 3965, 4161, 12487, 13015.
    - St. Louis, 3224, 4160, 4314, 9829, 11694, 13076, 13789, 14662, 14813, 14849, 16125.
  - Nebraska:
    - Nebraska-Western Iowa, 1857, 2522.
  - Nevada:
    - Great Basin, 2723, 7893, 8049, 8566, 10023, 12736, 13266, 15223, 17158.
  - New Jersey:
    - Delaware Valley, 91, 3311, 6947, 7195, 7249, 8301, 11214, 14564.
    - New York-New Jersey, 6639, 7839.
  - New Mexico:
    - Rio Grande Valley, 3781, 5851, 6538, 6573, 7288, 8050, 8391.
  - New York:
    - New York-New Jersey, 6639, 7839.
  - Ohio:
    - Dayton-Springfield, 12846.
    - Greater Cincinnati, 12846.
    - Greater Wheeling, W. Va., 6659, 6975, 8855, 12539, 13720, 15579.
    - Greater Youngstown-Warren, 4764, 5789, 8856, 12486, 13726, 15581.
    - Northeastern, 2279, 3768, 4101.
    - Tri-State, 584, 4761, 5904, 6111, 9815, 10953, 11627, 12455.
  - Oklahoma:
    - Metropolitan, 10859, 16009.
    - Red River Valley, 53, 1289, 2245.
  - Pennsylvania:
    - Delaware Valley, 91, 3311, 6947, 7195, 7249, 8301, 11214, 14564.
  - South Dakota:
    - Eastern, 38, 953, 2805, 4111.
    - Sioux Falls-Mitchell, 38, 953, 2805, 4111.
  - Tennessee:
    - Knoxville, 15811, 17157.
    - Memphis, 6534, 8228, 9318, 9953, 14733, 15327, 15463.
    - Nashville, 824.
  - Texas:
    - Corpus Christi, 10247, 15744.
    - Red River Valley, 53, 1289, 2245.
    - Rio Grande Valley, 3781, 5851, 6538, 6573, 7288, 8050, 8391.
    - San Antonio, 1119, 2604.
  - Utah:
    - Great Basin, 2723, 7893, 8049, 8566, 10023, 12736, 13266, 15223, 17158.
  - Virginia:
    - Washington, D.C., 2402, 3765, 4100, 14992.
  - Washington:
    - Inland Empire, 3606, 7284, 7988, 8000, 9249.
    - Puget Sound, 3603, 15152, 15592.

Agriculture Department—Continued Page

MILK AND MILK PRODUCTS—Continued
- Marketing in various areas, orders proposed or adopted—Continued
  - Washington, D.C. *See* District of Columbia.
  - West Virginia:
    - Clarksburg, 8855, 12539, 13720, 15580.
    - Greater Wheeling, 6659, 6975, 8855, 12539, 13720, 15579.
    - Tri-State, 584, 4761, 5904, 6111, 9815, 10953, 11627, 12455.
  - Wisconsin:
    - Madison, 3224, 4160, 4314, 9829, 11694, 13076, 13789, 14662, 14813, 14849, 16125.
    - Michigan Upper Peninsula, 212, 14993, 16126, 17156.
    - Milwaukee, 3224, 4160, 4314, 9829, 11694, 13076, 13789, 14662, 14813, 14849, 16125.
    - Northeastern, 14993, 16126, 17156.
    - Rock River Valley, 3224, 4160, 4314, 9829, 11694, 13076, 13789, 14662, 14812, 14849, 16125.
  - Wyoming:
    - Great Basin, 2723, 7893, 8049, 8566, 10023, 12736, 13266, 15223, 17158.
- Milk Marketing Orders Division changed to Dairy Division 10184
- Price-support program, milk and butterfat; April 1965–March 1966 4351
- Record retention requirements 3107
- Referenda, determining producer approval of milk marketing orders 15412
- Special school lunch program for children 14910

MOHAIR:
- Payment program 4056, 6383, 9801
- Record retention requirements 3109

NAVAL STORES:
- Gum:
  - Conservation program:
    - 1966 14035
    - Record retention requirements 3107
  - Price support program, 1965 5573, 7948
- Standards, regulations; Agricultural Marketing Service changed to Consumer and Marketing Service 7385

NECTARINES:
- Marketing:
  - Orders:
    - California, 2562, 7242, 7243, 7284, 7948, 8226, 8960.
  - Record retention requirements 3104
- Standards, proposed rules 3719, 7396, 16115

NONDISCRIMINATION; Civil Rights Act of 1964:
- Administrative review, hearings, decisions 14355
- Federally-assisted programs 14845

NUTS:
- *See also* Almonds; Filberts; Peanuts, Tung nuts; Walnuts.
- Marketing orders:
  - Hearing notices and other documents, filing 254
  - Record retention requirements 3105
  - Referenda 15414
- Standards, mixed, in shell 5850, 8459
- "Tree nuts" changed to "nuts" in chapter heading 10184
- Warehouses, Federally licensed:
  - Agricultural Marketing Service changed to Consumer and Marketing Service 8093
  - Storage in 3245

OATS:
- *See also* Grains.
- Loan and purchase program:
  - 1965 crop, 3195, 8673.
- Price-support programs:
  - 1964 and subsequent crops, 848, 4750, 9088, 9877, 15032.
  - 1965 crop, 14310, 15582.
- Reseal loan programs:
  - 1965 and subsequent storage periods, 2852, 10023, 10838, 13357.
- Warehouses, Federally licensed:
  - Standards for approval 4193, 11315
  - Storage loans, due date 848

OIL. *See* Cottonseed oil; Tung oil.

OILSEEDS. *See* Cottonseed; Flaxseed; Linseed oil; Peanuts; Soybeans; Tung nuts.

OKRA, standards for processing 6658, 14359

OLIVES:
- Marketing:
  - California, 6438, 10645, 11611, 12629.
- Standards, green olives; proposed rules 11723

Agriculture Department—Continued Page

ONIONS:
- Import restrictions 880, 9649, 10834
- Marketing:
  - Orders:
    - Idaho and Oregon, 7596, 9533, 13650, 14489.
    - Texas, 1945, 2784, 3662, 4159, 7037, 15222, 15741.
  - Record retention requirements 3104

ORANGE JUICE:
- Canned blended; standards 205
- Frozen concentrated:
  - Purchase program GMP 135a 15442
  - Standards, proposed rules 15222

ORANGES:
- Export restrictions 11682
- Imports:
  - From Mexico and certain Central American countries; fumigation 1119, 4745
  - Restrictions 11713
- Marketing:
  - Orders:
    - Arizona and California:
      - Navel oranges, 5, 257, 273, 568, 644, 752, 823, 987, 1282, 2019, 2207, 2305, 2441, 2590, 2923, 3372, 3703, 4053, 4158, 4349, 4664, 4749, 5503, 5620, 5787, 14040, 14264, 14361, 14523, 14594, 14730, 14847, 15031, 15104, 15142, 15317, 15416, 15654, 15794, 15990, 16063, 17155.
      - Valencia oranges, 2019, 2245, 2306, 2590, 2923, 3372, 3703, 4053, 4054, 4349, 4635, 4665, 4750, 5504, 5620, 5787, 5788, 6148, 6429, 6681, 6771, 6939, 7037, 7240, 7311, 7435, 7647, 7947, 8221, 8511, 8747, 8998, 9248, 9573, 9673, 9876, 9977, 10153, 10879, 11131, 11345, 11685, 11959, 12284, 12636, 12879, 13227, 13528, 13822, 13901, 14040.
    - Florida, 254, 750, 986, 3961, 6770, 6983, 11174, 11683, 12298, 13933, 14014, 14263, 14488, 14522, 15030.
    - Texas, 11685, 12735, 13435, 16062.
  - Record retention requirements 3104
- Standards for grades, Florida oranges 756, 952, 3633

ORGANIZATION AND FUNCTIONS:
- *See also* Authority delegations.
- Agricultural Marketing Service, change of name; transfer of functions 104, 1260, 2129, 2135, 2160, 2247
- Agricultural Research Service 286, 5799, 5801
  - Transfer of certain functions 104, 2135, 2160, 2247, 4195
- Agricultural Stabilization and Conservation Service 8756, 14035
  - Transfer of certain functions 104, 2160
- Consumer and Marketing Service; establishment, functions, authority delegations 104, 6597, 6697
- Export and domestic consumption programs 2129, 2160
- Food stamp program 2247
- Information Division 6597
- Marketing agreements and orders:
  - Fruits, vegetables, tree nuts 2129, 2160
  - Milk 2129, 2160
  - Miscellaneous commodities 2247
- Meat inspection 4195
- Packers and Stockyards Division 2247
- School lunch program 2129, 2160
- Standards, inspections, marketing practices 2129, 2160
- Transportation and Warehouse Division 6597
- Cooperative State Research Service 6228, 15298

OVERTIME SERVICES; imports and exports:
- Animals and animal products:
  - Overtime work 14042
  - Travel time 4609, 7893
- Plants and plant products:
  - Overtime work 14035
  - Travel time 4745, 6429, 9147, 9875, 12023, 14770

PACKERS AND STOCKYARDS DIVISION:
- Posted stockyards, designation or removal 720, 721, 848, 2616, 2617, 3247, 3668, 4364, 4644, 5712, 6124, 6597, 6798, 7117, 8282, 8348, 8593, 9279, 9497, 9498, 9886, 10955, 11001, 11883, 11927, 12690, 12812, 13021, 13907, 14385, 14533, 14937, 14938, 15175, 15598.
- Rates and charges; modification of rate orders, petitions 100, 1012, 4725, 12047, 12263, 13547
- Regulations:
  - Accounts and records:
    - Payment and accounting for livestock 2207
    - Record retention requirements 3105

Agriculture Department—Continued Page

PACKERS AND STOCKYARDS DIVISION—Continued
Regulations—Continued
Agricultural Marketing Service changed to Consumer and Marketing Service 7275
Bonding provisions, general 8513
Definition, "service" 7275
Market agency and dealer bonds 6360, 7275, 8513
Policy statements:
Custodial funds, handling by market agencies and licensees; proposed rule 16129
Meat packer sales and purchase contracts 10994, 14966
Stockyard owners and market agencies 12686, 15320
Sale proceeds:
Custodial accounts 7662, 15587
Shippers' proceeds or other funds not to be used for market agencies' or licensees' own purposes 7662, 15587
Schedules of rates and charges, time and place to file 11728, 14422
Services:
Monorail scales, instructions for testing 4487, 7649
Packer scales 4486, 7649
Suspended registrants, persons with suspended or revoked licenses 8542, 12118
Trade practices, market agencies; non-employment of buyers 7721, 9066, 14839
PARITY PRICES, determination of 2521
Merion Kentucky bluegrass seed added 2923
PEACHES:
Marketing:
Orders:
California, 2562, 3542, 4711, 8031, 8273, 8961, 13063, 14321, 15990, 16103.
Colorado, 9249, 11346, 14266.
Georgia, 541, 6431, 6858.
Washington, 9175, 9904.
Record retention requirements 3104
Purchase program GMP 96a; fresh peaches, Southeastern States 8755
PEANUTS AND PEANUT PRODUCTS:
See also Nuts.
Inspection and certification, charges for aflatoxin analysis 9977
Loan and purchase program:
1965 crop, 10639.
Marketing agreement, quality regulations 3658, 6523, 9402, 9407, 11648, 16027
Marketing quotas, acreage allotments, etc.:
1963 and subsequent crops, 9318.
1965 crop, 224, 757, 2589, 11345, 13051.
1966–68 crops, 11694, 13763.
Peanut Administrative Committee; indemnification reserve, 1965 crop 9407, 10864, 11648
Price-support program:
1965 crop, 14310, 15582.
Record retention requirements 3108, 3109
Standards; shelled Spanish type 5382, 7595
Supply available, Valencia type; 1965–66 marketing year 2601, 4099
Warehouse storage loan and sheller purchase regulations; 1965 crop 8401, 15736
PEARS:
Export restrictions 6782, 8775
Marketing:
Bartlett pears, fresh:
California, 2562, 3542, 4711, 8273, 8748, 8961, 13063, 14321, 15990, 16103.
Oregon and Washington, 6355, 9095, 10108, 12285.
Beurre D'Anjou, Beurre Bosc, etc.; California, Oregon, and Washington, 710, 1283, 9758, 10165, 10992, 11169, 11713.
PEAS, Southern, for processing; standards 155, 345, 6063
PERISHABLE AGRICULTURAL COMMODITIES ACT, 1930; record retention requirements 3105
PESTICIDES. *See* Insecticides, pesticides, etc.
PET FOOD for dogs and cats, etc 10284
PICKLES, standards; proposed rules 3444
PIGS, feeder, and swine; standards for grades 8225, 16253
PILOT FOOD STAMP PROGRAM. *See* Food stamp program.

Agriculture Department—Continued Page

PLANT QUARANTINE:
Domestic:
Black stem rust 16021
European chafer 6243, 6245, 6770, 12422
Gypsy and brown-tail moth 8955, 8958, 8959, 9012
Imported fire ant 12422, 14148
Japanese beetle 4311, 12422
Khapra beetle 2095, 5761
Mexican fruit fly 2649, 2650, 2781, 8821
Pink bollworm 5760, 8221
Soybean cyst nematode 15352
White-fringed beetle 3693, 12422
Witchweed 2095
Foreign:
Coconuts into Hawaii, proposed rules 2106, 4099
Dutch elm disease, proposed rule 15666
Mangoes and plums from Mexico and plums from Guatemala 9247
Oranges, grapefruit, and tangerines from Mexico and certain Central American countries 1119, 4745
Hawaii, rhubarb 5619
Overtime services, imports and exports:
Overtime work 14035
Travel time 4745, 6429, 9147, 9875, 12023, 14770
Territorial; fruits and vegetables from Puerto Rico or Virgin Islands 748
PLUMS:
Imports from Mexico and Guatemala, fumigation 9247
Marketing:
California, 2562, 3542, 4711, 6903, 6904, 6905, 7473, 7474, 7475, 8255, 8273, 8387, 8388, 8389, 8390, 8961, 9053, 9054, 9088, 13063, 14321, 15990, 16103.
Purchase program (GMP 96a), fresh California plums 9327
Standards, proposed rules 3716, 7396, 16115
POISONS. *See* Insecticides, pesticides, etc.
POTATOES AND PRODUCTS:
Import restrictions 13935, 14551
Potatoes from British Columbia and Newfoundland 9087, 15141
Marketing:
Orders:
California, 8961, 9214, 12451, 13455, 14488.
Colorado, 9674, 10229, 10992, 10993, 11132, 12534, 12635, 12644, 12724, 12735, 12834, 13435, 13571, 14733, 15361, 15578.
Idaho, 8154, 10247, 12834.
Oregon, 8154, 8961, 9214, 10247, 12451, 12834, 13455, 14488.
Washington, 8511, 10203, 11596.
Reports by merchants, processors, and dealers 1191
Record retention requirements 3104
Standards, frozen French fried potatoes; proposed rules 4486, 11691
POULTRY AND PRODUCTS:
See also Eggs and products.
Agricultural Marketing Service changed to Consumer and Marketing Service 6207
Export payment program, chickens; GMX 73a 12720, 13120, 15089
Improvement plans, national; turkeys and certain other poultry 10283
Inspection:
Hourly rate increase for overtime and holiday inspection service 15351
Record retention requirements 3105
Soups; effective date postponed 981, 2588, 4053, 6064, 7239, 8093, 9484, 11131, 12117, 13763, 14769, 16185.
Standards and grades, establishment of tolerances 6395, 9530, 9673
PRICE-SUPPORT PROGRAMS. *See main heading* Commodity Credit Corporation.
PROCUREMENT REGULATIONS:
Advertising, formal 6943, 14374
Bonds and insurance 14375
Foreign purchases 14375
Forms 6943
General 14374
Labor 12071, 14375
Negotiation 6943, 14374
Special types and methods 14374
Supply, sources of; special and directed 6943

Agriculture Department—Continued Page

PROGRAMS administered by ASCS; incomplete performance based upon action or advice of authorized representative of Secretary 17154
PRUNES:
Marketing:
Orders:
Dried:
California, 2601, 6782, 7195, 8850, 9797, 10880, 11142, 11530, 12383, 12535, 13310, 13529.
Fresh:
Idaho, 9623, 11530, 12451.
Oregon, 9299, 9623, 11530, 12451, 13132.
Washington, 9299, 13132.
Record retention requirements 3104, 3105
Standards for grades:
Dried 7524, 11595
Fresh, proposed rules 3716, 7396, 16115
RABBITS, grading and inspection:
Agricultural Marketing Service changed to Consumer and Marketing Service 6207
Authority delegation 5863
RADIATION; meat and meat products:
Gamma 5702, 6731
Canned bacon, proposed rule 14737
Ionizing 5702
RAISINS:
Marketing:
Orders:
California, 4361, 6905, 12686, 13309, 13456, 14099.
Record retention requirements 3104
Standards, processed raisins 8905, 11595
RECORDS, non-Federal; retention requirements 3104
See also main headings Commodity Credit Corporation; Commodity Exchange Authority; Farmers Home Administration; Federal Crop Insurance Corporation.
Agricultural Marketing Service 3104
Agricultural Research Service 3107
Agricultural Stabilization and Conservation Service 3107
Foreign Agricultural Service 3104
RECREATION USER FEES for areas under jurisdiction, functions (Executive Order 11200) 2645
REFERENDA, procedure:
Fruits, vegetables, and nuts 15414
Milk 15412
REGIONAL PROGRAMS; Appalachian land stabilization and conservation program 8669
RHUBARB:
Field grown, standards 13580, 17153
Hawaiian; plant quarantine notice 5619
RICE:
Exports; payment-in-kind (GR–369) 778
Loan and purchase program:
1965 crop, 4529.
Marketing quotas, acreage allotments, etc.:
1964 and subsequent crops, 2402, 5503, 5619, 11282, 12329, 12627, 14048.
1965 crop, 206, 2397, 7272, 7811.
1966 crop, 12684, 14098, 14112, 14521, 15648.
Price-support programs:
1964 and subsequent crops, 848, 4750, 9088, 9877, 15032.
1965 crop, 14310, 15582.
Record retention requirements 3104, 3108, 3109
Reseal loan programs:
1965 and subsequent storage periods, 2852, 10023, 13357.
Standards:
Brown, milled, and rough rice; proposed rules 13649, 14991
Milled rice 13265, 14965
Warehouses, Federally licensed:
Standards for approval 4193, 11315
Storage loans, due date 848
RYE:
Loan and purchase programs:
1964 crop, 4667.
1965 crop, 6511, 9260.
Price-support program:
1964 and subsequent crops, 848, 4750, 9088, 9877, 15032.
1965 crop, 14310, 15582.
Reseal loan programs:
1965 and subsequent storage periods, 2852, 10023, 13357.
Warehouses, Federally licensed:
Standards for approval 4193, 11315
Storage loans, due date 848

Agriculture Department—Continued Page

SCHOOL LUNCH PROGRAM:
Assistance funds, apportionment 6207, 6479, 14060, 15403
Editorial note 2129
Milk, special program for children 14910
Payments to States, matching of funds, etc 15402
Record retention requirements 3105
SEEDS:
Agricultural Marketing Service changed to Consumer and Marketing Service 8093, 8460, 11167
Federal Seed Act:
Record retention requirements 3106
Regulations; vegetable seed, grasses, etc 1945, 7887
Merion Kentucky bluegrass, parity prices 2923
Warehouses, Federally licensed; standards for approval 4193, 11315
SIRUP; warehouses, Federally licensed:
Agricultural Marketing Service changed to Consumer and Marketing Service 8093
Storage in 3245, 3247
SLAUGHTER OF LIVESTOCK. *See under* Livestock.
SOIL BANK PROGRAM; conservation reserve:
1956 through 1959 7311
1960 7311
SOYBEANS:
See also Grains.
Loan and purchase programs:
1965 crop, 11686, 12067.
Price-support programs:
1964 and subsequent crops, 848, 4750, 9088, 9877, 15032.
1965 crop, 14310, 15582.
Record retention requirements 3110
Reseal loan programs:
1965 and subsequent storage periods, 2852, 10023, 13357.
Warehouses, Federally licensed:
Standards for approval 4193, 11315
Storage loans, due date 848
STOCKYARDS, rates, regulations, posting, etc. *See* Packers and Stockyards Division.
STRAW, standards; Agricultural Marketing Service changed to Consumer and Marketing Service 8031
STRAWBERRIES, standards for grades 843, 6711
SUGAR:
Allotment of quotas:
Domestic beet area:
1965 crop, 435, 8461, 12282, 14308, 14378, 15360, 16103.
1966 crop, 11111, 14379.
Hawaii, local consumption, 1966 crop, 15373, 17154.
Mainland cane area:
1965 crop, 207, 845, 1030, 2701, 2783, 4746, 7945, 14261, 14378, 15576.
1966 crop, 14380.
Puerto Rico:
Direct-consumption portion of mainland quota:
1964 crop, 31.
1965 crop, 209, 13766, 15091.
1966 crop, 14855.
Local consumption, 1966 crop, 15373, 17154.
Commercially recoverable sugar:
Beet sugar area:
1965 crop, 11166, 12688.
Cane sugar area, mainland:
1965 crop, 13124.
Continental requirements and area quotas:
1965 crop, 2206, 2397, 4314, 10183, 12329, 13010, 14260, 15285.
1966 crop, 14440, 15313.
Importing sugar or liquid sugar 15316
Normal yields and eligibility for abandonment and crop deficiency payments:
Beet sugar area:
1963 crop, 3634, 6338.
1966 and subsequent crops, 14846.
Sugarcane:
Mainland, 1964 crop, 7273.
Puerto Rico, 1964–65 crop, 14522.
Virgin Islands, 1965 crop, 12534.
Prices:
Sugarbeets:
1965 crop, 13607.
1966 crop, 14385.

Agriculture Department—Continued Page

SUGAR—Continued
Prices—Continued
Sugarcane:
Florida, 1965 crop, 6191, 13899.
Hawaii:
1965 crop, 7186.
1965 crop, 71896.
1966 crop, 14280.
Louisiana, 1965 crop, 7846, 13432.
Puerto Rico:
1964–65 crop, 3699.
1965–66 crop, 12872.
Virgin Islands:
1965 crop, 253, 12872.
1966 crop, 12872.
Proportionate shares:
Cane sugar area, mainland; 1965 and 1966 crops, 7988, 9673, 13571, 14333, 15648, 15650.
Sugarbeets:
Domestic area:
1965 crop, 7987, 11680, 13125, 13126, 13127, 13129, 13130, 13131, 13217, 13218, 13219, 13220, 13222, 13223, 13224, 13225, 13226, 13251, 13252, 13253, 13429, 13860.
1966 crop, 15403.
National acreage reserve:
1966 crop, 14333.
Vicinity of Auburn, N.Y., 3961.
Prevented acreage credit:
1964 crop, 5825.
1965 crop, 2129.
1966 and subsequent crops, 15208.
Release and reallotment:
1966 and subsequent crops, 15203.
Record retention requirements 3109
Wage rates:
Sugarbeets, 14385.
1964 crop, 3810.
1965 crop, 6247.
Sugarcane:
Florida, 1965 crop, 6191, 6248, 13764, 15028.
Louisiana, 1965 crop, 6248, 7846, 13430.
Virgin Islands:
1965 crop, 251.
1966 crop, 12872.
SURPLUS COMMODITIES, sales:
Certain commodities acquired through price-support operations, sales lists for 1965:
January, 721.
February, 2036.
March, 3787.
April, 5391.
May, 6693.
June, 7965.
July, 9014, 9886.
August, 10205.
September, 12043.
October, 13268.
November, 14112.
December, 16163.
Credit under long-term supply contracts; record retention requirements:
Export sales, commercial; supplier and importer records 3104
Private trade agreements 3104
Foreign currencies; commercial sales, financing 4240, 15514
SWINE, feeder pigs; standards for grades 8225, 16253
TANGELOS:
Marketing:
Florida, 256, 752, 879, 6983, 11174, 12298, 12635, 13933, 14014, 14488, 14522, 15029.
Standards for grades 756, 952, 3633
TANGERINES:
Imports from Mexico and certain Central American countries; fumigation 1119, 4745
Marketing:
Florida, 256, 751, 879, 6983, 11174, 12298, 12636, 13933, 14014, 14263, 14488, 14522, 15029.
TOBACCO:
Agricultural Marketing Service changed to Consumer and Marketing Service 7385, 8093
Exports:
Commodity certificates, redemption 644, 6639
Credit sales program 12067

Agriculture Department—Continued Page

TOBACCO—Continued
Inspection:
Burley tobacco, display on auction warehouse floors in designated markets 11174, 12627
Price-support services, hearings on applications 6740
Loan programs:
Administration, 14273.
Burley, dark air-cured, cigar filler and binder, flue-cured, Virginia fire-cured and sun-cured, and Maryland tobacco, 9533.
1964 crop, 2651.
1965 crops, 8512, 11501, 14524.
Connecticut Valley; 1965 crops:
Broadleaf, 15362.
Havana seed, 15362.
Kentucky-Tennessee fire-cured, 9533.
1965 crop, 14524.
New York and Pennsylvania Havana seed, 1965 crop, 15362.
Northern Wisconsin, 1965 crop, 15362.
Ohio filler, 1965 crop, 15362.
Puerto Rican, 9533.
1964 crop, 2651.
Southern Wisconsin, 1965 crop, 15362.
Marketing, Florida and Georgia:
Shade-grown cigar-leaf tobacco, 4321, 5826.
Marketing quotas, farm acreage allotments, etc.:
1963–67 marketing years, 6630, 9147, 9299, 9875, 10283, 11398, 13828, 14095, 14487, 14592.
1965–69 marketing years, 643, 823, 981, 982, 983, 984, 1013, 2521, 2588, 4313, 5641, 6144, 6146, 6191, 6207, 7646, 8000, 8153, 12845, 13012, 13231, 13233, 14865, 15333, 15571, 16256.
Record retention requirements 3108
Standards:
Dark air-cured, 7494, 9207.
Flue-cured, 4361, 6573.
Warehouses, Federally licensed, storage in 3245
TOMATOES:
Import restrictions 4416, 5505
Marketing:
Orders:
Texas, 4350, 4761, 6338.
Record retention requirements 3104
TUNG NUTS, price-support program; record retention requirements 3109
TUNG OIL:
Loan program:
1965 crop, 12835.
Loan and purchase program:
1964 crop, 13011.
Record retention requirements; warehouse stored oil, 3109.
Price-support programs:
1964 and subsequent crops, 848, 13100, 15032.
1965 crop, 14310, 15032, 15582.
Warehouses, Federally licensed:
Loan and purchase program, stored oil; record retention requirements 3109
Storage loans, due date 848
TURKEYS. *See* Poultry and products.
VEGETABLES:
See also specific vegetables.
Import regulations; Agricultural Marketing Service changed to Consumer and Marketing Service 10184
Marketing orders, procedure for referenda 15414
VIRUSES, SERUMS, TOXINS, ETC.:
Animals 921
Anti-hog-cholera serum and hog-cholera virus:
Handling:
Budget of expenses and rates of assessment, 1965 9066, 11091
Definition of "handler"; proposed rule 9174
Inventory dates, 1966 11735
Listing of certain distributional outlets 9174, 14551
Price lists; proposed rules:
Form 9174
New; filing 1818, 8271, 16207
Serum 925
Virus 923
Biological products, experimental production; distribution, preparation, disposition of animals 5514, 7608, 11848
Definitions 920, 5514, 7608, 11848
Labels and samples 920

Agriculture Department—Continued Page

VIRUSES, SERUMS, TOXINS, ETC.—Continued
Licensed establishments:
Admission of biological products, etc 920
Requirements 920, 4751
Licenses and permits to import biological products; facilities 920
Records and reports 920
Record retention requirements 3107
WALNUTS, marketing:
Orders:
California, Oregon, and Washington, 10905, 11346, 13650, 14270.
Record retention requirements 3104
WAREHOUSES, Federally licensed:
Agricultural Marketing Service changed to Consumer and Marketing Service 8093
Record retention requirements 3106
Standards for approval 4193, 9759, 11315, 14100, 14271
Storage loans:
Due date 848, 5763
Peanuts, 1965 crop 8401, 15736
Warehouses and warehousemen, licensed and bonded; list 3229
WAX BEANS and green beans, canned; standards, proposed rule 9776
WHEAT:
Contract market; name of San Francisco Grain Exchange changed to Northern California Grain Exchange 8547, 8548
Diversion program, 1964 and 1965 749, 7434
Export program:
Flour; cash payment (GR–346) 6771, 6976, 15319
Payment-in-kind (GR–345) 532, 4531, 8898
Record retention requirements 3107, 3110
Loan and purchase programs:
1964 crop, 4666.
1965 crop, 7475, 11207, 12117, 12118.
Marketing certificate programs:
Exporters:
1964–66, 7043, 8509, 14770.
1964 and 1965 programs, 568.
Processors:
1964–66, 5358, 6686, 8385, 9299.
Proposed rules, 14439, 15589.
Record retention requirements 3107
Marketing quotas, farm acreage allotments, etc.:
1964 and subsequent crops, 8565, 13828.
1965 crops, 823, 7097.
1966–67 marketing year, 3601, 5467, 8667, 11831, 12067.
Price-support programs:
1964 and subsequent crops, 848, 4750, 9088, 9877, 15032.
1965 crop, 14310, 15582.
Record retention requirements 3107, 3108, 3110
Reseal loan programs:
1965 and subsequent storage periods, 2852, 10023, 10838, 13357.
Standards, grade requirements 2851
Warehouses, Federally licensed:
Standards for approval 4193, 11315
Storage loans, due date 848
WOOL:
Payment program 1250, 4056, 6383, 9801
Record retention requirements 3109
Standards, wool and wool tops 6350, 10829
Warehouses, Federally licensed:
Agricultural Marketing Service changed to Consumer and Marketing Service 8093
Storage in 3245

Air Carriers:
See Aircraft and air carriers.

Air Force Department:
See also Defense Department.
ABSENCE WITHOUT LEAVE and desertion 4353
AIRCRAFT:
Aero clubs, purpose, membership, etc 14433
Contractor operating procedures and flight crews, requirements for 1978
ANIMALS:
Communicable diseases, prevention and control 830
Sentry/scout dogs 15662

Air Force Department—Continued Page

AUTHORITY DELEGATIONS:
From Deputy Secretary of Defense, nonfeasibility of using foreign currency to make payments under certain contracts 14279
From Secretary of Defense:
Claims settlement 7615, 8547, 11532
Classified information 11533
Safeguarding industrial facilities 11532
CONDUCT STANDARDS; gratuities, conflict of interest laws, etc 574, 1041
DECORATIONS AND AWARDS, applicability, list of authorized decorations, etc 705, 1043, 2581, 6344
ENLISTMENT in regular Air Force 2309, 10046, 13630
INFORMATION:
Classified information:
Authority delegation 11533
Safeguarding 10046, 13630
Industrial security, defense information 10047
Policies and procedures 3689
LIFE INSURANCE SOLICITATION 3321
MEDICAL CARE, persons authorized; senior ROTC members, Job Corps and VISTA personnel, et al 6343, 6344
MILITARY TRAFFIC, designation of Secretary to assist single manager 10252
MILITARY TRAINING AND SCHOOLS:
Academy, appointment to; nomination requirements and procedures, where applicant will report 16001
Aviation instruction, deletions:
Cadet training, navigator 7188
Detailing personnel to non-Federal establishments 13630
Enlistment program, delayed 14526
Institute of Technology; rescinded 4353
Officer Training School; eligibility requirements, marital restrictions, etc 4353
MORTUARY AFFAIRS 10889
PROCUREMENT:
Advertising, formal 793, 1776, 2313, 3595, 11037, 13631, 16002
Aircraft and GFAE procurement 795, 3596, 16266
Appendixes B, C, and E 7191, 11041, 16265
Bonds and insurance 7191, 16005
Contracts:
Administration 7192, 11043, 13638, 16266
Clauses 794, 1777, 3595, 7191, 11040, 13634, 16003
General 794, 3596, 7192, 11042, 13638, 16266
Termination, facilities contracts 16004
Extraordinary contractual actions to facilitate national defense 13637, 16265
Foreign purchases 7191, 13634, 16003
Forms 3596, 4353, 7191, 13637, 16265
General provisions 792, 1775, 2313, 3595, 7188, 7389, 11036, 13630, 16002
Government property 7191, 11040, 13634, 16005, 16262
Inspection and acceptance; places of inspection 16265
Interdepartmental and coordinated 7190, 11039, 16003
Labor 16005
Negotiation 793, 1776, 7189, 11037, 13632, 16002
Patents, data and copyrights 11040, 16004
Reports 11043, 13638
Special types and methods 794, 3595, 7190, 11039, 13633, 16002
Taxes; Federal, State, and local 13634, 16005
PUBLIC RELATIONS:
Architect-engineers, selection for professional services by negotiated contracts 1041, 15213
Commissary store privileges, authorized patrons 1938, 4353, 14433
Gifts to Department 10289
Industry, Air Force relations with 829
Information policies and procedures 3689
Participation in public events; nondiscrimination policy and insurance specifications 10045
Rewards for recovery of lost property, when to pay 10045
READY RESERVE PROGRAMS for personnel without prior military service 14796
RECORDS, non-Federal; retention requirements 3116
SALES AND SERVICES:
Documentary still photography, sale of 15212, 15662
User charges 15253
SECURITY:
Classified information:
Authority delegation 11533
Safeguarding 10046, 13630, 15253
Industrial security 10047, 15213

Air Force Department—Continued Page

SEPARATION CERTIFICATES, lost or destroyed, issuing certificates in lieu of ... 1938, 10045

Air Pollution:

MOTOR VEHICLES, control of pollution from; proposed rules ... 17192

Aircraft and Air Carriers:

ACCIDENTS, investigation. *See* Civil Aeronautics Board.
AIR COMMERCE REGULATIONS. *See* Customs Bureau.
CIVIL AIRCRAFT. *See* Air Force Department; Civil Aeronautics Board; Federal Aviation Agency.
FEDERAL AIRWAYS, control areas, etc. *See* Federal Aviation Agency.
FLIGHT OPERATIONS, hazardous duty pay for (Executive Order 11242) ... 11205
INTERNATIONAL CONVENTION on damage caused by foreign aircraft on surface, inquiry by Interagency Group on International Aviation ... 495
PARKS AND MONUMENTS, restrictions on use of aircraft in ... 1857, 4757
RADIO COMMUNICATIONS. *See* Federal Communications Commission.
REGULATIONS. *See* Civil Aeronautics Board; Federal Aviation Agency.
RESTRICTED AREAS over military installations. *See* Federal Aviation Agency.
SUPPLIES, tax-free, Internal Revenue Service regulations ... 14790, 15039

Airports:

ACCIDENT near John F. Kennedy International Airport, investigation ... 5609
DONATION OF PERSONAL PROPERTY for public airport purposes ... 4716
FEDERAL AID ... 7484
INTERNATIONAL AIRPORTS, designation, etc. *See* Customs Bureau.
MILEAGE RECORDS, direct, airport-to-airport ... 12249
PUBLIC LANDS, applications for lease of, for airport and aviation fields ... 5707
Arizona, terminations ... 9496, 9962
REGIONAL AIRPORTS, investigations:
Columbia and Jefferson City, Mo ... 4004
New England ... 8803, 9728, 10065
REGULATIONS. *See* Federal Aviation Agency.

Alabama Civil Rights March:

REMOVAL OF OBSTRUCTIONS ORDERED (Proclamation 3645) ... 3739
USE OF ARMED FORCES, authority of Secretary of Defense (Executive Order 11207) ... 3743

Alaska:

GASOLINE, transportation by air ... 14250
GOVERNMENT EMPLOYEES, allowances and differentials payable ... 6511
GRANTS TO, authority of Housing and Home Finance Agency (Executive Order 11196) ... 1171
PUBLIC LANDS, withdrawals for specific agencies, etc. *See* Land Management Bureau.
REGULATIONS, etc. *See specific agencies.*

Alcoholic Beverages:

AIRCRAFT CREWMEMBERS, restrictions on consumption of beverages; proposed rules ... 8799, 14170
EXCISE TAXES. *See* Internal Revenue Service.
GOVERNMENT PERSONNEL, imports; amount free of duty, proposed rule ... 11723
HELICOPTER OCCUPANTS, restrictions on consumption of beverages ... 9549, 14920
IMPORT TAXES, estimated; deferral procedure for payment ... 13359
INDIANS, legalizing sale or possession of liquor:
Bishop Indian Community, Calif., 1259.
Crow Creek Sioux Reservation, S. Dak., 637.
Mescalero Reservation, N. Mex., 8553.
Pueblo of Santa Clara Reservation, N. Mex., 2237.
San Carlos Apache Reservation, Ariz., 9699.
LABELING AND ADVERTISING of intoxicating liquor. *See* Internal Revenue Service.

Alien Property Office:

PROHIBITIONS, SPECIFIC, restriction on transfer of shares of stock vested and sold by OAP; revocation ... 835

Alien Property Office—Continued Page

RECORDS, non-Federal; retention requirements ... 3123
RETURN OF VESTED PROPERTY:
Autorsky, Ochranny Svaz, 3067.
Beck, Conrad, et al., 13906.
Becker, Anna, et al., 8280.
Berger, Christian, et al., 9326.
Berner, Ilchmann, Margarete and Brunhilde, 9550.
Brupbacher, Maria, 1952.
Bureau International de l'Edition Mecanique, et al., 6129.
Ehlerding, Elizabeth N., 1061.
Fleury, Gaston, et al., 11647.
Gribitz, Frans J. et al., 2560.
Kawaoka, Shuichi, 5763.
Keller, Irene Doris, 6361.
Meyer, Alice, 14567.
Mojslewicz, Mordka, 8016.
Perlmutter, Sandor, 11647.
Radnai, Zsuzsanna, 11647.
Reitmeier, Christian, 13097.
Schauer, Rosel, et al., 6361.
Stols, Robert, et al., 4141.
Tumseng, Herta, 14567.
Wien-Film Gesellschaft m.b.H. et al., 6926.
Wohlmuth, Hertha L., 14567.

Aliens:

AIRCRAFT PILOTS:
Radio operator licenses, eligibility ... 3597
Waiver of geographical restriction ... 7521
AMATEUR RADIO STATIONS in United States, operation of ... 2705
EMPLOYMENT, adverse effect on American workers; proposed rules ... 14494
IMMIGRATION REGULATIONS. *See* Immigration and Naturalization Service.
INCOME TAXES. *See* Internal Revenue Service.
MEDICAL EXAMINATIONS ... 14380, 16111
MILITARY AND CIVILIAN PERSONNEL of Defense Department ordered overseas, naturalization of alien spouses and/or adopted children ... 8518
NATIONALITY REGULATIONS. *See* Immigration and Naturalization Service.
RETIREMENT COVERAGE under civil service, exclusion of aliens employed in foreign countries ... 11209
SCIENTISTS AND TECHNICIANS, employment by Smithsonian Institution ... 3809
VESTED PROPERTY, return of. *See* Alien Property Office.
VISAS. *See* State Department.

Allegheny National Forest:

INCLUSION OF LANDS (Executive Order 11212) ... 4387

Almonds:

MARKETING. *See* Agriculture Department.

American Education Week, 1965:

PROCLAMATION 3674 ... 12623

American Heart Month, 1965:

PROCLAMATION 3634 ... 1105

American Legion Baseball Week, National:

PROCLAMATION 3669 ... 11089

American Samoa:

WAGE RATES ... 6225, 9880

Anchorage Regulations:

See Engineers Corps.

Animals:

See also Livestock; Wildlife.
DISEASES, humane slaughter, etc. *See* Agriculture Department.
DOGS:
Protection of surplus real property, GSA property management regulations ... 11181
Sentry scout dogs, Air Force Department regulations ... 15662
GOVERNMENT-OWNED ANIMALS and other animals under military control, prevention and control of communicable diseases ... 830
PET FOOD, canned; composition of certified products ... 10284

Antenna Structures: Page

AIRSPACE RESTRICTIONS. *See* Federal Aviation Agency.
COMMUNITY ANTENNA TELEVISION SYSTEMS. *See* Federal Communications Commission.
RADIO AND TELEVISION ANTENNA STRUCTURES:
Aeronautical studies. *See* Federal Aviation Agency.
Regulations. *See* Federal Communications Commission.

Antidumping Act of 1921:

DETERMINATIONS. *See* Customs Bureau; Treasury Department.
INVESTIGATIONS. *See* Tariff Commission.

Appalachia, Federal Development Committee for:

ESTABLISHMENT (Executive Order 11209) ... 3929

Appalachia, Federal Development Planning Committee for:

TERMINATION (Executive Order 11209) ... 3929

Appalachian Regional Commission:

COORDINATION OF FUNCTIONS (Executive Order 11209) ... 3939

Apples:

CROP INSURANCE. *See* Federal Crop Insurance Corporation.
EXPORT RESTRICTIONS ... 6782, 8775

Apricots:

MARKETING. *See* Agriculture Department.

Area Redevelopment Administration:

RECORDS, non-Federal; retention requirements ... 3111
RETRAINING SUBSISTENCE PAYMENTS, effective period of program ... 7894
TRANSFER of functions, personnel, etc., to Economic Development Administration ... 11399

Armed Forces Day:

PROCLAMATION 3655 ... 6467

Armed Services:

See also Defense Department *and specific services.*
ALABAMA, use for protection of civil rights marchers (Executive Order 11207) ... 3743
BOARD OF CONTRACT APPEALS:
Contract dispute appeals, rules regarding ... 13584
Designation to hear and determine appeals under AID contracts ... 13584
HAZARDOUS DUTY, incentive pay for (Executive Order 11242) ... 11205
Parachute jumping (Executive Order 11259) ... 15057
Submarine duty (Executive Order 11253) ... 13509
HOUSING MORTGAGE INSURANCE. *See* Federal Housing Administration.
PROCUREMENT. *See* Air Force Department; Army Department; Defense Department.
VIETNAM AND ADJACENT WATERS, designation as combat area for certain purposes:
Income tax exemption under section 112 of Internal Revenue Code (Executive Order 11216) ... 5817
Mailing privileges (Executive Order 11255) ... 14135
VIETNAM SERVICE MEDAL, establishment (Executive Order 11231) ... 8665

Arms, Ammunition:

INTERNATIONAL TRAFFIC IN, State Department regulations ... 5034
SHIPPING RESTRICTIONS, Commerce Department regulations ... 9091, 11964
UNITED STATES ARMS CONTROL AND DISARMAMENT AGENCY ... 3567, 14050

Arms Control and Disarmament Agency:

ORGANIZATION ... 3567
PUBLIC AFFAIRS ADVISER, basic compensation ... 14050

Army Department:

See also Defense Department.
AUTHORITY DELEGATIONS from certain officials:
Deputy Secretary of Defense, nonfeasibility of using foreign currency to make payments under certain contracts ... 14279

Army Department—Continued Page

AUTHORITY DELEGATIONS from certain officials—Continued
Secretary of Defense:
Claims settlement ... 7615, 8547, 11532
Classified information ... 11533
Safeguarding of industrial facilities ... 11532
CANAL ZONE regulations. *See main heading* Canal Zone Government.
CEMETERIES, NATIONAL; administration, operation, etc ... 8993
CIVIL DEFENSE OFFICE:
Contributions for civil defense equipment, conditions; certification ... 14257
Federal surplus personal property, donation for civil defense purposes ... 15663
Labor standards for Federally-assisted contracts, contract provisions ... 11718, 13826
Nondiscrimination in Federally-assisted programs ... 5372, 8410
CLAIMS:
Against United States, marine casualties ... 11855
On behalf of United States:
Damage to or loss or destruction of Army property ... 11387
Reasonable value of medical care furnished by Army ... 14370
Settlement, authority delegations from Secretary of Defense ... 7615, 8547, 11532
DECEASED PERSONNEL, assistance to relatives and others connected with; personal effects ... 15779
ENGINEERS CORPS regulations. *See main heading* Engineers Corps.
INSTALLATIONS, administration; solicitation, entrance of union representatives ... 10045
LITIGATION, general and defense of legal proceedings ... 6342
MILITARY TRAFFIC, land transportation, and common-user ocean terminals; designation of Secretary as single manager ... 10252
NATIONAL DEFENSE CADET CORPS, compliance with Civil Rights Act ... 9361
NATIONAL GUARD, commissioned officers ... 948, 5704, 9765
NONDISCRIMINATION:
Federally-assisted programs:
Civil Defense Office ... 5372, 8410
National Defense Cadet Corps ... 9361
National Guard, appointment and promotion policy ... 9765
PROCUREMENT:
Advertising, formal ... 12171, 14079
Bonds, insurance, and indemnification ... 12208
Construction and contracting for architect-engineer services ... 12239, 14094
Contracts:
Clauses ... 12194, 14090
Cost principles and procedures ... 12235, 14093
Termination ... 12198
Extraordinary contractual actions to facilitate national defense ... 14094
Foreign purchases ... 12192
Forms ... 12235, 14093
General provisions ... 12155, 13540, 14071
Government property ... 12225, 13840, 14093
Inspection and acceptance ... 12234
Interdepartmental and coordinated ... 12191, 14087
Labor ... 12214, 14092
Negotiation ... 12173, 13540, 14089
Patents, data, and copyrights ... 12199, 13540, 14092
Special types and methods ... 12187, 14087
Supplemental provisions ... 12239, 13540
Taxes ... 12213
RECORDS AND REPORTS:
Non-Federal records, retention requirements ... 3116
Release of information from Army files ... 13121
RESERVE OFFICERS' TRAINING CORPS, organization and training units ... 7710
RIFLE PRACTICE, promotion of; schools and civilian shooting clubs ... 14974

Artichokes:

CANNED, ascorbic acid as optional ingredient; proposed rule ... 11922

Arts, President's Advisory Council on:

TERMINATION (Executive Order 11208) ... 3927

Asparagus: Page
STANDARDS for grades, fresh asparagus; proposed rules ... 17170

Atomic Awards Board:
ABOLITION (Reorganization Plan No. 4 of 1965) ... 9353

Atomic Energy Commission:
AUTHORITY DELEGATIONS respecting residential lots and undeveloped lands at Los Alamos, New Mexico ... 3704
BASIC COMPENSATION; Director, Military Application Division, et al ... 15299
BIOMEDICAL PROGRAMS; Dr. James Leslie Liverman, agent for AEC, operation of Oak Ridge National Laboratory by Union Carbide Corp ... 3275
BYPRODUCT MATERIAL:
Consumer products, criteria for approval ... 3462
Licensing:
Applicability, general ... 8185
Tritium contained in certain items, exemption; proposed rules ... 11923
Exempt concentrations, transfers ... 4352
Export and import ... 8201, 15285
General licenses ... 8189
Ice detection devices; strontium 90 ... 4764, 9904, 11764
Medical use of certain byproduct material ... 6575
Promethium 147 in timepieces, automobile lock illuminators, and aircraft safety devices ... 3374
Scandium 46, petition for rule making ... 14820
Terms and conditions ... 4352
Proposed rule ... 15748
Testing devices ... 129
Tritium-luminous material ... 957, 7258
Human uses ... 8200
Radiography and radiation safety requirements for radiographic operations ... 8198
Specific licenses ... 8192, 8198
Broad scope ... 8198
Manufacture, distribute, or import exempted and generally licensed items ... 8192
Labeling and installation requirements for certain devices ... 6118, 10947
Waste disposal, radioactive material:
Executive Order 11258 ... 14483
Licenses issued:
Allied-Crossroads Nuclear Corp., 629, 11286.
Atomic Disposal Company, Inc., 13335, 16275.
Atomic Disposal Corp., 631.
California Nuclear, Inc., 9963, 11930.
Carolina Nuclear Services Co., 13846.
Department of Health, Education, and Welfare; National Institutes of Health, 14820.
Laboratory for Electronics, Inc., Tracerlab Division, 15502.
Long Island Nuclear Service Corp., 13294, 14498.
Nuclear Engineering Co., Inc., 7118, 14499.
CONFLICT OF INTEREST, exception; certification of Dr. James Leslie Liverman ... 3275
FINANCIAL PROTECTION requirements and indemnity agreements:
Amounts of financial protection:
Certain reactors ... 14780
Proposed rules ... 12039, 14814
Appendixes ... 11873, 12077, 14007, 14779
Processing plants, spent fuel ... 1015, 1186
LOS ALAMOS, NEW MEXICO:
Authority delegations respecting residential lots and undeveloped lands ... 3704
Transfer of certain lots to Housing and Home Finance Agency ... 9115
NEW YORK, proposed agreement for assumption of certain AEC regulatory authority ... 106, 451, 652, 6883
NONDISCRIMINATION in employment, procurement regulation ... 15468
NUCLEAR MATERIAL, special:
Creditor regulations, etc., proposed rules ... 12039
License issued to Commonwealth Edison Co., for shipment of irradiated fuel elements ... 631
Transfer, proposed rule ... 15748
OREGON, agreement for assumption of certain AEC regulatory authority ... 4002, 4324, 4640, 5484, 9020
PATENT, application for just compensation by Alexander T. Deutsch ... 7118
PLUTONIUM, guaranteed purchase price ... 3886

Atomic Energy Commission—Continued Page
PRACTICE, proposed rules:
Export licenses for facilities, notice requirements; withdrawn ... 2821
General applicability ... 14014
PROCUREMENT REGULATIONS:
Advertising, formal ... 1288, 9313
Bonds and insurance ... 8681, 11352
Construction equipment, rental of ... 7750
Contractors, selection by Board process ... 7749, 8482
Contracts:
Clauses ... 3323, 6519, 12941, 13229, 14258, 14650
Cost principles and procedures ... 3219, 8109, 10950, 11720, 14650
Financing ... 8682
Numbering and distribution ... 7819
Reporting ... 6684
Review and approval ... 7749, 11352
Termination ... 622, 831, 6585
Extraordinary contractual actions to facilitate national defense ... 7887
Foreign purchases, Buy American Act ... 6519
Forms ... 4357, 7887, 11352, 15468
General ... 6483, 6519, 11351
Inspection and acceptance ... 7886
Justification and documentation of procurement actions ... 8319
Labor ... 8831, 11967
Negotiation ... 6683, 14258, 14376
Patents and copyrights ... 6684, 11352
Small business concerns, screening of procurements ... 15214
Special types and methods ... 6519, 9314, 15096
Supply, special and directed sources ... 8313
Taxes, Federal, State, and local ... 8318
RADIATION, protection against; standards:
Radioactivity concentration in air and water ... 9953, 15801
Records of individual radiation exposure, retention ... 10953, 14551
RADIOISOTOPE PRODUCTION AND DISTRIBUTION, commercial, transfer to private industry; policy statement ... 3247
REACTORS AND CRITICAL EXPERIMENT FACILITIES:
Construction and/or operation:
Licenses or permits to listed companies, etc.:
Aerojet-General Corp., 3609, 4210, 5802, 7674, 8756, 12551.
American Radiator and Standard Sanitary Corp., 9551.
Armed Forces Radiobiology Research Institute, 2689, 2880.
Babcock and Wilcox Co., 7766, 8757, 9551.
Battelle Memorial Institute, 8915, 15502.
California University, Regents, 559, 1880, 3609.
Carolinas Virginia Nuclear Power Associates, Inc., 2679, 4726, 9993, 12048.
Colorado State University, 2044, 3248, 6446.
Columbia University Trustees, 6405.
Combustion Engineering, Inc., 12691.
Commonwealth Edison Co., 6092, 13660, 13880, 15111, 15239.
Connecticut Light & Power Co. et al., 14692.
Consolidated Edison Company of New York, Inc., 9551, 11267, 14020, 15503, 16092.
Cornell University, 4326.
Elk River Demonstration Reactor Program Project, 6092.
First Atomic Ship Transport, Inc., 6283, 6446, 10064, 12958.
General Dynamics Corp., 727, 2367, 3619, 3395, 3792, 4263, 4326, 5536, 5647, 6406, 6497, 7117, 7120, 7320, 8017, 8727, 9498, 10331, 13293, 13548, 15110, 15503, 16276.
General Electric Co., 727, 6405, 7199, 7726, 8236, 9020, 9115, 11930, 12310, 13293, 13548, 13880, 16090.
Georgia Institute of Technology, 166.
IIT Research Institute, 3792, 7931.
Illinois University, Trustees, 4697, 15675.
Isochem, Inc., 10330.
Kansas State University of Agriculture and Applied Science, 11331.
Lockheed Aircraft Corp., 6446.
Los Angeles, Calif., Water and Power Department, 1818, 2045, 6799, 7944, 9237.
Lowell Technological Institute, 4366, 5911.
Maritime Administration, 105, 2564.
Massachusetts Institute of Technology, 6283, 12810, 13336.
Michigan University, 2619.
Mississippi State University, 15110, 15443.
Missouri University, Curators, 8316.
National Aeronautics and Space Administration, 2959, 4771, 9552.

Atomic Energy Commission—Continued Page
REACTORS AND CRITICAL EXPERIMENT FACILITIES—Continued
Construction and/or operation—Continued
Licenses or permits to listed companies, etc.—Con.
National Coal Policy Conference, Inc. et al., 12959.
New York State Atomic and Space Development Authority, 11649, 15675.
New York University, 7527.
Niagara Mohawk Power Corp., 5536.
North Carolina State College, 105, 15110, 15443.
Northern States Power Co., 3325, 10167, 12645, 15239.
Northrop Corp., 1015, 2564, 2827, 6446, 7320.
Nuclear Fuel Services, Inc., 11649, 15675.
Ohio State University, 1953, 10064.
Oklahoma State University, 2162, 3463, 8281, 9963.
Oregon State University, 6696, 12691.
Pacific Gas and Electric Co., 2479, 5802, 7320, 11884, 13549.
Pennsylvania State University, 3791, 5536, 8496, 8603, 9603, 11112, 15376.
Philadelphia Electric Co., 268, 1068, 8071, 14020.
Power Reactor Development Co., 6229, 8916, 10121, 13880, 16169.
Puerto Rico Water Resources Authority, 2287, 12691.
Rensselaer Polytechnic Institute, 9224, 10211.
Rochester Gas and Electric Corp., 14225.
Rural Cooperative Power Association, 6092, 7527.
Saxton Nuclear Experimental Corp., 6447, 10249, 12645.
Southwest Atomic Energy Associates, 7199, 7726, 12310.
Southwest Experimental Fast Oxide Reactor, 7258, 7726.
Texas Agricultural and Mechanical College System, 2117.
U.S. Naval Hospital, 8419.
Veterans Administration Hospital, 7456.
Washington University, 2563, 7366.
Westinghouse Electric Corp., 2163, 2958, 3395, 13846.
Westinghouse Electric International Co., Division of Westinghouse Electric Corp., 13846.
William Marsh Rice University, 15299.
Wyoming University, 4726.
Yankee Atomic Electric Co., 7527.
Licensing:
Boiling water reactors, petition for rule making ... 12959
Conditions of licenses; proposed rule ... 12039
Exemption from requirements, conditions of authorizations; proposed rule ... 12039
Provisional operating license, proposed rule ... 14015
Review of certain nuclear reactors exempted from licensing requirements, provisional operating authorization; proposed rule ... 14015
Transfers of licenses, creditor regulations; proposed rule ... 12039
Export license applications:
General Dynamics Corp.:
Mexico, 631.
Pavia, Italy, 3670.
Rome, Italy, 8916, 12086.
Westinghouse Electric International Co.; Madrid, Spain, 12426.
Light water reactors, certain, findings of practical value; presiding officers at hearing ... 445
RECORDS, retention:
Non-Federal, requirements ... 3153
Public; radiation exposure ... 10953, 14551
REGULATORY AUTHORITY OF AEC, assumption of; agreement with States:
Exemptions in agreement States:
Criteria for guidance ... 7020, 8802, 15044
Critical mass, computation of quantities of special nuclear material ... 7445, 7662, 7963, 8228, 12069
Reciprocity, recognition of States' licenses ... 4352
States:
New York ... 106, 451, 652, 6883
Oregon ... 4002, 4324, 4640, 5484, 9020
Tennessee ... 7318, 7575, 7842, 8112, 10918
SOURCE MATERIAL, licensing:
Consumer products, criteria for approval ... 3462
Definition, agreement State ... 15285
Exemption of thorium in various articles:
Electric lamps ... 1015, 10203, 15802
Radiation detection instruments ... 5536
General license for import ... 15285
TENNESSEE, agreement for assumption of certain AEC regulatory authority ... 7318, 7575, 7842, 8112, 10918
TENNESSEE VALLEY AUTHORITY, lands in Anderson County, Tenn., transferred to ... 7726
TRANSPORT of licensed material; proposed rules ... 15748

Atomic Energy Commission—Continued Page
TRESPASSING on Commission property, prohibition of unauthorized entry or introduction of weapons or other dangerous materials; various sites, centers, etc ... 13274, 13275, 13276, 13277, 13278, 13279, 13280, 13281, 13282, 13283, 13284, 13285, 13287, 13288, 13289, 13290, 13292, 13293.
URANIUM:
Enriched in U-233; guaranteed purchase prices ... 3886
Enrichment services criteria, proposed ... 12550
Hexafluoride, base and special charges, specifications and packaging ... 14821, 14938

Attorney General:
See Justice Department.

Australia:
AUSTRALIAN JURISDICTION over offenses committed within United States by members of its military, naval, and air forces (Proclamation 3681) ... 13049
SUGAR, countervailing duties ... 2399, 9596

Authority Delegations by the President:
See Delegations of authority by the President.

Automatic Data Processing:
ACTIVITIES, National Bureau of Standards ... 12549
SHARING EXCHANGE PROGRAM, Government-wide ... 9537

Automobiles:
See Motor vehicles.

Automotive Agreement Adjustment Assistance Board:
ESTABLISHMENT (Executive Order 11254) ... 13569

Automotive Products:
U.S.-CANADIAN TRADE AGREEMENT, implementation (Proclamation 3682) ... 13683

Avocados:
IMPORT RESTRICTIONS, MARKETING. *See* Agriculture Department.

Awards:
See Decorations, medals, and awards.

B

Banks:
BANK HOLDING COMPANIES. *See* Federal Reserve System.
COMMERCIAL BANKS, participation in pools of CCC price-support loans, interest rate increase ... 15582
COOPERATIVES, banks for. *See* Farm Credit Administration.
FEDERAL INTERMEDIATE CREDIT BANKS AND PRODUCTION CREDIT ASSOCIATIONS. *See* Farm Credit Administration.
FEDERAL RESERVE BANKS. *See* Federal Reserve System.
FOOD STAMP PROGRAM, participation in ... 569, 6859
HOME LOAN BANK BOARD regulations. *See* Federal Home Loan Bank Board.
INCOME TAX REGULATIONS. *See* Internal Revenue Service.
INSURED BANKS. *See* Federal Deposit Insurance Corporation.
INTEREST EQUALIZATION TAX, imposition on commercial bank loans:
Executive Order 11198 ... 1929
Proposed effective date ... 1959
Regulations ... 1937, 2399
MERGERS. *See* Federal Reserve System.
NATIONAL BANKS. *See* Comptroller of Currency; Federal Reserve System.
PRICE-SUPPORT LOANS, agricultural commodities, participation by commercial banks. *See* Commodity Credit Corporation.

Barley:
CROP INSURANCE. *See* Federal Crop Insurance Corporation.
GRAIN CONTRACT MARKET, California; name changed ... 8547, 8548

51-000—66——3

Barley—Continued Page
LOAN AND PURCHASE PROGRAMS, price support, etc. *See* Commodity Credit Corporation.
WAREHOUSES, storage, etc. *See* Agriculture Department.

Baseball:
NATIONAL AMERICAN LEGION BASEBALL WEEK (Proclamation 3669) 11089

Beans, Canned:
STANDARDS:
Green beans, identity standards; proposed rule 651
Green and wax beans, grades; proposed rule 9776
Sprouts, identity standards 10115, 14100

Beans, Dry Edible:
CROP INSURANCE. *See* Federal Crop Insurance Corporation.
LOAN AND PURCHASE PROGRAMS, price support, etc. *See* Commodity Credit Corporation.
STORAGE in Federally licensed warehouses. *See* Agriculture Department.

Bennett Place Commemoration:
PROCLAMATION 3650 4309

Beverages:
See Alcoholic beverages; Fruit juices.

Bill of Rights Day:
PROCLAMATION 3691 15139

Biological Products:
LICENSING, STANDARDS, etc. *See* Public Health Service.
VIRUSES, SERUMS, TOXINS, etc. *See* Agriculture Department.

Birds, Migratory:
HUNTING, possession, etc. *See* Fish and Wildlife Service.

Blind-Made Products, Committee on Purchases of:
RECORDS, non-Federal; retention requirements 3154

Blind Persons:
VENDING STANDS, operation:
GSA regulations 3160
Post Office Department regulations 3215
WHITE CANE SAFETY DAY, 1965 (Proclamation 3679) 12931

Boards:
See Committees, boards, etc.; Committees, boards, etc., Presidential.

Boating:
NATIONAL SAFE BOATING WEEK, 1965 (Proclamation 3651) 4525
RECREATIONAL ACTIVITIES, safety regulations 3441

Boats:
See Vessels.

Bonds:
REGULATIONS of various agencies. *See specific agencies.*
SAVINGS BONDS. *See* Treasury Department.
SURETY BONDS:
Companies acceptable. *See* Treasury Department.
Invitation to bid, Commerce Department 15813
TREASURY BONDS. *See* Treasury Department.

Bonneville Power Administration:
AUTHORITY DELEGATIONS:
By Administrator to Chief, Personnel Management Branch, et al.; employment of physicians 957
By Deputy Administrator to Chief, Personnel Management Branch; testimony of employees 10121
From Secretary of Interior; negotiate extension to contract for research on effects of wind on high structures 11977

Bonneville Power Advisory Board:
ABOLITION (Reorganization Plan No. 4 of 1965) 9353

Brassiere and Corset Industry: Page
FIBER OR MATERIAL CONTENT, identification; revoked 790
MINIMUM WAGE ORDER, Puerto Rico 220

Bread:
CANADA, bread in loaves from; determinations under Antidumping Act 5390, 7505
STANDARDS OF IDENTITY, optional ingredients. *See* Food and Drug Administration.
VITAMIN D SUPPLEMENTATION, enriched bread; proposed rule 11141, 13456

Bridge Regulations:
See Engineers Corps.

Broomcorn:
STORAGE in Federally licensed warehouses, etc. *See* Agriculture Department.

Budget Bureau:
HOSPITAL AND MEDICAL CARE furnished by U.S., recovery of cost from tortiously liable third persons; rates 16220
LANDS in Anderson County, Tenn., transferred from Atomic Energy Commission to Tennessee Valley Authority 7726
PRESIDENTIAL AUTHORITY, delegation of certain functions to Director (Executive Order 11230) 8447
WATER POLLUTION CONTROL in Federal facilities, functions (Executive Order 11258) 14483

Buildings and Facilities, Federal:
FEDERAL PROPERTY MANAGEMENT REGULATIONS. *See* General Services Administration.
WATER POLLUTION CONTROL STANDARDS (Executive Order 11258) 14483

Bureau of Standards:
See National Bureau of Standards.

Burial:
See also Cemeteries.
MORTUARY SERVICES, Air Force regulations 10889
VETERANS, eligibility for U.S. flag 647

Business and Defense Services Administration:
AUTHORITY DELEGATION from Assistant Secretary of Commerce for Administration; functions under Automotive Products Trade Act of 1965 15238
COPPER AND COPPER-BASE ALLOYS, set-aside percentages 10163, 14257
FOREIGN EXCESS PROPERTY sold by foreign governments not acting as agents for U.S. Government; general policy statement, proposed rule 11728
MOTOR-VEHICLE MANUFACTURER, bona fide, determination of 15271
ORGANIZATION AND FUNCTIONS 3393
RECORDS, non-Federal; retention requirements 3111

Butterfat:
PRICE-SUPPORT PROGRAM, April 1965–March 1966 4351

Buy American Act:
PROCUREMENT REGULATIONS:
Agriculture Department 14375
Atomic Energy Commission 6519
Coast Guard 9979
Veterans Administration 4675

C

Cabinet Committee on Federal Staff Retirement Systems:
MEMBERSHIP (Memorandum of February 1, 1965) 1725
STAFF RETIREMENT SYSTEMS of Federal Government, hearing 7506

Canada:
ANTIDUMPING ACT determinations. *See* Customs Bureau; Treasury Department.
BROADCAST STATIONS 109, 2165, 5766, 6491, 6493, 7201, 7528, 10212, 11073, 12307, 12693, 13587

Canada—Continued Page
CRUDE OIL PIPELINE at international boundary line between United States and Canada; application for Presidential permit for construction, operation, and maintenance 15041
INTERNATIONAL JOINT COMMISSION—United States and Canada:
Great Lakes, water levels; hearings 4510
Pembina River Development, hearing 6607
Procedure 3379
MOTOR VEHICLES and parts, determinations with respect to bounty 764, 1060, 5534, 5710, 6958
POTATOES, import restrictions, certain parts of Canada 9087, 15141
STEEL STRAPPING, appraisement 1128
TRADE AGREEMENTS (Proclamations 3682, 3694) 13683, 17147

Canal Zone:
FOREIGN TRADE STATISTICS 2441

Canal Zone Government:
EMPLOYMENT AND COMPENSATION:
Compensation and allowances, tropical differential 9875, 14965
Exclusions:
AEC positions for Atlantic-Pacific interoceanic canal project 9875
National Security Agency officers and employees, certain 2548
Student trainees 14007
Filling positions:
Noncompetitive appointments, and tenure following 14007
Temporary and term appointments 9977
RECORDS, non-Federal; retention requirements 3165

Cancer Control Month, 1965:
PROCLAMATION 3642 2919

Canned Food:
DISTRIBUTOR STOCKS, survey 287, 13792, 14820
STANDARDS OF IDENTITY. *See* Food and Drug Administration.
WAREHOUSES, Federally licensed; storage in, etc. *See* Agriculture Department.

Captive Nations Week, 1965:
PROCLAMATION 3661 8663

Carrots:
CANNED SLICED AND DICED, deviating from identity standards, temporary permits for market testing 5535, 12691, 13749
MARKETING, STANDARDS. *See* Agriculture Department.

Cats:
PET FOOD, canned; composition of certified products 10284

Celery:
MARKETING. *See* Agriculture Department.

Cemeteries:
MORTUARY SERVICES, Air Force regulations 10889
NATIONAL CEMETERIES, administration, operation, maintenance, etc.; Army Department regulations 8993
VETERANS ADMINISTRATION CEMETERIES, interment in 9266

Census Bureau:
FEE structure for seasonal adjustments of time series 13358
FOREIGN TRADE STATISTICS 2441, 9318, 11502, 12881
ORGANIZATION AND FUNCTIONS, Assistant Directors:
Administration 9178
Research and Development 9178
SURVEYS:
Canned foods, distributors' stocks of 287, 13792, 14820
Manufacturing area 13791, 14866
Multiunit companies 2414, 4501
Retailers' inventories, sales, and number of establishments 287, 14999
VOTING RIGHTS ACT of 1965, determinations pursuant to 9897, 14505

Certificate of Merit: Page
GOVERNMENT CONTRACTORS, award to (Executive Order 11246) 12319

Cheese:
STANDARDS OF IDENTITY, optional ingredients. *See* Food and Drug Administration.

Cherries:
CROP INSURANCE, 1966 13692
MARKETING. *See* Agriculture Department.
PURCHASE PROGRAM GMP 96a, canned and frozen red tart pitted cherries 9067

Chickens:
See Poultry and products.

Child Health Day, 1965:
PROCLAMATION 3675 12625

Child Labor:
STATE CERTIFICATES of age, extension of designations 7997

Churchill, Winston Spencer:
DEATH OF, display of U.S. flag at half-staff (Executive Order 11193) 821

Cigarettes:
See also Tobacco and tobacco products.
ADVERTISING and labeling respecting health hazards 9484, 12249

Citizens' Advisory Council on the Status of Women:
MEMBERSHIP (Executive Order 11221) 6427

Citizens' Stamp Advisory Committee:
APPOINTMENT OF MEMBERS 2624

Citizenship Day and Constitution Week, 1965:
PROCLAMATION 3659 8383

Citrus Fruits:
See also specific fruits.
CITRUS INDUSTRY, foreign labor in Florida; wage rate 12292
CROP INSURANCE. *See* Federal Crop Insurance Corporation.
MARKETING, grapefruit, lemons, oranges, etc. *See* Agriculture Department.

Civil Aeronautics Board:
ACCIDENTS:
Investigations:
John F. Kennedy International Airport, 5609.
Montoursville, Pa., 13022, 13667.
Seattle, Wash., and Whiteman AFB, Mo., 9117.
Regulations, etc.:
Certain aircraft accidents for temporary period; request to Federal Aviation Agency Administrator 10122, 10168
Information, disclosure; procedures 14920
Reports by Federal Aviation Agency on accidents, inflight hazards, overdue aircraft and safety investigations 10094, 10155
Rules of practice in aircraft accident investigation hearings 8473
AGREEMENTS. *See under* Economic regulations, *below.*
AIR SAFETY PROCEEDINGS; rules of practice 14367
AIRPORTS:
Airport-to-airport mileage records, direct; official mileage record of Board 12249
Regional, investigations:
Columbia and Jefferson City, Mo., 4004.
New England, 8803, 9728, 10065.
ALL-EXPENSE TOURS, interstate, overseas, or foreign air transportation, by supplemental air carriers and tour operators; proposed rules 281, 6119, 13077, 13877
CHRISTMAS PACKAGES TO VIETNAM bearing surface parcel postage, destined to military port of embarkation, San Francisco; domestic service mail rate 15045

Civil Aeronautics Board—Continued Page

ECONOMIC PROCEEDINGS; local service carriers, costing proposed changes in operations of:
- Aircraft depreciation expense ... 2156, 5899
- Investment and tax allowance, return on ... 2156, 5899

ECONOMIC REGULATIONS:
- Accounts:
  - Records and memoranda, preservation of; air freight forwarders, supplemental and certificated route air carriers ... 2713, 9578
  - Uniform system:
    - Accounting requirements; proposed rule ... 12889, 14497
    - Capitalization of interest on equipment purchase deposits and certain funds used in developmental projects, proposed rule ... 10056, 11729
    - Income taxes ... 757, 8829, 9001
    - Investment tax credit ... 744, 757, 8829, 9001
    - Reporting requirements ... 7704
    - Scheduled carriers in charter and special service operations ... 7251, 14197
    - Supplemental air carriers ... 1191
    - Scheduled all-cargo services ... 2856
- Agreements, filing:
  - Air Express Committee, weighted voting procedure ... 7527
  - Air Traffic Conference of America:
    - Free baggage allowance ... 7403
    - Standard agent's ticket and area settlement plan ... 3888, 8346
    - Travel agents ... 6884, 10865
  - International Air Transport Association:
    - Air waybills ... 8974
    - Cargo rates ... 8973, 11978, 15179
    - Carrier liability ... 15814
    - Charters ... 653
    - Containers and pallets ... 9727
    - Entertainment, visual in-flight ... 5648, 6284
    - Fares and rates ... 957, 3326, 4502, 6229, 7200, 7505, 8351, 10920, 12366
    - Passenger sales agency rules ... 1016, 10866
    - Specific commodity rates ... 18, 851, 1064, 1881, 2045, 2479, 2828, 3798, 4141, 4211, 4435, 4502, 4698, 6196, 6363, 6407, 6799, 6884, 7200, 7847, 7848, 7973, 8071, 8550, 9071, 9964, 10211, 11650, 11651, 11736, 12049, 12366, 13103, 14607, 15442, 16276.
  - Visit U.S.A. tariffs for foreign visitors ... 2827
- Airport-to-airport mileage records, direct; official mileage record of Board ... 12249
- Certificates:
  - Public convenience and necessity; emergency operating authorizations ... 4328
  - Terms, conditions, and limitations; liability insurance requirements ... 9762
- Charter trips:
  - Foreign air transportation by charter only; requirements, etc., proposed rule ... 8062
  - Special services:
    - Advertising in mass media, prohibition ... 2655
    - Emergency operating authorizations ... 4328
    - Off-route charter trips, restrictions on frequency and regularity ... 3662, 3670, 5483, 11381
  - Transatlantic supplemental air transportation:
    - Advertising of charters in mass media, prohibition ... 2656, 2690
    - Substitute transportation and incidental expenses ... 92, 3353
- Classification and exemption of certain air carriers:
  - Air taxi operators:
    - Exemptions:
      - Authority, proposed rule ... 12891, 13871
      - Duration ... 4636, 12666
    - General:
      - Classification; carriage of mail on nonsubsidy basis ... 4636, 12666
      - Definitions:
        - Large aircraft and maximum passenger capacity; proposed rule ... 12891, 13877
        - Tourist sightseeing service ... 9204

Civil Aeronautics Board—Continued Page

ECONOMIC REGULATIONS—Continued
- Classification and exemption of certain air carriers—Continued
  - Air taxi operators—Continued
    - Limitations on exemptions:
      - *See also* Exemptions, *above*.
      - Large aircraft, operation:
        - Prohibition in air transportation; proposed rule ... 12891, 13877
        - Reporting ... 9205
      - Scope of service authorized:
        - Alaska; maximum takeoff weight of aircraft and maximum passenger capacity, proposed rule ... 12891, 13877
        - Hawaii:
          - Elimination of restriction ... 2779, 9205
          - Mail carriage ... 4636, 12666
          - Maximum takeoff weight of aircraft and maximum passenger capacity, proposed rule ... 12891, 13877
        - Service between points in which certificated carrier provides daily scheduled service with small aircraft ... 9986, 11695, 14044
        - States, 48 contiguous; mail carriage ... 4636, 12666
        - Territories or possessions of United States, elimination of restriction ... 2779
  - Indirect air carriers, certain; Defense Department personnel, household effects:
    - Proposed rule terminated ... 59
    - Temporary order granted ... 3358, 6093, 7578, 10255
  - Military cargo charters, petition denied ... 7456
  - Military contracts and substitute service, exemption for ... 931, 1008, 2558, 3861, 3871, 8784, 10995, 13313
- Defense Department:
  - Personnel, household effects:
    - Indirect air carriers, certain; temporary order granted ... 3358, 6093, 7578, 10255
    - Proposed rule terminated ... 59
  - Services performed, reporting results; applicability, etc., proposed rule ... 11730, 13077
- Flight equipment, reinvestment of gains derived from sale or disposition of; definition of "gain", proposed rule ... 12889, 14497
- Mail, transportation of:
  - Christmas packages to Vietnam, bearing surface parcel postage, destined to military port of embarkation, San Francisco; domestic service mail rate ... 15045
  - Free travel for postal employees; form not required by Postal Inspectors-in-Charge ... 8487, 10949
  - Schedules, filing of summaries ... 11227, 14071
- Military exemptions ... 931, 1008, 2558, 3861, 3871, 8784, 10995, 13313
- Overbooked flights, notice and other requirements; applicability, etc., proposed rule ... 13237, 14814, 16129
- Safety purposes, access to aircraft for; free transportation for certain CAB, FAA, and Weather Bureau employees ... 3860
- Tariffs of air carriers:
  - Air cargo pickup and delivery zones, tariff filing application ... 3799, 9330
  - Free or reduced-rate overseas or foreign air transportation; proposed rules:
    - Authorization to carry persons not listed ... 11178, 12038
    - Restrictions on general public ... 11178, 12038
  - Publication, filing, posting, etc ... 7558
  - Passenger boarding priorities, proposed rule ... 13236, 14814, 16129
  - Passenger credit plans, proposed rule ... 10907
  - Reissuance ... 9439
- Transatlantic supplemental air transportation:
  - Definition; charter trips, restriction on mass media advertising ... 2656, 2690
  - Substitute transportation and incidental expenses ... 92, 3353

EMERGENCY OPERATING AUTHORIZATIONS ... 4328, 11717

FEES AND CHARGES for special services, policy and scope, etc ... 15567

HEARINGS, INVESTIGATIONS, etc. *See list at end of this agency.*

MILITARY EXEMPTIONS ... 931, 1008, 2568, 3861, 3871, 8784, 9205, 10995, 13313

Civil Aeronautics Board—Continued Page

ORGANIZATION AND FUNCTIONS:
- Delegations to certain staff members:
  - Accounts and Statistics Bureau, change in titles:
    - Chief, Regulations and Reports Division ... 14972
    - Director ... 14972
  - Associate General Counsel:
    - Rules and Rates Division; change in title ... 14972
    - Rules and Special Counsel Division; public meetings in pending rule making proceedings, etc ... 10843
  - Economic Regulation Bureau:
    - Alaska Liaison Representative, deletion ... 14972
    - Director; deletion ... 14972
    - Routes and Agreements Division Chief; renewal applications for temporary authorizations ... 10843
  - Economics Bureau, change in title of Bureau:
    - Chief, Rates Division ... 14972
    - Chief, Tariffs Section, Rates Division ... 14972
  - General Counsel; issuance or withdrawal of regulations, etc ... 10843
  - Hearing Examiners Bureau, Chief Hearing Examiner:
    - State route applications ... 10842
    - Tariff cases upon recommendation of Director, Bureau of Economics ... 14972
  - Operating Rights Bureau, Director; applications for exemptions, etc ... 14972
- Emergency conditions, operation; discharging duties and responsibilities ... 11717
- Fees and charges for special services, policy and scope, etc ... 15567

POLICY STATEMENTS:
- Capitalization of interest on equipment purchase deposits and certain funds used in developmental projects; proposed rule ... 10056, 11729
- Foreign air carriers:
  - Affiliates and system relationships of air carriers, passing off ... 6650, 13781
  - Off-route charter trips, amount performed, frequency and regularity; proposed rule ... 11391
  - Terminated ... 15173
- Military exemptions and tariff rates ... 1009, 2558, 3871, 9205
- Relationships, interlocking, between air carrier and person controlling another air carrier; approval by Board, proposed rule ... 14532
- Wet leases to foreign air carriers ... 5625

PROCEDURAL REGULATIONS:
- *See also* Air safety proceedings; Economic proceedings.
- Aircraft accident investigation hearings, rules of practice in ... 8473

RECORDS, non-Federal; retention requirements ... 3153

SAFETY INVESTIGATION regulations; accidents, in-flight hazards, overdue aircraft and safety investigations, filing of certain reports by Federal Aviation Agency ... 10094, 10155

VIETNAM, Christmas packages to; bearing surface parcel postage, destined to military port of embarkation, San Francisco, domestic service mail rate ... 15045

HEARINGS, INVESTIGATIONS, ETC.:
- Aerolineas Argentinas, 4727.
- Aeronaves de Mexico, S.A., 14050, 14534.
- Aerotransportes Entre Rios S.R.L., 9330, 10255, 12365.
- Aerovias Ecuatorianas, C.A., 3463, 3798.
- Aerovias Sud Americana, Inc., 2881.
- Air Express International Corp. et al., 2891.
- Air-India, 12520, 13750.
- Air Jamaica, Ltd., 8974, 10168.
- Air New Zealand, Ltd., 7121, 7768.
- Airlift International, Inc., 9118.
- Airlift renewal proceeding, 7259, 15443.
- Alaska Airlines, Inc., 354, 558.
- Alaska Coastal-Ellis Air Lines, 67, 236, 1819, 3670.
- Allegheny Airlines, Inc. et al., 4502, 5537, 7527, 11098, 11978, 14050, 14335.
- Allen, William H., 5011.
- Allied Van Lines, Inc. et al., 9832.
- Aloha Airlines, Inc., 1954, 9833, 11776.
- American Air Taxi, Inc., 15813.
- American Airlines, Inc. et al., 354, 9479, 2630, 3325, 5537, 5803, 7971, 8861, 10065, 10919, 12520, 14500, 14809, 16170.
- Arizona, Douglas; service to, 11777, 12040.
- Atlas Van Lines, 7020.
- B.N.P. Airways, Ltd., 3799.
- Bader Bros. Arrow Van Lines, Inc., 6447.
- Bader Bros. Transfer and Storage Corp., 6447.
- Baggage charges, excess, 8419, 9021, 9634.
- Baggage liability rules case, 6949.
- Bekins Airvan Co. et al., 13881.
- Bonanza Air Lines, Inc. et al., 1819, 2827, 15290.
- Braniff Airlines, 452, 3236, 12691, 16027.
- British Eagle International Airlines, Ltd., 14692.
- British West Indian Airways, Ltd., 9330, 10166.
- CAL-AIR Forwarders, Inc., 5764.
- Caledonian Airways (Prestwick), Ltd., 10122, 12896, 12950, 13837, 14600.
- California Floral Traffic Conference, et al., 289, 959.
- California, Lake Tahoe, service to, 11651, 16028.
- California Time Airlines, Inc. et al., 8548.
- Capital Airways, Inc., 850.
- Caribbean-Atlantic Airlines, Inc., 596.
- Catalina Air Lines, Inc., 1880.
- Central Airlines route 81; 7404, 9604.
- Charter trips and special services, 2690, 3670.
- Chicago Avenue Transfer, Inc. et al., 7020, 9117.
- Chicago Helicopter Airways, Inc., 2367, 3463, 7677, 8727, 9225, 10919, 11332, 13471.
- Coeur d'Alene/Roseburg service investigation, 11979.
- Columbia and Jefferson City, Mo., area airport investigation, 4004.
- Compania Mexicana de Aviacion, S.A., 1954, 14050, 15004.
- Compania Panamena de Aviacion, S.A., 2164.
- Compania Peruana Internacional de Aviacion, S.A., 2621, 3463.
- Cordova Airlines, Inc., 8862, 8974, 11332, 16028.
- Dean Van Lines, Inc. et al., 7675.
- Delta Air Lines, Inc., 5864, 6406, 14281, 14570.
- Detroit-California nonstop service case, 11002.
- Deutsche Lufthansa Aktiengesellschaft, 3463, 9409.
- Domestic service mail rate, 2828, 4328, 9409, 9994, 13022, 14608.
- Domestic trunkline and local-service carrier, 558, 9804, 9727, 13412.
- Donaldson Line, Ltd., 12959.
- Eastern Air Lines, Inc. et al., 354, 4263, 4698, 5395, 5804, 6406, 6662, 7726, 8802, 10065, 10212, 11153, 11535, 14282, 14534, 14607, 14608, 14874, 15112.
- Eastern-Mackey merger case, 14609.
- Emery Air Freight Corp., 3799, 9330.
- Empresa de Viacao Aerea Rio Grandense (VARIG), S.A., 5487, 7931, 8922, 13565.
- Engel Brothers, Inc. et al., 6740.
- Entertainment, visual in-flight, 5648, 6284.
- Falcon Air Freight, Inc., 289.
- Flying Tiger Line, Inc., 1819, 7456, 11401, 12427.
- Frontier Airlines, Inc., 3554, 15503.
- Great Lakes Air Service, Ltd., 765.
- Greenville-Spartanburg case, 14386, 14693.
- Hahn, Horace L., 1954.
- Hawaiian Airlines, Inc., 1954, 9833, 11776.
- Houston-New Orleans local service investigation, 14283.
- Hummel, Jack E., 1954, 3395, 13240, 14175, 14226.
- Ignace Airways, Ltd., 9555.
- Imperial Household Shipping Co., Inc., 7020.
- Inflight Motion Pictures, Inc., 6284.
- Inspiration Helicopters, Ltd., 4142.
- International Air Transport Association, et al., 60, 3830, 5648.
- International Export Packers, Inc. et al., 7406.
- International Sea Van, Inc., 7020.
- International Tours, 1954, 3395, 13240, 14175, 14226.
- Jet coach fares, 236, 596.
- Jet Forwarding, Inc., 1954.
- KAR-AIRoy, 15333.
- Kingston Flying Club, 7296.
- Kirk Kerkorian, et al., 9994.
- Kodiak renewal case, 3830.
- Korean Airlines, Inc., 10168.
- Lake Central Airlines, Inc. et al., 13549, 15503.
- Las Vegas-Grand Canyon nonstop service, 13240.
- Lep Transport, Inc., 4004.
- Lloyd Aereo Colombiano, 1264.
- Loretz, T. A. L., 5764.
- Loretz & Co., 5764.
- Los Angeles Airways, Inc. et al., 2369, 3463, 8419, 8917, 14175, 14386.
- Louisville-Indianapolis local service investigation, 13969.
- Lufthansa German Airlines, 4435.
- Mark IV Air Freight, Inc., 8594.
- Massachusetts, Fall River, 8594.
- Massachusetts Helicopter Airlines, Inc., 7406.
- McEachern, Eldon B., and Rapid Air, 4328.
- Mercury Service Systems, Inc., 3830.

Civil Aeronautics Board—Continued

HEARINGS, INVESTIGATIONS, ETC.—Continued
- Miami Aviation Corp., 3554.
- Military mail, service rates, 2286, 3226, 7021, 12896.
- Mohawk Air Lines, Inc., 2881, 3798, 4559, 5809, 6448, 7296, 7971, 10167, 10919.
- Mulks, Charles E., 5911.
- National Airlines, Inc., 4263, 7726.
- New England regional airport investigation, 8803, 9726, 10065.
- New Haven-Bridgeport case, 8351.
- New York Airways, Inc., 2371, 3463, 8496, 10168.
- New York-Florida renewal case, 7678.
- New York, Glens Falls, service to, 1955.
- New York-San Juan cargo rates investigation, 11183, 12086.
- North Central Airlines, Inc., 10920, 11153, 13472, 14283.
- Northeast Airlines, Inc. et al., 4263, 5395, 6230, 14501, 15179, 15675.
- Northern Consolidated Airlines, Inc., 107, 2417, 2480.
- Northwest Airlines, Inc., 106, 288.
- Olympic Airways, S.A., 15598.
- Open-jaw group fares, 2417.
- Ottawa Aero Services, 850.
- Ozark Air Lines, Inc., 4367, 13240, 13837.
- Pacific Northwest-Southwest service investigation, 1131, 8727.
- Pacific Western Airlines, Ltd., 3554.
- Pan American World Airways, Inc. et al., 5648, 5764, 6284, 14445.
- Panama Aeronautica, S.A., 4435, 8803.
- Pegasus Airlifts, 4142.
- Piedmont Aviation, Inc., 3619.
- Pontes, Anna K. and Henry A., 1954.
- Portland-Seattle nonstop investigation, 8243, 12646.
- Puerto-Rican Forwarding Co., Inc. et al., 13969.
- Railway Express Agency, Inc., 11777.
- San Francisco and Oakland Helicopter Airlines, Inc. et al., 7676, 12366, 15503.
- Saturn-Aaxico merger case, 1264.
- Seneca Air Services, Ltd., 5865.
- Shulman, Inc. et al., 11775.
- Sioux City-Denver service, 9189, 12692.
- Sky Courier, Inc. et al., 7847.
- Slick Corp., 354, 3327, 9118, 10831.
- Sony Corporation of America, 6284.
- Southeast Airlines, Inc., 15813.
- Southern Airways, Inc., 6597.
- Southern Segment 11 renewal case, 15333.
- Southern Transcontinental service case, 11002.
- Spokane case, reopened, 14280.
- Standard Airways, Inc., 10956, 14027.
- Starck Van Lines, 7020.
- Supplemental air carriers, 2690, 11979.
- Telstar Air Freight, Inc. et al., 9607.
- Thru-Flight Air Freight Forwarding Co. et al., 1206.
- Trans-Air System, Inc., 809, 1324, 2372, 3228, 14280.
- Trans Caribbean Airways, Inc., 68.
- Trans Global Freight, Inc., 764.
- Trans International Airlines, Inc., 8419.
- Trans-Pacific Air Cargo, et al., 5911.
- Trans-Texas Airways, Inc., 2690, 12520, 14283.
- Trans World Airlines, Inc., 452, 1209, 2620, 3359, 3831, 4727, 5648, 5803, 6284, 6364, 6406, 7972, 8496, 8595, 9687, 9904.
- Transatlantic charter investigation, 4559, 8351, 12366, 12367.
- Transglobe Airways, Ltd., 16170.
- Transportes Aereos Nacionales, S.A., 8352, 12896.
- Transportes Aereos Portugueses, S.A.R.L., 15239.
- Unit-load tariffs, 3799.
- United Air Lines, Inc., 1209, 2620, 3359, 4327, 4644, 5609, 8420, 11288, 12520, 13970.
- United Arab Airlines, 7406, 12896.
- United-Pacific transfer case, 4142, 4727, 10168, 11002.
- United States-Caribbean-South America, investigation, 6231.
- Van Lines and Bader Bros. Warehouses, Inc., 6447.
- WTC AirFreight, 14175.
- Waycross and Rome, Ga., case, 14226, 14758.
- West Coast Airlines, Inc., 1018, 2165, 6407, 8243, 14280.
- Westbound specific commodity rates, 4004, 4368, 6125, 6284, 6949.
- Western Alaska renewal case, 3832.
- Wheaton Van Lines, Inc. et al., 8726.
- Wheeler Airlines, Ltd., 7121.
- Wien Alaska Airlines, Inc., 69, 236, 1819.
- World Airways, Inc. et al., 9779.

Civil Defense:

SURPLUS PERSONAL PROPERTY, allocation for civil defense purposes 2443, 2445, 4716, 5833, 6649, 15663

Civil Defense Office:

CONTRIBUTIONS for civil defense equipment 14257
EMPLOYMENT OF MILITARY RESOURCES in natural disaster emergencies within United States, its territories and possessions 15659
FEDERAL SURPLUS PERSONAL PROPERTY, donation for civil defense purposes 15663
LABOR STANDARDS for Federally-assisted contracts, contract provisions 11718, 13826
MILITARY SUPPORT 4753
NONDISCRIMINATION in Federally-assisted programs 5372, 8410

Civil Rights Act of 1964:

See also Nondiscrimination.
TITLE VI, enforcement by Attorney General (Executive Order 11247) 12327

Civil Rights Commission:

CONFIDENTIAL INFORMATION 12467
MISSISSIPPI HEARING 166
ORGANIZATION AND FUNCTIONS, field offices added in Memphis, Tenn., and Chicago, Ill 12467
STAFF DIRECTOR, position placed in level V of Federal Executive Salary Schedule (Executive Order 11195) 1169

Civil Service Commission:

ADVERSE ACTIONS, APPEALS, etc.:
- Advisory arbitration, commission action 1727
- By agencies 11847
- By Commission; decision, appeal rights, etc 11846

ALLOWANCES AND DIFFERENTIALS payable in nonforeign areas; Alaska, Puerto Rico, Hawaii, and Virgin Islands 6511
CAREER AND CAREER-CONDITIONAL EMPLOYMENT, noncompetitive appointment of certain Foreign Service officers and employees 12248
DISCRIMINATION in Government employment, handling of complaints; authority delegation from President's Committee on Equal Employment Opportunity 73
EDUCATIONAL REQUIREMENTS for certain positions:
- Archivist series, 12646.
- Counseling psychologist (vocational rehabilitation and education), 14749.
- Farm management loan series, 8757.
- Geodesy series, 5765.
- Health science series, 8595.
- Manpower research and analysis series, 11071.
- Mathematics series, 9021.
- Metallurgy series, 18.
- Nurse and nurse anesthetist series, 13023.
- Oceanography series, 7052.
- Pharmacology series, 9964.
- Sociology series, 8550.
- Student nurse, St. Elizabeth's Hospital; revoked, 13023.

EMPLOYEE DEVELOPMENT:
- Interagency training, utilization of other Government facilities 5503
- Waiver of limitations on training through non-Government facilities 3349

EQUAL EMPLOYMENT OPPORTUNITY, regulations (Executive Order 11246) 12319
ETHICAL STANDARDS OF CONDUCT, Government employee responsibilities:
- Executive Order 11222 6469
- Implementation of Executive order 12529

EXCEPTED SERVICE 15059
- Definitions, positions exempt from appointment procedures; student trainee positions in cooperative work-study programs 3349
- Schedule A 15059
  - Agencies with positions added, amended, or revoked:
    - Agriculture Department, 565, 4057, 4745, 9903, 13053.
    - Air Force Department, 2851, 13054.
    - Army Department, 4663.
    - Atlantic-Pacific Interoceanic Canal Study Commission, 9087.
    - Commerce Department, 13526.
    - Emergency Planning Office, 6975.
    - Entire executive civil service:
      - Life and safety of President and others, certain positions concerned with, 3593.

Civil Service Commission—Continued

EXCEPTED SERVICE—Continued
- Schedule A—Continued
  - Agencies with positions added, amended, or revoked—Continued
    - Entire executive civil service—Continued
      - Mentally retarded persons, 6337.
      - President's Youth Opportunity Campaign, 7153, 7557, 11271, 14591, 15736.
      - Severely handicapped persons, 7645.
      - Temporary positions:
        - Encouraging youth to resume or continue education, 6765, 7567, 11371, 14591.
        - GS–7 and below to assist scientific or technical personnel, 5701.
    - Federal Home Loan Bank Board, 31.
    - Health, Education, and Welfare Department, 4663, 5619, 7895, 13528.
      - Cuban refugees, 4663.
    - Interior Department, 13822, 15313.
    - Interstate Commerce Commission, 6903.
    - Justice Department, 13005.
    - Labor Department, 14355.
    - National Foundation on the Arts and the Humanities, 14239.
    - Navy Department, 739, 4410, 5825, 7595, 7895, 9874, 15313.
    - President's Commission on Crime in District of Columbia, 11903.
    - President's Commission on Law Enforcement and Administration of Justice, 13897.
    - President's Committee on Youth Employment, 1247.
    - President's Council on Physical Fitness, 7895.
    - Saint Lawrence Seaway Development Corporation, 6939.
    - Small Business Administration, 643, 5701, 7425.
    - Smithsonian Institution; alien scientists and technicians, 8809.
    - State Department, 7425.
    - Treasury Department, 7645, 9585, 12627, 13777.
    - U.S. Arms Control and Disarmament Agency, 4711.
  - Student trainee positions in cooperative work-study programs, excepted from appointment procedures 3349
  - Temporary employment, restrictions against nepotism 1029
- Schedule B 15059
  - Agencies with positions added, amended, or revoked:
    - Appalachian Regional Commission, 7271.
    - Civil Rights Commission, 7515.
    - Defense Department, 1111, 5897, 11024.
    - Economic Opportunity Office, 1029, 1931.
    - Entire executive civil service; student trainees in certain cooperative work-study programs, 3349.
    - Equal Employment Opportunity Commission, 7426.
    - Health, Education, and Welfare Department, 5503.
    - Labor Department, 2345.
    - Treasury Department, 3593.
  - Student trainee positions in cooperative work-study programs, excepted from appointment procedures 3349
- Schedule C 15059
  - Agencies with positions added, amended, or revoked:
    - Agriculture Department, 700, 4057, 4311, 7473, 8301, 15141.
    - Appalachian Regional Commission, 7271.
    - Army Department, 7646, 9087, 12937, 13323, 14422.
    - Civil Aeronautics Board, 3263.
    - Civil Rights Commission, 1247, 7271.
    - Commerce Department, 7245, 7987, 10035, 11131, 13822, 14195, 14487, 14769.
    - Defense Department, 2303, 7646, 7987, 10004, 10035, 11024, 11314, 11501, 11962, 12529, 14519, 14769, 15282.
    - Economic Opportunity Office, 1029, 3263.
    - Emergency Planning Office, 2701, 3263, 6975, 9758.
    - Equal Employment Opportunity Commission, 9087.
    - Export-Import Bank of Washington, 14239.
    - Federal Aviation Agency, 7311, 9529, 10153, 12720.
    - Federal Deposit Insurance Corporation, 5619.
    - Federal Home Loan Bank Board, 31, 3649, 7426.
    - Federal Power Commission, 8093.
    - General Accounting Office, 6215.
    - Health, Education, and Welfare Department, 3745, 4311, 5471, 6857, 9875, 12117, 13859, 13860, 14095, 14769, 15203, 15547, 15561.
    - Housing and Home Finance Agency, 31, 6903, 7311, 7701.
    - Interior Department, 1029, 1247, 4663.
    - Interstate Commerce Commission, 251.
    - Justice Department, 2851, 12248, 12720, 14769.

Civil Service Commission—Continued

EXCEPTED SERVICE—Continued
- Schedule C—Continued
  - Agencies with positions added, amended, or revoked—Continued
    - Labor Department, 3263, 6241.
    - National Mediation Board, 9673.
    - Navy Department, 7646.
    - Peace Corps, 2195, 7895.
    - Post Office Department, 2649, 5503, 5787, 11669, 13054.
    - President's Committee on Consumer Interests, 7646.
    - President's Council on Equal Opportunity, 4663.
    - Small Business Administration, 205, 2649, 6857, 7987, 9529, 11209, 17153.
    - State Department, 6241, 6478, 13860.
    - Treasury Department, 5, 1247, 2397, 4410, 6111, 6637, 10153, 11669, 13054, 15351.
    - Water Resources Council, 13626.
  - Student trainee positions in cooperative work-study programs, excepted from appointment procedures 3349

FOREIGN SERVICE, appointment in competitive service of certain present and former officers and employees (Executive Order 11219) 6381
GRIEVANCES. *See* Adverse actions, appeals, etc.
GROUP INSURANCE, ADVISORY COUNCIL ON; transfer of functions to Chairman (Reorganization Plan No. 4 of 1965) 9353
HEALTH BENEFITS PROGRAM, Federal employees; minimum standards, registration and enrollment, etc., proposed rules 14329
HEARING EXAMINERS, appointment, compensation, and removal; detail and assignment to other duties 2548
HOSPITALS, GOVERNMENT, certain trainee positions; maximum stipends. *See under* Pay regulations.
JOB CORPS, political activities of enrollees 1931
LEAVE, annual and sick:
- Definition "temporary employees engaged on construction work at hourly rates", etc 7557
- Sick leave recredit, return of Federal employees from Appalachian Regional Commission 8301

MANPOWER SHORTAGES; appointees to certain positions, payment of travel and transportation expenses 354, 809, 1820, 2118, 3832, 4264, 4645, 6662, 7530, 7727, 8071, 8354, 10122, 10331, 11261, 12427, 16092

PAY REGULATIONS:
- Allotments and assignments from Federal employees, voluntary payroll allotments for charitable contributions 9903
- Classification Act system 2588, 7962, 8216, 9247, 15282
- Compensation from more than one civilian office, exceptions 4609, 4663, 4745, 9247
- Conversions to Classification Act system; rate of basic compensation 2588
- Dual Compensation Act, reduction-in-retired-pay provisions 11669
- Government hospital trainees, maximum stipends:
  - Bacteriological interns, 11024.
  - Dental hygiene students, 4410.
  - Hospital administration residents, 11024.
  - Practical nurses, students, 4410.
  - Psychology student trainees, 5619.
  - Public Health nurse interns, 11751.
  - Social workers, student, 343.
  - Sociological interns, Health, Education, and Welfare Department, 15313.
- Minimum salary rates for certain positions, notice of increase 8173, 8282, 13970, 14824
- Rates and systems, general; effect of statutory pay increase 14487
- Severance pay, regulations (Executive Order 11257) 14353
- Special rates for recruitment and retention, discontinuance of certain positions 11979

POLITICAL ACTIVITIES of Federal employees and enrollees of Job Corps 1931
POSITION CLASSIFICATION, Classification Act system:
- Exclusions:
  - Bacteriological interns, 11024.
  - Dental hygiene students, 4410.
  - Hospital administration residents, 11024.
  - Practical nurses, students, 4410.

Civil Service Commission—Continued

POSITION CLASSIFICATION, Classification Act system—Continued
Exclusions—Continued
Psychology student trainees, 5619.
Public Health nurse interns, 11751.
Social workers, student, 343.
Sociological interns, Health, Education, and Welfare Department, 15313.
Retroactive effective date; time limit on appeals.. 7962, 8216
PRESIDENTIAL AUTHORITY, delegation of certain functions to Commission (Executive Orders 11222, 11228, 11257) 6469, 7739, 14353
QUALIFICATION REQUIREMENTS, members-of-family; restrictions on sons and daughters 1029
RECRUITMENT AND SELECTION:
Competitive examination, certain postmaster positions 6337
Displaced employee program 3931
REDUCTION IN FORCE:
Release from competitive level, notice to employee 1173
Retention standing, effective date 2397
RETIREMENT, exclusions from coverage:
Aliens employed in foreign countries, certain 11209
Temporary employees of D.C. government, students, summer trainees, etc 12383
SECRET SERVICE, career appointments for qualified employees, regulations (Executive Order 11203) 3417
STUDENT TRAINEES IN FEDERAL SERVICE:
Career or career-conditional appointments, regulations (Executive Order 11202) 3185
Positions in cooperative work-study programs, excepted from certain appointment procedures 3349
SUITABILITY, rating actions:
Actions against employees by Commission 11847
Jurisdiction, appointments subject to investigation.. 12661
TEMPORARY AND INDEFINITE EMPLOYMENT:
Displacement of temporary and indefinite employees.. 3931, 4349
Restrictions against nepotism 1029
Schedule A positions:
Encouraging youth to resume or continue education 6765, 7557, 11371, 14591
GS–7 and below to assist scientific or technical personnel 5701
TRAVEL AND TRANSPORTATION EXPENSES; appointees to certain positions where there are manpower shortages 354, 809, 1820, 2110, 3832, 4264, 4645, 6662, 7530, 7727, 8071, 8354, 10122, 10331, 11261, 12427, 16092
VOTING RIGHTS PROGRAM; eligibility list, challenges, removals, etc 9859
Certification and publication of eligibility lists.. 9860, 12393
Dates, times, and places for filing; certain States 9913, 11104, 12393, 14045
Alabama 9913, 10844, 12393, 12680, 14045, 16267
Louisiana 9913, 10844, 12393, 13904, 14319
Mississippi 9913, 10052, 10844, 10967, 11104, 12393, 14045, 17168
South Carolina 14045
Examiners, addresses; certain States:
Alabama 9916
Louisiana 9916
Mississippi 9916
South Carolina 14046
Loss of eligibility, certain States:
Alabama 9916
Louisiana 9916, 11104
Mississippi 9916
South Carolina 14046
Qualification requirements, certain States:
Alabama 9915
Louisiana 9915, 10052, 11104
Mississippi 9915
South Carolina 14046

Civilian-Military Liaison Committee:

ABOLITION (Reorganization Plan No. 4 of 1965) 9353

Claims:

REGULATIONS, etc. *See specific agencies.*

Coal Lands:

CLASSIFICATION. *See* Geological Survey.

Coast and Geodetic Survey:

See also Environmental Science Services Administration.
AUTHORITY DELEGATIONS to officials revoked 14692
CONSOLIDATION with Weather Bureau in Environmental Science Services Administration (Reorganization Plan No. 2 of 1965) 8819

Coast Guard:

AUTHORITY DELEGATIONS from Assistant Secretary of Treasury:
Armed Forces Expeditionary Medal 13171
Contract appeals, final action 2877
Oceanographic research vessels, exemption from certain vessel inspection laws 11735
Pay and allowances; early payment to armed forces members, authorization 13660
Sunken vessels or other obstructions in navigable U.S. waters, marking 13660
BACKFIRE FLAME CONTROL, gasoline engines 10240
BULK CARGOES:
See also Cargo vessels; Dangerous cargoes.
Grain, loading and stowage 11463, 17119
Liquid, foreign vessels 13468
CARGO VESSELS 16970
Applicability of International Convention of Safety of Life at Sea, 1960 11447
Construction, sliding watertight doors 10897
Dangerous bulk cargoes 836, 2026, 2031, 2220, 3222
Lifesaving equipment 834, 2028
Operations 10897
COAST GUARD RESERVE, physical examinations 4415
COAST GUARD VESSELS, special construction:
Day signals 15804
Lights 6434, 15804
DANGEROUS CARGOES:
Bulk cargoes 836, 3031, 2220, 3219, 13468
Barges 3219, 9831
Explosives, transportation or storage on vessels 836, 7437, 11463, 15216, 15325
Ships' stores and supplies on board vessels 11463
ELECTRICAL ENGINEERING 835, 2028, 10899, 11458, 11485, 17036
EQUIPMENT, installations, or materials; approvals and terminations of approvals 2685, 3992, 5046, 7047, 9725, 9831, 13460, 13655
EXPLOSIVES, transportation or storage, etc.. 836, 7437, 11463
FEES AND CHARGES for copying, certifying, or searching records and for duplicate documents 1192
INSPECTED VESSELS, vent systems on tank vessels, decking on passenger vessels, loading grain cargoes, etc.; proposed rules 833
INVESTIGATIONS, HEARINGS, SUSPENSION AND REVOCATION PROCEEDINGS 16617, 17099
LIFE PRESERVERS:
Cork and balsa wood, withdrawal of approvals 8755
General provisions 834, 11417
Specifications 11463, 11581
LIGHTS:
Coast Guard vessels of special construction 6434, 15804
Navigation requirements, vessels on inland waters and Western rivers 832, 6433
LINE-THROWING APPLIANCES, impulse-projected rocket type; temporary suspension cancelled and required drills resumed 5799
LOAD LINES 16730
Passenger vessels 11427
MANNING OF VESSELS, requirements 2028, 10897, 11463
MARINE ENGINEERING 834, 2027, 2031, 10240, 11427, 16772
Installations contracted for prior to July 1, 1935 16867
MERCHANT MARINE OFFICERS AND SEAMEN 16614, 16617
Deck and engineer officers 10896
Motorboat operators 833, 2026, 10896
Seamen:
Certification, proposed rules 2220
Shipment and discharge of 2027
NAUTICAL SCHOOL SHIPS 10903, 11494
NAVIGATION AIDS:
Charges, table 1193
Maritime radiobeacons 1044
Private, Eighth District, New Orleans 9485

Coast Guard—Continued

NAVIGATION REQUIREMENTS:
Inland waters:
Boundary lines, St. Croix Island, Virgin Islands 15150
International rules, interpretative rulings 15150
Lights 832, 6433
Western rivers, lights 832, 6434
NAVIGATION RESTRICTIONS; launchings, etc.:
James River:
America 449
George Washington Carver 9961
USS *Enterprise* 2040, 6277, 7505, 8015
USS *George C. Marshall* 6738
USS *John F. Kennedy* 6660
New London Harbor:
USS *George Bancroft* 3667
USS *Henry L. Stimson* 14331
USS *James K. Polk* 6926
San Francisco Bay:
USS *Kamehameha* 449
USS *Mariano G. Vallejo* 12811
175TH ANNIVERSARY OF FOUNDING (Proclamation 3664) 9855
ORGANIZATION and marine safety functions 16602
Coast Guard Districts:
Second 8749
Third 12882, 15804
Fifth 8750
Eighth 8751
Thirteenth 8751
Recreational boating activities 3441
OVERTIME SERVICES, extra compensation 17117
PASSENGER VESSELS 16890
See also Small passenger vessels.
Applicability of International Convention for Safety of Life at Sea, 1960 11432
Operations 10897
Watertight subdivision 10897
PROCUREMENT REGULATIONS:
Advertising, formal 8519, 13441
Contract clauses 8519, 13441
Forms, report on procurement 13441
General policies:
Contracts with Government employees, small business concerns 13440
Competition 12249
Negotiation 12249, 13441
Special sources, GSA stores depot 13441
RECORDS:
Fees and charges for copying, certifying, or searching records and for duplicate documents 1192
Non-Federal; retention requirements 3151
RECREATIONAL BOATING:
Division established in Office of Operations 3441
Penalties, authority to assess, mitigate, or remit 2798
REGATTAS and marine parades, patrol of 8518
SECURITY OF VESSELS, advance notice of time of arrival to Captain of Port 7314
SMALL PASSENGER VESSELS 10243, 10904, 11494
SPECIFICATIONS:
Construction 11489
Electrical engineering 10899, 11485
Engineering equipment 837, 2031, 10240, 10900, 11139, 11485
Lifesaving equipment 10897, 11463, 11581
Materials 837, 2028, 10903, 11489, 11593
SUSPENSION AND REVOCATION PROCEEDINGS, appeals; temporary documents 6713
TANK VESSELS 16657
Applicability of International Convention for Safety of Life at Sea, 1960 11418
Dangerous bulk cargo 836, 2220, 3220
Operations, safety rules 2220, 3220
UNDOCUMENTED VESSELS, numbering standards:
Renewal of numbers 649
Tennessee system approved 8836
UNINSPECTED VESSELS 10240, 11417, 16602
Motorboats 833, 2219, 6517
VESSEL INSPECTIONS 16604
Authority to assess, mitigate, or remit penalties 2798
Certificates required by International Convention for Safety of Life at Sea, 1960 11415
Forms 10896
Proposed changes, hearing 832
Waiver for certain vessels operated by or chartered to Military Sea Transporation Service 89

Coconuts:

HAWAII, import restriction 2106, 4099

Coffee:

IMPORTS AND EXPORTS, Customs Bureau regulations 8265
PRICES, effect of International Coffee Agreement Act (Determination of May 22, 1965) 7095

Coffee Agreement Act, International:

COFFEE PRICES, effect on (Determination of May 22, 1965) 7095

Coffee Organization, International:

PUBLIC INTERNATIONAL ORGANIZATION entitled to certain privileges, exemptions, and immunities, designation as (Executive Order 11225) 7093
U.S. PARTICIPATION, functions (Executive Order 11229) 7741

Color Additives:

See Food and Drug Administration.

Columbus Day, 1965:

PROCLAMATION 3673 12277

Commerce Department:

See Area Redevelopment Administration.
Business and Defense Services Administration.
Census Bureau.
Coast and Geodetic Survey.
Environmental Science Services Administration.
Great Lakes Pilotage Administration.
International Commerce Bureau.
Maritime Administration.
National Bureau of Standards.
National Shipping Authority.
Patent Office.
Public Roads Bureau.
Weather Bureau.
AMERICAN LUMBER STANDARDS COMMITTEE, reconstitution 727
APPOINTMENTS WITHOUT COMPENSATION and statements of business interests under Defense Production Act of 1950 .... 957, 2223, 2689, 3462, 4001, 4142, 4365, 6125, 6229, 6799, 9603, 10167, 10210, 11698, 12048, 12813, 13586, 13907, 14224.
AUTHORITY DELEGATIONS:
See also Organization and functions.
By Assistant Secretary for Administration:
Associate Director of Coast and Geodetic Survey, et al.; certifications, revocations 14692
Business and Defense Services Administration; functions under Automotive Products Trade Act of 1965 15238
Organization units, procurement authority 6548
By Secretary:
Assistant Secretary and Director of Economic Development; functions of Administrator of Economic Development Administration 14999
Director, National Bureau of Standards; safety standards for seatbelts 5802
BRAKE FLUIDS, HYDRAULIC, specifications; effective date 1250
CHARGES for certifying, searching, and copying services 7245
COMMITTEES, interagency, chaired by Department 9019
CONVENTION FOR SAFETY OF LIFE AT SEA, 1960, functions (Executive Order 11239) 9671
ENVIRONMENTAL SCIENCE SERVICES ADMINISTRATION:
Establishment (Reorganization Plan No. 2 of 1965) 8819
Organization and functions 8819, 9070, 12895, 13100
HYDRAULIC BRAKE FLUIDS, specifications; effective date 1250
INLAND WATERWAYS CORPORATION, revoked 14534
INTERNATIONAL COFFEE ORGANIZATION, functions of Secretary (Executive Order 11229) 7741
NATIONAL DEFENSE EXECUTIVE RESERVE, policies and organization 12957
NONDISCRIMINATION in Federally assisted programs, effectuation of Title VI of Civil Rights Act of 1964 .... 305, 616, 6281, 6503
ORGANIZATION AND FUNCTIONS:
See also Authority delegations.
Assistant Secretary for Administration, gifts and bequests 10062
Assistant Secretary and Director of Economic Development 11892

Commerce Department—Continued Page

ORGANIZATIONS AND FUNCTIONS—Continued
- Assistant Secretary for Domestic and International Business 9887, 11070
- Business and Defense Services Administration 3393
- Census Bureau, Assistant Directors: Administration 9178; Research and Development 9178
- Community Relations Service 8548
- Domestic and International Business, Office of Administration 6280
- Economic Development Administration 11399
- Environmental Science Services Administration 8819, 9070, 12895, 13100
- Inland Waterways Corporation, revoked 14534
- International Commerce Bureau 2041
- Maritime Administration, policy direction by Under Secretary for Transportation 14534
- National Bureau of Standards 1204, 12549
- National Defense Executive Reserve; policies and organization 12957
- Patent Office 11152
- Public Roads Bureau, Office of Administration 3461
- Special Assistant for Equal Opportunity 13471
- State Technical Services Office 15042
- Under Secretary 11001
- Under Secretary for Transportation 7018, 14534, 15042
- United States Travel Service, functions of Auditor 14691
- Weather Bureau 3461

PATENT SYSTEM, PRESIDENT'S COMMISSION ON; functions (Executive Order 11215) 4661

POSITION SCHEDULE SURETY BOND, invitation to bid 15813

PROCUREMENT AUTHORITY, organization units 6548

RECORDS, non-Federal; retention requirements 3111

SEAT BELTS for motor vehicles:
- Authority delegation by Secretary to Director, National Bureau of Standards 5802
- Safety standards 5795, 8432

SHIPPING RESTRICTIONS 9091

STATE TECHNICAL SERVICES OFFICE, general regulations 16211

VOLUNTARY PRODUCT STANDARDS, procedures for development 11390, 15287

Commissions:

See Committees, boards, etc.; Committees, boards, etc., Presidential.

Committees, Boards, etc.:

See also Committees, boards, etc., Presidential.

AGING, ADMINISTRATION ON; advisory committees 13262

AGRICULTURAL STABILIZATION AND CONSERVATION county and community committees. *See* Agriculture Department.

AMERICAN LUMBER STANDARDS COMMITTEE, reconstitution 727

APPALACHIAN REGIONAL COMMISSION, coordination of functions (Executive Order 11209) 3929

ARMY INTEGRATION COMMITTEES, withdrawal of requests to participate 14758

ATOMIC AWARDS BOARD, abolition (Reorganization Plan No. 4 of 1965) 9353

BONNEVILLE POWER ADVISORY BOARD, abolition (Reorganization Plan No. 4 of 1965) 9353

CITIZENS' STAMP ADVISORY COMMITTEE, appointment of members 2824

CIVIL AERONAUTICS BOARD. *See* Civil Aeronautics Board.

CIVILIAN-MILITARY LIAISON COMMITTEE, abolition (Reorganization Plan No. 4 of 1965) 9353

COMMUNICATIONS SATELLITE COMMITTEE, INTERIM; designation as public international organization entitled to certain privileges, exemptions, and immunities (Executive Order 11227) 7369

CONGRESSIONAL COMMITTEES, inspection of tax returns. *See main heading* Taxes.

DEFENSE MEDICAL MATERIEL BOARD, organization and functions 7614

DEPRESSANT AND STIMULANT DRUGS, advisory committees; appointment, procedure, fees 13903

FEDERAL FIRE COUNCIL, organization and functions 11755

FEDERAL LIBRARY COMMITTEE, establishment and functions 8556

FOREIGN ASSISTANCE PROGRAMS, General Advisory Committee on 4642, 12304, 15376

Committees, Boards, etc.—Continued Page

FOREIGN SERVICE BOARD:
- Abolition (Reorganization Plan No. 4 of 1965) 9353
- Temporary reestablishment (Executive Order 11240) 9795

FOREIGN SERVICE BOARD OF EXAMINERS:
- Abolition (Reorganization Plan No. 4 of 1965) 9353
- Temporary reestablishment (Executive Order 11240) 9795

FOREIGN TRADE ZONES BOARD. *See* Foreign Trade Zones Board.

GROUP INSURANCE, ADVISORY COUNCIL ON, abolition (Reorganization Plan No. 4 of 1965) 9353

HORSE RACING INFORMATION, broadcast of; establishment of advisory committee 5538

HOUSING COUNCIL, NATIONAL; abolition (Reorganization Plan No. 4 of 1965) 9353

INSTRUCTIONAL TELEVISION FIXED SERVICE, establishment of committee for full development 13174

INTERAGENCY COMMITTEES chaired by certain agencies:
- Commerce Department 9019
- General Services Administration 6888, 9766

INTERAGENCY TEXTILE ADMINISTRATIVE COMMITTEE. *See* Interagency Textile Administrative Committee.

INTERNATIONAL AVIATION, INTERAGENCY GROUP ON; inquiry respecting proposed convention on damage caused by foreign aircraft on surface 495

INTERNATIONAL MONETARY AND FINANCIAL PROBLEMS, NATIONAL ADVISORY COUNCIL ON:
- Abolition (Reorganization Plan No. 4 of 1965) 9353
- Temporary reestablishment (Executive Order 11238) 9571

INVENTIONS AND CONTRIBUTIONS BOARD, NASA, hearing; United Aircraft Corp 11981

LABORATORY MEDICINE, Interagency Committee on; establishment and functions 13557

LOAN POLICY BOARD, abolition (Reorganization Plan No. 4 of 1965) 9353

MAILERS TECHNICAL ADVISORY COMMITTEE, formation and appointment of members 7764

MARITIME SUBSIDY BOARD:
- Construction-differential subsidy, notice to applicants 9603
- Practice and procedure, Secretarial review of Board actions 345, 9486

NDEA FELLOWSHIP PROGRAMS, Special Review Committee, definitions 13575

NATIONAL CAPITAL PLANNING COMMISSION, improvement of Pennsylvania Avenue, functions (Executive Order 11210) 4051

NATIONAL LABOR RELATIONS BOARD. *See* National Labor Relations Board.

NATIONAL POWER SURVEY REGIONAL ADVISORY COMMITTEES, establishment 6667, 8868

NATIONAL SCIENCE FOUNDATION, divisional committees, abolition (Reorganization Plan No. 5 of 1965) 9355

NATIONAL VOLUNTARY MORTGAGE Credit Extension Committee, organization; revoked 13183

NATURAL GAS ADVISORY COUNCIL; continuance 16286

RADIATION COUNCIL, FEDERAL; disposal of radioactive waste materials (Executive Order 11258) 14483

RAILROAD RETIREMENT BOARD. *See* Railroad Retirement Board.

RENEGOTIATION BOARD. *See* Renegotiation Board.

TIBETAN REFUGEES, INC., American Emergency Committee for; registration as voluntary foreign aid agency 12954

TRADE INFORMATION COMMITTEE:
- Public hearings on articles to be considered for trade agreement concessions (Notice of February 18, 1965) 2301
- Codification in Title 48 CFR 2400
- Written briefs 648

UNITED STATES BOARD OF PAROLE, mental competency proceedings for certain youth offenders and juvenile delinquents 219

Committees, Boards, etc., Presidential:

APPALACHIA, FEDERAL DEVELOPMENT PLANNING COMMITTEE FOR; termination (Executive Order 11209) 3929

ARTS, PRESIDENT'S ADVISORY COUNCIL ON; termination (Executive Order 11208) 3927

Committees, Boards, etc., Presidential—Con. Page

EQUAL EMPLOYMENT OPPORTUNITY, PRESIDENT'S COMMITTEE ON:
- Abolition (Executive Order 11246) 12319
- Annual compliance reports, filing date 2962, 11013
- Authority delegation to Civil Service Commission Chairman respecting discrimination in Government employment 73
- Transfer of functions to Labor Department 13441

EQUAL OPPORTUNITY, PRESIDENT'S COUNCIL ON; abolition (Executive Order 11247) 12327

ESTABLISHMENT:
- Appalachia, Federal Development Committee for (Executive Order 11209) 3929
- Automotive Agreement Adjustment Assistance Board (Executive Order 11254) 13569
- Crime in District of Columbia, President's Commission on (Executive Order 11234) 9049
- Emergency board to investigate labor dispute between Atchison, Topeka and Santa Fe Railway Company, Lines East and West, and employees (Executive Order 11243) 11709
- Equal Opportunity, President's Council on (Executive Order 11197) 1721
- Food and Fiber, National Advisory Commission on (Executive Order 11256) 14137
- Food and Fiber, President's Committee on (Executive Order 11256) 14137
- Law Enforcement and Administration of Justice, President's Commission on (Executive Order 11236) 9349
- Patent System, President's Commission on (Executive Order 11215) 4661
- Pennsylvania Avenue, Temporary Commission on (Executive Order 11210) 4051

FEDERAL STAFF RETIREMENT SYSTEMS, CABINET COMMITTEE ON; membership (Memorandum of February 1, 1965) 1725

LAW ENFORCEMENT AND ADMINISTRATION OF JUSTICE, PRESIDENT'S COMMISSION ON:
- Establishment (Executive Order 11236) 9349
- Executive Secretary, position placed in level IV of Federal Executive Salary Schedule (Executive Order 11262) 15399

PENNSYLVANIA AVENUE, PRESIDENT'S ADVISORY COUNCIL ON; plan for improvement of Pennsylvania Avenue (Executive Order 11210) 4051

RECREATION ADVISORY COUNCIL:
- Membership (Executive Order 11218) 5821
- Recreation user fees, functions (Executive Order 11200) 2645

STATUS OF WOMEN, CITIZENS' ADVISORY COUNCIL ON; membership (Executive Order 11221) 6427

STATUS OF WOMEN, COMMITTEE ON; membership (Executive Order 11221) 6427

Commodity Credit Corporation:

AUTHORITY DELEGATIONS by Executive Vice President to certain officials; export commodity certificates:
- Agricultural Stabilization and Conservation Service 286
- Controller, Treasurer and Assistant Treasurers 849

CASH PAYMENT, wheat flour exports (GR–346) 6771, 6976, 15319

CONTRACT DISPUTES BOARD, rules; scope and purpose, etc 8457

COOPERATIVE MARKETING ASSOCIATIONS, eligibility requirements for price support 6907, 7037, 9260, 14915

1965 crop 9877

DOMESTIC ALLOTMENT PROGRAM, upland cotton, 1965 2592, 6748

EQUALIZATION PROGRAM, cotton; payment-in-kind:
- Upland; 1964–68, 8825, 12384.
- Waste cotton, spinnable, 4410.

EXPORTS:
- Cash payment, wheat flour (GR–346) 6771, 6976, 15319
- Commodity certificates, tobacco, redemption 644, 6639
- Credit sales program 2129, 4056, 6249, 10942, 11133, 12067
- Payment-in-kind:
  - Dairy products, terms and conditions, 6910.
  - Feed grain (GR–368), 2784, 3515.
  - Flaxseed (PS–GR–4), 1178, 4532.
  - Linseed oil (PS–GR–4), 1178, 4532.

Commodity Credit Corporation—Continued Page

EXPORTS—Continued
- Payment-in-kind—Continued
  - Rice (GR–369), 778.
  - Wheat (GR–345), 532, 4531, 8898.
- Payment rates-by-contracts:
  - Dairy products, liquidated damages, 4314.

FEED GRAIN PROGRAMS:
- Emergency program, livestock 2854, 6909
- Export payment-in-kind program (GR–368) 2784, 3515
- Payment-in-kind regulations, 1965; price support and diversion 1247

GENERAL POLICIES; setoff, withholding and stop payment 8094

JUTE BAGGING AND BALE TIES used in wrapping cotton; proposed specifications 2805

LOAN PROGRAMS:
- Cotton:
  - 1964 crop, 8906.
  - 1965 and subsequent crops, 8096, 8451, 8673, 9800, 9904, 13777, 15795, 16257.
- Tobacco:
  - Administration, 14273.
  - Burley, dark air-cured, cigar filler and binder, flue-cured, Virginia fire-cured and sun-cured, and Maryland tobacco, 9533.
    - 1964 crop, 2651.
    - 1965 crop, 8512, 11501, 14524.
  - Connecticut Valley, 1965 crop:
    - Broadleaf, 15362.
    - Havana seed, 15362.
  - Kentucky-Tennessee fire-cured, 9533.
    - 1965 crop, 14524.
  - New York and Pennsylvania Havana seed, 1965 crop, 15362.
  - Northern Wisconsin, 1965 crop, 15362.
  - Ohio filler, 1965 crop, 15362.
  - Puerto Rican, 9533.
    - 1964 crop, 2651.
  - Southern Wisconsin, 1965 crop, 15362.
- Tung oil:
  - 1965 crop, 12835.

LOAN AND PURCHASE PROGRAMS:
- 1964 crops:
  - Barley, 4606, 5702, 6681.
  - Beans, dry edible, 5762.
  - Flaxseed, 918, 4608.
  - Rye, 4667.
  - Tung oil, 13011.
  - Wheat, 4666.
- 1965 crops:
  - Barley, 7811, 10936, 11272.
  - Beans, dry edible, 7988.
  - Corn, 10836, 14361, 15033.
  - Cotton, 14361.
  - Flaxseed, 8823, 10835, 15033.
  - Grain sorghum, 7991, 10940, 13226.
  - Oats, 3195, 8673.
  - Peanuts, 10839.
  - Rice, 4529.
  - Rye, 6511, 9260.
  - Soybeans, 11686, 12067.
  - Wheat, 7475, 11207, 12117, 12118.
- Warehouses, Federally licensed; approval standards 4193, 9759, 11315, 14100, 14271

PAYMENT-IN-KIND:
- Exports:
  - Dairy products, terms and conditions, 6910.
  - Feed grain (GR–368), 2784, 3515.
  - Flaxseed (PS–GR–4), 1178, 4532.
  - Linseed oil (PS–GR–4), 1178, 4532.
  - Rice (GR–369), 778.
  - Wheat (GR–345), 532, 4531, 8898.
- Feed grain program, 1965; price-support and diversion 1247

PAYMENT PROGRAMS:
- Mohair, 4056, 6383, 9801.
- Wool, 1250, 4056, 6383, 9801.

PAYMENT RATES-BY-CONTRACTS; exports:
- Dairy products, liquidated damages, 4314.

PRICE-SUPPORT PROGRAMS:
- Participation in pools of CCC price-support loans:
  - Commercial banks 7814, 14310, 15582
  - Financial institutions 7814, 14310, 15582

Commodity Credit Corporation—Continued Page
PRICE-SUPPORT PROGRAMS—Continued
Sales of certain commodities acquired through price-support operations; monthly sales lists for 1965:
January, 721.
February, 2036.
March, 3787.
April, 5391.
May, 6693.
June, 7965.
July, 9014, 9886.
August, 10205.
September, 12043.
October, 13268.
November, 14112.
December, 16163.
Various commodities:
Barley, 848, 4750, 9088, 9677, 14310, 15032, 15562.
Beans, dry edible, 848, 4750, 5763, 9088, 9677, 14310, 15032, 15562.
Butterfat, 4351.
Corn, 848, 4750, 9088, 9677, 14310, 15032, 15562.
Cotton, 7196, 7814, 14310, 15562.
Feed grain, 1247.
Flaxseed, 848, 4750, 9088, 9677, 14310, 15032, 15562.
Grain sorghum, 848, 4750, 9088, 9677, 14310, 15032, 15562.
Grains, 848, 4750, 5763, 9088, 9677, 14310, 15032, 15562.
Honey, 7097, 14310, 15032, 15562.
Milk, 4351.
Naval stores, gum, 5573, 7948.
Oats, 848, 4750, 9088, 9677, 14310, 15032, 15562.
Peanuts, 8401, 14310, 15032, 15562.
Rice, 848, 4750, 9088, 9677, 14310, 15032, 15562.
Rye, 848, 4750, 9088, 9677, 14310, 15032, 15562.
Soybeans, 848, 4750, 9088, 9677, 14310, 15032, 15562.
Tung oil, 848, 13100, 14310, 15032, 15562.
Wheat, 848, 4750, 9088, 9677, 14310, 15032, 15562.
PURCHASE PROGRAMS:
Cottonseed oil and meal, 1965 crop, 9214, 9674, 10840.
Flaxseed, Texas, 1965 crop, 6336.
RECORDS, non-Federal; retention requirements 3109
RESEAL LOAN PROGRAMS; 1965 and subsequent storage periods:
Barley, 2852, 10023, 10838, 13357.
Beans, dry edible, 2852, 10023, 13357.
Corn, 2852, 10023, 10838, 13357.
Flaxseed, 2852, 10023, 13357.
Grain sorghum, 2852, 10023, 10838, 13357.
Grains, 2852, 10023, 10838, 13357.
Oats, 2852, 10023, 10838, 13357.
Rice, 2852, 10023, 13357.
Rye, 2852, 10023, 13357.
Soybeans, 2852, 10023, 13357.
Wheat, 2852, 10023, 10838, 13357.
WAREHOUSES, Federally licensed:
Standards for approval 4193, 9759, 11315, 14100, 14271
Storage loan, 1965 crop, peanuts 8401, 15736

Commodity Exchange Authority:
COMMODITY EXCHANGE ACT:
Record keeping, controlled accounts 13076, 15210
Warehouses, information required 2258
GRAIN CONTRACT MARKET, wheat and barley; name of San Francisco Grain Exchange changed to Northern California Grain Exchange 8547, 8548
RECORDS, non-Federal; retention requirements 3110
REPORTS:
By futures commission merchants and foreign brokers; place and time of filing 14073
By merchants, processors, and dealers; general provisions, potatoes and products 1191
By traders; maintenance of books and records 6941

Communications Satellite Act of 1962:
ADMINISTRATION (Executive Order 11191) 29

Communications Satellite Committee, Interim:
PUBLIC INTERNATIONAL ORGANIZATION entitled to certain privileges, exemptions, and immunities, designation (Executive Order 11227) 7369

Communications Satellite Corporation:
FUNCTIONS RESPECTING (Executive Order 11191) 29

Communications Satellite System: Page
See also Federal Communications Commission.
DEVELOPMENT AND OPERATION (Executive Order 11191) 29

Communist Propaganda:
MAIL IMPORTATIONS, restrictions revoked:
Authority delegation 17174
Regulation 17164

Community Relations Service:
ORGANIZATION AND FUNCTIONS 6548

Compensation:
See Pay, compensation, etc.

Comptroller of Currency:
CAPITAL STOCK, ownership reports:
Change of control by national banks, proposed rules 3764
Scope and application 6160
CAPITAL STRUCTURE, changes in; capital debentures 10982
DIRECTORS:
Appointment 10981
Nomination, required notification 6074, 7275
EMPLOYEE STOCK OPTION and stock purchase plans 130, 10981
FEES, assessment, national and District of Columbia banks; filing fees for certain applications 4462, 5742, 12282, 12535
INSURED BANKS; joint calls for reports of condition 453, 6227, 6736, 13473
INTERPRETATIONS, appointment of directors 10981
INVESTMENT SECURITIES; eligibility of specific bond issues for purchase by national banks:
Federal National Mortgage Association participation certificates, 7371.
Illinois Building Authority bonds, 8328.
Kansas, State of, Board of Regents revenue bonds, 2651.
Mobile County, Ala., Board of School Commissioners Capital Outlay school warrants, 3856.
New York State Housing Finance Agency, general housing loan bonds, 14043.
Port of New York Authority, consolidated bonds, 14043.
LOANS made by national banks secured by obligations of United States 14365
PROXIES, solicitation of; examination of proxy statements, special provisions applicable to election contests 222, 2308
RECORDS, non-Federal; retention requirements 3128

Conduct Standards:
AIR FORCE DEPARTMENT 574, 1041
ATOMIC ENERGY COMMISSION, exception in connection with biomedical program 3275
CIVIL SERVICE regulations:
Executive Order 11222 6469
Implementation of Executive order 12529
CONSUMER AND MARKETING SERVICE, employee purchases 16167
EXECUTIVE ORDER 11222 6469
HEALTH, EDUCATION, AND WELFARE employees, exemption of ownership of shares in certain mutual funds 12131
JUSTICE DEPARTMENT officers and employees 7599, 17202
NATIONAL DEFENSE EXECUTIVE RESERVE 1939
SMALL BUSINESS INVESTMENT COMPANIES 534
WITHOUT COMPENSATION EMPLOYEES, statements of financial interests. *See* Commerce Department; Interior Department; Interstate Commerce Commission.

Conflict of Interest:
See Conduct standards.

Congressional Committees:
INSPECTION OF TAX RETURNS. *See* Taxes.

Connally Act Regulations:
ENFORCEMENT, limitation 1041

Conservation:
AGRICULTURAL PROGRAMS. *See* Agriculture Department.
AWARD, Secretary of Defense 14907

Constitution Week, Citizenship Day and, 1965: Page
PROCLAMATION 3659 8383

Construction Contracts:
NONDISCRIMINATION in employment under contracts involving Federal aid (Executive Order 11246) 13319
PROCUREMENT REGULATIONS. *See specific agencies.*

Consultants, Advisers, and Other Special Government Employees:
ETHICAL STANDARDS OF CONDUCT (Executive Order 11222) 6469

Containers, Food:
STANDARDS FOR CONDITION, proposed rules 15424

Continental Shelf, Outer:
SOUTHERN CALIFORNIA, twinning of existing core holes 14174
TEXAS, sulphur leasing 6496, 12545, 13240

Contracts, Government:
See also Procurement.
EMPLOYMENT UNDER, nondiscrimination (Executive Order 11246) 12319
FEDERALLY-OWNED OUTDOOR RECREATION AREAS, contracts respecting non-Federal management of (Executive Order 11200) 2645
FOREIGN ASSISTANCE ACT OF 1961, contracts made under (Executive Order 11223) 8635
FOREIGN ASSISTANCE FUNDS, contracts financed from; loyalty and security investigations for persons serving under 15558
HOUSING LOANS, functions of Housing and Home Finance Administrator (Executive Order 11196) 1171
LABOR STANDARDS:
Federal service contracts 15595
Federally financed and assisted construction 7819, 13136, 14621
WATER POLLUTION CONTROL STANDARDS (Executive Order 11258) 14483

Convention for Safety of Life at Sea, 1960:
COAST GUARD regulations 11415
ENFORCEMENT (Executive Order 11239) 9671

Copyright Office:
FEES 13915, 14618

Corn:
CROP INSURANCE. *See* Federal Crop Insurance Corporation.
LOAN AND PURCHASE PROGRAMS, price support, etc. *See* Commodity Credit Corporation.
STANDARDS OF IDENTITY, canned corn; optional ingredient 651, 13749
WAREHOUSES, Federally licensed; storage, etc. *See* Agriculture Department.

Corn Meal:
STANDARDS OF IDENTITY, optional ingredients 746, 4130

Corset and Brassiere Industry:
FIBER OR MATERIAL CONTENT, identification; revoked 790
MINIMUM WAGE ORDER, Puerto Rico 220

Cotton:
ALLOTMENT, EQUALIZATION, etc. *See* Agriculture Department.
CROP INSURANCE. *See* Federal Crop Insurance Corporation.
EXPORT MARKET ACREAGE, upland cotton. *See* Agriculture Department.
LOAN PROGRAMS. *See* Commodity Credit Corporation.
MARKETING QUOTAS, acreage allotments. *See* Agriculture Department.
PRICE-SUPPORT PROGRAMS. *See* Commodity Credit Corporation.
RECORD RETENTION REQUIREMENTS 3107, 3110
STANDARDS. *See* Agriculture Department.
STORAGE in Federally-licensed warehouses. *See* Agriculture Department.

Cotton—Continued Page
SURPLUS SUPPLY, extra long staple, available for export, 1965–66 marketing year 8495
WRAPPING COTTON, jute bagging and bale ties; proposed specifications 2805

Cotton Textiles:
EXPORT RESTRAINTS, IMPORT RESTRICTIONS. *See* Interagency Textile Administrative Committee.
SPECIAL REPRESENTATIVE FOR TRADE NEGOTIATIONS, functions (Executive Order 11214) 4527

Cottonseed:
PRICE-SUPPORT, record retention requirements 3109, 3110
WAREHOUSES, Federally licensed, storage in, etc. *See* Agriculture Department.

Cottonseed Oil and Meal:
PURCHASE PROGRAM, 1965 9214, 9674, 10840

Councils:
See Committees, boards, etc.; Committees, boards, etc., Presidential.

Cranberries:
MARKETING. *See* Agriculture Department.

Crime Prevention and Control:
PRESIDENT'S COMMISSION ON CRIME IN DISTRICT OF COLUMBIA, establishment (Executive Order 11234) 9049
PRESIDENT'S COMMISSION ON LAW ENFORCEMENT AND ADMINISTRATION OF JUSTICE, establishment (Executive Order 11236) 9349

Crop Insurance:
See Federal Crop Insurance Corporation.

Crusade for Safety Day:
PROCLAMATION 3690 14481

Cuba:
ASSETS CONTROL REGULATIONS 12812, 15371
CLAIMS against Cuban government 13869, 13890
GENERAL SERVICES ADMINISTRATION POLICY, nonuse of foreign-flag vessels engaged in Cuban trade 2211
IMMIGRATION OFFICERS, Havana, regulations deleted 2112
PARCEL POST RESTRICTIONS 4537
REFUGEES, civil service appointment to excepted positions 4663
VESSELS, free world and Polish flag, arriving since January 1, 1963. *See* Maritime Administration.

Currants, Dried:
STANDARDS for grades 8905, 11595

Customs Bureau:
AIR COMMERCE REGULATIONS:
Malone, N.Y., Malone-Dufort Airport; revocation of designation as international airport 3593
Manifests in foreign language 9006
ANTIDUMPING ACT, 1921:
Commissioner's determinations; various imports:
Azobisformamide; Japan, 7187.
Bicycles; Poland, 1011.
Brake drums; Canada, 4692.
Cast iron soil pipe; Poland, 15106.
Cement; Japan, 12307.
Fur felt hat bodies; Czechoslovakia, 7725.
Galvanized ware; Canada, 65.
Office machine spools; West Germany, 2877.
Perchlorocthylene solvent; France, 3358, 5862.
Shoes:
Czechoslovakia, 7293.
Poland, 10999.
Rumania, 7293, 10349, 10999.
Solar salt, bulk, crude, undried; Mexico, 11532.
Steel jacks; Canada, 6123, 6445, 11532.
Steel welded wire mesh; Italy, 3992, 12262.
Titanium dioxide; West Germany, 6196.
Velvet floor coverings; Great Britain, 3358.
Vinyl asbestos floor tile; Canada, 7614, 11152, 11260.
Wall tile; Japan, 16272.
Secretary of Treasury determinations. *See main heading* Treasury Department.

Customs Bureau—Continued Page

APPRAISEMENT:
Footwear subject to American selling price, proposed interpretation of "like or similar" merchandise... 10328
Steel strapping, certain, shipped from Canada; statement of views... 1128
ARTICLES CONDITIONALLY FREE, subject to reduced rate, etc.:
Antiques, ports of entry... 6145
Automotive vehicles and articles used as original equipment, duty-free status... 14369
Carpet wool and camel's hair bond, certification of form regarding... 14782
Free entry:
Foreign military personnel and their immediate families, articles for use of... 11317
Government personnel, certain, alcoholic beverages, amount allowed; proposed rule... 11723
International traffic, clearance of serially numbered substantial holders or outer containers... 11760, 15143
Returning residents:
Baggage... 13655
Personal exemptions... 11851
Theatrical effects, motion-picture films, and commercial travelers' samples; procedure... 7819
AUTHORITY DELEGATIONS:
See also Organization and functions.
From Assistant Secretary of Treasury to Commissioner, Communist political propaganda mail; revoked... 17174
BAGGAGE accompanying returning residents, policy; precleared articles, automobiles, etc... 13655
BONDS:
Customs, nonproduction of documents; certificates of origin and reexport excepted... 8266
Missing documents, production of; proposed rules... 13786
CANADA:
Antidumping Act, determinations. *See under* Antidumping Act.
Appraisement, steel strapping, certain... 1128
Motor vehicles and parts:
Suspected bounty or grant... 764, 5534, 5710, 6958
Temporary instructions for processing entries pursuant to United States-Canadian agreement... 1060
COMMUNIST POLITICAL PROPAGANDA:
Authority delegation from Assistant Secretary of Treasury to Commissioner; revoked... 17174
Mail matter, customs examinations halted... 17164
CUSTOMHOUSE BROKERS; licenses in reorganized customs districts... 12689
CUSTOMS COLLECTION districts and ports:
No. 4, Boston; extension of limits... 12680
No. 9, Buffalo; consolidation of Buffalo and Niagara Falls, N.Y... 9597, 13574
No. 19, Mobile; Pascagoula, Miss., extension of limits... 344
No. 27, Los Angeles; change of name to Los Angeles-Long Beach... 4411
No. 31, Alaska, Wrangell; extension of limits... 7569
No. 32, Hawaii, Port Allen; change of name to Nawiliwili-Port Allen and extension of limits... 7704
DRAWBACK, allowance on certain petroleum products... 7756, 12280
DUTY-FREE IMPORTATIONS:
Foreign military personnel and their immediate families, articles for use of... 11317
Government personnel, alcoholic beverages, amount allowed; proposed rule... 11723
ENTRY OF IMPORTED MERCHANDISE:
Entry required, exceptions; personal exemptions accorded returning residents... 11851
Immediate delivery; application, entry, procedure... 3593
Invoices:
Additional information required, watch movements... 3459, 3849, 11102
Form 5515, revised... 2616, 5862
Linen and cotton fabrics, details... 13006
Reduction of period allowed for production; proposed rules... 13786
EXAMINATION, MEASUREMENT, AND TESTING:
Brix values of unconcentrated natural fruit juices, proposed rule... 13324
Importations in bulk, fluorspar imported in railroad cars; method of analyzing... 2952, 7108, 9961
Petroleum and petroleum products; proposed rule... 3385, 6686

Customs Bureau—Continued Page

FEES:
Navigation... 574
Storage charges... 2317, 5580, 5900
FINANCIAL AND ACCOUNTING PROCEDURE:
Alcoholic beverages, optional method for payment of estimated import taxes... 13350
Charges for storage, fee increases... 2317, 5580, 5900
Claims, setoff... 4671
FISH, tariff-rate quota, 1965:
Cod, haddock, etc... 2223
Tuna... 5799
FLUORSPAR imported in railroad cars, change in method of sampling for analysis... 2952, 7108, 9961
FOOTWEAR subject to American selling price, appraisement; proposed interpretation of "like or similar" merchandise... 10328
FOREIGN CURRENCY:
Luxembourg franc, conversion... 574
Philippine peso, rates of exchange... 6196
INTERNATIONAL COFFEE AGREEMENT ACT of 1965, imports and exports under... 8265
LIABILITY FOR DUTY. *See* Entry of imported merchandise, *above*.
LIQUIDATION OF DUTIES:
Conversion of currency; Luxembourg franc... 574
Countervailing duties; sugar content of certain articles from Australia... 2399, 9596
MAIL IMPORTATIONS:
Communist political propaganda, deleted... 17164
Personal exemptions accorded returning residents... 11851
ORGANIZATION AND FUNCTIONS:
See also Authority delegations.
District directors and regional commissioners:
Authority delegation by Commissioner; transfer of certain functions, etc... 11180
Distribution of functions... 13790
Officers, customs; authority due to reorganization... 14317
Reorganization of certain districts, offices, etc... 10913
Reorganization Plan No. 1 of 1965... 7035
PACKING AND STAMPING, marking, etc.:
Fee increases... 2317, 5580
Trade name, tentative recordation of; Panon-Masco... 5608
PETROLEUM:
Drawback allowance on certain products... 7756, 12280
Examination, measurement, etc., bulk imports; proposed rule... 3385, 6686
PHILIPPINE ISLANDS:
Handkerchiefs produced in, not "Philippine articles"; proposed tariff classification... 8231
Peso, rates of exchange... 6196
POTATOES, white or Irish, other than certified seed; tariff-rate quota for year beginning September 15, 1965... 12645
PROTESTS AND REAPPRAISEMENTS; appeals, numbers of copies to be filed... 11853
RECORDS, non-Federal; retention requirements... 3128
REORGANIZATION PLAN NO. 1 OF 1965, abolition of certain offices and transfer of functions... 7035
RETURNING RESIDENTS:
Accompanying baggage... 13655
Personal exemptions... 11851
TARIFF CLASSIFICATION:
Electric desk lamps; proposed... 2287
Handkerchiefs produced in Philippines not "Philippine articles"; proposed... 8231
Standard newsprint paper... 896
TARIFF-RATE QUOTA, 1965:
Fish, certain:
Cod, haddock, etc... 2223
Tuna... 5799
Potatoes, white or Irish, other than certified seed... 12645
TRANSPORTATION IN BOND and merchandise in transit:
Entry procedure, forwarding... 9011
Labeling packages, warning cards... 1845
UNCLAIMED AND ABANDONED MERCHANDISE:
Disposition of; sale, proposed rule... 1196
Personal exemptions accorded returning residents... 11853
VESSELS:
Documentation:
Exchange of documents; surrender of marine documents, requirements for approval by Maritime Administration... 573

Customs Bureau—Continued Page

VESSELS—Continued
Documentation—Continued
Qualification as U.S. citizens:
Louis Dreyfus Corp., 9961.
Louisiana Development Co., Inc., 13880.
Shell Oil Co., 9114.
Yacht privileges and obligations... 574
In foreign and domestic trades:
Arrival and entry, inward foreign manifest... 9006
Navigation fees... 574
Tonnage tax and light money; exemptions from special taxes, additions:
Bulgaria... 14411
Indonesia... 9006
Monaco... 7598
Measurement:
Adjustment and correction of tonnage... 5419
Deductions from gross tonnage, marking... 6116
Open shelter deck space... 3593
Open superstructure on or above uppper deck... 3593
WAREHOUSES, and control of merchandise, therein; application to bond, etc., fee increases... 2317, 5580

D

Dairy Products:
See Milk and milk products.

Danger and Restricted Areas:
AIRCRAFT restricted areas over military installations. *See* Federal Aviation Agency.
VESSELS, danger zones. *See* Engineers Corps.

Dangerous Cargoes:
EXPLOSIVES, GASOLINE, etc. *See* Coast Guard; Federal Aviation Agency; Interstate Commerce Commission.

Dates:
MARKETING, imports, etc. *See* Agriculture Department.

Deaths, Display of U.S. Flag at Half-Staff:
CHURCHILL, WINSTON SPENCER (Executive Order 11193)... 821
STEVENSON, ADLAI E. (Executive Order 11233)... 8953

Decorations, Medals, and Awards:
AIR FORCE DEPARTMENT... 705, 1043, 2581, 6344
ARMED FORCES EXPEDITIONARY MEDAL awarded to Coast Guard military members, authority delegation from Assistant Secretary of Treasury to Coast Guard Commandant... 13171
CERTIFICATE OF MERIT, award to Government contractors (Executive Order 11246)... 12319
FEDERAL EMPLOYEES, delegation of functions (Executive Order 11228)... 7739
SECRETARY OF DEFENSE CONSERVATION AWARD... 14907
VIETNAM SERVICE MEDAL:
Description and precedence, eligibility requirements, etc... 12941
Establishment (Executive Order 11231)... 8665

Defense Department:
See Air Force Department.
Army Department.
Navy Department.
ALABAMA CIVIL RIGHTS MARCH, authority of Secretary (Executive Order 11207)... 3743
ASSISTANT TO SECRETARY (LEGISLATIVE AFFAIRS), position placed in level V of Federal Executive Salary Schedule (Executive Order 11262)... 15399
AUTHORITY DELEGATIONS:
By Deputy Secretary to certain officials:
Assistant Secretary (Systems Analysis); review quantitative requirements, etc... 13470
Secretaries of Army, Air Force, Navy, et al; nonfeasibility of using foreign currency to make payments under certain contracts... 14279
By Secretary to Secretaries of Air Force, Army, and Navy, et al.:
Claims... 7615, 8547, 11532
Classified information... 11533
Foreign currency, nonfeasibility of using to make payments under certain contracts... 14279
Safeguarding industrial facilities... 11532

Defense Department—Continued Page

AUTHORITY DELEGATIONS—Continued
From General Services Administrator, representation of executive agencies:
California Public Utilities Commission... 13754
Florida Public Utilities Commission... 1894, 2007
CIVIL DEFENSE:
Employment of military resources in natural disaster emergencies within United States, its territories and possessions... 15659
Military support... 4753
CLAIMS, authority delegations to Secretaries of Army, Air Force, and Navy... 7615, 8547, 11532
COMMERCIAL AFFAIRS of servicemen, protection of interests... 12673
CREDIT UNIONS serving Defense Department personnel... 14902
DEFENSE CONTRACT AUDIT AGENCY, organization and functions... 8278
DEFENSE CONTRACT FINANCING:
Advance payments... 1978
Depreciation on emergency facilities, policy statement; discontinued... 11677
Guaranteed loans... 6161
Incentive-type and price determination-type contracts; discontinued... 11677
Progress payments based on costs... 1978, 6161
DEFENSE INDUSTRY BULLETIN, preparing and reporting information; instructions, etc... 13790
DEFENSE MEDICAL MATERIEL BOARD, organization and functions... 7614
DISASTERS, employment of military resources... 15659
EMPLOYEE ORGANIZATIONS, voluntary allotments for payment of dues... 9157
EXEMPTION OF CERTAIN PERSONNEL from operation of sections 281, 283, 284, 434, and 1914 of Title 18, United States Code; regulations discontinued... 12391
FEES:
Copying, certification, and search of records... 7997
Recreation user fees (Executive Order 11200)... 2645
MILITARY TRAFFIC:
Commercial contract and charter air transportation, regulations discontinued... 12391
Land transportation, and common-user ocean terminals; single manager assignment to Secretary of Army... 10252
Military Air Transport Service or other aircraft, regulations deleted... 6682
NATURAL DISASTER EMERGENCIES within United States, its territories and possessions; employment of military resources... 15659
NATURAL RESOURCES:
Conservation and management... 14908
Fish and wildlife management... 14903
Forest management... 14905
Secretary of Defense Conservation Award... 14907
Soil and water management... 14906
NATURALIZATION, alien spouses and/or alien adopted children of military and civilian personnel ordered overseas... 8518
NONDISCRIMINATION in Federally assisted programs; effectuation of Title VI of Civil Rights Act of 1964, correction... 133
ORGANIZATION AND FUNCTIONS:
Defense Contract Audit Agency... 8278
Defense Medical Materiel Board... 7614
ORIGIN PROCUREMENT INSPECTION of subsistence; regulations discontinued... 11677
PHYSICIANS' APPOINTMENT and residency consideration program, armed forces... 12639
PRINCIPAL DEPUTY ASSISTANT SECRETARY OF DEFENSE, position placed in level V of Federal Executive Salary Schedule (Executive Order 11248)... 12999
PRINCIPAL DEPUTY DIRECTOR OF DEFENSE RESEARCH AND ENGINEERING, position placed in level IV of Federal Executive Salary Schedule (Executive Order 11248)... 12999
PROCUREMENT REGULATIONS:
Advertising, formal... 1732, 5969, 6967, 12001, 14889
Appendix K, pre-award survey procedures... 12021
Bonds, insurance, and indemnification... 1743, 12005, 14897
Construction and contracting for architect-engineer services... 6019
Contracts:
Clauses... 1735, 5986, 6968, 12005, 12821, 14893
Cost principles and procedures... 6013, 6973, 12011
Termination... 1742, 5998

Defense Department—Continued

PROCUREMENT REGULATIONS—Continued
- Extraordinary contractual actions to facilitate national defense — 6019
- Foreign purchases — 1735, 5986, 12005
- Forms — 6013, 12021, 14902
- General provisions — 1729, 5959, 6965, 11997, 14887
- Government property — 1744, 6013, 6973, 12008
- Interdepartmental and coordinated — 5985, 6968, 12004
- Labor — 6003, 12008, 14901
- Negotiation — 1733, 5971, 6967, 12001, 14889
- Patents, data, and copyrights — 1743, 6003, 6968, 12005
- Special types and methods — 1733, 5985, 12001, 14892
- Subsistence, origin inspection by Agriculture Department; regulations discontinued — 11677
- Taxes; matters requiring special consideration — 1744

PROVISIONING SCREENING — 14256
RECORDS, non-Federal; retention requirements — 3114
RECREATION USER FEES for areas under jurisdiction, functions (Executive Order 11200) — 2645
RESERVE FORCES:
- Ready reserve, screening — 1284
- Reserve Officers' Training Corps:
  - Senior, retainer pay and commutation in lieu of uniforms for enrolled members of — 5792
  - Staff members, acceptance of payments or other benefits offered by educational institutions — 11918
- Uniform training categories and pay groups — 6942

SECURITY:
- Certification for access to scientific and technical information — 13008
- Classified information — 11533
- Safeguarding of industrial facilities — 11532

TRANSPORTATION. *See* Military traffic.
VIETNAM SERVICE MEDAL — 12941
WASHINGTON, D.C. area personnel, housing assistance — 14332

Defense Transportation Day, National, 1965:
PROCLAMATION 3638 — 2639

Defensive Sea Area:
NORTH CAROLINA, discontinuance of defensive sea area off coast (Executive Order 11199) — 2579

Delaware River Basin Commission:
ADMINISTRATIVE MANUAL, proposed amendment; hearing — 3724
COMPREHENSIVE PLAN, hearings — 720, 3724, 9280, 11261, 12500, 14446
EMERGENCY WATER SUPPLY:
- Hearing — 8421
- Resolutions and conservation order — 9553

EXPENSES AND CAPITAL BUDGETS, hearing — 11261
WATER RESOURCES PROJECTS, additions; hearings — 5649, 6365, 7848
WATER SUPPLY POLICY, hearing — 166

Delegations of Authority by the President:
AGENCY AND DEPARTMENT HEADS, ethical standards of conduct (Executive Order 11222) — 6469
AUTOMOTIVE AGREEMENT ADJUSTMENT ASSISTANCE BOARD (Executive Order 11254) — 13569
BUDGET BUREAU, DIRECTOR (Executive Order 11230) — 8447
CIVIL SERVICE COMMISSION (Executive Orders 11222, 11228, 11257) — 6469, 7739, 14353
HOUSING AND HOME FINANCE ADMINISTRATOR (Executive Order 11196) — 1171
SECRETARY OF AGRICULTURE (Executive Order 11229) — 7741
SECRETARY OF COMMERCE (Executive Order 11229) — 7741
SECRETARY OF DEFENSE (Executive Order 11207) — 3743
SECRETARY OF LABOR (Executive Order 11229) — 7741
SECRETARY OF STATE (Executive Orders 11191, 11229, 11250) — 29, 7741, 13003
SECRETARY OF TREASURY (Executive Order 11229) — 7741
TELECOMMUNICATIONS MANAGEMENT, DIRECTOR OF (Executive Order 11191) — 29
UNITED STATES INFORMATION AGENCY, DIRECTOR (Executive Order 11261) — 15397

Disaster Areas:
FEDERAL ASSISTANCE. *See* Agriculture Department; Emergency Planning Office; Small Business Administration.

Disaster Areas—Continued
LIVESTOCK FEED, transportation to certain areas at reduced rates:
- Louisiana — 13669
- North Dakota — 182
- Pennsylvania — 11259

LOUISIANA, fishery failure due to resource disaster — 15177
MILITARY ASSISTANCE, Defense Department regulations — 15650

Discrimination:
See also Nondiscrimination.
GOVERNMENT EMPLOYMENT, handling of complaints; authority delegation to Civil Service Commission from President's Committee on Equal Employment Opportunity — 73
VESSELS, UNITED STATES, foreign discrimination:
- Monaco, discontinuation of taxes and imposts on vessels of — 15770
- Uruguayan trade, effective date postponed — 35

District of Columbia, President's Commission on Crime in:
ESTABLISHMENT (Executive Order 11234) — 9049

Dogs:
GOVERNMENT-OWNED ANIMALS, prevention and control of communicable diseases — 830
PET FOOD, canned; composition of certified products for dogs, cats, etc — 10284
SENTRY DOGS for protection of surplus real property, GSA property management regulations — 11281
SENTRY/SCOUT DOGS, Air Force Department regulations — 15662

Dominican Republic:
BROADCAST STATIONS — 4772

Donations:
See Gifts.

Dressings for Food:
IDENTITY STANDARDS, etc. *See* French dressing; Salad dressing.

Drugs:
ANIMAL FEED, drug additives. *See* Food and Drug Administration.
ANTI-HOG-CHOLERA SERUM. *See* Agriculture Department.
CERTIFICATION, TESTS, etc. *See* Food and Drug Administration.
DEPRESSANTS AND STIMULANTS, advisory committees; appointment, procedure, fees — 13903
NARCOTIC DRUGS:
- Regulations. *See* Narcotics Bureau.
- Veterans Administration, authority delegation respecting procurement — 2212

Dumping Grounds:
See Engineers Corps.

E

Eagles:
DEPREDATING GOLDEN EAGLES, taking to protect livestock. *See* Fish and Wildlife Service.

Economic Development Administration:
ESTABLISHMENT, organization and functions — 11399

Economic Opportunity Office:
ASSISTANT DIRECTOR (Program Planning, Analysis, and Research), position placed in level V of Federal Executive Salary Schedule (Executive Order 11195) — 1169
GRANTS:
- Adult basic education programs — 3531
- Community action programs, grants exceeding 90 percent of program costs — 3881

NONDISCRIMINATION in Federally-assisted programs, effectuation of Title VI of Civil Rights Act of 1964 — 325

Economic Poisons:
See Insecticides.

Education and Educational Facilities:
See also Education Office.
ATOMIC ENERGY COMMISSION procurement regulations, Washington-designated research and development contracts with educational institutions; reports — 15096

Education and Educational Facilities—Con.
CIVIL SERVICE, educational requirements for certain positions. *See* Civil Service Commission.
ELECTROMAGNETIC MEASUREMENTS AND STANDARDS, course at University of Colorado — 2563
ELECTROMAGNETIC PROPAGATION, course at University of Colorado — 6698
FEDERAL AVIATION AGENCY, schools and other certificated agencies, repair stations, proposed rules — 15297
FEDERAL EDUCATION PROGRAMS, coordination (Executive Order 11260) — 15395
INTERNATIONAL EDUCATIONAL AND CULTURAL EXCHANGE PROGRAM, grants and payments to foreign participants — 3265, 10229, 12639
MILITARY EDUCATION, promotion of rifle practice; schools and civilian shooting clubs — 14974
NONIMMIGRANT STUDENTS; schools, approval and transfers, etc — 918, 4351, 4532, 6479
NURSE TRAINING facilities, grants for — 6944, 7395
OPTOMETRY STUDENTS, loans — 7394
RESEARCH AND DEVELOPMENT CONTRACTS and grants with educational institutions, determining costs — 8482, 9676
SCHOOL BUSES, tax-free sales of — 14555
SCHOOL LUNCH PROGRAM. *See* Agriculture Department.
SCHOOLS AND COLLEGES:
- Aircraft schools. *See* Federal Aviation Agency.
- Military schools. *See* Air Force Department.
- National Defense Cadet Corps; nondiscrimination — 9361
- Public lands reserved for. *See* Land Management Bureau.

STUDENTS, minimum wages for work outside school hours. *See* Wage and Hour Division.
SURPLUS PERSONAL PROPERTY, allocation for educational purposes — 2443, 2445
TELEVISION STATIONS, noncommercial educational, Federal assistance. *See* Education Office; Health, Education, and Welfare Department.
TRAINING and training aids on request, Internal Revenue Service — 33
VETERANS EDUCATION AND VOCATIONAL REHABILITATION. *See* Veterans Administration.
WAR ORPHANS, educational assistance — 13009, 14649, 15629

Education Office:
COLLEGES, technical institutes, etc.:
- Allotments to States, ratios; Higher Education Facilities Act of 1963 — 2727
- Applications for Federal capital contributions, cutoff date — 6092
- Construction, financial assistance — 15421
- Basic criteria for determining Federal share of cost, proposed rule — 15107
- Graduate academic facilities — 35

DESEGREGATION of public education — 4359, 9981, 10163
GRANTS:
- Adult basic education programs under Title II–B of Economic Opportunity Act of 1964 — 3531
- Construction of graduate academic facilities — 35
- State departments of education, strengthening — 11518

GUIDANCE, COUNSELING, TESTING; able students, State programs — 134
HIGHER EDUCATION FACILITIES ACT of 1963; allotments to States, ratios — 2727
INTERCHANGE OF PERSONNEL with States — 11523
LIBRARY CONSTRUCTION, Federal assistance — 6393, 11817, 12731
LOW-INCOME FAMILIES, education of children of; financial assistance to local educational agencies — 11810
NDEA FELLOWSHIPS, applicants for and holders of; moral character or loyalty, definitions, Special Review Committee — 13575
ORGANIZATION AND FUNCTIONS, functions under Economic Opportunity Act of 1964 — 165
POLICY STATEMENT, material produced through research financed by Education Office to be in public domain — 9408
RECORDS, non-Federal; retention requirements — 3116
RESEARCH AND RESEARCH-RELATED ACTIVITIES AND FACILITIES; Federal financial assistance — 13638
SCHOOL CONSTRUCTION in areas affected by Federal activities, deadline for applications for Federal assistance — 3763, 12282

Education Office—Continued
SCIENCE, MATHEMATICS, modern foreign languages, etc., financial assistance:
- Allotment ratios to States — 4366
- Private nonprofit schools, loans to — 994
- Public schools, financial assistance to — 7

SUPPLEMENTARY EDUCATIONAL CENTERS AND SERVICES — 13138
- Project proposals, submission of, by local educational agencies; deadline for applications — 13174

TELEVISION BROADCAST STATIONS, educational, noncommercial; Federal financial assistance, applications — 1323, 3275, 4001, 5764, 6928, 8231, 9280, 10211, 11400, 12691, 13908, 14692.
VOCATIONAL EDUCATION, administration; Federal allotments to States — 8268, 10239

Education Week, American, 1965:
PROCLAMATION 3674 — 12623

Eggs and Products:
GRADING AND INSPECTION. *See* Agriculture Department.
STANDARDS OF IDENTITY. *See* Food and Drug Administration.
WILDLIFE EGGS, import restrictions — 4721, 9640, 9767

Ellis Island:
ADDITION to Statue of Liberty National Monument (Proclamation 3656) — 6571

Emblem:
RECLAMATION BUREAU — 2409

Emergency Board:
INVESTIGATION OF LABOR DISPUTE between Atchison, Topeka and Santa Fe Railway Company, Lines East and West, and employees (Executive Order 11243) — 11709

Emergency Planning Office:
ARMY INTEGRATION COMMITTEES; withdrawal of requests to participate in activities:
- Critical quartz crystals — 14758
- Gun tank and allied combat vehicles; light, medium, and heavy — 14758
- Tracks for track-laying vehicles — 14758

DISASTER AREAS, Federal assistance:
- Federal-State agreements, nondiscrimination — 1777
- Various States:
  - California, 15447.
  - Florida, 12305.
  - Louisiana, 19, 12055, 14394.
  - Mississippi, 13294.

NATIONAL DEFENSE EXECUTIVE RESERVE, organization and administration — 1939
NONDISCRIMINATION:
- Federal-State disaster agreements — 1777
- Federally-assisted programs, effectuation of Title VI of Civil Rights Act of 1964 — 321

RESIDUAL FUEL OIL, imports; effect on national security, investigation — 4598, 5548
SCIENTIFIC AND ENGINEERING MANPOWER, national security policy — 11516
TUNGSTEN PRODUCTS, report on effects on national security — 12433
WATCHES, movements and parts, imports; effect on national security, investigation — 4598

Employ the Physically Handicapped Week, National, 1965:
PROCLAMATION 3671 — 11829

Employee Organizations:
DUES PAYMENT, voluntary allotments; Defense Department — 9157

Employees' Compensation Bureau:
RECORDS, non-Federal, retention requirements — 3123

Employment Security Bureau:
ADMINISTRATIVE PROCEDURE, withholding payments and certifications — 6941

Employment Security Bureau—Continued Page

EX-SERVICEMEN'S UNEMPLOYMENT COMPENSATION PROGRAM:
- Puerto Rico, editorial changes, etc. 13535
- Schedule of remuneration 13120

FARM LABOR CONTRACTOR REGISTRATION ACT of 1963, authority delegation from Manpower Administrator 1139

FEDERAL CIVILIAN EMPLOYEES UNEMPLOYMENT COMPENSATION PROGRAM:
- Puerto Rico, agency responsibilities, etc.:
  - Federal 13530
  - State 13531
- Virgin Islands agency's responsibilities 13533

FOREIGN LABOR:
- Citrus industry, Florida; wage rate 12292
- Logging industry 12292

U.S. EMPLOYMENT SERVICE:
- Employment service testing 8901
- Foreign agricultural labor, California; wage rate for date harvesting 1935
- Nondiscrimination, service to minority groups 7039

Employment Service, U.S.:
See U.S. Employment Service.

Engineers Corps, Army Department:

ANCHORAGE REGULATIONS:
- Arizona:
  - Lake Mead, 12883.
  - Lake Mohave, 12883.
- California:
  - Los Angeles and Long Beach Harbors, 2761.
  - Marina del Rey Harbor, 13904.
  - Newport Bay Harbor, 12838.
  - San Francisco Bay, 4756.
- Delaware:
  - Delaware Bay and River, 3962.
- Nevada:
  - Lake Mead, 12883.
  - Lake Mohave, 12883.
- New York:
  - Port of, 13511.
- Rhode Island:
  - Narragansett Bay, 3710.
- Texas:
  - Galveston Harbor, 13150.
- Virgin Islands:
  - St. Thomas Harbor, 3566.

AUTHORITY DELEGATION from National Aeronautics and Space Administration Administrator to Board of Contract Appeals; leases of NASA real property 3379

BRIDGE REGULATIONS:
- California:
  - Sacramento River and tributaries, 2259.
- Connecticut:
  - Mystic River at Mystic, 2259.
- Delaware:
  - Lewes and Rehoboth Canal, 575.
  - Mispillion River, 575.
- Florida:
  - Atlantic Intracoastal Waterway from Key West to Virginia-North Carolina boundary, 11967.
  - Banana River, 12778.
  - Black Creek, 6388.
  - Canaveral Harbor Barge Canal, 16062.
  - Gulf Intracoastal Waterway bridges:
    - Apalachee Bay to Brownsville, Texas, and tributaries, and Lower Atchafalaya River, La., 11967.
    - Apalachee Bay to Rigolets, La.; revocation, 11967.
  - Indian River, 575.
  - Loxahatchee River, 5762.
  - Matanzas Pass, 12537.
  - St. Andrew Bay, 15150.
  - St. Lucie Canal, 5762, 10164.
  - St. Lucie River, 5762.
- Georgia:
  - Back River, 4756.
- Louisiana:
  - Certain waterways along Atlantic and Gulf coasts, Lower Atchafalaya River, 15469.
  - Gulf Intracoastal Waterway bridges:
    - Lower Atchafalaya River to Brownsville, Texas, and tributaries, and Apalachee Bay, Fla., 11967.
    - Rigolets to Apalachee Bay, Fla.; revocation, 11967.

Engineers Corps, Army Department—Con.

BRIDGE REGULATIONS—Continued
- Maine:
  - Sheepscot River, 4263.
- Maryland:
  - Marshyhope Creek, 6161.
  - Wicomico River, 220.
- Michigan:
  - Ontonagon Harbor, 12537.
- New Jersey:
  - Bass River, 4756.
  - Delaware and Schuylkill Rivers, 9766, 10293.
  - South Branch of Shewsbury River, 13782.
- New York:
  - Hudson River, 13009.
- North Carolina:
  - Atlantic Intracoastal Waterway from Virginia-North Carolina boundary to Key West, Fla., 11967.
- Ohio:
  - Ashtabula River, 11316.
- Oregon:
  - Youngs Bay, Walluski River, Lewis and Clark River, Skipanon River, John Day River, Blind Slough, and Clatskanie River, 2259.
- Pennsylvania:
  - Delaware and Schuylkill Rivers, 9766, 10293.
- Texas:
  - Gulf Intracoastal Waterway bridges from Apalachee Bay, Fla. to Brownsville, Texas, and tributaries, and Lower Atchafalaya River, La., 11967.
- Virginia:
  - Atlantic Intracoastal Waterway from Virginia-North Carolina boundary to Key West, Fla., 11967.
- Washington:
  - Puyallup River, 795.

DANGER ZONE REGULATIONS:
- California:
  - Anaheim Bay, 14527.
  - Pacific Ocean Air Force Western Test Range, 6643, 11316.
- Delaware:
  - Atlantic Ocean off Delaware Coast, 12839.
- Florida:
  - Gulf of Mexico, 16266.
  - Tampa Bay, 864.
- Maryland:
  - Chesapeake Bay, 11209, 14102, 14317.
- New Jersey:
  - Sandy Hook Bay, 3763.
- South Carolina:
  - Archers Creek, 16370.
- Texas:
  - Gulf of Mexico, 1193.
- Virginia:
  - York River (naval restricted area), 220.

DUMPING GROUND REGULATIONS; Gulf of Mexico:
- Louisiana:
  - Calcasieu Pass, 6644.
  - Louisiana coast, 6644.
- Texas:
  - Galveston entrance, 6644.
  - Sabine Pass, 6644.
  - Texas coast, 6644.

FLOOD CONTROL REGULATIONS, California:
Camanche Dam and Reservoir, Mokelumne River, 12391.

NAVIGATION REGULATIONS:
- California:
  - Seaplane restricted area:
    - Long beach harbor, 12890.
  - Naval restricted areas:
    - Oakland Harbor, 11209.
    - Pacific Ocean, 2260, 4756.
    - San Diego Harbor, 2104, 4756.
- Delaware:
  - Chesapeake and Delaware Canal, 3265, 9766.
- Florida:
  - Banana River, 8631.
  - Tolomato River (IWW), 8410.
  - Withlacoochee River, 6161.
- Illinois:
  - Ohio and Mississippi Rivers, 8268.

Engineers Corps, Army Department—Con. Page

NAVIGATION REGULATIONS—Continued
- Maryland:
  - Chesapeake and Delaware Canal, 3265, 9766.
  - Patuxent River, 4199.
  - Severn River, 5631.
- New York:
  - Black Rock Canal, 3362.
- Virginia:
  - York River (naval restricted area), 220.
- Washington:
  - Puget Sound area, 6644.

RESERVOIR AREAS:
Cottage site development and use, sale of lands for; Oklahoma:
- Fort Supply Reservoir, 4475.

Public use, areas covered:
- Alabama:
  - Demopolis Reservoir Area, Black Warrior and Tombigbee Rivers, 12070.
  - Jackson Reservoir Area, Black Warrior and Tombigbee Rivers, 12070.
  - Warrior Reservoir Area, Black Warrior River, 12070.
- Kansas:
  - Elk City Reservoir Area, Elk River, 6161.
  - Wilson Reservoir Area, Saline River, 4475.
- New Mexico:
  - Abiquiu Reservoir Area, Rio Chama, 11920.
  - Conchas Reservoir Area, Canadian River, 11920.
  - James Canyon Reservoir Area, James River, 11920.
  - Two Rivers Reservoir Area, Rio Hondo, 11920.
- South Dakota:
  - Big Bend Dam (Lake Sharpe), Missouri River, 6161.
  - Cold Brook Reservoir Area, Cold Brook, 6161.
- Texas:
  - Sam Rayburn Reservoir Area, Angelina River, 4610.

WATER RESOURCE DEVELOPMENT PROJECT, Sam Rayburn Reservoir Area, Angelina, Tex.; joint regulations, Army and Agriculture Departments 4610

Environmental Science Services Administration:

ESTABLISHMENT (Reorganization Plan No. 2 of 1965) 8819
ORGANIZATION AND FUNCTIONS 9070, 12895, 13100

Equal Employment Opportunity:

REGULATIONS (Executive Order 11246) 12319

Equal Employment Opportunity, President's Committee on:

ABOLITION (Executive Order 11246) 12319
ANNUAL COMPLIANCE REPORTS, filing dates 2962, 11013
AUTHORITY DELEGATION to Civil Service Commission Chairman, handling of complaints of discrimination in Government employment 73
TRANSFER OF FUNCTIONS to Federal Contract Compliance Office, Labor Department 13441

Equal Employment Opportunity Commission:

DISCRIMINATION because of sex, avoidance of; guidelines 14926
PROCEDURAL REGULATIONS 8407, 9676
RECORDS AND REPORTS 8409
Reporting requirements, proposed rules 14658, 15040

Equal Opportunity:
See Nondiscrimination.

Equal Opportunity, President's Council on:

ABOLITION (Executive Order 11247) 12327
ESTABLISHMENT (Executive Order 11197) 1721

Equal Opportunity Office, Interior Department:

ESTABLISHMENT 12500

Erikson (Leif) Day, 1965:

PROCLAMATION 3666 10279

Ethical Standards of Conduct:
See Conduct standards.

Executive Office of the President: Page
See Budget Bureau.
Emergency Planning Office.

Executive Orders:
See Presidential documents.

Explosives:
TRANSPORTATION and storage. *See* Coast Guard; Interstate Commerce Commission.

Export Control:
See International Commerce Bureau.

Exports:
See Imports and exports.

F

Fallout Shelters:

TRADE PRACTICES, advertising guides 7995

Farm-City Week, National, 1965:

PROCLAMATION 3678 12929

Farm Credit Administration:

AUTHORITY DELEGATION by Governor to certain officials to act as Deputy Governor and Director of Short-Term Credit Service 11071
BANKS FOR COOPERATIVES, consolidated debentures; Custodian and Acting Custodian 6573
COMPENSATION, BASIC:
- Deputy Governors, certain 14571
- Director of Land Bank Service 8421
- Director of Short-Term Credit Service 2002

FEDERAL INTERMEDIATE CREDIT BANKS; general provisions, loans and discounts 16190
INFORMATION AND RECORDS; reports of farm credit examiners 6111
PRODUCTION CREDIT ASSOCIATIONS:
- Class A and B stock 16195
- Investment and approved securities 11847
- Loans to members 915

Farm Safety Week, National, 1965:

PROCLAMATION 3639 2641

Farmers Home Administration:

INSURED LOANS; interest, annual charge, and purchase agreement 565, 15401
ORGANIZATION, functions and authority 3745, 14049
RECORDS, non-Federal; retention requirements 3111
RURAL HOUSING LOANS AND GRANTS, scope, etc. 15981

Federal Aviation Agency:

ACCIDENTS. *See main heading* Civil Aeronautics Board.
AGRICULTURAL AIRCRAFT OPERATIONS 8104
- Certification requirements and continuance of existing authority 15143

AIR CARRIERS and commercial operators of large aircraft:
- Aircraft dispatcher qualifications 6727
- Airplane performance limitations:
  - General, correction 130
  - Transport category airplanes:
    - Reciprocating engine powered, weight limitations, correction 130
    - Turbine powered:
      - Landing limitations and destination airports 8568
      - Takeoff operations, runway slush accountability; proposed rule withdrawn 953
- Automatic pilot, minimum altitudes for use of; approaches 8009, 14781
- Dispatching and flight release rules:
  - Flight release authority 3638
  - Fuel supply:
    - Nonturbine and turbo-propeller-powered airplanes 10025
    - Turbine-engine-powered airplanes, other than turbo propeller 10025
  - Takeoff and landing weather minimums; "Look-See" when runway visual range (RVR) is operational, proposed deletion 3990
- Emergency evacuation, passenger:
  - Crewmembers; duties, briefing passengers, etc. 3206, 6727
  - Equipment, procedures, exit arrangement, markings, etc. 3204, 3206, 7703, 8516
  - Flight attendants; according to seating capacity 3206

Federal Aviation Agency—Continued Page

AIR CARRIERS and commercial operators of large aircraft—Continued
- First-aid kits 258
- Flight crew compartment doors 6112, 15655
- Flight crewmembers:
  - At controls; absence due to physiological needs 13120
  - Emergency passenger evacuation 3206, 6727
  - Oxygen masks, use 12466
  - Proficiency checks for second in command and certain other pilots comparable to recurrent training requirements 10025
- Flight engineer requirements 6066
- General; applicability, certificated requirements, etc. 3638
- Hours of training 10025
- Instrument and equipment requirements:
  - Airborne distance measuring equipment:
    - Civil aircraft within Alaska and Hawaii, proposed rule 15296
    - DC–3 airplanes; postponement of compliance date 991
  - Airborne weather radar equipment requirements; installation in cargo-only operations of transport category airplanes, proposed rule 13545
  - Emergency passenger evacuation 3204, 3206, 6727, 7703
  - Flight crew compartment doors 6112, 15655
  - Flight recorders; proposed rule 2468
  - Flotation equipment, emergency; proposed rule 7963
  - Oxygen masks by flight crewmembers, use 12466
  - Shoulder harness 3638
- Landing gear; aural warning device 3638
- Maintenance, preventive maintenance, etc. *See* Maintenance, *below*.
- Nontransport category airplanes, C–46 260, 481
- Pilot qualifications; recent experience, proficiency checks, second in command, and other pilots, etc. 6726
- Records and reports:
  - Airworthiness release or aircraft log entry:
    - Maintenance and alterations, proposed rule 15297
    - Signature of authorized certificated mechanic or repairman 6432
  - Mechanical interruption summary; certain deletion 10025
- Route requirements, general 3638
- Simulators:
  - Airplane, minimum standards 259
  - Flight, use 6726
- Training program, crewmember and aircraft dispatcher 3638, 6727
  - Curriculum requirements; initial flight assignment, proposed rule 11530
  - Flight assignments, initial, on particular type airplane; hours of training 10025
  - Flight training, pilots:
    - Initial; zero flap approaches for certain turbojet powered airplanes 10025
    - Recurrent:
      - Night takeoffs and landings not required 10025
      - Proficiency check, substitution 10025

AIR NAVIGATION:
- Altitude minimums for instrument flight. *See* Instrument flight rules.
- Approach procedures. *See* Instrument flight rules.
- Construction or alteration of structures. *See* Airspace.
- Control areas and zones on Federal airways, designation of. *See* Federal airways.
- Jet routes. *See* Jet routes.
- Obstructions, construction of. *See* Airspace.
- Reporting points, on Federal airways. *See* Federal airways.
- Restricted areas. *See* Restricted areas.
- Security control of air traffic:
  - ADIZ and Defense Area, national and special security instructions 3550, 9358
  - Alaskan DEWIZ 6242

AIR TAXI and commercial operators, small aircraft:
- Airborne radio navigation and communications equipment requirements, 1965–75; proposed rule 6074
- Star route mail carrying operations, applicability 4352

Federal Aviation Agency—Continued Page

AIR TRAFFIC AND GENERAL OPERATING RULES:
- Airport traffic patterns, special:
  - Alaska, Anchorage, terminal area:
    - Bryant segment; control tower operation 3550, 8568
    - Eagle River, restricted area; division into segments 3550, 8568
    - Lake Campbell and Sixmile Lake airports, special requirements 3550, 8568
  - Arizona, Phoenix; Victor Airway No. 16 446, 5575
- General operating and flight rules:
  - Air traffic; temporary prohibitions:
    - During Gemini operation 3706
    - Presidential party, in proximity of 4123
  - Airborne radio navigation and communications equipment requirements, 1965–75; proposed rule 6074
  - Alcoholic beverages, restriction on consumption by crewmembers before operation of aircraft 8799, 14170
  - Altimeter system inspections 8262
  - Clearances, compliance with ATC; proposed rule withdrawn 6922, 9955, 15040
  - Flight plan and fuel requirements pertaining to alternate airports; proposed rule 6070, 6388
  - Flight rules:
    - Airports:
      - With operating control towers 3638
      - Without control tower; communications with FAA flight service stations 5507
    - Cuban registry, operation of civil aircraft 3638
    - IFR:
      - Operations, radio failure procedures 3705
      - Radio communications, aircraft under radar control 15322
      - Takeoff and landing, landing minimums:
        - Clarification of meaning 3638
        - "Look-See" when RVR is operational; proposed deletion 3990
  - Flight tests 8472
  - General:
    - Applicability; U.S. registered civil aircraft outside United States, proposed rule 10116
    - Category II operations, proposed rules:
      - Operating requirements 14600
      - Powered civil aircraft with standard category U.S. airworthiness certificates; instrument and equipment requirements 14600
    - Certificates required, civil aircraft 3638
    - Distance measuring equipment:
      - Foreign civil aircraft:
        - Alaska and Hawaii, proposed rule 15296
        - 48 contiguous States and District of Columbia 6541, 10288
      - U.S. registered civil aircraft; Alaska and Hawaii, proposed rule 15296
    - Emergency exits for airplanes carrying passengers for hire 3204, 8516
    - Flight crewmembers at stations, absence due to physiological needs 13120
    - Restricted category civil aircraft, operating limitations; civil aircraft within United States, proposed rule 2531, 10116
    - Speed, warning device, aural 3638
    - Transport category turbine-powered airplanes; runway slush accountability for takeoff operations (SR–432, A, B), proposed rule withdrawn 953
    - Weights, increased maximum certificated takeoff, for certain airplanes in Alaska:
      - Extension of expiration date (SFAR–12) 13627
      - Proposed rule 13651
  - IFR radio communications; aircraft under radar control 15322
- Maintenance, preventive maintenance, etc. *See* Maintenance, *below*.
- Parachutes; proposed rules:
  - Civil aircraft within United States, parachuting and towing 10116
  - Jumping restrictions, hearing 11733

Federal Aviation Agency—Continued Page

AIR TRAFFIC AND GENERAL OPERATING RULES—Continued
- Security control of air traffic:
  - ADIZ and Defense Area, national and special security instructions 3550, 9358
  - Alaskan DEWIZ 6242
  - VFR weather minimums, basic and special ground visibility in control zone, proposed rule 11106

AIRMEN:
- *See also* Schools and other certificated agencies.
- Flight crew members other than pilots, certification:
  - Flight engineer certificates and training courses 1196, 14558
  - Tests, cheating on; falsification of certificates, records, etc 2195
- Medical standards and certification:
  - Certificates:
    - Denial; applying for reconsideration, proposed rule 16084
    - Falsification of certificates, records, etc 2195
    - First-class; distant visual acuity 11732, 14562
    - Grants and denials by aviation medical examiners; reconsideration, authority delegation, proposed rule 16084
    - Medical records; additional information necessary, proposed rule 16084
    - Second-class:
      - Cardiovascular 12025
      - Distant visual acuity 11732, 14562
    - Special medical certificate, medical flight, practical test, or medical evaluation 6188, 12025
    - "Federal Air Surgeon" substituted for "Civil Air Surgeon" 12025
  - Other than flight crew members; certification:
    - General; tests, cheating on, and falsification of certificates, records, etc 2195
  - Mechanics:
    - Inspection authorization:
      - "Periodic inspection" changed to "annual inspection", clarification of 100-hour inspection requirement; proposed rule 13167
      - Privileges and limitations, clarification of meaning 3638
    - School students; oral and practical tests before passing written tests or meeting applicable experience requirements, proposed rule 12892
  - Repairmen, manufacturer's maintenance facility certificate; proposed rule 11773
  - Tests:
    - General; cheating on, etc 2195
    - Mechanics; before written tests or meeting applicable experience requirements, proposed rule 12892
- Pilots and flight instructors, certification:
  - Airborne radio and navigation and communications equipment requirements, 1965–75, proposed rule 6074
  - Airline transport pilots:
    - Flight tests. *See under* Flight tests, *below*.
    - Rotorcraft rating:
      - Aeronautical experience and knowledge; proposed rule 15436
      - Aeronautical skill 11903, 12249
      - Proposed rule 15436
      - General requirements; proposed rule 15436
      - Not limited to VFR only; proposed rule 15437
  - Commercial pilots:
    - Aeronautical experience and knowledge, eligibility requirements; airship and free balloon classes, rotorcraft rating, etc 2926
    - Privileges and limitations 2027, 11903, 12249
  - Examinations, written; prerequisites, proposed rule withdrawn 7292
  - Flight instructors; certificates, eligibility requirements, etc 8256
  - Flight tests:
    - Airline transport pilots 6577, 11903, 12249
    - General procedures and required aircraft 2925
    - Prerequisites 4668
    - Status of FAA inspectors and other flight examiners 8515
  - Free balloon pilot certificates, deletion 2927

Federal Aviation Agency—Continued Page

AIRMEN—Continued
- Pilots and flight instructors, certification—Continued
  - General:
    - Aircraft ratings, additional (other than airline transport):
      - Helicopter rating experience requirements; rotorcraft 2927
      - Lighter-than-air, heavier-than-air, and additional airship or free ballon class 2925
    - Applicability, aircraft ratings, etc. 2924, 11903, 12249
    - Certificates, ratings, and applications; category II pilot authorization, proposed rule 14602
    - Duration; category II pilot authorization, proposed rule 14602
    - Experience and skill requirements; category II pilot authorization, proposed rule 14602
    - Flight experience, recent; credit for flight tests or checks 11903, 12249
    - General limitations 11903, 12249
    - Inspection or test, cooperation; pilot certificate applicants, airline transport or lighter-than-air category rating 2926
    - Instrument ratings, helicopter (rotorcraft), requirements, proposed rules 15436
    - Medical certificates, duration; first, second, and third class, private or student pilot certificate or free balloon class rating 2926
    - Military pilots or former military pilots; lighter-than-air category rating 2925
    - Pilot certificate; operation of U.S. registered civil aircraft outside United States, proposed rule 10116
    - Pilot logbooks (except airline transport); flight instruction, lighter-than-air category rating 2926, 11903, 12249
    - Tests:
      - Cheating on; falsification of certificates, records, etc 2195
      - Retesting after failure:
        - Lighter-than-air 2925
        - Proposed rule 94
      - Type rating and additional aircraft ratings (other than airline transport and lighter-than-air); general requirements 11903, 12249
    - Private pilots; lighter-than-air rating, airship class:
      - Aeronautical experience and skill 2926
      - Eligibility requirements 2926
    - Student pilots:
      - Flight limitations; free balloon class rating 2926
      - Instrument flight instruction 788
      - Supervision increased 8256

AIRPORTS:
- Alternate airports, flight plan and fuel requirements 6070, 6388
- Canton Island Airport, deletion of regulations 8676
- Construction, alteration, reactivation, and deactivation; notice required, proposed rules 8342
- Control towers:
  - Operation at airports with towers 3638
  - Without towers, operations; communications with FAA flight service stations 5507
- Federal aid:
  - Advance planning and engineering proposals 8040
  - Airport development projects 7484, 8039
  - Land use information 8039
  - General requirements 7484, 8039
  - Labor protective provisions, fringe benefits requirements 14197
  - Project costs in public land States, U.S. share 14781
  - Project programming standards 7484, 8040
  - Public airports receiving Federal funds; exclusive rights, policy statement 13661
- National Capital airports:
  - Dulles International Airport:
    - Malfunctioning aircraft 11348
    - Mobile lounges 8828
    - Small aircraft, securing unattended; proposed rule 13239
  - Virginia motor vehicle law, enforcement, applicability 1037
  - Washington National Airport:
    - Malfunctioning aircraft 11348

Federal Aviation Agency—Continued Page

AIRPORTS—Continued
National Capital airports—Continued
Washington National Airport—Continued
Small aircraft, securing unattended; proposed rule 13239
Traffic patterns, special:
Alaska, Anchorage, terminal area:
Bryant segment 3550, 8568
Eagle River, restricted area 3550, 8568
Lake Campbell and Sixmile Lake Airports 3550, 8568
Arizona, Phoenix; Victor Airway No. 16 ..... 446, 5575
Wake Island Airport, boundaries 7184

AIRSPACE:
See also Federal airways, etc.; Jet routes.
Construction proposed; notices, hearings, etc.:
Buildings, 6286, 9779, 9997, 10065, 13172.
Radio and television antennas and towers, 109, 496, 497, 596, 851, 2480, 2621, 3361, 3400, 3464, 3555, 3724, 3725, 3822, 4504, 4698, 4699, 5396, 5865, 5866, 5867, 6284, 6285, 6286, 6287, 6408, 7022, 7121, 7931, 8283, 8863, 9330, 9780, 10065, 10168, 12427, 13023, 13178, 13851, 13971, 15045, 15112, 15299, 15300.
Transmission line, 14609.
Navigable airspace, objects affecting 1837
Antenna farm areas, proposed rules withdrawn:
Portland, Oregon 8905, 12735
Wichita Falls, Texas 8905
Notice of construction or alteration, acknowledgment of 6713
Obstruction standards, military airport imaginary surfaces 6713
Restricted areas. *See* Restricted areas, *below*.

AIRWORTHINESS DIRECTIVES:
General; applicability, unsafe conditions in products, removal of restrictions 8826
List:
Aero, 82, 1239, 2133, 2761, 3377, 3421.
Air and Space Model 18A gyroplanes, 10982.
Beech, 881, 2108, 2469, 6837, 6976, 8203, 11029, 13237.
Bell, 2133.
Bendix, 5897, 8273, 10982.
Boeing, 572, 828, 1032, 1297, 2134, 2470, 2955, 3515, 3782, 4137, 4240, 5627, 6067, 6150, 6274, 7573, 7638, 7701, 7816, 8033, 8063, 8328, 8329, 8469, 8798, 9260, 10154, 10165, 10299, 10947, 10995, 11272, 11283, 13465, 13006, 13268, 13312, 13357, 13787, 14017, 14649, 14814, 15374, 15417, 15566.
Brantly, 5506, 15368.
Canadair, 1187, 2134, 6030, 7676, 14043.
Consolidated, 9407.
Continental, 2324, 14329.
Convair, 9320, 11752.
Curtiss-Wright, 6186, 9491, 9624, 13324, 14830, 14815.
De Havilland, 845, 4318, 8274, 8413, 8487, 10285, 10962, 11030, 11971, 12130, 12587, 14151.
Douglas, 1975, 2436, 5621, 6203, 6374, 11347, 14967.
Eureka Williams, 2924.
Fairchild, 826, 2256, 2436, 3783, 5643, 6431, 6577, 7816, 7876, 8155, 9567, 9526, 11237, 11347, 12337, 14366, 15363.
Fairchild Camera Instrument Corp., 2256.
General Dynamics, 61, 7162.
Grumman, 5622, 7638.
Hartzell, 4583, 5532, 7876, 9568, 11343.
Hughes, 7371.
Lear, 14648.
Lockheed, 61, 93, 572, 845, 2655, 2718, 3697, 6837, 7098, 7573, 7969, 8033, 8203, 8204, 8228, 8329, 8330, 9536, 11028, 11669, 11670, 12129, 12351, 12366, 13015, 14423, 15209.
Lycoming, 1032, 5907, 9024, 8275, 15475.
Macchi, 13015, 15363.
Martin, 13845.
Marvel-Schebler, 2134, 8034, 13756.
Maule, 10284, 12987, 15362.
Mooney, 3349, 7183, 11849, 13948, 13963, 16084.
Morrisey, 15783.
Navion and Twin Navion, 8275, 10063.
North American, 12312.
Pilatus, 16070.
Piper, 3350, 6040, 7275, 8607, 10063, 11732, 14152, 14780.
Pratt and Whitney, 3758.
Rajay, 573.
Schwien, 10284, 13811.
Sikorsky, 2470, 4609, 6040.
United Data Control, Inc., 8363, 9537.
Vertol, 8063.
Vickers, 2682, 7372, 8204, 8229, 8275, 9414, 9468, 9663, 10155, 11029, 11169, 11313, 12281, 12463, 12945, 15362, 17171.

Federal Aviation Agency—Continued Page

AIRWORTHINESS REQUIREMENTS:
Airplane:
Normal, utility, and acrobatic aircraft; standards:
Airborne radio navigation and communications equipment requirements; 1965–75, proposed rule 6074
Pressure system, static 8261
Pressurized cabin loads 258
Stalls, one-engine-inoperative; multiengine requirements, airspeed indicator and placards 14240
Unsymmetrical loads 258
Weight credit, limited, airplanes equipped with standby power 8467
Transport category; standards:
Airborne radio navigation and communications equipment requirements, 1965–75, proposed rule 6074
Cockpit voice recorders 3932
Crash fires, prevention; proposed rule withdrawn 9776
Emergency evacuation, exit arrangement, marking, and access 3203
Fatigue evaluation, sonic; turbojet powered airplanes, proposed rule 15670
Flight crew:
Doors, compartment, certain deletion 6112
Minimum requirements 6066
Flight recorders; proposed rule 2468
Hydraulic system, proposed rule 14015, 16139
Pressure systems, static 8261
Stability and stalling characteristics requirements 13115
Turbine-powered airplanes; proposed rules withdrawn:
Airspeed limitation (SR–450A) 5798
Runway slush accountability for takeoff operations (SR–422, A, B) 953
Weight credit, limited; airplanes equipped with standby power 8467
Weights, maximum certified, for certain airplanes operated by Alaskan air carriers, air taxi operators and Interior Departments:
Extension of expiration date (SFAR–12) 13627
Proposed rule 13651
Balloons, free manned; strength requirements, design construction, basic equipment 3376
Engines, standards; recodification [new], effective date 535
Propellers, standards; recodification [new], effective date 535
Rotorcraft:
External load operations, carriage of persons other than crewmembers 883
Normal category; proposed rules:
Airborne radio navigation and communications equipment requirements, 1965–75 6074
Review, 1965; standards 16129
Transport category:
Airborne radio navigation and communications equipment requirements, 1965–75; proposed rule 6074
Helicopters, turbine-powered, multiengine:
Thirty minute power 8777
Two and one-half minute power 8777
Review, 1965; standards, proposed rule 16129
ALASKA area office at Unalakleet abolished 8863
ALCOHOLIC BEVERAGES, restriction on consumption:
Crewmembers of aircraft 8799, 14170
Helicopter occupants 9548, 14919
ALTITUDES, instrument. *See* Instrument flight rules.
APPROACH PROCEDURES. *See* Instrument flight rules.
AUTHORITY DELEGATIONS:
See also Organization and functions.
By Administrator to various officials:
Air Traffic Service Director; proposed construction affecting navigable airspace, review of determinations 9499, 13023
Deputy Administrator; exercise powers of Administrator 8728
Federal Air Surgeon, et al.; reconsider action of aviation medical examiner 16084
Flight Standards Service Director; granting individual exemptions 8728

Federal Aviation Agency—Continued Page

AUTHORITY DELEGATIONS—Continued
By Air Traffic Service Director to Obstruction Evaluation Branch Chief; proposed construction affecting navigable airspace, review of determinations 9499
BALLOONS, FREE:
Manned; strength requirements, design construction, basic equipment 3376
Pilot certificates, deletion 2927
CERTIFICATION PROCEDURES for products and parts:
Aircraft, engines, and propellers; delegation option, applicability, etc 953, 11373, 11849
Airworthiness certificates:
Duration 8032
Limited category; removal of current cutoff date 9437
Authorization procedures, designated alteration station; applicability, etc 11376, 11849
Export airworthiness approvals 8464
Export certificates for Class I products; "periodic inspection" changed to "annual inspection," clarification of 100-hour inspection requirements, proposed rule 13167
Manufacturer's maintenance facility certificate; proposed rule 11773
Provisional type certificate, duration of Class I 14310
Transport category airplanes, turbine-powered; runway slush accountability for takeoff operations (SR–422, A, B), proposed rule 953
Type certificates, required design changes 8826
DANGEROUS ARTICLES and magnetized materials, transportation of:
Cargo location of containers with certain labels; proposed rule 13381
Gasoline, transportation of, in Alaska; aircraft operated in other than scheduled passenger-carrying operations, necessary to meet needs of passengers, etc 14250
Passenger carrying aircraft; exclusion of small-arms ammunition from certain weight limitation, proposed rule 13381
Quantity limitations; nonflammable compressed gas, etc., in inaccessible cargo pits or bins on any aircraft, proposed rule 13381
DEFINITIONS AND ABBREVIATIONS:
"Air traffic control" and "air traffic control clearance"; proposed rule withdrawn 6921, 9955, 15040
Airborne radio navigation and communications equipment, 1965–75; proposed rules 6074
"Commercial operator" 3638
"Dual instruction", deletion 8257
"Fire resistant" and "30 minute power"; effective date 535
Maximum speed under all conditions and in level flight 16129
"2½ minute power rating"; effective date 535
FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS:
Airborne radio navigation and communications equipment requirements, 1965–75; proposed rule 6074
Colored Federal airways; alterations 200, 6121, 7573, 7665, 8157, 8636, 10286, 10998, 12332, 13863, 14313
Continental control area, restricted, areas included; alterations 435, 2111, 5624, 7503, 7949, 7994, 9577, 9907, 11314, 13864, 14425
Control areas and control area extensions; alterations:
Additional control areas ..... 433, 828, 2763, 3516, 4121, 5622, 6068, 6121, 6682, 6984, 8157, 8470, 10156, 12727, 13778, 13813, 13863.
Control areas associated with jet routes outside continental control area 3549, 6121, 6150, 7099, 8157, 14314
Extension of control areas 200, 201, 202, 224, 225, 226, 227, 229, 232, 433, 445, 588, 709, 739, 759, 789, 887, 888, 889, 891, 1033, 1034, 1035, 1052, 1054, 1055, 1120, 1123, 1188, 1202, 1257, 1258, 1297, 1299, 1835, 1873, 1951, 1976, 1977, 1993, 1995, 1995, 1996, 1999, 2000, 2107, 2108, 2110, 2197, 2221, 2556, 2596, 2606, 2611, 2821, 2855, 2856, 3350, 3351, 3352, 3422, 3455, 3639, 3640, 3713, 3783, 3813, 3814, 3858, 3859, 3884, 4120, 4140, 4196, 4207, 4463, 4490, 4638, 4751, 4752, 4766, 4767, 4768, 5506, 5622, 5623, 5624, 5625, 5731, 5790, 5827, 5829,

Federal Aviation Agency—Continued Page

FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS—Continued
Control areas and control area extensions; alterations—Continued
Extension of control areas—Continued
5830, 5854, 5856, 5857, 5898, 6069, 6077, 6120, 6384, 6386, 6397, 6400, 6577, 6641, 6793, 6872, 6977, 6985, 7045, 7110, 7182, 7373, 7517, 7598, 7702, 7817, 7818, 7877, 7878, 7879, 7881, 7882, 7883, 7884, 8008, 8035, 8102, 8103, 8264, 8276, 8330, 8589, 8635, 8676, 8690, 8749, 8856, 8857, 8971, 8999, 9261, 9300, 9301, 9358, 9365, 9491, 9761, 9861, 10118, 10298, 10880, 10882, 10908, 10953, 10996, 11091, 11134, 11135, 11142, 11143, 11394, 11644, 11671, 11874, 12120, 12121, 12359, 12386, 12415, 12416, 12417, 12726, 12735, 12880, 12881, 13078, 13119, 13168, 13213, 13237, 13327, 13328, 13457, 13511, 13573, 13811, 13833, 13948, 13949, 14152, 14154, 14311, 14361, 14591, 14916, 14918, 14970, 14996, 14997, 14998, 15321, 15463, 15464, 15736, 15737, 16070, 16105.
Control zones, alterations ..... 83, 94, 95, 96, 98, 200, 201, 202, 203, 204, 224, 225, 226, 227, 228, 229, 230, 231, 232, 433, 445, 480, 487, 488, 587, 588, 606, 646, 709, 739, 759, 789, 802, 803, 829, 881, 882, 886, 887, 888, 889, 890, 891, 1033, 1034, 1035, 1052, 1053, 1054, 1055, 1056, 1111, 1113, 1120, 1122, 1123, 1124, 1125, 1188, 1202, 1239, 1257, 1283, 1297, 1299, 1816, 1873, 1874, 1951, 1975, 1976, 1977, 1993, 1995, 1996, 1999, 2106, 2107, 2108, 2157, 2197, 2198, 2221, 2257, 2285, 2439, 2556, 2596, 2606, 2607, 2608, 2609, 2610, 2611, 2655, 2702, 2763, 2821, 2822, 2855, 2856, 2927, 2928, 3350, 3351, 3352, 3356, 3378, 3390, 3422, 3452, 3453, 3454, 3455, 3515, 3516, 3639, 3640, 3641, 3664, 3713, 3783, 3784, 3813, 3814, 3820, 3857, 3858, 3859, 3884, 4120, 4121, 4122, 4137, 4338, 4140, 4196, 4206, 4207, 4319, 4321, 4391, 4462, 4463, 4489, 4490, 4533, 4553, 4638, 4869, 4670, 4680, 4723, 4751, 4766, 4767, 4768, 5506, 5575, 5604, 5605, 5606, 5623, 5624, 5731, 5790, 5827, 5829, 5830, 5854, 5855, 5856, 5857, 5898, 5899, 5908, 6068, 6069, 6077, 6113, 6119, 6120, 6189, 6215, 6384, 6385, 6386, 6387, 6397, 6399, 6400, 6577, 6578, 6579, 6588, 6589, 6640, 6641, 6682, 6765, 6793, 6838, 6872, 6914, 6922, 6940, 6977, 6985, 7045, 7098, 7110, 7111, 7182, 7183, 7196, 7276, 7372, 7396, 7517, 7524, 7598, 7639, 7663, 7702, 7816, 7817, 7818, 7840, 7877, 7878, 7879, 7880, 7881, 7882, 7883, 7884, 7993, 7994, 8007, 8035, 8036, 8102, 8103, 8156, 8330, 8331, 8341, 8489, 8490, 8589, 8634, 8635, 8636, 8637, 8676, 8689, 8749, 8798, 8826, 8827, 8856, 8857, 8970, 8971, 8999, 9201, 9260, 9281, 9274, 9276, 9300, 9301, 9321, 9322, 9358, 9365, 9491, 9492, 9576, 9597, 9761, 9861, 9862, 9884, 9906, 9955, 9986, 10087, 10117, 10118, 10285, 10286, 10287, 10297, 10298, 10880, 10881, 10882, 10908, 10909, 10948, 10953, 10954, 10983, 10996, 11030, 11091, 11134, 11135, 11136, 11142, 11143, 11144, 11145, 11146, 11147, 11170, 11179, 11209, 11313, 11348, 11380, 11392, 11393, 11394, 11395, 11597, 11644, 11670, 11671, 11672, 11716, 11874, 12026, 12040, 12042, 12120, 12121, 12332, 12333, 12359, 12360, 12385, 12386, 12415, 12416, 12417, 12535, 12661, 12688, 12725, 12727, 12735, 12837, 12880, 12881, 12937, 13054, 13118, 13119, 13168, 13213, 13237, 13238, 13312, 13313, 13324, 13327, 13328, 13358, 13436, 13457, 13512, 13693, 13777, 13778, 13811, 13812, 13864, 13877, 13948, 13949, 13964, 14044, 14152, 14153, 14154, 14196, 14311, 14312, 14361, 14489, 14591, 14707, 14815, 14916, 14917, 14918, 14968, 14969, 14996, 14997, 14998, 15015, 15080, 15272, 15273, 15321, 15418, 15463, 15464, 15736, 16070, 16071, 16085, 16086, 16087, 16105.
General; extent of Federal airways, description 3932
Positive control areas; alterations 204, 1836, 9221, 9956, 12387, 13437
Reporting points; alterations:
Alaska:
All altitudes 12727, 13778
High altitude 9262, 10997
Low altitude ..... 710, 829, 1977, 6384, 7818, 8636, 9262, 10997, 14311, 14424.

Federal Aviation Agency—Continued Page

FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS—Continued
Reporting points; alterations—Continued
Domestic:
All altitudes ... 1112, 3759, 4391, 4463, 8470, 10155, 13863
High altitude ... 1190, 3750, 6443, 7703, 8471, 9009, 9262, 12727, 14313, 15322, 15364.
Low altitude ... 434, 1036, 2655, 2763, 3225, 3759, 3815, 3820, 4137, 4207, 4533, 6241, 7224, 8264, 9000, 9008, 9261, 9262, 9438, 9906, 10054, 11671, 12725, 12727, 13054, 13169, 13779, 15234, 15322, 15567, 15592, 15761.
Hawaii ... 9262
Transition areas; alterations ... 82, 83, 84, 94, 95, 96, 97, 98, 200, 201, 202, 203, 204, 224, 225, 226, 227, 228, 229, 230, 231, 232, 233, 234, 433, 434, 435, 445, 480, 487, 488, 489, 539, 587, 588, 606, 646, 709, 739, 759, 760, 789, 801, 802, 803, 829, 881, 882, 886, 887, 888, 889, 891, 892, 1033, 1034, 1035, 1052, 1053, 1055, 1057, 1111, 1112, 1113, 1120, 1122, 1123, 1124, 1125, 1126, 1188, 1190, 1202, 1239, 1257, 1258, 1297, 1299, 1301, 1816, 1817, 1835, 1837, 1873, 1874, 1877, 1951, 1976, 1977, 1993, 1995, 1996, 1999, 2000, 2106, 2107, 2108, 2110, 2157, 2197, 2198, 2221, 2556, 2557, 2596, 2597, 2606, 2607, 2608, 2609, 2610, 2611, 2612, 2763, 2764, 2821, 2822, 2855, 2856, 2874, 2952, 2953, 3350, 3351, 3352, 3353, 3356, 3378, 3422, 3453, 3454, 3455, 3516, 3639, 3640, 3641, 3664, 3665, 3713, 3783, 3784, 3785, 3813, 3814, 3815, 3820, 3821, 3857, 3858, 3859, 3860, 3884, 3885, 4120, 4122, 4137, 4138, 4139, 4140, 4196, 4206, 4207, 4319, 4321, 4391, 4462, 4463, 4489, 4490, 4534, 4553, 4554, 4610, 4638, 4669, 4670, 4680, 4681, 4723, 4751, 4752, 4766, 4767, 4768, 5350, 5506, 5575, 5604, 5605, 5606, 5623, 5624, 5703, 5731, 5790, 5827, 5829, 5830, 5854, 5855, 5856, 5857, 5898, 5899, 5908, 6068, 6069, 6077, 6113, 6120, 6189, 6225, 6384, 6385, 6386, 6387, 6397, 6399, 6400, 6402, 6577, 6578, 6579, 6588, 6589, 6641, 6642, 6682, 6736, 6768, 6793, 6795, 6838, 6872, 6914, 6915, 6922, 6924, 6940, 6977, 6978, 6985, 6986, 7045, 7098, 7099, 7110, 7111, 7162, 7183, 7184, 7196, 7316, 7372, 7373, 7396, 7517, 7525, 7557, 7598, 7639, 7663, 7666, 7702, 7703, 7723, 7816, 7817, 7818, 7840, 7877, 7878, 7879, 7880, 7881, 7882, 7883, 7884, 7885, 7886, 7993, 7994, 8007, 8035, 8036, 8037, 8102, 8103, 8111, 8156, 8157, 8264, 8276, 8330, 8331, 8341, 8471, 8489, 8490, 8491, 8589, 8607, 8608, 8634, 8635, 8637, 8676, 8689, 8690, 8749, 8779, 8798, 8799, 8828, 8827, 8828, 8856, 8857, 8970, 8971, 8999, 9001, 9201, 9220, 9260, 9261, 9262, 9274, 9276, 9300, 9301, 9321, 9322, 9358, 9365, 9438, 9491, 9492, 9547, 9548, 9576, 9597, 9761, 9829, 9861, 9884, 9906, 9907, 9955, 9956, 9957, 9986, 10024, 10087, 10117, 10118, 10119, 10285, 10286, 10287, 10296, 10297, 10298, 10880, 10881, 10882, 10908, 10909, 10910, 10911, 10912, 10948, 10953, 10954, 10983, 10996, 11030, 11091, 11134, 11135, 11137, 11142, 11143, 11144, 11145, 11146, 11147, 11170, 11178, 11179, 11209, 11313, 11314, 11328, 11329, 11380, 11381, 11392, 11393, 11394, 11395, 11396, 11597, 11598, 11644, 11670, 11671, 11672, 11849, 11874, 11875, 11949, 12026, 12040, 12042, 12120, 12121, 12130, 12333, 12359, 12385, 12386, 12415, 12416, 12466, 12661, 12688, 12726, 12735, 12837, 12880, 12881, 13055, 13078, 13118, 13119, 13168, 13213, 13237, 13312, 13313, 13324, 13325, 13326, 13327, 13328, 13329, 13436, 13437, 13457, 13512, 13544, 13545, 13582, 13693, 13678, 13778, 13780, 13788, 13811, 13812, 13833, 13863, 13864, 13948, 13963, 13964, 14043, 14152, 14153, 14169, 14170, 14196, 14240, 14311, 14312, 14330, 14361, 14366, 14423, 14489, 14591, 14707, 14815, 14916, 14917, 14918, 14968, 14969, 14970, 14996, 14997, 14998, 15015, 15209, 15272, 15273, 15321, 15418, 15419, 15463, 15464, 15592, 15593, 15736, 16070, 16071, 16085, 16086, 16087, 16104, 16105, 16139, 16257.

Federal Aviation Agency—Continued Page

FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS—Continued
VOR Federal airways:
Alaska; alterations ... 710, 6384, 7818, 8110, 8156, 10997, 12724, 14311
Domestic:
Alterations ... 93, 203, 488, 588, 605, 789, 1033, 1035, 1036, 1111, 1112, 1189, 1190, 1200, 1201, 1202, 1300, 1817, 1836, 1875, 1876, 2440, 2470, 2558, 2655, 2682, 2762, 2763, 2927, 2928, 2952, 3224, 3225, 3391, 3422, 3516, 3549, 3640, 3665, 3785, 3820, 3821, 3884, 4121, 4122, 4138, 4196, 4207, 4463, 4491, 4533, 4554, 4670, 4752, 5383, 5384, 5506, 5643, 5831, 6113, 6120, 6121, 6150, 6241, 6385, 6400, 6443, 6476, 6735, 6794, 6915, 6923, 6978, 6986, 7099, 7112, 7224, 7312, 7316, 7502, 7557, 7558, 7612, 7613, 7664, 7665, 7744, 7761, 7929, 7994, 8008, 8110, 8157, 8166, 8264, 8265, 8567, 8568, 8589, 8590, 8608, 8635, 8636, 9000, 9008, 9009, 9090, 9220, 9261, 9262, 9277, 9437, 9438, 9576, 9624, 9625, 9648, 10024, 10054, 10055, 10119, 10266, 10267, 10842, 10883, 10984, 10997, 11031, 11047, 11136, 11137, 11146, 11147, 11313, 11328, 11381, 11395, 11501, 11672, 12026, 12332, 12333, 12386, 12725, 12726, 12727, 12937, 12938, 13006, 13054, 13056, 13169, 13213, 13255, 13778, 14152, 14311, 14312, 14313, 14423, 14424, 14425, 14526, 14816, 14919, 15234, 15321, 15364, 15418, 15437, 15438, 15592, 15593, 15759, 15760, 15761.
800-series airways, revocation ... 9323, 13903
Hawaii ... 233, 3390, 7224
FOREIGN AIR CARRIERS; operations:
Flight crewmember certificates, requirements ... 16074
Radio and distance measuring equipment:
Civil aircraft (including foreign civil airplanes) within Alaska and Hawaii; proposed rule ... 15296
Foreign aircraft within District of Columbia and 48 contiguous States ... 6541, 10288
FOREIGN AIRCRAFT, proposed international convention on surface damage caused by ... 495
HELICOPTERS:
See also Airmen.
Airworthiness, rotorcraft. *See under* Airworthiness requirements.
Certification and operation:
Airworthiness release of helicopter log entries ... 6432
Proposed rule ... 15297
Alcoholic beverages, restrictions ... 9548, 14919
Emergency evacuation duties assigned to crewmembers ... 9548, 14919
Flight crewmembers at controls; absence due to physiological needs ... 13120
Maintenance and alterations, certificate requirements, repair stations, proposed rule ... 15297
INSTRUMENT FLIGHT RULES:
Altitudes, minimum en route IFR:
Airborne radio navigation and communications equipment requirements, 1965–75; proposed rules ... 6074
Changeover points; VOR Federal airways ... 200, 991, 2536, 3762, 5579, 6769, 7645, 8783, 9911, 13868, 15028, 16074.
Particular routes and intersections:
Colored Federal Airways (amber, blue, green, red) ... 197, 989, 3759, 5576, 6766, 7639, 8780, 11310, 12662, 13865, 15024
Direct routes ... 197, 989, 2532, 3759, 5576, 6766, 7639, 8780, 9908, 11310, 12662, 13865, 15024, 16071.
Jet routes ... 199, 991, 2535, 3761, 5579, 6769, 7645, 8783, 9910, 13868, 15028, 16073.
VOR Federal airways ... 197, 243, 989, 2532, 3760, 5576, 6766, 7640, 8780, 9908, 11311, 12662, 13865, 15025, 16072.
Hawaii ... 2535, 6768, 7643, 8782
Approach procedures:
Airborne radio navigation and communications equipment requirements, 1965–75; proposed rules ... 6074
Magnetic direction, changes in isogonic values ... 7598

Federal Aviation Agency—Continued Page

INSTRUMENT FLIGHT RULES—Continued
Approach procedures—Continued
Takeoff and landing; alterations:
Landing system ... 195, 341, 613, 695, 743, 1244, 1798, 2203, 2770, 2777, 3941, 3957, 4403, 5367, 5464, 5737, 6158, 6334, 6721, 6851, 7233, 7381, 7873, 7968, 8213, 8616, 8895, 9168, 9635, 9808, 9871, 10092, 11097, 11277, 11309, 11912, 12340, 12349, 13525, 13819, 14246, 14715, 14725, 14843, 15023, 15085, 15278, 15791.
Radar ... 196, 342, 699, 1246, 1799, 2206, 2772, 2778, 3944, 3960, 4408, 5369, 5456, 5743, 6159, 6336, 6723, 6855, 7236, 7384, 7876, 8215, 8619, 8897, 9169, 9810, 9873, 11099, 11278, 11913, 12031, 12342, 12350, 13528, 13824, 14249, 14716, 14727, 14845, 15023, 15088, 15281, 15794.
Radio ... 189, 335, 607, 689, 740, 1240, 1791, 2199, 2765, 2772, 3933, 3947, 4392, 5360, 5455, 5732, 5831, 6151, 6329, 6714, 6839, 7225, 7374, 7376, 7378, 7380, 7867, 7950, 8205, 8609, 8889, 9158, 9159, 9625, 9802, 9863, 10024, 10883, 11092, 11273, 11305, 11906, 12027, 12334, 12343, 13513, 13814, 14241, 14708, 14717, 14840, 15016, 15081, 15274, 15784.
JET ROUTES:
Airborne radio navigation and communications equipment requirements, 1965–75, proposed rules ... 6074
Jet advisory areas; alterations:
Enroute ... 1036, 2440, 6432, 8331, 9221, 9956, 12386, 13437
Terminal ... 2440, 6432, 8331, 13437
Jet routes; alterations ... 606, 930, 1036, 1113, 1190, 1191, 1876, 2440, 2471, 2558, 2928, 2953, 3225, 3378, 3391, 3516, 3549, 3666, 3714, 3785, 4464, 5790, 5831, 6121, 6150, 6241, 6242, 6443, 6642, 6915, 6924, 7099, 7100, 7112, 7703, 7745, 7761, 7994, 7995, 8008, 8158, 8471, 8608, 8828, 9221, 9277, 9492, 9577, 10288, 11314, 12387, 12727, 13056, 13213, 13358, 13574, 13865, 14313, 14426, 14919, 15210, 15364, 15438.
MAINTENANCE, preventive maintenance, rebuilding, and alteration:
Altimeter system test and inspection ... 8262
Applicability, U.S. registered civil aircraft, etc ... 3638, 8033, 10288
Proposed rule ... 10116
Certificate requirements; repair stations, proposed rule ... 15297
Deletion of "preventive maintenance" from heading and record-keeping requirements ... 3638
Inspections; proposed rules:
Category II weather conditions ... 14600
"Periodic inspection" changed "annual inspection", clarification of 100-hour inspection requirement, proposed rule ... 13167
Manufacturer's maintenance facility certificate; proposed rule ... 11773
Mechanical work performed on United States registered aircraft by certain Canadian mechanics:
Extension of expiration date (SFAR–10) ... 13780
Organization ... 3638
Proposed rule ... 13787
NAVIGATION FACILITIES, NON-FEDERAL; scope of applicability broadened, facilities to support IFR procedures, proposed rule ... 13169
OPERATING RULES. *See* Air traffic and general operating rules.
ORGANIZATION AND FUNCTIONS:
See also Authority delegations.
Administrator's powers vested in Deputy Administrator ... 8728
Area offices:
Address changed at Cleveland, Ohio ... 12750
Closing; Unalakleet, Alaska ... 8863
Opening:
Albuquerque, N. Mex ... 11112
Atlanta, Ga ... 9888
Boston, Mass ... 11072
Chicago, Ill ... 12132
Cleveland, Ohio ... 11072
Denver, Colo ... 11535
Fort Worth, Tex ... 11112

Federal Aviation Agency—Continued Page

ORGANIZATION AND FUNCTIONS—Continued
Area offices—Continued
Opening—Continued
Houston, Tex ... 11112
Kansas City, Mo ... 12132
Los Angeles, Calif ... 11536
Memphis, Tenn ... 9838
Minneapolis, Minn ... 12132
New York, N.Y ... 11072
Salt Lake City, Utah ... 11536
San Francisco, Calif ... 11536
Seattle, Wash ... 11536
Washington, D.C ... 11072
Description ... 3395
General Aviation District Offices, Oklahoma:
Oklahoma City, closing ... 16028
Tulsa, reopening ... 16028
PROCEDURAL RULES, enforcement procedures:
Authority of area managers and area counsels ... 12024, 12120
Certificate proceeding hearings ... 7222
RECORDS, non-Federal; retention requirements ... 3154
REGISTRATION, aircraft; dealers' certificates on certain flights ... 1283
RESTRICTED AREAS over military installations, etc.:
Military climb corridors; maintenance of certain flight levels ... 6387
Various States and Puerto Rico; alterations:
Alabama, 205.
Alaska, 3885, 4464, 7949.
Arizona, 84, 6736, 6979, 11314.
Arkansas, 1036.
California, 481, 1036, 2000, 2764, 4464, 5624, 6069.
Delaware, 3549, 6388.
Florida, 605, 1057, 6121, 6402, 7503, 8157, 9055, 9907, 11348, 11695, 14490.
Georgia, 7724, 11502, 11850.
Kansas, 6444, 8472.
Louisiana, 8608, 10287, 15210.
Maine, 3759.
Maryland, 1035, 7744.
Minnesota, 446, 3705, 4752, 6069.
Mississippi, 7251, 10287.
Missouri, 11348.
Montana, 11348.
Nevada, 435, 6069, 6242, 7100, 8590, 9221, 11031, 13056, 13949.
New Hampshire, 4197, 13865.
New Jersey, 1189, 2157, 6242.
New Mexico, 3391, 7503, 9577, 14007, 14314, 14971.
North Carolina, 1036, 9438, 9762, 9967, 13573, 13903, 15060.
North Dakota, 11348.
Oregon, 205.
Puerto Rico, 13238.
Tennessee, 1877.
Texas, 5831, 6114.
Utah, 1126, 2111, 4391, 4534, 8638, 9302, 9762, 11283, 13780, 14425.
Virginia, 3422, 7745, 8638, 12727.
Washington, 7100, 7225.
Wisconsin, 1239.
Wyoming, 11031.
ROTORCRAFT. *See* Airmen; Airworthiness requirements; Helicopters.
SCHEDULED AIR CARRIERS. *See* Air carriers; Helicopters.
SCHOOLS AND OTHER CERTIFICATED AGENCIES:
Ground instructors; cheating on tests and falsification of certificates, records, etc ... 2195
Pilot schools, record retention ... 7517
Repair stations; proposed rules:
Domestic:
Performance standards, maintenance and alterations ... 15297
"Periodic inspection" changed to "annual inspection", clarification of 100-hour inspection requirement:
Certificates, privileges of ... 13167
Personnel requirements ... 13167
Foreign; records and reports, certain deletion ... 15297
General; maintenance, alterations and inspections for air carrier or commercial operator under continuous airworthiness program ... 15297
SPECIAL USE AIRSPACE. *See* Restricted areas.
SUPPLEMENTAL AIR CARRIERS. *See* Air carriers.

Federal Aviation Agency—Continued

TECHNICAL STANDARD ORDERS, C Series:
- General provisions; manufacturer's maintenance facility certificate, proposed rule — 11773
- Minimum performance standards:
  - Airborne distance measuring equipment (C66a) — 7637
  - Airborne low-range radio altimeters (C87) — 4206, 15547
  - Airborne radio navigation and communications equipment requirements, 1965–75; proposed rule — 6074
  - Airborne VOR receiving equipment (C40b), proposed rule withdrawn — 7663
  - Airborne weather radar equipment (C63a) — 8262
  - Aircraft audio and interphone amplifiers (C50a) — 9319, 13786
  - Aircraft fabric, synthetic (C83); proposed rule withdrawn — 11695
  - Aircraft flight recorders (C51a), proposed rule — 2468
  - Aircraft skis (C28) — 13211
  - Airspeed indicators, maximum allowable (C46) — 13211
  - Carbon monoxide detector instruments (C48) — 13211
  - Fire resistant aircraft sheet and structural material (C17a) — 13209
  - Fuel and engine oil system hose assemblies (C53a) — 13211
  - Fuel flow meters (C44a) — 13210
  - Fuel and oil quantity instruments (C55) — 13211
  - Landing flares (C24) — 13210
  - Life preservers (C13d); proposed rule withdrawn — 8006
  - Lights, aircraft position (C30b) — 13210
  - Manifold pressure-indicating instruments (C45) — 13211
  - Oxygen, demand; proposed rules:
    - Masks (C78) — 9547
    - Regulators — 15294
  - Position light flashers, single-circuit (C33) — 13212
  - Pressure instruments—fuel, oil, and hydraulic (C47) — 13211
  - Propeller feathering hose assemblies (C–42) — 13210
  - Safety belts (C22e) — 13210
  - Temperature indicators (C43) — 13210
  - Twin seaplane floats (C27) — 13211

WAKE ISLAND CODE; applicability, Island Manager, Justice Court, motor vehicle maintenance and equipment, dental services, etc — 7184

Federal Communications Commission:

AERONAUTICAL EXTRAORDINARY ADMINISTRATIVE RADIO CONFERENCE. International Telecommunication Union; second notice of inquiry regarding preparation — 12306

ALASKA, public fixed stations and maritime stations; interim ship station licensing, elimination, proposed rule — 14564

ALIENS:
- Aircraft pilots, eligibility requirements for commercial radio operator licenses — 3597
- Amateur stations, operation of — 2706

AMATEUR RADIO SERVICE:
- Aliens, operation of amateur stations by — 2706
- Fees for applications — 14803
- Incentive licensing and distinctive call signs; proposed rules — 4496, 9175
- Operator licenses:
  - Conditional class license, examination — 1944
  - Examination points:
    - Fairbanks, Alaska — 4618
    - Gettysburg, Pa — 8837
    - Las Vegas, Nev — 14932
    - Salem, Va — 7755
  - New license, eligibility for — 1944
- Station licenses for antenna structures, Form 401–A deleted — 12778

ANTENNA STRUCTURES:
- Antenna farm areas, erection of antenna structures in; proposed rules — 7448, 12688, 13018, 15174, 15761
- Prior proceeding terminated — 7446
- Community antenna television systems:
  - Distribution of TV broadcast signals, inquiry and proposed rules — 6078, 8009, 8590
  - Microwave stations to relay TV broadcast signals — 4322, 6060, 8842, 10204, 13361
  - TV broadcast licensees, acquisition by — 9608
- Construction, marking, and lighting; proposed rules terminated — 803
- Height limitation, policy statement — 7419
- Obstruction marking — 11860

Federal Communications Commission—Con.

AVIATION SERVICES:
- Applications and licenses:
  - Fees — 14803
  - Fleet licensing of private aircraft radio stations — 9316
  - Renewal of station licenses — 9315
- Civil Air Patrol, frequencies available — 9695, 13706
- Cooperative use of fixed radio facilities, proposed rules — 13652
- Definitions:
  - Aviation instructional station — 4492, 8679
  - Radionavigation land test station — 8839
  - Technical specifications — 2800
- Log requirements, certain, exemption of radionavigation land test stations from — 16267
- Permissible communications — 4492, 8679, 9488
- Radiotelephone and microwave transmitters, certain, type acceptance withdrawn — 12428
- Various services:
  - Airborne stations:
    - Air carrier aircraft; use of frequency 122.1 Mc/s, proposed rule — 15811
    - Survival craft stations — 7105, 14984
  - Air-ground radio-telephone service, proposed rules — 8691, 15762
  - Aviation instructional stations — 4492, 8679
  - Proposed rule — 13331
  - Emergency frequency 121.5 Mc/s, use by additional aeronautical ground stations; proposed rules — 13331
  - Operational stations, service and frequencies — 2801
  - Pilot-to-weather forecaster service test, extension of temporary use of 122.6 Mc/s — 343
  - Radionavigation land test stations — 8839, 10861, 12392

BROADCAST RATINGS, FTC statement — 13887

CALL LETTER ASSIGNMENT POLICY, commonly owned stations in different services — 4506

CANADIAN BROADCAST STATIONS — 109, 2165, 3401, 5766, 6491, 6493, 7201, 7528, 10212, 11073, 12307, 12693, 13587.

CITIZENS RADIO SERVICE:
- Applications:
  - Antenna structures, Form 401–A deleted — 12778
  - Fees — 14803
- Certain frequencies; proposed rules — 9494, 13382
- Class A stations, communication with Government stations when necessary for coordination of activities, proposed rule — 13728
- Frequencies available, class A stations, 460–461 Mc/s — 3443
- Station operating requirements, prohibited uses — 2712

COMMERCIAL RADIO OPERATORS:
- Alien aircraft pilots, eligibility requirements — 3597
- Fees for applications — 14803

COMMUNICATIONS SATELLITE. *See* Satellite communications.

COMMUNITY ANTENNA TELEVISION SYSTEMS. *See* Antenna structures.

COMPARATIVE BROADCAST HEARINGS, policy statement — 9660

CONVENTION FOR SAFETY OF LIFE AT SEA, 1960, functions (Executive Order 11239) — 9671

DISASTER COMMUNICATIONS SERVICE:
- Applications for station license, antenna structures, Form 401–A deleted — 12778
- Frequencies 1750–1800 kc/s shared with industrial radiolocation service; proposed rule — 9112, 9884

DISASTERS, natural, modification applications occasioned by; waiver of filing fees — 9499

DOMESTIC PUBLIC RADIO SERVICES:
- Applications:
  - Content, wire line common carriers — 2448
  - Fees — 14803
  - Grants without hearing — 7174
  - Processing; filing of petitions to deny applications, proposed rule — 14443
- Definitions — 892, 1878, 7174
- Technical standards:
  - FCC publications for reference — 892, 1878, 7174
  - Replacement of equipment, proposed rules — 2471
  - Transmitter power — 892, 1878, 7174
- Various services:
  - Air-ground radio-telephone service; proposed rules — 8691, 15762
  - Community antenna TV systems; distribution of TV broadcast signals by; inquiry and proposed rules — 6078, 8009, 8590

Federal Communications Commission—Con.

DOMESTIC PUBLIC RADIO SERVICES—Continued
- Various services—Continued
  - Land mobile service:
    - Authorization of facilities in certain bands, proposed rules, extension of time — 155
    - Mobile tariffs, policy regarding filing — 12263
    - Wire line common carriers — 2448
  - Local TV transmission service — 1878, 7175
  - Point-to-point microwave service:
    - Bands shared with Communication-Satellite Service — 1878, 7174
    - Stations used to relay television broadcast signals to CATV systems — 4322, 6060, 8842, 13370
    - Proposed rules — 10204, 13368
    - Renewal of licenses, transition period — 15442

DOMINICAN REPUBLIC BROADCAST STATIONS — 655, 3402, 4772, 5804

EXPERIMENTAL BROADCAST SERVICES:
- Antenna structures commonly used, obstruction marking — 11860
- Community antenna TV systems:
  - Distribution of TV broadcast signals by; inquiry and proposed rules — 6078, 8009, 8590
  - Microwave stations to relay TV signals to — 4322, 10204, 1370
- Television auxiliary stations:
  - Project Apollo — 1851, 12125
  - Station identification, proposed rule — 13330
- Television translator stations, high power TV translators on unoccupied assignments — 2474, 3457, 8843

FM STATIONS. *See* Radio broadcast services.

FEES for applications — 14803

FREQUENCY ALLOCATIONS:
- Allocation, assignment, and use of radio frequencies — 1009, 1878, 7156, 8222
- International regulations in force — 1878, 7156
- Table of frequency allocations — 1009, 1878, 7156, 8222, 11354, 15701
  - 59–61 kc/s, 6219.
  - 1605–1715 kc/s, 7105.
  - 1750–1800 kc/s, 9109, 9884.
  - 1800–2000 kc/s, 12294.
  - 2390 kc/s, 11881.
  - 2505–2850 kc/s, 343.
  - 2566 kc/s, 11881.
  - 3230–3240 kc/s, 9111.
  - 3240–3400 kc/s, 9111.
  - 8242.8 kc/s, 650.
  - 8792.8 kc/s, 650.
  - 12354.5 kc/s, 650.
  - 13154.5 kc/s, 650.
  - 35–44 Mc/s, 155.
  - 72.08 Mc/s, 9494, 13382.
  - 72.24 Mc/s, 9494, 13382.
  - 72.40 Mc/s, 9494, 13382.
  - 72.96 Mc/s, 9494, 13382.
  - 75.64 Mc/s, 9494, 13382.
  - 88–108 Mc/s, 4480, 5513.
  - 108–119.975 Mc/s, 4480.
  - 122.1 Mc/s, 15811.
  - 122.6 Mc/s, 343.
  - 123.075–123.575 Mc/s, 4492, 8679, 12294.
  - 143.90 Mc/s, 9695, 13706.
  - 148.15 Mc/s, 9695, 13706.
  - 152–162 Mc/s, 155.
  - 156–174 Mc/s, 8696.
  - 173.2–173.4 Mc/s, 6386.
  - 243 Mc/s, 7105, 11932.
  - 265–285 Mc/s, 11932.
  - 450–460 Mc/s, 155, 8691, 15762.
  - 1670–1690 Mc/s, 9883.
  - 1990–2110 Mc/s, 1851, 12125.
  - 3700–4200 Mc/s, 892, 1878.
  - 5925–6425 Mc/s, 892, 1878.
  - 7250–7750 Mc/s, 1878, 14013.
  - 7905–8400 Mc/s, 892, 1878.
  - 12200–12700 Mc/s, 13370.
  - 12700–13200 Mc/s, 13370.
  - 12.2–12.7 Gc/s, 13370, 14437.
  - 12.7–13.2 Gc/s, 13370, 14437.
- Definitions — 1878, 7155
- Aviation instructional station — 4492, 8679
- Community antenna relay service — 4322, 10204, 13370
- Radionavigation land test stations — 8839, 10861

Federal Communications Commission—Con.

FREQUENCY ALLOCATIONS—Continued
- Fixed service utilizing tropospheric scatter techniques; proposed rules, proceedings terminated — 6226
- Treaties and other international agreements — 7102

HEARINGS, ORDERS, etc. *See list at end of this agency.*

HORSE RACING INFORMATION, broadcasting; establishment of advisory committee — 5538

INDUSTRIAL HEATING EQUIPMENT, certification — 7998, 14200

INDUSTRIAL RADIO SERVICES:
- Applications:
  - Fees — 14803
  - Form 401–A deleted — 12778
- Community antenna TV systems, distribution of TV broadcast signals by; inquiry and proposed rules — 6078, 8009, 8590
- Cooperative arrangements, proposed rules:
  - Fixed facilities — 13652
  - Mobile units — 16271
- Frequency assignment policy, operational fixed stations outside continental United States; proposed rule — 11881
- Frequency coordination, proposed rule — 17172
- Frequency stability, 3230–3240 and 3240–3400 kc/s; proposed rule — 9111, 9884
- Secondary frequency assignment:
  - California — 4616
  - California, Texas, and Chicago; proposed rule — 13965, 15375
- Various services:
  - Business service:
    - Microwave authorization, requests for waivers — 15443
    - Microwave stations to relay television broadcast signals to CATV systems — 4322, 6061, 8840, 10204, 13375
  - Forest products service, eligibility in; proposed rule — 16270
  - Industrial radiolocation service, proposed rules — 9111, 9884
  - Manufacturers service, frequency sharing; proposed rule — 9494, 13382

INSTRUCTIONAL TELEVISION FIXED SERVICE, establishment of committee for full development — 13174

INTERNATIONAL FIXED PUBLIC RADIOCOMMUNICATION SERVICES, fees for applications — 14803

LAND MOBILE SERVICE, frequency spacing and sharing; inquiry, extensions of time — 4435, 7581

LAND TRANSPORTATION RADIO SERVICES:
- Applications:
  - Fees — 14803
  - Form 401–A deleted — 12778
- Cooperative use of fixed radio facilities, proposed rules — 13652
- Frequency coordination, proposed rule — 17172
- Secondary frequency assignment:
  - California — 4617
  - California, Texas, and Chicago; proposed rules — 13965, 15375

MARITIME SERVICES:
- Land stations:
  - Applications:
    - Fees — 14803
    - Form 401–A deleted — 12778
  - Station authorization; change in antenna structures of licensed station, deletion of Form 401–A — 12778
  - Telephony, use by public coast stations:
    - Baltimore, Md. area; proposed rules — 13079
    - Boston, Mass.; proposed rule — 11881
    - Government frequencies — 14652
    - Miami, Fla. — 650
    - Pacific coast area, intership communications — 806, 15808
  - Transmitters — 14652
- Shipboard stations:
  - Applications:
    - Changes — 2446, 14652
    - Exemption — 6779
    - Fees — 14803
    - Forms for station authorization — 2446
  - Compulsory shipboard equipment, survival craft portable radio equipment — 6780
  - Definitions; safety convention and safety convention certificates — 6779

Federal Communications Commission—Con. Page

MARITIME SERVICES—Continued
Shipboard stations—Continued
Frequency tables, radiotelegraph 14652
Interim ship station licensing, elimination; proposed rules 14564
Plurality and portable ship station licenses 15370
Radiotelegraph stations 6779
Radiotelephony:
Baltimore, Md. area; proposed rules 13080
Boston, Mass.; proposed rule 11881
Communications Act or Safety Convention 6780
Great Lakes Radio Agreement 6780
Miami, Fla., frequency pair 650
More than one frequency, proposed rule 8697, 11284
Pacific coast area, intership communications 806, 15808
Station documents 10293
Transmitters, power input; proposed rule 8696
MEXICAN BROADCAST STATIONS 452, 11895, 14693
ORGANIZATION AND FUNCTIONS:
Applications:
Elimination of interim ship station licensing; proposed rules 14564
Radio operator examination points:
Fairbanks, Alaska 4612
Las Vegas, Nev 14932
Salem, Va 7755
Board of Commissioners 9314
Broadcast Bureau, Chief 8678, 14598, 14599
Chairman of Commission, inspection of records 8678
Common Carrier Bureau, Chief 8678, 12125
Data Processing Division 6250
Executive Director, waiver of filing fees 14106
Field Engineering Bureau:
Alien aircraft pilot operator licenses 7521
Amateur operator licenses, Gettysburg, Pa. 8837
General Counsel, extension of time for filing briefs 8678
Information and applications:
Amateur examination point, Gettysburg, Pa. 8837
Inspection of records 4546, 8678
Manpower Utilization and Survey Division 6250
Opinions and Review Office, Chief 3223
Record inspection, network affiliation contracts 13060
Safety and Special Radio Services Bureau, Chief 2706, 6779, 8678, 12125
POLICY STATEMENT, comparative broadcast hearings 9660
PRACTICE AND PROCEDURE:
Broadcast applications:
Agreements between parties for amendment or dismissal of applications 6780
Clear channel broadcasting in standard broadcast band, applications for frequencies adjacent to class I–A channels 9687
Comparative broadcast hearings, policy statement 9660
Defective applications, proposed rule terminated 14382
Filing requirements, records to be maintained locally 4546, 6781, 13060, 13061, 13541
Forms:
Ownership reports 4547
Program service 10195, 12125
License renewal applications, forfeitures for late filing 15183
Responses to Commission inquiries, misrepresentations by applicants, permittees, and licensees; proposed rules 12418, 13728, 15438
Ex parte communications in hearing proceedings 9266
Fees for applications 3822, 14803
Forfeiture proceedings, notices by regular mail 9767
General rules:
Application for antenna structure; proposed rule 7448, 12688, 13018, 15174, 15761
Prior proceeding terminated 7446
Reconsideration 4478, 8837
Rulemaking procedures, proposed rules withdrawn and proceeding terminated 9277
Safety and special services applications and proceedings 2446, 2706, 3223, 4479, 6779, 9315, 12778
Elimination of interim ship station licensing, proposed rule 14564
Telephone companies, annual financial reports:
Exemption for certain smaller companies, proposed rule 13016
Form M, class A and B companies 9883

Federal Communications Commission—Con. Page

PRACTICE AND PROCEDURE—Continued
Telephone companies, annual financial reports—Con.
Salary rates or compensation paid to persons required to report, proposed rule 12417
PUBLIC SAFETY RADIO SERVICES:
Applications:
Fees 14803
Form 401–A deleted 12778
Cooperative use of fixed radio facilities, proposed rules 13652
Frequency coordination, proposed rule 17172
Secondary frequency assignments:
California 4614
California, Texas, and Chicago; proposed rules 13965, 15375
Transmitters, nontype accepted equipment for police zone and interzone stations 7522
RADIO BROADCAST SERVICES:
Educational FM station, noncommercial:
Candidates for public office, broadcasts by; inspection of records 4547
Minimum required spacings between stations for interference protection 8680
Operator requirements 6520, 14557
FM stations:
See also Educational FM stations, noncommercial.
Antenna structures commonly used, obstruction marking 11860
Antenna systems for FM broadcast stations; proposed rule withdrawn 3455
Candidates for public office, broadcasts by; inspection of records 4547
Channel assignments 12711
Changes in various States:
Alabama, 803, 4556, 5901, 6947, 8067, 11856, 11859.
Alaska, 803, 5901.
Arizona, 6544.
Arkansas, 803, 5901.
California, 4556, 6947, 9690, 12786, 13964, 14497, 15253.
Colorado, 803, 5901, 12781, 12786, 15807.
Connecticut, 803, 5901.
Florida, 3817, 3826, 6252, 6544, 8068, 11856, 11877, 12786, 13788, 13950, 13964, 14497, 14819, 15235.
Georgia, 5833, 6543.
Illinois, 12, 1047, 8069, 8070, 13950, 14382.
Indiana, 1855, 2473, 4493, 4555, 5833, 6520, 6543, 6947, 9690, 11875, 13644, 14171.
Iowa, 803, 1853, 1855, 3817, 4555, 5833, 5901, 6117, 6947, 8068, 9690, 11875, 11877, 12787, 13170, 13964, 14382, 14497, 15235.
Kansas, 803, 1855, 5833, 5901, 8068, 8070 13950.
Kentucky, 3817, 8067, 8069, 11875, 12786, 13950, 13964, 14497.
Louisiana, 4555, 6947, 9690, 11875.
Maine, 803, 3816, 4555, 5901, 6947, 9690.
Maryland, 6543, 7929, 8068, 12714, 13645.
Massachusetts, 1855.
Michigan, 803, 3817, 5860, 5901, 8048, 12788, 15235, 15374.
Minnesota, 803, 1851, 4556, 5901, 6252, 6947, 8070, 9690, 11875, 12746, 13950.
Mississippi, 98, 3817, 4495, 4556, 5833, 6251, 6947, 7314, 9696, 11856, 13009.
Missouri, 4555, 6253, 6947, 9690.
Nebraska, 4555, 6947, 9690.
Nevada, 6254.
New Jersey, 5860, 6543, 9687, 13644, 15235.
New Mexico, 8069, 13950.
New York, 803, 1855, 5833, 5901, 6251, 15235.
North Carolina, 5833, 6253, 9695, 12780.
Ohio, 4555, 6543, 6947, 8069, 9690, 13645, 13950.
Oklahoma, 803, 5901, 15235.
Oregon, 4493, 6275.
Pennsylvania, 5833, 11875, 12787, 13645, 13964, 14497.
Rhode Island, 12787, 13962, 14497.
South Carolina, 6543.
South Dakota, 803, 5833, 5901.
Tennessee, 803, 4556, 5833, 5901, 6543, 6947, 7673, 11856, 11875, 12786, 13645, 13964, 14497, 15235.
Texas, 1057, 4555, 5833, 8063, 6947, 8069, 9690, 11875, 12787, 13950, 13964, 14497, 15235.
Utah, 12786, 13964, 14497.
Virginia, 4556, 6253, 6274, 6947, 7107, 8069, 9690.
Washington, 4493, 6275.
West Virginia, 490, 4480, 6543, 8068, 12787, 13645, 13964, 14497.
Wisconsin, 246, 803, 1853, 1854, 5833, 5901, 8067, 11875, 12788, 13964, 14497.

Federal Communications Commission—Con. Page

RADIO BROADCAST SERVICES—Continued
FM stations—Continued
Classification of stations:
Minimum mileage separations 4495, 8680
Numerical designation of channels, VOR test facilities 4480, 5513
Commercial announcements, modulation 8967
Duplication of AM and FM programming 996, 3541
Engineering charts, field strength curves; proposed rules 6651, 7666, 8491, 10861, 13583, 15236
Financial qualifications of applicants for broadcast facilities 8865
Fraudulent billing practices 13642, 13662
Horse racing information, broadcasting; establishment of advisory committee 5538
Interference, protection from; location of antenna, proposed rule 7448, 12688, 13018, 15174, 15761
License renewal applications, forfeitures for late filing 15183
Multiple ownership; proposed rule, extensions of time 651, 2470, 5798, 7525, 9549
Newswire services, contracts with; proposed rule, extension of time 490
Operator requirements 6520, 14557
Program log:
Analysis, composite week 12134
Entries, etc 10200
VOR test facilities, use of frequency 108.0 Mc/s 4480, 5513
Standard broadcast stations:
Antenna structures commonly used, obstruction marking 11860
Applications:
License renewal, forfeitures for late filing 15183
Ready and available for processing 354, 355, 497, 654, 2417, 2727, 3799, 4211, 4559, 5868, 6491, 8017, 8804, 13751, 14226, 14448, 14611, 15443, 15676, 15677, 16225.
Vacated frequencies, procedure for:
KABE, Westwego, La 15112
KWK, St. Louis, Mo 4435
Auxiliary transmitter 14556
Candidates for public office, broadcasts by; inspection of records 4547
Class IV stations, minimum permissible power; proposed rule 15811
Commercial announcements, modulation 8967
Data required with applications for directional antenna systems, proposed rule 13079
Duplication of AM and FM programming 996, 3541
Financial qualifications of applicants for broadcast facilities 8865
Fraudulent billing practices 13642, 13662
Horse racing information, broadcasting; establishment of advisory committee 5538
Logs, program, operating, maintenance; proposed rules 6590
Multiple ownership; proposed rule, extensions of time 651, 2470, 5798, 7525, 9549
Network broadcasting, continuance of hearing 14448
Newswire services, contracts with; proposed rule, extension of time 490
Operator requirements 6520, 14557
Program log:
Analysis, composite week 12134
Entries, etc 10198
Special field test authorization 14556
Station assignment standards, minimum separation, prohibited overlap 3541
Suburban communities, facilities involving; policy statement 17177
Technical standards, skywave transmission on class I–B clear channels 12719, 12886, 13783
Television stations:
Airborne television transmitters; petitions, extensions of time 8692, 10204, 11179, 11972
Antenna structures commonly used, obstruction marking 11860
Canadian television assignments; changes, additions 6491, 6493, 12693
Candidates for public office, broadcasts by; inspection of records 4547

Federal Communications Commission—Con. Page

RADIO BROADCAST SERVICES—Continued
Television stations—Continued
Channel assignments, various States 7717
Alabama, 6870, 8164, 14867.
Arkansas, 9693, 11880.
California, 7711, 8680, 8759, 11878, 14100.
Connecticut, 6870, 8681.
Delaware, 6870.
Florida, 9487.
Georgia, 6870, 7711.
Illinois, 8164, 9487.
Indiana, 7711.
Kansas, 846, 11879.
Kentucky, 7711.
Maryland, 7711, 8164.
Michigan, 6870.
Minnesota, 8164.
Nebraska, 846, 11879.
Nevada, 11880.
New Hampshire, 7711.
New Jersey, 6870, 7711, 8681.
New York, 6870, 8681, 8759.
North Carolina, 8681.
Ohio, 6870, 7711, 8164.
Oregon, 9697, 11284.
Pennsylvania, 6870.
Tennessee, 6870, 7711.
Texas, 8164, 8680.
Utah, 11880.
Virgin Islands, 8680.
Wyoming, 7106, 8681.
Commercial announcements, modulation 8967
Educational VHF channels at New York, N.Y., and Los Angeles, Calif.; proceeding terminated 8759
Financial qualifications of applicants for broadcast facilities 8865
Fraudulent billing practices 13642, 13662
Frequency sharing with land mobile service; inquiry, extension of time 4435
Horse racing information, broadcasting; establishment of advisory committee 5538
Interference, protection from; location of antenna, proposed rule 7448, 12688, 15174, 15761
License renewal applications, forfeitures for late filing 15183
Monitoring equipment, engineering charts; field strength curves, proposed rules 6651, 7666, 8491, 10861, 13583, 15236
Multiple ownership:
Interim policy 578, 8173
Proposed rules 651, 2470, 5798, 7525, 8169, 9549, 11972
Network broadcasting, competition, and responsibility; proposed rules 4065, 7113, 12419, 14448
Network programs not available to certain stations, proposed rules 7666, 11047, 13583
Newswire services, contracts with; proposed rule, extension of time 490
Operator requirements 6520
Program log analysis, composite week 12134
Remote control operation of VHF stations, proposed rules 12419
Stereophonic sound for television broadcasting; inquiry, extension of time 2480
Subscription television service; proposed rules, extensions of time 6122, 7197
Transmission standards, effective radiated power 3442
UHF channels, expanded use 7711, 8164, 8680, 8681, 9487
Proposed rules 7671, 9222, 12086, 12421, 14017, 16270
RADIO FREQUENCY DEVICES:
Intruder alarms, proposed rules 6541, 6689
Measurement procedure, editorial change 578
Radiation interference limits; television broadcast receivers, temporary increase 6250
Radio door controls, operation 2558, 9315, 11354
Effective date stayed 15150
Industry-Government technical conference 11933
RECORDS, non-Federal; retention requirements 3156
SATELLITE COMMUNICATIONS:
Definitions; ownership and operation of earth stations 589, 6862

Federal Communications Commission—Con.

Page

SATELLITE COMMUNICATIONS—Continued
Developmental stations, issuance of authorizations; proposed rules 13016, 14330
Fees for applications 14803
Technical standards 892, 1878, 7175
Telecommunications services, inquiry 8018, 12553, 14750
Voice grade and TV channels, leasing to common carriers:
Investigation 8238
Prehearing conference 8243
TELEPHONE AND TELEGRAPH CARRIERS:
Annual reports:
Form M, class A and B telephone companies 9883
Record retention 5858, 9544
rules 13016
Domestic telegraph speed of service studies 12126
Fees for applications 14803
Record preservation, retention period, use of 8mm film, etc 5858, 9544
Reports of proposed changes in depreciation rates 3223
Uniform system of accounts:
Class A and B telephone companies, accounting classification of costs incurred in recovering salvage on station apparatus 8692, 13949
Class A, B, and C telephone companies, retirement units for pole lines 2472, 7711
Record retention 5858, 9544
TELEVISION AND LAND MOBILE SERVICE, frequency sharing; inquiry, extension of time 4435, 7581
TELEVISION STATIONS. *See* Experimental broadcast services; Radio broadcast services.
HEARINGS, ORDERS, ETC.:
Abacoa Radio Corp. (WRAI), 4368, 7457, 13415, 14750.
Advanced Electronics, 13972, 14020.
Alabama Microwave, Inc., 9179, 9182, 11893, 13973.
American Colonial Broadcasting Corp., 3276, 5868, 7296.
American Homes Stations, Inc. et al., 2289, 2415, 3832, 14446.
American Radio-Telephone Service, Inc., 6289, 6409, 7297, 8285, 8865, 9499, 11537.
American Telephone and Telegraph Co., 728, 1955, 2731, 2883, 3610, 4005, 4368, 4560, 6492, 6493, 6790, 6883, 7528, 7529, 7932, 8071, 8560, 8596, 8729, 8757, 9555, 9607, 9888, 11183, 12132, 13024, 13885, 14571, 16222, 17179.
Anniston Broadcasting Co., 2480, 3622, 6094, 8017, 9071, 11401, 13793, 14335.
Apollo Radio Corp., 7407, 7457, 8407.
Associated Television Corp., 4504, 4560, 6231, 8757, 8975, 11931.
B&K Broadcasting Co., 16220, 16221.
Barbourville-Community Bradcasting Co., 110, 111, 1268, 2291, 4699.
Beard, Sam H., 5714, 5765, 6949, 8072, 8917, 12428.
Belk Broadcasting Co. of Florida, Inc., 7680, 8758, 12305, 15378.
Big Four Broadcasting, 7579, 7727.
Bigbee Broadcasting Co., 12428, 13975, 14336.
Birmingham Broadcasting Co., 167, 168, 1133, 6741.
Birmingham Television Corp., 14567.
Black Hills Video Corp., 16225.
Blue Island Community Broadcasting Co., Inc. et al., 498.
Boca Broadcasters, Inc., 13024, 13294, 14446.
Botti, J., Enterprises, 9281, 11736, 12050.
Bowie Broadcasting Corp., 9842, 10833, 11361, 11894.
Brown Radio & Television Co. (WBVL) et al., 110, 111, 1268, 2291, 4699, 9225, 12698, 14386, 14504.
Brownyard, James D., 7125, 7259, 8758, 10122.
Burlington Broadcasting Co., 14938.
California Interstate Telephone Co., 14020, 14050, 14387, 14821, 15505.
California Western University of San Diego, 1883, 2004, 2960, 3464, 5540, 5804.
Campbell and Sheftall, 7617, 7678, 8975, 11651, 13551.
Cape Canaveral Broadcasters, Inc., 903, 4009.
Capital Broadcasting Co. of Nevada (KPTL) et al., 9281, 9555.
Capital Broadcasting Corp., 7617, 7679, 8917, 9071, 9842, 11736, 12553, 15112.
Capital City Television Co. 4504, 4560, 6231, 8757, 8975, 11931.
Capital News, Inc., 7617, 7679, 8917, 9071, 9842, 11736, 12553, 15112.
Caraballo, Sergio Martinez, 4506, 4561, 5868, 7767.
Caribbean Broadcasting Corp., 4506, 4561, 5868, 7767.
Carolina Radio Bradcasting Co., 3833, 4063, 5539, 7023.
Cascade Broadcasting Co., 596, 2732, 6601, 7766, 11537, 12750, 14226.
Central Broadcasting Corp., 6949, 12697, 16026, 16221.
Century Broadcasting Corp. (KSHE), 7407, 7457, 8407.
Chapman Radio and Television Co., 1133, 1885, 2005, 2480, 2565, 2622, 3362, 6094, 8017, 8073, 9071, 10123, 11401, 13793, 14335.
Charlottesville Broadcasting Corp. (WINA), 2728, 2733, 3800, 5714, 8017, 8729, 11894, 12133, 13552, 14116, 14447.
Chesapeake Engineering Placement Service, Inc., 3610, 3675, 4772, 7458, 8285, 9118, 13974.
Chicago Federation of Labor and Industrial Union Council, 4142, 4368, 6197, 6450, 6549, 7457, 9072, 11401, 12429, 12553, 12898, 14118, 15112.
Chicagoland TV Co. et al., 899, 1013, 1064, 2003, 2046, 2622, 2730, 3672, 4142, 4368, 6197, 6450, 6549, 7457, 9072, 11401, 12429, 12553, 12898, 14118, 15112.
Childress, James B., 3833, 4063, 5539.
Chronicle Publishing Co. (KRON–TV), 2623, 3800, 6197, 9841.
Circle L. Inc. et al., 16222.
Clay County Bradcasting Co., 8072, 8115, 12050, 14339, 16226.
Cleveland Telecasting Corp., 356, 656, 1264.
Clinton Broadcasting Co., 6094, 6126, 7297, 8732.
Coastal Communications Corp. (KPTL) et al., 12429, 13587.
Communications Satellite Corp., 8729, 9283, 9751, 12553.
Connecticut Coast Broadcasting Co., 2289, 4063.
Continental Broadcasting, Inc., 7728, 7767, 8917, 9738, 11931, 11979, 14050.
Continental Broadcasting of California, Inc. (KDAY), 6549, 6662, 7580, 12750, 14447.
Creek County Broadcasting Co. et al., 13974.
Crest Broadcasting Co., 5715, 7296, 8178, 9072, 11736, 11979, 12049, 12430, 13664, 14120.
Dawson County Broadcasting Corp., 1882, 1883, 2734, 4772, 6450.
Dean, Elbert H. et al., 13886.
Denton Radio Co., 3833, 4063, 5539.
Dick Broadcasting Co., Inc., of Tennessee, 6288, 6289, 7259, 8285, 8865, 9841, 11072, 11182, 11290.
Dirigo Broadcasting, Inc., 1265, 4005, 5714.
Dixie Broadcasting Co., Inc., 6197, 6287, 7200.
Dobbyn, Richard Lee, 2733.
Domestic Telegraph Service, 727, 11401, 11804, 16222.
Dover Broadcasting Co., Inc., 356, 656.
Downeast Television, Inc., 1265, 4005, 5714.
Downriver Broadcasting Assn., 3674, 3675, 4436, 5539, 8073, 8285, 11736.
Dubuque Broadcasting Co., 902, 2290, 4005.
Eagle Wharf and Towing Co., 355, 729, 1324.
Eastern Long Island Broadcasters, Inc., 7679, 7728, 9841, 12553, 13024, 13104, 14175.
Edgefield-Salada Radio Co. (WJES), 15377, 15378.
Effingham Broadcasting Co., 2004, 3401, 6950.
Elkins Radio, 2290, 2415.
Elyria-Lorain Broadcasting Co. et al., 12693, 12696, 13024, 13703, 13975.
Emerald Broadcasting Corp. (KPIR) et al., 6699, 6741, 7767, 11289, 11804.
Erway Television Corp., 3610, 3675, 4772, 7458, 8285, 9118, 13974.
Estacada Telephone & Telegraph Co., 355, 1065, 4211, 7581, 11360.
Estes, Edwin H., 6232.
Evergreen Enterprises, Inc., 6197, 6292, 7201, 7461, 8017, 10866.
Farragut Television Corp., 69, 3611, 7296.
Fidelity Radio, Inc. et al., 7124, 7296, 8017, 8595, 11401, 12133, 12813, 13566.
Fine Music Broadcasts, Inc., 7680, 8758, 12305, 15378.
5 KW, Inc., 2564, 2623, 4338, 6950.
Flathead Valley Broadcasters (KOFI), 1133, 1265, 2482, 2883, 4368.
Flower City Television Corp. et al., 6800.
Fort Campbell Broadcasting Co., 7617, 7678, 8975, 11651, 13551.
Garden City Broadcasting, Inc. (KYSS), 1133, 1265, 2482, 2883, 4368.
General Services Administration, 7932, 8596, 11183.
Global Commercial Communication-Satellite System, 9780.
Grafik, Theodore, et al., 8730, 8758, 9841, 14335, 15817.
Greater Erie Broadcasting Co., Inc., 7125, 7259, 8758, 10123.
Greenside, Richard P. et al., 8732, 8758, 9072.
Grenada Broadcasting Co., Inc. (WNAG), 3833, 4064, 5714.
Gross Broadcasting Co., 1883, 2004, 2960, 3464, 5540, 5804.
Hall County Broadcasting Co., 852, 902, 5766, 6950, 14867, 15239, 15504.
Hamilton, Charles L., Sr. et al., 2046.
Hartford County Broadcasting Corp., 2565.
Havens & Martin, Inc. (WMBG), 1265, 1324, 2165, 2482, 5539.
Henryetta Radio Co., 14506, 14572.
Hicks, Ralph, 5868, 5912, 6125, 6741, 7259.
Hogin, William S., 6231, 6287, 6597, 6662, 7022.
Holmes County Broadcasting Co. (WXTN), 7126, 7259, 8018, 8551, 11074, 11361, 14176.
Hubbard Broadcasting, Inc., 3361, 3401, 9183.
Huntingdon Broadcasters, Inc. et al., 9283, 11403, 13024, 14226.
Industrial Communications Systems, Inc., 13972, 14020.
Information Radio of Connecticut, Inc., 1956, 2005.
Integrated Communication Systems, Inc., of Massachusetts, 7125, 8242, 10123.
International Panorama TV, Inc., 496, 656.
Iowa State University of Science and Technology (WOI), 14750.
ITT World Communications, Inc., 15815, 16029.
Jacksonville Broadcasting Co., Inc., 8735, 8759, 11290, 12753.
Jacksonville, Fla., city of, et al., 14610.
Jall Broadcasting Co., Inc., 500, 597, 1881, 2416.
Jefferson Radio Co. (KABE), 9227, 9284.
Jersey Cape Broadcasting Corp. (WCMC), 13750, 13839, 14693.
Jet Broadcasting Co., Inc., 2229, 2416, 3800, 6492.
Jobbins, Charles W. et al., 7322, 7458, 8242, 9728, 14118, 16277.
Jupiter Associates, Inc. et al., 16278.
KFOX, Inc. et al., 110, 168, 1266, 2730, 3249, 3726, 5715, 6094.
KGMO Radio-Television, Inc. (KGMO), 7122, 7125, 9072.
K-Six Television, Inc. (KVER), 14752, 15182, 15817.
KXYZ Television, Inc. et al., 1957, 2005, 2046, 2882, 5715, 7296, 8178, 9072, 11736, 11979, 12049, 12430, 13664, 14120.
Kent-Sussex Broadcasting Co., 6662, 6741, 7460, 8073, 9228, 11361, 11537.
Kentown Speedway & Hobbies, 6288.
Kentucky Central Broadcasting, Inc., 13793, 13839, 14753.
Kingston Broadcasters, Inc., 3726, 4085, 8174, 8759.
KUNO Radio, Inc. (KUNO), 6365, 6409, 7022, 7767, 9555.
La Fiesta Broadcasting Co., 1884, 2165.
Lakewood Broadcasting Service, Inc. (KLAK), 3799.
Lampasas Broadcasting Corp. (KCYL), 6551, 6663, 7297, 7932, 10331, 11361.
Lebanon Valley Radio, et al., 2415, 4064, 7121, 7728, 11980, 12430, 14447.
MCA, Inc., 13976, 14448.
Marietta Broadcasting Co., 2564, 2623, 4438, 6950.
Marshall Broadcasting Co., 1881, 11182, 11931, 12898.
Martin, Robert J., 809, 2482, 3276, 4727.
McLendon Pacific Corp., 12696, 12698, 12813, 13104.
Mid-Cities Broadcasting Corp., 1884, 2165.
Mid-Florida Television Corp., 14610.
Mid-Ocean Broadcasting Corp., 4368, 7457, 13415, 14750.
Midwest Television, Inc., 13025, 13887, 14226, 14504.
Midwest Television, Inc. (Springfield, Ill), 110, 1266, 2482.
Midwest Television, Inc. (WMBD–FM, Peoria, Ill.), 728, 2156, 2883.
Milam, Lorenzo, W. et al., 809, 810.
Miners Broadcasting Service, Inc. (WMBA), 16278.
Missouri-Illinois Broadcasting Co., 7122, 7125, 9072.
Monroeville Broadcasting Co., 16278.
Moore, Marion, 2960.
Morgan Broadcasting Co., 6288, 6289, 7259, 8285, 8865, 9841, 11072, 11182, 11290.
Mount Holly-Burlington Broadcasting Co., Inc., 14938.
Muise, John Ronald, 12751, 12752, 13026.
Music Productions, Inc., 6095, 6126.
Naugatuck Valley Service, Inc. (WOWW), 1958, 2731, 4338, 6232, 7297, 8017, 11403.
Nebraska Rural Radio Association (KRVN), 1266, 1268, 3464, 6125, 7022, 7680, 8551, 10123, 14571.
New South Broadcasting Corp., 15003, 15239, 16222.
Newhouse Broadcasting Corp. (WAPI), 3559, 3676, 6126, 7729, 10333, 11538, 12431.
Newman, Dorsey Eugene, 167, 1133, 6741.
Northern Indiana Broadcasters, Inc., 356, 1958, 3362, 5540.
Northland Television Corp. et al., 3611, 3675, 4727, 7529, 9228.
Ocean County Radio Broadcasting Co. et al., 6094, 6126, 6551, 7322.
Ohio Mobile Telephone Co., Inc., 500, 597, 2118.
Ohio Radio, Inc., 69, 14503, 14572, 14940, 16030.
Oklahoma Press Publishing Co. (KBIX), 8115.
Orlando Radio & Television Broadcasting Corp., 14446.
Pacific Northwest Bell Telephone Co., 355, 1065, 4211, 7581, 11360.
Pacific Telephone & Telegraph Co., 810, 811, 2416, 2623, 4086.
Palmer Broadcasting Co. (WHO–TV), 902.
Palmetto Broadcasting System, Inc. (WAGL), 13976, 14050, 14752.
Palmetto Communications Corp., 9729, 9841, 12305, 12555.
Parish Broadcasting Co., 6094, 6126, 7297, 8732.
Patroon Broadcasting Co., Inc., 8733, 8758, 9730, 11651, 13887, 14335.
Peoples Broadcasting Corp., 69, 3611, 7296.
Peoria Journal Star, Inc., 728, 2165.
Petersburg Broadcasting Co., Inc., 4085, 5540, 5888, 8803, 11737, 13794, 14939.
Pike-Mo Broadcasting Co. et al., 8803.
Pioneer States Broadcasters, Inc. (WBZY), 3612, 3675.
Prattville Broadcasting Co., 498, 2290, 3362, 3464, 4064.
Press Wireless, Inc., 3836, 4064, 4772.
Princess Anne Broadcasting Corp., 499, 597, 2118, 3248, 4005, 4700.
Progress Broadcasting Corp. (WHOM), 357, 728, 1958, 12698.
Progressive Broadcasting Co., 728.
Quality Broadcasting Corp. et al., 5715, 13750.
Radio Americas, Inc. et al., 2223.
Radio Americas Corp., 13750.
Radio Dispatch, Inc., 9842, 10123, 11074, 12133, 12698, 13336.
Radio Dispatch Service, 1885, 2005, 2565, 3362.
Radio Hot Springs Co., 1018, 3248, 4644, 7529.
Radio Marshall, Inc., 14753, 14821, 16029.
Radio Phone Communications, Inc., 6289, 6409, 7297, 8285, 8865, 9499, 11537.
Radio Station WKEU, 2733, 3726, 6095, 7322.
Radio Station WTIF, Inc. et al., 70.
Radio 13, 2372.
Radio Voice of Central New York, Inc., 2372, 2482.
Regional Broadcasting Corp., 6197, 6292, 7201, 7461, 8017, 10866.
Reising, Keith L., 13793, 13839, 14753.
Reunion Broadcasting Corp., 7679, 7728, 9841, 12553, 13024, 13104, 14175.
Rowland Broadcasting Co., Inc. (WQIK), 14504, 14753, 15768.
St. Albans-Nitro Broadcasting Co., 167, 4142.
Sawnee Broadcasting Co. (WSNE), 14867, 15239, 15504.
Schreiber, Taft B., 13976, 14448.
Second Thursday Corp., 16028, 16221.
Selma Television, Inc. (WSLA–TV), 4006, 4084, 5715, 6292, 7297, 7407, 7617.
Service Electric Cable TV, Inc., 13663, 13664, 14119, 14447, 15443, 16029.
Seven (7) League Productions, Inc. (WIII) et al., 15504, 15677.
Skylark Corp., 3726, 4085, 8174, 8759.
Sleighter, Dennis A. et al., 5716, 5766, 7123, 8497.
Smiles of Virginia, Inc., 4085, 5540, 6888, 11737, 13794, 14939.
Smith, Joe L., Jr., Inc. et al., 4085.
South Eastern Alaska Broadcasters, Inc., 501.
South Norfolk Broadcasting Co., 499, 597, 2118, 3248, 4005, 4700.
Southeastern Broadcasting Co., Inc. (WKLF–FM), 5714, 6949, 8072, 8917, 12428.
Southern Broadcasting Co., 852, 902, 5766, 6950.
Southern Newspapers, Inc., 1018, 3248, 4644, 7529.
Southern Radio & Television Co., 12814, 13173, 13586, 14120, 14387, 15112.
Southington Broadcasters, et al., 3612, 3675, 4772, 5716, 6601, 9889, 13839, 13976, 14119, 14336.
Southwestern Bell Telephone Co., 2118, 2119, 2883, 4561, 5540, 5868, 5912, 6125, 6741, 7259.
Southwestern Operating Co. (KGNS–TV), 14752, 15182, 15817.
Springfield Telecasting Co., 110.
Standard Broadcast Station WPFA, 6096, 6232.
Star Broadcasting, Inc., 12752, 13027, 13336.
Storz Broadcasting Co. (WTIX), 7530, 7617, 8917.
Sunset Broadcasting Co. (KNDX–FM), 596, 2732, 6601, 7766, 11537, 12750, 14226.
Superior Broadcasting Corp., 356, 656, 1264, 13839, 14503.
Symphony Network Association, Inc., 1133, 1885, 8073, 9072, 10123.
Syracuse Television, Inc. et al., 8117, 8174, 8976, 11537, 12431, 13552, 14693, 15378.
TLB, Inc. (WTCN–TV) et al., 2227, 2416, 3278, 4338.
Tallahassee Appliance Corp., 3837, 4142, 6096, 9228, 11652.
Talton Broadcasting Co., 809, 2482, 3276, 4727.
Telegraph-Herald, 902, 2290, 4005.
Telerad, Inc., 2733, 6095, 7322.
Television Broadcasters, Inc. (KBMT), 6598, 6663, 7767, 8596, 10332, 11931.
Television San Francisco, 500, 597, 1881, 2416.
Texas Goldcoast Television, Inc. (KPAC–TV), 6598, 6663, 7767, 8596, 10332, 11931.
Tinker, Inc., 9842, 12050, 13664, 14120.
Town & Farm Co., Inc. (KMMJ), 1266, 1268, 3464, 6125, 7022, 7680, 8551, 10123, 14571.
Traxler, John N. et al., 1065, 1268, 2883, 6801, 7298, 7461.
Tree Broadcasting Co., 1885.
Tri-Cities Broadcasting Co., 1882, 1883, 2734, 4772, 6450, 9284.
Tri-City Broadcasting Co., 14505, 14572.
Tri-State Television Translators, Inc., 13294, 13297, 14120, 14503, 14572, 15677, 15816.
Triad Stations, Inc., 1881, 11182, 11931.
Trinity Broadcasting Co., 2047, 3676, 7023, 7407.
Triple C Broadcasting Corp. (WLOR), 7123, 8018, 9073, 13840, 15677, 15816.
Tupelo Broadcasting Co., Inc., 6197, 6287, 7200.
Tuscarawas Broadcasting Co., 356, 656, 1959, 6950.
Twelve Seventy, Inc., 6409, 7767, 8734, 12753.

Federal Communications Commission—Con.
HEARINGS, ORDERS, ETC.—Continued

Information Radio of Connecticut, Inc., 1956, 2005.
Integrated Communication Systems, Inc., of Massachusetts, 7125, 8242, 10123.
International Panorama TV, Inc., 496, 656.
Iowa State University of Science and Technology (WOI), 14750.
ITT World Communications, Inc., 15815, 16029.
Jacksonville Broadcasting Co., Inc., 8735, 8759, 11290, 12753.
Jacksonville, Fla., city of, et al., 14610.
Jall Broadcasting Co., Inc., 500, 597, 1881, 2416.
Jefferson Radio Co. (KABE), 9227, 9284.
Jersey Cape Broadcasting Corp. (WCMC), 13750, 13839, 14693.
Jet Broadcasting Co., Inc., 2229, 2416, 3800, 6492.
Jobbins, Charles W. et al., 7322, 7458, 8242, 9728, 14118, 16277.
Jupiter Associates, Inc. et al., 16278.
KFOX, Inc. et al., 110, 168, 1266, 2730, 3249, 3726, 5715, 6094.
KGMO Radio-Television, Inc. (KGMO), 7122, 7125, 9072.
K-Six Television, Inc. (KVER), 14752, 15182, 15817.
KXYZ Television, Inc. et al., 1957, 2005, 2046, 2882, 5715, 7296, 8178, 9072, 11736, 11979, 12049, 12430, 13664, 14120.
Kent-Sussex Broadcasting Co., 6662, 6741, 7460, 8073, 9228, 11361, 11537.
Kentown Speedway & Hobbies, 6288.
Kentucky Central Broadcasting, Inc., 13793, 13839, 14753.
Kingston Broadcasters, Inc., 3726, 4085, 8174, 8759.
KUNO Radio, Inc. (KUNO), 6365, 6409, 7022, 7767, 9555.
La Fiesta Broadcasting Co., 1884, 2165.
Lakewood Broadcasting Service, Inc. (KLAK), 3799.
Lampasas Broadcasting Corp. (KCYL), 6551, 6663, 7297, 7932, 10331, 11361.
Lebanon Valley Radio, et al., 2415, 4064, 7121, 7728, 11980, 12430, 14447.
MCA, Inc., 13976, 14448.
Marietta Broadcasting Co., 2564, 2623, 4438, 6950.
Marshall Broadcasting Co., 1881, 11182, 11931, 12898.
Martin, Robert J., 809, 2482, 3276, 4727.
McLendon Pacific Corp., 12696, 12698, 12813, 13104.
Mid-Cities Broadcasting Corp., 1884, 2165.
Mid-Florida Television Corp., 14610.
Mid-Ocean Broadcasting Corp., 4368, 7457, 13415, 14750.
Midwest Television, Inc., 13025, 13887, 14226, 14504.
Midwest Television, Inc. (Springfield, Ill), 110, 1266, 2482.
Midwest Television, Inc. (WMBD–FM, Peoria, Ill.), 728, 2156, 2883.
Milam, Lorenzo, W. et al., 809, 810.
Miners Broadcasting Service, Inc. (WMBA), 16278.
Missouri-Illinois Broadcasting Co., 7122, 7125, 9072.
Monroeville Broadcasting Co., 16278.
Moore, Marion, 2960.
Morgan Broadcasting Co., 6288, 6289, 7259, 8285, 8865, 9841, 11072, 11182, 11290.
Mount Holly-Burlington Broadcasting Co., Inc., 14938.
Muise, John Ronald, 12751, 12752, 13026.
Music Productions, Inc., 6095, 6126.
Naugatuck Valley Service, Inc. (WOWW), 1958, 2731, 4338, 6232, 7297, 8017, 11403.
Nebraska Rural Radio Association (KRVN), 1266, 1268, 3464, 6125, 7022, 7680, 8551, 10123, 14571.
New South Broadcasting Corp., 15003, 15239, 16222.
Newhouse Broadcasting Corp. (WAPI), 3559, 3676, 6126, 7729, 10333, 11538, 12431.
Newman, Dorsey Eugene, 167, 1133, 6741.
Northern Indiana Broadcasters, Inc., 356, 1958, 3362, 5540.
Northland Television Corp. et al., 3611, 3675, 4727, 7529, 9228.
Ocean County Radio Broadcasting Co. et al., 6094, 6126, 6551, 7322.
Ohio Mobile Telephone Co., Inc., 500, 597, 2118.
Ohio Radio, Inc., 69, 14503, 14572, 14940, 16030.
Oklahoma Press Publishing Co. (KBIX), 8115.
Orlando Radio & Television Broadcasting Corp., 14446.
Pacific Northwest Bell Telephone Co., 355, 1065, 4211, 7581, 11360.
Pacific Telephone & Telegraph Co., 810, 811, 2416, 2623, 4086.
Palmer Broadcasting Co. (WHO–TV), 902.
Palmetto Broadcasting System, Inc. (WAGL), 13976, 14050, 14752.
Palmetto Communications Corp., 9729, 9841, 12305, 12555.
Parish Broadcasting Co., 6094, 6126, 7297, 8732.
Patroon Broadcasting Co., Inc., 8733, 8758, 9730, 11651, 13887, 14335.
Peoples Broadcasting Corp., 69, 3611, 7296.
Peoria Journal Star, Inc., 728, 2165.
Petersburg Broadcasting Co., Inc., 4085, 5540, 5888, 8803, 11737, 13794, 14939.
Pike-Mo Broadcasting Co. et al., 8803.
Pioneer States Broadcasters, Inc. (WBZY), 3612, 3675.
Prattville Broadcasting Co., 498, 2290, 3362, 3464, 4064.
Press Wireless, Inc., 3836, 4064, 4772.
Princess Anne Broadcasting Corp., 499, 597, 2118, 3248, 4005, 4700.
Progress Broadcasting Corp. (WHOM), 357, 728, 1958, 12698.
Progressive Broadcasting Co., 728.
Quality Broadcasting Corp. et al., 5715, 13750.
Radio Americas, Inc. et al., 2223.
Radio Americas Corp., 13750.
Radio Dispatch, Inc., 9842, 10123, 11074, 12133, 12698, 13336.
Radio Dispatch Service, 1885, 2005, 2565, 3362.
Radio Hot Springs Co., 1018, 3248, 4644, 7529.
Radio Marshall, Inc., 14753, 14821, 16029.
Radio Phone Communications, Inc., 6289, 6409, 7297, 8285, 8865, 9499, 11537.
Radio Station WKEU, 2733, 3726, 6095, 7322.
Radio Station WTIF, Inc. et al., 70.
Radio 13, 2372.
Radio Voice of Central New York, Inc., 2372, 2482.
Regional Broadcasting Corp., 6197, 6292, 7201, 7461, 8017, 10866.
Reising, Keith L., 13793, 13839, 14753.
Reunion Broadcasting Corp., 7679, 7728, 9841, 12553, 13024, 13104, 14175.
Rowland Broadcasting Co., Inc. (WQIK), 14504, 14753, 15768.
St. Albans-Nitro Broadcasting Co., 167, 4142.
Sawnee Broadcasting Co. (WSNE), 14867, 15239, 15504.
Schreiber, Taft B., 13976, 14448.
Second Thursday Corp., 16028, 16221.
Selma Television, Inc. (WSLA–TV), 4006, 4084, 5715, 6292, 7297, 7407, 7617.
Service Electric Cable TV, Inc., 13663, 13664, 14119, 14447, 15443, 16029.
Seven (7) League Productions, Inc. (WIII) et al., 15504, 15677.
Skylark Corp., 3726, 4085, 8174, 8759.
Sleighter, Dennis A. et al., 5716, 5766, 7123, 8497.
Smiles of Virginia, Inc., 4085, 5540, 6888, 11737, 13794, 14939.
Smith, Joe L., Jr., Inc. et al., 4085.
South Eastern Alaska Broadcasters, Inc., 501.
South Norfolk Broadcasting Co., 499, 597, 2118, 3248, 4005, 4700.
Southeastern Broadcasting Co., Inc. (WKLF–FM), 5714, 6949, 8072, 8917, 12428.
Southern Broadcasting Co., 852, 902, 5766, 6950.
Southern Newspapers, Inc., 1018, 3248, 4644, 7529.
Southern Radio & Television Co., 12814, 13173, 13586, 14120, 14387, 15112.
Southington Broadcasters, et al., 3612, 3675, 4772, 5716, 6601, 9889, 13839, 13976, 14119, 14336.
Southwestern Bell Telephone Co., 2118, 2119, 2883, 4561, 5540, 5868, 5912, 6125, 6741, 7259.
Southwestern Operating Co. (KGNS–TV), 14752, 15182, 15817.
Springfield Telecasting Co., 110.
Standard Broadcast Station WPFA, 6096, 6232.
Star Broadcasting, Inc., 12752, 13027, 13336.
Storz Broadcasting Co. (WTIX), 7530, 7617, 8917.
Sunset Broadcasting Co. (KNDX–FM), 596, 2732, 6601, 7766, 11537, 12750, 14226.
Superior Broadcasting Corp., 356, 656, 1264, 13839, 14503.
Symphony Network Association, Inc., 1133, 1885, 8073, 9072, 10123.
Syracuse Television, Inc. et al., 8117, 8174, 8976, 11537, 12431, 13552, 14693, 15378.
TLB, Inc. (WTCN–TV) et al., 2227, 2416, 3278, 4338.
Tallahassee Appliance Corp., 3837, 4142, 6096, 9228, 11652.
Talton Broadcasting Co., 809, 2482, 3276, 4727.
Telegraph-Herald, 902, 2290, 4005.
Telerad, Inc., 2733, 6095, 7322.
Television Broadcasters, Inc. (KBMT), 6598, 6663, 7767, 8596, 10332, 11931.
Television San Francisco, 500, 597, 1881, 2416.
Texas Goldcoast Television, Inc. (KPAC–TV), 6598, 6663, 7767, 8596, 10332, 11931.
Tinker, Inc., 9842, 12050, 13664, 14120.
Town & Farm Co., Inc. (KMMJ), 1266, 1268, 3464, 6125, 7022, 7680, 8551, 10123, 14571.
Traxler, John N. et al., 1065, 1268, 2883, 6801, 7298, 7461.
Tree Broadcasting Co., 1885.
Tri-Cities Broadcasting Co., 1882, 1883, 2734, 4772, 6450, 9284.
Tri-City Broadcasting Co., 14505, 14572.
Tri-State Television Translators, Inc., 13294, 13297, 14120, 14503, 14572, 15677, 15816.
Triad Stations, Inc., 1881, 11182, 11931.
Trinity Broadcasting Co., 2047, 3676, 7023, 7407.
Triple C Broadcasting Corp. (WLOR), 7123, 8018, 9073, 13840, 15677, 15816.
Tupelo Broadcasting Co., Inc., 6197, 6287, 7200.
Tuscarawas Broadcasting Co., 356, 656, 1959, 6950.
Twelve Seventy, Inc., 6409, 7767, 8734, 12753.

Federal Communications Commission—Con.

HEARINGS, ORDERS, ETC.—Continued
Ultravision Broadcasting Co. et al., 2291, 3555, 3836, 8734, 9073.
Ultronic Systems Corp., 10833, 10866, 11183, 11538, 12134, 12698, 13104, 13173, 13586, 14336, 14447.
United Artists Broadcasting, Inc., 6232, 7125, 7126, 7461, 8174, 11290, 11652, 12753.
United Broadcasting Co., Inc., 902, 959, 2624, 4065, 6403, 9842, 10333, 11361, 11894.
United States of America, et al., 7052, 8596, 11183, 17179.
Vanda, Charles, et al., 18, 1324, 7461.
Vaughn-Hanssen Co., 908, 4009.
Victor Management Co., Inc., 8735, 8750, 11290, 12753.
Virgin Islands Telephone Corp., 14336, 14338, 16222.
WANV, Inc., 7300.
WBXM Broadcasting Co., Inc., 2726, 2733, 3800, 5714, 8017, 8729, 11894, 12133, 13552, 14116, 14447.
WCHS–AM–TV Corp., 167, 4142.
WCRB, Inc., 6949, 12897.
WEBR, Inc., 2291, 9073.
WEPA–TV, Inc., 2229, 2416, 3800, 6402.
WFLI, Inc. (WFLI), 3559, 3676, 6126, 7729, 10333, 11538, 12431.
WHAS, Inc., 12133, 12813, 13586.
WHOO Radio, Inc. (WHOO), 6402, 6552, 7259, 8174, 9557, 12305.
WMEN, Inc., 3837, 4142, 6096, 9228, 11652.
WMGS, Inc. (WMGS), 14503, 14572, 16030.
WMOZ, Inc., 6096, 6232, 7127.
WORZ, Inc., 14610.
WPEG, Inc. (WPEG), 13976, 14050, 14752.
WQIZ, Inc. (WQIZ), 15377, 15378.
WTCN Television, Inc. (WTCN–TV) et al., 6193, 7124, 8118, 9073, 9845, 12899, 13586.
WTWV Radio, 728.
Walker, Billy, 498, 2290, 3362, 3464, 4064.
Warner Bros. Pictures, Inc., 2047.
Waynesboro Broadcasting Corp., 6095, 6126, 7300.
Webster County Broadcasting Co., 7126, 7259, 8016, 8551, 11074, 11361, 14176.
Welch, Melvin S., 502.
West Central Ohio Broadcasters, Inc., 9555, 9606, 11695, 12431, 12898, 13173, 15113.
Western California Telephone Co., 810, 811, 2416, 2623, 4066.
Western Union Telegraph Co., 10332, 10866, 11183, 11538, 12134, 12699, 13104, 13173, 13586, 14020, 14050, 14336, 14387, 14447, 14821, 15506.
Westwego, La., Station KABE, 15112.
Wide Water Broadcasting Co., Inc., 2372, 2482.
Wilderness Road Broadcasting Co., 8072, 8115, 12050, 14939, 16226.
Williamsburg County Broadcasting Co., 14504, 14753, 15766.
Wilkes County Radio, 14868, 15239.
Wilkesboro Broadcasting Co., 14868, 15239.
Wilson, William Ray, 9845.
Yates, Darrell E. (KRBA), 12305, 12306, 12431, 13173.
Ypsilanti Broadcasting Co. (WYSI), 6601, 6963, 7461.

Federal Contract Compliance Office, Labor Department:

COMPLIANCE REPORTING SYSTEM, modification ... 14621
TRANSFER OF FUNCTIONS from President's Committee on Equal Employment Opportunity ... 13441

Federal Credit Unions Bureau:

OPERATION:
Accounting manual ... 9093
Refund of interest ... 5794

Federal Crop Insurance Corporation:

FEDERAL CROP INSURANCE:
1965 crops:
Apples:
All States except North Carolina, 2308.
North Carolina, 2308, 2521, 2701.
Beans, dry, 915.
Citrus, 11956, 12329.
Corn, 3698.
Cotton, 4240.
Termination, certain Texas counties, 899.
Grain sorghum, 81.
Termination, certain Texas counties, 899.
Oranges, 11956.
Potatoes, 81.
Rice, 4240.
Sugarbeets, 565, 915.
Tobacco, 915.
Tung nuts, 566, 915.

Federal Crop Insurance Corporation—Con.

FEDERAL CROP INSURANCE—Continued
1966 crops:
Apples, 14592, 13693, 16256.
Barley, 2781, 3748, 13685, 16250.
Beans, dry, 13687.
Cherries, 13692.
Citrus, 13693.
Combined crop, 13685.
Corn, 13685, 14151, 14592, 16256.
Cotton, 11711, 13686, 14592, 16254.
Flax, 13687, 14151.
Grain sorghum, 13687, 14846, 16255.
Oats, 13688, 16256.
Oranges, 13692.
Peaches, 13692, 14846, 16250.
Peanuts, 13689, 16255.
Peas:
Canning and freezing, 13698.
Dry, 13689, 16256.
Potatoes, 13689.
Raisins, 13693.
Rice, 13689, 16255.
Rye, 13685.
Safflower, 13689.
Soybeans, 13689, 14946, 16254.
Sugarbeets, 13691, 16255.
Tobacco, 13691, 14151, 16256.
Tomatoes, 13691.
Tung nuts, 13692.
Wheat, 2782, 6111, 11712, 13691.
RECORDS, non-Federal; retention requirements ... 3111

Federal Deposit Insurance Corporation:

INSURED BANKS:
Annual report of income and dividends, nonmember State and mutual savings banks ... 454
Joint calls for reports of condition ... 453, 6227, 8736, 13473
Nonmember banks, foreign time deposits; maximum interest rate ... 12032
Securities of State nonmember banks ... 396
INTEREST PAYABLE on time and savings deposits, maximum rates ... 15287
RECORDS, non-Federal; retention requirements ... 3158
SECURITIES EXCHANGE ACT of 1934, application for exemption from certain requirements:
Ludlow Savings Bank & Trust Co., 4264.
Montpelier Savings Bank & Trust Co., 12050.
New Brunswick Trust Co., 4507.
Volunteer-State Bank, 6411.
Western Maryland Trust Co., 4264, 15379.

Federal Development Committee for Appalachia:

ESTABLISHMENT (Executive Order 11209) ... 3929

Federal Development Planning Committee for Appalachia:

TERMINATION (Executive Order 11209) ... 3929

Federal Education Programs:

COORDINATION (Executive Order 11260) ... 15395

Federal Employees:

See Government employees.

Federal Employees Salary Act of 1965:

DELEGATION OF AUTHORITY UNDER (Executive Order 11257) ... 14353

Federal Executive Salary Schedule:

LEVELS IV AND V, certain offices and positions placed in (Executive Orders 11195, 11244, 11245, 11248, 11251, 11262) ... 1169, 11945, 11947, 12999, 13427, 15399

Federal Fire Council:

ORGANIZATION, functions, purposes ... 11755

Federal Home Loan Bank Board:

FEDERAL HOME LOAN BANK SYSTEM:
Advances:
Limitations, proposed rule ... 11973
Members, statements of general policy; conditions, restrictions, etc ... 10124, 10168
Participations on loans purchased by member banks ... 13415

Federal Home Loan Bank Board—Continued

FEDERAL HOME LOAN BANK SYSTEM—Continued
Advances—Continued
Unsecured, short term ... 9366, 11714
Board rulings; liquidity requirement, deposits ... 3264
Members, holdings of U.S. cash and obligations; proposed rule ... 11973
FEDERAL SAVINGS AND LOAN INSURANCE CORPORATION:
Board rulings:
Appraisals, payment for ... 11101
Cash ... 3264
Computation of scheduled items, assets and specified assets ... 14196
Credits to reserve for losses ... 15
Rescinded ... 9639
Net worth ... 8963
Reserve credits, rescinded ... 9639
Definitions:
Normal lending territory ... 827, 8698, 12119
Scheduled items ... 480, 3274, 6517, 6915
Slow loans ... 1032, 14048, 15287, 16000
Operations:
Advertising rate of return on withdrawable accounts; proposed rule rescinded ... 2876
Brokerage business and sale of loans ... 11975, 13902
Loans and investments:
General provisions ... 827, 8699, 12119, 13530
Loans to one borrower, limitations; proposed rule ... 8543
Participation loans ... 846, 8699, 12119
Premiums, charges, and credits concerning mortgage loans, sale of real estate owned, and related items ... 490, 7039
Required amounts and maintenance of Federal insurance reserve ... 4251
Proposed rule ... 6544
Management and financial policies:
Examinations, audits, and appraisals ... 11975, 16000
Reevaluation of assets, adjustment of book value and charges ... 8972, 14195
Required amounts and maintenance of Federal insurance reserve ... 8962, 11133
FEDERAL SAVINGS AND LOAN SYSTEM:
Board rulings:
Certificates of deposit ... 3264
Definition, other dwelling unit, classification of fraternity houses, rescission of nonapplicable regulation ... 14916
Real estate loans ... 479
Savings accounts, service fee prohibition rescinded ... 9484
Charter and bylaws:
Amendment of bylaws, communications with members ... 16106
Proposed rules, certain, rescinded ... 2876
Definitions:
Loans on security of first liens ... 479, 892, 10185
Other dwelling units ... 11973, 13902
Operations:
Brokerage business and sale of loans, restrictions ... 13902
Capital:
Bonus plans, savings accounts, monthly payment, and fixed-balance accounts; proposed rules rescinded ... 2876
Earnings, distribution of:
Distribution on bases, terms, and conditions other than those provided by charter ... 31, 130, 14916, 15174, 15236, 17163
Variable rates ... 14861, 15803
Proposed rule rescinded ... 2876
Loans, real estate:
Collateral ... 479
Financial acquisition and development of land ... 2854
Insured, to finance land development ... 11974, 13902
Lending area ... 826
Lending powers under sections 13 and 14 of charter K:
Homes or combination of homes and business property; proposed rule ... 893, 5861, 14202
Other dwelling units, and documentation ... 214
Other improved real estate ... 11974, 14195
Payments ... 8544, 11715
Purchase ... 214, 10248, 11714

Federal Home Loan Bank Board—Continued

FEDERAL SAVINGS AND LOAN SYSTEM—Continued
Operations—Continued
Loans, real estate—Continued
Real estate loans and investments subject to 20-percent-of-assets limitation; certain property or interests therein ... 215, 760, 5473
Short-term leaseholds ... 892, 10185
Urban renewal loans and investments ... 761, 5473
Meetings, annual; membership lists and communications with members, proposed rule ... 8698, 9174
Offices:
Branch offices, Data Processing Service Center and Office ... 8544, 11716
Home office ... 8544, 11716
Mobile facility ... 894, 15999
Other investments:
Prohibition against investments in other institutions ... 447, 5474
Service corporations, stock of ... 447, 2222, 8543, 11715
Prior proposed rule withdrawn ... 8542
Records and reports, accounting ... 8545, 11716
Restrictions, brokerage business and sale of loans; proposed rule ... 11974
Savings accounts ... 7316, 9357
Organization, application for permission to organize Federal association ... 2875, 7037
RECORDS, non-Federal; retention requirements ... 3158

Federal Housing Administration:

ARMED SERVICES HOUSING mortgage insurance:
Civilian employees:
Contract rights and obligations, incorporation by reference ... 10043
Eligibility requirements ... 10042, 11503
Impacted areas, contract rights and obligations; incorporation by reference:
Individual mortgages ... 10043
Projects ... 10043
Military personnel, contract rights and obligations ... 9218, 10042
AUTHORITY DELEGATIONS:
From Housing and Home Finance Administrator, rent supplements for disadvantaged persons ... 15768
Particular position delegations ... 2657, 6116, 8159, 16257
COMMISSIONER, definition ... 13826
Revoked ... 14256
CONDOMINIUM OWNERSHIP:
Individually owned units:
Contract rights and obligations ... 10039
Eligibility requirements ... 5900, 10039, 16110
Projects, eligibility requirements ... 10039
COOPERATIVE HOUSING mortgage insurance:
Individual properties released from project mortgage:
Contract rights and obligations ... 10035
Eligibility requirements ... 10035
Projects:
Contract rights and obligations ... 1728, 10034
Eligibility requirements ... 933, 10033
DEBENTURES, insurance fund; call for partial redemption before maturity:
Series AA, mutual mortgage, 4212, 4213, 12432.
Series BB, 4214.
Series CC, section 220, 4215.
Series DD, section 221, 4216, 4217.
Series EE, servicemen's mortgage insurance fund, 4217, 4218.
Series FF, armed services housing, 4218, 4219.
ELDERLY PERSONS HOUSING mortgage insurance, eligibility requirements ... 10038, 16109
EXPERIMENTAL HOUSING mortgage insurance, contract rights and obligations:
Homes ... 10038
Projects ... 219, 10039
LAND DEVEOPMENT mortgage insurance ... 15033
Eligibility requirements ... 15033, 16110
LOW-COST AND MODERATE-INCOME mortgage insurance:
Low-cost homes:
Contract rights and obligations ... 10037
Eligibility requirements ... 10037
Moderate-income projects:
Contract rights and obligations ... 218, 10038, 11279, 16109
Eligibility requirements ... 933, 7708, 10037

Federal Housing Administration—Continued

MILITARY HOUSING insurance, contract rights and obligations; incorporation by reference 9218, 10042
MORTGAGE INSURANCE PROCEDURES and processing; debentures:
Provisions and characteristics, transfer and use 10027
Redemption prior to maturity 10028
MULTIFAMILY HOUSING mortgage insurance. *See* Condominium ownership; Cooperative housing; Rental housing; War housing.
MUTUAL MORTGAGE INSURANCE and insured home improvement loans:
Contract rights and obligations 933, 2657, 5371, 6982, 10029, 15584
Eligibility requirements 5900, 7599, 10028, 11279, 11503, 16109
NATIONAL DEFENSE HOUSING mortgage insurance, contract rights and obligations:
Individual residences 10043
Rental insurance, incorporation by reference 10044
NONDISCRIMINATION and equal opportunity in housing 15033
NURSING HOMES mortgage insurance, eligibility requirements; certification of cost requirements 933
PROPERTY IMPROVEMENT LOANS:
Classes 1 and 2, eligible notes and claims 16108
Title I mortgage insurance, contract rights and obligations 10028
RECORDS, non-Federal; retention requirements 3162
RENTAL HOUSING, multifamily housing mortgage insurance:
Contract rights and obligations 1727, 10031, 11279, 15584
Eligibility requirements 10031, 16109
SERVICEMEN'S MORTGAGE INSURANCE:
Contract rights and obligations 10038
Eligibility requirements 10038, 12024
URBAN RENEWAL mortgage insurance and insured home improvement loans:
Homes:
Contract rights and obligations 10036
Eligibility requirements 10035, 11279
Projects:
Contract rights and obligations 218, 10036, 15584
Eligibility requirements 7102, 10036, 11279, 16109
WAR HOUSING mortgage insurance, contract rights and obligations:
Individual homes 10039
Multifamily projects 1728, 10040, 16110
Single-family project loans 10041
YIELD INSURANCE, investment in rental housing for moderate-income families; contract rights and obligations, payment of claims 10041

Federal Library Committee:

ESTABLISHMENT AND FUNCTIONS 8556

Federal Maritime Commission:

FREIGHT FORWARDERS, independent, ocean:
Agreements under section 15 of Act; terminations, etc.:
Allen Forwarding Co. et al., 2119.
American Union Transport Forwarding, Inc. et al., 8076.
Atlas Agencies, Inc. et al., 11932.
Behring-South Ports Shipping, Inc. et al., 3650.
Bernadine Shipping Co., Inc. et al., 11114.
Boulo, Paul A., Dyson Shipping Co., Inc., 6200.
Connor, John S., Inc. et al., 11333, 15601.
Express Forwarding & Storage Co., Inc. et al., 7973.
Farris, M. & Co., Inc. et al., 8597.
Freedman & Slater, Inc. et al., 11113.
Gogarty, H. A., Inc. et al., 6411.
Grodwohl, L., & Son, et al., 8977.
Heidl's, Inc., 9611.
Hipage Co., Inc. et al., 543.
International Expediters, Inc. et al., 9609.
International Shipping Corp. et al., 9860.
Intra-Mar Shipping Corp. et al., 9021.
Masson, William H., Inc. et al., 905.
Nydegger, A. E., & Co. et al.; subject to cancellation, 739, 3226.
Pistorino & Co., Inc. et al., 7128.
Schaefer & Krebs, Inc. et al., 13181.
Sea-Lanes Shipping Co., Inc. et al., 6602.
Smith, J. D., Inter-Ocean, Inc. et al., 6199.
Smith, R. W., & Co. et al.; subject to cancellation, 3860.
Smith, W. O., & Co., Inc. et al., 15004.
Stevens Shipping & Terminal Co. et al., 9890.
Stone Forwarding Co., Inc. et al., 14443.

Federal Maritime Commission—Continued

FREIGHT FORWARDERS, independent, ocean—Con.
Agreements under section 15 of Act; terminations, etc.—Continued
Tower, C. J., & Sons of Buffalo, Inc. et al., 13888.
Triangle Forwarding Corp. et al., 12647.
Westland & Co., Inc., 9611.
Applications for licenses; filings, withdrawals, etc.:
All Nations Forwarding Co.; suspended, 9284.
Dineen Shipping Service, et al., 5766.
Gonzales-Colon, Jenario Emilio, et al., 6868.
Gulf Forwarding Co., Inc. et al., 10169.
Helm's International, Inc., 12815.
Hilann Forwarding Co.; proceeding discontinued, 111.
Horizon Forwarders, Inc., 9285, 9609.
Hunter, John H., & Son, Inc., 15678.
Marine Forwarding & Shipping Co., Inc. et al., 633.
Mas International Corp.; proceeding discontinued, 7127.
Nelson, Fred O., Co., Inc. et al., 12135.
Olympic Shipping Co., Inc. et al., 13027.
Patco, 5649.
Philippine Forwarding Co., Inc. et al., 8175, 14120, 15163.
Rees, Joe I., 9285.
Sawyer, Carl, Steamship Agency, Inc.; proceeding discontinued, 961.
Victory Shipping Co., Inc. et al., 3838.
Westland, John L., & Son, Inc. et al., 2000.
York Shipping Corp. et al., 14120.
Licenses suspended, revoked, or show cause orders:
Bennett Forwarding Co., 13336, 13888.
Christi Forwarding Co., Inc., 8596.
Coats, John J., Co., 11183.
Cophresi Shipping Co., Inc., 8596.
Dolphin Maritime Services, Inc., 633.
Export Packing and Crating Co., Inc., 11539, 12135.
Paunce, John H., New York, Inc., 12432.
International Shipping Services, Inc., 14051, 14536.
Jasper, E. A., Inc., 15770.
Kesler, William Gordon, 10957.
Morse Shipping Co., 16177.
Nelson, Fred O., Co., Inc., 8421.
Olympic Shipping Co., Inc., 11291.
Rees, Joe I., 9782.
Republic Interocean Corp. et al., 8552, 10169.
Sam Forwand Co., 15677.
Satellite Shipping Corp., 8552.
Sotelo, George R., 8238.
Texas Gulf Forwarding Co., 13589, 14051.
Universal Forwarders Co., 8238.
Valdes, F. V., & Co., Inc., 14051, 14535.
Valliere, James T., 13589.
West Indies Freight Service, Inc., 15004, 16220.
Licensing:
Authority delegations 111, 904
Duties and obligations 1849, 3355, 4360
MARITIME CARRIERS:
See also Freight forwarders, *above*.
Conference agreements:
See also Transportation agreements, etc., *below*.
Concerted activities, provisions of agreements; proposed rules 4557, 5607, 5908, 11646
Hearings relating to effects on foreign commerce 289, 1324, 3793, 5541, 7127, 14535
Filing of tariffs by common carriers by water in foreign commerce 7138
Foreign discrimination affecting U.S. ships, United States-Uruguayan trade; postponement of effective date 35
Free time and demurrage charges on import property applicable to common carriers by water, interpretation, applicability of decision and order; revoked 3627
New York Harbor, inbound cargo; free time and demurrage practices, investigation, hearing, etc 6701, 7848, 8074, 10957
Overcharge claims, time limit for filing; proposed rule, extension of time 5908
Rates, fares, and charges, publication, posting and filing:
Project rates, special permission requirements, proposed rules 13653
Title page of tariffs, temporary rates, proposed rule discontinued 11284
Self-policing systems; reporting requirements 7102

Federal Maritime Commission—Continued

MARITIME CARRIERS—Continued
Shippers' requests and complaints 285, 3392, 7490, 8836, 9881
Shipping Act, 1916, further interpretation; terminal facilities 8162
Terminal operators, filing of tariffs by 7574, 12682
Time for filing and commenting on certain agreements 7930, 16113
Transshipment and apportionment agreements from Indonesian ports to U.S. Atlantic and Gulf ports; investigation 6928
NEW YORK HARBOR, inbound cargo, free time and demurrage practices; investigation, hearing, etc 6701, 7848, 8074, 10957
ORGANIZATION AND FUNCTIONS:
Bureau of Compliance 13588
Director, Bureau of Foreign Regulation 111, 904, 1268
Lines of responsibility 13588
Managing Director 111, 904, 1268, 13588
PETITION, DECLARATORY ORDER, filed for consideration by port of Bellingham, Wash., and Georgia-Pacific Corp 12086
PRACTICE AND PROCEDUCE 13604
Discovery and production of documents; revoked 3267
Informal and formal procedure for adjudication of small claims, proposed rules 11107
Satisfaction of complaint 16007
RATES, schedules, tariffs, etc.; investigations and hearings:
American Mail Line, Ltd. et al., 10334, 11080.
American Union Transport, Inc., 289.
Blue Ribbon Line, Ltd., 12899.
Far East Conference, 10212.
India, Pakistan, Ceylon, and Burma Outward Freight Conference, 11290.
Inter-Conference Agreements, U.S./Mediterranean trades, 16030.
Jacksonville/Puerto Rico trade, 14869.
Matson Navigation Co., 454, 5804.
New York Harbor truck loading and unloading rates, 15678.
Ocean rates structure, 15678.
Pacific Far East Lines, et al., 14535.
Pacific Hawaiian Line, Inc., 852.
Puerto Rican Forwarding Co., Inc., 8074.
Rail car traffic, absorption of port handling charges, 15046.
Seatrain Lines, Inc., 8074.
South Atlantic & Caribbean Line, Inc., 7618, 8552.
TMT Trailer Ferry, Inc., 7618.
Transcarloading Corp., 8552.
U.S. Atlantic and Gulf ports and Latin American ports, 4562, 4773.
U.S. Atlantic ports to Puerto Rico; machinery and tractors, 633.
U.S. Government cargoes, 6552, 9731, 9890, 10171.
U.S. North Atlantic ports and ports in United Kingdom and Eire, 15599.
RECORDS, non-Federal; retention requirements 3159
TARIFF PRICING, meetings 853, 906
TERMINAL PRACTICES, South Atlantic and Gulf ports; hearing 1886, 2960, 4437, 6552, 7768, 11003
TRANSPORTATION AGREEMENTS, terminal agreements, etc.:
See also Maritime carriers: conference agreements, *above*.
Exclusive patronage under Public Law 87-346:
Dual rate contracts:
American West African Freight Conference, 14611.
Far East Conference, 6929, 8737.
Gulf/United Kingdom Conference, 14536.
Israel/U.S. North Atlantic Ports Westbound Freight Conference, 8552, 13751.
Japan-Atlantic & Gulf Freight Conference, 11540, 16279.
Marseilles North Atlantic U.S.A. Freight Conference, 4437, 9415.
North Atlantic Mediterranean Freight Conference, 4437, 11335, 13182.
North Atlantic Westbound Freight Association; reconsideration denied, 4506.
Pacific Coast European Conference, et al., 8283.
Pacific Westbound Conference, 1268, 4507.
Spanish/U.S. North Atlantic Ports Olive Conference, 11981.
Straits/New York Conference, 11539.
Trans-Pacific Freight Conference, 13104.
Trans-Pacific Freight Conference of Japan, 11540, 16279.
United Arab Co. for Maritime Transport (Martrans), 13182.
Wallenius Line, 7023.

Federal Maritime Commission—Continued

TRANSPORTATION AGREEMENTS, terminal agreements, etc.—Continued
Exclusive patronage under Public Law 87-346—Con.
Triple rate contract:
North Atlantic Portugal Freight Conference, 16081.
Section 15 agreements:
A. P. Moller-Maersk Line, 8645, 8864, 8865, 8977, 9964.
Adriatic/North Atlantic Range Freight Pool Agreement, 1135, 4561.
Alabama State Docks; terminal agreement, 8352.
Alaska Steamship Co.; terminal agreement, 1886.
Alcoa Steamship Co., Inc.; terminal agreement, 3328.
American & Australian Line, et al.; show cause order, 597.
American Export Isbrandtsen Lines, Inc., 632, 2566, 6198, 6888, 7461, 9965, 13977, 14693.
American Great Lakes Mediterranean Eastbound Freight Conference, 13840, 15602.
American Liberty Tank Terminals, Ltd.; terminal agreement, 11557.
American Mail Line, Ltd., 6920, 8175, 9781, 10956.
American President Lines, Ltd. et al., 236, 632, 4338, 4339, 7530, 7531, 8175, 10956, 11333, 15333, 15334.
American West African Freight Conference, 5767, 8175, 9781, 13795.
Anchor Line, Ltd., 2883.
Anchorage, city of; terminal agreement, 10336.
Association of West Coast Steamship Companies, 12500.
Atlantic & Gulf American-Flag Berth Operators, 12263, 14535.
Atlantic Passenger Steamship Conference, 4645, 8737, 9956.
Atlanttrafik Express Service, 15183.
Australia, New Zealand, and South Sea Islands Pacific Coast Conference, 6366, 11538.
Australia/U.S. Gulf, Atlantic, and Great Lakes Conference, 7127.
Australia-West Pacific Line, 3727, 11800.
Azta Shipping Co., 12754.
Barber-Wilhelmsen Line joint service, 3676.
Bayside Warehouse Co.; terminal agreements, 13105, 14968.
Black Diamond Steamship Corp., 2120.
Black Star Line, Ltd., 7327.
Blue Funnel Line, 2692.
Blue Sea Line joint service, 3249.
Booth Steamship Co., Ltd., 8865.
Brazil/United States-Canada Freight Conference, 904.
Bristol City Line of Steamships, Ltd., 4728, 8764.
California Association of Port Authorities, 13240.
California-Japan Cotton Pool, 4087.
Terminal agreements, 3676, 15601.
Cargill of California, Inc., 7768.
Terminal agreements, 3676, 15601.
Central Gulf Steamship Corp. et al., 71, 14612.
Certain agreements, confirmation of termination of approval, 13557.
China Navigation Co., Ltd., 2377, 3676, 9781.
Clan Line Steamers, Ltd., 9965.
C. Clausen Dampskibsreden A/S, 11184.
Cleveland Stevedore Co.; terminal agreement, 5488.
Columbus Line, Inc., 11335.
Combined Portugal Lines, 13795.
Compagnie Generale Transatlantique (French Line), 3561.
Compagnie Maritime Des Chargeurs Reunis, S.A., 2120, 7328, 8864, 13977.
Companhia Nacional De Navegacao, 12432.
Compania Internacional de Vapores, Ltda. et al.; proposed cancellation, 6702.
Compania Naviera Independencia, S.A.; proposed cancellations, 4312.
Consolidated Stevedoring Co.; terminal agreement, 15601.
Continental Grain Co.; terminal agreement, 4088.
Continental Grain Co. of Massachusetts; terminal agreement, 4088.
Cunard Steam Ship Co., Ltd. et al., 2883, 6290.
Terminal agreement, 6929.
Dampfschiffahrts-Gesellschaft "Neptun", 2047.
Danube East Mediterranean Line, 9965, 13977.
De La Rama Lines joint service, 3249.
Delaware River Terminals, Inc.; terminal agreements, 71, 16032.
Delta Steamship Lines, Inc. et al., 4436, 7201, 8551, 15600.
Dreyfus, Louis, Corp.; terminal agreement, 9663.
East Coast ports of South Thailand and U.S. Atlantic and Gulf ports, 7618.
Eastern Canada/Australia-New Zealand Conference, 10335.
Elder Dempster Lines, Ltd., 8864, 13977.

Federal Maritime Commission—Continued

TRANSPORTATION AGREEMENTS, terminal agreements, etc.—Continued
Section 15 agreements—Continued
Encinal Terminals, terminal agreements, 4436, 5397, 7768.
Farrell Lines, Inc., 7201, 7327, 7328, 7652, 8645, 9663, 11184, 12134.
Fern-Ville Lines, 7128.
First Atomic Ship Transport, Inc., 6888, 14693.
Flota Mercante Grancolombiana, S.A.; proposed cancellation, 4212.
Gdynia American Shipping Lines, Ltd.; proposed cancellation, 8726.
Gebr. Van Uden's Scheepvaart & Agentuur Mij., N.V., 11183.
General Steam Navigation Co., Ltd., of Greece, et al., 961.
Georgia Port Authority, et al.; terminal agreement, 8918, 11114.
Gestioni Esercizio Navi Sicilia-G.E.N.S., 2691.
Grace Line, Inc., 6412, 6413, 8175, 8176, 10957, 11334.
Great Lakes-United Kingdom Westbound Conference, 71.
Greece/United States Atlantic Rate Agreement, 14694.
Gulf Associated Freight Conferences, 5767.
Gulf/Mediterranean Ports Conference, 962, 1065, 10957, 13181.
Gulf/Mediterranean Trade, U.S. Flag Carriers; show cause, 14612.
Gulf-Puerto Rican Lines, Inc., 14612.
Gulf/Scandinavian & Baltic Sea Ports Conference, 5767.
Gulf & South American Steamship Co., Inc., 10957.
Gulf/South & East African Conference, 5767.
Hamburg-Amerika Linie, 2417.
Harris County-Houston Ship Channel Navigation District; terminal agreement, 13977.
Harrison Line, 13027.
Hawaii/Europe Rate Agreement, 16068.
Hawaii, State of, 4437.
Hellenic Lines, Ltd., 7461.
Hilo Transportation and Terminal Co., Ltd., 4087.
Holland-America Line, et al., 12309, 12648.
Home Lines, Inc., 11334.
Hong Kong/North Atlantic & Gulf Joint Agreement, 4211.
Household Goods Forwarders Association of America, 14387.
Hugo Stinnes, 2048.
India, Pakistan, Ceylon & Burma Outward Freight Conference, 15601.
Indo-China Steam Navigation Co., Ltd., 11154, 13105.
Indonesia/United States Great Lakes Rate Agreement, 961.
Indonesian ports to U.S. Atlantic and Gulf ports, 6926.
International Movers' Rate Agreement, 6503.
Israel/U.S. North Atlantic Ports Westbound Freight Conference, 633, 5765.
Isthmian Lines, Inc., 11333, 14612.
Italy, France, Spain, and Portugal/North Pacific Freight Pool, 6266.
Italy/U.S. North Atlantic Freight Pool, 4212.
Ivaran Lines, 7531.
Jackson County Port Authority; terminal agreement, 9663.
Jacksonville Port Authority; terminal agreements, 1134, 10867, 11539.
Japan-Atlantic & Gulf Freight Conference, 2624, 3250, 7531, 8864, 11538, 16090.
Japan-Puerto Rico and Virgin Islands Freight Conference, 11403.
Kawasaki Kisen Kaisha, Ltd., 2624, 3727, 8864, 8865, 8977, 9964.
Latin America/Pacific Coast Steamship Conference, 11154.
Lederer Terminal Warehouse Co.; terminal agreement, 5488.
Liberian National Shipping Lines, Inc., 7682.
Long Beach, city of, and Board of Harbor Commissioners; terminal agreements, 4773, 9066, 12899.
Los Angeles, city of; terminal agreement, 6552.
Lykes Bros. Steamship Co., Inc., 236, 2047, 4936, 4339, 6552, 7201, 8551, 9065, 11183, 11184, 12432, 12646, 13027, 13182, 13795.
Lykes Orient Line, 905.
MANZ Line Joint Service, 905.
Malaysia/United States Great Lakes Rate Agreement, 961.
Manchester Liners, Ltd., 4728, 8764.
Marchessini, P. D., & Co., Inc.; investigation, 14386.
Massachusetts Port Authority, et al.; terminal agreement, 8421.
Matson Navigation Co., 2008, 2566, 4087, 4487, 6412.
Terminal agreements, 1886, 4436, 5397, 7768, 7849, 15300.
McGrath, John W., Corp.; terminal agreements, 8646, 14534.
Mediterranean/North Pacific Coast Freight Conference, 1066, 8365, 14612.
Mediterranean-U.S.A. Great Lakes Freight Pool; investigation, 1560.
Metropolitan Stevedore Co.; terminal agreements, 4773.
Mexican Line, 11184.
Mid-Brazil/United States-Canada Freight Conference, 730.
Mitsui O.S.K. Lines, Ltd., 7683.
Montship Lines, Ltd., 2691.
Moore-McCormack Lines, Inc. et al., 3726, 3727, 4773, 6552, 7201, 8175, 8176, 10213.
Terminal agreements, 12308.
N.V. Van Nievelt Goudriaan Stoomvaart Maatschappij, 12646.
National Hellenic American Line, S.A., 11334.
National Metal & Sheet Corp.; terminal agreement, 6552.
Nedlloyd & Hoegh Lines, 2692.
New Orleans, port of; terminal agreement, 5649.
New Orleans, port of, Board of Commissioners; terminal agreement, 963.
New Orleans Cold Storage & Warehouse Co., Ltd.; terminal agreement, 5649.
New Orleans Dock Board; terminal agreement, 2048.
New York Central Railroad Co.; terminal agreement, 11114.
New York City; terminal agreements, 6929, 12308.
New York City, Department of Marine and Aviation, et al.; terminal agreements, 2828, 14869.
New York Freight Bureau, 16030.
New York Freight Bureau (Hong Kong), 3561, 5397.
New Zealand North America Line, 11003.
Niagara Frontier Port Authority; terminal agreement, 11115.
Nippon Yusen Kaisha, 3727, 7328.
Norfolk, city of; terminal agreement, 11113.
North American International, Inc.:
Investigation, 14338.
Terminal agreement, 10867.
North Atlantic Baltic Freight Conference, et al., 6951.
North Atlantic Mediterranean Freight Conference, 692, 13840.
North Atlantic Portugal Freight Conference, 10336, 14536.
North Atlantic Westbound Freight Association, 12648.
North Brazil/United States-Canada Freight Conference, 730.
Northern Pan America Line, 7683.
Norwegian Asia Line, 7126.
Nydegger, A.E., & Co. et al.; subject to cancellation, 729, 3326.
Oakland, Calif., city of; terminal agreements, 2624, 5488.
Board of Port Commissioners, et al., 8073.
Oceanic Steamship Co., 2006, 2566, 6412, 6413, 12134.
Odnamra Shipping Corp., 15183.
Old Dominion Stevedoring Corp.; terminal agreement, 11113.
Olympic Steamship Co.; terminal agreements, 4728, 9997.
Osaka Shosen Kaisha, Ltd., 7531.
Oy Finnlines, Ltd., 7531, 8978.
Ozean-Linie G. m. b. H., 4048.
P & V Atlas Maritime Corp. et al.; terminal agreement, 4436.
Pacific Coast-Australasian Tariff Bureau, 6198.
Pacific Coast European Conference, 3838.
Show cause order, 10170.
Pacific Coast River Plate Brazil Conference, 11153.
Pacific Far East Line, Inc., 905, 2624, 3676, 3727, 7530, 7531, 11800, 15333, 15334.
Pacific/Indonesian Conference, 4087.
Pacific Islands Transport Lines, 9663.
Pacific Molasses Co.; terminal agreement, 11737.
Pacific-Straits Conference, 4087.
Parr-Richmond Terminal Co.; terminal agreement, 9663.
Petromark, Inc.; terminal agreement, 9663.
Philadelphia, city of; terminal agreement, 71.
Pittston Stevedoring Corp.; terminal agreement, 11115.
Polish Ocean Lines, 11404.
Portland, Oreg., Commission of Public Docks; terminal agreements, 7849, 11737, 15300.
Portnica Shipping Co., Inc., 13181.
Public Grain Elevator of New Orleans, Inc.; terminal agreement, 5047.
Puerto Rico Drydock and Marine Terminals, Inc.; terminal agreement, 3326.
R.C.D. Shipping Services, 11291.
Rederiaktiebolaget Disa, et al., 7326.
Richmond Waterfront Terminals, et al.; terminal agreement, 8918.
Sacramento-Yolo Port District, 7768.
Terminal agreement, 3676.
Sea-Land of California, Inc.; terminal agreements, 2624, 5488, 9966, 12899.
Sea-Land Service, Inc., 632, 2029, 3364, 3676, 4773, 11335, 12754, 13181, 14612.
Terminal agreements, 1134, 8237, 10256, 10336, 11003, 11539, 12646, 13977, 16032.
Seatrain Inter-Caribbean, Inc., 12559, 12647.
Seatrain Lines, Inc., 3727, 6196, 7531, 8421, 9978, 10212, 11334, 12559, 12647, 15169.

Federal Maritime Commission—Continued

TRANSPORTATION AGREEMENTS, terminal agreements, etc.—Continued
Section 15 agreements—Continued
Seattle, port of; terminal agreements, 1886, 4728, 8237, 9997, 10256, 11003, 12646.
Sociedade Geral De Comercio Industria E. Transportes, 13182.
South and East Africa Rate Agreement, 2120, 13027.
South Louisiana Port Commission; terminal agreement, 13105, 14555.
States Marine Lines, Inc. et al., 2829, 4339, 10336.
States Marine Lines, Inc.-Global Bulk Transport, joint service, 3727.
States Marine Lines joint service, 6929.
States Steamship Co., 2377, 11154, 13105.
Swedish American Line, 13182.
Thailand/Pacific Freight Conference, 8978.
Thailand/United States Atlantic & Gulf Conference, 9732.
Thailand/United States Great Lakes Rate Agreement, 962.
Toledo Marine Terminals, Inc.; terminal agreement, 5488.
Toledo Overseas Terminals, Inc.; terminal agreement, 5488.
Torm Tramping Co. A/S, 15183.
Trans-Atlantic Associated Freight Conferences; proposed cancellation, 6951.
Trans-Atlantic Passenger Steamship Conference, 2006, 6737, 15602.
Transatlantic Shipping Corp. et al., 6703.
Trans-Pacific American-Flag Berth Operators Agreement, 962.
Trans-Pacific Freight Conference of Hong Kong, 11262, 11292, 11404.
Trans-Pacific Freight Conference of Japan, 2625, 3250, 7532, 9285, 9966, 11539.
Trans-Pacific Freight Conference of North China (Shanghai), 16030.
Trans-Pacific Passenger Conference, 4773, 14536.
Turkey/United States Atlantic Rate Agreement, 14694.
Tyrrhenian/Levant Freight Conference (Ametile) member lines, 2047.
Union of Burma Five Star Line Corp., 7328.
United Fruit Co., 4212, 8421.
Terminal agreements, 11114, 14534.
United Kingdom/United States Pacific Freight Association, 12264.
United Philippine Lines, Inc., 10213.
United Port Service Co.; terminal agreement, 8646.
United States Atlantic and Gulf/Australia-New Zealand Conference, 10335, 10336.
United States Atlantic and Gulf-Jamaica Conference, 14227.
U.S. Atlantic and Gulf ports/Bermuda rate agreement, 7129.
U.S. Atlantic and Gulf-Santo Domingo Conference, 9500.
U.S. Atlantic and Gulf/Venezuela and Netherlands Antilles Conference, 8865.
United States and Canada Great Lakes and St. Lawrence River Ports/West Africa Agreement, 1209.
United States Great Lakes/South and East Africa Agreement, 15888.
United States Lines Co., 905, 2006, 2829, 3561, 3727, 6413, 13840.
Terminal agreement, 14869.
United States/South and East Africa Conference, 12432, 14694.
V/O Sovfracht, 11404.
Venezuela-Netherlands West Indies Oil Companies' Contract Agreement, 3838.
Waterman of Puerto Rico-U.S.A., Inc.; terminal agreement, 963.
Waterman Steamship Corp., 236, 13840.
West Coast American-Flag Berth Operators, 962, 11263.
West Coast of Italy, Sicilian and Adriatic Ports/North Atlantic Range Conference, 7934.
Wilhelmsen Line, 13182.
Joint service, 632, 811.
Yamashita-Shinnihon Steamship Co., Ltd., 3364.
Zim Israel Navigation Co., Ltd., 7327, 7328.

Federal National Mortgage Association:

MORTGAGE AND LOAN PURCHASES, servicing and sales, and short-term loans on security of mortgages and loans 8677, 10159

Federal Power Commission:

ACCOUNTS, uniform system of. *See* Federal Power Act; Natural Gas Act.
BONNEVILLE POWER ADMINISTRATION, rates, schedules, and tariffs 12903

Federal Power Commission—Continued

FEDERAL POWER ACT regulations, etc.:
Accounts, uniform system of:
Electric plant instructions, work order and property record system required, class C companies; proposed rule 13877
Investment tax credits, class A, B, and C companies 484
Annual charges; costs of administration 4259, 15093, 15211
Forms:
No. 1, annual report, class A and B companies 3707, 5703, 12360, 12728, 15465
Proposed rules 9697
No. 1-F, annual report, class C and D companies 605
No. 1-M, annual report 605
Nos. 12, 12-A, and 12-D, power system statements 14018, 16107
No. 80, recreation inventory, major projects; proposed rule 9113
No. 80-A, recreation inventory, minor projects; proposed rule 9113
Joint use of project works or parts thereof for certain water supply purposes; proposed rule terminated 4769
Licenses, certain, for projects subject to recapture; expiration dates 1210
Licenses, permits, and determination of project costs; required exhibits, hydroelectric licenses, applications, recreation plan exhibits 523, 16199
Project works, inspection with respect to safety of structures 16199
Recreational development at licensed projects 16198
Recreational opportunities, publicizing license conditions relating to 7313
Information respecting use and development, proposed rule 9113
HEARINGS, etc. *See list at end of this agency.*
LANDS; withdrawals, etc., for listed projects:
No. 742, South Dakota; order vacated, 15114.
No. 774, Arizona, 9892.
No. 1649, Arizona, 12371.
No. 2082, Oregon, 11933.
No. 2310, California, 11933.
No. 2407, Alabama, 5541.
No. 2410, California, 8868.
NATIONAL POWER SURVEY INDUSTRY ADVISORY COMMITTEE on Underground Transmission; establishment and practices 6667
NATIONAL POWER SURVEY REGIONAL ADVISORY COMMITTEES, establishment 8868
NATURAL GAS ACT regulations:
Accounts, uniform system of:
Accounting for measuring and regulating stations, class A, B, and C companies; proposed rules 14110
Gas plant instructions, work order and property record systems required, class C companies; proposed rule 13877
Investment tax credits, class A and B companies 484
Application for exemption from certain provisions of Act 12728
Applications for orders under section 7(a), service of application 9302
Certificates of public convenience and necessity, or abandonment of service, applications under section 7:
Abbreviated applications, budget-type, direct sales 7280
Application to abandon facilities or service; exhibits 4130
Filing by producers and gatherers 14010, 14011
General conditions applicable to certificates, operation of facilities at excess pressures; proposed rule 14110
Producers and gatherers also natural gas companies:
Abandonment of service 6518
Independent producers 6518
Necessary exhibits, proposed rule 3715
Small producer certificates, proposed rules 10059
Direct industrial sales, contracts and rate schedules 8332
Filing fees, proposed rules 12077
Forms:
Annual statement for independent producers holding small producer certificates 14012
Application for small producer certificate of public convenience and necessity 14011

Federal Power Commission—Continued

Page

NATURAL GAS ACT regulations—Continued
Forms—Continued
No. 2, annual report, class A and B companies:
Direct industrial sales ... 8333, 12451
Donation expenditures, proposed rule ... 9697
Elimination of optional 30-day extension of time for filing certain schedules ... 12628
Schedules, certain, changes in ... 12361, 15465
Small independent producers, purchases from ... 10059, 14012
Take or pay purchase prepayments and delivery obligations schedules ... 9263
No. 2–A, annual report, class C and D companies ... 605, 12361, 15465
Proposed rules ... 10059
System flow diagrams, class A companies ... 447, 11101, 13359
Telegraphic reporting of accidents, proposed rule ... 14111
Policy and interpretation, general:
Area price levels for sales by producers, antitrigger-ing conditions in certificates of public convenience and necessity ... 4670
Certificate applications, provision for reserve capacity; proposed rule ... 14109
Rate schedules and tariffs:
Area rate proceedings ... 10066, 14228, 14537
Changes in tariff, executed service agreement or part thereof ... 12069
Compliance by producers and gatherers with certificate and rate requirements ... 3715, 5861, 14011
Small independent producers, rate filings by ... 10058, 14011
Suspended changes in rate schedules, motions to make effective at end of period of suspension; procedure, proposed rule ... 11228
Reports. *See under* Forms.
NATURAL GAS ADVISORY COUNCIL, continued ... 16286
ORGANIZATION, staff ... 13693
PRACTICE AND PROCEDURE; public information, exceptions ... 8332
RECORDS, non-Federal; retention requirements ... 3159

HEARINGS, ETC.:
Alabama Electric Cooperative, Inc., 2048, 3728, 7462.
Alabama Power Co., 2048, 3692, 3728, 7462, 12050.
Alabama-Tennessee Natural Gas Co., 552, 7331, 13883.
Algonquin Gas Transmission Co., 766, 967, 6292, 11700, 12052, 12754.
Allegheny Land and Mineral Co. et al., 14596.
Amerada Petroleum Corp. et al., 547, 1824, 2568, 2737, 2832, 4147, 4269, 4507, 6298, 7683, 11005, 13176, 14228.
American Louisiana Pipe Line Co., 505, 3839, 7624, 16173.
American Petrofina Co. of Texas, et al., 6068.
American Smelting & Refining Co., 506.
Andarko Production Co. et al., 12135, 13909.
Appalachian Power Co., 4563, 12754.
Arizona Public Service Co., 4563, 7023, 7506.
Arkansas Louisiana Gas Co. et al., 730, 766, 2231, 3613, 3890, 9415, 9500, 10261, 12368, 13843, 14391, 14617, 14754.
Arkla Exploration Co., 4508.
Arlington, Ky., city of, 3615.
Ashland Oil & Refining Co. et al., 634, 7131, 7408, 8496, 16280.
Atlanta Gas Light Co., 11184, 13105.
Atlantic Refining Co. et al., 239, 506, 507, 4336, 13175, 14507.
Atlantic Seaboard Corp. et al., 1210, 1269, 2568, 4438, 6879, 6951, 7507, 7849, 8920, 11654, 12050.
Auburn, Kans., city of, 5869.
Ausman, Earle V., 5719.
Austral Oil Co., Inc. et al., 1019.
Aylward Drilling Co. et al., 966.
B. W. P., Inc., 8498.
Bangor Gas Co., Wind Gap Division, 13414.
Bangor Hydro-Electric Co., 11262.
Barbara Oil Co. et al., 6602.
Barth, Ray, 1824.
Bass, Perry R. et al., 14869, 15327.
Battle Creek Gas Co., 12062.
Beebe Island Corp., 12368.
Ben Bolt Gathering Co., 5542.
Berry, Thomas R., 2568.
Berry, Thomas N., & Co. et al., 6120.
Bismarck, Mo., city of, 3402.
Blue Dolphin Pipe Line Co., 5009.
Bluebonnet Gas Corp., 5869, 8724, 15001.
Bonneville Power Administration, Interior Department, 14056.
Bonray Oil Co. et al., 2737.

Federal Power Commission—Continued

HEARINGS, ETC.—Continued
Border Pipe Line Co., 506.
Boshell, Edward O., 13552.
Bradley Producing Corp. et al., 4010.
Brazos River Authority, 5652.
Brighton, Iowa, town of, 5544.
Brooksville, Ky., city of, 14823.
Brown, George R. et al., 2830.
Brown, H. L., estate, et al., 556, 853, 2568, 4563.
Brown Co., 4082.
Burnett, H. N., 13752.
Burns House Oil & Gas Co. et al., 236, 853.
CRA, Inc. et al., 555, 5650, 6293, 8866, 9598, 12501.
Cabot Corp., 12868.
California, Department of Water Resources, 2567.
California Co. et al., 8422.
California Oil Co., 9782.
California-Pacific Utilities Co., 8920.
Callery, F. A., Inc. et al., 4260, 6665.
Calvert Corp., 7259.
Carnegie Natural Gas Co., 6294.
Carolina Pipeline Co., 2692, 8866.
Carolina Power & Light Co., 8121.
Cascade Power Co., 13028.
Caulkins Oil Co. et al., 8979.
Central Illinois Electric & Gas Co., 3402, 9803.
Central Illinois Light Co., 8496.
Central Illinois Public Service Co., 4508, 4509.
Central Maine Power Co., 4774, 6668, 10257, 10261, 10922, 11115, 12260, 15241.
Champlin Petroleum Co., 454.
Chatham Strait Fish Co., 7333.
Chelan County, Wash., 8020.
Chevron Oil Co., Western Division, 12052.
Chrisney, Ind., town of, 16173.
Cincinnati Gas & Electric Co., 1070, 4702.
Cities Service Gas Co. et al., 507, 853, 4264, 6294, 6553, 7331, 8123, 8499, 9416, 11003, 11292, 11652, 11701, 12052, 12368, 12558, 13552, 13843, 14121, 15338, 15506, 15602, 16171, 16172, 16285.
Cities Service Oil Co. et al., 9635, 10339, 14228.
Citizens Utilities Co., 14694.
Cleary Petroleum, Inc. et al., 7052, 15379.
Clewiston, Fla., city of, 15113.
Coastal States Gas Producing Co. et al., 5396, 6664, 7300, 11154.
Coates, George H. et al., 11155.
Colorado Interstate Gas Co. et al., 552, 811, 2961, 3616, 3839, 4082, 4265, 4729, 5805, 6126, 6367, 7624, 8352, 8598, 14618.
Colorado River Water Conservation District, 7202.
Columbia Gulf Transmission Co. et al., 634, 4369, 5650, 6951, 15821.
Columbia River Basin Headwater Benefits, 12558.
Columbian Fuel Corp. et al., 13552, 13589, 15679.
Community Public Service Co., 2485, 8761.
Concord Electric Co., 968.
Confederated Salish and Kootenai Tribes of Flathead Reservation, Mont., 6809.
Consolidated Edison Co. of New York, Inc., 3728, 4265.
Consolidated Gas Supply Corp., 8079, 10958, 13914.
Consumers Power Co., 1960, 2377, 9335, 9559, 13296, 15834.
Continental Oil Co. et al., 4143, 6192, 7053, 7683, 8919, 14057, 17179.
Cord, E. L., 12501.
Corn, Okla., town of, 14056.
Corydon, Ky., city of, 16281.
Cox, Edwin L., 634.
Craig, C. L. et al., 17180.
Crisp County Power Commission, 1135, 11570.
Cross Plains Natural Gas Utility District, 6665.
Crystal Gas Co., 507.
Cumberland and Allegheny Gas Co., 7331.
Cushing Gas Transmission Co., 5870.
Dahigren, Ill., 3405.
Daubert, Chas. A. et al., 14573.
Daugherty, Paul E. et al., 1718.
Dayton Power & Light Co., 176.
Del Norte Natural Gas Co. et al., 14022.
Delta Natural Gas Co., Inc., 7849.
Denver, Colo., city and county of, 2113, 5542.
Detroit Edison Co., 1960, 2377, 9335, 9559.
Dillon, Herbert L., Jr. et al., 14390.
Donnell Co., 7202.
Donoghue, James, et al., 13884.
Duke Power Co., 2049.
Dunlap, Tenn., city of, 811.
Dysart, Stella, et al., 1136.
East Tennessee Natural Gas Co., 1115, 16174.

Federal Power Commission—Continued

HEARINGS, ETC.—Continued
Eastern Maine Electric Cooperative, Inc., 1019.
Eastern Shore Natural Gas Co., 175, 554, 1962, 6554, 7260, 11568, 13843, 13844.
Eckert Gas Co., 2166.
Eclectic, Ala., town of, 3731.
Edmiston, E. K. et al., 730.
Edwards Oil & Gas Co. et al., 13664, 15380.
El Paso Electric Co., 4774, 15186.
El Paso Natural Gas Co. et al., 239, 768, 853, 2166, 2831, 3276, 3332, 3402, 3615, 3890, 4266, 5610, 5717, 5870, 6233, 6295, 7624, 7685, 8019, 8118, 8243, 8499, 8597, 8920, 9233, 9416, 10257, 11116, 11356, 12368, 12369, 13028, 13473, 13474, 14023, 14121, 14228, 14832, 15334, 15335, 15383, 16172, 16174.
Elliott Oil, Inc. et al., 635.
Empire District Electric Co., 3839.
Empire Gas and Fuel Co., 1071, 14696.
Escondido, Calif., city of, 6501.
Escondido Mutual Water Co., 6501.
Eskridge, Kansas, city of, 2831.
Eugene, Oreg., city of, 6233, 6450.
F.T.F. Gas Corp., 4651.
Fabian, Louis, 15385.
Feazel, W. C., Estate, et al., 12079.
Florida Gas Transmission Co., 3403, 3890, 4266, 5805, 8078, 8499, 9416, 9500, 9550, 11116, 11184, 12870, 13885, 15113.
Florida Power & Light Co., 2832.
Fluor Corp., Ltd., 6191.
Ford, Henry, & Son, Inc., 12754.
Foree, R. L., 4651.
Forest Oil Corp. et al., 2115, 2961, 5651, 6367, 8286, 8724, 10958.
Fort Smith Gas Corp., 8499.
Garfield Gas Gathering Co., 12558.
Garner, J. Ralph, et al., 15240.
Garnett, B.C. et al., 5542.
Gas Boards:
Oakman, Ala., 4371.
Parrish, Ala., 4509.
Gas Gathering Corp., 8725.
Gas Service, Inc., 4564.
Gas Transport, Inc., 3728.
Gem Valley, Inc., 11358.
General American Oil Co. of Texas, et al., 21, 635, 9332.
Georgia Power Co., 1324, 7850, 11570.
Gerwig & Koethe Oil and Gas Co., 8722.
Graham-Michaelis Drilling Co. et al., 13413, 13666.
Grainville Gas Cooperative, 2166.
Granite State Gas Transmission, Inc., 10171.
Great Lakes Gas Transmission Co. et al., 357, 7976, 9559, 14122.
Great Northern Paper Co., 7624.
Green Mountain Power Corp., 7260, 12901.
Gresham, Wis., village of, 9733.
Gulf Oil Corp. et al., 239, 854, 3793, 4328, 6295, 6498, 11357, 14940.
Gulf States Utilities Co., 3616, 4775, 15241.
Gungoll, Carl E. et al., 2230.
Hamilton Natural Gas Co., Inc., 13177.
Hamilton, Ohio, 6352, 12870, 13753.
Hamon, Jake L. et al., 14387.
Hanley Co. et al., 7054, 8122.
Harper Oil Co. et al., 3625.
Haun, W. G., and Lee Drilling Co. et al., 1066, 6874.
Hawkins, H. L., and H. L., Jr. et al., 555, 2166.
Hays Oil & Gas Co. et al., 3794, 4564, 7508.
Heldt, James D. et al., 9228.
Hermann, Mo., city of, 9891.
High Plains Natural Gas Co., 8243.
Home Gas Co., 5651, 9023, 11804, 14054.
Hope, Alvin C. et al., 13177.
Hope Natural Gas Co., 3728, 3890.
Houston Royalty Co. et al., 9839.
Howell, H. H. et al., 6128.
Humble Gas Transmission Co., 4336, 6742, 8916, 12260, 15338.
Humble Oil & Refining Co. et al., 357, 358, 3614, 3891, 8760, 9076, 10214, 11802, 14332, 16092.
Hunt Oil Co., 12369.
Hurt Oil & Gas Corp., 11005.
Husky Oil Co., 6803, 8553.
Idaho Power Co., 634, 7977, 9076, 11262.
Illinois Power Co., 3729, 3891, 6555, 12261.
Indiana & Michigan Electric Co., 14823.
Indiana Natural Gas Corp., 176, 7625.
Interior Department, 857, 2377.
Interstate Power Co., 4266, 7130.
Iowa Power & Light Co., 14695.
Iowa Public Service Co., 6502.
James, T. L., & Co., Inc. et al., 9500, 13207, 14755, 16174.
Jersey Central Power & Light Co., 3332.
Jupiter Corp., 240, 812, 1893, 2962.
Kansas-Colorado Utilities, Inc., 3403, 3616, 3729, 8920.
Kansas-Nebraska Natural Gas Co., Inc., 3616, 4267, 8596, 11358, 14391, 14392.
Kaskaskia Gas Co., 176, 11655.
Katex Oil Co., 12901.
Kentucky Gas Transmission Corp., 1962, 5871, 11805, 14051, 14822.
Kerr-McGee Corp. et al., 16282.
Kerr-McGee Oil Industries, Inc. et al., 10337, 12863, 14539.
Kewanee Oil Co. et al., 7329, 8074, 8867.
Kimberly-Clark Corp., 11802.
Kimsey, Roy E., Jr. et al., 635.
Kingwood Oil Co. et al., 15335.
Kleinpeter, T. W., 10923.
Knoxville Utilities Board, et al., 14695.
Lake Shore Pipe Line Co., 3277, 5543.
Lakeland Petroleum Corp. et al., 2049.
Lange, R. W., 4267.
Lappi, Tauno, 5719.
Lateral Gas Pipeline Co., 635.
Lawrenceburg Gas Transmission Corp., 455.
London Gas Co. et al., 2738.
Lone Star Gas Co. et al., 2418, 3678, 3892, 9285, 10172, 13844, 14123.
Loretto, Tenn., city of, 4728.
Louisiana Gas Service Co., 13474.
Louisiana Nevada Transit Co., 6296.
Lower Valley Power & Light, Inc., 2167.
Lyons, C. H., Sr. et al., 903, 3328, 8867.
Manufacturers Light & Heat Co. et al., 656, 3332, 3616, 5397, 8598, 10258, 11805, 14055.
Marathon Oil Co. et al., 2050, 3840, 4564, 6554, 7620, 7621, 9190, 9783, 11701, 14283.
Martin, Williams & Judson, et al., 240.
McCommons Oil Co. et al., 4652.
Mead Corp., 4729.
Meigs, Ga., town of, 658.
Michigan Gas and Electric Co., 6502, 15046.
Michigan Gas Storage Co., 3277, 7625.
Michigan Wisconsin Pipe Line Co., 507, 3404, 7130, 7260, 7261, 8119, 11155, 11293, 11571, 13845, 14537.
Middleboro, Mass., 12052.
Midhurst Oil Corp., 8244.
Midwest Missouri Gas Co., 241.
Midwest Oil Corp., 241.
Midwestern Gas Transmission Co., 5805, 5912, 6667, 6742, 9501, 14124, 16172.
Milwaukee Gas Light Co., 456, 2738, 3617, 3840, 11293, 13298.
Mineral Mining Co. et al., 3892.
Minnesota Power & Light Co., 2051, 5913, 11155.
Mississippi Power Co., 12083, 13474.
Mississippi River Corp., 13753.
Mississippi River Transmission Corp., 2050, 7729, 11568, 11655, 14392, 15334.
Mississippi Valley Gas Co., 15338.
Missouri Edison Co., 12053.
Missouri Power & Light Co., 176.
Missouri Public Service Co., 12903.
Monsanto Co. et al., 3563, 9891, 11356.
Montana-Dakota Utilities Co., 1019, 3333, 12902, 14229, 15821.
Montana Power Co., 2167, 4335, 6802, 7202, 7261, 11004, 13753, 13845.
Mosbacher, Robert, et al., 11116.
Mosser, H. J. et al., 242.
Mountain Fuel Supply Co., 2230, 6665.
Murphy Oil Corp. et al., 12557.
Nafco Oil & Gas Inc. et al., 14123.
Natural Gas Advisory Council, 16286.
Natural Gas Pipeline Co. of America, et al., 177, 1825, 2739, 4564, 4702, 4729, 5806, 5871, 5912, 6296, 6667, 7332, 8079, 8353, 8500, 8759, 8761, 8805, 8921, 10258, 12083, 12369, 13029, 13177, 13475, 14056, 14124, 14393, 14537, 14538, 14940, 15388, 15505.
Nekoosa-Edwards Paper Co., 4729, 6952.
Nemours Corp. et al., 556, 7769.
New Bedford Gas and Edison Light Co., 15339.
New London Gas Co., 11155.
New York State Natural Gas Corp., 3617, 4509.
Niagara Mohawk Power Corp., 854, 1825, 3333, 3841, 11294, 12370, 12754, 14124, 15241.
North Central Public Service Co., 14618.

Federal Power Commission—Continued

HEARINGS, ETC.—Continued

Northern Electric Cooperative, 8867.
Northern Natural Gas Co. et al., 456, 556, 855, 968, 1072, 1269, 1962, 3729, 4510, 6127, 6296, 6564, 6566, 6803, 7203, 7625, 7729, 8245, 8649, 8762, 8806, 10258, 10259, 10922, 12053, 12370, 12755, 13178, 13298, 13590, 14618, 14823, 15114, 16093.
Northern Pump Co. et al., 11833.
Northern States Power Co., 1136, 6068, 8389.
Northern Utilities, Inc., 13178.
Northern Virginia Power Co., 6333.
Northwest Paper Co., 2051.
Norwich, Conn., city of, Department of Public Utilities, 3678.
Ohio Fuel Gas Co. et al., 3404, 4565, 5643, 5872, 6666, 9234, 11805, 13914, 14092, 15584.
Okanogan County, Wash., Public Utility District No. 1, 730, 4329, 11934, 14393.
Oklahoma Natural Gas Co., 15116.
Oklahoma Natural Gas Gathering Corp., 15683.
Orange & Rockland Utilities, Inc., 8353, 13178.
Otter Tail Power Co., 15187, 16283.
Ozark Transmission District, Inc., 2483.
Pacific Gas & Electric Co., 456, 6742, 13475.
Pacific Gas Transmission Co., 855, 5719, 7303, 7507, 7626, 9286.
Pacific Northwest Pipeline Corp. et al., 11003, 12501, 15115.
Pacific Power & Light Co., 1324, 6233, 10923, 11004, 13179.
Pan American Petroleum Corp. et al., 1067, 1211, 1269, 2008, 2231, 2233, 5768, 11803, 14125, 14286, 14540, 14578, 14755, 14756, 14940.
Panhandle Eastern Pipe Line Co., 557, 3278, 3333, 3404, 3618, 3730, 3841, 7332, 9286, 9560, 9603, 9891, 10173, 11156, 11350, 12053, 12062, 13177, 14126.
Pano Tech Exploration Corp., 16283.
Paul, C. M. et al., 856.
Peacock, Frank E., 2739.
Pelican Utility Co. et al., 11885.
Pemco Gas, Inc. et al., 179.
Pend Oreille County, Wash., Public Utility District No. 1, 10259.
Pennsylvania Gas Co., 8763.
Pennsylvania Power & Light Co., 4566.
Penrose Production Co. et al., 969, 2569, 14287, 15822, 15823.
Permian Basin, 10066, 14228, 14537.
Petersburg, Alaska, city of, 7331.
Petroleum Corporation of Texas, et al., 7581.
Petroleum, Inc., 11569.
Philadelphia Electric Power Co., 2051.
Phillips Petroleum Co. et al., 551, 3862.
Pikeville, Tenn., city of, 7129.
Piney Point Petroleums, et al., 12371.
Plains Gas Farmers' Cooperative Society of Hereford, Tex., 4268, 14593.
Plateau Natural Gas Co., 15001.
Plymouth County Electric Co., 15309.
Pointe Coupee Parish, La., Gas Utility District No. 2, 2829.
Poole, Rufus G. et al., 552.
Portland General Electric Co., 2693.
Potomac Light and Power Co., 6555, 6667.
Potosi, Mo., city of, 15334.
Pubco Petroleum Corp. et al., 3677.
Public Service Co. of New Hampshire, et al., 6662.
Public Service Co. of Oklahoma, 1826.
Public Service Electric & Gas Co., 3333.
Pure Oil Co. et al., 9558.
Quinault Light Co., 12262.
R & G Drilling Co., Inc. et al., 2627.
Red Snapper Pipe Line Co., 15384.
Reed, Charles L., 15386.
Riddell Petroleum Corp. et al., 12960.
Rine, E. W., Drilling Co. et al., 3563.
Rio Sabine, Inc., 242.
Roach, T. L. et al., 11294.
Robinson Bros. Oil Producers, et al., 1126.
Rock Island Oil & Refining Co., Inc. et al., 8554, 11360.
Rocky Mountain Power Co., 6749, 11117.
Rodman Oil Co. et al., 555.
Rodman Petroleum Corp. et al., 280, 2463.
Sabine Pipe Line Co., 11570.
St. Charles Gas Corp., 7720.
St. Croix Paper Co., 507.
St. Joseph Light & Power Co., 11118.
St. Michaels Utilities Commission, et al., 356.
Sands, Caroline Hunt, et al., 10217.
Schlachter, David A. et al., 6294.
Seewald, Hughes, et al., 14176.
Shamrock Oil & Gas Corp. et al., 2167, 11804.

Federal Power Commission—Continued

HEARINGS, ETC.—Continued

Sharples and Co. Properties, et al., 8131, 9783, 14220.
Shell Oil Co. et al., 1270, 1325, 1820, 1824, 2418, 2693, 4702, 4775, 5720, 5913, 7628, 7977, 8725, 8762, 9234, 11295, 13871, 16284.
Shenandoah Gas Co., 4147.
Short, Bill D., 4730.
Sierra Nevada Power Co., 1826.
Sierra Pacific Power Co., 1826.
Signal Oil & Gas Co. et al., 6097.
Sinclair Oil & Gas Co. et al., 2112, 4566, 7684, 9333, 12424, 12864, 12865, 12866, 13106, 13413, 13940, 15000, 15184, 15440.
Skelly Oil Co. et al., 657, 10219, 13797.
Socony Mobil Oil Co., Inc. et al., 2114, 2166, 2566, 4646, 6450, 9417, 12501, 13795, 14058, 14870, 15002, 15300.
Sohio Petroleum Co. et al., 22, 657, 1325, 2734, 5545, 9691.
South Carolina Electric & Gas Co., 8121, 11805.
South Georgia Natural Gas Co., 2051, 8079, 13105.
South Penn Power Co., 6128.
South Texas Natural Gas Gathering Co., 5543, 9286.
Southdown, Inc., 16285.
Southeastern Power Administration, 2377, 13797.
Southeastern Public Service Co. et al., 3363, 3730, 4144, 7508.
Southern Natural Gas Co., 1827, 2692, 3334, 4268, 5769, 8866, 9335, 10259, 11184, 14023, 14393, 15002, 15003, 15116.
Southern Petroleum Exploration, Inc., 10218, 13179.
Southern Union Production Co. et al., 5769.
Southwest Gas Corp., 6297.
Southwestern Oil & Refining Co. et al., 10217.
Southwestern Power Administration, 857, 8020.
Standard Oil Company of Texas, 15683.
Stark, Kans., city of, 16173.
Stevens County Oil & Gas Co. et al., 12425, 14229.
Stevenson, Malcolm S., Esq., 3334.
Sumiton, Ala., town of, 6880.
Sun Oil Co. et al., 23, 509, 1325, 1827, 6003, 6004, 16170, 16175.
Sunray DX Oil Co. et al., 1866, 3731, 5489, 13179.
Sunset International Petroleum Corp., 4369, 6502.
Superior Oil Co. et al., 1326, 5716, 9023, 11075.
Susquehanna Power Co., 2051.
Tenneco Oil Co. et al., 857, 963, 970, 2567, 14126, 14284, 15336, 15817, 15824.
Tennessee Gas Transmission Co., 177, 240, 657, 813, 967, 1893, 2962, 3334, 3618, 5544, 5872, 6367, 6743, 7023, 7627, 7685, 8598, 9560, 9732, 10259, 11263, 11294, 12556, 13474, 15185, 15186, 15684, 15824.
Tennessee Natural Gas Lines, Inc., 9077.
Texaco, Inc., 2483, 4143, 6726, 8921, 15309.
Texas Eastern Transmission Corp., 3617, 6297, 7685, 10258, 10260, 11115, 11570, 12426, 12963, 13180, 14696.
Texas Gas Producing Co. et al., 12867.
Texas Gas Transmission Corp., 177, 1020, 2232, 4371, 4730, 8245, 8763, 8806, 9478, 10260, 11572, 11887, 12870, 13753, 13846, 14823, 15701.
Texas Gas Utilities Co., 3618.
Texas Oil & Gas Corp. et al., 4372, 10125, 10959, 12257.
Thebes, Ill., 14696.
Trahan, J. C., Drilling Contractor, Inc. et al., 6368.
Transcontinental Gas Pipe Line Corp. et al., 178, 1827, 2232, 2739, 3619, 4730, 5399, 5544, 7332, 8353, 8867, 11701, 13298, 13414, 13754, 14023, 14389, 14824, 16173.
Transwestern Pipeline Co. et. al., 179, 508, 812, 3484, 3892, 5770, 6297, 7208, 7584, 11359, 12262, 13107, 13299, 14538, 15506.
Treasure State Pipe Line Co., 13563.
Tri-County Gas Co., Inc., 16174.
Tribune Oil Corp. et al., 5872.
Trunkline Gas Co., 508, 3405, 7624, 8921, 10958, 14288, 16285.
Underwood, Rip C. et al., 5555, 5978.
Union Carbide Corp., 7300.
Union Gas System, Inc., 15506, 15602, 16285.
Union Light, Heat & Power Co., 1070, 4702.
Union Oil Co. of California, et al., 508, 14509.
Union Producing Co., 61, 4330.
Union Texas Petroleum, et al., 3619, 4566.
United Fuel Gas Co., 179, 508, 557, 765, 1271, 5871, 8014, 8079, 9784, 10173, 11359, 12060.
United Gas Pipe Line Co. et al., 243, 457, 500, 557, 970, 3335, 4372, 4510, 4702, 5544, 8098, 6297, 7462, 7650, 8289, 8598, 9023, 9286, 9333, 10958, 11183, 11665, 12501, 13029, 13299, 13754, 14390, 14393, 14895, 14896, 16286.
United Natural Gas Co., 8763, 8806, 14696.
Urbana Pipe Line Co., 242.
Utah Power & Light Co., 2484, 2693, 4268, 4645, 15117.
Valley Gas Transmission, Inc. et al., 2051, 3841, 3863.
Vanceburg Electric Light, Heat & Power System, et al., 3335, 4372.

Federal Power Commission—Continued

HEARINGS, ETC.—Continued

Vernon Parish, La., Gas Utility District No. 1, 2115.
Virginia Electric & Power Co., 5718, 6004, 7508.
Wainwright, Thomas G., 6128.
Walker, Ross, 2168.
Walsh, Frank H. et al., 6873.
Warren Petroleum Corp. et al., 7584.
Washington County Utility District, Washington County, Tenn., 16174.
Washington Fish & Oyster Co., 7333.
Washington Water Power Co., 11004.
Watertown, N.Y., city of, 9416.
Wayland, Iowa, town of, 2232.
Webb, William G. et al., 243, 4269.
Weir, Miss., town of, 7627.
Wells, Margaret J. et al., 8646.
West Penn Power Co., 13799.
Western Gas Service Co., 6744.
Western Indiana Public Service Co., Inc., 7627.
Western Light & Telephone Co., Inc., 2169.
Western Oil Fields, Inc. et al., 706, 14613.
Westfield Gas Corp., 2739.
Westmore Drilling Co. et al., 13180.
Wheeler Gas Co., 3893.
Wisconsin Michigan Power Co., 8245, 14288.
Wisconsin Power & Light Co., 3731, 9077.
Wisconsin Public Service Corp., 8021, 9416, 13029.
Yeager, Oley, et al., 504.
Yuba County Water Agency, 13754.
Yucca Petroleum Co., 12054.
Zenith Gas System, Inc., 5652, 7850.
Zenith Natural Gas Co., 5652.

Federal Property Management:

See General Services Administration.

Federal Radiation Council:

RADIATION PROTECTION GUIDANCE for Federal agencies, memorandum for President 6953
RADIOACTIVE WASTE MATERIALS, disposal (Executive Order 11258) 14483

Federal Register:

ACTS requiring publication in FEDERAL REGISTER 1727
ADMINISTRATIVE COMMITTEE, republication of chapter 15122
CFR CHECKLIST 2649, 4237, 6141, 7271, 8385, 9623, 11207, 12529, 13859, 14839
FINDING AIDS, guide 15612
PRESIDENTIAL DOCUMENTS, weekly compilation 9573
RECORDS, non-Federal; retention requirements 3102

Federal Reserve System, Board of Governors:

ADVANCES AND DISCOUNTS by Federal Reserve banks, eligibility of consumer loans and finance company paper 11949
BANK HOLDING COMPANIES:
Applications, requests for determinations, etc.:
Associated Bancorporation, 8423, 12064.
BT New York Corp., 11887.
BancOhio Corp., 6368.
Approved, 15304.
Bancorporation of Minnesota, Inc.; denied, 9966.
Barnett National Securities Corp., 11008.
Brenton Companies, Inc., 12309.
Approved, 15005, 15006.
Central Wisconsin Bankshares, Inc., 7770.
Charter New York Corp., 11006.
Commercial Bancorp, Inc.; extension of time, 812.
Denver U.S. Bancorporation, Inc., 1271, 9189, 11887.
Approved, 7409.
First Montana Bank Corp., 14510.
First National Corp.:
Approved, 2833.
Extension of time, 7851.
First Oklahoma Bancorporation, Inc.; approved, 5806.
First Virginia Corp., 180, 8073.
Approved, 5846.
Denied, 1066.
First Wisconsin Banksahres Corp.; approved, 5806.
Mid-Continent Bancorporation, 7628.
Mid-Continent Financial Corp., 5770.
Otto Bremer Co., 16286.
Security New York State Corp., 13914.
Shawmut Association, Inc., 857, 5807.
Society Corp., 8369.
Approved, 14941.
United Virginia Bankshares, Inc., 8500.
Approved, 15825.
Virginia Commonwealth Corp., 5771, 8599, 14179.
Approved, 11362, 16287.
Whitney Holding Corp., 9611.
Industrial banks as "banks" under Act 14273
CREDIT by brokers, dealers and members of national securities exchanges; special cash account, modification of 7-day rule 5826
DISCOUNT RATES, advances and discounts to member banks and persons other than member banks 15735
FOREIGN BRANCHES of national banks, further powers; interest on deposits of officers and employees 2854
INFORMATION, SUBMITTALS, AND REQUESTS, unpublished information 6275, 12248
INSURED BANKS; joint calls for report of condition 453, 6227, 8736, 13473
INTEREST EQUALIZATION TAX INFORMATION RETURNS, inspection (Executive Order 11213) 4389
INTEREST ON DEPOSITS:
Loan on security of time deposit 5574
Maximum rates of interest on time and savings deposits 9978, 15286
LOANS to executive officers of member banks, trust funds 14552
MERGERS OF BANKS, consolidations, etc.; applications by listed banks, approvals:
Bank of Virginia, 9893.
Bank of Wood County Co., 7203.
Citizens Bank, 8118.
Citizens Trust & Savings Bank, 10959.
City Bank & Trust Co., 3879.
Commercial Bank & Savings Co., 1271.
Commercial & Savings Bank of St. Clair County, 7978.
County Trust Co., 71.
Farmers' Loan & Trust Co., 658.
Fidelity Bank, 16286.
First Trust Co. of Albany, 5653.
Greenfield Banking Co., 15304.
Kingston Trust Co., 2833.
Marine Midland Trust Co. of New York, 10220.
New Jersey Bank & Trust Co., 11652.
Riverside Trust Co., 7628.
Security-Peoples Trust Co., 1137.
State-Planters Bank of Commerce & Trusts, 9664.
Union Bank; approved, 14024.
United California Bank, 2291, 6804, 14941.
Wachovia Bank & Trust Co., 6368.
Williamsburg State Bank, 15825.
PROCEDURE, rules of; bank holding company and merger application 6275, 12428
REGISTERED STOCKS, loans for purchasing or carrying; loans by mail on security of mutual fund shares 3812
RESERVES OF MEMBER BANKS, termination of designations as reserve cities:
Pueblo, Colo 14489
Toledo, Ohio 6339
SECURITIES:
Dealers, relations with 7743, 12836, 14639
Member State banks:
Registration effective, capital stock on New York Stock Exchange; Chase Manhattan Bank 3679
Regulations, forms, etc 362, 6731, 15089, 15286
SECURITIES EXCHANGE ACT of 1934, applications for exemption from registration requirements:
Annapolis Banking & Trust Co., 5546.
Granted, 10068.
Mountain Trust Bank, 5771.
Denied, 10068.
STATE BANKS in Federal Reserve System:
Mobile branches, establishment and operation 14552
Sale of bank's money orders off premises as establishment of branch office 3525
UNLISTED TRADING PRIVILEGES, capital stock of Chase Manhattan Bank 6555, 7850

Federal Savings and Loan Insurance Corporation: Page

See Federal Home Loan Bank Board.

Federal Seed Act:

AGRICULTURAL MARKETING SERVICE changed to Consumer and Marketing Service 8460, 11167
RECORD RETENTION REQUIREMENTS 3106
VEGETABLE SEED, grasses, etc 1945, 7887

Federal Staff Retirement Systems, Cabinet Committee on:

HEARING 7506
MEMBERSHIP (Memorandum of February 1, 1965) 1725

Federal Trade Commission:

ADMINISTRATIVE INTERPRETATIONS:
- Adhesive compositions, guides against deceptive labeling and advertising 9090
- Advertising:
  - Cooperative allowances 15210
  - Fallout shelters, guides for advertising 7995
  - Resumption by manufacturer in trade buying guide formerly but no longer owned by wholesaler customer 14554
  - Three-party promotional assistance plans 14490
  - Three-way promotional program set up by outdoor advertiser and financed by participating grocery chains and their suppliers 14554
  - Toy catalog advertising payments 14317, 14656
- Chamois, use of word 14201
- Debt collection deception, guides against 9156
- Foreign origin disclosure 14555, 14656, 15584, 16001
- Manufacturer's setting of minimum resale price for dealers 14554
- Product standards, publication by trade association as industry goal 14490
- Textile industry, guide for avoiding deceptive use of word "mill" 7894

CEASE AND DESIST ORDERS. *See* Prohibited trade practices *at end of this agency.*

FLAMMABLE FABRICS ACT:
- Handkerchief interpretation 16106
- Shipments of particular types of products 625, 12122

FOREIGN ORIGIN, failure to disclose; various industries, inquiries, etc.:
- Containers for knives 14656, 16001
- Phonographs 13299, 14555, 15339
- Radios 13299, 14555, 15339
- Tape recorders 13299, 14555, 15339
- Televisions 13299, 14555, 15339
- Truss plates manufactured from imported steel 15584, 16001
- Watches, watch bands, cases, etc 15340

PRACTICE AND PROCEDURES; voluntary compliance and public information 8216
RECORDS, non-Federal; retention requirements 3159
TEXTILE FIBER PRODUCTS IDENTIFICATION ACT:
- Fiber implying terms, restrictions 9958, 13693
- Fiber present in amounts of less than 5 percent 9324, 14253, 15313
- Generic names and definitions for manufactured fibers; proposed rules 1058, 6275, 8491, 11696, 13331

TRADE PRACTICE OR REGULATION RULES; various industries:
- Cigarettes, advertising and labeling; vacation of warning requirements 9484
- Corset, brassiere, and allied products industry; identification and disclosure of fiber or material content, rescinded 790
- Fresh fruit and vegetable industry 5331
- Gasoline, marketing, inquiry into problems of competition; hearing, correction 731
- Hearing aid industry 5532, 9055
- Household electric sewing machine industry; misuse of "automatic," etc 8900
- Iron pipe fitting and unions industry, hearing 8553
- Lubricating oil, previously used; restriction on deceptive advertising and labeling, extension of effective date 32
- Toy catalog publishing firms, hearing 11775

WOOL PRODUCTS LABELING ACT OF 1939; fiber content or country of origin 2257, 5742

Federal Trade Commission—Continued

PROHIBITED TRADE PRACTICES, CEASE AND DESIST ORDERS:

ADF Warehouse, Inc., 1250.
Aansworth, Ltd., 14251.
Abelson, Bernard N., 1934.
Abby-Kent Co., Inc., 14851.
Abco Furs, Inc., 15365.
Ace Books, Inc., 12536.
Ace News Co., Inc., 12536.
Adelaar Bros., Inc., 14251.
Adele Fashions, Inc., 14252.
Alaskan Fur Co., 8042.
Alexander, David, 1778.
All State Garment Corp., 14251.
Allied Central Stores, Inc., 7652.
Allied Electronic Technicians Association, Inc., 4713.
Allied Stores Corp. et al., 7652, 15656.
Alligator Co., 14253.
Almart Stores, Inc., 7652.
Alper-Schwartz Co., Inc., 14251.
Alps Sportswear Manufacturing Co., Inc., 14251.
Altmann, Bernhard, Corp., 14251.
Aluminum Industries, Inc., 1934.
American Academy of Applied Science, 11050.
American Credit Association, 12033.
American Credit Institute, 12033.
American Motors Corp., 14552.
American Motors Sales Corp., 14552.
American Music Guild, Inc., 14851.
American Plastics, Kar-Chance Division, 9156.
American Retail Board of Trade, Inc., 9152.
American Rolex Watch Corp., 14553.
American Service and Supply Co., Inc., 12032.
Aquascutum Co., Ltd., 14251.
Aquascutum Imports, Inc., 14251.
Arkin, Andrew, Inc., 14251.
Aronoff & Richling, Inc., 14251.
Artley, Cay, Apparel, Inc., 14251.
Atlantic Products Corp., 4711.
Atlantic Products Sales Corp., 4711.
Augstein, S., & Co., 14251.
Auslander, Maxwell and Elena, 1250.
Ayers, Alvin B., 9152.
Ayres, Alison, Inc., 14251.
Babbitt, B. T., Inc., 4712.
Baer, E. Robert, 14200.
Bakers of Washington, Inc., 1284.
Ballantyne Sweaters, Ltd., 14251.
Baracuta, Inc., 14252.
Barclay Knitwear Co., Inc., 3878, 14253.
Barmon Brothers Co., Inc., 14251.
Barrack, Ben, Dresses, Inc., 14251.
Barrack, Ben, Petites, Inc., 14251.
Barth, Sanford, 15291.
Batansky, Morris, 14655.
Beacon Frocks, Inc., 14251.
Bear Sales Co., 14200.
Beaumart Co., 14251.
Beaver Shirt Manufacturing Co., 14251.
Becton, Dickinson & Co., 4712.
Bel-Air Clothes, Ltd., 3879.
Beldoch Popper, Inc., 14251.
Belk's Department Store of Augusta, Ga., Inc., 10157.
Belk's Surburban Store of Augusta, Ga., Inc., 10157.
Benjack Sales, Inc., 9152.
Berman, H., Inc., 15583.
Berman, Marvin and Sara, 15583.
Bermuda Knitwear Corp., 14251.
Bernard, Nathan, 9154.
Beshore, Paul S. and W. P., 14656.
Biltwell Co., Inc., 14251.
Biltwell Slacks, Inc., 14251.
Biord, Marian, 12290.
Bishop, Hasel, Inc., 4712.
Blacker, Stanley, Inc., 14251.
Blairmoor Knitwear Corp., 1113, 14251.
Blue Jeans Corp., 14252.
Blume Knitwear, Inc., 14252.
Boepple Sportswear Mills, Inc., 14253.
Bonanza Books, 2396.
Bonwit Teller, 4127.
Bostic, William N., 1934.

Federal Trade Commission—Continued

PROHIBITED TRADE PRACTICES, CEASE AND DESIST ORDERS—Con.

Boston Maid, Inc., 14252.
Boys Tone Shirt Co., Inc., 14251.
Braemar Knitwear (U.S.A.), Ltd., 14251.
Branford Co., Inc., 3878, 14253.
Brett, Sue, Inc., 14251.
Brewington, Ernest R., 14851.
British Vogue, Inc., 14251.
Brodsky, Bernard, 12291.
Brooks, Bobbie, Inc., 14252.
Brownie Knitting Mills, Inc., 3878, 14253.
Bruce, Robert, Inc., 14251.
Buchan, George B., 1284.
Buchan Baking Co., 1284.
Byron, Gail, Frocks Co., Inc., 14252.
California Juniors, 1252.
Campus Casuals of California, 14251.
Candy Frocks, Inc., 14251.
Cantor, Neil J., 14851.
Carole Stupell Exclusives, 4252.
Casualcraft, Inc., 14251.
Century Sportswear Co., Inc., 14252.
Chemway Corp., 4712.
Chesebrough-Ponds, Inc., 4713.
Chestnut Hill Industries, Inc., 14253.
Choy, Joseph C., 14852.
Church, David A., Co., Inc., 14251.
Clarise Sportswear Co., Inc., 15306.
Climatic, Inc., 14251.
Cluett, Peabody & Co., Inc., 14252.
Clyde, Martha, Inc., 14251.
Coglianese, Michael and Albert B., 1251.
Cohen, Joseph H., Inc., 14251.
Cole, Arthur, Associates, Inc., 14251.
Coleman, R. C., Sr., R. C., Jr., O. L., and Joseph, 1115.
College-Town Sportswear, 14252.
Collins, Thomas W., 15656.
Conger, Gertrude R. and Stephen W., 15656.
Connor, Philip P., Jr., 14851.
Continental Baking Co., 1284.
Coracci, Eugene F., 14851.
Corn Products Co., 4712.
Coro, Inc., 9153.
Cosmetics Manufacturing Co., 15291.
Cotton City Wash Frocks, Inc., 14253.
Cotton Club Frocks, Inc., 14251.
Country Set, Inc., 14251.
Country Tweeds, Inc., 14252.
Crawford, Carol, Inc., 14251.
Credit and Investigation Bureau of Maryland, 7655.
Crouch, Leon A., 11850.
Crown Publishers, Inc., 2398.
Crystal, David, Inc., 14251.
Cyn Les Sportswear, Inc., 8043.
D-Con Co., Inc., The, 4712.
Dale, Henry, 4713.
Dalton of America, Inc., 14251.
Daly, Charles F., Cornelius, Jack F., and John S., 12290.
Daly Bros., 12290.
Dana, Inc., 14852.
Darlene Knitwear, Inc., 14251.
Daroff, H., & Sons, Inc., 14251.
Davenshire, Inc., 14251.
Davidow Suits, Inc., 14251.
Davis Sportswear Co., Inc., 14252.
Dean Milk Co., 17163.
Dean Milk Co., Inc., 17163.
De Bonis, George, 7653.
Debutogs, Inc., 15307.
Defiance Manufacturing Co., Inc., 14251.
DeFranco, Anthony J., 4713.
DeGrab, Nelly, 14252.
DeLoux, Jacques, Inc., 14251.
Derby Sportswear, Inc., 14251.
De Tesson, Suzanne, 7653.
Devonbrook, Inc., 14252.
Diamond, Leon W., 16076.
Di Martino, Isabella, 14314.
Dior, Christian, New York, 14251.
Diplomat Hair Goods Co., 16075.
Dixie Brewing Co., Inc., 1114.
Don, Nelly, Inc., 14252.
Doner, W. B., & Co., 15090.

Federal Trade Commission—Continued

PROHIBITED TRADE PRACTICES, CEASE AND DESIST ORDERS—Con.

Donkenny, Inc., 14252.
Donmoor-Isaacson, 14251.
Donwood, Ltd., 14251.
Dorset Knitwear, Ltd., 14251.
Dotti Original, Inc., 14251.
Duffy, George E., Manufacturing Co., 1251.
Duffy, Ralph E., 1251.
Dulmage, Fred R., 3880.
Dumbrow, Nat J., Co., Inc., 10186.
Dumbrow, Nat J. and Harold, 10186.
Eastern Adjustment Salvage Co., 15091.
Eagle Clothes, Inc., 14251.
Eagle-Freedman-Rodelheim Co., 14251.
Economy Blouse Corp., 14252.
Edwards, Lewis M., 4713.
1895 Associates, Inc., 14922.
Elder Manufacturing Co., 14251.
Elieson, S. Bruce, 7655.
Elya, Veri G., 7661.
Enoch, Kurt, 3879.
Enro Shirt Co., Inc., 14252.
Esquire Sportswear Manufacturing Co., 14251.
Eversharp, Inc., 4712.
Excello Shirts, Inc., 14251.
Exmoor Knitwear Co., Inc., 14251.
Falk, Annette, 12290.
Falstaff Brewing Corp., 1114.
Famous-Sternberg, Inc., 14252.
Fashion Park, Inc., 14253.
Fashioned Originals, Inc., 2858.
Fashions by Blauner, Inc., 14252.
Federal Lead Co., 16076.
Federal Sweets & Biscuit Co., Inc., 7655.
Federated Department Stores, Inc., 14922.
Feil, Stanley M., Inc., 14251.
Feinberg, Sol, 15583.
Fernandez, A. F., 3880.
Fink, Raymond, 4714.
Finkel, Meyer, 8042.
Firestone, William and Stanley, 3879.
Fishman, Hy, 15365.
Fordham-Bardell Shirt Corp., 14251.
Foremost Dairies, Inc., 7655.
Forster Mfg. Co., Inc., 14655.
Fortune's Bakery, 1284.
Frankl, Sy, Inc., 14252.
Freeman-Toor Corp., 16077.
French Knitwear Co., Inc., 14251.
Fruehauf Trailer Co., 14008.
Fry, Lloyd A. Sr., and Jr., 14852.
Fry, Lloyd A., Roofing Co., 14852.
Galler, Joseph, 10186.
Galler, Joseph, Inc., 10186.
Gant of New Haven, Inc., 14251.
Garfinkel, Frieda and Arnold H., 2858.
Garland Knitting Mills, 14251.
Garrett-Holmes & Co., Inc., 4712.
Garson, Arthur and Dan, 12351.
Gibson, Gay, Inc., 14252.
General Aluminum Co., 12351.
Gilden, Jerry, Fashions, Inc., 14251.
Giltown, Inc., 14252.
Glacier Sand & Gravel Co., 7658.
Glen Manufacturing, Inc., 14252.
Glensder Corp., 14252.
Glickman, Joseph and Hyman, 7657.
Globe Knitwear Co., Inc., 14251.
Godfrey, Ralph L., 1252.
Goethals, Vic H., 1284.
Gold, Irving Hershey, 9978.
Goldman, David and Richard, 12033.
Good, Harry and Samuel, 14923.
Good Brothers, 14923.
Goodman, Jack and Florence, 2858.
Goodwear Hat Manufacturing Co., 15367.
Gordon & Ferguson Co., 14251.
Gotham Knitting Mills, Inc., 14251.
Grahm, Alan and Ruth, 10156.
Grand Union Co., 12938.
Green, Conard E., 11850.
Greer, Nancy, Inc., 8043, 14253.
Grossman, Harry, 14851.

Federal Trade Commission—Continued

PROHIBITED TRADE PRACTICES, CEASE AND DESIST ORDERS—Con.

Grove Co., 14252.
Grunwald-Marx, 14251.
Gubert, Alexander N., 14852.
Guest, Frank C., 4713.
Guttman Knitwear Creations, Inc., 14251.
Guziak, John A., 12351.
Haber, Jack and Samuel, 8043.
Hadley Corp., 14252.
Halpern, Harold, Melvin, and Seymour, 16074.
Handmacher-Vogel, Inc., 14251.
Hansen Baking Co., Inc., 1284.
Harper Shirt Co., Inc., 14251.
Harris, B. W., Manufacturing Co., 14251.
Hart, Schaffner & Marx, Society Brand Division, 14251.
Haspel Bros., Inc., 14251.
Hathaway, C. F., Co., 14252.
Hayette, Inc., 14251.
Haymaker Sports, Inc., 14251.
Hazel Bishop, Inc., 4712.
Helga, 14251.
Herzbergs, Inc., 12033.
Highlander Sportswear, Inc., 14251.
Hillman, Henry, 12035.
Hochenberg & Gelb, Inc., 14251.
Hodgkins, Theodore R., 14655.
Hoffer, Bernard K., 14922.
Holly, Jane, Inc., 14251.
Holm, Fred, 9155.
Holsum Baking Co., 1284.
Home Delivery Food Service, Inc., 12201.
Horowitz, Hannah S., 15367.
Horowitz, Sol, 14314.
Hortex Manufacturing Co., Inc., 14251.
House of Delmage, Inc., The, 3880.
House of Jamison, Inc., 14251.
House of Perfection, Inc., 14251.
House of Worsted-Tex., 14251.
Howard, Bernard, 12351.
Howard, Harry L., 10157.
Hoyt, Richard, 1284.
Huddlespun, Inc., 15360.
Huntington Manufacturing Co., Inc., 14251.
Ilene Manufacturing Co., Inc., 14252.
Imperial Cloak & Suit Co., 1252.
Impromptu Casuals, Inc., 14252.
Ingram, James B., Jr., and Marjorie P., 12033.
Interstate Training Service Corp., 11850.
Irwill Knitwear Corp., 14252.
Ivey, J. B., & Co., 2396.
Jackson Brewing Co., 1114.
Jackson's/Byrons Enterprises, Inc., 14316.
Jacobs, Bernard and Joel N., 16076.
Jacobson, F., & Sons, Inc., 14251.
Johnson, Tim, 9155.
Jolee, Inc., 14252.
Joseph & Feiss Co., 14251.
Joyce Sportswear Co., 2858.
Junior Accent, Inc., 14252.
Junior Bazaar, Inc., 15367.
Junior Sophisticates Co., Inc., 14251.
Junior Theme, Inc., 14251.
Juniorite, Inc., 14251.
K–V Builders, Inc., 16074.
Kadet, Kruger & Co., 14251.
Kandahar Sportswear Co., Inc., 14252.
Kar-Chance, 9150.
Kathi Originals, Inc., 14252.
Kaufman, R. and M., Inc., 14252.
Kaynee Co., 14251.
Kelita, Inc., 14252.
Kelly, Elitha, 1114.
Kenneth, Malcolm, Co., 14252.
Kent, Abby, Co., Inc., 14521.
Kessler, William B., Inc., 14251.
Kimberly Knitwear, Inc., 14252.
King Arthur Yarn Corp., 14655.
Klein, Benjamin, 15290.
Klein, Sol and Nicholas, 1115.
Klein & Stern Furs, Inc., 1116.
Knuepfel, H. Peter, 14924.
Kohler, David, 10187.
Kolodney, R., & Co., Inc., 14251.
Kramer, Milton, 15367.
Kramer Co., 4712, 14253.
Kurker, Edward A., 12032.
Lady Carol Dresses, Inc., 14251.
L'Aiglon Apparel, Inc., 14253.
Lalime, Arthur H., 1284.
Lamm Bros., Inc., 14251.
Langendorf United Bakeries, Inc., 1284.
Lans Originals, Inc., 14253.
Larsen, John M., 1284.
Larson's Bakery, 1284.
Lasalle Distributing Co., 15091.
Laurie, Susan, Inc., 14251.
Lawrence of London, Ltd., 14251.
Leathermode Sportswear, Inc., 14252.
Lee, Audrey, Classics, Inc., 14251.
Lee, H. D., Co., Inc., 14252.
Lee, Rhoda, Inc., 14252.
Lehigh Trouser Co., 14252.
Lehn & Fink Products Corp., 4712.
Leslie Fay, Inc., 14251.
Leverence, Henry F., 4713.
Levin & Co., Inc., 14252.
Levine, Larry, Inc., 14252.
Levine, M. J., Inc., 14252.
Levy, Myron, 16076.
Linker & Herbert, Inc., 14251.
Linak of Philadelphia, Inc., 14252.
Litt-Gluck Co., 14252.
Llanesa, Frank and Jose, Jr., 3880.
Lofties Knitting Mills, Inc., 14252.
Logan, Jonathan, Inc., 14252.
Londontown Manufacturing Co., 14252.
Lone Star Cement Corp., 2929.
Loomtogs, Inc., 14252.
Lord Jeff Knitting Co., Inc., 14252.
Louangel Corp., 15368.
Lovable Co., 12351.
Luxor Carpets, Inc., 12035.
Lynne Manufacturing Co., 14252.
MacShore Classics, Inc., 14252.
Mademoiselle Fifth Avenue, Inc., 1113.
Mademoiselle Modes, Inc., 14252.
Magnavox Co., 2308.
Major Brand Co., Inc., 14252.
Majestic Specialties, Inc., 14252.
Major Blouse Co., Inc., 14252.
Major Hosiery Co., 1777.
Malibu Clothes, 3879.
Malibu Clothes, Ltd., 3879.
Mam'selle Dress, Inc., 14251.
Manhattan Shirt Co., 14252.
Marcher, Royal, 9153.
Marcus, Richard S., 1778.
Margo's-Downtown, 7657.
Margo's, Inc., 7657.
Margo's-La Mode, 7657.
Margo's-Preston, Inc., 7657.
Markel, M. Leonard, 8042.
Marlene Industries Corp., 14251.
Marsann Carpets, Inc., 14924.
Martin, Earl H. and Hope S., 16075.
Marzotta Corp. of America, 14314.
Maskel Bros. Sport Wear, Inc., 14252.
Mathes, Melville, 1252.
Matthewson, Catherine, 12290.
Mattique, Ltd., 14251.
Maurice Coat & Suit Manufacturing Co., Inc., 2858.
May Knitting Co., 15368.
Mayflower Dress, Co., Inc., 14252.
Mayhart, James A., 4713.
Mazur, Bernard, 1777.
Mead Corp., 4123.
Melray Blouse Co., Inc., 14252.
Mennen Co., The, 4712.
Mervis, Harry, 4252.
Messing, Leon A., 1113.
Michael, Abby, Ltd., 14252.
Midway Hat Co., Inc., 15583.
Miller Manufacturing Co., Inc., 14252.
Miss Maude, Inc., 14252.
Miss Smart Frocks, Inc., 14252.

Federal Trade Commission—Continued

PROHIBITED TRADE PRACTICES, CEASE AND DESIST ORDERS—Con.

Missouri College of Automation, Inc., 7658.
Mister Pants, Inc., 14251.
Mode de Paris, Inc., 14252.
Modelia, Inc., 14251.
Modelli Imports, Ltd., 14553.
Modern Juniors, Inc., 14252.
Monfrino, George, 14314.
Morris, Norman M., Corp., 14553.
Morris, Philip, Inc., 4712.
Morrison Knitwear, Inc., 14252.
Mountain City Burley Warehouses, 1115.
Mountain City Tobacco Board of Trade, Inc., 1115.
Mr. Romano, Inc., 3879.
Munsingwear, Inc., 14253.
National Golf Ball Co., 1251.
National Labor Record, 10187.
National Togs, Inc., 14253.
Nelson-Caine, 14252.
New American Library of World Literature, Inc., 3879.
New Crosstown Railroad Salvage Co., Inc., 14314.
New Era Shirt Co., 14252.
New Lamar Avenue Railroad Salvage Co., Inc., 14314.
New Orleans Brewers Association, 1114.
New Railroad Salvage Co., Inc., 14314.
New York Manufacturing Corp., 14261.
Newman & Newman, 14252.
Norris, Billie and Charles, 14923.
Norris, Jay, Co., 16076.
Norris Nutritions, 16076.
Novelty Veiling Co., Inc., 14252.
Old Colony Knitting Mills, Inc., 14251.
Onodera, Henry T., 14924.
Onodera Silks, 14924.
Oppenheimer, Jerome H., 9153.
Orlinsky, Philip, 4712.
Outerwear Garments, Inc., 1778.
Pacific Import Sales, 14924.
Page, B. R., & Co., 1934.
Pagoda Silks, Inc., 4125.
Paillard, Inc., 12771.
Palm Beach Co., 14252.
Papovich, Joseph J., 4713.
Paris, city of, 7653.
Park-Storyk Corp., 14252.
Parkson Advertising Agency, Inc., 15369.
Pat Fashions, Inc., 14251.
Pattullo-Jo Copeland, Inc., 14252.
Pauker Boyswear Corp., 14252.
Peerless Robes & Sportswear, Inc., 14252.
Pemstein, Louis P. and Bernard L., 2859.
Permanente Cement Co., 7658.
Peter Pan Yarn Corp., 14655.
Petite Lady Dress Co., Inc., 14252.
Petrocelli Clothes, Inc., 14251.
Philip Morris Inc., 4712.
Phillips-Van Heusen Corp., 14252.
Piccina, Ltd., 1778.
Pickwick Knitting Mills, Inc., 14252.
Plymouth Manufacturing Co., 14252.
Pollack, Irving, 14851.
Pomeroy's Inc., 7652.
Premier Knitting Co., Inc., 14253.
Prescott Textile Co., Inc., 2859.
Princess Peggy, Inc., 14252.
Publix Shirt Corp., 14251.
Puritan Skirt & Dress Co., Inc., 14252.
Puritan Sportswear Corp., 14252.
Queen Knitting Mills, Inc., 14251.
Raab-Meyerhoff Co., 14252.
Rabhor Robes, Inc., 14252.
Radio Servicemen's Association of Trenton, N.J., Inc., 4713.
Rainfair, Inc., 14252.
Rapagnani, Peter, 4713.
Ratner Manufacturing Co., 14252.
Raul, Yale, 12352.
Regal Knitwear Co., Inc., 14253.
Renberg, W. E., 3880.
Retail Credit Association, 12033.
Retail Credit Bureau of America, 12033.
Revco, D. S., Inc., 15090.
Riccius, Herman P., 1251.
Rina Casuals, Ltd., 4712.
Roberts, George, 14655.
Roberts-Liebes Furs, 10158.
Roberts, Morris, 10158.
Roberts Sunglasses, Inc., 14655.
Robins, Rose Jane (Mrs. Samuel), 1934.
Rodgers, D. F., Manufacturing Co., Inc., 14252.
Rona Dresses, 14252.
Ronnie Fashions, Inc., 14252.
Rosanna Knitted Sportswear, Inc., 14251.
Rosecrest, Inc., 14252.
Rosen, Charles F., 15090.
Rosenberger, Gerald E., 9153.
Rosenblatt, Albert, & Sons, Inc., 14252.
Ross, Joseph, 7660.
Rubenstein, Jack, 9152.
Rubinstein, Sam, 1252.
Rudofker's, S., Sons, Inc., 14252.
Rugby Knitting Mills, Inc., 14252.
Ruilova, Vincent, 3880.
Russ Togs, Inc., 14251.
Sachs, Morris B., Jr., 15657.
Sachs, Morris B., Inc., 15657.
Safeway Stores, Inc., 1284.
Sagner, Inc., 14252.
St. Regis Paper Co., 14315.
Sandura Co., 12352.
Saunders, Milton, Co., 14252.
Savoy Knitting Mills Corp., 14252.
Schector, Benjamin, 9152.
Schmid, Julius, Inc., 4712.
Schnapp, Arnold and Marvin, 15368.
Schrader, Abe, Corp., 14252.
Schrank, M. C., Co., 14252.
Schwab, Benjamin, 15657.
Schwartz, S., 15290.
Schwartz, Samuel, 15290.
Seinsheimer, H. A., Co., 14251.
Selig, Ray, Inc., 15582.
Selig, Raymond J., 15582.
Serbin, Inc., 14252.
721 Corp., 4127.
Shapiro, Alfred, Inc., 14252.
Shelby Manufacturing Co., 14252.
Shipmates Sportswear, Inc., 14251.
Shore, Herman, 4714.
Shoun, Jack, 1115.
Shreve, Marion, 7658.
Shulman, Bernard, 15090.
Siegel, Henry I., Co., Inc., 14251.
Sigma Fashions, Inc., 14252.
Sikes, Harriett, 1115.
Silverman, Jerry, Inc., 14251.
Simon, M & D, Co., 14252.
Sinclare, Ltd., 14924.
Sir James, Inc., 14252.
Skalish, Leon, 4713.
Small, George, Inc., 14251.
Smart-Maid Coat & Suit Corp., 14251.
Smartee, Inc., 14252.
Smoler, Boris, & Sons, Inc., 14252.
Smoler Bros., Inc., 14253.
Snyder's Bakery, Inc., 1284.
Sorority Frocks, Inc., 14252.
Sosland, Jack, 14553.
Southern Aluminum Sales, 1934.
Southern Patio Co., 1934.
Space-Tone Electronics Corp., 14851.
Spatz, Jacob W., 11850.
Sport Kraft, Inc., 14252.
Sporteens, Inc., 14251.
Sportempos, Inc., 14253.
Sportrite Originals, 1252.
Sportsville Men's Wear, Inc., 14252.
Sportswear By Revere, Inc., 14253.
Sportswear Corp. of America, 14252.
Spring Hosiery Convertors, Inc., 12352.
Standard Drug Co., 15090.
Stanton Blanket Co., 1778.
State Credit Control Bureau, Inc., 15656.
Sterling Drug, Inc., 4712.
Stern, Michaels, & Co., Inc., 14252.
Stern-Siegman-Prins Co., Inc., 14251.
Stone, Sam, 10156.

Federal Trade Commission—Continued

PROHIBITED TRADE PRACTICES, CEASE AND DESIST ORDERS—Con.

Streamline Garment Corp., 14251.
Stuart, Alice, Inc., 14252.
Stupell, Carole, 4252.
Stupell Originals, Inc., 4252.
Sun-Cal Coat & Suit Manufacturing Co., 1282.
Sunmaster Electric Products, Inc., 9154.
Sunnyvale, Inc., 14252.
Super Mart, 9978.
Super Yarn & Fabric Markets, 9978.
Super Yarn Markets, 9978.
Super Yarn Mart, 9978.
Superior Improvement Co., 12851.
Surrey, John, Ltd., 7660.
Swiss Laboratory, Inc., 10076.
T. P. Industries, Inc., 14251.
Talbott, Inc., 14252.
Tanner of North Carolina, Inc., 14252.
Tarnavsky, Paul J., 14852.
Television Service Association of Delaware Valley, 4714.
Television Service Dealers Association of Delaware County, 4713.
Tellshire, Inc., 14252.
Tessmer, Lutgarda and Dallas G., 4125.
Tevelov, Abraham J., 12891.
Thomson Co., 14252.
Timely Clothes, Inc., 14252.
Tola Knitwear Corp., 1213.
Toth, Michael E., 4713.
Towncliffe, Inc., 14252.
Toy Merchandising Corp., 9155.
Traina, Teal, Inc., 14253.
Trennery's Bakery Co., 1284.
Triton Manufacturing Co., Inc., 14252.
Troy Shirt Makers Guild, Inc., 14252.
Underberg, I. Leon, Mrs. Ray Kaplan, and Ronald P., 14314.
Union Bag-Camp Paper Corp., 4125.
Union Carbide Corp., 4712.
United Sheeplined Clothing Co., Inc., 14381.
Universal Business Forms Co., 7661.
Usona Shirt Co., 14252.
Van Cleef & Bryant Associates, 12083.
Villa, Carl, 1778.
Villacci, John J., 1778.
Villager, Inc., 14251.
Villason & Co., Inc., 3880.
Vincent Cigar Co., 3880.
Viachos, Theodore G., 15966.
Walkon, Harry, 15091.
Walters, Margo, Inc., 14252.
Waltham Athleticwear Manufacturing Co., Inc., 15366.
Wang, Myron, 8042.
Warner-Lambert Pharmaceutical Co., 4712.
Warshauer & Franck, Inc., 14252.
Wartels, Nathan, 2398.
Watnick, Morris, 15091.
Watumull, Jhamandas, Sundri, and Gulab, 1779.
Watumull Brothers, Ltd., 1779.
Weber and Lott, Inc., 14252.
Weber Originals, Inc., 14252.
Weisberg, Louis, 10156.
Wentworth Manufacturing Co., 14252.
West Coast Claim Adjusters, 10156.
West Forest Corp., 1252.
Westbury Fashions, Inc., 14251.
Western Radio Corp., 14656.
Westover Fashions, Inc., 14252.
Weybright, Victor, 3879.
White Laboratories, Inc., 4712.
White Stag Manufacturing Co., 14252.
Whitehill Systems, Inc., 10156.
Whittaker Fibres, Inc., 2859.
Whittaker Nylon Fibres Corp., 2859.
Wiatt, Norman, Co., 14252.
Wiesen, Max, & Sons, Inc., 14253.
Wigod, Nathan, 15091.
Wile, M., and Co., Inc., 14251.
Williams, J. B., Co., Inc., 15369.
Williams, Mortimer, 10076.
Winter, E. D., & Co., Inc., 14252.
Winter, Jack, Inc., 14252.
Wolf, Willard, 2858.
Wolfson & Greenbaum, Inc., 14378.
Wonderknit Corp., 14252.
Worcester Dusting Mills, Inc., 2859.

Federal Trade Commission—Continued

Page

PROHIBITED TRADE PRACTICES, CEASE AND DESIST ORDERS—Con.

Wortman, John H., 9156.
Wright Manufacturing Co., 14252.
Wyn, A. A., Inc., 3762.
Wyn, Aaron A. and Rose, 3762.
Young, Diane, Sportswear, Inc., 14251.
Young Timers, Inc., 14252.
Youngs Rubber Corp., 4712.
Zelinka-Matlick, Inc., 14251.
Zinn, Oscar, 14553.
Zuckerman, Ben, Inc., 14252.

Federal Water Pollution Control Act:

ADMINISTRATION (Executive Order 11258) 14483

Feed Grains:

EMERGENCY PROGRAM 2854, 6909
EXPORT PROGRAM 2784, 3515
PAYMENT-IN-KIND regulations, price-support and diversion 1247
RECORD RETENTION REQUIREMENTS 3104, 3107, 3109
SPECIAL PROGRAMS, 1964 and 1965 .. 5334, 7515, 11167, 11914

Fees:

VARIOUS SERVICES performed by agencies, charges for. *See specific agencies.*

Fellowships:

NDEA PROGRAMS, Special Review Committee, definitions 13575
OATH OF ALLEGIANCE 6072

Figs:

CANNED, Kadota, purchase program GMP 96a 12047

Filberts:

MARKETING. *See* Agriculture Department.

Fire Prevention Week, 1965:

PROCLAMATION 3663 8991

Fiscal Service:

See Treasury Department.

Fish:

See also Fishing.
FISH FARMING, employees; Wage and Hour Division regulations 9911
HATCHERY, Idaho County, Idaho, withdrawal of public lands 10164
LOUISIANA, fishery failure due to resource disaster 15177
PORTIONS, frozen raw breaded; standards for grades 7282
SHRIMP, frozen raw breaded; standards:
Grades 3598, 7444, 9644, 15221
Identity 2860
TARIFF RATE QUOTAS, 1965:
Cod, haddock, etc 2223
Tuna 5799

Fish and Wildlife Service:

ALASKA, Indian fishing:
Authority delegation, revocation 5763
Enforcement of regulations, supersedure 5742
AUTHORITY DELEGATIONS:
By Director, Commercial Fisheries Bureau, to Island Managers, Pribilof Islands; issuance of landing permits 2725
By Director, Sport Fisheries Bureau, to certain officials:
Game, refuge, and wildlife management agents, U.S. deputy game wardens; wildlife matters, enforcement of laws and regulations 6548
Job Corps conservation centers, Directors; procurement of materials, supplies, and services, etc 3608
Regional Directors, research contracts 15298
Regional supervisors of management and enforcement, permits for acquisition and possession of migratory birds, etc 13098
Washington office personnel and directors; position title changes, certain 3608
From Secretary of Interior to certain officials:
Commissioner:
Alaska, Indian fishing in; revoked 5763
Assistant Secretary for Fish and Wildlife and Parks, authority of 8281

Fish and Wildlife Service—Continued

Page

AUTHORITY DELEGATIONS—Continued
From Secretary of Interior to certain officials—Con.
Director, Commercial Fisheries Bureau; FEDERAL REGISTER documents 8114
Director, Sport Fisheries and Wildlife Bureau; recreation fees, designation of areas 14533
COMMERCIAL FISHERIES:
Fishing vessels:
Differential subsidies, construction:
Applications, hearings:
Amagansett, Inc., 15768.
American Stern Trawlers, Inc., 10062.
Bethel, Inc., 897.
Boat Commodore of N.B., Inc., 897.
Boat Gannet, Inc., 2476.
Boat Jupiter, Inc., 10121.
Boat Quingondy, Inc., 627.
Boat Pat-San-Marie, Inc., 286, 12894.
Boudreaux, Wallace J., 9831, 15298.
Calcasieu, Inc., 2365.
Captain Ahab, Inc., 8171.
Chilmark Fleet Co., Inc., 3608.
Ellingsen Fishing Corp., 450.
Elmo, Inc., 2366.
Franks, Wassy T. and Carmel F., 2877.
Gina Karen Fishing, Inc., 8546.
Hercules Fishing Products, Inc., 2112.
Hope Fishing, Inc., 8546.
Jacobsen Fishing Co., Inc., 2041.
Joseph & Lucia, Inc., 7765.
Kenney-Workman Corp., 5910.
Kiesel, Donald F. and Cecilia, 4363.
Lepire Fishing Corp., 15376.
Litrico, B. J., 11697.
Lou Jean II Fishing, Inc., 8546.
Margaret, Inc., 15376.
Marilyn M. Fishing, Inc., 8547.
Motor Vessel G. H. McNeal, Inc., 4209.
Mussel, Inc., 10062.
North, Bruce C., 14384.
Olsen, O. Chris, 4363.
Pacific Trade Winds, Inc., 14385.
Pedersen, Einar, 897, 1818.
Rockaway, Inc., 2366.
Star-Kist Foods, Inc., 11697, 12748.
Tatum Fisheries, Inc., 10121.
Texas Fisheries, Inc., 10121.
Tonnessen Fisheries, Inc., 15441.
Tormala, A. Irving and Edna E., 2476.
Vivian Ann Fishing, Inc., 8547.
Procedures; definitions, eligibility requirements, proposed rule 4761
Loan funds, purchase or construction:
Applications for loans:
Aaker, Howard Clifton, 15441.
Baumgartner, James H. and Leola E., 14279.
Bender, Bert Arthur, 14174.
Berg, Robert O., 12894.
Carr, Michael J., 12363.
Coburn, Perry C. and Julia R., 12894.
Finley, John L., 15041.
Hunter, Herbert H., Jr., 15110.
James, Robert Jan, 14865.
Johnson, James Edward, 15176.
Kary, Edward B., 13749.
MacDonald, Neal J. and Jan P., 13547.
Majdic, Julius R., 14174.
Merlin, Inc., 15596.
Parks Canning Co., Inc., 15042.
Tapp, Kenneth, 13172.
Wallin, Walter E., 15176.
Wiegand, Louis E., 14384.
Williford, Jack, 13172.
Wyatt, Chad B., 15176.
Procedures 9984
Mortgage insurance procedures; definition of "fishing vessel" 6119, 8412
Indian commercial fishing in Alaska:
Authority delegation, revocation 5763
Enforcement of regulations, revocation and supersedure 5742

Fish and Wildlife Service—Continued

Page

COMMERCIAL FISHERIES—Continued
Processed fishery products:
Inspection service, approved identification, etc 7282, 9643, 10098
Standards for grades:
Fish portions, frozen raw breaded; description 7282
Shrimp, frozen raw breaded 3598, 7444, 9644, 15221
Research and development:
Contracts for research, development, and professional services; exception to State contracting procedures 5382, 7607
Funds, State; utilization, previously provided for other commercial fishery projects 5382, 7607
HUNTING AND POSSESSION OF WILDLIFE:
Areas open to hunting and sport fishing. *See under* Wildlife refuges.
Eagles, golden, depredating; taking to protect livestock in counties in listed States:
Montana, 3358.
Texas, 15376.
Wyoming, 540.
Importation; restrictions, etc 9640, 9767
Migratory birds:
Definitions:
Game and nongame birds 5640, 7571
Preservation facility, commercial 5640, 7571
Depredating birds; American mergansers in western Washington 808
Seasons and limits, etc .. 5640, 7472, 7571, 9488, 11383, 13870
MIGRATORY BIRDS. *See* Hunting and possession of wildlife.
NONDISCRIMINATION, contracts, permits, and use of facilities 7315
RECORDS, non-Federal; retention requirements 3120
SHRIMP, frozen raw breaded; standards for grades 3598, 7444, 9644, 15221
WILDLIFE REFUGES, NATIONAL:
See also Hunting and possession of wildlife.
Areas closed to hunting, South Carolina:
Lake Marion and Lake Moultrie, lands and waters within and adjacent to; revoked, 14047.
Areas open to hunting or sport fishing:
Alabama:
Hunting:
Wheeler, 10052, 10245, 13377, 15740.
Sport fishing:
Choctaw, 2215.
Alaska:
Hunting:
Aleutian Islands, 9171, 9172, 11211.
Arctic, 9171, 9172, 11211.
Bering Sea, 9171.
Clarence Rhode, 9172, 11211.
Izembek, 9172, 11212.
Kenai, 9172, 11212.
Kodiak, 9172, 11212.
Nunivak, 9172, 11212.
Sport fishing:
Aleutian Islands, 8412.
Arctic, 8412.
Bering Sea, 8412.
Clarence Rhode, 8412.
Izembek, 8412.
Kenai, 8412.
Kodiak, 8412.
Nunivak, 8412, 9065.
Arizona:
Hunting:
Havasu Lake, 11757, 12136.
Imperial, 11757, 12136.
Kofa Game Range, 11034.
Sport fishing:
Havasu Lake, 14438.
Imperial, 14156.
Arkansas:
Hunting:
Big Lake, 12295.
Wapanocca, 12295.
White River, 12295, 12296.

Fish and Wildlife Service—Continued
WILDLIFE REFUGES, NATIONAL—Continued
Areas open to hunting or sport fishing—Continued
Arkansas—Continued
Sport fishing:
Big Lake, 2215.
Wapanocca, 2215.
White River, 2216.
California:
Hunting:
Clear Lake, 8662, 11604.
Colusa, 11032, 12468, 13376.
Delevan, 11032, 12469, 13376.
Havasu Lake, 11757, 12126, 14438.
Imperial, 11757, 12126.
Kern, 11604.
Lower Klamath, 11033, 11605.
Merced, 11033, 12469, 13376.
Modoc, 11605.
Sacramento, 11033, 12469, 13376.
Salton Sea, 12732, 14437.
Sutter, 11033, 12469, 13376.
Tule Lake, 11033, 11605.
Sport fishing:
Colusa, 2802.
Delevan, 2802.
Imperial, 14156.
Modoc, 7582.
Sacramento, 2803.
Tule Lake, 2663, 9173.
Colorado; hunting:
Monte Vista, 8620, 11758, 11759, 12127.
Delaware:
Hunting:
Bombay Hook, 10108, 11386, 11387, 12470, 12667, 14239.
Sport fishing:
Bombay Hook, 9006, 15584.
Florida:
Hunting:
Chassahowitzka, 13377.
Loxahatchee, 13377.
Merritt Island, 13377.
St. Marks, 11721.
Sport fishing:
Loxahatchee, 2216.
Merritt Island, 2445, 15468.
St. Marks, 2216.
Georgia:
Hunting:
Blackbeard Island, 11034, 11035.
Piedmont, 11034, 13002.
Savannah, 13378.
Sport fishing:
Blackbeard Island, 2216.
Okefenokee, 2216.
Piedmont, 2216.
Idaho:
Hunting:
Camas, 8462, 11525, 12782.
Deer Flat, 8483, 11606, 12782.
Kootenai, 11529, 13905, 14013.
Minidoka, 8850, 11327, 12470, 12782.
Sport fishing:
Kootenai, 11529, 13905.
Minidoka, 2549, 5707.
Illinois; hunting:
Chautauqua, 9912, 12296.
Crab Orchard, 9543, 9912, 10294, 11608, 12296, 13379, 15151.
Mark Twain, 10294.
Upper Mississippi River, 9912, 11608, 11609, 12296.
Iowa:
Hunting:
Mark Twain, 12126, 12297, 13379.
Upper Mississippi River, 9912, 11608, 11609, 12296.
Sport fishing:
Desoto, 15469.
Union Slough, 7262.
Kansas:
Hunting:
Kirwin, 8620, 11758, 12782.

Fish and Wildlife Service—Continued
WILDLIFE REFUGES, NATIONAL—Continued
Areas open to hunting or sport fishing—Continued
Kansas—Continued
Sport fishing:
Kirwin, 14376.
Kentucky; hunting:
Kentucky Woodlands, 3711.
Reelfoot, 8630, 11527, 11860.
Louisiana:
Hunting:
Lacassine, 6234, 8626.
Sport fishing:
Lacassine, 2216.
Maine:
Hunting:
Moosehorn, 12392.
Sport fishing:
Moosehorn, 979, 16007.
Maryland; sport fishing:
Patuxent, 6149.
Massachusetts:
Hunting:
Parker River, 11271, 11678.
Sport fishing:
Monomoy, 3752.
Michigan:
Hunting:
Seney, 13647, 13649.
Shiawassee, 12782.
Sport fishing:
Seney, 3882, 14933.
Minnesota:
Hunting:
Agassiz, 13707.
Rice Lake, 13707.
Tamarac, 9912, 11608, 12297, 13811.
Upper Mississippi River, 9912, 11608, 11609, 12296.
Sport fishing:
Rice Lake, 6587.
Tamarac, 6587, 15469.
Mississippi:
Hunting:
Noxubee, 3752, 12643, 13378, 13871.
Yazoo, 11271.
Sport fishing:
Noxubee, 2217, 14639.
Sabine, 3267.
Yazoo, 2217.
Missouri:
Hunting:
Swan Lake, 12207, 13137.
Sport fishing:
Mingo, 2549.
Montana:
Hunting:
Bowdoin, 11527, 11721, 13905.
Medicine Lake, 11609, 11721.
Ravalli, 10108, 12886, 12887.
Red Rock Lakes, 11527, 11606.
Russell, Charles M., 11606, 11609, 11610, 12783, 13784.
Sport fishing:
Bowdoin, 11529, 13905.
Medicine Lake, 6871.
Ninepipe, 6871.
Pablo, 6871.
Pishkun, 7824.
Ravalli, 10108, 12887.
Red Rock Lakes, 7572.
Russell, Charles M., 6871.
Willow Creek, 7824.
Nebraska:
Hunting:
Crescent Lake, 8850, 9694, 11327, 11608.
Desoto, 13379.
Valentine, 8850, 11327, 11608, 12683, 13379.
Sport fishing:
Crescent Lake, 14557.
Desoto, 15469.
North Platte, 14557.

Fish and Wildlife Service—Continued
WILDLIFE REFUGES, NATIONAL—Continued
Areas open to hunting or sport fishing—Continued
Nevada:
Hunting:
Desert Game Range, 8411, 10108, 12887.
Fallon, 11525, 12783.
Fahranagat, 12783, 12784.
Ruby Lake, 11607.
Sheldon, Charles, 11035, 11909.
Stillwater, 11526, 12783.
Sport fishing:
Desert Game Range, 2550.
Ruby Lake, 2551.
Sheldon, Charles, 2606.
New Jersey:
Hunting:
Brigantine, 11386.
Sport fishing:
Brigantine, 8683.
New Mexico; hunting:
Bitter Lake, 8628, 11758, 12948.
Bosque del Apache, 11529, 13905, 13953.
San Andres, 7523.
New York:
Hunting:
Iroquois, 8850, 11327, 13330.
Montezuma, 13264.
Sport fishing:
Iroquois, 8850, 11327.
Montezuma, 5350.
Morton, Elizabeth Alexandra, 6344.
North Carolina:
Hunting:
Mattamuskeet, 13378.
Sport fishing:
Mackey Island, 2217.
Mattamuskeet, 2217, 13953.
North Dakota:
Hunting:
Arrowwood, 12472.
Chase Lake, 12472.
Des Lacs, 12472.
Long Lake, 12472.
Lostwood, 12472.
Lower Souris, 12297, 12472, 12732.
Slade, 12473.
Snake Creek, 9694, 12473.
Upper Souris, 12473.
Sport fishing:
Arrowwood, 6521.
Lake Ilo, 6521, 16007.
Long Lake, 14932.
Lower Souris, 6521, 15606.
Snake Creek, 8630, 11105.
Tewaukon, 6521, 14320.
Upper Souris, 6523, 14200.
Oklahoma:
Hunting:
Salt Plains, 8850, 11327, 12137.
Tishomingo, 8628, 11525, 11529, 11758, 12948, 13878, 13905.
Washita, 7249, 8848, 10987.
Sport fishing:
Salt Plains, 15509.
Tishomingo, 13360.
Wichita Mountains, 14156.
Oregon:
Hunting:
Cold Springs, 11526, 11527, 12471, 12536.
Hart Mountain, 8662, 12470, 13471.
Klamath Forest, 11526.
Lower Klamath, 11033, 11605.
Malheur, 8683, 11527.
McKay Creek, 11526, 12783.
Upper Klamath, 11527.
Willamette, 9361, 11525, 11607, 12472.
Sport fishing:
Cold Springs, 706.
Hart Mountain, 2803.
Klamath Forest, 2550.
Malheur, 2550.
McKay Creek, 706.

Fish and Wildlife Service—Continued
WILDLIFE REFUGES, NATIONAL—Continued
Areas open to hunting or sport fishing—Continued
Oregon—Continued
Sport fishing—Continued
Upper Klamath, 2550.
Willamette, 12396, 14320.
South Carolina:
Hunting:
Cape Romain, 11212.
Carolina Sandhills, 11035.
Santee, 8630, 11105, 14493.
Sport fishing:
Cape Romain, 2217.
Carolina Sandhills, 272, 14933.
Santee, 2217.
Savannah, 2217.
South Dakota:
Hunting:
Lacreek, 9913, 11271, 12297, 12683, 12733.
Sand Lake, 12733.
Waubay, 12733.
Sport fishing:
Lacreek, 14557.
Tennessee:
Hunting:
Lake Isom, 11861.
Reelfoot, 11860, 12127.
Tennessee, 8630, 11105, 11721, 16267.
Sport fishing:
Lake Isom, 2218.
Reelfoot, 2217.
Texas; sport fishing:
Buffalo Lake, 13785.
Hagerman, 14200.
Muleshoe, 15809.
Utah:
Hunting:
Bear River, 11758.
Fish Springs, 11758.
Ouray, 9767.
Sport fishing:
Bear River, 14376.
Vermont:
Hunting:
Missisquoi, 11969, 12471.
Sport fishing:
Missisquoi, 5681.
Virginia; hunting:
Chincoteague, 11036.
Washington:
Hunting:
Columbia, 11607, 12473, 12784.
McNary, 11525, 12471, 12536.
Willapa, 11607, 12473.
Sport fishing:
Columbia, 6073.
McNary, 706.
Wisconsin:
Hunting:
Horicon, 12297, 13543.
Necedah, 11036.
Upper Mississippi River, 11608, 11609, 12296.
Sport fishing:
Horicon, 6587.
Necedah, 6587, 15664.
Wyoming:
Hunting:
National Elk Refuge,
Pathfinder, 10201, 11527, 11529, 12338, 12888, 13905.
Sport fishing:
National Elk Refuge, 14376.
Public recreation, access, and use:
Alaska, Kenai Moose Range, 3323, 16007.
Massachusetts, Monomoy, 9983.
New Jersey, Brigantine, 10052.
New York, Elizabeth Alexandra Morton, 9007.
Oklahoma:
Salt Plains; proposed rule, 7106.
Wichita Mountains, 997.
Vermont, Missisquoi, 14932.

Fish and Wildlife Service—Continued Page

WILDLIFE REFUGES, NATIONAL—Continued
Restricted or prohibited acts; removal of antiquity and valued objects 6587

Fishing:
See also Fish.
INDIAN FISHING:
Alaska:
Annette Islands Reserve, restrictions 5742
Authority delegations 5763
Off-reservation treaty fishing; proposed rules 8969
MEDICAL CARE for crewmen of fishing vessels 2151
SPORT FISHING:
National parks. *See* National Park Service.
Wildlife refuges. *See* Fish and Wildlife Service.
VESSEL CONSTRUCTION; differential subsidies, loans, mortgage insurance procedures, etc. *See* Fish and Wildlife Service.

Flag, U.S.:
BURIAL OF VETERANS, eligibility for flag 647
DISPLAY AT HALF-STAFF UPON DEATH OF NOTED PERSONS:
Churchill, Winston Spencer (Executive Order 11193) 821
Stevenson, Adlai E. (Executive Order 11233) 8953

Flag Day, 1965:
PROCLAMATION 3658 7695

Flax:
CROP INSURANCE. *See* Federal Crop Insurance Corporation.

Flaxseed:
EXPORT PAYMENT-IN-KIND PROGRAM 1178, 4532
LOAN AND PURCHASE PROGRAM. *See* Commodity Credit Corporation.
PRICE SUPPORT, PURCHASE PROGRAMS, etc. *See* Commodity Credit Corporation.
RESEAL LOAN PROGRAM. *See* Commodity Credit Corporation.
STANDARDS for grades 1118, 4605, 5760
STORAGE in Federally licensed warehouses 848, 4193, 11315

Flood Control:
See Engineers Corps.

Flour:
CEREAL, enriched, farina, corn meal, grits, rice, etc.; Vitamin D supplementation, proposed rules 11141, 13456
EXPORT PROGRAM, cash payment 6771, 6976, 15319
RECORD RETENTION REQUIREMENTS 3110
STANDARDS OF IDENTITY, optional ingredients, etc. *See* Food and Drug Administration.

Food Additives:
See Food and Drug Administration.

Food and Drug Administration:
ADDITIVES. *See* Color additives; Food additives.
ADMINISTRATIVE FUNCTIONS, organization:
Field Office, New York City district, change of address 11279
Washington headquarters 1253, 14155, 15211
ANTIBIOTIC DRUGS:
See also Drugs.
Definitions and interpretative regulations 2598
Exemptions from labeling and certification requirements:
Animal feed containing antibiotics 4537, 5792, 6071, 7199, 12673
Chicken feed, medicated 6391
Investigational use, edible products of animals treated with experimental drugs; proposed rule 15105
Fees 2704
Labeling requirements; antibiotic and antibiotic-containing drugs intended for use in milk-producing animals 7041, 14255
Laboratory diagnosis of disease, antibiotic sensitivity discs:
Cloxacillin:
Certification procedure 5792
Tests and methods of assay, potency 5792
Suspension 11, streptococcus fecalis, etc.; tests and methods of assay, potency 270

Food and Drug Administration—Continued Page

ANTIBIOTIC DRUGS—Continued
Procedural regulations:
Batch certification services; suspension 4693, 7971
Records and reports; refusal of certification service 11598
Specific antibiotics; rules proposed or adopted:
Amphotericin, 1781, 9879, 15211.
Bacitracin and bacitracin-containing drugs:
Certification, 487, 6980, 9158, 11922, 12746, 14255, 17164.
Tests and methods of assay, 487, 1780, 6980, 9158, 11922, 14254.
Chloramphenicol and chloramphenical-containing drugs:
Certification, 7488, 9264, 12746, 17164.
Tests and methods of assay, 7488.
Chlortetracycline and chlortetracycline-containing drugs:
Certification, 1255, 2945, 4200, 7707, 8787, 9575, 11954, 12746, 13515, 15737.
Tests and methods of assay, 1780, 4205, 7944, 11954.
Colistin, 1781.
Cycloserine, 16069.
Erythromycin, 1782, 12537, 14155, 14317.
Kanamycin sulfate, 1256, 1782.
Lincomycin, 11754, 12537.
Neomycin sulfate, 1783, 8109, 9765, 10159.
Novobiocin, 1784.
Oleandomycin phosphate, 1784.
Oxytetracycline, 1784, 4205, 7944, 14600.
Penicillin and penicillin-containing drugs:
Certification, 1780, 1785, 2437, 2598, 3600, 3865, 3642, 4065, 6071, 6980, 7040, 7707, 7896, 8335, 9093, 12638, 12730, 12746, 15093, 15657, 16069.
Tests and methods of assay, 1780, 1785, 2437, 2507, 2865, 4065, 6115, 6795, 6979, 7040, 7707, 9093, 12637, 15093, 15657.
Polymyxin, 487, 1785, 6981, 9158.
Sodium cephalothin, 4131.
Streptomycin and streptomycin-containing drugs:
Certification, 1781, 5630, 10884, 12746.
Tests and methods of assay, 10884.
Vancomycin hydrochloride, 1785.
Viomycin sulfate, 1785.
Tests and methods of assay; sterility test methods and procedures 1779
ARTICHOKES, canned. *See under* Vegetables, canned, *below*.
AUTHORITY DELEGATION by Commissioner to Deputy Commissioner and Assistant Commissioners for Planning and Operations; functions of Commissioner 9574
BEANS AND SPROUTS, canned. *See under* Vegetables, canned, *below*.
BREAD:
Enriched:
Deviating from identity standards, temporary permits for market testing 1257, 10210, 10956
Vitamin D, supplementation, proposed rule 11141, 13456
White, rolls, buns, etc.; identity standards, sodium stearyl fumarate as optional ingredient 1257, 8784, 9878, 11171
CARROTS, canned. *See under* Vegetables, canned, *below*.
CHEESES, cheese foods, etc.; standards of identity:
Asiago, cheddar, edam, gouda, muenster, and various other cheeses; sorbate salts and sorbic acid as optional ingredients 1253, 4061
Cheddar, catalase as optional ingredient 992
Cold-pack cheese food, guar gum as optional ingredient 3526
Creamed cottage cheese, diacetyl added; extension of temporary permit for market testing 1818
Mozzarella and scamorza, and part-skim, low-moisture, cheeses; stay of effective date 5508
COLOR ADDITIVES:
Aztec marigold, extract of flower petals 10211
Carmine in foods, drugs, and cosmetics 10211
Chromium-cobalt-aluminum oxide pigment 14606
Corn endosperm oil in chicken feed; exemption from certification 1062
D&C Blue No. 9, in cotton surgical sutures 9660
D&C Green No. 5 14536
D&C Red No. 30, in cotton surgical sutures 9019
D&C Red No. 39:
Certification for drug use 15211, 15804
Externally applied drugs and cosmetics 67
Definitions "externally applied drugs" and "externally applied cosmetics" 7484

Food and Drug Administration—Continued Page

COLOR ADDITIVES—Continued
FD&C Yellow No. 5 in foods, drugs, and cosmetics 4083
Fruit juice, exempt from certification, proposed rule 6735
Grape skin extract, safe use and exemption from certification 15108
Henna, haircolor, exempt from certification 7705, 9764
Lakes of color additives subject to certification; listing and specifications, proposed rule 6490
Logwood-fustic mixture 3724
Orange B, in casings for frankfurters and sausages 6727
Paprika and paprika oleoresin, exempt from certification; proposed rule 6733
Provisional lists:
Ext. D&C Red No. 24 deleted, drug and cosmetic use 10289
FD&C Red No. 4:
Cancellation of certificates 10289, 13057
Food, drug, and cosmetic use, closing date 10289
Temporary tolerances 10289, 13056
Postponement of closing dates, reinstatement, and deletion of certain items 5434, 8333, 16107
Saffron, exempt from certification; proposed rule 6734
Specifications, general; proposed rule 5797
Turmeric and turmeric oleoresin, exempt from certification, proposed rule 6733, 6734
Vegetable juice, exempt from certification; proposed rule 6735
COLOR CERTIFICATION:
Ext. D&C Red No. 24, repealed 10289
FD&C Red No. 4, added 10289
CORN, canned. *See under* Vegetables, canned, *below*.
DIETARY MANAGEMENT, label statements; proposed rules:
Oils, fats, etc 6984, 9323
Vitamin D 11141, 13456
DRESSINGS for food, identity standards:
French, calcium carbonate and sodium hexametaphosphate as optional ingredients 757, 5831, 7943
Salad; sorbic acid and calcium disodium EDTA added as preservatives, temporary permit for market testing 10063
DRUGS:
See also Antibiotic drugs.
Amphetamine and methamphetamine (desoxyephedrine) inhalers regarded as prescription drugs; policy statement 1845
Animal feeds containing; inquiry 7199
Chlorcyclizine, cyclizine, meclizine; label warnings, policy statement 13628, 13629, 14047
Depressants and stimulants:
Advisory committees, appointment, procedure, and fees 13903
Definitions and procedural and interpretative regulations; proposed rules 15667
Exemptions from Drug Abuse Control Amendments of 1965; invitation for submission of information and suggestions 15674
Dimethylsulfoxide (DMSO) preparations, termination of clinical testing and investigational use; policy statement 14639
Good manufacturing practice, current:
Control of cross-contamination by penicillin 932
Medicated feeds 6475
Ipecac syrup; label warnings, over-the-counter sale, etc., policy statement 13628
New drugs:
Approvals for distribution, lists 2878, 6497, 6662, 11801, 11884, 12810, 13837
Exemption for certain drugs limited by new-drug applications to prescription sale; meclizine hydrochloride, chlorcyclizine hydrochloride 13629
FD&C Red No. 4, procedure for discontinuing use in new drugs for ingestion; policy statement 6979, 13037
Procedural and interpretative regulations:
Applications, and supplemental applications 993
Edible products of animals treated with experimental drugs; proposed rules:
Definitions and interpretations, laboratory research animals 15105
Investigational use in animals and human beings 15105
Records and reports concerning experience on drugs for which application is approved 834

Food and Drug Administration—Continued Page

DRUGS—Continued
New drugs—Continued
Suspension of approval of applications for certain diethylstilbestrol and diethylstilbestrol-containing drugs 2315
Withdrawal of approval of applications; hearings:
Potassium chloride, etc., 6445, 6790, 11929.
Versidyne tablets 60 milligrams and versidyne compound 30 and 60; 4083.
Potassium salt preparations intended for oral ingestion by man, label warning, etc.; policy statement 5790, 6071
Producers and certain wholesalers of drugs, registration 11916, 16200
Thorium dioxide, label warnings, etc.; policy statement 2103
Vitamin D (Vitamin D_2, Vitamin D_3), label warning; policy statement, proposed rule 11140, 13456
EGGS AND EGG PRODUCTS, dried, frozen, liquid whole eggs, etc.; identity standards:
Glucose removal; effective date 1779
Monosodium phosphate as optional ingredient, proposed rule 10907
Pasteurization or other treatment for Salmonella, proposed rules 10905, 13963
ENFORCEMENT REGULATION:
Food, labeling, designation of ingredients; propylene glycol and glycerin, proposed rule 15666
Inadmissible imports, costs chargeable in connection with relabeling and reconditioning 5507
FISH, shrimp, frozen raw breaded and lightly breaded; definitions and identity standards 2860
FLOURS:
Cereal, enriched, farina, corn meal, grits, rice, etc.; Vitamin D supplementation, proposed rules 11141, 13456
Corn meal, white, self-rising; identity standard, sodium aluminum phosphate as optional ingredient 746, 4130
Granulation size of flour particles; identity standards; effective date 131
Instantized and instant blending; identity standards, optional ingredients 6, 5643, 9302, 11914
Malted barley flour content, changes in proportion, identity standards; effective date 131
FOOD ADDITIVES in animal feed, foods for human consumption, packaging materials, etc 15845
Animal feeds containing drugs; inquiry 7199
Definitions, interpretations, etc 15847
Exemption for investigational use and procedure for obtaining authorization to market edible products from experimental animals; proposed rule 15105
Exemption from requirement of tolerance:
Adjuvants for pesticide chemicals 6588, 8785
Substances generally recognized as safe, Vitamin D_2 and Vitamin D_3 deleted; proposed rules 11141, 13456
Further extension of effective date of statute for certain food additives:
Direct additives 1935, 8474, 10025, 10098
Indirect additives 1936, 4672, 8474, 10026, 10098
Specific additives, proposed or adopted:
Acetone peroxides, 11753.
Acetyl-(*p*-nitrophenyl)-sulfanilamide, 3434, 3594, 8496.
Acetylated monoglycerides, 12691.
Acrylic modifiers, 7258.
Acrylic polymer modifiers in semirigid and rigid polyvinyl chloride plastics, 11953.
N-acyl sarcosines, 10956.
Adhesives, 747, 2477, 3723, 3724, 4327, 4714, 5509, 5609, 5791, 5863, 6339, 6498, 6596, 7386, 7506, 7705, 7949, 7996, 8267, 8786, 9575, 10063, 12559, 13007, 13335, 14049, 14224, 15234, 16068.
Pressure sensitive, 66, 10188.
Adjuvants for pesticide chemicals, 8785.
Aklomide (2-chloro-4-nitrobensamide), 8496.
Aluminum phosphide, 9116.
2-Amino-5-nitrothiasole; petition withdrawn, 10329.
Ammoniated rice hulls, 12364.
Amprolium, 1061, 1132, 3708, 8716, 6390, 6732, 7726, 8861, 9179, 9550, 10063, 11753, 11950, 14225.
Petition withdrawn, 8172.
Anion exchange membrane, 3724.
Antibiotics for growth promotion and feed efficiency, 3708, 12353.

51-000—66——9

Food and Drug Administration—Continued

FOOD ADDITIVES in animal feed, foods for human consumption, packaging materials, etc.—Continued
Specific additives, proposed or adopted—Continued
Antioxidants and/or stabilizers for polymers, 66, 6125, 7487, 7616, 8283, 8786, 8796, 9551, 12637, 12811, 13314, 13537, 15334, 16067.
Antistatic agents in plastics, 10211.
Arabinogalactan, 2430.
Arsonilic acid, 6596, 6732.
BHA, 11331, 13536.
Bacitracin combinations, 1208, 2034, 2035, 2288, 6390, 9179, 11928, 11951, 12671.
Petitions withdrawn, 1208, 7846.
N,N-Bis (2-hydroxyethyl) alkyl (C_{18}) amide, 10211.
Boiler water additives, 7943.
1,3-Butanediol, 13335.
1,3-Butylene glycol, 3528, 8114, 8785.
Calcium disodium EDTA, 5487, 6916.
Carbophenothion, 9879.
Carrageenan, and salts, 1254, 3360.
Cellophane, 884, 2879, 7486, 7943, 8796, 8802, 12811, 13825.
Chemicals used in washing fruits and vegetables, 16066.
Chewing gum base, 747, 15109.
Chlorhexidine, 5630.
Chlorinated polyethylene, 3723, 4502.
Chlormadinone acetate, 727.
2-Chloro-4-nitrobensamide, 3434, 4365.
Chloropentafluoroethane, 6124, 7570.
Chlorotrifluoroethylene-1, 1-difluoroethylene-tetrafluoroethylene copolymer resins, 1013.
Chlorpheniramine maleate; petition withdrawn, 4365.
Chlortetracycline, 2034, 2477, 3708, 4062, 4082, 6390, 6608, 9116, 9879, 11753, 11950, 11954, 12124, 12671, 13315.
Petition withdrawn, 8114.
Citrus fruit, fresh, coatings, 5535, 7485, 16067.
Closures with sealing gaskets, 2618, 7944, 11182, 16069.
Cobaltous salts, 547, 11171.
Condensed, extracted glutamic acid fermentation product, 16066.
DDT, etc., 8115, 14328.
Defoaming agents, 4536, 6478, 7996.
Dexamethasone; petition withdrawn, 4365.
Dialkyldimethylammonium bentonite, 10063.
Diammonium phosphate, 6433.
Dienestrol diacetate, 2429, 2704.
Diethylstilbestrol, 1014, 2958, 12174.
Dihydrostreptomycin combinations, 4365, 5630, 13103.
Dilauryl ketone; withdrawal of petition, 1014.
Dimetridazole, 3642, 4365, 9574, 11801.
3,5-Dinitrobensamide, 3594, 5717, 6696.
Dioctyl sodium sulfosuccinate, 5487, 9179, 9640, 11952.
Disodium EDTA, 3360, 3670, 7895, 10211.
Petition withdrawn, 14498.
Disodium ethylenebisdithiocarbamate, 8727.
Disodium inosinate, 11001, 13694.
Emulsifiers and/or surface-active agents, 4365, 6339, 11400, 14102.
1,2-Epoxy-3-phenoxypropane, 2878.
Erythromycin, 2617.
Ethopabate, 7726, 10063.
Ethoxyquin, 11002, 13825.
Ethylene-alkene-1 copolymers, 8796.
Ethylene-ethyl acrylate copolymers, 8796.
Ethylene-methacrylic acid copolymers and salts, 267, 4714.
Ethylene-methyl acrylate copolymer resins, 67, 6689, 9092.
Ethylenediamine, 11954.
Fatty acids, 8572.
Petition withdrawn, 7847.
Ferrous fumarate, 7506.
Filters, resin-bonded, 267, 286, 4061, 7486, 14936.
Flavoring substances:
Natural, etc., 992, 3816, 15674.
Synthetic, and adjuvants, 2250, 9303.
Fluorocarbon resins, 7706.
Furaltadone, 7995.
Furazolidone, 15109.
Furcelleran, and salts, 1255.
Glutamic acid fermentation product, condensed, extracted, 6282.
Glycerol ester of wood rosin, 15674.
Griseofulvin, 2945.
Hemicellulose extract, 12778.
n-Heptyl *p*-hydroxybensoate, 3670, 12670.
Hexachlorophene, 12305.
Hot-melt strippable food coatings; petition withdrawn, 14280.
Hydroxyethyl cellulose film, water-insoluble, 2479, 7707.

Food and Drug Administration—Continued

FOOD ADDITIVES in animal feed, foods for human consumption, packing materials, etc.—Continued
Specific additives, proposed or adopted—Continued
Hygromycin B, 2034, 3708, 6390, 11753, 11950.
Petition withdrawn, 8172.
Inorganic bromides, 1208, 7281.
Ion-exchange membranes, 1518, 8794, 9008.
Ion-exchange resins, 32.
4,4' - Isopropylidenediphenol - epichlorohydrin thermosetting epoxy resins, 4672.
Lactylic esters of fatty acids, 7506, 12070.
Lubricants with incidental food contact, 1818, 3361, 5791, 7020, 7706, 8334, 10063, 14155.
Malathion, 2212.
Medroxyprogesterone acetate, 16064, 16266.
Methacrylic acid-divinylbensene copolymer, 2478, 16067.
Methylene chloride residues, 6.
Milk-producing animals, additives for use in, 1063, 11953, 13007.
Mineral oil, 2605, 5475, 6477.
White, 2958, 5474.
Monochlorobensene, 8727.
Monosodium glutamate; petition withdrawn, 9116.
Nickel sulfate, 2258.
Nihydrazone, 883, 4536, 4537.
3-Nitro-4-hydroxyphenylarsonic acid, 3594, 8496, 12672.
Nitrodan, 15674.
4-Nitrophenylarsonic acid, 2478, 6283.
Nylon resins, 7238.
Nystatin, 11753.
Olefin polymers, 8794, 9008.
Oxytetracycline, 2035, 11951, 12124, 12671.
With oleandomycin; petition withdrawn, 2958.
Paper and paperboard, 850, 2430, 2431, 2436, 2437, 2618, 2657, 2878, 3724, 5535, 5717, 6115, 7519, 7944, 8165, 8172, 8267, 11208, 12691, 13749, 16068.
Penicillin; petitions withdrawn, 1208, 8172.
Petroleum hydrocarbons:
Isoparaffinic, synthetic, 632, 3435, 10329, 12070.
Odorless light, 7996, 7997, 11928, 16065, 16066.
Phenothiasine, 12305.
Piperonyl butoxide, 8165.
Piperonyl butoxide-pyrethrin mixture; petition withdrawn, 8125.
Plasticizers in polymeric substances, 8796.
Petition withdrawn, 14280.
Polyacrylamide resin, modified, 15108.
Polybutene-1, 7020.
Polycarbonate resins, 8727.
Polyester resins, cross-linked, 7519, 7616, 10065, 12364.
Polyethylene, 8796.
Polyethylene glycol, 9116.
Polyethylene glycol 400; 11954.
Polyethylene glycol 6000; 1014, 3353.
Polyethylene resins, 9575.
Carboxyl-modified, 1323, 7502.
Polyethylene terephthalate film, 11001, 12293.
Polyglyceryl phthalate ester, 14175.
cis-1,4-Polyisoprene, 10188.
Polymyxin methane sulfonate, 4502.
Polypropylene, noncrystalline, 2036.
Polysorbate 60 (polyoxyethylene (20) sorbitan monostearate), 998, 2477, 3361, 4131, 8627.
Polysorbate 80; 998, 3360, 14498.
Polyurethane resins, 2478, 5475, 9498, 11952, 12750.
Polyvinylidene fluoride, 67.
Polyvinylidene fluoride resins, 5510.
Polyvinylpyrrolidone, 6579.
Potassium bromate, 2958.
Procaine penicillin combinations, 4365, 6391, 7896, 9179, 12672, 14040.
Petition withdrawn, 632.
Propylene oxide, 6215.
Pyrethrins, 8165.
Pyrophyllite, 8785.
Radiation, 547, 1013, 2479, 3354, 5631, 7599, 8572, 8796, 9116, 9551, 11400, 11801, 14102.
Release agents, 267, 1255, 7386.
Reserpine, 3708, 11753, 11801, 11950, 14049.
Resinous and polymeric coatings, 85, 747, 1063, 2478, 2479, 4062, 4535, 5508, 5717, 6478, 6643, 7486, 7518, 8796, 9010, 9498, 11952, 14013.
Polyolefin films, 748, 5509.
Ronnel, 1062, 3724, 11208, 11754, 16065.
Rosins and derivatives, 10063, 14620.

Food and Drug Administration—Continued

Page

FOOD ADDITIVES in animal feed, foods for human consumption, packaging materials, etc.—Continued
Specific additives, proposed or adopted—Continued
Rubber articles intended for repeated use, 66, 67, 1937, 2307, 5509, 5717, 5863, 7570, 7705, 14498, 15234.
Sanitising solutions, 2618.
Silicon dioxide, 9116, 11916.
Slimicides, 850, 7896.
Sodium dimethyldithiocarbamate, 8727.
Sodium 2-ethylhexyl sulfate, 10330.
Sodium nicotinate; petition withdrawn, 4365.
Sodium nitrite, 11182.
Sodium oleyl/cetyl sulfate, 8802.
Sodium pentachlorophenate, 3361, 8786.
Sodium polyacrylate, 6740, 7943.
Sodium stearyl fumarate, 632, 8784, 11171.
Sodium sulfachloropyrazine, 1014.
Sodium tripolyphos; petition withdrawn, 12958, 13103.
Sodium tripolyphosphate, 3609.
Sorbitan monostearate, 2477, 8627, 11753.
Spectinomycin, 13103.
Stannic oxide, 9551.
Stannous oleate, 13103.
Starch-modified:
Food, 5487, 6837.
Industrial, 5487, 7485.
Stearoyl propylene glycol hydrogen succinate, 9117.
Sulfachlorpyridazine, 11926.
Sulfadimethoxine boluses, 7847.
Sulfaethoxypyridazine, 13103.
Sulfamethazine, 5487, 8504.
Sulfanitran, 8496.
O-(4-*tert*-butyl-2-chlorophenyl) O-methyl *N*-methylphosphoramidate, 13836.
1,3,6,8-Tetraazotricyclo [6.2.1.1^{3,6}] dodecane, 7896.
Thiabendazole, 2026, 4063, 6124, 12364.
Toxaphene, 8646.
N,N,N'-Tris(2-hydroxyethyl) -N'-tallow alkyl-1,3-propane diamine in boiler water; petition withdrawn, 3723.
Tylosin, 5487, 5863, 10063, 12730, 13103, 13836.
Petitions withdrawn, 2689, 8115, 8172.
Urea-formaldehyde resins, 849, 8334.
Vinyl chloride-cetyl vinyl ether copolymers, 12364.
Vinylidene chloride copolymer food-contact coating on substrates of nylon, 2618.
Vitamin D (Vitamin D_2, Vitamin D_3), 11141, 13456.
Wood rosins, etc., 1014.
Yellow prussiate of soda, 1680.
Zoalene, 546, 547, 3708, 6389, 11950, 12670.
FRUIT DRINKS. *See* Lemonade; Orange juice; Prune juice.
HAZARDOUS SUBSTANCES:
Inadmissible imports; costs chargeable in connection with relabeling and reconditioning 5507
Procedural and interpretative regulations; labeling requirements:
Exemptions:
Small packages, minor hazards, and special circumstances 1787, 4062, 13315
Unlabeled containers 16201
Self-pressurized containers 32
ICE CREAM, etc.; identity standards, optional ingredients:
Carrageenan or its salts, cheese whey, concentrated and dried, etc.; effective date postponed 7280
Labeling, artificial flavoring 7292, 11915, 14100, 16107
IMPORTS, inadmissible; costs chargeable in connection with relabeling and reconditioning 5507
INHALERS, amphetamine and methamphetamine (desoxyephedrine), regarded as prescription drugs; policy statement 1845
INSECTICIDES, chemicals, etc. *See* Pesticide chemicals.
LABELING REQUIREMENTS:
Food, exemptions; salt, anticaking agents, etc 2604, 15292
Hazardous substances. *See* Hazardous substances.
Ice cream, artificial flavoring 7292, 11915, 14100, 16107
Peanut butter, optional ingredients 8626, 11349, 11970
LEMONADE, ARTIFICIALLY SWEETENED, frozen concentrate for, deviation from identity standards; temporary permits for market testing 7020, 7403, 8418, 10063

Food and Drug Administration—Continued

Page

MACARONI AND NOODLE PRODUCTS, proposed rules:
Enriched, Vitamin D supplementation 11141, 13456
Nonfat and enriched nonfat milk, definitions and identity standards, milk solids not fat 11921
MARGARINE:
Standards of identity, optional ingredients:
Artificial flavoring, delta-decalactone and delta-dodecalactone 9003, 11915
Dairy and soybean ingredients not contained:
Proposed rule 13544
Temporary permit for market testing 13548
Pourable liquid, temporary permit for market testing 7403, 8594
Vitamin D supplementation, labeling, proposed rules 11141, 13456
MILK, proposed rules:
Evaporated, Vitamin D supplementation 11141, 13456
Nonfat and enriched nonfat milk in macaroni and noodle products; definitions and identity standards, milk solids not fat 11921
OILS, FATS, AND FATTY FOODS for regulating intake of fatty acids in dietary management; label statements, proposed rule, extension of time 9323
OLEOMARGARINE. *See* Margarine.
ORANGE JUICE and products, definitions and identity standards 1296, 4535, 5798, 7484, 10054, 10949, 13134, 14491, 16108, 17164
ORGANIZATION:
Field Office, New York City district, change of address 11279
Washington headquarters 1252, 14155, 15211
PEANUT BUTTER, identity standards:
Definitions, proposed rule; hearing 12949
Optional ingredients, labeling 8626, 11349, 11970
PEAS, canned. *See under* Vegetables, canned, *below*.
PENICILLIN CONTAMINATION, control; current good manufacturing practice 932
PESTICIDE CHEMICALS in or on raw agricultural commodities:
Exemptions from tolerances:
Ammonium nitrate formulated with ammonium chloride or ammonium thiosulfate 9002
Licorice root 2605, 5508
Fees 2704
Further extensions of effective date, Public Law 86–139 7485, 7996
Procedural regulations; temporary tolerances, conditions of establishment 10884
Safe chemicals 2597, 11916
Specific tolerances; rules proposed or adopted:
Aldrin, 7249, 7258.
Ammonium nitrate; exemption, 7506.
Ammonium sulfamate, 2258.
Chlordane, 4411.
p-Chlorophenoxyacetic acid, 14857.
Chlorosulfamic acid, 8115, 11916.
DDT, etc., 8115, 14328.
2,6-Dichloro-4-nitroaniline, 3723, 8266.
Dieldrin, 7249, 7258.
O,O-Diethyl-O(2-isopropyl-4-methyl-6-pyrimidinyl) phosphorothioate, 12729.
O,O-Diethyl *S*-2-(ethylthio) ethyl phosphorodithioate, 5802, 10187.
Dimethoate, 15674.
O,O-Dimethyl *S*-[4-oxo-1,2,3-benzotriazin-3(4H)-ylmethyl] phosphorodithioate, 5647, 7570.
Dimethyl 2,3,5,6-tetrachloroterephthalate, 218.
Diuron, 8283.
Ethyl 4,4-dichlorobenzilate, 16092.
Inorganic bromides and residues, 1062, 1208, 2104, 7281, 7386, 14101, 14102.
Maneb, 5535, 8159.
Toxaphene, 8646.
Zinc ion and maneb coordination product, 547, 4197.
Temporary tolerances:
2-Aminobutane, 14386.
2,6-Dichloro-4-nitroaniline, 7726.
1,1'-Dimethyl-4,4'-bipyridinium, bis(methyl sulfate) and dichloride salts, 8346.
Dodine, extension, 3606.
Exo-3-chloro-*endo*-6-cyano-2-norbornanone O-(methylcarbamoyl) oxime, 11261.

Food and Drug Administration—Continued Page

PESTICIDE CHEMICALS in or on raw agricultural commodities—Continued
Temporary tolerances—Continued
Nickel sulfate and maneb, extension, 2282.
Phosphamidon, 6282, 7403.
cis-N[(1,1,2,2-Tetrachloroethyl) thio]-4-cyclohexene-1,2-dicarboximide, 13906, 14280.
Toluene-alpha,alpha-dithiol bis (*O,O*-dimethyl phosphorodithioate), 6282.
POTASSIUM SALT PREPARATIONS intended for oral ingestion by man; label warning, policy statement 5790, 6071
POTATOES, canned. *See under* Vegetables, canned, *below.*
PRUNE JUICE, canned, identity standards, ascorbic acid (Vitamin C) as optional ingredient; proposed rule 13012
RADIATION:
Electron beam, for food processing 5631, 11801
Gamma, for food processing and treatment 547, 1013, 3354, 11801, 14102
Prepackaged foods, preservation of, packaging materials 547, 2479, 3354, 7599, 8796, 9116, 9551, 11400
Thorium dioxide for drug use, label warning, etc.; policy statement 2103
Ultraviolet, for food processing and treatment 8572
X-radiation, for food processing 547, 3354, 11801
RECORDS, non-Federal; retention requirements 3116
SALAD DRESSING. *See* Dressings.
SALT, anticaking agents, etc., exemption, conformity to definitions and standards of identity 2604, 15292
SHELLFISH, shrimp, frozen raw breaded and lightly breaded; definitions and identity standards 2860
TEA IMPORTATION; standards, 1965–66 2438
THORIUM DIOXIDE for drug use, policy statement 2103
VEGETABLES, canned, identity standards:
Artichokes, ascorbic acid; proposed rule 11922
Bean sprouts, calcium lactate 10115, 14100
Beans, corn, etc.; corn and glucose syrups, and dried syrups added as optional ingredients, proposed rules 651
Carrots, sliced; butter and propylene glycol alginate added, temporary permit for market testing 12691
Other than those specifically regulated, corn and glucose syrups and dried syrups added as optional ingredients 131, 2429
Peas, carrots, etc.; butter and guar gum added, temporary permits for market testing 5535, 13749
Potatoes; French fry cuts, and addition of higher calcium levels as optional ingredients 131, 2429
VITAMIN D, status as special dietary food, drug, food additive, and as optional ingredient in standardized foods; proposed rules 11140, 13456

Food and Fiber, National Advisory Commission on:
ESTABLISHMENT (Executive Order 11256) 14137

Food and Fiber, President's Committee on:
ESTABLISHMENT (Executive Order 11256) 14137

Food-for-Peace Program:
FUNCTIONS (Executive Order 11252) 13507

Food Stamp Program:
See Agriculture Department.

Foreign Agricultural Labor:
AUTHORITY DELEGATIONS, Manpower Administrator 1139
CALIFORNIA, wage rate 1935
FARM LABOR CONTRACTOR REGISTRATION ACT of 1963; authority delegations, etc. 1139, 2945, 3528
FLORIDA, wage rate 12292
IMMIGRATION REGULATIONS 1031

Foreign Aid:
See Agency for International Development.

Foreign Assets Control:
See Treasury Department.

Foreign Assistance: Page
FUNDS, construction work financed from; limitation on employment of third country nationals, exceptions 9304
PROGRAMS, General Advisory Committee on 4642, 12304, 15376

PUBLIC INFORMATION FUNCTIONS of United States Information Agency (Executive Order 11261) 15397

Foreign Assistance Act of 1961:
FUNCTIONS (Executive Order 11223) 6635

Foreign Claims Settlement Commission:
INTERNATIONAL CLAIMS SETTLEMENT ACT of 1949:
Cuban Government, claims against 13869, 13890
Filing claims, procedure, etc. 13869
PRACTICE; fees, suspension of attorneys 13869
WAR CLAIMS ACT of 1948 as amended, procedure for determination of claims 13870

Foreign Currency:
INCOME TAXES, payment in nonconvertible foreign currency, proposed rules 6222
LUXEMBOURG FRANC, conversion for customs purposes 574
PHILIPPINE PESO, conversion for customs purposes 6196
SURPLUS AGRICULTURAL COMMODITIES, financing commercial sales for foreign currency 4240, 15514

Foreign Duty Personnel:
FOREIGN SERVICE, appointment in competitive service of certain present and former officers and employees (Executive Order 11219) 6381

Foreign Service Board:
ABOLITION (Reorganization Plan No. 4 of 1965) 9353
TEMPORARY REESTABLISHMENT (Executive Order 11240) 9795

Foreign Service Board of Examiners:
ABOLITION (Reorganization Plan No. 4 of 1965) 9353
TEMPORARY REESTABLISHMENT (Executive Order 11240) 9795

Foreign Social Insurance:
See Social Security Administration.

Foreign Trade:
STATISTICS 2441, 9318, 11502, 12881

Foreign-Trade Zones Board:
CALIFORNIA, San Francisco, zone No. 3; extension of time to occupy sites 6596
HAWAII, Honolulu; foreign-trade zone 2377
LOUISIANA, New Orleans, zone No. 2; reduction and modification of area 13415
MEMBER of Board, designation of Assistant Secretary of Treasury as 9067
MICHIGAN, Bay County; hearing 6451

Forest Products Week, National, 1965:
PROCLAMATION 3670 11827

Forest Service:
ADMINISTRATION:
Appeals from administrative decisions, national forests or other lands 6345
Private and State agencies, cooperation 6345
AUTHORITY DELEGATIONS by Deputy Chief to certain officials:
Acting Regional Foresters; grant easements for road rights-of-way 5647
Director, Division of Land Adjustments; accept options and execute deeds 6549
Regional Foresters; road rights-of-way:
Construction and use agreements for access 15333
Grant easements 5647
LANDS:
Bankhead-Jones Farm Tenant Act, suitable for national forest purposes 9067
Uses:
Boundary Waters Canoe Area, Superior National Forest 15738
Materials in acquired and related lands, use and disposal 9264
Permits for roads and trails, superseded in part 5479
Recreation areas, payment for occupancy and use 5707
Wilderness areas, protection and management 5631

Forest Service—Continued Page

TIMBER:
Advertisements and bids 8268
Appraisal and contract conditions 8519
Cancellation of contracts 15420
TRANSPORTATION SYSTEM, forest development 5476, 5762
Prior regulations revoked 5476
TRESPASS; settlement of civil trespass cases, revocation 6982
WILDERNESS, San Rafael; Los Padres National Forest, Calif., hearing 9886

Forests, National:
See Forest Service; Land Management Bureau; National Park Service.

Freedmen's Hospital:
RATES for treatment and other services 8797, 11517

French Dressing:
STANDARDS OF IDENTITY, optional ingredients 5831, 7943

Fruit:
See also specific fruits.
CHEMICALS used in washing fruits 16066
EDITORIAL NOTE, fruits, vegetables, and tree nuts 2129
FRESH FRUIT INDUSTRY, trade practice rules 5331
IMPORTS from Puerto Rico or Virgin Islands 748
MARKETING ORDERS, etc. *See* Agriculture Department.
WAREHOUSES, Federally licensed, storage in; cold-pack fruit 3245

Fruit Juices:
See also Grapefruit juice; Lemonade; Orange juice; Prune juice.
BRIX VALUES, unconcentrated juices, Customs regulations; proposed rule 13324
COLOR ADDITIVES, exempt from certification; proposed rule 6735

G

Gambling Devices:
REGISTRATION 2316
SEIZURE by Justice Department 2316, 5510

Gas:
See Oil and gas.

Gas Companies:
See Federal Power Commission.

Gasoline:
ALASKA, transportation by air 14250
MARKETING, inquiry into competition problems; hearing, correction 731

General Accounting Office:
RECORDS, non-Federal; retention requirements 3159
TRANSPORTATION, carriers' bills for services 6429

General Pulaski's Memorial Day, 1965:
PROCLAMATION 3665 9857

General Services Administration:
See Federal Register.
Public Buildings Service.
Utilization and Disposal Service.
AUTHORITY DELEGATIONS by Administrator to certain officials:
Defense Department, Secretary; representation of executive agencies before certain commissions:
California Public Utilities Commission 13754
Florida Public Utilities Commission:
Florida Power Corp., 2007.
Gulf Power Co., 1894.
Tampa Electric Co., 1894.
United States Information Agency, Director; purchase of auxiliary electric power for radio relay station 14288
COMMITTEES, standing, interagency, chaired by GSA during 1964 and 1965 6888, 9766
EQUAL EMPLOYMENT OPPORTUNITY, standard Government contract forms 13475
FEDERAL FIRE COUNCIL, organization, functions, and purposes 11755

General Services Administration—Continued Page

FEDERAL PROPERTY MANAGEMENT REGULATIONS:
Archives and records:
Presidential libraries; Franklin D. Roosevelt Library, admission regulations 4359
Records management, moratorium on purchase of filing cabinets 4757
Automatic data processing, Government-wide sharing exchange program 9537
Centralized services in Federal buildings:
Field duplicating services 4358, 17165
Forms, reports, and instructions 4359
General 4199
Health services 6684, 12883
Defense materials, lead and zinc stabilization payments to small domestic producers 1256
Household goods transportation, commuted rates 1256
Motor vehicles:
Identification 4131, 7489
Safety devices, standards 797, 8319
Use and rotation of vehicles 4131
Office furniture and typewriters, reduction in purchase of, and moratorium on purchase of filing cabinets 577, 754, 4757, 5479
Public buildings and space:
Acquisition of real property by lease:
Basic GSA policy 7820
List of special purpose space 13230, 15325
List of urban centers 8250
Assignment and utilization, agency reports of expansion of space needs 1790
Federal Fire Council 11755
Relinquishment of assigned space, leased or Government-owned 7820
Vending stands operated by blind persons 8160
Records management; microfilming 10843
Supply and procurement:
File cabinets, moratorium on purchase, and reduction in purchase of office furniture and typewriters, etc. 577, 754, 4757, 5479
Motor vehicles, Government-owned; standards for safety devices 797, 8319
Procurement sources:
Federal Supply Schedule 648, 649, 4758, 5480, 11603
GSA stores stock 2442, 4200, 4758, 5480, 11138, 11720, 13826
Telecommunications, applicability to Atomic Energy Commission 8523
Utilization and disposal:
Personal property:
Donation:
Airport purposes 4716
Surplus electronic property for educational, public health, and civil defense purposes 6649
Various purposes 11903
Excess property reporting requirements 5823
Sale, abandonment, or destruction 2930, 3384
Surplus real property:
Disposal:
Proceeds 754
Records and reports 12293
Illustrations 12293
Utilization, disposal, protection by sentry dogs 11281
INTERAGENCY PROCUREMENT POLICY COMMITTEE 9766
MOTOR VEHICLES. *See under* Federal property management regulations.
PROCUREMENT REGULATIONS:
Federal:
Advertising, formal 2208, 9592, 16110
Contract cost principles, research and development under grants and contracts with educational institutions 8482, 9676
Forms 2208, 2210, 2803, 7194, 8217, 9593
General:
General policies; sources, noncollusive bids, subcontractor gifts and kickbacks 9589
Labor surplus area concerns 16110
Publicizing procurement actions 9591
Regulation system, definition of procurement 8217
Small business concerns 9590, 16110
Specifications and standards, note 16110
Interagency Procurement Policy Committee 9766

General Services Administration—Continued
PROCUREMENT REGULATIONS—Continued
Federal—Continued
Labor:
Fair Labor Standards Act ... 16111
Labor standards in construction contracts ... 7192
Negotiation ... 6581, 9593
Special and directed sources of supply, excess personal property ... 16111
Termination of contracts, disposition of inventory ... 16111
GSA:
Bonds and insurance, rescission of part ... 9767
Contract Appeals Board ... 6837
Contracts:
Administration:
Contractor performance under supply or service contracts ... 7246
Equal employment opportunity, deleted ... 1047
Termination for default ... 1047, 7246
Clauses, fixed-price supply contracts; nondiscrimination in employment, deleted ... 1045
Forms, nondiscrimination ... 1047
Labor, equal opportunity in employment ... 1045
Negotiation ... 1045
Transportation, shipments by foreign-flag vessels in Cuban trade ... 2211
RECORDS, non-Federal; retention requirements ... 3161
STRATEGIC AND CRITICAL MATERIALS STOCKPILE, proposed disposition:
Abaca ... 4270
Copper ... 11404
Diamond dies and bismuth alloys ... 8764
Lump steatite talc ... 11572
Magnesium ... 9700
Nickel ... 9287
Rubber ... 4009
Vegetable tannin extracts ... 9834
VENDING STANDS operated by blind persons ... 8160

Geodetic Survey:
See Environmental Science Services Administration.

Geological Survey:
AUTHORITY DELEGATIONS:
By Acting Director to Chief, Minerals Exploration Office; domestic exploration for metals and minerals ... 8860
From Secretary of Interior:
Approval of unitization, pooling and drilling agreements ... 6363
Minerals exploration ... 9278
COAL AND NONCOAL LANDS, classifications:
Colorado ... 14606, 14749
Montana ... 11110
Wyoming ... 13334, 13879
CONNALLY ACT REGULATIONS; designated areas and instructions for filing reports, revoked ... 1041
MINERAL RESOURCES, exploration:
Authority delegations ... 8860, 9278
Federal financial assistance ... 2865
OIL AND GAS FIELDS, known geologic structures; various States ... 494, 4692, 8860, 13334
ORGANIZATION AND FUNCTIONS, transfer of Minerals Exploration Office to Geological Survey ... 2865, 2877, 3461
PHOSPHATE AND NONPHOSPHATE LANDS, classification orders:
Idaho ... 6404, 6445, 6948, 8281, 8502, 8593, 9278
Wyoming ... 15501
RECORDS, non-Federal; retention requirements ... 3121

Gift Taxes:
See Internal Revenue Service.

Gifts:
AIR FORCE DEPARTMENT regulations ... 10289
COMMERCE DEPARTMENT, gifts and bequests to; authority delegation ... 10062

Goddard (Dr. Robert Hutchings) Day:
PROCLAMATION 3644 ... 3511

Gold:
BARS of special value to coin collectors ... 10885, 10918

Government Employees:
AWARDS, delegation of functions (Executive Order 11228) ... 7739
CIVIL SERVICE regulations. *See* Civil Service Commission.
CONDUCT STANDARDS. *See main heading* Conduct standards.
EQUAL EMPLOYMENT OPPORTUNITY, regulations (Executive Order 11246) ... 12319
ETHICAL STANDARDS OF CONDUCT for Government officers and employees (Executive Order 11222) ... 6469
FOREIGN SERVICE, appointment in competitive service of certain present and former officers and employees (Executive Order 11219) ... 6381
HEALTH SERVICES, centralized services in Federal buildings ... 6684, 12863
HOLIDAYS, observance by Government agencies (Executive Order 11226) ... 7213
LEAVE, sick and annual, functions respecting (Executive Order 11228) ... 7739
PAY AND ALLOWANCES:
Delegation of functions (Executive Order 11228) ... 7739
Federal Executive Salary Schedule, certain offices and positions placed in levels IV and V (Executive Orders 11195, 11244, 11245, 11248, 11251, 11262) ... 1169, 11945, 11947, 12999, 13427, 15399
Severance pay, regulations (Executive Order 11257) ... 14353
RETIREMENT:
Cabinet Committee on Federal Staff Retirement Systems, membership (Memorandum of February 1, 1965) ... 1725
Exemption from automatic separation, functions respecting (Executive Order 11228) ... 7739
SAFETY POLICY (Memorandum and Statement of February 16, 1965) ... 2517, 2519
SECRET SERVICE, career appointments for qualified employees, regulations (Executive Order 11203) ... 3417
STUDENT TRAINEES, career or career-conditional appointments, regulations (Executive Order 11202) ... 3185
WITHOUT-COMPENSATION EMPLOYEES. *See* Commerce Department; Interior Department; Interstate Commerce Commission.

Government Operations, House Committee on:
INSPECTION OF TAX RETURNS (Executive Order 11201) ... 2921

Government Operations, Senate Committee on:
INSPECTION OF TAX RETURNS (Executive Order 11194) ... 877

Grain Sorghum:
CROP INSURANCE. *See* Federal Crop Insurance Corporation.
LOAN AND PURCHASE PROGRAMS, PRICE-SUPPORT, etc. *See* Commodity Credit Corporation.
PAYMENT-IN-KIND regulations, 1965; price-support and diversion ... 1247
RESEAL LOAN PROGRAMS. *See* Commodity Credit Corporation.
WAREHOUSES, Federally licensed, storage in ... 848, 4193, 11315

Grains:
See also specific grains.
BULK SHIP CARGOES, loading and storage ... 11463
LOAN POOLS, commercial banks; increase in interest rate ... 15582
PRICE-SUPPORT PROGRAMS, etc. *See* Commodity Credit Corporation.
RESEAL LOAN PROGRAM. *See* Commodity Credit Corporation.
WAREHOUSES, Federally licensed, storage in ... 848, 3233, 3245, 4193, 5763, 13100

Grants:
ADULT BASIC EDUCATION PROGRAMS ... 3531
ALASKA, grants to; authority of Administrator, Housing and Home Finance Agency (Executive Order 11196) ... 1171
COMMUNITY PLANNING, services, training, research and development projects, etc.; authorized by Older Americans Act of 1965 ... 13257

Grants—Continued
EDUCATIONAL INSTITUTIONS, grants and contracts with; determining costs applicable to research and development ... 8462, 9676
GRADUATE ACADEMIC FACILITIES, construction ... 35
GUIDANCE, COUNSELING, TESTING; able students ... 134
HEALTH FACILITIES AND SEWAGE TREATMENT WORKS, Appalachian Regional Development Act ... 7296
HOME HEALTH SERVICES, heart disease control ... 14104
HOSPITAL CONSTRUCTION ... 9980
INTERNATIONAL EDUCATIONAL AND CULTURAL EXCHANGE PROGRAM, foreign participants ... 3265, 10229, 12639
MENTAL HEALTH AND RETARDATION FACILITIES, construction; nondiscrimination ... 2442
NEIGHBORHOOD FACILITIES, authority delegation, Housing and Home Finance Agency ... 14570
NURSE TRAINING FACILITIES ... 6944, 7395
OPEN SPACE LAND, acquisition; authority delegation ... 15598
RURAL HOUSING ... 15981
SCHOOL BOARDS, in-service training in desegregation problems ... 4360
SCIENCE, MATH, and foreign language instruction ... 7, 994
VOCATIONAL REHABILITATION PROGRAMS ... 140
WATER POLLUTION CONTROL ... 17166

Grapefruit:
EXPORT RESTRICTIONS ... 11682
IMPORT RESTRICTIONS. *See* Agriculture Department.
IMPORTS from Mexico and certain Central American countries, fumigation ... 1119, 4745
MARKETING. *See* Agriculture Department.

Grapefruit Juice:
STANDARDS for grades, canned blended grapefruit and orange juice ... 205

Grapes:
MARKETING, STANDARDS. *See* Agriculture Department.

Grazing:
PUBLIC LANDS. *See* Land Management Bureau.

Great Lakes Pilotage Administration:
ACCOUNTS, UNIFORM SYSTEM, inter-association settlements ... 12680
RECORDS, non-Federal; retention requirements ... 3114
REGISTRATION of pilots:
Canadian pilots for District No. 1 ... 11735
Training requirements of applicant pilots ... 11720
VOLUNTARY ASSOCIATION POOLS, working rules approved; Districts:
No. 1 ... 5512, 12680
No. 2 ... 12680
No. 3 ... 5512

Great Plains Conservation Program:
See Agriculture Department.

Group Insurance, Advisory Council on:
ABOLITION (Reorganization Plan No. 4 of 1965) ... 9353

Guam:
PLANT QUARANTINE ... 748

Gum Naval Stores:
PRICE-SUPPORT PROGRAM, 1965 ... 5573, 7948

H

Handicapped Persons:
NATIONAL EMPLOY THE PHYSICALLY HANDICAPPED WEEK, 1965 (Proclamation 3671) ... 11829

Harbors:
SAFEGUARDING of vessels, harbors, ports, and waterfront facilities of United States, regulations (Executive Order 11249) ... 13001

Hawaii:
AIR TAXI OPERATORS ... 2779, 4636, 9201, 9205, 12666
Proposed rules ... 12892, 13877
CIVIL AIRCRAFT REGULATIONS. *See* Federal Aviation Agency.

Hawaii—Continued
DISASTER AREA, financial assistance to small business ... 2234, 6805
FOREIGN TRADE ZONE, Honolulu ... 2377
GOVERNMENT EMPLOYEES, allowances and differentials, payable ... 6511
PLANT QUARANTINE. *See* Agriculture Department.
RADIO FREQUENCIES, special ... 7153
RADIO STATION WWVH, National Bureau of Standards. *See* National Bureau of Standards.
SUGAR, production, marketing, etc. *See* Agriculture Department.
VOTING RIGHTS ACT, Census Bureau determinations respecting ... 14505

Hazardous Duty:
INCENTIVE PAY for members of Armed Forces (Executive Order 11242) ... 10205
Parachute jumping (Executive Order 11259) ... 15057
Submarine duty (Executive Order 11253) ... 13509

Hazardous Substances:
DANGEROUS SUBSTANCES, transportation. *See* Coast Guard; Federal Aviation Agency.
EXPLOSIVES; transportation, storage. *See* Coast Guard; Interstate Commerce Commission.
FLAMMABLE FABRICS, Federal Trade Commission interpretation ... 16106
GASOLINE, transportation by air in Alaska ... 14250
LABELING REQUIREMENTS. *See* Food and Drug Administration.
MATCHES, POISONS, narcotic drugs, etc.; conditions for mailing ... 14928

Health, Education, and Welfare Department:
See Administration on Aging.
Education Office.
Federal Credit Unions Bureau.
Food and Drug Administration.
Freedmen's Hospital.
Public Health Service.
Social Security Administration.
Vocational Rehabilitation Administration.
Welfare Administration.
AGING:
Administration on; grants for community planning, services, training, research and development projects, etc ... 13257
Commissioner on, position placed in level V of Federal Executive Salary Schedule (Executive Orders 11245, 11248) ... 11947, 12999
AIR POLLUTION from new motor vehicles and new motor vehicle engines, control of; proposed rules ... 17192
AUTHORITY DELEGATIONS:
By Assistant Secretary for Administration to Associate General Counsel, et al; certify copies of documents ... 13908
By Secretary to General Counsel; recovery of cost of hospital and medical care from tortiously liable third parties ... 16219
COMMISSIONER ON AGING, position placed in level V of Federal Executive Salary Schedule (Executive Orders 11245, 11248) ... 11947, 12999
COMPTROLLER, position placed in level V of Federal Executive Salary Schedule (Executive Order 11251) ... 13427
CONDUCT STANDARDS, general rule exempting ownership of shares in certain mutual funds ... 12131
EDUCATIONAL TELEVISION BROADCAST FACILITIES, noncommercial, Federal financial assistance:
Applications. *See main heading* Education Office.
Regulations ... 7371, 14650
FEDERAL EDUCATION PROGRAMS, functions (Executive Order 11260) ... 15395
HOSPITAL AND MEDICAL CARE, recovery of cost from tortiously liable third parties; authority delegations ... 16219
NONDISCRIMINATION in Federally-assisted programs:
Effectuation of Title VI of Civil Rights Act of 1964; citation of Vocational Education Act of 1963 ... 35
Hearing procedures ... 10234
ORGANIZATION AND FUNCTIONS:
Education Office, functions under Economic Opportunity Act of 1964 ... 165
Office of General Counsel ... 14225

Health, Education, and Welfare Department—Continued Page

ORGANIZATION AND FUNCTIONS—Continued
- Public Health Service:
  - Appalachian Regional Development Act, grants for health facilities and sewage treatment works 7296
  - Solid Waste Disposal Act 15109
  - U.S.-Japan Cooperative Medical Science Program 15003
- Social Security Administration 4693
- Surplus personal property utilization program, functions of Regional Directors and Regional Representatives 2827

PROCUREMENT:
- Contract appeals 1847
- Debarred, suspended, and ineligible bidders 3218

RECORDS, non-Federal; retention requirements 3116

SURPLUS PERSONAL PROPERTY:
- Educational, public health, and civil defense purposes 2443, 5833
- Functions of Regional Directors and Regional Representatives 2827
- Minimum standards of operation for State agencies, handling of property 2445

WATER POLLUTION CONTROL in Federal facilities, functions (Executive Order 11258) 14483

WATER RESOURCE DEVELOPMENT PROJECTS, functions (Executive Order 11258) 14483

Hearing Aid Industry:
TRADE PRACTICE RULES 5532, 9055

Heart Disease:
CONTROL; grants to States, home health services 14104

Heart Month, American, 1965:
PROCLAMATION 3634 1105

Helium:
AUTHORITY DELEGATION respecting sales, etc 9278
CONSERVATION, disposition agreements 9218

Hemisfair 1968:
INTERNATIONAL EXPOSITION (Proclamation 3689) 14351

Highway Week, National, 1965:
PROCLAMATION 3668 10877

Highways:
See also Public Roads Bureau.
MAIL TRANSPORTATION by highways 9064, 10150, 11351

Holidays:
GOVERNMENT AGENCIES, observance by (Executive Order 11226) 7213

Homesteads:
See Land Management Bureau.

Honey:
PRICE-SUPPORT PROGRAMS. *See* Commodity Credit Corporation.
RECORD RETENTION REQUIREMENTS 3110

Hops:
MARKETING AGREEMENT, proposed 3268, 7825, 9650, 11282

Horse Racing:
BROADCAST OF INFORMATION, establishment of advisory committee 5538

Hospital and Medical Care:
See Medical care.

Hospitals:
CONSTRUCTION GRANTS 9980
FREEDMEN'S HOSPITAL, rates for treatment and other services 8797, 11517
STUDENT TRAINEES in Government hospitals, maximum stipends. *See* Civil Service Commission.

Housing Council, National:
ABOLITION (Reorganization Plan No. 4 of 1965) 9353

Housing and Home Finance Agency: Page
See Federal Housing Administration.
Federal National Mortgage Association.
Public Housing Administration.

ALASKA, grants to, authority of Administrator (Executive Order 11196) 1171

AUTHORITY DELEGATIONS:
- By Administrator to listed officials:
  - Acting Community Facilities Commissioner; designation 971, 1827
  - Acting Regional Director, Administration, Region I (New York); designation 2740, 10124
  - Acting Regional Directors, Community Facilities; designations:
    - Region I (New York); revoked 10261
    - Region III (Atlanta) 6804, 9733
    - Region IV (Chicago) 10173
  - Acting Urban Renewal Commissioner, designation 9561
  - Community Facilities Commissioner; advances, public works planning, first, second, and third programs 3564, 3565, 13417
  - Deputy Regional Director, Community Facilities, Region I (New York); advances for public works planning (first, second, and third programs), housing loans, etc 10261
  - Federal Housing Commissioner, rent supplements for disadvantaged persons 15768
  - Regional Administrators:
    - All regions:
      - Advances, public works planning, first, second, and third programs 3565
      - Grants for neighborhood facilities 14570
      - Loans:
        - Housing for elderly or handicapped 6555
        - Rehabilitation 9024
      - Open-space land and urban beautification and improvement 11156
      - Slum clearance and urban renewal programs, etc 6703, 12502
    - Region III (Atlanta); urban planning grant program, Project No. Ind. P–28, within portion of Louisville metropolitan area, Indiana 6889
    - Region V (Fort Worth); urban planning program, portion of St. Louis metropolitan area in Illinois 14176
    - Region VI (San Francisco); claims, certain, held by Secretary of Interior under Alaska Public Works Act 2628
  - Urban Renewal Commissioner:
    - Grants for neighborhood facilities 14570
    - Open-space land, urban beautification and improvement, grant assistance, etc 11156
    - Rehabilitation loans 9024
    - Slum clearance and urban renewal programs, etc 6703
- By Deputy Regional Administrator, Region VI (San Francisco), to Regional Director, Urban Renewal; slum clearance and urban renewal and urban planning programs 14580
- By Regional Administrators to listed officials:
  - Region I (New York):
    - Acting Regional Administrator; designation 11118
    - Acting Regional Director, Urban Renewal; designation 7304
    - Regional Director, Community Facilities:
      - Advances for public works planning, first, second, and third programs 6604
      - Elderly or handicapped, housing 9336
    - Regional Director, Urban Renewal:
      - Open-space land and urban beautification and improvement 13476
      - Rehabilitation loans 11404
      - Slum clearance and urban renewal and urban planning programs 14580
  - Region II (Philadelphia):
    - Acting Regional Director, Community Facilities; designation 13416
    - Regional Director, Community Facilities:
      - Advances for public works planning, first, second, and third programs 13416, 13417
      - Educational institutions, housing 13416
      - Elderly or handicapped, housing 13416
      - Public facility loans and accelerated public works programs 13416

Housing and Home Finance Agency—Con. Page

AUTHORITY DELEGATIONS—Continued
- By Regional Administrators to listed officials—Con.
  - Region II (Philadelphia)—Continued
    - Regional Director, Urban Renewal:
      - Open-space land and urban beautification and improvement 13476
      - Rehabilitation loans 11405
      - Slum clearance and urban renewal and urban planning programs 14580
  - Region III (Atlanta):
    - Acting Regional Director, Community Facilities; designation 13836
    - Regional Director, Community Facilities:
      - Advances for public works planning, first, second, and third programs 6605
      - Elderly or handicapped, housing 9336
    - Regional Director, Urban Renewal:
      - Open-space land and urban beautification and improvement 13476
      - Relocation loans 11405
      - Slum clearance and urban renewal and urban planning programs 14579
  - Region IV (Chicago):
    - Acting Regional Administrator; designation 5610, 12810
    - Regional Director, Community Facilities:
      - Advances for public works planning, first, second, and third programs 6605, 6606
      - Elderly or handicapped, housing 9337, 9502
    - Regional Director, Urban Renewal:
      - Open-space land and urban beautification and improvement 13476
      - Relocation loans 11405
      - Slum clearance and urban renewal and urban planning programs 14580
  - Region V (Forth Worth):
    - Acting Regional Administrator, et al.; designation 11118
    - Regional Director, Community Facilities:
      - Advances for public works planning, first, second, and third programs 6606
      - Elderly or handicapped, housing 9337
    - Regional Director, Urban Renewal:
      - Open-space land and urban beautification and improvement 13477
      - Relocation loans 11405
      - Slum clearance and urban renewal and urban planning programs 14580
  - Region VI:
    - (San Francisco):
      - Acting Regional Administrator, designation 2121
      - Acting Regional Director, Administration; designation 3401
      - Acting Regional Director, Community Facilities; designation 11404
      - Regional Director, Community Facilities:
        - Advances for public works planning, first, second, and third programs 6606, 6607
        - Elderly or handicapped, housing 9337, 9893
      - Regional Director, Urban Renewal:
        - Open-space land and urban beautification and improvement 13477
        - Relocation loans 11405
    - (Seattle, Wash.), Director, Northwest Operations:
      - Claims, certain, held by Secretary of Interior under Alaska Public Works Act 3731
      - Community facilities programs 6607
  - Region VII:
    - Regional Director, Community Facilities (Puerto Rico and Virgin Islands); public facility loans program and accelerated public works program, ratification 6300
    - Regional Directors, Urban Renewal, et al. (San Juan):
      - Open-space land and urban beautification and improvement 13477
      - Rehabilitation loans 13477
      - Slum clearance and urban renewal and urban planning programs 14581
- By Urban Renewal Commissioner to listed officials:
  - Acting Director, Demonstration Program Branch, Urban Renewal Administration; designation 12264

Housing and Home Finance Agency—Con. Page

AUTHORITY DELEGATIONS—Continued
- By Urban Renewal Commissioner to listed officials—Continued
  - Assistant Commissioner, Urban Planning and Community Development, open-space land program; revoked 15003
  - Deputy Commissioner, et al.:
    - Open-space land and urban beautification and improvement 14024
    - Urban renewal demonstration program 10069
- From President, certain functions vested in or subject to approval of President (Executive Order 11196) 1171

COMMUNITY FACILITIES, advances for public works planning; first, second, and third programs:
- Authority delegations. *See under* Authority delegations, *above.*
- Definitions, liability for repayment of advances, etc 5511

CONTINUITY OF FUNCTIONS, Housing and Urban Development Department 14198

LOS ALAMOS, N. MEX., Atomic Energy Commission:
- Agreement with, regarding certain lots 9115
- Real property, finding of reasonable possibility of disposal 13255

NATIONAL VOLUNTARY MORTGAGE CREDIT EXTENSION COMMITTEE, organization; revoked 13183

OPEN SPACE PROGRAM:
- Authority delegations. *See under* Authority delegations, *above.*
- Regulations (Executive Order 11237) 9433

RECORDS, non-Federal; retention requirements 3162

SLUM CLEARANCE AND URBAN RENEWAL:
- Authority delegations. *See under* Authority delegations, *above.*
- Relocation payments 439, 4715, 6703, 10027, 15145

WASTE TREATMENT FACILITIES, functions (Executive Order 11258) 14483

Housing and Urban Development Department:
See Housing and Home Finance Agency.

Human Rights Day:
PROCLAMATION 3691 15139

Human Rights Week:
PROCLAMATION 3691 15139

Humane Slaughter:
See Agriculture Department.

Hunting:
MIGRATORY BIRDS. *See* Fish and Wildlife Service.
WILDLIFE REFUGES. *See* Fish and Wildlife Service.

Hydraulic Brake Fluids:
SPECIFICATIONS, effective date 1250

I

Ice Cream:
STANDARDS OF IDENTITY 7280, 7292, 11915, 14100, 16107

Immigrants:
IMMIGRATION REGULATIONS. *See* Immigration and Naturalization Service.
VISA REGULATIONS. *See* State Department.

Immigration and Naturalization Service:
BOARD OF IMMIGRATION APPEALS; appellate jurisdiction 14772
DEFINITION, "act" 14772
IMMIGRATION REGULATIONS:
- Address, notices of; forms 15796
- Approval of petitions, revocation of 13960, 14775
- Prior regulations revoked 13960, 14776
- Deportation of aliens in United States:
  - Apprehension, custody, hearing, and appeal; proceedings under section 242(f) of Act 2021
  - Excluded aliens, notice to surrender 4411
  - Imposition of sanctions 10946, 13962, 14778, 15033
  - Temporary withholding of deportation 13962, 14778
- Documentary requirements, waivers:
  - Immigrants, passports 13960, 14776
  - Nonimmigrants 1031, 3200, 4411, 10184, 12330, 13961, 14526, 14776, 14779, 15796

Immigration and Naturalization Service—Continued

IMMIGRATION REGULATIONS—Continued
- Field officers, powers and duties; proof of official records — 12248
- Forms, prescribed — 1032, 13863, 13962, 14779, 15796
- Inspection of aliens applying for admission, conditional entries — 13962, 14777
- Nonimmigrants:
  - Classes:
    - Admission, extension, and maintenance of status; requirements and special requirements — 533, 572, 1031, 3855, 4351, 4352, 6940, 8102, 10946, 12772, 14526, 14777.
    - Schools, petitions for approval — 918, 6479
  - Documentary requirements, waivers — 1031, 3200, 4411, 10184, 12330, 13961, 14526, 14776, 14779, 15796
- Records of lawful admission for permanent residence — 13962, 14779
- Registration and fingerprinting of aliens in United States — 1031, 7312, 13862
- Service officers, powers and duties — 918, 1030, 5471, 7516, 12772, 12785, 13862, 13936, 13957, 14772
- Skilled or unskilled labor, admission of certain aliens to perform; revoked — 13961, 14777
- Status:
  - Adjustment to that of person admitted for permanent residence — 13962, 14778
  - Immigrant, petition for:
    - Highly skilled person or minister — 572, 9537
    - Relative of United States citizen — 572, 3200, 13957, 14773
- Visitors or students, admission under bond — 13962, 14777

NATIONALITY REGULATIONS:
- Certificates of citizenship — 5472, 5621
- Forms, prescribed — 6940
- Naturalization court, proceedings before — 534, 6940, 13005
- Preliminary investigation of applicants for naturalization and witnesses:
  - Proposed recommendations of denial; revoked — 13005
  - Use of record of preliminary investigation — 13005

ORGANIZATION, field service:
- Border Patrol Sectors:
  - No. 2, Swanton, Vt. — 14540
  - No. 12, El Centro, Calif. — 6926
- District offices:
  - District 6, Miami, Fla. — 2112
  - District 37, Rome, Italy — 4434
- Suboffices:
  - Immigration officers in foreign countries, Havana, Cuba; deleted — 2112
  - Port of entry for aliens arriving by aircraft, No. 7, Buffalo, N.Y.; Malone, N.Y., Malone-Dufort Airport, deleted — 6797
  - Ports of entry for aliens arriving by vessel or by land transportation:
    - No. 10, St. Paul, Minn.:
      - Grand Portage, Minn. — 2408
      - Pigeon River, Minn. — 2408
    - No. 16, Los Angeles, Calif. — 3886
    - No. 30, Helena, Mont.; Wildhorse and Willow Creek, Mont. — 357

Immigration Quotas:

MALTA AND ZAMBIA (Proclamation 3637) — 1973

Imports and Exports:

AGRICULTURAL COMMODITIES. *See* Agriculture Department.

ALCOHOLIC BEVERAGES, estimated import taxes — 13359

ANIMALS, imports and exports. *See* Agriculture Department.

ANTIDUMPING ACT of 1921:
- Determinations. *See* Customs Bureau; Treasury Department.
- Investigations. *See* Tariff Commission.

ATOMIC REACTORS, export licenses. *See* Atomic Energy Commission.

AUTOMOTIVE PRODUCTS from Canada, imports (Proclamation 3682) — 13683

COTTON TEXTILES. *See* Interagency Textile Administrative Committee.

CUSTOMS REGULATIONS. *See* Customs Bureau.

DISTILLED SPIRITS, wines, and beers, importation of, excise taxes; proposed rules — 15172

EXPORT CONTROL. *See* International Commerce Bureau.

Imports and Exports—Continued

EXPORT CREDIT sales program (GSM–3). *See* Commodity Credit Corporation.

FOREIGN ASSETS CONTROL, certain imports. *See* Treasury Department.

FUEL OIL imports. *See* Emergency Planning Office; Interior Department.

INVESTIGATION of certain imports. *See* Emergency Planning Office; Tariff Commission.

LIVESTOCK EXPORTS, calves; proposed rule — 1945, 10202, 11106

MEAT. *See under* Meat and meat products.

OIL IMPORTS. *See* Interior Department.

OVERTIME SERVICES, animals and products, and plants and products. *See* Agriculture Department.

PETROLEUM AND PETROLEUM PRODUCTS, adjustment of imports (Proclamation 3693) — 15459

UNMANUFACTURED LEAD AND ZINC, termination of quantitative limitations on imports (Proclamation 3683) — 13623

WILDLIFE OR EGGS, importation — 4721, 9640, 9767

Income Tax Regulations:

See Internal Revenue Service.

Indian Affairs Bureau:

ALASKA, Indian fishing:
- Authority delegation — 5763
- Enforcement of regulations by Commissioner — 5742

AUTHORITY DELEGATIONS:
- By Area Director, Billings Area Office, to Superintendents, Blackfeet, Fort Peck, Crow, and Wind River Agencies; oil and gas leases — 17
- By Commissioner to various officials:
  - Area Directors:
    - Wapato Satus Irrigation Unit; irrigation matters — 7971
    - Yakima Reservation, acquisition of lands for — 957
  - Superintendents; forestry matters:
    - Minneapolis Area Office — 12499
    - Portland Area Office — 9777
- By Deputy Commissioner to various officials:
  - Area Directors:
    - Forestry matters — 4501, 7577
    - Indian property, State and local regulation of use — 11285
    - Mineral leases and permits; approval of agreements for settlement of claims for damage to Indian lands — 6660
    - Osage land exchanges, partitions, change designation of homesteads, and approval of deeds — 9603
    - Property matters — 8347
    - Relocation of Village of Sil Murk and members of Papago Indian Tribe — 652
    - Sale of certain Eastern Shawnee Tribal land in Oklahoma — 652
    - Tribal assets of Ponca Tribe of Native Americans of Nebraska — 449
  - Contracting officers and authorized representatives; contracts, etc. — 8281
  - Superintendent, Minneapolis Area Office; forestry matters — 13667
- From Secretary of Interior:
  - Homestead designations, approval of certain deeds, etc — 7198
  - Indian fishing in Alaska — 5763
  - Indian property, State and local regulation of use — 9699
  - Irrigation, Wapato-Satus unit — 7674
  - Lands and minerals:
    - Agua Caliente Indian Reservation, trust or restricted property; contracts — 17
    - Alaska, city of Saxman, conveyance of certain lands to — 17
    - Eastern Shawnee and Cheyenne River Sioux tribal land; sales — 17
    - Enterprise Rancheria No. 2, sale to California — 17
    - Potawatomi Indians and Absentee-Shawnee Tribe, conveyance of lands to — 17
    - Yakima Indian Reservation, purchase, sale, and exchange of certain lands — 17
  - Payments to Seneca Nation, Allegany Indian Reservation, N.Y. — 8755

CALIFORNIA RANCHERIAS AND RESERVATIONS; distribution of assets — 10090

COLORADO RIVER RESERVATION; leasing and permitting — 9924, 14155

Indian Affairs Bureau—Continued

ENROLLMENT:
- Appeals — 223, 7746
- Membership rolls — 222, 7745

FISHING:
- Alaskan Indians. *See* Alaska.
- Off-reservation treaty; purpose, etc., proposed rule — 8969

IRRIGATION PROJECTS; operation and maintenance charges:
- Flathead, Mont. — 5708, 7101
- Lump sum assessment — 6523, 8160
- Fort Hall, Idaho — 536
- Uintah, Utah — 6074, 10044

LAND RECORDS and title documents:
- Maintenance — 8225, 11676
- Transfer from Washington, D.C., to Aberdeen Area Office — 5910

LEASING AND PERMITTING:
- CFR supplement, January 1, 1965; correction — 6579
- Colorado River Reservation — 9924, 14155

PRACTICE AND PROCEDURE, applicability of rules of Bureau; Indian property, State and local regulation — 6438, 7520

RECORDS, non-Federal; retention requirements — 3121

ROADLESS AREAS, Ute Mountain Reservation, Colo., exclusion of Mesa Verde — 5849, 9813

RULES, applicability; Indian property, State and local regulation — 6438, 7520

TRADERS, LICENSED:
- Bond requirements, deletion — 3598, 8267
- License application and period — 3598, 8267

UTE MOUNTAIN RESERVATION, Colo.; exclusion of Mesa Verde from roadless areas — 5849, 9813

Indians:

ALCOHOLIC BEVERAGES, legalizing sale or possession:
- Bishop Indian Community of Owens Valley, Calif. — 1259
- Crow Creek Sioux Reservation, S. Dak. — 627
- Mescalero Reservation, N. Mex. — 3553
- Pueblo of Santa Clara Reservation, N. Mex. — 2287
- San Carlos Apache Reservation, Ariz. — 9699

CHEYENNE RIVER SIOUX TRIBE, S. Dak., restoration of certain lands to tribal ownership — 15588

LAWS of California, application:
- Agua Caliente Indian Reservation — 8172
- Indian property — 8722

MEMBERSHIP ROLL, Ponca Tribe of Native Americans of Nebraska — 2409, 8231, 9114

PROPERTY, State and local regulation of use — 8172, 8722, 9699, 11285

RANCHERIAS, certain, in California; termination of Federal supervision — 11330, 14222, 16274

REGULATIONS. *See* Indian Affairs Bureau.

RESTORATION OF LANDS to tribal ownership:
- Cheyenne River Sioux Tribe, S. Dak. — 15588
- Three Affiliated Tribes of Fort Berthold Reservation — 9540

Information:

ACCIDENT INVESTIGATION INFORMATION, disclosure; CAB regulations — 14920

CLASSIFIED, etc. *See* Air Force Department.

FOREIGN ASSISTANCE OPERATIONS, functions of United States Information Agency (Executive Order 11261) — 15397

SAFEGUARDING. *See* Security.

Information Agency:

See United States Information Agency.

Inland Waterways Corporation:

REVOCATION NOTICE — 14534

Insecticides, Pesticides, etc.:

ENFORCEMENT of Federal Insecticide, Fungicide, and Rodenticide Act. *See* Agriculture Department.

TOLERANCES for residues. *See* Food and Drug Administration.

Insurance:

ADVISORY COUNCIL ON GROUP INSURANCE, abolition (Reorganization Plan No. 4 of 1965) — 9353

BANK DEPOSITS. *See* Federal Deposit Insurance Corporation.

CROP INSURANCE. *See* Federal Crop Insurance Corporation.

Insurance—Continued

FISHING VESSELS, mortgage insurance — 8412

FOREIGN LIFE INSURANCE COMPANIES, income taxes — 2442

FOREIGN SOCIAL INSURANCE. *See* Social Security Administration.

HOME LOAN BANKS. *See* Federal Home Loan Bank Board.

HOUSING INSURANCE. *See* Federal Housing Administration.

INSURANCE COMPANIES, deductions from income taxes for foreign expropriation capital loss — 12394, 15094

LIFE INSURANCE:
- Companies, income tax regulations. *See* Internal Revenue Service.
- Solicitation, Air Force regulations — 3321
- Veterans. *See* Veterans Administration.

MARITIME PROTECTION AND INDEMNITY INSURANCE. *See* National Shipping Authority.

OLD-AGE INSURANCE. *See* Social Security Administration.

RAILROAD EMPLOYEES, annuities, etc. *See* Railroad Retirement Board.

SAVINGS AND LOAN INSURANCE. *See* Federal Home Loan Bank Board.

SURETY BONDS and insurance, regulations. *See specific agencies.*

VESSELS, war risk insurance — 7697, 10244, 12392, 13827, 14933, 15797

VETERANS LIFE INSURANCE. *See* Veterans Administration.

Insurance Companies:

REGULATIONS. *See* Internal Revenue Service; Securities and Exchange Commission.

Interagency Committee on Laboratory Medicine:

ESTABLISHMENT AND FUNCTIONS — 13557

Interagency Procurement Policy Committee:

ESTABLISHMENT by GSA — 9766

Interagency Textile Administrative Committee:

EXPORT RESTRAINTS, cotton textiles:
- Italy, 1329, 2418, 5486.

IMPORT RESTRICTIONS; cotton textiles:
- Brazil, 13799, 14394.
- China, Republic of, 1894, 2418, 9598, 9893, 11335, 12699, 13590.
- Colombia, 9598.
- Greece, 1272.
- Italy, 1828.
- Japan, 1828, 9598.
- Korea, 1828, 1895, 13591.
- Mexico, 9598.
- Pakistan, 3620, 3841, 8557.
- Poland, 1828, 15341.
- Portugal, 291.
- Ryukyu Islands, 9598.
- Spain, 2418.
- Yugoslavia, 2052, 3336.

Interest Equalization Tax:

COMMERICAL BANK LOANS, imposition on:
- (Executive Order 11198) — 1929
- Proposed effective date — 1959
- Regulations — 1937, 2399

EXCLUSIONS:
- Foreign corporations — 12939
- Where required for international monetary stability — 4413, 8160

FOREIGN COUNTRIES:
- Designation as economically less developed for purposes of tax (Executive Order 11224) — 6679
- Termination of designation of certain countries — 15108

TAX RETURNS, inspection (Executive Order 11206, 11213) — 3741, 4389, 4414

Interim Communications Satellite Committee:

PUBLIC INTERNATIONAL ORGANIZATION entitled to certain privileges, exemptions, and immunities, designation (Executive Order 11227) — 7369

Interior Department: Page

See Bonneville Power Administration.
Fish and Wildlife Service.
Geological Survey.
Indian Affairs Bureau.
Land Management Bureau.
Mines Bureau.
National Park Service.
Outdoor Recreation Bureau.
Reclamation Bureau.
Southwestern Power Administration.

ALASKA, oil and gas leasing; protraction diagrams 898, 11697

APPOINTMENTS WITHOUT COMPENSATION and statements of business interests under Defense Production Act of 1950 286, 540, 541, 595, 726, 848, 898, 1880, 2617, 3553, 3554, 4598, 5535, 5608, 5609, 5862, 6548, 6549, 6739, 6740, 6948, 7257, 8016, 9114, 9115, 9327, 9831, 9987, 10166, 10863, 10864, 11070, 11285, 11800, 11977, 12048,12894, 12895, 13099, 13100, 13585, 13799, 14049, 14224, 14279, 14533, 14865, 15672.

AUTHORITY DELEGATIONS:
- By Director, Management Operations, to Chief, Central Services Branch; contracts for supplies or services 1129
- By Secretary to certain officials:
  - Bonneville Power Administrator; negotiate extension to contract for research on effects of wind on high structures 11977
  - Fish and Wildlife Service:
    - Commissioner:
      - Alaska, Indian fishing in; revoked 5763
      - Assistant Secretary for Fish and Wildlife and Parks, authority of 8281
    - Director, Commercial Fisheries Bureau; FEDERAL REGISTER documents 8114
    - Director, Sport Fisheries Bureau; designation of areas for recreation fees 14533
  - Geological Survey, Director:
    - Approval of unitization, pooling, and drilling agreements 6363
    - Minerals exploration 9278
  - Indian Affairs Commissioner:
    - Agua Caliente Indian Reservation, trust or restricted property; contracts 17
    - Alaska:
      - City of Saxman, conveyance of certain lands to 17
      - Indian fishing in 5763
    - Eastern Shawnee and Cheyenne River Sioux tribal lands, sales 17
    - Enterprise Rancheria No. 2, sale to California 17
    - Homestead designations, approval of certain deeds, etc 7198
    - Irrigation, Wapato-Satus Unit 7674
    - Potawatomi Indians and Absentee-Shawnee Tribe, conveyance of lands to 17
    - Restoration to tribal ownership of unclaimed per capita and other payments of Indian tribal trust funds 12500
    - Seneca Nation, Allegany Indian Reservation, N.Y., payments to 8755
    - State and local regulation of use of Indian property 9699
    - Yakima Indian Reservation, purchase, sale, and exchange of certain lands 17
  - Land Management Bureau, Director:
    - Program delegation 4643
    - Recreation fees, designation of areas 14533
  - Mines Bureau, Director; mine fire control, Appalachia 11360
  - National Park Service, Director:
    - Park Police, Trial Boards 4771
    - Recreation fees, designation of areas 14533
  - Outdoor Recreation Bureau:
    - Grants for acquisition of open-space land, recreation planning, etc 15598
    - Program functions 4210
  - Reclamation Bureau, Commissioner; designation of areas for recreation fees 14533
  - Southwestern Power Administration, designation as marketing agency for surplus power at certain projects 8861
  - Territories Office, Director; compensation of inhabitants of Rongelap 8348

Interior Department—Continued Page

AUTHORITY DELEGATIONS—Continued
- By Secretary to certain officials—Continued
  - Under Secretary, Assistant Secretaries, et al:
    - Authority of Secretary 7116, 7402, 8281
    - Membership on Virgin Islands Corporation, Forest Reservation Commission, and Migratory Bird Conservation Commission 7725
  - By Solicitor respecting claims, etc.:
    - Assistant Solicitor 12957
    - Regional and Field Solicitors 12956
  - By Under Secretary to certain officials:
    - Area Director, Portland Area Office; disposition of judgment funds of Klamath and Modoc Tribes and Yahooskin Band of Snake Indians 14335
    - Heads of Bureaus and Offices; foreign excess real property and related personal property 1011

BONNEVILLE POWER ADVISORY BOARD, transfer of functions to Secretary (Reorganization Plan No. 4 of 1965) 9353

CONTINENTAL SHELF LANDS off Southern California, drilling of core holes 14174

EMBLEM for Reclamation Bureau 2409

EQUAL OPPORTUNITY OFFICE, establishment 12500

FEES for recreation areas 3265
- Authority delegation 4210
- Functions of Secretary (Executive Order 11200) 2645

HELIUM CONSERVATION, disposition agreements 9218

INDIANS:
- California:
  - Aqua Caliente Indian Reservation, adoption and application of laws of California and city of Palm Springs 8172
  - Property, application of State laws 8722
  - Rancherias, certain, termination of Federal supervision 11330, 14222, 16274
- Liquor sales legalized:
  - Bishop Indian Community of Owens Valley Paiute-Shoshone Band, Calif 1259
  - Crow Creek Sioux Reservation, S. Dak 627
  - Mescalero Reservation, N. Mex 3553
  - Pueblo of Santa Clara Reservation, N. Mex 2287
  - San Carlos Apache Reservation, Ariz 9699
- Ponca Tribe of Native Americans of Nebraska, membership roll 2409, 8231, 9114

JOB CORPS CONSERVATION CENTER COORDINATION:
- Approvals 6739
- Establishment of position and designation of Coordinator 450

LOUISIANA, oyster grounds, determination of resource disaster 15177

LOWER COLORADO RIVER land use program 5910

MICRONESIA, legislative authority 7765

MINE FIRE CONTROL, Appalachia:
- Authority delegation to Director, Mines Bureau 11360
- Scope, etc 11349

OIL AND GAS LEASING RESTRICTIONS:
- Cold Springs Wildlife Area, Oreg 1260
- Fox Lake waterfowl development area, Mont 1259

OIL, GAS, AND POTASH LEASING, potash area, Eddy and Lea Counties, N. Mex 6692

OIL IMPORTS:
- District I, allocations of residual fuel oil 4415
- Districts I–IV and District V:
  - Allocations, etc 8475, 16080
  - Hearing 1012
  - Persons having petrochemical plants in, proposed rules 15434
- Domestic petrochemical industry, relationship to import program; hearing 12079
- Emergency advances 2212
- Puerto Rico, crude and unfinished oils and finished products:
  - Allocation periods 16080
  - Hearing 1012
  - Maximum level 5608, 5763, 8494, 16088

ORGANIZATION AND FUNCTIONS:
- Equal Opportunity Office, establishment 12500
- Geological Survey, transfer of functions from Minerals Exploration Office 2865, 2877, 3461
- Job Corps Conservation Center Coordinator 450
- Minerals Exploration Office and functions transferred to Geological Survey 2865, 2877, 3461

Interior Department—Continued Page

PETROLEUM IMPORTS, functions (Proclamation 3693) 15459

POTASH AREA, Eddy and Lea Counties, N. Mex.; oil, gas, and potash leasing 6692

RECORDS, non-Federal; retention requirements 3120

RECREATION:
- Areas and refuges, occupancy of private and Government cabins on; tentative policies 8912, 11111
- Fees 3265, 17166
  - Authority delegation 4210
- Functions of Secretary:
  - (Executive Order 11200) 2645
  - Group camping and picnic sites 7394
  - Optional short term rate 3266, 5632
- Outdoor recreation program, regulations (Executive Order 11237) 9433

WILDERNESS PRESERVATION, proposed rules 9363
- Lands administered through Land Management Bureau 9364
- National wilderness preservation system 9363

Internal Revenue Service:

ATTORNEYS AND CERTIFIED PUBLIC ACCOUNTANTS, practice before IRS; disciplinary proceedings and form of written declarations 14331

AUTHORITY DELEGATIONS:
- By Acting Commissioner to Director, Internal Revenue Service Center, Chamblee, Ga.; filing of returns 1040 and 1040A 160
- By Commissioner:
  - Acting Regional Commissioner, District Director, et al.; designation 9011
  - Acting supervisory officials; designation 12545
  - Assistant Commissioner, Compliance, et al.:
    - Closing agreements regarding tax liability 11069
    - Inspection of returns by States, District of Columbia, Puerto Rico, Guam, and Virgin Islands 2116
  - Assistant Commissioner (Planning and Research), et al.; furnishing special statistical studies, training, etc 1128
  - Assistant Commissioner (Technical) and Director, International Tax Relations Division; consultation with Finance Ministry of Sweden, prior delegation revoked 15440
  - Director, Personnel Division, et al.; employee-management relation matters 4642
  - Directors of Mid-Atlantic and Southeast Region service centers, filing of returns 11070
  - District Directors, et al.; inspection of returns and related documents 2116
  - Regional Commissioners, Assistant Regional Comissioners (Administration), Regional Inspectors, et al.; release of information on leave and pay of employees 9402
  - Signing his name or on his behalf 1011

DISTILLED SPIRITS. *See* Excise taxes; Intoxicating liquors.

EMPLOYMENT TAXES:
- Income tax collected at source 13937

Returns under FICA; wages paid in nonconvertible foreign currency, proposed rules 6222

ESTATE TAXES, citizens or residents dying after August 16, 1954; valuation of property and of stock sold "ex-dividend", and deduction for administration expenses 7708

EXCESS PROFITS TAX, relief from, because of inadequate excess profits credit; allowances during fiscal year ended June 30, 1965 15768

EXCISE TAXES:
- Air transportation, exemption from tax, amounts paid by Defense Department to Military Air Transport Service contract and charter carriers 15658

Credit or refund for floor stocks and certain consumer purchases 10100

Denatured alcohol and rum, distribution and use; shipment of articles and spirits residues for redistillation 12356

Disposition of seized personal property and carriers 4197, 14791

Distilled spirits:
- Containers, traffic in; bottles for display purposes 8787
- Importation of, proposed rules 15172
- Plants 9359, 12353

Internal Revenue Service—Continued Page

EXCISE TAXES—Continued
- Documentary stamp taxes; affixing of stamps by certain securities clearinghouses 3437
- Excise Tax Reduction Act of 1965:
  - Credit or refund for floor stocks of auto parts and accessories 13537
  - Extensions of time for filing returns and paying certain taxes 8903, 12939
  - Policies issued by foreign insurers 15737
  - School buses, tax-free sales 14555
  - Vessel and aircraft supplies tax free 14790, 15039
- Filing returns by proprietors of distilled spirits plants, bonded wine cellars and by brewers; semimonthly return periods 11599
- Interest equalization tax:
  - Commercial banks:
    - Exclusions 1937
    - Imposition of tax 1937
    - Information returns 2399
  - Exclusions:
    - Foreign corporations, etc 12939
    - International monetary stability 4413, 8160
- Liquor, bonds and consents on behalf of corporate sureties 4132
- Manufacturers and retailers taxes:
  - Diesel fuel, special motor fuels and gasoline; proposed rules 14809
  - Refunds, gasoline used on farms 7809
- Puerto Rico:
  - Liquors and articles from 6217
  - Redemption of stamps in, correction of CFR supplement 6769
- Retailers taxes, refund by suppliers 10189
- Tobacco and tobacco products:
  - Bonds and consents on behalf of corporate sureties 4132
  - Cigars, cigarettes; definitions 9360
  - Credit and refund of tax 14794
  - Disposition of seized personal property and carriers 14791
  - Imported or returned to United States 2658
  - Manufacture of 9310
  - Return periods, semimonthly, for filing taxes 11602
- Wine:
  - Carbon dioxide content 9360
  - Proposed rules 15099

GIFT TAXES, valuation of property 7709

INCOME TAXES:
- Accounting periods and methods:
  - Adjustments, proposed rules:
    - Interest on certain deferred payments 5584
    - Method of allocation of income and deductions among taxpayers 4256
  - Methods:
    - Installment method:
      - Carrying charges 2841
      - Dispositions of certain depreciable property 8574
      - Interest on certain deferred payments, proposed rule 5584
    - Repossession of real property, proposed rules 9768
    - Reserve method of treating bad debts, extension granted to banks 5372
  - Periods, election of year consisting of 52–53 weeks 2450, 9739
- Alien nonresident individuals:
  - Capital gains; disposal of coal and domestic iron ore 4552, 9308
  - Taxability of income from certain employees' trust funds, etc 6340, 6341
  - Withholding of tax, income subject to; disposal of coal or domestic iron ore 9309
- Banks, foreclosure of property securing loans 4473
- Capital gains and losses:
  - Amortization in excess of depreciation 91, 7281
  - Applicability to earlier regulations 91, 7281
  - Capital loss carryover 4483, 7806
    - Foreign expropriation 12394, 15094, 15096
  - Depreciable property disposition} gains from 8576
  - Election by foreign investment companies to distribute income currently 1173
  - General rules:
    - Foreign expropriation 12394, 15096
    - Net capital gain and loss, short-term and long-term gain 4485, 7808

Internal Revenue Service—Continued Page

INCOME TAXES—Continued
- Capital gains and losses—Continued
  - Patents:
    - Sale or exchange; proposed rule 4632
    - Transfers 12730
    - 1939 Code amended 12730
  - Property used in trade or business; disposal of coal or domestic iron ore 4552, 9309
  - Small business stock, losses on; royalties on disposal of coal or domestic iron ore 4553, 9309
- Consolidated returns:
  - Computations, net operating loss carryovers from separate return years 4412, 9359
  - Proposed rules 12564, 14202
- Corporations:
  - Controlled, surtax exemptions 2451, 4635, 9740
  - Deduction for dividends paid by foreign corporation 4133, 8044
  - Distributions:
    - Carryovers:
      - Capital loss carryovers, foreign expropriation 12394, 15094
      - Charitable contributions, proposed rule and hearing 14167, 15670
      - Corporate acquisitions, proposed rules and hearing 11867, 13649
    - Constructive ownership of stock, dividend defined; proposed rules and hearing 11862, 13649
    - Effects on corporate earnings and profits, dispositions of certain depreciable property 8574
  - Foreign corporations. *See* Foreign corporations, *below.*
  - Liquidations:
    - Collapsible corporations 2843
    - Effects on corporation 2850
    - Effects on recipients 2850
    - Proposed rules and hearing 11863, 13649
  - Used to avoid income tax on shareholders:
    - Accumulated taxable income 3209, 3322, 4549, 9305
    - Coal or domestic iron ore, disposal 4549, 9305
    - Dividends paid, deduction 934
    - Proposed rules and hearing 11871, 13649
    - Personal holding companies:
      - Charitable contributions, proposed rules and hearing 14168, 15670
      - Coal or domestic iron ore, disposal 4549, 9305
      - Undistributed income:
        - Proposed rules and hearing 11867, 13649
        - Taxes of foreign countries and U.S. possessions 3209, 3322
- Credits against tax:
  - Depreciable property, investment credit 143, 2106, 9060
  - Retirement income 85
- Decedents, income in respect of:
  - Income averaging, proposed rule 4632
  - Installment obligations 37, 3435
- Deductions:
  - Bad debts:
    - Reacquisitions of real property; proposed rule 9768
    - Sale of mortgaged or pledged property by certain banking organizations 4473
  - Charitable contributions:
    - Depreciable property 8574
    - Proposed rules and hearing 14158, 15670
  - Depreciation:
    - Change in method 8573
    - Extension of time for filing application to change accounting method 8628
    - Salvage value of personal property 9064
  - Farmers, land clearing expenditures 790
  - Interest, redeemable ground rents 6216
  - Moving expenses 1037
  - Net operating loss deduction 4482, 7805, 14426
  - Standard deduction 530
    - Proposed rules 4629
  - Trade or business expenses:
    - Contributions, dues, etc 5581
    - Lobbying, political campaigns, etc 5581
- Deductions not permitted:
  - Disposal of coal or domestic iron ore, expenditures 4548, 9304
  - Personal, living, and family expenses 1041
- Deferred compensation, pension, profit-sharing, etc.:
  - Aliens, nonresident, tax treatment 6340
  - Beneficiary, taxability of, exempt trust; proposed rules 4630

Internal Revenue Service—Continued Page

INCOME TAXES—Continued
- Employee annuities, taxability of, qualified annuity plan; proposed rules 4631
- Employee stock options and purchase plans, treatment of; proposed rules, hearing 1048
- Depletion:
  - Beryllium ores, percentage rate 4549, 9305
  - Oil and gas wells 8902
- Election as to taxable status, unincorporated business enterprises electing to be taxed as domestic corporations 2451, 9740
- Estates and trusts, unused loss carryover on termination 4482, 7805
- Exempt organizations, farmers' cooperative marketing and purchasing associations 6350, 7721, 13135
- Foreign corporations:
  - Controlled:
    - Adjustments to basis of stock in 7493, 11854
    - Blocked earnings and profits, treatment of; proposed rules and hearing 2031, 3764
    - Election by individuals to be subject to tax at corporate rates 4718, 13694, 17164
    - Exclusion from gross income of previously taxed earnings and profits 943
    - Export trade corporations, treatment of earnings and profits 948
    - Foreign tax credit; proposed rules 5596
    - Gross income of United States shareholders, amounts included 934
    - Insurance of United States risks, income from 942
    - Records and accounts of United States shareholders 2669, 3765, 6480
    - Shareholder's pro rata share:
      - Amount withdrawn from investment in less developed countries 942
      - Increase in earnings invested in United States property 942
    - Stock ownership, rules for determining; proposed rules 6486
    - Tax adjustments in determining earnings and profits 8044
  - Nonresident, capital gains; disposal of coal and domestic iron ore 4552, 9308
- Foreign tax credit:
  - Domestic corporate shareholder of foreign corporation 3209, 3322, 5603, 13862
  - Domestic corporation 934
  - Taxes of foreign countries and possessions of United States 934, 3209, 3322
  - Taxes paid by foreign corporation, proposed rules 5596
- Gross income:
  - Adjusted gross income defined, moving expense deduction 1037
  - Annuities, proposed rules 4628
  - Compensation for services, commissions, pensions, etc 10988, 13316
  - Definitions:
    - Allocations by cooperative associations; per unit retain certificates 6349, 7721, 13134
    - Interest on certain deferred payments, proposed rule 5584
  - Dividends received from certain foreign corporations by domestic corporations choosing foreign tax credit 3208, 3322
    - Proposed rule 5603
  - Exclusions, gain from sale or exchange of residence, individual age 65 10988, 13316
- Insurance companies:
  - Life insurance:
    - Capital gains and losses, disposal of coal or domestic iron ore 4552, 9308
    - Definition, taxable years affected, segregated asset accounts; proposed rules 5841
    - Distribution to shareholders, proposed rules 5849
    - Foreign companies, percentage for computing tax for 1964 and estimated tax for 1965 2442
    - Gain and loss from operations, proposed rules 5847
    - Investment income, proposed rules 5846
    - Tax imposed, taxable income defined, etc 2450, 5845, 9740
  - Other insurance companies, deductions; foreign expropriation capital loss 12394, 15094
- Maritime construction reserve fund 6030

Internal Revenue Service—Continued Page

INCOME TAXES—Continued
- Natural resources:
  - Deductions, depletion percentage rate for beryllium ores 4549, 9307
  - Sales and exchanges, gain or loss, domestic iron ore 4550, 9307
- Oil and gas wells:
  - Depletion; charges to capital and expense 8902
  - Operating mineral interests 2663, 13698
- Partnerships:
  - Gain from dispositions of certain depreciable property 8574
  - Gross income; proposed rule 4632
- Property disposition:
  - Basis rules:
    - Bonds, sale or transfer of 6787
    - Coal or domestic iron ore, disposal of 4552, 9309
    - Controlled foreign corporations, stock in 948
    - Reacquisitions of real property; proposed rules 9769
  - Nontaxable exchanges, involuntary conversions, sale or exchange of residence 10991, 13318
  - Redeemable ground rents 6216
- Readjustment of tax between years, proposed rules:
  - Income attributable to several taxable years; compensation from employment, income from invention, damages for patent infringement, etc 4633
  - Income averaging 4619
- Real estate investment trusts, definition of interests in real property 4552, 9308
- Returns:
  - Income tax:
    - Authority of agents to make returns of income and declarations of estimated income tax for good cause 4537
    - Persons required to make returns:
      - Income averaging, proposed rule 4632
      - Sale of residence 10991, 13319
    - Return not computed by taxpayer 531
  - Information:
    - Corporate dissolution or liquidation 11873
    - Dividend and interest payments; proposed rules and hearing 6488, 7721
  - Place for filing:
    - Exceptional cases 704
    - Returns to be filed with Director of International Operations; tax to be paid in foreign currency, proposed rule 6222
- Self-employment income, net earnings; gain or loss from disposal of coal or domestic iron ore 4553, 9309
- Small business corporations, termination of election as to taxable status; royalties 4553, 9309
- Tax on individuals:
  - Income averaging, proposed rules 4632
  - Joint return or return of surviving spouse, optional tax, etc 524
- Tax payment, extension of time, corporations expecting carryback 14432

INTEREST EQUALIZATION TAX:
- Commercial banks:
  - Exclusions, imposition of tax 1937
  - Information returns 2399
- Exclusions:
  - Banks 1937
  - Foreign corporations 12939
  - International monetary stability 4413, 8160
- Inspection of returns 3741, 3762, 4389, 4414

INTOXICATING LIQUORS:
- Inducements furnished to retailers, proposed rules 15470
- Labeling and advertising:
  - Aging effect from storage in reused cooperage; proposed rule, hearing 17170
  - Bourbon whisky 1846

MARITIME CONSTRUCTION RESERVE FUND 6030

ORGANIZATION AND FUNCTIONS 9368
- New York Region, redesignation and realignment 65
- Northeast Region, abolition of office of Regional Commissioner 65

PROCEDURE AND ADMINISTRATION:
- Authority to prescribe or modify seals 8584
- Collection; payment of tax in foreign currency, proposed rules 6222
- Income tax returns:
  - Persons required to make returns 10992, 13319
  - Tax not computed by taxpayer 10992, 13319

Internal Revenue Service—Continued Page

PROCEDURE AND ADMINISTRATION—Continued
- Interest equalization tax returns, inspection of 3741, 3762, 4389, 4414
- Judicial proceedings, periods of limitation; suits by taxpayers 7809
- Property exempt from levy, undelivered mail 17165
- Tax classification of professional service corporations, associations, etc 1116
- Training and training aids on request 33

RECORDS, non-Federal; retention requirements 3129

TRAINING AND TRAINING AIDS 33

International Aviation, Interagency Group on:

INTERNATIONAL CONVENTION on damage caused by foreign aircraft on surface, inquiry 495

International Boundary and Water Commission, United States and Mexico:

U.S. SECTION, functions respecting recreation user fees for areas under jurisdiction (Executive Order 11200) 2645

International Coffee Agreement Act:

COFFEE PRICES, effect on (Determination of May 22, 1965) 7095

International Coffee Organization:

PUBLIC INTERNATIONAL ORGANIZATION entitled to certain privileges, exemptions, and immunities, designation as (Executive Order 11225) 7093

U.S. PARTICIPATION, functions (Executive Order 11229) 7741

International Commerce Bureau:

EXPORT CONTROL 1402
- Administrative reviews and appeals 1500
- Amendments, extensions, transfers 1471, 4467, 11966
- Boycotts or foreign restrictive trade practices, policy 12121
- Commodity control list and related matters 1512, 5102, 10602
- Control by Commerce Department, scope 1405, 4465, 11962, 12122
- Denial of export privileges 1478
- Enforcement provisions 1475
- Export clearance and destination control 1458, 4566, 10097, 13782
- General orders 1501
  - Copper export controls 14490, 14652
  - Work stoppage of longshoremen 4467
- Licenses:
  - Blanket (BLT) 1455
  - General 1410
    - G-DEST; shipments not requiring validated license 11964
    - GLR; return of commodities imported into U.S. 11964
    - GLV 4466, 11964
    - GRO, correction 616
  - Individual and other validated licenses 1417
    - Commodities which transit country group Y or Z 4466
    - Reexportation, request for authority; special requirements 5627
  - Ship and plane stores, supplies, etc 11964
- Periodic requirements (PRL) 1456, 11966
- Project 1451, 4466, 11965
- Time limit (TL) 1457, 4466, 11966
- Licensing policies and related special provisions 1427
  - Destination provisions 1427
    - Ultimate consignee and purchaser statement 5628
  - Individual commodity section provisions 1427
    - Applicability of multiple commodity section provisions 4466, 11965
    - Walnut logs, bolts, etc., deleted 4466
  - Multiple commodity section provisions 1427, 11965
    - Foreign importer of aircraft or vessel repair parts 10097
    - Foreign subsidiary, affiliate, or branch, distribution by 5627
    - Nuclear weapons 11964
- Mutual assistance on U.S. imports 1402, 4465
- Nuclear weapons, devices, etc.; prohibited exportations 11962
- Priority ratings 1508
- Technical data, exportation 1503, 4467, 10097, 11966, 14373

ORGANIZATION AND FUNCTIONS 2041

RECORDS, non-Federal; retention requirements 3112

International Commerce Bureau—Continued

SUSPENSION OF EXPORT PRIVILEGES: Page

Amacker, Robert W., 8913.
American Universal Equipment Co., 10209.
Amos (Machinery), Ltd., 13272.
B. W. Trading Corp., conditionally terminated, 14279.
Beck, Dr. Ivo, 8913.
Berk, Milton, terminated, 11686.
Bordo, Irving E., 11584, 12548, 14019.
Bristow, John H., 13273.
Bristow, John, Ltd., 13273.
Canez, Ltd., 7051, 9018, 11929.
Caramant Industrial Trade Agency, 9067.
Ching, Chiu Ming, 6226.
Chow, Li Siu, 6226.
Con-Mech Engineers, Ltd., 10913.
De Swann Bonnist, 12303.
Dukerswell Engineers, Ltd., 2687.
Elscher, Herbert, 3723.
Establishment for Financing, Importing and Distributing of Equipment and Machinery, 8913.
General Woods & Veneers, Ltd., 2688.
Gibbs, D. E., 10913.
Hardt, Manfred, 9067.
Hauck, C., & Co., 9067.
Henry's Auto & Truck Parts, 626.
Igel, A., 9328.
Iida, Kazuo, 2414.
Ingeniorsfirman Elmetrik AB, terminated, 9950.
J. L. International, Ltd., 7051, 9018, 11929.
Jaymor Enterprises, Inc., 7051, 9018, 11929.
Jih Hsin Trading Co., 6223.
Johannes Lodewijkx Import-Export, related party status terminated, 9280.
Kajihara, Tokio, terminated, 9178.
Klementz, Maximilian, 10166, 12304.
Kokkonen, Ilmari, 6661.
Levo, Joseph, 7051, 9018, 11929.
Levos, Joseph Jeuda, 7051, 9018, 11929.
Lewo, Joseph, 7051, 9018, 11929.
Liebow, Joseph ,7051, 9018, 11929.
Lilly Merchandising Co., 8913.
Lodewijkx, Cornelis, terminated, 3554.
Long, Alfred A., 628.
Malco Industry Co., 2414.
Maruko Shokai, 2414.
Mondschein, Elfriede, 11180.
Moreno, Nessim Z., 3666.
Morvan, Jean, 494, 9069.
Murphy, P. J., 5802.
Murphy Brothers, Ltd., 5802.
Ng, N. G., 6226.
Paris-Labo, 541.
PI-MO K., Pirker & Co., 11169.
Pirker, Karl, 11180.
Rimberg, Alfred, 4494.
Shier, Henry, 628.
Stamogiou, Eugene S., 3666.
Stamogiou, Ltd., 3666.
Steinfellner, Frieda and Otto R., 8913.
Tautner, Erwin, 11180.
Technica Amacker & Co., 8913.
Technica Steinfellner & Co., 8913.
Tutalon, 6661.
Trade-All Enterprises, Ltd., 11534, 12548, 14019.
Vibro-Meter G.m.b.H., 3723.
Washu Sangyo K. K., 2414.
Washu Shoji Co., Ltd., 2414.
Wellner, Jules M. and Leon, 3666.
Winkler, Benjamin, conditionally terminated, 14279.
Wu, N. G., 6226.
Z & I Aero Services, Ltd., 9328.
Zagiel, F., 9328.

TRADE FAIRS, mobile; extension of Act, requests for financial assistance by operators 9700

International Development Agency:

See Agency for International Development.

International Exposition of 1968:

SAN ANTONIO, TEXAS (Proclamation 3689) 14351

International Joint Commission—United States and Canada:

GREAT LAKES, water levels; hearings 4510
PEMBINA RIVER DEVELOPMENT, hearing 6607
PROCEDURE 3379

International Monetary and Financial Problems, National Advisory Council on:

ABOLITION (Reorganization Plan No. 4 of 1965) 9353
TEMPORARY REESTABLISHMENT (Executive Order 11238) 9571

International Organizations:

INTERIM COMMUNICATIONS SATELLITE COMMITTEE, designation as privileged organization (Executive Order 11227) 7369
INTERNATIONAL COFFEE ORGANIZATION:
Privileged organization, designation as (Executive Order 11225) 7093
U.S. participation (Executive Order 11229) 7741

International Pacific Halibut Commission:

RECORDS, non-Federal; retention requirements 3122

International Whaling Commission:

RECORDS, non-Federal; retention requirements 3122

Interstate Commerce Commission:

APPOINTMENTS without compensation and statements of financial interests under Defense Production Act, 1950 ..... 769, 1073, 5888, 8145, 8719, 8765, 8809, 8982, 9342, 12309, 12310, 17186
ATTORNEYS representing others before Commission; interim rules 15306
CONSOLIDATION, FINANCE, AND REORGANIZATION:
Finance applications, list ..... 24, 112, 513, 598, 973, 1140, 1899, 2292, 2571, 3281, 3682, 4149, 4655, 5548, 5807, 6417, 6458, 6669, 6958, 7056, 7508, 7687, 8086, 8145, 8370, 8600, 8982, 9188, 9420, 9664, 9847, 10221, 10963, 11159, 11410, 11662, 11891, 12058, 12372, 12860, 13342.
Issuance of securities, assumption of obligations, and filing of certificates and reports 11211
Notice to interested persons; revoked 11211
Railroad consolidation procedure, special rules governing prepared statements and exhibits; proposed rule 13018, 14048
EXPLOSIVES and other dangerous articles, packing and transportation:
Commodity list:
Aldrin, etc.; proposed rule 4682
Ammonium perchlorate, etc 1301, 5743
Radioactive materials, proposed rule 14858, 15670
Motor carriers 1306, 4685, 5748, 7423, 8588, 13936
Petition of general transportation importance granted 15119
Proposed rules 12543, 14860, 15670
Nitromethane mixture, stabilized, transportation in bulk in railroad tank cars and motor tank vehicles; proposed rules 448, 3225, 13967, 14496
Pipeline transportation; proposed rule 13266, 16140
Rail express carriers, protection of packages, radioactive materials; proposed rule 14860, 15670
Rail freight carriers 1306, 4685, 5747, 7423
Radioactive materials, proposed rules 14860, 15670
Shippers 1302, 4682, 5743, 7420, 8588, 13936
Radioactive materials, proposed rules 14858, 15670
Shipping container specifications 579, 1307, 4685, 5748, 7423
Radioactive materials, proposed rules 14860, 15670
Tank car specifications 4687, 7425
EXPRESS COMPANIES, destruction of records; list, and periods of retention 12251
FEES:
Copying, certification and services; charges 8968, 12669
Licensing and related activities; proposed rules 13332, 15237
Prior proceeding discontinued 13333
FINANCE APPLICATIONS, lists ..... 24, 112, 513, 598, 973, 1140, 1899, 2292, 2571, 3281, 3682, 4149, 4655, 5548, 5807, 6417, 6458, 6669, 6958, 7056, 7508, 7687, 8086, 8145, 8370, 8600, 8982, 9188, 9420, 9664, 9847, 10221, 10963, 11159, 11410, 11662, 11891, 12058, 12372, 12860, 13342.

Interstate Commerce Commission—Con.

FREIGHT FORWARDERS: Page
Agreement under section 5a, application for approval:
Freight Forwarders Conference, 13702.
Applications for certificates, permits, and licenses 1918, 3582, 4795, 8135, 8715, 9520, 9717, 10012, 11557, 12100, 12805, 13094, 13400, 13997, 14470, 14688
Records, preservation of 2719, 9585
Reparations to shippers by motor carriers and freight forwarders 16050
LONG-AND-SHORT-HAUL CHARGES. *See* Tariffs and schedules, *below*.
MOTOR CARRIERS:
Accounts, uniform system of, Class I and II common and contract property carriers 5420, 11103
Agreements under section 5a, applications for approval:
Alaska Carriers Association, Inc., 15118.
Eastern Central Motor Carriers, 7357.
Eastern Central Motor Carriers Association, Inc., 8601.
Heavy and Specialized Carriers Tariff Bureau, 11068.
Interstate Tariff Bureau, Inc., 7509.
Maine Motor Rate Bureau, 8981.
Motor Carriers Council of St. Louis, Inc., 5950, 7357.
National Automobile Transporters Association, 6458.
National Bus Traffic Association, Inc., 72.
National Motor Equipment Interchange, 8145.
New York Movers Tariff Bureau, Inc., 4775.
Ohio Motor Freight Tariff Committee, Inc., 9080.
Rocky Mountain Carriers, 8657.
Steel Carriers' Tariff Association, Inc., 8873.
Western Carriers Tariff Bureau, 6375.
Western Motor Tariff Bureau, Inc., 12058.
Western Traffic Association, 1921.
Wyoming Trucking Association, Inc., 7547, 11700.
Aircraft transportation, motor transportation of passengers incidental to; exempt zones and operations, Dulles and Friendship International Airports 14530
Applications for certificates, permits, and licenses:
Brokers; lists of applicants:
Passenger ..... 676, 1161, 1162, 1918, 2186, 2751, 3296, 4585, 5677, 6621, 6826, 7081, 7543, 8366, 9717, 10012, 11067, 11556, 12805, 13093, 13996, 14216, 14687, 16049, 16238.
Property 1161, 8135
"Grandfather" certificates 115, 666, 1229, 2487
Operating authority; lists of applicants:
Intrastate carriers ..... 471, 1230, 2488, 2752, 3567, 3848, 4226, 4517, 6321, 6564, 6805, 7064, 7362, 7551, 7796, 8085, 8879, 9139, 10077, 10267, 11256, 11660, 11792, 12103, 12442, 12763, 13348, 14186, 14403, 14628, 14880, 15195, 15447, 15835.
Passenger carriers ..... 115, 122, 470, 471, 675, 869, 1161, 1918, 2171, 2173, 2185, 2494, 2505, 2744, 2751, 3295, 3298, 3299, 3580, 3585, 3626, 3846, 3910, 3917, 4226, 4290, 4515, 4584, 5407, 5676, 5681, 5921, 5935, 6313, 6375, 6563, 6621, 6825, 6895, 7063, 7081, 7084, 7351, 7543, 7546, 7794, 7796, 8135, 8143, 8366, 8370, 8715, 8765, 8812, 8933, 9131, 9135, 9136, 9342, 9519, 9563, 9716, 9720, 10012, 10127, 10322, 10325, 11011, 11066, 11158, 11245, 11251, 11252, 11556, 11788, 11790, 12099, 12514, 12518, 12805, 12806, 13093, 13399, 13744, 13996, 14216, 14403, 14470, 14627, 14687, 14879, 14954, 14955, 15256, 15257, 15487, 15827, 16049, 16238, 16341.
Property carriers 113, 114, 116, 122, 458, 460, 470, 660, 664, 666, 676, 861, 862, 864, 1141, 1144, 1146, 1161, 1213, 1214, 1901, 1902, 1903, 1905, 1907, 1918, 1965, 2170, 2171, 2172, 2173, 2186, 2237, 2486, 2491, 2492, 2495, 2508, 2744, 2745, 2746, 2751, 2752, 3282, 3283, 3290, 3298, 3299, 3301, 3567, 3568, 3582, 3623, 3625, 3842, 3845, 3894, 3910, 4221, 4225, 4226, 4271, 4292, 4513, 4517, 4570, 4585, 4776, 4795, 5401, 5404, 5658, 5662, 5665, 5677, 5917, 5919, 5922, 5936, 6301, 6313, 6373, 6374, 6460, 6559, 6562, 6609, 6621, 6806, 6826, 6892, 6893, 6958, 7058, 7061, 7063, 7065, 7082, 7335, 7352, 7359, 7362, 7533, 7544, 7547, 7550, 7688, 7771, 7794, 7855, 8083, 8123, 8136, 8354, 8366, 8371, 8653,

Interstate Commerce Commission—Con.

MOTOR CARRIERS—Continued Page
Applications for certificates, permits, and licenses—Continued
Operating authority; lists of applicants—Continued
Property carriers—Continued
8656, 8700, 8716, 8765, 8810, 8875, 8878, 8880, 8922, 8933, 8982, 8983, 9028, 9079, 9120, 9131, 9136, 9137, 9139, 9186, 9237, 9239, 9289, 9342, 9421, 9424, 9503, 9520, 9521, 9562, 9612, 9703, 9716, 9722, 9723, 9998, 10012, 10013, 10263, 10264, 10266, 10300, 10322, 11010, 11011, 11050, 11068, 11187, 11230, 11246, 11252, 11253, 11255, 11299, 11540, 11557, 11561, 11564, 11565, 11779, 11789, 11794, 11795, 11796, 12090, 12100, 12104, 12105, 12145, 12439, 12441, 12503, 12517, 12758, 12762, 12789, 12806, 13032, 13034, 13035, 13037, 13081, 13094, 13345, 13346, 13383, 13400, 13668, 13670, 13672, 13673, 13729, 13746, 13802, 13923, 13925, 13926, 13927, 13980, 13997, 14182, 14185, 14203, 14217, 14399, 14402, 14456, 14471, 14582, 14623, 14624, 14627, 14663, 14688, 14876, 14878, 14879, 14944, 14954, 15190, 15192, 15195, 15243, 15257, 15476, 15488, 15499, 15688, 15690, 15692, 15827, 15829, 15830, 15833, 16034, 16049, 16227, 16239, 16241.
Temporary authority under section 210a(a) of Act 5836
Passenger carriers 8765, 8812, 9342, 9563, 10127, 11158, 11258, 11662, 12059, 12147, 12654, 12807, 12861, 13342, 15261
Property carriers ..... 8765, 8810, 8880, 8882, 8883, 9028, 9079, 9139, 9237, 9239, 9287, 9342, 9424, 9521, 9562, 9612, 9664, 9724, 9787, 9848, 9895, 9969, 10078, 10079, 10127, 10175, 10222, 10268, 10326, 10867, 10925, 10963, 11007, 11119, 11157, 11187, 11257, 11297, 11339, 11363, 11410, 11566, 11661, 11700, 11743, 11791, 11891, 11981, 12058, 12143, 12146, 12268, 12373, 12442, 12519, 12560, 12652, 12702, 12763, 12807, 12901, 12961, 13039, 13094, 13185, 13240, 13301, 13340, 13480, 13560, 13597, 13675, 13747, 13801, 13848, 13891, 13920, 14000, 14025, 14062, 14179, 14188, 14222, 14289, 14404, 14471, 14583, 14629, 14689, 14828, 14874, 14957, 15007, 15048, 15257, 15259, 15305, 15342, 15448, 15603, 15605, 15687, 15827, 16051, 16176, 16242, 17186.
Transfer proceedings ..... 72, 73, 123, 244, 293, 359, 471, 558, 598, 677, 732, 769, 814, 869, 906, 907, 974, 1021, 1072, 1162, 1230, 1274, 1330, 1920, 1965, 2010, 2188, 2293, 2488, 2629, 2694, 2835, 2886, 2964, 3280, 3281, 3342, 3409, 3465, 3626, 3682, 3733, 3801, 3848, 3918, 4011, 4149, 4227, 4300, 4342, 4378, 4439, 4518, 4597, 4704, 4738, 4805, 5494, 5611, 5779, 5808, 5888, 5950, 5951, 6132, 6201, 6235, 6321, 6322, 6417, 6418, 6459, 6504, 6505, 6563, 6670, 6704, 6744, 6826, 6896, 6931, 7027, 7085, 7133, 7134, 7205, 7264, 7357, 7410, 7464, 7509, 7587, 7688, 7732, 7797, 7860, 8024, 8145, 8178, 8290, 8291, 8429, 8500, 8559, 8600, 8650, 8719, 8765, 8881, 9080, 9139, 9188, 9291, 9292, 9614, 9665, 9724, 9849, 9896, 9970, 10016, 10080, 10127, 10222, 10270, 10325, 10927, 10964, 11012, 11069, 11120, 11121, 11158 11258, 11298, 11339, 11362, 11441, 11567, 11662, 11744, 11796, 11936, 11987, 12108, 12147, 12375, 12443, 12519, 12561, 12703, 12764, 12862, 12963, 13041, 13097, 13242, 13347, 13406, 13561, 13596, 13673, 13803, 13848, 13891, 13926, 14025, 14063, 14064, 14185, 14290, 14473, 14582, 14631, 14830, 144880, 14956, 15008, 15049, 15050, 15258, 15449, 15499, 15607, 15836, 16052, 16176, 16244, 17187.
Commercial zones:
Baltimore, Md., redefinition 16, 1878, 13263, 14493
Houston, Tex., removal of exemption; proposed rule 1127
Kansas City, Mo.-Kansas City, Kans.; redefinition of limits 14853, 17169
St. Louis, Mo.-East St. Louis, Ill 795
Warren, Ohio 11757
Washington, D.C., redefinition 2401, 2712, 7248
Control or consolidation of motor carriers or their properties; computation of gross operating revenues of carriers involved in unifications 12468
Explosives. *See* Explosives, *above*.

Interstate Commerce Commission—Con. Page

MOTOR CARRIERS—Continued
- Extension of credit to shippers:
  - Applicability to prepaid shipments, deleted 9158
  - Presentation of freight bills 9158
- Forms:
  - Applications, certain:
    - BF–200 12468
    - BF–201 12468
    - BMC–44 12468
    - BMC–45 12468
  - Monthly hours of drivers' service:
    - BMC–60 canceled 11103
    - BOC–60 adopted 11103
  - Process agent, designation of, BOC–3 13784
- Highways, interstate, national system of, use by passenger and property carriers; proposed rules 5384, 8229, 8343
- Household goods, transportation in interstate or foreign commerce 3597, 3711, 3963, 6117, 7363, 16203
  - Proposed rules 5709, 7252, 7363, 13032, 14171
- Oilfield equipment, materials and supplies to and between Southwest; removal from requirements of minimum-rate order 11260
- Petitions, exemption:
  - Brown's Connecticut Airport Service, Inc. 3304
  - Rio Grande Bridge System 658
- Probability sampling studies, Class I and II common carriers of general freight 5951, 7205, 12270
- Process agents, designation of by motor carriers and brokers; form of designation, eligible persons, etc 13061
  - Form BOC–3 for designation of process agent 13784
- Rates and charges:
  - *See also* Tariffs and schedules.
  - Central territory, LTL or AQ traffic, increases 5885
  - Eastern states, class rates between; investigation and consolidation 10868
  - Joint-through, carriers holding Ohio irregular route authorities; petition by Braddock Motor Freight, Inc. et al. 14129
  - Middle Atlantic and New England territory, detention 7465
  - Southern territory, general increase 7410
- Records of motor carriers and brokers, destruction of 14984
- Reparations to shippers by motor carriers and freight forwarders 16050
- Reports:
  - Freight commodity statistics, public inspection 486
  - Probability sampling studies, Class I and II common carriers of general freight 5951, 7205, 12270
  - Scope of operating authority, routes; motor service on interstate highways, passengers and property, proposed rules 5384, 8229, 8343
- Routes:
  - Alternate; deviation notices 112, 510, 659, 859, 1141, 1899, 2234, 2488, 2742, 3282, 3621, 3846, 4220, 4512, 5399, 5655, 6369, 6558, 7056, 7358, 7853, 8082, 8370, 8651, 8874, 9135, 9420, 9720, 10075, 11008, 11656, 11792, 12143, 12437, 12757, 13037, 13342, 13669, 13921, 14181, 14396, 14621, 14875, 15188, 15450, 15834.
  - Interstate and defense highways, national system of; use by passenger and property carriers, proposed rules 5384, 8229, 8343
- Safety regulations:
  - Brakes 7523, 9206, 9366, 9882, 14106
  - Coupling devices and towing methods:
    - Driveaway-towaway operations 7523
    - Safety chains or cables, requirements for 4481
  - Drivers, hours of service; monthly reports 11103
  - Driving of motor vehicles; slowing down and stopping required at railroad grade crossings 7491
  - Emergency equipment, warning devices and red flags 9207
  - Glazing and window construction 9207
  - Heaters 9367, 14107
  - Shifting cargo, protection against 9207
- Sorting or segregating of shipments, Middlewest Motor Freight Bureau Carriers 16240
- Tariffs and schedules:
  - *See also* Tariffs and schedules, *below*.
  - Credit to shippers, following delivery of freight; proposed rule 5709, 7363, 13032

Interstate Commerce Commission—Con. Page

MOTOR CARRIERS—Continued
- Tariffs and schedules—Continued
  - Freight rate tariffs, schedules, and classifications:
    - Emergency movements of property, common and contract carriers 8335, 8336
    - Form and content of schedules 13576
    - Household goods, released rates on 14171, 16206
  - Temporary authorities, applications for 5836
  - Transfers of operating rights; definition, transfer 12468

ORGANIZATION AND FUNCTIONS:
- Central and field organization; description 10069, 11013
- Divisions and boards and assignment of work, business and functions 598, 2628, 5723, 8246, 8982, 9788, 11189, 12559, 12560, 13302

PIPELINES:
- Initial valuations; reporting of cost data on ACV Form No. 8 10120, 13576
- Reports, annual, form P 583
- Transportation of explosives, proposed rules 13266

PRACTICE, general rules:
- Admission to practice by non-lawyer applicants 731
- Attorneys representing others before Commission, interim rules 15306
- Briefs 6485
- Competitive bids, examination, record retention period 8847
- Fees for copying, etc., charges for testimony transcript 8968

RAILROADS:
- Accidents, public examination of reports after approval 9543
- Accounts, uniform systems:
  - Classification of carriers, Class I and II 2662
  - Operating revenue, other passenger-train 13785
- Agreements under section 5a, applications for approval:
  - Association of American Railroads, 6322.
  - Eastern Railroads, 14511.
  - Green Mountain Railroad Corp. and Boston & Maine Corp., 14341.
- Car service:
  - Appointment of agents:
    - Embargo 6220, 13262, 16082
    - Refrigerator car 8163
  - Authorization to use certain trackage:
    - Atchison, Topeka & Santa Fe Railway, 8269, 8968, 16006, 16114.
    - Brimstone and New River Railway Corp., 8793.
    - Chicago, Burlington & Quincy Railroad Co., 8163, 16006.
    - Chicago, Milwaukee, St. Paul & Pacific Railroad Co., 5419.
    - Chicago, Rock Island and Pacific Railroad Co., 8269, 16005.
    - Denver and Rio Grande Western Railroad, 7945.
    - Louisville & Nashville Railroad Co., 4254, 10245, 16062.
    - Missouri Pacific Railroad Co., 9206, 13542, 14858, 16062.
    - Norfolk and Western Railway Co., 2712, 16114.
    - Northern Pacific Railway Co., 12249.
    - St. Louis-San Francisco Railway Co., 8269, 12294, 13542.
    - Terminal Railway Alabama State Docks, 8523.
    - Union Pacific Railroad, 7945.
    - Union Railroad Co., 15293.
    - Union Railway Co., 13542.
  - Box cars:
    - Free time for unloading at ports 16006
    - Utilization 12731
  - Free time:
    - In-car storage at U.S. ports 1231, 3303, 7546
    - Unloading at ports 16006
  - Freight cars:
    - Adequacy of ownership, utilization, distribution, rules and practice, investigation; service list 4228, 7132
    - Proposed rule 13267
    - Movement, operating regulations 6220, 7522, 12840
    - Shortage; distribution orders for various companies 1022, 4440, 4441, 4442, 4443, 4444, 5496, 5722, 12808, 12809, 13920, 14403, 14582, 14955, 14956, 15046, 15047, 15386, 15765, 15766, 15767.
- Consolidation procedure, special rules governing prepared statements and exhibits; proposed rule 13018, 14048

Interstate Commerce Commission—Con. Page

RAILROADS—Continued
- Damage to property and disruption of rail transportation facilities due to floods; reduced rates, certain railroads:
  - California Western Railroad, et al., 7264.
  - Camas Prairie Railroad Co., 2365.
  - Northwestern Pacific Railroad Co. et al., 870, 1140, 2169, 2292, 3303, 4775.
- Disaster areas, transportation of hay at reduced rates to certain drouth areas in various States 182, 9895, 11259, 11790, 13669
- Explosives. *See* Explosives, *above*.
- Locomotive inspection:
  - Functions (Reorganization Plan No. 3 of 1965) 9351
  - Other than steam, proposed rules 3226
- Railway Express Agency, Inc.; petition for removal of rail-haul restrictions 2330
- Rates and charges:
  - California Western Railroad, et al., reduced rates 7264
  - Camas Prairie Railroad Co., reduced rates 2365
  - New Jersey & New York Railroad Co. and Erie Lackawanna Railroad Co., increased suburban fares; hearing 2094
  - Northwestern Pacific Railroad Co. et al., reduced rates 870, 1140, 2169, 2292, 3303, 4775
  - Pacific Coast to East, multiple car rates on canned foodstuffs 14958
  - Seaboard Air Line Railroad Co. et al., special procedure 9419
  - Sea-Land Service, Inc. et al., special procedure, hearing 14188
  - Southern Pacific Co., increased passenger fares between San Francisco and San Jose, Calif., and intermediate points 13094
  - Transportation of hay at reduced rates to certain drouth areas in various States 182, 9895, 11259, 11790, 13669
- Records, destruction of, retention periods; electric railway, railroad, and sleeping car companies 11524, 12250, 12251
- Reports and statistics:
  - Annual:
    - Form A, Class I railroads 1983, 13375
    - Form C, Class II railroads 795
    - Form E, lessors to railroads 648
    - Form G, electric railways 885
  - Classification of carriers for reporting purposes 831
  - Freight commodity statistics, public inspection 485
  - Separation of operating expenses between freight and passenger services 140
- Routing of traffic, rerouting:
  - Appointment of agents 6394, 13375, 16006
  - Authority to divert certain traffic:
    - Ann Arbor Railroad Co., 2009, 2570, 12862, 12964, 13348, 14690, 15637.
    - Prior order vacated, 14291.
    - Atchison, Topeka and Santa Fe Railway Co. et al., 8144.
    - Order vacated, 8428.
    - Berlin Mills Railway, 12108.
    - Chicago Great Western Railway, 2964.
    - Order vacated, 3283.
    - Chicago, Rock Island and Pacific Railroad Co., 8144.
    - Denver & Rio Grande Western Railroad Co., 8144.
    - Duluth, Winnepeg and Pacific Railway Co., 14544, 14959.
    - Georgia & Florida Railway, 7936, 15500, 16240.
    - Illinois, Iowa, Minnesota, Missouri, and Wisconsin, railroads serving, 5407, 5495, 5722, 6100, 6628, 7132.
    - Louisiana and Mississippi, railroads serving, 11891.
    - Midland Valley Railroad Co., 8177.
    - Missouri Pacific Railroad Co., 8667, 12520, 12964.
    - Spokane, Portland, & Seattle Railway System; order vacated, 72.
    - Texas, Oklahoma & Eastern Railroad Co., 14958.
    - Valdosta Southern Railroad, 3255.
    - Order vacated, 3409.
    - Washington, Idaho & Montana Railway Co., 123.
- Safety regulations:
  - Installation, inspection, maintenance, and repair of systems, devices, etc.; track circuit requirements, proposed rule, hearing 2405
  - Power brakes and draw bars; inspection, testing and maintenance of air brake equipment:
    - Initial terminal road train air brake tests; interpretations 4062
    - Road train and intermediate terminal train air brake tests; proposed rule, petition denied 763

Interstate Commerce Commission—Con. Page

RAILROADS—Continued
- Safety regulations—Continued
  - Safety appliance standards:
    - Box and other house cars, proposed rules 12893
    - Track motorcars and pushcars 7901
- Tariffs and schedules:
  - Freight schedules; alternation of through rates with aggregate of intermediate rates 6162
  - Long-and-short-haul charges. *See* Tariffs and schedules, *below*.
- Waybills, analysis of transportation of property 831

RECORDS:
- Destruction of. *See* Express companies; Motor carriers; Railroads; Water carriers.
- Non-Federal; retention requirements 3163

REPORTS. *See* Express companies; Freight forwarders; Motor carriers; Pipelines; Railroads; Water carriers.

SAFETY REGULATIONS. *See* Motor carriers; Railroads.

TARIFFS AND SCHEDULES:
- *See also* Motor carriers; Railroads.
- Long-and-short-haul charges; fourth section applications for relief 73, 112, 243, 358, 472, 556, 598, 636, 731, 768, 813, 906, 973, 1021, 1072, 1139, 1230, 1273, 1828, 1921, 1964, 2010, 2053, 2234, 2292, 2364, 2420, 2509, 2570, 2628, 2835, 2886, 2964, 3255, 3408, 3465, 3681, 3732, 3800, 3918, 4011, 4091, 4148, 4220, 4299, 4341, 4378, 4445, 4512, 4654, 4737, 4805, 5494, 5548, 5611, 5665, 5807, 5808, 5887, 5917, 6100, 6132, 6201, 6235, 6322, 6417, 6458, 6504, 6557, 6628, 6671, 6703, 6744, 6827, 6895, 6931, 6957, 7027, 7055, 7132, 7204, 7263, 7363, 7412, 7466, 7587, 7619, 7686, 7732, 7798, 7860, 7936, 7979, 8085, 8086, 8247, 8290, 8375, 8428, 8500, 8558, 8599, 8719, 8764, 8809, 8981, 9028, 9079, 9135, 9188, 8236, 9292, 9342, 9420, 9562, 9615, 9720, 9849, 9895, 9969, 10079, 10126, 10175, 10327, 10868, 10963, 11013, 11068, 11118, 11157, 11188, 11296, 11338, 11409, 11661, 11699, 11790, 11890, 11936, 11987 12057, 12108, 12146, 12269, 12310, 12375, 12437, 12518, 12560, 12652, 12756, 12860, 12961, 13032, 13185, 13240, 13300, 13406, 13479, 13560, 13597, 13669, 13801, 13919, 14002, 14026, 14063, 14189, 14222, 14291, 14330, 14474, 14511, 14543, 14621, 14690, 14760, 1483, 14881, 15008, 15047, 15188, 15261, 15341, 15387, 4352, 15499, 15607, 15688, 15836, 16050, 16177, 16240, 15289, 17187.

WATER CARRIERS:
- Applications for certificates, permits, and licenses:
  - Passenger carriers 1161, 3582, 5935, 7794, 10012, 11557, 12517, 14217
  - Property carriers 470, 1901, 1918, 3296, 4795, 5677, 5935, 6313, 7081, 7352, 7543, 7794, 8135, 8715, 9131, 9520, 9717, 11067, 11557, 12517, 12806, 13745, 14470, 14688, 14954, 15488, 16239.
- Records, destruction of; retention periods 12252
- Reports:
  - Annual:
    - Form K–A, Class A and B carriers on inland and coastal waterways 997
    - Form M, maritime carriers 951
  - Freight commodity statistics, public inspection 485

Inventions:
See Patents.

Iron Pipe Fittings Industry:
TRADE PRACTICES, hearing 8553

J

Japan:
DEBT OBLIGATIONS, tax exemption for U.S. citizens on acquisition of original or new issues (Executive Order 11211) 4385

Job Corps:
CONSERVATION CENTER COORDINATION:
- Approvals 6739
- Coordinator, establishment of position 450

ENROLLEES, administration of oaths of office by postmasters and assistant postmasters 6738

Job Corps—Continued

MEDICAL CARE, Air Force regulations ... 6344

Justice Department:

See Alien Property Office.
Immigration and Naturalization Service.
ATOMIC AWARDS BOARDS, transfer of functions to Attorney General (Reorganization Plan No. 4 of 1965) ... 9353
CIVIL RIGHTS ACT OF 1964, enforcement of Title VI by Attorney General (Executive Order 11247) ... 12327
CONDUCT STANDARDS for officers and employees ... 17202
EQUAL EMPLOYMENT OPPORTUNITY under Government contracts ... 5703, 7386
GAMBLING DEVICES:
- Registration ... 2316
- Seizure or forfeiture ... 2316, 5510

HOSPITAL AND MEDICAL CARE, recovery of cost from tortiously liable third persons ... 7819
INFORMATION:
- Criminal proceedings, release of information by Department personnel ... 5510
- Disclosure of material or information, correction of citation ... 7488

JUVENILE DELINQUENTS, youth offenders, etc.; mental competency proceedings ... 219
ORGANIZATION AND FUNCTIONS:
- Administrative Division; claims under Military Personnel and Civilian Employees' Claims Act of 1964 ... 1800
- Attorney General, assigning functions to Executive Assistant respecting President's Committee on Equal Employment Opportunity and Council on Equal Opportunity ... 2588
- Civil Division, authority to compromise and close claims; recovery of cost of hospital and medical care ... 7819
- Civil Rights Division:
  - Elections and political activities, transfer of certain functions to Criminal Division ... 5832
  - Functions respecting equal employment opportunity, economic opportunity, etc ... 5703
- Criminal Division:
  - Cigarette labeling and advertising ... 12249
  - Elections and political activities ... 5832
  - Gambling Devices Act ... 2316
- Federal Bureau of Investigation, seizure of gambling devices ... 2316
- Heads of organizational units, certificates concerning applicants for admission to practice before United States Court of Appeals for District of Columbia Circuit ... 485
- Lands Division, redesignation as Land and Natural Resources Division ... 12941
- Legal Counsel Office, guidance and assistance regarding ethical conduct standards ... 7599
- Tax Division, authority to compromise and close civil claims ... 7245, 7709

RECORDS, non-Federal; retention requirements ... 3122
VOTING RIGHTS ACT of 1965:
- Counties in certain States, certifications by Attorney General respecting need for examiners:
  - Alabama ... 9970, 9971, 10863, 12654, 13849
  - Louisiana ... 9971, 10863, 13849
  - Mississippi ... 9971, 10863, 12363, 13849, 13850, 15837
  - South Carolina ... 13850
- States maintaining certain voting tests, determination by Attorney General ... 9897

Juvenile Delinquents:

MENTAL COMPETENCY PROCEEDINGS ... 219

L

Labor Department:

See Employees' Compensation Bureau.
Employment Security Bureau.
Federal Contract Compliance Office.
Labor-Management and Welfare-Pension Reports Office.
Labor Standards Bureau.
Manpower Administrator Office.
Public Contracts Division.
Wage and Hour Division.
ADJUSTMENT ASSISTANCE for workers after certification:
- Determinations ... 8793
- Trade readjustment allowances ... 8792

Labor Department—Continued

ADVISORY COUNCIL ON EMPLOYEE WELFARE AND PENSION BENEFIT PLANS, recommendations for appointment ... 6096
AUTHORITY DELEGATIONS:
- By Manpower Administrator to Employment Security Bureau, Administrator, et al.; functions under Farm Labor Contractor Registration Act of 1963 ... 1139
- By Secretary to various officials:
  - Assistant Secretary for Labor-Management Relations, et al.; enforcement of Service Contract Act of 1965 ... 15305
  - Labor Standards Bureau, Director; functions under Farm Labor Contractor Registration Act of 1963 ... 1139
  - Manpower Administrator:
    - Farm Labor Contractor Registration Act of 1963, functions ... 1139
    - Nondiscrimination in Federally-assisted programs ... 13560
  - Officers to sign and issue certificates of authentication ... 616
  - Solicitor:
    - Farm Labor Contractor Registration Act of 1963, functions ... 1139
    - Nondiscrimination in Federally-assisted programs ... 13560

EQUAL EMPLOYMENT OPPORTUNITY under Federal contracts, functions (Executive Order 11246) ... 12319
FARM LABOR CONTRACTOR REGISTRATION ACT of 1963:
- Authority delegations ... 1139
- Certificates of registration ... 3528
- Interpretations ... 2945

IMMIGRATION; availability of and adverse effect on American workers ... 14494, 14979
INTERNATIONAL COFFEE ORGANIZATION, functions of Secretary (Executive Order 11229) ... 7741
LABOR STANDARDS:
- Federal service contracts ... 15585
- Federally financed and assisted construction:
  - Davis-Bacon Act fringe benefits, etc ... 13136
  - Firefighters and fireguards, special provisions ... 7819

NEIGHBORHOOD YOUTH CORPS PROJECTS for unemployed youth:
- Definitions, standards, safety, etc ... 15466
- Standards for project, and limitations on Federal assistance ... 6249

OCCUPATIONAL TRAINING of unemployed persons ... 9002
RECORDS, non-Federal; retention requirements ... 3123
SAFETY POLICY FOR FEDERAL SERVICE, functions of Secretary (Memorandum and Statement of February 16, 1965) ... 2517, 2519
UNEMPLOYMENT COMPENSATION, certification of States and State laws to Secretary of Treasury ... 181

Labor Disputes:

EMERGENCY BOARD to investigate labor dispute between Atchison, Topeka and Santa Fe Railway Company, Lines East and West, and employees (Executive Order 11243) ... 11709

Labor-Management and Welfare-Pension Reports Office:

BONDING REQUIREMENTS ... 14925
RECORDS, non-Federal; retention requirements ... 3123
REPORTING FORM D-2, proposed changes ... 7306
WELFARE PENSION REPORTS, annual report of benefit plans, time for filing ... 15659

Labor Relations Board:

See National Labor Relations Board

Labor Standards Bureau:

CHILD LABOR, State certificates of age, acceptance; extension of expiration date ... 7997
FARM LABOR CONTRACTOR REGISTRATION ACT of 1963, authority delegation from Secretary of Labor ... 1139
LONGSHORING, safety and health regulations; proposed rules ... 7608
RECORDS, non-Federal; retention requirements ... 3127
SHIP REPAIRING, shipbuilding, shipbreaking, safety and health regulations; threshold limit values ... 6397, 7748

Land Conservation Fund Program:

REGULATIONS (Executive Order 11237) ... 9433

Land Management Bureau:

ADMINISTRATIVE PROCEDURES, information required by forms ... 34
AIRPORT LEASES:
- Applications for leases, procedure ... 5707
- Termination notices, Arizona ... 9496, 9962

ALASKA:
- Chugach and Tongass National Forests, small tracts excluded (PLO 3564, 3773) ... 3441, 10193
- Flood control ... 5378
- Homesteads, lands opened to entry. *See under* Homesteads, *below.*
- Mental health purposes:
  - Anchorage, 4476, 9594, 10191, 13057, 14199.
  - Baird Inlet, 12075.
  - Chitina and May Creek, 11968.
  - Chugach National Forest, 10193.
  - Copper River Meridian, 3440.
  - Fairbanks Meridian, 5378.
  - Fielding Lake area, 2261.
  - Homer, 7901, 13879.
  - Juneau, 3440, 5481.
  - Kaktoavik Island, 13256.
  - Kenai Peninsula and Matanuska Valley, 3963.
  - Kodiak, 4541.
  - Kodiak Island, 7901.
  - Naknek area, 5379.
  - Pilot Point, Ouzinkie, and Tyonek, 5480.
  - Richardson Hill Canyon, 17168.
  - Seldovia, 4541, 13057.
  - Seward, 14803, 15039.
  - Seward Meridian, 2262, 4254, 4476, 7899, 8788, 8792, 9595, 13575, 14156.
  - U.S. Survey 2283; 12075.
- Mineral lands opened. *See under* Mineral lands, *below.*
- National forest lands, small tracts excluded from (PLO 3564, 3733) ... 3441, 10193
- Native allotments of lands ... 3710
- Oil and gas leasing restrictions, Northern Alaska (PLO 3521) ... 271
- Protraction diagrams ... 898
- Powersite classifications:
  - No. 445 (PLO 3520) ... 771
  - No. 456 (PLO 3665) ... 7750
- Sale of townsite, Kodiak ... 3459
- School purposes. *See* School purposes, *below.*
- Small tracts. *See* Small tracts, *below.*
- Survey plats:
  - Chakachatna River shore ... 6090
  - Homer ... 13879
  - Seward Meridian ... 2476, 16272
- Wildlife refuge, Arctic National Wildlife Range, PLO 715 and 2214 revoked in part (PLO 3849) ... 13256
- Withdrawals of lands for use of Federal agencies, etc. *See* Withdrawals, *below.*

ALLOTMENTS to natives in Alaska ... 3710
APPLICATION PROCEDURES, filing forms; office hours of land offices ... 755
AUTHORITY DELEGATIONS; contracts and leases, etc.:
- By Associate Directors to certain Directors, et al.:
  - Great Basin Fire Center, et al ... 7616
  - Job Corps Conservation Centers ... 1879, 11330
  - Service Centers ... 8645
  - Washington office; Assistant Director, Administration, and Chief, Division of Administrative Services ... 13020
- By Center Directors:
  - Denver Service Center, to Chief, Division of Administration, et al.; contracts and leases ... 9177
  - Tillamook, Oregon, Job Corps Conservation Center, to Administrative Assistant ... 4001
- By Chief, Division of Lands and Minerals, to Branch Chiefs ... 15100

Land Management Bureau—Continued

AUTHORITY DELEGATIONS; contracts and leases, etc.—Continued
- By Directors:
  - Great Basin Fire Center to Chief, Division of Base Operations ... 9987
  - Job Corps Conservation Centers:
    - Mountain Home, Idaho, to Administrative Assistant ... 12894
    - Oregon, to Administrative Assistant, Fort Vannoy ... 6123
    - Portland Service Center to Chiefs, Administrative Services and Procurement Branches ... 10329
  - By District and Land Office Manager, California, to Chief, Branch of Lands and Minerals Adjudication ... 11359, 14444, 15500
  - By Field Administrative Officer, Portland, Oreg., to Procurement Agent ... 2002
  - By State Directors:
    - California, to District Managers, Land Office Managers, et al ... 4209, 15598
    - Oregon, to Assistant District Managers, et al.; sale or free use of materials other than forest products ... 7257
  - From Secretary of Interior:
    - Management of public domain, acquired lands, and submerged lands of Outer Continental Shelf, etc ... 4643
    - Recreation fees, designation of areas ... 14533

CLASSIFICATION of lands ... 2386, 12916
CONTINENTAL SHELF, Texas, sulphur leasing ... 6496, 12545, 13240
EXCHANGES. *See* Sales and exchanges.
FLOOD CONTROL, certain States:
- Alaska, 5378.
- Oregon, 5377, 5636.
- Washington, 5377.

GRAZING:
- Awards of grazing privileges, codification change ... 2260
- District Advisory Board, elections; general procedures ... 8170, 8801
- Districts consolidated:
  - Arizona, Nos. 2 and 3 ... 15767
  - Colorado:
    - Nos. 1 and 6 ... 15441
    - Nos. 5 and 8 ... 15441
  - New Mexico, Nos. 3 and 4 ... 13171
- Fees, 1965 ... 2408
- Lease rentals, 1965 ... 3393
- License and permit procedures ... 7606
- Modification of New Mexico district No. 7 (PLO 3662) ... 7606, 8524

HOMESTEADS, lands opened to entry:
- *For small tracts, see* Small tracts, *below.*
- Lands subject to entry, regulations ... 3657
- Various States, lands opened to entry:
  - Alaska, 2261, 2262, 3440, 3441, 3963, 4254, 4476, 4541, 4542, 5378, 5379, 5480, 5481, 7899, 7901, 8788, 8792, 9594, 9595, 10191, 10193, 11968, 12075, 13057, 13256, 13575, 14156, 14199, 14803, 15039, 17168.
  - Arizona, 443, 847, 2261, 7674, 7844, 7900, 8016, 8835, 9496, 9962, 11647, 11883, 12426, 12499, 12689, 14105.
  - Arkansas, 2476.
  - California, 623, 2213, 2661, 3439, 4539, 4541, 5378, 6595, 7293, 7824, 7897, 7900, 8835, 9594, 9595, 10190, 10192, 11327, 12884, 15109.
  - Colorado, 3460, 4477, 5635, 7101, 7900, 8790, 10190, 10191, 10192, 10252.
  - Florida, 2661.
  - Idaho, 492, 2477, 2661, 3267, 3440, 5380, 7101, 7823, 7900, 8347, 10987, 11968, 13407, 14989.
  - Michigan, 9962.
  - Montana, 4261, 4262, 4540, 5480, 5481, 9777, 11517, 11647, 11883, 12075, 14932, 15500.
  - Nebraska, 3963, 8832.
  - Nevada, 165, 2260, 4254, 4477, 4542, 4717, 11354, 12642, 14864, 15671.
  - New Mexico, 725, 2214, 2662, 3439, 4541, 4717, 5480, 5636, 7897, 8788, 10190, 10233, 11969, 12641, 14691, 15500.
  - Oregon, 885, 2214, 2215, 2261, 4478, 4540, 5481, 5636, 7899, 7998, 8417, 8493, 8494 8789, 8790, 10061, 10087, 11920, 14444.
  - South Dakota, 6072, 8789, 10193.
  - Utah, 3667, 5635, 9402, 9595, 13408, 13409.
  - Washington, 3441 5378, 7897, 7898, 8832, 14989, 15097.
  - Wyoming, 4477, 4540, 5378, 5534, 5636, 6586, 7824, 8645, 10232, 10233, 11968.

Land Management Bureau—Continued Page

HOMESTEADS, lands opened to entry—Continued
Veterans, credit for military service 4759
INDIAN LANDS, restoration to tribal ownership:
Cheyenne River Sioux Tribe of Cheyenne River Indian Reservation, S. Dak. (PLO 3902) 15588
Three Affiliated Tribes, Fort Berthold Reservation, North Dakota, restored to tribal ownership (PLO 3750) 9540
MINERAL LANDS:
See also Oil and gas leases.
Continental shelf, Texas, sulphur leasing 6496, 12545, 13240
Disposal of minerals:
Disposal policy, limitations 952, 8481
Sales; deposits, payments, time for removal 952, 8481
Fissionable source materials, elimination of reservations 7606
Lake Mead Recreation Area, leasing within 12391
Mineral leasing, proposed rules:
Competitive sealed bids 8484
National forest wilderness 9362
Public domain leasing; seismographic and geophysical exploration licenses 11355
Phosphate leases, notice of lease offer 4759
Various States, lands opened to mineral entry:
Alaska:
Anchorage, 4476, 9804, 10101, 13067, 14109.
Baird Inlet, 12075.
Birchwood area, 4476.
Chitina and May Creek, 11968.
Chugach National Forest, 10198.
Cook Inlet, 4541.
Copper River Meridian, 3440.
Fairbanks Meridian, 8375.
Fielding Lake area, 2261.
Homer, 7901.
Juneau, 3440, 5481.
Kaktovik Island, 13256.
Kenai Peninsula and Matanuska Valley, 3963.
Kodiak, 4541, 7901.
Naknek area, 5379.
Richardson Hill Canyon, 17168.
Seldovia, 13057.
Seward, 14808, 15039.
Seward Meridian, 2262, 4253, 4254, 7899, 8788, 8792, 9595, 13575, 14156.
U.S. Survey 2283; 12075.
Arizona:
Gila and Salt River Meridian, 443, 847, 7044, 7900, 14105.
Yuma County, 2261.
Arkansas, Lawrence County, 3476.
California:
Alpine County, 12894.
Butte County, 9365.
Imperial County, 10190.
Modoc National Forest, 10192.
Mojave Desert, 4541.
Mount Diablo Meridian, 2113, 4595, 7900.
Ogilby, 7293.
San Bernardino County, 15100.
San Bernardino Meridian, 7824.
Sierra National Forest, 4549.
Colorado:
Artesia and Vigil Mesa, 3469.
Lake and Chaffee Counties, 4477.
Logan County, 10191.
Mesa County, 10192, 12252.
New Mexico Principal Meridian, 7900.
San Miguel County, 10192.
Sixth Principal Meridian, 7900, 9824.
Idaho:
Ada County, 8379, 7101.
Bannock County, 493.
Boise County, 4475, 8347.
Canyon County, 8267, 3440.
Elmore County, 3861.
Lincoln County, 3476.
Owyhee County, 7900.
Salmon National Forest, 14080.
Louisiana, Louisiana Meridian, 15806.
Montana:
Principal Meridian, 11647, 14333.
Sanders County, 11517.
Wheatland County, 13500.
Nebraska, Cherry County, 3963.

Land Management Bureau—Continued Page

MINERAL LANDS—Continued
Various States, lands opened to mineral entry—Con.
Nevada:
Clark County, 2389.
Humboldt County, 4717.
Mount Diablo Meridian, 4254, 12642, 14804, 15672.
Pershing County, 4543.
Washoe County, 4477, 11354.
New Mexico:
Alamogordo, 7897.
Dona Ana County, 5636.
Eddy County, 5480.
Hidalgo County, 2662.
Lake Arthur, 10190, 12641.
Lea County, 14691.
Otero County, 2214.
Principal Meridian, 4541, 11969.
Oregon:
Baker and Union Counties, 5481.
National forest lands, 2214.
Ochoco National Forest, 14047.
Umatilla County, 4540.
Willamette Meridian, 14444.
South Dakota, Meade County, 6072.
Utah:
Salt Lake Meridian, 9402, 9595.
Washington County, 11138.
Washington:
Grant County, 7898.
Mount Baker National Forest, 15097.
Okanogan National Forest, 14989, 15097.
Olympic National Forest, 14989.
Snoqualmie National Forest, 15097.
Wenatchee National Forest, 15097.
Wyoming:
Carbon County, 4477, 6586, 7824.
Goshen and Platte Counties, 4477.
Natrona County, 4477, 4540, 6586.
Shoshone National Forest, 9540.
Teton County, 8792.
Uinta County, 4254.
Veterans, credit for military service 4759, 8964
NATIONAL FOREST LANDS; additions, etc.:
See also under Withdrawals, *below.*
Alaska; Chugach and Tongass National Forests, small tracts excluded (PLO 3564, 3773) 3441, 10193
PLO 797 revoked in part (PLO 3773) 10193
Arizona; Sitgreaves National Forest, addition (PLO 3785) 10195
California:
Eldorado National Forest; lands transferred to Stanislaus National Forest (PLO 3896) 15097
Klamath National Forest, lands restored from power withdrawal (PLO 3696) 7897
Lassen National Forest, lands restored from power withdrawal (PLO 3559) 3439
Plumas National Forest:
Lands excluded (PLO 3896) 15097
Lands restored from power withdrawal (PLO 3770) 10191
Shasta National Forest, lands restored from certain power projects (PLO 3741) 9594
Shasta-Trinity National Forest, addition (PLO 3875) 14800
Six Rivers National Forest, addition (PLO 3875) 9176, 14800
Stanislaus National Forest; lands transferred to Eldorado National Forest (PLO 3896) 15097
Tahoe National Forest:
Lands restored from power withdrawals (PLO 3554) 2661
Lands transferred to Plumas National Forest (PLO 3896) 15097
Trinity National Forest; proposed addition 9699
Idaho; St. Joe National Forest, lands excluded (PLO 3733) 8833
Michigan; additions:
Hiawatha National Forest (PLO 3630, 3753, 3834) 5481, 6927, 9541, 12642
Manistee National Forest (PLO 3674, 3834) 3327, 4327, 7752, 12642
Minnesota; Superior National Forest, addition (PLO 3636) 5635

Land Management Bureau—Continued Page

NATIONAL FOREST LANDS; additions, etc.—Con.
Montana; Lewis and Clark National Forest, survey plat filed 6362
Nevada; Humboldt National Forest, addition (PLO 3524) 524
New Mexico:
Carson National Forest, lands excluded (PLO 3560, 3709) 3439, 6788
Cibola National Forest; addition (PLO 3781) 896, 6881, 10194
Oregon:
Rogue River National Forest, addition of lands excluded from Winema National Forest (PLO 3576) 4476
Willamette National Forest, certain power sites revoked (PLO 3699) 7899
Winema National Forest, addition and deletion of certain lands (PLO 3576) 4476
Proclamation 3423 corrected 4476
Utah; additions:
Cache National Forest (PLO 3748) 9540
Dixie National Forest (PLO 3760, 3811, 3898) 2826, 9912, 11516, 15098
Wasatch National Forest (PLO 3748) 9540
Washington; Kaniksu National Forest, lands restored from power withdrawals (PLO 3565) 3441
Wyoming; Shoshone National Forest, mineral entry (PLO 3747) 9540
NATIONAL FOREST WILDERNESS, prospecting, mineral leasing, mineral locations, and mineral patents within; proposed rules 9362
OIL AND GAS LEASES:
Alaska, northern, leasing restrictions (PLO 3521) 271
Continuation as result of actual drilling operations; proposed rule 11329
Protraction diagrams:
Alaska, 896.
California, 14935, 14936, 15298, 16020.
Colorado, 3825, 8460, 8719.
Idaho, 5711, 14690, 16273.
Nevada, 725, 896, 2159, 5711, 6362, 6881.
Washington, 8859.
Wyoming, 8893.
ORGANIZATION:
District offices consolidated:
Brigham City and Murray, Utah 13171
Farmington and Albuquerque, N. Mex 13171
Land offices, new locations:
Cheyenne, Wyo 5534
Denver, Colo 6404, 11000
Montana 3830
Nevada 3824
Spokane, Wash 11360, 11800
POWER PROJECTS, powersite reserves, etc.:
Powersite classifications:
Alaska:
No. 445 (PLO 3520), 271.
No. 456 (PLO 3655), 7750.
California:
No. 116 (PLO 3696), 7897.
No. 446 (PLO 3890), 14990.
No. 451 (PLO 3756), 9542.
Idaho:
No. 454 (PLO 3842), 13666.
No. 455 (PLO 3793), 10894.
No. 457 (PLO 3690), 7823.
Washington:
No. 455 (PLO 3793), 10894.
Restoration of lands:
Arizona:
Powersite classification No. 438 (PLO 3861), 14105.
Powersite reserves, Executive orders revoked in part:
No. 83, Executive order of December 9, 1909 (PLO 3861), 14104.
No. 242, Executive order of March 1, 1912 (PLO 3861), 14104.
No. 558, Executive order of October 30, 1916 (PLO 3864), 7750.
No. 590, Executive order of March 21, 1917 (PLO 3861), 14104.
No. 789, Executive order of November 22, 1924 (PLO 3861), 14104.
Waterpower designations, prior orders revoked in part:
No. 4 (PLO 3861), 14105.
No. 9 (PLO 3864), 7780.

Land Management Bureau—Continued Page

POWER PROJECTS, power site reserves, etc.—Con.
Restoration of lands—Continued
California:
Powersite classifications:
No. 80 (PLO 3677), 14801.
No. 425 (PLO 3770), 10191.
No. 451; addition to (PLO 3810), 11383.
Powersite reserve No. 201, Executive order of August 30, 1911, revoked in part (PLO 3540), 2214.
Projects:
No. 187 (PLO 3554), 2661.
No. 616 (PLO 3559), 3439.
No. 2099 (PLO 3741), 9594.
No. 2106 (PLO 3741), 9594.
Colorado:
Powersite classification No. 89 (PLO 3659), 7101.
Powersite reserves:
No. 81 (PLO 3763), 10190.
No. 116 (PLO 3717), 8790.
No. 244 (PLO 3764), 10190.
No. 253, Executive order of March 23, 1912, revoked in part (PLO 3659), 7101.
Idaho:
Powersite classification No. 155, Idaho No. 8 (PLO 3537), 2213.
Powersite reserve No. 513 (PLO 3621), 5380.
Minnesota:
Powersite reserve No. 185, Executive order of May 16, 1911, revoked in part (PLO 3757), 9542.
Montana:
Powersite reserve No. 48, Executive order of July 2, 1910, revoked in part (PLO 3812), 11517.
New Mexico:
Powersite reserve No. 59, Executive order of July 2, 1910, modified (PLO 3803), 11352.
Oregon:
Powersite classifications:
No. 143, modified for highway right-of-way (PLO 3596), 4542.
No. 164, prior orders revoked in part (PLO 3699), 7898.
Nos. 378, and 426 (PLO 3528), 885, 7998.
Powersite reserves:
Nos. 24, 145, and 566 (PLO 3528), 885, 7998.
Nos. 167 and 623, Executive orders of December 19, 1910, and May 17, 1917, modified for highway right-of-way (PLO 3596), 4542.
No. 280, Executive order of June 4, 1912, modified (PLO 3864), 14199.
No. 285, Executive order of July 10, 1912, revoked in part (PLO 3699), 7898.
No. 578, Executive order of February 6, 1917, revoked in part (PLO 3545), 2261.
No. 633, Executive order of July 24, 1917, modified (PLO 3864), 14199.
Nos. 661 and 664, Executive order of December 12, 1917, revoked in part (PLO 3699), 7898.
Projects Nos. 852, 1068, and 2059 revoked (PLO 3699), 7899.
Waterpower designations, prior departmental orders modified:
No. 11 (PLO 3864), 14199.
No. 14 (PLO 3699), 7898.
Utah:
Powersite classification No. 377 (PLO 3744, 3894), 9595, 15097.
Washington:
Powersite classifications:
No. 215 (PLO 3565), 3441.
No. 349, modified for highway right-of-way (PLO 3637), 5615.
No. 406 (PLO 3565), 3441.
Powersite reserve No. 72, Executive order of July 2, 1910, revoked in part (PLO 3516), 5378.
Wyoming:
Powersite classification No. 345 (PLO 3787, 3821), 10232, 11968.
Powersite reserve No. 115, Executive order of July 2, 1910, revoked in part (PLO 3787), 10232.
PROGRAM POLICY 2384, 12913
RECREATION AND PUBLIC PURPOSES ACT:
Applications for transfer, change of use, and renewal of leases 9273
Lands opened:
Arizona, Pima County, 13968.

Land Management Bureau—Continued Page

RIGHTS-OF-WAY:
Communication sites, compatible use; proposed rules 8413
Highway purposes, various States:
Arizona, 7821, 8833, 8836, 9542, 11383, 12283, 15664.
California, 14689.
Minnesota, 2667.
New Mexico, 11352.
Oregon, 4542, 14199.
Washington, 5635.
Irrigation purposes, certain lands in California, restrictions 14800, 15420
Railroads and station grounds, no payments required 7605
SALES AND EXCHANGES:
Exchanges, Point Reyes National Seashore, Calif., Fire Island National Seashore, N.Y., Lake Mead National Recreation Area, Ariz. and Nev. 3438
Land in city of Boardman, Oreg., sale of 2886
Procedures 2385, 12914
Townsites, sale of:
Alaska, Kodiak 3459
Oklahoma; certified statements 2263, 5707
SCHOOL PURPOSES:
Alaska, 1194, 3228, 4253, 4262, 4363, 4542, 5480, 6279, 6593, 9962, 10233.
Arizona, 443, 2261, 7900, 8835, 14105.
California, 2213, 4540, 4541, 5378, 7900, 9505, 10192, 11353.
Colorado, 4477, 7101, 7900, 8790, 10190, 10191, 10192.
Idaho, 5379, 7101, 7900.
Montana, 11517, 14983.
Nebraska, 3063.
New Mexico, 4541, 10233.
Oregon, 7899.
South Dakota, 6072, 8789.
Utah, 9595.
Washington, 5378, 7898.
Wyoming, 4477, 4540, 5378, 5636, 6586, 7824, 8645, 10232, 11968.
SMALL TRACTS:
Classifications:
Alaska:
No. 65–6; 7456.
No. 135; 2825, 3886.
No. 136; 6091.
Orders cancelled:
No. 39; 896.
No. 46; 6090.
No. 54; 6090.
No. 77; 6090.
No. 81; 6090.
No. 83; 896.
Nos. 131—135; 6090.
Arizona:
Prior order revoked, 1879.
California:
No. C6–7; 897.
No. 101 amended, 1128.
No. 182 amended, 1128.
No. 519 amended, 1129.
Colorado; revoked:
No. 29; 9177.
No. 33; 9177.
No. 37; 9177.
No. 38; 9177.
No. 39; 9177.
No. 40; 9177.
Oregon; revoked:
No. 56–2, 13749.
No. 57–2, 13749.
Lands opened for lease or purchase as homesites under Small Tract Act:
Arizona, prior orders revoked, 1879, 9402.
California, 897, 1128.
SPECIAL USES, proposed rules:
Permits for advertising displays, drilling water wells, etc. 10295
Rights-of-way for communication sites 8413
SURVEY PLATS, various States:
Alaska:
Chakachatna River shore, 6090.
Homer, 13879.
Seward Meridian, 2476, 16272.
Arizona, Gila and Salt River Meridian, 847, 7844.
Arkansas, Lawrence County, 2476.

Land Management Bureau—Continued Page

SURVEY PLATS—Continued
California:
Ogilvy, 7293.
San Bernardino Meridian, 6595.
Florida, Escambia County, 6361.
Idaho, Boise Meridian, 16273.
Louisiana, Catahoula Pariah, 4771.
Michigan, Saginaw County, 9962.
Minnesota islands:
Alcorn and Juanita, 2687.
Goose Lake, 2477.
Tilde, Loon, and Spirit Lakes, 2561.
Montana:
Lewis and Clark National Forest, 6362.
Principal Meridian, 11647.
Nevada, Mount Diablo Meridian, 165, 14864, 15672.
Oregon, Willamette Meridian, 5711, 7401, 10061, 14444.
Utah, Salt Lake Meridian, 3667, 9497.
Wisconsin:
Florence County, 105.
Outagamie County, 6404.
Wolf River island, 4141.
TRESPASS; measure of damage, sale, lease, permit, or license to trespassers 8411
WATER RESERVES, PUBLIC; Executive orders revoked in part:
No. 1, Utah No. 1; Executive order of March 29, 1912 (PLO 3715) 8789
No. 2, Wyoming No. 1; Executive order of April 19, 1912 (PLO 3778) 10194
No. 14, California No. 2; Executive order of January 24, 1914 (PLO 3569) 4253
No. 16, Utah No. 7; Executive order of March 9, 1914 (PLO 3866) 14319
Nos. 17, 65, 69, and 83, California; Executive orders of March 21, 1914, July 10, 1919, January 26, 1920, and May 3, 1922 (PLO 3535) 2213
No. 19, Colorado; Executive order of May 4, 1914 (PLO 3599) 4678
No. 21, New Mexico No. 1; Executive order of June 24, 1914 (PLO 3840) 12884
No. 56, California No. 7; Executive order of October 16, 1918 (PLO 3856) 13575
No. 90, California; Executive order of March 10, 1924, and prior departmental orders modified (PLO 3885) 14989
No. 91, Utah; Executive order of June 13, 1925 (PLO 3658) 7101
No. 107, Executive order of April 17, 1926:
California (PLO 3535, 3591, 3807) 2213, 4541, 11353
Colorado (PLO 3599) 4678
Nevada (PLO 3604) 4717
New Mexico (PLO 3766, 3832) 10190, 12641
WILDERNESS AREAS, prospecting, mineral leasing, mineral locations, etc.; proposed rules 9362
WILDLIFE REFUGES:
Alaska, Arctic National Wildlife Range, PLO 715 and 2214 revoked in part (PLO 3849) 13256
Arizona:
Cibola National Wildlife Refuge, withdrawal for Colorado River Storage Project (PLO 3752) 9541
Gila River Waterfowl Area Project, PLO 1015 modified for highway right-of-way (PLO 3734) 8833
Havasu Lake National Wildlife Refuge, Executive Order 8647 and PLO 559 revoked in part (PLO 3522, 3527, 3720) 443, 755, 8791
California, McCain Valley National Cooperative Land and Wildlife Management Area, PLO 2460 corrected (PLO 3729) 8833
Colorado, Alamosa National Wildlife Rufuge (PLO 3899) 15098
Florida, Pelican Island National Wildlife Refuge PLO 3276 revoked in part (PLO 3551) 2661
Idaho:
Deer Flat National Wildlife Refuge; Executive Order 7655 revoked in part (PLO 3661) 7521
Dingle Swamp National Wildlife Refuge; proposed withdrawal 9496
Virgil Borden Lakes Game Management Area (PLO 3740) 8836
Montana:
Charles M. Russell National Wildlife Range; certain stock driveways revoked in part (PLO 3583) 4478
Lake Mason National Wildlife Refuge, addition (PLO 3555) 2661

Land Management Bureau—Continued Page

WILDLIFE REFUGES—Continued
Nevada, Alkali Lake Wildlife Management Area (PLO 3598, 3675) 4678, 7753
Oregon, John Day Wildlife Management Area, proposed withdrawal 14605
Texas, Laguna Atascosa National Wildlife Refuge, PLO 1364 and 2627 revoked (PLO 3722) 8791
Utah, Ouray National Wildlife Refuge, proposed withdrawal 9176
Wisconsin, Necedah National Wildlife Refuge; lands added (PLO 3651) 5639
Wyoming, Pathfinder National Wildlife Refuge; lands added and deleted, Executive Order 7425 revoked in part (PLO 1157) 8580
WISCONSIN LANDS, certain, in Florence County; applications under 43 U.S.C. 994 and 1221–1223 105
WITHDRAWALS of lands for specified uses of Federal agencies, etc.:
Alaska:
Anchorage:
Alaska Railroad development, Interior Department; proposed withdrawal 16168
Knik River recreation site, PLO 1384 revoked in part (PLO 3742) 9594
Military purposes, Army Department, PLO 724 revoked in part (PLO 3768) 10191
Townsite purposes, Executive Orders 2242 and 3672 revoked in part (PLO 3848) 13057
Townsite and railroad purposes, Executive Orders 1919½ and 2242 revoked in part (PLO 3863) 14199
Various public purposes, PLO 576 revoked in part (PLO 3768) 10191
Anchorage Townsite:
Administrative site, General Services Administration (PLO 3532) 1288
Executive Order 2216 revoked in part (PLO 3532) 1288
Interagency motor pool, General Services Administration; proposed withdrawal terminated 6927
Baird Inlet, school purposes, PLO 3492 revoked in part (PLO 3825) 12075
Barrow:
Air navigation facility, Federal Aviation Agency, PLO 2958 revoked (PLO 3732) 8833
Hospital site, Public Health Service; proposed amendment of PLO 2557 6496, 7018
National Guard armory site, Army Department; proposed amendment of PLO 2325 6496, 7018
School purposes, for Indians, Eskimos, and Aleuts (PLO 3594) 4542
Executive order of May 4, 1907, revoked in part (PLO 3594) 4542
Proposed amendment of Executive order of May 1, 1907 3228
Weather station, Weather Bureau; amended (PLO 3846) 6227, 6881, 12947
Bethel, administrative site, Indian Affairs Bureau; proposed withdrawal 6798, 9012
Big Delta, Northway, and Delta-Tok Areas, pumping station sites, Army Department (PLO 3689) 7822
Birchwood Area, railroad purposes (PLO 3577) 4476
PLO 802 revoked in part (PLO 3577) 4476
Bristol Bay, field station, red salmon resources, Commercial Fisheries Bureau; proposed withdrawal 10918
Camden Bay, Beaufort Lagoon, PLO 1769; Navy Department substituted for Air Force Department (PLO 3780) 10194
Cape Simpson, Cape Sabine, et al., PLO 1571; Navy Department substituted for Air Force Department (PLO 3780) 10194
Chefornak, school reserve, Indian Affairs Bureau; proposed withdrawal 4363
Chitina and May Creek, Air Navigation Site 137, prior order revoked (PLO 3820) 11968
Chugach National Forest, PLO 797 revoked in part (PLO 3773) 10193
Clearwater Lake, military purposes, Army Department; proposed withdrawal 7674, 13407
Cold Bay, Sports Fisheries and Wildlife Bureau; proposed withdrawal 14864

Land Management Bureau—Continued Page

WITHDRAWALS of lands for specified uses of Federal agencies, etc.—Continued
Alaska—Continued
Gila and Salt River meridian—Continued
Cook Inlet, lighthouse purposes, Executive Order 3406 revoked in part (PLO 3590) 4541
Copper River Meridian:
Powersite classification No. 452, Geological Survey; proposed withdrawal terminated 6797
Townsite purposes, PLO 823 revoked (PLO 363) 3440
Fairbanks, school purposes (PLO 3534) 1194
Fairbanks Meridian:
Airport and townsite, Executive Orders 3825 and 8596, PLO 19 and prior departmental order revoked in part (PLO 3751) 9541
Protection of Elliott Highway; PLO 1993 revoked (PLO 3614) 5378
Protection of National Aeronautics and Space Administration facilities (PLO 3708) 8753
Reindeer experiment stations, Executive Orders 4719 and 5352 revoked (PLO 3602) 4679
Fielding Lake area, PLO 1507 revoked in part (PLO 3546) 2261
Fort Yukon, administrative site, Interior Department; proposed withdrawal 13020
Gerstle River, military purposes, Army Department; proposed withdrawal 1953
Terminated 3324
Homer, military purposes, Air Force Department, PLO 1752 revoked (PLO 3704) 7900
Hooper Bay, school purposes (PLO 3571) 4253
Executive Order 5289 and departmental order of September 22, 1958, revoked in part (PLO 3571) 4253
Indian Mountain, military purposes, Air Force Department; proposed withdrawal 8546
Indian Point, rescue station, Coast Guard (PLO 3850) 13256
Juneau, air navigation sites:
No. 12 revoked (PLO 3626) 5481
No. 173 revoked in part (PLO 3561) 3440
Kaktoavik Island, military purposes, Air Force Department, Arctic National Wildlife Range; PLO 715 and 2214 revoked in part (PLO 3849) 13256
Kenai Peninsula and Matanuska Valley, PLO 839, 1212, 1394, 1489, 1524, and 1570 revoked in whole or part (PLO 3568) 3963
King Salmon area, administrative site, Katmai National Monument, National Park Service, PLO 1861 amended (PLO 3784) 10195
Kodiak, radio station, Army Department; Executive Order 6039 revoked in part (PLO 3592) 4541
Kodiak Island:
Administrative site for Kodiak National Wildlife Refuge, Fish and Wildlife Service; proposed withdrawal terminated in part 14112
Naval purposes, Executive Order 8278 revoked in part (PLO 3705) 7901
Kotzebue, air navigation facility, Federal Aviation Agency:
Amendment of proposed withdrawal terminated 11883
PLO 3830 12253
Kwigillingok, school reserve, Indian Affairs Bureau; proposed withdrawal 4262
McGrath Airport area, protection of airport approach zones, Federal Aviation Agency; proposed withdrawal 15501
Naknek area, military purposes, Air Force Department (PLO 3617) 5379
PLO 1457 revoked in part (PLO 3617) 5379
Naknek River, dock site, Fish and Wildlife Service, PLO 309 amended (PLO 3784) 10195
New Koliganek, school purposes (PLO 3791) 6279, 10233
Oscarville, school reserve, Indian Affairs Bureau; proposed withdrawal 9962
Pilot Point, Ouzinkie, and Tyonek, school purposes, Indian Affairs Bureau (PLO 3623) 5480
Executive order of June 17, 1935, and PLO 1233 revoked (PLO 3623) 5480
Port Snettisham, power project, Army Department; proposed withdrawal terminated in part 8114
Portage area, Prisons Bureau, Justice Department, PLO 2610 revoked (PLO 3721) 8791
Prince of Wales Island, Maybeso Experimental Forest, Forest Service; proposed withdrawal 6797

Land Management Bureau—Continued Page

WITHDRAWALS of lands for specified uses of Federal agencies, etc.—Continued
- Alaska—Continued
  - Richardson Clear Creek and Taylor Highway areas, protective area, Land Management Bureau; proposed withdrawal amended 14936
  - Richardson Hill Canyon, administrative site, Alaska Road Commission, PLO 1570 revoked in part (PLO 3908) 17168
  - Seldovia, Reconstruction Finance Corporation; PLO 316 revoked (PLO 3847) 13057
  - Seward:
    - Dock and warehouse purposes, Alaska Railroad, PLO 1745 revoked (PLO 3893) 15039
    - Lighthouse purposes, Executive Order 3406 revoked in part (PLO 3881) 14803
  - Seward Meridian:
    - Administrative sites:
      - Agriculture Department, PLO 1316 revoked (PLO 3859) 14156
      - Interior Department (PLO 3677) 7820
      - PLO 549 and 1537 revoked in part (PLO 3724) 8792
    - Lighthouse purposes, Coast Guard; PLO 1695 modified (PLO 3570) 4253
    - Military purposes, Army Department; PLO 5 revoked in part (PLO 3549) 2262
    - Natives, use of, Executive Order 2347 revoked (PLO 3572) 4254
    - Public purposes, PLO 576 and 891 revoked in part (PLO 3576, 3855) 4476, 13575
    - Recreation sites:
      - Air Force Department (PLO 3700) 7899
      - PLO 1350 revoked (PLO 3700) 7899
      - Land Management Bureau:
        - PLO 615, 1394, and 1524 revoked in part (PLO 3711, 3743) 8788, 9595
        - PLO 1301 revoked (PLO 3572) 4254
        - Proposed withdrawal terminated 12363
  - Seward Townsite, Federal addition, Agriculture Department use, Executive Order 5447 revoked (PLO 3519) 7
  - Slana area, recreation areas; proposed withdrawal terminated 2560
  - Tanana River, south bank, boat landing site, Army Department; proposed withdrawal 3227
  - Tongass National Forest:
    - Administrative site, Forest Service (PLO 3776) 7402, 10192
    - Recreation area, Agriculture Department (PLO 3795) 10895
  - Tuluksak, school reserve, Indian Affairs Bureau; proposed withdrawal 6593
  - U.S. Survey 2283, recreation purposes, PLO 2345 revoked in part (PLO 3826) 12075
  - Wonder Lake, protective area, Land Management Bureau; proposed withdrawal 6593
- Arizona:
  - Apache National Forest, administrative sites:
    - Agriculture Department (PLO 3858) 14012
    - Forest Service:
      - Prior orders revoked in part (PLO 3878) 14801
      - Proposed withdrawal 7115
  - Coconino National Forest:
    - Protection of archaeological values, Agriculture Department (PLO 3858) 7115, 14012
    - Recreation area, Agriculture Department (PLO 3686) 7822
    - Roadside zones, Forest Service, PLO 3152 revoked in part (PLO 3872) 14732
  - Coronado National Forest:
    - Administrative sites and recreation areas, Forest Service, prior departmental orders and PLO 1080 and 1810 revoked in part (PLO 3878) 14801
    - Aircraft control site, Engineers Corps; proposed withdrawal terminated 6738
  - Gila and Salt River Meridian:
    - Colorado River Storage Project (PLO 3752) 9541, 10052
    - Gila River Waterfowl Area Project, PLO 1015 modified for highway right-of-way (PLO 3734) 8833
    - Granite Reef and Salt-Gila Aqueducts, Reclamation Bureau; proposed withdrawals terminated 7114

Land Management Bureau—Continued Page

WITHDRAWALS of lands for specified uses of Federal agencies, etc.—Continued
- Arizona—Continued
  - Gila and Salt River Meridian—Continued
    - Havasu Lake National Wildlife Refuge; Executive Order 8647 and PLO 559 revoked in part (PLO 3522) 443
    - Protection of natural areas (PLO 3530, 3701) 1193, 7900
    - Reclamation purposes, Parker-Davis Project (PLO 3522, 3527) 443, 755
    - Recreation use and wildlife habitat; proposed withdrawal 11360
    - Rifle range, Executive Order 1238 revoked (PLO 3728) 8832
    - Stock driveways:
      - No. 56, Arizona No. 2, prior order modified for highway right-of-way (PLO 3739) 8836
      - No. 164, departmental order revoked in part (PLO 3519) 7
    - Kaibab National Forest, administrative sites, Forest Service, prior orders revoked in part (PLO 3878) 14801
    - Maricopa County, Auxiliary Field No. 4 and reclamation purposes, Air Force Department, PLO 665 and prior departmental order revoked in part (PLO 3901) 15587
    - Navajo County, stock driveway purposes, prior orders modified in part (PLO 3681, 3904) 7821, 15664
    - Pima County, public road construction, PLO 317 modified in part (PLO 3809, 3831, 3905) 11383, 12253, 15664
  - Pinal County:
    - Buttes Dam and Reservoir, Middle Gila River Project (PLO 3835) 12642
    - Reclamation purposes, prior order revoked in part (PLO 3738) 8835
    - Prescott National Forest, administrative sites and recreation areas, Forest Service, PLO 1556 revoked in part (PLO 3878) 14801
    - Sitgreaves National Forest, administrative site, Forest Service:
      - PLO 1176 revoked in part (PLO 3878) 14801
      - Proposed withdrawal amended 1879
    - Tonto National Forest:
      - Administrative sites, Forest Service, prior departmental orders and PLO 1545 revoked in part (PLO 3878) 14801
      - Recreation sites, Agriculture Department (PLO 3684) 2366, 7821
      - Roadside zones to protect aesthetic values, Forest Service; proposed withdrawal 11285
    - Yuma County:
      - Air navigation site No. 158 revoked in part (PLO 3548) 2261
      - Colorado River Storage Project (PLO 3754) 9542
- Arkansas:
  - Fifth Principal Meridian:
    - Greers Ferry Reservoir, Engineers Corps (PLO 3845) 9886, 12947
    - Oil and gas deposits, Fort Chaffee Military Reservation, jurisdiction transferral from Army Department to Interior Department; PLO 2248 modified (PLO 3836) 12643
    - St. Francis Sunken Lands and Marked Tree Floodway Project, PLO 1254 revoked (PLO 3628) 5380
  - Ouachita National Forest, experimental forest, Agriculture Department (PLO 3647) 5637
- California:
  - Alpine County, administrative site, Forest Service, PLO 1461 revoked in part (PLO 3838) 12884
  - Butte County, fire lookout sites and explosive storage, Executive Order 6544 revoked in part (PLO 3745) 9595
  - Cleveland National Forest, recreational purposes, Forest Service; proposed withdrawal 14606
  - Colusa County, Orland Project, reclamation purposes (PLO 3627) 5380
  - Douglas City recreation site, Land Management Bureau; proposed withdrawal 4771
  - El Dorado National Forest, recreation areas, Forest Service; proposed withdrawal 7398
  - Humboldt and Mendocino Counties, redwood protection, PLO 3529 corrected and revoked in part (PLO 3815) 11679

Land Management Bureau—Continued Page

WITHDRAWALS of lands for specified uses of Federal agencies, etc.—Continued
- California—Continued
  - Humboldt Meridian:
    - Campgrounds and recreation sites, Land Management Bureau; proposed withdrawal 4261
    - Redwood protection (PLO 3529) 951
  - Imperial County, Colorado River Storage and Yuma Projects, prior orders revoked in part (PLO 3765) 10190
  - Klamath National Forest:
    - Campgrounds and administrative site, Forest Service; proposed withdrawals 7320, 8417, 8493
    - Recreation area, Agriculture Department (PLO 3531) 1194
    - Reservoir site reserve No. 23 (PLO 3890) 14990
  - Lassen National Forest, administrative sites, etc., Forest Service:
    - Departmental orders revoked in part (PLO 3523) 623
    - Proposed withdrawal 7320
  - Modoc National Forest:
    - Administration, Forest Service, prior departmental orders and Executive Order 1597 revoked in part (PLO 3771) 10192
    - Burnt Lava Flow Virgin Area, natural science laboratories, Forest Service; proposed withdrawal 13748
  - Mojave Desert, water reserve No. 107; Executive order of April 17, 1926, revoked in part (PLO 3591, 3807) 4541, 11353
  - Mount Diablo Meridian:
    - Campgrounds and recreation sites, Land Management Bureau (PLO 3701, 3702) 4261, 7900
    - Campsite, Air Force Department, PLO 26 revoked in part (PLO 3737) 8835
    - Central Valley Project, Reclamation Bureau; proposed withdrawals 2159, 13747, 14606
    - Isabella Reservoir Project, Army Department (PLO 3779) 10194
    - Petrographic sites, protection of (PLO 3601) 4679
    - Executive Order 5182 revoked in part (PLO 3601) 4679
    - Redwood protection (PLO 3529) 951
    - Scenic areas, protection of (PLO 3530, 3701) 1193, 7900
  - Water reserves Nos. 17, 65, 69, 83, and 107; Executive orders of March 21, 1914, July 10, 1919, January 26, 1920, May 3, 1922, and April 17, 1926, revoked in whole or part (PLO 3535) 2213
  - Palm Springs, public water reserve No. 56, California No. 7, Executive order of October 16, 1918, revoked in part (PLO 3856) 13575
  - Plumas National Forest, campgrounds, etc., Forest Service; proposed withdrawal 7320
  - Riverside County:
    - Water reserve, public, No. 90, Executive order of March 10, 1924, and prior departmental orders modified (PLO 3885) 14989
    - Western Forest Fire Research Laboratory, Forest Service; proposed withdrawal terminated in part 16274
    - Yuma Project, prior order revoked in part (PLO 3801) 11139
  - Rogue River National Forest, Applegate Reservoir Project, Engineers Corps; proposed withdrawal 16272
  - San Bernardino Meridian:
    - Administrative sites and recreation areas, Forest Service; proposed withdrawal corrected 7018
    - Cedar Springs Reservoir Area No. 2 (Feather River Project), Forest Service; proposed withdrawal 13968
    - Havasu Lake National Wildlife Refuge, Executive Order 8647 and PLO 559 revoked in part (PLO 3720) 8791
    - Indian petroglyphs, protection, Land Management Bureau; proposed withdrawal 6123
    - McCain Valley National Cooperative Land and Wildlife Management Area, PLO 2460 corrected (PLO 3729) 8833
    - National monument, determination; Executive Order 6285 revoked in part (PLO 3693) 7824
    - Recreation areas, etc., Forest Service; proposed withdrawal amended 3459, 4434

Land Management Bureau—Continued Page

WITHDRAWALS of lands for specified uses of Federal agencies, etc.—Continued
- California—Continued
  - San Bernardino Meridian—Continued
    - Rincon Indian Reservation, addition, Indian Affairs Bureau; proposed withdrawal 10329
    - Salton Sea, parachute test facility, Navy Department; proposed withdrawal 652
    - San Diego Missile Test Site, land transferral from Air Force Department to National Aeronautics and Space Administration (PLO 3749) 9540
  - San Bernardino National Forest, administrative sites, Agriculture Department (PLO 3654, 3802) 6072, 11326
  - Shasta National Forest, reservoir site reserve No. 23 (PLO 3890) 14990
  - Shasta-Trinity National Forest:
    - Addition, Forest Service (PLO 3875) 14800
    - Campgrounds, etc., Forest Service; proposed withdrawals 7320, 8417
  - Sierra National Forest:
    - Central Valley Project, Reclamation Bureau; prior order revoked (PLO 3585) 4539
    - Roadside scenic areas, Forest Service; proposed withdrawal and termination in part 16021
    - Siskiyou County, stock driveway, prior order revoked (PLO 3663) 7750
  - Six Rivers National Forest:
    - Addition, Forest Service (PLO 3875) 9176, 14800
    - Campgrounds, etc., Forest Service; proposed withdrawal 7320
  - Stanislaus National Forest, Job Corps Camp, Forest Service; proposed withdrawal 7577
  - Tahoe National Forest:
    - Campgrounds, etc., Forest Service; proposed withdrawal 7320
    - Recreation areas, Agriculture Department; proposed withdrawal terminated in part 2825
    - Roadside zones and picnic site, Agriculture Department (PLO 3518) 7
  - Trinity National Forest, addition to, Forest Service, proposed withdrawal 9699
- Colorado:
  - Alamosa County, Alamosa National Wildlife Refuge (PLO 3899) 15098
  - Arapaho National Forest:
    - Experimental forest, Agriculture Department (PLO 3716) 8790
    - Recreation areas:
      - Agriculture Department (PLO 3806) 11352
      - Forest Service, proposed withdrawal 12812
    - Roadside zones, Forest Service; proposed withdrawal amended 847
  - El Paso, Pueblo, and Fremont Counties, Fort Carson expansion, Army Department (PLO 3731) 8833
  - Fraser Experimental Forest, Agriculture Department (PLO 3716) 8790
  - Gunnison National Forest, Fruitland Mesa Project, Reclamation Bureau; proposed withdrawal 5862
  - Lake and Chaffee Counties, Frying Pan-Arkansas Project (PLO 3581) 4477
    - PLO 3500 amended and revoked in part (PLO 3581) 4477
  - Logan County, South Platte River Management Area, PLO 1164 revoked (PLO 3767) 10191, 11604
  - Mesa County:
    - Atomic Energy Commission, PLO 1135 and 1495 revoked in part (PLO 3772) 10192
    - Reclamation purposes, prior order revoked in part (PLO 3717) 8790
    - Stock driveway purposes, prior order revoked in part (PLO 3829) 12252
  - Moffatt County, Juniper Project (PLO 3805) 11327
- New Mexico Principal Meridian:
  - Colorado River Storage Project, Reclamation Bureau; proposed withdrawal 2562
  - Crater Creek Campground, Agriculture Department (PLO 3769) 10191
  - Recreation sites and protection of ruins, Land Management Bureau (PLO 3843) 7845, 12886
  - Roadside zones, Land Management Bureau; proposed withdrawal 7578
  - Scenic areas, protection of (PLO 3530) 1193, 3701, 7900

Land Management Bureau—Continued Page

WITHDRAWALS of lands for specified uses of Federal agencies, etc.—Continued
- Colorado—Continued
  - Rio Grande National Forest, recreation sites, Forest Service; proposed withdrawal 14691
  - Roosevelt National Forest, recreation sites, Forest Service; proposed withdrawal 14691
  - Routt National Forest, administrative site; prior withdrawal revoked (PLO 3639) 5635
  - San Juan National Forest:
    - Campgrounds:
      - Agriculture Department (PLO 3769) 10191
      - Forest Service:
        - PLO 1510 revoked in part (PLO 3769) 10191
        - Proposed withdrawal 7578
    - Dolores Project (PLO 3608) 5377
  - San Miguel County, Atomic Energy Commission, PLO 1135 and 1495 revoked in part (PLO 3772) 10192
  - Sixth Principal Meridian:
    - Colorado River Storage Project, Reclamation Bureau; proposed withdrawal terminated 4692, 6361
    - Delta National Fish Hatchery (PLO 3883) 7725, 14930
    - Fort Carson Military Reservation, Army Department; proposed withdrawal amended 847, 5390
    - Juniper Project, Reclamation Bureau; proposed withdrawal 1952
    - Oil shale deposits, Executive Order 5327 modified (PLO 3882) 14929
    - Protection of recreation and archaeologic values, Land Management Bureau (PLO 3843) 7845, 12886
    - Rangely Airport, air navigation aids (PLO 3822) 11969
    - Reclamation purposes, Juniper Project (PLO 3735, 3736) 8834, 9801
    - Rifle Gap Dam and Reservoir, Reclamation Bureau; proposed withdrawal 6362
    - Scenic areas, protection of (PLO 3530, 3701) 1193, 7900
    - Water reserves 19 and 107; Executive orders of May 4, 1914, and April 17, 1926, revoked in part (PLO 3599) 4678
  - Uncompahgre National Forest, Bostwick Park Project, Reclamation Bureau; proposed withdrawal 6090, 14936
- Florida:
  - Pelican Island National Wildlife Refuge, PLO 3276 revoked in part (PLO 3551) 2661
  - Tallahassee Meridian; Air Force use, PLO 1044 revoked in part (PLO 3519) 7
- Idaho:
  - Ada County:
    - Lucky Peak Reservoir, Engineers Corps (PLO 3892) 6362, 14990
    - Snake River Project, reclamation purposes (PLO 3618, 3660) 5379, 7101
  - Adams County, Job Corps Conservation Centers, Agriculture Department (PLO 3670) 7751
  - Bear Lake County, Dingle Swamp National Wildlife Refuge, Sport Fisheries and Wildlife Bureau; proposed withdrawal 9496
  - Bell Mountain Lookout administrative site (PLO 3543) 2215
  - Boise Meridian:
    - Administrative site, Forest Service:
      - (PLO 3537) 2213
      - Proposed withdrawal terminated 627
    - Biladeau Lakes Game Management Area, Fish and Wildlife Service; proposed withdrawal terminated in part 5711
    - Dworshak Dam and Reservoir Project, Engineers Corps; proposed withdrawal 11261
    - Mountain Home Job Corps Center, Land Management Bureau; proposed withdrawal 5608
    - Scenic areas, protection of (PLO 3530, 3701) 1193, 7900
    - Townsite, Forest Service; proposed withdrawal terminated 7846
  - Boise National Forest:
    - Administrative sites, recreation areas, etc.:
      - Agriculture Department:
        - PLO 3797, 3865 10068, 14319
        - Proposed withdrawals 4598, 6797, 9178
      - Forest Service; proposed withdrawal terminated in part and amended 7399
    - Research purposes, PLO 993 revoked in part (PLO 3692) 7823

Land Management Bureau—Continued Page

WITHDRAWALS of lands for specified uses of Federal agencies, etc.—Continued
- Idaho—Continued
  - Bonneville County, Ririe Reservoir and Dam, Engineers Corps; proposed withdrawal 13879
  - Canyon County, Snake River Project, Reclamation Bureau; PLO 2588 and 2659 revoked in part (PLO 3558, 3562) 3267, 3440
  - Caribou National Forest, recreation sites, Agriculture Department:
    - PLO 1228 revoked in part (PLO 3797) 10986
    - PLO 3510 amended (PLO 3533) 1194
    - Proposed withdrawal 6797
  - Cassia County:
    - Idahome Substation, Bonneville Power Administration; proposed withdrawal 6596, 14605
    - Job Corps Conservation Centers, Agriculture Department (PLO 3670) 7751
  - Clearwater County, Dworshak Dam and Reservoir Project, Engineers Corps.; proposed withdrawal 8592, 10329, 15767
  - Clearwater National Forest:
    - Dworshak Dam and Reservoir Project, Engineers Corps; proposed withdrawal amended 10329
    - Lolo-Eldorado Creek Road, Forest Service; proposed withdrawal terminated in part 14222
    - Coeur d'Alene National Forest, recreation areas, etc., Agriculture Department (PLO 3666, 3813, 3879) 7399, 7751, 8860, 11678, 14803
  - Elmore County:
    - Mountain Home Job Corps Center (PLO 3707) 8411
    - Reclamation purposes, Bruneau Project; prior order revoked in part (PLO 3552) 2661
    - Virgil Borden Lakes Game Management Area (PLO 3740) 8836
  - Idaho County, Kooskia National Fish Hatchery (PLO 3762) 7115, 10164
  - Nez Perce County, Asotin Reservoir and Dam, Engineers Corps; proposed withdrawal 13906
  - Nez Perce National Forest, administrative site and campground, Agriculture Department (PLO 3813) 7398, 11678
  - Owyhee County, protection of public, PLO 1898 revoked in part (PLO 3703) 7900
  - Payette National Forest:
    - Administrative sites, Agriculture Department (PLO 3797, 3873) 6797, 8645, 10986, 14732
    - Prior departmental order and PLO 1374 revoked in part (PLO 3819) 11968
    - Job Corps Center, Forest Service; proposed withdrawal 1952
    - Recreation areas, Agriculture Department (PLO 3755) 9542
  - Salmon National Forest:
    - Campgrounds, recreation areas, Agriculture Department; proposed withdrawal 13098
    - Restoration to location, entry or selection, Federal Power Commission (PLO 3889) 14989
  - Sawtooth National Forest; proposed withdrawals:
    - Campgrounds, recreation areas, Agriculture Department 13099
    - Job Corps Center, Forest Service 1952
  - Targhee National Forest, roadside zone (PLO 3605) 5376
  - Washington County, Spangler Dam and Reservoir (PLO 3655) 6392
- Kentucky; Camp Breckenridge, oil and gas deposits transferred from Army to Interior Department, PLO 729 revoked (PLO 3706) 7754
- Louisiana:
  - Louisiana Meridian:
    - Civil works projects, Army Department (PLO 3816) 11679
    - Flood control, Engineers Corps (PLO 3903) 15588
    - Petroleum reserve No. 48, Louisiana No. 2; Executive order of May 22, 1916, revoked (PLO 3906) 15806
  - Plaquemines Parish:
    - Flood control projects, etc., Engineers Corps; proposed withdrawal 9778
    - Lighthouse purposes; Executive order of December 30, 1875, revoked in part (PLO 3800) 11139
  - St. Bernard, St. Martin, and St. Mary Parishes, flood control projects, etc., Engineers Corps; proposed withdrawal 9778

Land Management Bureau—Continued Page

WITHDRAWALS of lands for specified uses of Federal agencies, etc.—Continued
- Michigan:
  - Hiawatha National Forest, addition, Forest Service:
    - Executive order of December 9, 1852, revoked in part (PLO 3753) 9541
    - Proposed withdrawal 6927
  - Keweenaw County, lighthouse purposes; Executive order of April 19, 1892, revoked in part (PLO 3656) 6437
  - Manistee National Forest, addition, Forest Service; proposed withdrawal 3227, 4327
  - Meridian:
    - Lighthouse purposes, Executive order of March 3, 1854, revoked in part (PLO 3630) 5481
    - National forest purposes, Forest Service, proposed withdrawal 9177
  - Ontonagon Harbor:
    - Development, Army Department (PLO 3544) 2215
    - Lighthouse purposes, Executive order of December 9, 1852, revoked in part (PLO 3544) 2215
- Montana:
  - Bitterroot National Forest:
    - Campgrounds and picnic sites, Agriculture Department; proposed withdrawal 15440
    - Ranger station, prior order revoked (PLO 3622) 5480
  - Custer National Forest, campgrounds, Forest Service; PLO 3407 revoked (PLO 3625) 5481
  - Deer Lodge National Forest, Bernice Experimental Forest; PLO 1843 and 3406 revoked in part (PLO 3587) 4540
  - Fergus County, recreation area (PLO 3633) 5380
  - Lake Mason National Wildlife Refuge, addition (PLO 3555) 2661
  - Lewis and Clark National Forest:
    - Administrative site, Agriculture Department (PLO 3867) 7115, 14376, 15325
    - Grazing privileges; proposed withdrawal 12131
  - Liberty and Toole Counties, Tiber Reservoir (PLO 3876) 14801
  - Lolo National Forest:
    - Air Navigation Site 109, prior order revoked (PLO 3824) 12075
    - Grazing privileges; proposed withdrawal 12131
    - Recreation sites, Agriculture Department (PLO 3687) 2223, 7822
  - Madison County, recreation area (PLO 3649) 5638
  - Phillips County, reclamation, prior orders revoked in part (PLO 3712) 8788
  - Principal Meridian:
    - Administrative sites:
      - Forest Service, prior departmental order and Executive Order 2910 revoked (PLO 3887) 14932
      - Land Management Bureau (PLO 3600) 450, 4678
    - Air Force facilities, Air Force Department (PLO 3635, 3723) 5635, 8791
    - Kennison Reservoir diversion works and Willow Creek Canal, Reclamation Bureau; proposed withdrawal 7401
    - National forest system, additions to, Agriculture Department; proposed withdrawal 12131
    - Programs of Agriculture Department (PLO 3625) 5481
    - Reclamation purposes, Milk River Project, prior order revoked in part (PLO 3678) 7821
    - Recreation purposes (PLO 2550, 3606) 2262, 5376
    - Right-of-way, Tiber Reservoir, Reclamation Bureau, proposed withdrawals 9496, 10955
    - Stock driveway withdrawals No. 13, et al., PLO 3349 revoked in part (PLO 3583) 4478
  - Valley County, reclamation purposes, Milk River irrigation project, prior order revoked in part (PLO 3683) 7821
- Nebraska:
  - Cherry County, Missouri River Basin Project, prior order revoked in part (PLO 3567) 3963
  - Morrill County, reclamation purposes, prior order revoked in part (PLO 3726) 8832
  - Nebraska National Forest, Missouri River Basin Project (PLO 3597) 4678
  - Sixth Principal Meridian, scientific and recreation values, Agriculture Department; PLO 3668 corrected (PLO 3786) 10195

Land Management Bureau—Continued Page

WITHDRAWALS of lands for specified uses of Federal agencies, etc.—Continued
- Nevada:
  - Clark County:
    - Moapa Valley Pumping Project:
      - PLO 3501 revoked in part (PLO 3574) 4254
      - PLO 3814 5390, 11679
    - Reclamation purposes, Colorado River Storage Project (PLO 3538) 2260
  - Humboldt County, water reserve, public, No. 107; Executive order of April 17, 1926, revoked in part (PLO 3604) 4717
  - Mount Diablo Meridian:
    - Administrative sites and deer range (PLO 3645, 3646) 5637
    - Alkali Lake Wildlife Management Area (PLO 3598, 3675) 4678, 7753
    - Erosion control demonstrations, Soil Conservation Service; Executive Order 7558 revoked in part (PLO 3833) 12642
    - Remote communications, air-to-ground facility, Federal Aviation Agency; proposed withdrawal 11926
    - Terminated 13407
    - Scenic areas, protection of (PLO 3530, 3701) 1193, 7900, 13407
    - Summit Lake Indian Reservation, addition, Indian Affairs Bureau; proposed withdrawal 3787
    - Nye County, Nevada Test Site; Atomic Energy Commission (PLO 3759) 9881
    - Pershing County, Sahwave Mountain Gunnery Range, Navy Department; PLO 1632 and 2932 revoked (PLO 3593) 4542
    - Toiyabe National Forest, administrative site, Agriculture Department (PLO 3844) 12947
    - Washoe County, McClellan Peak Lookout Site, Agriculture Department, Executive Order 5799 revoked (PLO 3808) 11354
    - Washoe-Pershing County line, Truckee-Carson Project, reclamation purposes; prior departmental orders revoked in part (PLO 3579) 4477
- New Mexico:
  - Alamogordo, expansion of water supply, Army Department, PLO 509 revoked in part (PLO 3695) 7897
  - Carson National Forest:
    - Camps, Agriculture Department (PLO 3667) 2826, 7751
    - Recreation area, Forest Service; proposed withdrawal terminated in part 9067
  - Cibola National Forest:
    - Addition to, Forest Service, proposed withdrawal 896, 6881
    - Bernalillo Watershed, protection, Forest Service (PLO 3839) 6882, 12884
    - Campground, Forest Service (PLO 3553) 2661
    - Magdalena Ranger District, Forest Service; proposed withdrawal 12955
    - Recreation areas, Agriculture Department (PLO 3874) 14732
  - Coyote, administrative site, Forest Service; proposed withdrawal 5391
  - De Baca County, Carlsbad Project, reclamation purposes (PLO 3632) 5482
  - Dona Ana County, air navigation site No. 159, revoked (PLO 3640) 5636
  - Eddy County, Carlsbad Project, reclamation purposes; prior orders revoked in part (PLO 3619) 5480
  - Gila National Forest:
    - Administrative sites, prior departmental orders and PLO 1038, 1119, 1218, 1230, 1413 and 2830 revoked in part (PLO 3788) 10233
    - Recreation areas, Forest Service; proposed withdrawal 7017
  - Grants, Job Corps Camp, Forest Service; proposed withdrawal 6090
  - Hidalgo County, air navigation site No. 51 revoked in part (PLO 3557) 2662
  - Hueco-Bolson area, protection of underground water supply (PLO 3796) 10895
  - Kimbeto, addition of well to Kimbeto School, Indian Affairs Bureau; proposed withdrawal 3886

Land Management Bureau—Continued Page

WITHDRAWALS of lands for specified uses of Federal agencies, etc.—Continued
- New Mexico—Continued
  - Lake Arthur, public water reserve No. 107, Executive order of April 17, 1926, revoked in part (PLO 3766, 3832) 10190, 12641
  - Lincoln National Forest, recreation areas, Forest Service; proposed withdrawal 7017
  - McKinley County, Indian school purposes (PLO 3790) 10233
  - Ojo Encino, school site, Indian Affairs Bureau; proposed withdrawal 2408
  - Otero County, water supply of Alamogordo Air Field; PLO 509 revoked in part (PLO 3541) 2214
  - Principal Meridian:
    - Administrative sites, Agriculture Department (PLO 3611, 3620, 3719, 3730) 5377, 5379, 8790, 8833
    - Cutter Dam and Regulating Reservoir, Navajo Dam Project (PLO 3525) 624
    - Exchange selections, Executive Orders 6143, 6276 and 6583 modified (PLO 3589, 3691, 3782, 3823) 4541, 7823, 10194, 11969
    - Indian Affairs Bureau, proposed withdrawal terminated 7725
    - Land treatment projects, Land Management Bureau; proposed withdrawal 4434
    - Protection of facilities, National Aeronautics and Space Administration (PLO 3685) 7822
    - Public water reserve No. 1, New Mexico No. 1, Executive order of June 24, 1914, revoked in part (PLO 3840) 12884
    - Recreation purposes, Forest Service; proposed withdrawal 7931
    - Tucumcari Reclamation Project (PLO 3526) 624
  - San Juan County, Indian school purposes (PLO 3679) 7821
  - San Miguel County, Conchas Dam and Reservoir Project, Engineers Corps; proposed withdrawal 12047
  - Santa Fe County, stock driveway No. 64 (New Mexico No. 11) revoked in part (PLO 3603) 4716
- North Dakota:
  - Fifth Principal Meridian, Fort Berthold Indian Reservation, prior departmental orders and Proclamation of June 29, 1911, revoked in part (PLO 3750) 9540
  - Williams County, reclamation purposes; prior departmental order and Executive order of August 4, 1911, revoked in part (PLO 3792) 10233
- Oklahoma, Vance Air Force Base; mineral deposit jurisdiction transferred from Air Force to Interior Department (PLO 3886, 3907) 14930, 16112
- Oregon:
  - Baker and Union Counties, reclamation purposes; prior order revoked in part (PLO 3624) 5481
  - Curry County, recreational values protection, PLO 2040 revoked (PLO 3827) 12076
  - Deschutes National Forest:
    - Administrative sites:
      - Executive Order 1747 revoked (PLO 3539) 2214
      - Prior orders revoked in part (PLO 3539) 2214
    - Deschutes Project, prior order revoked in part (PLO 3761) 10087
    - Recreation area, Agriculture Department (PLO 3828) 12076
  - Josephine County, scenic and recreation areas, PLO 1726 modified for highway right-of-way (PLO 3596) 4542
  - Klamath National Forest, sports area, Agriculture Department (PLO 3650) 5639
  - Lane County, Fall Creek Reservoir Project, Army Department (PLO 3610) 5377
  - Malheur National Forest, administrative and camp sites, prior orders revoked in part:
    - PLO 3718 8790
    - PLO 3818 11920
  - Mt. Hood National Forest:
    - Administrative sites and recreation areas, Agriculture Department:
      - PLO 3634 5632
      - Prior orders revoked in part (PLO 3746, 3818) 9595, 11920
    - Ranger station, Forest Service; Executive Order 1956 revoked (PLO 3642) 2215

Land Management Bureau—Continued Page

WITHDRAWALS of lands for specified uses of Federal agencies, etc.—Continued
- Oregon—Continued
  - Ochoco National Forest, administrative sites, Forest Service, prior orders revoked in part (PLO 3860) 14047
  - Rogue River, Lost Creek Reservoir Project, Engineers Corps; proposed withdrawal 10328
  - Rogue River National Forest:
    - Administrative site, departmental order revoked in part (PLO 3539) 2214
    - Applegate Reservoir Project, Engineers Corps; proposed withdrawal 14936
    - Campgrounds, Agriculture Department (PLO 3650, 3671, 3854) 5639, 7752, 13511
    - Roadside zone, Forest Service; proposed withdrawal 6883
  - Siskiyou National Forest:
    - Campground, Agriculture Department (PLO 3671) 7752
    - Recreation area, Agriculture Department (PLO 3897) 6882, 15098
  - Siuslaw National Forest:
    - Administrative sites; prior withdrawals revoked (PLO 3642) 5636
    - Campgrounds, etc., Agriculture Department (PLO 3648, 3650, 3710) 5638, 8788
    - Sugarloaf Mountain, hardrock site for logging roads, Land Management Bureau; proposed withdrawal 6661
    - (PLO 3837) 12643
  - Umatilla County, reclamation purposes:
    - Prior orders revoked in part (PLO 3669) 7751
    - Umatilla Project, reclamation purposes; prior order revoked in part (PLO 3586) 4540
  - Umatilla National Forest:
    - Administrative sites; prior orders revoked in part (PLO 3539) 2214
    - Campgrounds, etc.:
      - Agriculture Department (PLO 3650, 3897, 3900) 5639, 15096, 15587
      - Forest Service; proposed withdrawals 6882, 12131
  - Umpqua National Forest:
    - Access road purposes; PLO 1009 revoked in part (PLO 3582) 4478
    - Administrative sites and recreation areas:
      - Agriculture Department (PLO 3688) 7753
      - Prior orders revoked in part (PLO 3746, 3818) 9596, 11920
  - Wallowa National Forest:
    - Recreation and scenic sites, Agriculture Department (PLO 3854) 13511
    - Road rights-of-way, etc.:
      - PLO 1867 revoked in part (PLO 3713) 8789
      - Proposed withdrawal 6883
  - Whitman National Forest:
    - Baker Project (PLO 3566) 3441
    - Power sites, Geological Survey; proposed withdrawal terminated 10329
    - Roadside zone, proposed withdrawal 6883
- Willamette Meridian:
  - Douglas-fir tree seed orchard (PLO 3609) 5377
  - Elk Creek Reservoir Project, Engineers Corps; proposed withdrawal 11926
  - Gravel deposit site, Land Management Bureau; proposed withdrawals 9777, 16274
  - John Day Lock and Dam Project, Engineers Corps (PLO 3871) 1204, 4725, 14731
  - John Day Wildlife Management Area, Engineers Corps; proposed withdrawal 14605
  - Lower Granite Lock and Dam Project, Engineers Corps; proposed withdrawal 13334
  - Preservation of antiquity values, Land Management Bureau; proposed withdrawal 16274
  - Recreation sites (PLO 3869) 6279, 13879, 14434
  - Reservoir sites, Reclamation Bureau; proposed withdrawal terminated 4597
  - Scenic areas, protection of (PLO 3530, 3701) 1193, 7900
- Willamette National Forest:
  - Administrative site, PLO 990 and prior departmental orders revoked in part (PLO 3746) 9596
  - Blue River Reservoir Project, flood control; Engineers Corps (PLO 3643) 5636

Land Management Bureau—Continued Page

WITHDRAWALS of lands for specified uses of Federal agencies, etc.—Continued
- Oregon—Continued
  - Willamette National Forest—Continued
    - Recreation area:
      - Agriculture Department (PLO 3828) 12076
      - Forest Service; proposed withdrawals 6362, 16273
    - Road zone, Agriculture Department (PLO 3556) 2662
  - Winema National Forest, administrative sites; prior orders revoked in part (PLO 3539, 3817) 2214, 11679
- South Dakota:
  - Black Hills National Forest:
    - Administrative site, PLO 1168, 1344, 1430, 1744, 2165 and 2285 revoked in part (PLO 3774) 10193
    - Monument construction site, Agriculture Department, PLO 2001 revoked in part (PLO 3880) 14803
    - Streamside zone, Agriculture Department; proposed withdrawal terminated 6363
  - Butte and Harding Counties, stock driveways, prior orders revoked in part (PLO 3714) 8789
  - Mead County, reclamation purposes, Belle Fourche project (PLO 3652) 6072
- Texas; Cameron County, transfer of lands from Interior to Navy Department and from Navy to Justice Department, PLO 1364 and 2627 revoked (PLO 3722) 8701
- Utah:
  - Ashley National Forest:
    - Campground, Forest Service, PLO 3491 corrected 755
    - Central Utah Project, Reclamation Bureau:
      - (PLO 3682) 7821
      - Revoked in part (PLO 3638) 5635, 6585
    - Lake Fork Dam and Reservoir Site, Reclamation Bureau; proposed withdrawal 13409
  - Cache National Forest, addition, Forest Service (PLO 3748) 9540
  - Carbon County, public water reserve No. 1, Utah No. 1, Executive order of March 29, 1912, revoked in part (PLO 3715) 8789
  - Daggett, Uintah, Grand, and Utah Counties, reclamation purposes; Executive order of May 14, 1915, prior departmental orders and PLO 1757 revoked in part (PLO 3673, 3807) 7752, 11353
  - Dixie National Forest, addition, Forest Service; proposed withdrawal 2826
  - Morgan County, Weber Basin Project (PLO 3676) 7753
  - Salt Lake City, addition to Wasatch Fire Control Center, Forest Service; proposed withdrawal 16020
  - Salt Lake Meridian:
    - Administrative site, Job Corps Camp, Forest Service; proposed withdrawal 11000
    - Air navigation facilities, maintenance of (Utah–IV–1), prior order revoked (PLO 3804) 11327
    - Dixie Project, Reclamation Bureau; proposed withdrawal 11000
    - Jones Hole National Fish Hatchery, Fish and Wildlife Service; proposed withdrawal 1879
    - Lost Creek Reservoir, Weber Basin Project, Reclamation Bureau; proposed withdrawal 10999
    - Ouray National Wildlife Refuge, Sport Fisheries and Wildlife Bureau; proposed withdrawal 9176
    - Public water reserve No. 16, Utah No. 7, Executive order of March 9, 1914, revoked in part (PLO 3866) 14319
  - San Juan County, water reserve No. 91; Executive order of June 13, 1925, revoked in part (PLO 3658) 7101
  - Uintah National Forest:
    - Campground, PLO 3480 amended (PLO 3631) 5482
    - Central Utah Project, Reclamation Bureau:
      - (PLO 3682) 7821
      - Revoked in part (PLO 3638) 5635, 6585
    - Watershed treatment protection, Forest Service; proposed withdrawal 13409, 13906
  - Wasatch County:
    - Deer Creek Reservoir, Provo River Project (PLO 3758) 9542
    - Jordanelle Dam and Reservoir (PLO 3763) 10195
  - Wasatch National Forest:
    - Addition, Forest Service (PLO 3748) 9540
    - Modification of boundaries, Forest Service; proposed withdrawal 11000
    - Reclamation purposes, Provo River Project, PLO 3163 corrected (PLO 3798) 10987

Land Management Bureau—Continued Page

WITHDRAWALS of lands for specified uses of Federal agencies, etc.—Continued
- Utah—Continued
  - Washington County, Colorado River Storage Project, prior order revoked in part (PLO 3799) 11138
- Washington:
  - Benton County, John Day Lock and Dam Project, Engineers Corps (PLO 3672) 7752
  - Certain lands in lieu of deficiencies and prior appropriation of school sections, Land Management Bureau; proposed withdrawal terminated 3608
  - Columbia, Franklin, Walla Walla, and Whitman Counties, Lower Monumental Lock and Dam Project, Army Department (PLO 3612) 5377
  - Franklin County, Ice Harbor Lock and Dam Project, Army Department (PLO 3644) 5637
  - Gifford Pinchot National Forest, administrative sites etc.:
    - Agriculture Department (PLO 3870) 14436
    - Forest Service, prior orders revoked in part (PLO 3697) 7897
  - Grant County, reclamation purposes, Columbia Basin Project, prior order revoked in part (PLO 3698) 7897
  - Kaniksu National Forest, geophysical observatory, protection, Coast and Geodetic Survey (PLO 3852) 13256
  - Mount Baker National Forest:
    - Administrative sites, etc.:
      - Agriculture Department (PLO 3870) 14436
      - Forest Service, prior orders revoked in part (PLO 3697, 3895) 7897, 15097
    - Highway construction, Agriculture Department (PLO 3794) 10894
  - Okanogan National Forest:
    - Administrative sites, Forest Service, prior orders revoked in part (PLO 3697, 3888, 3895) 7897, 8832, 14989, 15097
    - Campgrounds, Agriculture Department (PLO 3857) 13575
    - Highway construction, Agriculture Department (PLO 3794) 10894
    - Recreation area:
      - Agriculture Department (PLO 3607) 5376
      - Forest Service, proposed withdrawal 9777
  - Olympic National Forest:
    - Administrative sites:
      - Agriculture Department (PLO 3851, 3870) 7401, 9778, 13256, 14436
      - Prior order revoked (PLO 3868) 14377
    - Forest Service, prior orders revoked in part (PLO 3888) 14989
    - Recreation and study area, Agriculture Department (PLO 3853) 13511
  - Snoqualmie National Forest:
    - Administrative sites, Forest Service, prior orders revoked in part (PLO 3727, 3895) 8832, 15097
    - Recreation areas, Agriculture Department (PLO 3547, 3607, 3723) 2261, 5376, 8791
  - Umatilla National Forest:
    - Administrative sites, Forest Service, prior orders revoked in part (PLO 3697) 7897
    - Campground, Agriculture Department (PLO 3607) 5376
  - Wenatchee National Forest:
    - Administrative sites, Agriculture Department (PLO 3851) 7401, 13256
    - Prior orders revoked in part (PLO 3727, 3895) 8832, 15097
    - Blewett Pass Highway, Forest Service; proposed withdrawal 7401
    - Campground, Agriculture Department (PLO 3607) 5376
    - Roadside zone, Agriculture Department (PLO 3862) 14106
  - Whitman County, Rock Lake Reservoir (PLO 3536) 2213
  - Willamette Meridian, proposed withdrawals:
    - Asotin Dam and Reservoir Project, Engineers Corps 15238
    - John Day Lock and Dam Project, Engineers Corps 2408
    - Little Goose Lock and Dam Project, Engineers Corps 16020
    - Seismological and magnetic observatory, Coast and Geodetic Survey 3324, 4262

Land Management Bureau—Continued

WITHDRAWALS of lands for specified uses of Federal agencies, etc.—Continued — Page
Wyoming:
Boulder, weather research station, Engineers Corps; proposed withdrawal — 7764, 8418
Carbon County:
Kendrick Project (PLO 3580, 3595, 3694) — 4477, 4542, 7824
Public water reserve No. 2, Wyoming No. 1, Executive order of April 19, 1912, revoked in part (PLO 3778) — 10194
Reclamation purposes, prior departmental orders revoked in part (PLO 3580) — 4477
Goshen, Platte, Carbon, and Natrona Counties, North Platte, Kendrick, and Missouri River Basin Projects, reclamation purposes; prior departmental orders revoked in part (PLO 3580) — 4477
Johnson County, stock driveway withdrawal No. 3; revoked in part (PLO 3641) — 5636
Medicine Bow National Forest, recreation areas, Agriculture Department (PLO 3777) — 10194
Natrona County:
Air navigation site No. 122 revoked in part (PLO 3588) — 4540
Reclamation purposes, prior departmental orders revoked in part (PLO 3580) — 4477
Shoshone National Forest:
Administrative sites, PLO 2682 and 2976 revoked in part (PLO 3747) — 9540
Recreation area, Agriculture Department (PLO 3841) — 7294, 12884
Sixth Principal Meridian:
Administrative site, Forest Service; proposed withdrawal — 10061
Missouri River Basin Project, Reclamation Bureau; proposed withdrawal terminated — 7051
National Guard rifle range; proposed withdrawal terminated — 6227
Stock driveway No. 142, Wyoming No. 21; prior order revoked in part (PLO 3615) — 5378
Townsite, Shoshone Project, prior order revoked in part (PLO 3891) — 14990
Weather station, Air Force Department (PLO 3775) — 10193
Sweetwater County, recreation site (PLO 3653) — 6072
Teton County, Phosphate Reserves Nos. 4 and 18, Executive orders of July 2, 1910, and July 9, 1913, revoked in part (PLO 3725) — 8792
Teton National Forest, administrative sites and recreation areas, Agriculture Department (PLO 3884) — 9778, 14930
PLO 1923 revoked in part (PLO 3789) — 10233
Toadstool Geologic Area, scientific and recreation values, Agriculture Department (PLO 3668) — 7751
Uinta County, reclamation, departmental orders revoked in part (PLO 3573) — 4254

Land and Water Conservation Fund Act of 1965:

RECREATION USER FEES, establishment (Executive Order 11200) — 2645

Law Day, U.S.A.:

1965 (Proclamation 3633) — 431
1966 (Proclamation 3692) — 15349

Law Day, World:

PROCLAMATION 3662 — 8773

Law Enforcement and Administration of Justice, President's Commission on:

ESTABLISHMENT (Executive Order 11238) — 9349
EXECUTIVE SECRETARY, position placed in level IV of Federal Executive Salary Schedule (Executive Order 11262) — 15399

Lead, Unmanufactured:

IMPORTS, termination of quantitative limitations (Proclamation 3683) — 13623

Leif Erikson Day, 1965:

PROCLAMATION 3666 — 10279

Lemonade: — Page
FROZEN CONCENTRATE, artificially sweetened; permit for market testing — 7020, 7403, 8418, 10063

Lemons:

DRIED OR PRESERVED, from Viet Nam; available certification — 13906
MARKETING. *See* Agriculture Department.

Lettuce:

MARKETING. *See* Agriculture Department.

Libraries, Public:

FEDERAL ASSISTANCE — 6393

Library Committee, Federal:

ESTABLISHMENT AND FUNCTIONS — 8556

Library of Congress:

See Copyright Office.
FEDERAL LIBRARY COMMITTEE, establishment and functions — 8556

Limes:

IMPORT RESTRICTIONS — 3374, 5621, 7743, 14848
MARKETING. *See* Agriculture Department.

Linseed Oil:

EXPORT PAYMENT-IN-KIND PROGRAM — 1178, 4532

Liquor:

See also Alcoholic beverages.
EXCISE TAXES. *See* Internal Revenue Service.

Livestock:

See also Meat and meat products.
DISEASES; prevention, control, etc. *See* Agriculture Department.
FEED:
Containing additives. *See* Food and Drug Administration.
Programs. *See* Feed Grains.
FOOD ADDITIVES in feed and drinking water. *See* Food and Drug Administration.
GOVERNMENT-OWNED ANIMALS under military control of communicable disease — 830
GRADING AND CERTIFICATION, inspection, etc. *See* Agriculture Department.
HUMANELY SLAUGHTERED LIVESTOCK, identification of carcasses. *See* Agriculture Department.
PIGS, feeder, standards — 8225, 16253
STOCKYARDS, posting, deposting. *See* Agriculture Department.

Loan Policy Board:

ABOLITION (Reorganization Plan No. 4 of 1965) — 9353

Loans:

AGRICULTURAL COMMODITIES:
Loan programs. *See* Commodity Credit Corporation.
Production credit associations, intermediate credit banks. *See* Farm Credit Administration.
DISASTER AREAS, emergency loans. *See* Agriculture Department; Emergency Planning Office; Small Business Administration.
FARM OWNERSHIP, labor housing, soil and water loans — 565
FEDERAL HOME LOAN BANK SYSTEM, savings and loan system, etc. *See* Federal Home Loan Bank Board.
FEDERAL RESERVE banks, loans by. *See* Federal Reserve System.
FISHING VESSELS, construction loans. *See* Fish and Wildlife Service.
FOREIGN LOANS. *See* Agency for International Development.
HOUSING LOANS. *See* Farmers Home Administration; Federal Home Loan Bank Board; Federal Housing Administration; Housing and Home Finance Agency.
NATIONAL BANK LOANS, secured by obligation of U.S — 14365
OPTOMETRY STUDENTS — 7394
REAL ESTATE LOANS, Federal Savings and Loan System. *See* Federal Home Loan Bank Board.

Loans—Continued — Page

SCHOOLS, PRIVATE, NONPROFIT; loans for strengthening instruction in science, math, etc — 994
SMALL BUSINESS loans. *See* Small Business Administration.
VETERANS, loans to. *See* Veterans Administration.

Locomotives:

See also Railroads.
INSPECTION, transfer of functions to Interstate Commerce Commission (Reorganization Plan No. 3 of 1965) — 9351

Longshoring:

SAFETY AND HEALTH REGULATIONS — 7608

Loyalty Day, 1965:

PROCLAMATION 3643 — 3509

Lumber:

See also Timber.
AMERICAN LUMBER STANDARDS COMMITTEE, reconstitution — 727

M

Macaroni:

STANDARDS OF IDENTITY, proposed rule — 11921
VITAMIN D supplementation, proposed rule — 11141, 13456

Malta:

IMMIGRATION QUOTA FOR (Proclamation 3637) — 1975

Mangoes:

IMPORTS from Mexico, fumigation — 9247

Manpower Administrator Office:

AUTHORITY DELEGATIONS:
By Administrator to Employment Security Bureau Administrator, et al.; functions under Farm Labor Contractor Registration Act of 1963 — 1139
From Secretary of Labor:
Farm Labor Contractor Registration Act of 1963, functions — 1129
Nondiscrimination in Federally assisted programs — 13560
ORGANIZATION, responsibilities and procedures for implementation of Title VI of Civil Rights Act of 1964 — 13557

Margarine:

STANDARDS OF IDENTITY, optional ingredients. *See* Food and Drug Administration.
VITAMIN D supplementation, proposed rules — 11141, 13456

Marine Corps:

SECURITY PROGRAM, investigative requirements, etc — 11718, 14910

Maritime Administration:

See also National Shipping Authority.
ADDITIONAL SAILINGS by U.S.-flag vessels, interpretation; proposed rule — 7291
AUDIT APPEALS, contracts with and without disputes article — 11680
CHARTER OF VESSELS; continuance of bareboat charters, Alaska Steamship Co — 13100, 14049
CONSTRUCTION RESERVE FUNDS, establishment — 6030, 7215, 8162
Application to establish fund, fee; proposed rule — 12889, 14014, 14934
CUBA, free world and Polish flag vessels arriving in, since January 1, 1963; list — 541, 1129, 2160, 2725, 3828, 4499, 5644, 6546, 7049, 7762, 8345, 9701, 10250, 11798, 12748, 13410, 14568, 15177, 16217.
FEDERAL SHIP MORTGAGE INSURANCE, eligibility requirements, United States citizenship; proposed rule — 14994, 16084
FEES, charges for, processing applications; proposed rule — 12889, 14014, 14934
FORMS, construction-differential subsidy construction contract; proposed rule — 7722, 10054
FREIGHT FORWARDERS, business practices of; revoked — 5794
MARITIME CONSTRUCTION RESERVE FUNDS — 6030, 7215, 8162
MARITIME SUBSIDY BOARD:
Construction-differential subsidy, notice to applicants — 9603
Secretarial review of actions by; procedures — 345, 9486

Maritime Administration—Continued — Page

ORGANIZATION AND FUNCTIONS, policy direction and supervision by Under Secretary of Commerce for Transportation — 14534
POLICY, PRACTICE, AND PROCEDURE:
Audit appeals, contracts with and without disputes article — 11680
Charges for documents; proposed rule — 12889, 14014, 14934
Secretarial review of actions by Maritime Subsidy Board — 345, 9486
RECORD RETENTION:
Non-Federal, requirements — 3112
Schedule, procedures — 7722, 12356
STATEMENTS AND REPORTS required to be filed, cargo and passenger reports; forms prescribed, vessel utilization and performance — 9065
SUBSIDIZED VESSELS AND OPERATORS:
Construction-differential subsidies:
Applications for — 2681, 3548, 8110, 11756
Charges for processing applications; proposed rule — 12889, 14014, 14934
Contract forms; proposed rule — 7722, 10054
Utilization of appropriations made available for construction-differential subsidy — 14598
Construction reserve funds, establishment — 6030, 7215, 8162
Application to establish fund, fee; proposed rule — 12889, 14014, 14934
Documentation, transfer or charter of vessels:
Approval of trustees under Public Law 89–346, proposed rules — 14994, 16084
Charges for processing certain applications — 4416, 7490
Citizenship declarations by owners or mortgagees of vessels of United States, proposed rule — 14996, 16084
Editorial changes — 12536
Operating-differential subsidies:
Accountings, annual and final, rendition of, procedures to be followed by operators; accounting requirements, etc — 12356, 12536
Accounts, uniform system; abstract from law, etc — 12356, 12536
Applications under Merchant Marine Act, 1936:
American Export Isbrandtsen Lines, Inc., 66, 2563.
American President Lines, Ltd., 4364, 9408, 9659.
Delta Steamship Lines, Inc., 1264, 4001, 4771, 6091, 6405, 16219.
Farrell Lines, Inc., 6091.
Grace Line, Inc., 11800.
Gulf & South American Steamship Co., Inc. et al., 495.
Lykes Bros. Steamship Co., Inc., 8915, 10864.
Moore-McCormack Lines, Inc., 764, 849, 2477, 6883, 6927, 15673.
Oceanic Steamship Co., 14019.
Prudential Lines, Inc., 16168.
States Steamship Co., 11001.
United States Lines Co., 1263, 3324.
Cruise applications pursuant to Public Law 87–45:
American Export Isbrandtsen Lines, Inc., 3324, 8801.
Moore-McCormack Lines, Inc., 2002, 2563, 8238, 14445.
United States Lines Co., 13548.
Payments from capital reserve fund — 12036, 13763
Policy and procedure; subsidy condition surveys and vessel maintenance and repairs — 1983, 12356, 12536
Statutory reserve funds, creation and maintenance — 12356, 12536
Subsidy repair summaries — 12356
TANKERS, availability for exchange — 14224, 14386
TRADE ROUTES, United States foreign; essentiality and service requirements of routes:
No. 16—U.S. Atlantic and Gulf/Australia-New Zealand — 9408
No. 25—U.S. Pacific/West Coast Mexico, Central and South America — 12048
No. 28—U.S. Pacific Coast/Southwest Asia — 11892
No. 31—U.S. Gulf/West Coast South America — 1061
TRANSFER OF MARINE EQUIPMENT to ship operators and shipyards; authorized officials, procedure, etc — 10244
UNITED STATES CITIZENSHIP, evidence requirements — 5901
WAR RISK INSURANCE:
Expiration dates — 10244, 12392, 13827, 14933
Values for — 7697, 15797

Maritime Commission, Federal:

See Federal Maritime Commission.

Maritime Day, National, 1965: Page
PROCLAMATION 3646 — 4045

Maritime Subsidy Board:
See Maritime Administration.

Meat and Meat Products:
See also Livestock.
ACCEPTANCE SERVICE on fee basis for certifying compliance with specifications — 11000
IMPORT LIMITATIONS — 4364, 8348, 12690, 16275
INSPECTION REGULATIONS. *See* Agriculture Department.
MEAT PACKERS regulations. *See* Agriculture Department.

Medals:
See Decorations, medals, and awards.

Medical Care:
AIR FORCE REGULATIONS — 6343
FEDERAL ASSISTANCE to States, percentages — 11400
RECOVERY OF COST from tortiously liable third persons:
Army Department — 14370
Budget Bureau — 16220
Health, Education, and Welfare Department, authority delegations — 16219
Justice Department — 7819
VETERANS. *See* Veterans Administration.

Medicines:
See also Drugs.
LABORATORY MEDICINE, Interagency Committee on; establishment and functions — 13557

Memorial Day, 1965:
PRAYER FOR PEACE (Proclamation 3657) — 6835

Mental Health:
GRANTS for construction of facilities, nondiscrimination — 2442
PUBLIC LANDS in Alaska set aside for mental health purposes. *See* Land Management Bureau.

Merchant Marine:
OFFICERS AND SEAMEN, licensing. *See* Coast Guard.

Mexico:
BROADCAST STATIONS — 452, 11895, 14693
COTTON TEXTILES, import restrictions — 9598
CRUDE OIL PIPELINE at international boundary line, application for Presidential permit for construction, operation, and maintenance — 16217
IMMIGRATION REGULATIONS, Mexican nationals — 10184
MANGOES AND PLUMS from, fumigation — 9247
QUARANTINE REGULATIONS; imports of oranges, grapefruit, and tangerines — 4745

Micronesia:
LEGISLATIVE AUTHORITY — 7765

Migratory Birds:
HUNTING, POSSESSION, etc. *See* Fish and Wildlife Service.

Migratory Workers:
See Foreign agricultural labor.

Military Personnel:
See Armed services.

Milk and Milk Products:
CHILDREN, special milk program for — 14910
EVAPORATED, Vitamin D supplementation; proposed rule — 11141, 13456
EXPORTS, MARKETING, etc. *See* Agriculture Department.
IMPORT QUOTAS — 8623
PESTICIDES in milk and manufactured dairy products:
Establishment of tolerances, proposed rules — 14328
Indemnity payment program — 251, 7426, 13897
SMALL BUSINESS fluid milk industry, definition, size standard; proposed rule — 11734, 13019, 14173, 15375

Mineral Lands and Minerals:
See also Oil and gas.
COAL AND NONCOAL LAND CLASSIFICATIONS. *See* Geological Survey.
COPPER:
Controlled materials, set-aside percentages — 10163
Exports restricted — 14490, 14652
National stockpile, proposed disposition — 11404

Mineral Lands, and Minerals—Continued Page
EVERGLADES NATIONAL PARK, Florida; oil, gas, and mineral exploration — 7108, 10230
FOREST SERVICE regulations, disposal of mineral materials — 9264
LEAD AND ZINC STABILIZATION PAYMENTS — 1256
MINERAL EXPLORATION, Federal assistance — 2865, 2877
OIL AND GAS FIELDS, known geologic structures. *See* Geological Survey.
OIL AND GAS LEASING. *See* Land Management Bureau.
PHOSPHATE AND NONPHOSPHATE LAND CLASSIFICATIONS. *See* Geological Survey.
POTASH LEASING, New Mexico — 6692
PUBLIC LANDS, mineral entry. *See* Land Management Bureau.
STOCKPILE, NATIONAL, proposed disposition of certain minerals. *See* General Services Administration.

Minerals Exploration Office:
AUTHORITY DELEGATION from Geological Survey Director — 8860
TRANSFER OF FUNCTIONS to Geological Survey — 2865, 2877, 3461

Mines Bureau:
APPALACHIA, mine fire control:
Authority delegation from Secretary of Interior — 11360
Procedures — 11349
AUTHORITY DELEGATIONS:
By Assistant Director, Helium, to General Manager, Helium Operations, and Chief, Administration Division; helium sales, pipeline rights-of-way and easements — 9278
From Secretary of Interior, mine fire control, Appalachia — 11360
FEES FOR SERVICES — 1989, 3752
HELIUM, authority delegation for sales, pipeline rights-of-way and easements — 9276
MINERALS RESEARCH, authority delegations respecting procurement and contracting — 15041
RECORDS, non-Federal; retention requirements — 3122
RESPIRATORS, filter-type; dust, fume and mist — 616

Mint Bureau:
AUTHORITY DELEGATIONS to Director:
Clad coins, minting — 10205
Purchase of certain equipment, metal, bullion, etc — 10205, 10955
ORDER OF SUCCESSION, Director, et al — 6692

Mission Safety–70:
SAFETY PROGRAM FOR FEDERAL SERVICE (Memorandum of February 16, 1965) — 2517

Mohair:
PAYMENT PROGRAMS — 3109, 4056, 6383, 9801

Mother's Day, 1965:
PROCLAMATION 3654 — 6109

Motor Carriers:
REGULATIONS, NOTICES, etc. *See* Interstate Commerce Commission.

Motor Vehicles:
AIR POLLUTION CONTROL, proposed rules — 17192
CANADA, vehicles and parts from — 764, 1060, 5534, 5710, 6958
GOVERNMENT-OWNED VEHICLES, regulations. *See* General Services Administration.
HYDRAULIC BRAKE FLUIDS, specifications; effective date — 1250
MANUFACTURERS, bona fide, of motor vehicles; determination — 15271
PARKING, Smithsonian Institution — 6482
RAILROAD GRADE CROSSINGS, safety regulation — 7491
SEAT BELTS, standards — 5795, 5802, 8432
VIRGINIA LAWS applicable to vehicles at Dulles and National Capital Airports — 1037
WAKE ISLAND, vehicle maintenance and equipment — 7185

N

Narcotics:
VETERANS ADMINISTRATION, authority to certain procurement personnel to purchase narcotics — 2212

Narcotics Bureau: Page
MANUFACTURING of narcotic drug, Fentanyl:
Application for license — 14864
List of basic classes, addition to — 10202, 12466
RECORDS, non-Federal; retention requirements — 3151

National Advisory Commission on Food and Fiber:
ESTABLISHMENT (Executive Order 11256) — 14137

National Advisory Council on International Monetary and Financial Problems:
ABOLITION (Reorganization Plan No. 4 of 1965) — 9353
TEMPORARY REESTABLISHMENT (Executive Order 11238) — 9571

National Aeronautics and Space Administration:
ADMINISTRATIVE AUTHORITY AND POLICY, delegations, etc.; scope — 3378
AUTHORITY DELEGATION by Administrator to Engineers Corps Board of Contract Appeals; leases of NASA real property — 3379
CONTRACT APPEALS BOARD — 535
EMPLOYEES' PERSONAL PROPERTY CLAIMS — 9811
FOREIGN PATENT PROGRAM — 1844
INVENTIONS AND CONTRIBUTIONS BOARD, hearing; United Aircraft Corp — 11981
NONDISCRIMINATION in Federally-assisted programs, effectuation of Title VI of Civil Rights Act of 1964 — 301
PROCUREMENT:
Contract Appeals Board — 535
Contract appeals procedure — 133
RECORDS, non-Federal; retention requirements — 3163

National Aeronautics and Space Council:
BASIC COMPENSATION, staff assistant — 14059, 14230

National American Legion Baseball Week:
PROCLAMATION 3669 — 11089

National Bureau of Standards:
AUTHORITY DELEGATION from Secretary of Commerce, safety standards for seat belts — 5802
ELECTROMAGNETIC MEASUREMENTS AND STANDARDS, course at University of Colorado — 2563
ELECTROMAGNETIC PROPAGATION, course at University of Colorado — 6698
LOW FREQUENCY CALIBRATION SERVICES, centralization — 14411, 14445
ORGANIZATION AND FUNCTIONS — 1204
Automatic data processing activities — 12549
RADIO STATIONS:
Frequency and time broadcasts; WWV, WWVB, WWVH, and WWVL — 17, 1014, 2367, 2689, 4364, 6091, 6191, 7199, 8347, 8495, 9498, 11182, 12549, 13908, 14116, 14867.
Location change, WWV, Greenbelt, Md., to Fort Collins, Colo — 12813
Service changes:
WWV — 2367
WWVH — 5862
STANDARD REFERENCE MATERIALS — 5552
Certified chemical composition — 14591, 14652, 15290, 15324, 15803, 16001
Certified properties and purity — 14591, 14921, 14922, 16001
TEST FEE SCHEDULES:
Analytical chemistry — 9978
Building research; fire resistance and thermal conductivity — 10155
Electricity — 6748, 8963, 12535, 12536, 14591
General; testing methods, fees, procedures, etc — 10094
Heat, cryogenic physics — 10097
Laboratories, location — 14411
Mechanics — 4237
Metallurgy, electrodeposition — 2021
Metrology — 5686, 12536
Radiation physics — 215

National Capital Planning Commission:
PENNSYLVANIA AVENUE, improvement, functions (Executive Order 11210) — 4051

National Days of Prayer: Page
MEMORIAL DAY, 1965 (Proclamation 3657) — 6835
OCTOBER 20, 1965 (Proclamation 3680) — 12933
SOUTH VIETNAM, defense of, day of dedication and prayer (Proclamation 3686) — 14299

National Defense Executive Reserve:
ORGANIZATION AND ADMINISTRATION — 1939, 12957

National Defense Transportation Day, 1965:
PROCLAMATION 3638 — 2639

National Employ the Physically Handicapped Week, 1965:
PROCLAMATION 3671 — 11829

National Farm-City Week, 1965:
PROCLAMATION 3678 — 12929

National Farm Safety Week, 1965:
PROCLAMATION 3639 — 2641

National Forest Products Week, 1965:
PROCLAMATION 3670 — 11827

National Forests, Parks, Monuments, etc.:
ALLEGHENY NATIONAL FOREST, inclusion of lands (Executive Order 11212) — 4387
HOOSIER NATIONAL FOREST, Indiana, amendment of boundary description — 104
OKANOGAN NATIONAL FOREST, transfer of lands from (Executive Order 11220) — 6425
REGULATIONS. *See* Forest Service; National Park Service.
STATUE OF LIBERTY NATIONAL MONUMENT, addition of Ellis Island (Proclamation 3656) — 6571
WENATCHEE NATIONAL FOREST, transfer of lands to (Executive Order 11220) — 6425
WITHDRAWALS for specific use of Federal agencies, etc. *See* Land Management Bureau.

National Guard:
ALABAMA, use for protection of civil rights marchers (Executive Order 11207) — 3743
COMMISSIONED ARMY OFFICERS, termination of appointment and withdrawal of Federal recognition — 948, 5704
NONDISCRIMINATION in appointments and promotions — 9765

National Highway Week, 1965:
PROCLAMATION 3668 — 10877

National Housing Council:
ABOLITION (Reorganization Plan No. 4 of 1965) — 9353

National Labor Relations Board:
ORGANIZATION:
Establishment of Region 29, Brooklyn, N.Y — 457
Public information places — 9502

National Maritime Day, 1965:
PROCLAMATION 3646 — 4045

National Mediation Board:
EMERGENCY BOARD to investigate labor dispute between Atchison, Topeka and Santa Fe Railway Company, Lines East and West, and employees (Executive Order 11243) — 11709

National Park Service:
AIRCRAFT, restrictions on deliveries by — 1857, 4757
AUTHORITY DELEGATIONS:
By Director to Regional Director, National Capital Region; Trial Boards, U.S. Park Police — 15672
By Regional Directors to various officials:
National Capital Region, certain Associate Regional Directors and Assistant Regional Directors, et al.; contracts and authority of Regional Director — 6738
Northeast Regional Office, to horticulturist; purchase orders — 11883
By Superintendents of certain parks, etc., to various officials:
Contracts or purchase orders:
Antietam National Battlefield Site, Administrative Assistant — 7765

National Park Service—Continued Page

AUTHORITY DELEGATIONS—Continued
By Superintendents of certain parks, etc., to various officials—Continued
Contracts or purchase orders—Continued
Bighorn Canyon Recreation Area, Chief, Interpretation and Resources Management 15442
Cape Cod National Seashore, Job Corps Conservation Center Director, et al 9631
Catoctin Mountain Park:
Administrative Assistant 14279
Job Corps Conservation Center Director and Administrative Officer 6883
Coulee Dam National Recreation Area, Administrative Assistant, et al 12499
Cumberland Gap National Historical Park, Job Corps Conservation Center Director and Administrative Assistant 8494
Everglades National Park and Fort Jefferson National Monument, Assistant Superintendent and Administrative Officer, et al 6347
Fire Island National Seashore, Administrative Assistant 11360
Fredericksburg and Spotsylvania County Battlefields Memorial National Military Park, Administrative Assistant and Management Assistant 14606
Great Smoky Mountains National Park, Assistant Superintendent, et al 8721
Harpers Ferry National Historical Park, Job Corps Conservation Center Director 15110
Hot Springs National Park, Management Assistant, Arkansas Post National Memorial 2725
Mammoth Cave National Park, Administrative Assistant, et al 10255
New York City National Park Service Group, Administrative Officer and General Supply Assistant 8973
Ozarks National Scenic Riverways, Administrative Assistant and Supervisory Park Ranger 14606
San Juan National Historic Site, Construction and Maintenance Representative 6739
Wilsons Creek Battlefield National Park, Management Assistant 2562
Operations; Yellowstone National Park, Assistant Superintendent 4508
From Secretary of Interior:
Recreation fees, designation of areas 14533
United States Park Police, Trial Boards 4771
NATIONAL MILITARY PARKS; licensing of guides 3050, 8222

NATIONAL PARKS, etc.:
Coulee Dam National Recreation Area; camping restriction 6682
Everglades National Park; boating, fishing, mining, etc 7108, 10230
Fire Island National Seashore; zoning standards, proposed rule 13578
General rules, aircraft; restrictions on deliveries by 1957, 4757
Glacier National Park:
Eating, drinking and lodging establishments on private lands 3712, 6861
Fishing 2950
Grand Canyon National Park; concession contracts and permits 17174
Grand Teton National Park; concession contracts and permits 17174
Hot Springs National Park:
Concession contracts and permits 17174
Examining Board for Technicians; proposed rule 11141
Isle Royale National Park; motor vessel transportation rates 707
Lake Mead National Recreation Area:
Boundary map, filing of revised 14334
Concession contracts and permits 17174
Mammoth Cave National Park; jurisdiction over certain lands 6404
Mount Rainier National Park, fishing 11388
Muir Woods National Monument; concession contracts and permits 17174
Natchez Trace Parkway; concession contracts and permits 17174
National Capital Region; concession contracts and permits 17174

National Park Service—Continued Page

NATIONAL PARKS, etc.—Continued
Padre Island National Seashore; control and protection of visitors and area, fishing, hunting, etc., proposed rule 14563
Statue of Liberty National Monument; concession contracts and permits 17174
Yosemite National Park; concession contracts and permits 17174
NATIONAL RECREATION AREA, Coulee Dam; camping restriction 6682
RECORDS, non-Federal; retention requirements 3122

National Parkinson Week:
PROCLAMATION 3684 13625

National Poison Prevention Week, 1965:
PROCLAMATION 3635 1107

National Safe Boating Week, 1965:
PROCLAMATION 3651 4525

National School Lunch Week, 1965:
PROCLAMATION 3672 12115

National Science Foundation:
DIVISIONAL COMMITTEES, abolition (Reorganization Plan No. 5 of 1965) 9355
WEATHER MODIFICATION ACTIVITIES, records and reports 11396, 16202

National Shipping Authority:
GENERAL AGENTS, agents, and berth agents; nondiscrimination in employment 12640, 16201
MARINE PROTECTION AND INDEMNITY INSURANCE instructions under general agency and berth agency agreements 3881
RESERVE FLEETS, authority and responsibility of operator to undertake to decommission and deliver ships to 2793

National Transportation Week, 1965:
PROCLAMATION 3638 2635

National Voluntary Mortgage Credit Extension Committee:
ORGANIZATION, revoked 13183

Natural Gas Advisory Council:
CONTINUANCE 16286

Naval Stores:
CONSERVATION PROGRAM 3107, 14035
PRICE-SUPPORT PROGRAM, 1965 5573, 7948

Navigation Regulations:
AIRWAYS. *See* Federal Aviation Agency.
WATERWAYS. *See* Coast Guard; Engineers Corps.

Navy Department:
See also Defense Department.
AUTHORITY DELEGATIONS:
From Deputy Secretary of Defense, nonfeasibility of using foreign currency to make payments under certain contracts 14279
From Secretary of Defense:
Claims settlement 7615, 8647, 11532
Classified information 11533
Safeguarding of industrial facilities 11532
CLAIMS:
Admiralty, final authority 10982
Authority delegations from Secretary of Defense 7615, 8647, 11532
Foreign 7748, 12882
General 7748, 10978, 12882, 16262
Nonappropriated fund, processing 10980
Personnel 10979, 16262
ISLANDS under Navy jurisdiction, naval defensive sea areas, naval airspace reservations, etc.; scope, authority, special provisions, etc 11919
MARINE CORPS, security program; investigative requirements, etc 11718, 14910
MENTALLY INCOMPETENT members of naval service, payment of amounts due 10976
MILITARY TRAFFIC, designation of Secretary to assist single manager 10253
NAVAL ACADEMY, appointment as midshipman, procedures and requirements 14139

Navy Department—Continued Page

OFFICERS IN LINE OF GRADE OF COMMANDER, suspension of provision of sec. 5751(b), Title 10, U.S. Code, respecting promotion (Executive Order 11232) 8745
PHYSICAL DISABILITY, disposition of cases involving; purpose, misconduct, etc 5704
PUNISHMENT:
Forms used 10974
Nonjudicial, naval courts, and certain fact-finding bodies; general provisions, letters of censure, etc 10971, 16259
RECORDS, official; production without court order 10971
RESERVE, NAVAL; plans, records, reports, training, retirement, etc 10886
SECURITY PROGRAM, Navy and Marine Corps military personnel; investigative requirements, etc 11718, 14910
SEPARATIONS from service, discharge of enlisted personnel for unsuitability 10889
SUBMARINES:
Distinctive lights authorized for 11171
Duty, incentive pay for, functions (Executive Order 11253) 13509
VESSELS, navigational light waivers 11171, 14373, 14707, 15324

Nectarines:
MARKETING, standards. *See* Agriculture Department.

Neighborhood Youth Corps:
PROJECTS for unemployed youth; definitions, standards, safety, etc 15466

Nondiscrimination:
AGRICULTURE DEPARTMENT:
Federally-assisted programs, effectuation of Title VI of Civil Rights Act of 1964 14845
Practice and procedure for hearings, decisions, etc., under Civil Rights Act of 1964 14355
AIR FORCE, participation in public events; nondiscrimination in accommodations and facilities 10045
ARMY NATIONAL GUARD, appointments and promotions 9765
AUTHORITY DELEGATION to Civil Service Commission Chairman from President's Committee on Equal Employment Opportunity; handling complaints 73
CIVIL DEFENSE OFFICE, Federally-assisted programs 5372, 8410
CIVIL RIGHTS COMMISSION, Mississippi hearing 166
CIVIL RIGHTS MARCH IN ALABAMA:
Removal of obstructions ordered (Proclamation 3645) 3739
Use of Armed Forces, authority of Secretary of Defense (Executive Order 11207) 3743
COMMUNITY RELATIONS SERVICE, organization and functions 8548
CONSTRUCTION GRANTS for nurse training facilities 6945, 7395
CONTRACTS, GOVERNMENT, employment under (Executive Order 11246) 12319
EQUAL EMPLOYMENT OPPORTUNITY, PRESIDENT'S COMMITTEE ON. *See* President's Committee on Equal Employment Opportunity.
EQUAL EMPLOYMENT OPPORTUNITY COMMISSION:
Employer reporting requirements; proposed rules, hearing 14658
Procedural regulations and records and reports 8407, 8409, 9676
EQUAL OPPORTUNITY, Special Assistant for, functions; Commerce Department 13471
EQUAL PAY for equal work under Fair Labor Standards Act 11504
FEDERAL DISASTER ASSISTANCE, Federal-State agreements 1777
FEDERALLY-ASSISTED PROGRAMS, effectuation of Title VI of Civil Rights Act of 1964:
Agency for International Development, 317.
Agriculture Department, 14845.
Civil Defense Office, 5372, 8410.
Commerce Department, 305, 616, 6281, 6503.
Defense Department, correction, 133.
Economic Opportunity Office, 325.
Emergency Planning Office, 321.

Nondiscrimination—Continued Page

FEDERALLY-ASSISTED PROGRAMS, effectuation of Title VI of Civil Rights Act of 1964—Continued
Health, Education, and Welfare Department, 35, 10234.
Labor Department, authority delegation, 13560.
National Aeronautics and Space Administration, 301.
Small Business Administration, 298.
State Department, 314.
Tennessee Valley Authority, 311.
HOUSING:
Equal opportunity and nondiscrimination 15033
Public, low-rent; complaint procedures 132
JUSTICE DEPARTMENT regulations; employment, equal opportunity 7386
LIBRARY CONSTRUCTION with Federal funds 6393
MENTAL HEALTH AND RETARDATION FACILITIES, grants for construction 2442
NATIONAL DEFENSE CADET CORPS 9361
NATIONAL SHIPPING AUTHORITY, employment by 12640, 16201
PRESIDENT'S COMMITTEE ON EQUAL EMPLOYMENT OPPORTUNITY:
Abolition (Executive Order 11246) 12319
Annual compliance reports, filing date 2962, 11013
Authority delegation to Civil Service Commission Chairman, handling of complaints of discrimination in Government employment 73
Transfer of functions to Federal Contract Compliance Office, Labor Department 13441
PRESIDENT'S COUNCIL ON EQUAL OPPORTUNITY, establishment (Executive Order 11197) 1721
PROCUREMENT:
Agriculture Department 12071
Atomic Energy Commission 8831, 15468
General Services Administration 1045
Government contract forms, standard 13475
Veterans Administration 2314
PUBLIC EDUCATION, desegregation 4359, 9981, 10163
SPORT FISHERIES AND WILDLIFE BUREAU, contracts, permits, and use of facilities 7315
UNITED STATES EMPLOYMENT SERVICE, policies; service to minority groups 7039
VOTING RIGHTS. *See* Voting Rights Act of 1965.
WOMEN, employment; guidelines for nondiscrimination 14926

Noodle Products:
STANDARDS OF IDENTITY, proposed rule 11921
VITAMIN D supplementation, proposed rule 11141

Nurses:
COMMISSIONED OFFICERS in Public Health Service, eligibility requirements 9437
PAY RATE, adjustment, Staten Island, New York 8173
TRAINING FACILITIES, grants for 6944, 7395

Nuts:
MARKETING, STANDARDS, etc. *See* Agriculture Department.

O

Oats:
CROP INSURANCE. *See* Federal Crop Insurance Corporation.
LOAN AND PURCHASE PROGRAM, price-support, etc. *See* Commodity Credit Corporation.
WAREHOUSES, Federally licensed:
Standards for approval 4193, 11315
Storage loans, due date 848

Oil:
COTTONSEED OIL, purchase program, 1965 crop 9214, 9674, 10840
LINSEED OIL, export payment-in-kind program 1178, 4532
TUNG OIL, loan programs, price-support, etc. *See* Commodity Credit Corporation.

Oil and Gas:
CONNALLY ACT regulations; enforcement, limitation 1041
CRUDE OIL PIPELINES at international boundary lines, applications for Presidential permits for construction, operation, and maintenance:
Canada 15041
Mexico 16217

Oil and Gas—Continued Page

DEPOSITS, Vance Air Force Base, Oklahoma; transfer of jurisdiction from Air Force to Interior Department ---- 14930, 16112
FIELDS, definitions of known geologic structures. *See* Geological Survey.
GASOLINE MARKETING, inquiry into competition problems; hearing, correction ---- 731
IMPORTS:
See also Customs Bureau; Emergency Planning Office; Interior Department; Oil Import Administration.
Adjustment (Proclamation 3693) ---- 15459
INCOME TAX REGULATIONS, oil and gas wells ---- 2663, 8902, 13698
LEASES:
Indian lands, authority delegation ---- 17
Potash area in New Mexico ---- 6692
Public lands. *See* Land Management Bureau.
Wildlife areas, leasing restrictions ---- 1259, 1260
LUBRICATING OIL, previously used, advertising and labeling; effective date ---- 32

Oil Import Administration:
CRUDE OIL AND UNFINISHED OILS, imports:
Districts I–IV and District V:
Allocation periods ---- 16080
Allocations ---- 8475
Persons having petrochemical plants in, proposed rules ---- 15434
Puerto Rico, allocation periods; crude and unfinished oils and finished products ---- 16080
RESIDUAL FUEL OIL, imports:
District I ---- 4415
Emergency advances ---- 2212

Oilseeds:
See Cottonseed; Flaxseed; Peanuts; Soybeans; Tung nuts.

Okanogan National Forest:
TRANSFER OF LANDS to Wenatchee National Forest (Executive Order 11220) ---- 6425

Okra:
STANDARDS for grades, processing ---- 6658, 14359

Old-Age Insurance:
See Social Security Administration.

Oleomargarine:
See Margarine.

Olives:
MARKETING. *See* Agriculture Department.
STANDARDS, green olives; proposed rules ---- 11723

Onions:
IMPORT RESTRICTIONS, MARKETING. *See* Agriculture Department.

Open Space Program:
REGULATIONS (Executive Order 11237) ---- 9433

Optometry Students:
LOANS ---- 7394

Orange Juice:
FROZEN CONCENTRATED, purchase program GMP 135a ---- 15442
STANDARDS:
Grades, canned blended grapefruit and orange juice ---- 205
Identity standards, optional ingredients, etc. *See* Food and Drug Administration.

Oranges:
CROP INSURANCE. *See* Federal Crop Insurance Corporation.
IMPORTS, EXPORTS, MARKETING, STANDARDS. *See* Agriculture Department.

Organizations, Privileged, International:
See International organizations.

Outdoor Recreation Bureau:
AUTHORITY DELEGATIONS from Secretary of Interior:
Grants for acquisition of open-space land, recreation planning, etc ---- 15596
Program functions ---- 4210

Outdoor Recreation Bureau—Continued Page

DIRECTOR, position placed in level V of Federal Executive Salary Schedule (Executive Order 11262) ---- 15399

Outdoor Recreation Program:
REGULATIONS (Executive Order 11237) ---- 9433

Outer Continental Shelf:
See Continental Shelf, Outer.

P

Pan American Day and Pan American Week, 1965:
PROCLAMATION 3641 ---- 2759

Panama Canal:
See also Canal Zone Government.
FOREIGN TRADE STATISTICS, survey ---- 2441

Parachute Jumping:
INCENTIVE PAY FOR HAZARDOUS DUTY for members of Armed Forces (Executive Order 11259) ---- 15057
RESTRICTIONS, proposed rule, hearing ---- 11733

Parity Prices:
DETERMINATION. *See* Agriculture Department.

Parkinson Week, National:
PROCLAMATION 3684 ---- 13625

Parks, National:
REGULATIONS. *See* National Park Service.

Parole Board, United States:
MENTAL COMPETENCY PROCEEDINGS for certain youth offenders and juvenile delinquents ---- 219

Passports:
See State Department.

Patent Office:
ORGANIZATION AND FUNCTIONS ---- 11152
PATENT CASES:
Allowance and issuance of patents ---- 12844
Assignment records, accessibility ---- 7195, 12124
Design patents, issue and term ---- 12844
Fees and charges ---- 6391, 12844
Interferences:
Forms, preliminary statement of domestic inventor ---- 2556, 6648
Practice rules ---- 2552, 6644
TRADEMARK CASES:
Forms for; trademark application by individual, Principal Register with oath and declaration ---- 13206
Rules of practice ---- 2556, 6687, 13193

Patent System:
STUDY OF (Executive Order 11215) ---- 4661

Patent System, President's Commission on:
ESTABLISHMENT (Executive Order 11215) ---- 4661

Patents:
See also Patent Office.
AEC PATENT COMPENSATION BOARD, application for just compensation ---- 7118
FOREIGN PATENT PROGRAM, NASA regulations ---- 1844
PROCUREMENT REGULATIONS. *See specific agencies.*

Pay, Compensation, etc.:
ARMED FORCES MEMBERS:
Early payment; authority delegation from Assistant Secretary of Treasury to Coast Guard Commandant ---- 12660
Incentive pay for hazardous duty (Executive Order 11242) ---- 11205
Parachute jumping (Executive Order 11259) ---- 15057
Submarine duty (Executive Order 11253) ---- 13509
CIVIL SERVICE REGULATIONS. *See* Civil Service Commission.
EXECUTIVES, basic compensation increase ---- 1169, 11945, 11947, 12999, 13427, 14050, 15399

Pay, Compensation, etc.—Continued Page

FEDERAL EMPLOYEES:
Delegation of functions (Executive Order 11228) ---- 7759
Federal Executive Salary Schedule, certain offices and positions placed in levels IV and V (Executive Orders 11195, 11244, 11245, 11248, 11251, 11262) ---- 1169, 11945, 11947, 12999, 13427, 15399
Severance pay, regulations (Executive Order 11257) ---- 14353
MINIMUM WAGES:
Government supply contracts. *See* Public Contracts Division.
Interstate commerce, goods produced for. *See* Wage and Hour Division.
OVERTIME COMPENSATION under Fair Labor Standards Act ---- 1076
OVERTIME SERVICES, imports and exports of animals and plants and products. *See* Agriculture Department.
STUDENTS, full-time; employment at special minimum wages. *See* Wage and Hour Division.
SUGAR PRODUCTION, wage rates. *See* Agriculture Department.
TRAVEL EXPENSES. *See* Civil Service Commission.
WITHOUT-COMPENSATION EMPLOYEES. *See* Commerce Department; Interior Department; Interstate Commerce Commission.

Peace Corps:
ADMINISTRATION (Executive Order 11250) ---- 13003

Peaches:
CROP INSURANCE. *See* Federal Crop Insurance Corporation.
MARKETING. *See* Agriculture Department.
PURCHASE PROGRAM GMP 96a ---- 8755

Peanut Butter:
DEFINITIONS AND IDENTITY STANDARDS, proposed rules, hearing, etc ---- 8626, 11349, 11970, 12949

Peanuts:
ADMINISTRATIVE COMMITTEE; indemnification reserve, 1965 crop ---- 9407, 10864, 11648
CROP INSURANCE. *See* Federal Crop Insurance Corporation.
INDEMNIFICATION, 1965 crop ---- 9407, 10864, 11648
INSPECTION AND CERTIFICATION, charges for aflatoxin analysis ---- 9977
LOAN AND PURCHASE PROGRAM, price-support, etc. *See* Commodity Credit Corporation.
MARKETING, STANDARDS, etc. *See* Agriculture Department.
QUALITY REGULATION, domestically produced ---- 3658
RECORD RETENTION REQUIREMENTS ---- 3108, 3109
SUPPLY AVAILABLE, Valencia type; 1965–66 marketing year ---- 2601, 4099
WAREHOUSE STORAGE LOAN AND SHELLER PURCHASE regulations; 1965 crop ---- 8401, 15736

Pears:
EXPORT RESTRICTIONS ---- 6782, 8775
MARKETING. *See* Agriculture Department.

Peas:
CROP INSURANCE. *See* Agriculture Department.
STANDARDS:
Grades, Southern peas for processing ---- 155, 345, 6063
Identity, canned peas; optional ingredients ---- 651, 13749

Pennsylvania Avenue, President's Advisory Council on:
PLAN FOR IMPROVEMENT OF PENNSYLVANIA AVENUE (Executive Order 11210) ---- 4051

Pennsylvania Avenue, Temporary Commission on:
ESTABLISHMENT (Executive Order 11210) ---- 4051

Personnel Management, Special Assistant to the President:
TERMINATION OF POSITION (Executive Order 11205) ---- 3513

Pesticides:
FEDERAL INSECTICIDE, FUNGICIDE, AND RODENTICIDE ACT, regulations. *See* Agriculture Department.
TOLERANCES for residues. *See* Food and Drug Administration.

Pet Food:
DOGS AND CATS, etc ---- 10284

Petroleum and Petroleum Products:
See Oil and gas.

Philippine Islands:
PESO, rates of exchange for customs purposes ---- 6196
TARIFF CLASSIFICATION, handkerchiefs ---- 8231

Phosphate Lands:
CLASSIFICATION. *See* Geological Survey.

Photography Week, Professional:
PROCLAMATION 3649 ---- 4307

Physically Handicapped Persons:
NATIONAL EMPLOY THE PHYSICALLY HANDICAPPED WEEK, 1965 (Proclamation 3671) ---- 11829

Pickles:
STANDARDS for grades, proposed rules ---- 3444

Pigs:
STANDARDS for feeder pigs, swine ---- 8225, 16253

Pilot Food Stamp Program:
See Food stamp program.

Pipeline Companies:
See Interstate Commerce Commission.

Plant Quarantine:
See Agriculture Department.

Plums:
IMPORTS from Mexico and Guatemala, fumigation ---- 9247
MARKETING, STANDARDS. *See* Agriculture Department.
PURCHASE PROGRAM GMP 96a; fresh, California ---- 9327

Poison Prevention Week, National, 1965:
PROCLAMATION 3635 ---- 1107

Poisons:
See Hazardous substances; Pesticides.

Political Activity:
EXPENDITURES by electric utilities and gas pipeline companies, report forms ---- 505
FEDERAL EMPLOYEES and enrollees of Job Corps ---- 1931

Pollution:
AIR POLLUTION from motor vehicles, control of; proposed rules ---- 17192
WATER POLLUTION, grants for control ---- 17166

Ports:
SAFEGUARDING of vessels, harbors, ports, and waterfront facilities of United States, regulations (Executive Order 11249) ---- 13001

Post Office Department:
AUTHORITY DELEGATIONS:
See also Organization and administration.
By Assistant Postmaster General, Bureau of Facilities, to certain officials:
Chief, Real Estate Branch, et al.; cancellation ---- 12499
Director, Realty Division, et al.; act as Assistant and Deputy Assistant Postmaster General, sign documents, etc ---- 10999
By Deputy Postmaster General to Postmasters and Assistant Postmasters, administer oaths of office to Job Corps enrollees ---- 6738
By Director, Procurement Division, Bureau of Facilities, to certain officials; sign certain contracts, correspondence, and official documents:
Chief, Contract Branch, Procurement Division, Bureau of Facilities, et al ---- 4209
U.S. Stamped Envelope Agent, Williamsburg, Pa., and U.S. Postal Agent, Washington, D.C ---- 164

Post Office Department—Continued Page

AUTHORITY DELEGATIONS—Continued
By Postmaster General to certain officials:
Assistant Postmaster General, Bureau of Operations, et al.; emergency line of succession as Postmaster General 8912
Regional Directors designated as Deputy Employment Policy Officers 9550
BLIND PERSONS:
Matter for; rates and conditions, international mail 3216
Vending stands and machines, operation; authorizations, assignment of profits 3216
CITIZENS' STAMP ADVISORY COMMITTEE, appointment of members 2824
DIRECTORY OF INTERNATIONAL MAIL. *See* International mail.
DOMESTIC SERVICES:
Classification and rates:
Airmail, classification 14374
Controlled circulation publications 576, 7392
First class 13360, 13361
Fourth class 7392, 14929
Mixed classes, treatment of undeliverable combination mail 9274, 11604, 15213
Official mail 88, 14493
Second class 38, 88, 575, 1193, 2150, 3763, 7391, 8048, 8049, 8224, 8588, 9695, 11031, 13137
Qualifications for privileges, basic; proposed rule 14993, 15235
Third class 576, 1846, 2152, 2153, 2313, 3820, 7392, 8480, 11752, 13361
Collection and delivery:
City delivery, apartment house receptacles 2155, 2314, 7392, 9550, 11031, 11923, 14374
Forwarding mail, address changes 8620, 13361
Mail chutes and receiving boxes 2154, 2314, 6436, 7392, 11720
Rural service, boxes 7394, 11032, 13217
Undeliverable mail 8621, 11282, 13137, 13320
Complaints; postal law violations 1846
Domestic mail service, Canal Zone 13214
Fractions, revoked 9006
Government agencies, services performed for 8620
Information on postal matters 3438, 6436, 10051
Nonmail services:
Money orders, issuance 2868, 11719
Non-postal stamps 8622
Postage:
Metered stamps, use of meter 14929
Philately; inaugural covers, stamp publication 14929
Prepayments and refunds 6436
Special cancellations 6436
Stamps, envelopes, and postal cards 1672, 4198, 11678, 11719, 13215, 13320
Special mail services:
COD 11719
Payment for losses 2761, 11719
Special delivery 8622
Transportation:
Air 625, 2552, 4064, 10135, 11173, 11280, 11351
Military ordinary mail, proposed rule 12038, 13265
Highway 9064, 10150, 11351, 12467
Railroads 4353, 13540
Vending stands and machines; assignment of profits, authorizations 3216
Wrapping and mailing:
Addresses 2195, 2221, 3438, 8476, 8752, 8904, 11752, 13214
Second-class publications, proposed rule 2152
Military post offices, overseas; mail addressed to 2659, 11719, 13360, 14929
Nonmailable matter; harmful matter, radioactive 13437
Packages 12841
Second-class bulk mailings 1940, 2105, 2152, 2153, 3820, 7390, 7748, 8477, 11752
Special rules, matter mailable under 7390, 13438, 14928
INTERNATIONAL MAIL:
Directory:
Individual country regulations 2549, 3438, 3710, 4537, 10985, 11281, 12279, 14103, 14199, 14527, 15214
Proposed rule 15810, 16270
Parcel post, discontinuance of group shipments to certain countries 11645, 15213
Postal Union mail; discontinuance of 8-ounce merchandise packages to certain countries, proposed rule 15810, 16270

Post Office Department—Continued Page

INTERNATIONAL MAIL—Continued
Importations:
Customs 576, 8622, 13137
Sealed letters believed to contain prohibited matter 576
Inquiries, indemnities, and refunds:
Indemnity payments 3218
Inquiries and complaints; processing, charges 3217
Postage refunds; processing 3218
Nonpostal export regulations:
Commerce Department, commodities and technical data 647, 12641
Shipper's export declaration 3216, 15214
State Department, arms and technical data 648, 12641
Parcel post:
Incoming, storage charges 3444, 7749
Outgoing:
Documentation, parcel post sticker 15213
Group shipments, discontinuance to certain countries 11645, 15213
Packing, prohibitions, etc 2549
Postal Union mail:
Articles mailed abroad by or on behalf of U.S. senders, proposed rules 14378
Conditions applicable to all classes, prohibitions and restrictions 92, 2549, 3216
Incoming, treatment; storage charges 3444, 7749
Returned surface merchandise packages mailed to Canada, proposed rule 15810, 16270
Outgoing, treatment 13869
Specific classes, rates and conditions for 2549, 3216
Combination packages, articles grouped together; discontinuance of 8-ounce merchandise packages to certain countries, proposed rules 15810, 16270
Procedures; mail chutes and receiving boxes, custody and control 15739
Special mail services:
Recall and change of address; countries not permitting 576
Registration:
Restricted delivery 576
Return receipts 3216
MAILERS TECHNICAL ADVISORY COMMITTEE, formation and appointment of members 7764
ORGANIZATION AND ADMINISTRATION 6988
See also Authority delegations.
Bureau of Personnel 7969
Judicial Officer, Board of Contract Appeals 16272
PHILATELIC SALES, mail orders; increased handling charges 13098
PROCUREMENT, general policies 5793
RECORDS, non-Federal; retention requirements 3127
UNIFORM QUALITY CONTROL PROGRAM, specifications; fabric and color, insignia, etc. 1259, 2824, 5391, 9278, 11648, 12499
VENDING STANDS and machines; assignment of profits, authorizations 3216
ZIP CODE SYSTEM, use by Federal agencies, regulations (Memorandum of June 18, 1965) 8299
ZIP CODING of mail 2195, 2221, 8299, 8476, 8752, 11752, 13360, 14493

Potatoes:
CROP INSURANCE. *See* Federal Crop Insurance Corporation.
DIVERSION PROGRAM, record retention requirements 3107
MARKETING, import restrictions. *See* Agriculture Department.
RADIATION as treatment 1013, 14102
REPORTS by merchants, processors, and dealers 1191
STANDARDS:
Grades, frozen French fried potatoes; proposed rules 4486, 11691
Identity, canned potatoes; optional ingredients 131, 2429
TARIFF-RATE QUOTA 12645

Poultry and Poultry Products:
See also Eggs and egg products.
EXPORT PAYMENT PROGRAM (GMX 73a) 12720, 13120, 15089
GRADING, INSPECTION, etc. *See* Agriculture Department.
TURKEY IMPROVEMENT PLANS, terminology and classification 10283

Power Commission: Page
See Federal Power Commission.

Power Sites, Projects, etc.:
CLASSIFICATION, restoration of lands to entry, etc. *See* Land Management Bureau.
LANDS WITHDRAWN. *See* Federal Power Commission.

Prayer, National Days of:
See National days of prayer.

President, The:
DELEGATIONS OF AUTHORITY. *See* Delegations of authority by the President.
EXECUTIVE ORDERS, proclamations, etc. *See* Presidential documents.
NONDISCRIMINATION in Federally-assisted programs, effectuation of Title VI of Civil Rights Act of 1964; approval of regulations of certain agencies:
Agency for International Development, 317.
Commerce Department, 305, 616.
Economic Opportunity Office, 325.
Emergency Planning Office, 321.
National Aeronautics and Space Administration, 301.
Small Business Administration, 298.
State Department, 314.
Tennessee Valley Authority, 311.
RADIATION PROTECTION GUIDANCE for Federal agencies, memorandum for President 6953
REPORTS TO:
Crime in District of Columbia, President's Commission on (Executive Order 11234) 9049
Equal Opportunity, President's Council on (Executive Order 11197) 1721
Federal Staff Retirement Systems, Cabinet Committee on (Memorandum of February 1, 1965) 1725
Law Enforcement and Administration of Justice, President's Commission on (Executive Order 11236) 9349
Patent System, President's Commission on (Executive Order 11215) 4661
Status of Women, Committee on (Executive Order 11221) 6427
Tariff Commission, respecting certain imports. *See main heading* Tariff Commission.
Telecommunications Management, Director of (Executive Order 11191) 29

Presidential Documents:
ACCIDENT PREVENTION; safety policy for Federal service (Memorandum and Statement of February 16, 1965) 2517, 2519
ADVISERS, CONSULTANTS, and other special Government employees; ethical standards of conduct (E.O. 11222) 6469
ADVISORY COMMITTEES, COUNCILS, ETC. *See* Committees, boards, etc.
ADVISORY COUNCIL ON GROUP INSURANCE, abolition (Reorganization Plan No. 4 of 1965) 9353
ADVISORY COUNCIL ON THE STATUS OF WOMEN, CITIZENS'; membership (E.O. 11221) 6427
AGRICULTURE DEPARTMENT:
International Coffee Organization, functions of Secretary (E.O. 11229) 7741
Recreation user fees for areas under jurisdiction, functions (E.O. 11200) 2645
AIRCRAFT CARRIERS, hazardous duty pay for flight operations (E.O. 11242) 11205
ALABAMA, civil rights march:
Removal of obstructions ordered (Proc. 3645) 3739
Use of Armed Forces, authority of Secretary of Defense (E.O. 11207) 3743
ALASKA, grants to, authority of Housing and Home Finance Agency (E.O. 11196) 1171
ALLEGHENY NATIONAL FOREST, inclusion of lands (E.O. 11212) 4387
AMERICAN EDUCATION WEEK, 1965 (Proc. 3674) 12623
AMERICAN HEART MONTH, 1965 (Proc. 3634) 1105
AMERICAN LEGION BASEBALL WEEK, NATIONAL (Proc. 3669) 11089
APPALACHIA, FEDERAL DEVELOPMENT COMMITTEE FOR; establishment (E.O. 11209) 3929
APPALACHIA, FEDERAL DEVELOPMENT PLANNING COMMITTEE FOR; termination (E.O. 11209) 3929

Presidential Documents—Continued Page

APPALACHIAN REGIONAL COMMISSION, coordination of functions (E.O. 11209) 3929
ARMED FORCES:
Alabama, use for protection of civil rights marchers (E.O. 11207) 3743
Hazardous duty, incentive pay for (E.O. 11242) 11205
Parachute jumping (E.O. 11259) 15057
Submarine duty (E.O. 11253) 13509
Vietnam and adjacent waters:
Designation as combat area for purposes of mailing privileges (E.O. 11255) 14135
Designation as combat zone for purposes of income tax exemption under section 112 of Internal Revenue Code (E.O. 11216) 5817
Vietnam Service Medal, establishment (E.O. 11231) 8665
ARMED FORCES DAY (Proc. 3655) 6467
ARTS, PRESIDENT'S ADVISORY COUNCIL ON; termination (E.O. 11208) 3927
ATOMIC AWARDS BOARD, abolition (Reorganization Plan No. 4 of 1965) 9353
ATOMIC ENERGY COMMISSION; radioactive waste materials, disposal (E.O. 11258) 14483
ATTORNEY GENERAL. *See* Justice Department.
AUSTRALIAN JURISDICTION over offenses committed within the United States by members of its military, naval, and air forces (Proc. 3681) 13049
AUTHORITY, DELEGATIONS OF. *See* Delegations of authority by the President.
AUTOMOTIVE AGREEMENT ADJUSTMENT ASSISTANCE BOARD, establishment (E.O. 11254) 13569
AUTOMOTIVE PRODUCTS; implementation of United States-Canadian trade agreement (Proc. 3682) 13683
AWARDS. *See* Decorations and awards.
BANK LOANS, COMMERCIAL; imposition of interest equalization tax (E.O. 11198) 1929
BASEBALL; National American Legion Baseball Week (Proc. 3669) 11089
BENNETT PLACE COMMEMORATION (Proc. 3650) 4309
BILL OF RIGHTS DAY (Proc. 3691) 15139
BLIND PERSONS; White Cane Safety Day, 1965 (Proc. 3679) 12931
BOARDS. *See* Committees, boards, etc.
BOATING; National Safe Boating Week, 1965 (Proc. 3651) 4525
BONNEVILLE POWER ADVISORY BOARD, abolition (Reorganization Plan No. 4 of 1965) 9353
BUDGET BUREAU:
Presidential authority, delegation of certain functions to Director (E.O. 11230) 8447
Water pollution control in Federal facilities, functions (E.O. 11258) 14483
BUILDINGS AND FACILITIES, FEDERAL; water pollution control standards (E.O. 11258) 14483
CABINET COMMITTEE ON FEDERAL STAFF RETIREMENT SYSTEMS, membership (Memorandum of February 1, 1965) 1725
CANADA; trade agreements with United States (Proc. 3682, 3694) 13683, 17147
CANCER CONTROL MONTH, 1965 (Proc. 3642) 2919
CAPTIVE NATIONS WEEK, 1965 (Proc. 3661) 8663
CERTIFICATE OF MERIT, award to Government contractors (E.O. 11246) 12319
CHILD HEALTH DAY, 1965 (Proc. 3675) 12625
CHURCHILL, WINSTON SPENCER, death of; display of U.S. flag at half-staff (E.O. 11193) 821
CITIZENS' ADVISORY COUNCIL ON THE STATUS OF WOMEN, membership (E.O. 11221) 6427
CITIZENSHIP DAY AND CONSTITUTION WEEK, 1965 (Proc. 3659) 8383
CIVIL RIGHTS. *See* Nondiscrimination.
CIVIL RIGHTS ACT OF 1964; enforcement of Title VI by Attorney General (E.O. 11247) 12327
CIVIL RIGHTS COMMISSION; position of Staff Director placed in level V of Federal Executive Salary Schedule (E.O. 11195) 1169
CIVIL SERVICE:
Awards, delegation of functions (E.O. 11228) 7739
Equal employment opportunity, regulations (E.O. 11246) 12319
Ethical standards of conduct for Government officers and employees (E.O. 11222) 6469
Foreign Service, appointment in competitive service of certain present and former officers and employees (E.O. 11219) 6381

Presidential Documents—Continued Page

CIVIL SERVICE—Continued
- Holidays, observance by Government agencies (E.O. 11226) 7213
- Leave, sick and annual, functions (E.O. 11228) 7739
- Pay and allowances:
  - Delegation of functions (E.O. 11228) 7739
  - Federal Executive Salary Schedule, certain offices and positions placed in levels IV and V (E.O. 11195, 11244, 11245, 11248, 11251, 11262) 1169, 11945, 11947, 12999, 13427, 15399
- Severance pay, regulations (E.O. 11257) 14353
- Retirement:
  - Cabinet Committee on Federal Staff Retirement Systems, membership (Memorandum of February 1, 1965) 1725
  - Exemption from automatic separation, functions (E.O. 11228) 7739
- Safety policy (Memorandum and Statement of February 16, 1965) 2517, 2519
- Secret Service, career appointments for qualified employees, regulations (E.O. 11203) 3417
- Student trainees, career or career-conditional appointments, regulations (E.O. 11202) 3185

CIVIL SERVICE COMMISSION:
- Equal employment opportunity, regulations (E.O. 11246) 12319
- Ethical standards of conduct for Government officers and employees, regulations (E.O. 11222) 6469
- Foreign Service, regulations on appointment in competitive service of certain present and former officers and employees (E.O. 11219) 6381
- Group Insurance, Advisory Council on; transfer of functions to Chairman (Reorganization Plan No. 4 of 1965) 9353
- Presidential authority, delegation of certain functions to Commission (E.O. 11222, 11228, 11257) 6469, 7739, 14353
- Secret Service, career appointments for qualified employees, regulations (E.O. 11203) 3417
- Severance pay, regulations (E.O. 11257) 14353
- Student trainees in Federal service, career or career-conditional appointments, regulations (E.O. 11202) 3185

CIVILIAN-MILITARY LIAISON COMMITTEE, abolition (Reorganization Plan No. 4 of 1965) 9353

COAST AND GEODETIC SURVEY; consolidation with Weather Bureau in Environmental Science Services Administration (Reorganization Plan No. 2 of 1965) 8819

COAST GUARD, 175th anniversary of founding (Proc. 3664) 9855

COFFEE AGREEMENT ACT, INTERNATIONAL; effect on coffee prices (Determination of May 22, 1965) 7095

COFFEE ORGANIZATION, INTERNATIONAL:
- Designation as public international organization entitled to certain privileges, exemptions, and immunities (E.O. 11225) 7093
- U.S. participation, functions (E.O. 11229) 7741

COFFEE PRICES, effect of International Coffee Agreement Act (Determination of May 22, 1965) 7095

COLUMBUS DAY, 1965 (Proc. 3673) 12277

COMMERCE DEPARTMENT:
- Convention for Safety of Life at Sea, 1960, functions (E.O. 11239) 9671
- Environmental Science Services Administration, establishment (Reorganization Plan No. 2 of 1965) 8819
- International Coffee Organization, functions of Secretary (E.O. 11229) 7741
- President's Commission on the Patent System, functions (E.O. 11215) 4661

COMMERCIAL BANK LOANS, imposition of interest equalization tax (E.O. 11198) 1929

COMMISSIONS. *See* Committees, boards, etc.

COMMITTEES, BOARDS, ETC.:
- Appalachia, Federal Development Planning Committee for; termination (E.O. 11209) 3929
- Appalachian Regional Commission, coordination of functions (E.O. 11209) 3929
- Arts, President's Advisory Council on; termination (E.O. 11208) 3927
- Atomic Awards Board, abolition (Reorganization Plan No. 4 of 1965) 9353
- Bonneville Power Advisory Board, abolition (Reorganization Plan No. 4 of 1965) 9353

Presidential Documents—Continued Page

COMMITTEES, BOARDS, etc.—Continued
- Civilian-Military Liaison Committee, abolition (Reorganization Plan No. 4 of 1965) 9353
- Communications Satellite Committee, Interim; designation as public international organization entitled to certain privileges, exemptions, and immunities (E.O. 11227) 7369
- Congressional committees; inspection of tax returns. *See* Taxes.
- Equal Employment Opportunity, President's Committee on; abolition (E.O. 11246) 12319
- Equal Opportunity, President's Council on; abolition (E.O. 11247) 12327
- Establishment:
  - Appalachia, Federal Development Committee for (E.O. 11209) 3929
  - Automotive Agreement Adjustment Assistance Board (E.O. 11254) 13569
  - Crime in District of Columbia, President's Commission on (E.O. 11234) 9049
  - Emergency board to investigate labor dispute between Atchison, Topeka & Santa Fe Railway Co., Lines East and West, and employees (E.O. 11243) 11709
  - Equal Opportunity, President's Council on (E.O. 11197) 1721
  - Food and Fiber, National Advisory Commission on (E.O. 11256) 14137
  - Food and Fiber, President's Committee on (E.O. 11256) 14137
  - Foreign Service Board, temporary reestablishment (E.O. 11240) 9795
  - Foreign Service Board of Examiners, temporary reestablishment (E.O. 11240) 9795
  - International Monetary and Financial Problems, National Advisory Council on; temporary reestablishment (E.O. 11238) 9571
  - Law Enforcement and Administration of Justice, President's Commission on (E.O. 11236) 9349
  - Patent System, President's Commission on (E.O. 11215) 4661
  - Pennsylvania Avenue, Temporary Commission on (E.O. 11210) 4051
  - Federal Staff Retirement Systems, Cabinet Committee on; membership (Memorandum of February 1, 1965) 1725
- Foreign Service Board:
  - Abolition (Reorganization Plan No. 4 of 1965) 9353
  - Temporary reestablishment (E.O. 11240) 9795
- Foreign Service Board of Examiners:
  - Abolition (Reorganization Plan No. 4 of 1965) 9353
  - Temporary reestablishment (E.O. 11240) 9795
- Group Insurance, Advisory Council on; abolition (Reorganization Plan No. 4 of 1965) 9353
- Housing Council, National; abolition (Reorganization Plan No. 4 of 1965) 9353
- International Monetary and Financial Problems, National Advisory Council on:
  - Abolition (Reorganization Plan No. 4 of 1965) 9353
  - Temporary reestablishment (E.O. 11238) 9571
- Law Enforcement and Administration of Justice, President's Commission on:
  - Establishment (E.O. 11236) 9349
  - Executive Secretary, position placed in level IV of Federal Executive Salary Schedule (E.O. 11262) 15399
- Loan Policy Board, abolition (Reorganization Plan No. 4 of 1965) 9353
- National Capital Planning Commission, improvement of Pennsylvania Avenue, functions (E.O. 11210) 4051
- National Science Foundation, divisional committees, abolition (Reorganization Plan No. 5 of 1965) 9355
- Pennsylvania Avenue, President's Advisory Council on; plan for improvement of Pennsylvania Avenue (E.O. 11210) 4051
- Radiation Council, Federal; disposal of radioactive waste materials (E.O. 11258) 14483
- Recreation Advisory Council:
  - Membership (E.O. 11218) 5821
  - Recreation user fees, functions (E.O. 11200) 2645
- Status of Women, Citizens' Advisory Council on; membership (E.O. 11221) 6427
- Status of Women, Committee on; membership (E.O. 11221) 6427

Presidential Documents—Continued Page

COMMITTEES, BOARDS, etc.—Continued
- Trade Information Committee, public hearings on articles to be considered for trade agreement concessions (Notice of February 18, 1965) 2301
- Codification in Title 48 CFR 2400

COMMUNICATIONS SATELLITE ACT OF 1962, administration (E.O. 11191) 29

COMMUNICATIONS SATELLITE COMMITTEE, INTERIM; designation as public international organization entitled to certain privileges, exemptions, and immunities (E.O. 11227) 7369

COMMUNICATIONS SATELLITE CORPORATION, functions respecting (E.O. 11191) 29

COMMUNICATIONS SATELLITE SYSTEM, development and operation (E.O. 11191) 29

CONDUCT, ethical standards for Government officers and employees (E.O. 11222) 6469

CONFLICT OF INTERESTS; ethical standards of conduct for Government officers and employees (E.O. 11222) 6469

CONGRESSIONAL COMMITTEES; inspection of tax returns. *See* Taxes.

CONSTITUTION WEEK, CITIZENSHIP DAY AND, 1965 (Proc. 3659) 8383

CONSTRUCTION CONTRACTS involving Federal aid, nondiscrimination in employment under (E.O. 11246) 12319

CONSULTANTS, ADVISERS, and other special Government employees; ethical standards of conduct (E.O. 11222) 6469

CONTRACTS, GOVERNMENT:
- Employment under, nondiscrimination (E.O. 11246) 12319
- Federally-owned outdoor recreation areas, contracts respecting non-Federal management of (E.O. 11200) 2645
- Foreign Assistance Act of 1961, contracts made under (E.O. 11223) 6035
- Housing loans, functions of Housing and Home Finance Administrator (E.O. 11196) 1171
- Water pollution control standards (E.O. 11258) 14483

CONVENTION FOR SAFETY OF LIFE AT SEA, 1960, enforcement (E.O. 11239) 9671

COTTON TEXTILES AND TEXTILE PRODUCTS, functions of Special Representative for Trade Negotiations (E.O. 11214) 4527

COUNCILS. *See* Committees, boards, etc.

CRIME IN DISTRICT OF COLUMBIA, PRESIDENT'S COMMISSION ON; establishment (E.O. 11234) 9049

CRIME PREVENTION AND CONTROL:
- President's Commission on Crime in District of Columbia, establishment (E.O. 11234) 9049
- President's Commission on Law Enforcement and Administration of Justice, establishment (E.O. 11236) 9349

CRUSADE FOR SAFETY DAY (Proc. 3690) 14481

CUSTOMS BUREAU, abolition of certain offices and transfer of functions (Reorganization Plan No. 1 of 1965) 7035

DAYS OF OBSERVANCE:
- American Legion Baseball Week, National (Proc. 3669) 11089
- Armed Forces Day (Proc. 3655) 6467
- Bennett Place commemoration (Proc. 3650) 4309
- Bill of Rights Day (Proc. 3691) 15139
- Cancer Control Month, 1965 (Proc. 3642) 2919
- Captive Nations Week, 1965 (Proc. 3661) 8663
- Child Health Day, 1965 (Proc. 3675) 12625
- Citizenship Day and Constitution Week, 1965 (Proc. 3659) 8383
- Coast Guard, 175th anniversary of founding (Proc. 3664) 9855
- Columbus Day, 1965 (Proc. 3673) 12277
- Crusade for Safety Day (Proc. 3690) 14481
- Defense Transportation Day, National, 1965 (Proc. 3638) 2639
- Education Week, American, 1965 (Proc. 3674) 12623
- Employ the Physically Handicapped Week, National, 1965 (Proc. 3671) 11829
- Farm-City Week, National, 1965 (Proc. 3678) 12929
- Farm Safety Week, National, 1965 (Proc. 3639) 2641
- Fire Prevention Week, 1965 (Proc. 3663) 8991
- Flag Day, 1965 (Proc. 3658) 7695
- Forest Products Week, National, 1965 (Proc. 3670) 11837

Presidential Documents—Continued Page

DAYS OF OBSERVANCE—Continued
- Goddard (Dr. Robert Hutchings) Day (Proc. 3644) 3511
- Heart Month, American, 1965 (Proc. 3634) 1105
- Highway Week, National, 1965 (Proc. 3668) 10877
- Human Rights Day (Proc. 3691) 15139
- Human Rights Week (Proc. 3691) 15139
- Law Day, U.S.A.:
  - 1965 (Proc. 3633) 431
  - 1966 (Proc. 3692) 15349
- Law Day, World (Proc. 3662) 8773
- Leif Erikson Day, 1965 (Proc. 3666) 10279
- Loyalty Day, 1965 (Proc. 3643) 3509
- Maritime Day, National, 1965 (Proc. 3646) 4045
- Memorial Day, 1965, prayer for peace (Proc. 3657) 6835
- Mother's Day, 1965 (Proc. 3654) 6109
- Pan American Day and Pan American Week, 1965 (Proc. 3641) 2759
- Parkinson Week, National (Proc. 3684) 13625
- Photography Week, Professional (Proc. 3649) 4307
- Poison Prevention Week, National, 1965 (Proc. 3635) 1107
- Prayer, National Day of, 1965 (Proc. 3680) 12933
- Prayer for Peace, Memorial Day, 1965 (Proc. 3657) 6835
- Pulaski's (General) Memorial Day, 1965 (Proc. 3665) 9857
- Red Cross Month, 1965 (Proc. 3636) 1109
- Safe Boating Week, National, 1965 (Proc. 3651) 4525
- Save Your Vision Week, 1965 (Proc. 3640) 2643
- School Lunch Week, National, 1965 (Proc. 3672) 12115
- Secret Service Week, United States (Proc. 3660) 8507
- See the United States through 1966 (Proc. 3677) 12927
- Senior Citizens Month, 1965 (Proc. 3653) 5417
- Small Business Week, 1965 (Proc. 3648) 4049
- Smithson (James) Bicentennial Celebration (Proc. 3667) 10281
- Thanksgiving Day, 1965 (Proc. 3687) 14347
- Trade Week, World, 1965 (Proc. 3647) 4047
- Transportation Day, National Defense, 1965 (Proc. 3638) 2639
- Transportation Week, National, 1965 (Proc. 3638) 2639
- United Nations Day, 1965 (Proc. 3652) 5415
- Veterans Day, 1965 (Proc. 3676) 12709
- Vietnam; defense of South Vietnam, day of dedication and prayer (Proc. 3686) 14299
- Water Conservation Month (Proc. 3688) 14349
- White Cane Safety Day, 1965 (Proc. 3679) 12931
- Wright Brothers Day, 1965 (Proc. 3685) 14033

DEATHS, display of U.S. flag at half-staff:
- Churchill, Winston Spencer (E.O. 11193) 821
- Stevenson, Adlai E. (E.O. 11233) 8953

DECORATIONS AND AWARDS:
- Certificate of Merit, award to Government contractors (E.O. 11246) 12319
- Civil service, delegation of functions (E.O. 11228) 7739
- Vietnam Service Medal, establishment (E.O. 11231) 8665

DEFENSE DEPARTMENT:
- *See also* Armed Forces; Navy Department.
- Alabama civil rights march, authority of Secretary (E.O. 11207) 3743
- Assistant to the Secretary (Legislative Affairs), position placed in level V of Federal Executive Salary Schedule (E.O. 11262) 15399
- Principal Deputy Assistant Secretary of Defense, position placed in level V of Federal Executive Salary Schedule (E.O. 11248) 12999
- Principal Deputy Director of Defense Research and Engineering, position placed in level IV of Federal Executive Salary Schedule (E.O. 11248) 12999
- Recreation user fees for areas under jurisdiction, functions (E.O. 11200) 2645

DEFENSE TRANSPORTATION DAY, NATIONAL, 1965 (Proc. 3638) 2639

DEFENSIVE SEA AREA off coast of North Carolina, discontinuance (E.O. 11199) 2579

DELEGATIONS OF AUTHORITY BY THE PRESIDENT:
- Agency and department heads, ethical standards of conduct (E.O. 11222) 6469
- Automotive Agreement Adjustment Assistance Board (E.O. 11254) 13569
- Budget Bureau, Director (E.O. 11230) 8447
- Civil Service Commission (E.O. 11222, 11228, 11257) 6469, 7739, 14353
- Housing and Home Finance Administrator (E.O. 11196) 1171

Presidential Documents—Continued Page

DELEGATIONS OF AUTHORITY BY THE PRESIDENT—Continued
- Secretary of Agriculture (E.O. 11229) 7741
- Secretary of Commerce (E.O. 11229) 7741
- Secretary of Defense (E.O. 11207) 3743
- Secretary of Labor (E.O. 11229) 7741
- Secretary of State (E.O. 11191, 11229, 11250) 29, 7741, 13003
- Secretary of Treasury (E.O. 11229) 7741
- Telecommunications Management, Director of (E.O. 11191) 29
- U.S. Information Agency, Director (E.O. 11261) 15397

DISCRIMINATION. *See* Nondiscrimination.

DISTRICT OF COLUMBIA:
- Pennsylvania Avenue, improvement (E.O. 11210) 4051
- President's Commission on Crime in District of Columbia, establishment (E.O. 11234) 9049

ECONOMIC OPPORTUNITY OFFICE; Assistant Director (Program Planning, Analysis, and Research), position placed in level V of Federal Executive Salary Schedule (E.O. 11195) 1169

EDUCATION PROGRAMS, FEDERAL; coordination (E.O. 11260) 15395

EDUCATION WEEK, AMERICAN, 1965 (Proc. 3674) 12623

ELLIS ISLAND, addition to Statue of Liberty National Monument (Proc. 3656) 6571

EMERGENCY BOARD to investigate labor dispute between Atchison, Topeka and Santa Fe Railway Company, Lines East and West, and employees (E.O. 11243) 11709

EMPLOY THE PHYSICALLY HANDICAPPED WEEK, NATIONAL, 1965 (Proc. 3671) 11829

EMPLOYMENT:
- Equal employment opportunity, regulations (E.O. 11246) 12319
- President's Committee on Equal Employment Opportunity, abolition (E.O. 11246) 12319

ENVIRONMENTAL SCIENCE SERVICES ADMINISTRATION, establishment (Reorganization Plan No. 2 of 1965) 9819

EQUAL EMPLOYMENT OPPORTUNITY, PRESIDENT'S COMMITTEE ON; abolition (E.O. 11246) 12319

EQUAL EMPLOYMENT OPPORTUNITY, regulations (E.O. 11246) 12319

EQUAL OPPORTUNITY, PRESIDENT'S COUNCIL ON:
- Abolition (E.O. 11247) 12327
- Establishment (E.O. 11197) 1721

ERIKSON (LEIF) DAY, 1965 (Proc. 3666) 10279

ETHICAL STANDARDS OF CONDUCT for Government officers and employees (E.O. 11222) 6469

FARM-CITY WEEK, NATIONAL, 1965 (Proc. 3678) 12929

FARM SAFETY WEEK, NATIONAL, 1965 (Proc. 3639) 2641

FEDERAL BUILDINGS AND FACILITIES, water pollution control standards (E.O. 11258) 14483

FEDERAL COMMUNICATIONS COMMISSION; Convention for Safety of Life at Sea, 1960, functions (E.O. 11239) 9671

FEDERAL DEVELOPMENT COMMITTEE FOR APPALACHIA, establishment (E.O. 11209) 3929

FEDERAL DEVELOPMENT PLANNING COMMITTEE FOR APPALACHIA, termination (E.O. 11209) 3929

FEDERAL EDUCATION PROGRAMS, coordination of (E.O. 11260) 15395

FEDERAL EMPLOYEES. *See* Civil service; Civil Service Commission.

FEDERAL EMPLOYEES SALARY ACT OF 1965, delegation of authority under (E.O. 11257) 14353

FEDERAL EXECUTIVE SALARY SCHEDULE, certain offices and positions placed in levels IV and V (E.O. 11195, 11244, 11245, 11248, 11251, 11262) 1169, 11945, 11947, 12999, 13427, 15399

FEDERAL RADIATION COUNCIL; radioactive waste materials, disposal (E.O. 11258) 14483

FEDERAL RESERVE SYSTEM, BOARD OF GOVERNORS, inspection of interest equalization tax information returns (E.O. 11213) 4389

FEDERAL STAFF RETIREMENT SYSTEMS, CABINET COMMITTEE ON; membership (Memorandum of February 1, 1965) 1725

FEDERAL WATER POLLUTION CONTROL ACT, administration (E.O. 11258) 14483

FIRE PREVENTION WEEK, 1965 (Proc. 3663) 8091

Presidential Documents—Continued Page

FLAG, U.S., display at half-staff upon deaths of noted persons:
- Churchill, Winston Spencer (E.O. 11193) 821
- Stevenson, Adlai E. (E.O. 11233) 9953

FLAG DAY, 1965 (Proc. 3658) 7695

FOOD AND FIBER, NATIONAL ADVISORY COMMISSION ON; establishment (E.O. 11256) 14137

FOOD AND FIBER, PRESIDENT'S COMMITTEE ON; establishment (E.O. 11256) 14137

FOOD-FOR-PEACE PROGRAM, functions (E.O. 11252) 13507

FOREIGN ASSISTANCE; public information functions of U.S. Information Agency (E.O. 11261) 15397

FOREIGN ASSISTANCE ACT OF 1961, functions (E.O. 11223) 6535

FOREIGN COUNTRIES, designation of certain countries as economically less developed for purposes of interest equalization tax (E.O. 11224) 6679

FOREIGN SERVICE, appointment in competitive service of certain present and former officers and employees (E.O. 11219) 6381

FOREIGN SERVICE BOARD:
- Abolition (Reorganization Plan No. 4 of 1965) 9353
- Temporary reestablishment (E.O. 11240) 9795

FOREIGN SERVICE BOARD OF EXAMINERS:
- Abolition (Reorganization Plan No. 4 of 1965) 9353
- Temporary reestablishment (E.O. 11240) 9795

FOREST PRODUCTS WEEK, NATIONAL, 1965 (Proc. 3670) 11827

FORESTS, NATIONAL. *See* National forests.

GENERAL PULASKI'S MEMORIAL DAY, 1965 (Proc. 3665) 9857

GODDARD (DR. ROBERT HUTCHINGS) DAY (Proc. 3644) 3511

GOVERNMENT EMPLOYEES. *See* Civil service; Civil Service Commission.

GOVERNMENT OPERATIONS, HOUSE COMMITTEE ON; inspection of tax returns (E.O. 11201) 2921

GOVERNMENT OPERATIONS, SENATE COMMITTEE ON; inspection of tax returns (E.O. 11194) 877

GROUP INSURANCE, ADVISORY COUNCIL ON; abolition (Reorganization Plan No. 4 of 1965) 9353

HANDICAPPED PERSONS; National Employ the Physically Handicapped Week, 1965 (Proc. 3671) 11829

HARBORS, PORTS, VESSELS, AND WATERFRONT FACILITIES of the United States, safeguarding, regulations (E.O. 11249) 13001

HAZARDOUS DUTY, incentive pay for members of Armed Forces (E.O. 11242) 11205
- Parachute jumping (E.O. 11259) 15057
- Submarine duty (E.O. 11253) 13509

HEALTH, EDUCATION, AND WELFARE DEPARTMENT:
- Commissioner on Aging, position placed in level V of Federal Executive Salary Schedule (E.O. 11245, 11248) 11947, 12999
- Comptroller, position placed in level V of Federal Executive Salary Schedule (E.O. 11251) 13427
- Federal education programs, functions (E.O. 11260) 15395
- Water pollution control in Federal facilities, functions (E.O. 11258) 14483
- Water resource development projects, functions (E.O. 11258) 14483

HEART MONTH, AMERICAN, 1965 (Proc. 3634) 1105

HEMISFAIR 1968, international exposition (Proc. 3689) 14351

HIGHWAY WEEK, NATIONAL, 1965 (Proc. 3668) 10877

HOLIDAYS, observance by Government agencies (E.O. 11226) 7213

HOUSING COUNCIL, NATIONAL; abolition (Reorganization Plan No. 4 of 1965) 9353

HOUSING AND HOME FINANCE AGENCY:
- *See also* Public Housing Administration.
- Alaska, grants to, authority of Administrator (E.O. 11196) 1171
- Delegation to Administrator of certain functions vested in or subject to approval of President (E.O. 11196) 1171
- Open space program, regulations (E.O. 11237) 9433
- Waste treatment facilities, functions (E.O. 11258) 14483

HUMAN RIGHTS DAY (Proc. 3691) 15139

HUMAN RIGHTS WEEK (Proc. 3691) 15139

IMMIGRATION QUOTAS for Malta and Zambia (Proc. 3637) 1973

Presidential Documents—Continued Page

IMPORTS:
- Automotive products from Canada (Proc. 3682) 13683
- Petroleum and petroleum products, adjustment (Proc. 3693) 15459
- Unmanufactured lead and zinc, termination of quantitative limitations on imports (Proc. 3683) 13623

INFORMATION respecting foreign assistance operations, functions of U.S. Information Agency (E.O. 11261) 15397

INSURANCE; Advisory Council on Group Insurance, abolition (Reorganization Plan No. 4 of 1965) 9353

INTEREST EQUALIZATION TAX:
- Designation of certain countries as economically less developed for purposes of (E.O. 11224) 6679
- Imposition on certain commercial bank loans (E.O. 11198) 1929
- Information returns, inspection by Board of Governors, Federal Reserve System (E.O. 11213) 4389
- Inspection of tax returns (E.O. 11206) 3741

INTERIM COMMUNICATIONS SATELLITE COMMITTEE, designation as public international organization entitled to certain privileges, exemptions, and immunities (E.O. 11227) 7369

INTERIOR DEPARTMENT:
- Bonneville Power Advisory Board, transfer of functions to Secretary (Reorganization Plan No. 4 of 1965) 9353
- Bureau of Outdoor Recreation, Director, position placed in level V of Federal Executive Salary Schedule (E.O. 11262) 15399
- Outdoor recreation program, regulations (E.O. 11237) 9433
- Petroleum imports, functions (Proc. 3693) 15459
- Recreation user fees, functions of Secretary (E.O. 11200) 2645

INTERNATIONAL BOUNDARY AND WATER COMMISSION, UNITED STATES AND MEXICO, U.S. Section; functions respecting recreation user fees for areas under jurisdiction (E.O. 11200) 2645

INTERNATIONAL COFFEE AGREEMENT ACT, effect on coffee prices (Determination of May 22, 1965) 7095

INTERNATIONAL COFFEE ORGANIZATION:
- Designation as public international organization entitled to certain privileges, exemptions, and immunities (E.O. 11225) 7093
- U.S. participation, functions (E.O. 11229) 7741

INTERNATIONAL EXPOSITION OF 1968, San Antonio, Tex. (Proc. 3689) 14351

INTERNATIONAL MONETARY AND FINANCIAL PROBLEMS, NATIONAL ADVISORY COUNCIL ON:
- Abolition (Reorganization Plan No. 4 of 1965) 9353
- Temporary reestablishment (E.O. 11238) 9571

INTERNATIONAL ORGANIZATIONS:
- International Coffee Organization, U.S. participation (E.O. 11229) 7741
- Privileged:
  - Interim Communications Satellite Committee (E.O. 11227) 7369
  - International Coffee Organization (E.O. 11225) 7093

INTERSTATE COMMERCE COMMISSION; locomotive inspection, functions (Reorganization Plan No. 3 of 1965) 9351

JAPAN; tax exemption for U.S. citizens on acquisition of original or new issues of Japanese debt obligations (E.O. 11211) 4385

JUSTICE DEPARTMENT:
- Atomic Awards Board, transfer of functions to Attorney General (Reorganization Plan No. 4 of 1965) 9353
- Civil Rights Act of 1964, enforcement of Title VI by Attorney General (E.O. 11247) 12327

LABOR DEPARTMENT:
- Equal employment opportunity under Federal contracts, functions (E.O. 11246) 12319
- International Coffee Organization, functions of Secretary (E.O. 11229) 7741
- Safety policy for Federal service, functions of Secretary (Memorandum and Statement of February 16, 1965) 3517, 2519

LABOR DISPUTE; emergency board to investigate dispute between Atchison, Topeka & Santa Fe Railway Co., Lines East and West, and employees (E.O. 11243) 11709

LAND CONSERVATION FUND PROGRAM, regulations (E.O. 11237) 9433

Presidential Documents—Continued Page

LAND AND WATER CONSERVATION FUND ACT OF 1965, establishment of recreation user fees (E.O. 11200) 2645

LAW DAY, U.S.A.:
- 1965 (Proc. 3633) 431
- 1966 (Proc. 3692) 15349

LAW DAY, WORLD (Proc. 3662) 8773

LAW ENFORCEMENT AND ADMINISTRATION OF JUSTICE, PRESIDENT'S COMMISSION ON:
- Establishment (E.O. 11236) 9349
- Executive Secretary, position placed in level IV of Federal Executive Salary Schedule (E.O. 11262) 15399

LEAD AND ZINC, unmanufactured; termination of quantitative limitations on imports (Proc. 3683) 13623

LEIF ERIKSON DAY, 1965 (Proc. 3666) 10279

LOAN POLICY BOARD, abolition (Reorganization Plan No. 4 of 1965) 9353

LOCOMOTIVE INSPECTION, transfer of functions to Interstate Commerce Commission (Reorganization Plan No. 3 of 1965) 9351

LOYALTY DAY, 1965 (Proc. 3643) 3509

MALTA, immigration quota for (Proc. 3637) 1973

MARITIME DAY, NATIONAL, 1965 (Proc. 3646) 4045

MEDALS. *See* Decorations and awards.

MEMORIAL DAY, 1965, prayer for peace (Proc. 3657) 6835

MISSION SAFETY–70, safety program for Federal service (Memorandum of February 16, 1965) 2517

MONUMENT, NATIONAL, Statue of Liberty; addition of Ellis Island (Proc. 3656) 6571

MOTHER'S DAY, 1965 (Proc. 3654) 6109

NATIONAL ADVISORY COMMISSION ON FOOD AND FIBER, establishment (E.O. 11256) 14137

NATIONAL ADVISORY COUNCIL ON INTERNATIONAL MONETARY AND FINANCIAL PROBLEMS:
- Abolition (Reorganization Plan No. 4 of 1965) 9353
- Temporary reestablishment (E.O. 11238) 9571

NATIONAL AMERICAN LEGION BASEBALL WEEK (Proc. 3669) 11089

NATIONAL CAPITAL PLANNING COMMISSION; improvement of Pennsylvania Avenue, functions (E.O. 11210) 4051

NATIONAL DAYS OF PRAYER:
- Memorial Day, 1965 (Proc. 3657) 6835
- October 20, 1965 (Proc. 3680) 12933
- South Vietnam, defense of, day of dedication and prayer (Proc. 3686) 14299

NATIONAL DEFENSE TRANSPORTATION DAY, 1965 (Proc. 3638) 2639

NATIONAL EMPLOY THE PHYSICALLY HANDICAPPED WEEK, 1965 (Proc. 3671) 11829

NATIONAL FARM-CITY WEEK, 1965 (Proc. 3678) 12929

NATIONAL FARM SAFETY WEEK, 1965 (Proc. 3639) 2641

NATIONAL FOREST PRODUCTS WEEK, 1965 (Proc. 3670) 11827

NATIONAL FORESTS:
- Allegheny National Forest, inclusion of lands (E.O. 11212) 4387
- Okanogan National Forest, transfer of lands from (E.O. 11220) 6425
- Wenatchee National Forest, transfer of lands to (E.O. 11220) 6425

NATIONAL GUARD of Alabama, use for protection of civil rights marchers (E.O. 11207) 3743

NATIONAL HIGHWAY WEEK, 1965 (Proc. 3668) 10877

NATIONAL HOUSING COUNCIL, abolition (Reorganization Plan No. 4 of 1965) 9353

NATIONAL MARITIME DAY, 1965 (Proc. 3646) 4045

NATIONAL MEDIATION BOARD, emergency board to investigate labor dispute between Atchison, Topeka & Santa Fe Railway Co., Lines East and West, and employees (E.O. 11243) 11709

NATIONAL MONUMENT, Statue of Liberty; addition of Ellis Island (Proc. 3656) 6571

NATIONAL PARKINSON WEEK (Proc. 3684) 13625

NATIONAL POISON PREVENTION WEEK, 1965 (Proc. 3635) 1107

NATIONAL SAFE BOATING WEEK, 1965 (Proc. 3651) 4525

NATIONAL SCHOOL LUNCH WEEK, 1965 (Proc. 3672) 12115

NATIONAL SCIENCE FOUNDATION, abolition of divisional committees (Reorganization Plan No. 5 of 1965) 9355

Presidential Documents—Continued Page

NATIONAL TRANSPORTATION WEEK, 1965 (Proc. 3638) 2639
NAVY DEPARTMENT:
Promotion of officers in line of grade of commander, suspension of provision of sec. 5751(b), Title 10, U.S. Code (E.O. 11232) 8745
Submarine duty, incentive pay for, functions (E.O. 11253) 13509
NONDISCRIMINATION:
Civil rights march in Alabama:
Removal of obstructions ordered (Proc. 3645) 3739
Use of Armed Forces, authority of Secretary of Defense (E.O. 11207) 3743
Equal employment opportunity, regulations (E.O. 11246) 12319
President's Council on Equal Opportunity, establishment (E.O. 11197) 1721
NORTH CAROLINA, discontinuance of defensive sea area off coast (E.O. 11199) 2579
OIL, adjustment of imports (Proc. 3693) 15459
OKANOGAN NATIONAL FOREST, transfer of lands to Wenatchee National Forest (E.O. 11220) 6425
OPEN SPACE PROGRAM, regulations (E.O. 11237) 9433
ORGANIZATIONS, PRIVILEGED INTERNATIONAL. *See* International organizations.
OUTDOOR RECREATION PROGRAM, regulations (E.O. 11237) 9433
PAN AMERICAN DAY AND PAN AMERICAN WEEK, 1965 (Proc. 3641) 2759
PARACHUTE JUMPING, incentive pay for (E.O. 11259) 15057
PARKINSON WEEK, NATIONAL (Proc. 3684) 13625
PATENT SYSTEM:
President's Commission on; establishment (E.O. 11215) 4661
Study of (E.O. 11215) 4661
PAY AND ALLOWANCES:
Armed Forces, incentive pay for hazardous duty (E.O. 11242) 11205
Parachute jumping (E.O. 11259) 15057
Submarine duty (E.O. 11253) 13509
Federal employees:
Delegation of functions (E.O. 11228) 7739
Federal Executive Salary Schedule, certain offices and positions placed in levels IV and V (E.O. 11195, 11244, 11245, 11248, 11251, 11262) 1169, 11945, 11947, 12999, 13427, 15399
Severance pay, regulations (E.O. 11257) 14353
PEACE CORPS, administration (E.O. 11250) 13003
PENNSYLVANIA AVENUE:
President's Advisory Council on; plan for improvement of Pennsylvania Avenue (E.O. 11210) 4051
Temporary Commission on; establishment (E.O. 11210) 4051
PERSONNEL MANAGEMENT, SPECIAL ASSISTANT TO THE PRESIDENT; termination of position (E.O. 11205) 3513
PETROLEUM AND PETROLEUM PRODUCTS, adjustment of imports (Proc. 3693) 15459
PHOTOGRAPHY WEEK, PROFESSIONAL (Proc. 3649) 4307
PHYSICALLY HANDICAPPED PERSONS; National Employ the Physically Handicapped Week, 1965 (Proc. 3671) 11829
POISON PREVENTION WEEK, NATIONAL, 1965 (Proc. 3635) 1107
PORTS, VESSELS, HARBORS, AND WATERFRONT FACILITIES of the United States, safeguarding, regulations (E.O. 11249) 13001
POST OFFICE DEPARTMENT; ZIP Code system, use by Federal agencies, regulations (Memorandum of June 18, 1965) 8299
PRAYER, NATIONAL DAYS OF. *See* National days of prayer.
PRESIDENT OF THE UNITED STATES:
Delegations of authority. *See* Delegations of authority by the President.
Reports to. *See* Reports to the President.
PRESIDENT'S ADVISORY COUNCIL ON THE ARTS, termination (E.O. 11208) 3927
PRESIDENT'S ADVISORY COUNCIL ON PENNSYLVANIA AVENUE, plan for improvement of Pennsylvania Avenue (E.O. 11210) 4051

Presidential Documents—Continued Page

PRESIDENT'S COMMISSION ON CRIME IN DISTRICT OF COLUMBIA, establishment (E.O. 11234) 9049
PRESIDENT'S COMMISSION ON LAW ENFORCEMENT AND ADMINISTRATION OF JUSTICE:
Establishment (E.O. 11236) 9349
Executive Secretary, position placed in level IV of Federal Executive Salary Schedule (E.O. 11262) 15399
PRESIDENT'S COMMISSION ON THE PATENT SYSTEM, establishment (E.O. 11215) 4661
PRESIDENT'S COMMITTEE ON EQUAL EMPLOYMENT OPPORTUNITY, abolition (E.O. 11246) 12319
PRESIDENT'S COMMITTEE ON FOOD AND FIBER, establishment (E.O. 11256) 14137
PRESIDENT'S COUNCIL ON EQUAL OPPORTUNITY:
Abolition (E.O. 11247) 12327
Establishment (E.O. 11197) 1721
PRIVILEGED INTERNATIONAL ORGANIZATIONS. *See* International organizations.
PROFESSIONAL PHOTOGRAPHY WEEK (Proc. 3649) 4307
PUBLIC HOUSING ADMINISTRATION:
Grants, loans, or contributions, approval of functions by Housing and Home Finance Administrator (E.O. 11196) 1171
National defense housing, functions of Housing and Home Finance Administrator (E.O. 11196) 1171
Slum clearance, and dedication of streets, alleys, and parks for public use, functions of Housing and Home Finance Administrator (E.O. 11196) 1171
PUBLIC INTERNATIONAL ORGANIZATIONS, PRIVILEGED. *See* International organizations.
PUBLIC WORKS, HOUSE COMMITTEE ON; inspection of tax returns (E.O. 11204) 3419
PUERTO RICO, adjustment of oil imports (Proc. 3693) 15459
PULASKI'S (GENERAL) MEMORIAL DAY, 1965 (Proc. 3665) 9857
RAILROADS; emergency board to investigate labor dispute between Atchison, Topeka & Santa Fe Railway Co., Lines East and West, and employees (E.O. 11243) 11709
RECREATION ADVISORY COUNCIL:
Membership (E.O. 11218) 5821
Recreation user fees, functions (E.O. 11200) 2645
RECREATION PROGRAM, OUTDOOR, regulations (E.O. 11237) 9433
RECREATION USER FEES, establishment pursuant to Land and Water Conservation Fund Act of 1965 (E.O. 11200) 2645
RED CROSS MONTH, 1965 (Proc. 3636) 1109
REORGANIZATION PLANS OF 1965:
No. 1, Customs Bureau, abolition of certain offices and transfer of functions 7035
No. 2, Environmental Science Services Administration, Commerce Department, establishment 8819
No. 3, locomotive inspection, transfer of functions to Interstate Commerce Commission 9351
No. 4, certain committees, councils, and boards, abolition 9353
No. 5, National Science Foundation, abolition of divisional committees 9355
REPORTS TO THE PRESIDENT:
Crime in District of Columbia, President's Commission on (E.O. 11234) 9049
Equal Opportunity, President's Council on (E.O. 11197) 1721
Federal Staff Retirement Systems, Cabinet Committee on (Memorandum of February 1, 1965) 1725
Law Enforcement and Administration of Justice, President's Commission on (E.O. 11236) 9349
Patent System, President's Commission on (E.O. 11215) 4661
Status of Women, Committee on (E.O. 11221) 6427
Telecommunications Management, Director of (E.O. 11191) 29
RETIREMENT:
Cabinet Committee on Federal Staff Retirement Systems, membership (Memorandum of February 1, 1965) 1725
Civil service, exemption from automatic separation, functions (E.O. 11228) 7739
RULES AND ADMINISTRATION, SENATE COMMITTEE ON; inspection of tax returns (E.O. 11192) 521
RYUKYU ISLANDS, administration (E.O. 11263) 15777

Presidential Documents—Continued Page

SAFETY:
Convention for Safety of Life at Sea, 1960, enforcement (E.O. 11239) 9671
Crusade for Safety Day (Proc. 3690) 14481
Federal service, safety policy for (Memorandum and Statement of February 16, 1965) 2517, 2519
National Safe Boating Week, 1965 (Proc. 3651) 4525
SAN ANTONIO, TEX., international exposition of 1968 (Proc. 3689) 14351
SATELLITE COMMUNICATIONS SYSTEM:
Development and operation (E.O. 11191) 29
Interim Communications Satellite Committee, designation as public international organization entitled to certain privileges, exemptions, and immunities (E.O. 11227) 7369
SAVE YOUR VISION WEEK, 1965 (Proc. 3640) 2643
SCHOOL LUNCH WEEK, NATIONAL, 1965 (Proc. 3672) 12115
SECRET SERVICE; career appointments for qualified employees, regulations (E.O. 11203) 3417
SECRET SERVICE WEEK, UNITED STATES (Proc. 3660) 8507
SEE THE UNITED STATES THROUGH 1966 (Proc. 3677) 12927
SELECTIVE SERVICE REGULATIONS, induction of certain married men (E.O. 11241) 11129
SENIOR CITIZENS MONTH, 1965 (Proc. 3653) 5417
SMALL BUSINESS ADMINISTRATION; Loan Policy Board, transfer of functions to Administrator (Reorganization Plan No. 4 of 1965) 9353
SMALL BUSINESS WEEK, 1965 (Proc. 3648) 4049
SMITHSON (JAMES) BICENTENNIAL CELEBRATION (Proc. 3667) 10281
SMITHSONIAN INSTITUTION; Smithson (James) Bicentennial Celebration (Proc. 3667) 10281
SOUTH VIETNAM, defense of, day of dedication and prayer (Proc. 3686) 14299
SPECIAL ASSISTANT TO THE PRESIDENT FOR PERSONNEL MANAGEMENT, termination of position (E.O. 11205) 3513
SPECIAL REPRESENTATIVE FOR TRADE NEGOTIATIONS, functions respecting cotton textiles (E.O. 11214) 4527
STATE DEPARTMENT:
Chief of Protocol, position placed in level IV of Federal Executive Salary Schedule (E.O. 11195) 1169
Communications Satellite Act of 1962, functions of Secretary (E.O. 11191) 29
Convention for Safety of Life at Sea, 1960, functions (E.O. 11239) 9671
Food-for-Peace Program, functions (E.O. 11252) 13507
Foreign Service, appointment in competitive service of certain present and former officers and employees (E.O. 11219) 6381
International Coffee Organization, functions of Secretary (E.O. 11229) 7741
International exposition of 1968, functions of Secretary (Proc. 3689) 14351
Peace Corps, administration (E.O. 11250) 13003
Special Assistant to Secretary (Food-for-Peace Program), position placed in level IV of Federal Executive Salary Schedule (E.O. 11252) 13507
STATUE OF LIBERTY NATIONAL MONUMENT, addition of Ellis Island (Proc. 3656) 6571
STATUS OF WOMEN, CITIZENS' ADVISORY COUNCIL ON; membership (E.O. 11221) 6427
STATUS OF WOMEN, COMMITTEE ON; membership (E.O. 11221) 6427
STEVENSON, ADLAI E., death of; display of U.S. flag at half-staff (E.O. 11233) 8953
STUDENT TRAINEES IN FEDERAL SERVICE, career or career-conditional appointments, regulations (E.O. 11202) 3185
SUBMARINE DUTY, incentive pay for (E.O. 11253) 13509
TARIFF COMMISSION; public hearings on articles to be considered for trade agreement concessions (Notice of February 18, 1965) 2301
Codification in Title 48 CFR 2400
TARIFF SCHEDULES OF THE UNITED STATES, modification with respect to certain imports:
Automotive products from Canada (Proc. 3682) 13683
Unmanufactured lead and zinc, terminating quantitative limitations (Proc. 3683) 13623

Presidential Documents—Continued Page

TAXES:
Inspection of tax returns:
Federal Reserve System, Board of Governors (E.O. 11213) 4389
House Committee on Banking and Currency (E.O. 11235) 9199
House Committee on Government Operations (E.O. 11201) 2921
House Committee on Public Works (E.O. 11204) 3419
House Committee on Un-American Activities (E.O. 11217) 5819
Senate Committee on Government Operations (E.O. 11194) 877
Senate Committee on Rules and Administration (E.O. 11192) 521
State and Federal government establishments and certain classes of persons (E.O. 11206) 3741
Interest equalization tax. *See* Interest equalization tax.
Japanese debt obligations, tax exemption for U.S. citizens on acquisition of original or new issues (E.O. 11211) 4385
Vietnam and adjacent waters, designation as combat zone for purposes of income tax exemption under section 112 of Internal Revenue Code (E.O. 11216) 5817
TELECOMMUNICATIONS MANAGEMENT DIRECTOR, functions respecting Communications Satellite Act of 1962 (E.O. 11191) 29
TEMPORARY COMMISSION ON PENNSYLVANIA AVENUE, establishment (E.O. 11210) 4051
TENNESSEE VALLEY AUTHORITY:
Recreation Advisory Council, membership (E.O. 11218) 5821
Recreation user fees for areas under jurisdiction, functions (E.O. 11200) 2645
THANKSGIVING DAY, 1965 (Proc. 3687) 14347
TRADE AGREEMENTS:
Articles to be considered for trade agreement concessions (Notice of February 18, 1965) 2301
Codification in Title 48 CFR 2400
Canada (Proc. 3682, 3694) 13683, 17147
Cotton textiles and textile products, functions of Special Representative for Trade Negotiations (E.O. 11214) 4527
TRADE INFORMATION COMMITTEE; public hearings on articles to be considered for trade agreement concessions (Notice of February 18, 1965) 2301
Codification in Title 48 CFR 2400
TRADE NEGOTIATIONS, SPECIAL REPRESENTATIVE FOR; functions respecting cotton textiles (E.O. 11214) 4527
TRADE WEEK, WORLD, 1965 (Proc. 3647) 4047
TRANSPORTATION DAY, NATIONAL DEFENSE, 1965 (Proc. 3638) 2639
TRANSPORTATION WEEK, NATIONAL, 1965 (Proc. 3638) 2639
TREASURY DEPARTMENT:
See also Customs Bureau.
Convention for Safety of Life at Sea, 1960, functions (E.O. 11239) 9671
Interest equalization tax:
Designation of certain countries as economically less developed for purposes of, regulations (E.O. 11224) 6679
Imposition on certain commercial bank loans, functions of Secretary (E.O. 11198) 1929
International Coffee Organization, functions of Secretary (E.O. 11229) 7741
Secret Service, career appointments for qualified employees, regulations (E.O. 11203) 3417
Special Assistant to Secretary (for Enforcement), position placed in level IV of Federal Executive Salary Schedule (E.O. 11244, 11248) 11945, 12999
Tax exemption for U.S. citizens on acquisition of original or new Japanese issues of debt obligations, functions (E.O. 11211) 4385
UN-AMERICAN ACTIVITIES, HOUSE COMMITTEE ON; inspection of tax returns (E.O. 11217) 5819
UNITED KINGDOM, death of Winston Spencer Churchill (E.O. 11193) 821
UNITED NATIONS DAY, 1965 (Proc. 3652) 5415

Presidential Documents—Continued Page

UNITED STATES INFORMATION AGENCY; foreign assistance, public information functions (E.O. 11261) 15397
UNITED STATES SECRET SERVICE WEEK (Proc. 3660) 8507
VESSELS:
Convention for Safety of Life at Sea, 1960, enforcement (E.O. 11239) 9671
National Safe Boating Week, 1965 (Proc. 3651) 4525
Safeguarding of vessels, harbors, ports, and waterfront facilities of the United States, regulations (E.O. 11249) 13001
Water pollution caused by operation, control of (E.O. 11258) 14483
VETERANS ADMINISTRATION; position of General Counsel placed in level V of Federal Executive Salary Schedule (E.O. 11195) 1169
VETERANS DAY, 1965 (Proc. 3676) 12709
VIETNAM AND ADJACENT WATERS:
Designation as combat area for certain purposes:
Armed Forces mailing privileges (E.O. 11255) 14135
Income tax exemption under section 112 of Internal Revenue Code (E.O. 11216) 5817
South Vietnam, defense of, day of dedication and prayer (Proc. 3686) 14299
VIETNAM SERVICE MEDAL, establishment (E.O. 11231) 8665
VISION PRESERVATION; Save Your Vision Week, 1965 (Proc. 3640) 2643
WASTE TREATMENT FACILITIES, FEDERAL; regulations (E.O. 11258) 14483
WATER CONSERVATION FUND PROGRAM, regulations (E.O. 11237) 9433
WATER CONSERVATION MONTH (Proc. 3688) 14349
WATER POLLUTION; prevention, control, and abatement in Federal facilities (E.O. 11258) 14483
WATER RESOURCE DEVELOPMENT PROJECTS, regulations (E.O. 11258) 14483
WATERFRONT FACILITIES, PORTS, VESSELS, AND HARBORS of the United States, safeguarding, regulations (E.O. 11249) 13001
WEATHER BUREAU; consolidation with Coast and Geodetic Survey in Environmental Science Services Administration (Reorganization Plan No. 2 of 1965) 8819
WENATCHEE NATIONAL FOREST, transfer of lands from Okanogan National Forest (E.O. 11220) 6425
WHITE CANE SAFETY DAY, 1965 (Proc. 3679) 12931
WOMEN:
Citizens' Advisory Council on Status of Women, membership (E.O. 11221) 6427
Committee on Status of Women, membership (E.O. 11221) 6427
WORLD LAW DAY (Proc. 3662) 8773
WORLD TRADE WEEK, 1965 (Proc. 3647) 4047
WRIGHT BROTHERS DAY, 1965 (Proc. 3685) 14033
ZAMBIA, immigration quota for (Proc. 3637) 1973
ZINC AND LEAD, unmanufactured; termination of quantitative limitations on imports (Proc. 3683) 13623
ZIP CODE SYSTEM, use by Federal agencies (Memorandum of June 18, 1965) 8299

President's Advisory Council on the Arts:
TERMINATION (Executive Order 11208) 3927

President's Advisory Council on Pennsylvania Avenue:
PLAN FOR IMPROVEMENT OF PENNSYLVANIA AVENUE (Executive Order 11210) 4051

President's Commission on Crime in District of Columbia:
ESTABLISHMENT (Executive Order 11234) 9049

President's Commission on Law Enforcement and Administration of Justice:
ESTABLISHMENT (Executive Order 11236) 9349
EXECUTIVE SECRETARY, position placed in level IV of Federal Executive Salary Schedule (Executive Order 11262) 15399

President's Commission on the Patent System:
ESTABLISHMENT (Executive Order 11215) 4661

President's Committee on Equal Employment Opportunity: Page
ABOLITION (Executive Order 11246) 12319
ANNUAL COMPLIANCE REPORTS, filing dates 2962, 11013
AUTHORITY DELEGATION to Civil Service Commission Chairman, handling of complaints of discrimination in Government employment 73
TRANSFER OF FUNCTIONS to Federal Contract Compliance Office, Labor Department 13441

President's Committee on Food and Fiber:
ESTABLISHMENT (Executive Order 11256) 14137

President's Council on Equal Opportunity:
ABOLITION (Executive Order 11247) 12327
ESTABLISHMENT (Executive Order 11197) 1721

Price Support:
AGRICULTURAL COMMODITIES. *See* Commodity Credit Corporation.

Privileged International Organizations:
See International organizations.

Proclamations:
See Presidential documents.

Procurement:
ARMED SERVICES. *See* Air Force Department; Army Department; Defense Department.
AUTHORITY DELEGATIONS respecting procurement functions. *See specific agencies.*
FEDERAL PROCUREMENT REGULATIONS. *See* General Services Administration.
REGULATIONS of various agencies. *See specific agencies.*

Professional Photography Week:
PROCLAMATION 3649 4307

Property Management, Federal:
REGULATIONS. *See* General Services Administration.

Prune Juice:
CANNED, ascorbic acid as optional ingredient; proposed rule 13012

Prunes:
MARKETING, STANDARDS. *See* Agriculture Department.

Public Buildings Service:
PROCUREMENT:
Advertising, listing of subcontractors 7436
Contract clauses; fixed price construction, alteration, or repair contracts, suspension of work clause 8410

Public Contracts Division, Labor Department:
FAIR LABOR STANDARDS ACT, coverage of office building maintenance employees; revocation of prior guidelines 12555
MINIMUM WAGE DETERMINATIONS, proposed rules:
Different prevailing minimum wages for separable groups of occupations, extension of time 801
Machine tools industry 11106
RADIATION SAFETY AND HEALTH STANDARDS, AEC-agreement State licensees; proposed rule 5483
RECORDS, non-Federal; retention requirements 3124

Public Health Service:
ALIENS, MEDICAL EXAMINATION, diseases and disorders barring visas; X-ray examinations and films, etc 14380, 16112
BIOLOGICAL PRODUCTS:
Additional standards:
Allergenic products 9380
Blood, whole, human, release prior to determination of test results, proposed rules 13456
Immune serum globulin (human), proposed rules 6795
Vaccines, certain, etc.; deletions 13872
Dating periods for specific products 13872
License revocation; Dallas Blood Bank, Inc 67, 9179
Licensed products, manufacturers, and license numbers, list 4410, 12369
COMMISSIONED OFFICERS, eligibility; junior assistant grade, nurses 9437

Public Health Service—Continued Page

FELLOWSHIPS; benefits, oath of allegiance 6072
FREEDMEN'S HOSPITAL, admission and outpatient treatment; income schedule and rates, proposed rules 8797
GRANTS:
Hospitals and medical facilities, construction and modernization; state need, distribution of beds, etc 9980
Nurse training facilities, construction 6944, 7395
Specialized service facilities for mentally retarded and community mental health centers, construction; services for persons unable to pay, nondiscrimination 2442
States; home health services, heart disease control 14104
Student loans, optometry students 7395
Teaching facilities excluding nurse training, construction 7394
Water pollution control; transfer of references from Surgeon General to Commissioner, Federal Water Pollution Control Administration 17166
MEDICAL CARE for seamen and certain other persons; beneficiaries, persons eligible, etc 2151
NONDISCRIMINATION, mental health and retardation facilities; grants for construction 2442
ORGANIZATION AND FUNCTIONS:
Appalachian Regional Development Act, grants for health facilities and sewage treatment works 7296
Authority delegations by Surgeon General 12083
Solid Waste Disposal Act 15109
U.S.-Japan Cooperative Medical Science Program 15003
RECORDS, non-Federal; retention requirements 3119
TRAINEESHIPS, National Institutes of Health; terms and conditions of award, oath of allegiance 6072
WATER POLLUTION CONTROL, hearing procedures; transfer of references from Surgeon General to Commissioner, Federal Water Pollution Control Administration 17166

Public Housing Administration:
GRANTS, LOANS, OR CONTRIBUTIONS, approval of functions (Executive Order 11196) 1171
NATIONAL DEFENSE HOUSING, functions (Executive Order 11196) 1171
NONDISCRIMINATION in low-rent public housing; complaint procedures 132
ORGANIZATION AND FUNCTIONS:
Delegations of final authority:
Assistant Commissioner for Administration, et al 13915
Assistant Directors for Management and Programs 6929
Director, Office Services Branch, et al 3797
New York Regional Office, Berkeley Heights Project 9118
Supply Management Officers, Management Division, et al 11076
Description of agency and program 1896, 10867
PROCEDURAL PROVISIONS, complaint procedures; nondiscrimination in low-rent public housing 132
SEAL, use of 14012
Revoked 14493
SLUM CLEARANCE, and dedication of streets, alleys, and parks for public use, functions (Executive Order 11196) 1171

Public International Organizations, Privileged:
See International organizations.

Public Roads Bureau:
HIGHWAY PLANNING and research projects 13255
ORGANIZATION, Office of Administration 3461
RECORDS, non-Federal; retention requirements 3114

Public Works, House Committee on:
INSPECTION OF TAX RETURNS (Executive Order 11204) 3419

Puerto Rico:
AIRCRAFT RESTRICTED AREAS 13238
COMMISSION ON STATUS OF PUERTO RICO, public hearings 4377, 7409, 11575
GOVERNMENT EMPLOYEES, allowances and differentials payable 6511
LIQUOR FROM, excise taxes 6217

Puerto Rico—Continued Page

MIGRATORY BIRD HUNTING 7572, 11383
OIL IMPORTS, adjustment in maximum levels, etc 5808, 8494, 16080, 16088
Proclamation 3693 15459
PLANT QUARANTINE, fruits and vegetables 748
STAMPS IN PUERTO RICO, redemption; correction of CFR supplement 6769
SUGAR QUOTAS and prices. *See* Agriculture Department.
UNEMPLOYMENT COMPENSATION 13530
WAGE RATES. *See* Wage and Hour Division.

Pulaski's (General) Memorial Day, 1965:
PROCLAMATION 3665 9857

Q

Quarantine Regulations:
ANIMAL DISEASES, control of. *See* Agriculture Department.
PLANT QUARANTINE. *See* Agriculture Department.

R

Radiation:
DRUG USE, thorium dioxide; policy statement 2103
FOOD PACKAGING, food treatment, etc. *See* Agriculture Department; Food and Drug Administration.
INTERSTATE COMMERCE COMMISSION, transportation of certain dangerous radioactive materials, proposed rules 14858
RADIATION PHYSICS, test fee schedule of National Bureau of Standards 215
RADIATION PROTECTION GUIDANCE for Federal agencies, memorandum for President 6953
REACTORS, construction, operation, etc. *See* Atomic Energy Commission.
STANDARDS:
Protection 9953, 10953, 14551, 15801
Safety and health, Federal supply contracts; proposed rules 5483
TELEVISION BROADCAST RECEIVERS, interference limits; temporary increase 6250
WASTE DISPOSAL of radioactive material. *See* Atomic Energy Commission.

Radiation Council, Federal:
RADIATION PROTECTION GUIDANCE for Federal agencies, memorandum for President 6953

Radio Communications:
See Federal Communications Commission; National Bureau of Standards.

Railroad Retirement Board:
NATIONAL EMERGENCY, plan of operation during; lines of succession 12777
RAILROAD RETIREMENT ACT regulations:
Application for annuity, cancellation 4061
Eligibility for annuity 4061
Insurance annuities and lump sums for survivors 270, 4061
Records, disclosure to Governmental welfare agency 14595
Reports, registration of employees 14595
Residual lump-sum payments 14594
RAILROAD UNEMPLOYMENT INSURANCE ACCOUNT, notice of deficit 14618
RECORDS:
Disclosure to Governmental welfare agency 14595
Non-Federal, retention requirements 3165

Railroads:
EMERGENCY BOARD to investigate labor dispute between Atchison, Topeka & Santa Fe Railway Co., Lines East and West, and employees (Executive Order 11243) 11709
MAIL TRANSPORTATION by railroads 4353, 13540
REGULATIONS, notices. *See* Interstate Commerce Commission.

Raisins:
CROP INSURANCE. *See* Federal Crop Insurance Corporation.
MARKETING, STANDARDS. *See* Agriculture Department.

Reclamation Bureau: Page
AUTHORITY DELEGATIONS:
By Commissioner to Regional Directors, Regions 4 and 7; U.S. v. Northern Colorado Water Conservancy District decree 16168
From Secretary of Interior; recreation fees, designation of areas 14533
COLUMBIA BASIN PROJECT, Washington:
Reclassification of high land as irrigable 4538
Sale of part-time farm units 12308
EMBLEM 2409
GILA IRRIGATION PROJECT, Arizona, Yuma Mesa Division, South Gila Valley Unit; water service and charges prior to designation of irrigation block and start of development period 726
YUMA IRRIGATION PROJECT:
Arizona-California Reservation Division, Calif.; annual operation, maintenance, and water rental charges 13171, 15176
Arizona, San Luis Townsite; sale of lots 492

Records:
AVAILABILITY for research, retention, fees for reproduction, etc. *See specific agencies.*
NON-FEDERAL RECORDS, guide to record retention requirements 3102
Index 3103
Supplements:
Civil Aeronautics Board requirements, availability of credentials for inspection 3107
Second War Powers Act of 1942, requirements under 3167

Recreation:
CABINS, private and Government, occupancy on wildlife refuges and public recreation areas; Interior Department tentative policies 8912, 11111
FEDERAL POWER ACT:
Licensees to publicize recreational opportunities 7313
Power projects, recreational development 16198
HYDROELECTRIC PROJECTS, inventory of recreational facilities; proposed rules 9113
NATIONAL FORESTS, PARKS, lands withdrawn for recreation sites. *See* Land Management Bureau; National Park Service.
OUTDOOR RECREATION PROGRAM, regulations (Executive Order 11237) 9433
Recreational development 16198
PUBLIC LANDS withdrawn for recreation purposes. *See* Land Management Bureau.
USER FEES:
Entrance to or use of public areas 17166
Establishment pursuant to Land and Water Conservation Act of 1965 (Executive Order 11200) 3645
Interior Department regulations. *See* Interior Department.
Outdoor Recreation Bureau, authority delegation to 4210
WILDLIFE REFUGES, public recreation. *See* Fish and Wildlife Service.

Recreation Advisory Council:
MEMBERSHIP (Executive Order 11218) 5821
RECREATION USER FEES, functions (Executive Order 11200) 3645

Red Cross Month, 1965:
PROCLAMATION 3636 1109

Rehabilitation:
See Vocational rehabilitation.

Reindeer:
SLAUGHTER of, inspection and certification service 258

Renegotiation Board:
BASIC COMPENSATION, General Counsel 14179
CONTRACTORS, information required; financial statement, reports, etc 3643, 5476, 5631
COSTS ALLOCABLE TO AND ALLOWABLE against renegotiable business, statutory provisions; profits, cost allocation and allowance 11351
EXEMPTIONS FROM RENEGOTIATION:
Mandatory:
Construction contracts awarded as result of competitive bidding 2313, 9640
Limitations of exemptions 9640
Permissive; certain subcontracts, "stock item" exemption 11753

Renegotiation Board—Continued Page
RECEIPTS OR ACCRUALS under statutory minimum, computation of aggregate receipts and accruals 5475
RENEGOTIABLE AND NON-RENEGOTIABLE SALES, methods of segregating; how to determine receipts or accruals subject to renegotiation, generally 4672

Reorganization Plans of 1965:
NO. 1, Customs Bureau, abolition of certain offices and transfer of functions 7025
NO. 2, Environmental Science Services Administration, Commerce Department, establishment 8819
NO. 3, locomotive inspection, transfer of functions to Interstate Commerce Commission 9351
NO. 4, certain committees, councils, and boards, abolition 9353
NO. 5, National Science Foundation, abolition of divisional committees 9355

Reservoir Areas:
PUBLIC USE OF. *See* Engineers Corps.

Restricted Areas:
AIRCRAFT restricted areas over military installations. *See* Federal Aviation Agency.
VESSELS:
Danger zones. *See* Engineers Corps.
Launching, etc. of certain U.S. vessels, navigation restrictions. *See* Coast Guard.

Retirement:
ALIENS employed in foreign countries, exclusion from civil service retirement coverage 11209
CABINET COMMITTEE ON FEDERAL STAFF RETIREMENT SYSTEMS:
Hearing 7506
Membership (Memorandum of February 1, 1965) 1725
DUAL COMPENSATION ACT, exceptions 11669
FEDERAL EMPLOYEES, exemption from automatic separation, functions (Executive Order 11228) 7739
INCOME TAX CREDIT, retirement income 85
TEMPORARY EMPLOYEES of D.C. government, students, summer trainees, etc.; exclusions from coverage 12383

Rewards:
AIR FORCE PROPERTY, recovery 10045

Rhubarb:
IMPORTS from Hawaii, quarantine regulations 5619
STANDARDS 13580, 17153

Rice:
CROP INSURANCE. *See* Federal Crop Insurance Corporation.
EXPORT PROGRAM, payment in kind (GR-369) 778
LOAN AND PURCHASE PROGRAMS, price support, etc. *See* Commodity Credit Corporation.
MARKETING QUOTAS, acreage allotments. *See* Agriculture Department.
RECORD RETENTION REQUIREMENTS 3104, 3108, 3109
STANDARDS:
Brown, milled, and rough rice; proposed rules 13640, 14091
Milled rice 13265, 14965
WAREHOUSES, Federally licensed; storage in 848, 4193, 11315

Rights-of-Way:
CONSTRUCTION, authority delegation 15333
HIGHWAY PURPOSES, public lands. *See* Land Management Bureau.
NATIONAL FOREST DEVELOPMENT 5476, 5647, 5762
PUBLIC LANDS, communication sites; proposed rules 8413
RAILROADS and station grounds on public lands 7605

Roads:
See also Public Roads Bureau.
NATIONAL FOREST DEVELOPMENT 5476, 5647, 5762
PUBLIC LANDS, highway purposes. *See* Land Management Bureau.

Rules and Administration, Senate Committee on:
INSPECTION OF TAX RETURNS (Executive Order 11192) 521

Rye:
CROP INSURANCE. *See* Federal Crop Insurance Corporation.

Rye—Continued Page
LOAN AND PURCHASE PROGRAMS, price support, etc. *See* Commodity Credit Corporation.
STORAGE in Federally licensed warehouses 848, 4193, 11315

Ryukyu Islands:
ADMINISTRATION (Executive Order 11263) 15777

S

Safety:
CONVENTION FOR SAFETY OF LIFE AT SEA, 1960, enforcement (Executive Order 11239) 9671
CRUSADE FOR SAFETY DAY (Proclamation 3690) 14481
FEDERAL SERVICE, safety policy for (Memorandum and Statement of February 16, 1965) 2517, 2519
HYDROELECTRIC PROJECT WORKS, safety inspections 16199
MOTOR CARRIERS, safety regulations. *See* Interstate Commerce Commission.
MOTOR VEHICLES:
Safety devices, standards; General Services Administration regulations 797, 8319
Seat belts, brake fluid. *See* Commerce Department.
NATIONAL SAFE BOATING WEEK, 1965 (Proclamation 3651) 4525
RADIATION PROTECTION. *See* Radiation.

Safflower:
CROP INSURANCE. *See* Federal Crop Insurance Corporation.

Saint Lawrence Seaway Development Corporation:
SEAWAY RULES; vessel condition, radio communications, toll assessment, transit instructions 4557, 6580

Salad Dressing:
STANDARDS OF IDENTITY, optional ingredients; permit for market testing 10063

Salt:
INCIDENTAL FOOD ADDITIVES, labeling exemption 2604, 15292

Samoa, American:
WAGE RATES 9680

San Antonio, Tex.:
INTERNATIONAL EXPOSITION OF 1968 (Proclamation 3689) 14351

San Marino:
SOCIAL INSURANCE or pension system 8419

Satellite Communications:
See also Federal Communications Commission.
COMMUNICATIONS SATELLITE SYSTEM, etc. (Executive Order 11191) 29
INTERIM COMMUNICATIONS SATELLITE COMMITTEE, designation as public international organization entitled to certain privileges, exemptions, and immunities (Executive Order 11227) 7369

Save Your Vision Week, 1965:
PROCLAMATION 3640 2643

School Lunch Program:
See Agriculture Department.

School Lunch Week, National, 1965:
PROCLAMATION 3672 12115

Schools:
See Education and educational facilities.

Seals, etc.:
INTERNAL REVENUE SERVICE, authority to prescribe or modify seals 8594
PUBLIC HOUSING ADMINISTRATION regulation concerning seal 14012
Revoked 14493
RECLAMATION BUREAU emblem 2409

Seamen:
MEDICAL CARE for crew members of fishing vessels 2151
MERCHANT MARINE seamen, licensing. *See* Coast Guard.

Seat Belts:
STANDARDS for use in motor vehicles 5795, 5802, 8432

Secret Service:
CAREER APPOINTMENTS for qualified employees, regulations (Executive Order 11203) 3417
ORGANIZATION, realignment of headquarters functions and responsibilities 14331

Secret Service Week, United States:
PROCLAMATION 3660 8507

Securities and Exchange Commission:
ACCOUNTING MATTERS, interpretative releases; balance sheet classification of deferred income taxes arising from installment sales 15420
HEARINGS, etc. *See list at end of this agency.*
INVESTMENT ADVISERS ACT, 1940:
Consent to service of process to be furnished by certain nonresidents; redesignations 4129
References to rules and regulations 4129
INVESTMENT COMPANY ACT, 1940:
Definition of terms, "rule" and "regulations" 829
Forms:
Registration statements:
N-5 3313
N-8B-2, proposed rule withdrawn 1010
N-8B-3, proposed rule withdrawn 1010
Reports:
N-1R 2135, 3312
N-5R 3318
Interpretative releases; balance sheet classification of deferred income taxes arising from installment sales 15420
Registered investment companies, proxy statements, disclosures required; proposed rule withdrawn 2111
Registration statements, letter size paper 10884
ORGANIZATION AND FUNCTIONS, Office of Opinions and Review, Director; issue findings and orders concerning settlement 3880
PUBLIC UTILITY HOLDING COMPANY ACT, 1935:
Forms, etc., letter size paper 10884
Interpretative releases, balance sheet classification of deferred income taxes arising from installment sales 15420
References and definitions, "rule" 4129
RECORDS, non-Federal; retention requirements 3165
SECURITIES ACT, 1933:
Definitions, certain, etc 2022
Forms, registration statements:
N-5 3313
S-6, proposed rule withdrawn 1010
S-13, proposed rule 15594
Interpretative releases:
Balance sheet classification of deferred income taxes arising from installment sales 15420
Employee stock purchase plans 9059
Offer or sale of certain fractional interests; correction 2657
Registration:
Confidential treatment of material contracts, proposed rule 8638
Withdrawn 12078
Letter size paper 10884
Securities by foreign issuers; proposed rules withdrawn 1010
Securities to be issued as result of stock splits, dividends, and antidilution provisions 9324, 13824
SECURITIES EXCHANGE ACT, 1934:
Applications and reports, letter size paper 10884
Broker-dealers, registration:
Financial condition, report of 11137
Qualifications and fees, nonmembers of national securities association 11675
Definition, "equity security" 3551, 6115, 8109
Director or officer of issuer of equity security, insider trading profits; exemption of certain transactions 6642
Distribution of information; proposed rules 711
Exchange members, suspension and expulsion of, effect of certain conduct by certain persons; proposed rule withdrawn 1010
Exemption of certain securities from sections 14(a) and 16 of Act; proposed rule withdrawn 1010
Exemptions from registration under section 12(g) of Act, equity securities 3551, 6115, 8109

Securities and Exchange Commission—Con. Page

SECURITIES EXCHANGE ACT, 1934—Continued
- Forms:
  - Brokers and dealers transacting business on over-the-counter-markets, registration of:
    - BDW, proposed rule 15105
    - SECO–2 7253, 11676
    - SECO–3 7253, 11676
  - Exchange members, brokers and dealers, annual report by, X–17A–5; proposed rule 11147
  - Foreign issuers; proposed rules:
    - No. 20, registration 14743
    - No. 6–K, report 14747
    - No. 20–K, annual 14745
  - Registrants under Securities Act, 1933, annual reports:
    - N–1R 3313
    - N–5R 3313
  - Securities, registration on national security exchanges:
    - Annual and other reports of issuers:
      - 8–K; proposed rule 349
      - 10–K 346, 3430
      - 12–K 592, 4059
      - N–1R 3313
      - N–5R 3313
    - Applications:
      - 8–A 703
      - 8–B 4688, 7567
      - 8–C 4690, 7568
      - 10 157, 3423
      - 12 590, 4057
    - Voting trust certificates:
      - 16, registration 8639, 12773
      - 16–K, annual report 8642, 12775
- Hypothecation of customers' securities, proposed rule 9222
- Insider trading, exemptions:
  - Acquisition of shares of stock and stock options under certain stock bonus, stock option or similar plans 589, 4128
  - Proposed rule 13458
  - Exemptions of certain transactions; proposed rules 14742
  - Long-term profits incident to sales within 6 months of exercise of option 12772
  - Railroad securities, certain 3525
- Inspection and publication of information; nondisclosure of information filed with Commission and exchange 704
- Insurance companies, temporary exemption from registration 4319
- Interpretative releases; balance sheet classification of deferred income taxes arising from installment sales 15420
- Interstate commerce issuers, registration statement; definitions, "held of record" and "total assets" 484
- Manipulative and deceptive devices and contrivances; proposed rules withdrawn:
  - Distributions through rights 1010
  - Prohibitions against trading by persons interested in distribution 1010
  - Sale or redemption of certain securities, representation concerning 1010
  - Stabilizing to facilitate distribution 1010
- National security, disclosure detrimental to 2022
- Over-the-counter-markets:
  - Boiler room activity; proposed rule withdrawn 1010
  - Hypothecation of customers' securities; proposed rule 9222
  - Net capital requirements for brokers and dealers 717, 7278
- Proxy solicitation:
  - Information to be furnished security holders:
    - Extension of applicability to certain other issuers 702
    - Transmission of proxy soliciting material and annual reports to beneficial owners; proposed rule 711
  - Material required to be filed, etc 4752
  - Requirements, false or misleading statements; proposed rules, extension of time 895
  - Schedule 14A, information required in proxy statement 14046
  - Schedule 14B, information to be included in statements filed on or behalf of participant (other than issuer) 14046

Securities and Exchange Commission—Con. Page

SECURITIES EXCHANGE ACT, 1934—Continued
- Records and reports, preservation, certain stabilizing activities; proposed rules:
  - Records to be made and preserved by certain exchange members, brokers, and dealers 3457
  - Reports of foreign transactions; withdrawn 1010
- Redesignations 11851
- Registration; proposed rules:
  - Brokers and dealers 7253, 15105
  - Foreign securities 14737
- Registration and reporting 482, 2022
- Reports:
  - Directors, officers, and principal stockholders; ownership of more than 10 percent of equity security, insider trading reports 5908, 9878
  - Quarterly, certain real estate companies 5629
- Unlisted trading; exemption of securities admitted to unlisted trading privileges 482

TRUST INDENTURE ACT, 1939:
- Applications:
  - Delaying amendments 8009, 12387
  - Letter size paper 10884
- Forms for statements of eligibility and qualification:
  - T–1, corporate trustees 8010, 12388
  - T–2, individual trustees 8012, 12390

HEARINGS, ETC.:
- Abacus Fund, Inc., 13755.
- Addressograph-Multigraph Corp., 14825.
- Alabama Power Co. et al., 1896, 8176.
- Allegheny Power System, Inc., 9785, 12503.
- Allied Farm Equipment, Inc. et al., 9894.
- America and Israel Growth Fund, Inc., 3405, 3630.
- American Automation Development Fund, Inc., 7055.
- American Electric Power Co., Inc., 202, 13592, 13915, 14330.
- American Enka Corp., 4653.
- American Gas Co., 13337.
- American Gas Co. of Wisconsin, Inc., 13337.
- American Louisiana Pipe Line Co., 3337.
- American Natural Gas Co., 6606.
- American Sugar Co., 14941.
- Ampal-American Israel Corp., 1963.
- Ampal Israel Mutual Fund, Inc., 10231.
- Appalachian Power Co., 10174.
- Argus Financial Fund, Inc., 1212.
- Arkansas Power & Light Co., 2962.
- Atlantic Trust Co., 15242.
- Auditron Radio Corp., 4438, 5653, 6300.
- Automation Investments Co., 7204.
- Axe-Houghton Fund A, Inc. et al., 10959.
- BP North American Finance Corp., 11077.
- Baldwin Securities Corp., 7463, 9966, 11572.
- Barber Oil Corp., 16032, 16093.
- Bay State Exchange Fund, Inc., 4730.
- Beach Creek Railroad Co., 8650.
- Bear, Stearns & Co., 8557.
- Belock Instrument Corp., 8346, 9650, 9922, 9337, 9785, 10174, 11077, 11336, 11778, 12142, 12700, 13107, 13559, 13977.
- Beneficial Finance Co., 8980.
- Black & Decker Manufacturing Co., 7025.
- Blossman Hydratane Gas, Inc., 7024.
- Blue Ridge Gas Co., 8869.
- Blue Star Productions, Inc., 8869, 9418.
- Boston Fund, Inc., 6099.
- Boston Safe Deposit & Trust Co., 6930.
- Brager & Co., 3405, 3620.
- Bristol Dynamics, Inc., 17184.
- Bristol-Myers Co., 14449.
- Bristol-Myers International Finance Co., 15763.
- Brown Co., 7532.
- Brown & Sharpe Manufacturing Co., 16236.
- Business Funds, Inc., 7628.
- Calgon Corp., 3731, 14128.
- Canada General Fund, Inc., 3406.
- Canada General Fund, Ltd., 4088.
- Capital Exchange Fund, Inc., 14750.
- Capital Securities Fund, Inc., 4703.
- Carol Pellet Co., 2963.
- Case, J. I., Co. et al., 8021.
- Central and South West Corp., 812.
- Certified Grocers of Illinois, Inc., 12755.
- Chatham Corp., 7935.
- China Industries, Inc., 9785.
- Christiana Securities Co., 262.
- Citizens & Southern Holding Co., 9733.

Securities and Exchange Commission—Con.

HEARINGS, ETC.—Continued
- Coastal States Gas Producing Co., 14827.
- Colorado Fuel & Iron Corp. et al., 15167.
- Colombia Gas System, Inc. et al., 4374, 4375, 6129, 7304, 8869, 9570, 11076, 11573, 14620.
- Common Market Growth Fund, Inc., 3278.
- Commonwealth Natural Gas Corp., 4511.
- Connecticut Light & Power Co. et al., 12087.
- Consolidated Gas Supply Corp. et al., 6055.
- Consolidated Natural Gas Co. et al., 3406, 9419.
- Consolidation Coal Co., 7730.
- Constitution Mutual Fund, Inc., 7851.
- Continental American Fund, Inc., 15685.
- Continental Vending Machine Corp., 356, 720, 1020, 1963, 2291, 2740, 3337, 4088, 4375, 4703, 5713, 6130, 6556, 6889, 7305, 7586, 7978, 8424, 8738, 9118, 9502, 9967, 10341, 11157, 11655, 11934, 12433, 12815, 13300, 13755, 14060, 14449, 14759, 15187, 15507, 16226.
- Coronet Petroleum Corp., 15242.
- Corroon & Reynolds Corp., 5654.
- Cotter & Co., 8806.
- Crescent Niagara Corp., 11296.
- Decatur Income Fund, Inc., 4339.
- Delaware Fund, Inc., 4339.
- Delaware Power & Light Co., 3337.
- Development Securities, Inc., 11935.
- Dow Theory Investment Fund, Inc., 6368.
- Dudley Sports Co., Inc., 9561.
- Duncan Electric Co., Inc., 11656, 12309.
- Du Pont de Nemours, E. I., & Co., 10262, 15825.
- ERT Corp., 6556.
- Eastern Utilities Associates, et al., 8424, 14697.
- Eaton & Howard Balanced Fund, 16287.
- Edgerton, Germeshausen & Grier, Inc. et al., 9835.
- Electro-Science Investors, Inc., 10961.
- Electronics International Capital, Ltd., 8557.
- Elizabeth Securities, Inc., 6415.
- Empire Petroleum Co., 4511.
- Equity Corp. et al., 3893.
- Escondido Mutual Water Co., 12815.
- Ethyl Corp., 13417, 14941.
- Eurofund, Inc., 12371.
- Federated Department Stores International Co., 13764.
- Ferguson & Associates, Inc., 510, 1330.
- Fibercraft Products Corp. et al., 3565, 4088.
- First Hartford Exchange Fund, Inc., 4372.
- First National City Bank, 11406.
- First Southern Co., 13552.
- First Utilities Exchange Fund, Inc., 4731.
- Florida Bancgrowth, Inc. et al., 14510.
- Flying Tiger Line, Inc., 7852.
- Fontana Union Water Co., 6930.
- Fotochrome, Inc., 17184.
- Francisco Sugar Co., 14450.
- Fresnillo Co., 857.
- GM Shares, Inc., 13477.
- Garden State Small Business Investment Co., 3279.
- Garfinckel, Julius, & Co., Inc., 14697.
- General American Transportation Corp., 5914.
- General Aniline & Film Corp., 6703, 7024, 7532.
- General Electric Overseas Capital Corp., 14825.
- General Exchange Fund, Inc., 4373.
- General Foods Overseas Development Corp., 15113.
- General Public Utilities Corp., 6369, 6889.
- Genesee Valley Gas Co., Inc., 544, 1897.
- Georgia Power Co., 4089, 9337, 13336.
- Gibco, Inc., 6956.
- Glen Alden Corp., 12304.
- Goiconda Mining Corp., 1137, 8671, 10961, 12309, 12859, 13667.
- Gold Seal International A and C, Inc., 2264, 4340.
- Goodrich, B. F., International Finance Co., 14394.
- Grace, W. R., Overseas Development Corp., 14127.
- Gulf Power Co., 12700.
- Gulf & Western Industries, Inc., 14340.
- Halibut Producers Cooperative, 15445.
- Hamilton Funds, Inc., 13107.
- Hanna, M. A., Co., 1964, 7730, 14059.
- Hanna Mining Co., 5713, 7586, 8872, 10923, 14059, 14060.
- Hardan Liquidating Co., 9894.
- Harta Corp., 14451.
- Hilton International Co., 3465.
- Idamont Oil & Mining Co., 8290, 8738, 9960, 9419, 9503.
- Imperial Equity Corp., 7852.
- Imperial Fund, Inc. et al., 7852.
- Imperial Land Co., 7852.

Securities and Exchange Commission—Con.

HEARINGS, ETC.—Continued
- Incorporated Income Fund, 3329.
- Incubation Fund, Inc., 14283.
- Insurance Co. of North America, 6703.
- Insurors Mutual Fund, Inc., 13978.
- International Hydrocarbons, Ltd., 8344, 8557, 9611.
- International Marine, Inc., 111.
- International Mining Corp., 3465.
- International Resources Fund, Inc., 7463, 11935.
- International Telephone & Telegraph Corp., 13107.
- International Utilities Corp., 9287.
- International Utilities, Inc., 9287.
- Investment Co. of America, 7463.
- Investment Property Builders, Inc., 14543.
- Investors Accumulation Plan, Inc., 6413.
- Investors Diversified Services, Inc., 6413.
- Investors Inter-Continental Fund, Ltd., 6804.
- Investors Syndicate of America, Inc., 1138, 2485, 12859.
- Investors Trust Co., 13591.
- Iroquois Gas Corp., 14826.
- Israel American Diversified Fund, Inc., 3250.
- Israel Development Corp. et al., 2569, 3621.
- Israel Enterprises, Inc., 971.
- Israel Fund, Inc., 12648.
- Jefferson Capital Corp., 768.
- Jersey Central Power & Light Co., 2121, 4511, 9074, 11888, 12142.
- KLM Royal Dutch Airlines, 7305, 13800.
- Kansas Development Credit Corp., Inc., 9234.
- Keller Industries, Inc., 11778.
- Kentucky Power Co., 13915.
- Keystone Co. of Boston, 11263.
- Keystone Custodian Funds, Inc., 11263.
- Keystone International Fund, Ltd., 4090.
- King's Department Stores, Inc., 545.
- Kingsport Power Co., 7261.
- La Fonte Oil Co., 5771.
- Lazard Freres & Co., 7979.
- Lear-Siegler, Inc. et al., 8021.
- Louisiana Power & Light Co., 7587, 13978.
- Louisville Industrial Foundation, Inc., 9024.
- Ludlow Corp., 2232.
- Lum's, Inc. et al., 2007, 2234.
- Magnavox Co., 12648.
- Management Capital Corp., 11405.
- Manati Sugar Co., 14450.
- Maryland Cup Corp., 8738.
- Maser-Optics, Inc., 1897, 3338, 6369.
- Massachusetts Electric Co., 3680, 6805.
- Massachusetts Investors Trust, 7731, 12900, 14760.
- Master Fund, Inc., 4703.
- McDonnell Aircraft Corp., 15507.
- McGraw-Edison Co., 4340.
- McGraw-Hill, Inc., 15187.
- Mechanics Finance Co., 13756, 14450, 15764.
- Menominee Common Stock and Voting Trust Trustees, 6300.
- Menominee Enterprises, Inc., 6300.
- Merit Clothing Co., Inc., 13916, 14581.
- Metropolitan Edison Co., 4373, 4653, 7464, 13338.
- Michigan Consolidated Gas Co., 1898, 6414, 6608, 8425.
- Michigan Wisconsin Pipe Line Co., 10262, 13478.
- Middle South Services, Inc., 2740.
- Middle South Utilities, Inc., 20, 2740, 2962, 7587, 14827, 15685.
- Midland Capital Corp., 9119.
- Milwaukee Gas Light Co., 12088.
- Minnesota Small Business Investment Co., 14619.
- Mississippi Power Co., 7770.
- Mississippi Power & Light Co., 1020, 13667, 14827, 14942.
- Model, Roland & Co., 7731.
- Modern American Mortgage Corp., 3338.
- Monongahela Power Co. et al., 14230.
- Monsanto International Finance Co., 12859.
- Motion Picture Investors, Inc., 9075.
- Motorola, Inc., 545.
- Municipal Investment Trust Fund, Series E, 7333.
- Municipal Investment Trust Fund, Series F, 10174.
- NEA Mutual Fund, Inc., 15686.
- Nassau Physicians Guild Investing Co., Inc., 15507.
- National Fuel Gas Co. et al., 9119, 14943.
- National Securities & Research Corp., 3732.
- National Securities Series, 3732.
- National Variable Annuity Co. of Florida Separate Account, 11264, 12700.
- New England Electric System, et al., 19, 971, 6605, 12701.

Securities and Exchange Commission—Con.

HEARINGS, ETC.—Continued
New England Power Co., 3680.
New Jersey Power & Light Co., 4438, 10941, 15506.
New Orleans Public Service, Inc., 20.
Niagara Share Corp., 11296.
Nineteen Corp., 858.
Noramco, Inc., 17184.
Northeastern Financial Corp., 16094.
Northeastern Pennsylvania Broadcasting, Inc., 14826.
Northwest Airlines, Inc., 7853, 12649.
Northwest Utility Associates, 14395.
Nucleonics, Chemistry & Electronics Shares, Inc., 2418.
Nutone, Inc., 14449.
Nuveen Tax-Exempt Bond Fund, Series 10, 11902.
Ohio Edison Co., 2283, 14942.
Ohio Power Co., 10174, 11574, 13339, 13592, 14339.
Old Dominion Growth Stock Fund, Inc., 13108.
Overland Corp., 6669.
Owens-Corning Fiberglas International Corp., 15444.
Paramount Holding Co., Inc., 1272.
Penn Fruit Co., Inc., 4654.
Penn Fuel Gas, Inc., 5654, 8246.
Pennsylvania Electric Co., 6414, 9338.
Pennsoil Co., 4340.
Perlman, Stuart, et al., 813.
Philadelphia Electric Power Co., 3407, 3566.
Pierce Bros., 5874.
Pilgrim Financial & Growth Fund, Inc., 15603.
Pinal County Development Association, 14094, 14396, 14606, 15117, 15508, 15095.
Pioneer Financial Services, Inc., 15765.
Pittsburgh, Youngstown, and Ashtabula Railway Co. et al., 6566.
Plymouth Fund, Inc., 74.
Potomac Edison Co. et al., 4220, 9785.
Powdrell & Alexander, Inc., 15508.
Presidential Exchange Fund, Inc., 4374.
Prudential Investment Corp. of South Carolina, 74.
Public Service Co. of Oklahoma, 6890.
Putnam Income Fund, 3339, 9786.
Quaker City Mutual Fund, Inc., 75.
Quarterly Distribution Shares, Inc., 5772.
Queensland Alumina Security Corp., 15385.
Registered Exchange Fund, Inc., 6301.
Research Capital Corp., 7262.
Restaurant Associates, Inc., 15600.
Reynolds Metals Co. et al., 11778.
Roosevelt Field, Inc., 6496.
SCM Corp., 7025.
STC Investment Corp., 8981.
San Francisco Capital Corp., 9734.
Santa Ana Valley Irrigation Co., 8807.
Savant Instruments, Inc., 6415.
Schick Electric, Inc., 8980.
Science & Technology Exchange Fund, Inc., 15626.
Scudder, Stevens & Clark Balanced Fund, Inc., 2052, 14581.
Seaboard World Airlines, Inc., 11778.
Search Investments Corp., 9235.
Second Investors Corp., 510.
Second Ohio Capital Fund, Inc. et al., 4148, 10962.
Second Presidential Exchange Fund, Inc., 13882, 14024.
Securities Corporation General, 2625.
Security Trust Associates, 6557.
Selected American Shares, Inc., 7686.
Skagit Valley Telephone Co., 13846, 14396, 15341.
Southern Co., 13592.
Southport Commercial Corp., 2419.
Standard Financial Corp., 14698.
State Bond & Mortgage Co., 9288.
State Street Investment Corp., 14759, 15117.
Storer Broadcasting Co., 12502.
Superior Oil Co., 10069.
Susquehanna Power Co., 3407, 3566.
Tampa Electric Co., 3465.
Taproot Petroleum, Inc., 858.
Tax Exempt Income Fund, Series 1, 9786.
Technology Fund of Puerto Rico, Inc., 75.
Ten Keys, Inc., 12264.
Tennessee Natural Gas Lines, Inc., 13060.
Texas Fund, Inc., 19.
Third Empire Fund, Inc., 13883, 14024.
Time, Inc., 345.
Townsend Management Co., 2278.
Trans World Airlines, Inc., 4654.

Securities and Exchange Commission—Con.

Page

HEARINGS, ETC.—Continued
Trusteed Funds, Inc., 3680.
21 West Associates, et al., 9561.
Twin Pines Farm Dairy, Inc., 12433, 15117.
UBS Fund of Canada, Ltd., 7334.
Union Oil Co. of California, 14449, 14758.
United International Fund, Ltd., 5015.
Universal Investors Fund, Inc., 14340.
VTR, Inc., 11336, 11737, 12149, 12649, 13108, 13479, 13917, 14231, 14582, 14943, 15341, 16033, 17184.
Variable Annuity Life Insurance Co. of America, 545, 9338.
Viking Growth Fund, Inc., 15765.
W. S. Liquidating Corp., 2419.
Wabash Railroad Co., 13917.
Waldorf System, Inc., 15509.
Ware, John H., 5654, 8246.
Washington Gas Light Co., 9075.
Washington Water Power Co., 4340.
Webb & Knapp, Inc., 6498.
Wellington Fund, Inc., 6957, 13979.
West Penn Power Co. et al., 11574, 12502, 13417.
West Point Manufacturing Co., 545.
West Point-Pepperell, Inc., 14827.
Wheeling Electric Co., 12433.
Wheeling & Lake Erie Railway Co., 9235.
Williams, R. C., & Co., Inc., 14340.
Wometco Enterprises, Inc., 9967.
Zions Utah Bancorporation, 13800.

Security:

AIR TRAFFIC security control 3550, 6242, 9358
CLASSIFIED INFORMATION, protection:
Air Force Department 10046, 13630, 15213
Defense Department 11533, 13008
FOREIGN ASSISTANCE FUNDS, investigation of persons serving under contracts financed from 15658
IMPORTS, certain, investigations:
Residual fuel oil 4598, 5548
Watches, movements and parts 4598
INDUSTRIAL SECURITY:
Air Force regulations 10047, 15213
Defense Department regulation 11532
NATIONAL DEFENSE EXECUTIVE RESERVE 1939
NAVY AND MARINE CORPS military personnel 11718, 14910
SCIENTIFIC AND ENGINEERING MANPOWER, policy governing 11516
SCIENTIFIC AND TECHNICAL INFORMATION, access to; Defense Department 13008
SECURITIES AND EXCHANGE COMMISSION regulation 2022
VESSELS:
Advance notice of time of arrival 7314
Safeguarding vessels, harbors, ports, etc. (Executive Order 11249) 13001

See the United States Through 1966:

PROCLAMATION 3677 12927

Seeds:

BLUEGRASS SEED, Merion Kentucky; parity prices 2923
FEDERAL SEED ACT regulations 1945, 7887, 8460, 11167
Record retention requirements 3106
OILSEEDS. *See* Cottonseed; Flaxseed; Peanuts; Soybeans; Tung nuts.
STORAGE in Federally licensed warehouses 4193, 11315

Selective Service System:

CONFIDENTIAL RECORDS, availability and use 2150
QUOTAS AND CALLS, action by local board; selection of registrants for induction, married men (Executive Order 11241) 11129

Senior Citizens Month, 1965:

PROCLAMATION 3653 5417

Sewing Machines:

ELECTRIC MACHINES, use of term "automatic"; trade practice rule 8900

Shipping Authority:

See National Shipping Authority.

Ships:

See Vessels.

Shrimp:

Page

FROZEN RAW BREADED, standards:
Grades, condition of coating 3508, 7444, 9644, 15221
Identity 2860

Silver Bullion:

PURCHASE of bullion, authority delegation 10955

Sirup:

WAREHOUSES, Federally licensed, storage in 3245, 3247

Slum Clearance:

RELOCATION PAYMENTS 439, 4715

Small Business Administration:

ADMINISTRATION, field offices 1835
AUTHORITY DELEGATIONS:
By Administrator to various officials:
Acting Regional Director, Puerto Rico 1212, 2742
Area Administrators 972, 2742, 11984
Deputy Administrator for Financial Assistance 11983
Executive Administrator 12140
By Area Administrators or Acting Area Administrators to Regional Directors:
Middle Atlantic Area 3254, 5778, 8080, 13890, 14128
Midwestern Area 3252, 7686, 8599, 13556, 14062
New York Area 2885, 9078, 13030, 13418
Northeastern Area 3251, 13030, 13419, 14061
Pacific Coastal Area 3340, 8080, 8978, 13557
Rocky Mountain Area 2741, 8080, 8426, 13419, 14061
Southeastern Area 2884, 8080, 14061
Southwestern Area 3253, 9339, 13031, 17185
By Assistant Deputy Administrators for Financial Assistance to certain officials:
Director, Office of Disaster Loans, et al 8872
Director, Office of Loan Administration, et al 8873, 11078
Disaster Director, Southwestern Area 13593
By Branch Manager, San Francisco, Calif., to Loan Specialist Supervising Branch Liquidation Staff 21
By Chief, Procurement and Supply Branch, to certain officers:
Assistant Chief 3610
Warehouse Foreman 14451
By Deputy Administrator for Financial Assistance to various officials:
Assistant Deputy Administrator (Business Loans Assistance) 6608
Assistant Deputy Administrator (Economic Development Assistance) 6609, 12502
Director, Administrative Operations Staff, Financial Assistance 8872
Washington Office Claims Review Committee 12434
By Deputy Administrator for Investment to Director and Deputy Director, Office of Development Companies 8978
By Executive Administrator to certain officials:
Area Administrators 12434
Assistant Deputy Administrator for Financial Assistance (Economic Development Assistance) 12650
By Regional Directors or Acting Regional Directors to various officials:
Branch Managers:
Honolulu, Hawaii, 20.
Phoenix, Ariz., 20.
San Francisco, Calif., 20.
Spokane, Wash., 597.
Chiefs, Financial Assistance Divisions, et al.:
Middle Atlantic Area:
Baltimore, Md., 6453.
Cleveland, Ohio, 7262.
Columbus, Ohio, 6454.
Newark, N.J., 6453.
Philadelphia, Pa., 6455, 13889.
Pittsburgh, Pa., 6456.
Richmond, Va., 6456.
Washington, D.C., 6457.
Midwestern Area:
Chicago, Ill., 4567.
Des Moines, Iowa, 4731, 13418.
Detroit, Mich., 4568, 15006.
Indianapolis, Ind., 4732.
Kansas City, Mo., 5846, 17194.
Minneapolis, Minn., 4734.
St. Louis, Mo., 7334.

Small Business Administration—Continued

Page

AUTHORITY DELEGATIONS—Continued
By Regional Directors or Acting Regional Directors to various officials—Continued
Chiefs, Financial Assistance Divisions, et al.—Con.
New York Area:
New York, N.Y., 5880, 12137.
Puerto Rico, 4090, 12139.
Syracuse, N.Y., 5776, 12138.
Northeastern Area:
Augusta, Maine, 6452.
Boston, Mass., 4376.
Concord, N.H., 4569.
Hartford, Conn., 11079.
Providence, R.I., 5547.
Pacific Coastal Area:
Boise, Idaho, 9968, 11738.
Honolulu, Hawaii, 12434, 13889.
Los Angeles, Calif., 4733, 11985.
Phoenix, Ariz., 11986.
Portland, Oreg., 14542.
San Diego, Calif., 11888.
San Francisco, Calif., 4376, 11739.
Seattle, Wash., 5610, 11740.
Spokane, Wash., 11984.
Puerto Rico. *See under* New York Area.
Rocky Mountain Area:
Casper, Wyo., 12649.
Denver, Colo., 11889.
Fargo, N. Dak., 5776, 13031.
Helena, Mont., 9968, 11739.
Omaha, Nebr., 5774, 11983.
Salt Lake City, Utah, 4734, 12435.
Sioux Falls, S. Dak., 4568, 11409.
Wichita, Kans., 5775, 11985.
Southeastern Area:
Atlanta, Ga., 5877, 14541.
Birmingham, Ala., 5874, 9846, 14451.
Charlotte, N.C., 5881, 13554, 14452.
Columbia, S.C., 5883, 13553, 14452.
Jackson, Miss., 5879, 14699.
Jacksonville, Fla., 5875, 13555, 14451.
Louisville, Ky., 5878, 9847, 14451.
Miami, Fla., 5876, 14698.
Nashville, Tenn., 5883, 13556, 14453.
Southwestern Area:
Albuquerque, N. Mex., 5880, 11080.
Dallas, Tex., 5777, 11407.
Little Rock, Ark., 5875, 11079.
Lubbock, Tex., 5884, 11080.
New Orleans, La., 5879, 11408.
Oklahoma City, Okla., 5882, 11408.
San Antonio, Tex., 6201, 11078.
Coordinator, Disaster Field Offices, Denver, Colo., region 13340, 14062
Managers, Disaster Field Offices:
Colorado:
Denver, 11078, 11407, 12650.
Englewood, 11078, 11408, 14063.
Lamar, 11079, 11408, 14062.
Pueblo, 11079, 11408, 12650, 14063.
Florida:
Jacksonville, rescinded, 458.
Miami, 458, 11936.
Illinois:
Crystal Lake, 6457, 7409.
Rescinded, 8426.
Lockport, 11987, 14176.
Matteson, 11987, 14176.
Rock Island, 6669, 7409.
Rescinded, 9078.
Indiana:
Kokomo, 7025.
Rescinded, 8426.
Kansas:
Dodge City, 9846, 11936.
Louisiana:
Baton Rouge, 13595.
Chalmette, 13594.
Grand Isle, 13594.
Houma, 13594, 13595.

Small Business Administration—Continued Page

AUTHORITY DELEGATIONS—Continued
By Regional Directors or Acting Regional Directors to various officials—Continued
Managers, Disaster Field Offices—Continued
Louisiana—Continued
Metairie, 13593.
Naval Reserve Center, New Orleans, 13593.
New Orleans, 13593.
Port Sulphur, 13594.
Minnesota:
Minneapolis, 7025.
Mississippi:
Gulfport, 13030.
Ohio:
Findlay, 6200.
Toledo, 6200.
Wisconsin:
La Crosse, 6891.
Rescinded, 8599.
Prairie du Chien, 6891.
Rescinded, 8599.

DISASTER AREAS requiring Federal assistance:
Alabama, 2628, 4270, 6200, 12140, 13029.
Alaska, 720, 2009.
Arkansas, 2445, 5773.
California, 181, 9340, 15006, 15447.
Colorado, 8425, 11737.
Florida, 11982.
Hawaii, 2234, 6805, 15119.
Idaho, 181.
Illinois, 5772, 6503, 11407, 12436, 14828.
Indiana, 5773.
Iowa, 3681, 5773, 11738.
Kansas, 8081, 8177, 11982.
Kentucky, 9845.
Louisiana, 12140.
Michigan, 5773.
Minnesota, 3562, 5773, 6390.
Mississippi, 12140.
Missouri, 6390, 8082, 9845.
Nebraska, 6891, 11983.
New Mexico, 8738.
New York, 4439.
North Carolina, 4271.
North Dakota, 6200.
Ohio, 5774.
Oregon, 181.
South Dakota, 7263.
Tennessee, 5399, 6200, 9845.
Texas, 7400, 8081, 8082, 12098.
Washington, 181, 1964, 6669.
Wisconsin, 5774, 6452.

NONDISCRIMINATION in Federally assisted programs, effectuation of Title VI of Civil Rights Act of 1964 298

ORGANIZATION AND FUNCTIONS:
Creation of area offices 458
Loan Policy Board, transfer of functions to Administrator (Reorganization Plan No. 4 of 1965) 9353
Managers, Disaster Field Offices, Louisiana; designation:
Baton Rouge, 13596, 14542.
Chalmette, 13595.
Grand Isle, 13596.
Houma, 13596, 14542.
Metairie, 13595, 14542.
Naval Reserve Center, New Orleans, 13595.
New Orleans, 13595.
Port Sulphur, 13596.
San Diego branch office, designated as regional office in Pacific Coastal Area 8599
Santurce, P.R., regional office; transferred to jurisdiction of New York Area office 8599

RECORDS, non-Federal; retention requirements 3166

SMALL BUSINESS ACT regulations:
Disaster loans; purpose, physical-loss disaster assistance 11028
Loan policy, terms and conditions of financial assistance 9813, 15466
Procurement and technical assistance; certificates of competency, issuance 883

Small Business Administration—Continued Page

SMALL BUSINESS ACT regulations—Continued
Small business size standards 2247
Definitions of small business for various purposes:
Financial assistance, retail grocery concern; proposed rule, hearing 1596, 17173
Government procurement:
Artificial leather, oilcloth, etc 2614, 6778
Fluid milk, proposed rule 11734, 13019, 14173, 15375
Food canning and preserving, proposed rule 11048
Marine cargo handling services 3273
Nonmanufacturing:
Petroleum refinery 13459, 15323
Thread industry 4252, 5703
Priority payment under War Claims Act of 1948 12640, 14565
Sales of Government property; petroleum refining 9830, 15323
SBA business loans, manufacturer for food canning and preserving; proposed rule 11048
Franchise agreements, determination respecting small business status; inquiry 3279, 15438
Interpretations:
Intercompany transactions between affiliated concerns 8826
Sales of Government-owned timber 9055

SMALL BUSINESS INVESTMENT ACT regulations:
Investment companies:
Account classifications, system of 2890, 4016, 13486, 17126
Acquisition of existing notes of small business concern 8776
Borrowing by SBIC, operating loans 2653
Capital requirements, licensee's stock options granted 11048, 13005
Definitions:
Control, and 1940 Act company, proposed rule 9959, 14862
Real estate investment 8907, 11960, 11961
Diversified investment policy 8900, 11961
Equity capital:
Sound book value 14095
Stock redemption privileges 2654, 7651
Examinations and reports 2614, 3856
Federal Reserve member bank personnel eligible for service as officers, directors, or employees of licensees 8776
General provisions:
Changes in ownership and control, etc.; proposed rule 9959, 14862
Conflicts of interest 534
Investment advisory services, management consulting services, etc. 2683, 7597
Prohibited uses of funds 14850
Purchases from underwriters, and special discretionary portfolio 1187
Real estate investments 8907, 11960
Voluntary capital decreases 763, 2652
Interpretation, equipment leasing and rental service concerns 13458, 14851
Investments permitted, equipment leasing concerns 13458, 14851
License 762, 2407, 2652, 3637
Proposal 2407, 3635
Records and reports, proposed rules:
General 13872
Program evaluation report 16016
Show cause orders, or license suspension:
Alar Small Business Investment Corp., 12141.
Business Capital Inc. of Iowa, 12141.
Caladest Capital Corp., 12141.
California Capital Corp., 12141.
Granite Capital Corp., 13080.
Midwest Capital Corp., 8177.
Nor-Ala Small Business Investment Company, 12140.
Southern Equities, Inc., 6608.
Southern Growth Industries, Inc., 12640.
Utility Capital Corp., 12140, 13890.
Wisconsin Capital Corp., 12141.
Stock purchase warrants or options:
Acquisition from affiliate of portfolio small business concern receiving SBIC financing 8776
"Anti-dilution" provisions 8776
Loans to State and local development companies 11024

Small Business Administration—Continued Page

VOLUNTARY PRODUCTION, RESEARCH AND DEVELOPMENT POOL; Delaware Valley Scientific Corp., withdrawal of company 12140

Small Business Week, 1965:
PROCLAMATION 3648 4049

Smithson, James:
BICENTENNIAL CELEBRATION (Proclamation 3667) 10201

Smithsonian Institution:
SMITHSON (JAMES) BICENTENNIAL CELEBRATION (Proclamation 3667) 10281
VEHICLE PARKING 6482

Social Security Administration:
See Federal Credit Unions Bureau.
FEDERAL OLD-AGE, SURVIVORS AND DISABILITY INSURANCE:
Child's insurance benefits, dependency requirement 7095
Employees of State and local governments; time limit on assessments, credits, or refunds 2703, 3207
Evidence as to age 15419
ORGANIZATION AND FUNCTIONS 4693
RECORDS, non-Federal; retention requirements 3120
SAN MARINO, social insurance or pension system 8419

Soil Bank Programs:
See Agriculture Department.

South Vietnam:
See Vietnam.

Southeast Basins Inter-Agency Committee:
ESTABLISHMENT 5778

Southwestern Power Administration:
AUTHORITY DELEGATIONS:
By Administrator to certain officials; contracting and procurement 9832, 11926
From Secretary of Interior; designation as marketing agency for surplus power at certain projects 8861
CONTRACTING AND PROCUREMENT 9832, 11926

Soybeans:
CROP INSURANCE. *See* Federal Crop Insurance Corporation.
LOAN AND PURCHASE PROGRAM, price support, etc. *See* Commodity Credit Corporation.
RECORD RETENTION REQUIREMENTS 3110
STORAGE in Federally licensed warehouses 848, 4193, 11315

Special Assistant to the President for Personnel Management:
TERMINATION OF POSITION (Executive Order 11205) 3513

Special Representative for Trade Negotiations:
COTTON TEXTILES, functions (Executive Order 11214) 4527

Standards:
AGRICULTURAL COMMODITIES. *See* Agriculture Department.
CONDUCT STANDARDS. *See* Conduct standards.
FOODS, canned, processed, etc. *See* Food and Drug Administration.
LABOR STANDARDS for Federal service contracts 15585
RADIATION:
Protection standards 9953, 10953, 14551, 15801
Safety and health standards; Federal supply contracts, proposed rule 5483
TECHNICAL STANDARDS for equipment, materials, operations, etc. *See specific agencies.*

Standards Bureau:
See National Bureau of Standards.

Standards of Conduct:
See Conduct standards.

State Department:
See Agency for International Development.
ARMS, INTERNATIONAL TRAFFIC IN 9034

State Department—Continued Page

AUTHORITY DELEGATIONS:
By Assistant Secretary for Administration to certain officials in Operations; Language Services Division and Office of Communications, procurement transactions 764
By Secretary to certain officials:
Agency for International Development Administrator, contract amendments to protect foreign policy interests 11110
Deputy Under Secretary for Administration; foreign buildings construction contracts disputes 17174
CANADA, crude oil pipeline at international boundary line; application for Presidential permit for construction, operation, and maintenance 15041
CERTIFICATES OF AUTHENTICATION, refusal of certification for unlawful purpose 12732
CHIEF OF PROTOCOL, position placed in level IV of Federal Executive Salary Schedule (Executive Order 11195) 1169
COMMUNICATIONS SATELLITE ACT OF 1962, functions of Secretary (Executive Order 11191) 29
CONVENTION FOR SAFETY OF LIFE AT SEA, 1960, functions (Executive Order 11239) 9671
CRUDE OIL PIPELINES at international boundary lines, applications for Presidential permits for construction, operation, and maintenance:
Canada 15041
Mexico 16217
DEATHS, telegraphic notifications of 4412
FOOD-FOR-PEACE PROGRAM, functions (Executive Order 11252) 13507
FOREIGN SERVICE, appointment in competitive service of certain present and former officers and employees (Executive Order 11219) 6381
INTERNATIONAL COFFEE ORGANIZATION, functions of Secretary (Executive Order 11229) 7741
INTERNATIONAL EDUCATIONAL AND CULTURAL EXCHANGE PROGRAM, payments to and on behalf of participants; grants, per diem allowance, etc. 3265, 10229, 12639
INTERNATIONAL EXPOSITION of 1968, functions of Secretary (Proclamation 3689) 14351
MEXICO, crude oil pipeline at international boundary line; application for Presidential permit for construction, operation, and maintenance 16217
NONDISCRIMINATION in Federally assisted programs; effectuation of Title VI of Civil Rights Act of 1964 314
PASSPORTS, photographs 2399
PEACE CORPS, administration (Executive Order 11250) 13003
PROCUREMENT REGULATIONS:
Advertising, formal; policy 7274
General 7246
Negotiation 7247
RECORDS, non-Federal; retention requirements 3127
SPECIAL ASSISTANT TO SECRETARY (FOOD-FOR-PEACE PROGRAM), position placed in level IV of Federal Executive Salary Schedule (Executive Order 11252) 13507
VISAS, documentation under Immigration and Nationality Act:
Immigrants; classification, petitions, numerical controls, relief, etc. 14783
Nonimmigrants:
Aliens ineligible to receive visas 14783
Authority to issue visas in U.S., correction 616
Nonresident alien Mexican border-crossing cards 10188
Not required to present passports, visas, etc.; aliens in immediate transit and certain nationals 10188, 14782
Revocation and invalidation of visas 14783
Students, temporary visitors 14782

State Technical Services Office; Commerce Department:
GENERAL REGULATIONS, State Technical Services Act of 1965 16211

Statue of Liberty National Monument:
ADDITION of Ellis Island (Proclamation 3666) 6571

Status of Women, Citizens' Advisory Council on: Page
MEMBERSHIP (Executive Order 11221) ... 6427

Status of Women, Committee on:
MEMBERSHIP (Executive Order 11221) ... 6427

Stevenson, Adlai E.:
DEATH OF; display of U.S. flag at half-staff (Executive Order 11233) ... 8953

Stockpile, National:
STRATEGIC MATERIALS, certain, etc.; proposed disposition. *See* General Services Administration.

Strawberries:
STANDARDS for grades ... 843, 6711

Students:
See also Education and educational facilities.
CIVIL SERVICE POSITIONS, part-time for needy students ... 11371
FOREIGN STUDENTS:
Employment, approval of schools, school transfers, etc. ... 918, 4351, 4532, 6479, 13962
Visa regulations ... 14782, 14783
GUIDANCE, COUNSELING, AND TESTING of able students ... 134
HOSPITAL TRAINEES in Government hospitals, maximum stipends. *See* Civil Service Commission.
MINIMUM WAGES for certain employed students. *See* Wage and Hour Division.
OPTOMETRY STUDENTS, loans to ... 7394
TRAINEES IN FEDERAL SERVICE, career or career-conditional appointments, regulations (Executive Order 11202) ... 3185

Submarine Duty:
INCENTIVE PAY FOR (Executive Order 11253) ... 13509

Submarines:
DISTINCTIVE LIGHTS ... 11171

Sugar:
COUNTERVAILING DUTIES, Australia ... 2399, 9596
CROP INSURANCE. *See* Federal Crop Insurance Corporation.
PRODUCTION, MARKETING, etc. *See* Agriculture Department.

Surplus Property and Commodities:
AGRICULTURAL COMMODITIES:
Exports. *See* Agriculture Department.
Foreign aid program, authority delegations ... 8973, 12955
Price-support operations, sale of certain commodities acquired through. *See* Commodity Credit Corporation.
FOREIGN EXCESS PROPERTY sold by foreign governments not acting as U.S. agents; proposed rule ... 11728
NATIONAL STOCKPILE, proposed disposition of certain strategic metals, etc. *See* General Services Administration.
PERSONAL PROPERTY:
Allocation for public health, educational and civil defense purposes, etc. ... 2443, 2445, 2827, 4716, 5833, 6649, 11903, 15663
Reporting requirements, classes reportable to GSA ... 5823
REAL PROPERTY, disposal ... 754, 11281

T

Tangelos:
MARKETING. *See* Agriculture Department.
STANDARDS for grades, Florida tangelos ... 756, 952, 3633

Tangerines:
IMPORTS from Mexico and certain Central American countries, fumigation ... 1119, 4745
MARKETING. *See* Agriculture Department.

Tannin Extract:
IN NATIONAL STOCKPILE, proposed disposition ... 9834

Tariff Classifications:
See Customs Bureau.

Tariff Commission: Page
INVESTIGATION OF IMPORTS:
Asobisformamide from Japan, 1132.
Injury, 6130.
Bicycles from Hungary, 293.
No injury, 3341.
Chemical products, 16226.
Clams, canned, 16226.
Clinical thermometers, report to President, 7806.
Cotton typewriter-ribbon cloth, report to President, 12372.
Footwear, 16226.
Gloves, knit, 16226.
Hearing aids, 8739, 13693, 14044.
Ice skates, report to President, 2486.
Lead and zinc, unmanufactured; report to President, 7619.
Mushrooms, prepared or preserved; report to President, 1020.
Plywood door skins, petition for adjustment assistance, 11575.
Report to President, 13918.
Safety pins, report to President, 6891.
Sheet glass, report to President, 7771.
Stainless-steel table flatware, report to President, 5655.
Textured or texturized yarns, 12961, 13020.
Walkie-talkie units, 8764.
Dismissal of complaint, 15243.
Watches and parts, 112, 6131.
Report to President, 3341.
Wilton and velvet carpets and rugs, report to President, 11690.
PUBLIC HEARINGS on articles to be considered for trade agreement concessions (Notice of February 18, 1965) ... 2301
Codification in Title 48 CFR ... 2400
Notice ... 2379
TEMPORARY ENTRY of certain imports without duty payments, inquiry ... 9503
TRADE AGREEMENTS PROGRAM, report ... 13979

Tariff Rate Quotas:
FISH:
Cod, haddock, etc. ... 2223
Tuna ... 5799
POTATOES, white or Irish, other than certified seed ... 12645

Tariff Schedules of the United States:
MODIFICATION with respect to certain imports:
Automotive products from Canada (Proclamation 3682) ... 13683
Unmanufactured lead and zinc, terminating quantitative limitations on imports (Proclamation 3683) ... 13693

Tax Court of United States:
ADMISSION TO PRACTICE ... 8517
SPECIAL DIVISION of Court, designation ... 1898

Taxes:
EXCISE, income. *See* Internal Revenue Service.
INSPECTION OF TAX RETURNS:
Federal Reserve System, Board of Governors: (Executive Order 11213) ... 4389
Regulation ... 4414
House Committee on Banking and Currency (Executive Order 11235) ... 9199
House Committee on Government Operations (Executive Order 11201) ... 2921
House Committee on Public Works (Executive Order 11204) ... 3419
House Committee on Un-American Activities (Executive Order 11217) ... 5819
Senate Committee on Government Operations (Executive Order 11194) ... 877
Senate Committee on Rules and Administration (Executive Order 11192) ... 521
State and Federal government establishments and certain classes of persons (Executive Order 11206) ... 3741
INTEREST EQUALIZATION TAX. *See* Interest equalization tax.
JAPANESE DEBT OBLIGATIONS, tax exemption for U.S. citizens on acquisition of original or new issues (Executive Order 11211) ... 4385
VIETNAM AND ADJACENT WATERS, designation as combat zone for purposes of income tax exemption under section 112 of Internal Revenue Code (Executive Order 11216) ... 5817

Tea: Page
IMPORT STANDARDS, 1965–66 ... 2438

Telecommunications Management Director:
COMMUNICATIONS SATELLITE ACT OF 1962, functions (Executive Order 11191) ... 29

Telephone Companies:
See Federal Communications Commission.

Television Antenna Structures:
CONSTRUCTION:
Aeronautical studies respecting. *See* Federal Aviation Agency.
Regulations. *See* Federal Communications Commission.

Television Stations:
BROADCAST FACILITIES, regulations. *See* Federal Communications Commission.
EDUCATIONAL STATIONS, Federal financial assistance. *See* Education Office; Health, Education, and Welfare Department.

Temporary Commission on Pennsylvania Avenue:
ESTABLISHMENT (Executive Order 11210) ... 4051

Tennessee Valley Authority:
LANDS in Anderson County, Tenn., transferred from Atomic Energy Commission ... 7726
NONDISCRIMINATION in Federally assisted programs, effectuation of Title VI of Civil Rights Act of 1964 ... 311
RECREATION ADVISORY COUNCIL, membership (Executive Order 11218) ... 5821
RECREATION USER FEES for areas under jurisdiction, functions (Executive Order 11200) ... 2645

Territories Office:
RONGELAP ATOLL, compensation of inhabitants; authority delegation ... 8348

Textile Administrative Committee, Interagency:
See Interagency Textile Administrative Committee.

Textile Fiber Products:
FIBER CONTENT, amounts less than 5 percent; proposed rule ... 9324
FIBER TERMS AND RESTRICTIONS ... 9958, 13693
IDENTIFICATION, generic names; proposed rules and hearing ... 1058, 6275, 8491, 11696, 13331

Textile Industry:
TRADE PRACTICES, avoiding deceptive use of word "mill" ... 7894

Thanksgiving Day, 1965:
PROCLAMATION 3687 ... 14347

Timber:
AMERICAN LUMBER STANDARDS COMMITTEE, reconstitution ... 727
FOREST SERVICE REGULATIONS. *See* Forest Service.
GOVERNMENT-OWNED timber, sales of; Small Business Administration interpretation ... 9055
INDIAN LANDS, authority delegations respecting timber sales ... 4501, 9777
SUPERIOR NATIONAL FOREST, timber harvesting ... 15738

Tobacco and Tobacco Products:
CROP INSURANCE. *See* Federal Crop Insurance Corporation.
EXCISE TAXES. *See* Internal Revenue Service.
EXPORT COMMODITY CERTIFICATES ... 644, 6639
LOAN PROGRAMS, price support, etc. *See* Commodity Credit Corporation.
MARKETING QUOTAS, acreage allotments, etc. *See* Agriculture Department.
PUERTO RICO, minimum wages, tobacco industry ... 6224, 8964
WAREHOUSES, Federally licensed, storage in ... 3245

Tomatoes:
CROP INSURANCE. *See* Federal Crop Insurance Corporation.

Tomatoes—Continued Page
IMPORT RESTRICTIONS ... 4416, 5505
MARKETING. *See* Agriculture Department.

Toy Catalogue Publishing Firms:
TRADE PRACTICE RULES, hearing ... 11775

Trade Agreements:
CANADA (Proclamations 3682, 3694) ... 13683, 17147
COTTON TEXTILES AND TEXTILE PRODUCTS, functions of Special Representative for Trade Negotiations (Executive Order 11214) ... 4527
TRADE AGREEMENT CONCESSIONS, articles to be considered for (Notice of February 18, 1965) ... 2301
Codification in Title 48 CFR ... 2400
Hearing ... 2378, 2379

Trade Commission:
See Federal Trade Commission.

Trade Expansion Act of 1962:
ADJUSTMENT ASSISTANCE for workers after certification ... 8792

Trade Fairs:
FINANCIAL ASSISTANCE, mobile fairs ... 9700

Trade Information Committee:
OFFICE, ADDRESS, telephone number, and hours ... 7754
PUBLIC HEARINGS on articles to be considered for trade agreement concessions (Notice of February 18, 1965) ... 2301
Codification in Title 48 CFR ... 2400
TRADE AGREEMENT CONCESSIONS, articles to be considered; hearing ... 2378, 2379
WRITTEN BRIEFS, twenty copies ... 648

Trade Name:
RECORDATION, tentative; Fanon Masco ... 5608

Trade Negotiations, Office of Special Representative:
See also Trade Information Committee.
COTTON TEXTILES, functions (Executive Order 11214) ... 4527
ORGANIZATION:
Location of office ... 7754
Two Deputies ... 648
TYPEWRITER-RIBBON CLOTH, cotton; disposition of report concerning escape-clause action ... 4011

Trade Practices:
See Federal Trade Commission.

Trade Week, World, 1965:
PROCLAMATION 3647 ... 4047

Trademarks:
See Patent Office.

Traineeships:
NATIONAL INSTITUTES OF HEALTH, terms and conditions of award; oath of allegiance ... 6072

Training:
See also Education and educational facilities; Education Office.
OCCUPATIONAL TRAINING of unemployed persons ... 9002

Trains:
REGULATIONS, TARIFFS, etc. *See* Interstate Commerce Commission.

Transportation Day, National Defense, 1965:
PROCLAMATION 3638 ... 2639

Transportation Week, National, 1965:
PROCLAMATION 3638 ... 2639

Travel and Transportation Expenses:
APPOINTEES to certain positions where there are manpower shortages. *See* Civil Service Commission.

Travel Service, United States:
AUDITOR, functions of ... 14691

Treasury Department: Page
See Coast Guard.
Comptroller of Currency.
Customs Bureau.
Internal Revenue Service.
Narcotics Bureau.
ACCOUNTS BUREAU:
Authority delegations by Accounts Commissioner to certain officials:
Assistant Accounts Commissioner, et al., order of succession 6361
Comptroller, lending and liquidation 15175
Checks drawn in favor of financial organizations for credit of persons' accounts 13955, 16257
Records, availability of; fees for copying, certifying and search 16, 1192
Special deposits of public moneys, acceptable collateral security 2150, 2400
Surety companies acceptable on Federal bonds:
Certificates of authority issued to listed companies:
American Bonding Co., 11110.
Commercial Standard Insurance Co., 7505, 11331.
Forum Insurance Co., 8278.
Home Fire & Marine Insurance Co. of California, 16272.
Indiana Bonding & Surety Co., 2365.
International Service Insurance Co., 2002.
Interstate Insurance Co., 65.
Terminated, 10999.
Kansas Bankers Surety Co.; terminated, 2476.
Maryland American General Insurance Co., 15440.
Mercantile Insurance Co. of America; terminated, 595.
Merchants Mutual Bonding Co., 12422.
Northwestern National Casualty Co.:
Delaware; terminated, 2616.
Wisconsin, 2616.
Progressive Mutual Insurance Co.; terminated, 8912.
Prudence Mutual Casualty Co., 2223.
Springfield Insurance Co., terminated, 9279.
Standard Fire Insurance Co., 8719.
United Fire & Casualty Co.; terminated, 7402.
Wabash Fire & Casualty Insurance Co., 7725.
Expired, 9961.
Western Pacific Insurance Co., 12047.
List of companies holding certificates of authority 7449
ANTIDUMPING ACT OF 1921:
Customs Commissioner's determinations. *See main heading* Customs Bureau.
Determinations by Secretary:
Fair value determinations:
Apple juice from Canada, 2116, 4692.
Bicycles from Poland, 6660, 8493.
Brake drums from Canada, 9658, 12689.
Bread in loaves from Canada, 5390, 7505.
Chlorinated paraffin from England, 1323, 4141.
Crude sulfur from Canada, 2002, 7018.
Dinitrosopentamethylenetetramine from Japan, 11260, 13268.
Ferrochromium from listed countries:
France, 2117, 5390.
Norway, 13585, 15672.
Sweden, 9011, 11331.
Fertilizers from Canada, 3275, 5910.
Field strength meters from Canada, 3247, 5010.
Galvanized ware from Canada, 6548, 8231.
Hardboard from South Africa, 8015, 10166.
Headboards from Yugoslavia, 8016, 10166.
Lighters from Japan, 11260, 13268.
Office machine spools from West Germany, 12545, 14490.
Perchlorethylene solvent from France, 12689, 14935.
Synthetic diamond powder or dust from Ireland, 1000, 3723.
Titanium dioxide from listed countries:
France, 6692, 15236.
Japan, 14605.
Welded wire mesh from Belgium, 7198, 9067.
Sales at less than fair value:
Azobisformamide from Japan, 1011.
Bicycles from Hungary, 106.
Titanium dioxide from West Germany, 14444.
ATTORNEYS AND CERTIFIED PUBLIC ACCOUNTANTS, practice before Internal Revenue Service; interim course of action regarding disciplinary proceedings and form of written declarations 14331

Treasury Department—Continued Page
AUTHORITY DELEGATIONS:
See also Organization and functions.
By Accounts Commissioner to certain officials:
Assistant Commissioner, et al.; order of succession 6361
Comptroller, Accounts Bureau; lending and liquidation 15175
By Assistant Secretary to certain officials:
Coast Guard Board of Contract Appeals; final action in all contract appeals 2877
Coast Guard Commandant:
Armed Forces Expeditionary Medal 13171
Oceanographic research vessels, exemption of, from certain inspection laws 11735
Pay and allowances, early payment to armed forces members, authorization 13660
Reenlistment bonuses, payment to military members possessing critically needed skills 15813
Sunken vessels or other obstructions in navigable U.S. waters, marking 13660
Customs Commissioner, Communist political propaganda mail; revoked 17174
Mint Bureau, Director, purchase of certain equipment and facilities 15238
By Domestic Gold and Silver Operations Office Director to Assistant Director; designation 2364
By Secretary to certain officials:
Assistant Secretary, designation as member of Foreign-Trade Zones Board 9067
Heads of bureaus, offices, etc.; settlement and payment of personal property claims 8755, 13548
Mint Director:
Minting of clad coins 10205
Purchasing:
Metal for coinage 10205
Silver bullion 10955
By Special Assistant to Secretary (for Enforcement) to Director, Office of Law Enforcement Coordination; appointment as United States Representative with International Criminal Police Organization 13906
BONDS:
Surety companies acceptable on Federal bonds. *See* Accounts Bureau.
Treasury. *See* Public Debt Bureau.
U.S. Savings. *See* Public Debt Bureau.
CLAIMS:
Household goods, general average contributions in connection with shipment 13705
Personal property claims, authority delegations 8755, 13548
CONTRACT DISPUTE APPEALS, procedure for settling 950
CONVENTION FOR SAFETY OF LIFE AT SEA, 1960, functions (Executive Order 11239) 9671
CUBAN ASSETS CONTROL REGULATIONS. *See* Foreign Assets Control.
FEDERAL SEED ACT, joint regulations with Secretary of Agriculture 11167
FISCAL SERVICE:
See also Accounts Bureau; Public Debt Bureau.
Securities bearing signature of former Secretary, authorization of use by Secretary 4501
FOREIGN ASSETS CONTROL:
Certificates of origin required, Asiatic human hair 14174
Cuban assets control regulations:
Importation of and dealings in certain merchandise 15371
Licensing policy regarding certain blocked Cuban assets 12812
Hair of certain animals, cotton and silk waste and carpet wool, importation from countries not in authorized trade territory; applications for licenses 104, 11797
Importation of various commodities directly from certain countries, available certifications:
Carvings, Chinese-type, amethyst, rock crystal, rose quartz; Taiwan, 10249.
Cashmere noils; United Kingdom, 15818.
Garments, Chinese-style; Hong Kong, 8015.
Hoods (hat bodies), bakou, hemp and palm raffia; Taiwan (Formosa), 6090.
Jade and jade articles; Hong Kong, suspended, 7577.
Jade stones, cut but not set, suitable for use in jewelry; Japan, correction, 12263.

Treasury Department—Continued Page
FOREIGN ASSETS CONTROL—Continued
Importation of various commodities directly from certain countries, available certifications—Con.
Kudzu, roots; Hong Kong, 12079.
Kumquats, canned or bottled; Japan; 6660.
Lemons, dried or preserved; Viet Nam, 13906.
Nickel-bearing materials; France, 15385.
Palm raffia hoods (hat bodies); Taiwan (Formosa), 6090.
Processed human hair; Republic of Korea, 14999.
Radish and goat hair; Taiwan (Formosa), India, and Korea, 5606.
Silk, tussah, raw; Korea, 10249.
Tannic acid; United Kingdom, 3247.
Woolen (braided) rugs; Hong Kong, 11532.
Prohibitions, importation of and dealings in certain merchandise 9091, 12250, 14156
Transaction control regulations, prohibitions; commodity control list 1284
GOLD:
Coin and bullion; gold bars of numismatic value exempted from delivery requirements 10918
Forms TG–32 and TG–33, Office of Domestic Gold and Silver Operations; applications for licenses regarding rare gold bars 10886
Regulations; definition, "customary industrial, professional or artistic use," rare gold bars, etc 10885
INTEREST EQUALIZATION TAX:
Commercial bank loans, imposition on; functions of Secretary:
Executive Order 11198 1929
Proposed effective date 1959
Economically less developed countries, certain:
Designation (Executive Order 11224) 6679
Termination intention 15108
INTERNATIONAL COFFEE ORGANIZATION, functions of Secretary (Executive Order 11229) 7741
JAPANESE DEBT OBLIGATIONS, tax exemption for U.S. citizens on acquisition of original or new issues, functions (Executive Order 11211) 4385
MINT BUREAU:
Authority delegations to Director from certain officials:
Assistant Secretary 15238
Secretary 10205, 10955
Order of succession, Director, et al 6692
MONACO, vessels of and imports from; foreign discriminating duties of tonnage and impost 15770
NOTES, Treasury. *See* Public Debt Bureau.
ORGANIZATION AND FUNCTIONS:
See also Authority delegations.
Bureaus, offices, etc.; supervision 14384
Customs Field Service, reorganization of certain districts, offices, etc 10913
Internal Revenue Service Regions:
New York, redesignation and realignment 65
Northeast, abolition of office of Regional Commissioner 65
Mint Bureau, Director, et al.; order of succession 6692
Planning and Program Evaluation Office; establishment, functions, and responsibilities 15813
Secret Service, realignment of headquarters functions and responsibilities 14331
Secretary, et al., order of succession 14384, 14999
Special Assistant to Secretary (for Enforcement); establishments of office, functions and duties 10205
Supervision of Bureaus and performance of functions 15769
PUBLIC DEBT BUREAU:
Bonds, Treasury, offering:
1969, 4 percent, 9659.
1970, 4 percent, 160.
1974:
4½ percent, 161.
4¼ percent, 6278.
1987–92, 4¼ percent, 163.
Checks drawn on Treasurer of United States, indorsement and payment; deceased payees 12331
Notes, Treasury, offering:
Series A–1966, 4 percent, 6277.
Series C–1967, 4 percent, 9656.
Series D–1967, 4¼ percent, 13835.
Series E–1966, 4 percent, 1209.

Treasury Department—Continued Page
PUBLIC DEBT BUREAU—Continued
U.S. savings bonds:
Series E, offering:
Extended terms and improved yields for outstanding bonds; correction 4716
Purchase of bonds 4716, 12778
Reservations as to terms of offer; certain tables, correction 4716
Series H, offering; certain tables, corrections 4716
U.S. securities, general regulations; evidence of certifying officer's authority, correction 4716
RECORDS:
Availability of; fees for copying, certifying and search 16, 1192
Non-Federal; retention requirements 3128
SECRET SERVICE:
Career appointments for qualified employees, regulations (Executive Order 11203) 3417
Organization, realignment of headquarters functions and responsibilities 14331
SPECIAL ASSISTANT TO SECRETARY (FOR ENFORCEMENT):
Authority delegation to Director, Office of Law Enforcement Coordination; appointment as United States representative with international criminal police organization 13906
Establishment of office, functions and duties 10205
Position placed in level IV of Federal Executive Salary Schedule (Executive Orders 11244, 11248) 11945, 12999

Trucks:
See Motor vehicles.

Tuna Fish:
TARIFF RATE QUOTA, 1965 5799

Tung Nuts:
CROP INSURANCE. *See* Federal Crop Insurance Corporation.
PRICE-SUPPORT, record retention requirements 3109

Tung Oil:
LOAN AND PURCHASE PROGRAMS, price-support, etc. *See* Commodity Credit Corporation.
WAREHOUSE STORAGE LOANS, due date 848

Turkeys:
See Poultry and poultry products.

U

Un-American Activities, House Committee on:
INSPECTION OF TAX RETURNS (Executive Order 11217) 5819

Unemployment Compensation:
STATE LAWS, certification to Secretary of Treasury 181

Uniforms:
POST OFFICE, fabric and color specifications, etc. 1259, 2824, 5391, 9278, 11648, 12499
ROTC, commutation rates in lieu of uniforms 5792

United Kingdom:
CHURCHILL, WINSTON SPENCER, death of (Executive Order 11193) 821

United Nations Day, 1965:
PROCLAMATION 3652 5415

United States Arms Control and Disarmament Agency:
ORGANIZATION 3567
PUBLIC AFFAIRS ADVISER, basic compensation 14050

United States Board of Parole:
MENTAL COMPETENCY PROCEEDINGS for certain youth offenders and juvenile delinquents 219

United States Employment Service:
EMPLOYMENT SERVICE TESTING 8901
FOREIGN LABOR:
California, wage rate 1935
Citrus industry, Florida, wage rate 12292
Logging industry 12292

United States Employment Service—Con. Page
POLICIES; service to minority groups, nondiscrimination ... 7039

United States Information Agency:
AUTHORITY DELEGATIONS:
By Director to General Counsel and Deputy General Counsel; domestic tort claims ... 15188
From General Services Administrator, purchase of auxiliary power for operation of radio relay station ... 14286
FOREIGN ASSISTANCE, public information functions (Executive Order 11261) ... 15397
INFORMATIONAL MEDIA GUARANTIES ... 5832, 15804

United States-Puerto Rico Commission on Status of Puerto Rico:
HEARINGS:
Economic matters ... 11575
Legal-constitutional matters ... 4377
Social and cultural matters ... 7409

United States Secret Service Week:
PROCLAMATION 3660 ... 8507

United States Travel Service:
AUDITOR, functions of ... 14691

Uranium:
CRITERIA, enrichment services, proposed rules ... 12550

Uranium Hexafluoride:
CHARGES, base and special; specifications and packaging ... 14821, 14938

Urban Renewal:
See Federal Housing Administration; Housing and Home Finance Agency.

Utilization and Disposal Service:
WILDLIFE CONSERVATION PURPOSES, transfer of portion of National Guard Training Area, Cadet Point, Biloxi, Miss., to Interior Department ... 7203

V

Vegetable Industry:
TRADE PRACTICE RULES ... 5331

Vegetables:
See also specific vegetables.
CANNED VEGETABLES, identity standards; optional ingredients, etc. *See* Food and Drug Administration.
CHEMICALS used in washing vegetables ... 16066
IMPORTS from Puerto Rico or Virgin Islands ... 748
MARKETING ORDERS. *See* Agriculture Department.

Vegetable Juice:
COLOR ADDITIVE, exemption from certification; proposed rule ... 6735

Vehicles:
See Motor vehicles.

Vending Stands:
BLIND PERSONS, operation of stands by:
GSA regulations ... 8160
Post Office Department regulations ... 3216

Vessels:
ANCHORAGE REGULATIONS. *See* Engineers Corps.
COAST GUARD regulations. *See* Coast Guard.
CONVENTION FOR SAFETY OF LIFE AT SEA, 1960, enforcement (Executive Order 11239) ... 9671
CUBA, list of free world and Polish flag vessels arriving since January 1, 1963. *See* Maritime Administration.
CUSTOMS BUREAU regulations. *See* Customs Bureau.
DANGER ZONE regulations. *See* Engineers Corps.
DOCUMENTATION, etc. *See* Customs Bureau.
EXCISE TAXES, exemption certificates for use in obtaining supplies for vessels and aircraft tax free ... 14790, 15039
FISHING VESSELS:
Construction; differential subsidies, loans, mortgage insurance procedures, etc. *See* Fish and Wildlife Service.
Medical care for seamen ... 2151

Vessels—Continued Page
FOREIGN DISCRIMINATION, U.S. vessels in United States-Uruguayan trade ... 35
INSURANCE, protection and indemnity. *See* National Shipping Authority.
MARITIME CARRIERS, regulations affecting. *See* Federal Maritime Commission; Maritime Administration.
MEASUREMENT of vessels. *See* Customs Bureau.
MONACO, vessels of; special tonnage tax and light money discontinued ... 15770
MORTGAGES and assignment of rights to trustees, vessels and shipyard facilities; proposed rules ... 14994
NATIONAL PARK, Isle Royale, Michigan; motor vessel transportation rates ... 707
NATIONAL SAFE BOATING WEEK, 1965 (Proclamation 3651) ... 4525
NAVIGATION REGULATIONS. *See* Coast Guard; Engineers Corps.
NAVIGATIONAL LIGHT WAIVERS, certain Navy vessels ... 11171, 14373, 14707, 15324
RADIO COMMUNICATIONS. *See* Federal Communications Commission.
SAFEGUARDING of vessels, harbors, ports, and waterfront facilities of the United States, regulations (Executive Order 11249) ... 13001
SAFETY AND HEALTH REGULATIONS, ship repairing, shipbuilding, etc ... 6397, 7748
SHIPPING RESTRICTIONS, Commerce Department ... 9091
SUBMARINES, distinctive lights ... 11171
SUBSIDY MAINTENANCE AND REPAIR PROCEDURE. *See* Maritime Administration.
SUPPLIES, tax-free; Internal Revenue Service regulations ... 14790, 15039
WAR RISK INSURANCE ... 7697, 10244, 12392, 13827, 14933, 15797
WATER POLLUTION caused by operation, control of (Executive Order 11258) ... 14483

Veterans Administration:
ADJUDICATION. *See* Burial benefits; Pension, compensation; Waiver of overpayments.
APPEALS:
Board of Veterans; subject matter ... 14318
General provisions; decisions of contracting officers, Contract Appeals Board:
Authority delegation ... 14595
Composition and rules of Board ... 14595
AUTHORITY DELEGATIONS:
See also Organization.
By Administrator to various officials:
Central Office Loan Guaranty Committee on Compromises; waivers and compromises ... 14317
General Counsel, et al.; payment of certain claims on personal property ... 6392
By Associate Deputy Administrator to various officials; contracts for loan guaranty, vocational rehabilitation and education programs ... 7602
By Deputy Administrator to various officials:
Attorneys and field examiners in Office of Chief Attorney; field examinations, etc ... 9814
Chief Benefits Director, et al.:
Education or special restorative training programs ... 15588
Educational and vocational services ... 11318
State approving agencies; agreements for reimbursements, etc ... 15588
Waive penalties for conflicting interests ... 15588
Contract Appeals Board; contracting officers and other officials required to furnish information on contracts ... 14597
General Counsel and Chief Attorneys; release of claims ... 8607
Heads of field stations and supply depots; purchase of narcotics ... 2212
Vocational rehabilitation and education programs, revocations ... 14103
BURIAL BENEFITS:
Evidence, supporting; statement of account ... 7489
Flag of United States, eligibility ... 647
CHIEF ATTORNEYS, veterans' benefits:
Field examinations ... 9814
Legal custodians ... 9814

Veterans Administration—Continued Page
GENERAL COUNSEL, position placed in level V of Federal Executive Salary Schedule (Executive Order 11195) ... 1169
INFORMATION, release of:
Educational institutions cooperating with VA ... 6435
Private physicians and hospitals other than VA ... 6435
Records:
Copies, fees ... 7389
Recognized representatives of organizations, inspection by, etc ... 7389
State soldiers' homes, commanding officers ... 6435
INSURANCE:
National Service life ... 3643, 8047, 8224, 8475
United States Government life ... 8047
INTERAGENCY COMMITTEE ON LABORATORY MEDICINE; establishment and functions ... 13557
LEGAL SERVICES, GENERAL COUNSEL; authority for payment of certain claims on personal property ... 6392
LOAN GUARANTY:
Housing, specially adapted; eligibility for certain disabled veterans ... 7521
Waivers and compromises; jurisdiction ... 14318
MEDICAL CARE:
Cemeteries, Veterans Administration, interment in ... 9266
Claims, adjudication ... 1787
Definitions ... 1787, 10985
Dental services ... 11677
Federal aid to States, care of veterans in State homes ... 221
Foreign countries, hospital care and medical services ... 11676
Hospital and domiciliary care ... 11677, 14438
Nursing home care, State home facilities ... 221, 2536, 15324
Outpatient treatment and examination ... 2705, 11677
Prosthetic and similar appliances ... 707
Transportation of claimants and beneficiaries ... 1787
ORGANIZATION:
See also Authority delegations.
Field stations and areas of jurisdiction ... 7204
PENSION, COMPENSATION:
Accrued ... 11388, 14983
Adjustment and resumptions ... 133, 3354, 6649, 11388, 14983
Administrative, time limit ... 133
Benefits and elections, concurrent; general ... 11388
Claims ... 133
Death gratuity; basic requirements, etc ... 14259
Dependency, income and estate ... 11388, 11754, 14259
Hospitalization adjustments; allowance for regular aid and attendance ... 14983
Ratings and evaluations, service connection ... 3881, 11388, 11855
Ratings for special purposes ... 3881, 14982
Reductions and discontinuances ... 14259, 14983
Relationship; child ... 14981
Special benefits; war orphans' educational assistance, certification ... 13009, 14649
Specific diseases, rating considerations; blindness, bilateral kidney involvement or total deafness ... 14983
Waiver of overpayments ... 7390
PROCUREMENT:
Advertising, formal ... 4674, 7437, 7599, 8752
Authority delegations ... 2212, 7602
Bonds and insurance ... 4676
Contracts:
Administration ... 4677
Clauses ... 5376, 7600, 8752
Cost principles and procedures ... 7601
Financing ... 4677
Foreign purchases, Buy American Act ... 4675
Forms ... 4677, 7602
General ... 34, 4672, 7041, 7437, 10293
Inspection and acceptance ... 7600
Labor ... 2314, 13228
Loan guaranty and vocational rehabilitation and education programs ... 7603
Negotiation ... 4674, 7599, 13228
Special types and methods ... 2212
Taxes; Federal, State, and local ... 4676
Transportation ... 7041
RECORDS:
See also Information.
Non-Federal; retention requirements ... 3166
REGULATIONS, etc., continuance in full force and effect ... 221

51-000—66——17

Veterans Administration—Continued Page
VOCATIONAL REHABILITATION AND EDUCATION:
Korean conflict veterans; education, revocation ... 14103
Rehabilitation ... 11319
Subsistence allowance; apportionment, etc ... 14649
War orphans' educational assistance ... 13214, 15629
World War II veterans:
Individual veteran, change of employment objective and additional considerations ... 2705
Subsistance allowance, effective dates ... 884
WAIVER OF OVERPAYMENTS:
Decisions, revision of ... 2104
Educational benefits ... 11389
Pension, compensation ... 7390

Veterans Day, 1965:
PROCLAMATION 3676 ... 12709

Vietnam:
CHRISTMAS PACKAGES, mail rates ... 14608, 15045
DESIGNATION AS COMBAT AREA:
For purposes of Armed Forces mailing privileges (Executive Order 11255) ... 14135
For purposes of income tax exemption under section 112 of Internal Revenue Code (Executive Order 11216) ... 5817
LEMONS, dried or preserved; importation from ... 13906
SOUTH VIETNAM, defense of, day of dedication and prayer (Proclamation 3686) ... 14299

Vietnam Service Medal:
DESCRIPTION AND PRECEDENCE, eligibility requirements, etc ... 12941
ESTABLISHMENT (Executive Order 11231) ... 8665

Virgin Islands:
ANCHORAGE REGULATIONS, St. Thomas Harbor ... 3596
AUTHORITY DELEGATION:
By Regional Administrators, Housing and Home Finance Agency; public facility loans program and accelerated public works program, ratification ... 6300
By Secretary of Interior regarding membership on Virgin Islands Corporation ... 7725
COAST GUARD regulation respecting vessel navigation ... 15150
GOVERNMENT EMPLOYEES, allowances and differentials payable ... 6511
HUNTING of doves and pigeons ... 7572, 11383
PLANT QUARANTINE, fruits and vegetables ... 748
SUGAR PRODUCTION, wage rates, etc. *See* Agriculture Department.
UNEMPLOYMENT COMPENSATION ... 13533
WAGE RATES ... 10115, 15467

Visas:
DISEASES AND DISORDERS for which aliens may be denied visas, proposed rules ... 14380
IMMIGRANTS AND NONIMMIGRANTS. *See* State Department.

Vision Preservation:
SAVE YOUR VISION WEEK, 1965 (Proclamation 3640) ... 2643

Vitamin D:
ADDITIVE in foods, drugs, etc.; proposed rules ... 11140, 13456

Vocational Education:
FEDERAL ALLOTMENTS to States ... 8268, 10239

Vocational Rehabilitation:
COUNSELING PSYCHOLOGIST, minimum educational requirements, Civil Service Commission ... 14749
VETERANS. *See* Veterans Administration.

Vocational Rehabilitation Administration:
CORRECTIONAL REHABILITATION STUDY ... 15215
STATE AND LOCAL FUNDS for vocational rehabilitation, Federal matching of contributions from private sources ... 140
WORKSHOPS AND REHABILITATION FACILITIES, allocations for establishment of ... 12467

Voluntary Programs:
ARMY INTEGRATION COMMITTEES for production of certain combat vehicles, etc., withdrawal of requests ... 14758

Voluntary Relief Agencies: Page
FOREIGN AID. *See* Agency for International Development.
OVERSEAS SHIPMENTS of supplies, reimbursement of freight charges ... 9059

Voting Rights Act of 1965:
DETERMINATIONS, PROGRAMS, etc. *See* Census Bureau; Civil Service Commission; Justice Department.

W

Wage and Hour Division, Labor Department:
AGRICULTURE, exemptions applicable to; determination respecting fish farming and livestock raising ... 9011
AMERICAN SAMOA:
Special Industry Committee No. 6; hearing ... 6225
Wage rates ... 9880
DRIVER SALESMEN, definition ... 8005, 8754, 16078
DRIVERS AND HELPERS, local delivery; wage payment plans ... 8585
EQUAL PAY for equal work ... 11504
HOURS WORKED, principles, etc ... 9911, 17165
LEARNERS, employment at below minimum wages; certificates, special, to various industries ... 677, 1273, 2509, 2834, 4445, 4735, 5720, 5915, 6323, 6671, 7026, 8022, 8426, 8808, 9025, 9340, 9665, 9787, 10016, 10924, 11336, 11663, 12267, 12436, 12651, 13184, 13918, 14128, 14453, 15262, 16288.
OFFICE BUILDING MAINTENANCE EMPLOYEES, Fair Labor Standards Act coverage; revocation of prior guidelines ... 12555
OVERTIME COMPENSATION ... 1076, 17165
PUERTO RICO:
Homeworkers in various industries, minimum piece rates:
Children's dress and related products, 2954, 5466.
Fabric and leather glove, 9274, 11104.
Handkerchief, scarf, and art linen, 2954, 5469.
Leather wallets, leather wallet covers, and plastic wallets, 9274, 11104.
Women's and children's underwear and women's blouse, 2954, 5468.
Minimum wage orders:
Appointment of various industry committees; hearings:
Electrical, instrument, and related products, 586.
Fabric and leather glove, 3883.
Fabricated plastic products, 586.
Leather, leather goods, and related products, 3883.
Metal, machinery, transportation equipment, etc., 586.
Retailing, wholesaling, and warehousing, 586.
Sweater and knit swimwear, 10114.
Tobacco, 6224.
Various industries:
Chemical, petroleum, and related products, 2791.
Children's dress and related products, 219.
Corsets, brassieres, and allied garments, 220.
Electrical, instrument, and related products, 6219.
Fabric and leather glove, 7949.
Food and related products, 3529.
Leather, leather goods, and related products, 7943.
Lumber and wood products, 2792.
Metal, machinery, transportation equipment, and allied products, 6218.
Needlework and fabricated textile products, 33, 133.
Paper, paper products, printing, and publishing, 3709.
Plastic products, fabricated, 6462.
Rubber products, 2536.
Shoe and related products, 1933.
Stone, clay, glass, cement, and related products, 3709.
Sweater and knit swimwear, 13292.
Tobacco, 3964.
Retailing, wholesaling, and warehousing industry:
Definition ... 6117
Industry committee, appointment ... 586
Wage rates ... 6117
RECORDS:
Employers' ... 8587, 17165
Non-Federal; retention requirements ... 3124

Wage and Hour Division, Labor Department—Continued Page
RETAIL OR SERVICE ESTABLISHMENTS, certificates authorizing employment of full-time students at special minimum wages ... 678, 2752, 3585, 5493, 7025, 8021, 9025, 10126, 11185, 11741, 12055, 12265, 12555, 12756, 13183, 14454
VIRGIN ISLANDS:
Special Industry Committee No. 9; hearing ... 10115
Wage rates and definitions of industries ... 15467

Wages:
See also Pay, compensation, etc.
LEARNERS, employment at subminimum wages. *See* Wage and Hour Division.
MINIMUM WAGES. *See* Public Contracts Division; Wage and Hour Division.
SUGARBEET AND SUGARCANE PRODUCTION ... 251, 3810

Wake Island:
CODE; applicability, Island Manager, Justice Court, motor vehicle maintenance, dental services, airport boundaries, etc ... 7184

Walnuts:
MARKETING. *See* Agriculture Department.

Warehouses, Federally Licensed:
AGRICULTURAL COMMODITIES, storage. *See* Agriculture Department.

Waste Treatment:
FEDERAL FACILITIES, regulations (Executive Order 11258) ... 14483

Water Carriers:
REGULATIONS, etc. *See* Federal Maritime Commission; Interstate Commerce Commission; Maritime Administration.

Water Conservation Fund Program:
REGULATIONS (Executive Order 11237) ... 9433

Water Conservation Month:
PROCLAMATION 3688 ... 14349

Water Pollution:
FEDERAL FACILITIES, prevention, control, and abatement (Executive Order 11258) ... 14483
GRANTS for control ... 17166

Water Resource Projects:
DELAWARE RIVER BASIN ... 5649, 6365, 7848
DEVELOPMENT PROJECTS, regulations (Executive Order 11258) ... 14483
SAM RAYBURN RESERVOIR AREA, Angelina River, Tex.; joint regulations of Army and Agriculture Departments ... 4610

Water Resources Research Office:
RECORDS, non-Federal; retention requirements ... 3122

Waterfront Facilities:
SAFEGUARDING of vessels, harbors, ports, and waterfront facilities of United States, regulations (Executive Order 11249) ... 13001

Weather:
MODIFICATION ACTIVITIES, records and reports ... 11296, 11396, 16202

Weather Bureau:
See also Environmental Science Services Administration.
AUTHORITY DELEGATIONS to officials revoked ... 14692
CHARGES for copies of weather records ... 746, 8042
CONSOLIDATION with Coast and Geodetic Survey in Environmental Science Services Administration (Reorganization Plan No. 2 of 1965) ... 8819
ORGANIZATION AND FUNCTIONS ... 3461

Welfare Administration:
MEDICAL ASSISTANCE PERCENTAGE, Federal ... 11400

Wenatchee National Forest:
TRANSFER OF LANDS from Okanogan National Forest (Executive Order 11220) ... 6425

Wheat: Page
CROP INSURANCE. *See* Federal Crop Insurance Corporation.
DIVERSION PROGRAM, 1964 and 1965 ... 749, 7434
EXPORT PROGRAMS. *See* Agriculture Department.
GRAIN CONTRACT MARKET, California; name changed ... 8547, 8548
LOAN AND PURCHASE PROGRAMS, price-support, etc. *See* Commodity Credit Corporation.
MARKETING STANDARDS, etc. *See* Agriculture Department.
STORAGE in Federally licensed warehouses ... 848, 4193, 11315

White Cane Safety Day, 1965:
PROCLAMATION 3679 ... 12931

Wilderness Areas:
FOREST SERVICE regulations:
San Rafael Wilderness, Calif., proposed establishment; hearing ... 5631, 9886
Superior National Forest, Minn.; Boundary Waters Canoe Area ... 15738
MINERAL LEASING, prospecting, etc., in national forest wilderness; proposed rules ... 9362
NATIONAL WILDERNESS PRESERVATION SYSTEM, proposed rules ... 9363

Wildlife:
IMPORT RESTRICTIONS, certain wildlife or wildlife eggs ... 4721, 9640, 9767

Wildlife Conservation:
OIL AND GAS LEASING RESTRICTIONS, certain areas. *See* Interior Department.
REFUGES:
Hunting, sport fishing. *See* Fish and Wildlife Service.
Lands withdrawn. *See* Land Management Bureau.
TRANSFER OF LANDS at Biloxi, Miss., to Interior Department ... 7203

Wines:
EXCISE TAXES. *See* Internal Revenue Service.

Without-Compensation Employees:
APPOINTMENTS and statements of financial interests. *See* Commerce Department; Interior Department; Interstate Commerce Commission.

Women: Page
CITIZENS' ADVISORY COUNCIL ON THE STATUS OF WOMEN, membership (Executive Order 11221) ... 6427
COMMITTEE ON THE STATUS OF WOMEN, membership (Executive Order 11221) ... 6427
NONDISCRIMINATION, guidelines; employment ... 14926

Wood:
See Timber.

Wool:
PAYMENT PROGRAMS. *See* Agriculture Department.
STANDARDS for grades ... 6350, 10829
WAREHOUSES, Federally licensed, storage in ... 3245
WOOL PRODUCTS LABELING ACT, fiber content and country of origin ... 2257, 5742

World Law Day:
PROCLAMATION 3662 ... 8773

World Trade Week, 1965:
PROCLAMATION 3647 ... 4047

Wright Brothers Day, 1965:
PROCLAMATION 3685 ... 14033

Y

Youth Corps Projects:
NEIGHBORHOOD PROJECTS for unemployed youths ... 6249

Z

Zambia:
IMMIGRATION QUOTA (Proclamation 3637) ... 1913

Zinc, Unmanufactured:
IMPORTS, termination of quantitative limitations (Proclamation 3683) ... 13623

ZIP Code System:
FEDERAL AGENCIES, use by (Memorandum of June 18, 1965) ... 8299
POST OFFICE REGULATIONS. *See* Post Office Department.

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51-000—66——1

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LIST OF CFR SECTIONS AFFECTED

(Cumulative Codification Guide)

1 CFR

Page

Chapter I:
Appendix B amended ... 1727
Appendix A revised ... 3102
Republished ... 15122
32
Text designated as Subpart A; Subpart B added ... 9573
32.1—32.22
Designated as Subpart A ... 9573
32.30—32.50
Subpart B added ... 9573

2 CFR

U.S.C.-CFR parallel table (see last page of this list).

3 CFR

Proclamations:
June 29, 1911
Revoked in part by PLO 3750 ... 9541
1713
Superseded in part by Proc. 3656 ... 6572
2761A
See Proc. 3683 ... 13623
2929
See Proc. 3683 ... 13623
3172
Superseded by Proc. 3655 ... 6467
3257
Terminated by Proc. 3683 ... 13623
3279
Amended by Proc. 3693 ... 15459
3298
Amended by Proc. 3637 ... 1973
3389
Superseded by Proc. 3655 ... 6467
3423
Corrected by PLO 3576 ... 4476
3633 ... 431
3634 ... 1105
3635 ... 1107
3636 ... 1109
3637 ... 1973
3638 ... 2639
3639 ... 2641
3640 ... 2643
3641 ... 2759
3642 ... 2919
3643 ... 3509
3644 ... 3511
3645 ... 3739
3646 ... 4045
3647 ... 4047
3648 ... 4049
3649 ... 4307
3650 ... 4309
3651 ... 4525
3652 ... 5415
3653 ... 5417
3654 ... 6109
3655 ... 6467
3656 ... 6571
3657 ... 6835
3658 ... 7695
3659 ... 8383
3660 ... 8507
3661 ... 8663
3662 ... 8773
3663 ... 8991
3664 ... 9855
3665 ... 9857
3666 ... 10279

3 CFR—Continued

Page

Proclamations—Continued
3667 ... 10381
3668 ... 10877
3669 ... 11089
3670 ... 11827
3671 ... 11829
3672 ... 12115
3673 ... 12277
3674 ... 12623
3675 ... 12625
3676 ... 12709
3677 ... 12927
3678 ... 12929
3679 ... 12931
3680 ... 12933
3681 ... 13049
3682 ... 13683
3683 ... 13623
3684 ... 13625
3685 ... 14033
3686 ... 14299
3687 ... 14347
3688 ... 14349
3689 ... 14351
3690 ... 14401
3691 ... 15139
3692 ... 15349
3693 ... 15459
3694 ... 17147
Executive orders:
Dec. 9, 1852
Revoked in part by PLO 3544 ... 2215
Revoked in part by PLO 3753 ... 9541
Mar. 3, 1854
Revoked in part by PLO 3630 ... 5482
Dec. 30, 1875
Revoked in part by PLO 3800 ... 11139
April 19, 1892
Revoked in part by PLO 3656 ... 6437
May 4, 1907
Revoked in part by PLO 3594 ... 4542
Dec. 9, 1909
Revoked in part by PLO 3861 ... 14104
July 2, 1910
Revoked in part by PLO 3528 ... 885
Revoked in part by PLO 3616 ... 5378
Revoked in part by PLO 3725 ... 8792
Vacated in part by PLO 3787 ... 10232
Modified by PLO 3803 ... 11352
Revoked in part by PLO 3812 ... 11517
Dec. 19, 1910
Modified by PLO 3596 ... 4542
May 16, 1911
Revoked in part by PLO 3757 ... 9542
Aug. 4, 1911
Revoked in part by PLO 3792 ... 10234
Aug. 30, 1911
Revoked in part by PLO 3540 ... 2214
Mar. 1, 1912
Revoked in part by PLO 3861 ... 14104
Mar. 23, 1912
Revoked in part by PLO 3659 ... 7101
Mar. 29, 1912
Revoked in part by PLO 3715 ... 8789
April 19, 1912
Revoked in part by PLO 3778 ... 10194
June 4, 1912
Modified by PLO 3864 ... 14199
July 10, 1912
Revoked in part by PLO 3699 ... 7898
July 9, 1913
Revoked in part by PLO 3725 ... 8792

3 CFR—Continued

Page

Executive orders—Continued
Jan. 24, 1914
Revoked in part by PLO 3569 ... 4253
Mar. 9, 1914
Revoked in part by PLO 3866 ... 14319
Mar. 21, 1914
Revoked in part by PLO 3535 ... 2213
May 4, 1914
Revoked in part by PLO 3599 ... 4678
June 24, 1914
Revoked in part by PLO 3840 ... 12884
May 14, 1915
Revoked in part by PLO 3673 ... 7752
May 22, 1916
Revoked by PLO 3906 ... 15806
Oct. 30, 1916
Revoked in part by PLO 3664 ... 7750
Nov. 24, 1916
Revoked in part by PLO 3528 ... 885
Feb. 6, 1917
Revoked in part by PLO 3545 ... 2261
Mar. 21, 1917
Revoked in part by PLO 3861 ... 14104
May 17, 1917
Modified by PLO 3596 ... 4542
June 29, 1917
See PLO 3778 ... 10194
July 24, 1917
Modified by PLO 3864 ... 14199
Dec. 12, 1917
Revoked in part by PLO 3699 ... 7898
Oct. 16, 1918
Revoked in part by PLO 3856 ... 13575
July 10, 1919
Revoked in part by PLO 3535 ... 2213
Jan. 26, 1920
Revoked in part by PLO 3535 ... 2213
May 3, 1922
Revoked in part by PLO 3535 ... 2213
Mar. 10, 1924
Modified by PLO 3885 ... 14989
Nov. 22, 1924
Revoked in part by PLO 3861 ... 14104
June 13, 1925
Revoked in part by PLO 3658 ... 7101
April 17, 1926
Revoked in part by PLO 3535 ... 2213
Revoked in part by PLO 3591 ... 4541
Revoked in part by PLO 3599 ... 4678
Revoked in part by PLO 3604 ... 4717
Revoked in part by PLO 3766 ... 10190
Revoked in part by PLO 3832 ... 12641
June 17, 1935
Revoked by PLO 3623 ... 5480
823
See EO 11220 ... 6425
1238
Revoked by PLO 3728 ... 8833
1597
Revoked in part by PLO 3771 ... 10192
1747
Revoked by PLO 3539 ... 2214
1919½
Revoked in part by PLO 3863 ... 14199
1956
Revoked by PLO 3542 ... 2215
2216
Revoked in part by PLO 3532 ... 1288
2242
Revoked in part by PLO 3848 ... 13057
Revoked in part by PLO 3863 ... 14199

3 CFR—Continued

Executive orders—Continued

2347
Revoked by PLO 3572 ... 4254
2910
Revoked by PLO 3887 ... 14932
3406
Revoked in part by PLO 3590 ... 4541
Revoked in part by PLO 3881 ... 14803
3672
Revoked in part by PLO 3848 ... 13057
3825
Revoked in part by PLO 3751 ... 9541
4719
Revoked by PLO 3602 ... 4679
5182
Revoked in part by PLO 3601 ... 4679
5289
Revoked in part by PLO 3571 ... 4254
5327
See PLO 3573 ... 4254
Modified by PLO 3882 ... 14929
5352
Revoked by PLO 3602 ... 4679
5447
Revoked by PLO 3519 ... 7
5786
Revoked by EO 11199 ... 2379
5799
Revoked by PLO 3806 ... 11354
6039
Revoked in part by PLO 3592 ... 4541
6143
Revoked in part by PLO 3589 ... 4541
Revoked in part by PLO 3691 ... 7823
Modified by PLO 3782 ... 10194
6278
Revoked in part by PLO 3691 ... 7823
Modified by PLO 3782 ... 10194
Revoked in part by PLO 3823 ... 11969
6285
Revoked in part by PLO 3693 ... 7824
6544
Revoked in part by PLO 3745 ... 9595
6583
Revoked in part by PLO 3691 ... 7823
Modified by PLO 3782 ... 10194
Revoked in part by PLO 3823 ... 11969
7425
Revoked in part by PLO 3657 ... 6586
7548
Revoked by EO 11239 ... 9672
7558
Revoked in part by PLO 3833 ... 12642
7655
Revoked in part by PLO 3661 ... 7521
8278
Revoked in part by PLO 3705 ... 7901
8596
Revoked in part by PLO 3751 ... 9541
8647
Revoked in part by PLO 3522 ... 443
Revoked in part by PLO 3720 ... 8791
8790
See PLO 3749 ... 9540
8791
See PLO 3749 ... 9540
8977
Revoked by EO 11215 ... 4662
9526
See PLO 3737 ... 8835
10014
Superseded by EO 11258 ... 14468
10173
See EO 11249 ... 13001
10358
Amended by EO 11226 ... 7213
10402
Superseded in part by EO 11239 ... 9672

3 CFR—Continued

Executive orders—Continued

10472
Revoked by EO 11256 ... 14138
10530
Superseded in part by EO 11196 ... 1171
Revoked in part by EO 11222 ... 6473
Superseded in part by EO 11228 ... 7739
Superseded in part by EO 11230 ... 8450
10559
Superseded by EO 11230 ... 8450
10573
Superseded by EO 11196 ... 1171
10590
Superseded by EO 11246 ... 12325
10683
Superseded by EO 11228 ... 7739
10713
Amended by EO 11263 ... 15777
10722
Superseded by EO 11246 ... 12325
10729
Revoked by EO 11205 ... 3513
10735
See EO 11241 ... 11129
10759
Superseded by EO 11230 ... 8450
10760
Superseded by EO 11230 ... 8450
10784
Superseded by EO 11223 ... 6636
10790
Superseded by EO 11230 ... 8450
10800
Superseded in part by EO 11228 ... 7739
10835
Superseded by EO 11228 ... 7739
10836
Superseded by EO 11230 ... 8450
10845
Superseded by EO 11223 ... 6636
10852
Superseded by EO 11196 ... 1171
10889
Superseded by EO 11230 ... 8450
10900
Modified by EO 11253 ... 13507
10903
Superseded in part by EO 11228 ... 7739
Superseded in part by EO 11230 ... 8450
10925
Superseded by EO 11246 ... 12325
10937
Revoked by EO 11256 ... 14138
10939
Revoked by EO 11222 ... 6473
10960
Superseded by EO 11230 ... 8450
10970
Superseded in part by EO 11230 ... 8450
10973
Amended by EO 11261 ... 15397
10977
See EO 11231 ... 8665
10984
See EO 11241 ... 11129
11012
Superseded in part by EO 11230 ... 8450
11017
Amended by EO 11218 ... 5821
11041
Amended by EO 11250 ... 13003

3 CFR—Continued

Executive orders—Continued

11052
Amended by EO 11214 ... 4527
11071
Superseded in part by EO 11224 ... 6680
11098
See EO 11241 ... 11129
11112
Revoked by EO 11208 ... 3927
11114
Superseded by EO 11246 ... 12325
11116
Superseded in part by EO 11230 ... 8450
11119
See EO 11241 ... 11129
11124
Revoked by EO 11208 ... 3927
11125
Revoked by EO 11222 ... 6473
11126
Amended by EO 11221 ... 6427
11157
Amended by EO 11242 ... 11205
Amended by EO 11253 ... 13509
Amended by EO 11259 ... 15057
11162
Superseded by EO 11246 ... 12325
11164
Superseded by EO 11230 ... 8450
11175
See EO 11198 ... 1929
11176
Superseded by EO 11213 ... 4389
11184
Superseded in part by EO 11196 ... 1171
Superseded by EO 11230 ... 8450
11185
Amended by EO 11260 ... 15395
11186
Revoked by EO 11209 ... 3930
11189
Amended by EO 11195 ... 1169
11191 ... 29
11192 ... 521
11193 ... 821
11194 ... 877
11195 ... 1169
11196 ... 1171
11197 ... 1721
Revoked by EO 11247 ... 12327
11198 ... 1929
11199 ... 2579
11200 ... 2645
11201 ... 2921
11202 ... 3185
11203 ... 3417
11204 ... 3419
11205 ... 3513
11206 ... 3741
11207 ... 3743
11208 ... 3927
11209 ... 3929
11210 ... 4051
11211 ... 4385
11212 ... 4387
11213 ... 4389
11214 ... 4527
11215 ... 4661
11216 ... 5817
11217 ... 5819
11218 ... 5821
11219 ... 6381
11220 ... 6425
11221 ... 6427
11222 ... 6469
11223 ... 6635

3 CFR—Continued

Executive orders—Continued

11224 ... 6679
11225 ... 7093
11226 ... 7213
11227 ... 7369
11228 ... 7739
Amended by EO 11257 ... 14353
11229 ... 7741
11230 ... 8447
11231 ... 8665
11232 ... 8745
11233 ... 8953
11234 ... 9049
11235 ... 9199
11236 ... 9349
11237 ... 9433
11238 ... 9571
11239 ... 9671
11240 ... 9795
11241 ... 11129
11242 ... 11205
11243 ... 11709
11244 ... 11945
Superseded by EO 11248 ... 12999
11245 ... 11947
Superseded by EO 11248 ... 12999
11246 ... 12319
Corrected ... 12935
11247 ... 12327
11248 ... 12999
Amended by EO 11251 ... 13427
Amended by EO 11252 ... 13507
Amended by EO 11262 ... 15399
11249 ... 13001
11250 ... 13003
11251 ... 13427
11252 ... 13507
11253 ... 13509
11254 ... 13569
11255 ... 14135
11256 ... 14137
11257 ... 14353
11258 ... 14483
11259 ... 15057
11260 ... 15395
11261 ... 15397
11262 ... 15399
11263 ... 15777

Presidential documents other than Proclamations and Executive orders:

Reorganization Plan No. 3 of 1947
See Reorganization Plan No. 4 of 1965 ... 9353
Memorandum of Jan. 24, 1961
Modified by EO 11252 ... 13507
Memorandum of July 20, 1961
Revoked by EO 11222 ... 6473
Memorandum of May 2, 1963
Revoked by EO 11222 ... 6473
Notice of Oct. 21, 1963
Supplemented by Notice of Feb. 18, 1965 ... 2301
Memorandum of Feb. 1, 1965 ... 1725
Memorandum of Feb. 16, 1965 ... 2517
Statement of Feb. 16, 1965 ... 2519
Notice of Feb. 18, 1965 ... 2301
Reorganization Plan No. 1 of 1965 ... 7035
Determination of May 22, 1965 ... 7095
Memorandum of June 18, 1965 ... 8299
Reorganization Plan No. 2 of 1965 ... 8819
Reorganization Plan No. 3 of 1965 ... 9351
Reorganization Plan No. 4 of 1965 ... 9353
Reorganization Plan No. 5 of 1965 ... 9355

4 CFR

Chapter I:
52.26b
Added ... 6429

5 CFR

Chapter I:
213
Revised ... 15059
213.3101
(b) added ... 1029
213.3102
(j) revoked ... 3593
(q) revised ... 5701
(t) revised ... 6337
(v) added ... 6765
(v) revised ... 7153
(v) revised ... 7557
(u) revised ... 7645
(w) added ... 11371
(v) revoked ... 14591
(w) revised ... 15736
213.3104
(c)(2) revised ... 7425
213.3105
(c)(2) revised ... 7645
(b)(7) added ... 9585
(b)(2) revoked ... 12627
(b)(8) added ... 13777
213.3107
(l) revised ... 4663
213.3108
(a)(7) added ... 739
(a)(8) added ... 4410
(e) revised ... 5825
(a)(3) revised ... 7595
(a)(3) corrected ... 7895
(e) revised ... 9874
(a)(9) added ... 15313
213.3109
(c) revoked ... 2851
(a)(1) revised ... 13054
213.3110
(a)(4) added ... 13005
213.3112
(e)(2) revoked ... 13822
(h) revised ... 15313
213.3113
(e)(5) added ... 565
(a)(1) revised; (f) amended ... 4057
(f)(2) revised ... 4745
(f)(1) and (5) revised ... 9903
(b)(2) added ... 13053
213.3114
(h)(2) and (4) revoked ... 13528
213.3115
(c) revoked; (f) added ... 14355
213.3116
(g) revised ... 4663
(c)(2) revoked ... 5619
Heading of (f) and (f)(1) revised ... 7895
(e) and (g) revised ... 13528
213.3122
Revoked ... 6903
213.3126
Added ... 6975
213.3132
(c) added ... 643
(d) added ... 5701
(a) through (d) revoked; (e) added ... 7425
213.3152
Added ... 6939
213.3154
(b) revoked ... 31
213.3163
Revoked ... 1247
213.3164
(a) revised; (b) revoked ... 4711
213.3174
Added ... 3809

5 CFR—Continued

Chapter I—Continued
213.3178
Added ... 9087
213.3179
Added ... 11903
213.3181
Added ... 13897
213.3182
Added ... 14239
213.3202
Added ... 3349
213.3205
(d) added ... 3593
213.3206
(a)(2) revised ... 1111
(a)(2) revised ... 5897
(a)(2) revised ... 11024
213.3215
Revised ... 2245
213.3216
(a)(2) added ... 5503
213.3256
Added ... 7515
213.3273
(b) through (e) added ... 1029
(e) revised ... 1931
213.3276
Added ... 7271
213.3277
Added ... 7426
213.3304
(a)(16) and (18) revised; (a)(20) added ... 6241, 6478
(a)(21) added ... 13860
213.3305
(a) (1), (3), (6) through (9), (12), and (15) revised ... 5
(a)(15) corrected ... 1247
(c)(2) revoked ... 2397
(a)(15) revoked ... 4410
(a)(7) revoked ... 6111
(a)(18) added ... 6637
(a)(19) added ... 10153
(a) (20) and (21) added ... 11669
(a)(2) revoked ... 13054
(a)(22) added ... 15351
213.3306
(a)(24) and (e) revoked ... 2303
(a)(30) revised ... 7646
(a)(42) added ... 7987
(a)(2) revised; (a)(43) added ... 10094
(c)(2) added ... 10935
(a)(2) revised ... 11024
(a)(44) added ... 11314
(a)(9) revised ... 11501
(a) (45) and (46) added ... 11962
(a)(2) and (c)(2) revised ... 12529
(a)(31) revised; (a)(33) revoked; (a)(34) through (37) revised; (a)(47) added ... 14519
(a)(2) revised; (a)(48) added ... 14769
(a)(49) added ... 15282
213.3307
(b)(2) revised ... 7646
(a)(16) added ... 9087
(a)(12) revoked ... 12937
(b)(2) revised ... 14422
213.3308
(a)(1) revised ... 7646
213.3310
(m)(2) revoked; (m)(3) revised; (n)(2) revoked ... 2851
(f)(10) revised ... 12248
(f)(5) revoked ... 12720
(h) amended ... 14769
213.3311
(h)(3) revised ... 2649
(h) (1) and (4) revised ... 5503
(h)(4) corrected ... 5787
(a)(18) added ... 11669
(b)(10) added ... 13054

5 CFR—Continued

Chapter I—Continued

	Page
213.3312	
(a) (27) and (28) added	1029
(a) (29) added	4663
213.3313	
(a) (17) revised	701
(m) amended	4057
Heading of (o), and (o) (1), (2), (3), and (4) revised	4311
(m) (3) revised	7473
(l) revoked	8301
(n) (4) revised	15141
213.3314	
(a) (33) added	7245
(a) (18) revoked; (a) (34) added	7987
(a) (35) and (36) added	10935
(h) (3) added	10935
(e) and (i) revoked; (p) added	11131
(q) (2) and (3) revised	11131
(q) added	13822
(a) (37) added	14195
(q) (5) added	14487
(q) (6) through (14) added	14487
(d) (1) revoked	14769
213.3315	
(a) (20) and (21) added	3263
(a) (22) and (23) added	6241
213.3316	
(f) (1) revised; (f) (6) added	3745
(a) (11) revoked; (a) (23) added	4311
(c) (4), (5), and (6) added	5471
(a) (24) added	6857
(a) (25) added	9875
(f) (7) added	12117
(b) (2) added	13859
(f) (1) revised	13860
(h) added	14095
(g) (3) revoked; (l) added	14769
(j) added	15203
(a) (14) revised	15547
(a) (26) added	16061
213.3322	
(c) added	251
213.3323	
(b) revised	6215
213.3326	
(b) (2) added	2701
(j) (2) added	3263
(l) amended	6975
(c) (2) added	9758
213.3329	
(a) revised	8093
213.3331	
(c) added	9673
213.3333	
(bb) added	205
(cc) added	2649
(r) revised	6857
(h) revised	7987
(dd) added	9529
(ee) and (ff) added	11208
(k) revoked; (v) revised; (z), (aa) and (ff) revoked	17153
213.3333	
(f) revoked	5619
213.3340	
(j) revoked	3263
213.3342	
(f) revised; (h) revoked	14239
213.3344	
(b) (15) revised	81
(a) (35) and (36) revoked	6903
(a) (46) added	7311
(a) (47) added	7701
213.3354	
(a), (d), (h), and (l) revoked	31
(g) revised; (o) added	2649
(l) revoked	7426
(b) revised	1247
(e) added	7271
213.3357	
(j) added	7311
(f) revoked	9529
(c) revoked	9529
(e) revoked	10153
(g) and (l) revoked; (k) added	12720
213.3360	
(z) added	2195
(aa) added	7695
213.3371	
(c) added	7646
213.3373	
Added	1029
(a) (9) and (10) added	3263
213.3375	
Added	4663
213.3376	
Added	7271
213.3377	
Added	9087
213.3380	
Added	13628
302.101	
(d) (6) and (7) revised; (d) (8) added	3349
315.606	
Added	12248
316.801	
(a) and (b) revised	3931, 4349
330	
Subpart C revised	3931
330.301—330.303	
Subpart C revised	3931
332.103	
Revised	6337
338.202	
Revised	1029
351.506	
Added	2397
351.608	
Revised	1173
351.803	
Revised	1173
351.804	
Revised	1173
351.805	
Revised	1173
410.401	
(a) revoked	5503
410.506	
(c) (1) revised	3349
511.201	
(b) amended	343
(b) amended	4410
(b) amended	5619
(b) amended	11024
(b) amended	11751
(b) amended	15313
511.703	
(a) revised	7962
Effective date of revision of (a)	8216
536.307	
(b) revised	14487
531.204	
(a) revised	15282
531.505	
Text designated as (a); (b) added	9247
531.512	
(a) revised	3588
531.516	
(c) revised	7962
Effective date of revision of (c)	8216
(b) amended	343
(b) amended	4410
(b) amended	5619
(b) amended	11024
(b) amended	11751
(b) amended	15313
534.202	
(d) revised	2588
550	
Subpart F added	11669
550.301	
(k) added	9903
550.302	
(c) revised	9903
550.303	
(a) revised; (c) added	9903
550.304	
(a) revised; (c) revoked	9903
550.305	
(a) (7) redesignated as (8) and new (a) (7) added; (b) (2) revised	9903
550.307	
(f) and (g) added	9903
550.308	
(a) revised; (f) added	9903
550.309	
Revised	9903
550.504	
Introductory text revised	4663
550.505	
(d) and (e) added	4609
Introductory text revised; (f) added	4663
(g) added	4745
(b) amended; (h) and (i) added	9247
550.601—550.603	
Subpart F added	11669
591.202	
Revised	6511
630.301	
Revised	7557
630.502	
(b) revised	8301
731.301	
(a) (1) revised	12661
731.302	
Revised	11847
733	
Revised	1931
735	
Added	12529
752	
Heading revised	11847
754	
Added	11846
771.206	
(c) revoked	1727
771.227, 771.228	
Redesignated as 771.229 and 771.230	1727
771.227, 771.228	
Center heading and sections added	1727
771.229, 771.230	
Redesignated from 771.227 and 771.228	1727
772	
Subpart C heading revised	11847
772.301—772.306	
Subpart C heading revised	11847
772.301	
Revised	11847
772.304	
(a) revised	11847
772.305	
(a) revised	11847
772.306	
Revised	11847
831.201	
(b) revised	11209
(d), (e), and (f) added	12383
930.209	
Revised	2548
Chapter II:	
1201.100	
Introductory text of (a) revised; (a) (13) added	2548
(e) added	9875
(b) (10) added	14007
1202.13	
Revised	9977
1202.14	
(c) added	14007
1202.15	
(e) added	14007
1204.12	
(c) (3) revised	9875
(d) revised	14965
Proposed Rules:	
890	14329

6 CFR

	Page
Chapter I:	
4.2	
Revised	6111
40.111—40.114	
Revised	16191
40.151, 40.152	
Revised	16192
40.153	
Deleted	16193
40.153–1—40.154–2	
Revised	16193
40.201	
Revised	16193
40.201–2	
Revised	16193
40.222	
Revised	16194
40.226—40.226–2	
Revised	16194
40.231—40.231–3	
Revised	16194
40.232–2	
Revised	16194
50.163	
(c) revised	915
50.201	
Revised	11847
50.211	
Revised	16195
73.2	
Revised	6573
Chapter III:	
300	
Revised	3745
310	
Revised	15401
310.3	
Revised	565
322	
Subpart A recodified and revised	15981
322.1—322.15	
Subpart A recodified as 322.1—322.17; revised	15981
322.1—322.17	
Subpart A recodified from 322.1—322.15; revised	15981
Chapter V:	
Heading revised	2129
530	
Added	12720
530.3	
Revised	15089
530.16	
Amended	13120
540	
Applicability	2651

7 CFR

	Page
Subtitle A:	
1	
Subpart G deleted	12329
1.101—1.106	
Subpart G deleted	12329
5.1	
(a) revised	2521
5.2	
Amended	2923
5.4	
Amended	2923
5.5	
(b) revised	2521
6	
Subpart recodified and revised	8623
6.20—6.31	
Subpart recodified from 6.20—6.33; revised	8623
6.20—6.33	
Subpart recodified as 6.20—6.31; revised	8623
7	
Revised	14301
7.11	
Revised	3809
7.12	
(a) revised; (c) added	3809, 4157
7.13	
Revised	3809
7.14	
(e) deleted	3810
7.15	
(j) revised; (k) redesignated as (m); new (k) and (l) added	3810
(e) and (f) revised	5759, 5787
7.16	
(c) and (d) revised	5759
7.18	
Revised	3810
7.19	
Revised	3810
7.20	
(b) revised	5759
7.24	
Revised	3810
7.25	
(b) revised	5759
7.28	
(a) and (c) revised	5759
7.29	
(a), (b), and (c) revised	5760
11	
Subpart A recodified and revised; Appendix A added	15514
11.1—11.15	
Subpart A recodified as 11.1—11.18 and revised; Appendix A added	15514
11.1—11.18	
Subpart A recodified from 11.1—11.15 and revised; Appendix A added	15514
11.7	
(b) (3) revised	4240
11.8	
(d) (8) revised	4240
15	
Subpart C added	14355
Subpart A appendix amended	14845
15.60—15.143	
Subpart C added	14355
16.2	
(h) and (j) revised	251
(h) and (j) revised	7426
(f), (h), and (j) revised	13897
16.6	
(b) revised	13897
16.8	
Revised	251
Revised	7426
Revised	13897
16.17	
Revised	13897
Subtitle B:	
Chapter I:	
Heading revised	2129
26.2	
(i), (j), (p) amended	8031
26.29	
(m) (3) amended	8031
26.30a	
Amended	8031
26.67	
Amended	8031
26.68	
Amended	8031
26.116	
Amended	8031
26.127	
(a) revised	2851
26.501—26.504	
Recodified as 26.501—26.514; revised	4605
26.501—26.514	
Recodified from 26.501—26.504; revised	4605
26.508	
Corrected	5760
27	
Subpart B deleted	7239
27.2	
(c) amended	15351
27.92	
Amended	15351
27.210—27.213	
Subpart B deleted	7239
28	
Subpart C added; recodified from Subpart B of Part 27	7239
28.2	
(e), (f), and (g) amended	6637
28.107	
Revised	6637
28.123	
Amended	6637
28.124	
Amended	6637
28.151	
Amended	6637
28.601—28.603	
Added	7239
28.901	
(b), (c) and (d) amended	15351
28.950	
(b), (c), and (d) amended	7426
28.956	
Amended	7426
Amended	9529
28.959	
Amended	7427
29.3	
(h) amended	7385
29.16	
Amended	7385
29.17	
Amended	7385
29.51	
Amended	7385

7 CFR—Continued

Chapter I—Continued

29.75a
Added ... 12627
29.501—29.582
Recodified as 29.3501—29.3686; revised ... 9207
29.1116
Amended ... 7385
29.1162
Amended ... 6573
29.1163
Amended ... 6573
29.1165
Amended ... 6573
29.1167
Amended ... 6573
29.1181
Amended ... 6573
29.2363
Amended ... 7385
29.2626
Amended ... 7385
29.3112
Amended ... 7385
29.3362
Amended ... 7385
29.3501—29.3686
Recodified from 29.501—29.582; revised ... 9207
29.4340
Amended ... 7385
29.4595
Amended ... 7385
29.5330
Amended ... 7385
29.5596
Amended ... 7385
29.6096
Amended ... 7385
29.9001
Amended ... 7385
30.38
(b) and (c) (1) and (10) amended ... 7385
30.42
(a) amended ... 7385
30.60
Amended ... 7385
31.0—31.16
Recodified from 31.1—31.12; revised ... 10829
31.1—31.12
Recodified as 31.0—31.16; revised ... 10829
31.51
Deleted ... 16830
31.151
Recodified as 31.300; revised ... 10830
31.300—31.304
Added ... 10830
31.301—31.304
Deleted ... 10830
31.306
Recodified from 31.151; revised ... 10830
31.400—31.402
Added ... 10830
33.12
(a) revised ... 8775
34.1
(b) and (c) amended ... 7385
34.11
Amended ... 7385
41.6
Redesignated as 41.6–1; section heading and center heading revised ... 479
41.6–1
Redesignated from 41.6; section heading and center heading revised ... 479
41.6–2
Added ... 479
41.11
Revised ... 479
41.19
Revised ... 479
51
Subpart added ... 3371
Subpart added ... 6063
Subpart added ... 6711
Subpart revised ... 7595
Subpart added ... 8460
Subpart added ... 14359
Subpart recodified and revised ... 14519
Subpart added ... 17153
51.1154
Revised ... 3633
51.1154a
Added ... 3633
51.2360—51.2381
Subpart recodified as 51.2360—51.2384; revised ... 14519
51.2360—51.2384
Subpart recodified from 51.2360—51.2381; revised ... 14519
51.2730—51.2741
Subpart revised ... 7595
51.3115—51.3124
Subpart added ... 6711
51.3520—51.3523
Subpart added ... 8460
51.3585—51.3601
Subpart added ... 6063
51.3610—51.3624
Subpart added ... 3371
51.3635—51.3652
Subpart added ... 14359
51.3665—51.3683
Subpart added ... 17153
52
Subpart amended ... 11596
52.47
(c) added ... 9977
52.981
Revised ... 11595
52.1281
Revised ... 205
52.1841
Revised ... 11595
52.3181—52.3188
Subpart amended ... 11596
52.3181
Revised ... 11596
52.3183
Redesignated as 52.3183b; heading revised ... 11596
52.3183a
Added ... 11596
52.3183b
Redesignated from 52.3183; heading revised ... 11596
52.3185
Revised ... 11596
52.3187
Introductory text of (d) revised; (l) revised ... 11596
52.3188
Amended ... 11596
53.1
(j) and (k) amended; (n) revised; (p), (q), and (s) amended; (t) (1) revised; (t) (2) and (u) amended; (v) revised; (x) amended; (ll) added ... 4157
(d), (e), (f), and (jj) amended ... 10935
53.2
(a) amended ... 4157
53.3
Revised ... 4157
53.4
Revised ... 4157
53.5
Revised ... 4157
53.6
(a) (2) (iv) amended ... 10935
53.8
(a) revised and (c) (1) amended ... 4157
(c) (1) and (2) amended ... 10935
53.11
Amended ... 10935
53.12
Amended ... 4157
53.13
(a) (2) and (b) amended ... 4157
(a) (1) revised ... 4158
53.14
Amended ... 4157
53.15
(a) amended ... 4157
53.16
(a) and (c) amended ... 4157
53.17
Amended ... 4157
53.29
(b) amended ... 10935
(d) amended ... 11680
(a) amended ... 14360
53.30
Amended ... 10935
53.31
Amended ... 10935
53.102
Revised ... 4456
53.103
Deleted ... 4459
53.103
Added ... 4459
53.104
Revised ... 4459
53.150
Revised ... 16253
53.151
Revised ... 16253
53.156
Added ... 16253
53.159
Added ... 16253
54.1
Amended ... 6207
54.3
Amended ... 6207
54.20
(c) and (d) amended ... 6207
54.100
(b) amended ... 6207
54.107
Amended ... 6207
54.108
Amended ... 6207
55.2
(b) and (bb) amended ... 6207
55.10
(b) amended ... 6207
55.11
Amended ... 6207
55.35
Amended ... 6142
55.40
Revised ... 5142
55.60
(b) amended ... 6207
55.66
(a) revised ... 6142
55.68
Amended ... 6207
55.70
(b) revised ... 6142
55.77
(o) and (p) added ... 6142
55.85
(b) and (d) revised; (e) and (f) amended; (g) (1) revised; (l) deleted ... 6143
55.88
(b) revised ... 6143
55.92
(b), introductory text of (c), and (g) revised ... 6143
55.101
(b) revised; (c) added ... 6143
55.102
(a) (2) and (3) revised; (b) (3) deleted ... 6143
55.103
Added ... 6143
55.126
Amended ... 6207
56.1
(b) and (m) amended; (o) deleted; (p) through (y) redesignated as (o) through (w); newly redesignated (x) amended ... 6207
56.10
(b) amended ... 6207
56.11
Amended ... 6207
56.45
(b) amended ... 6207
56.52
Amended ... 6207
57.1
(e) and (i) amended ... 8031
57.2
(a) (6) and (b) (2) amended ... 8031
57.12
Amended ... 8031
57.51
(a) (2) amended ... 8031
58.2
(b), (o), and (z) amended ... 6638
58.50
(d) amended ... 6638
58.147
Amended ... 6638
58.189
(b) amended ... 6638
58.201
Amended ... 6638
58.2532
(a) amended ... 6638
58.2558
Amended ... 6638
58.2605
(a) (1) amended ... 6638
58.2656
(a) amended ... 6638
58.2678
Amended ... 6638
58.2704
(a) (3) and (b) amended ... 6638
58.2707
(a) amended ... 6638
58.2726
(b) amended ... 6638
58.2756
Amended ... 6638
61.2
(e), (f) and (g) amended ... 15351
61.45
Amended ... 15351
61.46
Amended ... 15351
62
Revoked ... 17154
68.2
(e) and (f) amended ... 8031
68.42a
(e) and (g) amended ... 8031
68.49
Amended ... 8031
68.301
(a) revised ... 14965
68.302
(e) added ... 14965
68.303
Amended ... 14966
70.1
Amended ... 6207
70.3
Amended ... 6207
70.30
(c) amended ... 6207
70.80
Section and center heading deleted ... 9531
70.130
(b) amended ... 6207
70.138
Amended ... 6207
70.141
Amended ... 6207
(a) (13) revised ... 9531
70.142
(b) revised ... 9531
70.181
Revised ... 9531
70.251
Amended ... 6207
70.252
Amended ... 6207
70.253
Amended ... 6207
70.254
Amended ... 6207
70.256
Amended ... 6207
70.257
Amended ... 6207
70.258
Amended ... 6207
70.301
(e), (f), and (g) revised ... 9531
(g) corrected ... 9673
70.305
(a) and (b) revised ... 9531
70.325
(b) and (c) revised ... 9531
70.326
(c) revised ... 9531
70.330
Section and center heading deleted ... 9531
70.335—70.338
Sections and center heading deleted ... 9531
70.350
(a) and (b) amended; (c) and (e) (8) revised ... 9531
70.353
(e), (g), and (h) (2) revised; (i) added ... 9531
70.354
(a), (e), and (g) revised; (i) added ... 9532
70.355
(c) added ... 9532
70.356
Added ... 9532
70.360
(a) amended; (b) revised; (d) deleted ... 9532
70.364—70.366
Sections and center heading deleted ... 9533
70.370
Section and center heading deleted ... 9533
81.1
Amended ... 6207
81.49
(d) amended ... 15351
81.98
Amended ... 15351
81.134
Effective date of revision partly *postponed ... 981, 2588, 4053, 6064, 7239, 8093, 9484, 11131, 12117, 13763, 14769, 16185
81.147
Amended ... 15351
81.161
(b) amended ... 6207
81.170
Amended ... 15351
81.171
(a) amended ... 15351
81.172
Amended ... 15351
81.174
Amended ... 6207
Deleted ... 15351
81.203
Amended ... 6207
81.208
Effective date of revision partly postponed ... 981, 2588, 4053, 6064, 7239, 8093, 9484, 11131, 12117, 13763, 14769, 16185
81.303
Amended ... 6207
101.2
(h) amended ... 8093
102.2
(g) amended ... 8093
103.2
(f) amended ... 8093
104.2
(g) amended ... 8093
105.2
(g) amended ... 8093
106.2
(h) amended ... 8093
107.2
(g) amended ... 8093
108.2
(h) amended ... 8093
110.2
(h) amended ... 8093
111.2
(f) amended ... 8093
112.2
(h) amended ... 8093
113.2
(g) amended ... 8093
160.1
(c) amended ... 7385

7 CFR—Continued

Chapter I—Continued

55.11
Amended ... 6207
55.35
Amended ... 6142
55.40
Revised ... 5142
55.60
(b) amended ... 6207
55.66
(a) revised ... 6142
55.68
Amended ... 6207
55.70
(b) revised ... 6142
55.77
(o) and (p) added ... 6142
55.85
(b) and (d) revised; (e) and (f) amended; (g) (1) revised; (l) deleted ... 6143
55.88
(b) revised ... 6143
55.92
(b), introductory text of (c), and (g) revised ... 6143
55.101
(b) revised; (c) added ... 6143
55.102
(a) (2) and (3) revised; (b) (3) deleted ... 6143
55.103
Added ... 6143
55.126
Amended ... 6207
56.1
(b) and (m) amended; (o) deleted; (p) through (y) redesignated as (o) through (w); newly redesignated (x) amended ... 6207
56.10
(b) amended ... 6207
56.11
Amended ... 6207
56.45
(b) amended ... 6207
56.52
Amended ... 6207
57.1
(e) and (i) amended ... 8031
57.2
(a) (6) and (b) (2) amended ... 8031
57.12
Amended ... 8031
57.51
(a) (2) amended ... 8031
58.2
(b), (o), and (z) amended ... 6638
58.50
(d) amended ... 6638
58.147
Amended ... 6638
58.189
(b) amended ... 6638
58.201
Amended ... 6638
58.2532
(a) amended ... 6638
58.2558
Amended ... 6638
58.2605
(a) (1) amended ... 6638
58.2656
(a) amended ... 6638
58.2678
Amended ... 6638
58.2704
(a) (3) and (b) amended ... 6638
58.2707
(a) amended ... 6638
58.2726
(b) amended ... 6638
58.2756
Amended ... 6638
61.2
(e), (f) and (g) amended ... 15351
61.45
Amended ... 15351
61.46
Amended ... 15351
62
Revoked ... 17154
68.2
(e) and (f) amended ... 8031
68.42a
(e) and (g) amended ... 8031
68.49
Amended ... 8031
68.301
(a) revised ... 14965
68.302
(e) added ... 14965
68.303
Amended ... 14966
70.1
Amended ... 6207
70.3
Amended ... 6207
70.30
(c) amended ... 6207
70.80
Section and center heading deleted ... 9531
70.130
(b) amended ... 6207
70.138
Amended ... 6207
70.141
Amended ... 6207
(a) (13) revised ... 9531
70.142
(b) revised ... 9531
70.181
Revised ... 9531
70.251
Amended ... 6207
70.252
Amended ... 6207
70.253
Amended ... 6207
70.254
Amended ... 6207
70.256
Amended ... 6207
70.257
Amended ... 6207
70.258
Amended ... 6207
70.301
(e), (f), and (g) revised ... 9531
(g) corrected ... 9673
70.305
(a) and (b) revised ... 9531
70.325
(b) and (c) revised ... 9531
70.326
(c) revised ... 9531
70.330
Section and center heading deleted ... 9531
70.335—70.338
Sections and center heading deleted ... 9531
70.350
(a) and (b) amended; (c) and (e) (8) revised ... 9531
70.353
(e), (g), and (h) (2) revised; (i) added ... 9531
70.354
(a), (e), and (g) revised; (i) added ... 9532
70.355
(c) added ... 9532
70.356
Added ... 9532
70.360
(a) amended; (b) revised; (d) deleted ... 9532
70.364—70.366
Sections and center heading deleted ... 9533
70.370
Section and center heading deleted ... 9533
81.1
Amended ... 6207
81.49
(d) amended ... 15351
81.98
Amended ... 15351
81.134
Effective date of revision partly *postponed ... 981, 2588, 4053, 6064, 7239, 8093, 9484, 11131, 12117, 13763, 14769, 16185
81.147
Amended ... 15351
81.161
(b) amended ... 6207
81.170
Amended ... 15351
81.171
(a) amended ... 15351
81.172
Amended ... 15351
81.174
Amended ... 6207
Deleted ... 15351
81.203
Amended ... 6207
81.208
Effective date of revision partly postponed ... 981, 2588, 4053, 6064, 7239, 8093, 9484, 11131, 12117, 13763, 14769, 16185
81.303
Amended ... 6207
101.2
(h) amended ... 8093
102.2
(g) amended ... 8093
103.2
(f) amended ... 8093
104.2
(g) amended ... 8093
105.2
(g) amended ... 8093
106.2
(h) amended ... 8093
107.2
(g) amended ... 8093
108.2
(h) amended ... 8093
110.2
(h) amended ... 8093
111.2
(f) amended ... 8093
112.2
(h) amended ... 8093
113.2
(g) amended ... 8093
160.1
(c) amended ... 7385

7 CFR—Continued

Chapter I—Continued

160.302
Amended — 7385
201.3
Amended — 8460
201.24
Amended — 8460
201.28
Amended — 8460
201.31
Amended — 7887
201.31a
(c)(2) amended — 7888
201.34
(e)(1) and (6) amended; (e)(8) added — 7888
(e) amended — 8460
201.37
Amended — 8460
201.42
Revised — 7888
201.44
Amended — 8460
201.46
Amended — 7888
201.47
(d) amended — 7890
201.48
(b) and (l) revised — 7890
201.50
Amended — 7890
201.51
Introductory text of (a), (a)(1), introductory text of (b), and (b)(2) and (4) revised; (b)(6) deleted; (b)(7) and (8) redesignated as (6) and (7) respectively, and revised; (b)(9) and (10) redesignated as (8) and (9) respectively — 7890
201.51a
Introductory text amended; (c) added — 7891
201.56–3
(a) and (b)(1)(iv) and (2)(v) revised; (b)(2)(viii) redesignated as (ix) and revised; new (b)(2)(viii) added — 7891
201.56–5
(d) revised — 7891
201.56–6
(b)(1)(iv) amended; (b)(1)(vi) added; (b)(2)(v) amended; (b)(2)(vi) redesignated as (vii) and revised; new (b)(2)(vi) added — 7891
201.56
(a)(2) revised; (a)(8) amended; (a)(9) and (b)(8) and (11) revised; (c) amended — 7891
201.56a
(a)(3) added; (b) amended — 7892
201.102
Amended — 7892
201.105
Amended — 8460
201.151
Amended — 8460
201.152
Amended — 8460
201.154
(m) amended — 8460
201.155
Amended — 8460
201.157
Amended — 8460
201.158
Amended — 8460

Chapter I—Continued

201.204
Amended — 11167
201.209
Amended — 11167
201.213
Amended — 11167
201.217
Amended — 11167
201.219
Amended — 11167
201.221
(b) and (c) amended — 11167
201.222
(c) amended — 11167
201.227
Amended — 11167
201.229
Amended — 11167

Chapter II:

Heading revised — 2129
210
Appendix revised — 6207
Appendix corrected — 6479
Appendix revised — 14360
Appendix revised — 15403
210.1
(b) revised — 15402
210.2
(f) and (h) revised — 15402
210.4
Revised — 15402
210.5
(b) added — 15402
210.6
(f) added — 15402
210.8
(c) revised — 15402
210.10
(a) revised — 15403
210.16
Amended — 15403
215
Revised — 14910

Chapter III:

301
Subpart recodified and revised — 6243
Subpart recodified and revised — 8821
Subpart recodified and revised — 8965
301.45—301.45–9
Subpart recodified from 301.45—301.45–12; revised — 8955
301.45—301.45–12
Subpart recodified as 301.45–301.45–9; revised — 8955
301.45a
Added — 8959
301.45–2a
Added — 8958
301.48–2a
Revised — 4311
301.52a
Revised — 8221
301.52–2a
Revised — 5760
301.64–301.64–9
Subpart recodified from 301.64—301.64–10; revised — 8821
301.64–301.64–10
Subpart recodified as 301.64–301.64–9; revised — 8821
301.64a
Revised — 2650
301.64–2a
Amended — 2781
301.64–6
(a)(2) revised — 3949

Chapter III—Continued

301.72–2a
Revised — 3603
301.76–2a
Revised — 2095
Revised — 5761
301.77—301.77–9
Subpart recodified from 301.77—301.77–10; revised — 6243
301.77—301.77–10
Subpart recodified as 301.77–301.77–9; revised — 6243
301.77a
Revised — 6245
301.77–2a
Revised — 6770
301.79–2a
Revised — 15353
301.80–2a
Revised — 2095
301.81–2a
Revised — 14140
318.13–2
(b) amended — 5619
318.58
(a) and (b) revised — 748
318.58–3
(c) revised — 748
319.37–24b
Added — 4099
319.56–2e
(a)(2)(i) revised — 4745
319.56–2j
(a)(2) revised — 9247
321.1
(a) amended — 14551
321.2
Revised — 14551
321.8
Revised — 9087
Revised — 15141
354.1
Revised — 14035
354.2
Amended — 4746
Amended — 6429
Amended — 9147
Amended — 9875
Amended — 12023
Amended — 14770
362.6
Effective date of (f) and (g) further postponed — 10153
362.9
Effective date further postponed — 10153
362.10
Effective date of addition of (d) further postponed — 10153
362.14
Effective date of addition of (a)(5) further postponed — 10153
362.105
Revised — 6857
362.107
Revised — 8775
362.108
Revised — 9051
362.118
Revoked — 1728
362.119
Revised — 8960
362.120
Revised — 8509
362.122
Added — 11272

Chapter IV:

401.1
Appendix amended — 81 (2 docs.), 915 (3 docs.), 2781, 2782, 3748, 4240 (2 docs.), 6111, 13685–13691 (19 docs.).
Appendices corrected — 14151
Appendix amended — 14845, 14846 (2 docs.), 16254–16256 (11 docs.).
401.3
(a) amended — 565
(a) amended — 11711
(a) amended — 11712
401.11
Amended — 2303
401.20
Heading and introductory text revised — 3698
Heading and introductory text revised — 14592
401.21
Revised — 11711
Amended — 14592
401.32
Amended — 11712
Amended — 11713
401.43
Added — 565
401.44
Added — 3698
Heading and introductory text revised — 14592
402.20
Appendix amended — 13692
403.40
Appendix amended — 13692, 14846, 16256
404.1
Introductory text amended — 2303
Appendix amended — 13692
404.8
Heading revised; text amended — 2303
405.1
Appendix amended — 13692
406.1
Amended — 11956
Appendix amended — 13692
406.6
Amended — 11956
407
Added — 566
407.1
Appendix amended — 915
Appendix amended — 13692
408
Added — 2303
408.1
Appendix added — 2521
Appendix amended — 13692, 16256
408.6
Corrected — 2701
Amended — 14592
409
Added — 11956
409.1
Appendix added — 12329
Appendix amended — 13693
Chapter VII:
Subchapter A amended — 14035
701—709
Subchapter A of Ch. VII amended — 14035
701.2
(a) revised — 12861
701.4
(a) revised — 11371
701.8
(d) added — 11371

Chapter VII—Continued

701.9
(b) amended — 11371
701.10
(a) amended — 11371
701.11
(a) revised — 11371
701.15
Amended — 11371
701.27
(b) revised — 11372
701.72
Amended — 11372
701.73
Amended — 11372
701.74
Amended — 11372
701.76
Amended — 11372
701.77
Amended — 11372
701.81
Amended — 11372
701.82
Amended — 11372
701.83
Amended — 11372
701.89
Amended — 11371
701.90
Amended — 11371
701.91
Amended — 11371
701.92
Amended — 11371
(c) amended — 11372
701.93
Deleted — 11372
701.93
Added — 11372
701.94
Added — 11372
701.95
Added — 11372
701.96
Added — 11372
701.97
Center heading and section added — 11372
706
Revised — 14035
707
Revised — 8340
717
Authority citation revised — 6144
717.5
Amended — 2521
Amended — 6144
Amended — 14411
717.15
Added — 2589
717.16
Added — 6144
717.17
Added — 14260
718
Revised — 7427
718.5
(e)(2) amended; (f) revised — 10980
718.10
(d) added — 1281
719.3
(d)(3) revised — 3855
(b)(7) added — 6975
719.7
(a) and (b)(2) revised — 3855
719.8
(j) added — 5701

Chapter VII—Continued

719.10
(a)(3) revised — 3855
719.11
(f)(4) amended — 6511
722
Subpart added — 13249
Subpart added — 13250
Subpart added — 14307
722.14
(b) amended — 7809
722.15
(a) and (b) revised; (f) deleted — 7810
722.20
Revised — 7810
722.21
Revised — 7810
722.22
Revised — 7810
722.46
(b) added — 7810
722.213
(b)(3) through (7) and (c) deleted; (b)(3) through (9) added — 2017
(b)(5) revised — 7385
722.214
(a)(3) added — 777
722.225
(b) deleted — 6712
722.226
(g) revised — 2017
(i) added — 6712
(i) corrected — 7185
(i) amended — 7987
722.228
(f)(4) added — 643
(e) revised — 4606
(e) amended — 7385
722.230
Added — 15648
722.231
Added — 15568
722.232
Added — 15569
722.235
Added — 14728
722.236
Added — 14728
722.237
Added — 14728
722.238
Added — 14729
(k) added — 15735
722.239
Added — 14729
722.263
Added — 531
722.264—722.269
Subpart added — 13249
722.270—722.272
Subpart added — 14307
722.272
(b) corrected — 14592
(a)(5) revised — 16189
722.273
Added — 14412
722.274
Added — 15282
722.275
Added — 16185
722.276
Added — 16061
722.277
Added — 15647

7 CFR—Continued Page

Chapter VII—Continued

722.313
(b) (3) through (7) and (c) deleted; (b) (3) through (9) added 2018
(b) (5) revised 7272
722.314
(a) (3) added 777
722.324
(b) deleted 7272
722.355
Added 532
722.356
Added 8461
722.357—722.361
Subpart added 13250
722.362
Added 14422
722.363
Added 15141
722.364
Added 16061
723
Subpart added 981
Subpart added 4313
723.1, 723.2
Subpart added 981
723.3, 723.4
Subpart added 4313
724
Subpart added 982
Subparts added 983
Subpart added 984
Subpart added 4313
Subpart added 6144
Subpart added 6207
Subpart added 8153
724.34b, 724.34c
Subpart added 982
724.34d, 724.34e
Subpart added 983
724.34f—724.34h
Subpart added 983
724.34i—724.34m
Subpart added 984
724.34n
Added 643
724.34o—724.34q
Subpart added 4313
724.34r, 724.34s
Subpart added 6144
724.34t, 724.34u
Subpart added 6207
724.34u
Amended 9876
Amended 14488
724.34v, 724.34w
Subpart added 8153
724.34x
Added 9299
724.35
Added 14592
724.35a
Added 14592
724.51
(d), (h), (j), (l), and (cc) amended 9148
(d) revised; (h) amended; (j), (l), (u), and (cc) revised 14096
724.57
Amended 823
724.63
Text of (a) designated as (a) (1); (a) (2) added; (b) (10) added; text of (c) designated as (c) (1); (c) (2) added; (d) amended 15571
(a) (2) corrected 16256

7 CFR—Continued Page

Chapter VII—Continued

724.67
(y) and (z) added 7646
(a) and (d) revised 15572
724.68
Added 6147
724.69
Added 15572
(b) (8) and (g) (1) corrected 16256
724.83
(b) amended 9148
724.85a
Added 9148
724.86
(d) added 9149
724.87
(b) (3) added 9149
724.90
(a) redesignated as (a) (1); (a) (2) added; (b) and (f) amended 9149
(a) (1) amended; (f) deleted 14096
(i) added 14097
724.92
(f) and (g) added 9149
(e) revised; (h) and (i) added 10283
(h) and (i) amended 14097
724.94
(a) redesignated as (a) (1); (a) (2) added; (b-1) added 9149
(d) redesignated as (d) (1); (d) (2) added 9150
(b) (1) amended 14097
724.95
(a) (1) amended 9150
724.96
(c) amended 9150
724.98
(a) redesignated as (a) (1); (a) (2) added; (j) redesignated as (j) (1); (j) (2) added 9150
724.99
(a) (6) amended; (b) (1) redesignated as (b) (1) (i); (b) (1) (ii) added 9150
(c) redesignated as (c) (1); (c) (2) added; (f) (1) amended; (h) (3) redesignated as (h) (3) (i); (h) (3) (ii) added; (h) (11) redesignated as (h) (11) (i), (h) (11) (ii) added; (i) added 9152
(a) (6), (b) (1) (i), (c) (1), (f) (1), and (h) (3) revised; (h) (9) amended; (j) added 14097
724.101
(c) redesignated as (c) (1); (c) (2) added; (g) added 9151
(c) (1) and (f) revised 14098
724.102
Text designated as (a); (b) added 9151
(a) amended 14098
724.107
(c) added 9151
724.108
Amended 14098
728
Subpart added 5467
Subpart added 8669
Subpart added 11831
728.10
(m) amended 823
(q) amended 7097
(n) amended 7097
(q) amended 8565
728.15a
(d) (5) deleted 7097

7 CFR—Continued Page

Chapter VII—Continued

728.29
(c) added 8565
728.51
(b) (6) and (c) (2) (ii) amended 7435
728.52
(e) revised 7435
728.57
(b) revised 7435
728.61
(c) amended 7435
728.64
Revised 749
728.74
Amended 750
728.105
(b) amended 568
728.301—728.303
Subpart added 5467
728.304, 728.305
Subpart added 8669
728.306, 728.307
Subpart added 11831
728.307
Corrected 12067
729
Subpart added 13051
Subpart added 13763
729.1415
Revised 2589
729.1432
(a) amended 11345
729.1435
(a) and (b) amended 2589
729.1457
(d) added 11345
729.1605
Added 4100
729.1607
Subpart added 13051
729.1701—729.1704
Subpart added 13763
730
Subpart added 206
Subpart added 14098
Subpart added 14521
730.1511
Introductory text and (g) (1) amended; (h) (4) and (5) revised 5620
730.1516
(c) amended 5620
730.1525
(b) (2) amended 12628
730.1527
(c) amended 5620
730.1531
Amended 5620
730.1532
Amended 5620
730.1567
(b) (1) amended 5503
(a) (1) and (2) amended 12329
730.1573
Amended 7811
730.1605—730.1607
Subpart added 206
730.1608
Added 7272
730.1609
Added 2397
730.1701—730.1704
Subpart added 14098
730.1705—730.1707
Subpart added 14521
730.1709
Added 15648
750.157
(l) (2) amended 7311

7 CFR—Continued Page

Chapter VII—Continued

750.513
(i) (2) amended 7311
751.49
(d) revised 14099
751.51
(d) revised 14099
751.52
Heading and (a) amended; (f) added 2852
751.63
(e) amended 2852
755
Added 8669
755.1
(f) revised 14099
755.5
(f) amended 14099
755.7
(b) amended 9758
775.101
(a) amended 7515
775.102
(g) amended; (p) revised 7515
(q) (2) amended 11167
775.304
(b) (6) amended; (c) (2) revised 7515
775.311
(c) amended 7515
775.312
(d) and (e) amended; (h) and (i) revised 7515
(d) and (e) amended 11914
775.315
(d) amended 7516
775.318
(c) (3) and (4) revised 7516
(f) amended 11168
775.327
(b) revised 5334
(b) amended 11168
775.329
Added 7516
777
Appendices II and III amended 8387
Appendix III corrected 9299
777.3
(c) (3) and (4) amended; (g) revised 8386
777.4
(a) amended; (b) (1) revised 8386
777.10
(a) revised 8386
777.11
(e) added 8386
Corrected 9299
777.12
(b) (1) (iv) added; (b) (4) revised; (i), incorrectly designated as (h), added 8386
Newly added (h) correctly designated as (i) and corrected 9299
777.14
(c) amended 5358
(c) amended 8387
777.16
Amended 8387
778.3
(j) revised 8509
(b), (c), and (i) (3) revised 14770
778.4
(a) revised 8509
778.5
(a) and (c) (1) and (2) revised; (f) amended 8510
(e) amended 14770

7 CFR—Continued Page

Chapter VII—Continued

778.6
Revised 8510
Introductory text of (a) amended 14770
778.7
(a) amended 8510
(a) (1) (iii) and (b) (3) revised 14770
778.8
Revised 14771
778.9
Revised 14771
778.10
(a) and (b) amended 14771
790
Added 17154
Chapter VIII:
811.30
Revised 12329
Revised 14261
811.31
(a) redesignated as (a) (1); (a) (2) added 10183
(a) (1) revised 12329
(a) (2) revised 13010
(a) (1) revised 14261
811.32
Added 10183
Revised 13010
811.33
(c) (1) and (d) revised 2206
(c) (2) revised 2397
(c) (3) added 4314
(b) revised 10183
(c) (1) and (d) revised 12330
(b) (2) revised 13010
(b) revised 14261
(c) (1) revised 15285
811.37
Added 10183
811.40, 811.41
Added 15314
811.43—811.45
Added 15314
812
Revised 17154
813.4
Added 439
(a) revised 8462
(a) revised 12284
(a) revised 14310
(a) revised 15361
(a) revised 16103
814.3
Added 209
(a) revised 1030
(a) revised 2701
(a) revised 2783
Revised 4749
(a) revised 7946
(a) revised 14261
(a) revised 15578
815.5
(a) revised 31
815.6
Added 212
(a) revised 13766
(a) revised 15092
817.4
(e) (5) added 15316
817.6
(a) and (b) revised 15317
817.8
(a) revised 15317
831.4
(b) (3) (iv) added 11168
831.12
Added 12628

7 CFR—Continued Page

Chapter VIII—Continued

833.12
Added 13124
841
Revised 14846
842.9
Added 3634
(a) amended 6338
845.6
Added 7273
847.13
Added 14522
848.6
Added 12534
849.2
(e) revised 2129
(c) (2) revised 15203
849.8
Added 5825
850.147
(p) amended 7987
(b) (1) (ii) amended; (b) (1) (iii) revised 11680
(d) amended; (e) revised; (f) amended; (j) (2) (vi) revised; (k) redesignated as (k) (1) and amended; (k) (2) added; (o) (1) revised 11681
850.148
Added 13217
850.149
Added 13218
850.150
Added 13219
850.151
Added 13221
850.152
Added 13251
850.153
Added 13222
850.154
Added 13252
850.155
Added 13233
850.156
Added 13125
850.157
Added 13224
850.158
Added 13127
850.159
Added 13860
850.160
Added 13253
850.161
Added 13127
850.162
Added 13429
850.163
Added 13129
850.164
Added 13130
850.165
Added 13131
850.166
Added 13225
850.167
Added 13226
850.168—850.187
Added 15403
851.1
(e) deleted; (j) (2) (ii) and (iii) revised 3961
855.10
(h) (4) (vi) added 7988
(f) (2) revised 9673
(f) (3) amended 13571
(f) (4) added 15648

7 CFR—Continued Page

Chapter VIII—Continued
855.11—855.22
Added ... 15650
862.5
Added ... 3810
(f) added ... 6247
863.16
(f) added ... 6248
863.17
Added ... 13764
Interpretation ... 15028
864.11
(f) added ... 6248
864.12
Added ... 13430
868.17
Added ... 251
871.18
Added ... 13897
873.18
Added ... 13899
874.18
Added ... 13432
876.17
Added ... 7186
877.17
Added ... 3699
878.17
Added ... 253
895
Added ... 15203
Chapter IX:
Heading revised ... 2129
Heading revised ... 10184
900
Subpart added ... 15412
Subpart added ... 15414
900.2
(e) amended ... 10184
900.15
(a) amended ... 254
900.51
(e) amended ... 10184
900.101
(e), (f), and (g) amended ... 10184
900.200
(e) amended ... 10184
900.300—900.311
Subpart added ... 15412
900.400—900.407
Subpart added ... 15414
905.4
Revised ... 13933
905.5
Revised ... 13933
905.31
Amended ... 13934
905.32
(b) amended ... 13934
905.33
Amended ... 13934
905.31
(i) and (j) amended; (k) added ... 13934
905.40
Amended ... 13934
905.50
(d) revised ... 13934
905.51
(e) revised ... 13934
905.52
(a) (1) and (b) revised ... 13934
905.145
Added ... 14488
905.204
Added ... 14522
905.444
Added ... 254

7 CFR—Continued Page

Chapter IX—Continued
905.445
Added ... 255
905.446
Added ... 256
905.447
Added ... 256
905.448
Added ... 750
905.449
Added ... 751
905.450
Added ... 751
Terminated by 905.452 ... 879
905.451
Added ... 752
Terminated by 905.453 ... 879
905.452
Added ... 879
905.453
Added ... 879
905.454
Added ... 986
(b) (2) (iv) and (v) revised ... 3961
Terminated by 905.465 ... 6771
905.455
Added ... 987
Terminated by 905.462 ... 5359
905.456
Added ... 1281
905.457
Added ... 2019
905.458
Added ... 2589
Terminated by 905.459 ... 3311
905.459
Added ... 3311
Terminated by 905.460 ... 3962
905.460
Added ... 3961
905.461
Added ... 4663
Terminated by 905.462 ... 5359
905.462
Added ... 5358
Terminated by 905.463 ... 6065
905.463
Added ... 6065
Terminated by 905.464 ... 6638
905.464
Added ... 6638
905.465
Added ... 6770
905.466
Added ... 11683
Terminated by 905.472 ... 14262
905.467
Added ... 11683
Terminated by 905.473 ... 14263
905.468
Added ... 11682
905.469
Added ... 11682
905.470
Added ... 12636
Terminated by 905.474 ... 14264
905.471
Added ... 12635
Terminated by 905.478 ... 15029
905.472
Added ... 14262
Terminated by 905.475 ... 15031
905.473
Added ... 14263
Terminated by 905.476 ... 15030
905.474
Added ... 14263
Terminated by 905.477 ... 15030

7 CFR—Continued Page

Chapter IX—Continued
905.475
Added ... 15031
(b) (3) (iii) corrected ... 15361
905.476
Added ... 15030
905.477
Added ... 15029
905.478
Added ... 15029
906.205
Added ... 13435
906.312
Added ... 11684
906.313
Added ... 11685
906.314
Added ... 16061
906.315
Added ... 16062
907.203
Added ... 824
907.204
Added ... 15990
907.359
Terminated ... 752
907.363
(b) (1) revised ... 752
907.367
Added ... 5
907.368
Added ... 257
Corrected ... 568
(b) (1) (i) and (ii) revised ... 644
907.369
Added ... 568
907.370
Added ... 752
907.371
Added ... 987
907.372
Added ... 1282
(b) (1) (i) and (ii) revised ... 2207
907.373
Added ... 2019
(d) (1) (i) and (ii) revised ... 2441
907.374
Added ... 2305
907.375
Added ... 2590
907.376
Added ... 2923
907.377
Added ... 3372
(b) (1) (i) and (ii) revised ... 4159
907.378
Added ... 3703
907.379
Added ... 4053
907.380
Added ... 4349
(b) (1) (i) and (ii) revised ... 4749
907.381
Added ... 4664
(b) (1) (i) revised ... 5620
907.382
Added ... 5503
907.383
Added ... 5787
907.384
Added ... 14040
(b) (1) (i), (iii), and (iv) revised ... 14361
907.385
Added ... 14264
907.386
Added ... 14264
(b) (1) (i), (iii), and (iv) revised ... 14594

7 CFR—Continued Page

Chapter IX—Continued
907.387
Added ... 14523
(b) (1) (i), (iii) and (iv) revised ... 14847
907.388
Added ... 14730
(b) (1) (i), (iii) and (iv) revised ... 15142
907.389
Added ... 15031
(b) (1) (i), (ii), (iii) and (iv) revised ... 15416
907.390
Added ... 15142
907.391
Added ... 15317
(b) (1) (i), (ii), (iii) and (iv) revised ... 15795
907.392
Added ... 15654
907.393
Added ... 16063
907.394
Added ... 17155
908.204
Added ... 5788
908.404
Added ... 2019
908.405
Added ... 2245
908.406
Added ... 2306
908.407
Added ... 2590
908.408
Added ... 2923
908.409
Added ... 3372
908.410
Added ... 3703
908.411
Added ... 4053
908.412
Added ... 4054
908.413
Added ... 4349
(b) (1) (i) and (iii) revised ... 4750
908.414
Added ... 4665
908.415
Added ... 4665
(b) (1) (iii) revised ... 5620
908.416
Added ... 5504
908.417
Added ... 5788
908.418
Added ... 6148
908.419
Added ... 6429
(b) (1) (i) and (iii) revised ... 6771
908.420
Added ... 6681
(b) (1) (i) and (iii) revised ... 7037
908.421
Added ... 6939
(b) (1) (i) revised ... 7311
908.422
Added ... 7240
908.423
Added ... 7435
908.424
Added ... 7647
908.425
Added ... 7947
908.426
Added ... 8221
908.427
Added ... 8511

7 CFR—Continued Page

Chapter IX—Continued
908.428
Added ... 8747
908.429
Added ... 8998
908.430
Added ... 9248
(b) (1) (ii) revised ... 9674
908.431
Added ... 9573
(b) (1) (ii) revised ... 9977
908.432
Added ... 9876
908.433
Added ... 10153
908.434
Added ... 10879
908.435
Added ... 11131
908.436
Added ... 11345
908.437
Added ... 11685
908.438
Added ... 11959
908.439
Added ... 12284
908.440
Added ... 12636
908.441
Added ... 12879
908.442
Added ... 13227
908.443
Added ... 13528
(b) (1) (ii) revised ... 13901
908.444
Added ... 13822
908.445
Added ... 14040
909.204
Added ... 13934
909.322
Added ... 753
909.323
Added ... 2020
909.324
Added ... 2591
909.325
Added ... 4054
909.326
Added ... 5788
909.327
Added ... 6430
Terminated by 909.328 ... 7274
909.328
Added ... 7273
909.329
Added ... 13052
Terminated by 909.330 ... 15318
909.330
Added ... 15318
910.203
Added ... 777
910.445
Added ... 5
(b) (1) (i) and (ii) revised ... 344
910.446
Added ... 988
910.447
Added ... 1282
910.448
Added ... 2021
910.449
Added ... 2306
(b) (1) (i) and (ii) revised ... 2650
910.450
Added ... 2591
(b) (1) (i) and (ii) revised ... 3187

7 CFR—Continued Page

Chapter IX—Continued
910.451
Added ... 2924
(b) (1) (i) and (ii) revised ... 3421
910.452
Added ... 3373
(b) (1) (i) and (ii) revised ... 3748
910.453
Added ... 3704
910.454
Added ... 4055
910.455
Added ... 4350
910.456
Added ... 4665
(b) (1) (ii) revised ... 5573
910.457
Added ... 5504
(b) (1) (ii) revised ... 5826
910.458
Added ... 5789
(b) (1) (ii) revised ... 6148
910.459
Added ... 6148
(b) (1) (ii) revised ... 6479
910.460
Added ... 6430
(b) (1) (ii) revised ... 6712
910.461
Added ... 6681
(b) (1) (ii) revised ... 6975
910.462
Added ... 6939
910.463
Added ... 7240
910.464
Added ... 7435
910.465
Added ... 7647
910.466
Added ... 7947
910.467
Added ... 8222
910.468
Added ... 8511
(b) (1) (ii) revised ... 8747
910.469
Added ... 8747
(b) (1) (ii) revised ... 9052
(b) (1) (ii) revised ... 9088
910.470
Added ... 8998
910.471
Added ... 9248
(b) (1) (ii) revised ... 9623
910.472
Added ... 9573
(b) (1) (ii) revised ... 9904
910.473
Added ... 9876
(b) (1) (ii) revised ... 10184
910.474
Added ... 10154
(b) (1) (ii) revised ... 10936
910.475
Added ... 10879
(b) (1) (ii) revised ... 11169
910.476
Added ... 11132
(b) (1) (ii) revised ... 11373
910.477
Added ... 11346
910.478
Added ... 11685
(b) (1) (iii) revised ... 12024
910.479
Added ... 11959
910.480
Added ... 12284

7 CFR—Continued Page

Chapter IX—Continued

910.461
Added ... 12637
(b) (1) (ii) revised ... 12937
910.462
Added ... 12879
(b) (1) (ii) revised ... 13255
910.482
Added ... 13228
910.484
Added ... 13529
(b) (1) (ii) revised ... 13861
910.485
Added ... 13822
910.486
Added ... 13823
910.487
Added ... 14041
910.488
Added ... 14265
910.489
Added ... 14523
(b) (1) (i) and (ii) revised ... 14771
910.490
Added ... 14730
(b) (1) (ii) revised ... 15092
910.491
Added ... 15032
910.492
Added ... 15319
(b) (1) (ii) revised ... 15736
910.493
Added ... 15654
(b) (1) (ii) revised ... 16103
910.494
Added ... 16063
911.20
Amended ... 916
911.120
(b) revised ... 10834
911.205
Added ... 8031
911.310
(b) (1) (iii) redesignated as (b) (1) (iv); new (b) (1) (iii) added ... 2522
911.317
Added ... 700
911.318
Added ... 2207
Terminated by 911.319 ... 3373
911.319
Added ... 3373
911.320
Added ... 5620
Terminated by 911.321 ... 7648
911.321
Added ... 7647
Terminated by 911.322 ... 9052
911.322
Added ... 9052
(b) (2) (ii) revised ... 14847
912.204
Added ... 6
912.205
Added ... 14488
912.323
Added ... 754
912.324
Added ... 988
912.325
Added ... 1282
912.326
Added ... 2592
(b) (1) revised ... 3263
912.327
Added ... 14041
912.328
Added ... 14265

7 CFR—Continued Page

Chapter IX—Continued

912.329
Added ... 14524
912.330
Added ... 14730
913
Added ... 15204
913.301
Added ... 17155
915.20
Amended ... 917
915.140
(b) revised ... 10880
915.204
Added ... 8093
915.305
(b) (1) (viii) revised ... 4666
915.307
Added ... 7240
Corrected ... 7436
(b) amended ... 7893
(b) amended ... 9052
(b) amended ... 10154
(b) amended ... 11751
(b) (1) revised ... 11960
(b) amended ... 13309
916.204
Added ... 8960
916.319
Added ... 7242
916.320
Added ... 7242
916.321
Added ... 7243
916.322
Added ... 7243
916.323
Added ... 7948
917
Subpart recodified and revised ... 15990
917.1—917.69
Subpart recodified from 917.1—917.90; revised ... 15990
917.1—917.90
Subpart recodified as 917.1—917.69; revised ... 15990
917.203
(a) revised ... 4711
917.204
Added ... 8961
(a) revised ... 16104
917.353
Added ... 6903
917.354
Added ... 6903
917.355
Added ... 6904
917.356
Added ... 6905
917.357
Added ... 7473
917.358
Added ... 7473
917.359
Added ... 7474
(b) (1) (i) revised ... 8255
917.360
Added ... 7475
917.361
Added ... 8031
917.362
Added ... 8387
917.363
Added ... 8388
917.364
Added ... 8388
917.365
Added ... 8389
(b) (1) and (2) corrected ... 8961

7 CFR—Continued Page

Chapter IX—Continued

917.366
Added ... 8390
917.367
Added ... 8748
917.368
Added ... 9053
917.369
Added ... 9053
917.370
Added ... 9054
917.371
Added ... 9089
918.64
Temporarily suspended in part by 918.306 ... 6431
918.204
Added ... 6858
918.305
Added ... 6431
918.400
Temporarily suspended in part by 918.306 ... 6431
919.204
Added; designated incorrectly as 924.204 ... 14266
919.304
Added ... 9249
(b) (1) (i) revised ... 11346
921.205
Added ... 9904
922.204
Added ... 9055
923.304
Added ... 8255
923.205
Added ... 8823
923.304
Added ... 7648
924.205
Added ... 13132
924.304
Added ... 9299
925.205
Added ... 12451
925.304
Added ... 9623
926.205
Added ... 12534
926.304
Added ... 10981
927.122
(a) revised ... 11169
927.204
Added ... 1283
927.205
Added ... 11713
927.304
Added ... 9758
929.105
Text designated as (a); (b) added ... 13627
929.204
(c) added ... 13627
929.206
Added ... 13627
931
Added ... 12285
932
Added ... 12629
944.4
(b) amended ... 10184
944.5
Added ... 7244
(a) (6) corrected ... 7436
(a) (2) revised ... 9152
(a) revised ... 11751
(a) (1) revised ... 11960

7 CFR—Continued Page

Chapter IX—Continued

944.103
(a) revised ... 257
(a) revised ... 754
(a) revised ... 4055
(a) revised ... 5359
(a) revised ... 5065
(a) revised ... 6638
(b) amended ... 10184
(a) revised ... 11713
(a) revised ... 14361
944.201
(a) revised ... 3374
(a) revised ... 5621
(a) revised ... 7743
(b) amended ... 10184
(a) revised ... 14848
944.306
(b) amended ... 10184
(a) revised ... 11713
945.218
Added ... 12834
945.323
Terminated by 945.324 ... 8154
945.324
Added ... 8154
946.317
Added ... 11596
946.320
Added ... 8512
947.218
Added ... 14489
947.323
Added ... 8961
Introductory text corrected ... 9214
Introductory text and (a) through (d) revised ... 12451
948.248
Added ... 12534
948.249
Added ... 12724
948.250
Added ... 15578
948.348
Added ... 9674
(a) revised ... 10229
(a) revised ... 12635
Revised ... 13571
948.349
Added ... 11132
Revised ... 13436
(d) (1) corrected ... 15361
948.350
Added ... 12634
958.209
Added ... 14489
958.309
Terminated ... 7596
958.310
Added ... 9533
959.205
Added ... 2784
959.305
(e) revised ... 4160
Introductory text revised ... 7037
965.207
Added ... 6338
965.307
Added ... 4350
967
Added ... 14266
Subpart added ... 15416
967.100—967.152
Subpart added ... 15416
970.205
Introductory text and (a) and (b) revised ... 258
Introductory text, (a), (b), and (j) revised ... 644

7 CFR—Continued Page

Chapter IX—Continued

970.305—Continued
Revision of introductory text and (a) and (b) canceled ... 778
Introductory text and (a) through (d) revised ... 880
Introductory text and (b) revised ... 1728
Introductory text and (b) revised ... 6479
Introductory text and (b) revised ... 7274
970.306
Added ... 13572
971.206
Added ... 15143
971.307
(a) deleted ... 3264
971.308
Added ... 13935
(b) and (c) revised ... 15655
(c) (1) corrected ... 16256
980.1
(f) and (g) (1) (ii) amended ... 10184
(g) (1) (ii) revised ... 13935
980.105
Introductory text and (a) revised; (b) republished; (h) revised ... 881
(e) and (f) (3) amended ... 10184
980.104
Added ... 10834
980.202
Revised ... 5505
(d) and (e) (1) amended ... 10184
981.215
Added ... 11133
981.315
Added ... 11597
981.450
(b) (2), (3) and (4) revised ... 13053
982.215
Added ... 13357
982.310
Added ... 13901
984.213
Added ... 11346
984.317
Added ... 14271
987.102
(c) revised ... 12452
987.122
(b) revised ... 12452
987.141
(b) (5) (i) revised ... 12452
987.145
(a) revised; (b) (1) amended; (c) (3) redesignated as (4); (c) (1) and (2) recodified as (1), (2), and (3) and revised ... 12452
(f) (1) and (g) (2) revised ... 12453
987.151
(d) revised ... 12453
987.155
(a) (2) and (3) redesignated as (3) and (4); (a) (1) recodified as (1) and (2) and revised ... 12453
987.159
Added ... 12453
987.161
Revised ... 12453
987.162
(c) revised ... 12454
987.165
(b) revised ... 12454
987.203
Revised ... 12454

7 CFR—Continued Page

Chapter IX—Continued

987.213
Added ... 11100
987.309
(a) revised ... 11315
987.310
Added ... 11100
987.501
Revised ... 12454
989.159
(g) (2) revised ... 6906
989.160
Revised ... 6906
989.173
(b) (6), (c) (2), and (d) (2) revised ... 6906
989.223
Added ... 13309
989.224
Added ... 13309
989.316
Added ... 14100
993
Determination ... 10880
993.21a—993.21d
Added ... 9798
993.33
Revised ... 9798
993.34
Revised ... 9798
993.36
Revised ... 9798
993.41
Revised ... 9798
993.48
Center heading added; section revised ... 9799
993.50
(d) revised ... 9799
993.54—993.59
Center heading and sections added ... 9799
993.62
Center heading and section added ... 9800
993.65
Center heading and section added ... 9800
993.81
(a) revised ... 9800
993.149
(b) (2) and (d) (2) revised ... 13310
993.150
(c) revised ... 13310
993.156—993.158
Center heading and sections added ... 13310
993.172
(e) added ... 13311
993.173
(a) and (b) revised; (c) redesignated from 993.174 and revised ... 13311
993.174
Redesignated as 993.173(c) ... 13311
993.174
Redesignated from 993.175 ... 13312
993.175
Redesignated as 993.174 ... 13312
993.201
Added ... 12384
993.316
Added ... 12535
999.1
(a) (7) and (e) (2) amended ... 10184
999.100
(a) (5) amended ... 10184

7 CFR—Continued Page

Chapter X:
Heading revised 2129
1002.304
Amended 6639
1003.16
(a) and (d) revised 4101
1003.63
Introductory text revised; (a) amended; (e) added 4101
1003.64
Revised 4101
1004.50
(a)(4) suspended in part 3311
Introductory text of (a) and (a)(4) suspended in part 8301
1005
Revised 12465
1005.4
Revised 6112
1005.51
(a) revised 6112
1005.71
(a)(5) added 6112
1005.72
(c) revised 6112
1005.80
(a) revised 6112
1005.89
Added 6112
1008.9
Suspended in part 6975
Revised 15579
1008.15
Revised 15579
1008.41
(b) (5) and (6) revised 15579
1008.51
Revised 15579
1008.61
(a) amended 15580
1009.9
Revised 15580
1009.15
Revised 15580
1009.41
(b) (5) and (6) revised 15580
1009.51
Revised 15581
1009.61
(a) amended 15581
1012
Added 14840
1013.11
(a) revised 3748
1013.44
(a)(2) amended 3749
1013.46
(a)(3) revised; (a)(3-a) added; (a)(4) and (8)(i) revised 3749
1013.50
Revised 3749
1013.70
(d) amended 3749
1013.72
Amended 3749
1013.86
(a)(2) amended 3749
1030
Terminated in part 3187
Revised 4241
1030.51
Introductory text of (a) revised 14849
1031
Revised 3188

7 CFR—Continued Page

Chapter X—Continued
1031.51
Determination 4160
Termination of determination 4314
(a) revised 12463
(a) revised 14849
1032.51
Determination 4160
Termination of determination 4314
(a)(1) revised 14849
1036
Revised 4101
1038.51
Determination 4160
Termination of determination 4314
(a) revised 14849
1039.51
Determination 4160
Termination of determination 4314
(a) revised 14849
1040
Revised 8302
1042
Revoked; recodified in new Part 1040 8302
1044.22
(i)(1) amended 213
1044.50
Revised 213
1044.51
Revised 213
Introductory text of (a) revised 17156
1044.63
Amended 213
1045.51
Introductory text of (a) revised 17157
1048.12
(a)(1) suspended in part 5789
(a)(1) revised 15581
1049.50
Revised 15582
1049.51
(b) revised 15582
1051.51
Determination 4160
Termination of determination 4314
(a) revised 14849
1061
Revised 4161
1062.51
Determination 4160
Termination of determination 4314
(a) revised 14849
1063.50
Determination 4160
Termination of determination 4314
(b) revised 14849
1063.52
(a) revised 11021
1064
Revised 4170
1065
Revised 2522
1068.53
(b) revised 15998
1068.53
Revised 15998
1068.56
(a) suspended in part 8312
1070.10
(d)(3) revised 16139
1070.50
Determination 4160
Termination of determination 4314
(b) revised 11022
(b) revised 14850

7 CFR—Continued Page

Chapter X—Continued
1072
Vacated; recodified in Part 1076 4111
1073.41
(b) revised 16190
1073.51
(b) revised 16190
1076
Revised 4111
1076.17
Revoked 11022
1076.50
Determination 4160
Termination of determination 4314
(b) revised 11022
(b) revised 14850
1078.52
Revised 11023
1078.71
(a) and (d) revised 11023
1078.82
Revised 11023
1079.50
Determination 4160
Termination of determination 4314
(b) revised 11023
(b) revised 14850
1097.51
Introductory text of (a)(3) revised 15463
1098.6
Revised 824
1098.8
(c) revised 824
1098.13
. Revised 824
1098.15
Revised 824
1098.30
Introductory text amended 825
1098.31
Introductory text of (a) revised 825
1098.32
Revised 825
1098.35
Amended 825
1098.41
(a)(1)(ii) and (b)(3) revised; (b)(3-a) added 825
1098.44
Introductory text of (a) amended 825
1098.46
(a)(4)(i)(b) and (9) amended 825
1098.70
Introductory text amended 825
1098.81
(a) revised 825
1098.82
(c) revised; (d) revoked 825
1098.83
(a) revised 825
1098.85
Revised 825
1099.5
Revised 3750
1099.6
Revised 3750
1099.8
Revised 3750
1099.9
(c) amended 3751
1099.10
(c)(1) revised 3751
1099.11
Revised 3751
1099.13
Revised 3751

7 CFR—Continued Page

Chapter X—Continued
1099.14
Revised 3751
1099.16
Revised 3751
1099.17
Added 3751
1099.18
Added 3751
1099.30
Introductory text amended 3751
1099.41
(b)(4)(i) revised 3751
1099.43
(c)(3)(i) and (ii) amended 3751
1099.45
(a)(9) revised 3751
1099.50
Revised 3751
1099.51
Revised 3751
1099.61
Revised 3751
1099.82
(b)(1) amended 3752
1099.71
(b) revised 3752
1099.86
Revised 3752
1099.88
Revised 3752
1100
Redesignated from Part 1103 4181
Vacated 8313
1101.12
(a) and (b) suspended 17157
1102.51
(a)(3) revised 17158
1103
Redesignated as Part 1100 4181
1103
Added 4181
1104.4
Revised 2246
1104.6
Revised 2246
1104.13
Revised 2246
1104.41
(a)(1)(i) and (b) revised 2246
1104.42
(b) amended 2246
1104.43
(b) revised 2246
1104.46
(a)(1) amended 2246
1104.50
(a) amended 2246
1104.52
(a) revised 2246
1104.61
Revised 2247
1104.63
(a) amended 2247
1104.66
Revised 2247
1104.74
Revised 2247
1105
Vacated; recodified in new Part 1103 4161
1107
Vacated 8313
1108.51
Introductory text of (a)(3) revised 15998
1131.46
(a)(4)(i)(a) and (ii) revised 4251
1131.51
(a) revised 4251

7 CFR—Continued Page

Chapter X—Continued
1131.62
(a)(1)(i) and (b)(4) amended 4251
1131.71
(f) revised; (g) through (k) added 4251
1131.73
(b) amended 4251
1131.82
(b)(2) amended 4251
1133
Revised 9249
1133.12
(c)(1) suspended in part 7988
1133.15
(c)(1) suspended in part 7988
1135
Revoked; recodified in Part 1137 13767
1135.51
(a) amended 917
1136.6
Revised 17159
1136.7
Revised 17159
1136.8
(b) revised 17159
1136.10
Revised 17160
1136.11
(a) suspended in part 7603
(a) suspended in part 8566
(a) suspended in part 10023
(a) revised 17159
1136.13
Revised 17159
1136.14
(b) revised 17159
1136.40
Revised 17160
1136.41
Revised 17160
1136.42
(a) and (b) revised 17160
1136.43
Revised 17160
1136.44
Revised 17160
1136.45
Revised 17161
1136.50a
Added 17161
1136.62
(a)(1)(i) and (b)(4) revised 17161
1136.70
Introductory text revised 17161
1136.71
(f) revised 17162
1136.73
(b) revised 17162
1136.80
Revised 17162
1136.82
Revised 17162
1136.85
(a) revised 17162
1136.86
Revised 17162
1137
Revised 13767
1137.51
(a) amended 916
1138
Revised 8391
1138.7
(b)(4) revised 6574
1138.9
(c) added 6574

7 CFR—Continued Page

Chapter X—Continued
1138.30
Revised 6574
1138.41
(b)(7) revised 6574
1138.43
(c) added 6574
1138.70
Introductory text revised 6575
1138.80
Introductory text revised; (e) added 6575
1138.84
(a) revised 6575
Chapter XI:
Heading revised 2247
1201.300
Revised 5826
Chapter XIV:
1400
Revised 8457
1408
Added 8094
1421
Subpart added 1247
Subpart added 2852
Subpart added 3196
Subpart revised 4193
Subpart added 4529
Subpart added 6338
Subpart added 6511
Subpart added 7475
Subpart added 7811
Subpart added 7988
Subpart added 7991
Subpart added 8823
Subpart added 10836
Subpart added 10838
Subpart added 10839
Subpart revised 11315
Subpart added 11686
Subpart added 12835
1421.52
(a) revised; (g) added 15032
1421.54
(b) revised 4750
1421.60
(b) revised 9088
1421.62
(a) revised 4750
1421.67
(c) added 9877
1421.68
(c) revised 4750
1421.71
(c) revised 9877
1421.72
(a), (f), and (g) revised 9877
1421.77
Revised 9877
1421.2133
(e) amended 4686
1421.2141—1421.2153
Subpart added 7475
1421.2144
(b)(1) revised 12118
1421.2146
(b) revised 12117
1421.2148
(d) revised 12117
1421.2153
(e) amended 11207
(f) amended 12118
1421.2231
(f) amended 4607
(f) corrected 5702
(f) amended 6682
1421.2241—1421.2251
Subpart added 7811

7 CFR—Continued Page

Chapter XIV—Continued

1421.2251
(e) and (f) added 10936
(e) corrected 11272
1421.2341—1421.2352
Subpart added 10836
1421.2352
Revised 14361
(c) corrected 15033
1421.2429
Revised 5762
1421.2440—1421.2452
Subpart added 7988
1421.2541—1421.2551
Subpart added 7991
1421.2551
(e) and (f) added 10940
(f) corrected 13238
1421.2640—1421.2649
Subpart added 3196
1421.2641
Revised 8673
1421.2740—1421.2754
Subpart added 4539
1421.2820
(c) amended 4667
1421.2825—1421.2834
Subpart added 6511
1421.2834
(c)(2) amended 9260
1421.2941—1421.2950
Subpart added 11686
1421.2950
(a) corrected 12067
1421.3029
Revised 918
1421.3030
(c) amended 4668
1421.3041—1421.3050
Subpart added 8823
1421.3050
(c), (d), and (e) added 10835
(d) amended 15033
1421.3103, 1421.3104
Subpart added 6338
1421.3481—1421.3491
Subpart added 2852
1421.3482
Revised 10023
Revised 13357
1421.3484
Revised 10023
Revised 13357
1421.3492
Added 10023
1421.3493
Added 10023
1421.3494
Added 10024
1421.3495
Added 10024
1421.3501—1421.3508
Subpart added 10838
1421.3581
Revised 13011
1421.3582
Revised 13011
1421.3583
Revised 13011
1421.3585
(a) revised 13011
1421.3586
Revised 13011
1421.3600—1421.3611
Subpart added 10839
1421.3675—1421.3685
Subpart added 13835
1421.3755—1421.3772
Subpart added 1247

7 CFR—Continued Page

Chapter XIV—Continued

1421.3825
(a) revised 14310
(a) revised 15582
1421.5551—1421.5560
Subpart revised 4193
Subpart revised 11315
1423
Added 14271
1425
Added 6907
1425.4
(a) revised 9260
1425.5
(g) revised 9260
1426.11
Revised 14915
1425.16
(b) corrected 7037
1425.20
Corrected 7037
1425.21
Added 9877
1427
Subpart added 2592
Subpart added 7814
Subpart recodified and revised 8096
Subpart added 8451
Subpart revised 9759
1427.1081—1427.1090
Subpart revised 9759
1427.1084
(a)(4) revised 14100
1427.1243
Added 7814
1427.1351—1427.1376
Subpart recodified as 1427.1351—1427.1378; revised 8096
1427.1351—1427.1378
Subpart recodified from 1427.1351—1427.1376; revised 8096
1427.1356
(p) added 15795
1427.1359
(b) revised 15795
(b)(2) and (3) corrected 16257
1427.1364
Revised 15795
1427.1378
(a), (b), (c) and (d) revised 15795
1427.1500—1427.1503
Subpart added 8451
1427.1501
Corrected 8673
1427.1502
Corrected 8673
Corrected 9800
Corrected 9904
1427.1504
Added 13777
1427.1850
Revised 4410
1427.1853
Revised 4410
1427.1857
(b) revised 4410
1427.1952
(l) revised 12384
1427.1958
Revised 8625
1427.2001—1427.2025
Subpart added 2592
1427.2008
(b)(5) revised 8749
1427.2009
Revised 8749
1427.2235—1427.2243
Subpart added 7814

7 CFR—Continued Page

Chapter XIV—Continued

1427.2239
(a) revised 14310
(a) revised 15582
1430.270
Added 4351
1434.52
(a) revised 7097
1434.53
(b) revised 7097
1434.55
(b) revised 7097
1434.56
Deleted 7098
1434.57
(a) revised 7098
1434.77
Revised 7098
1434.80
Revised 7098
1438
Subpart added 5573
1438.1601—1438.1610
Subpart added 5573
1438.1604
Revised 7948
1443
Subpart added 9214
1443.2021—1443.2034
Subpart added 9214
1443.2023
(a) amended 9674
1443.2024
(b)(2) revised 9675
1443.2027
(d), (g), and (h) revised 9675
(d) amended 10840
1443.2034
Revised 9675
1446
Subpart added 8401
1446.1600—1446.1626
Subpart added 8401
1446.1610
Corrected 15736
1464
Revised 9533
1464.1651
Added 2651
1464.1652
Added 2651
1464.1701
Added 8512
Redesignated as 1464.1720; republished 11501
1464.1705
(a) revised 14273
1464.1720
Redesignated from 1464.1701; republished 11501
1464.1731—1464.1735
Added 14524
1464.1736—1464.1740
Added 15362
1468.205
(d) added 4056
1468.209
(a) amended 6383
1468.211
(b) revised 9801
1468.214
(a) and (b) revised; (c) deleted 6383
1468.220
Deleted 6383
1468.221
Deleted 6383
1468.222
Deleted 6383

7 CFR—Continued Page

Chapter XIV—Continued

1468.223
Deleted 6383
1468.227
(b) revised 9801
1468.229
(a) and (b) amended 6383
1472.1042
(b) amended 9801
1472.1045
(a) and (b) revised; (c) deleted 6383
1472.1051
Deleted 6383
1472.1052
Deleted 6383
1472.1053
Deleted 6383
1472.1054
Deleted 6383
1472.1060
Revised 6383
1472.1062
Amended 9801
1472.1105
(d) added 4056
1472.1121
(d) added 4056
1472.1142
(b) revised 9801
1472.1145
(a) and (b) revised; (c) deleted 6384
1472.1147
Amended 1250
1472.1151
Deleted 6384
1472.1152
Deleted 6384
1472.1153
Deleted 6384
1472.1154
Deleted 6384
1472.1158
(c) revised 9601
1472.1160
(a) and (b) amended 6384
1475.203
(q) revised 6909
1475.207
Revised 6909
1475.208
(d) revised 6909
1475.209
(b)(2) revised; (b)(4) added 6909
1475.210
(c) amended 6909
1475.211
(c)(3) and (4) revised 2854
(b) amended 6909
1475.212
Revised 6910
1475.213
Revised 6910
1475.214
(a) revised 6910
1481
Subpart recodified, revised 778
1481.101—1481.158
Subpart recodified as 1481.101—1481.159; revised 778
1481.101—1481.159
Subpart recodified from 1481.101—1481.150; revised 778
1483
Appendix revised 6776
Appendix revised 8899
1483.101
Revised 532

7 CFR—Continued Page

Chapter XIV—Continued

1483.103
Added 4531
1483.105
(j) added 532
(e) amended 4531
(a) amended 8898
1483.110
(b) revised 8898
1483.111
(a), (b), and (d) revised 8898
1483.112
(b)(1)(i) revised 8898
1483.114
(b)(2) amended 8898
1483.121
(d) amended 4531
1483.125
(a)(5) amended 4532
1483.127
(b)(6) revised 4532
1483.141
(b) revised 532
1483.145
Center heading and section revised 532
1483.146
Revised 533
1483.147
(c) (1) and (2) redesignated as (c)(1)(i) and (ii); introductory text of (c) redesignated as introductory text of (c)(1); (c)(2) and (k)(4) added 8898
1483.151
(c)(1) amended 8898
1483.155
Center heading and section revised 533
1483.158
(a) revised 533
1483.161
(a) amended 8898
1483.162
(c) (1) and (2) redesignated as (c)(1)(i) and (ii); introductory text of (c) redesignated as introductory text of (c)(1); (c)(2) and (l) added 8899
1483.163
Revised 8899
1483.174
Revised 4532
1483.178
Revised 533
Amended 4532
1483.185
Added 533
1483.189
Amended 8899
1483.197
Revised 8899
1483.203
Added 6771
1483.205
(d) amended; (i) added 6771
1483.221
(c) amended 6772
1483.222
(a) revised 6772
(a) amended 15319
1483.225
(a)(5) amended 6772
(b)(1)(viii) revised; (b)(2)(xii) added 15319

7 CFR—Continued Page

Chapter XIV—Continued

1483.227
(b)(1)(vi) and (ix) revised 6772
(b)(1)(ix) revised; (b)(2)(xi) added 15319
1483.241
(b) revised 6772
1483.246
(a)(7) revised 6772
1483.260—1483.270
Center heading and sections added 6772
1483.265
(c) amended 15319
1483.265
(a)(1) corrected 6976
1483.274
Added 6776
1483.278
Revised 6776
1483.291
Revised 15319
1484
Revised 2784
1484.105
Corrected 3515
1484.106
Corrected 3515
1484.155
Corrected 3515
1485
Subpart added 6910
1485.201—1485.220
Subpart added 6910
1485.261
(a) revised 4314
1486
Added 1178
Amended 4532
1486.157
Revised 4532
1486.174
Revised 4532
1486.176
(b) revised 4532
1486.190
Redesignated as 1486.191 4532
1486.190
Redesignated from 1486.191 4532
1486.191
Redesignated as 1486.190 4532
1486.191
Redesignated from 1486.190 4532
1487
Added 644
Appendix revised 6639
1487.5
(e) added 6639
1488
Added 2129
Amended 4056
Revised 10942
1488.1
(e) corrected 11133
1488.2
(i) revised 6249
1488.3
(b)(6) revised 4056
1488.7
Introductory text revised 6249
1488.13
(e) added 6249
1489
Added 12067
Chapter XVI:
Heading revised 2247
Applicability 2651
1600
Revised 4315

7 CFR—Continued

Page

Chapter XVI—Continued
1600.2
Revised ... 8155
1601
Effective date ... 258
Revised ... 4316
1602
Added ... 569
Revised ... 6859
1602.2
(b) revised ... 13861
1603
Added ... 13132
Proposed Rules:
26 ... 1118
27 ... 4064
28 ... 6255, 8049
29 ... 4361, 7494, 11174
31 ... 6350
33 ... 6782
42 ... 15424
51 ... 155, 345, 756, 842, 843, 952, 3716, 3719, 5382, 5850, 6658, 7396, 12254, 13580, 16115, 17170.
52 ... 3444, 4486, 7524, 8905, 9776, 11691, 11723, 15222.
53 ... 8225, 13828
55 ... 3450
68 ... 13265, 13649, 14991
70 ... 6395
201 ... 1945
319 ... 1119, 2106, 15666
362 ... 2033, 3542, 4201
717 ... 15222
718 ... 5708
724 ... 5641, 8000, 8630, 12845, 13012, 13231, 13233, 13828.
728 ... 3601, 13828
729 ... 224, 757, 2601, 9318, 11694
730 ... 2402, 11282, 12684, 14048
777 ... 6686, 14439, 15589
778 ... 7043
811 ... 14440
812 ... 15373
813 ... 14378, 14379
814 ... 845, 14379, 14380
815 ... 14855
Ch. IX ... 1984, 3658, 6355, 6438, 6523, 6917, 8684, 12474, 13708.
905 ... 6983, 11174, 12298, 14014
906 ... 12735
907 ... 273, 15104
908 ... 4635
909 ... 13143
910 ... 156, 16210
911 ... 7501, 9648
912 ... 13833
913 ... 13443, 14274
915 ... 3883, 7501, 9648
916 ... 7284, 8226
917 ... 3542, 8273, 13063, 14321
921 ... 9175
922 ... 8525
923 ... 8110
925 ... 11530
926 ... 11728
927 ... 710, 10165, 10992
929 ... 12485, 13013
930 ... 5514, 6255, 8850
931 ... 9093, 10103
933 ... 10845, 11611
945 ... 10247
946 ... 10203
947 ... 13455

7 CFR—Continued

Page

Proposed Rules—Continued
948 ... 10992, 10993, 12644, 12735, 14733
958 ... 13650
959 ... 1945, 3662, 15222, 15741
965 ... 4761
967 ... 14991
970 ... 13014
971 ... 12785, 13235
980 ... 4416, 9649
981 ... 10114, 10993
982 ... 12539, 13143
984 ... 10905, 13650
987 ... 9924, 10054, 10247, 11045–11047, 16210
989 ... 4361, 12686, 13456
991 ... 3268, 7825, 9650, 11282
993 ... 2601, 6782, 7195, 8850, 11142, 11530
999 ... 14934
1002 ... 7839
1003 ... 2402, 3765, 14992
1004 ... 91, 6947, 7195, 7349, 11214, 14564
1005 ... 584, 4761, 5904, 9815, 10953, 11627
1006 ... 16115, 16268
1008 ... 6659, 8855, 12539, 13720
1009 ... 8855, 12539, 13720
1012 ... 2263, 9925, 13143
1013 ... 1048, 2870, 15741
1016 ... 14992
1030 ... 625, 9829, 11694, 13076, 13789, 14662, 14810, 16125.
1031 ... 3224, 9008, 9220, 9829, 10993, 11642, 11694, 13076, 13789, 14662, 14810, 16125.
1032 ... 3224, 9829, 11694, 11761, 13076, 13789, 14662, 14810, 14993, 16125.
1033 ... 12846
1034 ... 12846
1036 ... 2279, 3768
1038 ... 3224, 9829, 11694, 13076, 13789, 14662, 14810, 16125.
1039 ... 3224, 9829, 11694, 13076, 13789, 14662, 14810, 16125.
1040 ... 6163, 7903
1042 ... 6163, 7903
1044 ... 14993, 16126
1045 ... 14993, 16126
1048 ... 4764, 8856, 12486, 13726
1050 ... 11761, 14993
1051 ... 3224, 9829, 11694, 13076, 13789, 14662, 14810, 16125.
1061 ... 2317, 2604, 3965, 12487, 13015
1062 ... 3224, 9829, 11694, 13076, 13789, 14662, 14810, 16125.
1063 ... 3224, 5603, 5907, 8337, 9829, 9946, 11694, 13076, 13789, 14662, 14810, 16125
1064 ... 2317, 2604, 3965, 12487, 13015
1065 ... 1857
1067 ... 3224, 9829, 11694, 13076, 13728, 13789, 14662, 16125.
1068 ... 7721, 8227, 14855, 15374, 15431, 15470
1070 ... 3224, 5603, 5907, 8337, 9829, 9946, 11694, 13076, 13789, 14662, 14810, 15326, 16125.

7 CFR—Continued

Page

Proposed Rules—Continued
1072 ... 38, 953, 2805
1073 ... 12847, 15294, 15326, 16008
1074 ... 12847, 15294, 15326, 16008
1076 ... 38, 953, 2805
1078 ... 3224, 5603, 5907, 8337, 9829, 9946, 11694, 13076, 13789, 14662, 14810, 16125
1079 ... 3224, 5603, 5907, 8337, 9829, 9946, 11694, 13076, 13789, 14662, 14810, 16125
1097 ... 6534, 8228, 9318, 9953, 14733, 15327
1099 ... 273, 2672, 13581
1101 ... 15811
1102 ... 6534, 8228, 14733, 15327, 15332, 15373, 15591, 15742, 16268.
1103 ... 2058, 3470
1104 ... 53, 1289
1105 ... 2058, 3470
1106 ... 10859, 16009
1108 ... 6534, 8228, 14733, 15327, 15332, 15373, 15742.
1125 ... 3603, 15152, 15592
1127 ... 1119, 2604
1130 ... 10247, 15744
1131 ... 3386, 4201
1133 ... 3606, 7284, 8000
1135 ... 537, 1802, 8525, 12396
1136 ... 2723, 8049, 12736, 13266, 15223
1137 ... 538, 1802, 8525, 12396
1138 ... 3781, 5851, 6538, 7288, 8050
1201 ... 4321
Ch. XIV ... 2805

8 CFR

Chapter I:
1.1
(b) revised ... 14772
3.1
(b) (5) revised ... 14772
103.1
(e) (15) revised ... 5471
(e) (1) through (7) revised ... 14772
103.2
(b) (2) revised ... 7516
(a) amended ... 14772
103.5
Amended ... 12772
103.7
(c) amended ... 918
(c) amended ... 1030
(c) amended ... 13862
(c) amended ... 13936
(c) amended ... 14772
(c) amended ... 14773
204
Revised ... 14773
204.1
Amended ... 9537
204.3
(a) and (b) redesignated as (b) and (c); new (a) added ... 572
205
Revoked; recodified in revision of Part 204 ... 14775
205
Added; recodified from Part 206 ... 14775
205.3
(a) amended ... 572
(a) amended ... 3200
205.9
Added ... 3200
206
Revoked; recodified in new Part 205 ... 14776

8 CFR—Continued

Page

Chapter I—Continued
211.2
(e) amended ... 14776
212.1
(c) revised ... 1031
(c) revised ... 10184
(b) revised ... 14779
212.2
Amended ... 3200
Amended ... 14526
Amended ... 14776
212.3
Amended ... 14526
212.4
(a) and (b) amended; (c) revised; (e) amended ... 12330
(c) amended ... 14526
212.5
(a) amended ... 4411
(b) revoked ... 14776
212.6
Revised ... 10184
212.7
(a) amended; (b) revised ... 14776
(c) amended ... 14777
(b) (2) and (3) revised ... 15796
212a
Revoked ... 14777
214.1
(a) revised ... 1031
214.2
(e) (1) and (h) (2) (ii) amended ... 533
(h) (2) (iii) amended ... 572
(k) revoked ... 1031
(e) (1) amended ... 3855
(f) (1) amended ... 4351
(f) (3) amended ... 4532
(c) (1) amended ... 6940
(h) (2) (i) revised; (h) (4) amended ... 8102
(h) (3) amended ... 10946
(h) (2) (ii) amended ... 12772
(f) (3) and (h) (3) amended ... 14526
(h) (3) amended ... 14777
214.3
Revised ... 918
(c) revised ... 6479
221
Added ... 14777
231.1
Revised ... 6777
231.2
Revised ... 6777
235.9
Added ... 14777
237.2
Revised ... 4411
242.17
(c) amended ... 14778
242.23
(d) revised ... 2021
243.8
Amended ... 10946
Amended ... 14778
245
Revised ... 14778
249.1
Amended ... 14779
249.2
Amended ... 14779
251.1
Revised ... 6777
251.3
Revised ... 6777
251.4
Revised ... 6777

8 CFR—Continued

Page

Chapter I—Continued
264.1
(a) and (b) amended; (c) revised ... 1031
(c) amended ... 7312
(a) and (b) amended; (c) revised; (f) added ... 13862
265.1
Amended ... 15796
287.6
Added ... 12248
299.1
Amended ... 1032
Amended ... 13863
Amended ... 14779
Amended ... 15796
332.13
Revised ... 13005
332.14
Revoked ... 13005
332a.2
Amended ... 6940
336.12
Amended ... 13005
336.13
(a) amended ... 6940
336.14
Revised ... 13005
336.16a
Revised ... 534
341
Revised ... 5472
341.2
(d) corrected ... 5621
499.1
Amended ... 6940
Chapter II:
505.10
Revoked ... 825
505.11
Revoked ... 825
505.12
Revoked ... 825
505.13
Revoked ... 825
505.14
Revoked ... 825
505.15
Revoked ... 825
Proposed Rules:
103 ... 12785, 13956
204 ... 13956
205 ... 13956
206 ... 13956
211 ... 13956
212 ... 13956
212a ... 13956
221 ... 13956
231 ... 4135
235 ... 13956
242 ... 13956
243 ... 13956
245 ... 13956
249 ... 13956
251 ... 4135
299 ... 13956

9 CFR

Chapter I:
Subchapters A, J, and K recodified as Subchapters A, C, and D, respectively, of Chapter III ... 4195
1–40
Recodified as Parts 301–349 of Chapter III ... 4196
9.20
Added ... 826
48.3
(j) added ... 258

9 CFR—Continued

Page

Chapter I—Continued
40.3
(d) added ... 258
51.2
Revised ... 8825
51.3
(m) revised ... 7596
71.3
Introductory text of (d) amended; (d) (1) and (4) revised ... 8327
(d) (1) corrected ... 13573
71.4
Introductory text amended ... 8327
71.5
Revised ... 8327
71.8
Revised ... 8327
72.5
(g) revised ... 2702
(e) revised ... 10841
74.2
(a) (1) revised; (a) (6) added ... 701
(a) (1) revised ... 4750
(a) (1) revised ... 7274
Revised ... 8566
(a) (2) revised ... 11949
(a) (1) revised; (a) (2) deleted ... 15999
74.3
(a) (6) added ... 701
(a) (2) deleted ... 4750
(a) (1) revised; (a) (5) and (6) deleted ... 7274
Revised ... 8566
(a) (2) revised ... 11949
(a) (2) deleted ... 15999
74.9
Introductory text revised ... 4751
75.3
Revised ... 5790
76.2
(f) revised ... 1975
(f) and (g) revised ... 16195
76.7
Revised ... 16195
76.9
(a) (3) revised ... 16196
76.10
Revised ... 16196
76.15
Revised ... 2307
Revised ... 3757
Revised ... 9089
Revised ... 10946
78.14
(a) amended ... 8463
(a) amended ... 10229
(a) amended ... 12463
(a) amended ... 14707
78.15
(b) revised ... 3312
(b) revised ... 16257
94.1
(a) revised ... 12118
97.1
Revised ... 14042
97.2
Amended ... 4609
Amended ... 7894
101.1
(ff) revised; (mm) and (oo) added ... 920
(jj) and (kk) added ... 11848
102.77
Revised ... 920
103.1
Revised ... 11848
103.2
Redesignated as 103.3; heading revised; (f) and (g) added ... 11848

9 CFR—Continued

Chapter I—Continued

103.2
Added ... 11848
103.3
Deleted ... 11848
103.3
Redesignated from 103.2; heading revised; (f) and (g) added ... 11848
112.1
(b) revised ... 920
112.26
Revised ... 920
112.27
Revised ... 920
114.3
(b) amended ... 920
114.5
Revised ... 920
Revised ... 4751
116
Revised ... 920
117
Revised ... 921
118
Revised ... 923
119
Revised ... 925
121
Revised ... 930
131.165
Added ... 11091
131.262
Deleted ... 14551
131.262
Added ... 14551
Addition approved ... 14551
146.10
(g) (1) (ii) amended; (g) (2) revised ... 10283
155
Recodified as Part 355 of Chapter III ... 4195
171
Recodified as Part 371 of Chapter III ... 4195
180
Recodified as Part 380 of Chapter III ... 4195
181
Recodified as Part 381 of Chapter III ... 4195

Chapter II:

Heading revised ... 2247
Heading revised ... 7275
201.3
(d) revised ... 7275
201.22
Amended ... 14422
201.27, 201.28
Revised ... 8513
201.29—201.34
Revised ... 8513
201.34
Amended ... 7275
201.40
Revised ... 15587
201.42
(c) and (d) added ... 15587
201.43
(c) added ... 2208
201.66
Revised ... 14839
201.78
Revised ... 7649
201.78–1
Added ... 7649
201.81
Revised ... 12118

9 CFR—Continued

Chapter II—Continued

203.7
Added ... 14966
203.8
Added ... 15320

Chapter III:

Added; Subchapters A through D recodified from Chapter I ... 4195
301–340
Recodified from Parts 1–40 of Chapter I ... 4195
301.1
(d), (e), (f), and (bb) amended ... 4195
310.20
Added ... 12384
316.13
(c) (1) revised ... 8674
(e) amended ... 8675
316.16
Revised ... 8675
317.8
(c) (16), (27), and (32) revised; (c) (40) amended; (c) (48) revised; (c) (66) amended ... 8674
(c) (43) revised; (c) (69) added ... 9357
(c) (40) corrected ... 13214
317.9
Heading revised; (f) added ... 5702
318.4
Heading revised; (c) added ... 5702
(d) added ... 8674
318.7
(b) (4) amended ... 5702
(b) (4) amended ... 8463
(b) (4) amended ... 8675
(b) (4) amended ... 9357
318.19
Added; designated incorrectly as 318.18 ... 5702
Designated correctly as 318.19 ... 6731
327.16
Heading, (a) and (b) revised ... 14365
327.17
(a) revised ... 14365
329.10
Revised ... 13823
340.2
(b) amended ... 4195
340.3
(a) (4) added ... 8675
355
Recodified from Part 155 of Chapter I ... 4195
355.2
(b) amended ... 4195
355.29
(c) revised ... 10284
371
Recodified from Part 171 of Chapter I ... 4195
371.1
Amended ... 4195
371.2
Amended ... 4195
380
Recodified from Part 180 of Chapter I ... 4195
380.1
(b) amended ... 4195
381
Recodified from Part 181 of Chapter I ... 4195
381.1
(b) amended; (c) added ... 16105

Proposed Rules:

16 ... 844, 998
17 ... 844, 3272
18 ... 844, 998, 3272, 3273

9 CFR—Continued

Proposed Rules—Continued

30 ... 625
51 ... 12684
76 ... 12128
78 ... 8525, 12684
91 ... 1945, 10202, 11106
94 ... 7445
101 ... 5514, 7608
103 ... 5514, 7608
131 ... 1816, 8271, 9066, 9174, 16207
201 ... 4486, 4487, 6360, 7662, 7721, 8542, 9066, 11720.
203 ... 10994, 12686, 16129
304 ... 14108
316 ... 5708, 15434
317 ... 5708, 15434
318 ... 5708, 14737
325 ... 11970
327 ... 9364
329 ... 11970

10 CFR

Chapter I:

1
Subpart G added ... 3704
1.270, 1.271
Subpart G added ... 3704
20
Appendix B amended ... 15501
Appendix B amended ... 15802
20.401
(c) revised ... 14552
30
Recodified and revised ... 8185
30.9
(a) revised; (d) added ... 4352
30.12
Revised ... 3375
30.21
(c) (4) (i), (iii), and (v) revised ... 129
(d) (1), (3), and (4) revised; (d) (5) added ... 3375
30.24
(f) (4) added ... 129
(j) (1) (ii) (a), (c), and (d), (iii), (iv) (a) and (b), introductory text of (v) (a), (v) (f), (vi), and (j) (2) (i) and (ii) (b) revised; (j) (2) (ii) (c) added; (j) (2) (iii) and (3), (m) (1) (ii) (a), (c), and (e), (iii), (iv) (a) and (b), (v) (e), and (m) (2) and (3) revised ... 3375
(k) added ... 6576
30.29
Added ... 6576
30.32
(f) deleted ... 4352
31
Deleted; recodified in new Part 34 ... 8185
31
Added ... 8185
31.5
(b), (c), and (d) (2) revised ... 10947
31.6
(c) revised ... 10947
31.10
Added ... 9905
32
Added ... 8185
32.51
(c) revised ... 10947
32.61
Added ... 9905
32.63
Added ... 9905

10 CFR—Continued

Chapter I—Continued

32.63
Added ... 9905
32.103
Added ... 9905
33
Added ... 8185
34
Added; recodified from Part 31 ... 8185
35
Added ... 8185
36
Added ... 8185
36.21
Revised ... 15286
36.22
Introductory text of (a) amended ... 15286
36.31
Added ... 15286
40.4
(m) added ... 15286
40.13
Introductory text of (c) and (c) (1) revised ... 15802
40.24
Added ... 15286
140
Interim decision ... 1186
140.11
(a) (4) amended ... 14780
140.75
Amended ... 14007
Amended ... 14780
140.76
Amended ... 14780
140.77
Amended ... 14780
140.78
Amended ... 14780
140.79
Amended ... 14780
150.11
(b) revised ... 12069
150.20
(b) (2) revised ... 4352

Proposed Rules:

Ch. I ... 445
2 ... 2821, 14014
20 ... 9953, 10953
30 ... 4764, 6118, 11923, 15748
32 ... 11923
40 ... 10203, 15748
50 ... 12039, 14014
70 ... 12039, 15748
71 ... 15748
72 ... 15748
115 ... 12039, 14014
140 ... 11873, 12039, 12077, 14814
150 ... 7445, 7662, 7963, 8228

12 CFR

Chapter I:

1.158
Revised ... 3856
1.163
Added ... 2651
1.164
Added ... 7371
1.165
Added ... 8328
1.166
Added ... 14042
1.167
Added ... 14043
6
Revised ... 14365
7.5
(c) revised ... 10981

12 CFR—Continued

Chapter I—Continued

8.3
Revised ... 5742
8.4
Revised ... 4462
Revised ... 5742
8.6
Revised ... 5742
Revised ... 12282
Revised ... 12535
8.6
Added ... 4462
Revised ... 5742
11.5
(c) amended ... 2308
12.7
Added ... 6160
12.8
Added ... 6160
12.9
Added ... 6160
12.10
Added ... 6160
12.11
Added ... 6160
12.12
Added ... 6160
13.1
Revised ... 130
13.3
Revised ... 10981
14.5
(b) amended ... 10982
17
Added ... 7275

Chapter II:

201.104
Added ... 11949
204.56
Added ... 6339
204.57
Added ... 14489
205
Added ... 362
206.45
Added ... 15089
206.101
Added ... 6731
206.102
Added ... 15089
206.103
Added ... 15286
208.110
Added ... 3525
208.117
Added ... 14552
213.4
(g) added ... 2854
215.106
Added ... 14552
217.3
(a) revised ... 9978
217.6
Revised ... 15286
217.140
Added ... 5574
218.2
Revised ... 14639
218.110
Added ... 7743
218.111
Added ... 12836
220.4
(c) (3) revised ... 5826
221.115
Added ... 3812
222.119
Added ... 14273
224.2
Revised ... 15735

12 CFR—Continued

Chapter II—Continued

224.3
Revised ... 15735
224.4
Revised ... 15735
261.2
(d) (2) (v) amended ... 12248
262.2
(f) (7) revised ... 12248

Chapter III:

329.3
(a) revised ... 13032
329.6
Revised ... 15287
335
Added ... 396

Chapter V:

525.32
Revised ... 11714
530.1
Revised ... 3264
541.9
Text designated as (a); (b) added ... 479
(a) revised ... 10185
541.10–3
Revised ... 13902
543.2
Revised ... 7037
544.6
(g) added ... 16106
545.1
Revised ... 9357
545.1–1
(a) revised ... 31
(b), (c), and (d) amended ... 130
Determination regarding amendment of (b), (c) and (d) ... 14916
(d) revised ... 17162
545.3–1
Added ... 15803
545.6–1
(b) and (d) revised ... 214
(c) revised ... 14195
545.6–5
Revised ... 214
Revised ... 11714
545.6–6
Revised ... 827
545.6–7
Revised ... 215
Revised ... 5473
545.6–12
Revised ... 11715
545.6–14
(a) revised ... 2854
545.6–14a
Added ... 13902
545.6–17
Added ... 479
545.6–18
Added ... 5473
545.6–19
Added ... 10185
545.9–1
Added ... 11715
545.9–2
Added ... 5474
545.11
Revised ... 13902
545.13
Revised ... 11716
545.14–2
Added ... 11716
545.14–3
Added ... 11716
545.14–4
Added ... 15999

51-000—66—4

12 CFR—Continued

Chapter V—Continued

545.20
Center heading and section revised ... 11716
555.3
(a) rescinded ... 14916
555.4
(a) deleted; (b) redesignated as (a) and revised; (c) redesignated as (b) ... 480
555.8
(e) rescinded ... 9484
555.10
Revised ... 3264
561.15
Revised ... 480
Revised ... 6517
561.16
(e) revised ... 1032
(f) added ... 15287
(e) revised ... 16000
561.22
Added ... 827
Revised ... 12119
563.9
(a) revised ... 827
(a)(4) revised ... 12119
(a)(1) revised ... 13530
563.9–1
(a) through (d) revised ... 12120
563.13
Policy statement ... 4251
Introductory text of (b)(3) and (c) revised; (e) added ... 8962
Effective date of revision of (c) ... 11134
563.17–1
(a) and (b) revised ... 16000
563.17–2
Added ... 14195
563.23
Revised ... 13902
563.23–1
Revised ... 7039
570.1
Revised ... 3264
570.4
(c) added ... 8963
570.6
Rescinded ... 9639
570.7
Added ... 15
Rescinded ... 9639
570.7
Added ... 11101
570.8
Added ... 14196

Proposed Rules:

11 ... 222
12 ... 2764
17 ... 6074
261 ... 6275
262 ... 6275
523 ... 11973
525 ... 9366, 11973
541 ... 892, 11973
543 ... 2875
544 ... 2876
545 ... 447, 760, 761, 892–894, 2222, 2876, 5361, 7316, 8542–8544, 8695, 9174, 10248, 11974, 14202, 14861, 15174, 15236.
561 ... 3274, 8696, 14048
563 ... 490, 846, 2876, 6544, 8543, 8688, 8972, 11975.

13 CFR

Chapter I:
101.3
Revised ... 1835
107.12
Amended ... 11960
107.102
Revised ... 3635
107.103
Deleted ... 3635
107.103
Redesignated from 107.104; revised ... 3636
107.104
Redesignated as 107.103; revised ... 3636
107.104
Added ... 3637
107.105
Deleted ... 3637
107.106
Deleted ... 3637
107.107
Deleted ... 3637
107.201
Revised ... 3637
107.302
Deleted ... 3637
107.202
Redesignated from 107.203; revised ... 3637
107.202
Redesignated as 107.202; revised ... 3637
107.203
Added ... 3637
107.204
Deleted ... 3637
107.205
Revised ... 2652
107.302
(b) revised ... 13005
107.402
Revised ... 2653
107.504
Revised ... 2654
(b)(2) revised ... 7652
107.703
(b) revised ... 7597
107.704
(a) through (c) deleted; (d) redesignated as (g); (a) through (f) added ... 2652
107.705
Revised ... 7597
107.706
Heading and (a) revised ... 7597
107.715
(e) and (f) revised ... 11960
(a) revised ... 14850
107.716
Revised ... 534
107.720
Added ... 11961
107.750
Added ... 1187
107.751
Added ... 1187
(b)(5) added ... 14851
107.801
(f) added ... 3856
107.802
(b), (d), (f), (g), and (l) revised ... 3856
107.1016
Added ... 8776
107.1017
Added ... 8776
107.1018
Added ... 8776

13 CFR—Continued

Chapter I—Continued
107.1019
Added ... 8776
107.1020
Added ... 8900
Revised ... 11961
107.1021
Added ... 11961
107.1022
Added ... 11961
107.1023
Added ... 14851
107.1024
Added ... 14095
108
Revised ... 11024
111
Revised ... 4016
Revised ... 17126
112
Added ... 298
120.2
(b)(4) added ... 9813
(b)(2)(ii) revised; (b)(2)(iii) deleted ... 15466
121
Revised ... 2247
Schedule B amended ... 6778
121.3–8
(c) amended ... 4252
Effective date of amendment of (c) corrected ... 5703
(c) amended ... 15323
121.3–9
(a)(1) revised ... 15323
121.3–13
(b) revised ... 12640
121.3–14
Added ... 8825
(b) added ... 9055
123.4
(a) revised ... 11028
124.8–16
(b) revised ... 883
Chapter III:
305.2
Revised ... 7894

Proposed Rules:

107 ... 762, 2405, 2613, 2683, 8905, 9958, 11048, 13458, 13872, 14862, 16016.
111 ... 2890, 13486
121 ... 2614, 3273, 9830, 11048, 11734, 13019, 13459, 14173, 14565, 15375, 15438, 15596, 17173.

14 CFR

Chapter I:
Special Civil Air Regulations revoked ... 535
1.1
Effective date of amendment ... 535
Amended ... 3638
Amended ... 8257
13.3
(b) amended ... 12024
13.13
Amended ... 12024
13.15
(b) and (c) amended ... 12024
13.17
(a), (c), (d), introductory text of (e), and (e)(3) amended ... 12024
13.19
(c) amended ... 12025
13.21
Amended ... 12025
13.35
(b) amended ... 12025

14 CFR—Continued

Chapter I—Continued

13.37
(d) through (j) redesignated as (e) through (k) respectively; new (d) added ... 7223
13.41
(b) amended ... 7223
13.49
(a) amended; (b) through (g) redesignated as (c) through (h) respectively; new (b) added ... 7223
13.57
(b) amended ... 12025
13.59
(a) amended ... 7224
13.61
Amended ... 7224
13.65
Deleted ... 7224
13.67
Heading and (a) revised ... 7224
21
Subpart L added ... 8465
Subpart J revised ... 11375
Subpart M added ... 11379
21.1
(a)(1) and (b) revised ... 8465
(a)(2) and (3) amended; (a)(4) deleted ... 11379
21.77
(b) revised ... 14311
21.99
Heading revised ... 8826
21.181
(a) revised ... 8033
21.189
(c) deleted ... 9437
21.231—21.293
Subpart J revised ... 11375
21.321—21.339
Subpart L added ... 8465
21.431—21.493
Subpart M added ... 11379
21.435
(a) corrected ... 11849
23
Appendix E added ... 8468
23.25
(a)(1)(iii) revised ... 8468
23.205
Revised ... 14240
23.365
(d) corrected ... 258
23.427
Corrected ... 258
23.1325
Revised ... 8261
23.1545
(b)(5) added ... 14240
23.1563
(a)(2) amended; (a)(3) deleted; (a)(4) redesignated as (3); (b)(2) amended; (b)(3) deleted; (b)(4) redesignated as (3) ... 14240
23.1585
(c) added ... 14240
25
Appendix D added ... 6067
Appendix E added ... 8468
25.21
(e) added ... 13117
25.25
(a)(3) revised ... 8468
25.59
(c) added ... 8468
25.111
(e) added ... 8468
25.171
Amended ... 13117
25.173
Revised ... 13117
25.175
(a) amended; (b) revised; (c) and (d) amended ... 13117
25.201
(c)(2) revised ... 13117
25.207
(c) amended ... 13118
25.771
(e) deleted; (f) redesignated as (e) ... 6113
25.803
(c) revoked ... 3204
25.809
(f) revised ... 3203
25.811
Revised ... 3204
25.813
Revised ... 3204
25.1325
Heading, (b) and (c) revised; (f) added ... 8261
25.1457
(a), (b), (c)(3) and (4), and (g) revised ... 3932
25.1523
Closing sentence added ... 6067
29.67
(a)(2)(i), (a)(3)(i) and (b) revised ... 8778
29.79
(b)(1) revised ... 8778
29.923
(a), (b) and (f) revised; (k), (l) and (m) redesignated as (l), (m) and (n) respectively; new (k) added ... 8778
29.1045
(c) revised ... 8778
29.1047
(a)(3) and (4) revised ... 8778
29.1521
(f) and (g) added ... 8778
31.25
(c) amended ... 3377
31.45
Amended ... 3377
31.47
(c) through (f) added ... 3377
31.49
(d) and (e) added ... 3377
31.55
Revised ... 3377
31.61
Added ... 3377
31.63
Added ... 3377
31.65
Added ... 3377
31.85
Added ... 3377
33
Effective date ... 535
35
Effective date ... 535
37.127
Revised ... 13209
37.132
(b) amended ... 13210
37.134
(b)(1) amended ... 13210
37.140
Heading amended ... 13210
37.141
(b) amended ... 13210
37.142
(b) amended ... 13210
37.143
Revised ... 13210
37.144
(b) amended ... 13211
37.145
Heading and (b) amended ... 13211
37.146
(b) amended ... 13211
37.147
(b) amended ... 13211
37.152
(b)(2) amended ... 13211
37.154
Introductory text of (b) amended ... 13211
37.168
Revised ... 8263
37.171
Revised ... 7637
37.192
Added ... 13211
37.193
Added ... 13211
37.194
Added ... 13212
37.195
Added ... 15548
39.1
(a) revised ... 8826
39.13
Amended ... 81, 82 (2 docs.), 572–573 (3 docs.), 828 (2 docs.), 881, 1032 (2 docs.), 1188, 1239, 1975, 2103, 2133–2134 (5 docs.), 2256, 2438 (2 docs.), 2655, 2761, 2855, 2924, 3349, 3350, 3377, 3421, 3515, 3759, 4240, 4319, 4533, 4609, 5506, 5622 (2 docs.), 5827, 5897 (2 docs.), 6068, 6150, 6431, 6577, 6639, 6640, 6837, 6838, 6940, 6976 (2 docs.), 6977, 7098, 7182 (2 docs.), 7276, 7371, 7372, 7638 (2 docs.), 7701, 7816 (2 docs.), 7876–7877 (3 docs.), 7993, 8033–8034 (4 docs.), 8156, 8203 (5 docs.), 8264, 8328–8330 (4 docs.), 8407, 8470, 8607, 8963, 9260, 9536–9537 (3 docs.), 9624, 10154, 10155, 10284–10285 (3 docs.), 10948, 10982–10983 (5 docs.), 11029–11030 (5 docs.), 11169, 11272, 11313, 11347–11348 (3 docs.), 11669, 11670, 11752, 11849, 12120, 12331–12332 (4 docs.), 12385, 12464, 12465, 12837, 13006 (2 docs.), 13312, 13358, 13811, 13948, 14043, 14151, 14152, 14366, 14423, 14648 (2 docs.), 14649, 14781, 14967, 15209, 15362, 15363 (4 docs.), 15418, 15566, 15783, 16070, 16104.
43
Appendix E added ... 8262
SFAR 10 amended ... 13781
43.9
Heading, (a), (b), and (c) amended ... 3638
47.69
(d)(2) revised; (d)(3) deleted ... 1283
61
Subpart G deleted ... 2927
Subpart F recodified and revised ... 8258
61.1
(f) deleted ... 2925

14 CFR—Continued

Chapter I—Continued

61.3
(d) and (e) redesignated as (e) and (f), respectively; new (d) added 8257
61.5
(e) amended; (f) revised 2925
61.9
(c) and (g) revised 2925
(b) revised 8257
61.15
(g) redesignated as (i) and amended; (e) and (f) redesignated as (g) and (h); (d) redesignated as (f) and amended; new (d) and (e) added 2925
(f) amended; (g) and (h) revised; (i) redesignated as (k) and revised; new (i) and (j) added 11904
61.16
Added 11904
61.17
Section heading and (a) amended; (i) deleted; (f), (g), and (h) redesignated as (h), (j), and (k), respectively; new (f), (g), and (i) added; newly redesignated (j) (1) (ii) amended 2925
(b) revised 2927
(c) amended 8257
Heading and (a) revised; (j) amended 11905
61.20
Added 2196
61.21
Closing paragraph revised 4569
Revised 8257
61.23
(d) revised 2925
61.25
(b) amended 2925
61.26
Added 8516
61.27
(a) and (b) amended; introductory text of (f) revised; (g) revised 2925
(d) (2) revised 6577
Introductory text of (a) amended; (b) revised 8257
(a) (1) amended 8516
61.31
(a) (1) amended 2925
(a) (3) and (b) (1) and (3) amended 2926
61.39
(a) (2) (iv) revised; (f) amended 2926
Introductory text of (a) amended 8257
(f) revised 11905
61.43
(a) (3), (b) (2), and (c) revised 2926
61.47
(g) added 11905
61.48
Added 2196
61.49
Revised 2926
61.63
(a) (2) (i) amended; closing paragraph of (a) deleted 788
(a) (2) (iii) and (3) amended 8257

14 CFR—Continued

Chapter I—Continued

61.65
Introductory text of (b) amended; (b) (5) amended; (b) (7) added; closing paragraph added 789
(b) (6) amended; (b) (8) added 8257
61.67
(b) (2) amended; (b) (4) added 8257
61.69
(b) revised; (c) amended 8257
61.71
(a) amended 2926
61.73
(d) and (e) added 8257
61.81
(a) amended 2926
61.97
Section heading and text amended 2926
61.99
Section heading and text amended 2926
61.101
(b) deleted 11905
Corrected; (c) redesignated as (b) 12249
61.111
(a) revised; (b) amended; (c) revised; (d) redesignated as (f); new (d) and (e) added 2926
61.113
Introductory text of (a) revised; (a) (3) (ii) and (b) amended; (c) added 2926
61.127
Section heading and text amended 2926
61.128
Added 2926
61.129
Section heading and text amended 2926
61.130
Added 2926
61.131
(d) revised 2927
(d) amended 8258
Revised 11905
61.147
(b) revised 11905
61.155
Revised 11905
61.159
Deleted 11905
61.165
(b) deleted; (a) undesignated 11905
61.170—61.180
Subpart F recodified from 61.171—61.177; revised 8258
61.171—61.177
Subpart F recodified as 61.170—61.180; revised 8258
61.181, 61.183
Subpart G deleted 2927
63
Subpart B recodified and revised 14559
Appendix C added 14560
63.3
Heading revised; (a) amended 14559
63.11
(a) and (b) amended 14559
63.18
Added 2196
63.26
Added 2196

14 CFR—Continued

Chapter I—Continued

63.31—63.41
Subpart B recodified as 63.31—63.45; revised 14559
63.31—63.45
Subpart B recodified from 63.31—63.41; revised 14559
65.18
Added 2196
65.20
Added 2196
65.95
(a) (1) amended 3638
67
Amended 12025
67.13
(b) (1) amended 14562
67.15
(e) revised 12025
(b) (1) amended 14562
67.19
(a) revised 12025
67.20
Added 2197
71.5
(c) revised 3932
71.105
Amended 10286
71.107
Amended 2762, 14313
71.109
Amended 200, 8158, 12233, 13864
71.123
Amended 82, 434 (2 docs.), 606, 789, 1033 (2 docs.), 1035, 1036, 1112–1113 (5 docs.), 1189–1190 (3 docs.), 1836 (2 docs.), 2440, 2655, 2762–2763 (3 docs.), 2928 (3docs.), 3422.
Corrected 3516
Amended 3640, 4121, 4196, 4463, 4533, 4534, 4670, 4752, 5506, 5831.
Effective date amended 6113
Amended 6150, 6241, 6385 (2 docs.), 6479, 6915, 6978 (2 docs.), 7099 (3 docs.), 7224 (2 docs.), 7312–7313 (3 docs.), 7557–7558 (3 docs.), 7744 (2 docs.), 7994, 8158, 8264, 8265, 8567–8568 (3 docs.), 8608, 9000 (2 docs.).
Corrected 9000, 9001
Amendment canceled 9090
Amended 9261–9262 (3 docs.)
Corrected 9437
Amended 9438
Corrected 9576
Amended 9624, 9625, 10024, 10286, 10287, 10842, 10883–10885(4d), 11031, 11136, 11137, 11313, 11381, 11502, 11672, 12026, 12333.
Corrected 12333, 12386, 12535
Amended 12725–12726 (4 docs.)
Corrected 12726
Amended 12726–12727 (3 docs.), 12937, 12938
Corrected 13006
Amended 13054–13056 (3 docs.), 13213, 13255, 13779, 13903, 14152, 14311, 14312, 14313, 14423, 14424 (4 docs.), 14425 (2 docs.), 14526, 14919, 15321, 15364, 15365, 15418.
71.125
Amended 6385, 7818, 8157, 12725, 14311

14 CFR—Continued

Chapter I—Continued

71.127
Amended 4122, 7224
71.151
Amended 435, 4534, 5625, 7949, 7994, 9577, 9907, 11314, 13865, 14425.
Corrected 15364
71.161
Amended 6150, 7099, 8158, 14314
71.163
Amended 434, 828, 2763, 3516, 6068, 6682, 8158, 8470, 10155, 12727, 13778, 13813, 13864.
71.165
Amended 83 (2 docs.), 201–202 (4 docs.), 433, 739, 789, 1033–1034 (4 docs.), 1036, 1188, 1189, 1836, 1976–1977 (4 docs.), 2197, 2596, 2855–2856 (3 docs.), 3351–3352 (3 docs.), 3422, 3639–3640 (3 docs.), 3813, 3814, 3858–3859 (3 docs.), 4121, 4196, 4463, 4751, 4752, 5506.
Corrected 5623
Amended 5623–5625 (3 docs.), 5731, 5828–5830 (3 docs.), 5898 (2 docs.), 6384 (2 docs.), 6386, 6578, 6977, 7183, 7373 (2 docs.), 7517, 7598, 7702 (2 docs.), 7817–7818 (3 docs.), 7877–7879 (3 docs.), 7881–7883 (5 docs.), 7885, 8035, 8102–8103 (3 docs.), 8264, 8330, 8676, 8999, 9261, 9300–9301 (4 docs.), 9358, 9761, 9862, 10880, 10883, 11134, 11135, 11348, 11671, 11672, 12121 (2 docs.), 12386, 12880, 13120, 13213 (2 docs.), 13511, 13573, 13811, 13948, 13949, 14153.
Corrected 14154
Amended 14311, 14313, 14916, 14918, 14970 (4 docs.), 15322, 15463, 15464, 15737 (2 docs.), 16070, 16105.
71.171
Amended 83 (2 docs.), 201–204 (10 docs.), 433 (2 docs.), 480 (2 docs.), 606, 647, 739, 789
Corrected 829
Amended 881, 882, 1033–1035 (5 docs.), 1111 (2 docs.), 1113, 1188–1189 (3 docs.), 1239, 1284, 1975–1977 (5 docs.), 2197–2198 (4 docs.), 2257, 2439 (4 docs.), 2596, 2655, 2702, 2764, 2855 (2 docs.), 2927, 2928, 3350–3352 (6 docs.).
Effective date of amendment postponed 3378
Amended 3422, 3515, 3516, 3639–3641 (6 docs.), 3814–3815 (4 docs.), 3857–3859 (5 docs.), 4120–4122 (5 docs.), 4196, 4319, 4391 (2 docs.), 4462, 4463, 4533, 4669 (2 docs.), 4670, 4751, 5506, 5575 (2 docs.), 5623 (2 docs.), 5624, 5731 (2 docs.), 5827–5830 (4 docs.), 5898 (2 docs.), 5899.
Corrected 5899
Amended 6068
Corrected 6069
Effective date amended (4 docs.) 6113

14 CFR—Continued

Chapter I—Continued

71.171—Continued
Amended 6216, 6384, 6386 (3 docs.), 6387, 6578 (3 docs.), 6579, 6640 (2 docs.), 6641 (3 docs.), 6682, 6765 (2 docs.), 6766, 6838 (2 docs), 6914 (2 docs.), 6941, 6977 (2 docs.), 7098, 7099, 7182, 7183 (2 docs.), 7276, 7372 (2 docs.), 7517, 7598, 7639, 7702 (2 docs.), 7817–7818 (5 docs.), 7877–7885 (19 docs.), 7994 (2 docs.), 8035–8037 (6 docs.), 8102–8103 (5 docs.), 8156 (2 docs.), 8330, 8331.
Effective date of amendment postponed 8331
Amended 8749, 8826–8827 (3 docs.), 8899 (3 docs.), 9201, 9261 (2 docs.).
Effective date of amendment postponed 9300
Amended 9301 (2 docs.)
Corrected 9301
Amended 9358, 9438, 9576 (2 docs.) 9761, 9862 (2 docs.), 9906, 10087, 10285–10287 (4 docs.), 10880–10882 (4 docs.), 10948 (2 docs.), 11030, 11134–11136 (4 docs.), 11170, 11209, 11313, 11348, 11380, 11597–11598 (3 docs.), 11671–11672 (3 docs.), 11716, 12026, 12121 (2 docs.), 12332–12333 (3 docs.).
Corrected 12385
Amended 12385–12386 (4 docs.), 12661, 12725, 12727, 12838, 12880–12881 (3 docs.), 12937, 13054.
Corrected 13118 (2 docs.)
Amended 13118–13119 (3 docs.), 13213, 13312–13313 (3 docs.), 13358, 13436, 13512 (3 docs.), 13778 (3 docs.), 13811–13812 (2 docs.), 13864, 13948–13949 (4 docs.), 14044, 14153–14154 (4 docs.), 14196, 14311, 14312, 14489, 14707, 14916–14918 (5 docs.), 14968–14969 (3 docs.), 15015, 15080, 15272–15274 (5 docs.), 15321, 15322, 15418, 15463–15464 (4 docs.), 15736, 15737, 16070, 16071, 16105.
Corrected 16257
71.181
Amended 82–84 (7 docs.), 201–204 (8 docs.), 433–435 (4 docs.), 480, 481, 606, 647, 739 (2 docs.), 789 (2 docs.).
Corrected 829
Amended 882–883 (4 docs.), 1033–1035 (6 docs.)
Corrected 1035 (2 docs.)
Amended 1036, 1111 (2 docs.)
Corrected 1112
Amended 1113, (2 docs.), 1188–1190 (4 docs.), 1239, 1836, 1837, 1976–1978 (6 docs.), 2197–2198 (4 docs.), 2596–2597 (3 docs.), 2764 (2 docs.), 2855–2856 (4 docs.).
Corrected 2856
Amended 3351–3353 (7 docs.)
Corrected 3378

14 CFR—Continued

Chapter I—Continued

71.181—Continued
Amended 3422, 3516, 3639–3641 (6 docs.), 3813–3815 (4 docs.), 3857–3860 (10 docs.), 4121–4122 (4 docs.), 4196–4197 (4 docs.), 4219 (2 docs.), 4391 (2 docs.), 4462–4464 (3 docs.), 4534, 4610 (2 docs.), 4670 (3 docs.), 4751, 5359.
Corrected 5506
Amended 5507, 5575 (2 docs.), 5623–5624 (3 docs.), 5703, 5731.
Corrected 5790
Amended 5828–5830 (4 docs.), 5898–5899 (4 docs.), 6068–6069 (4 docs.).
Effective date amended 6113
Amended 6384–6387 (7 docs.), 6577–6579 (4 docs.), 6641 (2 docs.), 6642, 6682, 6766, 6838.
Corrected 6838
Amended 6914, 6915, 6941, 6977, 6978 (2 docs.)
Effective date of amendment postponed 7098
Amended 7100, 7182–7184 (6 docs.), 7372–7373 (3 docs.), 7517, 7557, 7598, 7639, 7702–7703 (3 docs.), 7817–7818 (5 docs.).
Corrected 7818
Amended 7877–7786 (23 docs.)
Corrected 7883
Amended 7886, 7994
Corrected 7994
Amended 8035–8037 (7 docs.), 8102–8104 (5 docs.).
Corrected 8156
Amended 8156, 8157
Corrected 8157
Amended 8157, 8264, 8330, 8331, 8471 (4 docs.), 8608 (2 docs.), 8676, 8779 (2 docs.), 8826.
Corrected 8827
Amended 8827
Corrected 8828
Amended 8999 (2 docs.)
Corrected 8999
Amended 9001 (3 docs.), 9201, 9261 (2 docs.), 9263.
Effective date of amendment postponed 9300
Amended 9301 (2 docs.)
Corrected 9301
Amended 9358, 9438, 9576 (2 docs.), 9761, 9762, 9862, 9906 (2 docs.), 9676, 9907, 10024, 10087 (2 docs.), 10285–10287 (5 docs.).
Corrected 10827
Amended 10880–10882 (5 docs.), 10948, 10949, 10983, 10984, 11030, 11091.
Corrected 11091
Amended 11134–11137 (6 docs.), 11170, 11209, 11313, 11314, 11381 (2 docs.), 11597–11598 (3 docs.), 11671–11673 (5 docs.), 11849 (2 docs.).
Corrected 11949

14 CFR—Continued

Chapter I—Continued

71.181—Continued
Amended 12026–12027 (4 docs.), 12121 (2 docs.), 12333, 12385–12386 (4 docs.).
Corrected 12466
Amended 12661, 12727, 12838, 12860 (2 docs.)
Corrected 12881
Amended 13055 (3 docs.)
Corrected 13118 (2 docs.)
Amended 13118–13119 (4 docs.)
Corrected 13213
Amended 13312–13313 (3 docs.), 13436–13437 (3 docs.), 13512 (2 docs.).
Corrected 13693
Amended 13779–13780 (5 docs.), 13811–13813 (5 docs.), 13863, 13864, 13948, 14044, 14152–14154 (4 docs.), 14196, 14240, 14311, 14312, 14366, 14423, 14489.
Corrected 14591
Amended 14707, 14917–14918 (4 docs.), 14968–14971 (9 docs.), 15015 (3 docs.), 15209, 15272, 15273, 15321, 15322, 15418–15419 (3 docs.).
Corrected 15419
Amended 15464 (3 docs.), 15736, 15737, 16070–16071 (5 docs.), 16104–16105 (3 docs.).

71.193
Amended 204
Revised 1836
Amended 12487, 13437

71.203
Amended 435, 1036, 2655, 2763, 3759, 3815, 4533, 6242, 7224, 8265 9261, 9262, 9438
Corrected 9906
Amended 11671, 12725, 12727, 13779, 15322, 15567.

71.207
Amended 1190, 3759, 7703, 8472, 9262, 12727, 14313, 15322, 15365.

71.209
Amended 1112, 3759, 4391, 4463, 8471, 10155, 12727, 13778, 13864.

71.211
Amended 1977, 6385, 7818, 9262, 14311

71.213
Corrected 829
Amended 9262

71.215
Amended 9262

73
Amended 6388, 10288

73.20
Corrected 11850

73.21
Amended 205

73.22
Amended 4464, 7949

73.23
Amended 85, 6079, 11314

73.24
Amended 1036

73.25
Amended 481, 606, 1036, 2764, 4464, 5425, 6070

73.28
Amended 6388

14 CFR—Continued

Chapter I—Continued

73.29
Amended 606, 8158, 9055, 9907, 11348, 14490

73.30
Amended 11502

73.36
Amended 8472

73.38
Amended 5831, 8008, 10287, 15210

73.39
Amended 3759

73.40
Amended 1035, 7744

73.43
Amended 3705, 4752
Corrected 6069

73.44
Amended 5831

73.45
Amended 11348

73.46
Amended 11348

73.48
Amended 435, 6070, 7100, 11031, 13056, 13949

73.49
Amended 4197, 13865

73.50
Amended 1189, 6242

73.51
Amended 7995, 9577, 14007
Corrected 14314
Amended 14971

73.53
Amended 1037, 9438, 9762, 13574, 13903
Corrected 15080

73.54
Amended 11348

73.57
Amended 205, 7100

73.63
Amended 5831

73.64
Amended 4392, 4534, 9302, 9762, 13780, 14425

73.66
Amended 3422, 7745, 12727

73.67
Amended 7100, 7225

73.69
Amended 1239

73.70
Amended 11031

75.100
Amended 606, 930, 1036, 1113 (2 docs.), 1190–1191 (3 docs.), 2440.
Corrected 2440
Amended 2440, 2928, 3378 (2 docs.), 3516, 4464
Corrected 4464
Amended 5790, 5831, 6150 (2 docs.), 6242 (2 docs.), 6842, 6915 (2 docs.), 7099, 7100 (2 docs.), 7703, 7745, 7994, 7995, 8158 (3 docs.), 8472, 8608, 8628, 9577, 9578, 10268, 11314, 12387, 12727, 13066, 13214, 13358, 13574, 13865, 14313, 14426, 14919, 15218, 15368.

75.200
Amended 1036
Revised 2440
Amended 6432, 8331, 12387, 12437

75.300
Amended 6432, 8331, 13437

14 CFR—Continued

Chapter I—Continued

77
Revised 1839

77.19
Closing paragraph revised 6713

77.28
(b)(1) amended 6713

91
SFAR 16 3707
Subpart C heading revised 8033

91.7
(a) amended 13120

91.23
Revised 6070

91.27
(a) revised 3638

91.39
(d) redesignated as (e); (c) redesignated as (d) and amended; (b) redesignated as (c) and revised; (a) redesignated as (b); new (a) added 2532

91.43
(e) added 10288

91.47
(e) added 3204
Revised 8516

91.49
Added 3638

91.83
(a)(9) revised; (b) redesignated as (c) and revised; new (b) added 6070

91.87
(g) amended 3638

91.89
Revised 5507

91.93
Revised 8473

91.103
Revised 3638

91.104
Added 4123

91.117
(h)(1) amended 3638

91.125
(a) revised 15322

91.127
(c) revised 3706

91.161—91.175
Subpart C heading revised 8033

91.161
(b) revised 3638
(a) revised 8033
(b) amended 8262
(a) amended 10288

91.163
(b) revised 8033

91.167
Revised 6473

91.170
Added 8262

93
Subpart E revised 5576

93.53
Introductory text amended; (d) added 8568

93.57
(a) revised 8568

93.67
(b) revised 8568

93.69
Heading revised 8568

93.71—93.75
Subpart E revised 5576

14 CFR—Continued

Chapter I—Continued

95
Amended 197
Corrected 343
Amended 989, 2532, 3759, 5576, 6766, 7639, 8780, 9907, 11310, 12662, 13865, 15024, 16071.

97
Notice of future amendment 7598

97.11—97.19
Subpart B amended 189, 336, 607, 689, 740, 1240, 1701, 2199, 2765, 2772, 3517, 3933, 3944, 4392, 5360, 5455, 5732, 5831, 6151, 6329, 6714, 6839, 7228, 7374, 7957, 7950, 8205, 8609, 8889, 9158, 9159, 9625, 9802, 9963, 10024, 10088, 10883, 11092, 11273, 11305, 11906, 12027, 12334, 12343, 13513, 13814, 14241, 14708, 14717, 14840, 15016, 15081, 15274, 15784.

99.5
(b) revised 9359

99.7
Revised 9359

99.47
Revised 6242

103.33
(a) revised 14250

121
Corrected 130
Appendixes A, B, and C published 258
Appendix C corrected 481
Appendix D added 3206
Subparts N, O, P, Q, R, and S amended 3639
Subpart N revised; Appendix E added 6727
Appendix E amended 10025

121.1
(a)(5) amended; (d) deleted 3638

121.3
(e) and (f) amended 3638

121.93
(a)(1) amended 3638

121.173
Corrected 130

121.175
Published as correction to Part 121 130

121.195
(b) and (c) amended; (d) and (e) added 8572

121.197
Amended 8572

121.289
(d) added 3638

121.291
Added 3204
(a) amended 7703

121.309
(f), (g), and (h) revised 3204

121.310
Added 3205

121.313
(f) revised 6113

121.321
Amended 3638

121.333
(c)(2) amended 12466

121.349
(c)(4) amended 992

121.385
(b) amended 3639

121.387
Revised 6067

14 CFR—Continued

Chapter I—Continued

121.391
Revised 3206

121.393
Revoked 3206

121.396
Revoked 3206

121.397
Revised 3206
(c) deleted 6727

121.410—121.425
Subpart N amended 3639
Subpart N revised 6727

121.418
(c) revised 10025

121.419
(a)(6) and (b) amended 10025

121.420
(b)(2) amended 10025

121.425
(d) amended 3639
(a) amended 10025

121.431—121.453
Subpart O amended 3639

121.433
(a) amended 6726

121.439
Revised 6726

121.441
Introductory text of (b) amended; (b)(23) revised; (d) deleted; (e) redesignated as (d) 6726

121.442
Added 6726

121.443
(a) amended 6726

121.449
Revised 6726
(b)(2) amended 10025

121.461—121.465
Subpart P amended 3639

121.463
(a) amended 6727

121.470, 121.471
Subpart Q amended 3639

121.471
(a)(1) amended 3639

121.480—121.493
Subpart R amended 3639

121.500–121.525
Subpart S amended 3639

121.543
Amended 13120

121.571
Revised 3206

121.573
Revised 3206

121.579
(a) amended; (c) added 14781

121.587
(b)(1) amended 15655

121.597
(b) amended 3639

121.643
(a)(3) amended 10025

121.645
(d) added 10025

121.653
(d) amended 3639

121.705
(a) amended 10025

121.709
(d) added 6432

127.147
Added 14919

127.207
Amended 13120

14 CFR—Continued

Chapter I—Continued

127.229
Added 14920

127.319
(d) added 6432

129.15
Revised 16074

129.17
Text designated (a); (b) added 10288

133.45
(a) revised 883

135
SFAR 12 amended 13628

135.1
(a)(1) amended; (a)(2) redesignated as (3); new (a)(2) added 4352

137
Added 8106

137.13
Revised 15143

137.19
Introductory text of (c) amended 15143

141.21
Revised 7517

143.10
Added 2197

143.20
Added 2197

151
Subpart B heading revised 8039
Subpart C heading revised 8040
Appendices A and D amended 8040
Subpart D added 8040
Appendix A amended 14197

151.3
Revised 8039

151.5
Revised 8039

151.7
Revised 8039

151.9
(b), (c), and (d) deleted; new (b) added; (e) redesignated as (c) and revised 7484

151.21—151.67
Subpart B heading revised 8039

151.26
Added 8039

151.27
(b)(1) and (2) amended 8039

151.31
Amended 8040

151.33
Amended 8040

151.35
Heading revised; (a) and (b) amended 8040

151.37
(a) and (b)(3) amended; closing sentence revised 8040

151.39
(a) and (b) amended; (a) (4) and (5) and (6) redesignated as (a) (5) and (6); new (a)(4) and (c) added 8040

151.41
Amended 8040

151.43
(c) amended 14781

151.49
(a) amended 7484

151.54
Amended 8040

151.55
(d) revised 8040

151.57
(b) amended 8040

14 CFR—Continued

Chapter I—Continued

151.67
Amended ... 8040
151.71—151.97
Subpart C heading revised ... 8040
151.73
(a)(4) amended ... 7484
Amended ... 8040
151.75
(a) amended ... 7484
Amended ... 8040
151.87
(d) amended ... 8040
151.91
(a) amended ... 7484
151.93
(a) revised ... 8040
151.95
(g)(1) amended ... 8040
151.111—151.131
Subpart D added ... 8040
159
Subpart G redesignated as Subpart I ... 8828
New Subpart G added ... 8828
159.11
Revised ... 1037
159.48
Added ... 11349
159.171
(a) revised ... 1037
Subpart G redesignated as Subpart I ... 8828
159.171—159.175
New Subpart G added ... 8828
159.191
Subpart I redesignated from Subpart G ... 8828
163
Deleted ... 8676
165
Amended; heading of Subpart P revised ... 7184
Appendix A added ... 7185
165.1
(c) added ... 7184
165.5
Added ... 7184
165.15
(a) revised ... 7184
165.17
Amended ... 7184
165.41
(kk) added ... 7185
165.85
(b) revised ... 7185
165.89
(a) amended ... 7185
165.129
Amended ... 7185
165.151
(c) revised ... 7185
165.245
Amended ... 7185
165.255
Deleted ... 7185
165.257
Deleted ... 7185
165.259
Revised ... 7185
165.261
(b) revised ... 7185
165.271
Revised ... 7185
165.273
Deleted ... 7185
165.277
Heading revised; introductory text of (a) and (a)(3) revised ... 7185

14 CFR—Continued

Chapter I—Continued

165.279
Deleted ... 7185
165.281
Deleted ... 7185
165.283
Revised ... 7185
Special Federal Aviation Regulations:
10 (amended) ... 13761
12 (amended) ... 13628
16 ... 3707
Chapter II:
207.1
Amended ... 2655
Amended ... 11382
207.7a
Added ... 11382
208.10—208.14
Recodified as 208.10—208.15; revised ... 9763
208.10—208.15
Recodified from 208.10—208.14; revised ... 9763
221
Revised ... 9439
221.3
(d) deleted ... 7560
221.4
Amended ... 7560
221.7
Added ... 7560
221.23
(b)(6) revised; (d) added ... 7560
221.38
(a)(5), (c), and (g) revised ... 7560
221.39
Introductory text deleted; (a)(5) and (7) revised ... 7561
221.51
(b)(3) revised ... 7561
221.52
(a) revised ... 7561
221.55
Revised ... 7561
221.63
(b) revised ... 7561
221.72
(c)(2) amended ... 7561
221.75
(c)(2)(ii) revised ... 7562
221.101
(a)(6) revised ... 7562
221.107
Redesignated as 221.108 ... 7562
221.107
Added ... 7562
221.108
Redesignated from 221.107 ... 7562
221.111
(a) and (b) revised ... 7562
221.112
(h)(1) and (i)(2) revised ... 7562
221.116
Added ... 7563
221.122
(a)(2) and (3) and (b)(3) revised ... 7563
221.132
(b)(1) revised ... 7563
221.161
Revised ... 7563
221.162
Revised ... 7564
221.183
(b) revised ... 7564
221.184
Added ... 7564

14 CFR—Continued

Chapter II—Continued

221.191
(b) revised ... 7564
221.201
Introductory text revised ... 7564
221.240
(a) revised; (b) amended ... 7564
221.241
(a) revised ... 7564
221.244
(a) revised ... 7564
221.246
(a) revised ... 7565
221.247
(a) revised ... 7565
221.248
Revised ... 7566
224
Revised ... 3861
231.1
Revised ... 14971
231.2
Revised ... 14972
231.5
(b) revised; (d) added ... 14972
231.6
Revised ... 14972
233.1
(c) through (g) revised ... 10949
241
Amended ... 745
Amended ... 1191
Amended ... 7704
Amended ... 8829
Corrected ... 9001
Amended ... 14197
242
Added ... 2857
247
Revised ... 12249
249
Text designated as Subpart A ... 9579
Subpart B added ... 9580
249.1—249.14
Designated as Subpart A ... 9579
249.1
Revised ... 9579
249.2
Amended ... 9579
249.4
Revised ... 9579
249.5
Heading revised ... 9579
249.7
Introductory text revised ... 9579
249.8
Revised ... 9579
249.9
Deleted ... 9580
249.10
Deleted ... 9580
249.13
(c) and introductory text of (e) revised; (f) amended ... 9580
249.14
Revised ... 9580
249.20—249.29
Subpart B added ... 9580
288
Revised ... 3869
288.7
(b) amended ... 931
Introductory text of (a)(2) revised ... 8784
(b) amended ... 13314
295.2
(l) revised ... 2656

14 CFR—Continued

Chapter II—Continued

295.14
(c)(1)(i) revised; (c)(2) amended ... 3353
298.2
Revised ... 9204
298.3
(a) revised ... 12669
298.13
Revised ... 12669
298.21
(b) revised ... 2781
(b) revised; (e) added ... 9205
(a) revised; (f) added ... 12669
(b) revised ... 14044
298.22
(b) and (c) revised ... 9205
301.1
Amended ... 14367
301.2
Revised ... 14367
301.19
(b) revised ... 14367
301.27
(b) and (c)(2)(ii) revised ... 14367
301.29
(b) and (d) revised ... 14368
301.45
(a)(1) revised ... 14368
301.46
(a)(2)(i), (b), and (e) revised; note deleted ... 14368
301.50
(d) revised ... 14368
302.1106
Revised ... 5900
302.1107
Revised ... 5900
303.16
(c) added ... 8473
303.17
Revised ... 8473
303.19
Revised ... 8473
303.20
Revised ... 8473
311
Revised ... 14920
320.11
(b) amended ... 10094
Effective date of amendment of (b) corrected ... 10155
320.15
(c)(1)(ii) revised ... 10094
Effective date of revision of (c)(1)(ii) corrected ... 10155
320.20
Amended ... 10094
Effective date of amendment corrected ... 10155
385.10
(b) revised ... 10842
(a) revised ... 14972
385.12
Deleted ... 14972
385.13
(t) added ... 10843
Heading, introductory text and (a) revised ... 14972
385.14
Heading and introductory text revised ... 14973
385.15
Heading and introductory text revised ... 14973
385.17
Deleted ... 14973

14 CFR—Continued

Chapter II—Continued

385.18
Heading, introductory text and (e) revised ... 14973
385.19
Heading and introductory text revised ... 14973
385.20
Revised ... 10843
385.21
Revised ... 10843
Heading and introductory text revised ... 14973
387
Added ... 11717
389
Revised ... 15567
399.16
Revised ... 3878
(c) revised; (d) deleted ... 9205
399.19
Added ... 5626
399.30
Added ... 3878
399.52
Added ... 13781
Chapter V:
1204
Subpart 2 added ... 9811
1204.200—1204.211
Subpart 2 added ... 9811
1204.500
Revised ... 3378
1204.507
Added ... 3378
1209
Subpart 1 recodified, revised ... 535
1209.100—1209.103
Subpart 1 recodified from 1209.100—1209.104; revised ... 535
1209.100—1209.104
Subpart 1 recodified as 1209.100—1209.103; revised ... 535
1245
Subpart 3 added ... 1844
1245.300—1245.304
Subpart 3 added ... 1844
1250
Added ... 301
Proposed Rules:
1 ... 6074, 6921, 9955, 15040, 16129
4b ... 953
10 ... 953
21 ... 953, 11773, 13167
23 ... 6074
25 ... 2468, 5798, 6074, 9776, 14015, 15670, 16139.
27 ... 6074, 16129
29 ... 6074, 16129
37 ... 2468, 4206, 6074, 7663, 8006, 9319, 9547, 11695, 11773, 13786, 15294.
39 ... 93, 845, 1297, 2469, 2470, 2682, 2718, 3224, 3782, 3783, 4137, 5532, 5643, 5907, 6188, 6274, 7573, 8062, 8228, 8229, 8273–8275, 8413, 8414, 8487, 8488, 8687, 8688, 8798, 9320, 9491, 10165, 10299, 10995, 11227, 11283, 11732, 11971, 12129, 12687, 12845, 13015, 13237, 13266, 13324, 13786, 13787, 13963, 14017, 14329, 14330, 14814, 14815, 15374, 15475, 16084, 17171.
40 ... 953
41 ... 953
42 ... 953
43 ... 11773, 13167, 13787

14 CFR—Continued

Proposed Rules—Continued

61 ... 94, 6074, 7292, 10116, 14600, 15435
63 ... 1196
65 ... 11773, 12892, 13167
67 ... 6188, 11732, 16084
71 ... 94–98, 224–234, 445, 487–489, 539, 587–589, 709, 710, 759, 760, 801–803, 886–892, 1052–1057, 1120–1126, 1200–1202, 1257, 1258, 1297–1301, 1816, 1817, 1873–1877, 1951, 1993–2000, 2106–2111, 2157, 2221, 2285, 2470, 2556–2558, 2606–2612, 2682, 2821, 2822, 2874, 2952, 2953, 3224, 3225, 3356, 3390, 3391, 3452–3455, 3549, 3664, 3665, 3713, 3783–3785, 3820, 3821, 3884, 3885, 4137–4140, 4206, 4207, 4321, 4489–4491, 4553, 4554, 4638, 4680, 4681, 4723, 4766–4768, 5383, 5384, 5604–5606, 5643, 5854–5857, 5908, 6074–6077, 6119, 6120, 6189, 6225, 6397–6402, 6443, 6588, 6589, 6735, 6736, 6793–6795, 6872, 6922–6924, 6984–6986, 7045, 7110–7112, 7196, 7316, 7396, 7502, 7503, 7524, 7525, 7573, 7612, 7613, 7663, 7666, 7723, 7761, 7840, 7929, 8007, 8008, 8110, 8111, 8166, 8276, 8341, 8489, 8490, 8491, 8589, 8590, 8634–8637, 8689, 8690, 8798, 8799, 8856, 8857, 8970, 8971, 9006, 9009, 9220, 9221, 9274, 9276, 9277, 9321–9323, 9365, 9491, 9492, 9547, 9548, 9597, 9648, 9829, 9884, 9955–9957, 9986, 10054, 10055, 10117–10119, 10296–10298, 10908–10912, 10953, 10954, 10996–10998, 11047, 11142–11147, 11178, 11179, 11283, 11328, 11329, 11392–11396, 11644, 11874, 11875, 12040, 12042, 12130, 12359, 12360, 12415–12417, 12688, 12735, 13078, 13168, 13169, 13237, 13238, 13324–13329, 13457, 13544, 13545, 13582, 13788, 13833, 13877, 13963, 13964, 14169, 14170, 14330, 14381, 14815, 14816, 14996–14998, 15234, 15437, 15438, 15592, 15593, 15759–15761, 16085–16087, 16139.
73 ... 446, 1057, 1126, 1877, 2000, 2111, 2157, 3391, 3549, 3885, 6121, 6402, 6444, 6736, 7251, 7503, 7666, 7671, 7673, 7724, 8590, 8638, 9221, 9957, 11283, 11695, 13238, 14819.
75 ... 1876, 2471, 2558, 2953, 3225, 3391, 3549, 3666, 3714, 3785, 6074, 6443, 6924, 7112, 7761, 8008, 9009, 9221, 9277, 9492, 15438.
77 ... 8905, 12735
91 ... 953, 3990, 6074, 6541, 6921, 8799, 9955, 10116, 11106, 13167, 13651, 14170, 14600, 15040, 15296, 15375.
93 ... 446, 3550, 15375
95 ... 6074
97 ... 6074
99 ... 3550
103 ... 13381
105 ... 11733
121 ... 2468, 3990, 7693, 8009, 11530, 13545, 15296.
127 ... 9548, 15296
129 ... 6541, 15296
135 ... 6074
145 ... 13167, 15296
157 ... 6342

51-000—66—8

14 CFR—Continued

Proposed Rules—Continued

159 ... 13239
171 ... 13169
207 ... 3662, 5483
214 ... 8062
221 ... 10907, 13236, 14814, 16129
223 ... 12038
231 ... 11227
233 ... 8487, 11178
235 ... 12889, 14497
241 ... 757, 7251, 10056, 11729, 12889, 14497
243 ... 11729, 13077
249 ... 2713
250 ... 13236, 14814, 16129
288 ... 998, 2558, 10995
294 ... 59
295 ... 92
298 ... 4636, 9986, 11695, 12891, 13877
302 ... 2156
378 ... 281, 6119, 13077, 13877
399 ... 998, 2558, 6650, 10056, 11391, 11729, 14531, 15173.

15 CFR

Subtitle A:

4.3
Added ... 7245

6
Optional and mandatory effective dates ... 1250

8
Added ... 305
Appendix corrected ... 616

8.4
(b) (1) (vi) corrected ... 616

8.5
(b) (4) (iv) corrected ... 616

9
Revised ... 8432

10
Added ... 15287

Subtitle B:

Chapter I:

30.1
(b) revised ... 12881

30.7
(l) (5) revised ... 11502

30.37
(a) (4) added ... 2442

30.50
Revised ... 12881

30.53
(e) added ... 2442

30.54
(a) (2) revised ... 12882

30.55
Introductory text revised; (h) added ... 12882

30.56
(e) revised ... 12882

30.57
(c) revised ... 12882

30.70
(g) amended; (l) revised ... 11502

30.92
Revised ... 11503

50.35
Revised ... 13358

Chapter II:

Subchapter B revised ... 5552

200
Revised ... 10094

200.113
Revised ... 14411

201
Revised ... 6748

201.302
(c) revised; table amended ... 8963

15 CFR—Continued

Chapter II—Continued

201.821
Amended ... 14591

201.822
Added ... 8963

201.840
Amended ... 12535

201.841
Amended ... 12535

201.843
Amended ... 12535

201.844
Amended ... 12535

201.910
Amended ... 14591

201.920
Amended ... 12536

201.950
Amended ... 12536

202
Revised ... 5686

202.625
Amended ... 12536

203.301
Added ... 10097

204
Revised ... 215

205
Recodified from Parts 205 and 215; revised ... 9978

206
Revised ... 4237

208.601
Revised ... 2021

210
Revised ... 10156

215
Deleted; recodified in Part 205 ... 9978

230
Revised ... 5552

230.7–1
Amended ... 14591
Amended ... 14652
Amended ... 15324
Amended ... 15803

230.7–3
Amended ... 14652
Amended ... 16001

230.7–4
Amended ... 15803

230.7–7
Amended ... 14591

230.7–8
Amended ... 15324

230.7–16
Amended ... 15290

230.7–18
Amended ... 15290

230.7–19
Amended ... 15290

230.8–5
(b) (5) and (8) amended ... 14591
(b) (3), (5) and (8) amended ... 15290

230.8–6
Amended ... 15290
Amended ... 16001

230.8–8
Amended ... 14591
Amended ... 15290

230.8–9
Amended ... 14921

230.8–15
Amended ... 14591

230.8–17
Amended ... 14591

230.8–18
Amended ... 15290

230.8–21
Added ... 14592

15 CFR—Continued

Chapter II—Continued

230.8–22
Added ... 14922

Chapter III:

Subchapter B revised ... 1402

368
Revised ... 1402

368.1
(b) (1), (2), and (3) revised ... 4465

369
Added ... 12121

370
Revised ... 1402

370.1
(g) (2) amended ... 11962
(n) revised ... 12122

370.2
(a) revised ... 4465
(a) revised ... 11962

370.5
(a) revised ... 11962

370.10
Revised ... 4466

371
Revised ... 1402

371.3
(c) (4) added ... 11964

371.7
(c) added ... 11964

371.8
Corrected ... 616

371.10
(b) deleted ... 4466
(a) revised ... 11964

371.13
(a) (2) and (b) (2) amended ... 11964

371.18
(a) (2) revised; (f) (1) (vii) added ... 11964

372
Revised ... 1402

372.7
(c) (4) amended ... 11964

372.12
(c) (2) revised ... 5627

372.16
(a) revised ... 4466

373
Revised ... 1402
Supplement 3 amended; Supplement 4 added ... 11965

373.3
(c) revised ... 10097

373.4
(l) (1) and (2) revised ... 5627

373.7
Added ... 11964

373.11
Existing text designated as (a); (b) added ... 11965

373.14
(c) added ... 11965

373.17
Existing text designated as (a); (b) added ... 11965

373.18
Deleted ... 4466

373.25
Existing text designated as (a); (b) added ... 11965

373.31
(c) added ... 11965

373.34
(d) added ... 11965

373.41
(c) added ... 11965

373.45
Existing text designated as (a); (b) added ... 11965

15 CFR—Continued

Chapter III—Continued

373.54
Existing text designated as (a); (b) added ... 11965

373.62
Revised ... 4466
(c) added ... 11965

373.65
(c) (4) added ... 5628

374
Revised ... 1402

374.2
Revised ... 4466
Revised ... 11965

375
Revised ... 1402

376
Revised ... 1402

376.2
(a) revised ... 11966

377
Revised ... 1402

377.2
Revised ... 4466
Revised ... 11966

379
Revised ... 1402

379.1
(a) revised ... 10097
(b) (2) (i) amended ... 13782

379.3
(c) (3) revised; (e) (3) and (6) deleted ... 4466
(c) (2) (i) amended ... 13782

379.10
(c) (1) amended ... 4466

380
Revised ... 1402

380.2
(f) (3) (vii) and (viii) deleted ... 4467
(f) (3) (vii) added ... 11966

381
Revised ... 1402

382
Revised ... 1402

383
Revised ... 1402

384
Revised ... 1402

384.6
Added ... 4467

384.7
Added ... 14490
Revised ... 14652

385
Revised ... 1402
Revised ... 4467

385.2
(c) (4) (iii) (bb) and (cc) added; (c) (5) (ii) amended ... 10097
(c) (3) revised ... 11966
(c) (5) (ii) amended ... 14373

385.4
(c) (4) redesignated as (5); new (c) (4) added ... 11966

398
Revised ... 1402

399
Revised ... 1402

399.1
Revised ... 5102
Revised ... 10602

Chapter V:

503
Revised ... 8042

503.1
(a) (5) corrected ... 748

15 CFR—Continued

Proposed Rules:

Subtitle A ... 11390
9 ... 5795
30 ... 9318
700 ... 16211

16 CFR

Chapter I:

1.21
Revised ... 8216

1.132
(f) revised ... 8216

13.5
8585 ... 2929
C–880 ... 4123
7946 ... 4125
6495 ... 7655
7939 ... 7658
8458 ... 12938
6608 o ... 14008
C–917 ... 14315
C–981 ... 14922
C–1001 ... 15656

13.10
C–877 ... 3879
8603 o ... 4252
C–886 ... 7653
C–887 ... 7655
C–890 ... 7657
C–884 ... 7658
8605 o ... 7660
C–887 ... 7655
C–884 ... 7658

13.15
C–896 ... 9152
C–900 ... 10156
C–901 ... 10156
5764 o ... 11850
C–907 ... 12032
C–912 ... 12291
C–915 ... 14314
8576 o ... 15090
8653 ... 15091
C–1003 ... 16074

13.20
C–894 ... 9154

13.30
C–873 ... 2398
C–876 ... 2858
C–877 ... 3879
C–802 ... 3880
C–889 ... 7652
C–886 ... 7653
C–890 ... 7657
C–892 ... 8042
C–899 ... 9978
C–902 ... 10157
C–903 ... 10158
C–909 ... 12033
C–918 ... 14316
C–923 ... 14655
C–982 ... 14923
C–989 ... 15366
C–991 ... 15367
C–1002 ... 15657

13.35
C–915 ... 14314

13.45
C–877 ... 3879
C–896 ... 9152

13.55
5764 o ... 11850

13.60
C–884 ... 7658
C–897 ... 9155
C–900 ... 10156

16 CFR—Continued

Chapter I—Continued

13.70
8645 ... 1250
C–870 ... 1934
C–869 ... 2308
8346 ... 9153
C–894 ... 9154
C–901 ... 10156
C–907 ... 12032
C–912 ... 12291
7468 ... 14656
C–982 ... 14923
C–1003 ... 16074

13.73
C–873 ... 2398
C–876 ... 2858
C–877 ... 3879
C–902 ... 10157
C–903 ... 10158
C–911 ... 12290
C–918 ... 14316
C–923 ... 14655
C–982 ... 14923
C–988 ... 15365
C–989 ... 15366
C–991 ... 15367

13.75
5764 o ... 11850
C–912 ... 12291
8550 o ... 14851

13.85
C–896 ... 9152

13.95
C–870 ... 1934
C–889 ... 7652

13.110
8576 o ... 15090

13.115
C–884 ... 7658
5764 o ... 11850
C–996 ... 15369
C–1004 ... 16075

13.125
8645 ... 1250
C–869 ... 2308

13.135
8645 ... 1250
C–863 ... 1251
C–870 ... 1934

13.140
C–863 ... 1251

13.143
C–884 ... 7658
C–897 ... 9155
C–900 ... 10156

13.155
8645 ... 1250
8634 ... 1934
C–869 ... 2308
C–889 ... 7652
8605 o ... 7660
C–892 ... 8042
8346 ... 9153
C–893 ... 9154
C–903 ... 10158
C–907 ... 12032
C–912 ... 12291
C–915 ... 14314
8550 o ... 14851
C–1002 ... 15657

13.170
C–864 ... 1252
8605 o ... 7660
5764 o ... 11850
8547 o ... 15369
C–1003 ... 16074
C–1004 ... 16075
C–1005 ... 16076

16 CFR—Continued Page

Chapter I—Continued

13.175
C–907 ... 12032
C–912 ... 12291
13.180
8645 ... 1250
C–912 ... 12291
13.190
C–996 ... 15369
13.195
8603 o ... 4252
C–897 ... 9155
C–900 ... 10156
13.205
7468 ... 14656
13.230
C–896 ... 9152
13.235
8645 ... 1250
C–802 ... 3880
C–901 ... 10156
C–915 ... 14314
8653 ... 15091
13.240
8550 o ... 14851
13.247
7468 ... 14656
13.265
C–894 ... 9154
13.285
8605 o ... 7660
C–915 ... 14314
8550 o ... 14851
13.345
8309 o ... 1284
13.350
C–906 ... 10187
13.358
C–881 ... 4713
8623 ... 4714
C–1007 ... 16077
13.375
C–888 ... 7661
13.385
C–881 ... 4713
8623 ... 4714
13.388
8618 ... 1114
13.395
8618 ... 1114
8638 ... 1115
C–881 ... 4713
8622 ... 4714
C–914 ... 12771
13.397
C–888 ... 7661
13.407
C–881 ... 4713
8623 ... 4714
13.410
8638 ... 1115
13.425
C–914 ... 12771
13.430
8618 ... 1114
8309 o ... 1284
13.431
8618 ... 1114
13.450
C–914 ... 12771
13.455
8638 ... 1115
13.470
8638 ... 1115
C–881 ... 4713
8623 ... 4714

16 CFR—Continued Page

Chapter I—Continued

13.510
C–998 ... 15583
13.512
C–909 ... 12033
13.523
C–909 ... 12033
13.525
C–909 ... 12033
13.573
8638 ... 1115
13.617
C–888 ... 7661
13.635
7042 ... 12352
13.665
8032o ... 17163
13.715
C–885 ... 7655
7357 o ... 14552
7207 o ... 14655
7908 o ... 14852
13.725
C–885 ... 7655
8032 o ... 17163
13.730
7357 o ... 14552
13.737
7908 o ... 14852
13.770
C–885 ... 7655
13.790
8032 o ... 17163
13.820
8564 o ... 4712
13.824
8513 ... 4711
8491 o–8508 ... 4712
C–882 ... 4712
8630 ... 8043
8620 o ... 12351
8557 o ... 12536
13.825
8625 ... 3878
8513 ... 4711
8491 o–8508 ... 4712
C–882 ... 4712
8630 ... 8043
8620 o ... 12351
8557 o ... 12536
C–328 o, etc ... 14250
C–919 ... 14553
C–920 ... 14553
C–933, C–994, C–995 o ... 15368
13.930
C–881 ... 4713
8623 ... 4714
13.985
C–894 ... 9154
13.1000
C–894 ... 9154
13.1045
C–906 ... 10187
C–985 ... 14922
C–1000 ... 15655
13.1053
C–862 ... 1115
C–866 ... 1252
C–868 ... 1778
C–872 ... 1778
C–905 ... 10186
C–273 ... 14851
C–984 ... 14923
C–991 ... 15367
C–997 ... 15582

16 CFR—Continued Page

Chapter I—Continued

13.1055
8645 ... 1250
C–863 ... 1251
C–869 ... 2308
8593 o ... 2398
6792 o ... 3762
C–802 ... 3880
8603 o ... 4252
C–896 ... 9152
8346 ... 9153
C–894 ... 9154
C–897 ... 9155
C–895 ... 9156
C–987 ... 15291
C–990 ... 15367
C–992 ... 15368
C–998 ... 15583
C–1000 ... 15655
13.1060
C–871 ... 1779
C–878 ... 4125
C–273 ... 14851
C–980 ... 14924
13.1080
C–881 ... 4713
8623 ... 4714
13.1085
C–888 ... 7661
13.1108
C–862 ... 1115
C–865 ... 1251
8610 ... 1778
C–873 ... 2398
C–876 ... 2858
C–889 ... 7652
C–886 ... 7653
C–890 ... 7657
C–892 ... 8042
C–893 ... 9154
C–902 ... 10157
C–903 ... 10158
C–905 ... 10186
C–904 ... 10186
C–909 ... 12033
C–911 ... 12290
C–916 ... 14314
C–918 ... 14316
C–923 ... 14655
C–984 ... 14923
C–986 ... 15290
C–988 ... 15365
C–989 ... 15366
C–997 ... 15582
C–999 ... 15583
C–1002 ... 15657
13.1115
7042 ... 12352
13.1125
7042 ... 12352
13.1160
7042 ... 12352
C–1007 ... 16077
13.1165
7042 ... 12352
13.1175
C–1002 ... 15657
13.1185
C–861 ... 1113
C–865 ... 1251
C–866 ... 1252
C–867 ... 1777
C–868 ... 1778
8610 ... 1778
C–875 ... 2858
C–876 ... 2858

16 CFR—Continued Page

Chapter I—Continued

13.1185—Continued
C–874 ... 2859
C–877 ... 3879
C–879 ... 4127
C–883 ... 4712
C–889 ... 7652
C–886 ... 7653
C–890 ... 7657
C–892 ... 8042
C–891 ... 8043
C–899 ... 9978
C–905 ... 10186
C–904 ... 10186
C–909 ... 12033
C–916 ... 14314
C–918 ... 14316
C–921 ... 14553
C–923 ... 14655
C–924 ... 14852
C–984 ... 14923
C–982 ... 14923
C–983 ... 14924
C–986 ... 15290
C–988 ... 15365
C–989 ... 15366
C–991 ... 15367
C–997 ... 15582
C–999 ... 15583
13.1230
5811 o ... 3879
13.1255
C–872 ... 1778
C–892 ... 8042
13.1265
5811 o ... 3879
13.1280
C–893 ... 9154
C–903 ... 10158
13.1323
C–896 ... 9152
13.1325
C–892 ... 8042
C–902 ... 10157
13.1355
C–1002 ... 15657
13.1390
5764 o ... 11850
C–908 ... 12033
13.1395
C–906 ... 10187
8614 o ... 12351

16 CFR—Continued Page

Chapter I—Continued

13.1400
8614 o ... 12351
C–913 ... 12352
C–924 ... 14852
C–983 ... 14924
8576 o ... 15090
C–1003 ... 16074
13.1425
C–1000 ... 15656
13.1460
C–887 ... 7655
13.1465
8576 o ... 15090
13.1475
C–908 ... 12033
C–924 ... 14852
13.1490
C–898 ... 9152
C–896 ... 9152
C–900 ... 10156
C–901 ... 10156
C–908 ... 12033
8653 ... 15091
C–988 ... 15365
13.1515
5764 o ... 11850
13.1520
C–887 ... 7655
5764 o ... 11850
13.1530
8576 o ... 15090
13.1553
C–887 ... 7655
13.1555
C–887 ... 7655
C–898 ... 9152
C–907 ... 12032
C–908 ... 12033
C–988 ... 15365
13.1565
C–915 ... 14314
8653 ... 15091
13.1570
C–988 ... 15365
13.1575
C–894 ... 9155
13.1590
C–905 ... 10186
C–984 ... 14923
C–1002 ... 15657
13.1595
C–915 ... 14314
13.1605
5811 o ... 3879
8603 o ... 4252
13.1610
5764 o ... 11850
13.1615
C–897 ... 9155
C–900 ... 10156
C–910 ... 12035
13.1635
5764 o ... 11850
C–912 ... 12291
8550 o ... 14851
C–1003 ... 16074
13.1635
C–907 ... 12032
C–912 ... 12291
13.1640
C–896 ... 9152
13.1645
C–896 ... 9152

16 CFR—Continued Page

Chapter I—Continued

13.1647
C–870 ... 1934
C–894 ... 9155
C–901 ... 10156
C–907 ... 12032
C–912 ... 12291
8614 o ... 12351
C–1003 ... 16074
13.1655
C–870 ... 1934
C–869 ... 2308
5811 o ... 3879
13.1670
5764 o ... 11850
C–996 ... 15369
C–1004 ... 16075
13.1680
C–922 ... 14655
13.1685
C–870 ... 1934
C–869 ... 2308
C–896 ... 9152
C–912 ... 12291
8653 ... 15091
C–988 ... 15365
13.1695
5811 o ... 3879
C–990 ... 15367
13.1697
C–897 ... 9155
C–900 ... 10156
13.1710
8605 o ... 7660
8547 o ... 15369
C–1004 ... 16075
C–1005 ... 16076
C–1006 ... 16076
13.1715
C–897 ... 9155
C–907 ... 12032
C–912 ... 12291
C–913 ... 12352
C–922 ... 14655
C–991 ... 15367
C–1003 ... 16074
13.1720
8645 ... 1250
C–912 ... 12291
13.1730
C–996 ... 15369
C–1005 ... 16076
13.1735
C–897 ... 9155
5764 o ... 11850
13.1743
C–896 ... 9152
13.1745
8645 ... 1250
C–897 ... 9155
C–901 ... 10156
8614 o ... 12351
C–915 ... 14314
C–987 ... 15291
C–992 ... 15368
C–1003 ... 16074
13.1747
8550 o ... 14851
13.1760
C–897 ... 9155
C–900 ... 10156
C–912 ... 12291
13.1762
C–894 ... 9155
13.1775
8605 o ... 7660
8550 o ... 14851
13.1779
8634 ... 1934

16 CFR—Continued

Chapter I—Continued

13.1780
8550 o ... 14851
13.1785
8605 o ... 7660
C–907 ... 12032
C–912 ... 12291
8550 o ... 14851
C–1002 ... 15657
13.1800
8614 o ... 12351
C–1003 ... 16074
13.1805
8593 o ... 2398
8605 o ... 7660
13.1810
C–893 ... 9154
C–903 ... 10158
13.1811
8593 o ... 2398
C–892 ... 8042
C–987 ... 15291
13.1817
C–910 ... 12035
13.1820
8605 o ... 7660
C–907 ... 12032
13.1825
C–869 ... 2308
8605 o ... 7660
C–903 ... 10158
8614 o ... 12351
13.1830
C–910 ... 12035
13.1845
C–861 ... 1113
C–868 ... 1778
C–873 ... 2398
C–876 ... 2858
8603 o ... 4252
C–889 ... 7652
C–886 ... 7653
C–890 ... 7657
C–892 ... 8042
C–899 ... 9978
C–903 ... 10158
C–909 ... 12033
C–984 ... 14923
C–982 ... 14923
C–986 ... 15290
C–989 ... 15366
C–1002 ... 15657
13.1850
5811 o ... 3879
C–896 ... 9152
13.1852
C–861 ... 1113
C–862 ... 1115
C–865 ... 1251
C–866 ... 1252
C–867 ... 1777
C–868 ... 1778
8610 ... 1778
C–873 ... 2398
C–875 ... 2858
C–876 ... 2858
C–874 ... 2859
C–883 ... 4712
C–889 ... 7652
C–886 ... 7653
C–890 ... 7657
C–892 ... 8042
C–896 ... 9152
C–893 ... 9154
C–902 ... 10157
C–903 ... 10158
C–905 ... 10186
C–909 ... 12033
C–913 ... 12352
C–918 ... 14316
C–921 ... 14553
C–923 ... 14855
C–984 ... 14923
C–982 ... 14923
C–983 ... 14924
C–986 ... 15290
C–989 ... 15366
C–991 ... 15367
C–999 ... 15583
C–1002 ... 15657
13.1855
5811 o ... 3879
13.1863
8547 o ... 15369
13.1865
C–873 ... 2398
C–889 ... 7652
C–886 ... 7653
C–890 ... 7657
C–892 ... 8042
13.1880
C–863 ... 1251
6792 o ... 3762
5811 o ... 3879
C–990 ... 15367
13.1890
8603 o ... 4252
13.1900
C–889 ... 7652
C–886 ... 7653
C–890 ... 7657
C–892 ... 8042
C–902 ... 10157
C–992 ... 15368
13.1928
C–910 ... 12035
13.1935
C–884 ... 7658
13.1955
5764 o ... 11850
C–1003 ... 16074
13.1960
5764 o ... 11850
13.1995
5764 o ... 11850
13.2010
C–870 ... 1934
13.2015
C–884 ... 7658
5764 o ... 11850
13.2060
5764 o ... 11850
13.2168
C–895 ... 9156
13.2275
8603 o ... 4252
13.2280
C–861 ... 1113
C–868 ... 1778
C–875 ... 2858
C–876 ... 2858
C–877 ... 2879
C–889 ... 7652
C–909 ... 12033
13.2300
6792 o ... 3762
5811 o ... 3879
C–915 ... 14314
13.2315
C–901 ... 10156
8653 ... 15091
13.2320
6792 o ... 3762
5811 o ... 3879
13.2325
C–1006 ... 16076
13.2330
C–913 ... 12352
13.2345
C–901 ... 10156
8653 ... 15091
C–987 ... 15291
13.2365
C–908 ... 12033
13.2385
C–901 ... 10156
C–915 ... 14314
13.2425
C–898 ... 9152
C–895 ... 9156
8653 ... 15091
13.2475
8627 o ... 14200
14.5
(a)(1) revised ... 7995
14.13
Added ... 9090
14.14
Added ... 7894
14.15
Added ... 9156
15
Added ... 14201
15.2
Added ... 14317
15.3
Added ... 14490
15.4
Added ... 14490
15.5
Added ... 14554
15.6
Added ... 14554
15.7
Added ... 14554
15.8
Added ... 14555
15.9
Added ... 14656
Heading revised ... 16001
15.10
Added ... 15210
15.11
Added ... 15584
Heading revised ... 16001
21.4
Rescinded ... 790
74
Added ... 5331
214
Revised ... 9056
300.25
Heading revised, (c) added ... 2257
Effective date of (c) postponed ... 5742
302.6
Interpretation ... 16106
302.14
Revised ... 12123
303.3
Revised ... 14253
303.6
Revised ... 14253
303.10
(a) revised ... 14253
303.16
(a) revised ... 14254
(a)(1) corrected ... 15313
303.18
Revised ... 13693
303.42
(a) revised ... 14254
(a) corrected ... 15313
401
Added ... 8900

16 CFR—Continued

Chapter I—Continued

406
Effective date extended ... 32
408
Text deleted; cross reference added ... 9485
Proposed Rules:
214 ... 5532
302 ... 625
303 ... 1058, 6275, 8491, 9324, 9958, 11696, 13331.

17 CFR

Chapter I:
1.33a
Revised ... 15210
1.43
Revised ... 2258
15.02
Amended ... 1192
17.02
Revised ... 14973
18.05
Revised ... 6941
19.00
Revised ... 1192
19.04
Redesignated as 19.10 ... 1191
19.04
Added ... 1191
19.10
Redesignated from 19.04 ... 1191
(b) revised ... 1192
Chapter II:
200.30–6
(a)(1)(iv) added ... 3880
211
Interpretative release ... 15420
230.133
Amended ... 2022
230.151
Amended ... 2022
230.152
Amended ... 2022
230.152a
Amended ... 2022
Revised ... 2657
230.154
Amended ... 2022
230.155
Amended ... 2022
230.156
Amended ... 2022
230.403
(a) revised ... 10884
230.416
Revised ... 13824
231
Interpretative release ... 9059
Interpretative release ... 15420
239.24
Added ... 3312
240
Amended ... 14046
240.0–6
Redesignated from 240.6; (a) revised ... 2022
240.3a11–1
Added ... 6114
240.6
Redesignated as 240.0–6; (a) revised ... 2022
240.12b–1
Center heading and section revised ... 2022
240.12b–2
Introductory text, (m), and (p) revised; (p–1) added ... 2022
240.12b–6
Added ... 462
240.12b–10
Revised ... 2022
240.12b–11
Revised ... 2022
240.12b–12
Revised ... 2022
(a) revised ... 10884
240.12b–13
Revised ... 2023
240.12b–14
Revised ... 2023
240.12b–15
Revised ... 2023
240.12b–20
Revised ... 2023
240.12b–23
Revised ... 2023
240.12b–32
(a) revised ... 2023
240.12b–36
Revised ... 2023
240.12f–4
Revised ... 462
240.12g5–1
Added ... 463
240.12g5–2
Added ... 463
240.12h–1
Added ... 4320
240.12h–2
Added ... 5114
240.12h–3
Added ... 5643
240.13a–1
Center heading and section revised ... 2023
240.13a–2
Revised ... 2023
240.13a–3
Revised ... 2023
240.13a–10
(a) and (b) revised ... 2024
240.13a–13
(a) and (b) revised ... 2024
240.13a–15
(a) revised ... 2024
Revised ... 5629
240.14a–1
Center heading revised ... 4753
240.14a–2
Introductory text revised ... 4753
240.14a–3
(b) revised ... 702
240.14a–8
(c) revised ... 4753
240.14a–101
Added ... 14046
240.14a–102
Added ... 14046
240.15b–1
Redesignated as 240.15b1–1 ... 11851
240.15b1–1
Redesignated from 240.15b–1 ... 11851
240.15b1–2
Redesignated from 240.15b–8 ... 11851
240.15b1–3
Redesignated from 240.15b–4 ... 11851
240.15b1–4
Redesignated from 240.15b–5 ... 11851
240.15b1–5
Redesignated from 240.15b–7 ... 11851
240.15b–2
Redesignated as 240.15b3–1 ... 11851
240.15b3–1
Redesignated from 240.15b–2 ... 11851
240.15b–4
Redesignated as 240.15b1–3 ... 11851
240.15b–5
Redesignated as 240.15b1–4 ... 11851
240.15b–6
Redesignated as 240.15b6–1 ... 11851
240.15b6–1
Redesignated from 240.15b–6 ... 11851
240.15b–7
Redesignated as 240.15b1–5 ... 11851
240.15b7–1
Redesignated from 240.15b–9 ... 11851
240.15b–8
(c) revised ... 11138
Redesignated as 240.15b1–2 ... 11851
240.15b8–1
Added ... 11675
240 15b–9
Redesignated as 240.15b7–1 ... 11851
240.15c3–1
Revised ... 7278
240.15d–1
Center heading and section revised ... 2024
240.15d–13
(a) revised ... 2024
240.15d–15
(a) revised ... 2024
Revised ... 5629
240.15d–20
Rescinded ... 2024
240.15aa–1
Redesignated as 240.15Aa–1 ... 11851
240.15Aa–1
Redesignated from 240.15aa–1 ... 11851
240.15ab–1
Redesignated as 240.15Ab–1 ... 11851
240.15Ab–1
Redesignated from 240.15ab–1 ... 11851
240.15ag–1
Redesignated as 240.15Ag–1 ... 11851
240.15Ag–1
Redesignated from 240.15ag–1 ... 11851
240.15aj–1
Redesignated as 240.15Aj–1 ... 11851
240.15Aj–1
Redesignated from 240.15aj–1 ... 11851
240.15a12–1
Redesignated as 240.15A12–1 and amended ... 11851
240.15A12–1
Redesignated from 240.15a12–1 and amended ... 11851
240.16a–1
(b) revised ... 2024
240.16a–2
Revised ... 2024
Revised ... 9878
240.16a–4
(a), (b), and (c) revised ... 2025
240.16a–8
(c) and (f) revised ... 2025
240.16b–3
Revised ... 4128
240.16b–8
(c) revised ... 12772
240.16b–10
Added ... 3526
240.16d–1
Redesignated as 240.16e–1 and revised ... 2025
240.16e–1
Redesignated from 240.16d–1 and revised ... 2025

17 CFR—Continued

Chapter II—Continued

240.17a–5
(b) (1) amended 11851
240.19a3–1
Amended 11851
240.24b–2
(g) and (i) revised 704
Introductory text, (a), (b), (d), (f), (h), and (j) revised 2025
241
Interpretative release 15420
249.208a
Revised 702
249.208b
Revised 7566
249.208c
Revised 7568
249.210
Revised 3423
249.212
Added 4057
249.216
Revised 12773
249.310
Revised 3430
249.312
Added 4059
249.316
Revised 12775
249.330
Revised 3312
249.332
Added 3312
249.403
Rescinded 12776
249.441
Revised 3312
249.447
Added 3312
249.802
Added 11676
249.803
Added 11676
250.22
(d) revised 10684
250.103
(d) revised 4129
251
Interpretative release 15420
260.7a–9
Added 12387
260.7a–17
Revised 10684
269.1
Revised 12387
269.2
Revised 12390
270.0–1
(a) (4) revised 829
270.8b–12
(a) revised 10684
271
Interpretative release 15420
274.5
Redesignated as 274.105; revised 3312
274.5
Added 3312
274.101
Revised 3156
Amended 3312
274.105
Redesignated from 274.5; revised 3312
275.01
Redesignated as 275.0–1 4129
275.02
Redesignated as 275.0–2 4129

17 CFR—Continued

Chapter II—Continued

275.0–1
Redesignated from 275.01 4129
275.0–2
Redesignated from 275.02 4129
275.0–3
Added 4129
Proposed Rules:
1 13076
230 1010, 8638, 9324, 12078
239 1010, 15594
240 589, 711, 717, 895, 1010, 3457, 3551, 5908, 7253, 9222, 13458, 14737, 14742, 15105.
249 157, 346, 349, 590, 592, 4688, 4690, 7253, 8639, 8642, 11147, 14743, 14745, 14147, 15105.
260 8009
269 8009, 8012
270 2111
274 1010

18 CFR

Chapter I:

1.36
(d) (7) revised 8332
2.7
Added 16198
2.56
(d) and table added 4671
3.4
Introductory text of (e), (e) (1), (2), (3), (8), (9) and (10) revised; (e) (12) added 13693
4.41
Amended 523
Amended 16190
8
Added 7313
11.20
(a) (3) and (4) revised 15093
12
Added 16199
101
Ordering clause amended 484
104
Ordering clause amended 484
141
Forms 1–F and 1–M amended 605
Form 1 amended 3707, 5703
Form 1 amended 15465
141.1
(b) (1) and (c) (1) revised 12728
141.2
(c) amended 605
141.7
(c) amended 605
141.51
Form 13 amended 16107
141.52
Form 12–A amended 16107
141.55
Form 12–D amended 16107
152.1
Revised 12729
152.2
Revised 12729
152.4
Revised 12729
152.5
Revised 12729
154.62
(e) (4) (i) revised 12060
154.91
(f) added 14011
154.103
Redesignated as 154.110; revised 14011

18 CFR—Continued

Chapter I—Continued

154.104
Added 14011
154.110
Redesignated from 154.103; revised 14011
155.1
Revised 8332
(b) corrected 12451
156.7
Revised 9302
157.7
(c) (1) (ii) revised 7280
157.18
(g) added 4130
157.23
Amended 6518
157.30
(a) revised 6518
157.31
Redesignated as 157.39; revised 14011
157.39
Redesignated from 157.31; revised 14011
157.40
Added 14010
201
Ordering clause amended 484
250.10
Added 14011
250.11
Added 14012
260
Form 2–A amended 605
Forms 2 and 2–A amended 15466
260.1
(c) amended 8333
Amended 9263
(b) revised 12728
260.2
(c) amended 605
260.8
Added 11101
(c) revised 13360

Chapter II:

302
Added 311
Proposed Rules:
2 14109
8 9113
10 4769
11 4259
104 13877
141 9113, 9697, 12360, 14018
152 12077
153 12077
154 3715, 5861, 10058, 11228
156 12077
157 3715, 5861, 10058, 12077, 14110
159 12077
201 14110
204 13877, 14110
260 447, 9697, 10058, 12361, 14111

19 CFR

Chapter I:

Amended 14317
1.1
(c) amended 344
(c) amended 4411
(c) amended 7569
(c) amended 7705
(c) amended 12680
(c) amended 13574
2.45
(l) revised 3593
2.46
(h) revised 3593

19 CFR—Continued

Chapter I—Continued

2.49
(c) amended 6116
2.54
Revised 5419
3.30
(a) amended 573
3.53
(b) revised 574
4.7
(a) amended 9006
4.22
Amended 7599
Amended 9006
Amended 14411
4.98
(a) amended 574
8.6
Amended 9006
8.13
Amended 3593
8.3
(b), (c), and (d) (2), (4) (ii) and (iii), (5), and (6) amended 11851
8.13
(h) amended 11102
(h) amended 13007
8.50
(g) amended 3593
8.3
(b) amended 11851
9.8
(a) and (b) amended 11851
9.10
Heading amended; (c) deleted 11851
9.13
Deleted 17164
10.17
(a) amended; (b) revised 11851
(c) amended; (d) revised; (e) deleted and new (e) added; (f) amended; (g), (h), and (i) revised; (j) amended; (k) deleted; (l) amended; (m) revised 11852
10.17a
Deleted 11852
10.18
(e) amended 11852
10.19
(b) (3) revised; (c) (3) added; (f) revised 11852
10.20
Revised 11853
10.21
(l) amended 11853
10.30c
Center heading and (b) revised 11318
10.41b
Added 15143
10.42
(d) amended 11853
10.53
(e) and authority citation revised 6149
10.68
(a) amended 7819
10.84
Center heading and section added 14369
10.92
(c) amended 14782
11.15
(a) amended 5580
11.16
Amended 5580
11.19
(a) (1) and (2) amended 5580

19 CFR—Continued

Chapter I—Continued

12.70
Center heading and section added 8265
14.13
(b) amended 7188
16.4
Conversion of Luxembourg franc 574
16.24
(f) amended 2399
(f) amended 9596
17.7
(a) and (b) revised 11853
18.4
(e) amended 1845
18.20
(a) amended 9911
19.2
(a) amended 5580
20.6
(c) amended 11853
22.6
Heading and (a) amended; (g–1) added 12280
24.4
(a) and (b) amended; (f) and (g) (3) revised 13359
24.12
(a) (1) (i) and (iii) and (4) amended 5580
(c) revised 5900
24.72
Revised 4671
25.17
(a) revised 8266

Chapter III:

Added 15271
301
Added 15271
Proposed Rules:
Ch. I 2952, 7108
1 9597
8 8849, 13786
10 11760
11 2317
13 3385, 6696, 13324
19 2317
20 1196
22 7756
24 2317
25 13786
54 11723

20 CFR

Chapter II:

208.7
(c) revised 4061
210.11
Revised 4061
237.608
Revised 270
237.609
Added 4061
237.610
Added 4061
238.2
(b) revised 14594
250.4
(b) revised 14594
362.15
(g) (9) added 14594
395.5
(b) (2) amended 12777
395.6
Introductory texts of (b) (2) and (b) (3) revised 12777

Chapter III:

404.323
(a) revised 7995

20 CFR—Continued

Chapter III—Continued

404.703
Revised 15419
404.1280–404.1287
Added 2703
404.1286
(a) corrected 3207
404.1290
Added 2703

Chapter V:

601.5
Revised 6942
602.10
(d) amended 1935
Heading, introductory text of (a), (b), introductory text of (c), and (c) (3) (iii) revised; (c) (5) added 12292
(d) amended 12293
604.8
(h) and (i) added 7040
604.10
(a), (b) and (d) revised 8901
609
Authority citation revised 13530
609.1
(a) and introductory text of (c) revised; (c) (4) deleted; (c) (5) and (13), (e), (f), (h) and (i) revised; (j) added 13530
609.3
(a), (b), (c) and (e) revised 13530
609.6
Revised 13531
609.7
(a) and (b) revised 13531
609.8
Revised 13531
610
Authority citation revised 13531
610.1
(a) deleted; (b), (c), (e), (g), (i), (j) and (k) revised 13531
610.2
Deleted 13532
610.3
(a) revised 13532
610.5
(a) and (b) revised; (d) added 13532
610.6
Revised 13532
610.7
(b) (1) revised 13533
610.9
Revised 13533
611
Heading and authority citation revised 13533
611.1
(a), (c), (d), (e) and (g) revised; (i) deleted; (j) revised 13533
611.2
Deleted 13533
611.3
(a) and (c) revised 13533
611.5
(a) (1) and (b) revised; (c) deleted; (d) revised 13533
611.6
Revised 13534
611.7
Revised 13534
611.8
(a), (e), and (i) revised 13534
611.9
Deleted 13534
611.10
Heading, (a), (b), (c) and (e) revised 13534

20 CFR—Continued

Chapter V—Continued

611.12
Revised ... 13534
611.13
Revised ... 13534
614
Authority citation revised ... 13535
614.1
(b) deleted; (c), (f), (g), (h), (m) and (n) revised ... 13535
614.2
Deleted ... 13535
614.4
Revised ... 13535
614.9
(a) revised; (c) added ... 13535
614.10
Revised ... 13535
614.11
Revised ... 13536
614.12
Revised ... 13536
614.13
Revised ... 13536
614.14
(b) deleted ... 13536
614.15
Deleted ... 13536
614.16
Deleted ... 13536
614.17
(d) added ... 13120
614.18
Revised ... 13536

21 CFR

Chapter I:

1.322
(c) and (d) revised ... 5507
2.91
(a) revised ... 9574
2.101
Amended ... 1252
Amended ... 14155
Amended ... 15211
2.103
Amended ... 11279
3.8
Revised ... 1845
3.15
Added ... 5790
(a)(1)(iii) and introductory text of (b) corrected ... 6071
3.29
Added ... 13628
(b) and (c)(1)(ii) corrected ... 14047
3.30
Added ... 13628
3.36
Revised ... 2104
3.52
Added ... 14039
5.9
Added ... 15292
8.1
(v) added ... 7484
8.501
(b), (c), and (g) amended ... 4535
(a), (b) and (c) amended ... 8333
(a) and (c) amended ... 10289
(b), (c), (e), (f), and (g) amended ... 16107
8.503
(c) added ... 10289
(c)(2) and (3)(ii) revised ... 13056
8.510
(c) amended ... 10289
(c) amended ... 13057

21 CFR—Continued

Chapter I—Continued

8.4132
Added ... 15211
(a)(1) corrected ... 15804
8.8002
Added ... 7705
Effective date confirmed ... 9764
9.63
Added ... 10289
9.363
Deleted ... 10289
10.3
(a) revised ... 15292
15.1
Effective date of revision of introductory text of (a) and addition of (c)(4) confirmed ... 131
15.40
Effective date of revision confirmed ... 131
15.75
Effective date stayed ... 6
Revised ... 9302
Effective date of revision ... 11914
15.80
Effective date of revision of (a) confirmed ... 131
15.506
(a) revised ... 746
Effective date of revision of (a) ... 4130
17.1
(a)(15) revised ... 8784
(a)(15) revised ... 9878
Effective date of revision of (a)(15) ... 11171
19.500
Effective date of revision of (c)(3) ... 992
(d) revised ... 1253
Effective date of revision of (d) ... 4061
19.505
(d) revised ... 1253
Effective date of revision of (d) ... 4061
19.510
(d) revised ... 1253
Effective date of revision of (d) ... 4061
19.535
(d) revised ... 1253
Effective date of revision of (d) ... 4061
19.540
(d) revised ... 1253
Effective date of revision of (d) ... 4061
19.543
(d) revised ... 1253
Effective date of revision of (d) ... 4061
19.545
(d) revised ... 1253
Effective date of revision of (d) ... 4061
19.550
(d) revised ... 1253
Effective date of revision of (d) ... 4061
19.555
(d) revised ... 1253
Effective date of revision of (d) ... 4061
19.580
(d) revised ... 1253
Effective date of revision of (d) ... 4061
19.590
(d) revised ... 1253
Effective date of revision of (d) ... 4061
19.591
(d) revised ... 1253
Effective date of revision of (d) ... 4061
19.595
(d) revised ... 1254
Effective date of revision of (d) ... 4061

21 CFR—Continued

Chapter I—Continued

19.600
Effective date postponed ... 5508
19.601
Effective date postponed ... 5508
19.605
Effective date postponed ... 4130
19.606
Effective date postponed ... 4130
19.610
(d) revised ... 1254
Effective date of revision of (d) ... 4061
19.615
(d) revised ... 1254
Effective date of revision of (d) ... 4061
19.650
(d) revised ... 1254
Effective date of revision of (d) ... 4061
19.655
(d) revised ... 1254
Effective date of revision of (d) ... 4061
19.660
(d) revised ... 1254
Effective date of revision of (d) ... 4061
19.670
(d) revised ... 1254
Effective date of revision of (d) ... 4061
19.680
(d) revised ... 1254
Effective date of revision of (d) ... 4061
19.787
(e)(8) and (f)(9) added ... 3523
20.1
Effective date of (g) postponed ... 7280
(g)(2) and (5)(i) and (iv) revised ... 11915
Effective date of revision of (g)(2) and (5)(i) and (iv) ... 14100
Effective date of revision of (g)(2) and (5)(i) and (iv) postponed ... 16108
20.4
Effective date of (g) postponed ... 7280
20.5
Effective date of (f) postponed ... 7280
25.2
(c)(1) revised ... 5831
Effective date of revision of (c)(1) ... 7943
27.107
Heading, (a), (d) and (e) revised ... 14491
Effective date of revision of (d) and (e) postponed ... 17164
27.108
(a), (c) and (d) revised ... 14491
27.109
(f) added ... 4535
Effective date of (f) ... 7484
(a), (c) and (d) revised ... 14492
27.110
(b) revised ... 10949
Effective date of revision of (b) ... 13134
(b) revised ... 14492
27.111
Heading, (a), (c) and (d) revised ... 14492
(a) revised ... 16108
Effective date of revision of (c) and (d) postponed ... 17164
36.30
Revised ... 2863
36.31
Revised ... 2864
42.30
Effective date of revision ... 1779
42.60
Effective date of revision ... 1779

21 CFR—Continued

Chapter I—Continued

45.1
(a)(3)(iv) revised ... 9303
Effective date of revision of (a)(3)(iv) ... 11915
46
Revised ... 8627
Effective date of revision stayed ... 11349
51.990
(b) amended; (c)(3)(i) and introductory text of (c)(6) revised; (c)(6)(v) added; (c)(8) revised; (c)(9) deleted; (c)(10), (11), and (12) redesignated as (c)(9), (10), and (11); closing sentence added ... 131
(f)(9), (10), and (11) revised ... 132
Effective date of amendment confirmed ... 2429
(c)(3)(iii) and (f)(12) added ... 14101
120.2
(a) revised ... 2597
(a) revised ... 11916
120.3
(e)(5) amended ... 7570
(e)(4) amended ... 8266
120.31
(e) added ... 10884
120.33
(a) through (h) amended ... 2704
120.37
Amended ... 7485
Amended ... 7996
120.110
Amended ... 8159
120.122
Revised ... 4412
120.123
Amended ... 2104
120.126
Amended ... 14101
120.126a
Added ... 14101
120.153
Amended ... 12729
120.154
Amended ... 7570
120.176
Amended ... 4197
120.182
Amended ... 10187
120.185
Added ... 218
120.188
Added ... 2258
120.197
Amended ... 7280
Amended ... 14102
120.199
Added ... 7386
120.200
Added ... 8266
120.201
Added ... 11916
120.1001
(c) amended ... 5508
120.1018
Added ... 9002
121
Revised ... 15845
121.90
(a) amended ... 1935
Revised ... 9474
Amended ... 10025
Amended ... 10098

21 CFR—Continued

Chapter I—Continued

121.91
(a) amended ... 1936
(a) amended ... 4672
Revised ... 8474
Amended ... 10026
Amended ... 10095
121.102
Added ... 8785
121.205
(d)(2) amended ... 3708
(c) amended ... 11950
Effective date of amendment of (d)(2) stayed ... 12353
121.206
Introductory text, (b), and (c)(2) revised ... 16066
121.207
(d)(2) amended ... 3708
(c) amended ... 6389
(c) amended ... 11950
Effective date of amendment of (d)(2) stayed ... 12353
(c) amended ... 12670
121.208
(e)(2) amended ... 3708
(d) amended ... 4062
(d) amended ... 6390
(d) amended ... 9879
(d) amended ... 11950
(d) amended ... 12124
Effective date of amendment of (e)(2) stayed ... 12353
(d) amended ... 12670
(d) amended ... 13314
121.209
(a) amended ... 11206
(a) amended; (b)(3)(i) revised ... 16065
121.210
(d)(2) amended ... 3708
(c) amended ... 6390
(c) amended; (e) added ... 6732
(c) amended ... 11950
Effective date of amendment of (d)(2) stayed ... 12353
121.213
(e)(2) amended ... 3708
(d) amended ... 6390
(d) amended ... 11950
Effective date of amendment of (e)(2) stayed ... 12353
121.217
(d) amended ... 12730
121.225
(w) revised ... 3708
Effective date of revision of (w) stayed ... 12353
121.229
(b) amended ... 11916
121.232
(d) amended ... 6390
(d) amended ... 11951
(d) amended ... 12671
121.233
(d) amended ... 6390
(d) amended ... 11951
(d) amended ... 12671
121.236
Revised ... 8627
121.237
(b) amended ... 883
Revised ... 4536
121.241
(b) amended ... 12124
121.242
Amended ... 3258
121.246
Heading, introductory text, (a), and (c) revised ... 8477

21 CFR—Continued

Chapter I—Continued

121.249
(a)(5) added ... 7896
(a)(7) added ... 11953
(a)(6) added ... 13007
121.251
(d) amended ... 6390
(d) amended ... 11951
(d) amended ... 12124
(d) amended ... 12671
121.252
(d) amended ... 11951
(d) amended ... 12671
121.253
(c) amended ... 6390
(c) amended; (e) added ... 6732
121.256
(d) amended ... 6390
(d) amended ... 12672
121.258
(c) amended; (e) added ... 3641
(c) amended ... 9574
121.260
(c) amended ... 2026
121.262
(c) amended ... 3594
(c) amended ... 11951
(c) amended ... 12672
121.263
(b) amended ... 3594
121.264
(b) amended ... 3434
(b) amended ... 3594
121.265
(c)(3) revised ... 6433
121.266
Added ... 2429
(a) corrected ... 2704
121.267
Added ... 2945
121.268
Added ... 5630
121.269
Added ... 3434
121.270
Added ... 7281
121.271
Added ... 7895
121.272
Added ... 8627
Amended ... 11753
121.273
Added ... 8785
121.274
Added ... 9879
121.275
Added ... 12778
121.276
Added ... 16064
121.277
Added ... 16065
121.1001
Revised ... 13825
121.1007
Heading revised ... 11753
121.1009
Introductory text of (c)(8) revised ... 4130
121.1014
(d)(1) amended ... 11753
(e) added ... 11954
Introductory text of (d) amended ... 13315
121.1017
(b)(1) amended ... 6916
121.1022
Heading revised ... 11753

21 CFR—Continued Page

Chapter I—Continued
121.1023
Introductory text revised; (b) and (c) amended; (e) deleted 11753
121.1024
Heading revised 11753
121.1030
Introductory text of (c)(8) revised 4130
121.1031
(f) amended 6837
121.1035
(b) amended; (c)(3) added 13536
121.1039
Revised 6
121.1048
(b) revised; (c) added 12070
121.1051
Revised 5630
121.1055
Heading revised 11753
121.1057
(c)(3) added 3353
121.1059
(a) amended 747
121.1066
(d) revised 1254
121.1067
(a) and (c) revised 1254
121.1068
(d) revised 1255
121.1069
(a) and (c) revised 1255
121.1070
(c)(1) and (2) revised 8572
121.1076
Revised 6215
121.1078
Heading revised 11754
121.1088
(c) amended 7943
121.1090
(a) revised 13694
121.1091
(a)(2) amended 16066
121.1099
(a)(3) amended 7996
121.1103
Revised 4537
121.1122
Amended 2258
121.1136
(a) and (b) revised 16067
121.1137
Revised 9640
(c) added 11952
121.1139
(a) revised; (b) amended 6579
121.1142
(b) revised 11171
121.1144
Revoked 9303
121.1146
(c) amended 5474
121.1148
(a)(12) added; (b) revised 32
121.1154
(c) amended 3435
(c) amended 12070
121.1163
Added 992
(b) amended 3816
121.1164
(b) amended 2259
(c) added 9303
Effective date of addition of (c) 11915
121.1167
Revised 3642

21 CFR—Continued Page

Chapter I—Continued
121.1170
Effective date of addition 992
121.1172
Added 2212
121.1173
Added 3429
121.1174
Added 3430
121.1175
Added 5630
121.1176
Added 3528
(a)(2) and (3) revised 8785
121.1177
Added 3434
121.1179
Added 7485
(b)(3) added 16067
121.1180
Added 7518
121.1181
Added 7570
121.1182
Added 7996
(c) amended 16066
121.1183
Added 8704
Effective date 11171
121.1184
Added 11954
121.1185
Added 11954
121.1186
Added 12670
121.1187
Added 16064
Corrected 16266
121.2502
(b) amended 7238
121.2504
Added 2212
121.2505
(e) amended 7896
121.2506
(a) amended 7485
121.2507
(c) amended 854
(c) amended 7486
(c) amended 7943
(c) amended 13825
121.2509
(b) amended 1255
Introductory text revised 7386
121.2514
(b)(3)(xxxiii) amended 85
(b)(3)(xxxiv) revised 747
(b)(3)(xxii)(b) amended 4535
Introductory text of (b)(3)(vii) revised; (b)(3)(vii(d) added 5508
(b)(3)(xxxi) amended 6478
(b)(3)(viii)(b) amended 6643
(b)(3)(xxviii)(b) amended 7486
(b)(3)(viii)(b) amended 7518
(b)(3)(xxii)(b) amended 11052
(b)(3)(viii)(b) amended 14012
121.2517
Revoked 2431
121.2519
(b) revised 2431
(d)(3) amended 6478
(d)(3) amended 7996
121.2520
(c)(5) amended 747
(c)(5) amended 4714
(c)(5) amended 5509
(c)(5) amended 5791
(c)(5) amended 6339
(c)(5) amended 7386

21 CFR—Continued Page

Chapter I—Continued
121.2520—Continued
(c)(5) amended 7705
(c)(5) amended 7944
(c)(5) amended 7996
(c)(5) amended 8267
(c)(5) amended 8788
(c)(5) amended 9575
(c)(5) amended 13007
(c)(5) amended 16068
(c)(5) amended 16068
121.2521
Revoked 2431
121.2522
(a)(4) amended 5475
(a)(4) amended 11952
121.2523
Revised 7706
121.2524
(g) added 12293
121.2526
Revised 2431
(c) corrected 2657
(a)(5) amended 6115
(b)(2) amended 7518
(b)(2) amended 8267
(b)(2) amended 11208
(b)(2) amended 16068
121.2528
Revised 9092
121.2532
Revoked 2436
121.2536
(d) amended 4061
(h)(2) revised; (l), (j), (k), and (l) added 7486
121.2541
(c) amended 6339
(c) amended 14102
121.2543
(c) added 3354
(b)(1) revised 7599
121.2550
(b)(5) amended 7944
(b)(5) amended 16069
121.2553
(a)(3) amended 5791
(a)(3) amended 7706
(a)(3) amended 8334
(a)(3) amended 14155
121.2557
(d)(3) amended; (e)(2) revised 2436
(d)(3) amended 4536
(d)(3) amended 7996
121.2562
(c)(4)(iii) amended 1937
(c)(4)(ii)(b) and (iii) amended 3207
(c)(4)(i) amended 5509
(c)(4)(iv) amended 7570
(c)(4)(i) amended 7705
121.2564
Revoked 2436
121.2566
(b) amended 7487
(b) amended 8786
(b) amended 12637
(b) amended 13314
(b) corrected 13537
(b) amended 16067
121.2567
(b)(4) revised 7707
121.2569
(b)(3)(i) amended 748
(b)(3) amended 5509
(b)(3) amended 5510

21 CFR—Continued Page

Chapter I—Continued
121.2571
Introductory text and (b) revised 2436
(b)(2) amended 7519
(b)(2) amended 7944
121.2573
Revoked 2437
121.2576
Revised 7519
(a)(2) amended 10985
121.2577
(b)(2) amended 10168
121.2580
Revised 9575
121.2582
Added 4714
121.2585
(b) amended 4672
121.2589
Introductory text of (b)(1) revised 5475
121.2593
Added 5510
121.2594
Added 7997
121.2595
Added 8334
121.2596
Added 8786
121.2597
Added 11953
121.3002
(b) amended 3354
121.3003
(b) amended 14102
121.3004
(a) and (b) revised; (d) added 5631
121.3005
(b) amended 3354
121.3006
Added 8572
130
Subpart C added 2315
130.4
(c) amended 993
130.9
(d) through (g) added 993
130.13
(b)(3)(ii) revised 8334
130.36
Added 6979
(a) revised 13057
130.102
(a)(6)(vii)(c) and (25)(vii)(c) added 13629
130.201
Subpart C added 2315
131.15
Amended 13629
131.16
Amended 13629
Amended 13629
132
Revised 11916
132.1
(d) revised 16200
132.51
(a) revised 16200
133.1
(c) added 6475
133.3
Introductory text of (a) revised; (b) revised 932
133.6
Revised 932
133.8
(d) revised 932

21 CFR—Continued Page

Chapter I—Continued
133.11
(h) added 932
133.100—133.110
Added 6475
141.2
(c)(2) revised 1779
141a.26
(b) revised 9093
141a.29
(b) revised 9093
141a.46
(b) revised 9093
141a.103
Heading and (d) revised 15657
141a.104
(h) revised 1780
141a.111
Heading revised 2437
(c) and (g) revised 6979
141a.112
Heading revised; (a) amended 2437
(b) revised 6980
141a.115
(b) revised 1780
141a.118
Added 2597
(f) corrected 2865
141a.119
Added 2598
141a.120
Added 2598
141a.121
Added 1786
Introductory text of (a) revised 6115
141a.122
Added 7040
141a.123
Added 2865
(h) amended 7707
141a.124
Added 12637
141a.125
Added 12638
141a.127
Added 15093
141a.128
Added 15093
141a.129
Added 15093
141b.139
Added 10885
141c.218
(c) revised 7944
141c.227
(b) revised 1780
141c.235
(d) revised 7944
141c.242
(b) amended 1780
141c.267
Added 11954
141c.268
Added 11954
141d.305
(d) added 7488
141d.306
(c) added 7488
141e.430
(c)(1) and (3) revised 1780
141e.433
Added 14254
141e.434
Added 6980
Effective date of addition 9158
141e.435
Added 6980
Effective date of addition 9158

21 CFR—Continued Page

Chapter I—Continued
144.26
(b)(60) added 4537
(b)(21)(i) amended 5792
(a)(3) and (5), (b)(1)(iv) and (v), and (b)(20) revised 6071
(b)(59) revised 6391
(b)(45) amended 12673
145.3
(a)(1)(x) and (b)(1)(ix) added 2598
145.4
(b)(36) added 2598
146.6
Introductory text revised; (c) revised; (d) added; closing clause revised 11598
146.8
(b) revised 2705
146.14
Added 11598
146a.2
(d)(2) and (3) and (e)(1) revised 1780
146a.6
Heading and introductory text of (a) revised 2437
(a)(6) added 6980
146a.7
Heading, (a), (b), and (d)(1), (2)(ii), and (3)(ii) revised 2437
(d)(2)(i)(a) and (3)(i)(b) revised 7707
146a.8
(d)(3)(i) and (e)(1) revised 1780
146a.12
(d)(2)(ii) and (e)(1) revised 1780
(c)(3) revised 3642
146a.13
(c)(1) and (d)(2)(i)(a) and (3)(i)(a)(2) revised 3642
146a.15
Heading and introductory text of (a) revised; closing paragraph added to (a); (b) and (c)(1)(ii) revised; (d)(3(iii) added; (e)(1) revised 15658
146a.21
(c)(1)(iv) revised 9093
146a.25
(d)(3)(i)(b) revised 1780
146a.41
(d)(3)(i)(b) revised 1781
146a.43
(d)(3)(i)(b) revised 1781
146a.45
(d)(3)(i)(b) revised 1781
(a) revised 7696
146a.52
(a)(3) amended 1781
146a.65
(d)(3)(i)(b) revised 1781
146a.67
(d)(3)(i)(b) revised 1781
146a.82
(d)(3)(i)(b) revised 1781
146a.84
(d)(3)(i)(b) revised 1781
146a.86
(c) revised 2600
146a.101
(a)(4)(ii) revised 1781
146a.102
(a)(3) amended 1781
146a.114
Added 2598
(c)(3) revised 6071

21 CFR—Continued

Chapter I—Continued

	Page
146a.115	
Added	2599
(c) revised	6071
(a) revised	8335
146a.116	
Added	2599
146a.117	
Added	1786
146a.118	
Added	7040
146a.119	
Added	2865
(b) revised	16069
146a.120	
Added	12638
146a.121	
Added	12638
Introductory text of (c) corrected	12730
146a.123	
Added	15093
146a.124	
Added	15093
146a.125	
Added	15093
146b.104	
(a) revised	5630
146b.108	
(a) revised	5630
146b.116	
(d)(3)(ii) revised	1781
146b.134	
Added	10885
146c.204	
(a) amended	8787
146c.205	
(f)(5)(ix) added	4062
146c.219	
(f)(4)(viii) added	13315
Heading and (a)(1) revised	12537
146c.234	
(d) revised	7707
146c.252	
(c)(1) revised	1255
(a) revised	9575
146c.260	
Heading and introductory text revised	8787
146c.266	
Revised	2945
Amended	15737
146c.267	
Added	11954
146c.268	
Added	11955
146d.305	
(a)(3) revised; (a)(4) added; (d)(1) and (2) amended	7488
146d.306	
(a), (d)(2)(i) and (ii) and (3)(i) and (ii), and (e)(1) revised	7488
146d.308	
Corrected	17164
146d.313	
(b) revised	9264
146e.419	
Corrected	17164
146e.433	
Added	14355
146e.434	
Added	6980
Effective date of addition	9156
146e.435	
Added	6980
Effective date of addition	9156
147.1	
(b)(11) added; (c)(3) and (d) amended; introductory text of (e)(1) revised	270
(c)(3) and (d) amended	5792
147.2	
(a)(28) added	5792
148.5	
Revised	7041
Effective date of revision postponed	14255
148b.1	
(a)(1)(vii) revised	15211
(b)(2)(v) amended	15212
148b.2	
(a)(3)(ii)(b)(2), (a)(4), and (b)(2) revised	1781
Heading revised; (a)(1) amended	15212
148b.3	
(b)(1) revised	15212
148b.4	
Added	9879
(b)(1) revised	15212
148c.2	
(a)(3)(ii)(c)(2), (a)(4), and (b)(3) revised	1781
148c.4	
(a)(3)(ii)(b), (a)(4), and (b)(2) revised	1781
148c.5	
(a)(3)(ii)(b)(2), (a)(4), and (b)(2) revised	1781
148d.1	
(b)(1)(i)(a) revised; (b)(1)(ii)(e) amended	16069
148d.2	
(a)(3)(i)(a) amended; (b)(1)(i)(a)(5) revised	16069
148d.3	
(a)(3)(i)(a) amended; (b)(1)(i)(b) revised	16069
148e.3	
(a)(4)(ii)(a)(2) and (b)(2), (a)(5), and (b)(2) revised	1782
148e.7	
(a)(3)(ii)(b), (a)(4), and (b)(2) revised	1782
148e.9	
(a)(3)(ii)(b)(2), (a)(4), and (b)(2) revised	1782
148e.16	
(a)(3)(ii)(b)(2), (a)(4), and (b)(2) revised	1782
Heading and (a)(3)(ii)(b)(2) revised	14155
148e.25	
(a)(3)(ii)(b)(2), (a)(4), and (b)(2) revised	1782
Heading and (a)(1) revised	12537
148h.1	
(a)(3)(ii)(b), (a)(4), and (b)(2) revised	1782
148h.2	
(a)(1) revised	1256
(a)(3)(ii)(b)(2), (a)(4), and (b)(2) revised	1782
148l.1	
(a)(4)(ii)(a)(2) and (b)(2), (a)(5), and (b)(2) revised	1783
148l.8	
(a)(3)(ii)(b)(2), (a)(4), and (b)(2) revised	1783
148l.9	
(a)(3)(ii)(b)(2), (a)(4), and (b)(2) revised	1783
148l.10	
(a)(1)(v) revised; (a)(1)(vi) added	10159
148l.15	
(a)(3)(ii)(c)(2), (a)(4), and (b)(2) revised	1783
148l.20	
(a)(3)(ii)(d)(2), (a)(4), and (b)(2) revised	1783
(a)(3)(ii)(d)(2) revised	8109
148l.23	
(a)(3)(ii)(c)(2), (a)(4), and (b)(2) revised	1783
148l.24	
(a)(3)(ii)(c)(2), (a)(4), and (b)(2) revised	1783
148l.35	
(a)(3)(ii)(b)(2), (a)(4), and (b)(2) revised	1783
148l.39	
(a)(3)(ii)(b)(2), (a)(4), and (b)(2) revised	1784
148l.45	
Added	9765
148j.1	
(a)(3)(ii)(b), (a)(4), and (b)(2) revised	1784
148j.6	
(a)(3)(ii)(b)(2) and (a)(4) revised	1784
148m.1	
(a)(4)(ii)(a)(2) and (b)(2), (a)(5), and (b)(2) revised	1784
148n.1	
(a)(3)(ii)(b), (a)(4), and (b)(2) revised	1784
(b)(4) revised	7944
148n.2	
(a)(3)(ii)(b) and (a)(4) revised	1784
148n.5	
(a)(3)(ii)(b)(2), (a)(4), and (b)(2) revised	1784
(b)(4) revised	7944
148n.11	
(a)(3)(ii)(b)(2), (a)(4), and (b)(2) revised	1784
148n.17	
(a)(3)(ii)(b)(2), (a)(4), and (b)(2) revised	1785
148p.1	
(a)(4)(ii)(a)(2) and (b)(2), (a)(5), and (b)(2) revised	1785
148p.4	
(a)(3)(ii)(b)(2), (a)(4), and (b)(2) revised	1785
148p.6	
Added	6981
Effective date of addition	9158
148s.1	
(a)(4)(ii)(a)(2) and (b)(2), (a)(5), and (b)(2) revised	1785
148t.1	
(a)(4)(ii)(a)(2) and (b)(2), (a)(5), and (b)(2) revised	1785
148w.1	
(a)(4)(ii)(a)(1) and (b)(3) revised	4131
148x.3	
(a)(1) and (2) revised	12537
148x.4	
Added	11754
166	
Added	13903
191.63	
(a)(25) added	1787
(a)(26) added	4062
(a)(27) added	13315
191.64	
Added	16201
191.110	
Added	32
191.272	
(c) and (d) revised	5507
281.19	
(a) revised	2438
Chapter II:	
307.73	
Amended	12466
Proposed Rules:	
1	15666
3	11140, 13456
5	2604
8	5797, 6490, 6733–6735
10	2604
15	5643, 11140, 13456
16	11140, 11921, 13456
17	1257, 11140, 13456
18	11140, 13456
20	7292
25	757
27	1296, 5798, 10054, 13012
42	10905, 10907, 13963
45	11140, 13456, 13544
46	11970, 12949
51	651, 10115, 11922
120	2605, 7249, 14328, 14857
121	998, 2034, 2605, 6588, 6689, 7501, 8165, 8794, 9008, 11140, 13456, 14328, 15105, 15234.
125	6984, 9323, 11140, 13456
130	15105
141a	4065, 6795
141c	4205
141e	487, 11922
144	15105
146a	4065, 12746
146b	12746
146c	12746
146d	12746
146e	487, 11922, 12746
148n	4205, 14600
148p	487
166	15667
307	10202

22 CFR

Chapter I:

	Page
Subchapter M recodified, revised	9034
Subchapter G heading revised	10229
41.6	
(c) revised	10188
(b) and (e) revised	14782
41.25	
(a) revised	14782
41.45	
Revised	14782
41.91	
(b) revised	14783
41.128	
Added	10188
41.134	
(d) revised	14783
42.1	
Revised	14783
42.5	
(d) revised	14784
42.6	
(d) revised	14784
42.10	
Revised	14784
42.13	
Revised	14784
42.20	
Revised	14785
42.21	
Revised	14785
42.22	
Revised	14785
42.23	
Revised	14785
42.24	
Revised	14785
42.25	
Revised	14785
42.26	
Revised	14785
42.27	
Revised	14785
42.30	
Revised	14785
42.31	
Revised	14785
42.32	
Revised	14786
42.33	
Revised	14786
42.34	
Revised	14786
42.35	
Added	14786
42.36	
Added	14786
42.40	
Revised	14786
42.41	
Revised	14786
42.42	
Revised	14786
42.43	
Revised	14786
42.50	
Revised	14786
42.51	
Revised	14786
42.52	
Revised	14787
42.53	
Revised	14787
42.54	
Revised	14787
42.55	
Revised	14787
42.56	
Rescinded	14787
42.57	
Rescinded	14787
42.58	
Rescinded	14787
42.60	
Revised	14787
42.61	
Revised	14787
42.62	
Revised	14787
42.63	
Revised	14787
42.64	
Revised	14787
42.65	
Revised	14787
42.66	
Revised	14788
42.67	
Revised	14788
42.68	
Added	14788
42.91	
(a)(1–6), (9)(iii), (10), (12)(iv), (14), (15)(ii), (19)(iv), and (24)(ii) revised	14788
42.95	
Amended	14789
42.100	
Revised	14789
42.114	
Revised	14789
42.115	
(a) revised	14789
42.122	
(a) and (d) revised	14789
42.124	
(a) revised	14789
42.125	
Revised	14790
42.140	
Revised	14790
51.102	
Added	2399
51	
Heading and authority citation revised	10229
51.1	
(a) amended; (b) revised; (f) amended	10229
51.3	
Introductory text and (a) revised	10229
(c) revised	12639
51.4	
Introductory text and (a) revised	10230
51.5	
(c) revised	3265
(a) revised	10230
51.7	
Introductory text revised	10230
51.9	
(a) revised	10230
72.3	
(a) revised	4412
121—127	
Subchapter M of Chapter I recodified from Parts 121—128; revised	9034
121—128	
Subchapter M of Chapter I recodified as Parts 121—127; revised	9034
131.2	
Existing text designated as (a); (b) added	12732
141	
Added	314
Chapter II:	
201.52	
Introductory text of (a)(4) amended	12941
202.3	
Revised	9059
204	
Revoked	7571
207.1	
(j) amended	9304
207.2	
Amended	9304
207.4	
(d)(1) amended	9304
207.5	
(a) and introductory text of (b) revised; (b)(3) deleted	9304
208.24	
(b)(1) revised	10843
209	
Added	317
210	
Added	15658
Chapter IV:	
401	
Revised	3379

22 CFR—Continued

Chapter V:
501
Revised ... 5832
501.4
Revised ... 15804
Proposed Rules:
Ch. II ... 2552, 4321

23 CFR

Chapter I:
1.26
Revised ... 13256

24 CFR

Subtitle A:
Heading revised; interim order ... 14198
3
Revised ... 439
Revised ... 15145
3.104
(e) (1), (g), and (l) revised ... 4715
3.109
(a) (2) amended ... 10027
Subtitle B:
Chapter II:
Subchapter V added ... 15033
200.4
Added ... 13826
Revoked ... 14256
200.56
(f) revised ... 16257
200.73
Introductory text of (a) revised; (a) (4) added ... 16257
200.77
(a) revised ... 8159
200.78
Revised ... 8159
200.81
Revised ... 8159
200.84
Revised ... 2657
200.84f
Added ... 2657
200.85
(a) revised ... 2657
200.87
(a) revised ... 6116
200.98
Revised ... 6116
200.106
Heading and (a) revised ... 8159
200.157
(f) revised ... 10027
200.160
Revised ... 10028
200.320
Revised ... 15033
200.325
Revised ... 15033
201.2
(c) revised ... 16108
201.11
(c) (1) and (e) revised ... 16109
202a
Revised ... 10028
203.4
(c) (1) revoked ... 7599
203.12
(a) (1) (i) revised ... 5900
203.17
(d) (3) (ii) revised ... 10028
203.18
Introductory text of (a) (2) revised; (a) (3) revised; (a) (4) added; (c) (1) revised ... 10028
Introductory text of (a) (3) revised ... 11503

24 CFR—Continued

Chapter II—Continued
203.19
Revised ... 10029
(a) revised ... 11503
203.27
(a) (4) (v) added ... 16109
203.43
(b) (7) revised ... 10029
203.73
Revised ... 10029
(b) revised ... 11279
203.260
Revised ... 10029
203.351
Revised ... 10029
203.360
Heading revised ... 10029
203.362
Heading and introductory text revised ... 10029
203.363
Revised ... 10029
203.364
Revised ... 10030
203.365
Revised ... 10030
203.367
(b) revised ... 5371
203.378
Revised ... 10030
203.379
Revised ... 10030
203.388
Revoked ... 2657
203.389
(b) and (l) revised; (m) added ... 2657
(n) added ... 5371
203.390
Revised ... 933
203.391
Added ... 6982
203.400
Center heading and section revised ... 10030
203.401
Revised ... 10030
203.402
Heading and introductory text revised; (k) added ... 10030
203.403
Revised ... 10030
203.404
Revised ... 10030
203.405
Revised ... 15584
203.409
Revised ... 10030
203.440
(f) revised ... 10031
203.443
Revised ... 10031
203.478
(c) revised ... 10031
203.479
Revised ... 15584
203.484
Revised ... 10031
207.4
(a) (4) (iv) revised; (a) (4) (v) added; (b) (4) revised; (b) (5) added ... 10031
(c) (1) revised ... 16109
207.32
Introductory text revised ... 10031
207.33
(c) revised ... 10031
207.252
(f) revised ... 10031

24 CFR—Continued

Chapter II—Continued
207.253
(c) (10) added ... 1727
207.253a
Added ... 10031
207.256a
Added ... 10031
207.258
Revised ... 10031
(c) (8) revised ... 11279
207.258a
Added ... 10032
207.259
Revised ... 10032
(e) (6) revised ... 15584
207.260
(c) and (e) revised ... 10033
207.261a
Center heading and section added ... 10033
207.262
Revised ... 10033
213.7
(a) (4) (iv) revised; (a) (4) (v) added; (c) and (g) (4) revised; (g) (5) added ... 10033
213.12
Revised ... 933
213.45
Introductory text of (d) revised ... 10034
213.251
(b) revised ... 10034
213.260
Revised ... 10034
213.262
(b) (12) added ... 1728
213.266a
Added ... 10034
213.270
Introductory text of (d) revised; (d) (4) added; (e) and (i) revised ... 10034
213.275—213.280
Center heading and sections added ... 10034
213.510
Revised ... 10035
213.751
(c) revised ... 10035
220.5
(c) revised; (d) added ... 10035
220.30
Revised ... 10035
220.102
Revised ... 10036
(b) revised ... 11279
220.251
Revised ... 10036
220.253
Revoked ... 10036
220.275
Revised ... 10036
220.350
(b) revoked ... 10036
220.502
(c) revised; (d) added ... 10036
220.506
(b) revised ... 7102
(d) revised ... 10036
220.507
(a) (3) (iv) revised; (a) (3) (v) added; (b) (4) revised; (b) (5) added ... 10036
(b) (5) revised ... 16109
220.511
Revised ... 16109

24 CFR—Continued

Chapter II—Continued
220.575
Revised ... 10036
(b) revised ... 11279
220.751
(a) amended; (b) revised ... 10036
220.755
(a) (2) revised ... 218
Revoked ... 10036
220.760
(a) (1) (ii) revised ... 218
Revised ... 10036
220.765
(b) (1) revised ... 218
Revised ... 10037
220.804
(g) revised ... 10037
220.822
(b) revised ... 10037
220.830
Revised ... 15584
220.838
Revised ... 10037
221.30
(a) revised ... 10037
221.251
Revised ... 10037
221.253
Revoked ... 10037
221.275
Revised ... 10037
221.514
(c) revised ... 933
(a) (1) (ii) (d) revised; (a) (1) (ii) (e) added; (b) (4) revised; (b) (5) added ... 10037
221.518
(b) revised ... 7708
(b) revised ... 10038
221.536
Introductory text revised ... 10038
221.560
Introductory text of (a) revised ... 10038
221.751
(b) revised ... 10038
(a) amended ... 16109
221.762
(a) (2) revised ... 218
Revised ... 10038
Revised ... 11279
221.765
Revoked ... 10038
221.766
Revoked ... 10038
222.3
Introductory text and (a) revised ... 10038
222.4
Revised ... 10038
(c) added ... 12024
222.251
(b) revised ... 10038
231.3
(b) (4) revised; (b) (5) added ... 10038
231.5
(d) revised; (e) added ... 10038
231.7
Revised ... 16109
232.60
Revised ... 933
233.251
(b) (2) revised; (b) (3) revoked ... 10038
233.253
(a) revised ... 10038
233.275
Revised ... 10039
233.751
(b) (2) revised; (b) (3) revoked ... 10039

24 CFR—Continued

Chapter II—Continued
233.755
(a) (1) (ii) revised ... 219
Revoked ... 10039
233.760
(a) revised ... 10039
234.13
(a) (1) revised ... 5900
234.25
(c) (2) revised ... 10039
(c) (1) and (2) revised ... 16110
234.255
(b) revised ... 10039
234.525
(c) (4) revised; (c) (5) added ... 10039
234.530
(a) (4) revised; (a) (5) added ... 10039
234.751
(b) revised ... 10039
603
Revised ... 10039
606
Revised ... 10040
608.253
(c) (9) added ... 1728
608.265
Revised ... 16110
611
Revised ... 10041
702.256
Revised ... 10041
803
Subpart A revoked; Subpart B recodified and revised ... 10042
803.1—803.40
Subpart A revoked ... 10042
803.251—803.264
Subpart B recodified as 803.251–803.275; revised ... 10042
803.251—803.275
Subpart B recodified from 803.251—803.264; revised ... 10042
803.252
(c) revised ... 9218
803a.251
Revised ... 9218
Revised ... 10042
809.5
Revised ... 10042
(b) redesignated as (c); new (b) added ... 11503
809.7
Revised ... 11503
809.10
Revised ... 10043
809.251
(b) revised ... 10043
810.251
(b) revised ... 10043
810.751
(b) revised ... 10043
903
Revised ... 10043
908.251
Revised ... 10044
1000
Added ... 15033
1000.120
Introductory text amended ... 16110
1000.132
Revised ... 16110
1000.142
Introductory text amended ... 16110
Chapter III:
1500.7
Added ... 132
1500.8
Added ... 14012
Deleted ... 14493

24 CFR—Continued

Chapter IV:
1600
Revised ... 10159
1600.0
Amended ... 8677
1600.1
(b) and (c) revised ... 8677
1600.12
Introductory text revised ... 8677
1600.25
Revised ... 8677
1600.31
Revised ... 8677
1600.32
Revised ... 8677
1600.44
Revised ... 8677

25 CFR

Chapter I:
1.4
Added ... 7520
41
Added ... 7745
42
Revised ... 7746
88.6
(e) revised ... 5742
120
Revised ... 11676
131.18
Revised ... 14156
163.1
Revised ... 9813
163.3
Revised ... 9814
221.16
Revised ... 7101
221.17
Revised ... 7101
221.24
Revised ... 8160
221.36
Revised ... 8160
221.28
Revised ... 8160
221.32
Revised ... 536
221.78
(e) added ... 10044
242
Revised ... 10099
251.9
Revised ... 8267
251.10
Deleted ... 8267
251.11
Revised ... 8267
Proposed Rules:
1 ... 6438
41 ... 222
42 ... 223
120 ... 8225
131 ... 9924
163 ... 5849
221 ... 5708, 6074, 6523
251 ... 3598
255 ... 8969

26 CFR

Chapter I:
Subchapter A appendix amended ... 6030
1
Determination ... 2442
Determination ... 9359
1.2
Amended ... 524
1.2–2
(a) revised ... 524

26 CFR—Continued Page

Chapter I—Continued

1.3
Revised ... 524
1.4
Amended ... 529
1.4–3
Revised ... 529
1.37
Amended ... 85
1.37–1
Revised ... 86
1.37–2
(a) and (d)(1) revised ... 87
1.37–3
(a)(1) revised ... 87
1.37–4
(a) and (b) revised; (d) amended ... 88
1.37–5
Amended ... 88
1.48–1
(e)(2) revised; (m) added ... 9060
1.48–4
(k)(1) and (3) revised; (l) amended (m) added ... 9060
1.48–7
(a)(1) revised; (c), (d) and (e) added ... 9061
1.61–2
(a)(3)(v) and (b)(3) revised ... 13316
1.61–5
Heading revised; (d) redesignated as (h) and revised; new (d) through (g) added ... 13134
1.61–11
(b)(3) revised ... 13316
1.61–14
(b)(5) revised ... 13316
1.62
Amended ... 1037
1.62–1
(c)(10) revised; (c)(11) added ... 1037
1.78
Added ... 3208
1.78–1
Added ... 3208
1.121
Redesignated as 1.122 and amended ... 13316
1.121—1.121–5
Added ... 13316–13318
1.122
Redesignated from 1.121 and amended ... 13316
1.141
Revised ... 530
1.141–1
Revised ... 530
1.142–1
(b) revised ... 531
1.144
Amended ... 531
1.144–2
Heading and (a) revised; (d) added ... 531
1.162
Amended ... 5580
1.162–15
Revised ... 5580
1.162–20
Added ... 5581
1.163
Amended ... 6216
1.163–1
(b) revised ... 6216
1.166–6
(d) added ... 4472
1.167(e)
Revised ... 8573
1.167(e)–1
(a) revised; (c) added ... 8573
1.167(f)–1
(c) amended ... 9064
1.170–1
(c)(3) added ... 8574
1.172
Amended ... 14426
1.172–3
(b) revised ... 7805
(a)(3)(iv) redesignated as (a)(3)(v); new (a)(3)(iv) added ... 14427
1.172–4
(a)(1) and (b)(1)(i) revised; (b)(1)(iii) added; (b)(4) and (5) redesignated as (b)(5) and (6) respectively; new (b)(4) added ... 14427
1.172–5
(a)(3)(i) and (ii) amended ... 14428
1.172–9
Added ... 14429
1.172–10
Added ... 14430
1.172–11
Added ... 14431
1.182—1.182–6
Added ... 790
1.211–1
Revised ... 1037
1.217
Redesignated as 1.218 and revised ... 1037
1.217
Added ... 1038
1.217–1
Added ... 1038
1.218
Redesignated from 1.217 and revised ... 1037
1.243
Revised ... 8044
1.243–3
Added ... 8045
1.245–1
(a) revised ... 8046
1.262–1
(b)(5) revised; (c)(10) added ... 1041
1.263(a)
Amended ... 792
1.263(a)–1
(c) revised ... 792
1.263(a)–3
(b) revised ... 792
1.272
Revised ... 9304
1.272–1
Revised ... 9304
1.312
Amended ... 8574
1.312–3
Revised ... 8574
1.333–1
(a) revised ... 2850
1.337–1
Revised ... 2850
1.341
Amended ... 2843
1.341–1
Revised ... 2850
1.341–6
Added ... 2845
1.381(c)(3)–1
(a)(3) added ... 15094
1.402(a)
Amended ... 6340
1.402(a)–1
(a)(1)(ii) and (6)(i) revised; (c) added ... 6340
1.441
Amended ... 9739
1.441–2
(b)(1) revised ... 9739
1.446–1
Provisions liberalized ... 5372
Provisions liberalized ... 8629
1.453
Amended ... 2841
Amended ... 8574
1.453–2
(c) and (d)(2)(ii) revised; (d)(4) amended; introductory text of (d)(6) and (d)(6)(v) revised ... 2841
1.453–9
(c)(1) revised ... 8574
1.521–1
(f) revised ... 13135
1.535
Amended ... 3209
1.535–2
(a)(2) revised ... 3209
(f)(3) revised ... 9305
1.542–2
Amended ... 934
1.545
Amended ... 3209
1.545–2
(a)(3) revised ... 3209
(e)(2) revised ... 9305
1.555–1
Amended ... 934
1.562–1
(a) revised ... 934
1.595
Added ... 4473
1.595–1
Added ... 4473
1.611–1
(b)(2) revised ... 9305
1.611–5
(b)(4) revised ... 8902
1.612–3
(b)(3) and (c) revised ... 9305
1.612–4
Added ... 8902
1.613
Amended ... 9306
1.613–2
(a)(2) and (3) and (c)(4) revised ... 9306
1.613–4
Revised ... 8903
1.614
Amended ... 13698
1.614–0
Revised ... 13699
1.614–1
(a)(4) and (b) revised ... 13699
1.614–2
Heading and (a) revised; (c)(3) redesignated as (4) and revised; (e)(1) and (2) redesignated as (2) and (3), respectively, and amended; new (e)(1) added ... 13700
1.614–4
Heading and (a) revised ... 13700
1.614–6
Heading and (a)(1) and (2) revised; (a)(3) amended; (a)(5) added; (b) amended; (c) and (d) revised ... 13701
1.614–8
Added ... 13703
1.615–3
(c)(2) revised ... 9306
1.616–2
(c)(2) revised ... 9307
1.631
Amended ... 9307
1.631–3
Revised ... 9307
1.642(h)–1
(b) revised; (c) added ... 7805
1.642(h)–5
Amended ... 7806
1.691(a)–1
(a) revised ... 3435
1.691(a)–5
(a) revised ... 3435
1.691(e)
Redesignated as 1.691(f); revised ... 3435
1.691(e)
Added ... 3436
1.691(e)–1
Redesignated as 1.691(f)–1; revised ... 3436
1.691(e)–1
Added ... 3436
1.691(f)
Redesignated from 1.691(e); revised ... 3435
1.691(f)–1
Redesignated from 1.691(e)–1; revised ... 3436
1.735–1
(a)(1) revised ... 8574
1.736–1
(b)(7) amended ... 8574
1.751
Amended ... 8575
1.751–1
(c)(3) revised; (c)(4), (5) and (6) added; (g) amended ... 8575
1.802
Amended ... 9739
1.802–2
Revised ... 9740
1.802–3
(b) and (d) revised; (j) added ... 9740
1.817–2
(b)(1)(ii) and (3)(iii) revised ... 9308
1.832–2
(a) revised ... 15094
1.832–5
(a) revised ... 15094
1.856–3
(c) revised ... 9308
1.861
Amended ... 8046
1.861–3
(a) revised ... 8046
1.871–7
(b)(3)(i) revised ... 6341
(b)(3)(i) revised ... 9308
1.881–2
(c) revised ... 9308
1.901
Amended ... 934
Amended ... 3209
1.901–1
(a)(2) revised ... 934
1.902
Revised ... 3209
1.902–1
Heading amended; (f) added ... 3210
1.902–2
Heading revised; (d) added ... 3210
1.902–3
Added ... 3210
(c)(5)(iii) added ... 13862
1.902–4
Added ... 3213
1.902–5
Added ... 3214
1.951—1.951–3
Added ... 934
1.952—1.952–2
Added ... 938
1.955–1
(b)(2)(ii)(a) and (b) revised ... 942
1.956–1
(b)(2)(i) and (ii) revised ... 942
1.957
Amended ... 942
1.957–2
Added ... 942
1.959—1.959–4
Added ... 943
1.961—1.961–2
Added ... 11854
1.962—1.962–4
Added ... 13695
1.964
Amended ... 6480
1.964–1
(c)(4)(iv) revised ... 8044
1.964–3
Added ... 6480
1.964–4
Added ... 6481
1.970–1
(c)(2)(ii)(a) revised, (b) deleted, (c) redesignated as (b) ... 947
1.1012–1
(c)(6) added ... 8787
1.1016
Amended ... 948
Amended ... 9309
1.1016–5
(q) and (r) added ... 948
(k) revised ... 9309
1.1033(a)–1
(b) revised ... 13318
1.1033(b)–1
Revised ... 13319
1.1033(h)
Amended ... 13319
1.1034
Amended ... 13319
1.1034–1
(a) revised ... 13319
1.1055
Redesignated as 1.1056 and amended ... 6216
1.1055—1.1055–4
Added ... 6216
1.1056
Redesignated from 1.1055 and amended ... 6216
1.1212
Revised ... 7806
Amended ... 15094
1.1212–1
Revised ... 7806
(a) revised ... 15095
1.1222
Amended ... 7808
1.1222–1
(b), (d) and (e) revised ... 7808
(b)(1) and (d) revised ... 15096
1.1231
Amended ... 9309
1.1231–1
(a) and (c)(3) revised ... 9309
1.1235–2
(b)(1) revised ... 12730
1.1238–1
(a) amended ... 7281
1.1244(c)–1
(g)(1)(ii) revised ... 9309
1.1245–1.1245–6
Added ... 8576
1.1247—1.1247–5
Added ... 1173
1.1361–1
(a)(1) revised ... 9740
1.1361–3
(a)(6) added ... 9740
1.1372–4
(b)(5)(iii) revised ... 9309
1.1402(a)
Amended ... 9309
1.1402(a)–6
(a)(2) revised ... 9309
1.1441–2
(b) revised ... 9309
1.1502–31
(b)(3) and (21)(i) and (ii) revised ... 4412
1.1561—1.1563–4
Center heading and sections added ... 9740
1.6012
Amended ... 13319
1.6012–1
(a)(5) revised ... 4537
(a)(3) revised ... 13319
1.6014
Amended ... 531
1.6014–1
(d) added ... 531
1.6015(a)–1
(f) revised ... 4537
1.6091–4
(a) revised ... 704
1.6164–3
(b) revised ... 14432
1.6411–1
(d) added ... 14432
2
Added ... 6030
16.5, 16.5–1
Superseded by 1.962—1.962–4 ... 17164
16.6–1
Superseded by 1.1247–1—1.1247–5 ... 1173
19.1–1
Superseded by 1.172–11 ... 14426
20.2031–1
(b) revised ... 7708
20.2053–3
(d) revised ... 7708
25.2512–1
Revised ... 7709
31.3402(a)
Revised ... 13937
31.3402(a)–2
Added ... 13937
31.3402(b)–1
(a)(2) and (c)(1) revised ... 13937
31.3402(c)
Amended ... 13937
31.3402(c)–1
(a)(1), (b), (c)(2) and (3) and (d)(1) revised ... 13942
31.3402(c)–2
Added ... 13943
31.3402(g)–1
(a)(2) and (b)(1) revised ... 13947
47.4352–1
(b) revised ... 3437

26 CFR—Continued

Chapter I—Continued

47.4252–2
Added ... 3437
48.6011(c)–1
(h) added ... 10189
48.6420(b)–1
(d) revised ... 7809
49
Exemption ... 15658
145
Added ... 8903
145.1–1
(b)(4) added ... 12939
145.2—145.2–4
Added ... 10100
145.2–5
Added ... 13537
145.3
Added ... 14555
145.3–1
Added ... 14555
145.4
Added ... 14790
145.4–1
Added ... 14790
(c) corrected ... 15039
145.5–1
Added ... 15737
147.4–1
Heading, (a) and (c)(1) revised; (d) added ... 4413
(c) revised ... 8160
Introductory text of (e)(2) and of (d)(3) revised; (e) added ... 12939
147.7–3
(f) added ... 12939
147.7–6
Added ... 12939
147.8–1
(a) revised ... 12940
147.9–1—147.9–3
Added ... 1937
147.9–4
Added ... 2399
170
Subpart B recodified and revised ... 4132
Subpart W added ... 11599
Subpart X added ... 11600
Subpart Y added ... 11601
170.21—170.24
Subpart B recodified from 170.21—170.26; revised ... 4132
170.21—170.26
Subpart B recodified as 170.21—170.24; revised ... 4132
170.641—170.647
Subpart W added ... 11599
170.651—170.658
Subpart X added ... 11600
170.661—170.667
Subpart Y added ... 11601
172.1
Revised ... 14791
172.6
Revised ... 14791
172.8
Revised ... 14791
172.15
Revised ... 14791
172.25
Revised ... 14791
172.26
(b) revised ... 4197
Revised ... 14791
172.28
Revised ... 14792
172.30
Revised ... 14792

26 CFR—Continued

Chapter I—Continued

172.36
Revised ... 14792
172.38
(a), (b), (c), (d), (e) and (g) revised ... 14792
172.39
Revised ... 14793
172.42
Revised ... 4198
172.43
(a)(2) and (b)(1) revised ... 14793
172.44
Revised ... 14793
172.45
Revised ... 14793
172.50
Revised ... 14793
172.55
Revised ... 14793
172.57
Revised ... 14793
172.59
Revised ... 14793
172.61
Revised ... 14793
172.62
Revised ... 14793
172.65
Revised ... 14794
175.33
Revised ... 8787
175.62
Revised ... 8787
175.86
Revised ... 8787
175.90a
Added ... 8787
201.11
Amended ... 12353
201.29
(l), (m) and (p) revised; (y) added ... 12353
201.33
Revised ... 12354
201.44
Revised ... 9359
201.262
Revised ... 12354
201.272
Revised ... 12354
201.273
Revised ... 12354
201.298
Revised ... 12354
201.410
Revised ... 12354
201.427
Revised ... 12354
201.437
(a) revised ... 12355
201.444
Revised ... 12355
201.444a
Added ... 12355
201.581
Revised ... 9359
201.584
Revised ... 12355
201.584a
Added ... 12355
201.587
Revised ... 12355
201.618
(c) and (h) revised ... 12355
201.619
(b) revised ... 12356
211.219
Added ... 12356

26 CFR—Continued

Chapter I—Continued

240.531
Revised ... 9360
240.533
Revised ... 9360
250.112
(a), (b), and (c) revised ... 6217
250.113
(c), (d), and (e) revised ... 6217
250.126
Revised ... 6218
250.128
Revised ... 6218
270.11
Amended ... 9310
Amended ... 9360
270.47
Revised ... 9310
270.63
Revised ... 9310
270.88
Revised ... 9310
270.89
Revised ... 9310
270.92
Revised ... 9311
270.103
Revised ... 9311
270.131
Revised ... 9311
270.139
Revised ... 9311
270.164
Revised ... 9311
Revised ... 14794
270.181
Revised ... 9311
270.183
Amended ... 9311
270.184
Revised ... 9311
270.186
Added ... 9312
270.202
(d) through (h) revised; (i) added ... 9312
270.212
Revised ... 9312
270.216
Added ... 9312
270.217
Added ... 9312
270.231
Revised ... 9312
270.252
Revised ... 14794
270.253
Revised ... 14794
270.254
Revised ... 9312
Revised ... 14794
270.255
Added ... 9313
270.262
(c) revised ... 9313
270.283
Revised ... 14794
270.285
Deleted ... 9313
270.286
Added ... 9313
270.287
Added ... 9313
270.313
Revised ... 14795
275
Subpart F heading revised ... 2658
275.1
Revised ... 2658

26 CFR—Continued

Chapter I—Continued

278.11
Amended ... 9360
275.45
Deleted ... 2658
275.46
Deleted ... 2658
275.47
Deleted ... 2658
275.48
Deleted ... 2658
275.49
Deleted ... 2658
275.50
Revised ... 2658
275.81—275.91
Subpart F heading revised ... 2658
275.85
Center heading and heading revised ... 2658
275.85a
Added ... 2658
275.119
Revised ... 2658
275.163
Revised ... 14795
275.165
Revised ... 14795
275.170
Revised ... 14795
275.171
Revised ... 14795
275.172
Revised ... 14795
275.173
Revised ... 14796
275.174
Revised ... 14796
285.11
Amended ... 9360
285.173
Revised ... 14796
285.193
Revised ... 14796
290.14
Revised ... 9360
290.15
Revised ... 9360
295.11
Amended ... 9361
296
Subpart D recodified and revised ... 4132
Subpart E added ... 11602
296.91–296.94
Subpart D recodified from 296.91—296.96; revised ... 4132
296.91—296.96
Subpart D recodified as 296.91—296.94; revised ... 4132
296.101–296.107
Subpart E added ... 11602
301.6012
Amended ... 13319
301.6014
Amended ... 13320
301.6103(a)
Amended ... 3762
301.6103(a)–1
(a) (2) and (3)(i), (c)(1)(i), and (d)(3) revised ... 3762
301.6103(a)–107
Revised ... 4414
301.6334
Amended ... 17165
301.6334–1
(a)(5) added ... 17165
301.6532–1
(a) and (b) revised ... 7809

26 CFR—Continued

Chapter I—Continued

301.7514–1
(a) (4) and (5) revised; (a) (6) and (7) deleted ... 8584
301.7516–1
Revised ... 33
301.7701–1
(c) revised ... 1116
301.7701–2
Heading revised; (a)(5) added; (g) amended; (h) added ... 1116

Chapter II:

701.2
Revised ... 8517

Proposed Rules:

1 ... 37, 91, 143, 1048, 2031, 2106, 2450, 2663, 2669, 3764, 3765, 4133, 4256, 4482, 4548, 4619, 4635, 4718, 5584, 5595, 5841, 6222, 6349, 6486, 6488, 7493, 7721, 9768, 10988, 11862, 12394, 12564, 13649, 14158, 14202, 15670.
31 ... 6222
48 ... 14809
240 ... 15099
251 ... 15172
301 ... 6222, 10988

27 CFR

Chapter I:

5.21
(i)(1) revised ... 1846
5.51
(d)(3) revised ... 1846

Proposed Rules:

5 ... 17170
6 ... 15470

28 CFR

Chapter I:

Amended ... 12941
0
Subpart O appendix added ... 1800
Appendix to Subpart W amended ... 7709
Appendix to Subpart W amended ... 7819
0.6
(b–1) added ... 2588
(b–1) superseded ... 5704
0.25
(l) added ... 7599
0.50
(a) revised ... 5832
0.53
Added ... 5703
0.55
(l) revised ... 2316
(n) revised ... 5832
(q) added ... 12249
0.75—0.83
Subpart O appendix added ... 1800
0.86
Amended ... 2316
0.130a
Added ... 485
0.160—0.175
Subpart W appendix amended ... 7709
Subpart W appendix amended ... 7819
0.171
Revised ... 7245
2.49
Added ... 219
2
Revised ... 2316
5.6
Revised ... 5510
16.3
Corrected ... 7488

28 CFR—Continued

Chapter I—Continued

42
Existing text designated as Subpart A; Subpart B added ... 7387
42.1—42.35
Designated as Subpart A ... 7387
42.3
Amended ... 7389
42.5
(a) and (c) amended ... 7389
42.11
Amended ... 7389
42.17
Amended ... 7389
42.50—42.59
Subpart B added ... 7387
43.3
(a) and (b) amended ... 7819
45
Revised ... 17202
50.2
Added ... 5510

29 CFR

Subtitle A:

2.10
Revised ... 616
4
Added ... 15565
5
Heading revised ... 13136
5.1
(a) revised ... 13136
5.3a
Deleted ... 13136
5.5
(a) amended ... 13136
5.7
(b) revised ... 13136
5.14
(d) added ... 7819
5.21
Deleted ... 13136
5.31
Revised ... 13136
20.1
Revised ... 9002
20.2
Revised ... 9003
20.5
Deleted ... 9003
20.10
(b) revised ... 9003
20.12
Revised ... 9003
20.20
Introductory text and (c) revised ... 9003
20.21
Introductory text and (a) revised ... 9003
20.22
Introductory text and (b) revised ... 9003
20.30
Revised ... 9003
20.31
Revised ... 9004
20.32
Revised ... 9004
20.33
Revised ... 9004
20.35
Revised ... 9004
20.36
(a) revised ... 9005
20.40
Revised ... 9005

29 CFR—Continued

Page

Subtitle A—Continued
20.41
Revised ... 9005
40.27
Revised ... 3528
41
Added ... 2945
50.1
(n) revised ... 15466
50.12
(b) revised ... 15466
50.22
(g) amended ... 6249
(g) revised ... 15466
50.26
(b) revised ... 15467
50.28
Revised ... 15467
50.32
(a) revised; (c) added ... 6249
60
Added ... 14979
Chapter IV:
453.2
(a) revised ... 14925
453.8
(b), (c), and (d) revised ... 14925
453.9
(a)(2) and (b) revised ... 14926
453.10
Revised ... 14926
453.12
Revised ... 14926
453.14
Revised ... 14926
453.26
Added ... 14926
460.4
Revised ... 15659
460.6
Revised ... 15659
Subtitle B:
Chapter V:
516.2
(a)(12) amended; (a)(13) deleted ... 17165
516.14
Revised ... 8587
541.505
Revised ... 16078
545.13
Schedules A and B revised ... 5468
Amended ... 11104
551
Added ... 8585
601.2
Revised ... 1938
602.2
(a)(1)(i), (2)(i), (3)(i), (4)(i), and (5)(i), and (b)(1) revised ... 7948
603.2
Revised ... 7949
604.2
Revised ... 6218
606.2
Revised ... 6219
610.2
Revised ... 219
611.2
Revised ... 15292
613.2
Revised ... 33
Corrected ... 133
614.2
Revised ... 220
657.2
(a)(1)(i), (2), (3)(i), (4), (5)(i) and (b)(1) revised ... 8964

29 CFR—Continued

Page

Chapter V—Continued
670.2
Revised ... 2792
673.2
Revised ... 3529
675.2
Revised ... 2792
677.2
Revised ... 3709
678.2
Revised ... 3709
681.9
(c) revised ... 11104
683
Heading revised ... 6116
683.1
Revised ... 6116
683.2
Revised ... 6117
690.2
Revised ... 6482
694
Revised ... 15467
697.2
(b) revised ... 9881
720.2
Revised ... 2536
778
Revised ... 1076
778.313
(a) amended ... 17165
780.118
Revised ... 9911
780.129
Revised ... 9911
785.9
(b) revised ... 9911
785.26
Revised ... 9912
785.29
Revised ... 9912
785.51
Revised ... 17165
800
Revised ... 11504
Chapter XIII:
1500.21
Further extension of effective date of provisions ... 7997
1501
Appendices deleted ... 7748
1501.5
(a) amended ... 7748
1501.21
(b) revised ... 7748
1502
Appendices deleted ... 7748
1502.5
(a) amended ... 7748
1502.21
(b) revised ... 7748
1503.5
(a) amended ... 7748
Chapter XIV:
Added ... 8407
1601
Added ... 8407
Subpart C revised ... 9676
1601.27
Subpart C revised ... 9676
1602
Added ... 8407
1604
Added ... 14928
Proposed Rules:
60 ... 14494
541 ... 8005, 8754
545 ... 2954, 9274
602 ... 3883

29 CFR—Continued

Page

Proposed Rules—Continued
603 ... 3883
604 ... 586
606 ... 586
611 ... 10114
657 ... 6224
681 ... 9274
683 ... 586
690 ... 586
694 ... 10115
697 ... 6225
1501 ... 6397
1502 ... 6397
1503 ... 6397
1504 ... 7608
1602 ... 14658, 15040

30 CFR

Chapter I:
11.3
Revised ... 3753
12.4
(c) revised ... 3753
13.5
(c) revised ... 3753
14
Revised ... 616
14.6
Revised ... 3754
14a.5
(d) revised ... 3754
18.3
Revised ... 3754
19.2
Revised ... 3754
20.4
Revised ... 3755
21.3
Revised ... 3755
22.3
Revised ... 3755
23.4
Revised ... 3755
24.1
Revised ... 3755
25.4
Revised ... 3755
26.6
Revised ... 3756
27.7
Revised ... 3756
31.3
(c) revised ... 3756
32.3
(c) revised ... 3756
33.5
(a) and (b) revised ... 3757
34.5
Revised ... 3757
35.5
(d) revised ... 3757
36.7
(a) revised ... 3757
61
Added ... 11349
Chapter II:
222.9
Text rescinded ... 1041
222.15
Revoked ... 1041
229
Redesignated from Part 301, revised ... 2866
Chapter III:
Revoked ... 2866
301
Redesignated as Part 229, revised ... 2866

30 CFR—Continued

Page

Proposed Rules:
11 ... 1989
12 ... 1989
13 ... 1989
14 ... 1989
14a ... 1989
18 ... 1989
19 ... 1989
20 ... 1989
21 ... 1989
22 ... 1989
23 ... 1989
24 ... 1989
25 ... 1989
26 ... 1989
27 ... 1989
31 ... 1989
32 ... 1989
33 ... 1989
34 ... 1989
35 ... 1989
36 ... 1989

31 CFR

Subtitle A:
3
Subpart H added ... 13705
3.125—3.131
Subpart H added ... 13705
Subtitle B:
Chapter I:
54.4
(a)(14) revised ... 10885
54.31
Amended ... 10885
54.35—54.44
Redesignated as 54.36—54.45, respectively ... 10885
54.35
Added ... 10885
54.36—54.45
Redesignated from 54.35—54.44, respectively ... 10885
54.36
Introductory text amended ... 10886
93.68
Added ... 10886
93.69
Added ... 10886
Chapter II:
203.7
(n) revised ... 2150
(p) added ... 2400
209
Added ... 16257
270.3
(a) and (b) amended ... 1192
306.47
Corrected ... 4716
316.6
(c) corrected ... 4716
(a)(2) redesignated as (3); new (a)(2) added ... 12778
316.8
(a)(4) corrected ... 4716
316.14
Corrected ... 4716
332
Corrected ... 4716
332.10
Corrected ... 4716
360.4
(c) added ... 12331
Chapter V:
500.204
Appendix amended ... 9091
Appendix amended ... 12250
Appendix amended ... 14156
505.10
Revised ... 1204

31 CFR—Continued

Page

Chapter V—Continued
515.536
Added ... 15371
515.808
Revised ... 15371
Proposed Rules:
209 ... 13955
270 ... 16

32 CFR

Chapter I:
I
Subpart I revised ... 11998
Subpart S added ... 14077
1.102
Revised ... 6965
1.103–5
Revised ... 1729
1.104
Revised ... 5959
Text designated as (a); (b) added ... 6965
1.106–1
Introductory text revised ... 6965
1.106–2
(d) added ... 5959
1.106–3
Added ... 6965
1.107
Revised ... 5959
Revised ... 6965
1.108
(a) revised ... 14071
1.109–1
Revised ... 14071
1.111–1
Revised ... 5959
1.111–2
Revised ... 5959
1.111–3
Added ... 5959
1.111–4
Added ... 5959
1.113
Revised ... 5960
1.113–1
Revised ... 5960
1.113–2
(b) revised ... 5960
1.115
Revised ... 5960
1.201–1
Revised ... 14071
1.201–3
Revised ... 11997
1.201–5
Revised ... 5960
1.201–14
Revised ... 5960
Revised ... 11997
1.201–15
Revised ... 5960
1.201–18
Revised ... 14071
1.201–21
Revised ... 5960
1.201–24
Revised ... 11997
1.201–25
Added ... 11997
1.201–26
Added ... 11997
1.201–27
Added ... 11997
1.302–1
Revised ... 1729
1.304
Revised ... 6965
1.308
(d) revised ... 5961

32 CFR—Continued

Page

Chapter I—Continued
1.310
(a) revised ... 5961
1.312
Revised ... 14887
1.314
Revised ... 14071
1.315
(a), (b), and (e) revised ... 1729
1.319
(f) revised ... 11997
1.322–3
(d) revised ... 1729
1.324–2
(c) revised ... 6965
1.324–6
(a) amended ... 6965
(a) amended ... 11997
1.325
Added ... 6965
1.326—1.326–5
Added ... 14887
1.506—1.506–1
Redesignated as 1.506—1.506–2; revised ... 5961
1.506—1.506–2
Redesignated from 1.506—1.506–1; revised ... 5961
1.507—1.507–2
Redesignated as 1.507—1.507–3; revised ... 5961
1.507—1.507–3
Redesignated from 1.507—1.507–2; revised ... 5961
1.508—1.508–2
Redesignated as 1.508—1.508–4; revised ... 5962
1.508–1.508–4
Redesignated from 1.508—1.508–2; revised ... 5962
1.509
Revised ... 5962
1.600
Revised ... 5962
1.601–1.601–4
Revised ... 5962
1.601–3
Revised ... 11997
1.601–5
Added ... 5962
1.601–6
Added ... 5962
1.602
Revoked ... 5963
1.603
Revised ... 5963
1.604
Revised ... 5963
1.604–1
Revised ... 5963
1.604–2
(a) revised ... 5963
1.604–3
Revised ... 5963
1.605
Revised ... 5963
1.605–1
Revised ... 5963
1.605–3
Revised ... 5963
1.605–4
Revoked; recodified in 1.605–3 ... 5963
1.606
Revised ... 5964
1.607
Revised ... 5964
1.608—1.608–3
Added ... 5964

32 CFR—Continued

Chapter I—Continued

	Page
1.609—1.609–9	
Revised	5965
1.610	
Revised	5965
1.701	
Revised	14071
1.701–1	
(d) revised	5966
1.701–4	
Amended	14888
1.703	
Revised	5966
1.704–3	
(b) (3) revised	5966
(a) (2) and (b) (3) revised	14072
1.705–2	
(a) revised	14072
1.705–3	
Revised	14072
1.705–4	
Introductory text of (b) revised	5967
Revised	14072
1.706–1	
(a) revised	1729
Revised	14072
1.706–2	
Revised	14072
1.706–3	
Revised	14072
1.706–5	
Introductory text of (c) revised	5967
(a) (2) and (3 revised; (c) amended	14074
1.706–6	
(c) revised; (d) amended; (e) (1) revised	1730
Introductory text of (c) revised	5967
Revised	14074
1.707–3	
(b) amended	11997
Introductory text of (b) revised	14074
1.800	
Revised	14074
1.801–1	
Amended	14075
1.802	
Revised	14075
1.804–1	
(a) revised	14075
1.804–2	
(b) and (c) amended; (d) (1) revised	1731
Introductory text of (b) revised; (c) revised; (d) revoked	14075
1.900—1.907	
Subpart I revised	11998
1.907	
Revised	14076
1.1002–1	
Revised	5967
1.1002–6	
(f) and (g) (1) revised	14076
1.1003–1	
(a) revised	6966
1.1003–3	
Revised	6966
1.1003–6	
(b) revised	6966
(b) revised	14888
1.1003–9	
(a) (2) revised; (b) (9) amended	6966
(a) (2) revised; (b) (4) and (9) amended	14888
1.1004	
Revised	6966
(b) revised	12000
(b) revised	14076
1.1005–1	
(b) (1) revised	6966
(b) (1) revised	14888
1.1005–2	
(b) revised	14076
1.1006	
Redesignated as 1.1006–1; revised	6966
Added	6966
1.1006–1	
Redesignated from 1.1006; revised	6966
1.1006–2	
Added	6966
Revised	14076
1.1007—1.1007–4	
Added	12000
1.1107–1	
Revised	5967
1.1107–2	
Revised	5967
(b) revised	14076
1.1108	
Revised	5967
1.1109	
Revised	5967
1.1201	
(b) revised	5968
1.1203	
Redesignated as 1.1203—1.1203–3; revised	5967
1.1203—1.1203–3	
Redesignated from 1.1203; revised	5967
1.1204	
Revised	5967
1.1208	
(a) and (d) revised	5967
1.1602	
(c) revised	6966
1.1604	
(b) and (c) revised	1732
Revised	6966
(f) (1) revised	14076
1.1900–1.1906	
Subpart S added	14077
2.104–4	
Revised	14889
2.201	
(a) (13) and (14) revised	1732
(a) (15), (20), and (25) revised; (a) (28) added; (a) (31), (33), and (35), (b) (6), and (c) revised	5969
(b) (2) revised	6967
(a) (17) revised	12001
(a) (22) and (25) revised; (a) (27) revoked; (a) (35), (36) and (37) revised; (a) (38) revoked; (b) (14) revised; (b) (15) revoked	14079
(a) (39), incorrectly designated as (a) (38), added; (b) (21) added	14889
2.202–1	
Revised	5970
2.202–4	
(d), (e), and (h) revised	14889
2.202–5	
(g) revised	5970
2.205–1	
(b) revised	1732
2.205–4	
Revised	1732
2.207	
Revised	14079
2.208	
Revised	14079
2.209	
Revised	14079
2.210	
(a) revised	5970
(a) revised	12001
Revised	14079
2.211	
Added	14079
2.403	
(b) revoked	1732
Revised	14079
2.407–7	
(a) (2) revised	5970
2.408–1	
Revised	5970
2.503–1	
(e) revised	1732
(b) (2) and (e) revised	14079
3	
Subpart F recodified and revised	5972
3.101	
(a) revised	1733
(h) revised	5971
(h) revised	14080
3.106—3.106–2	
Added	14080
3.108	
(a) revised	5971
3.109	
Added	14080
3.200	
Revised	5971
3.201–2	
(b) revised	14081
3.202–2	
Introductory text revised	5971
(f) revised	14889
3.203–2	
Revised	5971
3.210–2	
(p) revised	1733
3.212–3	
Revised	5971
3.213–1—3.213–4	
Revised	14081
3.213–5	
Added	14081
3.216–2	
(c) revised	5971
3.218—3.218–3	
Revoked	5971
3.402	
(b) (1) revised	6967
(b) (1) revised	12001
3.405–5	
(c) (1) revised	1733
3.408	
(c) revised	5971
3.409	
(b) (1) and (c) (1) revised	5971
Revised	14082
3.409–1—3.409–4	
Added	14082
3.410–1	
(a) revised; (b) (5) through (10) added	5971
(a) and (c) revised; (d) added	14083
3.410–2	
(a) revised	14083

32 CFR—Continued

Chapter I—Continued

	Page
3.501	
(b) (11) and (12) revised	1733
(b) (14), (28), (36), (37), and (38) revised; (b) (49) revoked	5971
(b) (25) revised	6967
(b) (15) revised	12001
(b) (10), (17), (21), (23), (26) and (33) revised; (b) (39) added; (b) (40) revised; (b) (49), (54), (55), (56) and (57) added	14083
(b) (58) and (59) added	14889
3.504	
Revised	14084
3.504–1, 3.504–2	
Added	14084
3.505	
Revised	14084
3.506	
Revised	14084
3.506–1	
Amended	6968
3.506–1, 3.506–2	
Revoked	14084
3.507	
Revised	14085
3.507–1, 3.507–2	
Added	14085
3.508	
Revised	14085
3.509	
Revised	14085
3.510	
Added	14086
3.600—3.608–8	
Subpart F recodified from 3.600—3.610–3; revised	5972
3.600—3.610–3	
Subpart F recodified as 3.600—3.608–8; revised	5972
3.605–3	
(b) (2) revised	14086
3.608–2	
(b) (1) (xii) added	14889
3.704–1	
Revised	14889
3.704–2	
(c) revoked	14889
3.801–2	
Revised	14889
3.801–3	
Revised	14889
3.805–1	
(a) (5), (b) and (c) revised	14086
3.807–2—3.807–4	
Revised	5972
3.807–2	
(c) (1) revised	12001
3.808–1—3.808–6	
Revised	5972
3.808–5	
(d) (2) and (6) (iv) revised	14086
3.808–7	
Revoked	5972
3.809	
Revised	14889
3.903–2	
(c) revised	1733
3.903–5	
Heading and (c) revised	1733
4	
Subpart H added	1734
Subpart A revoked	5985
Subpart E recodified and revised	12002
Subpart I added	14892
4.100—4.107	
Subpart A revoked	5985
4.201	
Introductory text of (a), and (a) (5) and (6), and (c) revised	1733
4.205–1	
(a) and (e) revised	1733
4.205–2	
(a) revised; (d) and (e) added	1733
4.205–4	
(c) revised	5985
(d) revised	12001
(c) and (d) revised	14087
4.205–5	
(d) revised	14087
4.209	
(b) revised	14087
4.211	
Revised	5985
4.214–1	
Revised	1734
4.214–3	
Revised	1734
4.214–4	
(c) (1) and (d) revised	1734
4.215	
Revised	12001
Revised	14087
4.501, 4.502	
Subpart E recodified as 4.501—4.507–6; revised	12002
4.501—4.507–6	
Subpart E recodified from 4.501, 4.502; revised	12002
4.800—4.806	
Subpart H added	1734
4.900—4.903–2	
Subpart I added	14892
5.100	
Revised	14087
5.101	
Revised	14087
5.102–2	
Revised	14087
5.104–1	
Revised	5985
5.106	
Revised	14087
5.107	
Added	14087
5.108	
Added	14087
5.200	
(a) revised	14089
5.205	
Revised	14089
5.207	
Revised	5985
Revised	14089
5.208	
Added	14089
5.303	
Revised	14089
5.502	
Revised	14089
5.504–1	
Revised	14089
5.505	
Revised	14089
5.507	
Added	14090
5.701	
(b) revised	5985
5.704—5.704–2	
Added	14090
5.907	
Revised	12004
5.1101	
Revised	6968
5.1106–2	
Revised	5985
5.1203	
Amended	5985
6.102–2	
(b) revised	1735
6.102–3	
Revised	5986
6.505	
Added	12005
7	
Subpart J added	1737
Subpart F heading revised	5987
Subpart F recodified and revised	12821
Subpart K added	14091
Subpart L added	14895
7.103–4	
Revised	6968
7.103–16	
Revised	5986
7.103–18	
Revised	5986
7.104–1	
Revised	5986
7.104–9	
Revised	5986
7.104–12	
Introductory text of (a) revised	5986
7.104–24	
Revised	1735
7.104–25	
Revised	1735
7.104–29	
Introductory text of (a) revised	1735
Introductory text of (a) revised	6968
7.104–41	
Introductory text of (c) revised	6968
7.104–42	
Introductory text of (a) revised	5986
Introductory text of (a) revised	6968
7.104–44	
Revised	1735
7.104–45	
Revised	1735
7.104–52	
Added	1735
7.104–53	
Added	1735
7.104–54	
Added	6968
7.104–55	
Added	14090
7.104–56	
Added	14090
7.106–3	
Introductory text revised	14090
7.106–4	
Introductory text revised	14090
7.108–1	
Amended	5987
7.108–2	
Amended	5987
7.203–2	
Revised	1735
7.203–4	
(c) (1) and (4) (iii) revised	14893
7.203–7	
(a) amended	14893
7.203–12	
Revised	14893
7.203–16	
Revised	5987
7.203–18	
Revised	5987

32 CFR—Continued

Chapter I—Continued

7.203–21 Revised 1735
7.203–30 Revised 1735
7.204–1 Revised 5987
7.204–9 Revised 5987
7.204–32 Revised 1735
7.204–38 Added 1735
7.204–39 Added 14090
7.204–40 Added 14090
7.302–16 Revised 1736
7.302–17 Revised 1736
7.302–23 Revised 6968
7.302–24 Revised 5987
7.303–1 Revised 1736; Revised 5987
7.303–7 Revised 1736
7.303–31 Revised 1736
7.303–32 Revised 1736
7.303–37 Added 1736
7.303–38 Added 1736
7.303–39 Added 14090
7.303–40 Added 14090
7.304–1 Amended 12005
7.402–3 (c)(1) revised 14893
7.402–16 Revised 5987
7.402–17 Revised 5987
7.402–22 Revised 6968
7.402–33 Revised 6968
7.402–35 Revised 1736
7.402–31 Revised 1736
7.403–1 Revised 1736; Revised 5987
7.403–27 Revised 1736
7.403–28 Revised 1736
7.403–33 Added 1736
7.403–34 Added 14090
7.403–35 Added 14090
7.404–1 Amended 1736
7.504–4 Added 1737
7.504–5 Added 14090
7.600—7.607–26 Subpart F recodified from 7.601—7.607–26; revised 12821
7.600 Added 5987
7.601—7.607–26 Subpart F heading revised 5987; Subpart F recodified as 7.600—7.607–26; revised 12821
7.601 Revised 5987
7.602 Revised 5987
7.602–1 Amended 5987
7.602–2 Amended 5987
7.602–3 Amended 5987
7.602–4 Revised 5988
7.602–6 (a) amended 5988
7.602–7 Revised 5988
7.602–8 Amended 5988
7.602–9 Amended 5988
7.602–11 Amended 5988
7.602–12 Amended 5988
7.602–13 Amended 5988
7.602–14 Amended 5988
7.602–15 Amended 5988
7.602–16 Amended 5988
7.602–18 Revised 5988
7.602–19 Amended 5988
7.602–20 Revised 5988
7.602–22 Revised 1737
7.602–23 Revised 1737; Revised 5988
7.602–26 Revised 5988
7.602–32—7.602–37 Added 5988
7.602–39—7.602–46 Added 5986
7.603, 7.603–1 Revised 5990
7.603–5 Revoked 5990
7.603–9 Revised 5990
7.603–12, 7.603–13 Revised 5990
7.603–15 Revised 5990
7.603–22—7.603–26 Revised 5990
7.603–23 Added 1737
7.603–24 Added 1737
7.603–25 Added 1737
7.603–26 Added 1737
7.603–27—7.603–41 Added 5992
7.604, 7.604–1 Revised 5994
7.604–3, 7.604–4 Revoked 5994
7.605—7.605–39 Added 5994
7.605–5 Revised 14893
7.606—7.606–13 Added 5996
7.606–1 (b)(3) revised 14893
7.607—7.607–26 Added 5996
7.702–10 Revised 14893
7.702–12 Amended 14090
7.702–23 Revised 14893
7.703–38 Revised 14895
7.703–46 Revised 5997
7.703–38 Revised 14895
7.704–3 Revised 14895
7.704–30 Revised 5997
7.705–5 Revised 5997
7.705–14 Added 12005
7.705–15 Added 14090
7.901–4 Amended 1737
7.901–5 Revised 5997
7.901–6 Amended 12005; Amended 14895
7.901–11 Revised 5997
7.901–13 Revised 5997
7.902–16 Revised 6968
7.902–18—7.902–20 Added 6968
7.902–21 Added 14090
7.1000—7.1004–3 Subpart J added 1737
7.1003–12 Added 14090
7.1100—7.1102–3 Subpart K added 14091
7.1200—7.1203 Subpart L added 14895
8.101–15 Revised 5998
8.101–22 Revised 1742
8.101–23 Revised 1742
8.101–24 Revised 1742
8.101–25 Revised 1742
8.101–26 Revised 1742
8.101–27 Added 1742

32 CFR—Continued

Chapter I—Continued

8.202 (d) revised; (e) added 1742
8.205 (c)(14) added 1742
8.208–4 (a)(1)(ii) revised 5998
8.404–8 (a) revised 1742
8.407 Revised 5998
8.503–2 (a) revised 5998
8.503–4 Revised 5998
8.505–1 (c) revised 5998
8.505–3 Revised 5998
8.510 Revised 1742
8.602–3 (b) and (e) revised 5999
8.602–4 (a) revised 5999
8.603—8.603–6 Revoked 5999
8.701 Introductory text of (a) revised; (c) and (d) added 5999
8.702 Existing text designated as (a); (b) and (c) added 5999
8.703 Revoked 5999
8.705–2 Revised 6000
8.705–3 Added 6000
8.707 Revised 6000
8.708 Revised 6000
8.709 Revised 6000
8.711 Added 6000
8.801–1 Revised 6000
8.801–2 Amended 1743; Introductory text of (a) revised; (b) and (c) added 6000
9.103–1 (a) amended 1743
9.104 Revised 6003
9.107–3 (d) revised 6003
9.107–4 (c)(1) revised 6003; (d) revised 12005
9.107–5 (a) amended 1743; (a) amended 12005
9.111 (b) revised 14092
9.200—9.202–3 Revised 6968
9.202–3 (d) revised 14092
9.202–4—9.202–6 Revoked 6968
9.203 Revised 6970
9.203–1—9.203–4 Revoked 6970
9.204–1 Revised 6970
9.207–2 Revised 6970
10 Subpart C recodified and revised 14897
10.101–6 Revised 12005
10.101–7 Revised 12005
10.101–8 Revised 12005
10.101–9 Revised 12005
10.101–10 Revised 12005
10.101–11 Added 12005
10.101–12 Added 12005
10.102–2 Revised 12005
10.102–4 Revised 12005
10.102–5 Introductory text revised; (e) added 12005
10.103–1 (c) added 12005
10.103–2 (c) added 12005
10.103–4 Revised 12006
10.104–1 Revised 12006
10.104–3 Revised 12006
10.105–1 Revised 12006
10.105–3 Revised 12006
10.105–4 Added 12006
10.110 Revised 12007; Revised 14897
10.111 Revised 12007
10.111–1 Revised 12007; Amended 14897
10.111–2 Revised 12007; Amended 14897
10.111–3 Added 12007
10.112 Revised 12007
10.200 Added 12008
10.201 Revised 12008
10.201–1 Revised 12008
10.201–4 Revised 12008
10.202–2 Revised 12008
10.300—10.304 Subpart C recodified from 10.300—10.305; revised 14897
10.300—10.305 Subpart C recodified as 10.300—10.304; revised 14897
10.303 Revised 1743
10.305 Revised 1743
10.401 (c) revised 1743; Revised 14898
10.402 Revised 1743
10.403 (c) added 14898
10.404 (a) amended 1743; (a) amended 14898
10.405 Revised 14898
10.501 Revised 14898
10.501–1 Revised 14898
10.501–2 Revised 14898
10.503 Revised 1743
10.504 (a) amended; (b) revised 1743; (a) amended 14900
10.505 Revised 14900
10.600 Revised 14900
10.601 Revised 14900
10.602 Introductory text revised 14900
10.603 Revised 14900
10.604 Revised 14900
11.401–4 (b) and (e) revised 1744
12 Subpart I revoked; Subpart J recodified as Subpart I and revised 6012
12.101–1 Revised 6003
12.101–2 (d) added 6003
12.101–3—12.101–6 Added 6003
12.101–3 (b) (1) and (2) and (d) revised 14092
12.102–4 Introductory text of (a) revised 6005
12.102–6 Revised 6005
12.103 Redesignated as 12.103—12.103–2; revised 6005
12.103—12.103–2 Redesignated from 12.103; revised 6005
12.104 Revised 6005
12.106 Added 6005
12.300 Revised 6006
12.301 Revised 6006
12.302 Introductory text and (f) revised 6006
12.303–1 Revised 6006
12.304 Added 6006
12.305 Added 14901
12.401 (c), (d) and (e) revised 6006; (d) revised 14092

32 CFR—Continued

Chapter I—Continued

12.403–1
Revised ... 6006
12.403–2
Revoked ... 6006
12.403–3—12.403–5
Revised ... 6006
12.404–1
Revised ... 6006
12.404–2
(b) revised ... 6006
(a) revised ... 14901
12.602–3
Revised ... 6008
12.604
Revised ... 6008
Revised ... 14092
12.606
Added ... 6008
12.607
Added ... 6008
12.802
Revised ... 6008
12.803
(a) (1) through (5) revised; (a) (8) added ... 6008
12.804
Revised ... 6010
12.805
Revised ... 6010
12.806–1—12.806–8
Revised ... 6010
12.806–3
Revised ... 12008
12.808–1
(a) revised ... 6012
12.808–3
Revised ... 6012
12.809
(b) revoked; (c) redesignated as (b) and revised ... 6012
12.810
Added ... 6012
12.901—12.903
Subpart I revoked ... 6012
12.901
Subpart I redesignated from Subpart J and recodified from 12.1001; revised ... 6012
12.1001
Subpart J redesignated as Subpart I and recodified as 12.901; revised ... 6012
13
Revised ... 1744
13.102–3
Revised ... 12008
13.105
Added ... 12008
13.202
Revised ... 12008
13.203
Revised ... 12008
13.204
Added ... 12008
13.301
(f) revised ... 12009
13.305–2
(c) and (d) revised; (e) added ... 14093
13.306–4
Revised ... 12009
13.311
Revised ... 12009
13.402
(b) (2) revised ... 12009
13.501
Revised ... 12010
13.502–3
(b) and (c) revised ... 12010
13.502–3
(b) revised ... 12010
13.702
(a) amended ... 6013
(a) amended ... 12010
13.703
Amended ... 12010
13.704
Amended ... 6013
Amended ... 12010
Amended ... 14093
13.705
Amended ... 6013
Amended ... 12011
13.706
(a) amended ... 12011
13.707
(a) amended ... 12011
13.709
Amended ... 6973
15
Subpart D heading revised ... 6974
Subpart C recodified and revised ... 12011
15.105
Revised ... 6973
15.205–6
(b) revised ... 6013
15.205–9
Revised ... 6973
15.205–22
(e) revised ... 14093
15.205–25
Revoked ... 6013
15.205–25
Added ... 6973
15.205–40
Revised ... 6973
15.301—15.307–3
Subpart C recodified as 15.301—15.309–46; revised ... 12011
15.301—15.309–46
Subpart C recodified as 15.301—15.309–46; revised ... 12011
15.400—15.402–5
Subpart D heading revised ... 6974
15.401–1
Revised ... 6974
15.401–2
Revised ... 6974
16
Subpart D recodified and revised ... 6014
16.101—16.101–2
Revised ... 14093
16.101–2
(e) revoked ... 6013
16.102—16.102–2
Revoked ... 14093
16.102–2
(e) revoked ... 6013
16.201–2
Revised ... 6013
16.202
(d) revised ... 1764
(b) (2) (xiii) added; (c) revised ... 6013
(b) (2) (xiv) and (xv) and (g) added ... 12021
16.203
Revised ... 14902
16.203–1
Revised ... 14902
16.203–2
(d) revised ... 6013
(a) and (d) revised ... 14902
16.204
Redesignated as 16.204—16.204–2; revised ... 6014
16.204—16.204–2
Redesignated from 16.204; revised ... 6014
16.206
Revised ... 14902
16.206–2
Revised ... 14093
16.207–2
Revised ... 14093
16.207–3
Revoked ... 14093
16.301
Revised ... 6014
16.302
Revised ... 6014
16.303
Revised ... 6014
16.303–1, 16.303–2
Revoked ... 6014
16.304
Revised ... 6014
16.400—16.401–4
Subpart D recodified as 16.400—16.405–3; revised ... 6014
16.400—16.405–3
Subpart D recodified from 16.400—16.401–4; revised ... 6014
16.502—16.502–3
Revoked ... 1764
16.504
Revised ... 14093
16.802
Revised ... 6019
16.803–1
(c) (2) revoked; (c) (3) redesignated as (c) (2) and revised ... 6019
16.805
(e), (f) and (g) revised; (h) and (i) deleted; (j) and (k) redesignated as (h) and (i) ... 12021
16.807
Added ... 6019
16.814—16.814–2
Revoked ... 6019
16.815–1
(c) added ... 6019
16.815–2
Revised ... 12021
16.817
Added ... 14093
17.206
(f) and (h) revised ... 6019
17.207–1
(a) revised ... 6019
(a) revised ... 14094
17.207–3
(a) revised ... 14094
17.208–4
(b) revised ... 14094
17.304
Revised ... 14094
18
Added ... 6019
18.206
Revised ... 14094
18.208
Revised ... 14094
18.209
Revised ... 14094
30.2
Amended ... 1764
30.6
Added ... 1764
30.7
Added ... 12021
43
Added ... 12673

32 CFR—Continued

Chapter I—Continued

45
Added ... 12941
58
Added ... 12639
90
Revised ... 8518
95
Deleted ... 12391
102
Added ... 6942
110
Revised ... 5792
125
Revised; Appendix C added ... 1284
140
Added ... 11918
157
Added ... 13008
160
Deleted ... 11677
163.43
Revised ... 6161
163.58
(c) revised ... 1978
163.79–1
Amended ... 1978
163.79–2
Amended ... 6161
163.94–2
Revised ... 1978
163.94–3
Revised ... 1978
163.94–5
(b) revised ... 1978
165
Deleted ... 11677
175
Deleted ... 6682
180
Deleted ... 6682
184
Deleted ... 12391
220
Added ... 4753
221
Added ... 15659
230
Added ... 14902
232
Added ... 14903
233
Added ... 14905
234
Added ... 14906
235
Added ... 14907
254
Added ... 14256
257
Deleted ... 11677
263
Revised ... 14908
274
Revised ... 9157
288.6
Revised ... 7997
300.10
(a) corrected ... 133

Chapter V:

Subchapter G recodified and revised ... 12155
511.4
Revised ... 15779
511.5
Revised ... 15779
516.1
Revised ... 6341
516.2
Revised ... 6341
516.1
Revised ... 13121
518.2
Revised ... 13121
518.3
Revised ... 13121
518.4
Revised ... 13121
536.44
(c) through (f) revised ... 11855
537.1
Revised ... 11387
537.21—537.23
Revoked; superseded by 537.21—537.24 ... 14370
537.21—537.24
Added ... 14370
542.8
(c) added ... 9361
542.10
(a–1) added ... 9361
543.1
Revised ... 14974
543.2
Revised ... 14974
543.3
Revised ... 14974
552.16
(j) revised; (j–1) added ... 10045
553
Revised ... 8993
562.12
(a) revised ... 7710
562.15
(b) (1) revised; (g) added ... 7710
564.2
(a) revised ... 9765
564.4
(b) (2) revised ... 9765
564.5
Revised ... 948
(g) and (h) revised ... 5704
590–605
Recodified as Parts 591–606 and revised in revision of Subchapter G of Chapter V ... 12155
591–606
Recodified from Parts 590–605 and revised in revision of Subchapter G of Chapter V ... 12155
591.1206
(b) (3) corrected ... 13540
593.850–5
(c) (2) corrected ... 13540
599.103–4
Corrected ... 13540
599.202–6
Corrected ... 13540
603.301
Corrected ... 13540
606
Recodified as Part 610 and revised in revision of Subchapter G of Chapter V ... 12155
608
Added in revision of Subchapter G of Chapter V ... 12155
610
Recodified from Part 606 and revised in revision of Subchapter G of Chapter V ... 12155
610.103
Corrected ... 13540

32 CFR—Continued

Chapter VI:

701.3
Introductory text of (a) and (a) (2) revised ... 10971
708
Revised ... 11171
708.2
Amended ... 14373
Amended ... 14707
Amended ... 15324
707
Revised ... 11173
710
Revised ... 14139
713
Center heading and note added ... 10885
713.17
Revised ... 10886
713.35
Deleted ... 10886
713.35
Added ... 10886
713.36
Deleted ... 10886
713.36
Added ... 10886
713.37
Added ... 10886
713.217
Revised ... 10887
713.219
Revised ... 10887
713.336
(a), (b) (1) (ii) (a), (c), (d) and (e) revised; (f) and (g) added ... 10887
713.355
Revised ... 10888
713.391—713.397
Deleted ... 10888
713.412
(g) added ... 10888
713.427
(b) (1) (xxvii) and (2) (i) revised ... 10888
713.517
(a), (b), (c) (1) (iii) and (2) (v) and (g) revised ... 10888
719
Subpart H added ... 10974
719.101
(a) (3) and (f) (2) revised ... 10971
(f) (2) through (4) redesignated as (f) (2) through (7) and revised; (g) revised ... 16259
719.102
(d) (1), (f) (3) and (4), (g) (1) and (h) (2) revised ... 10971
(e) (4) amended; (f) (3) revised ... 16259
719.103
(a) revised; (b) (10) added ... 10972
(a) (2) revised; (b) (10) redesignated as (b) (11) and revised; new (b) (10) added ... 16259
719.107
Revised ... 16260
719.109
(c) revised ... 10972
719.109a
Added ... 10972
719.111
Heading revised; (c) and (d) added ... 16260
719.114
(a) (6) revised ... 16260
719.115
Revised ... 10973
719.116
Revised ... 10973

32 CFR—Continued Page

Chapter VI—Continued
719.117
(f) revised ... 10973
719.118
(a)(4) revised ... 16260
719.119
(a)(2) and (b)(2) revised ... 16260
719.121
(b) and (c) revised ... 10973
719.121a
Added ... 16261
719.122
(b) revised ... 16261
719.126
(d)(1), (2)(iv), (3)(iii) and (4)(v) revised ... 10973
719.128
(d) revised ... 10974
719.134
Revised ... 16261
719.139
(a)(1)(ii) and (iii) revised; (a)(1)(iv) added ... 16262
719.157
(e) revised ... 10974
Existing text of (b) redesignated as (b)(1); (b)(2) added ... 16262
719.159
Revised ... 10974
719.221
Added ... 16262
719.222—719.230
Subpart H added ... 10974
719.226
Added ... 16262
719.227
Added ... 16262
720.1
(c) revised ... 10976
720.5
Deleted ... 10976
725.102
Revised ... 5704
725.218
(c)(3) and (8) revised ... 5704
725.227
Revised ... 5704
725.305
(a) revised ... 5705
725.309
Revised ... 5705
725.310
Revised ... 5705
725.311
Revised ... 5705
725.401
Revised ... 5705
725.426
Revised ... 5706
725.510
Revised ... 5706
725.511
Introductory text of (a) revised ... 5706
725.707
(c) revised ... 5706
725.901
(c) revised ... 5706
725.903
Revised ... 5706
725.907
Revised ... 5706
726.3—726.9
Revised ... 10976
729.6
(a)(14) added ... 11718
729.7
Introductory text revised ... 11718

32 CFR—Continued Page

Chapter VI—Continued
729.8
Revised ... 11718
Revised ... 14910
729.10
Heading revised ... 14910
730.10
(e)(6) added ... 10889
750.41
(a)(6), (b)(6), (d)(6) and (e)(6) deleted ... 10978
(b)(11) revised ... 12882
(a)(8) and (b)(8) revised ... 16262
750.44
Revised ... 10978
750.45
(a), (c), (d)(2), (e) and (g) revised ... 10979
750.48
(b)(1), (2) and (3) revised ... 7748
751
Note added ... 16262
751.6
Revised ... 10979
751.17
(a)(5) redesignated as (a)(6); new (a)(5) added ... 10979
751.21
(e) revised; (f) and (g) added ... 10980
752
Authority citation revised ... 10980
752.1
(c) and (d) revised ... 10980
752.3
Revised ... 10980
753.29
(b)(2)(i), (ii) and (iii) revised ... 7748
(a) revised ... 12882
753.30
Revised ... 12882
756.3
(f) deleted ... 10980
761.1
(b) revised ... 11919
761.3
(c) revised ... 11919
761.4
(a) revised; (b) redesignated as (d); new (b) and (c) added ... 11919
761.5
(a) revised ... 11919
761.7
(d) revised ... 11919
761.9
(g) revised ... 11920
Chapter VII:
804
Revised ... 10889
805
Added ... 3321
811
Revised ... 15212
Heading revised ... 15662
812.3
Introductory text of (a) and (a)(8) revised ... 15213
812.4
Revised ... 15213
815.20
Heading, introductory text of (a), and (a)(7) revised ... 6343
815.41
(a) amended; (b) revised ... 6344
815.72a
Added ... 6344
815.75
Heading and introductory texts of (a) and (b) revised ... 6344

32 CFR—Continued Page

Chapter VII—Continued
815.108
Amended ... 6344
823.1
(a) revised; (j) amended ... 1938
(a)(4) revised ... 4353
(a)(2) and (3) and (j) revised ... 14433
824.2
(f)(5) and (g) added ... 10045
824.6
(d) amended ... 10045
825a
Added ... 10289
828.4
Revised ... 10045
833
Added ... 829
834
Added ... 1041
834.5
(a) revised ... 15213
835
Added ... 3689
850.3
Revised ... 10046
850.9
(g) revised ... 10046
(f)(3) revised ... 13630
850.10
(b) revised ... 10047
850.11
Amended ... 10047
850.14a
Heading revised ... 10047
850.16
(a) amended ... 15213
850.16—850.19
Redesignated from 850.26—850.29, respectively ... 10047
850.16—850.25
Deleted ... 10047
850.19
(f)(3)(ii) amended ... 15213
850.26—850.29
Redesignated as 850.16—850.19, respectively ... 10047
852
Added ... 10047
852.17
(b) revised ... 15213
860
Added ... 1978
861
Added ... 14433
882
Subpart G added ... 1043
Subparts B and C recodified and revised; Subpart D revised; Subpart E recodified and revised ... 2581
882.3
(a) amended ... 705
882.6
(b)(1)(iv) and (2) revised; (d)(4)(i) amended; (f)(2)(iii) added; (f)(3) revised; (g)(7) added ... 705
882.9
(a) and (b) amended ... 706
882.10
Introductory text amended ... 706
882.13
(b)(2) amended ... 706
882.14
(c) amended ... 706
882.18
(a) amended ... 706
882.19
(b) revised ... 706

32 CFR—Continued Page

Chapter VII—Continued
882.23
Amended ... 706
882.26
(a) revised; (b) amended ... 706
882.27
(b) amended ... 707
882.28
(b) amended ... 707
(b) amended ... 6344
882.100—882.109
Subpart B recodified from 882.100—882.115; revised ... 2581
882.100—882.115
Subpart B recodified as 882.100—882.109; revised ... 2581
882.200—882.219
Subpart C recodified as 882.200—882.220; revised ... 2581
882.200—882.220
Subpart C recodified from 882.200—882.219; revised ... 2581
882.212
(b)(2) revised ... 6344
882.300, 882.301
Subpart D revised ... 2581
882.400
Subpart E recodified from 882.400—882.406; revised ... 2581
882.400—882.406
Subpart E recodified as 882.400; revised ... 2581
882.600—882.605
Subpart G added ... 1043
887
Added ... 1938
887.5
Revised ... 10045
888
Added ... 2309
888.2
(l) and (m) revised; (u) added ... 10046
(p)(2) revised ... 13630
888.5
(h), (ee), and (jj) revised ... 10046
888.6
(d) revised ... 10046
888.10
Amended ... 10046
888.17
(a), (c)(1)(iii) and (f)(3) and (4) revised ... 10046
888a
Added ... 14796
889
Added ... 4353
900
Rescinded ... 4353
901.6
(a), (b), (c), (e)(1), and introductory text of (f) revised ... 16001
901.7
Revised ... 16001
902.6
(b)(2) revised ... 4353
902.15
(b)(4) revised ... 4353
902.25
Deleted ... 4353
903
Deleted ... 7188
904
Deleted ... 13630
907
Added ... 14526
920.7
Revised ... 574
Corrected ... 1044

32 CFR—Continued Page

Chapter VII—Continued
920.12
(a)(4)(f) amended ... 575
920.13
(a)(1)(i) and (b)(2)(ii)(d) revised ... 575
930a
Added ... 15662
932
Added ... 830
1001
Subpart K revised ... 13631
1001.109–2
Revised ... 7188
1001.109–51
(a) and introductory text of (d) revised ... 7188
1001.201–18
Deleted ... 3595
1001.201–58
Heading revised ... 792
1001.201–62
Revised ... 3595
1001.201–64
Revised ... 792
1001.305–4
(e) amended ... 16002
1001.305–52
(c)(1)(i) deleted ... 16002
1001.312
Revised ... 13630
1001.312–50
Revised ... 13630
1001.325
Added ... 13631
1001.325–1
Added ... 13631
1001.325–2
Added ... 13631
1001.352
Revised ... 793
1001.366
(b) revised ... 1775
1001.451
(c) amended ... 16002
1001.452
Revised ... 11036
1001.453
(m)(7) revised ... 7188
(j)(2) and (m)(7) revised ... 16002
1001.454
(d)(1), (d)(1)(i) and (iii) and (d)(2)(iii) revised ... 7188
1001.457
Introductory text of (a) amended ... 16002
1001.458
Introductory text of (b) revised ... 16002
1001.459
Revised ... 1775
1001.460
(a) amended; (c) revised ... 1775
1001.461
(a)(2) and (b)(2) revised ... 1775
(b)(2) corrected ... 2313
1001.465
(a) amended ... 1775
(a) amended ... 16002
1001.508–1
Introductory text amended ... 16002
1001.605–4
Amended ... 16002
1001.610
(a)(3) amended ... 16002
1001.902–3
(a)(7) and (8) revised ... 7189

32 CFR—Continued Page

Chapter VII—Continued
1001.902–3
Revised ... 7189
Corrected ... 7389
1001.1002–51
(a)(2) and (3) deleted; (a)(4) redesignated as (a)(2); (a)(5) deleted ... 1775
1001.1003–9
Revised ... 1775
1001.1005–3
Revised ... 1775
1001.1005–5
(a) revised ... 1775
1001.1103—1001.1108
Subpart K revised ... 13631
1002
Subpart E revised ... 1776
Subpart V deleted ... 3595
1002.201
(a)(17)(xii) deleted ... 11037
(a)(17)(ix) deleted; (a)(17)(xi) revised; (a)(17)(xiii) amended; (b)(21)(vii) and (viii) deleted ... 16002
1002.403
(b)(9)(iii) deleted ... 793
1002.404–1
(b)(9)(iii) deleted ... 1776
Deletion of (b)(9)(iii) canceled ... 2313
1002.404–2
Added ... 1776
Deleted ... 13631
1002.406–3
Added ... 13631
1002.406–4
Revised ... 13632
1002.407–5
Deleted ... 11037
1002.407–9
Revised ... 13632
1002.500—1002.503–50
Subpart E revised ... 1776
1002.2200—1002.2203–4
Subpart V deleted ... 3595
1003.101–50
(c) deleted ... 7189
1003.110
Deleted ... 7189
1003.112
Deleted ... 7189
1003.207–2
(a) revised ... 793
1003.208–2
(a) revised ... 16002
1003.208–3
Revoked ... 792
1003.214–50
(a) amended ... 16002
1003.217–2
(d) amended ... 16002
1003.301
(a) revised ... 13632
1003.306
(b)(3) redesignated as (c); (d)(3) revised ... 13633
1003.404–4
(c) revised ... 11037
1003.404–6
Deleted ... 11037
1003.404–7
(c) revised ... 11037
1003.405–4
Revised ... 11037
1003.405–5
Revised ... 11037

32 CFR—Continued

Chapter VII—Continued

1003.406 Page
Introductory text of (b) and (b)(1) deleted; (c)(3) amended 16002
1003.410–2
Revised 11037
1003.501
(b)(4) through (16) revised 7189
(b)(43) amended 16003
1003.602—1003.609
Deleted 7189
1003.605—1003.608–8
Added 7189
1003.605–2
Deleted 13633
1003.605–3
Revised 13633
1003.608
Added 10038
1003.608–50
Added 13633
1003.652
Deleted 11038
1003.801–2
Amended 1776
1003.802–2
Revised 1776
1003.807–3
(b) amended 16003
1003.807–6
Revised 1776
1003.809
(c)(1) revised 793
1003.850–2
(c)(3) revised 793
1003.850–3
(a) amended 793
1003.850–6
Amended 1776
(a) revised 11038
1003.903–3
(c) amended 1776
1003.903–54
(b)(2) revised 794
1004.101–53
(b) amended 794
(a) amended 16003
1004.101–55
Added 794
Deleted 3595
1004.104
Deleted 794
1004.104–1
Deleted 794
1004.107
Revised 3595
1004.150–4
(a) revised 3595
Introductory text revised; closing text deleted 13633
1004.150–5
(a)(2)(ii) revised 16003
1004.214–4
(c) and (d) revised 11039
1004.2302
(a)(1) revised 16003
1004.2402
(a) and (e)(1) revised 7190
(a) revised 13633
1004.2502
Revised 7190
(a) to (c) and (e) deleted 11039
Revised 13633
1004.5002–2
(a) revised 7190
1004.5002–3
Introductory text of (f) and of (g)(3) revised; (g)(3)(vi) deleted 16003

1005 Page
Heading revised 7190
1005.100
Added 11039
1005.101
Revised 11039
1005.102–3
(a) amended 11039
1005.102–4
Revised 11039
1005.105
(a) revised 11039
1005.106
(a)(4) amended 7190
1005.650–4
Revised 11039
1005.651
Added 11039
1005.652
Added 11039
1005.1201–50
(a)(1) revised 16003
1006.2005
Introductory text of (c) revised; (c)(3) deleted 7190
Introductory text of (c) revised 13634
1006.3103
(a) and (f) revised 16003
1007
Subparts AA and BB deleted 794
Subpart ZZ deleted 3595
Subpart Y deleted 7191
Subparts F and QQ deleted 11040
Subpart V deleted 16003
1007.103–22
Deleted 13634
1007.104
Deleted 13634
1007.104–12
Deleted 13634
1007.104–28
Deleted 13634
1007.105
Revised 13634
1007.105–5
Deleted 13634
1007.105–51
Added 3595
1007.105–52
Added 3595
1007.204
Revised 16003
1007.204–12
Revised 16003
1007.205
Text deleted 16003
1007.302–35
Deleted 16003
1007.302–12
Deleted 16003
1007.303–15
Deleted 16003
1007.402–24
Deleted 16003
1007.403–15
Revised 16003
1007.602—1007.651
Subpart P deleted 11040
1007.2103–5
Deleted 16003
1007.2104–3
Deleted 16003
1007.2104–4
Revised 16003
1007.2104–6
Deleted 16003
1007.2200—1007.2205–7
Subpart V deleted 16003

1007.2401 Page
Revised 16003
1007.2406
Introductory text revised 16003
1007.2500—1007.2507–6
Subpart Y deleted 7191
1007.2700—1007.2705–50
Subpart AA deleted 794
1007.2801—1007.2804–4
Subpart BB deleted 794
1007.3303–16
Deleted 1777
1007.3506–4
Revised 16004
1007.3604–5
Revised 16004
1007.3604–18
Deleted 16004
1007.3605–3
Revised 16004
1007.3803–5
Amended 16004
1007.4006
Deleted 1777
1007.4013
Deleted 3595
1007.4028
(a) amended 7191
(a) amended 13634
1007.4029
Deleted 794
1007.4030
Deleted 3595
1007.4041
Deleted 794
1007.4044
Deleted 794
1007.4046
Deleted 7191
1007.4048
(a) amended 794
Amended 7191
1007.4051
Deleted 13634
1007.4059
Deleted 3595
1007.4063
Deleted 13634
1007.4205–9
(c) revised 16004
1007.4207–13
Revised 16004
1007.4208–5
Revised 16004
1007.4210
(a) revised 16004
1007.4300—1007.4307–2
Subpart QQ deleted 11040
1007.4503–5
Revised 16004
1007.4504
Revised 16004
1007.4504–1
Revised 16004
1007.4603–2
Revised 16004
1007.4604–50
Revised 16004
1007.4803–12
Deleted 16004
1007.4902–16
Revised 16004
1007.5003–12
Revised 16004
1007.5003–24
Deleted 16004
1007.5200—1007.5206
Subpart ZZ deleted 3595

32 CFR—Continued

Chapter VII—Continued

1008.202–53 Page
Revised 794
1008.753
Revised 16004
1009.103–3
Revised 16004
1009.202—1009.203–4
Deleted 11040
1009.250
Revised 11040
1009.1001
(a) amended 16004
1010
Subpart G deleted 7191
1010.303
Text deleted 16005
1010.501–4
(d) amended 16005
1010.703
Subpart G deleted 7191
1011.054
Revised 16005
1011.351
Revised 13634
1012.401–50
(d) revised 16005
1012.604
(b)(1) and (c) amended 16005
1012.702
Revised 16005
1013.102–3
(b) and introductory text of (c) revised; (c)(2) deleted 16005
1013.102–50
Deleted 11040
1013.102–51
Deleted 11040
1013.103
Deleted 7191
1013.103–50
Deleted 7191
1013.401
(b) and (d)(4) amended 16005
1013.402
Introductory text amended; (b) revised 16005
1013.402–50
(a)(1), introductory text of (a)(2), (b)(1), and introductory text of (b)(2)(i) revised 16262
(b)(2)(ii) amended; (c) deleted; (d) and (e) revised 16263
1013.403
Revised 16263
1013.408
Introductory text amended; (c) deleted 16263
1013.412
(b)(4) revised 16263
1013.502
Revised 16263
1013.503
Revised 16263
1013.504
(b) amended; (c) and (d) revised 16263
1013.553
Introductory text revised 16263
1013.601–1
Revised 16264
1013.601–2
Revised 16264
1013.601–3
Revised 16264
1013.601–50
(a)(5) revised 16264
1013.608
Added 13634

1013.608–50 Page
Added 13634
Revised 16264
1013.608–51
Added 11040
1013.608–52
Added 11040
1013.2402
Deleted 16265
1013.2403–1
Revised 13635
1013.2403–2
Revised 13635
1013.2406
Amended 16265
1013.2406–1
Amended 16265
1013.2501
(c) revised 13636
1013.2502
(k) revised 13636
1013.2503
(a) and (h) revised 13636
1013.2504
Revised 13636
1013.2504–1
Revised 13636
1013.2504–2
Revised 13637
1013.2504–3
(b)(15) and (c) amended; (d) revised 13637
1013.2505
Introductory text of (e) revised; (e)(1)(vi) amended 13637
1013.2506
(c)(1)(viii)(b) revised; note amended 13637
1013.3300
Introductory text revised 16265
1013.3301
(a) revised 16265
1013.3303
Revised 16265
1013.3306
Revised 16265
1013.3402
(a) and (c) revised 16265
1014.105
Amended 16265
1016
Subpart C deleted 7191
1016.200
Deleted 16265
1016.301—1016.350–1
Subpart C deleted 7191
1016.501–2
(a), (b), introductory text of (c), and (c)(8) revised; (c)(9) added 3596
1016.502
Deleted 3596
Deleted 4353
1016.502–1
Deleted 7191
1016.505
Deleted 13637
1016.505–2
Deleted 13637
1016.505–51
Deleted 13637
1016.814–1
Revised 16265
1017.202
Deleted 16265
1017.203
(a) and (b) revised 13637

1017.205 Page
Amended 13637
1017.205–2
Revised 13637
1030.2
Amended 7191
Amended 11041
Amended 16265
1030.3
Amended 11042
Amended 16265
1030.5
Amended 7191
Amended 16265
1053.404–2
Revised 11042
(b) revised 16266
1053.404–6
(b)(11) revised; (b)(15) deleted; (b)(17) revised; (d) added 794
Heading and (a)(3) revised; (c) deleted 3596
(a)(2) amended; (b)(7) deleted; (d)(2) added 7192
(a) revised; (b)(5) deleted; (b)(16), (17), (19) and (20) revised; (d) deleted 11043
1053.406
Deleted 13638
1053.406–3
Deleted 13638
1053.406–5
Deleted 13638
1053.406–6
Deleted 13638
1054.104
(h) and (n) revised 16266
1054.1102
(b) revised 16266
1054.1502
(b)(2) and (3) revised 13638
(b)(2) revised 16266
1054.3004
(a)(3)(ii) amended 7192, 11043
1054.3006
Added 11043
1057.302
Revised 13638
1057.1201
Introductory text of (c) and (c)(1) revised; (d) added 11043
1057.1204
Revised 11043
1057.1205
Added 11044
1059.202
(d)(2) revised 16266
1059.601
Revised 3596
1059.602
(b)(1) and (2) revised 795
Subtitle B:
Chapter XIV:
1453.1
(c) added 9640
1453.4
(c) added 9640
1453.7
(d) revised 2313
(e) added 9640
1455.6
(b) amended 11753
1456.3
(b)(3) amended; (b)(6) deleted 4672
1458.2
(d) added 5475

51-000—66—9

32 CFR—Continued

Page

Chapter XIV—Continued
1459.1
(b)(1) and (3) amended; (b)(4) revised ... 11351
1470.3
(c) and (e) amended ... 3643
(d)(3) amended ... 5476
(d)(3) corrected ... 5631
1470.90
Center heading, section added ... 3643
1470.91
Revised ... 3643
1470.92
Added ... 3643
Chapter XVI:
1606.32
(a)(1) and (2) revised ... 2150
1631.7
(a)(3) and (4) revised ... 11129
Chapter XVII:
1710.8
(e) revised; (f) redesignated as (g); new (f) added ... 1777
Chapter XVIII:
1801.4
(a) revised ... 14257
1802
Heading revised ... 15663
1802.2
(g) revised ... 15663
1802.5
(c) revised ... 15663
1802.6
Revised ... 15663
1808.4
Amended ... 11718
Amended ... 13826
1811
Added ... 5372
1811.14
(a) amended ... 8410

32A CFR

OEP (Chapter I):
OEP Reg. 5
Added ... 321
OEP Circular 9700.1
Canceled; superseded by DMO 9700.1 ... 1939
DMP 8
Superseded by DMO 8505.1 ... 11516
DMO 8505.1
Added, superseding DMP 8 ... 11516
DMO 9700.1
Added, superseding OEP Circular 9700.1 ... 1939
BDSA (Chapter VI):
M–11A
Schedule A revised ... 10163
Dir. 1 added ... 14257
US/C Transportation (Chapter VII):
T–1
Revised ... 9091
OIA (Chapter X):
OI Reg. 1
Amended ... 2212
Amended ... 4415
Amended ... 8475
Amended ... 16080
NSA (Chapter XVIII):
AGE–1
Amended ... 12640
Amended ... 16201
INS–1
Amended ... 3881
OPR–4
Revised ... 2793
Proposed Rules:
Ch. X ... 15434

33 CFR

Page

Chapter I:
1.25–25
(b) revised ... 1192
1.25–35
(b) revised ... 1192
1.25–40
Revised ... 1192
1.25–45
Revised ... 1192
1.25–50
Revised ... 1192
1.25–55
Revised ... 1193
1.25–60
Revised ... 1193
1.25–65
Revised ... 1193
3.10–55
(b) revised ... 8749
3.10–60
(b) revised ... 8750
3.10–65
(b) revised ... 8750
3.10–70
(b) revised ... 8750
3.10–75
(b) revised ... 8750
3.10–80
(b) revised ... 8750
3.10–85
(b) revised ... 8750
3.10–90
(b) revised ... 8750
3.10–95
(b) revised ... 8750
3.15–10
Revised ... 15804
3.15–20
Cancelled ... 15804
3.15–50
Added ... 12883
3.25–10
(b) revised ... 8750
3.25–15
(b) revised ... 8751
3.25–20
(b) revised ... 8751
3.40–55
(b) revised ... 8751
3.40–60
(b) revised ... 8751
3.40–65
(b) revised ... 8751
3.40–70
(b) revised ... 8751
3.40–75
(b) revised ... 8751
3.40–80
(b) revised ... 8751
3.40–85
(b) revised ... 8751
3.65–10
(b) revised ... 8751
3.65–15
(b) revised ... 8752
6.01–3
Revised ... 13001
6.01–4
Revised ... 13001
6.01–5
Added ... 13001
6.04–5
Revised ... 13001
6.04–6
Added ... 13001
6.04–7
Revised ... 13002

33 CFR—Continued

Page

Chapter I—Continued
8.1403
(b) and (c) redesignated as (c) and (d); new (b) added ... 4415
19.06
Revised ... 89
62.35–1
Revised ... 1044
62.35–5
Revised ... 1044
62.35–10
Revised ... 1044
67.50–25
(b)(1) amended ... 9485
74.20–1
Amended ... 1193
80
Authority citation revised ... 6433
80.03
(a)(2) amended ... 6433
80.16a
(b) revised ... 6434
80.33
(d) revised ... 6434
80.40
Added ... 6434
82
Authority citation revised ... 6434
82.1
Amended ... 6434
82.35
Revised ... 6434
82.120
Amended ... 6434
82.122
Added ... 6434
82.230
Amended ... 6434
82.240
Revised ... 15150
85.01–1
Amended ... 15150
85.01–5
Amended ... 15150
85.05–1
Amended ... 15150
86.01–5
Amended ... 6434
95
Authority citation revised ... 6434
95.29
(a) revised ... 6434
95.75
Added ... 6434
100.40
(c) revised ... 8518
124.10
(a)(7) revised ... 7314
135
Authority citation revised ... 6434
135.05
Revised ... 6434
135.10
(a) revised ... 6435
135.25
(a), (e), (f), and (g) amended; authority citation revised ... 6435
(h) revised ... 15805
135.35
(a) amended ... 6435
135.40
(a) amended; authority citation revised ... 6435
135.45
(a) amended; authority citation revised ... 6435
135.50
(b), (c), and (d) amended ... 6435

33 CFR—Continued

Page

Chapter I—Continued
136
Added ... 15805
Chapter II:
207.95
(n) amended ... 12838
207.100
Introductory text of (b) revised; (b)(3) revoked ... 2761
207.111
Added ... 13904
207.127
Added ... 12838
207.145
(a)(2–a)(iii) and (iv) redesignated as (iv) and (v); (a)(2–a)(iii) added ... 3710
207.155
(b)(5) and (6) revised; (b)(7) revoked ... 13511
207.157
(c) revised ... 3962
207.197
Revoked ... 15150
207.224
(a)(9) revised; (a)(16) revoked; (g)(2), (12)(i), and (13)(i) revised ... 4756
207.250
Revised ... 3596
208.5a
Added ... 4253
208.95
(b) revised ... 2259
208.185
(h)(4) revoked ... 13009
208.190
(f)(10–a) added ... 13009
208.215
(j)(3) added ... 13782
208.225
(f)(8–a) added ... 4756
208.227
(a) revised ... 9765, 10293
208.237a
Redesignated as 208.237b ... 575
208.237a
Added ... 575
208.237b
Redesignated from 208.237a ... 575
208.240
Heading revised; (j) and (k) added ... 11967
Heading and note revised ... 15469
208.241
Revoked ... 11967
208.245
(f)(16–a), (16–b), and (16–c) added ... 220
(f)(5–a) added ... 795
(h)(25) revoked ... 5762
(f)(13) revised ... 6161
(i)(9) revoked ... 15150
208.260
Revoked ... 220
208.408
Added ... 4756
208.431a
Revised ... 6388
208.432a
Added ... 13537
208.435a
Added ... 12778
208.436
Heading and (a) revised ... 575
208.436a
Added ... 5762
208.437
Revised ... 16082

33 CFR—Continued

Page

Chapter II—Continued
208.439a
Redesignated as 208.439b ... 10164
208.439a
Added ... 10164
208.439b
Redesignated from 208.439a ... 10164
208.641
(f)(2) revised ... 12537
208.706a
Added ... 11318
208.716
(f) revised ... 2259
208.740
(a)(1) revised ... 2259
208.810
(f)(1) revised ... 795
204.19
Revoked ... 3763
204.25
(b)(1) and (2) revised ... 12839
204.30
(b) through (m) revised ... 11209
204.34
Revoked ... 220
204.36
(b)(4), (5) and (6) revised ... 14102
(b)(4) corrected ... 14317
204.80
(a)(1) revised ... 15370
204.100
Heading and (a) and (b)(3) revised ... 884
204.120
(a)(1) and (b)(1) revised ... 16266
204.162
(a)(2) and (b) revised ... 1193
204.195
(b) revised ... 14527
204.202
Heading and (b)(2), (3), (5), (6) and (7) revised ... 6643
(b)(8) revised ... 11318
205.80
(b)(9), (10), (12), and (13) and (c)(5) revised ... 6644
207.100
(i) revised ... 3265
(i) and (j) revised ... 9766
207.116
Heading, (a), and (b)(1) and (3) revised ... 5631
207.125
Revised ... 4198
207.138
(b)(1), (2), and (7) revised ... 220
207.167
Added ... 8410
207.171e
Redesignated as 207.171f ... 8831
207.171e
Added ... 8831
207.171f
Redesignated from 207.171e ... 8831
207.175a
Redesignated as 207.175b ... 6161
207.175a
Added ... 6161
207.175b
Redesignated as 207.175c ... 6161
207.175b
Redesignated from 207.175a ... 6161
207.175c
Redesignated from 207.175b ... 6161
207.300
(q) revised; (aa) added ... 8203
207.590
Revised ... 3382
(i)(4)(i) corrected ... 3881

33 CFR—Continued

Page

Chapter II—Continued
207.612
(a)(1)(ii) revised ... 2104
207.612a
Redesignated as 207.612b ... 4756
207.612a
Added ... 4756
207.612b
Redesignated from 207.612a ... 4756
207.615
Revised ... 2260
207.618
Revoked ... 12839
207.640
(g)(2) revoked ... 11210
207.750
(h)(1) revised; (h)(2)(iv) redesignated as (v) and revised; new (h)(2)(iv) added ... 5644
208.24
Added ... 3530
208.81
Added ... 12391
211.81
(s) added ... 4475
Chapter IV:
401.102–4
Revised ... 6580
401.102–8
Revised ... 6580
401.102–14
Revised ... 6580
401.102–20
Added ... 6580
401.103–2
Revised ... 6580
401.104–8
Revised ... 6580
401.104–16
Deleted ... 6580
401.104–30
Revised ... 6580
401.104–48
Added ... 6580
401.106–8
Deleted ... 6581
401.106–10
Revised ... 6581
Proposed Rules:
80 ... 832
82 ... 832
95 ... 832
401 ... 4557

36 CFR

Chapter I:
1.61
(b) redesignated as (c); new (b) added ... 4757
2.2
(a) revised ... 6683
6.11
(a) revised ... 707
7.3
(a)(6) revised; (a)(8) and (9) added; (b)(1) and (c)(2) revised; (c)(4) added ... 2951
(j) added ... 5861
7.5
Introductory text of (b)(1) revised; (b)(1)(i) and (b)(2)(v) deleted; (b)(3)(i) revised ... 11388
7.45
Revised ... 10230
25.2
(e) amended; (f) redesignated as (g); new (f) added ... 8222

36 CFR—Continued

Page

Chapter II:
211
Text designated as Subpart A; Subpart B added 6345
211.1—211.5
Designated as Subpart A 6345
211.2
Revoked 6345
211.20—211.37
Subpart B added 6345
212.1
Revised 5476
212.2
Revised 5476
212.3
Revised 5476
212.7
Revised 5476
212.8
Revised 5477
212.9
Revised 5477
(c) corrected 5762
212.10
Revised 5477
212.11
Revised 5478
212.12
Added 5479
221.7
Revised 8519
221.8
(a) revised 8268
221.17
Revised 15420
251.4a
Added 9264
251.5
Superseded in part 5479
251.20
Applicability to Wilderness Act continued 5631
251.21
Applicability to Wilderness Act continued 5631
251.21a
Applicability to Wilderness Act continued 5631
251.22
Applicability to Wilderness Act continued 5631
251.25a
Added 5707
251.85
Added 15738
261.12
Revoked 6082
Chapter III:
311.1
Amended 4475
Amended 6161
Amended 11920
311.6
(b) amended 6161
313
Added 4610
326.1
(c) amended 12070
Chapter V:
502
Added 6483
Proposed Rules:
1 1857
7 3713, 7108, 14563
21 11141
25 3658
28 13578

37 CFR

Page

Chapter I:
1.12
Revised 12124
1.21
(a), (g), (h), (l), (n), and (q) revised 6391
Amended 12844
1.24
Revised 12844
1.25
(a) revised 12844
1.155
Revised 12844
1.203
(a) and (b) revised 6645
1.205
(a) revised 6645
1.206
Revised 6645
1.207
Revised 6645
1.209
Cancelled 6645
1.211
Revised 6645
1.215
Revised 6645
1.216
Revised 6646
1.218
Revised 6646
1.221
Cancelled 6646
1.223
(a) and (c) revised 6646
1.224
Revised 6646
1.225
Revised 6646
1.226
Revised 6646
1.227
Revised 6646
1.228
Revised 6646
1.231
Revised 6647
1.232—1.236
Cancelled 6647
1.237
Revised 6647
1.241
Cancelled 6647
1.243
Revised 6647
1.244
(d) revised 6647
1.246
Cancelled 6647
1.247
Revised 6647
1.248
Revised 6648
1.251
(b) revised; (d) added 6648
1.253
(a), (d), and (f) revised 6648
1.254
Revised 6648
1.258
(a) and (b) revised 6648
1.261
Revised 6648
1.272
(c) revised 6648
1.282
(b) revised 6648
1.311
Revised 12844

37 CFR—Continued

Page

Chapter I—Continued
1.313
Revised 12844
1.314
Revised 12844
1.316
Revised 12844
1.317
Revised 12844
1.341
(c) and (d) revised 6391
2
Revised 13193
3.44
Revised 6648
4
Note revised 13208
4.1
Revised 13208
4.1a
Added 13208
Proposed Rules:
1 2552, 7195
2 2556, 6687
3 2552
4 6687

38 CFR

Chapter I:
Continued effectiveness 221
1.10
(a)(1)(i) revised 647
1.514
Revised 6435
1.515
Revised 6435
1.517
Revised 6435
1.525
(a)(1) and (b) (1), (2), and (3) revised 7389
1.526
(i) and (l) revised 7389
1.770
Center heading, (a), (b) and (d)(3) revised 14595
1.771
(d) revised 14595
1.772
(b) revised 14595
1.773
(a)(1), (b), (c), (f), (g)(1), (h), heading of (k), (l), (o), (p) and (q)(5) revised; (s) through (ff) redesignated as (t) through (gg) respectively and revised; new (s) added 14595
1.774
(e) revised 14597
1.775
Revised 14597
2.6
(e)(2)(ii) and (iii) revised 8607
(d) revised 14317
2.58—2.61
Revoked 14103
2.65
Revised 14597
2.74
Revised 9814
2.75
Added 6392
2.76
Added 11318
2.77
Added 11318
2.78
Added 15588

38 CFR—Continued

Page

Chapter I—Continued
2.79
Added 15588
2.80
Added 15588
2.81
Added 15588
2.82
Added 15588
3
Amended 11389
Subpart D redesignated as Subpart E; new Subpart D added 14259
3.57
(a)(4) revised 14981
3.102
(a)(1) revised 133
3.150
(d) revoked 133
3.152
(c)(1) revised; (c)(4) added 133
3.361
Amended 11388
Amended 14259
3.362
(l) revised 11754
3.374
(a)(2)(i) and (b) revised 11388
3.375
Revoked 3881
3.376
Heading, (a), (b), (c) and (d)(2) revised 11855
3.377
(b)(1) and (c) revised 11856
3.378
Revoked 11856
3.379
Amended 11856
3.380
Introductory text of (a), (b), introductory text of (c), (d), introductory text of (e), (f), (h), and introductory text of (i) revised 14981
3.387
(b) revised 3881
3.393
Revised 14983
3.500
(x) added 14259
3.503
(a) revised 14983
3.552
(a)(3), (d), (g), (h), and (l) revised 14983
3.651
(a) revised 133
3.656
(a) revised 6649
3.660
Revised 3354
3.661
Revised 3354
3.667
(e) revised 14983
3.670
Added 11389
3.700
(a)(4) revoked 11389
3.807
(b)(5) and (c)(2) revised; (c)(3) revoked 13009
(b) and (c) revised 14649
3.1000
(e) revised 11389
(d)(2) revised 14983
3.1601
(b)(1) revised 7489

38 CFR—Continued

Page

Chapter I—Continued
3.1850—3.1853
Subpart D added 14259
3.1900—3.1908
Subpart D redesignated as Subpart E 14259
3.1900
Revised 7390
3.1901
Revised 7390
3.1902
(b)(10) revised 2104
(b)(5) revised 7390
3.1906
(c) revised 2105
3.1908
Introductory text and (a)(2) revised 11389
6.19
Revised 8047
6.96
Revised 8047
6.168
Amended 8047
8.0
(b)(4), (d), and (e) added 3643
8.2
(c) added 3644
8.3
Revised 3644
8.5
Revised 3645
8.7c
Revised 8047
8.8
(e) added 3645
8.22
(a) revised; (c) and (d) redesignated as (d) and (e) and revised; (c) added 3645
8.24
Revised 3646
8.26
(a) revised 3646
8.26a
Revised 8047
8.27
Revised 3646
8.29
Revised 3647
8.30
Revised 3648
8.32
Revised 3648
8.33
Revised 3648
8.34
Revised 3648
8.35
Revised 3648
8.36
Revised 3648
8.40
Revised 3648
8.41
(a) and (b) revised 3649
(c) revised 8048
8.64
Revised 3650
8.66
Revised 3650
8.76
Revised 3650
8.77
(a)(4) and (5) revised 3650
8.78
Revised 3651

38 CFR—Continued

Page

Chapter I—Continued
8.79
Heading and introductory text revised 3651
8.80a
Revised 3651
8.81
Added 3651
8.81a
Added 3651
8.85
(c) revised 3652
8.86
Revised 3652
8.99
Heading and introductory text 3652
8.99a
Heading and introductory text revised 3652
8.99b
Redesignated as 8.99c; revised 3652
8.99b
Added 3652
8.99c
Redesignated from 8.99b; revised 3652
8.102
Revised 3653
Revised 8475
8.103
Revised 3653
Heading and (c) revised 8476
8.108
Introductory text revised; (r) through (v) added; note deleted 3654
8.111
Revised 3654
8.112
(b) revised 3654
8.112a
Added 3655
8.112b
Added 3655
8.116
(a)(1) revised 8224
13.2
(a) and (b)(6) revised 9814
13.58
(b)(2)(iii) and (iv) revised; (b)(2)(v) added 9814
13.102
Revised 9814
14.664—14.669
Added 6392
17
Appendices A and B added 2536
17.30
(e), (l), and (o) revised; (q) added 1787
(p) revised 10985
17.36
(b)(2) revised 1787
(a)(2) and (b)(1)(ii) revised 11676
17.47
Heading and introductory text revised; (c) added 1787
17.48
(b)(1) revised 1787
17.49
Introductory text of (c) revised 1788
(a)(3)(i)(c) revised 11677
17.50
Introductory text and (b), (c), (d), (f), and (h) revised 1788
(j) added 3215
(b)(1) revised 11677
(j)(3) added 14438

38 CFR—Continued

Chapter I—Continued

17.60
(a) (7) (iii) added; (b) revised ... 1789
(c) added ... 2705
(a) (3) revised ... 11677
17.66
Center heading revised; (a) and (b) revised ... 1789
17.75
Center heading and section revised ... 1789
17.100
Introductory text of (a) amended; (a) (2), (e), and (f) (1) and (5) revised; introductory text of (g) amended; (g) (2) revised ... 1789
17.115
(a) (1) and (2) revised; (a) (5) added; (b) revised; (c) added ... 707
17.120
(d) and (f) revised ... 1789
(f) revised ... 11677
17.123
(f) revised ... 1790
(f) revised ... 11677
17.129
Revised ... 1790
17.140
(b) revised ... 1790
17.165
Center head and section revised ... 221
17.166
Added ... 221
17.167
Added ... 221
17.170—17.176
Center heading and sections added ... 3536
Appendix A revised ... 15325
17.171
(a) revised ... 15324
17.172
Revised ... 15324
17.173
(b) (6) and (c) revised ... 15324
17.200
Center heading and section added ... 9266
19.3
Revised ... 14318
21
Subpart A heading revised ... 11319
Subpart B revoked ... 14103
Subpart C recodified and revised ... 15629
21.0—21.153
Revoked ... 11319
21.1—21.735
Subpart A heading revised ... 11319
21.1
Added ... 11319
21.2
Added ... 11319
21.3
Added ... 11319
21.20
Added ... 11319
21.21
Added ... 11319
21.22
Added ... 11319
21.30
Added ... 11319
21.31
Added ... 11319
21.32
Added ... 11319
21.40
Added ... 11319
21.41
Added ... 11319
21.42
Added ... 11319
21.43
Added ... 11319
21.103
(b) (1), (2), and (3) revised ... 884
21.130
(d) (9) revised ... 885
Added ... 11319
21.131
Added ... 11319
21.132
Added ... 11319
(d) (3) revised ... 14649
21.133
Added ... 11319
21.134
Added ... 11319
21.135
Added ... 11319
21.136
Added ... 11319
Revised ... 14649
21.137
Added ... 11319
(c) revised ... 14649
21.200
Revised ... 11322
21.203
(a) revised ... 11322
21.204
Revised ... 11322
21.205
Revised ... 11322
21.206
Heading and (a) (2) revised ... 11322
21.208
(c) and (f) revised ... 11322
21.209
(a) (4) and (c) (1) revised ... 11323
21.210
Heading revised ... 11323
21.211
Heading revised; introductory text of (a) revised ... 11323
21.211a
Revoked ... 11323
21.212
(b) revised ... 11323
21.220
Heading revised ... 11323
21.231
Heading revised ... 11323
21.232
Heading revised ... 11323
21.233
Heading revised ... 11323
21.233a
Redesignated as 21.224; revised ... 11323
21.234
Revoked ... 11323
21.234
Redesignated from 21.223a; revised ... 11323
21.235
(c) revised ... 11323
21.236
(a) (2) revised ... 11323
21.237
Added ... 11323
21.334a
Revoked ... 11323
21.340a
Redesignated as 21.341; revised ... 11323
21.241
Redesignated as 21.242; revised ... 11323
21.241
Redesignated from 21.240a; revised ... 11323
21.242
Redesignated from 21.241; revised ... 11323
21.243
(a) revoked; (b) redesignated as (a) and (b) and revised ... 11324
21.252
(a) (3) (i) (b) revised ... 2705
Introductory text of (a) and (a) (3) (i) (a) revised ... 11324
21.253
(a) (1) revised ... 2705
(b) (3) revised ... 11324
21.254
Revised ... 11324
21.256
Heading and (b) (1) revised ... 11324
21.262
(c) added ... 11324
21.262a
Revoked; redesignated as 21.262 (c) and revised ... 11324
21.266
(i) revised ... 11324
21.267
(f) revised ... 11324
21.281
(c) (3) and (4) revised; (c) (5) revoked ... 11324
21.283
(a) (7) (iii) and (iv) revised; (a) (7) (v) revoked; (b) (3) and (4) revised; (b) (5) revoked ... 11324
21.287
(c) revised ... 11323
21.296, 21.297
Center heading and sections revoked ... 11325
21.400—21.680
Revoked ... 11325
21.700
Revised ... 11325
21.701
Revised ... 11325
21.705
Revised ... 11325
21.711
Revised ... 11325
21.712
Revised ... 11325
21.715
Revised ... 11325
21.716
Revised ... 11325
21.720
Revised ... 11325
21.728
Revised ... 11325
21.730
Revoked ... 11326
21.735
Revised ... 11326
21.801
Revoked ... 11326
21.802
Revoked ... 11326
21.2000—21.2904
Subpart B revoked ... 14103
21.3000—21.3402
Subpart C recodified as 21.3001—21.3333; revised ... 15629

38 CFR—Continued

Chapter I—Continued

21.3001—21.3333
Subpart C recodified from 21.3000—21.3402; revised ... 15629
21.3054
Introductory text of (d) revised ... 13214
36.4380—36.4386
Revoked ... 14318
36.4380—36.4388
Added ... 14318
36.4402
Introductory text and (d) revised ... 7521

39 CFR

Chapter I:

2.1
Amended ... 13214
4.2
Amended ... 3438
Amended ... 10051
4.3
(d) revised ... 10051
4.4
(d) revised ... 6436
(d) (1) revised; (f) redesignated as (g); new (f) added ... 10051
5.2
Revised ... 1846
6
Revoked; new Part 6 added ... 8620, 9006
11
Revised ... 12841
13.2
(a) revised ... 13214
13.4
(d) (2) revised ... 8904
13.5
(e) revised ... 2195
(e) revised ... 8476
(a) (2) (ii) revised ... 13215
13.6
Revised ... 8476
Introductory text of (c) corrected ... 9752
(e) added ... 11752
13.8
(a) and (b) amended ... 3438
Revised ... 13215
14.2
(d) (4) revised ... 13437
15.2
Heading revised; (b) (4) deleted; (e) redesignated as (g); (d) redesignated as (e); (c) (2) redesignated as (d); (c) (3) redesignated as (c) (2); (f) added ... 14925
15.2
(f) revised ... 13438
15.4
(b) revised ... 13438
(c) redesignated as (e); new (c) and (d) added; (e) (6) (iv) amended ... 13440
15.5
(b) amended ... 7390
15.6
(d) revised ... 7390
15.7
(d) revised ... 7390
15.2
(a) revised ... 8477

39 CFR—Continued

Chapter I—Continued

16.3
(d) (3), (4), and (5) amended; (d) (4) through (8) redesignated as (d) (5) through (9); new (d) (4) added; (e) (3) and (4) amended; (f) (1) and (2) revised ... 7390
Revised ... 8477
(b) amended ... 11752
16.4
(b) (1) and (2) amended ... 7390
(c) revised ... 7391
(b) and (c) revised ... 8479
16.5
(a) revised; (b) and (c) amended ... 7391
(f) amended ... 7391, 7748
(g) redesignated as (h); new (g) added ... 8479
16.7
Revised ... 1940
Corrected ... 2105
17
Revised ... 2659
17.1
(d) redesignated as (d) (1); (d) (2) added ... 14929
17.2
Amended ... 11719
(a) and (b) amended ... 13360
21.2
(c) amended ... 13360
21.5
Revised ... 13361
22.1
(a) (1) amended; (b) revised ... 576
(b) (1) (ii) (b) corrected ... 1193
(a) (1) and (b) (1) (ii) amended; (b) (1) (iii), (b) (3), and (g) revised ... 7391
(b) (1) amended; (g) deleted; (e) and (f) redesignated as (f) and (g); new (e) added ... 11031
22.2
(b) (1) revised ... 8224
(b) (8) (ii) revised ... 13137
22.3
Extension of effectiveness of revision of (c) (3) ... 88
(c) (3) revised ... 2150
(c) (4) revised ... 3763
22.4
(h) amended ... 7391
(d) revised ... 8048
(d) revised ... 8224
(d) (3) corrected ... 8588
23.1
Amended ... 576
23.6
Added ... 7392
24.1
(b) (1) and (2) amended ... 576
24.4
(b) (4) and (6) revised ... 1846
(b) (6) amended ... 7392
(b) amended; (b) (6) revised; (b) (7) deleted; (b) (8) redesignated as (b) (7) and revised ... 8480
(b) amended ... 11752
24.5
(b) (3) revised ... 2313
24.7
Revised ... 7392
24.8
(b) revised ... 13361
25.1
(b) (1) (v) added ... 14929

39 CFR—Continued

Chapter I—Continued

25.6
(b) (1) revised ... 7392
26.2
(c) (4) revised ... 14374
27.1
(b) revised; (c) amended ... 89
27.2
(d) (5) revised ... 89
(f) added ... 14493
27.7
Redesignated as 27.8; amended ... 89
27.7
Added ... 89
27.8
Redesignated as 27.9 ... 89
27.8
Redesignated from 27.7; amended ... 89
27.9
Redesignated from 27.8 ... 89
29.4
Revised ... 11604
(a) corrected ... 15213
31.1
(a) revised ... 13215
31.2
(a) (1) revised ... 11678
(a) (5) revised ... 13215
31.3
(a) revised ... 11678
(b) revised ... 13215
31.5
(c) and (d) revised ... 4198
31.6
(c) through (f) redesignated as (d) through (g) respectively; new (c) added ... 11719
33.3
(b) (2) (vi) revised ... 14929
35.5
(a) (1) redesignated as (a) (1) (i) and revised; (a) (1) (ii) and (4) (iii) added; (a) (5) (i) and (v) revised ... 14929
35.7
Revised ... 14929
36.1
Amended ... 6436
36.2
(a) (4) revised; (b) amended; (d) revised ... 6436
36.3
Amended ... 6436
37.1
(a) (6) revised ... 6436
43.6
(e) (1) revised ... 2314
(h) (1) revised ... 6436
(c) (4), (c) (5) (ii) and (iii), and (d) (5) revised ... 7392
(f) (5) revised ... 11720
45.6
(f) revised ... 2314
(a) (2) revised; (b) (3) (ii) amended; (b) (4) and (7), (c) (1) and (3) (i), and (d) (1) and (3) revised ... 7393
(c) (1) (iv) amended ... 11031
(a) (1) revised ... 14374
46.3
(a) revised ... 13217
46.5
(a) (4) redesignated as (a) (5); (a) (1) through (3) recodified as (a) (1) through (4) and revised ... 7394
(a) (5) revised ... 11032
(d) revised ... 13217

39 CFR—Continued

Chapter I—Continued

	Page
47.1	
(a) (1) revised	8620
47.4	
Revised	8621
Revised	13361
48	
Revised	13320
48.2	
(b) (1), (2), (4) and (5), (d), (e) and (g) (1) revised	8621
48.3	
Revised	8621
48.5	
(i) revised	8622
48.8	
Added	13137
53.4	
(c) added	11719
54.3	
(b) (15) added	11719
54.4	
(e) amended	2761
(a) revised	11719
56.1	
(a) (4) added	8622
56.2	
(c) amended	8622
56.4	
(e) and (f) redesignated as (f) and (g) respectively; new (e) added	8622
61.1	
(f) redesignated as (g); new (f) added	11719
61.2	
(i) revised	2868
62.2	
(c) revised	8622
62.3	
Deleted	8622
62.3	
Redesignated from 62.4	8622
62.4	
Redesignated as 62.3	8622
62.4	
Redesignated from 62.5	8622
62.5	
Redesignated as 62.4	8622
92.5	
(b) (2) amended; (b) (4) revised; (b) (5) and (6) amended; (c) (2) revised; (c) (3) (ii), (e), (f) (2) (i), and (g) amended; (i) (1) revised; (i) (2) amended; (i) (3) and (4) revised; (i) (5) amended	4354
(i) (2) (xvi) revised	13540
92.6	
(a) (1) (i) and (ii), (b) (3), and (d) (1) (ii) amended	4354
92.7	
(a) (3) (vii) amended; (a) (3) (xvi) revised; (h) (1) (ii), (iii), and (iv) and (2) (i) and (ii) amended	4354
92.8	
(c) (4) (i) and (iv) amended; (d) (2) (ii) (b) and (4) (iii) and (g) (5) revised	4354
(i) (3) and (4) (i) (a) and (e) revised	4355
(d) (2) (ii) (b) and (c) and (f) (3) (ii) revised	13540
92.9	
(a) (2) and (d) (3) revised	4355
92.10	
(e) (2) (iv) and (3) (i) and (ii) amended	4354
92.12	
(a) (1) and (2) and (b) (3), (4), (6) (i) and (iii) (a), and (7) amended; (c) (1) (i) and (iv) revised; (d), (e), and (h) (5) amended	4355
(c) (4) (iv) and (5) revised	4356
(c) (6) revised; (g) (1) (ii) and (iii) amended	4357
(c) (1) (i) (n) and (o) and (5) (iv) (c) (3) revised; (c) (5) (iv) (d) redesignated as (d) (1) and revised; (c) (5) (iv) (d) (2) added	13541
94.2	
(b) revised	9064
94.3	
(f) (4) and (g) revised; (h) (7) deleted; (i) (4) (i) revised	10150
(f) (4) corrected	11351
94.4	
(f) (1) revised	10150
94.7	
Revised	10150
94.8	
(c) revised	10151
94.9	
Revised	10151
94.13	
(a) (5) revised	10151
94.14	
(d) (3) (iii) revised	10152
94.15	
(c) added	10152
94.16	
(a) revised	10152
(a) through (c) redesignated as (b) through (d); (d) redesignated as (a) and revised	10152, 12467
94.17	
(a) (1) and (b) (2) revised	10152
94.18	
Heading revised	10152
94.21	
(f) through (h) redesignated as (g) through (i); (i) redesignated as (f)	10152
94.23	
Revised	10152
94.27	
(f) and (g) (2) revised	10152
94.31	
Revised	10152
94.35	
(b) revised	10152
94.39	
(b) revised	10152
94.40	
Revised	10152
96	
Revised	10135
96.19	
(f) (2) revised; (f) (3) added	11173
96.45	
(d) revised	11280, 11351
98.1	
(f) added	3216
98.7	
Added	3216
111.3	
(a) (10) revised	2549
(b) (6) (ii) (b) revised	3216
112.5	
(a) (2) revised	3216
112.7	
(g) (2) revised	2549
113.2	
Revised	13869
113.4	
(b) (1) revised	13869
114.1	
(d) revised	7749
121.2	
(c) (1) revised	2549
121.5	
(a) (2) revised	2549
121.6	
(c) (2) revised	15213
121.7	
Revised	15214
122.1	
(c) revised	7749
132.5	
(b) (2) (i) (a) revised	3216
132.6	
(a) (1) amended	576
137.5	
(a) and (b) revised	576
141.1	
Introductory text revised	15214
141.3	
(b) (3) and (c) revised	3216
142.1	
(a) amended; (b) revised	647
142.2	
Revised	647
(b) revised	12641
142.3	
(e) (1) amended	648
143.1	
Amended	648
Revised	12641
143.3	
(b) amended	648
151.2	
(c) revised	8622
151.3	
(a) and (c) revised; (e) amended	8622
151.4	
(a) revised	8622
151.5	
(a), (b) and (d) (2) and (3) revised; (d) (5) and (6) redesignated as (d) (6) and (7) respectively; new (d) (5) added; (e) (1) revised; (e) (2) through (5) deleted; (f) revised	8622
151.6	
Revised	576
152	
Revised	577
161.3	
Revised	3217
161.4	
(a) amended; (c) revised	3217
161.5	
Revised	3217
162.3	
(e) revised; (f) amended	3216
163.2	
Revised	3216
168.5	
Amended	2549
Amended	3438
Corrected	3710
Amended	4537
Amended	10985
Corrected	11281
Amended	12279
Amended	14103
Amended	14199
Amended	14527

39 CFR—Continued

Chapter I—Continued

	Page
168.5—Continued	
Amended (3 documents)	15214
201.75	
(f) (5) revised	15739
Proposed Rules:	
13	2152, 2221
16	2152, 2153, 3820
22	8049, 9695, 14993, 15235
24	2152, 2153, 3820
29	9274
31	1872
45	2155, 11923
48	11282
96	625, 2552, 4064, 12038, 13265
111	92
112	15810, 16270
114	3444, 15810, 16270
115	14378
121	11645
122	3444
168	11645, 15810, 16270

41 CFR

Chapter 1:

	Page
1-1.002	
Revised	8217
1-1.004-1	
Added	8217
1-1.010	
Added	9766
1-1.209	
Revised	8217
1-1.302-3	
Added	9589
1-1.305	
Amended	16110
1-1.306	
Amended	16110
1-1.317	
(b) and (c) redesignated as (c) and (f); new (b), (c) and (d) added	9589
1-1.320	
Added	9589
1-1.701-1	
(d) and (f) revised; (h) amended	9590
1-1.703-1	
Revised	9590
1-1.703-2	
Added	9590
1-1.706-5	
(c) revised	9591
1-1.706-6	
Introductory text of (c) revised	9591
Introductory text of (c) revised; (d) deleted	16110
1-1.708-2	
Revised	9591
1-1.804-2	
(a) revised; (b) amended; (c) deleted	16110
1-1.1003-4	
Revised	9591
1-1.1003-7	
(a) revised; (b) (8) added	9592
1-1.1004-1	
(a) revised	9592
1-2.102	
Revised	9592
1-2.104-4	
Revised	9592
1-2.201	
(a) (23), (25), and (26) deleted; (a) (28) revised; (b) (13) deleted	2208
(a) (11), (25) and (26) added	9592
1-2.203-4	
(e) amended	16110
1-2.408	
Revised	9593
1-2.503-2	
(d) revised	9593
1-3.302	
(e) revised	9593
1-3.303	
Revised	9593
1-3.807-2	
Revised	6581
1-3.807-3	
Revised	6581
1-3.807-4	
Revised	6581
1-3.807-11	
(b) revised	9593
1-3.814—1-3.814-3	
Revised	6582
1-3.814-2	
(a) amended	9593
1-5.300	
Revised	16111
1-5.304	
(b) revised	16111
1-8.505	
Revised	16111
1-8.507-1	
Revised	16111
1-8.507-5	
Revised	16111
1-8.508	
Revised	16111
1-8.512	
Revised	16111
1-12.401-1	
Revised	7192
1-12.401-4	
Revised	7192
1-12.403-1	
Amended	7192
1-12.403-2	
Revised	7193
1-12.404-2	
(e) revised	7193
1-12.404-3	
Revised	7193
1-12.404-4	
Revised	7194
1-12.404-10	
Revised	7194
1-12.701	
Revised	16111
1-15	
Subpart 1-15.3 recodified, revised	8482
Subpart 1-15.3 revised	9676
1-15.301	
Subpart 1-15.3 recodified from 1-15.301-1-15.307-3; revised	8482
Subpart 1-15.3 recodified as 1-15.301—1-15.309-46; revised	9676
1-15.301—1-15.307-3	
Subpart 1-15.3 recodified as 1-15.301; revised	8482
1-15.301—1-15.309-46	
Subpart 1-15.3 recodified from 1-15.301; revised	9676
1-16	
Subpart 1-16.6 added	8217
1-16.101	
Revised	2208
1-16.102	
Revised	2208
1-16.105	
Revised	2208
1-16.106	
Revised	2208
1-16.401	
(b) revised	7194
1-16.402	
Revised	7194
1-16.600—1-16.603	
Subpart 1-16.6 added	8217
1-16.805	
Added	9593
1-16.901-2	
Added	8217
1-16.901-2A	
Added	8217
1-16.901-2B	
Added	8217
1-16.901-19-A	
Revised	7194
1-16.901-30	
Deleted	2208
1-16.901-31	
Deleted	2208
1-16.901-33	
Revised	2209
(b) corrected	2803
1-16.901-33A	
Added	2210
1-16.902	
Added	9593
1-16.902-OF17	
Added	9594
Chapter 3:	
3-1	
Subpart 3-1.6 added	3218
3-1.600—3-1.606	
Subpart 3-1.6 added	3218
3-50	
Added	1847
Chapter 4:	
4-1.106-2	
Revised	14374
4-1.601-1	
Revised	14374
4-1.651	
Deleted	14374
4-2.205-1	
Added	6943
4-2.407-8	
Added	14374
4-3.408	
Added	14374
4-3.604-5	
Revised	6943
4-3.604-6	
Deleted	6943
4-4.5018	
Revised	14374
4-4.5068	
(c) and (d) revised	14375
4-4.5301-8	
(c), (d) and (e) revised	14375
4-4.5310	
(f) deleted	14375
4-4.5314	
(c) revised	14375
4-5.5301-3	
(l) added	6943
4-6.105	
(b) amended	14375
4-10.352	
Added	14375
4-12	
Subpart 4-12.51 added	12071
4-12.404-2	
(b) revised	14375
4-12.5101—4-12.5120	
Subpart 4-12.51 added	12071

41 CFR—Continued

Chapter 1—Continued
4–16.804
Revised ... 6944
Chapter 5:
5–3.852
(c) revised ... 1045
5–7.101–18
Deleted ... 1045
5–6
Added ... 7246
5–10
Rescinded ... 9767
5–12
Subpart 5–12.50 deleted ... 1045
Subpart 5–12.8 added ... 1045
5–12.800—5–12.812
Subpart 5–12.8 added ... 1045
5–12.5001—5–12.5006
Subpart 5–12.50 deleted ... 1045
5–16.857
Deleted ... 1047
5–16.858
Revised ... 1047
5–16.859
Deleted ... 1047
5–16.860
Deleted ... 1047
5–19
Added ... 2211
5–53
Subpart 5–53.7 deleted ... 1047
Subpart 5–53.5 deleted; recodified in Part 5–8 ... 7246
5–53.402
(c) revised ... 7246
5–53.501—5–53.501–7
Subpart 5–53.5 deleted; recodified in Part 5–8 ... 7246
5–53.501–5
(b) revised ... 1047
5–53.701—5–53.709–5
Subpart 5–53.7 deleted ... 1047
5–60.204–1
Revised ... 6837
Chapter 5B:
5B–2.202–70
Revised ... 7436
5B–7
Added ... 8411
Chapter 6:
6–1.307
Revised ... 7246
6–1.350
Revised ... 7247
6–1.351—6–1.351–4
Revised ... 7247
6–1.352
Revised ... 7247
6–2
Subpart 6–2.1 added ... 7247
6–2.102
Subpart 6–2.1 added ... 7247
6–3
Added ... 7247
Chapter 7:
Revised ... 12968
7–1
Revised in revision of Ch. 7 ... 12968
7–2
Revised in revision of Ch. 7 ... 12968
7–3
Revised in revision of Ch. 7 ... 12968
7–4
Added in revision of Ch. 7 ... 12968
7–5
Added in revision of Ch. 7 ... 12968
7–6
Revised in revision of Ch. 7 ... 12968

41 CFR—Continued

Chapter 6—Continued
7–7
Revised in revision of Ch. 7 ... 12968
7–8
Added in revision of Ch. 7 ... 12968
7–10
Added in revision of Ch. 7 ... 12968
7–12
Revised in revision of Ch. 7 ... 12968
7–15
Added in revision of Ch. 7 ... 12968
7–16
Revised in revision of Ch. 7 ... 12968
7–17
Added in revision of Ch. 7 ... 12968
7–30
Added in revision of Ch. 7 ... 12968
7–60
Deleted in revision of Ch. 7 ... 12968
Reinstated ... 13826
Chapter 8:
8–1
Subpart 8–1.2 added ... 34
Subpart 8–1.6 recodified and revised; Subpart 8–1.7 added ... 4673
Subpart 8–1.13 revoked ... 7041
8–1.250, 8–1.251
Subpart 8–1.2 added ... 34
8–1.302–1
(a)(7) revised ... 10293
8–1.305–4
Heading revised ... 10293
8–1.310–5
Revoked ... 4672
8–1.318
Added ... 4672
8–1.350—8–1.350–3
Added ... 34
8–1.600—8–1.606
Subpart 8–1.6 recodified from 8–1.601—8–1.606; revised ... 4673
8–1.601—8–1.606
Subpart 8–1.6 recodified as 8–1.600—8–1.606; revised ... 4673
8–1.602–1
(c) added ... 7437
8–1.708–3
Subpart 8–1.7 added ... 4673
8–1.1351—8–1.1357–1
Subpart 8–1.13 revoked ... 7041
8–2.102
Introductory text revised ... 7599
8–2.104–3
Revised ... 4674
8–2.201
(e) and (f) revised ... 4674
Revised ... 8752
8–2.205–2
Added ... 7437
8–2.305
Revoked ... 4674
8–2.404–2
(a) and introductory text of (b) revised ... 4674
8–2.404–3
Added ... 4674
8–2.406–3
(b) revised ... 4674
8–2.406–4
(b) revised ... 4674
8–3
Subpart 8–3.9 added ... 4674
8–3.101
Introductory text revised ... 7599
Revised ... 13228
8–3.211
Revised ... 13228
8–3.215
(f) revised ... 7600

41 CFR—Continued

Chapter 8—Continued
8–3.402
Redesignated as 8–3.403; revised ... 4674
8–3.403
Redesignated from 8–3.402; revised ... 4674
8–3.404
Revoked ... 4674
8–3.404–3
Redesignated as 8–3.405–5; revised ... 4674
8–3.405–3
Redesignated as 8–3.408; revised ... 4674
8–3.405–5
Redesignated from 8–3.404–3; revised ... 4674
8–3.408
Redesignated from 8–3.405–3; revised ... 4674
8–3.605
Heading revised ... 4674
8–3.605–1
Heading revised ... 4674
8–3.605–2
Redesignated as 8–3.605–50; revised ... 4674
8–3.605–50
Redesignated from 8–3.605–2; revised ... 4674
8–3.903–2
Subpart 8–3.9 added ... 4674
8–4
Subpart 8–4.51 revoked ... 2212
8–4.5101
Subpart 8–4.51 revoked ... 2212
8–6
Subpart 8–6.1 added; Subpart 8–6.2 recodified and revised ... 4675
Subpart 8–6.50 revoked ... 4676
8–6.104–3—8–6.105
Subpart 8–6.1 added ... 4675
8–6.202–1—8–6.204
Subpart 8–6.2 recodified from 8–6.203—8–6.250; revised ... 4675
8–6.203—8–6.250
Subpart 8–6.2 recodified as 8–6.202–1—8–6.204; revised ... 4675
8–6.5000—8–6.5004
Subpart 8–6.50 revoked ... 4676
8–7
Subpart 8–7.51 added ... 7600
8–7.150–12
Added ... 7600
8–7.150–13
Added ... 7600
8–7.150–14
Added ... 7600
8–7.150–15
Added ... 7600
8–7.150–16
Added ... 5376
8–7.150–17
Added ... 8752
8–7.150–18
Added ... 8752
8–7.150–19
Added ... 8752
8–7.5100—8–7.5101–11
Subpart 8–7.51 added ... 7600
8–10
Subpart 8–10.1 recodified and revised; Subparts 8–10.2 and 8–10.4 added; Subpart 8–10.50 heading revised ... 4676
8–10.102—8–10.102–50
Subpart 8–10.1 recodified as 8–10.103—8–10.104–1; revised ... 4676

41 CFR—Continued

Chapter 8—Continued
8–10.103—8–10.104–1
Subpart 8–10.1 recodified from 8–10.102—8–10.102–50; revised ... 4676
8–10.204–1, 8–10.204–2
Subpart 8–10.2 added ... 4676
8–10.450
Subpart 8–10.4 added ... 4676
8–10.5000
Revoked ... 4676
8–10.5001
Revoked ... 4676
8–10.5002
Heading of Subpart 8–10.50 revised ... 4676
8–11
Subpart 8–11.2 recodified and revised; Subpart 8–11.3 revoked; Subpart 8–11.5 added ... 4676
8–11.000
Added ... 4676
8–11.203
Subpart 8–11.2 recodified from 8–11.205, 8–11.206; revised ... 4676
8–11.205, 8–11.206
Subpart 8–11.2 recodified as 8–11.203; revised ... 4676
8–11.302
Subpart 8–11.3 revoked ... 4676
8–11.502–1
Subpart 8–11.5 added ... 4676
8–12
Added ... 2314
8–12.805–4
(d) redesignated as (d) and (e) and revised ... 13229
8–14.152
Added ... 7600
8–14.152–1
Added ... 7600
8–14.152–2
Added ... 7600
8–15
Added ... 7601
8–16
Subpart 8–16.50 revoked ... 4677
Subpart 8–16.2 added ... 7602
Subpart 8–16.4 added ... 7602
8–16.201–150
Subpart 8–16.2 added ... 7602
8–16.401–50
Subpart 8–16.4 added ... 7602
8–16.5000, 8–16.5001
Subpart 8–16.50 revoked ... 4677
8–18
Revoked; recodified as Part 8–30 ... 4677
8–19
Added ... 7041
8–30
Added; recodified from Part 8–18 ... 4677
8–52
Subpart 8–52.2 added ... 4677
8–52.101
Revised ... 4677
8–52.104
Added ... 4677
8–52.107
Revoked ... 4677
8–52.201—8–52.203
Subpart 8–52.2 added ... 4677
8–75.201–11
Added ... 2212
8–75.201–12
Added ... 7602
8–75.201–13
Added ... 7602

41 CFR—Continued

Chapter 8—Continued
8–95
Added ... 7603
Chapter 9:
9–1
Subpart 9–1.52 added ... 6483
9–1.104
(b) deleted; new (b) and (c) added ... 6483
9–1.256
Deleted ... 6483
9–1.257
Deleted ... 6483
9–1.305–1
Revised ... 6483
9–1.310–1
Revised ... 6483
9–1.353
Deleted ... 6483
9–1.356
Added ... 6519
9–1.702
(b)(3) amended ... 6483
9–1.705–3
Revised ... 15214
9–1.709
(b)(5) deleted; (b)(6) redesignated as (b)(5) ... 6519
9–1.802
Deleted ... 6483
9–1.901
Revised ... 6483
9–1.1101
Amended ... 6483
9–1.1150
Amended ... 6483
9–1.5001
Revised ... 6483
9–1.5002
(b) deleted ... 6483
9–1.5200—9–1.5203
Subpart 9–1.52 added ... 6483
9–1.5902
(c) revised ... 11351
9–2.102
(b) deleted; (c) redesignated as (b) ... 9313
9–2.102–50
Added ... 9313
9–2.102–51
Added ... 9313
9–2.201
Revised ... 1258
9–2.406–50
(a) revised ... 9314
9–2.406
Revised ... 9314
9–3.000
Revised ... 6683
9–3.000–50
Added ... 6683
9–3.103
(d) revised ... 6683
9–3.301
Deleted ... 6683
9–3.301
Added ... 6683
9–3.302
Added ... 6683
9–3.303
Added ... 6683
9–3.403–2
Redesignated as 9–3.404–3 ... 6683
9–3.403–50
Redesignated as 9–3.404–50 ... 6683
9–3.403–51
Redesignated as 9–3.404–51 ... 6683
9–3.403–52
Deleted ... 6683

41 CFR—Continued

Chapter 9—Continued
9–3.404–3
Redesignated as 9–3.405–5; (b) amended ... 6683
9–3.404–3
Redesignated from 9–3.403–2 ... 6683
9–3.404–5
Added ... 6683
9–3.404–7
Added ... 6683
9–3.404–50
Redesignated from 9–3.403–50 ... 6683
9–3.404–51
Redesignated from 9–3.403–51 ... 6683
9–3.405–1
Redesignated as 9–3.406–1 ... 6683
9–3.405–3
Redesignated as 9–3.408 ... 6683
9–3.405–5
Redesignated from 9–3.404–3; (b) amended ... 6683
9–3.406–1
Redesignated from 9–3.405–1 ... 6683
9–3.408
Redesignated from 9–3.405–3 ... 6683
9–3.600
Amended ... 6683
9–3.807–2(b)
Deleted ... 14258
9–3.807–3
Added ... 14258
9–3.807–3(b)(2)
Deleted ... 14258
9–3.807–4
Deleted ... 14258
9–3.807–51
Deleted ... 14258
9–3.807–52
Revised ... 14258
9–3.809–50
(b) deleted ... 6683
9–3.814–50
Added ... 14258
9–3.903–2
Added ... 6683
9–4.000
Added ... 6519
9–4.000–50
Added ... 6519
9–4.5109–8
Revised ... 15096
9–4.5112–2
(d) added ... 9314
9–5
Revised ... 8313
9–6.000–50
Added ... 6519
9–6.100
Revised ... 6519
9–6.103
Redesignated as 9–6.103–2; revised ... 6519
9–6.103–2
Redesignated as 9–6.103–3; revised ... 6519
9–6.103–2
Redesignated from 9–6.103; revised ... 8519
9–6.103–3
Redesignated from 9–6.103–2; revised ... 6519
9–6.202
Revised ... 6519
9–6.202–1
(b) amended ... 6519
9–7.000–50
Added ... 12942
9–7.5002
Deleted ... 12942

41 CFR—Continued

Chapter 9—Continued

9–7.5003
(d) added ... 12942
9–7.5004–4
Heading revised ... 13229
9–7.5004–10
Amended ... 13229
9–7.5004–13
Heading revised ... 12942
9–7.5004–14
Amended ... 13229
9–7.5004–15
Revised ... 13229
9–7.5004–20
Revised ... 13229
9–7.5004–22
Amended ... 13229
Note A revised ... 14650
9–7.5006–1
(d) amended ... 13229
Amended ... 14259
9–7.5006–3
Deleted ... 12942
9–7.5006–9
Amended ... 3323
(d) (3) amended; (e) (24) revised; (e) (28) added ... 13229
(d) (8) (i) amended ... 14650
9–7.5006–10
Amended ... 3323
(d) (8) (i) amended ... 14650
9–7.5006–12
Amended ... 3323
(d) (8) (i) amended ... 14650
9–7.5006–15
Deleted ... 12942
9–7.5006–16
Deleted ... 12942
9–7.5006–28
Deleted ... 12942
9–7.5006–29
(a) revised ... 12942
Amended ... 14259
9–7.5006–30
Added ... 12943
9–7.5006–31
Added ... 12943
9–7.5006–34
Deleted ... 12942
9–7.5006–37—9–7.5006–43
Deleted ... 12942
9–7.5006–50
(b) amended ... 14650
9–7.5006–53
Added ... 13229
9–7.5006–54
Added ... 13229
9–7.5007—9–7.5007–13
Added ... 12943
9–8
Added ... 622
9–8.000–50
Added ... 6585
9–8.507–50
Corrected ... 831
9–8.507–51
Corrected ... 831
9–9.5000–50
Added ... 6684
9–9.5003
Amended ... 11352
9–9.5004
Amended ... 11352
9–9.5005
(a) amended ... 6684
Amended ... 11352
9–9.5008–3
Amended ... 6684
9–9.5103
(d) (1) amended ... 6684
9–10.000–50
Added ... 8681
9–10.150
Revised ... 8682
9–10.152
Amended ... 11352
9–10.350
Deleted ... 8682
9–10.351
Revised ... 8682
9–11
Added ... 8318
9–12
Subpart 9–12.52 deleted ... 8831
Subpart 9–12.8 added ... 8832
Subpart 9–12.2 deleted ... 11967
Subpart 9–12.3 deleted ... 11967
Subpart 9–12.6 recodified and revised ... 11967
Subpart 9–12.7 deleted ... 11968
9–12.000–50
Added ... 8831
9–12.6–50
Subpart 9–12.6 recodified from 9–12.603; revised ... 11967
9–12.100
Added ... 11967
9–12.101
(a) revised ... 11967
9–12.103
Added ... 11967
9–12.103–50
Added ... 11967
9–12.251
Subpart 9–12.2 deleted ... 11967
9–12.351
Subpart 9–12.3 deleted ... 11967
9–12.603
Subpart 9–12.6 recodified as 9–12.6–50; revised ... 11967
9–12.751, 9–12.752
Subpart 9–12.7 deleted ... 11968
9–12.800, 9–12.805
Subpart 9–12.8 added ... 8832
9–12.5001–3
Deleted ... 11968
9–12.5002–2
Deleted ... 11968
9–12.5200—9–12.5204–4
Subpart 9–12.52 deleted ... 8831
9–14.000
Revised ... 7886
9–14.000–50
Added ... 7886
9–14.101
Deleted ... 7886
9–14.108
Added ... 7886
9–14.201
Deleted ... 7886
9–14.5001
(a) (3) revised; (a) (4) deleted; (b) revised ... 7887
9–14.5002
(b) deleted ... 7887
9–15.000–50
Added ... 8109
9–15.5005–4
(a) revised ... 8109
9–15.5006
Revised ... 10950
9–15.5008
Revised ... 8109
9–15.5008–1
(a) amended ... 8109
9–15.5010–6
Revised ... 11720
Revised ... 14650
9–15.5010–14
Revised ... 10950
(h), (k) (4) and (l) (4) amended ... 14650
9–15.5010–17
Added ... 3219
9–16.051
Deleted ... 7887
9–16.051–1
Added ... 7887
9–16.051–2
Added ... 7887
9–16.951–2
Amended ... 15468
9–16.5001
Revised ... 7887
9–16.5002–8
Amended ... 4357, 4358
Amended ... 11352
Amended ... 15468
9–17.000–50
Added ... 7887
9–30.000
Revised ... 8682
9–30.000–50
Added ... 8682
9–30.209
(a) revised ... 8682
9–51.000
Amended ... 7749
9–51.000–50
Added ... 7749
9–51.403–1
(a) amended ... 11352
9–51.403–2
(b) (3) (iv) amended ... 11352
9–53.000–50
Added ... 7819
9–54.000
Revised ... 6684
9–54.000–50
Added ... 6684
9–54.004
(a) and (b) revised ... 6684
9–55.001
Deleted ... 8319
9–55.001
Added ... 8319
9–55.100
Revised ... 8319
9–55.102–1
Revised ... 8319
9–55.102–3
Introductory text revised ... 8319
9–55.202
Heading revised ... 8319
9–55.203
(m) revised ... 8319
9–56.001
(c) deleted ... 7749
9–56.002
Added ... 7749
9–56.103
(a) revised ... 8482
9–56.105
(d) revised ... 8482
9–56.301
(a) revised ... 8482
9–58.000–50
Added ... 7750
9–58.001
Deleted ... 7750
9–58.101
Amended ... 7750
9–58.201
Revised ... 7750

Chapter 10:

10–1
Added ... 950

Chapter 11:

11–1.301–1
Added ... 12249
11–1.302–3
Added ... 13440
11–1.317
Amended ... 13440
11–1.320–50
Added ... 13440
11–1.351
Added ... 13440
11–1.708–2
Added ... 13441
11–1.709
Added ... 13441
11–2.201
(b) (53) and (56) revoked; (a) (1)–(21), (23)–(49), and (50) and (b) (1)–(4) and (6)–(49) deleted ... 13441
11–2.201.51
Added ... 8519
Corrected ... 13441
11–3
Subpart 11–3.8 deleted ... 13441
11–3.101
Text designated as (a); (b) added ... 12349
11–3.801
Subpart 11–3.8 deleted ... 13441
11–5.5100
Amended ... 13441
11–5.5102
Amended ... 13441
11–5.5103
Deleted ... 13441
11–6.103
Added ... 9979
11–6.103–2
Added ... 9979
11–6.150
Introductory text revised ... 9979
11–6.250
Introductory text revised ... 9979
11–7.101–60
Deleted ... 13441
11–7.5001–4
(g) revoked ... 8520
11–16
Subpart 11–16.8 added ... 12441
11–16.804
Subpart 11–16.8 added ... 12441

Chapter 18:

18–54.000
Revised ... 133
18–54.101
Revised ... 133
18–54.102
Revised ... 133
18–54.103
Revised ... 133
18–54.111
Revised ... 133
18–54.116
Revised ... 133
18–54.120
Revised ... 133
18–54.122
Revised ... 133

Chapter 39:

39–1
Subpart 39–1.3 added ... 5793
39–1.305–3, 39–1.306–1
Subpart 39–1.3 added ... 5793

41 CFR—Continued

Chapter 9—Continued

9–58.201
Revised ... 7750

Chapter 10:

10–1
Added ... 950

Chapter 11:

11–1.301–1
Added ... 12249
11–1.302–3
Added ... 13440
11–1.317
Amended ... 13440
11–1.320–50
Added ... 13440
11–1.351
Added ... 13440
11–1.708–2
Added ... 13441
11–1.709
Added ... 13441
11–2.201
(b) (53) and (56) revoked; (a) (1)–(21), (23)–(49), and (50) and (b) (1)–(4) and (6)–(49) deleted ... 13441
11–2.201.51
Added ... 8519
Corrected ... 13441
11–3
Subpart 11–3.8 deleted ... 13441
11–3.101
Text designated as (a); (b) added ... 12349
11–3.801
Subpart 11–3.8 deleted ... 13441
11–5.5100
Amended ... 13441
11–5.5102
Amended ... 13441
11–5.5103
Deleted ... 13441
11–6.103
Added ... 9979
11–6.103–2
Added ... 9979
11–6.150
Introductory text revised ... 9979
11–6.250
Introductory text revised ... 9979
11–7.101–60
Deleted ... 13441
11–7.5001–4
(g) revoked ... 8520
11–16
Subpart 11–16.8 added ... 12441
11–16.804
Subpart 11–16.8 added ... 12441

Chapter 18:

18–54.000
Revised ... 133
18–54.101
Revised ... 133
18–54.102
Revised ... 133
18–54.103
Revised ... 133
18–54.111
Revised ... 133
18–54.116
Revised ... 133
18–54.120
Revised ... 133
18–54.122
Revised ... 133

Chapter 39:

39–1
Subpart 39–1.3 added ... 5793
39–1.305–3, 39–1.306–1
Subpart 39–1.3 added ... 5793

Chapter 60:
Heading revised ... 13441

60–1
Continuance in force and effect ... 13441

60–80
Continuance in force and effect ... 13441

Chapter 101:
Temporary Reg. No. A–2 added ... 577
Temporary Reg. No. A–2 corrected ... 754

101–5
Added ... 4199
Subparts 101–5.2 and 101–5.49 added ... 4358
Subpart 101–5.3 added ... 6684
Subpart 101–5.3 revised ... 12883
101–5.200—101–5.204–3
Subpart 101–5.2 added ... 4358
101–5.205—101–5.205–4
Added ... 17165
101–5.300—101–5.307
Subpart 101–5.3 added ... 6684
Subpart 101–5.3 revised ... 12883
101–5.4900—101–5.4903
Subpart 101–5.49 added ... 4358

101–6
Subparts 101–6.3 and 101–6.49 added ... 9537
101–6.102
Revised ... 1256
101–6.300—101–6.308
Subpart 101–6.3 added ... 9537
101–6.4900—101–6.4902–2068C
Subpart 101–6.49 added ... 9537
101–10.206–1
Revised ... 4359
101–10.206–2
Revised ... 4359

101–11
Subpart 101–11.5 added ... 10843
101–11.102–2
(d) added ... 4757
101–11.500—101–11.502
Subpart 101–11.5 added ... 10843
101–15.102–8
Revised ... 1256
101–15.105
(h) revised ... 1256
101–18.102
Revised ... 7820
101–18.104
(a) revised ... 8520
101–18.106–1
(a) (10) and (11) added ... 13230
(a) (12) added ... 15325

101–19
Subpart 101–19.2 added ... 8160
Subpart 101–19.6 added ... 11755
101–19.200—101–19.209
Subpart 101–19.2 added ... 8160
101–19.600—101–19.606
Subpart 101–19.6 added ... 11755
101–20.205
Added ... 7820
101–20.206
Added ... 7820
101–20.902—101–20.902–3
Added ... 1790
101–20.4902–1807, 101–20.4902–1807A
Added ... 1790
101–25.104
Added ... 4757
Corrected ... 5479
101–25.104–1
Added ... 5479
101–25.104–2
Added ... 4757
101–25.105
Added ... 4757
101–25.302
(a) revised ... 4757
101–25.302–1
Revised ... 4758
101–25.404–1
Added ... 4758
101–26.301
(g) deleted ... 4200
(j) deleted ... 13826
101–26.301–1
Added ... 2442
101–26.303
Revised ... 13826
101–26.303–1
Revised ... 13826
101–26.303–2
Revised ... 13826
101–26.305
Revised ... 13826
101–26.306
Revised ... 4200
101–26.308—101.26.308–2
Added ... 4758
101–26.308
Corrected ... 5480
101–26.309
Added ... 11138
101–26.310
Added ... 11138
(a) (6) corrected ... 11720
101–26.311
Added ... 11138
101–26.401
Text added from 101–26.401–1 and revised ... 4758
101–26.401–1
Heading deleted; text transferred to 101–26.401 and revised ... 4758
101–26.401–1
Redesignated from 101–26.401–2; revised ... 4758
101–26.401–2
Redesignated as 101–26.401–1; revised ... 4758
101–26.401–2
Redesignated from 101–26.401–3; revised ... 4759
101–26.401–3
Redesignated as 101–26.401–2; revised ... 4759
101–26.401–3
Added ... 4759
101–26.401–4
(g) deleted ... 4758
101–26.408
Added ... 648
101–26.408–1—101–26.408–5
Added; recodified from 101–26.409—101–26.409–4 ... 11603
101–26.409—101–26.409–4
Added ... 649
Deleted; recodified in 101–26.408–1—101–26.408–5 ... 11603
101–29.303
Added ... 8319
101–35.102
(a) revised ... 8523
101–38
Subpart 101–38.10 added ... 4131
Subpart 101–38.4 revised ... 7489
101–38.001–4
Revised ... 7489
101–38.304–1
Amended ... 4131
101–38.401—101–38.405
Subpart 101–38.4 revised ... 7489
101–38.501
Revised ... 7489

41 CFR—Continued

Page

Chapter 101—Continued
101–38.1000—101–38.1003
Subpart 101–38.10 added ... 4131
101–38.4903
Revised ... 7489
101–43.4901
Revised ... 5823
101–44.304
Revised ... 11903
101–44.308
Revised ... 11903
101–44.318
Added ... 4716
101–44.319
Added ... 6649
101–45
Revised ... 2930
101–45.4910
Corrected ... 3384
101–47.103–12
Introductory text of (a) revised ... 11281
101–47.201–2
Heading revised ... 11281
101–47.301–5
Revised ... 12293
101–47.302–2
(b) revised ... 11281
101–47.303–2
(e)(2) revised ... 11281
101–47.307–6
Revised ... 755
101–47.402–1
Revised ... 11281
101–47.4903
Amended ... 12293
101–47.4903–1
Deleted ... 12293
101–47.4913
Amended ... 11281
Proposed Rules:
50–202 ... 11106
50–203 ... 801
50–204 ... 5483
Ch. 101 ... 797

42 CFR

Chapter I:
21.25
(b) deleted ... 9437
32.1
(l) added ... 2151
32.6
(a)(12) added ... 2151
32.57
Center heading and section added ... 2151
34.2
(b) amended ... 16112
34.4
(b)(1), (2)(ii), (3), and (4) revised ... 16112
34.7
Revised ... 16112
34.14
(a)(2) revised ... 16112
51.1
(f) revised ... 14104
51.2
(l) added ... 14104
51.3
(e) revised; (j) added ... 14104
51.4
(c) revised ... 14104
51.6
Introductory text of (b) revised ... 14104
51.9
(a) revised ... 14104
53.11
Revised ... 9980

42 CFR—Continued

Page

Chapter I—Continued
53.12
Revised ... 9980
53.21
Revised ... 9980
53.22
Revised ... 9980
53.32
Revised ... 9980
53.33
Added ... 9980
53.34
Added ... 9980
53.87
Revised ... 9980
53.128
(c) revised ... 9980
54.113
Revised ... 2443
54.210
Revised ... 2443
55
Continued effectiveness ... 17166
57
Subpart E added ... 6944
Headings of Subparts B and C revised ... 7394
57.101—57.109
Heading of Subpart B revised ... 7394
57.201—57.211
Heading of Subpart C revised ... 7394
57.201
Revised ... 7395
57.202
(d)(1), (f), and (n) (1) and (3) revised ... 7395
57.401—57.409
Subpart E added ... 6944
57.404
(a) corrected ... 7395
61.9
(e) revised; (f) added ... 6072
63.5
(c) revised; (e) added ... 6072
73.500—73.503
Center headings and sections added ... 9850
81
Continued effectiveness ... 17166
Chapter IV:
401.6
Amended ... 11517
(a)(2) and (3) amended ... 11518
401.7
(a) and (b) amended; (c) revised ... 11518
401.9
Revised ... 11518
401.10
(a) revised; (b) amended ... 11518
Proposed Rules:
34 ... 14380
73 ... 6795, 13456, 13872
401 ... 9797

43 CFR

Subtitle A:
16.1
Revised ... 9218
16.2
Revised ... 9218
16.3
Revised ... 9218
16.4
Deleted ... 9218
16.4
Redesignated from 16.5 ... 9218
16.5
Redesignated as 16.4 ... 9218

43 CFR—Continued

Page

Subtitle A—Continued
16.5
Redesignated from 16.6 ... 9218
16.6
Redesignated as 16.5 ... 9218
18
Added ... 3285
Revised ... 17166
18.4
(c) revised ... 5632
18.6
(b) amended ... 7394
Chapter I:
416
Revised ... 4538
Chapter II:
1720
Added ... 12913
1810.4
Added ... 34
1821.2–1
(a) revised ... 755
2033.2–4
(a) revised ... 4759
2033.2–5
(a) revised ... 4759
2033.2–7
(b)(2) revised ... 4759
(b)(2) revised ... 8964
2033.2–9
(e) revised ... 4759
2211.0–7
Revised ... 3657
2212.0–3
(c) revoked ... 3710
2212.0–7
(b) revoked ... 3710
2212.9—2212.9–5
Revised ... 3710
2232.1–2
(a)(6) revised ... 9273
2234.1–6
(c)(2) revised ... 7605
2234.3–1
(d) added ... 14800
2235.1–1
(d) revised ... 5707
2242.6–4
Added ... 5707
2243.0–1
Added ... 12914
2243.1
Heading revised ... 12914
2243.1–6
Redesignated from 2243.2 ... 12914
2243.2
Redesignated as 2243.1–6 ... 12914
2243.2—2243.2–7
Added ... 12914
2244.5–6
(b)(2) revised ... 3438
2244.5–7
Added ... 3438
2244.5–8
Added ... 3439
2410
Revised ... 12916
3162.6
Revised ... 4760
3326.0–2
Revised ... 12392
3326.1
Revised ... 12392
3326.8
Revoked ... 12392
3545.1
Revoked ... 7606
3545.2
Revoked ... 7606

43 CFR—Continued

Page

Chapter II—Continued
3610.1
(d) added ... 8481
3611.6
Revised ... 8481
3611.8–4
Revised ... 8481
3611.8–5
Revised ... 8481
4111.4–1
Redesignated as 4111.4–2 ... 2260
4111.4–2
Redesignated as 4111.4–3 ... 2260
4111.4–2
Redesignated from 4111.4–1 ... 2260
4111.4–3
Redesignated from 4111.4–2 ... 2260
4115.2–1
(e)(3) and (9)(i) revised ... 7606
9239.0–8
Revised ... 8411
9239.0–9
(a), (b), and (c) revised ... 8411
Public land orders:
5
Revoked in part by PLO 3549 ... 2262
See PLO 3677 ... 7820
19
Revoked in part by PLO 3751 ... 9541
26
Revoked in part by PLO 3737 ... 8835
204
See PLO 3549 ... 2262
309
Amended by PLO 3784 ... 10195
516
Revoked by PLO 3847 ... 13057
517
Modified by PLO 3809 ... 11383
Modified by PLO 3831 ... 12253
Modified by PLO 3905 ... 15664
509
Revoked in part by PLO 3541 ... 2214
Revoked in part by PLO 3695 ... 7897
549
Revoked in part by PLO 3724 ... 8792
559
Revoked in part by PLO 3522 ... 443
Revoked in part by PLO 3720 ... 8791
576
Revoked in part by PLO 3768 ... 10191
Revoked in part by PLO 3855 ... 13575
615
Revoked in part by PLO 3743 ... 9595
665
Revoked in part by PLO 3901 ... 15588
715
Revoked in part by PLO 3849 ... 13256
724
Revoked in part by PLO 3768 ... 10191
726
See PLO 3562 ... 3440
729
Revoked by PLO 3706 ... 7754
795
See PLO 3768 ... 10191
See PLO 3855 ... 13575
797
Revoked in part by PLO 3773 ... 10193
802
Revoked in part by PLO 3577 ... 4476
823
Revoked by PLO 3563 ... 3440
839
Revoked in part by PLO 3568 ... 3963
891
Revoked by PLO 3578 ... 4476
922
See PLO 3809 ... 11383

43 CFR—Continued

Page

Public land orders—Continued
922—Continued
See PLO 3831 ... 11253
See PLO 3905 ... 15664
990
Revoked in part by PLO 3746 ... 9595
993
Revoked in part by PLO 3692 ... 7823
1009
Revoked in part by PLO 3582 ... 4478
1015
Modified by PLO 3734 ... 8833
1034
See PLO 3582 ... 4478
1038
Revoked in part by PLO 3788 ... 10233
1044
Revoked in part by PLO 3519 ... 7
1080
Revoked in part by PLO 3878 ... 14801
1119
Revoked in part by PLO 3788 ... 10233
1135
Revoked in part by PLO 3772 ... 10192
1164
Revoked by PLO 3767 ... 10191
1168
Revoked in part by PLO 3774 ... 10193
1176
Revoked in part by PLO 3878 ... 14802
1212
Revoked in part by PLO 3568 ... 3963
1218
Revoked in part by PLO 3788 ... 10233
1228
Revoked in part by PLO 3797 ... 10986
1230
Revoked in part by PLO 3788 ... 10233
1233
Revoked in part by PLO 3623 ... 5480
1254
Revoked by PLO 3628 ... 5380
1301
Revoked by PLO 3572 ... 4254
1316
Revoked by PLO 3859 ... 14156
1344
Revoked in part by PLO 3774 ... 10193
1350
Revoked by PLO 3700 ... 7899
1364
Revoked by PLO 3722 ... 8791
1374
Revoked in part by PLO 3819 ... 11968
1384
Revoked in part by PLO 3742 ... 9594
1394
Revoked in part by PLO 3568 ... 3963
Revoked in part by PLO 3711 ... 8788
1413
Revoked in part by PLO 3788 ... 10233
1430
Revoked in part by PLO 3774 ... 10193
1457
Revoked in part by PLO 3617 ... 5379
1461
Revoked in part by PLO 3838 ... 12884
1489
Revoked in part by PLO 3568 ... 3963
1495
Revoked in part by PLO 3772 ... 10192
1502
See PLO 3617 ... 5379
1507
Revoked in part by PLO 3546 ... 2261
1510
Revoked in part by PLO 3769 ... 10191
1524
Revoked in part by PLO 3568 ... 3963
Revoked in part by PLO 3711 ... 8788

43 CFR—Continued

Page

Public land orders—Continued
1537
Revoked in part by PLO 3724 ... 8792
1545
Revoked in part by PLO 3878 ... 14802
1546
Revoked in part by PLO 3642 ... 5636
1556
Revoked in part by PLO 3878 ... 14802
1570
Revoked in part by PLO 3568 ... 3963
Revoked in part by PLO 3908 ... 17168
1571
Modified by PLO 3780 ... 10194
1600
Revoked in part by PLO 3846 ... 12947
1621
See PLO 3521 ... 271
1632
Revoked by PLO 3593 ... 4542
1695
Modified by PLO 3570 ... 4253
1709
See PLO 3737 ... 8835
1726
Modified by PLO 3596 ... 4542
1737
See PLO 3855 ... 13575
1744
Revoked in part by PLO 3774 ... 10193
1745
Revoked by PLO 3893 ... 15039
1752
Revoked by PLO 3704 ... 7900
1757
Revoked in part by PLO 3673 ... 7752
1769
Modified by PLO 3780 ... 10194
1785
See PLO 3651 ... 5639
1810
Revoked in part by PLO 3878 ... 14802
1843
Revoked in part by PLO 3587 ... 4540
1851
See PLO 3780 ... 10194
1861
Amended by PLO 3784 ... 10195
1867
Revoked in part by PLO 3713 ... 8789
1898
Revoked in part by PLO 3703 ... 7900
1923
Revoked in part by PLO 3789 ... 10233
1993
Revoked by PLO 3613 ... 5378
2001
Revoked in part by PLO 3880 ... 14803
2011
See PLO 3784 ... 10195
2040
Revoked by PLO 3827 ... 12076
2165
Revoked in part by PLO 3774 ... 10193
2214
Revoked in part by PLO 3849 ... 13256
2248
Modified by PLO 3836 ... 12643
2285
Revoked in part by PLO 3774 ... 10193
2345
Revoked in part by PLO 3826 ... 12075
2460
Corrected by PLO 3729 ... 8833
2588
Revoked in part by PLO 3558 ... 3267
Revoked in part by PLO 3562 ... 3440
2610
Revoked by PLO 3721 ... 8791

43 CFR—Continued

Public land orders—Continued

	Page
2627	
Revoked by PLO 3722	8791
2659	
Revoked in part by PLO 3562	3440
2676	
See PLO 3549	2262
2682	
Revoked in part by PLO 3747	9540
2830	
Revoked in part by PLO 3788	10233
2932	
Revoked by PLO 3593	4542
2958	
Revoked by PLO 3732	8833
2978	
Revoked in part by PLO 3747	9540
3152	
Amended by PLO 3584	4478
Revoked in part by PLO 3872	14732
3163	
Corrected by PLO 3798	10987
3276	
Revoked in part by PLO 3551	2661
3349	
Vacated in part by PLO 3583	4478
3406	
Vacated in part by PLO 3587	4540
3407	
Revoked by PLO 3625	5481
3473	
See PLO 3575	4476
3480	
Amended by PLO 3631	5482
3491	
Corrected	755
3492	
Revoked in part by PLO 3825	12075
3500	
Amended and revoked in part by PLO 3581	4478
3501	
Revoked in part by PLO 3574	4254
3510	
Amended by PLO 3533	1194
3518	7
3519	7
3520	271
3521	271
3522	443
Amended by PLO 3527	755
3523	623
3524	624
3525	624
3526	624
3527	755
3528	885
Corrected	7998
3529	951
Corrected and revoked in part by PLO 3815	11679
3530	1193
Amended and revoked in part by PLO 3701	7900
3531	1194
3532	1288
3533	1194
3534	1194
3535	2213
3536	2213
3537	2213
3538	2260
3539	2214
3540	2214
3541	2214
3542	2215
3543	2215
3544	2215
3545	2261
3546	2261
3547	2261
3548	2261
3549	2262
3550	2262
3551	2661
3552	2661
3553	2661
3554	2661
3555	2661
3556	2662
3557	2662
3558	3267
3559	3439
3560	3439
Amended by PLO 3709	8788
3561	3440
3562	3440
3563	3440
3564	3441
3565	3441
Corrected	7820
3566	3441
3567	3963
3568	3963
3569	4253
3570	4253
3571	4253
3572	4254
3573	4254
3574	4254
3575	4475
3576	4476
3577	4476
3578	4476
3579	4477
3580	4477
3581	4477
3582	4478
3583	4478
3584	4478
See PLO 3872	14732
3585	4539
3586	4540
3587	4540
3588	4540
3589	4541
3590	4541
3591	4541
Corrected by PLO 3807	11353
3592	4541
3593	4542
3594	4542
3595	4542
3596	4542
3597	4678
3598	4678
Corrected by PLO 3675	7753
3599	4678
3600	4678
3601	4679
3602	4679
3603	4716
3604	4717
3605	5376
3606	5376
3607	5376
Corrected by PLO 3723	8791
3608	5377
3609	5377
3610	5377
3611	5377
See PLO 3719	8790
3612	5377
3613	5378
3614	5378
3615	5378
3616	5378
3617	5379
3618	5379
3619	5480
3620	5379
3621	5380
3622	5480
3623	5480
3624	5481
3625	5481
3626	5481
3627	5380
3628	5380
3629	5481
3630	5481
3631	5482
3632	5482
3633	5380
3634	5632
3635	5635
Corrected by PLO 3723	8791
3636	5635
3637	5635
3638	5635
Corrected	6585
3639	5635
3640	5636
3641	5636
3642	5636
3643	5636
3644	5637
3645	5637
3646	5637
Corrected by PLO 3680	7821
3647	5637
3648	5638
Corrected by PLO 3710	8788
3649	5638
3650	5638
3651	5639
3652	6072
3653	6072
3654	6072
3655	6392
3656	6437
3657	6586
3658	7101
3659	7101
3660	7101
3661	7521
3662	7606
Corrected	8524
3663	7750
3664	7750
3665	7750
3666	7751
3667	7751
3668	7751
Corrected by PLO 3786	10195
3669	7751
3670	7751
3671	7752
3672	7752
3673	7752
Corrected by PLO 3807	11353
3674	7752
3675	7753
3676	7753
3677	7820
3678	7821
3679	7821
3680	7821
3681	7821
3682	7821
3683	7821
3684	7821
3685	7822
3686	7822
3687	7822
3688	7753
3689	7822
3690	7823
3691	7823
3692	7823
3693	7824
3694	7824
3695	7897
3696	7897
3697	7897
3698	7897
3699	7898
3700	7899
3701	7899
3702	7899
3703	7900
3704	7900
3705	7901
3706	7754
3707	8411
3708	6753
3709	8788
3710	8788
3711	8788
3712	8788
3713	8789
3714	8789
3715	8789
3716	8790
3717	8790
3718	8790
3719	8790
3720	8791
3721	8791
3722	8791
3723	8791
3724	8791
3725	8792
3726	8832
3727	8832
3728	8832
3729	8833
3730	8833
3731	8833
3732	8833
3733	8833
3734	8833
3735	8834
3736	8834
Corrected	9801
3737	8835
3738	8835
3739	8836
3740	8836
3741	9594
3742	9594
3743	9594
3744	9595
Corrected by PLO 3894	15097
3745	9595
3746	9595
3747	9540
3748	9540
3749	9540
3750	9540
3751	9541
3752	9541
Corrected	10052
3753	9541
3754	9542
3755	9542
3756	9542
3757	9542
3758	9542
3759	9881
3760	9912
3761	10087
3762	10164
3763	10190
3764	10190
3765	10190
3766	10190
3767	10191
Corrected	11604
3768	10191
3769	10191
3770	10191
3771	10192
3772	10192
3773	10193
3774	10193
3775	10193
3776	10193
3777	10194
3778	10194
3779	10194
3780	10194
3781	10194
3782	10194
3783	10195
3784	10195
3785	10195
3786	10195
3787	10232
Corrected by PLO 3821	11968
3788	10233
3789	10233
3790	10233
3791	10233
3792	10233
3793	10894
3794	10894
3795	10895
3796	10895
3797	10986
3798	10987
3799	11138
3800	11139
3801	11139
3802	11326
3803	11352
3804	11327
3805	11327
3806	11352
3807	11353
3808	11354
3809	11383
3810	11383
3811	11516
3812	11517
3813	11678
3814	11679
3815	11679
3816	11679
3817	11679
3818	11920
3819	11968
3820	11968
3821	11968
3822	11969
3823	11969
3824	12075
3825	12075
3826	12075
3827	12076
3828	12076
3829	12252
3830	12253
3831	12253
3832	12641
3833	12642
3834	12642
3835	12642
3836	12643
3837	12643
3838	12884
3839	12884
3840	12884
3841	12884
3842	12886
3843	12886
3844	12947
3845	12947
3846	12947
3847	13057
3848	13057
3849	13256
3850	13256
3851	13256
3852	13256
3853	13511
3854	13511
3855	13575
3856	13575
3857	13575
3858	14012
3859	14156
3860	14047
3861	14104
3862	14106
3863	14199
3864	14199
3865	14319
3866	14319
3867	14376
Corrected	15325
3868	14377
3869	14434
3870	14436
3871	14731
3872	14732
3873	14732
3874	14732
3875	14801
3876	14801
3877	14801
3878	14801
3879	14803
3880	14803
3881	14803
3882	14929
3883	14930
3884	14930
3885	14989
3886	14930
Corrected by PLO 3907	16112
3887	14932
3888	14989
3889	14989
3890	14990
3891	14990
3892	14990
3893	15039
3894	15097
3895	15097
3896	15097
3897	15098
3898	15098
3899	15098
3900	15587
3901	15587
3902	15588
3903	15588
3904	15664
3905	15664
3906	15806
3907	16112
3908	17168
Proposed Rules:	
19	9363
1720	2384
2230	8413, 10295
2240	2263, 2384
2410	2384

51-000—66——11

43 CFR—Continued

Proposed Rules—Continued

	Page
3100	11355
3120	8484, 11329
3130	8484
3140	8484
3150	8484
3160	8484
3180	8484
3220	8484
3300	9362
3320	8484
3610	952
3630	9362

44 CFR

Chapter VII:

702	
Heading revised; 702.1—702.17 designated as Subpart A; Subpart B added	5511
702.1—702.17	
Designated as Subpart A	5511
702.1	
Introductory text, (g), and (j) revised	5511
702.3	
(a) revised	5511
702.15	
Revised	5511
702.30—702.38	
Subpart B added	5511
Proposed Rules:	
401	11728

45 CFR

Chapter X added	325
Chapter VIII added	9859
Chapter IX added	13257
Subtitle A:	
13.5	
(a), (c), and (d) revised	2443
13.7	
(a) amended	2444
13.9	
(d) through (f) redesignated as (e) through (g); new (d) added	2444
(f) revised	5833
13.10	
Revised	2444
14	
Amended	2445
14.9	
(c) revised	2445
60.3	
(k), (s), and (z) revised	14650
60.5	
(a)(2) revised	14650
60.9	
(f) and (l) revised	14650
60.14	
(c)(3) revised	7371
(a), (b)(1), (2), and (3), and introductory text of (c) revised	14651
60.17	
(b) revised	14651
60.18	
(a) revised	14651
60.19	
(c) revised	14651
80	
Appendix A amended	85
81	
Added	10234
Subtitle B:	
Chapter I:	
104.13	
(a)(1) revised	8268

45 CFR—Continued

Chapter I—Continued

104.25	
(e) revised	8268
104.29	
Revised	8268
104.30	
Revised	8268
104.33	
Revised	8268
104.42	
(c)(3) revised	8269
104.44	
Introductory text of (a) and (a)(3) revised	10239
114.29c	
Added	3763
114.29d	
Added	12282
118	
Added	13138
119	
Added	11518
120	
Added	11523
130.1	
(k) added	6393
130.8	
(b) revised; (c) added	6393
130.12	
Revised	12731
130.16	
Heading and (c) revised	6394
130.17	
(b) revised	6394
141	
Revised	7
142	
Revised	994
143	
Revised	134
147.2	
(a) revised	13575
151	
Added	13638
166	
Added	3531
170	
Subpart C added	35
170.1	
(d)(5) revised; (l)(2) deleted; (m)(2) and (3) revised	15421
170.2	
(f)(2) and (l) revised; (p) added	15421
170.3	
Revised	15421
170.11	
Revised	15422
170.18	
(c) revised	15423
170.19	
Existing introductory text redesignated as introductory text of (a); (a) through (f) redesignated as (a)(1) through (6), respectively; new (b) added	15423
170.21	
(c) revised; (d) added	15423
170.22	
Revised	15423
170.41—170.45	
Subpart C added	35
170.45	
(c) deleted	15421
170.53	
(f) deleted	15421
180	
Added	4359

45 CFR—Continued

Chapter I—Continued

181	
Added; designated incorrectly as Part 180	9981
Designated correctly as Part 181	10163
Chapter III:	
301.14	
Revised	9094
301.34	
Revised	5794
Chapter IV:	
401.49	
Revised	140
401.50b	
Added	12467
405	
Added	15215
Chapter V:	
500.3	
(d) redesignated as (e); new (d) added	13869
500.5	
Heading revised	13869
500.6	
(a)(3) revised	13869
531.1	
(d) added	13870
531.2	
(e) and (f) redesignated as (f) and (g), respectively; new (e) added	13870
531.5	
(j)(1) and (k) revised	13870
580.7	
Revised	13870
Chapter VI:	
635	
Added	16202
Chapter VII:	
701.13	
Added	12467
704.2	
(c) revised	12467
Chapter VIII:	
801	
Added	9859
Appendices A, B, C and D added	9913
Appendices A and B corrected	10052
Appendix A amended	10844
Appendix A amended	10987
Appendix A amended	11104
Appendices B and D amended	11104
Appendix A amended	12393
Appendix A amended	12680
Appendix A amended	13904
Appendix A amended	14045
Appendices B, C, and D amended	14046
Appendix A amended	14319
Appendix A amended	16267
Appendix A amended	17168
801.202	
Appendix A added	9913
Appendix A corrected	10052
Appendix A amended	10844
Appendix A amended	10987
Appendix A amended	11104
Appendix A amended	12393
Appendix A amended	12680
Appendix A amended	13904
Appendix A amended	14045
Appendix A amended	14319
Appendix A amended	16267
Appendix A amended	17168

45 CFR—Continued

Chapter VIII—Continued

801.204	
Appendix B added	9915
Appendix B corrected	10052
Appendix B amended	11104
Appendix B amended	14046
801.205	
Appendix C added	9915
Appendix C amended	14046
801.207	
Revised	12392
801.402	
Appendix D added	9916
Appendix D amended	11104
Appendix D amended	14046
Chapter IX:	
Added	13257
901	
Added	13257
903	
Added	13257
904	
Added	13257
905	
Added	13257
906	
Added	13257
Chapter X:	
Added	325
1010	
Added	325
1030	
Added	3881
Proposed Rules:	
85	17192
170	15107
635	11396

46 CFR

Chapter I:	
Subchapters A through M (Parts 1–144) republished	16602
1–144	
Republished	16602
1.01	
(b)(1)(ii) revised; (b)(2) and (3) added	3441
1.05	
(a)(1) revised; (a)(2) added	3442
2	
Authority citation of Subpart 2.01 revised	11415
Authority citation of Subpart 2.95 revised	11416
2.01–1—2.01–80	
Authority citation of Subpart 2.01 revised	11415
2.01–7	
(a) amended	11416
2.01–8	
Added	11416
2.01–25	
Revised	11416
2.20–1	
Revised	10896
2.50–1	
(b) revised	2799
2.50–10	
(b) revised	2799
2.50–20	
(a), (c), and (d) revised	2799
2.95–1—2.95–10	
Authority citation of Subpart 2.95 revised	11416
3	
Authority citations of Subparts 3.01 and 3.10 revised	11416
Authority citations of Subparts 3.13, 3.15, and 3.19 revised	11417

46 CFR—Continued

Chapter I—Continued

3.01–1—3.01–75	
Authority citation of Subpart 3.01 revised	11416
3.10–1—3.10–35	
Authority citation of Subpart 3.10 revised	11416
3.13–1—3.13–50	
Authority citation of Subpart 3.13 revised	11417
3.15–1—3.15–5	
Authority citation of Subpart 3.15 revised	11417
3.19–1—3.19–5	
Authority citation of Subpart 3.19 revised	11417
10.02–1	
(a) and (d) amended	10896
10.02–5	
(c)(10) amended	2026
(e)(7) revised	10896
10.20–7	
(a)(4) revised	10896
10.20–11	
Amended	2027
14	
Authority citation revised	2027
14.05–1	
Amended	2027
14.05–10	
(a) amended	2027
14.05–20	
(d) amended	2027
24	
Authority citation revised	11417
24.05–1	
Amended	11417
24.10–13	
Revised	11417
24.15–1	
(a) revised	11417
25	
Subpart 25.35 revised	10240
Authority citation revised	11417
25.25–5	
(c) and (e) revised	11417
25.25–90	
Revised	11417
25.30–20	
(a) revised	6517
25.35–1	
Subpart 25.35 revised	10240
25.40–1	
Revised	6518
26	
Authority citation revised	11417
26.15–1	
Amended	11418
30	
Authority citation revised	11418
30.01–5	
(d) and (e)(1) amended	11418
30.01–6	
Added	11418
30.10–35	
Revised	11418
30.10–44	
Added	11418
30.15–1	
(a) revised	11418
31	
Authority citation revised	11418
Subpart 31.40 recodified and revised	11419
31.01–1	
Revised	11418
31.01–5	
Added	11418
31.05–10	
(a) revised	11419

46 CFR—Continued

Chapter I—Continued

31.10–15	
Revised	11419
31.10–30	
Revised	11419
31.15–5	
Revised	2220
31.15–6	
Added	3220
31.40–1	
Subpart 31.40 recodified as 31.40–1—31.40–45; revised	11419
31.40–1—31.40–45	
Subpart 31.40 recodified from 31.40–1; revised	11419
32	
Authority citation revised	11420
32.63–1	
Revised	3220
33	
Authority citation revised	11420
Heading of Subpart 33.07 revised	11421
33.01–30	
Revised	11420
33.05–1	
Revised	11421
33.05–2	
Revised	11421
33.05–3	
Added	11421
33.05–10	
Cancelled	11421
33.05–11	
Cancelled	11421
33.05–25	
(a) revised; (e) added	11421
33.07–1—33.07–25	
Heading of Subpart 33.07 revised	11421
33.07–5	
(a) revised	11421
33.07–15	
(a) revised	11422
33.07–20	
(a) revised	11422
33.07–25	
Revised	11422
33.10–1	
(b) and (c) revised	11422
33.10–10	
Heading and (d) revised	11422
33.15–1	
(a) revised	11422
33.15–5	
Amended	11422
33.15–10	
(g) and (j) revised; (w) amended; (jj) revised; (kk) through (oo) added	11422
33.15–16	
(a) amended	11423
33.15–25	
Revised	11423
33.15–90	
Revised	11423
33.20–1	
Revised	11423
33.25–5	
(b) revised	11423
33.35–1	
Revised	11424
33.35–15	
Revised	11424
33.40–1	
(c) added	11424
33.40–5	
Revised	11424

46 CFR—Continued Page

Chapter I—Continued

34
Heading and authority citation revised ... 11424
34.10–1
(a) revised ... 11424
34.10–5
Revised ... 11424
34.10–15
(d) and (e) added ... 11425
34.10–90
Heading revised; (b) added ... 11425
34.13–1
(c) added ... 11425
34.15–5
(e) revised ... 11425
34.50–10
(f) deleted ... 11425
35
Authority citation revised ... 11425
Subpart 35.12 added ... 11426
35.01–20
Revised ... 11426
35.01–45
(a) revised ... 3221
35.01–50
Added ... 3220
35.01–55
Added ... 3221
35.10–5
(a) revised ... 11426
35.10–9
Added ... 11426
35.10–10
Cancelled ... 11426
35.10–20
Added ... 11426
35.12–1, 35.12–5
Subpart 35.12 added ... 11426
35.30–1
(d) and (e) added ... 3221
35.30–15
Revised ... 11426
35.30–20
Revised ... 11426
35.35–1
Revised ... 3221
35.40–40
(b) added ... 11427
36
Authority citation revised ... 11427
38
Heading and authority citation revised ... 11427
39
Heading and authority citation revised ... 11427
40
Heading and authority citation revised ... 11427
40.05–86
Deleted; superseded by 35.01–55 ... 3221
46
Authority citation revised ... 11427
50
Authority citation revised ... 11427
51
Authority citation revised ... 11427
51.01–60
(a) amended ... 2027
51.07–1
Amended ... 2027
51.67–1
(a) amended ... 11427
52
Authority citation revised ... 11427
52.05–10
Amended ... 2027
(a) amended ... 11428

46 CFR—Continued Page

Chapter I—Continued

52.22–10
(a) amended ... 2027
52.25–20
(c) amended ... 11428
52.50–1
(e) amended ... 2027
52.70–10
(a) amended ... 2027
52.70–25
(b) amended ... 11428
52.70–50
(a) amended ... 11428
53
Authority citation revised ... 11428
53.03–35
(b) amended ... 2027
53.03–55
(g) deleted ... 2027
53.03–75
(e) amended ... 11428
54
Authority citation revised ... 11428
54.01–10
Amended ... 2027
54.03–1
(b) amended ... 11428
54.03–10
(c) amended ... 11428
54.03–15
(a) amended ... 2027
54.03–25
(c)(5) amended ... 2027
54.03–27
(b) amended ... 11430
54.07–5
(a) amended ... 2027
54.07–25
(b) amended ... 11430
55
Authority citation revised ... 11430
55.01–10
Amended ... 2027
55.07–1
Amended ... 2027
55.07–5
(a)(1) amended ... 2027
55.07–6
(b) amended ... 11430
55.10–20
(b) amended ... 2027
55.10–40
(c) revised ... 11430
55.13–10
(a) and (b) amended ... 11430
55.17–30
(c) amended ... 11430
56
Authority citation revised ... 11430
56.01–45
(b) amended ... 2028
56.05–6
(a)(2) and (c) amended ... 2028
57
Authority citation revised ... 11430
57.10–5
(b)(2) revised ... 10240
57.10–10
(b) amended ... 2028
58
Authority citation revised ... 11431
59
Authority citation revised ... 11431
61
Authority citation revised ... 11431
61.01–1
Amended ... 2028
61.10–1
(a) amended ... 2028

46 CFR—Continued Page

Chapter I—Continued

61.25–5
Introductory text of (a) revised; (d) added ... 11431
61.25–15
Revised ... 11431
61.25–16
Added ... 11431
61.25–20
(e)(9) and (h) added ... 11432
61.40–1
(a) revised ... 11432
61.40–5
Revised ... 11432
61.45–1
Amended ... 2028
61.45–15
Amended ... 2028
66
Authority citation revised ... 11432
67
Authority citation revised ... 11432
68
Authority citation revised ... 11432
69
Authority citation revised ... 11432
70
Authority citation revised ... 11432
70.05–1
Amended ... 11432
70.05–3
(b)(1) amended ... 11433
70.05–10
Revised ... 11433
70.10–21
Revised ... 11433
70.10–30
Added ... 11433
70.15–1
(a) revised ... 11433
70.20–5
Revised ... 11433
71
Authority citation revised ... 11433
Subpart 71.75 recodified and revised ... 11434
71.20–15
Revised ... 11433
71.25–10
Revised ... 11434
71.25–15
(a)(7) redesignated as (a)(8); new (a)(7) added ... 11434
71.75–1
Subpart 71.75 recodified as 71.75–1—71.75–20; revised ... 11434
71.75–1—71.75–20
Subpart 71.75 recodified from 71.75–1; revised ... 11434
72
Authority citation revised ... 11434
72.05–1
(b) revised ... 11434
72.05–10
(c) and (p) revised ... 11434
72.05–90
Heading and introductory texts of (c) and (d) amended ... 11435
73
Authority citation revised ... 11435
Heading of Subpart 73.90 revised ... 11436
73.01–1
(a) revised ... 11435
73.05–10
Revised ... 11435
73.10–5
(d) amended ... 10897

46 CFR—Continued Page

Chapter I—Continued

73.10–23
Added ... 11435
73.10–35
Revised ... 11435
73.25–5
(b), (c) and (d) revised ... 11435
73.25–10
Revised ... 11435
73.30–25
(b) revised ... 11435
73.35–10
(b) and (c) revised ... 11435
73.35–15
(a) revised ... 11436
73.90–1
Heading of Subpart 73.90 revised; (a) amended ... 11436
74
Authority citation revised ... 11436
Subpart 74.90 added ... 11436
74.01–1
(b) added ... 11436
74.10–15
(a) revised; (c)(4) amended; (c)(8) revised; (e) cancelled ... 11436
74.90–1
Subpart 74.90 added ... 11436
75
Authority citation revised ... 11436
Heading of Subpart 75.25 revised ... 11441
Subpart 75.27 added ... 11441
Heading of Subpart 75.33 revised ... 11442
Subpart 75.37 added ... 11442
75.10–1
Revised ... 11436
75.10–5
(a) and (b)(1) revised; (b)(4) added ... 11436
75.10–10
Revised ... 11437
75.10–15
Revised ... 11437
75.10–20
(a)(5) added; (b) revised ... 11438
75.10–25
Revised ... 11438
75.10–90
Revised ... 11438
75.15–1
Revised ... 11439
75.15–10
Revised ... 11439
75.15–90
Revised ... 11439
75.20–1
Revised ... 11439
75.20–10
Amended ... 11439
75.20–15
(g) and (j) revised; (w) amended; (gg) and (ll) revised; (mm) through (qq) added ... 11440
75.20–20
(b) amended ... 11440
75.20–90
Revised ... 11440
75.25–1—75.25–90
Heading of Subpart 75.25 revised ... 11441
75.25–1
Revised ... 11441
75.25–5
(d) revised ... 11441
75.25–10
Revised ... 11441

46 CFR—Continued Page

Chapter I—Continued

75.25–90
Revised ... 11441
75.27–1, 75.27–5
Subpart 75.27 added ... 11441
75.30–1
Revised ... 11441
75.30–10
(d) added ... 11441
75.30–15
(c) cancelled ... 11441
75.30–90
Revised ... 11441
75.33–1—75.33–90
Heading of Subpart 75.33 revised ... 11442
75.33–1
Revised ... 11442
75.33–5
(b) revised ... 11442
75.33–10
(d) cancelled; (e) and (f) redesignated as (d) and (e) respectively ... 11442
75.33–15
(c) cancelled; (d) redesignated as (c) ... 11442
75.33–90
Revised ... 11442
75.35–5
(b)(3) and (4) revised ... 11442
75.37–1, 75.37–5
Subpart 75.37 added ... 11442
75.40–1
Amended ... 11443
75.40–5
Revised ... 11443
75.40–10
(b) added ... 11443
75.40–15
(b) added ... 11443
75.40–90
Revised ... 11443
75.43–1
Amended ... 11443
75.43–5
(c) added ... 11443
75.43–10
(b) revised; (c) and (d) added ... 11443
75.43–90
Revised ... 11443
75.50–1
Revised ... 11443
75.50–5
(a)(3) revised ... 11443
75.50–15
Added ... 11444
75.50–90
Revised ... 11444
75.55–1
Revised ... 11444
76
Authority citation revised ... 11444
Subpart 76.20 cancelled ... 11446
76.05–1
(a) amended ... 11444
76.05–30
(b) added ... 11445
76.10–1
Revised ... 11445
76.10–5
(b) revised ... 11445
76.10–10
(c) revised ... 11445
76.10–15
(c) added ... 11445
76.10–90
Revised ... 11445

46 CFR—Continued Page

Chapter I—Continued

76.13–1
(c) added ... 11445
76.15–5
(e) revised ... 11445
76.20–1—76.20–90
Subpart 76.20 cancelled ... 11446
76.25–35
(c) revised ... 11446
76.50–10
(e) cancelled; (f) redesignated as (e) ... 11446
77
Authority citation revised ... 11446
Subpart 77.35 added ... 11446
77.30–1
Revised ... 11446
77.30–10
(a) amended ... 11446
77.35–1—77.35–90
Subpart 77.35 added ... 11446
78
Authority citation revised ... 11447
Subpart 78.49 added ... 11447
Heading of Subpart 78.53 revised ... 11447
78.10–5
Cancelled ... 10897
78.13–10
(b) revised ... 11447
78.17–50
(a) and (b)(8) revised ... 11447
78.47–60
(a) revised ... 11447
78.47–63
(a) revised ... 11447
78.47–65
Revised ... 11447
78.49–1
Subpart 78.49 added ... 11447
78.53–1, 78.53–5
Heading of Subpart 78.53 revised ... 11447
78.53–1
Revised ... 11447
78.53–5
Revised ... 11447
90
Authority citation revised ... 11447
90.05–1
(a) amended ... 11447
90.05–10
Revised ... 11447
90.10–12
Added ... 3222
90.10–17
Revised ... 11448
90.10–24
Added ... 11448
90.15–1
Revised ... 11448
90.20–5
Revised ... 11448
91
Authority citation revised ... 11448
Subpart 91.60 recodified and revised ... 11449
91.01–10
(a) revised ... 11448
91.20–15
Revised ... 11448
91.25–10
Revised ... 11449
91.60–1
Subpart 91.60 recodified as 91.60–1—91.60–45; revised ... 11449
91.60–1—91.60–45
Subpart 91.60 recodified from 91.60–1; revised ... 11449

46 CFR—Continued Page

Chapter I—Continued

92
Authority citation revised ... 11450
92.01–13
Added ... 10897
93
Authority citation revised ... 11450
93.05–1
(c) added ... 11450
93.15–5
(b) added ... 11450
94
Authority citation revised ... 11450
Headings of Subparts 94.25 and 94.33 revised ... 11453
94.10–1
Revised ... 11450
94.10–5
(a)(2) and (3) and (b)(1) revised; (b)(3) added ... 11450
94.10–10
Revised ... 11450
94.10–30
Cancelled ... 11450
94.10–40
Amended ... 2028
(a) amended; (c) added ... 11450
94.10–55
Revised ... 11451
94.10–90
Revised ... 11451
94.15–1
Revised ... 11451
94.15–10
(b) revised ... 11451
94.15–90
Revised ... 11451
94.20–1
Revised ... 11451
94.20–10
Amended ... 11452
94.20–15
(g) and (j) revised; (w) amended; (jj) revised; (kk) through (oo) added ... 11452
94.20–20
(b) amended ... 11452
94.20–90
Revised ... 11452
94.25–1—94.25–90
Heading of Subpart 94.25 revised ... 11453
94.25–1
Revised ... 11453
94.25–5
(d) revised ... 11453
94.25–90
Revised ... 11453
94.33–1—94.33–90
Heading of Subpart 94.33 revised ... 11453
94.33–1
Revised ... 11453
94.33–5
(b) revised ... 11453
94.33–90
Revised ... 11453
94.35–5
(b)(3) revised ... 11453
94.40–1
Revised ... 11453
94.40–5
Revised ... 11453
94.40–10
(c) added ... 11453
94.40–90
Revised ... 11453
94.42–1
Revised ... 11454

46 CFR—Continued Page

Chapter I—Continued

94.43–5
(c) added ... 11454
94.43–10
(b) revised; (c) and (d) added ... 11454
94.43–90
Revised ... 11454
94.50–1
Revised ... 11454
94.50–5
(b)(2) revised ... 11454
94.50–15
Added ... 11454
94.50–90
Revised ... 11454
94.55–1
Revised ... 11454
95
Authority citation revised ... 11454
Subpart 95.20 cancelled ... 11456
95.05–1
Revised ... 11454
95.05–20
(b) added ... 11454
95.10–1
Revised ... 11455
95.10–5
(b) revised ... 11455
95.10–10
(c) revised; (j) added ... 11455
95.10–15
(c) added ... 11455
95.10–90
Revised ... 11455
95.13–1
(c) added ... 11455
95.15–5
(e) revised ... 11455
95.20–1—95.20–90
Subpart 95.20 cancelled ... 11456
95.50–10
(e) cancelled; (f) redesignated as (e) ... 11456
96
Authority citation revised ... 11456
Heading of Subpart 96.30 revised ... 11456
Subpart 96.35 added ... 11456
96.30–1—96.30–90
Heading of Subpart 96.30 revised ... 11456
96.30–5
Revised ... 11456
96.30–10
Cancelled ... 11456
96.30–15
Revised ... 11456
96.30–20
Cancelled ... 11456
96.30–90
(a)(1) revised ... 11456
96.35–1—96.35–90
Subpart 96.35 added ... 11456
97
Authority citation revised ... 11457
Subpart 97.39 added ... 11457
Subpart 97.43 revised ... 11457
97.10–10
Cancelled ... 10897
97.13–15
(b)(1) revised ... 11457
97.15–35
(b)(8) revised ... 11457
97.37–37
(a) revised ... 11457
97.37–40
(a) revised ... 11457
97.37–43
(b) added ... 11457

46 CFR—Continued Page

Chapter I—Continued

97.39–1
Subpart 97.39 added ... 11457
97.43–1, 97.43–5
Subpart 97.43 revised ... 11457
98
Authority citation revised ... 11457
98.03–1
(b) added ... 3222
98.03–35
Added ... 3222
(f)(2)(ii) corrected ... 11457
98.03–40
Added ... 3222
98.03–45
Added ... 3222
98.05–50
(f) amended ... 11457
98.10–45
(f) amended ... 11457
98.15–45
(f) and (g) amended ... 11457
98.20–15
(a) revised ... 11457
98.20–70
(e) and (f) amended ... 11458
98.25–15
(a) revised ... 11458
98.25–50
(d)(1) revised ... 2028
98.25–90
(d) amended ... 11458
98.25–95
(b) amended ... 11458
110
Authority citation revised ... 11458
110.05–1
(a) amended ... 11458
110.10–1
(c)(3) added; (f) revised ... 11458
110.10–5
(a) revised ... 11458
110.15–105
Revised ... 11458
110.15–128
Added ... 11458
110.20–1
(a) revised ... 11458
111
Authority citation revised ... 11458
111.05–5
(b)(3) amended ... 2028
111.05–15
(h) added ... 11459
111.05–30
Revised ... 11459
111.10–30
Amended ... 11459
111.15–1
Revised ... 11459
111.15–5
Revised ... 11460
111.15–6
Added ... 11460
111.15–10
Revised ... 11460
111.15–15
Revised ... 11460
111.25–10
Amended ... 11460
111.50–1
(a) amended ... 2028
111.50–15
(e)(3) amended ... 2028
111.55–1
(g) revised ... 11461
111.55–15
(d) revised ... 11461

46 CFR—Continued Page

Chapter I—Continued

111.60–1
(h) and (i) added ... 11461
111.60–30
(a) and (h) revised ... 11461
111.60–35
Revised ... 11461
112
Authority citation revised ... 11462
112.05–5
(a) amended ... 11462
112.05–10
(a) revised ... 11462
113
Authority citation revised ... 11462
113.30–5
(g) added ... 11462
113.30–20
(b) revised; (d) and (e) added ... 11463
113.30–25
(a) and (i) revised ... 11463
137.30–15
Revised ... 6713
144
Authority citation revised ... 11463
146
Authority citation revised ... 11463
146.03–19
(a) revised ... 7438
146.04–5
Amended ... 7438
Amended ... 15216
Corrected ... 15325
146.05–5
(l) and (m) added ... 7438
146.05–11
(a) revised ... 7438
146.05–15
(g)(13) revised ... 15216
146.06–20
(a) revised ... 7438
146.07–5
(d) revised ... 7438
146.09–1
(d) revised ... 7438
146.09–6
(f) revised ... 7439
146.20–3
(q) revised ... 7439
146.20–7
(i) through (t) deleted; (u) and (v) redesignated as (i) and (j), respectively ... 15216
146.20–9
Revised ... 15216
146.20–11
Revised ... 15216
146.20–23
(b) and (g) revised ... 7439
146.20–100
Amended ... 15216
146.20–200
Amended ... 15217
146.20–300
Amended ... 15217
146.21–55
(a) revised ... 7439
146.21–77
Added ... 15218
146.21–79
Added ... 15218
146.21–100
Amended ... 7439
146.22–15
Introductory text of (b) and (b)(1) revised ... 7441
146.22–100
Amended ... 7441
Amended ... 15218

46 CFR—Continued Page

Chapter I—Continued

146.23–100
Amended ... 7441
Amended ... 15219
146.24–100
Amended ... 7443
146.25–21
(c) revised ... 7443
146.25–25
(f) revised ... 7443
146.25–55
(b)(3) amended; (c)(1) revised ... 15220
146.25–200
Amended ... 7443
Amended ... 15220
146.26–20
(f) revised ... 7443
146.27–25
(d)(2) revised ... 7443
146.27–100
Amended ... 7443
146.29–5
Revised ... 7444
146.29–41
(k) revised ... 7444
146.29–100
Amended ... 7444
147
Authority citation revised ... 11463
154.06
Revised ... 89
157
Authority citation revised ... 11463
157.10–75
(a) amended ... 2028
157.35–5
(b) cancelled ... 10897
160
Authority citation revised ... 11463
Authority citations of Subparts 160.001 and 160.002 revised ... 11463
Subparts 160.003 and 160.004 cancelled ... 11463
Authority citations of Subparts 160.005 and 160.006 revised ... 11463
Authority citations of Subparts 160.009, 160.010, 160.011, and 160.012 revised ... 11464
Authority citations of Subparts 160.013, 160.015, 160.016, 160.017, 160.018, 160.021, 160.022, 160.023, 160.024, and 160.026 revised ... 11465
Authority citations of Subparts 160.027, 160.028, 160.031, and 160.032 revised ... 11466
Authority citations of Subparts 160.033 and 160.034 revised ... 11467
Subpart 160.035 recodified and revised ... 11467
Authority citations of Subparts 160.036, 160.037, 160.038, 160.040, 160.041, 160.042, 160.043, 160.044, 160.050, 160.051, 160.053, 160.054, 160.055, and 160.056 revised ... 11477
Subpart 160.057 added ... 11481
Subpart 160.058 added ... 11483
Subpart 160.061 added ... 11483
Subpart 160.047 recodified and revised ... 11581
Subpart 160.048 revised ... 11583
Subpart 160.049 revised ... 11586
Subpart 160.052 revised ... 11588
Subpart 160.060 revised ... 11590
160.001–1—160.001–3
Subpart 160.001 authority citation revised ... 11463

46 CFR—Continued Page

Chapter I—Continued

160.001–3
(a) amended ... 10897
160.002–1—160.002–7
Subpart 160.002 authority citation revised ... 11463
160.002–1
(a) and (c) revised ... 10897
160.002–3
(d) amended ... 10897
160.002–4
(h) amended ... 10897
160.002–7
(a) amended ... 10897
160.003–1—160.003–7
Subpart 160.003 cancelled ... 11463
160.004–1—160.004–7
Subpart 160.004 cancelled ... 11463
160.005–1—160.005–7
Subpart 160.005 authority citation revised ... 11463
160.005–1
(a) and (c) revised ... 10897
160.005–3
(d) amended ... 10898
160.005–4
(h) amended ... 10898
160.006–1—160.005–5
Subpart 160.006 authority citation revised ... 11463
160.009–1—160.009–7
Subpart 160.009 authority citation revised ... 11464
160.009–1
Revised ... 11464
160.009–3
(b) through (f) revised ... 11464
160.009–4
(d), (e), and (f) revised ... 11464
160.009–7
(a) amended ... 11464
160.010–1—160.010–9
Subpart 160.010 authority citation revised ... 11464
160.011–1—160.011–6
Subpart 160.011 authority citation revised ... 11464
160.012–1—160.012–7
Subpart 160.012 authority citation revised ... 11464
160.013–1—160.013–6
Subpart 160.013 authority citation revised ... 11465
160.013–1
(c) revised ... 10898
160.013–6
(a) amended ... 10898
160.015–1—160.015–6
Subpart 160.015 authority citation amended ... 11465
160.015–3
(a) revised ... 11465
160.015–5
(b)(9) redesignated as (b)(10); new (b)(9) added ... 11465
160.016–1—160.016–5
Subpart 160.016 authority citation revised ... 11465
160.017–1—160.017–10
Subpart 160.017 authority citation revised ... 11465
160.017–1
(a)(1) and (c) revised ... 10898
160.017–3
(a) amended ... 10898
160.017–5
(a) amended ... 11465
160.017–6
(a) amended ... 11465

46 CFR—Continued — Page

Chapter I—Continued

160.017–10
(a) amended — 10898
160.018–1—160.018–9
Subpart 160.018 authority citation revised — 11465
160.021—160.021–7
Subpart 160.021 authority citation revised — 11465
160.021–1
(c) amended — 10898
160.021–7
(a) amended — 10898
160.022–1—160.022–6
Subpart 160.022 authority citation revised — 11465
160.022–6
(a) amended — 10898
160.023–1—160.023–7
Subpart 160.023 authority citation revised — 11465
160.023–1
(b) amended — 10898
160.023–7
(a) amended — 10898
160.024–1—160.024–7
Subpart 160.024 authority citation revised — 11465
160.024–1
(c) amended — 10898
160.024–7
(a) amended — 10898
160.026–1—160.026–7
Subpart 160.026 authority citation revised — 11465
160.026–1
Revised — 11466
160.026–4
Revised — 11466
160.026–5
(a) revised; (d) amended — 11466
160.026–7
(a) revised — 11466
160.027–1—160.027–9
Subpart 160.027 authority citation revised — 11466
160.027–9
(a) amended — 10898
160.028–1—160.028–7
Subpart 160.028 authority citation revised — 11466
160.028–1
(c) amended — 10898
160.028–7
(a) amended — 10898
160.031–1—160.031–7
Subpart 160.031 authority citation revised — 11466
160.031–1
Revised — 10898
160.031–5
(c) amended — 10898
160.031–7
(a) amended — 10898
160.032–1—160.032–6
Subpart 160.032 authority citation revised — 11466
160.032–1
Revised — 11466
160.032–3
(c) (1), (2) and (3) amended — 10898
(a) and (b) revised — 11466
160.032–5
(b) (2), (3), (7), and (8) revised — 11466
160.033–1—160.033–5
Subpart 160.033 authority citation revised — 11467

46 CFR—Continued — Page

Chapter I—Continued

160.033–1
(b) added — 10899
160.033–4
(d) revised — 11467
160.034–1—160.034–5
Subpart 160.034 authority citation revised — 11467
160.034–1
(b) added — 10899
160.035–1—160.035–11
Subpart 160.035 recodified as 160.035–1—160.035–14; revised — 11467
160.035–1—160.035–14
Subpart 160.035 recodified from 160.035–1—160.035–11; revised — 11467
160.036–1—160.036–7
Authority citation of Subpart 160.036 revised — 11477
160.036–7
(a) amended — 10899
160.037–1—160.037–7
Authority citation of Subpart 160.037 revised — 11477
160.037–1
(c) amended — 10899
160.037–7
(a) amended — 10899
160.038–1—160.038–6
Authority citation of Subpart 160.038 revised — 11477
160.040–1—160.040–7
Authority citation of Subpart 160.040 revised — 11477
160.040–1
(b) amended — 10899
160.040–7
(a) amended — 10899
160.041–1—160.041–7
Authority citation of Subpart 160.041 revised — 11477
160.041–1
(c) revised — 10899
160.041–7
(a) amended — 10899
160.042–1—160.042–5
Authority citation of Subpart 160.042 revised — 11477
160.043–1—160.043–7
Authority citation of Subpart 160.043 revised — 11477
160.044–1—160.044–6
Authority citation of Subpart 160.044 revised — 11477
160.044–6
(a) amended — 10899
160.047–1—160.047–7
Subpart 160.047 recodified from 160.047–1—160.047–9 — 11581
160.047–1—160.047–9
Subpart 160.047 recodified as 160.047–1—160.047–7; revised — 11581
160.048–1—160.048–7
Subpart 160.048 revised — 11583
160.049–1—160.049–7
Subpart 160.049 revised — 11586
160.050–1—160.050–7
Authority citation of Subpart 160.050 revised — 11477
160.050–1
(a) (2) and (3) added; (b) revised — 11477
160.050–3
Revised — 11477
160.050–4
(c) and (d) revised — 11477

46 CFR—Continued — Page

Chapter I—Continued

160.050–5
Revised — 11478
160.050–6
Amended — 11478
160.050–7
Amended — 11478
160.051–1—160.051–9
Authority citation of Subpart 160.051 revised — 11478
160.051–1
Revised — 11478
160.051–3
(b) revised — 11478
160.051–4
(f), (g) and (i) revised; (j) added — 11478
160.051–5
(c) (4), (d), introductory text of (e) and (e) (11) revised; (e) (12) added — 11479
160.051–6
(c) (1) added; introductory text of (e) revised — 11479
160.051–7
(b) (2), (3) and (6) and (c) (1), (3), (4), (5), (8) and (10) revised; (c) (11) through (15) added; (d) (2) and (4) revised — 11479
160.051–8
(a) revised — 11480
160.051–9
(a) amended — 10899
160.052–1—160.052–9
Subpart 160.052 revised — 11588
160.053–1—160.053–6
Authority citation of Subpart 160.053 revised — 11480
160.053–1
(b) revised — 10899
160.053–6
(a) amended — 10899
160.054–1—160.054–7
Authority citation of Subpart 160.054 revised — 11480
160.054–1
(b) revised — 10899
160.054–7
(a) amended — 10899
160.055–1—160.055–9
Authority citation of Subpart 160.055 revised — 11480
160.056–1—160.056–7
Authority citation of Subpart 160.056 revised — 11480
160.056–7
(f) added — 11480
160.057–1—160.057–6
Subpart 160.057 added — 11481
160.058–1—160.058–6
Subpart 160.058 added — 11483
160.060–1—160.060–9
Subpart 160.060 revised — 11590
160.061–1—160.061–7
Subpart 160.061 added — 11483
161
Authority citation revised — 11485
Authority citations of Subparts 161.002 and 161.004 deleted — 11485
161.002–1—161.002–17
Authority citation of Subpart 161.002 deleted — 11485
161.004–1—161.004–7
Authority citation of Subpart 161.004 deleted — 11485
161.008–1
(b) revised — 10899

46 CFR—Continued — Page

Chapter I—Continued

161.008–8
(a) amended — 10899
162
Subpart 162.015 cancelled — 10240
Subpart 162.041 added — 10240
Subpart 162.042 added — 10242
Subpart 162.043 added — 10242
Subpart 162.026 recodified and revised — 10900
Authority citations of Subparts 162.001, 162.012, 162.013, 162.014, 162.016, 162.017, 162.018, 162.026, 162.027 and 162.028 revised — 11485
Subpart 162.034 added — 11486
Subpart 162.039 added — 11487
162.001–1—162.001–9
Authority citation of Subpart 162.001 revised — 11485
162.001–9
(a) amended — 10900
162.012–1—162.012–7
Authority citation of Subpart 162.012 revised — 11486
162.012–7
(a) amended — 10900
162.013–1—162.013–7
Authority citation of Subpart 162.013 revised — 11486
162.013–7
(a) amended — 10900
162.014–1—162.014–8
Authority citation of Subpart 162.014 revised — 11486
162.015–1—162.015–6
Subpart 162.015 cancelled — 10240
162.016–1—162.016–6
Authority citation of Subpart 162.016 revised — 11486
162.016–1
(b) added — 10900
162.016–6
(a) amended — 10900
162.017–1—162.017–6
Authority citation of Subpart 162.017 revised — 11486
162.017–6
(a) amended — 10900
162.018–1—162.018–8
Authority citation of Subpart 162.018 revised — 11486
162.018–8
(a) amended — 10900
162.026–1—162.026–17
Subpart 162.026 recodified as 162.026–1—162.026–22; revised — 10900
Authority citation of Subpart 162.026 revised — 11486
162.026–1—162.026–22
Subpart 162.026 recodified from 162.026–1—162.026–17; revised — 10900
162.026–10
(d) corrected — 11139
162.027–1—162.027–6
Authority citation of Subpart 162.027 revised — 11486
162.027–1
(b) revised — 11486
162.027–2
(a) revised — 11486
162.027–3
(b), (2) and (4) deleted; (b) (3) redesignated as (b) (2) — 11486

46 CFR—Continued — Page

Chapter I—Continued

162.027–4
(e) deleted; (f) and (g) redesignated as (e) and (f) respectively — 11486
162.028–1—162.028–8
Authority citation of Subpart 162.028 revised — 11486
162.034–1—162.034–6
Subpart 162.034 added — 11486
162.039–1—162.039–8
Subpart 162.039 added — 11487
162.041–1—162.041–7
Subpart 162.041 added — 10240
162.042–1—162.042–7
Subpart 162.042 added — 10242
162.043–1—162.043–7
Subpart 162.043 added — 10242
163
Authority citation of Subpart 163.001 revised — 11489
163.001–1—163.001–8
Authority citation of Subpart 163.001 revised — 11489
164
Authority citations of Subparts 164.001, 164.002, 164.003 and 164.006 revised — 11489
Subpart 164.007 added — 11489
Subpart 164.008 authority citation revised — 11491
Subpart 164.009 revised — 11492
Subpart 164.012 authority citation revised — 11494
Subpart 164.013 heading — 11494
Authority citation revised — 11593
Subpart 164.015 added — 11593
164.001–1—164.001–5
Authority citation of Subpart 164.001 revised — 11489
164.002–1—164.002–6
Authority citation of Subpart 164.002 revised — 11489
164.003–1—164.003–5
Authority citation of Subpart 164.003 revised — 11489
164.006–1—164.006–5
Authority citation of Subpart 164.006 revised — 11489
164.007–1—164.007–4
Subpart 164.007 added — 11489
164.008–1—164.008–4
Subpart 164.008 authority citation revised — 11491
164.008–1
Revised — 11491
164.008–3
(b) (1) and (2) revised — 11491
164.008–4
Amended — 11491
164.009–1—164.009–4
Subpart 164.009 revised — 11492
164.009–2
(b) (5) amended — 10903
164.012–1—164.012–15
Subpart 164.012 authority citation revised — 11494
164.012–1
(b) revised — 10903
164.013–1—164.013–5
Subpart 164.013 heading revised — 11494
164.013–1
(b) (3) and (4) amended — 10903
164.013–4
(j) deleted — 2028
164.013–5
Revised — 2028

46 CFR—Continued — Page

Chapter I—Continued

164.015–1—164.015–5
Subpart 164.015 added — 11593
167
Authority citation revised — 11494
167.45–1
(a) (9) added — 11494
167.65–50
Revised — 10903
167.65–55
Added — 11494
171.10–1
(a) (1) and (b) amended — 8836
171.10–20
(d) and (e) revised — 650
175.05–1
(a) (1) and (d) amended — 11494
176
Subpart 176.35 recodified and revised — 11494
176.35–1—176.35–10
Subpart 176.35 recodified as 176.35–1—176.35–30; revised — 11494
176.35–1—176.35–30
Subpart 176.35 recodified from 176.35–1—176.35–10; revised — 11494
180
Authority citation revised — 11495
180.05–1
(b) (6) amended — 11495
180.25–1
Revised — 11495
180.30–5
(d) added — 11495
182.15–7
(b) revised; (c) added — 10243
185.05–1
(b) revised — 11495
185.25–7
Added — 11495
187
Authority citation revised — 10904
187.10–15
(d) revised — 10904

Chapter II:

202
Added — 9486
205
Revised — 11680
221.14
Revised — 7490
222.2
Revised — 9065
244
Revoked — 5794
251.1
Amended — 11756
Appendix 2 added — 14598
255
Revised — 12036
255.1
Center heading corrected — 13763
272.6
(e) revised; (f) and (g) deleted; (h) and (i) redesignated as (f) and (g); (j) deleted — 1983
272.7
(a) and (b) revised — 1983
(d) amended — 12356
282.00
Amended — 12356
282.01
Amended — 12356
282.364
Amended — 12356
286.2
Amended — 12356
287
Revised — 7215

46 CFR—Continued

Chapter II—Continued

287.6
Corrected ... 8162
292.3
Amended ... 12356
292.6
Amended ... 12356
308.6
Amended ... 10244
Amended ... 12392
Amended ... 13827
Amended ... 14933
308.106
Amended ... 10244
Amended ... 12392
Amended ... 13827
Amended ... 14933
308.206
Amended ... 10244
Amended ... 12392
Amended ... 13827
Amended ... 14933
308.305
Amended ... 10244
Amended ... 12392
Amended ... 13827
Amended ... 14933
309
Revised ... 7697
Revised ... 15797
355.2
(c) (4) revised ... 5901
360
Revised ... 10244
380
Subpart C added ... 12356
380.20—380.24
Subpart C added ... 12356

Chapter III:

401.211
(a) (3) (v) added ... 11720
402.320
(a) (1) revised; (a) (5) added ... 5512
(a) (2) revised ... 12680
403
Amended ... 12680

Chapter IV:

502
Revised ... 13604
502.93
Corrected ... 16007
502.211
Revoked ... 3267
506.4
Effective date postponed ... 35
510.21
Effective date of (f), (i), (j), and (l) ... 3355
Effective date of (f), (i), (j), and (l) postponed ... 4360
510.22
(c) revised ... 1849
Effective date of (a) ... 3355
Effective date of (a) postponed ... 4360
510.23
Effective date of (j) ... 3355
Effective date of (j) postponed ... 4360
510.24
Effective date of (e), (g), and (h) ... 3355
Effective date of (e), (g), and (h) postponed ... 4360
510.25
Effective date of (a) ... 3355
Effective date of (a) postponed ... 4360
521
Added ... 16113
526.2
Revoked ... 3267

46 CFR—Continued

Chapter IV—Continued

527
Added ... 7491
527.4
Revised ... 9881
527.5
Amended ... 8837
Amended ... 9881
528.3
Amended ... 7102
530.5
Revised ... 8162
533
Added ... 12682
536
Added ... 7139

Proposed Rules:

10 ... 832
12 ... 2219
25 ... 832, 2219
32 ... 832
33 ... 832
34 ... 832
35 ... 2219
40 ... 832, 2219
51 ... 2030
52 ... 832, 2030
53 ... 2030, 5607
54 ... 2030
55 ... 832, 2030
61 ... 832, 2030
72 ... 832
75 ... 832
76 ... 832
94 ... 832
95 ... 832
98 ... 832, 2030, 2219
110 ... 832
111 ... 832
112 ... 832
113 ... 832
144 ... 832
146 ... 832
160 ... 832
162 ... 832, 2030
164 ... 832
187 ... 832
201 ... 12889, 14014, 14934
202 ... 345
206 ... 12889, 14014, 14934
221 ... 4416, 14994, 16084
248 ... 7291
251 ... 2861, 3548, 8110, 12889, 14014, 14934
287 ... 12889, 14014, 14934
290 ... 7722, 10054
298 ... 14994, 16084
380 ... 7722
502 ... 11107
521 ... 7930
525 ... 4081, 5908
527 ... 285, 3392
531 ... 11284, 13653
533 ... 7574
537 ... 4557, 5908, 11646

47 CFR

Chapter I:

0.15
Revised ... 6250
0.16
Revised ... 6250
0.121
(f) added ... 8837
0.211
(e) added ... 8678
0.212
Revised ... 9314
0.231
(c) added ... 14106

47 CFR—Continued

Chapter I—Continued

0.251
(b) revised ... 8678
0.281
(d) (7) revised ... 8678
(y) added ... 14598
(z) added ... 14599
0.302
(a) deleted ... 8678
(a) added ... 12125
0.303
(g) added ... 12125
0.311
(a) (13) added ... 7521
0.318
Added ... 8837
0.331
(b) (2) deleted ... 8678
0.332
(i) added ... 2706
Introductory text of (b) revised; (b) (5) deleted ... 6779
(j) and (k) added ... 12125
0.371
(a) revised ... 3223
0.417
(a) (5) amended ... 4546
Introductory text of (a) revised; (b) revised; (c), (d), and (e) added ... 8678
(a) (5) amended ... 13060
0.445
(c) amended ... 4612
(c) amended ... 7755
(b) revised ... 8837
(c) amended ... 14932
1
Policy statement ... 7419
Subpart H added ... 9271
Relaxation of reporting rules ... 9883
Forms amended ... 10197
Forms amended ... 12125
Appendix B amended ... 14808
1.80
(i) revised ... 9767
1.106
Amended ... 4479
(a) revised ... 8837
1.111
Revised ... 8838
1.525
(b) (2) revised ... 6780
1.526
Added ... 4546
(a) revised ... 13060
(a) revised ... 13541
1.569
Introductory text, (a) (1) and (b) (1) revised ... 9687
1.580
(f) (10) added ... 4547
(c) and introductory text of (d) revised ... 6781
Introductory text of (f) revised ... 13061
1.594
(d) (5) added ... 4547
(a) and introductory text of (b) revised ... 6781
1.615
(f) added ... 4547
1.911
(e) added ... 2706
1.922
Amended ... 2446
Amended ... 2706
Amended ... 6779
Amended ... 12779

47 CFR—Continued

Chapter I—Continued

1.926
(b) (9) revised ... 2446
(b) (5), (6), (7) and (8) deleted ... 9135
1.927
(a) revised ... 6779
1.928
(b) revised ... 6779
1.929
Revised ... 6779
1.967
(a) (8) deleted ... 4479
1.973
(d) revised ... 3223
1.1103
(d) revised ... 14806
1.1104
Added ... 14806
1.1105
Revised ... 14806
1.1111
Revised ... 14806
1.1113
Revised ... 14807
1.1115
(a) revised; (b) (9) added ... 14807
1.1117
Revised ... 14808
1.1201—1.1251
Subpart H added ... 9271
2.1
Amended ... 7155
Amended ... 8679
Amended ... 8839
Amended ... 13370
2.100
Revised ... 7156
2.102
(a), (b) (4), (5), and (6) revised ... 7156
2.104
Revised ... 7156
2.105
(h) (1) revised ... 7156
2.106
Amended ... 343
Provisions waived in part ... 343
Amended ... 1851, 4480, 6220, 6388, 7105, 7106, 7156, 8222, 8679.
Corrected ... 9883, 11354
Amended ... 12125, 12294
Corrected ... 12294
Amended ... 13370, 13706
Corrected ... 14013, 14437
Revised ... 15701
2.601
Revised ... 7102
2.603
(a) and (b) revised; (c) deleted ... 7102
13.5
(a) revised ... 3597
13.14
Deleted ... 14808
13.15
Deleted ... 14808
15.63
(c) revised ... 6250
15.75
(b) (1), (2), and (3) revised ... 878
15.211
Introductory text of (a) revised; (a) (5) and (6) added; introductory text of (b) revised ... 9316
Effective date of (a) (6) stayed ... 11354
Effective date of (a) (6) further stayed ... 15150

47 CFR—Continued

Chapter I—Continued

18.112
Revised ... 14200
18.114
Revised ... 7999
18.116
(b) and (c) revised ... 7999
18.118
(a) revised ... 7999
18.125
Added ... 7999
18.126
Added ... 7999
21.1
Amended ... 7174
21.12
(b) revised ... 14808
21.15
Introductory text of (l) revised ... 2448
21.26
(b) revised ... 7174
21.107
(b) revised ... 7174
21.204
Note revised ... 7174
21.516
Revised ... 2448
21.700
Revised ... 13370
21.701
(g) and (g) revised ... 7174
21.706
(c) and (d) added ... 7174
21.708
(a) (7) added ... 7175
21.709
Revised ... 13370
21.710
Added ... 6060
Introductory text, (c) and (g) revised ... 8842
21.712
Added ... 6060
Revised ... 8842
21.714
Added ... 6060
Revised ... 8843
21.716
Added ... 6060
Deleted ... 8843
21.801
(f) revised ... 7175
21.807
(a) (5) added ... 7175
21.809
Added ... 7175
23.13
Revised ... 14808
25
Subpart C added ... 7175
25.103
(d), (e), and (f) added ... 6869
25.201—25.251
Subpart C added ... 7175
35.523
(c) revised ... 14808
31.01–3
(dd) revised ... 13949
31.03–50
(c) revised ... 13950
31.5
Amended ... 7711
31.100:4
(b) revised ... 9544
31.704
Amended ... 13950
33.81
Amended ... 7711
42.5
(c) revised ... 9544

47 CFR—Continued

Chapter I—Continued

42.9
Amended ... 9544
43.43
(e) revised ... 3223
61.153
Introductory text revised ... 14808
62.24
Revised ... 14808
63.52
Revised ... 14808
64.221
(a) amended ... 12126
66.14
(a) revised ... 14808
73.36
(c) revised ... 14556
73.37
Amended ... 3541
73.45
(a) (3) deleted; (f) added ... 11860
73.55
Revised ... 8967
73.63
(d) revised ... 14556
73.93
(a) and introductory text of (b) revised ... 6520
(c) amended ... 14557
73.112
Revised ... 10198
73.120
(d) amended ... 4547
73.124
Added ... 13644
73.182
(s) and (t) revised ... 12719
(s) and (t) revised ... 13783
73.185
(i) corrected ... 12886
Revised ... 13783
73.187
(a) (1) amended ... 12720
73.190
Amended ... 12720
Corrected ... 13783
73.201
Amended ... 4480
73.202
Amended ... 15, 1047, 1853–1856 (4 docs.), 3817, 3819, 4481, 5836, 5903, 6063.
Corrected ... 6117
Amended ... 6254, 6521, 7314, 8048, 9690, 9693, 11857, 11859 (2 docs.).
Revised ... 12711
Amended ... 12780, 12782, 13010, 13647, 13953, 15807
73.307
Amended ... 8680
73.242
Extension of time for filing requests for exemptions ... 996
(a) revised ... 3541
73.265
(a) and introductory text of (b) revised ... 6520
(c) amended ... 14557
73.268
Revised ... 8967
73.282
Revised ... 10200
73.290
(d) amended ... 4547
73.299
Added ... 13644
73.316
(k) revised ... 11860

47 CFR—Continued

Chapter I—Continued

73.504
(g) added ... 8680
73.565
(a) and introductory text of (b) revised ... 6520
(c)(3) amended ... 14557
73.590
(d) amended ... 4547
73.606
Amended ... 6870
(b) amended ... 7106
(b) revised ... 7716
Amended ... 8164
Amended ... 8680
Amended ... 8681
Amended ... 9488
Amended ... 9694
73.636
Amended ... 578
73.657
(d) amended ... 4547
73.661
Revised ... 6520
73.678
Added ... 13644
73.682
(a)(15) revised ... 3443
73.685
(i) revised; (j) added ... 11860
73.687
(b)(7) revised ... 8967
74
Subpart J added ... 13370
74.1
(c)(4) added ... 13370
74.15
(g) added ... 13370
74.22
Added ... 11860
74.602
(a) amended ... 1851
(a) amended ... 12125
(f) revised ... 13370
74.702
(g) and (h) added ... 8847
74.732
(e)(1) revised; (i) added ... 8847
74.735
Revised ... 8847
74.750
(c)(2)(ii) revised ... 8847
74.1001—74.1083
Subpart J added ... 13370
81.31
(b) and (c) deleted ... 12779
81.32
(b) deleted ... 12779
81.36
(b) revised ... 12779
81.39
(a)(2) revised ... 12779
81.41
(a)(1) revised; (d)(11) added ... 12779
81.49
Deleted ... 14808
81.50
Deleted ... 14808
81.63
(b)(4) revised ... 12779
81.137
(a)(2) and (b) revised ... 14652
81.304
(a)(2) and (3) amended ... 650
81.306
(a)(2) amended ... 650
(b) amended ... 15808
81.371
Revised ... 14652
83.2
(a) and (p) revised ... 6779
83.8
Deleted ... 6779
83.33
Revised ... 2446
Revised ... 14652
83.36
(a) revised ... 2446
83.39
Revised ... 15370
83.49
(a) revised ... 6779
83.53
Deleted ... 14808
83.54
Deleted ... 14808
83.66
Deleted ... 15370
83.71
Deleted ... 15371
83.74
(c) revised ... 15371
83.102
(b) and (c) revised ... 15371
83.351
(a)(2) and (3) amended ... 650
(b)(8) added ... 15808
83.354
(a)(1) amended ... 15808
83.355
(a)(1) amended ... 650
83.358
(a) revised ... 15808
83.364
(c) revised ... 15371
83.366
(b)(1), (d), (e), and (g) revised ... 15809
83.367
(b) revised ... 10293
83.369
(a)(2)(ii) revised ... 15809
83.441
(a) revised ... 6779
83.442
Revised ... 6779
83.443
Revised ... 6780
83.446
(a)(7) revised ... 6780
83.453
(b) revised ... 6780
83.486
Revised ... 6780
83.491
(a) revised ... 6780
83.538
Revised ... 6780
83.557
(b)(1) and (c)(2) amended ... 6780
83.601
Amended ... 14652
87
Subpart H recodified and revised ... 8679
Subpart P added ... 8839
87.5
Amended ... 2800
Amended ... 8679
Amended ... 8839
87.29
(a)(1) and (b) revised ... 9315
(a)(2) revised ... 9317
87.31
(a), (b) and (d) revised ... 9315
87.33
Added ... 9315
87.51
Deleted ... 14808
87.53
(a) revised ... 9315
Deleted ... 14808
87.65
(a) amended ... 2800
(a) amended ... 7106
(a) corrected ... 14984
87.67
(b)(1) amended ... 2800
87.73
(f) and (g) added ... 2800
87.77
(d)(6) added ... 2800
(d)(7) added ... 8839
87.81
Revised ... 2800
87.95
(b) revised ... 9317
(a) revised ... 12392
87.99
(a) revised ... 16267
87.115
(f) revised ... 8839
87.123
Revised ... 8679
Revised ... 8839
Corrected ... 9488
87.183
(l) revised; (aa) added ... 7106
87.341—87.355
Subpart H recodified from 87.341—87.357; revised ... 8679
87.341—87.357
Subpart H recodified as 87.341—87.355; revised ... 8679
87.461
Revised ... 2801
87.463
Heading revised; (a) and (b) amended ... 2801
87.465
Added ... 2802
87.513
(h) and (i) revised ... 13706
87.521—87.525
Subpart P added ... 8839
89
Subpart D added ... 4614
89.63
(d) deleted ... 12779
89.81
Deleted ... 14808
89.83
Deleted ... 14808
89.117
(b) revised ... 7522
89.221—89.231
Subpart D added ... 4614
91
Subpart N added ... 4615
91.58
(d) deleted ... 12779
91.67
Deleted ... 14808
91.68
Deleted ... 14808
91.552
(a) revised; (e) added ... 13375
91.557
Added ... 6061
91.559
Added ... 6061
91.561
Added ... 6061
91.651—91.656
Subpart N added ... 4615
93
Subpart G added ... 4617
93.56
(d) deleted ... 12779
93.66
Deleted ... 14808
93.67
Deleted ... 14808
93.301—93.306
Subpart G added ... 4617
95.19
(c) deleted ... 12779
95.21
Deleted ... 14808
95.23
Deleted ... 14808
95.37
(a)(2) revised; (b) deleted ... 12779
95.41
(e) revised ... 3443
95.83
(a)(1) amended ... 2712
97
Subpart G added ... 2706
Appendix 1 amended ... 4618
Appendix 1 amended ... 7755
Appendix 1 amended ... 8837
Appendix 1 amended ... 14932
97.9
(d)(1) revised ... 1944
97.11
(a) revised ... 8837
97.27
(a) revised ... 1944
97.35
(c) revised ... 1944
97.45
Revised ... 12779
97.53
Deleted ... 14808
97.55
Deleted ... 14808
97.301—97.313
Subpart G added ... 2706
97.562
Revised ... 13375
99.11
(a) revised ... 12779
99.13
Revised ... 12779

Proposed Rules:

0 ... 14564
1 ... 3822, 7446, 9277, 12417, 12418, 12688, 13016, 13018, 13728, 14382, 14564, 15174, 15438, 15761.
2 ... 1009, 1878, 4322, 4492, 6226, 8691, 9109, 9493, 9695, 9884, 10204, 10861, 13382, 15762, 15811.
15 ... 2558, 6541, 6689
17 ... 803, 7446, 12688, 13018, 15174, 15761
21 ... 155, 892, 1878, 2471, 4322, 6078, 8009, 8590, 8691, 10204, 13382, 14442, 15762.
25 ... 589, 892, 1878, 13016, 14330
31 ... 2472, 5858, 8692
33 ... 2472
42 ... 5858
43 ... 13016
51 ... 13016
73 ... 98, 346, 490, 651, 803, 846, 1057, 2472, 2473, 3455, 3826, 4065, 4493–4495, 4554, 5798, 5860, 6122, 6274, 6275, 6543, 6590, 6651, 6947, 7113, 7179, 7446, 7525, 7929, 8067, 8166, 8491, 8692, 9222, 9549, 9695–9697, 10204, 10861, 11047, 11179, 11284, 11875–11880, 11972, 12419, 12421, 12688, 12746, 12786, 13018, 13079, 13170, 13382, 13583, 13788, 13964, 14017, 14109, 14171, 14382, 14497, 15174, 15235, 15236, 15374, 15761, 15811, 16270.
74 ... 2473, 3457, 4322, 6078, 8009, 8590, 10204, 12330.
81 ... 11881, 13079
83 ... 806, 8696, 8697, 11284, 11881, 13079, 14564.
85 ... 14564
87 ... 4492, 8691, 9695, 10861, 13331, 13652, 15762, 15811.
89 ... 13652, 13965, 15375, 17172
91 ... 4322, 6078, 8009, 8690, 9109, 9493, 9884, 10204, 11881, 13382, 13652, 13965, 16270, 16271, 17172.
93 ... 13652, 13965, 17172
95 ... 9493, 13382, 13728
97 ... 4496, 9175
99 ... 9109, 9884

48 CFR

Chapter I:
3
Added ... 13569, 16203
14
Added ... 13683, 16203
15
Added ... 13623, 16203
182
Added ... 2400
Chapter II:
201.1
(b) revised ... 7754
201.2
(a) revised ... 648
211.1
Revised ... 7754
211.4
(d) revised ... 648
Chapter IV:
411.5
(a) revised; (b) through (f) redesignated as (c) through (g) respectively; new (b) added; newly redesignated (c)(3) and (g) revised ... 8702
411.6
(c) revised ... 8702
411.27
(a)(1)(v) and (vi) redesignated as (vi) and (vii) respectively; new (a)(1)(v) added; (b)(1) revised ... 8702

49 CFR

Chapter I:
Interim rules ... 15292
1.92
Revised ... 6485
1.93
Revised ... 6485
1.94
Revised ... 6485
5.1
(h) revised ... 8968
(a) through (f) revised ... 12669
7.2
Deleted ... 13784
7.3
Added ... 13784
7.60
Revised ... 11103
8.5
Amended ... 8848
10
Amended ... 2662
Amended ... 13785
51.6
Revoked ... 11211
56.3
Revised ... 11211
56.6
(a) revised ... 11211
72.5
(a) amended ... 5743
(a) amended ... 7420
73
Note 1 cancelled ... 5743
Effective date of Note 1 cancellation postponed ... 8588
Effective date of Note 1 cancellation further postponed ... 13936
73.22
(a)(1) revised ... 8588
73.28
(l) added ... 5743
73.31
(d)(8) amended ... 5743
(a)(2) and (c)(10) amended ... 7420
73.33
(m)(7) revised ... 7420
73.34
(d)(7) added; introductory text of (e)(10) and (13) revised; (i)(6) and (7) revised ... 5743
73.51
(q) revised ... 5744
73.115
Heading revised; (c) added ... 5744
(a) revised ... 7420
73.116
Introductory text of (g) revised ... 7420
73.119
Introductory text of (a) revised ... 5744
73.132
(a)(3) added ... 5744
(b) added ... 7420
73.134
Revised ... 5744
73.139
(a)(4) added ... 5744
73.144
(b) added ... 7421
73.145
(a)(7) revised ... 5744
73.149
Added ... 5744
73.157
(a)(4) revised ... 7421
73.176
(e)(2) revised ... 5744
73.204
(a)(6) revised ... 7421
73.206
Heading revised; introductory text of (a) revised; (a)(9) added ... 5745
(a)(10) added; (c)(4) cancelled ... 7421
73.214
(c)(3) added ... 5745
73.217
Heading and introductory text of (a) revised; (a)(4) added; (b) revised ... 7421

49 CFR—Continued

Chapter I—Continued

73.222
(a)(5) added ... 5745
73.230
(a)(4) added ... 5745
73.239a
Added ... 5745
73.249
(a)(12) added ... 5745
73.252
(e) revised; (g)(2) added ... 5745
73.256
(a)(5) revised ... 7421
73.257
(b) revised ... 5745
73.263
(a)(27) added ... 5745
Introductory text of (a), (a)(10) and (12) revised ... 7421
73.264
(a)(19) added; (b)(1) revised ... 5746
73.268
(f)(7) added ... 5746
73.269
(a)(5) added ... 5746
73.272
(f)(10) added ... 5746
73.276
(a)(7) added ... 5746
73.281
(a)(1) revised; (a)(2) added ... 5746
(a)(2) revised ... 7422
73.283
(a)(1) revised; (a)(2) added ... 5746
73.284
(a)(1) revised; (a)(2) added; (b) cancelled ... 5746
73.285
(a)(1) and (2) revised ... 5746
73.286
(b)(1) revised ... 5746
73.302
(a)(3) added; introductory text of (c) revised ... 7422
73.304
(a)(1) revised; (a)(2) amended ... 5746
73.314
(c) amended ... 5747
(c) amended ... 7422
73.315
(a)(1) amended ... 7422
73.346
(a)(26) revised ... 7422
73.353
(d) revised ... 7422
73.364
Introductory text of (a) revised ... 7422
73.365
(a)(17) added ... 7423
73.367
(a)(5) revised ... 5747
73.369
(a)(16) added ... 5747
73.370
(b)(1) revised ... 7423
73.376
Heading and introductory text of (a) revised ... 7423
73.377
(l) added ... 7423
73.378
Cancelled ... 7423
73.392
(f) revised ... 5747
73.395
Revised ... 7423

49 CFR—Continued

Chapter I—Continued

73.402
(a)(10) revised ... 7423
74.502
(a)(8) revised ... 7423
74.529
(b)(1) added ... 5747
74.530
(a)(1) added; (b) revised ... 5747
74.532
(b)(2) and (3) added ... 5747
74.538
(a) amended ... 5747
74.566
(d) revised ... 7423
77
Note 1 cancelled ... 5748
Effective date of Note 1 cancellation postponed ... 8588
Effective date of Note 1 cancellation further postponed ... 13936
Subpart F added ... 13936
77.837
(c) revised; (d) added ... 5748
77.840
(a) amended ... 5748
77.860
(d) revised ... 7423
77.875, 77.876
Subpart F added ... 13936
78.14–3
(b) added ... 5748
78.14–3
Revised ... 5748
78.14–4
Revised ... 5748
78.14–6
(b)(4) added; (d) amended ... 5748
78.21–3
(c)(4) added ... 5748
78.24–3
(b) added ... 5748
78.24–6
Cancelled ... 5748
78.24–7
Introductory text of (a) revised ... 5748
78.27–4
(a)(3) added ... 5749
78.35–5
(a)(4) added ... 5749
78.36
Revised ... 7423
78.36–2
Revised ... 7423
78.36–13
Revised ... 7423
78.36–20
(a)(2) revised ... 5749
Revised ... 7424
78.37
Revised ... 7424
78.37–2
Revised ... 7424
78.37–13
Revised ... 7424
78.37–20
(a)(2) revised ... 5749
Revised ... 7424
78.38–20
(a)(2) revised ... 5749
78.39–19
(a)(2) revised ... 5749
78.40–20
(a)(2) revised ... 5749
78.41–19
(a)(2) revised ... 5749
78.42–11
(a)(3) revised ... 7424

49 CFR—Continued

Chapter I—Continued

78.43–20
(a)(2) revised ... 5750
78.44–23
(a)(2) revised ... 5750
78.48–19
(a)(2) revised ... 5750
78.49–19
(a)(2) revised ... 5750
78.50–19
(a)(2) revised ... 5750
78.51–19
(b) revised; (c)(5) redesignated as (c)(6); new (c)(5) added ... 5750
78.51–20
(a) amended ... 5750
78.52–19
(a)(2) revised ... 5750
78.53–18
(a)(2) revised ... 5750
78.54–20
(a)(2) revised ... 5751
78.55–20
(a)(2) revised ... 5751
78.56–19
(b) revised ... 5751
78.56–20
(a) amended ... 5751
78.57–14
Heading revised ... 5751
78.57–20
(a)(3) revised ... 5751
78.57–22
(a) amended ... 5751
78.58–10
(a) revised ... 5751
78.58–21
(a)(2) revised ... 5751
78.59–18
(a)(2) revised ... 5751
78.60–4
(a) amended ... 5752
78.60–22
(a)(2) revised ... 5752
78.68–13
(d) revised ... 5752
78.68–19
(a)(2) revised ... 5752
78.80–11
(a)(2) revised ... 5752
78.80–13
Introductory text of (a) and (a)(3) revised ... 5752
78.80–14
Revised ... 5752
78.81–11
(a)(2) revised ... 5752
78.81–13
Introductory text of (a) revised ... 5752
78.82–9
(b) and (c) revised ... 7425
78.82–11
(a)(2) revised ... 5752
78.82–13
Introductory text of (a) revised ... 5752
78.82–14
Revised ... 5752
78.83–11
(a)(2) revised ... 5752
78.83–13
Introductory text of (a) and (a)(3) revised ... 5752
78.84–11
(a)(2) revised ... 5753
78.84–12
Introductory text of (a) and (a)(3) revised ... 5753

49 CFR—Continued

Chapter I—Continued

78.84–14
Revised ... 5753
78.85–10
(a)(2) revised ... 5753
78.85–12
Introductory text of (a) revised ... 5753
78.87–11
(a)(2) revised ... 5753
78.87–13
Introductory text of (a) revised ... 5753
78.88–10
(a)(2) revised ... 5753
78.88–12
Introductory text of (a) and (a)(3) revised ... 5733
78.89–9
(a)(2) revised ... 5753
78.89–11
Introductory text of (a) revised ... 5753
78.90–10
(a)(2) revised ... 5753
78.90–12
Introductory text of (a) and (a)(3) revised ... 5753
78.91–11
(a)(2) revised ... 5754
78.91–13
Introductory text of (a) revised ... 5754
78.97–9
(a)(2) revised ... 5754
78.97–11
Introductory text of (a) revised ... 5754
78.97–12
Revised ... 5754
78.98–9
(a)(2) revised ... 5754
78.98–11
Introductory text of (a) revised ... 5754
78.98–13
Revised ... 5754
78.99–9
(a)(2) revised ... 5754
78.99–11
Introductory text of (a) revised ... 5754
78.99–12
Revised ... 5754
78.100–9
(a)(2) revised ... 5754
78.100–11
Introductory text of (a) revised ... 5754
78.101–9
(a)(2) revised ... 5754
78.101–11
Introductory text of (a) revised ... 5754
78.101–12
Revised ... 5754
78.102–4
(a)(2) revised ... 5755
78.107–11
Introductory text of (a) revised ... 5755
78.108–11
Introductory text of (a) revised ... 5755
78.109–11
Introductory text of (a) revised ... 5755
78.110–10
Introductory text of (a) revised ... 5755
78.110–11
Revised ... 5755
78.111–10
Introductory text of (a) revised ... 5755
78.115–8
(c)(1) added ... 7425
78.115–10
(a)(2) revised ... 5755
78.115–12
Introductory text of (a) revised ... 5755
78.115–13
Revised ... 5755

49 CFR—Continued

Chapter I—Continued

78.116–10
(a)(2) revised ... 5755
78.116–12
Introductory text of (a) revised ... 5755
78.117–11
(a)(2) revised ... 5755
78.117–13
Introductory text of (a) revised ... 5755
78.118–8
(c)(1) added ... 7425
78.118–10
(a)(2) revised ... 5756
78.118–12
Introductory text of (a) revised ... 5756
78.119–10
(a)(2) revised ... 5756
78.119–12
Introductory text of (a) revised ... 5756
78.130–8
(a)(2) revised ... 5756
78.130–10
Introductory text of (a) revised ... 5756
78.131–9
(a)(3) revised ... 5756
78.131–11
Introductory text of (a) revised ... 5756
78.132–9
(a)(3) revised ... 5756
78.132–11
Introductory text of (a) revised ... 5756
78.133–9
(a)(2) revised ... 5756
78.133–11
Introductory text of (a) revised ... 5756
78.134–4
(a)(2) revised ... 5756
78.136–11
Introductory text of (a) revised ... 5756
78.140–8
Revised ... 5756
78.141–8
(c) revised ... 5756
78.150–3
Revised ... 5757
78.150–4
Revised ... 5757
78.150–5
Revised ... 5757
78.150–6
(b) revised ... 5757
78.150–7
(a)(2) and (3) revised ... 5757
78.205–14
(a) revised ... 7425
78.205–15
Heading revised ... 7425
78.209–8
(a)(4) revised ... 5757
78.209–15
Introductory text of (b) revised ... 5757
78.211–3
(a)(1)(v) added ... 7425
78.212—78.212–8
Added ... 5757
78.224–1
(a)(2) amended ... 7425
78.224–2
(c) amended ... 7425
78.235–2
(a)(2) amended ... 5758
78.237–2
(a)(2) amended ... 5758
78.238–2
(a) amended ... 5758
(a) amended ... 7425

49 CFR—Continued

Chapter I—Continued

78.239–2
(a)(2) amended ... 5758
78.247—78.247–7
Added ... 5758
78.337—78.337–18
Added ... 579
79.101–1
(a) amended ... 7425
95.95
(d) revised ... 8163
95.935
Revised ... 6220
Revised ... 13262
(f) revised ... 16082
95.946
(d) revised ... 8269
95.947
Revised ... 6220
Amended ... 7522
Revised ... 12840
95.948
(d) revised ... 8269
(d) revised ... 16005
95.949
(d) revised ... 8269
(d) revised ... 16006
95.950
(d) revised ... 8163
(d) revised ... 16006
95.951
(f) revised ... 7945
95.952
(f) revised ... 7945
95.953
(g) revised ... 16006
95.958
Added ... 2712
(e) revised ... 16114
95.959
Added ... 4255
95.960
Added ... 5419
95.961
Added ... 8523
95.962
Added ... 8793
95.963
Added ... 8968
(e) revised ... 16114
95.964
Added ... 9206
(e) revised ... 16082
95.965
Added ... 10245
(e) revised ... 16083
95.966
Added ... 12294
95.967
Added ... 12295
95.968
Added ... 12731
95.969
Added ... 13542
95.970
Added ... 14853
95.971
Added ... 15293
97.562
Revised ... 6394
Revised ... 13375
(d) revised ... 16006
110.7
Amended ... 12250
110.31
Amended ... 12251
110.50
Amended ... 11524
Amended ... 12251

49 CFR—Continued

Chapter I—Continued

110.70
Amended 12252
120.11
Revised 1983
Revised 13375
120.12
Revised 795
120.14
Revised 648
120.21
Revised 885
120.61
Revised 583
121.0
Introductory text revised 140
121.01
Revised 140
121.02
Revised 140
121.04
Revised 140
121.1
Revised 140
121.2
(b) (1) revised 140
121.9
Revised 140
121.10
Revised 140
121.13
Revised 140
121.17
Revised 140
121.18
Revised 140
121.20
Revised 140
121.24
Revised 140
121.33
Revised 140
121.34
Revised 140
121.35
Vacated 140
121.36
Revised 140
121.37
Revised 140
121.42
Revised 140
121.43
Revised 140
121.44
Revised 140
121.45
Revised 140
121.46
Revised 140
121.49
Revised 140
121.51
Revised 140
121.54
Revised 140
121.56
Revised 140
121.58
Vacated 140
121.59
Revised 140
121.65
Revised 140
121.66
Revised 140
123.6
Revised 485
122.26
Revised 485
123.44
Revised 485
124.1
Revised 831
125.9
Text designated as (a); (b) added 9543
126.1
(a) revised 831
131.25
Added 7901
131.26
Added 7901
132.12
Interpretations 4063
141.200
(a) revised 6162
142.8
Corrected 9158
142.16
Deleted 9158
160
Heading revised 13576
160.103
Revised 13576
170.3
Revised 796
170.4
Revised 2401
Corrected 2712
Effective date of revision 7248
170.8
Revised 14853
Stay of revision 17169
170.21
Revised 13263
Effective date of revision stayed 14493
170.57
Added 11757
174a.2
Revised 13061
174a.3
Revised 13061
174a.5
Revised 13061
174a.6
Revised 13061
176
Republished 16203
176.1
Effective date of revision further postponed 3597
Effective date of revision further postponed 3964
Effective date of revision further postponed 6117
176.4
(a) revised 3711
179.1
(a) amended 12468
180.2
Deleted 12468
180.3
Revised 12468
182
Revised 5420
Corrected 11103
187.5
(a) revised 13577
187.100
Revised 8335
187.101
Revised 8336
187.201
Continuance in effect 16206
192.10
Revised 7492
192.11
Revised 7492
192.42
(b) revised 7522
193.43
Revised 9206
Revised 9882
193.50
(b) revised 14106
193.60
(a) revised 9206
(a) revised 9882
193.61
(a) and (c) revised 9206
(a) and (c) revised 9882
193.70
(f) revised 4481
193.71
(c) revised 7522
193.77
(b) (6) added; (c) (12) revised 14107
193.85
Revised 9206
Revised 9882
193.95
(f) (1), (2) and (3) and (k) revised 9206
(f) (1), (2) and (3) and (k) revised 9882
195.9
Amended; (b) revoked; (c) and (d) redesignated as (b) and (c) 11103
203
Revised 14984
206.7
Revised 485
210.45
(d) added 14530
240
Added 5836
301.10
Revised 907
301.20
Revised 951
325.7
Amended 12252
450
Revised 9585

Proposed Rules:

Ch. I 13332, 15237
1–7 13333
52 13018, 14048
71–78 448, 3225
71–90 13266, 13967, 14496, 15670, 16140
72 1301, 4681, 14858
73 1301, 4681, 14858
74 1301, 4681, 14858
75 14858
77 1301, 4681, 12543, 14858
78 1301, 4681, 14858
79 4681
91 3226
95–97 13267
131 12893
132 763
136 2405
160 10120
170 16, 1127, 1878
176 7252, 14171
187 14171
188 5709
193 9366
211 5384, 8229, 8343
450 2719

50 CFR

Chapter I:

3
Added 7315
10.1
Revised 7571
10.2
(n) added 7571
10.6
Revised 7571
10.9
Heading and (d) revised 7572
10.41
Revised 9488
10.46
Revised 9489
10.51
Revised 9490
10.52
Revised 7572
(c) added 11383
10.53
Revised 7572
(b) added 9490
(c) through (g) added 11383
(f) amended 13870
10.54
Revised 11386
12.1
Amended 14047
13
Revised 9641
13.1
(d) corrected 9767
26.28
Revised 6587
26.28a
Added 6587
26.25
Amended 997
28.28
Amended 3323
Amended 7106
Amended 9007
Amended 9983
Amended 10052
Amended 8628, 11105, 11327, 11525, 12887, 13905
Amended 14932
Amended 16007
22.12
Amended 8628 (2 docs.), 9912, 10294, 11211, 11271 (2 docs.), 11386 (3 docs.), 11525–11527 (8 docs.), 11604–11607 (12 docs.), 11678, 11721 (2 docs.), 11757, 11759, 12296, 12468–12471 (10 docs.).
Corrected 12536
Amended 12732
Corrected 12733

50 CFR—Continued

Chapter I—Continued

32.12—Continued
Amended 12784, 12886, 12888
Corrected 13137
Amended 13230
Corrected 13376 (5 docs.)
Amended 13377, 13953, 14013
Corrected 14437
Amended 14493
Corrected 15740
32.21
Amended 8848, 11105, 11327, 11525, 11527 (2 docs.), 12887, 13905.
32.22
Amended 3711, 3752, 9172, 9543, 10052, 10245, 10294, 10987, 11032–11334 (8 docs.), 11212, 11271, 11525, 11608–11609 (3 docs.), 11721 (2 docs.), 11860, 11969, 12126–12127 (4 docs.), 12295 (2 docs.), 12471–12472 (3 docs.), 12536, 12643, 12683, 12732–12733 (4 docs.), 12782–12784 (6 docs.).
Corrected 12784
Amended 12887 (2 docs.), 12948, 13230
Corrected 13376 (4 docs.)
Amended 13378, 13648, 14013, 14239, 16267
32.31
Amended 11327, 12887, 13905
32.32
Amended 7523, 8411, 8482, 8483, 8682–8683 (3 docs.), 9171, 9361, 9694 (2 docs.), 9767, 10201, 11034–11036 (6 docs.), 11212, 11271 (2 docs.), 11387, 11528, 11609–11610 (3 docs.), 11721–11722 (2 docs.), 11969, 12127, 12296, 12358, 12392, 12472–12473 (3 docs.), 12683, 12733, 12782, 12783, 12887, 12948, 13062, 13230, 13264, 13379.
Corrected 13379
Amended 13543, 13647, 13707 (2 docs.), 13811, 13871, 14013, 15151.
33.4
Amended 8683, 11105, 11327, 12887, 13905, 14320
33.5
Amended 272, 708 (3 docs.), 997, 2215, 2448, 2549–2551 (7 docs.), 2802–2803 (5 docs.), 3267, 3752, 3882, 5380, 5381, 5707, 6073, 6344, 6521, 6587 (2 docs.), 6871 (4 docs.), 7282 (2 docs.), 7572, 7824, (2 docs.), 8412, 8683, 9006, 9065, 9173.

50 CFR—Continued

Chapter I—Continued

33.5—Continued
Corrected 12127
Amended 13380, 13785, 13953, 14156 (2 docs.), 14200 (2 docs.), 14320, 14376 (3 docs.), 14438, 14557 (2 docs.), 14639, 14932–14933 (3 docs.), 15098, 15468–15469 (3 docs.), 15584, 15664, 15809 (2 docs.), 16007 (2 docs.).
60.11
Amended 6149

Chapter II:

250
Revised 9984
253.2
(a) revised 7607
253.3
(f) revised 7607
255.2
(a) revised 8412
260.6
Amended 7282
260.23
Revised 7282
260.86
(b) amended 7282
260.87
Deleted 9643
260.89
Deleted 9643
260.93
Added 9643
(b) (2), (k) and (l) corrected 10098
260.98
(b) revised 7282
260.99
(g) revised 7282
262
Revised 9644
Effective date of revision partly postponed 15221
262.21
(i) (2) (ii) revised 7444
265.1
Revised 7282

Proposed Rules:

10 5640
13 4721
32 6224, 7249, 8630, 8849, 10108, 11529
33 8630, 8849, 10108, 11529, 12396
253 5382
255 6119
256 4761
260 7042
262 3598

PARALLEL TABLE OF STATUTORY AUTHORITIES AND RULES

(Additions to 2 CFR; 1965)

This table lists the sections of the U.S. Code which were added to 2 CFR as a result of new citations of authority carried in the *Federal Register* during 1965. Recent legislation not yet assigned within the U.S. Code is carried by public law number at the end of the list.

In order to determine the *Federal Register* page numbers of the parallel CFR citations, users should consult the List of CFR Sections Affected, above.

5 U.S.C.:	CFR
73b–5	31 Part 3
150	41 Part 101–5
151c	22 Part 141; 41 Part 6–3
174c	32 Part 263
631	5 Part 754
633	5 Part 754
860	5 Part 754
863	5 Part 754
868	5 Part 754
1002	6 Part 300
1003	36 Part 6
3102	5 Part 550
7 U.S.C.:	
192	9 Part 201
208	9 Part 201
213	9 Part 201
221	9 Part 201
450	7 Part 319
601–674	7 Parts 900, 913, 932, 967, 1012
612c	6 Part 530
1011	36 Part 211
1131	7 Parts 849, 895
1132	7 Parts 862, 868, 895
1153	7 Part 895
1314b	7 Part 724
1314c	7 Parts 717, 718, 724
1339	7 Part 707
1339a	7 Part 790
1348	7 Part 1427
1379d	7 Part 1483
1379j	7 Part 707
1385	7 Part 707
1421	7 Part 1425
1427	7 Parts 1486, 1488
1441	7 Part 1425
1444	7 Part 1425
1446d	7 Part 1425
1447	7 Part 1425
1506	7 Parts 407–409
1516	7 Parts 407–409
1622	50 Part 262
1706	7 Part 11
1709	7 Part 11
1783	7 Part 707
1809	7 Part 707
1851	7 Part 1486
1929	6 Part 310
2013	7 Parts 1602, 1603
2053	29 Parts 40, 41
8 U.S.C.:	
1101	8 Part 221
1103	8 Part 221
1151	8 Parts 204, 205, 245
1153	8 Part 245
1154	8 Part 205
1182	8 Parts 204, 205; 29 Part 60
1201	8 Part 221
1255	8 Part 204
10 U.S.C.:	
271–272	32 Part 125
1006	32 Part 102
1163	32 Parts 713, 730
2001	32 Part 102
2110	32 Part 110

10 U.S.C.—Continued	CFR
2202	32 Parts 16, 254
2301–2314	32 Part 16
2601–2603	32 Part 825a
2671	32 Parts 232, 263
8012	32 Parts 805, 825a, 833–835, 852, 860, 861, 887, 888, 888a, 889, 907, 930a, 932.
9411	32 Part 902
12 U.S.C.:	
1 et seq	12 Part 17
36	12 Part 208
248	12 Part 218
1131f	6 Part 50
1701c	44 Part 702
1750g	24 Part 908
1751 et seq	32 Part 230
15 U.S.C.:	
13	16 Parts 15, 74
41–58	16 Parts 15, 401
46	16 Part 74
77ggg	17 Part 269
77hhh–77jjj	17 Parts 260, 269
78f–78g	17 Part 230
78j	17 Part 230
78l	12 Parts 206, 335; 17 Part 249
78m	12 Parts 206, 335; 17 Part 274
78n	12 Parts 206, 335; 17 Part 249
78o	17 Part 274
78p	12 Parts 206, 335
78s	17 Part 230
78w	12 Part 206; 17 Part 274
79n–79o	17 Part 274
79w	17 Part 274
80a–30	17 Part 274
80a–44	17 Part 274
255	7 Part 41
272	15 Part 10
714b–714c	7 Parts 1425, 1486, 1487, 1489
714b	7 Parts 707, 1408, 1423
714c	7 Part 1488
717	18 Part 152
717c–717d	18 Part 260
1262	21 Part 191
16 U.S.C.:	
460d	36 Part 313
460k–3	50 Part 26
460l–460l–3	32 Part 263
460l–5	36 Part 251; 43 Part 18
528–531	32 Part 263; 36 Part 251
532–538	36 Part 212
577–577c	36 Part 251
670a–670e	32 Parts 232, 263
718d	50 Part 33
742e	50 Parts 260, 262
797	18 Part 8
803	18 Parts 8, 12
825c	18 Parts 4, 11, 12
825h	18 Parts 8, 12
825j	18 Part 4
831–831dd	18 Part 302
1131–1136	36 Part 251
18 U.S.C.:	
701	46 Parts 31, 91

20 U.S.C.:	CFR
107	41 Part 101–19
241a–241f	45 Part 116
242–244	45 Part 116
331 et seq	45 Part 151
711–757	45 Part 170
821–827	45 Part 117
841–848	45 Part 118
861–870	45 Part 119
867	45 Part 120
881	45 Parts 117–120
883–885	45 Parts 117, 118
21 U.S.C.:	
71–91	9 Part 9
134b	9 Part 75
341	21 Part 121
348	21 Part 19
351	21 Part 132
360a	21 Part 166
371	21 Parts 141d, 144, 146d, 148, 166
504	21 Part 307
514	21 Part 307
22 U.S.C.:	
811	41 Part 6–3
1442	22 Part 501
2381	41 Parts 7–1—7–8, 7–10, 7–12, 7–15—7–17, 7–30
2402	22 Part 209
2451–2458	22 Part 61
23 U.S.C.:	
307	23 Part 1
24 U.S.C.:	
271–296	32 Part 553
25 U.S.C.:	
2	25 Parts 41, 42
9	25 Parts 41, 42
26 U.S.C. (1954 I.R.C.):	
263	26 Part 1
3303–3304	20 Part 601
7805	26 Part 145
29 U.S.C.:	
32–33	45 Part 401
37	45 Part 405
213	29 Part 551
30 U.S.C.:	
557	30 Part 41
31 U.S.C.:	
240–242	14 Part 1204
492	31 Part 209
32 U.S.C.:	
502	32 Part 102
33 U.S.C.:	
157a	33 Parts 80, 95
356	33 Part 136
466	32 Part 263
1052	32 Part 706; 33 Part 135
1073	32 Part 707; 33 Parts 135, 136
35 U.S.C.:	
25	37 Parts 2, 4
37 U.S.C.:	
209	32 Part 110
38 U.S.C.:	
210	41 Parts 8–12, 8–15, 8–19, 8–30, 8–95
612	38 Part 17

38 U.S.C.—Continued	CFR
725	38 Part 8
776 note	38 Part 3
1701–1778	38 Part 21
5034	38 Part 17
39 U.S.C.:	
501	39 Part 6
505	39 Parts 6, 43, 201
506	39 Part 48
712	39 Part 54
2403	39 Part 54
4101	39 Part 6
4105	39 Parts 6, 29
4302	39 Part 6
5001	39 Part 6
5006	39 Part 6
6006	39 Part 6
40 U.S.C.:	
193r	36 Part 502
331	29 Part 5
462	44 Part 702
484	32 Part 1802
486	41 Parts 5–8, 5–19, 5B–7, 8–12, 8–15, 8–19, 8–30, 8–95, 9–8, 9–11, 10–1, 39–1, 101–5, 101–6
702	41 Part 101–29
40 U.S.C. App.:	
203	7 Part 755
205	30 Part 41
42 U.S.C.:	
242f	42 Parts 61, 63
296–296c	42 Part 57
405	31 Part 360
1371	20 Part 614
1465	24 Part 3
1478	6 Part 322
1487	6 Parts 310, 322
1855–1855g	32 Part 221
1857–1857l	32 Part 263
1870	45 Part 635
1872a	45 Part 635
1973e	45 Part 801
1973g	45 Part 801
2000c	45 Part 180
2000c–3	45 Part 180
2000c–4	45 Part 180
2000d–1	13 Part 112; 14 Part 1250; 15 Part 8; 18 Part 302; 22 Parts 141, 209; 32A Ch. I, OEP Reg. 5; 45 Parts 181, 1010; 50 Part 3.
2000e–8	29 Part 1602
2000e–12	29 Parts 1601, 1602, 1604
2111	10 Parts 31–36
2112	10 Parts 31, 36
2201	10 Parts 32–36; 41 Parts 9–8, 9–11

42 U.S.C.—Continued	CFR
2232	10 Parts 32–36
2233	10 Parts 31–36
2305	24 Part 2
2717	5 Part 733
2788	45 Part 1030
2841–2854	6 Part 300
2881	7 Part 16
2942	6 Part 300; 29 Part 50, 45 Parts 166, 1010
2946	6 Part 300
3001–3053	45 Parts 901, 903–906
3074	24 Part 3
43 U.S.C.:	
1201	43 Part 1720
46 U.S.C.:	
85a	46 Parts 92, 163
88a	46 Part 92
361–362	46 Part 72
363	46 Part 163
366	46 Parts 72, 163
390b	46 Parts 3, 50–56, 58, 59, 61, 66–69, 110–113, 161, 163.
391a	46 Parts 163, 187
392	46 Part 163
395	46 Parts 2, 50, 53, 66–69, 160
399	46 Parts 58, 59, 70, 72, 180
409	46 Parts 66–69
411	46 Part 72
435	46 Parts 70, 72, 180
481	46 Parts 50, 53, 58, 59, 66–70, 74, 110, 163
483	46 Part 92
489	46 Parts 71, 72, 77, 110–113
526f	46 Part 187
526l	46 Part 25
526p	46 Parts 66–69, 72, 73, 110–113, 161, 187
527e	46 Part 2
672	46 Part 14
813a	46 Part 536
814	46 Parts 521, 527
816	46 Part 533
817	46 Part 536
820	46 Parts 527, 533
841a	46 Parts 521, 527, 533, 536
881	46 Parts 31, 91
1114	46 Parts 202, 287
1117	46 Part 380
1161	26 Part 2
1176	46 Part 205
1211	46 Part 380
47 U.S.C.:	
155	47 Part 2
220	47 Parts 31, 43

47 U.S.C.—Continued	CFR
308	47 Parts 21, 73
309	47 Part 73
310	47 Part 21
316	47 Part 73
319	47 Parts 0, 21
405	47 Part 15
49 U.S.C.:	
12	49 Part 10
20	49 Part 160
66	4 Part 52
304	49 Parts 77, 240
310a	49 Part 240
317–318	49 Part 240
320	49 Part 77
324	49 Part 77
1304	14 Part 77
1322	14 Part 385
1324	14 Part 242
1341–1355	14 Part 224
1343	14 Part 13
1344	14 Part 159
1346	14 Part 129
1347	14 Parts 71, 73
1348	14 Parts 137, 159
1349	14 Part 151
1354	14 Parts 137, 159
1371	14 Part 298
1373	14 Part 399
1377	14 Part 242
1386	14 Part 385
1421	14 Part 137
1422	14 Parts 63, 65, 67, 143
1427	14 Part 137
1431	14 Part 77
1482	14 Part 399
1501	14 Part 77
1502	14 Part 129
1507	14 Part 159
50 U.S.C.:	
1001 et seq	32 Part 511
50 U.S.C. App.:	
456	32 Part 110
2023	15 Part 369
2166	32A Ch. VI, M–11A
2251–2297	32 Part 220
Public Laws:	
Pub. Law 89–83	37 Part 1
Pub. Law 89–117	24 Part 1000
Pub. Law 89–178	45 Part 405
Pub. Law 89–236	22 Parts 41, 42
Pub. Law 89–273	22 Part 210
Pub. Law 89–283	19 Part 301
Pub. Law 89–286	29 Part 4
Pub. Law 89–321	7 Parts 717, 722, 724
Pub. Law 89–331	7 Parts 817, 850

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Agencies in this issue—

Agricultural Stabilization and Conservation Service
Agriculture Department
Civil Aeronautics Board
Comptroller of the Currency
Consumer and Marketing Service
Customs Bureau
Defense Department
Engineers Corps
Federal Aviation Agency
Federal Communications Commission
Federal Maritime Commission
Federal Power Commission
Federal Register Administrative Committee
Fish and Wildlife Service
Interstate Commerce Commission
National Bureau of Standards
Small Business Administration

Detailed list of Contents appears inside.

J
83

Announcing First 5-Year Cumulation

UNITED STATES STATUTES AT LARGE

TABLES OF LAWS AFFECTED in Volumes 70–74

Lists all prior laws and other Federal instruments which were amended, repealed, or otherwise affected by the provisions of public laws enacted during the years 1956–1960. Includes index of popular name acts affected in Volumes 70–74.

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J
83
.A2

Contents

AGRICULTURAL STABILIZATION AND CONSERVATION SERVICE
Rules and Regulations
Holding of referenda on marketing quotas ... 6144
Flue-cured tobacco; acreage-poundage quotas, 1965 ... 6146
National marketing quota, etc. ... 6144
Notices
Sugar; notice of hearing on sugarcane wages and prices in Florida and designation of presiding officers ... 6191
Flue-cured tobacco; notice of referendum ... 6191

AGRICULTURE DEPARTMENT
See also Agricultural Stabilization and Conservation Service; Consumer and Marketing Service.
Notices
Michigan; designation of area for emergency loans ... 6191

ARMY DEPARTMENT
See Engineers Corps.

CIVIL AERONAUTICS BOARD
Notices
International Air Transport Association; agreement adopted regarding specific commodity rates ... 6196

COMMERCE DEPARTMENT
See National Bureau of Standards.

COMPTROLLER OF THE CURRENCY
Rules and Regulations
Ownership reports of capital stock; scope and application ... 6160

CONSUMER AND MARKETING SERVICE
Rules and Regulations
Egg products; grading and inspection ... 6141
Handling limitations:
Lemons grown in California and Arizona (2 documents) ... 6148
Valencia oranges grown in Arizona and designated part of California ... 6148
Proposed Rule Making
Milk in Southern Michigan and Muskegon, Michigan marketing areas; recommended decision ... 6163

CUSTOMS BUREAU
Rules and Regulations
Antiques; ports of entry ... 6149
Notices
Philippine peso; rates of exchange ... 6196
Titanium dioxide from West Germany; withholding of appraisement notice ... 6196

DEFENSE DEPARTMENT
See also Engineers Corps.
Rules and Regulations
Defense contract financing regulations; miscellaneous amendments ... 6161

ENGINEERS CORPS
Rules and Regulations
Big Bend (Lake Sharpe), Cold Brook and Elk City Reservoir areas; public use ... 6161
Marshyhope Creek, Md., and Withlacoochee River, Fla.; bridge and navigation regulations ... 6161

FEDERAL AVIATION AGENCY
Rules and Regulations
Airworthiness directives; Boeing Models 707 and 720 series aircraft ... 6150
Jet route and Federal airway; alteration ... 6150
Jet routes; designation ... 6150
Standard instrument approach procedures; miscellaneous amendments ... 6151
Proposed Rule Making
Airworthiness directives; Curtiss-Wright model C-46 series aircraft ... 6188
Control zones and transition areas; proposed alteration and designation ... 6189
Special medical flight or practical test or medical evaluation for special issue of medical certificate ... 6188

FEDERAL COMMUNICATIONS COMMISSION
Notices
Hearings, etc.:
Chicagoland TV Co., and Chicago Federation of Labor and Industrial Union Council ... 6197
Chronicle Publishing Co. (KRON-TV) ... 6197
Dixie Broadcasting Co., Inc., and Tupelo Broadcasting Co., Inc. ... 6197
Regional Broadcasting Corp. and Evergreen Enterprises, Inc. ... 6197
WTCN Television, Inc. ... 6198

FEDERAL MARITIME COMMISSION
Notices
Agreements filed for approval:
American Export Isbrandtsen Lines, Inc., and Seatrain Lines, Inc. ... 6198
Pacific Coast-Australasian Tariff Bureau ... 6198
Smith, J. D., Inter-Ocean, Inc., et al.; notice of agreements filed for approval and agreement subject to cancellation ... 6199

FEDERAL POWER COMMISSION
Notices
Hearings, etc.:
Continental Oil Co. et al. ... 6192
Fluor Corp., Ltd. ... 6191

FEDERAL REGISTER ADMINISTRATIVE COMMITTEE
CFR Checklist ... 6141

FISH AND WILDLIFE SERVICE
Rules and Regulations
Patuxent Wildlife Research Center, Md.; sport fishing ... 6149

INTERIOR DEPARTMENT
See Fish and Wildlife Service.

INTERSTATE COMMERCE COMMISSION
Rules and Regulations
Freight schedules; alternation of through rates with aggregate of intermediate rates ... 6162
Notices
Fourth section applications for relief ... 6201
Motor carrier transfer proceedings ... 6201

NATIONAL BUREAU OF STANDARDS
Notices
National Bureau of Standards radio stations; notice of U.S. standard frequency and time broadcasts ... 6191

(Continued on next page)

SMALL BUSINESS ADMINISTRATION

Notices

Delegations of authority relating to financial assistance functions:
- Manager Disaster Field Office, Findlay, Ohio 6200
- Manager Disaster Field Office, Toledo, Ohio 6200

Disaster area declarations:
- Alabama 6200
- North Dakota 6200
- Tennessee 6200

San Antonio, Texas Regional Office; delegation of authority to conduct program activities 6201

TREASURY DEPARTMENT

See Comptroller of the Currency; Customs Bureau.

List of CFR Parts Affected

(Codification Guide)

The following numerical guide is a list of the parts of each title of the Code of Federal Regulations affected by documents published in today's issue. A cumulative list of parts affected, covering the current month to date, appears at the end of each issue beginning with the second issue of the month.

A cumulative guide is published separately at the end of each month. The guide lists the parts and sections affected by documents published since January 1, 1965, and specifies how they are affected.

7 CFR

55 6141
717 6144
724 (2 documents) 6144, 6146
908 6148
910 (2 documents) 6148
PROPOSED RULES:
1040 6163
1042 6163

12 CFR

12 6160

14 CFR

39 6150
71 6150
75 (2 documents) 6150
97 6151
PROPOSED RULES:
39 6188
67 6188
71 6189

19 CFR

10 6149

32 CFR

163 6161

33 CFR

203 6161
207 6161

36 CFR

311 6161

49 CFR

141 6162

50 CFR

60 6149

Rules and Regulations

Title 1—GENERAL PROVISIONS

Chapter I—Administrative Committee of the Federal Register

CFR CHECKLIST

1965 Issuances

This checklist, prepared by the Office of the Federal Register, is published in the first issue of each month. It is arranged in the order of CFR titles, and shows the issuance date and price of revised volumes and supplements of the Code of Federal Regulations issued to date during 1965. New units issued during the month are announced on the inside cover of the daily FEDERAL REGISTER as they become available.

Order from Superintendent of Documents, Government Printing Office, Washington, D.C., 20402.

CFR Unit (as of Jan. 1, 1965):	Price
3 1964 Supp.	$1.00
5 (Supp.)	.50
6 (Rev.)	1.00
7 Parts:	
1–50 (Supp.)	1.00
51–52 (Supp.)	1.00
53–209 (Supp.)	1.00
210–399 (Supp.)	.65
900–944 (Rev.)	1.00
945–980 (Rev.)	.65
981–999 (Rev.)	.55
1000–1029 (Rev.)	1.00
1030–1059 (Rev.)	1.00
1060–1089 (Rev.)	1.00
1090–1119 (Rev.)	.70
1120–1199 (Rev.)	1.00
9 (Rev.)	1.25
10–11 (Supp.)	.50
12 (Supp.)	.65
13 (Supp.)	.50
14 Parts:	
200–1199 (Rev.)	1.25
1200–end (Rev.)	.35
16 (Supp.)	1.00
17 (Supp.)	.50
18 (Supp.)	.70
19 (Rev.)	1.75
22 (Rev.)	1.00
23 (Rev.)	.25
25 (Supp.)	.70
26 Parts:	
1 (§§ 1.01–1.400) (Supp.)	1.00
1 (§§ 1.401–1.860) (Supp.)	1.25
20–29 (Supp.)	.40
40–169 (Supp.)	1.00
170–299 (Supp.)	.75
300–499 (Supp.)	.50
500–599 (Supp.)	.30
600–end (Supp.)	.40
27 (Supp.)	.30
28 (Rev.)	.55
29 (Rev.)	3.00
30 (Rev.)	1.25
32 Parts:	
40–399 (Supp.)	.60
590–699 (Supp.)	.70
800–999 (Rev.)	1.25
32A (Rev.)	1.00
33–34 (Supp.)	.65
36 (Supp.)	.50

CFR Unit (as of Jan. 1, 1965)—Continued	Price
36 (Rev.)	$2.50
39 (Supp.)	1.25
41 Chapters:	
1 (Rev.)	2.00
2–4 (Rev.)	.70
18–100 (Rev.)	2.25
101–end (Rev.)	1.25
42 (Supp.)	1.00
46 Parts:	
1–145 (Supp.)	.50
146–149 (Rev.)	2.75
150–199 (Rev.)	1.25
47 Parts:	
0–19 (Rev.)	1.00
20–69 (Rev.)	1.50
70–79 (Rev.)	1.00
80–end (Rev.)	1.50
48 (Rev.)	.45
49 Parts:	
165–end (Supp.)	.40
50 (Supp.)	.60

Title 7—AGRICULTURE

Chapter I—Consumer and Marketing Service (Standards, Inspections, Marketing Practices), Department of Agriculture

SUBCHAPTER C—REGULATIONS AND STANDARDS UNDER THE AGRICULTURAL MARKETING ACT OF 1946

PART 55—GRADING AND INSPECTION OF EGG PRODUCTS

Miscellaneous Amendments

Under authority contained in the Agricultural Marketing Act of 1946, as amended (7 U.S.C. 1621–1627), the U.S. Department of Agriculture hereby amends the Regulations Governing the Grading and Inspection of Egg Products (7 CFR Part 55) as set forth below.

Statement of considerations. The Department's egg products inspection program provides for high standards of sanitation, inspection techniques, and other requirements. In order to maintain these standards, it has been necessary from time to time to amend the regulations in line with technological advances and other innovations which have resulted in product improvement. Such is the case with respect to the pasteurization of egg products which are processed in plants operating under the Department's egg products inspection program.

The amendments require all liquid eggs, except whites, including those to which ingredients are added and regardless of whether such products are to be distributed in liquid, frozen or dried form, to be pasteurized to the extent that facilities are available beginning June 1, 1965. All products not pasteurized due to the nonavailability of equipment will have to be analyzed for the presence of Salmonella. When such laboratory analyses show evidence of the presence of Salmonella, the product will have to be pasteurized before being released for consumption.

The amendments require all frozen whites to be pasteurized, or analyzed for the presence of Salmonella, or heat-treated and analyzed for the presence of Salmonella beginning June 1, 1965, require all dried whites, except those produced from pasteurized liquid, to be heat-treated and analyzed for the presence of Salmonella as of this date, and require all liquid whites which are to be released into consumptive channels in liquid form to be pasteurized or heat-treated as of this date. When laboratory analysis of frozen whites shows evidence of the presence of Salmonella, such whites will have to be either pasteurized or dried, heat-treated and analyzed for the presence of Salmonella prior to being released for consumption. Effective January 1, 1965, all liquid egg products, except whites, will have to be pasteurized. Effective June 1, 1966, all egg products, except dried whites, will be required to be pasteurized regardless of whether distributed in liquid, frozen or dried form. Dried whites, except those produced from pasteurized liquid, will have to be heat-treated in dried form in such a manner as to result in a Salmonella negative product.

This action is necessary because pasteurization and heat-treatment are the only effective ways known today to eliminate Salmonella from egg products. Salmonella is a type of bacteria that is pathogenic and can cause foodborne infection.

Recently a method to commercially pasteurize the whites or albumen of eggs has been developed. The lack of a feasible method of pasteurization of whites which would not affect their functional properties has long been a hindrance to requiring pasteurization of all egg products.

The January 1, 1966, effective date is set forth for the pasteurization of all egg products, other than whites, including those to which ingredients have been added. This will give affected persons ample time to purchase and install the equipment necessary for pasteurization and to make the necessary adjustments in their operations. The effective date for the pasteurization of liquid and frozen whites is June 1, 1966. The additional time is needed to perfect, on a commercial basis, the recently developed method of pasteurization.

Under certain conditions, three steps are necessary in testing for the presence of Salmonella. A lot may be determined to be Salmonella negative after completion of step one—growth through differential agars. If step one indicates the product to be Salmonella positive, step two—consisting of growth and testing through triple-sugar-iron agar—will be performed. If step two indicates Salmonella positive product, the processor may, at his option, immediately pasteurize the product or request that the third step—

confirmatory test through biochemicals—be performed. If the third test indicates Salmonella positive product, the product must be pasteurized. If the third test is negative, the product need not be pasteurized.

The fee for conducting Salmonella tests is changed from $5 to $6.40 per test step on a single sample basis. When three or more samples are submitted, the fee per sample shall be $5 for step one, $3 for step two and $5 for step three. This change is necessary because procedures now used are more complex and require more time.

The amendments also require all required labeling information to be placed on the container and prohibit such information from being placed on a detachable cover such as a lid. This will aid in the control of officially labeled product and will be in line with other labeling regulations which require all labeling information to be on the main panel of the container.

The time required for an applicant to request reassignment of a grader in plants where applications are in effect during off season is changed from 20 days to 45 days prior to date operations are to resume. This is necessary to give adequate time for obtaining qualified graders, but does not preclude earlier assignment of graders when available.

The section on egg products containing 25½ percent or more egg solids to which 10 percent salt has been added is changed so as to apply to all egg products to which 10 percent salt has been added regardless of the percent of egg solids.

Stabilized liquid eggs are presently required to be cooled to 40° F. immediately following stabilization unless immediately dried or pasteurized. Pasteurized liquid eggs are required to be cooled to 40° F. immediately following pasteurization unless immediately dried or stabilized. The 40° F. temperature is raised to 45° F. to be consistent with the temperature requirements for nonpasteurized and nonstabilized product.

For stabilized liquid whites which are to be dried, provisions are made to hold such stabilized product to the extent necessary to provide for a continuous operation. Experience has shown that it is impractical to have a drying capacity which will handle the entire volume of product that may be stabilized at one time.

Adjustments are made in the requirements pertaining to freezing operations so as to provide time for pasteurization prior to freezing when such pasteurization does not take place immediately after drawoff.

Due to the differences in cleaning and sanitizing procedures, the requirements concerning the dry cleaning of bags for the bag collectors on drying units are changed to give more flexibility.

The amendments permit the use of 100 percent by volume of nitrogen for the gas packing of dried whole eggs because it has been determined that under present operating procedures, 100 percent nitrogen is as effective as a combination of nitrogen and carbon dioxide.

Certain other sections are deleted because the requirements are no longer applicable and certain sections are changed for the sake of clarity.

The amendments are essentially the same as those proposed in the FEDERAL REGISTER of March 16, 1965 (30 F.R. 3450) except for the following: Provision is made for the movement of liquid whites into consumptive channels in liquid form without laboratory analyses when such products have been heat-treated and the sampling of dried whites which have been heat-treated in dried form is changed from "one composite sample per lot of not in excess of 2,000 pounds" to "one composite sample per lot not in excess of 4,000 pounds." These changes from the proposed amendments are due to comments received during rule-making procedure and other technical information now available to the Department.

The amendments are as follows:

1. The last sentence of § 55.35 is hereby deleted and the following sentences are added in lieu thereof:

§ 55.35 Approval of official identification.

* * * Egg products that are labeled "whites and yolks" shall have the total egg solids content declared on the label if the egg solids content is less than 25½ percent. Beginning January 1, 1966, the label, as well as the official inspection mark if used, shall be applied to the container and shall not be applied to a detachable cover such as a lid.

2. Section 55.40 is hereby amended to read:

§ 55.40 Processing turkey, guinea, duck, and goose eggs.

Edible turkey, guinea, duck, and goose eggs may be processed in the official plant if such eggs are processed separately and properly labeled. The resultant egg product may be officially identified with the mark shown in figure 4 of § 55.38.

3. Section 55.66(a) is hereby amended to read:

§ 55.66 Egg products laboratory analyses fees.

(a) For each of the following laboratory analyses the fee referable thereto shall be applicable except as otherwise stated in paragraph (b) of this section:

	Fee
Solids	$2.50
Fat	3.75
Bacteriological plate count	2.50
Bacteriological direct count	2.50
E. Coli (presumptive)	2.50
Coliforms	2.50
Salmonella (per test step)[1]	6.40
Yeast and mold count	2.50
Solubility	1.50
Sugar	5.00
Salt	7.50
Color:	
NEFA	3.75
B-carotene	5.00
Whipping test	2.50
Whipping test plus bleeding	$3.75
Meringue test	2.50
Fat film test	5.00
Oxygen	3.75
Glucose:	
Quantitative	6.25
Qualitative	3.75
Palatability and odor:	
First sample	2.50
Each additional sample	1.25
Organoleptic	2.50

[1] Salmonella test may be in three steps as follows: Step one—growth through differential agars; step two—growth and testing through triple-sugar-iron agar; step three—confirmatory test through biochemicals. When three or more samples are submitted, the fee per sample shall be $5 for step one, $3 for step two and $5 for step three.

* * * * * *

4. Section 55.70(b) is hereby amended to read:

§ 55.70 Charges and other provisions where application is in effect during season of no operation.

* * * * * *

(b) *Other provisions.* In making a request, the applicant shall agree not to process or label any product until a grader is reassigned and not to use or ship any packaging or labeling material bearing the official mark without prior approval of a Federal-State Supervisor. Reassignment of graders will be subject to the availability of qualified graders and applicants shall request reassignment of a grader 45 days prior to the date that operations will be resumed.

5. Section 55.77 is hereby amended by adding new paragraphs (o) and (p) to read:

§ 55.77 General operating procedures.

* * * * * *

(o) All pasteurization shall be in accordance with § 55.101 and product may be shipped from one official plant to another official plant for pasteurization. All heat-treatment shall be in accordance with § 55.103. All sampling for the presence of Salmonella shall be in accordance with the procedures set forth in paragraph (p) of this section and product shall not be released for distribution until the results of the laboratory analyses are received by the inspector. If the results of the laboratory analyses are Salmonella negative, the product may be released for consumption. If the results of the laboratory analyses are Salmonella positive, the product must be pasteurized or in the case of whites be either pasteurized or dried, heat-treated and analyzed for the presence of Salmonella. Salmonella positive product may be shipped from the plant only when it is shipped to another official plant for pasteurization or heat-treatment. All shipments of products from one official plant to another for pasteurization or heat-treatment shall be in sealed cars or trucks.

(1) *Effective June 1, 1965.* (i) To the extent that on-site facilities are available, pasteurization will be required for all liquid eggs, except whites, including those to which ingredients are added and regardless of whether such products are to be distributed in liquid, frozen or dried form.

(ii) When such facilities are not available or are inadequate to pasteurize all liquid produced, samples from each lot of nonpasteurized liquid shall be analyzed for the presence of Salmonella.

(iii) Frozen whites shall be either pasteurized, or heat-treated and analyzed for the presence of Salmonella, or sampled and analyzed for the presence of Salmonella.

(iv) Liquid whites to be released into consumptive channels in liquid form shall be either pasteurized or heat-treated.

(v) All dried whites, except those produced from pasteurized liquid, shall be heat-treated in dried form and shall be sampled and analyzed for the presence of Salmonella.

(2) *Effective January 1, 1966.* All liquid eggs, except whites, including those to which ingredients are added and regardless of whether such products are to be distributed in liquid, frozen or dried form, shall be pasteurized.

(3) *Effective June 1, 1966.* All liquid whites to be released into consumptive channels in liquid or frozen form, shall be pasteurized.

(p) (1) For liquid egg products which are required to be sampled for the presence of Salmonella and which have not been heat-treated, one sample per lot of 6,000 pounds or fraction thereof shall be submitted for laboratory analyses. The sample shall be a composite consisting of product drawn from each batch comprising the lot and such product shall be thoroughly churned prior to sampling. For continuous type operations, the sample shall be a composite consisting of product drawn from approximately each 300 pounds produced. Frozen egg whites which have been heat-treated shall be sampled at the rate of one composite sample per lot of not in excess of 36,000 pounds. Dried whites which have been heat-treated in dried form shall be sampled at the rate of one composite sample per lot of not in excess of 4,000 pounds. Each lot of product must be identified.

(2) Laboratory analyses for the presence of Salmonella shall be made by a laboratory approved by the national supervisor and continuing approval will be based on the results of confirmation samples submitted to a USDA laboratory and analyzed at the applicant's expense.

§ 55.85 [Amended]

6. Paragraphs (b) and (d) of § 55.85 *Liquid cooling operations* are hereby amended to read:

(b) All shell eggs shall be precooled to temperatures that will result in liquid eggs not exceeding a temperature of 70° F. during processing, other than while being stabilized or pasteurized. Notwithstanding the foregoing, shell eggs exceeding 70° F. may be broken: *Provided*, That the liquid is immediately mechanically cooled prior to drawoff to the temperatures specified in paragraphs (c) through (g) of this section.

* * * * * *

(d) Egg products to which 10 percent salt has been added, may be accumulated up to four (4) hours at a temperature not exceeding 60° F.: *Provided*, That immediately thereafter the product is packaged and placed in a freezer. Liquid eggs, other than whites, if to be held more than eight (8) hours, shall be reduced to a temperature of 40° F. or less within one and one-half (1½) hours from time of drawoff and held at 40° F. or less until stabilizing or pasteurizing operations are begun or until delivered to the consumer.

7. Section 55.85(c) is hereby amended by changing "40° F." in the first sentence to "45° F."

8. Section 55.85(f) is hereby amended by changing "40° F." in the first sentence to "45° F."

9. Section 55.85(g)(1) is hereby amended to read:

(g)(1) Liquid whites that are to be stabilized by removal of glucose and dried shall be held at a temperature not exceeding 70° F.: *Provided*, That the stabilization process is begun within eight (8) hours from time of drawoff. Liquid whites held longer than 8 hours shall be cooled immediately after drawoff to 55° F. or less within one and one-half (1½) hours from time of drawoff and held at 55° F. or less until stabilizing or pasteurizing operations are begun or until delivered to the user. Drying shall be carried out as soon as possible after removal of glucose and the storage of stabilized liquid white shall be limited to that necessary to provide for a continuous operation.

10. Section 55.85(i) is hereby deleted.

11. Section 55.88(b) is hereby amended to read:

§ 55.88 Freezing operations.

* * * * * *

(b) All nonpasteurized egg products which are to be frozen shall be solidly frozen or reduced to a temperature of 10° F. within 60 hours from time of drawoff and all pasteurized egg products which are to be frozen shall be solidly frozen or reduced to a temperature of 10° F. within 60 hours from time of pasteurization. The temperature of products not solidly frozen shall be taken at the center of the package to determine compliance with this section.

* * * * * *

12. Section 55.92(b), the introductory text of (c), and (g) are hereby amended to read:

§ 55.92 Spray process drying operations.

* * * * * *

(b) When nonpasteurized liquid whole eggs and yolks are preheated, they shall be heated to a temperature of not less than 138° F.

(c) Low pressure liquid egg lines, high pressure pumps, low pressure pumps, homogenizers and pasteurizers, unless cleaned by acceptable in-place cleaning methods, shall be dismantled and cleaned after each day's operation except that when a batch of stabilized liquid has not been completely dried at the end of the day's operation, cleanup may be delayed until the remainder of the batch has been dried.

* * * * * *

(g) Drying units used for other than drying albumen shall be cleaned and sanitized at least once each week and the primary chamber shall be cleaned whenever wet powder is encountered. Bags for bag collectors shall be dry cleaned or laundered as often as needed to maintain them in a sanitary condition. Drying units used for drying albumen shall be operated in a clean and sanitary manner.

* * * * * *

13. Section 55.101(b) is hereby amended and a new (c) is added to read:

§ 55.101 Pasteurization of liquid eggs.

* * * * * *

(b) *Pasteurizing operations.* The strained or filtered liquid egg shall be flash heated to not less than 140° F. and held at this temperature for not less than 3½ minutes. The flow diversion valve shall be adjusted so that all liquid not meeting the temperature requirements shall be diverted to a receiving tank. The sanitary pipe leading from the flow diversion valve shall be dismantled, cleaned, and sanitized and the flow diversion valve flushed with cold water whenever a 30-minute time interval has elapsed between use and re-use. The pasteurizing equipment shall be dismantled, cleaned, and sanitized at the end of each day's operation. If the eggs are pasteurized within 30 minutes after time of breaking, they need not be chilled to 45° F. prior to pasteurization. Immediately after pasteurization, the liquid eggs shall be cooled as provided in § 55.85 unless they are dried immediately.

(c) *Other acceptable methods.* Other methods of pasteurization may be approved by the national supervisor upon receipt of satisfactory evidence that such methods will result in a Salmonella negative product.

14. Paragraphs (a) (2) and (3) of § 55.102 are hereby amended and (b)(3) is deleted. The affected paragraphs read as follows:

§ 55.102 Gas packing dried whole eggs.

* * * * * *

(a) *Gas packing facilities.* * * *

(2) The gassing equipment used shall be capable of partially evacuating the air from the cans and introducing, as a replacement for the evacuated air, a gas mixture consisting of 100 percent by volume of nitrogen or a mixture of nitrogen and carbon dioxide, provided the carbon dioxide does not exceed 20 percent.

(3) The equipment used to supply the nitrogen and carbon dioxide shall have flow meters or similar devices so that there is evidence of the percent by volume of the gases used.

* * * * * *

(b) *Gas packing operations.* * * *

(2) [Deleted]

* * * * * *

15. A new § 55.103 is hereby added to read:

§ 55.103 Heat treatment of whites.

(a) *Liquid whites.* Where heat treatment of liquid whites is required, product shall be heated throughout to a minimum temperature of 132° F. or higher and held at that temperature for at least 2 minutes.

(b) *Dried whites.* Where heat treating of dried whites is required, product shall be heated throughout for such times and at such temperatures as will result in Salmonella negative product.

(c) *Other acceptable methods.* Other methods of heat treating may be approved by the national supervisor upon receipt of satisfactory evidence that such methods will result in a Salmonella negative product.

Done at Washington, D.C., this 28th day of April 1965, to become effective June 1, 1965.

G. R. GRANGE,
Deputy Administrator,
Marketing Services.

[F.R. Doc. 65-4616; Filed, Apr. 30, 1965; 8:48 a.m.]

Chapter VII—Agricultural Stabilization and Conservation Service (Agricultural Adjustment), Department of Agriculture

SUBCHAPTER B—FARM MARKETING QUOTAS AND ACREAGE ALLOTMENTS

[Amdt. 4]

PART 717—HOLDING OF REFERENDA ON MARKETING QUOTAS

Subpart—Regulations Governing the Holding of Referenda on Marketing Quotas

MISCELLANEOUS AMENDMENTS

1. *Basis and purpose.* The amendments herein are issued pursuant to and in accordance with the Agricultural Adjustment Act of 1938, as amended, particularly as amended by Public Law 89-12, 79 Stat. 66, approved April 16, 1965, which directs the Secretary to hold a special referendum of farmers engaged in the production of flue-cured tobacco of the 1964 crop to determine if they favor or oppose the establishment of marketing quotas on an acreage-poundage basis in lieu of quotas on an acreage basis which are now in effect for the 1965-66, 1966-67, and 1967-68 marketing years. The purpose of these amendments is to (1) amend the authority clause contained in the regulations in this part to include Public Law 89-12, 79 Stat. 66, (2) change the time of voting in the States of Florida, Georgia, North Carolina, South Carolina, and Virginia to give flue-cured tobacco producers in those States an adequate opportunity to vote in the special referendum (in view of the small number of flue-cured tobacco producers in Alabama, no change in voting hours is necessary in that State to insure flue-cured tobacco producers adequate opportunity to vote in the special referendum), and (3) add a new § 717.16 to make it clear that the regulations contained in this part are applicable to all referenda required to be held by the Agricultural Adjustment Act of 1938, as amended.

Notice was given (30 F.R. 5641) that the Secretary was preparing to issue regulations for the conduct of the special referendum required to be held pursuant to Public Law 89-12 to which the amendments herein will be applicable. The data, views, and recommendations pertaining to the regulations in this part which were submitted pursuant to such notice have been duly considered within the limits permitted by the Agricultural Adjustment Act of 1938, as amended.

Since the special referendum pursuant to Public Law 89-12 must be held within 30 days after proclamation of the national marketing quota for flue-cured tobacco pursuant thereto, it is hereby found and determined that these amendments shall become effective upon filing with the Director, Office of the FEDERAL REGISTER in order to facilitate preparations for holding the referendum.

2. The authority clause contained in the regulations immediately following the table of contents in this part is amended to read as follows:

AUTHORITY: §§ 717.1 to 717.16 issued under secs. 312, 317, 336, 343, 354, 358, 375, 377, 52 Stat. 46, 55, 56, 61, 66, as amended, 55 Stat. 88, 70 Stat. 206, as amended, 79 Stat. 66; secs. 106, 112, 70 Stat. 191, 195; 7 U.S.C. 1312, 1317, 1336, 1343, 1354, 1358, 1375, 1377, 1824, 1836.

3. Section 717.5 is amended to establish 6 a.m. as the time that polls shall be opened and 8 p.m. as the time that polls shall be closed on the date fixed for holding a referendum in the States of Florida, Georgia, North Carolina, South Carolina, and Virginia.

4. A new § 717.16 is added to read as follows:

§ 717.16 Applicability.

The regulations contained in this part shall be applicable to all referenda on marketing quotas held pursuant to the Agricultural Adjustment Act of 1938, as amended, including referenda under Public Law 89-12.

(Secs. 312, 317, 336, 343, 354, 358, 375, 377, 52 Stat. 46, 55, 56, 61, 66, as amended, 55 Stat. 88, 70 Stat. 206, as amended, 79 Stat. 66; secs. 106, 112, 70 Stat. 191, 195; 7 U.S.C. 1312, 1317, 1336, 1343, 1354, 1358, 1375, 1377, 1824, 1836)

Effective date. Date of filing with the Director, Office of the Federal Register.

Signed at Washington, D.C., on April 28, 1965.

ORVILLE L. FREEMAN,
Secretary.

[F.R. Doc. 65-4598; Filed, Apr. 28, 1965; 1:40 p.m.]

PART 724—BURLEY, FLUE-CURED, FIRE-CURED, DARK AIR-CURED, VIRGINIA SUN-CURED, CIGAR-BINDER (TYPES 51 AND 52), CIGAR-FILLER AND BINDER (TYPES 42, 43, 44, 53, 54 AND 55) AND MARYLAND TOBACCO

Subpart—Determinations and Announcements of (1) the Amount of the National Marketing Quota for Flue-Cured Tobacco on an Acreage-Poundage Basis for the Marketing Year Beginning July 1, 1965, (2) the National Average Yield Goal, (3) the National Acreage Allotment, and (4) the Reserve for Making Corrections in Farm Acreage Allotments, Adjusting Inequities, and Establishing Acreage Allotments for New Farms

§ 724.34r Basis and purpose.

(a) Sections 724.34r and 724.34s are issued pursuant to the Agricultural Adjustment Act of 1938, as amended (7 U.S.C. 1281 et seq.), and as further amended by Public Law 89-12 (79 Stat. 66), approved April 16, 1965, hereinafter referred to as the Act, to determine and announce for flue-cured tobacco for the marketing year beginning July 1, 1965, under the provisions of Public Law 89-12, (1) the amount of the national marketing quota on an acreage-poundage basis, (2) the national average yield goal, (3) the national acreage allotment, and (4) the reserve for making corrections in farm acreage allotments, adjusting inequities, and for establishing acreage allotments for new farms. The determinations by the Secretary contained in subsection 724.34s have been made on the basis of the latest available statistics of the Federal Government. Due consideration has been given data, views, and recommendations received from flue-cured tobacco producers and others pursuant to the notice (30 F.R. 5641) given in accordance with the Administrative Procedure Act (5 U.S.C. 1003). The Act requires the holding of a special referendum of flue-cured tobacco farmers within 30 days after the announcement of the national marketing quota on an acreage-poundage basis, the national acreage allotment, and the national average yield goal, to determine whether such farmers favor or oppose the establishment of marketing quotas on an acreage-poundage basis as provided in section 317 of the Act for the marketing years beginning July 1, 1965, July 1, 1966, and July 1, 1967, in lieu of quotas on an acreage basis in effect for those marketing years. Since flue-cured tobacco farmers must, under section 317 of the Act, be notified, insofar as practicable, of the 1965 crop year marketing quotas for their farms prior to the special referendum, it is hereby found that compliance with the 30-day effective date provision of the Administrative Procedure Act is impracticable and contrary to the public interest. Therefore, the determinations and announcements contained herein shall become effective upon the date of filing with the Director, Office of the Federal Register.

(b) Under the formula in the Act the basis for determining the reserve supply level depends upon the marketing year in which it is determined. 7 U.S.C. 1301 (b)-(10)(B), (11)(B), (12), (14)(B). The present marketing year began on July 1, 1964 and ends on June 30, 1965, 7 U.S.C. 1301(b)(7). On November 27, 1964, the reserve supply level for flue-cured tobacco was determined to be 3,231.2 million pounds (29 F.R. 16077) and the reserve supply level so determined is used for the purposes of the determinations in § 724.34s.

(c) The carry-over of flue-cured tobacco on July 1, 1965, is estimated at 2,530 million pounds and the 1965 crop, based on March 1, 1965, planting intentions of 506,400 acres and an average yield with an allowance for trend, is estimated at 1,152 million pounds. *Tobacco Situation March 1965.* The total supply of flue-cured tobacco for the 1965-66 marketing year is, therefore, presently estimated at 3,682 million pounds or 450.8 million pounds above the reserve supply level.

(d) It is estimated that 800 million pounds of flue-cured tobacco will be utilized in the United States during the 1965-66 marketing year, and 475 million pounds will be exported in that marketing year. This compares with the present estimates for the 1964-65 marketing year, for which actual data for the first 8 months are available, of 785 million pounds for domestic utilization and 455 million pounds for export. The estimates for the 1965-66 marketing year take into account an expected increase in cigarette consumption and an expected increase in exports because of improved quality in the leaf marketed under the acreage-poundage program.

(e) It is determined that it is desirable to effect an orderly reduction of supplies to the reserve supply level, and, therefore, a downward adjustment in a national marketing quota of 1,275 million pounds should be made. Accordingly, the national marketing quota for flue-cured tobacco for the marketing year beginning July 1, 1965, is determined to be 1,126 million pounds. This is less than the maximum reduction of 15 per centum permitted by the Act, but no further reduction is deemed desirable because experience gained from actual operations under the acreage-poundage program is lacking, and a greater reduction would not effect an orderly reduction to the reserve supply level.

(f) It is determined that the national marketing quota of 1,126 million pounds in view of the anticipated carryover will insure an adequate supply of flue-cured tobacco for the 1965-66 marketing year.

(g) The "national average yield goal" has been determined to be 1,854 pounds per acre. It has been determined that this yield will improve or insure the usability of flue-cured tobacco and increase the net return per pound to the growers. In making this determination consideration was given to research data of the Agricultural Research Service of the Department and one of the land-grant colleges in flue-cured tobacco area. From the best information available this is the only relevant research data bearing directly on the statutory factors. The research conducted by the Agricultural Research Service covered the years 1959 through 1964 and was made in cooperation with State agricultural experiment station scientists. The flue-cured variety used in the experiments was Hicks, and the experiments were conducted on 58 test plots distributed from Virginia to Florida. In these tests the best cultural and curing practices were used in order to maximize smoking quality. The average yield per acre by years ranged from 1,730 to 2,073 with a 6-year average of 1,924 pounds for 58 tests. The experiment by the land-grant college was conducted at three locations for the past 2 years and at varying levels of cultural practices. The lower level averaged 1,976 pounds per acre compared with 2,673 pounds for the higher levels. However, the tobacco produced at the low yield sold for 4 cents more per pound than the tobacco produced at the higher yields, and the cost of production was only 2 cents per pound higher on the lower yields. As a result of this research it was recommended that a national average yield goal of between 1,800 and 1,900 pounds would allow the production of good quality tobacco at relatively low production costs per pound with present technologies.

(h) The national acreage allotment is 607,335.49 acres, determined in accordance with the provisions of the Act by dividing the national marketing quota of 1,126 million pounds by the national average yield goal of 1,854 pounds.

(i) In accordance with the provisions of the Act a reserve from the national acreage allotment is established in the amount of 785.68 acres for making corrections in farm acreage allotments, adjusting inequities and establishing allotments for new farms. New farms in 1965 under the acreage program received a total of 98.33 acres of allotment, and 116.03 acres of the reserve will be used for these new farms under the acreage-poundage program. This amount will permit an upward adjustment in the same proportion that allotments for old farms are to be adjusted upward under the acreage-poundage program. It is estimated that the remainder of the reserve acreage will be adequate to make corrections in farm acreage allotments and to adjust inequities.

(j) Consideration in the light of the latest available statistics of the Federal Government has been given as to whether any of the types of flue-cured tobacco should be treated as a kind of tobacco pursuant to the proviso in section 301(b)(15) of the Act. Many recommendations were received to the effect that no action should be taken under this provision of the statute. On the other hand in the case of Brown, et al. v. Freeman, now pending in the courts, it is alleged that type 14 tobacco should be constituted as a separate kind of tobacco under this proviso. It is contended in that case that the fact that less type 14 tobacco in recent years has been placed under price support loans through the Stabilization Corporation furnishes a factual basis to constitute this type of tobacco as a separate kind. However, tobacco placed with the Stabilization Corperation is not removed from the channels of trade, the greater part of the tobacco so placed in prior years has been purchased by the tobacco trade, and stocks held by the Stabilization Corporation include substantial quantities of all types of flue-cured tobacco. Many of the recommendations received, including recommendations from farmers who are also tobacco graders, were to the effect that the various types of flue-cured tobacco are not distinguishable on visual inspection. One farmer who is also a grader stated that it was possible to distinguish between the types of tobacco, generally speaking, but that it was more difficult to distinguish between types in closely related areas such as those producing type 14 and 13, 13 and 12, and 12 and 11b. This farmer-grader stated, however, that it is not always possible to make the distinction even in widely separated types, and he also stated that there were as many variations in quality and desirability within a type as between types and that highly desirable tobacco of each type and undesirable tobacco of each type was produced.

He recommended that no action be taken to separate the types. One of the largest manufacturers of cigarettes in the United States stated that it could use satisfactorily in its blends, tobaccos from all the various types of flue-cured tobacco and that each type was equally satisfactory for its needs. This company further stated that an investigation of their buying practices over the years reveals that their purchases from each of the various types had varied from year to year as quality and availability might dictate, but it had been its practice insofar as usability of the crop would allow, to spread its purchases over the entire flue-cured area and they did not believe that any one type had superior qualities as compared with any other flue-cured type. Another company which is a large buyer of flue-cured tobacco for export stated that type 14 tobacco under present conditions and practices is much less desirable than tobaccos from some of the other belts. On the basis of present available information, it is concluded that flue-cured tobacco produced in the United States regardless of its type is a substantially homogeneous commodity. Its principal usage both in this country and abroad is in the manufacture of cigarettes. The individual types have a high degree of intercangeability in their actual use and each of these types is readily substituted for the others. A comparison of nonfarm stocks in the United States by quarters from 1957 demonstrates that the relationships among stocks of the various types of flue-cured tobacco have remained relatively constant during this period. A table showing this relationship is attached as Exhibit A. A price comparison among flue-cured types since 1951 shows a close proximity of prices to each other. This is shown in Table 12 of the Tobacco Situation for December 1964. It is, therefore, determined that there is a common demand for flue-cured tobacco and no finding is made that there is a difference in supply and demand conditions as among such types of tobacco which results in a difference in the adjustments needed in the marketings thereof in order to maintain supplies in line with demand. Accordingly, the determinations in section 724.34s are issued on the basis that flue-cured tobacco comprising types 11, 12, 13, and 14 is a kind of tobacco for the purposes of the Act for the marketing years 1965-66, 1966-67, and 1967-68. As indicated above the case of Brown, et al. v. Freeman, is now pending in the courts. The time for applying for a writ of certiorari in this case has not expired and no determination has yet been made as to whether such a writ will be applied for. In the event that it is decided that a petition for a writ of certiorari will not be filed, any additional consideration, action or determination required by the decision and judgment of the court of appeals will be undertaken expeditiously.

(k) Many recommendations were received against taking any action under section 313(i) of the Act. One company made a general recommendation that a

small move in this direction might well be

national reserve from the national acre-

1317, 1375, Public Law 89-12, approved Apr. 16

Adjustment Act of 1938, as amended.

issued pursuant to the Agricultural Adjustment Act of 1938, as amended.

supply level.

yields. As a result of this research it

types and that highly desirable tobacco

made a general recommendation that a

small move in this direction might well be taken. No action may be taken under this section of the Act unless a substantial difference exists in the usage or market outlets for any one or more of the types comprising the kind of tobacco. On the basis of the facts heretofore recited in connection with the consideration of section 301(b)(15), it is determined that there is no substantial difference now existing in the usage or marketing outlets for any one or more of the types of flue-cured tobacco and, therefore, no action is taken under this section of the statute. In addition, paragraph (1) of section 313 of the Act applies only to marketing quotas and acreage allotments established pursuant to section 313. It is, therefore, concluded that, notwithstanding section 4 of Public Law 89–12, the better view is that section 313(1) of the Act should not be applied to acreage allotments and marketing quotas determined under Public Law 89–12.

(l) Recommendations for and against were received with respect to taking action under the proviso in paragraph (g)(1) of Public Law 89–12. It is concluded that no determination should be made with respect to this proviso at the present time since no marketing experience under the acreage-poundage program is now available.

§ 724.34a Determinations and announcements.

(a) *National marketing quota for flue-cured tobacco on an acreage-poundage basis for the marketing year beginning July 1, 1965.* A national marketing quota for flue-cured tobacco on an acreage-poundage basis for the marketing year beginning July 1, 1965, is hereby determined and announced in the amount of 1,126 million pounds. This quota is based upon an estimated utilization in the United States in such marketing year of 800 million pounds and exports in such marketing year of 475 million pounds and a downward adjustment which is determined to be desirable for the purpose of effecting an orderly reduction of supplies to the reserve supply level.

(b) *National average yield goal.* The national average yield goal for flue-cured tobacco for the marketing year beginning July 1, 1965, is determined and announced at 1,854 pounds. This goal is based on the yield per acre which on a national average basis it is determined will improve or insure the usability of flue-cured tobacco and increase the net return per pound to growers.

(c) *National acreage allotment.* The national acreage allotment for flue-cured tobacco on an acreage-poundage basis for the marketing year beginning July 1, 1965, is determined and announced to be 607,335.49 acres. This allotment was determined by dividing the national marketing quota of 1,126 million pounds by the national average yield goal of 1,854 pounds.

(d) *Reserve acreage for making corrections in farm acreage allotments, adjusting inequities, and establishment of acreage allotments for new farms.* A national reserve from the national acreage allotment in the amount of 785.68 acres is hereby determined and announced. This reserve is for making corrections in farm acreage allotments, adjusting inequities, and establishing allotments for new farms.

(Secs. 301, 313, 317, 375, 52 Stat. 38, 47, 66, as amended, 79 Stat. 66; 7 U.S.C. 1301, 1313, 1317, 1375, Public Law 89–12, app. Apr. 16, 1965)

Effective date. Date of filing this document with the Director, Office of the Federal Register.

Signed at Washington, D.C., on April 28, 1965.

ORVILLE L. FREEMAN,
Secretary.

EXHIBIT A

TOTAL STOCKS OF FLUE-CURED TOBACCO, TYPES 11–14 AND PERCENTAGE DISTRIBUTION ON QUARTERLY DATES, 1957–65

Apr. 30, 1965

Date and year	Quantity—unstemmed weight					Percentage distribution				
	Type 11	Type 12	Type 13	Type 14	Total	Type 11	Type 12	Type 13	Type 14	Total
	Mil. lb.	Mil. lb.	Mil. lb.	Mil. lb.	Mil. lb.	Pct.	Pct.	Pct.	Pct.	Pct.
Jan. 1:										
1957	901	872	599	312	2,704	33	34	21	12	100
1958	843	853	617	268	2,505	34	35	21	10	100
1959	806	855	495	237	2,393	34	35	21	10	100
1960	767	815	499	237	2,318	33	35	22	10	100
1961	769	802	512	248	2,330	33	34	22	11	100
1962	777	767	543	250	2,337	33	32	23	11	100
1963	834	811	582	284	2,511	33	32	23	11	100
1964	890	813	585	279	2,570	35	32	23	11	100
1965	995	953	696	260	2,704	37	32	22	9	100
Apr. 1:										
1957	816	852	599	296	2,473	33	35	25	12	100
1958	770	804	476	241	2,291	34	35	20	11	100
1959	737	784	460	210	2,191	34	36	20	10	100
1960	691	741	449	211	2,092	33	35	22	10	100
1961	699	734	465	219	2,107	33	35	23	10	100
1962	683	715	483	230	2,109	33	34	23	10	100
1963	760	742	507	264	2,283	33	33	23	11	100
1964	825	748	530	264	2,363	35	31	28	11	100
July 1:										
1957	744	737	449	249	2,229	34	33	20	11	100
1958	662	726	432	209	2,031	34	35	21	10	100
1959	671	704	415	182	1,972	34	36	21	9	100
1960	645	655	398	179	1,877	34	35	21	10	100
1961	614	642	423	185	1,864	33	34	23	10	100
1962	596	644	423	186	1,853	32	35	23	10	100
1963	677	665	465	223	2,030	33	33	23	11	100
1964	736	670	468	213	2,127	36	31	22	10	100
Oct. 1:										
1957	753	856	549	291	2,489	30	34	22	12	100
1958	701	826	553	305	2,385	30	36	23	11	100
1959	702	809	556	265	2,331	31	35	23	12	100
1960	655	761	567	277	2,260	30	34	23	13	100
1961	656	789	575	285	2,302	29	34	25	12	100
1962	625	765	604	311	2,305	27	33	27	13	100
1963	653	755	613	316	2,343	28	32	26	14	100
1964	748	758	630	292	2,433	31	31	26	12	100

Economic Research Service: Based on data from quarterly stocks reports of Agricultural Marketing Service.

[F.R. Doc. 65–4594; Filed, Apr. 28, 1965; 1:40 p.m.]

[Amdt. 14]

PART 724—BURLEY, FLUE-CURED, FIRE-CURED, DARK AIR-CURED, VIRGINIA SUN-CURED, CIGAR-BINDER (TYPES 51 AND 52), CIGAR-FILLER AND BINDER (TYPES 42, 43, 44, 53, 54 AND 55), AND MARYLAND TOBACCO

Subpart—Tobacco Allotment and Marketing Quota Regulations, 1963–64 and Subsequent Marketing Years

ESTABLISHMENT OF 1965 ACREAGE-POUNDAGE QUOTAS FOR FLUE-CURED TOBACCO

Basis and purpose. This amendment is issued pursuant to the Agricultural Adjustment Act of 1938, as amended (7 U.S.C. 1281 et seq.) for the purpose of establishing 1965 farm acreage allotments and farm marketing quotas under the acreage-poundage program for flue-cured tobacco authorized by Public Law 89–12, approved April 16, 1965.

Public notice of intention to issue this amendment was given (30 F.R. 5641) in accordance with the Administrative Procedure Act (5 U.S.C. 1001–1011).

Paragraph (a) of the amendment makes the amendment applicable only to the determination of 1965 farm acreage allotments and farm marketing quotas for flue-cured tobacco on an acreage-poundage basis. The amendment adds a new section to the tobacco allotment and marketing quota regulations for 1963–64 and subsequent marketing years. Paragraph (a) makes it clear that certain sections of these regulations shall apply insofar as applicable and particularly that the farm acreage allotments and farm marketing quotas under the acreage-poundage program will be determined initially by the county committee subject to review and approval by a representative of the State committee.

The procedure for determining farm acreage allotments under the acreage-poundage program is set out in paragraph (b). Public Law 89–12 provides that the farm acreage allotment for

an old tobacco farm under the acreage-poundage program for flue-cured tobacco for 1965 shall be determined by adjusting the 1965 farm allotment determined on an acreage-poundage basis so that the total of all allotments is equal to the national allotment less the reserve. Provision is also made for adjustments downward or upward to reflect adjustments in the farm marketing quota for overmarketing or undermarketing and for adjustments for violations. Since this is the first year of the program there will be no adjustments for overmarketing or undermarketing hence provision is made only for reductions for violations. The national acreage allotment less the reserve is 606,549.81 acres. The total amount of the 1965 acreage allotments for flue-cured tobacco for old farms on an acreage basis was 514,025.26 acres. The factor of 1.18 was determined by dividing the 606,549.81 acres by the 514,025.26 acres, by applying this factor to the 1965 farm acreage allotment on an acreage basis, the provisions of the statute for uniform adjustment will be achieved. Acreage allotments for flue-cured tobacco for 1965 on an acreage basic for new farms have been determined on the basis of land, labor and equipment available for the production of tobacco, crop-rotation practices, soil and other physical factors affecting the production of tobacco and the past tobacco producing experience of the farm operator. The total amount of new farm allotments for 1965 which have previously been determined is 98.33 acres. The reserve for new farms under the acreage-poundage program has been determined to be 116.03 acres. A factor of 1.18 is obtained by dividing the 116.03 acres by 98.33 acres. The amendment provides for the application of this factor to the new farm allotment on an acreage basis to obtain the new farm allotment on an acreage-poundage basis. Since the factors for determining new farm allotments are the same under both programs this procedure conforms with the requirements of Public Law 89–12.

Paragraph (c) sets forth the procedure for determining preliminary farm yields in detail and follows the requirements of Public Law 89–12.

Paragraph (d) sets forth the procedure for determining farm yields. Public Law 89–12 provides that the farm yields shall be determined by multiplying the preliminary farm yield by the national yield factor. The procedure for determining the national yield factor which is followed is set out in paragraph (d). The weighted national average yield was computed by multiplying the preliminary farm yield for each old farm by the 1965 farm acreage allotment established on an acreage-poundage basis and dividing the total of these yields which amounted to 1,204,493,853 pounds by the national acreage allotment. Paragraph (d) also provides for the appraisement of farm yields for new farms by taking into consideration the factors set forth in paragraph (d) which give effect to the statutory factors in Public Law 89–12.

Paragraphs (e) and (f) are self-explanatory and paragraph (g) in accordance with the provisions of Public Law 89–12 provides that the lease and transfer of flue-cured tobacco allotments for 1965 which have already been made may be approved and ratified but that the amount of the allotment transferred shall be increased or decreased in the same proportion that the allotment of the farm from which it is transferred is increased or decreased.

As the special referendum is to be held on May 4, 1965, and as a notice of farm acreage allotment and marketing quota must, by statute (Public Law 89–12), be mailed to each operator of a farm having a flue-cured tobacco acreage allotment prior to the date of the referendum, insofar as practicable, it is hereby found that compliance with the 30-day effective date provision of the Administrative Procedure Act is impracticable and contrary to the public interest. Therefore, this amendment shall become effective upon the date of filing with the Director, Office of the Federal Register.

§ 724.68 Determining 1965 acreage-poundage quota for flue-cured tobacco.

(a) *General.* A 1965 farm acreage allotment and farm marketing quota on an acreage-poundage basis shall be established under the provisions of this section for each flue-cured tobacco farm, including new farms, for which acreage allotments were approved on an acreage basis for 1965. Sections 724.51 through 724.53 and §§ 724.65 through 724.67, insofar as applicable, shall apply to the determinations under this section.

(b) *Determining farm acreage allotments.* A 1965 farm acreage allotment on an acreage-poundage basis shall be determined for each farm for which a 1965 acreage allotment for flue-cured tobacco has been determined on an acreage basis pursuant to the provisions in this part, including new farms for which acreage allotments were approved on an acreage basis for 1965. The 1965 farm acreage allotment on an acreage-poundage basis shall be computed by multiplying the 1965 farm acreage allotment on an acreage basis by a national acreage factor of 1.18. The farm acreage allotment to which the national acreage factor shall be applied is the 1965 farm acreage allotment after lease and transfer of tobacco acreage under § 724.67 of this part, but prior to reduction for violation of a marketing quota provision under this part, except that such allotment shall again be reduced for such violation after application of the factor. A factor of 1.18 shall also be applied to each 1965 new farm allotment established on an acreage basis under § 724.62.

(c) *Determining preliminary farm yields.* A preliminary farm yield shall be determined for each farm for which a 1965 farm acreage allotment on an acreage-poundage basis is established under this section, except for new farms approved on an acreage basis for 1965, as follows:

(1) Determine an average yield per acre for each farm for each year of the period 1959 through 1963 by dividing the total pounds of flue-cured tobacco produced on such farm by the total acreage of flue-cured tobacco harvested from such farm for each respective year.

(2) Determine a simple average of the yields per acre for each farm for the 3 highest years of the 5 consecutive crop years beginning with the 1959 crop year, or, if flue-cured tobacco was not produced on the farm for at least 3 years of the 5-year period, compute the average of the yields for the years in which tobacco was produced. Then apply the provisions of subparagraph (4) of this paragraph to the simple average of such yields.

(3) If no flue-cured tobacco was produced on the farm in the 5-year period (1959–63) but the farm is eligible for an allotment because it has tobacco history acreage in the 5-year period (1960–64), a preliminary farm yield for the farm shall be determined by the county committee taking into consideration (i) the soil and other physical factors affecting the production of tobacco on the farm, and (ii) the preliminary farm yields determined for other farms in the community on which the soil and other physical factors affecting the production of tobacco are similar. If no flue-cured tobacco was produced in the community in the 5-year period 1959–63, the preliminary farm yield shall be appraised on the basis of the soil and other physical factors affecting the production of tobacco on the farm and the preliminary farm yields for similar farms outside the community.

(4) If the simple average of the yields for the farm as determined under subparagraph (2) of this paragraph is: (i) as much as 80 percent but not more than 120 percent of the community average yield, the preliminary farm yield shall be the simple average of such yields; (ii) more than 120 percent of the community average yield, the preliminary farm yield shall be the sum of 50 percent of the average of the 3 highest years and 50 percent of the national average yield goal (1,854 pounds) but not less than 120 percent of the community average yield or more than the average of the 3 highest years for the farm; or (iii) less than 80 percent of the community average yield, the preliminary farm yield shall be 80 percent of the community average yield.

(5) In applying the provisions of this paragraph, a farm that is physically located in a community shall be administratively located in such community. If the farm is physically located in more than one community, the farm shall be considered as located in the community to which it was assigned when the 1965 farm acreage allotment was established on an acreage basis, or, if the farm was not assigned to a community when the 1965 farm acreage allotment was established on an acreage basis, the county committee shall locate the farm in the community in which the principal dwelling is located or where the major portion of the cropland is located, if there is no dwelling.

(d) *Farm yields.* The farm yield shall be determined by multiplying the preliminary farm yield by the national yield factor of .9349. The national yield factor was attained by dividing the national

average yield goal of 1,854 pounds by the

908), regulating the handling of Valen-

Dated: April 30, 1965.

Order No. 910, as amended (7 CFR Part

average yield goal of 1,854 pounds by the weighted national average yield of 1,983 pounds. Farm yields for new farms for 1965 shall be that yield, not to exceed the community average yield, determined for the farm taking into consideration the (1) soil and other physical factors affecting the production of tobacco on the farm, and (2) farm yields determined for other farms on which the soil and other physical factors affecting the production of tobacco are similar.

(e) *Farm marketing quota.* The farm marketing quota shall be determined by multiplying the 1965 farm acreage allotment determined pursuant to paragraph (b) of this section by the farm yield.

(f) *Notice of farm acreage allotment and marketing quota.* An official notice of the farm acreage allotment and farm marketing quota on an acreage-poundage basis shall be mailed to the operator of each farm shown by the records of the county committee to be entitled to an allotment. The notice to the operator of the farm shall constitute notice to all persons who as operator, landlord, tenant, or sharecropper are interested in the farm for which the allotment and marketing quota is established. Insofar as practicable, all notices of farm acreage allotments and farm marketing quotas shall be mailed in time to be received prior to the date of the special referendum to be held on May 4, 1965.

(g) *Lease and transfer.* Lease and transfer of flue-cured tobacco acreage for 1965 under § 724.67 of this part may be approved or ratified by the county committee for the purposes of this section, but the amount of the allotment transferred shall be increased or decreased in the same proportion that the allotment of the farm from which it is transferred is increased or decreased under this section.

(Secs. 316, 317, 375, 52 Stat. 66, as amended, 75 Stat. 469, as amended, 79 Stat. 66; 7 U.S.C. 1314b, 1317, 1375, Public Law 89–12, approved Apr. 16, 1965)

Effective date. Date of filing this document with the Director, Office of the Federal Register.

Signed at Washington, D.C., on April 28, 1965.

ORVILLE L. FREEMAN,
Secretary.

[F.R. Doc. 65–4596; Filed, Apr. 30, 1965; 1:40 p.m.]

Chapter IX—Consumer and Marketing Service (Marketing Agreements and Orders; Fruits, Vegetables, Tree Nuts), Department of Agriculture

[Valencia Orange Reg. 118]

PART 908—VALENCIA ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

Limitation of Handling

§ 908.418 Valencia Orange Regulation 118.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 908, as amended (7 CFR Part 908), regulating the handling of Valencia oranges grown in Arizona and designated part of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations and information submitted by the Valencia Orange Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such Valencia oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 1001–1011) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for Valencia oranges and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such Valencia oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on April 29, 1965.

(b) *Order.* (1) The respective quantities of Valencia oranges grown in Arizona and designated part of California which may be handled during the period beginning at 12:01 a.m., P.s.t., May 2, 1965, and ending at 12:01 a.m., P.s.t., May 9, 1965, are hereby fixed as follows:

(i) District 1: 350,000 cartons;

(ii) District 2: 88,776 cartons;

(iii) District 3: 125,000 cartons.

(2) As used in this section, "handled," "handler," "District 1," "District 2," and "District 3," and "carton" have the same meaning as when used in said amended marketing agreement and order.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: April 30, 1965.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 65–4684; Filed, Apr. 30, 1965; 11:26 a.m.]

[Lemon Reg. 158, Amdt. 1]

PART 910—LEMONS GROWN IN CALIFORNIA AND ARIZONA

Limitation of Handling

Findings. 1. Pursuant to the marketing agreement, as amended, and Order No. 910, as amended (7 CFR Part 910), regulating the handling of lemons grown in California and Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendation and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such lemons, as hereinafter provided, will tend to effectuate the declared policy of the act.

2. It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this amendment until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 1001–1011) because the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the act is insufficient, and this amendment relieves restriction on the handling of lemons grown in California and Arizona.

Order, as amended. The provisions in paragraph (b)(1)(ii) of § 910.458 (Lemon Regulation 158, 30 F.R. 5789) are hereby amended to read as follows:

§ 910.458 Lemon Regulation 158.

* * * * *

(b) *Order.* (1) * * *

(ii) District 2: 325,500 cartons.

* * * * *

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: April 28, 1965.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 65–4617; Filed, Apr. 30, 1965; 8:48 a.m.]

[Lemon Reg. 159]

PART 910—LEMONS GROWN IN CALIFORNIA AND ARIZONA

Limitation of Handling

§ 910.459 Lemon Regulation 159.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 910, as amended (7 CFR Part 910), regulating the handling of lemons grown in California and Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such lemons, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 1001–1011) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for lemons and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such lemons; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on April 27, 1965.

(b) *Order.* (1) The respective quantities of lemons grown in California and Arizona which may be handled during the period beginning at 12:01 a.m., P.s.t., May 2, 1965, and ending at 12:01 a.m., P.s.t., May 9, 1965, are hereby fixed as follows:

(i) District 1: 7,440 cartons;

(ii) District 2: 279,000 cartons;

(iii) District 3: Unlimited movement.

(2) As used in this section, "handled," "District 1," "District 2," "District 3," and "carton" have the same meaning as when used in the said amended marketing agreement and order.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: April 28, 1965.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 65–4618; Filed, Apr. 30, 1965; 8:48 a.m.]

Title 19—CUSTOMS DUTIES

Chapter I—Bureau of Customs, Department of the Treasury

[T.D. 65402]

PART 10—ARTICLES CONDITIONALLY FREE, SUBJECT TO A REDUCED RATE, ETC.

Antiques; Ports of Entry

The ports designated by the Secretary of the Treasury pursuant to headnote 2, part 11B, schedule 7, Tariff Schedules of the United States, for the entry of articles claimed to be duty free under item 766.20 or 766.25 are listed in § 10.53(e) of the Customs Regulations. Developments in the trade of these articles make it necessary to designate additional ports for such entries.

Accordingly, to designate all ports in specified districts, including the districts in which the ports presently designated are situated, § 10.53(e) is amended to read:

§ 10.53 Antiques.

* * * * *

(e) Furniture" claimed to be free of duty under item 766.20 or 766.25, Tariff Schedules of the United States, except picture frames classifiable thereunder, may be entered for consumption only at ports of entry within the following districts:

District No.:	Name of District
1	Maine and New Hampshire.
4	Massachusetts.
5	Rhode Island.
6	Connecticut.
10	New York.
11	Philadelphia.
13	Maryland.
14	Virginia.
15	North Carolina.
16	South Carolina.
17	Georgia.
18	Florida.
20	New Orleans.
22	Galveston.
25	San Diego.
27	Los Angeles.
28	San Francisco.
29	Oregon.
30	Washington.
32	Hawaii.
38	Michigan.
39	Chicago.
41	Ohio.
42	Kentucky.

However, such furniture may be entered at any port for transportation in bond to one of the ports of entry in any of the above districts, or to any authorized place of deposit outside one of those ports, for examination and release, as contemplated by section 484(f), Tariff Act of 1930, as amended, if the port of entry designated in the transportation entry is one at which furniture may be entered for consumption and there is compliance with the procedure prescribed by § 18.11(c) of this chapter.

* * * * *

The citation of authority for § 10.53 is amended to read:

(Sec. 481, 46 Stat. 719, Sch. 7, pt. 11B, hdnote. 2, 77A Stat. 390; 19 U.S.C. 1481, 1202 (Sch. 7, pt. 11B, hdnote. 2))

The purpose of this amendment is to make available additional ports at which artistic antiquities may be entered free of duty pursuant to headnote 2, part 11B, schedule 7, Tariff Schedules of the United States. Determination of which ports should be make available for such entry depends entirely on facts within the knowledge of the Bureau of Customs. It is to the benefit of the public that the amendment be made effective on the earliest practical date. Accordingly, pursuant to section 4 of the Administrative Procedure Act (5 U.S.C. 1003) it is found that notice and public procedure are unnecessary and good cause is found for making this amendment effective upon publication in the FEDERAL REGISTER.

[SEAL] LESTER D. JOHNSON,
Acting Commissioner of Customs.

Approved: April 22, 1965.

JAMES A. REED,
Assistant Secretary of the Treasury.

[F.R. Doc. 65–4604; Filed, Apr. 30, 1965; 8:47 a.m.]

Title 50—WILDLIFE AND FISHERIES

Chapter I—Bureau of Sport Fisheries and Wildlife, Fish and Wildlife Service, Department of the Interior

SUBCHAPTER D—MANAGEMENT OF WILDLIFE RESEARCH AREAS

PART 60—PATUXENT WILDLIFE RESEARCH CENTER

Patuxent Wildlife Research Center, Md.

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER.

§ 60.11 Special regulations; hunting and sport fishing.

Sport fishing will be permitted on the Patuxent Wildlife Research Center, Md. The open area is confined to Snowden Pond, comprising 7 acres as delineated on a map available at the Center headquarters and from the Office of the Director, Bureau of Sport Fisheries and Wildlife, Washington, D.C., 20240. Sport fishing is subject to the following conditions:

(a) Species permitted to be taken: Black bass and sunfish.

(b) Open season: June 1, 1965, through September 30, 1965; sunrise to sunset only.

(c) Daily creel limits: Black bass, 5; sunfish, no limit.

(d) Methods of fishing:

(1) Hook and line tackle and baits permitted by Maryland law, except that no live minnows or other fish may be used for bait.

(2) The use of boats, canoes, and similar floating devices, without motors, is permitted. Launching of boats is permitted only in the area designated by signs.

(c) Other provisions:

(1) The provisions of this special regulation supplement the regulations which govern fishing on the Patuxent Wildlife Research Center which are set forth in Title 50, Code of Federal Regulations, Part 60.

(2) A Federal permit is required to fish. A total of 300 permits will be issued in order of receipt of requests. Application should be made to the Director, Patuxent Wildlife Research Center, Laurel, Md., 20810. Each permit shall authorize the holder and members of his immediate family to fish.

(3) Each permittee is required to complete a fishing report form for each day fished, which will show the name of permittee, date of fishing, hours fished, type of bait used, and fish taken by species and size.

(4) The provisions of this special regulation are effective to October 1, 1965.

A. Y. Tomlson,
Acting Director.

April 27, 1965.

[F.R. Doc. 65-4586; Filed, Apr. 30, 1965; 8:46 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Agency

[Docket No. 5067; Amdt. 39-62]

PART 39—AIRWORTHINESS DIRECTIVES

Boeing Models 707 and 720 Series Aircraft

Amendment 731 (29 F.R. 6614), AD 64-11-1, as amended by Amendments 799 (29 F.R. 12029) and 39-43 (30 F.R. 2855), requires repetitive inspection of the front and rear upper and lower wing spar chords on certain Boeing Models 707 and 720 Series aircraft and repair if cracks are found. Investigation, based upon a request for an extension of the repetitive inspection interval, has shown that an increase from 1100 hours' time in service to 1200 hours' time in service may be granted to operators of Boeing Models 707 and 720 Series aircraft without adversely affecting safety. Therefore, Amendment 731 as amended by Amendments 799 and 39-43 is further amended to provide a 100 hour increase in the repetitive inspection interval.

Since this amendment relieves a restriction and imposes no additional burden on any person, notice and public procedure hereon are unnecessary and the amendment may be made effective in less than 30 days.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (25 F.R. 6489), § 39.13 of Part 39 (14 CFR Part 39), is amended as follows:

Amendment 731 (29 F.R. 6614), AD 64-11-1, as amended by Amendments 799 (29 F.R. 12029) and 39-43 (30 F.R. 2855), Boeing Models 707 and 720 Series aircraft is further amended by changing the repetitive inspection interval specified in paragraph (a)(2) from 1100 hours' time in service to 1200 hours' time in service.

This amendment becomes effective May 1, 1965.

(Secs. 313(a), 601, and 603, Federal Aviation Act of 1958; 49 U.S.C. 1354(a), 1421, 1423)

Issued in Washington, D.C., on April 27, 1965.

C. W. Walker,
Acting Director,
Flight Standards Service.

[F.R. Doc. 65-4577; Filed, Apr. 30, 1965; 8:45 a.m.]

[Airspace Docket No. 63-EA-115]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

PART 75—ESTABLISHMENT OF JET ROUTES

Alteration of Jet Route and Federal Airway

On February 10, 1965, a notice of proposed rule making was published in the Federal Register stating that the Federal Aviation Agency was considering amendments to Parts 71 and 75 of the Federal Aviation Regulations that would designate a jet route from Norfolk, Va., to the intersection of the Providence, R.I., VOR 045° and the Boston, Mass., VORTAC 067° True radials, and that would alter VOR Federal airway No. 139 in accordance with the jet route designation.

Interested persons were afforded an opportunity to participate in the proposed rule making through the submission of comments. All comments received were favorable.

In consideration of the foregoing, Parts 71 and 75 of the Federal Aviation Regulations are amended, effective 0001 e.s.t., June 24, 1965, as hereinafter set forth.

1. Add the following to § 75.100 (19 F.R. 17776):

Jet Route No. 121 (Norfolk, Va., to Providence, R.I.), from Norfolk, Va., via INT of Norfolk 023° and Sea Isle, N.J., 212° radials; Sea Isle; INT of Sea Isle 049° and Hampton, N.Y., 223° radials; Hampton; Providence, R.I.; to INT of Providence 045° and Boston, Mass., 067° radials.

2. Alter § 71.123 (29 F.R. 17526, 15199) as follows:

In V-139 "The portion outside the United States has no upper limit." is deleted.

3. Add the following to § 71.161 (29 F.R. 17552):

Jet Route No. 121: Norfolk, Va., to Hampton, N.Y.; Providence, R.I., to INT of Providence 045° and Boston, Mass., 067° radials.

(Sec. 307(a) and 1110, Federal Aviation Act of 1958; 49 U.S.C. 1348, 1510), and Executive Order 10854 (24 F.R. 9565)

Issued in Washington, D.C., on April 26, 1965.

H. B. Helstrom,
Acting Chief, Airspace Regulations and Procedures Division.

[F.R. Doc. 65-4575; Filed, Apr. 30, 1965; 8:45 a.m.]

[Airspace Docket No. 64-WA-71]

PART 75—ESTABLISHMENT OF JET ROUTES

Designation of Jet Routes

On December 8, 1964, a notice of proposed rule making was published in the Federal Register (29 F.R. 16836), stating that the Federal Aviation Agency was considering amendments to Part 75 of the Federal Aviation Regulations that would establish jet routes from within the northeastern portion of the United States to the United States-Canadian border.

Interested persons were afforded an opportunity to participate in the proposed rule making through the submission of comments. All comments received were favorable.

In consideration of the foregoing, Part 75 of the Federal Aviation Regulations is amended, effective 0001 e.s.t., June 24, 1965, as hereinafter set forth.

In § 75.100 (29 F.R. 17776), the following are added:

a. Jet Route No. 586 (United States/Canadian border via Massena, N.Y., to United States/Canadian border). (Joins Canadian high level airway No. 586).

From Stirling, Ont., via Massena, N.Y., to St. Johns, Quebec, excluding the airspace outside the United States.

b. Jet Route No. 506 (Millinocket, Maine, to United States/Canadian border). (Joins Canadian high level airway No. 506).

From Millinocket, Maine, via the intersection of Millinocket 114° and St. John, N.B., 267° radials; to the intersection of the St. John 267° radial with the United States/Canadian border.

c. Jet Route No. 509 (Brandon, N.Y., to United States/Canadian border). (Joins Canadian high level airway No. 509).

From the intersection of the Massena, N.Y., 163° and the St. Eustache, Quebec, 200° radials to the intersection of the St. Eustache 200° radial with the United States/Canadian border.

(Sec. 307(a), Federal Aviation Act of 1958; 49 U.S.C. 1348)

Issued in Washington, D.C., on April 26, 1965.

H. B. Helstrom,
Acting Chief, Airspace Regulations and Procedures Division.

[F.R. Doc. 65-4579; Filed, Apr. 30, 1965; 8:46 a.m.]

SUBCHAPTER F—AIR TRAFFIC AND GENERAL OPERATING RULES

[Reg. Docket No. 6573; Amdt. 484]

PART 97—STANDARD INSTRUMENT APPROACH PROCEDURES

Miscellaneous Amendments

The amendments to the standard instrument approach procedures contained herein are adopted to become effective when indicated in order to promote safety. The amended procedures supersede the existing procedures of the same classification now in effect for the airports specified therein. For the convenience of the users, the complete procedure is republished in this amendment indicating the changes to the existing procedures.

As a situation exists which demands immediate action in the interests of safety in air commerce, I find that compliance with the notice and procedure provisions of the Administrative Procedure Act is impracticable and that good cause exists for making this amendment effective within less than 30 days from publication.

In view of the foregoing and pursuant to the authority delegated to me by the Administrator (24 F.R. 5662), Part 97 (14 CFR Part 97) is amended as follows:

1. By amending the following automatic direction finding procedures prescribed in § 97.11(b) to read:

ADF Standard Instrument Approach Procedures

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
AMA VOR	AM LOM	Direct	5000	T-dn	800-1	800-1	800-1
ARO VOR	AM LOM	Direct	5000	C-dn	800-1	800-1	800-1½
Claude Int	AM LOM	Direct	4900	S-dn-S	800-1	800-1	800-1
Palo Duro Int	AM LOM	Direct	4900	A-dn	800-2	800-2	800-2
Tower Int	AM LOM	Direct	5300				
Sam Int	AM LOM	Direct	5300				
West Side Int	AM LOM	Direct	5000				

Radar transitions and vectoring using Amarillo radar authorized in accordance with approved radar patterns.
Procedure turn S side of crs, 215° Outbnd, 035° Inbnd, 5000' within 10 miles.
Minimum altitude over facility on final approach crs, 5000'.
Crs and distance, facility to airport, 035°—5.0 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 5.0 miles after passing LOM, climb to 5000' on crs, 035° within 20 miles.
Caution: Towers, 3904'—3.4 miles SW; 3885'—2.1 miles SW; 3855'—2.7 miles SSW of airport.
Other change: Deletes transition from AMA RBn.
MSA within 25 miles of facility: 000°-360°—5400'.

City, Amarillo; State, Tex.; Airport name, Amarillo AFB/Municipal; Elev., 3606'; Fac. Class., MHW; Ident., AM; Procedure No. 1, Amdt. 6; Eff. date, 8 May 65; Sup. Amdt. No. 5; Dated, 13 Apr. 65

AMA VOR	AM LOM	Direct	5000	T-dn	800-1	800-1	800-1
ARO VOR	AM LOM	Direct	5000	C-dn	800-1	800-1	800-1½
Claude Int	AM LOM	Direct	4900	A-dn	NA	NA	NA
Canyon Int	AM LOM	Direct	4900				
Tower Int	AM LOM	Direct	5300				
Plant Int	AM LOM	Direct	5300				

Radar transitions and vectoring using Amarillo radar authorized in accordance with approved radar patterns.
Procedure turn E side of crs, 130° Outbnd, 310° Inbnd, 5000' within 10 miles. Noncompliance due to ATC requirements.
Minimum altitude over facility on final approach crs, 4200'.
Crs and distance, facility to airport, 310°—1.6 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 1.6 miles after passing AM LOM, turn left, climb to 6000' within 20 miles on 280° bearing from AM LOM.
Caution: Towers, 3620'—2 miles NW of airport; 3599'—2 miles NE of airport; 3639'—2 miles NE of airport; 204' AGL grain elevator located ¾ mile SW of Runway 35.
Notes: No weather service at airport. Air carrier use not authorized. Tradewind MHW is AM LOM.
Other change: Deletes transition from AMA RBn.
MSA within 25 miles of facility: 000°-360°—5400'.

City, Amarillo; State, Tex.; Airport name, Tradewind; Elev., 3442'; Fac. Class., MHW; Ident., AM; Procedure No. 1, Amdt. 2; Eff. date, 8 May 65; Sup. Amdt. No. 2; Dated, 25 June 64

				T-d	800-1	800-1	800-1
				T-a	800-1¼	800-1¼	800-1¼
				C-d	1000-1¼	1000-1¼	1000-1¼
				C-a	1000-2	1000-2	1000-2
				S-d-S	800-1¼	800-1¼	800-1¼
				S-a-S	800-2	800-2	800-2
				A-dn	1000-2	1000-2	1000-2

Procedure turn N side of crs, 230° Outbnd, 050° Inbnd, 2700' within 5 miles of Munford Int. (Nonstandard due to obstruction.)
Minimum altitude over Munford Int on final approach crs, 2000'.
Crs and distance, Munford Int to airport, 050°—5.0 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 5.0 miles after passing Munford Int, or 0.0 mile after passing ANB RBn, climb immediately to 4000' eastbound on R-082 of ANB VOR within 20 miles.
Caution: Circling approaches, avoid area N, NW, and SE of airport due to high terrain.
Note: This procedure authorized only for aircraft having an operating VOR receiver in addition to an operating ADF receiver and Munford Int is identified.
MSA within 25 miles of facility: 000°-090°—3200'; 090°-180°—4000'; 180°-270°—4000'; 270°-360°—2800'.

City, Anniston; State, Ala.; Airport name, Anniston Municipal; Elev., 611'; Fac. Class., BMH; Ident., ANB; Procedure No. 1, Amdt. 2; Eff. date, 8 May 65; Sup. Amdt. No. 1; Dated, 8 Nov. 63

ADF STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
Gordonsville, Va., VOR	AOM RBn	Direct	3400	T-dn*	900-1	900-1	NA
Rockville Int	AOM RBn	Direct	3400	C-d	700-1	700-1	NA
Rockfish Int	AOM RBn	Direct	3600	C-n	700-2	700-2	NA
				S-d-3	700-1	700-1	NA
				S-n-3	700-2	700-2	NA
				A-dn	800-2	800-2	NA
				Minimums if OM received:			
				C-d	800-1	800-1	NA
				C-n	800-1½	800-1½	NA
				S-dn-3	400-1	400-1	NA

Procedure turn E side of crs, 207° Outbnd, 027° Inbnd, 3400′ within 10 miles. Beyond 10 miles not authorized.
Minimum altitude over MHW on final approach crs, 2300′; over OM, 1234′.
Crs and distance, MHW to airport, 027°—3.1 miles; OM to airport, 028°—4.1 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 3.1 miles after passing AOM RBn, make immediate left-climbing turn to 3400′, direct to AOM RBn. Hold SW, 027° Inbnd 1-minute right turns.
CAUTION: 1164′ obstructions, 2.5 miles NE of Runway 25.
*Runway 3 takeoffs: Make immediate left-climbing turn direct to AOM MHW, climb to 3400′ in 1-minute right turn, NE Shuttle, 207° bearing Inbnd, then proceed as cleared.
*Runway 21 takeoffs: Climb direct to AOM MHW, climb to 3400′ in 1-minute right turn, NE Shuttle, 207° bearing Inbnd, then proceed as cleared.
MSA within 25 miles of facility: 040°-220°—2900′; 220°-040°—3800′.

City, Charlottesville; State, Va.; Airport name, Charlottesville-Albemarle; Elev., 634′; Fac. Class., MHW; Ident., AOM; Procedure No. 1, Amdt. Orig.; Eff. date, 8 May 65

PROCEDURE CANCELLED EFFECTIVE 8 MAY 1965, OR UPON DECOMMISSIONING OF DAL RBN.

City, Dallas; State, Tex.; Airport name, Love Field; Elev., 485′; Fac. Class., BH; Ident., DAL; Procedure No. 2, Amdt. 5; Eff. date 30 May 64; Sup. Amdt. No. 4; Dated, 24 Aug. 63

Makapuu Pt RBn	HN LOM	Direct	6000	T-dn	300-1	300-1	300-1½
Honolulu VOR	HN LOM	Direct	3000	C-dn*	500-1	500-1	500-1½
Breakers Int	10-mile DME Fix, R-288 HNL VOR	Direct	2700	S-dn-6	800-1	800-1	800-1
10-mile DME Fix, R-288 HNL-VOR	HN LOM (final)	Direct	2700	A-dn	800-2	800-2	800-2

Radar vectoring authorized in accordance with approved patterns.
Procedure turn S side of crs, 288° Outbnd, 078° Inbnd, 3600′ within 10 miles.
Minimum altitude over facility on final approach crs, **2200′.
Crs and distance, facility to airport, 079°—3.9 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 3.9 miles after passing HN LOM, make right turn, climb to 4000′ on a 164° bearing from HN LOM, reverse crs and return to the HN LOM at 5000′.
CAUTION: Terrain rises sharply N side of final approach crs; within 2.2 miles, 1000′; 4.1 miles, 2560′; 5.4 miles, 3008′.
Other changes: Deletes transition from Int 170° bearing Kahuku point RBn and 226° bearing Makapuu point RBn.
*Circling N of airport not authorized due to 265′ terrain, 1.5 miles N and 824′—2 miles NE.
**Do not descend below 2200′ until over LOM Inbnd due to NAS Barber's Point 1500′ jet traffic pattern.
MSA within 25 miles of facility: 000°-090°—5100′; 090°-180°—3100′; 180°-270°—2800′; 270°-360°—6100′.

City, Honolulu; State, Hawaii; Airport name, Honolulu International; Elev., 13′; Fac. Class., LOM; Ident., HN; Procedure No 1, Amdt 6; Eff. date, 8 May 65; Sup. Amdt. No. 5; Dated, 6 June 64

Flat Rock VOR	LOM	Direct	2000	T-dn	300-1	300-1	300-1½
Richmond RBn	LOM	Direct	1500	C-dn	400-1	400-1	400-1½
Manakin RBn	LOM	Direct	2000	S-dn-6	400-1	400-1	400-1
HPW VOR	LOM	Direct	2000	A-dn	800-2	800-2	800-2

Radar vectoring authorized in accordance with approved patterns.
Procedure turn S side of crs, 263° Outbnd, 083° Inbnd, 1500′ within 10 miles.
Minimum altitude over facility on final approach crs, 1200′.
Crs and distance, facility to airport, 053°—3.8 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 3.8 miles after passing LOM, climb to 2000′ on crs, 003° within 10 miles, then left turn direct to Manakin RBn. Hold NW, 124° Inbnd, 1-minute right turns.
MSA within 25 miles of facility: 000°-090°—1600′; 090°-180°—2100′; 180°-270°—1500′; 270°-360°—2100′.

City, Richmond; State, Va.; Airport name, Richard E. Byrd Flying Field; Elev., 167′; Fac. Class., LOM; Ident., RI; Procedure No. 1, Amdt. 18; Eff. Date, 8 May 65; Sup. Amdt. No. 14; Dated, 14 Nov. 64

RIC VOR	RIC RBn	Direct	3000	T-dn	300-1	300-1	300-1½
MNV RBn	RIC RBn	Direct	2000	C-dn	400-1	500-1	500-1½
FAK VOR	RIC RBn	Direct	3000	A-dn	800-2	800-2	800-2
HPW VOR	RIC RBn	Direct	3000				

Radar vectoring authorized in accordance with approved patterns.
Procedure turn W side of crs, 218° Outbnd, 038° Inbnd, 2000′ within 10 miles. Nonstandard due to obstruction.
Minimum altitude over facility on final approach crs, 900′.
Crs and distance, facility to airport, 018°—1.7 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 1.7 miles after passing RIC RBn, make immediate left-climbing turn to 2000′ on crs, 305°, then proceed direct to Manakin RBn. Hold NW, 124° Inbnd, 1-minute right turns.
MSA within 25 miles of facility: 000°-090°—1600′; 090°-180°—2100′; 180°-270°—1600′; 270°-360°—2100′.

City, Richmond; State, Va.; Airport name, Richard E. Byrd Flying Field; Elev., 167′; Fac. Class., SBH; Ident., RIC; Procedure No. 2, Amdt. 3; Eff. date, 8 May 65; Sup. Amdt. No. 2; Dated, 14 Nov. 64

Lakeport Int	LOM (final)	Direct	1700	T-dn*	300-1	300-1	300-1½
Syracuse VOR	LOM	Direct	2000	C-dn	700-1	700-1	700-1½
Toni Int	LOM	Direct	2000	S-dn-26	700-1	700-1	700-1
Syracuse RBn	SY LOM	Direct	2000	A-dn	800-2	800-2	800-2

Radar vectoring authorized in accordance with approved patterns.
Procedure turn N side of crs, 098° Outbnd, 278° Inbnd, 2000′ within 10 miles. Beyond 10 miles not authorized.
Minimum altitude over facility on final approach crs, 1700′.
Crs and distance, facility to airport, 278°—3.0 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 3.0 miles after passing SY LOM, climb straight ahead to 2000′ direct to SYR RBn. Hold West of SYR RBn, 098° Inbnd, 1-minute left turns.
CAUTION: 826′ antenna 1.1 miles S of approach end of Runway 28. 1220′ terrain, 15 miles ESE of LOM. 2840′ antenna, 10.4 miles S of airport.
AIR CARRIER NOTE: Neither sliding scale nor reduction in minimums authorized for takeoffs to the SE.
*800-1 required for takeoff on Runway 14.
MSA within 25 miles of the facility: 000°-090°—2600′; 090°-180°—3600′; 180°-270°—4000′; 270°-360°—2000′.

City, Syracuse; State, N.Y.; Airport name, Clarence E. Hancock; Elev., 421′; Fac. Class., LOM; Ident., SY; Procedure No. 1, Amdt. 19; Eff. date, 8 May 65; Sup. Amdt. No. 18; Dated, 5 Sept. 64

ADF STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
Syracuse VOR	Syracuse RBn	Direct	2000	T-dn*	300-1	300-1	300-1½
Lakeport Int	Syracuse RBn	Direct	3000	C-d	700-1	700-1	700-1½
Woodsport Int	Syracuse RBn (final)	Direct	4000	C-n	700-2	700-2	700-2
Whitford Int	Syracuse RBn (final)	Direct	3000	S-d-10	600-1	600-1	600-1
Syracuse LOM	Syracuse RBn	Direct	2000	S-n-10	600-2	600-2	600-2
				A-dn	800-2	800-2	800-2

Radar vectoring authorized in accordance with approved patterns.
Procedure turn N side of crs, 280° Outbnd, 100° Inbnd, 2000′ within 10 miles.
Minimum altitude over facility on final approach crs, 2000′.
Crs and distance, facility to airport, 100°—8.7 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 8.7 miles after passing SYR RBn, climb to 2000′ direct to SY LOM. Hold E of SY LOM, 276° Inbnd, 1-minute right turns.
AIR CARRIER NOTE: Neither sliding scale nor reduction in minimums authorized for takeoffs to the SE.
CAUTION: 826′ antenna, 1.1 miles S of approach end of Runway 28. 2840′ antenna, 10.4 miles S of airport.
Other change: Deletes transition from Plainville Int.
*800-1 required for takeoff on Runway 14.
MSA within 25 miles of the facility: 000°-090°—2500′; 090°-180°—4800′; 180°-270°—3000′; 270°-360°—2000′.

City, Syracuse; State, N.Y.; Airport name, Clarence E. Hancock; Elev., 421′; Fac. Class., SBH; Ident., SYR; Procedure No. 2, Amdt. 3; Eff. date, 8 May 65; Sup. Amdt. No. 2; Dated, 5 Sept. 64

Chester VOR	BAF RBn	Direct	3300	T-d*	700-1	700-1	700-1
Westfield VOR	BAF RBn	Direct	3000	T-n*	700-2	700-2	700-2
				C-d	800-1	800-1	800-1
				C-n	800-2	800-2	800-2
				S-d-20	800-1	800-1½	800-1½
				S-n-20	800-2	800-2	800-2
				A-dn	1500-2	1500-2	1500-2

*Procedure turn W side of crs, 023° Outbnd, 203° Inbnd, 3000′ within 10 miles.
Minimum altitude over facility on final approach crs, 2000′.
Crs and distance, facility to airport, 203°—4.8 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.8 miles after passing BAF RBn, climb to 2000′ on heading of 203° within 10 miles, make right-climbing turn to 2000′ direct to BAF RBn. Hold N, 203° Inbnd, 1-minute right turns.
*800-1 day, 800-2 night required for takeoff on Runways 9 and 15.
*Final approach from a holding pattern at BAF RBn not authorized. Procedure turn required.
MSA within 25 miles of facility: 000°-090°—2800′; 090°-180°—2300′; 180°-270°—3300′; 270°-360°—3800′.

City, Westfield; State, Mass.; Airport name, Barnes Municipal; Elev., 270′; Fac. Class., SBMHZ; Ident., BAF; Procedure No. 1, Amdt. 1; Eff. date, 8 May 65; Sup. Amdt. No. Orig.; Dated, 5 Oct. 63

2. By amending the following very high frequency omnirange (VOR) procedures prescribed in § 97.11(c) to read:

VOR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.
If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for an route operation in the particular area or as set forth below.

Transition		Course and distance	Minimum altitude (feet)	Ceiling and visibility minimums			
From—	To—			Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
AM LOM	AMA VOR	Direct	5000	T-dn	300-1	300-1	300-1½
ARO VOR	AMA VOR	Direct	5000	C-dn	500-1	500-1	500-1½
				S-dn-21*	400-1	400-1	400-1
				A-dn	800-2	800-2	800-2

Radar transitions and vectoring using Amarillo radar authorized in accordance with approved radar patterns.
Procedure turn N side of crs, 050° Outbnd, 210° Inbnd, 5000′ within 10 miles.
Minimum altitude over facility on final approach crs, 4500′.
Crs and distance, facility to airport, 210°—4.5 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.5 miles after passing AMA VOR, climb to 5000′ on R-210 within 15 miles or, when directed by ATC, turn left, climb to 5000′ on R-076 within 15 miles.
CAUTION: 3764′ grain elevator located adjacent to SW boundary of airport.
Other change: Deletes transition from Amarillo RBn.
*Runway 21: 400-½ authorized, except for 4-engine turbojet aircraft, with operative high-intensity runway lights.
MSA within 25 miles of facility: 000°-090°—4900′; 090°-180°—4700′; 180°-270°—5800′; 270°-360°—5000′.

City, Amarillo; State, Tex.; Airport name, Amarillo AFB/Municipal; Elev., 3605′; Fac. Class., BVORTAC; Ident., AMA; Procedure No. 1, Amdt. 12; Eff. date, 8 May 65; Sup. Amdt. No 11; Dated, 24 Oct. 64

VOR STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
Amarillo VOR	Amarillo RBn	Direct	5000	T-dn	300-1	300-1	300-1½
Canyon Int	Amarillo RBn	Direct	5000	C-dn	500-1	500-1	500-1½
Claude Int	Amarillo RBn	Direct	5000	S-dn-21*	400-1	400-1	400-1
Panhandle Int	Amarillo RBn	Direct	5000	A-dn	800-2	800-2	800-2
Wildorado Int	Amarillo RBn	Direct	5000				

Radar transitions and vectoring using Amarillo radar authorized in accordance with approved radar patterns.
Procedure turn N side of crs, 050° Outbnd, 210° Inbnd, 5000′ within 10 miles.
Minimum altitude over facility on final approach crs, 4500′.
Crs and distance, facility to airport, 210°—4.5 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.5 miles after passing AMA VOR, climb to 5000′ on R-210 within 15 miles or, when directed by ATC, turn left, climb to 5000′ on R-076 within 15 miles.
CAUTION: 3764′ grain elevator located adjacent to SW boundary of airport.
Other change: Deletes transition from Amarillo RBn.
*Runway 21: 400-½ authorized, except for 4-engine turbojet aircraft, with operative high-intensity runway lights.
MSA within 25 miles of facility: 000°-090°—4900′; 090°-180°—4700′; 180°-270°—5800′; 270°-360°—5000′.

City, Amarillo; State, Tex.; Airport name, Amarillo AFB/Municipal; Elev., 3605′; Fac. Class., BVORTAC; Ident., AMA; Procedure No. 1, Amdt. 12; Eff. date, 8 May 65; Sup. Amdt. No 11; Dated, 24 Oct. 64

Chester VOR	BAF RBn	Direct	3300	T-d*	700-1	700-1	700-1
Westfield VOR	BAF RBn	Direct	3000	T-n*	700-2	700-2	700-2
				C-d	800-1	800-1	800-1
				C-n	800-2	800-2	800-2
				S-d-20	800-1	800-1½	800-1½
				S-n-20	800-2	800-2	800-2
				A-dn	1500-2	1500-2	1500-2

*Procedure turn W side of crs, 023° Outbnd, 203° Inbnd, 3000′ within 10 miles.
Minimum altitude over facility on final approach crs, 2000′.
Crs and distance, facility to airport, 203°—4.8 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.8 miles after passing BAF RBn, climb to 2000′ on heading of 203° within 10 miles, make right-climbing turn to 2000′ direct to BAF RBn. Hold N, 203° Inbnd, 1-minute right turns.
*800-1 day, 800-2 night required for takeoff on Runways 9 and 15.
*Final approach from a holding pattern at BAF RBn not authorized. Procedure turn required.
MSA within 25 miles of facility: 000°-090°—2800′; 090°-180°—2300′; 180°-270°—3300′; 270°-360°—3800′.

City, Westfield; State, Mass.; Airport name, Barnes Municipal; Elev., 270′; Fac. Class., SBMHZ; Ident., BAF; Procedure No. 1, Amdt. 1; Eff. date, 8 May 65; Sup. Amdt. No. Orig.; Dated, 5 Oct. 63

VOR STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

Transition: From—	Transition: To—	Course and distance	Minimum altitude (feet)	Ceiling and visibility minimums: Condition	2-engine or less: 65 knots or less	2-engine or less: More than 65 knots	More than 2-engine, more than 65 knots
Amarillo VOR	Buffalo VOR	Direct	8000	T–dn	300–1	300–1	300–1¼
ILS LOM	Buffalo VOR	Direct	8000	C–dn	300–1	300–1	300–1¼
Canyon Int	Buffalo VOR	Direct	8000	S–dn–8	300–1	300–1	300–1
Claude Int	Buffalo VOR	Direct	8000	A–dn	300–2	300–2	300–2
Finley Int	Buffalo VOR	Direct	8000				
Palo Duro Int	Buffalo VOR	Direct	8000				
Plant Int	Buffalo VOR	Direct	8000				
Sam Int	Buffalo VOR	Direct	8000				
Tower Int	Buffalo VOR	Direct	8000				
West Side Int	Buffalo VOR	Direct	8000				

Radar transitions and vectoring using Amarillo radar authorized in accordance with approved radar patterns.
Teardrop procedure turn—Procedure turn E side of crs, 195° Outbnd, 023° Inbnd, 5100′ within 10 miles.
Minimum altitude over facility on final approach crs, 5100′, and maintain 8000′ or above until passing OM/LOM.
Crs and distance, facility to airport, 023°—7.7 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 7.7 miles after passing ARO VOR, climb to 8000′ on R-023 ARO VOR within 20 miles.
CAUTION: Towers, 3004′—3.4 miles SW; 3886′—2.1 miles SW; 3848′—2.7 miles SW of airport; 3704′ grain elevator located adjacent to SW boundary of airport.
Other change: Deletes transition from Amarillo RBn.
MSA within 25 miles of facility: 000°–360°—8400′.

City, Amarillo; State, Tex.; Airport name, Amarillo AFB/Municipal; Elev., 3605′; Fac. Class, VORW; Ident., ARO; Procedure No. 2, Amdt. 1; Eff. date, 8 May 65; Sup. Amdt. No. Orig.; Dated, 9 May 64

AMA VOR	ARO VOR	Direct	8000	T–dn	300–1	300–1	300–1
AM LOM	ARO VOR	Direct	8000	C–dn	300–1	300–1	300–1¼
				A–dn	NA	NA	NA

Procedure turn E side of crs, 182° Outbnd, 002° Inbnd, 5100′ within 10 miles.
Minimum altitude over facility on final approach crs, 4700′.
Crs and distance, facility to airport, 002°—3.2 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 2.3 miles after passing ARO VOR, turn left, climb to 9000′ on R-241, AMA VOR within 20 miles.
CAUTION: Towers, 3629′ and 3954′—2.1 miles NE of airport. Silver painted water tower approximately 3600′—2 miles NW.
NOTES: Radar vectoring authorized. No weather service at airport. Air carrier use not authorized.
MSA within 25 miles of facility: 000°–360°—8400′.

City, Amarillo; State, Tex.; Airport name, Tradewind; Elev., 3642′; Fac. Class., VORW; Ident., ARO; Procedure No. 1, Amdt. 2; Eff. date, 8 May 65; Sup. Amdt. No. 2; Dated, 16 May 64

PROCEDURE CANCELLED EFFECTIVE 8 MAY 1965.

City, Farmingdale; State, N.Y.; Airport name, Republic Aviation Corp.; Elev., 82′; Fac. Class., BVOR; Ident., DPK; Procedure No. 1, Amdt. 2; Eff. date, 4 July 64; Sup. Amdt. No. 1; Dated, 2 Apr. 64

Miles City RBn	MLS VOR	Direct	4500	T–dn	300–1	300–1	300–1¼
				C–dn	400–1	400–1	400–1½
				S–dn–4	400–1	400–1	400–1
				A–dn	800–2	800–2	800–2

Procedure turn S side of crs, 210° Outbnd, 030° Inbnd, 4500′ within 10 miles.
Minimum altitude over VOR on final approach crs, 3500′; over Fort Int, 3100′.
Crs and distance, VOR to airport, 030°—3.3 miles; Fort Int to airport, 030°—1.8 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 3.3 miles after passing MLS VOR, climb to 4500′ on R-082 within 10 miles.
NOTE: Final approach from holding pattern at VOR not authorized. Procedure turn required.
MSA within 25 miles of facility: 000°–360°—4400′.

City, Miles City; State, Mont.; Airport name, Miles City; Elev., 2628′; Fac. Class., BVORTAC; Ident., MLS; Procedure No. 1, Amdt. 8; Eff. date, 8 May 65; Sup. Amdt. No. 7; Dated, 17 Oct. 64

				T–dn*	300–1	300–1	300–1¼
				C–dn	700–1	700–1	700–1½
				S–dn–14	500–1	500–1	500–1
				A–dn	800–2	800–2	800–2

Radar vectoring authorized in accordance with approved patterns.
Procedure turn S side of crs, 311° Outbnd, 131° Inbnd, 2000′ within 10 miles.
Minimum altitude over facility on final approach crs, 1700′.
Crs and distance, facility to airport, 131°—4.7 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.7 miles after passing SYR VOR, make left-climbing turn to 3000′ direct to SYR VOR. Hold NW of SYR VOR on R-311, 1-minute right turns, 131° Inbnd.
AIR CARRIER NOTE: Neither sliding scale nor reduction in minimums authorized for takeoffs to the SE.
CAUTION: 536′ antenna, 1.1 miles S of approach end of Runway 28. 2840′ antenna, 10.4 miles S of airport.
*600–1 required for takeoff on Runway 14.
MSA within 25 miles of the facility: 000°–090°—2300′; 090°–180°—4000′; 180°–270°—3000′; 270°–360°—2000′.

City, Syracuse; State, N.Y.; Airport name, Clarence E. Hancock; Elev., 421′; Fac. Class., BVORTAC; Ident., SYR; Procedure No. 1, Amdt. 11; Eff. date, 8 May 65; Sup. Amdt. No. 10; Dated 5 Sept. 64

				T–dn	300–1	300–1	300–1¼
				C–dn	500–1	500–1	500–1½
				S–dn–6	400–1	400–1	400–1
				A–dn	900–2	900–2	900–2

Procedure turn S side of crs, 226° Outbnd, 046° Inbnd, 2400′ within 10 miles.
Minimum altitude over facility on final approach crs, 1100′.
Crs and distance, facility to airport, 046°—2.6 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 2.6 miles after passing ART VOR, make left-climbing turn to 2400′ and return to ART VOR. Hold SW of ART VOR on R-226, 1-minute right turns, 046° Inbnd.
NOTE: Approach from a holding pattern not authorized. Procedure turn required.
MSA within 25 miles of facility: 000°–090°—2000′; 090°–180°—3000′; 180°–270°—2000′; 270°–360°—2200′.

City, Watertown; State, N.Y.; Airport name, Municipal; Elev., 339′; Fac. Class., BVOR; Ident., ART; Procedure No. 1, Amdt. 6; Eff. date, 8 May 65; Sup. Amdt. No. 5; Dated, 26 July 64

VOR STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

Transition: From—	Transition: To—	Course and distance	Minimum altitude (feet)	Ceiling and visibility minimums: Condition	2-engine or less: 65 knots or less	2-engine or less: More than 65 knots	More than 2-engine, more than 65 knots
				T–d	500–1	NA	NA
				C–d	500–1	NA	NA
				A–d	NA	NA	NA

Procedure turn S side of crs, 220° Outbnd, 040° Inbnd, 4000′ within 10 miles.
Minimum altitude over facility on final approach crs, 3000′.
Crs and distance, facility to airport, 040°—2.2 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 2.2 miles after passing VOR, climb on crs, 040° to 3500′ within 10 miles. Make right-climbing turn to 4000′, return to SFK VOR. Hold SW, R-220, 1-minute right turns.
MSA within 25 miles of facility: 000°–360°—3700′.

City, Wellsboro; State, Pa.; Airport name, Grand Canyon State; Elev., 1900′; Fac. Class., L-BVORTAC; Ident., SFK; Procedure No. 1, Amdt. Orig.; Eff. date, 8 May 65

3. By amending the following terminal very high frequency omnirange (TerVOR) procedures prescribed in § 97.13 to read:

TERMINAL VOR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.
If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition: From—	Transition: To—	Course and distance	Minimum altitude (feet)	Ceiling and visibility minimums: Condition	2-engine or less: 65 knots or less	2-engine or less: More than 65 knots	More than 2-engine, more than 65 knots
				T–dn	300–1	300–1	300–1¼
				C–dn	500–1	500–1	500–1½
				S–dn–31	400–1	400–1	400–1
				A–dn	800–2	800–2	800–2

Procedure turn W side of crs, 144° Outbnd, 324° Inbnd, 2700′ within 10 miles.
Minimum altitude over facility on final approach crs, 600′.
Crs and distance, breakoff point to Runway 31, 304°—0.7 mile.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0.0 mile of ALI VOR, turn right, climb to 1700′ on R-350 within 10 miles of ALI VOR.
MSA within 25 miles of the facility: 000°–090°—2100′; 090°–180°—2000′; 180°–270°—1700′; 270°–360°—1700′.

City, Alice; State, Tex.; Airport name, Alice International; Elev., 178′; Fac. Class., L-BVOR; Ident., ALI; Procedure No. TerVOR-31, Amdt. 3; Eff. date, 8 May 65; Sup. Amdt. No. 2; Dated, 18 May 63

				T–dn	300–1	300–1	200–1¼
				C–dn	800–1	800–1	800–1½
				A–dn	1000–2	1000–2	1000–2

Procedure turn S side of crs, 261° Outbnd, 081° Inbnd, 1700′ within 10 miles.
Minimum altitude over facility on final approach crs, 975′.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0.0 mile of ALI VOR, turn left, climb to 1700′ on R-350 within 10 miles of ALI VOR.
Other change: Deletes caution note.
MSA within 25 miles of facility: 000°–090°—2100′; 090°–180°—2000′; 180°–270°—1700′; 270°–360°—1700′.

City, Alice; State, Tex.; Airport name, Alice International; Elev., 178′; Fac. Class., L-BVOR; Ident., ALI; Procedure No. TerVOR (R-261), Amdt. 5; Eff. date, 8 May 65; Sup. Amdt. No. 4; Dated, 19 Jan. 63

Britton VOR	Golf Int	Direct	3300	T–dn	300–1	300–1	300–1¼
				C–dn	600–1	600–1	600–1½
				S–dn–36	400–1	400–1	400–1
				A–dn	800–2	800–2	800–2

Procedure turn E side of crs, 178° Outbnd, 358° Inbnd, 2800′ within 10 miles of River Int. Beyond 10 miles not authorized.
Minimum altitude over Golf Int on final approach crs, 1600′; over River Int, 1000′.
Crs and distance, Golf Int to airport, 358°—4.1 miles; River Int to airport, 358°—2.0 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 2 miles after passing River Int, proceed direct to Addison VOR, climbing to 2000′ or, when directed by ATC, turn right, proceed direct to Dallas VOR, climbing to 2000′.
NOTES: (1) Radar vectoring authorized in accordance with approved patterns. (2) Authorized only for aircraft equipped with dual VOR receivers.
MSA within 25 miles of facility: 000°–180°—2100′; 180°–270°—3400′; 270°–360°—2200′.

City, Dallas; State, Tex.; Airport name, Dallas Love Field; Elev., 487′; Fac. Class., T-BVOR; Ident., ADS; Procedure No. TerVOR-36, Amdt. Orig.; Eff. date, 8 May 65

Hibbing VOR	Eveleth VOR	Direct	3150	T–dn	300–1	300–1	NA
				C–d	400–1	500–1	NA
				C–n	400–1½	500–1½	NA
				S–dn–27	400–1	400–1	NA
				A–dn	NA	NA	NA

Procedure turn N side of crs, 087° Outbnd, 267° Inbnd, 2800′ within 10 miles.
Minimum altitude over facility on final approach crs, 1800′.
Facility on airport.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0.0 mile after passing VOR, make left climbing turn to 3100′ on R-087 within 10 miles. Return to VOR and hold E on R-087.
NOTE: Night takeoffs and landings not authorized on Runways 5–23.
MSA within 25 miles of facility: 000°–090°—3100′; 090°–270°—2800′; 270°–360°—3000′.

City, Eveleth; State, Minn.; Airport name, Eveleth-Virginia Municipal; Elev., 1200′; Fac. Class., L-BVOR; Ident, EVM; Procedure No. TerVOR-27, Amdt. 1; Eff. date, 8 May 65; Sup. Amdt. No. Orig.; Dated, 1 Aug. 64

TERMINAL VOR STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
Flat Rock VOR	Biltmore Int	Direct	2000	T–dn	300–1	300–1	300–1
Biltmore Int	RIC VOR (final)	Direct	800	C–dn	800–1	800–1	800–1½
Manakin RBn	RIC VOR	Direct	2000	S–dn–15	800–1	800–1	800–1
5-mile radar fix	RIC VOR (final)	Direct	800	A–dn	800–2	800–2	800–2
				If aircraft equipped with dual VOR receivers and Biltmore Int or 5-mile radar fix received, the following minimums apply:			
				S–dn–15	400–1	400–1	400–1

Radar vectoring authorized in accordance with approved patterns.
Procedure turn N side of crs, 347° Outbnd, 167° Inbnd, 1700′ within 10 miles.
Minimum altitude over Biltmore Int on final approach crs, 800′; over facility, 600′.
Crs and distance, breakoff point to approach end of runway, 154°—0.6 mile.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0.6 mile of RIC VOR, climb to 2000′ on R-167 RIC VOR within 10 miles, return to RIC VOR. Hold SW, 220° Outbnd, 040° Inbnd, 1-minute right turns.
MSA within 25 miles of facility: 000°–180°—1600′; 180°–360°—2100′.

City, Richmond; State, Va.; Airport name, Richard E. Byrd Flying Field; Elev., 167′; Fac. Class., BVOR; Ident., RIC; Procedure No. TerVOR-15, Amdt. 13; Eff. date, 8 May 65; Sup. Amdt. No. 12; Dated, 14 Nov. 64

Whitehouse Int	Meadow Int	Direct	1900	T–dn	300–1	300–1	300–1½
Meadow Int	RIC VOR (final)	Direct	800	C–dn	800–1	800–1	800–1½
New Kent Int	RIC VOR	Direct	1900	S–dn–24	400–1	400–1	400–1
5-mile radar fix	RIC VOR (final)	Direct	800	A–dn	800–2	800–2	800–2

Radar vectoring authorized in accordance with approved patterns.
Procedure turn N side of final approach crs, 075° Outbnd, 255° Inbnd, 1900′ within 10 miles. Do not descend below 1900′ until passing Meadow Int, or 5-mile radar fix.
Minimum altitude over facility on final approach crs, 800′.
Crs and distance, breakoff point to approach end of Runway 24, 243°—0.6 mile.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0.6 mile of RIC VOR, climb on R-258 to 2000′ within 10 miles, return to RIC VOR. Hold SW, 220° Outbnd, 040° Inbnd, 1-minute right turn.
MSA within 25 miles of facility: 000°–180°—1600′; 180°–360°—2100′.

City, Richmond; State, Va.; Airport name, Richard E. Byrd Flying Field; Elev., 167′; Fac. Class., BVOR; Ident., RIC; Procedure No. TerVOR-24, Amdt. 5; Eff. date, 8 May 65; Sup. Amdt. No. 4; Dated, 14 Nov. 64

4. By amending the following very high frequency omnirange-distance measuring equipment (VOR/DME) procedures prescribed in § 97.15 to read:

VOR/DME STANDARD INSTRUMENT APPROACH PROCEDURES

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.
If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
				T–dn	300–1	300–1	300–1
				C–dn*	800–1½	800–1½	800–1½
				A–dn*	1100–2	100–2	100–2
				If 4.2-miles DME Fix R-245 received, the following minimums apply:*			
				C–dn	800–1½	800–1½	800–1½
				A–dn	800–2	800–2	800–2

Radar transitions authorized in accordance with approved radar patterns of Kennedy ASR.
Procedure turn N side of crs, 065° Outbnd, 245° Inbnd, 1800′ within 10 miles.
Minimum altitude over facility on final approach crs, 1800′, over 4.2 -mile DME Fix R-245, 1000′.
*Maintain 1000′ until passing 4.2-mile DME Fix R-245.
Crs and distance, facility to airport, 245°—4.2 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 6.2 miles after passing Deer Park VOR, make a right climbing turn to 1800′, proceed direct to Deer Park VOR. Hold NE on R-065, 1-minute right turns.
NOTE: This approach authorized only during the hours that the control tower is in operation.
MSA within 25 miles of facility: 000°–360°—1700′.

City, Farmingdale; State, N.Y.; Airport name, Republic Aviation Corp.; Elev., 82′; Fac. Class., BVORTAC; Ident., DPE; Procedure No. VOR/DME No. 1, Amdt. Orig.; Eff. date, 8 May 65

Southgate Int**	10-mile DME Fix R-288	15-IF arc	2200	T–dn	300–1	300–1	300–1
Breakers Int	10-mile DME Fix R-288	Direct	2200	C–dn**	800–1	800–1	800–1½
10-mile DME Fix R-288	1.1-mile DME Fix R-288 or LOM	Direct	2200	S–dn–09	500–1	500–1	500–1
1.1-mile DME Fix R-288 or LOM	HNL VOR	Direct	1700	A–dn	800–2	800–2	800–2

Radar vectoring authorized in accordance with approved patterns.
Procedure turn S side of crs, 288° Outbnd, 078° Inbnd, 3600′ within 10 miles.
Minimum altitude at 1.1-mile DME Fix R-288 or LOM, °2200′.
Crs and distance, facility to airport, 078°—4.8 miles; 1.1-mile DME Fix R-288 or LOM to airport, 078°—5.9 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.8 miles after passing HNL VOR or at 4.8-mile DME Fix R-078, make right turn, climb to 2000′ and proceed to Southgate Int via R-168 HNL VOR.
CAUTION: Terrain rises sharply on N side final approach crs; within 2.2 miles, 1000′; 4.1 miles, 2000′; 5.4 miles, 3000′.
*Do not descend below 2200′ until over the 1.1-mile DME (LOM) Inbnd due to NAS Barber's Point 1500′ jet traffic pattern.
**Circling N of airport not authorized because of terrain, 358′—1.5 miles N and 524′—2 miles NE.
‡Straight-in minimums not authorized unless aircraft receives 1.1-mile DME Fix or LOM.
Other change: Deletes note regarding use of DME for final with elimination of procedure turn.

City, Honolulu; State, Hawaii; Airport name, Honolulu International; Elev., 13′; Fac. Class., BVORTAC; Ident., HNL; Procedure No. VOR/DME No. 1, Amdt. 1; Eff. date, 8 May 65; Sup. Amdt. No. Orig.; Dated, 29 June 63

VOR/DME STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
Malone Int	6-mile DME Fix, R-110	Direct	3500	T–dn	300–1	300–1	300–1½
6-mile DME Fix, R-110	Massena VOR (final)	Direct	1700	C–dn	500–1	600–1	600–1½
				A–dn	800–2	800–2	800–2

Minimum altitude over facility on final approach crs, 1700′.
Crs and distance, facility to airport, 298°—5.3 miles.
Malone Int to 6-mile DME Fix, R-110—3500′; 6-mile DME Fix, R-110 to Massena VOR (final)—1700′.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 5.3 miles after passing M88 VOR, make a right-climbing turn to 2000′; return to Massena VOR. Hold Southeast of M88 VOR, 298° Inbnd, 1-minute right turns.
CAUTION: 598′ tower (2.0 miles SW of airport).
MSA within 25 miles of facility: 000°–090°—2000′; 090°–180°—3500′; 180°–270°—3000′; 270°–360°—2000′.

City, Massena; State, N.Y.; Airport name, Richards Field; Elev., 215′; Fac. Class., H-BVORTAC; Ident., M88; Procedure No. VOR/DME No. 1, Amdt. Orig.; Eff. date, 8 May 65

West Bangor Int	6-mile DME Fix, R-129	Direct	3500	T–dn	300–1	300–1	300–1½
6-mile DME Fix, R-129	Massena VOR (final)	Direct	1700	C–dn	500–1	500–1	600–1½
				A–dn	800–2	800–2	800–2

Minimum altitude over facility on final approach crs, 1700′.
Crs and distance, facility to airport, 298°—5.3 miles.
West Bangor Int to 6-mile DME Fix, R-129—3500′; 6-mile DME Fix, R-129 to M88 VOR (final)—1700′.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 5.3 miles after passing M88 VOR, make a right-climbing turn to 2000′; return to Massena VOR. Hold SE of M88 VOR, 298° Inbnd, 1-minute right turns.
CAUTION: 598′ tower (2.0 miles SW of airport).
MSA within 25 miles of facility: 000°–090°—2000′; 090°–180°—3500′; 180°–270°—3000′; 270°–360°—2000′.

City, Massena; State, N.Y.; Airport name, Richards Field; Elev., 215′; Fac. Class., H-BVORTAC; Ident., M88; Procedure No. VOR/DME No. 2, Amdt. Orig.; Eff. date, 8 May 65

10-mile DME Fix R-210	0.0-mile DME Fix R-210	Direct	3250	T–dn	300–1	300–1	300–1½
				C–dn	400–1	500–1	500–1½
				S–dn–4	400–1	400–1	400–1
				A–dn	800–2	800–2	800–2

Procedure turn S side of crs, 210° Outbnd, 030° Inbnd, 4400′ within 10 miles.
Minimum altitude over 1.5-mile DME Fix R-030 on final approach crs, 3100′.
Crs and distance, 1.5-mile DME Fix R-030 to airport, 030°—1.8 mile.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished at 3.3-mile DME Fix R-030, climb to 4500′ on R-002 within 10 miles.
NOTES: (1) When authorized by ATC, MLS DME may be used to position aircraft for straight-in approach at 4500′ between R-097 clockwise to R-271 via 10-mile DME are with the elimination of procedure turn. (2) Final approach from holding pattern at VOR not authorized. Procedure turn required.
MSA within 25 miles of facility: 000°–360°—4400′.

City, Miles City; State, Mont.; Airport name, Miles City; Elev., 2628′; Fac. Class., BVORTAC; Ident., MLS; Procedure No. VOR/DME No. 1, Amdt. 5; Eff. date, 8 May 65; Sup. Amdt. No. 4; Dated, 3 Oct. 64

MLS VOR	10-mile DME Fix R-032	Direct	4500	T–dn	300–1	300–1	300–1½
				C–dn	400–1	500–1	500–1½
				S–dn–22	400–1	400–1	400–1
				A–dn	800–2	800–2	800–2

Procedure turn N side of crs, 032° Outbnd, 212° Inbnd, 4500′ between 10- and 20-mile DME Fix R-032.
Minimum altitude over 10-mile DME Fix R-032 on final approach crs, 4500′.
Crs and distance, 10-mile DME Fix R-032 to airport, 212°—5.6 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished at 4.4-mile DME Fix R-032, climb to 4500′ on R-212 within 10 miles of MLS VOR.
NOTE: When authorized by ATC, MLS DME may be used to position aircraft for straight-in approach at 5500′ between R-271 clockwise to R-097 via 15-mile DME are with the elimination of procedure turn.

City, Miles City; State, Mont.; Airport name, Miles City; Elev., 2628′; Fac. Class., BVORTAC; Ident., MLS; Procedure No. VOR/DME No. 2, Amdt. 3; Eff. date, 8 May 65; Sup. Amdt. No. 2; Dated, 16 Nov. 63

5. By amending the following instrument landing system procedures prescribed in § 97.17 to read:

ILS STANDARD INSTRUMENT APPROACH PROCEDURES

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.
If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 55 knots
					55 knots or less	More than 55 knots	
AMA VOR	LOM	Direct	5000	T–dn	300–1	300–1	300–1½
Canyon Int	LOM	Direct	6000	C–dn	500–1	500–1	500–1½
Claude Int	LOM	Direct	5000	S–dn–03°#	300–1½	300–1½	300–1½
Finley Int	LOM	Direct	5000	A–dn	600–2	600–2	600–2
Palo Duro Int	LOM	Direct	5000				
Plant Int	LOM	Direct	5300				
Sam Int	LOM	Direct	5300				
Tower Int	LOM	Direct	5300				
West Side Int	LOM	Direct	5000				
AEO VOR	LOM	Direct	5000				

Radar transitions and vectoring using Amarillo radar authorized in accordance with approved radar patterns.
Procedure turn S side of crs, 215° Outbnd, 035° Inbnd, 5000′ within 10 miles.
Altitude of glide slope and distance to approach end of runway at OM, 8000′—8.0 miles; at MM, 3815′—0.6 mile.
Minimum altitude at glide slope intercept Inbnd on final, 5000′.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished, climb to 8000′ on NE crs, ILS within 20 miles or, when directed by ATC, (1) turn right, climb to 5000′ and intercept R–076, AMA VOR within 20 miles or (2) turn left, climb to 5300′ on R–307, AMA VOR within 20 miles.
CAUTION: Towers, 3994′—3.4 miles SW; 3886′—2.1 miles SW; 3985′—2.7 miles SW of airport. 3764′ grain elevator located adjacent to SW boundary of airport.
NOTE: Glide slope restricted below 300′, AGL.
Other change: Deletes transitions from AMA RBn and Borger Int.
*400–¾ required when glide slope not received. 400–½ authorized, except for 4-engine turbojet aircraft, with operative ALS.
#300–¾ required when approach lights inoperative.

City, Amarillo; State, Tex.; Airport name, Amarillo AFB/Municipal; Elev., 3600′; Fac. Class., ILS; Ident., I-AMA; Procedure No. ILS-3, Amdt. 7; Eff. date, 8 May 65; Sup. Amdt. No. 6; Dated, 3 Aug. 63

AM LOM	AMA VOR	Direct	5000	T–dn	300–1	300–1	300–1½
AEO VOR	AMA VOR	Direct	6000	C–dn	500–1	500–1	500–1½
				S–dn–21	300–1	300–1	300–1
				A–dn	800–2	800–2	800–2

Radar vectoring and transitions using Amarillo radar authorized in accordance with approved radar pattern.
Procedure turn S side of crs, 035° Outbnd, 215° Inbnd, 6000′ within 10 miles. (Nonstandard due to ATC requirements).
No glide slope.
Minimum altitude over AMA VOR°, R–125 on final approach crs, 4600′.
Crs and distance, AMA VOR°, R–125 to airport, 215°—4.5 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.5 miles after passing AMA VOR, climb to 5500′ on SW crs of ILS within 10 miles of LOM or, when directed by ATC, turn left and intercept R–076, AMA VOR, climbing to 8000′ within 10 miles.
CAUTION: 3764′ grain elevator located adjacent to SW boundary of airport.
Other change: Deletes transitions from AMA RBn and Borger Int.
°AMA VOR lies 1000′ NW of localizer crs. Positive station passage required for descent below 4600′.

City, Amarillo; State, Tex.; Airport name, Amarillo AFB/Municipal; Elev., 3600′; Fac. Class., ILS; Ident., I-AMA; Procedure No. ILS-21 (back crs), Amdt. 5; Eff. date, 8 May 65; Sup. Amdt. No. 4; Dated, 13 Apr. 64

Southgate Int	W crs, ILS and 10-mile DME Fix	12–15 arc	2200	T–dn	300–1	300–1	300–1½
Honolulu VOR	LOM	Direct	2600	C–dn**	500–1	500–1	500–1½
Breakers Int	W crs, ILS and 10-mile DME Fix	Via W crs, ILS	2200	S–dn–6°	300–1½	300–1½	300–1½
W crs, ILS and 10-mile DME Fix	LOM (finaa)	Direct	2200	A–dn	600–2	600–2	600–2

Radar vectoring authorized in accordance with approved patterns.
Procedure turn S side crs, 330° Outbnd, 078° Inbnd, 3600′ within 10 miles.
Minimum altitude at glide slope intercept Inbnd, 2200′.#
Altitude at glide slope and distance to approach end of runway at OM, 1961′—3.9 miles; at MM, 267′—0.5 mile.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished, make right turn, climb to 2000′ and proceed to Southgate VHF Int via HNL VOR R–168.
CAUTION: Terrain rises sharply on N side final approach crs; within 2 2 miles, 1000′; 4.1 miles, 2000′; 8.4 miles, 3000′.
Other change: Deletes note regarding use of DME for final with elimination of procedure turn.
#Do not descend below 2200′ until intercepting glide slope due to NAS Barber's Point 1300′ jet traffic pattern.
*400–¾ required when glide slope not utilized.
**Circling N of airport not authorized because of terrain, 283′—1.5 miles N and 534′—2 miles NE.

City, Honolulu; State, Hawaii; Airport name, Honolulu International; Elev., 13′; Fac. Class., ILS; Ident., I-HNL; Procedure No. ILS-6, Amdt. 3; Eff. date, 8 May 65; Sup. Amdt. No. 2; Dated, 1 June 63

Syracuse VOR	Syracuse RBn	Direct	2000	T–dn*	300–1	300–1	300–1¼
Lakeport Int	Syracuse RBn	Direct	2000	C–dn	700–1	700–1	700–1½
Weedsport Int	Syracuse RBn (final)	Direct	2000	S–dn–10**	400–1	400–1	400–1
Whitford Int	SYR RBn (final)	Direct	2000	A–dn	800–2	800–2	800–2

Radar vectoring authorized in accordance with approved patterns.
Procedure turn N side of crs, 276° Outbnd, 096° Inbnd, 2000′ within 10 miles.
Minimum altitude over SYR RBn on final approach crs, 2000′; over Liverpool Int, 1000′.
Crs and distance, SYR RBn to airport, 096°—6.7 miles. Crs and distance, Liverpool Int to airport, 096°—3.4 miles.
No glide slope.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 6.7 miles after passing SYR RBn (3.4 miles after Liverpool Int), climb straight ahead to 2000′ to SY LOM. Hold E of SY LOM, 276° inbnd, 1-minute right turns.
CAUTION: 526′ antenna, 1.1 miles S of approach end of Runway 28. 2540′ antenna, 10.4 miles S of airport.
AIR CARRIER NOTE: Neither sliding scale nor reduction in minimums authorized for takeoffs to the SE.
*800–1 required for takeoff on Runway 14.
**400–¾ authorized, except for 4-engine turbojet aircraft, with operative high-intensity runway lights. Descent below 1600′ not authorized for aircraft not equipped for simultaneous reception of VOR and ILS.
Other change: Deletes transition from Plainville Int.

City, Syracuse; State, N.Y.; Airport name, Clarence E. Hancock; Elev., 421′; Fac. Class., ILS; Ident., I-SYR; Procedure No. ILS-10 (back crs), Amdt. 11; Eff. date, 8 May 65; Sup. Amdt. No. 10; Dated, 10 Oct. 64

6. By amending the following radar procedures prescribed in § 97.19 to read:

RADAR STANDARD INSTRUMENT APPROACH PROCEDURES

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet, MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.
If a radar instrument approach is conducted at the below named airport, it shall be in accordance with the following instrument procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitude(s) shall correspond with those established for en route operation in the particular area or as set forth below. Positive identification must be established with the radar controller. From initial contact with radar to final authorized landing minimums, the instructions of the radar controller are mandatory except when (A) visual contact is established on final approach at or before descent to the authorized landing minimums, or (B) at pilot's discretion if it appears desirable to discontinue the approach, except when the radar controller may direct otherwise prior to final approach, a missed approach shall be executed as provided below when (A) communication on final approach is lost for more than 5 seconds during a precision approach, or for more than 30 seconds during a surveillance approach; (B) directed by radar controller; (C) visual contact is not established upon descent to authorized landing minimums; or (D) if landing is not accomplished.

Radar terminal area maneuvering sectors and altitudes				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 55 knots
					55 knots or less	More than 55 knots	
				Precision approach			
				T–dn	800–1	800–1	800–1
				C–dl	800–1½	800–1½	800–1½
				C–n	1000–2	1000–2	1000–2
				S–dn–6L	300–1	300–1	300–1
				A–dn	1000–2	1000–2	1000–2
				Surveillance approach			
				T–dn	800–1	800–1	800–1
				C–d	800–1½	800–1½	800–1½
				C–n	1000–2	1000–2	1000–2
				S–dn–6L	400–1	400–1	400–1
				A–dn	1000–2	1000–2	1000–2

This instrument approach to be conducted in accordance with U.S. Navy GCA standard instrument approach and applies to civil aircraft only.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished, Runway 6L: Climb on 062° to 2000′ and contact GCA.
NOTES: 1. 3.0° glide slope. 2. Radar handoffs by Guam Radar (FAA) authorized in accordance with approved patterns.

City, Agana; Guam, M.I.; Airport name, NAS Agana; Elev., 298′; Fac. Class., NAS Agana; Ident., GCA; Procedure No. 1, Amdt. 2; Eff. date, 8 May 65; Sup. Amdt. No. 1; Dated, 17 Apr. 65

Radar terminal area maneuvering sectors and altitudes														Ceiling and visibility minimums			
From	To	Dist.	Alt.	Dist.	Alt.	Dist.	Alt.	Dist.	Alt.	Dist.	Alt.	Dist.	Alt.	Condition	2-engine or less		More than 2-engine, more than 55 knots
															55 knots or less	More than 55 knots	
*280	185	0–17	4600											Surveillance approach			
**195	280	0–17	6000											T–dn	300–1	300–1	300–1¼
														C–dn	400–1	500–1	500–1½
														S–dn–21, 03, 12, 21#.	400–1	400–1	400–1
															400–1	400–1	800–1½
														A–dn	800–2	800–2	800–2

If visual contact not established upon descent to authorized landing minimums or if landing not accomplished, Runway 03: Climb to 5000′ and proceed to Amarillo VOR or, when directed by ATC, turn right and climb to 5000′, proceeding out R–076 Amarillo VOR within 15 miles. Runway 21: Climb to 5000′ and proceed to LOM or, when directed by ATC, turn left and climb to 5000′, proceeding out R–076 Amarillo VOR within 15 miles. Runway 31: Turn right, climb to 5000′ to Amarillo VOR, proceed out R–076 within 15 miles.
*Radar control will provide 1000′ vertical clearance within a 3-mile radius of KONC radio tower, 3600′—12.5 miles NE or maintain 4900′.
**Radar control will provide 1000′ vertical clearance within a 3-mile radius of TV antennas, 4309′ and 4286′—8.5 miles WNW or maintain 5300′.
#Runway 03: 400–½ authorized, except for 4-engine turbojet aircraft, with operative ALS.
#Runway 21: 400–¾ authorized, except for 4-engine turbojet aircraft, with operative high-intensity runway lights.

City, Amarillo; State, Tex.; Airport name, Amarillo AFB/Municipal; Elev., 3600′; Fac. Class., and Ident., Amarillo Radar; Procedure No. 1, Amdt. 3; Eff. date, 8 May 65; Sup. Amdt. No. 2; Dated, 5 Sept. 64

360	020	40	2000											Surveillance approach			
020	040	40	2400											T–dn*	300–1	300–1	200–½
040	060	40	2600											C–dn	700–1	700–1	700–1½
060	080	40	2200	20	2000	20	2000	10	2600					S–dn–28	700–1	700–1	700–1
080	100	40	2000	30	2200	30	2200	10	2200					S–dn–10	800–1	800–1	800–1
100	120			30	2000									S–dn–14	400–1	400–1	400–1
120	140			30	2000									A–dn	800–2	800–2	800–2
140	160			30	2200												
160	180			30	2400												
180	200																
200	220					20	2000										
220	240					30	2200										
240	260					30	2400										
260	280							10	2000								
280	300							10	2600								
										7	2000						

If visual contact not established upon descent to authorized landing minimums or if landing not accomplished, Runway 28: Climb straight ahead to 2000′ direct to SYR RBn. Hold W of SYR RBn, 098° Inbnd, 1-minute left turns. Runway 10: Climb straight ahead to 2000′ SY LOM. Hold E of SY LOM 278° Inbnd, 1-minute right turns. Runway 14: Make left-climbing turn to 2000′ to SYR VOR. Hold NW of SYR VOR, 131° inbnd, 1-minute right turns.
AIR CARRIER NOTE: Neither sliding scale nor reduction in minimums authorized for takeoffs to the SE.
NOTE: Standard clearance of 1000′ from 0–8 miles must be provided over: 1. 2320′ antenna (49.0 miles ENE of airport); 2. 2340′ antenna (10.5 miles S of airport); 3. 2037′ antenna (10.0 miles SSW of airport).
CAUTION: 526′ antenna (1.1 mile S of approach end of Runway 28).
*800–1 required for takeoff on Runway 14.

City, Syracuse; State, N.Y.; Airport name, Clarence E. Hancock; Elev., 421′; Fac. Class., ASR; Ident., Syracuse Radar; Procedure No. 1, Amdt. Orig.; Eff. date, 8 May 65

These procedures shall become effec-

uting securities and is participating in a prior offering to existing security holders

These procedures shall become effective on the dates specified therein.

(Secs. 307(c), 313(a), 601, Federal Aviation Act of 1958; 49 U.S.C. 1348(c), 1354(a), 1421; 72 Stat. 749, 752, 775)

Issued in Washington, D.C., on April 1, 1965.

C. W. WALKER,
Acting Director,
Flight Standards Service.

[F.R. Doc. 65-3611; Filed, Apr. 30, 1965; 8:45 a.m.]

Title 12—BANKS AND BANKING

Chapter I—Bureau of the Comptroller of the Currency, Department of the Treasury

PART 12—OWNERSHIP REPORTS OF CAPITAL STOCK

Scope and Application

This amendment issued under authority of R.S. 324, et seq., as amended; 12 U.S.C. 1 et seq., and Securities Exchange Act of 1934 (15 U.S.C. 78) specifies several exemptions from the application of certain provisions of section 16 of the Securities Exchange Act of 1934. Since the amendment generally relieves restriction, notice and public procedure are found to be unnecessary and contrary to the public interest. Accordingly, this amendment will become effective upon publication.

Part 12, Chapter 1, Title 12 of the Code of Federal Regulations of the United States of America is amended by adding the following new sections:

§ 12.7 Exemption from section 16(b) of the Securities Exchange Act of certain transactions by registered investment companies.

Any transaction of purchase and sale, or sale and purchase, of any equity security of a bank shall be exempt from the operation of section 16(b), as not comprehended within the purpose of that section, if the transaction is effected by an investment company registered under the Investment Company Act of 1940 and both the purchase and sale of such security have been exempted from the provisions of section 17(a) of the Investment Company Act of 1940 by an order of the Securities and Exchange Commission entered pursuant to section 17(b) of that act.

§ 12.8 Exemption from section 16(b) of the Securities Exchange Act of certain transactions effected in connection with a distribution.

(a) Any transaction of purchase and sale, or sale and purchase, of an equity security of a bank that is effected in connection with the distribution of a substantial block of such securities shall be exempt from the provisions of section 16(b), to the extent specified in this § 12.8, as not comprehended within the purpose of section 16(b), upon the following conditions:

(1) The person effecting the transaction is engaged in the business of distributing securities and is participating in good faith, in the ordinary course of such business, in the distribution of such block of securities;

(2) The security involved in the transactions is (i) a part of such block of securities and is acquired by the person effecting the transaction, with a view to the distribution thereof, from the bank or other person on whose behalf such securities are being distributed or from a person who is participating in good faith in the distribution of such block of securities, or (ii) a security purchased in good faith by or for the account of the person effecting the transaction for the purpose of stabilizing the market price of securities of the class being distributed or to cover an over-allotment or other short position created in connection with such distribution; and

(3) Other persons not within the purview of section 16(b) are participating in the distribution of such block of securities on terms at least as favorable as those on which such person is participating and to an extent at least equal to the aggregate participation of all persons exempted from the provisions of section 16(b) by this § 12.8. However, the performance of the functions of manager of a distributing group and the receipt of a bona fide payment for performing such functions shall not preclude an exemption that would otherwise be available under this paragraph.

(b) The exemption of a transaction pursuant to this § 12.8, with respect to the participation therein of one party thereto shall not render such transaction exempt with respect to participation of any other party therein unless such other party also meets the conditions of this § 12.8.

§ 12.9 Exemption of certain securities from section 16(c) of the Securities Exchange Act.

Any equity security of a bank shall be exempt from the operation of section 16(c) to the extent necessary to render lawful under such section the execution by a broker of an order for an account in which he had no direct or indirect interest.

§ 12.10 Exemption from section 16(c) of the Securities Exchange Act of certain transactions effected in connection with a distribution.

Any equity security of a bank shall be exempt from the operation of section 16(c) to the extent necessary to render lawful under such section any sale made by or on behalf of a dealer in connection with a distribution of a substantial block of the bank's securities, upon the following conditions:

(a) The sale is made with respect to an over-allotment in which the dealer is participating as a member of an underwriting group, or the dealer or a person acting on his behalf intends in good faith to offset such sale with a security to be acquired by or on behalf of the dealer as a participant in an underwriting, selling, or soliciting-dealer group of which the dealer is a member at the time of the sale, whether or not the security to be so acquired is subject to a prior offering to existing security holders or some other class of persons; and

(b) Other persons not within the purview of section 16(c) are participating in the distribution of such block of securities on terms at least as favorable as those on which such dealer is participating and to an extent at least equal to the aggregate participation of all persons exempted from the provisions of section 16(c) by this § 12.10. The performance of the functions of manager of a distributing group and the receipt of a bona fide payment for performing such functions shall not, however, preclude an exemption that would otherwise be available under this § 12.10.

§ 12.11 Exemption from section 16(c) of the Securities Exchange Act of sales of securities to be acquired.

(a) Whenever any person is entitled, as an incident to his ownership of an issued equity security of a bank and without the payment of consideration, to receive another security of the bank "when issued" or, "when distributed", the security to be acquired shall be exempt from the operation of section 16(c) if

(1) The sale is made subject to the same conditions as those attaching to the right of acquisition;

(2) Such person exercises reasonable diligence to deliver such security to the purchaser promptly after his right of acquisition matures; and

(3) Such person reports the sale on the appropriate form for reporting transactions by persons subject to section 16(a).

(b) This § 12.11 shall not be construed as exempting transactions involving both a sale of a security "when issued" or "when distributed" and a sale of the security by virtue of which the seller expects to receive the "when-issued" or "when-distributed" security, if the two transactions combined result in a sale of more units than the aggregate of those owned by the seller plus those to be received by him pursuant to his right of acquisition.

§ 12.12 Arbitrage transactions under section 16 of the Securities Exchange Act.

It shall be unlawful for any director or principal officer of a bank to effect any foreign or domestic arbitrage transaction in any equity security of the bank unless he shall include such transaction in the statements required by section 16(a) of the Securities Exchange Act and § 12.2 and shall account to such bank for the profits arising from such transaction, as provided in section 16(b). The provisions of section 16(c) shall not apply to such arbitrage transactions. The provisions of § 12.2 and of section 16 shall not apply to any bona fide foreign or domestic arbitrage transaction insofar as it is effected by any person other than such director or principal officer of the bank issuing such security.

Dated: April 27, 1965.

[SEAL] JAMES J. SAXON,
Comptroller of the Currency.

[F.R. Doc. 65-4603; Filed, Apr. 30, 1965; 8:46 a.m.]

Title 33—NAVIGATION AND NAVIGABLE WATERS

Chapter II—Corps of Engineers, Department of the Army

PART 203—BRIDGE REGULATIONS

PART 207—NAVIGATION REGULATIONS

Marshyhope Creek, Md., and Withlacoochee River, Fla.

1. Pursuant to the provisions of section 5 of the River and Harbor Act of August 18, 1894 (28 Stat. 362; 33 U.S.C. 499), § 203.245 is hereby amended with respect to paragraph (f)(13) to permit the Maryland State Roads Commission bridge across Marshyhope Creek at Brookview, Md., to remain in a closed position, effective 30 days after publication in the FEDERAL REGISTER, as follows:

§ 203.245 Navigable waters discharging into the Atlantic Ocean south of and including Chesapeake Bay and into the Gulf of Mexico, except the Mississippi River and its tributaries and outlets; bridges where constant attendance of draw tenders is not required.

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(f) Waterways discharging into Chesapeake Bay. • • •

(13) Marshyhope Creek, Md.; Maryland State Roads Commission bridge at Brookview. The draw need not be opened for the passage of vessels and paragraphs (b) to (d), inclusive, of this section shall not apply to this bridge. Paragraph (e) of this section shall apply to this bridge only to the extent that the operating machinery of the draw shall be maintained in a serviceable condition.

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[Regs., Apr. 12, 1965, 1507-32 (Marshyhope Creek, Md.)—ENGCW-ON] (sec. 5, 28 Stat. 362; 33 U.S.C. 499)

2. Pursuant to the provisions of section 7 of the River and Harbor Act of August 8, 1917 (40 Stat. 266; 33 U.S.C. 1), § 207.175b is redesignated as §207.175c, § 207.175a is redesignated as § 207.175b, and a new § 207.175a is hereby prescribed, governing the use, administration and navigation of the lock at Carlson's Landing Dam across the Withlacoochee River at Carlson's Landing, Fla., effective upon completion of the structure, as follows:

§ 207.175a Carlson's Landing Dam navigation lock, Withlacoochee River, Fla.; use, administration and navigation.

(a) The owner of or agency controlling the lock shall not be required to operate the navigation lock except from 7 a.m. to 12 noon, and from 1 p.m. to 7 p.m., during the period of February 15 through October 15 each year; and from 8 a.m. to 12 noon, and from 1 p.m. to 6 p.m., during the remaining months of each year. During the above hours and periods the lock shall be opened upon demand for the passage of vessels.

(b) The owner of or agency controlling the lock shall place signs, of such size and description as may be designated by the District Engineer, U.S. Army Engineer District, Jacksonville, Fla., at each side of the lock indicating the nature of the regulations in this section.

§ 207.175b Weekley Bayou, an arm of Boggy Bayou, Fla., at Eglin Air Force Base; restricted area. [Redesignated]

§ 207.175c Ben's Lake, a tributary of Choctawhatchee Bay, Fla., at Eglin Air Force Base; restricted area. [Redesignated]

[Regs., Apr. 20, 1965, 1507-32 (Withlacoochee River, Fla.)—ENGCW-ON] (sec. 7, 40 Stat. 266; 33 U.S.C. 1)

J. C. LAMBERT,
Major General, U.S. Army,
The Adjutant General.

[F.R. Doc. 65-4564; Filed, Apr. 30, 1965; 8:46 a.m.]

Title 32—NATIONAL DEFENSE

Chapter I—Office of the Secretary of Defense

SUBCHAPTER E—DEFENSE CONTRACT FINANCING

PART 163—DEFENSE CONTRACT FINANCING REGULATIONS

Miscellaneous Amendments

Section 163.43 is revised, and in § 163.79-2, the date in the clause heading is changed, as follows:

§ 163.43 Amount and maturity of guaranteed loans.

(a) Subject to the limitations of the asset formula (§ 163.42), the maximum amount of guaranteed credit in individual cases, and the maturity date of guaranteed loans or credits, are fixed to conform reasonably to the borrower's financing requirements for defense production contracts on hand at the time of application for guarantee. If additional defense production contracts are entered into after the application and before authorization of a guarantee, to such extent as to require increase in the maximum amount, or longer maturity for the requested guaranteed loan, adjustments may be made to provide for the borrower's additional financing requirements. Also, guarantee agreements for existing guaranteed loans may be amended, on submission of pertinent information and Federal Reserve Bank report to the guaranteeing agency concerned, to provide financing for defense production contracts entered into by the borrower during the term of the guaranteed loan.

(b) Also, within the limits of the applicable loan formula and ceiling amount, there is generally no objection to inclusion in the borrowing base, of assets under defense production contracts entered into after the date of the guarantee agreement. However, in exceptionally weak cases, and in the cases of guaranteed loans established for financing only one or a small number of contracts, it is the practice to require that financing of relatively substantial additional defense contracts under existing guaranteed loans be done only with the consent of the guarantor.

(c) Where guarantee agreements are amended to provide financing for contracts entered into by the borrower during the term of the guaranteed loan, a new certificate of eligibility will normally be required. It is not the policy of the Department of Defense to continue furnishing assistance in the form of guaranteed loans over an extended period of time except in cases where it is reasonably necessary to do so to obtain the required products.

§ 163.79-2 Direct labor and materials cost clause.

PROGRESS PAYMENTS (NOVEMBER 1964)

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[Rev. 10, ASPR, Apr. 1, 1965] (sec. 2202, 70A Stat. 120; 10 U.S.C. 2202)

J. C. LAMBERT,
Major General, U.S. Army,
The Adjutant General.

[F.R. Doc. 65-4563; Filed, Apr. 30, 1965; 8:46 a.m.]

Title 36—PARKS, FORESTS, AND MEMORIALS

Chapter III—Corps of Engineers, Department of the Army

PART 311—PUBLIC USE OF CERTAIN RESERVOIR AREAS

Big Bend (Lake Sharpe), Cold Brook and Elk City Reservoir Areas

The Secretary of the Army having determined that the use of the following reservoir areas by the general public for boating, swimming, bathing, fishing and other recreational purposes will not be contrary to the public interest and will not be inconsistent with the operation and maintenance of the reservoirs for their primary purposes, hereby prescribes rules and regulations for their public use, pursuant to the provisions of section 4 of the Flood Control Act of 1944 (76 Stat. 1195), adding reservoirs to §§ 311.1 and 311.6(b), as follows:

§ 311.1 Areas covered.

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KANSAS

• • • • • •

Elk City Reservoir Area, Elk River.

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SOUTH DAKOTA

Big Bend Dam—Lake Sharpe, Missouri River.
Cold Brook Reservoir Area, Cold Brook.

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§ 311.6 Hunting and fishing.

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(b) • • •

SOUTH DAKOTA

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Big Bend Dam—Lake Sharpe, Missouri River.
Cold Brook Reservoir Area, Cold Brook.

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[Regs., Apr. 19, 1965, ENGCW-OM] (sec. 4, 58 Stat. 889, as amended; 16 U.S.C. 460d)

J. C. LAMBERT,
Major General, U.S. Army,
The Adjutant General.

[F.R. Doc. 65-4585; Filed, Apr. 30, 1965; 8:46 a.m.]

Title 49—TRANSPORTATION

Chapter I—Interstate Commerce Commission

SUBCHAPTER A—GENERAL RULES AND REGULATIONS

[Special Permission No. 16500; Amdt.]

PART 141—FREIGHT SCHEDULES

Alternation of Through Rates With Aggregate of Intermediates

At a session of the Interstate Commerce Commission, Special Permission Board, held at its office in Washington, D.C., on the 23d day of April A.D. 1965.

It appearing, that by Special Permission Application No. 41124, filed by H. R. Hinsch, agent, for and in behalf of all carriers and their tariff publishing officers or agents, seeks amendment, under section 6 of the Interstate Commerce Act (49 U.S.C. sec. 6), of Special Permission No. 16500, to depart from the terms of §§ 141.4 (h) and (l) and 141.7(b) (Rules 4(h), 4(l), and 7(b) of Tariff Circular No. 20) to permit publication of the Aggregate of Intermediate Local, Joint and/or Proportional Interstate Rates as permitted by Permission No. 16500, with one or more restrictions in its application while continuing Rule 56 (or other existing aggregate rules) for application on other or excluded descriptions of traffic. A full investigation of the matters and things involved in Application No. 41124 having been made, which application is hereby referred to and made a part hereof:

And it further appearing, that the rule hereinafter authorized for publication being a relaxation of the regulations prescribed governing the construction of freight schedules, rule-making procedure under section 4(a) of the Administrative Procedure Act (5 U.S.C. sec. 1003) is deemed unnecessary:

It is ordered, That, 49 CFR Part 141 be, and the same is hereby amended by changing paragraph (a) of § 141.200 as follows:

§ 141.200 Alternation of through rates with aggregate of intermediate rates.

(a) In order to facilitate the application of rates which will be in accord with the aggregate-of-intermediates provision of the fourth section of the act, common carriers by railroad and their duly appointed tariff publishing agents may depart from the terms of §§ 141.4 (h) and (l) and 141.7(b) (Rules 4(h), 4(l), and 7(b) of Tariff Circular No. 20) for the purpose of incorporating in tariffs naming rates and charges for the transportation of property the following rule in lieu of the rule authorized in § 141.56 (Rule 56 of Tariff Circular No. 20):

If on any shipment an aggregate-of-intermediate local, joint and/or proportional interstate rates constructed via a route over which the through rate published in this tariff is applicable produces a lower charge than the through rate, such aggregate of rates will apply via all routes authorized in this tariff and the through rate has no application to any such shipment via any of those routes.

Common carriers by railroad and their duly appointed tariff publishing agents when publishing the foregoing rule may provide for its nonapplication to rates on particular descriptions of traffic, in which event, as to such rates, the rule authorized in § 141.56 may be used.

* * * * *

(Sec. 12, 24 Stat. 383, as amended, 49 U.S.C. 12, interpret or apply sec. 6, as amended, 24 Stat. 380, as amended, 49 U.S.C. 6)

It is further ordered, That this amendment shall become effective May 10, 1965.

It is further ordered, That in all other respects the terms of original Special Permission No. 16500 shall remain the same.

And it is further ordered, That notice of this order be given to the general public by depositing a copy in the Office of the Secretary of the Commission at Washington, D.C., and by filing with the Director, Office of the Federal Register.

By the Commission, Special Permission Board.

[SEAL] BERTHA F. ARMES, *Acting Secretary.*

[F.R. Doc. 65-4600; Filed, Apr. 30, 1965; 8:46 a.m.]

No. 84——4

[F.R. Doc. 65-4585; Filed, Apr. 30, 1965; 8:46 a.m.]

Proposed Rule Making

DEPARTMENT OF AGRICULTURE

Consumer and Marketing Service

[7 CFR Parts 1040, 1042]

[Docket Nos. AO-225-A14, AO-240-A7]

MILK IN SOUTHERN MICHIGAN AND MUSKEGON, MICH., MARKETING AREAS

Notice of Recommended Decision and Opportunity To File Written Exceptions on Proposed Amendments to Tentative Marketing Agreements and to Orders

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of the filing with the Hearing Clerk of this recommended decision with respect to proposed amendments to the tentative marketing agreements and orders regulating the handling of milk in the Southern Michigan and Muskegon, Mich., marketing areas.

Interested parties may file written exceptions to this decision with the Hearing Clerk, U.S. Department of Agriculture, Washington, D.C., 20250, by the 20th day after publication of this decision in the FEDERAL REGISTER. The exceptions should be filed in quadruplicate. All written submissions made pursuant to this notice will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

Preliminary statement. The joint hearing on the record of which the proposed amendments, as hereinafter set forth, to the tentative marketing agreements and to the orders as amended, were formulated, was conducted at Lansing, Mich., on November 16–20 and November 30, 1964, pursuant to notice thereof which was issued October 20, 1964 (29 F.R. 14544), and supplemental notice thereof which was issued November 2, 1964 (29 F.R. 14990).

The material issues on the record of the hearing relate to:

1. Merger of Orders No. 40 and No. 42 and expansion of the marketing area.
2. Appropriate provisions of the consolidated order concerning:
   (a) Location differentials;
   (b) Class I price and butterfat differentials;
   (c) Pool plant requirements;
   (d) Classification of milk;
   (e) The adjusted uniform price for milk not under the base-excess plan;
   (f) Method of pooling;
   (g) Milk diverted to Southern Michigan plants from plants regulated by other Federal orders; and
   (h) Administrative and miscellaneous provisions.

Findings and conclusions. The following findings and conclusions on the material issues are based on evidence presented at the hearing and the record thereof:

1. *Merger of Orders No. 40 and No. 42 and expansion of the marketing area.* The Southern Michigan and the Muskegon orders should be consolidated. The marketing area of the combined orders should be expanded to cover territory in 18 additional Michigan counties, to wit., all of Alpena, Montmorency, Alcona, Oscoda, Iosco, Ogemaw, Roscommon, Missaukee, Gladwin, Osceola, Lake, Mason, Newaygo, and Oceana Counties and the unregulated parts of Arenac, Clare, Allegan, and Presque Isle Counties. The territory covered by the new order should be called the "Southern Michigan marketing area". The Muskegon order should be revoked.

The Agricultural Marketing Agreement Act specifies that orders shall regulate only the handling of agricultural commodities, or products thereof, which are in the current of interstate or foreign commerce, or which directly burden, obstruct or affect interstate or foreign commerce. Milk handling under the proposed order is in the current of, and burdens, obstructs or affects, interstate commerce in milk and milk products. Milk from farms in Indiana and Ohio is supplied to various Michigan handlers who would be regulated under the consolidated order. These handlers are in direct competition in distribution with handlers who purchase milk produced in Michigan. Handlers and cooperatives in the consolidated market either manufacture milk surplus to bottling needs or ship such milk to manufacturing plants. Some of the products manufactured from producer milk at these plants are shipped outside the State of Michigan.

Merger of orders. Merger of the Southern Michigan and Muskegon orders and expansion of the marketing area were proposed by nine cooperative associations operating in the markets. Proponents testified that the area they proposed has become so closely integrated from a marketing and distribution standpoint that its regulation under a single order now is appropriate. They also said that such a merger and expansion of the orders would more nearly encompass the current major sales territories of handlers in the market and insure uniform pricing to producers of milk distributed throughout such area in the interest of both producers and handlers. Merger of the orders was not opposed.

Southern Michigan is the larger of the two markets proposed for merger. The Southern Michigan marketing area includes most of the central and southeastern portion of the Michigan Lower Peninsula. It extends from Detroit on the east to beyond Grand Rapids and Kalamazoo on the west. Over 300 million pounds of producer milk are pooled under the order each month. The Muskegon marketing area includes territory in three counties in western Michigan. It borders the western edge of the Southern Michigan area. Muskegon and Holland, its principal cities, are both within 40 miles of Grand Rapids in the Southern Michigan area. About 10 million pounds of milk are pooled under the Muskegon order each month.

A close sales relationship has developed between these adjacent markets. The intermarket competition developed as a byproduct of plant expansion and improvements in milk transportation. Handlers in both markets in recent years have increased the capacity of their plants to reduce unit processing costs and to obtain higher returns through increased volume. An enlargement of distribution areas accompanied the increase in plant size. Competition was encouraged by the similar health requirements in the two-market area.

With the expansion of distribution areas, a substantial number of routes originating in each of the present marketing areas now extend into the other. Handlers from several cities in the western portion of the Southern Michigan marketing area have entered the Muskegon market. Grand Rapids handlers, for example, have established regular routes in both Muskegon and Holland. Southern Michigan handlers from Kalamazoo and Carson City have acquired milk routes in Holland. Although in lesser volumes, Muskegon handlers likewise have acquired business in the Southern Michigan marketing area. Most of their sales are in the portion of the Southern Michigan area closest to Muskegon, but some of their routes extend as far east as Greenville, Mich., in Montcalm County.

Under these conditions of close competition, packaged milk sales accounts shift between these markets. Shifts of this type can cause sharp movements in producer blend prices, particularly in the Muskegon market. When large accounts change hands across market lines, Class I use and blend prices move up in one market and down in the other even though Class I use in total is not changed. This type of transfer creates no serious problem in the present Southern Michigan market because of its size. In Muskegon, however, where Class I use is about 6 million pounds, or only 3 percent of the Southern Michigan total, any substantial loss of large accounts, such as supermarkets, for example, can cause significant monthly blend price changes.

The intensity of intermarket competition has increased in recent months. Southern Michigan handlers in particular have increased the proportion of their business in the Muskegon marketing area. The inroads made by the Southern Michigan handlers have reduced

blend prices in Muskegon. Should these

blend prices in Muskegon. Should these acquisitions continue, a major portion of the Muskegon Class I sales would be lost to Muskegon producers. If this happens, Muskegon producer prices can be expected to be subject to variability and frequent readjustment as the Muskegon market attempts to equilibrate with the producer prices of the Southern Michigan market. Shifts of this type sometimes take a considerable amount of time. During the adjustment period the incomes of Muskegon producers would be significantly affected making it difficult for them to operate efficiently.

The overlap of distribution and supply routes has progressed to the point that a separate Muskegon market for producers no longer can be distinguished. In this connection there is strong competition between Southern Michigan and Muskegon handlers for supplies of milk. Handlers in the two markets buy their milk from overlapping milksheds. In Ottawa County, for example, 237 producers sell to Southern Michigan handlers and 185 sell to Muskegon handlers. The relationship is similar in Oceana County. There are 54 producers in that county who ship to Southern Michigan handlers and 40 producers who ship to Muskegon handlers. The Muskegon market has become, in effect, an integral part of the larger Southern Michigan area.

To eliminate these problems the Muskegon order should be merged with Southern Michigan under a marketwide pool. By providing proportionate sharing among all producers of total Class I sales in the market, the merger will stabilize prices and eliminate much of the present price uncertainty connected with shifts of sales accounts back and forth between the markets. Under a merged order there would be no decline in producer incomes attributable to the effects of intermarket competition at the resale level.

As a corollary matter in accomplishing an order merger efficiently and equitably, the assets in the administrative funds of both orders should be consolidated. All currently regulated handlers who contributed to the administrative funds of the separate orders will continue to be regulated under the merged order. Since no handlers would fall from regulation and the liabilities of each of the present funds would be paid from the consolidated fund, it is equitable to employ accumulated monies to defray such liabilities and to carry over any minor balances to be used for administrative costs of the merged order.

Virtually all producers who contributed to the market service funds of the present orders also will continue to supply the expanded market. This makes consolidation of the marketing service funds appropriate since contributing producers would continue to receive similar market services for accumulated monies remaining in the market service funds.

Similarly, merger of the producer-settlement fund balances is warranted because most of the producers for the new market currently supply one or the other market. Producers from the present markets will make up more than 99 percent of the total. Nearly all the money in the separate funds therefore will be reflected in the blend prices of the producers whose money makes up the fund reserves. Under these circumstances, there would be little object in distributing the producer-settlement fund reserves to producers under the separate orders and again accumulating the required reserve for the consolidated order. This would increase administrative expense and would add virtually nothing to returns of producers under the present orders.

Interest should be charged under the consolidated order on overdue payments to and from the administrative, marketing service and producer-settlement funds. Both of the present orders include this requirement. It encourages the prompt payments required for effective operation of the order. Also, following the effective date of the merged order, accrued interest should be payable under the consolidated order on any overdue obligations incurred and still outstanding under the present Southern Michigan and Muskegon orders. This will insure payment of all obligations required by the now separate orders and enhance orderly transition to the merged order.

Basically, the provisions of the present Southern Michigan order will be the provisions of the consolidated order. This was contemplated by proponents of the merger. Most of the provisions of Order No. 40 have worked satisfactorily in the dominant Southern Michigan market which currently regulates about 95 percent of the milk to be covered by the new order. Further, many of the provisions in the present Muskegon order are similar to those in the present Southern Michigan order. In general, Order No. 40 provisions therefore should work satisfactorily as the basic provisions of the consolidated order. Certain of the Order No. 40 provisions are expressly modified herein, of course, in accordance with proposals considered at the hearing. These modifications are discussed in the findings and conclusions on the other material issues of the hearing.

Marketing area expansion. The marketing area of the consolidated order should include also the counties of Alpena, Montmorency, Alcona, Oscoda, Iosco, Ogemaw, Roscommon, Missaukee, Gladwin, Osceola, Lake, Mason, Newaygo, and Oceana in Michigan. Further, the portions of Arenac, Clare, and Allegan Counties which are not now included under either the Muskegon or Southern Michigan order and the part of Presque Isle County which is not within the Upstate Michigan order should be added to the marketing area. Such territory has become a primary distribution area for handlers regulated by the present orders.

Most of this new territory lies between the marketing areas of Orders No. 40 and No. 42 and the Upstate Michigan (Order No. 43) marketing area. It includes all unregulated territory in a band of 16 counties which begins at midstate on the west and extends generally northeastward across the entire Lower Peninsula of Michigan. Southern Michigan and Muskegon regulated handlers have important distribution outlets throughout this entire area. From their plants in Flint, Bay City, Saginaw, Lansing, Carson City, Grand Rapids, and Muskegon, they sell milk in virtually every sizable community in these counties.

Nearly two-thirds of the milk sold throughout the 16 counties is distributed by Southern Michigan and Muskegon handlers. Including the above area in the marketing area would bring under full regulation as pool handlers six known distributors who engage primarily in the sale of milk in fluid form but who are not now under any order. Such distributors referred to in the record are located in Scottville (Mason County), Ludington (Mason County), Lake City (Missaukee County), Marion (Osceola County), Reed City (Osceola County), and Tawas City (Iosco County), Mich. There was no opposition by any of the latter distributors or by any other persons to adding such counties to the marketing area.

At present no supervised, classified pricing plan prevails in any of the above areas. Most of the unregulated handlers located in the counties maintain relatively high Class I use at their plants and commonly pay a flat price for their milk regardless of utilization. This practice provides them opportunity to buy milk for sale there in fluid form at prices considerably below the minimum Class I prices required to be paid by regulated handlers. For example, an unregulated handler from Scottville, Mich., purchases milk without regard to utilization at a price equal to the blend price received by Muskegon area producers. Farmers selling milk to this handler do not consistently supply his full plant needs, however, and supplemental milk is bought from the nearby Muskegon market. The proportion of his dairy farmer supply utilized in Class I regularly exceeds that of the Muskegon market by a considerable margin. Payment on the basis of the Muskegon area blend price (which for the first 9 months of 1964 reflected an average Class I use of 60 percent of producer receipts) provided a significantly lower price for this distributor as compared to regulated handlers who are required to pay not less than minimum order Class I prices.

The marketing area should be extended to cover the above-mentioned counties in order to assure regulated handlers that as to these areas of distribution currently unregulated competitors will not be afforded significant price advantage on milk for fluid distribution there. There was general support by both handlers and producer associations in the Southern Michigan and Muskegon markets for inclusion of the above counties in the marketing area.

Newaygo County is located south of the above group of counties. It borders Muskegon and Kent Counties in which are located Muskegon and Grand Rapids—major cities in the present marketing areas. Newaygo County thus is adjacent to other important sales territories of regulated handlers. Moreover, Muskegon, Grand Rapids, and Lansing regulated handlers distribute 65 percent of all milk sold within this county.

Producers who supply the Newaygo County unregulated distributor testified in opposition to the inclusion of Newaygo County on the basis that such distributor pays for milk on a classified price basis. There is no assurance at present, however, that all fluid milk sold from his plant is paid for at a price equivalent to the minimum Class I price required to be paid by regulated handlers selling in the county. Full regulation is required to place this unregulated distributor on the same price and accounting basis as his regulated competitors.

In Allegan County, which is located south of Muskegon, an Order No. 40 handler from Kalamazoo, Mich., has important distribution. Also, two Order No. 40 handlers and an Order No. 42 handler have plants located in this county. The most populous portion of the county and a majority of the milk sold in the county already are under regulation. The record indicates the possibility that there may be one unregulated handler distributing in the county. There was no opposition to including the remainder of the county in the marketing area.

Territory occupied by local, state, or Federal reservations, installations, or institutions geographically located within the defined marketing area should be part of the area to be regulated. Waterfront facilities and craft moored thereat which are within such area also should be covered. Such government facilities and waterfront locations on Lake Erie and Lake Michigan are important sales outlets for regulated handlers. They should be included in the marketing area in order that regulated handlers will not be forced to compete at a disadvantage with unregulated distributors for such business. The order should specify clearly that all premises within such facilities are to be considered as part of the marketing area and that all handlers distributing there are subject to the terms of the order which are applicable to their operations.

All producer milk received at regulated plants must be made subject to classified pricing under the order regardless of whether it is disposed of within or outside the marketing area. Otherwise, the effect of the order would be nullified and the orderly marketing process would be jeopardized.

If only a pool handler's "in area" sales were subject to classification, pricing, and pooling, a regulated handler with Class I sales both inside and outside the marketing area could assign any value he chose to his outside sales. He thereby could reduce the average cost of all of his Class I milk below that of other regulated handlers having all, or substantially all, of their Class I sales within the marketing area. Unless all milk of such a handler were fully regulated under the order, he in effect would not be subject to effective price regulation. The absence of effective classification, pricing, and pooling of such milk would disrupt orderly marketing conditions within the regulated marketing area and could lead to a complete breakdown of the order. If a pool handler were free to value a portion of his milk at any price he chooses, it would be impossible to enforce uniform prices to all fully regulated handlers or a uniform basis of payment to the producers who supply the market. It is essential, therefore, that the order price all the producer milk received at a pool plant regardless of the point of disposition.

Class I milk may be sold within the regulated marketing area from certain plants not under any Federal order. One source of such milk is a plant located outside the marketing area which distributes in the marketing area less than 600 pounds of milk per day. Such a plant is made exempt from regulation because it is not considered to be a significant competitive factor in this large market. Another source of milk not subject to full regulation is a plant which fails to qualify as a pool distributing plant because its distribution of fluid milk products on routes is less than required for pooling status. However, significant amounts of milk could be distributed in the marketing area from this latter source which would have a disruptive effect on marketing unless some method is used to integrate it into the regulatory plan. There is, of course, no way to treat such unregulated milk uniformly with regulated milk other than to regulate it fully. Nevertheless, it has been concluded that the application of "partial" regulation to plants of the latter type would not jeopardize orderly marketing conditions within the regulated marketing area under present circumstances. Official notice is taken of the June 19, 1964, decision (29 F.R. 9002) supporting amendments to several orders, including the Southern Michigan and Muskegon orders, which deal with the treatment of unregulated milk in the regulatory scheme.

Under the method of partial regulation continued in the consolidated order, the operator of a partially regulated distributing plant is afforded the options of: (1) Paying an amount equal to the difference between the Class I price and the uniform price on all Class I sales made in the marketing area, (2) purchasing at the Class I price under any Federal order sufficient Class I milk to cover his disposition within the marketing area, or (3) paying his dairy farmers an amount not less than the value of all their milk computed on the basis of the classification and pricing provisions of the order (the latter is an amount equal to the order obligation for milk which is imposed on fully regulated handlers).

While all fluid milk sales of the partially regulated plant are not necessarily pricing on the same basis as fully regulated milk, the provisions described are, however, adequate under most circumstances to prevent sales in the marketing area of milk not fully regulated (pooled) from adversely affecting the operation of the order and the fully regulated milk.

3. (a) *Location differentials.* The location adjustment rates applicable to Class I and producer prices under the order should be modified to reflect more accurately the location values of milk delivered to various points in the Southern Michigan marketing area.

Price zones. Historically, Detroit distributing plants relied for a major proportion of their milk supplies on milk assembled at and transshipped from country receiving stations and supply plants located beyond a 50-mile radius from the city. Milk was delivered to the country plant locations in cans. In recent years there has been a general conversion by producers throughout the milkshed to the bulk tank method of delivery and such method now is dominant in the market. Approximately 85 percent of the producer milk is being shipped from farm to plant in this way. Virtually all distributing plants outside Detroit and its environs are fully supplied directly from producers' farms by the bulk tank method. This is particularly the case in cities such as Flint, Bay City, Saginaw, Lansing, Kalamazoo, Grand Rapids, and Muskegon.

The Metropolitan Detroit area includes approximately 50 percent of the population of the marketing area and requires about 100 million pounds of Class I milk per month (one-third of the producer milk in the market). The fact that bulk tank routes may extend as far as 100 miles from the plant, as compared to a 50-mile maximum distance of direct-delivery can routes a few years ago, has resulted in a fourfold increase in the direct-shipment procurement area available to Detroit distributing plants. Today approximately 15 percent of the producers' farms are located within 50 miles of Detroit while about 60 percent of the farms are within 100 miles of Detroit. Thus, on a direct-shipment basis there are within 100 miles of the city supplies adequate to Detroit's fluid needs. Although nearly one-third of the Detroit fluid requirements still are furnished through country receiving plant assembly, bulk tank handling has made it practicable to supply all distributing plants in the Detroit area on a direct farm-to-plant basis.

The location adjustment rate structure under the present Southern Michigan order was adopted in February 1960, based upon evidence adduced at a hearing held in January 1959. With the nearly complete conversion to bulk tanks since that time and an improved highway network in southern Michigan with superhighways connecting most of the principal urban centers with Detroit, there has been a great increase in efficiency in handling. Because of the resultant reduced costs, the location values of milk in various parts of the milkshed have been altered significantly since 1959.

The problem of location pricing at hand is essentially one of recognizing in the minimum price structure the new reduced cost patterns for moving raw milk to various plant outlets and insuring an adequate supply to each of the several consuming centers in the marketing area which in several instances are located in principal producing counties of southern Michigan. Concerning the Metropolitan Detroit area, the present minimum price structure does not provide sufficient incentive for bulk tank producers within direct-delivery range of the city to ship directly to Detroit since they may realize a higher net return for delivering their milk to Zone I distributing plants outlying from Detroit or to country supply plants which are generally closer to their farms. This is the result primarily of inadequate compensation to the direct-delivery pro-

ducer relative to producers at outlying plants to offset higher hauling costs to Detroit caused by the lack of adequate return to direct-delivery producers on their excess milk (over base), the longer distance traveled, and the increased time consumed by haulers under congested traffic conditions.

Because Detroit is by far the largest of the consuming centers in the marketing area and must obtain the largest volumes and reach the farthest distances for milk as compared to other marketing area cities, it is in important competition with some of the other cities for supplies. Most other cities of the marketing area need reach out a radius of only 10–25 miles in order to find necessary supplies. These secondary consuming centers compete with each other for supplies and their hauling rates are very similar. Also, the hauling rates to the latter for farm-to-plant delivery generally are lower than for farms in similar vicinity shipping to Detroit. There is a tendency, however, for Detroit to draw milk in competition with such markets as Jackson and Lansing and for the latter in turn to compete with cities to their west, such as Kalamazoo, Grand Rapids, and Muskegon. A reasonable schedule of location adjustments should recognize this competition in supply procurement and, in the interest of marketing efficiency, encourage the movement of producer milk needed at fluid market outlets at the lowest possible cost to producers.

Producer associations in the market submitted a variety of proposals on location pricing. Several associations proposed area zoning which would modify the area zone structure in the present Southern Michigan order by employing a plus 3-cent "direct-delivery" defferential on producer milk delivered from farms to Metropolitan Detroit plants and reducing the range of minus adjustments applicable on such milk delivered to plants in zones outside the present Zone I (zero differential) from a range of 7–20 cents to a range of 3–15 cents, generally in proportion to distance from Zone I. Zone boundaries would be modified to some extent. Another association proposed a somewhat similar price structure with the same plus direct-delivery differential but with lesser differentials applicable in outlying zones.

Another producer proposal would apply a minus differential of 5 cents at all supply plants wherever located, or, contrariwise, a direct-delivery differential of 5 cents at all distributing plants. One association proposed that the consolidated order provide only a plus 5-cent direct-delivery differential at Detroit plants with no minus adjustments at other locations.

Handler proposals varied from one suggesting complete elimination of location differentials to retention of the present zone structure. Several handlers suggested that either no direct-delivery differential should apply at Detroit plants or a differential should apply only on Class I or base milk rather than on all deliveries of the producer. One handler proposed adoption of location adjustments strictly on mileage zoning (in contrast to area zoning), as employed in the Detroit order before the marketing area was enlarged in February 1960.

Adjustments to producer prices for location should reflect the relative value of milk delivered to city distributing plants as compared to milk delivered to supply plants and receiving stations.

Historically, location adjustment rates in the market where based on the cost of moving milk from receiving (assembly) plants outlying from Detroit distributing plants. With bulk tanks the direct-delivery area has expanded so that all distributing plants in the market are now within range of an adequate supply by direct-delivery. Direct-delivery by bulk tank has become the most prevalent method of delivery in the market and represents the lowest cost method of getting milk from the farm to the population centers in the market. With the development of bulk tank handling the need for country receiving stations is diminishing. In general, the variation in bulk tank hauling rates based on distance traveled is about 1 cent per 10 miles radius from the plant. Typical hauling rates on routes up to a 20-mile radius are 20 cents, up to a 75-mile radius 25 cents, and up to a 120-mile radius 30 cents.

Under the past method of supplying Detroit's needs for whole milk; i.e., the receipt of milk at country receiving stations and its transshipment to city bottling plants, the order specified certain rates for location of plant as an allowance for movement of the milk from the country plant to the city. These rates were (and still are) applicable to Class I and base prices. However, the handler of the city distributing plant purchasing from a country plant operated by a cooperative customarily has paid, over and above the Class I price at the country receiving plant location, a plant handling charge and any transportation charge applied in excess of the location adjustment allowed under the order. At the time of the hearing the additional transportation charge most commonly imposed by cooperative sellers was 5 cents per hundredweight and the country plant handling charge was 14 cents per hundredweight. In certain other instances the proprietary handler incurs the equivalent of such cost of country receiving by operating his own receiving station.

The value to a handler of direct-delivered milk is related to the lowest cost of an alternative supply which meets his requirements. When abundant supplies are available from a relatively large number of producers who are delivering to nearby pool plants and being paid the order minimum prices, only a small increment is needed to induce an adequate supply of direct-delivered milk at a given location. If the best alternative source is direct receipts from producers in a more distant area, direct delivery from the nearby producers is worth the price which must be paid in the more distant territory plus the additional cost of transporting milk from that distant territory. If the best alternative supply is milk from a country supply plant, the worth of direct-delivery milk will be related to the class price at that plant plus the charge for country plant handling and hauling.

The extra value of milk received at the city location as compared to its value when received at the country assembly point has been well established in the past by the prices and charges necessary to induce movement of the needed supplies to Detroit. This value relationship has been altered, however, by the fact of the relatively new and lower cost bulk tank delivery method, but a higher value of milk delivered at Detroit still prevails. Even with bulk tank handling the Class I price level at Detroit must be sufficiently above the levels at outlying plant locations in the milkshed to induce the delivery of whole milk to Detroit for its principal uses there.

Bulk tank handling in this area has progressed to the point that the most likely alternative source to replace nearby milk for Detroit is direct receipts from producers in a more distant territory. Therefore, the relative location values of producer milk under today's conditions are reflected in the differences in hauling cost to deliver to a Detroit plant as compared to delivery to an outlying plant. In order to encourage the delivery of milk to Detroit (and to the other consuming centers) by the most efficient means, these differences in cost should be reflected in the minimum price structure to producers. As part of a modified location pricing plan, a "direct-delivery differential", or plus zone adjustment, on all milk of the producer direct-delivered from farms to plants located in and near Metropolitan Detroit, as proposed by several producer groups, therefore should be adopted.

While the focal point of the location price structure in the marketing area is Detroit, there are, however, several important secondary markets or population centers within the marketing area at varying distances from Detroit. The location price structure therefore should be such that adequate supplies of milk will be attracted to these cities as well as to Detroit. To accomplish these purposes a zone price structure similar to the one presently employed in the Southern Michigan order, but appropriately modified to fit today's marketing conditions, will best reflect the location utility of milk at various other points in the marketing area and milkshed.

A direct-delivery differential of 4 cents per hundredweight should be applicable to all milk received from farms at plants located in the townships of Royal Oak and Southfield of Oakland County and in those portions of Wayne County other than the townships of Northville, Plymouth, Canton, Van Buren, Sumpter, Livona, Nankin, Romulus, Huron, Taylor, Brownstown, Monguagon, and Grosse Isle. This area represents the most densely populated urban area of Metropolitan Detroit.

Under the present Southern Michigan order there is no price differential between Detroit and the outlying cities of Ann Arbor, Pontiac, Port Huron, Flint, Saginaw, and Bay City, which together constitute the population centers of present Zone I which are outlying from Metropolitan Detroit. A 4-cent per hundredweight differential at Metropolitan Detroit plant locations relative to the remainder of Zone I as defined in this decision (which varies slightly from present Zone I) on milk direct-delivered to plants so located should provide an adequate return to producers to offset the relatively high cost of hauling to plants in this congested portion of the marketing area.

Some producer associations proposed that the direct-delivery zone price be 3 cents per hundredweight while others proposed that it be as much as 5 cents per hundredweight. Proponents of the 3-cent differential stated that it takes at least 3 cents per hundredweight additional to induce haulers to negotiate the congested traffic condition in Detroit as compared to hauling the milk to plants in the fringe area or suburbs of the city. One witness stated that hauling rates into Detroit from the "thumb" area to the north average about 5 cents greater than hauling rates on milk from the same area delivered to Pontiac (25 miles north of the City Hall in Detroit). Other witnesses stated that hauling rates on some routes originating about 60 miles west of Detroit were 5 cents greater into Detroit than to plants in the vicinity of the farms.

Ideally, the amount of the differential should reflect the added direct-delivery cost of transporting milk to Detroit plants compared to delivery to other Zone I plants and various supply plants. Since these plants are at varying distances from near-in Detroit plants, it is not possible to establish one differential which precisely reflects the additional hauling costs to such plants from each other location. However, the amount of the differential between Detroit and nearby cities should not be significantly greater than the added hauling cost involved in order that plants in these nearby cities may be assured of supplies. In view of all the evidence a differential of 4 cents should be adequate between Detroit and such other plants.

As a "direct-delivery" differential, the 4-cent differential at Detroit plants should be paid by the handler directly to the producer (rather than to all producers through the producer-settlement fund) for all milk delivered to such plants.[1] Such payment will tend to reflect the location utility of all milk shipped by the individual producer—not just his base milk. The present Southern Michigan order does not reflect a location adjustment in the price for "excess milk". In the latter circumstance the added hauling cost paid by a producer on delivery of his milk to a Detroit plant, rather than to the plant closest to his farm, results in a reduction in his net return for milk in excess of base. Thus, the new provision for a direct-delivery differential payable directly to the producer is designed to offset, in large part, the extra cost of shipping such milk to the Detroit location as compared to shipping the same milk to a plant located nearer his farm. The encouragement to the producer to deliver all his milk by this means for bottling use will benefit all producers through the overall savings in transportation made possible.

It was objected that in some instances such application will mean that the direct-delivery differential will be paid on milk which the handler actually utilizes in Class II. It is concluded, however, that the differential should be payable on all milk so received by all plants in the designated area regardless of the type of operations conducted in the plant. All the milk delivered by producers to the designated area is available for the fluid market. Moreover, any milk utilized for other than fluid purposes, as well as for fluid requirements, in an area of highly deficit production, such as the city of Detroit and its environs, requires delivery from more distant production areas. Since milk customarily is manufactured into Class II products by producer organizations in outlying areas in the milkshed, the producer should not be placed in the position of taking a return on any part of his milk delivered to the city location lower than he would receive at a country supply plant, taking into account the lower cost of hauling to the latter plant. Thus, if the handler requires delivery directly to Detroit, it is not unreasonable to require reimbursement to the producer for the extra cost of such delivery relative to transporting to the country plant location whether a Class I or Class II use is intended at the city location.

The application of the direct-delivery differential in this manner may be compared with the cost of milk to the handler for Class II use at the city under the interplant delivery system. Prior to the use of bulk tanks Detroit handlers obtained most of their milk supplies through country supply plants and some still do. Except for an 8 percent allowance over actual Class I needs (to cover day-to-day sales variations), such a handler receives no location credit under the order on transfers of milk from supply plants for Class II use. Such pricing provisions recognize that the transportation charges on the finished dairy products, such as butter or nonfat dry milk, are minimal as compared with the hauling cost on whole milk and that milk can be readily processed into Class II manufactured dairy products at country locations. Handlers desiring whole milk for Class II processing in the city pay the transportation cost and plant handling charges on any whole milk transhipped to Detroit from country plants for such uses. Consequently, the handler who receives direct-delivered milk has the alternative of paying the extra charges incidental to purchasing through a country plant to obtain whole milk for such use at the city.

It is concluded that adoption of the direct-delivery differential will promote orderly marketing by assisting to induce an adequate supply at near-in Detroit plants by efficient means of handling, encouraging a further shift from country receiving to the more economical direct shipment from farms to city plants, insuring that the potential savings from such handling method will be returned to producers, better equalizing handlers' costs, and compensating the direct-delivery producer for the added cost he incurs in delivering directly to the city location.

The location adjustment structure outside the present Zone I (zero differential) should be revised in recognition of the general reduction in transportation costs resulting from bulk tank delivery and to reflect net differences in cost associated with distance relative to delivery to Zone I. A precise description of each of the various price zones, which vary to some extent from their counterparts under the present Southern Michigan order, is set forth in § 1040.54 of the order included in this decision. For purposes of the discussion below, however, references of a more general nature are sufficient.

In view of the plus 4-cent direct-delivery differential for delivery to Detroit, the present differential for Zone II of minus 7 cents should be changed to minus 3 cents. Taking the direct-delivery differential into account, this results in the same location price difference between plants in this zone and Detroit plants as now prevails. It also will result in a 3-cent difference between Zone II and the relatively nearby plants in Zone I outside the Metropolitan Detroit area.

Part of the present Zone II includes the territory lying approximately 50–90 miles west of Detroit and encompasses the territory surrounding the cities of Jackson (75 miles from Detroit) and Lansing (90 miles from Detroit) as well as the pool supply (manufacturing) plants at Adrian (70 miles) and Mason (80 miles). The remainder of the present Zone II includes the lower portion of Lapeer County with a supply plant located at Imlay City. This plant is in a sparsely populated area 30 miles east of the city of Flint (Zone I) and 50 miles north of Detroit.

This portion of Zone II should be extended northward about 20 miles into Tuscola and Sanilac Counties to include the lower portion of the "thumb" area of the State which also is a sparsely populated, heavy milk production area bounded by Lake Huron on the north and east sides; by the densely populated Flint-Saginaw-Bay City corridor (Zone I) on the west side; and by Pontiac and Port Huron (Zone I) to the south. The present location adjustment at the "thumb" area receiving stations located at Brown City (69 miles from Detroit) and Peck (72 miles from Detroit) is 10 cents. There were two different zone proposals made by cooperatives which would modify the differential at these plant locations relative to Detroit. Both proposals placed this area in the same zone as the remainder of the "thumb" area which extends about 50 miles farther to the north. However, since both these plants are about 70 miles from Detroit, it would cost about 7 cents extra for a producer to deliver his milk directly to Detroit.

Zone II thus will include the territory west of Detroit lying generally within Lenawee, Jackson, Ingham, Livingston, and Washtenaw (western portion only) Counties and the territory north of Detroit lying within Lapeer, St. Clair

[1] As later discussed, a producer's milk is considered as delivered to a given zone plant location for the entire month if at least 65 percent of the monthly deliveries are made there.

(northern portion), Tuscola (southern portion), and Sanilac (southern portion) Counties. Zone II is surplus production territory where Detroit and other Zone I handlers can obtain a major proportion of their fluid milk requirements. It should be noted, however, that Zones I and II in combination are deficit in production relative to the total fluid requirements of such zones. These two zones include about 75 percent of the population of the marketing area but only 40 percent of the producer milk. Class I milk requirements for these two zones are about 145 million pounds per month and production within the two zones is about 130 million pounds per month. Some additional milk therefore must be attracted to the cities in these zones to meet their Class I requirements.

Extension of Zone II further into the Michigan "thumb" area to include that portion within approximately 80 miles of Detroit at a minus 3-cent differential, together with the 4-cent direct-delivery differential, will reflect more accurately the respective costs of moving milk to Detroit plants and to plants in the nearby Zone I cities of Flint and Port Huron relative to plants in such Zone II.

An additional zone designated Zone III to include the remaining territory within approximately 50 miles of the several cities in Zone I should be provided in the order with a minus 5-cent location adjustment. This zone would include the remainder of the "thumb" area which is mainly east of Saginaw and Bay City (Huron County and the northern portion of Tuscola and Sanilac Counties). It also would include the area extending about 50 miles north and west of Bay City, Saginaw, and Flint. It includes generally the counties of Arenac, Gladwin, Midland, Isabella, Gratiot, Clinton, Shiawassee, and portions of Bay, Saginaw, Montcalm, and Ionia. The remaining portion of this zone would extend about 25 miles west beyond Zone II in the counties of Eaton, Calhoun (eastern portion), Branch (eastern portion), and Hillsdale.

Further described, Zone III includes sparsely populated heavy production areas within direct-delivery range of Zone I plants. About 5 percent of the population and 25 percent of the production in the market is within Zone III. Zones I, II, and III together comprise 81 percent of the population in the marketing area while 65 percent of the total market supply is produced within this combined territory. It is estimated, however, that while about 156 million pounds of milk per month are needed for Class I use within this three-zone area, about 215 million pounds of milk per month are produced therein.

A 5-cent differential in this zone will reflect closely the additional cost to a producer to have this milk hauled to a plant in Zone I compared to a plant within this territory. This will assure that the necessary additional supplies over those available in Zones I and II are attracted to the densely populated Zone I area as needed.

Zones I, II, and III together encompass all Southern Michigan territory generally within a radius of about 120 miles of Detroit. Although this area has less production relative to fluid needs as compared to the remainder of the market, there nevertheless is more than an adequate supply of milk for fluid uses within such three zones. The location differential structure in the remainder of the market therefore should be formulated so as not to encourage milk to be attracted to Zones I, II, and III which is unneeded there. Such a price structure will tend to maximize net returns to producers in the market by not encouraging the employment of unneeded milk hauling facilities. Nevertheless, as in other zones, location differentials in the remaining surplus production area should be kept in practical relationship to the cost of hauling to the deficit area (Zone I). Milk in production areas such as the western and northern portions of the Lower Peninsula, where milk produced exceeds local fluid market requirements, has a value in Class I closely related to the price in the nearest area where the milk may be put to fluid use less the cost of transporting milk to such area.

A principal change needed in the present location adjustment structure is a reduction in the amount of minus adjustment applicable at plants on the western side of the state, i.e., plants in and around the cities of Grand Rapids, Muskegon, Holland, Kalamazoo, and Battle Creek. These cities and their neighboring territory in the counties of Muskegon, Ottawa, Kent, Oceana, Newaygo, Mecosta, Allegan, Barry, Van Buren, Kalamazoo, Berrien, Cass, St. Joseph, and the western portions of Branch, Calhoun, Ionia, and Montcalm Counties have about 17 percent of the population of the market and 24 percent of the available supply of producer milk.

The cities in the western side of the State now are connected to the cities to the east by superhighways, making it relatively easy and inexpensive to move milk from this area towards markets in central and eastern parts of the State. However, under the present Southern Michigan order the area west of Lansing and Jackson is divided into three zones, where prices are 5, 8, and 13 cents, respectively, lower than the level applicable at Lansing and Jackson plants. Such differentials have tended to encourage some producers under the order to seek markets to the east in other location zones where the higher zone prices more than offset the extra hauling cost.

The zoning proposals of the several cooperatives called for one western zone encompassing all the cities on the western side of the State with a minus location differential 3 to 4 cents greater than the amount applicable at Lansing and Jackson. In this connection they stated that in February 1963 the associations began paying producers under their premium price plan on the basis of a location adjustment schedule different from the one under the present Southern Michigan order for the purpose of discouraging the movement of milk out of the lower priced western zone into the higher priced zones since the milk was not needed in the latter zones.

It is appropriate to adjust prices in the western cities relative to the central and eastern cities so as to reflect as nearly as possible current differences in direct-delivery hauling rates between zones. To accomplish this the western portion of the market should be divided into two price zones. The cities of Battle Creek, Kalamazoo, Grand Rapids, and the adjacent areas should be in one zone to be designated Zone IV. The cities of Holland, Muskegon, and the western tier of counties should be in the other zone—Zone V. The differential in Zone IV should be minus 7 cents (or 4 cents under the price at Lansing and Jackson). A 4-cent difference closely reflects the additional direct-delivery cost of shipping milk to Jackson from farms located in the vicinity of Battle Creek, which is about 40 miles west of Jackson. Similarly, it is about 40 miles between Lansing and the pool manufacturing plant at Sarinac, another alternative outlet for milk from the Grand Rapids area.

Kalamazoo and Grand Rapids are only 20 miles west of Battle Creek and Sarinac, respectively. Any differential in prices between these respective locations would tend to encourage producers to ship their milk east of these cities, particularly to the manufacturing plant in Sarinac. A 2-cent higher price at Kalamazoo relative to the tier of counties to the west will tend to insure supplies to this city relative to the pool manufacturing plant located in Allegan County which also represents a ready alternative outlet for those milk producers west of the city. To assure that adequate supplies will be delivered to these cities at minimum transportation cost they should be in the 7-cent differential zone. Specifically, this Zone IV should include the counties of Mecosta, Kent, Barry, Kalamazoo, St. Joseph, and the western portion of Montcalm, Ionia, Calhoun, and Branch Counties.

The differential in the western tier of counties (Zone V) should be minus 9 cents (making the price 2 cents below that at Grand Rapids and Kalamazoo). The cities of Holland and Muskegon are located in this area on the edge of Lake Michigan and are about 30 and 40 miles, respectively, from Grand Rapids. Since these cities are located next to the lake on their western side, their milk supplies must be procured generally to the east toward the Grand Rapids procurement area. A differential in excess of 2 cents below the price at Grand Rapids would tend to encourage producers in the western tier of counties near Muskegon and Holland to ship their milk to Grand Rapids. A 2-cent differential, however, should not tend to encourage producers in the western-most portion of these counties to ship to Grand Rapids. In addition, Muskegon and Holland are located somewhat north and south, respectively, of Grand Rapids and thereby would be able to attract supplies from such directions in competition with a 2-cent higher price at Grand Rapids.

If the western tier of counties were in the same price zone as Grand Rapids and Kalamazoo, there would be no incentive for producers located there to ship their milk to these cities as the manufacturing plants located in Allegan and Ottawa Counties are closer to their farms. On the other hand, if the prices at Grand Rapids and Kalamazoo were fixed more than 4 cents lower than the price in the eastern markets of Lansing and Jackson, there would be a tendency for producers located on the eastern edge of these cities to ship their milk eastward. These two cities, in turn, would be forced to rely on supplies located to the west. It is concluded that the price structure provided herein will tend to attract adequate supplies to these western Michigan cities as well as reflect the location utility of milk in the area in relation to the Detroit level.

In their zoning proposals producer groups placed Berrien County (in the southwestern corner of the state) in a separate zone with a differential of 4 to 6 cents lower than the price at Kalamazoo. This county lies 40–60 miles west of Kalamazoo and is bordered on the west by Lake Michigan. Thus, plants in this area must procure supplies to the east toward Kalamazoo in Cass, Van Buren, and Allegan Counties and, accordingly, must pay producers a price competitive with what they would receive by shipping to Kalamazoo. A price in this county, 2 cents less than at Kalamazoo, should attract needed supplies from the western portion of the lakeside counties while a greater differential would tend to encourage such producers to ship to Kalamazoo.

The western tier of counties from Muskegon on south (Muskegon, Ottawa, Allegan, Van Buren, Cass, Berrien) therefore should be in the minus 9-cent zone.

The remainder of the Lower Peninsula (all territory lying north of the aforementioned zones) should be divided into three zones with differentials which closely reflect the additional direct-ship hauling costs therefrom to the nearest cities in Zone I as compared with hauling costs to local plants within such zones. As previously discussed, this additional hauling cost is about 1 cent per 10 miles.

The first of these three zones should be an extension of Zone V (9 cents) on the west side of the state and continue northeastward across the state above Zones IV and III. Specifically, this would extend Zone V to include Newaygo, Lake, Osceola, Clare, Missaukee, Roscommon, Ogemaw, and Iosco Counties. The only presently regulated plant in this area is a pool manufacturing plant at Evart in Osceola County which is about 85 miles northwest of Saginaw and Bay City (Zone I). It is expected, however, that four bottling plants within this group of counties will become regulated by the inclusion of this territory in the marketing area. A minus 9-cent differential will reflect the location utility of milk at all such plants in this zone relative to prices at principal cities in the market.

The next zone (Zone VI) should include the counties of Alcona, Oscoda, Crawford, Kalkaska, Grand Traverse, Wexford, Manistee, Mason, and Oceana. This tier of counties (next to Zone V) is about 30 miles wide. A minus 12-cent differential is appropriate for this zone. There are two plants in Mason County which will become regulated by expansion of the marketing area. A 12-cent differential will provide an appropriate price level at these plants in relation to Zone V plants at Evart and Muskegon.

The remaining Lower Peninsula counties of Alpena, Montmorency, Presque Isle, Cheboygan, Otsego, Emmet, Charlevoix, Antrim, Leelanau, and Benzie should be in a minus 15-cent zone (Zone VII). This would reflect the location utility of milk at plants in this area relative to the zero zone (Bay City, the northernmost city in the zero zone, is about 150 miles south of Zone VII). The only pool plants in Zone VII are located at East Jordan and Hillman.

This zone differential structure includes all the territory in the Lower Michigan Peninsula and thereby includes the locations of all plants which are currently pooled under either of the orders to be consolidated and those of the additional plants which will be brought under regulation by expansion of the marketing area. However, in the event plants located outside the above zones should become pool plants, provision should be made to assure their proper price alignment with the plants in the specified zones. The most likely locations of such plants are south of the Michigan State line in the States of Ohio and Indiana. A differential of the amount provided for the zone nearest to the plant plus 1 cent for each 10 miles that such a plant is located beyond the nearest point in such zone will assure proper price alignment with plants located in the specified zone areas as well as reasonably to reflect transportation costs based on distance.

Transfer adjustments. The transfer adjustment credits to handlers operating distributing plants, on milk received from other pool plants and allocated to Class I, should be modified to reflect the amount applicable at the location of the transferor plant under the aforementioned schedule of location differentials.

Certain producer associations proposed that transfer adjustment credits be modified by applying a schedule of allowances for interplant movements different from the rates applicable to Class I and base prices and that all such transfer credits be discontinued after a period of 2 years. In support of the proposed change, proponents stated that the cost of moving milk a given distance from one plant to another plant frequently is greater than the difference in direct-delivery costs for the respective locations. The proposed adjustment rate is 10 cents per hundredweight plus 1 cent more for each 10 miles, or portion thereof, that the transferor plant is located more than 50 miles from the City Hall in Detroit. Proponent contended that this schedule would be adequate to cover the transportation cost of moving milk from supply plants to bottling plants in Detroit.

The 2-year limit on the proposal was based on the estimated completion date of the conversion from can to bulk tank handling in the market. Thus, proponents contend, the proposals would tend to equalize handler costs on milk from supply plants with that which is direct-delivered from farms.

The proposed transfer credits would not be significantly different from the zone location differential rates adopted herein where the transfer is between plants which are both located beyond 50 miles from the City Hall in Detroit since both rate schedules are based on a prevailing hauling cost of 1 cent per 10 miles (earlier explained).

The proposed transfer credit schedule indicates that there is an additional 5 cents "fixed cost" in transporting between plants as compared to differences in rates for direct-delivery hauling. Application of the 1 cent per 10 mile rate within the 0–50 mile zone (where the proposed rate was 10 cents) would leave a residual of 5 cents. Thus, handlers could be expected to pay 5 cents more per hundredweight for transferred milk than for direct-delivery milk under the zone transfer credit schedule.

A transfer adjustment credit to handlers which is greater than the Class I price differences by zones is not necessary to achieve adequate supplies at distributing plants and would tend to provide less incentive to use the most efficient means of getting milk to the market.

There are several handlers in the market who currently are paying an extra 5 cents per hundredweight (transportation) to obtain supply plant milk. Presumably there is some advantage to the particular handler in obtaining milk from supply plants which is worth the extra cost in light of the currently available alternative of receiving direct-delivery milk. By employing only one schedule of location adjustment credits under the order, each handler will be in a position to choose the method of obtaining a milk supply which best suits his needs without burdening the producers' price with transportation charges higher than are required by direct-delivery made at their expense.

Several producer associations proposed further that the location adjustment credits on transfers of milk from supply plants be limited to the actual volume of Class I milk processed (less receipts of other milk allocated to such class) rather than apply to 108 percent of Class I volume in the plant as under the present Southern Michigan order. This proposal would require the handler purchasing from country supply plants to pay the interplant transportation cost on all (rather than on a portion of) such receipts of whole milk which are utilized as Class II use in his city distributing plant.

Proponents contended that because of the change to bulk tank handling in the market whereby all plants can be adequately supplied on a direct-delivery basis, there is no need to assure that the market be supplied through transhipments from supply plants by allowing an extra margin beyond Class I sales volume in computing the handler's transfer credit. To the extent that such credit could be attributed to assuring some unnecessary reserve of milk at bottling plants, it would seem appropriate to adopt the proposal. However, there are pertinent aspects of the provision which are not appreciably affected by the change to bulk tank handling.

Under the classification and accounting provisions of the order, shrinkage and inventory of fluid milk products on hand at the end of the month are in Class II.

There are also daily variations in demand for fluid items which cannot be forecast with exactness. Thus, as a practical matter, it is virtually impossible for a distributing plant to utilize as Class I, all milk brought in from country plants. The provisions of the order adopted herein afford the same net return to producers for milk so used at Detroit distributing plants irrespective of whether it is obtained directly from the farm or through a supply plant. Elimination of the transfer credit would return a higher net price to producers for milk moved to the city through supply plants than that which is obtained on a direct-shipped basis. In view of such circumstances it is appropriate that the order continue to provide a reasonable margin in the amount of transferred milk on which transportation credit is allowed. It is concluded that the present order provision accomplishes this purpose and should be continued.

Deliveries divided between zones. Several cooperatives proposed that location adjustments applicable to payments to producers for base milk and milk to be paid for at the uniform price or adjusted uniform price should be at the rate applicable to Class I milk (not including the 4-cent direct-delivery differential previously adopted herein). It was proposed further that in the case of any producer whose milk is physically received at plants in more than one price zone during the month, the location adjustment should be the weighted average of the adjustments for the respective plant locations, provided that if 65 percent of a producer's milk were delivered to plants in a single zone during the month, all milk of such producer for the month would be priced at such zone.

The location differential rate schedule is such that when taken in combination with the producer's hauling rate it reflects the location utility of the milk. Thus, under ordinary circumstances, the producer would receive about the same net return at each zone location and therefore would be indifferent as to whether his milk is shipped to a nearby supply plant or to a more distant distributing plant in a closer-in zone.

Distributing plants receiving direct-delivered bulk tank milk ordinarily will rely on such supplies for their full weekly needs, the only exception being when supplemental, or emergency, supplies are required from supply plants. On the other hand, on nonbottling days such as weekends, or where for other reason surplus accumulates at the distributing plant, some of the bulk tank milk may be diverted therefrom to manufacturing plants. At certain of the distributing plants, however, milk received, including weekend supplies, is "banked" at the plant for later use on heavy bottling days.

For each zone except Zone I (which includes Detroit) there are few, if any, instances when diversion to a supply plant as compared to delivery to a distributing plant means a change in pricing zone. On milk customarily delivered to fulfill the needs of Zone I distributing plants, however, the diversion of such milk to manufacturing use on certain days of the week is likely to involve movement to a lower-priced zone. Thus, there is present the question of appropriate pricing of the milk on days of diversion to another price zone.

Milk which was never intended to be utilized to fulfill Zone I fluid requirements, and with respect to which the greater transportation cost to such zone was not incurred, should not be paid for at the Zone I price. The possibility of assigning more producer milk to a higher-priced zone than is needed for zone requirements, which extra milk is diverted to another zone, should be minimized by adopting the proposal to apply the weighted average of the zone rates based upon the respective deliveries to each zone. Contrariwise, milk which is intended to fulfill such Zone I requirements, and which is regularly and substantially so used, should receive the price for Zone I where ordinarily received even though it sometimes may be diverted for the convenience of the handler. The delivery of 65 percent or more of the producer's milk to Zone I is reasonable evidence of the continuing need of such milk for zone requirements and thus warrants the pricing of all milk of the producer according to that zone.

The assignment of milk to plants for pricing on the above basis will serve orderly marketing by encouraging an optimum adjustment of supplies to zone needs. It will also make possible uniform payment to producers whose milk is customarily received at Zone I plants and thus is made fully available for fluid use, irrespective of whether the receiving handler holds all such milk in the zone or chooses to divert on weekends to a lower priced zone.

It is recognized that careful accounting practice will be required to determine the milk eligible for Zone I pricing. While it may be expected from the record that producers will be assigned rather consistently to given plants, thus reducing the administrative problem of determining whether the producer's milk has met the delivery requirement of the provision, we may not dismiss entirely the possibility of some administrative difficulty in such regard. The provision has merit, however, and should not be denied on this potentiality.

(b) *Class I milk prices.* The Class I price should be established at the general level (annual basis) which prevails currently in the Southern Michigan market. The method of determining the Class I price should provide for a uniform monthly differential adjusted by a supply-demand formula similar to that now provided for under the Southern Michigan order.

General level of Class I price. The present annual level of Class I milk prices fixed under the terms of the Southern Michigan order market should be continued.

Several producer organizations proposed that the stated Class I differential be uniform in all months at $1.43 f.o.b., Zone I, the average of the present seasonal differentials ($1.23 and $1.63) under the Southern Michigan order. They proposed further that in the event a supply-demand adjustor is deemed a necessary adjunct to the Class I pricing formula, the present Southern Michigan order supply-demand adjustor be continued, modified principally with respect to the maximum amount, plus or minus, by which such formula may adjust the Class I differential during any month. In effect, producer proposals relative to the level of the Class I differential, together with their proposal to modify the supply-demand adjustor, would result in an immediate 20-cent per hundredweight increase in Class I price for the consolidated market as compared to that currently prevailing in the Southern Michigan market. A more detailed discussion of the supply-demand formula is set forth elsewhere in these findings.

Representatives from certain independent milk dealers operating in major cities of western Michigan (Battle Creek, Kalamazoo, Grand Rapids, and Muskegon) were strongly opposed to any change which would result in a higher Class I price level under the consolidated order. They testified that their respective areas have been more than adequately supplied with milk. They contended that conditions in these areas make it economically impossible for them to absorb any increase in Class I cost and pointed to intensive resale competition with milk distributors from the South Bend and Fort Wayne, Ind., and Toledo, Ohio, markets.

In view of the supply of milk in excess of bottling needs in the Southern Michigan and Muskegon markets (43 percent and 41 percent, respectively, during 1964) and no indication of milk shortage in the foreseeable future, an increase in the minimum Class I price above current levels would not be warranted. It is concluded, therefore, that while as stated below, seasonality in the Class I price differential should be removed, nevertheless it should be fixed at a level which, taking into account the adjustments occasioned by revisions in location pricing, will not be significantly different from the annual average now prevailing.

Therefore, the Class I differential under the merged and expanded order should be $1.40, a reduction of 3 cents from the average differential under the present Southern Michigan order. Such 3-cent adjustment on all Class I milk will return about the same total amount of money to producers as is returned to them under the present Southern Michigan and Muskegon orders.

The plus 4-cent direct-delivery differential applicable at metropolitan Detroit plants will apply to about one-half of all the Class I milk and to a significant proportion of the Class II milk. Thus, it would require about a 2-cent reduction in the price on all Class I milk in the merged market to return the same amount of money to producers under this particular provision. The Class I milk outside metropolitan Detroit is about equally divided between plants in the remainder of the present zero zone (where no change is made in the location adjustment) and the other zones. The weighted average change in the location adjustments in zones other than the zero zone (including Muskegon) is about a plus 7.6 cents. This increase in

price would apply to about one-fourth of the milk under the combined orders and amount to nearly two cents on all Class I milk. The net effect of all changes in location adjustment rates amounts to about four cents on all Class I milk. The application of the present Southern Michigan supply-demand adjustment of minus 45 cents to the volume of Class I milk under the present Muskegon order accounts for an additional 1-cent reduction on all Class I milk to be covered by the merged order. The latter amount should be offset against the other reductions, however. Consequently, it is appropriate to adjust the $1.43 average Class I differential under the present Southern Michigan order to $1.40 under the combined order.

Although certain handlers favored the adoption of the producer proposal aimed at effecting an increase of 20 cents per hundredweight in the level of Class I price, their interest in this matter was principally related to the effect such an increase in price might have in lessening the amounts of the negotiated premiums (above the order Class I prices) in the markets.

Seasonal Class I price differentials. The Class I price differentials $1.63 and $1.23 on a seasonal basis should be replaced with a uniform monthly differential of $1.40 at Zone I plants. This differential represents the 12-month average of the present seasonal differentials of the Southern Michigan market, adjusted only to the extent of offsetting the increase in price level which otherwise would result from the changes made in zone pricing and the adoption of a direct-delivery differential, as discussed above.

As previously stated, several producer groups proposed that the Class I differential be uniform in all months and that such differential be $1.43 per hundredweight at Detroit. They cited as their reasons for a uniform Class I price differential the more even seasonal pattern of production which has prevailed in recent years, due in large part to the almost complete changeover from can cooling and interplant shipment of milk to the present-day bulk tank cooling and shipment and the presence of the base-excess plan of payment.

They pointed out in this connection that the necessarily large investment associated with the acquisition of farm bulk tank equipment has encouraged dairy farmers to enlarge their operations and to even out milk deliveries throughout the year in order to make the most efficient use of such equipment. Producers contended further that the base plan currently in both orders (and proposed for inclusion also in the consolidated order) likewise furnishes incentive for evenness of deliveries and that a uniform monthly Class I differential would tend to enhance the effectiveness of the plan.

A uniform Class I differential throughout the year should be adopted. The amplitude of change from the month of seasonally lowest production to that of highest production is quite small indicating the achievement of a relatively level seasonal production pattern for the fluid market. This is evidenced by monthly seasonal indexes of producer milk receipts in each market computed from data for the 4-year period 1961 through 1964.[2] The month of July 1963, for example, shows an index of 93 percent compared to an index of 104 for May 1964. Similarly the July–May indexes for the preceding 12-month periods of July 1962–May 1963 and July 1961–May 1962 were 92–105 percent and 94–107 percent, respectively.

The seasonal patterns of milk production in both the Southern Michigan and Muskegon markets are in reasonable alignment. During the 12-month period of July 1963, through June 1964, the monthly index of producer receipts for the Muskegon order market varied at the most by 3.1 percent from that of the Southern Michigan order market and on the average for the 12-month period reflected variance at a rate of only one-half of 1 percent per month.

The relatively even production pattern currently prevailing will be encouraged by continuance of the base plan now a part of both orders. The somewhat higher uniform prices during the spring months of generally higher production which would result from a level Class I differential will enhance the plan by encouraging producers to keep their bases due to widening the difference between the base and excess prices during the flush production months.

There was no opposition by either handler or producer groups to the proposal to eliminate the seasonal pattern of Class I pricing. Indeed, a number of handlers, as well as the producer groups, indicated their support for such a change.

In view of the above considerations, it is concluded that the substitution in the consolidated order of a uniform monthly Class I price differential for the present seasonal differentials is appropriate and should be adopted.

Supply-demand adjustor. A supply-demand adjustor which would retain the essential features of that which is now a part of the Southern Michigan Class I pricing formula should be included in the consolidated order.

Several producer associations suggested use of the present Southern Michigan supply-demand adjustor, with slight modification, in the event of a determination that such a method of adjusting prices should be made a part of the consolidated order. The Muskegon order Class I pricing provisions do not contain a supply-demand factor. As stated earlier, the producer proposal would modify the Southern Michigan formula by changing the limit (upward or downward) by which the action of the "adjustor" may affect the price per hundredweight in any month from a maximum of 45 cents to a maximum of 25 cents. They suggested also that the supply-demand formula computation should include the producer receipts and Class I sales of all handlers to be fully regulated by the consolidated order rather than only the receipts and sales of present Southern Michigan order handlers.

A supply-demand factor should be included as one of the components of the Class I pricing scheme of the consolidated order. The purpose of a supply-demand adjustment provision is to adjust promptly the minimum Class I price upward or downward as the supply of producer milk changes in relation to Class I sales. This purpose is consistent with the criteria of the Agricultural Marketing Agreement Act, as amended, which provides that the prices to be fixed under the authority of such Act shall be reasonable in view of market supply and demand conditions, assure a sufficient quantity of pure and wholesome milk, and be in the public interest. The automatic adjustment of Class I prices in response to changes in the relation between supplies and Class I sales is designed to carry out in the market the price objective of the Act through encouragement of supplies at the levels needed for fluid requirements.

The present supply-demand formula under the Southern Michigan order provides for the adjustment of the Class I price primarily on the basis of the market's supply-sales relationship in the most recent 2-month period (current utilization percentage) in relation to a "norm". Instead of using a specified schedule of seasonal adjustment factors, as in some other orders, the formula provides a method of computing the monthly norms which is designed to provide automatic "updating" for seasonal variations in the market. The average level of Class I utilization[3] in the most recent 2-month period is converted to an "annual" basis by using a seasonal index calculated from market data for the preceding 26-month period. The Class I price is decreased, or increased, when the most recent 2-month data indicate an annual level of market supply more, or less, than 136.7 percent of Class I use.

A schedule of stated monthly standard utilization percentages (norms) which averages 136.7 percent of producer receipts to Class I utilization should be adopted in lieu of the present system for computing monthly "norms" as now provided in southern Michigan.

The seasonal patterns of producer receipts and of Class I sales in the Southern Michigan market during the period 1962–1964 have not changed significantly. During this time, the relationship of supply to Class I utilization was greatest during the May–June period used to compute the July norm. Conversely, the supply generally was lowest in relation to Class I sales during the October–November period, the period used to compute the December norms. Moreover, the relatively close seasonal alignment of norms computed for the 3-year period is illustrated by the fact that the July norms for the years 1962, 1963, and 1964 were only 12.4, 12.7, and 12.5 per-

[2] Indexes computed by the "moving average" method whereby the ratios of daily average receipts of producer milk for the month to a 12-month moving average of such receipts (center on the seventh month) are computed.

[3] The percentage which the volume of producer milk is of Class I utilization in the market as reported by handlers is referred to in these findings as "Class I utilization percentage".

cent, respectively, higher than the December norms for the same years.

In light of these conditions the present mechanics of the Southern Michigan supply-demand adjustor may be simplified by specifying a schedule of monthly norms to replace the more complex system of calculating norms as now provided. In order that the market administrator may announce the Class I price early in the month to which it applies, as proposed elsewhere in these findings, it is necessary to provide that the adjustor be computed on the basis of the receipts-sales relationship for the second and third months preceding the pricing month in lieu of the first- and second-month period employed in the present Southern Michigan order. A temporary provision is included to permit the market administrator to employ the receipts and utilization data for the second and third months prior to the effective date of the consolidated order as established for handlers and pool plants pursuant to the provisions of the prior Southern Michigan and Muskegon orders.

It is not expected that the combining of the receipts and sales of the two subject markets in computing current utilization percentage will alter significantly the amount of the supply-demand adjustment called for by the formula. The ratios of Class I utilization to producer receipts in the two markets are very nearly the same. The volume of milk priced under the Muskegon order is only about 3 percent of the volume of milk priced under the present Southern Michigan order. Also, it is anticipated that the effect upon the supply-sales relationship resulting from the regulation of additional handlers through expansion of the marketing area will be negligible. It is estimated that the volume of milk marketed by such presently unregulated handlers will represent less than 1 percent of the milk to be priced under the amended order.

Even with use of the expanded sales and receipts data in the formula computation, the formula is expected to result in computed adjustments to the Class I price differentials closely approximating those which would result if the more complex formula provisions of the present Southern Michigan order were adopted. This is appropriate inasmuch as there was no testimony to support any significant revision of the general level of norms presently called for under the present Southern Michigan order formula. The following schedule of norms has been constructed to fit this general level and should be adopted:

Month for which pricing is being computed	Preceding months used in computation	Standard utilization percentage
January	October, November	131
February	November, December	135
March	December, January	134
April	January, February	132
May	February, March	133
June	March, April	135
July	April, May	141
August	May, June	147
September	June, July	143
October	July, August	109
November	August, September	126
December	September, October	123

The 45-cent maximum amount by which the present Southern Michigan order formula may adjust the Class I price differential plus or minus during any month should not be changed in the revised formula.

The supply of milk in the Southern Michigan order market in recent years has been increasing at a more rapid rate than the demand for Class I milk. During 1961 receipts from producers were 159 percent of Class I sales. Similarly, the years 1962, 1963, and 1964 show a relationship of 170, 172, and 175 percent, respectively. The supply-demand adjustor during this period has resulted in minus supply-demand adjustments to the Class I price. Since May 1961 the computed adjustment has been in excess of the minus 45-cent per hundredweight limit set by the order. As a consequence, the minus 45-cent limit has been the adjustment to Class I price from May 1961 to date.

During this same period, however, producers have been obtaining negotiated premium prices for milk going into fluid bottling use which, on a monthly average, have exceeded the 45-cent supply-demand adjustment. These premium, or "super pool", prices have negated the effectiveness of the supply-demand adjustment and make its actual effect indeterminable.

The 175 percent production-sales relationship for 1964 represents a 38 percentage point deviation from the 136.7 "norm" provided for in the present formula. Of this 38 percentage point deviation only 15 points are actually reflected in the 45-cent effective adjustment now prevailing in the market. It is not appropriate, therefore, to consider any change in the limit of adjustment as now provided for under the Southern Michigan order which would have the effect of raising the Class I price level.

Producers suggested the possibility of a "regional" supply-demand adjustor under which the sales and receipts of certain nearby orders, as well as those of the two subject markets, might be included for purposes of establishing "norms" and of computing current utilization percentages. They further suggested limiting the amount of supply-demand adjustment in a manner which would maintain a certain fixed alignment of Class I prices with the Toledo (Northwestern Ohio order) market. Sufficient evidence was not offered, however, which would support adoption of these suggestions at this time.

Other changes relating to Class I price. The order should provide that the Class I price be computed on the basis of the basic formula price (Minnesota-Wisconsin average manufacturing price) for the preceding month rather than for the current month as at present.

This is a modification of present provisions of both orders and will make it possible for the market administrator to announce the Class I price early in the month to which it applies. Both orders presently provide for such announcement on or before the fifth day of the month following the pricing month.

The revised procedure for computation of the Class I price will be consistent with more recent Class I pricing procedures in other Federal orders. Producers and handlers will be in position to know the exact Class I price early in the month to which it applies and it will promote Class I alignment with other nearby orders. Public announcement of the Class I price would be made by the market administrator on or before the sixth day of the month for which such price is applicable.

Butterfat differentials. Handler and producer butterfat differentials in the consolidated order should be maintained at the same level as those in the present Southern Michigan and Muskegon orders. Class I, Class II, and producer butterfat differentials in the existing orders are computed by multiplying the Chicago 92-score butter price for the current month by 0.113.

A witness for one association of producers proposed that the factor used to compute the handler and producer butterfat differentials be increased to 0.120. The effect of such an increase on the cost of milk to handlers would be to increase butterfat prices and decrease prices of the skim milk component.

Butterfat differentials should not be changed. Current prices and butterfat differentials have attracted supplies of producer milk which contain a higher percentage of butterfat than the average butterfat content of the Class I products made from such milk.[1] In southern Michigan for the recent period of January 1963 through October 1964, the butterfat content of producer milk averaged 0.6 point (0.06 percent) higher than that of Class I milk. Muskegon producer milk during this same period averaged 2.2 points (0.22 percent) higher in butterfat content than Class I milk. Thus, on the average each hundredweight of producer milk used in Class I in southern Michigan and Muskegon yielded 0.06 of a pound and 0.22 of a pound, respectively, of butterfat destined for manufacturing uses.

Based on October 1964 figures, the proposed higher differential would have increased the price of Class II butterfat from 68.85 cents to 73.67 cents per pound. There was no evidence by proponent to show that handlers or the cooperatives who are handling the market surpluses could afford to take either current or any additional amounts of surplus butterfat at this higher price. The proponent cooperative does not engage in processing operations.

There are indications also that the demand for butterfat for Class I milk items in the market is declining relative to the skim milk component. In Southern Michigan skim milk sales for the first 10 months of 1964 were up 9 percent from this period a year earlier. By contrast, sales of half and half, coffee cream, and whipping cream during this 10-month period of 1964 increased less than 1 percent from the same period in 1963. Also a "fortified" product containing only 2 percent butterfat recently was introduced in Southern Michigan. Sales of this product climbed from 1.2 million pounds during December 1963 to 2.6 million pounds in October 1964. Low-fat Class I products, therefore, have increased substantially while sales of products with high fat content have either expanded at a slower rate or have declined. Market data do not support higher butterfat prices.

[1] Official notice is taken of the price announcements of the market administrator for 1963–64 for southern Michigan and Muskegon and of the Milk Market Bulletin for southern Michigan for 1963–64.

(c) *Pool plant requirements.* The provisions governing "pool plant" status should be modified to base pool status for supply plants operated by a cooperative association on the proportion of member producer milk which is moved directly from farms, or transferred from its own plant, to distributing plants. Such a provision is appropriate to realize efficiencies in handling the market supply of milk.

Performance requirements for pool plant status are the means of identifying and qualifying producer milk for participation in the marketwide pool. A "distributing" plant qualifies for pool status on the basis of the percentage of the milk received at the plant which is distributed on routes in the form of fluid milk products. A "supply" plant qualifies for pool status on the basis of milk transshipped to pool distributing plants. Producer milk which is associated with either type of pool plant, either by being physically received at the plant or by diversion therefrom, is qualified as pool milk. This method of qualifying producer milk at country supply plants for pooling has become inadequate under the bulk tank method of moving milk from farm to plant.

Handling of milk by bulk tank is displacing the traditional function of the supply plant as the principal means of assembling milk for shipment to Detroit. About two-thirds of the milk received at Detroit plants now is shipped by bulk tank directly from the farms where it is produced. As previously stated, it is practicable to furnish all such plants by this means. With the increase in bulk tank handling, much of the milk which was formerly qualified for pool status through supply plant shipment (by first being received at such plants and transshipped to distributing plants) is moved directly from the farms to distributing plants. Country assembly, or receiving, stations are fast disappearing. Milk received at supply plants now represents the residual supplies in the market. A principal function of the country supply plant with manufacturing facilities today is providing an outlet for producer milk on weekends and, to some extent, for daily and seasonal reserves rather than providing an assembly point for shipment to the fluid market.

Most of the supply plants affected by this situation are operated by cooperative associations. In this market most handlers depend on cooperative associations for their supplies of milk and such associations must provide the necessary manufacturing facilities to take care of reserve supplies on the days that proprietary handlers do not need the milk.

Because of these conditions, cooperative associations proposed that the bulk tank milk which a cooperative, as the handler, causes to be shipped directly from farms to distributing plants be included with the milk shipped from its plants as the basis for qualifying for pool status additional milk which is moved from farms to manufacturing plants.

An alternative proposal suggested by a proprietary handler would permit a cooperative to qualify its supply plants for pool status on the basis of the proportion of the milk of all member producers which is delivered to pool plants of other handlers, whether or not the cooperative is the handler on any such milk. The order now contains such a provision but cooperative witnesses stated that it is not adequate to fit all situations. For example, one cooperative operates its own distributing plant as well as a supply plant and such provision does not allow any pooling qualification credit for its supply plant with respect to milk formerly received there but which is now moved to its distributing plant directly from farms.

Supply plant performance requirements aid in assuring adequate supplies of milk for the market by providing a means whereby those producers who regularly provide supplies for the market can share in the proceeds from Class I sales. Such sharing in the Class I sales of the market provides some assurance that the necessary supplies of milk will be available when needed. To be effective in accomplishing this purpose the performance requirements should assure that the principal function of the supply plant is supplying the Class I outlets (pool distributing plants) and that the milk received at such a plant is part of a supply on which the market may depend.

The present supply plant performance standard for pooling under the Southern Michigan order requires that 25 percent or the "call percentage", whichever is higher, of receipts at a supply plant actually be shipped to distributing plants. The call percentage is a variable performance standard designed to require shipment of more than 25 percent of the milk at each supply plant as the market administrator estimates the additional need at distributing plants. The present cooperative "balancing" plant provision permits qualification of a cooperative plant when at least two-thirds of the milk of producers who are members of the association is delivered to pool plants of other handlers.

Adoption of additional cooperative "balancing" plant performance requirements based on the association of cooperative member milk to pool distributing plants should be made to overcome the difficulties cooperatives have experienced in maintaining pool plant status for their supply plants under the present provision which, in certain instances, requires the movement of bulk tank milk to such plants for reshipment when it is needed at distributing plants. However, the requirements on a cooperative should be such as to establish that its major function is supplying pool distributing plants.

Proponent cooperatives suggested that the minimum performance standard for their balancing plants be established at 25 percent or the call percentage. The 25 percent standard was adopted under the Detroit order about 10 years ago when the marketing area was limited to Detroit and the nearby cities of Ann Arbor, Pontiac, and Port Huron. At that time a substantial proportion of the market's fluid milk requirements was assembled through supply plants. Detroit handlers now obtain about two-thirds of their supplies on a direct-delivery basis. In addition the marketing area was expanded in 1960 to include substantial additional territory and now it is being further expanded. All plants in the outlying territory, which account for about 50 percent of the Class I use under the order have always obtained supplies on a direct-delivery basis. Thus, about five-sixths of the fluid milk needs of distributing plants are now obtained on a direct-delivery basis. The use of such direct receipts from member producers of a cooperative association along with shipments from its supply plant to determine an overall standard for pooling the supply plant requires a substantially higher percentage of "shipments" than the 25 percent figure would indicate.

The order should provide that a plant operated by a cooperative association be a pool plant if at least one-half of the total member producer milk of the cooperative is moved either directly from the farm or from its plants to pool distributing plants. In addition, pool status should be provided under the order for a plant operated by a cooperative association if at least one-half of the milk received at all pool distributing plants is member producer milk of the cooperative.

A cooperative which delivers a majority of its total member producer milk to pool distributing plants is sufficiently identified with the market to assure; under normal circumstances, that its milk is available to distributing plants. A cooperative which supplies the majority of the aggregate requirements of all pool distributing plants in the market likewise may be considered a principal source of the market's regular supplies. Any cooperative which serves the market by making its milk available for the market's Class I milk needs also has the burden of disposing of the reserve supplies associated with such fluid milk need. Thus, it is appropriate that such cooperatives be provided the opportunity to pool their balancing plants on a basis which permits efficiency in their marketing operations.

The pool distributing plant performance requirement which permits exclusion of receipts certified by a cooperative association which operates no plant as having been delivered for manufacturing use by diversion from other pool plants, should be modified to limit the volume of all such certified receipts to not more than the volume of all other milk delivered to pool distributing plants by producer members of such association.

The Southern Michigan order presently has a limit of one-third on such certifications by a cooperative. This limit was suspended for the period October 1964 through March 1965 as the cooperative operating under this provision anticipated that the volume of its reserve supplies would exceed the one-third

limit during this period. The cooperative association which markets its reserve supplies under this provision of the order proposed that the provision be continued as suspended (without any limit on the amount of milk it may certify as being delivered for manufacturing use).

The provision facilitates the orderly and efficient marketing of the cooperative's reserve supplies at a plant which operates in the dual capacity of a distributing plant and a manufacturing plant. The cooperative has always used this means of disposing of its reserve supplies that could not be marketed to other distributing plants. This outlet for the cooperative's reserve supplies represents the most economical means of marketing such milk.

There was no opposition to the cooperative's "no limit" proposal. This is the only instance of this type of arrangement in the market and there was no indication that the parties involved would tend to associate additional milk supplies with the market if no limit were provided in the order. However, since the provision is in the order and it is open for general use, a limit should be included to assure that at least a majority of a cooperative's member producer milk is marketed for fluid use as a condition of operating under the provision.

The present Southern Michigan order includes a seasonal performance standard for pool distributing plants. To qualify for pool status as such distribution of fluid milk products on routes must be at least 55 percent during each of the months of October through March, and 45 percent during other months, of receipts from producers and supply plants. In addition, automatic pool status is provided during April through September for those plants which meet the 55 percent requirement during each of the previous months of October through March.

The order should provide pool plant status for a plant from which 50 percent of milk receipts are distributed on routes during the current month or either of the two preceding months. This will conform more adequately to the various utilization patterns in the market.

In view of the relatively uniform supply-sales balance which now occurs during all months of the year, it is appropriate that the order employ a uniform requirement of 50 percent in all months. The provision which provides automatic pool plant status during the months of April through September on the basis of performance during the preceding October through March should be replaced with one which provides for pool plant status if the 50 percent requirement is met in either of the 2 preceding months. There appears to be no uniform pattern of monthly Class I utilization at distributing plants in all areas of the expanded marketing area. Handlers in certain areas of the market have a greater volume of Class I sales during the summer vacation season while others have higher sales volume during the fall and winter months, particularly those handlers who have a substantial proportion of their business in school milk contracts. Such a provision will also allow time to adjust plant operations to meet pooling requirements in the event of unanticipated shifts between handlers of large sales accounts such as military contracts or chain store accounts.

Call percentage. With certain modifications the "call percentage" provision of the present Southern Michigan order should be included in the consolidated order.

Under present Order No. 40 a supply plant must ship to distributing plants at least 25 percent of its receipts or the percentage thereof which is "called" by the market administrator, whichever is higher, in order to qualify as a pool plant. To compute the call percentage the market administrator first estimates for all regulated distributing plants the monthly Class I requirements plus a 15-percent operating margin. From this figure are subtracted the expected receipts of milk at such plants directly from producers' farms and from supply plants which regularly ship their entire available milk supply to distributing plants during August through March. The remaining Class I milk is divided by estimated receipts for the month at supply plants other than those which ship their entire supply as described above. The resultant percentage figure then is reduced by one-fourth (to lessen the chance of calling more than actually needed) in arriving at the effective call percentage.

It was proposed that the call provision be updated to exclude from the computation the Class I milk and the receipts of those distributing plants which no longer regularly receive milk from supply plants. The proposal would determine the call percentage by using only the figures of distributing plants which had received milk from supply plants during each of the most recent 12 months.

The proposed revision should be adopted. Changes have occurred in the market which make the present method of computing the call percentage obsolete. In 1955 when the call percentage first became effective in the then Detroit order, a major portion of the regulated distributors received milk from supply plants. Since that time two important changes have taken place. One is an increase in the amount of milk delivered directly from farms to Detroit bottling plants in bulk tanks. The other is that with expansion of the marketing area since 1955 to cover most of southern Michigan, a large number of handlers who receive no milk from supply plants have come under regulation.

Consequently, today only 28 of the approximately 115 distributing plants in the Southern Michigan market receive milk from supply plants. No distributing plants in the present Muskegon marketing area regularly receive milk from supply plants. Under the call provision which was designed for the earlier period, shortages or surpluses at the other distributing plants obscure the adequacy of supply levels at the 28 distributing plants which still receive their milk from supply plants. The provision no longer accurately measures the degree to which supply plants should be required to ship to insure adequate supplies at Detroit for bottling.

By computing the call percentage as modified, the quantities needed by distributors from supply plants would be clearly indicated and the provision would encourage the needed shipments.

An additional change should be made to coordinate the call percentage with the revised standards for pool plant qualifications. It is provided that a cooperative may pool a supply plant whenever (1) at least 50 percent of the receipts at all pool distributing plants is the cooperative's member producer milk, or (2) at least 50 percent of the association's total member producer milk is moved to pool distributing plants. The new provision would pool in one unit both the milk received at the cooperative's supply plants and the milk shipped directly from member farms to the distributing plants.

Milk at several supply plants of the cooperatives undoubtedly will pool under the new provisions. To assure that the supplies of milk at these plants, as well as bulk tank receipts, will be available to the market, any cooperative should be subject to the call percentage with respect to all its member producer milk. In order to pool their supply plant milk, the cooperatives, therefore, would be required to keep their milk supplies available for Class I use when needed. The call percentage would not be applicable to the member producer milk of a cooperative qualifying under the new provision, however, until the call percentage exceeded the 50-percent minimum identification with pool distributing plants, established for such cooperative's member producer milk.

With the recommended modifications the call percentage will assist in insuring an adequate supply of milk for fluid use at all times.

(d) *Classification of milk.* The definitions of Class I milk and Class II milk in the present Southern Michigan order should be adopted in the consolidated order with only minor modifications.

Classes of utilization. The present Southern Michigan order includes in Class I all skim milk and butterfat disposed of as any "fluid milk product" which is not accounted for as Class II milk. "Fluid milk products" include milk, skim milk, flavored milk, buttermilk, yogurt, cream (except frozen, whipped and sour cream), and any mixture of milk or skim milk and cream, including half and half, for consumption in fluid form.

Throughout the proposed marketing area the above fluid items must be made from milk approved for fluid use by health authorities. Consequently, to produce such milk farmers must get a return for it which is commensurate with the higher production and delivery costs associated with milk under health inspection requirements for bottling. To insure production of an adequate supply of milk for fluid use, the above products which require milk approved by health authorities should be included in Class I to be priced at the Class I price level.

This Class I milk definition is also quite similar to the one in the present Muskegon order. It differs only with respect to sour cream which is a Class I item in Muskegon. The Muskegon order classification of this product should not apply, however, because in the remainder of the consolidated marketing area handlers are not required to make this item from milk inspected and approved for fluid use.

With exception of Class II shrinkage, the Class II milk definition of the present Southern Michigan order should be adopted also. Class II milk in the Southern Michigan order includes milk used to produce items which are not included in the fluid milk product definition. Handlers generally are not required to make these products from milk approved for fluid use. These Class II items compete in a common market with products made from manufacturing grade milk. Milk used to produce these products should remain in Class II.

This classification will permit competitive pricing of such milk and will enable cooperatives and handlers to manufacture and dispose of milk which is in excess of the fluid needs of the market. Certain other nonfluid items and month-end inventories are also included in Class II in the present Southern Michigan order. This classification for such products has worked satisfactorily and should be retained.

Computation of plant shrinkage. The Class II shrinkage allowance as provided for under the current Southern Michigan order should be continued in the consolidated order, modified principally to permit a division of allowable shrinkage with respect to bulk tank deliveries of producer milk to a pool plant by a cooperative association operating in the capacity of a handler on such milk.

Under the present terms of both orders a maximum allowable shrinkage of 2 percent is permitted the handler of a pool plant with respect to producer milk receipts and certain bulk receipts of fluid milk products from other order plants and from unregulated supply plants. No shrinkage is allowed for handling at a supply plant or to a cooperative association as a handler on bulk tank milk deliveries to pool distributing plants. In such cases the full allowance for shrinkage is passed on to the transferee plant.

Several producer groups proposed an allowance to the cooperative of shrinkage up to one-half of 1 percent of the farm weights when it is the first handler on such bulk tank milk, and 1½ percent to the pool distributing plant handler who receives such milk from the cooperative.

Producers point out that in recent years the conversion from can to bulk tank has been at a rapid pace, accentuating the need for division in the assignment of shrinkage. Loss may occur, they contend, from adherence of milk to the side of the farm bulk tank, in the transfer from bulk tank to a farm pick-up tanker, and in the transfer from tanker to the plant of receipt.

In is concluded that the proposed division of shrinkage on bulk tank milk for which a cooperative association is a handler should be adopted.

As previously indicated, the trend to bulk tank operations in recent years has been significant with more than 85 percent of producer milk receipts under the two orders in combination now in bulk tanks. From market experience with bulk tanks the average difference between the sum of individual farm weights and the scale weight taken at the plant approaches one-half of 1 percent. This is in line with experience in other Federal order markets where a shrinkage allowance of one-half of 1 percent for the function of receiving and cooling alone has been determined to be reasonable.

The division of shrinkage between a cooperative association as a handler on bulk tank milk (allowance of up to one-half percent shrinkage) and the transferee handler who actually processes, bottles, and distributes the milk (allowance of up to 1½ percent shrinkage) together with the other terms adopted herewith will assure the cooperative handler a reasonable share of the total allowable shrinkage. The cooperative association as the first receiving handler of producer milk in bulk tank would be held accountable to the producer-settlement fund for any differences in the quantities of milk received from producers based upon farm measurements, and the total quantity of milk which the purchasing handler claims as received at his plant from the cooperative.

However, when the transferee-handler purchases such milk from the cooperative on the basis of the farm weights, the cooperative, of course, experiences no shrinkage. In such cases the order should continue to provide that actual shrinkage experienced by the transferee-handler up to 2 percent will be allowed him provided the market administrator is notified in advance on this basis of transaction. Similarly, when the handler operating the distributing plant purchases directly from producers without an intermediary handler involved, the maximum allowance for shrinkage at the plant would be continued at 2 percent.

Three handlers in the market objected to any change in shrinkage provisions which would divide the present maximum allowance of 2 percent. They held that if dipstick measurement at the farm is properly handled, no shortage need exist. Two of the handlers so testifying alleged their actual plant shrinkage to be in excess of 1½ percent, the maximum amount of allowable shrinkage proposed to be permitted a pool distributing plant handler with respect to bulk purchases of milk by transfer from a cooperative association handler. In actual practice the handlers testifying purchase their producer milk supplies on the basis of farm weights and tests. Therefore, in such circumstance such handlers would not be denied the advantage of the entire maximum 2-percent allowance under the terms proposed.

No provision is made for shrinkage allowance on milk diversions to nonpool plants. Although such an allowance is now provided for under both orders, little if any milk is handled in such manner in these markets. The expanded Southern Michigan market has ample pool plant manufacturing facilities for handling fluid milk reserves and it is not expected that the situation will change in the foreseeable future. Any variance in weights and tests associated with such a diversion is a matter that can be handled in the terms of sale between the diverting handler and the operator of the plant which physically receives the milk. This modification will eliminate the need for including additional order language without material effect upon handlers.

(e) *Adjusted uniform price.* The method of computing the adjusted uniform price (applicable to milk not under the base-excess plan) should be modified.

It was proposed that the provision for an "adjusted" uniform price be modified. The adjusted uniform price applies only to producer milk for which no "base" has been computed, such as milk of a new producer, and to milk for which the producer has relinquished his computed base. At the present time the adjusted uniform price in each market is the computed uniform price reduced by a specified monthly percentage of the difference between the computed uniform price and the price (Class II) which is required to be paid for excess milk (over base). The present applicable monthly percentages involved in the adjustment are January through March, 30; April, May, and June, 50; July, 15; and August through December, 5. The producers' proposal would substitute an adjustment percentage of 30 for the months of July through December in lieu of the present percentages of 15 and 5.

The purpose of the base-excess plan is to encourage producers to achieve and maintain evenness in their deliveries of milk throughout the year. This can best be accomplished when there is a high degree of conformance to the plan and individual producers generally do not find it possible to relinquish their bases so as to gain temporary price advantage over producers who remain on base.

Proponents testified that under the present plan individual producers have found advantage in relinquishing bases; also, that as a consequence the effectiveness of the base plan, as a means of maintaining even production throughout the year, has been reduced significantly and will be reduced further unless the order is modified to mitigate this advantage.

The effect of the proposal would be to reduce the returns for milk which is delivered as "no base" milk in the months of July through December. At present the reduction in the uniform price paid for such milk in July is 15 percent of the difference between the market blend, or uniform price, and the excess milk price. In August through December the adjustment is limited to a reduction of only 5 percent of such difference in prices.

Some increase in the percentage reduction in the months of July through December is appropriate to insure effectiveness of the base plan. However, in view of the relatively even production pattern achieved in this market, there is no apparent reason why a uniform price reduction as great as 50 percent of the difference between the uniform and excess prices (as currently applies in April, May, and June) is needed in any

month to accomplish the general objective of the provision. A flat reduction of 25 percent of such difference in prices should be sufficient in all months to offset, except in the most unusual cases, any gain in returns to a producer from relinquishing base as compared to returns accruing to other producers who remain on base while at the same time not constituting a deterrent to those individual producers who enter the market for the first time. Thus, the general objective of insuring the effectiveness of the base plan in the interest of an orderly market may be achieved without any significant increase in average adjustment to the uniform price all months considered.

Proponents further recognized that the expansion of the marketing area would result in regulation of certain plants now unregulated and thus bring under order pricing the milk of a number of additional dairy farmers who have not made a base under the terms of either order. Accordingly, they offered alternative proposals for integrating the milk of such dairy farmers into the base-excess payment plan. Any such dairy farmer could (1) provide actual records of his deliveries for the base-forming period on which a base could be computed, or (2) be paid the full (unadjusted) market blend price until such time as he had shipped through a full base-forming period. The purpose of these alternative procedures is to avoid any price penalty to such dairy farmers who could be brought under the plan without prior knowledge of it. It is concluded that such dairy farmers should be accorded these reasonable alternatives.

The merger of the Muskegon order into the Southern Michigan order raises the question of the validity of bases previously made under the former order. Proponents suggested that bases made under the rules of such order be recognized until all producers under the consolidated order receive recomputed bases for the following year in the normal manner. In view of the similarity of present base-excess plans under the two orders, the use of bases in effect under each of the present orders will result in a reasonable distribution of producer returns during any such temporary period under a consolidated order. Therefore, it is not necessary or appropriate to extend in such instances the option of payment at the unadjusted blend price as in the case of completely new shippers. Present producers under the separate orders, however, should continue to have the privilege of relinquishing base under the option of the adjusted uniform price as described above.

(f) *Method of pooling.* Marketwide pooling provisions which are now included in both Southern Michigan and Muskegon orders should be retained in the consolidated order. Marketwide pooling is required in this market to maintain orderly marketing.

A marketwide pool is necessary to distribute among all producers the burden of carrying the reserve milk supply for the market and thus to insure orderly disposal of such reserve milk. The reserve supplies of the Southern Michigan market are unevenly distributed among pool plants. With somewhat lesser differences, this is also true in the Muskegon market. At one extreme are the supply plants with manufacturing facilities, nearly all of which are operated by cooperatives. Conversely, the great majority of the proprietary distributing plants ordinarily receive only enough producer milk to supply their Class I needs. Relatively few distributing plants maintain manufacturing facilities although certain of such plants process cottage cheese. It is at the cooperative supply plants that most of the reserve milk for the market is carried and manufactured. This relieves most proprietary handlers from directly disposing of their daily and seasonal surpluses.

A proposal for individual-handler pools was made at the hearing. Under individual-handler pools producers who deliver their milk to supply plants in this market would receive prices considerably lower than those who ship to distributing plants with high Class I utilization. The difference in such prices conceivably could be nearly as wide as the difference between the Class I and Class II prices. Thus, the major part of the burden of reserve milk would be reflected in prices to producers at supply plants, while producers delivering to proprietary distributing plants would enjoy virtually a Class I return for all their milk. Cooperatives thus would be handicapped in maintaining efficient facilities for the orderly disposition of milk destined for manufacturing and in assembling milk for shipment to the fluid market. A change to handler pooling undoubtedly would force producers and handlers to develop new methods of handling market supplies of milk, in all probability with reduced efficiency in marketing and an unstable price situation for producers generally.

Marketwide pooling has enabled cooperative associations to develop manufacturing facilities for the efficient handling of the reserve supplies, and yet to be in position to return to their producers the same price as is paid by those handlers who do not assume any direct responsibility of carrying reserve supplies or of providing for their disposition when not needed for bottling. To enable the continued efficient handling of reserve milk, market pooling should be continued.

Market pooling is needed also to provide stable producer prices. Certain sales practices are prevalent which, under handler pooling, could cause wide, unpredictable swings in producer prices at individual plants. It is becoming commonplace for handlers to sell milk in large amounts to wholesale outlets—generally supermarkets or chain store accounts. Competition among handlers for these accounts is keen, and the accounts change hands frequently. When this happens, the percentage of Class I use of the handler can change significantly. Under an individual-handler pool, the producers at a single plant would absorb the entire gain or loss of such an account and an equal loss or gain in sales, as the case may be, would be reflected in the producer blend prices at another plant. In such instances, producer prices at the plants involved could fluctuate markedly. Changes in excess of 25 cents per hundredweight or more could result. It is difficult for individual producers to plan their operations efficiently when prices can vary to this extent simply because of the change of an account from one handler to another.

When such shifts in sales between pool handlers take place under a marketwide pool, however, there is no resulting change in producer prices. This is so because market Class I utilization in the aggregate is prorated over all producers. The greater stability of producer prices under marketwide pooling will assist producers in planning their operations.

An alternative proposal was submitted for consideration in the event marketwide pooling is continued. Under the alternative proposal handlers selling primarily "special milks" would be permitted, upon meeting several requirements, to pay their producers the respective utilization values of milk in their own plants through individual-handler pools.

It was suggested that to become eligible for such "limited" individual-handler pooling, "special milks" might have such identifying characteristics as: (a) milk from a single breed of cow, (b) milk for which the applicable health requirements for production are more stringent than for market milk meeting normal health restrictions, (c) milk of fat, solids-not-fat and protein content higher than that of regular milk, (d) milk with brand differentiation, such as "Golden Guernsey", "All-Jersey", "Certified", etc., or (e) milk produced by farmers belonging to a recognized sales and merchandising organization. Four types of milk presumably would qualify immediately for individual-handler pooling provided the additional proposed requirements below were met. These are: Certified milk, "immune" milk, Golden Guernsey milk, and All-Jersey milk. Other types also could qualify if and when a specified standard, as "special milk", were met.

In addition, any "special milk" would be derived solely from milk separately produced, handled, and processed so as to preserve its physical identification at all times. Also, the plant would have to maintain "special milk" sales in amounts not less than 70 percent of the total Class I sales of the plant. Plants failing to maintain this percentage would re-enter the marketwide pool. Finally, any separate handler pool would be subject to producer approval. A favorable vote by 80 percent of the "special milk" producers at the plant would make the individual-handler pool effective.

The record does not provide grounds for the conclusion that the identifying characteristics suggested distinguish "special milk" from other milk in the market for pricing and pooling purposes. No showing was made in the record that there is an inherent value attached to any of the types of milk referred to which is not reflected at present in the price and butterfat differential provision of the order. For example, at the present time "All-Jersey" milk at retail is available to consumers at the same retail price as regular milk.

Further, even if "special milks" could be feasibly identified apart from regular milk on their intrinsic value, it would not be appropriate to provide for their separate pooling. Separate pooling would place the producers remaining in the marketwide pool at a disadvantage. The "special milk" handler could shift the burden of his surplus milk to the marketwide pool by dropping individual producers when production exceeds sales of the "special milk." These producers then could enter a plant in the marketwide pool and share in its Class I sales. When the milk was needed again at the plant handling "special milk," the producers could return to the latter plant. Such practice, of course, would result in market pooling of the plant's surplus without enabling producers in the marketwide pool to share in any Class I returns from the sales of "special milk."

Another feature of the proposal also would cause adverse effect on producers in the market pool. A requirement of the proposal is that a handler shall maintain 70 percent of his Class I business in "special milk" in order to have an individual-handler pool. Therefore, by varying the percentage of his business under the label or other designation as "special milk" a handler could shift his plant back and forth between the market pool and his own pool to suit his own advantage. For example, if a handler's Class I utilization rose above the market average, he could, on seeing a milk procurement advantage, withdraw from the marketwide pool and pay his producers the use value for their milk based on his own utilization. Should the Class I use of such a handler fall below the market average, he could re-enter the marketwide pool to draw from the equalization fund simply by reducing his sales designated as "special milk" below the 70-percent minimum. Again, producers of the "special milk" plant would share in the market pool's Class I sales at such times, but never would share their Class I sales with the other producers.

It should be further noted that the class and uniform prices to producers fixed by the order are minimums and that any value which should accrue to producers providing milk for special purposes may be bargained over and above the order level which is geared to providing an adequate supply of milk of generally acceptable market quality.

In view of the foregoing, the proposals for individual handler pools are denied.

(g) *Milk diverted from plants under another order.* When milk is diverted to a pool plant from a nonpool plant which is regulated under another order, provision should be made to preclude pooling the same milk under two orders. Contrariwise, provision should be made to preclude pooling milk which is diverted from a pool plant to another order plant and is subject to pooling under such other order.

The Southern Michigan order now provides for the allocation of milk transferred between pool plants and plants regulated under other orders. Order 40 does not set forth clearly, however, the status of a dairy farmer whose milk is diverted between a pool plant and a plant subject to regulation under a different order. Under bulk tank handling milk may be moved between order markets directly from farms, particularly along the southern border of Michigan where the production area is common to several regulated markets.

Two proposals were made to specify the producer status of a dairy farmer when his milk is received at a pool plant by diversion from an other order plant. One proposal, by certain cooperative associations, would assign such dairy farmer producer status when a greater quantity of his milk is delivered during the month to a Southern Michigan order distributing plant than is physically received at a distributing plant under the other order. It was testified that milk has been diverted from the Northwestern Ohio order market to a Southern Michigan order distributing plant and that the order should clearly specify whether such milk is to be treated as producer milk or as other source milk. It was proposed by the producer groups that producer status be automatic when a majority of the producer's milk is delivered to the Southern Michigan pool plant. Another proposal, made by a proprietary handler, would exempt from producer milk status any milk received by diversion from another order plant. Thus, the determining factor would be the limit placed on diversions pursuant to the other order. In this connection the handler witness cited the provisions of the Northwestern Ohio order which allow diversion of an individual producer's milk on all but four days of the month.

The allocation provisions of the Southern Michigan order provide that bulk milk received from another order plant can be designated Class II use by both handlers if so reported, otherwise such other source milk is allocated pro rata to the handler's utilization in the same manner as producer milk. No change in the allocation provision was at issue. However, this provision is relevant in determining whether milk received by diversion from another regulated market should be designated producer milk. In the event that such milk is diverted for intended Class II use it would be appropriate to exempt the milk from producer milk status as it may be the most convenient outlet for disposing of reserve supplies of the market from which diverted. However, in the event such milk is not specifically diverted for Class II use, some reasonable limit on the diversion as other source milk is appropriate. Otherwise, supplies which were historically associated with another market could be shifted to the Southern Michigan market on a direct-delivery basis in the same manner as the milk of regular producers without actually becoming producer milk.

A limit based upon majority shipment is reasonable since if more milk is shipped to Southern Michigan order pool plants than to plants under the other order, the primary association is with the Southern Michigan market. Such producer status should be based on the quantities of such milk which is delivered to all pool plants (exclusive of that milk for which Class II use is requested) rather than just distributing plants, since milk delivered to supply plants can be allocated to Class I use under some circumstances. However, since the provisions of a neighboring order would not necessarily exempt such milk from producer status thereunder even if otherwise subject to pooling in the Southern Michigan market, the provision should be constructed to preclude pooling producer milk under both the Southern Michigan order and another order at the same time. Consequently, if the other order does not release the milk for pooling under the Southern Michigan order, it must remain under the other order.

The present Southern Michigan and Muskegon orders place no limits on the amount of milk which may be diverted to nonpool plants during the month and retain status as pooled milk. There was no proposal and no evidence calling for a limitation on such shipments out of the market in excess of which the milk would lose its status as producer (pool) milk.

However, in the event diversion is made to a nonpool plant which is an other order plant, the milk should not be subject to pooling under both orders. In order to avoid duplication of regulation, it is provided in the consolidated order that milk diverted to an other order plant will lose its status as pool milk under the Southern Michigan order immediately upon becoming subject to pooling under the other order as producer milk as defined therein.

(h) *Administrative and miscellaneous provisions.* The maximum rate of administrative assessment under the consolidated order to cover administrative costs should be 2 cents per hundredweight. The maximum deduction to cover costs of marketing services to producers should be 5 cents per hundredweight. The above rates are the same as those in the present Southern Michigan order. Muskegon order maximums are 4 cents for administrative assessment and 7 cents for marketing services.

Administrative and marketing service costs per hundredweight of milk under the merged order should average about the same as under the present Southern Michigan order. This is so because present Southern Michigan order plants and producers will account for most of the milk in the market. About 95 percent of the producer milk under the consolidated order will be received at plants which are regulated by the present Southern Michigan order. A very high percentage of the producers for whom the market administrator will perform marketing services ship to these Southern Michigan plants also. While maximum administrative assessment and marketing service rates on milk which is now received at Muskegon order plants are somewhat higher than on milk under the Southern Michigan order, it is expected that in view of the substantially greater volumes involved under a combined order, the effective rates on such milk need not be higher than those provided in the present Southern Michigan order.

Rulings on proposed findings and conclusions. Briefs and proposed findings

and conclusions were filed on behalf of certain interested parties. These briefs, proposed findings and conclusions and the evidence in the record were considered in making the findings and conclusions set forth above. To the extent that the suggested findings and conclusions filed by interested parties are inconsistent with the findings and conclusions set forth herein, the requests to make such findings or reach such conclusions are denied for the reasons previously stated in this decision.

General findings. The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid orders and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) The tentative marketing agreements and the orders, as hereby proposed to be amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act;

(b) The parity prices of milk as determined pursuant to section 2 of the Act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the marketing areas, and the minimum prices specified in the proposed marketing agreements and the orders, as hereby proposed to be amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest;

(c) The tentative marketing agreements and the orders, as hereby proposed to be amended, will regulate the handling of milk in the same manner as, and will be applicable only to persons in the respective classes of industrial and commercial activity specified in, a marketing agreement upon which a hearing has been held;

(d) All milk and milk products handled by handlers, as defined in this order, are in the current of interstate commerce or directly burden, obstruct, or affect interstate commerce in milk or its products; and

(e) It is hereby found that the necessary expense of the market administrator for the maintenance and functioning of such agency will require the payment by each handler, as his pro rata share of such expense, 2 cents per hundredweight or such lesser amount as the Secretary may prescribe, with respect to:

(1) Producer milk (including milk of such handler's own production);

(2) Other source milk allocated to Class I pursuant to § 1040.46(a) (3) and (7) and the corresponding steps of § 1040.46(b); and

(3) Class I milk disposed of in the marketing area from partially regulated distributing plants that exceed the hundredweight of Class I milk received during the month at such plant from pool plants and other order plants.

Recommended marketing agreement and order amending the order. The following order amending and consolidating the order, as amended, regulating the handling of milk in the Southern Michigan and Muskegon, Mich., marketing areas (redefined therein as the "Southern Michigan marketing area") is recommended as the detailed and appropriate means by which the foregoing conclusions may be carried out. The recommended marketing agreement is not included in this decision because the regulatory provisions thereof would be the same as those contained in the order, as hereby proposed to be amended:

PART 1040—MILK IN SOUTHERN MICHIGAN MARKETING AREA

Subpart—Order Regulating Handling

DEFINITIONS

Sec.
1040.1 Act.
1040.2 Secretary.
1040.3 U.S.D.A.
1040.4 Person.
1040.5 Cooperative association.
1040.6 Southern Michigan marketing area.
1040.7 Handler.
1040.8 Producer.
1040.9 Producer-handler.
1040.10 Producer milk.
1040.11 Other source milk.
1040.12 Fluid milk product.
1040.13 Route.
1040.14 Distributing plant.
1040.15 Supply plant.
1040.16 Pool plant.
1040.17 Call percentage.
1040.18 Nonpool plant.
1040.19 Base milk.
1040.20 Excess milk.

MARKET ADMINISTRATOR

1040.25 Market administrator.
1040.26 Powers.
1040.27 Duties.

HANDLER, REPORTS, RECORDS, AND FACILITIES

1040.30 Monthly reports of receipts and utilization.
1040.31 Other reports.
1040.32 Records and facilities.
1040.33 Retention of records.

CLASSIFICATION OF MILK

1040.40 Skim milk and butterfat to be classified.
1040.41 Classes of utilization.
1040.42 Shrinkage.
1040.43 Transfers.
1040.44 Responsibility of handlers.
1040.45 Computation of skim milk and butterfat in each class.
1040.46 Allocation of skim milk and butterfat classified.

MINIMUM CLASS PRICES

1040.50 Basic formula price.
1040.51 Class I milk price.
1040.52 Class II milk price.
1040.53 Handler butterfat differential.
1040.54 Location adjustments to handlers.
1040.55 Use of equivalent prices.

DETERMINATION OF UNIFORM PRICES TO PRODUCERS

1040.60 Computation of the net pool obligation of each pool handler.
1040.61 Computation of the 3.5 percent value of all milk.
1040.62 Computation of uniform price.
1040.63 Adjusted uniform price.
1040.64 Excess milk price.
1040.65 Computation of uniform price for base milk.
1040.66 Obligations of handler operating a partially regulated distributing plant.
1040.67 Notification.

BASE RULES

1040.70 Determination of base.
1040.71 Application of bases.
1040.72 Relinquishing a base.

PAYMENTS FOR MILK

1040.80 Time and method of payment to producers.
1040.81 Location differentials to producers and on nonpool milk.
1040.82 Producer butterfat differential.
1040.83 Producer-equalization fund.
1040.84 Payments to the producer-equalization fund.
1040.85 Payment from the producer-equalization fund.
1040.86 Expense of administration.
1040.87 Marketing services.
1040.88 Adjustment of accounts.
1040.89 Overdue accounts.

APPLICATION OF PROVISIONS

1040.90 Handler exemption.
1040.91 Handlers subject to other Federal orders.
1040.92 Producer-handler exemption.
1040.93 Special reporting dates.

EFFECTIVE TIME, SUSPENSION, OR TERMINATION

1040.100 Termination of obligations.
1040.101 Effective time.
1040.102 Suspension or termination.
1040.103 Continuing obligations.
1040.104 Liquidation.

MISCELLANEOUS PROVISIONS

1040.110 Agents.
1040.111 Separability of provisions.

AUTHORITY: The provisions of this Part 1040 issued under Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674.

DEFINITIONS

§ 1040.1 Act.

"Act" means Public Act No. 10, 73d Congress, as amended, and as re-enacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.).

§ 1040.2 Secretary.

"Secretary" means the Secretary of Agriculture of the United States, or any officer or employee of the United States authorized to exercise the powers and to perform the duties of the Secretary of Agriculture.

§ 1040.3 U.S.D.A.

"U.S.D.A." means the United States Department of Agriculture.

§ 1040.4 Person.

"Person" means any individual, partnership, corporation, association, or any other business unit.

§ 1040.5 Cooperative association.

"Cooperative association" means any cooperative marketing association of producers, which the Secretary determines, after application by the association:

(a) To be qualified under the provisions of the act of Congress of February 18, 1922, as amended, known as the "Capper-Volstead Act";

(b) To have full authority in the sale of milk of its members and is engaged

in making collective sales or marketing milk or its products for its members; and

(c) To have all of its activities under the control of its members.

§ 1040.6 Southern Michigan marketing area.

"Southern Michigan marketing area", hereinafter referred to as the "marketing area", means all territory geographically within the places listed below, together with all piers, docks, and wharves connected therewith and all craft moored thereat, and all territory wholly or partly therein occupied by government (municipal, State, or Federal) reservations, installations, institutions, or other similar establishments:

MICHIGAN COUNTIES

Alcona.	Mason.
Allegan.	Missaukee.
Alpena.	Monroe (Ash and Berlin townships only).
Arenac.	Montcalm.
Barry.	Montmorency.
Bay.	Muskegon.
Calhoun.	Newaygo.
Clare.	Oakland.
Clinton.	Ottawa.
Eaton.	Oscoda.
Genesee.	Ogemaw.
Gladwin.	Osceola.
Gratiot.	Oscoda.
Huron.	Presque Isle (Krakow and Presque Isle townships only).
Ingham.	Roscommon.
Ionia.	Saginaw.
Iosco.	St. Clair.
Isabella.	Sanilac.
Jackson.	Shiawassee.
Kalamazoo.	Tuscola.
Kent.	Washtenaw.
Lake.	Wayne.
Lapeer.	
Livingston.	
Macomb.	
Mecosta.	
Midland.	

§ 1040.7 Handler.

"Handler" means:

(a) Any person who operates a pool plant;

(b) Any person who operates a partially regulated distributing plant;

(c) Any cooperative association with respect to milk of its member producers which is delivered directly from the farm to the pool plant of another handler in a tank truck owned, operated by, or under contract to such cooperative association for the account of such cooperative association (such milk shall be considered as having been received by such cooperative association at a location identical to that of the pool plant to which it is delivered);

(d) Any cooperative association with respect to producer milk diverted from a pool plant to a nonpool plant for the account of such association;

(e) Any person in his capacity as the operator of an other order plant from which fluid milk products are distributed on routes in the marketing area or shipped to a pool plant; and

(f) Any producer-handler.

§ 1040.8 Producer.

"Producer" means any person, other than a producer-handler under any Federal order, who produces milk, approved by any duly constituted health authority for fluid consumption in the marketing area, which is moved to a pool plant, or to any other plant by diversion from a pool plant. The term shall include such a person with respect to milk diverted to a pool plant from an other order plant (unless designated for Class II use) during any month in which the quantity diverted is greater than the quantity of milk physically received from such person at the plant from which diverted and such milk is exempt from the pooling provisions of the other order.

§ 1040.9 Producer-handler.

"Producer-handler" means a person who:

(a) Operates a dairy farm and a milk plant from which fluid milk products are distributed in the marketing area and who received fluid milk products only from his own production or by transfer from a pool plant; and

(b) Provides proof that (1) the care and management of all dairy animals and other resources necessary to produce the entire volume of fluid milk products handled (excluding receipts by transfer from a pool plant); and (2) the operation of the processing business is the personal enterprise and risk of such person.

§ 1040.10 Producer milk.

"Producer milk" means all skim milk and butterfat contained in milk received from producers at a pool plant or by a cooperative association in its capacity as a handler pursuant to § 1040.7 (c) and (d) and that diverted to a nonpool plant by the operator of a pool plant, except milk which is subject to pooling under another Federal order.

§ 1040.11 Other source milk.

"Other source milk" means all skim milk and butterfat contained in:

(a) Receipts during the month of fluid milk products except (1) receipts from other pool plants, and (2) producer milk (including that received from a cooperative association pursuant to § 1040.7 (c)); and

(b) Products, other than fluid milk products, from any source (including those produced at the pool plant) which are reprocessed or converted to another product in the pool plant during the month.

§ 1040.12 Fluid milk product.

"Fluid milk product" means milk, skim milk, flavored milk, buttermilk, yogurt, cream (exclusive of frozen and sour cream), and any mixture in fluid form of cream and milk or skim milk (except storage cream, aerated cream products, ice cream mix, evaporated or condensed milk and sterilized products packaged in hermetically sealed containers).

§ 1040.13 Route.

"Route" means a delivery (including a delivery by a vendor or sale from a plant or plant store) of any fluid milk product (except bulk cream) classified as Class I to a wholesale or retail outlet other than a delivery to any milk plant.

§ 1040.14 Distributing plant.

"Distributing plant" means a plant in which milk approved by any duly constituted health authority for fluid consumption in the marketing area is processed or packaged and from which fluid milk products in consumer-type packages or dispenser units are distributed on routes in the marketing area.

§ 1040.15 Supply plant.

"Supply plant" means a plant in which milk approved by any duly constituted health authority for fluid consumption in the marketing area is assembled and either processed or shipped in the form of a bulk fluid milk product to another milk processing plant.

§ 1040.16 Pool plant.

"Pool plant" means:

(a) A distributing plant, other than a producer-handler plant or plants exempt pursuant to § 1040.90 and § 1040.91, from which total distribution of fluid milk products on routes during the month or during either of the 2 months immediately preceding is not less than 50 percent of receipts of producer milk and fluid milk products from supply plants and cooperative associations pursuant to § 1040.7(c) (exclusive of receipts certified by a cooperative association which operates no milk plant as having been diverted from other pool plants for manufacturing use in a volume which, with other like certifications issued by such association, does not exceed the volume of milk delivered to all pool distributing plants by producers who are members of such association);

(b) A supply plant which during the month meets one of the performance requirements specified in subparagraph (1), (2), (3), or (4) of this paragraph and any applicable call percentage: *Provided*, That all supply plants which are operated by one handler, or all the supply plants for which a handler is responsible for meeting the performance requirements of this paragraph (b) under a marketing agreement certified to the market administrator by both parties may be considered as a unit for the purpose of meeting the performance requirements of either subparagraphs (1), (2), (3), or (4) of this paragraph (b) upon written notice to the market administrator specifying the plants to be considered as a unit and the period during which such consideration shall apply. Such notice, and notice of any change in designation, shall be furnished on or before the fifth working day following the month to which the notice applies. In any months of November through June a unit shall not contain plants which were not qualified as a pool plant either individually or as a member of a unit during the previous October through January.

(1) A plant from which not less than 25 percent or the call percentage, whichever is higher, of receipts of producer milk and receipts for which a cooperative association is the handler pursuant to § 1040.7(c), less any milk disposed of from the plant as Class I other than by transfer to pool plants of other handlers, is moved to a pool distributing plant. If such plant has met the required percentage during each of the months of October through January, it shall be a pool plant for each of the following months of February through September during which it meets any announced call percentage.

(2) A plant operated by a cooperative association which supplies pool distributing plants with member producer milk, either by shipment from such plant or by direct delivery from the farm, in a total amount not less than one-half or the call percentage, whichever is higher, of the aggregate receipts of fluid milk products at all pool distributing plants.

(3) A plant operated by a cooperative association which supplies pool distributing plants, either by shipment from such supply plant or by direct delivery from the farm, with not less than one-half or the call percentage, whichever is higher, of its total member producer milk.

(4) A plant operated by a cooperative association which supplies pool plants of other handlers, by direct delivery from the farm, with not less than two-thirds or the call percentage, whichever is higher, of its total member producer milk.

§ 1040.17 Call percentage.

"Call percentage" means the percentage computed by the market administrator to increase the minimum percentage pooling requirements applicable to supply plants and cooperative associations under § 1040.16(b). A call percentage of not less than 25 percent may be computed and announced for each month except April, May, June, and July as follows:

(a) Estimate the pounds of Class I milk utilization for the month, including an additional 15 percent thereof as an operating margin, at pool distributing plants that received milk from pool supply plants pursuant to § 1040.16(b) during each of the immediately preceding 12 months;

(b) Subtract from the Class I milk estimated pursuant to paragraph (a) of this section, the estimated pounds of milk which will be received at such pool distributing plants during the month from (1) producers' farms, (2) pool plants pursuant to § 1040.16(b) that regularly shipped their entire available supply of producer milk to such plants in each month of the immediately preceding August through March period, and (3) cooperative associations pursuant to § 1040.7(c);

(c) Divide the remaining pounds of Class I milk by the estimated receipts of producer milk at pool plants pursuant to § 1040.16(b) except those described in paragraph (b)(2) of this section (after subtracting any milk estimated to be disposed of as Class I other than transfers to other pool plants);

(d) Multiply the result by 0.75;

(e) The announcement of the call percentage shall be made on or before the first day of the month to which it applies and shall set forth the data on which the estimates of Class I utilization and supplies are based together with appropriate explanatory comments on the computations involved;

(f) The market administrator may reduce the call percentage at any time during the month if he determines that more milk than is needed for Class I use is being delivered to distributing plants.

§ 1040.18 Nonpool plant.

"Nonpool plant" means any milk receiving, manufacturing, or processing plant other than a pool plant. The following categories of nonpool plants are further defined as follows:

(a) "Other order plant" means a plant that is fully subject to the class pricing and pooling provisions of another order issued pursuant to the Act.

(b) "Producer-handler plant" means a plant operated by a producer-handler as defined in any order (including this part) issued pursuant to the Act.

(c) "Partially regulated distributing plant" means a nonpool plant that is neither an other order plant nor a producer-handler plant and from which fluid milk products in consumer-type packages or dispenser units are distributed on routes in the marketing area during the month.

(d) "Unregulated supply plant" means a nonpool plant that is neither an other order plant nor a producer-handler plant and from which a fluid milk product approved by any duly constituted health authority for fluid consumption in the marketing area is shipped during the month to a pool plant.

§ 1040.19 Base milk.

"Base milk" means the amount of milk delivered by a producer each month which is not in excess of his base computed pursuant to § 1040.70 multiplied by the number of days for which his milk production is delivered during the month.

§ 1040.20 Excess milk.

"Excess milk" means milk delivered by a producer each month in excess of his base milk.

MARKET ADMINISTRATOR

§ 1040.25 Market administrator.

The agency for the administration of this part shall be a market administrator, selected by the Secretary, who shall be entitled to such compensation as may be determined by, and shall be subject to removal by, the Secretary.

§ 1040.26 Powers.

The market administrator shall have the following powers with respect to this part:

(a) To administer its terms and provisions;

(b) To receive, investigate, and report to the Secretary complaints of violations;

(c) To make rules and regulations to effectuate its terms and provisions; and

(d) To recommend amendments to the Secretary.

§ 1040.27 Duties.

The market administrator shall perform all duties necessary to administer the terms and provisions of this part, including, but not limited to, the following:

(a) Within 30 days following the date on which he enters upon his duties, execute and deliver to the Secretary a bond, effective as of the date on which he enters upon such duties and conditioned upon the faithful performance of such duties, in an amount and with surety thereon satisfactory to the Secretary;

(b) Employ and fix the compensation of such persons as may be necessary to enable him to administer its terms and provisions;

(c) Obtain a bond in a reasonable amount and with reasonable surety thereon covering each employee who handles funds entrusted to the market administrator;

(d) Pay, out of the funds provided by § 1040.86:

(1) The cost of his bond and of the bonds of his employees;

(2) His own compensation; and

(3) All other expenses, except those incurred under § 1040.87, necessarily incurred by him in the maintenance and functioning of his office and in the performance of his duties;

(e) Keep such books and records as will clearly reflect the transactions provided in this part, and, upon request by the Secretary, surrender the same to such other person as the Secretary may designate;

(f) Publicly announce, unless otherwise directed by the Secretary, by posting in a conspicuous place in his office, and by such other means as he deems appropriate, the name of any person who, within 10 days after the day upon which he is required to perform such acts, has not made:

(1) Reports pursuant to §§ 1040.30 and 1040.31; or

(2) Payments pursuant to §§ 1040.80 through 1040.87;

(g) Calculate a base for each producer in accordance with § 1040.70 and advise the producer and the handler receiving the milk of such base;

(h) Submit his books and records to examination by the Secretary and furnish such information and reports as may be requested by the Secretary;

(i) Audit records of all handlers to verify the reports and payments required pursuant to the provisions of this part;

(j) Prepare and disseminate to producers, handlers and the public, general information which does not reveal confidential information; and

(k) Compute and publicly announce the prices determined for each month as follows:

(1) On or before the sixth day of each month, the Class I price computed pursuant to § 1040.51 for the current month; and the Class II price computed pursuant to § 1040.52 and the handler and producer butterfat differentials computed pursuant to §§ 1040.53 and 1040.82, for the preceding month; and

(2) On or before the 11th day of each month, the uniform price, the adjusted uniform price, the price for base milk and the price for excess milk for the preceding month, computed pursuant to §§ 1040.62, 1040.63, 1040.64, and 1040.65.

(l) Whenever required for purposes of allocating receipts from other order plants pursuant to § 1040.46(a)(8) and the corresponding step of § 1040.46(b), the market administrator shall estimate and publicly announce the utilization (to

the nearest whole percentage) in each class during the month of skim milk and butterfat, respectively, in producer milk of all handlers. Such estimate shall be based upon the most current available data and shall be final for such purpose;

(m) Report to the market administrator of the other order, as soon as possible after the report of receipts and utilization for the month is received from a handler who has received fluid milk products from an other order plant, the classification to which such receipts are allocated pursuant to § 1040.46 pursuant to such report, and thereafter any change in such allocation required to correct errors disclosed in verification of such report; and

(n) Furnish to each handler operating a pool plant who has shipped fluid milk products to an other order plant, the classification to which the skim milk and butterfat in such fluid milk products were allocated by the market administrator of the other order on the basis of the report of the receiving handler; and, as necessary, any changes in such classification arising in the verification of such report.

HANDLER REPORTS, RECORDS, AND FACILITIES

§ 1040.30 Monthly reports of receipts and utilization.

On or before the fifth working day of each month, each handler other than a handler exempt pursuant to §§ 1040.90, 1040.91, or 1040.92, shall report to the market administrator for the preceding month in the detail and on the forms prescribed by the market administrator as follows:

(a) The quantities of skim milk and butterfat contained in:

(1) Milk received from producers (or from qualified dairy farmers, in case of a nonpool plant) including the aggregate quantities of base milk, excess milk, and milk to be paid for either at the uniform or adjusted uniform price;

(2) Fluid milk products received from other pool plants;

(3) All other source milk; and

(4) Inventories of fluid milk products on hand at the beginning of the month; and

(b) The utilization of all skim milk and butterfat required to be reported pursuant to paragraph (a) of this section. Such report by each handler pursuant to § 1040.7(b) shall include a separate statement showing the respective amounts of skim milk and butterfat disposed of on routes in the marketing area as Class I milk; and

(c) Such other information as the market administrator may prescribe.

§ 1040.31 Other reports.

(a) Each producer-handler and each handler described in §§ 1040.90 and 1040.91 shall make reports at such time and in such manner as the market administrator may request; and

(b) On or before the 20th day of each month each handler who received milk from producers shall report his producer payroll for the preceding month which shall show:

(1) The pounds of base milk and pounds of excess milk, or the pounds of milk to be paid for at the uniform or adjusted uniform price, received from each producer, and the percentage of butterfat contained therein;

(2) The amount and date of payment to each producer (or to a cooperative association); and

(3) The nature and amount of each deduction or charge involved in the payments referred to in subparagraph (2) of this paragraph.

§ 1040.32 Records and facilities.

Each handler shall maintain and make available to the market administrator during the usual hours of business such accounts and records of all of his operations and such facilities as are necessary to verify reports, or to ascertain the correct information with respect to (a) the receipts and utilization or disposition of all skim milk and butterfat received, including all milk products received and disposed of in the same form; (b) the weights and tests for butterfat, skim milk, and other contents of all milk and milk products handled; and (c) payments to producers and cooperative associations.

§ 1040.33 Retention of records.

All books and records required under this part to be made available to the market administrator shall be retained by the handler for a period of 3 years to begin at the end of the month to which such books and records pertain. If within such 3-year period, the market administrator notifies a handler in writing that the retention of such books and records, or of specified books and records, is necessary in connection with a proceeding under section 8c(15)(A) of the act or a court action specified in such notice, the handler shall retain such books and records until further written notification from the market administrator. The market administrator shall give further written notification to the handler promptly upon the termination of the litigation or when the records are no longer necessary in connection therewith.

CLASSIFICATION OF MILK

§ 1040.40 Skim milk and butterfat to be classified.

All skim milk and butterfat received at a pool plant which is required to be reported pursuant to § 1040.30 shall be classified pursuant to §§ 1040.41 through 1040.46.

§ 1040.41 Classes of utilization.

Subject to the conditions set forth in §§ 1040.43 and 1040.44, the classes of utilization shall be as follows:

(a) *Class I milk.* Class I milk shall be all skim milk and butterfat:

(1) Disposed of in the form of a fluid milk product except as provided in paragraph (b)(2), (3), and (4) of this section; and

(2) Not accounted for as Class II milk.

(b) *Class II milk.* Class II milk shall be:

(1) Skim milk and butterfat used to produce any product other than a fluid milk product;

(2) Skim milk and butterfat disposed of in fluid milk products in bulk form to any commercial food processing establishment for use in food products prepared for consumption off the premises;

(3) Skim milk and butterfat disposed of as livestock feed or skim milk dumped subject to prior notification to an inspection (at his discretion within 18 hours) by the market administrator;

(4) Skim milk represented by the nonfat milk solids added to a fluid milk product which is in excess of the weight of an equivalent volume of fluid milk products prior to such addition;

(5) Skim milk and butterfat in frozen cream;

(6) Skim milk and butterfat contained in inventory of fluid milk products on hand at the end of the month;

(7) Skim milk and butterfat, respectively, in shrinkage as computed pursuant to § 1040.42 (a) and (b); and

(8) Skim milk and butterfat, respectively, in shrinkage assigned pursuant to § 1040.42(d)(ii).

§ 1040.42 Shrinkage.

The market administrator shall allocate shrinkage to a handler's receipts as follows:

(a) The quantities of skim milk and butterfat, respectively, to be classified as Class II pursuant to § 1040.41(b)(7) shall not exceed 2 percent (except as provided in paragraph (b) of this section) with respect to skim milk and butterfat received as follows:

(i) Producer milk physically received at a pool plant;

(ii) Bulk receipts of fluid milk products from other order plants or from unregulated supply plants, exclusive of the quantities for which Class II was requested by the handler(s) involved.

(b) Two percent with respect to receipts from a cooperative association handler under § 1040.7(c) if settlement with the association is on the basis of weights and tests determined at the farm and the market administrator is so notified of such basis of settlement on or before the handler submits his monthly report pursuant to § 1040.30; otherwise the maximum shrinkage allowance to the handler on such milk shall be 1½ percent and to the association handler one-half percent.

(c) In computing shrinkage, producer milk received at a pool supply plant and transferred in bulk from such plant to a pool distributing plant shall be subtracted from the producer milk receipts at the first plant and added to the producer milk receipts at the second plant.

(d) When a handler has receipts of other source milk, shrinkage shall be allocated pro rata to skim milk and butterfat, respectively, in:

(i) Producer milk and other receipts of milk specified in paragraphs (a) and (b) of this section; and

(ii) Other source milk exclusive of that specified in paragraph (a) of this section.

§ 1040.43 Transfers.

Skim milk or butterfat in the form of a fluid milk product shall be classified:

(a) At the utilization indicated by the operators of both plants, otherwise as Class I milk, if transferred from a pool plant to the pool plant of another han-

dler except as provided in § 1040.44(b)

source of supply of milk for such pur-

dler except as provided in § 1040.44(b), subject in either event to the following conditions:

(1) The skim milk or butterfat so assigned to either class shall be limited to the amount thereof remaining in such class in the transferee plant after computations pursuant to § 1040.46(a) (1) through (8) and the corresponding steps of § 1040.46(b);

(2) If the transferor plant received during the month other source milk to be allocated pursuant to § 1040.46(a)(3), the skim milk and butterfat so transferred shall be classified so as to allocate the least possible Class I utilization to such other source milk; and

(3) If the transferor handler received during the month other source milk to be allocated pursuant to § 1040.46(a) (7) or (8) and the corresponding steps of § 1040.46(b), the skim milk and butterfat so transferred up to the total of such receipts shall not be classified as Class I milk to a greater extent than would be applicable to a like quantity of such other source milk received at the transferee plant;

(b) As Class I milk, if transferred from a pool plant to a producer-handler;

(c) As Class I milk, if transferred in the form of cream in bulk to a nonpool plant that is neither another order plant nor a producer-handler plant unless the handler claims Class II utilization and such nonpool plant is located in Pennsylvania, New Jersey, New York, or New England;

(d) Except as provided in paragraph (c) of this section, Class I milk if transferred or diverted in bulk to a nonpool plant this is neither another order plant nor a producer-handler plant, unless the requirements of subparagraphs (1) and (2) of this paragraph are met, in which case the skim milk and butterfat so transferred or diverted shall be classified in accordance with the assignment resulting from subparagraph (3) of this paragraph:

(1) The transferring or diverting handler claims classification pursuant to the assignment set forth in subparagraph (3) of this paragraph in his report submitted to the market administrator pursuant to § 1040.30 for the month within which such transaction occurred;

(2) The operator of such nonpool plant maintains books and records showing the utilization of all skim milk and butterfat received at such plant which are made available if requested by the market administrator for the purpose of verification; and

(3) The skim milk and butterfat so transferred shall be classified on the basis of the following assignment of utilization at such nonpool plant in excess of receipts of packaged fluid milk products from all pool plants and other order plants;

(i) Any Class I utilization disposed of on routes in the marketing area shall be first assigned to the skim milk and butterfat in the fluid milk products so transferred or diverted from pool plants, next pro rata to receipts from other order plants and thereafter to receipts from dairy farmers who the market administrator determines constitute regular sources of supply of milk for such nonpool plant;

(ii) Any Class I utilization disposed of on routes in the marketing area of another order issued pursuant to the Act shall be first assigned to receipts from plants fully regulated by such order, next pro rata to receipts from pool plants and other order plants not regulated by such order, and thereafter to receipts from dairy farmers who the market administrator determines constitute regular sources of supply for such nonpool plant;

(iii) Class I utilization in excess of that assigned pursuant to subdivision (i) and (ii) of this subparagraph shall be assigned first to remaining receipts from dairy farmers who the market administrator determines constitute the regular source of supply for such nonpool plant and Class I utilization in excess of such receipts shall be assigned pro rata to unassigned receipts at such nonpool plant from all pool and other order plants;

(iv) To the extent that Class I utilization is not so assigned to it, the skim milk and butterfat so transferred shall be classified as Class II milk; and

(e) As follows, if transferred to an other order plant in excess of receipts from such plant in the same category as described in subparagraph (1), (2), or (3) of this paragraph:

(1) If transferred in packaged form, classification shall be in the classes to which allocated as a fluid milk product under the other order;

(2) If transferred in bulk form, classification shall be in the classes to which allocated as a fluid milk product under the other order (including allocation under the conditions set forth in subparagraph (3) of this paragraph);

(3) If the operators of both the transferor and transferee plants so request in the reports of receipts and utilization filed with their respective market administrators, transfers in bulk form shall be classified as Class II to the extent of the Class II utilization (or comparable utilization under such other order) available for such assignment pursuant to the allocation provisions of the transferee order;

(4) If information concerning the classification to which allocated under the other order is not available to the market administrator for purposes of establishing classification pursuant to this paragraph, classification shall be as Class I, subject to adjustment when such information is available;

(5) For purposes of this paragraph, if the transferee order provides for more than two classes of utilization, milk allocated to a class consisting primarily of fluid milk products shall be classified as Class I, and milk allocated to other classes shall be classified as Class II; and

(6) If the form in which any fluid milk product is transferred to another order plant is not defined as a fluid milk product under such other order, classification shall be in accordance with the provisions of § 1040.41.

§ 1040.44 Responsibility of handlers.

(a) Except as provided in paragraph (b) of this section, all skim milk and butterfat shall be classified as Class I utilization unless the handler who first receives such skim milk or butterfat proves to the market administrator that such skim milk or butterfat should be classified otherwise.

(b) Milk in bulk delivered by a cooperative association as a handler under § 1040.7(c) or from the pool plant of a cooperative association to a handler's pool plant shall be classified according to use or disposition by the latter handler and the value thereof at the class prices shall be included in his net pool obligation pursuant to § 1040.60.

§ 1040.45 Computation of skim milk and butterfat in each class.

For each month the market administrator shall correct for mathematical and other obvious errors in the monthly report submitted by each handler, and compute the total pounds of skim milk and butterfat, respectively, in Class I and Class II utilization for such handler. If any of the water contained in the milk from which a product is made is removed before the product is utilized or disposed of by a handler, the pounds of skim milk disposed of in such product shall be considered to be an amount equivalent to the nonfat milk solids contained in such product, plus all of the water normally associated with such solids in the form of whole milk.

§ 1040.46 Allocation of skim milk and butterfat classified.

After making the computations pursuant to § 1040.45, the market administrator shall determine for each handler the classification of producer milk and milk received pursuant to § 1040.44(b) as follows:

(a) Skim milk shall be allocated in the following manner:

(1) Subtract from the total pounds of skim milk in Class II the pounds of skim milk classified as Class II pursuant to § 1040.41(b)(7);

(2) Subtract from the remaining pounds of skim milk in each class the pounds of skim milk in fluid milk products received in packaged form from other order plants as follows:

(i) From Class II milk, the lesser of the pounds remaining or 2 percent of such receipts; and

(ii) From Class I milk, the remainder of such receipts;

(3) Subtract in the order specified below from the pounds of skim milk remaining in each class, in series beginning with Class II, the pounds of skim milk in each of the following:

(i) Other source milk in a form other than a fluid milk product;

(ii) Receipts of fluid milk products that are not approved by a duly constituted health authority for fluid consumption in the marketing area or which are from unidentified sources; and

(iii) Receipts of fluid milk products from a producer-handler, as defined under this or any other Federal order;

(4) Subtract, in the order specified below, from the pounds of skim milk remaining in Class II, but not in excess of such quantity:

(i) Receipts of fluid milk products from an unregulated supply plant:

(a) For which the handler requests Class II utilization; or

(b) Which are in excess of the pounds of skim milk determined by subtracting from 125 percent of the pounds of skim milk remaining in Class I milk the sum of the pounds of skim milk in producer milk, receipts from a cooperative association pursuant to § 1040.7(c), receipts from pool plants of other handlers, and receipts in bulk from other order plants; and

(ii) Receipts of fluid milk products in bulk from another order plant in excess of similar transfers to such plant, if Class II utilization was requested by the operator of such plant and the handler;

(5) Subtract from the pounds of skim milk remaining in each class, in series beginning with Class II, the pounds of skim milk in inventory of fluid milk products on hand at the beginning of the month;

(6) Add to the remaining pounds of skim milk in Class II milk the pounds subtracted pursuant to subparagraph (1) of this paragraph;

(7) Subtract from the pounds of skim milk remaining in each class, pro rata to such quantities, the pounds of skim milk in receipts of fluid milk products from unregulated supply plants which were not subtracted pursuant to subparagraph (4)(i) of this paragraph;

(8) Subtract from the pounds of skim milk remaining in each class, in the following order, the pounds of skim milk in receipts of fluid milk products in bulk from an other order plant(s), in excess in each case of similar transfers to the same plant, which were not subtracted pursuant to subparagraph (4)(ii) of this paragraph:

(i) In series beginning with Class II, the pounds determined by multiplying the pounds of such receipts by the larger of the percentage of estimated Class II utilization of skim milk announced for the month by the market administrator pursuant to § 1040.27(l) or the percentage that Class II utilization remaining is of the total remaining utilization of skim milk of the handler; and

(ii) From Class I, the remaining pounds of such receipts;

(9) Subtract from the pounds of skim milk remaining in each class the pounds of skim milk received in fluid milk products from other pool plants according to the classification assigned pursuant to § 1040.43(a);

(10) If the pounds of skim milk remaining in both classes exceed the pounds of skim milk in product milk, subtract such excess from the pounds of skim milk remaining in each class in series beginning with Class II. Any amount so subtracted shall be known as "overage";

(b) Butterfat shall be allocated in accordance with the procedure outlined for skim milk in paragraph (a) of this section; and

(c) Combine the amounts of skim milk and butterfat determined pursuant to paragraphs (a) and (b) of this section into one total for each class and determine the weighted average butterfat content of such milk in each class.

MINIMUM CLASS PRICES

§ 1040.50 Basic formula price.

The basic formula price shall be the average price per hundredweight for manufacturing grade milk, f.o.b. plants in Wisconsin and Minnesota, as reported by the U.S.D.A. for the month. Such price shall be adjusted to a 3.5 percent butterfat basis by a butterfat differential rounded to the nearest one-tenth cent computed at 0.12 times the simple average of the daily wholesale selling prices (using the midpoint of any price range as one price) of Grade A (92-score) bulk creamery butter per pound at Chicago, as reported by the U.S.D.A. for the month. The basic formula price shall be rounded to the nearest full cent.

§ 1040.51 Class I milk price.

Subject to the provisions of §§ 1040.53 and 1040.54, the minimum price per hundredweight to be paid by each handler, f.o.b. his plant, for milk of 3.5 percent butterfat content received from producers or from a cooperative association during the month which is classified as Class I milk shall be as follows:

(a) To the basic formula price for the preceding month add $1.40 and add or subtract a "supply-demand adjustment" of not more than 45 cents computed pursuant to paragraph (b) of this section.

(b) A "supply-demand adjustment" shall be computed for the month as follows:

(1) Divide the total pounds of producer milk for the second and third months next preceding by the total pounds of Class I milk for the same months, multiply the result by 100 and round to the nearest whole number. Such receipts and utilization data for months prior to the effective date of this part to be used for such computation shall be those established for handlers and pool plants pursuant to the provisions of the prior Southern Michigan and Muskegon orders. The result shall be known as the "current utilization percentage."

(2) Multiply by $0.03 the number of percentage points that the "current utilization percentage" is above (add) or below (subtract) the applicable standard utilization percentage listed below:

Month for which price is being computed	Preceding months used in computation	Standard utilization percentage
January	October, November	131
February	November, December	135
March	December, January	134
April	January, February	132
May	February, March	132
June	March, April	135
July	April, May	141
August	May, June	147
September	June, July	148
October	July, August	139
November	August, September	136
December	September, October	133

§ 1040.52 Class II milk price.

The minimum price per hundredweight to be paid by each handler, f.o.b. his plant, for milk of 3.5 percent butterfat content received from producers or from a cooperative association during the month which is classified as Class II milk shall be the basic formula price for the month: *Provided*, That such Class II price shall not be more than the sum of paragraphs (a) and (b) of this section plus 10 cents, rounded to the nearest cent:

(a) From the average Chicago butter price for the month described in § 1040.50 subtract 3 cents and multiply the remainder by 4.2; and

(b) From the weighted average of carlot prices per pound of spray process, nonfat dry milk for human consumption, f.o.b., manufacturing plants in the Chicago area, as published from the 26th day of the immediately preceding month to the 25th day of the current month by the U.S.D.A., deduct 5.5 cents, and multiply by 8.2.

§ 1040.53 Handler butterfat differential.

There shall be added to or subtracted from, the price of milk for each class as computed pursuant to §§ 1040.51 and 1040.52, for each one-tenth of 1 percent that the average butterfat test of the milk in each class above or below 3.5 percent, as the case may be, an amount equal to the average Chicago butter price for the month as described in § 1040.50 multiplied by 0.113 and the result rounded to the nearest one-tenth of a cent.

§ 1040.54 Location adjustments to handlers.

(a) For producer milk received at a pool plant and classified as Class I milk without movement to another pool plant and for other source milk for which a location adjustment is applicable, the price computed pursuant to § 1040.51 shall be reduced pursuant to subparagraph (1) or (2) of this section on the basis of the applicable rate per hundredweight for the location of such plant.

(1) *Zone rates.* For a plant located within the following described territory, the applicable zone rates shall be as follows:

MICHIGAN COUNTIES

Zone I—No adjustment:

Genesee.
Oakland.
Macomb.
Wayne.
Monroe.
St. Clair (except Berlin, Riley, Mussey, Emmett, Lynn, Brockway, Greenwood, Grant, and Burtchville townships).
Washtenaw (except Manchester, Bridgewater, Sharon, Freedom, Sylvan, Lima, Lyndon, and Dexter townships).
Saginaw (except Jonesfield, Richland, Lakefield, Fremont, Marion, Brant, Chapin, Brady, Chesaning, and Maple Grove townships).
Bay (except Gibson, Mt. Forest, Pinconning, Garfield, and Fraser townships).

Zone II—3 cents:

Ingham.
Livingston.
Jackson.
Lenawee.
Lapeer.
Washtenaw (all the townships excluded from Zone I).
St. Clair (all the townships excluded from Zone I).
Sanilac (except Greenleaf, Austin, Minden, Delaware, Evergreen, Argyle, Wheatland, Marion, Forester, Lamotte, Moore, Custer, and Bridgehampton townships).

Tuscola (except Denmark, Juniata, Indianfields, Wells, Kingston, Gilford, Fairgrove, Almer, Ellington, Novesta, Wisner, Akron, Columbia, Elmwood, and Elkland townships).

Zone III—6 cents:

Huron.
Sanilac (all the townships excluded from Zone II).
Tuscola (all the townships excluded from Zone II).
Arenac.
Bay (all the townships excluded from Zone I).
Gladwin.
Midland.
Isabella.
Montcalm (except Reynolds, Winfield, Cato, Belvidere, Pierson, Maple Valley, Pine, Douglass, Montcalm, Sidney, Eureka, and Fairplain townships).
Gratiot.
Saginaw (all the townships excluded from Zone I).
Clinton.
Shiawassee.
Ionia (except Otisco, Orleans, Keene, Easton, Boston, Berlin, Campbell, and Odessa townships).
Eaton.
Calhoun (except Bedford, Pennfield, Battle Creek, Emmet, LeRoy, Newton, Athens, and Burlington townships).
Branch (except Sherwood, Union, Matteson, Batavia, Bronson, Bethel, Noble, and Gilead townships).
Hillsdale.

Zone IV—7 cents:

St. Joseph.
Branch (all the townships excluded from Zone III).
Calhoun (all the townships excluded from Zone III).
Kalamazoo.
Barry.
Ionia (all the townships excluded from Zone III).
Kent.
Montcalm (all the townships excluded from Zone III).
Mecosta.

Zone V—9 cents:

Berrien.	Lake.
Cass.	Osceola.
Van Buren.	Clare.
Allegan.	Missaukee.
Ottawa.	Roscommon.
Muskegon.	Ogemaw.
Newaygo.	Iosco.

Zone VI—12 cents:

Alcona.	Wexford.
Oscoda.	Manistee.
Crawford.	Mason.
Kalkaska.	Oceana.
Grand Traverse.	

Zone VII—15 cents:

Alpena.	Benzie.
Montmorency.	Charlevoix.
Otsego.	Emmet.
Antrim.	Cheboygan.
Leelanau.	Presque Isle.

(2) *Mileage rate.* For any plant at a location outside the territory specified in the preceding paragraph (a)(1), the applicable adjustment rate per hundredweight shall be based on the shortest highway distance between the plant and the nearest point in such territory as determined by the market administrator, and shall be the amount of the zone differential applicable at such point plus one cent for each 10 miles or fraction thereof from such point.

(b) For fluid milk products transferred in bulk from a pool plant to a pool plant described in § 1040.16(a), the operator of the transferee plant shall receive credit at the applicable zone or mileage rate, based on the location of the transferor plant. The total volume on which such credit is computed shall be limited to the amount by which 108 percent of Class I disposition at the transferee plant is in excess of the sum of receipts at such plant (1) from producers, (2) from cooperative associations pursuant to § 1040.7(c), and (3) from other order plants and unregulated supply plants which are assigned in Class I, such assignment of receipts from the transferor plant to be pro rata to receipts of fluid milk products from all transferor pool plants.

§ 1040.55 Use of equivalent prices.

If for any reason a price quotation required by this part for computing class prices or for any other purpose is not available in the manner described, the market administrator shall use a price determined by the Secretary to be equivalent to the price which is required.

DETERMINATION OF UNIFORM PRICES TO PRODUCERS

§ 1040.60 Computation of the net pool obligation of each pool handler.

The net pool obligation of each pool handler during each month shall be a sum of money computed by the market administrator as follows:

(a) Multiply the quantity of milk in each class, as computed pursuant to § 1040.46(c), by the applicable class prices;

(b) Add the amount obtained from multiplying the overage deducted from each class pursuant to § 1040.46(a)(10) and the corresponding step of § 1040.46 (b) by the applicable class prices;

(c) Add the amount obtained from multiplying the difference between the Class II price for the preceding month and the Class I price for the current month by the hundredweight of skim milk and butterfat subtracted from Class I pursuant to § 1040.46(a)(5) and the corresponding step of § 1040.46(b);

(d) Add an amount equal to the difference between the Class I and Class II price values at the pool plant of the skim milk and butterfat subtracted from Class I pursuant to § 1040.46(a)(3) and the corresponding step of § 1040.46(b); and

(e) Add the value at the Class I price, adjusted for location of the nonpool plant(s) from which an equivalent volume was received, of the skim milk and butterfat subtracted from Class I pursuant to § 1040.46(a)(7) and the corresponding step of § 1040.46(b).

§ 1040.61 Computation of the 3.5 percent value of all milk.

For each month the market administrator shall compute the 3.5 percent value of all milk by:

(a) Combining into one total the individual values of milk of all handlers computed pursuant to § 1040.60;

(b) Adding if the weighted average butterfat test of all milk represented in paragraph (a) of this section is less than 3.5 percent, or subtracting if the weighted average butterfat test of such milk is more than 3.5 percent, an amount computed by multiplying the total pounds of butterfat represented by the difference of such average butterfat test from 3.5 percent by the butterfat differential provided in § 1040.82 multiplied by 10;

(c) Adding the aggregate of the values of the applicable location adjustments pursuant to § 1040.81(a)(1); and

(d) Adding not less than one-half of the unobligated balance in the producer-equalization fund.

§ 1040.62 Computation of uniform price.

For each month the market administrator shall compute a uniform price as follows:

(a) Divide the aggregate value computed pursuant to § 1040.61 by the sum of the following:

(1) The total hundredweight of producer milk; and

(2) The total hundredweight for which a value is computed pursuant to § 1040.60(e); and

(b) Subtract not less than 6 nor more than 7 cents from the price computed pursuant to paragraph (a) of this section.

§ 1040.63 Adjusted uniform price.

For the purpose of payments pursuant to § 1040.70(c) the uniform price computed pursuant to § 1040.62 shall be adjusted by deducting therefrom 25 percent of the difference between the uniform price and the excess milk price, rounded to the nearest cent.

§ 1040.64 Excess milk price.

For each month, the excess price shall be the price of Class II utilization, determined pursuant to § 1040.52, rounded to the nearest cent.

§ 1040.65 Computation of uniform price for base milk.

(a) Multiply the total pounds of excess milk for the month by the excess milk price;

(b) Multiply the total amount of milk to be paid for at the uniform price pursuant to § 1040.70 (d) and (f) by the uniform price for the month;

(c) Multiply the total amount of milk to be paid for at the adjusted uniform price pursuant to § 1040.70(c) by the adjusted uniform price for the month;

(d) Subtract the total values arrived at in paragraphs (a), (b), and (c) of this section and § 1040.84(b)(2) from the total 3.5 percent value of all producer milk arrived at in § 1040.61;

(e) Divide the resultant value by the total hundredweight of base milk; and

(f) Subtract not less than 6 cents or more than 7 cents. The resultant hundredweight price shall be the uniform price of base milk of 3.5 percent butterfat content.

§ 1040.66 Obligations of handler operating a partially regulated distributing plant.

Each handler who operates a partially regulated distributing plant shall pay

to the market administrator for the producer-equalization fund on or before the 25th days after the end of the month either of the amounts (at the handler's election) calculated pursuant to paragraph (a) or (b) of this section. If the handler fails to report pursuant to § 1040.30 the information necessary to compute the amount specified in paragraph (a) of this section, he shall pay the amount computed pursuant to paragraph (b) of this section:

(a) An amount computed as follows:

(1)(i) The obligation that would have been computed pursuant to § 1040.60 at such plant shall be determined as though such plant were a pool plant. For purposes of such computation, receipts at such nonpool plant from a pool plant or an other order plant shall be assigned to the utilization at which classified at the pool plant or other order plant and transfers from such nonpool plant to a pool plant or an other order plant shall be classified as Class II milk if allocated to such class at the pool plant or other order plant and be valued at the uniform price of the respective order if so allocated to Class I milk. There shall be included in the obligation so computed a charge in the amount specified in § 1040.60(e) and a credit in the amount specified in § 1040.84(b)(2) with respect to receipts from an unregulated supply plant, unless an obligation with respect to such plant is computed as specified below in this subparagraph.

(ii) If the operator of the partially regulated distributing plant so requests, and provides with his report pursuant to § 1040.30 similar reports with respect to the operations of any other nonpool plant which serves as a supply plant for such partially regulated distributing plant by shipments to such plant during the month equivalent to the requirements of § 1040.16(b), with agreement of the operator of such plant that the market administrator may examine the books and records of such plant for purposes of verification of such reports, there will be added the amount of the obligation computed at such nonpool supply plant in the same manner and subject to the same conditions as for the partially regulated distributing plant.

(2) From this obligation there will be deducted the sum of (i) the gross payments made by such handler for milk received during the month from dairy farmers at such plant and like payments made by the operator of a supply plant(s) included in the computations pursuant to subparagraph (1) of this paragraph for an amount of milk equivalent to that received from such supply plant, and (ii) any payment to the producer-settlement fund of another order under which such plant is also a partially regulated distributing plant.

(b) An amount computed as follows:

(1) Determine the respective amounts of skim milk and butterfat disposed of as Class I milk on routes in the marketing area;

(2) Deduct (except that deducted under a similar provision of another order issued pursuant to the act) the respective amounts of skim milk and butterfat received as Class I milk at the partially regulated distributing plant from pool plants and other order plants;

(3) Combine the amounts of skim milk and butterfat remaining into one total and determine the weighted average butterfat content; and

(4) From the value of such milk at the Class I price applicable at the location of the nonpool plant, subtract its value at the uniform price pursuant to § 1040.62 at the same location or at the Class II price, whichever is higher.

§ 1040.67 Notification.

On or before the 12th day after the end of each month the market administrator shall notify each handler of:

(a) The amounts and values of his milk in each class and the total of such amounts and values;

(b) The base of any producer delivering milk to the handler which was not used in making payments for the previous month;

(c) The amount due such handler from the producer-equalization fund or the amount to be paid by such handler to the producer-equalization fund, as the case may be; and

(d) The totals of the minimum amounts to be paid by such handler pursuant to §§ 1040.80, 1040.84, 1040.86, 1040.87, and 1040.88.

BASE RULES

§ 1040.70 Determination of base.

(a) A producer who delivered milk on at least 122 days during the period August 1 through December 31, inclusive, of any year shall have a base computed by the market administrator to be applicable, subject to § 1040.72, for the 12-month period beginning the following February 1, equal to his daily average milk delivers from the date on which milk was first delivered in the period to the end of such August 1–December 31 period: *Provided*, That a producer who had a base on December 1 and whose average of daily deliveries for the August 1–December 31 period is less than such base shall have a base computed by subtracting from his previous base any amount by which 90 percent of his previous base exceeds such average of daily deliveries;

(b) A producer with an established base who does not forfeit his base pursuant to § 1040.71(c) but who fails to deliver milk on at least 122 days of the August 1 through December 31 period shall have his base for the 12 months beginning the following February 1 computed by dividing the total pounds shipped during the period by 122;

(c) Except as provided in paragraphs (d), (e), and (f) of this section a producer who has no base shall be paid until February 1 following the August–December period within which he establishes a base pursuant to paragraph (a) of this section at the adjusted uniform price computed pursuant to § 1040.63;

(d) Whenever total receipts of producer milk by all handlers during the month are less than 112.5 percent of the total Class I utilization of all milk by handlers during such month, all producers and cooperative associations shall be paid the uniform price for all milk delivered;

(e) When a plant first becomes a pool plant pursuant to § 1040.16(a) bases for producers delivering to such plant may be established on the basis of deliveries of milk to such plant for the preceding August–December period certified by submission of delivery receipts or other evidence satisfactory to the market administrator, except the base of a producer applicable pursuant to part 1042 in the month immediately preceding the effective date of this paragraph shall be his base pursuant to this section through January 1, 1966; and

(f) Producers without an established base who are delivering milk to plants during the month that such plants first become pool plants as a result of redefinition of the marketing area may elect to be paid until February 1, following the first August 1–December 31 period after such redefinition of the marketing area, at the uniform price computed pursuant to § 1040.62.

§ 1040.71 Application of bases.

(a) A base shall apply to deliveries of milk by the producer for whose account milk was delivered during the base period, and upon death may be transferred to a member or members of the deceased producer's immediate family;

(b) Bases may be transferred under the following conditions upon written notice by the holder of the base to the market administrator on or before the last day of the month that such base is to be transferred;

(1) Upon retirement or entry into military service of a producer, the entire base may be transferred to a member or members of his immediate family;

(2) Bases may be held jointly and if such joint holding is terminated the base may be divided among the joint holders as specified in writing to the market administrator; and

(3) Two or more producers with bases may combine those bases upon the formation of a bona fide partnership; and

(c) A producer who does not deliver milk to any handler for 45 consecutive days shall forfeit his base except that the following producers may retain their bases without loss for 12 months:

(1) A producer who suffers the complete loss of his barn as a result of fire or windstorm; or

(2) A producer for whom loss of 50 percent or more of the milk herd from brucellosis or bovine tuberculosis, is shown by evidence issued under State or Federal authority.

§ 1040.72 Relinquishing a base.

A producer with a base, by notifying the market administrator that he relinquishes such base, may be paid pursuant to the provisions of § 1040.70(c) applicable to a producer without a base beginning with the first day of the month in which such notification is received by the market administrator.

PAYMENTS FOR MILK

§ 1040.80 Time and method of payment to producers.

(a) Except as provided by paragraph (b) of this section, on or before the 15th day of each month, each handler (except a cooperative association) shall pay

each producer for milk received from

each producer whom the cooperative as-

§ 1040.82 Producer butterfat differ-

each producer for milk received from him during the preceding month, not less than an amount of money computed by multiplying the total pounds of such milk by the applicable uniform prices computed pursuant to §§ 1040.62, 1040.63, 1040.64, or 1040.65 adjusted by the location and butterfat differentials pursuant to §§ 1040.81 and 1040.82 less the payment made pursuant to paragraph (d) of this section and any proper deductions authorized by the producer. If by such date such handler has not received full payment for such month pursuant to § 1040.85 he may reduce such payments uniformly per hundredweight for all producers, by an amount not in excess of the per hundredweight reduction in payment from the market administrator; however, the handler shall make such balance of payment to those producers to whom it is due on or before the date for making payments pursuant to this paragraph next following that on which such balance of payment is received from the market administrator;

(b) Upon receipt of a written request from a cooperative association which the Secretary determines is authorized by its members to collect payment for their milk and receipt of a written promise to reimburse the handler the amount of any actual loss incurred by him because of any improper claim on the part of the association, each handler shall pay to the cooperative association on or before the second day prior to the end of the month an amount equal to the payments authorized pursuant to paragraph (d) of this section, and on or before the 13th day of each month, in lieu of payments pursuant to paragraph (a) of this section, an amount equal to the gross sum due for all such milk received from certified members, less amounts owing by each member-producer to the handler for supplies purchased from him on prior written order or as evidenced by a delivery ticket signed by the producer.

(1) Each handler shall submit to the cooperative association written information on or before the sixth working day of each month which shows for each such member-producer:

(i) The total pounds of milk received from him during the preceding month;

(ii) The total pounds of butterfat contained in such milk;

(iii) The number of days on which milk was received; and

(iv) The amounts withheld by the handler in payment for supplies sold.

(2) A copy of each such request, promise to reimburse and certified list of members shall be filed simultaneously with the market administrator by the association and shall be subject to verification at his discretion, through audit of the records of the cooperative association pertaining thereto. Exceptions, if any, to the accuracy of such certification by a producer claimed to be a member, or by a handler shall be made by written notice to the market administrator, and shall be subject to his determination;

(3) The foregoing payment and the submission of information pursuant to subparagraph (1) of this paragraph, shall be made with respect to milk of each producer whom the cooperative association certifies is a member, which is received on and after the first day of the month next following receipt of such certification through the last day of the month next preceding receipt of notice from the cooperative association of a termination of membership or until the original request is rescinded in writing by the association.

(c) On or before the 13th day after the end of each month, each handler shall pay a cooperative association, which is a handler with respect to milk received by him from a pool plant operated by such cooperative association, or by bulk tank delivery pursuant to § 1040.7(c), not less than an amount computed by multiplying the uniform price for base milk subject to the location adjustment, if any, applicable at the transferee plant as provided by § 1040.81 and the butterfat differential provided by § 1040.82, by the total hundredweight of milk received by such handler from the cooperative association.

(d) On or before the last day of each month for producer milk received during the first 15 days of the month at not less than the Class II milk price for the preceding month.

§ 1040.81 Location differentials to producers and on nonpool milk.

(a) Subject to the conditions of paragraph (b) of this section, in making payments to producers or cooperative associations pursuant to § 1040.80 each handler:

(1) May deduct for base milk and milk to be paid for at the uniform price or adjusted uniform price the rate per hundredweight applicable pursuant to § 1040.54(a) (1) or (2) for the location of the plant at which the milk was first physically received;

(2) Shall add not less than 4 cents per hundredweight with respect to milk received from producers and cooperative associations pursuant to § 1040.7(c) at a pool plant located within the townships of Royal Oak and Southfield and Oakland County and in those portions of Wayne County other than the townships of Northville, Plymouth, Canton, Van Buren, Sumpter, Livona, Nankin, Romulus, Huron, Taylor, Brownstown, Monguagon, and Grosse Isle, all in the State of Michigan.

(b) When milk of an individual producer is physically received at more than one location (including any nonpool plant) during the month, the location differential rate shall be the weighted average (rounded to the nearest one-half cent) of the amounts computed for the respective locations, except that if 65 percent or more of such producer's milk is delivered to a plant or plants at which the same rate is applicable, such rate shall be applicable to all deliveries of such producer during the month regardless of point of delivery.

(c) For purposes of computation pursuant to § 1040.84 and § 1040.85, the uniform price shall be adjusted at the rates set forth in § 1040.54 applicable at the location of the nonpool plant from which the other source milk was received.

§ 1040.82 Producer butterfat differential.

In making payments pursuant to § 1040.80, the base price and excess price or the uniform prices shall be increased or decreased for each one-tenth of 1 percent of butterfat content that the milk received from each producer or a cooperative association is above or below 3.5 percent, as the case may be, by the butterfat differential computed under § 1040.53 rounded to the nearest one-half cent.

§ 1040.83 Producer-equalization fund.

The market administrator shall establish and maintain a separate fund, known as the "producer-equalization fund" into which he shall deposit all payments received pursuant to §§ 1040.66 and 1040.84 and out of which he shall make all payments pursuant to § 1040.85.

§ 1040.84 Payments to the producer-equalization fund.

On or before the 13th day after the end of the month each handler shall pay to the market administrator the amount, if any, by which the total amounts specified in paragraph (a) of this section exceed the amounts specified in paragraph (b) of this section;

(a) The sum of:

(1) The net pool obligation computed pursuant to § 1040.60 for such handler; and

(2) In the case of a cooperative association which is a handler, the value, at the uniform price for base milk, of milk delivered to other handlers pursuant to § 1040.44(b).

(b) The sum of:

(1) The value of such handler's producer milk as specified in § 1040.80, excluding any applicable location differential pursuant to § 1040.81(a)(2); and

(2) The value at the uniform price(s) applicable at the location of the plant(s) from which received (not to be less than the value at the Class II price) with respect to other source milk for which a value is computed pursuant to § 1040.60 (e).

§ 1040.85 Payments from the producer-equalization fund.

On or before the 14th day after the end of each month the market administrator shall pay to each handler the amount, if any, by which the amount computed pursuant to § 1040.84(b) exceeds the amount computed pursuant to § 1040.84(a). The market administrator shall offset any payment due any handler against payments due from such handler. If the balance in the producer-equalization fund is insufficient to make all payments to all handlers pursuant to this paragraph, the market administrator shall reduce uniformly such payments and shall complete such payments as soon as the necessary funds become available.

§ 1040.86 Expense of administration.

As his pro rata share of the expense of administration of the order, each handler shall pay to the market administrator on or before the 13th day after the

end of the month 2 cents per hundredweight, or such lesser amount as the Secretary may prescribe, with respect to:

(a) Producer milk (including milk of such handler's own production);

(b) Other source milk allocated to Class I pursuant to § 1040.46(a) (3) and (7) and the corresponding steps of § 1040.46(b); and

(c) Class I milk disposed of in the marketing area from partially regulated distributing plants that exceeds the hundredweight of Class I milk received during the month at such plant from pool plants and other order plants.

§ 1040.87 Marketing services.

(a) Except as set forth in paragraph (b) of this section, each handler, in making payments pursuant to § 1040.80(a) for milk received from each producer (including milk of such handler's own production) at a plant not operated by a cooperative association of which such producer is a member, shall deduct 5 cents per hundredweight, or such amount not exceeding 5 cents per hundredweight as the Secretary may prescribe, and, on or before the 13th day after the end of each month, shall pay such deductions to the market administrator. Such moneys shall be used by the market administrator to verify weights, samples, and tests of milk received from producers and to provide producers with market information, such services to be performed by the market administrator or by an agent engaged by and responsible to him;

(b) In the case of producers whose milk is received at a plant not operated by a cooperative association of which such producers are members, for which payment is not made pursuant to § 1040.80 (b) or (c), and for whom a cooperative association is actually performing the services described in paragraph (a) of this section, as determined by the Secretary, each handler shall make, in lieu of the deductions specified in paragraph (a) of this section, such deductions from payments required pursuant to § 1040.80 as may be authorized by such producers, and pay such deductions on or before the 13th day after the end of the month to the cooperative association rendering such services of which such producers are members.

§ 1040.88 Adjustment of accounts.

Whenever audit by the market administrator of any handler's reports, books, records, or accounts discloses adjustments to be made, for any reason, which result in moneys due:

(a) To the market administrator from such handler;

(b) To such handler from the market administrator; or

(c) To any producer or cooperative association from such handler, the market administrator shall promptly notify such handler of any such amount due, and payment thereof shall be made on or before the next date for making payment set forth in the provisions under which such error occurred, following the fifth day after such notice.

§ 1040.89 Overdue accounts.

Any unpaid obligation of a handler or of the market administrator pursuant to §§ 1040.84, 1040.85, 1040.86, 1040.87, and 1040.88 shall be increased one-half of 1 percent on the first day of the month next following the due date of such obligation and on the first day of each month thereafter until such obligation is paid.

APPLICATION OF PROVISIONS

§ 1040.90 Handler exemption.

A handler who operates a plant, other than a plant described in § 1040.16(b), located outside the marketing area from which fluid milk products are disposed of within the marketing area on a route(s) but from which the disposition of fluid milk products on all routes operated wholly or partly within the marketing area averages less than 600 pounds per day for the month, and from which no milk is transferred to other handlers, shall be exempt for such month from all provisions of this part except §§ 1040.31, 1040.32, and 1040.33.

§ 1040.91 Handlers subject to other Federal orders.

A handler who operates a plant at which during the month milk is fully subject to the classification, pricing, and payment provisions of another marketing agreement or order issued pursuant to the act and the disposition of fluid milk products in the other Federal marketing area exceeds that in the Southern Michigan marketing area shall be exempt for such month from all provisions of this part except §§ 1040.31, 1040.32, and 1040.33.

§ 1040.92 Producer-handler exemption.

A producer-handler shall be exempt from all provisions of this part except §§ 1040.31, 1040.32, and 1040.33.

§ 1040.93 Special reporting dates.

When a holiday prevents normal business activities on any day except Sunday during the first 15 days of the month, those of the dates specified in §§ 1040.27 (k)(2), 1040.30, 1040.31(b), 1040.86, 1040.80, 1040.84, 1040.85, 1040.86, and 1040.87 which follows such holiday shall be postponed by the number of days lost as a result of such holiday.

EFFECTIVE TIME, SUSPENSION OR TERMINATION

§ 1040.100 Termination of obligations.

(a) The obligation of any handler to pay money required to be paid under the terms of this part shall, except as provided in paragraphs (b) and (c) of this section, terminate 2 years after the last day of the month during which the market administrator receives the handler's report of utilization of the milk involved in such obligation, unless within such 2-year period the market administrator notifies the handler in writing that such money is due and payable. Service of such notice shall be complete upon mailing to the handler's last known address, and it shall contain, but need not be limited to the following information:

(1) The amount of the obligation;

(2) The month(s) during which the milk, with respect to which the obligation exists, was received or handled; and

(3) If the obligation is payable to one or more producers or to a cooperative association, the name of such producers or association, or if the obligation is payable to the market administrator, the account for which it is to be paid;

(b) If a handler fails or refuses, with respect to any obligation under this part, to make available to the market administrator or his representatives all books or records required by this order to be made available, the market administrator may, within the 2-year period provided for in paragraph (a) of this section, notify the handler in writing of such failure or refusal. If the market administrator so notifies a handler, the said 2-year period with respect to such obligation shall not begin to run until the first day of the month following the month during which such books and records pertaining to such obligation are made available to the market administrator or his representatives;

(c) Notwithstanding the provisions of paragraphs (a) and (b) of this section, a handler's obligation under this part to pay money shall not be terminated with respect to any transaction involving fraud or willful concealment of a fact, material to the obligation, on the part of the handler against whom the obligation is sought to be imposed; and

(d) Any obligation on the part of the market administrator to pay a handler any money which such handler claims to be due him under the terms of this part shall terminate 2 years after the end of the month during which the milk involved in the claim was received if an underpayment is claimed, or 2 years after the end of the month during which the payment (including deduction or setoff by the market administrator) was made by the handler if a refund on such payment is claimed, unless such handler, within the applicable period of time, files, pursuant to section 8c(15)(A) of the Act, a petition claiming such money.

§ 1040.101 Effective time.

The provisions of this part, or of any amendment hereto, shall become effective at such time as the Secretary may declare and shall continue in force until suspended or terminated.

§ 1040.102 Suspension or termination.

The Secretary shall, whenever he finds that this part, or any provision thereof, obstructs or does not tend to effectuate the declared policy of the Act, terminate or suspend the operation of this part or any such provision thereof.

§ 1040.103 Continuing obligations.

If, upon the suspension or termination of any or all provisions of this part, there are any obligations thereunder the final accrual or ascertainment of which requires further acts by any person (including the market administrator), such further acts shall be performed notwithstanding such suspension or termination.

§ 1040.104 Liquidation.

Under the suspension or termination of the provisions of this part, except this section, the market administrator, or such other liquidating agent as the Secretary may designate, shall, if so directed by the Secretary, liquidate the business of the market administrator's office, dispose of all property in his possession or

control, including accounts receivable, and execute and deliver all assignments or other instruments necessary or appro-

ministrator before taking action upon the proposed rule. The proposals con-

will be available, both before and after the closing date for comments, in the

Air Surgeon in some instances has con-

[14 CFR Part 71]

TER will be considered before action is

control, including accounts receivable, and execute and deliver all assignments or other instruments necessary or appropriate to effectuate any such disposition. If a liquidating agent is so designated, all assets, books, and records of the market administrator shall be transferred promptly to such liquidating agent. If, upon such liquidation, the funds on hand exceed the amounts required to pay outstanding obligations of the office of the market administrator and to pay necessary expenses of liquidation and distribution, such excess shall be distributed to contributing handlers and producers, in an equitable manner.

MISCELLANEOUS PROVISIONS

§ 1040.110 Agents.

The Secretary may, by designation in writing, name any officer or employee of the United States to act as his agent or representative in connection with any of the provisions of this part.

§ 1040.111 Separability of provisions.

If any provision of this part, or its application to any person or circumstances, is held invalid the application of such provisions, and of the remaining provisions of this part, to other persons or circumstances shall not be affected thereby.

Signed at Washington, D.C., on April 27, 1965.

CLARENCE H. GIRARD,
Deputy Administrator,
Regulatory Programs.

[F.R. Doc. 65-4591; Filed, Apr. 30, 1965; 8:45 a.m.]

FEDERAL AVIATION AGENCY

[14 CFR Part 39]

[Docket No. 6813]

AIRWORTHINESS DIRECTIVES

Curtiss-Wright Model C-46 Series Aircraft

The Federal Aviation Agency is considering amending Part 39 of the Federal Aviation Regulations by adding an airworthiness directive applicable to Curtiss-Wright Model C-46 Series aircraft. There have been erroneous indications by gear-down latch warning lights on Curtiss-Wright Model C-46 Series aircraft indicating the landing gear was down and locked. Since this condition is likely to exist or develop in other aircraft of the same type design, the proposed AD would require modification of the gear position warning light system on C-46 aircraft.

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should identify the docket number and be submitted in duplicate to the Federal Aviation Agency, Office of the General Counsel, Attention: Rules Docket, 800 Independence Avenue SW., Washington, D.C., 20553. All communications received on or before May 31, 1965, will be considered by the Administrator before taking action upon the proposed rule. The proposals contained in this notice may be changed in the light of comments received. All comments will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons.

This amendment is proposed under the authority of sections 313(a), 601 and 603 of the Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421, 1423).

In consideration of the foregoing, it is proposed to amend § 39.13 of Part 39 (14 CFR Part 39), by adding the following airworthiness directive:

CURTISS-WRIGHT: Applies to Model C-46 Series aircraft.

Compliance required within the next 300 hours' time in service after the effective date of this AD unless already accomplished.

To prevent further erroneous indication by the gear position warning light that the landing gear is down and locked, accomplish the following:

Modify the gear position warning light system by providing a separate position indication circuit and separate green light or other equivalent indicator for the "down and locked" position for each of the three landing gears in a manner approved by the Chief, Engineering and Manufacturing Branch, FAA Southern Region.

Issued in Washington, D.C., on April 27, 1965.

C. W. WALKER,
Acting Director,
Flight Standards Service.

[F.R. Doc. 65-4580; Filed, Apr. 30, 1965; 8:45 a.m.]

[14 CFR Part 67]

[Docket No. 6814; Notice 65-10]

SPECIAL ISSUE OF MEDICAL CERTIFICATE

Proposed Special Medical Flight, Practical Test or Medical Evaluation

The Federal Aviation Agency is considering amending Part 67 of the Federal Aviation Regulations to make clear that the Federal Air Surgeon has authority to decide whether a special medical flight or practical test or special medical evaluation should be conducted or the applicant's operational experience considered under § 67.19 and, if so, to prescribe which of these procedures should be used, in the determination of whether a medical certificate should be issued to an applicant who does not meet the applicable medical standards of that part.

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should identify the regulatory docket or notice number and be submitted in duplicate to the Federal Aviation Agency, Office of the General Counsel, Attention: Rules Docket, 800 Independence Avenue SW., Washington, D.C., 20553. All communications received on or before June 30, 1965, will be considered by the Administrator before taking action on the proposed rule. The proposal contained in this notice may be changed in the light of the comments received. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons.

Section 20.5 of the Civil Air Regulations, now recodified as § 67.19 of the Federal Aviation Regulations, received its present content by Amendment 20-2 effective October 15, 1959. It has been the Agency's position that the Federal Air Surgeon (formerly the Civil Air Surgeon) has the authority under this section to decide whether a special medical flight or practical test or special medical evaluation should be conducted or the applicant's operational experience considered and, if so, to prescribe the particular available procedure that is used in the determination of whether an applicant who does not meet the applicable medical standards of Part 67 can nevertheless perform the duties of his airman certificate without endangering safety in air commerce. However, under the current language of the rule, interpretative and administrative problems have occurred as to whether, under the regulations, the Federal Air Surgeon has authority in these two respects.

Situations arise in which the Federal Air Surgeon may determine that the applicant could not satisfactorily show, by any of the available special procedures, ability to perform the duties of an airman certificate without endangering safety in air commerce. Examples are situations in which there is leukemia or disseminated cancer. In such a case, the resort to any of these procedures would not be purposeful, and the Federal Air Surgeon should have authority under § 67.19 to refuse their use.

Where the Federal Air Surgeon does prescribe special medical flight or practical testing or special medical evaluation under § 67.19, the selection of the particular procedure to be used, of those named, essentially is an element of the medical determination by the Federal Air Surgeon whether the applicant can properly exercise the privileges of his airman certificate despite his physical deficiency. This selection should repose, not in the applicant, but in the Federal Air Surgeon because of his special qualifications and the facilities available to him to obtain and assess medical information about an applicant's total medical status.

In some situations a special medical flight or practical test, alone or in conjunction with operational experience, permits a useful demonstration of what the applicant is capable of doing as a pilot despite his physical deficiency. Thus, a flight test would be appropriate, for example, for an airman with an amputated leg. A practical test would be appropriate for an airman with a static defect for which compensation can be demonstrated in a parked aircraft as well as in flight.

In other situations, however, for example one involving blood pressure in excess of that permitted by the applicable medical standard of Part 67, the Federal Air Surgeon may consider that neither of these tests will reliably demonstrate the applicant's capability. In such a case a special medical evaluation is appropriate, alone or in conjunction with operational experience. Similarly, the Federal Air Surgeon in some instances has considered that a proper appraisal required a special medical evaluation in the form of an ophthalmological examination, and not a flight or practical test, in order to affirm or disaffirm his measurement of the extent of the defect in distant visual acuity, and to ascertain whether there is pathology of the eyes not evident from the routine examination.

The proposed amendment would clarify paragraph (a) of § 67.19 to assure that the Federal Air Surgeon has the authority to exercise the indicated discretion.

Paragraph (a) of § 67.19 currently refers to special practical testing, flight testing, "or as otherwise required," as the available procedures (in addition to operational experience) for the determination of whether a medical certificate may be specially issued under that section. The term "special medical evaluation" would be substituted for the phrase "as otherwise required" by the proposed amendment, to clarify the contextual meaning intended.

In consideration of the foregoing, it is proposed to amend paragraph (a) of § 67.19 of Part 67 of the Federal Aviation Regulations to read as follows:

§ 67.19 Special issue: operational limitations.

(a) A medical certificate of the appropriate class may be issued to an applicant who does not meet the medical standards of this Part, under the following procedures:

(1) The Federal Air Surgeon may in his discretion find that a special medical flight or practical test, or special medical evaluation, should be conducted to determine whether the applicant can perform his duties under the airman certificate he holds, or for which he is applying, in a manner that will not endanger safety in air commerce during the period the certificate would be in force. Upon such a finding, the Federal Air Surgeon authorizes the conduct of that test or evaluation. The Federal Air Surgeon may also consider the applicant's operational experience for this purpose.

(2) If the Federal Air Surgeon authorizes a procedure under subparagraph (1) of this paragraph, the applicant must show to the satisfaction of the Federal Air Surgeon, by the prescribed procedure, that he can perform those duties in the manner refered to in subparagraph (1). Upon such a showing, the Federal Air Surgeon issues to the applicant a medical certificate of the appropriate class.

* * * * *

This amendment is proposed under the authority of sections 313(a), 314, 601, and 602 of the Federal Aviation Act of 1958 (49 U.S.C. 1354, 1355, 1421, 1422).

Issued in Washington, D.C., on April 23, 1965.

M. S. WHITE,
Federal Air Surgeon.

[F.R. Doc. 65-4581; Filed, Apr. 30, 1965; 8:45 a.m.]

[14 CFR Part 71]

[Airspace Docket No. 65-EA-113]

CONTROL ZONES AND TRANSITION AREAS

Proposed Alteration and Designation

The Federal Aviation Agency is considering amendments to Part 71 of the Federal Aviation Regulations that would alter control zones and designate transition areas at the Long Island, N.Y., terminal complex.

As parts of these proposals relate to the navigable airspace outside the United States, this notice is submitted in consonance with the ICAO International Standards and Recommended Practices.

Applicability of International Standards and Recommended Practices, by the Air Traffic Service, FAA, in areas outside domestic airspace of the United States is governed by Article 12 and Annex 11 to the Convention on International Civil Aviation (ICAO), which pertains to the establishment of air navigation facilities and services necessary to promoting the safe, orderly and expeditious flow of civil air traffic. Its purpose is to insure that civil flying on international air routes is carried out under uniform conditions designed to improve the safety and efficiency of air operations.

The International Standards and Recommended Practices in Annex 11 apply in those parts of the airspace under the jurisdiction of a contracting state, derived from ICAO, wherein air traffic services are provided and also whenever a contracting state accepts the responsibility of providing air traffic services over high seas or in airspace of undetermined sovereignty. A contracting state accepting such responsibility may apply the International Standards and Recommended Practices to civil aircraft in a manner consistent with that adopted for airspace under its domestic jurisdiction.

In accordance with Article 3 of the Convention on International Civil Aviation, Chicago, 1944, state aircraft are exempt from the provisions of Annex 11 and its Standards and Recommended Practices. As a contracting state, the United States agreed by Article 3(d) that its state aircraft will be operated in international airspace with due regard for the safety of civil aircraft.

Since this action involves, in part, the designation of navigable airspace outside the United States, the Administrator has consulted with the Secretary of State and the Secretary of Defense in accordance with the provisions of Executive Order 10854.

Interested persons may participate in the proposed rule making by submitting such written data, views, or arguments as they may desire. Communications should identify the airspace docket number and be submitted in triplicate to the Director, Eastern Region, Attention: Chief, Air Traffic Division, Federal Aviation Agency, Federal Building, John F. Kennedy International Airport, Jamaica, N.Y., 11430. All communications received within 45 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendments. The proposals contained in this notice may be changed in the light of comments received.

An official docket will be available for examination by interested persons at the Federal Aviation Agency, Office of the General Counsel, Attention: Rules Docket, 800 Independence Avenue SW., Washington, D.C., 20553. An informal docket also will be available for examination at the office of the Regional Air Traffic Division Chief.

The Federal Aviation Agency, having completed a comprehensive review of the terminal airspace structure requirements in the Long Island, N.Y., terminal area, including studies attendant to the implementation of the provisions of CAR Amendments 60-21/60-29, proposes the airspace actions hereinafter set forth.

1. The Westhampton Beach, N.Y., control zone would be redescribed as that airspace within a 5-mile radius of Suffolk County AFB (latitude 40°50'40" N., longitude 72°37'45" W.) and within 2 miles each side of the Suffolk AFB TACAN 039° and 229° True radials extending from the 5-mile radius zone to 7 miles northeast and 7 miles southwest of the TACAN.

2. The Islip, N.Y., control zone would be redescribed as that airspace within a 5-mile radius of Long Island Airport, Islip, N.Y., (latitude 40°47'50" N., longitude 73°06'00" W.); and within 2 miles each side of the Long Island Airport ILS localizer southwest course, extending from the 5-mile radius zone to 7 miles southwest of the outer marker.

3. The Calverton, N.Y., control zone would be redescribed as that airspace within a 5-mile radius of Peconic River Airport (latitude 40°54'55" N., longitude 72°47'35" W.) and within 2 miles each side of the Riverhead VORTAC 079° True radial extending from the 5-mile radius zone to 12.5 miles east of the VORTAC, excluding the portion within the Suffolk County AFB control zone, Westhampton Beach, N.Y. This control zone would be effective from 0800-2400 hours, local time, Monday through Friday.

4. The Westhampton Beach, N.Y., transition area would be designated as that airspace extending upward from 700 feet above the surface within an 8-mile radius of Suffolk County Air Force Base (latitude 40°50'40" N., longitude 72°37'45" W.); within 5 miles west and 8 miles east of the Suffolk AFB ILS localizer northeast course extending from the Suffolk radio beacon to 12 miles northeast of the radio beacon; and within 5 miles west and 8 miles east of the Suffolk TACAN 039° True radial extending from the TACAN to 12 miles northeast of the TACAN.

5. The East Hampton, N.Y., transition area would be designated as that airspace extending upward from 700 feet above the surface within a 6-mile radius of East Hampton Airport (latitude 40°57'36" N., longitude 72°15'05" W.); and within 2 miles each side of the Hampton VOR 231° True radial extending from the 6-mile radius area to 8 miles southwest of the VOR.

6. The Islip, N.Y., transition area from the 5-mile radius area to 8-mi

6. The Islip, N.Y., transition area would be designated as that airspace extending upward from 700 feet above the surface within a 7-mile radius of Long Island Airport (latitude 40°47'50" N., longitude 73°06'00" W.); and within 2 miles each side of the Long Island Airport localizer southwest course extending from the 7-mile radius area to 8 miles southwest of the outer marker.

7. The Babylon, N.Y., transition area would be designated as that airspace extending upward from 700 feet above the surface within an 8-mile radius of Republic Airport, Farmingdale, N.Y., (latitude 40°43'45" N., longitude 73°24'50" W.); within 2 miles each side of the 155° True bearing from the Babylon radio beacon extending from the Republic Airport 8-mile radius area to 8 miles south of the radio beacon; within 2 miles each side of the 165° True bearing from the Babylon radio beacon extending from the Republic Airport 8-mile radius area to 8 miles south of the radio beacon; and within an 8-mile radius of Grumman Bethpage Airport, Bethpage, N.Y. (latitude 40°44'46" N., longitude 73°29'36" W.); within a 5-mile radius of Deer Park Airport, Deer Park, N.Y. (latitude 40°-45'31" N., longitude 73°18'35" W.); and within 2 miles each side of the Deer Park VORTAC 007° True radial extending from the 5-mile radius area to 8 miles north of the VORTAC, excluding the portion within the Islip, N.Y., and New York, N.Y., transition areas.

8. The Calverton, N.Y., transition area would be designated as that airspace extending upward from 700 feet above the surface within an 8-mile radius of Peconic Airport (latitude 40°54'55" N., longitude 72°47'35" W.), excluding the portion within the Westhampton Beach, N.Y., transition area.

9. The Riverhead, N.Y., transition area would be designated as that airspace extending upward from 1,200 feet above the surface bounded by a line beginning at latitude 41°00'35" N., longitude 72°05'00" W.; thence south via longitude 72°05'00" W. to the south boundary of V–139; thence southwest via the southeast boundary of V–139 to latitude 40°30'00" N., thence to latitude 40°30'-00" N., longitude 73°36'00" W.; to latitude 40°41'00" N., longitude 73°33'30" W.; to latitude 40°50'00" N., longitude 73°42'00" W.; to latitude 41°00'00" N., longitude 73°33'00" W.; to latitude 41°-00'00" N., longitude 72°45'00" W.; to latitude 41°18'00" N., longitude 72°30'-30" W.; to the point of beginning, excluding the portion below 3,000 feet m.s.l. within W–106.

The control zones and extensions and the transition areas and extensions, as proposed, are necessary to protect approach, departure, and missed approach procedures as well as holding patterns for the Long Island, N.Y., terminal area complex.

Certain minor revisions to prescribed instrument procedures would be effected in conjunction with the actions proposed herein, but operational complexities would not be increased nor would aircraft performance characteristics or present landing minimums be adversely affected.

Specific details of the changes to procedures and minimum instrument flight rule altitudes that would be required may be examined by contacting the Chief, Airspace Utilization Branch, Air Traffic Division, Eastern Region, Federal Aviation Agency, John F. Kennedy International Airport, Federal Building, Jamaica, N.Y., 11430.

These amendments are proposed under secs. 307(a) and 1110 (49 U.S.C. 1348 and 1510), and Executive Order 10854 (24 F.R. 9565).

Issued in Washington, D.C., on April 26, 1965.

H. B. HELSTROM,
Acting Chief, Airspace Regulations and Procedures Division.

[F.R. Doc. 65–4583; Filed, Apr. 30, 1965; 8:45 a.m.]

Notices

DEPARTMENT OF AGRICULTURE

Agricultural Stabilization and Conservation Service

FLUE-CURED TOBACCO

Notice of Special Referendum

Notice is hereby given that on May 4, 1965, a special referendum will be held of farmers engaged in the production of flue-cured tobacco of the 1964 crop, pursuant to the provisions of the Agricultural Adjustment Act of 1938, as amended, (7 U.S.C. 1281 et seq.) and as further amended by Public Law 89–12 (79 Stat. 66), approved April 16, 1965. Notice that consideration would be given to establishing a date for holding such special referendum was given and published in the FEDERAL REGISTER (30 F.R. 5641). The views and recommendations received pursuant to such notice have been considered within the limits permitted by the Act. The purpose of the special referendum is to determine whether the farmers voting favor or oppose the establishment of marketing quotas on an acreage-poundage basis as provided in section 317 of such act for the marketing years beginning July 1, 1965, July 1, 1966, and July 1, 1967. In lieu of the quotas on an acreage basis in effect for those marketing years. The special referendum will be conducted in accordance with the provisions of the Act and the Regulations Governing the Holding of Referenda on Marketing Quotas (26 F.R. 13249), including any amendments made prior to the referendum.

In order that arrangements for holding the referendum may be made in orderly manner and as much advance notice as possible be given to the date of the special referendum, it is essential that this notice be made effective as soon as possible. Accordingly, it is hereby determined that compliance with the 30-day effective date requirement of the Administrative Procedure Act is impracticable and contrary to the public interest and this notice shall be effective upon filing of this document with the Director, Office of the Federal Register.

Signed at Washington, D.C., on April 28, 1965.

ORVILLE L. FREEMAN,
Secretary.

[F.R. Doc. 65–4597; Filed, Apr. 28, 1965; 1:40 p.m.]

SUGAR

Notice of Hearing on Sugarcane Wages and Prices in Florida and Designation of Presiding Officers

Pursuant to the authority contained in sections 301(c) (1) and (2) of the Sugar Act of 1948, as amended (61 Stat. 929; 7 U.S.C. 1131), and in accordance with the rules of practice and procedure applicable to fair price and wage proceedings (7 CFR 802.1 et seq), notice is hereby given that a public hearing will be held at the Holiday Inn, in Belle Glade, Fla., on May 14, 1965, beginning at 10 a.m.

The purpose of this hearing is to receive evidence which may be of assistance to the Secretary of Agriculture in determining (1) pursuant to the provisions of section 301(c)(1) of the act whether the wage rates established for Florida sugarcane fieldworkers in the wage determination, which became effective October 1, 1964 (7 CFR 863.16), continue to be fair and reasonable under existing circumstances, or whether such determination should be amended, and (2) pursuant to the provisions of section 301(c)(2) of the act, fair and reasonable prices for the 1965 crop of sugarcane to be paid, under either purchase or toll agreements, by producers who process sugarcane grown by other producers and apply for payments under the act.

In the interest of obtaining the best possible information, all interested persons are requested to appear at the hearing to express their views and present appropriate data in regard to wages and prices for sugarcane.

The hearing, after being called to order at the time and place mentioned herein, may be continued from day to day within the discretion of the presiding officers and may be adjourned to a later day or to a different place without notice other than the announcement thereof by the presiding officers.

Tom O. Murphy, A. A. Greenwood, D. E. McGarry, W. S. Stevenson, and C. F. Denny are hereby designated as presiding officers to conduct either jointly or severally the foregoing hearing.

Signed at Washington, D.C., on April 28, 1965.

H. D. GODFREY,
Administrator, Agricultural Stabilization and Conservation Service.

[F.R. Doc. 65–4619; Filed, Apr. 30, 1965; 8:48 a.m.]

Office of the Secretary

MICHIGAN

Designation of Area for Emergency Loans

For the purpose of making emergency loans pursuant to section 321 of the Consolidated Farmers Home Administration Act of 1961 (7 U.S.C. 1961), it has been determined that in the hereinafter-named county in the State of Michigan a natural disaster has caused a need for agricultural credit not readily available from commercial banks, cooperative lending agencies, or other responsible sources.

MICHIGAN
Barry.

Pursuant to the authority set forth above, emergency loans will not be made in the above-named county after December 31, 1965, except to applicants who previously received emergency or special livestock loan assistance and who can qualify under established policies and procedures.

Done at Washington, D.C., this 27th day of April 1965.

ORVILLE L. FREEMAN,
Secretary.

[F.R. Doc. 65–4592; Filed, Apr. 30, 1965; 8:46 a.m.]

DEPARTMENT OF COMMERCE

National Bureau of Standards

NATIONAL BUREAU OF STANDARDS RADIO STATIONS

Notice of U.S. Standard Frequency and Time Broadcasts

In accordance with National Bureau of Standards policy of giving monthly notices regarding changes of phases in seconds pulses, notice is hereby given that there will be no change in the phase of seconds pulses emitted from radio station WWVB on 1 June 1965.

Notice is also hereby given that there will be no change in the phase of time pulses emitted from radio stations WWV and WWVH on 1 June 1965. These pulses at present occur at intervals which are longer than one second by 150 parts in 10^{10}. This is due to the offset maintained in frequency, as coordinated by the Bureau International de l'Heure (BIH).

A. V. ASTIN,
Director.

[F.R. Doc. 65–4599; Filed, Apr. 30, 1965; 8:46 a.m.]

FEDERAL POWER COMMISSION

[Docket No. RI65–585]

FLUOR CORP., LTD.

Order Providing for Hearing on and Suspension of Proposed Changes in Rates

APRIL 21, 1965.

On March 15 and 18, 1965, the Fluor Corp., Ltd. (Fluor) [1] tendered for filing proposed changes in its presently effective rate schedules for sales of natural gas subject to the jurisdiction of the Commission. The proposed changes, which constitute increased rates and charges, are designated as follows:

[1] Address is: 615 Midland Tower Bldg., Midland, Tex.

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until	Cents per Mcf: Rate in effect	Cents per Mcf: Proposed increased rate	Rate in effect subject to refund in Docket Nos.
RI65-586	The Fluor Corp., Ltd., 615 Midland Tower Bldg., Midland, Tex.	6	9	El Paso Natural Gas Co. (Jalmat Field, Lea County, N. Mex.) (Permian Basin Area).	$40	3-15-65	[2] 5-1-65	10-1-65	[3] 15.5017	[4] [5] 16.8173	G-20401.
	The Fluor Corp., Ltd.	7	6	do	43	3-15-65	[2] 5-1-65	10-1-65	[3] 15.5017	[4] [5] 16.8173	G-20401.
	do	8	6	do	14	3-15-65	[2] 5-1-65	10-1-65	[3] 15.5017	[4] [5] 16.8173	G-20401.
	do	11	8	do	129	3-15-65	[2] 5-1-65	10-1-65	[3] 15.5017	[4] [5] 16.8173	G-20401.
	do	13	9	do	339	3-15-65	[2] 5-1-65	10-1-65	[3] 15.5017	[4] [5] 16.8173	G-20401.
	do	16	8	El Paso Natural Gas Co. (Pecos Valley Field, Pecos County, Tex.) (R.R. District No. 8) (Permian Basin Area).	600	3-15-65	[2] 5-1-65	10-1-65	[3] 15.5017	[4] [5] 16.6318	G-20401.
	do	9	6	Northern Natural Gas Co. (Eumont Field, Lea County, N. Mex.) (Permian Basin Area).	414	3-18-65	[2] 5-1-65	10-1-65	[3] 15.5	[4] 16.5	G-20401.
									[6] 10.5012	[4] [7] 11.7212	

[1] The stated effective date is the effective date requested by Respondent.
[2] Periodic rate increase.
[3] Pressure base is 14.65 p.s.i.a.
[4] Subject to 0.4427 cent per Mcf deduction for compression of low pressure gas (below 600 p.s.i.g.).
[5] Includes reimbursement for the full 2.55 percent New Mexico Oil and Gas Emergency School Tax.
[6] Includes reimbursement for the 0.55 percent increase in the New Mexico Oil and Gas Emergency School Tax.
[7] Subject to 0.5 cent per Mcf deduction for compression of low pressure gas (below 650 p.s.i.g.).
[8] Subject to 0.4873 cent per Mcf deduction for compression.

Supplements Nos. 9, 6, 6, 8, and 6 to Fluor's FPC Gas Rate Schedules Nos. 6, 7, 8, 11, and 9, respectively, reflect partial reimbursement for the full 2.55 percent New Mexico Oil and Gas Emergency School Tax which was increased from 2.0 percent to 2.55 percent on April 1, 1963. El Paso Natural Gas Co. (El Paso) the buyer under Supplements Nos. 9, 6, 6, and 8 to Fluor's FPC Gas Rate Schedules Nos. 6, 7, 8, and 11, respectively, has protested the rate increases contained in these four supplements. El Paso questions the right of Fluor to file rate increases reflecting tax reimbursement computed on the basis of an increase in tax rate by the New Mexico Legislature in excess of 0.55 percent. While El Paso concedes that the New Mexico tax legislation effected a higher tax rate of at least 0.55 percent, El Paso claims there is controversy as to whether or not the new legislation effected an increased tax rate in excess of 0.55 percent. Under the circumstances, we shall provide that the hearing provided for herein with respect to Supplements Nos. 9, 6, 6, and 8 to Fluor's FPC Gas Rate Schedules Nos. 6, 7, 8, and 11, respectively, shall concern itself with the contractual basis for the rate filings which El Paso has protested, as well as the statutory lawfulness of the increased rates and charges contained in all of the proposed rate supplements. Northern Natural Gas Co. is the buyer under Supplement No. 6 to Fluor's FPC Gas Rate Schedule No. 9, mentioned above, but Northern Natural Gas Co. is not expected to protest such rate increase filing.

All of the proposed increased rates and charges exceed the applicable area price levels for increased rates as set forth in the Commission's Statement of General Policy No. 61-1, as amended (18 CFR 2.56).

The proposed changed rates and charges may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the contractual basis for Fluor's proposed rate filings which El Paso has protested, as well as the statutory lawfulness of all of Fluor's proposed rate increases, and that the above-designated supplements be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR, Ch. I), a public hearing shall be held upon a date to be fixed by notice from the Secretary concerning the contractual basis for Fluor's proposed rate filings which El Paso has protested, as well as the statutory lawfulness of all of Fluor's proposed rate increases.

(B) Pending a hearing and decision thereon, the above-designated rate supplements are hereby suspended and the use thereof deferred until the date indicated in the above "Date Suspended Until" column, and thereafter until such further time as they are made effective in the manner prescribed by the Natural Gas Act.

(C) Neither the supplements hereby suspended, nor the rate schedules sought to be altered thereby, shall be changed until these proceedings have been disposed of or until the periods of suspension have expired, unless otherwise ordered by the Commission.

(D) Notices of intervention or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C., 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 and 1.37(f)) on or before June 9, 1965.

By the Commission.

[SEAL] GORDON M. GRANT,
Acting Secretary.

[F.R. Doc. 65-4475; Filed, Apr. 30, 1965; 8:45 a.m.]

[Docket No. G-6352 etc.]

CONTINENTAL OIL CO. ET AL.

Findings and Order After Statutory Hearing

APRIL 22, 1965.

Findings and order after statutory hearing issuing certificates of public convenience and necessity, amending certificates, permitting and approving abandonment of service, terminating certificates, terminating rate proceeding, making successor co-respondent, redesignating proceeding, accepting agreement and undertaking for filing, and accepting related rate schedules and supplements for filing.

Each of the Applicants listed herein has filed an application pursuant to section 7 of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale and delivery of natural gas in interstate commerce, for permission and approval to abandon service, or a petition to amend an existing certificate authorization, all as more fully described in the respective applications and petitions (and any supplements or amendments thereto) which are on file with the Commission.

The Applicants herein have filed related FPC Gas Rate Schedules and propose to initiate or abandon, add or delete natural gas service in interstate commerce as indicated by the tabulation herein. All sales certificated herein are either equal to or below the ceiling prices established by the Commission's Statement of Policy 61-1, as amended, or involve sales for which permanent certificates have been previously issued.

Ne-O-Tex Corp., Applicant in Docket No. CI65-486, proposes to sell natural gas from acreage acquired from Sinclair Oil & Gas Co. The subject acreage was nonproductive at the time of assignment but was dedicated to Sinclair's FPC Gas Rate Schedule No. 7 and sales were authorized in Docket No. G-2893. Sinclair's effective rate at the time of assignment was in effect subject to refund in Docket No. RI60-31.[1] Ne-O-Tex has entered into a contract with the purchaser for the sale of gas from the subject acreage at a rate less than Sinclair's rate at the time of assignment but greater than Sinclair's last rate not subject to refund for sales of gas from the subject acreage. Ne-O-Tex has agreed to become a co-respondent in the proceeding pending in Docket No. RI60-31 and has filed an agreement and undertaking to assure the refund of any amounts collected by it in excess of the amount determined to be just and reasonable in said proceeding. Accordingly, Ne-O-Tex will be made co-respondent, the proceeding will be redesignated, and the agreement and undertaking will be accepted for filing.

[1] Consolidated with Docket No. AR61-1, et al.

W. H. Hudson (Operator), et al., Applicant in Docket No. CI65-648, proposes to abandon the sale of natural gas authorized in Docket No. CI62-1074. An unconditioned temporary certificate was issued April 19, 1962, authorizing Applicant to commence the subject sale at an initial rate of 16.5 cents per Mcf at 14.65 p.s.i.a. The certificate application was consolidated with Amerada Petroleum Corp., et al., Docket No. CI62-1544, et al., and a certificate was issued in the order accompanying Opinion No. 422 (31 FPC 623) at the "in-line" rate of 16.0 cents per Mcf. Inasmuch as there is a possibility that some portion of the initial 16.5-cent rate will have to be refunded,[2] the abandonment will be permitted and approved in Docket No. CI65-648 but Applicant will remain responsible for any refunds which finally may be ordered in Docket No. CI62-1074. Docket No. CI62-1074 will remain consolidated with Docket No. CI62-1544, et al., for determination of the refund question. Likewise, the application filed in Docket No. CI62-1074 on April 13, 1964, for authorization to sell gas from additional acreage will remain consolidated with the pending certificate proceeding in Docket No. G-17960, et al., for determination of the refund question only. Applicant filed for an increase in rate under its related rate schedule which increase was suspended in Docket No. RI65-362 until May 5, 1965. Inasmuch as no sales will be made at the increased rate, the proceeding in Docket No. RI65-362 is moot and will be terminated.

After due notice, no petitions to intervene, notices of intervention, or protests to the granting of any of the respective applications or petitions in this order have been received.

At a hearing held on April 21, 1965, the Commission on its own motion received and made a part of the record in these proceedings all evidence, including the applications, amendments, and exhibits thereto, submitted in support of the respective authorizations sought herein, and upon consideration of the record,

The Commission finds:

(1) Each Applicant herein is a "natural-gas company" within the meaning of the Natural Gas Act as heretofore found by the Commission or will be engaged in the sale of natural gas in interstate commerce for resale for ultimate public consumption, subject to the jurisdiction of the Commission, and will, therefore, be a "natural-gas company" within the meaning of said Act upon the commencement of the service under the respective authorizations granted hereinafter.

(2) The sales of natural gas hereinbefore described, as more fully described in the respective applications, amendments, and/or supplements herein, will be made in interstate commerce, subject to the jurisdiction of the Commission, and such sales by the respective Applicants, together with the construction and operation of any facilities subject to the jurisdiction of the Commission necessary therefor, are subject to the requirements of subsections (c) and (e) of section 7 of the Natural Gas Act.

(3) The sales of natural gas by the respective Applicants, together with the construction and operation of any facilities subject to the jurisdiction of the Commission necessary therefor, are required by the public convenience and necessity and certificates therefor should be issued as hereinafter ordered and conditioned.

(4) The respective Applicants are able and willing properly to do the acts and to perform the services proposed and to conform to the provisions of the Natural Gas Act and the requirements, rules and regulations of the Commission thereunder.

(5) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act and the public convenience and necessity require that the certificate authorizations heretofore issued by the Commission in Docket Nos. G-2893, G-6352, G-9991, G-10064, G-13207, G-14865, G-18432, CI61-900, CI63-231, CI63-838, CI64-441, CI64-947, and CI64-1333 should be amended as hereinafter ordered.

(6) The temporary certificate heretofore issued in Docket No. CI61-1725 should be amended by deleting therefrom authorization granted herein in Docket No. CI65-887.

(7) The sales of natural gas proposed to be abandoned by the respective Applicants, as hereinbefore described, all as more fully described in the tabulation herein and in the respective applications, are subject to the requirements of subsection (b) of section 7 of the Natural Gas Act, and such abandonments should be permitted and approved as hereinafter ordered.

(8) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act that the abandonment hereinafter permitted and approved in Docket No. CI65-648 should not be construed to relieve Applicant therein from the responsibility for any refunds which finally may be ordered in Docket No. CI62-1074, and that the rate suspension proceeding in Docket No. RI65-362 should be terminated.

(9) The certificates of public convenience and necessity heretofore issued to the respective Applicants herein relating to the abandonments hereinafter permitted and approved should be terminated.

(10) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act that Ne-O-Tex Corp. should be made a co-respondent in the proceeding pending in Docket No. RI60-31, that said proceeding should be redesignated accordingly, and the agreement and undertaking submitted by Ne-O-Tex Corp. in said proceeding should be accepted for filing.

(11) The respective related rate schedules and supplements as designated or redesignated in the tabulation herein should be accepted for filing as hereinafter ordered.

The Commission orders:

(A) Certificates of public convenience and necessity be and the same are hereby issued, upon the terms and conditions of this order, authorizing the sales by the respective Applicants herein of natural gas in interstate commerce for resale, together with the construction and operation of any facilities subject to the jurisdiction of the Commission necessary for such sales, all as hereinbefore described and as more fully described in the respective applications, amendments, supplements and exhibits in this proceeding.

(B) The certificates granted in paragraph (A) above are not transferable and shall be effective only so long as Applicants continue the acts or operations hereby authorized in accordance with the provisions of the Natural Gas Act and the applicable rules, regulations and orders of the Commission.

(C) The grant of the certificates issued in paragraph (A) above shall not be construed as a waiver of the requirements of section 4 of the Natural Gas Act or of Part 154 or Part 157 of the Commission's regulations thereunder, and is without prejudice to any findings or orders which have been or may hereafter be made by the Commission in any proceeding now pending or hereafter instituted by or against the respective Applicants. Further, our action in this proceeding shall not foreclose nor prejudice any future proceedings or objections relating to the operation of any price or related provisions in the gas purchase contracts herein involved. Nor shall the grant of the certificates aforesaid for service to the particular customers involved imply approval of all of the terms of the respective contracts, particularly as to the cessation of service upon termination of said contracts, as provided by section 7(b) of the Natural Gas Act. Nor shall the grant of the certificates aforesaid be construed to preclude the imposition of any sanctions pursuant to the provisions of the Natural Gas Act for the unauthorized commencement of any sales of natural gas subject to said certificates.

(D) The certificate issued herein in Docket No. CI65-828 is subject to the conditions set forth in paragraphs (E), (F), and (G) of the order accompanying Opinion No. 350 (27 FPC 35). Applicant is hereby required to submit an estimated billing statement for the first month of service.

(E) The certificate authorizations heretofore issued to the respective Applicants in Docket Nos. G-6352, G-9991, CI63-231, and CI64-947 are hereby amended by adding thereto or deleting therefrom authorization to sell natural gas to the same purchasers and in the same areas as covered by the original authorizations, pursuant to the rate schedule supplements as indicated in the tabulation herein.

(F) The temporary certificate heretofore issued in Docket No. CI61-1725 is hereby amended by deleting therefrom authorization granted herein in Docket No. CI65-887.

[2] See P.S.C. of the State of New York v. F.P.C., 329 F. 2d 242, cert. denied sub nom. Prado Oil & Gas Co. v. F.P.C. and Skelly Oil Co., et al. v. F.P.C., 377 U.S. 963.

(G) The certificates heretofore issued in Docket Nos. G–2893 and G–14865 are hereby amended by deleting therefrom authorization granted herein in Docket Nos. CI65–486 and CI65–857.

(H) The certificate heretofore issued in Docket No. G–18432 is hereby amended by deleting therefrom authorization to render the subject sales granted herein in Docket Nos. CI65–885 and CI65–886.

(I) The certificate heretofore issued in Docket No. CI64–1333 is hereby amended to include the sale of natural gas from the additional acreage and the related rate schedule is redesignated as Har-Ken Oil Co., et al.

(J) The certificates heretofore issued in Docket Nos. G–10064, G–13207, CI61–900, CI63–838, and CI64–441 are hereby amended by changing the certificate holders to the respective successors in interest as indicated in the tabulation herein.

(K) In view of the authorization granted in paragraph (J) above in Docket No. G–13207 wherein Colorado Oil and Gas Corp. is authorized to sell gas from acreage acquired from Socony Mobil Oil Co., Inc., the sales of gas by Colorado Oil and Gas Corp. to its parent company, Colorado Interstate Gas Co. is without prejudice to any action which the Commission may take in any rate proceeding involving either company.

(L) Applicant in Docket No. G–13207 is hereby subject to Socony Mobil's settlement approved by the Commission's order issued May 5, 1964, which among other things imposed a moratorium on the filing of rate increases until January 1, 1967.

(M) Permission for and approval of the abandonment of service by the respective Applicants, as hereinbefore described and as more fully described in the respective applications herein are hereby granted.

(N) The abandonment herein permitted and approved in Docket No. CI65–648 does not relieve Applicant therein from the responsibility for any refunds which finally may be ordered in Docket No. CI62–1074, and the related rate suspension proceeding in Docket No. RI65–362 is hereby terminated.

(O) The certificates heretofore issued in Docket Nos. G–5126, G–5132, G–16569, G–16763, G–18605, and CI63–204 are hereby terminated.

(P) Ne-O-Tex Corp. be and it is hereby made a co-respondent in the proceeding pending in Docket No. RI60–31, said proceeding is redesignated accordingly,[2] and the agreement and undertaking submitted by Ne-O-Tex Corp. in said proceeding is accepted for filing.

(Q) Ne-O-Tex Corp. shall comply with the refunding and reporting procedure required by the Natural Gas Act and section 154.102 of the regulations thereunder, and the agreement and undertaking filed by Ne-O-Tex Corp. in Docket No. RI60–31 shall remain in full force and effect until discharged by the Commission.

(R) The respective related rate schedules and supplements as indicated in the tabulation herein are hereby accepted for filing; further, the rate schedules relating to the successions herein are hereby redesignated and accepted, subject to the applicable Commission regulations under the Natural Gas Act to be effective on the dates indicated in the tabulation herein.

By the Commission.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

Docket No. and date filed	Applicant	Purchaser, field, and location	FPC rate schedule to be accepted		
			Description and date of document	No.	Supp.
G–6252 C 4–10–64	Continental Oil Co.	United Gas Pipe Line Co., South Cabeza Creek Field, Goliad County, Tex.	Letter 3–23–64 [1]	267	9
G–9981 D 3–4–65	Gulf Oil Corp. (Operator), et al.	Michigan Wisconsin Pipe Line Co., Nichols Field, Kiowa County, Kans.	Letter agreement 12–30–64 [1] [9]	44	7
G–10064 E 3–8–65	John A. Hendershot (Operator), et al. (Successor to Russell Cobb, Jr. (Operator), et al.).	Arkansas Louisiana Gas Co., South Hunter Field, Garfield County, Okla.	Russell Cobb, Jr. (Operator), et al., FPC GRS No. 1. Supplement No. 1	1	----
			Notice of succession 3–4–65.	1	1
			Assignment 10–1–63 [4]	1	----
			Assignment 10–2–63 [5]	1	----
			Trust agreement 9–30–63 [6]	1	Exh. A to 3
			Effective date: 10–2–63		
G–13207 E 3–3–65	Colorado Oil & Gas Corp. (successor to Socony Mobil Oil Co., Inc.).	Colorado Interstate Gas Co., Adams Ranch Field, Meade County, Kans.	Socony Mobil Oil Co., Inc., FPC GRS No. 250.	57	----
			Supplement Nos. 1–2	57	1–2
			Notice of succession (undated).		
			Assignment 12–8–64 [7]	57	3
			Assignment 3–5–65 [8]	57	4
			Effective date: 12–1–64		
CI61–900 E 3–4–65	Livingston Oil Co. (successor to A. O. Olson, d.b.a. Olson Oil Co.).	Cities Service Gas Co., West Palmer Field, Barber County, Kans.	A. O. Olson d.b.a. Olson Oil Co., FPC GRS No. 1.	17	----
			Notice of succession 3–4–65.		
			Assignment 10–15–64 [9]	17	1
			Assignment 10–15–64 [10]	17	2
			Effective date: 9–1–64		
CI62–231 D 3–10–65	Ryan Consolidated Petroleum Corp.	Hope Natural Gas Co., New Milton District, Doddridge County, W. Va.	Supplement (undated). [11]	8	3
CI62–836 E 2–11–65	Genere Gas Industries, Inc. (successor to James A. Ford d.b.a. Maytex Gas Co., Operator).	Texas Gas Transmission Corp., NE Bethany Field, Panola County, Tex.	James A. Ford d.b.a. Maytex Gas Co., Operator, FPC GRS No. 2.	1	----
			Notice of succession 2–9–65.		
			Assignment 1–28–65 [12]	1	1
			Effective date: 3–1–65.		
CI64–441 E 2–11–65	Genere Gas Industries, Inc. (successor to James A. Ford d.b.a. Maytex Gas Co. (Operator), et al.).	do	James A. Ford d.b.a. Maytex Gas Co. (Operator), et al., FPC GRS No. 2.	2	----
			Notice of succession 2–9–65.		
			Assignment 1–28–65 [12]	2	1
			Effective date: 3–1–65.		
CI64–947 C 3–8–65	The Atlantic Refining Co.	Northern Natural Gas Co., Ivanhoe Area, Beaver County, Okla.	Agreement 1–6–65	385	----
			Letter agreement 2–5–65. [13] [14]	385	2
CI64–1333 C 3–10–65	Har-Ken Oil Co., et al.	Texas Gas Transmission Corp., Midland Field, Muhlenberg County, Ky.	Contract 3–18–65 [14] [15]	6	----
CI65–486 (G–2893) F 11–30–64	Ne-O-Tex Corp. [2]	El Paso Natural Gas Co., Spraberry Trend Area, Glasscock County, Tex.	Contract 9–28–64	1	----
CI65–648 (CI62–1074) D 1–7–65	W. H. Hudson (Operator), et al.	Tennessee Gas Transmission Co., NE Lopeno (Wilcox) Field, Zapata County, Tex.	Letter agreement 9–28–64 [16]	1	1
			Notice of cancellation 1–5–65. [15]	8	7
CI65–827 A 3–29–65	Anadarko Production Co.	Kansas-Colorado Utilities, Inc., Hugoton Field, Hamilton County, Kans.	Contract 11–28–64	87	----
			Amendment 2–2–65 [17] [18]	87	1
CI65–838 A 2–23–65 F 3–15–65 [19]	Ashland Oil & Refining Co.	Panhandle Eastern Pipe Line Co., acreage in Woods County, Okla.	Contract 12–16–64	173	----
			Letter agreement 10–9–64 [18] [20]	172	1
CI65–846 A 3–1–65	Southern Union Production Co.	El Paso Natural Gas Co., Mesa Verde Formation, La Plata County, Colo.	Contract 1–28–65 [18]	16	----

Filing code: A—Initial service.
B—Abandonment.
C—Amendment to add acreage.
D—Amendment to delete acreage.
E—Succession.
F—Partial succession.

See footnotes at end of table.

[2] Sinclair Oil & Gas Co. and Ne-O-Tex Corp.

Docket No. and date filed	Applicant	Purchaser, field, and location	FPC rate schedule to be accepted		
			Description and date of document	No.	Supp.
CI65–862 (G–18605) B 3–4–65	Humble Oil & Refining Co. (Operator), et al.	American Louisiana Pipe Line Co., Chenlere Section, East Field, Cameron Parish, La.	Notice of cancellation 2–1–65. [15]	156	8
CI65–885 (G–18432) F 2–22–65 [21]	Oil & Gas Property Management, Inc. (Delaware), Agent for Maloo Oil & Gas, Inc.	Tennessee Gas Transmission Co., Cleveland, Lick Branch, McCoy and Pelican Fields, Liberty and San Jacinto Counties, Tex.	Nalco Oil & Gas, Inc., FPC G RS No. 1–14. Supplement No. 1–14	1	----
			Notice of succession (undated).	1	1–14
			Operating agreement 4–1–64.	1	15
			Amendment of operating agreement 6–21–61.	1	16
			Nalco Oil & Gas, Inc., FPC GRS No. 3. Supplement No. 1–10	2	----
			Notice of succession (undated).	2	1–10
			Operating agreement 2–1–54.	2	11
			Amendment of operating agreement 12–21–61.	2	12
CI65–867 (CI61–1725) [22] F 3–3–65	Rutter and Co., Ltd., et al.	El Paso Natural Gas Co., Spraberry Trend Area, Glasscock County, Tex.	Contract 4–6–61 [23]	2	----
			Assignment 12–10–62 [24]	2	1
			Assignment 1–3–64 [25]	2	2
			Effective date: 11–1–62.		
CI65–869 A 3–10–65	M. D. Carey, et al. d.b.a. Carey Oil Co., et al.	Hope Natural Gas Co., Grant District Dodd-bridge County, W. Va.	Contract 1–21–65 [14]	3	----
CI65–880 A 3–10–65	E. C. Wilson, et al.	Hope Natural Gas Co. Grant District Doddridge County, W. Va.			
CI65–881 A 3–10–65	M. D. Carey, et al. d.b.a. Carey Oil Co., et al.	Hope Natural Gas Co., Grant District, Doddridge County, W. Va.	Contract 1–26–65 [14]	3	----
CI65–882 A 3–10–65	John S. Bailey, Jr., et al.	Hope Natural Gas Co., Jane Lew District, Calhoun County, W. Va.	Contract 1–26–65 [14]	1	----
CI65–883 A 3–10–65	Gus Berry	Hope Natural Gas Co., Murphy District, Ritchie County, W. Va.	Contract 2–9–65 [14]	3	----
CI65–884 A 3–10–65	West Vandyfy Trust	United Fuel Gas Co., Geary District, Roane County, W. Va.	Contract 2–8–65 [14]	3	----
CI65–885 A 3–4–65	Victor Hale	Kentucky-West Virginia Gas Co., Middle Creek Field, Floyd County, Ky.	Contract 2–10–65 [14]	13	----
D (G–14865)[26]	Cities Service Oil Co.	do			
CI65–967 (G–6132) B 3–4–65	Sunray DX Oil Co. (Operator), et al.	Texas Eastern Transmission Corp., Hico Creek Field, Goliad County, Tex.	Contract 5–13–40	3	1
CI65–968 B 3–4–65	Hastie Hunt Trust	United Gas Pipe Line Co., Bryceland Area, Bienville Parish, La.	Supplemental agreement 2–17–53.	3	2
CI65–969 (G–16763) B 3–4–65	Obeyenne Oil Corp. of Delaware (Operator), et al.	Texas Gas Transmission Corp., Grant Coulee Area, Amelia Parish, La.	Supplemental agreement 6–28–52	3	3
CI65–970 (G–16569) B 3–4–65	Champlin Petroleum Co.	Arkansas Louisiana Gas Co., Bell Estate Unit No. 1, Bell Point County, Okla.	Supplemental agreement 6–5–54.	3	4
CI65–966 (CI63–204) B 3–4–65	Neal Rudder (Operator), et al.	Hope Natural Gas Co., Central District, Doddridge County, W. Va.	Supplemental agreement 7–8–57.	3	5
CI65–968 A 3–4–65	West Vandyfy Trust	Hope Natural Gas Co., Horner District, Harrison County, W. Va.	Supplemental agreement 6–13–60.	3	6
CI65–969 A 3–4–65			Supplemental agreement 7–7–60.	3	7
CI65–970 A 3–4–65	Trojan Coal & Petroleum Corp.	Hope Natural Gas Co., Glenville District, Gilmer County, W. Va.	Supplemental agreement 12–14–60.	3	8
CI65–971 A 3–4–65	Pioneer Petroleum, Inc., et al.	Hope Natural Gas Co., Union District, Harrison County, W. Va.	Supplemental agreement 11–11–60.	3	9
CI65–972 A 3–4–65	Texas American Oil Corp.	Northern Natural Gas Co., Texas Panhandle Area, Beaver County, Okla.	Supplemental agreement 5–23–62. [8]	3	~10
CI65–973 A 3–4–65	E. M. Reynolds d.b.a. Medlom Gas Co.	Hope Natural Gas Co., Ripley District, Jackson County, W. Va.	Amendment 12–1–64 [27]	40	11
CI65–974 A 3–4–65	Deb Oil & Gas Co.	Hope Natural Gas Co., Warren District, Wirt County, W. Va.	Effective date: 12–1–64.		
CI65–976 A 3–4–65	Union Drilling, Inc.	Cumberland & Allegheny Gas Co., Banks District, Upshur County, W. Va.	Notice of cancellation 2–3–65. [15]	10	14
CI65–977 (G–6132) B 3–4–65	Sunray DX Oil Co. (Operator), et al.	Texas Eastern Transmission Corp., North Goebel Field, Live Oak County, Tex.	Contract 11–2–64 [14]	21	6
CI65–979 A 3–4–65	Ambassador Oil Corp. (Operator), et al.	Northern Natural Gas Co., Texas Panhandle Area, Gillespie County, Tex.	Notice of cancellation 2–3–65. [15]	2	2
CI65–980 A 3–4–65	Spartan Gas Co.	United Fuel Gas Co., Malden District, Kanawha County, W. Va.	Contract 2–24–65 [14]	24	----
			Notice of cancellation 2–3–65. [15]	31	15
			Contract 1–26–65 [14]	23	----
			Contract 2–3–65 [14]	12	----

See footnotes at end of table.

[1] By letter filed Aug. 10, 1964, Applicant amended its supplemental agreement to delete the indefinite pricing provisions from basic contract, insofar as it relates to subject additional acreage.
[2] Effective date: Date of this order.
[3] Conveys acreage from Russell Cobb, Jr., to Compressor Corp. of Oklahoma.
[4] Conveys acreage from Compressor Corp. to Southwest Title & Trust Co., Inc., and/or J. A. Hendershot.
[5] Between Southwest Title & Trust and Southwest Title & Trust Co., Inc., trustee.
[6] From Socony Mobil to Lee Banks to Colorado Oil & Gas Corp.
[7] Conveys acreage from Quail to Colorado Oil & Gas Corp.
[8] Conveys acreage from Olson to Quail Oil Co.
[9] Deletes acreage from Wiltz rate schedule an 80-acre portion which was never owned by Ryan. Hope has entered into a separate contract with Ryan for this acreage and sales therefrom have been certificated in Docket No. CI65–980.
[10] Assignment of leases from Bethany Gas Gathering Co. (successor to Floyd W. Stone, et al., d.b.a. Stone Oil Co.) to James A. Ford d.b.a. Maytex Gas Co. was operator for Bethany Gas Gathering Co. in which Ford is managing partner) to Genere.
[11] Provides for connection of low-deliverability well.
[12] Effective date: Date of initial delivery.
[13] Supersedes and cancels, without limitation (new contract does not change pricing provisions).
[14] By letter filed Jan. 27, 1965, Applicant agreed to accept a permanent certificate at an initial rate of 16.216 cents per Mcf.
[15] Provides that Sept. 28, 1964, contract shall supersede Sept. 22, 1962, contract with Sinclair as to subject acreage as long as Sept. 28, 1964, contract remains effective.
[16] Production of gas no longer economically feasible.
[17] By letter filed Apr. 16, 1964, designated as Har-Ken Oil Co., FPC GRS No. 2. Covers previously dedicated and additional acreage.
[18] By letter filed Jan. 27, 1965, Applicant agreed to accept a permanent certificate at an initial rate of 16.216 cents per Mcf. Provides that Sept. 28, 1964, contract shall supersede Sept. 22, 1962, contract with Sinclair as to subject acreage as long as Sept. 28, 1964, contract remains effective.
[19] Production of gas no longer economically feasible.
[20] Deletes acreage buyer cannot economically connect to its system.
[21] Effective date: Date of this order.
[22] Conveys acreage from Compressor Corp. of Oklahoma.
[23] Between Southwest Title & Trust Co., Inc., and/or J. A. Hendershot.
[24] From Socony Mobil to Lee Banks to Colorado Oil & Gas Corp.
[25] Conveys acreage from Quail to Colorado Oil & Gas Corp.
[26] Conveys acreage from Olson to Quail Oil Co.
[27] Deletes acreage from Wiltz rate schedule an 80-acre portion which was never owned by Ryan. Hope has entered into a separate contract with Ryan for this acreage and sales therefrom have been certificated in Docket No. CI65–980.

[19] Amends contract pricing provisions by deleting the indefinite pricing clause.
[20] Applicant filed for 17.0 cents but agreed by a petition to amend the application filed Mar. 15, 1965, to accept a permanent certificate at 15.0 cents conditioned similarly to the certificates issued in Opinion No. 350.
[21] Provides for connection of low pressure wells that do not meet the contract's reserve requirements.
[22] Partial succession to Supplement No. 4 to Cities Service Oil Co.'s, FPC GRS No. 40.
[23] Assigns interest in lease to a depth of 4,000 feet.
[24] No certificate deletion filing made by Cities Service Oil Co.
[25] Deletes interest in lease assigned to Sam D. Ares and Albert L. Ares (Operators), et al., FPC GRS No. 3.
[26] Source of gas depleted.
[27] Encroachment of salt water has rendered well unproductive.
[28] No change in ownership interest is involved, merely a change in operators. Management owning no interest in the leases involved.
[29] Bartessa Oil Corp. was issued temporary certificate at 16.0 cents on Aug. 26, 1961, and refused permanent certificate at 16.0 cents rate. Rutter & Co., Ltd., et al., requested a permanent certificate at 16.0 cents by letter dated Mar. 16, 1965 (filed Mar. 17, 1965).
[30] Basic contract between Bartessa Oil Corp. and El Paso (Bartessa Oil Corp., et al., FPC GRS No. 2).
[31] Assignment of interest from Bartessa Oil Corp. to James L. Parks (Parks has made no filing with regards to this acreage).
[32] Assignment of interest from James L. Parks to Rutter & Co., Ltd., et al.

[F.R. Doc. 65-4474; Filed, Apr. 30, 1965; 8:45 a.m.]

DEPARTMENT OF THE TREASURY

Bureau of Customs

[T.D. 56401]

PHILIPPINE PESO

Rates of Exchange

APRIL 27, 1965.

T.D. 55619, issued May 14, 1962, following the Philippines exchange reform of January 22, 1962, authorized customs conversions of the Philippine peso on the basis of a composite of 20 percent at the certified "Official" rate and 80 percent at the certified "Free" rate.

Subsequent instructions in Central Bank of the Philippines Circular No. 184, series of 1964, December 1, 1964, holds that all exports with an annual average value under $2 million for the years 1962–1963 will not be subject to the 20 percent retention of export proceeds, effective as to export licenses approved beginning December 1, 1964. Receipts of foreign exchange from embroidery re-exports licensed for export beginning December 1, 1964, specifically are exempted from the 20 percent retention of export proceeds according to the Central Bank's memorandum dated December 4, 1964, to its authorized agent banks.

Effective as to entries covering embroidery re-exports and exportations of other commodities, the exports of which had an annual average value under $2 million for the years 1962–1963, licensed for export beginning December 1, 1964, conversions of the Philippine peso for customs purposes shall proceed 100 percent at the "Free" rate of exchange as certified for the date of exportation by the Federal Reserve Bank of New York.

The directions in T.D. 55619, authorizing conversion of the Philippine peso on the basis of a composite of 20 percent at the "Official" rate of exchange and 80 percent at the "Free" rate of exchange, continue in force as to commodities that remain subject to the 20-percent retention of export proceeds by direction of the Central Bank's memorandum to authorized agent banks dated December 2, 1964, namely:

1. Copra.
2. Centrifugal sugar.
3. Logs.
4. Coconut oil.
5. Abaca (hemp).
6. Copper concentrates.
7. Desiccated coconut.
8. Plywood.
9. Iron ores.
10. Copra meal/cake/pellets/expeller.
11. Copper and silver concentrates.
12. Canned pineapple.
13. Leaf tobacco.
14. Refractory chrome ore.
15. Molasses.
16. Lumber.
17. Refined sugar.
18. Corestock.
19. Veneers.
20. Scrap/strip/filler/stem tobacco.
21. Abaca rope (cordage).
22. Pineapple juice.
23. Pollard.

The rates of exchange certified for the Philippine peso for the period December 1–4, 1964, were published in the January 14, 1965, issue of the weekly Treasury Decisions. Such rates for subsequent dates of exportation appear in each succeeding weekly issue.

[SEAL] LESTER D. JOHNSON,
Acting Commissioner of Customs.

[F.R. Doc. 65-4605; Filed, Apr. 30, 1965; 8:47 a.m.]

[Antidumping—AA 643.3-r]

TITANIUM DIOXIDE FROM WEST GERMANY

Withholding of Appraisement Notice

APRIL 27, 1965.

Pursuant to section 201(b) of the Antidumping Act, 1921, as amended (19 U.S.C. 160(b)), notice is hereby given that there are reasonable grounds to believe or suspect, from information presented to me, that the purchase price of titanium dioxide, pigment grade, imported from West Germany, manufactured by Farbenfabriken Bayer A. G., Leverkusen, Germany, is less, or likely to be less, than the foreign market value as defined by sections 203 and 205, respectively, of the Antidumping Act, 1921, as amended (19 U.S.C. (162 and 164)). The investigation is limited to the transactions of the above-identified firm.

Customs officers are being directed to withhold appraisement of titanium dioxide, pigment grade, imported from West Germany, manufactured by Farbenfabriken Bayer A. G., Leverkusen, Germany, in accordance with the provisions of § 14.9 of the Customs Regulations (19 CFR 14.9).

The information alleging that the merchandise under consideration was being sold at less than fair value within the meaning of the Antidumping Act was received in proper form on November 17, 1964. The information was submitted by the Cabot Corp., Boston, Mass.

This notice is published pursuant to § 14.6(e) of the Customs Regulations (19 CFR 14.6(e)).

[SEAL] LESTER D. JOHNSON,
Acting Commissioner of Customs.

[F.R. Doc. 65-4606; Filed, Apr. 30, 1965; 8:47 a.m.]

CIVIL AERONAUTICS BOARD

[Docket No. 15353; Order E-23092]

INTERNATIONAL AIR TRANSPORT ASSN.

Order Relating to Specific Commodity Rates

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 27th day of April 1965.

There has been filed with the Board, pursuant to section 412(a) of the Federal Aviation Act of 1958 (the act) and Part 261 of the Board's Economic Regulations, an agreement between various air carriers, foreign air carriers, and other carriers, embodied in the resolutions of Joint Conference 1–2–3 of the International Air Transport Association (IATA), and adopted pursuant to the provisions of Resolution 590 dealing with specific commodity rates.

The agreement, adopted pursuant to unprotested notices to the carriers and promulgated in IATA Status Report No. 11, names an additional specific commodity rate as set forth below.

Item 1100—Furs, hides, pelts and skins; and parts thereof; n.e.s., excluding wearing apparel, 253 cents per kg., minimum weight 100 kgs., Calcutta to New York.

The Board, acting pursuant to sections 102, 204(a) and 412 of the act, does not find the subject agreement to be adverse to the public interest or in violation of the act, provided that approval thereof is conditioned as hereinafter ordered.

Accordingly, it is ordered:

That Agreement C.A.B. 18169, R–10 be approved, provided that such approval shall not constitute approval of the specific commodity descriptions contained therein for purposes of tariff publication.

Any air carrier party to the agreement, or any interested person, may within 15 days from the date of service of this order, submit statements in writing containing reasons deemed appropriate, together with supporting data, in support of or in opposition to the Board's action herein. An original and nineteen copies of the statement should be filed with the Board's Docket Section. The Board may, upon consideration of any such statements filed, modify or rescind its action herein by subsequent order.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON,
Secretary.

[F.R. Doc. 65-4621; Filed, Apr. 30, 1965; 8:48 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket Nos. 15668, 15708; FCC 65M–524]

CHICAGOLAND TV CO. AND CHICAGO FEDERATION OF LABOR AND INDUSTRIAL UNION COUNCIL

Order Continuing Hearing

In re applications of Frederick B. Livingston and Thomas L. Davis, d/b as Chicagoland TV Co., Chicago, Ill., Docket No. 15668, File No. BPCT–3116; Chicago Federation of Labor and Industrial Union Council, Chicago, Ill., Docket No. 15708, File No. BPCT–3439; for construction permit for new television broadcast station (Channel 38).

The Hearing Examiner having for consideration a motion to continue the date for recommencement of the hearing filed by Chicago Federation of Labor and Industrial Union Council on April 26, 1965, together with the averments contained therein that the other parties hereto have consented to immediate grant of the requested relief;

It appearing that good cause for the requested continuance has been shown;

It is ordered, This 27th day of April 1965, that the hearing now scheduled to recommence on May 4, 1965, is continued to May 11, 1965, at 10 a.m. in the offices of the Commission at Washington, D.C.

Released: April 28, 1965.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 65-4611; Filed, Apr. 30, 1965; 8:47 a.m.]

[Docket No. 12865; FCC 65M–528]

CHRONICLE PUBLISHING CO. (KRON–TV)

Order Continuing Hearing

In re application of Chronicle Publishing Co. (KRON–TV), San Francisco, Calif., Docket No. 12865, File No. BPCT–2168; for construction permit to increase antenna height.

The Hearing Examiner having under consideration pleading filed April 27, 1965, on behalf of Chronicle Publishing Co. requesting that the hearing conference now scheduled for April 30, 1965, be rescheduled for June 15, 1965;

It appearing that Chronicle along with Crocker Land Co. have filed petitions for reconsideration in connection with the Commission's memorandum opinion and order released February 11, 1965 (FCC 65–98);

It further appearing that good cause exists as said pleadings are currently pending before the Commission;

Accordingly, it is ordered, This 26th day of April 1965 that the hearing conference herein now scheduled for April 30, 1965, be and the same is hereby rescheduled for June 15, 1965, 10 a.m., in the Commission's offices, Washington, D.C.

Released: April 28, 1965.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 65-4612; Filed, Apr. 30, 1965; 8:47 a.m.]

[Docket Nos. 15973, 15974]

DIXIE BROADCASTING CO. INC. AND TUPELO BROADCASTING CO., INC.

Order Designating Applications for Consolidated Hearing on Stated Issues

In re applications of Dixie Broadcasting Co., Inc., Tupelo, Miss., Docket No. 15973, File No. BPH–4423; requests: 98.5 mc, #253; 100 kw; 246.5 ft.; Tupelo Broadcasting Co., Inc., Tupelo, Miss., Docket No. 15974, File No. BPH–4461; requests: 98.5 mc, #253; 100 kw; 378 ft.; for construction permits.

The Commission, by the Chief of the Broadcast Bureau under delegated authority, considered the above-captioned applications on April 27th, 1965.

It appearing, that, except as indicated by the issues specified below, each of the applicants is legally, technically, financially, and otherwise qualified to construct and operate as proposed; and

It further appearing that the above-captioned applications are mutually exclusive in that operation by the applicants as proposed would result in mutually destructive interference with each other; and

It further appearing, that, the population, as well as the area, to be served by applicants proposals differ substantially in number and size, and that for purposes of comparison, the areas and populations within the respective 1 mv/m contours, together with the availability of other FM services (at least 1 mv/m) within such areas will be considered in the hearing ordered below for the purpose of determining whether a comparative preference should be afforded either applicant; and

It further appearing, that, in view of the foregoing, the Commission in unable to make the statutory finding that a grant of the applications would serve the public interest, convenience, and necessity, and is of the opinion that the applications must be designated for hearing in a consolidated proceeding on the issues set forth below;

It is ordered, That, pursuant to section 309(e) of the Communications Act of 1934, as amended, the applications are designated for hearing in a consolidated proceeding, at a time and place to be specified in a subsequent order, upon the following issues:

1. To determine the area and population within each of the proposed 1 mv/m contours and the availability of other FM service (at least 1 mv/m) to such areas and populations.

2. To determine, on a comparative basis, which of the proposals would better serve the public interest, convenience, and necessity in light of the evidence adduced pursuant to the foregoing issue and the record made with respect to the significant differences between the applicants as to:

(a) The background and experience of each having a bearing on its ability to own and operate the FM broadcast station as proposed.

(b) The proposals of each with respect to the management and operation of the FM broadcast station as proposed.

(c) The programming services proposed in each of the above-captioned applications.

3. To determine, in the light of the evidence adduced pursuant to the foregoing issues which, if either, of the applications should be granted.

It is further ordered, That, to avail themselves of the opportunity to be heard, the applicants herein, pursuant to § 1.221(c) of the Commission rules, in person or by attorney, shall, within 20 days of the mailing of this order, file with the Commission in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this order.

It is further ordered, That the applicants herein shall, pursuant to section 311(a)(2) of the Communications Act of 1934, as amended, and § 1.594 of the Commission's rules, give notice of the hearing, either individually or, if feasible and consistent with the rules, jointly, within the time and in the manner prescribed in such rule, and shall advise the Commission of the publication of such notice as required by § 1.594(g) of the rules.

It is further ordered, That, the issues in the above-captioned proceeding may be enlarged by the Examiner, on his own motion or on petition properly filed by a party to the proceeding, and upon sufficient allegations of fact in support thereof, by the addition of the following issue:

To determine whether the funds available to the applicant will give reasonable assurance that the proposals set forth in the application will be effectuated.

Released: April 28, 1965.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 65-4613; Filed, Apr. 30, 1965; 8:47 a.m.]

[Docket Nos. 15975, 15976]

REGIONAL BROADCASTING CORP. AND EVERGREEN ENTERPRISES, INC.

Order Designating Applications for Consolidated Hearing on Stated Issues

In re applications of Regional Broadcasting Corp., Loveland, Colo., Docket No. 15975, File No. BPH–4708; requests: 102.3 mc, #272; 3 kw; −82 ft.; Evergreen Enterprises, Inc., Loveland, Colo., Docket No. 15976, File No. BPH–4779; requests: 102.3 mc, #272; 3 kw; 5 ft.; for construction permits.

The Commission, by the Chief of the Broadcast Bureau under delegated authority, considered the captioned applications on April 27, 1965;

It appearing, that, except as indicated by the issues specified below, each of the applicants is legally, technically, financially, and otherwise qualified to construct and operate as proposed; and

It further appearing that the above-captioned applications are mutually exclusive in that concurrent operation would result in mutually destructive interference; and

It further appearing, that, in view of the foregoing, the Commission is unable to make the statutory finding that a grant of the subject applications would serve the public interest, convenience, and necessity, and is of the opinion that the applications must be designated for hearing in a consolidated proceeding on the issues set forth below;

It is ordered, That, pursuant to section 309(e) of the Communications Act of 1934, as amended, the applications are designated for hearing in a consolidated proceeding, at a time and place to be specified in a subsequent order, upon the following issues:

1. To determine which of the operations proposed in the above-captioned applications would better serve the public interest, in light of the evidence adduced and the record made with respect to the significant differences between the applicants as to:

(a) The background and experience of each having a bearing on the applicant's ability to own and operate the proposed FM broadcast station.

(b) The proposals of each of the applicants with respect to management and operation of the proposed station.

(c) The programming services proposed in each of the applications.

2. To determine, in the light of the evidence adduced pursuant to the foregoing issue, which of the applications should be granted.

It is further ordered, That, to avail themselves of the opportunity to be heard, the applicants herein, pursuant to § 1.221(c) of the Commission's rules, in person or by attorney, shall, within 20 days of the mailing of this order, file with the Commission in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this order.

It is further ordered, That the applicants herein shall, pursuant to section 311(a)(2) of the Communications Act of 1934, as amended, and § 1.594 of the Commission's rules, give notice of the hearing, either individually or, if feasible and consistent with the rules, jointly, within the time and in the manner prescribed in such rule, and shall advise the Commission of the publication of such notice as required by § 1.594(g) of the rules.

It is further ordered, That, the issues in the above-captioned proceedings may be enlarged by the Examiner, on his own motion or on petition properly filed by a party to the proceeding, and upon sufficient allegations of fact in support thereof, by the addition of the following issue:

To determine whether the funds available to the applicant will give reasonable assurance that the proposals set forth in the application will be effectuated.

Released: April 28, 1965.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 65-4614; Filed, Apr. 30, 1965; 8:47 a.m.]

[Docket Nos. 15841—15843; FCC 65M-527]

WTCN TELEVISION, INC. (WTCN-TV) ET AL.

Order Continuing Hearing

In re applications of WTCN Television, Inc. (WTCN-TV), Minneapolis, Minn., Docket No. 15841, File No. BPCT-2850; Midwest Radio-Television, Inc. (WCCO-TV), Minneapolis, Minn., Docket No. 15842, File No. BPCT-3292; United Television, Inc. (KMSP-TV), Minneapolis, Minn., Docket No. 15843, File No. BPCT-3293; for construction permits.

The Hearing Examiner having under consideration joint petition filed April 21, 1965, on behalf of WTCN Television, Inc., and United Television, Inc., applicants herein, in which petitioners request a revision of procedural dates heretofore scheduled and that the hearing now scheduled for June 15, 1965, be rescheduled for June 29, 1965, or such other date as may fit the Hearing Examiner's schedule, and comments filed April 22, 1965 on behalf of the Association of Maximum Service Telecasters, Inc.;

It appearing that MST pleads that its counsel presently have a conflict with the requested hearing date of June 29, 1965, with a matter now in hearing before another Hearing Examiner;

It further appearing that good cause exists why said joint petition should be granted; that the hearing should be rescheduled for a date other than June 29, 1965, and there is no other objection thereto;

Accordingly, it is ordered, This 28th day of April 1965, that the petition is granted and that the exchange of applicant's affirmative exhibits shall be on or before May 17, 1965; that respondents' replies or negative exhibits shall be exchanged on or before June 15, 1965, and that the notification of witnesses desired for cross-examination shall be accomplished on or before June 22, 1965;

It is further ordered, That the hearing now scheduled for June 15, 1965, be and the same is hereby rescheduled for July 19, 1965, 10 a.m., in the Commission's offices, Washington, D.C.

Released: April 28, 1965.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 65-4615; Filed, Apr. 30, 1965; 8:47 a.m.]

FEDERAL MARITIME COMMISSION

PACIFIC COAST-AUSTRALASIAN TARIFF BUREAU

Notice of Agreement Filed for Approval

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement(s) at the Washington office of the Federal Maritime Commission, 1321 H Street NW., Room 301; or may inspect agreements at the offices of the District Managers, New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments with reference to an agreement including a request for hearing, if desired, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C., 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the comments should indicate that this has been done.

Notice of agreement filed for approval by:

Mr. W. C. Galloway, Chairman, Pacific Coast-Australasian Tariff Bureau, 635 Sacramento Street, San Francisco, Calif., 94111.

Agreement 50-14 between the member lines of the Pacific Coast-Australasian Tariff Bureau has been filed with the Commission for approval to modify the admission, withdrawal, and expulsion provisions of the basic agreement, pursuant to General Order 9 (46 CFR Part 523).

Dated: April 28, 1965.

By order of the Federal Maritime Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 65-4608; Filed, Apr. 30, 1965; 8:47 a.m.]

AMERICAN EXPORT ISBRANDTSEN LINES, INC., AND SEATRAIN LINES, INC.

Notice of Agreement Filed for Approval

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement(s) at the Washington office of the Federal Maritime Commission, 1321 H Street NW., Room 301; or may inspect agreements at the offices of the District Managers, New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments with reference to an agreement including a request for hearing, if desired, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C., 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the comments should indicate that this has been done.

Notice of agreement filed for approval by:

Mr. Harvey M. Flitter, Assistant Traffic Manager, Seatrain Lines, Inc., 595 River Road, Edgewater, N.J.

Agreement 9395-1 between American Export Isbrandtsen Lines, Inc., and Seatrain Lines, Inc., modifies a through billing arrangement by adding Israel ports as origin ports to the trade from ports in India, Pakistan, Ceylon, Persian Gulf, Red Sea, and Gulf of Aden ports, and ports in Egypt, Lebanon, Syria, Turkey, and Greece to Puerto Rico with transhipment at the port of New York, N.Y., under terms and conditions set forth in the basic agreement.

Dated: April 28, 1965.

By order of the Federal Maritime Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 65-4600; Filed, Apr. 30, 1965; 8:47 a.m.]

J. D. SMITH INTER-OCEAN, INC., ET AL.

Notice of Agreements Filed for Approval and Agreement Subject to Cancellation

Notice is hereby given that the following freight forwarder cooperative working agreements have been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreements at the Washington office of the Federal Maritime Commission, 1321 H Street NW., room 301. Comments with reference to an agreement including a request for hearing, if desired, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C., 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. A copy of any such statement or request for a hearing should also be forwarded to each of the parties to the agreement (as indicated hereinafter), and the comments should indicate that this has been done.

Unless otherwise indicated, these agreements are nonexclusive, cooperative working arrangements under which the parties may perform freight forwarding services for each other. Forwarding and service fees are to be agreed upon on each transaction. Ocean freight compensation is to be divided as agreed between the parties.

J. D. Smith Inter-Ocean, Inc., New York, N.Y., John V. Carr & Son, Inc., Detroit, Mich.---------- FF-1716

Uno Shipping Co., Inc., New York, N.Y., The Hipage Co., Inc., Norfolk, Va.---------- FF-1626

Gulf Florida Terminal Co., Tampa, Fla., Oceanic Forwarding Co., San Francisco, Calif.---------- FF-1627

William H. Masson, Inc., Baltimore, Md., Freedman & Slater, Inc., New York, N.Y.---------- FF-1633

Robbins Forwarding Co., New York, N.Y., The Cottman Co., Baltimore, Md.---------- FF-1634

United States Forwarding Corp., New York, N.Y., Allen Forwarding Co., Philadelphia, Pa.---------- FF-1636

Dixie Forwarding Co., Inc., Houston, Tex., Copeland Shipping, Inc., New York, N.Y.---------- FF-1638

Amersped, Inc., New York, N.Y., Latin American Cargo Expediters, Miami, Fla.---------- FF-1639

Inge & Co., Inc., New York, N.Y., I. C. Harris & Co., Detroit, Mich.--- FF-1640

William H. Masson, Inc., Baltimore, Md., Colony Shipping Co., Inc., New York, N.Y.---------- FF-1641

Gerard P. Tujague, Inc., New Orleans, La., George A. Stattel, New York, N.Y.---------- FF-1642

William H. Masson, Inc., Baltimore, Md., Salentine & Co., Inc., Milwaukee, Wis.---------- FF-1643

Inge & Company, New York, N.Y., T. J. Hanson, Inc., Beaumont, Tex.---------- FF-1644

Paul A. Boulo, Mobile, Ala., Robert L. Keller, Miami, Fla.---------- FF-1645

G. S. Doyle Co., Inc., New York, N.Y., Baxter Co. Customhouse Brokers, Inc., New Orleans, La.--- FF-1646

James E. Fox & Co., Inc., New York, N.Y., Godwin Shipping Co., Inc., Mobile, Ala.---------- FF-1647

I. C. Harris & Co., Detroit, Mich., Frederick Richards, Inc., Charleston, S.C.---------- FF-1648

H. A. Gogarty, Inc., New York, N.Y., C. H. Powell Co., Inc., Boston, Mass.---------- FF-1649

R. F. Downing & Co., Inc., New York, N.Y., I. C. Harris Co., Detroit, Mich.---------- FF-1650

Dyson Shipping Co., Inc., New York, N.Y., Godwin Shipping Co., Mobile, Ala.---------- FF-1651

H. Stone & Co., New York, N.Y., Judson Sheldon International Corp. (all offices), New York, N.Y.---- FF-1652

United Forwarders Service, Miami, Fla., Southern Shipping Co., Jacksonville, Fla.---------- FF-1653

Inge & Co., Inc., New York, N.Y., William H. Masson, Inc., Baltimore, Md.---------- FF-1654

Express Forwarding & Storage Co., Inc., New York, N.Y., Waters Shipping Co., Wilmington, N.C.--- FF-1655

A. V. Berner & Co., Inc., New York, N.Y., Farrell Shipping Co., Inc., New Orleans, La.---------- FF-1656

Chas. Kurz Co., Philadelphia, Pa., Nordstrom Freighting Corp., New York, N.Y.---------- FF-1657

Layden Shipping Corp., New York, N.Y., Buckley & Co., Houston, Tex.---------- FF-1660

Seaport Shipping Co. (Seattle) Seattle, Wash., F. V. Valdes & Co., Inc., San Francisco, Calif.---- FF-1660

J. B. Wood Shipping Co., Inc., New York, N.Y., Buckley & Co., Houston, Tex.---------- FF-1662

International Expediters, Inc., New York, N.Y., William R. Filbin & Co., Inc., Detroit, Mich.---- FF-1663

Wilfred Schade & Co., Inc., Newport News, Va., Kersten Shipping Agency, Inc., New York, N.Y.---- FF-1664

John A. Merritt & Co., Pensacola, Fla., The Hipage Co., Inc., Norfolk, Va.---------- FF-1665

The A. W. Fenton Co., Inc., Cleveland, Ohio, Samuel Shapiro & Co., Inc., Baltimore, Md.---------- FF-1666

Paul A. Boulo, Mobile, Ala., Anderson Shipping Co., Savannah, Ga.--- FF-1667

Triangle Forwarding Corp., New York, N.Y., E. J. Edwards Int'l, Chicago, Ill.---------- FF-1668

Daniel P. Young, Inc., New York, N.Y., Geo. S. Bush & Co., Inc., Portland, Oreg.---------- FF-1669

Agreement FF-1626 between H. Stone & Co., New York, N.Y., and J. H. Russell, New Orleans, La., is a working arrangement under which ocean freight brokerage shall be divided equally between the parties or as agreed after negotiation.

Agreement FF-1629 between Advance Shipping Co., Houston, Tex., and Nolan Shipping Co., New Orleans, La., is a working arrangement under which forwarding and service fees are as $5 per shipment, providing originating party supplies partially completed documents and 75 percent of ocean freight compensation will be retained by originating party and 25 percent by party handling shipment through their port.

Agreement FF-1631 between Alonso Shipping Co., New Orleans, La. and Marine Forwarding Co., Inc., New York, N.Y. is a working agreement under which forwarding and service fees are $5 per shipment. Special services remain subject to negotiation and agreement on each transaction, depending upon the services to be performed. Division of ocean freight compensation will be 40 percent for Alonso Shipping Co. and 60 percent for Marine Forwarding Co., Inc.

Agreement FF-1632 between Wilmington Shipping Co., Wilmington, N.C. party (a) and Major Forwarding Co., Inc., New York, N.Y. party (b) is a working agreement whereby on shipments loaded at Wilmington, N.C., party (b) agrees to pay party (a) $3 for completing Export Declarations and filing them with the Custom House. Ocean freight compensation, to be retained by party (b) who will perform the booking of the space.

Agreement FF-1637 between Eagle, Inc., Miami, Fla. party (a) and Major Forwarding Co., Inc., New York, N.Y. party (b) is a working agreement whereas shipments loaded at Miami, party (b) agrees to pay party (a) $3 for completing Export Declarations and filing them with the Custom House. Ocean freight compensation, to be retained by party (b) who will perform the booking of the space.

Agreement FF-1658 between C. S. Greene & Co., Inc., Chicago, Ill. and The Hipage Co., Inc., Norfolk, Va., is a cooperative working agreement under which forwarding and service fees are $7.50 per shipment; special services remain subject to negotiation and agreement on each transaction. Ocean freight brokerage to be divided on the basis of 50 percent for The Hipage Co., Inc., and 50 percent for C. S. Greene & Co., Inc.

Agreement FF-1659 between H. L. Ziegler, Inc., Houston, Tex. and Bennett Forwarding Co., Houston, Tex. is a working agreement under which forwarding and service fees are subject to negotiation each transaction. Ocean freight compensation is to be divided equally between the parties.

Notice of agreement subject to con-

Notice of agreement subject to cancellation:

Notice is hereby given that the following independent ocean freight forwarder cooperative working agreement approved by the Commission pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814) is scheduled for cancellation; inasmuch as the parties to the agreement have requested in writing that the agreement be terminated.

The parties to the following agreement have requested that it be cancelled in accordance with its terms.

Paul A. Boulo, Mobile, Ala., Dyson Shipping Co., Inc., New York, N.Y ---------- FF-1334

Dated: April 28, 1965.

THOMAS LISI,
Secretary.

[F.R. Doc. 65-4810; Filed, Apr. 30, 1965; 8:47 a.m.]

SMALL BUSINESS ADMINISTRATION

[Declaration of Disaster Area 521]

ALABAMA

Declaration of Disaster Area

Whereas, it has been reported that during the month of April 1965, because of the effects of certain disasters, damage resulted to residences and business property located in De Kalb and Jackson Counties in the State of Alabama;

Whereas the Small Business Administration has investigated and has received other reports of investigations of conditions in the areas affected;

Whereas, after reading and evaluating reports of such conditions, I find that the conditions in such areas constitute a catastrophe within the purview of the Small Business Act, as amended.

Now, therefore, as Executive Administrator of the Small Business Administration, I hereby determine that:

1. Applications for disaster loans under the provisions of section 7(b)(1) of the Small Business Act, as amended, may be received and considered by the offices below indicated from persons or firms whose property, situated in the aforesaid counties and areas adjacent thereto, suffered damage or destruction resulting from tornadoes and accompanying conditions occurring on or about April 15, 1965.

OFFICE

Small Business Administration Regional Office, 3000 First Avenue, North, Birmingham, Ala., 35203.

2. Temporary offices will be established in such areas as are considered necessary, addresses to be announced locally.

3. Applications for disaster loans under the authority of this Declaration will not be accepted subsequent to October 31, 1965.

Dated: April 21, 1965.

ROSS D. DAVIS,
Executive Administrator.

[F.R. Doc. 65-4571; Filed, Apr. 30, 1965; 8:45 a.m.]

[Declaration of Disaster Area 520]

NORTH DAKOTA

Declaration of Disaster Area

Whereas, it has been reported that during the month of April 1965, because of the effects of certain disasters, damage resulted to residences and business property located in Pembina, Walsh, and Grand Forks Counties in the State of North Dakota;

Whereas the Small Business Administration has investigated and has received other reports of investigations of conditions in the areas affected;

Whereas, after reading and evaluating reports of such conditions, I find that the conditions in such areas constitute a catastrophe within the purview of the Small Business Act, as amended.

Now, therefore, as Executive Administrator of the Small Business Administration, I hereby determine that:

1. Applications for disaster loans under the provisions of section 7(b)(1) of the Small Business Act, as amended, may be received and considered by the Office below indicated from persons or firms whose property, situated in the aforesaid counties and areas adjacent thereto, suffered damage or destruction resulting from floods and accompanying conditions occurring on or about April 17, 1965.

OFFICE

Small Business Administration Regional Office, 207 North Fifth Street, Fargo, N. Dak., 58102.

2. Applications for disaster loans under the authority of this Declaration will not be accepted subsequent to October 31, 1965.

Dated: April 20, 1965.

ROSS D. DAVIS,
Executive Administrator.

[F.R. Doc. 65-4572; Filed, Apr. 30, 1965; 8:45 a.m.]

[Declaration of Disaster Area 519]

TENNESSEE

Declaration of Disaster Area

Whereas, it has been reported that during the month of April 1965, because of the effects of certain disasters, damage resulted to residences and business property located in Bradley, Cumberland, and Knox Counties in the State of Tennessee;

Whereas the Small Business Administration has investigated and has received other reports of investigations of conditions in the areas affected;

Whereas, after reading and evaluating reports of such conditions, I find that the conditions in such areas constitute a catastrophe within the purview of the Small Business Act, as amended.

Now, therefore, as Executive Administrator of the Small Business Administration, I hereby determine that:

1. Applications for disaster loans under the provisions of section 7(b)(1) of the Small Business Act, as amended, may be received and considered by the offices below indicated from persons or firms whose property, situated in the aforesaid counties and areas adjacent thereto, suffered damage or destruction resulting from tornadoes and accompanying conditions occurring on or about April 14 and 15, 1965.

OFFICE

Small Business Administration Regional Office, 500 Union Street, Nashville, Tenn., 37219.

2. Temporary offices will be established in such areas as are necessary, addresses to be announced locally.

3. Applications for disaster loans under the authority of this Declaration will not be accepted subsequent to October 31, 1965.

Dated: April 19, 1965.

ROSS D. DAVIS,
Executive Administrator.

[F.R. Doc. 65-4573; Filed, Apr. 30, 1965; 8:45 a.m.]

[Delegation of Authority 30; Disaster 1]

FINDLAY, OHIO

Delegation Relating to Financial Assistance Functions

I. Pursuant to the authority delegated to the Regional Director by Delegation of Authority No. 30 (Revision 10), 30 F.R. 3254, there is hereby redelegated to the Manager of Findlay, Ohio Disaster Field Office the following authority.

A. *Financial assistance.* 1. To approve and decline disaster loans in an amount not exceeding $100,000.

2. To execute loan authorizations for Washington and Regional Office approved loans and for disaster loans approved under delegated authority, said execution to read as follows:

EUGENE P. FOLEY,
Administrator.

By ----------
Manager, Disaster Field Office.

3. To cancel, reinstate, modify and amend authorization for disaster loans approved under delegated authority.

4. To disburse unsecured disaster loans.

5. To extend the disbursement period on disaster loan authorizations or undisbursed portions of disaster loans.

II. The authority delegated herein may not be redelegated.

III. All authority delegated herein may be exercised by any SBA employee designated as Acting Manager of the disaster field office.

Effective date: April 21, 1965.

HENRY P. KOSLING,
Regional Director,
Cleveland, Ohio.

[F.R. Doc. 65-4574; Filed, Apr. 30, 1965; 8:45 a.m.]

[Delegation of Authority 30; Disaster 2]

TOLEDO, OHIO

Delegation Relating to Financial Assistance Functions

I. Pursuant to the authority delegated to the Regional Director by Delegation of Authority No. 30 (Revision 10), 30 F.R. 3254, there is hereby redelegated to the Manager of Toledo, Ohio Disaster Field Office the following authority.

A. *Financial assistance.* 1. To approve and decline disaster loans in an amount not exceeding $100,000.

2. To execute loan authorizations for Washington and Regional Office approved loans and for disaster loans approved under delegated authority, said execution to read as follows:

EUGENE P. FOLEY, *Administrator.*

By ----------
Manager, Disaster Field Office.

3. To cancel, reinstate, modify and amend authorization for disaster loans approved under delegated authority.

4. To disburse unsecured disaster loans.

5. To extend the disbursement period on disaster loan authorizations or undisbursed portions of disaster loans.

II. The authority delegated herein may not be redelegated.

III. All authority delegated herein may be exercised by any SBA employee designated as Acting Manager of the disaster field office.

Effective date: April 21, 1965.

HENRY P. KOSLING,
Regional Director,
Cleveland, Ohio.

[F.R. Doc. 65-4575; Filed, Apr. 30, 1965; 8:45 a.m.]

[Delegation of Authority 30]

SAN ANTONIO, TEX.

Delegation of Authority To Conduct Program Activities in Southwestern Area

I. Pursuant to the authority delegated to the Regional Director by Delegation of Authority No. 30 (Revision 10), 30 F.R. 3253, the following authority is hereby redelegated to the Chief, Financial Assistance Division:

A. *Financial assistance.* 1. To approve business and disaster loans not exceeding $350,000.00 (SBA's share) when in concurrence with the specialist's recommendation.

2. To decline business and disaster loans of any amount, when in concurrence with the specialist's recommendation.

3. To disburse approved loans.

4. To enter into business loan and disaster loan participation agreement with banks.

5. To approve section 502 loans as follows:

a. Direct loans not exceeding $50,000.

b. Participation loans when the bank's share is 10 percent or more—not to exceed $100,000.

6. To decline loan applications in the categories described in Item I.A.5. above.

7. To execute Loan Authorizations for Washington approved loans and for loans approved in the Area Office and under delegated authority, said execution to read as follows:

(Name), *Administrator,*

By ----------
(Name)
Chief, Financial Assistance Division (City)

8. To cancel, reinstate, modify and amend authorizations for business or disaster loans.

9. To extend the disbursement period on all loan authorizations or undisbursed portions of loans.

10. To approve, when requested, in advance of disbursement, conformed copies of notes and other closing documents; and certify to the participating bank that such documents are in compliance with the participation authorization.

11. To approve service charges by participating bank not to exceed 2 percent per annum on the outstanding principal balance of construction loans and loans involving accounts receivable and inventory financing.

12. To take all necessary actions in connection with the administration, servicing, collection and liquidation of all loans and other obligations or assets, including collateral purchased; and to do and perform and to assent to the doing and performance of, all and every act and thing requisite and proper to effectuate the granted powers, including without limiting the generality of the foregoing:

a. The assignment, endorsement, transfer and delivery (but in all cases without representation, recourse or warranty) of notes, claims, bonds, debentures, mortgages, deeds of trust, contracts, patents and applications therefor, licenses, certificates of stock and of deposit, and any other liens, powers, rights, charges on and interest in or to property of any kind, legal and equitable, now or hereafter held by the Small Business Administration or its Administrator;

b. The execution and delivery of contracts of sale or of lease or sublease, quitclaim, bargain and sale or special warranty deeds, bills of sale, leases, subleases, assignments, subordinations, releases (in whole or part) of liens, satisfaction pieces, affidavits, proofs of claim in bankruptcy or other estates and such other instruments in writing as may be appropriate and necessary to effectuate the foregoing.

c. The approval of bank applications for use of liquidity privilege under the loan guaranty plan.

B. *Eligibility determinations.* To determine eligibility of applicants for financial assistance in accordance with Small Business Administration standards and policies.

C. *Size determinations.* To make initial size determinations in all financial assistance cases within the meaning of the Small Business Size Standards Regulations, as amended, and further, to make product classification decisions for financial assistance purposes only.

II. The above authority cannot be redelegated.

III. All authority delegated herein may be exercised by any Small Business Administraiton employee designated as Acting Chief, Financial Assistance Division.

Effective date: April 15, 1965.

W. E. WOODMAN,
Acting Regional Director,
San Antonio, Tex.

[F.R. Doc. 65-4576; Filed, Apr. 30, 1965; 8:45 a.m.]

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATIONS FOR RELIEF

APRIL 28, 1965.

Protests to the granting of an application must be prepared in accordance with Rule 1.40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 39736—*Commodities between points in Texas.* Filed by Texas-Louisiana Freight Bureau, agent (No. 540), for interested rail carriers. Rates on soybeans, in carloads, from, to and between points in Texas, over interstate routes through adjoining states.

Grounds for relief—Intrastate rates and maintenance of rates from and to points in other states not subject to the same conditions.

Tariff—Supplement 30 to Texas-Louisiana Freight Bureau, agent, tariff I.C.C. 998.

AGGREGATE-OF-INTERMEDIATES

FSA No. 39737—*Commodities between points in Texas.* Filed by Texas-Louisiana Freight Bureau, agent, (No. 540), for interested rail carriers. Rates on soybeans, in carloads, from, to and between points in Texas, over interstate routes through adjoining states.

Grounds for relief—Maintenance of depressed rates published to meet intrastate competition without use of such rates as factors in constructing combination rates.

Tariff—Supplement 30 to Texas-Louisiana Freight Bureau, agent, tariff I.C.C. 998.

By the Commission.

[SEAL] BERTHA F. ARMES,
Acting Secretary.

[F.R. Doc. 65-4601; Filed, Apr. 30, 1965; 8:46 a.m.]

[Notice 1164]

MOTOR CARRIER TRANSFER PROCEEDINGS

APRIL 28, 1965.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 179), appear below:

As provided in the Commission's special rules of practice, any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC-67600. By order of April 26, 1965, the Transfer Board approved

the transfer to Mustang Transportation, Inc., Atlanta, Ga., of Certificates Nos. MC–118039, MC–118039 (Sub-No. 1), and MC–118039 (Sub-No. 4), issued November 17, 1961, April 5, 1963, and July 25, 1963, to A. V. Edmondson, Atlanta, Ga., authorizing the transportation, over irregular routes, of bananas, from New Orleans, La., Charleston, S.C., Mobile, Ala., Tampa and Port Everglades, Fla., to Atlanta, Ga., from New Orleans, La., and Charleston, S.C., to Knoxville, Tenn.; from New Orleans, La., to Gadsden, Ala., and Johnson City, Tenn., from Gulfport, Miss., to Atlanta, Ga.; and from Atlanta, Ga., to points in Alabama (except Birmingham), South Carolina and Tennessee; and cured hams, cured bacon, cured sausage, and fresh sausage, in vehicles equipped with mechanical refrigeration, from the site of the meat processing plants of Talmadge Farms, Inc., and Talmadge Farms Country Sausage, Inc., at or near Lovejoy (Clayton County), Ga., to points in Alabama, Florida, Louisiana, Mississippi, and South Carolina. Virgil H. Smith, 236 Title Building, Atlanta 3, Ga., attorney for applicants.

No. MC–FC–67643. By order of April 26, 1965, the Transfer Board approved the transfer to Ray W. Cummings, Malcom, Iowa, of the operating rights issued by the Commission June 23, 1949, under Certificate No. MC–94036, to Ray W. Cummings and Wayne M. McClure, a partnership, doing business as Cummings and McClure, Malcom, Iowa, authorizing the transportation, over irregular routes, of farm machinery, from Moline and Sandwich, Ill., to Malcom, Iowa, and points within 15 miles of Malcom, excluding towns in this area; feed, from Forest Park, Ill., to Malcom, Iowa, and livestock, between Malcom, Iowa, and points within 15 miles thereof, on the one hand, and, on the other, Chicago, Ill.

No. MC–FC–67735. By order of April 22, 1965, the Transfer Board approved the transfer to Claude S. Reed, Inc., Manchester, Md., of the permit in Nos. MC–108080, MC–108080 (Sub-No. 2), and MC–108080 (Sub-No. 4), issued August 29, 1947, September 26, 1960, and December 13, 1963, to Claude S. Reed, Manchester, Md., authorizing the transportation of: Silos and parts and accessories thereof, from White Marsh, Md., to points in New Jersey, Delaware, Pennsylvania, Maryland, West Virginia, Virginia, Connecticut, Massachusetts, New Hampshire, New York, Rhode Island, Vermont, and the District of Columbia, and from Falconer, N.Y., to points in Pennsylvania, Maryland, and Ohio as specified. Donald E. Freemen, 172 East Green Street, Post Office Box 880, Westminster, Md., 21157, representative for applicants.

No. MC–FC–67736. By order of April 23, 1965, the Transfer Board approved the transfer to Thelma G. Stuart, doing business as Stuart Trucking Co., West 2917 Holyoke Avenue, Spokane, Wash., of certificate in No. MC–59410, issued June 17, 1954, to John C. Stuart, doing business as Stuart Trucking Co., West 2917 Holyoke Avenue, Spokane, Wash., authorizing the transportation of: Manufactured forest products, grain, feed, poles, piling, milling machinery and equipment, building materials, livestock, and sand and gravel, between points in specified Idaho and Washington counties; lumber, brick, and sewer tile, in truckloads, between points in specified Idaho and Washington counties; lumber, except millwork, in truckloads, from points in Bonner County, Idaho, to points in specified Washington counties; building logs, and moldings and mastick, used in the erection of building logs, and lumber, shakes, and shingles, from points in Sanders County, Mont., to points in Washington and those in specified Idaho counties; and lumber, from points in Mineral County, Mont., to points in specified counties in Idaho and Washington.

No. MC–FC–67742. By order of April 20, 1965, the Transfer Board approved the transfer to Harry Mahally, Jr. and Lawrence P. Mahally, doing business as Mahally Trucking Service, Wilkes-Barre, Pa., of the operating rights in Certificate No. MC–24060 issued March 21, 1941, to Harry Mahally, doing business as Mahally Trucking Service, Wilkes-Barre, Pa., authorizing the transportation, over irregular routes, of: Household goods, between Wilkes-Barre, Pa., and points within 10 miles thereof, on the one hand, and; on the other, points in Connecticut, Ohio, New York, New Jersey, Maryland, West Virginia, Michigan, Virginia, South Carolina, and the District of Columbia. John J. Dempsey, Jr., Suite 1200, Miners National Bank Building, Wilkes-Barre, Pa., attorney for applicants.

No. MC–FC–67745. By order of April 20, 1965, the Transfer Board approved the transfer to V. Darrell Adamson & Robert E. Matthews, a partnership, doing business as Arrow Transfer, O'Neill, Nebr., of the operating rights in Certificates Nos. MC–99109 (Sub-No. 1) and MC–99109 (Sub-No. 3) issued February 10, 1958, and June 19, 1964, to Marvin C. Frisch, doing business as Heuton Transfer, Atkinson, Nebr., authorizing the transportation, over irregular routes, of: General commodities, with the usual exceptions, between points in Nebraska and Iowa. J. Max Harding, 14th and J Streets, Lincoln, Nebr., attorney for applicants.

No. MC–FC–67752. By order of April 20, 1965, the Transfer Board approved the transfer to Joseph Arthur Trudeau, doing business as J. Arthur Trudeau & Sons, Warwick, R.I., of the operating rights in Certificate No. MC–73516, issued February 22, 1943, to John Doods, Providence, R.I., authorizing the transportation, over irregular routes, of: Household goods, as defined in Practices of Motor Common Carriers of Household Goods, 17 M.C.C. 467, between Providence, East Providence and West Warwick, R.I., on the one hand, and, on the other, points and places in New Hampshire, Connecticut, Massachusetts, New Jersey, New York, and Philadelphia, Pa., Russell B. Curnett, 36 Circuit Drive, Edgewood Station, Providence, R.I., 02905, representative for applicants.

No. MC–FC–67753. By order of April 20, 1965, the Transfer Board approved the transfer to McGiffen Milk Delivery, Inc., Vincennes, Ind., of the operating rights in Certificate No. MC–124379 issued February 21, 1963, to Webster McGiffen, doing business as Milk Delivery Service, Vincennes, Ind., authorizing the transportation, over irregular routes, of: Dairy products, as described in Section B of Appendix 1 to the report in Descriptions in Motor Carrier Certificates, 61 M.C.C. 209 (except poultry, dead, dressed, and rabbits, dead), and milk or cream mixtures, liquid dietary foods, fruit segments, ice cream mix, orange juice, fruit juice drinks, and cottage cheese, in containers, between Louisville, Ky., and specified points and areas in Illinois and Indiana. Robert W. Loser, 409 Chamber of Commerce Building, Indianapolis, Ind., 46204, attorney for applicants.

No. MC–FC–67754. By order of April 20, 1965, the Transfer Board approved the transfer to Oregon-Washington Transfer & Storage, Inc., Seattle, Wash., of a portion of the operating rights in Certificate No. MC–30023, issued January 20, 1964, to A. H. Spear and T. J. Burke, a partnership, doing business as Arrow Transfer & Storage Co., Seattle, Wash., authorizing the transportation, over irregular routes, of: Household goods, between Seattle, Wash., and Portland, Oreg. George R. LaBissoniere, 533 Central Building, Seattle, Wash., 98104, attorney for applicants.

[SEAL] BERTHA F. ARMES,
Acting Secretary.

[F.R. Doc. 65–4602; Filed, Apr. 30, 1965; 8:46 a.m.]

THE UNIVERSITY OF MICHIGAN
MAY 11 1965
MAIN READING ROOM

FEDERAL REGISTER

VOLUME 30 • NUMBER 85

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Pages 6203–6235

Agencies in this issue—

Agricultural Stabilization and Conservation Service
Agriculture Department
Atomic Energy Commission
Civil Aeronautics Board
Civil Service Commission
Commerce Department
Comptroller of the Currency
Consumer and Marketing Service
Federal Aviation Agency
Federal Communications Commission
Federal Deposit Insurance Corporation
Federal Power Commission
Federal Reserve System
Fish and Wildlife Service
Food and Drug Administration
Internal Revenue Service
International Commerce Bureau
Interstate Commerce Commission
Land Management Bureau
Wage and Hour Division

Detailed list of Contents appears inside.



THE NATIONAL ARCHIVES OF THE UNITED STATES • 1934 •

Just Released

CODE OF FEDERAL REGULATIONS

(As of January 1, 1965)

Title 32—National Defense (Parts 1–39) $2.25
(Revised)

Title 49—Transportation (Parts 71–90) $2.00
(Revised)

Title 49—Transportation (Parts 91–164) $0.60
(Pocket Supplement)

A cumulative checklist of CFR issuances for 1965 appears in the first issue of each month under Title 1.

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Contents

AGRICULTURAL STABILIZATION AND CONSERVATION SERVICE
Rules and Regulations
Tobacco, flue-cured; community average yields 6207

AGRICULTURE DEPARTMENT
See also Agricultural Stabilization and Conservation Service; Consumer and Marketing Service.
Notices
Cooperative State Research Service; statement of organization and delegations 6228

ATOMIC ENERGY COMMISSION
Notices
Power Reactor Development Co.; issuance of order extending operating license 6229

CIVIL AERONAUTICS BOARD
Notices
Hearings, etc.:
International Air Transport Association 6229
Northeast Airlines, Inc. 6230
United States-Caribbean-South America investigation 6231

CIVIL SERVICE COMMISSION
Rules and Regulations
General Accounting Office; excepted service 6215

COMMERCE DEPARTMENT
See also International Commerce Bureau.
Notices
Hasek, Carl W., Jr.; statement of changes in financial interests 6229

COMPTROLLER OF THE CURRENCY
Notices
Insured banks; joint call for report of condition; cross reference 6227

CONSUMER AND MARKETING SERVICE
Rules and Regulations
Grading and inspection of domestic rabbits, eggs, and poultry; miscellaneous amendments 6207
National School Lunch Program; second apportionment of food assistance funds 6207

FEDERAL AVIATION AGENCY
Rules and Regulations
Control zone; alteration 6215
Proposed Rule Making
Transition area; redesignation 6225

FEDERAL COMMUNICATIONS COMMISSION
Rules and Regulations
Table of frequency allocations; standard frequency service 6219
Proposed Rule Making
Fixed service utilizing tropospheric scatter techniques 6226
Notices
Hearings, etc.:
Associated Television Corp. and Capitol City Television Co. 6231
Hogin, William S. 6231
Naugatuck Valley Service, Inc. (WOWW) 6232
United Artists Broadcasting, Inc., et al. 6232
WMOZ, Inc. 6232

FEDERAL DEPOSIT INSURANCE CORPORATION
Notices
Insured banks; joint call for report of condition 6227

FEDERAL POWER COMMISSION
Notices
Hearings, etc.:
El Paso Natural Gas Co. 6233
Eugene, Oreg. 6233
Northern Virginia Power Co. 6233
Pacific Power & Light Co. 6233
Schlachter, David A. et al. 6234

FEDERAL RESERVE SYSTEM
Notices
Insured banks; joint call for report of condition; cross reference 6227

FISH AND WILDLIFE SERVICE
Proposed Rule Making
Lacassine National Wildlife Refuge, Louisiana; deletion from list of wildlife refuges open to hunting of migratory game birds 6224

FOOD AND DRUG ADMINISTRATION
Rules and Regulations
Propylene oxide; food additive 6215

HEALTH, EDUCATION, AND WELFARE DEPARTMENT
See Food and Drug Administration.

INTERIOR DEPARTMENT
See Fish and Wildlife Service; Land Management Bureau.

INTERNAL REVENUE SERVICE
Rules and Regulations
Income tax; treatment of redeemable ground rents 6216
Liquors and articles from Puerto Rico and Virgin Islands; miscellaneous amendments 6217
Proposed Rule Making
Income tax; payment of taxes in nonconvertible foreign currency 6222

INTERNATIONAL COMMERCE BUREAU
Notices
Jih Hsin Trading Co. et al.; denying export privileges 6228

INTERSTATE COMMERCE COMMISSION
Rules and Regulations
Embargo agents; appointment 6220
Railroad operating regulations for freight car movement 6220
Notices
Fourth section applications for relief 6235
Motor carrier transfer proceedings 6235

LABOR DEPARTMENT
See Wage and Hour Division.

LAND MANAGEMENT BUREAU
Notices
Alaska; proposed amendment of public land order 6227
Wyoming; termination of proposed withdrawal and reservation of lands 6227

TREASURY DEPARTMENT
See Comptroller of the Currency; Internal Revenue Service.

WAGE AND HOUR DIVISION
Rules and Regulations
Certain industries in Puerto Rico; wage rates 6218
Proposed Rule Making
American Samoa; hearing to investigate conditions and recommend minimum wages 6225
Puerto Rico; industry committee for tobacco industry; appointment to investigate conditions and recommend minimum wages; hearing 6224

Rules and Regulations

List of CFR Parts Affected

(Codification Guide)

The following numerical guide is a list of the parts of each title of the Code of Federal Regulations affected by documents published in today's issue. A cumulative list of parts affected, covering the current month to date, appears at the end of each issue beginning with the second issue of the month.

A cumulative guide is published separately at the end of each month. The guide lists the parts and sections affected by documents published since January 1, 1965, and specifies how they are affected.

5 CFR
213 6215

7 CFR
54 6207
55 6207
56 6207
70 6207
81 6207
210 6207
724 6207

14 CFR
71 6215
PROPOSED RULES:
71 6225

21 CFR
121 6215

26 CFR
1 6216
250 6217
PROPOSED RULES:
1 6222
31 6222
301 6222

29 CFR
604 6218
606 6218

PROPOSED RULES:
657 6224
697 6225

47 CFR
2 6219
PROPOSED RULES:
2 6226

49 CFR
95 (2 documents) 6220

50 CFR
PROPOSED RULES:
32 6224

Rules and Regulations

Title 7—AGRICULTURE

Chapter I—Consumer and Marketing Service (Standards, Inspection, Marketing Practices), Department of Agriculture

PART 54—GRADING AND INSPECTION OF DOMESTIC RABBITS AND EDIBLE PRODUCTS THEREOF; AND U.S. SPECIFICATIONS FOR CLASSES, STANDARDS, AND GRADES WITH RESPECT THERETO

PART 55—GRADING AND INSPECTION OF EGG PRODUCTS

PART 56—GRADING AND INSPECTION OF SHELL EGGS AND U.S. STANDARDS, GRADES AND WEIGHT CLASSES FOR SHELL EGGS

PART 70—GRADING AND INSPECTION OF POULTRY AND EDIBLE PRODUCTS THEREOF; AND U.S. CLASSES, STANDARDS, AND GRADES WITH RESPECT THERETO

PART 81—INSPECTION OF POULTRY AND POULTRY PRODUCTS

Miscellaneous Amendments

Pursuant to the order of the Secretary dated February 8, 1965 (30 F.R. 2160), changing the name of Agricultural Marketing Service to Consumer and Marketing Service, 7 CFR Chapter I, Parts 54, 55, 56, 70, and 81 are hereby amended as follows:

1. Wherever the term "Agricultural Marketing Service" or "AMS" appears, it is hereby changed to read "Consumer and Marketing Service" or "C&MS" respectively, in the following sections:

a. As to Part 54: §§ 54.1, 54.3, 54.20 (c) and (d), 54.100(b), 54.107, and 54.108.

b. As to Part 55: §§ 55.2 (b) and (bb), 55.10(b), 55.11, 55.60(b), 55.68, and 55.126.

c. As to Part 56:

The statement appearing in 28 F.R. 6341 should have read as follows:

Delete § 56.1 (l) and (p). Renumber paragraphs (m) through (aa) of § 56.1 to read (l) through (y) respectively.

Sections 56.1 (b), (m) and (x), 56.10 (b), 56.11, 56.45(b), and 56.52.

d. As to Part 70: §§ 70.1, 70.3, 70.30(c), 70.138, 70.141, 70.251, 70.252, 70.253, 70.254, 70.256, 70.257, and 70.258.

e. As to Part 81: §§ 81.1, 81.161(b), 81.174, 81.203, and 81.303.

2. Wherever the term "Meat Inspection Division, Agricultural Research Service" appears, it is hereby changed to read "Meat Inspection Division, Consumer and Marketing Service" in the following sections:

a. As to Part 54: § 54.107(a)(13).

b. As to Part 70: § 70.141(a)(13).

3. Section 70.130(b) is amended by substituting the term "Consumer and Marketing Service" in place of the term "Treasurer of the United States."

Done at Washington, D.C., this 28th day of April 1965.

G. R. GRANGE,
Deputy Administrator,
Marketing Services.

[F.R. Doc. 65-4635; Filed, May 3, 1965; 8:46 a.m.]

Chapter II—Consumer and Marketing Service (School Lunch Program), Department of Agriculture

PART 210—NATIONAL SCHOOL LUNCH PROGRAM

Appendix—Second Apportionment of Food Assistance Funds Pursuant to National School Lunch Act Fiscal Year 1965

Pursuant to section 4 of the National School Lunch Act, food assistance funds available for the fiscal year ending June 30, 1965, are reapportioned among the States in order to effect a further apportionment of supplemental funds as follows:

State	Total apportionment	State agency	Withheld for private schools
Alabama	$4,070,440	$3,963,219	$107,221
Alaska	122,000	122,000	
Arizona	1,120,388	1,072,293	48,095
Arkansas	2,290,200	2,219,937	70,263
California	6,299,162	6,206,162	
Colorado	1,265,060	1,169,524	92,442
Connecticut	1,134,782	1,134,782	
Delaware	254,808	250,918	4,192
District of Columbia	187,967	187,967	
Florida	4,717,937	4,598,043	119,894
Georgia	5,117,187	5,117,187	
Guam	75,706	50,806	24,900
Hawaii	785,412	754,791	30,621
Idaho	594,262	579,133	15,129
Illinois	4,291,296	4,291,296	
Indiana	2,983,229	2,983,229	
Iowa	2,453,619	2,141,718	291,901
Kansas	1,949,524	1,603,526	
Kentucky	3,813,356	3,813,356	
Louisiana	5,471,625	5,471,625	
Maine	721,631	635,631	86,070
Maryland	1,715,360	1,640,084	85,376
Massachusetts	2,744,551	2,744,551	
Michigan	3,679,058	3,230,007	449,051
Minnesota	2,913,453	2,514,510	398,943
Mississippi	3,911,825	3,600,825	
Missouri	2,945,623	2,945,623	
Montana	490,271	418,997	31,274
Nebraska	1,187,469	705,298	100,670
Nevada	120,877	119,413	1,204
New Hampshire	299,395	299,395	
New Jersey	2,027,792	1,724,462	303,330
New Mexico	963,367	963,367	
New York	8,115,502	8,115,502	
North Carolina	5,945,544	5,945,544	
North Dakota	646,231	570,004	76,227
Ohio	5,398,178	4,728,156	660,022
Oklahoma	1,923,007	1,923,007	
Oregon	1,190,654	1,190,654	
Pennsylvania	5,719,131	4,934,570	784,561
Puerto Rico	3,678,267	3,678,267	
Rhode Island	311,513	311,513	
South Carolina	3,283,987	3,235,035	48,952
South Dakota	596,723	596,723	
Tennessee	3,861,111	3,803,039	75,072
Texas	9,766,444	9,393,126	373,318
Utah	952,226	947,179	5,047
Vermont	344,823	344,823	
Virginia	3,644,681	3,538,156	106,525
Virgin Islands	93,964	93,964	
Washington	1,763,772	1,708,594	55,178
West Virginia	1,627,645	1,587,941	40,704
Wisconsin	2,807,940	1,967,702	840,238
Wyoming	322,444	322,444	
American Samoa	25,000	25,000	
Total	130,422,000	125,451,259	4,982,741

(Secs. 2-12, 60 Stat. 230-233, as amended, 76 Stat. 944; 42 U.S.C. 1751-1760)

Dated: April 29, 1965.

ROY W. LENNARTSON,
Associate Administrator.

[F.R. Doc. 65-4661; Filed, May 3, 1965; 8:47 a.m.]

Chapter VII—Agricultural Stabilization and Conservation Service (Agricultural Adjustment), Department of Agriculture

SUBCHAPTER B—FARM MARKETING QUOTAS AND ACREAGE ALLOTMENTS

PART 724—BURLEY, FLUE-CURED, FIRE-CURED, DARK AIR-CURED, VIRGINIA SUN-CURED, CIGAR-BINDER (TYPES 51 AND 52), CIGAR-FILLER AND BINDER (TYPES 42, 43, 44, 53, 54, AND 55), AND MARYLAND TOBACCO

Subpart—Determination and Announcement of Community Average Yields for Flue-Cured Tobacco Determined Under Section 317 of the Agricultural Adjustment Act of 1938, as Amended

COMMUNITY AVERAGE YIELDS FOR FLUE-CURED TOBACCO

§ 724.34t Basis and purpose.

(a) Section 724.34u is issued pursuant to the Agricultural Adjustment Act of 1938, as amended, particularly by Public Law 89-12 (79 Stat. 66), approved April 16, 1965 (7 U.S.C. 1281 et seq.) to determine and announce community average yields for flue-cured tobacco established under section 317 of such Act.

(b) Notice that the Secretary was preparing to establish such community average yields was filed with the Director, Office of the Federal Register, on April 19, 1965 (30 F.R. 5641). The community average yields contained in § 724.34u were established after due consideration of the data, views, and recommendations received pursuant to such notice.

(c) Public Law 89-12 with respect to flue-cured tobacco provides as follows:

The community average yield means for flue-cured tobacco the average yield per acre in the community designated by the Secretary as a local administrative area under the provisions of section 8(b) of the Soil Conservation and Domestic Allotment Act, as amended, which is determined by averaging the yields per acre for the 3 highest years of the 5 years 1959 to 1963, inclusive, except that if the yield for any of the 3 highest years is less than 80 per centum of the average for the 3 years then that year or years shall be eliminated and the average of the remaining years shall be the community average yield • • •

The community average yields set forth in § 724.34u have been determined from the latest available statistics of the Federal Government in accordance with the procedure provided for in the provisions

of Public Law 89-12 quoted above. Pub-

of Public Law 89–12 quoted above. Public Law 89–12 also provides that in counties where less than 500 acres of flue-cured tobacco were allotted for 1964, the county may be considered one community. Where this rule has been applied, only one community for a county is shown in the determination.

(d) The Act requires the holding of a special referendum of flue-cured tobacco farmers within 30 days after the announcement of the national marketing quota on an acreage-poundage basis for the 1965–66 marketing year, the national acreage allotment, and the national average yield goal, to determine whether such producers favor or oppose quotas on an acreage-poundage basis for the 3 marketing years beginning July 1, 1965, July 1, 1966, and July 1, 1967. Since flue-cured tobacco farmers must, under section 317 of the Act, be notified, insofar as practicable, of the marketing quotas for their farms prior to the special referendum and community average yields are required in the determination of farm yields and farm marketing quotas, it is hereby found that compliance with the 30-day effective date provision of the Administrative Procedure Act is impracticable and contrary to the public interest. Therefore, the community average yields contained herein shall become effective upon the date of filing with the Director, Office of the Federal Register.

§ 724.34u Community average yields for flue-cured tobacco.

The following table sets forth the community average yields which are hereby determined for flue-cured tobacco. The community average yields are expressed in terms of pounds per acre.

FLUE-CURED TOBACCO COMMUNITY AVERAGE YIELDS COMPUTED UNDER SEC. 317 OF AGRICULTURAL ADJUSTMENT ACT OF 1938, AS AMENDED

STATE—ALABAMA

COUNTY—BALDWIN

Community	Community average yield
One community	[2] 0

COUNTY—BUTLER

One community	1,795

COUNTY—CHEROKEE

One community	1,116

COUNTY—CONECUH

One community	1,797

COUNTY—COVINGTON

One community	1,804

COUNTY—CRENSHAW

One community	1,794

COUNTY—GENEVA

One community	1,234

COUNTY—HOUSTON

One community	[2] 0

COUNTY—ST. CLAIR

One community	[1] 1,724

[1] Adjusted in accordance with the act.
[2] No flue-cured tobacco produced in period 1959–63.

STATE—FLORIDA

COUNTY—ALACHUA

Community	Community average yield
A	1,381
B	1,863
C	1,879

COUNTY—BAKER

One community	1,084

COUNTY—BRADFORD

One community	1,697

COUNTY—CALHOUN

One community	[1] 745

COUNTY—COLUMBIA

I	1,723
II	1,804
III	1,923

COUNTY—DIXIE

One community	2,019

COUNTY—DUVAL

One community	1,271

COUNTY—GADSDEN

One community	1,851

COUNTY—GILCHRIST

One community	1,533

COUNTY—HAMILTON

1	2,184
2	2,170
3	2,145

COUNTY—HOLMES

One community	1,670

COUNTY—JACKSON

One community	1,411

COUNTY—JEFFERSON

One community	1,660

COUNTY—LAFAYETTE

I	2,402
II	2,347
III	2,119

COUNTY—LEON

One community	1,526

COUNTY—LEVY

One community	1,354

COUNTY—LIBERTY

One community	1,282

COUNTY—MADISON

Greenville	1,779
Lee	1,733
Madison	1,717
Pinetta	1,716
Sirmans	1,590

COUNTY—MARION

One community	1,415

COUNTY—NASSAU

One community	1,685

COUNTY—SUMTER

One community	1,138

COUNTY—SUWANNEE

1	1,832
2	2,013
3	2,164

COUNTY—TAYLOR

One community	1,787

COUNTY—UNION

One community	1,782

STATE—FLORIDA—Continued

COUNTY—VOLUSIA

Community	Community average yield
One community	[2] 0

COUNTY—WASHINGTON

One community	[2] 0

STATE—GEORGIA

COUNTY—APPLING

Barley-Graham	2,041
Deen-Johnson	2,009
Melton-Wilson	1,971
Surrency-Tillman	1,916
Thornton-Williams	1,984

COUNTY—ATKINSON

Axson	2,331
Pearson	2,257
Willacoochee	2,315

COUNTY—BACON

Airport	2,390
Bacon	2,318
Big Creek	2,065
Dixie	2,224
Johnson Lake	2,205

COUNTY—BAKER

One community	1,837

COUNTY—BEN HILL

East Ben Hill	1,884
Fitzgerald	1,898
West Ben Hill	1,885

COUNTY—BERRIEN

Alapaha A	2,403
Alapaha B	2,188
Enigma	2,305
Jordan	2,313
Lois	2,076
Nashville	2,170
New River	2,303
Ray City	1,941
Lower Tenth	2,267
Upper Tenth	2,183

COUNTY—BRANTLEY

Hickox	2,013
Hoboken	1,990
Nahunta	1,917

COUNTY—BROOKS

Barney	2,090
Dixie	2,134
Dry Lake	1,777
Empress-Nankin	2,041
Grooverville-Hickory Head	1,871
Morven	1,876
Quitman-Briggs	1,707
Williams-Tallokas	1,845

COUNTY—BRYAN

One community	1,544

COUNTY—BULLOCH

Register-Sinkhole	1,810
Bay-Nevils	1,673
Stilson	1,806
Brooklet	1,788
Emit	1,631
Statesboro	1,664
Ogeechee	1,767
Blitch-Lockhart	1,618
Portal	1,625

COUNTY—BURKE

One community	1,067

COUNTY—CAMDEN

One community	1,841

COUNTY—CANDLER

Aline	1,835
Central	2,067
Metter	1,691
Pulaski	1,879
Rosemary	1,834
Union	1,739

STATE—GEORGIA—Continued

COUNTY—CHARLTON

Community	Community average yield
One community	1,707

COUNTY—CHATHAM

One community	1,105

COUNTY—CLINCH

One community	1,913

COUNTY—COFFEE

Ambrose	2,237
Bridgetown	2,326
Broxton	3,202
Douglas	3,192
Nicholls	2,291
Satilla	2,227
West Green	2,172

COUNTY—COLQUITT

Autreyville	2,132
Bay Pole	2,056
Berlin	2,155
Culbertson	2,091
Doerun	2,001
Ellenton	2,224
Funston	2,078
Hartsfield	2,390
Moultrie	1,988
Norman Park	2,101
Okapilco	2,103
Reedy Creek	2,178
Rock Hill	1,993
Rose Hill	2,190
Sunset	2,177
Ty Ty	2,331

COUNTY—COOK

Adel	2,067
Cecil	2,148
Gregg-Riverbend	2,286
Lenox	2,369
Massee	2,044
Sparks	2,224

COUNTY—CRISP

One community	1,660

COUNTY—DECATUR

One community	1,606

COUNTY—DODGE

One community	1,355

COUNTY—DOOLY

One community	1,300

COUNTY—DOUGHERTY

One community	1,497

COUNTY—ECHOLS

One community	1,852

COUNTY—EFFINGHAM

One community	1,498

COUNTY—EMANUEL

Adrian	1,487
Blundale	1,644
Canoochee	1,634
Cowford	1,255
Garfield	1,591
Norristown	1,434
Nunez	1,699
Oak Park	1,751
Red Oak	1,424
Stillmore	1,781
Summertown	1,388
Swainsboro	1,550
Twin City	1,646

COUNTY—EVANS

Bellville-Undine	2,013
Canoochee	1,946
Claxton	1,965

COUNTY—GRADY

Pawnee-Wayside	1,826
Elpino	1,767

STATE—GEORGIA—Continued

COUNTY—GRADY—continued

Community	Community average yield
Whigham	1,719
Central	1,733
Reno-Calvary	1,842
Union-Pine Park	1,921
Cairo	1,743
Spence	1,995

COUNTY—IRWIN

East Irwinville	2,013
Holt-Lax	2,419
Minnie-Osierfield	2,230
Mystic-Roberts	2,222
North Ocilla	2,272
South Ocilla	2,241
West Irwinville	2,235

COUNTY—JEFF DAVIS

Altamaha	1,912
Denton	2,184
Excelsior	2,289
Hazlehurst	2,193
Satilla	2,189

COUNTY—JEFFERSON

One community	[2] 0

COUNTY—JENKINS

One community	1,518

COUNTY—JOHNSON

One community	1,242

COUNTY—LANIER

Empire	2,058
Stockton	1,859
Boyett	2,019

COUNTY—LAURENS

One community	1,344

COUNTY—LEE

One community	[2] 0

COUNTY—LIBERTY

One community	1,575

COUNTY—LONG

One community	1,765

COUNTY—LOWNDES

Cat Creek	1,993
Clyattville	1,723
Dasher	1,762
Hahira	3,055
Lake Park	1,963
Naylor	1,359
Ousley	1,811
Valdosta	1,930

COUNTY—MILLER

One community	1,048

COUNTY—MITCHELL

Baconton-Lester	1,696
Sale City-Pebble City	1,941
Camilla	1,994
Hopeful-Branchville	1,935
Pelham	1,954
Cotton-Hinsonton	2,053

COUNTY—MONTGOMERY

Kibbee-Tarrytown	1,578
Mount Vernon-Ailey-Higgston	1,476
Uvalda-Altson	1,569

COUNTY—OGLETHORPE

One community	[2] 0

COUNTY—PIERCE

Alabaha	2,277
Blackshear-Hackleburney	2,381
Mershon	2,223

[2] No flue-cured tobacco production during period 1959–63.

STATE—GEORGIA—Continued

COUNTY—PIERCE—continued

Community	Community average yield
Mount Olive	2,188
Otter-Creek	2,227
Patterson	2,161
Walkerville	2,276

COUNTY—PULASKI

One community	1,238

COUNTY—RICHMOND

One community	[2] 0

COUNTY—SCREVEN

One community	1,300

COUNTY—STEWART

One community	1,490

COUNTY—TALIAFERRO

One community	[2] 0

COUNTY—TATTNALL

Cobbtown-Yeomans	2,209
Collins	2,040
Glennville	1,993
Hillview-Manassas	2,148
Mendes-Midway	1,996
Reidsville	1,949
Tyson	2,021

COUNTY—TAYLOR

One community	[2] 0

COUNTY—TELFAIR

McRae-Scotland-Towns	1,340
Milan-Helena	1,646
Cobbville-Sunshine	1,458
Temperance	1,615
Thomas	1,552
Jacksonville	1,612
Lumber City-Neilly-Mt. Carmel	1,670

COUNTY—TERRELL

One community	[2] 0

COUNTY—THOMAS

Thomasville-Metcalfe	1,731
Boston	1,630
Coolidge-Merrillville	2,046
Pavo-Patten-Barwick	1,975
Meigs-Ochlochnee-Eliabelle	1,967

COUNTY—TIFT

Brighton	1,952
Brookfield	2,228
Chula	2,083
Docia	2,211
Eldorado	2,491
Omega	2,275
Tifton	2,053
Ty Ty	2,061

COUNTY—TOOMBS

New Branch-Marvin-Yancey-Johnson Corner	1,926
Blue Ridge-Lyons-Ohoopee	1,905
Cedar Crossing	1,682
Vidalia-Normantown-Center	1,541

COUNTY—TREUTLEN

Soperton	1,345
Blackville-Gillis Spring-Ogiethorpe	1,396
Lothair-Orland	1,362

COUNTY—TURNER

One community	1,726

COUNTY—WARE

Bickley	2,304
Dixon Union	2,317
Manor	2,270
Millwood	2,208
North Waycross	2,119
South Waycross	2,015
Waresboro	2,278

STATE—GEORGIA—Continued

COUNTY—WASHINGTON

Community	Community average yield
One community	1,744

COUNTY—WAYNE

One community	1,744

COUNTY—WHEELER

One community	1,744

COUNTY—WILCOX

One community	1,744

COUNTY—WILKINSON

One community	1,744

COUNTY—WORTH

One community	1,744

STATE—NORTH CAROLINA

COUNTY—ANSON

Community	Community average yield
One community	1,744

COUNTY—BERTIE

One community	1,744

COUNTY—BLADEN

One community	1,744

COUNTY—BRUNSWICK

One community	1,744

COUNTY—CABARRUS

One community	1,744

COUNTY—CASWELL

One community	1,744

COUNTY—CHATHAM

One community	1,744

COUNTY—CHEROKEE

One community	1,744

COUNTY—CLAY

One community	1,744

COUNTY—CLEVELAND

One community	1,744

COUNTY—COLUMBUS

One community	1,744

COUNTY—CRAVEN

One community	1,744

COUNTY—CUMBERLAND

One community	1,744

COUNTY—DAVIDSON

One community	1,744

COUNTY—DAVIE

One community	1,744

COUNTY—DUPLIN

One community	1,744

COUNTY—EDGECOMBE

One community	1,744

COUNTY—FORSYTH

One community	1,744

COUNTY—FRANKLIN

One community	1,744

COUNTY—GASTON

One community	1,744

COUNTY—GATES

One community	1,744

COUNTY—GRANVILLE

One community	1,744

COUNTY—GREENE

One community	1,744

COUNTY—GUILFORD

One community	1,744

COUNTY—HALIFAX

One community	1,744

COUNTY—HARNETT

One community	1,744

COUNTY—HAYWOOD

One community	1,744

COUNTY—HENDERSON

One community	1,744

COUNTY—HERFORD

One community	1,744

COUNTY—HOKE

One community	1,744

COUNTY—IREDELL

One community	1,744

COUNTY—JACKSON

One community	1,744

COUNTY—JOHNSTON

One community	1,744

COUNTY—JONES

One community	1,744

COUNTY—LEE

One community	1,744

COUNTY—LENOIR

One community	1,744

COUNTY—LINCOLN

One community	1,744

COUNTY—MACON

One community	1,744

COUNTY—MADISON

One community	1,744

COUNTY—MARTIN

One community	1,744

COUNTY—MCDOWELL

One community	1,744

COUNTY—MECKLENBURG

One community	1,744

COUNTY—MONTGOMERY

One community	1,744

COUNTY—MOORE

One community	1,744

COUNTY—NASH

One community	1,744

COUNTY—NEW HANOVER

One community	1,744

COUNTY—NORTHAMPTON

One community	1,744

COUNTY—ONSLOW

One community	1,744

COUNTY—ORANGE

One community	1,744

COUNTY—PAMLICO

One community	1,744

COUNTY—PASQUOTANK

One community	1,744

COUNTY—PENDER

One community	1,744

COUNTY—PERQUIMANS

One community	1,744

COUNTY—PERSON

One community	1,744

COUNTY—PITT

One community	1,744

COUNTY—POLK

One community	1,744

COUNTY—RANDOLPH

One community	1,744

COUNTY—RICHMOND

One community	1,744

COUNTY—ROBESON

One community	1,744

COUNTY—ROCKINGHAM

One community	1,744

COUNTY—ROWAN

One community	1,744

COUNTY—RUTHERFORD

One community	1,744

COUNTY—SAMPSON

One community	1,744

COUNTY—SCOTLAND

One community	1,744

COUNTY—STANLY

One community	1,744

COUNTY—STOKES

One community	1,744

COUNTY—SURRY

One community	1,744

COUNTY—TRANSYLVANIA

One community	1,744

COUNTY—TYRRELL

One community	1,744

COUNTY—UNION

One community	1,744

COUNTY—VANCE

One community	1,744

COUNTY—WAKE

One community	1,744

COUNTY—WARREN

One community	1,744

COUNTY—WASHINGTON

One community	1,744

COUNTY—WATAUGA

One community	1,744

COUNTY—WAYNE

One community	1,744

COUNTY—WILKES

One community	1,744

COUNTY—WILSON

One community	1,744

COUNTY—YADKIN

One community	1,744

COUNTY—YANCEY

One community	1,744

STATE—NORTH CAROLINA—Continued

COUNTY—ANSON

Community	Community average yield
One community	1,744

COUNTY—BERTIE

One community	1,744

COUNTY—BLADEN

One community	1,744

COUNTY—BRUNSWICK

One community	1,744

COUNTY—CABARRUS

One community	1,744

COUNTY—CASWELL

One community	1,744

COUNTY—CHATHAM

One community	1,744

COUNTY—CHEROKEE

One community	1,744

COUNTY—CLAY

One community	1,744

COUNTY—CLEVELAND

One community	1,744

COUNTY—COLUMBUS

One community	1,744

COUNTY—CRAVEN

One community	1,744

COUNTY—CUMBERLAND

One community	1,744

COUNTY—DAVIDSON

One community	1,744

COUNTY—DAVIE

One community	1,744

COUNTY—DUPLIN

One community	1,744

COUNTY—EDGECOMBE

One community	1,744

COUNTY—FORSYTH

One community	1,744

COUNTY—FRANKLIN

One community	1,744

COUNTY—GASTON

One community	1,744

COUNTY—GATES

One community	1,744

COUNTY—GRANVILLE

One community	1,744

COUNTY—GREENE

One community	1,744

COUNTY—GUILFORD

One community	1,744

COUNTY—HALIFAX

One community	1,744

COUNTY—HARNETT

One community	1,744

COUNTY—HAYWOOD

One community	1,744

COUNTY—HENDERSON

One community	1,744

COUNTY—HERFORD

One community	1,744

COUNTY—HOKE

One community	1,744

COUNTY—IREDELL

One community	1,744

COUNTY—JACKSON

One community	1,744

COUNTY—JOHNSTON

One community	1,744

COUNTY—JONES

One community	1,744

COUNTY—LEE

One community	1,744

COUNTY—LENOIR

One community	1,744

COUNTY—LINCOLN

One community	1,744

COUNTY—MACON

One community	1,744

COUNTY—MADISON

One community	1,744

COUNTY—MARTIN

One community	1,744

COUNTY—MCDOWELL

One community	1,744

COUNTY—MECKLENBURG

One community	1,744

COUNTY—MONTGOMERY

One community	1,744

COUNTY—MOORE

One community	1,744

COUNTY—NASH

One community	1,744

COUNTY—NEW HANOVER

One community	1,744

COUNTY—NORTHAMPTON

One community	1,744

COUNTY—ONSLOW

One community	1,744

COUNTY—ORANGE

One community	1,744

COUNTY—PAMLICO

One community	1,744

COUNTY—PASQUOTANK

One community	1,744

COUNTY—PENDER

One community	1,744

COUNTY—PERQUIMANS

One community	1,744

COUNTY—PERSON

One community	1,744

COUNTY—PITT

One community	1,744

COUNTY—POLK

One community	1,744

COUNTY—RANDOLPH

One community	1,744

COUNTY—RICHMOND

One community	1,744

COUNTY—ROBESON

One community	1,744

COUNTY—ROCKINGHAM

One community	1,744

COUNTY—ROWAN

One community	1,744

COUNTY—RUTHERFORD

One community	1,744

COUNTY—SAMPSON

One community	1,744

COUNTY—SCOTLAND

One community	1,744

COUNTY—STANLY

One community	1,744

COUNTY—STOKES

One community	1,744

COUNTY—SURRY

One community	1,744

COUNTY—TRANSYLVANIA

One community	1,744

COUNTY—TYRRELL

One community	1,744

COUNTY—UNION

One community	1,744

COUNTY—VANCE

One community	1,744

COUNTY—WAKE

One community	1,744

COUNTY—WARREN

One community	1,744

COUNTY—WASHINGTON

One community	1,744

COUNTY—WATAUGA

One community	1,744

COUNTY—WAYNE

One community	1,744

COUNTY—WILKES

One community	1,744

COUNTY—WILSON

One community	1,744

COUNTY—YADKIN

One community	1,744

COUNTY—YANCEY

One community	1,744

STATE—GEORGIA—Continued

COUNTY—WASHINGTON

Community	Community average yield
One community	[1] 1,213

COUNTY—WAYNE

Jesup	1,904
Odum	1,879
Screven	2,094

COUNTY—WHEELER

Alamo	1,590
Glenwood	1,470
Landsburg	1,553
Shiloh	1,664
Union-Springhill	1,579

COUNTY—WILCOX

One community	1,423

COUNTY—WILKINSON

One community	[1] 1,096

COUNTY—WORTH

Bridgeboro	1,941
Doles	1,606
Gordy	1,843
Minton-Tempy	2,062
Pine Hill	1,938
Poulan-Sumner	1,798
Red Rock-Aultman	1,391
Shingler	1,648
Sylvester	1,696
Warrior	2,008
Warwick-Oakfield-Vickers	1,680

STATE—NORTH CAROLINA

COUNTY—ALAMANCE

Albright	1,558
Burlington	1,629
Boone Station	1,711
Coble	1,576
Faucette	1,761
Graham	1,771
Haw River	1,803
Melville	1,471
Morton	1,732
Newlin	1,561
Patterson	1,660
Pleasant Grove	1,800
Thompson	1,436

COUNTY—ALEXANDER

Ellendale (A)	1,423
Gwaltney's 1(B)	1,763
Gwaltney's 2(C)	1,603
Little River (D)	1,460
Miller's (E)	1,565
Sharpe's (F)	1,598
Sugar Loaf (G)	1,589
Taylorsville (H)	1,540
Wittenburg 1(J)	1,667
Wittenburg 2(K)	1,598

COUNTY—ANSON

One community	1,541

COUNTY—BEAUFORT

A	[1] 1,961
B	[1] 1,913
C	[1] 1,848
D	[1] 1,817
E	1,928
F	1,695
G	1,814
H	[1] 1,898
J	1,832
K	[1] 2,130
L	[1] 1,979
M	[1] 1,962
N	1,887
O	1,384
P	1,625
Q	[1] 1,673
R	[1] 1,963
S	[1] 1,784
T	[1] 1,781
U	[1] 1,826

[1] Adjusted in accordance with the Act.

STATE—NORTH CAROLINA—Continued

COUNTY—BEAUFORT—continued

Community	Community average yield
V	1,464
W	1,423
X	1,927
Y	1,977
Z	2,008

COUNTY—BERTIE

Colerain I	2,200
Colerain II	2,068
Colerain III	1,870
Indian Woods	1,737
Merry Hill	1,714
Mitchells	1,894
Roxobel	1,899
Snakebite	1,805
Whites	2,062
Windsor I	2,009
Windsor II	1,697
Windsor III	1,748
Woodville	1,786

COUNTY—BLADEN

A	2,091
B	1,946
C	2,117
D	2,043
E	2,296
F	1,917
G	1,963
H	2,261
J	1,898
K	2,024
L	2,055
M	1,989
N	2,063
O	1,974
P	1,889
Q	1,886
R	1,793
S	1,721
T	1,869
U	1,676
V	1,662
W	1,828
X	1,952

COUNTY—BRUNSWICK

Lockwoods Folly	1,813
Northwest	1,750
Smithville	1,926
Shallotte	2,092
Town Creek	1,860
Waccamaw	2,170

COUNTY—BURKE

One community	1,838

COUNTY—CABARRUS

One community	[2] 0

COUNTY—CALDWELL

One community	1,761

COUNTY—CAMDEN

One community	[2] 2,378

COUNTY—CARTERET

A	1,869
B	1,965
C	1,757
D	1,710
E	[1] 1,733

COUNTY—CASWELL

Pelham (A)	1,776
Dan River (B)	1,837
Milton (C)	1,828
Locust Hill (D)	1,635
Yanceyville (E)	1,862
Leasburg (F)	1,845
Stoney Creek (G)	1,853
Anderson (H)	1,960
Hightower (J)	2,047

[2] No flue-cured tobacco produced in period 1959–63.

STATE—NORTH CAROLINA—Continued

COUNTY—CATAWBA

Community	Community average yield
One community	1,333

COUNTY—CHATHAM

Albright	1,482
Baldwin	1,261
Bear Creek	1,419
Cape Fear	1,628
Center	1,207
Gulf	1,486
Hadley	1,632
Oakland-Haw River	1,467
Matthews	1,347
New Hope	1,606
Williams	1,498
Hickory Mountain	1,462

COUNTY—CHOWAN

A	1,796
B	1,854
C	1,933

COUNTY—CLEVELAND

One community	[2] 0

COUNTY—COLUMBUS

South Fair Bluff	2,631
North Fair Bluff	2,370
Cerro Gordo	2,288
Cedar Grove	2,282
Cherry Grove	2,649
South Chadbourn	2,359
North Chadbourn	2,226
South Tatum	2,312
North Tatum	2,185
Western Prong	2,234
North Whiteville	2,235
Whiteville	2,347
South Whiteville	2,349
Mollie	2,541
Beaverdam	2,580
Clarendon	2,422
Tabor City	2,463
Sandy Plains	2,518
Guideway	2,313
Bug Hill	2,350
East Lees	2,188
West Lees	2,461
North Lees	2,423
Welches Creek	2,250
South Bogue	2,110
North Bogue	2,151
Waccamaw	2,062
Bolton	1,913
Freeman	1,991
Delco	1,926

COUNTY—CRAVEN

1–A	[1] 2,062
1–B	1,871
1–C	1,827
1–D	1,893
No. 2	1,788
3–A	2,305
3–B	2,053
3–C	1,994
No. 5	1,804
6 & 7	1,748
No. 8	1,772
9–A	[1] 2,159
9–B	[1] 2,256

COUNTY—CUMBERLAND

Beaver Dam	2,078
Black River	2,154
Carvers Cr. I	2,015
Carvers Cr. II	1,916
Cedar Cr. I	1,858
Cedar Cr. II	2,040
Eastover	2,051
Grays Creek	1,852
Rockfish	1,844
Seventy First	1,907

COUNTY—DAVIDSON

Abbotts Creek	1,675
Arcadia	1,544

STATE—NORTH CAROLINA—Continued

COUNTY—DAVIDSON—continued

Community	Community average yield
Churchland	1,357
Currytown-Beedy Creek	1,540
Fairgrove-Pilot	1,701
Fairview	1,772
Hampton	1,478
Hasty	1,677
Holly Grove-Liberty	1,761
Jackson Hill-Alleghany	[2] 0
Linwood-Cotton Grove	[1] 1,502
Midway-Gum Tree	1,629
Reeds	1,548
Silver Hill	[2] 0
Tyro	1,547
Wallburg	1,744
Welcome-Bethesda	1,621

COUNTY—DAVIE

North Calahaln	1,590
South Calahaln	1,448
Clarksville	1,629
North and South Farmington	1,707
West Farmington	1,389
Fulton	1,349
Jerusalem	1,330
Mocksville	1,416
Shady Grove	1,341

COUNTY—DUPLIN

Albertson	2,068
Cypress Creek	1,788
Faison	2,080
Glisson	2,042
Island Creek	1,871
Kenansville	1,851
Limestone	1,942
Magnolia	1,772
Rockfish	1,934
Rose Hill	1,853
Smith	2,058
Warsaw	2,066
Wolfscrape	2,085

COUNTY—DURHAM

Carr	1,584
Cedar Fork	1,513
Durham	1,552
Lebanon	1,370
Mangum	1,509
Oak Grove	1,603
Patterson	1,419
Rougemont	1,665

COUNTY—EDGECOMBE

1	1,972
2	2,041
3	2,104
4	2,033
5	2,102
6	2,026
7	1,984
8	2,079
9	2,167
10	2,099
11	2,103
12	2,057
13	2,039
14	2,133

COUNTY—FORSYTH

North Abbotts Creek	1,782
South Abbotts Creek	1,754
Below Creek	1,767
Bethania	1,668
Broadbay	1,629
Clemmons	1,405
East Kernersville	1,718
West Kernersville	1,773
Lewisville	1,482
Middle Fork	1,581
Old Richmond	1,456
Old Town	1,547
Salem Chapel	1,533
South Fork	1,499
Vienna	1,436

[1] Adjusted in accordance with the act.
[2] No flue-cured tobacco produced in period 1959–63.

STATE—NORTH CAROLINA—Continued

COUNTY—FRANKLIN

Community	Community average yield
Cedar Rock	1,934
Cypress Creek	1,637
Dunn	2,095
Franklinton	1,705
Gold Mine	1,693
Harris	1,930
Hayesville	1,784
Louisburg	1,796
Sandy Creek	1,739
Youngsville	1,834

COUNTY—GASTON

One community	[1] 1,406

COUNTY—GATES

Gatesville	1,754
Hall	1,975
Haslett	1,947
Holly Grove	1,816
Hunters Mill	1,546
Mintonsville	1,601
Reynoldson	1,999

COUNTY—GRANVILLE

Brassfield	1,714
Dutchville	1,801
Fishing Creek	1,709
Oak Hill	1,626
Oxford	1,706
Salem	1,763
Sassafras Fork	1,670
Tally Ho	1,973
Walnut Grove	1,884

COUNTY—GREENE

Bullhead	2,249
Carrs	2,130
Hookerton	2,167
Jason	2,216
Olds	2,158
Ormonds	2,198
Shine	2,317
Snow Hill	2,167
Speights Bridge	2,178

COUNTY—GUILFORD

Bruce	1,585
Center Grove	1,578
Clay	1,763
Deep River	1,669
Fentress	1,667
Friendship	1,594
Greene	1,762
High Point	1,548
Jamestown	1,795
Jefferson	1,820
North Madison	1,986
South Madison	1,688
Monroe	1,681
Morehead-Gilmer	1,738
North Oak Ridge	1,794
South Oak Ridge	1,704
North Rock Creek	1,639
South Rock Creek	1,649
Sumner	1,710
North Washington	1,856
South Washington	1,817

COUNTY—HALIFAX

Brinkleyville	1,824
Butterwood	1,824
Conoconnara	2,017
Enfield	2,043
Faucett	2,051
Halifax	1,800
Littleton	1,663
Palmyra	2,301
Roseneath	2,240
Scotland Neck	2,024
Weldon	1,897
Roanoke Rapids	1,831

COUNTY—HARNETT

Anderson Creek	2,094
Averasboro No. 1	2,214
Averasboro No. 2	1,947
Barbecue	2,086
Black River	2,191

STATE—NORTH CAROLINA—Continued

COUNTY—HARNETT—continued

Community	Community average yield
Buckhorn	2,177
Duke	1,932
Grove No. 1	2,250
Grove No. 2	2,205
Hector's Creek	2,148
Johnsonville	1,777
Lillington	2,022
Neill's Creek	2,109
Stewart's Creek	2,113
Upper Little River No. 1	2,114
Upper Little River No. 2	2,060

COUNTY—HERTFORD

Ahoskie	1,994
Harrellsville	1,991
Maney's Neck	1,590
Murfreesboro	1,823
St. Johns	1,814
Winton	1,840

COUNTY—HOKE

Allendale	1,833
Antioch	1,815
Blue Springs	1,875
McLaughlin	1,858
Quewhiffle	1,942
Raeford	1,998
Stonewall	1,891

COUNTY—IREDELL

Barringer	[2] 0
Bethany	[2] 0
Celeste Henkel	[1] 825
Concord	1,668
Cool Springs	[2] 0
Eagle Mills	1,529
Fallstown	[1] 556
Harmony	1,588
Joyner	1,496
New Hope	1,558
Oakdale	[2] 0
Olin	1,729
Sharpesburg	1,598
Shiloh	[1] 883
Snow Creek	1,480
Statesville	[1] 1,305
Turnersburg	1,465
Union Grove	1,546

COUNTY—JOHNSTON

Banner	2,191
Bentonville	2,164
Beulah	2,060
Boon Hill	2,109
Clayton	2,029
Cleveland	2,124
Elevation	2,157
Ingrams	2,124
Meadow	2,311
Micro	2,019
Oneals	2,054
Pine Level	2,001
Pleasant Grove	2,110
Selma	1,899
Smithfield	2,018
Wilders	2,007
Wilsons Mills	2,145

COUNTY—JONES

Beaver Creek	1,960
Chinquapin	[1] 2,228
Cypress Creek	[1] 2,167
Pollocksville	1,876
Trenton	1,954
Tuckahoe	2,024
White Oak	1,659

COUNTY—LEE

Cape Fear	1,863
Deep River	1,601
West Greenwood	1,987
Jonesboro	1,959
Pocket	1,786
Sanford	1,662
East Greenwood	1,957

STATE—NORTH CAROLINA—Continued

COUNTY—LENOIR

Community	Community average yield
A	1,966
B	1,966
C	1,966
D	1,966
E	1,966
F	1,966
G	1,966
H	1,966
J	1,966
K	1,966
L	1,966
M	1,966
N	1,966
O	1,966
P	1,966
Q	1,966
R	1,966
S	1,966
T	1,966
U	1,966
V	1,966
W	1,966
X	1,966

COUNTY—LINCOLN

Abernethy	1,615
Catawba	1,615
Howards Creek	1,615
Ironton	1,615
Lincolnton	1,615
Long Shoals	1,615
Pumpkin Center	1,615
Reepsville	1,615
Rock Springs	1,615
Stanley Creek	1,615
Union	1,615
Vale	1,615
Westport	1,615

COUNTY—MACON

Cartoogechaye	1,615
Franklin	1,615
Nantahala	1,615
Otto	1,615
Ramsey	1,615
Scaly Mountain	1,615
Smith Creek	1,615
Watauga	1,615

COUNTY—MADISON

Bull Creek	1,615
Hot Springs	1,615
Laurel	1,615
Marshall	1,615
Mars Hill	1,615
Meadow Fork	1,615
Paint Fork	1,615
Shelton Laurel	1,615
Spring Creek	1,615
Walnut Mountain	1,615
Wolf Laurel	1,615

COUNTY—MARTIN

Bear Grass	1,615
Everetts	1,615
Gold Point	1,615
Hamilton	1,615
Jamesville	1,615
Oak City	1,615
Poplar Point	1,615
Robersonville	1,615
Williamston	1,615

COUNTY—MECKLENBURG

Berryhill	1,615
Clear Creek	1,615
Croft	1,615
Derita	1,615
Long Creek	1,615
Mallard Creek	1,615
Matthews	1,615
Mint Hill	1,615
Paw Creek	1,615
Pineville	1,615
Providence	1,615
Sharon	1,615
Steele Creek	1,615
Upper Long Creek	1,615

COUNTY—MITCHELL

Bakers Mountain	1,615
Bald Mountain	1,615
Big Rock	1,615
Bradley Creek	1,615
Cane Creek	1,615
Crabtree	1,615
Green Mountain	1,615
Grassy Creek	1,615
Hickory Nut	1,615
Little Rock	1,615
Pigeon Roost	1,615
Poplar Cove	1,615
Price Creek	1,615
Red Hill	1,615
Spruce Pine	1,615
Toe River	1,615
Upper Creek	1,615

COUNTY—MONTGOMERY

Candor	1,615
Eldorado	1,615
Ether	1,615
Mount Gilead	1,615
Pekin	1,615
Star	1,615
Troy	1,615
Uwharrie	1,615
Wadesboro	1,615

STATE—NORTH CAROLINA—Continued

COUNTY—MOORE

Community	Community average yield
Aberdeen	1,615
Bensalem	1,615
Carthage	1,615
Cypress Creek	1,615
Deep River	1,615
Eagle Springs	1,615
Jackson Springs	1,615
Lakeview	1,615
Pinebluff	1,615
Pinehurst	1,615
Robbins	1,615
Seven Lakes	1,615
Southern Pines	1,615
Taylortown	1,615
Vass	1,615
West End	1,615

COUNTY—NASH

Bailey	1,615
Battleboro	1,615
Castalia	1,615
Dortches	1,615
Gold Sand	1,615
Middlesex	1,615
Nashville	1,615
Red Oak	1,615
Rocky Mount	1,615
Spring Hope	1,615
Whitakers	1,615

COUNTY—NEW HANOVER

Castle Hayne	1,615
Cross Creek	1,615
Harnett	1,615
Masonboro	1,615
Myrtle Grove	1,615
Northeast	1,615
Rocky Point	1,615
Scotts Hill	1,615
Smith Creek	1,615
Wilmington	1,615

COUNTY—NORTHAMPTON

Conway	1,615
Garysburg	1,615
Gaston	1,615
Jackson	1,615
Lasker	1,615
Margarettsville	1,615
Pendleton	1,615
Rich Square	1,615
Roanoke Rapids	1,615
Seaboard	1,615
Severn	1,615
Woodland	1,615

COUNTY—ONSLOW

Belgrade	1,615
Bell Fork	1,615
Bell Swamp	1,615
Catherine Lake	1,615
Dixon	1,615
Folkstone	1,615
Haws Run	1,615
Jacksonville	1,615
Maple Hill	1,615
Northeast	1,615
Richlands	1,615
Silverdale	1,615
Stella	1,615
Swansboro	1,615
Verona	1,615
White Oak	1,615

COUNTY—ORANGE

Bingham	1,615
Cedar Grove	1,615
Efland	1,615
Eno	1,615
Hillsborough	1,615
Little River	1,615
New Hope	1,615
Orange Grove	1,615
Orange Factory	1,615
Rougemont	1,615
Schley	1,615
Stagville	1,615
Strayhorn	1,615
Upper Eno	1,615
White Cross	1,615

COUNTY—PAMLICO

Alliance	1,615
Arapahoe	1,615
Bayboro	1,615
Grantsboro	1,615
Mesic	1,615
Minnesott Beach	1,615
Oriental	1,615
Stonewall	1,615
Vandemere	1,615

COUNTY—PASQUOTANK

Elizabeth City	1,615
Newland	1,615
Nixonton	1,615
Weeksville	1,615
Winfall	1,615

COUNTY—PENDER

Atkinson	1,615
Burgaw	1,615
Cowan	1,615
Currie	1,615
Long Creek	1,615
Maple Grove	1,615
Moores Creek	1,615
Rocky Point	1,615
Scotts Hill	1,615
Smith Creek	1,615
Topsail	1,615
Union	1,615
Willard	1,615

COUNTY—PERQUIMANS

Bethel	1,615
Hall	1,615
Harvey	1,615
Hertford	1,615
Newhope	1,615
Perquimans	1,615
Piney Woods	1,615
Whiteston	1,615
Winfall	1,615

COUNTY—PERSON

Allensville	1,615
Bushy Fork	1,615
Cunningham	1,615
Hurdle Mills	1,615
Mount Tirzah	1,615
Olive Hill	1,615
Roxboro	1,615
Semora	1,615
Timberlake	1,615
Woodsdale	1,615

COUNTY—PITT

Ayden	1,615
Bell Arthur	1,615
Belvoir	1,615
Bethel	1,615
Black Jack	1,615
Carolina	1,615
Chicod	1,615
Falkland	1,615
Farmville	1,615
Fountain	1,615
Grifton	1,615
Grimesland	1,615
Hookerton	1,615
Lucama	1,615
Pactolus	1,615
Simpson	1,615
Stokes	1,615
Swift Creek	1,615
Winterville	1,615

COUNTY—POLK

Green River	1,615
Hunting Country	1,615
Mill Spring	1,615
Saluda	1,615
Tryon	1,615

COUNTY—RANDOLPH

Asheboro	1,615
Back Creek	1,615
Coleridge	1,615
Cox Mill	1,615
Franklinville	1,615
Liberty	1,615
Ramseur	1,615
Randleman	1,615
Seagrove	1,615
Staley	1,615
Trinity	1,615
Union Cross	1,615
Uwharrie	1,615
Worthville	1,615

COUNTY—RICHMOND

Ellerbe	1,615
Hamlet	1,615
Mineral Springs	1,615
Rockingham	1,615
Roberdel	1,615
Steeds	1,615
Wadesboro	1,615

STATE—NORTH CAROLINA—Continued

COUNTY—LENOIR

Community	Community average yield
Contentnea	2, 145
Falling Creek	2, 173
Institute	2, 186
Kinston	2, 021
Moseley Hall	2, 190
Neuse	2, 106
Pink Hill	2, 194
Sand Hill	2, 107
Southwest	2, 168
Trent 1	2, 214
Trent 2	2, 292
Vance	2, 173
Woodington	2, 177

COUNTY—MARTIN

Bear Grass	2, 239
Cross Roads	2, 282
Goose Nest I	2, 333
Goose Nest II	2, 300
Griffins	2, 069
Hamilton	2, 227
Jamesville I	1, 892
Jamesville II	1, 784
Poplar Point	2, 278
Robersonville I	2, 279
Robersonville II	2, 321
Williams	1, 908
Williamston	2, 137

COUNTY—MECKLENBURG

One community	[2]0

COUNTY—MONTGOMERY

Biscoe	1, 605
Candor	1, 680
Cheeks Creek	1, 731
Eldorado	1, 704
Mt. Gilead	1, 738
Rocky Springs	1, 680
Star	1, 327
Troy	1, 441
Wadeville	1, 726

COUNTY—MOORE

Bensalem	1, 617
Carthage	1, 836
Deep River	1, 541
Greenwood	1, 974
Little River	1, 973
McNeill	1, 950
Mineral Springs	1, 712
Ritters	1, 467
Sandhill	1, 629
Sheffield	1, 536

COUNTY—NASH

Bailey	2, 123
Castalia	1, 765
Coopers 1	2, 101
Coopers 2	2, 154
Drywells	1, 942
Ferrells 1	2, 022
Ferrells 2	2, 099
Griffins 1	1, 900
Griffins 2	1, 706
Jacksons 1	2, 303
Jacksons 2	2, 200
Mannings 1	1, 987
Mannings 2	2, 090
Nashville 1	2, 030
Nashville 2	2, 038
North Whit. 1	2, 096
North Whit. 2	2, 014
Oak Level	2, 006
Red Oak	2, 210
Rocky Mount	2, 220
South Whitakers	2, 036
Stoney Creek 1	2, 065
Stoney Creek 2	1, 943

COUNTY—NEW HANOVER

One community	1, 646

[2] No flue-cured tobacco produced in period 1959–63.

STATE—NORTH CAROLINA—Continued

COUNTY—NORTHAMPTON

Community	Community average yield
Conway	[1]2, 278
Creeksville	[2]0
Galatia and Margarettsville	1, 603
Garysburg	1, 664
Gaston	2, 060
Jackson	1, 553
Lasker	1, 820
Milwaukee	1, 606
Newtown	1, 773
Pendleton	1, 723
Pleasant Hill	1, 858
Potecasi	1, 614
Rehoboth	2, 005
Rich Square	1, 693
Seaboard	1, 862
Severn	1, 660
Vultare	1, 308
Woodland	1, 528

COUNTY—ONSLOW

Jacksonville (A)	1, 679
Richlands (B)	1, 800
Stump Sound (C)	1, 674
Swansboro (D)	1, 827
White Oak (E)	1, 842
Richlands (F)	1, 816

COUNTY—ORANGE

Bingham	1, 355
Cedar Grove	1, 993
Chapel Hill	1, 395
Cheeks	1, 469
Eno	1, 423
Hillsboro	1, 484
Little River	1, 694
Carr	1, 929

COUNTY—PAMLICO

No. 1	1, 662
No. 2	[1]1, 540
No. 3	[1]1, 572
No. 4	1, 706
No. 5	1, 623

COUNTY—PASQUOTANK-DARE

One community	[2]0

COUNTY—PENDER

Burgaw Up	2, 070
Burgaw Low	1, 921
Canetuck	1, 800
Caswell	1, 906
Columbia Up	1, 947
Columbia Low	2, 023
Grady	1, 968
Holly Up	1, 583
Holly Low	1, 634
Long Creek	1, 905
Rocky Point	1, 780
Topsail Up	1, 515
Topsail Low	1, 711
Union Up	1, 803
Union Low	1, 902

COUNTY—PERSON

Allensville	1, 835
Bushy Fork	2, 134
Cunningham	1, 630
Flat River	1, 968
Holloway	1, 726
Mount Tirzah	1, 849
Olive Hill	1, 842
Roxboro	1, 833
Woodsdale	1, 698

COUNTY—PITT

Ayden A	2, 088
Ayden B	1, 944
Beaver Dam	2, 143
Belvoir	2, 045
Bethel	2, 197
Carolina	2, 076
Chicod G	2, 021
Chicod H	1, 944

[1] Adjusted in accordance with the act.

STATE—NORTH CAROLINA—Continued

COUNTY—PITT—continued

Community	Community average yield
Chicod J	2, 146
Chicod K	1, 926
Falkland	1, 993
Farmville	2, 116
Fountain	2, 086
Greenville O	2, 010
Greenville P	1, 989
Greenville Q	2, 135
Greenville R	2, 077
Pactolus	1, 974
Swift Creek T	1, 848
Swift Creek U	1, 963
Winterville V	2, 174
Winterville W	2, 165

COUNTY—RANDOLPH

Asheboro	1, 626
Back Creek	1, 520
Brower	1, 406
Cedar Grove	1, 382
Coleridge	1, 495
Columbia	1, 686
Concord	1, 436
Franklinville	1, 507
Grant	1, 536
Level Cross	1, 524
Liberty	1, 742
New Hope	1, 353
New Market	1, 744
Pleasant Grove	1, 407
Providence	1, 674
Richland	1, 493
Tabernacle	1, 402
Trinity	1, 606
Union	1, 560

COUNTY—RICHMOND

Crosland	1, 387
Ellerbe No. 1	1, 642
Ellerbe No. 2	1, 730
Hamlet No. 1	1, 293
Hamlet No. 2	1, 381
Hoffman	1, 519
Jones Spring	1, 737
Ledbetter	1, 478
Rockingham No. 1	1, 415
Rockingham No. 2	1, 396
Steeles	1, 442

COUNTY—ROBESON

Alfordsville	2, 011
Back Swamp	2, 063
Britts	2, 424
Burnt Swamp	1, 979
East Howellsville	2, 280
Fairmont	2, 366
Gaddy	2, 263
Lumber Bridge	1, 862
Lumberton	2, 023
Marietta	2, 234
Maxton	1, 855
North Pembroke	1, 979
Orrum	2, 397
Parkton	1, 939
Philadelphus	1, 802
Raft Swamp	1, 975
Red Springs	1, 850
Rennert	1, 986
Rowland	2, 209
Saddletree	2, 158
Shannon	1, 874
Smiths	1, 903
North St. Pauls	2, 015
Sterling	2, 424
Thompson	2, 319
Union	2, 098
Wishart	2, 364
Smyrna	2, 335
Prospect	2, 001
West Howellsville	2, 307
South Pembroke	1, 958
South St. Pauls	2, 075

STATE—NORTH CAROLINA—Continued

COUNTY—ROCKINGHAM

Community	Community average yield
Huntsville	1, 627
Leaksville	1, 616
Madison	1, 696
Mayo	1, 684
New Bethel	1, 678
Price	1, 670
Reidsville	1, 693
Ruffin	1, 942
Simpsonville	1, 877
Wentworth	1, 683
Williamsburg	1, 856

COUNTY—ROWAN

One community	1, 376

COUNTY—SAMPSON

Belvoir	2, 185
Dismal	2, 071
Franklin	1, 974
Halls	2, 118
Herring	2, 225
Honeycutts	2, 137
Lisbon	2, 029
Little Coharie	1, 986
Mingo	2, 068
McDaniels	1, 936
Newton Grove	2, 275
North Clinton	2, 161
Piney Grove	2, 138
Plainview	2, 155
South Clinton	2, 052
South River	1, 703
Taylors Bridge	1, 978
Turkey	2, 066
Westbrook	2, 244

COUNTY—SCOTLAND

Laurel Hill	1, 856
Spring Hill	1, 642
Stewartsville	1, 953
Williamson	1, 732

COUNTY—STOKES

Big Creek	1, 822
Beaver Island	1, 677
Danbury	1, 669
Meadows	1, 890
Peters Creek	1, 670
Quaker Gap	1, 696
Sauratown	1, 580
Snow Creek	1, 671
Pinnacle-Yadkin	1, 590
King-Yadkin	1, 638

COUNTY—SURRY

Bryan	1, 891
Dobson	2, 019
Eldora	2, 049
Elkin	1, 744
Franklin	1, 828
Longhill	1, 839
Marsh	1, 776
Mount Airy	1, 845
Pilot	1, 700
Rockford	1, 889
Shoals	1, 726
Siloam	1, 970
St. Creek	1, 914
Westfield	1, 880
South Westfield	1, 823

COUNTY—TYRRELL

One community	[2]0

COUNTY—VANCE

Dabney	1, 718
Henderson	1, 722
Kettrell	1, 721
Middleburg	1, 809
Sandy Creek	1, 907
Townsville	1, 806
Watkins	1, 674
Williamsboro	1, 588

[2] No flue-cured tobacco produced in period 1959–63.

STATE—NORTH CAROLINA—Continued

COUNTY—WAKE

Community	Community average yield
Barbous Creek	1, 417
Buckhorn	1, 666
Cary	1, 546
Cedar Fork	1, 620
Holly Springs	1, 968
House Creek	1, 527
Leesville	1, 568
Little River (A)	1, 594
Marks Creek	1, 983
Middle Creek	2, 116
Neuse River	1, 468
New Light	1, 760
Panther Branch	2, 100
St. Marys	1, 796
St. Matthews	1, 711
Swift Creek	1, 968
Wake Forest	1, 800
White Oak	1, 741
Little River (B)	1, 894

COUNTY—WARREN

Fishing Creek	1, 586
Fork	1, 497
Hawtree	1, 835
Judkins	1, 439
Nutbush	1, 601
River	1, 483
Sandy Creek	1, 619
Sixpound	1, 695
Smith Creek	1, 777
Warrenton	1, 656
Shocco	1, 520

COUNTY—WASHINGTON

Roper	1, 733
Plymouth	1, 670
Creswell	1, 418

COUNTY—WAYNE

Brogden (A)	2, 084
Buck Swamp (B)	2, 144
Fork (C)	2, 227
Grantham (E)	2, 309
Great Swamp (F)	2, 227
Indian Springs (G)	2, 104
Nahunta (H)	2, 215
New Hope (J)	2, 237
Pikeville (K)	2, 306
Saulston (L)	2, 262
Stoney Creek (M)	2, 118
Brogden (N)	2, 179
Grantham (O)	2, 307

COUNTY—WILKES

Antioch	1, 451
Boomer	1, 295
Brushy Mountain	1, 434
Edwards	1, 704
Lovelace	1, 509
Moravian Falls	1, 799
New Castle	1, 550
Rock Creek	1, 572
Somers	1, 550
Traphill	1, 894
Walnut Grove	1, 499
Wilkesboro	1, 982

COUNTY—WILSON

Black Creek	2, 147
Crossroads	2, 108
Gardners	2, 137
Oldfields	2, 237
Saratoga	2, 123
Stantonsburg	2, 099
Springhill	2, 148
Taylors	2, 164
Toisnot	2, 107
Wilson	2, 104

COUNTY—YADKIN

Buck Shoals No. 1	1, 636
Buck Shoals No. 2	1, 734
Buck Shoals No. 3	1, 852
Deep Creek No. 1	1, 625
Deep Creek No. 2	1, 786
Deep Creek No. 3	1, 699

STATE—NORTH CAROLINA—Continued

COUNTY—YANKIN—continued

Community	Community average yield
Liberty No. 1	1, 732
Liberty No. 2	1, 662
Liberty No. 3	1, 660
Forbush	1, 652
East Bend No. 1	1, 620
East Bend No. 2	1, 598
Fall Creek No. 1	1, 769
Fall Creek No. 2	1, 902
Fall Creek No. 3	1, 846
Fall Creek No. 4	1, 777
Boonville No. 1	1, 889
Boonville No. 2	1, 738
Boonville No. 3	2, 067
Knobs No. 1	1, 746
Knobs No. 2	1, 725
Knobs No. 3	1, 809

STATE—SOUTH CAROLINA

COUNTY—ABBEVILLE

One community	[1]1, 200

COUNTY—AIKEN

One community	[1]700

COUNTY—ALLENDALE

One community	1, 677

COUNTY—ANDERSON

One community	[1]1, 200

COUNTY—BAMBERG

One community	1, 367

COUNTY—BARNWELL

One community	[1]1, 854

COUNTY—BERKELEY

A	1, 432
B	1, 576
C	1, 315
D	1, 512
E	1, 417

COUNTY—CALHOUN

One community	1, 395

COUNTY—CHARLESTON

One community	[1]1, 000

COUNTY—CHESTERFIELD

A	1, 608
B	1, 565
C	1, 552
D	1, 582
E	1, 492
F	1, 282
G	1, 393
H	1, 054
I	1, 757

COUNTY—CLARENDON

A	1, 781
B	2, 015
C	1, 629
D	1, 836
E	2, 008
F	1, 618
G	1, 604
H	1, 558
I	2, 123

COUNTY—COLLETON

A	1, 752
B	1, 816
C	1, 616
D	1, 507
E	1, 678
F	1, 676
G	1, 528
H	1, 588
I	[2]1, 192

COUNTY—DARLINGTON

A	2, 093
B	1, 977

[1] Adjusted in accordance with the act.

STATE—SOUTH CAROLINA—Continued

COUNTY—DARLINGTON—continued

Community	Community average yield
C	1, 977
D	1, 977
E	1, 977
F	1, 977
G	1, 977
H	1, 977
I	1, 977

COUNTY—DILLON

A	1, 977
B	1, 977
C	1, 977
D	1, 977
E	1, 977
F	1, 977
G	1, 977
H	1, 977
I	1, 977

COUNTY—DORCHESTER

A	1, 977
B	1, 977
C	1, 977
D	1, 977
E	1, 977
F	1, 977
G	1, 977
H	1, 977
I	1, 977

COUNTY—EDGEFIELD

A	1, 977
B	1, 977
C	1, 977
D	1, 977
E	1, 977
F	1, 977
G	1, 977
H	1, 977
I	1, 977

COUNTY—FAIRFIELD

A	1, 977
B	1, 977
C	1, 977
D	1, 977
E	1, 977
F	1, 977
G	1, 977
H	1, 977
I	1, 977

COUNTY—FLORENCE

A	1, 977
B	1, 977
C	1, 977
D	1, 977
E	1, 977
F	1, 977
G	1, 977
H	1, 977
I	1, 977

COUNTY—GEORGETOWN

A	1, 977
B	1, 977
C	1, 977
D	1, 977
E	1, 977
F	1, 977
G	1, 977
H	1, 977
I	1, 977

COUNTY—GREENVILLE

A	1, 977
B	1, 977
C	1, 977
D	1, 977
E	1, 977
F	1, 977
G	1, 977
H	1, 977
I	1, 977

COUNTY—GREENWOOD

A	1, 977
B	1, 977
C	1, 977
D	1, 977
E	1, 977
F	1, 977
G	1, 977
H	1, 977
I	1, 977

COUNTY—HAMPTON

A	1, 977
B	1, 977
C	1, 977
D	1, 977
E	1, 977
F	1, 977
G	1, 977
H	1, 977
I	1, 977

COUNTY—HORRY

A	1, 977
B	1, 977
C	1, 977
D	1, 977
E	1, 977
F	1, 977
G	1, 977
H	1, 977
I	1, 977

COUNTY—JASPER

A	1, 977
B	1, 977
C	1, 977
D	1, 977
E	1, 977
F	1, 977
G	1, 977
H	1, 977
I	1, 977

COUNTY—KERSHAW

A	1, 977
B	1, 977
C	1, 977
D	1, 977
E	1, 977
F	1, 977
G	1, 977
H	1, 977
I	1, 977

COUNTY—LANCASTER

A	1, 977
B	1, 977
C	1, 977
D	1, 977
E	1, 977
F	1, 977
G	1, 977
H	1, 977
I	1, 977

COUNTY—LAURENS

A	1, 977
B	1, 977
C	1, 977
D	1, 977
E	1, 977
F	1, 977
G	1, 977
H	1, 977
I	1, 977

COUNTY—LEE

A	1, 977
B	1, 977
C	1, 977
D	1, 977
E	1, 977
F	1, 977
G	1, 977
H	1, 977
I	1, 977

COUNTY—LEXINGTON

A	1, 977
B	1, 977
C	1, 977
D	1, 977
E	1, 977
F	1, 977
G	1, 977
H	1, 977
I	1, 977

COUNTY—MARION

A	1, 977
B	1, 977
C	1, 977
D	1, 977
E	1, 977
F	1, 977
G	1, 977
H	1, 977
I	1, 977

COUNTY—MARLBORO

A	1, 977
B	1, 977
C	1, 977
D	1, 977
E	1, 977
F	1, 977
G	1, 977
H	1, 977
I	1, 977

COUNTY—MCCORMICK

A	1, 977
B	1, 977
C	1, 977
D	1, 977
E	1, 977
F	1, 977
G	1, 977
H	1, 977
I	1, 977

COUNTY—NEWBERRY

A	1, 977
B	1, 977
C	1, 977
D	1, 977
E	1, 977
F	1, 977
G	1, 977
H	1, 977
I	1, 977

COUNTY—OCONEE

A	1, 977
B	1, 977
C	1, 977
D	1, 977
E	1, 977
F	1, 977
G	1, 977
H	1, 977
I	1, 977

COUNTY—ORANGEBURG

A	1, 977
B	1, 977
C	1, 977
D	1, 977
E	1, 977
F	1, 977
G	1, 977
H	1, 977
I	1, 977

COUNTY—PICKENS

A	1, 977
B	1, 977
C	1, 977
D	1, 977
E	1, 977
F	1, 977
G	1, 977
H	1, 977
I	1, 977

COUNTY—RICHLAND

A	1, 977
B	1, 977
C	1, 977
D	1, 977
E	1, 977
F	1, 977
G	1, 977
H	1, 977
I	1, 977

COUNTY—SALUDA

A	1, 977
B	1, 977
C	1, 977
D	1, 977
E	1, 977
F	1, 977
G	1, 977
H	1, 977
I	1, 977

COUNTY—SPARTANBURG

A	1, 977
B	1, 977
C	1, 977
D	1, 977
E	1, 977
F	1, 977
G	1, 977
H	1, 977
I	1, 977

COUNTY—SUMTER

A	1, 977
B	1, 977
C	1, 977
D	1, 977
E	1, 977
F	1, 977
G	1, 977
H	1, 977
I	1, 977

COUNTY—UNION

A	1, 977
B	1, 977
C	1, 977
D	1, 977
E	1, 977
F	1, 977
G	1, 977
H	1, 977
I	1, 977

COUNTY—WILLIAMSBURG

A	1, 977
B	1, 977
C	1, 977
D	1, 977
E	1, 977
F	1, 977
G	1, 977
H	1, 977
I	1, 977

COUNTY—YORK

A	1, 977
B	1, 977
C	1, 977
D	1, 977
E	1, 977
F	1, 977
G	1, 977
H	1, 977
I	1, 977

STATE—VIRGINIA—Continued

COUNTY—ACCOMACK

Community	Community average yield
Atlantic	1, 977
Bloxom	1, 977
Chincoteague	1, 977
Hallwood	1, 977
Horntown	1, 977
Keller	1, 977
Locustdale	1, 977
Melfa	1, 977
Onancock	1, 977
Onley	1, 977
Parksley	1, 977
Pungoteague	1, 977
Temperanceville	1, 977
Tasley	1, 977
Wachapreague	1, 977

COUNTY—ALBEMARLE

Batesville	1, 977
Crozet	1, 977
Earlysville	1, 977
Free Union	1, 977
Ivy	1, 977
Keene	1, 977
North Garden	1, 977
Scottsville	1, 977
Shadwell	1, 977
Stony Point	1, 977
Yancey Mills	1, 977

COUNTY—ALLEGHANY

Clifton	1, 977
Low Moor	1, 977
Sharon	1, 977
Sunset	1, 977
Twin	1, 977

COUNTY—AMELIA

Amelia	1, 977
Bevelle	1, 977
Jetersville	1, 977
Mannboro	1, 977
Nibbs Creek	1, 977
Paineville	1, 977
Rocky Ford	1, 977
Winticomack	1, 977

COUNTY—AMHERST

Amherst	1, 977
Elon	1, 977
Madison Heights	1, 977
Monroe	1, 977
Pedlar Mills	1, 977
Phelps	1, 977
Rutledge	1, 977
Sweet Briar	1, 977
Tye River	1, 977

COUNTY—APPOMATTOX

Appomattox	1, 977
Clover Hill	1, 977
Concord	1, 977
Evergreen	1, 977
Hixburg	1, 977
Pamplin	1, 977
Spout Spring	1, 977
Stapleton	1, 977
Vera	1, 977

COUNTY—AUGUSTA

Churchville	1, 977
Craigsville	1, 977
Deerfield	1, 977
Fishersville	1, 977
Grottoes	1, 977
Middlebrook	1, 977
Mint Spring	1, 977
Mount Sidney	1, 977
Stuarts Draft	1, 977
Swoope	1, 977
Verona	1, 977
Waynesboro	1, 977
Weyers Cave	1, 977

COUNTY—BEDFORD

Bedford	1, 977
Big Island	1, 977
Boonsboro	1, 977
Buchanan	1, 977
Forest	1, 977
Goodview	1, 977
Huddleston	1, 977
Montvale	1, 977
Moneta	1, 977
Otter River	1, 977
Peaks	1, 977
Stewartsville	1, 977
Thaxton	1, 977
Timberlake	1, 977
Wheeler	1, 977

COUNTY—BOTETOURT

Blue Ridge	1, 977
Buchanan	1, 977
Daleville	1, 977
Eagle Rock	1, 977
Fincastle	1, 977
Troutville	1, 977

COUNTY—BRUNSWICK

Alberta	1, 977
Brodnax	1, 977
Dolphin	1, 977
Edgerton	1, 977
Fontaine	1, 977
Freeman	1, 977
Lawrenceville	1, 977
Meherrin	1, 977
Valentines	1, 977

COUNTY—BUCHANAN

Breaks	1, 977
Council	1, 977
Grundy	1, 977
Hurley	1, 977
Oakwood	1, 977
Vansant	1, 977

COUNTY—BUCKINGHAM

Buckingham	1, 977
Dillwyn	1, 977
Gladstone	1, 977
Glenmore	1, 977
Maysville	1, 977
Sprouses Corner	1, 977
Willis	1, 977

COUNTY—CAMPBELL

Altavista	1, 977
Brookneal	1, 977
Concord	1, 977
Evington	1, 977
Gladys	1, 977
Hurt	1, 977
Long Island	1, 977
Naruna	1, 977
Rustburg	1, 977
Spring Hill	1, 977
Timberlake	1, 977
Wingina	1, 977

COUNTY—CAROLINE

Bowling Green	1, 977
Carmel Church	1, 977
Corbin	1, 977
Dawn	1, 977
Guinea	1, 977
Milford	1, 977
Port Royal	1, 977
Ruther Glen	1, 977
Sparta	1, 977
Woodford	1, 977

COUNTY—CARROLL

Austinville	1, 977
Cana	1, 977
Dugspur	1, 977
Fancy Gap	1, 977
Hillsville	1, 977
Laurel Fork	1, 977
Low Gap	1, 977
Pipers Gap	1, 977
Sylvatus	1, 977
Woodlawn	1, 977

COUNTY—CHARLES CITY

Barrett	1, 977
Charles City	1, 977
Providence Forge	1, 977
Roxbury	1, 977
Samaria	1, 977
Toano	1, 977
Williamsburg	1, 977

COUNTY—CHESTERFIELD

Bermuda	1, 977
Bon Air	1, 977
Chesterfield	1, 977
Clover Hill	1, 977
Colonial Heights	1, 977
Ettrick	1, 977
Hopewell	1, 977
Matoaca	1, 977
Midlothian	1, 977
Petersburg	1, 977
Richmond	1, 977
Swift Creek	1, 977
Tomahawk	1, 977
Winterpock	1, 977

COUNTY—CLARKE

Berryville	1, 977
Boyce	1, 977
Millwood	1, 977
White Post	1, 977

COUNTY—CRAIG

Craigsville	1, 977
New Castle	1, 977
Paint Bank	1, 977

COUNTY—CULPEPER

Brandy	1, 977
Culpeper	1, 977
Elkwood	1, 977
Jeffersonton	1, 977
Mitchells	1, 977
Rapidan	1, 977
Reva	1, 977
Richardsville	1, 977
Stevensburg	1, 977

COUNTY—CUMBERLAND

Cumberland	1, 977
Duncan	1, 977
Farmville	1, 977
Green Bay	1, 977
Hampden Sydney	1, 977
Prospect	1, 977
Randolph	1, 977
Rice	1, 977
Sandy River	1, 977
Tuggle	1, 977
Wilson	1, 977

COUNTY—DICKENSON

Clintwood	1, 977
Dante	1, 977
Ervinton	1, 977
Haysi	1, 977
Honaker	1, 977
Keen Mountain	1, 977
Lebanon	1, 977
Rosedale	1, 977
Saltville	1, 977
Tazewell	1, 977

COUNTY—DINWIDDIE

Dinwiddie	1, 977
Ford	1, 977
Hopewell	1, 977
Petersburg	1, 977
Prince George	1, 977
Sutherland	1, 977
Wilsons	1, 977

COUNTY—ESSEX

Dunnsville	1, 977
Loretto	1, 977
Tappahannock	1, 977
Tarpley	1, 977
Vincent	1, 977
Walkerton	1, 977
Wicomico	1, 977

COUNTY—FAUQUIER

Bealeton	1, 977
Broad Run	1, 977
Catlett	1, 977
Delaplane	1, 977
Fauquier	1, 977
Goldvein	1, 977
Hume	1, 977
Marshall	1, 977
Midland	1, 977
Morrisville	1, 977
New Baltimore	1, 977
Orlean	1, 977
Remington	1, 977
Rectortown	1, 977
Sumerduck	1, 977
Upperville	1, 977
Warrenton	1, 977

COUNTY—FLOYD

Check	1, 977
Floyd	1, 977
Indian Valley	1, 977
Locust Grove	1, 977
Willis	1, 977

COUNTY—FLUVANNA

Columbia	1, 977
Fork Union	1, 977
Kents Store	1, 977
Palmyra	1, 977
Troy	1, 977

COUNTY—FRANKLIN

Boones Mill	1, 977
Burnt Chimney	1, 977
Callaway	1, 977
Ferrum	1

STATE—SOUTH CAROLINA—Continued

COUNTY—DARLINGTON—continued

Community	Community average yield
C	1,973
D	1,826
E	1,836
F	1,857
G	1,821
H	1,778
I	1,556

COUNTY—DILLON

A	2,196
B	1,944
C	2,034
D	1,984
E	2,240
F	1,969
G	2,043

COUNTY—DORCHESTER

A	1,597
B	1,634
C	1,747
D	1,805
E	1,826
F	1,515

COUNTY—FLORENCE

A	1,870
B	2,106
C	1,821
D	1,797
E	2,061
F	1,894
G	2,227
H	2,185
I	2,069
J	2,122
K	2,055
L	2,145
M	2,081
N	2,220
O	2,052
P	2,184
Q	2,007

COUNTY—GEORGETOWN

A	1,755
B	1,897
C	1,681
D	2,052
E	2,016

COUNTY—GREENWOOD

One community	[1] 1,038

COUNTY—HAMPTON

One community	1,440

COUNTY—HORRY

A	2,488
B	2,245
C	2,244
D	2,446
E	2,155
F	2,491
G	2,343
H	2,491
I	1,978
J	2,417
K	2,040

COUNTY—JASPER

One community	1,362

COUNTY—KERSHAW

One community	1,383

COUNTY—LANCASTER

One community	[1] 1,400

COUNTY—LEE

A	1,870
B	1,761
C	1,580
D	1,878
E	1,632
F	1,913
G	1,831

[1] Adjusted in accordance with the act.

STATE—SOUTH CAROLINA—Continued

COUNTY—LEXINGTON

Community	Community average yield
One community	[1] 950

COUNTY—MARION

A	1,944
B	1,975
C	2,014
D	2,340
E	2,195
F	2,169
G	2,206
H	2,042
I	2,040

COUNTY—MARLBORO

A	1,483
B	1,672
C	1,650
D	1,783
E	1,799
F	1,604
G	1,721

COUNTY—ORANGEBURG

One community	1,519

COUNTY—RICHLAND

One community	[1] 1,500

COUNTY—SALUDA

One community	[1] 1,000

COUNTY—SUMTER

A	1,867
B	1,921
C	1,408
D	1,858
E	1,750
F	1,744
G	1,702
H	2,066
I	[1] 1,700
J	1,878
K	1,840

COUNTY—WILLIAMSBURG

A	1,855
B	2,200
C	2,202
D	1,930
E	1,866
F	1,765
G	1,862
H	2,051
I	1,819
J	2,020
K	2,250
L	2,054
M	1,899

COUNTY—YORK

One community	923

STATE—VIRGINIA

COUNTY—AMELIA

Giles	1,534
Leigh	1,520
Jackson	1,636

COUNTY—APPOMATTOX

One community	1,727

COUNTY—BEDFORD

One community	1,653

COUNTY—BRUNSWICK

Meherrin	1,481
Powelliton	1,733
Red Oak	1,716
Sturgeon	1,833
Totaro	1,771

COUNTY—BUCKINGHAM

One community	1,126

COUNTY—CAMPBELL

Falling River	1,882
Otter River	1,545

STATE—VIRGINIA—Continued

COUNTY—CAMPBELL—continued

Community	Community average yield
Rustburg	1,590
Seneca	1,803

COUNTY—CARROLL

One community	1,619

COUNTY—CHARLOTTE

West Madison	1,933
East Madison	1,493
Midway	1,852
West Roanoke	1,612
East Roanoke	1,596
Walton	1,628
Central	1,431
North Bacon	1,711
South Bacon	1,548

COUNTY—CHESAPEAKE

One community	1,676

COUNTY—CHESTERFIELD

One community	1,849

COUNTY—CUMBERLAND

One community	1,424

COUNTY—DINWIDDIE

Sapony	1,810
Rowanty	1,769
Darvills	1,817
Namozine	1,729

COUNTY—ESSEX

One community	1,309

COUNTY—FRANKLIN

Blackwater	1,885
Boone	2,739
Blue Ridge	1,652
Gills Creek	1,748
Rocky Mount	1,729
Snow Creek	1,829
Union Hall	1,858

COUNTY—GOOCHLAND

One community	1,440

COUNTY—GREENSVILLE

Belfield	1,759
Hicksford	1,749
Zion	1,741

COUNTY—HALIFAX

West Staunton	1,824
East Staunton	1,674
North Roanoke	1,672
South Roanoke	1,577
Banister	1,594
Meadville	1,727
Birch Creek	1,719
Mount Carmel	1,612
Black Walnut	1,705
Red Bank	1,774

COUNTY—HANOVER

One community	1,279

COUNTY—HENRY

Irisburg	1,404
Leatherwood	1,667
Reed Creek	1,519
Horsepasture	1,601
Ridgeway	1,460

COUNTY—ISLE OF WIGHT

One community	1,398

COUNTY—LUNENBURG

Brown Store	1,739
Columbian Grove	1,643
Lewiston	1,447
Lochleven	1,798
Pleasant Grove	1,608
Plymouth	1,631
Rehoboth	1,672

STATE—VIRGINIA—Continued

COUNTY—MECKLENBURG

Community	Community average yield
Bluestone	1,647
Boydton	1,460
Buckhorn	1,687
Chase City	1,579
Clarksville	1,646
La Crosse	1,525
Palmer Springs	1,630
South Hill	1,602

COUNTY—NANSEMOND

One community	1,628

COUNTY—NOTTOWAY

Haytokah-Winningham	1,672
Bleudon	1,610
Bellefonte	1,649

COUNTY—PATRICK

Dan River	1,814
Mayo River	1,585
Peters Creek	1,597

COUNTY—PITTSYLVANIA

Staunton River	1,788
Banister River	1,782
Pigg River	1,735
Callands	1,821
Chatham	1,922
Dan River	1,780
East Tunstall	1,765
West Tunstall	1,631

COUNTY—POWHATAN

One community	1,482

COUNTY—PRINCE EDWARD

Farmville	1,631
Hampden	1,628
Prospect	1,523
Buffalo	1,662
Leigh	1,476
Lockett	1,535

COUNTY—PRINCE GEORGE

One community	1,631

COUNTY—SOUTHAMPTON

One community	1,417

COUNTY—SUSSEX

One community	1,560

(Secs. 317, 375, 79 Stat. 66, 83 Stat. 66, as amended; 7 U.S.C. 1317, 1375)

Effective date: Date of filing this document with the Director, Office of the Federal Register.

Signed at Washington, D.C., on April 28, 1965.

ORVILLE L. FREEMAN,
Secretary.

[F.R. Doc. 65-4595; Filed, Apr. 28, 1965; 1:40 p.m.]

Title 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

SUBCHAPTER B—FOOD AND FOOD PRODUCTS

PART 121—FOOD ADDITIVES

Subpart D—Food Additives Permitted in Food for Human Consumption

PROPYLENE OXIDE

The Commissioner of Food and Drugs, having evaluated data in a petition (FAP 1107) filed by the Griffith Laboratories, Inc., 855 Rahway Avenue, Union, N.J., and other relevant material, has concluded that the food additive regulations should be amended to prescribe the safe use of propylene oxide as a fumigant in or on certain dry foods. Therefore, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409 (c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1)), and under the authority delegated to the Commissioner by the Secretary of Health, Education, and Welfare (21 CFR 2.90), § 121.1076 is amended to read as follows:

§ 121.1076 Propylene oxide.

The food additive propylene oxide may be safely used in or on foods in accordance with the following prescribed conditions:

(a) It is intended as a package fumigant in or on dried prunes and glace fruit. It is also intended as a fumigant in or on bulk quantities of cocoa, gums, processed spices, starch, and processed nutmeats (except peanuts) when such bulk foods are to be further processed into a final food form.

(b) Except in the fumigation of packaged dried prunes and glace fruit, it is applied in retorts not more than one time and not in excess of 4 hours' duration at a temperature not in excess of 125° F.

(c) When used as described in paragraphs (a) and (b) of this section, residues shall not exceed the following limitations:

Food	Limitations (Expressed as parts per million of propylene oxide except where noted)
Cocoa	300.
Glace fruit	700 (as propylene glycol).
Gums	300.
Processed nutmeats (except peanuts).	300.
Prunes, dried	700 (as propylene glycol).
Spices, processed	300.
Starch	300.

(d) Propylene oxide for use as prescribed in this section will bear labeling meeting the requirements of the Federal Insecticide, Fungicide, and Rodenticide Act.

Any person who will be adversely affected by the foregoing order may at any time within 30 days from the date of its publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington, D.C., 20201, written objections thereto, preferably in quintuplicate. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof.

Effective date. This order shall be effective on the date of its publication in the FEDERAL REGISTER.

(Sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1))

Dated: April 26, 1965.

GEO. P. LARRICK,
Commissioner of Food and Drugs.

[F.R. Doc. 65-4548; Filed, May 3, 1965; 8:47 a.m.]

Title 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 213—EXCEPTED SERVICE

General Accounting Office

Section 213.3323 is amended to show that an additional position of Private Secretary to the Comptroller General is excepted under Schedule C. Effective upon publication in the FEDERAL REGISTER, paragraph (b) of § 213.3323 is amended as set out below.

§ 213.3323 General Accounting Office.

* * * * *

(b) Two Private Secretaries to the Comptroller General.

(R.S. 1753, sec. 2, 22 Stat. 403, as amended; 5 U.S.C. 631, 633; E.O. 10577, 19 F.R. 7521, 3 CFR, 1954–1958 Comp., p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] MARY V. WENZEL,
Executive Assistant to the Commissioners.

[F.R. Doc. 65-4544; Filed, May 3, 1965; 8:47 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Agency

[Airspace Docket No. 65-WE-45]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Control Zone

The purpose of this amendment to § 71.171 of the Federal Aviation Regulations is to alter the time of designation of the Lake Tahoe, Calif., control zone.

The Lake Tahoe control zone is presently designated from 0700 to 2300 hours, local time daily. Due to changes in aircraft activity, the Lake Tahoe tower hours of operation have been changed to 0600 to 2200 hours, local time daily. Therefore, action is taken herein to redesignate the Lake Tahoe control zone with effective hours coincident with those of the control tower.

Since this amendment is minor in nature and imposes no additional burden on any person, notice and public procedure hereon are unnecessary and it may be made effective immediately.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective immediately, as hereinafter set forth.

In § 71.171 (30 F.R. 17610), the Lake

(Sec. 160 as amended by sec. 1 (a) and (c), § 1.1055, Statutory provisi

In § 71.171 (30 F.R. 17610), the Lake Tahoe, Calif., control zone is amended as follows:

"0700 to 2300 hours, local time, daily" is deleted and "0600 to 2200 hours, local time, daily" is substituted therefor.

(Sec. 307(a), Federal Aviation Act of 1958, as amended; 72 Stat. 749; 49 U.S.C. 1348)

Issued in Los Angeles, Calif., on April 23, 1965.

WM. SLADE HARDEE,
Acting Director, Western Region.

[F.R. Doc. 65-4622; Filed, May 3, 1965; 8:45 a.m.]

Title 26—INTERNAL REVENUE

Chapter I—Internal Revenue Service, Department of the Treasury

SUBCHAPTER A—INCOME TAX

[T.D. 6821]

PART 1—INCOME TAX; TAXABLE YEARS BEGINNING AFTER DECEMBER 31, 1953

Treatment of Redeemable Ground Rents

On November 3, 1964, notice of proposed rule making with respect to the amendments of the Income Tax Regulations (26 CFR Part 1) under sections 163, 1055, and 1056 of the Internal Revenue Code of 1954 to conform the regulations to changes made by the Act of April 10, 1963 (Public Law 88-9, 77 Stat. 6), was published in the FEDERAL REGISTER (29 F.R. 14887). After consideration of all such relevant matter as was presented by interested persons regarding the rules proposed, the amendments of the regulations as proposed are hereby adopted.

[SEAL] SHELDON S. COHEN,
Commissioner of Internal Revenue.

Approved: April 28, 1965.

STANLEY S. SURREY,
Assistant Secretary of the Treasury.

In order to conform the Income Tax Regulations (26 CFR Part 1) under sections 163, 1055, and 1056 of the Internal Revenue Code of 1954 to the Act of April 10, 1963 (Public Law 88-9, 77 Stat. 6), such regulations are amended as follows:

PARAGRAPH 1. Section 1.163 is amended by redesignating section 163(c) as section 163(d), by inserting after section 163(b) a new section 163(c), by adding a paragraph (5) to section 163(d) (as redesignated), and by adding a historical note. These amended and added provisions read as follows:

§ 1.163 Statutory provisions; interest.

SEC. 163. *Interest.* • • •

(c) *Redeemable ground rents.*—For purposes of this subtitle, any annual or periodic rental under a redeemable ground rent (excluding amounts in redemption thereof) shall be treated as interest on an indebtedness secured by a mortgage.

(d) *Cross references.* • • •

(5) For treatment of redeemable ground rents and real property held subject to liabilities under redeemable ground rents, see section 1055.

[Sec. 163 as amended by sec. 1 (a) and (c), Act of Apr. 10, 1963 (Pub. Law 88-9, 77 Stat. 6)]

PAR. 2. Paragraph (b) of § 1.163-1 is amended to read as follows:

§ 1.163-1 Interest deduction in general.

• • • • •

(b) Interest paid by the taxpayer on a mortgage upon real estate of which he is the legal or equitable owner, even though the taxpayer is not directly liable upon the bond or note secured by such mortgage, may be deducted as interest on his indebtedness. Pursuant to the provisions of section 163(c), any annual or periodic rental payment made by a taxpayer on or after January 1, 1962, under a redeemable ground rent, as defined in section 1055(c) and paragraph (b) of § 1.1055-1, is required to be treated as interest on an indebtedness secured by a mortgage and, accordingly, may be deducted by the taxpayer as interest on his indebtedness. Section 163(c) has no application in respect of any annual or periodic rental payment made prior to January 1, 1962, or pursuant to an arrangement which does not constitute a "redeemable ground rent" as defined in section 1055 (c) and paragraph (b) of § 1.1055-1. Accordingly, annual or periodic payments of Pennsylvania ground rents made before, on, or after January 1, 1962, are deductible as interest if the ground rent is redeemable. An annual or periodic rental payment under a Maryland redeemable ground rent made prior to January 1, 1962, is deductible in accordance with the rules and regulations applicable at the time such payment was made. Any annual or periodic rental payment under a Maryland redeemable ground rent made by the taxpayer on or after January 1, 1962, is, pursuant to the provisions of section 163(c), treated as interest on an indebtedness secured by a mortgage and, accordingly, is deductible by the taxpayer as interest on his indebtedness. In any case where the ground rent is irredeemable, any annual or periodic ground rent payment shall be treated as rent and shall be deductible only to the extent that the payment constitutes a proper business expense. Amounts paid in redemption of a ground rent shall not be treated as interest. For treatment of redeemable ground rents and real property held subject to liabilities under redeemable ground rents, see section 1055 and the regulations thereunder.

• • • • •

PAR. 3. Section 1.1055 is redesignated § 1.1056, and as so redesignated is amended by redesignating section 1055 as section 1056, and by revising the historical note. These amended provisions read as follows:

§ 1.1056 Statutory provisions; cross references.

SEC. 1056. *Cross references.* • • •

[Sec. 1056 as renumbered by sec. 8(b), Act of Sept. 14, 1960 (Pub. Law 86-779, 74 Stat. 1003); sec. 1(b), Act of Apr. 10, 1963 (Pub. Law 88-9, 77 Stat. 6)]

PAR. 4. There are inserted immediately after § 1.1054-1 the following new sections:

§ 1.1055 Statutory provisions; redeemable ground rents.

SEC. 1055. *Redeemable ground rents.*—(a) *Character.* For purposes of this subtitle—

(1) A redeemable ground rent shall be treated as being in the nature of a mortgage, and

(2) Real property held subject to liabilities under a redeemable ground rent shall be treated as held subject to liabilities under a mortgage.

(b) *Application of subsection (a).*—(1) *In general.* Subsection (a) shall take effect on the day after the date of the enactment of this section and shall apply with respect to taxable years ending after such date of enactment.

(2) *Basis of holder.* In determining the basis of real property held subject to liabilities under a redeemable ground rent, subsection (a) shall apply whether such real property was acquired before or after the enactment of this section.

(3) *Basis of reserved redeemable ground rent.* In the case of a redeemable ground rent reserved or created on or before the date of the enactment of this section in connection with a transfer of the right to hold real property subject to liabilities under such ground rent, the basis of such ground rent after such date in the hands of the person who reserved or created the ground rent shall be the amount taken into account in respect of such ground rent for Federal income tax purposes as consideration for the disposition of such real property. If no such amount was taken into account, such basis shall be determined as if this section had not been enacted.

(c) *Redeemable ground rent defined.* For purposes of this subtitle, the term "redeemable ground rent" means only a ground rent with respect to which—

(1) There is a lease of land which is assignable by the lessee without the consent of the lessor and which (together with periods for which the lease may be renewed at the option of the lessee) is for a term in excess of 15 years,

(2) The leaseholder has a present or future right to terminate, and to acquire the entire interest of the lessor in the land, by payment of a determined or determinable amount, which right exists by virtue of State or local law and not because of any private agreement or privately created condition, and

(3) The lessor's interest in the land is primarily a security interest to protect the rental payments to which the lessor is entitled under the lease.

(d) *Cross reference.* For treatment of rentals under redeemable ground rents as interest, see section 163(c).

[Sec. 1055 as added by sec. 1(b), Act of Apr. 10, 1963 (Pub. Law 88-9, 77 Stat. 6)]

§ 1.1055-1 General rule with respect to redeemable ground rents.

(a) *Character of a redeemable ground rent.* For purposes of subtitle A of the Code (1) a redeemable ground rent (as defined in section 1055(c) and paragraph (b) of this section) shall be treated as being in the nature of a mortgage, and (2) real property held subject to liabilities under such a redeemable ground rent shall be treated as held subject to liabilities under a mortgage. Thus, under section 1055(a) and this paragraph, the transfer of property subject to a redeemable ground rent has the same effect as the transfer of property subject to a mortgage, the acquisition of property subject to a redeemable ground rent is to be treated the same as the acquisition of property subject to a mortgage, and the holding of property subject to a redeemable ground rent is to be treated in the same manner as the holding of property subject to a mortgage. See section 163(c) for the treatment of any annual or periodic rental payment under a redeemable ground rent as interest.

(b) *Definition of redeemable ground rent.* For purposes of subtitle A of the Code, the term "redeemable ground rent" means only a ground rent with respect to which all the following conditions are met:

(1) There is a lease of land which is assignable by the lessee without the consent of the lessor.

(2) The term of the lease is for a period in excess of 15 years, taking into account all periods for which the lease may be renewed at the option of the lessee.

(3) The lessee has a present or future right to terminate the lease and to acquire the lessor's interest in the land (i.e., to redeem the ground rent) by the payment of a determined or determinable amount, which amount is referred to in §§ 1.1055-2, 1.1055-3, and 1.1055-4 as a "redemption price". Such right must exist by virtue of State or local law. If the lessee's right to terminate the lease and to acquire the lessor's interest is not granted by State or local law but exists solely by virtue of a private agreement or privately created condition, the ground rent is not a "redeemable ground rent".

(4) The lessor's interest in the land subject to the lease is primarily a security interest to protect the payment to him of the annual or periodic rental payments due under the lease.

(c) *Effective date.* In general, the provisions of section 1055 and paragraph (a) of this section take effect on April 11, 1963, and apply with respect to taxable years ending on or after such date. See § 1.1055-3 for rules for determining the basis of real property acquired subject to liabilities under a redeemable ground rent regardless of when such property was acquired. See also § 1.1055-4 for rules for determining the basis of a redeemable ground rent in the hands of a holder who reserved or created such ground rent in connection with a transfer, occurring before April 11, 1963, of the right to hold real property subject to liabilities under such ground rent.

§ 1.1055-2 Determination of amount realized on the transfer of the right to hold real property subject to liabilities under a redeemable ground rent.

In determining the amount realized from a transfer, occurring on or after April 11, 1963, of the right to hold real property subject to liabilities under a redeemable ground rent, such ground rent shall be accounted for in the same manner as a mortgage for an amount of money equal to the redemption price of the ground rent. The provisions of this section apply in respect of any such transfer even though such ground rent was created prior to April 11, 1963. For provisions relating to the determination of the amount of and recognition of gain or loss from the sale or other disposition of property, see section 1001 and the regulations thereunder.

§ 1.1055-3 Basis of real property held subject to liabilities under a redeemable ground rent.

(a) *In general.* The provisions of section 1055(a) and paragraph (a) of § 1.1055-1 are applicable in determining the basis of real property held on or after April 11, 1963, in any case where the property at the time of acquisition was subject to liabilities under a redeemable ground rent. (See section 1055(b)(2).) Thus, if on or after April 11, 1963, a taxpayer holds real property which was subject to liabilities under a redeemable ground rent at the time he acquired it, the basis of such property in the hands of such taxpayer, regardless of when the property was acquired, will include the redeemable ground rent in the same manner as if it were a mortgage in an amount equal to the redemption price of such ground rent. Likewise, if on or after April 11, 1963, a taxpayer holds real property which was subject to liabilities under a redeemable ground rent at the time he acquired it and which has a substituted basis in his hands, the basis of the property in the hands of the taxpayer's predecessor in interest is to be determined by treating the redeemable ground rent in the same manner as a mortgage in an amount equal to the redemption price of such ground rent.

(b) *Illustrations.* The provisions of this section may be illustrated by the following examples:

Example (1). On April 11, 1963, taxpayer A held residential property which he acquired on January 15, 1958, for a purchase price of $10,000 and which, at the time he acquired it, was subject to a ground rent redeemable for a redemption price of $1,500. A's basis for the property includes the purchase price ($10,000) plus the redeemable ground rent in the same manner as if it were a mortgage for $1,500.

Example (2). In 1963, taxpayer X, a corporation, acquired real property subject to a redeemable ground rent in a transfer to which section 351 (relating to transfer of property to corporation controlled by transferor) applied and in which the basis of the property to X was the transferor's basis. X still held the property on April 11, 1963. The transferor's basis in the property is to be determined by treating the redeemable ground rent to which it was subject in the transferor's hands as if it were a mortgage.

§ 1.1055-4 Basis of redeemable ground rent reserved or created in connection with transfers of real property before April 11, 1963.

(a) *In general.* In the case of a redeemable ground rent created or reserved in connection with a transfer, occurring before April 11, 1963, of the right to hold real property subject to liabilities under such ground rent, the basis of such ground rent on or after April 11, 1963, in the hands of the person who reserved or created the ground rent is the amount which was taken into account in respect of such ground rent in computing the amount realized from the transfer of such real property. Thus, if no such amount was taken into account, such basis shall be determined without regard to section 1055. (See section 1055(b)(3).)

(b) The provisions of this section may be illustrated by the following examples:

Example (1). The taxpayer, who was in the business of building houses, purchased an undeveloped lot of land for $500 and built a house thereon at a cost of $10,000. Subsequently, he transferred the right to hold the lot improved by the house for a consideration of $12,000, and an annual ground rent for such property of $120 which was redeemable for a redemption price of $2,000. The taxpayer reported a $2,000 gain on the transfer, treating the amount realized as $12,000 and his cost allocable to the interest transferred as $10,000. Since the builder did not take the redeemable ground rent into account in computing gain on the transfer, his basis for such ground rent is $500 (the cost of the land not offset against the consideration received for the transfer). Thus, if he subsequently sells the redeemable ground rent (or if it is redeemed from him) for $2,000, he has a gain of $1,500 in the year of sale (or redemption).

Example (2). Assume the same facts as in Example (1) except that the builder reported a gain of $3,500 on the transfer, treating the amount realized as $14,000 ($12,000 cash plus $2,000 for the redeemable ground rent) and his costs as $10,500 ($10,000 for the house and $500 for the lot). Since the taxpayer took the entire amount of the redeemable ground rent into account in computing his gain, his basis for such ground rent is $2,000. Thus, if he subsequently sells the redeemable ground rent (or if it is redeemed from him) for $2,000, he has no gain or loss on the transaction.

Example (3). Assume the same facts as in Example (1) except that the builder reported a gain of $3,000 on the transfer. He computed this gain by treating the amount realized as $12,000 but treating his cost allocable to the interest transferred as $12,000/$14,000ths of his total $10,500 cost, or $9,000. Since the builder still has remaining $1,500 of unallocated cost, his basis for the redeemable ground rent is $1,500. Thus, if he subsequently sells the redeemable ground rent (or if it is redeemed from him) for $2,000, he has a gain of $500 in the year of sale (or redemption).

(Sec. 7805, Internal Revenue Code of 1954; 68A Stat. 917; 26 U.S.C. 7805)

[F.R. Doc. 65-4636; Filed, May 3, 1965; 8:46 a.m.]

SUBCHAPTER E—ALCOHOL, TOBACCO, AND OTHER EXCISE TAXES

[T.D. 6822]

PART 250—LIQUORS AND ARTICLES FROM PUERTO RICO AND THE VIRGIN ISLANDS

Miscellaneous Amendments

In order to: (1) Clarify the procedures for the collection of internal revenue taxes on Puerto Rican products brought into the United States by tourists; and (2) make certain technical and editorial changes, the regulations in 26 CFR Part 250 are amended as follows:

PARAGRAPH 1. Paragraphs (a), (b), and (c) of § 250.112 and paragraphs (c), (d), and (e) of § 250.113 are amended to change certain section references therein. As amended, paragraphs (a), (b), and (c) of § 250.112 and paragraphs (c), (d), and (e) of § 250.113 read as follows:

§ 250.112 Taxes to be collected by returns for semimonthly periods.

(a) *Distilled spirits.* The taxes imposed by section 7652(a), I.R.C. (equal to the taxes imposed in the United States by sections 5001(a)(1), 5021, and 5022,

I.R.C.), the payment of which has been deferred under the provisions of §§ 250.80

When distilled spirits not bearing such stamps, or when wines, or beer, are pur-

Title 29—LABOR

ing, but without limitation, staples, grat-

solderless electric terminals and connec-

ties not specifically included in any other

I.R.C.), the payment of which has been deferred under the provisions of §§ 250.80 and 250.85(b), shall be paid pursuant to a return on Form 2901 prepared in quadruplicate. The proprietor shall list on his return the serial numbers of all Forms 2899 and 2926 covered by the return.

(b) *Wine.* The taxes imposed by section 7652(a), I.R.C. (equal to the taxes imposed in the United States by section 5041, I.R.C.), the payment of which has been deferred under the provisions of § 250.95, shall be paid pursuant to a return on Form 2927 prepared in quadruplicate. The proprietor shall list on his return the serial numbers of all Forms 2900 covered by the return.

(c) *Beer.* The taxes imposed by section 7652(a), I.R.C. (equal to the taxes imposed in the United States by section 5051, I.R.C.), the payment of which has been deferred under the provisions of § 250.104, shall be paid pursuant to a return on Form 2929 prepared in quadruplicate. The brewer shall list on his return the serial numbers of all Forms 2900 covered by the return.

* * * * *

§ 250.113 Returns for prepayment of taxes.

* * * * *

(c) *Distilled spirits.* In all cases where taxes equal to the taxes imposed in the United States by sections 5001(a)(1), 5021, and 5022, I.R.C., are to be paid before distilled spirits may be withdrawn from bonded storage, the proprietor shall pay such taxes pursuant to a return on Form 2925, and as prescribed in § 250.81 and/or § 250.85(c).

(d) *Wine.* In all cases where taxes equal to the taxes imposed in the United States by section 5041, I.R.C., are to be paid before wine may be withdrawn from bonded storage, the proprietor shall pay such taxes pursuant to a return on Form 2928, and as prescribed in § 250.96.

(e) *Beer.* In all cases where taxes equal to the taxes imposed in the United States by section 5051, I.R.C., are to be paid before beer may be withdrawn from bonded storage, the brewer shall pay such taxes pursuant to a return on Form 2930, and as prescribed in § 250.105.

* * * * *

PAR. 2. Section 250.126 is amended to specify that the receipt issued by the U.S. Customs authorities shall be a customs receipt and to delete the form number of the internal revenue receipt. As amended, § 250.126 reads as follows:

§ 250.126 Taxpayment in Puerto Rico.

Liquors upon which all Federal internal revenue taxes have been paid in Puerto Rico may be brought into the United States for personal consumption without payment of additional taxes thereon. Containers of spirits taxpaid and bottled for sale to tourists shall have red strip stamps affixed by the distiller, bottler, or rectifier who paid the tax, and such stamps on bottles in possession of tourists shall be evidence to customs authorities at the port of departure and at the port of arrival that the tax on the spirits has been paid. When distilled spirits not bearing such stamps, or when wines, or beer, are purchased by a tourist for consumption in the United States, the internal revenue tax due thereon may be paid to the United States Internal Revenue Service office, and an internal revenue receipt obtained, or the tax may be paid to the U.S. Customs authorities, who will issue a customs receipt. The tax on articles purchased by tourists may be paid in the same manner. The receipt received from the United States Internal Revenue Service office or from the customs officer shall be presented, as required, as evidence that the tax has been paid.

(72 Stat. 1335, 1366; 26 U.S.C. 5061, 5206)

PAR. 3. Section 250.128 is amended to make it clear that when internal revenue taxes on Puerto Rican products are paid to a collector of customs, a customs receipt will be issued to the taxpayer. As amended, § 250.128 reads as follows:

§ 250.128 Taxpayment at port of arrival.

If the internal revenue tax on liquors and articles is not paid in Puerto Rico, it shall be paid by the tourist at the port of arrival prior to release of the liquors or articles from customs custody. The tax may be paid to the district director of internal revenue, and an internal revenue receipt obtained, or the tax may be paid to the collector of customs, who will issue a customs receipt. If payment is to be made to the district director, the collector of customs will notify the district director of the amount of tax due. On payment of the tax to the collector of customs, or on submission to him of the internal revenue receipt for the tax, the collector of customs will release the liquors or articles. Liquors brought into the United States by tourists for personal consumption are not required to be strip stamped when taxpaid by the tourist, whether at the port of departure in Puerto Rico or on arrival in the United States.

(72 Stat. 1335, 1358; 26 U.S.C. 5061, 5205)

Because this Treasury decision merely clarifies the regulations and makes certain technical and editorial changes therein, it is found that it is unnecessary to issue this Treasury decision with notice and public procedure thereon under section 4(a) of the Administrative Procedure Act, approved June 11, 1946. This Treasury decision shall become effective on the first day of the first month which begins not less than 30 days following the date of publication in the FEDERAL REGISTER.

(Sec. 7805, Internal Revenue Code; 68A Stat. 917; 26 U.S.C. 7805)

[SEAL] SHELDON S. COHEN,
Commissioner of Internal Revenue.

LESTER D. JOHNSON,
Acting Commissioner of Customs.

Approved: April 28, 1965.

STANLEY S. SURREY,
Assistant Secretary of the Treasury.

[F.R. Doc. 65-4627; Filed, May 3, 1965; 8:46 a.m.]

Title 29—LABOR

Chapter V—Wage and Hour Division, Department of Labor

SUBCHAPTER A—REGULATIONS

PART 604—METAL, MACHINERY, TRANSPORTATION EQUIPMENT, AND ALLIED PRODUCTS INDUSTRY IN PUERTO RICO

PART 606—ELECTRICAL, INSTRUMENT, AND RELATED PRODUCTS INDUSTRY IN PUERTO RICO

Wage Rates

Pursuant to section 5 of the Fair Labor Standards Act of 1938 (29 U.S.C. 205), and by means of Administrative Order No. 589 (30 F.R. 586), the Secretary of Labor appointed and convened Industry Committee No. 72–B. Administrative Order No. 589 referred to Industry Committee No. 72–B the question of the minimum wage rate or rates to be paid under section 6(c) of the act to employees in the electrical, instrument, and related products industry, and the metal, machinery, transportation equipment, and allied products industry in Puerto Rico and gave due notice of the hearing of the Committee, as provided in 29 CFR 511.2.

Subsequent to an investigation and a hearing conducted pursuant to the notice, the Committee filed with the Administrator a report containing its findings of fact and recommendations with respect to the matters referred to it.

Accordingly, as authorized and required by section 8 of the Fair Labor Standards Act of 1938 (29 U.S.C. 208), Reorganization Plan No. 6 of 1950 (3 CFR 1949–53 Comp., p. 1004), and General Order No. 45–A of the Secretary of Labor (15 F.R. 3290), the recommendations of Industry Committee No. 72–B are hereinafter published in this revision of 29 CFR 604.2 and 606.2.

1. Effective May 20, 1965, 29 CFR 604.2 is amended to read as follows:

§ 604.2 Wage rates.

The metal, machinery, transportation equipment, and allied products industry in Puerto Rico is divided into six classifications. Wages at rates not less than those prescribed in this section shall be paid under section 6(c) of the Fair Labor Standards Act of 1938 by every employer to each of his employees in each of the classifications in the industry who in any workweek is engaged in commerce or in the production of goods for commerce or is employed in an enterprise engaged in commerce or the production of goods for commerce as those terms are defined in section 3 of the act.

(a) *Previously covered classifications.* The classifications in this paragraph (a) apply to all activities in the industry to which section 6 of the act applies without reference to the Fair Labor Standards Amendments of 1961.

(1) *Fabricated wire products classification.* (i) The minimum wage for this classification is $1.25 an hour.

(ii) This classification is defined as the fabrication of wire products, including, but without limitation, staples, gratings, garment hangers, curtain hooks, wire cloth and woven wire products, wire spring seat cushions, wire plaster reinforcing material and wire bobbypins.

(2) *General classification.* (i) The minimum wage for this classification is $1.25 an hour.

(ii) This classification is defined as the manufacture of all products and the performance of all activities included in the metal, machinery, transportation equipment, and allied products industry except the products and activities included in the other classifications of this industry.

(3) *Wire drawing classification.* (i) The minimum wage for this classification is $1.25 an hour.

(ii) This classification is defined as the drawing or redrawing of wire from rod and wire and the further fabrication of such wire products as nails, spikes, chain, and fencing.

(4) *Metal spring classification.* (i) The minimum wage for this classification is $1.22 an hour.

(ii) This classification is defined as the manufacture of metal springs, including leaf springs, coil springs, and wire springs.

(5) *Slide fastener classification.* (i) The minimum wage for this classification is $1.22 an hour.

(ii) This classification is defined as the manufacture of slide fasteners.

(b) (1) *New coverage classification.* (i) The minimum wage for this classification is $1.15 an hour.

(ii) This classification is defined as all activities of employees covered by section 6 of the act, only by reason of the Fair Labor Standards Amendments of 1961 in the industry in Puerto Rico.

2. Effective May 20, 1965, 29 CFR 606.2 is amended to read as follows:

§ 606.2 Wage rates.

The electrical, instrument, and related products industry in Puerto Rico is divided into seven classifications. Wages at rates not less than those prescribed in this section shall be paid under section 6(c) of the Fair Labor Standards Act of 1938 by every employer to each of his employees in each of the classifications in the industry who in any workweek is engaged in commerce or in the production of goods for commerce or is employed in an enterprise engaged in commerce or the production of goods for commerce as those terms are defined in section 3 of the act.

(a) *Previously covered classifications.* The classifications in this paragraph (a) apply to all activities in the industry to which section 6 of the act applies without reference to the Fair Labor Standards Amendments of 1961.

(1) *Classification A.* (i) The minimum wage for this classification is $1.25 an hour.

(ii) This classification is defined as the manufacture of electric shavers and parts and hair dryers; storage batteries and parts, except carbon-type dry cell batteries; mechanical drafting machines; solderless electric terminals and connectors; television antenna and lead-in cables; and small portable electric hand tools designed for use by home craftsmen, including sanders, handsaws, and similar small electric tools.

(2) *Classification B.* (i) The minimum wage for this classification is $1.25 an hour.

(ii) This classification is defined as the manufacture of electric irons, toaster elements, and hot water heaters; exposure meters, ammeters, voltmeters, accelerometers, and panel instruments; circuit breakers and service entrance equipment, armatures and field coils; switches and fluorescent starters; coils, including magneto coils and breakers; solenoids; relays, including telephone-type relays, power-type relays and magnetic relay elements; electric wave filters; gyroscopes and related equipment; lighting fixtures and fluorescent lighting lamps (except light bulbs and tubes and Christmas lighting sets); floor polishers; soldering guns; electronic heating devices; electronic controls for auto headlight dimmers; electronic data processing machines and systems; soil moisture testing equipment; aircraft test instruments; strain gauge transducers; photoelectric cells; tape recorder heads and erase head assemblies; electronic guns for television picture tubes; and the repair and rewinding of electric motors and other electrical equipment.

(3) *Classification C.* (i) The minimum wage for this classification is $1.25 an hour.

(ii) This classification is defined as the manufacture of capacitors, transistors, coils and coil forms, hermetic seals, crystal units, rectifiers, electronic tubes, television picture tubes, television sets, refrigerators, phonograph pickup cartridges, electric baseboard heating units, heating pads and massage pads, Christmas lighting sets, thermometers, drafting instruments, surgical administration sets, and watches.

(4) *Classification D.* (i) The minimum wage for this classification is $1.15 an hour.

(ii) This classification is defined as the grinding and manufacture of optical and ophthalmic lenses and prisms.

(5) *Classification E.* (i) The minimum wage for this classification is $1.25 an hour.

(ii) This classification is defined as the manufacture of transformers, wire-wound resistors, magnetic recording tape, television chassis subassemblies, fractional horsepower motors, telephone hand sets, test equipment and switchboards, microphones, glass sealed reed switches, electronic controls for light dimmers, repair assembly and remodeling of telephone and telephone equipment, disposable surgical blades and combination sets, and rods for automobile antennas.

(6) *Classification F.* (i) The minimum wage for this classification is $1.18½ an hour.

(ii) This classification is defined as the manufacture of all products and activities not specifically included in any other classification of the industry.

(b) *New coverage classification.* (1) The minimum wage for this classification is $1.15 an hour.

(2) This classification is defined as all activities of employees covered by section 6 of the Act, only by reason of the Fair Labor Standards Amendments of 1961 in the industry in Puerto Rico.

(Sec. 8, 52 Stat. 1064, as amended; 29 U.S.C. 208)

Signed at Washington, D.C., this 29th day of April, 1965.

CLARENCE T. LUNDQUIST,
Administrator.

[F.R. Doc. 65-4654; Filed, May 3, 1965; 8:47 a.m.]

Title 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

[FCC 65-338]

PART 2—FREQUENCY ALLOCATIONS AND RADIO TREATY MATTERS; GENERAL RULES AND REGULATIONS

Table of Frequency Allocations

Order. In the matter of amendment of Part 2 of the Commission's rules and regulations to allocate the band 59–61 kc/s exclusively to the standard frequency service.

At a session of the Federal Communications Commission held at its Offices in Washington, D.C., on the 28th day of April 1965;

The Commission, having under consideration the desirability of making certain changes in Part 2 of its rules and regulations; and

It appearing that the International Radio Regulations (Geneva, 1959), which the United States has ratified, make provision, by footnote 159, for the transmission of standard frequency and time signals in the band 14–70 kc/s; and

It further appearing that the National Bureau of Standards has been authorized to provide a standard frequency service on 60 kc/s on a temporary basis since January 12, 1956, a sufficient period over which to determine a requirement for the service by both Government and non-Government users; and

It further appearing that the National Table of Frequency Allocations should be amended to provide allocation status and appropriate guard bands for a standard frequency service on 60 kc/s; and

It further appearing that the Office of Director, Telecommunications Management has concurred in the desirability of such an allocation; and

It further appearing that the amendment is interpretative; that no non-Government stations would be affected; and therefore that, notice and public procedure under section 4 of the Administrative Procedures Act are unnecessary; and

It further appearing that the amendment adopted herein is issued pursuant to authority contained in sections 4(i) and 303 of the Communications Act of 1934, as amended.

It is ordered, That effective June 7, 1965, Part 2 is amended as set forth below.

Section 2.106 *Table of frequency allocations* of the Commission's rules and regulations, is amended to read, in part, as follows:

Federal Communications Commission

Band (kc/s)	Service	Class of station	Frequency (kc/s)	Nature { Of SERVICES / of stations
7	8	9	10	11
• • •	• • •	• • •	• • •	• • •
20.05-59	FIXED.	Fixed.		INTERNATIONAL FIXED PUBLIC.
58-61	STANDARD FREQUENCY.	Standard frequency.	60	Standard frequency.
61-70	FIXED.	Fixed.		INTERNATIONAL FIXED PUBLIC.
•	•	•	•	•

[F.R. Doc. 65-4646; Filed, May 3, 1965; 8:47 a.m.]

Title 49—TRANSPORTATION

Chapter I—Interstate Commerce Commission

SUBCHAPTER A—GENERAL RULES AND REGULATIONS

[Rev. S.O. 935]

PART 95—CAR SERVICE

Appointment of Embargo Agents

At a session of the Interstate Commerce Commission, Division 3, held at its Office in Washington, D.C., on the 23d day of April A.D. 1965.

It appearing, that the matter of car service (section 1, paragraphs 10–17 inclusive) of the Interstate Commerce Act being under consideration by Division 3 that whenever any carrier by railroad subject to Part I of the Interstate Commerce Act, is for any reason, unable to control freight traffic movement when car accumulations, threatened congestions, or other interference with operations, of a temporary nature compel restrictions against such movement so as to properly serve the public, that car service will be promoted in the interest of the public and the commerce of the people by the appointment of agents with authority to direct the placement of embargoes, and that notice and public procedure are impracticable and contrary to the public interest and that good cause exists for making this order effective upon less than 30 days' notice.

It is ordered, That:

§ 95.935 Appointment of Embargo Agents.

(a) C. W. Taylor, Director and R. D. Pfahler, Assistant Director, Bureau of Safety and Service, Interstate Commerce Commission, Washington, D.C., and each of them, are hereby appointed agents of the Interstate Commerce Commission and vested with authority to direct the placement of embargoes by railroads at such points where freight cars are being unduly delayed due to accumulations, congestions or emergency situations.

(b) Embargoes placed under this section shall be at the direction of the agents of the Commission and shall be published through the Association of American Railroads, Car Service Division, and in conformity with the Association of American Railroad's "Instructions to Govern the Placing and Handling of Embargoes" and the "Code of Car Service and Per Diem Rules—Freight".

(c) Application: The provisions of this section shall apply to cars moving in intrastate and foreign commerce as well as interstate commerce.

(d) Rules, regulations and practices suspended: The operation of all rules, regulations, and practices insofar as they conflict with the provisions of this section, is hereby suspended.

(e) Effective date: This section shall become effective at 12:01 a.m., May 1, 1965.

(f) Expiration date: The provisions of this section shall expire at 11:59 p.m., December 31, 1965, unless otherwise modified, changed, suspended, or annulled by order of this Commission.

(Secs. 1, 12, 15, 24 Stat. 379, 383, 384, as amended; 49 U.S.C. 1, 12, 15. Interprets or applies secs. 1(10–17), 15(4), 40 Stat. 101, as amended, 54 Stat. 911, 49 U.S.C. 1(10–17), 15(4))

It is further ordered, That a copy of this order and direction shall be served upon each State railroad regulatory body, the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and the American Short Line Railroad Association; and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D.C., and by filing it with the Director, Office of the Federal Register.

By the Commission, Division 3.

[SEAL] BERTHA F. ARMES, *Acting Secretary.*

[F.R. Doc. 65-4636; Filed, May 3, 1965; 8:46 a.m.]

[1] Commissioners Lee and Loevinger absent.

[Rev. S.O. 947]

PART 95—CAR SERVICE

Railroad Operating Regulations for Freight Car Movement

At a session of the Interstate Commerce Commission, Division 3, held at its Office in Washington, D.C., on the 23d day of April A.D. 1965.

It appearing, that an acute shortage of freight cars exists in all sections of the country; that cars loaded and empty are unduly delayed in terminals and in placement at, or removal from industries; that present rules, regulations, and practices with respect to the use, supply, control, movement, distribution, exchange, interchange, and return of freight cars are insufficient to promote the most efficient utilization of cars; it is the opinion of the Commission that an emergency exists requiring immediate action to promote car service in the interest of the public and the commerce of the people. Accordingly, the Commission finds that notice and public procedure are impracticable and contrary to the public interest, and that good cause exists for making this order effective upon less than 30 days' notice.

It is ordered, That:

§ 95.947 Railroad operating regulations for freight car movement.

(a) Each common carrier by railroad subject to the Interstate Commerce Act shall observe, enforce and obey the following rules, regulations and practices with respect to its car service:

(1) *Placing of cars.* (i) Loaded cars, which after placement will be governed by demurrage rules applicable to detention of cars awaiting unloading, shall be actually or constructively placed within 24 hours after the first 7 a.m., exclusive of Saturdays, Sundays, and holidays, following arrival at destination.

(ii) Actual placement means placing of car on consignee's tracks, or when for public delivery, placement on carrier's tracks accompanied by proper notice.

(iii) When delivery of a car, either empty or loaded consigned or ordered to an industrial interchange track or to other-than-a-public-delivery track cannot be made on account of any condition attributable to the consignee, such car will be held at destination or, if it cannot reasonably be accommodated there, at an available hold point and constructive placement notice shall be sent or given the consignee in writing within 24 hours, exclusive of Saturdays, Sundays, and holidays, after arrival of car at hold point.

(iv) Loaded cars held at billed destination for accessorial terminal services described in the applicable tariffs, such as holding for orders or inspection, shall be placed on carrier's or consignee's unloading or inspection tracks, within 24 hours, exclusive of Saturdays, Sundays, and holidays, after arrival at billed destination. On cars set off and held short of billed destination, a written notice shall be sent or given to consignee within 24 hours following the first 7 a.m. after arrival at hold point.

(2) *Removal of cars.* (i) Empty cars must be removed from point of unloading or interchange tracks of industrial plants within 24 hours after the first 7 a.m., exclusive of Saturdays, Sundays, and holidays, following unloading or release by consignee or shipper, unless such cars unloaded are ordered or appropriated by the shipper for reloading within such a 24-hour period. Empty cars not required for loading at point where made empty must be forwarded in line-haul service within 24 hours after the first 7 a.m., exclusive of Saturdays, Sundays, and holidays, following removal of empty cars.

(ii) Outbound loaded freight cars must be removed from point of loading or interchange tracks of industrial plants within 24 hours after the first 7 a.m., exclusive of Saturdays, Sundays, and holidays, following tender and acceptance by carrier of the bill of lading covering the cars. Such cars must be forwarded in line-haul service within 24 hours after the first 7 a.m. following their receipt in outbound makeup or classification yards.

(3) *Holding cars for prospective loading.* (i) Cars shall not be held for prospective loading at any time, for any industry, or consignor, other than those needed to protect current outbound loading.

(4) *Repair tracks.* (i) Any cars taken out of service for repairs, or carded for repairs, shall be repaired at the earliest time consistent with efficient railroad operating practices.

(5) *Car distribution orders.* (i) Observe, obey and comply with special car orders and freight car distribution orders now outstanding, or hereafter issued by the Car Service Division, Association of American Railroads, not inconsistent with any order of the Commission. E. Paul Miller, Chairman of the Car Service Division, is directed to inform the Director or the Assistant Director of the Bureau of Safety and Service of such outstanding orders or similar orders which may be subsequently issued and, to advise the Director or the Assistant Director of the Bureau of Safety and Service of railroad performance and compliance with such orders.

(ii) C. W. Taylor, Director, and R. D. Pfahler, Assistant Director, Bureau of Safety and Service, Interstate Commerce Commission, and each of them, are hereby appointed agents of the Commission with authority to issue such orders or directions as either may find necessary with respect to the location, relocation, and distribution of freight cars as between sections of the country, or carriers by railroads or on such carriers, throughout the United States.

(6) *Yard checks, supervision and records.* (i) The necessary yard and track checks shall be made and sufficient supervision and records shall be maintained to enable carriers to comply with the provisions of this section.

(7) *Railroad operating regulations for the movement of loaded freight cars.* (i) No common carrier by railroad subject to the Interstate Commerce Act shall willfully delay the movement of loaded freight cars by holding such cars in yards, terminals, or sidings for the purpose of increasing the time in transit of such loaded cars.

(ii) Loaded cars shall not be set out between terminals except in cases of emergencies or sound operating requirements.

(iii) Backhauling loaded cars for the purpose of increasing the time in transit shall constitute willful delay and is prohibited.

(iv) Through loaded cars shall not be handled on local or way freight trains for the purpose of increasing the time in transit of such loaded cars.

(v) The use by any common carrier by railroad, for the movement of loaded freight cars over its line, of any route other than its usual and customary fast freight route from point of receipt of the car from consignor or connecting line, except in emergencies, or for the purpose of according a lawfully established transit privilege (not including a diversion or reconsignment privilege) is hereby prohibited.

(8) *Carrier officials' responsibility.* (i) The division superintendent in charge of each terminal under his jurisdiction or supervision, or if no division superintendent is in charge the general manager of each railroad will be held responsible for car service at each terminal and for the proper observance of the rules prescribed by this section.

(b) Application:

(1) The provisions of this section shall apply to intrastate and interstate commerce.

(2) When computing the periods of time provided in this section, exclude Saturdays, Sundays, and such holidays as are listed in Item No. 25, agent H. R. Hinsch's Demurrage Tariff I.C.C. H–11, or reissues thereof, only when they occur within the said periods of time, but not after.

(c) Regulations suspended—announcement required: The operation of all rules and regulations, insofar as they conflict with the provisions of this section, is hereby suspended and each railroad subject to this section, or its agent, shall publish, file, and post a supplement to each of its tariffs affected hereby, in substantial accordance with the provisions of Rule 9(k) of the Commission's Tariff Circular No. 20, announcing such suspension.

(d) Effective date: This section shall become effective at 12:01 a.m., May 1, 1965.

(e) Expiration date: This section shall expire at 11:59 p.m., December 31, 1965, unless otherwise modified, changed, suspended or annulled by order of this Commission.

It is further ordered, That a copy of this order and direction shall be served upon the Association of American Railroads, Car Service Division, as agent of all the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of the order be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D.C., and by filing it with the Director, Office of the Federal Register.

(Sec. 1, 12, 15, 24 Stat. 379, 383, 384, as amended; 49 U.S.C. 1, 12, 15. Interprets or applies sec. 1(10–17), 15(4), 40 Stat. 101, as amended 54 Stat. 911; 49 U.S.C. 1(10–17), 15(4))

By the Commission, Division 3.

[SEAL] BERTHA F. ARMES, *Acting Secretary.*

[F.R. Doc. 65-4639; Filed, May 3, 1965; 8:46 a.m.]

Proposed Rule Making

DEPARTMENT OF THE TREASURY

Internal Revenue Service

[26 CFR Parts 1, 31, 301]

PAYMENT OF TAXES IN NONCONVERTIBLE FOREIGN CURRENCY

Notice of Proposed Rule Making

Notice is hereby given, pursuant to the Administrative Procedure Act, approved June 11, 1946, that the regulations set forth in tentative form below are proposed to be prescribed by the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury or his delegate. Prior to the final adoption of such regulations, consideration will be given to any comments or suggestions pertaining thereto which are submitted in writing, in duplicate, to the Commissioner of Internal Revenue, Attention: CC:LR:T, Washington, D.C., 20224, within the period of 30 days from the date of publication of this notice in the FEDERAL REGISTER. Any person submitting written comments or suggestions who desires an opportunity to comment orally at a public hearing on these proposed regulations should submit his request, in writing, to the Commissioner within the 30-day period. In such case, a public hearing will be held, and notice of the time, place, and date will be published in a subsequent issue of the FEDERAL REGISTER. The proposed regulations are to be issued under the authority contained in section 7805 of the Internal Revenue Code of 1954 (68A Stat. 917; 26 U.S.C. 7805).

[SEAL] SHELDON S. COHEN,
Commissioner of Internal Revenue.

In order to provide rules for the payment of Federal Insurance Contributions Act taxes in foreign currency, and to amend the rules for payment of income tax in foreign currency by extending their applicability to certain recipients of grants or compensation under the Mutual Educational and Cultural Exchange Act of 1961, as amended (22 U.S.C. 2451), and section 104 (h), (j), (k), (o), or (p) of the Agricultural Trade Development and Assistance Act of 1954, as amended (7 U.S.C. 1704 (h), (j), (k), (o), (p)), and by making certain other changes, the Income Tax Regulations (26 CFR Part 1) under section 6091, the Employment Tax Regulations (26 CFR Part 31) under sections 6011, 6151 and 6302 and the Regulations on Procedure and Administration (26 CFR Part 301) under sections 6311 and 6316 of the Internal Revenue Code of 1954 are amended, effective with respect to the taxable periods specified, as follows:

PARAGRAPH 1. Paragraph (a) of § 1.6091–3 is amended to read as follows:

§ 1.6091–3 Income tax returns required to be filed with Director of International Operations.

* * * * *

(a) Income tax returns on which all, or a portion, of the tax is to be paid in foreign currency. See §§ 301.6316–1 to 301.6316–4, inclusive, and §§ 301.6316–8 and 301.6316–9 of this chapter (Regulations on Procedure and Administration).

* * * * *

PAR. 2. Section 31.6011(a)–1 is amended by adding a new paragraph (e) thereto. This amended provision reads as follows:

§ 31.6011(a)–1 Returns under Federal Insurance Contributions Act.

* * * * *

(e) *Wages paid in nonconvertible foreign currency.* For provisions relating to returns filed by certain employers who pay wages in nonconvertible foreign currency, see § 301.6316–7 of this chapter (Regulations on Procedure and Administration).

PAR. 3. Paragraph (b) of § 31.6151–1 is amended to read as follows:

§ 31.6151–1 Time for paying tax.

* * * * *

(b) *Cross references.* For provisions relating to the use of Federal Reserve banks and authorized commercial banks in depositing the taxes, see §§ 31.6302 (c)–1 and 31.6302(c)–2. For rules relating to the payment of taxes in nonconvertible foreign currency, see § 301.6316–7 of this chapter (Regulations on Procedure and Administration).

* * * * *

PAR. 4. Paragraph (b) of § 31.6302 (c)–1 is amended to read as follows:

§ 31.6302(c)–1 Use of Government depositaries in connection with taxes under Federal Insurance Contributions Act and income tax withheld.

* * * * *

(b) *Exceptions*—(1) *Monthly returns.* The provisions of this section are not applicable with respect to taxes for the month in which the employer receives notice from the district director that returns are required under § 31.6011(a)–5, or for any subsequent month for which such a return is required.

(2) *Wages paid in nonconvertible foreign currency.* The provisions of this section are not applicable with respect to taxes paid in nonconvertible foreign currency pursuant to § 301.6316–7 of this chapter (Regulations on Procedure and Administration).

PAR. 5. Section 301.6311–1 is amended by adding a new paragraph (c) thereto. This added paragraph reads as follows:

§ 301.6311–1 Payment by check or money order.

* * * * *

(c) *Payment in nonconvertible foreign currency.* For rules relating to payment of income taxes and taxes under the Federal Insurance Contributions Act in nonconvertible foreign currency, see section 6316 and the regulations thereunder.

PAR. 6. Section 301.6316–1 is amended to read as follows:

§ 301.6316–1 Payment of income tax in foreign currency.

Subject to the provisions of §§ 301.6316–3 to 301.6316–5, inclusive, that portion of the income tax which is attributable to amounts received by a citizen of the United States in nonconvertible foreign currency may be paid in such currency—

(a) For any taxable year beginning on or after January 1, 1955, and before January 1, 1964, if such amounts—

(1) Are disbursed from funds made available to a foundation or commission established in a foreign country pursuant to an agreement made under the authority of section 32(b) of the Surplus Property Act of 1944, as amended (50 U.S.C. App. 1641(b)(2)), or re-established under the authority of the Mutual Educational and Cultural Exchange Act of 1961, as amended (22 U.S.C. 2451);

(2) Constitute either a grant made for authorized purposes of the agreement or compensation for personal services performed in the employ of the foundation or commission;

(3) Are at least 75 percent of the entire amount of the grant or compensation received in the taxable year; and

(4) Are treated as income from sources without the United States under the provisions of sections 861 to 864, inclusive, and §§ 1.861–1 to 1.864, inclusive, of this chapter (Income Tax Regulations); and

(b) For any taxable year beginning on or after January 1, 1964, if such amounts—

(1) Are disbursed from funds made available either to a foundation or commission, established pursuant to an agreement made under the authority of section 32(b) of the Surplus Property Act of 1944, as amended, or to a foundation or commission established or continued pursuant to an agreement made under the authority of the Mutual Educational and Cultural Exchange Act of 1961, as amended; or are paid from grants made to such citizen, or to a foundation or an educational or other institution, under the authority of the Mutual Educational and Cultural Exchange Act of 1961, as amended, or section 104 (h), (j), (k), (o), or (p) of the Agricultural Trade Development and Assistance Act of 1954, as amended (7 U.S.C. 1704 (h), (j), (k), (o), (p));

(2) Constitute either a grant made for a purpose authorized under any such agreement or law, or compensation for personal services performed in the employ of any organization engaged in administering any program or activity pursuant to any such agreement or law;

(3) Are at least 70 percent of the entire amount of the grant or compensation received in the taxable year; and

(4) Are treated as income from sources without the United States under

the provisions of sections 861 to 864, inclusive, and §§ 1.861–1 to 1.864, inclusive, of this chapter (Income Tax Regulations).

PAR. 7. Paragraph (a) of § 301.6316–2 is amended to read as follows:

§ 301.6316–2 Definitions.

For purposes of §§ 301.6316–1 to 301.6316–9, inclusive:

(a) The term "tax", as used in §§ 301.6316–1, 301.6316–3, 301.6316–4, 301.6316–5, and 301.6316–6 means the income tax imposed for the taxable year by chapter 1 of the Internal Revenue Code of 1954, and as used in § 301.6316–7 means the Federal Insurance Contributions Act taxes imposed by chapter 21 of the Code (or by the corresponding provisions of the Internal Revenue Code of 1939). The term "tax", as used in §§ 301.6316–8 and 301.6316–9 shall relate to either of such taxes, whichever is appropriate.

* * * * *

PAR. 8. Paragraphs (a) and (b)(1) of § 301.6316–4 are amended to read as follows:

§ 301.6316–4 Return requirements.

(a) *Place for filing.* A return of income which includes amounts received in foreign currency on which the tax is paid in accordance with § 301.6316–1 shall be filed with the Director of International Operations, Internal Revenue Service, Washington, D.C., 20225. For the time for filing income tax returns, see sections 6072 and 6081 and §§ 1.6072–1, 1.6081–1, and 1.6081–2 of this chapter (Income Tax Regulations).

(b) *Statements required.* (1) A statement, prepared by the taxpayer, and certified by the foundation, commission, or other person having control of the payments made to the taxpayer in nonconvertible foreign currency, shall be attached to the return showing that for the taxable year involved the taxpayer is entitle to pay tax in foreign currency in accordance with section 6316 and the regulations thereunder. This statement shall disclose the total amount of grants or compensation received by the taxpayer during the taxable year under the authority of section 32(b) of the Surplus Property Act of 1944, as amended (50 U.S.C. App. 1641(b)(2)), or of the Mutual Educational and Cultural Exchange Act of 1961, as amended (22 U.S.C. 2451), or section 104 (h), (j), (k), (o), or (p) of the Agricultural Trade Development and Assistance Act of 1954, as amended (7 U.S.C. 1704 (h), (j), (k), (o), (p)), and the amount thereof paid in nonconvertible foreign currency. It shall also state that with respect to the grant or compensation the applicable percentage requirement of § 301.6316–1 is satisfied.

* * * * *

PAR. 9. Paragraphs (a) and (d)(1) of § 301.6316–5 are amended to read as follows:

§ 301.6316–5 Manner of paying tax by foreign currency.

(a) *Time and place to pay.* The unpaid tax required to be shown on a return filed in accordance with § 301.6316–4, whether payable in whole or in part in foreign currency, is due and payable to the Director of International Operations, Internal Revenue Service, Washington, D.C., 20225, at the time the return is filed. However, see paragraph (d) of this section with respect to the depositing of the foreign currency with the disbursing officer of the Department of State.

* * * * *

(d) *Deposit of foreign currency with disbursing officer.* (1) After the portion of the tax which is attributable to amounts received in nonconvertible foreign currency is determined in United States dollars, the amount so determined shall be deposited in the same nonconvertible foreign currency with the disbursing officer of the Department of State for the foreign country where the fund is located from which the payments in nonconvertible foreign currency are made to the taxpayer. The amount of foreign currency to be deposited shall be that amount which, when converted at the rate of exchange used on the date of deposit by that disbursing officer for the acquisition of such currency for his official disbursements, equals the portion of the tax so determined in United States dollars.

* * * * *

PAR. 10. Paragraphs (a) and (c)(2) of § 301.6316–6 are amended to read as follows:

§ 301.6316–6 Declarations of estimated tax.

(a) *Filing of declaration.* A declaration of estimated tax in respect of amounts on which the tax is to be paid in foreign currency under the provisions of § 301.6316–1 shall be filed with the Director of International Operations, Internal Revenue Service, Washington, D.C., 20225, and shall have attached thereto the statements required by paragraph (b)(1) and (2)(i) of § 301.6316–4 in respect of the tax return except that the statement certified by the foundation, commission, or other person having control of the payments to the taxpayer in nonconvertible foreign currency may be based upon amounts expected to be received by the taxpayer during the taxable year if they are not in fact known at the time of certification. A copy of this certified statement shall be retained by the taxpayer for the purpose of exhibiting it to the disbursing officer when making installment deposits of foreign currency under the provisions of paragraph (c) of this section. For the time for filing declarations of estimated tax, see sections 6073 and 6081 and §§ 1.6073–1 to 1.6073–4, inclusive, and §§ 1.6081–1 and 1.6081–2 of this chapter (Income Tax Regulations).

* * * * *

(c) *Payment of estimated tax.* * * *

(2) Every taxpayer making a deposit of foreign currency in accordance with this paragraph shall tender to the Director of International Operations, Internal Revenue Service, Washington, D.C., 20225, the original of the receipt from the disbursing officer as payment, to the extent of the amount represented thereby in United States dollars, of the estimated tax. For the dates prescribed for the payment of estimated tax, see sections 6153 and 6161 and §§ 1.6153–1 to 1.6153–4, inclusive, and § 1.6161–1 of this chapter (Income Tax Regulations). A taxpayer should make the deposit required by this paragraph in ample time to permit him to tender such receipt by the date prescribed for payment of the estimated tax.

* * * * *

PAR. 11. Sections 301.6316–7 and 301.6316–8 are deleted. There are added immediately after § 301.6316–6 the following new sections:

§ 301.6316–7 Payment of Federal Insurance Contributions Act taxes in foreign currency.

(a) *In general.* The taxes imposed on employees and employers by sections 3101 and 3111, respectively, of chapter 21 of the Code (Federal Insurance Contributions Act) or the corresponding sections of the Internal Revenue Code of 1939 may, with respect to wages (as defined in section 3121(a) of chapter 21 of the Code or the corresponding section of the Internal Revenue Code of 1939) paid in nonconvertible foreign currency (as defined in paragraph (b) of § 301.6316–2) for services performed on or after January 1, 1951, be paid in that currency if all such wages—

(1) Are paid from funds made available to a United States foundation or commission established in a foreign country pursuant to an agreement made under the authority of section 32(b) of the Surplus Property Act of 1944, as amended (50 U.S.C. App. 1641(b)(2)), or established or continued pursuant to an agreement made under authority of the Mutual Educational and Cultural Exchange Act of 1961, as amended (22 U.S.C. 2451); and

(2) Are paid to a United States citizen for services performed in the employ of such foundation or commission.

(b) *Return requirements*—(1) *Statements required.* (i) A return on which payment of Federal Insurance Contributions Act taxes is made in accordance with this section shall have attached thereto a statement, certified by the foundation or commission filing the return, stating that the foundation or commission is an organization established pursuant to an agreement made under authority of section 32(b) of the Surplus Property Act of 1944, as amended, or established or continued pursuant to an agreement made under authority of the Mutual Educational and Cultural Exchange Act of 1961, as amended.

(ii) The taxpayer shall also attach to the return a statement showing the rates of exchange used in determining in United States dollars the wages reported on the return and the taxes due with respect thereto. See paragraph (c)(1) of this section.

(2) *Cross references.* For the place for filing returns of the Federal Insurance Contributions Act taxes, see § 31.6091–1(c) of this chapter (Employment Tax Regulations). For the time for filing returns of the Federal Insurance Contributions Act taxes, see

§ 31.6071(a)–1 of this chapter (Employment Tax Regulations).

(c) *Payment of tax.* (1) Deposits of taxes

for his official disbursements by the disbursing officer of the Department of

DEPARTMENT OF LABOR

Rico, the Virgin Islands and American

(29 U.S.C. 206) and Reorganization Plan

comparable character by collective labor

§ 31.6071(a)-1 of this chapter (Employment Tax Regulations).

(c) *Payment of tax*—(1) *Determination of the tax.* In determining in United States dollars the wages required to be reported on the return and the taxes due with respect thereto, the taxpayer shall use the rate of exchange which most clearly reflects the correct equivalent in dollars, whether it be the official rate, the open market rate, or any other appropriate rate.

(2) *Deposit of foreign currency with disbursing officer.* (i) After determination is made in United States dollars of the Federal Insurance Contributions Act taxes with respect to wages paid in nonconvertible foreign currency, the amount so determined shall be deposited in the same nonconvertible foreign currency with the disbursing officer of the Department of State for the foreign country where the fund is located from which such wages were paid. The amount of the foreign currency to be deposited shall be that amount which, when converted at the rate of exchange used on the date of deposit by the disbursing officer for the acquisition of such currency for his official disbursements, equals the taxes determined in United States dollars.

(ii) The disbursing officer may rely upon the taxpayer for the determination of the amount of tax payable in foreign currency but may not accept any such currency for deposit until the taxpayer has presented for inspection the certified statement referred to in paragraph (b)(1) of this section. Upon acceptance of foreign currency for deposit the disbursing officer shall give the taxpayer a receipt in duplicate showing the name and address of the depositor, the date of the deposit, the amount of foreign currency deposited and its equivalent in United States dollars on the date of deposit, and the kind of tax for which the deposit is made.

(iii) Every taxpayer making a deposit of foreign currency in accordance with this paragraph shall attach to the return required to be filed in accordance with paragraph (b) of this section the original of the receipt given by the disbursing officer. Tender of such receipt to the Director of International Operations shall be considered as payment of tax in an amount equal to the United States dollars represented by the receipt.

(iv) A taxpayer shall make the deposit required by this paragraph in ample time to permit it to attach the receipt to its return for filing within the time prescribed by § 31.6071(a)-1 of this chapter (Employment Tax Regulations).

§ 301.6316-8 Refunds and credits in foreign currency.

(a) *Refunds.* The refund of any overpayment of tax which has been paid under section 6316 in foreign currency may, in the discretion of the Commissioner, be made in the same foreign currency by which the tax was paid. The amount of any such refund made in foreign currency shall be the amount of the overpayment in United States dollars converted, on the date of the refund check, at the rate of exchange then used for his official disbursements by the disbursing officer of the Department of State in the country where the foreign currency was originally deposited.

(b) *Credits.* Unless otherwise in the best interest of the Internal Revenue Service, no credit of any overpayment of tax which has been paid under section 6316 in foreign currency shall be allowed against any outstanding liability of the person making the overpayment except in respect of that portion of the liability which, in accordance with § 301.6316-1 or § 301.6316-7, would otherwise be permitted to be paid in the same foreign currency.

§ 301.6316-9 Interest, additions to tax, etc.

Any reference in §§ 301.6316-1 to 301.6316-8, inclusive, to "tax" shall be deemed also to refer to the interest, additions to the tax, additional amounts, and penalties attributable to the tax.

[F.R. Doc. 65-4607; Filed, May 3, 1965; 8:46 a.m.]

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

[50 CFR Part 32]

LACASSINE NATIONAL WILDLIFE REFUGE, LOUISIANA

Proposed Deletion From Open Areas for Hunting Migratory Birds

Pursuant to the authority vested in the Secretary of the Interior by the Migratory Bird Conservation Act of February 18, 1929, as amended (45 Stat. 1222; 16 U.S.C. 715) and the Migratory Bird Hunting Stamp Act of 1934, as amended (48 Stat. 451; 16 U.S.C. 718d), it is proposed to amend 50 CFR 32.11 as set forth below. The purpose of this amendment is to delete the Lacassine National Wildlife Refuge, La., from the list of wildlife refuges open to the hunting of migratory game birds.

It has been determined that regulated hunting of migratory game birds cannot be permitted on this refuge without excessive interference with a program to build up the refuge Canada goose population.

It is the policy of the Department of the Interior, whenever practicable, to afford the public an opportunity to participate in the rulemaking process. Accordingly, interested persons may submit written comments, suggestions, or objections, with respect to this proposed amendment, to the Director, Bureau of Sport Fisheries and Wildlife, Washington, D.C., 20240, within 30 days of the date of publication of this notice in the FEDERAL REGISTER.

Section 32.11 is amended by the deletion of the Lacassine National Wildlife Refuge, La.

JOHN A. CARVER, JR.,
Under Secretary of the Interior.

APRIL 28, 1965.

[F.R. Doc. 65-4661; Filed, May 3, 1965; 8:45 a.m.]

DEPARTMENT OF LABOR

Wage and Hour Division

[29 CFR Part 657]

[Administrative Order 501]

INDUSTRY COMMITTEE FOR TOBACCO INDUSTRY IN PUERTO RICO

Appointment To Investigate Conditions and Recommend Minimum Wages; Notice of Hearing

Pursuant to section 5 of the Fair Labor Standards Act of 1938 (29 U.S.C. 205), Reorganization Plan No. 6 of 1950 (3 CFR 1949-53 Comp., p. 1004), and 29 CFR Part 511, I hereby appoint Industry Committee No. 74 for the tobacco industry in Puerto Rico (as defined in 29 CFR 657.1).

Pursuant to section 8 of the Fair Labor Standards Act of 1938 (29 U.S.C. 208), Reorganization Plan No. 6 of 1950 (3 CFR 1949-53 Comp., p. 1004), and 29 CFR Part 511, I hereby:

(a) Convene the above-appointed industry committee;

(b) Refer to it the following:

(1) The question of the minimum rate or rates of wages to be fixed for the industry for employees who are engaged in commerce or in the production of goods for commerce, and (2) the question of the minimum rate or rates of wages to be fixed for any employees covered by the act by reason of the Fair Labor Standards Amendments of 1961;

(c) Give notice of the hearing to be held at the time and place indicated below. The committee shall investigate conditions in the industry, and it, or any authorized subcommittee thereof, shall hear such witnesses and receive such evidence as may be necessary or appropriate to enable the committee to perform its duties and functions under the aforementioned act.

Industry Committee No. 74 shall meet in executive session to commence its investigation at 10 a.m. on June 14, 1965, in the office of the Wage and Hour and Public Contracts Divisions, U.S. Department of Labor, seventh floor, Condominio San Alberto Building, 1200 Ponce de Leon Avenue, Santurce, Puerto Rico, and shall commence its hearing at 1 p.m. on the same date at the same place.

The industry committee shall recommend to the Administrator of the Wage and Hour and Public Contracts Divisions of this Department the highest minimum wage rates (in the case of question (1) referred to the committee, not exceeding the minimum wage rate of $1.25 per hour, and in the case of question (2) referred to the committee, not exceeding the minimum wage rate of $1.15 per hour for immediate effect and $1.25 per hour for effect on and after September 3, 1965, and in no case less than the currently effective rate) which it determines, having due regard to economic and competitive conditions, will not substantially curtail employment in the industry and will not give any industry in Puerto Rico a competitive advantage over any industry in the United States outside of Puerto Rico, the Virgin Islands and American Samoa.

Whenever the industry committee finds that a higher minimum wage may be determined for employees engaged in certain activities or in the manufacture of certain products in the industry than may be determined for other employees in it, the committee shall recommend such reasonable classifications within the industry as it determines to be necessary for the purpose of fixing for each classification the highest minimum wage rate that can be determined for it under the principles set forth herein which will not give a competitive advantage to any group in the industry. No classification shall be made, however, and no minimum wage rate shall be fixed solely on a regional basis or on the basis of age or sex. In determining whether there should be classifications within the industry, in making such classifications, and in determining the minimum wage rates for such classifications, the industry committee shall consider, among other relevant factors, the following: (1) Competitive conditions as affected by transportation, living, and production costs; (2) wages established for work of like or comparable character by collective labor agreements negotiated between employers and employees by representatives of their own choosing; and (3) wages paid for work of like or comparable character by employers who voluntarily maintain minimum wage standards in the industry.

The Administrator shall prepare an economic report for the industry committee containing such data as he is able to assemble pertinent to the matters referred to it. Copies of such report may be obtained at the Washington, D.C., and Puerto Rican offices of the Wage and Hour and Public Contracts Divisions as soon as they are completed and prior to the hearing. The industry committee shall take official notice of the facts stated in the economic report to the extent that they are not refuted at the hearing.

The procedure of the industry committee is governed by 29 CFR Part 511. As a prerequisite to participation in the hearing, interested persons shall file prehearing statements containing the data specified in 29 CFR 511.8 not later than June 4, 1965.

Signed at Washington, D.C., this 28th day of April 1965.

W. WILLARD WIRTZ,
Secretary of Labor.

[F.R. Doc. 65-4655; Filed, May 3, 1965; 8:47 a.m.]

[29 CFR Part 697]

[Administrative Order 502]

AMERICAN SAMOA

Hearing To Investigate Conditions and Recommend Minimum Wages

Pursuant to authority in section 6 of the Fair Labor Standards Act of 1938 (29 U.S.C. 206) and Reorganization Plan No. 6 of 1950 (3 CFR, 1949-53 Comp., p. 1004), I hereby appoint, convene, and give notice of the hearing of Special Industry Committee No. 6 for American Samoa.

I hereby refer to this industry committee the question of the minimum wage rate or rates to be paid under section 6(a)(3) of the act in industries or enterprises in American Samoa engaged in commerce or in the production of goods for commerce. The industry committee shall investigate conditions in the industries and enterprises in American Samoa and the committee, or any authorized subcommittee thereof, shall hear such witnesses and receive such evidence as may be necessary or appropriate to enable the committee to perform its duties and functions under the act.

The committee will meet in executive session to make appropriate decisions concerning the proceedings at 9 a.m. on July 12, 1965, and commence its public hearing at 1 p.m. on the same day in the Legislative Hall, Pago Pago, American Samoa.

In order to reach as rapidly as is economically feasible the objective of the minimum wages prescribed in paragraph (1) of section 6(a) and section 6(b) of the act, the committee will recommend to the Administrator the highest minimum rate or rates of wages which it determines, having due regard to economic and competitive conditions, will not substantially curtail employment in any industry or enterprise in American Samoa and will not give any industry or enterprise in American Samoa a competitive advantage over any industry or enterprise in the United States outside of Puerto Rico, the Virgin Islands and American Samoa. Where the committee finds that a higher minimum wage may be determined for employees engaged in certain activities or in the manufacture of certain products in an industry or enterprise than may be determined for other employees in that industry or enterprise, the committee shall recommend such reasonable classifications within that industry or enterprise as it determines to be necessary for the purpose of fixing for each classification the highest minimum wage rate that can be determined for it, under the principles set forth herein, which will not substantially curtail employment in such classification and will not give a competitive advantage to any group in the industry or enterprise. No classification shall be made, however, and no minimum wage rate shall be fixed solely on a regional basis or on the basis of age or sex. In determining whether there should be classifications within an industry or enterprise, in making such classifications, and in determining the minimum wage rates for such classifications, the committee shall consider, among other relevant factors, the following: (1) Competitive conditions as affected by transportation, living, and production costs; (2) wages established for work of like or comparable character by collective labor agreements negotiated between employers and employees by representatives of their own choosing; and (3) wages paid for work of like or comparable character by employers who voluntarily maintain minimum wage standards in the industry or enterprise.

The Administrator shall prepare an economic report containing the information he has assembled pertinent to the matters referred to the committee. Copies of this report may be obtained at the Office of the Governor, Pago Pago, American Samoa, and the National Office of the Wage and Hour and Public Contracts Divisions, U.S. Department of Labor, Washington, D.C., 20210. The committee will take official notice of the facts stated in this report to the extent they are not refuted by evidence received at the hearing.

The procedure of this industry committee will be governed by the provisions of Title 29, Code of Federal Regulations, Part 511. Copies of this part of the regulations will be available at the Office of the Governor in Pago Pago, American Samoa. The proceedings will be conducted in English but in the event a witness should testify in Samoan, an interpreter will be provided. As a prerequisite to participation as a party, interested persons shall file nine copies of a prehearing statement at the aforementioned Office of the Governor of American Samoa and one copy at the National Office of the Wage and Hour and Public Contracts Divisions, U.S. Department of Labor, Washington, D.C., 20210. Each prehearing statement shall contain the data specified in section 511.8 of the regulations and shall be filed not later than June 23, 1965. If such statements are sent by airmail between American Samoa and the mainland, such filing shall be deemed timely if postmarked within the time provided.

Signed at Washington, D.C., this 28th day of April 1965.

W. WILLARD WIRTZ,
Secretary of Labor.

[F.R. Doc. 65-4656; Filed, May 3, 1965; 8:47 a.m.]

FEDERAL AVIATION AGENCY

[14 CFR Part 71]

[Airspace Docket No. 65-CE-53]

TRANSITION AREA

Proposed Redesignation

The Federal Aviation Agency is considering amendments to Part 71 of the Federal Aviation Regulations which would alter controlled airspace in the Muskegon, Michigan, terminal area.

The following controlled airspace is presently designated in the Muskegon, Michigan, terminal area:

The Muskegon, Michigan, transition area is designated as that airspace extending upward from 700 feet above the surface within 8 miles northeast and 6 miles southwest of the Muskegon County Airport ILS localizer southeast course, extending from 3 miles northwest of the OM southeast to the arc of an 18-mile radius circle centered on the Muskegon County Airport (latitude 43°10'16" N., longitude 86°14'09" W.), and within a 4-mile radius of Grand Haven Memorial Airpark, Grand Haven, Mich., (latitude 43°02'00" N., longitude 86°11'50" W.); and that airspace extending upward from 1,200 feet above the surface within an 18-mile radius of Muskegon County Airport, including the airspace southwest of Muskegon bounded by a line beginning at latitude 42°54'35" N., longitude 86°13'00" W., extending southwest to latitude 42°45'25" N., longitude 86°23'40" W., thence northwest to latitude 42°58'50" N., longitude 86°32'30" W., thence east along the south boundary of V–216 to the 18-mile radius area.

The Federal Aviation Agency, having completed a comprehensive review of the terminal airspace structural requirements in the Muskegon, Mich., terminal area, proposes the following airspace action:

Redesignate the Muskegon, Mich., transition area as that airspace extending upward from 700 feet above the surface within 8 miles northeast and 6 miles southwest of the Muskegon County Airport ILS localizer southeast course, extending from 3 miles northwest of the OM southeast to the arc of an 18-mile radius circle centered on the Muskegon County Airport (latitude 43°10'16" N., longitude 86°14'09" W.), and within a 4-mile radius of Grand Haven Memorial Airpark, Grand Haven, Mich. (latitude 43°02'00" N., longitude 86°11'50" W.); and that airspace extending upward from 1,200 feet above the surface within an 18-mile radius of the Muskegon County Airport (latitude 43°10'16" N., longitude 86°14'09" W.) including the airspace southwest of Muskegon bounded on the northeast by the 18-mile radius area; on the southeast by the Grand Rapids, Mich., transition area, on the southwest by V–30 and on the northwest by V–216.

The present Muskegon, Mich., transition area provides controlled airspace for the protection of aircraft executing prescribed arrival, departure and holding procedures. The additional controlled airspace proposed herein will permit the Chicago, Ill., Air Route Traffic Control Center to provide radar vectoring services to aircraft operating to and from Muskegon, Mich., and Milwaukee, Wis.

The additional proposed airspace will not have any effect on instrument approach procedure altitudes or minimums.

The floors of the airways that would traverse the transition area proposed herein would automatically coincide with the floors of the transition area.

Specific details of the changes to procedures that would be required may be examined by contacting the Chief, Airspace Branch, Air Traffic Division, Central Region, Federal Aviation Agency, 4825 Troost Avenue, Kansas City, Mo., 64110.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Director, Central Region, ATTN: Chief, Air Traffic Division, Federal Aviation Agency, 4825 Troost Avenue, Kansas City, Mo., 64110. All communications received within 45 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Division Chief. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The public Docket will be available for examination by interested persons in the office of the Regional Counsel, Federal Aviation Agency, 4825 Troost Avenue, Kansas City, Mo., 64110.

(Sec. 307(a), Federal Aviation Act of 1958; 49 U.S.C. 1348)

Issued at Kansas City, Mo., on April 21, 1965.

EDWARD C. MARSH,
Director, Central Region.

[F.R. Doc. 65–4623; Filed, May 3, 1965; 8:45 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 2]

[Docket No. 11709; FCC 65–339]

FIXED SERVICE UTILIZING TROPOSPHERIC SCATTER TECHNIQUES

Notice of Proposed Rule Making

Order. At a session of the Federal Communications Commission held at its offices in Washington, D.C., on the 28th day of April 1965;

The Commission, having before it for consideration the notice of proposed rule making in the above-entitled matter which was adopted on May 9, 1956 and published in the FEDERAL REGISTER on May 16, 1956 (21 F.R. 3231); and the report and order in Docket No. 11866, adopted July 29, 1959, and published in the FEDERAL REGISTER on August 11, 1959 (24 F.R. 6442); and

It appearing that all matters of substance which were contained in the notice of proposed rule making were also considered as result of the information obtained from the hearings and the testimony and comments filed during the proceedings in Docket No. 11866; and

It further appearing, that, as a result of the proceedings in Docket No. 11866, the Commission determined that both scatter systems and conventional line-of-sight microwave systems should not share the same bands and that, as a general principle, scatter systems would not be authorized for operation between points within the conterminous United States; and

It further appearing that such a determination renders moot the further consideration of Docket No. 11709; accordingly,

It is ordered, That, pursuant to authority contained in Sections 4(i) and 303(r) of the Communications Act of 1934, as amended, proceedings in Docket No. 11709 are hereby terminated.

Released: April 29, 1965.

FEDERAL COMMUNICATIONS COMMISSION,[1]
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 65–4647; Filed, May 3, 1965; 8:47 a.m.]

[1] Commissioners Lee and Loevinger absent.

Notices

DEPARTMENT OF THE TREASURY

Comptroller of the Currency

INSURED BANKS

Joint Call for Report of Condition

CROSS REFERENCE: For a document relating to a joint call for report of condition of insured banks, see F.R. Doc. 65–4633, Federal Deposit Insurance Corporation, *infra*.

FEDERAL DEPOSIT INSURANCE CORPORATION

INSURED BANKS

Joint Call for Report of Condition

Pursuant to the provisions of section 7(a)(3) of the Federal Deposit Insurance Act each insured bank is required to make a Report of Condition as of the close of business April 26, 1965, to the appropriate agency designated herein, within 10 days after notice that such report shall be made: *Provided*, That if such reporting date is a nonbusiness day for any bank, the preceding business day shall be its reporting date.

Each national bank and each bank in the District of Columbia shall make its original Report of Condition on Office of the Comptroller Form, Call No. 453,[1] and shall send the same to the Comptroller of the Currency, and shall send a signed and attested copy thereof to the Federal Deposit Insurance Corporation. Each insured State bank which is a member of the Federal Reserve System, except a bank in the District of Columbia, shall make its original Report of Condition on Federal Reserve Form 105—Call 175,[1] and shall send the same to the Federal Reserve Bank of the District wherein the bank is located, and shall send a signed and attested copy thereof to the Federal Deposit Insurance Corporation. Each insured State bank not a member of the Federal Reserve System, except a bank in the District of Columbia and a mutual savings bank, shall make its original Report of Condition on FDIC Form 64—Call No. 71,[1] and shall send the same to the Federal Deposit Insurance Corporation.

The original Report of Condition required to be furnished hereunder to the Comptroller of the Currency and the copy thereof required to be furnished to the Federal Deposit Insurance Corporation shall be prepared in accordance with "Instructions for preparation of Reports of Condition by National Banking Associations," dated January, 1961, and any amendments thereto.[1] The original Report of Condition required to be furnished hereunder to the Federal Reserve Bank of the District wherein the bank is located and the copy thereof required to be furnished to the Federal Deposit Insurance Corporation shall be prepared in accordance with "Instructions for the preparation of Reports of Condition by State Member Banks of the Federal Reserve System," dated February, 1961.[1] The original Report of Condition required to be furnished hereunder to the Federal Deposit Insurance Corporation shall be prepared in accordance with "Instructions for the preparation of Report of Condition on Form 64, by insured State banks not members of the Federal Reserve System," dated January, 1961.[1]

Each insured mutual savings bank not a member of the Federal Reserve System shall make its original Report of Condition on FDIC Form 64 (Savings),[1] prepared in accordance with "Instructions for the preparation of Report of Condition on Form 64 (Savings) and Report of Income and Dividends on Form 73 (Savings) by Mutual Savings Banks," dated December, 1962,[1] and shall send the same to the Federal Deposit Insurance Corporation.

Dated: April 15, 1965.

FEDERAL DEPOSIT INSURANCE CORPORATION,
JOSEPH W. BARR,
Chairman.

WILLIAM B. CAMP,
Acting Comptroller of the Currency.

BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM,
WILLIAM MCC. MARTIN, JR.,
Chairman.

[F.R. Doc. 65–4633; Filed, May 3, 1965; 8:46 a.m.]

[1] Filed as part of original document.

FEDERAL RESERVE SYSTEM

INSURED BANKS

Joint Call for Report of Condition

CROSS REFERENCE: For a document relating to a joint call for report of condition of insured banks, see F.R. Doc. 65–4633, Federal Deposit Insurance Corporation, *supra*.

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

ALASKA

Notice of Proposed Amendment of Public Land Order 1600

APRIL 27, 1965.

The U.S. Weather Bureau, Department of Commerce has filed a request for amendment of Public Land Order 1600 dated March 13, 1958 (Fairbanks 013163), which withdrew the lands described below for use as a weather station. The proposed amendment would conform the original metes and bounds description to the survey.

For a period of 30 days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the undersigned officer of the Bureau of Land Management, Department of the Interior, Fairbanks District and Land Office, Post Office Box 1150, Fairbanks, Alaska.

The authorized officer of the Bureau of Land Management will prepare a report for consideration by the Secretary of the Interior who will determine whether or not the withdrawal will be amended as requested by the Bureau of Indian Affairs.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

If circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

The lands involved in the application are:

BARROW, ALASKA

U.S. Survey 4615, Alaska,
Block 32 (all);
Block 33, lots 1 through 7
(including area shown on plat of survey as reserved for Okpik Street and lying between Blocks 32 and 33).

The area described aggregates approximately 276,806 square feet.

ROSS A. YOUNGBLOOD,
Manager, Fairbanks District and Land Office.

[F.R. Doc. 65–4645; Filed, May 3, 1965; 8:47 a.m.]

[Wyoming 029381]

WYOMING

Notice of Termination of Proposed Withdrawal and Reservation of Lands

APRIL 27, 1965.

Notice of an application, serial number Wyoming 029381, for withdrawal and reservation of lands was published as Federal Register Document No. 56–6869 on page 6420 of the issue for August 24, 1956. The applicant Agency has canceled its application in its entirety. Therefore, pursuant to the regulations contained in 43 CFR Part 2311, such lands will be, at 10 a.m. on June 3, 1965, relieved of the segregative effect of the above-mentioned application.

The lands involved in this notice of termination are:

SIXTH PRINCIPAL MERIDIAN, WYO.

T. 47 N., R. 93 W.,
Secs. 2, 3, 10, 11, 14, and 15;
Sec. 22, lots 1, 2, 3, and 4, N½, and NE¼ SE¼;
Sec. 23.

T. 48 N., R. 93 W.,
Sec. 34, S½;

counsel for the Investigations Division presented evidence in support of the

plicable to any and all commodities which

V. During the time when the respond-

ATOMIC ENERGY COMMISSION

North Atlantic and via the Atlantic to

T. 48 N., R. 93 W.,
Sec. 34, S½;
Sec. 35, S½.

The area described aggregate 5,552.49 acres.

ED PIERSON,
State Director.

[F.R. Doc. 65-4630; Filed, May 3, 1965; 8:45 a.m.]

DEPARTMENT OF AGRICULTURE

Office of the Secretary

COOPERATIVE STATE RESEARCH SERVICE

Statement of Organization and Delegations

The functions and authorities delegated to the Cooperative State Research Service in 29 F.R. 16210 are hereby amended to add a paragraph "f" to section 130 to read as follows:

f. The administration of applied and developmental research, through contracts under the Agricultural Marketing Act, on problems of agricultural income and efficiency in Appalachia, and on necessary physical and social adjustments to improve the economic level of agricultural and rural residents of that region, in conjunction with the program established under PL 89-4.

Signed at Washington, D.C., this 28th day of April 1965.

ORVILLE L. FREEMAN,
Secretary of Agriculture.

[F.R. Doc. 65-4634; Filed, May 3, 1965; 8:46 a.m.]

DEPARTMENT OF COMMERCE

Bureau of International Commerce

[Case 342]

JIH HSIN TRADING CO. ET AL.

Order Denying Export Privileges

In the matter of Jih Hsin Trading Co., 901 Liu Chong Hing Bank Building, Hong Kong, respondent; Li Siu Chow, 469 King's Road, 3d Floor, Hong Kong, and Chiu Ming Ching, 504 Bank of East Asia Building, 10 Des Voeux Road, Central, Hong Kong, partners in Jih Hsin Trading Co.; N. G. Wu, also known as N. G. Ng, 901 Liu Chong Hing Bank Building, employee of Jih Hsin Trading Co.; Case No. 342.

By charging letter dated January 19, 1965, the Director, Investigations Division, Office of Export Control, Bureau of International Commerce, charged the above-named respondent with violations of the Export Control Act of 1949, as amended, and regulations thereunder. The respondent was served with the charging letter and has not responded or filed an answer and, in accordance with § 382.4 of the regulations, is held in default.

In accordance with the usual practice, the case was referred to the Compliance Commissioner. He held an informal hearing on March 30, 1965, at which time counsel for the Investigations Division presented evidence in support of the charges.

It was charged that during February 1964, the respondent exported or caused to be exported from Hong Kong to the Communist-controlled area of Vietnam 15 air conditioners valued at approximately $15,000, each of which contained a U.S.-manufactured compressor, and that the respondent knew or had reason to know that the air conditioners contained U.S. components and that U.S. law prohibited the exportation without prior authorization from the United States Government.

The Compliance Commissioner has reported the findings of fact and findings that violations have occurred and has recommended that sanctions as hereinafter set forth be imposed.

After considering the entire record and the report and recommendation of the Compliance Commissioner, I hereby make the following findings of fact:

(1) The respondent Jih Hsin Trading Co. is a partnership with a place of business in Hong Kong and is engaged in the import-export business. The partners are Li Siu Chow and Chiu Ming Ching, both of Hong Kong. Both of said individuals actively participate in the conduct and operations of the business. N. G. Wu, also known as N. G. Ng, of Hong Kong is the export manager of the firm and was the individual responsible for carrying out the transaction in question on behalf of the partnership.

(2) During February 1964, the respondent Jih Hsin Trading Co. exported from Hong Kong to the Communist-controlled area of Vietnam 15 air conditioners valued at approximately $15,000. Each of said air conditioners contained a compressor which had been manufactured in the United States and which had been exported to Hong Kong under a validated export license.

(3) At the time the air conditioners were exported from Hong Kong to the Communist-controlled area of Vietnam, the respondent know or had reason to know that they contained U.S.-manufactured parts and that U.S. law prohibited their exportation from Hong Kong to the destination to which they were sent. The respondent did not apply for or obtain authorization from the Office of Export Control to make the exportation in question.

Based on the foregoing I have concluded that the respondent in violation of § 381.6 of the U.S. Export Regulations, without specific authorization from the U.S. Department of Commerce, Office of Export Control, knowingly reexported and diverted U.S.-origin commodities from Hong Kong to Vietnam, contrary to the provisions of said regulations.

When N. G. Wu, the export manager of the respondent firm, was interviewed by officials of the U.S. Consulate General, Hong Kong, concerning the transaction, he contended that the reexportation was not subject to U.S. export controls inasmuch as the air conditioners were secondhand units. We reject this contention. It has consistently been our position, which is reflected in the Export Regulations, that U.S. export controls, as they relate to reexportations, are applicable to any and all commodities which were exported from the United States. It is immaterial whether the commodities which are intended to be reexported are new or used. It is also immaterial whether or not the reexporter was the original importer from the United States.

I have considered the record in the case and the recommendation of the Compliance Commissioner as to the sanction that should be imposed and have concluded that the said recommendation is fair and just and necessary to achieve effective enforcement of the law.

Accordingly, it is hereby ordered:

I. All outstanding validated export licenses in which respondent appears or participates in any manner or capacity are hereby revoked and shall be returned forthwith to the Bureau of International Commerce for cancellation.

II. Except as qualified in paragraph IV hereof, the respondent for a period of 5 years from the effective date of this order is hereby denied all privileges of participating, directly or indirectly, in any manner or capacity, in any transaction involving commodities or technical data exported from the United States in whole or in part, or to be exported, or which are otherwise subject to the export regulations. Without limitation of the generality of the foregoing, participation prohibited in any such transaction, either in the United States or abroad, shall include participation: (a) As a party or as a representative of a party to any validated export license application; (b) in the preparation or filing of any export license application or reexportation authorization, or document to be submitted therewith; (c) in the obtaining or using of any validated or general export license or other export control documents; (d) in the carrying on of negotiations with respect to, or in the receiving, ordering, buying, selling, delivering, storing, using, or disposing of any commodities or technical data; (e) in the financing, forwarding, transporting, or other servicing of such commodities or technical data.

III. Such denial of export privileges shall extend not only to the respondent, but also to its successors, representatives, agents, partners, and employees, and also to any person, firm, corporation, or other business organization with which it or its partners now or hereafter may be related by affiliation, ownership, control, position of responsibility, or other connection in the conduct of trade or services connected therewith.

IV. Two years after the effective date hereof the respondent may apply to have the effective denial of its export privileges held in abeyance while it remains on probation. Such application shall be supported by evidence showing respondent's compliance with the terms of this order and such disclosure of details of its activities relating to import and export transactions during said 2 years as may be necessary to determine its compliance with this order. The application will be considered on its merits and in the light of conditions and policies existing at that time. The respondent's privileges may be restored under such terms and conditions as appear to be appropriate.

V. During the time when the respondent or any other person within the scope of this order is prohibited from engaging in any activity within the scope of Part II hereof, no person, firm, corporation, partnership, or other business organization, whether in the United States or elsewhere, without prior disclosure to and specific authorization from the Bureau of International Commerce, shall do any of the following acts, directly or indirectly, in any manner or capacity, on behalf of or in any association with the respondent or other person denied export privileges within the scope of this order, or whereby the respondent or such other person may obtain any benefit therefrom or have any interest or participation therein, directly or indirectly: (a) Apply for, obtain transfer, or use any license, shipper's export declaration, bill of lading, or other export control document relating to any exportation, reexportation, transshipment, or diversion of any commodity or technical data exported or to be exported from the United States, by, to, or for the respondent or other person denied export privileges within the scope of this order; or (b) order, buy, receive, use, sell, deliver, store, dispose of, forward, transport, finance, or otherwise service or participate in any exportation, reexportation, transshipment, or diversion of any commodity or technical data exported or to be exported from the United States.

VI. Included within the purview of Part III of this order are Li Siu Chow and Chiu Ming Ching, partners in the respondent firm, and also N. G. Wu, also known as N. G. Ng, an employee of the respondent. All of the prohibitions and restrictions of this order shall apply to said individuals as though they were named as respondents herein.

This order shall become effective on May 4, 1965.

Dated: April 27, 1965.

FORREST D. HOCKERSMITH,
Director,
Office of Export Control.

[F.R. Doc. 65-4642; Filed, May 3, 1965; 8:46 a.m.]

Office of the Secretary

CARL W. HASEK, JR.

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests as reported in the FEDERAL REGISTER during the past six months:

A. Deletions—No change.
B. Additions—No change.

This statement is made as of April 9, 1965.

CARL W. HASEK, JR.

APRIL 9, 1965.

[F.R. Doc. 65-4663; Filed, May 3, 1965; 8:47 a.m.]

ATOMIC ENERGY COMMISSION

[Docket No. 50-16]

POWER REACTOR DEVELOPMENT CO.

Notice of Issuance of Order Extending Expiration Date of Provisional Operating License

Please take notice that the Atomic Energy Commission has issued an order extending to November 10, 1965, the expiration date specified in Provisional Operating License No. DPR-9 issued to Power Reactor Development Co. authorizing operation of the Enrico Fermi Atomic Power Plant located in Monroe County, Mich., at thermal power levels not in excess of one megawatt.

Copies of the Commission's order and the application dated April 7, 1965, filed by Power Reactor Development Co., are available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C.

Dated at Bethesda, Md., this 27th day of April 1965.

For the Atomic Energy Commission.

R. L. DOAN,
Director,
Division of Reactor Licensing.

[F.R. Doc. 65-4630; Filed, May 3, 1965; 8:45 a.m.]

CIVIL AERONAUTICS BOARD

[Docket No. 15283; Order E-22105]

INTERNATIONAL AIR TRANSPORT ASSOCIATION

Order Relating to Fares

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 29th day of April 1965.

Agreements adopted by the Traffic Conferences of the International Air Transport Association (IATA) relating to fares; Docket 15353, Agreement C.A.B. 18268,[1] Agreement C.A.B. 18269.[2]

There have been filed with the Board, pursuant to section 412(a) of the Federal Aviation Act and Part 261 of the Board's Economic Regulations, agreements between various air carriers, foreign air carriers, and other carriers embodied in the resolutions of the Traffic Conferences of the International Air Transport Association (IATA). The agreements were adopted by mail vote and have been assigned the above-designated C.A.B. agreement numbers.

The resolutions incorporated in the agreements which are of primary interest to the Board include those relating to passenger fares to apply via the Atlantic and South Pacific routes and via the Polar route. The resolutions are intended for effectiveness for the period April 27, 1965, through March 31, 1967, except those applicable to travel via the North Atlantic and via the Atlantic to points in the Far East which carry an expiry date of March 31, 1966.

With respect to South Pacific fares, the agreement provides for a reduction of normal one-way fares in amounts which, when coupled with a 5 percent round-trip discount, result in the maintenance of existing round-trip fares. Affinity type group fares are readopted, and an additional special fare resolution provides for 23-day economy-class excursion fares between Bora Bora Papeete and Honolulu and Bora Bora Papeete and West Coast points. The excursion fares are set at the same level as was heretofore applicable to nonaffinity group travel between these points and provide a reduction of about 25 percent from normal round-trip economy class fares.

With limited exceptions, the agreements provide for the readoption of existing transatlantic and polar route fares. The implementation of the North Atlantic agreement as binding upon the carriers is contingent upon approval of a worldwide proscription of in-flight visual entertainment which is being dealt with as a matter separate and apart from the fare resolutions here before the Board.[3]

Under the circumstances and in the interest of stability, we will approve the proposed continuation of existing North Atlantic fares. In doing so, we take particular note of the fact that the agreement is limited to a 1-year period. Notwithstanding the fact that we believe approval is warranted, we continue to believe that the adjustments previously urged by the Board, which would have had the effect of increasing the availability of the 14-21-day excursion fares and reducing the period during which peak economy fares apply, are still justified. We again urge the carriers to consider such adjustments in their negotiation of a subsequent fare agreement. Moreover, there appears to be a real need for appropriately priced excursion fares for travel from Europe to the United States to effect a better balance of traffic in these important markets. The carriers are urged to explore such matters promptly.

With particular reference to affinity group fares applicable via the Atlantic and in other areas, we note that an amendment would appear to subject military forces of a department of a national government to a 20,000 numerical limitation on the size of the department from which such groups could be drawn. The numerical standard is not new, but the military forces were heretofore exempted from the requirement by the terms of the resolutions. No data have been submitted by the carriers indicating a need to narrow the availability of the fares so as to subject the military to the 20,000 numerical limitation. Moreover, we would call the carriers' attention to the fact that the Board's outstanding approval of group fare resolutions is so conditioned as to render inapplicable in air transportation, as defined by the act,

[1] R-1, R-2, R-3, R-5 through R-8, R-10 through R-28.
[2] R-1, R-2, R-3, R-6 through R-11, R-14 through R-45.
[3] Order E-22049, Apr. 16, 1965.

various restrictive provisions, including the numerical limitations on affinity groups from which passengers may be drawn. These outstanding conditions are carried forward under the approval herein granted and preclude the numerical limitation proposed with respect to the military as well as other organizations.

We note that resolutions pertaining to polar route normal fares (058 and 068) as well as those establishing normal fares between points in the United States and points in the Far East via the Atlantic and thence via polar route services (057a and 067a) prohibit passengers travelling at the fares specified to stop over at a point in North America via the polar route: *Provided*, That stopovers may be permitted at Anchorage, Alaska, only, subject to certain conditions, including the following:

(1) This proviso shall apply only in the case of passengers travelling at normal fares;

(2) Passengers shall not be permitted to stop over at Anchorage for more than 3 days;

(3) No reference shall be made to this stopover facility in any advertising, publicity or announcement other than a simple statement to the effect that stopover at Anchorage only is permitted.

The Board considers these restrictions to be unduly restrictive. Approval of the resolutions is conditioned accordingly. In Order E–21869, the Board withdrew its outstanding approval of polar fare resolutions to the extent that they precluded stopovers in Alaska at the through fares. In doing so, the Board noted that the restrictive provisions were inconsistent with the Board's more recent action and intent in amending foreign carrier permits to authorize passenger stopover privileges in Alaska. At the same time, the Board alerted the carriers of its expectations that any subsequent limitations that might be agreed upon would be reasonable and not unduly restrictive. A stopover limited to 3 days in Alaska, as now proposed, with a restriction against advertising, would also be inconsistent with and serve to defeat the Board's intent in amending the foreign carrier permits. The general limitation of the stopover facility to normal fares as well as the specific restriction against stopovers in Alaska proposed under Resolution 084t (Special Fares for Inclusive Tour Groups—JT23) are also objectionable. The carriers have submitted no justification in support of the above-noted restrictions. Under these circumstances, we have no alternative but to find the provision to be unreasonable and unduly restrictive. Our approval herein specifies that these provisions shall not obtain with respect to stopovers in Alaska.[4] It is the Board's opinion that imposition of a stopover limitation on passengers travelling at normal fares goes beyond the appropriate purview of IATA. We have, in the past, permitted reasonable limitations on trip or stopover duration where travel is at reduced special fares, so as to maintain a sound economic operation and avoid undue diversion. In this context, however, we would view a 3-day limitation as unrealistic in relation to the long-haul nature of the travel involved. In any event, where free stopover privileges are an integral part of the basic fare structure, as has long been the case internationally, we believe their duration should be at the option of the passenger rather than the carrier.

1. The Board finds, on the basis of all facts presently known, that those resolutions set forth in Appendix A[5] and contained in Agreement C.A.B. 18269 do not affect air transportation within the meaning of the Act.

2. The Board does not find those resolutions set forth in Appendix B[5] and contained in Agreements C.A.B. 18268 and C.A.B. 18269 to be adverse to the public interest or in violation of the Act, provided that approval is subject to the conditions specified with respect to each.

3. The Board does not find those resolutions set forth in Appendix C[5] and contained in Agreements C.A.B. 18268 and C.A.B. 18269 to be adverse to the public interest or in violation of the Act.

Accordingly, it is ordered:

1. That jurisdiction is disclaimed with respect to that portion of Agreement C.A.B. 18269 set forth in finding paragraph 1.

2. That portion of Agreements C.A.B. 18268 and C.A.B. 18269 set forth in finding paragraph 2 is approved subject to the conditions stated therein.

3. That portion of Agreements C.A.B. 18268 and C.A.B. 18269 set forth in finding paragraph 3 is approved.

Any air carrier party to the agreements, or any interested person, may within 15 days from the date of service of this order, submit statements in writing containing reasons deemed appropriate, together with supporting data, in support of or in opposition to the Board's action herein. An original and nineteen copies of the statement should be filed with the Board's Docket Section. The Board may, upon consideration of any such statements filed, modify or rescind its action herein by subsequent order.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON, *Secretary.*

[F.R. Doc. 65-4657; Filed, May 3, 1965; 8:47 a.m.]

[Docket No. 16112; Order E-22106]

NORTHEAST AIRLINES, INC.

Order of Investigation and Suspension

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 29th day of April 1965.

Extension of family fares to all days of the week between Fort Lauderdale/Miami and all points served proposed by Northeast Airlines, Inc.; Docket 16112.

By tariff revisions[1] marked to become effective May 17, 1965, Northeast Airlines, Inc. (Northeast), proposes to extend the applicability of family fares to all days of the week at all times between Ft. Lauderdale or Miami, on the one hand, and all points served by Northeast, on the other hand. At the present time, family fares apply on Northeast's system on flights scheduled to depart not earlier than 6 a.m. Monday, and not later than 6 a.m. Friday. The proposal is marked to expire November 28, 1965. Similar tariff revisions have been filed defensively by Eastern Air Lines, Inc. (Eastern), and National Airlines, Inc. (National).

Complaints requesting investigation and suspension of Northeast's proposal have been filed by American Airlines, Inc. (American), Eastern, and National. The complaints allege that Northeast has presented no economic or statistical data in justification of its proposal; that the present form of family fares has achieved its main purpose, i.e., a more even distribution of traffic throughout the days of the week; that extension of the applicability of family fares would completely eliminate the traffic leveling effect of the plan and result in severe peaking problems, particularly in coach service; that Northeast itself has recognized the need for reducing daily traffic variations by recently reducing group fares in its East Coast–Florida markets on weekdays only; and that approval of Northeast's proposal will precipitate a chain of competitive filings throughout the trunkline industry, undermining the economic basis for the present family plan and resulting in large losses to the industry. Finally, the complaints maintain that the family fare level of stability now achieved in the industry should not be disrupted without a responsible, well-justified proposal. The complaints allege that Northeast's proposal does not meet these requirements, and therefore the Board should suspend and investigate the Northeast proposal.

Northeast's entire justification accompanying its proposal is as follows:

> NE is extending the applicability of its family plan fares to Florida for a limited period of time in order that NE's summer fares will offer maximum sales appeal to family groups.

Northeast has not submitted any factual data showing that its proposal is justified economically. The lack of adequate explanation and data supporting a tariff change is in violation of the Board's regulations.[3] The Board has previously voiced its concern with the serious questions of unjust discrimination as they may pertain to family fare discounts.[4]

[4] Since the transportation under Resolution 084t is between points in Europe and points in the Far East with our interest limited to the stopover in Alaska, our action should not be considered as general acceptance of the tour basing concept.

[5] Filed as part of the original document.

[1] Revisions to Airline Tariff Publishers, Inc., agent (formerly Agent C. O. Squire) Tariff No. 43, bearing a posting date of Apr. 2, 1965.

[2] Section 221.155 of the Board's Economic Regulations.

[3] Order E–20009, Oct. 16, 1963, wherein the Board instituted an overall investigation of the family plan tariff provisions (Docket 14813, the Family Fare Case).

The broadening of the scope of the family plan as proposed by Northeast to every day of the week reduces the justification for the inherent discrimination, namely, the traffic leveling effect. Moreover, we are concerned that the proposed family fare discount for weekend travel will dilute carrier revenues and precipitate additional uneconomic filings.

Upon consideration of the tariff proposal, the allegations in the complaints, and other matters noticed herein, the Board finds that the proposals to extend the applicability of family fares in the East Coast–Florida markets to every day of the week may be unjust or unreasonable, or unjustly discriminatory, or unduly preferential or prejudicial, and that the proposed tariff revisions should be investigated. Since we believe there is a substantial question that the proposed fares may be unjustly discriminatory as well as unreasonable, we have further concluded to suspend the effectiveness of the tariff revisions pending investigation.

Accordingly, pursuant to the Federal Aviation Act of 1958, and particularly sections 102, 204(a), 403, 404, and 1002: *It is ordered*, That:

1. An investigation is instituted to determine whether the provisions of Exception 1 to Rule 44(A) applicable via NE on 70th Revised Page 30–A; and the provisions of Exception 1 to Rule 44(A) applicable via NA and NE, and the provisions applicable via EA between Ft. Lauderdale or Miami and Boston, Hartford, Montreal, New York, Newark, and Philadelphia on 71st Revised Page 30–A; of Airline Tariff Publishers, Inc., agent, C.A.B. No. 43 and rules, regulations, or practices affecting such provisions are, or will be, unjust or unreasonable, unjustly discriminatory, unduly preferential, unduly prejudicial, or otherwise unlawful and if found to be unlawful to determine and prescribe the lawful provisions and rules, regulations, and practices affecting such provisions;

2. Pending hearing and decision by the Board, the provisions described in Ordering paragraph 1, are suspended (so far as applicable to interstate air transportation) to and including August 14, 1965, unless otherwise ordered by the Board and that no changes be made therein during the period of suspension except by order or special permission of the Board;

3. The proceeding ordered herein be assigned for hearing before an Examiner of the Board at a time and place hereafter to be designated;

4. The complaints of American Airlines, Inc., in Docket 16053, Eastern Air Lines, Inc., in Docket 16056, and National Airlines, Inc., in Docket 16050, to the extent granted, are consolidated in this Docket; and

5. A copy of this order be filed with the aforesaid tariff and be served upon American Airlines, Inc., Eastern Air Lines, Inc., National Airlines, Inc., and Northeast Airlines, Inc., which are made parties to this proceeding.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON, *Secretary.*

[F.R. Doc. 65-4658; Filed, May 3, 1965; 8:47 a.m.]

[Docket No. 12895 etc.]

UNITED STATES-CARIBBEAN-SOUTH AMERICA INVESTIGATION

Notice of Hearing

Notice is hereby given pursuant to the Federal Aviation Act of 1958, as amended, that a public hearing in the above-entitled proceeding is assigned to be held on May 25, 1965, at 10 a.m., e.d.s.t., in Room 726, Universal Building, 1825 Connecticut Avenue NW., Washington, D.C., before Examiner William F. Cusick.

Without limiting the scope of the issues to be considered, particular attention will be directed to the following matters:

1. Whether the public convenience and necessity require the Board to take specific action with respect to the issues raised by the Board's investigation in Docket 12895, as outlined in the several orders relating to the investigation, particularly Order Nos. E–17289, E–17932, E–18007, E–18729, E–19792, E–20403, E–20777, and E–21063.

2. Whether the public interest requires, as contemplated in section 401(g) of the act, the alteration, amendment, modification or suspension, in whole or in part, of any existing certificate of public convenience and necessity issued pursuant to section 401 of the act, authorizing air transportation between points in the United States, the Caribbean area and South America.

3. Whether the public convenience and necessity require the new or additional air transportation service, in whole or in part, as proposed in the applications consolidated for disposition herein.

For further details of this proceeding and the issues involved, interested persons are referred to the first Prehearing Conference Report, served on June 12, 1962; the Second Prehearing Conference Report, served on June 11, 1964; the Supplement to Second Prehearing Conference Report, served on July 20, 1964; the applications consolidated herein; all Board orders issued in connection with the proceeding and all other documents related thereto on file with the Docket Section of the Civil Aeronautics Board.

Notice is further given that any person not a party of record and who desires to be heard in support of, or in opposition to, the issues involved herein, must file with the Board on or before May 24, 1965, a statement setting forth the matters of fact or law which he desires to advance. Any person filing such a statement may appear and participate in the proceeding in accordance with the provisions of Rule 14(b) of the Board's Rules of Practice in Economic Proceedings.

Dated at Washington, D.C., April 28, 1965.

[SEAL] WILLIAM F. CUSICK, *Hearing Examiner.*

[F.R. Doc. 65-4660; Filed, May 3, 1965; 8:47 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket Nos. 15932, 15933; FCC 65M-534]

ASSOCIATED TELEVISION CORP. AND CAPITOL CITY TELEVISION CO.

Order Continuing Hearing

In re applications of Associated Television Corp., St. Paul, Minn., Docket No. 15932, File No. BPCT–3318; Dell O. Gustafson, trading as Capitol City Television Co., St. Paul, Minn., Docket No. 15933, File No. BPCT–3428; for construction permit for new television broadcast station (Channel 23).

The Examiner having under consideration the prehearing conference held herein on April 28, 1965, and the agreements and stipulations therein achieved;

It is ordered, This 28th day of April 1965, that the agreements and stipulations contained in the transcript of hearing conference shall govern the conduct of this proceeding and are herein incorporated as though set forth at length; and

It is further ordered, Without limitation as to the matters agreed to in the transcript, that the following timetable shall apply herein:

All exhibits with respect to direct case shall be exchanged on or before June 15, 1965.

Notification as to the identity of witnesses desired at the hearing for cross-examination shall be exchanged on or before June 28, 1965.

The hearing herein shall commence on July 13, 1965, in lieu of June 30, 1965, at the time and place specified in the original hearing order.

Released: April 29, 1965.

FEDERAL COMMUNICATIONS COMMISSION,

[SEAL] BEN F. WAPLE, *Secretary.*

[F.R. Doc. 65-4648; Filed, May 3, 1965; 8:47 a.m.]

[Docket No. 15962; FCC 65-303]

WILLIAM S. HOGIN

Order Designating Application for Hearing on Stated Issues

In re application of William S. Hogin, Phoenix, Ariz., Docket No. 15962; for renewal of General Class amateur operator and station license, call sign K7DHF.

At a session of the Federal Communications Commission, held at its offices in Washington, D.C., on the 21st day of April 1965;

The Commission having under consideration the application of William S. Hogin, 3043 North 56th Street, Phoenix,

Arts., for renewal of his General Class amateur operator and station license, K7DHF, filed on July 9, 1964, pursuant to § 97.47 of the Commission's rules; and

It appearing that William S. Hogin formerly held a General Class amateur operator and station license, K7DHF, which expired on May 18, 1964; and

It further appearing, that on January 17, 1964, William S. Hogin, in attempting to obtain a second General Class amateur operator and station license violated § 97.129 of the Commission's rules, and Title 18, Section 1001 of the U.S. Code; in that he used the alias of Bill X. Hogin and gave a false birth date without disclosing that he already held a valid General Class amateur operator and station license, K7DHF; and

It further appearing, that, except for the facts set forth above, the applicant is legally and technically qualified to hold the license for which the captioned application has been made; and

It further appearing, that in view of the foregoing, the Commission is unable to find that the public interest, convenience and necessity would be served by the grant of the captioned application;

It is ordered, Pursuant to sections 309(e) and 303(1) of the Communications Act of 1934, as amended, that the captioned application is designated for hearing, at a time and place to be specified by subsequent order, upon the following issues:

1. To determine the facts and circumstances concerning the filing of an application for a General Class amateur radio operator and station license in the name of Bill X. Hogin on January 17, 1964, particularly with regard to the answers to the following items on the application form: name of applicant, date of birth, and current call sign, if presently licensed.

2. To determine whether the answers to the items on the application as set forth in the first issue were falsely stated by the applicant William S. Hogin.

3. To determine whether the applicant possesses the requisite qualifications to be, and may be relied upon to carry out his responsibilities as, a General Class amateur radio operator and station licensee.

4. To determine whether, in the light of the evidence adduced under the foregoing issues, the public interest, convenience and necessity would be served by the grant of the captioned application.

It is further ordered, That, the burden of proceeding with the introduction of evidence and the burden of proof on all issues shall be on the applicant; and

It is further ordered, That to avail himself of the opportunity to be heard, the applicant, in person or by his attorney, shall within 20 days of the mailing of this order, file with the Commission, in triplicate, a written appearance stating that he will appear on the date fixed for hearing and present evidence on the issues specified in this order.

Released: April 29, 1965.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 65-4649; Filed, May 3, 1965; 8:47 a.m.]

[Docket No. 15586; FCC 65R-232]

NAUGATUCK VALLEY SERVICE, INC. (WOWW)

Order Continuing Hearing

In re application of Naugatuck Valley Service, Inc. (WOWW), Naugatuck, Conn., Docket No. 15658, File No. BP-14829; for construction permit.

Under consideration is a motion to postpone hearing filed by Naugatuck Valley Service, Inc. (WOWW), on April 27, 1965; and

It appearing that cause for the motion is bottomed on need for additional time by Naugatuck's engineering consultant to effect satisfactory design for a directional array; and

It further appearing that all parties to the proceeding have consented to immediate consideration and grant of the motion;

It is ordered, This 28th day of April 1965, that the subject motion is granted and that hearing herein, presently scheduled for April 29, 1965, is continued to 10 a.m., May 27, 1965.

Released: April 28, 1965.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 65-4650; Filed, May 3, 1965; 8:47 a.m.]

[Docket No. 15213, etc.; FCC 65M-535]

UNITED ARTISTS BROADCASTING, INC., ET AL.

Memorandum Opinion and Order Continuing Hearing

In re application of United Artists Broadcasting, Inc., Houston, Tex., Docket No. 15213, File No. BPCT-3166; for construction permit for new television broadcast station.

In re applications of Integrated Communication Systems, Inc. of Massachusetts, Boston, Mass., Docket No. 15323, File No. BPCT-3167; United Artists Broadcasting, Inc., Boston, Mass., Docket No. 15324, File No. BPCT-3169; for construction permits for new television broadcast stations.

In re applications of United Artists Broadcasting, Inc., Lorain, Ohio, Docket No. 15248, File No. BPCT-3168; Ohio Radio, Inc., Lorain, Ohio, Docket No. 15626, File No. BPCT-3348; for construction permits for new television broadcast stations.

1. Motion was filed April 21, 1965, on behalf of United Artists Broadcasting, Inc., briefly to defer the existing May 3 date for further hearing on certain issues going to the qualifications of United Artists and common to all of these proceedings. Demand for more evidence on these issues having been made by the Commission's Broadcast Bureau, United Artists is in the process of preparing additional material, hopefully to narrow the areas of difference.

2. The likelihood of saving substantial hearing time for granting a brief postponement of the hearing schedule is enough to carry the motion. The circumstance that unresolved pleadings are now otherwise pending to eliminate competition for the channels in the proceedings here in Lorain and Boston is at this point in the history of these cases of no weight in measuring the wisdom of rescheduling hearing dates on the special issues relating to United Artists.

Accordingly, it is ordered, This 28th day of April 1965, that the motion on behalf of United Artists Broadcasting, Inc., is granted and that the following new schedule will govern the further conduct of these proceedings:

May 24, 1965—This is the new date, and at 10 a.m. in Washington, D.C., in place of May 3 for further hearing in these proceedings. On May 24 it is expected that consideration will be given at the outset to the admissibility of such written material as will be relied upon by United Artists Broadcasting in support of its burden, this phase of the proceeding to be followed immediately by the examination of any witnesses to be offered or required to be produced.

May 14, 1965—On or before this date, United Artists Broadcasting will deliver to all other parties in these proceedings such additional material as it expects to rely upon in proving its qualifications under the specified issues.

May 20, 1965—All prior requests by any party for United Artists Broadcasting to produce witnesses for examination are cancelled. Any party hereafter desiring the production of witnesses for cross-examination on the direct case on the specified issues against United Artists Broadcasting must so notify that applicant on or before this new date of May 20, 1965.

Released: April 29, 1965.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 65-4651; Filed, May 3, 1965; 8:47 a.m.]

[Docket Nos. 14308, 14228; FCC 65M-529]

WMOZ, INC., AND EDWIN H. ESTES

Statement and Order After Further Prehearing Conference

In re application of WMOZ, Inc., Mobile, Ala., Docket No. 15208, File No. BR-2797; for renewal of license of Station WMOZ, Mobile, Ala.; revocation of license of Edwin H. Estes for Standard Broadcast Station WPFA, Pensacola, Fla., Docket No. 14228.

At today's conference, the Hearing Examiner, over objection by counsel for applicant-respondent, directed that: The hearing previously scheduled for June 15 be advanced to June 1, 1965.

A further prehearing conference will be held, as already scheduled, on May 14, 1965, at 9 a.m.

So ordered, This 27th day of April 1965.

Released: April 28, 1965.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 65-4652; Filed, May 3, 1965; 8:47 a.m.]

FEDERAL POWER COMMISSION

[Project No. 2496]

EUGENE, OREGON

Notice of Application for License for Constructed Project

APRIL 27, 1965.

Public notice is hereby given that application has been filed under the Federal Power Act (16 U.S.C. 791a–825r) by City of Eugene, acting by and through its Eugene Water & Electric Board (correspondence to: Byron Price, Superintendent, Eugene Water & Electric Board, Post Office Box 1112, Eugene, Oreg.), for a license for constructed Project No. 2496, known as the Leaburg Project, located on the McKenzie River, a major tributary of the Willamette River, in Lane County, Oreg.

The constructed project consists of: (1) A reinforced concrete and steel dam, approximately 450 feet long and 20 feet high, equipped with three 100 x 9 foot roller gates with sluiceway and intake gates partially diverting the McKenzie River into; (2) Leaburg canal which extends 5 miles to; (3) a small forebay; (4) two penstocks of reinforced concrete pipe 8 feet in diameter and 250 feet long leading to; (5) Leaburg reinforced concrete powerhouse containing two generating units of 7,500 kva and 9,375 kva capacity, respectively; (6) Leaburg substation (six 2,500 kva transformers, 12/69 kv); (7) Leaburg 15.5-mile transmission line to the Currin substation; and (8) recreational facilities.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C., 20426, in accordance with the rules of practice and procedure of the Commission (18 CFR 1.8 or 1.10). The last day upon which protests or petitions may be filed is June 10, 1965. The application is on file with the Commission for public inspection.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 65-4634; Filed, May 3, 1965; 8:45 a.m.]

[Docket No. CP64-211 etc.]

EL PASO NATURAL GAS CO. ET AL.

Notice of Applications, Amendments to Applications, Consolidating Proceedings and Postponing Date of Hearing

APRIL 27, 1965.

El Paso Natural Gas Co., Docket No. CP64-211; Socony Mobil Oil Co., Docket No. CI62-825; Phillips Petroleum Co., Docket No. CI64-719; The Pure Oil Co., Docket No. CI64-1085; The Atlantic Refining Co., Docket No. CI64-1130; Gulf Oil Corp., Docket No. CI64-1153; Skelly Oil Co., Docket No. CI64-1225; Midwest Oil Corp., Docket No. CI64-1429; Dalco Oil Co., Docket No. CI64-1442; W. Watson LaForce, Docket No. CI65-61; George T. Abell, Docket No. CI65-876; M. B. Rudman, et al., Docket No. CI65-930.

Take notice that on March 8, 1965, George T. Abell and on March 22, 1965, M. B. Rudman, et al. filed applications in Docket Nos. CI65-876 and CI65-930 pursuant to section 7 of the Natural Gas Act for authorization to sell to El Paso Natural Gas Co. (El Paso) for resale in interstate commerce natural gas produced in Texas Railroad District No. 8, Delaware Basin Area, Gomez Unit, Pecos County, Tex. at an initial rate of 16.70925 cents Mcf of natural gas at 14.65 p.s.i.a., inclusive of tax reimbursement, all as is more fully set forth in the respective applications which are on file with the Commission and open to public inspection. Correspondingly, applications in each of the above-listed dockets, with the exception of the applications in Docket Nos. CI65-876 and CI65-930 were most recently noticed and consolidated for a May 11, 1965, formal hearing by notice of March 2, 1965 in El Paso Natural Gas Co., et al., Docket No. CP64-211, et al., 30 F.R. 3276 (1965) (published March 10, 1965) and concern similar sales of natural gas to El Paso together with an application by El Paso so to construct and operate facilities to purchase and transport this natural gas. The related applications therefore of George T. Abell in Docket No. CI65-876 and M. G. Rudman, et al., in Docket No. CI65-930 should be heard on a consolidated record and are hereby and herein consolidated for hearing.

Take further notice that each of the following-listed producer applicants in the indicated dockets, whose applications were previously noticed and consolidated in these proceedings, by the aforementioned notice of March 2, 1965, at initial rates of 15.70925 cents per Mcf of natural gas inclusive of tax reimbursement, have subsequently filed amendments to their applications to propose an initial rate of 16.72275 cents per Mcf of natural gas inclusive of tax reimbursement at 14.65 p.s.i.a.:

Applicant	Docket No.	Date of amendment
Phillips Petroleum Co.	CI64-719	Mar. 15, 1965
The Pure Oil Co.	CI64-1085	Mar. 11, 1965
Gulf Oil Corp.	CI64-1153	Mar. 17, 1965
Skelly Oil Co.	CI64-1225	Do.
Dalco Oil Co.	CI64-1442	Apr. 5, 1965
W. Watson LaForce	CI65-61	Apr. 16, 1965

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C., 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before May 25, 1965. Those persons who have on file in these proceedings notices of or petitions to intervene in these previously consolidated proceedings not yet acted upon by the Commission will be considered as having filed petitions to or notices of intervention in all the matters in these presently consolidated proceedings. Those persons therefore, need not refile for intervention in the additional and individual dockets consolidated by this notice unless they desire to do so.

On March 30, 1965, Gulf Pacific Pipeline Co. filed a motion, subsequently served on all parties on April 9, 1965, in El Paso Natural Gas Co.'s application in Docket No. CP64-211 in these proceedings to rescind temporary certificate and to dismiss application. El Paso on April 9, 1965, Phillips Petroleum Co. on April 13, 1965, Gulf Oil Corp. on April 16, 1965, Dalco Oil Co. on April 19, 1965, the Pure Oil Co. on April 20, 1965, and Skelly Oil Co. on April 23, 1965, filed answers in opposition thereto.

In view of this notice of the aforementioned material amendments to the applications previously consolidated in these proceedings and the additional applications hereby noticed and consolidated and in order to afford the Commission sufficient opportunity to consider the aforementioned motion and answers, notice is hereby given that the hearing presently scheduled for May 11, 1965, is postponed until further notice.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 65-4626; Filed, May 3, 1965; 8:45 a.m.]

[Project No. 2509]

NORTHERN VIRGINIA POWER CO.

Notice of Application for License for Constructed Project

APRIL 27, 1965.

Public notice is hereby given that application has been filed under the Federal Power Act (16 U.S.C. 791a–825r) by Northern Virginia Power Co. (correspondence to: Carroll E. Summers, Secretary, Northern Virginia Power Co., 200 East Patrick Street, Frederick, Md.) for a license for constructed Project No. 2509, known as the Shenandoah Hydro Station, located on the South Fork of the Shenandoah River, in Page County, Va.

The existing project consists of: A reinforced concrete gravity type dam about 495 feet long and 15 feet high which develops a 12-foot head; a reinforced concrete and brick powerhouse containing three 250 kw vertically-driven generators direct-connected to three 434 hp turbines and one 112 kw vertically-driven generator direct-connected to one 193 hp turbine; and all appurtenant electrical and mechanical facilities.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C., 20426, in accordance with the rules of practice and procedure of the Commission (18 CFR 1.8 or 1.10). The last day upon which protests or petitions may be filed is June 10, 1965. The application is on file with the Commission for public inspection.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 65-4627; Filed, May 3, 1965; 8:45 a.m.]

[Project No. 2082]

PACIFIC POWER & LIGHT CO.

Notice of Application for Amendment of License

APRIL 27, 1965.

Public notice is hereby given that application has been filed under the Federal Power Act (16 U.S.C. 791a–825r) by Pacific Power & Light Co. (correspondence to: E. Robert deLuccia, Vice President and Chief Engineer, Pacific Power & Light Co., Public Service Building,

Portland 4, Oreg.), for amendment of its license for Project No. 2082 situated

Docket No. G-17366; David A. Schlach-

authorization sought herein, and upon

Portland 4, Oreg.), for amendment of its license for Project No. 2082, situated on the Klamath and Link Rivers, in Siskiyou County, Calif., and Klamath County, Oreg.

The application seeks authorization to construct the Keno Development, located entirely in Oregon, as part of Project No. 2082. The existing Keno Dam which is part of Project No. 2082 would be replaced by the proposed dam without changing the operating levels of the pool. The Keno Development is proposed to be constructed in two stages, and authorization for both stages is requested in the application for amendment. The first stage consisting of the dam and channel improvements is planned for construction in 1965. The second stage consisting of the powerplant and appurtenant facilities is proposed for construction commencing in July of 1971. The detailed construction plans of the second stage have not been completed.

The first stage of construction of the Keno Development would consist of: (1) A low gated concrete diversion dam on the Klamath River at about mile 235 with top pool elevation of 4,084.7 feet m.s.l.; (2) channel improvement in Klamath River from about mile 235 to mile 236, and removal of the existing dam; (3) channel improvement in Klamath River from about mile 236 to mile 251; and (4) channel improvement in Link River. The work described in items (1), (2), and (4) would commence in July 1965 and item (3) would commence in April 1966. The second stage of construction of the Keno development would consist of an intake structure, power conduit about 22,500 feet in length with capacity for 5,000 cfs, penstock, and outdoor powerhouse located at about mile 229 with 2 generating units rated at 50,000 kw each (75,000 horsepower turbines) discharging into the pool of the John C. Boyle Development of the project.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C., 20426, in accordance with the rules of practice and procedure of the Commission (18 CFR 1.8 or 1.10). The last day upon which protests or petitions may be filed is June 14, 1965. The application is on file with the Commission for public inspection.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 65-4628; Filed, May 3, 1965; 8:45 a.m.]

[Docket No. G-16982 etc.]

DAVID A. SCHLACHTER ET AL.

Findings and Order After Statutory Hearing Permitting and Approving Abandonment of Service, Terminating Certificate, Accepting Supplement to FPC Gas Rate Schedule for Filing, Accepting Offer of Settlement, Severing Proceeding, and Terminating Proceeding

APRIL 27, 1965.

David A. Schlachter, et al., Docket No. G-16982; David A. Schlachter, et al., Docket No. G-17366; David A. Schlachter, et al., Docket No. CI62-914; Area Rate Proceeding (Texas Gulf Coast Area), Docket No. AR64-2, et al.

On February 8, 1963, David A. Schlachter, et al. (Applicant) filed in Docket No. CI62-914 an application pursuant to section 7(b) of the Natural Gas Act for permission and approval to abandon due to depletion the sale of natural gas to Tennessee Gas Transmission Co. (TGT) from the Watson Lease, Morales Field, Jackson County, Tex., heretofore authorized in Docket No. G-16982 and made pursuant to Applicant's FPC Gas Rate Schedule No. 1, all as more fully set forth in the application.

Concurrently with the subject application Applicant filed a notice of cancellation of his related rate schedule.

On December 24, 1964, Applicant filed in Docket No. G-17366[1] an Offer of Settlement pursuant to § 1.18(e) of the Commission's rules of practice and procedure. The proceeding in Docket No. G-17366 relates to the subject sale of natural gas under Applicant's FPC Gas Rate Schedule No. 1 to TGT. Applicant had filed a proposed rate increase for such sale from 10.80891 cents to 15.11402 cents per Mcf at 14.65 p.s.i.a. which was suspended by order of the Commission and made effective by Applicant, subject to refund, on June 1, 1959.

In his offer, Applicant proposes a settlement rate of 14.0 cents per Mcf, with refunds of 25 percent of the amounts charged and collected subject to refund above the proposed settlement rate during the years 1959 and 1960, and 70 percent of the amount collected subject to refund above the settlement rate during the year 1961 until such time as deliveries to TGT ceased because of depletion. The estimated total dollars to be refunded approximates $1,754, exclusive of the applicable interest. Under the terms of a Commission order approving a TGT rate settlement agreement, TGT is required to flow through the jurisdictional portion of the proposed refund to its jurisdictional customers. No protests or objections have been filed to Applicant's offer.

The proposed settlement is consistent with our action in approving settlement offers in Jack W. Grigsby (Operator), et al., Docket Nos. RI61-96 and RI62-536 (order issued August 6, 1964) and K-B Compression Co., Inc. (Operator), Docket No. RI60-247 (order issued September 4, 1964), and with the provisions of the Commission's Statement of General Policy No. 61-1, issued September 28, 1960 (24 FPC 318), as amended. Therefore, its acceptance would serve the public interest.

After due notice no petition to intervene, notice of intervention, or protest to the granting of the application has been received.

At a hearing held on April 15, 1965, the Commission on its own motion received and made part of the record in this proceeding all evidence, including the application, submitted in support of the authorization sought herein, and upon consideration of the record,

The Commission finds:

(1) Applicant, David A. Schlachter, et al., is a "natural-gas company" within the meaning of the Natural Gas Act as heretofore found by the Commission.

(2) The abandonment of the sale of natural gas by Applicant, as hereinbefore described and as more fully described in the application in this proceeding, is subject to the requirements of subsection (b) of section 7 of the Natural Gas Act.

(3) The abandonment proposed by Applicant is permitted by the public convenience and necessity, and an order approving same should be issued as hereinafter ordered.

(4) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act that the certificate of public convenience and necessity heretofore issued in Docket No. G-16982 should be terminated.

(5) The proposed settlement of the proceeding in Docket No. G-17366, on the basis described herein, as set forth in the offer of settlement filed with the Commission by Applicant on December 24, 1964, is in the public interest and appropriate to carry out the provisions of the Natural Gas Act and should be approved and made effective as hereinafter ordered.

The Commission orders:

(A) Permission for and approval of the abandonment by Applicant, as hereinbefore described and as more fully described in the application in this proceeding, be and the same are hereby granted.

(B) The certificate of public convenience and necessity heretofore issued in Docket No. G-16982 be and the same is hereby terminated.

(C) The Notice of Cancellation dated January 15, 1962, be and the same is hereby accepted for filing effective the date of this order and is designated as Supplement No. 7 to David A. Schlachter, et al., FPC Gas Rate Schedule No. 1.

(D) The offer of settlement filed with the Commission by Applicant on December 24, 1964, is hereby approved in accordance with the provisions of this order.

(E) Applicant shall compute the difference between the rate collected subject to refund and the settlement rate from June 1, 1959, to the date of cessation of deliveries to TGT, with applicable interest computed to December 31, 1964, in accordance with the percentages set forth in Applicant's offer of settlement, and shall refund such amount to TGT. Applicant shall report to the Commission in writing, within 30 days from the date of issuance of this order, the amount of such refund, showing separately the amount of principal and interest, and the basis for determination thereof, together with a copy of a release from TGT with respect to such refunds.

(F) Upon compliance by Applicant with all the terms and provisions of this order, Docket No. G-17366 shall be deemed severed from the consolidated area rate proceeding in Docket No. AR 64-2, and the proceeding in Docket No. G-17366 shall be terminated, all without further order of this Commission.

By the Commission.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 65-4629; Filed, May 3, 1965; 8:45 a.m.]

[1] Consolidated with Docket No. AR64-2, et al.

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATION FOR RELIEF

APRIL 29, 1965.

Protests to the granting of an application must be prepared in accordance with Rule 1.40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 39738—*Glycols from and to Longview, Tex.* Filed by Southwestern Freight Bureau, agent (No. B-8720), for interested rail carriers. Rates on ethylene glycol and diethylene glycol, also ethylene glycol, used or recovered suitable only for refinings, in tank carloads, from Longview, Tex., to Kingsport, Tenn., and from Kingsport, Tenn., to Longview, Tex.

Grounds for relief—Market competition.

Tariff—Supplement 331 to Southwestern Freight Bureau, agent, tariff I.C.C. 4064.

By the Commission.

BERTHA F. ARMES,
Acting Secretary.

[F.R. Doc. 65-4640; Filed, May 3, 1965; 8:46 a.m.]

[Notice 1165]

MOTOR CARRIER TRANSFER PROCEEDINGS

APRIL 29, 1965.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 179), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC-67650. By order of April 28, 1965, the Transfer Board approved the transfer to Container Transit, Inc., Milwaukee, Wis., of Certificates Nos. MC-118989 (Sub-No. 1) and MC-118989 (Sub-No. 2), issued May 13, 1960, and June 2, 1964, respectively, in the name of Nashban Barrel & Container Co., Inc., Milwaukee, Wis., authorizing the transportation of used and reconditioned steel drums, between Milwaukee, Wis., and Chicago, Ill., and empty new steel drums, between Milwaukee, Wis., and Chicago, Ill. Richard A. Heilprin, Post Office Box 941, 222 South Hamilton Street, Madison, Wis., 53701, attorney for applicants.

No. MC-FC-67661. By order of April 26, 1965, the Transfer Board approved the transfer to Orme Transfer, Inc., Juneau, Alaska, of Certificate in No. MC-123313, issued December 24, 1963, to Jessie Orme, doing business as Orme Transfer Co., Juneau, Alaska, authorizing the transportation of: General commodities, excluding commodities in bulk and other specified commodities, between points within 25 miles of Juneau, Alaska, including Juneau. N. C. Banfield, P. O. Box 1121, Juneau, Alaska, attorney for transferor. James Bradley, Post Office Box 1211, Juneau, Alaska, attorney for transferee.

[SEAL] BERTHA F. ARMES,
Acting Secretary.

[F.R. Doc. 65-4641; Filed, May 3, 1965; 8:46 a.m.]

CUMULATIVE LIST OF CFR PARTS AFFECTED—MAY

The following numerical guide is a list of the parts of each title of the Code of Federal Regulations affected by documents published to date during May.

5 CFR	Page
213	6215
7 CFR	
54	6207
55	6141, 6207
56	6207
70	6207
81	6207
210	6207
717	6144
724	6144, 6146, 6207
908	6148
910	6148
PROPOSED RULES:	
1040	6163
1042	6163
12 CFR	
12	6160
14 CFR	
39	6150
71	6150, 6215
75	6150
97	6151
14 CFR—Continued	Page
PROPOSED RULES:	
39	6188
67	6188
71	6189, 6225
19 CFR	
10	6149
21 CFR	
121	6215
26 CFR	
1	6216
250	6217
PROPOSED RULES:	
1	6222
31	6222
301	6222
29 CFR	
604	6218
606	6218
PROPOSED RULES:	
657	6224
697	6225
32 CFR	Page
163	6161
33 CFR	
203	6161
207	6161
36 CFR	
311	6161
47 CFR	
2	6219
PROPOSED RULES:	
2	6226
49 CFR	
95	6220
141	6162
50 CFR	
60	6149
PROPOSED RULES:	
32	6224

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Pages 6237–6324

Agencies in this issue—

Agricultural Research Service
Agricultural Stabilization and Conservation Service
Atomic Energy Commission
Civil Aeronautics Board
Civil Service Commission
Coast Guard
Commerce Department
Commodity Credit Corporation
Consumer and Marketing Service
Federal Aviation Agency
Federal Communications Commission
Federal Maritime Commission
Federal Power Commission
Federal Reserve System
Federal Trade Commission
Food and Drug Administration
Housing and Home Finance Agency
Interstate Commerce Commission
Labor Department
Land Management Bureau
Securities and Exchange Commission
Treasury Department
Wage and Hour Division

Detailed list of Contents appears inside.



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Contents

AGRICULTURAL RESEARCH SERVICE

Rules and Regulations

Domestic quarantine notices:
- European chafer ... 6243
- Exemption of certain articles from specified requirements ... 6245

AGRICULTURAL STABILIZATION AND CONSERVATION SERVICE

Rules and Regulations

Payments due persons who have died, disappeared, or have been declared incompetent ... 6246

Wages; failure to pay in full:
- Sugarbeets ... 6247
- Sugarcane:
  - Florida ... 6248
  - Louisiana ... 6248

AGRICULTURE DEPARTMENT

See Agricultural Research Service; Agricultural Stabilization and Conservation Service; Commodity Credit Corporation; Consumer and Marketing Service.

ATOMIC ENERGY COMMISSION

Notices

First Atomic Ship Transport, Inc.; hearing on license application ... 6283

Massachusetts Institute of Technology, issuance of facility license amendment ... 6283

CIVIL AERONAUTICS BOARD

Notices

Visual in-flight entertainment; oral argument ... 6284

Westbound specific commodity rates; postponement of hearing ... 6284

CIVIL SERVICE COMMISSION

Rules and Regulations

Excepted service:
- Labor Department ... 6241
- State Department ... 6241

COAST GUARD

Notices

James River closed to navigation during firing of catapults aboard "USS Enterprise" ... 6277

COMMERCE DEPARTMENT

Notices

Nondiscrimination in programs and activities ... 6281

Office of Administration for Domestic and International Business ... 6280

COMMODITY CREDIT CORPORATION

Rules and Regulations

Sales of agricultural commodities under CCC Export Credit Sales Program (GSM-3) ... 6249

CONSUMER AND MARKETING SERVICE

Proposed Rule Making

Cherries in certain States, handling; decision and referendum ... 6255

Upland cotton, American; new standards ... 6255

Notices

Food Stamp Program; effective date ... 6280

FEDERAL AVIATION AGENCY

Rules and Regulations

Alaskan distant early warning identification zone; alteration ... 6242

Federal airways, jet routes, and low altitude reporting points; corrections ... 6241

Jet route; designation ... 6242

Restricted area; alteration ... 6242

Proposed Rule Making

Airworthiness directive; Boeing Model 727 Series aircraft ... 6274

Notices

Determination of hazard to air navigation:
- Rowley United Theatres, Inc. ... 6286
- Systems, Inc. ... 6286

Determination of no hazard to air navigation:
- Chicago Sky Tower Corp. ... 6284
- Janson Industries ... 6285
- Joseph B. Simon, Inc. ... 6286
- Walter L. Follmer, Inc. ... 6285
- Western Broadcasting Corp. ... 6287

FEDERAL COMMUNICATIONS COMMISSION

Rules and Regulations

Organization; Office of Executive Director ... 6250

Radio frequency devices; radiation interference limits ... 6250

Table of assignments; FM broadcast stations ... 6251

Proposed Rule Making

Table of assignments; FM broadcast stations:
- Gretna and Danville, Va. ... 6274
- Washington and Oregon; extending time to file comments ... 6275

Notices

Hearings, etc.:
- Dixie Broadcasting Co., Inc., and Tupelo Broadcasting Co., Inc ... 6287
- Hogin, William S. ... 6287
- Kentown Speedway and Hobbies (2 documents) ... 6288
- Morgan Broadcasting Co. and Dick Broadcasting Company, Inc., of Tennessee (2 documents) ... 6288, 6289
- Radio Phone Communications, Inc., and American Radio-Telephone Service Inc. ... 6289
- Regional Broadcasting Corp. and Evergreen Enterprises, Inc ... 6292
- Selma Television Inc. (WSLA-TV) ... 6292

FEDERAL MARITIME COMMISSION

Notices

Cunard Steam-Ship Co., Ltd., et al.; agreement filed for approval ... 6299

FEDERAL POWER COMMISSION

Notices

Hearings, etc.:
- Algonquin Gas Transmission Co ... 6292
- Amerada Petroleum Corp. et al. ... 6298
- Carnegie Natural Gas Co. ... 6294
- Cities Service Gas Co. ... 6294
- CRA, Inc. et al. ... 6293
- El Paso Natural Gas Co. ... 6295
- Gulf Oil Corp. ... 6295
- Louisiana Nevada Transit Co. ... 6296
- Natural Gas Pipeline Company of America ... 6296
- Northern Natural Gas Co. ... 6296
- Southwest Gas Corp. ... 6297
- Texas Eastern Transmission Corp. ... 6297
- Transwestern Pipeline Co. ... 6297
- United Gas Pipe Line Co. ... 6297

FEDERAL RESERVE SYSTEM

Proposed Rule Making

Information, submittals and requests; rules of procedure ... 6275

FEDERAL TRADE COMMISSION

Proposed Rule Making

Textile fiber products identification; generic names; further opportunity to present views ... 6275

FOOD AND DRUG ADMINISTRATION

Notices

Establishment of temporary tolerances:
- Phosphamidon ... 6282
- Toluene-alpha, alpha-dithiol bis (*O,O* dimethyl phosphorodithioate) ... 6282

Filing of petitions for food additives:
- Bioferm Division, International Minerals & Chemical Corp. ... 6282
- Dr. Salsbury's Laboratories ... 6283

(Continued on next page)

HEALTH, EDUCATION, AND

Motor carrier, intrastate applica-

CONTENTS

HEALTH, EDUCATION, AND WELFARE DEPARTMENT
See Food and Drug Administration.

HOUSING AND HOME FINANCE AGENCY
Notices
Regional Director of Community Facilities, Region VII (Puerto Rico and Virgin Islands); delegation of authority 6300

INTERIOR DEPARTMENT
See Land Management Bureau.

INTERSTATE COMMERCE COMMISSION
Notices
Association of American Railroads; agreement 6322
Fourth section applications for relief 6322
Motor carrier, broker, water carrier and freight forwarder applications 6301
Motor carrier intrastate applications; filing 6321
Motor carrier transfer proceedings (2 documents) 6321, 6322

LABOR DEPARTMENT
See also Wage and Hour Division.
Rules and Regulations
Neighborhood youth corps projects for unemployed youths 6249

LAND MANAGEMENT BUREAU
Notices
Proposed withdrawal and reservation of land:
Alaska 6279
Oregon 6279

SECURITIES AND EXCHANGE COMMISSION
Notices
Hearings, etc.:
Auditron Radio Corp. 6300
Menominee Enterprises, Inc. and Trustees of Menominee Common Stock and Voting Trust 6300
Registered Exchange Fund, Inc. 6301

TREASURY DEPARTMENT
See also Coast Guard.
Notices
4% Treasury Notes of Series A-1966; offering 6277
4¼% Treasury Bonds of 1974; offering 6278

WAGE AND HOUR DIVISION
Notices
Certificate authorizing employment of learners at special minimum rates 6323

List of CFR Parts Affected

(Codification Guide)

The following numerical guide is a list of the parts of each title of the Code of Federal Regulations affected by documents published in today's issue. A cumulative list of parts affected, covering the current month to date, appears at the end of each issue beginning with the second issue of the month.

A cumulative guide is published separately at the end of each month. The guide lists the parts and sections affected by documents published since January 1, 1965, and specifies how they are affected.

5 CFR
213 (2 documents) 6241

7 CFR
301 (2 documents) 6243, 6245
707 6246
862 6247
863 6248
864 6248
1488 6249
PROPOSED RULES:
28 6255
930 6255

12 CFR
PROPOSED RULES:
261 6275
262 6275

14 CFR
71 6241
73 6242
75 (2 documents) 6241, 6242
99 6242
PROPOSED RULES:
39 6274

16 CFR
PROPOSED RULES:
303 6275

29 CFR
50 6249

47 CFR
0 6250
15 6250
73 6251
PROPOSED RULES:
73 (2 documents) 6274, 6275

Rules and Regulations

Title 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 213—EXCEPTED SERVICE

Department of State

Section 213.3304 is amended to recognize the replacement of the office of the Under Secretary for Political Affairs by the office of the Under Secretary for Economic Affairs and the appointment of the former Under Secretary for Political Affairs as Ambassador-at-Large. Because of these changes, two new positions, Personal Assistant and Staff Assistant to the Under Secretary for Economic Affairs, are excepted under Schedule C; one position of Special Assistant and the position of Private Secretary in the office of the Under Secretary for Political Affairs are now in the office of the Under Secretary for Economic Affairs; one position of Special Assistant and the position of Personal Assistant in the office of the Under Secretary for Political Affairs are now in the office of the Ambassador-at-Large; and the new positions of Personal Assistant and Staff Assistant to the Under Secretary for Economic Affairs are excepted under Schedule C. Effective upon publication in the FEDERAL REGISTER, subparagraphs (16) and (18) of paragraph (a) of § 213.3304 are amended and subparagraph (20) is added to paragraph (a) as set out below.

§ 213.3304 Department of State.

(a) *Office of the Secretary.* • • •

(16) One Personal Assistant and one Private Secretary to the Under Secretary for Economic Affairs.

• • • • • •

(18) One Special Assistant and one Staff Assistant to the Under Secretary for Economic Affairs.

• • • • • •

(20) One Personal Assistant and one Special Assistant to the Ambassador-at-Large.

• • • • • •

(R.S. 1753, sec. 2, 22 Stat. 403, as amended; 5 U.S.C. 631, 633; E.O. 10577, 19 F.R. 7521, 3 CFR, 1954–1958 Comp., p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] MARY V. WENZEL,
Executive Assistant to the Commissioners.

[F.R. Doc. 65-4709; Filed, May 4, 1965; 8:47 a.m.]

PART 213—EXCEPTED SERVICE

Department of Labor

Section 213.3315 is amended to show that the position of Director, Office of Manpower, Automation, and Training and the position of his Secretary are excepted under Schedule C. Effective upon publication in the FEDERAL REGISTER, subparagraphs (22) and (23) are added to paragraph (a) of § 213.3315 as set out below.

§ 213.3315 Department of Labor.

(a) *Office of the Secretary.* • • •

(22) Director, Office of Manpower, Automation, and Training.

(23) One Private Secretary to the Director, Office of Manpower, Automation, and Training.

• • • • • •

(R.S. 1753, sec. 2, 22 Stat. 403, as amended; 5 U.S.C. 631, 633; E.O. 10577, 19 F.R. 7521, 3 CFR, 1954–1958 Comp., p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] MARY V. WENZEL,
Executive Assistant to the Commissioners.

[F.R. Doc. 65-4708; Filed, May 4, 1965; 8:47 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Agency

[Airspace Docket No. 65-WA-39]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

PART 75—ESTABLISHMENT OF JET ROUTES

Federal Airways, Jet Routes, and Low Altitude Reporting Points; Corrections

The purpose of these amendments to Parts 71 and 75 of the Federal Aviation Regulations is to make minor corrections in the alignment of segments of VOR Federal airway Nos. 3, 4, 5, 11, 16, 25, 60, 68, 77, 97, 115, 139, 141, 159, 177, 210, 272, 280, 295, 304, 437, 455, 490; Jet Route Nos. 13 and 26; and the Coalfax Intersection, Edgerton Intersection, Garrison Intersection, Leslie Intersection, Pioneer Intersection, and Scipio Intersection low altitude reporting points.

Numerous changes in magnetic radials and bearings for airways, jet routes and reporting points, resulting from newly computed magnetic variation data will be applied by the U.S. Coast and Geodetic Survey to aeronautical charts, effective June 24, 1965. Accordingly, action is taken herein to reflect 1° corrections in the descriptions of the above listed airways, jet routes, and reporting points to make their descriptions compatible with the computed data.

Since these amendments are essentially editorial and minor in nature, notice and public procedure herein are unnecessary. However, since it is necessary that sufficient time be allowed to permit appropriate changes to be made on aeronautical charts, these amendments will become effective more than 30 days after publication.

In consideration of the foregoing, Parts 71 and 75 of the Federal Aviation Regulations are amended, effective 0001 e.s.t., June 24, 1965, as hereinafter set forth.

1. Section 71.123 (29 F.R. 17509, 30 F.R. 4463) is amended as follows:

a. V–3 is amended by deleting "Jacksonville 027°" and substituting "Jacksonville 028°" therefor.

b. V–4 is amended by deleting "Louisville 113°" and substituting "Louisville 114°" therefor.

c. V–5 is amended by deleting "Chattanooga 333°" and substituting "Chattanooga 332°" therefor.

d. V–11 is amended by deleting "Scotland 011°" and substituting "Scotland 010°" therefor.

e. V–16 is amended by deleting "Tucson 121°" and substituting "Tucson 122°" therefor.

f. V–25 is amended by deleting "Ventura, Calif., 145°" and substituting "Ventura, Calif., 144°" therefor.

g. V–60 is amended by deleting "including an S alternate;" and substituting "including an S alternate via INT of Albuquerque 103° and Otto 253° radials;" therefor.

h. V–68 is amended by deleting "Corona 268°" and substituting "Corona 269°" therefor.

i. V–77 is amended by deleting "Wichita, Kans., 226°" and substituting "Wichita, Kans., 225°" therefor.

j. V–115 is amended by deleting "Birmingham, Ala., 138°" and substituting "Birmingham, Ala., 139°" therefor.

k. V–139 is amended by deleting "Boston, Mass., 014°" and substituting "Boston, Mass., 015°" therefor.

l. V–141 is amended by deleting "Boston 014°" and substituting "Boston 015°" therefor.

m. V–159 is amended by deleting "Vero Beach 342°" and substituting "Vero Beach 341°" therefor.

n. V–177 is amended by deleting "Monterey 276°" and substituting "Monterey 277°" therefor.

o. V–210 is amended by deleting "Harrisburg, Pa., 273°" and substituting "Harrisburg, Pa., 274°" therefor.

p. V–272 is amended by deleting "Oklahoma City, Okla., including an N alternate and" and substituting "Oklahoma City, Okla., including an N alternate via INT of Sayre 070° and Oklahoma City 282° radials" therefor.

q. V–280 is amended by deleting "Kansas City, Mo., 275°" and substituting "Kansas City, Mo., 274°" therefor.

r. V–295 is amended by deleting "Vero Beach 342°" and substituting "Vero Beach 341°" therefor.

s. V–304 is amended by deleting "Liberal 233°" and substituting "Liberal 234°" therefor.

t. V–437 is amended by deleting "Flor- surface to 3,000 feet m.s.l. which lies within tions is to alter the eastern and southern

t. V–437 is amended by deleting "Florence, S.C., 179°" and substituting "Florence, S.C., 178°" therefor.

u. V–455 is amended by deleting "Meridian 229°" and substituting "Meridian 230°" therefor.

v. V–490 is amended by deleting "Boston, Mass., 014°" and substituting "Boston, Mass., 015°" therefor.

2. Section 71.203 (29 F.R. 17711) is amended as follows:

a. Coalfax INT is amended by deleting "Johnstown, Pa., 092°" and substituting "Johnstown, Pa., 093°" therefor.

b. Egerton INT is amended by deleting "Fort Wayne, Ind., 040°" and substituting "Fort Wayne, Ind., 039°" therefor.

c. Garrison INT is amended by deleting "Drumond, Mont., 091°" and substituting "Drumond, Mont., 092°" therefor.

d. Leslie INT is amended by deleting "Salem, Mich., 272°" and substituting "Salem, Mich., 273°" therefor.

e. Pioneer INT is amended by deleting "Ft. Wayne, Ind., 040°" and substituting "Ft. Wayne, Ind., 039°" therefor.

f. Scipio INT is amended by deleting "Georgetown, N.Y., 272°" and substituting "Georgetown, N.Y., 273°" therefor.

3. Section 75.100 (29 F.R. 17776) is amended as follows:

a. Jet Route No. 13 is amended by deleting "El Paso 282°" and substituting "El Paso 281°" therefor.

b. Jet Route No. 26 is amended by deleting "El Paso 089°" and substituting "El Paso 088°" therefor.

(Sec. 307(a), Federal Aviation Act of 1958; 49 U.S.C. 1348)

Issued in Washington, D.C., on April 29, 1965.

DANIEL E. BARROW,
Chief, Airspace Regulations and Procedures Division.

[F.R. Doc. 65–4710; Filed, May 4, 1965; 8:47 a.m.]

[Airspace Docket No. 64–EA–46]

PART 73—SPECIAL USE AIRSPACE

Alteration of Restricted Area

On February 17, 1965, a notice of proposed rule making was published in the FEDERAL REGISTER (30 F.R. 2157) stating that the Federal Aviation Agency was considering an amendment to Part 73 of the Federal Aviation Regulations that would change the time of designation for a portion of Restricted Area R–5002 at Warren Grove, N.J.

Interested persons were afforded an opportunity to participate in the proposed rule making through the submission of comments. All comments received were favorable.

In consideration of the foregoing, Part 73 of the Federal Aviation Regulations is amended, effective 0001 e.s.t., June 24, 1965, as hereinafter set forth.

In § 73.50 (29 F.R. 17755), Restricted Area R–5002, Warren Grove, N.J., is amended by deleting "Time of designation. Sunrise to sunset." and substituting therefor:

Time of designation.
Friday through Sunday, sunrise to sunset.
Monday through Thursday, sunrise to sunset except for the portion beginning from the surface to 3,000 feet m.s.l. which lies within a 1 nautical mile radius centered at latitude 39°42'04" N., longitude 74°34'35" W. which is sunrise to 2300 e.s.t.

(Sec. 307(a), Federal Aviation Act of 1958; 49 U.S.C. 1348)

Issued in Washington, D.C., on April 30, 1965.

CHARLES W. CARMODY,
Acting Director, Air Traffic Service.

[F.R. Doc. 65–4711; Filed, May 4, 1965; 8:47 a.m.]

[Airspace Docket No. 65–WA–32]

PART 75—ESTABLISHMENT OF JET ROUTES

Designation of Jet Route

The purpose of this amendment to Part 75 of the Federal Aviation Regulations is to extend Jet Route No. 1 from San Diego, Calif., to the Mexican border.

The Mexican Government has requested the FAA to designate Jet Route No. 1 from the intersection of the direct course between San Diego and the Tijuana, Mexico, RBN with the United States-Mexican border, to San Diego. Mexico will designate Jet Route No. 1 from this point on the border via intermediate points to Mexico City, Mexico. This route will provide a single jet route designation from Mexico City to Seattle, Wash.

This jet route extension is 19 nautical miles long and lies entirely within presently controlled airspace, therefore, notice and public procedure hereon are unnecessary because this is a minor amendment in which the public is not particularly interested.

In consideration of the foregoing, Part 75 of the Federal Aviation Regulations is amended, effective 0001 e.s.t., June 24, 1965, as hereinafter set forth.

In § 75.100 (29 F.R. 17776) Jet Route No. 1 is amended as follows:

In the caption "San Diego, Calif." is deleted and "United States/Mexican border" is substituted therefor.

In the text "From San Diego, Calif., via" is deleted and "From the INT of the United States/Mexican border with the direct course between the San Diego VORTAC and the Tijuana, Mexico, RBN, via San Diego;" is substituted therefor.

(Sec. 307(a), Federal Aviation Act of 1958; 49 U.S.C. 1348)

Issued in Washington, D.C., on April 29, 1965.

DANIEL E. BARROW,
Chief, Airspace Regulations and Procedures Division.

[F.R. Doc. 65–4712; Filed, May 4, 1965; 8:47 a.m.]

[Reg. Docket No. 6618; Amdt. 99–4]

PART 99—SECURITY CONTROL OF AIR TRAFFIC

Alteration of Alaskan Distant Early Warning Identification Zone

The purpose of this amendment to Part 99 of the Federal Aviation Regulations is to alter the eastern and southeastern boundaries of the Alaskan Distant Early Warning Identification Zone (DEWIZ), thereby reducing requirements for flight-progress reporting and estimating in that area.

As presently designated, the southeastern boundary of the Alaskan DEWIZ crosses overwater Control Area Extension 1310 in the vicinity of Domestic Gustavus, a low altitude reporting point located at 56°57' N., 139°26' W. Domestic Yakutat, a low altitude and high altitude reporting point, is located on Control 1310, 91 nautical miles to the west at 57°52' N., 141°46' W.

High altitude flights proceeding in a westerly direction along Control 1310 are now required to furnish an estimated time for penetration of the DEWIZ near Domestic Gustavus, and to report passing Domestic Yakutat shortly after penetration.

Flight planning and air traffic control procedures are simplified and communications reduced where DEWIZ or ADIZ penetration points and reporting points coincide.

It is the purpose of this amendment to realign the southeastern boundary of the Alaskan DEWIZ so that it passes through Domestic Yakutat, thus effecting that simplification.

Since this action involves airspace outside the United States, the Agency has consulted with the Secretary of State and the Secretary of Defense, in accordance with the provisions of Executive Order 10854.

Inasmuch as this amendment relates to defense requirements, and in the interest of early alteration of aeronautical charts, I find it contrary to the public interest to comply with notice, public procedure, and effective date requirements of the Administrative Procedure Act, and this amendment may be made effective in less than 30 days.

In consideration of the foregoing, § 99.47 of Part 99 is amended, effective May 27, 1965, to read as follows:

§ 99.47 Alaskan DEWIZ.

The area bounded by a line connecting 73°00' N., 141°00' W.; 69°50' N., 141°00' W.; 71°18' N., 156°44' W.; 68°53' N., 166°16' W.; 63°17' N., 168°42' W.; 58°39' N., 162°03' W.; 54°00' N., 169°00' W.; 52°-00' N., 169°00' W.; 56°34' N., 154°10' W.; 59°28' N., 146°18' W.; 59°30' N., 139°30' W.; 57°52' N., 141°46' W.; 50°00' N., 157°00' W.; 50°00' N., 175°00' W.; 60°00' N., 175°00' W.; 61°45' N., 177°00' W.; 65°00' N., 169°00' W.; 73°00' N., 169°00' W.; 73°00' N., 141°00' W. (point of beginning).

(Secs. 307, 1110, and 1209, Federal Aviation Act of 1958; 49 U.S.C. 1348, 1510, and 1522, and Executive Order 10854 (24 F.R. 9565))

Issued in Washington, D.C., on April 29, 1965.

N. E. HALABY,
Administrator.

[F.R. Doc. 65–4713; Filed, May 4, 1965; 8:47 a.m.]

Title 7—AGRICULTURE

Chapter III—Agricultural Research Service, Department of Agriculture

PART 301—DOMESTIC QUARANTINE NOTICES

Subpart—European Chafer

On November 7, 1964, there was published in the FEDERAL REGISTER (29 F.R. 15089) as F.R. Doc. 64–11433, a notice of public hearing and notice of rule making pertaining to notice of quarantine No. 77 relating to the European chafer and the regulations supplemental to said quarantine (7 CFR 301.77, and 301.77–1 et seq.). After due consideration of all relevant matters presented at the hearing and in response to the notice of rule making, and pursuant to the authority conferred by sections 8 and 9 of the Plant Quarantine Act of August 20, 1912, as amended, and section 106 of the Federal Plant Pest Act (7 U.S.C. 161, 162, 150ee), the said notice of quarantine and supplementary regulations are hereby revised to read as follows:

QUARANTINE

Sec.
301.77 Notice of quarantine.

REGULATIONS

301.77–1 Definitions.
301.77–2 Designation of regulated areas.
301.77–3 Restrictions on the movement of regulated articles.
301.77–4 Issuance and use of certificates and limited permits.
301.77–5 Cancellation of certificates and limited permits.
301.77–6 Inspection and disposal.
301.77–7 Shipments for experimental or other scientific purposes.
301.77–8 Nonliability of Department.
301.77–9 Movement of live European chafers; regulations.

AUTHORITY: The provisions of this subpart issued under secs. 8, 9, 37 Stat. 318, as amended, sec. 106, 71 Stat. 33; 7 U.S.C. 161, 162, 150ee; 19 F.R. 74, as amended.

QUARANTINE

§ 301.77 Notice of quarantine.

(a) *Quarantined States.* Pursuant to section 8 of the Plant Quarantine Act of August 20, 1912, as amended (7 U.S.C. 161), and after public hearing, it has been determined that it is necessary to quarantine the States of Connecticut and New York to prevent the spread of infestations of Amphimallon majalis (Razoumowsky), commonly known as the European chafer, a dangerous insect injurious to cultivated crops, lawns and pastures and not heretofore widely prevalent or distributed within and throughout the United States, and therefore said States are hereby quarantined.

(b) *Regulation of movement of regulated articles.* Hereafter, the articles designated as regulated articles in paragraph (c) of this section shall not be moved from any quarantined State into or through any other State, District, Commonwealth, or Territory of the United States in any manner or method or under any conditions other than those prescribed in the regulations set forth in this subpart, except as otherwise provided in subparagraph (2) of this paragraph.

(1) *Limiting restrictions upon movement of regulated articles to regulated area.* If less than an entire quarantined State has been designated a regulated area, the restrictions imposed by the regulations in this subpart upon the movement of regulated articles shall apply only to such designated regulated area. A portion of a quarantined State will be designated a regulated area if, and only if, the Administrator of the Agricultural Research Service is of the opinion that:

(i) The State is enforcing regulations concerning the intrastate movement of live European chafers and the articles herein designated as regulated articles, and such State regulations establish substantially the same control conditions as are imposed under the existing Federal European chafer quarantine and regulations;

(ii) The State is enforcing regulations that establish sanitation measures which are adequate to prevent the intrastate spread of European chafers, and such State regulations apply to areas to be designated as regulated area; and

(iii) The designation of less than an entire State as a regulated area will otherwise adequately prevent the interstate spread of European chafers.

(2) *Relieving of restrictions by administrative instructions.* Whenever the Director of the Plant Pest Control Division finds that facts exist as to the pest risk involved in the movement of any of the regulated articles which make it safe to relieve the restrictions with respect thereto, contained in the regulations, he shall promulgate administrative instructions relieving the restrictions in specified respects. Whenever the Director finds that such facts no longer exist, he shall revoke or modify such administrative instructions so as to reinstate the restrictions of the regulations to the extent necessary to effectuate the purposes of this subparagraph.

(c) *Regulated articles.* The following are capable of carrying European chafer infestation and therefore are regulated articles under this subpart:

(1) *Designated articles (Class "A" articles).* (i) Forest, field, nursery, and greenhouse-grown woody or herbaceous plants with roots and grass sod.

(ii) Plant crowns and roots for propagation; true bulbs, corms, tubers, and rhizomes, when freshly harvested or uncured.

(iii) Soil, whether independent of or associated with plants; and used soil-moving equipment.

(2) *Articles determined to present hazards (Class "B" articles).* Any other products and articles, or means of conveyance, of any character whatsoever, not covered by subparagraph (1) of this paragraph, when it is determined by the inspector that they present a hazard of the spread of European chafers, and the person in possession thereof has been so notified.

REGULATIONS

§ 301.77–1 Definitions.

For the purposes of the provisions in this subpart, except where the context otherwise requires, the following terms shall be construed, respectively, to mean:

(a) *European chafer.* The insect known as the European chafer (*Amphimallon majalis* (Razoumowsky)), in any stage of development.

(b) *Infestation.* The presence of the European chafer.

(c) *Regulated areas.* The quarantined States, counties, cities, townships, towns, districts, villages, and other minor civil divisions, or parts thereof, designated in administrative instructions under § 301.77–2 as regulated areas.

(d) *Suppressive areas.* That part of the regulated areas where eradication may be undertaken as an objective, as designated in administrative instructions authorized in § 301.77–2.

(e) *Generally infested areas.* That part of the regulated areas not designated as suppressive areas in administrative instructions authorized in § 301.77–2.

(f) *Soil-moving equipment.* Equipment used to move or transport soil—e.g., draglines, bulldozers, road scrapers, dumptrucks, etc.

(g) *Regulated articles.* The articles specified in § 301.77(c) (1) and (2).

(h) *Inspector.* An employee of the U.S. Department of Agriculture or other person authorized to enforce the provisions of this subpart.

(i) *Moved (movement, move).* Shipped, offered for shipment to a common carrier, received for transportation or transported by a common carrier, or carried, transported, moved, or allowed to be moved, interstate, directly or indirectly. "Movement" and "move" shall be construed accordingly.

(j) *Interstate.* From one State, District, Commonwealth, or Territory of the United States into or through another.

(k) *State, District, Commonwealth, or Territory of the United States.* Any State, the District of Columbia, Puerto Rico, Guam, or the Virgin Islands of the United States.

(l) *Certificate.* A document, issued or authorized by the inspector, evidencing compliance with the requirements of this subpart.

(m) *Master certificate.* A certificate indicating the quantity and nature of the articles covered thereby, issued or authorized by the inspector for use with bulk or lot shipments of regulated articles.

(n) *Limited permit.* A document issued or authorized by the inspector for the movement of regulated articles to a restricted destination for limited handling, utilization, or processing, or for treatment.

(o) *Dealer-carrier agreement.* An agreement to comply with stipulated conditions, executed by persons engaged in purchasing, assembling, exchanging, handling, processing, utilizing, treating, or moving regulated articles.

(p) *Director of the Plant Pest Control Division (or Director).* The Director of the Plant Pest Control Division, Agricultural Research Service, U.S. Department of Agriculture, or any officer or employee of said Service to whom authority to act in his stead has been or may hereafter be delegated.

(q) *Administrator of the Agricultural Research Service (or Administrator).*

The Administrator of the Agricultural Research Service, U.S. Department of

(i) From any regulated area into or through any point outside of the regu-

article prohibited or restricted movement

tive changes have been made in the

handling, utilization, or processing, or for treatment

The Administrator of the Agricultural Research Service, U.S. Department of Agriculture, or any officer or employee of that Department to whom authority to act in his stead has been or may hereafter be delegated.

(r) *Soil.* Soil shall be considered that part of the upper layer of earth in which plants can grow.

(s) *Administrative instructions.* Published rules relating to the enforcement of the provisions in this subpart issued under authority of such provisions by the Director.

§ 301.77–2 Designation of regulated areas.

The Director, from time to time, in administrative instructions promulgated by him, shall list a quarantined State in its entirety or shall list the counties, cities, townships, towns, districts, villages, or other minor civil divisions, or parts thereof, in the quarantined State in which he determines infestation of European chafer exists or is likely to exist, or which he deems it necessary to regulate because of their proximity to infestation or their inseparability for quarantine enforcement purposes from infested localities, and shall designate each listed State or civil division or part of a civil division as constituting a regulated area. Less than an entire State will be designated as a regulated area if, and only if, in the judgment of the Administrator, limiting the enforcement of the regulations to such portion of the State will be adequate to prevent the spread of European chafers from the State as provided in § 301.77(b)(1). The Director may revoke the designation of any State or civil division, or part thereof, as a regulated area by modifying the administrative instructions when he determines that adequate eradication measures have been practiced for a sufficient length of time to eradicate European chafers therein and that regulation of such area is not otherwise necessary under this section. The Director, in the administrative instructions, may divide any regulated area into a suppressive area and a generally infested area in accordance with the definitions thereof in § 301.77–1.

§ 301.77–3 Restrictions on the movement of regulated articles.

(a) *Applicability of restrictions.* The movement of the regulated articles is restricted from any regulated area into or through any point outside of the regulated areas, or from any generally infested area into or through any suppressive area, or between or within the suppressive areas, as provided in this subpart. No restriction is imposed by this subpart on the movement of regulated articles from any suppressive area directly into any generally infested area.

(b) *Conditions of movement.* Except as provided in paragraph (c) of this sections, or in § 301.77–7, or in administrative instructions of the Director under § 301.77:

(1) *Certificate or limited permit.* A certificate or limited permit is required to accompany the regulated articles when moved:

(i) From any regulated area into or through any point outside of the regulated areas;

(ii) From the generally infested area into or through any suppressive area;

(iii) Between the suppressive areas; or

(iv) Within the suppressive area when it is determined by the inspector that the regulated articles present a hazard of the spread of European chafers, and the person in possession thereof has been so notified.

(2) *Inspection of regulated articles.* Persons intending to move any regulated articles required by this section to be accompanied by a certificate or limited permit shall make application to the inspector for inspection as far in advance as possible, shall so handle such articles as to safeguard them from infestation, and shall assemble them at such points and in such manner as the inspector shall designte to facilitate inspection.

(3) *Safeguards against infestation.* Subsequent to certification, as provided in § 301.77–4, regulated articles may be moved under certificate under this subpart only if they are loaded, handled, and shipped under such protections and safeguards against infestation as are required by the inspector.

(c) *Articles originating outside the regulated areas.* Regulated articles which originate outside of the regulated areas and are moving through or are being reshipped from any regulated area may be moved therefrom into or through any regulated area or to points outside thereof without further restriction when their point of origin is clearly indicated, when their identity has been maintained, when they have been safeguarded against infestation while in the regulated area in a manner satisfactory to the inspector, and when in the judgment of the inspector such movement does not present a hazard of the spread of European chafers. Otherwise such regulated articles shall be subject to all applicable requirements under this subpart for articles originating in the regulated area.

§ 301.77–4 Issuance and use of certificates and limited permits.

(a) *Certificates.* Certificates may be issued by the inspector for the movement of any regulated articles under any of the following conditions:

(1) When, in the judgment of the inspector, they have not been exposed to infestation;

(2) When they have been examined by the inspector and found to be free of infestation;

(3) When they have been treated to destroy infestation under the direction of the inspector and in accordance with administratively authorized procedures known to be effective under the conditions in which applied; or

(4) When they were grown, produced, manufactured, stored, or handled in such manner that, in the judgment of the inspector, no infestation would be transmitted thereby.

(b) *Limited permits.* Limited permits may be issued by the inspector for the movement of noncertified regulated articles to specified destinations for limited handling, utilization, or processing, or for treatment.

(c) *Dealer-carrier agreement.* As a condition of issuance of certificates or limited permits for the movement of regulated articles, any person engaged in purchasing, assembling, exchanging, handling, processing, utilizing, treating, or moving such articles may be required to sign a dealer-carrier agreement stipulating that he will use all certificates and limited permits in accordance with the provisions of the dealer-carrier agreement and will maintain such safeguards against the establishment and spread of infestation and comply with such conditions as to the maintenance of identity, handling, and subsequent movement of such articles and the cleaning and treatment of means of conveyance and containers used in the transportation of such articles as may be required by the inspector to prevent the spread of infestation.

(d) *Attachment of certificates and limited permits.* Every container of regulated articles, or, if there is none, the article itself, required to have a certificate or limited permit under § 301.77–3, shall have such certificate or permit securely attached to the outside thereof when offered for movement under said section, except that where the regulated articles are adequately described on a certificate or limited permit attached to the waybill or other shipping document, the attachment of a certificate or limited permit to each container of the articles, or to the article itself, will not be required. If the certificate or limited permit is attached to the waybill or other shipping document, it shall be furnished by the carrier to the consignee at the destination of the shipment.

§ 301.77–5 Cancellation of certificates and limited permits.

Certificates or limited permits for any regulated articles issued under the regulations in this subpart may be withdrawn or cancelled and further certificates or permits for such articles may be refused by the inspector whenever he determines that the further use of such certificates or permits might result in the spread of European chafers.

§ 301.77–6 Inspection and disposal.

Any properly identified inspector is authorized to stop and inspect, without a warrant, any person or means of conveyance moving from any State, District, Commonwealth, or Territory of the United States into or through any other such State, District, Commonwealth, or Territory and any plant pest and any product and article of any character whatsoever carried thereby, upon probable cause to believe that such means of conveyance, product, or article is infested or infected by or contains any plant pest or is moving subject to any regulations under the Federal Plant Pest Act or that such person or means of conveyance is carrying any plant pest subject to said act, and to stop and inspect, without a warrant, any means of conveyance so moving, upon probable cause to believe it is carrying any product or

article prohibited or restricted movement under the Plant Quarantine Act or any quarantine or order thereunder. Such inspector is authorized to seize, destroy, or otherwise dispose of, or require disposal of, products, articles, means of conveyance, and plant pests in accordance with section 105 of the Federal Plant Pest Act and section 10 of the Plant Quarantine Act (7 U.S.C. 150dd, 164a).

§ 301.77–7 Shipments for experimental or other scientific purposes.

Regulated articles may be moved under this subpart for experimental or other scientific purposes only, on such conditions and under such safeguards as may be prescribed by the Director of the Plant Pest Control Division to carry out the purposes of this subpart. The container or, if there is none, the article itself shall bear, securely attached to the outside thereof, an identifying tag issued by the Director.

§ 301.77–8 Nonliability of Department.

The U.S. Department of Agriculture disclaims liability for any cost incident to inspection or treatment required under the provisions in this subpart, other than for the services of the inspector.

§ 301.77–9 Movement of live European chafers; regulations.

Regulations requiring a permit for, and otherwise governing the movement of live European chafers are contained in Part 330 of this chapter. Applications for permits for movement of said pests may be made to the Director, Plant Pest Control Division, Agricultural Research Service, Hyattsville, Md., 20781, in accordance with said part.

This revision shall become effective May 5, 1965, when it shall supersede the quarantine and regulations effective September 1, 1955 (§§ 301.77, 301.77–1 et seq.).

Pursuant to a notice published in the FEDERAL REGISTER on November 7, 1964, consideration was given at a public hearing at New York City, on December 16, 1964, to quarantining the States of New Jersey and Pennsylvania on account of the European chafer. Such designations are now considered unnecessary because a cooperative Federal-State eradication program has eradicated or greatly suppressed all known European chafer infestations in New Jersey. In Pennsylvania, hazardous populations have been treated and further treatments are contemplated following the 1965 survey season. Both States are enforcing quarantine regulations comparable to those enforced under a Federal quarantine. Accordingly, New Jersey and Pennsylvania have not been designated quarantined States.

Under this revision, the designation of West Virginia as a quarantined State has been deleted, since no infestation of the European chafer has been found in such State for 3 years. Also, parts of forest, field, nursery, or greenhouse-grown woody or herbaceous plants for planting purposes have been deleted from the list of regulated articles, since such parts without roots are no longer deemed capable of carrying European crafer infestation. In addition, certain nonsubstantive changes have been made in the format of the notice of quarantine and supplemental regulations in the interests of clarity and simplification.

Insofar as this action relieves restrictions presently imposed, it should be made effective promptly in order to be of maximum benefit to persons subject to the restrictions which are being relieved. Insofar as the revision contains nonsubstantive changes in format, notice and other public procedure with respect to such changes would not make additional information available to the Department. Accordingly, it is found upon good cause under section 4 of the Administrative Procedure Act (5 U.S.C. 1003) that further notice and other public procedure with respect to this revision are impracticable and contrary to the public interest, and good cause is found for making this revision effective less than 30 days after publication in the FEDERAL REGISTER.

Done at Washington, D.C., this 29th day of April 1965.

[SEAL] GEORGE W. IRVING, JR.,
Administrator,
Agricultural Research Service.

[F.R. Doc. 65–4728; Filed, May 4, 1965; 8:46 a.m.]

[P.P.C. 614, 2d Rev.]

PART 301—DOMESTIC QUARANTINE NOTICES

Subpart—European Chafer

EXEMPTION OF CERTAIN ARTICLES FROM SPECIFIED REQUIREMENTS

Pursuant to the authority contained in § 301.77(b)(2) of the European chafer quarantine (Notice of Quarantine No. 77, 7 CFR 301.77), under sections 8 and 9 of the Plant Quarantine Act of 1912, as amended, and section 106 of the Federal Plant Pest Act (7 U.S.C. 161, 162, 150ee), the administrative instructions appearing as 7 CFR 301.77a are hereby amended to read as follows:

§ 301.77a Administrative instructions exempting certain articles from requirements of regulations.

The following articles are exempted from the certification and permit requirements of § 301.77–3, except as otherwise provided in this section, and under the specific conditions hereinafter set forth.

(a) The following articles when they have not been exposed to infestation or when sanitation practices are maintained as prescribed by or to the satisfaction of the inspector:

(1) True bulbs, corms, tubers, and rhizomes when free from soil; except that clumps of dahlia tubers are not exempt.

(2) Plants when growing exclusively in osmunda fiber, or chipped or shredded bark.

(3) Trailing arbutus or Mayflower (Epigaea repens), moss, clubmoss, and ground-pine or running pine when free of soil.

(4) Soil-free aquatic plants.

(5) Soil-free rooted cuttings, which, at the time of shipment, have not developed a root system sufficient to conceal larvae of the European chafer.

(6) Humus, peat, compost, and decomposed manure when dehydrated, ground, pulverized, or compressed.

(b) Soil samples moved from any area that is not infested with soybean cyst nematode, golden nematode, or witchweed when consigned to any State: *Provided, however,* That such samples originating in areas under regulation on account of the burrowing nematode may not be shipped into the States of Arizona, California, Louisiana, and Texas: *And provided further,* That:

(1) The samples do not exceed one pound in weight: *Provided, however,* That this shall not preclude the assembly of one pound units in a single package for shipping purposes;

(2) They are so packaged that no soil will be spilled in transit; and

(3) They are consigned to laboratories approved by the Director of the Plant Pest Control Division and operating under a dealer-carrier agreement.

(Sec. 9, 37 Stat. 318, sec. 106, 71 Stat. 33; 7 U.S.C. 162, 150ee. Interprets or applies sec. 8, 37 Stat. 318, as amended; 7 U.S.C. 161; 29 F.R. 16210; 7 CFR 301.77)

These administrative instructions shall become effective May 5, 1965, when they shall supersede P.P.C. 614, 1st Rev., 7 CFR 301.77a, effective November 25, 1964.

This revision of the administrative instructions deletes soil-free plant cuttings without roots and seeds and cones from exempted articles since they are no longer regulated under the provisions of § 301.77. It also adds soil-free rhizomes and dehydrated, ground, pulverized, or compressed humus, peat, compost and decomposed manure to the exempted articles, since the Director of the Plant Pest Control Division has found that facts exist as to the pest risk involved in the movement thereof which make it safe to relieve the certification and permit requirements with respect thereto.

Insofar as this revision deletes certain articles that are no longer regulated under the provisions of § 301.77, it should be made effective promptly so that administrative instructions will coincide with the notice of quarantine. Insofar as this revision relieves restrictions presently imposed, it should be made effective promptly in order to be of maximum benefit to persons desiring to ship the articles which are being exempted from the certification and permit requirements of the regulations. Accordingly, under section 4 of the Administrative Procedure Act (5 U.S.C. 1003), it is found upon good cause that notice and other public procedure with respect to this revision are impracticable and contrary to the public interest, and good cause is found for making this revision effective less than 30 days after publication in the FEDERAL REGISTER.

Done at Hyattsville, Md., this 29th day of April 1965.

[SEAL] E. D. BURGESS,
Director,
Plant Pest Control Division.

[F.R. Doc. 65–4734; Filed, May 4, 1965; 8:48 a.m.]

Chapter VII—Agricultural Stabilization and Conservation Service (Agricultural Adjustment), Department of Agriculture

SUBCHAPTER A—AGRICULTURAL CONSERVATION PROGRAMS

PART 707—PAYMENTS DUE PERSONS WHO HAVE DIED, DISAPPEARED, OR HAVE BEEN DECLARED INCOMPETENT

Part 707 is revised:

Sec.
707.1 Applicability.
707.2 Definitions.
707.3 Death.
707.4 Disappearance.
707.5 Incompetency.
707.6 Death, disappearance, or incompetency of one eligible to apply for payment pursuant to the regulations in this part.
707.7 Form of application.

AUTHORITY: The provisions of this Part 707 issued under R.S. 161, sec. 7, 54 Stat. 728, as amended, sec. 121, 70 Stat. 197, sec. 375, 52 Stat. 66, as amended, sec. 124(1), 75 Stat. 300, sec. 307(h), 76 Stat. 617, sec. 316, 76 Stat. 622, sec. 324(2), 76 Stat. 630, sec. 704, 68 Stat. 911, secs. 4, 8(b), 49 Stat. 164, 1149, as amended, sec. 101(4), 76 Stat. 606, sec. 3, 77 Stat. 45, sec. 4, 52 Stat. 1070; 5 U.S.C. 22, 7 U.S.C. 1385, 7 U.S.C. 1809, 7 U.S.C. 1375, 7 U.S.C. 1334 note, 7 U.S.C. 1339(g), 7 U.S.C. 1379j, 7 U.S.C. 1783, 16 U.S.C. 590d, 590h(b), 16 U.S.C. 590p(e), 16 U.S.C. 590p(h), 15 U.S.C. 714b(d)(j)(k).

§ 707.1 Applicability.

This part is applicable to the following programs set forth in this Title 7: (1) Agricultural Conservation Program (Part 701); (2) Land Use Adjustment Programs (Part 751); (3) Conservation Reserve Program (Part 750); (4) Feed Grain Diversion Programs (Part 775); (5) Wheat Stabilization Programs (Part 776); (6) Wheat Diversion and Certificate Programs (Part 728); (7) CCC Loan and Purchase Programs for Grains and Related Commodities (Part 1421), Cotton (Part 1427), Honey (Part 1434), Oilseeds (Part 1443), Peanuts (Part 1446), Mohair (Part 1468), Wool (Part 1472), and Farm Storage Facilities (Part 1474); and (8) Naval Stores Conservation Program (Part 706).

§ 707.2 Definitions.

"Person" when relating to one who dies, disappears, or becomes incompetent, prior to receiving payment, means a person who has earned a payment in whole or in part pursuant to any of the programs to which this part is applicable. "Children" shall include legally adopted children who shall be entitled to share in any payment in the same manner and to the same extent as legitimate children of natural parents. "Brother" or "sister", when relating to one who, pursuant to the regulations in this part, is eligible to apply for the payment which is due a person who dies, disappears, or becomes incompetent prior to the receipt of such payment, shall include brothers and sisters of the half blood who shall be considered the same as brothers and sisters of the whole blood. "Payment" means a payment by draft, check or certificate pursuant to any of the Programs to which this part is applicable. Payments shall not be considered received for the purposes of this part until such draft, check or certificate has been negotiated or used.

§ 707.3 Death.

(a) Where any person who is otherwise eligible to receive a payment dies before the payment is received, payment may be made upon proper application therefor, without regard to claims of creditors other than the United States, in accordance with the following order of precedence:

(1) To the administrator or executor of the deceased person's estate.

(2) To the surviving spouse, if there is no administrator or executor and none is expected to be appointed, or if an administrator or executor was appointed but the administration of the estate is closed (i) prior to application by the administrator or executor for such payment or (ii) prior to the time when a check, draft, or certificate issued for such payment to the administrator or executor is negotiated or used.

(3) If there is no surviving spouse, to the sons and daughters in equal shares. Children of a deceased son or daughter of a deceased person shall be entitled to their parent's share of the payment, share and share alike. If there are no surviving direct descendents of a deceased son or daughter of such deceased person, the share of the payment which otherwise would have been made to such son or daughter shall be divided equally among the surviving sons and daughters of such deceased person and the estates of any deceased sons or daughters where there are surviving direct descendants.

(4) If there is no surviving spouse and no direct descendant, payment shall be made to the father and mother of the deceased person in equal shares, or the whole thereof to the surviving father or mother.

(5) If there is no surviving spouse, no direct descendant, and no surviving parent, payment shall be made to the brothers and sisters of the deceased person in equal shares. Children of a deceased brother or sister shall be entitled to their parent's share of the payment, share and share alike. If there are no surviving direct descendants of the deceased brother or sister of such deceased person, the share of the payment which otherwise would have been made to such brother or sister shall be divided equally among the surviving brothers and sisters of such deceased person and the estates of any deceased brothers or sisters where there are surviving direct descendants.

(6) If there is no surviving spouse, direct descendant, parent, or brothers or sisters or their descendants, the payment shall be made to the heirs-at-law in accordance with the law of the State of domicile of the deceased person.

(b) If any person who is entitled to payment under the above order of precedence is a minor, payment of his share shall be made to his legal guardian, but if no legal guardian has been appointed payment shall be made to his natural guardian or custodian for his benefit, unless the minor's share of the payment exceeds $1,000, in which event payment shall be made only to his legal guardian.

(c) Any payment which the deceased person could have received may be made jointly to the persons found to be entitled to such payment or shares thereof under this section or, pursuant to instructions issued by the Agricultural Stabilization and Conservation Service, a separate payment may be issued to each person entitled to share in such payment.

§ 707.4 Disappearance.

(a) In case any person otherwise eligible to receive payment disappears before receiving the payment, such payment may be made upon proper application therefor, without regard to claims of creditors other than the United States, to one of the following in the order mentioned:

(1) The conservator or liquidator of his estate, if one be duly appointed.

(2) The spouse.

(3) An adult son or daughter or grandchild for the benefit of his estate.

(4) The mother or father for the benefit of his estate.

(5) An adult brother or sister for the benefit of his estate.

(6) Such person as may be authorized under State law to receive payment for the benefit of his estate.

(b) A person shall be deemed to have disappeared if (1) he has been missing for a period of more than 3 months, (2) a diligent search has failed to reveal his whereabouts, and (3) such person has not communicated during such period with other persons who would be expected to have heard from him. Evidence of such disappearance must be presented to the county committee in the form of a statement executed by the person making the application for payment, setting forth the above facts, and must be substantiated by a statement from a disinterested person who was well acquainted with the person who has disappeared.

§ 707.5 Incompetency.

(a) Where any person who is otherwise eligible to receive a payment is adjudged incompetent by a court of competent jurisdiction before the payment is received, payment may be made, upon proper application therefor, without regard to claims of creditors other than the United States, to the guardian or committee legally appointed for such incompetent person. In case no guardian or committee has been appointed, payment, if not more than $1,000, may be made without regard to claims of creditors other than the United States, to one of the following in the order mentioned for the benefit of the incompetent person:

(1) The spouse.

(2) An adult son, daughter, or grandchild.

(3) The mother or father.

(4) An adult brother or sister.

(5) Such person as may be authorized under State law to receive payment for him (see standard procedure prescribed for the respective region).

(b) In case payment is more than $1,000, payment may be made only to such person as may be authorized under State law to receive payment for the incompetent.

§ 707.6 Death, disappearance, or incompetency of one eligible to apply for payment pursuant to the regulations in this part.

In case any person entitled to apply for a payment pursuant to the provisions of § 707.3, § 707.4, § 707.5, or this section, dies, disappears, or is adjudged incompetent, as the case may be, after he has applied for such payment but before the payment is received, payment may be made upon proper application therefor, without regard to claims of creditors other than the United States, to the person next entitled thereto in accordance with the order of precedence set forth in § 707.3, § 707.4, or § 707.5, as the case may be.

§ 707.7 Form of application.

Persons desiring to claim payment in accordance with this Part 707 may do so on Form ASCS–325, "Application for Payment of Amounts Due Persons Who Have Died, Disappeared, or Have Been Declared Incompetent". If the person who died, disappeared, or was declared incompetent did not apply for payment by filing the applicable program application for payment form, such program application for payment must also be filed in accordance with applicable regulations. If the payment is made under the Naval Stores Conservation Program, Part II of the Form ASCS–325 shall be executed by the local District Supervisor of the U.S. Forest Service. In connection with applications for payment under all other programs itemized in § 707.1, Forms ASCS–325, and program applications for payments where required, shall be filed with the ASCS county office where the person who earned the payment would have been required to file his application.

Supersedure. This revision of Part 707 of Title 1, Code of Federal Regulations, supersedes all other regulations concerning applications for payment of amounts due persons who have died, disappeared, or have been declared incompetent, in connection with the programs to which this part is applicable.

The reporting requirements contained herein have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Effective date. This revision shall become effective on the date of publication in the FEDERAL REGISTER.

Signed at Washington, D.C., this 30th day of April 1965.

H. D. GODFREY,
Executive Vice President, Commodity Credit Corporation, and Administrator, Agricultural Stabilization and Conservation Service.

[F.R. Doc. 65-4736; Filed, May 4, 1965; 8:48 a.m.]

Chapter VIII—Agricultural Stabilization and Conservation Service (Sugar), Department of Agriculture

SUBCHAPTER B—DETERMINATION OF WAGE RATES

[Sugar Determination 862.5, Amdt. 1]

PART 862—WAGE RATES; SUGARBEETS

Failure To Pay in Full

Pursuant to the provisions of section 301(c)(1) of the Sugar Act of 1948, as amended (herein referred to as "act") § 862.5 (30 F.R. 3810), effective April 5, 1965, is amended by adding a new paragraph (f) as follows:

§ 862.5 Fair and reasonable wage rates for persons employed in the production, cultivation, or harvesting of sugarbeets.

* * * * *

(f) *Failure to pay all wages in full.* Notwithstanding the provisions of this section requiring that all persons employed on the farm in the production, cultivation, or harvesting of sugarbeets be paid in full for all such work as one of the conditions to be met by a producer for payment under the act, if the producer has failed to meet this condition but has met all other conditions, a portion of such payment representing the remainder after deducting from the payment the amount of accrued unpaid wages, may be disbursed to producer(s), upon a determination by the county committee (1) that the producer has made a full disclosure to the county committee or its representative of any known failure to pay all workers on the farm wages in full as a condition for payment under the Sugar Act; and (2) that either (i) the failure to pay all workers their wages in full was caused by the financial inability of the producer; or (ii) the failure to pay all workers in full was caused by an inadvertent error or was not the fault of the producer or his agent, and the producer has used reasonable diligence to locate and to pay in full the wages due all such workers. If the county committee makes the determination as heretofore provided in this paragraph, such committee shall cause to be deducted from the payment for the farm the full amount of the unpaid wages which shall be paid promptly to each worker involved if he can be located, otherwise the amount due shall be held for his account, and the remainder of the payment for the farm, if any, shall be made to the producer. Except as provided above in this paragraph, the entire Sugar Act payment with respect to a farm shall be withheld from the producer, if upon investigation the county committee determines that all workers on the farm have not been paid in full the wages required to be paid for all work in the production, cultivation, or harvesting of sugarbeets on the farm, until such time as evidence required by the county ASC committee has been furnished to the committee establishing that all workers employed on the farm have been paid in full the wages earned by them. If payment has been made to the producer prior to the county committee's determination that all workers on the farm have not been paid in full, the producer shall be placed on the debt register for the total payment made until the county committee determines that all workers on the farm have been paid in full: *Provided*, That if the county committee determines that the producer did not pay all workers in full because of inadvertent error that was not discovered until after he signed the application for payment, the producer shall be placed on the debt register only for the total amount of the unpaid wages.

Statement of bases and considerations. As one of the conditions for payment to producers, section 301(c)(1) of the Sugar Act of 1948, as amended, provides in effect that the producer of sugarbeets to qualify for payments authorized under the act must pay all workers in full, and at wage rates not less than those determined by the Secretary to be fair and reasonable or as agreed upon between the producer and the worker, if higher than those determined by the Secretary. This section further provides that a payment which would be payable except for the foregoing provisions may be made, as the Secretary may determine, in such manner that the worker will receive an amount, insofar as such payment will suffice, equal to the amount of the accrued unpaid wages for such work and that the producer will receive the remainder, if any, of such payment.

This amendment sets forth the conditions under which a payment under the Sugar Act will be disbursed both to workers and producers. It provides that a payment otherwise due with respect to a farm will be made if the producer discloses he has not paid his workers in full and the committee finds he has failed to pay his workers in full the wages due them because (1) he is financially unable to pay them, or (2) the committee finds that the failure to pay workers the full and correct amount of the wages due was not the fault of the producer and he was unable to locate them and pay the correct wages due after exercising reasonable diligence to do so. In all other cases where it is determined that workers have not been paid the wages earned by them, this amendment places upon the producer the burden to locate and pay to the workers the wages due them. In such latter cases the entire Sugar Act payment otherwise payable with respect to the farm will be withheld until such time as evidence satisfactory to the county committee is furnished establishing that all workers employed on the farm have been paid in full the wages earned by them.

Withholding the producer's entire Sugar Act payment, except under the conditions provided herein, and placing sole responsibility upon the producer to locate and pay the workers their wages will encourage the maintenance of ade-

quate records to establish payment of wages to all workers and assure that such workers are timely paid the full amount

volved if he can be located, otherwise the amount due shall be held for his ac-

payment otherwise payable with respect

§ 1488.13 Evidence of export of private

quate records to establish payment of wages to all workers and assure that such workers are timely paid the full amount of wages due them.

Accordingly, I hereby find and conclude that the foregoing amendment will effectuate the applicable wage provisions of the Sugar Act of 1948, as amended.

(Sec. 403, 61 Stat. 932; 7 U.S.C. 1153. Interprets or applies sec. 301, 61 Stat. 929, as amended; 7 U.S.C. 1132)

Effective date. May 12, 1965.

Signed at Washington, D.C., on April 30, 1965.

CHARLES S. MURPHY,
Acting Secretary.

[F.R. Doc. 65-4728; Filed, May 4, 1965; 8:48 a.m.]

[Sugar Determination 863.16, Amdt. 1]

PART 863—SUGARCANE; FLORIDA

Failure To Pay Wages in Full

Pursuant to the provisions of section 301(c)(1) of the Sugar Act of 1948, as amended (herein referred to as "act"), § 863.16 (29 F.R. 13315), effective October 1, 1964, is amended by adding a new paragraph (f) as follows:

§ 863.16 Fair and reasonable wage rates for persons employed in the production, cultivation, or harvesting of sugarcane in Florida.

* * * * *

(f) *Failure to pay all wages in full.* Notwithstanding the provisions of this section requiring that all persons employed on the farm in the production, cultivation, or harvesting of sugarcane be paid in full for all such work as one of the conditions to be met by a producer for payment under the act, if the producer has failed to meet this condition but has met all other conditions, a portion of such payment representing the remainder after deducting from the payment the amount of accrued unpaid wages, may be disbursed to producer(s), upon a determination by the county committee (1) that the producer has made a full disclosure to the county committee or its representative of any known failure to pay all workers on the farm wages in full as a condition for payment under the Sugar Act; and (2) that either (i) the failure to pay all workers their wages in full was caused by the financial inability of the producer; or (ii) the failure to pay all workers in full was caused by an inadvertent error or was not the fault of the producer or his agent, and the producer has used reasonable diligence to locate and to pay in full the wages due all such workers. If the county committee makes the determination as heretofore provided in this paragraph, such committee shall cause to be deducted from the payment for the farm the full amount of the unpaid wages which shall be paid promptly to each worker involved if he can be located, otherwise the amount due shall be held for his account, and the remainder of the payment for the farm, if any, shall be made to the producer. Except as provided above in this paragraph, the entire Sugar Act payment with respect to a farm shall be withheld from the producer, if upon investigation the county committee determines that all workers on the farm have not been paid in full the wages required to be paid for all work in the production, cultivation, or harvesting of sugarcane on the farm, until such time as evidence required by the county ASC committee has been furnished to the committee establishing that all workers employed on the farm have been paid in full the wages earned by them. If payment has been made to the producer prior to the county committee's determination that all workers on the farm have not been paid in full, the producer shall be placed on the debt register for the total payment made until the county committee determines that all workers on the farm have been paid in full: *Provided*, That if the county committee determines that the producer did not pay all workers in full because of inadvertent error that was not discovered until after he signed the application for payment, the producer shall be placed on the debt register only for the total amount of the unpaid wages.

Statement of bases and considerations. As one of the conditions for payment to producers, section 301(c)(1) of the Sugar Act of 1948, as amended, provides in effect that the producer of sugarcane to qualify for payments authorized under the act must pay all workers in full, and at wage rates not less than those determined by the Secretary to be fair and reasonable or as agreed upon between the producer and the worker, if higher than those determined by the Secretary. This section further provides that a payment which would be payable except for the foregoing provisions may be made, as the Secretary may determine, in such manner that the worker will receive an amount, insofar as such payment will suffice, equal to the amount of the accrued unpaid wages for such work and that the producer will receive the remainder, if any, of such payment.

This amendment sets forth the conditions under which a payment under the Sugar Act will be disbursed both to workers and producers. It provides that a payment otherwise due with respect to a farm will be made if the producer discloses he has not paid his workers in full and the committee finds he has failed to pay his workers in full the wages due them because (1) he is financially unable to pay them, or (2) the committee finds that the failure to pay workers the full and correct amount of the wages due was not the fault of the producer and he was unable to locate them and pay the correct wages due after exercising reasonable diligence to do so. In all other cases where it is determined that workers have not been paid the wages earned by them, this amendment places upon the producer the burden to locate and pay to the workers the wages due them. In such latter cases the entire Sugar Act payment otherwise payable with respect to the farm will be withheld until such time as evidence satisfactory to the county committee is furnished establishing that all workers employed on the farm have been paid in full the wages earned by them.

Withholding the producer's entire Sugar Act payment, except under the conditions provided herein, and placing sole responsibility upon the producer to locate and pay the workers their wages will encourage the maintenance of adequate records to establish payment of wages to all workers and assure that such workers are timely paid the full amount of wages due them.

Accordingly, I hereby find and conclude that the foregoing amendment will effectuate the applicable wage provisions of the Sugar Act of 1948, as amended.

(Sec. 403, 61 Stat. 932; 7 U.S.C. 1153. Interprets or applies sec. 301, 61 Stat. 929, as amended; 7 U.S.C. 1132)

Effective date. May 12, 1965.

Signed at Washington, D.C., on April 30, 1965.

CHARLES S. MURPHY,
Acting Secretary.

[F.R. Doc. 65-4729; Filed, May 4, 1965; 8:48 a.m.]

[Sugar Determination 864.11, Amdt. 1]

PART 864—WAGES; SUGARCANE; LOUISIANA

Failure To Pay in Full

Pursuant to the provisions of section 301(c)(1) of the Sugar Act of 1948, as amended (herein referred to as "act") § 864.11 (29 F.R. 13637), effective October 5, 1964, is amended by adding a new paragraph (f) as follows:

§ 864.11 Fair and reasonable wage rates for persons employed in the production, cultivation, or harvesting of sugarcane in Louisiana.

* * * * *

(f) *Failure to pay all wages in full.* Notwithstanding the provisions of this section requiring that all persons employed on the farm in the production, cultivation, or harvesting of sugarcane be paid in full for all such work as one of the conditions to be met by a producer for payment under the act, if the producer has failed to meet this condition but has met all other conditions, a portion of such payment representing the remainder after deducting from the payment the amount of accrued unpaid wages, may be disbursed to producer(s), upon a determination by the county committee (1) that the producer has made a full disclosure to the county committee or its representative of any known failure to pay all workers on the farm wages in full as a condition for payment under the Sugar Act; and (2) that either (i) the failure to pay all workers their wages in full was caused by the financial inability of the producer; or (ii) the failure to pay all workers in full was caused by an inadvertent error or was not the fault of the producer or his agent, and the producer has used reasonable diligence to locate and to pay in full the wages due all such workers. If the county committee makes the determinations as heretofore provided in this paragraph, such committee shall cause to be deducted from the payment for the farm the full amount of the unpaid wages which shall be paid promptly to each worker involved if he can be located, otherwise the amount due shall be held for his account, and the remainder of the payment for the farm, if any, shall be made to the producer. Except as provided above in this paragraph, the entire Sugar Act payment with respect to the farm will be withheld until such time as evidence satisfactory to the county committee is furnished establishing that all workers employed on the farm have been paid in full the wages earned by them.

Withholding the producer's entire Sugar Act payment, except under the conditions provided herein, and placing sole responsibility upon the producer to locate and pay the workers their wages will encourage the maintenance of adequate records to establish payment of wages to all workers and assure that such workers are timely paid the full amount of wages due them.

Accordingly, I hereby find and conclude that the foregoing amendment will effectuate the applicable wage provisions of the Sugar Act of 1948, as amended.

(Sec. 403, 61 Stat. 932; 7 U.S.C. 1153. Interprets or applies sec. 301, 61 Stat. 929, as amended; 7 U.S.C. 1132)

Effective date. May 12, 1965.

Signed at Washington, D.C., on April 30, 1965.

CHARLES S. MURPHY,
Acting Secretary.

[F.R. Doc. 65-4730; Filed, May 4, 1965; 8:48 a.m.]

volved if he can be located, otherwise the amount due shall be held for his account, and the remainder of the payment for the farm, if any, shall be made to the producer. Except as provided above in this paragraph, the entire Sugar Act payment with respect to a farm shall be withheld from the producer, if upon investigation the county committee determines that all workers on the farm have not been paid in full the wages required to be paid for all work in the production, cultivation, or harvesting of sugarcane on the farm, until such time as evidence required by the county ASC committee has been furnished to the committee establishing that all workers employed on the farm have been paid in full the wages earned by them. If payment has been made to the producer prior to the county committee's determination that all workers on the farm have not been paid in full, the producer shall be placed on the debt register for the total payment made until the county committee determines that all workers on the farm have been paid in full: *Provided*, That if the county committee determines that the producer did not pay all workers in full because of inadvertent error that was not discovered until after he signed the application for payment, the producer shall be placed on the debt register only for the total amount of the unpaid wages.

Statement of bases and considerations. As one of the conditions for payment to producers, section 301(c)(1) of the Sugar Act of 1948, as amended, provides in effect that the producer of sugarcane to qualify for payments authorized under the act must pay all workers in full, and at wage rates not less than those determined by the Secretary to be fair and reasonable or as agreed upon between the producer and the worker, if higher than those determined by the Secretary. This section further provides that a payment which would be payable except for the foregoing provisions may be made, as the Secretary may determine, in such manner that the worker will receive an amount, insofar as such payment will suffice, equal to the amount of the accrued unpaid wages for such work and that the producer will receive the remainder, if any, of such payment.

This amendment sets forth the conditions under which a payment under the Sugar Act will be disbursed both to workers and producers. It provides that a payment otherwise due with respect to a farm will be made if the producer discloses he has not paid his workers in full and the committee finds he has failed to pay his workers in full the wages due them because (1) he is financially unable to pay them, or (2) the committee finds that the failure to pay workers the full and correct amount of the wages due was not the fault of the producer and he was unable to locate them and pay the correct wages due after exercising reasonable diligence to do so. In all other cases where it is determined that workers have not been paid the wages earned by them, this amendment places upon the producer the burden to locate and pay to the workers the wages due them. In such latter cases the entire Sugar Act payment otherwise payable with respect to the farm will be withheld until such time as evidence satisfactory to the county committee is furnished establishing that all workers employed on the farm have been paid in full the wages earned by them.

Withholding the producer's entire Sugar Act payment, except under the conditions provided herein, and placing sole responsibility upon the producer to locate and pay the workers their wages will encourage the maintenance of adequate records to establish payment of wages to all workers and assure that such workers are timely paid the full amount of wages due them.

Accordingly, I hereby find and conclude that the foregoing amendment will effectuate the applicable wage provisions of the Sugar Act of 1948, as amended.

(Sec. 403, 61 Stat. 932; 7 U.S.C. 1153. Interprets or applies sec. 301, 61 Stat. 929, as amended; 7 U.S.C. 1132)

Effective date. May 12, 1965.

Signed at Washington, D.C., on April 30, 1965.

CHARLES S. MURPHY,
Acting Secretary.

[F.R. Doc. 65-4730; Filed, May 4, 1965; 8:48 a.m.]

Chapter XIV—Commodity Credit Corporation, Department of Agriculture

SUBCHAPTER C—EXPORT PROGRAMS

[Amdt. 2]

PART 1488—SALES OF AGRICULTURAL COMMODITIES

Subpart A—Sales of Agricultural Commodities Under the CCC Export Credit Sales Program (GSM–3)

MISCELLANEOUS AMENDMENTS

The regulations issued by Commodity Credit Corporation (30 F.R. 2129) are hereby amended as follows:

§ 1488.2 Definition of terms.

* * * * *

(l) "Port Value" shall mean the sales price of the commodity f.a.s. or f.o.b. export carrier at U.S. ports, at U.S. border points of exit, or, if transshipped through Canada via the Great Lakes, at ports on the St. Lawrence River, for shipment from private stocks to be exported under this program. In the case of c&f and cif sales the port value shall not include the ocean freight and marine insurance.

* * * * *

§ 1488.7 Expiration of period for purchases from CCC or exports from private stocks.

Each credit approval will provide for one or both of the following periods except as determined by CCC when the exporter submits acceptable evidence of a firm contract requiring export deliveries which necessitate a longer period of time beyond those specified in paragraph (a) or (b) of this section:

* * * * *

§ 1488.13 Evidence of export of private stocks and warranty.

* * * * *

(e) In the case of commodities transshipped through Canada via Great Lakes as provided in § 1488.2(l), the exporter shall also furnish a certificate that the commodity exported was produced in the United States.

Effective date. Date of signature.

Signed at Washington, D.C., on April 30, 1965.

RAYMOND A. IOANES,
Vice President, Commodity Credit Corporation, and Administrator, Foreign Agricultural Service.

[F.R. Doc. 65-4727; Filed, May 4, 1965; 8:48 a.m.]

Title 29—LABOR

Subtitle A—Office of the Secretary of Labor

PART 50—NEIGHBORHOOD YOUTH CORPS PROJECTS FOR UNEMPLOYED YOUTH

Standards for Project and Limitations on Federal Assistance

Pursuant to authority contained in section 602(n) of the Economic Opportunity Act of 1964 (78 Stat. 508) and Delegation No. 1–64 (29 F.R. 14764), the Secretary of Labor and the Director of the Office of Economic Opportunity hereby amend Title 29, Part 50, of the Code of Federal Regulations as set forth below.

The provisions of section 4 of the Administrative Procedure Act (5 U.S.C. 1003) which require notice of proposed rule making, opportunity for public participation, and delay in effective date are not applicable because these rules involve matters that relate only to public benefits. We do not believe such procedures will serve a useful purpose here. Accordingly, these amendments shall become effective immediately.

The amendments read as follows:

1. The proviso at the end of paragraph (g) of § 50.22 is amended to read as follows:

§ 50.22 Standards for a project.

* * * * *

(g) * * * *Provided further*, That no enrollee shall be employed for more than 40 hours per week except on projects of the type described in § 50.32(c); and

* * * * *

2. Paragraph (a) of § 50.32 is amended and a new paragraph (c) is added to that section to read as follows:

§ 50.32 Limitations on Federal assistance.

(a) Except as provided in paragraphs (b) and (c) of this section, Federal assistance to any project pursuant to this part shall not exceed 90 per centum of the costs of such project, including costs of administration, for any period prior to August 20, 1966, and shall not exceed

50 per centum of such costs for periods

Section 0.15 and § 0.16 are amended

50 per centum of such costs for periods thereafter. Non-Federal contributions may be in kind as defined in § 50.1.

* * * * *

(c) Federal assistance to a project may exceed 90 per centum of the costs of such project if the agreement for operation of the project provides that enrollees will be employed only on work which is necessary to cope with the effects of a major disaster, as defined in section 2(a) of the Federal Disaster Act, as amended (81 Stat. 875, 42 U.S.C. 1855–1855g).

(Sec. 602, 78 Stat. 538)

Signed at Washington, D.C., this 26th day of April 1965.

JOHN P. HENNING,
Acting Secretary of Labor.

R. SARGENT SHRIVER,
Director, Office of Economic Opportunity.

[F.R. Doc. 65-4679; Filed, May 4, 1965; 8:46 a.m.]

Title 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

PART 0—COMMISSION ORGANIZATION

Order Regarding Office of Executive Director

The Commission having under consideration the functions of the Office of the Executive Director; and

It appearing that the functions as now stated in §§ 0.15 and 0.16 of the Commission's rules and regulations do not accurately reflect the division of functions between the Manpower Utilization and Survey Division and the Data Processing Division respectively; and

It further appearing, that since the function of conducting the Commission's Forms Control Program contemplated by the Federal Reports Act of 1942 is being performed by the Manpower Utilization and Survey Division, §§ 0.15 and 0.16 should be changed accordingly; and

It further appearing, that authority for this functional change is contained in sections 4 (i) and 5 of the Communications Act of 1934, as amended, and § 0.211 of the rules and regulations, and that such change is not subject to the prior notice and effective date provisions of the Administrative Procedure Act;

It is ordered, Effective May 7, 1965, that §§ 0.15 and 0.16 of the rules and regulations are amended as set forth below.

(Secs. 4, 5, 48 Stat. 1066, as amended, 1068, as amended; 47 U.S.C. 154, 155)

Adopted: April 26, 1965.

Released: April 30, 1965.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

Section 0.15 and § 0.16 are amended to read as follows:

§ 0.15 Manpower Utilization and Survey Division.

The Manpower Utilization and Survey Division advises, assists and makes recommendations to the Executive Director, Chairman, and Commission on matters dealing with personnel management, manpower utilization, and management analysis; administers all phases of the personnel program including recruitment, placement, classification, compensation, training, employee utilization, employee services and similar programs; develops, recommends and implements policies and programs; develops, and recommends to the Executive Director, Chairman, and Commission, a program of manpower utilization and control; provides advice and assistance to the operating bureaus on personnel management and techniques for improving management and manpower utilization; develops and recommends to the Executive Director, Chairman, and Commission a program of management analysis and administers such segments thereof as organization analysis, general management studies, systems and procedures studies, and management control programs in such areas as directives, reports, forms, correspondence and communications, and organization; and provides advice and assistance to the operating bureaus on organizational and functional arrangements.

§ 0.16 Data Processing Division.

The Data Processing Division reviews and analyzes the data processing system requirements of the Commission; develops and recommends electronic or other data processing systems needed to fulfill the objectives of the Commission; operates the computer installation and associated peripheral and tabulating equipment in accordance with approved systems and manuals of procedure; measures the effectiveness of the installed systems against anticipated results; and continuously re-evaluates changing Commission responsibilities and information needs to determine the data processing systems most advantageous for the Commission's use.

[F.R. Doc. 65-4732; Filed, May 4, 1965; 8:49 a.m.]

[FCC 65-341]

PART 15—RADIO FREQUENCY DEVICES

Radiation Interference Limits

At a session of the Federal Communications Commission held at its offices in Washington, D.C., on the 28th day of April 1965;

The Commission, having under consideration § 15.63(c) which increases for television receivers the permitted level of radiation in the band 470–1000 Mc/s from 500 uv/m to 1000 uv/m temporarily until April 30, 1965, and a rule making petition RM–758 filed April 9, 1965 by the Electronic Industries Association (EIA) requesting an extension of such authority until April 30, 1968; and

It appearing, that, while EIA reports progress has been made in the matter of suppression of radiation in the UHF region, the improvement has not been sufficient to guarantee full compliance with a limit of 500 uv/m under all conditions of measurement; and

It further appearing, according to EIA that industry will be in a position to reliably project rigid adherence to the desired 500 uv/m limit, only after the correlation of measurements made at the several radiation measurement sites now in use has been significantly improved; that industry has established working committees to review present measurement techniques with a view toward improving site correlation; and that in view of the complexity of the measurement technique and the wide geographic separation of the several sites to be investigated, one year is not sufficient time to resolve these problems; and

It further appearing, that, data compiled by EIA from 381 receiver manufacturer's certification measurements show 52 percent of the current receivers with radiation above 500 uv/m; and

It further appearing, that, new devices and circuitry presently in development as reported by EIA, show promise of decreasing noise figure which could effectively improve television service in the UHF, but that this improvement would be achieved at the expense of some radiation control; and

It further appearing, that, notwithstanding the validity of the arguments presented by EIA to justify a further extension of 3 years in which to achieve the desired limit of 500 uv/m, the Commission feels there is an urgent need to reduce receiver radiation as part of the general need to reduce the level of man-made radio noise; that with greater effort on the part of the television receiver industry, the gains heretofore achieved can be extended to reach the desired goal within two years; that therefore an extension of 2 years is sufficient; and

It further appearing, that, since the amendment herein ordered imposes no new requirement but extends an existing provision which relieves a requirement, notice and public procedure are unnecessary and the amendment may be made effective less than 30 days after publication as provided in sections 4(a) and 4(c) of the Administrative Procedures Act; and

It further appearing, that, the amendment adopted herein is issued pursuant to authority contained in sections 4(i), 301, 303(f), and 303(r) of the Communications Act of 1934, as amended;

It is ordered, That, the EIA petition RM–758 is granted, in part, and effective April 30, 1965, § 15.63(c) of the Commission's rules is amended to read as follows:

§ 15.63 Radiation interference limits.

* * * * *

(c) For television broadcast receivers, the limit 500 uv/m is temporarily increased to 1000 uv/m until April 30, 1967.

(Secs. 4, 301, 303, 48 Stat. 1066, as amended, 1081, 1082, as amended; 47 U.S.C. 154, 301, 303)

Released: April 30, 1965.

FEDERAL COMMUNICATIONS COMMISSION,[1]
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 65-4733; Filed, May 4, 1965; 8:49 a.m.]

[Docket No. 15690; FCC 65-358]

PART 73—RADIO BROADCAST SERVICES

Table of Assignments, FM Broadcast Stations

In the matter of amendment of Section 73.202, Table of Assignments, FM Broadcast Stations (Iowa Falls, Iowa; West Terre Haute, Ind.; Larned, Kans.; Kingston, N.Y.; Pittsfield, Mass.; Elmira, N. Y.; Orleans, Mass.; Magee and Hazlehurst, Miss.; Alexandria and Wadena, Minn.; Titusville and Ocala, Fla.; Mexico, Hannibal, Moberly and Marshall, Mo.; Danville and Pulaski, Va.; and Durham and Elizabeth City, N.C.; Reno, Nev.), Docket No. 15690; RM–623, RM–647, RM–659, RM–618, RM–627, RM–621, RM–634, RM–625, RM–630, RM–619, RM–631, RM–620, RM–633, RM–628.

Second report and order. 1. The Commission has before it for consideration its notice of proposed rule making released herein on November 5, 1964 (FCC 64–1022, 29 F.R. 15183), and comments and reply comments filed in response thereto. In a first report and order herein adopted February 3, 1965 (FCC 65–89, 30 F.R. 1855), we dealt with several of the matters set forth above; the present document deals with all of the remaining matters.[2]

2. *RM–630. Kingston, N.Y.* In response to a petition filed by Skylark Corp. (licensee of AM Station WGHQ, Kingston), the notice proposed to assign Channel 228A to Kingston, in addition to Channels 232A and 249A now assigned. Kingston has two daytime-only AM stations, WGHQ and WBAZ, and one full-time (Class IV) station, WKNY. Skylark and Kingston Broadcasters, Inc., (licensee of WKNY) are competing applicants for Channel 232A (Docket Nos. 15436–15437). There are also two competing applicants for Channel 249A: Donald P. Nelson and Wilbur E. Nelson, d/b/a Nelson Broadcasting Co. (Docket No. 15535), and Ubiquitous Frequency Modulation, Inc. (Docket No. 15536), (the latter would use the channel at Hyde Park under the "25-mile rule").[3]

3. After Skylark's application was designated for hearing and it had subsequently filed its petition herein, it entered into an agreement with Kingston Broadcasters on September 1, 1964, wherein it is stated that "* * * at such time as the Commission shall have assigned Channel 228A at Kingston * * *, Kingston Broadcasters will seek leave to amend its application to specify operation on that channel in place of 232 * * *" According to the agreement, Skylark will then seek (either through dismissal and refiling of its application, or otherwise) removal of its Channel 232A application from hearing status; the object of this arrangement is to place these parties in substantially the same posture as far as risk of competing applications being filed is concerned, and also, in the event competing applications are filed for Channel 228A, to give Kingston Broadcasters a reasonable opportunity to amend back to Channel 232A. All of the above procedure is set forth subject to Commission approval. In their "Joint Comments" in support of the notice proposal, these parties urge that the assignment of Channel 228A would make possible an earlier FM service for Kingston and environs. It appears from the various pleadings that Channel 228A cannot be used at required spacings at either the site proposed by Skylark for 232A, or the site proposed by Ubiquitous for its Hyde Park operation on Channel 249A (the same as that of the commonly owned AM station). It can be used at the sites proposed by Kingston Broadcasters and Nelson.

4. Nelson filed comments opposing both this agreement and the addition of 228A to Kingston, asserting that the arrangement is against public policy and an attempt to subvert the Commission's processes, to tie up one channel in a hearing proceeding and control another through rule making. Pointing out that it was the first of the four applicants to file, Nelson, which is not an AM operator, asserts that it will be seriously prejudiced if Skylark (and possibly also Kingston Broadcasters) are granted forthwith, while Nelson and Ubiquitous must still go through the comparative decisional process. On the other hand, it is urged, in view of the "amending back" provision of the agreement, it might work out that final decision with respect to both 232A and 228A would be impossible for many months. Charging Skylark and Kingston Broadcasters with delay, it urges that they should be required to prosecute their applications diligently. Of more immediate relevance here, Nelson asserts (substantially correctly) that these parties have not shown a need for a third FM assignment in a city of 29,000 (about which we expressed reservations in the notice), or that the city can support six aural stations. It is submitted that this question should be considered after the decisions in the hearing cases, when one of the losing applicants could again raise the issue of assigning 228A so as to bring either a second or third FM station to Kingston (depending on whether Nelson or the Hyde Park applicant prevails in the hearing for 249). If Channel 228A is assigned to Kingston, Nelson expresses willingness to amend its application to specify that channel, leaving 249A and 232A (which are more flexible as to use at different sites) for the two best-qualified of the other three applicants.

5. Ubiquitous filed reply comments opposing Nelson, asserting that Nelson is clearly seeking a better competitive position in their proceeding, wishing the "307b" issue to be decided on the basis of a choice between a first or second FM station in Kingston and a first in Hyde Park, rather than between a third in Kingston and a first in Hyde Park. It urges the speedy assignment of Channel 228A to Kingston to provide a third channel in this area.

6. In the notice herein, we stated that a city of the size of Kingston (population 29,260) would not necessarily warrant a third assignment. In the criteria used in preparing the FM table of assignments, cities of under 50,000 were generally given 1 or 2 channels. As Nelson points out, the parties supporting the proposal here have made no showing as to why Kingston needs a third FM channel. Therefore, we do not believe it is appropriate to make the proposed assignment at this time. It is true, as we pointed out, that the area where Channel 228A can be used is limited, and within it the only community of substantial size (Walton) already has an assignment. However, there are other communities within it of 1,000 or more population, and there are other communities which, while not within the area itself, are located close to it so that the channel might be used so as to serve one of them (e.g., Ellenville, population about 5,000). Therefore we believe it appropriate for the present not to make the proposed assignment, but to reserve decision as to the best use of the channel until a later time. This determination will, of course, be subject to reexamination in the future if no demand develops for the channel elsewhere and use is again sought at Kingston.[5]

7. *RM–618. Magee and Hazlehurst, Miss.; also Forest and Brookhaven, Miss.* In response to a petition filed by Marvin L. Mathis, Robin H. Mathis, Ralph C. Mathis, Rad W. Mathis, and John B.

[1] Commissioners Lee and Loevinger absent.

[2] Except as noted herein, the notice proposals were unopposed. All channels deleted or shifted herein are unoccupied and unapplied for, except as noted. All population figures are 1960 U.S. Census figures unless otherwise indicated. All assignments adopted herein meet minimum mileage separation requirements, based on the applicable reference points of the communities involved.

[3] The Skylark-Kingston Broadcasters proceeding is set forth further hearing conference on May 4, 1965. The initial decision in Dockets 15535–15536 (FCC 65D–13, released Apr. 5, 1965) proposed to grant the Nelson (Kingston) application, and deny the application for Hyde Park. The Skylark-Kingston Broadcasters proceeding was designated for hearing slightly before the other (April and July 1964, respectively).

[5] In reaching our decision herein we, of course do not pass upon the merits of the two hearing cases, nor do we speculate or comment as to whatever procedural developments may occur.

Skelton, Jr., d/b as Southeastern Broad-

modifying the construction permit

Skelton, Jr., d/b as Southeastern Broadcasting Co. (Southeastern), the notice proposed to assign Class C Channel 296 instead of Class A Channel 252A at Magee, and (in order to make this change possible) to substitute Channel 221A for 296A at Hazlehurst. The only party filing comments, other than petitioner, was Scott County Broadcasting Co., Inc., which in its initial comments proposed two alternative plans for providing a Class C assignment for Forest, to replace the present Class A channel (228A). One of these alternatives would have precluded the proposed Magee assignment; the other would have involved short separations. In reply comments Scott County Broadcasting advanced a third proposal, by which both Magee and Forest could receive Class C assignments in lieu of their present Class A channels. Southeastern in reply comments agreed to this plan and urged its adoption. The present assignments, the notice proposal and the third Scott County proposal are as follows:

City	Channel Nos.		
	Present	Notice proposal	Scott Co. proposal
Magee, Miss.	252A	296	296
Forest, Miss.	228A	(No change)	223
Hazlehurst, Miss.	296A	221A	252A
Brookhaven, Miss.	224A	(No change)	221A

8. Both Southeastern and Scott County Broadcasting are licensees of AM daytime-only stations, at Magee and Forest, respectively. Scott County is also the permittee of Station WMAG–FM on Channel 228A at Forest. In both cases, the AM stations and the FM assignments mentioned are the only facilities or assignments in the county. Forest (population 3,917) is the county seat and largest community of Scott County (population 21,187); Magee (population 2,039) is the largest community in, though not the county seat of, Simpson County (population 20,454). Both parties urge the importance of their communities to the surrounding areas, which are predominately rural in character and not close to large population centers (the nearest city over 50,000 is Jackson, about 40 miles from Magee and Forest). Both urge the fact that operating with Class C facilities they will bring nighttime radio service to between 40,000 and 45,000 persons (within the 1 mv/m contour), many of whom now receive no nighttime primary aural service (Southeastern asserts that this is true of 90 percent of the 1 mv/m coverage area it would have).

9. In general, the Commission has assigned wide-area Class B and C channels to larger communities and Class A channels, providing more limited coverage, to smaller places. However, we have in the past made an exception where the small community is important in its area and the area is relatively far from large population centers. We believe such an exception is warranted here in both cases. Accordingly, we are amending the table of assignments as set forth above (Scott County proposal). We are modifying the construction permit of WMAG–FM at Forest to specify Channel 223, subject to the conditions set forth later herein.

10. *RM–621, Alexandria and Wadena, Minn.* In substance, the notice proposal in this matter involved the question of whether Alexandria should be provided a Class C assignment in place of its present Class A assignment, at the expense of reducing Wadena from two Class C assignments to one Class C and one Class A channel. The proposal was as follows:

City	Channel Nos.	
	Present	Proposed
Alexandria, Minn.	224A	264
Wadena, Minn.	264, 280	224A, 280

No comments or replies opposing the proposal were filed; however, on January 28, 1965, the licensee of AM Station KXRA, Alexandria, filed a letter asking the Commission not to replace Channel 224A at Alexandria with Channel 264, since it was in the process of preparing an application for the former channel. No such application has as yet been tendered.

11. Both Alexandria and Wadena are county seats, and both have one fulltime AM station (that at Alexandria is a Class IV). In both cases, the AM facility and FM assignments mentioned are the only ones in the county. Both cities are relatively far removed from large centers of population. The nearest cities over 25,000 to either are St. Cloud, Minn., some 60 miles from Alexandria and 75 miles from Wadena. The populations of Alexandria and its county are somewhat larger than those of Wadena and its county (6,713 and 21,313, compared to 4,381 and 12,199). The petitioner at whose request the notice proposal was issued is Central Minnesota Television Co., licensee of TV Station KCMT, Alexandria, which proposes to use the Class C channel to provide wide-area coverage from its 1,100-foot TV tower. In its petition and comments, petitioner urges the value of such coverage in a sparsely settled area which has no FM service closer than St. Cloud, the somewhat greater population of Alexandria, and the absence of any demand for either Wadena assignment.

12. Upon consideration of this matter, we believe that Channel 264 should be reassigned to Alexandria. While Alexandria is a relatively small community, its importance in its area and the remoteness of that area from large communities and FM service make provision for wide FM coverage desirable, especially where it appears that such service will be promptly provided. We are also of the view that, in view of the interest expressed in retaining Channel 224A in Alexandria, that channel should be retained there, at least for the time being in the absence of demand for its use elsewhere. The resulting "mixture" of Class A and Class C channels in the same community—which we have tried to avoid in the absence of good reason therefor, because it may lead to competitive inequality between facilities—we believe is not a significant consideration under the circumstances, in view of the need and demand for a wide-coverage Class C channel at Alexandria. We also recognize that this course of action results in assignment of only one channel to Wadena, compared to two for Alexandria. In view of the relative populations of the two places, the absence of demand for even one channel at Wadena, and the existence of demand at Alexandria, we believe this disposition is appropriate.

13. *RM–625, Titusville and Ocala, Fla.* The notice proposal involved providing Titusville with a Class A channel, 252A, as its first FM assignment, at the expense of reducing Ocala, Fla., from two Class C assignments to one Class C and one Class A, as follows:

City	Channel Nos.	
	Present	Proposed
Titusville, Fla.	220, 253	252A
Ocala, Fla.		228, 292A

The petitioner was WRMF, Inc., licensee of daytime-only AM Station WRMF, Titusville. Titusville, population 6,410, is the county seat of Brevard County (population 111,435) and WRMF is the only station in the community; but there are a number of other FM assignments and stations, and AM stations, in the county (including two Class C FM assignments at Cocoa Beach, some 20 miles from Titusville). Ocala is the county seat of Marion County (populations 13,598 and 51,616 respectively), and has one fulltime and one daytime-only AM station in addition to a Class C FM station on Channel 229. In its petition and comments, WRMF urges the population growth of Titusville (the Titusville division of Brevard County is said to have a 1964 population of 26,205 compared to 18,735 in 1960, and substantial future growth is expected). It also urges the need for FM to provide a fulltime Titusville broadcast service, since it cannot operate fulltime on its present frequency (1050 kc/s, a Mexican I–A clear channel) and does not expect to be able to change frequency. The petition and proposal were unopposed, and there has been no expressed interest in the second of the two Ocala Class C assignments.

14. As mentioned earlier, unless there is good reason therefor we are reluctant to "mix" Class C and Class A assignments in the same community. Nevertheless, we are of the view that in this case the proposed shifts are warranted. There appears to be substantial need for a Class A assignment at Titusville, and in our view this outweighs here the more general consideration mentioned. Therefore, we are amending the table as proposed and set forth above.

15. *RM–619, Mexico and Hannibal, Mo.—RM–620, Moberly and Marshall, Mo.* In response to petitions filed by Class IV AM licensees at Mexico and Moberly, the notice proposed the following alternative changes in the FM table:

ALTERNATIVE 1

City	Channel Nos.	
	Present	Proposed
Mexico, Mo.	284A	235, 296A
Hannibal, Mo.	236, 254	254, 281

ALTERNATIVE 2

Marshall, Mo.	284	276
Moberly, Mo.	272A	284

ALTERNATIVE 3

Hannibal, Mo.	236, 254	284
Marshall, Mo.	284	276
Mexico, Mo.	296A	235, 296A
Moberly, Mo.	272A	284

16. The first proposal, that of Audrain Broadcasting Co., the Mexico licensee, provides a Class C channel at Mexico by substituting Channel 281 for 236 as one of two Class C assignments at Hannibal. The second, that of Moberly Broadcasting Company (Moberly), would provide a Class C channel at Moberly by substituting one Class C assignment for another at Marshall. These two proposals conflict in that the new assignments at Hannibal and Moberly (Channels 281 and 284 respectively) would be at less than the separation required between third adjacent channels (60 miles compared to 65 miles required). Therefore Moberly advanced the third proposal, which would permit both desired assignments but limit Hannibal to one Class C channel.

17. Mexico, Moberly, and Hannibal have populations of 12,889, 13,170, and 20,028 respectively, and all are the largest communities in their counties (which have populations of about 26,000, 22,000, and 30,000 respectively). Mexico and Hannibal, though not Moberly, are county seats. The Mexico and Moberly Class IV stations, and the Class A FM channels now assigned to these cities, are the only AM facilities and FM assignments in the respective counties. Hannibal and its county have the two Class C FM assignments mentioned, and one full-time regional AM station (KHMO).

18. In its comments, the Moberly petitioner (Moberly Broadcasting Co.) urges that Hannibal does not need two Class C assignments, in view of the lack of demand for either of them, the existence of a full-time regional station there and the presence of signals from two fulltime AM and two FM stations at Quincy, Ill., some 15 miles away. It points to the fairly comparable population of the three communities of Mexico, Moberly, and Hannibal, sets forth statistics purporting to show a roughly comparable level of economic activity, and urges that the most equitable distribution of channels would be served by having one Class C facility in each place. The Mexico petitioner does not oppose our alternative 3, but urges that if we are not prepared to adopt this because of impact on Hannibal, it insists on the Mexico proposal. It cites a desire to reach a large agricultural population with its service. There was no other filing in the proceeding.

19. We are of the view that alternative 3 should be adopted, as urged by Moberly. It appears that Mexico and Moberly warrant Class C assignments. While this proposal would limit Hannibal to one Class C assignment for the present,[4] in view of the absence of demand for such an assignment and the amount of aural service available we believe the limitation is warranted in view of the advantages which would accrue. The plan proposed by Moberly would work toward a more equitable and efficient distribution of channels and would therefore serve the public interest. Accordingly, we are adopting alternative 3, above, for the Class C assignments. There appears no reason to retain the present Class A assignments at Mexico and Moberly, and they will be deleted.

20. *RM–628. Danville and Pulaski, Va., and Durham and Elizabeth City, N.C.* In response to the petition of Piedmont Broadcasting Corp., licensee of fulltime regional AM station WBTM, Danville, the notice proposed to assign Class C Channel 295 a first FM assignment at Danville, an assignment requiring the following: [5]

(a) Deletion of Channel 296A as the only FM assignment at Pulaski, with no replacement;

(b) Deletion of Channel 296A at Durham, again with no replacement (the city also has Class C Channel 286 assigned and in use);

(c) Substitution of Class C Channel 297 for 295 as one of two Class C assignments at Elizabeth City (neither is occupied or in use).

Danville, population 46,577, has 2 fulltime regional and 2 daytime-only AM stations; the city is surrounded by, although not part of, Pittsylvania County (population 58,296), which contains AM stations at Altavista and Gretna and an FM station (operating on a Class C channel) at Gretna some 25 miles from Danville. (This station, operating with small facilities of 3 kw E.R.P. and effective antenna height of 105 feet, does not serve Danville with a 1 mv/m signal.) It appears that much of the county is without primary AM service at night. Petitioner asserts that this is true of portions of Danville itself, because of the directionalized nighttime operations of WBTM and WDVA, but there is no engineering showing in support of this assertion.[6]

21. In its petition and reply comments (it filed no initial comments), Piedmont advances facts and arguments concerning the importance of Danville—its position as a large regional trade center with 1963 retail sales of more than $86 million, its status as the home of 101 industrial establishments including the world's largest textile mill, and as the world's first or second largest tobacco market, and data concerning the city's educational and cultural activities. It is stated—not entirely correctly—that the city is the largest in the Nation without an FM assignment,[7] and it is urged that an FM assignment here would enable WBTM to provide a service (entirely separate from its AM service except for newscasts, it is proposed) to the entire area of Danville and Pittsylvania County, which needs such service especially at night. In the petition, it is asserted that WBTM has been designated by the Commission and the U.S. Army Corps of Engineers as the key civil defense station in the area, and a wide-coverage FM assignment would play an important part in developing a Virginia FM defense network. In replying to its Pulaski and Durham opponents, Piedmont asserts that a Class C assignment at Danville would be much more efficient than a Class A channel at Pulaski in terms of area and population served;[8] and that Danville is obviously more in need of a first FM assignment than is Durham in need of a second, particularly since that city has three fulltime AM stations and also receives service from the three powerful FM stations (and three fulltime AM stations) in Raleigh, only some 20 miles away. It is asserted that interest in the second Durham FM channel developed only after the present proceeding was begun.

22. The proposal was vigorously opposed by the licensees of daytime-only Stations WPUV, Pulaski, and WRSC, Durham (the latter tendered an application for Channel 296A at Durham in December 1964). The Pulaski licensee, Pulaski Broadcasting Corp., urges us to adhere to the concept, expressed in the decisions in Docket 14185 (the overall FM proceeding) that AM and FM should be viewed as complementary parts of a total aural service; and that accordingly we should attach great weight to retaining the potential for a fulltime FM service which would represent the only fulltime broadcast facility in the city and Pulaski County, of which it is the county

[4] Later assignment of Channel 281 at Hannibal is probably not impossible, if need for such an assignment arises, since it could probably be used some 5 miles east of the city.

[5] On Channel 295, a station would have to be located some 12 miles northeast of Danville, to meet mileage separations to stations not involved in the proposal. However, petitioner recognizes this, and such use would be feasible with respect to providing the required principal-city signal over Danville.

[6] If this statement is true, it is only because, like many other communities, Danville has annexed territory since 1947, when the two fulltime AM stations were authorized substantially their present facilities. At that time, both operations easily met the requirements of the rules concerning signal intensity and interference-free service to the city of assignment. Most of Pittsylvania County is north of Danville, and does not receive nighttime primary service from these stations, which are directionalized so as to serve chiefly to the south and east.

[7] There are a number of cities larger than Danville without FM assignments, but in general they are close to large metropolitan centers. Danville may be the largest city situated so far from large urban centers and without an assignment.

[8] Originally, Piedmont called attention to the lack of demand for the Pulaski channel and expressed doubt that the community either needs or can support a second aural station. However, as mentioned below, a demand therefor now appears to exist, and Piedmont did not urge this matter in its reply comments.

seat (there are no AM facilities other

seat (there are no AM facilities other than WPUV, nor FM assignments other than 296A, in the county). The population of the city and county respectively are 10,469 and 27,258. The petition and comments, and several letters attached to the latter from the town manager and town attorney of Pulaski, the County Chamber of Commerce, and others, assert a need for a fulltime service, to present local news and events during evening hours. It is asserted that the county is experiencing substantial population and industrial growth. While there is no engineering showing on the point, it appears that Pulaski and much of its county do not have primary AM service available nighttime.* One of the letters attached to Pulaski's comments, from its president and general manager, states that an application for Channel 296A will be filed by June 1, 1965 (and that the engineering therefor has been completed). As to the defense argument made by Piedmont, one letter supporting Pulaski's pleading suggests that this consideration should weigh in favor of Pulaski, which has no nighttime coverage at all.

23. Carolina Radio of Durham, Inc., licensee of daytime-only Station WRSC at Durham, asserts that Durham has greater need for a sixth aural medium than does Danville for a fifth (there are three fulltime AM, one daytime-only AM, and one FM stations at Durham). In fact, it asserts, since the existing FM station duplicates the programing of its fulltime AM affiliate, the question is really a fifth such service in one city as opposed to a fifth in the other, and it is urged that Durham, with a larger population (78,302) and larger retail sales ($106 million compared to $67,419,000 in 1958), deserves the additional service. It is pointed out that WRSC, which has now applied for Channel 296A, would provide such a service since it would duplicate its AM facility only during the day and necessarily program separately at night.

24. An opposing reply comment was also filed by Virginia-Carolina Broadcasting Corp., licensee of WDVA, the other Danville fulltime station. This party urges that, while Danville has great need for an FM assignment, this proposal is not the answer, because it would give Danville only one FM assignment, resulting in: (1) A monopoly of nighttime aural service with respect to the considerable area and population it would serve outside of the two fulltime AM stations' nighttime contours; and (2) assuming the grantee of the station would be one of the Danville AM licensees (Piedmont obviously envisages WBTM) that licensee would have a monopoly on FM service in the area and undue economic leverage with respect to the other Danville stations. Instead, Virginia-Carolina proposes that the matter be resolved in another way, which, it is said, would give Danville more than one FM assignment and also provide channels for other communities in the area now in need of them, rather than depriving cities of needed channels as the Piedmont proposal would require. The alternative proposed is to change the line between FM Zone I and FM Zone II, which now runs north of Danville, to the Virginia-North Carolina boundary. This would permit assignments in this area to be made at shorter separations, and, it is said, would provide more assignments at Danville. It is urged that the Commission should study a broader approach to the Danville problem than that proposed by Piedmont, and that Virginia-Carolina would shortly file a petition looking toward such a solution. However, no such petition has been filed.

25. Upon consideration of the matters urged in the foregoing pleadings, we are of the view that the proposal advanced by Piedmont and set out in the notice must be denied. We recognize the desirability of providing an FM assignment for a city of the size and importance of Danville. But the cost involved appears simply too great. The proposal would deprive Pulaski, a county seat of some size, as well as much of its county, of an opportunity for a first, and locally oriented, nighttime service. By contrast, Danville has two fulltime AM stations, which serve all but a small portion, if not all, of that city and its environs. This factor alone would probably require denial of the proposal; but when there is added the fact that the larger city of Durham would be reduced to one FM service, the answer to the question becomes clear. We shall continue to explore possible solutions to this problem, for example one set forth in a notice of proposed rule making adopted today, which if made final would provide Class C Channel 277 for Danville. But, irrespective of this possibility, we believe the proposal now before us is too costly and must be denied.

26. *Reno, Nev.* On its own motion, the Commission proposed to delete three channels at Reno, Nev., which were inadvertently assigned in the FM table of assignments at short separations, and replace them with three channels meeting separation requirements. No opposition to this proposal was filed, and it will be adopted. Channels 283, 289 and 295 will be assigned to this community in place of Channels 222, 226 and 230.

27. In view of the foregoing, and pursuant to authority contained in sections 4(i), 303, and 307(b) of the Communications Act, as amended: *It is ordered*, That effective June 7, 1965, § 73.202 of the rules, the table of FM assignments, is amended, with respect to the communities listed, to read as follows:

City	Channel No.
Florida:	
Ocala	229, 252A
Titusville	252A
Minnesota:	
Alexandria	234A, 264
Wadena	290
Mississippi:	
Brookhaven	221A
Forest	223
Haslehurst	265A
Magee	298
Missouri:	
Hannibal	254
Marshall	275
Mexico	239
Moberly	284
Nevada: Reno	238, 283, 289, 295

28. *It is further ordered*, That, effective June 7, 1965, and pursuant to section 316(a) of the Communications Act of 1934, as amended, the outstanding construction permit held by Scott County Broadcasting Co., Inc., for radio Station WMAG–FM is modified to specify operation on Channel 223 in lieu of 228A, subject to the following conditions:

(a) The permittee shall inform the Commission in writing by May 28, 1965, of its acceptance of this modification.

(b) The permittee shall submit to the Commission by May 28, 1965, the technical information normally required for the issuance of a modified construction permit for the operation on Channel 223, including any changes in the antenna and transmission line.

29. *It is further ordered*, That this proceeding is terminated.

(Secs. 4, 303, 307, 48 Stat. 1066, as amended. 1082, as amended, 1083; 47 U.S.C. 154, 303, 307)

Adopted: April 28, 1965.

Released: April 30, 1965.

FEDERAL COMMUNICATIONS COMMISSION,[10]

[SEAL] BEN F. WAPLE, *Secretary.*

[F.R. Doc. 65-4734; Filed, May 4, 1965; 8:49 a.m.]

*Some of the letters supporting the petition refer to the lack of nighttime AM service in the area. Primary service at night is received in part of the county from Station WRAD, Radford (500 watts DA); but, with that station limited to a higher contour than 9 mv/m, its nighttime primary service area does not extend to the city of Pulaski or to a large portion of the county.

[10] Commissioner Lee absent.

Proposed Rule Making

DEPARTMENT OF AGRICULTURE

Consumer and Marketing Service

[7 CFR Part 28]

AMERICAN UPLAND COTTON

Proposed New Standards

Notice is hereby given in accordance with section 4 of the Administrative Procedure Act (5 U.S.C. 1003) that the Consumer and Marketing Service is considering the addition of a new descriptive standard for Strict Good Ordinary Light Spotted cotton and a new physical standard for Strict Good Ordinary Spotted cotton to the current Official Cotton Standards of the United States for the Grade of American Upland Cotton (7 CFR Part 28, Subpart C), pursuant to authority contained in sections 6 and 10 of the United States Cotton Standards Act, as amended (42 Stat. 1518, 1519; 7 U.S.C. §§ 56, 61) and in section 4854 of the Internal Revenue Code of 1954 (68A Stat. 580; 26 U.S.C. § 4854).

Statement of considerations leading to the proposed new standards. Studies and surveys conducted by the Department of recent cotton crops show that the production of cotton which cannot be adequately described by present Official Cotton Standards for the Grade of American Upland Cotton has increased in the United States. Changes in harvesting practices have contributed materially to this increase. The proposed new standards for Strict Good Ordinary Light Spotted and Strict Good Ordinary Spotted cotton would provide a more meaningful classification of a large percentage of cotton now falling into this category.

Fiber and spinning tests conducted by the Department show that cotton which is within the range of the proposed new standards for Strict Good Ordinary Light Spotted and Strict Good Ordinary Spotted cotton has a spinning utility comparable to cotton now described by the lowest grades in the present standards for White and Tinged cotton. These new standards would promote orderly and efficient marketing of cotton of these qualities.

1. The proposed new standard for Strict Good Ordinary Light Spotted cotton would be a descriptive standard which would read as follows:

§ 28.425 Strict Good Ordinary Light Spotted.

Strict Good Ordinary Light Spotted is American upland cotton which in leaf and preparation is Strict Good Ordinary, but which in spot or color, or both, is between Strict Good Ordinary and Strict Good Ordinary Spotted.

2. The proposed new standard for Strict Good Ordinary Spotted cotton would be a physical standard represented by a box of samples and described as follows:

§ 28.435 Strict Good Ordinary Spotted.

Strict Good Ordinary Spotted is American upland cotton which in color, leaf, and preparation is within the range represented by a set of samples in the custody of the United States Department of Agriculture in the District of Columbia in a container marked "Original Official Cotton Standards of the United States, American Upland, Strict Good Ordinary Spotted, effective July 1, 1966."

3. Also, in § 28.475 the first sentence would be amended by deleting the words "Low Middling Light Spotted" and substituting therefor the words "Strict Good Ordinary Light Spotted" and by deleting the words "Low Middling Spotted" and substituting therefor the words "Strict Good Ordinary Spotted". The third sentence in § 28.475 would be amended by deleting the words "Below Low Middling Light Spotted" and substituting therefor the words "Below Strict Good Ordinary Light Spotted" and by deleting the words "Below Low Middling Spotted" and substituting therefor the words "Below Strict Good Ordinary Spotted".

The proposed new physical standard for Strict Good Ordinary Spotted cotton is being displayed for public inspection at the following cotton classing offices of the Consumer and Marketing Service between 10 a.m. and 4 p.m. on regular business days during the dates shown for each office:

Classing office	Date
Columbia, S.C., 2628 Millwood Ave	May 3–14
Raleigh, N.C., 407 Park Ave. Extension	May 3–14
Memphis, Tenn., 4841 Summer Ave	April 26–May 21
Lubbock, Tex., 610 23rd St	May 3–14
Houston, Tex., 2803 Caroline Ave	May 3–7
Fresno, Calif., 2353 East Tulare St	May 3–14

The proposed new standards will also be considered at the 1965 Universal Cotton Standards Conference to be held in Memphis, Tenn., June 3–4, 1965. All overseas signatories to the Universal Cotton Standards Agreement and all segments of the domestic cotton industry interested in standards have been invited to send representatives to this conference.

The Department proposes to make the new standards and the amendment of § 28.475 effective on July 1, 1966.

All persons who desire to submit written data, views, or arguments in connection with these proposed new standards should file same in duplicate with the Hearing Clerk, U.S. Department of Agriculture, Room 112, Administration Building, Washington, D.C., 20250, not later than June 7, 1965. All written submissions made pursuant to this notice will be made available for public inspection at the Office of the Hearing Clerk during the regular business hours (7 CFR 1.27 (b)).

Dated: April 29, 1965.

G. R. GRANGE,
Deputy Administrator, Marketing Services.

[F.R. Doc. 65-4685; Filed, May 4, 1965; 8:46 a.m.]

[7 CFR Part 930]

[Docket No. AO-348]

HANDLING OF CHERRIES GROWN IN CERTAIN STATES

Decision and Referendum Order With Respect To Proposed Marketing Agreement and Order

Pursuant to the rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held at Grand Rapids, Mich., March 10–12, 1965, and continued at Sturgeon Bay, Wis., on March 15, 1965, at Rochester, N.Y., on March 18, 1965, and at Gettysburg, Pa., on March 22, 1965, after notice thereof published in the FEDERAL REGISTER (30 F.R. 1984) on a proposed marketing agreement and order for regulating the handling of cherries grown in Michigan, New York, Wisconsin, Pennsylvania, Ohio, Virginia, West Virginia, and Maryland, to be made effective pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended; 7 U.S.C. 601–674).

On the basis of the evidence adduced at the hearing, and the record thereof, the recommended decision in this proceeding was filed on April 14, 1965, with the Hearing Clerk, United States Department of Agriculture. The notice of the filing of such recommended decision, affording opportunity to file written exceptions thereto, was published in the FEDERAL REGISTER (F.R. Doc. 65-4028; 30 F.R. 5514).

Rulings on exceptions. Exceptions and other communications with respect to the recommended decision were filed, within the prescribed time, by Winifred Arent, by Wilbur Van Dorn, by Edward Dunkelberger on behalf of the National Canners Association, and by John F. Watson on behalf of the Virginia State Horticultural Society. Each of such exceptions was carefully and fully considered, in conjunction with the evidence in the record and the proposed findings and conclusions of the recommended decision, in arriving at the findings and conclusions set forth herein.

Exception was taken to the findings and conclusions of the recommended decision that the proposed marketing agreement and order would tend to effectuate the declared policy of the act. It was asserted that the record of the hearing does not support the conclusion that (1) restrictions on the supplies of

red tart cherries would result in increased total returns to growers or (2) that total earnings of growers could be increased by establishing a reserve pool. At the hearing, economists from Michigan State University testified at considerable length concerning the supply-demand relationship for red tart cherries. Detailed examples were presented showing the effect on grower returns of given changes in the level of available supplies of cherries. Such evidence shows that the demand for cherries is inelastic and that, in years of large cherry production, a greater total return will result if less than the total supply is available for handling than if the entire crop is marketed. With respect to the proposed reserve pool, the presumptive evidence is that such a reserve would increase grower returns. The evidence of record shows that, in some years, the reserve pool may not be disposed of at a profit and the recommended decision recognizes this fact. However, it would be speculative to assume that the past pattern of alternating long and short crops may not continue in future years. Such a premise should not be used as the basis for denying growers the opportunity to increase their returns through the establishment of the reserve pool. The exception is, therefore, denied.

Exception was taken to the ruling in the recommended decision rejecting a contention that the set-aside provisions of the proposed order was not in accordance with the act. It was asserted that there is a total lack of statutory authority for the set-aside provisions of the order. As pointed out in the recommended decision, the free and restricted percentage established under the order would be applied to red tart cherries for canning or freezing and there would be no restrictions applicable to the canned or frozen products produced from the free percentage cherries. The restricted percentage cherries would be set aside and held for the account of the committee in the form of storable cherry products. The set-aside products may, under proper circumstances, be disposed of by the committee to supplement the commercial pack. Apparently, it is these features that prompt the exceptor to contend that the order regulates canned or frozen cherries. However, the fact that the set-aside cherries must be in processed form does not constitute any regulation of canned or frozen cherry products. Nor does the fact that the set-aside cherry products may be disposed of by offering them to handlers impose any regulation on canned or frozen cherries. The handlers are not required to purchase any portion of the set-aside offered to them. They may acquire these canned or frozen products or not as they see fit. Also there is no restriction whatsoever on a handler's sale or other disposition of any of the supplemental supply of cherry products released by the committee and which he may acquire. Thus, it is readily apparent that the proposed order applies to cherries for canning or freezing and not to canned or frozen cherries, per se. The exception is, therefore, denied.

To the extent that the findings and conclusions contained herein are at variance with any of the exceptions pertaining thereto, such exceptions are denied on the basis of the findings and conclusions relating to the issues to which the exceptions refer.

Material issues. The material issues presented on the record of the hearing are as follows:

(1) The existence of the right to exercise Federal jurisdiction in this instance;

(2) The need for the proposed regulatory program to effectuate the declared purposes of the act;

(3) The definition of the commodity and determination of the production area to be affected by the order;

(4) The identity of the persons and transactions to be regulated; and

(5) The specific terms and provisions of the order including:

(a) Definition of terms used therein which are necessary and incidental to attain the declared objectives of the act, and including all those set forth in the notice of hearing, among which are those applicable to the following additional terms and provisions;

(b) The establishment, maintenance, composition, powers, and duties of a committee which shall be the administrative agency for assisting the Secretary in administration of the order;

(c) The incurring of expenses and the levying of assessments;

(d) Authority to establish marketing research and development projects;

(e) The method for regulating the handling of cherries grown in the production area, including the establishment of a reserve pool of cherry products and providing for its disposition;

(f) The granting of exemptions from regulation of cherries used for such purposes, as the committee, with the approval of the Secretary, may specify;

(g) The establishment of reporting and related recordkeeping requirements upon handlers;

(h) The requirement of compliance with all provisions of the order and with regulations issued pursuant thereto; and

(i) Additional terms and conditions as set forth in §§ 70 through 80 and published in the FEDERAL REGISTER (30 F.R. 1984) on February 12, 1965, which are common to marketing agreements and orders, and certain other terms and conditions as set forth in sections 81 through 83, and also published in the said issue of the FEDERAL REGISTER, which are common to marketing agreements only.

Findings and conclusions. The findings and conclusions on the aforementioned material issues, all of which are based on the evidence adduced at the hearing and the record thereof, are as follows:

(1) Red tart cherries, also called red sour cherries, are grown commercially in Michigan and in portions of the States of Wisconsin, Ohio, Pennsylvania, and New York bordering the Great Lakes. Such cherries are also grown commercially in the southern part of Pennsylvania and in the northern Appalachian regions of Virginia, West Virginia, and Maryland. In addition, there is commercial production of red tart cherries in several Western and Northwestern States but such production represents, on the average, less than 10 percent of that for the entire United States, is marketed almost entirely in the Western States, and presently does not materially affect the prices that the producers of red tart cherries in the other commercial areas receive for their cherries.

Practically all of the red tart cherry production in the Great Lake States (Michigan, New York, Ohio, Pennsylvania, and Wisconsin) is processed into canned or frozen products. Minor market outlets are fresh sales and brining which comprise less than five percent and one percent, respectively, of total sales. Such cherries are received by handlers and processed into canned and frozen products without regard to whether such products are to be sold within or without the state of production. In addition, the individual products of cherries, as they move to market, tend to be similar in that they are sold under standardized packs, grades, and names or brands. Generally, no handler supplies any single segment of the market to the exclusion of every other handler. The market for red tart cherry products is broad and not limited to any sectional part of the United States. Handlers sell a large portion of their production to other than the ultimate consumer of the cherries—such as commercial bakers and institutional users—which can substitute canned red tart cherries for frozen or vice versa if price differentials are such that it is profitable to do so. Therefore, all canned and frozen products of red tart cherries are in competition in the market and handlers generally sell such cherry products at comparable f.o.b. prices both with respect to sales within the state of production and sales in interstate commerce.

The proposed order contemplates, if it is made effective, the imposing of certain restrictions which are to be applicable to red tart cherries received by handlers from growers. Such regulation would require each handler receiving cherries for handling to set aside and hold for disposition by the administrative committee, established under the order, that portion of such receipts as may be fixed by the Secretary. In this manner, the total quantity of cherries which handlers may freely handle for their own respective accounts is to be limited to the volume which reasonably conforms to commercial requirements. If an attempt was made artificially to separate, under marketing order requirements, the production, processing, and sale of red tart cherries for intrastate commerce from that for interstate and foreign commerce, the result would be to burden unduly handler operations in that, as each lot of such cherries was received from growers, handlers would have to make such determinations as the market in which the cherries, after processing, would be disposed of, and the type of pack and product to be made therefrom. Separate records and reporting with respect to the red tart cherries processed for intrastate sale and for interstate and foreign commerce would have to be required under the order. The facility would also be established whereby the red tart cherries processed for

intrastate sale and in the hands of persons one or more steps removed from the handlers being regulated could advantageously be shipped and sold in interstate or foreign commerce.

In these circumstances, it is found and determined that the intrastate handling of red tart cherries, grown in the proposed production area, directly burdens, obstructs, and affects the handling of such cherries in interstate and foreign commerce, and that it is necessary for all such cherries to be subject to the order so as to regulate effectively the interstate and foreign commerce thereof.

(2) The hearing evidence shows that the production of red tart cherries in the Great Lake States is trending upward. Numbers of red tart cherry trees, as shown by the census for 1940, 1950, 1954, 1959, for the Great Lake States as a whole, have steadily increased. Prior to 1961, the largest production of red tart cherries, in such States, was 147,360 tons. Such production has been exceeded during three of the past four years, with the 1964 crop estimated to total 242,900 tons. Production of red tart cherries in the Great Lake States has fluctuated widely from year to year. With few exceptions, large crops have been followed by short crops. For example, annual production, in tons, of red tart cherries grown in these States during the 10 years beginning with the 1955 crop were as follows: 136,550; 89,700; 134,450; 92,600; 129,800; 107,000; 153,300; 162,200; 73,050; and 242,900 (preliminary). Also, since the price that processors pay to growers is based primarily on the available supply, grower returns have fluctuated inversely from year to year to the change in production.

The U.S. parity price for sour cherries, all uses, based upon data for February 1965, was $188 per ton.[1] The equivalent parity price of red tart cherries for processing, produced in the Great Lake States, as of February 1965, was $187 per ton. Grower returns for such cherries have exceeded such equivalent parity price only once during the past 10 years. The average price received by growers for the short 1963 crop slightly exceeded such parity price. For the large crops of 1962 and 1964, grower returns averaged approximately 50 percent of the February 1965 parity price.

The hearing evidence is that the demand for red tart cherries for canning and freezing, the major market outlet, is inelastic when total available supplies exceed 300 million pounds. This means that by restriction of the supplies of red tart cherries available to handlers during years when there are large crops, the total returns to growers can be increased. Also, the alternate production characteristics of the red tart cherry industry in the Great Lake States provides an opportunity to increase total earnings of growers by converting, at the expense of the growers, the excess production of large crop years into storable products, which would constitute a reserve pool to be liquidated in a year when the available supplies are short. Returns from the pool, after deduction of the expense of processing and storage, would be distributed to the growers.

In view of the foregoing, it is concluded that a marketing order providing for (1) restrictions on the volume of red tart cherries, grown in the production area as hereinafter defined, which may be received and freely used by handlers, and (2) establishing a reserve pool of red tart cherry products, would tend to establish more orderly marketing conditions for such cherries and to effectuate the declared policy of the act.

(3) The term "cherries" should be defined in the order to identify the commodity to be regulated thereunder. Such term, as used in the order, should include all cherries of the type commonly called red tart cherries or red sour cherries grown in the production area inasmuch as it is not intended, nor is it necessary, to regulate "sweet cherries" under the order. Sweet cherries are considered a separate commodity from red tart (or sour) cherries as they are marketed differently and have different uses. The principal market outlet for sweet cherries is fresh sales and brining whereas red tart cherries usually are canned or frozen. The sweet cherries that are canned generally retail at considerably higher prices than the prices for canned red tart cherries. Most canned and frozen red tart cherries are used in pies while sweet cherries are seldom used for this purpose. Red tart cherries are readily identifiable from sweet cherries. The term cherries should be limited to the red tart (or sour) cherries grown in the production area as the order would apply only to such cherries.

A definition of the term "production area" should be incorporated into the order to designate the specific area in which the red tart cherries (hereinafter called "cherries") to be regulated are grown. Such area should include all of the commercial cherry production areas in the eight States of Michigan, New York, Wisconsin, Pennsylvania, Ohio, Virginia, West Virginia, and Maryland. These States have accounted for over 90 percent of the commercial cherry production, and approximately 95 percent of canned and frozen cherry products produced, during the past 5 years. The remaining commercial cherry production is in the Western States of Montana, Idaho, Colorado, Utah, Oregon, and Washington. These States do not produce sufficient canned and frozen cherries to supply the west coast markets. Consequently, such cherries generally have not been shipped to eastern markets, which are the largest markets for cherries produced in the Eastern States, and have not competed with the eastern cherries except when the latter are shipped to west coast markets. Thus western cherry production has had only a minor effect on the prices that the eastern cherry growers have received for their cherries. Moreover, if the western cherry producing states were included in the production area it would greatly increase the costs of administration of the order.

The eight-State eastern production area is the smallest practicable area for application of the order because of the similarity of producer prices and marketing. There is a large cooperative marketing association of growers which has members in all of such eight-State area. For a number of years this cooperative has bargained with handlers and has established annually a uniform minimum price which such handlers have agreed to pay the grower members of the cooperative for their cherries. While growers in a restricted area having an abnormally short crop may, because of handler competition for nearby supplies, at times receive a price for their cherries above the minimum price so established, prices paid to growers tend to be fairly uniform throughout the eight-State area. Also, some handlers have plants for processing cherries in more than one of the states in this eight-State area and brokers often represent the handlers in several of the states of the eight-State area. Applying the order to any lesser production area than the eight eastern States which have commercial cherry production could materially decrease the effectiveness of the order. If Wisconsin and Virginia were excluded from the production area, as requested at the hearing, approximately 10 percent of the tonnage of the eight-State area would be excluded from coverage by the order. This tonnage has a comparable demand-price relationship to that prevailing in the other States in the area. Some cherries produced in Virginia are processed in Pennsylvania and are commingled with Pennsylvania cherries and it would not be feasible to attempt to apply the order to handlers who would be commingling cherries from regulated and non-regulated areas. Exemption of Wisconsin, simply because the average production per tree is lower and costs of production are higher, does not seem warranted because the evidence of record shows that, during years of surplus production, the lesser quantity that would be available for sale as the result of regulation would provide a greater gross return than would be obtained if there were no marketing order in effect. Moreover, if any portion of the eight-State area were excluded from the order, the producers in that area would benefit from the operation of the order without making any contribution to its operation.

(4) The term "handler" should be defined in the order to identify the persons who would be subject to regulation under the order. Therefore, the term should apply to all persons who perform any of the activities within the scope of the term "handle," as hereinafter defined. In other words, any person who pits, cans, freezes, dehydrates, presses, or brines cherries, or in any other way converts cherries into a processed product, should be a handler under the order and be required to comply with all requirements of the order and the regulations issued thereunder. The term "handler" should also include any person who causes cherries to be handled. There are persons who do not have any processing facilities, i.e., they do not have facilities for personally performing the activities of the pitting, canning, freezing, etc. of cherries, who nevertheless should be handlers under the order. For example, a grower or some other person may own

[1] As published in the February 1965 issue of Agricultural Prices, SRS, USDA.

cherries and may have a handler can or freeze such cherries for a fee. In such instances, the handler who cans or

purpose because all cherries received for handling would be subject to application

of repeating its full name each time it is referred to.

producers. Handlers are usually closer

handler problems. Therefore, it is con-

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cherries and may have a handler can or freeze such cherries for a fee. In such instances, the handler who cans or freezes the cherries is known as a custom packer. While the custom packer performed the "handling activity" it is the person who hires the cherries custom packed who should be the handler as (1) the custom packer merely provides a service for a fee and (2) the person owning the cherries makes all of the decisions concerning the type of pack, container size, and disposition of the canned or frozen product the same as if he processed the cherries in his own plant.

There also are persons who purchase cherries that have been pitted and placed in large containers by a handler and then have such cherries frozen for later use. In such instances, both parties have performed a handling activity. So that the regulations under the order apply only once to a particular lot of cherries, it should be provided that a handler is the first person who performs a handling activity. The person who first handles cherries should be the handler as he is the one who decided that the cherries will be handled.

"Handle" should be defined to include the acquisition or receiving (as hereinafter discussed) of cherries and the pitting, canning, freezing, dehydrating, pressing, or brining of such cherries since these specific processes are the common means of preparing cherries for sale in the channels of trade. This term should also include the conversion of cherries into a processed product by any other method so that any new methods of processing cherries that may be developed would be covered. The act does not authorize the regulation of any canned or frozen cherry product so, in order for the program to be effective, it is necessary to provide that cherries are handled at the time they are processed into products.

"Handle" should be defined to cover such processing of cherries both within and outside the production area. The record does not show that there presently is any handling of cherries, grown in the production area, outside such area. However, there are processing plants, in northern Indiana for example, which may be capable of handling cherries or with minor changes could be made capable of handling cherries. Such plants are sufficiently near the cherry producing area of southwest Michigan that cherries could be transported to such plants for processing if it were advantageous to do so. Regulations under the order would tend to provide such advantage if only handlers within the area were regulated as other handlers could use all of the cherries received without any limitation.

Under the order, authority is provided for growers to divert cherries to uses to be specified if they choose to do so rather than to participate in the reserve pool. Some such diversion outlets may include uses, such as converting the diverted cherries to juice. It is necessary, therefore, to exclude from the definition of handle, cherries which are diverted to specified uses. Otherwise the specification of certain outlets for diverted cherries could not accomplish its intended purpose because all cherries received for handling would be subject to application of any free and restricted percentage that are established.

The term "acquire" or "receive" should be defined in the order to include any acquisition of cherries for the purpose of handling such cherries. A definition of such terms is necessary because regulation under the order is applied to all cherries a handler acquires for handling. "Acquire" and "receive" should be synonymous so that a handler will know that as soon as he obtains possession of cherries, by any means whatsoever, he may handle such cherries only in accordance with the provisions of the order.

(5) (a) Certain terms applying to specific individuals, agencies, legislation, concepts, or things are used throughout the order. These terms should be defined for the purpose of designating specifically their applicability and establishing appropriate limitations on their respective meanings wherever they are used.

"Secretary" should be defined to include not only the Secretary of Agriculture of the United States, the official charged by law with the responsibility for programs of this nature, but also, in order to recognize the fact that it is physically impossible for him to perform personally all functions and duties imposed upon him by law, any other officer or employee of the United States Department of Agriculture who is, or who may hereafter be, authorized to act in his stead.

The definition of "act" provides the correct legal citations for the statute pursuant to which the proposed regulatory program is to be operative and avoids the need for referring to these citations throughout the order.

The definition of "person" follows the definition of that term as set forth in the act, and will ensure that it will have the same meaning as it has in the act.

The term "fiscal period" or "fiscal year" should be defined to set forth the period with respect to which financial records of the Cherry Marketing Committee—the administrative committee established by the order—are to be maintained. The most desirable period for such purpose, at the present time, is the 12-month period ending the last day of April of each year. Such a period would fix the beginning of each fiscal period reasonably close to the time harvesting and handling of cherries normally begins. This would facilitate fixing the term of office of members and alternates to coincide with such period and it would allow sufficient time prior to the time of harvest for the committee to organize and develop information necessary to its functioning during the ensuing year, and would still ensure that a minimum of expense would be incurred during a fiscal period prior to the time assessment income is available to defray such expenses.

A definition of "committee" should be incorporated in the order to identify the administrative agency established under the provisions of the program. Such committee is authorized by the act, and the definition thereof, as hereinafter set forth, is merely to avoid the necessity of repeating its full name each time it is referred to.

The term "grower" should be synonymous with "producer" and should be defined to include any person who is engaged, in the production area, in the production of cherries that are to be marketed in canned, frozen, or other processed forms, and who has a proprietary interest therein. A definition of the term "grower" is necessary to determine eligibility to vote for nominees for, and serve as, grower members or alternate members of the Cherry Marketing Committee. The term should be restricted to those who produce cherries that are to be processed because the order does not apply to cherries sold in fresh market outlets for distribution or retail to consumers as fresh fruit. It should also include, in limited instances, persons who purchase cherries from the grower and resells them to a processor. Such a person is not a producer, as the term generally is used in the order, since he did not grow the cherries—neither is he a handler. However, should he purchase cherries on the tree, for example, he should have the same privileges as the grower of the cherries with respect to diversion, as hereinafter discussed, prior to delivery of the cherries to the processor. The term grower should, therefore, be defined as hereinafter set forth.

"District" should be defined as set forth in the order to provide a basis for nomination and selection of the members of the committee. The districts (i.e., the geographical divisions of the production area) as established and set forth in the notice of hearing represent a reasonable basis for providing a fair, adequate, and equitable representation on the committee. The provision for redistricting is desirable because it allows the committee and the Secretary to consider, from time to time, whether the basis for representation on the committee should be improved.

(b) It is desirable to establish an agency to administer the order under and pursuant to the act, as an aid to the Secretary in carrying out the purpose of the order and the declared policy of the act. The term "Cherry Marketing Committee" is a proper identification of the agency and reflects the character thereof. A committee of eighteen members, with a like number of alternates, should provide adequate industry representation on the committee to recommend marketing regulations and to perform other administrative functions. A smaller committee would be less expensive and would be less likely to be unwieldy. However, record evidence shows that because of the size of the production area and the nature of the area involved, a committee of eighteen was the least number which would allow good representation from all areas. In order to insure a committee that will represent the cherry industry within the production area, 12 of the members should be growers and 6 should be handlers. Although, it is primarily a grower's program, the restrictions are placed at the handler level so it is only right that the handlers have representation on the committee. The division of 12 grower and 6 handler members provide a majority of the membership to the

producers. Handlers are usually closer to the marketing situation, and 6 members on the committee should provide advice and counsel to the committee. Alternate members should have the same qualifications as the member for whom he is an alternate. Some growers of cherries are corporations and a corporation, as such, could not serve as a member or alternate member on the committee. However, each such company may have one or more employees who are well versed in the growing and handling of cherries, and it is desirable, as evidenced by record testimony, that such persons be eligible to serve as grower member or grower alternate member on the committee. There are growers who are members of a cooperative and all such grower members' cherries are handled by the cooperative as one lot of cherries. Record evidence shows that each such grower should be entitled to cast his ballot for, and be eligible to serve as, grower member and grower alternate member on the committee.

Some handlers of cherries are companies, either incorporated or otherwise, and a company, as such, could not serve as a member or alternate handler member on the committee. These companies have employees who are in charge of the packing, marketing, and handling operations, and such employees would be qualified from the standpoint of knowledge and experience for service on the committee, and it would not be in the best interest of the industry to deny them the opportunity to be nominated for and serve as handler member on the committee.

There are growers throughout the production area who do not have any processing facilities but may handle all or a portion of the cherries they produce. In other words, he pays a processor a fee for performing certain processing operations while retaining control of the cherries. A modification to the proposed order was offered at the hearing, and strongly supported without opposition, which would not permit such a grower-handler to serve as, to be nominated for, or to participate in the selection of nominees for, the handler member or alternate positions on the committee. This modification would, in fact, limit handler membership to those handlers who own or lease processing equipment. Record evidence shows that, often, several years may elapse between one such custom pack operation by a grower and the next. Also, a grower who pays a fee for having all or a portion of his cherries custom packed may not, by reason of such action, obtain information concerning the problems encountered in the pitting, canning, freezing, or other handling operation. If such a grower-handler were permitted to serve on the committee as handler member or alternate member, it could result in the committee membership lacking the handler experience so vital to the successful operation of the program. It was also testified that the processors who own or lease processing equipment are a relatively stable group, knowledgeable of industry problems, and able to provide advice and counsel to the committee with respect to handler problems. Therefore, it is concluded that the handler membership on the committee should be restricted to handlers who own or lease and operate processing equipment.

For representation on the committee, the production area should be divided into districts as specified in the order. District 1 should include the State of Wisconsin and be represented by one grower member and one handler member with an alternate for each such member. District 2 should include the State of New York and be represented by two grower members and one handler member and their respective alternates. District 3 should include the States of Maryland, Pennsylvania, Virginia, and West Virginia. Representation on the committee from this district should be two grower members and one handler member and their respective alternates. District 4 should include that portion of the State of Michigan which is north of a line drawn along the boundary of Mason and Manistee Counties and extending easterly to Lake Huron. Representation on the committee from this district should be three grower members and one handler member and their respective alternates. District 5 should include that portion of the State of Michigan which is south of District 4 and north of a line drawn along the boundary of Allegan and Ottawa Counties and extending easterly to the St. Clair River. Representation on the committee from this district should be two grower members and one handler member and their respective alternates. District 6 should include the State of Ohio and that portion of the State of Michigan not included within Districts 4 and 5. Representation on the committee from this district should be two grower members and one handler member and their respective alternates. Such representation recognizes to the extent practicable the relative volume of production in the various districts, the geographic boundaries normally recognized within the industry, and the large geographic area represented in District 3. Provision to redefine the districts and to reapportion membership on the committee among districts should be provided so that, if it becomes apparent that through shifts in production, or other reasons, such district boundaries or such representation is inappropriate, the Secretary may, upon recommendation of the committee, redefine the districts into which the production area is divided, and make such reapportionment as he finds warranted. Record evidence shows that this authority should be limited to redefining the boundaries and not to include changing the number of districts. Thus, there will continue to be six districts.

Each member of the committee and his alternate should be a grower, or an officer, or employee of a corporate grower, or a handler, or officer, or employee of a handler of cherries in the district from which selected. Persons with such qualifications should be intimately acquainted with the problems of producing and handling of cherries grown in such district and may be expected to present accurately the problems incident to the production and handling of cherries in that district.

The term of office of committee members and alternates under the proposed program should be for 3 years beginning May 1 and ending on the last day of April. However, the term of office for four of the initial grower members and two of the initial handler members and their respective alternates should end April 30, 1966, and the term of office for four of the initial grower members and two of the initial handler members and their respective alternates should end April 30, 1967. This procedure would set up a necessary and desirable rotation process whereby one-third of the committee would be elected each year. This rotation procedure will also provide a committee, two-thirds of which will be familiar with the workings of the order and will be able to acquaint the new members of the committee with the operations of the program. The term of office, starting May 1, will begin sufficiently in advance of the time when cherries are harvested each season to allow adequate time for the committee to organize and start operating. Since it is possible that the new committee members may not be appointed immediately upon the expiration of the term of existing members, or that some may fail to qualify immediately, provision should be made for members to continue to serve on the committee until their successors are selected and have qualified. This is necessary to insure continuity of committee operations. Evidence presented at the hearing indicated that it would be desirable to assure that the same committee members would not serve continuously. Accordingly, provision should be made so that a member would be precluded from serving continuously on the committee for longer than three consecutive terms of office. This provision should not apply to alternate members as alternates actually serve on the committee only when the member for whom he is an alternate is unable to serve. Record evidence shows that this provision should also not apply to all those initial members who are appointed for less than the full 3-year term of office.

It is expected that the Secretary will determine from the first nominations which members will serve for 1 year, which members will serve for 2 years, and which members for 3 years. To aid the Secretary in this respect, the proponents Steering Committee conducted a random drawing in order to make recommendations to the Secretary. Accordingly, the record evidence indicates that a fair and equitable method of appointments with respect to staggered terms would be that the handler nominees appointed from Districts 6 and 5 serve for 1 year; the handler nominees appointed from Districts 3 and 2 serve for 2 years; and the handler nominees appointed from Districts 4 and 1 serve a regular 3-year term. The drawings also suggest that grower nominees appointed should serve terms according to the following schedule: For a 1-year term, one member from District 3, two members

from District 4, and one member from District 1.

For a 2-year term, one member from District 2, two members from District 5, and one member from District 4.

For a 3-year term, one member from District 3, one member from District 2, and two members from District 6.

In those districts where more than one member is to be appointed and the initial appointments are for different length of term of office, for example, one member from District 3 is to be appointed for a 1-year term of office, and one member is to be appointed for a 3-year term, it is expected that, unless otherwise indicated in the nomination report, the nominee receiving the highest number of votes will be appointed to the longer term of office. In cases where each nominee receives the same number of votes, unless a preference is stated in the nomination report, the Secretary shall fit the nominees to the appropriate term of office.

A procedure for the election of nominees for membership on the committee should be prescribed in the order to assist the Secretary in his selection of members and alternate members of the committee. It is recognized that the Secretary is vested with authority under the act to select the committee members; but the nomination of prospective members and alternate members is a practical method of providing the Secretary with the names of the persons that the industry desires to serve on the committee.

As the administrative committee will not be in a position to act until after the selection by the Secretary of its initial members, the order should provide a procedure for the selection of the initial members. Record evidence shows that the industry desires that names of the nominees for appointment to the initial committee be obtained from nominations made at meetings of growers and handlers and that the Secretary should hold such meetings. Such meetings should be held as soon as practicable after the order becomes effective. These meetings shall be conducted in manner hereinafter discussed for meetings of successor members.

Nomination meetings for the purpose of electing nominees should, insofar as possible, be scheduled by the committee at such times and places as will result in maximum grower and handler participation. At each such nomination meeting, the industry shall elect at least two nominees for each position to be filled on the committee. The committee should be authorized to adopt procedural rules for the conduct of nomination meetings so that such meetings will be held in an orderly and uniform manner.

Elections for the purpose of designating nominees for successor members of the committee and their alternates whose term of office expire on the last day of April of such year should be held during such year by the committee. Such meetings should be held prior to April 1 and at such places that may be designated by the committee so that the names and addresses of the nominees should be submitted to the Secretary not later than April 15, so that the committee can be appointed and functioning by the beginning of the fiscal year, May 1.

The order should provide that only growers, including duly authorized officers or employees of corporate growers who are present at nomination meetings may participate in the nomination and election of grower members and their alternates because it is proper that growers nominate the persons who are to represent them. Each grower should be permitted only one vote for each nominee to be elected in the district in which he produces cherries as this is a democratic method of voting. To prevent growers who produce cherries in more than one district from having a bigger voice in nominating representatives than do growers who produce cherries in only one district, no grower should be permitted to participate in the election of grower nominees in more than one district in any one fiscal year.

Only eligible handlers, including duly authorized employees of such handlers, who are present at nomination meetings should be permitted to participate in the nomination and election of handler members and their alternates since the handlers should be the ones to indicate the persons they desire to represent them on the committee. Also, handlers should be eligible to cast only one vote for each nominee to be elected in the district in which he handles cherries and no handler should be permitted to participate in the election of handler nominees in more than one district in any one fiscal year. Such provisions are necessary and desirable in order to assure that each handler is given an equal voice in the selection of the nominees for handler membership.

A modification was proposed to the order to limit handler participation at nomination meetings and limit eligibility to serve as handler members to those handlers who own or lease and operate processing equipment. This modification, hereinbefore discussed, should be adopted. An alternate modification was offered which would have had the handler votes cast at the nomination meetings weighted by the volume of cherries handled by such handler. As this was offered for consideration only in the event that the proposed limitations with respect to the handlers who would be eligible for committee membership was not adopted, the alternate modification does not warrant further consideration.

In order that there will be an administrative committee in existence at all times to administer the order, the Secretary should be authorized to select committee members and alternate members without regard to nominations if, for some reason, nominations are not submitted to him in conformance with the procedure prescribed herein. Such selection should, of course, be on the basis of the representation provided in the order so that the composition of the committee will at all times continue as prescribed in the order.

Each person selected by the Secretary as a committee member or alternate should qualify by filing with the Secretary a written acceptance of his willingness and intention to serve in such capacity. This requirement is necessary so that the Secretary will know whether or not the position has been filled. Such acceptance should be filed within 10 days after notification of such selection. It was testified that 10 days is a reasonable and desirable requirement since each nominee will know soon after the nomination meeting that he has been nominated and if he is at all interested in serving, 10 days give ample time for him to forward his acceptance. By limiting the time for accepting, there would remain sufficient time for selection of another person and the organization of the committee would not be unduly delayed.

Provision should be set forth in the order for the filling of any vacancies on the committee, including selection by the Secretary without regard to nominations where such nominations are not made as prescribed, in order to provide for maintaining a full membership on the committee.

The order should provide that an alternate member shall be selected for each member of the committee in order to insure that each district will generally have representation at meetings. Each alternate who is selected should have the same qualifications for membership as the member for whom he is an alternate so that, should the member die, resign, be removed from office, or be disqualified, the representation on the committee will remain unchanged. The alternate should serve until a successor to such member has been appointed and has qualified. So that as large a representation as possible will be present at meetings, the order should provide that, in the event neither member nor his alternate is able to attend a meeting, an alternate member who is not acting as member may be designated, as hereinafter provided, to serve in such member's place and stead.

The language in the proposed order as set forth in the notice of hearing was often interpreted as allowing grower alternate members to serve in the place and stead of absent handler members and handler alternate members to serve in the place and stead of absent grower members. A modification was offered which sets forth the basis and limits wherein alternate members may be designated to serve in the place and stead of absent committee members. This modification which was extensively testified to and without opposition, would provide that only the handler members present at the meeting may participate in the designation of an alternate handler member to serve in the place and stead of an absent handler member, and that only the grower members present at the meeting may participate in the designation of an alternate grower member to serve in the place and stead of the absent grower member. This seems logical as the handler members would likely have knowledge of handler problems in the district of the absent handler member, and would know and recommend the alternate handler member that would be most familiar with those problems. The same situation prevails with respect to grower members. Accordingly, it is concluded that only handler members who are present at the

meeting may participate in the designation of an alternate handler member to serve in the place and stead of an absent handler member, and only grower members who are present at the meeting may participate in the designation of an alternate grower member to serve in the place and stead of an absent grower member. Of course, the designation of an alternate member to serve for an absent member, grower or handler, will be only for the said meeting.

The committee should be given those specific powers which are set forth in section 8c(7) (C) of the act. Such powers are necessary to enable an administrative agency of this character to function.

The committee's duties, as set forth in the order, are necessary for the discharge of its responsibilities. These duties are generally similar to those specified for administrative agencies under other programs of this character. It is intended that any activities undertaken by the members of the committee will be confined to those which reasonably are necessary for the committee to carry out its responsibilities as prescribed in the program. It should be recognized that these specified duties are not necessarily all-inclusive, and that it may develop that there are other duties the committee may need to perform.

At least 12 members of the committee, or alternates acting for members, should be present at any meeting of the committee in order for the committee to make decisions; and any committee action should require a minimum of 12 concurring votes. Also an affirmative vote of at least one-half of the grower members and at least one-half of the handler members present should be required to approve any action of the committee. It is very desirable that a high percentage of the committee agree to any action so as to obtain the necessary support of the industry. The requirement of at least 12 concurring votes will assure that all actions of the committee will be considered and approved by at least two-thirds of its membership. Also, as the committee is composed of both growers and handlers, the requirement that at least one-half of the grower members and one-half of the handler members present must vote favorably to approve any committee action is desirable so as to obtain agreement of both groups with respect to each and every action of the committee.

The committee should be authorized to hold simultaneous meetings of groups of its members assembled in two or more places or by means of a conference call on the telephone. Such meetings would expedite the transaction of committee business during rush seasons. Such meetings should be subject to the establishment of proper communications, that is, all persons should be able to hear and all should be able to participate in the discussion and other action the same as at an assembled meeting at one place. Any such meeting should be considered an assembled meeting.

In addition to meetings held where the committee is assembled in one place, or when simultaneous meetings are held at two or more designated places, or a meeting takes the form of a telephone conference call, the committee should be authorized to vote by telephone, telegraph, or other means of communications when a matter to be considered is so routine that it would be unreasonable to call an assembled meeting or participate in a conference call meeting. Any votes cast in this fashion should be confirmed promptly in writing to provide a written record of the votes cast. It was testified that the use of the conference call meeting should be when an emergency situation exists and there is not sufficient time to hold an assembled meeting. In the case of an assembled meeting, however, all votes should be cast in person.

It is appropriate that members and alternates of the committee be reimbursed for actual out-of-pocket reasonable expenses incurred when performing committee business, since it would be unfair to require them to bear such expenses incurred in the interest of all cherry growers and handlers in the production area.

In order for an alternate adequately to represent his district at any committee meeting in place of an absent member, it may be desirable that he should have attended previous meetings along with the member, so as to have a full understanding of all background discussion leading up to action that may be taken at the meeting. Likewise, an alternate may, in future years, be selected as a member on the committee; and to this extent, attendance at meetings by alternate members could be helpful. Although, only committee members, and alternates acting as members, have authority to vote on actions taken by the committee, it is often important for the committee to obtain as wide a representation as practicable of producer and handler attitudes toward a proposed regulation or other matter. Therefore, the order should provide that the committee, at its discretion, may request the attendance of alternate members at any or all meetings notwithstanding the expected or actual presence of the respective member, when a situation so warrants. The same reimbursement of expenses that are available to members should be made available also to alternate members when they are requested and attend such meetings as alternates.

(c) The committee should be authorized to incur such expenses as the Secretary finds are reasonable and likely to be incurred by it for its maintenance and functioning and to enable it to exercise its powers and perform its duties pursuant to the order. The funds to cover the expenses of the committee should be obtained through the levying of assessments on handlers. The act specifically authorizes the Secretary to approve the incurring of expenses by the administrative agency established under the order and requires that each order of this nature contain provisions requiring handlers to pay, pro rata, the necessary expenses.

As his pro rata share of such expenses, each person who first handles cherries during a fiscal period should pay assessments to the committee at a rate fixed by the Secretary, on all free percentage cherries he acquires for handling. In this way, each handler's total payments of assessment during a fiscal period would be proportional to the quantity of cherries such handler may freely handle, and assessments would be levied on the same cherries only once.

It was proposed at the hearing to limit the maximum rate of assessment for any one fiscal year to a fixed amount. An indefinite maximum rate, such as 50 cents or $1.00 per ton, was suggested but there is no evidence in the record to show how the committee would be able to continue to perform and pay for required functions if assessment income at a fixed rate was insufficient to defray expenses. Therefore, the order provisions should not establish an assessment rate which could not be exceeded in any fiscal year.

The committee should be required to prepare a budget at the beginning of each fiscal period, and as often as may be necessary thereafter, showing estimates of the income and expenditures necessary for the administration of the order during such period. Each such budget should be submitted to the Secretary with an analysis of its components. Such budget and report should also recommend to the Secretary the rate of assessment believed necessary to secure the income required for that period. While expenses and income cannot be anticipated with exact mathematical certainty the committee, because of its knowledge of conditions within the industry, will be in a good position to ascertain the necessary assessment rate and make recommendations in this regard.

The rate of assessment should be established by the Secretary on the basis of the committee's recommendation, or other available information, so as to assure the imposition of such assessments as are consistent with the act. Such rate should be fixed on a fair and equitable unit basis, such as a ton, the common unit of measurement used throughout the industry.

The budget and rate of assessment submitted by the committee should not contain any expenses with respect to the set-aside cherries as expenses in connection with the set-aside should be borne proportionately by the persons having a beneficial interest in the set-aside or from the proceeds from disposition of the set-aside.

In most years handling of cherries from the production area begin about the first of July. The period just prior to the shipping season will be the period of greatest activity, as the committee will be surveying the crop and marketing situation, developing a marketing policy, and holding meetings to develop recommendations for regulations. This means that in all probability a large percentage of the committee's expenses will ordinarily be incurred before income for the current fiscal period is collected in amounts equal to outgoing expenses.

In order to provide funds for the administration of this program prior to the time assessment income becomes available during the fiscal period, the committee should be authorized to accept ad-

vance payments of assessments from handlers and also, when such action is deemed to be desirable, to borrow money for such purpose. The provision for the acceptance by the administrative agency of advance assessment payments is included in other marketing agreements and orders and has been found to be a satisfactory and desirable method of providing funds to cover costs of operation prior to the time when assessment collections are being made in an appreciable amount. During years of normal growing conditions, revenue available to the committee from assessments would provide the means of repaying any loans.

Should it develop that assessment income, during a fiscal period, plus any funds in reserve would not, at the previously fixed rate, provide sufficient income to meet expenses, the funds to cover such expenses should be obtained by means of increasing the rate of assessment. Since the act requires that the administrative expenses shall be paid by handlers, this is the only source of income to meet such expenses. The increased assessment rate should be applied to all free percentage cherries acquired for handling during the particular fiscal period so that the total payments by each handler during each fiscal period will be proportional to the total volume of cherries he may freely handle during that period.

Should the provisions of the order be suspended, during any portion or all of a fiscal period, it will be necessary to secure funds to cover expenses during such period unless funds in the reserve are sufficient for such purpose. The committee will continue to have duties to perform and incur expenses each fiscal period even though the order may be inoperative during a particular period. To cease incurring any expenses when operations under the order were suspended for short periods, it would be necessary to eliminate the payment of any salaries, rent, or utilities. Since such expenses will not always cease when the order is inoperative for a period, authorization should be provided to require the payment of assessments to meet any necessary expenses during such periods.

The production area is susceptible to frosts immediately prior to harvest and to wind and hail damage during harvest. The assessment rates under the program would be set at the beginning of the season based on a crop of an estimated volume. Should crop failure or partial crop loss reduce the crop so that assessment income falls below expenses, it would be necessary for handlers in light of the reduced crop to cover the deficit. It would constitute an extra burden on the industry to increase the assessment rate after some disaster had materially reduced the crop.

Evidence was presented at the hearing to the effect that it would be equitable, and far less burdensome, for handlers to contribute to the establishment of an operating reserve during years of normal production rather than to be required to pay a high rate of assessment occasioned by a deficit during a year when the crop is materially reduced. The reserve fund should be built up to the desirable amount slowly, over a period of years, as funds in excess of expenses may be available. In order that reserve funds not be accumulated beyond a reasonable amount, however, a limit of not to exceed approximately one fiscal period's expenses should be provided. A reserve of that amount should be adequate to meet any foreseeable need. In view of the foregoing, it is concluded that authority should be provided, as hereinafter set forth, to permit the establishment and use of a reserve fund in the manner heretofore described.

Except as necessary to establish and maintain an operating reserve as set forth in the order, handlers who have paid part of any excess should be entitled to a proportionate refund of any excess assessments that remain at the end of a fiscal period.

Upon termination of the order, any funds in the reserve that are not used to defray the necessary expenses of liquidation should, to the extent practicable, be returned to the handlers from whom such funds were collected. However, should the order be terminated after many years of operation, the precise equities of handlers may be difficult to ascertain, and any requirement that there be a precise accounting of the remaining funds could involve such costs as to nearly equal the monies to be distributed. Therefore, it would be desirable and necessary to permit the unexpended reserve funds to be disposed of in any manner that the Secretary may determine to be appropriate in such circumstances.

Funds received by the committee pursuant to the levying of assessments should be used solely for the purposes of the order. The committee should be required, as a matter of good business practice, to maintain books and records clearly reflecting the true, up-to-date operation of its affairs so that its administration could be subject to inspection any time by the Secretary. The committee should provide the Secretary with periodic reports at appropriate times, such as at the end of each marketing season or at such other times as may be necessary, to enable him to maintain appropriate supervision and control over the committee's activities and operations.

(d) The order should provide, as hereinafter set forth, authority for the establishment of marketing research and development projects designed to assist, improve, or promote the marketing, distribution, and consumption of cherries.

The proponents testimony attests that there are no specific projects which the proponents recommend to pursue at this time. However, record evidence shows there are many areas where research on an industry basis is needed, and it is desirable to have authority in the order for research and development projects so that, should the committee feel that specific research projects should be undertaken, it would be possible to submit such projects to the Secretary for approval without first amending the order. Prior to engaging in any such activities, the committee should, of course, submit to the Secretary for his approval the plans for each project. Such plans should set forth the details, including cost and the objectives to be accomplished, so as to insure, among other things, that the projects are within the purview of the act. The cost of any such project should be included in the budget for approval, and such cost should be defrayed by the use of assessment funds as authorized by the act.

Many people testifying at the hearing interpreted the language of section 45 as it appeared in the notice of hearing to permit the committee to engage in promotion activities including paid advertising. While promotional activities including paid advertising with respect to cherries are permitted by the act, such activities are not included within the order. The proponents specifically excluded these activities in their testimony and the language in the notice of hearing specifically limits activities in these areas to research in connection therewith.

There was considerable evidence presented which was designed to show that there should be placed a ceiling with respect to committee expenditures in the field of research. It was advanced that the amount likely to be fixed would be more than handlers could bear. This conclusion seems unlikely since handlers will be members of the committee and provision is made within the order whereby at least one-half of the handler members of the committee attending the meeting concerned must approve any research project, including its cost, before it is submitted to the Secretary. Also, there was no specific limit suggested in such testimony.

(e) The declared policy of the act is, inter alia, to establish and maintain such orderly marketing conditions for cherries, among other commodities, as will tend to establish parity prices to growers and be in the public interest. The regulation of the handling of cherries, as authorized in the order, provides a means for carrying out such policy.

In order to facilitate the operation of the program, the committee should each year, before recommending any regulation applicable to cherries produced that year, prepare and adopt a marketing policy for the ensuing marketing season. A report on such policy should be submitted to the Secretary and made available to growers and handlers of cherries. The policy so established would serve to inform the Secretary and persons in the industry, in advance of the marketing of the crop, of the committee's plans for regulation and the bases therefor. Handlers and growers could then plan their operations in accordance therewith. The policy also should be useful to the committee and the Secretary when specific regulatory action is being considered, since it would provide basic information necessary to the evaluation of such regulation.

In order to plan a comprehensive and effective policy for regulating the handling of cherries in any crop year, it is necessary that all of the important economic factors having a bearing on the marketing of the crop be considered by the committee. Hence, the committee, in preparing its marketing policy, should give consideration to the supply and demand factors, set forth in the order, affecting marketing conditions for cherries.

The marketing policy report should contain information regarding estimated total production of cherries in the United States during the approaching harvesting and marketing season. Information should be included in the report regarding crop estimates of cherry production in the States covered by the marketing order and in Western States. Total production of cherries is a key factor in the determination of annual prices. Thus, information regarding total cherry production is crucial for wise decisions regarding the extent of regulation, if any, because of the effects it has upon prices and grower incomes.

The marketing policy report should also include the expected quality of cherry production during the coming marketing season. Estimates of the general quality of the crop provide useful information regarding the amounts of the crop that: (1) Will go to juice, (2) be sorted out as defects in the plant, or (3) left unharvested because of inferior quality. In these ways the general quality of the crop may affect total supply available for sale in major commercial channels. Thus, this type of information should be taken into account by the committee in making its decision regarding regulations.

The expected carryover as of July 1 of canned and frozen cherries and other cherry products will need to be taken into account by the committee. The carryover of cherry products from the previous marketing season influences the available supply and hence prices for that crop. Information regarding expected carryover is thus an important factor which the committee should consider in arriving at policy decisions.

Expected demand conditions for cherries in different market outlets should be included in the marketing policy report. Demand conditions should be considered in the different market outlets such as frozen or canned, and within either of these two categories, the consumer or institutional pack. Demand conditions should also be evaluated for cherries for juice purposes and for the relatively new products such as dried cherries, jellied cherry sauce, and individually quick frozen (IQF) cherries. Conditions in the markets for the new products would be influenced by consumer acceptance of these new products and would thus need to be taken into account. Demand conditions in the different market outlets would also be influenced by general changes in consumer tastes. The committee would also need to obtain information and estimates of the amount of the crop which can be expected to be used for juice, fresh sales, and farm use. The amount of the crop which will be used in these various market outlets will influence the amount of the crop left for major commercial processed items and thus have a bearing upon the committee's decision regarding the level of the regulation, if any.

Supplies of competing commodities such as apples, blueberries, and other fruits having similar uses to that for cherries will need to be taken into account by the committee because supplies of these commodities will influence the demand for cherries and cherry products.

Information regarding the trend and level of consumer income should also be included in the marketing policy report. Changes in consumer income, particularly disposable income, influence the demand and prices for cherry products, and will, therefore, need to be taken into account by the committee.

The marketing policy report should also contain information regarding any other factors which have a bearing upon the marketing of cherries and upon the economic and price-making situation for cherries. These other factors would include U.S. population and export demand conditions, as well as any other relevant factors.

The order should provide for regulations under which the volume of cherries handled during any year could be limited to such quantity as may be expected to meet market demands at fair returns to growers. The evidence of record indicates the proposed order for cherries, set forth in the notice of hearing, would provide an effective method of so regulating the handling of cherries.

The order should provide that the Cherry Marketing Committee, as the local administrative agency, should recommend to the Secretary whether regulation of a particular crop of cherries is needed. The members of the committee would be representative cherry growers and handlers from each section of the production area. Consequently, it is only fitting that the committee should be given the responsibility for determining whether, and the extent that, the available supplies of cherries are excessive and whether, in the judgment of the committee, restriction of the quantity of cherries which handlers may freely handle is needed to improve grower returns.

The committee should be required to make its recommendation for regulation for any crop year to the Secretary not later than July 1. This is the latest date that such a recommendation should be made as the record indicates that, in the earliest districts, the harvesting of cherries never begins much later than July 1. This does not mean that the committee should, or could, wait until July 1 to make its recommendations for regulation in most years. The evidence of record also indicates that in most years the cherry harvest begins in the earliest areas somewhat earlier than July 1 and the committee would have to make its recommendation for regulation prior to the time that such cherries would be handled. The committee must, of course, delay making its recommendation as long as possible inasmuch as the official crop estimate of the cherry production is not released until June 20 or a few days later in the event June 20 falls on a weekend. The committee should have this information, if possible, when it decides whether to recommend regulation for the particular year but may, in some years, have to proceed on the basis of the other information its members have concerning the bloom and subsequent growing conditions in the various parts of the production area.

All assembled meetings of the committee should be open to growers and handlers because growers and handlers have a vital interest in the actions of the committee and should be afforded opportunity to express their views at committee meetings. In order to assure that growers and handlers are aware of when committee meetings are being held, the order should provide that notice of assembled meetings shall be published in such newspapers as the committee deems appropriate for this purpose and also that it shall mail notices of such meeting to each grower and handler who files his name and address with the committee and requests such notice. By this means growers and handlers who are most likely to attend meetings will have direct notice when meetings are to be held.

The order should authorize the Secretary, on the basis of committee recommendations or other available information, to issue regulations establishing such free and restricted percentages as will tend to improve growers' returns and to establish more orderly marketing conditions for cherries. The Secretary should not be precluded from using such information as he may have, and which may or may not be available to the committee for consideration, in issuing such regulations as may be necessary to effectuate the declared policy of the act. Also, the Secretary has certain responsibilities under the act which make it necessary that he not bind his actions to those recommended by the committee and the order provisions should recognize this fact.

Several witnesses at the hearing proposed that provisions be included in the order to permit the regulations to be applied differently to districts, or to restricted areas, or individual growers in some instances, so as to provide relief to those who may have short crops during years when the overall production is too large and regulation is needed. It was asserted that the cherries of those having short crops should not be subject to the same percentage restriction as that applying to others when they had already suffered substantial losses in production from natural disasters. The evidence of record does not contain any information to show how such a provision could be applied equitably or be made administratively feasible. In most districts nearly every year there are some growers or restricted areas having crop loss because of adverse weather conditions. Such losses may occur at any time up to harvest by reason of hail or windstorm which may affect larger areas or only a few growers. Even where a considerable area is affected, there will be growers within the area whose crops are not damaged. Consequently, any "hardship" provision which could be devised probably would give advantages to certain growers while denying them to others similarly situated. It is concluded, therefore, that the same free and restricted percentage should apply under the order to all cherries produced in the production area. However, as pointed out hereto-

fore, the evidence of record shows that for the set-aside should, to the extent, standards applicable to the set-aside of

fore, the evidence of record shows that all growers should benefit from the order since returns from the portion of their crops that would be available for unrestricted use should exceed the amount that would be obtained if the order were not in effect.

Since the committee is responsible for assisting the Secretary in the Administration of the program, it follows that it should be notified immediately of any and all regulations issued. Similarly, it should be the responsibility of the committee to notify handlers promptly of each regulation issued by the Secretary.

The free percentage specified in a regulation issued by the Secretary would represent the percentage of the oncoming crop which would fulfill the expected demand for processed cherries. Thus, this portion of the crop should be available for handling without restriction and all handlers should be afforded the opportunity to compete for the free percentage cherries and to use such cherries in any manner they choose. The restricted percentage would represent the excess cherry production which should be withheld from the market in order to prevent the disorganized marketing conditions which result when the entire crop, in years of excess production, is available for sale. This situation could be relieved, and grower returns improved, merely by destroying the excess. However, production statistics show that, except in two instances over the past 20 years, large crops have been followed by short crops. This alternating production characteristic provides another means, assuming that this condition will continue in the future, of increasing producer returns. That is, the restricted percentage cherries could be set aside in a reserve pool and disposed of during the following short crop year at prices which could result in sizable returns to those having an equity in these cherries. However, fresh cherries cannot be stored for the period that would be necessary. Consequently, it would be impracticable to set aside the excess cherries in fresh form. The order should provide, therefore, that whenever free and restricted percentages have been fixed by the Secretary, each handler set aside cherries, in the form of storable cherry products specified by the committee, in an amount equivalent to the restricted percentage cherries he receives. The set-aside should be held for the account of the committee and be free and clear of all liens. As restricted percentage cherries may be processed only for the purposes of set-aside, and growers or others delivering cherries will be the equity holders in the set-aside, as hereinafter discussed, it is necessary, of course, that the set-aside be vested in the committee and that it be free and clear of any liens. The precise products to be set aside should not be designated in the order. While most handlers pack frozen cherries, not all of them do so. Also, not all cherry canners have facilities for packing all can sizes. Consequently, the committee should be permitted to work out with individual handlers the precise form, including container size, in which each will pack his set-aside. The product and container designated for the set-aside should, to the extent practicable, be the one that is most convenient for the handler. However, the committee should be given the final determination in this regard because it should not be forced to accept special packs which it would have difficulty disposing of. Generally, the set-aside should be the institutional packs of frozen cherries in 30-pound tins or canned cherries in No. 10 cans as these packs constitute the bulk of the cherries processed.

When cherries are processed there are certain losses, such as those resulting from the removal of defective cherries and the pits. Also, sugar is usually added to the frozen packs and sometimes is added to canned packs. Consequently, the net weight of the processed cherries varies from that of the raw fruit used in such packs. In addition, the quality of the cherries produced from year to year varies sufficiently to affect the yield of finished product. For example, it was testified that the amount of raw fruit required for a case of six No. 10 cans has ranged, during recent years, from 42 to 45 pounds. Therefore, the committee should be authorized to establish uniform conversion factors to be used in converting a handler's set-aside obligation, which first would be computed on the basis of the restricted percentage cherries he receives, to the processed form in which his set-aside is to be packed. The committee, composed of growers and handlers from all parts of the production area and having knowledge of the quality of the crop in all areas and past yields of processed products from raw fruit, should be able to recommend and the Secretary to establish the necessary uniform conversion factors which would be fair and equitable to all handlers.

All set-aside cherries should be required to meet such standards of grade, quality, and condition as the committee, with the approval of the Secretary, may prescribe. This provision is necessary to assure that the handlers do not use the set-aside to dispose of any low-grade or poor quality cherries that they may pack. There was some controversy at the hearing concerning this requirement. It was contended that the standards could be set at levels above the ability of some handlers to pack considering the quality of the cherries available to such handlers and that the committee should accept set-aside cherry products of all grades from a handler in proportion to the quantities of the various grades packed by that handler. On the other hand, the handler is the one who decides whether to accept from growers deliveries of cherries which will pack a poor quality product so he should be primarily responsible for disposing of his poor quality packs rather than shifting this burden to the committee. Moreover, the handler can take steps to dispose of his poor quality packs immediately while the set-aside will have to be held for a considerable period before it could be disposed of. The order should, therefore, contain provisions in this regard as heretofore stated. Of course, the quality of the cherry crop will have to be considered when establishing the standards applicable to the set-aside of any particular year since handlers should not be expected to meet standards higher than it is possible for them to pack.

All set-aside cherries should be required to be inspected and certified, by the Processed Products Standardization and Inspection Branch, United States Department of Agriculture, as meeting the standards prescribed for set-aside. Only by such inspection and certification can it be determined that the required standards have been met. The Processed Products Standardization and Inspection Branch is the agency that is used by the industry for inspection and certification of the grade of cherry products and all handlers are familiar with such service. The record indicates this is the only public agency making inspections of this nature. The certificate of inspection should show, among other things, the name and address of the handler, number and type of containers in the lot, its location, and identification marks such as can codes or lot stamp. Such information will be needed by the committee to determine whether the set-aside obligations of handlers have been met and for later checks to see that the set-aside is being held and stored properly. Each handler should be responsible for submitting proof of inspection to the committee as he is the only one who will know when his set-aside is ready for inspection and he should deal directly with the inspection agency. Similarly he should pay the costs of the inspection and certification but should be reimbursed for such costs as explained hereinafter.

The order should provide that each handler hold, and store in accordance with good commercial practice, the set-aside that he processes until such time as the committee disposes of such set-aside or otherwise releases such handler of this responsibility. It would be unreasonable to require handlers to process for set-aside the restricted percentage cherries in each lot of cherries he receives. Consequently, during the processing season, a handler should be considered in compliance with set-aside requirements so long as he has on hand, free and clear of all liens, sufficient cherries of the product and container size, as specified by the committee, to meet his set-aside obligation. Immediately following completion of his processing operations, however, the handler should not be considered as having met his set-aside obligation unless he has on hand and properly stored, separate and apart from other cherries in his possession, the requisite quantity and pack of cherries which have been inspected and certified as meeting the prescribed standards. By this it is meant that the set-aside must be stored so as to maintain it in good condition and the storage conditions should be at least comparable to the storage conditions under which his own cherries are being held. Also, while the set-aside need not be in a separate storage room, it should be stacked separately from the handler's own cherries in such a manner that the identity of the set-aside to the related inspection certificate is maintained at all times. Only by this means could the committee

check and determine with any assurance that the handler has complied with his set-aside obligation and that the set-aside is being stored so as to avoid deterioration and loss.

Generally, it is expected that a handler will hold his set-aside on his own premises. However, he should be permitted to arrange to hold his set-aside on the premises of another handler or in a commercial storage. In some instances it would place an undue burden on the handler to require him to hold the set-aside in his own storage because he may have only limited storage facilities. Consequently, he should be permitted to make such other arrangements for storage as may be agreeable to the committee. The committee should be aware of the storage location so it can check to see that the cherries are being properly stored and meet all other requirements of the order.

As there may be instances when it would be to the advantage of a handler to purchase from others the cherries needed to meet his set-aside obligation, he should be permitted to do so. It is possible, of course, for cherry production to be light in one area even though the overall production may be large. In such instances, handlers in one area often purchase from handlers in other areas the cherries needed to supply their customers. Generally, the handler would rather ship to his customers cherries of his own pack. Also, it may be easier to arrange for shipping from his own plant. So the handler, under such conditions, may prefer to use purchased cherries to meet his set-aside obligation and there seems to be no reason not to permit him to do so. Of course, the handler should continue to have full responsibility for his set-aside. The handler's set-aside obligation arises from the act of receiving cherries and is not transferable.

There may be other conditions where it would constitute an undue hardship on a handler to require him to continue to hold set-aside; and the handler should be able to obtain relief when the circumstances justify. Handlers should be permitted, therefore, to request the committee to remove set-aside from his premises and, if the committee finds that relief is warranted, it should comply with the request as soon as it is possible to do so considering the availability to the committee of suitable storage for the product. In order to discourage unwarranted requests, however, the handler should be required to share with the committee, on a 50-50 basis, the costs of removing the set-aside from the handler's premises, including transportation and any other costs incidental to such removal. The handler should also forfeit, to the extent of the removed volume, any share in an offer by the committee to sell set-aside to handlers. It is expected that the committee, in looking for suitable storage for the set-aside to be removed, will first see whether other handlers in the vicinity would be willing to store it since this would probably be the most economical way to handle the matter. In the event the removed set-aside is placed in another handler's storage, the latter should be given the opportunity to purchase any set-aside that otherwise would have been offered to the initial handler. This could serve as an inducement to handlers to accept storage of set-aside removed from another handler's storage and assist the committee in finding suitable storage space. Of course, a handler having set-aside removed from his storage should refund any of the prepaid storage charges he had collected from growers and which had not been earned.

Under the order the set-aside would constitute a reserve pool held for the account of the committee for the benefit of persons, primarily growers, delivering cherries to handlers. Therefore, in the basic sense of the program, handlers receiving cherries for handling will be setting aside the excess supplies for the benefit of cherry producers. Hence, it is but right and proper that the costs of receiving, processing, storing, and other expenses, such as inspection costs, relating to the set-aside be paid by the producers. Handlers should not be required to wait until the set-aside is disposed of before recovering their costs. However, the committee will not have any funds to advance to handlers for payment of costs relating to the set-aside, so it would be unable to do so. The practical solution, therefore, is to authorize handlers to deduct such costs from the amounts due producers, or others, for their free percentage cherries. In order that all producers be charged the same rate to pay such costs, the deductions should be made in accordance with charges established by the committee with the approval of the Secretary. The committee will be composed of 12 growers and 6 handlers and should be able to agree on a uniform charge for such services which would be reasonable and equitable to both growers and handlers. This charge should be uniform as to all growers since they will receive benefits from the reserve pool, after its disposition, in direct proportion to the quantity and grade of restricted percentage cherries each delivers to handlers regardless of the form in which the receiving handler packs his set-aside. However, as the costs of processing cherries into the designated products for set-aside may differ and the costs of storing canned cherries and frozen cherries differ substantially, there also should be uniform processing and storage allowances similarly established for each set-aside product. When the charge collected from growers is in excess of allowances established for the particular product that a handler sets aside, then any excess should be paid to the committee. It should be clear that handlers are not to retain unearned funds, if any, which have been withheld from grower accounts to pay for costs of set-aside. Any such unearned funds should be paid to the committee rather than to the grower, so that the costs to each grower for establishment and maintenance of the reserve pool will be in direct proportion to the quantity and grade of the restricted percentage cherries he delivers to handlers. The committee should place any unearned charges that handlers pay to the committee with the funds it receives from disposition of set-aside so that it can be distributed to all persons who have an equity in the set-aside.

The record of the hearing shows that growers may not always benefit by having an equity in the reserve pool (set-aside). Should there be large crops two years in a row, growers probably will have to take a loss on those cherries placed in the pool during the first of these two years because canned cherries can not be maintained in good condition for much beyond 18 months. Also, the set-aside cherries should not be held indefinitely and continue to incur costs for storage without any assurance that it would be profitable to do so. Consequently, the reserve pool may have to be liquidated at a time when the available supplies of cherries are large. Based on past history this situation should not be experienced too often however since in four times out of five a long crop has been followed by a short crop. Thus there should be an 80 percent chance that the value of the restricted percentage cherries in the reserve pool would be greater than the costs of processing and holding the cherries.

In recognition of the possible loss on the set-aside cherries, the order should provide growers with a choice as to whether any of their cherries are to be placed in the reserve pool. Therefore, the order should contain provisions permitting a grower to voluntarily divert, subject to necessary safeguards to assure that the cherries are diverted, those cherries which upon delivery to a handler would become set-aside. The outlets which would be available for this purpose would be limited, of course, since the primary outlet for cherries is the markets for canned and frozen cherries. However, a limited quantity of cherries can, at times, be sold in fresh fruit channels or for juice. Also, some of these cherries might be made available for experimental purposes or other uses that may be exempted under other provisions of the order. In addition, there may be other uses which may be found that could be designated for this purpose and not interfere with the primary objective of the order. One such other type of diversion, set forth in the notice of hearing, was to permit growers to divert by leaving cherries unharvested on the trees. While there undoubtedly would be problems in connection with this type of diversion, the evidence of record shows that there are cost advantages which justify including, in the order provisions, authorization for such on-tree diversion. The costs of harvesting cherries is approximately three cents per pound and a grower electing to divert cherries rather than to participate in the reserve pool should be permitted to make this saving if it is at all possible to do so.

The order should establish a general procedure to be followed in connection with any authorized grower diversion of the portion of his crop which would, otherwise, be restricted percentage cherries. An application for permission to divert cherries would, of course, be necessary. Such application should contain information showing, in detail, the manner in which the applicant proposed to divert cherries, including, if the cherries

were to be diverted on the tree, a description of the orchard, its location, and the

on a uniform basis so that each handler

The committee should, therefore, be al-

consistent with the fact that such cher-

were to be diverted on the tree, a description of the orchard, its location, and the number and ages of the trees therein. This information would be necessary so that the committee could determine whether the proposed diversion was in accordance with the program and arrange for supervision of the actual diversion as described by the applicant. Supervision of the diversion is necessary to assure that the diverted cherries are, in fact, diverted. Only after the committee is satisfied that diversion has been effected should it give the applicant a certificate showing the quantity of cherries diverted. This certificate should also show the related quantity of free percentage cherries the applicant may deliver to handlers without the latter being required to consider a portion of such cherries as restricted percentage cherries. The certificate should be designed to provide such information to the handler receiving cherries from the diverting grower so that he will have evidence that no set-aside obligation attaches to such grower's deliveries of cherries. Growers electing to divert cherries should pay to the committee its costs of supervising the diversion. Any such diversion would be at the election of the growers and, while it is not expected that the costs of supervision would be large, it would not be reasonable to require others to pay such costs.

There are some persons in the industry, generally referred to as brokers, who purchase cherries from growers and resell such cherries to handlers. Such brokers would, of course, have their purchased cherries subject to the same requirements, when delivered to handlers, as would apply to a grower delivering cherries directly to a handler. Consequently, brokers should be given the same privileges of diverting cherries as those afforded growers. Similarly, handlers should be authorized to deduct the costs relating to set-aside from brokers deliveries of cherries. The order should provide, therefore, that the term "grower," when used in connection with these provisions of the order, should include those persons who purchase cherries from growers and resell them to handlers.

Growers electing to divert cherries rather than to participate in the reserve pool should, of course, not be eligible to receive any of the proceeds from the disposition of the pool. However, should a grower's diversion of cherries not be equal to the quantity required to make all of his deliveries to handlers free percentage cherries, then the handler receiving such grower's cherries should set-aside the requisite portion of the grower's excess deliveries and, to that extent, the grower would have an equity in the reserve pool.

Handlers should be required to determine and report to the committee the weight and grade of each lot of cherries received and the name and address of the grower, or other person, delivering such cherries. Such determinations should be made in accordance with uniform rules adopted by the committee and approved by the Secretary. This information is essential to the determination of each person's equity in the set-aside. Weight and grade determinations must be made on a uniform basis so that each handler and grower will be treated equally with respect to set-aside and equity in the set-aside.

The order should contain specific provisions for the disposition of set-aside. This is proper and necessary so that handlers and the trade will know the manner in which the committee may make disposition of the set-aside. The committee should, at all times, strive to sell the set-aside at the best prices obtainable. However, the committee should be restricted in making sales of set-aside in the normal trade channels in which canned and frozen cherries usually are sold by handlers. Such sales should be made only when the supplies available for sale by handlers are less than the quantity estimated by the committee as needed to meet the demand in normal outlets. This would occur in two circumstances. First, the production of cherries may turn out to be less than anticipated when the free and restricted percentages were established. This could occur by reason of an overestimate of the crop or a portion of the crop may be lost by wind or hail storms or other causes. In this circumstance, the committee, when it meets on or about September 15, should take steps to feed back into the market sufficient set-aside cherries to bring the quantity available for sale up to the quantity it has earlier determined would be needed in normal outlets. Second, in a short crop year, the committee should use the set-aside cherries to supplement the supplies that would be available from the current production. In each of these instances, the committee should be required to offer the quantity of set-aside to be released in normal trade outlets to handlers. If the entire amount in the set-aside is to be released, then each handler should be offered the opportunity to purchase the set-aside which he holds for the committee. If less than the entire amount is to be released, then the committee should offer to sell to each handler holding set-aside the same percentage of the set-aside he holds as the percentage of the total set-aside being released. In this manner each handler would be given the same opportunity to increase his salable supplies of cherries. Of course, there may be some handlers who would not want to purchase the share of the set-aside offered to them. In such case, the refused portion should be offered to the other handlers who had purchased the set-aside offered to them. Such provisions are necessary to assure that the available supplies are brought as nearly in balance as is possible with the quantity estimated by the committee as needed to meet the demand in normal outlets. Similarly, if handlers should refuse to purchase all or a portion of the offered set-aside, the committee should then sell directly into normal outlets that portion of the offered set-aside that was not purchased. Without such authority, handlers could prevent the committee from making the best use of the set-aside and tend to defeat the objectives of the program in establishing this reserve pool.

As shown heretofore, it is not likely that, in all instances, the set-aside can be disposed of in the manner just described. The committee should, therefore, be authorized to sell set-aside directly for use in the distillation of alcoholic products such as wine or brandy, for conversion into animal feed or any other manufactured product other than for normal outlets. It should also be authorized to use excess set-aside for experimental purposes, for any new use that it may develop, and for new geographical outlets. For example, there are many foreign countries to which no canned or frozen cherry products are exported and the excess set-aside might be used to develop a demand for cherries in these countries. It is recognized that these outlets would offer only a limited opportunity for the disposition of excess set-aside at this time and the return for any sales in these outlets may be very low. It would not be proper, however, to authorize the sale of the excess set-aside in normal outlets, except as indicated, even though a greater return might be realized, after handlers and the trade had purchased cherries on the basis of the limited supply resulting from establishment of free and restricted percentages. Moreover, if this should be done, no further benefit could be expected from operation of the order as it would be known that any excess set-aside would later be dumped on the market.

Because of the limited time that the set-aside can be maintained in good condition, the committee should make every effort to dispose of the set-aside of any year not later than September 1 of the following year. By this time, it will be known whether any of such set-aside will be needed to supplement the current pack. And if none, or only part, of the set-aside is needed for this purpose, the committee should make immediate plans for disposing of the excess set-aside to avoid further loss. Such plan should be required to be developed within 60 days of the September 1 date, and should be submitted to the Secretary for his approval to assure that complete consideration will be given to the problem before action is taken and that the planned disposition is in accordance with program objectives.

Any proceeds from the disposition of set-aside should be distributed, after deducting the expenses incurred by the committee in carrying out its functions in connection therewith, to the persons having an equity in the set-aside. Such persons would be those delivering restricted percentage cherries to handlers, unless they had assigned their respective equities to others, in which case the assignee would be the equity holder. The method for determining each equity holder's share in the proceeds from the set-aside, should be to weight the quantity of restricted cherries delivered by the grade of such cherries. It is appropriate to weight such quantity by the grade thereof since it would be unfair to give a person delivering low-grade cherries the same return from the set-aside as is given to one who delivers only the best quality fruit. In distributing the proceeds to members of cooperative associations who are handlers, the proceeds should be paid to the appropriate association. This would be

consistent with the fact that such associations are formed for the purpose of disposing of the cherries delivered to, and handled by, the association and the distribution of the proceeds from such cherries to its members. It would also tend to reduce the costs to the committee of distributing the proceeds from set-aside.

(f) The committee should be authorized, with the approval of the Secretary, to establish certain exemptions under the order. These exemptions might include the cherries handlers use for experimental purposes or for minor products which have used less than 5 percent of the preceding 5-year average production of cherries. Such exemptions may tend to encourage handlers to step-up their search for new or better products and to place additional emphasis on expanding the market for products which have not, as yet, resulted in any substantial outlet for cherries. To the extent that this could be accomplished, the need for controlling the excess production would be lessened. However, such exemptions should be provided only if adequate safeguards can be established by the committee, with the approval of the Secretary, to assure that the exemptions do not result in cherries being handled in other channels contrary to the intent and purpose of the exception.

(g) The committee should have authority, with the approval of the Secretary, to require that handlers submit to the committee such reports and information as may be needed for the performance of its functions under the order. Handlers have such necessary information in their possession, and the requirement that they furnish such information to the committee in the form of reports would not constitute an undue burden. Moreover, since handlers are the only persons subject to regulation under the program, they are the only persons who could be required to furnish such information. It is difficult to anticipate every type of report or kind of information which the committee may find necessary in the conduct of its operations under the order. Therefore, the committee should have the authority to request, with approval of the Secretary, reports and information, as needed, of the type set forth in the order, and at such times and in such manner as may be necessary.

The Secretary should retain the right to approve, change, or rescind any requests by the committee for information in order to protect handlers from unreasonable requests for reports. Any reports and records submitted for committee use by handlers should remain confidential and be disclosed to no person other than the Secretary and persons authorized by the Secretary. Under certain circumstances, the release of information compiled from handlers' reports may be helpful to the committee and the industry generally in planning for operations under the order during the marketing season. However, such reported information should not be released other than on a composite basis, and such release of information should disclose neither the identity of handlers nor their individual operations. This is necessary to prevent the disclosure of information that may affect detrimentally the trade or financial position or the business operations of individual handlers.

Since it is possible that a question could arise with respect to compliance, handlers should be required to maintain for each fiscal period complete records on their receipts, handling, and disposition of cherries. Such records should be retained for not less than three years after the termination of the crop year in which the transaction occurred, so that, if needed in connection with enforcement, the requisite records will be available for that purpose.

The successful operation of a program of this type depends upon the degree of compliance with its provisions. In this connection, it is necessary that the committee be given the authority to examine and verify the records, check inventories of cherries and determine the quantity of cherries received, handled, stored, and set-aside. The verification of records and reports and inspection needed in connection therewith should be performed by the committee during reasonable working hours and in such manner that normal operations would not be interrupted.

(h) Except as provided in the order, no handler should be permitted to handle cherries, the handling of which is prohibited pursuant to the order; and no handler should be permitted to handle cherries except in conformity with the order. If the program is to operate effectively, compliance therewith is essential; and, hence, no handler should be permitted to evade any of its provisions. Any such evasion on the part of even one handler could be demoralising to the handlers who are in compliance and would tend, thereby, to impair the effective operation of the program.

(i) The provisions of §§ 930.71 through 930.80, as hereinafter set forth, are similar to those which are included in other marketing agreements and orders now operating. The provisions of §§ 930.81 through 930.83, as hereinafter set forth, also are included in other marketing agreements now operating. All such provisions are incidental to and not inconsistent with the act and are necessary to effectuate the other provisions of the recommended marketing agreement and order and to effectuate the declared policy of the act. Testimony at the hearing supports the inclusion of each such provision.

Those provisions which are applicable to both the proposed marketing agreement and the proposed order, identified by section number and heading, are as follows: § 930.71 *Right of the Secretary;* § 930.72 *Effective time;* § 930.73 *Termination;* § 930.74 *Proceedings after termination;* § 930.75 *Effect of termination or amendment;* § 930.76 *Duration of immunities;* § 930.77 *Agents;* § 930.78 *Derogation;* § 930.79 *Personal liability;* and § 930.80 *Separability.*

Those provisions which are applicable to the proposed marketing agreement only, identified by section number and heading, are as follows: § 930.81 *Counterparts;* § 930.82 *Additional parties;* and § 930.83 *Order with marketing agreement.*

Rulings on proposed findings and conclusions. April 5, 1965, was set by the presiding officer at the hearing as the latest date by which briefs would have to be filed by interested parties with respect to facts presented in evidence at the hearing and the conclusions which should be drawn therefrom.

Briefs were filed by the following growers: Charles D. Mantei; William W. Teichman; Mr. and Mrs. Alan Schmaltz; Roy Dukesherer; Don Ertman; Reinhart Ertman; Silver Creek Orchards by Bert Heinlen, Manager; George F. Kappelt; Roland R. Orbaker; and E. Earl Harding. Briefs were also filed on behalf of (1) The Virginia State Horticultural Society by John F. Watson, Secretary-Treasurer; (2) The National Canners Association by Edward Dunkelberger of Covington and Burling, Attorneys; (3) The American Farm Bureau Federation by John C. Datt, Assistant Director, Washington office, and (4) National Fruit Product Co., Inc., by W. W. Hunt; and (5) The National Cherry Growers Council by Jon F. DeWitt of Varnum Riddering, Wierengo & Christenson, Attorneys.

Certain of the briefs merely stated the belief of those filing them in "free enterprise" and their opposition to the proposed order. Others contended that, as was testified at the hearing, increasing the price of cherries by means of the regulations under the order would only result in increased plantings of cherry trees and that, without controls on tree plantings, surpluses would mount to unmanageable proportions. Control of tree plantings could, of course, restrict the supply, and possibly lessen marketing problems, in the future. The act does not authorize controls on production but the lack of such controls is not vital as an industry can effect benefits by controlling, and marketing in an orderly manner, whatever supply is produced. It was also advanced that (1) the excess production of cherries has resulted, primarily, from plantings in response to the high prices prevailing following World War II on "marginal" land not suitable for growing cherries on a commercial basis; and (2) the order would delay the elimination of the "marginal grower" at the expense of producers who, because of location or otherwise, would be expected to grow cherries on a continuing basis and of consumers who would be paying higher prices with the order in effect than would be the case if the forces of supply and demand were allowed to operate freely. Such contentions overlook the fact that (1) prices to all growers would be equally affected during such an "elimination" period; (2) it is the large commercial grower whose primary business is growing cherries who suffers the greatest losses rather than the so-called marginal grower who has had to depend on other income; and (3) marketing orders have for their purpose, among others, the alleviating of such conditions. The act prescribes the protection that is to be afforded to consumers under marketing order operations.

One of the briefs also argued that the proposed order, by authorizing the Sec-

sions hereinbefore set forth. To the extent that any suggested findings and conclusions submitted by interested parties are inconsistent with the findings and conclusions set forth herein, the requests to make such findings or to reach such conclusions are denied for the reasons previously stated in this decision.

It is hereby ordered, That this entire decision be published in the FEDERAL REGISTER. The regulatory provisions of the marketing agreement and order are set forth below.

PART 930—SOUR CHERRIES GROWN IN THE STATES OF MICHIGAN, NEW YORK, PENNSYLVANIA, OHIO, VIRGINIA, WEST VIRGINIA, AND WISCONSIN

MARKETING AGREEMENT AND ORDER

Sec.
930.1 Findings and determinations.
930.2 Terms and conditions incorporated.
930.3 Parties.
930.4 Effective time.
930.5 Termination.
930.6 Proceedings after termination.
930.7 Effect of termination or amendment.
930.8 Duration of immunities.
930.9 Agents.
930.10 Derogation.
930.11 Personal liability.
930.12 Separability.
930.13 Counterparts.
930.14 Additional parties.
930.15 Order with marketing agreement.

AUTHORITY: §§ 930.1 to 930.15 issued under sec. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674.

§ 930.1 *Findings and determinations.*

The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order; and all of said previous findings and determinations are hereby ratified and affirmed except insofar as they may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the aforesaid act, and the applicable rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and orders, a public hearing was held upon the proposed marketing agreement and order regulating the handling of sour cherries grown in the States of Michigan, New York, Pennsylvania, Ohio, Virginia, West Virginia, and Wisconsin. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order, as hereby amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act;

(2) The said order, as hereby amended, regulates the handling of sour cherries grown in the States of Michigan, New York, Pennsylvania, Ohio, Virginia, West Virginia, and Wisconsin in the manner set forth in the said order, as hereby amended, and such handling is in the current of interstate or foreign commerce or directly burdens, obstructs, or affects such commerce;

(3) The said order, as hereby amended, is limited in its application to the smallest regional production area which is practicable, consistently with carrying out the declared policy of the act, and the issuance of several orders applicable to subdivisions of such production area would not effectively carry out the declared policy of the act;

(4) There are no differences in the production and marketing of sour cherries grown in the States of Michigan, New York, Pennsylvania, Ohio, Virginia, West Virginia, and Wisconsin which make necessary different terms and conditions for different parts of such production area; and

(5) All handling of sour cherries grown in the States of Michigan, New York, Pennsylvania, Ohio, Virginia, West Virginia, and Wisconsin is in the current of interstate or foreign commerce or directly burdens, obstructs, or affects such commerce.

(b) *Additional findings.* It is necessary and in the public interest to make this order effective not later than 30 days after its publication in the FEDERAL REGISTER. The provisions of this order are identical with those contained in the marketing agreement upon which a hearing has been held. All handling of sour cherries grown in the States of Michigan, New York, Pennsylvania, Ohio, Virginia, West Virginia, and Wisconsin is in the current of interstate or foreign commerce or directly burdens, obstructs, or affects such commerce. Good cause exists for not postponing the effective date of this order until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 1001–1011) in that (1) the 1965 crop of sour cherries is now being harvested and marketed, (2) the provisions of this order are identical with those contained in the marketing agreement upon which a hearing has been held, and (3) all handlers will have had sufficient time to familiarize themselves with the provisions of this order.

(c) *Determinations.* It is hereby determined that:

(1) The marketing agreement and order, as hereby amended, regulate the handling of sour cherries grown in the States of Michigan, New York, Pennsylvania, Ohio, Virginia, West Virginia, and Wisconsin in the manner set forth in the said order, as hereby amended, and such handling is in the current of interstate or foreign commerce or directly burdens, obstructs, or affects such commerce;

(2) The said order, as hereby amended, is limited in its application to the smallest regional production area which is practicable, consistently with carrying out the declared policy of the act, and the issuance of several orders applicable to subdivisions of such production area would not effectively carry out the declared policy of the act;

(3) There are no differences in the production and marketing of sour cherries grown in the States of Michigan, New York, Pennsylvania, Ohio, Virginia, West Virginia, and Wisconsin which make necessary different terms and conditions for different parts of such production area; and

(4) All handling of sour cherries grown in the States of Michigan, New York, Pennsylvania, Ohio, Virginia, West Virginia, and Wisconsin is in the current of interstate or foreign commerce or directly burdens, obstructs, or affects such commerce.

§ 930.2 *Terms and conditions incorporated.*

The terms and conditions of the said order, as hereby amended, are incorporated herein by reference and made a part of this marketing agreement.

§ 930.3 *Parties.*

Each person who executes this marketing agreement shall become a party hereto if and when the said order, as hereby amended, becomes effective.

§ 930.4 *Effective time.*

The provisions hereof shall become effective at such time as the Secretary of Agriculture may declare, and shall continue in force until terminated in one of the ways specified in § 930.5.

§ 930.5 *Termination.*

(a) The Secretary may at any time terminate the provisions hereof.

(b) The Secretary shall terminate or suspend the operation of any or all of the provisions hereof whenever he finds that such provisions obstruct or do not tend to effectuate the declared policy of the act.

(c) The Secretary shall terminate the provisions hereof at the end of any fiscal period whenever he finds that such termination is favored by a majority of producers who, during such period, have been engaged in the production of sour cherries for market, but such termination shall be effective only if announced on or before the last day of the then current fiscal period.

(d) The provisions hereof shall in any event terminate whenever the provisions of the act authorizing them cease to be in effect.

§ 930.6 *Proceedings after termination.*

(a) Upon the termination of the provisions hereof, the members of the committee then functioning shall continue as joint trustees for the purpose of liquidating the affairs of the committee, of all funds and property then in the possession or under the control of the committee, including claims for any funds unpaid or property not delivered at the time of such termination.

(b) The said trustees shall (1) continue in such trust capacity until discharged by the Secretary, (2) from time to time account for all receipts and disbursements and deliver all property on hand together with all books and records of the committee and of the trustees to such person as the Secretary may direct, and (3) upon the request of the Secretary, execute such assignments or other instruments necessary or appropriate to vest in such person full title and right to all of the funds, property, and claims vested in the committee or in the trustees pursuant to this marketing agreement.

(c) Any person to whom funds, property, or claims have been transferred or delivered by the committee or its members, upon direction of the Secretary, as provided in this section, shall be subject to the same obligations imposed upon the members of the committee and upon the said trustees.

§ 930.7 *Effect of termination or amendment.*

Unless otherwise expressly provided in the Secretary's order terminating the provisions hereof or amending such provisions, the termination thereof or the amendment of such provisions thereof shall not (a) affect or waive any right, duty, obligation, or liability which shall have arisen or which may thereafter arise in connection with any provision of this marketing agreement or order, (b) release or extinguish any violation of this marketing agreement or order which may have occurred, (c) affect or impair any rights or remedies of the Secretary or of any other person with respect to any such violation, or (d) affect the right of the Secretary to continue in accordance with the provisions of the act and this marketing agreement and order, with respect to any prior violation or threatened violation thereof.

§ 930.8 *Duration of immunities.*

The benefits, privileges, and immunities conferred upon any person by virtue of this marketing agreement shall cease upon the termination hereof, except with respect to acts done under and during the existence of the provisions hereof.

§ 930.9 *Agents.*

The Secretary may, by designation in writing, name any person, including any officer or employee of the United States Department of Agriculture, to act as his agent or representative in connection with any of the provisions hereof.

§ 930.10 *Derogation.*

Nothing contained herein is, or shall be construed to be, in derogation or in modification of the rights of the Secretary or of the United States arising under the act or otherwise, nor shall any of the provisions hereof constitute the making, issuing, or the execution of a trade agreement by the Secretary or the United States.

§ 930.11 *Personal liability.*

No member or alternate of the committee, nor any employee or agent thereof, shall be held personally responsible, either individually or jointly with others, in any way whatsoever to any handler or to any other person for errors in judgment, mistakes, or other acts, either of commission or omission, as such member, alternate, employee, or agent, except for acts of dishonesty, willful misconduct, or gross negligence.

§ 930.12 *Separability.*

If any provision hereof is declared invalid, or the applicability thereof to any person, circumstance, or thing is held invalid, the validity of the remainder of this marketing agreement or the applicability thereof to any other person, circumstance, or thing shall not be affected thereby.

§ 930.13 *Counterparts.*

This marketing agreement may be executed in multiple counterparts and when one counterpart is signed by the Secretary all such counterparts shall constitute, when taken together, one and the same instrument as if all signatures were contained in one original.

§ 930.14 *Additional parties.*

After the effective date hereof, any handler may become a party to this marketing agreement if a counterpart is executed by him and delivered to the Secretary. This agreement shall take effect as to such new party at the time such counterpart is delivered to the Secretary, and the benefits, privileges, and obligations conferred or agreed to thereby shall then be effective as to such new party.

§ 930.15 *Order with marketing agreement.*

Each handler who executes or who becomes a party to this marketing agreement shall hereby agree to fully comply with and abide by the provisions of the said order, as hereby amended, with respect to his handling of sour cherries grown in the States of Michigan, New York, Pennsylvania, Ohio, Virginia, West Virginia, and Wisconsin.

Dated: April 30, 1965.

JOHN A. SCHNITTKER,
Assistant Secretary.

[F.R. Doc. 65-4660; Filed, May 4, 1965; 8:48 a.m.]

One of the briefs also argued that the proposed order, by authorizing the Secretary to control the storage and disposition of set-aside cherries in the form of canned and frozen products, was not in accordance with the act since its provisions are not applicable to the canned and frozen products of cherries.

The proposed order would limit the total quantity of cherries handled by fixing the percentage of a particular cherry crop which handlers may freely handle and the percentage thereof which would be restricted from such use. The free percentage, representing the normal needs of the market for cherry products, including canned and frozen cherries, would be wholly free of regulation. Handlers could use the free percentage cherries they receive in any manner they choose. Thus, there would be no regulation of the commercial pack of canned and frozen cherry products. Handlers would be restricted only with respect to what they may do with the excess production, i.e. the restricted percentage, of cherries.

The act contains broad regulatory authority, particularly with respect to surplus production. Section 608c(6)(A) authorizes provisions for limiting the total quantity of a commodity, or any grade, size, or quality thereof, which may be marketed. Section 608c(6)(D) authorizes provisions for determining the surplus of any commodity, or any grade, size, or quality thereof, and for controlling and disposing of such surplus. Section 608c(6)(E) provides for establishing reserve pools of any commodity, or any grade, size, or quality thereof, and for equitably distributing the net proceeds derived from its sale among persons beneficially interested therein. Section 608c(7)(D) authorizes terms and provisions incidental to and not inconsistent with those specified in 608c (6) which are necessary to effectuate the other provisions of an order. The authority thus provided obviously vests broad discretionary powers in the Secretary with respect to the precise means of controlling the marketing of a commodity and of disposing of any excess of production over normal needs of the market.

The proposed order would require the portion of a cherry crop represented by the restricted percentage to be processed into storable cherry products, primarily canned and frozen cherries, for the account of the committee. Such provision is necessary to effectuate the other provisions of the order. The need to thus control this specific portion of the cherry crop is explained heretofore and is supported by the evidence of record. To construe the provisions of the act as prohibiting the processing of the excess portion of the cherry crop into canned and frozen products would, in effect, nullify the provisions of section 608c(6)(E) of the act insofar as cherries are concerned.

Each point included in the briefs filed herein was carefully considered, along with the evidence in the record, in making the findings and reaching the conclusions hereinbefore set forth. To the extent that any suggested findings or conclusions contained in any of the briefs are inconsistent with the findings and conclusions contained herein, the request to make such findings or to reach such conclusions is denied on the basis of the facts found and stated in connection with this decision.

At the session of the hearing at Gettysburg, Pennsylvania, objection was taken to the ruling of the Hearing Examiner that evidence being offered by a witness was not relevant to the proposal on which the hearing was being held. The witness had made a general statement concerning alleged conditions relating to the marketing of apples in Australia, New Zealand, and Tasmania and presumably had started to make similar remarks concerning South Africa when the Hearing Examiner ruled that any further statement in this regard would not be permitted. The purpose of the hearing was to obtain evidence concerning the economic and marketing conditions which relate to the provisions of the proposed marketing order for cherries. Since the evidence in question did not relate to conditions within the cherry industry nor to the provisions of the proposed marketing order, the objection is overruled and the ruling of the Hearing Examiner is approved.

General findings. Upon the basis of the evidence introduced at such hearing, and the record thereof, it is found that:

(1) The marketing agreement and order, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act;

(2) The said marketing agreement and order regulate the handling of cherries grown in the production area in the same manner as, and are applicable only to persons in the respective classes of commercial and industrial activity specified in, a proposed marketing agreement and order upon which a hearing has been held;

(3) The said marketing agreement and order are limited in their application to the smallest regional production area which is practicable, consistently with carrying out the declared policy of the act, and the issuance of several orders applicable to subdivisions of the production area would not effectively carry out the declared policy of the act;

(4) There are no differences in the production and marketing of cherries grown in the production area which make necessary different terms and provisions applicable to different parts of such area; and

(5) All handling of cherries grown in the production area, as defined in said marketing agreement and order, is in the current of interstate or foreign commerce or directly burdens, obstructs, or affects such commerce.

Marketing agreement and order. Annexed hereto and made a part hereof are two documents entitled, respectively, "Marketing Agreement Regulating the Handling of Cherries Grown in the States of Michigan, New York, Wisconsin, Pennsylvania, Ohio, Virginia, West Virginia, and Maryland" and "Order Regulating the Handling of Cherries Grown in the States of Michigan, New York, Wisconsin, Pennsylvania, Ohio, Virginia, West Virginia, and Maryland" which have been decided upon as the appropriate and detailed means of effecting the foregoing conclusions. These documents shall not become effective unless and until the requirements of § 900.14 of the aforesaid rules of practice and procedure governing proceedings to formulate marketing agreement and marketing orders have been met.

Referendum order. Pursuant to the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), it is hereby directed that referenda be conducted:

(1) Among the producers who, during the period May 1, 1964, through April 30, 1965 (which period is hereby determined to be a representative period for the purpose of such referenda), were engaged in the States of Michigan, New York, Wisconsin, Pennsylvania, Ohio, Virginia, West Virginia, and Maryland in the production of red tart cherries for processing, and

(2) Among processors who, during the aforesaid representative period, were engaged within said production area in the canning or freezing of red tart cherries to ascertain whether such producers and processors favor the issuance of the said annexed order regulating the handling of cherries.

George B. Dever, Jr., Fruit and Vegetable Division, Consumer and Marketing Service, United States Department of Agriculture, Washington, D.C., 20250, is hereby designated agent of the Secretary of Agriculture to conduct said referenda.

The procedure applicable to the referenda shall be the "Procedure for the Conduct of Referenda in Connection with Marketing Orders for Fruits, Vegetables, and Tree Nuts Pursuant to the Agricultural Marketing Agreement Act of 1937, as amended" (28 F.R. 6409).

The ballots used in each such referendum shall contain a summary describing the terms and conditions of the proposed order.

Copies of the aforesaid annexed order and of the aforesaid referendum procedure may be examined in the Fruit and Vegetable Division, Consumer and Marketing Service, United States Department of Agriculture, Washington, D.C., 20250.

Ballots to be cast in the referenda, and other necessary forms and instructions, may be obtained from the referendum agent or any appointee.

It is hereby ordered, That all of this decision and referendum order, except the annexed marketing agreement, be published in the FEDERAL REGISTER. The regulatory provisions of the said marketing agreement are identical with those contained in the said order which will be published with this decision.

Dated: April 30, 1965.

GEORGE L. MEHREN,
Assistant Secretary.

Order[1] Regulating the Handling of Cherries Grown in the States of Michigan, New York, Wisconsin, Pennsylvania, Ohio, Virginia, West Virginia, and Maryland

Sec.
930.0 Findings and determinations.

DEFINITIONS

930.1 Secretary.
930.2 Act.
930.3 Person.
930.4 Production area.
930.5 Cherries.
930.6 Fiscal period.
930.7 Committee.
930.8 Grower.
930.9 Handler.
930.10 Handle.
930.11 Acquire.
930.12 District.

ADMINISTRATIVE BODY

930.20 Establishment and membership.
930.21 Term of office.
930.22 Nomination.
930.23 Selection.
930.24 Failure to nominate.
930.25 Acceptance.
930.26 Vacancies.
930.27 Alternate members.
930.28 Eligibility for membership.
930.30 Powers.
930.31 Duties.
930.32 Procedure.
930.33 Expenses and compensation.

EXPENSES AND ASSESSMENTS

930.40 Expenses.
930.41 Assessments.
930.42 Accounting.

RESEARCH

930.45 Marketing research and development.

REGULATIONS

930.50 Marketing policy.
930.51 Recommendations for volume regulations.
930.52 Issuance of volume regulations.
930.53 Modification, suspension, or termination of volume regulations.
930.54 Set-aside.
930.55 Off-premise set-aside.
930.56 Diversion privilege.
930.57 Equity holders.
930.58 Handler compensation.
930.59 Disposition of set-aside.
930.60 Disposition of proceeds from sale of set-aside.
930.61 Exemptions.

REPORTS AND RECORDS

930.62 Reports.
930.63 Records.
930.64 Verification of reports and records.
930.65 Confidential information.

MISCELLANEOUS PROVISIONS

930.70 Compliance.
930.71 Right of the Secretary.
930.72 Effective time.
930.73 Termination.
930.74 Proceedings after termination.
930.75 Effect of termination or amendment.
930.76 Duration of immunities.
930.77 Agents.
930.78 Derogation.
930.79 Personal liability.
930.80 Separability.

AUTHORITY: The provisions of this Part 930 issued under secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674.

[1] This order shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure governing proceedings to formulate marketing agreements and orders have been met.

§ 930.0 Findings and determinations.

(a) *Findings upon the basis of the hearing record.* Pursuant to the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and the applicable rules of practice and procedure effective thereunder (7 CFR Part 900), a public hearing was held at Grand Rapids, Mich., March 10–12, 1965, and continued at Sturgeon Bay, Wis., on March 15, 1965, at Rochester, N.Y., on March 18, 1965, and at Gettysburg, Pa., on March 22, 1965, upon a proposed marketing agreement and a proposed marketing order regulating the handling of cherries grown in the States of Michigan, New York, Wisconsin, Pennsylvania, Ohio, Virginia, West Virginia, and Maryland. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) This order, and all the terms and conditions thereof, will tend to effectuate the declared policy of the act;

(2) This order regulates the handling of cherries grown in the production area in the same manner as, and is applicable only to persons in the respective classes of commercial or industrial activity specified in, a proposed marketing agreement and order upon which hearings have been held;

(3) This order is limited in application to the smallest regional production area which is practicable, consistently with carrying out the declared policy of the act, and the issuance of several orders applicable to subdivisions of the production area would not effectively carry out the declared policy of the act;

(4) There are no differences in the production and marketing of cherries grown in the production area which make necessary different terms applicable to different parts of such area; and

(5) All handling of cherries grown in the production area, as defined in this order, is in the current of interstate or foreign commerce or directly burdens, obstructs, or affects such commerce.

It is, therefore, ordered, That, on and after the effective date hereof, all handling of cherries grown in the production area shall be in conformity to, and in compliance with, the terms and conditions of this order; and such terms and conditions are as follows:

DEFINITIONS

§ 930.1 Secretary.

"Secretary" means the Secretary of Agriculture of the United States, or any officer or employee of the U.S. Department of Agriculture to whom authority has heretofore been delegated, or to whom authority may hereafter be delegated, to act in his stead.

§ 930.2 Act.

"Act" means Public Act No. 10, 73d Congress (May 12, 1933), as amended, and as re-enacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended; 7 U.S.C. 601–674).

§ 930.3 Person.

"Person" means an individual, partnership, corporation, association, or any other business unit.

§ 930.4 Production area.

"Production area" means the States of Michigan, New York, Wisconsin, Pennsylvania, Ohio, Virginia, West Virginia, and Maryland.

§ 930.5 Cherries.

"Cherries" means all varieties of the fruit commonly called Red Sour Cherries or Red Tart Cherries grown in the production area.

§ 930.6 Fiscal period.

"Fiscal period" is synonymous with fiscal year and means the 12-month period beginning on May 1 of one year and ending on the last day of April of the following year.

§ 930.7 Committee.

"Committee" means the Cherry Marketing Committee established pursuant to § 930.20.

§ 930.8 Grower.

"Grower" is synonymous with producer and means any person who produces cherries to be marketed in canned, frozen, or other processed form and who has a proprietary interest therein. As used in §§ 930.56 through 930.58 and in § 930.60, such term also includes any person who purchases cherries from the person growing such cherries and who delivers them to a handler.

§ 930.9 Handler.

"Handler" means any person who first handles cherries or causes cherries to be handled.

§ 930.10 Handle.

"Handle" means to pit, can, freeze, dehydrate, press, or brine cherries, or in any other way to convert cherries into a processed product: *Provided,* That the term "handle" shall not include the pitting, canning, freezing, dehydrating, pressing, or brining of cherries diverted pursuant to § 930.56, or the converting, in any other way, of such cherries into a processed product.

§ 930.11 Acquire.

"Acquire" is synonymous with receive and means to obtain cherries by any means whatsoever for the purpose of handling such cherries.

§ 930.12 District.

"District" means the applicable one of the following described subdivisions of the production area, or such other subdivisions as may be prescribed pursuant to § 930.31(1):

District 1—The State of Wisconsin.
District 2—The State of New York.
District 3—The States of Maryland, Pennsylvania, Virginia, and West Virginia.
District 4—That portion of the State of Michigan which is north of a line drawn along the boundary of Mason and Manistee Counties and extended easterly to Lake Huron.
District 5—That portion of the State of Michigan which is south of District 4 and north of a line drawn along the boundary of Allegan and Ottawa Counties and extended easterly to the St. Clair River.
District 6—The State of Ohio and that portion of the State of Michigan not included in Districts 4 and 5.

ADMINISTRATIVE BODY

§ 930.20 Establishment and membership.

mittee, as provided in § 930.28, and who are present at nomination meetings shall

member and his alternate are unable to

(j) To submit to the Secretary such cherries of his own production during periods shall not exceed

ADMINISTRATIVE BODY

§ 930.20 Establishment and membership.

(a) There is hereby established a Cherry Marketing Committee consisting of eighteen members, each of whom shall have an alternate having the same qualifications as the member for whom he is an alternate. Twelve of the members and their alternates shall be growers or officers or employees of corporate growers. Six of the members and their alternates shall be handlers or officers or employees of handlers.

(b) District representation on the committee shall be as follows:

District	Grower members	Handler members
1	1	1
2	2	1
3	2	1
4	3	1
5	2	1
6	2	1

§ 930.21 Term of office.

The term of office of each member and alternate member of the committee shall be for 3 years beginning May 1 and ending on the last day of April: *Provided*, That one-third of the initial members and alternates shall serve only until April 30, 1966 and one-third of such members and alternates shall serve only until April 30, 1967. Members and alternate members shall serve in such capacities for the portion of the term of office for which they are selected and have qualified and until their respective successors are selected and have qualified. The consecutive terms of office of members shall be limited to three 3-year terms.

§ 930.22 Nomination.

(a) *Initial members.* The Secretary shall hold, or cause to be held, meetings of growers and of handlers to nominate the initial members and alternate members of the committee. Such meetings shall be held as soon as practicable after the effective date of this part, and shall be conducted in the manner provided in paragraph (b) of this section.

(b) *Successor members.* (1) Nominations for successor members of the committee, and their respective alternates, shall be made at separate meetings of growers and handlers. Such meetings shall be held at such times (on or before April 1 of each year) and places as the committee shall designate. The names and addresses of such nominee shall be submitted to the Secretary not later than April 15 of each year. The committee shall prescribe such procedure for the conduct of the nomination meetings as shall be fair to all persons concerned.

(2) Only the persons who are eligible to serve as grower members of the committee, as provided in § 930.28, and who are present at such nomination meetings shall participate in the nomination of grower members and alternate members to represent the district in which they produce cherries.

(3) Only the persons who are eligible to serve as handler members of the committee, as provided in § 930.28, and who are present at nomination meetings shall participate in the nomination of handler members and alternate members to represent the district in which they handle cherries.

(4) Voting for nominees shall be by ballot and, each person entitled to cast a ballot shall have only one vote on behalf of himself, his agents, subsidiaries, affiliates, and representatives for each position to be filled.

(c) At least two nominees shall be elected at nomination meetings for each member and alternate member position to be filled.

§ 930.23 Selection.

From the nominations made pursuant to § 930.22, the Secretary shall select the members of the committee and an alternate for each such member on the basis of the representation provided for in § 930.20.

§ 930.24 Failure to nominate.

If nominations are not made within the time and in the manner prescribed in § 930.22, the Secretary may, without regard to nominations, select the members and alternate members of the committee on the basis of representation provided for in § 930.20.

§ 930.25 Acceptance.

Any person selected by the Secretary as a member or as an alternate member of the committee shall qualify by filing a written acceptance with the Secretary within 10 days after being notified of such selection.

§ 930.26 Vacancies.

To fill any vacancy occasioned by the failure of any person selected as a member or as an alternate member of the committee to qualify, or in the event of the death, removal, resignation, or disqualification of any member or alternate member of the committee, a successor for the unexpired term of such member or alternate member of the committee shall be nominated and selected in the manner specified in §§ 930.22 (b) and 930.23. If the names of nominees to fill any such vacancy are not made available to the Secretary within 30 days after such vacancy occurs, the Secretary may fill such vacancy without regard to nominations, which selection shall be made on the basis of representation provided for in § 930.20.

§ 930.27 Alternate members.

An alternate member of the committee, during the absence of the member for whom he is an alternate, shall act in the place and stead of such member and perform such other duties as assigned. In the event of the death, removal, resignation, or disqualification of a member, his alternate shall act for him until a successor for such member is selected and has qualified. In the event that a grower member and his alternate are unable to attend a committee meeting, the grower members present at such meeting may designate any other grower alternate member to serve in such absent grower member's place and stead at that meeting. In the event that a handler member and his alternate are unable to attend a committee meeting, the handler members present at such meeting may designate any other handler alternate member to serve in such absent handler member's place and stead at that meeting.

§ 930.28 Eligibility for membership on Cherry Marketing Committee.

(a) Each grower member and each grower alternate member of the committee shall be an individual grower, or an officer or employee of a corporate grower, of cherries in the respective district for which nominated or selected.

(b) Each handler member and each handler alternate member of the committee shall be an individual handler, or an officer or employee of a handler, of cherries who owns or leases and operates a cherry processing facility in the respective district for which nominated or selected.

§ 930.30 Powers.

The committee shall have the following powers:

(a) To administer the provisions of this part in accordance with its terms;

(b) To receive, investigate, and report to the Secretary complaints of violations of the provisions of this part;

(c) To make and adopt rules and regulations to effectuate the terms and provisions of this part; and

(d) To recommend to the Secretary amendments to this part.

§ 930.31 Duties.

The committee shall have, among others, the following duties:

(a) To select a chairman and such other officers as may be necessary, and to define the duties of such officers;

(b) To appoint such employees, agents, and representatives as it may deem necessary and to determine compensation and to define the duties of each;

(c) To submit to the Secretary as soon as practicable after the beginning of each fiscal period a budget for such fiscal period, including a report in explanation of the items appearing therein and a recommendation as to the rate of assessment for such period;

(d) To keep minutes, books, and records which will reflect all of the acts and transactions of the committee and which shall be subject to examination by the Secretary;

(e) To prepare periodic statements of the financial operations of the committee and to make copies of each such statement available to growers and handlers for examination at the offices of the committee;

(f) To cause its books to be audited by a competent public accountant at least once each fiscal year and at such times as the Secretary may request;

(g) To act as intermediary between the Secretary and any grower or handler;

(h) To investigate and assemble data on the growing, handling, and marketing conditions with respect to cherries;

(i) To submit to the Secretary the same notice of meetings of the committee as is given to its members;

(j) To submit to the Secretary such available information as he may request;

(k) To investigate compliance with the provisions of this part; and

(l) With the approval of the Secretary, to redefine the districts into which the production area is divided, and to reapportion the representation of any district on the committee: *Provided*, That any such changes shall reflect, insofar as practicable, shifts in cherry production within the districts and the production area.

§ 930.32 Procedure.

(a) Twelve members of the committee, or alternates acting for members, shall constitute a quorum and any action of the committee shall require at least twelve concurring votes: *Provided*, That an affirmative vote of at least one-half the grower members and at least one-half of the handler members present shall be required to approve any action of the committee.

(b) The committee may provide for simultaneous meetings of groups of its members at two or more designated places or may use a telephone conference call meeting: *Provided*, That such meetings shall be subject to the establishment of communications so that each member may participate in the discussions and other actions the same as if the committee were assembled in one place.

(c) The committee may vote by telephone, telegraph, or other means of communication, and any votes so cast shall be confirmed promptly in writing: *Provided*, That if an assembled meeting is held, all votes shall be cast in person.

§ 930.33 Expenses and compensation.

The members of the committee, and alternates when acting as members, shall serve without compensation but shall be reimbursed for necessary expenses, as approved by the committee, incurred by them in the performance of their duties under this part. The committee at its discretion may request the attendance of one or more alternates at any or all meetings, notwithstanding the expected or actual presence of the respective members, and may pay expenses, as aforesaid.

EXPENSES AND ASSESSMENTS

§ 930.40 Expenses.

The committee is authorized to incur such expenses as the Secretary finds are reasonable and likely to be incurred by the committee for its maintenance and functioning and to enable it to exercise its powers and perform its duties in accordance with the provisions of this part. The funds to cover such expenses (other than expenses incurred in receiving, handling, holdings, and disposing of set-aside) shall be paid to the committee by handlers in the manner prescribed in § 930.41.

§ 930.41 Assessments.

(a) As his pro rata share of the expenses which the Secretary finds are reasonable and likely to be incurred by the committee during a fiscal period, each handler shall pay to the committee, upon demand, assessments on all free percentage cherries acquired by him, including cherries of his own production, during such period. The payment of assessments for the maintenance and functioning of the committee may be required under this part throughout the period it is in effect irrespective of whether particular provisions thereof are suspended or become inoperative.

(b) The Secretary shall fix the rate of assessment to be paid by each handler during a fiscal period in an amount designed to secure sufficient funds to cover the expenses which may be incurred during such period. At any time during or after the fiscal period, the Secretary may increase the rate of assessment in order to secure sufficient funds to cover any later finding by the Secretary relative to the expenses which may be incurred. Such increase shall be applied to all free percentage cherries acquired during the applicable fiscal period. In order to provide funds for the administration of the provisions of this part during the first of a fiscal period before sufficient operating income is available from assessments, the committee may accept the payment of assessments in advance, and may also borrow money for such purposes.

§ 930.42 Accounting.

(a) If, at the end of a fiscal period, the assessments collected are in excess of expenses incurred, the committee, with the approval of the Secretary, may carry over all or any portion of such excess into subsequent fiscal periods as a reserve: *Provided*, That funds already in the reserve do not exceed approximately one fiscal period's expenses. Such reserve funds may be used (1) to cover any expenses, other than expenses incurred in receiving, handling, holding, and disposing of set-aside, authorized by this part and (2) to cover necessary expenses of liquidation in the event of termination of this part. If any such excess is not retained in a reserve, it shall be refunded proportionately to the handlers from whom the excess was collected. Upon termination of this part, any funds not required to defray the necessary expenses of liquidation shall be disposed of in such manner as the Secretary may determine to be appropriate: *Provided*, That to the extent practical, such funds shall be returned pro rata to the persons from whom such funds were collected.

(b) All funds received by the committee pursuant to the provisions of this part shall be used solely for the purpose specified in this part and shall be accounted for in the manner provided in this part. The Secretary may at any time require the committee and its members to account for all receipts and disbursements.

RESEARCH

§ 930.45 Marketing research and development.

The committee, with the approval of the Secretary, may establish or provide for the establishment, through existing agencies when available, of marketing research and development projects designed to assist, improve, or promote the marketing, distribution, and consumption of cherries: *Provided*, That such projects shall not provide for paid advertising or sales promotion. The expense of such projects shall be paid from funds collected pursuant to § 930.41.

REGULATIONS

§ 930.50 Marketing policy.

Each season prior to making any recommendations pursuant to § 930.51, the committee shall submit to the Secretary a report setting forth its marketing policy for the ensuing marketing season. Such marketing policy report shall contain information relating to:

(a) The estimated total production of cherries;

(b) The expected general quality of such cherry production;

(c) The expected carryover, as of July 1, of canned or frosen cherries and other cherry products;

(d) The expected demand conditions for cherries in different market outlets;

(e) Supplies of competing commodities;

(f) Trend and level of consumer income;

(g) Other factors having a bearing on the marketing of cherries; and

(h) The regulation expected to be recommended during the marketing season.

§ 930.51 Recommendations for volume regulation.

(a) Not later than July 1 of each year, the committee, if it deems it advisable to regulate the handling of cherries in the manner provided in § 930.52, shall so recommend to the Secretary.

(b) In arriving at its recommendations for regulation pursuant to paragraph (a) of this section, the committee shall give consideration to current information with respect to the factors affecting the supply of and demand for cherries during the then current fiscal period. With each such recommendation for regulation, the committee shall submit to the Secretary the data and information on which such recommendation is predicated and such other available information as the Secretary may request.

(c) All assembled meetings of the committee shall be open to growers and handlers. The committee shall publish notice of such meetings in such newspapers as it deems appropriate and shall mail notice of such meetings to each grower and handler who has filed his name and address with the committee for such purpose.

§ 930.52 Issuance of volume regulations.

(a) The Secretary shall limit, in the manner specified in this section, the quantity of cherries which handlers may acquire and freely handle during the then current fiscal period, whenever he finds from the recommendations and information submitted by the committee, or from other available information, that such regulation will tend to effectuate the declared policy of the act. Such regulation shall fix the free and restricted percentages, totaling 100 percent, which shall be applied in accordance with § 930.54, to cherries acquired by handlers during such fiscal period.

(b) The committee shall be informed immediately of any such regulation is-

sued by the Secretary, and the committee shall promptly give notice thereof to handlers.

§ 930.53 Modification, suspension, or termination of volume regulations.

(a) On or about September 15 of each year when cherries are regulated pursuant to § 930.52, the committee shall determine the total quantity of free percentage cherries handled from the current crop. If it determines that such quantity is less than the quantity determined earlier by the committee as the quantity of cherries which should be available for handling, it shall recommend to the Secretary that a portion of the set-aside be released to handlers for use in normal commercial outlets. The amount of the set-aside so recommended to be released shall be the amount required to make the total available supplies for handling in normal commercial outlets equal, but not exceed the quantity, as estimated by the committee, needed to meet the demand in such outlets.

(b) Whenever the Secretary finds, from the recommendations and information submitted by the committee pursuant to paragraph (a) of this section, or from other available information, that a regulation should be modified by releasing a portion of the set-aside in order to effectuate the declared policy of the act, he shall so modify such regulation. If the Secretary finds that a regulation obstructs or does not tend to effectuate the declared policy of the act, he shall suspend or terminate such regulation.

§ 930.54 Set-aside.

(a) Whenever the Secretary has fixed the free and restricted percentages for any fiscal period, as provided for in § 930.52(a), each handler shall set-aside, at such time and in such manner and form as the committee may prescribe, a portion of the cherries he acquires during such period. Except as otherwise permitted pursuant to §§ 930.56 and 930.61, such set-aside portion shall be equal to the sum of the products obtained by multiplying the weight of the cherries in each lot of cherries acquired during the fiscal period by the restricted percentage fixed by the Secretary: *Provided*, That in converting cherries in each lot to the form prescribed by the committee, the set-aside obligations shall be adjusted, in accordance with uniform rules adopted by the committee, to recognize normal shrinkage and loss resulting in processing.

(b) Set-aside cherries shall meet such standards of grade, quality, or condition as the committee, with the approval of the Secretary, may prescribe. All such cherries shall be inspected by the Processed Products Standardization and Inspection Branch, USDA. A certificate of such inspection shall be issued which shall show, among other things, the name and address of the handler, the number and type of containers in the lot, the location where the lot is stored, identification marks (can codes or lot stamp), and a certification that the cherries meet the prescribed standards. Promptly after inspection and certification, each such handler shall submit, or cause to be submitted, to the committee, at the place designated by the committee, a copy of the certificate of inspection issued with respect to such cherries.

(c) Each handler shall hold his set-aside for the account of the committee, free and clear of all liens, until relieved of such responsibility by the committee. Such set-aside cherries shall be stored in accordance with good commercial practice and shall be separate and apart from any other cherries in possession of the handler. Each handler so holding set-aside shall deliver to the committee, upon demand, such portion of the set-aside held by him as the committee may specify.

§ 930.55 Off-premise set-aside.

No handler may transfer a set-aside obligation but any handler may, upon notification to the committee, arrange to hold set-aside, of his own production or which he has purchased, on the premises of another handler or in an approved commercial storage in the same manner as though the set-aside were on his own premises.

§ 930.56 Diversion privilege.

Any producer may voluntarily elect to divert, in accordance with provisions of this section, all or a portion of his cherries which otherwise, upon delivery to a handler, would become set-aside. Upon such diversion and compliance with the provisions of this section, the committee shall issue to the diverting producer a diversion certificate which shall entitle such producer to deliver to a handler, and such handler to receive, the specified weight of cherries free from all set-aside requirements.

(a) *Eligible diversion.* Diversion certificates shall be issued to producers only if the cherries are diverted in accordance with the following terms and conditions to such of the following outlets as the committee with the approval of the Secretary may designate: Juice or fresh market outlets; uses exempt under § 930.61; non-human food uses; or other uses, including diversion by leaving such cherries unharvested.

(1) *Application.* The producer electing so to divert cherries shall first make application to the committee for permission to do so. Such application shall describe in detail the manner in which the applicant proposes to divert cherries including, if the diversion is to be by means of leaving the cherries unharvested, a detailed description of the location of the orchard and the ages of the trees therein. It shall also contain an agreement that the proposed diversion is to be carried out under the supervision of the committee and that the cost of such supervision is to be paid by the applicant.

(2) *Diversion certificate.* If the committee approves the application, it shall so notify the applicant and conduct such supervision of the applicant's diversion of cherries as may be necessary to assure that the cherries are diverted. After the diversion has been accomplished, the committee shall issue to the diverting producer a diversion certificate stating the weight of cherries diverted and the weight of cherries which may be delivered to a handler free from all set-aside requirements; the latter of which shall be in an amount having the same relationship to the weight of cherries diverted as that existing between the free and restricted percentages fixed pursuant to § 930.52. Where diversion is carried out by leaving the cherries unharvested, the committee shall estimate the weight of cherries diverted on the basis of such uniform rule as the committee, with the approval of the Secretary, may prescribe.

(b) Any producer who diverts cherries pursuant to the provisions of this section shall be entitled to participate in proceeds from the disposition of set-aside cherries only if he delivers cherries to handlers in excess of the quantity shown on his diversion certificate and then only to the extent of such excess delivery of cherries.

§ 930.57 Equity holders.

So that the committee may determine each producer's, or his successor's in interest, equity in the total set-aside, each handler who receives cherries shall determine and certify to the committee the weight and grade of each lot of cherries received, the name and address of the producer or successor in interest and place of production. Each weight and grade determination shall be made in accordance with uniform rules adopted by the committee and approved by the Secretary.

§ 930.58 Handler compensation.

Each handler shall be compensated as set forth in this section for receiving, processing, storing and such other costs relating to the set-aside as the committee may deem to be appropriate, in accordance with a schedule of charges established at the beginning of the crop year by the committee with the approval of the Secretary. Such costs shall be met initially by the handlers but shall be borne by the producers having an equity in the set-aside, or their successors in interest, at a uniform rate prescribed by the committee with the approval of the Secretary, which may be deducted by handlers from any moneys due or to become due by them to such persons for cherries. In the event the established compensation to a handler is less than the uniform rate applicable to persons having an equity in the set-aside, such handler shall pay such difference to the committee, upon demand. The committee shall treat such payments as proceeds from set-aside for purposes of § 930.60. A handler may request the committee to remove set-aside from his premises upon expiration of prepaid storage charges or the payment to the committee of unearned charges. If the committee finds that continued storage of the set-aside would constitute an undue hardship on such handler, it shall comply within a reasonable time consistent with the availability of suitable storage. Upon any such removal the handler shall also pay one-half of the cost of such removal and shall forfeit, to the extent of the removed volume, his pro rata share in any offer to sell set-aside

items and such share shall be allocated to the successor storing handler.

§ 930.59 Disposition of set-aside.

(a) The committee shall sell or otherwise dispose of all set-aside cherries upon the best terms and at the highest price obtainable consistent with the provisions of this part. Insofar as practicable, disposal of set-aside of a particular year shall be completed not later than September 1 of the following year. If any such set-aside is on hand subsequent to such date, the committee shall, within 60 days from such date, submit to the Secretary for his approval a plan for disposing of such set-aside.

(b) The committee may sell set-aside: (1) For distillation, animal feed, or any manufacturing use other than normal commercial outlets; (2) for new uses or new geographical outlets; and (3) for handling in normal commercial outlets, but any such sale pursuant to this subparagraph (3) shall be made only if, and to the extent, that the total available supplies for handling in normal commercial outlets is less than the quantity, as estimated by the committee, needed to meet the demand in such outlets.

(c) Each offer by the committee to sell set-aside for sale in established export markets or for handling in normal commercial outlets shall be made only to handlers, except as otherwise provided in this paragraph, and each handler shall be given the first opportunity to purchase his share of the offer. Such share shall be determined by applying to the total quantity offered the percentage that the set-aside held by such handler is of the total set-aside held by all handlers. If any handler declines, or fails, to purchase all or any part of his share, the remainder shall be offered to all handlers who have purchased all of their respective shares. If handlers do not purchase all the set-aside cherries offered by the committee within a reasonable time, the committee may proceed with the sale of such cherries in normal commercial outlets.

(d) The committee may sell set-aside for development of new uses or geographical outlets, or for distillation, animal feed, or manufacturing uses other than normal processing outlets without regard to pro rata participation by handlers.

§ 930.60 Disposition of proceeds from sale of set-aside.

The proceeds from the disposition of any set-aside shall be distributed, after deduction of any expenses incurred by the committee in receiving, handling, holding, or disposing thereof, to the respective producers or their successors in interest, on the basis of the tonnage and grade of their respective contributions to the set-aside. The distribution of proceeds to producer members of cooperative associations, which are handlers and have set-aside cherries pursuant to § 930.54, shall be made to the appropriate association.

§ 930.61 Exemptions.

The committee, with the approval of the Secretary, may exempt from any or all provisions of paragraphs §§ 930.52 through 930.60 cherries used for experimental purposes or processed into products which use less than 5 percent of the preceding 5-year average production of cherries. The committee, with the approval of the Secretary, shall prescribe such rules, regulations, and safeguards as it may deem necessary to ensure that cherries handled under the provisions of this section are handled only as authorized.

REPORTS AND RECORDS

§ 930.62 Reports.

(a) *Inventory.* Each handler shall, upon request of the committee, file promptly with the committee a certified report showing such information as the committee shall specify with respect to any cherries or cherry products which were held by him on such date as the committee may designate.

(b) *Receipts.* Each handler shall, upon request of the committee, file promptly with the committee a certified report as to the weight of each lot of cherries acquired, the equity holder's name and address, and the place of production.

(c) *Set-aside.* Each handler shall, upon request of the committee, file promptly with the committee a certified report showing, separately for each product and container size, the set-aside held for the account of the committee and showing place where stored.

(d) *Other reports.* Upon the request of the committee, with the approval of the Secretary, each handler shall furnish to the committee such other information with respect to the cherries acquired and disposed of by such handler as may be necessary to enable the committee to exercise its powers and perform its duties under this part.

§ 930.63 Records.

Each handler shall maintain such records of all cherries acquired, set-aside, handled, and otherwise disposed of as will substantiate the required reports and as may be prescribed by the committee. All such records shall be maintained for not less than 3 years after the termination of the crop year in which the transactions occurred or for such lesser period as the committee may direct.

§ 930.64 Verification of reports and records.

For the purpose of assuring compliance and checking and verifying records and the reports filed by handlers, the committee, through its duly authorized agents, shall have access to any premises where applicable records are maintained, where cherries are received, stored, handled, or otherwise disposed of and, at any time during reasonable business hours, shall be permitted to inspect such handler premises and any and all records of such handlers with respect to matters within the purview of this part.

§ 930.65 Confidential information.

All reports and records furnished or submitted by handlers to the committee and its authorized agents which include data or information constituting a trade secret or disclosing the trade position, financial condition, or business operations of the particular handler from whom received, shall be received by and at all times kept in the custody and under the control of one or more employees of the committee, who shall disclose such information to no person other than the Secretary.

MISCELLANEOUS PROVISIONS

§ 930.70 Compliance.

Except as provided in this part, no person shall acquire or handle cherries except in conformity with the provisions of this part and the regulations issued hereunder.

§ 930.71 Right of the Secretary.

The members of the committee (including successors and alternates), and any agents, employees, or representatives thereof, shall be subject to removal or suspension by the Secretary at any time. Each and every regulation, decision, determination, or other act of the committee shall be subject to the continuing right of the Secretary to disapprove of the same at any time. Upon such disapproval, the disapproved action of the committee shall be deemed null and void, except as to acts done in reliance thereon or in accordance therewith prior to such disapproval by the Secretary.

§ 930.72 Effective time.

The provisions of this part, and of any amendment thereto, shall become effective at such time as the Secretary may declare above his signature and shall continue in force until terminated in one of the ways specified in § 930.73.

§ 930.73 Termination.

(a) The Secretary may at any time terminate the provisions of this part by giving at least one day's notice by means of a press release or in any other manner in which he may determine.

(b) The Secretary shall terminate or suspend the operation of any and all of the provisions of this part whenever he finds that such provisions do not tend to effectuate the declared policy of the act.

(c) The Secretary shall terminate the provisions of this part whenever he finds by referendum or otherwise that such termination is favored by a majority of the growers: *Provided*, That such majority has, during the current fiscal year, produced more than 50 percent of the volume of the cherries which were produced within the production area. Such termination shall become effective on the last day of April subsequent to the announcement thereof by the Secretary.

(d) The provisions of this part shall, in any event, terminate whenever the provisions of the act authorizing them cease to be in effect.

§ 930.74 Proceedings after termination.

(a) Upon the termination of the provisions of this part, the committee shall, for the purpose of liquidating the affairs of the committee, continue as trustees of all the funds and property then in its possession, or under its control, including claims for any funds unpaid or property not delivered at the time of such termination.

(b) The said trustees shall (1) continue in such capacity until discharged by the Secretary; (2) from time to time account for all receipts and disbursements and deliver all property on hand, together with all books and records of the committee and of the trustees, to such persons as the Secretary may direct; and (3) upon the request of the Secretary, execute such assignments or other instruments necessary or appropriate to vest in such person full title and right to all of the funds, property, and claims vested in the committee or the trustees pursuant thereto.

(c) Any person to whom funds, property, or claims have been transferred or delivered, pursuant to this section, shall be subject to the same obligation imposed upon the committee and upon the trustees.

§ 930.75 Effect of termination or amendment.

Unless otherwise expressly provided by the Secretary, the termination of this part or of any regulation issued pursuant to this part, or the issuance of any amendment to either thereof, shall not (a) affect or waive any right, duty, obligation, or liability which shall have arisen or which may thereafter arise in connection with any provision of this part or any regulation issued hereunder, or (b) release or extinguish any violation of this part or any regulation issued hereunder, or (c) affect or impair any rights or remedies of the Secretary or any other person with respect to any such violation.

§ 930.76 Duration of immunities.

The benefits, privileges, and immunities conferred upon any person by virtue of this part shall cease upon its termination, except with respect to acts done under and during the existence of this part.

§ 930.77 Agents.

The Secretary may, by designation in writing, name any officer or employee of the United States, or name any agency or division in the U.S. Department of Agriculture, to act as his agent or representative in connection with any of the provisions of this part.

§ 930.78 Derogation.

Nothing contained in this part is, or shall be construed to be, in derogation or in modification of the rights of the Secretary or of the United States (a) to exercise any powers granted by the act or otherwise, or (b) in accordance with such powers, to act in the premises whenever such action is deemed advisable.

§ 930.79 Personal liability.

No member or alternate member of the committee and no employee or agent of the committee shall be held personally responsible, either individually or jointly with others, in any way whatsoever, to any person for errors in judgment, mistakes, or other acts, either of commission or omission, as such member, alternate, employee, or agent, except for acts of dishonesty, willful misconduct, or gross negligence.

§ 930.80 Separability.

If any provision of this part is declared invalid or the applicability thereof to any person, circumstance, or thing is held invalid, the validity of the remainder of this part or the applicability thereof to any other person, circumstance, or thing shall not be affected thereby.

[F.R. Doc. 65-4781; Filed, May 4, 1965; 8:49 a.m.]

FEDERAL AVIATION AGENCY

[14 CFR Part 39]

[Docket No. 6619]

AIRWORTHINESS DIRECTIVES

Boeing Model 727 Series Aircraft

The Federal Aviation Agency is considering amending Part 39 of the Federal Aviation Regulations by adding an airworthiness directive requiring replacement of the thrust reverser lockout actuator piston on Boeing Model 727 Series aircraft. The Agency has determined that the locking pin on the existing lockout actuator piston is not strong enough to prevent the thrust reverser from going to the reverse thrust position under certain conditions in the event that pneumatic pressure is lost. To prevent inadvertent reversing, the proposed AD would require replacement of the actuator piston with one having a stronger locking pin.

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should identify the docket number and be submitted in duplicate to the Federal Aviation Agency, Office of the General Counsel, Attention: Rules Docket, 800 Independence Avenue SW., Washington, D.C., 20553. All communications received on or before June 7, 1965, will be considered by the Administrator before taking action upon the proposed rule. The proposals contained in this notice may be changed in the light of comments received. All comments will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons.

This amendment is proposed under the authority of sections 313(a), 601 and 603 of the Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421, 1423).

In consideration of the foregoing, it is proposed to amend § 39.13 of Part 39 (14 CFR, Part 39), by adding the following airworthiness directive:

BOEING. Applies to Model 727 Series aircraft.

Compliance required within the next 600 hours' time in service after the effective date of this AD unless already accomplished.

To prevent inadvertent thrust reversing from failure of the locking pin, replace the thrust reverser lockout actuator piston, P/N 65-37853-2, on each engine, with actuator piston, P/N 65-37853-3, in accordance with Boeing Alert Service Bulletin No. 78-18, or later FAA-approved revision, or an equivalent approved by the Chief, Aircraft Engineering Division, FAA Western Region.

Issued in Washington, D.C., on April 28, 1965.

C. W. WALKER,
Acting Director,
Flight Standards Service.

[F.R. Doc. 65-4716; Filed, May 4, 1965; 8:47 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 73]

[Docket No. 15987; FCC 65-359]

GRETNA AND DANVILLE, VA.

Proposed Table of Assignments; FM Broadcast Stations

1. Notice of proposed rule making is hereby given in the above-entitled matter.

2. In a Second Report and Order in Docket No. 15690 adopted today, the Commission denied a proposal (RM-628) to assign Channel 295 to Danville, Va., with concomitant deletion of Channel 296A at Pulaski, Va., and Durham, N.C. The proposed assignment appeared too costly in view of the deletions required and the impossibility of finding replacement channels.

3. However, we also recognized the great desirability of providing a first FM channel to the large and important city of Danville (population 46,577) if it is feasible. There appears one way by which this might be accomplished. Class C Channel 277 is now used at Gretna, Va. (population 900, 1960 U.S. Census), by Station WMNA-FM. This station operates with less than the minimum facilities now required for new Class C stations (25 kw E.R.P.), and, indeed, with less than the maximum permitted for limited-coverage Class A stations; it employs 3 kw E.R.P. and an antenna with a height of 105 feet above average terrain. On April 16, 1965, an application (BPH-4899) was filed to increase WMNA-FM's facilities to 30 kw E.R.P. and antenna height of 262 feet.

4. Since Gretna is a small community, it appears that one solution to the Danville problem may be to assign a Class A channel to Gretna and Station WMNA-FM, freeing Class C Channel 277 for use at Danville, a much larger community and an important regional center and thus more appropriate for a Class C assignment. In terms of areas and populations served, use at Danville as a Class C assignment would of course be much more efficient than the present use of the channel at Gretna, and, with reasonably large facilities, such use would likely be substantially more efficient than that proposed in the pending WMNA-FM application.[1] It appears that Channel 277 can be used at Danville consistent with all present mileage separation requirements,[2] and that Channels 288A, 292A, and 296A are available for use at Gretna.

5. We have mentioned before our reluctance to disturb existing service. However, under the circumstances here, with a Class C channel employed in a small community and the great need of Danville for an FM outlet, we believe a shift may be warranted. As in other cases where shift of an existing station is proposed, a factor in our decision will be the willingness of parties standing to gain by the change (here, those interested in a Danville FM assignment) to reimburse the existing station for reasonable costs of the shift.

6. In view of the foregoing, it is proposed on the Commission's own motion to amend § 73.202, the table of AM assignments, to read as set forth below. Authority for the proposed change is contained in sections 4(i), 303(r) and 307(b) of the Communications Act of 1934, as amended.

City	Channel No.	
	Present	Proposed
Danville, Va.	...	277
Gretna, Va.	277	288A, 292A, or 296A

7. Pursuant to applicable procedures set out in § 1.415 of the Commission rules, interested persons may file comments on or before May 28, 1965, and reply comments on or before June 11, 1965. All submissions by parties to this proceeding or by persons acting in behalf of such parties must be made in written comments, reply comments or other appropriate pleadings.

8. In accordance with the provisions of § 1.419 of the rules, an original and 14 copies of all comments, replies, pleadings, briefs, and other documents shall be furnished the Commission. Attention is directed to the provisions of Paragraph (c) of § 1.419 which require that any person desiring to file identical documents in more than one docketed rule making proceeding shall furnish the Commission two additional copies of any such document for each additional docket unless the proceedings have been consolidated.

Adopted: April 28, 1965.

Released: April 30, 1965.

FEDERAL COMMUNICATIONS COMMISSION,[3]
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 65-4735; Filed, May 4, 1965; 8:49 a.m.]

[1] Danville and Gretna are about 25 miles apart. The WMNA-FM application states that the proposed operation would put a 1 mv/m signal (required for adequate service in cities) over a portion of Danville.

[2] A pending rule making petition (RM-747) would put Channel 276A at Dunn, N.C. If this proposal is ultimately adopted, a station on Channel 277 at Danville would have to be some 10 miles north of the city in order to meet separations with respect to the Dunn reference point. However, this restriction is less than that involved in the earlier Danville proposal, and does not appear to be a substantial problem.

[3] Commissioner Lee absent.

[47 CFR Part 73]

[Docket No. 15937]

WASHINGTON AND OREGON

Proposed Table of Assignments; FM Broadcast Stations; Notice Extending Time To File Comments

In the matter of amendment of § 73.202 *Table of assignments*, FM Broadcast Stations (Prosser, Quincy, Richland, Wenatchee and Yakima, Wash., and Pendleton, Oreg.); Docket No. 15937, RM-573, RM-600, RM-646.

1. On April 2, 1965, the Commission issued a notice of proposed rule making (FCC 65-278) in the above-entitled matter which specified that comments were to be filed on or before April 30, 1965, and reply comments on or before May 10, 1965. KIT, Inc., one of the petitioners in this matter, has requested an extension of time for the filing of comments to and including May 28, 1965. KIT states that, because of the engineering problems involved, its consulting engineer has been unable to complete the necessary studies. It also submits that it needs additional time in order to consult with the other parties on the question of the costs of moving Station KACA-FM from Channel 272A to 269A, as proposed in the notice.

2. The Commission is of the view that the requested extension is warranted in this case and would serve the public interest. Accordingly, notice is hereby given that the time for filing comments in this proceeding is extended to May 28, 1965, and that the time for filing reply comments is extended to June 7, 1965.

3. This action is taken pursuant to authority contained in sections 4(i), 5(d)(1) and 303(r) of the Communications Act of 1934, as amended, and § 0.281(d)(8) of the Commission's rules and regulations.

Adopted: April 30, 1965.

Released: April 30, 1965.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 65-4736; Filed, May 4, 1965; 8:49 a.m.]

FEDERAL RESERVE SYSTEM

[12 CFR Parts 261, 262]

RULES REGARDING INFORMATION, SUBMITTALS, AND REQUESTS; RULES OF PROCEDURE

Notice of Proposed Rule Making

The Board of Governors is considering amending § 261.2(d)(2)(v) relating to certain unpublished information under Part 261 and § 262.2(f)(7) concerning bank holding company and bank merger applications under Part 262. The purpose of these amendments is to make available for public inspection bank holding company and bank merger applications, subject to certain limitations, whether or not the Board has ordered a public hearing or a public oral presentation of views with respect to the applications.

1. The proposed amendment to § 261.2(d)(2)(v) is as follows: Substitute a comma for the period at the end thereof and add: "and except as provided in § 262.2(f)(7) of this chapter concerning bank holding company and bank merger applications".

2. The proposed amendment to § 262.2(f)(7) is as follows: Rewrite said § 262.2(f)(7) to read:

(7) Unless the Board shall otherwise direct for good cause found, each application shall be made available for inspection by the public except for portions thereof as to which the Board finds that disclosure would not be in the public interest.

To aid in the consideration of the foregoing matter, the Board will be glad to receive from interested persons any relevant data, views, or arguments. Although such material may be sent directly to the Board, it is preferable that it be sent to the Federal Reserve Bank of the district which will forward it to the Board to be considered. All such material should be submitted in writing to be received not later than May 20, 1965.

Dated at Washington, D.C., this 29th day of April, 1965.

BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM,
[SEAL] MERRITT SHERMAN,
Secretary.

[F.R. Doc. 65-4662; Filed, May 4, 1965; 8:45 a.m.]

FEDERAL TRADE COMMISSION

[16 CFR Part 303]

TEXTILE FIBER PRODUCTS IDENTIFICATION

Proposed Generic Names and Definitions for Manufactured Fibers; Further Opportunity To Present Views

On February 1, 1965, the Commission issued a notice of proposed rule making. Such notice was published in the FEDERAL REGISTER on February 2, 1965, and provided that pursuant to previous notice issued on February 12, 1964, and published in the FEDERAL REGISTER on February 13, 1964, the Commission had tentatively determined to amend § 303.7 (Rule 7) of the rules and regulations under the Textile Fiber Products Identification Act by adding three new paragraphs thereto designated as paragraphs (q), (r) and (s) of § 303.7 (Rule 7) and by amending paragraphs (b) and (m) of present § 303.7 (Rule 7) so as to distinguish between certain fibers falling within the definitions contained in paragraphs (b) and (m) of § 303.7 (Rule 7) and fibers falling within certain designated categories in the proposed additional paragraphs.

Such notice proposed (a) to establish the generic name "lastocarb" for manu-

factured fibers falling within the "hydrocarbon" category as set out in the original February 12, 1964 notice of proposed rule making and as modified in the second notice, (b) to establish the generic name "lastrile" for manufactured fibers falling with the "nitrile" category as set out in the original notice of proposed rule making, (c) to establish the generic name "lastochlor" for manufactured fibers falling within the "chloroprene" category as set out in the original notice of proposed rule making, (d) to amend the delnition "modacrylic" as contained in present paragraph (b) of § 303.7 (Rule 7) so as to distinguish between fibers entitled to the generic name "modacrylic" and fibers entitled to the generic name "lastrile" as defined in proposed paragraph (r) of § 303.7 (Rule 7); and (e) to amend the definition "olefin" as contained in present paragraph (m) of § 303.7 (Rule 7) so as to distinguish between fibers entitled to the generic name "olefin" and fibers entitled to the generic name "lastocarb" as defined in proposed paragraph (q) of § 303.7 (Rule 7).

The notice of proposed rule making provided that interested parties could submit their views, arguments, or other pertinent data to the Federal Trade Commission on or before 45 days after issuance of the notice and that written rebuttal could be submitted within 30 days thereafter.

Upon request of certain interested parties to orally present views, arguments and data pertaining to the proposed amendments, the Federal Trade Commission will on May 21, 1965, at 10 a.m., e.d.t., at Room 7312, 1101 Building, 1101 Pennsylvania Avenue NW., in the city of Washington, District of Columbia, afford all interested parties an opportunity to orally present their views, arguments and data on the proposed amendments to § 303.7 (Rule 7) of the rules and regulations under the Textile Fiber Products Identification Act as contained in the notice of proposed rule making issued by the Commission on February 1, 1965, and published in the FEDERAL REGISTER on February 2, 1965. Further written views, arguments and data may be submitted to the Federal Trade Commission, Washington, D.C., 20580, on or before the date of such oral hearing.

Such action is taken pursuant to the provisions of section 7(c) of the Textile Fiber Products Identification Act whereby "The Commission is authorized and directed to make such rules and regulations, including the establishment of generic names of manufactured fibers, under and in pursuance of the terms of this Act as may be necessary and proper for administration and enforcement."

(Sec. 7(c), Textile Fiber Products Identification Act; 72 Stat. 1721, 15 U.S.C. 70e)

Issued: April 30, 1965.

By direction of the Commission.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 65-4688; Filed, May 4, 1965; 8:46 a.m.]

Notices

DEPARTMENT OF THE TREASURY

Coast Guard

[COTP 65-22]

JAMES RIVER CLOSED TO NAVIGATION DURING FIRING OF CATAPULTS ABOARD AIRCRAFT CARRIER U.S.S. "ENTERPRISE" (CVA(N)65)

By virtue of the authority vested in me as Commandant, U.S. Coast Guard, by Treasury Department Order 120 dated July 31, 1950 (15 F.R. 6521) and Executive Order 10173, as amended by Executive Orders 10277 and 10352, I hereby affirm for publication in the FEDERAL REGISTER the order of O. C. Rohnke, Rear Admiral, U.S. Coast Guard, Commander, 5th Coast Guard District, who has exercised authority as District Commander, such order reading as follows:

SPECIAL NOTICE JAMES RIVER

Under the authority of Title II of the Espionage Act of June 15, 1917 (40 Stat. 220), as amended and Executive Order 10173, as amended, I declare that from Thursday the 20th of April 1965 to Tuesday the 25th day of May 1965 the following area is a prohibited area and I order it be closed to any person or vessel from 7 a.m., e.s.t., to 7 p.m., e.s.t., Monday through Saturday, during the test firings of catapults aboard U.S.S. *Enterprise* (CVA(N)65).

The water of the James River, Norfolk-Newport News Harbor, Va., within the coordinates of latitude 36°59'07" N., longitude 76°26'26" W., thence westerly to latitude 36°58'50" N., longitude 76°26'51" W., thence southeasterly to latitude 36°58'30" N., longitude 76°26'35" W., thence easterly to latitude 36°58'42" N., longitude 76°26'07" W.

The northwest and southeast corners of the prohibited area will be marked by two special purpose temporary buoys painted with orange and white horizontal bands.

No person or vessel may remain in or enter this prohibited area.

The Captain of the Port, Norfolk-Newport News Area, Va. shall enforce this order.

The Captain of the Port may be assisted by employees and facilities of any State or political subdivision thereof or any Federal Agency.

For violation of this order Title II of the Espionage Act of June 15, 1917 (40 Stat. 220), as amended, provides:

"If any owner, agent, master, officer, or person in charge, or any member of the crew of any such vessel fails to comply with any regulation or rule issued or order given under the provisions of this title, or obstructs or interferes with the exercise of any power conferred by this title, the vessel, together with her tackle, apparel, furniture, and equipment, shall be subject to seizure and forfeiture to the United States in the same manner as merchandise is forfeited for violation of the customs revenue laws; and the person guilty of such failure, obstruction, or interference shall be fined not more than $10,000 or imprisoned not more than 2 years, or both."

"If any other person knowingly fails to comply with any regulation or rule issued or order given under the provisions of this title, or knowingly obstructs or interferes with the exercise of any power conferred by this title, he shall be punished by imprisonment for not more than 10 years and may, at the discretion of the court, be fined not more than $10,000."

Date: April 30, 1965.

[SEAL] W. D. SHIELDS, *Vice Admiral, U.S. Coast Guard, Acting Commandant.*

[F.R. Doc. 65-4859; Filed, May 4, 1965; 8:45 a.m.]

Office of the Secretary

[Dept. Circ. Public Debt Series—No. 3-65]

4 PERCENT TREASURY NOTES OF SERIES A–1966

Notice of Offering

APRIL 29, 1965.

I. *Offering of notes.* 1. The Secretary of the Treasury, pursuant to the authority of the Second Liberty Bond Act, as amended, offers notes of the United States, designated 4 percent Treasury Notes of Series A–1966, at 99.85 percent of their face value and accrued interest, in exchange for the following notes maturing May 15, 1965:

4¼ percent Treasury Notes of Series A–1965; or 3⅞ percent Treasury Notes of Series C–1965.

A cash payment will be due from subscribers as set forth in section IV hereof. The amount of this offering will be limited to the amount of eligible notes tendered in exchange. The books will be open only on May 3 through May 5, 1965, for the receipt of subscriptions.

2. In addition, holders of the notes enumerated in paragraph 1 of this section are offered the privilege of exchanging all or any part of such notes for 4¼ percent Treasury Bonds of 1974, which offering is set forth in Department Circular, Public Debt Series—No. 2–65, issued simultaneously with this circular.

II. *Description of notes.* 1. The notes now offered will be identical in all respects with the 4 percent Treasury Notes of Series A–1966 issued pursuant to Department Circulars, Public Debt Series—Nos. 3–62 and 4–64, dated February 5, 1962, and January 31, 1964, respectively, except that interest will accrue from May 15, 1965. With this exception the notes are described in the following quotation from Department Circular No. 3–62:

1. The notes will be dated February 15, 1962, and will bear interest from that date at the rate of 4 percent per annum, payable semiannually on August 15, 1962, and thereafter on February 15 and August 15 in each year until the principal amount becomes payable. They will mature August 15, 1966, and will not be subject to call for redemption prior to maturity.

2. The income derived from the notes is subject to all taxes imposed under the Internal Revenue Code of 1964. The notes are subject to estate, inheritance, gift or other excise taxes, whether Federal or State, but are exempt from all taxation now or hereafter imposed on the principal or interest thereof by any State, or any of the possessions of the United States, or by any local taxing authority.

3. The notes will be acceptable to secure deposits of public moneys. They will not be acceptable in payment of taxes.

4. Bearer notes with interest coupons attached, and notes registered as to principal and interest, will be issued in denominations of $1,000, $5,000, $10,000, $100,000, $1,000,000, $100,000,000 and $500,000,000. Provision will be made for the interchange of notes of different denominations and of coupon and registered notes, and for the transfer of registered notes, under rules and regulations prescribed by the Secretary of the Treasury.

5. The notes will be subject to the general regulations of the Treasury Department, now or hereafter prescribed, governing United States notes.

III. *Subscription and allotment.* 1. Subscriptions accepting the offer made by this circular will be received at the Federal Reserve Banks and Branches and at the Office of the Treasurer of the United States, Washington, D.C., 20220. Banking institutions generally may submit subscriptions for account of customers, but only the Federal Reserve Banks and the Treasury Department are authorized to act as official agencies.

2. All subscribers requesting registered notes will be required to furnish appropriate identifying numbers as required on tax returns and other documents submitted to the Internal Revenue Service, i.e., an individual's social security number or an employer identification number.

3. Under the Second Liberty Bond Act, as amended, the Secretary of the Treasury has the authority to reject or reduce any subscription, and to allot less than the amount of notes applied for when he deems it to be in the public interest; and any action he may take in these respects shall be final. Subject to the exercise of that authority, all subscriptions will be allotted in full.

IV. *Payment.* 1. Payment for the face amount of notes allotted hereunder together with a cash payment of $8.33425 per $1,000 (the difference between $9.83425 per $1,000 payable by the subscriber for accrued interest from February 15 to May 15, 1965, and $1.50 per $1,000 payable to the subscriber on account of the issue price, of the notes allotted) must be made on or before May 17, 1965, or on later allotment. Payment for the face amount of the notes allotted may be made only in a like face amount of notes of the two issues enumerated in paragraph 1 of section I hereof, which together with the cash payment referred to in the preceding sentence should accompany the subscription. Payment will not be deemed to have been completed where registered notes are requested if the appropriate identifying number, as required by paragraph 2 of section III hereof, has not been furnished: *Provided, however,* If a subscriber has applied for but is unable to furnish the identifying number by the payment date only because it has not been issued, he may elect to receive,

pending the furnishing of the identifying number, interim receipts and in this case payment will be deemed to have been completed. When payment is made with notes in bearer form, coupons dated May 15, 1965, should be detached and cashed when due. When payment is made with registered notes, the final interest due on May 15, 1965, will be paid by issue of interest checks in regular course to holders of record on April 15, 1965, the date the transfer books closed.

V. *Assignment of Registered Notes.* 1. Treasury Notes of Series A–1965 and Series C–1965 in registered form tendered in payment for notes offered hereunder should be assigned by the registered payees or assignees thereof, in accordance with the general regulations of the Treasury Department governing assignments for transfer or exchange, in one of the forms hereafter set forth, and thereafter should be surrendered with the subscription to a Federal Reserve Bank or Branch or to the Office of the Treasurer of the United States, Washington, D.C., 20220. The maturing notes must be delivered at the expense and risk of the holder. If the new notes are desired registered in the same name as the notes surrendered, the assignment should be to "The Secretary of the Treasury for exchange for 4 percent Treasury Notes of Series A–1966"; if the new notes are desired registered in another name, the assignment should be to "The Secretary of the Treasury for exchange for 4 percent Treasury Notes of Series A–1966 in the name of _____"; if new notes in coupon form are desired, the assignment should be to "The Secretary of the Treasury for exchange for 4 percent Treasury Notes of Series A–1966 in coupon form to be delivered to _____".

VI. *General Provisions.* 1. As fiscal agents of the United States, Federal Reserve Banks are authorized and requested to receive subscriptions, to make such allotments as may be prescribed by the Secretary of the Treasury, to issue such notices as may be necessary, to receive payment for and make delivery of notes on full-paid subscriptions allotted, and they may issue interim receipts pending delivery of the definitive notes.

2. The Secretary of the Treasury may at any time, or from time to time, prescribe supplemental or amendatory rules and regulations governing the offering, which will be communicated promptly to the Federal Reserve Banks.

[SEAL] HENRY H. FOWLER,
Secretary of the Treasury.

[F.R. Doc. 65–4701; Filed, May 4, 1965; 8:47 a.m.]

[Dept. Circ. Public Debt Series—No. 3–65]

4¼ PERCENT TREASURY BONDS OF 1974

Notice of Offering

APRIL 29, 1965.

I. *Offering of bonds.* 1. The Secretary of the Treasury, pursuant to the authority of the Second Liberty Bond Act, as amended, offers bonds of the United States, designated 4¼ percent Treasury Bonds of 1974, at 100.25 percent of their face value, in exchange for the following notes maturing May 15, 1965:

4⅝ percent Treasury Notes of Series A–1965; or
3⅞ percent Treasury Notes of Series C–1965.

The amount of this offering will be limited to the amount of eligible notes tendered in exchange. The books will be open only on May 3 through May 5, 1965, for the receipt of subscriptions.

2. In addition, holders of the notes enumerated in paragraph 1 of this section are offered the privilege of exchanging all or any part of such notes for 4 percent Treasury Notes of Series A–1966, which offering is set forth in Department Circular, Public Debt Series—No. 2–65, issued simultaneously with this circular.

II. *Description of bonds.* 1. The bonds now offered will be identical in all respects with the 4¼ percent Treasury Bonds of 1974 issued pursuant to Department Circular, Public Debt Series—No. 7–64, dated April 30, 1964, except that interest will accrue from May 15, 1965. With this exception the bonds are described in the following quotation from Department Circular No. 7–64:

1. The bonds will be dated May 15, 1964, and will bear interest from that date at the rate of 4¼ percent per annum, payable semi-annually on November 15, 1964, and thereafter on May 15 and November 15 in each year until the principal amount becomes payable. They will mature May 15, 1974, and will not be subject to call for redemption prior to maturity.

2. The income derived from the bonds is subject to all taxes imposed under the Internal Revenue Code of 1954. The bonds are subject to estate, inheritance, gift or other excise taxes, whether Federal or State, but are exempt from all taxation now or hereafter imposed on the principal or interest thereof by any State, or any of the possessions of the United States, or by any local taxing authority.

3. The bonds will be acceptable to secure deposits of public moneys.

4. Bearer bonds with interest coupons attached, and bonds registered as to principal and interest, will be issued in denominations of $500, $1,000, $5,000, $10,000, $100,000 and $1,000,000. Provision will be made for the interchange of bonds of different denominations and of coupon and registered bonds, and for the transfer of registered bonds, under rules and regulations prescribed by the Secretary of the Treasury.

5. Any bonds issued hereunder which are owned by a decedent at the time of his death and thereupon constitute a part of his estate will be redeemed at par and accrued interest prior to maturity, provided the Secretary of the Treasury is authorized by the representative of the estate to apply the entire proceeds of redemption to payment of the decedent's Federal estate taxes.

6. The bonds will be subject to the general regulations of the Treasury Department, now or hereafter prescribed, governing United States bonds.

III. *Subscription and allotment.* 1. Subscriptions accepting the offer made by this circular will be received at the Federal Reserve Banks and Branches and at the Office of the Treasurer of the United States, Washington, D.C., 20220. Banking institutions generally may submit subscriptions for account of customers, but only the Federal Reserve Banks and the Treasury Department are authorized to act as official agencies.

2. All subscribers requesting registered bonds will be required to furnish appropriate identifying numbers as required on tax returns and other documents submitted to the Internal Revenue Service, i.e., an individual's social security number or an employer identification number.

3. Under the Second Liberty Bond Act, as amended, the Secretary of the Treasury has the authority to reject or reduce any subscription, and to allot less than the amount of bonds applied for when he deems it to be in the public interest; and any action he may take in these respects shall be final. Subject to the exercise of that authority, all subscriptions will be allotted in full.

IV. *Payment.* 1. Payment for the face amount of bonds allotted hereunder must be made on or before May 17, 1965, or on later allotment, and may be made only in a like face amount of notes of the two issues enumerated in paragraph 1 of section I hereof, which should accompany the subscription. A cash payment of $2.50 per $1,000 on account of the issue price of the new bonds must be paid by subscribers and should accompany the subscription. Payment will not be deemed to have been completed where registered bonds are requested if the appropriate identifying number, as required by paragraph 2 of section III hereof, has not been furnished; provided, however, if a subscriber has applied for but is unable to furnish the identifying number by the payment date only because it has not been issued, he may elect to receive, pending the furnishing of the identifying number, interim receipts and in this case payment will be deemed to have been completed. When payment is made with notes in bearer form, coupons dated May 15, 1965, should be detached and cashed when due. When payment is made with registered notes, the final interest due on May 15, 1965, will be paid by issue of interest checks in regular course to holders of record on April 15, 1965, the date the transfer books closed.

V. *Assignment of registered notes.* 1. Treasury Notes of Series A–1965 and Series C–1965 in registered form tendered in payment for bonds offered hereunder should be assigned by the registered payees or assignees thereof, in accordance with the general regulations of the Treasury Department governing assignments for transfer or exchange, in one of the forms hereafter set forth, and thereafter should be surrendered with the subscription to a Federal Reserve Bank or Branch or to the Office of the Treasurer of the United States, Washington, D.C., 20220. The notes must be delivered at the expense and risk of the holder. If the bonds are desired registered in the same name as the notes surrendered, the assignment should be to "The Secretary of the Treasury for exchange for 4¼ percent Treasury Bonds of 1974"; if the bonds are desired registered in another name, the assignment should be to "The Secretary of the Treasury for exchange for 4¼ percent Treasury Bonds of 1974 in the name of _____"; if bonds in coupon form are desired, the assignment should be to "The Secretary of the Treasury for exchange for 4¼ percent Treasury Bonds of 1974 in coupon form to be delivered to _____".

VI. *General provisions.* 1. As fiscal agents of the United States, Federal Reserve Banks are authorized and requested to receive subscriptions, to make such allotments as may be prescribed by the Secretary of the Treasury, to issue such notices as may be necessary, to receive payment for and make delivery of bonds on full-paid subscriptions allotted, and they may issue interim receipts pending delivery of the definitive bonds.

2. The Secretary of the Treasury may at any time, or from time to time, prescribe supplemental or amendatory rules and regulations governing the offering, which will be communicated promptly to the Federal Reserve Banks.

[SEAL] HENRY H. FOWLER,
Secretary of the Treasury.

[F.R. Doc. 65–4702; Filed, May 4, 1965; 8:47 a.m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

ALASKA

Notice of Proposed Withdrawal and Reservation of Lands

APRIL 28, 1965.

The Bureau of Indian Affairs has filed an application Serial Number Anchorage 062310 for the withdrawal of the lands described below, from all forms of appropriation. The applicant desires the land for the establishment of a school reserve.

For a period of 30 days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the undersigned officer of the Bureau of Land Management, Department of the Interior, 555 Cordova Street, Anchorage, Alaska, 99501.

The authorized officer will undertake such investigations as are necessary to determine the existing and potential demands for the lands and their resources. He will also undertake negotiations with the applicant's agency with the view of adjusting the application to reduce the area to the minimum essential to meet the applicant's needs, to provide for the maximum concurrent utilization of the lands for purposes other than the applicant's, to eliminate lands needed for purposes other than the applicant's and to reach agreement on the concurrent management of the lands and their resources.

He will prepare a report for the consideration by the Secretary of the Interior who will determine whether or not the lands will be withdrawn as requested by the Bureau of Indian Affairs.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each party of record.

If circumstance warrant, a public hearing will be held at a convenient time and place, which will be announced.

The lands involved in the application are:

NEW ECKLEBERG, ALASKA

U.S. Survey 3509

The area described aggregates 5.55 acres.

JAMES W. SCOTT,
Manager, Anchorage District and Land Office.

[F.R. Doc. 65–4703; Filed, May 4, 1965; 8:47 a.m.]

[Oregon 016183]

OREGON

Notice of Proposed Withdrawal and Reservation of Land

APRIL 26, 1965.

The Bureau of Land Management, U.S. Department of Interior, has filed an application, Serial No. Oregon 016183, for the withdrawal of certain Revested Oregon and California Railroad Grant lands and public lands in the sections and townships described below, from all forms of appropriation under the public land laws, including the mining but not the mineral leasing laws, nor disposal of materials under the Act of July 31, 1947 (61 Stat. 681; 30 U.S.C. 601–604), as amended, or forest products under the Act of August 28, 1937 (50 Stat. 874; 43 U.S.C. 1181a), subject to valid existing rights.

The applicant desires the land for use as public recreation areas.

For a period of 30 days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the undersigned officer of the Bureau of Land Management, Department of the Interior, 710 Northeast Holladay, Portland, Oreg., 97232.

The authorized officer of the Bureau of Land Management will prepare a report for consideration by the Secretary of the Interior who will determine whether or not the lands will be withdrawn as requested by the Bureau of Land Management.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

If circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

The lands involved in the application are:

OREGON

WILLAMETTE MERIDIAN

Salem District

Alder Glenn Recreation Site

T. 3 S., R. 7 W.,
In sec. 32.

Alsea Falls Recreation Site

T. 14 S., R. 7 W.,
In sec. 25;
In sec. 26.

Canyon Creek Recreation Site

T. 9 S., R. 3 E.,
In sec. 7.

Dogwood Recreation Site

T. 13 S., R. 3 E.,
In sec. 3.

Elkhorn Valley Recreation Site

T. 9 S., R. 3 E.,
In sec. 9.

Fishermen's Bend Recreation Site

T. 9 S., R. 2 E.,
In sec. 25.

Little Bend Recreation Site

T. 3 N., R. 3 W.,
In sec. 21.

Mill Creek Recreation Site

T. 7 S., R. 6 W.,
A tract of land located in secs. 4 and 9 and described by metes and bounds.

Missouri Bend Recreation Site

T. 14 S., R. 9 W.,
In sec. 13.

North Fork Eagle Creek Recreation Site

T. 3 S., R. 4 E.,
In sec. 11.

Soapsonia Recreation Site

T. 4 N., R. 3 W.,
In sec. 7.

Yellowbottom Recreation Site

T. 11 S., R. 4 E.,
In sec. 19.

Total, Salem District, 975 acres O&C; 35 acres public domain.

Eugene District

Clay Creek Recreation Site

T. 19 S., R. 7 W.,
In sec. 19.

Haight Creek Recreation Site

T. 19 S., R. 7 W.,
In sec. 35.

Sharps Creek Recreation Area

T. 22 S., R. 1 W.,
In sec. 15.

Turner Creek Recreation Site

T. 18 S., R. 9 W.,
In sec. 14.

Whittaker Creek Recreation Site

T. 18 S., R. 8 W.,
In sec. 21.

Lake Creek Recreation Site

T. 16 S., R. 7 W.,
In sec. 19.

Total, Eugene District, 400.12 acres O&C; 40 acres public domain.

Roseburg District

Cavitt Creek Falls Recreation Site

T. 27 S., R. 3 W.,
In sec. 23.

Darby Creek Recreation Site

T. 31 S., R. 8 W.,
In sec. 35.

Gunter Recreation Site

T. 21 S., R. 6 W.,
In sec. 1.

Lone Rock Recreation Site

T. 26 S., R. 3 W.,
In sec. 9.

Milpond Recreation Site

T. 25 S., R. 2 W.,
In sec. 21.

Rock Creek Recreation Site

T. 25 S., R. 2 W.,
In sec. 15.

Sourdman Creek Recreation Site

T. 25 S., R. 1 W.,
In sec. 23;
In sec. 24;
In sec. 25.

Susan Creek Falls Recreation Site

T. 26 S., R. 2 W.,
In sec. 14;
In sec. 23.

Tyee Recreation Site

T. 24 S., R. 7 W.,
In sec. 13.

Wolf Creek Trail

T. 27 S., R. 2 W.,
In sec. 16.

Total, Roseburg District, 1,153.90 acres O&C.

Coos Bay District

Bear Creek Recreation Site

T. 30 S., R. 9 W.,
In sec. 9.

Cherry Creek Recreation Site

T. 27 S., R. 10 W.,
In sec. 18.

Loon Lake Recreation Site

T. 23 S., R. 10 W.,
In sec. 2.

Middle Creek Recreation Site

T. 27 S., R. 11 W.,
In sec. 14.

Park Creek Recreation Site

T. 27 S., R. 10 W.,
In sec. 4.

Sixes River Recreation Site

T. 32 S., R. 14 W.,
In sec. 12.

Smith River Falls Recreation Site

T. 20 S., R. 9 W.,
In sec. 31.

Vincent Creek Recreation Site

T. 20 S., R. 9 W.,
A tract of land lying in sec. 33 described by metes and bounds.

Total, Coos Bay District, 439.23 acres O&C; 120 acres public domain.

Medford District

Cold Springs Recreation Site

T. 32 S., R. 9 W.,
In sec. 16.

Deer Creek Recreation Site

T. 38 S., R. 7 W.,
In sec. 15.

Elderberry Flat Recreation Site

T. 33 S., R. 3 W.,
In sec. 31.

Hyatt Lake Recreation Site

T. 39 S., R. 3 E.,
In sec. 21;
In sec. 22.

Little Applegate Recreation Site

T. 39 S., R. 2 W.,
In sec. 25.

Shady Branch Recreation Site

T. 35 S., R. 9 W.,
In sec. 11.

Surveyor Recreation Site

T. 38 S., R. 5 E.,
In sec. 21.

Topsy Recreation Site

T. 40 S., R. 7 E.,
In sec. 6.

Total, Medford District, 430 acres O&C; 14.35 acres public domain.

Lakeview District

Gerber Reservoir Recreation Site

T. 39 S., R. 13 E.,
In sec. 2;
In sec. 11.

Total, Lakeview District, 160 acres public domain.

The total of the areas described aggregates 3,398.25 acres of O&C lands and 369.35 acres of public domain lands; grand total, 3,767.60 acres.

DOUGLAS E. HENRIQUES,
Land Office Manager.

[F.R. Doc. 65-4681; Filed, May 4, 1965; 8:46 a.m.]

DEPARTMENT OF AGRICULTURE

Consumer and Marketing Service

FOOD STAMP PROGRAM

Notice of Effective Date

APRIL 29, 1965.

Notice is hereby given that effective May 1, 1965, the Food Stamp Program (7 CFR Ch. XVI) shall supersede the Pilot Food Stamp Program (6 CFR 540) in the following geographical area: Independence County, Ark.

ROY W. LENNARTSON,
Associate Administrator.

Approved: April 30, 1965.

GEORGE L. MEHREN,
Assistant Secretary.

[F.R. Doc. 65-4696; Filed, May 4, 1965; 8:46 a.m.]

DEPARTMENT OF COMMERCE

Office of the Secretary

[Dept. Order 189; Organization and Function Supp.]

OFFICE OF ADMINISTRATION FOR DOMESTIC AND INTERNATIONAL BUSINESS

Manual of Orders; Organization and Functions

The following Organization and Function Supplement to Department Order No. 189 of December 20, 1963, supersedes the Organization and Function Supplement of April 2, 1964, appearing at 29 F.R. 5414 of April 22, 1964.

SECTION 1. *Purpose.* .01 The purpose of this Organization and Function Supplement is to prescribe the organization and to assign functions within the Office of Administration for Domestic and International Business.

SEC. 2. *Organization.* .01 The Office of Administration for Domestic and International Business (DIB) provides administrative management services (except those provided by the staff service offices under the Assistant Secretary for Administration) to the Business and Defense Services Administration, Bureau of International Commerce, Office of Field Services, Office of Foreign Commercial Services, and Office of Publications and Information (DIB) hereafter in this order referred to as "the operating units."

.02 The Office of Administration (DIB) shall consist of the following organization units:

a. Office of the Director:
1. Director.
2. Deputy Director.
3. Assistant Director.
4. Internal Audit Staff.

b. Budget and Finance Division.

c. Management and Organization Division.

d. Personnel Division.

e. Administrative Services Division.

f. Automatic Data Processing Division.

SEC. 3. *Functions of the Office of the Director.* .01 The Director determines the policy, directs the programs, and is responsible for the conduct of all activities of the Office of Administration (DIB).

.02 The Deputy Director assists the Director in all matters affecting the Office of Administration (DIB), and performs the duties of the Director during the latter's absence.

.03 The Assistant Director is specifically responsible for contracting and administrative services activities.

.04 The Internal Audit Staff is responsible for conducting independent, objective, and constructive appraisals of financial, administrative, and program activities to determine compliance with laws, regulations, and policies, adequacy of management controls and procedures, and progress in accomplishing program objectives; reporting the results of such audits to the Director, Office of Administration and appropriate bureau heads; and liaison with the Department's Office of Audits.

SEC. 4. *Functions of the Budget and Finance Division.* .01 The Budget and Finance Division is responsible for development and administration of fiscal programs for domestic and overseas activities; formulation, presentation, and execution of budgets for the operating units; administration and control of trust funds, allocations, and working funds; financial and budgetary controls; fiscal reports; fiscal planning for emergency readiness; and liaison with the Department's Office of Budget and Finance.

SEC. 5. *Functions of the Management and Organization Division.* .01 The Management and Organization Division is responsible for organization planning; management surveys and analysis; procedures and directives; management improvement; program reporting and evaluation; committtee management; workload projections; work measurement; organization and management planning for emergency readiness; and liaison with the Department's Office of Management and Organization.

SEC. 6. *Functions of the Personnel Division.* .01 The Personnel Division is responsible for development and administration of personnel management programs which include recruitment, placement, employee development and career planning, position classification, performance evaluation, employee relations and services, personnel planning for emergency readiness, and liaison with the Department's Office of Personnel.

SEC. 7. *Functions of the Administrative Services Division.* .01 The Administrative Services Division is responsible for property and supply management, including that used in overseas trade fair exhibits under the cognizance of the Bureau of International Commerce; procurement; space management; safety; physical and documentary security; correspondence management and control; records management; forms management and control; communications; foreign and domestic travel services; administrative services activities for emergency readiness; liaison with the Department's Office of Administrative Services; and other services as assigned by the Director, Office of Administration (DIB).

SEC. 8. *Functions of the Automatic Data Processing Division.* .01 The Automatic Data Processing Division is responsible for planning and implementing electronic digital computer and mechanical tabulating systems for the operating units including review and coordination of machine processing proposals, systems design, programming, production scheduling and control, operation of ADP equipment, and periodic reevaluation of machine processing activities.

Effective date: April 22, 1965.

DAVID R. BALDWIN,
Acting Assistant Secretary for Administration.

[F.R. Doc. 65-4683; Filed, May 4, 1965; 8:46 a.m.]

[Dept. Order 195]

NONDISCRIMINATION IN PROGRAMS AND ACTIVITIES

Manual of Orders

APRIL 21, 1965.

SECTION 1. *Purpose.* .01 The purpose of this order is (a) to provide for the implementation of the requirements of the Department of Commerce regulations (15 CFR Part 8; 30 F.R. 305, as corrected 30 F.R. 616; hereinafter called the "regulations"), issued pursuant to Title VI of the Civil Rights Act of 1964 (78 Stat. 252; 42 U.S.C. 2000d–2000d–4; hereinafter called the "Act"), as such Act or regulations may hereafter be amended; and (b) to require nondiscrimination by Department of Commerce officials and employees with regard to race, color, creed, or national origin in the administration of the Department's programs and activities under any laws.

SEC. 2. *Delegation of authority.* .01 Pursuant to authority vested in the Secretary of Commerce by law, and subject to such policies and directives as he may prescribe, and in accord with § 8.3(c) of the regulations, the head of each primary organization unit of the Department, who by law or delegation has the principal responsibility within the Department for the administration of any law extending Federal financial assistance, is hereby designated and authorized to act as the responsible Department official under the regulations with respect to those programs which receive financial assistance or require an application to receive financial assistance under such laws. For the purposes of this order only, the Maritime Subsidy Board shall be considered to be the head of a primary organization unit for financial assistance programs which it administers, and in such capacity it shall act in accord with this order and the regulations.

.02 The aforesaid delegations of authority shall not, however, be deemed to include the authority of the Secretary to approve actions as specified in §§ 8.11(d) and 8.13(e) of the regulations.

.03 Subject to the provisions of this order and to such conditions and limitations in the exercise of such authority as each of them may prescribe, the head of each primary organization unit may redelegate the aforesaid authority except that the following functions of the responsible Department official set forth in the regulations shall not be redelegable:

a. Section 8.5(a)—specifying the form and contents of the nondiscrimination clause for each program;

b. Section 8.10(b)(2)—deciding that the results of an investigation do not warrant further action to effect compliance;

c. Section 8.11(c)—advising an applicant or a recipient of his failure to comply with the regulations, including the nondiscrimination clause, and determining that compliance cannot be secured by voluntary means before commencing an administrative compliance proceeding under § 8.12;

d. Section 8.11(d)—determining that compliance by an applicant, recipient, contractor, or other party cannot be secured by voluntary means and initiating action to effect compliance by other means authorized by law;

e. Section 8.12(b)—presiding at an administrative compliance hearing or designating a hearing officer to preside at such hearing;

f. Section 8.12(e)—as delegated by the Secretary, providing for the conduct of consolidated or joint administrative compliance hearings by agreement with other departments and agencies where applicable;

g. Section 8.13—making initial and final decisions on the record in administrative compliance hearings, and submitting orders to the Secretary and otherwise being satisfied with the compliance of respondents thereunder in such administrative compliance proceeding cases; and

h. Section 8.15(b)—determining the contents of and issuing forms and detailed instructions and procedures to carry out the regulations for the programs for which he is responsible.

.04 The Deputy Assistant Secretary for Administration is hereby designated and authorized to act for the Secretary in supervising and coordinating the Department's responsibilities and activities in connection with accomplishing the purposes of the regulations and Title VI of the Act. The Deputy Assistant Secretary may utilize staff and resources necessary to assist him in performing these duties.

SEC. 3. *Assignment of responsibilities.* .01 The Deputy Assistant Secretary for Administration, acting for the Secretary, shall:

a. Supervise and coordinate the Title VI activities of the primary organization units of the Department;

b. In cooperation with the Office of the General Counsel, review and, if satisfactory, authorize the form and content of nondiscrimination clauses, instructions, procedures, interpretations, and other materials of general applicability proposed for use or issuance by the head of a primary organization unit to implement the regulations;

c. Work, in cooperation with the Office of the General Counsel, with the head of each primary organization unit to develop compliance systems and supervise and evaluate the status of the activities of the primary organization unit directed at implementing the law and the regulations, including such activities as compliance reports, reviews, and investigations, processing of complaints, review and approval of State plans where applicable, and the methods utilized to attempt to secure compliance by voluntary means;

d. Assist the head of each primary organization unit to obtain qualified personnel for effective implementation of Title VI of the Act and the regulations;

e. Represent the Department in the development of Government-wide systems required to coordinate and administer Title VI of the Act and the respective department and agency regulations issued thereunder; assign responsibilities, with their consent, to officials of other departments or agencies of the Government in connection with accomplishing the purposes of said Act and regulations; and act otherwise to achieve effective coordination and maximum uniformity within the Department and within the Executive Branch of the Government in the application of said Act and regulations to similar programs in similar situations; and

f. Prepare reports, and gather information therefor, as desired, with respect to the nondiscrimination responsibilities of the Department under Title VI of the Act and this order.

.02 The head of each primary organization unit, with respect to programs for which he is responsible, shall:

a. Prepare and issue materials relating to the programs (e.g., statements of assurance, nondiscrimination clauses, other forms and instructions, complaint, and compliance procedures);

b. Provide applicants and recipients, as may be required, with copies of the

regulations and appropriate forms and instructions, including statements of assurance, compliance reports, etc.;

c. Develop methods for processing assurances, evaluating statements of compliance, making compliance checks and investigations, and for obtaining compliance reports in order to determine effectiveness in carrying out the purposes of Title VI of the Act and the regulations;

d. Develop methods of obtaining compliance by use of voluntary means for instances where noncompliance is indicated or threatened;

e. Develop methods to inform applicants and recipients, State agencies, and other interested individuals and organizations, which are beneficiaries or participants, of the provisions of Title VI of the Act and the regulations, forms, instructions, and procedures issued thereunder, and their rights and responsibilities pursuant thereto; and work with governmental agencies and nongovernmental groups to develop methods directed toward encouraging and assisting in bringing about compliance with Title VI of the Act;

f. Develop methods to inform his staff members of their responsibilities under the regulations, and to see that they are fulfilling the duties assigned to them;

g. Provide a system for processing complaints, including procedures for investigations thereof, to be cleared through and coordinated with the Deputy Assistant Secretary for Administration in the interest of uniformity of procedure and to avoid duplication in processing such complaints;

h. Designate an official within the primary organization unit who will exercise general surveillance for the head of the primary organization unit in the effective implementation of the regulations, and will coordinate the activities of the primary organization unit with the Deputy Assistant Secretary for Administration and other Government agencies as applicable; and

i. Make the determinations, arrange for administrative compliance proceedings, and otherwise act to fulfill the responsibilities set forth in the regulations, or delegated in this order, or as may be assigned by the Deputy Assistant Secretary for Administration.

SEC. 4. *Prohibition against discrimination by officers and employees.* .01 No officer or employee of the Department acting in his official capacity shall directly or indirectly participate in any act or course of conduct which, on the ground of race, color, creed, or national origin, excludes from participation, denies any benefit to, or otherwise subjects to discrimination, any person under any program or activity administered or conducted by the Department, or one of its units, or such officer or employee. Such programs and activities include, for example, financial assistance loans, grants, or contracts; procurement or other contracts or agreements; employment by the Department; dissemination of information and publications; law enforcement; and property management.

Effective date: April 21, 1965.

DAVID R. BALDWIN,
Acting Assistant Secretary for Administration.

[F.R. Doc. 65-4699; Filed, May 4, 1965; 8:46 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

PHOSPHAMIDON

Notice of Establishment of Temporary Tolerance

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(j), 68 Stat. 516; 21 U.S.C. 346a(j)), and under the authority delegated to the Commissioner of Food and Drugs by the Secretary of Health, Education, and Welfare (21 CFR 2.90), notice is given that at the request of the California Chemical Co., Richmond, Calif., a temporary tolerance is established for residues of the insecticide prosphamidon in or on the citrus fruits: Grapefruit, lemons, and oranges at 1 part per million.

While this temporary tolerance is in effect, phosphamidon is considered to be a member of the class of cholinesterase-inhibiting pesticides under § 120.3(e)(5).

Conditions under which this temporary tolerance is established are as follows:

1. The total amount of the insecticide to be used under the experimental permit issued by the U.S. Department of Agriculture will not exceed 10,000 pounds. Distribution will be under the California Chemical Co. name.

2. The insecticide will not be marketed for general use but will be supplied to qualified persons for bona fide experimental use.

3. The California Chemical Co. will immediately inform the Food and Drug Administration of any reports on findings from the experimental use that have a bearing on safety. The company will also keep records of production, distribution, and performance and on request make these records available to any authorized officer or employee of the Food and Drug Administration.

This temporary tolerance expires April 28, 1966.

Dated: April 28, 1965.

JOHN L. HARVEY,
Deputy Commissioner of Food and Drugs.

[F.R. Doc. 65-4704; Filed, May 4, 1965; 8:47 a.m.]

TOLUENE - ALPHA,ALPHA - DITHIOL BIS (O,O-DIMETHYL PHOSPHORODITHIOATE

Notice of Establishment of Temporary Tolerance

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(j), 68 Stat. 516; 21 U.S.C. 346a(j)), and under the authority delegated to the Commissioner of Food and Drugs by the Secretary of Health, Education, and Welfare (21 CFR 2.90), notice is given that at the request of The Shell Chemical Co., 1700 K Street NW., Washington, D.C., 20006, a temporary tolerance is established for residues of the insecticide toluene - alpha,alpha - dithiol bis(*O,O*-dimethyl phosphorodithioate) on alfalfa at 40 parts per million.

While this temporary tolerance is in effect, toluene-alpha,alpha-dithiol bis (*O,O*-dimethyl phosphorodithioate) is considered to be a member of the class of cholinesterase-inhibiting pesticides under § 120.3(e)(5).

Conditions under which this temporary tolerance is established are as follows:

1. The total amount of the technical insecticide to be used under the experimental permit issued by the U.S. Department of Agriculture will not exceed 2,500 pounds. Distribution will be under the Shell Chemical Co. name.

2. The insecticide will not be marketed for general use but will be supplied to qualified persons for bona fide experimental use.

3. The Shell Chemical Co. will immediately inform the Food and Drug Administration of any reports on findings from the experimental use that have a bearing on safety. The company will also keep records of production, distribution, and performance and on request make these records available to any authorized officer or employee of the Food and Drug Administration.

This temporary tolerance expires April 28, 1966.

Dated: April 28, 1965.

JOHN L. HARVEY,
Deputy Commissioner of Food and Drugs.

[F.R. Doc. 65-4705; Filed, May 4, 1965; 8:47 a.m.]

BIOFERM DIVISION, INTERNATIONAL MINERALS & CHEMICAL CORP.

Notice of Filing of Petition for Food Additive Condensed, Extracted Glutamic Acid Fermentation Product

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348(b)(5)), notice is given that a petition (FAP 5C1721) has been filed by Bioferm Division, International Minerals & Chemical Corp., Post Office Bin B, Wasco, Calif., proposing an amendment to § 121.206 *Condensed, extracted glutamic acid fermentation product* to provide for the safe use of condensed extracted glutamic acid fermentation product as a source of protein in cattle feed.

Dated: April 27, 1965.

MALCOLM R. STEPHENS,
Assistant Commissioner for Regulations.

[F.R. Doc. 65-4706; Filed, May 4, 1965; 8:47 a.m.]

DR. SALSBURY'S LABORATORIES

Notice of Filing of Petition for Food Additive 4-Nitrophenylarsonic Acid

Published in the FEDERAL REGISTER of February 25, 1965 (30 F.R. 2478), was a notice of filing of a food additive petition (FAP 5C1672) filed by Dr. Salsbury's Laboratories, Charles City, Iowa, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348(b)(5)). The tabular material in that petition is changed to read as follows:

4-NITROPHENYLARSONIC ACID IN COMPLETE CHICKEN AND TURKEY FEED

Principal ingredient	Grams per ton	Combined with—	Grams per ton	Limitations	Indications for use
1. 4-Nitrophenylarsonic acid.	170 (0.01875%)			For chickens; feed for not more than 3 weeks during period of stress; withdraw 5 days before slaughter; as sole source of the organic arsenical.	Prevention of blackhead.
a. 1	170	Penicillin	2.4–50	For chickens; as procaine penicillin.	Growth promotion and feed efficiency.
b. 1	170	Penicillin plus bacitracin.	2.4–50	For chickens; § 121.225(a)(3)(iii); as procaine penicillin and bacitracin, zinc bacitracin, bacitracin methylene disalicylate, or manganese bacitracin.	Do.
c. 1	170	Penicillin plus streptomycin.	14.4–50	For chickens; § 121.225(a)(3)(iv); as procaine penicillin and streptomycin sulfate.	Do.
d. 1	170	Bacitracin	4–50	For chickens; as bacitracin, bacitracin methylene disalicylate, zinc bacitracin, or manganese bacitracin.	Do.
e. 1	170	Streptomycin	10–50	For chickens; as streptomycin sulfate.	Do.
f. 1	170	Chlortetracycline	10–50	For chickens; as chlortetracycline hydrochloride.	Do.
2. 4-Nitrophenylarsonic acid.	170–227 (0.01875%–0.025%)			For turkeys; withdraw 5 days before slaughter; as sole source of the organic arsenical.	Prevention of blackhead.
a. 2	170–227	Penicillin	2.4–50	For turkeys; as procaine penicillin.	Growth promotion and feed efficiency.
b. 2	170–227	Penicillin plus bacitracin.	2.4–50	For turkeys; § 121.225(a)(3)(iii); as procaine penicillin and bacitracin, zinc bacitracin, bacitracin methylene disalicylate, or manganese bacitracin.	Do.
c. 2	170–227	Penicillin plus streptomycin.	14.4–50	For turkeys; § 121.225(a)(3)(iv); as procaine penicillin and streptomycin sulfate.	Do.
d. 2	170–227	Bacitracin	4–50	For turkeys; as bacitracin, bacitracin methylene disalicylate, zinc bacitracin, or manganese bacitracin.	Do.
e. 2	170–227	Streptomycin	10–50	For turkeys; as streptomycin sulfate.	Do.
f. 2	170–227	Chlortetracycline	10–50	For turkeys; as chlortetracycline hydrochloride.	Do.

Dated: April 29, 1965.

MALCOLM R. STEPHENS,
Assistant Commissioner for Regulations.

[F.R. Doc. 65-4707; Filed, May 4, 1965; 8:47 a.m.]

ATOMIC ENERGY COMMISSION

[Docket No. 50-20]

MASSACHUSETTS INSTITUTE OF TECHNOLOGY

Notice of Issuance of Facility License Amendment

Please take notice that the Atomic Energy Commission has issued, effective as of the date of issuance, Amendment No. 6 to Facility License No. R-37. The license authorizes Massachusetts Institute of Technology ("the licensee") to operate its research reactor ("the facility") located on its campus in Cambridge, Mass. The amendment, in accordance with the application for license amendment dated April 6, 1965, increases the amount of contained uranium 235 which the licensee is authorized to receive, possess and use in connection with operation of the facility from 14.0 kilograms to 17.5 kilograms. This amendment will permit the licensee to receive for storage and ultimate use in the facility 36 new fuel elements containing approximately 5.4 kilograms of uranium 235. No additional allocation of material is involved.

The Commission has found that:

1. The application for amendment complies with the requirements of the Atomic Energy Act of 1954, as amended, and the Commission's regulations set forth in Title 10, Chapter I, CFR;

2. Prior public notice of proposed issuance of this amendment is not required since the amendments does not involve significant hazards considerations different from those previously evaluated;

3. The issuance of this amendment will not be inimical to the common defense and security or to the health and safety of the public.

Within fifteen (15) days from the date of publication of this notice in the FEDERAL REGISTER, the licensee may file a request for a hearing, and any person whose interest may be affected by this proceeding may file a petition for leave to intervene. A request for a hearing and petitions to intervene shall be filed in accordance with the provisions of the Commission's rules of practice, 10 CFR Part 2. If a request for a hearing or a petition for leave to intervene is filed within the time prescribed in this notice, the Commission will issue a notice of hearing or an appropriate order.

For further details with respect to this amendment, see (1) the application for license amendment dated April 6, 1965, and (2) a related safety evaluation prepared by the Research & Power Reactor Safety Branch of the Division of Reactor Licensing, both of which are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. A copy of item (2) above may be obtained at the Commission's Public Document Room, or upon request addressed to the Atomic Energy Commission, Washington, D.C., 20545, attention: Director, Division of Reactor Licensing.

Dated at Bethesda, Md., this 28th day of April 1965.

For the Atomic Energy Commission.

ROGER S. BOYD,
Chief, Research and Power Reactor Safety Branch, Division of Reactor Licensing.

[License No. R-37; Amdt. 6]

1. License No. R-37 issued to Massachusetts Institute of Technology is hereby amended as follows:

A. Paragraph 1.b. is amended in its entirety to read:

b. Pursuant to the Act and Title 10, CFR, Chapter I, Part 70, "Special Nuclear Material," to receive, possess and use 17.5 kilograms of contained uranium-235 in connection with operation of the facility. These activities shall be conducted in accordance with the applicable procedures and conditions in License No. R-37, as amended, "the application" as defined in Amendments No. 4 and No. 5 to License No. R-37, and the application for amendment dated April 6, 1965.

2. This amendment is effective as of the date of issuance.

Date of issuance: April 28, 1965.

For the Atomic Energy Commission.

ROGER S. BOYD,
Chief, Research and Power Reactor Safety Branch, Division of Reactor Licensing.

[F.R. Doc. 65-4689; Filed, May 4, 1965; 8:46 a.m.]

[Docket No. 50-238]

FIRST ATOMIC SHIP TRANSPORT, INC.

Notice of Hearing on Application for Operating License

Pursuant to the Atomic Energy Act of 1954, as amended, and the regulations in Title 10, Code of Federal Regulations, Part 50, Licensing of Production and Utilization Facilities, and Part 2, Rules of Practice, notice is hereby given that a hearing will be held at 10 a.m., local time, on June 7, 1965, in the Auditorium of the Atomic Energy Commission at Germantown, Md., to consider the ap-

plication filed under section 104b. of the Act by First Atomic Ship Transport Inc., for a license to operate, at 80 megawatts (thermal), the pressurized water reactor located aboard the NS Savannah.

The hearing will be conducted by the Atomic Safety and Licensing Board designated by the Atomic Energy Commission, consisting of Mr. Samuel W. Jensch, Washington, D.C., Chairman; Dr. Lawrence R. Quarles, Charlotteesville, Va., and Mr. Hugh Paxton, Los Alamos, N. Mex.

The following issues will be considered at the hearing:

1. Whether the proposed operation of the reactor and related equipment, under the conditions and limitations proposed, provides reasonable assurance that the health and safety of the public will not be endangered;

2. Whether the applicant is technically qualified to operate the facility;

3. Whether the applicant is financially qualified to operate the facility;

4. Whether the issuance of a license for the operation of the facility will be inimical to the common defense and security or to the health and safety of the public; and

5. Whether an operating license, to expire 3 years from the date of issuance, should be issued to First Atomic Ship Transport, Inc.

The application is available for public inspection in the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. The report of the Commission's Advisory Committee on Reactor Safeguards (ACRS) will be available for inspection in the Public Document Room when received. Copies of the ACRS report may be obtained by request to the Director of the Division of Reactor Licensing, U.S. Atomic Energy Commission, Washington, D.C., 20545.

Petitions for leave to intervene, pursuant to the provisions of § 2.714 of the Commission's rules of practice, must be received in the Office of the Secretary, U.S. Atomic Energy Commission, Germantown, Md., or the Commission's Public Document Room, 1717 H Street NW., Washington, D.C., not later than May 24, 1965, or in the event of a postponement of the hearing date specified, at such time as the Board may specify.

Any person who wishes to make an oral or written statement setting forth his position on the issues specified, but who does not wish to file a petition to intervene, may request permission to make a limited appearance pursuant to the provisions of § 2.715 of the Commission's rules of practice. Limited appearances will be permitted at the time of the hearing in the discretion of the Board, within such limits and on such conditions as may be fixed by the Board. Persons desiring to make a limited appearance are requested to inform the Secretary, U.S. Atomic Energy Commission, Washington, D.C., 20545, by May 24, 1965.

The answer to this notice, pursuant to the provisions of § 2.705 of the Commission's rules of practice, must be filed by the applicant on or before May 24, 1965.

Papers required to be filed in this proceeding may be filed by mail or telegram addressed to the Secretary, U.S. Atomic Energy Commission, Washington, D.C., 20545, or may be filed by delivery to the Office of the Secretary, U.S. Atomic Energy Commission, Germantown, Md., or the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. Pending further order of the Board, parties are required to file, pursuant to the provisions of § 2.708 of the Commission's rules of practice, an original and 20 conformed copies of each such paper with the Commission.

Dated at Washington, D.C., this 4th day of May 1965.

UNITED STATES ATOMIC ENERGY COMMISSION,
F. T. HOBBS,
Acting Secretary to the Commission.

[F.R. Doc. 65-4791; Filed, May 4, 1965; 8:48 a.m.]

CIVIL AERONAUTICS BOARD

[Docket 16065]

VISUAL IN-FLIGHT ENTERTAINMENT

Notice of Oral Argument

At the direction of the Board notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that oral argument in the above-entitled matter is assigned to be held on May 18, 1965, at 10 a.m., e.d.t., in Room 1027, Universal Building, Connecticut and Florida Avenues NW., Washington, D.C., before the Board.

Trans World Airlines, Inc., and Pan American World Airways, Inc., will be allotted 2 hours for their argument; and the Sony Corp. of America and Inflight Motion Pictures, Inc., 3 hours. The air carriers will be allowed to reserve not to exceed one-quarter of their allotted time for rebuttal. Please advise the Chief Examiner on or before May 14, 1965, the name of the person who will represent you at the argument.

Dated at Washington, D.C., April 29, 1965.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F.R. Doc. 65-4699; Filed, May 4, 1965; 8:47 a.m.]

[Docket 18923]

WESTBOUND SPECIFIC COMMODITY RATES

Notice of Postponement of Hearing

Notice is hereby given pursuant to the Federal Aviation Act of 1958, as amended, that the hearing in the above-entitled proceeding now assigned to be held May 26 is postponed to June 21, 1965, at 10 a.m., e.d.s.t., in Room 607, Universal Building, Connecticut and Florida Avenues NW., Washington, D.C., before the undersigned.

Dated at Washington, D.C., April 29, 1965.

[SEAL] MILTON H. SHAPIRO,
Hearing Examiner.

[F.R. Doc. 65-4700; Filed, May 4, 1965; 8:47 a.m.]

FEDERAL AVIATION AGENCY

[OE Docket No. 65-CE-9]

CHICAGO SKY TOWER CORP.

Determination of No Hazard to Air Navigation

The Federal Aviation Agency has circularized the following proposal for aeronautical comment and has conducted a study (CE-OE-6396) to determine its effect upon the safe and efficient utilization of the navigable airspace.

The Chicago Sky Tower Corp., Chicago, Ill., proposes to construct a sky tower building containing facilities for indoor and outdoor observation, restaurants, cafeterias, bars and cocktail lounges, gift shops, service-type businesses, product display and exhibit space at latitude 41°52'05" N., longitude 87°-37'29" W., in Chicago, Ill. The overall height of the structure would be 1,849 feet above mean sea level (AMSL) (1,255.52 feet above ground level (AGL)).

The structure would be located approximately 5,000 feet west/northwest of the Meigs Airport reference point, and within the boundaries of VOR Federal airways Nos. (V) 10N and 7. It would exceed the standards for determining hazards to air navigation as defined in § 77.23(a)(1) of the Federal Aviation Regulations by approximately 756 feet since it would be more than 500 feet aboveground at the site of construction; § 77.23(a)(2) by approximately 1,056 feet as applied to the airways, and § 77.25(a)(2) by approximately 1,107 feet as applied to the inner horizontal surface of the Meigs Airport.

The structure would require an increase in procedure turn altitude on the Kedzie ILS and ADF procedures to the Chicago Midway Airport from 2,000 feet to 2,300 feet AMSL. This will not have a substantial adverse effect since procedure turns on these approach procedures are rarely used with radar vectors. Descent rates are not excessive and landing minimums are unchanged when radar is not available.

The minimum en route altitudes (MEA's) on V10N between the Beacon Intersection and the Naperville Omni, and for the segment of V7 between the Evanston and Beacon Intersections would require an increase from 2,500 feet to 2,800 feet AMSL.

The structure would not have a substantial adverse effect upon operations at the Meigs Airport since approaches and departures are generally conducted over Lake Michigan in accordance with existing traffic patterns. It has been determined by the Agency that an ILS or partial ILS is the only acceptable IFR approach aid for this airport. A partial ILS to serve Meigs Airport was included in the fiscal year 1963 program, but has since been deleted. The structure under consideration would not have affected the IFR approach procedure predicated on the partial ILS installation.

VFR flying in the area of Meigs will not be affected by this structure if adequately marked and lighted since it lies inside the average shoreline of Lake Michigan and in an area already congested with other tall structures.

The structure would not be located on a visual flight rules (VFR) route or in an area where there is a significant volume of VFR flying. In addition, neither existing nor proposed instrument flight rules (IFR) procedures would be adversely affected by this structure.

Based on the aeronautical study, it is the finding of the Agency that the proposed structure would have no substantial adverse effect upon aeronautical operations, procedures or minimum flight altitudes.

Therefore, pursuant to the authority delegated to me by the Administrator (§ 77.37), it is found that the proposed structure would have no substantial adverse effect upon the safe and efficient utilization of navigable airspace and it is hereby determined that the proposed structure would not be a hazard to air navigation provided that it is obstruction marked and lighted in accordance with Agency standards.

This determination is effective and will become final 30 days after the date of issuance unless an appeal is filed under § 77.39 (27 F.R. 10352). If the appeal is denied, the determination will then become final as of the date of the denial or 30 days after the issuance of the determination, whichever is later. Unless otherwise revised or terminated, a final determination hereunder will expire 18 months after its effective date or upon earlier abandonment of the construction proposal (§ 77.41).

Issued in Washington, D.C., on April 28, 1965.

JOSEPH VIVARI,
Acting Chief,
Obstruction Evaluation Branch.

[F.R. Doc. 65-4717; Filed, May 4, 1965; 8:47 a.m.]

[OE Docket No. 65-EA-6]

WALTER L. FOLLMER, INC.

Determination of No Hazard to Air Navigation

The Federal Aviation Agency has circularized the following proposal for aeronautical comment and has conducted an aeronautical study (EA-OE-6410) to determine its effect upon the safe and efficient utilization of the navigable airspace.

Walter L. Follmer, Inc. (Radio Station WCNW), Fairfield, Ohio, proposes to alter an existing four-tower antenna array to one of five towers; four towers on a bearing of 135° true spaced 175.3 feet and the fifth tower on a bearing of 070° true from the north middle tower of the four and spaced 236.6 feet. The array is located near Hamilton, Ohio, at latitude 39°20'20" N., longitude 84°31'30" W. Two of the towers would be 152 feet higher than the others. The overall height of the highest structures would be 926 feet above mean sea level (AMSL) (306 feet above ground (AGL)).

The proposal as originally circularized and discussed in FAA's Eastern Region Informal Airspace Meeting No. 62 specified a height of 941 feet AMSL (321 feet AGL). Subsequent to the airspace meeting, the proponent amended the structure height to that stated above.

The structure would exceed the standards for determining hazards to air navigation as defined in § 77.23(a)(2) of the Federal Aviation Regulations, since it would be more than 200 feet above ground within the boundaries of VOR Federal airways Nos. 47 and 57.

The study disclosed that the structures would be located approximately 9,000 feet south-southeast of the Hamilton Airport and would have no adverse effect upon instrument flight rule operations, procedures or minimum flight altitudes.

The study further disclosed that the structure would not be in line with any runway and would have no adverse effect upon departing or arriving aircraft. The traffic patterns at the airport are 800 feet and 1,200 feet above the airport elevation for light and heavy aircraft, respectively. Aircraft at traffic pattern altitude would be more than 500 feet above the tops of the towers which are only 248 feet above the airport elevation. The structures would have no substantial adverse effect upon visual flight rule operations or procedures in the vicinity of the Hamilton Airport.

Based upon the aeronautical study, it is the finding of the Agency that the proposed structures would have no substantial adverse effect upon aeronautical operations, procedures, or minimum flight altitudes.

Therefore, pursuant to the authority delegated to me by the Administrator (§ 77.37), it is found that the proposed structures would have no substantial adverse effect upon the safe and efficient utilization of navigable airspace and it is hereby determined that the proposed structures would not be hazards to air navigation provided they are marked and lighted in accordance with Agency standards.

This determination is effective and will become final 30 days after the date of issuance unless an appeal is filed under § 77.39 (27 F.R. 10352). If the appeal is denied, the determination will then become final as of the date of the denial or 30 days after the issuance of the determination, whichever is later. Unless otherwise revised or terminated, a final determination hereunder will expire 18 months after its effective date or upon earlier abandonment of the construction proposal (§ 77.41).

Issued in Washington, D.C., on April 28, 1965.

JOSEPH VIVARI,
Acting Chief,
Obstruction Evaluation Branch.

[F.R. Doc. 65-4718; Filed, May 4, 1965; 8:47 a.m.]

[OE Docket No. 65-EA-1]

JANSON INDUSTRIES

Determination of No Hazard to Air Navigation

The Federal Aviation Agency has circularized the following proposal for aeronautical comment and has conducted an aeronautical study (EA-OE-5902) to determine its effect upon the safe and efficient utilization of the navigable airspace.

The Janson Industries, Canton, Ohio, proposes to construct a television antenna structure near Louisville, Ohio, at latitude 40°51'04" N., longitude 81°16'-37" W. The overall height of the structure would be 1,617 feet above mean sea level (452 feet above ground).

The proposed structure would be located approximately 9,500 feet from the airport reference point for the Yoder Airport, Louisville, Ohio, 14,000 feet from the airport reference points for Canton City Airport, Canton, Ohio, and Hitz and Milburn Airports, Louisville, Ohio, and within the boundaries of VOR Federal Airway No. 43. It would exceed the standards for determining hazards to air navigation as defined in § 77.25(b)(2) of the Federal Aviation Regulations (FAR) by approximately 265, 176, 123, and 124 feet respectively as applied to the airports and § 77.23(a)(2) by 252 feet as applied to the airway.

The study disclosed the structure would not be located within the approach area or normal traffic pattern for any of the above airports. In addition, the Agency on February 3, 1965, issued a revision of Part 77, FAR, which will become effective May 1, 1965. The standards in Part 77 (revised) are less stringent; therefore, it is appropriate the new standards be applied in this case. The application of these standards disclosed the structure would not exceed the obstruction standards for any of the above airports. The structure would exceed the standards contained in § 77.23(a)(5) (revised) by 68 feet as applied to the airway. However, the instrument flight rules minimum en route altitude would not be affected.

Based on the aeronautical study, it is the finding of the Agency that the proposed structure would have no substantial adverse effect upon aeronautical operations, procedures, or minimum flight altitudes.

Therefore, pursuant to the authority delegated to me by the Administrator (§ 77.37), it is found that the proposed structure would have no substantial adverse effect upon the safe and efficient utilization of navigable airspace and it is hereby determined that the proposed structure would not be a hazard to air navigation provided that it is obstruction marked and lighted in the manner recommended by the Agency.

This determination is effective and will become final 30 days after the date of issuance unless an appeal is filed under § 77.39 (27 F.R. 10352). If the appeal is denied, the determination will then become final as of the date of the denial or 30 days after the issuance of the determination whichever is later. Unless otherwise revised or terminated, a final determination hereunder will expire 18 months after its effective date or upon earlier abandonment of the construction proposal (§ 77.31).

Issued in Washington, D.C., on April 28, 1965.

JOSEPH VIVARI,
Acting Chief,
Obstruction Evaluation Branch.

[F.R. Doc. 65-4719; Filed May 4, 1965; 8:47 a.m.]

[OE Docket No. 65-CE-12]

structure would have a substantial ad-

such structures in the immediate area of

[OE Docket No. 65-CE-12]

ROWLEY UNITED THEATRES, INC.

Determination of Hazard to Air Navigation

The Federal Aviation Agency has circularized the following proposal for aeronautical comment and has conducted a study (CE-OE-6040) to determine its effect upon the safe and efficient utilization of navigable airspace.

The Rowley United Theatres, Inc., Dallas, Tex., proposes to construct a community antenna television (CATV) tower near Marysville, Kans., at latitude 39°51'19" N., longitude 96°38'53" W. The overall height of the structure would be 1,753 feet above mean sea level (540 feet above ground).

The proposed structure would exceed the standards for determining hazards to air navigation in § 77.23(a)(1) of the Federal Aviation Regulations by 40 feet since it would be more than 500 feet above ground; § 77.25(a)(2) by 320 feet as applied to the inner horizontal surface of the Marysville, Kans., Airport; and § 77.27(b)(2) by 455 feet as applied to the noninstrument approach area surface of the northwest/southeast runway.

The aeronautical study disclosed that the proposed tower would have no substantial adverse effect upon instrument flight rules (IFR) procedures, operations, or minimum flight altitudes since the airfield is not used for IFR operations. Instrument approach procedures for this airport are not contemplated.

The aeronautical study further disclosed that the proposed site is located approximately 7,500 feet northwest of the airport reference point of the Marysville Airport, Marysville, Kans. At this location, the structure would present a hazard to aircraft departing northwest, particularly if a left turn were commenced prior to reaching sufficient altitude to safely clear the structure. This could be extremely critical during periods of reduced visibility.

The proposed site lies within the aircraft traffic pattern area of the Marysville Airport creating a hazard in an area that already contains the most critical phases of flight. The master plan on file for this airport provides for paving and extending the northwest/southeast runway to the northwest. This would cause the proposed tower to be situated closer to the airport, its traffic pattern and northwest departure path, creating an even greater adverse effect on aeronautical operations in the vicinity of the airport.

The most recent Airport Facilities Record indicates eight based aircraft at the Marysville Airport, of which five are four place or more. Aircraft operations are estimated at 7,000 annually. Increased operations can be anticipated following the completion of the planned improvements.

Based upon the aeronautical study, it is the finding of the Agency that the proposed structure would create an unsafe obstruction to aircraft at the Marysville Airport.

Therefore, pursuant to the authority delegated to me by the Administrator (§ 77.37), it is found that the proposed structure would have a substantial adverse effect upon the safe and efficient utilization of navigable airspace; and it is hereby determined that the proposed structure would be a hazard to air navigation.

This determination is effective and will become final 30 days after the date of issuance unless an appeal is filed under § 77.39 (27 F.R. 10352). If the appeal is denied, the determination will then become final as of the date of the denial or 30 days after the issuance of the determination, whichever is later.

Issued in Washington, D.C., on April 28, 1965.

JOSEPH VIVARI,
Acting Chief,
Obstruction Evaluation Branch.

[F.R. Doc. 65-4720; Filed, May 4, 1965; 8:47 a.m.]

[OE Docket No. 65-WE-2]

JOSEPH B. SIMON, INC.

Determination of No Hazard to Air Navigation

The Federal Aviation Agency has circularized the following proposal for aeronautical comment and has conducted a study (WE-OE-3987) to determine its effect upon the safe and efficient utilization of navigable airspace.

Joseph B. Simon, Inc., Philadelphia, Pa., proposes to construct a hotel in Las Vegas, Nev., at latitude 36°06'01" N., longitude 115°10'20" W. The overall height of the structure would be 2,354 feet above mean sea level (225 feet above ground).

The proposed structure would be located 5,400 feet northwest of the northwest end of Runway 32 of McCarran Field and 1,800 feet southwest of the extended runway centerline. It would exceed the standards for determining hazards to air navigation as defined in § 77.25(a)(1) (inner horizontal surface) of the Federal Aviation Regulations (FAR) by 33 feet as applied to the airport. It would exceed the standards of § 77.23(a)(2) since it would be more than 200 feet above ground within the control zone for McCarran Field and within all VOR Federal airways emanating from the Las Vegas VORTAC.

The structure would exceed a 40:1 obstruction clearance slope by 82 feet for aircraft departing Runway 32. Therefore, it would require present takeoff ceiling minimums of 200 feet and visibility minimums of one-half mile to be raised to a ceiling of 300 feet and visibility of 1 mile.

The aeronautical study disclosed that this single structure would have no substantial adverse effect upon aeronautical operations at McCarran Field since the number of departures from Runway 32 during periods of minimum ceiling and visibility conditions is practically nil and the minimum en route altitudes on the airways would not be affected.

In the course of the study, however, it was disclosed that the proposed structure would have an adverse effect upon the surveillance capability of the Las Vegas Airport surveillance radar. It was also disclosed that there were plans for other such structures in the immediate area of McCarran Field.

Therefore, further study was conducted to determine to what extent future construction in the airport area may derogate the present radar coverage in the Las Vegas area. This study revealed that buildings erected in conformance with the Clark County zoning ordinance would not substantially derogate radar coverage. However, should structures be permitted to the height proposed, radar coverage would be restricted to an unacceptable degree.

Based on the aeronautical study, it is the finding of the Agency that the single structure proposed herein would have no substantial adverse effect upon aeronautical operations, procedures or minimum flight altitudes in the Las Vegas area. However, in recognition of the finding in the study that future structures could seriously derogate the Las Vegas surveillance radar the Agency would encourage Clark County to refrain from granting a variance from its zoning ordinance which would permit this and future structure of like height to be erected.

Therefore, pursuant to the authority delegated to me by the Administrator (§ 77.37), it is found that the proposed structure would have no substantial adverse effect upon the safe and efficient utilization of navigable airspace and it is hereby determined that the proposed structure would not be a hazard to air navigation provided that it is obstruction marked and lighted in accordance with Agency standards.

This determination is effective and will become final 30 days after the date of issuance unless an appeal is filed under § 77.39 (27 F.R. 10352). If the appeal is denied, the determination will then become final as of the date of the denial or 30 days after the issuance of the determination, whichever is later. Unless otherwise revised or terminated, a final determination hereunder will expire 18 months after its effective date or upon earlier abandonment of the construction proposal (§ 77.41).

Issued in Washington, D.C., on April 28, 1965.

JOSEPH VIVARI,
Acting Chief,
Obstruction Evaluation Branch.

[F.R. Doc. 65-4721; Filed, May 4, 1965; 8:47 a.m.]

[OE Docket No. 65-CE-11]

SYSTEMS, INC.

Determination of Hazard to Air Navigation

The Federal Aviation Agency has circularized the following proposal for aeronautical comment and has conducted an aeronautical study (CE-OE-6757) to determine its effect upon the safe and efficient utilization of the navigable airspace.

Systems, Inc., Shawnee, Kans., proposes to construct a television receiving tower near Marysville, Kans., at latitude 39°52'32" N., longitude 96°37'58" W.

The overall height of the structure would be 1,860 feet above mean sea level (640 feet above ground).

The structure would be located approximately 8,250 feet north of the northeast end of Runway 2/20 of the Marysville Airport. It would exceed the standards for determining hazards to air navigation as described in § 77.25(b)(2) (conical surface) of the Federal Aviation Regulations by 375 feet as applied to the airport.

The aeronautical study disclosed the proposed structure would exceed the present acceptable minimum departure climb ratio of 20:1 for those aircraft departing the Marysville Airport and proceeding in its direction by approximately 165 feet. This would require aircraft departing Runways 2 and 33 to alter course during climb-out in order to obtain adequate vertical or horizontal clearance from the proposed structure.

Current Agency records show the Marysville Airport to have approximately 7,000 aircraft operations per year, 2,000 of which are itinerant flights, with a peak month operation of 600.

The structure would not require an increase in instrument flight rule (IFR) altitudes and would have no adverse effect upon IFR operations.

Based upon the aeronautical study, it is the finding of the Agency that the proposed structure would have a substantial adverse effect upon aeronautical operations in the vicinity of the Marysville Airport since it would be located in close proximity to the airport in such a position as to be detrimental to the safety of aircraft in flight.

Therefore, pursuant to the authority delegated to me by the Administrator (§ 77.37), it is found that the proposed structure would have a substantial adverse effect upon the safe and efficient utilization of navigable airspace; and it is hereby determined that the proposed structure would be a hazard to air navigation.

This determination is effective and will become final 30 days after the date of issuance unless an appeal is filed under § 77.39.

If the appeal is denied, the determination will then become final as of the date of the denial or 30 days after the issuance of the determination, whichever is later.

Issued in Washington, D.C., on April 28, 1965.

JOSEPH VIVARI,
Acting Chief,
Obstruction Evaluation Branch.

[F.R. Doc. 65-4722; Filed, May 4, 1965; 8:47 a.m.]

[OE Docket No. 65-WE-1]

WESTERN BROADCASTING CORP.

Determination of No Hazard to Air Navigation

The Federal Aviation Agency has circularized the following proposal for aeronautical comment and has conducted an aeronautical study (WE-OE-4462) to determine its effect upon the safe and efficient utilization of the navigable airspace.

Western Broadcasting Corp., Los Angeles, Calif., proposes to construct a radio antenna system consisting of six towers. Four towers are of equal height spaced 295.5 feet apart on a line bearing 54° true. The other two towers are of equal height on a line bearing 140° true from the southwest middle tower of the four and spaced 221.6 feet and 443.2 feet, respectively. The system would be located at latitude 34°03'40" N., longitude 118°00'24" W., near El Monte, Calif. The overall height of the structures would be 596 feet above mean sea level (306 feet above ground).

The structures would be located approximately 2.1 nautical miles southeast of the Los Angeles-El Monte Airport and would exceed the conical surface, as defined in § 77.25(b)(2) of the Federal Aviation Regulations, by 25 feet, as applied to this airport.

The study disclosed that the structures would not require an increase in instrument flight rule (IFR) en route altitudes or otherwise have an adverse effect upon IFR operations. Further, it was found that the airport's alignment and location were such that the structures would not adversely affect the possible future establishment of an instrument approach procedure to serve it.

The study also disclosed that the structures would be located near the convergence of two prominent highways which are used as aids to visual flight rule (VFR) navigation. However, the site of construction is in a congested area and aircraft conducting flight over this area should be high enough to provide adequate safety above the height of the structures. In addition, the structures would be outside the normal airport traffic pattern. As a matter of information, within a 4 nautical mile radius of the airport there are three existing structures of like or greater height than that proposed.

Based upon the aeronautical study, it is the finding of the Agency that the proposed structures would have no substantial adverse effect upon aeronautical operations, procedures or minimum flight altitudes.

Therefore, pursuant to the authority delegated to me by the Administrator (§ 77.37), it is found that the proposed structures would have no substantial adverse effect upon the safe and efficient utilization of navigable airspace and it is hereby determined that the proposed structures would not be hazards to air navigation provided that they are obstruction marked and lighted in accordance with Agency standards.

This determination is effective and will become final 30 days after the date of issuance unless an appeal is filed under § 77.39 (27 F.R. 10352). If the appeal is denied, the determination will then become final as of the date of the denial or 30 days after the issuance of the determination, whichever is later. Unless otherwise revised or terminated, a final determination hereunder will expire 18 months after its effective date or upon earlier abandonment of the construction proposal (§ 77.41).

Issued in Washington, D.C., on April 28, 1965.

JOSEPH VIVARI,
Acting Chief,
Obstruction Evaluation Branch.

[F.R. Doc. 65-4723; Filed, May 4, 1965; 8:47 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket Nos. 15973, 15974; FCC 65M-541]

DIXIE BROADCASTING CO., INC., AND TUPELO BROADCASTING CO., INC.

Order

In re applications of Dixie Broadcasting Co., Inc., Tupelo, Miss., Docket No. 15973, File No. BPH-4423; Tupelo Broadcasting Co., Inc., Tupelo, Miss., Docket No. 15974, File No. BPH-4461; for construction permits.

It is ordered, This 30th day of April 1965, that Isadore A. Honig shall serve as the presiding officer in the above-entitled proceeding; that the hearings therein shall commence at 10 a.m. on June 29, 1965; and that a prehearing conference shall be convened at 9 a.m. on May 24, 1965: *And it is further ordered,* That all proceedings shall be held in the Offices of the Commission, Washington, D.C.

Released: April 30, 1965.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 65-4737; Filed, May 4, 1965; 8:49 a.m.]

[Docket No. 15962; FCC 65M-545]

WILLIAM S. HOGIN

Order Scheduling Hearing

In re application of William S. Hogin, Phoenix, Ariz., Docket No. 15962; for renewal of General Class amateur operator and station license, call sign K7 DHP.

It is ordered, This 30th day of April 1965, that Walther W. Guenther shall serve as the presiding officer in the above-entitled proceeding, and that the hearings therein shall be convened in Phoenix, Arizona, at 10 a.m., June 25, 1965.

Released: April 30, 1965.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 65-4738; Filed, May 4, 1965; 8:49 a.m.]

[Docket No. 15980; FCC 65-340]

and give evidence upon the mat-

(§ 77.37), it is found that the proposed disclosed that there were plans for other 39°52'32" N., longitude 96°37'58" W.

[Docket No. 15980; FCC 65-340]

KENTOWN SPEEDWAY AND HOBBIES

Order To Show Cause Designating Matter for Hearing

In the matter of Cease and Desist Order to be directed to Kenneth E. Miller, tr/as Kentown Speedway and Hobbies, 10722 Westminster Boulevard, Garden Grove, Calif., Docket No. 15980.

The Commission having under consideration the issuance of an order pursuant to section 312 (b) and (c) of the Communications Act of 1934, as amended (47 U.S.C. 312), to Kenneth E. Miller, tr/as Kentown Speedway and Hobbies, 10722 Westminster Boulevard, Garden Grove, Calif., hereinafter referred to as Kentown Speedway, to cease and desist from operating incidental radiating devices in such a manner as to cause harmful interference to authorized radio services; and

It appearing, that Kentown Speedway operates at 10722 Westminster Boulevard, Garden Grove, Calif., a raceway for racing toy cars which are operated by electrical energy, and which radiate radio frequency energy on frequencies allocated for use by authorized radio services in a manner that causes harmful interference to the reception of television signals in the vicinity of the raceway; and

It appearing, that such equipment is not licensed by the Federal Communications Commission pursuant to section 301 of the Communications Act of 1934, as amended (47 U.S.C. 301); and

It further appearing, that the above facts have been called to the attention of Kentown Speedway by the Commission, both orally and in writing, and that Kentown Speedway has been afforded an opportunity to demonstrate or achieve compliance with all lawful requirements but such demonstration has not been made and such compliance has not been accomplished as required by § 15.31 of the Commission's rules (47 CFR 15.31):

It is ordered, This 28th day of April 1965 pursuant to section 312 (b) and (c) of the Communications Act of 1934, as amended (47 U.S.C. 312), that Kentown Speedway show cause why there should not be issued an order commanding it to cease and desist from operating incidental radiation devices in violation of the provisions of Part 15 (47 CFR Part 15) of the Commission's rules. That is: The said Kenneth E. Miller, tr/as Kentown Speedway and Hobbies, his agents, employees, privies, assigns, successors in interest, or other parties acting in concert with him shall cease and desist from operating or permitting to be operated toy racing cars in a manner that causes harmful interference to television reception or any other authorized radio service; and

It is further ordered, That a hearing in this matter be held before a Commission hearing examiner in Los Angeles, Calif., and at a time and place to be designated by subsequent order but in no event less than 30 days from the receipt of this order to determine whether said cease and desist order should be issued, and that Kentown Speedway is herewith called upon to appear at this hearing and give evidence upon the matters specified herein; and

It is further ordered, Pursuant to § 1.91 (47 CFR 1.91) of the rules, that Kentown Speedway is directed to file with the Commission within 30 days of receipt of this order a written appearance, stating that Kentown Speedway will appear and present evidence on the matters specified in this order. If Kentown Speedway does not desire to avail itself of its opportunity to appear before the Commission and give evidence on the matters specified herein, it shall, within 30 days of receipt of this order, file with the Commission a written waiver of hearing. Such waiver may be accompanied by a statement of the reasons why Kentown Speedway believes that a cease and desist order should not issue; and

It is further ordered, That failure of said Kentown Speedway timely to respond to this order or its failure to appear at the hearing designated herein will be deemed a waiver of hearing; and

It is further ordered, That the Secretary send a copy of this order by Certified Mail, Return Receipt Requested, to Kentown Speedway and Hobbies, 10722 Westminster Boulevard, Garden Grove, Calif.

Released: April 29, 1965.

FEDERAL COMMUNICATIONS COMMISSION,[1]
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 65-4739; Filed, May 4, 1965; 8:49 a.m.]

[Docket No. 15980; FCC 65M-546]

KENTOWN SPEEDWAY AND HOBBIES

Order Scheduling Hearing

In the matter of Cease and Desist Order to be directed to Kenneth E. Miller tr/as Kentown Speedway and Hobbies, 10722 Westminster Boulevard, Garden Grove, Calif., Docket No. 15980.

It is ordered, This 30th day of April 1965, that Walther W. Guenther shall serve as the presiding officer in the above-entitled proceeding, and that the hearings therein shall be convened in Los Angeles, California, at 10 a.m., June 18, 1965.

Released: April 30, 1965.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 65-4740; Filed, May 4, 1965; 8:49 a.m.]

[Docket Nos. 15977, 15978]

MORGAN BROADCASTING CO. AND DICK BROADCASTING CO., INC., OF TENN.

Order Designating Applications for Consolidated Hearing on Stated Issues

In re applications of Harry J. Morgan tr/as Morgan Broadcasting Co., Knoxville, Tenn., Docket No. 15977, File No. BPH-4503, Requests: 107.7 mc, #299; 40.2 kw; 160 ft.; Dick Broadcasting Co., Inc., of Tennessee, Knoxville, Tenn., Docket No. 15978, File No. BPH-4650, Requests: 107.7 mc, #299; 100 kw; 390 ft.; for construction permits.

The Commission, by the Chief of the Broadcast Bureau under delegated authority, considered the above-captioned applications on April 29, 1965;

It appearing, that, except as indicated by the issues specified below, each of the applicants is legally, technically and otherwise qualified to construct, own and operate the proposed stations, the Morgan Broadcasting Co. is financially qualified, but for the reason indicated hereinafter, it has not been determined that the Dick Broadcasting Co., Inc., of Tennessee is financially qualified; and

It further appearing, that the applications are mutually exclusive in that operation by the applicants as proposed would result in mutually destructive interference; and

It further appearing, that, the financing plans for the construction and initial operation of the station proposed by the Dick Broadcasting Co., Inc., of Tennessee are dependent, in part, on funds secured through a bank loan but that the agreement to make the loan does not show the security as required by paragraph 4h, section III, of FCC Form 301 and that therefore a financial issue will be specified to permit the Dick Broadcasting Co. to present evidence on this question; and

It further appearing, that, the areas for which the applicants propose to provide FM broadcast service are significantly different in size and that for purposes of comparison, the areas and populations within the respective 1 mv/m contours together with the availability of other FM service (at least 1 mv/m) within such areas will be considered in the hearing ordered below for the purpose of determining whether a comparative preference should accrue to one of the applicants; and

It further appearing, that, in view of the foregoing, the Commission is unable to make the statutory finding that a grant of the subject applications would serve the public interest, convenience, and necessity, and is of the opinion that the applications must be designated for hearing in a consolidated proceeding on the issues set forth below.

It is ordered, That, pursuant to section 309(e) of the Communications Act of 1934, as amended, the applications are designated for hearing in a consolidated proceeding, at a time and place to be specified in a subsequent Order, upon the following issues:

1. To determine the area and population within each of the proposed 1 mv/m contours and the availability of other FM service (at least 1 mv/m) to such areas and populations.

2. To determine whether sufficient funds are available to the Dick Broadcasting Company to construct and operate the station as proposed.

3. To determine, on a comparative basis, which of the proposals would better serve the public interest, convenience, and necessity in light of the evidence adduced pursuant to the foregoing issues and the record made with respect to the significant differences between the applicants as to:

(a) The background and experience of each having a hearing on the applicant's ability to own and operate the FM station as proposed.

(b) Proposals of each of the applicants with respect to the management and operation of the FM broadcast station as proposed.

(c) The programming services proposed in each of the above-captioned applications.

4. To determine, in the light of the evidence adduced pursuant to the foregoing issues which of the applications should be granted.

It is further ordered, That, to avail themselves of the opportunity to be heard, the applicants, pursuant to § 1.221(c) of the Commission's rules, in person or by attorney, shall, within 20 days of the mailing of this order, file with the Commission in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this order.

It is further ordered, That the applicants herein shall, pursuant to section 311(a)(2) of the Communications Act of 1934, as amended, and § 1.594 of the Commission's rules, give notice of the hearing, either individually or, if feasible and consistent with the rules, jointly, within the time and in the manner prescribed in such rule, and shall advise the Commission of the publication of such notice as required by § 1.594(g) of the rules.

It is further ordered, That, with respect to the application of the Morgan Broadcasting Co. the issues in the above-captioned proceeding may be enlarged by the Examiner, on his own motion or on petition properly filed by a party to the proceeding, and upon sufficient allegations of fact in support thereof, by the addition of the following issue: To determine whether the funds available to the applicant will give reasonable assurance that the proposals set forth in the application will be effectuated.

Released: April 29, 1965.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 65-4741; Filed, May 4, 1965; 8:49 a.m.]

[Docket Nos. 15977, 15978; FCC 65M-543]

MORGAN BROADCASTING CO. AND DICK BROADCASTING CO., INC., OF TENNESSEE

Order Scheduling Hearing

In re applications of Harry J. Morgan tr/as Morgan Broadcasting Co., Knoxville, Tenn., Docket No. 15977, File No. BPH-4503; Dick Broadcasting Co., Inc., of Tennessee, Knoxville, Tenn., Docket No. 15978, File No. BPH-4650; for construction permits.

It is ordered, This 30th day of April 1965, that Charles J. Frederick shall serve as the presiding officer in the above-entitled proceeding; that the hearings therein shall commence at 10 a.m. on June 30, 1965; and that a prehearing conference shall be convened at 9 a.m. on May 24, 1965: *And it is further ordered*, That all proceedings shall be held in the Offices of the Commission, Washington, D.C.

Released: April 30, 1965.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 65-4742; Filed, May 4, 1965; 8:49 a.m.]

[Docket Nos. 15981, 15982; FCC 65-343]

RADIO PHONE COMMUNICATIONS, INC., AND AMERICAN RADIO-TELEPHONE SERVICE, INC.

Memorandum Opinion and Order Designating Applications for Consolidated Hearing on Stated Issues

In re applications of Radio Phone Communications, Inc., Docket No. 15981, File No. 269-C2-P-64, for a construction permit to establish new facilities in the Domestic Public Land Mobile Radio Service at Falls Church, Va.; American Radio-Telephone Service, Inc., Docket No. 15982, File No. 1134-C2-P-64, for a construction permit to modify the facilities of Station KGA248 in the Domestic Public Land Mobile Radio Service at Washington, D.C.

1. The Commission has before it (1) an application filed July 15, 1963, by Radio Phone Communications, Inc. (Radio Phone) for a construction permit to establish a new two-way communications service in the Domestic Public Land Mobile Radio Service at Falls Church, Va., using the frequencies 152.18 Mc/s (base) and 158.64 Mc/s (mobile), including a request by Radio Phone for a conditional grant of its application, filed on February 27, 1964; (2) an application filed August 16, 1963, by American Radio-Telephone Service, Inc. (American) for a construction permit to modify the facilities of Station KGA248, now providing two-way communications service in the Domestic Public Land Mobile Radio Service at Washington, D.C., by adding a second channel for two-way communications service on frequencies 152.18 Mc/s (base) and 158.64 Mc/s (mobile)[1]; and (3) four sets of formal pleadings as follows:

(a) Petition for conditional grant, filed by Radio Phone on July 14, 1964; opposition to petition for conditional grant, filed by American on July 24, 1964; supplement to opposition to petition for conditional grant, filed by American on August 5, 1964; and motions to strike opposition and supplemental opposition to petitions for conditional grant and, in the alternative, reply to opposition to said petition, filed by Radio Phone on August 10, 1964.

(b) Petition for conditional grant, filed by American on July 28, 1964; motion to dismiss petition for conditional grant; and, in the alternative, opposition to said petition, filed by Radio Phone on August 19, 1964; and reply to "motion to dismiss petition for conditional grant and, in the alternative, opposition to said petition," filed by American on August 28, 1964.

(c) Petition to deny application of Radio Phone, filed by American on August 31, 1964; motion to dismiss petition to deny, and, in the alternative, opposition to said petition, filed by Radio Phone on September 14, 1964; and motion to dismiss opposition to petition to deny and reply to "motion to dismiss petition to deny and, in the alternative, opposition to said petition," filed by American on September 24, 1964; and opposition to motion to dismiss, filed by Radio Phone on October 7, 1964.

(d) Petition for reconsideration of delegated action and petition to dismiss American's tendered amendments to application, filed by Radio Phone on September 9, 1964; opposition to "petition for reconsideration of delegated action and petition to dismiss American's tendered amendments to application," filed by American on September 23, 1964; and reply to opposition to petition for reconsideration, filed by Radio Phone on October 5, 1964.

2. Radio Phone and American are each seeking to establish a two-way communications service on the frequencies 152.18 Mc/s (base) and 158.64 Mc/s (mobile) in metropolitan Washington, D.C., and it appears from an analysis of these applications (the base stations would be located 6.7 miles apart) that they are mutually exclusive by reason of potential harmful electrical interference. Therefore, a comparative hearing is required to determine whether a grant to either or both of the applicants would serve the public interest, convenience and necessity.

Radio Phone's petition for conditional grant. 3. Radio Phone bases its petition on § 21.27(g) (1), (2) and (4) of the Commission's rules and alleges that: (1) The application of American was not filed in good faith; (2) the public interest requires the prompt establishment of Radio Phone's proposed service; and (3) the application of American cannot be granted because such a grant would violate: (a) Section 307(b) of the Communications Act which provides for the fair, efficient, and equitable distribution of radio service among the several States and communities; (b) § 21.516(a) of the Commission's rules which requires an applicant for an additional channel of radio service to detail the number of prospective subscribers for whom an order for service is being held; and (c) § 21.513 of the Commission's rules which requires that there be at least one message center so located that "the major portion of subscribers' local exchange landline telephone calls, which originate or terminate

[1] Commissioners Lee and Loevinger absent.

[1] American's original application requested an additional channel on frequencies 152.06 Mc/s (base) and 158.52 Mc/s (mobile). On September 5, 1963, after the Commission informed it of the unavailability of that base station frequency, American amended its application by changing the requested frequencies to 152.18 Mc/s (base) and 158.64 Mc/s (mobile).

in such area in conjunction with messages transmitted or received by said station, cost no more per call than the local message single unit rate."

4. Radio Phone's lack of good faith argument assumes that American amended its application to put itself into mutual exclusivity[3] with Radio Phone and, in any event, could have used the facilities of its subsidiary, Telephone Answering Service Co., Inc., licensed to use paired frequencies 152.09 and 158.55 Mc/s. The need for prompt establishment of Radio Phone's service is based on what is characterized as the "dynamic" growth of Fairfax County in "residence, sales, industry, building, and banking." Facts and figures illustrating this growth have been submitted. In addition, Radio Phone has attached to its petition commercial brochures advertising the community of Reston, Va., which is being constructed as one of the first planned complete satellite cities in the United States. There are also attached 15 expressions of interest in Radio Phone's proposed mobile service.[3]

5. Radio Phone, in alleging that a grant of American's application would violate section 307(b) of the Act, relies upon the fact that six of the seven channels available to miscellaneous common carriers in the 150 Mc/s band are already taken and none of these six have been assigned to "serve the growing Fairfax County and northern Virginia area," and Radio Phone concludes that section 307(b) would call for an assignment of the remaining channel to that area. Radio Phone alleges that the failure of American to initially show the number of prospective subscribers for whom an order for service is being held is violative of § 21.516(a) and, therefore, said application cannot be granted. Its § 21.513 argument, in effect, states that American is required to maintain a message center in "northern Virginia." Radio Phone's other allegations, related to the general public need for its proposed service, though relevant in determining whether or not Radio Phone should be issued a construction permit, are not germane to its petition for conditional grant.

6. American, in its opposition to Radio Phone's petition for conditional grant, states that the reason it amended its original application and thereby put itself into mutual exclusivity with Radio Phone was because it was advised by a member of the Commission's staff that its proposed use of the 152.06 Mc/s base station frequency would cause interference to another station and, therefore, the only VHF band channel available to it was the one now contemplated by its instant application. American disputes Radio Phone's second charge of bad faith by denying that it controls Telephone Answering Service Co., Inc., and argues that it could not have used VHF frequencies other than those for which it applied.

7. The need for the prompt establishment of Radio Phone's service is denied in that the community of Reston is claimed to be now nonexistent and the target date for its completion is said to be 1980 (American relies on the very brochures submitted by Radio Phone to substantiate their allegations). In addition, the manager of American has submitted an affidavit which examines most of the expressions of interest in Radio Phone's proposed service and it is concluded in American's opposition to Radio Phone's petition for conditional grant that "the majority of the alleged prospective customers whose letters have been attached to Radio Phone's petition are not really interested in common carrier mobile service."

8. American contends that section 307 (b) of the Act does not require the Commission to grant Radio Phone's application over American's and that, since all seven of the UHF band frequencies are available for assignment to either applicant, "there is a serious question whether these two applications even raise a 307 (b) issue." It is also argued that "the fact that the application did not show that American has orders on hand does not make it either fatally defective or contrary to § 21.516." In addition, § 21.513 of the rules is said to require a message center at Washington, D.C., and not in northern Virginia.

9. Finally, American quotes Radio Phone's petition wherein the vice president of Radio Phone stated that American's customers often find it impossible to establish contact with American's control point and that he "has often heard other subscribers of American's channel complain vigorously to the operator about this situation which has gone on for some time," and concludes that this constitutes a violation of section 605 of the Communications Act.[4]

10. Radio Phone bases its motion to strike American's opposition to its petition for conditional grant on the failure of American to have its opposition signed or verified by "the applicant or by a principal party having knowledge of the facts." The same reason is given to support the motion to strike American's supplemental opposition to its petition for conditional grant and, in addition, it is alleged that said pleading is defective in the following respects: (1) It is an additional pleading which has not been specifically requested by the Commission (§ 1.45(c) of the rules); (2) it was filed after the specified period in which an opposition may be filed (§ 1.45(a) of the rules); and (3) since it purports to contradict the written and signed statements of prospective customers, it should be the written and signed statement of said prospective customers and not the relation of conversations held with such persons by the manager of American.

11. In replying to the opposition to its petition for conditional grant, Radio Phone reiterates its previous arguments. In addition, it alleges additional contacts between American and Telephone Answering Service Co., Inc., to bolster its contention that American exhibited a lack of good faith in filing its instant application. Insofar as section 307(b) of the Act is concerned Radio Phone contends that "the availability of frequencies other than those applied for is no ground for dissolving a 307(b) issue when (there are) conflicting demands for the same frequency in different communities." American's allegation that Radio Phone's vice president violated section 605 of the Act is denied, in effect, by alleging that the consent of one of the participants was obtained in all radio conversations referred to in the petition for conditional grant.

12. We find that the allegation that American's application was not made in good faith clearly overlooks American's original filing for operation on the 152.06 Mc/s base station frequency and ignores the understandable desire of American to operate an additional channel in the same frequency band in which it is presently operating so that use of multichannel equipment would be feasible. In addition, Radio Phone engages in speculation not sufficient to justify a conditional grant when it relies on any contacts American may have with Telephone Answering Service Co., Inc., and, even assuming a parent-subsidiary relationship, has failed to allege any facts to show that Telephone Answering Service Co., Inc., has failed to make effective use of the frequencies it has been assigned.

13. Section 21.27(g)(2) authorizes a conditional grant when the public interest requires the prompt establishment of a radio service. Said provision in the Commission's rules is to be invoked only under extraordinary circumstances and where a delay in the institution of radio service would seriously prejudice the public interest. In re Page Boy Radio Corporation, FCC 62-251. Fifteen expressions of interest in a radio service cannot be elevated to a position constituting extraordinary circumstances justifying a conditional grant, and Radio Phone has made no other showing justifying such a conclusion.

14. Concerning Radio Phone's contentions that a grant of American's application would be violative of section 307 (b) of the Communications Act, we find that such a conclusion cannot be reached without a complete evidentiary hearing. Accordingly, we must deny Radio Phone's contention that the presence of such an issue now precludes a grant of American's application. Likewise, an initial showing of public need which is not in strict accordance with § 21.516(a) of the rules does not thereby irretrievably preclude American from a grant. In fact, American has submitted its own petition for conditional grant and attached therewith were orders for additional service from eight of its present subscribers. As for Radio Phone's section 21.513 allegation, the said rule has been misinterpreted and, in fact, requires a message center to be so located that the majority of calls a carrier's subscribers make or receive within the 37 dbu contour of the carrier cost the same as the local message single unit rate; and there is no basis for finding that American's message center should not be in Washington, D.C. Accordingly, we conclude that Radio Phone's petition for conditional grant should not be granted. It is, therefore, unnecessary to make findings with respect to the technical sufficiency and merit of allegations in dependent pleadings.

American's petition for conditional grant. 15. American's petition, in effect, is based upon the allegation that since its initial filing on August 16, 1963, the congestion on its present channel has greatly intensified. In addition, American has submitted statements from eight of its present subscribers calling for it to install a second channel of service.

16. Radio Phone's motion to dismiss the said petition rests upon an alleged procedural defect in that the said pleading is subscribed by American's attorneys and it is not verified by one of its principal officers. Radio Phone's opposition is mainly directed at American's admission that from August 1963 to July 1964, it increased the number of mobile units it was serving from 68 to only 74 and concludes that such a slow rate of growth does not show a need for the prompt establishment of the additional radio service such as would justify a conditional grant. In addition, Radio Phone attacks some of the statements submitted by American and concludes that there is even less of a need for the second channel service than alleged.

17. American, in its reply, argues that Radio Phone confuses American's petition for conditional grant with an application for radio facilities. It is said that applications are to be signed by a principal officer of an applicant corporation while pleadings, like a petition for conditional grant, are to be signed by an attorney of record. American in this pleading (as does American and Radio Phone in several of the other pleadings) discusses a great many other issues which are not relevant to the disposition of the issue at hand.

18. For reasons similar to those set forth in disposing of Radio Phone's petition for conditional grant, we find and conclude that the public interest does not require a conditional grant of American's application. Certainly, even assuming the validity of American's contention that its present subscribers are clamoring for an additional channel, there is no showing that the present licensees in the Metropolitan Washington area are not capable of meeting whatever "urgent" mobile needs exist. In view of the substantive deficiency of American's petition for conditional grant, a detailed consideration of the alleged procedural defects is unnecessary.

Petition to deny Radio Phone's application. 19. American states that although it had no intention of opposing Radio Phone's application, statements found in Radio Phone's "motion to dismiss petition for conditional grant and, in the alternative, opposition to said petition" indicate that Radio Phone "intends to engage in predatory business practices which, if permitted, would seriously threaten Petitioner's operation."[5] From this foundation American goes on to conclude that it is a party in interest pursuant to section 309(d) of the Act and that a grant of the application would be prima facie inconsistent with the public interest, convenience, and necessity. American, to substantiate the alleged inconsistency of Radio Phone's application with the public interest, uses an amalgam of section 605, the merits or demerits of allegations relating to the contacts American has with Telephone Answering Service Co., Inc., a time discrepancy of little note and previously raised arguments.

20. Radio Phone in its motion to dismiss petition to deny questions the appropriateness of a petition to deny in a situation involving mutual exclusivity and states that a "full hearing" will be had in any event. Radio Phone's opposition stresses: (1) A previously sworn statement that it is only interested in satisfying the unserved needs of the "Fairfax County and westward" area; (2) the fact that the quote "clearly" refers only to northern Virginia customers; and (3) that competition has not been "outlawed" in the common carrier field. Other allegations are not germane to disposition of the petition to deny.

21. American, in its motion to dismiss opposition, questions the affidavit of Mr. Ben Hurt, vice president of Radio Phone, and claims that insofar as the affidavit is based on Mr. Hurt's belief rather than on his personal knowledge it is contrary to section 309(d) of the Act. In its reply American argues that an economic injury issue is not beyond the scope of a comparative hearing and, therefore, a petition to deny is appropriate. No other relevant allegations are made.

22. Radio Phone filed an additional pleading, admittedly "not permitted under the Commission's rules", in which it argues that Mr. Hurt's affidavit conforms to section 309(d) of the Act in that the allegations of fact made in Radio Phone's motion to dismiss petition to deny, and in the alternative, opposition to said petition were actually made upon the personal knowledge of Mr. Hurt.

23. American's statement that it had no intention of opposing Radio Phone's application until it noted from one of Radio Phone's pleadings that Radio Phone had cast covetous eyes upon American's northern Virginia customers is to be taken at face value. American's prior statements of overcrowding on its presently licensed channel tend to offset its stated fear of competition. In short, American's petition to deny is loosely based upon speculation about language found in a pleading filed by Radio Phone's counsel and, in view of the foregoing, and because American has failed to show that a grant of Radio Phone's application would result in destructive competition or wasteful duplication of facilities, we find no justification for the inclusion of an economic injury issue. In view thereof, the allegations in the responsive and dependent pleadings do not require further consideration.

Petition for reconsideration of delegated action and petition to dismiss American's tendered amendments to application. 24. Radio Phone asks that certain amendments tendered for filing by American on July 15, 1964, and July 22, 1964, to change antenna, employ two-channel equipment and add a message center in northern Virginia "be dismissed as unacceptable at this stage of the proceeding, or that they be returned to the applicant as being defective in form, considering the current state of the proceeding." In support thereof, Radio Phone argues that when the Commission by letter dated February 6, 1964, notified the parties that their applications were mutually exclusive and subject to a comparative hearing, the application was then, in effect, in hearing status, and, therefore, American's amendments are prejudicial to Radio Phone's rights and should not be accepted for filing. In addition, Radio Phone asks that American

> • • • be required to file a statement, under oath, explaining the circumstances and reasons why said amendments were then being tendered for filing, the justifications, if any, for such filing at this stage of the proceeding and showing good cause why, in the subject circumstances, said amendments should be accepted.

25. American's short answer to the above contentions of Radio Phone is that § 21.23 of the Commission's rules states that "any application may be amended as a matter of right prior to the designation of such application for hearing." Radio Phone in its "reply" concludes that the "issue is now sufficiently joined" and adds nothing new which would affect disposition of the petition for reconsideration.

26. Section 21.23 of the Commission's rules is clear in that any application may be amended as a matter of right prior to the designation of such application for hearing. We, therefore, find and conclude that American's June 15th and June 22d amendments were properly tendered for filing and are to be considered in any disposition of American's application.

27. It is clear from all pleadings filed wherein the section 605 issue was raised that American is relying upon Mr. Hurt's statement that he has heard "other subscribers" complain about American's service. However, Radio Phone claims that these other subscribers were subscribers with whom Mr. Hurt or the president of Radio Phone were talking, and American has not alleged a single instance of the alleged section 605 violation which contradicts this statement. In view thereof, we can only conclude that no substantial issue has been raised with respect to the alleged violation.

28. It appears that § 21.504 of the rules and regulations of this Commission describes a field strength contour of 37 decibels above 1 microvolt per meter as the limit of reliable service area for base stations engaged in 2-way communica-

[3] See footnote 1.

[3] No expressions of interest have been submitted from present or prospective residents of Reston.

[4] American's supplement to opposition to petition for conditional grant includes additional comments allegedly negating three of the expressions of interest in Radio Phone's service.

[5] American relies on the following statement by Radio Phone: "There is attached hereto a list of the subscribers to whom Mr. Hurt of Radiophone sold equipment since June 1963, the majority of whom are located in the northern Virginia area, but who were placed as customers with American since Radiophone did as yet not have the facilities to render the service they required. The rendition of this service by Radiophone to these northern Virginia customers with a locally located message center will, no doubt, serve to alleviate some of American's alleged congestion for its Washington based customers."

tions service, and that the Commission's Report No. T.R.R. 4-3-2, entitled "A Study

Adopted: April 28, 1965.

FEDERAL POWER COMMISSION

hearing is required, further notice of such

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decibels above 1 microvolt per meter as the limit of reliable service area for base stations engaged in 2-way communica-

tions service, and that the Commission's Report No. T.R.R. 4.3.8., entitled "A Summary of the Technical Factors Affecting the Allocation of Land Mobile Facilities in the 152 to 158 Megacycle Band" and the procedures set forth therein are a proper basis for establishing the location of such service (F50,50) and interference contours of the facilities involved in this proceeding.

29. It also appears that except for the matters placed in issue herein, both applicants are financially, technically, legally and otherwise qualified to render the services they have proposed.

30. Accordingly, in view of our conclusions above: *It is ordered*, Pursuant to the provisions of section 309(e) of the Communications Act of 1934, as amended, that the captioned applications are designated for hearing, in a consolidated proceeding, at the Commission's offices in Washington, D.C., on a date to be hereafter specified, upon the following issues:

(a) To determine, on a comparative basis, the nature and extent of the services proposed by each applicant, including the rates, charges, personnel, practices, classifications, regulations, and facilities pertaining thereto.

(b) To determine whether any harmful interference (within the 37 dbu contours of the proposed base stations) would result from simultaneous operations on the frequency 152.18 Mc/s by American and Radio Phone, and, if so, whether such interference would be intolerable.

(c) To determine the nature and extent of services now rendered by American; and to determine the capacity of and the normal message traffic load on American's existing facilities.

(d) To determine, on a comparative basis, the areas and populations that American and Radio Phone propose to serve within their respective 37 dbu contours, based upon the standards set forth in paragraph 28 above; and to determine the need for the proposed services in said areas.

(e) To determine, in light of the evidence adduced on all the foregoing issues, whether or not the public interest, convenience or necessity will be served by a grant of either or both of the captioned applications, and the terms or conditions which should be attached thereto, if any.

31. *It is further ordered*, That the burden of proof on each of the issues in paragraph 30 is placed upon the applicants insofar as the same relates to their respective applications; and

32. *It is further ordered*, That Radio Phone's petition for conditional grant and American's petition for conditional grant are denied; that the petition to deny the application of Radio Phone is granted to the extent herein provided, and denied in all other respects; and that the petition for reconsideration of delegated action and petition to dismiss American's tendered amendments to application are denied; and

33. *It is further ordered*, That the applicants desiring to participate herein shall file their notice of appearance in accordance with the provisions of § 1.221 of the Commission's rules.

Adopted: April 28, 1965.

Released: April 30, 1965.

FEDERAL COMMUNICATIONS COMMISSION,[1]

[SEAL] BEN F. WAPLE, *Secretary.*

[F.R. Doc. 65-4743; Filed, May 4, 1965; 8:49 a.m.]

[Docket Nos. 15975, 15976; FCC 65M-543]

REGIONAL BROADCASTING CORP. AND EVERGREEN ENTERPRISES, INC.

Order Scheduling Hearing

In re applications of Regional Broadcasting Corp., Loveland, Colo., Docket No. 15975, File No. BPH-4708; Evergreen Enterprises, Inc., Loveland, Colo., Docket No. 15976, File No. BPH-4779; for construction permits.

It is ordered, This 30th day of April 1965, that H. Gifford Irion shall serve as the presiding officer in the above-entitled proceeding; that the hearings therein shall commence at 10 a.m. on June 28, 1965; and that a prehearing conference shall be convened at 9 a.m. on May 26, 1965: *And it is further ordered*, That all proceedings shall be held in the Offices of the Commission, Washington, D.C.

Released: April 30, 1965.

FEDERAL COMMUNICATIONS COMMISSION,

[SEAL] BEN F. WAPLE, *Secretary.*

[F.R. Doc. 65-4744; Filed, May 4, 1965; 8:49 a.m.]

[Docket No. 15888; FCC 65M-548]

SELMA TELEVISION, INC. (WSLA-TV)

Order Continuing Hearing

In re application of Selma Television, Inc. (WSLA-TV), Selma, Ala., Docket No. 15888, File No. BPCT-2827; for construction permit.

In order to formalize the changes in procedural dates agreed to at the prehearing conference held on April 29, 1965: *It is ordered*, This 29th day of April 1965:

(1) The date for exchange of preliminary drafts of the applicant's technical engineering exhibits is extended from May 14, 1965, to May 21, 1965;

(2) The date for exchange of all exhibits to be offered in evidence in the presentation of the direct affirmative cases is extended from June 7, 1965, to June 21, 1965;

(3) The date for commencement of hearing is continued from June 21, 1965, to June 28, 1965, commencing at 10 a.m. in the offices of the Commission at Washington, D.C.

Released: April 30, 1965.

FEDERAL COMMUNICATIONS COMMISSION,

[SEAL] BEN F. WAPLE, *Secretary.*

[F.R. Doc. 65-4745; Filed, May 4, 1965; 8:49 a.m.]

[1] Commissioners Lee and Loevinger absent.

FEDERAL POWER COMMISSION

[Docket No. CP65-340]

ALGONQUIN GAS TRANSMISSION CO.

Notice of Application

APRIL 28, 1965.

Take notice that on April 22, 1965, Algonquin Gas Transmission Co. (Applicant), 1284 Soldiers Field Road, Boston, Mass., 02135, filed an application in Docket No. CP65-340 pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity for authorization to construct and operate certain facilities and to make sales and deliveries of natural gas to certain existing customers, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant seeks authority to sell to existing customers the following additional maximum daily and annual quantities of natural gas beginning in the month indicated:

	Applicant's firm rate schedule F-1 (Mcf)		Applicant's winter service rate schedule WS-1 (Mcf)	
	Daily	Annual	Daily	Annual
November 1966	7,550	2,056,800	53,695	3,321,350
November 1967	15,020	4,298,400	18,442	920,550
November 1968	14,790	5,365,200	16,520	1,030,950
November 1969	12,380	2,512,500	12,070	794,200

In order to provide the desired increased system capacity, Applicant proposes to construct 64.4 miles of 30-inch pipeline loop, 21.2 miles of 24-inch lateral, 11.4 miles of 20-inch lateral loop, 13.0 miles of 16-inch lateral loop, and 8.5 miles of 10-inch lateral loop, at various locations along Applicant's existing system.

The proposed construction is estimated to cost $25,913,000, which Applicant proposes to finance through the use of retained earnings, short-term bank loans and securities of a type to be determined at the time of their issuance in 1966 and 1967.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C., 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (157.10) on or before May 27, 1965.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no protest or petition to intervene is filed within the time required herein, and the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a protest or petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal

hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for applicant to appear or be represented at the hearing.

JOSEPH H. GUTRIDE, *Secretary.*

[F.R. Doc. 65-4666; Filed, May 4, 1965; 8:45 a.m.]

[Docket Nos. G-9024, etc.]

CRA, INC., ET AL.

Notice of Applications for Certificates, Abandonment of Service and Petitions To Amend Certificates[1]

APRIL 27, 1965.

Take notice that each of the Applicants listed herein has filed an application or petition pursuant to section 7 of the Natural Gas Act for authorization to sell natural gas in interstate commerce or to abandon service heretofore authorized as described herein, all as more fully described in the respective applications and amendments which are on file with the Commission and open to public inspection.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C., 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before May 19, 1965.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on all applications in which no protest or petition to intervene is filed within the time required herein, if the Commission on its own review of the matter believes that a grant of the certificates or the authorization for the proposed abandonment is required by the public convenience and necessity. Where a protest or petition for leave to intervene is timely filed, or where the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

JOSEPH H. GUTRIDE, *Secretary.*

[1] This notice does not provide for consolidation for hearing of the several matters covered herein, nor should it be so construed.

Docket No. and date filed	Applicant	Purchaser, field, and location	Price per Mcf	Pressure base
G-9024 E 4-19-65	CRA, Inc. (successor to Cyprus Oil Co.), Post Office Box 7305, Kansas City, Mo., 64116.	Union Texas Petroleum, a division of Allied Chemical Corp., Bear Ranch Field, Jefferson County, Tex.	[1] 16.96716	14.65
G-11815 C 4-21-65 [2]	Marathon Oil Co., 539 South Main St., Findlay, Ohio.	Transcontinental Gas Pipe Line Corp. North Markham-North Bay City Field, Matagorda County, Tex.	15.5	14.65
G-13570 E 4-19-65	CRA, Inc. (successor to Cyprus Oil Co.), Post Office Box 7305, Kansas City, Mo., 64116.	United Gas Pipe Line Co., North Indian Hills Field, Montgomery County, Tex.	15.1656	14.65
CI62-655 C 4-22-65	Graham-Michaelis Drilling Co. (Operator), et al., 211 North Broadway, Wichita, Kans., 67202.	Northern Natural Gas Co., acreage in Clark County, Kans.	16.0	14.65
CI63-1125 C 4-21-65	Gulf Oil Corp., Post Office Box 1589, Tulsa, Okla., 74102.	Arkansas Louisiana Gas Co., Southeast Lacy Area, Kingfisher County, Okla.	15.0	14.65
CI63-1162 D 4-19-65	Humble Oil & Refining Co., Post Office Box 2180, Houston, Tex., 77001.	Northern Natural Gas Co., Como Area, Beaver County, Okla.	(3)	----------
CI64-1126 C 3-25-65	J. A. Heard, d.b.a. Heard Oil & Gas, 1232 Vaughn Plaza Bldg., Corpus Christi, Tex.	United Gas Pipe Line Co., John J. Janas Lease, Quinto Creek Field, Jim Wells County, Tex.	13.1664	14.65
CI64-1237 C 4-22-65	Mayhew Oil & Gas Developments, 30 Permanent Savings Bldg., Evansville, Ind.	Consolidated Gas Supply Corp., Salt Lick District, Braxton County, W. Va.	[4] 27.0	15.325
CI65-114 C 4-21-65	Socony Mobil Oil Company, Inc., 150 East 42d St., New York, N.Y., 10017.	Northern Natural Gas Co., Northeast Dower Field, Beaver and Ellis Counties, Okla.	17.0	14.65
CI65-1019 A 4-14-65	S.E. Brown, Trustee, c/o Keys, Russell, Keys, & Watson, Driscoll Bldg., Corpus Christi, Tex.	J. A. Heard, d.b.a. Heard Oil & Gas, Quinto Creek Field, Jim Wells County, Tex.	16.0	14.65
CI65-1020 A 4-14-65	Bennett Inc., of West Virginia, Post Office Box 394, Clendenin, W. Va.	United Fuel Gas Co., Henry District, Clay County, W. Va.	[4] 20.0	15.325
CI65-1021 A 4-14-65	First Transportation Gas Corp., Inc., 1 Chase Manhattan Plaza, New York 5, N.Y.	Northern Natural Gas Co., Shattuck Unit, Ellis County, Okla.	17.0	14.65
CI65-1022 A 4-15-65	Thomas N. Berry & Co., Operator, Post Office Box 111, Stillwater, Okla.	Cities Service Gas Co., Cherryvale Field, Grant County, Okla.	14.0	14.65
CI65-1023 A 4-15-65	Edwin L. Cox, 2100 Adolphus Tower, Dallas, Tex., 75202.	Anadarko Production Co., acreage in Morton County, Kans.	5.0	14.65
CI65-1024 A 4-15-65	J. M. Huber Corp., 2401 East 2d Ave., Denver, Colo., 80206.	Lone Star Gas Co., North Dibble Field, McClain County, Okla.	15.0	14.65
CI65-1025 A 4-15-65	Pan American Petroleum Corp., Post Office Box 591, Tulsa, Okla., 74102.	Mountain Fuel Supply Co., Four Mile Creek Field, Moffat County, Colo.	15.0	15.025
CI65-1026 A 4-15-65	C. L. Morris, J. F. Snelling, and W. D. Snelling, c/o Clyde E. Love, attorney, Post Office Box 1232, Shreveport, La.	Arkansas Louisiana Gas Co., Mooringsport Field, Caddo Parish, La.	[4] 10.0	15.025
CI65-1027 A 4-16-65	Pan American Petroleum Corp., Post Office Box 591, Tulsa, Okla., 74102.	Mountain Fuel Supply Co., West Side Canal Field, Carbon County, Wyo.	15.0	15.025
CI65-1028 A 4-16-65	Crump Oil Co., 60 South Front St., Memphis, Tenn., 38103.	Consolidated Gas Supply Corp., Grant District, Ritchie County, W. Va.	25.0	15.325
CI65-1029 A 4-16-65	Petroleum Promotions, Inc., 2317 Clio Rd., Flint, Mich., 48504.	Consolidated Gas Supply Corp., Court House District, Lewis County, W. Va.	25.0	15.325
CI65-1030 A 4-16-65	Kerr-McGee Oil Industries, Inc., Kerr-McGee Bldg., Oklahoma City, Okla., 73102.	Baca Gas Gathering System, Inc., Pisak Field Area, Baca County, Colo.	12.0	14.65
CI65-1031 A 4-19-65	Texaco Inc., Post Office Box 52332, Houston, Tex., 77052.	Panhandle Eastern Pipe Line Co., Putnam Field, Dewey County, Okla.	14.0	14.65
CI65-1032 A 4-19-65	Bridwell Oil Co., Post Office Drawer 1030, Wichita Falls, Tex.	United Gas Pipe Line Co., Williman Field, San Patricio County, Tex.	13.25	14.65
CI65-1033 F 4-15-65	Carl H. Neel (successor to Claud E. Aikman), 1430 First National Bank Bldg., Denver, Colo., 80202.	El Paso Natural Gas Co., San Juan Basin, San Juan County, N. Mex.	11.0	15.025
CI65-1034 F 4-15-65	Pan American Petroleum Corp. (successor to Cities Service Oil Co.), Post Office Box 591, Tulsa, Okla., 74102.	Michigan Wisconsin Pipe Line Co., Laverne Gas Area, Harper County, Okla.	[5] 16.5	14.65
CI65-1035 A 4-19-65	Sinclair Oil & Gas Co., Post Office Box 591, Tulsa, Okla., 74102.	Northern Natural Gas Co., Bartel No. 1, East Balco Field, Beaver County, Okla.	15.0	14.65
CI65-1036 A 4-19-65	Peter Henderson Oil Co., 624 Madison Ave., New York, N.Y., 10021.	Kansas-Nebraska Natural Gas Co., Inc., Badwater Area, Fremont and Natrona Counties, Wyo.	15.0	14.65
CI65-1037 A 4-21-65	Bradco Oil & Gas Co., et al., 2336 Bank of the Southwest Bldg., Houston, Tex.	Bluebonnet Gas Corp., Lottie Field, Pointe Coupee Parish, La.	15.0	14.625

Filing code: A—Initial service.
B—Abandonment.
C—Amendment to add acreage.
D—Amendment to delete acreage.
E—Succession.
F—Partial succession.

See footnotes at end of table.

Docket No. and date filed	Applicant	Purchaser, field, and location	Price per Mcf	Pressure base
CI65-1038..... A 4-21-65	Reliance Oil Corp., Post Office Box 1014, Charlottesville, Va., 22902.	Pennzoil Co., Duval District, Lincoln County, W. Va.	15.0	15.325
CI65-1039..... F 4-21-65	Turnbull & Zoeb Drilling Co. (Operator), et al. (successor to Union Producing Co.), Post Office Box 2248, Corpus Christi, Tex.	United Gas Pipe Line Co., Hynes Ranch Field, Refugio County, Tex.	[1] 13.0	14.65
CI65-1040..... A 4-21-65	Pan Mutual Royalties, Inc., c/o Union Oil Co. of California, Union Oil Center, Los Angeles, Calif., 90017.	Michigan Wisconsin Pipe Line Co., Mocane Laverne Field, Harper County, Okla.	17.0	14.65

[1] Rate in effect subject to refund in Docket No. G-18696.
[2] Submitted in compliance with Commission order approving settlement, issued Mar. 25, 1965, in Docket No. RI64-540.
[3] Pressure of gas from certain leases has declined to the extent that deliveries cannot be made against buyer's line pressure.
[4] Includes 2.0 cents gathering and transportation charge.
[5] Includes 2.0 cents transportation charge.
[6] Plus 1.0 cent tax reimbursement.
[7] Includes adjustment of 1.5 cents based on estimated heating content of 1,150 B.t.u.'s per cubic foot.
[8] Plus partial tax reimbursement of Texas production tax in an amount equal to 1.54 percent of the value of gas delivered.

[F.R. Doc. 65-4625; Filed, May 4, 1965; 8:45 a.m.]

[Docket No. CP65-331]

CARNEGIE NATURAL GAS CO.

Notice of Application

APRIL 28, 1965.

Take notice that on April 19, 1965, Carnegie Natural Gas Co. (Applicant), 3904 Main Street, Munhall, Pa., 15121, filed in Docket No. CP65-331 an application pursuant to sections 7(b) and 7(c) of the Natural Gas Act for permission and approval to abandon certain natural gas facilities, and for a certificate of public convenience and necessity authorizing the construction and operation of certain other facilities, all as more fully set forth in the application on file with the Commission and open to public inspection.

Specifically, Applicant seeks permission and approval or authorization to: (1) Abandon approximately 14.5 miles of 16-inch pipeline on the suction side of Waynesburg Compressing Station, Franklin Township, Greene County, Pa., and (2) the construction and operation of 34.2 miles of 20-inch high pressure transmission pipeline extending from a point of connection with facilities of Texas Eastern Transmission Corp. in Franklin Township, Greene County, Pa., to Applicant's existing facilities in Allegheny County, Pa., together with measuring and regulating facilities.

Applicant states that the proposed gas transmission pipeline is necessary for operational safety and service of its consumer's present and future gas requirements.

The application states that abandonment of the 16-inch line will require transfer of the consumers to the proposed facilities and construction of 2,600 feet of 4-inch line, all of which will result in decreased maintenance.

The estimated cost of the proposed transmission facilities is $2,549,000, which will be financed from cash funds and other cash-type assets now available or which will become available through operations.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C., 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (157.10) on or before May 22, 1965.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no protest or petition to intervene is filed within the time required herein, and the Commission on its own review of the matter finds that a grant of the certificate and permission and approval for the proposed abandonment are required by the public convenience and necessity. If a protest or petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 65-4667; Filed, May 4, 1965; 8:45 a.m.]

[Docket No. CP65-334]

CITIES SERVICE GAS CO.

Notice of Application

APRIL 28, 1965.

Take notice that on April 21, 1965, Cities Service Gas Co. (Applicant), First National Bank Building, Oklahoma City, Okla., 73101, filed in Docket No. CP65-334 an application pursuant to sections 7(b) and 7(c) of the Natural Gas Act for permission and approval to abandon certain facilities and for a certificate of public convenience and necessity authorizing the construction and operation of certain transmission facilities, all as more fully set forth in the application on file with the Commission and open to public inspection.

Specifically, Applicant proposes to: (1) Abandon and salvage approximately 5,826 feet of 2-inch and 4,897 feet of 4-inch pipeline in Sedgwick County, Kans.; (2) abandon by sale to The Gas Service Co. (Gas Service) approximately 10,652 feet of its 2-inch pipeline in Sedgwick County, Kans., for use by Gas Service in serving several rural domestic customers in the area; (3) construct and operate meter facilities to measure the gas to be sold to Gas Service from the line to be sold to it; (4) abandon and salvage approximately 1,850 feet of 2-inch, 2,728 feet of 3-inch and 10,538 feet of 4-inch pipeline in its Chase Fuel System in Barton County, Kans.; (5) abandon by sale to Union Gas System, Inc. (Union) approximately 3,814 feet of its Craig Free Gas 2-inch pipeline in Johnson County, Kans., for use as part of Union's general system to serve rural domestic customers in the area; (6) abandon by sale to the City Utilities of Springfield, Mo., approximately 1 mile of its Springfield 16-inch pipeline, Greene County, Mo., in 1965 and another mile of the same line in 1966, all for use in the Springfield distribution system; (7) abandon and salvage approximately 9,000 feet of 8-inch, 825 feet of 7-inch and 5,768 feet of 6-inch pipeline in its Boyer Storage System in Butler County, Kans.

Applicant states that the reason for the proposed abandonment of the facilities is that they are either no longer required in order to continue service to its existing customers or they can be more feasibly utilized by the purchasing distribution companies.

The estimated cost of construction of the meter station is $1,050, which will be paid for from cash on hand.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C., 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (157.10) on or before May 23, 1965.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no protest or petition to intervene is filed within the time required herein, and the Commission on its own review of the matter finds that a grant of the certificate and permission and approval for the proposed abandonment are required by the public convenience and necessity. If a protest or petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 65-4668; Filed, May 4, 1965; 8:45 a.m.]

[Docket No. CP65-339]

EL PASO NATURAL GAS CO.

Notice of Application

APRIL 28, 1965.

Take notice that on April 22, 1965, El Paso Natural Gas Co. (Applicant), Post Office Box 1492, El Paso, Tex., 79999, filed an application in Docket No. CP65-339 pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale and delivery of natural gas to Cascade Natural Gas Corp. (Cascade) for resale and distribution in the community of La Conner, Wash., and environs, all as more fully set forth in the application on file with the Commission and open to public inspection.

The application states that deliveries of natural gas to Cascade will be made at the outlet of El Paso's existing Sedro-Woolley Meter Station, and no additional facilities will be constructed by Applicant. Cascade will construct facilities for transportation of the gas to points of resale and distribution in the community of La Conner.

The application further states that, during the third full year of proposed natural gas service, annual gas requirements of Cascade will be 27,923 Mcf and that corresponding summer season and heating season peak day requirements will aggregate 844 Mcf and 161 Mcf per day, respectively.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C., 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (157.10) on or before May 27, 1965.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no protest or petition to intervene is filed within the time required herein, and the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a protest or petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 65-4669; Filed, May 4, 1965; 8:45 a.m.]

[Docket No. RI65-598]

GULF OIL CORP.

Order Providing for Hearing on and Suspension of Proposed Changes in Rates; Effective Subject to Refund

APRIL 28, 1965.

On March 30, 1965, Gulf Oil Corp. (Gulf)[1] tendered for filing proposed changes in its presently effective rate schedules for sales of natural gas subject to the jurisdiction of the Commission. The sales are made at a pressure base of 14.65 psia. The proposed changes, which constitute increased rates and charges, are designated as follows:

Docket No.	Respondent	Rate sched. file No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until—	Cents per Mcf: Rate in effect	Cents per Mcf: Proposed increased rate	Rate in effect subject to refund in docket Nos.
RI65-598	Gulf Oil Corp., Post Office Box 1589, Tulsa, Okla.	218	2	Cities Service Gas Co. (Palmer Field, Barber County, Kans.).	$1,250	3-30-65	[3] 5-3-65	[3] 5-3-65	[7] 13.0	[6] [8] 14.0	
	Gulf Oil Corporation	220	5	Cities Service Gas Co. (Northeast Weyaoka Pool, Woods County, Okla.) (Oklahoma "Other" Area).	[5] 250	3-30-65	[3] 5-2-65	[3] 5-2-65	[7] [9] 13.0	[6] [8] [9] 14.0	

[2] The stated effective date is the 1st day after expiration of the required statutory notice.
[3] The suspension period is limited to 1 day.
[4] Renegotiated rate increase.
[5] Pressure base is 14.65 p.s.i.a.
[6] Subject to a downward B.t.u. adjustment.
[7] Initial rate and effective rate at time of settlement.
[8] Periodic rate increase.
[9] Includes 0.75 cent per Mcf deducted by buyer for dehydration.

Gulf requests waiver of the statutory notice period in order to permit its proposed rate increases to become effective as of April 1, 1965. Good cause has not been shown for waiving the 30-day notice requirement provided in section 4(d) of the Natural Gas Act to permit an earlier effective date for Gulf's rate filings and such request is denied.

Gulf's proposed rate filings were submitted on March 30, 1965, 1 day prior to the expiration of the moratorium period provided by Gulf's companywide settlement approved by Commission order issued April 25, 1963, in Docket Nos. G-9520, et al. Therefore, the expiration of the 30-day statutory notice requirement should commence from April 1, 1965, consistent with the Commission's aforementioned settlement order.

The contracts related to the rate filings proposed by Gulf were executed subsequent to September 28, 1960, the date of issuance of the Commission's Statement of General Policy No. 61-1, as amended, and the proposed increased rates are above the applicable ceiling for increased rates but do not exceed the applicable ceiling price for initial rates in the area involved. Under the circumstances, we believe that Gulf's rate filings should each be suspended for 1 day from May 2, 1965, the date of expiration of the statutory notice.

The proposed increased rates and charges exceed the applicable area price levels for increased rates as set forth in the Commission's Statement of General Policy No. 61-1, as amended (18 CFR, Ch. I, Pt. 2, § 2.56).

The proposed changed rates and charges may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the National Gas Act that the Commission enter upon a hearing concerning the lawfulness of the proposed changes, and that the above-designated supplements be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), a public hearing shall be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed increased rates and charges contained in the above-designated supplements.

(B) Pending a hearing and decision thereon, the above-designated rate supplements are hereby suspended and the use thereof deferred until the date indicated in the above "Date Suspended Until" column, and thereafter until such further time as they are made effective in the manner prescribed by the Natural Gas Act: *Provided, however,* That the supplements to the rate schedules filed by Gulf, as set forth above, shall become effective subject to refund on the date and in the manner herein prescribed if within 20 days from the date of the issuance of this order, Gulf shall file under Docket No. RI65-598 with the Secretary of the Commission its agreement and undertaking to comply with the refunding and reporting procedure required by the Natural Gas Act and § 154.102 of the regulations thereunder, accompanied by a certificate showing service of copies thereof upon all purchasers under the rate schedule involved. Unless Gulf is advised to the contrary within 15 days from the filing of its agreement and undertaking, such agreement and undertaking shall be deemed to have been accepted.

[1] Address is Post Office Box 1589, Tulsa, Okla., 74102.

(C) Neither the supplements hereby suspended, nor the rate schedules sought to be altered thereby, shall be changed until this proceeding has been disposed of or until the periods of suspension have expired, unless otherwise ordered by the Commission.

(D) Notices of intervention or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C., 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 and 1.37(f)) on or before June 14, 1965.

By the Commission.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F.R. Doc. 65-4670; Filed, May 4, 1965; 8:45 a.m.]

[Docket No. CP65-336]

LOUISIANA NEVADA TRANSIT CO.

Notice of Application

APRIL 28, 1965.

Take notice that on April 21, 1965, Louisiana Nevada Transit Co. (Applicant), Post Office Box 398, Ada, Okla., filed in Docket No. CP65-336 a "budget-type" application pursuant to section 7(c) of the Natural Gas Act, as implemented by § 157.7(b) of the regulations under the Act, for a certificate of public convenience and necessity authorizing the construction and operation of certain natural gas facilities, all as more fully set forth in the application on file with the Commission and open to public inspection.

Applicant seeks authorization to construct during the 12-month period from June 1, 1965, to June 1, 1966, and to operate various facilities to enable Applicant to act with reasonable dispatch in contracting for and connecting to its pipeline system new supplies of natural gas purchased from producers thereof in various producing areas generally coextensive with said system.

Total estimated cost of Applicant's proposed construction is not to exceed $200,000, with no individual project expenditure to exceed $50,000, and will be financed with cash on hand.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C., 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (157.10) on or before May 23, 1965.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no protest or petition to intervene is filed within the time required herein, and the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a protest or petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

JOSEPH H. GUTRIDE, *Secretary.*

[F.R. Doc. 65-4671; Filed, May 4, 1965; 8:45 a.m.]

[Docket No. CP65-335]

NATURAL GAS PIPELINE CO. OF AMERICA

Notice of Application

APRIL 28, 1965.

Take notice that on April 21, 1965, Natural Gas Pipeline Co. of America (Applicant), 122 South Michigan Avenue, Chicago, Ill., 60603, filed an application in Docket No. CP65-335 pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of certain natural gas facilities for the sale of natural gas for resale, all as more fully set forth in the application on file with the Commission and open to public inspection.

Specifically, Applicant proposes to construct and operate the following: (a) One 2-inch side tap, approximately 200 feet of 3-inch lateral and a meter station to sell natural gas to Iowa Power and Light Co. (Iowa Power), for resale and distribution in the Town of Leighton, Iowa, (b) one 2-inch side tap, approximately 250 feet of 3-inch lateral and a meter station to sell natural gas to Iowa Power for resale and distribution to the Town of St. Charles, Iowa, and (c) one 2-inch side tap, approximately 550 feet of 3-inch lateral and a meter station to sell natural gas to Iowa Power for resale and local distribution in the towns of Lovilia, Bussey, and Hamilton, Iowa, and in the unincorporated community of Tracy, Marion County, Iowa.

The application states that Iowa Power, an existing customer of Applicant, proposes to provide natural gas service for the above communities from the quantities of natural gas which Applicant has heretofore been authorized to sell and deliver to Iowa Power.

The estimated cost of the facilities to be constructed by Applicant is $53,460, which will be financed with funds on hand.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C., 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (157.10) on or before May 23, 1965.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no protest or petition to intervene is filed within the time required herein, and the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a protest or petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

JOSEPH H. GUTRIDE, *Secretary.*

[F.R. Doc. 65-4672; Filed, May 4, 1965; 8:45 a.m.]

[Docket No. CP65-338]

NORTHERN NATURAL GAS CO.

Notice of Application

APRIL 28, 1965.

Take notice that on April 23, 1965, Northern Natural Gas Co. (Applicant), 2223 Dodge Street, Omaha 1, Nebr., filed in Docket No. CP65-338 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of pipeline facilities to connect to its system gas supplies from the Gomes Field located in southwest Texas, all as more fully set forth in the application on file with the Commission and open to public inspection.

Specifically, Applicant seeks authority to construct and operate measuring facilities at the tailgate of the plant of Humble Oil & Refining Co. (Humble) and approximately 12 miles of 24-inch pipeline from the said measuring facilities to Applicant's 24-inch Coyanosa to Kermit line which is proposed to be constructed in the application filed by Applicant in Docket No. CP65-1.

The proposed facilities are to be used by Applicant in transporting gas purchased from Humble in the Gomes Field. All the proposed facilities will be located in Pecos County, Tex.

The application states that the cost of the facilities is estimated to be $1,015,600, which is to be financed from cash on hand.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C., 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (157.10) on or before May 21, 1965.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no protest or petition to intervene is filed within the time required herein, and the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a protest or petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

JOSEPH H. GUTRIDE, *Secretary.*

[F.R. Doc. 65-4673; Filed, May 4, 1965; 8:45 a.m.]

[Docket No. CP64-5]

TEXAS EASTERN TRANSMISSION CORP.

Notice of Petition To Amend

APRIL 28, 1965.

Take notice that on April 22, 1965, Texas Eastern Transmission Corp. (Petitioner), Post Office Box 1612, Shreveport, La., 71101, filed in Docket No. CP64-5 a petition to amend the order of the Commission issued in said docket December 19, 1963, and amended by Commission orders issued October 28, 1964, and April 5, 1965, which orders authorized Petitioner to construct and operate additional facilities on its pipeline system in order to provide an additional 408,010 Mcf per day of peak day capacity over a 4-year period commencing in 1964, all as more fully set forth in the petition to amend which is on file with the Commission and open to public inspection.

By the instant filing, Petitioner seeks authority to expand the construction of the last 2 years, 1966 and 1967, of its previously authorized 4-year project by constructing and operating an additional 39 miles of 30-inch pipeline loops and 117.11 miles of 36-inch pipeline loops at various locations along its pipeline system between Beaumont, Tex., and Lambertville, N.J., a 36-inch river crossing, a total of approximately 32,500 horsepower of additional compression at three compressor stations, certain facilities in 1966 previously authorized for 1967 construction, and additional wells and field lines in the Accident Storage Field, all of which facilities would provide an additional peak day capacity of 155,115 Mcf per day, bringing the total peak day capacity resulting from the 4-year construction program to 563,126 Mcf per day.

Petitioner seeks authorization to sell and deliver the following additional maximum daily quantities of natural gas to these customers:

Customer	Maximum daily quantities (Mcf)
Algonquin Gas Transmission Co	55,449
The Brooklyn Union Gas Co	51,002
Carnegie Natural Gas Co	45,901
City Gas Co. of New Jersey	500
Missouri Utilities Co	1,020
City of Pulaski, Tenn	102

The proposed expansion of the construction program for the years 1966 and 1967 will result in an estimated increase of $40,962,000, to a total estimated cost of construction in the 2 years of $97,884,000, which will be financed by the issuance of first mortgage pipeline bonds, debentures, and preferred stock.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C., 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (157.10) on or before May 26, 1965.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

JOSEPH H. GUTRIDE, *Secretary.*

[F.R. Doc. 65-4674; Filed, May 4, 1965; 8:45 a.m.]

[Docket No. CP61-299]

TRANSWESTERN PIPELINE CO.

Notice of Petition To Amend

APRIL 28, 1965.

Take notice that on April 23, 1965, Transwestern Pipeline Co. (Petitioner), Post Office Box 1502, Houston, Tex., 77001, filed in Docket No. CP61-299 a petition to amend the order of the Commission issued in said docket, combined with Docket No. CP61-265, on January 11, 1965, which order authorized Petitioner to construct and operate certain natural gas facilities and to deliver natural gas to El Paso Natural Gas Co. (El Paso) on an exchange basis pursuant to an agreement between the parties dated February 1, 1961.

By the instant filing, Petitioner seeks to amend the said order to authorize: (1) The construction and operation of a tap and valve to interconnect Petitioner's existing gathering system with facilities to be constructed by El Paso to connect Feldman A No. 2 well to Petitioner's system (2) the receipt from El Paso, on an exchange basis, of gas produced from the Feldman A No. 2 well, and (3) the operation of the facilities proposed to be constructed by El Paso for connection of this well, pursuant to the terms of the exchange agreement. Petitioner also seeks the deletion of the authority for the construction and operation of facilities pertaining to five wells and the receipt of gas therefrom, all as more fully set forth in the petition to amend which is on file with the Commission and open to public inspection.

The petition states that the estimated cost of the tap and valve to be constructed by Petitioner is $1,280.

The five wells to be deleted from the exchange program have not been connected to Petitioner's system.

El Paso has filed a petition in Docket No. CP61-265 to amend the said order issued January 11, 1965, in order to reflect its part in these changes in the exchange agreement between the parties.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C., 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (157.10) on or before May 27, 1965.

JOSEPH H. GUTRIDE, *Secretary.*

[F.R. Doc. 65-4675; Filed, May 4, 1965; 8:45 a.m.]

[Docket No. CP65-337]

UNITED GAS PIPE LINE CO.

Notice of Application

APRIL 28, 1965.

Take notice that on April 22, 1965, United Gas Pipe Line Co. (Applicant), Post Office Box 1407, Shreveport, La., 71102, filed an application in Docket No. CP65-337 pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of certain natural gas facilities, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Specifically, Applicant seeks authority to construct and operate approximately 20 feet of 2-inch line and a positive meter and regulator station and appurtenant facilities on Applicant's 6-inch Jackson-Philadelphia lateral in Scott County, Miss., to be used for the sale and delivery of natural gas to the town of Walnut Grove for resale and distribution through the proposed distribution system of said town and the rural customers located along Walnut Grove's line located in Scott and Leake Counties, Miss.

The estimated annual and peak day sales of natural gas by Applicant to Walnut Grove for the first 3 years are as follows:

	First year	Second year	Third year
Annual (Mcf)	90,000	99,000	122,004
Peak day (Mcf)	1,324	1,948	1,413

The estimated cost of Applicant's proposed facilities is $8,923, which will be financed from current working funds.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C., 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (157.10) on or before May 26, 1965.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application and if no protest or petition to intervene is filed within the time required herein, and the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a protest or petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

JOSEPH H. GUTRIDE, *Secretary.*

[F.R. Doc. 65-4676; Filed, May 4, 1965; 8:45 a.m.]

[Docket No. CP65-333]

SOUTHWEST GAS CORP.

Notice of Application

APRIL 26, 1965.

Take notice that on April 20, 1965, Southwest Gas Corp. (Applicant), Post Office Box 1450, Las Vegas, Nev., filed in

Docket No. CP65-333 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of certain natural gas facilities, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Specifically, Applicant seeks authority to construct and operate approximately 21 miles of 8⅝-inch O.D. pipeline from a point near Carson City, Nev., to the north end of Lake Tahoe near the California-Nevada State line for the sale of natural gas to customers of all classes in the States of California and Nevada.

Applicant estimates the third year peak day and annual volumes for distribution systems to be served from the proposed facilities to be 4,176 Mcf and 508,000 Mcf, respectively.

The estimated cost of the proposed facilities is stated to be $727,379, which will be financed from current funds.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C., 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (157.10) on or before May 22, 1965.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on the application if no protest or petition to intervene is filed within the time required herein, and the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a protest or petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 65-4678; Filed, May 4, 1965; 8:45 a.m.]

[Docket No. G-16117 etc.]

AMERADA PETROLEUM CORP. ET AL.

Order To Show Cause, Granting Stay of Compliance With Letter Orders, Notice of and Setting Procedures for Hearing, and Consolidating Proceedings

APRIL 26, 1965.

Amerada Petroleum Corp.[1], Docket Nos.[1] G-16117, G-16118, G-16119, G-16256, G-19488, G-19489, G-19490, and G-19577; Shell Oil Co., Docket Nos. G-12951, G-12952, G-12953, G-16253, G-16254, G-16255, and G-17368; Socony Mobil Oil Co., Inc., Docket Nos. G-12981, G-12982, G-13030, G-13311, G-15448, G-15449, and G-15995; The Atlantic Refining Co., Docket Nos. G-18565 and G-18913; The Superior Oil Co., Docket Nos. G-12949, G-15358, and G-12950.

By order issued April 3, 1964, in Phillips Petroleum Co., Docket Nos. G-11217, G-14115, G-18417, G-18431, et al., 31 FPC 774, the Commission accepted for filing decreased rate proposals of Phillips Petroleum Co. (Phillips) which reflected for the locked-in periods involved the rate levels Phillips is currently contractually entitled to retain under the spiral escalation and favored-nation[2] provisions of its contracts with its purchaser, El Paso Natural Gas Co. (El Paso). Phillips' spiral escalation rate increases in such proceedings were based on El Paso's rate increases in Docket Nos. G-4769, G-12948, and G-17929. By order issued December 4, 1963, 30 FPC 1400, reduced settlement rates were approved for El Paso in the aforementioned dockets. Phillips' proposed decreased rates thus reflected the present contractual effect on its rates of the El Paso settlement.

The Commission by letter orders issued February 26, 1965, apprised approximately 48 producers, whose favored-nation rate increases were based either directly or indirectly on Phillips' aforementioned spiral escalation rate increases, that Phillips had filed spiral rate decreases and had made refunds to El Paso therefor, and ordered said producers to file related decreased rate filings and to make appropriate refunds. Of the 48 producers, 5 have filed applications for rehearing pursuant to section 19(a) of the Natural Gas Act (Act) and § 1.34 of the Commission's rules of practice and procedure, and 3 of these have petitioned for a stay of the provisions of the letter orders issued to them on February 26, 1965.[3]

The producers in their applications for rehearing contend, inter alia, that: (1) The Commission erred in issuing the said letter orders without notice or hearing; (2) the Commission erred in concluding that the decreased rate filings of Phillips served retroactively to deprive the producers of contractual consent to the favored-nation rate increases involved herein; (3) even if the Commission was legally empowered to issue said letter orders, the Commission erred in failing to recognize that there were prices paid or payable by El Paso to producers other than those of Phillips during the whole or a portion of the "locked-in" periods involved here which afforded contractual consent to their increased rates; and (4) the Commission erred in attempting to dispose of the rate increases herein which are consolidated with the Permian Basin Area Rate Proceedings, Docket Nos. AR61-1, et al.

In the Permian area rate proceeding we will determine the justness and reasonableness of all of the producer rates in that area. Such a determination is apart from the contractual basis for any producer rate filings involved there. As we stated in the Shell opinion,[4] 29 FPC at 504:

> Any producer filing for an increase under a favored-nation clause of necessity has two hurdles to overcome in ultimately justifying the rate increase. First, his increase is dependent upon the validity of the rate which triggered his favored-nation clause. If the triggering rate is later found to be invalid or unreasonable in whole or in part, then any rate filing based on such triggering is without contractual justification to the extent the triggering rate is reduced. After establishing what rate is valid under the contract clause for the favored-nation increase, it must also be shown that such rate is just and reasonable. In sum, the validity of the filing is at all time subject to the ultimate determination of the validity of the triggering rate as well as the justness and reasonableness of the increased rate.

Accordingly, even if these favored-nation increases are determined to be just and reasonable in the Permian case, the contractual basis for these filings would remain in dispute. Under these circumstances there is no justification for postponing action on these contractual matters until the Permian decision has become final.

At the time of issuance of the letter orders here complained of, there did not appear to be any factual questions involved in the disposition of these contractual matters since all of the favored-nation filings at the time of filing were based either directly or indirectly on Phillips' spiral escalation increases. In the light of the reduced spiral escalation rates filed by Phillips because of the El Paso settlement, which were accepted by the Commission in its order of April 3, 1964, it seemed clear that there was no contractual support for the favored-nation filings in these cases. Consistent with our decision in the Shell case[5] where we held that favored-nation increases lack contractual support when based on a claimed triggering rate which is later determined to be without contractual justification, we also held in our February 26 orders that there was no contractual basis for these favored-nation filings.

However, some of the producers in their applications for rehearing have raised factual questions concerning the possibility that their favored-nation increases might have been triggered by producer prices other than Phillips' spiral increases. Questions have also been raised with respect to the level of the rate reduction and the period to be covered thereby in light of the contractual right of certain of these producers to file for periodic escalation increases or renegotiated increases during the period covered by these proceedings. In view of the alleged factual problems presented, we think it appropriate to set these contractual matters for hearing and shall stay the requirements of the letter orders issued February 26 in the above-captioned proceedings. We shall provide for a prehearing conference at which the substantive matters to be resolved by formal hearing will be set forth and all matters that can be resolved without formal trial will be eliminated from hearing and settled by stipulation. Thereafter, the Presiding Examiner shall establish the date of hearing and shall prescribe such other procedures as he may deem appropriate in the disposition of these matters.

Because of the alleged factual problems discussed above in connection with the producers' applications for rehearing, we conclude that it would also be appropriate to defer action in those proceedings listed in the Appendix (where the producers did not file applications for rehearing of the February 26, 1965, orders) until a decision has been reached with respect to the proceedings listed in the caption which have been set for hearing. We shall therefore stay the requirements of the February 26, 1965, orders in the proceedings listed in the Appendix until further order of this Commission. In the event any producer involved in the proceedings listed in the Appendix desires to comply with the February 26, 1965, orders despite our stay here, in the absence of objection by any interested party, it may do so by filing rate reductions and making refunds in the same manner that Phillips' did in Docket Nos. G-12117, et al. as provided in the February 26, 1965, orders.

The Commission orders:

(A) At the hearing provided for below, Amerada, Shell, Socony, Atlantic, and Superior shall show cause, if there be any, as to why they should not be required to comply with the requirements of the letter orders issued February 26, 1965, in the above captioned proceedings.

(B) Pursuant to the authority of the Natural Gas Act, particularly sections 4, 15 and 16 thereof, the Commission's rules of practice and procedure and the regulations under the Natural Gas Act (18 CFR Ch. I), the above-captioned proceedings are hereby consolidated for the purpose of hearing and a public hearing shall be held pursuant to the procedures prescribed herein.

(C) Presiding Examiner, Harry W. Frazee, or any other officer or officers of the Commission designated by the Chief Hearing Examiner for that purpose, shall preside at the prehearing conference and the hearing in the above-captioned proceedings pursuant to the Commission's rules of practice and procedure, and as further provided by this order.

(D) Pursuant to the provisions of § 1.18 of the Commission's rules of practice and procedure, a prehearing conference before the Presiding Examiner herein designated shall commence at 10 a.m., e.d.s.t. on June 2, 1965, in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D.C., for the purpose of effectuating the intent of the Commission as set forth in the body of this order.

(E) After the prehearing conference, the Presiding Examiner shall give notice of the date of hearing and shall prescribe such other procedures as he deems appropriate in the disposition of these matters.

(F) Notices of intervention, or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C., 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 and 1.37(f)) on or before May 20, 1965. Answers to petitions to intervene may be filed within 10 days after the date of service of the petition, but in no event later than May 27, 1965.

(G) The requirements of the letter orders issued on February 26, 1965, in the above-captioned proceedings and in the proceedings listed in the Appendix are hereby stayed until further order of the Commission.

By the Commission.

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

APPENDIX

Respondent	Docket No.
Austral Oil Co., Inc.	G-19540
Bakke, W. E.	G-16477
Benedum Trees Oil Co.	G-12881
British American Oil Prod. Co.	G-19284
Cabot Corp. (SW)	G-18842
F. A. Callery	G-19645
Charm Oil Co.	G-19491
Continental Oil Co.	G-19728
L. R. French, Jr.	G-17347
Getty Oil Co.	G-16533
	RI60-72
Gulf Oil Corp.	G-13100
Jake L. Hamon	G-18327
Herd Oil & Gas Co.	G-18769
Humble Oil & Refining Co.	G-16418
Humble Oil & Refining Co.	G-16416
	G-19487
	G-18172
	G-17709
	G-16508
H. L. Hunt	G-16421
Lamar Hunt	G-17424
	G-16417
Hunt Industries	G-16423
N. B. Hunt	G-16478
	G-16420
Hunt Oil Co.	G-16479
	G-16422
	G-18568
W. H. Hunt	G-17425
	G-16419
Inland Natural Gasoline	G-19992
McFarlin, E. B. & Ketchum, E. P.	G-13161
Northwest Prod. Corp.	G-16417
The Nueces Co. (Operator)	G-17165
Pan American Petroleum Corp.	G-19998
	G-16480
	G-20006
	G-16532
	G-16481
	G-20007
	G-20008
	G-20452
	G-16425
The Pure Oil Co.	G-17937
	G-16800
Redfern Oil Co.	G-18770
Robertson, French M., et al.	G-16838
Sohio Petroleum Co. (Operator), et al.	G-16477
Secure Trust	G-16424
Sinclair Oil & Gas Co.	G-14060
	G-16584
	G-19723
	G-18326
Cabot Corp. SW & Sinclair Oil & Co.	G-18844
	G-16537
Southern Union Prod. Co.	G-19483
Southland Royalty Co.	G-19727
Standard Oil Co. of Texas, a division of California Oil Co.	G-13167
	G-19664
	G-19583
	RI60-337
	G-14060
	G-19583
	RI60-164
Sun Oil Co.	G-12841
	G-16257
	G-12880
	G-16258
Sunray DX Oil Co.	G-19090
	G-13160
	G-16884
Tenneco Oil Co.	G-19728
Texaco Inc.	G-13165
	G-17159
	G-13162
	G-16536
	RI60-137
	G-13190
	G-16414
	G-14062
	G-16413
	RI60-122
	RI60-142
Tidewater Oil Co.	G-14185
	G-16258
	RI60-71
	G-14061
	RI60-70
	G-16260
Union Texas Petroleum, a division of Allied Chemical Corp.	G-16889
	G-18951
	G-16888
	G-18952
Warren Petroleum Corp.	G-12842
	G-16114
	G-18560
	G-15304
	G-18517
	G-15310
	G-18471
	G-18407
	G-15311

[F.R. Doc. 65-4677; Filed, May 4, 1965; 8:45 a.m.]

FEDERAL MARITIME COMMISSION

CUNARD STEAM SHIP CO., LTD. ET AL.

Notice of Agreement Filed for Approval

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement(s) at the Washington office of the Federal Maritime Commission, 1321 H Street NW., Room 301; or may inspect agreements at the offices of the District Managers, New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments with reference to an agreement including a

[1] This order also relates to the proceedings listed in the Appendix which were also involved in the February 26, 1965, orders issued herein. Unlike the producers and proceedings listed in the caption, the producers did not seek rehearing in the proceedings listed in the Appendix.

[2] As noted in the footnote at 31 FPC 774, the favored-nation rates of Phillips are based on favored-nation rates of other producers which were allegedly triggered by the Phillips' spiral escalation rates.

[3] Applications for rehearing were timely filed in the above-captioned proceedings by Amerada Petroleum Corp. (Amerada) on March 24, 1965, by The Superior Oil Co. (Superior) on March 26, 1965, by The Atlantic Refining Co. (Atlantic) on March 26, 1965, by Shell Oil Co. (Shell) on March 29, 1965, and by Socony Mobil Oil Co., Inc. (Socony) on March 29, 1965. Concurrent motions for a stay were filed by Amerada, Shell and Socony.

[4] Shell Oil Co., et al., Opinion No. 382, 29 FPC 496.

[5] Opinion Nos. 382 and 382-A, affirmed Shell Oil Co., et al. v. F.P.C. 334 F. 2d 1008 (CA3, 1964); cf. order issued July 24, 1963, in Texaco Inc., et al., Docket Nos. G-17613, et al.

request for hearing, if desired, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C., 20573, within 10 days after publication of this notice in the FEDERAL REGISTER. A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the comments should indicate that this has been done.

In the matter of The Cunard Steam Ship Co., Ltd., Thos. & Jno. Brocklebank, Ltd., Port Line Ltd., Det Forenede Dampskibs Selskab A/S (Cunard London Service Joint Service).

Notice of agreement filed for approval by:

Thomas K. Roche, Esq.,
Haight, Gardner, Poor & Havens,
80 Broad Street,
New York, N.Y., 10004.

Agreement 8940-1, between the carriers comprising the "Cunard London Service" joint service, modifies the approved agreement of that joint service (Agreement 8940) which presently covers only the eastbound trade from U.S. South Atlantic and Gulf ports (Morehead City, N.C., to Brownsville, Tex., inclusive) to Bristol Channel ports, and ports on the South and East Coasts of the United Kingdom, including the port of London. The purpose of this modification is to provide for the operation of the joint service in both directions, eastbound and westbound, between the two ranges of ports described above.

Dated April 30, 1965.

By order of the Federal Maritime Commission.

FRANCIS C. HURNEY,
Special Assistant to the Secretary.

[F.R. Doc. 65-4696; Filed, May 4, 1965; 8:47 a.m.]

HOUSING AND HOME FINANCE AGENCY

REGIONAL DIRECTOR OF COMMUNITY FACILITIES, REGION VII (PUERTO RICO AND VIRGIN ISLANDS)

Redelegation of Authority With Respect to Public Facility Loans Program and Accelerated Public Works Program; Ratification

1. The Regional Director of Community Facilities, Region VII (Puerto Rico and Virgin Islands), is hereby authorized:

(a) To enter into or amend or modify contracts involving public facility loans under section 202 (a)-(d) of the Housing Amendments of 1955, as amended (42 U.S.C. 1492 (a)-(d));

(b) To enter into or amend or modify contracts involving grants-in-aid under section 202(e) of the Housing Amendments of 1955, as amended by section 5(b) of the Public Works Acceleration Act (42 U.S.C. 1492(e)).

2. Acts consistent with paragraph 1(b) of this redelegation taken by the Regional Director of Community Facilities, Region VII, between October 24, 1962, and the effective date of this redelegation are hereby ratified and effective as if authorized on the date taken.

This redelegation supersedes the redelegation effective May 17, 1962 (27 F.R. 4721, May 17, 1962).

(62 Stat. 1268 (1948), as amended by 64 Stat. 80 (1950), 12 U.S.C. 1701c; Acting Housing and Home Finance Administrator's delegation effective Oct. 24, 1962 (27 F.R. 10598, Oct. 31, 1962))

Effective as of the 5th day of May 1965.

JOSE E. PERES SILVA,
Regional Administrator, Region VII.

[F.R. Doc. 65-4667; Filed, May 4, 1965; 8:46 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 24W-2735]

AUDITRON RADIO CORP.

Order Correcting Date for Filing Notice and for Hearing

APRIL 29, 1965.

This matter involves the question whether to vacate or make permanent the March 30, 1965, order of the Securities and Exchange Commission temporarily suspending a Regulation A exemption from registration under the Securities Act of 1933 with respect to a proposed public offering of stock by Auditron Radio Corp., 1209 Arch Street, Philadelphia, Pa.

In a further order of the Commission dated April 15, 1965, a hearing herein was scheduled to commence on May 25, 1965, in the Commission's Washington office. Subsequently, on request of company counsel, the date for commencement of the hearing was advanced to May 13, 1965.

It is ordered, That notice is hereby given of the advanced date for the hearing in this matter, and that the date for filing by any interested person of a request to be heard or otherwise to participate in the hearing is hereby advanced to May 10, 1965.

For the Commission, pursuant to delegated authority.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 65-4663; Filed, May 4, 1965; 8:45 a.m.]

[01-20]

MENOMINEE ENTERPRISES, INC., AND TRUSTEES OF MENOMINEE COMMON STOCK AND VOTING TRUST

Notice of Application and Opportunity for Hearing

APRIL 28, 1965.

Notice is hereby given that Menominee Enterprises Inc. ("Enterprises") and the Voting Trustees of the Menominee Common Stock and Voting Trust (Voting Trustees) have filed an application pursuant to section 12(h) of the Securities Exchange Act of 1934, as amended ("Act"), for an order of the Commission exempting Enterprises and the Voting Trustees from the provisions of section 12(g) of the Act until the certificates of beneficial interest ("Voting Trust Certificates") issued under the Voting Trust become alienable (now January 1, 1966, and in the process of being extended to January 1, 1971). In the alternative, Enterprises and the Voting Trustees have requested other orders for relief. Exemption from section 12(g) will have the additional effect of exempting Enterprises and the Voting Trustees from sections 13 and 14 of the Act and any officer, director or beneficial owner of more than 10 percent of any class of equity security of Enterprises or of the Voting Trustees from section 16 thereof.

Section 12(g) of the Act requires the registration of the equity security of every issuer which is engaged in, or in a business affecting interstate commerce, or whose securities are traded by use of the mails or any means or instrumentality of interstate commerce and, on the last day of its fiscal year, has total assets exceeding $1,000,000, and a class of equity security held of record initially by 750 or more persons, and after July 1, 1966, by 500 or more persons.

Section 12(h) empowers the Commission to exempt, in whole or in part, any issuer or class of issuers from the registration, periodic reporting and proxy solicitation provisions and to grant exemptions from the insider reporting and trading provisions of the Act if the Commission finds, by reason of the number of public investors, amount of trading interest in the securities, the nature and extent of the activities of the issuer, or otherwise, that such exemption is not inconsistent with the public interest or the protection of investors.

The application of Enterprises and the Voting Trustees states, in part:

1. Enterprises is a Wisconsin corporation formed in February 1961, to receive from the United States Government and to operate extensive forest and other tribal properties pursuant to the Plan for the Future Control of Menominee Indian Tribal Property and Future Service Functions (the "Termination Plan") as negotiated between the Menominee Indian Tribe of Wisconsin ("Tribe"), Federal congressional committees, the Department of the Interior and its Bureau of Indian Affairs, and the Attorney General, Legislative Council and other public officers and agencies of the State of Wisconsin, in order to carry out the congressional policy of termination of Federal supervision over the property and members of the Tribe in accord with Public Law 399, 83d Congress.

2. The properties of Enterprises consist of the tribal lands and property held in trust by the Government of the United States at April 30, 1961, the date of termination of Federal supervision. In area this was approximately 365 square miles of land formerly known as the Menominee Indian Reservation and now constituting Menominee County of the State of Wisconsin. The land is principally forest land and the economy of the area is principally forestry. The properties also include a saw mill operated for many years by the Tribe under Federal supervision. Enterprises was formed to assure conformity with the purpose that the valuable timber assets would be operated as a whole on the sustained-yield basis and thereby contribute as much as possible to employment and economic and living conditions in the area. This could not have been possible if the lands and assets had been fragmented by conveyance and distribution directly to tribal members.

3. Pursuant to the Termination Plan, the rights of tribal members in Enterprises were evidenced initially by $9,538,346.06 of 4 percent income bonds due December 1, 2000, and 327,000 shares of common stock, $1 par value per share, which represent the only securities which it has had or expects to have outstanding. All 327,000 shares of the common stock were issued by Enterprises in 1961 directly to the Voting Trustees elected by the Tribe. The Voting Trustees in turn then issued certificates of beneficial interest ("Voting Trust Certificates") to the 3,270 members of the Tribe (1954 tribal role) or their heirs.

4. The board of directors of Enterprises consists of nine persons of whom four are required to be tribal members. They are elected by the Voting Trustees as holders of all outstanding common stock. The seven Voting Trustees, of whom four are required to be tribal members, are elected for 7-year, staggered terms (one each year) at the annual meeting of holders of the Voting Trust Certificates, with vacancies being filled by the remaining Voting Trustees. All Voting Trust Certificates are now restricted as to alienability until January 1, 1966.

5. It is intended and expected that the restrictions on alienation of the Voting Trust Certificates will be extended for 5 years and will expire January 1, 1971. Such extension has already been authorized by the required vote of the holders of a majority of the Voting Trust Certificates (obtained in January 1965), and by the required concurrence of the Wisconsin Department of Securities under section 189.07(23) of the Wisconsin Statutes. The 1965 Wisconsin Legislature is now in session and is expected to approve the necessary extension of the prior 5-year limit on restriction on alienability.

6. Enterprises and the Voting Trustees furnish full information on its business operations to holders of the Voting Trust Certificates by transmitting an annual report to them. This information is also fully available to the numerous public bodies of the State of Wisconsin who have concern with the success of Enterprises. The financial and business affairs of Enterprises are under continuous and close scrutiny by interested public authorities in Wisconsin.

7. Enterprises and the Voting Trustees have waived a hearing in connection with the matter.

For a more detailed statement of the matters of fact and law asserted, all persons are referred to said application which is on file in the offices of the Commission at 425 Second Street NW., Washington, D.C.

Notice is further given that an order granting an exemption under section 12

(h) from the provisions of section 12(g) of the Act, to expire 60 days prior to the date upon which the Voting Trust Certificates become alienable, may be issued by the Commission at any time on or after May 19, 1965, unless prior thereto a hearing upon the application is ordered by the Commission upon request or upon its own motion. Any interested person may, not later than May 17, 1965, at 5:30 p.m., e.d.s.t., in writing, submit to the Commission his views or any additional facts bearing upon this application or the desirability of a hearing thereon. Any such communication or request should be addressed: Secretary, Securities and Exchange Commission, 425 Second Street NW., Washington 25, D.C., and should state briefly the nature of the interest of the person submitted such information or requesting a hearing, the reasons for such request, and the issues of fact and law raised by the application which he desires to controvert.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 65-4664; Filed, May 4, 1965; 8:45 a.m.]

[812-1776]

REGISTERED EXCHANGE FUND, INC.

Notice of Application for Order of Exemption

APRIL 29, 1965.

Notice is hereby given that Registered Exchange Fund, Inc. ("Applicant"), 122 East 42d Street, New York, New York, a Delaware corporation, and a closed-end, nondiversified management investment company registered under the Investment Company Act of 1940 ("Act"), has filed an application pursuant to section 6(c) of the Act for an order of the Commission exempting Applicant from compliance with the provisions of section 14 (a) of the Act. In substance, section 14 (a) of the Act provides that no registered investment company shall make a public offering of securities of which it is the issuer unless it has a net worth of at least $100,000. All interested persons are referred to the application on file with the Commission for a full statement of the representations which are summarized below.

Applicant has filed a registration statement under the Securities Act of 1933 for 1,500,000 shares of common stock, $1.00 par value, to be offered to investors in exchange for securities of the character of those included in a list set forth in the prospectus. Applicant is intended as an investment vehicle for investors who wish to exchange securities they presently hold for shares of Applicant in a simultaneous exchange on a tax-free basis. The aggregate fair market value at the time of tender of securities deposited by an investor must be at least $2,500 in the case of deposited securities which are unrestricted stock and $20,000 in the case of deposited securities which are restricted stock, i.e. securities whose sale by the Fund may be limited by or subject to the registration provisions of the Securities Act of 1933. Restricted stock is expected to represent approximately 85 percent of the Fund's portfolio assets as of the exchange date. The exchange will not be consummated unless the aggregate market value of the deposited securities as at the effective date of the planned exchange is at least $3,500,000. In the event that such value is not then realized, the deposited securities will be returned to investors without charge to them. This registration statement has not yet become effective.

Notice is further given that any interested person may, not later than May 18, 1965, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C., 20549. A copy of such request shall be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon Applicant at the address stated above. Proof of such service (by affidavit or in the case of an attorney-at-law by certificate) shall be filed contemporaneously with the request. At any time after such date, as provided by Rule 0-5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the information stated in said application, unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 65-4665; Filed, May 4, 1965; 8:45 a.m.]

INTERSTATE COMMERCE COMMISSION

[Notice 704]

MOTOR CARRIER, BROKER, WATER CARRIER, AND FREIGHT FORWARDER APPLICATIONS

APRIL 30, 1965.

The following applications are governed by Special Rule 1.247[1] of the Commission's general rules of practice (49 CFR 1.247), published in the FEDERAL REGISTER, issue of December 3, 1963, effective January 1, 1964. These rules provide, among other things, that a protest to the granting of an application must be filed with the Commission within 30 days after date of notice of filing of the application is published in the FEDERAL REGISTER. Failure seasonably

[1] Copies of Special Rule 1.247 can be obtained by writing to the Secretary, Interstate Commerce Commission, Washington, D.C., 20423.

to file a protest will be construed as a waiver of opposition and participation in the proceeding. A protest under these rules should comply with § 1.40 of the general rules of practice which requires that it set forth specifically the grounds upon which it is made and specify with particularity the facts, matters, and things relied upon, but shall not include issues or allegations phrased generally. Protests not in reasonable compliance with the requirements of the rules may be rejected. The original and six (6) copies of the protests shall be filed with the Commission, and a copy shall be served concurrently upon applicant's representative, or applicant if no representative is named. If the protest includes a request for oral hearing, such request shall meet the requirements of § 1.247(d)(4) of the special rule. Subsequent assignment of these proceedings for oral hearing, if any, will be by Commission order which will be served on each party of record.

No. MC 531 (Sub-No. 186), filed April 13, 1965. Applicant: YOUNGER BROTHERS, INC., 4904 Griggs Road, Houston, Tex. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Anhydrous ammonia*, in bulk, in tank vehicles and *dry urea*, in bulk, from the plant site of American Cyanamid Co. located at Avondale, La., to points in Alabama, Arkansas, Florida, Georgia, Kansas, Kentucky, Louisiana, Mississippi, Missouri, North Carolina, Oklahoma, South Carolina, Tennessee, and Texas.

NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 730 (Sub-No. 251), filed April 16, 1965. Applicant: PACIFIC INTERMOUNTAIN EXPRESS CO., a corporation, 1417 Clay Street, Oakland, Calif. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, livestock, lumber, commodities in bulk, and commodities requiring special equipment), between the junction U.S. Highway 99E and Oregon Highway 228, at Halsey, Oreg., and the junction old U.S. Highway 30 and Oregon Highway 201 at Ontario, Oreg., from junction U.S. Highway 99E and Oregon Highway 228, at Halsey, Oreg., over Oregon Highway 228 to junction U.S. Highway 20, at or near Sweet Home, Oreg., thence over U.S. Highway 20 to junction Oregon Highway 201, at or near Cairo, Oreg., thence over Oregon Highway 201 to junction old U.S. Highway 30 at Ontario, Oreg., and return over the same route, as an alternate route for operating convenience only in connection with carrier's authorized regular-route operations, serving no intermediate points and serving the termini for purposes of joinder only.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Portland, Oreg.

No. MC 2392 (Sub-No. 39), filed April 12, 1965. Applicant: WHEELER TRANSPORT SERVICE, INC., Post Office Box 432, Genoa, Nebr. Applicant's attorney: R. E. Powell, 1005–06 Terminal Building, Lincoln, Nebr. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Anhydrous ammonia* and *liquid fertilizer*, in bulk, in tank vehicles, from the plant site of Consumers Cooperative Association located at or near Fort Dodge, Iowa, to points in Illinois, Kansas, Minnesota, Missouri, Nebraska, North Dakota, and South Dakota.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr.

No. MC 13261 (Sub-No. 4), filed March 10, 1965. Applicant: FRED L. SCHUMACHER, doing business as EXCELLO TRANSPORTATION COMPANY, 2309 DeKalb Street, St. Louis, Mo. Applicant's attorney: Austin C. Knetzger, 722 Chestnut Street, St. Louis, Mo. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading), (1) between points in St. Louis County, Mo., including St. Louis, and (2) between points in St. Louis County, Mo., on the one hand, and, on the other, Treloar and New Melle, Mo., and points within 12 miles of New Melle, Mo., and East St. Louis, Ill.

NOTE: If a hearing is deemed necessary, applicant requests it be held at St. Louis, Mo.

No. MC 13659 (Sub-No. 14), filed April 13, 1965. Applicant: PALMER TRANSFER, INC., Roger Mattes, receiver, Smith & Mill Streets, Dunmore, Pa. Applicant's representative: Bert Collins, 140 Cedar Street, New York 6, N.Y. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid sugar, invert sugar, syrups, blends* and *mixtures of syrups* and/or *sugar*, in bulk, in tank vehicles, from the Town of Montezuma (Cayuga County), N.Y., to points in Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont, and the District of Columbia, and *returned, refused*, and *rejected shipments* on return.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 21170 (Sub-No. 80), filed April 15, 1965. Applicant: BOS LINES, INC., 408 South 12th Avenue, Marshalltown, Iowa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plastic articles and materials, supplies and equipment* used in the manufacture, processing, distribution or sales of plastic articles (except commodities in bulk or those which because of size or weight require the use of special equipment), between points in Schuylkill County, Pa., north of Pennsylvania Highway 45 (except points located on Pennsylvania Highway 45) and points in Illinois, Indiana, Michigan, Ohio, and West Virginia.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Harrisburg, Pa.

No. MC 29566 (Sub-No. 101), filed April 15, 1965. Applicant: SOUTHWEST FREIGHT LINES, INC., 1400 Kansas Avenue, Kansas City, Kans. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts*, and *articles distributed by meat packinghouses*, as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides, and commodities in bulk, in tank vehicles), from Arkansas City, Kans., to Madison, Wis.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Kansas City, Mo.

No. MC 32882 (Sub-No. 33), filed April 14, 1965. Applicant: MITCHELL BROS. TRUCK LINES, a corporation, 2300 Northwest 30th Avenue, Portland, Oreg. Applicant's attorney: Norman E. Sutherland, 1200 Jackson Tower, Portland, Oreg., 97205. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Articles*, each weighing 15,000 pounds or more, self-propelled or not, and not requiring special equipment, together with related machinery, tools, parts and supplies moving in connection therewith, between points within 50 miles of Portland, Oreg., on the one hand, and, on the other, points in Oregon and Washington, and points in Nez Perce, Payette, Canyon, and Owyhee Counties, Idaho, (2) *articles*, each weighing 15,000 pounds or more, self-propelled or not, and not requiring special equipment, together with related machinery, tools, parts and supplies moving in connection therewith, between Portland, Oreg., and Vancouver, Wash., on the one hand, and, on the other, points in Oregon, Washington, and Idaho, and that part of California within 150 miles of the Oregon-California State line, (3) *articles*, each weighing 15,000 pounds or more, self-propelled or not, and not requiring special equipment, together with related machinery, tools, parts and supplies moving in connection therewith, (a) between points in Washington and Oregon, (b) between Seattle, Wash., on the one hand, and, on the other points in that part of Montana bounded by a line beginning at Great Falls and extending in a northerly direction by Whitlash to the international boundary line between the United States and Canada.

Thence in a westerly direction along the international boundary line to junction U.S. Highway 91, thence along U.S. Highway 91 to Great Falls, and (c) between points in Washington, on the one hand, and, on the other, points in Idaho and those in that part of Montana on and west of a line beginning at the Montana-Wyoming State line and extending along U.S. Highway 91 to the international boundary line between the United States and Canada, (4) *articles*,

each weighing 15,000 pounds or more, self-propelled or not, and not requiring special equipment, together with related machinery, tools, parts, and supplies moving in connection therewith, between points in Josephine, Jackson, Douglas, and Curry Counties, Oreg., on the one hand, and, on the other, points in that part of California north of a line beginning at Half Moon Bay, Calif., and extending east by Redwood City and Miami, Calif., to the California-Nevada State line, including the points named, (5) *articles*, each weighing 15,000 pounds or more, self-propelled or not, and not requiring special equipment, together with related machinery, tools, parts and supplies moving in connection therewith, between points in California on and north of U.S. Highway 50, on the one hand, and, on the other, points in Lake County, Oreg., (6) *articles*, each weighing 15,000 pounds or more, self-propelled or not, and not requiring special equipment, together with related machinery, tools, parts and supplies moving in connection therewith, between points in Lake County, Oreg., on the one hand, and, on the other points in Nevada on and west of U.S. Highway 95, (7) *articles* each weighing 15,000 pounds or more, self-propelled or not, and not requiring special equipment, together with related machinery, tools, parts and supplies moving in connection therewith, from San Francisco, Sacramento, and Oakland, Calif., to Klamath Falls, Oreg., (8) *articles*, each weighing 15,000 pounds or more, self-propelled or not, and not requiring special equipment, together with related machinery, tools, parts and supplies moving in connection therewith.

(a) Between points in Lake and Klamath Counties, Oreg., and (b) between points in Lake and Klamath Counties, Oreg., on the one hand, and, on the other points in Del Norte, Humboldt, Lassen, Modoc, Plumas, Shasta, Siskiyou, Tehama, and Trinity Counties, Calif., (9) *articles*, each weighing 15,000 pounds or more, self-propelled or not, and not requiring special equipment, together with related machinery, tools, parts, and supplies moving in connection therewith, between points in Klamath County, Oreg., on the one hand, and, on the other points in Del Norte, Humboldt, Modoc, and Siskiyou Counties, Calif., (10) *articles*, each weighing 15,000 pounds or more, self-propelled or not, and not requiring special equipment, together with related machinery, tools, parts, and supplies moving in connection therewith, between points in Deschutes, Harney, Jackson, and Malheur Counties, Oreg., on the one hand, and, on the other points in Del Norte, Humboldt, Lassen, Modoc, Plumas, Shasta, Siskiyou, Tehama, and Trinity Counties, Calif.

NOTE: Applicant states it proposes to tack the foregoing authority to provide through service between the States set forth above. If a hearing is deemed necessary, applicant requests it be held at Portland, Oreg.

No. MC 35396 (Sub-No. 32), filed April 15, 1965. Applicant: ARNOLD LIGON TRUCK LINE, INC., 332 Hood Avenue, Lebanon, Ky. Applicant's attorney: Harry McChesney, Jr., 711 McClure Building, Frankfort, Ky., 40601. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), (1) between Nashville, Tenn., and Paducah, Ky., from Nashville over U.S. Highway 41A to Clarksville, Tenn., thence over U.S. Highway 79 to junction Tennessee Highway 119 (at the Tennessee River), thence over Tennessee Highway 119 to the Tennessee-Kentucky State line, thence over Kentucky Highway 121 through Murray, Ky., and Mayfield, Ky., to junction U.S. Highway 45 north of Mayfield, thence over U.S. Highway 45 to Paducah, and return over the same route, serving Murray and Mayfield, Ky., as intermediate points, (2) between Murray and Benton, Ky., over U.S. Highway 641, serving no intermediate points.

NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Nashville, Tenn., or Paducah, Ky.

No. MC 35487 (Sub-No. 1), filed April 13, 1965. Applicant: TRY-ME TRANSFER & STORAGE COMPANY, a corporation, 1018 Second Avenue, Huntington, W. Va. Applicant's attorney: Charles E. Anderson, 1421 Kanawha Valley Building, Charleston 32, W. Va. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods (when transported as a separate and distinct service in connection with so-called "household movings"), commodities in bulk, commodities requiring special equipment and those injurious or contaminating to other lading), between points in Cabell County, W. Va., and points in Johnson, Pike, and Floyd Counties, Ky.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Huntington or Charleston, W. Va.

No. MC 48374 (Sub-No. 6), filed April 12, 1965. Applicant: FERNSTROM STORAGE AND VAN COMPANY, a corporation, Post Office Box 8801, Chicago 66, Ill. Applicant's attorney: Donald A. Morken, 1000 First National Bank Building, Minneapolis, Minn., 55402. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods* as defined by the Commission, (1) between points in California, Idaho, Nevada, Oregon, Utah, Washington, and Wyoming, on the one hand, and, on the other, Colorado, Connecticut, Delaware, Illinois, Indiana, Iowa, Kansas, Kentucky, Maryland, Massachusetts, Michigan, Minnesota, Missouri, Montana, Nebraska, New Jersey, New York, North Carolina, North Dakota, Ohio, Oklahoma, Pennsylvania, Rhode Island, South Dakota, Tennessee, Virginia, West Virginia, Wisconsin, and the District of Columbia; and (2) serving Texarkana, Oak Grove, Paris, Denison, Gainesville, Ringgold, Wichita Falls, Vernon, Childress, Shamrock, Canadian, Perryton, Stratford, and Texline, Tex., for the purpose of interline only.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 52465 (Sub-No. 29), filed April 16, 1965. Applicant: RICE TRUCK LINES, a corporation, 712 Central Avenue West, Great Falls, Mont. Applicant's attorney: Randall Swanberg, 314 Montana Building, Post Office Box 2567, Great Falls, Mont., 59401. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum and petroleum products*, in bulk, in tank vehicles, between points in Montana, North Dakota, South Dakota, and Minnesota, on the one hand, and, on the other, the ports of entry located on the international boundary line between the United States and Canada located in Montana, North Dakota, and Minnesota.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Billings, Mont.

No. MC 59150 (Sub-No. 18), filed April 16, 1965. Applicant: PLOOF TRANSFER COMPANY, INC., 1901 Hill Street, Jacksonville, Fla. Applicant's attorney: Martin Sack, Jr., Atlantic National Bank Building, Jacksonville, Fla., 32202. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Brass, bronze, copper or stainless steel plate, sheet, strip, pipe and tubing*, from Jacksonville, Fla., to Moultrie, Ga., and *damaged and rejected material*, on return.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Jacksonville, Fla.

No. MC 59211 (Sub-No. 3), filed April 9, 1965. Applicant: GREAT GEE DISTRIBUTORS, INC., Constable Hook Road, Bayonne, N.J. Applicant's attorney: Herman B. J. Weckstein, 1060 Broad Street, Newark 2, N.J. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New furniture*, from Bayonne, N.J., to points in Connecticut, and *returned and rejected commodities*, on return.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 60251 (Sub-No. 6) (CLARIFICATION), filed March 25, 1965, published FEDERAL REGISTER issue April 14, 1965, and republished as clarified this issue. Applicant: P & D TRANSPORTATION, INC., Connell Highway, Newport, R.I. Applicant's attorney: Joseph A. Kline, 185 Devonshire Street, Boston, Mass.

NOTE: Applicant presently holds authority in MC 60251 to transport household goods between New Bedford, Mass., *and points in Massachusetts within 15 miles of New Bedford, Mass.*, on the one hand, and, on the other, points in Massachusetts, Maine, New Hampshire, Vermont, Rhode Island, Connecticut, New York, New Jersey, Maryland, Delaware, Pennsylvania, Michigan, Tennessee, Kentucky, Virginia, West Virginia, North Carolina, and the District of Columbia. The purpose of this application is to assure applicant that it can serve Otis Air Force Base, Falmouth, Mass., and also permit applicant

to serve that area of the Town of Falmouth,

to serve that area of the Town of Falmouth, Mass., that is beyond the 15-mile radius of the corporate limits of the City of New Bedford, Mass. The purpose of this republication is to clarify the previously published note. If a hearing is deemed necessary, applicant requests it be held at Boston, Mass.

No. MC 61396 (Sub-No. 133), filed April 12, 1965. Applicant: HERMAN BROS., INC., 2501 North 11th Street, Omaha, Nebr. Applicant's attorney: Donald L. Stern, 630 City National Bank Building, Omaha, Nebr. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry fertilizer and urea*, in bulk and in bags, from Nebraska City, Nebr., to points in Iowa, Kansas, Minnesota, Missouri, North Dakota, and South Dakota.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr.

No. MC 61403 (Sub-No. 124), filed April 8, 1965. Applicant: THE MASON AND DIXON TANK LINES, INC., Eastman Road, Kingsport, Tenn. Applicant's attorney: W. C. Mitchell, 140 Cedar Street, New York 6, N.Y. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Magnetite*, in processed form, in bulk, in tank vehicles, and hopper vehicles, from points in Unicoi County, Tenn., to points in Alabama, Florida, Georgia, Indiana, Kentucky, Louisiana, Michigan, Mississippi, North Carolina, Ohio, South Carolina, Tennessee, Texas, Virginia, and West Virginia.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Charlotte, N.C.

No. MC 61403 (Sub-No. 126), filed April 19, 1965. Applicant: THE MASON AND DIXON TANK LINES, INC., Eastman Road, Kingsport, Tenn. Applicant's attorney: W. C. Mitchell, 140 Cedar Street, New York 6, N.Y. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Anhydrous ammonia*, in bulk, in tank vehicles and *dry urea*, in bulk, from the plant site of American Cyanamid Co. at Avondale, La., to points in Alabama, Arkansas, Florida, Georgia, Kansas, Kentucky, Louisiana, Mississippi, Missouri, North Carolina, Oklahoma, South Carolina, Tennessee, and Texas.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 61592 (Sub-No. 33), filed April 19, 1965. Applicant: JENKINS TRUCK LINE, INC., 3708 Elm Street, Bettendorf, Iowa, 52722. Applicant's attorney: Donald A. Morken, 1000 First National Bank Building, Minneapolis, Minn., 55402. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Agricultural machinery* and *agricultural machinery parts*, from Memphis, Tenn., to points in Arkansas, Missouri, Kentucky, Tennessee, North Carolina, South Carolina, Mississippi, Alabama, Georgia, Florida, Louisiana, Texas, Oklahoma, Virginia, and New Mexico.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Memphis, Tenn.

No. MC 62826 (Sub-No. 15), filed April 15, 1965. Applicant: CAROLINA-NORFOLK TRUCK LINE, INC., 2412 Broad Creek Road, Norfolk 2, Va. Applicant's attorney: Wilmer A. Hill, Suite 529, Transportation Building, Washington 6, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined in *Practices of Motor Common Carriers of Household Goods*, 17 M.C.C. 467, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading), serving the plant site of the Texas Gulf Sulphur Co., which lies approximately eight (8) miles from Aurora, N.C., as an off-route point in connection with applicant's authorized regular-route operations.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Raleigh, N.C.

No. MC 64932 (Sub-No. 373), filed April 16, 1965. Applicant: ROGERS CARTAGE CO., a corporation, 1439 West 103d Street, Chicago, Ill. Applicant's attorney: David Axelrod, 39 South La Salle Street, Chicago 3, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals*, in bulk, in tank vehicles, from Meredosia, Ill., to points in New Mexico and California.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 65628 (Sub-No. 12), filed April 15, 1965. Applicant: FREDONIA EXPRESS, INC., Post Office Box 222, Fredonia, N.Y. Applicant's attorney: E. Stephen Heisley, Transportation Building, Washington, D.C., 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canned and preserved foodstuffs*, from points in Chautauqua County, N.Y., to points in Michigan.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Buffalo, N.Y.

No. MC 75185 (Sub-No. 253), filed April 12, 1965. Applicant: SERVICE TRUCKING CO., INC., Post Office Box 276, Federalsburg, Md. Applicant's attorney: Francis W. McInerny, 1000 16th Street NW., Washington 36, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canned citrus products*, from points in Florida, to points in New York, Pennsylvania, New Jersey, Massachusetts, Connecticut, Rhode Island, Maryland, Delaware, Virginia, and the District of Columbia.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Tampa, Fla.

No. MC 76052 (Sub-No. 25), filed April 19, 1965. Applicant: MONTEZUMA TRUCK LINES, INC., 7401 Birch Street, Commerce City, Colo. Applicant's attorney: Marion F. Jones, Suite 420 Denver Club Building, Denver, Colo., 80202. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Field and garden seeds*, and *manufactured animal and poultry feeds*, from Denver, Colo., to points in San Juan County, N. Mex.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Denver, Colo.

No. MC 77005 (Sub-No. 3), filed April 13, 1965. Applicant: THE CORAOPOLIS TRANSFER AND STORAGE COMPANY, a corporation, First and Talbot Streets, Braddock, Pa. Applicant's attorney: Henry M. Wick, Jr., 1515 Park Building, Pittsburgh, Pa., 15222. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel* and *iron* and *steel articles*, as described in Appendix V to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, 276–279, between Pittsburgh, Vandergrift, Donora, and Ellwood City, Pa., on the one hand, and, on the other, points in Illinois, Indiana, and the lower peninsula of Michigan.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Pittsburgh, Pa.

No. MC 87379 (Sub-No. 5), filed April 16, 1965. Applicant: C. H. HOOKER TRUCKING CO., a corporation, R.F.D. No. 2, Uhrichsville, Ohio. Applicant's attorney: Robert T. Fitzsimons, 50 West Broad Street, Columbus 15, Ohio. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Nonferrous scrap*, in bulk, between Dennison, Gnadenhutten, and Uhrichsville, Ohio, on the one hand, and, on the other, Baltimore, Md.

NOTE: Applicant has an application pending to conduct operations as a contract carrier under Docket MC 126851. If a hearing is deemed necessary, applicant requests it be held at Columbus, Ohio.

No. MC 89723 (Sub-No. 36), filed March 1, 1965. Applicant: MISSOURI PACIFIC TRUCK LINES, INC., 210 North 13th Street, St. Louis, Mo., 63103. Applicant's attorney: Robert S. Davis, 1218 Olive Street, St. Louis, Mo., 63103. By the instant application, applicant seeks removal of McGehee, Ark., as a key point in connection with its certificates wherein it is authorized to transport general commodities in its Certificates Nos. MC 89723 Subs 14, 15, and 4, which authorize regular-route operations between various points in the States of Arkansas, Illinois, Kansas, Louisiana, Mississippi, Missouri, Nebraska, Tennessee, and Texas, as specifically set forth therein.

NOTE: Applicant is a wholly owned subsidiary of Missouri Pacific Railroad Co. If a hearing is deemed necessary, applicant requests it be held at Little Rock, Ark.

No. MC 92983 (Sub-No. 468), filed April 13, 1965. Applicant: ELDON MILLER, INC., Post Office Drawer 617, Kansas City, Mo., 64141. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Ammunition* and *explosives* and *component parts* thereof in the same vehicle therewith restricted against commodities which because of size or weight require the use of special equipment, from points in South Carolina to Charleston, S.C.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Charleston, S.C.

No. MC 103435 (Sub-No. 167), filed March 29, 1965. Applicant: UNITED BUCKINGHAM FREIGHT LINES, a corporation, East 915 Springfield Avenue, Spokane 2, Wash. Applicant's attorney: George R. LaBissoniere, 333 Central Building, Seattle 4, Wash. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between Cheyenne, Wyo., and Boise, Idaho, over U.S. Highway 30 and Interstate Highway 80N, serving no intermediate points, as an alternate route for operating convenience only, restricted against the transportation of traffic moving to or from points on applicant's presently authorized routes south of junction U.S. Highway 410 and U.S. Highway 395, located at or near Wallula, Wash.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Spokane, Wash.

No. MC 103880 (Sub-No. 337), filed April 14, 1965. Applicant: PRODUCERS TRANSPORT, INC., 215 East Waterloo Road, Akron, Ohio. Applicant's attorney: David Axelrod, 39 South La Salle Street, Chicago, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Nitrogen fertilizer solutions and ammoniating solutions*, in bulk, in tank vehicles, from the site of the plant of Southern Nitrogen Co., Inc., located at or near Fulton, Fulton County, Ind., to points in Illinois, Iowa, Ohio, and Michigan.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 104654 (Sub-No. 138), filed April 14, 1965. Applicant: COMMERCIAL TRANSPORT, INC., Post Office Box 469, Belleville, Ill. Applicant's attorney: James E. Wilson, Perpetual Building, 1111 E Street NW., Washington, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum and petroleum products*, as described in Appendix XIII in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, from Indianapolis, Ind., and points within 20 miles thereof, to points in Ohio.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC105375 (Sub-No. 20), filed April 13, 1965. Applicant: DAHLEN TRANSPORT OF IOWA, INC., 675 North Prior Avenue, St. Paul, Minn., 55104. Applicant's attorney: Leonard A. Jaskiewicz, Madison Building, 1155 15th Street NW., Washington, D.C., 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Anhydrous ammonia, fertilizers, fertilizer, ingredients, fertilizer materials, acids*, and *chemicals*, from East Dubuque, Ill., and points in Illinois within 10 miles thereof, to points in Illinois, Indiana, Iowa, Kansas, Minnesota, Missouri, Nebraska, South Dakota, and Wisconsin and *rejected shipments* on return.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Des Moines, Iowa.

No. MC 105413 (Sub-No. 18), filed April 12, 1965. Applicant: PETROLEUM TRANSPORT SERVICE, INC., Highway 275, Council Bluffs, Iowa. Applicant's attorney: Einar Viren, 904 City National Bank Building, Omaha, Nebr., 68102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Anhydrous ammonia* and *liquid fertilizer solutions*, in bulk, in tank vehicles, from the Consumers Cooperative Association plant located near Fort Dodge, Iowa to points in Illinois, Kansas, Minnesota, Missouri, Nebraska, North Dakota, and South Dakota.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr.

No. MC 105636 (Sub-No. 25) (AMENDMENT), filed April 7, 1965, published in the FEDERAL REGISTER issue of April 21, 1965, amended April 27, 1965, and republished as amended this issue. Applicant: ARMELLINI EXPRESS LINES, INC., Oak and Brewster Roads, Vineland, N.J. Applicant's attorney: Morris J. Winokur, Suite 1920, Two Penn Center Plaza, John F. Kennedy Boulevard at 15th Street, Philadelphia, Pa., 19102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, foods and food products) (1) from points in Connecticut, New Jersey, and New York within 35 miles of the Battery, New York, N.Y., to New York, N.Y., restricted to traffic (a) having an immediately subsequent movement by motor vehicle from New York, N.Y., to commercial piers in Jacksonville and Tampa, Fla., and (b) having an immediately subsequent movement by water from such commercial piers; and (2) from New York, N.Y., Chicago, Ill., and from points in New Jersey and those in Delaware and Pennsylvania within 25 miles of Philadelphia, Pa., including Philadelphia, to commercial piers in Jacksonville and Tampa, Fla., restricted to traffic having an immediately subsequent movement by water from such commercial piers.

NOTE: Such authority is exactly the same as that held by applicant under MC 105636 (Sub-No. 23), except that the destination points are commercial piers in Jacksonville and Tampa, Fla., instead of Miami. This authority is required by reason of the impending move of Coordinated Caribbean Transport, Inc. (referred to as C.C.T.) from its piers at Miami to piers at Tampa and Jacksonville. The proposed operation will be to continue the service which applicant has been providing for its shippers from the same points of origin to the piers of the said C.C.T. for export to the same foreign countries. The purpose of this republication is only to add commercial piers in Jacksonville, Fla. If a hearing is deemed necessary, applicant requests it be held at Philadelphia, Pa.

No. MC 106760 (Sub-No. 48), filed April 7, 1965. Applicant: WHITEHOUSE TRUCKING, INC., 2905 Airport Highway, Toledo, Ohio. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry fertilizer* in bags, from Fulton,

INC., Post Office Drawer 617, 531 Walnut Street, Kansas City, Mo., 64141. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum and petroleum products*, in bulk, in tank vehicles, from points in Kansas to points in Arizona and Montana.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Kansas City, Mo.

No. MC 99902 (Sub-No. 3), filed April 12, 1965. Applicant: DAVE'S MOTOR TRANSPORTATION, INC., Logan International Airport, East Boston, Mass. Applicant's attorney: Kenneth B. Williams, 111 State Street, Boston, Mass., 02109. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except Classes A and B explosives, commodities in bulk, commodities requiring special equipment and those injurious or contaminating to other lading), between Logan International Airport, Boston, Mass., on the one hand, and, on the other, points in Massachusetts and Rhode Island, restricted to the transportation of shipments having an immediately prior or immediately subsequent movement by air.

NOTE: Applicant states the above application is filed to permit applicant to continue an operation performed for many years as a "Proviso" carrier and as an exempt carrier of property incidental to transportation by air. If a hearing is deemed necessary, applicant requests it be held at Boston, Mass.

No. MC 102295 (Sub-No. 7), filed April 15, 1965. Applicant: GUY HEAVENER, INC., 28 School Lane, Harleysville, Pa. Applicant's attorney: Morris J. Winokur, Suite 1920, Two Penn Center Plaza, John F. Kennedy Boulevard, at 15th Street, Philadelphia, Pa., 19102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Stone and gravel*, from points in Bucks, Chester, and Lancaster Counties, Pa., Montgomeryville and White Haven, Pa., Baltimore, Md., and Harford County, Md., to points in Allen County, Ind., and (2) *coal*, from points in Mahoning County, Ohio, to points in Montgomery and Philadelphia Counties, Pa.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Philadelphia, Pa.

No. MC 102682 (Sub-No. 246), filed April 19, 1965. Applicant: HUGHES TRANSPORTATION, INC., Post Office Box 851, Charleston, S.C. Applicant's attorney: Frank B. Hand, Jr., 921 17th Street NW., Washington 6, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Ammunition* and *explosives* and *component parts* thereof in the same vehicle therewith restricted against commodities which because of size or weight require the use of special equipment, from points in South Carolina to Charleston, S.C.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Charleston, S.C.

No. MC 103435 (Sub-No. 167), filed March 29, 1965. Applicant: UNITED BUCKINGHAM FREIGHT LINES, a corporation, East 915 Springfield Avenue, Spokane 2, Wash. Applicant's attorney: George R. LaBissoniere, 333 Central Building, Seattle 4, Wash. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between Cheyenne, Wyo., and Boise, Idaho, over U.S. Highway 30 and Interstate Highway 80N, serving no intermediate points, as an alternate route for operating convenience only, restricted against the transportation of traffic moving to or from points on applicant's presently authorized routes south of junction U.S. Highway 410 and U.S. Highway 395, located at or near Wallula, Wash.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Spokane, Wash.

No. MC 103880 (Sub-No. 337), filed April 14, 1965. Applicant: PRODUCERS TRANSPORT, INC., 215 East Waterloo Road, Akron, Ohio. Applicant's attorney: David Axelrod, 39 South La Salle Street, Chicago, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Nitrogen fertilizer solutions and ammoniating solutions*, in bulk, in tank vehicles, from the site of the plant of Southern Nitrogen Co., Inc., located at or near Fulton, Fulton County, Ind., to points in Illinois, Iowa, Ohio, and Michigan.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 104654 (Sub-No. 138), filed April 14, 1965. Applicant: COMMERCIAL TRANSPORT, INC., Post Office Box 469, Belleville, Ill. Applicant's attorney: James E. Wilson, Perpetual Building, 1111 E Street NW., Washington, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum and petroleum products*, as described in Appendix XIII in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, from Indianapolis, Ind., and points within 20 miles thereof, to points in Ohio.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC105375 (Sub-No. 20), filed April 13, 1965. Applicant: DAHLEN TRANSPORT OF IOWA, INC., 675 North Prior Avenue, St. Paul, Minn., 55104. Applicant's attorney: Leonard A. Jaskiewicz, Madison Building, 1155 15th Street NW., Washington, D.C., 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Anhydrous ammonia, fertilizers, fertilizer, ingredients, fertilizer materials, acids*, and *chemicals*, from East Dubuque, Ill., and points in Illinois within 10 miles thereof, to points in Illinois, Indiana, Iowa, Kansas, Minnesota, Missouri, Nebraska, South Dakota, and Wisconsin and *rejected shipments* on return.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Des Moines, Iowa.

No. MC 105413 (Sub-No. 18), filed April 12, 1965. Applicant: PETROLEUM TRANSPORT SERVICE, INC., Highway 275, Council Bluffs, Iowa. Applicant's attorney: Einar Viren, 904 City National Bank Building, Omaha, Nebr., 68102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Anhydrous ammonia* and *liquid fertilizer solutions*, in bulk, in tank vehicles, from the Consumers Cooperative Association plant located near Fort Dodge, Iowa to points in Illinois, Kansas, Minnesota, Missouri, Nebraska, North Dakota, and South Dakota.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr.

No. MC 105636 (Sub-No. 25) (AMENDMENT), filed April 7, 1965, published in the FEDERAL REGISTER issue of April 21, 1965, amended April 27, 1965, and republished as amended this issue. Applicant: ARMELLINI EXPRESS LINES, INC., Oak and Brewster Roads, Vineland, N.J. Applicant's attorney: Morris J. Winokur, Suite 1920, Two Penn Center Plaza, John F. Kennedy Boulevard at 15th Street, Philadelphia, Pa., 19102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, foods and food products) (1) from points in Connecticut, New Jersey, and New York within 35 miles of the Battery, New York, N.Y., to New York, N.Y., restricted to traffic (a) having an immediately subsequent movement by motor vehicle from New York, N.Y., to commercial piers in Jacksonville and Tampa, Fla., and (b) having an immediately subsequent movement by water from such commercial piers; and (2) from New York, N.Y., Chicago, Ill., and from points in New Jersey and those in Delaware and Pennsylvania within 25 miles of Philadelphia, Pa., including Philadelphia, to commercial piers in Jacksonville and Tampa, Fla., restricted to traffic having an immediately subsequent movement by water from such commercial piers.

NOTE: Such authority is exactly the same as that held by applicant under MC 105636 (Sub-No. 23), except that the destination points are commercial piers in Jacksonville and Tampa, Fla., instead of Miami. This authority is required by reason of the impending move of Coordinated Caribbean Transport, Inc. (referred to as C.C.T.) from its piers at Miami to piers at Tampa and Jacksonville. The proposed operation will be to continue the service which applicant has been providing for its shippers from the same points of origin to the piers of the said C.C.T. for export to the same foreign countries. The purpose of this republication is only to add commercial piers in Jacksonville, Fla. If a hearing is deemed necessary, applicant requests it be held at Philadelphia, Pa.

No. MC 106760 (Sub-No. 48), filed April 7, 1965. Applicant: WHITEHOUSE TRUCKING, INC., 2905 Airport Highway, Toledo, Ohio. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry fertilizer* in bags, from Fulton,

Ill., to points in the upper peninsula of Michigan.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 107107 (Sub-No. 345), filed April 14, 1965. Applicant: ALTERMAN TRANSPORT LINES, INC., Post Office Box 458 Allapattah Station, Miami, Fla., 33142. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products*, and *meat byproducts*, in temperature-controlled vehicles, from Palestine, Tex., and Hattiesburg, Miss., to points in Florida.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Miami, Fla.

No. MC 107496 (Sub-No. 372), filed April 14, 1965. Applicant: RUAN TRANSPORT CORPORATION, Keosauqua Way at Third Street, Des Moines, Iowa. Applicant's attorney: H. L. Fabritz (address same as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid sulfur*, in bulk, from Marseilles, Ill., to Clinton, Iowa.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Des Moines, Iowa.

No. MC 108053 (Sub-No. 61), filed April 15, 1965. Applicant: LITTLE AUDREY'S TRANSPORTATION COMPANY, INC., Post Office Box 709, Fremont, Nebr. Applicant's attorney: Carl L. Steiner, 39 South La Salle Street, Chicago, Ill., 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products and meat byproducts, dairy products, and articles distributed by meat packinghouses* as described in sections A, B and C of appendix I, to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, from Garden City, Kans., to points in California, Washington, Oregon, Idaho, Nevada, Arizona, Utah, New Mexico, and Colorado.

NOTE: Applicant states the above operation will be restricted to traffic originating at the plant site and/or storage facilities of Producer's Packing Co., located at or near Garden City, Kans. If a hearing is deemed necessary, applicant does not specify a location.

No. MC 109637 (Sub-No. 278), filed April 19, 1965. Applicant: SOUTHERN TANK LINES INC., 4107 Bells Lane, Louisville, Ky., 40211. Applicant's attorney: Thomas E. James, 721 Brown Building, Austin, Tex. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Anhydrous ammonia*, in bulk, in tank vehicles and *dry urea*, in bulk, from the plant site of American Cyanamid Co. at Avondale, La., to points in Alabama, Arkansas, Florida, Georgia, Kansas, Kentucky, Louisiana, Mississippi, Missouri, North Carolina, Oklahoma, South Carolina, Tennessee, and Texas.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 109746 (Sub-No. 6), filed April 20, 1965. Applicant: BLUE STREAK TRUCKING CO., a corporation, 629 Henry Street, Elisabeth, N.J. Applicant's representative: George A. Olsen, 69 Tonnele Avenue, Jersey City, N.J., 07306. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Fresh meats*, in mechanically refrigerated trailers equipped with meat tram rails, from New York, N.Y., and Elisabeth, N.J., to points in Connecticut, Rhode Island, Massachusetts, Vermont, New Hampshire, and Maine.

NOTE: Applicant states that the proposed service will be under continuing contract with Forest Packing Co., of Elizabeth, N.J., and Ben Zeger Associates, Inc., of New York, N.Y. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 110193 (Sub-No. 87), filed April 16, 1965. Applicant: SAFEWAY TRUCK LINES, INC., 20450 Ireland Road, South Bend, Ind. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs, canned, prepared, or preserved* (other than frozen), from points in Delaware and Maryland, points in Atlantic, Burlington, Camden, Cape May, Cumberland, Gloucester, Ocean, and Salem Counties, N.J., and points in Accomack and Northampton Counties, Va., to points in Illinois, Indiana, Iowa, Michigan, Minnesota, Missouri, Ohio, and Wisconsin.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Baltimore, Md.

No. MC 110420 (Sub-No. 431), filed April 15, 1965. Applicant: QUALITY CARRIERS, INC., 100 South Calumet Street, Burlington, Wis. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Vinegar, cider vinegar stock, fermented fruit juices, and wine*, in bulk, in tank vehicles, from Coloma, Fennville and Paw Paw, Mich., and New York, N.Y., to Chicago, Ill.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 110420 (Sub-No. 432), filed April 15, 1965. Applicant: QUALITY CARRIERS, INC., 100 South Calumet Street, Burlington, Wis. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Vinyl lacquer*, in bulk, in tank vehicles, from Huntington, N.Y., to Milwaukee, Wis.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 110988 (Sub-No. 127), filed April 15, 1965. Applicant: KAMPO TRANSIT, INC., 200 West Cecil Street, Neenah, Wis. Applicant's attorney: E. Stephen Heisley, Transportation Building, Washington, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Animal, vegetable, fish oils* and/or *blends thereof*, from Chicago, Ill. to Elkland, Pa.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 111397 (Sub-No. 70), filed April 19, 1965. Applicant: DAVIS TRANSPORT, INC., 1345 South Fourth Street, Paducah, Ky. Applicant's attorney: Herbert S. Melton, Jr., Suite 215 Katterjohn Building, Box 1284 Avondale Station, Paducah, Ky., 42002. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid sugar*, in bulk, in tank vehicles, from Cincinnati, Ohio, to points in Indiana and Kentucky.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Louisville, Ky.

No. MC 111427 (Sub-No. 5), filed April 14, 1965. Applicant: ROBERT CURTIS, doing business as BOB CURTIS TRUCKING, Winner, S. Dak. Applicant's representative: R. W. Wigton, 710 Badgerow Building, Sioux City 1, Iowa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Raw green hides, salted and unsalted, scrap metal, including aluminum, brass, iron, steel and lead, inedible animal grease and tallow, unrendered*, in barrels, from Winner, S. Dak., to Omaha, Nebr.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Sioux City, Iowa.

No. MC 111545 (Sub-No. 74), filed April 16, 1965. Applicant: HOME TRANSPORTATION COMPANY, INC., 334 South Four Lane Highway, Marietta, Ga. Applicant's attorney: Paul M. Daniell, 1600 1st Federal Building, Atlanta, Ga., 30303. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Ferro alloys*, from Chattanooga, and Rockwood, Tenn., to points in Illinois, Indiana, Iowa, Michigan, Ohio, Missouri, Minnesota, and Wisconsin.

NOTE: Applicant states in MC 111545 Sub 21 it holds authority on these commodities from and to these points when "in bulk, in open top vehicles". The purpose of this application is to remove said restriction. If a hearing is deemed necessary, applicant requests it be held at Nashville, Tenn.

No. MC 111670 (Sub-No. 2) (CORRECTION), filed March 23, 1965, published FEDERAL REGISTER, issue, April 14, 1965, and republished as corrected this issue. Applicant: ABEL TRUCKING CO., INC., 218 Washington Avenue, Carlstadt, N.J. Applicant's representative: George A. Olsen, 69 Tonnele Avenue, Jersey City, N.J., 07306. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid soap* (except in bulk, in tank vehicles), from the plant site of Stepan Chemical Co., located at Fieldsboro, N.J., to points in Bergen, Hudson, and Essex Counties, N.J.; New York, N.Y., and points in Nassau, Suffolk, Westchester, Orange, and Rockland Counties, N.Y., and Fairfield County, Conn.

NOTE: The purpose of this republication is to correctly show the commodity description as liquid soap (except in bulk, in tank vehicles). If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 111729 (Sub-No. 68), filed April 15, 1965. Applicant: ARMORED CARRIER CORPORATION, 222–17 Northern Boulevard, Bayside, N.Y. Applicant's attorney: Russell S. Bernhard, Commonwealth Building, 1625 K Street NW., Washington, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Exposed and processed film and prints, complimentary replacement film, incidental dealer handling supplies consisting of labels, envelopes, and packing materials and advertising literature* moving therewith (excluding motion picture film used primarily for commercial theater and television exhibition), between Boston, Mass., on the one hand, and, on the other, points in Worcester County, Mass., subject to a prior or subsequent movement by air. Restriction: No service shall be performed under the authority granted herein for any bank or banking institution, namely, any national bank, State bank, Federal Reserve bank, savings and loan association, or savings bank.

NOTE: Applicant is also authorized to conduct operations as a contract carrier in Permit No. 112750 and subs thereunder, therefore, dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 111729 (Sub-No. 69), filed April 15, 1965. Applicant: ARMORED CARRIER CORPORATION, 222–17 Northern Boulevard, Bayside, N.Y. Applicant's attorney: Russell S. Bernhard, Commonwealth Building, 1625 K Street NW., Washington 6, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Bank checks, binders, checkbooks, drafts, registers, and other bank stationery*, (a) between Pittsburgh, Pa., on the one hand, and, on the other, points in Ohio and West Virginia and points in Allegany County, Md., and (b) between Cleveland, Ohio, on the one hand and, on the other, points in Allegheny, Armstrong, Beaver, Butler, Cambria, Clearfield, Crawford, Elk, Erie, Fayette, Forest, Greene, Indiana, Jefferson, Lawrence, McKean, Mercer, Somerset, Venango, Warren, Washington, and Westmoreland Counties, Pa.; (2) *construction and mining equipment parts*, limited to shipments weighing no more than 75 pounds each, between Columbus, Ohio, on the one hand, and, on the other, Evansville, Ind., and Chicago, Ill.; (3) *checks, charge sales tickets, correction memoranda, deposit tickets, installment loan coupons, punchcards, punch paper tape, business papers, records and audit and accounting media* (excluding plant removals), (a) between Elida, Ohio, on the one hand, and, on the other, Anderson, Columbia City, Elwood, Gaston, Huntington, Marion, North Manchester, Shirley, and Upland, Ind., (b) between Lima, Ohio, on the one hand, and, on the other, Anderson, Columbia City, Elwood, Fort Wayne, Gaston, Huntington, Marion, North Manchester, Shirley, and Upland, Ind., and (c) between Cincinnati, Ohio, on the one hand, and, on the other, Mt. Lebanon, Pa.; (4) *exposed and processed film and prints, complimentary replacement film, incidental dealer handling supplies, and advertising literature* moving therewith (excluding motion picture film used primarily for commercial theater and television exhibition), between Fort Wayne, Ind., on the one hand, and, on the other, Lansing, Mich., Aurora, Ill., and Dayton and Lima, Ohio. Restriction: The operations applied for herein are subject to the following restriction and condition: No service shall be performed under the authority granted herein for any bank or banking institution, namely, any national bank, State bank, Federal Reserve bank, savings and loan association, or savings bank. Applicant is also authorized to conduct operations as contract carrier in Permit No. MC 112750 and subs thereunder, therefore dual operations may be involved.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Cleveland, Ohio.

No. MC 111812 (Sub-No. 283), filed April 13, 1965. Applicant: MIDWEST COAST TRANSPORT, INC., Wilson Terminal Building, Post Office Box 747, Sioux Falls, S. Dak., 57101. Applicant's attorney: Donald L. Stern, 630 City National Bank Building, Omaha, Nebr., 68102. Applicant's representative: William J. Walsh (address same as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs, canned, prepared*, and *preserved* (other than frozen), from Fruitland, Md., to points in Illinois, Wisconsin, Minnesota, Iowa, and Nebraska.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 112184 (Sub-No. 20), filed April 16, 1965. Applicant: THE MANFREDI MOTOR TRANSIT COMPANY, a corporation, Route 87, Newbury, Ohio. Applicant's attorney: John P. McMahon, 44 East Broad Street, Columbus, Ohio, 43215. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Hydrofluoric acid*, in bulk, in shipper-owned tank vehicles, from Cleveland, Ohio, to points in Maryland and West Virginia.

NOTE: Applicant states that the above-proposed operation will be performed under continuing contract or contracts with Harshaw Chemical Corp. of Cleveland, Ohio. If a hearing is deemed necessary, applicant requests it be held at Columbus, Ohio.

No. MC 112520 (Sub-No. 118), filed April 14, 1965. Applicant: McKENZIE TANK LINES, INC., New Quincy Road, Tallahasse, Fla. Applicant's attorney: Sol H. Proctor, 1730 American Heritage Life Building, Jacksonville, Fla. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Commodities*, in bulk, having prior movement by rail, water, or pipeline, between points in Alabama, Arkansas, Florida, Georgia, Louisiana, Mississippi, Missouri, Oklahoma, Tennessee, and Texas.

NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 112520 (Sub-No. 119), filed April 19, 1965. Applicant: McKENZIE TANK LINES, INC., New Quincy Road, Tallahassee, Fla. Applicant's attorney: Sol H. Proctor, 1730 American Heritage Life Building, Jacksonville, Fla., 32202. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Anhydrous ammonia*, in bulk, in tank vehicles, and *dry urea*, in bulk, from the plant site of American Cyanamid Co. at or near Avondale, La., to points in Alabama, Arkansas, Florida, Georgia, Kansas, Kentucky, Louisiana, Mississippi, Missouri, North Carolina, Oklahoma, South Carolina, Tennessee, and Texas.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 112617 (Sub-No. 197), filed April 12, 1965. Applicant: LIQUID TRANSPORTERS, INC., Post Office Box 5135, Cherokee Station, Louisville 5, Ky. Applicant's attorney: L. A. Jaskiewicz, 600 Madison Building, 1155 15th Street NW., Washington, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals*, in bulk, from Carrollton, Ky., to East Chicago, Ind.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Louisville, Ky.

No. MC 112696 (Sub-No. 22), filed April 15, 1965. Applicant: HARTMANS, INCORPORATED, 833 Chicago Avenue, Harrisonburg, Va. Applicant's attorney: James E. Wilson, 1111 E Street NW., Washington 4, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from Ranson, W. Va., to Winchester, Va.

NOTE: Applicant states it intends to tack the authority sought with its presently held certificate. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 112697 (Sub-No. 5), filed April 19, 1965. Applicant: SAMUEL A. BRASFIELD, doing business as B & S Enterprises, 1727 Osborn Drive, Memphis, Tenn. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Agricultural implements, farm machinery and incidental component parts and attachments thereof* when moving at the same time for use thereon, from Memphis, Tenn., to points in Alabama, Arkansas, Florida, Georgia, Louisiana, Mississippi, North Carolina, Oklahoma, South Carolina, Texas, Virginia, and West Virginia, and *rejected shipments*, on return.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Memphis, Tenn.

No. MC 113271 (Sub-No. 23), filed April 16, 1965. Applicant: CHEMICAL COMPANY, a corporation, 712 Central Avenue West, Great Falls, Mont. Applicant's attorney: Randall Swanberg, Post Office Box 2567, Great Falls, Mont., 59401. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Acids, chemicals, fertilizers, fertilizer ingredients, and fertilizer solutions*, from Cheyenne, Wyo., and points within 10 miles thereof, to points in Nebraska, Colorado, Kansas, North Dakota, South Dakota, Montana, Utah, Idaho, and Wyoming.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Denver, Colo.

No. MC 113362 (Sub-No. 68), filed April 19, 1965. Applicant: ELLSWORTH FREIGHT LINES, INC., 220 East Broadway, Eagle Grove, Iowa. Applicant's attorney: William J. Boyd, 30 North La Salle Street, Chicago 2, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from Braddock and Lake City, Pa., to points in Indiana, Illinois, Missouri, Iowa, Wisconsin, Minnesota, South Dakota, and Fargo, N. Dak.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Pittsburgh, Pa.

No. MC 113678 (Sub-No. 127), filed April 14, 1965. Applicant: CURTIS, INC., 770 East 51st Avenue, Denver, Colo., 80216. Applicant's attorney: Duane W. Acklie, Post Office Box 2028, Lincoln, Nebr. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts, and articles distributed by meat packinghouses* as described in Appendix I, *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 (272–273), from Denison and Iowa Falls, Iowa, to points in Connecticut, Delaware, the District of Columbia, Illinois, Indiana, Kentucky, Maine, Maryland, Massachusetts, Michigan, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Vermont, Virginia, West Virginia, Wisconsin, and Lincoln and Omaha, Nebr.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Lincoln, Nebr.

No. MC 113678 (Sub-No. 128), filed April 15, 1965. Applicant: CURTIS INC., 770 East 51st Avenue, Denver, Colo. Applicant's attorney: Duane W. Acklie, Post Office Box 2028, Lincoln, Nebr. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts, and packinghouse products* (except commodities in bulk in tank vehicles), from points in Cerro Gordo County, Iowa, to points in Arizona, California, Idaho, Nevada, New Mexico, Oregon, Utah, and Washington.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Lincoln, Nebr.

No. MC 113678 (Sub-No. 129), filed April 15, 1965. Applicant: CURTIS INC., 770 East 51st Avenue, Denver, Colo. Applicant's attorney: Duane W. Acklie, Post Office Box 2028, Lincoln, Nebr. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foods, food preparations, foodstuffs, candy*, and *confectionery products*, from points in California, to points in Arizona, New Mexico, and Texas.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Los Angeles, Calif.

No. MC 113678 (Sub-No. 130), filed April 16, 1965. Applicant: CURTIS, INC., 770 East 51st Avenue, Denver, Colo., 80216. Applicant's attorney: Duane W. Acklie, Post Office Box 2028, Lincoln, Nebr. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts, and articles distributed by meat packinghouses*, as described in appendix I, *Descriptions in* Motor Carrier Certificates, 61 M.C.C. 209 (272–273), from points in Custer County, S. Dak., and points in Campbell County, Wyo., to points in California.

NOTE: If a hearing is deemed necessary, applicant requests it be held at San Francisco, Calif.

No. MC 113678 (Sub-No. 131), filed April 16, 1965. Applicant: CURTIS, INC., 770 East 51st Avenue, Denver, Colo., 80216. Applicant's attorney: Duane W. Acklie, Post Office Box 2028, Lincoln, Nebr., 68501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts, and articles distributed by meat packinghouses*, as described in Appendix I, *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 (272–273), from Greeley, Colo., to points in that part of Iowa on and west of U.S. Highway 169 (except Sioux City, Iowa, and its commercial zone).

NOTE: If a hearing is deemed necessary, applicant requests it be held at Denver, Colo.

No. MC 113678 (Sub-No. 132), filed April 19, 1965. Applicant: CURTIS, INC., 770 East 51st Avenue, Denver, Colo., 80216. Applicant's attorney: Duane W. Acklie, Post Office Box 2028, Lincoln, Nebr. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts, and articles distributed by meat packinghouses*, as described in Appendix I, *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 (272–273), from New York City, N.Y., and Washington, D.C., to Baltimore, Md., and Philadelphia, Pa.

NOTE: Applicant states that it intends to tack this authority with the authority held by it in MC 113678 Sub 7 (from Greeley, Colo., to New Haven, Conn., Savannah, Ga., Lexington, Ky., Boston, Mass., New York, N.Y., Knoxville, Tenn., and Washington, D.C.). If a hearing is deemed necessary applicant requests it be held at Denver, Colo.

No. MC 114045 (Sub-No. 177), filed April 16, 1965. Applicant: TRANS-COLD EXPRESS, INC., Post Office Box 5842, Dallas, Tex. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plastic materials, film, or sheeting*, other than celluose, printed, or not printed, plate or sheet, flat or corrugated, self-supporting (rigid), in boxes or crates or in wrapped bundles or rolls, or in fibre drums, in vehicles equipped with mechanical refrigeration, from points in Dallas and Tarrant Counties, Tex., to points in Alabama, Arkansas, Florida, Georgia, Louisiana, Mississippi, North Carolina, South Carolina, and Tennessee.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Dallas, Tex.

No. MC 115331 (Sub-No. 128), filed April 15, 1965. Applicant: TRUCK TRANSPORT, INCORPORATED, 707 Market Street, St. Louis, Mo. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Charcoal, charcoal briquetts and* (2) *wood chips, vermiculite, lighter fluid, and associated items used or useful in the preparation of barbecue*, from Burnside, Ky., to points in Michigan, Wisconsin, and Illinois on and north of U.S. Highway 36, and points in Indiana (except Indianapolis) on and north of U.S. Highway 36.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Milwaukee, Wis., or Washington, D.C.

No. MC 115331 (Sub-No. 129) filed April 15, 1965. Applicant: TRUCK TRANSPORT, INCORPORATED, 707 Market Street, St. Louis, Mo. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Feed and feed ingredients*, in bulk and in bags, from the plant sites of Darling & Co., located at Cedar Rapids, Iowa, and at or near Alpha, Iowa, to points in Illinois, Minnesota, Missouri, Nebraska, and Wisconsin.

NOTE: If a hearing is deemed necessary, applicant requests it be held at St. Louis, Mo., or Chicago, Ill.

No. MC 115331 (Sub-No. 130), filed April 15, 1965. Applicant: TRUCK TRANSPORT, INCORPORATED, 707 Market Street, St. Louis, Mo. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals*, in bulk, from Barfield, Ark., and points within ten (10) miles thereof, to points in Alabama, Arkansas, Illinois, Indiana, Iowa, Mississippi, Kansas, Kentucky, Louisiana, Michigan, Missouri, Ohio, Oklahoma, Tennessee, and that part of Texas on and east of U.S. Highway 281 and on and north of U.S. Highway 87, and Wisconsin.

NOTE: Applicant states the above operation will be restricted against the transportation of nitrogen fertilizer solution from the site of storage and production facilities of the Allied Chemical Corp., at or near Blytheville, Ark., to points in Illinois, Mississippi, Missouri, and Tennessee. If a hearing is deemed necessary, applicant requests it be held at St. Louis, Mo., or Memphis, Tenn.

No. MC 115331 (Sub-No. 131), filed April 15, 1965. Applicant: TRUCK TRANSPORT, INCORPORATED, 707 Market Street, St. Louis, Mo. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry fertilizer and urea*, in bulk, and in bags, from Nebraska City, Nebr., to points in Iowa, Kansas, Minnesota, Missouri, North Dakota, and South Dakota, and *damaged and rejected shipments* of the above commodities, on return.

NOTE: If a hearing is deemed necessary, applicant requests it be held at St. Louis, Mo., or Omaha, Nebr.

No. MC 115331 (Sub-No. 132), filed April 21, 1965. Applicant: TRUCK TRANSPORT, INCORPORATED, 707 Market Street, St. Louis, Mo. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals*, in bulk, from points in St. Charles Parish, La., west of the Mississippi River, to points in the United States (except Alaska and Hawaii).

NOTE: If a hearing is deemed necessary, applicant requests it be held at St. Louis, Mo., or Chicago, Ill.

No. MC 115826 (Sub-No. 55), filed April 19, 1965. Applicant: W. J. DIGBY, INC., Post Office Box 5088, T.A., Denver, Colo. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts, dairy products*, and *articles distributed by meat packinghouses*, as described in Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except commodities in bulk, in tank vehicles), from points in Wisconsin, to points in Colorado, Iowa, Kansas, and Nebraska, and *damaged and rejected shipments*, on return.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Milwaukee, Wis.

No. MC 115826 (Sub-No. 56), filed April 19, 1965. Applicant: W. J. DIGBY, INC., Post Office Box 5088, T.A., Denver, Colo. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from Fairmont and Winnebago, Minn., to points in Idaho, Oregon, Washington, California, Nevada, Utah, and Montana, and *damaged* and *rejected shipments*, on return.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Minneapolis, Minn.

No. MC 115841 (Sub-No. 235), filed April 15, 1965. Applicant: COLONIAL REFRIGERATED TRANSPORTATION, INC., 1215 Bankhead Highway West, Post Office Box 2169, Birmingham, Ala. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs*, from Gadsden, Ala., to points in Florida.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Birmingham, Ala.

No. MC 116325 (Sub-No. 24) (AMENDMENT), filed April 12, 1965, published FEDERAL REGISTER issue of April 28, 1965, and republished as amended this issue. Applicant: JENNINGS BOND, doing business as BOND ENTERPRISES, Post Office Box 185, Lutesville, Mo. Applicant's attorney: Herman W. Huber, 101 East High Street, Jefferson City, Mo. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles, including pipe, conduit, and tubing*, from points in Livingston County, Ill., to points in North Dakota, South Dakota, Nebraska, Kansas, Oklahoma, Texas, New Mexico, Colorado, Wyoming, Minnesota, Iowa, Missouri, Arkansas, Louisiana, Mississippi, Alabama, Georgia, Tennessee, Kentucky, Indiana, Ohio, Michigan, West Virginia, and Wisconsin.

NOTE: The purpose of this republication is to add Wisconsin as a destination State. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 116763 (Sub-No. 50), filed April 8, 1965. Applicant: CARL SUBLER TRUCKING, INC., North West Street, Versailles, Ohio. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (A) *Canned, prepared, or preserved foodstuffs*, from Orrville, Ohio, to New York, N.Y., and points in Bergen, Essex, Middlesex, Monmouth, Morris, Passaic, Somerset, and Union Counties, N.J., and points in Nassau, Orange, Putnam, Rockland, and Westchester Counties, N.Y., and Augusta, Auburn, Gardner, Lewiston, Presque Isle, Waterville, and Westbrook, Maine; (B) *canned, prepared, or preserved foodstuffs*, from points in Florida to points in Michigan (Lower Peninsula only); and (C) *animal food*, from Woburn, Mass., to points in Indiana and Illinois.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Columbus, Ohio.

No. MC 116771 (Sub-No. 1), filed April 19, 1965. Applicant: COUSINO'S BODY SHOP, INC., 5523 Secor Road, Toledo, Ohio. Applicant's attorney: Joe F. Asher, 3430 LeVeque-Lincoln Tower, 50 West Broad Street, Columbus, Ohio, 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Damaged or disabled motor vehicles* and *replacement vehicles* in connection with the removal of said damaged or disabled motor vehicles, and *damaged or disabled house trailers*, by truckaway and towaway methods between Toledo, Ohio, on the one hand, and, on the other, points in Indiana, Illinois, Pennsylvania, and New York.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Columbus, Ohio.

No. MC 116815 (Sub-No. 5), filed April 14, 1965. Applicant: RONNIE WILLIAMS LTD., 756 Frances Street, Richmond, British Columbia, Canada. Applicant's attorney: J. Stewart Black, 1322 Laburnum Street, Vancouver 9, B.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Horses, other than ordinary, and, in the same vehicle with such horses, stable supplies and equipment used in their care and exhibition, mascots, and personal effects of attendants, trainers, and exhibitors*, between ports of entry on the international boundary line between the United States and Canada, located at or near Blaine, Sumas, and Lynden, Wash., on the one hand, and, on the other, points in California.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Seattle, Wash.

No. MC 117574 (Sub-No. 120), filed April 13, 1965. Applicant: DAILY EXPRESS, INC., Post Office Box 39, M.R. No. 3, Carlisle, Pa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Agricultural equipment, machinery*, and *parts* from Vinton, Iowa, to points in Pennsylvania, New York, New Jersey, Delaware, Maryland, Virginia, Maine, Massachusetts, Connecticut, Rhode Island, Vermont, New Hampshire, North Carolina, West Virginia, Ohio, and the District of Columbia.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 117686 (Sub-No. 52), filed April 19, 1965. Applicant: HIRSCHBACH MOTOR LINES, INC., 3324 U.S. Highway 75 North, Sioux City, Iowa. Applicant's attorney: J. Max Harding, Box 2028, Lincoln, Nebr., 68501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods* (except frozen meats), from Kansas City, Kans., and Kansas City, Mo., to points in Alabama, Arkansas, Georgia, Louisiana, Mississippi, and Tennessee, and *damaged and rejected shipments* on return.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Kansas City, Mo.

No. MC 118022 (Sub-No. 3), filed April 13, 1965. Applicant: J. M. HIGHTOWER, doing business as HIGHTOWER BROKERAGE COMPANY, a corporation, Post Office Box 216, Winfield, Ala. Applicant's representative: Robert E. Tate, 2031 Ninth Avenue South, Birmingham, Ala. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bananas*, from Gulfport, Miss., to Birmingham, Ala.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Birmingham, Ala.

No. MC 118776 (Sub-No. 8), filed April 16, 1965. Applicant: C. L. CONNORS, INC., Post Office Box 712, Quincy, Ill. Applicant's attorney: Mack Stephenson, 42 Fox Mill Lane, Springfield, Ill., 62707. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lime and limestone*, from Quincy, Ill., to points in Iowa, Indiana, Kansas, Kentucky, Michigan, Minnesota, Missouri, Nebraska, Ohio, Oklahoma, Pennsylvania, Tennessee, Texas, and Wisconsin.

NOTE: Applicant is also authorized to conduct operations as a contract carrier in Permit MC 124459, therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Springfield, Ill.

No. MC 119507 (Sub-No. 15), filed April 19, 1965. Applicant: CRAUN TRANSPORTATION, INC., Emma, Street, Bettsville, Ohio. Applicant's attorney: Taylor C. Burneson, 3430 Leveque-Lincoln Tower, 50 West Broad Street, Columbus, Ohio, 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lime* and *limestone products*, from River Rouge, Mich., to points in Illinois, Indiana, Iowa, Kentucky, Missouri, New York, Ohio, Pennsylvania, West Virginia, and Wisconsin.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 119741 (Sub-No. 14) (AMENDMENT), filed March 12, 1965, published in FEDERAL REGISTER issue of April 1, 1965, amended April 22, 1965, and republished as amended this issue. Applicant: GREEN FIELD TRANSPORT

COMPANY, INC., Post Office Box 1453, Winter Haven, Fla. Applicant's attorney: Sol H. Goldstein, 1730 M Street NW., Washington, D.C., 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer and fertilizer materials*, in bulk, from Tampa, Fla., to points in Georgia, Alabama, Mississippi, Louisiana, Arkansas, Tennessee, North Carolina, South Carolina, Kentucky, Virginia, West Virginia, Maryland, Delaware, Pennsylvania, New Jersey, New York, Connecticut, Rhode Island, Massachusetts, Vermont, New Hampshire, Maine, Ohio, Indiana, Illinois, Michigan, Wisconsin, Minnesota, Iowa, Missouri, North Dakota, South Dakota, Nebraska, Kansas, Oklahoma, Texas, New Mexico, Colorado, Wyoming, Montana, Idaho, Oregon, Washington, California, Nevada, Utah, and Arizona.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Tampa, Fla.

No. MC 119741 (Sub-No. 15), filed April 19, 1965. Applicant: GREEN FIELD TRANSPORT COMPANY, INC., Post Office Box 1453, Winter Haven, Fla. Applicant's attorney: Sol H. Goldstein, 1730 M Street NW., Washington, D.C., 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer and fertilizer materials*, in bulk, from Tampa, Fla., to points in Georgia, Alabama, Mississippi, Louisiana, Arkansas, Tennessee, North Carolina, South Carolina, Kentucky, Virginia, West Virginia, Maryland, Delaware, Pennsylvania, New Jersey, New York, Connecticut, Rhode Island, Massachusetts, Vermont, New Hampshire, Maine, Ohio, Indiana, Illinois, Michigan, Wisconsin, Minnesota, Iowa, Missouri, North Dakota, South Dakota, Nebraska, Kansas, Oklahoma, Texas, New Mexico, Colorado, Wyoming, Montana, Idaho, Oregon, Washington, California, Nevada, Utah, and Arizona.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Tampa, Fla.

No. MC 119777 (Sub-No. 3), filed April 19, 1965. Applicant: LIGON SPECIALIZED HAULER, INC., Post Office Box 610, Madisonville, Ky. Applicant's attorney: Frank A. Graham, Jr., 2420 Fincastle Road, Lexington, Ky. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Mobile homes*, from Madisonville, Ky., to points in Illinois, Indiana, Ohio, Tennessee, West Virginia, Virginia, Pennsylvania, New York, Maryland, Delaware, New Jersey, Connecticut, Rhode Island, Massachusetts, Vermont, New Hampshire, Maine, North Carolina, South Carolina, Georgia, Florida, Alabama, Mississippi, Louisiana, Arkansas, Missouri, Iowa, Minnesota, Wisconsin, Michigan, Kansas, Oklahoma, Texas, New Mexico, Colorado, Wyoming, Montana, Idaho, Oregon, Washington, California, Nevada, Utah, and Arizona.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Louisville, Ky.

No. MC 119789 (Sub-No. 1), filed April 19, 1965. Applicant: CARAVAN REFRIGERATED CARGO, INC., Post Office Box 6188, Dallas, Tex. Applicant's attorney: Wilmer B. Hill, 1000 Connecticut Avenue NW., Washington, D.C., 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts, and packinghouse products* (except commodities in bulk in tank vehicles), from points in Cerro Gordo County, Iowa, to points in Arizona, California, Idaho, Nevada, New Mexico, Oregon, Utah, and Washington.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Lincoln, Nebr.

No. MC 119789 (Sub-No. 2), filed April 19, 1965. Applicant: CARAVAN REFRIGERATED CARGO, INC., Post Office Box 6188, Dallas, Tex. Applicant's attorney: Wilmer B. Hill, 1000 Connecticut Avenue NW., Washington, D.C., 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts, and packinghouse products* (except commodities in bulk in tank vehicles), from points in Cerro Gordo County, Iowa, to points in Arizona, California, Idaho, Nevada, New Mexico, Oregon, Utah, and Washington.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Lincoln, Nebr.

No. MC 119789 (Sub-No. 3), filed April 19, 1965. Applicant: CARAVAN REFRIGERATED CARGO, INC., Post Office Box 6188, Dallas, Tex. Applicant's attorney: Wilmer B. Hill, 1000 Connecticut Avenue NW., Washington, D.C., 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts, and packinghouse products* (except commodities in bulk in tank vehicles), from points in Cerro Gordo County, Iowa, to points in Arizona, California, Idaho, Nevada, New Mexico, Oregon, Utah, and Washington.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Lincoln, Nebr.

No. MC 119789 (Sub-No. 4), filed April 19, 1965. Applicant: CARAVAN REFRIGERATED CARGO, INC., Post Office Box 6188, Dallas, Tex. Applicant's attorney: Wilmer B. Hill, 1000 Connecticut Avenue NW., Washington, D.C., 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts, and packinghouse products* (except commodities in bulk in tank vehicles), from points in Cerro Gordo County, Iowa, to points in Arizona, California, Idaho, Nevada, New Mexico, Oregon, Utah, and Washington.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Lincoln, Nebr.

No. MC 119789 (Sub-No. 5), filed April 19, 1965. Applicant: CARAVAN REFRIGERATED CARGO, INC., Post Office Box 6188, Dallas, Tex. Applicant's attorney: Wilmer B. Hill, 1000 Connecticut Avenue NW., Washington, D.C., 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts, and packinghouse products* (except commodities in bulk in tank vehicles), from points in Cerro Gordo County, Iowa, to points in Arizona, California, Idaho, Nevada, New Mexico, Oregon, Utah, and Washington.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Lincoln, Nebr.

No. MC 119789 (Sub-No. 6), filed April 19, 1965. Applicant: CARAVAN REFRIGERATED CARGO, INC., Post Office Box 6188, Dallas, Tex. Applicant's attorney: Wilmer B. Hill, 1000 Connecticut Avenue NW., Washington, D.C., 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts, and packinghouse products* (except commodities in bulk in tank vehicles), from points in Cerro Gordo County, Iowa, to points in Arizona, California, Idaho, Nevada, New Mexico, Oregon, Utah, and Washington.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Lincoln, Nebr.

No. MC 119789 (Sub-No. 7), filed April 19, 1965. Applicant: CARAVAN REFRIGERATED CARGO, INC., Post Office Box 6188, Dallas, Tex. Applicant's attorney: Wilmer B. Hill, 1000 Connecticut Avenue NW., Washington, D.C., 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts, and packinghouse products* (except commodities in bulk in tank vehicles), from points in Cerro Gordo County, Iowa, to points in Arizona, California, Idaho, Nevada, New Mexico, Oregon, Utah, and Washington.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Lincoln, Nebr.

No. MC 119789 (Sub-No. 8), filed April 19, 1965. Applicant: CARAVAN REFRIGERATED CARGO, INC., Post Office Box 6188, Dallas, Tex. Applicant's attorney: Wilmer B. Hill, 1000 Connecticut Avenue NW., Washington, D.C., 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts, and packinghouse products* (except commodities in bulk in tank vehicles), from points in Cerro Gordo County, Iowa, to points in Arizona, California, Idaho, Nevada, New Mexico, Oregon, Utah, and Washington.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Lincoln, Nebr.

No. MC 119789 (Sub-No. 9), filed April 19, 1965. Applicant: CARAVAN REFRIGERATED CARGO, INC., Post Office Box 6188, Dallas, Tex. Applicant's attorney: Wilmer B. Hill, 1000 Connecticut Avenue NW., Washington, D.C., 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts, and packinghouse products* (except commodities in bulk in tank vehicles), from points in Cerro Gordo County, Iowa, to points in Arizona, California, Idaho, Nevada, New Mexico, Oregon, Utah, and Washington.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Lincoln, Nebr.

No. MC 119789 (Sub-No. 10), filed April 19, 1965. Applicant: CARAVAN REFRIGERATED CARGO, INC., Post Office Box 6188, Dallas, Tex. Applicant's attorney: Wilmer B. Hill, 1000 Connecticut Avenue NW., Washington, D.C., 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts, and packinghouse products* (except commodities in bulk in tank vehicles), from points in Cerro Gordo County, Iowa, to points in Arizona, California, Idaho, Nevada, New Mexico, Oregon, Utah, and Washington.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Lincoln, Nebr.

No. MC 119789 (Sub-No. 11), filed April 19, 1965. Applicant: CARAVAN REFRIGERATED CARGO, INC., Post Office Box 6188, Dallas, Tex. Applicant's attorney: Wilmer B. Hill, 1000 Connecticut Avenue NW., Washington, D.C., 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts, and packinghouse products* (except commodities in bulk in tank vehicles), from points in Cerro Gordo County, Iowa, to points in Arizona, California, Idaho, Nevada, New Mexico, Oregon, Utah, and Washington.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Lincoln, Nebr.

No. MC 119789 (Sub-No. 12), filed April 19, 1965. Applicant: CARAVAN REFRIGERATED CARGO, INC., Post Office Box 6188, Dallas, Tex. Applicant's attorney: Wilmer B. Hill, 1000 Connecticut Avenue NW., Washington, D.C., 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts, and packinghouse products* (except commodities in bulk in tank vehicles), from points in Cerro Gordo County, Iowa, to points in Arizona, California, Idaho, Nevada, New Mexico, Oregon, Utah, and Washington.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Lincoln, Nebr.

No. MC 119789 (Sub-No. 13), filed April 19, 1965. Applicant: CARAVAN REFRIGERATED CARGO, INC., Post Office Box 6188, Dallas, Tex. Applicant's attorney: Wilmer B. Hill, 1000 Connecticut Avenue NW., Washington, D.C., 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts, and packinghouse products* (except commodities in bulk in tank vehicles), from points in Cerro Gordo County, Iowa, to points in Arizona, California, Idaho, Nevada, New Mexico, Oregon, Utah, and Washington.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Lincoln, Nebr.

No. MC 119789 (Sub-No. 14), filed April 19, 1965. Applicant: CARAVAN REFRIGERATED CARGO, INC., Post Office Box 6188, Dallas, Tex. Applicant's attorney: Wilmer B. Hill, 1000 Connecticut Avenue NW., Washington, D.C., 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts, and packinghouse products* (except commodities in bulk in tank vehicles), from points in Cerro Gordo County, Iowa, to points in Arizona, California, Idaho, Nevada, New Mexico, Oregon, Utah, and Washington.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Lincoln, Nebr.

No. MC 119789 (Sub-No. 15), filed April 19, 1965. Applicant: CARAVAN REFRIGERATED CARGO, INC., Post Office Box 6188, Dallas, Tex. Applicant's attorney: Wilmer B. Hill, 1000 Connecticut Avenue NW., Washington, D.C., 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts, and packinghouse products* (except commodities in bulk in tank vehicles), from points in Cerro Gordo County, Iowa, to points in Arizona, California, Idaho, Nevada, New Mexico, Oregon, Utah, and Washington.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Lincoln, Nebr.

No. MC 119789 (Sub-No. 16), filed April 19, 1965. Applicant: CARAVAN REFRIGERATED CARGO, INC., Post Office Box 6188, Dallas, Tex. Applicant's attorney: Wilmer B. Hill, 1000 Connecticut Avenue NW., Washington, D.C., 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts, and packinghouse products* (except commodities in bulk in tank vehicles), from points in Cerro Gordo County, Iowa, to points in Arizona, California, Idaho, Nevada, New Mexico, Oregon, Utah, and Washington.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Lincoln, Nebr.

No. MC 119789 (Sub-No. 17), filed April 19, 1965. Applicant: CARAVAN REFRIGERATED CARGO, INC., Post Office Box 6188, Dallas, Tex. Applicant's attorney: Wilmer B. Hill, 1000 Connecticut Avenue NW., Washington, D.C., 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts, and packinghouse products* (except commodities in bulk in tank vehicles), from points in Cerro Gordo County, Iowa, to points in Arizona, California, Idaho, Nevada, New Mexico, Oregon, Utah, and Washington.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Lincoln, Nebr.

No. MC 119789 (Sub-No. 18), filed April 19, 1965. Applicant: CARAVAN REFRIGERATED CARGO, INC., Post Office Box 6188, Dallas, Tex. Applicant's attorney: Wilmer B. Hill, 1000 Connecticut Avenue NW., Washington, D.C., 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts, and packinghouse products* (except commodities in bulk in tank vehicles), from points in Cerro Gordo County, Iowa, to points in Arizona, California, Idaho, Nevada, New Mexico, Oregon, Utah, and Washington.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Lincoln, Nebr.

No. MC 119789 (Sub-No. 19), filed April 19, 1965. Applicant: CARAVAN REFRIGERATED CARGO, INC., Post Office Box 6188, Dallas, Tex. Applicant's attorney: Wilmer B. Hill, 1000 Connecticut Avenue NW., Washington, D.C., 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts, and packinghouse products* (except commodities in bulk in tank vehicles), from points in Cerro Gordo County, Iowa, to points in Arizona, California, Idaho, Nevada, New Mexico, Oregon, Utah, and Washington.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Lincoln, Nebr.

No. MC 119789 (Sub-No. 20), filed April 19, 1965. Applicant: CARAVAN REFRIGERATED CARGO, INC., Post Office Box 6188, Dallas, Tex. Applicant's attorney: Wilmer B. Hill, 1000 Connecticut Avenue NW., Washington, D.C., 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts, and packinghouse products* (except commodities in bulk in tank vehicles), from points in Cerro Gordo County, Iowa, to points in Arizona, California, Idaho, Nevada, New Mexico, Oregon, Utah, and Washington.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Lincoln, Nebr.

No. MC 119789 (Sub-No. 21), filed April 19, 1965. Applicant: CARAVAN REFRIGERATED CARGO, INC., Post Office Box 6188, Dallas, Tex. Applicant's attorney: Wilmer B. Hill, 1000 Connecticut Avenue NW., Washington, D.C., 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts, and packinghouse products* (except commodities in bulk in tank vehicles), from points in Cerro Gordo County, Iowa, to points in Arizona, California, Idaho, Nevada, New Mexico, Oregon, Utah, and Washington.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Lincoln, Nebr.

No. MC 119789 (Sub-No. 22), filed April 19, 1965. Applicant: CARAVAN REFRIGERATED CARGO, INC., Post Office Box 6188, Dallas, Tex. Applicant's attorney: Wilmer B. Hill, 1000 Connecticut Avenue NW., Washington, D.C., 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts, and packinghouse products* (except commodities in bulk in tank vehicles), from points in Cerro Gordo County, Iowa, to points in Arizona, California, Idaho, Nevada, New Mexico, Oregon, Utah, and Washington.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Lincoln, Nebr.

No. MC 119789 (Sub-No. 23), filed April 19, 1965. Applicant: CARAVAN REFRIGERATED CARGO, INC., Post Office Box 6188, Dallas, Tex. Applicant's attorney: Wilmer B. Hill, 1000 Connecticut Avenue NW., Washington, D.C., 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts, and packinghouse products* (except commodities in bulk in tank vehicles), from points in Cerro Gordo County,

COMPANY, INC., Post Office Box 1453, Winter Haven, Fla. Applicant's attorney: Paul M. Daniell, 1600 First Federal Building, Atlanta, Ga., 30303. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts, dairy products, articles distributed by meat packinghouses*, and *such commodities* as are used by meatpackers in the conduct of their business when destined to and for use by meatpackers, as described in Sections A, B, C, and D of Appendix I to the report in *Descriptions in Motor Carrier Certificates* 61 M.C.C. 209 (766) (except hides and liquid commodities, in bulk, in tank vehicles), from Garden City, Kans., and points within 10 miles thereof, to points in Iowa, Illinois, Indiana, Ohio, Missouri, Nebraska, Georgia, Alabama, and Florida.

NOTE: The purpose of this republication is to add Georgia, Alabama, and Florida as destination States. If a hearing is deemed necessary, applicant requests it be held at Wichita or Kansas City, Kans.

No. MC 119767 (Sub-No. 71), filed April 15, 1965. Applicant: BEAVER TRANSPORT CO., a corporation, 100 South Calumet Street, Burlington, Wis. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Prepared foodstuffs*, requiring refrigeration, from New Albany, Ind., to points in Illinois, Indiana, Kentucky, Missouri, Ohio, Tennessee, and West Virginia.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Minneapolis, Minn.

No. MC 119767 (Sub-No. 72), filed April 15, 1965. Applicant: BEAVER TRANSPORT CO., a corporation, 100 South Calumet Street, Burlington, Wis. Authority sought to operate as a *common carrier*, by motor vehicle over irregular routes, transporting: *Iron and steel, and iron and steel articles*, from Sterling and Rock Falls, Ill., to points in Minnesota and Wisconsin.

NOTE: If a hearing is deemed necessary, applicant requests it be held at St. Louis, Mo.

No. MC 119848 (Sub-No. 8), filed April 12, 1965. Applicant: KENISON TRUCKING, INC., Post Office Box 324, 1975 South, 1045 West, Salt Lake City, Utah. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Stone*, natural, quarried, nonprocessed, sawed, guillotined, polished, terrazzo, flag, crushed, marble, slate, cast, and ornamental building blocks, and used bricks, between points in Utah and points in California, with stop in transit privilege for partial loading or unloading in Nevada.

NOTE: Applicant is also authorized to conduct operations as a contract carrier in Permit MC 115504, therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Salt Lake City, Utah.

No. MC 119934 (Sub-No. 93), filed April 19, 1965. Applicant: ECOFF TRUCKING, INC., 625 East Broadway, Fortville, Ind. Applicant's attorney: Leonard A. Jaskiewicz, Madison Building, 1155 Fifteenth Street NW., Washington, D.C., 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Anhydrous ammonia*, in bulk, in tank vehicles, and *dry urea*, in bulk, from the plant site of American Cyanamid Co., located at or near Avondale, La., to points in Alabama, Arkansas, Florida, Georgia, Kansas, Kentucky, Louisiana, Mississippi, Missouri, North Carolina, Oklahoma, South Carolina, Tennessee, and Texas.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 123157 (Sub-No. 9), filed April 12, 1965. Applicant: CEMENT TRANSPORTERS, INC., Rillito, Ariz. Applicant's attorney: A. Michael Bernstein, 1327 Guaranty Bank Building, Phoenix, Ariz., 85012. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cement*, in sacks, and in bulk, from Rillito and Clarkdale, Ariz., to the port of entry on the International Boundary line between the United States and Mexico at or near Nogales, Ariz., on traffic destined to Mexico, and *contaminating or rejected shipments* of the named commodities, on return.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Phoenix, Ariz.

No. MC 123310 (Sub-No. 4), filed April 14, 1965. Applicant: VERNON L. HUNT, doing business as HUNT TRUCKING, 1014 Madison Avenue, Cheyenne, Wyo. Applicant's attorney: Ward A. White, Post Office Box 578, 1600 Van Lennen Avenue, Cheyenne, Wyo. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry animal* and *poultry feed*, in bulk and in sacks, from Denver, Colo., to points in Fremont, Campbell, Natrona, Sheridan, Johnson, and Converse Counties, Wyo., and points in Yellowstone and Big Horn Counties, Mont., and *exempt agricultural commodities*, on return.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Cheyenne, Wyo.

No. MC 123393 (Sub-No. 61), filed April 15, 1965. Applicant: BILYEU REFRIGERATED TRANSPORT CORPORATION, 1914 East Blaine Street, Springfield, Mo. Applicant's attorney: Herman W. Huber, 101 East High Street, Jefferson City, Mo. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Food products*, from Columbus, Ohio, to points in Texas, Oklahoma, Arkansas, Louisiana, Kansas, and Missouri.

NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Columbus, Ohio.

No. MC 123393 (Sub-No. 62), filed April 15, 1965. Applicant: BILYEU REFRIGERATED TRANSPORT CORPORATION, 1914 East Blaine Street, Springfield, Mo. Applicant's attorney: Herman W. Huber, 101 East High Street, Jefferson City, Mo. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from Braddock and Lake City, Pa. to points in Missouri and Iowa.

NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Pittsburgh, Pa.

No. MC 123579 (Sub-No. 2), filed April 13, 1965. Applicant: HARBOURT AIR FREIGHT SERVICE, INC., Mercer County Airport, West Trenton, N.J. Applicant's attorney: Russell S. Bernhard, 1625 K Street NW., Washington, D.C., 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk and those requiring special equipment), between Philadelphia International Airport, Philadelphia, Pa., La Guardia Airport, and Kennedy International Airport, New York, N.Y., and Newark Municipal Airport, Newark, N.J., on the one hand, and, on the other, Neshanic, N.J., and points in that part of Hunterdon and Warren Counties, N.J., on and south of U.S. Highway 22, restricted to traffic moving and immediately prior or immediately subsequent movement by air.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Trenton, N.J.

No. MC 123952 (Sub-No. 7), filed April 13, 1965. Applicant: RENTAR TRUCKING, INC., 89–89 Union Turnpike, Glendale 27, N.Y. Applicant's representative: William D. Traub, 10 East 40th Street, New York 16, N.Y. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Such commodities* as are dealt in by retail department stores, and *materials, supplies, equipment, and fixtures* in the operation of such stores, between New York, Carle Place, West Islip, Huntington, Nanuet, Lawrence, Scarsdale, and Port Chester, N.Y.; North Brunswick, Watchung, Audubon, Trenton, West Orange, and Paramus, N.J.; Hartford, and Trumbull, Conn.; Camp Hill, Springfield, Philadelphia, and King of Prussia, Pa.; Towson, Glen Burnie, Baltimore, and Rockville, Md., and Balleys Crossroads, Va.

NOTE: The applicant states the above-proposed operations will be under a continuing contract, or contracts with E. J. Korvette, Inc., of New York, N.Y. Applicant further states that it will consent to the cancellation of its presently held authority under Permit MC 123952, Sub 6, if the above is granted. If a hearing is deemed necessary, applicant requests it be held at New York, N.Y.

No. MC 123972 (Sub-No. 9), filed April 16, 1965. Applicant: LEO J. UMERLEY, INC., Box 373 H, R.F.D. No. 2, Baltimore, Md., 21206. Applicant's representative: Donald E. Freeman, 172 East Green Street, Westminster, Md. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Salt*, in bulk and in bags, from Baltimore and White Marsh, Md., to points in Cumberland, Montgomery, Dauphin, Bucks, and Philadelphia Counties, Pa.; (2) *salt*, in bulk, from Baltimore, Md., to White Marsh, Md.; and (3) *salt*, in bags, from White Marsh, Md., to points in Delaware, points in Adams, Berks, Chester, Dauphin, Delaware, Lancaster, and York Counties, Pa., points in that part of Virginia on, north and east of a line formed by the James River from Norfolk to Richmond, thence over U.S. Highway 250 to the Virginia-West Virginia State line, and the District of Columbia.

NOTE: Applicant states that the above proposed operation will be performed under a continuing contract or contracts with Watkins Salt Co., Watkins Glen, N.Y. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 124078 (Sub-No. 136), filed April 15, 1965. Applicant: SCHWERMAN TRUCKING CO., a corporation, 611 South 28th Street, Milwaukee, Wis., 53246. Applicant's attorney: James R. Ziperski (address same as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer, fertilizer solutions*, and *fertilizer materials*, in bulk and in bags, from Erie, Ill., and points within 5 miles thereof, to points in Indiana, Iowa, Michigan, Minnesota, Missouri, and Wisconsin.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 124123 (Sub-No. 24), filed April 13, 1965. Applicant: SCHWERMAN TRUCKING CO., OF ILLINOIS, INC., 611 South 28th Street, Milwaukee, Wis., 53246. Applicant's attorney: James R. Ziperski (same address as applicant's). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Sand*, in bulk, from Oregon, Ill., to points in Indiana.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 124692 (Sub-No. 12), filed April 15, 1965. Applicant: MYRON SAMMONS, Post Office Box 933, Missoula, Mont., 59801. Applicant's attorney: Charles E. Nieman, 1160 Northwestern Bank Building, Minneapolis 2, Minn. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Building materials*, as described in Appendix VI to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 279, and *pulpboard, hardboard, insulating, padding, and cushioning materials*, and *accessories* for the installation thereof, from points in Michigan, Illinois, Wisconsin, Minnesota, and North Dakota, to points in Montana and Idaho.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Billings, Mont.

No. MC 124951 (Sub-No. 9), filed April 16, 1965. Applicant: WATHEN TRANSPORT, INC., Post Office Box 237, Henderson, Ky. Applicant's attorney: Robert M. Pearce, 221 Saint Clair Street, Frankfort, Ky. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Scrap metal* and *junked batteries*, from Henderson, Ky., and Evansville, Ind., to points in Arkansas, Illinois, Indiana, Missouri, Ohio, Pennsylvania, Tennessee, and West Virginia.

NOTE: Applicant is also authorized to conduct operations as a contract carrier in Permit No. MC 119309, therefore, dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Louisville, Ky.

No. MC 126069 (Sub-No. 1), filed April 15, 1965. Applicant: JOE L. LANGER, 924 West Avenue F, Muleshoe, Tex. Applicant's attorney: Grady L. Fox, 222 Amarillo Building, Amarillo, Tex. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Houses* and *other structures* not knocked down, intact or in sections and (2) *retired box cars* by use of special equipment such as pole trailers, skids, and dollies, etc., between points in Texas west of U.S. Highway 83, and points in New Mexico east of U.S. Highway 85.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Amarillo, Tex., Lubbock, Tex., Roswell, N. Mex., or Albuquerque, N. Mex.

No. MC 126094 (Sub-No. 2), filed April 13, 1965. Applicant: ARTHUR TROTZKE, Post Office Box 128, Farmersburg, Ind. Applicant's attorney: Robert T. Lawley, 306–308 Reisch Building, Springfield, Ill. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Unfinished lumber and scaled logs*, from points in Illinois and Indiana, to points in Ohio.

NOTE: Applicant states that the proposed service is to be for account of National Lumber Co. If a hearing is deemed necessary, applicant requests it be held at Springfield, Ill.

No. MC 126113 (Sub-No. 1), filed April 15, 1965. Applicant: ALEXANDER CLARK, doing business as ALRAY TRUCK LINES, R.F.D. No. 5, Hendersonville, N.C. Applicant's attorney: Boyce A. Whitmire, Hendersonville, N.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Magnetite*, in processed form, in bulk, and in bags, from Erwin, Tenn., to points in Alabama, Florida, Georgia, Indiana, Kentucky, Louisiana, Mississippi, Michigan, North Carolina, Ohio, South Carolina, Tennessee, Texas (excluding Houston, Tex., and points within fifty (50) miles of Houston), Virginia and West Virginia.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Raleigh, N.C., Charlotte, N.C., or Washington, D.C.

No. MC 126123 (Sub-No. 1), filed April 16, 1965. Applicant: HARRY FELTON, doing business as FELTON & TENNY, Post Office Box 597, Kodiak, Alaska. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, household goods as defined by the Commission and Classes A and B explosives), between points on Kodiak Island, Alaska.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Kodiak, Alaska.

No. MC 126174 (Sub-No. 1), filed April 13, 1965. Applicant: TURNPIKE TRUCKING INC., 51 West Hills Road, Huntington Station, N.Y. Applicant's representative: George A. Olsen, 69 Tonnele Avenue, Jersey City, N.J., 07306. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Clay conduit*, not lined and without bell ends, from Huntington Station, N.Y., to points in Nassau and Suffolk Counties, N.Y., restricted to traffic having prior movement by railroad under continuing contract with Natco Corp., Pittsburgh, Pa.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 126190 (AMENDMENT), filed April 10, 1964, published FEDERAL REGISTER issue, April 29, 1964, and republished as amended this issue. Applicant: SAN DIEGO COUNTY TRANSFER AND STORAGE, a corporation, doing business as LA MESA TRANSFER AND STORAGE, 8336 Case Street, La Mesa, Calif. Applicant's attorney: Donald Murchison, Suite 211 Allen Paris Building, 211 South Beverly-Drive, Beverly Hills, Calif., 90212. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in San Diego and Orange Counties, Calif., in traffic having a prior or subsequent out-of-State movement.

NOTE: The purpose of this republication is to change the territorial description to read: Between points in San Diego and Orange Counties, Calif., in traffic having a prior or subsequent out-of-State movement. If a hearing is deemed necessary, applicant requests it be held at San Diego, Calif.

No. MC 126899 (Sub-No. 8), filed April 16, 1965. Applicant: USHER TRANSPORT, INC., 1415 South Third Street, Paducah, Ky. Applicant's attorney: George M. Catlett, Suite 703–706 McClure Building, Frankfort, Ky., 40601. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages* in containers, from Peoria, and Belleville, Ill., to Bowling Green, Ky.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Nashville, Tenn.

No. MC 126899 (Sub-No. 9), filed April 16, 1965. Applicant: USHER TRANSPORT, INC., 1415 South Third Street, Paducah, Ky. Applicant's attorney: George M. Catlett, Suite 703–706, McClure Building, Frankfort, Ky., 4061. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages*, in containers, from Evansville, Ind., and Belleville, Ill., to Clarksville, Tenn.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Nashville, Tenn.

No. MC 126938 (AMENDMENT), filed February 8, 1965, published in FEDERAL REGISTER issue of February 25, 1965, amended April 19, 1965, and republished as amended this issue. Applicant: BUILDERS EXPRESS, INC., Post Office Box 685, Meridian, Miss. Applicant's attorney: Mack Stephenson, 42 Fox Mill Lane, Springfield, Ill., 62707. Authority sought to operate as a *common carrier*,

by motor vehicle, over irregular routes, transporting: *Buildings, complete*, knocked down or in sections, including *all component parts, materials, supplies*, and *fixtures*, and when shipped with such buildings, *accessories* used in the erection, construction, and completion thereof, between points in Ohio, on the one hand, and, on the other, points in Alabama, Georgia, Florida, Louisiana, Mississippi, and South Carolina.

NOTE: The purpose of this republication is to add South Carolina as a destination State. If a hearing is deemed necessary, applicant requests it be held at Columbus, Ohio.

No. MC 126939, filed February 7, 1965. Applicant: W. GRAY BRAXTON, doing business as GRAY BRAXTON TRUCKING CO., Post Office Box 186, Cottondale, Fla. Applicant's attorney: Richard J. Brooks, Post Office Box 1531, Tallahassee, Fla. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber, veneer, feed, seeds*, and *processed fertilizer*, said fertilizer to be transported in bags only (no fertilizer solutions), between points in Florida, points in Alabama on and southeast of Interstate Highway 65, beginning at Mobile, Ala., and extending to Montgomery, thence on and southeast of Interstate Highway 85 to the Alabama-Georgia State line, and points in Georgia on and southeast of Interstate Highway 85 extending from the Alabama-Georgia State line to Atlanta, Ga., and on and south of Interstate Highway 20 extending to Augusta, Ga.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Tallahassee, Fla.

No. MC 127089, filed March 22, 1965. Applicant: RAVENS-METAL PRODUCTS, INC., Route 2 North, Box 1385, Parkersburg, W. Va. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Commodities* manufactured by Ravens-Metal or its affiliated companies, *commodities* purchased to be used in manufacture, or any *commodities* used in conducting its business, including but not limited to aluminum sheet, plate, extrusion, pipe, bar, tires, axles, suspensions, wheels, hoists, iron and steel articles as contained in Appendix V, building materials as contained in Appendix VI, electrical appliances, equipment, and parts, as contained in Appendix VII, and road construction machinery and equipment as contained in Appendix VIII, to *Descriptions in Motor Carrier Certificates*, Ex Parte MC-45, 61 M.C.C. 209, and 766, pintle hooks, turntables, self-contained power units, aluminum furniture, aluminum buildings, or portions thereof, truck trailers, truck bodies, boxes, chassis, parts and equipment, machinery, equipment, parts, materials and supplies, machinery or articles which because of size or weight require special equipment or special handling and any other items necessary from suppliers to Ravens-Metal or any of its affiliated companies, between Shinnston, Ellenboro, Parkersburg, and Elizabeth, W. Va., and Strasburg, Ohio, on the one hand, and on the other, points in Arkansas, Alabama, Connecticut, Delaware, District of Columbia, Florida, Georgia, Illinois, Indiana, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Mississippi, Missouri, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Vermont, Virginia, and West Virginia.

NOTE: Applicant states the above transportation service will exclude commodities of unusual value and explosives. If a hearing is deemed necessary, applicant requests it be held at Parkersburg, W. Va.

No. MC 127127, filed April 7, 1965. Applicant: JAMES MURPHY AND THOMAS MURPHY, a partnership, 8459 Veree Road, Philadelphia, Pa. Applicant's attorney: Morris J. Winokur, Suite 1920, Two Penn Center Plaza, John F. Kennedy Boulevard at 15th Street, Philadelphia, Pa., 19102. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except Classes A and B explosives, household goods, commodities in bulk and commodities requiring special equipment), between Williamstown Junction, N.J., on the one hand, and, on the other, points in Camden County, N.J., Philadelphia, Bucks, Chester, Delaware, Montgomery Counties, Pa., and New Castle, Del.

NOTE: Applicant states that the above-proposed operation will be under contract with Gustin-Bacon Manufacturing Co. If a hearing is deemed necessary, applicant requests it be held at Philadelphia, Pa.

No. MC 127156, filed April 12, 1965. Applicant: E. J. BRADLEY, doing business as ED'S FUEL AND TRANSFER, Post Office Box 139, Wrangell, Alaska. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value), between points on Wrangell Island, Alaska.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Wrangell, Alaska.

No. MC 127157, filed April 12, 1965. Applicant: C. THOMAS UMBERTO, doing business as C. & E. TRUCKING AND MOVING CO., 49-51 Downing Street, New York, N.Y. Applicant's attorney: Joseph A. Monica, 15 William Street, New York 5, N.Y. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Commercial furniture and banking equipment*, between New York City, N.Y., and Morristown, Morris Plains, Newark, Paterson, Orange, West Orange, East Orange, South Orange, New Brunswick, and Metuchen, N.J.

NOTE: Applicant states the proposed service to be under contract with Dancher & Sellew, Inc., 267 Broadway, New York, N.Y. If a hearing is deemed necessary, applicant requests it be held at New York, N.Y.

No. MC 127159, filed April 13, 1965. Applicant: STANDARD TRUCKING CO., INC., Post Office Box 93, Bay Minette, Ala. Applicant's representative: Robert E. Tate, 2031 Ninth Avenue, South Birmingham, Ala. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New furniture*, from the plant site of Standard Furniture Manufacturing Co., located at Bay Minette, Ala., to points in the United States (including the District of Columbia), but (excluding points in Hawaii and Alaska), and *equipment, materials, and supplies used in the manufacture and distribution* of new furniture, on return.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Mobile or Birmingham, Ala.

No. MC 127161 (CORRECTION), filed April 9, 1965, published FEDERAL REGISTER issue April 28, 1965, and republished as corrected this issue. Applicant: KENNETH W. HULME AND DONALD A. HULME, a partnership, doing business as HULME PRODUCE, Hagerman, Idaho.

NOTE: The purpose of this republication is to correctly show applicant's Docket No. as *MC 127161*. Previous publication indicated the number as MC 12761 in error.

No. MC 127164, filed April 16, 1965. Applicant: ELMER MILLER, doing business as MILLER TRUCKING CO., Archbold, Ohio. Applicant's attorneys: A. Charles Tell, 44 East Broad Street, Columbus, Ohio, 43215 and Owen Rice, Archbold, Ohio, 43502. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Sand, gravel, stone, cinders, slag, coated aggregates, dirt, fertilizer, salt*, and *such similar commodities* as are susceptible of being unloaded by dumping, in dump trucks, between points in Fulton and Henry Counties, Ohio, on the one hand, and, on the other, points in that part of Indiana bounded by a line commencing at the Ohio-Indiana State line, thence over U.S. Highway 36 to junction U.S. Highway 31, thence over U.S. Highway 31 to junction U.S. Highway 24, thence over U.S. Highway 24 to junction Indiana Highway 15, thence over Indiana Highway 15 to the Indiana-Michigan State line and points in that part of Michigan bounded by a line commencing at the Ohio-Michigan State line thence over U.S. Highway 23 to junction U.S. Highway 12, thence over U.S. Highway 12 to junction U.S. Highway 27, thence over U.S. Highway 27 to the Michigan-Indiana State line, including service to points on the above-specified highways.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Columbus, Ohio.

No. MC 127170, filed April 15, 1965. Applicant: TRUCK RENTAL COMPANY, a corporation, Route 1, Argyle, Iowa. Applicant's attorney: Carl L. Steiner, 39 South LaSalle Street, Chicago, Ill., 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Agricultural insecticides, fungicides*, and *herbicides*, in bags, (1) from Omaha, Nebr., to points in South Dakota, Minnesota, and Iowa; and (2) from El Paso, Ill., to points in Iowa, Missouri, Minnesota, Wisconsin, Michigan, Ohio, and Indiana.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Des Moines, Iowa.

No. MC 127172, filed April 19, 1965. Applicant: PHILIP MARGOLIES, doing

business as BI-STATE CARRIERS, 140 Clyde Street, Evanston, Ill., 60202. Applicant's representative: George S. Mullins, 4704 West Irving Park Road, Chicago, Ill., 60641. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Camp baggage, including all personal effects of children and/or adults* while going to or from camp or while at camp, (1) between Chicago, Ill., on the one hand, and, on the other, points in Michigan, Minnesota, and Wisconsin, and (2) between points in Michigan, Minnesota, and Wisconsin.

NOTE: Applicant states the proposed operations will be seasonal between May 1 and October 30 both inclusive, of each year. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 127182, filed April 16, 1965. Applicant: GENE WANGERIN, Stephenson, Mich. Applicant's attorney: Wilfred J. Hupy, County Courthouse, Menominee, Mich. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Fencing and wooden posts and wooden post products*, limited to serving the Dowell Corp., Ingalls, Mich., under continuing contracts, from Ingalls, Mich., to points in Wisconsin, Illinois, and Indiana.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Lansing, Mich., Madison or Milwaukee, Wis., or Chicago, Ill.

No. MC 127183, filed April 16, 1965. Applicant: R. A. BENTIN, doing business as NEW ORLEANS FREIGHT DISTRIBUTORS, 2027 St. Louis Street, New Orleans, La. Applicant's attorney: Wood Brown, 804-811 National Bank of Commerce Building, New Orleans, La., 70112. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, between points within the New Orleans commercial zone, including New Orleans, La.

NOTE: Applicant states he proposes to contract to deliver shipments to members of a nonprofit shippers association formed pursuant to exemption provided in section 402 (c) of the Interstate Commerce Act. Applicant believes his activity is not within the purview of said act and if the Commission so finds, applicant respectfully requests that this application be dismissed for lack of jurisdiction. If a hearing is deemed necessary, applicant requests it be held at New Orleans, La.

MOTOR CARRIERS OF PASSENGERS

No. MC 3647 (Sub-No. 371), filed April 16, 1965. Applicant: PUBLIC SERVICE COORDINATED TRANSPORT, 180 Boyden Avenue, Maplewood, N.J. Applicant's attorney: Richard Fryling (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers and their baggage, and express and newspapers* in the same vehicle with passengers, between Elisabeth, N.J., and Borough of Richmond (Staten Island), New York, N.Y.: from Elizabeth over New Jersey Highway 439 and Goethals Bridge to Staten Island, N.Y., and return over the same route, serving all intermediate points.

NOTE: Applicant states it presently has authority to operate over the above stated route in Certificate MC 3647 Sub 356 but is restricted as follows: "Restricted against the transportation of passengers who originate at Elizabeth, N.J., and are destined to Staten Island, N.Y., or who originate at Staten Island, N.Y., and are destined to Elizabeth, N.J." The purpose of this application is to eliminate the above described restriction. If a hearing is deemed necessary, applicant requests it be held at Newark, N.J.

No. MC 67657 (Sub No. 2), filed January 25, 1965. Applicant: WHITE MOUNTAIN PASSENGER LINES, INC., Post Office Box 466, Show Low, Ariz. Authority sought to operate as a *common carrier*, by motor vehicle, over regular and irregular routes, transporting: (A) *Passengers and their baggage and express, mail and newspapers* in the same vehicle with passengers. *Regular routes*: (1) between Show Low, Ariz., and St. Johns, Ariz.; from Show Low over U.S. Highway 60 to junction Arizona Highway 61, thence over Arizona Highway 61 to St. Johns and return over the same route, serving the intermediate points of Concho, Cedar Ridge, Show Low Pines, and Park Show Low, Ariz.; (2) between Springerville, Ariz., and the Arizona-New Mexico State line, over U.S. Highway 60, serving all intermediate points; (3) between McNary, Ariz., and Eager, Ariz., over Arizona Highway 73, serving all intermediate points; (4) between junction Arizona Highways 73 and 373 and Greer, Ariz., over Arizona Highway 373, serving all intermediate points; (5) between Springerville, Ariz., and Alpine, Ariz., over U.S. Highways 180 and 666 (formerly U.S. Highway 260), serving the intermediate point of Nutrioso, Ariz.; (6) between Show Low, Ariz., and Payson, Ariz.; from Show Low over Arizona Highway 77 to junction Arizona Highway 277, thence over Arizona Highway 277 to junction Arizona Highway 160, thence over Arizona Highway 160 to Payson and return over the same route, serving the intermediate points of Taylor, Snowflake, Snowflake Highlands, Forest Towne, Christopher Creek, and Kohls Ranch, Ariz.; (7) between junction unnumbered highway and Arizona Highway 277 and the Southwest Forest Industries Pulp Mill, over unnumbered highway, serving all intermediate points; (8) between Holbrook, Ariz., and junction unnumbered county road and Arizona Highway 277; from Holbrook over Arizona Highway 77 to junction unnumbered county road three (3) miles south of Holbrook, thence over unnumbered county road to junction Arizona Highway 277 eight (8) miles east of Heber, Ariz., and return over the same route, serving all intermediate points; (9) between Snowflake, Ariz., and Heber, Ariz., over Arizona Highway 277, serving all intermediate points; and (10) between Show Low, Ariz., and Heber, Ariz., over Arizona Highway 160, serving the intermediate points of Linden, Pinedale, Clay Springs, Aripine, and Overgaard, Ariz.; (B) *passengers and their baggage*, in special or charter operations. *Irregular routes*: between points in Arizona.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Phoenix, Ariz.

No. MC 123916 (Sub-No. 10), filed April 13, 1965. Applicant: GROVE CITY BUS LINES, INC., R.D. No. 4, Grove City, Pa. Applicant's attorney: Philip M. Browning, Jr., 1515 Park Bldg., Pittsburgh, Pa., 15222. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers and their baggage, and newspapers and express*, in the same vehicle with passengers between Zelienople, Pa., and Butler, Pa.: from Zelienople over Pennsylvania Highway 68 to Butler, and return over the same route, serving all intermediate points.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Pittsburgh, Pa.

APPLICATIONS FOR WATER CARRIERS

No. W-431 (Sub-No. 11) (Sioux City and New Orleans Barge Lines, Inc.—extension—Arkansas River), filed April 19, 1965. Applicant: SIOUX CITY AND NEW ORLEANS BARGE LINES, INC., 5012 Telephone Road, Houston, Tex. Applicant's attorney: Harry W. Patterson, First City National Bank Building, Houston, Tex., 77002. Application filed April 19, 1965, for a revised certificate authorizing extension of its operations to include operation as a common carrier by water in interstate or foreign commerce, by non-self-propelled vessels with the use of separate towing vessels in the transportation of general commodities, and by towing vessels in the performance of general towage (a) between ports and points along the Verdigris River and the Arkansas River and its tributaries, the Arkansas Post Canal, and the White River from the Arkansas Post Canal to its confluence with the Mississippi River, and (b) between ports and points specified in (a) above, on the one hand, and, on the other, ports and points applicant is presently authorized to serve along the Mississippi River from Grafton, Ill., to Port Sulphur, La., the Illinois Waterway; the Ohio River, the Monogahela River below Brownsville, Pa., and the Missouri River, including the ports and points applicant is presently authorized to serve.

APPLICATIONS IN WHICH HANDLING WITHOUT ORAL HEARING HAS BEEN REQUESTED

MOTOR CARRIERS OF PROPERTY

No. MC 30202 (Sub-No. 1), filed March 1, 1965. Applicant: BOSTON & TAUNTON TRANSPORTATION CO., a corporation, 200 Frontage Road, Boston, Mass. Applicant's attorney: Francis P. Barrett, 25 Bryant Avenue, East Milton (Boston), Mass., 02186. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined in *Practices of Motor Common Carriers of Household Goods*, 17 M.C.C. 467, com-

modities in bulk, commodities requiring

modities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading), (1) between Boston, and Danvers, Mass., (a) from Boston over Massachusetts Highway 1A to Danvers, (b) from Boston over U.S. Highway 1 to junction Massachusetts Highway 128, thence over Massachusetts Highway 128 to Danvers, and (c) from Boston over Massachusetts Highway 107 to Salem, thence over Massachusetts Highway 1A to Danvers, and return over the same routes, (2) between Boston, and Haverhill, Mass., (a) from Boston over Massachusetts Highway 28 to junction Massachusetts Highway 125, thence over Massachusetts Highway 125 to Haverhill, and (b) from Boston over U.S. Highway 3 to Lowell, thence over Massachusetts Highway 110 to Haverhill, and return over the same routes, (3) between Boston, Mass., and Providence, R.I., (a) from Boston, Mass., over Massachusetts Highway 9 to junction Massachusetts Highway 128, thence over Massachusetts Highway 128 to junction Massachusetts Highway 109, thence over Massachusetts Highway 109 to junction Massachusetts Highway 126, thence over Massachusetts Highway 126 to Massachusetts-Rhode Island State line.

Thence over Rhode Island Highway 126 to Providence, (b) from Boston, Mass., over Massachusetts Highway 1A to junction U.S. Highway 1, thence over U.S. Highway 1 to Providence, R. I., and (c) from Boston, Mass., over U.S. Highway 1 to junction Massachusetts Highway 152, thence over Massachusetts Highway 152 to Attleboro, thence over Massachusetts Highway 123 to junction U.S. Highway 1, thence over U.S. Highway 1 to Providence, R.I., and return over the same routes (4) between Boston, and New Bedford, Mass., (a) from Boston over Southeast Expressway to junction Massachusetts Highway 128, thence over Massachusetts Highway 128 to junction Massachusetts Highway 24, thence over Massachusetts Highway 24 to junction U.S. Highway 44, thence over U.S. Highway 44 to Taunton, thence over Massachusetts Highway 140 to junction Massachusetts Highway 24, thence over Massachusetts Highway 24 to junction Massachusetts Highway 79, thence over Massachusetts Highway 79 to Fall River, thence over U.S. Highway 6 to New Bedford, (b) from Boston over Massachusetts Highway 3 to junction Massachusetts Highway 18, thence over Massachusetts Highway 18 to Bridgewater, thence over Massachusetts Highway 104 to junction Massachusetts Highway 24, thence over Massachusetts Highway 24 to junction Massachusetts Highway 140, thence over Massachusetts Highway 140 to New Bedford, (c) from Boston over Massachusetts Highway 138 to Fall River, thence over U.S. Highway 6 to New Bedford and (d) from Boston over Massachusetts Highway 138 to Taunton, thence over Massachusetts Highway 140 to New Bedford, and return over the same routes.

NOTE: Serving all intermediate points and the off-route points within 5 miles of the above-specified routes. (5) between Boston, and Worcester, Mass. (a) from Boston over Massachusetts Highway 9 to Worcester, and (b) from Boston over U.S. Highway 20 to junction Massachusetts Highway 9, thence over Massachusetts Highway 9 to Worcester, and return over the same routes, (6) between Providence, R.I., and Worcester, Mass. (a) from Providence, R.I., over Rhode Island Highway 146 to the Massachusetts-Rhode Island State line, thence over Massachusetts Highway 146 to Worcester, and (b) from Providence, R.I., over Rhode Island Highway 122 to the Massachusetts-Rhode Island State line, thence over Massachusetts Highway 122 to Worcester, Mass.; and return over the same routes.

NOTE: Serving all intermediate points and off-route points in Rhode Island and Massachusetts within five miles of the above-specified routes except those in Massachusetts west of the Commercial Zones of points located on Massachusetts Highway 12. This application is filed pursuant to MC-C-4366, effective May 1, 1964, which provides the special rules for conversion of irregular route to regular motor carrier operations.

SPECIAL NOTE: Potests to this application may be filed within 45 days instead of 30 days.

No. MC 38565 (Sub-No. 8), filed March 1, 1965. Applicant: HARRIS MOTOR EXPRESS, INC., Charles Town Road, Post Office Box 1268, Martinsburg, W. Va. Applicant's attorney: James E. Wilson, Perpetual Building, 1111 E Street NW., Washington 4, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value and except dangerous explosives, household goods as defined in *Practices of Motor Carriers of Household Goods*, 17 M.C.C. 467, commodities injurious or contaminating to other lading) between Charles Town, W. Va., and Cumberland, Md. (1) from Charles Town over West Virginia Highway 9 to Berkeley Springs, W. Va., thence over U.S. Highway 522 to Hancock, Md., and thence over U.S. Highway 40 to Cumberland, and return over the same route; (2) from Charles Town over West Virginia Highway 9 to junction West Virginia Highway 51, thence over West Virginia Highway 51 to Ridgeley, W. Va., and thence over city streets to Cumberland and return over the same route; (3) from Charles Town over West Virginia Highway 9 to Martinsburg, W. Va., thence over U.S. Highway 11 to Williamsport, Md., thence over Maryland Highway 63 to junction U.S. Highway 40, and thence over U.S. Highway 40 to Cumberland, and return over the same route.

NOTE: Applicant states it will serve all intermediate points in connection with each of the above routes, and all off-route points in that part of West Virginia and Maryland within 60 miles of Cumberland, Md. This application is filed pursuant to MC-C-4366, effective May 1, 1964, which provides the special rules for conversion of irregular to regular motor carrier operations.

SPECIAL NOTE: Protests to this application may be filed within 45 days instead of 30 days.

No. MC 38921 (Sub-No. 4), filed February 26, 1965. Applicant: NEEDHAM'S MOTOR SERVICE, INC., 800 North New York Avenue, Atlantic City, N.J. Applicant's attorney: H. Charles Ephraim, 1411 K Street NW., Washington, D.C., 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined in *Practices of Motor Carriers of Household Goods*, 17 M.C.C. 467, commodities in bulk, commodities requiring special equipment and those injurious or contaminating to other lading), (1) between Philadelphia, Pa., and Atlantic City, N.J.; (a) from Philadelphia across the Delaware River and over unnumbered roads to Palmyra, N.J., thence over New Jersey Highway 543 to junction New Jersey Highway 73, thence over New Jersey Highway 73 to junction U.S. Highway 30 near Berlin, N.J., thence over U.S. Highway 30 to Atlantic City and return over the same route, serving all intermediate points; (b) from Philadelphia across the Delaware River to Camden, N.J., thence over Interstate Highway 295 to junction New Jersey Highway 42, thence over New Jersey Highway 42 to junction U.S. Highway 322 near Williamstown, N.J., thence over U.S. Highway 322 to Atlantic City and return over the same route, serving all intermediate points; (c) from Philadelphia across the Delaware River and over unnumbered roads to Palmyra, N.J., thence over New Jersey Highway 543 to junction New Jersey Highway 73, thence over New Jersey Highway 73 to junction Spur New Jersey Highway 536 near Berlin, N.J., thence over Spur New Jersey Highway 536 to junction New Jersey Highway 561 at Tansboro, N.J.

Thence over New Jersey Highway 561 to junction Spur New Jersey Highway 561, thence over Spur New Jersey Highway 561 to junction U.S. Highway 322 near Penny Pot, N.J. (also from junction Spur New Jersey Highway 561 and New Jersey Highway 54 near Folsom, N.J., over New Jersey Highway 54 to junction U.S. Highway 322), thence over U.S. Highway 322 to Atlantic City and return over the same route, serving all intermediate points; (d) from Philadelphia across the Delaware River to Camden, N.J., thence over Interstate Highway 295 to junction New Jersey Highway 42, thence over New Jersey Highway 42 to junction New Jersey Highway 41, thence over New Jersey Highway 41 to junction New Jersey Highway 47, thence over New Jersey Highway 47 to junction New Jersey Highway 540 at Vineland, N.J., thence over New Jersey Highway 540 to junction U.S. Highway 40 at Richland, N.J., thence over U.S. Highway 40 to Atlantic City and return over the same route, serving all intermediate points; (e) from Philadelphia to junction New Jersey Highway 561 and Spur New Jersey Highway 561 as described in (c) above, thence over Spur New Jersey Highway 561 to junction New Jersey Highway 54, thence over New Jersey Highway 54 to Buena, N.J., thence over U.S. Highway 40 to Atlantic City and return over the same route, serving all intermediate points; and (f) from Philadelphia to junction New Jersey Highway 73 and U.S. Highway 30 as described in (a) above, thence over U.S. Highway 30 to junction New Jersey Highway 50 near Egg Harbor City, N.J., thence over New Jersey Highway 50 to junction U.S. Highway 40 near Mays Landing, N.J., thence over U.S. Highway 40 to Atlantic City and return over the same route, serving all intermediate points; (2) between Philadelphia, Pa., and Millville, N.J.; (a) from Philadelphia across the Delaware River to Camden, N.J.

Thence over U.S. Highway 130 to junction New Jersey Highway 45, thence over New Jersey Highway 45 to junction New Jersey Highway 77 at Mulica Hill, N.J., thence over New Jersey Highway 77 to Bridgeton, N.J., thence over New Jersey Highway 49 to Millville and return over the same route, serving all intermediate points; (b) from Philadelphia to junction New Jersey Highways 45 and 77 at Mulica Hill, N.J., as described in (a) above, thence over New Jersey Highway 77 to junction U.S. Highway 40 near Pole Tavern, N.J., thence over U.S. Highway 40 to junction New Jersey Highway 47 near Malaga, N.J., thence over New Jersey Highway 47 to Millville (also from junction New Jersey Highway 77 and U.S. Highway 40 over U.S. Highway 40 to Buena, N.J., thence over unnumbered roads to Millville), and return over the same routes, serving all intermediate points; (c) from Philadelphia across the Delaware River and over unnumbered roads to Palmyra, N.J., thence over New Jersey Highway 543 to junction New Jersey Highway 73, thence over New Jersey Highway 73 to junction U.S. Highway 30 near Berlin, N.J., thence over U.S. Highway 30 to Egg Harbor City, N.J., thence over New Jersey Highway 50 to junction New Jersey Highway 552 near Mays Landing, N.J., thence over New Jersey Highway 552 to Millville and return over the same route, serving all intermediate points; (3) between Philadelphia, Pa., and Bordentown, N.J.; (a) from Philadelphia across the Delaware River to Camden, N.J., thence over U.S. Highway 130 to junction New Jersey Highway 545, thence over New Jersey Highway 545 to Bordentown and return over the same route, serving all intermediate points; (b) from Philadelphia across the Delaware River to Camden, N.J., thence over New Jersey Highway 543 to junction U.S. Highway 130 near Burlington, N.J.

Thence over U.S. Highway 130 to junction New Jersey Highway 545, thence over New Jersey Highway 545 to Bordentown and return over the same route, serving all intermediate points; (c) from Philadelphia across the Delaware River and over unnumbered roads to Palmyra, N.J., thence over New Jersey Highway 543 to junction New Jersey Highway 73, thence over New Jersey Highway 73 to junction U.S. Highway 130, thence over U.S. Highway 130 to junction New Jersey Highway 545, thence over New Jersey Highway 545 to Bordentown and return over the same route, serving all intermediate points; (d) from Philadelphia across the Delaware River and over unnumbered roads to Palmyra, N.J., thence over New Jersey Highway 543 to junction U.S. Highway 130 near Burlington, N.J., thence over U.S. Highway 130 to junction New Jersey Highway 545, thence over New Jersey Highway 545 to Bordentown and return over the same route, serving all intermediate points; and (e) from Philadelphia across the Delaware River to Camden, N.J., thence over New Jersey Highway 38 to junction Interstate Highway 295, thence over Interstate Highway 295 to Bordentown and return over the same route, serving all intermediate points; (4) between Vineland, N.J., and Bridgeton, N.J., over unnumbered highways, serving all intermediate points; (5) between Vineland, N.J., and Wildwood, N.J., over New Jersey Highway 47, serving all intermediate points; (6) between Millville, N.J., and Tuckahoe, N.J., over New Jersey Highway 49, serving all intermediate points; (7) between Mays Landing, N.J., and Seaville, N.J., over New Jersey Highway 50, serving all intermediate points; (8) between Cape May, N.J., and Atlantic City, N.J.; (a) from Cape May over U.S. Highway 9 to junction U.S. Highway 40.

Thence over U.S. Highway 40 to Atlantic City and return over the same route, serving all intermediate points; (b) from Cape May over New Jersey Highway 585 to junction U.S. Highway 40, thence over U.S. Highway 40 to Atlantic City and return over the same route, serving all intermediate points; and (c) from Cape May over the Garden State Parkway to junction U.S. Highway 40, thence over U.S. Highway 40 to Atlantic City and return over the same route, serving all intermediate points; (9) between Clermont, N.J., and Townsend's Inlet, N.J.; from Clermont over U.S. Highway 9 to junction unnumbered highway, thence over unnumbered highways to Townsend's Inlet and return over the same route, serving all intermediate points; (10) between Bordentown, N.J., and Hammonton, N.J., over U.S. Highway 206, serving all intermediate points; and (11) between Buena, N.J., and Hammonton, N.J., over New Jersey Highway 54, serving all intermediate points; service is proposed in connection with all above-specified routes, (1) through (11) inclusive, to and from off-route points in that part of New Jersey bounded by a line beginning at Bordentown, N.J., and extending along the Delaware River shore to Camden, N.J., thence along New Jersey Highway 45 to junction New Jersey Highway 77, thence along New Jersey Highway 77 to Bridgeton, N.J., thence south along the Cohansey River to the Delaware Bay, thence along New Jersey shores of Delaware Bay and the Atlantic Ocean to Atlantic City, N.J., thence along U.S. Highway 30 to junction U.S. Highway 206, thence along U.S. Highway 206 to Bordentown and point of beginning.

NOTE: This application is filed pursuant to MC-C-4366, effective May 1, 1964, which provides the special rules for conversion of irregular-route to regular-route motor carrier operations.

SPECIAL NOTE: Protests to this application may be filed within 45 days instead of 30 days.

No. MC 55889 (Sub-No. 21), filed April 15, 1965. Applicant: COOPER TRANSFER CO., INC., Post Office Box 426, Brewton, Ala. Applicant's attorney: J. Douglas Harris, 413 Bell Building, Montgomery, Ala., 36104. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities requiring special equipment, and those injurious or contaminating to other lading), between Mobile, Ala., and Pensacola, Fla.; from Mobile over U.S. Highway 31 and 90 to Spanish Fort, Ala., thence over U.S. Highway 90 to junction Alternate U.S. Highway 90, thence over Alternate U.S. Highway 90 to junction Interstate Highway 10, thence over Interstate Highway 10 to junction U.S. Highway 29, thence over U.S. Highway 29 to Pensacola and return over the same route, serving no intermediate points, as an alternate route for operating convenience only, in connection with applicant's authorized regular-route operations.

No. MC 59264 (Sub-No. 35), filed March 1, 1965. Applicant: SMITH & SOLOMON TRUCKING COMPANY, a corporation, How Lane, New Brunswick, N.J. Applicant's representative: Robert DeKroyft, Woolworth Building, 233 Broadway, New York 7, N.Y. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading), between New York, N.Y., and Washington, D.C.; (1) from New York over U.S. Highway 1 to New Brunswick, N.J., thence over U.S. Highway 130 to Delaware Memorial Bridge, thence over U.S. Highways 13 and 40 to Baltimore, Md., thence over the Baltimore-Washington Expressway to Washington, and (2) from New York over the above-specified routes in (1) above to the New Jersey Turnpike, and thence over the New Jersey Turnpike to the Delaware Memorial Bridge, thence over Interstate Highway 95 to Baltimore, Md., and thence over the Baltimore-Washington Expressway to Washington, and return over the same routes, serving all intermediate points and points in Hudson, Bergen, Passaic, Morris, Essex, Union, Somerset, Middlesex, Monmouth, Mercer, Burlington, and Camden Counties, N.J., points in Westchester and Nassau Counties, N.Y., and points in Bucks and Philadelphia Counties, Pa., and those in Pennsylvania within fifteen (15) miles of Philadelphia as off-route points.

NOTE: This application is filed pursuant to MC-C-4366, effective May 1, 1964, which provides the special rules for conversion of irregular route to regular motor carrier operations.

SPECIAL NOTE: Protests to this application may be filed within 45 days instead of 30 days.

No. MC 61502 (Sub-No. 4), filed March 1, 1965. Applicant: WM. McCULLOUGH TRANSPORTATION CO., INC., Federal Shipyard, Kearny, N.J. Applicant's attorney: A. David Millner, 1060 Broad Street, Newark 2, N.J. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), (1) between Newark, N.J., and Johnstown, Pa.; (a) from Newark over U.S. Highway 1 to Philadelphia, Pa.,

thence over U.S. Highway 30 to Bedford, Pa., thence over Pennsylvania Highway 56 to Johnstown and return over the same route, serving all intermediate points in Pennsylvania; (b) from Newark over U.S. Highway 1 to junction U.S. Highway 130, thence over U.S. Highway 130 to Camden, N.J., thence over New Jersey Highway 70 to Philadelphia, Pa., thence over Interstate Highway 76 (Pennsylvania Turnpike) to Exit 11 and junction Pennsylvania Highway 56 thence over Pennsylvania Highway 56 to Johnstown and return over the same route, serving all intermediate points in Pennsylvania; (c) from Newark over the New Jersey Turnpike to Exit 4, thence over New Jersey Highway 73 to Philadelphia.

Thence as described above to Johnstown and return over the same route, serving all intermediate points in Pennsylvania; (d) from Newark over New Jersey Turnpike to Exit 3, thence over Interstate Highway 676 to Philadelphia, Pa., thence as described above to Johnstown and return over the same route, serving all intermediate points in Pennsylvania; (e) from Newark over U.S. Highway 22 to Ebensburg, Pa., thence over U.S. Highway 219 to Johnstown and return over the same route, serving all intermediate points in Pennsylvania; (f) from Newark over U.S. Highway 22 to Harrisburg, Pa., thence over U.S. Highway 15 to junction U.S. Highway 22, thence over U.S. Highway 22 to Ebensburg, Pa., thence over U.S. Highway 219 to Johnstown and return over the same route, serving all intermediate points in Pennsylvania; (g) from Newark over New Jersey Turnpike to Pennsylvania Extension of the New Jersey Turnpike, thence over the New Jersey Turnpike Extension to the Pennsylvania Turnpike, thence over the Pennsylvania Turnpike to Bedford, Pa. (Exit 11), thence over U.S. Highway 30 to junction U.S. Highway 219, thence over U.S. Highway 219 to Johnstown and return over the same route, serving all intermediate points in Pennsylvania; (h) from Newark over the New Jersey and Pennsylvania Turnpikes as above described, thence over the Pennsylvania Turnpike to Somerset, Pa. (Exit 10), thence over U.S. Highway 219 to Johnstown, and return over the same route, serving all intermediate points in Pennsylvania; in connection with (a) through (h) above, service is proposed to and from the off-route points of Pottstown, Reading, Myerstown, Richland, Lebanon, Hershey, New Cumberland, Marietta, Elizabethtown, Mount Joy, Landisville, Manheim, Lititz, Ephrata, Mount Holly Springs, Hanover, Kutztown, and Hamburg, Pa.; (2) between Bedford, Pa., and Johnstown, Pa.; from Bedford over U.S. Highway 30 to junction U.S. Highway 219, thence over U.S. Highway 219 to Johnstown and return over the same route, serving all intermediate points; (3) between Newark, N.J., and Altoona, Pa.; (a) from Newark over River Road to junction New Jersey Highway 3.

Thence over New Jersey Highway 3 to junction U.S. Highway 46, thence over U.S. Highway 46 to Stroudsburg, Pa., thence over U.S. Highway 611 to Scranton, Pa., thence over U.S. Highway 11 to Factoryville, Pa., thence over U.S. Highway 6 to Tunkhannock, Pa., thence over U.S. Highway 309 to Bowman Creek, Pa., thence over Pennsylvania Highway 29 to junction Pennsylvania Highway 118, thence over Pennsylvania Highway 118 to Hughesville, Pa., thence over U.S. Highway 220 to Altoona and return over the same route, serving all intermediate points in Pennsylvania; (b) from Newark to Stroudsburg, Pa., as described above, thence over Interstate Highway 80 to junction U.S. Highway 220, thence over U.S. Highway 220 to Altoona, and return over the same route serving all intermediate points in Pennsylvania; in connection with (a) and (b) above, service is proposed to and from the off-route points of Bellefonte, College Station, Milroy, Milton, Danville, Hazleton, Lansford, Nanticoke, Kingston, Blakely, Olyphnat, Throop, Dunmore, Old Forge, Pittston, Clarks Summit, Clarks Green, Moosic, Carbondale, Honesdale, Slatington, Lehighton, Jim Thorpe, Palmerton, Penn Argyl, Dickson City, Taylor, Duryea, Avoca, Ransom, Milwaukee, Pa., and Binghamton, N.Y.; (4) between junction U.S. Highway 22 and the Northeast Extension of the Pennsylvania Turnpike and Scranton, Pa., over the Northeast Extension of the Pennsylvania Turnpike, serving no intermediate points, as an alternate route for operating convenience only; (5) between junction Pennsylvania Turnpike and Northeast Extension of the Pennsylvania Turnpike and junction Northeast Extension of the Pennsylvania Turnpike and U.S. Highway 22, over the Northeast Extension of the Pennsylvania Turnpike, serving no intermediate points, as an alternate route for operating convenience only; (6) between junction U.S. Highway 22 and Pennsylvania Highway 61 north of Reading, Pa., and Sunbury, Pa., over Pennsylvania Highway 61, serving all intermediate points and the off-route points of Mahanoy City, Shenandoah, Catawissa, Danville, and Selinsgrove, Pa.

(7) Between Harrisburg, Pa., and Williamsport, Pa.; from Harrisburg over U.S. Highway 22 to Camp Hill, thence over U.S. Highway 15 to Williamsport, and return over the same route serving all intermediate points; (8) between Newark, N.J., and Philadelphia, Pa.; (a) from Newark over U.S. Highway 1 to junction U.S. Highway 130, thence over U.S. Highway 130 to Camden, thence over the Benjamin Franklin Bridge to Philadelphia and return over the same route, serving the intermediate points of Trenton and Camden, N.J., (b) from Newark, to junction U.S. Highway 130 and Interstate Highway 680, thence over Interstate Highway 680 to Philadelphia and return over the same route, serving the intermediate points of Trenton and Camden, N.J.; (c) from Newark over U.S. Highway 1 to Philadelphia and return over the same route, serving the intermediate points of Trenton and Camden, N.J.; (d) from Newark over New Jersey Turnpike to Exit 4 thereof, thence over New Jersey Highway 73 to the Palmyra Bridge, thence over the Palmyra Bridge to Philadelphia and return over the same route, serving the intermediate points of Trenton and Camden, N.J.; (e) from Newark over New Jersey Turnpike to Exit 4 thereof, thence over New Jersey Highway 73 to junction New Jersey Highway 38, thence over New Jersey Highway 38 to Camden, N.J., thence to Philadelphia as described above and return over the same route serving the intermediate points of Trenton and Camden, N.J.; (9) between Newark, N.J., and New York, N.Y.; (a) from Newark over U.S. Highways 1 and 9 to Jersey City, N.J., thence through the Holland Tunnel to New York, and return over the same route, serving no intermediate points; (b) from Newark over U.S. Highways 1 and 9 to Elizabeth Traffic Circle.

Thence over New Jersey Highway 439 to the Goethals Bridge, thence over the Goethals Bridge to New York, and return over the same route, serving no intermediate points; (c) from Newark over U.S. Highways 1 and 9 to North Bergen, N.J., thence over the underpass to the Lincoln Tunnel, thence through the Lincoln Tunnel to New York, and return over the same route, serving no intermediate points; (d) from Newark over U.S. Highways 1 and 9 to Fort Lee, N.J., thence over the underpass to the George Washington Bridge, thence over the George Washington Bridge to New York, and return over the same route, serving no intermediate points; (10) between Newark, N.J., and Albany, N.Y.; (a) from Newark over the New Jersey Turnpike to Exit 18 thereof, thence over U.S. Highway 46 to junction New Jersey Highway 17, thence over New Jersey Highway 17 to the New Jersey-New York State line, thence over New York Highway 17 to junction New York Thruway, thence over New York Thruway to Exit 23 thereof, thence over U.S. Highway 9W to Albany and return over the same routes, serving all intermediate points in New York and the off-route points of Schenectady and Troy, N.Y., (b) from Newark over U.S. Highways 1 and 9 to junction U.S. Highway 9W, thence over U.S. Highway 9W to Albany and return over the same route, serving all intermediate points in New York and the off-route points of Schenectady and Troy, N.Y.,(c) from Newark over U.S. Highways 1 and 9 to the George Washington Bridge, thence over the George Washington Bridge to U.S. Highway 9, thence over U.S. Highway 9 to Albany and return over the same route, serving all intermediate points in New York and the off-route points of Schenectady and Troy, N.Y., (d) from Newark over U.S. Highways 1 and 9 to junction U.S. Highway 9W.

Thence over U.S. Highway 9W to the Tappan Zee Bridge, thence over the Tappan Zee Bridge to junction U.S. Highway 9, thence over U.S. Highway 9 to Albany and return over the same route serving all intermediate points in New York and the off-route points of Schenectady and Troy, N.Y.; (11) between Newark, N.J., and Binghamton, N.Y.; from Newark over the New Jersey Turnpike to Exit 18 thereof, thence over U.S. Highway 46 to junction New Jersey Highway 17, thence over New Jersey Highway 17 to the New Jersey-New York State line, thence over New York Highway 17 to Binghamton and return over

the same route, serving all intermediate points in New York; (12) between Newark, N.J., and Port Jervis, N.Y.; from Newark over the New Jersey Turnpike to Exit 18, thence over U.S. Highway 46 to Singac Circle, thence over New Jersey Highway 23 to junction U.S. Highway 6, thence over U.S. Highway 6 to Port Jervis and return over the same route, serving no intermediate points; (13) between Port Jervis, N.Y., and Hancock, N.Y., over New York Highway 97, serving all intermediate points; (14) between Port Jervis, N.Y., and Monticello, N.Y., over New York Highway 42 serving no intermediate points, as an alternate route for operating convenience only; (15) between Monticello, N.Y., and Narrowsburg, N.Y., from Monticello over New York Highway 17B to Fosterdale, N.Y., thence over New York Highway 52 to Narrowsburg and return over the same route, serving no intermediate points, as an alternate route for operating convenience only; (16) between Port Jervis, N.Y., and Newburgh, N.Y.; (a) from Port Jervis over U.S. Highway 6 to Goshen, N.Y.

Thence over New York Highway 207 to Newburgh and return over the same route, serving all intermediate points; (b) from Port Jervis over U.S. Highway 6 to junction New York Highway 17M, thence over New York Highway 17M to Chester, N.Y., thence over New York Highway 94 to Newburgh and return over the same route, serving all intermediate points; (17) between Newburgh, N.Y., and Bloomingburg, N.Y., over New York Highway 17K, serving no intermediate points, as an alternate route for operating convenience only; (18) between Port Jervis, N.Y., and Kingston, N.Y., over U.S. Highway 209, serving all intermediate points; (19) between Binghamton, N.Y., and Albany, N.Y.; from Binghamton over New York Highway 7 to Schenectady, N.Y., thence over New York Highway 5 to Albany, and return over the same route, serving all intermediate points; (20) between Deposit, N.Y., and Sidney, N.Y., over New York Highway 8, serving no intermediate points, as an alternate route for operating convenience only; (21) between Deposit, N.Y., and Delhi, N.Y., over New York Highway 10, serving no intermediate points, as an alternate route for operating convenience only; (22) between Delhi, N.Y., and Oneonta, N.Y., over New York Highway 28, serving no intermediate points, as an alternate route for operating convenience only; (23) between Delhi, N.Y., and Stamford, N.Y., over New York Highway 10 serving no intermediate points, as an alternate route for operating convenience only; (24) between Stamford, N.Y., and Oneonta, N.Y., over New York Highway 23, serving no intermediate points, as an alternate route for operating convenience only.

(25) Between Stamford, N.Y., and Richmondville, N.Y., over New York Highway 10, serving no intermediate points, as an alternate route for operating convenience only; (26) between Hancock, N.Y., and Margaretville, N.Y., from Hancock over New York Highway 17 to junction New York Highway 30, thence over New York Highway 30 to Margaretville, and return over the same route, serving no intermediate points, as an alternate route for operating convenience only; (27) between Margaretville, N.Y., and Phoenicia, N.Y., over New York Highway 28, serving no intermediate points, as an alternate route for operating convenience only; (28) between Margaretville, N.Y., and Delhi, N.Y., over New York Highway 28, serving no intermediate points, as an alternate route for operating convenience only; (29) between Margaretville, N.Y., and Middleburg, N.Y., over New York Highway 30, serving no intermediate points, as an alternate route for operating convenience only; (30) between Phoenicia, N.Y., and Boiceville, N.Y., over New York Highway 28 serving no intermediate points, as an alternate route for operating convenience only; (31) between Boiceville, N.Y., and Kingston, N.Y. (a) from Boiceville over New York Highway 28 to Kingston and return over the same route, serving no intermediate points, as an alternate route for operating convenience only; (b) from Boiceville over New York Highway 28A to junction New York Highway 28, thence over New York Highway 28 to Kingston, and return over the same route, serving no intermediate points, as an alternate route for operating convenience only; (32) between Liberty, N.Y., and Woodbourne, N.Y., over New York Highway 52, serving no intermediate points, as an alternate route for operating convenience only; (33) between Liberty, N.Y., and Narrowsburg, N.Y., over New York Highway 52, serving no intermediate points, as an alternate route for operating convenience only.

(34) Between Liberty, N.Y., and Callicoon, N.Y., from Liberty over New York Highway 52 to junction New York Highway 52A, thence over New York Highway 52A to Callicoon, and return over the same route, serving no intermediate points, as an alternate route for operating convenience only; (35) between Newburgh, N.Y., and Ellenville, N.Y., over New York Highway 52, serving all intermediate points; (36) between Woodbourne, N.Y., and Ellenville, N.Y., over New York Highway 52 serving no intermediate points, as an alternate route for operating convenience only; (37) between Woodbourne, N.Y., and Monticello, N.Y., over New York Highway 42, serving no intermediate points, as an alternate route for operating convenience only; (38) between Phoenicia, N.Y., and Albany, N.Y.; from Phoenicia over New York Highway 214 to junction New York Highway 23A, thence over New York Highway 23A to junction New York Highway 32, thence over New York Highway 32 to Albany and return over the same route, serving no intermediate points, as an alternate route for operating convenience only; (39) between Saugerties, N.Y., and Stamford, N.Y.; from Saugerties over New York Highway 32A to junction New York Highway 23A, thence over New York Highway 23A to junction New York Highway 23, thence over New York Highway 23 to Stamford, and return over the same route, serving no intermediate points, as an alternate route for operating convenience only; (40) between Catskill, N.Y., and Cairo, N.Y., over New York Highway 23, serving no intermediate points, as an alternate route for operating convenience only; (41) between Cairo, N.Y., and Stamford, N.Y., over New York Highway 23, serving no intermediate points, as an alternate route for operating convenience only; (42) between Cairo, N.Y., and Albany, N.Y., over New York Highway 32, serving no intermediate points, as an alternate route for operating convenience only; (43) between Catskill, N.Y., and Cobleskill, N.Y.; from Catskill over New York Highway 23 to junction New York Highway 32.

Thence over New York Highway 32 to junction New York Highway 145, thence over New York Highway 145 to Cobleskill, and return over the same route, serving no intermediate points, as an alternate route for operating convenience only; (44) between Cobleskill, N.Y., and Middleburg, N.Y., over New York Highway 145 serving no intermediate points, as an alternate route for operating convenience only; (45) between Middleburg, N.Y., and Albany, N.Y., from Middleburg over New York Highway 30 to junction New York Highway 43, thence over New York Highway 43 to junction New York Highway 32, thence over New York Highway 32 to Albany and return over the same route, serving no intermediate points, as an alternate route for operating convenience only; (46) between Catskill, N.Y., and Great Barrington, Mass.; from Catskill over access roads to the Rip Van Winkle Bridge, thence across the Rip Van Winkle Bridge to New York Highway 23, thence over New York Highway 23 to the New York-Massachusetts State line, thence over Massachusetts Highway 23 to Great Barrington and return over the same route, serving no intermediate points, as an alternate route for operating convenience only; (47) between the junction of New York Thruway and the Massachusetts Extension of the New York Thruway and Exit 2 of the Massachusetts Turnpike (Interstate Highway 90), from the junction of the New York Thruway and the Massachusetts Extension of the New York Thruway over Interstate Highway 90 to Exit 2 of the Massachusetts Turnpike (Interstate Highway 90) and return over the same route, serving no intermediate points, as an alternate route for operating convenience only; (48) between Albany, N.Y., and Springfield, Mass.

(a) From Albany over U.S. Highway 20 to Springfield and return over the same route, serving no intermediate points, as an alternate route for operating convenience only; (b) from Albany over U.S. Highway 20 to Pittsfield, Mass., thence over Massachusetts Highway 8 to junction U.S. Highway 20, thence over U.S. Highway 20 to Springfield and return over the same route, serving no intermediate points, as an alternate route for operating convenience only; (49) between Scranton, Pa., and Binghamton, N.Y., from Scranton over U.S. Highway 6 to junction U.S. Highway 11, thence over U.S. Highway 11 to Binghamton and return over the same route, serving all intermediate points; (50) between

Scranton, Pa., and Narrowsburg, N.Y., from Scranton over U.S. Highway 6 to junction U.S. Highway 106, thence over U.S. Highway 106 to Narrowsburg and return over the same route, serving no intermediate points, as an alternate route for operating convenience only; (51) between Scranton, Pa., and Port Jervis, N.Y.; from Scranton over U.S. Highway 6 to Milford, Pa., thence over U.S. Highway 6 and 209 to Port Jervis and return over the same route serving all intermediate points; (52) between Stroudsburg, Pa., and Port Jervis, N.Y., over U.S. Highway 209, serving no intermediate points, as an alternate route for operating convenience only; (53) between Newark, N.J., and Boston, Mass.; (a) from Newark to New York, N.Y., as above-described, thence over U.S. Highway 1 to Boston, and return over the same route, serving all intermediate points; (b) from Newark to the Tappan Zee Bridge as above-described, thence over the Tappan Zee Bridge to Interstate Highway 287, thence over Interstate Highway 287 to junction Interstate Highway 95.

Thence over Interstate Highway 95 to Providence, R.I., thence over U.S. Highway 1 to Boston, and return over the same route, serving all intermediate points; (c) from Newark as above-described to Interstate Highway 95, thence over Interstate Highway 95 to New London, Conn., thence over the Connecticut Turnpike to South Killingly, Conn., thence over U.S. Highway 6 to Fall River, Mass., thence over Massachusetts Highway 24 to Boston, and return over the same route, serving all intermediate points; (d) from Newark to Interstate Highway 95, as above-described thence over Interstate Highway 95 to New Haven, Conn., thence over U.S. Highway 5 to Hartford, Conn., thence over U.S. Highway 6 to junction U.S. Highway 44, thence over U.S. Highway 44 to junction Connecticut Highway 15, thence over Connecticut Highway 15 to the Connecticut-Massachusetts State line, thence over Massachusetts Highway 15 to junction U.S. Highway 20, thence over U.S. Highway 20 to Boston, and return over the same route, serving all intermediate points; (e) from Newark to Hartford, Conn., as above-described, thence over U.S. Highway 5 to Springfield, Mass., thence over U.S. Highway 20 to Boston, and return over the same route, serving all intermediate points; (f) from Newark to Springfield, Mass., as above-described, thence over U.S. Highway 5 to Northampton, Mass., thence over Massachusetts Highway 9 to Boston and return over the same routes, serving all intermediate points; (g) from Newark to Interstate Highway 95, as above-described, thence over Interstate Highway 95 to Norwalk, Conn., thence over U.S. Highway 7 to junction U.S. Highway 20, thence over U.S. Highway 20 to Boston, and return over the same route, serving all intermediate points; (54) between Danbury, Conn., and Hartford, Conn.; (a) from Danbury over U.S. Highway 6 to junction U.S. Highway 6A.

Thence over U.S. Highway 6A to Meriden, Conn., thence over U.S. Highway 5A to junction U.S. Highway 5, thence over U.S. Highway 5 to Hartford, and return over the same route, serving all intermediate points; (b) from Danbury over U.S. Highway 6 to Hartford, and return over the same route, serving all intermediate points; (55) between New London, Conn., and Providence, R.I.; from New London over Connecticut Highway 95 to the Connecticut-Rhode Island State line, thence over Rhode Island Highway 95 to Providence, and return over the same route, serving all intermediate points; (56) between East Hartford, Conn., and New London, Conn.; from East Hartford over Connecticut Highway 2 to junction Connecticut Highway 85, thence over Connecticut Highway 85 to New London, and return over the same route, serving all intermediate points; (57) between East Hartford, Conn., and Jewett City, Conn.; from East Hartford over Connecticut Highway 2 to Norwich, Conn., thence over Connecticut Highway 12 to Jewett City, and return over the same route, serving all intermediate points; (58) between Thompsonville, Conn., and Providence, R.I.; (a) from Thompsonville over U.S. Highway 5 to junction Connecticut Highway 190, thence over Connecticut Highway 190 to junction Connecticut Highway 32, thence over Connecticut Highway 32, to junction U.S. Highway 44, thence over U.S. Highway 44 to Providence, and return over the same route, serving all intermediate points; (b) from Thompsonville over Connecticut Highway 190 to junction Connecticut Highway 171, thence over Connecticut Highway 171 to junction Connecticut Highway 197.

Thence over Connecticut Highway 197 to junction Connecticut Highway 171, thence over Connecticut Highway 171 to Putnam, Conn., thence over U.S. Highway 44 to Providence and return over the same route, serving all intermediate points; (59) between Worcester, Mass., and Providence, R.I.; from Worcester over Massachusetts Highway 122A to junction Massachusetts Highway 146, thence over Massachusetts Highway 146 to the Massachusetts-Rhode Island State line, thence over Rhode Island Highway 146 to Providence, and return over the same route, serving all intermediate points; (60) between Exit 2 and Exit 14 of the Massachusetts Turnpike, over the Massachusetts Turnpike serving no intermediate points; as an alternate route for operating convenience only; (61) between Stockbridge, Mass., and Lee, Mass., over Massachusetts Highway 102 serving no intermediate points, as an alternate route for operating convenience only.

NOTE: Applicant proposes that all of the above-described alternate routes will be segmented where they have common termini in order to afford use jointly. Applicant seeks to retain the following irregular-route authority: *General commodities* (except those of unusual value, Classes A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), (1) between New York, N.Y., and points in Nassau and Westchester Counties, N.Y., Newark, N.J., and points in New Jersey within 25 miles of Newark, other than those points included in the regular routes set forth above; (2) between New York, N.Y., points in Nassau and Westchester Counties, N.Y., Newark, N.J., and points within 25 miles of Newark, on the one hand, and, on the other, points in Connecticut, points in that portion of New York on and east of a line beginning at the Pennsylvania-New York State line and extending along New York Highway 7 to junction New York Highway 30.

Thence along New York Highway 30 to Amsterdam, N.Y., and on and south of a line beginning at Amsterdam, and extending along New York Highway 5 to Schenectady, N.Y., thence along New York Highway 7 to Troy, N.Y., and thence along New York Highway 2 (formerly New York Highway 96) to the New York-Massachusetts State line (except New York, N.Y., and points in Westchester and Nassau Counties), Camden, N.J., and Trenton, N.J., other than those points included in the regular routes set forth above; (3) between Newark, N.J., and points in New Jersey within 25 miles of Newark, on the one hand, and, on the other, points in Massachusetts and Rhode Island, and points in that part of Pennsylvania on and east of a line beginning at the Pennsylvania-Maryland State line, and extending along U.S. Highway 219 to Wilcox, Pa., thence along unnumbered highway (formerly U.S. Highway 219) to Kane, Pa., thence along U.S. Highway 6 (formerly U.S. Highway 219) to Lants Corners, Pa., thence along U.S. Highway 219 to the Pennsylvania-New York State line, other than those points included in the regular routes set forth above; and (4) between Stratford, Conn., on the one hand, and, on the other, Red Bank, N.J. This application is filed pursuant to MC-C-4366, effective May 1, 1964, which provides the special rules for conversion of irregular-route to regular-route motor carrier operations.

SPECIAL NOTE: Protests to this application may be filed within 45 days instead of 30 days.

No. MC 77424 (Sub-No. 18), filed March 1, 1965. Applicant: WENHAM TRANSPORTATION, INC., 3200 East 79th Street, Cleveland, Ohio. Applicant's attorney: James E. Wilson, 1111 E Street NW., Washington 4, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined in *Practices of Motor Common Carriers of Household Goods*, 17 M.C.C. 467, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading), (1) between Cleveland and Toledo, Ohio, (a) over U.S. Highway 20, and (b) from Cleveland over U.S. Highway 6 to Sandusky, thence over Ohio Highway 2 to Toledo, and return over the same routes, serving all intermediate points; (2) between Cleveland and Conneaut, Ohio, (a) over U.S. Highway 20, and (b) from Cleveland over Interstate Highway 90 to junction Ohio Highway 7, thence over Ohio Highway 7 to Conneaut and return over the same routes, serving all intermediate points; (3) between Cleveland and Cincinnati, Ohio, (a) over U.S. Highway 42, and (b) from Cleveland over U.S. Highway 42 to junction Interstate Highway 71, thence over Interstate Highway 71 to Cincinnati and return over the same routes, serving all intermediate points; (4) between Cleveland and Marietta, Ohio, over U.S. Highway 21, serving all intermediate points; (5) between Cleveland and Steubenville, Ohio, from Cleveland over U.S. Highway 422 to Youngstown, thence over Ohio Highway

7 to Steubenville, and return over the same routes, serving all intermediate points; (6) between Cleveland and Marion, Ohio, from Cleveland over U.S. Highway 42 to junction Interstate Highway 80.

Thence over Interstate Highway 80 to junction Ohio Highway 4, thence over Ohio Highway 4 to Marion and return over the same routes, serving all intermediate points; (7) between Cleveland and Newark, Ohio from Cleveland over U.S. Highway 21 to Newcomerstown, thence over Ohio Highway 16 to Newark and return over the same routes, serving all intermediate points; (8) between Cleveland and Canton, Ohio over Ohio Highway 8, serving all intermediate points; (9) between Cleveland, Ohio and Pittsburgh, Pa., (a) from Cleveland over U.S. Highway 21 to junction Interstate Highway 80, thence over Interstate Highway 80 to Ohio-Pennsylvania State line, thence over Pennsylvania Turnpike to junction Pennsylvania Highway 8, thence over Pennsylvania Highway 8 to Pittsburgh and (b) from Cleveland over Ohio Highway 14 to junction Ohio Highway 45, thence over Ohio Highway 45 to junction U.S. Highway 30, thence over U.S. Highway 30 to Pittsburgh and return over the same routes, serving all intermediate points; (10) between Cleveland and Van Wert, Ohio, from Cleveland over U.S. Highway 42 to junction U.S. Highway 224, thence over U.S. Highway 224 to Van Wert and return over the same routes, serving all intermediate points; (11) between Canton and Conneaut, Ohio (a) from Canton over U.S. Highway 62 to junction Ohio Highway 45, thence over Ohio Highway 45 to junction Interstate Highway 90.

Thence over Interstate Highway 90 to junction Ohio Highway 7, thence over Ohio Highway 7 to Conneaut and (b) from Canton over U.S. Highway 62 to junction Ohio Highway 44, thence over Ohio Highway 44 to junction Interstate Highway 90, thence over Interstate Highway 90 to junction Ohio Highway 7, thence over Ohio Highway 7 to Conneaut and return over the same routes, serving all intermediate points; (12) between Canton, Ohio and Pittsburgh, Pa. over U.S. Highway 30, serving all intermediate points; (13) between Canton and Toledo, Ohio from Canton over U.S. Highway 30 to junction U.S. Highway 30N, thence over U.S. Highway 30N to junction U.S. Highway 23, thence over U.S. Highway 23 to Toledo and return over the same routes, serving all intermediate points; (14) between Conneaut, Ohio and Syracuse, N.Y., (a) from Conneaut over U.S. Highway 20 to junction New York Highway 5, thence over New York Highway 5 to Syracuse and return over the same routes, serving all intermediate points and the off-route point of Buffalo and (b) from Conneaut over Ohio Highway 7 to junction Interstate Highway 90, thence over Interstate Highway 90 to Syracuse and return over the same routes, serving all intermediate points; (15) between Westfield and Binghamton, N.Y., over New York Highway 17, serving all intermediate points; (16) between Buffalo and Rochester, N.Y., from Buffalo over New York Highway 5 to Batavia.

Thence over New York Highway 33 to Rochester and return over the same routes, serving all intermediate points; (17) between Rochester and Corning, N.Y., over U.S. Highway 15, serving all intermediate points; (18) between Pittsburgh and Philadelphia, Pa., from Pittsburgh over U.S. Highway 22 to junction Pennsylvania Turnpike, thence over Pennsylvania Turnpike to junction Pennsylvania Highway 43, thence over Pennsylvania Highway 43 to Philadelphia and return over the same route, serving all intermediate points; (19) between Newark and Columbus, Ohio, over Ohio Highway 16, serving all intermediate points; (20) between Canton and Columbus, Ohio, over U.S. Highway 62, serving all intermediate points; (21) between Columbus, Ohio, and Philadelphia, Pa., from Columbus over U.S. Highway 40 to junction Interstate Highway 70, thence over Interstate Highway 70 to junction Pennsylvania Turnpike, thence over Pennsylvania Turnpike to Philadelphia and return over the same routes, serving all intermediate points; (22) between Portsmouth and Toledo, Ohio, over U.S. Highway 23, serving all intermediate points; (23) between Cincinnati and Toledo, Ohio over U.S. Highway 25, serving all intermediate points; (24) between Cincinnati, Ohio, and Lansing, Mich., over U.S. Highway 127, serving all intermediate points; (25) between Monongahela and Pittsburgh, Pa., from Monongahela over Pennsylvania Highway 136 to junction U.S. Highway 19.

Thence over U.S. Highway 19 to Pittsburgh and return over the same routes, serving all intermediate points; (26) between Cincinnati and Zanesville, Ohio, over U.S. Highway 22, serving all intermediate points; (27) between Cincinnati, Ohio, and St. Louis, Mo., over U.S. Highway 50, serving all intermediate points; (28) between Cincinnati, Ohio, and Indianapolis, Ind., over Interstate Highway 74, serving all intermediate points; (29) between Columbus, Ohio, and St. Louis, Mo., over U.S. Highway 40, serving all intermediate points; (30) between Cincinnati, Ohio, and Lansing, Mich., over U.S. Highway 27, serving all intermediate points; (31) between Toledo, Ohio, and Detroit, Mich., from Toledo over Interstate Highway 75 to junction U.S. Highways 24 and 25, thence over U.S. Highways 24 and 25 to Detroit and return over the same routes, serving all intermediate points; (32) between Detroit and St. Joseph, Mich., from Detroit over Interstate Highway 94 to junction U.S. Highways 31 and 33, thence over U.S. Highways 31 and 33 to St. Joseph, serving all intermediate points; (33) between Detroit and Muskegon, Mich., over Interstate Highway 96, serving all intermediate points; (34) between Grand Rapids, Mich., and junction Interstate Highway 80, over U.S. Highway 131, serving all intermediate points; (35) between Toledo, Ohio, and Chicago, Ill., (a) over Interstate Highway 80 and (b) over U.S. Highway 20, serving all intermediate points; (36) between Fremont, Ohio, and the Wisconsin State line, from Fremont over U.S. Highway 6 to junction U.S. Highway 41, thence over U.S. Highway 41 to the Illinois-Wisconsin State line, and return over the same routes, serving all intermediate points; (37) between Toledo, Ohio, and Quincy, Ill., over U.S. Highway 24, serving all intermediate points; (38) between Ligonier, Ind., and Moline, Ill., over U.S. Highway 6, serving all intermediate points; (39) between Van Wert, Ohio, and Moline, Ill., from Van Wert over U.S. Highway 30 to junction Illinois Highway 2, thence over Illinois Highway 2 to Moline and return over the same routes, serving all intermediate points; (40) between Indianapolis, Ind., and Chicago, Ill., from Indianapolis over U.S. Highway 52 to junction U.S. Highway 41, thence over U.S. Highway 41 to Chicago and return over the same routes, serving all intermediate points; (41) between Chicago, Ill., and South Bend, Ind., over U.S. Highway 20, serving all intermediate points; (42) between Chicago and Kankakee, Ill., over U.S. Highway 54, serving all intermediate points; (43) between Columbus, Ohio, and Elkhart, Ind., over U.S. Highway 33, serving all intermediate points; (44) between Chicago and East Dubuque, Ill., over U.S. Highway 20, serving all intermediate points.

NOTE: Service is proposed from and to all off-route points of St. Louis, Mo., Indianapolis, Ind., Muskegon, Mich., Scranton and Philadelphia, Pa., and points in Ohio, those in New York west of a line beginning as Oswego and extending along New York Highway 57 to Syracuse, N.Y., thence along U.S. Highway 11 to the New York-Pennsylvania State line, those in Pennsylvania west of U.S. Highway 220, those in Indiana north of U.S. Highway 24, those in Illinois north of U.S. Highway 24, and those in Michigan south of U.S. Highway 16, including points on the indicated portions of the highways specified. All of the above-proposed operating authority is restricted against service from, to, or between points not authorized to be served under applicants present authority as contained in his original Certificate No. MC 77424 and Sub 17 thereunder. This application is filed pursuant to MC-C-4366, effective May 1, 1964, which provides the special rules for conversion of irregular route to regular motor carrier operations.

SPECIAL NOTE: Protests to this application may be filed within 45 days instead of 30 days.

No. MC 106904 (Sub-No. 4), filed February 26, 1965. Applicant: JEFF A. ROBERTSON, doing business as TOPEKA MOTOR FREIGHT, 705 East Highway 24, Topeka, Kans. Applicant's attorney: Jeff A. Robertson, Suite 610, First National Bank Building, Topeka, Kans., 66603. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives and flammables) (1) between Concordia, Kans., and Grand Island, Nebr., from Concordia over U.S. Highway 81 to junction U.S. Highway 6, thence over U.S. Highway 6 to Hastings, Nebr., thence over U.S. Highways 34-281 to Grand Island, and return over the same route, serving all intermediate points, (2) between the Kansas-Nebraska State line at or near Chester, Nebr., and Hastings, Nebr., (a) from the State line over U.S. Highway 81 to junction Nebraska Highway 8, thence over Nebraska Highway 8 to junction Nebraska Highway 14, thence

over Nebraska Highway 14 to junction

over Nebraska Highway 14 to junction U.S. Highway 6, thence over U.S. Highway 6 to Hastings, and return over the same route, serving all intermediate points, (b) from the State line over U.S. Highway 81 to junction U.S. Highway 136, thence over U.S. Highway 136 to junction Nebraska Highway 14, thence over Nebraska Highway 14 to junction U.S. Highway 6, thence over U.S. Highway 6 to Hastings, and return over the same routes, serving all intermediate points, (c) from the State line over U.S. Highway 81 to junction Nebraska Highway 74, thence over Nebraska Highway 74 to junction Nebraska Highway 14, thence over Nebraska Highway 14 to junction U.S. Highway 6.

Thence over U.S. Highway 6 to Hastings, and return over the same route, serving all intermediate points, (3) (a) between Grand Island, Nebr., and Beloit, Kans., from Grand Island, Nebr., over U.S. Highway 281 to junction U.S. Highway 24, thence over U.S. Highway 24 to Beloit, Kans., and return over the same routes, serving all intermediate points, (b) between Beloit and Superior, Nebr., over Kansas Highway 14, serving all intermediate points, (4) (a) between Concordia, Kans., and Omaha, Nebr., from Concordia over U.S. Highway 81 to Fairmont, Nebr., thence over U.S. Highway 6 to junction Interstate Highway 80, thence over Interstate Highway 80 to Omaha, and return over the same route, serving all intermediate points, (b) between Hebron and Lincoln, Nebr., from Hebron over U.S. Highway 136 to junction U.S. Highway 77, thence over U.S. Highway 77 to Lincoln, and return over the same routes, serving all intermediate points, (5) between Fairmont and Norfolk, Nebr., over U.S. Highway 81, serving all intermediate points, (6) between Concordia, Kans., and Red Cloud, Nebr., from Concordia over U.S. Highway 81 to junction Nebraska Highway 8, thence over Nebraska Highway 8 to junction Nebraska Highway 14, thence over Nebraska Highway 14 to junction U.S. Highway 136, thence over U.S. Highway 136 to Red Cloud, and return over the same route, serving all intermediate points, (7) between Kearney and Omaha, Nebr., from Kearney over U.S. Highway 30 to junction U.S. Highway 275, thence over U.S. Highway 275 to Omaha, and return over the same route, serving all intermediate points, (8) between Grand Island and Omaha, Nebr., from Grand Island over U.S. Highway 34 to junction Interstate Highway 80, thence over U.S. Highway 34–Interstate Highway 80 to Lincoln, thence over U.S. Highway 6–Interstate Highway 80 to Omaha, and return over the same route, serving all intermediate points, (9) between Concordia, Kans., and Wyoming-Nebraska State line at or near Pine Bluffs, Wyo., from Concordia over U.S. Highway 81 to junction Nebraska Highway 8.

Thence over Nebraska Highway 8 to junction Nebraska Highway 14, thence over Nebraska Highway 14 to junction U.S. Highway 6, thence over U.S. Highway 6 to junction Nebraska Highway 44, thence over Nebraska Highway 44 to junction U.S. Highway 30, thence over U.S. Highway 30 to Wyoming-Nebraska State line, and return over the same route, serving all intermediate points, (10) between Lyman, Nebr., and Concordia, Kans., from Lyman over Nebraska Highway 92 to junction Nebraska Highway 29, thence over Nebraska Highway 29 to Scottsbluff, thence over U.S. Highway 26 to Ogallala, thence over U.S. Highway 30 to junction Nebraska Highway 44, thence over Nebraska Highway 44 to junction U.S. Highway 6, thence over U.S. Highway 6 to junction Nebraska Highway 14, thence over Nebraska Highway 14 to junction Nebraska Highway 8, thence over Nebraska Highway 8 to junction U.S. Highway 81, thence over U.S. Highway 81 to Concordia, and return over the same route, serving all intermediate points, (11) between Imperial and Red Cloud, Nebr., (a) from Imperial over U.S. Highway 6 to junction U.S. Highway 136, thence over U.S. Highway 136 to Red Cloud, and return over the same route, serving all intermediate points, (b) from Imperial over U.S. Highway 6 to junction U.S. Highways 6–34, thence over U.S. Highways 6–34 to junction Nebraska Highway 44, thence over Nebraska Highway 44 to junction U.S. Highway 136, thence over U.S. Highway 136 to Red Cloud, and return over the same route, serving all intermediate points, (12) between Phillipsburg, Kans., and Elm Creek, Nebr., over U.S. Highway 183, serving all intermediate points, (13) between Topeka, Kans., and Omaha, Nebr., from Topeka over U.S. Highway 75 to junction U.S. Highway 36, thence over U.S. Highway 36 to junction U.S. Highway 77.

Thence over U.S. Highway 77 to junction Interstate Highway 80, thence over Interstate Highway 80 to Omaha, and return over the same routes, serving no intermediate points, (14) between Colorado-Nebraska State line and McCook, Nebr., over U.S. Highway 34, serving all intermediate points, (15) between Hastings, Nebr., and Wichita, Kans., (a) from Hastings over U.S. Highway 6 to junction U.S. Highway 81, thence over U.S. Highway 81 to Wichita, (b) from Hastings over U.S. Highway 6 to junction Nebraska Highway 14 thence over Nebraska Highway 14 to junction Nebraska Highway 8, thence over Nebraska Highway 8 to junction U.S. Highway 81, thence over U.S. Highway 81 to Wichita, (c) from Hastings over U.S. Highway 6 to junction Nebraska Highway 14, thence over Nebraska Highway 14 to junction Nebraska Highway 8, thence over Nebraska Highway 8 to junction U.S. Highway 81, thence over U.S. Highway 81 to Wichita, and return over the same routes, serving all intermediate points, (16) between Hastings, Nebr., and Wichita, Kans., from Hastings over U.S. Highway 6 to junction U.S. Highway 81, thence over U.S. Highway 81 to junction U.S. Highway 36, thence over U.S. Highway 36 to junction Kansas Highways 15W and 15, thence over Kansas Highways 15W and 15 to Wichita, and return over the same route, serving all intermediate points, (17) between El Dorado, Kans., and Hastings, Nebr., from El Dorado over U.S. Highway 77 to junction U.S. Highway 36, thence over U.S. Highway 36 to junction U.S. Highway 81, thence over U.S. Highway 81 to junction Nebraska Highway 8, thence over Nebraska Highway 14 to junction U.S. Highway 6, thence over U.S. Highway 6 to Hastings, and return over the same route, serving all intermediate points, (18) between St. Joseph, Mo., and Hastings, Nebr., from St. Joseph over U.S. Highway 36 to junction U.S. Highway 81, thence over U.S. Highway 81 to junction U.S. Highway 6, thence over U.S. Highway 6 to Hastings, and return over the same route, serving all intermediate points, (19) between Topeka, Kans., and Hastings, Nebr., from Topeka over U.S. Highway 24 to junction U.S. Highway 81, thence over U.S. Highway 81 to junction U.S. Highway 6, thence over U.S. Highway 6 to Hastings, and return over the same route, serving all intermediate points.

NOTE: This application is filed pursuant to MC–C–4366, effective May 1, 1964, which provides the special rules for conversion of irregular route to regular motor carrier operations.

SPECIAL NOTE: Protests to this application may be filed within 45 days instead of 30 days.

No. MC 108341 (Sub-No. 11), filed April 13, 1965. Applicant: MOSS TRUCKING COMPANY, INC., Post Office Box 8409, Charlotte, N.C. Applicant's attorney: Morton E. Kiel, 140 Cedar Street, New York 6, N.Y. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Corrugated steel pipe and fittings together with bolts, nuts, and lugs*, from Charlotte, N.C., to points in Virginia, South Carolina, and Georgia.

NOTE: No duplicating authority requested.

No. MC 114789 (Sub-No. 14), filed April 14, 1965. Applicant: NATIONWIDE CARRIERS, INC., 721 Second Street SE., Minneapolis, Minn. Applicant's attorney: William S. Rosen, 400 Minnesota Building, St. Paul, Minn., 55101. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Cheese*, from points in Wisconsin, to Buena Vista, Calif.

NOTE: Applicant states that the above-proposed service will be limited to a transportation service to be performed under a continuing contract with Milkhouse Cheese Corp. of San Antonio, Tex.

No. MC 117663 (Sub-No. 1), filed April 12, 1965. Applicant: JOSEPH MAFFUCCI, doing business as TIDEWATER TRANSPORTATION COMPANY, 32 Jacobus Avenue, Kearny, N.J. Applicant's representative: James J. Farrell, 201 Montague Place, South Orange, N.J. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lamps, electric, gas, or oil, and supplies, materials, and equipment* used in the manufacture thereof, between Kearny, N.J., on the one hand, and, on the other, points in Bergen, Hudson, Union, Essex, Morris, Middlesex, Mercer, and Passaic Counties, N.J.

No. MC 119493 (Sub-No. 16), filed April 12, 1965. Applicant: MONKEM COMPANY, INC., Post Office Box 1196, Joplin, Mo. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Sand, rock, whole or crushed, supplies used in coating same, new bags, and containers*, between Galena, Kans., and points within a twenty-five (25) mile radius thereof, on the one hand, and, on the other, points in Arkansas, Illinois, Indiana, Iowa, Kansas, Missouri, Nebraska, Oklahoma, Texas, Alabama, Louisiana, Kentucky, Minnesota, Mississippi, South Dakota, North Dakota, and Tennessee.

NOTE: Applicant states no duplication of authority is sought.

No. MC 119934 (Sub-No. 92), filed April 15, 1965. Applicant: ECOFF TRUCKING, INC., Fortville, Ind. Applicant's attorney: Robert C. Smith, 512 Illinois Building, Indianapolis 4, Ind. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Silicate of soda*, in bulk, in tank vehicles, from Fortville, Ind., to Cave-in-Rock, Ill.

No. MC 123341 (Sub-No. 3), filed March 1, 1965. Applicant: I. L. & C. Corp., 2500 West Taylor Street, Chicago, Ill., 60612. Applicant's attorney: A. David Millner, 1060 Broad Street, Newark 2, N.J. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Corsets, supporters, brassieres, garters, belts, garter belts*, and *girdles*, and *materials, supplies* and *equipment* used in the manufacture thereof; *such merchandise as is dealt in by wholesale or retail dealers in photographic equipment, parts, accessories, materials, and supplies, including announcing, amplifying, and audio systems, equipment, and parts, and turntables*, between Chicago, Ill., and New York, N.Y., (1) from Chicago over Indiana Turnpike to junction Ohio Turnpike, thence over Ohio Turnpike to junction Pennsylvania Turnpike, thence over Pennsylvania Turnpike to junction Pennsylvania Extension of New Jersey Turnpike, thence over Pennsylvania Extension of New Jersey Turnpike to junction New Jersey Turnpike, thence over New Jersey Turnpike to Exit 14, thence via Exit 14 ramps to junction U.S. Highway 1, thence over U.S. Highway 1 to approaches to Holland Tunnel, and thence over the Holland approaches and through the Holland Tunnel to New York; (2) from Chicago over above described routes in (1) to Pennsylvania Turnpike, thence over Pennsylvania Turnpike to Carlisle Exit, thence via Carlisle Exit to junction U.S. Highway 11, thence over U.S. Highway 11 to junction U.S. Highway 22, thence over U.S. Highway 22 to junction U.S. Highway 1, and thence over the above described route in (1) to New York; (3) from Chicago over routes described above to Pennsylvania Turnpike, thence over Pennsylvania Turnpike to Harrisburg East Exit, thence via Harrisburg East Exit to junction U.S. Highway 22, thence over routes described above to New York; (4) from Chicago over U.S. Highway 30 to junction U.S. Highway 62, thence over U.S. Highway 62 to junction Ohio Turnpike, and thence over routes described above to New York; (5) from Chicago over routes described above to Newark, N.J., thence over U.S. Highway 1 to junction New Jersey Highway 439 and the Goethals' Bridge to New York, and return over the same routes, serving no intermediate points on routes (1) through (5) inclusive.

NOTE: This application is filed pursuant to MC–C–4366, effective May 1, 1964, which provides the special rules for conversion of irregular to regular motor carrier operations.

SPECIAL NOTE: Protests to this application may be filed within 45 days instead of 30 days.

By the Commission.

[SEAL] BERTHA F. ARMES, *Acting Secretary.*

[F.R. Doc. 65–4694; Filed, May 4, 1965; 8:46 a.m.]

NOTICE OF FILING OF MOTOR CARRIER INTRASTATE APPLICATIONS

APRIL 30, 1965.

The following applications for motor common carrier authority to operate in intrastate commerce seek concurrent motor carrier authorization in interstate or foreign commerce within the limits of the intrastate authority sought, pursuant to section 206(a)(6) of the Interstate Commerce Act, as amended October 15, 1962. These applications are governed by Special Rule 1.245 of the Commission's rules of practice, published in the FEDERAL REGISTER, issue of April 11, 1963, page 3533, which provides, among other things, that protests and requests for information concerning the time and place of State Commission hearings or other proceedings, any subsequent changes therein, and any other related matters shall be directed to the State Commission with which the application is filed and shall not be addressed to or filed with the Interstate Commerce Commission.

State Docket No. assigned MT–6376, filed March 30, 1965. Applicant: C. ANELLO, INC., 506 Morgan Avenue, Brooklyn, N.Y. Applicant's attorney: Morris Honing, 150 Broadway, New York City, N.Y., 10038. Certificate of public convenience and necessity sought to operate a freight service as follows: Transportation of: *General commodities*, as defined in Section 800.1 of Title 16 of the Official Compilation of Codes, Rules and Regulations of the State of New York: (1) from points in Nassau County, N.Y., to New York City, N.Y., and (2) between New York City, N.Y., on the one hand, and, on the other, points in Suffolk County, N.Y.

HEARING: Date, time, and place of hearing, to be hereafter fixed. Requests for procedural information, including the time for filing protests, concerning this application should be addressed to the New York State Public Service Commission, 55 Elk Street, Albany, N.Y., 12225, and should not be directed to the Interstate Commerce Commission.

State Docket No. assigned M–11578, filed October 22, 1964. Applicant: FANCO, INC., Box 88, 500 First Terrace, Nebraska City, Nebr. Applicant's attorneys: William Gilmore, Fremont, Nebr., and Harvey A. Neumeister, Nebraska City, Nebr. Certificate of public convenience and necessity sought to operate a freight service as follows: Transportation of: *General commodities* (except those requiring special equipment), between points within a 25-mile radius of Nebraska City, Nebr., and between points in said radial area on the one hand, and, on the other, all points in Nebraska over irregular routes.

HEARING: May 7, 1965, at 9:30 a.m., c.s.t. at the courthouse, Nebraska City, Nebr. Requests for procedural information, including the time for filing protests, concerning this application should be addressed to the Nebraska State Railway Commission, Motor Transportation Department, State Capitol Building, Lincoln 9, Nebr., and should not be directed to the Interstate Commerce Commission.

By the Commission.

[SEAL] BERTHA F. ARMES, *Acting Secretary.*

[F.R. Doc. 65–4695; Filed, May 4, 1965; 8:46 a.m.]

[Notice 1166]

MOTOR CARRIER TRANSFER PROCEEDINGS

APRIL 30, 1965.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 179), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC–FC–67580. By order of April 27, 1965, the Transfer Board approved the transfer to H. E. Nickels, Arthur B. Cohn, and Lee Nickels, a partnership, doing business as Williams Bus Lines, Waynesville, Mo., of Certificate of Registration No. MC–120457 (Sub-No. 1), and Certificate of Public Convenience and Necessity No. MC–120457 (Sub-No. 2), issued March 29, 1965, and December 13, 1963, respectively, to Maude Williams doing business as Williams Bus Lines, Waynesville, Mo., authorizing the transportation of passengers from Waynesville, Mo., over U.S. Highway 66 to the junction of U.S. Highway 66 Spur, thence over U.S. No. 66 Spur to Fort Leonard Wood, Mo., and return, picking up and discharging passengers and their baggage between Waynesville, Fort Leonard Wood, and all intermediate points on said route, except on local service authorized between points located on U.S. Highway 66; and passengers and their

baggage, express, newspapers, and mail, in the same vehicle with passengers, between Newburg, Mo., and the U.S. Army Training Center, Fort Leonard A. Wood, Mo., serving all intermediate points; between Rolla, Mo., and the U.S. Army Training Center, Fort Leonard A. Wood, Mo., serving all intermediate points; and between Rolla, Mo., and Alhambra Grotto, Mo., serving all intermediate points. Joseph R. Nacy, 117 West High Street, Jefferson City, Mo., 65102, attorney for applicants.

No. MC–FC–67737. By order of April 26, 1965, the Transfer Board approved the transfer to Big Pine Trucking Co., Inc., Big Pine, Calif., of Certificate in No. MC–104583, issued July 15, 1964, to Archie J. Brady and Edwin R. Partington, a partnership, doing business as Big Pine Trucking Co., Big Pine, Calif., authorizing the transportation of: Talc, from mines in Nevada within 10 miles of Palmetto, Nev., to Lone Pine, Calif., serving specified intermediate points; mining machinery and supplies, maximum 10,000 pounds, from Lone Pine, Calif., to mines in Nevada within 10 miles of Palmetto, serving specified intermediate points; and talc and clay, in bulk, between points in Inyo County, Calif. R. Y. Schureman, 1010 Wilshire Boulevard, Los Angeles, Calif., 90017, attorney for applicants.

No. MC–FC–67747. By order of April 27, 1965, the Transfer Board approved the transfer to Glenn E. Schneider, doing business as Schneider Transit, Hartford, Wis., of the operating rights issued by the Commission January 16, 1963, under Certificate No. MC–111310 (Sub-No. 2) to Beer Transit, Inc., Hartland, Wis., authorizing the transportation, over irregular routes, of insulation material, from Dousman and Woodland, Wis., to points in Illinois, Indiana, Iowa, Michigan, Minnesota, and Missouri, with specified exceptions; and from Dousman, Wis., to points in Ohio. Donald B. Taylor, 4261 Minnehaha Avenue, Minneapolis, Minn., representative of applicants.

No. MC–FC–67755. By order of April 26, 1965, the Transfer Board approved the transfer to Creech Brothers Truck Lines, Inc., Troy, Mo., of the operating rights in Certificate No. MC–107059 issued October 23, 1952, to Clark R. Prather, doing business as Prather Horse Vans, St. Louis, Mo., authorizing the transportation, over irregular routes, of: Livestock, other than ordinary, and in the same vehicle with such livestock, stable supplies and equipment used in the care and exhibition of such livestock, and the personal effects of their attendants, over irregular routes, between points in Arkansas, Oklahoma, Kansas, Iowa, Missouri, Illinois, Indiana, Kentucky, and Tennessee, between St. Louis, Mo., on the one hand, and, on the other, Detroit, Mich., and New Orleans, La. A. A. Marshall, 216 Buder Bldg., St. Louis, Mo., 63101, representative for applicants.

No. MC–FC–67769. By order of April 26, 1965, the Transfer Board approved the transfer to International Transport, Inc., Boston, Mass., of Certificate of Registration No. MC–120477 (Sub-No. 1) issued January 21, 1964, to Locust Cartage Co., Inc., Medford, Mass., evidencing a right to engage in interstate or foreign commerce, in the transportation of general commodities within the Commonwealth of Massachusetts, over irregular routes. Francis E. Barrett, Jr., 182 Forbes Building, Braintree, Mass., attorney for transferee. Mary E. Kelley, 10 Tremont Street, Boston, Mass., 02108, attorney for transferor.

No. MC–FC–67773. By order of April 26, 1965, the Transfer Board approved the transfer to Victoria Bevan, Pottsville, Pa., of the operating rights in Certificates Nos. MC–87717, MC–87717 (Sub-No. 1) and MC–87717 (Sub-No. 3) issued July 24, 1942, January 31, 1950, and November 23, 1962, to William M. Bevan, Pottsville, Pa., authorizing the transportation, over irregular routes, of: Malt beverages and advertising materials, between points in Pennsylvania, New York, New Jersey, Connecticut, Delaware, Maryland, Virginia, and West Virginia. Isadore E. Krasno, 20 South Centre Street, Pottsville, Pa., 17901, attorney for applicants.

[SEAL] BERTHA F. ARMES, *Acting Secretary.*

[F.R. Doc. 65–4696; Filed, May 4, 1965; 8:46 a.m.]

[Notice 1166–A]

MOTOR CARRIER TRANSFER PROCEEDINGS

APRIL 30, 1965.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 179), appear below:

As provided in the Commission's general rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 30 days from the date of service of the order. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC–FC–67267. By order of April 28, 1965, Division 3, acting as an appellate division, approved the transfer, on reconsideration, to Glen H. Winers, doing business as Winters Truck Line, Wichita, Kans., of the Certificate of Registration No. MC–98573 (Sub-No. 1), issued June 10, 1964, to Overnight Freight Service, Inc., Caldwell, Kans., evidencing a right to perform operations in interstate or foreign commerce corresponding to authority granted by the Kansas State Corporation Commission, covering the transportation of property and freight, between points in Kansas. Everitt C. Fettis, 120 South Market Street, Wichita 2, Kans., attorney for applicants.

[SEAL] BERTHA F. ARMES, *Acting Secretary.*

[F.R. Doc. 65–4697; Filed, May 4, 1965; 8:46 a.m.]

[Sec. 5a Application 7, Amdt. 3]

ASSOCIATION OF AMERICAN RAILROADS

Per Diem, Mileage, Demurrage and Storage; Application for Approval of Amendments to Agreement

APRIL 30, 1965.

The Commission is in receipt of an application in the above-entitled and numbered proceeding for approval of amendments to the agreement therein approved under the provisions of section 5a of the Interstate Commerce Act.

Filed April 26, 1965, by: D. P. Loomis, Attorney-in-Fact, Association of American Railroads, Transportation Building, Washington, D.C., 20006.

Amendments involved Change the agreement so as to increase the number of members of the general committee from 17 to 20, and describe correctly the membership of the board of directors by eliminating the chairman from such membership.

The application may be inspected at the office of the Commission in Washington, D.C.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 20 days from the date of this notice. As provided by the general rules of practice of the Commission, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing.

By the Commission, Division 2.

[SEAL] BERTHA F. ARMES, *Acting Secretary.*

[F.R. Doc. 65–4690; Filed, May 4, 1965; 8:46 a.m.]

FOURTH SECTION APPLICATIONS FOR RELIEF

APRIL 30, 1965.

Protests to the granting of an application must be prepared in accordance with Rule 1.40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 39739: *Rates from and to points in Minnesota.* Filed by Chicago Great Western Railway Co. (No. 5), for itself and interested rail carriers. Rates on property moving on class and commodity rates, in carloads and less than carloads, between points in Minnesota on the Chicago Great Western Ry., on the one hand, and points in the United States and Canada, on the other.

Grounds for relief: Abandonment of a portion of Chicago Great Western Ry. Co., in Goodhue County, Minn., under authority of I.C.C. Finance Docket No. 23235.

FSA No. 39740: *Joint motor-rail rates—Eastern Central.* Filed by the Eastern Central Motor Carriers Association, Inc., agent (No. 324), for interested carriers. Rates on commodities moving on class and commodity rates over joint routes of applicant rail and motor carriers, between points in Middle Atlantic and New England territories, on the one hand, and points in Middlewest and Southwestern territories, on the other.

Grounds for relief: Motortruck competition.

Tariff: 23d revised page 268 to Eastern Central Motor Carriers Association, Inc., agent, tariff MF–I.C.C. A–230.

By the Commission.

[SEAL] BERTHA F. ARMES, *Acting Secretary.*

[F.R. Doc. 65–4691; Filed, May 4, 1965; 8:46 a.m.]

DEPARTMENT OF LABOR

Wage and Hour Division

CERTIFICATES AUTHORIZING EMPLOYMENT OF LEARNERS AT SPECIAL MINIMUM RATES

Notice is hereby given that pursuant to section 14 of the Fair Labor Standards Act of 1938 (52 Stat. 1060, as amended, 29 U.S.C. 201 et seq.), and Administrative Order No. 579 (28 F.R. 11524) the firms listed in this notice have been issued special certificates authorizing the employment of learners at hourly wage rates lower than the minimum wage rates otherwise applicable under section 6 of the act. The effective and expiration dates, occupations, wage rates, number or proportion of learners and learning periods, for certificates issued under general learner regulations (29 CFR 522.1 to 522.9), and the principal product manufactured by the employer are as indicated below. Conditions provided in certificates issued under the supplemental industry regulations cited in the captions below are as established in those regulations.

Apparel Industry Learner Regulations (29 CFR 522.1 to 522.9, as amended, and 29 CFR 522.20 to 522.25 as amended).

The following learner certificates were issued authorizing the employment of 10 percent of the total number of factory production workers for normal labor turnover purposes. The effective and expiration dates are indicated.

Dee-Mure Brassiere Co., Inc., Hamlin, W. Va.; effective 4–22–65 to 4–21–66 (brassieres).

E. & W. Manufacturing Co., Hilmo, Mo.; effective 4–30–65 to 4–29–66 (men's and boys' dungarees and overalls, ladies' and girls' jeans).

Georgetown Dress Corp., Route 17 S., Georgetown, S.C.; effective 4–17–65 to 4–16–66 (children's dresses and sportswear).

Grifton Clothing Co., Post Office Box 638, Highway 118 E., Grifton, N.C.; effective 4–24–65 to 4–23–66 (boys' and girls' outerwear jackets and trousers).

Mar-Bax Shirt Co., Inc., Gassville, Ark.; effective 4–30–65 to 4–29–66 (men's dress shirts).

Morganstern Pants Co., 404 Willis Street, Fredericksburg, Va.; effective 4–16–65 to 4–15–66 (men's trousers).

The Murray Corp., 108 North Chestnut Street, Mount Olive, N.C.; effective 4–15–65 to 4–14–66. Learners may not be employed at special minimum wage rates in the manufacture of suit jackets and vests (men's quilted sport jackets).

Princess Peggy, Inc., Vandalia Division, Vandalia, Ill.; effective 4–17–65 to 4–16–66. Learners may not be employed at special minimum wage rates in the manufacture of skirts (ladies' dresses).

J. H. Rutter Rex Manufacturing Co., Inc., Franklinton, La.; effective 4–22–65 to 4–21–66 (men's cotton work pants).

Saf-T-Bak, Inc., 1715 11th Avenue, Altoona, Pa.; effective 4–16–65 to 4–15–66 (men's and boys' hunting clothes).

Tompkinsville Garment Co., Tompkinsville, Ky.; effective 4–25–65 to 4–24–66 (men's and women's dungarees).

Washington Garment Co., 2020 Main Street Extension, Washington, Pa.; effective 4–16–65 to 4–15–66. Learners may not be employed at special minimum wage rates in the manufacture of skirts (ladies' pants and shorts).

The following learner certificates were issued for normal labor turnover purposes. The effective and expiration dates and the number of learners authorized are indicated.

Granville Mfg. Co., Hillsboro Street Extension, Oxford, N.C.; effective 4–15–65 to 4–14–66; 10 learners (ladies' dresses).

Mode O'Day Co., Plant 3, a division of Founders Inc., 59 South First W., Box 268, Logan, Utah; effective 4–24–65 to 4–23–66; 10 learners (women's and children's house and street dresses).

The following learner certificates were issued for plant expansion purposes. The effective and expiration dates and the number of learners authorized are indicated.

Bernice Manufacturing Corp., Bernice, La.; effective 4–19–65 to 10–18–65; 200 learners (ladies' leisurewear dresses and nightwear).

Blue Bell, Inc., Homer, Ga.; effective 4–14–65 to 10–13–65; 10 learners (dungarees).

Washington Garment Co., 2020 Main Street Extension, Washington, Pa.; effective 4–24–65 to 10–23–65; 90 learners. Learners may not be employed at special minimum wage rates in the manufacture of skirts (ladies' pants and shorts).

Willmar Garment Co., Highway No. 40, Willmar, Minn.; effective 4–19–65 to 10–18–65; 50 learners (children's outerware garments).

Glove Industry Learner Regulations (29 CFR 522.1 to 522.9, as amended, and 29 CFR 522.60 to 522.65, are amended).

The Schafer Co., Inc., 101–117 North First Street, Decatur, Ind.; effective 4–15–65 to 4–14–66; 10 learners for normal labor turnover purposes (work gloves).

Knitted Wear Industry Learner Regulations (29 CFR 522.1 to 522.9, as amended, and 29 CFR 522.30 to 522.35, as amended).

Union Underwear Co., Greensburg Road, Campbellsville, Ky.; effective 4–17–65 to 10–16–65; 300 learners for plant expansion purposes (men's and boys' underwear).

Regulations Applicable to the Employment of Learners (29 CFR 522.1 to 522.9, as amended).

The following learner certificates were issued in Puerto Rico to the companies hereinafter named. The effective and expiration dates, learner rates, occupations, learning periods, and the number of learners authorized to be employed are indicated.

Isabela Vieques Corp., Apartado 306, Isabel Segunda, Vieques, P.R.; effective 3–29–65 to 3–28–66; 12 learners for normal labor turnover purposes in the occupations of: (1) Sewing machine operator, for a learning period of 480 hours at the rates of 75 cents an hour for the first 240 hours and 86 cents an hour for the remaining 240 hours; and (2) final inspection of fully assembled garments, for a learning period of 160 hours at the rate of 75 cents an hour (dress shirts).

Each learner certificate has been issued upon the representations of the employer which, among other things, were that employment of learners at special minimum rates is necessary in order to prevent curtailment of opportunities for employment, and that experienced workers for the learner occupations are not available. Any person aggrieved by the issuance of any of these certificates may seek a review or reconsideration thereof within fifteen days after publication of this notice in the FEDERAL REGISTER pursuant to the provisions of 29 CFR Part 528.

Signed at Washington, D.C., this 23d day of April 1965.

ROBERT G. GRONEWALD, *Authorized Representative of the Administrator.*

[F.R. Doc. 65–4680; Filed, May 4, 1965; 8:46 a.m.]

CUMULATIVE LIST OF CFR PARTS AFFECTED—MAY

The following numerical guide is a list of the parts of each title of the Code of Federal Regulations affected by documents published to date during May.

5 CFR

	Page
213	6215, 6241

7 CFR

54	6207
55	6141, 6207
56	6207
70	6207
81	6207
210	6207
301	6243, 6245
707	6246
717	6144
724	6144, 6146, 6207
862	6247
863	6248
864	6248
908	6148
910	6146
1488	6249
PROPOSED RULES:	
28	6255
930	6255
1040	6161
1042	6163

12 CFR

12	6160
PROPOSED RULES:	
261	6275
262	6275

14 CFR

	Page
39	6150
71	6150, 6215, 6241
73	6242
75	6150, 6241, 6242
97	6151
99	6242
PROPOSED RULES:	
39	6188, 6274
67	6188
71	6189, 6225

16 CFR

PROPOSED RULES:	
303	6275

19 CFR

10	6149

21 CFR

121	6215

26 CFR

1	6216
250	6217
PROPOSED RULES:	
1	6222
31	6222
301	6222

29 CFR

50	6249
604	6218

29 CFR—Continued

	Page
606	6218
PROPOSED RULES:	
657	6224
697	6225

32 CFR

163	6161

33 CFR

203	6161
207	6161

36 CFR

311	6161

47 CFR

0	6250
2	6219
15	6250
73	6251
PROPOSED RULES:	
2	6226
73	6274, 6275

49 CFR

95	6220
141	6162

50 CFR

60	6149
PROPOSED RULES:	
32	6226

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FEDERAL REGISTER

VOLUME 30 • NUMBER 87

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Pages 6325–6376

Agencies in this issue—

Agricultural Stabilization and Conservation Service
Air Force Department
Alien Property Office
Army Department
Civil Aeronautics Board
Civil Service Commission
Commodity Credit Corporation
Consumer and Marketing Service
Delaware River Basin Commission
Federal Aviation Agency
Federal Communications Commission
Federal Maritime Commission
Federal Power Commission
Federal Reserve System
Fiscal Service
Fish and Wildlife Service
Food and Drug Administration
Forest Service
Interior Department
Internal Revenue Service
Interstate Commerce Commission
Land Management Bureau
Securities and Exchange Commission

Detailed list of Contents appears inside.



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(Pocket Supplement)

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(Pocket Supplement)

Title 49—Transportation (Parts 0–70) $0.40
(Pocket Supplement)

A cumulative checklist of CFR issuances for 1965 appears in the first issue of each month under Title 1.

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Contents

AGRICULTURAL STABILIZATION AND CONSERVATION SERVICE
Rules and Regulations
Beet sugar areas; 1963 crop 6338

AGRICULTURE DEPARTMENT
See Agricultural Stabilization and Conservation Service; Commodity Credit Corporation; Consumer and Marketing Service; Forest Service.

AIR FORCE DEPARTMENT
Rules and Regulations
Medical care, persons authorised; miscellaneous amendments 6343

ALIEN PROPERTY OFFICE
Notices
Intention to return vested property:
Keller, Irene Doris 6361
Schauer, Rosel, et al 6361

ARMY DEPARTMENT
Rules and Regulations
Litigations; general and defense of legal proceedings 6341

CIVIL AERONAUTICS BOARD
Notices
Hearings, etc.:
International Air Transport Assn. (2 documents) 6363
Trans World Airlines, Inc 6364

CIVIL SERVICE COMMISSION
Rules and Regulations
Entire executive civil service; excepted service 6337
Postmaster positions; recruitment and selection through competitive examination 6337

COMMODITY CREDIT CORPORATION
Rules and Regulations
Texas flaxseed; 1965 purchase program 6338

CONSUMER AND MARKETING SERVICE
Rules and Regulations
Tomatoes grown in Lower Rio Grande Valley, Texas; expenses and rate of assessment 6338
Proposed Rule Making
Packers and Stockyards Act; market agency and dealer bonds 6360
Pears, fresh Bartlett, grown in Oregon and Washington; hearing 6355
Wool and wool top standards 6350

DEFENSE DEPARTMENT
See Air Force Department; Army Department.

DELAWARE RIVER BASIN COMMISSION
Notices
Marsh Creek Reservoir and West Chester water supply; hearing 6365

FEDERAL AVIATION AGENCY
Rules and Regulations
Standard instrument approach procedures; amendments 6329

FEDERAL COMMUNICATIONS COMMISSION
Notices
KUNO Radio, Inc. (KUNO); application designated for hearing 6365

FEDERAL MARITIME COMMISSION
Notices
Australia, New Zealand and South Sea Islands Pacific Coast Conference; agreement filed for approval 6366
Italy, France, Spain and Portugal/North Pacific Freight Pool and Mediterranean/North Pacific Coast Freight Conference; supplemental order of investigation 6366

FEDERAL POWER COMMISSION
Notices
Hearings, etc.:
Colorado Interstate Gas Co 6367
Forest Oil Corp 6367
J. C. Trahan, Drilling Contractor, Inc 6368
Tennessee Gas Transmission Co 6367

FEDERAL RESERVE SYSTEM
Rules and Regulations
Termination of designation as reserve city of Toledo, Ohio 6339
Notices
BancOhio Corp.; application for acquisition of bank shares 6368
Wachovia Bank and Trust Co.; approval of banks merger 6368

FISCAL SERVICE
Notices
Commissioner of Accounts; order of succession to office 6361

FISH AND WILDLIFE SERVICE
Rules and Regulations
Sport fishing; Elizabeth Alexandra Morton National Wildlife Refuge 6344

FOOD AND DRUG ADMINISTRATION
Rules and Regulations
Food additives:
Adhesives 6339
Emulsifiers and/or surface-active agents 6339

FOREST SERVICE
Rules and Regulations
Administration; miscellaneous amendments 6345

HEALTH, EDUCATION, AND WELFARE DEPARTMENT
See Food and Drug Administration.

INTERIOR DEPARTMENT
See also Land Management Bureau.
Notices
Director, Geological Survey; delegation of authority 6363

INTERNAL REVENUE SERVICE
Rules and Regulations
Income tax; treatment of certain amounts paid by U.S. to nonresident aliens 6340
Proposed Rule Making
Income tax; treatment of per-unit retain certificates 6349

INTERSTATE COMMERCE COMMISSION
Notices
Motor carrier alternate route deviation notices 6369
Motor carrier applications and certain other proceedings 6373

JUSTICE DEPARTMENT
See Alien Property Office.

LAND MANAGEMENT BUREAU
Notices
Proposed withdrawal and reservation of lands, terminations and filing of surveys:
Colorado (2 documents) 6361, 6362
Florida 6361
Idaho 6362
Montana 6362
Nevada 6362
Oregon 6362
South Dakota 6363

(Continued on next page)

CONTENTS

SECURITIES AND EXCHANGE COMMISSION

Notices

Hearings, etc.:

Dow Theory Investment Fund, Inc. 6368
General Public Utilities Corp. 6369
Maser-Optics, Inc. 6369

TREASURY DEPARTMENT

See Fiscal Service; Internal Revenue Service.

List of CFR Parts Affected

(Codification Guide)

The following numerical guide is a list of the parts of each title of the Code of Federal Regulations affected by documents published in today's issue. A cumulative list of parts affected, covering the current month to date, appears at the end of each issue beginning with the second issue of the month.

A cumulative guide is published separately at the end of each month. The guide lists the parts and sections affected by documents published since January 1, 1965, and specifies how they are affected.

5 CFR

213 6337
332 6337

7 CFR

842 6338
965 6338
1421 6338

PROPOSED RULES:

31 6350
Ch. IX 6355

9 CFR

PROPOSED RULES:

201 6360

12 CFR

204 6339

14 CFR

97 6329

21 CFR

121 (2 documents) 6339

26 CFR

1 6340

PROPOSED RULES:

1 6349

32 CFR

516 6341
815 6343
882 6343

36 CFR

211 6345

50 CFR

33 6344

Rules and Regulations

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Agency

SUBCHAPTER F—AIR TRAFFIC AND GENERAL OPERATING RULES

[Reg. Docket No. 6588; Amdt. 425]

PART 97—STANDARD INSTRUMENT APPROACH PROCEDURES

Miscellaneous Amendments

The amendments to the standard instrument approach procedures contained herein are adopted to become effective when indicated in order to promote safety. The amended procedures supersede the existing procedures of the same classification now in effect for the airports specified therein. For the convenience of the users, the complete procedure is republished in this amendment indicating the changes to the existing procedures.

As a situation exists which demands immediate action in the interests of safety in air commerce, I find that compliance with the notice and procedure provisions of the Administrative Procedure Act is impracticable and that good cause exists for making this amendment effective within less than 30 days from publication.

In view of the foregoing and pursuant to the authority delegated to me by the Administrator (24 F.R. 5662), Part 97 (14 CFR Part 97) is amended as follows:

1. By amending the following low or medium frequency range procedures prescribed in § 97.11(a) to read:

LFR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
				T-dn-10	300-1	300-1	300-1¼
				T-dn-28	500-1	500-1	500-1½
				C-dn	600-1	600-1	600-1½
				S-dn	NA	NA	NA
				A-dn	900-2	900-2	900-2

Procedure turn S side SE crs, 120° Outbnd, 300° Inbnd, 2500' within 15 miles.
Minimum altitude over facility on final approach crs, 700'.
Crs and distance, facility to airport, 086°—1.4 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0.0 mile of ANI LFR, turn left, climb to 2300' on SW crs, 210° within 10 miles.
NOTES: Air carrier sliding scale not authorized. ADF approach not authorized.
CAUTION: Terrain, 1000'—2.0 miles N of ANI LFR. Terrain, 657'—3 miles W of ANI LFR.
MSA within 25 miles of facility: N—2700'; E—4500'; S—4700'; W—3000'.

City, Aniak; State, Alaska; Airport name, Aniak; Elev., 80'; Fac. Class., BMRLZ; Ident., ANI; Procedure No. 1, Amdt. 8; Eff. date, 15 May 65; Sup. Amdt. No. 7; Dated, 27 Mar. 65

2. By amending the following automatic direction finding procedures prescribed in § 97.11(b) to read:

ADF STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
Bowie Int	LOM	Direct	2000	T-dn	300-1	300-1	300-1¼
Baltimore VOR	LOM	Direct	2000	C-dn	400-1	400-1	400-1½
Dayton Int	LOM	Direct	2000	S-dn-10	400-1	400-1	400-1
Clarksville Int	LOM (final)	Direct	1400	A-dn	800-2	800-2	800-2

Radar vectoring authorized in accordance with approved radar procedures.
Procedure turn S side of crs, 282° Outbnd, 102° Inbnd, 2000' within 10 miles. Beyond 10 miles not authorized.
Minimum altitude over facility on final approach crs, 1400'.
Crs and distance, facility to airport, 102°—3.8 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 3.8 miles after passing BA LOM, climb to 3000' on 102° crs from LOM within 10 miles. Proceed to Bodkin Int, hold E, 1-minute right turns.
CAUTION: 340' tower 2.2 miles S of airport.
Other change: Deletes transitions from relay Int and Beltsville FM.
MSA within 25 miles of facility: 000°-270°—2100'; 270°-090°—2400'.

City, Baltimore; State, Md.; Airport name, Friendship International; Elev., 146'; Fac. Class., LOM; Ident., BA; Procedure No. 1, Amdt. 9; Eff. date, 15 May 65; Sup. Amdt. No. 8; Dated, 1 Apr. 65

ADF STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
DLF VOR	DLF RBn	Direct	1000	T-dn-13	500-2	500-2	500-2
				T-dn-31	300-1	300-1	200-½
				C-dn	600-1	600-1	600-1½
				A-dn	NA	NA	NA

Procedure turn W side of crs, 360° Outbnd, 180° Inbnd, 3000′ within 10 miles.
Minimum altitude over facility on final approach crs, 3000′.
Crs and distance, facility to airport, 180°—6.5 miles.
If visual contact not established upon descent to autorized landing minimums or if landing not accomplished within 5.5 miles after passing DLF RBn, turn right, climb to 4000′ direct to DLF RBn. Hold N on 360° bearing, DLF RBn.
NOTES: 1. Extensive jet training conducted at Laughlin AFB. 2. Procedure not entirely within controlled airspace.
CAUTION: 1512′ tower, 2.5 miles ESE of airport. This procedure not authorized during periods when Laughlin AFB RBn unmonitored. Contact San Antonio ARTCC prior to planned arrival time at Del Rio in order to ascertain facility will be appropriately monitored by tower during execution of this approach procedure.
Other change: Deletes procedure turn restriction beyond 10 miles.
MSA within 25 miles of facility: 000°–090°—4000′; 090°–180°—3000′; 180°–270°—2800′; 270°–360°—4000′.

City, Del Rio; State, Tex.; Airport name, International; Elev., 999′; Fac. Class., H; Ident., DLF; Procedure No. 1, Amdt. 3; Eff. date, 15 May 65; Sup. Amdt. No. 2; Dated, 20 Mar. 65

PROCEDURE CANCELLED, EFFECTIVE 15 MAY 1965.

City, Kwajalein Island, Marshall Islands; Airport name, PMFR Islands; Elev., 7′; Fac. Class., H; Ident., NDJ; Procedure No. 1, Amdt. Orig.; Eff. date, 5 May 62

All directions	NDJ RBn	Direct	1100	T-dn	500-1	500-1	500-1½
				C-dn	500-1	500-1	500-1½
				A-dn	800-2	800-2	800-2

Procedure turn N side of crs, 070° Outbnd, 250° Inbnd, 1100′ within 10 miles.
Minimum altitude over facility on final approach crs, 600′.
Crs and distance, facility to airport, 182°—1.1 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished 1.0 mile after passing NDJ RBn, turn right and climb to 1500′ on 070° bearing from RBn; return to RBn at 1500′ and hold E.
CAUTION: 1. 162′ tower, 1725′ NNW approach end Runway 07. Numerous antennas and towers in area. 2. During reduced visibility, street lights may be mistaken for high-intensity runway lights.
AIR CARRIER NOTE: Sliding scale not authorized.
Authorized for military use only except by prior arrangement.
Contact Wake Area Control Center for approach clearance.
MSA within 25 miles of facility: 000°–360°—1200′.

City, Kwajalein Island; Airport name, Kwajalein Test Site U.S. Army; Elev., 7′; Fac. Class., HW; Ident., NDJ; Procedure No. 1, Amdt. Orig.; Eff. date, 15 May 65

				T-dn	200-1	300-1	300-1
				C-dn	500-1	500-1	500-1½
				A-dn	NA	NA	NA

Procedure turn S side of crs, 275° Outbnd, 095° Inbnd, 1900′ within 10 miles.
Minimum altitude over facility on final approach crs, 1800′.
Crs and distance, facility to airport, 095°—2.4 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 2.4 miles after passing Manistee "H", make climbing right turn and return to Manistee "H" at 1900′.
NOTES: 1. 800-2 alternate minimums authorized for air carrier with approved weather service. 2. No weather available. 3. Close flight plan by radio with Traverse City FSS or if unable, via public telephone immediately upon landing. 4. Final approach from holding pattern not authorized. Procedure turn required.
Other change: Deletes straight-in minimums.
MSA within 25 miles of facility: 000°–180°—3100′; 180°–360°—1900′.

City, Manistee; State, Mich.; Airport name, Manistee County-Blacker; Elev., 613′; Fac. Class., HW; Ident., MBL; Procedure No. 1, Amdt. 1; Eff. date, 15 May 65; Sup. Amdt. No. Orig.; Dated, 10 Dec. 64

8.5-mile radar Fix bearing, 241° from IA LOM.	5-mile radar Fix bearing, 241° from IA LOM.	Direct	2000	T-dn	300-1	300-1	200-½
				C-dn	1000-1	1000-1	1000-1½
5-mile radar Fix bearing, 241° from IA LOM.	IA LOM (final)	Direct	1300	A-dn	1000-2	1000-2	1000-2

Radar vectoring authorized in accordance with approved patterns using Portland radar.
Radar vectoring to final approach crs required. Procedure turn not authorized.
Minimum altitude over 8.5-mile radar Fix on final approach crs, 3000′; over 5-mile radar Fix, 2000′; over facility, 1200′.
Crs and distance, facility to airport, 061°—2.5 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 2.5 miles after passing IA LOM, turn left, climb direct to IA LOM, continue climb to 2000′ on crs, 241° from IA LOM within 5 miles of IA LOM.
CAUTION: High terrain, N thru SE of airport.
%Takeoff Runway 25, climb direct to IA LOM. Takeoff Runway 7, left turn, climb direct to IA LOM.
*Weather service not available 2300 to 0659 local time. Alternate minimums not authorized 2300 to 0659 local time.
MSA within 25 miles of facility: 000°–180°—5500′; 180°–270°—3100′; 270°–360°—4700′.

City, Troutdale; State, Oreg.; Airport name, Troutdale; Elev., 30′; Fac. Class., LOM; Ident., IA; Procedure No. 1, Amdt. Orig.; Eff. date, 15 May 65

King Int	LOM	Direct	2500	T-dn	300-1	300-1	200-½
Pine Hall Int	LOM	Direct	2400	C-dn	300-1	300-1	500-1½
Thomas Int	LOM (final)	Direct	1700	S-dn-4*	400-1	400-1	400-1
Wallburg Int	LOM (final)	Direct	2200	A-dn*	800-2	800-2	800-2

Radar vectoring authorized in accordance with approved patterns.
Radar antenna located on Greensboro-High Point Airport.
Procedure turn S side of crs, 148° Outbnd, 328° Inbnd, 2400′ within 10 miles. Beyond 10 miles not authorized.
Minimum altitude over facility on final approach crs, 2200′.
Crs and distance, facility to airport, 328°—3.9 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 3.9 miles after passing LOM, climb to 2500′, proceed to King Int via 328° crs from IN LOM or, when directed by ATC, turn left, climbing to 2500′, proceeding to Yadkin Int via R-283 GSO VOR.
NOTE: Aircraft executing missed approach may be radar controlled after being reidentified.
CAUTION: 2081′ antenna, 16.0 miles NW of airport.
*During daily shutdown of control tower, 0400Z to 1200Z, alternate minimums not authorized.
MSA within 25 miles of facility: 000°–090°—3600′; 090°–180°—4100′; 180°–270°—3400′; 270°–360°—5100′.

City, Winston-Salem; State, N.C.; Airport name, Smith Reynolds; Elev., 960′; Fac. Class., LOM; Ident., IN; Procedure No. 1, Amdt. 9; Eff. date, 15 May 65; Sup. Amdt No. 8; Dated, 1 May 65

3. By amending the following very high frequency omnirange (VOR) procedures prescribed in § 97.11(c) to read:

VOR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.
If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
				T-dn-13	500-2	500-2	500-2
				T-dn-31	300-1	300-1	200-½
				C-dn	900-1	900-1	900-1½
				A-dn	NA	NA	NA

Procedure turn S side of crs, 081° Outbnd, 261° Inbnd, 3000′ within 10 miles.
Minimum altitude over facility on final approach crs, 3000′.
Crs and distance, facility to airport, 261°—7.4 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 7.4 miles after passing DLF VOR, turn right, climb to 4000′ on 340° magnetic heading, then turn right and proceed direct to DLF VOR.
NOTE: Extensive jet training conducted at Laughlin AFB.
CAUTION: 1512′ tower, 2.5 miles ESE of airport. This procedure not authorized during periods when Laughlin AFB VOR unmonitored. Contact San Antonio ARTCC prior to planned arrival time at Del Rio in order to ascertain facility will be appropriately monitored by tower during execution of this approach procedure.
MSA within 25 miles of facility: 000°–090°—4000′; 090°–180°—3000′; 180°–270°—2800′; 270°–360°—4000′.

City, Del Rio; State, Tex.; Airport name, International; Elev., 999′; Fac. Class., VOR; Ident., DLF; Procedure No. 1, Amdt. 3; Eff. date, 15 May 65; Sup. Amdt. No. 2; Dated, 20 Mar. 65

				T-dn	300-1	300-1	200-½
				C-dn	400-1	500-1	500-1½
				S-dn-4*	400-1	400-1	400-1
				A-dn*	800-2	800-2	800-2

Procedure turn N side of crs, 236° Outbnd, 056° Inbnd, 2400′ within 10 miles.
Minimum altitude over facility on final approach crs, 2300′.
Crs and distance, facility to airport, 034°—4.3 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.3 miles after passing JVL VOR, climb to 2500′ on R-034 within 20 miles.
NOTE: Approach control available through Rockford, Ill., control tower.
Other change: Deletes caution note.
$400-¾ authorized, except for 4-engine turbojet aircraft, with operative REIL or high-intensity runway lights.
*Alternate minimums authorized only during hours of control zone operation. Alternate minimums authorized 24 hours daily for air carriers with weather reporting service at the airport.
MSA within 25 miles of facility: 000°–090°—2200′; 090°–180°—2400′; 180°–270°—2600′; 270°–360°—2400′.

City, Janesville; State, Wis.; Airport name, Rock County; Elev., 808′; Fac. Class., BVOR; Ident., JVL; Procedure No. 1, Amdt. 8; Eff. date, 15 May 65; Sup. Amdt. No. 7; Dated, 28 Nov. 64

				T-dn	800-1	800-1	200-½
				C-dn	800-1	800-1	800-1½
				A-dn	800-2	800-2	800-2

Procedure turn N side of crs, 086° Outbnd, 238° Inbnd, 2100′ within 10 miles.
Minimum altitude over facility on final approach crs, 1400′.
Crs and distance, facility to airport, 238—4.0 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.0 miles after passing TCL VOR, climb to 2100′ on R-238 within 10 miles.
NOTE: When authorized by ATC, DME may be used within 10 miles at 2100′ to position aircraft for straight-in approach with the elimination of procedure turn.
MSA within 25 miles of facility: 000°–090°—2100′; 090°–180°—2500′; 180°–270°—1700′; 270°–360°—1700′.

City, Tuscaloosa; State, Ala.; Airport name, Van De Graaf; Elev., 160′; Fac. Class., BVORTAC; Ident., TCL; Procedure No. 1, Amdt. 10; Eff. date, 15 May 65; Sup. Amdt. No. 9; Dated, 16 Jan. 65

10-miles DME Fix R-357	VOR (final)	Direct	2800	T-dn	300-1	300-1	200-½
				C-dn	500-1	500-1	500-1½
				S-dn-17*	400-1	400-1	400-1
				A-dn	800-2	800-2	800-2

Procedure turn W side of crs, 357° Outbnd, 177° Inbnd, 3000′ within 10 miles.
Minimum altitude over facility on final approach crs, 2800′.
Crs and distance, facility to airport, 177°—3.6 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 3.6 miles after passing ATY VOR, climb to 3000′ on R-175 within 15 miles. Return to the VOR and hold on R-357.
NOTE: When authorized by ATC, DME may be used to position aircraft on final approach crs at 3000′ between R-285 clockwise to R-080 via 6-mile DME arc with the elimination of procedure turn.
$400-¾ authorized, except for 4-engine turbojet aircraft, with operative REIL or high-intensity runway lights.
MSA within 25 miles of the facility: 000°–180°—3100′; 180°–270°—4400′; 270°–360°—3700′.

City, Watertown; State, S. Dak.; Airport name, Watertown Municipal; Elev., 1747′; Fac. Class., BVORTAC; Ident., ATY; Procedure No. 1, Amdt. 6; Eff. date, 15 May 65; Sup. Amdt. No. 5; Dated, 6 Mar. 65

4. By amending the following terminal very high frequency omnirange (TerVOR) procedures prescribed in § 97.13 to read:

TERMINAL VOR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.
If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
AST VOR	Fort Stevens FM	Direct	2000	T-dn**% C-dn S-dn-13 A-dn	300-1 800-1 400-1 1000-2	300-1 800-1 400-1 1000-2	300-1½ 800-1½ 400-1 1000-2

Procedure turn S side of crs, 287° Outbnd, 107° Inbnd, 2000' within 10 miles of Fort Stevens FM.
Minimum altitude over Fort Stevens FM on final approach crs, 1200'.
Crs and distance, Fort Stevens FM to airport, 107°—4.4 miles; FM to VOR, 107°—4.5 miles; facility on airport.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.4 miles after passing Fort Stevens FM, or within 0.0 mile after passing AST VOR, turn right, climb to 1500' on R-246 within 10 miles of AST VOR.
**800-1 required for all aircraft departing Runway 03.
%Takeoffs all runways: Climb on AST VOR R-246 within 10 miles to cross AST VOR at or above 800'.
MSA within 25 miles of facility: 000°-090°—4100'; 090°-180°—4300'; 180°-270°—1700'; 270°-360°—3200'.

City, Astoria; State, Oreg.; Airport name, Clatsop County; Elev., 11'; Fac. Class., L-BVOR; Ident., AST; Procedure No. VOR-13, or upon commissioning of Fort Stevens FM., Amdt. 0; Eff. date, 15 May 65; Sup. Amdt. No. 5; Dated, 7 Nov. 64

Bowie Int	VAL VOR	Direct	2000	T-dn C-dn S-dn-10° A-dn	300-1 400-1 400-1 800-2	300-1 500-1 400-1 800-2	200-½ 500-1½ 400-1 800-2

Radar vectoring authorized in accordance with approved patterns.
Procedure turn S side of crs, 284° Outbnd, 104° Inbnd, 2000' within 10 miles. Beyond 10 miles not authorized.
Minimum altitude over facility on final approach crs, 546' maintain 1400' until passing BAL LOM.
Crs and distance, breakoff point to approach end of runway, 102°—0.9 mile.
Crs and distance, LOM to airport, 102°—3.8 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 9.0 mile after passing BAL VOR, climb to 2000' on R-105 BAL VOR, proceed to Brodkin Int, hold E, 1-minute left turns.
CAUTION: 340' tower, 2.2 miles S of airport.
Other change: Deletes minimums not using LOM for final Fix.
*400-½ authorized, except for 4-engine turbojet aircraft, with operative ALS.
*400-¾ authorized, except for 4-engine turbojet aircraft, with operative high-intensity runway lights.
MSA within 25 miles of facility: 000°-090°—2400'; 090°-360°—2100'.

City, Baltimore; State, Md.; Airport name, Friendship International; Elev., 146' Fac. Class., BVORTAC; Ident., BAL; Procedure No. TerVOR-10, Amdt. 6; Eff. date, 15 May 65; Sup. Amdt. No. 5; Dated, 20 May 64

BL LFR Bodkin Int Bowie Int Green Haven Int	BAL VOR Green Haven Int BAL VOR BAL VOR (final)	Direct Direct Direct Direct	2000 1900 2000 500	T-dn C-dn S-dn-28° A-dn	300-1 500-1 400-1 800-2	300-1 500-1 400-1 800-2	300-1½ 500-1½ 400-1 800-2

Radar vectoring authorized in accordance with approved radar procedures.
Procedure turn N side of crs, 096° Outbnd, 276° Inbnd, 1900' within 10 miles of Green Haven Int.
Minimum altitude over facility on final approach crs, 500'. Maintain 1900' until passing Green Haven Int.
Crs and distance, breakoff point to approach end of runway, 284°-0.9 mile.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0.0 mile after passing BAL VOR, climb to 2000' proceed direct to BA LOM, hold W, 102° Inbnd, 1-minute right turns.
CAUTION: Procedure turn not authorized when restricted area R-4001 in use.
*400-¾ authorized, except for 4-engine turbojet aircraft, with operative high-intensity runway lights.
MSA within 25 miles of facility: 000°-090°—2400'; 090°-360°—2100'.

City, Baltimore; State, Md.; Airport name, Friendship International; Elev., 146'; Fac. Class., BVORTAC; Ident., BAL; Procedure No. TerVOR-36, Amdt. 7; Eff. date, 15 May 65; Sup. Amdt. No. 6; Dated, 26 Oct. 63

5. By amending the following very high frequency omnirange-distance measuring equipment (VOR/DME) procedures prescribed in § 97.15 to read:

VOR/DME STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.
If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
38-mile Fix R-105 10-mile Fix R-096 6-mile Fix R-096	10-mile Fix R-105 6-mile Fix R-096 (final) 1-mile Fix R-096 (final)	Direct Direct Direct	1900 1900 600	T-dn C-dn S-dn-28° A-dn	300-1 500-1 400-1 800-2	300-1 500-1 400-1 800-2	200-½ 500-1½ 400-1 800-2

Radar vectoring authorized in accordance with approved patterns.
Procedure turn N side of crs, 096° Outbnd, 276° Inbnd, 1900' to be accomplished between 6-mile DME Fix and 15-mile DME Fix. Descend to landing minimums after passing 6-mile DME Fix. DME may be used within 10 miles from 270° clockwise to 030° at 2000'; 030° clockwise to 140° at 1900' to position aircraft for a straight-in approach.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0.0 mile after passing BAL VOR, climb to 2000' proceed direct to BA LOM, hold W, 102° Inbnd, 1-minute right turns.
CAUTION: Procedure turn not authorized when restricted area R-4001 in use.
*400-¾ authorized, except for 4-engine turbojet aircraft, with operative high-intensity runway lights.
MSA within 25 miles of facility: 000°-090°—2400'; 090°-360°—2100'.

City, Baltimore; State, Md.; Airport name, Friendship International; Elev., 146'; Fac. Class., BVORTAC; Ident., BAL; Procedure No. VOR/DME No. 1, Amdt. 2; Eff. date, 15 May 65; Sup. Amdt. No. 1; Dated, 26 Sept. 63

Sykesville Int Towson Int Dayton Int	7-mile DME Fix R-322 7-mile DME Fix R-322 7-mile DME Fix R-322	Direct 14-mile arc 15-mile arc	2200 2200 2200	T-dn C-dn S-dn-15° A-dn	300-1 500-1 400-1 800-2	300-1 500-1 400-1 800-2	200-½ 500-1½ 400-1 800-2

Radar vectoring authorized in accordance with approved patterns.
Procedure turn S side of crs, 322° Outbnd, 142° Inbnd, 2200' within 10 miles of 7-mile DME Fix R-323.
Minimum altitude over 7-mile Fix R-322 on final approach crs, 2200'; 3-mile Fix, 900'; 1-mile Fix, 546'.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished upon passing 1-mile DME Fix, R-322 climb to 2000' on R-105 BAL VOR, proceed to Brodkin Int, hold E, R-105, 1-minute left turns.
NOTE: When authorized by ATC, DME may be used within 15 miles at 2000' altitude between 261° clockwise to 048° to position aircraft for straight-in approach with the elimination of the procedure turn.
*400-¾ authorized, except for 4-engine turbojet aircraft with operative high-intensity runway lights.
MSA within 25 miles of facility: 000°-090°—2400'; 090°-360°—2100'.

City, Baltimore; State, Md.; Airport name, Friendship International; Elev., 146'; Fac. Class., BVORTAC; Ident., BAL; Procedure No. VOR/DME No. 1, Amdt. Orig: Eff. date, 15 May 65

Towson Int 14-mile DME Fix R-082	14-mile DME Fix R-082 6-mile DME Fix (final)	14-mile arc Direct	2300 1800	T-dn C-dn S-dn-22 A-dn	300-1 500-1 500-1 800-2	300-1 500-1 500-1 800-2	200-½ 500-1½ 500-1 800-2

Radar vectoring authorized in accordance with approved patterns.
Procedure turn W side of crs, 082° Outbnd, 212° Inbnd, 2300' within 10 miles of 6-mile DME Fix R-082.
Minimum altitude over 6-mile Fix R-082 on final approach crs, 1800'; over 0.5-mile Fix on final 646'.
Crs and distance, breakoff point to end of runway, 222°—1.0 mile.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished upon passing 0.5-mile DME Fix, climb to 2000' and proceed direct to BA LOM, hold W, 102° crs Inbnd, 1-minute right turns.
NOTE: When authorized by ATC, DME may be used within 14 miles at 2300' altitude between 201° clockwise to 063° to position aircraft for straight-in approach with elimination of the procedure turn.
MSA within 25 miles of facility: 000°-090°—2400'; 090°-360°—2100'.

City, Baltimore; State, Md.; Airport name, Friendship International; Elev., 146'; Fac. Class., BVORTAC; Ident., BAL; Procedure No. VOR/DME No. 3, Amdt. Orig.: Eff. date, 15 May 65

Hartstene Int/19-mile DME Fix R-345 Harbor Int/10.0-mile DME Fix R-345 Bayside Int	OLM VOR OLM VOR (final) OLM VOR	Direct Direct Direct	3000 1100 3000	T-dn% C-dn S-dn A-dn If aircraft equipped with VOR and DME or VOR and ADF receivers, and Budd Int is identified, the following minimums apply:* C-dn S-dn-17	300-1 700-1 NA 800-2 600-1 600-1	300-1 700-1 NA 800-2 600-1 600-1	200-½ 700-1½ NA 800-2 600-1½ 600-1

Radar vectoring authorized utilizing McChord radar in accordance with approved patterns.
Procedure turn W side of crs, 345° Outbnd, 165° Inbnd, 3000' within 15 miles.
Minimum altitude over Budd Int on final approach crs, 1100', over OLM VOR, 800'.
Crs and distance, Budd Int to airport, 165°—4.7 miles; Budd Int to VOR, 165°—5.0 miles, OLM VOR on airport.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0.0 mile after passing OLM VOR, climb to 3000' on R-173 within 15 miles of OLM VOR; or when directed by ATC, turn left, climb to 3000' on R-345 within 15 miles of OLM VOR.
NOTE: When authorized by ATC, DME may be used within 20 miles at 3000' between R-315 clockwise to R-018 of OLM VOR to position aircraft for straight-in approach with elimination of procedure turn.
CAUTION: Restricted area 4.7 miles E of airport.
%Takeoffs all runways: Climb on R-345 OLM VORTAC within 10 miles so as to cross OLM VORTAC at or above 1100' Westbound on V-204.
*If Budd Int not identified, authorized minimum over OLM VOR is 900'.
MSA within 25 miles of facility: 000°-090°—2700'; 090°-180°—4900'; 180°-270°—3700'; 270°-360°—3800'.

City, Olympia; State, Wash.; Airport name, Olympia Municipal; Elev., 206'; Fac. Class., L-BVORTAC; Ident., OLM; Procedure No. VOR/DME No. 1, Amdt. 3; Eff date, 15 May 65; Sup. Amdt. No. 2; Dated, 15 Aug. 64

VOR/DME STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
15-mile DME Fix R-143	OLM VOR	Direct	3000	T-dn%	300-1	300-1	300-1½
15-mile DME Fix R-198	OLM VOR	Direct	3000	C-dn	1000-1	1000-1	1000-1½
Bayside Int	OLM VOR	Direct	3000	A-dn	1100-2	1100-2	1100-2
15-mile DME Fix R-173	9-mile DME Fix R-173	Direct	3000	If aircraft equipped with VOR and DME and 5.5-mile DME Fix is identified, the following minimum applies:*			
9-mile DME Fix R-173	5.5-mile DME Fix R-173	Direct	1200				
5.5-mile DME Fix R-173	0.0-mile DME Fix R-173	Direct	800	C-dn	600-1	600-1	600-1½

Radar vectoring authorized utilising McChord radar in accordance with approved patterns.
Procedure turn W side of crs, 173° Outbnd, 353° Inbnd, 3000' within 15 miles.
Minimum altitude over 5.5-mile DME Fix on final approach crs, 1200'; over facility, 800'.*
Crs and distance 5.5-mile DME Fix to airport, 353°—5.0 miles; facility on airport.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0.0 mile after passing OLM VOR, climb to 3000' on R-345 within 15 miles of OLM VOR; or when directed by ATC, turn right, climb to 3000' on R-173 within 15 miles of OLM VOR.
NOTE: When authorized by ATC, DME may be used within 9 miles at 2000' between R-143 clockwise to R-198 of OLM VOR to position aircraft for straight-in approach with elimination of procedure turn.
CAUTION: Restricted area 4.7 miles E of airport.
%Takeoffs all runways: Climb on R-345 OLM VORTAC within 10 miles so as to cross OLM VORTAC at or above 1800' westbound on V-204.
*If 5.5-mile DME Fix R-173 is not identified, authorised minimum over OLM VOR is 1200'.
MSA within 25 miles of facility: 000°-090°—2700'; 090°-180°—4900'; 180°-270°—3700'; 270°-360°—3800'.

City, Olympia; State, Wash.; Airport name, Olympia Municipal; Elev., 205'; Fac. Class., L-BVORTAC; Ident., OLM; Procedure No. VOR/DME No. 2, Amdt. 1; Eff. date, 15 May 65; Sup. Amdt. No. Orig.; Dated, 16 Jan. 64

ATY VOR	10-mile DME Fix R-176	Direct	3400	T-dn	300-1	300-1	300-1½
				C-dn	600-1	600-1	600-1½
				S-dn-33%	400-1	400-1	400-1
				A-dn	800-2	800-2	800-2

Procedure turn E side of crs, 176° Outbnd, 356° Inbnd, 3400' between 10 and 20-mile DME Fix R-176.
Minimum altitude over 10-mile DME Fix R-176 on final approach crs, 3300'.
Crs and distance, 10-mile DME Fix R-176 to airport, 356°—4.3 miles.
If visual contact not established upon descent to authorised landing minimums or if landing not accomplished at 4.7-mile DME Fix R-176, climb to 3000' on R-357 ATY VOR. Return to VOR and hold on R-357.
NOTE: When authorised by ATC, DME may be used to position aircraft on final approach crs at 3400' between R-100 clockwise to 230° via 16-mile DME arc with the elimination of procedure turn.
3400-¾ authorised, except for 4-engine turbojet aircraft, with operative high-intensity runway lights.
MSA within 25 miles of the facility: 000°-180°—3100'; 180°-270°—4400'; 270°-360°—3700'.

City, Watertown; State, S. Dak.; Airport name, Watertown Municipal; Elev., 1747'; Fac. Class., BVORTAC; Ident., ATY; Procedure No. VOR/DME No. 1, Amdt. 1; Eff. date, 15 May 65; Sup. Amdt. No. Orig.; Dated, 12 Dec. 64

6. By amending the following instrument landing system procedures prescribed in § 97.17 to read:

ILS STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.
If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
Bowie Int	LOM	Direct	2000	T-dn***	200-½	200-1	200-½
Baltimore VOR	LOM	Direct	2000	C-dn	500-1	500-1	500-1½
Dayton Int	LOM	Direct	2000	S-dn-10°*	*200-½	*200-1	*200-½
Clarksville Int	LOM (final)	Direct	1500	A-dn	600-2	600-2	600-2

Radar vectoring authorized in accordance with approved radar procedures.
Procedure turn S side of crs, 282° Outbnd, 102° Inbnd, 2000' within 10 miles. Beyond 10 miles not authorized.
Minimum altitude at glide slope intercept ion Inbnd, 1500'.
Altitude of glide slope and distance to approach end of runway at OM, 1423'—3.8 miles; at MM, 380'—0.6 mile.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 3.8 miles after passing LOM, climb to 2000' on back crs of ILS, proceed to Bodkin Int, hold E R-105, 1-minute left turns.
CAUTION NOTE: Tower 340'—2.2 miles S of field.
GLIDE SLOPE NOTE: Glide slope not useable Inbnd from middle marker; satisfactory for authorised minimums.
Other change: Deletes transition from Lisbon Int.
**Runway visual range 2600' also authorised for landing on Runway 10, provided all components of the ILS, high-intensity runway lights, approach lights, condenser-discharge flashers, outer compass locator, and all related airborne equipment are in satisfactory operating condition. Descent below 340' shall not be made unless visual contact with the approach lights has been established or the aircraft is clear of clouds.
***Runway visual range 2600' authorised for takeoff on Runway 10 in lieu of 200-½ when 200-½ authorised, providing associated high-intensity runway lights are operational.
*400-¾ required when glide slope inoperative. 400-½ authorised, except for 4-engine turbojet aircraft, with operative ALS.

City, Baltimore; State, Md.; Airport name, Friendship International; Elev., 146'; Fac. Class., ILS; Ident., I-BAL; Procedure No. ILS-10, Amdt. 14; Eff. date, 15 May 65; Sup. Amdt. No. 13; Dated, 22 Sept. 62

7. By amending the following radar procedures prescribed in § 97.19 to read:

ILS STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
Bodkin Int	Orchard Beach Int (final)	Direct	1900	T-dn	200-1	300-1	200-½
Baltimore VOR	Orchard Beach Int	Direct	1900	C-dn	400-1	500-1	500-1½
				S-dn-28°	400-1	400-1	400-1
				A-dn	800-2	800-2	800-2

Radar vectoring authorized in accordance with approved radar procedures.
Procedure turn N side E crs, 102° Outbnd, 282° Inbnd, 1900' within 10 miles of Orchard Beach Int.
No glide slope or markers. Descend to authorized minimums after passing Orchard Beach Int. Distance to approach end of Runway 28, 5.2 miles. Minimum altitude over Orchard Beach Int, 1900'.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 5.2 miles after passing Orchard Beach Int, climb to 1900' on W crs, BAL ILS within 10 miles of BAL LOM. Return to BAL LOM, hold W, 102° Inbnd, 1-minute right turns.
NOTE: ADF approach not authorized.
CAUTION: Procedure turn not authorised when R-4001 in use.
*400-¾ authorized, except for 4-engine turbojet aircraft, with operative high-intensity runway lights.

City, Baltimore; State, Md.; Airport name, Friendship International; Elev., 146'; Fac. Class., ILS; Ident., I-BAL; Procedure No. ILS-28 (back crs), Amdt. 6; Eff date, 15 May 65; Sup. Amdt. No. 5; Dated, 28 Sept. 63

Martha's Vineyard VOR	Lobster Int	Via radar vectors	1700	T-dn	300-1	300-1	200-½
Clam Int	Lobster Int	Via radar vectors	1700	C-dn	400-1	500-1	500-1½
Nantucket VOR	Lobster Int	Via radar vectors	1700	S-dn-6°	400-1	400-1	400-1
				A-dn	800-2	800-2	800-2

Radar vectoring to Lobster Int by Otis RAPCON in accordance with approved patterns. If radar inoperative, procedure not authorized.
Procedure turn not authorized.
Minimum altitude over Lobster Int on final approach crs, 1700'.
Crs and distance, Lobster Int to airport, 060°—5.3 miles; Lobster Int to VOR, 060°—8.0 miles.
No glide slope, outer marker, or middle marker.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 5.3 miles after passing Lobster Int, or after passing the 2.7-miles DME Fix, climb straight ahead to the AC LOM at 1700'. Hold NE of AC LOM, 1-minute right turns, 240° Inbnd.
CAUTION: 652' Loran antenna (3.0 miles ESE of airport).
Other change: Deletes transition from W Nan Int.
*400-¾ authorized, except for 4-engine turbojet aircraft, with operative high-intensity runway lights.

City, Nantucket; State, Mass.; Airport name, Nantucket Memorial; Elev., 47'; Fac. Class., ILS; Ident., I-ACK; Procedure No. ILS-6 (back crs), Amdt. 1; Eff. date, 15 May 65; Sup. Amdt. No. Orig.; Dated, 13 Feb. 65

PROCEDURE CANCELLED, EFFECTIVE 15 MAY 65.

City, Utica; State, N.Y.; Airport name, Oneida County; Elev., 742'; Fac. Class., ILS; Ident., I-UCA; Procedure No. ILS-15 (back crs), Amdt. 1; Eff. date, 13 Feb. 65; Sup. Amdt. No. Orig.; Dated, 26 Dec. 64

AWK RBn	AXX RBn	Direct	1500	T-dn	300-1	300-1	300-1
AWK VOR	AXX RBn	Direct	1500	C-dn	500-1	500-1	500-1½
12-mile DME Arc, radials 180° thru 000° clockwise.	W crs, ILS	Via 12-mile arc	1500	S-dn-10°	300-1	300-1	300-1
				A-dn	800-2	800-2	800-2
W crs, ILS and 12-mile DME Fix	Carter Int (final)*	Via W crs, ILS	500				

Procedure turn S side of crs, 274° Outbnd, 094° Inbnd, 1500' within 12 miles of AXX RBn.
When authorized by ATC, DME may be used within 12 miles between radials 180° and 000° clockwise to position aircraft for final approach and elimination of procedure turn.
Minimum altitude over Carter Int on final approach crs Inbnd, 500'.
Crs and distance Carter Int to airport, 095°—2.5 miles; AXX RBn to airport, 095°—0.2 mile.
Altitude and distance to approach end of runway at Carter Int, 500'—2.5 miles; at AXX RBn, 300'—0.2 mile.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 2.3 miles (AXX RBn) after passing Carter Int, climb to 1500' on E crs of ILS within 20 miles.
NOTE: No glide slope. No approach lights. No marker beacons.
CAUTION: #1. When tower advisories report ocean vessel at mooring buoys, minimums are 400-1. 2. Circling N side of airport, not authorized due to 422' tower, 1.5 miles N.
*If unable to receive Carter Int, maintain 500' and minimums are 500-1.

City, Wake Island; Airport name, Wake Island; Elev., 13'; Fac. Class., ILS; Ident., I-AWK; Procedure No. ILS-10 (LOC only), Amdt. 3; Eff. date, 15 May 65; Sup. Amdt. No. 2; Dated, 17 Apr. 65

King Int	LOM	Direct	1500	T-dn	300-1	300-1	200-½
Pine Hall Int	LOM	Direct	3400	C-dn	600-1	600-1	600-1½
Thomas Int	LOM (final)	Direct	2200	S-dn-33%	300-¾	300-¾	300-¾
Wallburg Int	LOM (final)	Direct	2200	A-dn*	800-2	800-2	800-2

Radar vectoring authorized in accordance with approved patterns.
Radar antenna located on Greensboro-High Point Airport.
Procedure turn S side of crs, 146° Outbnd, 326° Inbnd, 2400' within 10 miles. Beyond 10 miles not authorized.
Minimum altitude at glide slope intercept ion Inbnd, 2200'.
Altitude of glide slope and distance to approach end of runway at OM, 2200'—3.9 miles; at MM, 1120'—0.5 mile.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished, climb to 2500', proceed to King Int via 326° crs from IN LOM or, when directed by ATC, turn left, climbing to 2500', proceed to Yadkin Int via R-263 GSO VOR.
NOTE: Aircraft executing missed approach may be radar controlled after being reidentified.
CAUTION: 1500' antenna, 16.0 miles NW of airport.
Other change: Deletes transition from GSO VOR to Wallburg Int.
*During daily shutdown of control tower, 0400Z to 1200Z, alternate minimums not authorized.
%400-¾ required when glide slope not utilized.

City, Winston-Salem; State, N.C.; Airport name, Smith Reynolds; Elev., 969'; Fac. Class., ILS; Ident., I-INT; Procedure No. ILS-33, Amdt. 9; Eff. date, 15 May 65; Sup. Amdt. No. 8; Dated, 1 May 65

7. By amending the following radar procedures prescribed in § 97.19 to read:

RADAR STANDARD INSTRUMENT APPROACH PROCEDURES

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet, MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If a radar instrument approach is conducted at the below named airport, it shall be in accordance with the following instrument procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitude(s) shall correspond with those established for en route operation in the particular area or as set forth below. Positive identification must be established with the radar controller. From initial contact with radar to final authorized landing minimums, the instructions of the radar controller are mandatory except when (A) visual contact is established on final approach at or before descent to the authorized landing minimums, or (B) at pilot's discretion if it appears desirable to discontinue the approach, except when the radar controller may direct otherwise prior to final approach, a missed approach shall be executed as provided below when (A) communication on final approach is lost for more than 5 seconds during a precision approach, or for more than 30 seconds during a surveillance approach; (B) directed by radar controller; (C) visual contact is not established upon descent to authorized landing minimums; or (D) if landing is not accomplished.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
248°	180°	0–20 miles	***2000	Surveillance approach			
180°	248°	0–15 miles	***2000	T-dn/%*	300–1	300–1	200–½
180°	248°	15–20 miles	***2200	C–dn–14L and R, 32L and R, 27, 22.**	400–1	500–1	500–1½
				C–dn–4	800–2	800–2	800–2
				S–dn–14L and R, 32 L and R, 27, 22.§ **	400–1	400–1	400–1
				S–dn–4	800–2	800–2	800–2
				A–dn	800–2	800–2	800–2
				Precision approach			
				T–dn/%*	300–1	300–1	200–½
				C–dn	400–1	500–1	500–1½
				S–dn–14R, 27, 32L.§	200–½	300–½	200–½
				S–dn–22, 14L, 32R, 4.	300–¾	300–¾	300–¾
				A–dn	800–2	800–2	800–2

All bearings are from radar site with sector azimuths progressing clockwise.

***Radar control will provide 1000′ vertical clearance within a 3-mile radius of towers, 1187′—15 miles NW, 1460′—5.5 miles W, 1413′—4.9 miles W, 1508′—7.2 miles SW, 1185′—4.8 miles SW, 1120′—3.5 miles SW, 1504′—14.2 miles SE, 1260′—10 miles SSW, 1080′—14.3 miles SSW, and 1125′—8 miles SW.

If visual contact not established upon descent to authorized landing minimums or if landing not accomplished, Runway 4: Climb straight ahead to 3500′ and proceed to Evanston Int via ORD VOR R–075 or, when directed by ATC, climb straight ahead to 2500′ and proceed to OBK VOR via R–170. Runway 27: Climb to 3500′ on a crs of 268° and proceed to DPA VOR via R–068 or, when directed by ATC, climb to 3500′ on ORD VOR R–271 and proceed to Elgin Int via ORD VOR R–271. Runway 22: Climb to 3500′ on a crs of 220° and proceed to DPA VOR via R–073 or, when directed by ATC, make left-climbing turn to 3500′ and proceed to Evanston Int via ORD VOR R–075. Runway 14R: Turn right to heading 158°, climb to 1500′, then make right-climbing turn to 3500′ and proceed to DPA VOR via R–085 or, when directed by ATC, turn right to heading 183°, climb to 1500′, make climbing right turn to 3500′ and proceed to Elgin Int via ORD VOR R–271. Runway 32L: Turn left to 300° heading, climb to 1500′, then make climbing left turn to 3500′ and proceed direct to DPA VOR. Runway 14L: Turn left to heading of 120° and climb to 1500′, make left-climbing turn to 3500′ and proceed to Evanston Int via ORD R–075.

NOTE: Aircraft executing missed approach may after being reidentified be radar vectored.

CAUTION: 1460′ tower, 5.5 miles W, 1413′ tower, 4.9 miles W.

*Takeoffs on Runway 27, when weather is below 2000–3, will intercept ORD VOR R–250 and climb to 2000′ before proceeding westbound.

Takeoffs on Runway 32L, when weather is below 2000–3, will intercept ORD VOR R–308 and climb to 2000′ before proceeding westbound.

**On ASR approach to Runway 22, do not descend below 1200′ until radar advises passing 3-mile radar fix from end of runway.

§Runway visual range 2400′ also authorized for landing on 14R and 32L provided that all components of the PAR, high-intensity runway lights, condenser discharge flashers, outer compass locator and all related airborne equipment are operating satisfactorily. Descent below 857′ shall not be made unless visual contact with the approach lights has been established or the aircraft is clear of clouds.

%Runway visual range of 2400′ also authorized for takeoff on Runways 14R/14L and 32L in lieu of 200–½ when 200–½ is authorized, provided high-intensity runway lights are operational.

$Runways 27, 14R, and 32L: 400–½ authorized, except for 4-engine turbojet aircraft, with operative ALS. Runways 14R and L, and 32 R and L: 400–¼ authorized, except for 4-engine turbojet aircraft, with operative high-intensity runway lights.

City, Chicago; State, Ill.; Airport name, Chicago-O'Hare International; Elev., 667′; Fac. Class., O'Hare; Ident., Radar; Procedure No. 1, Amdt. 12; Eff. date, 15 May 65; Sup. Amdt. No. 11; Dated, 30 Jan. 65

000°–360°		Within:		Surveillance approach			
000°–360°		8 miles	2700	T–dn/35L/17R	300–1	300–1	200–½
		8–30 miles	3200	T–dn/36R/17L	300–1	300–1	300–1
				C–dn	500–1	500–1	500–1½
				S–dn/17L/35L/36R.	500–1	500–1	500–1
				S–dn–17R*	400–1	400–1	400–1
				A–dn	800–2	800–2	800–2
				Precision approach			
				C–dn/35L/17R	500–1	500–1	500–1½
				S–dn–35L	200–½	200–½	200–½
				S–dn–17R	300–¾	300–¾	300–¾
				A–dn	800–2	800–2	800–2

If visual contact not established upon descent to authorized landing minimums or if landing not accomplished to Runways 35L, 35R, climb to 2000′ via the R–180 RAY VORTAC to RAY VORTAC; Runways 17L, 17R, climb to 2700′ direct to LN LOM.

Radar control will provide 1000′ vertical clearance within 0–3 miles of 2529′ tower located 18 miles W of airport.

*400–¾ authorized, except for 4-engine turbojet aircraft, with operative high-intensity runway lights.

City, Lincoln; State, Nebr.; Airport Name, Lincoln Municipal/AFB; Elev., 1198′; Fac. Class., Lincoln; Ident., Radar; Procedure No. 1, Amdt. 1; Eff. date, 15 May 65; Sup. Amdt. No. Orig.; Dated, 17 Apr. 65

RADAR STANDARD INSTRUMENT APPROACH PROCEDURES—Continued

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
Within 10 miles—				Precision approach			
344°–028°, 3000′; 028°–054°, 2000′; 054°–128°, 1500′; 128°–182°, 2200′; 182°–215°, 1500′; 215°–250°, 1000′; 250°–344°, 3200′.				S–dn–25R	200–½	300–½	300–¾
				S–dn–25L**	200–½	200–½	200–½
				A–dn	600–2	600–2	600–2
Within 20 miles—				Surveillance radar			
340°–018°, 6000′; 018°–057°, 7000′; 057°–086°, 4500′; 045°–090°, 2500′; 090°–128°, 1500′; 128°–194°, 2500′; 194°–215°, 1500′; 215°–250°, 1000′; 250°–282°, 2000′; 282°–308°, 4000′; 308°–339°, 3600′; 339°–340°, 3500′.				T–dn§	300–1	300–1	200–½
Within 30 miles—							
340°–357°, 6000′; 357°–010°, 7500′; 010°–057°, 9500′; 057°–045°, 7200′; 045°–051°, 5000′; 051°–057°, 4500′; 057°–082°, 3000′; 082°–086°, 2500′; 086°–128°, 1500′; 128°–194°, 2500′; 194°–215°, 1500′; 215°–250°, 1000′; 250°–256°, 2000′; 256°–282°, 3000′; 282°–288°, 4500′; 288°–308°, 4000′; 308°–312°, 4500′; 312°–340°, 5000′.							

Radar term. area trans. altitudes—all bearings are from the radar site with sector azimuths progressing clockwise.

If visual contact not established upon descent to authorized landing minimums or if landing not accomplished, climb to 2000′ on Outbnd crs of 248° from LAX RBn within 20 miles. (Runway 25R–L.) Climb direct to Downey RBn at 2000′; not authorized beyond Downey. (Runway 7R.)

§Runway visual range 2400′ also authorized for takeoff on Runways 25L and 25R in lieu of 200–½ when 200–½ is authorized, providing high-intensity runway lights are operational.

**Runway visual range 2400′ also authorized for landing on Runway 25L; provided that all components of the PAR, high-intensity runway lights, approach lights, condenser discharge flashers, outer compass locator and all related airborne equipment are in satisfactory operating condition. Descent below 326′ shall not be made unless visual contact with the approach lights has been established or the aircraft is clear of clouds.

City, Los Angeles; State, Calif.; Airport name, Los Angeles International; Elev., 126′; Fac. Class., Los Angeles; Ident., Radar; Procedure No. 1, Amdt. 19; Eff. date, 15 May 65; Sup. Amdt. No. 18; Dated, 6 Apr. 64

These procedures shall become effective on the dates specified therein.

(Secs. 307(c), 313(a), 601, Federal Aviation Act of 1958; 49 U.S.C. 1348(c), 1354(a), 1421; 72 Stat. 740, 752, 775)

Issued in Washington, D.C., on April 9, 1965.

C. W. WALKER,
Acting Director, Flight Standards Service.

[F.R. Doc. 65–3889; Filed, May 5, 1965; 8:45 a.m.]

Title 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 213—EXCEPTED SERVICE

Entire Executive Civil Service

Section 213.3102(t) is amended to extend the authority to make excepted appointments to positions filled by mentally retarded persons until September 30, 1968. Effective on publication in the FEDERAL REGISTER, paragraph (t) of § 213.3102 is amended as set out below.

§ 213.3102 Entire executive civil service.

* * * * *

(t) Not to exceed September 30, 1968, and subject to prior approval of the Civil Service Commission, positions when filled by mentally retarded persons in accordance with written agreements executed between an agency and the Civil Service Commission. Provisions to be included in such agreements are specified in the Federal Personnel Manual.

* * * * *

(R.S. 1753, sec. 2, 22 Stat. 403, as amended; 5 U.S.C. 631, 633; E.O. 10577, 19 F.R. 7521, 3 CFR, 1954–58 Comp., p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] MARY V. WENZEL,
Executive Assistant to the Commissioners.

[F.R. Doc. 65–4782; Filed, May 5, 1965; 8:48 a.m.]

PART 332—RECRUITMENT AND SELECTION THROUGH COMPETITIVE EXAMINATION

Subpart A—General Provisions

FILLING CERTAIN POSTMASTER POSITIONS

Section 332.103 is amended to provide that the examining procedures for postmaster positions in fourth-class post offices shall be determined by reference to the new "revenue unit" system rather than to the postmasters' annual compensation. Section 332.103 is amended as set out below.

§ 332.103 Filling certain postmaster positions.

(a) When a vacancy occurs or is about to occur in a postmaster position in a fourth-class post office having fewer than 30 revenue units for compensation purposes, a representative of the Post Office Department shall visit the locality and, after due public notice has been given, accept applications from interested persons. The representative shall establish a register based on the qualifications and suitability of each applicant and on his ability to provide proper facilities for transacting the business of the office. The Post Office Department shall submit to the Commission for post-audit one copy of the representative's report showing the qualifications of all applicants, the basis for ranking the eligibles, and the selection of an eligible from the register. The report shall be accompanied by the applications of all applicants. A person selected for appointment from such a register may be appointed after the date the office is determined to have 30 or more revenue units for compensation purposes only with the prior approval of the Commission.

(b) When making an appointment from a register established under paragraph (a) of this section, the appointing officer shall select an eligible in accordance with §§ 332.404 through 332.407.

(c) When the Commission, after holding two examinations, is unable to secure a complete certificate of three eligibles for offices having 30 or more revenue units for compensation purposes, it may authorize the establishment of a register and selection therefrom in accordance with paragraphs (a) and (b) of this section.

(R.S. 1753, sec. 2, 22 Stat. 403, as amended; 5 U.S.C. 631, 633; E.O. 10577, 19 F.R. 7521, 3 CFR, 1954–58 Comp., p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] MARY V. WENZEL,
Executive Assistant to the Commissioners.

[F.R. Doc. 65–4783; Filed, May 5, 1965; 8:48 a.m.]

Title 7—AGRICULTURE

to Marketing Order No. 965, for its Wheat Diversion Program for 1964 and

Premium

Title 7—AGRICULTURE

Chapter VIII—Agricultural Stabilization and Conservation Service (Sugar), Department of Agriculture

SUBCHAPTER F—DETERMINATION OF NORMAL YIELDS AND ELIGIBILITY FOR ABANDONMENT AND CROP DEFICIENCY PAYMENTS

[Sugar Determination 842.2, Supp. 7, Amdt. 1]

PART 842—BEET SUGAR AREA

Approved Local Areas for 1963 Crop

Amend § 842.9, Part 842, Chapter VIII, title 7 of the Code of Federal Regulations, as follows: Insert the words "Contra Costa" in paragraph (a) of such section between the words "Colusa" and "Glenn" in the column under the heading "entire counties."

Statement of bases and considerations. The county "Contra Costa", inadvertently omitted from a list of counties previously published, is added.

Effective date. Date of publication.

Signed at Washington, D.C., on April 29, 1965.

CHAS. M. COX,
Acting Deputy Administrator, State and County Operations.

[F.R. Doc. 65-4784; Filed, May 5, 1965; 8:48 a.m.]

Chapter IX—Consumer and Marketing Service (Marketing Agreements and Orders; Fruits, Vegetables, Tree Nuts), Department of Agriculture

PART 965—TOMATOES GROWN IN LOWER RIO GRANDE VALLEY IN TEXAS

Expenses and Rate of Assessment

Notice of rule making regarding proposed expenses and rate of assessment, to be effective under Marketing Order No. 965 (7 CFR Part 965) regulating the handling of tomatoes grown in the Counties of Cameron, Hidalgo, Starr, and Willacy in Texas (Lower Rio Grande Valley) was published in the FEDERAL REGISTER April 14, 1965 (30 F.R. 4761). This regulatory program is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.). The notice afforded interested persons an opportunity to submit data, views, or arguments pertaining thereto not later than 7 days following publication in the FEDERAL REGISTER. None was filed.

After consideration of all relevant matters presented, including the proposals set forth in the aforesaid notice, which proposals were adopted and submitted for approval by the Texas Valley Tomato Committee, established pursuant to said marketing order, it is hereby found and determined that:

§ 965.207 Expenses and rate of assessment.

(a) The reasonable expenses that are likely to be incurred by the Texas Valley Tomato Committee, established pursuant to Marketing Order No. 965, for its maintenance and functioning, and for such other purposes as the Secretary determines to be appropriate, during the fiscal period ending July 31, 1965, will amount to $18,000.00.

(b) The rate of assessment to be paid by each handler pursuant to Marketing Order No. 965 shall be one cent ($0.01) per 40-pound crate of tomatoes, or the equivalent quantity thereof in other containers, handled by him as the first handler thereof during said fiscal period.

(c) The terms used in this section shall have the same meaning as when used in Marketing Order No. 965 and this part.

It is hereby found that good cause exists for not postponing the effective time of this section until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 1003) in that (1) the relevant provisions of this part require that rates of assessment fixed for a particular fiscal period shall be applicable to all assessable tomatoes from the beginning of such period, and (2) the current fiscal period began on August 1, 1964, and the rate of assessment herein fixed will automatically apply to all assessable tomatoes beginning with such date.

(Secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601 et seq.)

Dated: May 3, 1965.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 65-4785; Filed, May 5, 1965; 8:48 a.m.]

Chapter XIV—Commodity Credit Corporation, Department of Agriculture

SUBCHAPTER B—LOANS, PURCHASES AND OTHER OPERATIONS

[C.C.C. Texas Flaxseed Bulletin, 1965 Supp.]

PART 1421—GRAINS AND SIMILARLY HANDLED COMMODITIES

Subpart—1965 Texas Flaxseed Purchase Program

A special purchase program has been authorized for 1965 crop flaxseed produced in designated Texas counties. This subpart contains provisions applicable to the 1965 program and together with the provisions contained in CCC Texas Flaxseed Bulletin (26 F.R. 3979, 29 F.R. 6245) constitutes the 1965 Texas Flaxseed Purchase Program.

Sec.
1421.3103 Additional eligibility requirement.
1421.3104 Purchase prices, premiums, and discounts.

AUTHORITY: The provisions of this subpart issued under sec. 4, 62 Stat. 1070, as amended; sec. 5, 62 Stat. 1072; secs. 301, 401, 63 Stat. 1053, 1054, as amended; 15 U.S.C. 714 b and c; 7 U.S.C. 1447, 1421.

§ 1421.3103 Additional eligibility requirement.

Flaxseed produced on diverted acreage under the Regulations Pertaining to Wheat Diversion Program for 1964 and 1965 (28 F.R. 5133, 29 F.R. 5507) and amendments thereto, or on diverted acreage under the 1964 and 1965 Feed Grain Program Regulations (29 F.R. 590) and amendments thereto, is not eligible for price support.

§ 1421.3104 Purchase prices, premiums, and discounts.

(a) *1965 county purchase prices.* Basic purchase prices per bushel of eligible flaxseed of the 1965 crop which is produced in the counties listed below and which is delivered to authorized dealers under this program for the account of CCC will be at the rate established for the county where the flaxseed is delivered. The basic purchase prices for flaxseed grading No. 1 and containing from 10.6 to 11.0 percent moisture are as follows:

TEXAS

County	Rate per bushel	County	Rate per bushel
Aransas	$2.83	Karnes	$2.79
Atascosa	2.73	Kimble	2.61
Bastrop	2.69	Kleberg	2.81
Bee	2.82	La Salle	2.66
Bell	2.66	Lavaca	2.70
Bexar	2.72	Lee	2.72
Blanco	2.67	Live Oak	2.80
Bowie	2.58	McCulloch	2.61
Brooks	2.74	McMullen	2.75
Brown	2.62	Mason	2.62
Burnet	2.64	Matagorda	2.74
Caldwell	2.70	Maverick	2.59
Calhoun	2.75	Medina	2.69
Cameron	2.66	Milam	2.66
Coleman	2.60	Mills	2.62
Collin	2.62	Nueces	2.84
Colorado	2.75	Real	2.63
Comal	2.70	Red River	2.57
Concho	2.60	Refugio	2.83
De Witt	2.74	Runnels	2.58
Dimmit	2.82	San Patricio	2.84
Duval	2.76	San Saba	2.62
Frio	2.69	Taylor	2.56
Galveston	2.80	Travis	2.69
Goliad	2.80	Uvalde	2.65
Gonzales	2.72	Victoria	2.77
Guadalupe	2.71	Webb	2.68
Hamilton	2.59	Wharton	2.76
Hays	2.69	Willacy	2.70
Hidalgo	2.69	Williamson	2.68
Jackson	2.73	Wilson	2.76
Jim Hogg	2.72	Zapata	2.64
Jim Wells	2.61	Zavala	2.62

(b) *1965 terminal market purchase prices.* The basic purchase price shall be $2.95 per bushel for flaxseed grading No. 1 and containing from 10.6 to 11.0 percent moisture delivered by rail to authorized dealers at the Corpus Christi and Houston, Tex., terminal markets. There shall be deducted from such rate the transportation cost, if any, as determined by the Kansas City ASCS Commodity Office, for moving the flaxseed to a tidewater facility located within the switching limits of the terminal market to which it was delivered. In determining the purchase price for flaxseed delivered by truck to authorized dealers at such terminal markets, there shall also be deducted from the terminal rate 4.5 cents per buahel.

(c) *Premiums for low moisture content.* The following premiums for low moisture content are applicable to eligible flaxseed which grades No. 1 or No. 2:

Moisture content (percent):	Premium (cents per bushel)
10.6 to 11.0 inclusive	0
10.1 to 10.5 inclusive	1
9.6 to 10.0 inclusive	2
9.1 to 9.5 inclusive	3
9.0 or less	4

(d) *Grade discounts.* The following discounts are applicable to eligible flaxseeds which grades No. 2 or Sample Grade:

(1) No. 2—6 cents per bushel.
(2) Sample Grade—6 cents per bushel plus the following discounts, as applicable:
(i) Moisture, 1 cent for each ⅒ percent of moisture in excess of 11.0 percent.
(ii) Test weight, 2 cents for each ½ pound or fraction thereof of test weight below 47 pounds.
(iii) Other factors, as determined by CCC.

Effective date. Upon publication in the FEDERAL REGISTER.

Signed at Washington, D.C., on May 3, 1965.

H. D. GODFREY,
Executive Vice President, Commodity Credit Corporation.

[F.R. Doc. 65-4787; Filed, May 5, 1965; 8:48 a.m.]

Title 12—BANKS AND BANKING

Chapter II—Federal Reserve System

SUBCHAPTER A—BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM

[Reg. D]

PART 204—RESERVES OF MEMBER BANKS

Termination of Designation as Reserve City

1. Part 204 is amended by adding thereto the following new section:

§ 204.56 Termination of Toledo, Ohio, designation as reserve city.

In accordance with paragraph (e) of § 204.51, a member bank in Toledo, Ohio, has submitted a written request for termination of the designation of such city as a reserve city, and, acting pursuant to such paragraph (e) of § 204.51, the Board of Governors has granted such request. Accordingly, the designation of Toledo, Ohio, as a reserve city is hereby terminated effective May 13, 1965.

2. There was no notice and public participation with respect to this amendment as such procedure and delay would be contrary to the public interest and serve no useful purpose. (See § 262.1(e) of the Board's Rules of Procedure (12 CFR 262.1(e)).)

Dated at Washington, D.C., this 29th day of April 1965.

BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM,
[SEAL] MERRITT SHERMAN,
Secretary.

[F.R. Doc. 65-4746; Filed, May 5, 1965; 8:45 a.m.]

Title 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

SUBCHAPTER B—FOOD AND FOOD PRODUCTS

PART 121—FOOD ADDITIVES

Subpart F—Food Additives Resulting From Contact With Containers or Equipment and Food Additives Otherwise Affecting Food

ADHESIVES

The Commissioner of Food and Drugs, having evaluated the data in a petition (FAP 5B1708) filed by E. I. du Pont de Nemours & Co., Inc., Wilmington, Del., 19898, and other relevant material, has concluded that the food additive regulations should be amended to provide for the use of additional substances in the formulation of food-packaging adhesives. Therefore, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1)), and under the authority delegated to the Commissioner by the Secretary of Health, Education, and Welfare (21 CFR 2.90), § 121.2520(c)(5) is amended by inserting alphabetically in the list "Components of Adhesives" a new item "Piperazine" and by revising the item "Polyurethane resins produced • • •," as follows:

§ 121.2520 Adhesives.

• • • • • • •
(c) • • •
(5) • • •

Components of Adhesives	Substances and Limitations
• • • • • •	
Piperazine.	
• • • • • •	
Polyurethane resins produced by reacting diisocyanates with one or more of the polyols or polyesters named in this subparagraph or produced by reacting the chloroformate derivatives of one or more of the polyols or polyesters named in this subparagraph with one or more of the polyamines named in this subparagraph.	
• • • • • •	

Any person who will be adversely affected by the foregoing order may at any time within 30 days from the date of its publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington, D.C., 20201, written objections thereto, preferably in quintuplicate. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof.

Effective date. This order shall be effective on the date of its publication in the FEDERAL REGISTER.

Dated: April 22, 1965.

(Sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1))

GEO. P. LARRICK,
Commissioner of Food and Drugs.

[F.R. Doc. 65-4770; Filed, May 5, 1965; 8:47 a.m.]

PART 121—FOOD ADDITIVES

Subpart F—Food Additives Resulting From Contact With Containers or Equipment and Food Additives Otherwise Affecting Food

EMULSIFIERS AND/OR SURFACE-ACTIVE AGENTS

The Commissioner of Food and Drugs, having evaluated the data in a petition (FAP 5B1596) filed by The Dow Chemical Co., Midland, Mich., 48640, and other relevant material, has concluded that the food additive regulations should be amended to provide for the use of an additional substance as an emulsifier and/or surface-active agent in the manufacture of articles that contact food. Therefore, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1)), and under the authority delegated to the Commissioner by the Secretary of Health, Education, and Welfare (21 CFR 2.90), § 121.2541(c) is amended by inserting alphabetically in the list of substances the following new item:

§ 121.2541 Emulsifiers and/or surface-active agents.

• • • • • •
(c) List of substances:
• • • • • •

Sodium monododecyliphenoxybenzenedisulfonate and sodium didodecyliphenoxybenzenedisulfonate mixtures that contain not less than 70 percent of the monoalkylated product.

Any person who will be adversely affected by the foregoing order may at any time within 30 days from the date of its publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington, D.C., 20201, written objections thereto, preferably in quintuplicate. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may

be accompanied by a memorandum or brief in support thereof.

Effective date. This order shall be effective on the date of its publication in the FEDERAL REGISTER.

Dated: April 22, 1965.

(Sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1))

GEO. P. LARRICK,
Commissioner of Food and Drugs.

[F.R. Doc. 65-4771; Filed, May 5, 1965; 8:47 a.m.]

PART 121—FOOD ADDITIVES

Subpart F—Food Additives Resulting From Contact With Containers or Equipment and Food Additives Otherwise Affecting Food

ADHESIVES

The Commissioner of Food and Drugs, having evaluated the data in a petition (FAP 5B1707) filed by Rohm & Haas Co., Philadelphia, Pa., 19105, and other relevant material, has concluded that the food additive regulations should be amended to provide for the use of additional substances in the formulation of food-packaging adhesives. Therefore, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1)), and under the authority delegated to the Commissioner by the Secretary of Health, Education, and Welfare (21 CFR 2.90), § 121.2520(c)(5) is amended by inserting alphabetically in the list "Components of Adhesives" a new item "Polyacrylic acid (CAS Reg. No. 9003-01-4)" as follows:

§ 121.2520 Adhesives.

• • • • • • •
(c) • • •
(5) • • •

Components of Adhesives	Substances and Limitations
• • • • • •	
Polyacrylic acid (CAS Reg. No. 9003-01-4)	
• • • • • •	

Any person who will be adversely affected by the foregoing order may at any time within 30 days from the date of its publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington, D.C., 20201, written objections thereto, preferably in quintuplicate. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof.

Effective date. This order shall be effective on the date of its publication in the FEDERAL REGISTER.

Dated: April 22, 1965.

(Sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1))

GEO. P. LARRICK,
Commissioner of Food and Drugs.

[F.R. Doc. 65-4772; Filed, May 5, 1965; 8:47 a.m.]

an amount which bears the same ratio to the amount of such compensation as the amount of the annuity bears to the amount of the annuity plus the amount of such compensation, and

(2) Any amount received by an individual as an annuity under a plan to which this section applies shall be excluded from gross income for the taxable year in which received to the extent that the amount received, when added to amounts previously received under the annuity for the taxable year or years in which received, does not exceed the aggregate amount of the consideration for the annuity contributed by the individual. For purposes of this paragraph, the aggregate amount of the consideration for the annuity contributed by the individual is the amount of the consideration for the annuity contributed by the individual reduced by the amount of any refund of such consideration received by the individual on account of a personal injury or sickness. See § 1.72-15 for the rules relating to the application of this paragraph.

(Sec. 7805, Internal Revenue Code of 1954; 68A Stat. 917; 26 U.S.C. 7805)

[SEAL] SHELDON S. COHEN,
Commissioner of Internal Revenue.

Approved: April 30, 1965.

STANLEY S. SURREY,
Assistant Secretary of the Treasury.

[F.R. Doc. 65-4788; Filed, May 5, 1965; 8:48 a.m.]

be accompanied by a memorandum or brief in support thereof.

Effective date. This order shall be effective on the date of its publication in the FEDERAL REGISTER.

(Sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1))

Dated: April 22, 1965.

GEO. P. LARRICK,
Commissioner of Food and Drugs.

[F.R. Doc. 65-4771; Filed, May 5, 1965; 8:47 a.m.]

Title 26—INTERNAL REVENUE

Chapter I—Internal Revenue Service, Department of the Treasury

[T.D. 6823]

PART 1—INCOME TAX; TAXABLE YEARS BEGINNING AFTER DECEMBER 31, 1953

Treatment of Certain Amounts Paid By the United States to Nonresident Alien Individuals

On June 17, 1964, notice of proposed rule making with respect to the amendments of the Income Tax Regulations (26 CFR Part 1) under sections 402 and 871 of the Internal Revenue Code of 1954 to conform the regulations to changes made by the Act of April 22, 1960 (Public Law 86-437, 74 Stat. 79) was published in the FEDERAL REGISTER for June 17, 1964 (29 F.R. 7726). The amendments of the regulations as proposed are hereby adopted.

[SEAL] SHELDON S. COHEN,
Commissioner of Internal Revenue.

Approved: April 30, 1965.

STANLEY S. SURREY,
Assistant Secretary of the Treasury.

In order to conform the Income Tax Regulations (26 CFR Part 1) under sections 402 and 871 of the Internal Revenue Code of 1954 to the Act of April 22, 1960 (Public Law 86-437, 74 Stat. 79), such regulations are amended as follows:

PARAGRAPH 1. Section 1.402(a) is amended by revising paragraph (1), by adding a new paragraph (4) to section 402(a), and by amending the historical note at the end thereof. These amended provisions read as follows:

§ 1.402(a) Statutory provisions; taxability of beneficiary of employees' trust; exempt trust.

SEC. 402. *Taxability of beneficiary of employees' trust*—(a) *Taxability of beneficiary of exempt trust*—(1) *General rule.* Except as provided in paragraphs (2) and (4), the amount actually distributed or made available to any distributee by any employees' trust described in section 401(a) which is exempt from tax under section 501(a) shall be taxable to him, in the year in which so distributed or made available, under section 72 (relating to annuities) except that section 72(e)(3) shall not apply. The amount actually distributed or made available to any distributee shall not include net unrealized appreciation in securities of the employer corporation attributable to the amount contributed by the employee. Such net unrealized appreciation and the resulting adjustments to basis of such securities shall be determined in accordance with regulations prescribed by the Secretary or his delegate.

* * * * *

(4) *Distributions by United States to nonresident aliens.* The amount includible under paragraph (1) or (2) of this subsection in the gross income of a nonresident alien individual with respect to a distribution made by the United States in respect of services performed by an employee of the United States shall not exceed an amount which bears the same ratio to the amount includible in gross income without regard to this paragraph as—

(A) The aggregate basic salary paid by the United States to such employee for such services, reduced by the amount of such basic salary which was not includible in gross income by reason of being from sources without the United States, bears to such employee for such services.

(B) The aggregate basis salary paid by the United States

In the case of distributions under the Civil Service Retirement Act (5 U.S.C. 2251), the term "basic salary" shall have the meaning provided in section 1(d) of such Act.

[Sec. 402(a) as amended by Act of April 22, 1960 (Pub. Law 86-437, 74 Stat. 79; sec. 4(c), Self-Employed Individuals Tax Retirement Act 1962 (76 Stat. 825)]

PAR. 2. Section 1.402(a)-1 is amended by revising subparagraphs (1)(ii) and (6)(i) of paragraph (a), and by adding a new paragraph (c). These amended and added provisions read as follows:

§ 1.402(a)-1 Taxability of beneficiary under a trust which meets the requirements of section 401(a).

(a) *In general.* (1) * * *

(ii) The provisions of section 402(a) relate only to a distribution by a trust described in section 401(a) which is exempt under section 501(a) for the taxable year of the trust in which the distribution is made. The distribution from such an exempt trust when received or made available is taxable to the distributee to the extent provided in section 72 (relating to annuities), except that section 72(e)(3) (relating to the treatment of certain lump sums) shall not apply, and except that certain total distributions described in section 402(a)(2) are taxable as long-term capital gains. For the treatment of such total distributions, see subparagraph (6) of this paragraph. Under certain circumstances, an amount representing the unrealized appreciation in the value of the securities of the employer is excludable from gross income for the year of distribution. For the rules relating to such exclusion, see paragraph (b) of this section. In addition, all or part of an amount otherwise includible in gross income under section 72 by a nonresident alien individual in respect to a distribution by the United States under a qualified pension plan may be excludable from gross income under section 402(a)(4). For the rules relating to such exclusion, see paragraph (c) of this section. Furthermore, the exclusion provided by section 105(d) is applicable to a distribution from a trust described in section 401(a) and exempt under section 501(a) if such distribution constitutes wages or payments in lieu of wages for a period during which an employee is absent from work on account of a personal injury or sickness. See § 1.72-15 for the rules relating to the tax treatment of accident or health benefits received under a plan to which section 72 applies.

* * * * *

(6)(i) If the total distributions payable with respect to any employee under a trust described in section 401(a) which in the year of distribution is exempt under section 501(a) are paid to, or includible in the gross income of, the distributee within one taxable year of the distributee on account of the employee's death or other separation from the service, or death after such separation from service, the amount of such distribution, to the extent it exceeds the net amount contributed by the employee, shall be considered a gain from the sale or exchange of a capital asset held for more than six months. The total distributions payable are includible in the gross income of the distributee within one taxable year if they are made available to such distributee and the distributee fails to make a timely election under section 72(h) to receive an annuity in lieu of such total distributions. The "net amount contributed by the employee" is the amount actually contributed by the employee plus any amounts considered to be contributed by the employee under the rules of section 72(f), 101(b), and subparagraph (3) of this paragraph, reduced by any amounts theretofore distributed to him which were excludable from gross income as a return of employee contributions. See, however, paragraph (b) of this section for rules relating to the exclusion of amounts representing net unrealized appreciation in the value of securities of the employer corporation. In addition, all or part of the amount otherwise includible in gross income under this paragraph by a nonresident alien individual in respect of a distribution by the United States under a qualified pension plan may be excludable from gross income under section 402(a)(4). For rules relating to such exclusion, see paragraph (c) of this section. For additional rules relating to the treatment of total distributions described in this subdivision in the case of a nonresident alien individual, see sections 871 and 1441 and the regulations thereunder.

* * * * *

(c) *Certain distributions by United States to nonresident alien individuals.* (1) This paragraph applies to a distribution—

(i) Which is made by the United States under a pension plan described in section 401(a);

(ii) Which is made in respect of services performed by an employee of the United States; and

(iii) Which is received by, or made available to, a nonresident alien individual (including a nonresident alien individual who is a beneficiary of a deceased employee) during a taxable year beginning after December 31, 1959.

The amount of such a distribution that is includible in the gross income of the nonresident alien individual under section 402(a)(1) or (2) shall not exceed

an amount which bears the same ratio to the amount which would be includible in gross income if it were not for this paragraph, as—

(a) The aggregate basic salary paid by the United States to the employee for his services in respect of which the distribution is being made, reduced by the amount of such basic salary which was not includible in the employee's gross income by reason of being from sources without the United States, bears to

(b) The aggregate basic salary paid by the United States to the employee for his services in respect of which the distribution is being made.

See section 402(a)(4). See, also, paragraph (a) of this section for rules relating to the amount that is includible in gross income under section 402(a)(1) or (2) in the case of a distribution under a pension plan described in section 401(a).

(2) For purposes of applying section 402(a)(4) and this paragraph to distributions under the Civil Service Retirement Act (5 U.S.C. 2251), the term "basic salary" shall have the meaning provided in section 1(d) of such Act. In applying section 402(a)(4) and this paragraph to distributions under any other qualified pension plan of the United States, such term shall have a similar meaning. Thus, for example, "basic salary" does not, in any case, include bonuses, allowances, or overtime pay.

(3) The rules in this paragraph may be illustrated by the following examples:

Example (1). A, a retired employee of the United States who performed all of his services for the United States in a foreign country, receives, in respect of such services, a monthly pension of $200 under the Civil Service Retirement Act (a pension plan described in section 401(a)). A received an aggregate basic salary for his services for the United States of $100,000. A was a nonresident alien individual during the whole of his employment with the United States and, therefore, his basic salary from the United States was not includible in his gross income by reason of being from sources without the United States. A would be required, under section 72 but without regard to section 402(a)(4) and this paragraph, to include $60 of each monthly pension payment in his gross income. The amount that is includible in A's gross income under section 402(a)(1) with respect to the monthly paymenis received during taxable years beginning after December 31, 1959, and while A is a nonresident alien individual, is computed as follows:

(i) Amount of distribution includible in gross income under section 72 without regard to section 402(a)(4)	$60
(ii) Aggregate basic salary for services for United States	100,000
(iii) Aggregate basic salary for services for United States reduced by amount of such salary not includible in A's gross income by reason of being from sources without the United States	0
(iv) Amount includible in A's gross income under section 402(a)(1) ((i)÷(ii)×(i)), or $0/$100,000×$60)	0

Example (2). B, a retired employee of the United States who performed services for the United States both in a foreign country and in the United States, receives, in respect of such services, a monthly pension of $240 under the Civil Service Retirement Act. B received an aggregate basic salary for his services for the United States of $120,000; $60,000 of which was for his services performed in the United States, and $40,000 of which was for his services performed in the foreign country. B was a nonresident alien individual during the whole of his employment with the United States and, consequently, the $40,000 basic salary for his services performed in the foreign country was not includible in his gross income by reason of being from sources without the United States. B would be required, under section 72 but without regard to section 402(a)(4) and this paragraph, to include $165 of each monthly pension in his gross income. The amount that is includible in B's gross income under section 402(a)(1) with respect to the monthly payments received during taxable years beginning after December 31, 1959, and while B is a nonresident alien individual, is computed as follows:

(i) Amount of distribution includible in gross income under section 72 without regard to section 402(a)(4)	$165
(ii) Aggregate basic salary for services for United States	120,000
(iii) Aggregate basic salary for services for United States reduced by amount of such salary not includible in B's gross income by reason of being from sources without the United States ($120,000—$40,000)	80,000
(iv) Amount includible in B's gross income under section 402(a)(1) ((iii)÷(ii)×(i), or $80,000/$120,000×$165)	110

PAR. 3. Paragraph (b)(3)(i) of § 1.871-7 is amended to read as follows:

§ 1.871-7 Tax on nonresident alien individuals.

* * * * *

(b) *No United States business; gross income of not more than $15,400.* * * *

(3) *Amounts considered to be capital gains*—(i) *Items subject to tax.* The tax of 30 percent also applies, pursuant to the provisions of section 871(a)(1), to amounts received during the taxable year from sources within the United States which are described in section 402(a)(2) (determined with the application of section 402(a)(4)), section 631 (b) and (c), section 1235, and for taxable years ending after September 2, 1958, section 403(a)(2) and are considered to be gains from the sale or exchange of capital assets. Thus, the tax applies to gain recognized on certain distributions by an exempt employees' trust where the total distributions, with respect to any employee, are paid to the distributee within one taxable year; to the gain recognized on certain payments under annuity contracts purchased by an employer for an employee under certain qualified annuity plans where the total payments are paid to the payee within one taxable year; to gain recognized under specified circumstances on the disposal of timber and coal and considered in accordance with section 1231 to be gain from the sale or exchange of a capital asset; and to gain recognized on certain transfers of patent rights by an individual.

* * * * *

(Sec. 7805, Internal Revenue Code of 1954; (68A Stat. 917; 26 U.S.C. 7805))

[F.R. Doc. 65-4778; Filed, May 5, 1965; 8:48 a.m.]

Title 32—NATIONAL DEFENSE

Chapter V—Department of the Army

SUBCHAPTER A—AID OF CIVIL AUTHORITIES AND PUBLIC RELATIONS

PART 516—LITIGATION

General and Defense of Legal Proceedings

Sections 516.1 and 516.2 are revised to read as follows:

§ 516.1 General.

(a) *Scope.* The regulations of this part set forth basic policies and procedures applicable to legal proceedings in domestic and foreign civil courts or administrative tribunals of interest to the Army.

(b) *Litigation responsibility of The Judge Advocate General.* Subject to the control of litigation vested in the Attorney General and the Department of Justice, The Judge Advocate General:

(1) Is responsible for the initiation, administration, supervision, and coordination of measures for the protection of the Government in litigation and other legal proceedings which arise out of the operations of the Department of the Army or which otherwise involve its interests.

(2) Acts for the Secretary of the Army on matters connected with litigation and legal proceedings.

(3) Or his designee, certifies the payment of compromise settlements effected under title 28, United States Code, section 2677.

(c) *Representation of the Department of the Army.* The Judge Advocate General is responsible for all liaison between the Department of the Army and the Department of Justice. Within the Department of the Army, only The Judge Advocate General, and those military personnel and civilian employees who are designated by him, are authorized to represent the Department of the Army and its instrumentalities before Federal, State, and foreign courts, administrative tribunals and regulatory bodies, and to maintain liaison with the Department of Justice and other governmental departments and agencies regarding litigation and legal proceedings. Authority is granted duly designated legal representatives of the Chief of Engineers to maintain direct liaison with the Department of Justice in litigation matters arising from the civil functions of the Corps of Engineers. Except in the exercise of this authority, and of the authority set forth in paragraphs 6 and 7, AR 10-5 (paragraphs (b) and (c), sec. 2, 28 F.R. 4029, April 24, 1963, as amended by 29 F.R. 15960, December 1, 1964), neither military personnel nor civilian employees of the Army will confer or correspond with any representative of the Department of Justice concerning legal proceedings within the purview of this part without the prior approval of The Judge

Advocate General. This paragraph, however, in no way affects the requirements of this part for judge advocates and legal advisers to maintain liaison with the United States Attorneys.

(d) *Appearance as counsel.* Military personnel on active duty and civilian employees of the Department of the Army may appear as counsel before a civil court, administrative tribunal, regulatory body, or governmental agency provided:

(1) The appearance is authorized by or is incident to a mission assigned by The Judge Advocate General; or

(2) The individual is a party to the action or proceeding; or

(3) The officer concerned is designated to conduct the prosecution of petty offenders under the provisions of AR 632–380; or

(4) The individual, for purposes other than those outlined in paragraph (c) of this section and in subparagraphs (1), (2), and (3) of this paragraph, first obtains approval of the staff judge advocate of the responsible commander exercising general court-martial jurisdiction or the legal advisor of the responsible head of procuring activity not exercising such jurisdiction. In making such appearances, military personnel and civilian employees will avoid conflicts of interest (see AR 600–50 and CPR C2, departmental regulations governing standards of conduct). Appearances as an Army representative in behalf of individuals in matters not connected with the performance of official duties are prohibited.

(e) *Service of process*—(1) *Criminal process.* (i) The delivery of persons charged with criminal offenses at the request of or pursuant to process issued by the civil authorities will be accomplished within the United States in accordance with § 503.2 of this chapter, and in foreign countries in accordance with paragraph 10, AR 633–1.

(ii) Commanders and other Army officials within the United States and abroad will be governed by the policies set forth in subparagraph (2) of this paragraph in the treatment of process issued for the attendance of witnesses or the production of evidence in criminal cases.

(2) *Civil process.* (i) The service of process is not a function of the Department of the Army or of its military personnel or civilian employees in their official capacity, except when required by treaty or international agreement. It is the policy of the Department of the Army, however, to assist civil officials in the service of process as provided in subdivisions (iii) and (iv) of this subparagraph.

(ii) Commanders and other Army officials will not prevent or evade the service of process in legal actions brought against them concerning their official duties (subdivision (iv) (b) of this subparagraph). This does not mean, however, that a commander or other Army official must personally accept service of process. Where such service would interfere with his military duties, he may designate a representative to accept service in his stead.

(iii) Service of civil process within the United States, its territories and possessions is as follows:

(a) *Process of Federal courts.* Service of process is accomplished in accordance with the rules of the Federal court concerned (28 U.S.C. App.). Installation commanders may impose reasonable restrictions upon persons who enter their installations to service the process.

(b) *Process of State courts in areas of exclusive Federal jurisdiction not subject to the right to serve process.* Commanders or other Army officials in charge will bring the matter to the attention of the individual requested to be served and will determine whether he wishes to accept service voluntarily in accordance with the laws of the State issuing the process. Judge advocates or other competent officials will inform the individual of the legal effect of voluntary acceptance of service. Any employees of the Department of the Army, military or civilian, serving process upon an individual wishing to accept service can act only in his individual capacity.

(c) Process of State courts in areas of exclusive Federal jurisdiction in which the right to serve process is reserved by, or granted to, the State or States in areas of concurrent jurisdiction, and in areas in which the United States has only a proprietorial interest. Civil officials authorized by applicable State law will be permitted, upon proper application, to enter areas subject to the right to serve process for the purpose of making service. Commanders or other Army officials in charge will assist the civil officials by making military personnel or civilian employees available for service of process, subject to reasonable limitations. In addition, civil officials may enter areas subject to the right to serve process for the purpose of levy on and the subsequent sale of personal property of personnel residing thereon, subject to reasonable limitations. This authority does not extend, however, to the levy on or the sale of personal property essential to or proper for the use of military personnel or civilian employees in the performance of their official duties.

(iv) Service of civil process outside the United States, its territories and possessions is as follows:

(a) *Process of foreign courts.* In foreign areas the service of process, including subpoenas duces tecum, will be made in accordance with applicable treaties or agreements. In the absence of the treaty or agreement, the provisions of customary international law will prevail. In areas of exclusive United States jurisdiction in foreign countries, Army personnel concerned will be guided by the procedures for accomplishing service of process set forth in subdivision (iii) (b) of this subparagraph.

(b) *Suits against agencies or instrumentalities of the United States.* Any writ, summons, notice of legal proceedings or other foreign civil process served upon or otherwise delivered to an Army officer, employee, or activity will be referred immediately upon receipt to the appropriate judge advocate, who will return the document to the issuing authority with a suitable statement explaining the lack of authority of the person or activity to accept service on behalf of the United States, and suggesting that service or delivery be made upon the United States through established diplomatic channels.

§ 516.2 Defense of legal proceedings.

(a) *Defense by the Department of Justice and United States Attorneys*—(1) *Responsibilities.* The Department of Justice is responsible for the defense of suits brought against the United States, its agencies and instrumentalities, and officials and employees whose official conduct is involved, in all courts within the United States or abroad (28 CFR Part 0. Under the direction of the Attorney General, United States Attorneys normally afford counsel and representation of the defendants in such suits. In addition, United States Attorneys will defend civil actions or proceedings brought against military personnel or civilian employees arising from their operation of motor vehicles in the scope of office or employment (28 CFR Part 15).

(2) *Policies.* It is the policy of the Department of Justice to afford counsel and representation to military personnel and civilian employees of the Department of the Army and its agencies and instrumentalities who are sued civilly or charged with violation of local or State criminal laws as a result of the performance of their official duties. This policy applies wherever property damage, personal injury or death has resulted, or where a substantial Federal interest is involved. In addition, representation may be furnished private interests in suits in which the Government ultimately may be required to make reimbursement. Otherwise, except whereunusual circumstances exist, representation will be declined. Representation may also be declined where the military personnel or civilian employee is adequately protected by his own liability insurance and potential liability of the United States appears not to be involved.

(b) *Procedures for obtaining representation*—(1) *Department of Justice and United States Attorneys.* As to any action or proceeding in which Government representation may be afforded under the circumstances specified in paragraph (a) of this section, the judge advocate or legal adviser will:

(i) If the action or proceeding is a civil suit brought against a military person or a civilian employee on account of his operation of a motor vehicle in the scope of his office or employment, obtain representation by notification of local United States Attorney and transmission of copies of process, pleadings, and related papers.

(ii) In other cases, where time for response is limited, request the appropriate United States Attorney to afford temporary counsel and representation. The Judge Advocate General will be promptly advised of the request for representation and of the action being taken thereon for any confirmatory action necessary.

(iii) Otherwise, promptly refer the matter to The Judge Advocate General.

(2) *Private counsel at Government expense.* (i) Except as provided in subdivision (iii) of this subparagraph, requests for the employment of private counsel at

Government expense will be referred through channels to The Judge Advocate General. Every such request will be accompanied by a statement of facts justifying the request and the recommendations of commanders or supervisors concerned. Persons who employ private counsel in such cases should be advised that they may be individually responsible for any expenses thus incurred, if they do so without the specific authorization of The Judge Advocate General.

(ii) In actions or proceedings brought in foreign countries, if immediate court representation is required beyond feasible handling by the judge advocate concerned and the local court or agency has denied a request for a stay or continuance to permit action on a formal request for the hiring of a local attorney, local counsel may be retained, preferably selected from a listing of qualified and suitable foreign counsel maintained at the United States Embassy or Consulate in the country or city in which the action or proceeding has been initiated. The retention of such counsel will specifically be made contingent on confirmation by the Department of Justice. If the case falls within its responsibility, the Department of Justice will employ the attorney thus selected or pay him for the services performed in the event he is not retained generally. The local attorney retained under this emergency authorization should avoid any steps which could be construed as a waiver of sovereign immunity of the United States, its agencies and instrumentalities, and officials or employees whose official conduct is involved, from suit in a foreign court. Any appearance by such counsel, prior to receipt of instructions from the Department of Justice, should be limited to the local equivalent of a special appearance on the jurisdictional point or the procuring of a stay of the proceedings, provided such actions would not constitute a general appearance.

(iii) Counsel may be hired to represent persons subject to the Uniform Code of Military Justice before foreign courts and administrative agencies (10 U.S.C. 1037). Requests for the employment of such counsel will be processed under AR 633–55.

(3) *Government contractors.* (i) Upon request from the Army, the Department of Justice normally will defend suits against contractors whose contracts with the United States provide for reimbursement to the contractors for recoveries against them arising out of any suits in connection with the performance of the contract, or for the reimbursement of the fees paid private counsel and the costs of such litigation. The Department of Justice usually will not furnish representation, however, in the following instances:

(a) Where the special interests of the Government appear to be in conflict with those of the contractor, as in the case of an informer's suit;

(b) In suits under the Fair Labor Standards Act, except under extraordinary circumstances when defense by private counsel will not adequately protect the interests of the United States.

(c) Where the contractor carries a liability insurance policy which provides that litigation will be handled by attorneys employed by the insurer. The Department of Justice may participate, however, in cases in which judgment is sought in an amount in excess of the insurance coverage. In the latter cases, United States Attorneys normally do not participate actively in the defense and avoid taking any position which might jeopardize the contractor's rights under the policies.

(ii) Upon receipt of notice of the commencement of any suit against a contractor in which the Department of Justice may furnish representation, the contracting officer or purchasing office will ascertain whether the contractor desires Government representation. If such representation is desired, the contracting officer or purchasing office will obtain from the contractor an executed agreement for representation (§ 516.1(b)(2)), and, acting through the judge advocate or legal adviser, furnish it to the appropriate United States Attorney and request that official to act on behalf of the contractor.

(iii) Upon receipt of advice that the United States Attorney will act on behalf of the contractor, or that his services are not available, or that the services of private counsel are authorized, the contracting officer or purchasing office will so inform the contractor. In addition, if the services of private counsel are authorized, the contracting officer or purchasing office will advise the contractor that any questions as to payment of a judgment, costs and attorneys' fees are reserved for later determination under the contract. Copies of the communication will be furnished through the head of the procuring activity to The Judge Advocate General.

(iv) The following relationships and responsibilities in the conduct of any ensuing litigation are furnished for guidance:

(a) As the ultimate responsibility for the defense of the suit is that of the contractor, every effort is made by the Department of Justice to maintain an attorney-client relationship with the contractor.

(b) Where the contractor is represented by a United States Attorney, there is no objection to the participation of private counsel employed by the contractor, provided it is understood the United States Attorney has complete control of the litigation. Fees for the services of private counsel in such cases will not be reimbursable except under unusual circumstances and then only if approved by The Judge Advocate General.

(c) The Department of Justice does not charge the contractor or the Department of the Army for any expenses incident to service performed by a United States Attorney.

(d) The compromise of a suit is primarily for determination by the contractor. Aspects of reimbursement under the contract are primarily for determination by the contracting officer. If the approval of a compromise by higher authority is desired, the contracting officer may forward the compromise proposal with his views and those of the United States Attorney, if one is participating in the case, through procurement channels.

(e) A United States Attorney representing the contractor is required to seek the advice of the Department of Justice as to whether an appeal will be taken from an adverse judgment. He may proceed by seeking advice from the Army in which case the matter will be referred through procurement channels to The Judge Advocate General.

(f) Private counsel representing the contractor may seek advice from the Army with respect to appealing an adverse judgment. In such case the matter may be referred through procurement channels to The Judge Advocate General.

(g) The reimbursability and reasonableness of the fees of private counsel are primarily for determination by the contracting officer. Acting through the judge advocate or legal adviser, the contracting officer may inquire of the appropriate United States Attorney as to the reasonableness of the fees, provided the advice received is treated as privileged. The contracting officer may also pursue his inquiry through procurement channels.

[AR 27–1, Mar. 18, 1965] (sec. 3012, 70A Stat. 157; 10 U.S.C. 3012)

J. C. LAMBERT,
Major General, U.S. Army,
The Adjutant General.

[F.R. Doc. 65–4756; Filed, May 5, 1965; 8:45 a.m.]

Chapter VII—Department of the Air Force

SUBCHAPTER B—SALES AND SERVICES

PART 815—PERSONS AUTHORIZED MEDICAL CARE

SUBCHAPTER I—MILITARY PERSONNEL

PART 882—DECORATIONS AND AWARDS

Miscellaneous Amendments

1. In § 815.20 the heading is amended, and in paragraph (a) the introductory portion and subparagraph (7) are revised. This material now reads as follows:

§ 815.20 Senior Reserve Officers Training Corps members (ROTC), Air Force, Army, and Navy (includes Advanced Course applicants, 10 U.S.C. 2104b(6)(B)).

(a) *Authorization for medical care.* If they have the written, signed authorization of the appropriate commander, senior (includes Advance Course applicants) members of the Air Force, Army, and Navy ROTC may be admitted to Air Force medical treatment facilities under conditions described in this section. The authorization will include:

* * * * *

(7) A statement that the patient is entitled to medical care, as follows:

(i) For injury sustained while engaged in a flight or in flight instruction: Care will be provided for any ROTC member who suffers disability from an injury incurred in line of duty while engaged in a flight or in flight instruction under

chapter 103 of title 10, United States

§ 815.73 Department of Defense and

chapter 103 of title 10, United States Code.

(ii) For injury or disease incurred while traveling to, from, or during training: Care will be provided for disability from a disease or injury incurred in line of duty while performing authorized travel to or from such duty or while attending field training or a practice cruise under chapter 103, title 10, United States Code.

* * * * *

2. In § 815.41(a) a Note is added immediately preceding paragraph (b), and paragraph (b) is revised. As amended these paragraphs read as follows:

§ 815.41 Administrative procedures.

(a) * * *

NOTE: A CA Form 16 or 17 is not required when only first aid treatment is provided civilian employees, since the Air Force does not charge the Federal Employees' Compensation Fund for such treatment. A CA Form 16 or 17 is required if there is to be prolonged treatment, disability for work beyond the day of injury, recurrence of disability, or a charge to the Compensation Fund for medical treatment or supplies. (See AFR 40–801 (Injury Compensation).)

(b) CA Form 20, "Attending Physician's Report," will be submitted to the BEC on all cases which result in charges for treatment or supplies against the BEC or which involve any loss of time beyond the day, shift, turn, or working period during which the injury occurs. Also, a copy of SF 502, "Clinical Record—Narrative Summary," will be submitted to the Bureau on all hospitalized cases at the time of discharge. An interim SF 502 should be forwarded to the Bureau after 30 days in hospitalized cases of extended duration.

* * * * *

3. A new § 815.72a is added as follows:

§ 815.72a Job Corps and VISTA personnel.

Upon presentation of a letter of authority from a Director, Job Corps Center, or other appropriate official of the Corps, the following services may be provided to:

(a) *Job Corps applicants and Volunteers in Service to America (VISTA) applicants to be assigned to duty with the Job Corps.* Pre-enrollment examinations and immunizations.

(b) *Job Corps enrollees and VISTA personnel on duty with the Job Corps.* Hospitalization, outpatient care, examinations, and immunizations. Enrollees will not be provided dental care except emergency care to relieve pain and suffering. Air Force physicians are not required to assess the physical qualifications of applicants for enrollment. Completed SF 88 and SF 89 of applicants will be forwarded to the official who requested the examination. Medical services will normally be provided only when civilian, U.S. Public Health Service, or VA hospitals are not available, or if available, do not have the capability to provide the needed treatment.

4. In § 815.73 the word "CONUS" is amended in the heading, and the introductory portions of paragraphs (a) and (b) are revised, as follows:

§ 815.73 Department of Defense and other government agency employees paid from appropriated and nonappropriated funds and their dependents outside the United States.

(a) Unless otherwise specified in this part, U.S. citizens who are employees of the Department of Defense or other Federal agencies (paid from appropriated or nonappropriated funds), and their dependents, stationed outside the United States, may receive medical care in Air Force facilities. (In Puerto Rico, only those serving under a current transportation agreement are eligible for such care.) Here, "dependent" includes:

* * * * *

(b) Non-U.S. citizen civilian employees of the Department of Defense paid from appropriated or nonappropriated funds and their dependents may receive medical care in Air Force medical facilities when civilian facilities are not available or are not adequate. Charges will be imposed at the special reimbursement rate (SRR) per inpatient day and at the special outpatient rate (SOPR) per outpatient visit as prescribed in AFR 168–7 (Rates for Hospitalization, Outpatient Treatment, and Subsistence in Air Force Medical Facilities) except where:

* * * * *

5. In § 815.108 a new category is inserted after "FAA" and the two succeeding categories are amended, as follows:

§ 815.108 Department of Justice, FAA, Department of Defense, and other Federal agencies.

Class of patients	Written authority required	Hospitalization or subsistence charge	Outpatient, immunization, or physical examination charge	Collect	Reports required for central reimbursement	Supplemental care at AF expense	Hearing aids, prosthetic devices, spectacles, or orthopedic footwear
*	*	*	*	*	*	*	*
Job Corps or VISTA personnel (§ 815.72a).	Yes	IAR	OPR, PER, or IR as appropriate.	(1)	DD Form 7 or 7A.	Yes	No.
U.S. citizen employees of Dept. of Defense and other U.S. Government agencies outside U.S. and their dependents (§ 815.73).	No	FRR	SOPR	Locally from individual.	None	No	No.[2]
Non-U.S. citizen civilian employees of the Dept. of Defense and their dependents when civilian medical facilities are not available (§ 815.73).	No	SRR	SOPR	Locally from individual.[3]	None	No	No.
*	*	*	*	*	*	*	*

(Sec. 8012, 70A Stat. 488; 10 U.S.C. 8012) [AFR 168–1C, March 30, 1965]

6. In § 882.28(b) a new subparagraph (9) is added as follows:

§ 882.28 Joint Service Commendation Medal (Department of Defense).

* * * * *

(b) * * *

(9) Jointly manned staffs within Allied Command Europe and Allied Command Atlantic, military agencies associated with the functions of the Standing Group NATO, the Inter-American Defense Board, and the combined staffs of the North American Air Defense Command.

(Sec. 8012, 70A Stat. 488; 10 U.S.C. 8012) [AFR 900–7C, Nov. 20, 1964; AFR 900–7D, April 16, 1965]

7. In § 882.212(b), subparagraph (2) is amended by the addition of new dates, as follows:

§ 882.212 Armed Forces Expeditionary Medal (AFEM).

* * * * *

(b) *Requirements for award.* * * *

(2) *U.S. operations in direct support of the United Nations and inclusive dates.*

Congo: July 14, 1960, to Sept. 1, 1962; Nov. 23, 1964, to Nov. 27, 1964.

* * * * *

(Sec. 8012, 70A Stat. 488; 10 U.S.C. 8012) [AFR 900–10D, April 14, 1965]

By order of the Secretary of the Air Force.

FREDERICK A. RYKER,
Lieutenant Col., U.S. Air Force, Chief, Special Activities Group, Office of The Judge Advocate General.

[F.R. Doc. 65–4757; Filed, May 5, 1965; 8:45 a.m.]

Title 50—WILDLIFE AND FISHERIES

Chapter I—Bureau of Sport Fisheries and Wildlife, Fish and Wildlife Service, Department of the Interior

PART 33—SPORT FISHING

Elizabeth Alexandra Morton National Wildlife Refuge, New York

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER.

§ 33.5 Special regulations; sport fishing; for individual wildlife refuge areas.

Sport fishing from the shore in tidal waters and access thereto by walking is permitted on the Elizabeth Alexandra Morton National Wildlife Refuge, N.Y., from May 1, 1965 through December 31, 1965, inclusive. The open area, comprising 10 acres, is delineated on a map available at refuge headquarters and from the Regional Director, Bureau of Sport Fisheries and Wildlife, U.S. Post Office and Courthouse, Boston, Mass., 02109. Sport fishing shall be in accordance with all applicable State regulations.

The provisions of this special regulation supplement the regulations which govern fishing on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 33, and are effective through December 31, 1965.

RICHARD E. GRIFFITH,
Regional Director, Bureau of Sport Fisheries and Wildlife.

APRIL 27, 1965.

[F.R. Doc. 65–4763; Filed, May 5, 1965; 8:46 a.m.]

Title 36—PARKS, FORESTS, AND MEMORIALS

Chapter II—Forest Service, Department of Agriculture

PART 211—ADMINISTRATION

Miscellaneous Amendments

1. Sections 211.1, 211.3, 211.4, and 211.5 are amended by revising the headings to appear as follows:

Subpart A—Cooperation With Private and State Agencies

§ 211.1 Cooperation with user organizations.

§ 211.2 [Reserved]

§ 211.3 Cooperation with State officers.

§ 211.4 Cooperation for fire prevention and control.

§ 211.5 Advance of funds for cooperative work.

2. Section 211.2 of Title 36, Code of Federal Regulations, is revoked and the following regulations issued:

Subpart B—Appeals From Administrative Decisions Relating to the Administration of the National Forests or Other Lands Under Administration of the Forest Service

CLASSES OF APPEALS

Sec.
211.20 Contract appeals; appeals from decisions on matters other than contract.

APPEALS FROM DECISIONS OF FOREST SUPERVISORS

211.21 Initiation of appeals.

APPEALS FROM DECISIONS OF REGIONAL FORESTERS

211.22 Appeals on classification and merits.

ESTABLISHMENT OF THE BOARD OF FOREST APPEALS

211.23 Composition of the Board; lack of prosecution.

Sec.
211.24 Hearings before the Board.
211.25 Action by the Board.

ACTION BY THE CHIEF

211.26 Decisions in Class Two and Class Three cases.

APPEALS FROM DECISIONS OF THE CHIEF

211.27 Procedure.

DECISIONS OF THE SECRETARY

211.28 Decisions in Class Two and Class Three cases.

DEFINITIONS

211.29 Terminology.

ADDITIONAL PROCEDURES

211.30 Filing of notice of appeal and statement of reasons; extension of time; consolidation of appeals; intervention.

CLASSES OF APPEALS

§ 211.20 Contract appeals; appeals from decisions on matters other than contract.

(a) *Classification.* This subpart prescribes the procedure governing the following types of appeals:

(1) *Class One.* Appeals from decisions in which the issue under appeal relates to a breach of the terms or provisions of a written instrument, as defined in § 211.29. To be classified as a Class One appeal, the appeal must be taken by a party or parties to the written instrument.

(2) *Class Two.* Appeals from decisions having effect on the enjoyment of use under a written instrument in which a breach of the terms or provisions of such instrument is not the issue under appeal. To be classified as a Class Two appeal, the appeal must be taken by a party or parties to the written instrument.

(3) *Class Three.* Appeals from other appealable decisions involving the administration and management of the national forests which do not fall into Class One or Class Two.

(b) *Exclusions.* (1) There are excluded from the application of this subpart appeals from decisions of contracting officers of the Department of Agriculture involving disputed questions of fact under contracts for the construction, alteration, or repair of public buildings or works, or the purchase of administrative supplies, equipment, materials, or services, provided for in 7 CFR 1.101 *et seq.*

(2) No appeal may be taken where the relief appellant seeks is reformation of a contract or monetary damages or where the jurisdiction of another Government agency over the subject matter of the appeal supersedes that of the Department of Agriculture.

(3) Appeals from decisions of forest officers in personnel matters may not be taken under the provisions of this subpart.

APPEALS FROM DECISIONS OF FOREST SUPERVISORS

§ 211.21 Initiation of appeals.

(a) *Procedure.* Any person who is adversely affected by a decision of a forest supervisor, except a decision denying an application for a special use permit, contract or any use of the national forests, may take an appeal to the regional forester by filing with the forest supervisor, within the time specified in § 211.30, a written notice of appeal and a written statement setting forth the reasons why the decision appealed from is contrary to, or in conflict with, the facts, the law, or the regulations of the Secretary of Agriculture, hereinafter referred to as the "Secretary", or is otherwise in error. The notice should identify the decision from which the appeal is taken and give the date of the decision and the contract number, if any. Upon receipt of the notice and statement, the forest supervisor shall, within the time specified in §211.30, prepare a responsive statement reviewing the matter and presenting the facts and considerations upon which his decision was based. The two statements, together with all papers comprising the record in the matter, shall be transmitted to the regional forester who shall consider the matter and make a decision based on the statements and the record submitted to him.

(b) *Classification.* In all regional foresters' decisions resulting from an appeal from a forest supervisor's decision, and upon notice of an appeal from an initial decision of a regional forester, the regional forester shall classify the appeal as Class One, Class Two, or Class Three, and notify the parties to the appeal accordingly.

APPEALS FROM DECISIONS OF REGIONAL FORESTERS

§ 211.22 Appeals on classification and merits.

(a) *Classification—(1) Appeals.* If the appellant believes that the classification of the case by the regional forester is erroneous, he may appeal the classification as well as the merits of the decision to the Board of Forest Appeals, established by § 211.23, hereinafter referred to as the "Board", within the time specified in § 211.30 for giving notice of appeal. In such a case, the statement of the party appealing the classification shall likewise set forth the class in which he believes the appeal should be classified, together with the reasons supporting his position. Upon receipt of appellants' notice and statement, the Board shall serve copies thereof on the regional forester by certified mail.

(2) *Preparation and filing of regional forester's statement.* If the regional forester's classification of the case has been appealed, the regional forester shall, within the time specified in § 211.30, prepare and file with the Board a responsive statement presenting the facts and considerations upon which his decision on classification was based.

(3) *Decision of Board on classification.* Upon receipt of the appellant's notice and statement appealing the regional forester's classification and the statement of the regional forester supporting his classification, the Board shall classify the appeal upon the written record before considering the case on the merits and notify the appellant and regional forester of the classification given the appeal. The classification given by

the Board shall be final unless it is appealed by the appellant or the regional forester directly to the Secretary, in

sons who are not and have not been otherwise employed by the United States Government, within

(d) *Notice of hearing.* The parties to the appeal shall be entitled to at least

the submission of the original documents where such submission is not practicable.

Two case is to the Chief, the Board shall

(c) *Class Three cases; appeals from*

(b) are revised, as follows:

(Sec. 3012, 70A Stat. 488; 10 U.S.C. 8012)

[AFR 900-10D, April 14, 1965]

waters and access thereto by walking is permitted on the Elizabeth Alexandra

211.23 Composition of the Board; lack of prosecution.

the Board shall be final unless it is appealed by the appellant or the regional forester directly to the Secretary, in which case the Secretary shall make the final decision on classification. Consideration by the Board of the case on the merits shall be held in abeyance until the classification of the appeal is finally decided.

(b) *Merits*—(1) *Appeal.* Any person who is adversely affected by a decision of a regional forester may take an appeal on the merits to the Board by filing with the Board, within the time specified in § 211.30, a written notice of appeal and statement of reasons prepared in accordance with the procedure provided for in § 211.21. If the appellant desires to appear or be represented at a hearing before the Board, the notice shall contain a request that a hearing be held. If the appellant does not request the Board to hold a hearing, the regional forester may include in his statement a request that a hearing be held.

(2) *Pleadings by regional forester in appeal involving a hearing.* If any party to an appeal desires that a hearing be held before the Board, the regional forester shall, within the time specified in § 211.30, file a motion, answer, or other responsive pleading with the Board, which shall serve a copy thereof on the appellant.

(3) *Statement by regional forester in appeal not involving a hearing.* If neither the appellant nor the regional forester wishes a hearing before the Board, the regional forester shall include in his statement a review and presentation of the matter as provided by § 211.21, and submit the record, together with the statements, to the Board.

(4) *Procedure by Board.* After final determination of classification, when classification is in issue, the Board shall: (i) In Class One and Class Two cases conduct a hearing when requested by any party to the appeal or considered necessary by the Board, (ii) in Class One cases consider the record and decide the appeal, (iii) in Class Two cases consider the record and make written recommendations thereon to the Chief of the Forest Service, hereinafter referred to as the "Chief", or (iv) in Class Three cases, submit the entire record on which the decision of the regional forester was based, together with appellant's notice and the two statements, to the Chief, without recommendations.

ESTABLISHMENT OF THE BOARD OF FOREST APPEALS

§ 211.23 Composition of the Board; lack of prosecution.

(a) *Members, alternates, quorum.* There is hereby established a Board of Forest Appeals whose members shall be designated by and serve at the pleasure of the Secretary of Agriculture. The Board shall be composed of five members, three of whom shall be regular employees of the Department of Agriculture from agencies other than the Forest Service, including one from the Office of the General Counsel whose primary responsibilities are unrelated to the programs of the Forest Service and who shall serve as chairman, and two of whom shall be persons who are not and have not been otherwise employed by the United States Government within the past 2 years. The Secretary shall designate a panel of alternates, also composed of three regular employees of the Department from agencies other than the Forest Service, including one from the Office of the General Counsel, whose primary responsibilities are unrelated to the programs of the Forest Service, and two persons who are not and have not been otherwise employed by the United States Government within the past 2 years. Such alternates may, upon the request of the chairman, serve as Board members in the place of members having like status who are unable to participate in the business of the Board due to absence, disability, or disqualification. Members not otherwise employed by the United States Government, including their alternates, shall serve on a "When Actually Employed" basis, as needed. Regular employees of the Department serving on the Board shall give priority to their Board duties. Three members, at least one of whom shall not be a regular employee of the Department, shall constitute a quorum for the transaction of the business of the Board, except that the Board may delegate any one of its members to conduct a hearing for the purpose of taking the testimony of witnesses and assembling a record of the proceedings. Board members and alternates shall be selected for their capacity to serve the public interest and for their suitability by temperament, training, experience and other qualifications to be objective in their deliberations and decisions.

(b) *Lack of prosecution.* Where an appellant does not take the necessary action to prosecute his appeal in accordance with these regulations, the Board may, upon reasonable notice to him, dismiss the appeal for lack of prosecution.

§ 211.24 Hearings before the Board.

(a) *Request for hearing.* A hearing before the Board in a Class One or Class Two case shall be a matter of right, if requested by the appellant as provided for in § 211.22. If a hearing is not so requested by the appellant, and the statement of the forest officer whose decision is appealed, namely, the regional forester or the Chief, contains a request for a hearing, the Board shall proceed to hold a hearing. If such request is not made by either the appellant or the forest officer, the Board may in its own discretion hold a hearing.

(b) *Consideration by Board.* If a hearing is not requested by any party to the appeal, and the Board does not consider that a hearing is necessary for a decision on the issues, the Board shall make a written decision in Class One cases and written recommendations to the Chief in Class Two cases on the appeal on the basis of the record then before it.

(c) *Hearings, where held.* Hearings may be held by the Board at such places in the United States, generally in close proximity to the national forest involved, as the Board determines the interests of the parties to the appeal will be best served.

(d) *Notice of hearing.* The parties to the appeal shall be entitled to at least thirty (30) days' notice in writing of the time and place set for a hearing before the Board. In fixing the time and place for the hearing, the Board shall make every effort to satisfy the convenience of the parties.

(e) *Absence of parties.* In the event of the unexcused absence of an appellant, respondent, or intervenor at the time and place set for a hearing before the Board, it will consider only the testimony and exhibits of the parties in attendance, and any such absent party shall be deemed to have waived his right to participate in the hearing.

(f) *Prehearing arrangements.* The Board may direct the parties to an appeal pending before the Board to appear at a specified time and place for a conference to consider or otherwise provide for the following: (1) Simplification or clarification of issues; (2) possibility of obtaining stipulations or admissions of fact and of documents; and (3) such other matters as might aid in the disposition of the appeal.

(g) *Conduct of hearing.* The hearing before the Board shall be conducted in such a way as to afford the parties a full and complete review of the challenged decision and to obtain a clear and orderly record. The determinations of fact not controverted may be accepted by the Board without further proof. On facts in dispute the Board shall not rely on any evidence not presented at the hearing to support any findings or determinations except that which may be officially noticed. Any party to the appeal may introduce evidence pertinent to the issues. The burden of proof in establishing errors or omissions in the decision of the regional forester or the Chief shall rest on the party asserting the error or omission. The Board may limit or otherwise control the issues to be considered on the appeal and the extent of the evidence, testimony, or argument presented. A verbatim transcript of the testimony shall be made, the costs thereof to be borne by the United States. Such transcript shall be made available to the appellant at his own expense. In addition, the following general rules shall apply:

(1) The parties may be represented at a hearing by any authorized person meeting the requirements of 7 CFR 1.26.

(2) The parties may present to the Board a signed stipulation setting forth any agreed facts or issues in dispute.

(3) In addition to the presentation of witnesses and documentary evidence, the parties may, in the discretion of the Board, upon application and with notice to the opposing party, submit evidence by deposition based upon oral examination or written interrogatories or in such other form as the Board may approve.

(4) Witnesses before the Board shall be required to testify under oath or affirmation.

(5) All witnesses shall be subject to cross-examination, and also to examination by the Board.

(6) Upon proof of authenticity, copies of papers, books, records, or documents shall be accepted as evidence in lieu of

the submission of the original documents where such submission is not practicable.

(7) The Board shall receive only evidence which is germane to the issues involved and shall exclude evidence which is immaterial, irrelevant, or unduly repetitious. Where evidence is excluded, the party affected may introduce in the record an offer of proof and the objecting party may introduce an offer of proof in rebuttal.

(8) At the conclusion of the testimony of all witnesses, the Board may allow the parties to make an oral argument in summation of the testimony presented at the hearing.

(9) The weight to be given evidence presented in any particular form shall be determined by the Board in the exercise of a reasonable discretion in the circumstances of the particular case.

(10) Briefs may be submitted, either on request of the parties or the Board, in accordance with instructions issued by the Board, and the opposing parties shall have opportunity to file a reply brief within a time limitation fixed by the Board.

§ 211.25 Action by the Board.

(a) *Class One cases, decisions, final.* The Board shall make decisions in appeals arising under Class One which shall be final, conclusive and binding on the parties thereto, except as they may be subject to review as provided by law. The chairman of the Board shall be responsible for the preparation of the decision of the Board which shall be signed by all members who concur therein. A request for reconsideration of a decision may be made to the Board by any party to an appeal within thirty (30) days from the date of the decision. Reconsideration of a decision, which may include a hearing or rehearing, may be granted or denied at the discretion of the Board.

(b) *Class Two cases, recommendations, advisory.* In Class Two cases which are on appeal before the Chief, the Board shall make written advisory recommendations, together with supporting determinations of fact, for the consideration of the Chief. The Chairman of the Board shall be responsible for the preparation of the recommendations of the Board which shall be signed by all members who concur therein. The Board shall thereupon transmit the record, together with the recommendations of the Board, to the Chief.

(c) *Class Three cases, outside of jurisdiction of Board.* When an appeal in a Class Three case is submitted to the Board, it shall transmit the appeal directly to the Chief without recommendations.

(d) *Concurrence by members of Board.* The concurrence of a majority of the members of the Board who participate in the consideration of an appeal within its jurisdiction shall be sufficient to constitute a decision of the Board on such appeal.

ACTION BY THE CHIEF

§ 211.26 Decisions in Class Two and Class Three cases.

(a) *Class Two cases, recommendations by Board.* When an appeal in a Class Two case is to the Chief, the Board shall make written recommendations to the Chief concerning the issues under appeal. Upon receipt of the Board's recommendations, the Chief shall make a written decision on the appeal. The decision of the Chief shall not be limited by the determinations of fact or the recommendations of the Board.

(b) *Class Three cases, outside of jurisdiction of Board.* When an appeal from a decision of a regional forester in a Class Three case is to the Chief, he shall consider the appeal and make a written decision thereon without recommendations from the Board.

APPEALS FROM DECISIONS OF THE CHIEF

§ 211.27 Procedure.

(a) *Initial decisions of Chief.* Any person who is adversely affected by an initial decision of the Chief may take an appeal to the Board in the manner provided for in § 211.22.

(b) *Other decisions of Chief.* Any person who is adversely affected by a decision of the Chief in an appeal from a decision of a regional forester may take an appeal to the Secretary by filing with the Chief a written notice of appeal and statement of reasons prepared in accordance with the procedure provided for in § 211.21. Upon receipt of the notice and statement, the Chief shall prepare his own statement setting forth the facts and circumstances upon which his decision was based and shall transmit the record to the Secretary.

(c) *Classification, appeals.* When an initial decision of the Chief is appealed, the Chief shall classify the appeal as an appeal under Class One, Class Two, or Class Three, and shall notify the appellant of such classification. The appellant may contest such classification by taking an appeal to the Board in the manner provided for in § 211.22, and either party may appeal directly to the Secretary the decision of the Board as to classification.

DECISIONS OF THE SECRETARY

§ 211.28 Decisions in Class Two and Class Three cases.

(a) *Class Two cases; appeals from initial decisions of Chief.* When an appeal on the merits in a Class Two case from an initial decision of the Chief is filed with the Board, it shall make recommendations on the appeal and refer them, together with the record, to the Secretary for his consideration. Upon receipt thereof, the Secretary shall make a written decision on the appeal. This decision shall not be limited by the determinations of fact or the recommendations of the Board.

(b) *Class Two cases; appeals from decisions of Chief in appeals from decisions of regional foresters.* When an appeal in a Class Two case is to the Secretary from a decision of the Chief in an appeal from a decision of a regional forester, the Secretary shall make a written decision on the appeal based on the record upon which the Chief's decision was based, including the recommendations made by the Board. The decision of the Secretary shall not be limited by the recommendations of the Board.

(c) *Class Three cases; appeals from initial decisions of Chief and from decisions of regional foresters.* When an appeal in a Class Three case is to the Secretary from an initial decision of the Chief or from a decision of the Chief in an appeal from a decision of a regional forester, the case shall remain outside of the jurisdiction of the Board, and the Secretary shall make a written decision on the appeal based on the record upon which the Chief's decision was based. A public hearing may, however, be called by the Secretary on his own initiative in any case in which he deems the issues to be of sufficient public importance.

DEFINITIONS

§ 211.29 Terminology.

(a) *National forests.* The term "national forests" as used in this subpart shall include national forest lands and other lands under the administration of the Forest Service.

(b) *Decision.* The term "decision" as used in this subpart shall include any order, ruling, or other exercise of discretion by a forest supervisor, regional forester, or the Board having a substantial effect on private rights.

(c) *Person.* The term "person" as used in this subpart shall include, but not necessarily be limited to, any partnership, or any public or private corporation, association, or agency.

(d) *Regional forester.* The term "regional forester" as used in this subpart shall include any other field officers reporting directly to the Chief.

(e) *Written instrument.* The term "written instrument" as used in this subpart includes all written contracts, agreements, permits, or other instruments having the legal effect of contracts.

ADDITIONAL PROCEDURES

§ 211.30 Filing of notice of appeal and statement of reasons; extension of time; consolidation of appeals; intervention.

(a) *Filing of notice; no extension of time.* Any decision in a Class One or Class Two case which is appealable under this subpart shall be final unless the person adversely affected by the decision shall, within thirty (30) days from receipt of the decision, file a written notice of appeal and a written statement of reasons prepared in accordance with the procedure provided for in § 211.21, except that (1) the written statement of reasons may be filed within said thirty (30) day period or within such additional time for filing the statement as may be granted under paragraph (c) of this section, (2) in an appeal from a decision in a Class Three case, the notice of appeal shall be filed within ninety (90) days from the date of the decision. No extension of time shall be granted for filing a notice of appeal in any case.

(b) *Statement of forest officer.* The written statement, motion, answer, or other responsive pleading of a forest officer required by §§ 211.21, 211.22, and 211.27 shall be filed by the forest officer within thirty (30) days after receipt of the notice of appeal, or the statement of

reasons if it does not accompany the no- thirty (30) days from receipt of notice

reasons if it does not accompany the notice, or within such additional time as may be granted under paragraph (c) of this section.

(c) *Filing of statements; extension of time.* Additional time for the filing of appellant's written statement of reasons or the statement, motion, answer, or other responsive pleading of a forest officer may be granted by the reviewing forest officer, the Board, or the Secretary, as the case may be, considering the appeal.

(d) *Consolidation of appeals.* When two or more persons are adversely affected by the same decision of a forest officer and file separate appeals therefrom, the reviewing officer or the Board may consolidate all such appeals in the same appeal.

(e) *Intervention.* Persons who may be adversely affected by the modification or reversal of a decision under appeal may, upon request made in writing within a reasonable time, be permitted by the reviewing officer or the Board to intervene, but only to the extent that their intervention does not raise issues foreign to those under appeal. In exercising discretion as to whether to permit intervention, the reviewing officer or the Board shall consider whether the intervention will unduly delay or prejudice the determination of the rights of the original parties. Where a person is permitted to intervene, the forest officer whose decision is under appeal shall not be required to file his responsive pleading until at least thirty (30) days after the pleadings of the intervenor have been filed. An intervenor shall be bound by all proceedings in an appeal up to the time he is permitted to intervene.

§ 211.31 Requests for reconsideration of decision; appeals.

(a) *Time limit.* Any person who is adversely affected by a decision of a forest officer may, within thirty (30) days from receipt of the decision, file with such forest officer a written request for reconsideration of the decision, and a written statement setting forth the reasons supporting the request for reconsideration. The written statement may be filed within said thirty (30) day period or within such additional time for filing the statement as may be granted by the reviewing forest officer, the Board, or the Secretary, as the case may be, considering the appeal. No extension of time shall be granted for filing such request for reconsideration.

(b) *Appeals from decisions on reconsideration.* Any person filing such request for reconsideration may, within thirty (30) days from receipt of notice of the decision on reconsideration, take an appeal from such decision by filing a written notice of appeal and statement of reasons prepared in accordance with the procedure provided for in § 211.21.

§ 211.32 Oral presentation.

Production of additional evidence. In appeals from decisions of forest supervisors, upon the written request of an appellant made within fifteen (15) days after the filing of the statement of reasons accompanying the notice of appeal, the reviewing forest officer shall afford the appellant an opportunity to present his views orally.

§ 211.33 Remand.

Incomplete record. If the reviewing forest officer, the Board, or the Secretary considers the statements and record inadequate to support a decision on the appeal, such officer, the Board, or the Secretary may provide for the production of such additional evidence or information as may be appropriate or may remand the case with appropriate instructions for further action.

§ 211.34 Record in case under appeal.

Documents constituting record, availability of record to appellant. The documents and files, testimony, exhibits, briefs and memoranda filed by the parties on which the decision of a forest officer or the Board was based, constitute the record in a case under appeal. The forest officer, the Board, or the Secretary shall make the record available to the appellant upon request for examination prior or subsequent to the filing of the notice of appeal and statement of reasons.

§ 211.35 Service of papers.

How made. A copy of all statements of reasons, pleadings, briefs, and other papers pertaining to an appeal filed with any forest officer, the Board, or the Secretary shall be served on each party to the appeal or his attorney or agent at the time of filing. Service of papers shall be made personally or by mailing by certified or registered mail, return receipt requested.

§ 211.36 Decisions.

(a) *Preponderance of evidence.* The decision of any forest officer, the Board, or the Secretary shall be based on the preponderance of the evidence contained in the record.

(b) *Inclusion of facts, conclusions and reasons.* Decisions of all forest officers and of the Board shall include (1) statement of facts, (2) conclusion, and (3) reasons upon which the conclusion is based.

(c) *Action to be taken within sixty (60) days.* On or before the expiration of sixty (60) days after the receipt of the record by the reviewing forest officer or the Board, as the case may be, the reviewing forest officer or the Board shall either make a decision, provide for the production of additional evidence and information, or remand the case as provided by § 211.33. If the production of additional evidence or information is required or the case is remanded, the reviewing forest officer or the Board shall notify the parties to the appeal. If more than sixty (60) days are required for a decision after the entire record is received, the reviewing forest officer or the Board shall notify the appellant and the forest officer whose decision is under appeal and specify the reasons for the delay.

(d) *Copies to parties, publication.* A copy of the decision of any reviewing forest officer, the Board, or the Secretary shall be furnished to each party to an appeal. Decisions of the Board, the Chief, and the Secretary shall be published in the manner determined by the Secretary.

(e) *Not automatically stayed.* A decision from which an appeal is taken shall not be automatically stayed by filing a notice of appeal. If a request for a stay is made by an appellant prior to the filing of a notice of appeal, the effective date of the decision may be stayed by the forest officer who made the decision. If the deciding forest officer has lost control of the case by the filing of a notice of appeal, the request for stay shall be directed to the deciding forest officer's immediate superior. All requests for stays by appellants and the granting or denial of such requests by forest officers shall be in writing.

§ 211.37 Continuance of appeals.

Pending cases. Appeals from decisions of forest officers which have already been initiated and are pending on the date of the promulgation of this subpart shall be subject to and continued under the rules and regulations existing at the time of the initiation of the appeal.

(80 Stat. 35 as amended, 16 U.S.C. 551; 80 Stat. 526, 7 U.S.C. 1011(f); R.S. 161 as amended, 5 U.S.C. 22)

Done at Washington, D.C., this 3d day of May 1965.

ORVILLE L. FREEMAN,
Secretary.

[F.R. Doc. 65-4627; Filed, May 5, 1965; 8:48 a.m.]

Proposed Rule Making

DEPARTMENT OF THE TREASURY

Internal Revenue Service

[26 CFR Part 1]

INCOME TAX; TREATMENT OF PER-UNIT RETAIN CERTIFICATES

Notice of Proposed Rule Making

Notice is hereby given, pursuant to the Administrative Procedure Act, approved June 11, 1946, that the regulations set forth in tentative form below are proposed to be prescribed by the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury or his delegate. Prior to the final adoption of such regulations, consideration will be given to any comments or suggestions pertaining thereto which are submitted in writing, in duplicate, to the Commissioner of Internal Revenue, Attention: CC:LR:T, Washington, D.C., 20224, within the period of 30 days from the date of publication of this notice in the FEDERAL REGISTER. Any person submitting written comments or suggestions who desires an opportunity to comment orally at a public hearing on these proposed regulations should submit his request, in writing, to the Commissioner within the 30-day period. In such case, a public hearing will be held, and notice of the time, place, and date will be published in a subsequent issue of the FEDERAL REGISTER. The proposed regulations are to be issued under the authority contained in section 7805 of the Internal Revenue Code of 1954 (68A Stat. 917; 26 U.S.C. 7805).

[SEAL] SHELDON S. COHEN,
Commissioner of Internal Revenue.

In order to revise the rules relating to the treatment of per-unit retain certificates to be issued by certain cooperative associations during taxable years beginning after June 30, 1965, with respect to patronage occurring during such years, the Income Tax Regulations (26 CFR Part 1) under sections 61 and 521 of the Internal Revenue Code of 1954 are amended as follows:

PARAGRAPH 1. Section 1.61-5 is amended by revising the section heading, by revising paragraph (d), and by adding new paragraphs (e), (f), (g), and (h). These amended and added provisions read as follows:

§ 1.61-5 Allocations by cooperative associations; per-unit retain certificates—tax treatment as to cooperatives and patrons.

* * * * * *

(d) *Per-unit retain certificates; tax treatment of cooperative associations; distribution and reinvestment alternative.* (1) (i) A cooperative association shall, in computing its cost of goods sold for any taxable year for which this paragraph applies to the association, include the stated dollar amount of any per-unit retain certificate (as defined in paragraph (g) of this section)—

(a) Which is issued during such year to a qualifying patron as defined in subparagraph (2) of this paragraph, and

(b) Which clearly states the fact that the patron has agreed to treat the stated dollar amount thereof as representing a cash distribution to him which he has reinvested in the cooperative association.

(ii) Any amount paid in redemption of a per-unit retain certificate which was issued to a patron, who, for the year in which it was issued, was not a qualifying patron as defined in subparagraph (2) of this paragraph, shall be taken into account in computing the association's cost of goods sold for the taxable year of redemption. This subdivision shall apply only to amounts paid in redemption of per-unit retain certificates issued during taxable years of the cooperative association for which this paragraph applied to the association.

(2) (i) A patron shall be considered to be a "qualifying patron" with respect to a per-unit retain certificate if, for the taxable year of the cooperative association during which the certificate is issued, there is in effect an agreement by the patron to treat the stated dollar amounts of all per-unit retain certificates issued to him by the association as representing cash distributions to him which he has reinvested in the cooperative association. Such agreement must be in writing, signed by the patron, and on file with the cooperative association. No special form is required for the agreement so long as the document on which it is made clearly discloses its terms.

(ii) Unless the agreement described in subdivision (i) of this subparagraph specifically provides to the contrary, it shall be effective for the taxable year of the cooperative association in which the agreement is received by the association and, unless revoked, for all subsequent taxable years.

(iii) The agreement described in subdivision (i) of this subparagraph must be revocable by the patron at any time after the close of the taxable year in which it is made. To be effective, a revocation must be in writing, signed by the patron, and furnished to the cooperative association. A revocation shall be effective only with respect to taxable years of the cooperative association following the taxable year in which it is filed with the cooperative association.

(iv) The following is an example of an agreement which would meet the requirements of this subparagraph:

I agree that, for purposes of determining the amount I have received from this cooperative in payment for my goods, I shall treat the face amount of any per-unit retain certificates issued to me on and after ____ as representing a cash distribution to me which I have reinvested in the cooperative.

_____
(Signed)

(3) This paragraph shall apply to any taxable year of a cooperative association for which one or more of its patrons are qualifying patrons within the meaning of subparagraph (2) of this paragraph.

(e) *Tax treatment of cooperative associations; taxable years for which paragraph (d) of this section does not apply.* (1) A cooperative association shall, in computing its cost of goods sold for any taxable year for which paragraph (d) of this section does not apply to such association, include per-unit retain certificates at their fair market value at the time of issue.

(2) An amount paid in redemption of a per-unit retain certificate issued during a taxable year of the cooperative association for which paragraph (d) of this section did not apply to the association, shall, to the extent such amount exceeds the fair market value of the certificate at the time of its issue, be taken into account in computing the association's cost of goods sold for the taxable year of redemption.

(3) For purposes of this paragraph and paragraph (f) (2) of this section, any per-unit retain certificate containing an unconditional promise to pay a fixed sum of money on demand or at a fixed or determinable time shall be considered to have a fair market value at the time of its issue, unless it is clearly established to the contrary. On the other hand, any per-unit retain certificate (other than capital stock) which is redeemable only in the discretion of the cooperative association, or which is otherwise subject to conditions beyond the control of the patron, shall be considered not to have any fair market value at the time of its issue, unless it is clearly established to the contrary.

(f) *Tax treatment of patron.* (1) The following rules apply for purposes of computing the amount includible in gross income with respect to a per-unit retain certificate which was issued to a patron by a cooperative association during a taxable year for which paragraph (d) of this section applies to the association:

(i) If the patron is a qualifying patron with respect to such certificate (within the meaning of paragraph (d) (2) of this section), he shall include (as ordinary income) the stated dollar amount of the certificate in gross income for the year in which the certificate is received by him.

(ii) If the patron is not a qualifying patron with respect to such certificate, no amount is includible in gross income on the receipt of the certificate; however, any gain on the redemption, sale, or other disposition of such certificate shall, to the extent that the stated dollar amount thereof exceeds its basis, be considered as gain from the sale or exchange of property which is not a capital asset.

(iii) Any per-unit retain certificate subject to the rules of this subparagraph, which is issued to a patron who is not a qualifying patron with respect to such certificate, shall have a basis of zero in the hands of such patron.

(2) The amount of the fair market value of a per-unit retain certificate which is issued to a patron by a cooperative association during a taxable year of the cooperative association for which paragraph (d) of this section does not apply shall be considered to be the amount includible in gross income with respect to such certificate under subparagraph (1) of this paragraph.

(g) *Per-unit retain certificate.* For purposes of this section, the term "per-unit retain certificate" means a written notice, a written allocation, or a written revolving fund certificate, issued by a cooperative association to a patron during the taxable year, which discloses to the patron that a specified dollar amount of the patronage occurring during such year is allocated to him on a per-unit basis.

(h) *Effective date.* This section shall apply with respect to taxable years of cooperative associations beginning after June 30, 1965, with respect to patronage occurring during such years.

tive association during a taxable year of within the meaning of § 1.61-5(d)(2)), proposed a revision of the Official United

tion for which one or more of its patrons are qualifying patrons within the meaning of § 1.61–5(d)(2)) than it pays on qualified written notices of allocation held by persons who have so consented (or on per-unit retain certificates issued to patrons who are qualifying patrons with respect thereto) provided that the amount of the interest or dividend reduction is reasonable in relation to the fact that the association receives no tax benefit with respect to such nonqualified written notices of allocation (or such certificates issued to nonqualifying patrons) until redeemed. However, such an association will be denied exemption if it otherwise treats patrons who have not consented (or are not qualifying patrons) differently from patrons who have consented (or are qualifying patrons), either with regard to the original payment or allocation or with regard to the redemption of written notices of allocation or per-unit retain certificates. For example, if such an association pays patronage dividends in the form of written notices of allocation accompanied by qualified checks, and provides that any patron who does not cash his check within a specified time will forfeit the portion of the patronage dividend represented by such check, then the cooperative association will be denied exemption under this section as it does not treat all patrons alike.

(3) The amount of the fair market value of a per-unit retain certificate which is issued to a patron by a coopera-

tive association during a taxable year of the association for which paragraph (d) of this section does not apply shall be included, as ordinary income, in the gross income of the patron for the taxable year in which the certificate is received. Any gain on the redemption, sale, or other disposition of such a per-unit retain certificate shall, to the extent its stated dollar amount exceeds its fair market value at the time of issue, be treated as gain on the redemption, sale, or other disposition of property which is not a capital asset.

(g) *"Per-unit retain certificate" defined.* For purposes of paragraphs (d), (e), and (f), of this section, the term "per-unit retain certificate" means any capital stock, revolving fund certificate, retain certificate, certificate of indebtedness, letter of advice, or other written notice—

(1) Which is issued to a patron in payment for goods purchased from the patron or as evidence of an amount distributed to the patron in payment for goods purchased which he has reinvested in the cooperative association;

(2) Which discloses to the patron the stated dollar amount allocated to him on the books of the cooperative association; and

(3) The stated dollar amount of which is fixed without reference to net earnings.

(h) *Effective date.* This section shall not apply to any amount the tax treatment of which is prescribed in section 1385 and § 1.1385–1. Paragraphs (d), (e), and (f), of this section shall apply to per-unit retain certificates as defined in paragraph (g) of this section issued by a cooperative association during taxable years beginning after June 30, 1965, with respect to patronage occurring during such years.

PAR. 2. Paragraph (f) of § 1.521–1 is amended to read as follows:

§ 1.521–1 Farmer's cooperative marketing and purchasing associations; requirements for exemption under section 521.

* * * * *

(f) A cooperative association will not be denied exemption merely because it makes payments solely in nonqualified written notices of allocation to those patrons who do not consent as provided in section 1388 and § 1.1388–1, but makes payments of 20 percent in cash and the remainder in qualified written notices of allocation to those patrons who do so consent. Nor will such an association be denied exemption merely because, in the case of patrons who have so consented, payments of less than $5 are made solely in nonqualified written notices of allocation while payments of $5 or more are made in the form of 20 percent in cash and the remainder in qualified written notices of allocation. In addition, a cooperative association will not be denied exemption if it pays a smaller amount of interest or dividends on nonqualified written notices of allocation held by persons who have not consented as provided in section 1388 and § 1.1388–1 (or on per-unit retain certificates issued to patrons who are not qualifying patrons with respect thereto

[F.R. Doc. 65–4779; Filed, May 5, 1965; 8:48 a.m.]

DEPARTMENT OF AGRICULTURE

Consumer and Marketing Service

[7 CFR Part 31]

WOOL AND WOOL TOP STANDARDS

Proposed Standards for Grades

Notice is hereby given in accordance with section 4 of the Administrative Procedure Act (5 U.S.C. 1003) that pursuant to authority conferred by the Agricultural Marketing Act of 1946, as amended (7 U.S.C. 1621, et seq.), it is proposed to revise the official standards of the United States for grades of wool (7 CFR 31.1–31.12) and the provisions governing methods for determining the grade of wool and distribution of practical forms of wool and wool top grade standards (7 CFR 31.51, 31.201, 31.202, 31.203, and 31.204), and to make incidental editorial changes in the provisions for determining conformity of wool top (7 CFR 31.151).

Statement of considerations. Grade standards for wool, as originally promulgated in 1926, were based on fiber diameter determined by visual examination, and the samples of wool representing these grades were classified visually. To determine grade by using these standards, the fiber fineness in the fleece was compared with that in the samples representative of the official grades. Changes in wool marketing and importing practices since 1926 have limited the usefulness of these standards. With advancements in objective sampling and measuring procedures for determining grade and in recognition of the limitations of the visual standards, the Department proposed a revision of the official United States standards for grades of wool in the FEDERAL REGISTER (20 F.R. 1891) on March 29, 1955.

Basically, that proposal involved the addition of 2 new grades to the original series of 12 grades, 80's through 36's. The first of the new grades was between the existing 64's and 60's grades and was designated as 62's while the second was between the existing 56's and 50's grades and was designated as 54's. Grade was based on average fiber diameter and fiber diameter dispersion. Requirements for average fiber diameter and fiber dispersion were prescribed for each of the fourteen grades. That proposed set of standard requirements had for its base the average fiber diameter limits and fiber diameter dispersion standard requirements for wool top (7 CFR 31.101–31.114). That proposal was not adopted as considerable opposition was expressed by the trade. For the next few years, modifications of the standards proposed in 1955 were demonstrated, field tested, and discussed with various wool growing, marketing, manufacturing, and trade groups, and with interested Federal agencies. As a result of numerous discussions and after studying a modification of the 1955 proposal used in classifying 1,266 lots of wool covering the entire range of grades, the Department again proposed a revision in the standards. This proposal was published in the FEDERAL REGISTER (28 F.R. 696) on January 25, 1963.

Under that proposal, grade was based on average fiber diameter only. Fiber diameter dispersion was not a criterion of grade as proposed in 1955. Instead, a fiber diameter uniformity guide was proposed for optional use with the grade standards. This guide provided for five different levels of fiber diameter uniformity for wool of each grade. These levels ranged from "exceptionally uniform" to "extremely variable." Like the 1955 proposal, however, the 1963 proposal also added grades 62's and 54's to the 12 grade series and prescribed average fiber diameter specifications in terms of microns for the 14 grades. Provisions also were included for grading wools finer than 80's and coarser than 36's. Methods and procedures for determining grade of wool by visual inspection and by measurement also were described. Provision was also made whereby certified samples representing the wool and wool top grades would be made available to the public at a specified price.

By the close of the rulemaking period, May 25, 1963, comments in support of the revision had come from domestic wool producing and marketing organizations. Also, educational institutions strongly urged their adoption. The entire wool industry concurred with the proposal to include two additional grades, 62's and 54's. At its January 1964 meeting, the National Wool Growers Association passed a resolution urging the adoption of the proposed standards.

An ad hoc committee representing the wool import and manufacturing industries which was created to consider the proposed revision opposed the use of average fiber diameter as the sole basis

for determining grade under the proposal and contended that fiber-diameter-distribution should be an integral part of grade determination. It was suggested to the Department that the proposed revision be officially presented by representatives of the Government to appropriate committees of the American Society for Testing and Materials (ASTM) for consideration and action; and also that the different aspects of the proposed standards be studied by working representatives of industry and Government who were members of these committees. The ASTM is a national nonprofit, educational, scientific, and technical society devoted to "the promotion of knowledge of materials of engineering, and the standardization of specifications and the methods of testing." Committee D–13 covers textile materials. Subcommittee A–3 deals with wool fibers and is made up primarily of technical representatives of textile manufacturers, commercial testing companies, industrial laboratories, and the Federal Government. The ad hoc committee expressed its feeling that participation in this manner by the ASTM and industry would assure full trade concurrence with proposed recommendations that might be made by the working groups.

Subsequently, a meeting among representatives of the Department, U.S. Customs, the industry ad hoc committee, the National Wool Growers Association and ASTM, resulted in the Department's deferring a decision on the proposal until working groups could review the different technical aspects of the proposed standards. To expedite this work fineness testing was performed on sixteen lots of coarse apparel wool by working representatives of industry and Government and further consideration was given to fineness data by the Department on 1,266 lots of wool.

The findings and recommendations of the different working groups were essentially as follows: (1) The trade groups were unanimous in recommending that variability of fiber diameter be a part of the official standards. It was their contention that, when average fiber diameter and fiber diameter uniformity of a lot do not conform to the specifications of the same grade, the practice in the trade is to assign a grade to the lot corresponding to the coarser of the two characteristics. (2) The average fiber diameter limits of each grade and sampling and testing procedures were found acceptable as proposed by the Department. (3) There were certain technical advantages in the use of the standard deviation, rather than the coefficient of variation as a measure of variation in fiber diameter of wool. A maximum variability of fiber diameter, expressed in terms of standard deviation, was suggested for each grade. This maximum variability corresponded essentially to the midpoint of the variability range included within the "Rather Variable" class in the Department's proposed fiber diameter uniformity guide.

In view of the comments received from interested groups and individuals on the proposal as published in the FEDERAL REGISTER (28 F.R. 696) on January 25, 1963, that proposal is not being adopted and is no longer under consideration.

The proposed standards for grades of wool as outlined herein follow closely the recommendations of the working groups involved in the above-referenced testing of the technical aspects of the previously proposed standards. Grade determination is based on average fiber diameter and variation of fiber diameter. The number of grades and the average fiber diameter limits of each grade are the same as those previously proposed on January 25, 1963. A maximum variability in fiber diameter is also established for each grade and in wool of a given average fiber diameter, if its fiber diameter variability exceeds that specified as maximum for wools of that average fiber diameter, the wool is assigned the next coarser grade.

Inasmuch as fiber diameter uniformity is included as a grade-determining factor in these proposed standards, the fiber diameter uniformity guide proposed for use on an optional use basis in the January 25, 1963, proposal is not included in the proposal outlined herein.

The named and similar wools provided for in Items 306.10–306.14, Schedule 3, sec. 1202, Tariff Act of 1930 (19 U.S.C. 1202, Schedule 3, Items 306.10–306.14) will not be subject to grading under these standards for purposes of that Act.

A. It is proposed to delete the provisions for official standards of the United States for grades of wool (7 CFR 31.1–31.12) and substitute therefor the following:

OFFICIAL STANDARDS OF THE UNITED STATES FOR GRADES OF WOOL

§ 31.0 Official grades.

The official grades of wool shall be those established in §§ 31.1 through 31.16: *Provided, however,* That the wool which qualifies for any of the grades in §§ 31.1 through 31.15 on the basis of its average fiber diameter shall be reduced in grade to the next coarser grade if its standard deviation in fiber diameter exceeds the maximum specified for the grade to which the average fiber diameter corresponds.

§ 31.1 Finer than grade 80's.

Wool with an average fiber diameter of 17.69 microns or less and a standard deviation in fiber diameter of 3.59 microns or less.

§ 31.2 Grade 80's.

Wool with an average fiber diameter of 17.70 to 19.14 microns, inclusive, and a standard deviation in fiber diameter of 4.09 microns or less.

§ 31.3 Grade 70's.

Wool with an average fiber diameter of 19.15 to 20.59 microns, inclusive, and a standard deviation in fiber diameter of 4.59 microns or less.

§ 31.4 Grade 64's.

Wool with an average fiber diameter of 20.60 to 22.04 microns, inclusive, and a standard deviation in fiber diameter of 5.19 microns or less.

§ 31.5 Grade 62's.

Wool with an average fiber diameter of 22.05 to 23.49 microns, inclusive, and a standard deviation in fiber diameter of 5.89 microns or less.

§ 31.6 Grade 60's.

Wool with an average fiber diameter of 23.50 to 24.94 microns, inclusive, and a standard deviation in fiber diameter of 6.49 microns or less.

§ 31.7 Grade 58's.

Wool with an average fiber diameter of 24.95 to 26.39 microns, inclusive, and a standard deviation in fiber diameter of 7.09 microns or less.

§ 31.8 Grade 56's.

Wool with an average fiber diameter of 26.40 to 27.84 microns, inclusive, and a standard deviation in fiber diameter of 7.59 microns or less.

§ 31.9 Grade 54's.

Wool with an average fiber diameter of 27.85 to 29.29 microns, inclusive, and a standard deviation in fiber diameter of 8.19 microns or less.

§ 31.10 Grade 50's.

Wool with an average fiber diameter of 29.30 to 30.99 microns, inclusive, and a standard deviation in fiber diameter of 8.69 microns or less.

§ 31.11 Grade 48's.

Wool with an average fiber diameter of 31.00 to 32.69 microns, inclusive, and a standard deviation in fiber diameter of 9.09 microns or less.

§ 31.12 Grade 46's.

Wool with an average fiber diameter of 32.70 to 34.39 microns, inclusive, and a standard deviation in fiber diameter of 9.59 microns or less.

§ 31.13 Grade 44's.

Wool with an average fiber diameter of 34.40 to 36.19 microns, inclusive, and a standard deviation in fiber diameter of 10.09 microns or less.

§ 31.14 Grade 40's.

Wool with an average fiber diameter of 36.20 to 38.09 microns, inclusive, and a standard deviation in fiber diameter of 10.69 microns or less.

§ 31.15 Grade 36's.

Wool with an average fiber diameter of 38.10 to 40.20 microns, inclusive, and a standard deviation in fiber diameter of 11.19 microns or less.

§ 31.16 Coarser than grade 36's.

Wool with an average fiber diameter of 40.21 microns or more.

B. It is proposed to renumber the provision in 7 CFR 31.151 on method for determination of conformity of wool top with the official grade standards and to make editorial changes in said provision so that it will read as set forth below in § 31.300. It is also proposed to delete the provisions (7 CFR 31.51 and 31.201–31.204) relating to the determination of grade of wool and distribution of practical forms of wool and wool top grade

standards and to issue new §§ 31.200–

into different grades of wool, each of

standards and to issue new §§ 31.200–31.204 and 31.400–31.402 as follows:

DEFINITIONS

§ 31.200 Meaning of words.

Words used in this part in the singular form shall be deemed to import the plural, and vice versa, as the case may demand.

§ 31.201 Terms defined.

For the purposes of this part, unless the context otherwise requires, the following terms shall be construed respectively to mean:

(a) *Department.* The United States Department of Agriculture.

(b) *Consumer and Marketing Service.* The Consumer and Marketing Service of the Department.

(c) *Administrator.* The Administrator of the Consumer and Marketing Service, or any officer or employee of the Consumer and Marketing Service to whom authority has heretofore been delegated, or to whom authority may hereafter be delegated, to act in his stead.

(d) *Division.* The Livestock Division of the Consumer and Marketing Service.

(e) *Director.* The Director of the Division, or any officer or employee of the Division to whom authority has heretofore been delegated, or to whom authority may hereafter be delegated, to act in his stead.

(f) *Grade.* This term means a numerical designation of wool fineness based on average fiber diameter and variation of fiber diameter. It does not include characteristics such as length, crimp, strength, elasticity, luster, hand, and color, all of which affect the spinnability of a wool and the properties of the yarn and fabric and which are usually referred to as "quality." Neither does it apply to wool by geographic origin, breed of sheep, manner of preparation for market, or a combination of characteristics which makes wool appropriate for a specific use. These are usually referred to as "type."

(g) *Wool.* The fiber from the fleece of sheep.

(h) *Wool-top.* A continuous untwisted strand of scoured wool fibers from which the shorter fibers or noils have been removed by combing.

(i) *Fineness.* This term refers to fiber diameter.

(j) *Average fiber diameter.* The sum of the individual fiber diameter measurements divided by the number of fibers measured, as described in § 31.204(a).

(k) *Micron.* A unit of linear measurement equal to 1/1000 millimeter or 1/25400 inch.

(l) *Grease wool.* Wool, as obtained from living sheep.

(m) *Scoured wool.* Wool from which the bulk of the impurities have been removed by washing in warm water, soap, and alkali or by an equivalent process.

(n) *Fleece.* The wool of one sheep obtained by shearing.

(o) *Skirted fleece.* A fleece from which the belly, britch, and stained portions have been removed.

(p) *Sorted wool.* Wool removed from various parts of fleeces and combined into different groups or sorts, each of which has closely similar fineness, length, and other qualities.

(q) *Pulled wool.* Wool obtained from the pelts of slaughtered sheep by pulling or similar means after subjecting the pelt to sweating, the use of a depilatory, or other auxiliary treatment to loosen the wool fibers from the skin.

(r) *Card sliver.* Wool that has been scoured and carded and formed into a continuous, untwisted strand of loosely assembled fibers.

(s) *Lot.* The entire quantity of wool or card sliver constituting the subject of consideration or test.

(t) *Sample.* A suitable amount of wool representing a lot.

(u) *Test specimen.* A representative portion of the sample obtained and prepared as described in § 31.204(a)(6).

(v) *Test.* A determination, by measurement, of the average and standard deviation in fiber diameter of test specimens of wool, in accordance with the procedures provided in § 31.204.

(w) *Core sampling.* A method of coring a package of wool by means of special tools to obtain a representative sample of the wool according to the appropriate procedures described in § 31.204(a)(5).

(x) *Hand sampling.* A method of drawing by hand many small handfuls of wool to obtain a representative sample of the wool according to the appropriate procedures described in § 31.204(a)(5).

(y) *Major sort.* The largest part of a fleece, all portions of which have a similar degree of fineness.

(z) *Standards.* The official standards of the United States for grades of wool and wool top.

(aa) *Standard samples.* Physical samples representative of the standards.

(bb) *Bulk sample.* A quantity of wool selected for use in the preparation of standard samples.

METHODS FOR DETERMINING GRADE OF WOOL

§ 31.202 General.

The official standards of the United States for grades of wool, as defined in §§ 31.1–31.16, shall be the basis of classification of wool by grade. Grade may be determined by inspection, usually by comparison of the fiber diameters of the wool being graded with the fiber diameters of samples representative of standards; or by measuring a prescribed number of fibers of a sample, calculating the average and standard deviation of fiber diameter and comparing the average and standard deviation with the diameter specifications for grades of wool. The provisions in §§ 31.203–31.204 prescribe methods for making such determinations. Both methods for determining grade shall be official; however, if the grade as determined by inspection differs from that determined by measurement, the grade determined by measurement shall prevail.

§ 31.203 Inspection method.

Determination of the grade of wool by inspection frequently will be facilitated by comparing the fiber fineness of a sample of wool representative of the lot with the fiber fineness of valid standard wool samples representative of the official grades, in accordance with the procedure described in this section. A core sample is not satisfactory for determination of grade by the inspection method. When using the standard wool samples, the following procedures shall be followed:

(a) *Procedure for wools not in fleece form.* The fibers in the lot sample shall be compared with the fibers in the standard wool samples. The grade of the lot shall be designated as the grade corresponding to the standard wool sample which the lot sample most nearly matches in fineness.

(b) *Procedure for fleeces.* (1) For fleeces that have a major sort, the grade of the major sort shall be determined in accordance with the procedure specified in paragraph (a) of this section, and this shall be designated as the grade of the fleece.

(2) For fleeces that do not have a major sort, the grade of the entire fleece will be determined in accordance with the procedure specified in paragraph (a) of this section.

§ 31.204 Measurement method.

The determination of the grade of wool by measurement shall be by comparison of the measured average and standard deviation of fiber diameter with the specifications of the United States standards. This determination shall be made in accordance with the procedure for determining average and standard deviation of fiber diameter provided in paragraph (a) of this section and the procedure for designating grade provided in paragraph (b) of this section.

(a) *Procedure for determining average and standard deviation of fiber diameter.*—(1) *Scope.* The procedure set forth in this section shall be used in the determination of the average and standard deviation of fiber diameter of grease wool, scoured wool, pulled wool, or wool in the form of card sliver.

(2) *Principle of procedure.* The average and standard deviation of fiber diameter are determined by sectioning the fibers in a specimen to a designated short length, mounting the sections on a slide, projecting the magnified image onto a scale, and measuring the diameter of a specified minimum number of the fibers, randomly selected, as specified in this section.

(3) *Apparatus and material.* The following apparatus and material are needed and shall comply with the following provisions:

(i) *Microprojector.* The microscope shall be equipped with a fixed body tube, a focusable stage responsive to coarse and fine adjustments, and a focusable substage with condenser and iris diaphragm. It shall be vertically installed with adequate light source, eyepiece, and objective to give a precise magnification of 500X as determined by use of a stage micrometer. A magnification of 500X can be obtained when the microscope is adjusted at a proper projection distance and equipped with a searchlight microprojector bulb, a 10 to 15X eyepiece, and a 20 to 21X objective of good quality with an aperture of approximately 0.50 centimeter.

(ii) *Stage micrometer.* Calibrated glass slide used for accurate setting and control of the magnification.

(iii) *Cross sectioning device, heavy duty.* An instrument approximately 2 inches in height, consisting essentially of a metal plate with slot for holding a quantity of fibers, a key for compressing the fibers, and a tongue-propelling arrangement by which the fiber bundle may be extruded for sectioning.

(iv) *Microscope slides.* 1" x 3" (25 x 75 mm).

(v) *Cover glasses.* No. 1 thickness, ⅞" x 2" (22 x 50 mm).

(vi) *Mounting medium.* Colorless mineral oil with a refractive index between 1.53 and 1.43, and of suitable viscosity.

(vii) *Wedge scales.* Strips of heavy paper or Bristol board, imprinted with a wedge for use at a magnification of 500X.

(4) *Calibration.* The microscope shall be adjusted to give a magnification of 500X in the plane of the projected image. This may be accomplished by placing a stage micrometer on the stage of the microprojector and bringing the microscope into such adjustment that an interval of 0.20 mm on the stage micrometer will measure 100 mm when sharply focused in the center of the image plane.

(5) *Sampling.* The method of obtaining a sample representative of the fineness of a lot of grease wool, pulled wool, scoured wool, or card sliver will differ according to circumstances. Lots may be sampled either by coring or by hand. The sampling procedures, advisable are as follows:

(i) *Core sampling.* Core sampling of packaged scoured, pulled, or grease wool is advisable whenever feasible. Acceptable procedures and schedules for core sampling raw wool are described in current ASTM Standards on Textile Materials, Designation: 1060–58, "Standard Method of Core Sampling of Raw Wool Packages for Determination of Percentage of Clean Wool Fiber Present."[1] If a representative portion of the scoured wool core sample resulting from the test for clean wool fiber content is available, it may be used for average and standard deviation of fiber diameter determinations if the procedures described in ASTM Designation D584, "Standard Methods of Tests for Wool Content of Raw Wool,"[1] are followed.

(ii) *Hand sampling an individual fleece.* A sample shall consist of approximately 30 grams of wool. For fleeces having a major sort, the sample shall be drawn at random from this part of the fleece. For fleeces not having a major sort, the sample shall be drawn at random from all parts of the fleece.

(iii) *Hand sampling lots of fleece.* A sample shall consist of at least 3 pounds of wool. If the fleeces are packaged, the sample shall be drawn from at least 50 randomly selected fleeces from not less than 10 percent of randomly selected packages in the lot. If the fleeces are in piles, the sample shall be drawn from at least 50 fleeces selected from random locations throughout the pile. If there are less than 50 fleeces in the lot, all fleeces shall be sampled. Each fleece shall be sampled in accordance with the provisions in subdivision (ii) of this subparagraph.

(iv) *Hand sampling lots of scoured, pulled, and grease wool not in fleece form.* A sample shall consist of at least 3 pounds of wool. If the wool is packaged, the sample shall be drawn by taking a total of at least 50 handfuls of wool from not less than 10 percent of randomly selected packages in the lot. If the wool is in piles, the sample shall be drawn by taking from random locations throughout the pile at least 50 handfuls of wool.

(v) *Hand sampling card sliver.* Wool card sliver shall be sampled by drawing at random from the lot, preferably during the carding operation, ten 24-inch lengths of sliver.

(6) *Test specimens of grease wool, pulled wool, scoured wool, and card sliver.* The method of obtaining a test specimen representative of a sample drawn in accordance with the procedures of subparagraph (5) of this paragraph will differ according to circumstances. The methods advisable are as follows:

(i) *Obtaining test specimen from core test residue.* The test specimen shall be obtained from one or more aliquot portions of the scoured wool remaining after core testing of a lot for clean fiber content by using the following procedure: The sample shall be divided into 40 portions of approximately equal size. From each portion, a sufficient quantity of fibers shall be drawn at random to provide an aggregate test specimen of 20 grams. These fibers shall be mixed or blended to form the test specimen. For best blending results, test specimens from samples obtained by means of 1¼-inch and larger coring tubes should be machine blended. However, samples drawn with smaller tubes should not be machine blended since loss of fiber may occur. The machine blending of test specimens may be accomplished by carding the specimen 3 times, breaking the web and feeding at right angles after the first and second passes; or by gilling the specimens 15 times, breaking and combining the pieces of sliver to maintain a convenient length.

(ii) *Obtaining test specimens from other samples (except card sliver).* Test specimens may be obtained by hand sampling or core sampling as described herein:

(a) *Hand sampling.* Samples shall be divided into 40 portions of approximately equal size. From each portion, a sufficient quantity of fiber to provide a test specimen of 20 grams shall be drawn at random. Test specimens of grease wool and pulled wool shall be scoured or otherwise cleaned. Clean specimens, except those from samples of wool with fibers less than 1¼ inches in length, shall be further homogenized, preferably by machine blending, following the procedures described in subdivision (i) of this subparagraph.

(b) *Core sampling.* The sample shall be compressed in a suitable container. By means of a ⅜-inch or a ½-inch coring tube with sharp tip, a sufficient number of cores shall be extracted to provide a test specimen of 20 grams of scoured wool. Test specimens of grease wool or pulled wool shall be scoured or otherwise cleaned.

NOTE: An example of a suitable container would be a box 12 inches by 10 inches by 6 inches deep, equipped with a floating top which has 16 randomly spaced holes three-fourth inch in diameter over its area. The wool may be firmly compressed by applying pressure on the top. The top is held in place by two rods extending through holes in the side of the box and over the top. The coring tube is thrust through the holes in the top to sample the wool.

(iii) *Obtaining test specimens from card sliver samples.* Portions shall be stripped from each of the ten 24-inch pieces of sliver obtained in accordance with subparagraph (5)(v) of this paragraph. These pieces shall be combined to form a composite sliver about 2 feet in length. This will constitute the test specimen.

(7) *Test condition.* Precondition all test specimens to approximate equilibrium in an atmosphere of 5 to 25 percent relative humidity at a temperature less than 122° F. (50° C.). Then condition them for at least 4 hours in the standard atmosphere for testing, 65 percent relative humidity ±2 percent at 70° F. ±2° F. (21° ±1.1° C.) in temperature.

(8) *Preparation of slides.*—(i) *Filling cross section device.* For specimen in sliver form, the specimen shall be placed in the slot of the cross section device, far enough from either end of the sliver to assure sectioning at an undisturbed area. It shall be compacted firmly with the compression key, and the latter secured with the set screw. For specimen not in sliver form, from the bulk of the test specimen, small quantities of fibers shall be drawn at random, packing the slot to the required level. The specimen shall be compacted firmly with the compression key, and the latter secured with the set screw.

(ii) *Preliminary section.* The gripped fibers shall be cut off at the upper and lower surfaces of the plate. The fiber bundle shall be extruded to the extent of approximately 0.50 mm in order to take up slack in the fibers and the propulsion mechanism. The projecting fibers shall be moistened with a few drops of mineral oil. This projecting fiber bundle shall be cut off with a razor blade flush with the upper surface of the fiber holder plate, and the section discarded.

(iii) *Final section.* The fiber bundle shall again be extruded, approximately 0.25 mm. The fiber bundle shall be moistened with a few drops of mineral oil, blotting off the excess. The projecting fibers shall be cut off with a sharp razor blade flush with the holder plate. The fiber pieces should adhere to the razor blade.

(iv) *Mounting the fibers.* A few drops of mineral oil shall be placed on a clean glass slide. With a dissecting needle, the fiber pieces shall be scraped from the

[1] Copies of D1060–58 and D584 may be purchased from the American Society for Testing and Materials, 1916 Race Street, Philadelphia 3, Pa.

razor blade onto the slide. The fibers shall be thoroughly dispersed in the oil with the dissecting needle and the slide completed with a cover glass. Sufficient oil should be used in the preparation of the slide to insure thorough distribution of the fibers, but an excess must be avoided, as practically no oil should be permitted to flow out or be squeezed out beyond the borders of the cover glass. If the number of fibers is too great to permit proper distribution on the slide, or if an excess of oil has been used, a portion of the mixture, after thorough dispersion of the fibers, may be wiped away with a piece of tissue or cloth.

(v) *Finished slide.* The slide shall be placed on the stage of the microprojector, cover glass toward the objective. The measurement courses shall be planned across the slide so that the far, near, and intermediate areas will be reached. Slides shall be measured the day they are prepared.

(9) *Measurement of fibers.* Starting at the upper left corner on the slide, the midlength portion of the fiber to be measured shall be brought into sharp focus on the wedge scale. Fiber edges appear as fine lines without borders when they are uniformly in focus. It is unusual, however, for both edges of the fiber to be in focus at the same time. If both edges of the fiber are not uniformly in focus, adjustment shall be made so that one edge of the fiber is in focus and the other shows as a bright line. To record the measurement, it is necessary to mark the point where the wedge corresponds with the fiber image as determined by (i) the fine lines of both edges when they are uniformly in focus, or (ii) the fine line of one edge and the inner side of the bright line at the other edge when they are not uniformly in focus. The slide shall be traversed and successive fibers measured in the planned courses, measuring only those fibers whose midpoints come within the field—a circle 4 inches in diameter, centrally located in the projected area. Fibers shorter than 150 microns in length, and those having distorted images shall be excluded from measurement.

(10) *Nature of test.* A test shall comprise the measurement of the test specimen by two operators, each operator following independently the procedures of subparagraph (8) of this paragraph.

(11) *Number of fibers.* The minimum number of fibers required for each test shall be the number for the respective grade as prescribed in the procedure for designating grade (paragraph (b) of this section), each operator measuring approximately one-half the required number of fibers. The prescribed minimum number of fibers per test should result in confidence limits of the mean ranging from approximately ±0.4 to ±0.5 micron at a probability level of 95 percent, when wools of average uniformity in fiber fineness are measured.

(12) *Calculation and report.* The measurements of both operators shall be combined and the following calculations made by using the applicable formulae shown below:

(i) Total number of measurements (n)

(ii) The average diameter of fiber ($\overline{X}$); $\overline{X}=A+mE_1$

(iii) The standard deviation (σ); $\sigma=m\sqrt{E_2-E_1^2}$

(iv) The coefficient of variation (v); $v=100(\sigma)\div\overline{X}$

(v) The 95 percent confidence limits of $\overline{X}=\overline{X}\pm\frac{1.96\sigma}{\sqrt{n}}$

A figure more than two places beyond the decimal point shall be rounded off to the next higher number if it is "5" or above, or dropped if it is below "5". In the formulae stated above:

A=Cell midpoint
m=Cell unit

$E_1=\frac{\Sigma fz}{n}$

$E_2=\frac{\Sigma fz^2}{n}$

Σ=Summation
f=Observed frequency
z=Deviation in cells from A

An example of the calculations is set forth below:

EXAMPLE OF CALCULATIONS: AVERAGE FIBER DIAMETER, STANDARD DEVIATION, COEFFICIENT OF VARIATION, AND CONFIDENCE LIMITS OF MEAN

Cell No.	Cell boundary	Cell midpoint A	Deviation in cells from A, z	Observed frequency f	fz	fz^2
5	10.0–12.5	11.25	0	1	0	0
6	12.5–15.0		1	12	12	12
7	15.0–17.5		2	53	106	212
8	17.5–20.0		3	113	339	1,017
9	20.0–22.5		4	132	528	2,112
10	22.5–25.0		5	141	705	3,525
11	25.0–27.5		6	111	666	3,996
12	27.5–30.0		7	79	553	3,871
13	30.0–32.5		8	63	504	4,032
14	32.5–35.0		9	44	396	3,564
15	35.0–37.5		10	28	280	2,800
16	37.5–40.0		11	7	77	847
17	40.0–42.5		12	6	72	864
18	42.5–45.0		13	5	65	845
19	45.0–47.5		14	3	42	588
20	47.5–50.0		15	0	0	0
21	50.0–52.5		16	2	32	512
Total				800	4,377	28,797

Number of measurements (n)=800
A (midpoint of cell No. 5)=11.25 microns
m (cell unit)=2.5 microns

$E_1=\left(\frac{\Sigma fz}{n}\right)=\frac{4377}{800}=5.47$ and $E_2=\left(\frac{\Sigma fz^2}{n}\right)=\frac{28,797}{800}=36.00$

Average diameter, $\overline{X}=A+mE_1=11.25+2.5(5.47)=24.98$ microns

Standard deviation, $\sigma=m\sqrt{E_2-E_1^2}=2.5\sqrt{36.00-29.92}=2.5(2.47)=6.18$ microns

Coefficient of variation, $v=100(\sigma)\div\overline{X}=100(6.18\div24.93)=24.79$ percent

95 percent confidence limits of mean $=\overline{X}\pm\frac{1.96\sigma}{\sqrt{n}}=24.50$ to 25.36

(b) *Procedure for designating grade.* For grade determination by measurement, the minimum number of fibers to be measured per test based on the average fiber diameter limits of the various grades are set forth below.

MEASUREMENT SCHEDULE FOR DESIGNATING GRADES OF WOOL

Grade	Minimum number of fiber diameter measurements	Limits for average fiber diameter	Limit for standard deviation, maximum
		Microns	*Microns*
Finer than 80's	400	Under 17.70	3.50
80's	400	17.70–19.14	4.00
70's	400	19.15–20.59	4.50
64's	600	20.60–22.04	5.10
62's	800	22.05–23.49	5.80
60's	800	23.50–24.94	6.40
58's	1,000	24.95–26.39	7.00
56's	1,200	26.40–27.84	7.50
54's	1,400	27.85–29.29	8.10
50's	1,400	29.30–30.99	8.60
48's	1,800	31.00–32.69	9.00
46's	2,000	32.70–34.39	9.50
44's	2,200	34.40–36.19	10.00
40's	2,400	36.20–38.09	10.60
36's	2,600	38.10–40.20	11.10
Coarser than 36's	2,600	Over 40.20	

NOTE: In calculations of average fiber diameter, a figure more than two places beyond the decimal point shall be rounded off to the next higher number if it is "5" or above, or dropped if it is below "5".

(1) *Grade designation.* That grade shall be assigned to a sample of wool which corresponds, in the measurement schedule for designating grades of wool, to the measured average and standard deviation of fiber diameter, provided this is determined in accordance with the procedure set forth in paragraph (a) of this section. Example: Measured average fiber diameter equals 27.25 microns; number of fiber diameter measurements equal 1200; standard deviation equals 6.72 microns; grade designation equals 56's. If the measured standard deviation exceeds the maximum specified for the grade to which the measured average fiber diameter corresponds, assign to the wool the next coarser grade. Example: Measured average fiber diameter equals 27.25 microns; number of fiber diameter measurements equal 1200; standard deviation equals 7.80 microns; grade designation equals 54's. Example: Measured average fiber diameter equals 27.25 microns; number of fiber diameter measurements equal 1200; standard deviation equals 8.50 microns; grade designation equals 54's.

(2) *Interpretation.* Since all the wool in a lot may not be of the same grade, the grade determined by measurement represents only the average grade of the entire lot. It should not be construed to represent the grade of any component part of the lot selected on a nonrandom basis.

METHODS FOR DETERMINING GRADE OF WOOL TOP

§ 31.300 Determination of grade.

The determination of grade of wool top shall be made in accordance with methods prescribed by the Administrator of the Consumer and Marketing Service, copies of which may be obtained from the Administrator on request.

SAMPLES REPRESENTATIVE OF OFFICIAL GRADE STANDARDS OF THE UNITED STATES FOR WOOL AND WOOL TOP

§ 31.400 Standard samples for wool and wool top grades; method of obtaining.

Samples certified as representative of the official standards of the United States for grades of wool and wool top will be furnished as follows, subject to other conditions of this section, upon filing of an approved application and prepayment of costs thereof as fixed in §§ 31.401 and 31.402. The certification will be issued by the United States Department of Agriculture and will be signed by the Director of the Livestock Division or other official duly authorized by him.

(a) Samples representative of each of the standard grades of wool:

(1) Complete set: Grades 80's through 36's. Fourteen samples, each of approximately ⅛ pound grease wool, or

(2) Individual sample: Individual samples of approximately ⅛ pound of grease wool.

NOTE: A sample consists of wool randomly selected from a bulk sample. The measured average and standard deviation of fiber diameter of the bulk sample is within the limits corresponding to the grade of the standard sample as set forth in §§ 31.2 through 31.15.

(b) Samples representative of each of the standard grades of wool top:

(1) Complete set: Grades 80's through 36's. Fourteen samples, each of approximately 3 ounces wool top, or

(2) Individual sample: Individual samples of approximately 3 ounces of wool top, representing a standard grade.

(c) Each application for standard samples of wool or wool top shall be upon an application form furnished or approved by the Consumer and Marketing Service, shall be signed by the applicant, and shall be accompanied by certified check, draft, post office money order, or express money order, payable to the "Consumer and Marketing Service," in an amount to cover the cost of the samples requested, and shall incorporate the following agreement:

(1) That no samples representative of the official wool or wool top standards shall be considered or used as representing such standards after cancellation in accordance with this section.

(2) That the said standard samples shall be subject to inspection by the Secretary or by any duly authorized officer or agent of the Department of Agriculture during usual business hours of the person having custody of the samples.

(3) That the certificate covering any of the samples representative of the standards may be revoked and cancelled by the Director of the Livestock Division if it is found upon such inspection that the said samples are not representative of the official standards.

§ 31.401 Cost of standard samples for wool grades.

(a) Complete set: $22 each, delivered to any destination within the United States and $24 each, delivered to any destination outside the United States.

(b) Individual sample: $2 each, delivered to any destination within the United States and $2.50 each, delivered to any destination outside the United States.

§ 31.402 Cost of standard samples for wool top grades.

(a) Complete set: $42 each, delivered to any destination within the United States and $44 each, delivered to any destination outside the United States.

(b) Individual sample: $3 each, delivered to any destination within the United States and $3.50 each, delivered to any destination outside the United States.

Any person who desires to submit written data, views, or arguments concerning the proposals set forth above may do so by filing them with the Hearing Clerk, United States Department of Agriculture, Washington, D.C., 20250, within 30 days after the date of publication of this notice in the FEDERAL REGISTER.

All written submissions made pursuant to this notice will be made available for public inspection at such times and places and in a manner convenient to the public business (7 CFR 1.27(b)).

Done at Washington, D.C., this 3d day of May 1965.

G. R. GRANGE,
Deputy Administrator,
Marketing Services.

[F.R. Doc. 65-4786; Filed, May 5, 1965; 8:48 a.m.]

[7 CFR Ch. IX]

[Docket No. AO-351]

HANDLING OF FRESH BARTLETT PEARS GROWN IN OREGON AND WASHINGTON

Notice of Hearing With Respect to Proposed Marketing Agreement and Order

Pursuant to the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended; 7 U.S.C. 601–674), and in accordance with the applicable rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of a public hearing to be held in the Commissioner's Hearing Room 420, Yakima County Court House, Yakima, Wash., beginning at 9:30 a.m., P.d.t., May 19, 1965, with respect to a proposed marketing agreement and order regulating the handling of fresh Bartlett pears grown in the States of Oregon and Washington. The proposed marketing agreement and order have not received the approval of the Secretary of Agriculture.

The public hearing is for the purpose of receiving evidence with respect to the economic and marketing conditions which relate to the provisions of the proposed marketing agreement and order, hereinafter set forth, and to any appropriate modifications thereof.

The proposed marketing agreement and order, the provisions of which are as follows, was submitted, with a request for a public hearing thereon, by the Pacific Bartlett Pear Growers, Inc. (the sections identified with asterisks (***) apply only to the proposed marketing agreement and not to the proposed order):

DEFINITIONS

Section 1. Secretary.

"Secretary" means the Secretary of Agriculture of the United States, or any officer or employee of the Department to whom authority has heretofore been delegated, or to whom authority may hereafter be delegated, to act in his stead.

Sec. 2. Act.

"Act" means Public Act No. 10, 73d Congress (May 12, 1933) as amended, and as re-enacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674).

Sec. 3. Person.

"Person" means an individual, partnership, corporation, association, or any other business unit.

Sec. 4. Production area.

"Production area" means and includes the States of Oregon and Washington.

Sec. 5. Pears.

"Pears" means all pears grown in the production area classified botanically as belonging to the Bartlett cultivar of Pyrus Communis.

Sec. 6. Varieties.

"Varieties" means any pears which have distinctive attributes and are designated by a common name, such as Red Bartlett.

Sec. 7. Fiscal period.

"Fiscal period" means the period beginning July 1 of any year and ending June 30 of the following year or such other period as the committee, with the approval of the Secretary, may establish.

Sec. 8. Committee.

"Committee" means the Northwest Fresh Bartlett Pear Marketing Committee established pursuant to section 20.

Sec. 9. Grade.

"Grade" means any one of the officially established grades of pears as defined and set forth in:

(a) United States Standards for Pears (20 F.R. 5620, effective August 20, 1955) or amendments thereto, or modifications thereof, or variations based thereon; or

(b) Standards for Pears issued by the State of Oregon and the State of Washington or amendments thereto, or modifications thereof, or variations based thereon.

Sec. 10. Size.

"Size" means the number of pears which can be packed in a standard western pear box 18 inches long, 11½ inches wide, and 8½ inches deep (inside measurements) when packed in accordance with the packing requirements of the U.S. Standards for Pears (effective August 20, 1955), or as such standards thereafter may be modified, or "Size" means the greatest diameter measured through the center of the pear at right angles to a line running from the stem to the blossom end, or such other specifications as may be established by the committee, with the approval of the Secretary, or as "Size" may be more specifically defined in a regulation issued hereunder.

Sec. 11. Grower.

"Grower" is synonymous with producer and means any person who produces pears for market and who has a proprietary interest therein.

Sec. 12. Handler.

"Handler" is synonymous with shipper and means any person (except a common or contract carrier transporting pears owned by another person) who handles pears.

Sec. 13. Handle.

"Handle" or "ship" means to sell or transport pears within the production area or between the production districts and any point outside thereof: *Provided*, That the term "handle" shall not include the transportation within the production district from the orchard where grown to a packing facility located within such district for preparation for market.

Sec. 14. District.

"District" means the applicable one of the following described subdivisions of the production area, or such other subdivisions as may be prescribed pursuant to section 31(m):

(a) Wenatchee District shall include the Counties of King, Chelan, Douglas, Grant, Lincoln, Spokane, and all other counties north thereof.

(b) Yakima District shall include all of the State of Washington not included in the Wenatchee District or in the Hood River-White Salmon District.

(c) Mid-Columbia District or the Hood River-White Salmon District shall include those counties in the State of Oregon not included in the Medford District and the Counties of Skamania and Klickitat in the State of Washington.

(d) Medford District shall include the Counties of Jackson, Josephine, Curry, Coos, Douglas, Lane, and Klamath in the State of Oregon.

Sec. 15. Export.

"Export" means to ship pears to any destination which is not within the 48 contiguous States, or the District of Columbia of the United States.

Sec. 16. Pack.

"Pack" means the specific arrangement, size, weight, count, or grade of a quantity of pears in a particular type and size of container, or any combination thereof.

Sec. 17. Container.

"Container" means a box, bag, crate, lug, basket, carton, package, or any other type of receptacle used in the packaging or handling of pears.

ADMINISTRATIVE BODY

Sec. 20. Establishment and membership.

There is hereby established a Northwest Fresh Bartlett Pear Marketing Committee consisting of fourteen (14) members, each of whom shall have an alternate who shall have the same qualifications as the member for whom he is an alternate. Eight (8) of the members and their respective alternates shall be growers or officers or employees of growers. Six (6) of the members and their respective alternates shall be handlers or officers or employees of handlers. Each district shall be represented on the committee by two (2) grower members and their respective alternates who are producers of pears in such districts. The Yakima and Medford Districts shall be represented on the committee by two (2) handler members and the Wenatchee and Mid-Columbia Districts by one (1) handler member who are handlers of pears in such districts.

Sec. 21. Term of office.

The term of office of each member and alternate member of the committee shall be for two years beginning July 1 and ending June 30: *Provided*, That the term of office of one-half of the initial grower members and alternates and one-half of the initial handler members and alternates from the Yakima and Medford Districts and the handler member and alternate from the Wenatchee District shall end June 30, 1966. Members and alternate members shall serve in such capacities for the portion of the term of office for which they are selected and have qualified and until their respective successors are selected and have qualified.

Sec. 22. Nomination.

(a) *Initial members.* Nominations for each of the initial members of the committee, together with nominations for the initial alternate members for each position, may be submitted to the Secretary by individual growers and handlers. Such nominations may be made by means of separate group meetings of the growers and handlers concerned in each district, which shall be publicized and open to all growers and handlers. Such nominations, if made, shall be filed with the Secretary no later than the effective date of this part. In the event nominations for initial members and alternate members of the committee are not filed pursuant to, and within the time specified in this section, the Secretary may select such initial members and alternate members without regard to nominations, but selections shall be on the basis of the representation provided for in section 20.

(b) *Successor members.* (1) The committee shall hold or cause to be held, not later than June 1 of each year, separate meetings of growers and handlers in each district for the purpose of designating nominees for successor members and alternate members of the committee, which shall be publicized and open to all growers and handlers. At each such meeting, a chairman and a secretary shall be selected by the growers and handlers eligible to participate therein. The chairman shall announce at the meeting the number of votes cast for each person nominated for member or alternate member and shall submit promptly to the committee a complete report concerning such meeting. The committee shall, in turn, promptly submit a copy of each such report to the Secretary.

(2) Only growers, including duly authorized officers or employees of growers, who are present at such nomination meetings may participate in the nomination and election of nominees for grower members and their alternates. Each grower shall be entitled to cast only one vote for each nominee to be elected in the district in which he produces pears. No grower shall participate in the election of nominees in more than one district in any one fiscal year. If a person is both a grower and a handler of pears, such person may vote either as a grower or as a handler but not as both.

(3) Only handlers, including duly authorized officers or employees of handlers, who are present at such nomination meetings may participate in the nomination and election of nominees for handler members and their alternates. Each handler shall be entitled to cast only one vote for each nominee to be elected in the district in which he handles pears. No handler shall participate in the election of nominees in more than one district in any one fiscal year. If a person is both a grower and a handler of pears, such person may vote either as a grower or as a handler but not as both.

Sec. 23. Selection.

From the nominations made pursuant to section 22 or from other qualified persons, the Secretary shall select the 8 grower members of the committee, the 6 handler members of the committee, and an alternate for each such member.

Sec. 24. Failure to nominate.

If nominations are not made within the time and in the manner prescribed in section 22, the Secretary may, without regard to nominations, select the members and alternate members of the committee on the basis of the representation provided for in section 20.

Sec. 25. Acceptance.

Any person selected by the Secretary as a member or as an alternate member of the committee shall qualify by filing a written acceptance with the Secretary promptly after being notified of such selection.

Sec. 26. Vacancies.

To fill any vacancy occasioned by the failure of any person selected as a member or as an alternate member of the committee to qualify, or in the event of the death, removal, resignation, or disqualification of any member or alternate member of the committee, a successor for the unexpired term of such member or alternate member of the committee shall be nominated and selected in the manner specified in sections 22 and 23. If the names of nominees to fill any such vacancy are not made available to the Secretary within a reasonable time after such vacancy occurs the Secretary may fill such vacancy without regard to nominations, which selection shall be made on the basis of representation provided for in section 20.

Sec. 27. Alternate members.

An alternate member of the committee, during the absence or at the request of the member for whom he is an alternate, shall act in the place and stead of such member and perform such other duties as assigned. In the event of the death, removal, resignation, or disqualification of a member, his alternate shall act for him until a successor for such member is selected and has qualified. In the event both a member of the committee and his alternate are unable to attend a committee meeting, the member or the committee may designate any other alternate member from the same district and group (handler or grower) to serve in such member's place and stead.

Sec. 30. Powers.

The committee shall have the following powers:

(a) To administer the provisions of this part in accordance with its terms;

(b) To receive, investigate, and report to the Secretary complaints of violations of the provisions of this part;

(c) To make and adopt rules and regulations to effectuate the terms and provisions of this part; and

(d) To recommend to the Secretary amendments to this part.

Sec. 31. Duties.

The committee shall have, among others, the following duties:

(a) To select a chairman and such other officers as may be necessary, and to define the duties of such officers;

(b) To appoint such employees, agents, and representatives as it may deem necessary, and to determine the compensation and to define the duties of each;

(c) To submit to the Secretary as soon as practicable after the beginning of each fiscal period a budget for such fiscal period, including a report in explanation of the items appearing therein and a recommendation as to the rate of assessment for such period;

(d) To keep minutes, books, and records which will reflect all of the acts and transactions of the committee and which shall be subject to examination by the Secretary;

(e) To prepare periodic statements of the financial operations of the committee and to make copies of each such statement available to growers and handlers for examination at the office of the committee;

(f) To cause its books to be audited by a competent accountant at least once each fiscal year and at such time as the Secretary may request;

(g) To act as intermediary between the Secretary and any grower or handler;

(h) To investigate and assemble data on the growing, handling, and marketing conditions with respect to pears;

(i) To submit to the Secretary such available information as he may request;

(j) To notify producers and handlers of all meetings of the committee to consider recommendations for regulations;

(k) To give the Secretary the same notice of meetings of the committee as is given to its members;

(l) To investigate compliance with the provisions of this part; and

(m) With the approval of the Secretary to redefine the districts into which the production area is divided, and to reapportion the representation of any district on the committee: *Provided*, That any such changes shall reflect, insofar as practicable, shifts in pear production within the districts and the production area.

Sec. 32. Procedure.

(a) Twelve members of the committee, including alternates acting for members, shall constitute a quorum, and any action of the committee shall require the concurring vote of at least two less than the number of members present.

(b) The committee may provide for simultaneous meetings of groups of its members assembled at two or more designated places: *Provided*, That such meetings shall be subject to the establishment of communication between all such groups and the availability of loud speaker receivers for each group so that each member may participate in the discussions and other actions the same as if the committee were assembled in one place. Any such meeting shall be considered as an assembled meeting.

(c) The committee may vote by telegraph, telephone, or other means of communication, and any votes so cast shall be confirmed promptly in writing: *Provided*, That if an assembled meeting is held, all votes shall be cast in person.

Sec. 33. Expenses and compensation.

The members of the committee and alternates when acting as members, shall be reimbursed for expenses necessarily incurred by them in the performance of their duties under this part: *Provided*, That at its discretion the committee may request the attendance of one or more alternates at any or all meetings, notwithstanding the expected or actual presence of the respective members, and may pay expenses and compensation as aforesaid.

Sec. 34. Annual report.

The committee shall, prior to the last day of each fiscal period, prepare and mail an annual report to the Secretary and make a copy available to each handler and grower who requests a copy of the report. This annual report shall contain at least: (a) A complete review of the regulatory operations during the fiscal period; (b) an appraisal of the effect of such regulatory operations upon the pear industry; and (c) any recommendations for changes in the program.

EXPENSES AND ASSESSMENTS

Sec. 40. Expenses.

The committee is authorized to incur such expenses as the Secretary finds are reasonable and likely to be incurred by the committee for its maintenance and functioning and to enable it to exercise its powers and perform its duties in accordance with the provisions of this part during each fiscal period. The funds to cover such expenses shall be acquired by the levying of assessments as prescribed in section 41.

Sec. 41. Assessments.

(a) Each person who first handles pears shall, with respect to the pears so handled by him, pay to the committee upon demand such person's pro rata share of the expenses which the Secretary finds will be incurred by the committee during each fiscal period. Each such person's share of such expenses shall be equal to the ratio between the total quantity of pears handled by him as the first handler thereof during the applicable fiscal period and the total quantity of pears so handled by all persons during the same fiscal period. The payment of assessments for the maintenance and functioning of the committee may be required under this part throughout the period it is in effect irrespective of whether particular provisions thereof are suspended or become inoperative.

(b) The Secretary shall fix the rate of assessment to be paid by each such person. At any time during or after the fiscal period, the Secretary may increase the rate of assessment in order to secure sufficient funds to cover any later finding by the Secretary relative to the expenses which may be incurred. Such increase shall be applied to all pears handled during the applicable fiscal period. In order to provide funds for the administration of the provisions of this part during the first part of a fiscal period before sufficient operating income is available from assessments on the current year's shipments, the committee may accept the payment of assessments in advance, and may also borrow money for such purpose.

Sec. 42. Accounting.

(a) If, at the end of a fiscal period, the assessments collected are in excess of expenses incurred, such excess shall be accounted for as follows:

(1) Except as provided in subparagraphs (2) and (3) of this paragraph, each person entitled to a proportionate refund of any excess assessment shall be credited with such refund against the operation of the following fiscal period unless such person demands repayment thereof, in which event it shall be paid to him: *Provided*, That any sum paid by a person in excess of his pro rata share of the expenses during any fiscal period may be applied by the committee

Secretary;

No. 67——5

dler and grower who requests a copy of

period may be applied by the committee

at the end of such fiscal period to any outstanding obligations due the committee from such person.

(2) The committee, with the approval of the Secretary, may establish and maintain during one or more fiscal years an operating monetary reserve in an amount not to exceed approximately one fiscal years operation expenses. Upon approval by the Secretary, funds in such reserve shall be available for use by the committee for all expenses authorized pursuant to section 40.

(3) Upon termination of this part, any funds not required to defray the necessary expenses of liquidation shall be disposed of in such manner as the Secretary may determine to be appropriate: *Provided*, That to the extent practical, such funds will be returned pro rata to the persons from whom such funds were collected.

(b) All funds received by the committee pursuant to the provisions of this part shall be used solely for the purposes specified in this part and shall be accounted for in the manner provided in this part. The Secretary may at any time require the committee and its members to account for all receipts and disbursements.

(c) Upon the removal or expiration of the term of office of any member of the committee, such member shall account for all receipts and disbursements and deliver all property and funds in his possession to his successor in office and shall execute such assignments and other instruments as may be necessary or appropriate to vest in such successor full title to all of the property, funds and claims vested in such member pursuant to this part.

RESEARCH

Sec. 45. Marketing research and development.

The committee, with the approval of the Secretary, may establish or provide for the establishments of marketing research and development projects designed to assist, improve or promote the marketing, distribution, and consumption of pears. The expense of such projects shall be paid from funds collected pursuant to section 41.

REGULATIONS

Sec. 50. Marketing policy.

(a) Each season prior to making any recommendations pursuant to section 51, the committee shall submit to the Secretary a report setting forth its marketing policy for the ensuing season. Such marketing policy report shall contain information relative to:

(1) The estimated total production of pears within the production area;

(2) The expected general quality and size of pears in the production area and in other areas;

(3) The expected demand conditions for pears in different market outlets;

(4) The expected shipments of pears produced in the production area and in areas outside the production area;

(5) Supplies of competing commodities;

(6) Trend and level of consumer income;

(7) Other factors having a bearing on the marketing of pears; and

(8) The type of regulations expected to be recommended during the season.

(b) In the event it becomes advisable, because of changes in the supply and demand situation for pears, to modify substantially such marketing policy, the committee shall submit to the Secretary a revised marketing policy report setting forth the information prescribed in this section. The committee shall publicly announce the contents of each marketing policy report, including each revised marketing policy report, and copies thereof shall be maintained in the office of the committee where they shall be available for examination by growers and handlers.

Sec. 51. Recommendations for regulation.

(a) Whenever the committee deems it advisable to regulate the handling of any variety or varieties of pears in the manner provided in section 52, it shall so recommend to the Secretary.

(b) In arriving at its recommendations for regulation pursuant to paragraph (a) of this section, the committee shall give consideration to current information with respect to the factors affecting the supply and demand for pears during the period or periods when it is proposed that such regulation should be made effective. With each such recommendation for regulation, the committee shall submit to the Secretary the data and information on which such recommendation is predicated and such other available information as the Secretary may request.

Sec. 52. Issuance of regulations.

(a) The Secretary shall regulate, in the manner specified in this section, the handling of pears whenever he finds, from the recommendations and information submitted by the committee, or from other available information, that such regulations will tend to effectuate the declared policy of the act. Such regulation may:

(1) Establish standards of grade, size, or pack, or any combination thereof, for any variety or varieties of pears grown in the production areas;

(2) Establish "minimum" standards of grade and size during any period when season average prices are expected to exceed the parity level;

(3) Establish standards governing the size, capacity, weight, dimensions, or pack of the container or containers which may be used in the packaging or handling of pears: *Provided*, That no regulations shall be issued restricting the shipment of pears in containers containing 14 pounds net weight or the shipment of pears in the Western standard pear box.

(4) Establish grade, size, or pack standards as provided in this paragraph, applicable to exports of any variety of pears which are different from those applicable to the handling of the same variety to other destinations.

(b) The committee shall be informed immediately of any such regulation issued by the Secretary, and the committee shall promptly give notice thereof to growers and handlers.

Sec. 53. Modification, suspension, or termination of regulations.

(a) In the event the committee at any time finds that, by reason of changed conditions, any regulations issued pursuant to section 52 should be modified, suspended, or terminated, it shall so recommend to the Secretary.

(b) Whenever the Secretary finds, from the recommendations and information submitted by the committee or from other available information, that a regulation should be modified, suspended, or terminated with respect to any or all shipments of pears in order to effectuate the declared policy of the act, he shall modify, suspend, or terminate such regulation. On the same basis and in like manner, the Secretary may terminate any such modification or suspension. If the Secretary finds that a regulation obstructs or does not tend to effectuate the declared policy of the act, he shall suspend or terminate such regulation. On the same basis and in like manner the Secretary may terminate any such suspension.

Sec. 54. Special purpose and minimum quantity shipments.

(a) Except as otherwise provided in this section, any person may, without regard to the provisions of sections 41, 52, 53, and 55, and the regulations issued thereunder, handle pears (1) for consumption by charitable institutions; (2) for distribution by relief agencies; or (3) for commercial processing into products.

(b) Upon the basis of recommendations and information submitted by the committee, or from other available information, the Secretary may relieve from any or all requirements under or established pursuant to section 41, 52, 53, or 55, the handling of pears in such minimum quantities, in such types of shipments, or for such specified purposes (including shipments to facilitate the conduct of marketing research and development projects established pursuant to section 45) as the committee, with the approval of the Secretary, may prescribe.

(c) The committee shall, with the approval of the Secretary, prescribe such rules, regulations, and safeguards as it may deem necessary to assure compliance with this section. Such rules, regulations, and safeguards may include the requirements that handlers shall file applications and receive approval from the committee for authorization to handle pears pursuant to this section, and that such applications be accompanied by a certification by the intended purchaser or receiver that the pears will not be used for any purpose not authorized by this section.

Sec. 55. Inspection and certification.

Whenever the handling of any variety of pears is regulated pursuant to section 52 or 53, each handler who handles pears shall, prior thereto, cause such pears to be inspected by the Federal or Federal-State Inspection Service and certified by it as meeting the applicable requirements of such regulation: *Provided*, That inspection and certification shall be required for pears which previously have been so inspected and certified only if such pears have been regraded, resorted, repackaged, or in any other way further prepared for market. Promptly after inspection and certification, each such handler shall submit or cause to be submitted to the committee a copy of the certificate of inspection issued with respect to such pears. The committee may, with the approval of the Secretary, prescribe rules and regulations modifying the inspection requirements of this section as to time and place such inspection shall be performed whenever it is determined it would not be practical to perform the required inspection at a particular location: *Provided*, That all such shipments shall comply with all regulations in effect.

Sec. 56. Exemptions.

The committee shall issue certificates of exemption to any producer who applies for such exemption and furnishes adequate evidence to the committee:

(a) That by reason of a regulation he will be prevented from handling as large a proportion of his production as the average proportion of production handled by all producers in said applicant's production district; and

(b) That the grade, size, or quality of the applicant's pears have been adversely affected by acts beyond the applicant's reasonable expectation of control. Each certificate shall permit the producer to handle the amount of pears specified thereon. Such certificates shall be transferred with such pears at time of shipment. The committee shall be permitted at any time to make a thorough investigation of any producer's or handler's claim pertaining to exemptions and shall determine what conditions constitute acts beyond the grower's reasonable expectation of control.

REPORTS

Sec. 60. Reports.

(a) Upon request of the committee, made with the approval of the Secretary, each handler shall furnish to the committee, in such manner and at such time as it may prescribe, such reports and other information as may be necessary for the committee to perform its duties under this part.

(b) All such reports shall be held under appropriate protective classification and custody by the committee, or duly appointed employees thereof, so that the information contained therein which may adversely affect the competitive position of any handler in relation to other handlers will not be disclosed. Compilations of general reports from data submitted by handlers are authorized subject to the prohibition of disclosure of individual handler's identities or operations.

(c) Each handler shall maintain for at least 2 succeeding years such records of the pears received and of pears disposed of, by such handler as may be necessary to verify reports pursuant to this section.

MISCELLANEOUS PROVISIONS

Sec. 61. Compliance.

Except as provided in this part, no person shall handle pears the shipment of which has been prohibited by the Secretary in accordance with the provisions of this part; and no person shall handle pears except in conformity with the provisions and the regulations issued under this part.

Sec. 62. Right of the Secretary.

The members of the committee (including successors and alternates), and any agents, employees, or representatives thereof, shall be subject to removal or suspension by the Secretary at any time. Each and every regulation, decision, determination, or other act of the committee shall be subject to the continuing right of the Secretary to disapprove of the same at any time. Upon such disapproval, the disapproved action of the committee shall be deemed null and void, except as to acts done in reliance thereon or in accordance therewith prior to such disapproval by the Secretary.

Sec. 63. Effective time.

The provisions of this part and of any amendments thereto shall become effective at such time as the Secretary may declare above his signature, and shall continue in force until terminated in one of the ways specified in section 64.

Sec. 64. Termination.

(a) The Secretary may at any time terminate the provisions of this part by giving at least one day's notice by means of a press release or in any other manner in which he may determine.

(b) The Secretary shall terminate or suspend the operation of any and all of the provisions of this part whenever he finds that such provisions do not tend to effectuate the declared policy of the act.

(c) The Secretary shall terminate the provisions of this part at the end of any fiscal period whenever he finds by a referendum or otherwise that continuance is not favored by the majority of producers who, during a representative period determined by the Secretary, were engaged in the production area in the production of pears for market in fresh form: *Provided*, That such majority has produced for market during such period more than 50 percent of the volume of pears produced for fresh market in the production area; but such termination shall be effective only if announced on or before June 30 of the then current fiscal period: *Provided further*, That the Secretary shall conduct such a referendum not later than 5 years from the effective date of this part.

(d) The provisions of this part shall, in any event, terminate whenever the provisions of the act authorizing them cease to be in effect.

Sec. 65. Proceedings after termination.

(a) Upon the termination of the provisions of this part, the committee shall, for the purpose of liquidating the affairs of the committee, continue as trustees of all the funds and property then in its possession, or under its control, including claims for any funds unpaid or property not delivered at the time of such termination.

(b) The said trustees shall (1) continue in such capacity until discharged by the Secretary; (2) from time to time account for all receipts and disbursements and deliver all property on hand, together with all books and records of the committee and of the trustees, to such persons as the Secretary may direct; and (3) upon the request of the Secretary, execute such assignments or other instruments necessary or appropriate to vest in such person, full title and right to all of the funds, property, and claims vested in the committee or the trustees pursuant thereto.

(c) Any person to whom funds, property, or claims have been transferred or delivered, pursuant to this section, shall be subject to the same obligation imposed upon the committee and upon the trustees.

Sec. 66. Effect of termination or amendment.

Unless otherwise expressly provided by the Secretary, the termination of this part or of any regulation issued pursuant to this part, or the issuance of any amendment to either thereof, shall not (a) affect or waive any right, duty, obligation, or liability which shall have arisen or which may thereafter arise in connection with any provision of this part or any regulation issued under this part, or (b) release or extinguish any violation of this part or of any regulation issued under this part, or (c) affect or impair any rights or remedies of the Secretary or of any other person with respect to any such violation.

Sec. 67. Duration of immunities.

The benefits, privileges, and immunities conferred upon any person by virtue of this part shall cease upon the termination of this part, except with respect to acts done under and during the existence of this part.

Sec. 68. Agents.

The Secretary may, by designation in writing, name any officer or employee of the United States, or name any agency or division in the United States Department of Agriculture, to act as his agent or representative in connection with any of the provisions of this part.

Sec. 69. Derogation.

Nothing contained in the provisions of this part is, or shall be construed to be, in derogation or in modification of the rights of the Secretary or of the United States (a) to exercise any powers granted by the act or otherwise, or (b) in accordance with such powers, to act in the premises whenever such action is deemed advisable.

Sec. 70. Personal liability.

No member or alternate member of the committee and no employee or agent of the committee shall be held personally responsible, either individually or jointly

with others, in any way whatsoever, to any person for errors in judgment, mistakes, or other acts, either of commission or omission, as such member, alternate, employee, or agent, except for acts of dishonesty, willful misconduct, or gross negligence.

Sec. 71. Separability.

If any provision of this part is declared invalid or the applicability thereof to any person, circumstances, or thing is held invalid, the validity of the remainder of this part or the applicability thereof to any other person, circumstance, or thing shall not be affected thereby.

Sec. 72. Counterparts.

This agreement may be executed in multiple counterparts and when one counterpart is signed by the Secretary, all such counterparts shall constitute, when taken together, one and the same instrument as if all signatures were contained in one original. • • •

Sec. 73. Additional parties.

After the effective date hereof, any handler may become a party to this agreement if a counterpart is executed by him and delivered to the Secretary. This agreement shall take effect as to such new contracting party at the time such new counterpart is delivered to the Secretary, and the benefits, privileges, and immunities conferred by this agreement shall then be effective as to such new contracting party. • • •

Sec. 74. Order with marketing agreement.

Each signatory handler hereby requests the Secretary to issue, pursuant to the act, an order providing for regulating the handling of pears in the same manner as is provided for in this agreement. • • •

Copies of this notice of hearing may be obtained from the Director, Fruit and Vegetable Division, Consumer and Marketing Service, United States Department of Agriculture, Washington, D.C., 20250, or from Robert H. Eaton, Northwest Marketing Field Office, Fruit and Vegetable Division, 1218 Southwest Washington Street, Portland, Oregon, 97205.

Dated: April 30, 1965.

J. C. BLUM,
Acting Deputy Administrator, Regulatory Programs.

[F.R. Doc. 65-4764; Filed, May 5, 1965; 8:47 a.m.]

[9 CFR Part 201]

REGULATIONS UNDER THE PACKERS AND STOCKYARDS ACT

Market Agency and Dealer Bonds

Notice is hereby given that, pursuant to the authority contained in an act of Congress approved July 12, 1943 (7 U.S.C. 204), and in section 407(a) of the Packers and Stockyards Act (7 U.S.C. 228(a)), the Consumer and Marketing Service proposes to amend § 201.29 (9 CFR 201.29) of the regulations under the Packers and Stockyards Act, 1921, as amended (7 U.S.C. 181 et seq.), concerning market agency and dealer bonds.

Statement of considerations. A person registered as a market agency to buy and sell livestock on a commission basis is required to maintain one bond containing the requisite clauses covering his selling and buying operations. If such person is also registered as a dealer to buy livestock for his own account, he is required, under § 201.29 (9 CFR 201.29) of the regulations under the Packers and Stockyards Act, to maintain a separate bond to cover his operations as a dealer.

On December 31, 1964, a notice of proposed rule making was published in the FEDERAL REGISTER (29 F.R. 19261), concerning an amendment to § 201.31 (9 CFR 201.31) of the regulations under the Act. In such notice it was proposed that the separate bond condition clauses, covering the buying operations of market agencies and dealers, be consolidated into one clause. If such proposed amendment is adopted one bond will cover the livestock buying operations of persons registered to buy livestock as either or both a market agency or dealer.

Under the circumstances, it is proposed that the "separate bonds" requirement of § 201.29 of the regulations under the Act, which requirement has been proposed to be codified as paragraph (b) of § 201.29 (FEDERAL REGISTER of October 31, 1964, 29 F.R. 14855), be amended so as to require that any person registered, or applying for registration, as a market agency selling on a commission basis and as a market agency buying on a commission basis or as a dealer, shall file and maintain separate bonds to cover his selling and buying operations.

Any person who wishes to submit written data, views, or arguments concerning the proposed amendment may do so by filing them in duplicate with the Hearing Clerk, United States Department of Agriculture, Washington, D.C., on or before May 21, 1965.

All written submissions made pursuant to this notice will be made available for public inspection at such times and places and in a manner convenient to the public business (7 CFR 1.27(b)).

Done at Washington, D.C., this 3d day of May 1965.

CLARENCE H. GIRARD,
Deputy Administrator, Consumer and Marketing Service.

[F.R. Doc. 65-4765; Filed, May 5, 1965; 8:47 a.m.]

Notices

DEPARTMENT OF THE TREASURY

Fiscal Service

COMMISSIONER OF ACCOUNTS

Order of Succession to Office

By virtue of the authority vested in me by Treasury Department Order No. 129, Revision No. 2, dated April 22, 1955 (20 F.R. 2875), it is hereby ordered that the following officials of the Bureau of Accounts, in the order of succession enumerated herein, shall have the authority to act as Commissioner of Accounts and to perform all the functions of that office, during the absence or disability of the Commissioner of Accounts or when there is a vacancy in such office:

1. Assistant Commissioner of Accounts.
2. Chief Disbursing Officer.
3. Deputy Commissioner for Financial Management.
4. Deputy Chief Disbursing Officer.
5. Assistant Chief Disbursing Officer.
6. Deputy Commissioner for Central Accounts and Reports.
7. Deputy Commissioner for Deposits and Investments.
8. Chief Auditor.
9. Chief, Management Services Branch, Division of Disbursement.
10. Regional Disbursing Officer, Philadelphia, Pa.
11. Regional Disbursing Officer, Chicago, Ill.

This Order of Succession becomes effective May 1, 1965, and supersedes the previous order of this Bureau, dated August 24, 1964 (29 F.R. 12519).

Dated: April 26, 1965.

[SEAL] S. S. SOKOL,
Commissioner of Accounts.

[F.R. Doc. 65-4760; Filed, May 5, 1965; 8:48 a.m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

IRENE DORIS KELLER

Notice of Intention To Return Vested Property

Pursuant to section 32(f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant and Claim No., Property, and Location

Irene Doris Keller, Richard-Wagnerstr. 44, Stuttgart-O, Germany; Claim No. 42263; Vesting Order Nos. 7245 and 7706; $35,156.63 in the Treasury of the United States.

For the Attorney General.

Executed at Washington, D.C., on April 29, 1965.

[SEAL] ANTHONY L. MONDELLO,
Deputy Director, Office of Alien Property.

[F.R. Doc. 65-4766; Filed, May 5, 1965; 8:47 a.m.]

ROSEL SCHAUER ET AL.

Notice of Intention To Return Vested Property

Pursuant to section 32(f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant and Claim Nos., Property and Location

Rosel Schauer, 16 Cochrane Close, London, N.W. 8, England; $17,200.86 in the Treasury of the United States.

Charlotte Benjamin Willoughby, Wilhelmstrasse 41/II, Muenchen-Schwabing, Germany; $6,048.33 in the Treasury of the United States.

Ilse Benjamin Kahn, 73-37 Austin Street, Forest Hills 75, N.Y.; $6,048.33 in the Treasury of the United States.

Eli Kahn, 73-37 Austin Street, Forest Hills 75, N.Y., $4,838.66 in the Treasury of the United States.

Selma Cohn Gotthelf, Casilla 60, Camino al Frio, Coquimbo, Chile; $403.23 in the Treasury of the United States.

Edgar Cohn, c/o Parkvilla Kossmann, Kaiser-Wilhelm-Strasse 3, s. Zt. Baden-Baden, Germany; $403.23 in the Treasury of the United States.

James Cohn, Casilla 60, Camino al Frio, Coquimbo, Chile; $403.22 in the Treasury of the United States.

Hedda E. Cohn, Ramoth Hashavim, Israel; $403.22 in the Treasury of the United States.

Cecilie Cohn Muendheim, 77 Park Avenue, Apt. 5H, New York 16, N.Y.; $403.23 in the Treasury of the United States.

Anton J. Benjamin, Limited, 3/4, Clement's Inn, Strand, London, W.C. 2, England; $21,092.44 in the Treasury of the United States.

Claim Nos. 2121 and 38110.

Vesting Orders Nos. 1758, 2096, 3099, 18593, 500A-119 and 500A-273.

For the Attorney General.

Executed at Washington, D.C., on April 28, 1965.

[SEAL] JOHN W. DOUGLAS,
Director, Office of Alien Property.

[F.R. Doc. 65-4767; Filed, May 5, 1965; 8:47 a.m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

COLORADO

Notice of Termination of Proposed Withdrawal and Reservation of Lands; Correction

APRIL 27, 1965.

The land description appearing in Federal Register Document 65-3751 in the issue for April 10, 1965, page 4692, under Serial Number Colorado-011495, is hereby amended as follows:

"T. 6 N., R. 93 W., sec. 19, lot 6, NE¼, N½SE¼" is corrected to read "sec. 19, NE¼, N½SE¼".

"T. 6 N., R. 95 W., sec. 12, lot 5, NW¼ SW¼, S½S½, NE¼SE¼, W½SW¼" is corrected to read "sec. 12, lot 5, E½ SW¼".

J. ELLIOTT HALL,
Chief, Lands and Minerals.

[F.R. Doc. 65-4759; Filed, May 5, 1965; 8:46 a.m.]

FLORIDA

[BLM 080780; Survey Group 145]

Notice of Filing of Plat of Survey

APRIL 30, 1965.

The plat of survey of four islands in the Perdido River, described below, approved March 5, 1965, will be officially filed in this office at 10:00 a.m., on May 31, 1965.

TALLAHASSEE MERIDIAN, ESCAMBIA COUNTY, FLA.

T. 1 S., R. 32 W.,
Sec. 35, lots 5, 6, 7, 8.
Containing 19.27 acres.

The character of the islands, and their timber and undergrowth, show that the islands existed in 1845, when Florida was admitted into the Union, and at all later dates, and therefore have the status of public lands. The islands are swamp and overflowed within the meaning of the Swamp Land Acts of March 2, 1849, and September 28, 1850.

Because of the swampy character of the islands, they were granted to the State under the Swamp Land Acts and are subject only to selection/application by the State of Florida.

The land will not be open to any other kind of application under the public land laws, including the mineral leasing and mining laws.

DORIS A. KOIVULA,
Manager, Land Office.

[F.R. Doc. 65-4760; Filed, May 5, 1965; 8:46 a.m.]

NEVADA

Notice of Classification of Public Lands for Multiple Use Management

Pursuant to the Act of September 19, 1964 (78 Stat. 986; 43 U.S.C. 1411-18), and to the regulations in 43 CFR Part 2411, it is ordered as follows:

1. All public lands within the following described areas are classified for multiple use management:

MOUNT DIABLO MERIDIAN

T. 15 N., R. 19 E.,
Sec. 1, lots 1 to 4, inclusive, S½N½, S½;
Sec. 2, lots 1 to 4, inclusive, S½N½, S½;
Sec. 3, lots 1 to 4, inclusive, S½N½, S½;
Sec. 4, lots 1 to 4, inclusive, S½N½, S½;
Sec. 5, lots 1 to 4, inclusive, S½N½, S½;
Sec. 6, lots 1 to 7, inclusive, S½NE¼, SE¼NW¼, E½SW¼, SE¼;
Sec. 7, lots 1 to 4, inclusive, E½, E½W½;
Sec. 8, lots 1 to 4, inclusive, S½N½, S½;
Sec. 9, lots 1 to 4, inclusive, S½N½, S½;
Sec. 10, lots 1 to 4, inclusive, S½N½, S½;
Sec. 11, lots 1 to 4, inclusive, S½N½, S½;
Sec. 12, lots 1 to 4, inclusive, S½N½, S½;
Sec. 13, lots 1 to 4, inclusive, S½N½, S½;
Sec. 14, lots 1 to 4, inclusive, S½N½, S½;
Sec. 15, lots 1 to 4, inclusive, S½N½, S½;
Sec. 16, lots 1 to 4, inclusive, S½N½, S½;
Sec. 17, lots 1 to 4, inclusive, S½N½, S½;
Sec. 18, lots 1 to 4, inclusive, E½, E½W½;
Sec. 19, lots 1 to 4, inclusive, E½, E½W½;
Sec. 20, lots 1 to 4, inclusive, S½N½, S½;
Sec. 21, lots 1 to 4, inclusive, S½N½, S½;
Sec. 22, lots 1 to 4, inclusive, S½N½, S½;
Sec. 23, lots 1 to 4, inclusive, S½N½, S½;
Sec. 24, lots 1 to 4, inclusive, S½N½, S½;
Sec. 25, lots 1 to 4, inclusive, S½N½, S½;
Sec. 26, lots 1 to 4, inclusive, S½N½, S½;
Sec. 27, lots 1 to 4, inclusive, S½N½, S½;
Sec. 28, lots 1 to 4, inclusive, S½N½, S½;
Sec. 29, lots 1 to 4, inclusive, S½N½, S½;
Sec. 30, lots 1 to 4, inclusive, E½, E½W½;
Sec. 31, lots 1 to 4, inclusive, E½, E½W½;
Sec. 32, lots 1 to 4, inclusive, S½N½, S½;
Sec. 33, lots 1 to 4, inclusive, S½N½, S½;
Sec. 34, lots 1 to 4, inclusive, S½N½, S½;
Sec. 35, lots 1 to 4, inclusive, S½N½, S½;
Sec. 36, lots 1 to 4, inclusive, S½N½, S½.

T. 16 N., R. 19 E.,
Sec. 1, lots 1 to 4, inclusive, S½N½, S½;
Sec. 2, lots 1 to 4, inclusive, S½N½, S½;
Sec. 3, lots 1 to 4, inclusive, S½N½, S½;
Sec. 4, lots 1 to 4, inclusive, S½N½, S½;
Sec. 5, lots 1 to 4, inclusive, S½N½, S½;
Sec. 6, lots 1 to 7, inclusive, S½NE¼, SE¼NW¼, E½SW¼, SE¼;
Sec. 7, lots 1 to 4, inclusive, E½, E½W½;
Sec. 8, lots 1 to 4, inclusive, S½N½, S½;
Sec. 9, lots 1 to 4, inclusive, S½N½, S½;
Sec. 10, lots 1 to 4, inclusive, S½N½, S½;
Sec. 11, lots 1 to 4, inclusive, S½N½, S½;
Sec. 12, lots 1 to 4, inclusive, S½N½, S½;
Sec. 13, lots 1 to 4, inclusive, S½N½, S½;
Sec. 14, lots 1 to 4, inclusive, S½N½, S½;
Sec. 15, lots 1 to 4, inclusive, S½N½, S½;
Sec. 16, lots 1 to 4, inclusive, S½N½, S½;
Sec. 17, lots 1 to 4, inclusive, S½N½, S½;
Sec. 18, lots 1 to 4, inclusive, E½, E½W½;
Sec. 19, lots 1 to 4, inclusive, E½, E½W½;
Sec. 20, lots 1 to 4, inclusive, S½N½, S½;
Sec. 21, lots 1 to 4, inclusive, S½N½, S½;
Sec. 22, lots 1 to 4, inclusive, S½N½, S½;
Sec. 23, lots 1 to 4, inclusive, S½N½, S½;
Sec. 24, lots 1 to 4, inclusive, S½N½, S½;
Sec. 25, lots 1 to 4, inclusive, S½N½, S½;
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Sec. 27, lots 1 to 4, inclusive, S½N½, S½;
Sec. 28, lots 1 to 4, inclusive, S½N½, S½;
Sec. 29, lots 1 to 4, inclusive, S½N½, S½;
Sec. 30, lots 1 to 4, inclusive, E½, E½W½;
Sec. 31, lots 1 to 4, inclusive, E½, E½W½;
Sec. 32, lots 1 to 4, inclusive, S½N½, S½;
Sec. 33, lots 1 to 4, inclusive, S½N½, S½;
Sec. 34, lots 1 to 4, inclusive, S½N½, S½;
Sec. 35, lots 1 to 4, inclusive, S½N½, S½;
Sec. 36, lots 1 to 4, inclusive, S½N½, S½.

T. 17 N., R. 19 E.,
Sec. 1, lots 1 to 4, inclusive, S½N½, S½;
Sec. 2, lots 1 to 4, inclusive, S½N½, S½;
Sec. 3, lots 1 to 4, inclusive, S½N½, S½;
Sec. 4, lots 1 to 4, inclusive, S½N½, S½;
Sec. 5, lots 1 to 4, inclusive, S½N½, S½;
Sec. 6, lots 1 to 7, inclusive, S½NE¼, SE¼NW¼, E½SW¼, SE¼;
Sec. 7, lots 1 to 4, inclusive, E½, E½W½;
Sec. 8, lots 1 to 4, inclusive, S½N½, S½;
Sec. 9, lots 1 to 4, inclusive, S½N½, S½;
Sec. 10, lots 1 to 4, inclusive, S½N½, S½;
Sec. 11, lots 1 to 4, inclusive, S½N½, S½;
Sec. 12, lots 1 to 4, inclusive, S½N½, S½;
Sec. 13, lots 1 to 4, inclusive, S½N½, S½;
Sec. 14, lots 1 to 4, inclusive, S½N½, S½;
Sec. 15, lots 1 to 4, inclusive, S½N½, S½;
Sec. 16, lots 1 to 4, inclusive, S½N½, S½;
Sec. 17, lots 1 to 4, inclusive, S½N½, S½;
Sec. 18, lots 1 to 4, inclusive, E½, E½W½;
Sec. 19, lots 1 to 4, inclusive, E½, E½W½;
Sec. 20, lots 1 to 4, inclusive, S½N½, S½;
Sec. 21, lots 1 to 4, inclusive, S½N½, S½;
Sec. 22, lots 1 to 4, inclusive, S½N½, S½;
Sec. 23, lots 1 to 4, inclusive, S½N½, S½;
Sec. 24, lots 1 to 4, inclusive, S½N½, S½;
Sec. 25, lots 1 to 4, inclusive, S½N½, S½;
Sec. 26, lots 1 to 4, inclusive, S½N½, S½;
Sec. 27, lots 1 to 4, inclusive, S½N½, S½;
Sec. 28, lots 1 to 4, inclusive, S½N½, S½;
Sec. 29, lots 1 to 4, inclusive, S½N½, S½;
Sec. 30, lots 1 to 4, inclusive, E½, E½W½;
Sec. 31, lots 1 to 4, inclusive, E½, E½W½;
Sec. 32, lots 1 to 4, inclusive, S½N½, S½;
Sec. 33, lots 1 to 4, inclusive, S½N½, S½;
Sec. 34, lots 1 to 4, inclusive, S½N½, S½;
Sec. 35, lots 1 to 4, inclusive, S½N½, S½;
Sec. 36, lots 1 to 4, inclusive, S½N½, S½.

T. 18 N., R. 19 E.,
Sec. 1, lots 1 to 4, inclusive, S½N½, S½;
Sec. 2, lots 1 to 4, inclusive, S½N½, S½;
Sec. 3, lots 1 to 4, inclusive, S½N½, S½;
Sec. 4, lots 1 to 4, inclusive, S½N½, S½;
Sec. 5, lots 1 to 4, inclusive, S½N½, S½;
Sec. 6, lots 1 to 7, inclusive, S½NE¼, SE¼NW¼, E½SW¼, SE¼;
Sec. 7, lots 1 to 4, inclusive, E½, E½W½;
Sec. 8, lots 1 to 4, inclusive, S½N½, S½;
Sec. 9, lots 1 to 4, inclusive, S½N½, S½;
Sec. 10, lots 1 to 4, inclusive, S½N½, S½;
Sec. 11, lots 1 to 4, inclusive, S½N½, S½;
Sec. 12, lots 1 to 4, inclusive, S½N½, S½;
Sec. 13, lots 1 to 4, inclusive, S½N½, S½;
Sec. 14, lots 1 to 4, inclusive, S½N½, S½;
Sec. 15, lots 1 to 4, inclusive, S½N½, S½;
Sec. 16, lots 1 to 4, inclusive, S½N½, S½;
Sec. 17, lots 1 to 4, inclusive, S½N½, S½;
Sec. 18, lots 1 to 4, inclusive, E½, E½W½;
Sec. 19, lots 1 to 4, inclusive, E½, E½W½;
Sec. 20, lots 1 to 4, inclusive, S½N½, S½;
Sec. 21, lots 1 to 4, inclusive, S½N½, S½;
Sec. 22, lots 1 to 4, inclusive, S½N½, S½;
Sec. 23, lots 1 to 4, inclusive, S½N½, S½;
Sec. 24, lots 1 to 4, inclusive, S½N½, S½;
Sec. 25, lots 1 to 4, inclusive, S½N½, S½;
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Sec. 27, lots 1 to 4, inclusive, S½N½, S½;
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Sec. 29, lots 1 to 4, inclusive, S½N½, S½;
Sec. 30, lots 1 to 4, inclusive, E½, E½W½;
Sec. 31, lots 1 to 4, inclusive, E½, E½W½;
Sec. 32, lots 1 to 4, inclusive, S½N½, S½;
Sec. 33, lots 1 to 4, inclusive, S½N½, S½;
Sec. 34, lots 1 to 4, inclusive, S½N½, S½;
Sec. 35, lots 1 to 4, inclusive, S½N½, S½;
Sec. 36, lots 1 to 4, inclusive, S½N½, S½.

T. 19 N., R. 19 E.,
Sec. 1, lots 1 to 4, inclusive, S½N½, S½;
Sec. 2, lots 1 to 4, inclusive, S½N½, S½;
Sec. 3, lots 1 to 4, inclusive, S½N½, S½;
Sec. 4, lots 1 to 4, inclusive, S½N½, S½;
Sec. 5, lots 1 to 4, inclusive, S½N½, S½;
Sec. 6, lots 1 to 7, inclusive, S½NE¼, SE¼NW¼, E½SW¼, SE¼;
Sec. 7, lots 1 to 4, inclusive, E½, E½W½;
Sec. 8, lots 1 to 4, inclusive, S½N½, S½;
Sec. 9, lots 1 to 4, inclusive, S½N½, S½;
Sec. 10, lots 1 to 4, inclusive, S½N½, S½;
Sec. 11, lots 1 to 4, inclusive, S½N½, S½;
Sec. 12, lots 1 to 4, inclusive, S½N½, S½;
Sec. 13, lots 1 to 4, inclusive, S½N½, S½;
Sec. 14, lots 1 to 4, inclusive, S½N½, S½;
Sec. 15, lots 1 to 4, inclusive, S½N½, S½;
Sec. 16, lots 1 to 4, inclusive, S½N½, S½;
Sec. 17, lots 1 to 4, inclusive, S½N½, S½;
Sec. 18, lots 1 to 4, inclusive, E½, E½W½;
Sec. 19, lots 1 to 4, inclusive, E½, E½W½;
Sec. 20, lots 1 to 4, inclusive, S½N½, S½;
Sec. 21, lots 1 to 4, inclusive, S½N½, S½;
Sec. 22, lots 1 to 4, inclusive, S½N½, S½;
Sec. 23, lots 1 to 4, inclusive, S½N½, S½;
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Sec. 29, lots 1 to 4, inclusive, S½N½, S½;
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Sec. 31, lots 1 to 4, inclusive, E½, E½W½;
Sec. 32, lots 1 to 4, inclusive, S½N½, S½;
Sec. 33, lots 1 to 4, inclusive, S½N½, S½;
Sec. 34, lots 1 to 4, inclusive, S½N½, S½;
Sec. 35, lots 1 to 4, inclusive, S½N½, S½;
Sec. 36, lots 1 to 4, inclusive, S½N½, S½.

T. 20 N., R. 19 E.,
Sec. 1, lots 1 to 4, inclusive, S½N½, S½;
Sec. 2, lots 1 to 4, inclusive, S½N½, S½;
Sec. 3, lots 1 to 4, inclusive, S½N½, S½;
Sec. 4, lots 1 to 4, inclusive, S½N½, S½;
Sec. 5, lots 1 to 4, inclusive, S½N½, S½;
Sec. 6, lots 1 to 7, inclusive, S½NE¼, SE¼NW¼, E½SW¼, SE¼;
Sec. 7, lots 1 to 4, inclusive, E½, E½W½;
Sec. 8, lots 1 to 4, inclusive, S½N½, S½;
Sec. 9, lots 1 to 4, inclusive, S½N½, S½;
Sec. 10, lots 1 to 4, inclusive, S½N½, S½;
Sec. 11, lots 1 to 4, inclusive, S½N½, S½;
Sec. 12, lots 1 to 4, inclusive, S½N½, S½;
Sec. 13, lots 1 to 4, inclusive, S½N½, S½;
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Sec. 19, lots 1 to 4, inclusive, E½, E½W½;
Sec. 20, lots 1 to 4, inclusive, S½N½, S½;
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Sec. 22, lots 1 to 4, inclusive, S½N½, S½;
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Sec. 29, lots 1 to 4, inclusive, S½N½, S½;
Sec. 30, lots 1 to 4, inclusive, E½, E½W½;
Sec. 31, lots 1 to 4, inclusive, E½, E½W½;
Sec. 32, lots 1 to 4, inclusive, S½N½, S½;
Sec. 33, lots 1 to 4, inclusive, S½N½, S½;
Sec. 34, lots 1 to 4, inclusive, S½N½, S½;
Sec. 35, lots 1 to 4, inclusive, S½N½, S½;
Sec. 36, lots 1 to 4, inclusive, S½N½, S½.

T. 21 N., R. 19 E.,
Sec. 1, lots 1 to 4, inclusive, S½N½, S½;
Sec. 2, lots 1 to 4, inclusive, S½N½, S½;
Sec. 3, lots 1 to 4, inclusive, S½N½, S½;
Sec. 4, lots 1 to 4, inclusive, S½N½, S½;
Sec. 5, lots 1 to 4, inclusive, S½N½, S½;
Sec. 6, lots 1 to 7, inclusive, S½NE¼, SE¼NW¼, E½SW¼, SE¼;
Sec. 7, lots 1 to 4, inclusive, E½, E½W½;
Sec. 8, lots 1 to 4, inclusive, S½N½, S½;
Sec. 9, lots 1 to 4, inclusive, S½N½, S½;
Sec. 10, lots 1 to 4, inclusive, S½N½, S½;
Sec. 11, lots 1 to 4, inclusive, S½N½, S½;
Sec. 12, lots 1 to 4, inclusive, S½N½, S½;
Sec. 13, lots 1 to 4, inclusive, S½N½, S½;
Sec. 14, lots 1 to 4, inclusive, S½N½, S½;
Sec. 15, lots 1 to 4, inclusive, S½N½, S½;
Sec. 16, lots 1 to 4, inclusive, S½N½, S½;
Sec. 17, lots 1 to 4, inclusive, S½N½, S½;
Sec. 18, lots 1 to 4, inclusive, E½, E½W½;
Sec. 19, lots 1 to 4, inclusive, E½, E½W½;
Sec. 20, lots 1 to 4, inclusive, S½N½, S½;
Sec. 21, lots 1 to 4, inclusive, S½N½, S½;
Sec. 22, lots 1 to 4, inclusive, S½N½, S½;
Sec. 23, lots 1 to 4, inclusive, S½N½, S½;
Sec. 24, lots 1 to 4, inclusive, S½N½, S½;
Sec. 25, lots 1 to 4, inclusive, S½N½, S½;
Sec. 26, lots 1 to 4, inclusive, S½N½, S½;
Sec. 27, lots 1 to 4, inclusive, S½N½, S½;
Sec. 28, lots 1 to 4, inclusive, S½N½, S½;
Sec. 29, lots 1 to 4, inclusive, S½N½, S½;
Sec. 30, lots 1 to 4, inclusive, E½, E½W½;
Sec. 31, lots 1 to 4, inclusive, E½, E½W½;
Sec. 32, lots 1 to 4, inclusive, S½N½, S½;
Sec. 33, lots 1 to 4, inclusive, S½N½, S½;
Sec. 34, lots 1 to 4, inclusive, S½N½, S½;
Sec. 35, lots 1 to 4, inclusive, S½N½, S½;
Sec. 36, lots 1 to 4, inclusive, S½N½, S½.

T. 22 N., R. 19 E.,
Sec. 1, lots 1 to 4, inclusive, S½N½, S½;
Sec. 2, lots 1 to 4, inclusive, S½N½, S½;
Sec. 3, lots 1 to 4, inclusive, S½N½, S½;
Sec. 4, lots 1 to 4, inclusive, S½N½, S½;
Sec. 5, lots 1 to 4, inclusive, S½N½, S½;
Sec. 6, lots 1 to 7, inclusive, S½NE¼, SE¼NW¼, E½SW¼, SE¼;
Sec. 7, lots 1 to 4, inclusive, E½, E½W½;
Sec. 8, lots 1 to 4, inclusive, S½N½, S½;
Sec. 9, lots 1 to 4, inclusive, S½N½, S½;
Sec. 10, lots 1 to 4, inclusive, S½N½, S½;
Sec. 11, lots 1 to 4, inclusive, S½N½, S½;
Sec. 12, lots 1 to 4, inclusive, S½N½, S½;
Sec. 13, lots 1 to 4, inclusive, S½N½, S½;
Sec. 14, lots 1 to 4, inclusive, S½N½, S½;
Sec. 15, lots 1 to 4, inclusive, S½N½, S½;
Sec. 16, lots 1 to 4, inclusive, S½N½, S½;
Sec. 17, lots 1 to 4, inclusive, S½N½, S½;
Sec. 18, lots 1 to 4, inclusive, E½, E½W½;
Sec. 19, lots 1 to 4, inclusive, E½, E½W½;
Sec. 20, lots 1 to 4, inclusive, S½N½, S½;
Sec. 21, lots 1 to 4, inclusive, S½N½, S½;
Sec. 22, lots 1 to 4, inclusive, S½N½, S½;
Sec. 23, lots 1 to 4, inclusive, S½N½, S½;
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Sec. 27, lots 1 to 4, inclusive, S½N½, S½;
Sec. 28, lots 1 to 4, inclusive, S½N½, S½;
Sec. 29, lots 1 to 4, inclusive, S½N½, S½;
Sec. 30, lots 1 to 4, inclusive, E½, E½W½;
Sec. 31, lots 1 to 4, inclusive, E½, E½W½;
Sec. 32, lots 1 to 4, inclusive, S½N½, S½;
Sec. 33, lots 1 to 4, inclusive, S½N½, S½;
Sec. 34, lots 1 to 4, inclusive, S½N½, S½;
Sec. 35, lots 1 to 4, inclusive, S½N½, S½;
Sec. 36, lots 1 to 4, inclusive, S½N½, S½.

T. 23 N., R. 19 E.,
Sec. 1, lots 1 to 4, inclusive, S½N½, S½;
Sec. 2, lots 1 to 4, inclusive, S½N½, S½;
Sec. 3, lots 1 to 4, inclusive, S½N½, S½;
Sec. 4, lots 1 to 4, inclusive, S½N½, S½;
Sec. 5, lots 1 to 4, inclusive, S½N½, S½;
Sec. 6, lots 1 to 7, inclusive, S½NE¼, SE¼NW¼, E½SW¼, SE¼;
Sec. 7, lots 1 to 4, inclusive, E½, E½W½;
Sec. 8, lots 1 to 4, inclusive, S½N½, S½;
Sec. 9, lots 1 to 4, inclusive, S½N½, S½;
Sec. 10, lots 1 to 4, inclusive, S½N½, S½;
Sec. 11, lots 1 to 4, inclusive, S½N½, S½;
Sec. 12, lots 1 to 4, inclusive, S½N½, S½;
Sec. 13, lots 1 to 4, inclusive, S½N½, S½;
Sec. 14, lots 1 to 4, inclusive, S½N½, S½;
Sec. 15, lots 1 to 4, inclusive, S½N½, S½;
Sec. 16, lots 1 to 4, inclusive, S½N½, S½;
Sec. 17, lots 1 to 4, inclusive, S½N½, S½;
Sec. 18, lots 1 to 4, inclusive, E½, E½W½;
Sec. 19, lots 1 to 4, inclusive, E½, E½W½;
Sec. 20, lots 1 to 4, inclusive, S½N½, S½;
Sec. 21, lots 1 to 4, inclusive, S½N½, S½;
Sec. 22, lots 1 to 4, inclusive, S½N½, S½;
Sec. 23, lots 1 to 4, inclusive, S½N½, S½;
Sec. 24, lots 1 to 4, inclusive, S½N½, S½;
Sec. 25, lots 1 to 4, inclusive, S½N½, S½;
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Sec. 27, lots 1 to 4, inclusive, S½N½, S½;
Sec. 28, lots 1 to 4, inclusive, S½N½, S½;
Sec. 29, lots 1 to 4, inclusive, S½N½, S½;
Sec. 30, lots 1 to 4, inclusive, E½, E½W½;
Sec. 31, lots 1 to 4, inclusive, E½, E½W½;
Sec. 32, lots 1 to 4, inclusive, S½N½, S½;
Sec. 33, lots 1 to 4, inclusive, S½N½, S½;
Sec. 34, lots 1 to 4, inclusive, S½N½, S½;
Sec. 35, lots 1 to 4, inclusive, S½N½, S½;
Sec. 36, lots 1 to 4, inclusive, S½N½, S½.

T. 24 N., R. 19 E.,
Sec. 1, lots 1 to 4, inclusive, S½N½, S½;
Sec. 2, lots 1 to 4, inclusive, S½N½, S½;
Sec. 3, lots 1 to 4, inclusive, S½N½, S½;
Sec. 4, lots 1 to 4, inclusive, S½N½, S½;
Sec. 5, lots 1 to 4, inclusive, S½N½, S½;
Sec. 6, lots 1 to 7, inclusive, S½NE¼, SE¼NW¼, E½SW¼, SE¼;
Sec. 7, lots 1 to 4, inclusive, E½, E½W½;
Sec. 8, lots 1 to 4, inclusive, S½N½, S½;
Sec. 9, lots 1 to 4, inclusive, S½N½, S½;
Sec. 10, lots 1 to 4, inclusive, S½N½, S½;
Sec. 11, lots 1 to 4, inclusive, S½N½, S½;
Sec. 12, lots 1 to 4, inclusive, S½N½, S½;
Sec. 13, lots 1 to 4, inclusive, S½N½, S½;
Sec. 14, lots 1 to 4, inclusive, S½N½, S½;
Sec. 15, lots 1 to 4, inclusive, S½N½, S½;
Sec. 16, lots 1 to 4, inclusive, S½N½, S½;
Sec. 17, lots 1 to 4, inclusive, S½N½, S½;
Sec. 18, lots 1 to 4, inclusive, E½, E½W½;
Sec. 19, lots 1 to 4, inclusive, E½, E½W½;
Sec. 20, lots 1 to 4, inclusive, S½N½, S½;
Sec. 21, lots 1 to 4, inclusive, S½N½, S½;
Sec. 22, lots 1 to 4, inclusive, S½N½, S½;
Sec. 23, lots 1 to 4, inclusive, S½N½, S½;
Sec. 24, lots 1 to 4, inclusive, S½N½, S½;
Sec. 25, lots 1 to 4, inclusive, S½N½, S½;
Sec. 26, lots 1 to 4, inclusive, S½N½, S½;
Sec. 27, lots 1 to 4, inclusive, S½N½, S½;
Sec. 28, lots 1 to 4, inclusive, S½N½, S½;
Sec. 29, lots 1 to 4, inclusive, S½N½, S½;
Sec. 30, lots 1 to 4, inclusive, E½, E½W½;
Sec. 31, lots 1 to 4, inclusive, E½, E½W½;
Sec. 32, lots 1 to 4, inclusive, S½N½, S½;
Sec. 33, lots 1 to 4, inclusive, S½N½, S½;
Sec. 34, lots 1 to 4, inclusive, S½N½, S½;
Sec. 35, lots 1 to 4, inclusive, S½N½, S½;
Sec. 36, lots 1 to 4, inclusive, S½N½, S½.

T. 25 N., R. 19 E.,
Sec. 1, lots 1 to 4, inclusive, S½N½, S½;
Sec. 2, lots 1 to 4, inclusive, S½N½, S½;
Sec. 3, lots 1 to 4, inclusive, S½N½, S½;
Sec. 4, lots 1 to 4, inclusive, S½N½, S½;
Sec. 5, lots 1 to 4, inclusive, S½N½, S½;
Sec. 6, lots 1 to 7, inclusive, S½NE¼, SE¼NW¼, E½SW

NEVADA

Notice of Filing of Nevada Protraction Diagrams

APRIL 29, 1965.

Notice is hereby given that effective at and after 10:00 a.m. June 7, 1965, the following protraction diagrams are officially filed of record in the Nevada Land Office. In accordance with Title 43, Code of Federal Regulations, these protractions will become the basic record for describing the land for all authorized purposes. Until this date and time the diagrams have been placed in open files and are available to the public for information only.

NEVADA PROTRACTION DIAGRAMS

Nos. 168 through 171

MOUNT DIABLO MERIDIAN

No. 168

T. 24 N., R. 66 E.

No. 169

T. 16 N., R. 60 E.
T. 17 N., R. 60 E.
T. 18 N., R. 60 E.
T. 17 N., R. 61 E.

No. 170

T. 11 N., R. 58 E.
T. 12 N., R. 58 E.
T. 13 N., R. 58 E.
T. 12 N., R. 59 E.

No. 171

T. 10 N., R. 56 E.
T. 11 N., R. 56 E.
T. 11 N., R. 57 E.
T. 12 N., R. 57 E.

Copies of these diagrams are for sale at one dollar ($1.00) each by the Nevada Land Office, Bureau of Land Management, Post Office Box No. 1551, Reno, Nev.

DANIEL P. BAKER,
Land Office Manager.

[F.R. Doc. 65-4761; Filed, May 5, 1965; 8:46 a.m.]

[Oregon 015656]

OREGON

Notice of Termination of Proposed Withdrawal and Reservation of Land

APRIL 28, 1965.

Notice of an application, Serial No. Oregon 015656, for withdrawal and reservation of lands, was published as Federal Register Document No. 64-9467 on page 13080 of the issue for September 18, 1964. The applicant agency, Forest Service, United States Department of Agriculture, has canceled its application insofar as it involved the lands described below. Therefore, pursuant to the regulations contained in 43 CFR Part 2311, such lands will be relieved of the segregative effect of the withdrawal application at 10:00 a.m. on May 21, 1965.

The lands involved in this notice of termination are:

OREGON

WILLAMETTE MERIDIAN

Willamette National Forest

Blue River Reservoir Recreation Areas

Mona Creek Public Access Area

T. 15 S., R. 4 E.,
Sec. 36, E½SE¼SE¼, SE¼NE¼SE¼.
Total—30 acres.

Saddle Dam Area

T. 16 S., R. 4 E.,
Sec. 14, S½NE¼NE¼, S½N½NE¼NE¼, S½NW¼NE¼, SW¼NE¼, SE¼NW¼, S½NE¼NW¼.
Total—150 acres.

East Side Public Access Area

T. 16 S., R. 5 E., Unsurveyed,
Sec. 7, SE¼SW¼NW¼, SW¼SE¼NW¼.
Total—20 acres.

The total area aggregates 200 acres.

DOUGLAS E. HENRIQUES,
Land Office Manager.

[F.R. Doc. 65-4762; Filed, May 5, 1965; 8:46 a.m.]

COLORADO

Notice of Proposed Withdrawal and Reservation of Lands

APRIL 27, 1965.

The Bureau of Reclamation of the Department of the Interior has filed an application, Serial Number Colorado 0125239, for the withdrawal from public entry, subject to existing valid claims, as provided by section 3 of the Act of June 17, 1902 (32 Stat. 388), certain public lands in the sections and townships described below.

The applicant desires the land for reclamation purposes in connection with the Rifle Gap Dam and Reservoir, Silt Project.

For a period of thirty days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the Land Office Manager of the Bureau of Land Management, Department of the Interior, Colorado Land Office, Insurance Exchange Building, 910 15th Street, Denver, Colo., 80202.

If circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

The lands affected are:

SIXTH PRINCIPAL MERIDIAN, COLORADO

T. 5 S., R. 93 W.,
Sec. 1: S½NE¼SE¼.

Lands proposed to be withdrawn in the above designated area aggregate approximately 20 acres.

EVERETT K. WEEDIN,
Acting Land Office Manager.

[F.R. Doc. 65-4773; Filed, May 5, 1965; 8:47 a.m.]

[Serial No. Idaho 016372]

IDAHO

Notice of Proposed Withdrawal and Reservation of Lands

APRIL 30, 1965.

The Corps of Engineers has filed an application Serial Number Idaho 016372 for the withdrawal of the lands described below, from all forms of appropriation under the public land laws including the mining and mineral leasing laws.

The applicant desires the land for use of the recreational resources of the Lucky Peak Reservoir by the general public.

For a period of 30 days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the undersigned officer of the Bureau of Land Management, Department of the Interior, P.O. Box 2237, Boise, Idaho, 83701.

The authorized officer of the Bureau of Land Management will undertake such investigations as are necessary to determine the existing and potential demand for the lands and their resources. He will also undertake negotiations with the applicant agency with the view of adjusting the application to reduce the area to the minimum essential to meet the applicant's needs, to provide for the maximum concurrent utilization of the lands for purposes other than the applicant's, to eliminate lands needed for purposes more essential than the applicant's, and to reach agreement on the concurrent management of the lands and their resources.

He will also prepare a report for consideration by the Secretary of the Interior who will determine whether or not the lands will be withdrawn as requested by the Corps of Engineers.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

If circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

The lands involved in the application are:

BOISE MERIDIAN, IDAHO

T. 2 N., R. 4 E.,
Sec. 6, lot 7 and NE¼SE¼NE¼.

The area described aggregates 51.04 acres of public land in Ada County, Idaho.

ORVAL G. HADLEY,
Manager, Land Office.

[F.R. Doc. 65-4771; Filed, May 5, 1965; 8:47 a.m.]

[Montana 070104; Group 416]

MONTANA

Notice of Filing of Plat of Survey

APRIL 30, 1965.

1. Plat of survey of the lands described below will be officially filed in the Land Office, Billings, Montana, effective at 10:00 a.m., June 7, 1965.

PRINCIPAL MERIDIAN, MONTANA

T. 13 N., R. 8 E.,
Sec. 1, lots 1, 2, 3, 4, S½N½, S½;
Secs. 12 to 14, inclusive;
Sec. 19, lots 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, NE¼, E½NW¼;
Sec. 20;
Sec. 21, lots 1, 2, 3, 4, N½, SE¼;
Secs. 22 to 27, inclusive;
Sec. 28, lots 1, 2, 3, 4, 5, 6, 7, 8, 9, NW¼SW¼, S½S½;
Sec. 29, lots 1, 2, 3, 4, W½, SE¼;
Sec. 30, lots 1, 2, 3, 4, 5, 6, 7, S½NE¼, SE¼NW¼, E½SW¼, SE¼;
Sec. 31, lots 1, 2, 3, 4, E½, E½W½;
Secs. 32 to 36, inclusive.

The area described aggregates 13,606.35 acres.

2. All the above described lands are embraced in the Lewis and Clark National Forest by Executive Order No. 5834, April 8, 1932. They are also within a Determination Area under Public Law 167 (Act of Congress July 23, 1955).

3. In view of the above, the lands described will not be subject to disposition under the General Land Laws by reason of the official filing of the plat.

4. The lands have been open to applications and offers under the mineral leasing laws and to locations under the mining laws.

R. PAUL RIGTRUP,
Manager, Land Office.

[F.R. Doc. 65-4774; Filed, May 5, 1965; 8:47 a.m.]

SOUTH DAKOTA

Notice of Termination of Proposed Withdrawal and Reservation of Lands

APRIL 28, 1965.

Notice of an application, Serial No. Montana 054890(SD), for withdrawal and reservation of lands was published as Federal Register Document No. 63-233 on pages 294 and 295 of the issue for January 10, 1963. The Department of Agriculture has canceled its application which involved the lands described below. Therefore, pursuant to the regulations contained in 43 CFR Part 2311, such lands will be at 10:00 a.m., on May 13, 1965, relieved of the segregative effect of the above mentioned application.

The lands involved in this notice of termination are:

BLACK HILLS MERIDIAN, SOUTH DAKOTA

BLACK HILLS NATIONAL FOREST

Castle Creek Streamside Zone

A strip of land 330 feet each side of the centerline of Castle Creek through the following legal subdivisions:

T. 1 N., R. 4 E.,
Sec. 1, N½;
Sec. 2, NE¼;
Sec. 3, W½;
Sec. 4, E½, S½SW¼;
Sec. 9, NE¼NW¼.
T. 2 N., R. 4 E.,
Sec. 34, S½, NE¼ except M.S. 668;
Sec. 35, W½;
Sec. 36, S½S½SW¼.

Total—360 acres, more or less.

R. PAUL RIGTRUP,
Manager, Land Office.

[F.R. Doc. 65-4775; Filed, May 5, 1965; 8:47 a.m.]

Office of the Secretary

DIRECTOR, GEOLOGICAL SURVEY

Delegation of Authority

The following material is a portion of the Departmental Manual and the numbering system is that of the Manual.

PART 220—GEOLOGICAL SURVEY

CHAPTER 2—APPROVAL OF UNITIZATION, POOLING, AND DRILLING AGREEMENTS

220.2.1 *Delegation of authority.* The Director, Geological Survey, is hereby delegated the authority of the Secretary of the Interior under section 5(a)(1) of the Outer Continental Shelf Lands Act of August 7, 1953 (67 Stat. 462, 464; 43 U.S.C., sec. 1334(a)(1)) to approve, in the interest of conservation, unitization, pooling, and drilling agreements.

STEWART L. UDALL,
Secretary of the Interior.

APRIL 30, 1965.

[F.R. Doc. 65-4758; Filed, May 5, 1965; 8:45 a.m.]

CIVIL AERONAUTICS BOARD

[Docket No. 15383; Order E-22110]

INTERNATIONAL AIR TRANSPORT ASSOCIATION

Order Relating to Specific Commodity Rates

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 30th day of April 1965.

There has been filed with the Board, pursuant to section 412(a) of the Federal Aviation Act of 1958 (the Act) and Part 261 of the Board's Economic Regulations, an agreement between various air carriers, foreign air carriers, and other carriers, embodied in the resolutions of Traffic Conference 1 of the International Air Transport Association (IATA), and adopted pursuant to the provisions of Resolution 590 (Commodity Rates Board).

The agreement, adopted pursuant to unprotested notices to the carriers and promulgated in IATA memoranda as set forth in the attachment hereto[1] (1) extends for a further period of effectiveness specific commodity rates, (2) names additional specific commodity rates, (3) cancels a specific commodity rate, and (4) names rates under a new description in Traffic Conference 1.

The Board, acting pursuant to sections 102, 204(a), and 412 of the Act, does not find the subject agreement to be adverse to the public interest or in violation of the Act, provided that approval thereof is conditioned as hereinafter ordered.

Accordingly, it is ordered:

That Agreement C.A.B. 17666, R-103 through 109, be approved, provided that such approval shall not constitute approval of the specific commodity descriptions contained therein for purposes of tariff publication.

Any air carrier party to the agreement, or any interested person, may, within 15 days from the date of service of this order, submit statements in writing containing reasons deemed appropriate, together with supporting data, in support of or in opposition to the Board's action herein. An original and nineteen copies of the statements should be filed with the Board's Docket Section. The Board may, upon consideration of any such statements filed, modify or rescind its action herein by subsequent order.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON,
Secretary.

[F.R. Doc. 65-4788; Filed, May 5, 1965; 8:48 a.m.]

[Docket No. 15353; Order E-22122]

INTERNATIONAL AIR TRANSPORT ASSOCIATION

Order Relating to Specific Commodity Rates

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 3d day of May 1965.

There has been filed with the Board, pursuant to section 412(a) of the Federal Aviation Act of 1958 (the Act) and Part 261 of the Board's Economic Regulations, an agreement between various air carriers, foreign air carriers and other carriers embodied in the resolutions of Joint Conferences 1-2-3 and 3-1 of the International Air Transport Association (IATA), and adopted pursuant to the provisions of Resolution 590 dealing with specific commodity rates.

The agreement, adopted pursuant to unprotested notices to the carriers subsequent to the issuance of IATA Status Report No. 15 and filed with the Board by letter dated April 21, 1965, names additional specific commodity rates as set forth below.

Item 1100—Furs, hides, pelts, and skins; and parts thereof; n.e.s., excluding wearing apparel, 230 cents per kg., minimum weight 100 kgs; 188 cents per kg., minimum weight 250 kgs; 167 cents per kg., minimum weight 500 kgs; Karachi to New York.

Item 2195—Yarn, thread, and fibers, natural and synthetic; cloth exclusively in bales, bolts or pieces, not further processed or manufactured; clothing and footwear; textile manufactures, viz: Articles or material made principally of textiles, and parts thereof 210 cents per kg., minimum weight 100 kgs; Seoul to New York.

The Board, acting pursuant to sections 102, 204(a), and 412 of the Act, does not find the subject agreement to be adverse to the public interest or in violation of

[1] Filed as part of original document.

the Act, provided that approval thereof is conditioned as hereinafter ordered.

Accordingly, it is ordered:

That Agreement C.A.B. 18169, R–11, be approved, provided that such approval shall not constitute approval of the specific commodity descriptions contained therein for purposes of tariff publication.

Any air carrier party to the agreement, or any interested person, may, within 15 days from the date of service of this order, submit statements in writing containing reasons deemed appropriate, together with supporting data, in support of or in opposition to the Board's action herein. An original and 19 copies of the statements should be filed with the Board's Docket Section. The Board may, upon consideration of any such statements filed, modify or rescind its action herein by subsequent order.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON, *Secretary.*

[F.R. Doc. 65–4789; Filed, May 5, 1965; 8:49 a.m.]

[Docket Nos. 15923, 15942; Order E–22108]

TRANS WORLD AIRLINES, INC., ET AL.

Order on Reconsideration

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 29th day of April 1965.

Westbound specific commodity rates proposed by Trans World Airlines, Inc., United Air Lines, Inc., Docket 15923; reduced blocked-space rates on recording machines proposed by The Flying Tiger Line Inc., Docket 15942.

By Order E–21882 of March 9, 1965, Docket 15923, the Board suspended and ordered an investigation of certain westbound specific commodity rates from New York to Los Angeles and San Francisco proposed by Trans World Airlines, Inc. (TWA), and United Air Lines, Inc. (United), intended for effectiveness March 26, 1965. By Order E–21951, dated March 26, 1965, Docket 15942, the Board dismissed a complaint of TWA and permitted The Flying Tiger Line Inc. (Tiger), to reduce its specific commodity rates on recording machines in blocked-space service from Los Angeles to New York for effectiveness March 31, 1965.

On March 29, 1965, TWA filed a motion for leave to file an unauthorized document, consisting of a petition for reconsideration asking the Board to vacate the suspension of TWA's westbound rates in Docket 15923, or in the alternative, to suspend Tiger's eastbound rates considered in Docket 15942. In view of the short period available to the Board to dispose of TWA's petition before Tiger's rates would have become effective,[1] TWA also requested the Board to suspend such rates pending disposition of this matter in order to preserve the status quo.

In support of its motion asking the Board to accept a late petition for reconsideration of its suspended rates, TWA states that the basis for filing the petition for reconsideration in both cases did not exist until the issuance of the latter order on March 29, and consequently TWA could not have acted earlier (by March 19) within the time limit prescribed by the Board's rules of practice. TWA states that it is aware that certain differences exist between the two rate cases, but that such differences do not appear to be crucial to the Board's conclusions; that the Board may not have focused on apparent inconsistencies in reaching its decisions; and that it is in the best interests of all concerned to bring to the Board's attention facts which TWA believes justify and will cause the Board to reverse its prior action.

In support of its statements, TWA alleges that (1) greater percentage reductions (7 percent or over, as compared to 5.3–6.5 herein) and lesser revenue yields per ton-mile (as low as 15.8 cents per ton-mile, as compared to 16.3 herein) on comparable rates were permitted by the Board to become effective;[2] (2) complainants against TWA's rates did not present any factual data to support the allegation that TWA's proposal would result in diversion from their services, and the Board apparently did not rely on any data of this nature; (3) the Board permitted greater percentage reductions (18.6 to 28.1 percent) and lower yields (7.7 to 8.5 cents per ton-mile) to become effective when dismissing TWA's complaint against Tiger's eastbound rates and that Tiger presented no substantial data in support of its rates; (4) the arguments of TWA were rejected or given little weight; (5) similar standards should be applied to both cases and the rates should support service on the basis of fully allocated costs in each instance; and (6) that neither directionality nor the number of commodities which the respective rates apply should form the premise for suspension or nonsuspension herein in light of the particular rate levels and expected yields which are involved.

In response to TWA's motion and petitions, the Slick Corp. (Slick) and Tiger have filed (1) a similar motion for leave to file an answer to TWA's motion, and (2) an answer to TWA's petition. In summary, they state that TWA's motion was not timely filed after service of the Board's order (E–21882, March 9, 1965); that the circumstances which would have warranted TWA to file a petition for reconsideration existed prior to the Board's action on Tiger's eastbound rates; and that the motion for leave to file such a petition now should be summarily denied.

As to Board reconsideration of its action, the answers state that the Board specifically passed on the lawfulness of the proposed rates and found good reasons for their actions; that the Board found that TWA had failed to justify either the economics of its proposal or the alleged stimulation of new traffic; that, contrary to TWA's contention, the two rate cases are not similar but are substantially different because of the elements of directionality and limited vs. broad commodity application; that, unlike TWA's efforts, Tiger did make a concrete showing of present and potential air movements and over-all revenue and yield improvement; that now to suspend Tiger's filing would effectively prevent West Coast shippers of recording machines from moving the bulk of their surface shipments by air; and that TWA's petitions for reconsideration should be denied.

Upon consideration of all relevant matters, the Board has determined to accept TWA's petition for reconsideration. In this regard we do not believe that the rules of practice should here preclude us from considering a petition to vacate the suspension of a tariff, where based on allegations that relevant facts existed only subsequent to the issuance of the order, and to the time for filing a petition for reconsideration. Further, we note that the alternative request for suspension of the Tiger tariff was filed within the time prescribed by the Board's rules of practice, although not filed within time to permit orderly consideration of such petition prior to the effective date of the Tiger tariff.[3] Accordingly, the TWA motion for leave to file an unauthorized document, as well as the similar motions of Tiger and Slick, will be granted.

The Board has carefully considered TWA's petition on its merits and decided to deny reconsideration of the foregoing orders. The carrier has not advanced any new justification of its proposed reduction in westbound specific commodity rates suspended by the Board. Thus, TWA has not met the requirement indicated by the Board in the suspension order, that "Maintenance of sound economic conditions in the all-cargo industry requires that the economics of such proposals be fully justified, as by a showing of reasonably expected increased traffic and revenues or by reduced costs or both. * * * Although TWA alleges cost savings from handling larger shipments nothing definitive has been offered as to the extent of such alleged savings, nor have their allegations as to the obvious stimulation of new traffic and the prevention of diversion to other lower rated transportation services been supported with factual data. * * *"

TWA's petition for reconsideration does not contain the data that were lacking in support of its foregoing proposal. No data supporting cost savings from handling larger shipments or new traffic stimulation are furnished.

TWA's chief contention is that the Board's order of suspension was not consistent with other orders, in which greater rate reductions were permitted. Special reference is made to Order E–20571, March 12, 1964, Order E–21504, November 16, 1964, and Order E–21951, March 26, 1965.

[1] TWA's petition was received by the Board, March 29, 1965, at 4:56 p.m. and Tiger's rates were marked to become effective March 31, 1965, at 12:01 a.m.

[2] Westbound General Commodity Rates, Docket 15079, Order E–20571, dated Mar. 12, 1964, and Docket 15683, Order E–21504, dated Nov. 16, 1964.

[3] Our determination to review Order E–21882 does not constitute a finding that there is an inconsistency between such order and Order E–21951; but only a determination that as a matter of discretion we would examine such issue.

There is little merit in TWA's contention, inasmuch as the orders cited involved significantly different situations. In Order E–20571, the Board set for investigation westbound rate reductions of about 7 percent for general commodities proposed by American Airlines, Inc. and United Airlines, Inc. (United) and met by Tiger. The Board found that the rates proposed may have been unlawful and set them for investigation. It decided not to suspend them, however, only because the proposals were intended to meet primarily TWA's lower rates that were then in effect.

A similar situation distinguishes the Board's decision in Order E–21504. This order involved general commodity rate reductions westbound by United at all weight breaks. United claimed that these rate decreases were made to meet the lower rates which were in effect for the same commodities in the same service for Northwest Airlines, Inc. A complaint (by Tiger) was dismissed.

TWA also compares the Board's decision suspending its rates with that in Order E–21951, permitting Tiger to put in effect certain blocked-space rates on recording machines without investigation. However, the latter rates apply to a single commodity in an eastbound direction (from Los Angeles to New York City), traditionally considered as opposite to the predominant flow of traffic and thus typically accorded lower rates. In dismissing TWA's complaint against Tiger's proposal, the Board found that TWA had presented no factual data in support of its claims of dilution of industry revenues, while Tiger has presented concrete forecasts of traffic growth.

The Board stated that it would permit Tiger's rates to become effective, "in the absence of any showing of injury or harm to competitors * * *." The Board also noted that Tiger's proposal would result in an increase of 11.8 percent in yield per ton-mile over the yield in deferred service in which recording machines were previously handled, and that the rates proposed were equal to or even higher than many eastbound rates in standard service. Upon careful consideration, we see no valid reason for reconsidering our decision in Order E–21951.

In contrast to the foregoing, the suspended TWA filing, although it purported to apply to specific commodities, in fact covered such an extensive list of commodities that it was comparable to general commodity rates. The proposals would apply westbound (from New York to Los Angeles, Oakland and San Francisco) the direction of the predominant flow, for which higher rates are typically charged. As indicated above, TWA's support of its proposal did not include factual data normally considered as adequate justification.

We will deny TWA's petition for reconsideration of our decisions in Dockets 15923 and 15942.

Accordingly, pursuant to the Federal Aviation Act of 1958 and particularly sections 204(a) and 1002 thereof,

It is ordered that:

1. The motions of The Flying Tiger Line Inc., The Slick Corporation, and Trans World Airlines, Inc., in Docket 15923 are granted; and

2. The petition for reconsideration of Trans World Airlines, Inc. in Dockets 15923 and 15942 is denied.

3. The complaint of The Slick Corporation in Docket 15920 is dismissed as moot.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON, *Secretary.*

[F.R. Doc. 65–4790; Filed, May 5, 1965; 8:48 a.m.]

DELAWARE RIVER BASIN COMMISSION

MARSH CREEK RESERVOIR PROJECT AND WEST CHESTER WATER SUPPLY

Notice of Hearing

Notice is hereby given that the Delaware River Basin Commission will hold a public hearing on a proposal to amend its Comprehensive Plan with respect to two associated water resources projects described below:

Marsh Creek Reservoir project (Docket No. D–64–15 CP): Plans of the Department of Forests and Waters, Commonwealth of Pennsylvania, and the Soil Conservation Service, U.S. Department of Agriculture, to construct a dam and reservoir about one-half mile upstream from the confluence of Marsh Creek with East Branch of Brandywine Creek in Chester County, Pa. The project will incorporate storage space totaling 17,260 acre-feet to be used for water supply, flood control, and augmentation of low flows. Water related recreation facilities will be provided around the reservoir.

West Chester water supply (Docket No. D–64–35 CP): Plans of the Chester County Water Resources Authority and the Borough of West Chester, Pa., to utilize water supplies from the Marsh Creek project. An average of 3.3 m.g.d. would be pumped from East Branch of Brandywine Creek a few miles below the Marsh Creek dam, and conveyed to the Chester Creek watershed. About one-third of this water would return to the Brandywine Creek after secondary treatment at the Taylor Run Treatment Works. The other two-thirds will be discharged to Chester Creek after secondary treatment at Goose Creek Treatment Works.

More detailed information concerning these projects may be examined at the offices listed below:

Delaware River Basin Commission, 25 Scotch Road, Trenton, N.J.

Office of the Delaware Alternate Commissioner, General Norman M. Lack, 1132 Wilmington Trust Building, Wilmington 1, Del.

Chester County Water Resources Authority, 406 Farmers and Mechanics Building, West Chester, Pa.

The public hearing will be held on May 14 in Room 1306 of the Pennsylvania State Office Building, Broad and Spring Garden Streets in Philadelphia at 10 a.m. All persons or organizations wishing to testify are requested to register in advance with the Secretary to the Commission.

W. BRINTON WHITALL, *Secretary.*

APRIL 29, 1965.

[F.R. Doc. 65–4768; Filed, May 5, 1965; 8:47 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 15984; FCC 65–354]

KUNO RADIO, INC. (KUNO)

Order Designating Application for Hearing on Stated Issues

In re application of Kuno Radio, Inc. (KUNO), Corpus Christi, Tex., Docket No. 15984, File No. BMP–10937; has: 1400 kc, 250 w, U, Class IV, requests: 1400 kc, 250 w, 1 kw–LS, U, Class IV; for construction permit.

At a session of the Federal Communications Commission held at its offices in Washington, D.C., on the 28th day of April 1965;

The Commission having under consideration the above-captioned and described application;

It appearing, that, except as indicated by the issues specified below, the applicant is legally, technically, financially, and otherwise qualified to construct and operate as proposed; and

It further appearing, that data submitted by the applicant indicate that the proposal will cause electrical interference to Stations KULP, El Campo; KNAL, Victoria; and KVOU, Uvalde, Tex.; and

It further appearing, that in view of the foregoing, the Commission is unable to make the statutory finding that a grant of the subject application would serve the public interest, convenience and necessity, and is of the opinion that the application must be designated for hearing on the issues set forth below; and

It further appearing, that there would be mutual co-channel interference between the proposal and Class IV Station XEZD, Ciudad Tamaulipas, Mexico; that the present operation of Station KUNO was authorized in 1951; that the Commission was notified in February 1960 by the Mexican Government of the latter's authorization of Class IV operation by XEZD; that in April 1960, the Commission filed an objection to the notification regarding XEZD on the ground that its operation pursuant to the notified specifications would cause interference to KUNO and thus be violative of the

U.S./Mexican Agreement; and that that problem has not yet been resolved; and

[Docket No. 1208]

31, 1965, at 12:01 a.m.

1964, and Docket 15663, Order E-21504, dated Nov. 16, 1964.

as a matter of discretion we would examine such issue.

U.S./Mexican Agreement; and that that problem has not yet been resolved; and

It further appearing, that the applicant has requested that all necessary Commission steps be taken, including a hearing, if necessary, pending resolution, with the Mexican Government, of the XEZD problem:

It is ordered, That, pursuant to section 309(e) of the Communications Act of 1934, as amended, the application is designated for hearing, at a time and place to be specified in a subsequent Order, upon the following issues:

1. To determine the areas and populations which may be expected to gain or lose primary service from the proposed operation of Station KUNO and the availability of other primary service to such areas and populations.

2. To determine whether the proposal of Station KUNO, Corpus Christi, Tex., would cause objectionable interference to Stations KULP, El Campo, Tex.; KNAL, Victoria, Tex.; KVOU, Uvalde, Tex.; or any other existing standard broadcast stations, and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other primary service to such areas and populations.

3. To determine, in the light of the evidence adduced pursuant to the foregoing issues, whether a grant of the application would serve the public interest, convenience and necessity.

It is further ordered, That Wharton County Broadcasting Co., Inc., Victoria Broadcasters, Inc., and Uvalde Broadcasters, Inc., licensees of Stations KULP, El Campo, Tex., and KNAL, Victoria, Tex., and KVOU, Uvalde, Tex., respectively, are made parties to the proceeding.

It is further ordered, That, in the event of a grant of the application, the construction permit shall contain the following conditions:

Permittee shall accept such interference as may be imposed by other existing 250 watt Class IV stations in the event that they are subsequently authorized to increase power to 1,000 watts.

Permittee shall submit with the application for license antenna resistance measurements made in accordance with § 73.54 of the Commission's rules.

The transmitter may be operated by remote control from the main studio location.

It is further ordered, That a final decision in favor of the applicant shall not be made prior to a determination by the Commission that the problem of interference between the proposal and Station XEZD has been resolved.

It is further ordered, That, to avail itself of the opportunity to be heard, the applicant and parties respondent herein, pursuant to § 1.221(c) of the Commission's rules, in person or by attorney, shall, within 20 days of the mailing of this Order, file with the Commission in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this Order.

It is further ordered, That the applicant herein shall, pursuant to section 311(a)(2) of the Communications Act of 1934, as amended, and § 1.594 of the Commission's rules, give notice of the hearing, within the time and in the manner prescribed in such rule, and shall advise the Commission of the publication of such notice as required by § 1.594(g) of the rules.

Released: May 3, 1965.

FEDERAL COMMUNICATIONS COMMISSION,[1]

[SEAL] BEN F. WAPLE, *Secretary.*

[F.R. Doc. 65-4781; Filed, May 5, 1965; 8:48 a.m.]

FEDERAL MARITIME COMMISSION

AUSTRALIA, NEW ZEALAND AND SOUTH SEA ISLANDS PACIFIC COAST CONFERENCE

Notice of Agreement Filed for Approval

Notice is hereby given that the following Agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement(s) at the Washington office of the Federal Maritime Commission, 1321 H Street NW., Room 301; or may inspect agreements at the offices of the District Managers, New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments with reference to an agreement including a request for hearing, if desired, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C., 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the comments should indicate that this has been done.

Notice of agreement filed for approval by:

Mr. W. C. Galloway, Chairman, Australia, New Zealand and South Sea Islands, Pacific Coast Conference, 635 Sacramento Street, San Francisco, Calif., 94111.

Agreement 7580-4 between the member lines of the Australia, New Zealand and South Sea Islands Pacific Coast Conference has been filed with the Commission for approval to modify the admission, withdrawal, and expulsion provisions of the basic agreement, pursuant to General Order 9 (46 CFR Part 523).

Dated: May 3, 1965.

By order of the Federal Maritime Commission.

THOMAS LISI, *Secretary.*

[F.R. Doc. 65-4776; Filed, May 5, 1965; 8:47 a.m.]

[1] Commissioners Lee and Loevinger absent.

[Docket No. 1208]

ITALY, FRANCE, SPAIN AND PORTUGAL/NORTH PACIFIC FREIGHT POOL AND MEDITERRANEAN/NORTH PACIFIC COAST FREIGHT CONFERENCE

Supplemental Order of Investigation

The Commission instituted this proceeding to determine whether Agreement 9239 and Agreement 8090, as amended, should be approved, disapproved, or modified pursuant to section 15 of the Shipping Act, 1916. On December 21, 1964, the Secretary of the Mediterranean/North Pacific Coast Freight Conference filed Agreement 8090-3 which proposes to modify the basic agreement.

Article 4 of Agreement 8090-3 provides, in part, that no member shall act in the trade as an agent in the solicitation, booking, receipt, or documentation of cargoes for any carrier, other than another member, except where no other agents are available.

Articles 12 and 13 of Agreement 8090-3 provide for establishment of a self-policing body and the substitution of new self-policing procedure in lieu of the neutral body provisions of Article 9 of the present agreement.

The Commission is concerned with the restrictions of the activities of agents through section 15 agreements. We, therefore, expand this investigation to determine whether the provisions of Article 4 of Agreement 8090-3 would be unjustly discriminatory or unfair as between carriers, shippers, exporters, importers, or ports, or between exporters from the United States and their foreign competitors; detrimental to the commerce of the United States; or contrary to the public interest and whether Article 4 of Agreement 8090-3 should be approved, disapproved, or modified.

Our previous order of investigation included whether there has been adequate policing of the obligations of the parties to Agreement 8090, as amended. Since Articles 12 and 13 provide a new self-policing body and new self-policing procedures, this proceeding is, therefore, expanded to determine, in addition to the determination of whether there was adequate policing of the obligations of the parties to Agreement 8090 as required by our earlier order, whether Articles 12 and 13 of Agreement 8090-3 will provide for adequate policing of the obligations of the parties to Agreement 8090, as amended, and whether Articles 12 and 13 of Agreement 8090-3 should be approved, disapproved, or modified.

A copy of this supplemental order of investigation shall be published in the FEDERAL REGISTER and served upon the parties to this proceeding.

By the Commission.

[SEAL] THOMAS LISI, *Secretary.*

[F.R. Doc. 65-4777; Filed, May 5, 1965; 8:47 a.m.]

FEDERAL POWER COMMISSION

[Docket No. CP65-341]

COLORADO INTERSTATE GAS CO.

Notice of Application

APRIL 29, 1965.

Take notice that on April 26, 1965, Colorado Interstate Gas Co. (Applicant), Post Office Box 1087, Colorado Springs, Colo., 80901, filed in Docket No. CP65-341 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of gas sales measurement facilities to sell and deliver gas to Western Gas Service Co. (Western) from Applicant's main transmission line, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Specifically, Applicant requests authority to deliver, over a two-year period, up to a maximum of 10,000 Mcf of natural gas per day to Western, of which volume 1,150 Mcf per day is to be firm and the balance interruptible. Western estimates that it will require 576,840 Mcf during the first year and has agreed to take or pay for a minimum volume of 34,500 Mcf each month. Western requested service from Applicant to supplement its present supply and to provide service to irrigation fuel customers.

The cost of construction of the proposed meter stations is estimated to be $20,295, which will be financed from current working funds on hand.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C., 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (157.10) on or before May 27, 1965.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no protest or petition to intervene is filed within the time required herein, and the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a protest or petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

JOSEPH H. GUTRIDE, *Secretary.*

[F.R. Doc. 65-4753; Filed, May 5, 1965; 8:45 a.m.]

[Docket No. RI65-601]

FOREST OIL CORP.

Order Providing for Hearing on and Suspension of Proposed Change in Rate

APRIL 29, 1965.

On April 1, 1965, Forest Oil Corp. (Forest)[1] tendered for filing a proposed change in its presently effective rate schedule for sales of natural gas subject to the jurisdiction of the Commission. The proposed change, which constitutes an increased rate and charge, is contained in the following designated filing:

Description: Notice of change, dated March 29, 1965.
Purchaser and producing area: El Paso Natural Gas Co. (Clear Lake Field, Beaver County, Okla.) (Panhandle Area).
Rate schedule designation: Supplement No. 5 to Forest's FPC Gas Rate Schedule No. 25.[2]
Effective date: May 2, 1965.[3]
Amount of annual increase: $954.
Effective rate: 17.0 cents per Mcf.[4,6]
Proposed rate: 21.0 cents per Mcf.[4,5]
Pressure base: 14.65 p.s.i.a.

The proposed changed rate and charge may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.[6]

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the proposed change, and that Supplement No. 5 to Forest's FPC Gas Rate Schedule No. 25 be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), a public hearing shall be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed increased rate and charge contained in Supplement No. 5 to Forest's FPC Gas Rate Schedule No. 25.

(B) Pending such hearing and decision thereon, Supplement No. 5 to Forest's FPC Gas Rate Schedule No. 25 is hereby suspended and the use thereof deferred until October 2, 1965, and thereafter until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

(C) Neither the supplement hereby suspended, nor the rate schedule sought to be altered thereby, shall be changed until this proceeding has been disposed of or until the period of suspension has expired, unless otherwise ordered by the Commission.

(D) Notices of intervention or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C., 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 and 1.37(f) on or before June 16, 1965.

By the Commission.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F.R. Doc. 65-4753; Filed, May 5, 1965; 8:45 a.m.]

[1] Address is: 1300 National Bank of Commerce Building, San Antonio, Tex., 78206.
[2] The stated effective date is the effective date requested by Respondent.
[3] Initial certificated rate in Docket No. CI61-893. Certificate issued March 23, 1965, under the same terms and conditions contained in Opinion Nos. 390 and 390-A.
[4] Does not include any payment for liquid hydrocarbons to which seller may be entitled.
[5] Increase is from initial certificated rate to initial contract rate.
[6] Forest's proposed increased rate exceeds the applicable area price level for increased rates in the Panhandle Area as set forth in the Commission's Statement of General Policy No. 61-1, as amended.

[Docket No. CP65-342]

TENNESSEE GAS TRANSMISSION CO.

Notice of Application

APRIL 29, 1965.

Take notice that on April 26, 1965, Tennessee Gas Transmission Co. (Applicant), Post Office Box 2511, Houston, Tex., 77001, filed in Docket No. CP65-342 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of a meter station and the sale and delivery of natural gas to Central Gas Co. (Central), a new general service customer, all as more fully set forth in the application on file with the Commission and open to public inspection.

Central's estimated third year annual and peak day natural gas requirements are 187,740 Mcf and 2,023 Mcf, respectively. Applicant seeks authority to sell and deliver the natural gas requirements of Central commencing no later than November 1, 1965, by utilizing a portion of its unallocated pipeline capacity and to construct and operate a meter station to be constructed near Applicant's Main Line Valve No. 554 in Lauderdale County, Ala.

The proposed meter station is estimated to cost $18,700, which is to be financed from general funds or from revolving credit.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C., 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (157.10) on or before May 28, 1965.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission

on this application if no protest or peti-

et No. RI65-551, to the extent herein-

WACHOVIA BANK AND TRUST

on this application if no protest or petition to intervene is filed within the time required herein, and the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a protest or petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 65-4754; Filed, May 5, 1965; 8:45 a.m.]

[Docket No. RI65-551]

J. C. TRAHAN, DRILLING CONTRACTOR, INC., ET AL.

Order Amending Order Providing for Hearings on and Suspension of Proposed Changes in Rates

APRIL 29, 1965.

On February 23, 1965, J. C. Trahan, Drilling Contractor, Inc., et al. (Trahan), filed with the Commission a proposed change in rate, from 13.25 cents to 14.25 cents per Mcf, designated as Supplement No. 4 to Trahan's FPC Gas Rate Schedule No. 26, which pertains to its jurisdictional sales of natural gas from the Cage Ranch Field, Brooks County, Tex. (Texas Railroad District No. 4) to Trunkline Gas Co. The Commission by order issued March 18, 1965, suspended Trahan's proposed rate increase and deferred the use thereof for five months until August 26, 1965, and thereafter until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

On March 31, 1965, Trahan tendered an amended rate increase filing, designated as Supplement No. 1 to Supplement No. 4 to Trahan's FPC Gas Rate Schedule No. 26, to correct the tax reimbursement portion of the previous increased rate which was suspended by the Commission's order issued March 18, 1965, in Docket No. RI65-551. After revision to reflect the contractually provided for tax reimbursement, the proposed rate is 14.3844 cents per Mcf, with an increase in annual amount of $205.00 over the previously reported amount of $1,523, and exceeds the area ceiling for increased rates in Texas Railroad District No. 4, as did the previously suspended rate in said docket. Since Trahan's corrective rate filing includes tax reimbursement, we believe that it would be in the public interest to accept the corrected rate filing and to amend our order issued March 18, 1965, to make such rate filing subject to the suspension proceeding in Docket No. RI65-551, with the suspension period of such corrective rate filing to terminate concurrently with the suspension period (August 26, 1965) ordered in said docket.

The Commission finds: Good cause exists for amending the Commission's order issued herein on March 18, 1965, in Docket No. RI65-551, to the extent hereinafter provided.

The Commission orders:

(A) Trahan's increased rate filing, designated as Supplement No. 1 to Supplement No. 4 to Trahan's FPC Gas Rate Schedule No. 26, is hereby accepted for filing subject to the suspension proceeding in Docket No. RI65-551. The suspension period for such rate filing shall terminate concurrently with the suspension period (August 26, 1965) presently in effect in said docket.

(B) In all other respects, the order issued by the Commission on March 18, 1965, shall remain unchanged and in full force and effect.

By the Commission.

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 65-4755; Filed, May 5, 1965; 8:45 a.m.]

FEDERAL RESERVE SYSTEM

BANCOHIO CORP.

Acquisition of Bank Shares; Application for Approval

Notice is hereby given that application has been made to the Board of Governors of the Federal Reserve System pursuant to section 3(a)(2) of the Bank Holding Company Act of 1956 (12 U.S.C. 1842(a)(2)), by BancOhio Corporation, a registered bank holding company located in Columbus, Ohio, for the Board's prior approval of the acquisition by the Applicant of up to 100 percent of the voting shares of the First National Bank of Jackson, Jackson, Ohio.

In determining whether to approve an application submitted pursuant to section 3(a)(2) of the Bank Holding Company Act, the Board is required by that Act to take into consideration the following factors: (1) The financial history and condition of the company and the bank concerned; (2) their prospects; (3) the character of their management; (4) the convenience, needs, and welfare of the communities and the area concerned; and (5) whether or not the effect of such acquisition would be to expand the size or extent of the bank holding company system involved beyond limits consistent with adequate and sound banking, the public interest, and the preservation of competition in the field of banking.

Not later than thirty (30) days after the publication of this notice in the FEDERAL REGISTER, comments and views regarding the proposed acquisition may be filed with the Board. Communications should be addressed to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C., 20551.

Dated at Washington, D.C., this 28th day of April 1965.

By order of the Board of Governors.

[SEAL] MERRITT SHERMAN,
Secretary.

[F.R. Doc. 65-4747; Filed, May 5, 1965; 8:45 a.m.]

WACHOVIA BANK AND TRUST CO.

Order Approving Merger of Banks

In the matter of the application of Wachovia Bank and Trust Co. for approval of merger with The Bank of Kernersville.

There has come before the Board of Governors, pursuant to the Bank Merger Act of 1960 (12 U.S.C. 1828(c)), an application by Wachovia Bank and Trust Co., Winston-Salem, N.C., a State member bank of the Federal Reserve System, for the Board's prior approval of the merger of that bank and The Bank of Kernersville, Kernersville, N.C., under the charter and title of Wachovia Bank and Trust Co. As an incident to the merger, the sole office of The Bank of Kernersville would become a branch of the resulting bank. Notice of the proposed merger, in form approved by the Board, has been published pursuant to said Act.

Upon consideration of all relevant material in the light of the factors set forth in said Act, including reports furnished by the Comptroller of the Currency, the Federal Deposit Insurance Corporation, and the Department of Justice on the competitive factors involved in the proposed merger,

It is hereby ordered, For the reasons set forth in the Board's statement[1] of this date, that said application be and hereby is approved, provided that said merger shall not be consummated (a) within seven calendar days after the date of this order or (b) later than three months after said date.

Dated at Washington, D.C., this 29th day of April 1965.

By order of the Board of Governors.[2]

[SEAL] MERRITT SHERMAN,
Secretary.

[F.R. Doc. 65-4748; Filed, May 5, 1965; 8:45 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[811-666]

DOW THEORY INVESTMENT FUND, INC.

Notice of Application for Order Declaring That Company Has Ceased To Be an Investment Company

APRIL 30, 1965.

Notice is hereby given that an application has been filed pursuant to section 8(f) of the Investment Company Act of 1940 ("Act") for an order of the Commission declaring that Dow Theory Investment Fund, Inc. ("applicant"), 35 Congress Street, Boston, Mass., a Delaware corporation and a management open-end diversified investment company registered under the Act, has ceased to be an investment company. All interested persons are referred to the application on file with the Commission for a full statement of the representations which are summarized below.

Applicant states that on December 1, 1964, pursuant to authorization by its Board of Directors and stockholders, and pursuant to the laws of the States of Delaware and Massachusetts, it was merged into Dow Theory Investment Fund, Inc. ("New Dow Theory") a Massachusetts corporation. New Dow Theory is registered under the Act as a management open-end diversified investment company.

Applicant states that pursuant to the Agreement of Merger: (a) Each outstanding share of its common stock (except treasury shares) was converted into a share of the common stock of New Dow Theory; (b) each share of its common stock held in its treasury was canceled and extinguished; (c) all stockholders became stockholders of New Dow Theory; (d) all assets and liabilities became vested in New Dow Theory; and (e) the separate existence of applicant ceased, except to the extent it was continued by law or to carry out the purposes of the Agreement of Merger.

Section 8(f) of the Act provides, in pertinent part, that whenever the Commission upon application finds that a registered investment company has ceased to be an investment company, it shall so declare by order and upon the taking effect of such order the registration of such company shall cease to be in effect.

Notice is further given that any interested person may, not later than May 17, 1965, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C., 20549. A copy of such request shall be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon applicant at the address stated above. Proof of such service (by affidavit or in case of an attorney-at-law by certificate) shall be filed contemporaneously with the request. At any time after such date, as provided by Rule 0-5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the information stated in said application unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion.

[1] Filed as part of the original document. Copies available upon request to the Board of Governors of the Federal Reserve System, Washington, D.C., 20551, or to the Federal Reserve Bank of Atlanta. Dissenting Statement of Governor Robertson also filed as part of the original document and available upon request.

[2] Voting for this action: Chairman Martin, and Governors Balderston, Shepardson, and Daane. Voting against this action: Governor Robertson. Absent and not voting: Governor Mitchell.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 65-4760; Filed, May 5, 1965; 8:45 a.m.]

[File No. 70-4274]

GENERAL PUBLIC UTILITIES CORP.

Notice of Proposed Capital Contributions to Subsidiary Company

APRIL 30, 1965.

Notice is hereby given that General Public Utilities Corp. ("GPU"), 80 Pine Street, New York, N.Y., 10005, a registered holding company, has filed a declaration with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating section 12(b) of the Act and Rule 45 promulgated thereunder as applicable to the proposed transaction. All interested persons are referred to the declaration, on file at the office of the Commission, for a statement of the transaction therein proposed which is summarized below.

GPU proposes, from time to time during 1965, to make cash capital contributions in an aggregate amount not to exceed $4,000,000 to Jersey Central Power & Light Co. ("Jersey Central"), an electric utility subsidiary company of GPU, all of whose presently outstanding common stock, par value $10 per share, is owned by GPU. Each such cash capital contribution is to be credited by Jersey Central to its capital surplus account. The proposed capital contributions will be utilized to reimburse Jersey Central's treasury, in part, for the cost of construction (including interest during construction) prior to January 1, 1965. The funds made available by the proposed capital contributions will be applied toward Jersey Central's 1965 construction program, estimated at approximately $56,000,000.

The declaration states that no State or Federal commission, other than this Commission, has jurisdiction over the proposed capital contributions. GPU estimates that its expenses in connection with the proposed transaction will be approximately $1,500.

Notice is further given that any interested person may, not later than May 24, 1965, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said declaration which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C., 20549. A copy of such request should be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon the declarant the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed contemporaneously with the request. At any time after said date, the declaration, as filed or as amended, may be permitted to become effective as provided in Rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 65-4750; Filed, May 5, 1965; 8:45 a.m.]

[File No. 24B-1378]

MASER-OPTICS, INC.

Order Canceling Hearing and Making Suspension Permanent

APRIL 30, 1965.

The Commission issued an order on February 4, 1965, temporarily suspending the exemption under section 3(b) of the Securities Act of 1933, as amended, and Regulation A promulgated thereunder, for a proposed offering by Maser-Optics, Inc., 89 Brighton Avenue, Boston, Mass., of 50,000 shares of its common stock at $6 per share for an aggregate offering of $300,000. Written requests for a hearing having been received by the Commission, a hearing was ordered to be held on April 20, 1965, at 11 a.m., e.s.t., at the Boston Regional Office, Room 2004 Federal Building, Post Office Square, Boston, Mass. The hearing was adjourned to May 3, 1965, at the same time and place.

The requests for a hearing have been withdrawn by the issuer and by the underwriter, Packer, Wilbur & Co., Inc. Therefore,

It is ordered, That the hearing in this matter, scheduled for May 3, 1965, at 11 a.m., e.d.s.t., at the Boston Regional Office, Room 2004, Federal Building, Post Office Square, Boston, Mass., be, and it hereby is, canceled.

It is further ordered, That the temporary order of suspension, heretofore entered in these proceedings, be and it hereby is made permanent.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 65-4751; Filed, May 5, 1965; 8:45 a.m.]

INTERSTATE COMMERCE COMMISSION

[Notice 350]

MOTOR CARRIER ALTERNATE ROUTE DEVIATION NOTICES

APRIL 30, 1965.

The following letter-notices of proposals to operate over deviation routes for operating convenience only have been filed with the Interstate Commerce Commission, under the Commission's

deviation rules revised, 1957 (49 CFR, the service in

deviation rules revised, 1957 (49 CFR 211.1(c)(8)) and notice thereof to all interested persons is hereby given as provided in such rules (49 CFR 211.1 (d)(4)).

Protests against the use of any proposed deviation route herein described may be filed with the Interstate Commerce Commission in the manner and form provided in such rules (49 CFR 211.1(e)) at any time, but will not operate to stay commencement of the proposed operations unless filed within 30 days from the date of publication.

Successively filed letter-notices of the same carrier under the Commission's deviation rules revised, 1957, will be numbered consecutively for convenience in identification and protests if any should refer to such letter-notices by number.

MOTOR CARRIERS OF PROPERTY

No. MC 1124 (Deviation No. 21), HERRIN TRANSPORTATION CO., 2301 McKinney Avenue, Houston, Tex., 77003, filed April 19, 1965. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities* with certain exceptions over a deviation route as follows: From El Dorado, Ark., over Arkansas Highway 7 to the Arkansas-Louisiana State line, thence over Louisiana Highway 558 to junction Louisiana Highway 15, thence over Louisiana Highway 15 to Farmerville, La., thence over Louisiana Highway 2 to junction U.S. Highway 165, and thence over U.S. Highway 165 to Monroe, La., and return over the same route for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: From El Dorado, Ark. over U.S. Highway 167 to Ruston, La., thence over U.S. Highway 80 to Monroe, La., and return over the same route.

No. MC 2401 (Deviation No. 4), MOTOR FREIGHT CORPORATION, 2345 South 13th Street, Terre Haute, Ind., 47802, filed April 19, 1965. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions over a deviation route as follows: Between junction U.S. Highway 421 and Interstate Highway 74 (approximately 1 mile north of Shelbyville, Ind.), and junction Interstate Highway 74 and U.S. Highway 52 (near Cincinnati, Ohio), over Interstate Highway 74, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: between Cincinnati, Ohio and Indianapolis, Ind., over U.S. Highway 52 through Brookville and Rushville, Ind.

No. MC 2780 (Deviation No. 1), HORN'S MOTOR EXPRESS, INC., 540 East Washington Street, Chambersburg, Pa., 17201, filed April 23, 1965. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities* with certain exceptions over a deviation route as follows: Between Baltimore, Md., and Harrisburg, Pa., over Interstate Highway 83, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: From Harrisburg over U.S. Highway 11 to Chambersburg, Pa., thence over U.S. Highway 30 to Gettysburg, Pa., and thence over U.S. Highway 140 to Baltimore, Md., and return over the same route.

No. 2962 (Deviation No. 4), A & H TRUCK LINE, INC., 1277 Maxwell Avenue, Evansville, Ind., 47727, filed April 19, 1965. Carrier proposes to operate as a *common carrier* by motor vehicle, of *general commodities* with certain exceptions over a deviation route as follows: Between junction U.S. Highway 41 and Indiana Highway 63 at Lyford, Ind., and junction Indiana Highway 63 and U.S. Highway 41, at or near Carbondale, over Indiana Highway 63, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities over pertinent service routes as follows: (1) Between Evansville, Ind., and Chicago, Ill., over U.S. Highway 41, and (2) between Hammond, Ind., and junction U.S. Highways 41 and 6, over Indiana Highway 152.

No. MC 26739 (Deviation No. 13), CROUCH BROS., INC., Transport Building, St. Joseph, Mo., 64501, filed April 19, 1965. Carrier proposes to operate as a *common carrier* by motor vehicle, of *general commodities* with certain exceptions over a deviation route as follows: From Kansas City, Mo., over U.S. Highway 24 to junction U.S. Highway 75, and thence over U.S. Highway 75 to Omaha, Nebr., and return over the same route for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities over pertinent service routes as follows: (1) From Kansas City, over U.S. Highway 169 to junction Missouri Highway 116, and thence over Missouri Highway 116 to Plattsburg, Mo., (2) from St. Joseph, Mo., over U.S. Highway 169 to junction Missouri Highway 116, and thence over Missouri Highway 116 to Lathrop, Mo., (3) from St. Joseph over U.S. Highway 71 to junction Missouri Highway 27, and thence over Missouri Highway 27 to Hopkins, Mo., and (4) from Maryville, Mo., over U.S. Highway 71 to Clarinda, Iowa, thence over Iowa Highway 2 to Shenandoah, Iowa, thence over U.S. Highway 59 to Emerson, Iowa, thence over U.S. Highway 34 to Glenwood, Iowa, and thence over U.S. Highway 275 to Omaha, Nebr., and return over the same routes.

No. MC 41432 (Deviation No. 5), EAST TEXAS MOTOR FREIGHT LINES, INC., 623 North Washington Avenue, Post Office Box 26040, Dallas, Tex., filed April 12, 1965. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities* with certain exceptions over a deviation route as follows: From Memphis, Tenn., over U.S. Highway 72 to junction Alternate U.S. Highway 72 at or near Tuscumbia, Ala., thence over Alternate U.S. Highway 72 to Decatur, Ala., thence over U.S. Highway 31 to junction Alabama Highway 67 at or near Decatur, Ala., thence over Alabama Highway 67 to junction U.S. Highway 231, approximately 2 miles south of Summit, Ala., thence over U.S. Highway 231 to junction U.S. Highway 278, approximately 2 miles south of Summit, Ala., thence over U.S. Highway 278 to Austell, Ga., and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: Between Memphis, Tenn., and Austell, Ga., over U.S. Highway 78.

No. MC 41432 (Deviation No. 6), EAST TEXAS MOTOR FREIGHT LINES, INC., 623 North Washington Avenue, Post Office Box 26040, Dallas, Tex., filed April 12, 1965. Carrier proposes to operate as a common carrier, by motor vehicle, of *general commodities* with certain exceptions over a deviation route as follows: From Jasper, Ala., over Alabama Highway 5 to junction U.S. Highway 278 at or near Natural Bridge, Ala., thence over U.S. Highway 278 (also known as Alabama Highway 4) to Hamilton, Ala., and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: Between Jasper, Ala., and Hamilton, Ala., over U.S. Highway 78.

No. MC 52709 (Deviation No. 16), RINGSBY TRUCK LINE, INC., 3201 Ringsby Court, Denver, Colo., 80216, filed April 19, 1965. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions over deviation routes as follows: (1) Between junction U.S. Highway 40 and Interstate Highway 80, 5 miles north of Sacramento, Calif., and junction U.S. Highway 40 and Interstate Highway 80 near Newcastle, Calif., over Interstate Highway 80, for operating convenience only, and (2) between junction U.S. Highway 40 and Interstate Highway 80 near Soda Springs, Calif., and junction U.S. Highway 40 and Interstate Highway 80 near Truckee, Calif., over Interstate Highway 80, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: Between Sacramento, Calif., and Reno, Nev., over U.S. Highway 40.

No. MC 69116 (Deviation No. 31), SPECTOR FREIGHT SYSTEM, INC., 205 West Wacker Drive, Chicago, Ill., 60606, filed April 20, 1965. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions over a deviation route as follows: From junction U.S. Highway 224 and Interstate Highway 80S to junction Interstate Highway 95, and thence over Interstate Highway 95 to New York, N.Y., and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities over pertinent service routes as follows: (1) from junction U.S. Highway 224 and Interstate Highway 80S over U.S. Highway 224 to junction U.S. Highway 422, thence over U.S. Highway 422 to Ebensberg, Pa., thence over U.S. Highway 22 to Harrisburg, Pa., thence over U.S. Highway 230 to Lancaster, Pa., thence over U.S. Highway 30 to Philadelphia, Pa., and thence over U.S. Highway 1 to New York, N.Y., (2) over the route specified above to Harrisburg, thence over U.S. Highway 22 to New York, and (3) from junction U.S. Highway 224 and U.S. Highway 21 over U.S. Highway 21 to Cleveland, Ohio, thence over U.S. Highway 20 to junction U.S. Highway 6N, thence over U.S. Highway 6N to junction U.S. Highway 6, thence over U.S. Highway 6 to Peekskill, N.Y., and thence over U.S. Highway 9 to New York, and return over the same routes.

No. MC 78786 (Deviation No. 6), PACIFIC MOTOR TRUCKING CO., 9 Main Street, San Francisco, Calif., 94105. Applicant's attorney: John MacDonald Smith, 65 Market Street, San Francisco, Calif., 94105, filed April 13, 1965. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities* with certain exceptions and subject to restrictions over a deviation route as follows: Between Truckee, Calif., and Reno, Nev., over Interstate Highway 80, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: Between Sacramento, Calif., and Reno, Nev., over U.S. Highway 40 and former U.S. Highway 40.

No. MC 94201 (Deviation No. 1), BOWMAN TRANSPORTATION, INC., 1010 Stroud Avenue, Gadsden, Ala. Applicant's attorney: R. J. Reynolds III, 403–11 Healey Building, Atlanta, Ga., 30303, filed April 9, 1965. Carrier proposes to operate as a *common carrier* by motor vehicle, of *general commodities* with certain exceptions over deviation routes as follows: From Petersburg, Va., over Interstate Highway 95, through Richmond, Va., to junction Interstate Highway 495 near Alexandria, Va., thence over Interstate Highway 495 to junction U.S. Highway 50, thence over U.S. Highway 50 to junction Maryland State Highway 3, thence over Maryland State Highway 3 to Baltimore, Md., and (2) from Baltimore over Interstate Highway 95 through Wilmington, Del., to junction Interstate Highway 295, thence over Interstate Highway 295 across the Delaware River, to junction New Jersey Turnpike.

Thence over New Jersey Turnpike through Elisabeth, N.J., to junction Interstate Highway 495 at the Lincoln Tunnel Interchange No. 16, approximately 3 miles west of New York, N.Y., thence over Interstate 495 to New York, N.Y., and return over the same routes for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities over pertinent service routes as follows: (1) From Petersburg, Va., over U.S. Highway 1 to Richmond, Va., and thence over U.S. Highway 1 through Fredericksburg, Va., to Baltimore, and (2) from Baltimore over U.S. Highway 40 to junction U.S. Highway 13, thence over U.S. Highway 13 to Philadelphia, Pa. (also from Baltimore over U.S. Highway 1 to Philadelphia), thence over U.S. Highway 1 to junction U.S. Highway 130 (also from junction U.S. Highways 40 and 13 over U.S. Highway 40 to junction Delaware Highway 273), thence over Delaware Highway 273 to New Castle, Del., thence over unnumbered highway to junction U.S. Highway 40, thence over U.S. Highway 40 over the Delaware Memorial Bridge across the Delaware River to junction U.S. Highway 130 and New Jersey Highway 49, thence over New Jersey Highway 49 to Pennsville, N.J., thence return over New Jersey Highway 49 to junction U.S. Highways 130 and 40, thence over U.S. Highway 130 to junction New Jersey Highway 44 (formerly alternate U.S. Highway 130), thence over New Jersey Highway 44 through Gibbstown and Paulsboro, N.J., to junction New Jersey Highway 45, thence over New Jersey Highway 45 to Brooklawn, N.J., thence return over New Jersey Highway 45 to junction U.S. Highway 130, thence over U.S. Highway 130 to junction U.S. Highway 1, thence over U.S. Highway 1 to New York, N.Y., and return over the same routes.

No. MC 94201 (Deviation No. 2) BOWMAN TRANSPORTATION, INC., 1010 Stroud Avenue, Gadsden, Ala. Applicant's attorney: R. J. Reynolds III, 403–11 Healey Building, Atlanta, Ga., 30303, filed April 13, 1965. Carrier proposes to operate as a *common carrier* by motor vehicle, of *general commodities* with certain exceptions over a deviation route as follows: From Winston-Salem, N.C., over Interstate Highway 40 to junction Interstate Highway 85 at Greensboro, N.C., thence over Interstate Highway 85 to junction U.S. Highway 15 at Durham, N.C., and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: From Winston-Salem over U.S. Highway 421 to junction unnumbered highway, thence over unnumbered highway to junction North Carolina Highway 66, thence over North Carolina Highway 66 through Kernersville, N.C., to junction U.S. Highway 421, thence over U.S. Highway 421 through Colfax, Friendship, and Gilford College, N.C., to Greensboro, N.C., thence over U.S. Highway 70 (portion formerly alternate U.S. Highway 70) to Durham, N.C., and return over the same route.

No. MC 108158 (Sub-No. 29) (Deviation No. 7), MID CONTINENT FREIGHT LINES, INC., 11 Oak Street SE., Minneapolis, Minn., 55414, filed April 16, 1965. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities* with certain exceptions over a deviation route as follows: (1) From Kansas City, Mo., over Missouri Highway 33 to Lathrop, Mo., and thence over Missouri Highway 116 to junction U.S. Highway 69; (2) from Kansas City, Mo., over Interstate Highway 29 to St. Joseph, Mo., and thence over U.S. Highway 36 to junction U.S. Highway 69, and return over the same routes for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: Between Kansas City, Mo., and junction U.S. Highway 69 and U.S. Highway 65 near Albert Lea, Minn., over U.S. Highway 69.

No. MC 120080 (Sub-No. 1) (Deviation No. 1), MORGAN EXPRESS, INC., 3817 Irving Boulevard, Dallas, Tex., 75247, filed April 15, 1965. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities* with certain exceptions over a deviation route as follows: From Hollis, Okla., over U.S. Highway 62 to Altus, Okla., and thence over U.S. Highway 283 to Vernon, Tex., and return over the same route for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities over pertinent service routes as follows: (1) From Memphis, Tex., over Texas Highway 256 to junction U.S. Highway 83, thence over U.S. Highway 83 to junction U.S. Highway 62, thence east over U.S. Highway 62 to Hollis, Okla., then return over U.S. Highway 62 to junction U.S. Highway 83, and thence south over U.S. Highway 62 to Childress, Tex., and return over the same route and (2) between Memphis, Tex., and Vernon, Tex., over U.S. Highway 287.

MOTOR CARRIERS OF PASSENGERS

No. MC 1515 (Deviation No. 241), GREYHOUND LINES, INC. (Western Division), Market and Fremont Streets, San Francisco, Calif., 94106. Applicant's attorney: W. T. Meinhold, 371 Market Street, San Francisco, Calif., 94106, filed April 9, 1965. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *passengers and their baggage*, and *express and newspapers* in the same vehicle with passengers over a deviation route as follows: From junction U.S. Highway 30S and Interstate Highway 15 (Brigham City Junction), over Interstate Highway 15 to junction U.S. Highway 30S (Elwood Junction), and return over the same route for operating convenience only. The notice indicates that the carrier is presently authorized to transport passengers and the same property over a pertinent service route as follows: From Ogden, Utah, over Utah Highway 204 to junction U.S. Highway 30S, thence over U.S. Highway 30S to the Utah-Idaho State line, and return over the same route.

No. MC 1515 (Deviation No. 242), GREYHOUND LINES, INC. (Western Division), Market and Fremont Streets, San Francisco, Calif., 94106. Applicant's attorney: W. T. Meinhold, 371 Market Street, San Francisco, Calif., 94106, filed April 12, 1965. Carrier proposes to oper-

ate as a *common carrier*, by motor ve-

ate as a *common carrier*, by motor vehicle, of *passengers and their baggage*, and *express and newspapers* in the same vehicle with passengers over deviation routes as follows: (1) Between junction U.S. Highway 91 and Interstate Highway 15 (North Lehi Junction), and Provo, Utah, over Interstate Highway 15; (2) between junction unnumbered highway and Interstate Highway 15 (South Sulphurdale Junction) and junction unnumbered highway (Pine Creek Summit Junction), over Interstate Highway 15; (3) between junction unnumbered highway and Interstate Highway 15 (Wildcat Junction), and junction unnumbered highway (North Beaver Junction), over Interstate Highway 15, and (4) between junction Interstate Highway 15 and Utah Highway 15 (Anderson Junction), and junction unnumbered highway (East St. George Junction), over Interstate Highway 15, for operating convenience only. The notice indicates that the carrier is presently authorized to transport passengers and the same property over a pertinent service route as follows: Between Salt Lake City, Utah, and the Utah-Arizona State line, southwest of St. George, over U.S. Highway 91.

No. MC 1515 (Deviation No. 243), GREYHOUND LINES, INC. (Western Division), Market and Fremont Streets, San Francisco, Calif., 94106. Applicant's attorney: W. T. Meinhold, 371 Market Street, San Francisco, Calif., 94106, filed April 9, 1965. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *passengers and their baggage*, and *express* and *newspapers* in the same vehicle with passengers over pertinent service routes as follows: (1) From junction unnumbered highway and Interstate Highway 80 (North Hot Springs Junction), over Interstate Highway 80 to junction unnumbered highway (South Hot Springs Junction), and (2) from junction U.S. Highway 40 and Interstate Highway 80 (East Fernley), over Interstate Highway 80 to junction U.S. Highway 40 (West Wadsworth), and return over the same routes for operating convenience only. The notice indicates that the carrier is presently authorized to transport passengers and the same commodity over a pertinent service route as follows: From junction U.S. Highway 40 and the Utah-Nevada State line, over U.S. Highway 40 to the Nevada-California State line, and return over the same route.

No. MC 1515 (Deviation No. 244), GREYHOUND LINES, INC. (Western Greyhound Lines Division), Market and Fremont Streets, San Francisco, Calif., 94106. Applicant's attorney: W. T. Meinhold, 371 Market Street, San Francisco, Calif., 94106, filed April 12, 1965. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *passengers and their baggage*, and *express* and *newspapers*, in the same vehicle with passengers, over deviation routes as follows: (1) From junction unnumbered highway and Interstate Highway 15 (West Yermo Junction), over Interstate Highway 15 to junction Field Road; (2) from junction unnumbered highway and Interstate Highway 15 (West Cronise Junction), over Interstate Highway 15 to junction unnumbered highway (East Cronise Junction); (3) from junction unnumbered highway and Interstate Highway 15 (West Baker Interchange), over Interstate Highway 15 to junction unnumbered highway (East Baker Interchange); and (4) from junction unnumbered highway and Interstate Highway 15 (Desert City Junction), over Interstate Highway 15 to junction unnumbered highway at the California-Nevada State line, and return over the same routes, for operating convenience only. The notice indicates that the carrier is presently authorized to transport passengers and the same property over a pertinent service route as follows: From Barstow, Calif., over U.S. Highway 91 to the California-Nevada State line and return over the same route.

No. MC 1515 (Deviation No. 245), GREYHOUND LINES, INC. (Western Division), Market and Fremont Streets, San Francisco, Calif., 94106. Applicant's attorney: W. T. Meinhold, 371 Market Street, San Francisco, Calif., 94106, filed April 12, 1965. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *passengers and their baggage*, and *express* and *newspapers* in the same vehicle with passengers over deviation routes as follows: (1) From junction unnumbered highway and U.S. Highway 50 (Union Hill Junction), over U.S. Highway 50 to junction unnumbered highway (East Camino Junction), and (2) from junction unnumbered highway and U.S. Highway 50 (East Camino Junction), over U.S. Highway 50 to junction unnumbered highway (West Camino Junction), and return over the same routes for operating convenience only. The notice indicates that the carrier is presently authorized to transport passengers and the same property over a pertinent service route as follows: From junction U.S. Highway 50 and the Nevada-California State line, over U.S. Highway 50 to junction unnumbered highway southeast of Folsom (East Folsom Junction), thence over unnumbered highway through Folsom and Nimbus to junction U.S. Highway 50 southwest of Nimbus (West Folsom Junction), and thence over U.S. Highway 50 to Sacramento, Calif., and return over the same route.

No. MC 1515 (Deviation No. 246), GREYHOUND LINES, INC. (Western Division), Market and Fremont Streets, San Francisco, Calif., 94106. Applicant's attorney: W. T. Meinhold, 371 Market Street, San Francisco, Calif., 94106, filed April 16, 1965. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *passengers and their baggage*, and *express* and *newspapers* in the same vehicle with passengers over a deviation route as follows: Between junction unnumbered highway and Interstate Highway 10 (West Cabazon Interchange) and junction unnumbered highway (East Cabazon Interchange), over Interstate Highway 10, for operating convenience only. The notice indicates that the carrier is presently authorized to transport passengers and the same property over a pertinent service route as follows: From Los Angeles over Interstate Highway 10 to West Pomona, Calif., thence over U.S. Highway 60 to junction Interstate Highway 10 (West Beaumont Junction), thence over Interstate Highway 10 to Banning, Calif., thence over U.S. Highway 60 to junction unnumbered highway (West Cabazon Interchange), thence over unnumbered highway to junction U.S. Highway 60 (East Cabazon Interchange), and thence over U.S. Highway 60 to the point where it intersects the California-Arizona State line, and return over the same route.

No. MC 1515 (Deviation No. 247), GREYHOUND LINES, INC. (Western Division), Market and Fremont Streets, San Francisco, Calif., 94106. Applicant's attorney: W. T. Meinhold, 371 Market Street, San Francisco, Calif., 94106, filed April 20, 1965. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *passengers and their baggage*, and *express* and *newspapers* in the same vehicle with passengers over a deviation route as follows: Between junction unnumbered highway and Interstate Highway 10 (East Quartzsite), and junction unnumbered highway (West Quartzsite), over Interstate Highway 10, for operating convenience only. The notice indicates that the carrier is presently authorized to transport passengers and the same property over a pertinent service route as follows: from the point where U.S. Highway 70 intersects the New Mexico-Arizona State line, over U.S. Highway 70 to junction Interstate Highway 10 (East Quartzsite Junction), thence over Interstate Highway 10 to junction unnumbered highway (East Quartzsite), thence over unnumbered highway to junction Interstate Highway 10 (West Quartzsite), thence over Interstate Highway 10 to junction U.S. Highway 70 (Ehrenberg Junction), thence over U.S. Highway 70 to the point where it intersects the Arizona-California State line, and return over the same route.

No. MC 1515 (Deviation No. 248), GREYHOUND LINES, INC. (Western Division), Market and Fremont Streets, San Francisco, Calif., 94106. Applicant's attorney: W. T. Meinhold, 371 Market Street, San Francisco, Calif., 94106, filed April 20, 1965. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *passengers and their baggage* and *express* and *newspapers* in the same vehicle with passengers over a deviation route as follows: From Boston, Mass., over Massachusetts Turnpike to junction Massachusetts Highway 128, and thence over Massachusetts Highway 128 to junction Massachusetts Highway 2, and return over the same route for operating convenience only. The notice indicates that the carrier is presently authorized to transport passengers and the same property over a pertinent service route as follows: Between Boston, Mass., and junction Massachusetts Highway 128 and Massachusetts Highway 2, over city streets and Massachusetts Highway 2.

No. MC 45626 (Deviation No. 19), VERMONT TRANSIT CO., INC., Burlington, Vt., 05402, filed April 22, 1965. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *passengers and their baggage*, and *express* and *newspapers* in the same vehicle with passengers over a deviation route as follows: From Boston, Mass., over Massachusetts Turnpike to junction Massachusetts Highway 128 and thence over Massachusetts Highway 128 to junction U.S. Highway 3, and return over the same route for operating convenience only. The notice indicates that the carrier is presently authorized to transport passengers and the same property over a pertinent service route as follows: Between Boston, Mass., and junction Massachusetts Highway 128 and U.S. Highway 3 over city streets and U.S. Highway 3.

No. MC 70947 (Deviation No. 1), MT. HOOD STAGES, INC., 1048 Bond Street, Bend, Oreg. Applicant's attorney: Donald A. Schafer, 12321 Southeast Evergreen Highway, Vancouver, Wash., filed April 19, 1965. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *passengers and their baggage*, and *express* and *newspapers* in the same vehicle with passengers over a deviation route as follows: From Fort Wayne, Ind., over U.S. Highway 27 to junction Interstate Highway 69, thence over Interstate Highway 69 to junction U.S. Highway 20 west of Angola, Ind., thence east over U.S. Highway 20 to Westgate No. 1 Toll Booth of Interstate Highway 80–90 (also known as Ohio Turnpike), thence over Ohio Turnpike to Gate No. 4 at Maumee, Ohio, thence north over U.S. Highway 20 to junction Ohio Highway 2, west of Toledo, Ohio, and return over the same route for operating convenience only. The notice indicates that the carrier is presently authorized to transport passengers and the same property over a pertinent service route as follows: From Fort Wayne, Ind., over Indiana Highway 37 to the Indiana-Ohio State line, thence over Ohio Highway 2 to Bryan, Ohio, thence over U.S. Highway 6 (now Ohio Highway 2) to junction Ohio Highway 191 (now also Ohio Highway 2), thence over Ohio Highway 191 (now also Ohio Highway 2) to junction Ohio Highway 2, and thence over Ohio Highway 2 to Toledo, Ohio, and return over the same route.

No. MC 45626 (Deviation No. 18), VERMONT TRANSIT CO., INC., Burlington, Vt., 05402, filed April 22, 1965. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *passengers and their baggage*, and *express* and *newspapers* in the same vehicle with passengers over a deviation route as follows: From Boston, Mass., over Massachusetts Turnpike to junction Massachusetts Highway 128, and thence over Massachusetts Highway 128 to junction Massachusetts Highway 2, and return over the same route for operating convenience only. The notice indicates that the carrier is presently authorized to transport passengers and the same property over a pertinent service route as follows: Between Boston, Mass., and junction Massachusetts Highway 128 and Massachusetts Highway 2, over city streets and Massachusetts Highway 2.

No. MC 45626 (Deviation No. 19), VERMONT TRANSIT CO., INC., Burlington, Vt., 05402, filed April 22, 1965. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *passengers and their baggage*, and *express* and *newspapers* in the same vehicle with passengers over a deviation route as follows: From Boston, Mass., over Massachusetts Turnpike to junction Massachusetts Highway 128 and thence over Massachusetts Highway 128 to junction U.S. Highway 3, and return over the same route for operating convenience only. The notice indicates that the carrier is presently authorized to transport passengers and the same property over a pertinent service route as follows: Between Boston, Mass., and junction Massachusetts Highway 128 and U.S. Highway 3 over city streets and U.S. Highway 3.

No. MC 70947 (Deviation No. 1), MT. HOOD STAGES, INC., 1048 Bond Street, Bend, Oreg. Applicant's attorney: Donald A. Schafer, 12321 Southeast Evergreen Highway, Vancouver, Wash., filed April 19, 1965. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *passengers and their baggage*, and *express* and *newspapers* in the same vehicle with passengers over a deviation route as follows: From Fort Wayne, Ind., over U.S. Highway 27 to junction Interstate Highway 69, thence over Interstate Highway 69 to junction U.S. Highway 20 west of Angola, Ind., thence east over U.S. Highway 20 to Westgate No. 1 Toll Booth of Interstate Highway 80–90 (also known as Ohio Turnpike), thence over Ohio Turnpike to Gate No. 4 at Maumee, Ohio, thence north over U.S. Highway 20 to junction Ohio Highway 2, west of Toledo, Ohio, and return over the same route for operating convenience only. The notice indicates that the carrier is presently authorized to transport passengers and the same property over a pertinent service route as follows: From Fort Wayne, Ind., over Indiana Highway 37 to the Indiana-Ohio State line, thence over Ohio Highway 2 to Bryan, Ohio, thence over U.S. Highway 6 (now Ohio Highway 2) to junction Ohio Highway 191 (now also Ohio Highway 2), thence over Ohio Highway 191 (now also Ohio Highway 2) to junction Ohio Highway 2, and thence over Ohio Highway 2 to Toledo, Ohio, and return over the same route.

By the Commission.

[SEAL] BERTHA F. ARMES, *Acting Secretary.*

[F.R. Doc. 65-4692; Filed, May 5, 1965; 8:45 a.m.]

[Notice 763]

MOTOR CARRIER APPLICATIONS AND CERTAIN OTHER PROCEEDINGS

APRIL 30, 1965.

The following publications are governed by the new Special Rule 1.247 of the Commission's rules of practice, published in the FEDERAL REGISTER, issue of December 3, 1963, which became effective January 1, 1964.

APPLICATIONS ASSIGNED FOR ORAL HEARING

MOTOR CARRIERS OF PROPERTY

No. MC 52465 (Sub-No. 28) (REPUBLICATION), filed April 12, 1965, published FEDERAL REGISTER issue of April 28, 1965, and republished this issue. Applicant: RICE TRUCK LINES, a corporation, 712 Central Avenue West, Great Falls, Mont. Applicant's attorney: Randall Swanberg, 314 Montana Building, Post Office Box 2567, Great Falls, Mont., 59401. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum and petroleum products*, in bulk, in tank vehicles, having a prior movement by rail or water, between points in Montana, Wyoming, Colorado, Idaho, North Dakota, South Dakota, Nebraska, Minnesota, Wisconsin, and Iowa.

NOTE: The purpose of this republication is to reflect the hearing date.

HEARING: May 10, 1965, at the Midland Hotel, 172 West Adams, Chicago, Ill., before Examiner James A. McKiel. This assignment is for applicant's complete initial presentation only.

No. MC 75320 (Sub-No. 104), filed April 15, 1965. Applicant: CAMPBELL SIXTY-SIX EXPRESS, INC., Post Office Box 807, Springfield, Mo. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Baby foods, cereal foods preparation, bakery goods* and *baby supplies*, from the plant and warehouse sites of Gerber Products Co., Fort Smith, Ark., to points in Kansas, Missouri, Arkansas, Oklahoma, Texas, and Louisiana.

HEARING: May 28, 1965, at the White Winrock Hotel, Albuquerque, N. Mex., before Examiner William R. Tyers.

No. MC 103435 (Sub-No. 168), filed April 15, 1965. Applicant: UNITED-BUCKINGHAM FREIGHT LINES, a corporation, East 915 Springfield Avenue, Spokane, Wash. Applicant's representative: J. Maurice Andren, Post Office Box 1631, Rapid City, S. Dak. Applicant's attorney: George LaBissoniere, Central Building, Seattle, Wash. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fresh meats and packinghouses products* from Sioux City, Iowa, and Omaha, Nebr., to points in Illinois.

HEARING: May 13, 1965, at the New Federal Building, 215 North 17th Street, Omaha, Nebr., before Examiner John L. York.

No. MC 106228 (Sub-No. 19) filed April 12, 1965. Applicant: J. A. MILES, JR., 314 East Reynolds Street, Plant City, Fla. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from points in Tennessee and Arkansas, to points in Alabama, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Mississippi, Missouri, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Vermont, Virginia, West Virginia, Wisconsin, and the District of Columbia, and *exempt commodities*, on return.

HEARING: May 17, 1965, at the Dinkler-Andrew Jackson Hotel, Nashville, Tenn., before Examiner William A. Royall.

No. MC 111231 (Sub-No. 64) (REPUBLICATION), filed March 15, 1965, published FEDERAL REGISTER issue April 8, 1965, and republished this issue. Applicant: JONES TRUCK LINES, INC., 610 East Emma Avenue, Springdale, Ark. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Baby foods, cereal foods preparations, bakery goods* and *baby supplies*, from the plant and warehouse sites of Gerber Products Co., Fort Smith, Ark., to points in Kansas, Missouri, Arkansas, Oklahoma, Texas, and Louisiana.

NOTE: The purpose of this republication is to show hearing information.

HEARING: May 28, 1965, at the White Winrock Hotel, Albuquerque, N. Mex., before Examiner William R. Tyers.

No. MC 113271 (Sub-No. 22) (REPUBLICATION), filed April 12, 1965, published FEDERAL REGISTER, issue of April 28, 1965, and republished this issue. Applicant: CHEMICAL TRANSPORT, a corporation, 712 Central Avenue West, Great Falls, Mont. Applicant's attorney: Randall Swanberg, 314 Montana Building, Great Falls, Mont., 59401. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Commodities in bulk* (except petroleum and petroleum products),

having a prior movement by rail or water, between points in Montana, Wyoming, and Colorado, Idaho, North Dakota, South Dakota, Nebraska, Minnesota, Wisconsin, and Iowa.

NOTE: The purpose of this republication is to reflect the hearing date.

HEARING: May 10, 1965, at the Midland Hotel, 172 West Adams, Chicago, Ill., before Examiner James A. McKiel. This assignment is for Applicant's complete initial presentation only.

No. MC 117686 (Sub-No. 53), filed April 19, 1965. Applicant: HIRSCHBACH MOTOR LINES, INC., 3324 U.S. Highway 75N, Sioux City, Iowa. Applicant's attorney: J. Max Harding, Post Office Box 2028, Lincoln, Nebr. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cereal preparations* and *canned goods, bakery goods* and *baby supplies*, from Fort Smith, Ark., to points in Colorado, Kansas, Louisiana, Missouri, Oklahoma, and Texas., and *damaged and rejected shipments* of the same commodities, on return.

HEARING: May 28, 1965, at the White Winrock Hotel, Albuquerque, N. Mex., before Examiner William R. Tyers.

No. MC 119726 (Sub-No. 3) (AMENDMENT), filed December 29, 1964, published FEDERAL REGISTER issue of January 20, 1965, amended April 23, 1965, and republished as amended this issue. Applicant: N. A. B. TRUCKING CO., INC., 939 Union Street, Indianapolis, Ind. Applicant's attorney: James J. Williams, 1012 14th Street NW., Washington, D.C., 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Canned, preserved,* and *prepared food and foodstuffs, including vegetables and fruits and products thereof* (except frozen foods), between Geneva, Portland, Sunman, Plumtree, Muncie, and Mount Summit, Ind., and Benton Harbor, Fennville, and South Haven, Mich., on the one hand, and, on the other, points in Alabama, Arkansas, Louisiana, Mississippi, New Mexico, Tennessee, and Texas, and (2) *glass containers* and *plastic articles*, from Dunkirk, Ind., to points in Louisiana and Mississippi.

NOTE: The purpose of this republication is to more clearly set forth the authority sought.

HEARING: Remains as assigned June 8, 1965, at the offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Warren C. White.

No. MC 126926 (REPUBLICATION), filed February 1, 1965, published FEDERAL REGISTER, issue of February 17, 1965, and republished this issue. Applicant: PAUL HOFFMAN, Belmar, N.J. By application filed February 1, 1965, applicant seeks a permit authorizing operations, in interstate or foreign commerce, as a contract carrier by motor vehicle, over irregular routes, of cinders in dump vehicles, from points in Pennsylvania within 20 miles of Palmerton, including Palmerton, to New Shrewsbury, N.J. An order, Operating Rights Board No. 1, dated April 19, 1965, served April 26, 1965, finds that operation by applicant in interstate or foreign commerce, as a contract carrier by motor vehicle of cinders, in dump vehicles, from points in Carbon, Lehigh, and Northampton Counties, Pa., those points in Monroe County, Pa., on and south of U.S. Highway 611, and those points in Schuylkill County, Pa., on and east of U.S. Highway 309, to New Shrewsbury, N.J., under a continuing contract with Van Cal Block Co., of Neptune, N.J., will be consistent with the public interest and national transportation policy; and that because it is possible that other parties, who have relied upon the notice of the application as published, may have an interest in and would be prejudiced by, the lack of proper notice of the authority described in the findings in this order, a notice of the authority actually granted will be published in the FEDERAL REGISTER and issuance of a permit in this proceeding will be withheld for a period of 30 days from the date of such publication, during which any proper party in interest may file an appropriate protest or other pleading.

APPLICATIONS FOR CERTIFICATES OR PERMITS WHICH ARE TO BE PROCESSED CONCURRENTLY WITH APPLICATIONS UNDER SECTION 5 GOVERNED BY SPECIAL RULE 1.240 TO THE EXTENT APPLICABLE

No. MC 263 (Sub-No. 162), filed April 12, 1965. Applicant: GARRETT FREIGHTLINES, INC., 2055 Garrett Way, Pocatello, Idaho. Applicant's attorney: Maurice H. Greene, Post Office Box 1554, Boise, Idaho, 83701. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk and those requiring special equipment), between Paris, Idaho, and Randolph, Utah; from Paris over U.S. Highway 89 to junction Utah Highway 16 (formerly Utah Highway 3), thence over Utah Highway 16 to Randolph, and return over the same route, serving all intermediate points and the off-route point of the Utah Power & Light Co. Pumping Plant, near Saint Charles, Idaho.

NOTE: This is a matter to be handled concurrently with MC-F 9081, published in FEDERAL REGISTER issue of April 21, 1965.

APPLICATIONS UNDER SECTIONS 5 AND 210a(b)

The following applications are governed by the Interstate Commerce Commission's special rules governing notice of filing of applications by motor carriers of property or passengers under sections 5(a) and 210a(b) of the Interstate Commerce Act and certain other proceedings with respect thereto (49 CFR 1.240).

MOTOR CARRIERS OF PROPERTY

No. MC-F-9098. Authority sought for purchase by EAZOR EXPRESS, INC., Eazor Square, Pittsburgh, Pa., 15201, of a portion of the operating rights of BISON FAST FREIGHT, INC., Post Office Box 1717, Greensboro, N.C., and for acquisition by THOMAS A. EAZOR, also of Pittsburgh, Pa., of control of such rights through the purchase. Applicants' attorneys: Axelrod, Goodman, and Steiner, 39 South La Salle Street, Chicago, Ill., 60603. Operating rights sought to be transferred: *General commodities*, except those of unusual value, Classes A and B explosives, tobacco, liquor, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading, as a *common carrier*, over irregular routes, between Augusta and Savannah, Ga., and points in North Carolina and South Carolina, on the one hand, and, on the other, Parkersburg and Charleston, W. Va. Vendee is authorized to operate as a *common carrier* in Pennsylvania, New York, Illinois, Ohio, West Virginia, Indiana, and Wisconsin. Application has been filed for temporary authority under section 210a(b).

No. MC-F-9099. Authority sought for control and merger by ACE LINES, INC., 4143 East 43d Street, Des Moines, Iowa, 50317, of the operating rights and property of HIGHWAY TRANSPORT COMPANY, INC., 4143 East 43d Street, Des Moines, Iowa, 50317, and for acquisition by L. W., E. M., M. E., L. D., L. B., R. L., and J. L. EASTER, T. C. MILLER, and EDNA MORSE, all of Des Moines, Iowa, of control of such rights and property through the transaction. Applicants' representative: William A. Landau, 1307 East Walnut Street, Des Moines, Iowa, 50306. Operating rights sought to be controlled and merged: *Automobiles*, in initial movements, in truckaway service, and *automobile show equipment, automobile show paraphernalia*, and *advertising matter* used in connection with the distribution and sale of motor vehicles, as a *common carrier* over irregular routes, from Kenosha, Wis., to points in Colorado, Kansas, and Nebraska; *new automobiles*, and *parts*, in initial movements, in truckaway service, from Kenosha, Wis., to points in Iowa; *foreign made automobiles*, in truckaway service, from Kenosha, Wis., to points in Colorado, Nebraska, Kansas, and certain points in Iowa; *livestock*, between Nevada, Iowa, and points within 10 miles of Nevada north of U.S. Highway 30, on the one hand, and, on the other, Chicago, Ill., from Cambridge, Iowa, and points (including Jordan, Iowa), south of U.S. Highway 30 within 25 miles of Cambridge, to Chicago, Ill.; *egg cases and fillers*, from Chicago, Ill., to Colo, Iowa; *new automobiles*, in initial movements, in truckaway service, from Kenosha, Wis., to certain points in Missouri, Illinois, Kentucky, and Arkansas; *new foreign made automobiles*, in secondary movements, in truckaway service, from Kenosha, Wis., to points in Missouri, certain points in Illinois, Kentucky, and Arkansas, from Kenosha, Wis., to certain points in Illinois, Indiana, and Kentucky, with restriction; from Kenosha, Wis., to Murfreesboro, Tenn., with restriction; *automobiles, trucks*, and *buses*, in initial movements, in truckaway service, from Kenosha, Wis., to Murfreesboro, Tenn., with restriction; *automobiles, trucks* and *buses* (except trailers), as described in the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, in initial movements, in truckaway service, from Kenosha, Wis., to points in Missouri, certain points in Illinois, Indiana, and Kentucky. ACE LINES, INC., is authorized to operate as a *common carrier* in Iowa, Missouri, Wisconsin, Minnesota, North Dakota, Illinois, Nebraska, and South Dakota. Application has not been filed for temporary authority under section 210a(b).

No. MC-F-9100. Authority sought for purchase by THE KAPLAN TRUCKING COMPANY, 2900 Chester Avenue, Cleveland, Ohio, 44114, of a portion of the operating rights of ROBERT G. LEWIS AND FRANCES WALLS, doing business as WHITE'S DELIVERY SERVICE, 155 North Front Street, Philadelphia, Pa., 19106, and for acquisition by S. M. KAPLAN, also of Cleveland, Ohio, of control of such rights through the purchase. Applicants' attorneys: Noel F. George and John P. McMahon, 44 East Broad Street, Columbus, Ohio, 43215. Operating rights sought to be transferred: *Heavy machinery, machine tools, electrical and steam equipment, vaults and parts thereof*, and *other heavy or bulky commodities*, requiring specialized handling and equipment, as a *common carrier*, over irregular routes, between Philadelphia, Pa., on the one hand, and, on the other, New York, N.Y., Wilmington, Del., Baltimore, Md., and points in New Jersey. Vendee is authorized to operate as a *common carrier* in Michigan, Ohio, Pennsylvania, New York, West Virginia, Illinois, Indiana, New Jersey, Rhode Island, Massachusetts, Connecticut, and Missouri. Application has not been filed for temporary authority under section 210a(b).

No. MC-F-9101. Authority sought for purchase by DIRECT TRANSIT LINES, INC., 200 Colrain Street SW., Grand Rapids 8, Mich., of the operating rights and property of THORNBURY TRUCKING, INC., 2604 Blake, Lansing, Mich., and for acquisition by BERT GLUPKER, 200 Colrain Street SW., Grand Rapids, Mich., of control of such rights and property through the purchase. Applicants' attorney: Robert A. Sullivan, 1800 Buhl Building, Detroit, Mich. Operating rights sought to be transferred: *Clay products*, as a *common carrier* over irregular routes, from Grand Ledge, Mich., to certain points in Indiana and Illinois; *clay products* and *sewer pipe joint compound*, from Barberton and Uhrichsville, Ohio, to points in Michigan, from Grand Ledge, Mich., to points in Ohio and Wisconsin; *barium*, from Blue Island, Ill., to Grand Ledge, Mich.; *malt beverages* and *wine*, from Fort Wayne, Ind., to Grand Rapids and Lansing, Mich.; *wine*, from Wabash, Ind., and Chicago, Ill., to Lansing, Mich.; *malt beverages, soft drinks*, and *beverage compounds*, from Milwaukee, Wis., to certain points in Michigan, from Milwaukee to points in the above Michigan territory via Chicago, Ill.; from Chicago and Maywood, Ill., and Cleveland, Ohio, to points in the above Michigan territory; *malt beverages*, from Sheboygan, Wis., and points within 5 miles thereof, to Lansing, Mich., from Fort Wayne, Ind., to points in Michigan (except Grand Rapids and Lansing and except points in Saginaw and Bay Counties, Mich.). Vendee is authorized to operate as a *common carrier* in Michigan, Illinois, Indiana, Ohio, Wisconsin, Iowa, Missouri, West Virginia, and Kentucky; and as a *contract carrier* in Michigan, Indiana, Illinois, Missouri, and Ohio. Application has been filed for temporary authority under section 210a(b).

MOTOR CARRIERS OF PASSENGERS

No. MC-F-9096. Authority sought for control by NATIONAL CITY LINES, INC., 1701 North West Shore Boulevard, Tampa 7, Fla., of LAKE SHORE MOTOR COACH LINES, INC., 529 West 5th South, Salt Lake City, Utah. Applicants' attorney: Harry D. Pubsley, Suite 600 El Paso Natural Gas Building, 315 East Second South, Salt Lake City, Utah, 84111. Operating rights sought to be controlled: Passengers and their baggage, and express and newspapers, in the same vehicle with passengers, as a *common carrier* over regular routes, between Salt Lake City, Utah, and Ogden, Utah, serving all intermediate points; and passengers and their baggage, in round-trip all-expense tours, in special and charter operations, as a *broker* beginning and ending at points in Davis, Weber, Box Elder, and Cache Counties, Utah, and extending to points in the United States, except points in Hawaii (broker is authorized to engage in the above-specified operations at Salt Lake City, Utah). NATIONAL CITY LINES, INC. holds no authority from this Commission. However, it is affiliated with (1) LOS ANGELES - SEATTLE MOTOR EXPRESS, INC., 3200 6th Avenue, South, Seattle, Wash., (2) AUTOMOBILE CARRIERS, INC., 3401 North Dort Highway, Flint, Mich., and (3) EASTERN MASSACHUSETTS STREET RAILWAY COMPANY, 1442 Main Street, Brockton, Mass., which are authorized to operate as *common carriers* in: (1) California, Washington, and Oregon; (2) Michigan, Nebraska, Alabama, Illinois, Georgia, Indiana, Iowa, Missouri, Tennessee, Ohio, Wisconsin, and Kentucky; and (3) Massachusetts, Rhode Island, and New Hampshire, respectively. Application has not been filed for temporary authority under section 210a(b).

No. MC-F-9097. Authority sought for purchase by MONUMENTAL MOTOR TOURS, INC., 3319 Pulaski Highway, Baltimore, Md., of the operating rights and property of ATLANTIC MOTOR TOURS, INC., 391 West Broad Street, Bridgeton, N.J., and for acquisition by CHARLES SCHWARZ, JR., and HENRY SCHWARZ, both, also of Baltimore, Md., of control of such rights and property through the purchase. Applicants' attorney: S. Harrison Kahn, Suite 733 Investment Building, Washington 5, D.C. Operating rights sought to be transferred: Passengers and their baggage, and newspapers, in the same vehicle with passengers, in a seasonal operation between May 15 and September 15, both inclusive of each year, as a *common carrier* over regular routes, between Bridgeton, N.J., and Wildwood, N.J., serving all intermediate points; passengers and their baggage, and newspapers, in the same vehicle with passengers, between Wilmington, Del., and Atlantic City, N.J., serving all intermediate points in New Jersey, except those north of Pennsville, N.J., on New Jersey Highway 49 between the Delaware Memorial Bridge and Pennsville, N.J., between Pennsville, N.J., and Wilmington, Del., serving all intermediate points, between Pennsville, N.J., and Richland, N.J., serving no intermediate points; passengers, in round trip, special operations, in each year during the periods of the authorized racing meets at the Garden State Race Track located in Delaware Township, N.J., over irregular routes, beginning and ending at Wilmington, Del., and extending to Garden State Race Track in Delaware Township, N.J.; passengers and their baggage, in special operations, in round-trip service, restricted seasonally to the authorized racing seasons of each year at the Pimlico Race Course, beginning and ending at Wilmington, Del., and extending to the Pimlico Race Course, Baltimore, Md., with no pickup or discharge of passengers en route. Vendee is authorized to operate as a *common carrier* in all States in the United States (except Alaska and Hawaii), and the District of Columbia. Application has been filed for temporary authority under section 210a(b).

By the Commission.

[SEAL] BERTHA F. ARMES,
Acting Secretary.

[F.R. Doc. 65-4693; Filed, May 5, 1965; 8:45 a.m.]

CUMULATIVE LIST OF CFR PARTS AFFECTED—MAY

The following numerical guide is a list of the parts of each title of the Code of Federal Regulations affected by documents published to date during May.

5 CFR

	Page
213	6215, 6241, 6337
332	6337

7 CFR

	Page
54	6207
55	6141, 6207
56	6207
70	6207
81	6207
210	6207
301	6243, 6245
707	6246
717	6144
724	6144, 6146, 6207
842	6338
862	6247
863	6248
864	6248
908	6148
910	6148
965	6338
1421	6338
1488	6249
PROPOSED RULES:	
28	6255
31	6350
Ch. IX	6355
930	6255
1040	6163
1042	6163

9 CFR

	Page
PROPOSED RULES:	
201	6360

12 CFR

	Page
12	6160
204	6339

12 CFR—Continued

	Page
PROPOSED RULES:	
261	6275
262	6275

14 CFR

	Page
39	6150
71	6150, 6215, 6241
73	6242
75	6150, 6241, 6242
97	6151, 6329
99	6242
PROPOSED RULES:	
39	6188, 6274
67	6188
71	6189, 6225

16 CFR

	Page
PROPOSED RULES:	
303	6275

19 CFR

	Page
10	6149

21 CFR

	Page
121	6215, 6339

26 CFR

	Page
1	6216, 6340
250	6217
PROPOSED RULES:	
1	6222, 6349
31	6222
301	6222

29 CFR

	Page
50	6249
604	6218
606	6218

29 CFR—Continued

	Page
PROPOSED RULES:	
657	6224
697	6225

32 CFR

	Page
163	6161
516	6341
815	6343
882	6343

33 CFR

	Page
203	6161
207	6161

36 CFR

	Page
211	6343
311	6161

47 CFR

	Page
0	6250
2	6219
15	6250
73	6251
PROPOSED RULES:	
2	6226
73	6274, 6275

49 CFR

	Page
95	6220
141	6162

50 CFR

	Page
33	6344
60	6149
PROPOSED RULES:	
32	6226

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FEDERAL REGISTER

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Pages 6377–6420

Agencies in this issue—

The President
Atomic Energy Commission
Civil Aeronautics Board
Commodity Credit Corporation
Consumer and Marketing Service
Education Office
Engineers Corps
Federal Aviation Agency
Federal Communications Commission
Federal Deposit Insurance Corporation
Federal Maritime Commission
Food and Drug Administration
Geological Survey
Interstate Commerce Commission
Labor Standards Bureau
Land Management Bureau
Maritime Administration
National Park Service
Patent Office
Securities and Exchange Commission
Veterans Administration

Detailed list of Contents appears inside.



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Contents

THE PRESIDENT

EXECUTIVE ORDER

Providing for the appointment in the competitive service of certain present and former officers and employees of the Foreign Service 6381

EXECUTIVE AGENCIES

AGRICULTURE DEPARTMENT

See Commodity Credit Corporation; Consumer and Marketing Service.

ARMY DEPARTMENT

See Engineers Corps.

ATOMIC ENERGY COMMISSION

Notices

General Electric Co.; issuance of facility license amendment 6405
General Dynamics Corp.; proposed issuance of facility license 6406
Trustees of Columbia University in City of New York; extension of completion date 6405

CIVIL AERONAUTICS BOARD

Notices

Hearings, etc.:
Eastern Air Lines, Inc., et al 6406
International Air Transport Association 6407
West Coast Airlines, Inc 6407

COMMERCE DEPARTMENT

See Maritime Administration; Patent Office.

COMMODITY CREDIT CORPORATION

Rules and Regulations

Payments program:
Mohair 6383
Shorn wool and unshorn lambs (pulled wool) 6383

CONSUMER AND MARKETING SERVICE

Proposed Rule Making

Poultry products; proposed amendments regarding grading and inspection 6395

DEFENSE DEPARTMENT

See Engineers Corps.

EDUCATION OFFICE

Rules and Regulations

Federal assistance regarding public library construction; miscellaneous amendments 6393

ENGINEERS CORPS

Rules and Regulations

Black Creek, Fla.; bridge regulations 6388

FEDERAL AVIATION AGENCY

Rules and Regulations

Alterations:
Control zone and transition area (2 documents) 6385, 6386
Control zones 6387
Restricted area 6388
Restricted area/military climb corridors 6387
Transition area (3 documents) 6385, 6387
Control zone, control area extensions and transition area; alteration, revocation and designation 6386
Control area extension; alteration of revocation 6384
Control zone, transition area and control area extension; designation and revocation 6384
Federal airways:
Extension 6385
Realignment and extension 6385
Federal airways and reporting points; alteration, designation and revocation 6384
General operating and flight rules; alternate airports; correction 6388

Proposed Rule Making

Control zone and transition areas; proposed redesignation 6399
Control zones, transition areas, and control area extensions; proposed alteration, designation and revocation (2 documents) 6397, 6400
Federal airways; proposed revocation and designation 6400
Restricted area/military climb corridor and controlled airspace; proposed designation and alteration 6402
Transition area; proposed designation 6402
VOR Federal airways; proposed realignment, revocation, and designation 6400

Notices

Determination of no hazard to air navigation:
Metromedia, Inc 6408
Southern Illinois University 6408
United States Air Force Electronic Systems Division 6408
Evening Star Broadcasting Co., Inc.; determination of hazard to air navigation; correction 6408

FEDERAL COMMUNICATIONS COMMISSION

Rules and Regulations

Frequency allocations and radio treaty matters; general rules and regulations 6388

Notices

Hearings, etc.:
KUNO Radio, Inc. (KUNO) 6409
Radio Phone Communications, Inc., and American Radio-Telephone Service, Inc 6409
Twelve Seventy, Inc. (2 documents) 6409

FEDERAL DEPOSIT INSURANCE CORPORATION

Notices

Volunteer-State Bank, Knoxville, Tenn.; application for exemption 6411

FEDERAL MARITIME COMMISSION

Notices

Agreements filed for approval:
Gogarty, H. A., Inc., et al 6411
Matson Navigation Co. and Grace Line, Inc. (2 documents) 6412
Oceanic Steamship Co. and Grace Line, Inc. (2 documents) 6412, 6413
United States Lines Co. and Grace Line, Inc. (2 documents) 6413

FOOD AND DRUG ADMINISTRATION

Rules and Regulations

Food additives and antibiotic and antibiotic - containing drugs; zoalene, amprolium, hygromycin B, tylosin, and penicillin 6389

GEOLOGICAL SURVEY

Notices

Idaho; phosphate and nonphosphate land classification order 6404

HEALTH, EDUCATION, AND WELFARE DEPARTMENT

See Education Office; Food and Drug Administration.

INTERIOR DEPARTMENT

See Geological Survey; Land Management Bureau; National Park Service.

INTERSTATE COMMERCE COMMISSION

Rules and Regulations

Rerouting of traffic; appointment of agents 6394

Notices

Finance applications 6417
Fourth section applications for relief (2 documents) 6417
Motor carrier transfer proceedings (2 documents) 6417, 6418

(Continued on next page)

CONTENTS

LABOR DEPARTMENT
See Labor Standards Bureau.

LABOR STANDARDS BUREAU
Proposed Rule Making
Safety and health regulations for ship repairing, shipbuilding, and shipbreaking; threshold limit values ---------- 6397

LAND MANAGEMENT BUREAU
Rules and Regulations
Idaho; public land order ---------- 6392
Notices
Colorado; change of location and temporary closing of land office ---------- 6404
Wisconsin; notice of filing of plat of survey ---------- 6404

MARITIME ADMINISTRATION
Notices
Delta Steamship Lines, Inc.; notice of application for an increase of sailings ---------- 6405

NATIONAL PARK SERVICE
Notices
Mammoth Cave National Park, Ky.; jurisdiction over certain lands ---------- 6404

PATENT OFFICE
Rules and Regulations
Rules of practice in patent cases; fees and charges ---------- 6391

SECURITIES AND EXCHANGE COMMISSION
Notices
Hearings, etc.:
Elizabeth Securities, Inc., and Savant Instruments, Inc ---------- 6415
Investors Diversified Services, Inc., and Investors Accumulation Plan, Inc ---------- 6413
Michigan Consolidated Gas Co ---------- 6414
Pennsylvania Electric Co ---------- 6414

VETERANS ADMINISTRATION
Rules and Regulations
Delegations of authority regarding payment of certain claims ---------- 6392
Legal services, General Counsel; personnel claims ---------- 6392

List of CFR Parts Affected

(Codification Guide)

The following numerical guide is a list of the parts of each title of the Code of Federal Regulations affected by documents published in today's issue. A cumulative list of parts affected, covering the current month to date, appears at the end of each issue beginning with the second issue of the month.

A cumulative guide is published separately at the end of each month. The guide lists the parts and sections affected by documents published since January 1, 1965, and specifies how they are affected.

3 CFR
EXECUTIVE ORDERS:
11219 ---------- 6381

7 CFR
1468 ---------- 6383
1472 ---------- 6383
PROPOSED RULES:
70 ---------- 6395

14 CFR
71 (12 documents) ---------- 6384–6387
73 (2 documents) ---------- 6387, 6388
91 ---------- 6388
PROPOSED RULES:
71 (6 documents) ---------- 6397, 6399, 6400, 6402
73 ---------- 6402

21 CFR
121 ---------- 6389
144 ---------- 6389

29 CFR
PROPOSED RULES:
1501 ---------- 6397
1502 ---------- 6397
1503 ---------- 6397

33 CFR
203 ---------- 6388

37 CFR
1 ---------- 6391

38 CFR
2 ---------- 6393
14 ---------- 6392

43 CFR
PUBLIC LAND ORDERS:
3655 ---------- 6392

45 CFR
130 ---------- 6393

47 CFR
2 ---------- 6388

49 CFR
97 ---------- 6394

Presidential Documents

Title 3—THE PRESIDENT

Executive Order 11219

PROVIDING FOR THE APPOINTMENT IN THE COMPETITIVE SERVICE OF CERTAIN PRESENT AND FORMER OFFICERS AND EMPLOYEES OF THE FOREIGN SERVICE

By virtue of the authority vested in me by section 1753 of the Revised Statutes and the Civil Service Act (22 Stat. 403), and as President of the United States, it is hereby ordered as follows:

SECTION 1. Under regulations and conditions prescribed by the Civil Service Commission, a present or former officer or employee of the Foreign Service may be appointed in the competitive service if he:

(a) Is qualified for the position in the competitive service;

(b) Was appointed in the Foreign Service under authority of the Foreign Service Act of 1946, as amended, or legislation that supplements or replaces that Act;

(c) Served in the Foreign Service under an unlimited, career-type appointment and, immediately before his separation from that appointment, he completed at least one year of continuous service under one or more nontemporary appointments in the Foreign Service which may include the service that made him eligible for his career-type appointment; and

(d) Is appointed within 3 years after his separation from the Foreign Service, or he completed at least 3 years of substantially continuous service under one or more nontemporary appointments in the Foreign Service immediately before his separation from the unlimited, career-type appointment in that Service which may include the service that made him eligible for such appointment, or he is entitled to preference under section 2 of the Veterans' Preference Act of 1944, as amended.

SEC. 2. (a) Except as provided in paragraph (b) of this section, a person appointed under Section 1 of this Order becomes a career conditional employee.

(b) A person appointed under Section 1 of this Order becomes a career employee when he:

(1) Has completed at least 3 years of substantially continuous service under one or more nontemporary appointments in the Foreign Service immediately before his separation from the unlimited, career-type appointment in that Service which may include the service that made him eligible for such appointment;

(2) Is appointed to a position in the competitive service required by law or Executive order to be filled on a permanent or career basis; or

(3) Has completed the service requirement for career tenure in the competitive service.

For the purpose of subparagraph (3) of this paragraph, service in the Foreign Service is creditable in meeting the service requirement only if the person concerned is appointed to a nontemporary position in the competitive service under Section 1 of this Order within 30 days after his separation from the Foreign Service.

SEC. 3. A person appointed to a nontemporary position in the competitive service under Section 1 of this Order acquires a competitive status automatically on appointment.

SEC. 4. Any law, Executive order, or regulation that would disqualify an applicant for appointment in the competitive service shall also disqualify a person for appointment under Section 1 of this Order.

SEC. 5. For the purpose of this Order, a person is deemed to be an officer or employee in the "Foreign Service" if he was appointed in any agency under authority of the Foreign Service Act of 1946, as amended, or legislation that supplements or replaces that Act.

LYNDON B. JOHNSON

THE WHITE HOUSE,
May 6, 1965.

[F.R. Doc. 65-4919; Filed, May 6, 1965; 12:40 p.m.]

Rules and Regulations

Title 7—AGRICULTURE

Chapter XIV—Commodity Credit Corporation, Department of Agriculture

SUBCHAPTER B—LOANS, PURCHASES, AND OTHER OPERATIONS

[Amdt. 9]

PART 1468—MOHAIR

Subpart—Payment Program for Mohair

PAYMENTS DUE PERSONS WHO HAVE DIED, DISAPPEARED, OR HAVE BEEN DECLARED INCOMPETENT

The regulations issued by the Commodity Credit Corporation containing the requirements with respect to the Payment Program for Mohair, as amended (27 F.R. 7417; 28 F.R. 579, 1033, 6532, 10289, 12160, 12735; 29 F.R. 3754, 18153; 30 F.R. 4056), are further amended by deleting the provisions relating to applications, by eligible successors or representatives, for payments due persons who have died, disappeared, or have been declared incompetent. These provisions have been superseded by the regulations contained in Part 707, Title 7, Code of Federal Regulations. Part 1468 is therefore amended in the following respects:

1. Paragraphs (a) and (b) of § 1468.214 are revised to read:

§ 1468.214 Application by successors and representatives.

(a) If a person earned a payment in whole or in part under this subpart and is otherwise eligible to receive it but before filing an application therefor dies, disappears or is declared incompetent, his successors or representatives authorized to receive such payment in the order of precedence set forth in Part 707 of this title may make application for such payment on Form CCC 1152. The applicant shall indicate the capacity in which he applies. The applicant shall, when required in accordance with § 1468.213 (b), attach to the application a properly executed Form CCC 1158, "Attachment to Application for Payment for Producers Who Did Not Own the Animals for 30 Days." The applicant shall also file Form ASCS-325, "Application for Payment of Amounts Due Persons Who Have Died, Disappeared, or Have Been Declared Incompetent," in accordance with Part 707 of this title.

(b) If a person who earned a payment under this subpart and filed an application therefor dies, disappears, or is declared incompetent, either before CCC has issued a draft in payment or after CCC has issued a draft in payment but before the draft is negotiated, his successors or representatives authorized to receive such payment in the order of precedence set forth in Part 707 of this title may apply therefor on Form ASCS-325, in accordance with Part 707 of this title.

* * * * *

2. Paragraph (c) of § 1468.214 is deleted.

3. Sections 1468.220, 1468.221, 1468.222, and 1468.223 are deleted.

4. In §§ 1468.209(a) and 1468.229(a), substitute for "Form CCC Mohair 1" the words "Form CCC 1152."

5. Section 1468.229 is amended by substituting for the words in paragraph (a) "Form CCC 1159," and in paragraph (b) "Form CCC Wool 59" the words "Form ASCS-325," before the words "Application for Payment of Amounts Due Producers Who Have Died, Disappeared, or Have Been Declared Incompetent." Section 1468.229 is further amended by including in paragraph (b) before the words "Form CCC Wool 57," the words "Form CCC Mohair 1, 'Application for Payment—Mohair.'"

(Sec. 4, 62 Stat. 1070, sec. 5, 62 Stat. 1072, secs. 702-708, 68 Stat. 910-912, as amended, secs. 401-403, 72 Stat. 994-995, sec. 151, 75 Stat. 306, 15 U.S.C. 714b, 15 U.S.C. 714c, 7 U.S.C. 1781-1787, as amended)

Effective date. This revision shall become effective on the date of publication in the FEDERAL REGISTER.

Signed at Washington, D.C., on April 30, 1965.

H. D. GODFREY,
Executive Vice President,
Commodity Credit Corporation.

[F.R. Doc. 65-4859; Filed, May 6, 1965; 8:50 a.m.]

[Amdt. 11]

PART 1472—WOOL

Subpart—Payment Program for Shorn Wool and Unshorn Lambs (Pulled Wool)

PAYMENTS DUE PERSONS WHO HAVE DIED, DISAPPEARED, OR HAVE BEEN DECLARED INCOMPETENT

The regulations issued by the Commodity Credit Corporation containing the requirements with respect to the Payment Program for Shorn Wool and Unshorn Lambs (Pulled Wool), as amended (27 F.R. 933, 9714; 28 F.R. 579, 1034, 6532, 10290, 12160, 12735; 29 F.R. 3754, 18153; 30 F.R. 1250, 4056), are further amended by deleting the provisions relating to applications, by eligible successors or representatives, for payments due persons who have died, disappeared, or have been declared incompetent. These provisions have been superseded by the regulations contained in Part 707, Title 7, Code of Federal Regulations. Part 1472 is therefore amended in the following respects:

1. Paragraphs (a) and (b) of § 1472.1045 are revised to read:

§ 1472.1045 Application by successors and representatives.

(a) If a person earned a payment in whole or in part under this subpart and is otherwise eligible to receive it but before filing an application therefor dies, disappears, or is declared incompetent, his successors or representatives authorized to receive such payment in the order of precedence set forth in Part 707 of this title may make application for such payment on Form CCC Wool 55 in the case of a shorn wool payment and on Form CCC Wool 56 in the case of an unshorn lamb payment. The applicant shall indicate the capacity in which he applies. The applicant shall, when required in accordance with § 1472.1044(b), attach to the application a properly executed Form CCC Wool 58, "Attachment to Application for Payment for Producers Who Did Not Own the Animals for 30 Days." The applicant shall also file Form ASCS-325, "Application for Payment of Amounts Due Persons Who Have Died, Disappeared, or Have Been Declared Incompetent," in accordance with Part 707 of this title.

(b) If a person who earned a payment under this subpart and filed an application therefor dies, disappears, or is declared incompetent, either before CCC has issued a draft in payment or after CCC has issued a draft in payment but before the draft is negotiated, his successors or representatives authorized to receive such payment in the order of precedence set forth in Part 707 of this title may apply therefor on Form ASCS-325, in accordance with Part 707 of this title.

* * * * *

2. Paragraph (c) of § 1472.1045 is deleted.

3. Sections 1472.1051, 1472.1052, 1472.1053, and 1472.1054 are deleted.

4. Section 1472.1060 is revised to read:

§ 1472.1060 Forms.

(a) Form CCC Wool 55, "Application for Incentive Payment—Shorn Wool"; Form CCC Wool 56, "Application for Payment—Unshorn Lambs (Pulled Wool)"; Form CCC Wool 57, "Assignment of Payment Under the National Wool Act of 1954"; Form CCC Wool 58, "Attachment to Application for Payment for Producers Who Did Not Own the Animals for 30 Days"; Form ASCS-325, "Application for Payment of Amounts Due Persons Who Have Died, Disappeared, or Have Been Declared Incompetent"; and other forms issued by the U.S. Department of Agriculture for use in connection with this program may be obtained from the ASCS county offices. These forms may be reproduced, provided that any forms reproduced after the issuance of this subpart shall retain the language, format, and size of the official forms issued after January 1, 1959, except that the printer's

identification on the official forms must not be reproduced.

(b) Any of the following forms issued or printed subsequent to January 1, 1962, may be used as a substitute for those specified in this subpart: Form CCC 1155, "Application for Incentive Payment—Shorn Wool"; Form CCC 1156, "Application for Payment — Unshorn Lambs (Pulled Wool)"; Form CCC 1157, "Assignment of Payment Under the National Wool Act of 1954"; Form CCC 1158, "Attachment to Application for Payment for Producers Who Did Not Own the Animals for 30 Days"; and other forms issued by the U.S. Department of Agriculture for use in connection with the payment program for shorn wool and unshorn lamb (pulled wool) for 1962 and subsequent marketing years.

5. Paragraphs (a) and (b) of § 1472.1145 are revised to read:

§ 1472.1145 Applications by successors and representatives.

(a) If a person earned a payment in whole or in part under this subpart and is otherwise eligible to receive it but before filing an application therefor dies, disappears, or is declared incompetent, his successors or representatives authorized to receive payment in the order of precedence set forth in Part 707 of this title may make application for such payment on Form CCC 1155 in the case of a shorn wool payment and on Form CCC 1156 in the case of any unshorn lamb payment. The applicant shall indicate the capacity in which he applies. The applicant shall, when required in accordance with § 1472.1144(b), attach to the application a properly executed Form CCC 1158, "Attachment to Application for Payment for Producers Who Did Not Own the Animals for 30 Days." The applicant shall also file Form ASCS–325, "Application for Payment of Amounts Due Persons Who Have Died, Disappeared, or Have Been Declared Incompetent," in accordance with Part 707 of this title.

(b) If a person who earned a payment under this subpart and filed an application therefor dies, disappears, or is declared incompetent, either before CCC has issued a draft in payment or after CCC has issued a draft in payment but before the draft is negotiated, his successors or representatives authorized to receive such payment in the order of precedence set forth in Part 707 of this title may apply therefor on Form ASCS–325, in accordance with Part 707 of this title.

* * * * *

6. Paragraph (c) of § 1472.1145 is deleted.

7. Sections 1472.1151, 1472.1152, 1472.1153, and 1472.1154 are deleted.

8. Section 1472.1160 is amended by substituting for the words in paragraph (a) "Form CCC 1159," and in paragraph (b) "Form CCC Wool 59," the words "Form ASCS–325," before the words "Application for Payment of Amounts Due Persons Who Have Died, Disappeared, or Have Been Declared Incompetent."

(Sec. 4, 62 Stat. 1070, sec. 5, 62 Stat. 1072, secs. 702–708, 68 Stat. 910–912, as amended, secs. 401–403, 72 Stat. 994–995, sec. 151, 75 Stat. 306; 15 U.S.C. 714b, 15 U.S.C. 714c, 7 U.S.C. 1781–1787, as amended)

Effective date. This revision shall become effective on the date of publication in the FEDERAL REGISTER.

Signed at Washington, D.C., on April 30, 1965.

H. D. GODFREY,
Executive Vice President,
Commodity Credit Corporation.

[F.R. Doc. 65–4860; Filed, May 6, 1965; 8:50 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Agency

[Airspace Docket No. 63–SW–115]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Control Area Extension, Alteration of Revocation

On March 25, 1965, Federal Register Document 65–3031 was published in the FEDERAL REGISTER (30 F.R. 3858) which, in part, revoked the Tulsa, Okla., control area extension, effective 0001 e.s.t., May 27, 1965.

Subsequent to the issuance of this rule, it has been determined that revocation of the Tulsa control area extension must be withheld due to the delay encountered in rule action on the Tulsa, Okla., transition area, as proposed in Airspace Docket No. 63–SW–124, which resulted from modification of an instrument approach procedure. Accordingly, Federal Register Document 65–3031 is amended herein. Consideration will be given to revoking the Tulsa control area extension at a later date in Docket No. 63–SW–124.

Since this amendment will impose no additional burden on any person, notice and public procedures hereon are unnecessary and the effective date of the final rule may be retained as initially adopted.

In consideration of the foregoing, Federal Register Document No. 65–3031 is amended, effective immediately, to delete paragraph number 3 revoking the Tulsa, Okla., control area extension.

(Sec. 307(a) of the Federal Aviation Act of 1958; 49 U.S.C. 1348)

Issued in Fort Worth, Tex., on April 28, 1965.

ARCHIE W. LEAGUE,
Director, Southwest Region.

[F.R. Doc. 65–4794; Filed, May 6, 1965; 8:45 a.m.]

[Airspace Docket No. 65–CE–4]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Designation of Control Zone and Transition Area and Revocation of Control Area Extension

On February 27, 1965, a notice of proposed rule making was published in the FEDERAL REGISTER (30 F.R. 2606) stating that the Federal Aviation Agency proposed to alter the controlled airspace in the Goodland, Kans., terminal area.

Interested persons were afforded an opportunity to participate in the rule making though submission of comments. All comments received were favorable.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0001 e.s.t., July 22, 1965, as hereinafter set forth.

1. Section 71.165 (29 F.R. 17557) is amended as follows:

The Goodland, Kans., control area extension is revoked.

2. In § 71.171 (29 F.R. 17581) the following is added:

GOODLAND, KANS.

Within a 5-mile radius of the Goodland, Kans., Municipal Airport (latitude 39°21'45" N., longitude 101°42'00" W.), and within 2 miles each side of the Goodland VORTAC 352° radial, extending from the 5-mile radius zone to 8 miles N of the VORTAC.

3. In § 71.181 (29 F.R. 17643) the following is added:

GOODLAND, KANS.

That airspace extending upward from 700 feet above the surface within a 6-mile radius of the Goodland, Kans., Municipal Airport (latitude 39°21'45" N., longitude 101°42'00" W.); and within 2 miles each side of the Goodland VORTAC 022° radial, extending from the 6-mile radius to 8 miles N of the VORTAC; and that airspace extending upward from 1,200 feet above the surface within 5 miles E and 8 miles W of the Goodland VORTAC 022° radial extending from the VORTAC to 13 miles N of the VORTAC, and within 5 miles E and 8 miles W of the Goodland VORTAC 352° radial, extending from 2 miles S of the VORTAC to 12 miles N of the VORTAC.

(Section 307(a) of the Federal Aviation Act of 1958; 49 U.S.C. 1348)

Issued in Kansas City, Mo., on April 27, 1965.

EDWARD C. MARSH,
Director, Central Region.

[F.R. Doc. 65–4795; Filed, May 6, 1965; 8:45 a.m.]

[Airspace Docket No. 64–AL–17]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Federal Airways and Designation and Revocation of Reporting Points

On January 22, 1965, a notice of proposed rule making was published in the FEDERAL REGISTER (30 F.R. 710) stating that the Federal Aviation Agency was considering amendments to Part 71 of the Federal Aviation Regulations that would alter VOR Federal airways Nos. 438, 444, 488, 504, and 480, designate the Fairbanks, Alaska, VOR as a low altitude reporting point, and that would revoke the Glacier, Alaska, Intersection and Fairbanks ILS middle marker as low altitude reporting points.

Interested persons were afforded an opportunity to participate in the proposed rule making through the submission of comments. All comments received were favorable.

Subsequent to publication of the notice of proposed rule making, it was determined that the minimum reception altitude of the segment of V–444 between Fairbanks, Alaska, and Bettles, Alaska, would be too high to justify assignment of airspace for this airway segment. Accordingly, the proposal to designate this segment of V–444 is hereby withdrawn. Since this segment of V–444 will not be designated, it will not be necessary to dogleg V–504, as proposed in the notice, to provide 15° separation between these two airways at Bettles. Therefore, the proposal to alter V–504 is hereby withdrawn.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0001 e.s.t., July 22, 1965, as hereinafter set forth.

Section 71.125 (29 F.R. 17546) is amended as follows:

1. In V–438 all after "Talkeetna, Alaska," is deleted and "including a W alternate; Fairbanks, Alaska; to Fort Yukon, Alaska, including an E alternate." is substituted therefor.

2. V–444 is amended to read "From Fairbanks, Alaska, via Big Delta, Alaska; to the INT of Big Delta 121° radial with the Northway, Alaska, RR."

3. In V–480 "to Fairbanks, Alaska, ILS LMM." is deleted and "to Fairbanks, Alaska." is substituted therefor.

4. In V–488 "to Nenana, Alaska." is deleted and "to Fairbanks, Alaska." is substituted therefor.

Section 71.211 (29 F.R. 17723) is amended as follows:

1. "Fairbanks, Alaska, ILS MM." is revoked.

2. "Glacier INT: INT Nenana, Alaska, 192° radial, NW course Summit, Alaska, RR." is revoked.

3. "Fairbanks, Alaska." is added.

(Sec. 307(a) of the Federal Aviation Act of 1958; 49 U.S.C. 1348)

Issued in Washington, D.C., on April 29, 1965.

DANIEL E. BARROW,
Chief, Airspace Regulations and Procedures Division.

[F.R. Doc. 65–4796; Filed, May 6, 1965; 8:45 a.m.]

[Airspace Docket No. 64–WA–89]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Extension of Federal Airway

On February 25, 1965, a notice of proposed rule making was published in the FEDERAL REGISTER (30 F.R. 2470) stating that the Federal Aviation Agency was considering an amendment to Part 71 of the Federal Aviation Regulations that would extend VOR Federal airway No. 34 from Rochester, N.Y., via the intersection of the Rochester VOR 309° and Kleinburg, Ontario, VOR 113° True radials to the Kleinburg VOR, excluding that portion which lies within Canada.

Interested persons were afforded an opportunity to participate in the proposed rule making through the submission of comments. All comments received were favorable.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0001 e.s.t., July 22, 1965, as herein set forth.

In § 71.123 (29 F.R. 17509), V–34 is amended by deleting "From Rochester, N.Y., via" and substituting therefor "From Kleinburg, Ontario, via INT of Kleinburg 113° and Rochester, N.Y., 309° radials; Rochester;" and deleting "The airspace within R–5207 is excluded." and substituting therefor "The airspace within Canada and R–5207 is excluded."

(Sec. 307(a) of the Federal Aviation Act of 1958; 49 U.S.C. 1348)

Issued in Washington, D.C., on April 29, 1965.

DANIEL E. BARROW,
Chief, Airspace Regulations and Procedures Division.

[F.R. Doc. 65–4797; Filed, May 6, 1965; 8:45 a.m.]

[Airspace Docket No. 64–WA–97]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Realignment and Extension of Federal Airways

On February 4, 1965, a notice of proposed rule making was published in the FEDERAL REGISTER (30 F.R. 1201) stating that the Federal Aviation Agency was considering amendments to Part 71 of the Federal Aviation Regulations that would extend VOR Federal airway No. 258 from Roanoke, Va., to Danville, Va., and would realign VOR Federal airway No. 136 between Pulaski, Va., and South Boston, Va.

Interested persons were afforded an opportunity to participate in the proposed rule making through the submission of comments. All comments received were favorable.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0001 e.s.t., June 24, 1965, as hereinafter set forth.

Section 71.123 (29 F.R. 17509) is amended as follows:

a. V–136 is amended to read:

V–136 from Pulaski, Va., via INT of Pulaski 094° and South Boston, Va., 295° radials; South Boston; to Raleigh, N.C.

b. In V–258 all after "Roanoke, Va.;" is deleted and "INT of Roanoke 145° and Danville, Va., 320° radials; to Danville." is substituted therefor.

(Sec. 307(a) of the Federal Aviation Act of 1958; 49 U.S.C. 1348)

Issued in Washington, D.C., on April 29, 1965.

DANIEL E. BARROW,
Chief, Airspace Regulations and Procedures Division.

[F.R. Doc. 65–4798; Filed, May 6, 1965; 8:45 a.m.]

[Airspace Docket No. 65–CE–8]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Transition Area

On February 27, 1965, a notice of proposed rule making was published in the FEDERAL REGISTER (30 F.R. 2612) stating that the Federal Aviation Agency proposed to alter the controlled airspace in the Malden, Mo., terminal area.

Interested persons were afforded an opportunity to participate in the rule making through submission of comments. All comments received were favorable.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0001 e.s.t., July 22, 1965, as hereinafter set forth.

In § 71.181 (29 F.R. 17643) the Malden, Mo., transition area is amended to read:

MALDEN, MO.

That airspace extending upward from 700 feet above the surface within a 6-mile radius of the Malden Municipal Airport (latitude 36°26'30" N., longitude 89°59'00" W.), and within 2 miles each side of the Malden VOR 120° radial, extending from the 6-mile radius to 8 miles SE of the VOR; and that airspace extending upward from 1,200 feet above the surface within 5 miles SW and 8 miles NE of the Malden VOR 120° radial, extending from 2 miles NW to 12 miles SE of the VOR.

(Sec. 307(a) of the Federal Aviation Act of 1958; 49 U.S.C. 1348)

Issued in Kansas City, Mo., on April 27, 1965.

EDWARD C. MARSH,
Director, Central Region.

[F.R. Doc. 65–4799; Filed, May 6, 1965; 8:45 a.m.]

[Airspace Docket No. 65–CE–13]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Control Zone and Transition Area

On February 27, 1965, a notice of proposed rule making was published in the FEDERAL REGISTER (30 F.R. 2607) stating that the Federal Aviation Agency proposed to alter the controlled airspace in the vicinity of Brainerd, Minn.

Interested persons were afforded an opportunity to participate in the rule making through submission of comments. All comments received were favorable.

Subsequent to the publication of this notice of proposed rule making, it was noted that the approach radial used in the VOR instrument approach procedure for the Brainerd-Crow Wing County Municipal Airport had been changed from 291° to 294°. This change requires that the airspace designations, as they appear in the notice of proposed rule making, be altered accordingly. Since these amendments are minor in nature and impose no additional burden on any

person, notice and public procedure amended, effective 0001 e.s.t., July 22,

person, notice and public procedure hereon are unnecessary, and these amendments may become effective on the publication of the final rule.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended effective 0001 e.s.t., July 22, 1965, as hereinafter set forth:

(1) In § 71.171 (29 F.R. 17581) the Brainerd, Minn., control zone is amended to read:

BRAINERD, MINN.

Within a 5-mile radius of the Brainerd-Crow Wing County Municipal Airport (latitude 46°23'25" N., longitude 94°08'20" W.); and within 2 miles each side of the Brainerd VOR 300° radial, extending from the 5-mile radius zone to the VOR; and within 2 miles each side of the 313° bearing from the Brainerd-Crow Wing County Municipal Airport, extending from the 5-mile radius zone to 7 miles NW of the Airport. This control zone shall be effective during the times established by a notice to airmen and published continuously in the Airman's Information Manual.

(2) In § 71.181 (29 F.R. 17643) the Brainerd, Minn., transition area is amended to read:

BRAINERD, MINN.

That airspace extending upward from 700 feet above the surface within a 7-mile radius of the Brainerd-Crow Wing County Airport (latitude 46°23'25" N., longitude 94°08'20" W.); and within 2 miles each side of the 195° bearing from the Brainerd-Crow Wing County Municipal Airport extending from the 7-mile radius area to 11 miles S of the airport; and within 5 miles NE and 8 miles SW of the 313° bearing from the Brainerd-Crow Wing County Municipal Airport extending from the airport to 12 miles NW of the airport; and that airspace extending upward from 1,200 feet above the surface within 5 miles SW and 8 miles NE of the Brainerd VOR 120° and 300° radials, extending from 5 miles NW to 13 miles SE of the VOR; within 8 miles E and 5 miles W of the 195° bearing from the Brainerd-Crow Wing County Municipal Airport extending from the airport to 15 miles S of the airport.

(Sec. 307(a) of the Federal Aviation Act of 1958; 49 U.S.C. 1348)

Issued in Kansas City, Mo., on April 27, 1965.

EDWARD C. MARSH,
Director, Central Region.

[F.R. Doc. 65-4845; Filed, May 6, 1965; 8:49 a.m.]

[Airspace Docket No. 65-CE-14]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Control Zone and Transition Area

On February 27, 1965, a notice of proposed rule making was published in the FEDERAL REGISTER (30 F.R. 2608) stating that the Federal Aviation Agency proposed to alter the controlled airspace in the Detroit City, Mich., terminal area.

Interested persons were afforded an opportunity to participate in the rule making through submission of comments. All comments received were favorable.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0001 e.s.t., July 22, 1965, as hereinafter set forth.

1. In § 71.171 (29 F.R. 17581) the Detroit City, Mich., control zone is amended to read:

DETROIT CITY, MICH.

Within a 5-mile radius of the Detroit City Airport (latitude 42°24'35" N., longitude 83°-00'35" W.), within 2 miles each side of the 143° bearing from the Madison Heights, Mich., RBN and Windsor, Ontario, Canada, VOR 320° radial, extending from the 5-mile radius zone to 6 miles NW of the approach end of the Detroit City Airport Runway 15 and within 2 miles each side of the Windsor, Ontario, Canada, RR NW course, extending from the 5-mile radius zone to the United States/Canadian border, and within 2 miles each side of the Windsor, Ontario, Canada, VOR 320° radial extending from the 5-mile radius zone to the United States/Canadian border.

2. In § 71.181 (29 F.R. 17643) the Detroit City, Mich., transition area is amended to read:

DETROIT CITY, MICH.

That airspace extending upward from 700 feet above the surface within a 5-mile radius of Berz Airport, Birmingham, Mich. (latitude 42°32'40" N., longitude 83°10'25" W.), and within 2 miles each side of the 129° and 309° bearings from the Madison Heights, Mich., RBN, extending from the 5-mile radius area to 8 miles SE of the RBN.

(Sec. 307(a) of the Federal Aviation Act of 1958; 49 U.S.C. 1348)

Issued in Kansas City, Mo., on April 27, 1965.

EDWARD C. MARSH,
Director, Central Region.

[F.R. Doc. 65-4846; Filed, May 6, 1965; 8:49 a.m.]

[Airspace Docket No. 65-SW-125]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Control Zone; Revocation of Control Area Extensions and Designation of Transition Area

On February 6, 1965, a notice of proposed rule making was published in the FEDERAL REGISTER (30 F.R. 1299) stating that the Federal Aviation Agency proposed to alter the controlled airspace in the Blytheville, Ark., terminal area.

Interested persons were afforded an opportunity to participate in the rule making through submission of comments. Comments were received from the Office of the Mayor of Blytheville, Ark., requesting that the Blytheville Municipal Airport be excluded from the portion of the transition area proposed with a floor of 700 feet above the surface. This airport is only partially contained within the eastern boundary of the proposed 700-foot floor area and its location is such that it may be excluded from the 700-foot floor portion without adversely effecting instrument arrivals and departures from Blytheville AFB. Accordingly, the 700-foot floor portion of the transition area proposed in the notice is altered herein to exclude the area within a one-mile radius of the Blytheville Municipal Airport. All other comments received were favorable.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0001 e.s.t., July 22, 1965, as hereinafter set forth.

1. In § 71.171 (29 F.R. 17587) the Blytheville, Ark., control zone is amended to read:

BLYTHEVILLE, ARK.

That airspace within a 5-mile radius of the Blytheville AFB (latitude 35°57'50" N., longitude 89°56'40" W.); within 2 miles each side of the Blytheville ILS localizer N course extending from the 5-mile radius zone to 0.5 mile S of the OM, within 2 miles each side of the Blytheville VOR 357° and 185° radials extending from the 5-mile radius zone to 7 miles N and 7 miles S of the VOR, within 2 miles each side of the extended centerline of Runway 17 extending from the 5-mile radius zone to 6 miles S of the airport, and within 2 miles each side of the Blytheville TACAN 337° and 165° radials extending from the 5-mile radius zone to 7 miles N and 6 miles S of the TACAN.

2. In § 71.165 (29 F.R. 17559) the Blytheville, Ark., control area extension is revoked.

3. In § 71.165 (29 F.R. 17569) the Memphis, Tenn., control area extension is revoked.

4. In § 71.181 (29 F.R. 17643) the following transition area is added:

BLYTHEVILLE, ARK.

That airspace extending upward from 700 feet above the surface within a 7-mile radius of Blytheville AFB (latitude 35°57'50" N., longitude 89°56'40" W.); within 2 miles each side of the Blytheville VOR 357° and 185° radials extending from the 7-mile radius area to 21 miles N and S of the VOR, within 2 miles each side of the Blytheville TACAN 357° and 185° radials extending from the 7-mile radius area to 8 miles N and 7 miles S of the TACAN, and within 2 miles each side of the extended centerline of Runways 17 and 35, extending from the 7-mile radius area to 8 miles N and S of the airport, excluding that portion within a 1-mile radius of Blytheville Municipal Airport (latitude 35°56'15" N., longitude 89°49'45" W.); and that airspace extending upward from 1,200 feet above the surface within an area bounded by a line beginning at latitude 36°34'00" N., longitude 90°10'00" W.; to latitude 36°20'00" N., longitude 89°59'00" W.; to latitude 36°-20'00" N., longitude 89°49'30" W.; to latitude 36°33'30" N., longitude 89°34'00" W.; to latitude 36°28'00" N., longitude 89°19'00" W.; to latitude 36°06'00" N., longitude 89°26'00" W.; thence W to the point of intersection of latitude 36°06'30" N., and the arc of a 21-mile radius circle centered at latitude 35°57'50" N., longitude 89°56'40" W.; thence clockwise along this arc to longitude 89°-50'00" W., thence S via longitude 89°50'00" W. to the arc of a 36-mile radius circle centered at latitude 35°03'00" N., longitude 89°58'15" W., thence counterclockwise along the arc of this 36-mile radius circle to the W boundary of V-9 west alternate; thence N via the W boundary of V-9 west alternate to the S boundary of V-140; thence W along the S boundary of V-140 to the E boundary of the Walnut Ridge, Ark., transition area; thence N along the E boundary of the Walnut Ridge, Ark., transition area to latitude 36°22'00" N., thence to point of beginning; and that airspace extending upward from 5,000 feet m.s.l. bounded by a line beginning at latitude 36°33'30" N., longitude 89°34'00" W.; to latitude 37°03'00" N., longitude 89°19'00" W.; to latitude 36°58'30" N., longitude 89°00'00" W.; to latitude 36°28'00" N., longitude 89°19'00" W.; to point of beginning; excluding the portion within the Puducah, Ky., transition area and the portion extending upward from 5,000 feet m.s.l. within federal airways.

(Sec. 307(a) of the Federal Aviation Act of 1958; 49 U.S.C. 1348)

Issued in Fort Worth, Tex., on May 3, 1965.

ARCHIE W. LEAGUE,
Director, Southwest Region.

[F.R. Doc. 65-4847; Filed, May 6, 1965; 8:49 a.m.]

[Airspace Docket No. 65-WE-44]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Control Zones

The purpose of these amendments to Part 71 of the Federal Aviation Regulations is to alter the time of designation of the Oxnard, Calif. (Ventura County Airport), control zone and description of the Oxnard, Calif. (Oxnard AFB), control zone.

The Oxnard, Calif. (Ventura County Airport), control zone is presently designated as a full-time control zone. However, effective May 16, 1965, the Oxnard, Calif. (Ventura County Airport), traffic control tower, which provides weather reporting and communications services within the control zone, will operate from 0600 to 2200 hours, local time, daily. Therefore, action is taken herein to redesignate the Oxnard, Calif. (Ventura County Airport), control zone with effective hours coincident with those within which weather and communications services are provided.

To provide protection for aircraft executing prescribed instrument approach and departure procedures within the area of the Ventura County Airport during the period the Ventura Tower is not in operation, action is taken herein to redesignate the Oxnard, Calif. (Oxnard AFB), control zone to include the area of the Ventura County Airport during that period. Communications for both airports will be provided by the Oxnard AFB Radar Approach Control facility. This action will not alter the extent of the presently designated controlled airspace in this area.

Since these amendments are minor in nature and impose no additional burden on any person, notice and public procedure hereon are unnecessary.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0001 e.s.t., May 16, 1965, as hereinafter set forth.

In § 71.171 (29 F.R. 17623), the Oxnard, Calif. (Oxnard AFB), control zone is amended to read:

Within a 5-mile radius of Oxnard AFB (latitude 34°12'50" N., longitude 119°05'15" W.); within a 5-mile radius of Ventura County Airport (latitude 34°12'02" N., longitude 119°12'10" W.), excluding the portion within the Oxnard, Calif. (Ventura County Airport), control zone when it is effective.

In § 71.171 (29 F.R. 17623), the Oxnard, Calif. (Ventura County Airport), control zone is amended to read:

Within a 5-mile radius of Ventura County Airport (latitude 34°12'02" N., longitude 119°12'10" W.), excluding the portion E of a line extending from latitude 34°15'35" N., longitude 119°09'15" W., to latitude 34°-09'10" N., longitude 119°08'05" W. This control zone is effective from 0600 to 2200 hours, local time, daily.

(Sec. 307(a) of the Federal Aviation Act of 1958, as amended; 72 Stat. 749; 49 U.S.C. 1348)

Issued in Los Angeles, Calif., on April 29, 1965.

LEE E. WARREN,
Acting Director, Western Region.

[F.R. Doc. 65-4848; Filed, May 6, 1965; 8:49 a.m.]

[Airspace Docket No. 65-SW-102]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Transition Area; Alteration

On March 31, 1965, Federal Register Document 65-3259 was published in 30 F.R. 4196 which, in part, designated the San Antonio, Tex., transition area, effective May 27, 1965.

Action is taken herein to reconcile a coordinate in the description of the 4,500-foot m.s.l. portion of the San Antonio transition area so as to coincide with the western boundary of the 1,200-foot floor portion.

Since this amendment results in no additional airspace being designated, and, therefore, imposes no additional burden on any person, notice and public procedures hereon are unnecessary and the effective date of the final rule may be retained as initially adopted.

In consideration of the foregoing, Federal Register Document No. 65-3259 is amended, effective immediately, as hereinafter set forth:

The 4,500-foot m.s.l. portion of the San Antonio transition area is amended to read as follows: "that airspace extending upward from 4,500 feet m.s.l. bounded by a line beginning at latitude 29°24'00" N., and the arc of a 75-mile radius circle centered at latitude 29°38'37.7" N., longitude 98°27'39.7" W.; thence clockwise along this arc to longitude 98°33'00" W.; thence to latitude 30°33'30" N., longitude 98°31'30" W.; to latitude 30°10'40" N., longitude 99°18'40" W.; to latitude 29°19'50" N., longitude 99°09'30" W.; thence to point of beginning;"

(Sec. 307(a) of the Federal Aviation Act of 1958; 49 U.S.C. 1348)

Issued in Fort Worth, Tex., on April 30, 1965.

ARCHIE W. LEAGUE,
Director, Southwest Region.

[F.R. Doc. 65-4849; Filed, May 6, 1965; 8:49 a.m.]

[Airspace Docket No. 65-WE-17]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Transition Area

On March 5, 1965, a notice of proposed rule making was published in the FEDERAL REGISTER (30 F.R. 2874) stating that the Federal Aviation Agency proposed the alteration of the Spokane, Wash., transition area.

Interested persons were afforded an opportunity to participate in the rule making through submission of comments. All comments received were favorable.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0001 e.s.t., July 22, 1965, as hereinafter set forth.

In § 71.181 (29 F.R. 17699), the Spokane, Wash., transition area is amended to read:

SPOKANE, WASH.

That airspace extending upward from 700 feet above the surface within a 15-mile radius of the Spokane International Airport (latitude 47°37'35" N., longitude 117°32'05" W.), and within a 15-mile radius of Fairchild AFB, Spokane, Wash. (latitude 47°36'55" N., longitude 117°39'20" W.); that airspace extending upward from 1,200 feet above the surface within a 38-mile radius of Fairchild AFB, Spokane (latitude 47°36'55" N., longitude 117°39'20" W.), within a 52-mile radius of Fairchild AFB, extending clockwise from the Spokane VORTAC 024° radial to a line 5 miles S of and parallel to the Spokane VORTAC 094° radial, and clockwise from a line 5 miles NE of and parallel to the Spokane VORTAC 156° radial to the Spokane VORTAC 300° radial; and that airspace S of Spokane extending from the 52-mile radius area bounded on the E by longitude 117°32'00" W., on the S by V-536, and on the W by V-281; that airspace extending upward from 7,000 feet m.s.l. within the area bounded by the arcs of 38- and 52-mile radius circles centered on Fairchild AFB, extending clockwise from the Spokane VORTAC 300° to the 024° radials; and that airspace extending upward from 6,000 feet m.s.l. within the area bounded by the arcs of 38- and 52-mile radius circles centered on Fairchild AFB, extending clockwise from a line 5 miles S of and parallel to the Spokane VORTAC 094° radial to a line 5 miles NE of and parallel to the Spokane VORTAC 156° radial, excluding the portion within a 39-mile radius of Larson AFB, Moses Lake, Wash.

(Sec. 307(a) of the Federal Aviation Act of 1958, as amended; 72 Stat. 749; 49 U.S.C. 1348)

Issued in Los Angeles, Calif., on April 29, 1965.

LEE E. WARREN,
Acting Director, Western Region.

[F.R. Doc. 65-4850; Filed, May 6, 1965; 8:49 a.m.]

[Airspace Docket No. 65-WA-16]

PART 73—SPECIAL USE AIRSPACE

Alteration of Restricted Area/Military Climb Corridors

The purpose of these amendments to Part 73 of the Federal Aviation Regulations is to change the designated altitudes of Restricted Area/Military Climb Corridors (RA/MCCs) from feet mean sea level (m.s.l.) to flight levels (FLs) at 18,000 feet m.s.l. and above to coincide with the altimeter settings specified in Part 91 of the Federal Aviation Regulations. Section 91.81 requires that altimeters be set to maintain cruising altitudes below 18,000 feet m.s.l. and to maintain flight levels at or above 18,000 feet m.s.l.

Since these amendments are editorial in nature and will not assign or reassign the navigable airspace, notice and public procedure hereon are unnecessary. However, since it is necessary that suf-

ficient time be allowed to make the appropriate changes on aeronautical charts, these amendments will become effective more than 30 days after publication.

In consideration of the foregoing, Part 73 of the Federal Aviation Regulations is amended, effective 0001 e.s.t., July 22, 1965, as hereinafter set forth.

In Part 73 (29 F.R. 17727), descriptions of all altitudes at or above 18,000 feet m.s.l. within Restricted Area/Military Climb Corridors are amended by substituting the appropriate corresponding flight level numbers.

(Sec. 307(a) of the Federal Aviation Act of 1958; 49 U.S.C. 1348)

Issued in Washington, D.C., on April 29, 1965.

CHARLES W. CARMODY,
Acting Director,
Air Traffic Service.

[F.R. Doc. 65-4800; Filed, May 6, 1965; 8:45 a.m.]

[Airspace Docket No. 65-EA-12]

PART 73—SPECIAL USE AIRSPACE

Alteration of Restricted Area

On March 17, 1965, a notice of proposed rule making was published in the FEDERAL REGISTER (30 F.R. 3549) stating that the Federal Aviation Agency was considering amendments to Part 73 of the Federal Aviation Regulations that would alter Restricted Area R-2801 at Bethany Beach, Del.

Interested persons were afforded an opportunity to participate in the rule making through submission of comments. All comments received were favorable.

In consideration of the foregoing, Part 73 of the Federal Aviation Regulations is amended, effective 0001 e.s.t., June 12, 1965, as hereinafter set forth.

In § 73.28 (29 F.R. 17739), Restricted Area R-2801 is amended by deleting:

Designated altitudes. Surface to 36,000 feet m.s.l.

Time of designation. 0800 to 2000 e.s.t., Monday through Friday, July 1 through August 31.

Using agency. Commanding General, Second U.S. Army, Fort Meade, Md., and substituting therefor:

Designated altitudes. Surface to 23,500 feet m.s.l.

Time of designation:

June 1 through September 30—0800–2000 local time, Monday through Friday.

October 1 through May 31—0800–1600 local time, Saturdays and Sundays.

Using agency. Adjutant General, State of Delaware, Wilmington, Del.

(Sec. 307(a) of the Federal Aviation Act of 1958; 49 U.S.C. 1348)

Issued in Washington, D.C., on May 4, 1965.

CHARLES W. CARMODY,
Acting Director,
Air Traffic Service.

[F.R. Doc. 65-4820; Filed, May 6, 1965; 8:47 a.m.]

[Reg. Docket No. 6235; Amdt. 91-18]

PART 91—GENERAL OPERATING AND FLIGHT RULES

Alternate Airports

Correction

In F.R. Doc. 65-4468, appearing at page 6070 of the issue for Thursday, April 29, 1965, the word "destination" appearing in the 23d line, 4th paragraph, 2d column on page 6070 should read "designation".

Title 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

PART 2—FREQUENCY ALLOCATIONS AND RADIO TREATY MATTERS; GENERAL RULES AND REGULATIONS

Table of Frequency Allocations

Order. The Commission, having under consideration the desirability of making certain editorial changes to footnote US9 contained in the Table of Frequency Allocations, § 2.106 of its rules and regulations; and

It appearing, that, pursuant to Commission action taken in Docket No. 8658 effective July 1, 1949, footnote US20 to the then current Table of Frequency Allocations permitted access by non-Government stations in the fixed and land mobile services to frequencies in the band 173.2–173.4 Mc/s; and

It further appearing, that footnote US20 became US9 pursuant to proceedings in Docket No. 13928 which amended Part 2 to align that part with the international Radio Regulations (Geneva, 1959); and

It further appearing, that pursuant to Commission action taken in the First Report and Order, Docket No. 11991 (FCC 58-602; 23FR4784), the spacing between assignable frequencies in the 173.2–173.4 Mc/s band was reduced from 50 kc/s to 25 kc/s thereby providing a 12.5 kc/s portion of spectrum on each end of the 173.2–173.4 Mc/s band which, by the same document, was made available for narrow-band development; and

It further appearing, that footnote US9, by setting forth certain assignable frequencies spaced at 25 kc/s intervals, lacks specificity with respect to non-Government operation within the entire 173.2–173.4 Mc/s band; and

It further appearing, that the amendment adopted herein is editorial in nature, and, therefore, prior publication of notice of proposed rule making under the provision of section 4 of the Administrative Procedure Act is unnecessary, and the amendment may become effective immediately; and

It further appearing, that the amendment adopted herein is issued pursuant to authority contained in sections 4(i), 5(d)(1), and 303(r) of the Communications Act of 1934, as amended, and § 0.261(a) of the Commission's rules and regulations:

It is ordered, This 3d day of May 1965, that effective May 14, 1965, § 2.106, footnote US9 is amended as set forth below.

(Sec. 4, 48 Stat. 1066, as amended; 47 U.S.C. 154. Interpret or apply sec. 303, 48 Stat. 1082, as amended; sec. 5, 66 Stat. 713; 47 U.S.C. 303, 155)

Released: May 3, 1965.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

Part 2 of the Commission's rules and regulations is amended as follows: In § 2.106, *Table of Frequency Allocations*, footnote US9 is amended to read as follows:

US9 The frequency band 173.2–173.4 Mc/s is allocated exclusively in all areas to non-Government stations in the fixed and land mobile services. In order to provide for intercommunication for safety purposes between Government and non-Government stations in the maritime mobile service, the frequency band 157.035–157.175 Mc/s is allocated exclusively in all areas to Government stations in the fixed and mobile services.

[F.R. Doc. 65-4837; Filed, May 6, 1965; 8:48 a.m.]

Title 33—NAVIGATION AND NAVIGABLE WATERS

Chapter II—Corps of Engineers, Department of the Army

PART 203—BRIDGE REGULATIONS

Black Creek, Fla.

Pursuant to the provisions of section 5 of the River and Harbor Act of August 18, 1894 (28 Stat. 362; 33 U.S.C. 499), § 203.431a is hereby amended to include the Florida State Road Department bridge across Black Creek on State Road 15 near Doctors Inlet, Fla., effective 30 days after publication in the FEDERAL REGISTER, as follows:

§ 203.431a Black Creek, Fla.; Florida State Highway Department bridge on State Road 15 (U.S. Highway 17) and Atlantic Coast Line Railroad Company bridge near Doctors Inlet.

(a) The owners of or agencies controlling the bridges shall not be required to keep draw tenders at the bridges between the hours of 7 p.m. and 10 a.m. each day. Regular draw tender service will be maintained between the hours of 10 a.m. and 7 p.m.

(b) The owners of or agencies controlling the bridges shall keep conspicuously posted on both the upstream and downstream sides of the bridges, in such manner that they can be easily read at any time, signs setting forth the salient features of the regulations in this section.

[Regs., April 28, 1965, 1507-32 (Black Creek, Fla.)—ENGCW-ON] (Sec. 5, 28 Stat. 362; 33 U.S.C. 499)

J. C. LAMBERT,
Major General, U.S. Army,
The Adjutant General.

[F.R. Doc. 65-4815; Filed, May 6, 1965; 8:46 a.m.]

Title 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

SUBCHAPTER B—FOOD AND FOOD PRODUCTS

PART 121—FOOD ADDITIVES

Subpart C—Food Additives Permitted in Feed and Drinking Water of Animals or for the Treatment of Food-Producing Animals.

PART 144—ANTIBIOTIC DRUGS; EXEMPTIONS FROM LABELING AND CERTIFICATION REQUIREMENTS

ZOALENE, AMPROLIUM, HYGROMYCIN B, TYLOSIN, PENICILLIN

A. The Commissioner of Food and Drugs, having evaluated the data submitted in petitions (FAP Nos. 726–730, 778, 1259) filed by Elance Products Co., A Division of Eli Lilly and Co., Indianapolis 6, Ind., and other relevant material, has concluded that the following amendments and revisions should issue to provide for the safe use of specified combinations of zoalene, amprolium, hygromycin B, tylosin, and procaine penicillin in chicken feed. Therefore, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409 (c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1)), and under the authority delegated to the Commissioner by the Secretary of Health, Education, and Welfare (21 CFR 2.90) the following amendments are made:

1. Section 121.207 is amended by making the following changes in the table in paragraph (c):

a. Item 2 is redesignated as item 2.1 and new items 2.2 and 2.3 are inserted thereafter.

b. The text in the first column of sub-items a through g, inclusive, and sub-items j through l is changed as indicated below.

c. Sub-items h and i are revised to read as set forth below.

d. Two new sub-items m and n are inserted.

e. Item 3 is redesignated as 3.1 and new items 3.2 and 3.3 are inserted thereafter.

f. The first column in sub-items a through g and j through l under item 3.3 is changed as indicated below.

g. Sub-items h and i are revised to read as set forth below.

h. Two new sub-items, m and n, are inserted.

As amended, the affected portions of this section read as follows:

§ 121.207 Zoalene.

(c) • • •

ZOALENE IN COMPLETE FEEDS FOR CHICKENS AND TURKEYS

Principal ingredient	Grams per ton	Combined with—	Grams per ton	Limitations	Indications for use
• • •	• • •	• • •	• • •	• • •	• • •
2.1 Zoalene	• • •	• • •	• • •	• • •	• • •
2.2 Zoalene	113.5 (0.0125%)	Arsanilic acid	90(0.01%)	For broiler chickens; withdraw 5 days before slaughter.	Prevention and control of coccidiosis; growth promotion and feed efficiency; improving pigmentation.
2.3 Zoalene	113.5 (0.0125%)	Sodium arsanilate	90(0.01%)	For broiler chickens; withdraw 5 days before slaughter.	Prevention and control of coccidiosis; growth promotion and feed efficiency; improving pigmentation.
a. 2.1 or 2.2	• • •	• • •	• • •	• • •	• • •
b. 2.1 or 2.2	• • •	• • •	• • •	• • •	• • •
c. 2.1 or 2.2	• • •	• • •	• • •	• • •	• • •
d. 2.1	• • •	• • •	• • •	• • •	• • •
e. 2.1	• • •	• • •	• • •	• • •	• • •
f. 2.1	• • •	• • •	• • •	• • •	• • •
g. 2.1	• • •	• • •	• • •	• • •	• • •
h. 2.1	113.5	Tylosin	4-50	For broiler chickens; as tylosin phosphate.	Growth promotion and feed efficiency.
i. 2.1	113.5	Hygromycin B	8.0-12.0	For broiler chickens	§ 121.213(d), table 1 item 1.
j. 2.1	• • •	• • •	• • •	• • •	• • •
k. 2.1	• • •	• • •	• • •	• • •	• • •
l. 2.1	• • •	• • •	• • •	• • •	• • •
m. 2.1	113.5	Tylosin + Hygromycin B	4-50 8.0-12.0	For broiler chickens; as tylosin phosphate.	§ 121.213(d), table 1 item 1, and growth promotion and feed efficiency.
n. 2.1	113.5	Tylosin + penicillin.	5.2-50	For broiler chickens; in combination ratio of 1.2 parts of penicillin to 2.0 parts of tylosin; as tylosin phosphate plus procaine penicillin.	Growth promotion and feed efficiency.
3.1 Zoalene	• • •	• • •	• • •	• • •	• • •
3.2 Zoalene	56.8-113.5 (0.005%-0.0125%).	Arsanilic acid	90(0.01%)	For replacement chickens; in complete feed only; (grower ration not to be fed to birds under 5½ weeks of age nor over 14 weeks of age); withdraw 5 days before slaughter; as follows:	Development of active immunity to coccidiosis; growth promotion and feed efficiency; improving pigmentation.

Growing conditions	Starter ration	Grower ration
	Grams per ton	Grams per ton
Severe exposure	113.5 (0.0125%)	75.4–113.5 (0.0083%–0.0125%).
Light to moderate exposure	75.4–113.5 (0.0083%–0.0125%).	56.8–75.4 (0.005%–0.0085%).

3.3 Zoalene	56.8-113.5 (0.005%-0.0125%).	Sodium arsanilate	90 (0.01%).	....do....	Do.
a. 2.1 or 2.2	• • •	• • •	• • •	• • •	• • •
b. 2.1 or 2.2	• • •	• • •	• • •	• • •	• • •
c. 2.1 or 2.2	• • •	• • •	• • •	• • •	• • •
d. 2.1	• • •	• • •	• • •	• • •	• • •
e. 2.1	• • •	• • •	• • •	• • •	• • •
f. 2.1	• • •	• • •	• • •	• • •	• • •
g. 2.1	• • •	• • •	• • •	• • •	• • •
h. 2.1	56.8-113.5	Tylosin	4-50	For replacement chickens; as tylosin phosphate.	Growth promotion and feed efficiency.
i. 2.1	56.8-113.5	Hygromycin B	8.0-12.0	For replacement chickens.	§ 121.213(d), table 1, item 1.
j. 2.1	• • •	• • •	• • •	• • •	• • •
k. 2.1	• • •	• • •	• • •	• • •	• • •
l. 2.1	• • •	• • •	• • •	• • •	• • •
m. 2.1	56.8-113.5	Tylosin + Hygromycin B	4-50 8.0-12.0	For broiler chickens; as tylosin phosphate.	§ 121.213(d), table 1, item 1, and growth promotion and feed efficiency.
n. 2.1	56.8-113.5	Tylosin + penicillin.	5.2-50	For replacement chickens; in combination ratio of 1.2 parts of penicillin to 2 parts of tylosin; as tylosin phosphate plus procaine penicillin.	Growth promotion and feed efficiency.

TABLE 1—HYGROMYCIN B IN COMPLETE CHICKEN FEED—Continued

Principal ingredient	Grams per ton	Combined with—	Grams per ton	Limitations	Indications for use
l. Hygromycin B.	8.0-12.0	Penicillin + bacitracin.	10-200	§ 121.308(d), table 1, items 1.1, 2.1, 10.1, 11.1, 12.1, 16.1.	§ 121.308(d), table 1, items 1.1, 2.1, 10.1, 11.1, 12.1, 16.1.
• • •	• • •	• • •	• • •	• • •	• • •
n. Hygromycin B.	8.0-12.0	Chlortetracycline.	50-300	§ 121.308(d), table 1, items 1, 2, 4, 5, 10. Not for laying chickens; as prescribed in § 121.210(c), table 1, item 2.1 or 3.1.	§ 121.308(d), table 1, items 1, 2, 4, 5, 10. § 121.210(c), table 1, item 2.1 or 3.1.
o. Hygromycin B.	8.0-12.0	Amprolium	36.3-227		
p. Hygromycin B.	8.0-12.0	Zoalene	36.3-113.5	Not for laying chickens; as prescribed in § 121.207(c), table 1, item 2.1 or 3.1.	§ 121.207, item 2.1 or 3.1.
q. Hygromycin B.	8.0-12.0	Tylosin	4-50	As tylosin phosphate.	Growth promotion and feed efficiency.
r. Hygromycin B.	8.0-12.0	Zoalene + tylosin + penicillin.	36.3-113.5 2.3-50	Not for laying chickens; as combination ratio of 1 part of penicillin to 2 parts of tylosin; as tylosin phosphate plus procaine penicillin.	§ 121.207(c), item 2.1 and growth promotion and feed efficiency.
s. Hygromycin B.	8.0-12.0	Zoalene + tylosin.	36.3-113.5 4-50	Not for laying chickens; as tylosin phosphate; § 121.207(c), item 2.1 or 3.1.	§ 121.207(c), item 2.1 or 3.1, and growth promotion and feed efficiency.

5. In § 121.232 *Bacitracin*, paragraph (d) is amended by changing items 2.2.d and 6.2.e in table 1 to read as follows:

TABLE 1—BACITRACIN IN COMPLETE CHICKEN AND TURKEY FEED

Principal ingredient	Grams per ton	Combined with—	Grams per ton	Limitations	Indications for use
2.2 • • •	• • •	• • •	• • •	• • •	• • •
d. 2.1	50-100	Zoalene	36.3-113.5	For chickens; not for laying chickens; as prescribed in § 121.207(c), table, items 2.1 and 3.1.	§ 121.207(c), table, items 2.1 and 3.1.
• • •	• • •	• • •	• • •	• • •	• • •
e. 6.1	100-200	Zoalene	36.3-113.5	For chickens; not for laying chickens; as § 121.207(c), table, items 2.1 and 3.1.	§ 121.207(c), table, items 2.1 and 3.1.

6. In § 121.233 *Zinc bacitracin*, paragraph (d) is amended by changing the cross-references "2" and "3" in items 2.2.d and 6.2.e to read "2.1" and "3.1".

7. In § 121.261 *Oxytetracycline*, paragraph (d) is amended by changing the cross-references "2" and "3" in table 1, items 1b, 2b, 4b, 6b, 8b, 9b, 10b, and 12b to read "2.1" and "3.1".

8. In § 121.263 *Arsanilic acid*, paragraph (c) is amended by changing the cross-references "2" and "3" in item 1.3.d of the table to read "2.1" and "3.1".

9. Section 121.266 is amended by changing item 16.1 in table 1 of paragraph (d) to read as indicated below and by adding to the table a sub-item "a" under item 10.1, as follows:

TABLE 1—HYGROMYCIN B IN COMPLETE CHICKEN FEED

Principal ingredient	Grams per ton	Combined with—	Grams per ton	Limitations	Indications for use
1. • • •	• • •	• • •	• • •	• • •	• • •
d. Hygromycin B.	8.0-12.0	Penicillin + tylosin.	2.3-50	2.3-50 gm. of combination containing a ratio of 1.2 parts of penicillin to 2 parts of tylosin; as procaine penicillin plus tylosin phosphate.	Growth promotion and feed efficiency.
• • •	• • •	• • •	• • •	• • •	• • •

2. In § 121.208 *Chlortetracycline*, paragraph (d) is amended by changing the text in the "Limitations" column of item 1.(c), 4.(c), 5.(d), and 10.(c), to read as follows:

TABLE 1—CHLORTETRACYCLINE IN COMPLETE CHICKEN AND TURKEY FEED

Principal ingredient	Grams per ton	Combined with—	Grams per ton	Limitations	Indications for use
1. • • •	• • •	• • •	• • •	• • •	• • •
(c) • • •	• • •	• • •	• • •	• • •	• • •
4. • • •	• • •	• • •	• • •	• • •	As prescribed in § 121.207(c), table 1, item 2.1 or 3.1.
(c) • • •	• • •	• • •	• • •	• • •	
5. • • •	• • •	• • •	• • •	• • •	As prescribed in § 121.207(c), table 1, item 2.1 or 3.1.
(d) • • •	• • •	• • •	• • •	• • •	
10. • • •	• • •	• • •	• • •	• • •	As prescribed in § 121.207(c), table 1, item 2.1 or 3.1.
(c) • • •	• • •	• • •	• • •	• • •	

3. In § 121.210 *Amprolium*, paragraph (c) is amended by changing the text of item 2.4.m in table 1 to read as set forth below, by adding new sub-items 2.4.r and 3.1.r and s. As amended, these portions of table 1 read as follows:

TABLE 1—AMPROLIUM IN COMPLETE CHICKEN AND TURKEY FEED

Principal ingredient	Grams per ton	Combined with—	Grams per ton	Limitations	Indications for use
2.4 • • •	• • •	• • •	• • •	• • •	• • •
m. 2.1	113.5-227	Tylosin	4-50	As tylosin phosphate.	Growth promotion and feed efficiency.
• • •	• • •	• • •	• • •	• • •	• • •
r. 2.1	113.5-227	Hygromycin B	8.0-12.0		§ 121.213(d), table 1 item 1.
3.1 • • •	• • •	• • •	• • •	• • •	• • •
r. 3.1	36.3-113.5	Tylosin	4-50	As tylosin phosphate.	Growth promotion and feed efficiency.
s. 3.1	36.3-113.5	Hygromycin B	8.0-12.0		§ 121.213(d), table 1 item 1.

4. In § 121.213 *Hygromycin B*, table 1 in paragraph (d) is changed in the following respects:

a. In item 1.d the words "For broiler chickens;" are deleted.

b. Item 1.l and 1.n are changed to read as set forth below and new sub-items o, p, q, r, and s are inserted under item 1.

As amended, the affected portions of the table read as follows:

TABLE 1—HYGROMYCIN B IN COMPLETE CHICKEN FEED

Principal ingredient	Grams per ton	Combined with—	Grams per ton	Limitations	Indications for use
1. • • •	• • •	• • •	• • •	• • •	• • •
d. Hygromycin B.	8.0-12.0	Penicillin + tylosin.	2.3-50	2.3-50 gm. of combination containing a ratio of 1.2 parts of penicillin to 2 parts of tylosin; as procaine penicillin plus tylosin phosphate.	Growth promotion and feed efficiency.
• • •	• • •	• • •	• • •	• • •	• • •

§ 121.256 Procaine penicillin.

• • • • • • • •

(d) • • •

TABLE 1—PROCAINE PENICILLIN IN COMPLETE CHICKEN AND TURKEY FEED

Principal ingredient	Grams per ton	Combined with—	Grams per ton	Limitations	Indications for use
• • •	• • •	• • •	• • •	• • •	• • •
16.1 Penicillin+ bacitracin.	100-500			For chickens; combination containing not less than 60 percent nor more than 75 percent of bacitracin, except that it contains not more than 132 gm. of penicillin; as procaine penicillin+bacitracin or zinc bacitracin.	Treatment of chronic respiratory disease (air-sac infection), blue comb (nonspecific infectious enteritis).
a. Penicillin+ bacitracin.	100-300	Hygromycin B	8.0-12.0	For chickens	§ 121.213(d), table 1, item 1.

(Sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1))

B. Under the authority vested in the Secretary of Health, Education, and Welfare by the Federal Food, Drug, and Cosmetic Act (sec. 507(c), 59 Stat. 463 as amended; 21 U.S.C. 357(c)), and delegated to the Commissioner of Food and Drugs by the Secretary, the Commissioner finds that animal feeds containing combinations of certifiable antibiotics and certain food additives need not comply with the requirements of section 507 in order to insure their safety and efficacy when used as prescribed in Part 121, Subpart C. Therefore, § 144.26 (b) (59) is amended to read as follows:

§ 144.26 Animal feed containing certifiable antibiotic drugs.

• • • • • •

(b) • • •

(59) It is a medicated feed for chickens containing penicillin, tylosin phosphate, and either amprolium, or zoalene, or hygromycin B, or hygromycin B and zoalene, or hygromycin B and amprolium in the amounts and for the purposes indicated in § 121.207, § 121.210, or § 121.213 of this chapter, and its labeling bears adequate directions and warnings for such use: *Provided, however,* That such medicated complete feed has been prepared from a concentrated penicillin-tylosin phosphate-amprolium, or penicillin-tylosin phosphate-zoalene, or penicillin-tylosin phosphate-hygromycin B or penicillin-tylosin phosphate-zoalene-hygromycin B, or penicillin-tylosin phosphate-hygromycin B-amprolium medicated feed containing, per ton of feed, not more than 200 grams of tylosin and either not more than 0.05 percent amprolium or not more than 0.0375 percent zoalene, or not more than 32 grams per ton of hygromycin B, or not more than 0.0375 percent zoalene and not more than 32 grams per ton of hygromycin B, or not more than 0.05 percent amprolium and not more than 32 grams per ton of hygromycin B. If the medicated feed is prepared from a product that contains more than any of the specified quantities, it is exempt from certification only under the condition that there has been submitted to the Commissioner, in triplicate, adequate information of the kind described in § 146.10 of this chapter to establish the safety and efficacy of the article and to guarantee its identity, strength, quality, and purity. The exemption shall expire at the beginning of any act changing the composition or labeling of such drug, or the methods used in and the facilities and controls used for its manufacturing, processing, and packaging, or in its labeling, unless the person who obtains the exemption has submitted to the Commissioner, in triplicate, amended information that describes such proposed changes, and such amendment has been accepted by the Commissioner.

(Sec. 507(c), 59 Stat. 463 as amended; 21 U.S.C. 357(c))

Any person who will be adversely affected by the foregoing order may at any time within 30 days from the date of its publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington, D.C., 20201, written objections thereto, preferably in quintuplicate. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof.

Effective date. This order shall be effective on the date of its publication in the FEDERAL REGISTER.

(Secs. 409(c)(1), 507(c), 59 Stat. 463 as amended, 72 Stat. 1786; 21 U.S.C. 348(c)(1), 357(c))

Dated: April 29, 1965.

JOHN L. HARVEY,
Deputy Commissioner of Food and Drugs.

[F.R. Doc. 65-4769; Filed, May 6, 1965; 8:45 a.m.]

Title 37—PATENTS, TRADEMARKS, AND COPYRIGHTS

Chapter I—Patent Office, Department of Commerce

PART 1—RULES OF PRACTICE IN PATENT CASES

Fees and Charges

The following amendments are made to take effect thirty days after publication in the FEDERAL REGISTER. Notice and public procedure are deemed unnecessary as the changes relate to minor adjustment of fee items.

1. In § 1.21 amend paragraphs (a), (g), (h), (l), (n), and (q), as follows:

§ 1.21 Patent and miscellaneous fees and charges.

• • • • • •

(a) For typewritten copies of records, for each page produced (double-spaced) or fraction thereof..... $1.50

• • • • • •

(g) For translations from foreign languages into English, made only of references cited in applications or of papers filed in the Patent Office insofar as facilities may me available: Written translations, for every 100 words of the original language, or fraction thereof..... 5.00

(h) For registration of an attorney, agent, or firm:
For admission to examination for registration to practice, fee payable upon application..... 15.00
On registration to practice..... 10.00
On application for registration of a firm..... 5.00

• • • • • •

(l) For the mounting of unmounted drawings and photoprints received with patent applications, provided they are of approved permanency..... 2.00

• • • • • •

(n) Search of Patent Office records for purposes not otherwise specified in this rule, per half-hour of search or fraction thereof..... 3.00

• • • • • •

(q) List of U.S. Patents:
All patents in a subclass, per sheet (containing 100 patent numbers or less)..... .50
Minimum charge per order..... 1.00
Patents in a subclass, limited by date or patent number, per sheet (containing 50 patent numbers or less)..... .50
Minimum charge per order..... 1.00

• • • • • •

2. In § 1.341 amend paragraphs (c) and (d) by inserting sentences so that the amended paragraphs read as follows:

§ 1.341 Registration of attorneys and agents.

• • • • • •

(c) *Requirements for registration.* No person will be admitted to practice and registered unless he shall apply to the Commissioner of Patents in writing on a prescribed form supplied by the Com-

missioner and furnish all requested

Subject to valid existing rights, the

missioner and furnish all requested information and material; and shall establish to the satisfaction of the Commissioner that he is of good moral character and of good repute and possessed of the legal and scientific and technical qualifications necessary to enable him to render applicants for patents valuable service, and is otherwise competent to advise and assist them in the presentation and prosecution of their applications before the Patent Office. In order that the Commissioner may determine whether a person seeking to have his name placed upon either of the registers has the qualifications specified, satisfactory proof of good moral character and repute, and of sufficient basic training in scientific and technical matters must be submitted and an examination which is held from time to time must be taken and passed. Each application for admission to the examination for registration must be accompanied by the prescribed fee (see § 1.21). The taking of an examination may be waived in the case of any person who has actively served for four years in the examining corps of the Patent Office.

(d) *Registration of firms.* Any firm, the individual members of which are each registered on the register of attorneys, may have its name entered upon the register of attorneys. Any firm, one of the individual members of which is registered on the register of agents and each of the remaining individual members are registered either on the register of attorneys or the register of agents, may have its name entered on the register of agents. If the membership of the firm is changed, application must be made for registration of the firm as changed. Every application must be accompanied by the prescribed fee for registration of a firm (see § 1.21).

* * * * *

(Sec. 1, 66 Stat. 793, 795; 35 U.S.C. 6, 31. Interprets or applies sec. 1, 66 Stat. 796; 35 U.S.C. 41)

EDWARD J. BRENNER,
Commissioner of Patents.

Approved: May 3, 1965.

J. HERBERT HOLLOMON,
Assistant Secretary for Science and Technology.

[F.R. Doc. 65-4815; Filed, May 6, 1965; 8:46 a.m.]

Title 43—PUBLIC LANDS: INTERIOR

Chapter II—Bureau of Land Management, Department of the Interior

APPENDIX—PUBLIC LAND ORDERS

[Public Land Order 3655]

[Idaho 015745]

IDAHO

Withdrawal for Spangler Dam and Reservoir, Mann Creek Project

By virtue of the authority contained in the Act of June 17, 1902 (32 Stat. 388; 43 U.S.C. 416), as amended and supplemented, it is ordered as follows:

Subject to valid existing rights, the following-described public land, which is under the jurisdiction of the Secretary of the Interior, is hereby withdrawn from all forms of appropriation under the public land laws, including the mining laws (Chap. 2, Title 30, U.S.C.), but not from leasing under the mineral leasing laws, and reserved for the Spangler Dam and Reservoir, Mann Creek Project:

BOISE, MERIDIAN

T. 12 N., R. 5 W.,
Sec. 13, E½NW¼.

Containing 80 acres in Washington County.

JOHN A. CARVER, Jr.,
Under Secretary of the Interior.

MAY 3, 1965.

[F.R. Doc. 65-4816; Filed, May 6, 1965; 8:46 a.m.]

Title 38—PENSIONS, BONUSES, AND VETERANS' RELIEF

Chapter I—Veterans Administration

PART 2—DELEGATIONS OF AUTHORITY

Payment of Claims for Damage to or Loss of Personal Property

In Part 2, a new § 2.75 is added to read as follows:

§ 2.75 The General Counsel, Deputy General Counsel, Assistant General Counsel (Professional Staff Group IV), and the Deputy Assistant General Counsels of said staff group are designated to settle and pay a claim for not more than $6,500 made by a civilian officer or employee of the Veterans Administration for damage to, or loss of, personal property incident to his service on behalf of the Administrator, and such settlement shall be final and conclusive.

This delegation of authority is identical to § 14.664 of this chapter.

[SEAL] W. J. DRIVER,
Administrator.

[F.R. Doc. 65-4826; Filed, May 6, 1965; 8:47 a.m.]

PART 14—LEGAL SERVICES, GENERAL COUNSEL

Personnel Claims

In Part 14, a new center title and §§ 14.664, 14.665, 14.666, 14.667, 14.668, and 14.669 are added to read as follows:

PERSONNEL CLAIMS

§ 14.664 Delegation of authority and effective date.

Public Law 88-558 approved August 31, 1964, authorizes the Administrator or his designee to settle and pay a claim for not more than $6,500 made by a civilian officer or employee of the Veterans Administration for damage to, or loss of, personal property incident to his service. The General Counsel, Deputy General Counsel, Assistant General Counsel (Professional Staff Group IV), and the Deputy Assistant General Counsels of said Staff Group, are designated to settle and pay such claims on behalf of the Administrator, and such settlement shall be final and conclusive. No claim shall be settled under these personnel claims regulations unless such claim is for damage to or loss of property occurring subsequent to August 31, 1964.

§ 14.665 Claims.

(a) The claim must be presented in writing, VA Form 2-4760 being prescribed for this purpose, to the personnel office where the claim originates within 2 years after it accrues, except that if the claim accrues in time of war or in time of armed conflict in which any armed force of the United States is engaged or if such war or armed conflict intervenes within 2 years after it accrues, and if good cause is shown, the claim may be presented not later than 2 years after that cause ceases to exist. The claim must be executed and certified by the officer or the employee suffering the loss or damage, or in the event of his death, by the surviving spouse, children, father or mother or both, or brothers or sisters or both. Claims of survivors shall be settled and paid in the order named. All claims must contain the following:

(1) The date, time and place the loss or damage occurred and the circumstances surrounding such loss or damage, together with the supporting statements of any witnesses who can verify such facts.

(2) In the event of damage, at least 2 estimates of the cost of repair or replacement.

(3) In the event of loss, the date of acquisition, the original cost, the condition, and an estimate of the reasonable market value of the article or articles.

(4) A statement as to any claims or potential claim he may have for indemnification of the loss or damage against other than the United States and whether he will assign such to the United States and cooperate in its prosecution. Where such claim or potential claim is against a carrier or insurer, evidence that a timely claim has been properly made.

(5) In cases involving damage or destruction of personal property by patients or domiciliary members, a statement that a claim was filed pursuant to 38 U.S.C. 233(5) and that such claim has been finally denied.

(b) The Personnel officer receiving the claim will forward same to the person designated to investigate accidents at the station pursuant to § 14.604 within 5 days after receipt.

(c) The employee designated pursuant to § 14.604 will ascertain such claim is complete in all respects and conduct such investigation as is necessary to establish all facts required to properly evaluate the claim both as to merit and the reasonable amount payable for the loss or damage. Where it is indicated that the claimant may have a potential claim against other than the United States, he will secure a suitable assignment of all right and title to such claim, to the extent the United States makes reimbursement, and the agreement of the claimant to furnish such evidence as may be necessary to pursue such claim. If the potential claim is against a carrier or insurer, he will ascertain that the claimant has filed a timely proper claim and procure evidence thereof. The completed investigation, original claim and supporting evidence will be forwarded to the appropriate Chief Attorney.

§ 14.666 Chief Attorney review and recommendation.

(a) The Chief Attorney having jurisdiction will conduct such additional investigation as he deems necessary to establish all facts required. If the claimant has indicated he may have a potential claim for indemnification against other than the United States, the Chief Attorney will ascertain that a suitable assignment, legally enforceable, of all right and title to such claim, to the extent the United States makes reimbursement, and the agreement of the claimant to furnish such evidence as may be necessary to pursue such claim is of record. If such potential claim is against a carrier or insurer he will ascertain that claimant has filed a timely proper claim against the carrier or insurer and review same for legal sufficiency.

(b) The Chief Attorney will forward the original claim with the supporting evidence, the initial investigation report, the original of his investigation report, if any, and a recommendation as to disposition of the claim to the General Counsel.

§ 14.667 Claims payable.

(a) No claim shall be paid unless timely filed in proper form as provided in § 14.665 and the preponderance of the evidence establishes that the loss or damage:

(1) Actually occurred and the amount claimed is reasonable,

(2) Was incident to the employee's service and his possession of the property was reasonable, useful, or proper under the circumstances,

(3) Did not occur at quarters occupied within the fifty States or the District of Columbia that were not assigned to the claimant or otherwise provided in kind by the United States,

(4) Was not caused wholly or partly by the negligent act of the claimant, his agent, or his employee,

And that the claimant has no right to indemnification for his loss or damage from other than the United States, except to the extent that he assigns such right to the United States and agrees to furnish evidence required to enable the United States to enforce such right. In the event he has a right to recovery for the loss or damage from a carrier or insurer he will be required to file a timely claim for such recovery before consideration of his claim against the United States.

(b) No claim for the cost of repair or replacement of personal property of employees damaged or destroyed by patients or domiciliary members while such employees are engaged in the performance of official duties shall be entertained under these personnel claims regulations, unless claim filed pursuant to 38 U.S.C. 233(5) (§ 17.78 of this chapter) has been finally denied for the reason that such claim did not meet the criteria established by that law.

§ 14.668 Disposition of claims.

(a) *Disallowed claims.* Claimants will be promptly notified of the disallowance of a claim and the reasons therefor.

(b) *Allowed claims—(1) Reimbursement in kind.* Where a claim is allowed and it is determined to be to the advantage of the Government, reimbursement will be made in kind. The official authorizing settlement will request the Director, Supply Service, Department of Medicine and Surgery, to procure the necessary article or articles and deliver same to the claimant.

(2) *Reimbursement by check.* The General Counsel's Office will forward allowed claims, other than those requiring reimbursement in kind, to the finance activity at the Veterans Administration installation where the claim arose. That activity will audit the claim, which if found proper for payment, will be scheduled on VA Form 4-1423 and forwarded to the appropriate Regional Disbursing Office for payment.

§ 14.669 Reports.

The General Counsel will maintain all statistical information necessary and prepare for the Administrator, the yearly report required by section 3(e) of Public Law 88-558 (78 Stat. 767).

(72 Stat. 1114; 38 U.S.C. 210)

These VA Regulations are effective the date of approval.

Approved: May 3, 1965.

[SEAL] W. J. DRIVER,
Administrator.

[F.R. Doc. 65-4826; Filed, May 6, 1965; 8:47 a.m.]

Title 45—PUBLIC WELFARE

Chapter I—Office of Education, Department of Health, Education, and Welfare

PART 130—FEDERAL ASSISTANCE UNDER THE LIBRARY SERVICES AND CONSTRUCTION ACT, AS AMENDED AND SO RENAMED BY PUBLIC LAW 88-269, AN ACT "TO PROMOTE THE FURTHER DEVELOPMENT OF PUBLIC LIBRARY SERVICES"

Miscellaneous Amendments

Part 130 of Title 45 of the Code of Federal Regulations is amended to provide for the approval, in certain cases, of the construction of a part of a public library, postponing for approval during a subsequent fiscal year the construction of an additional part of that public library, and specifically calling for the inclusion of a nondiscrimination-in-employment clause in any construction contract. Part 130 is amended as follows:

1. The following new paragraph (k) is added at the end of § 130.1:

§ 130.1 Terms.

* * * * * *

(k) "Project" or "construction project" means, in relation to the application of title II of the Act, (1) public library construction or (2) such part of public library construction as is to be covered by a separate contract.

2. Paragraph (b) of § 130.8 is amended and a new paragraph (c) is added. The amended and added paragraphs read as follows:

§ 130.8 Policies and Methods.

* * * * * *

(b) The State plan for construction shall set forth the policies and methods which will be followed in administering or supervising the administration of the plan for construction, including the criteria used to insure that public library facilities will be constructed only to serve areas which are without library facilities or with inadequate library facilities necessary to develop library services, and shall provide that projects will be approved by the State agency only if the State agency determines that the construction work will be undertaken promptly after approval and that it be completed within a reasonable period of time, or, in the case of a project involving only the initial or an intermediate part of the construction of a public library, that it will result in a complete public library within a reasonable period of time, and if the State agency receives assurances to that effect. The State plan for construction shall also set forth methods and procedures to be followed in assuring that every local or other public agency whose application for funds under such a plan with respect to a project for construction of public library facilities is denied will be given an opportunity for a fair hearing before the State agency, as provided for in section 203(a)(3) of the Act. The State plan for construction shall provide assurance that all laborers and mechanics employed by contractors or subcontractors on all public library construction assisted under the Act shall be paid wages at rates not less than those determined by the Secretary of Labor to be prevailing on similar construction in the locality in accordance with the Davis-Bacon Act, as amended (40 U.S.C. 276a—276a-5), and shall receive overtime compensation in accordance with and subject to the provisions of the Contract Work Hours Standards Act (40 U.S.C. 327-330), as provided for in section 203(a)(4) of the Act, that such contractors and subcontractors shall comply with the provisions of 29 CFR Part 3 (see 29 F.R. 97) and that all contracts and subcontracts for public library construction shall incorporate the contract clauses required by 29 CFR 5.5 (a) and (c) (see 29 F.R. 100, 101, 13463). See also 29 CFR Part 3, Subpart B—Interpretation of the Fringe Benefit provisions of the Davis-Bacon Act—published at 29 F.R. 13465. The State plan for construction shall provide that each applicant for funds under the plan shall furnish such assurances as the State agency deems appropriate that the public library facility to be constructed

with such funds will continue to be de-

with such funds will continue to be devoted to public library purposes.

(c) The nondiscrimination clause prescribed by Executive Order No. 10925 of March 6, 1961 (26 F.R. 1977), as amended by Executive Order No. 11114 of June 22, 1963 (28 F.R. 6485), shall be required to be incorporated in any contract for construction work, or modification thereof, as defined in the Rules and Regulations of the President's Committee on Equal Employment Opportunity (41 CFR Part 60–1), under a State plan for construction.

3. The heading and paragraph (c) of § 130.16 are amended to read as follows:

§ 130.16 Determination of the fiscal year's allotment to which an expenditure is chargeable.

* * * * *

(c) In the case of an allotment under section 202 of the Act, the approval by the State agency of a construction project and notification to the Commissioner of such approval, accompanied by an assurance of the State agency satisfactory to the Commissioner that the public library construction will be undertaken promptly and completed within a reasonable period of time, shall, in accordance with section 202 of the Act, constitute a commitment of that State's allotment for the fiscal year in which the approval occurred to the extent of the "Federal share" of the estimated cost of that construction project. If the Federal allotment to a State during a fiscal year is insufficient to meet in full the Federal share of the cost of one of the public libraries, or of the sole public library, intended to be approved under the State plan during that fiscal year, the State agency may during that fiscal year approve as a construction project such initial or intermediate part of the construction of that public library as is to be covered by separate contract, postponing for approval during a subsequent fiscal year an additional part of such construction, but only if the State agency provides the Commissioner with an assurance satisfactory to him that such a construction project will be undertaken promptly and that the construction project will result in a complete public library within a reasonable period of time.

* * * * *

4. Paragraph (b) of § 130.17 is amended to read as follows:

§ 130.17 Requirements for payment.

* * * * *

(b) *The State plan for construction.* The "Federal share" of expenditures for projects under a State plan for construction will be paid to a State only if the Commissioner finds that funds will be available from sources other than Federal sources in a total amount equal to the State percentage, as determined under section 104(c) of the Act, of such expenditures plus any such additional amounts as may be necessary to complete the project if the appropriate assurance called for by § 130.16(c) has been given to the Commissioner.

(Sec. 8, 70 Stat. 295, as amended and renumbered sec. 302, 78 Stat. 14, 20 U.S.C. 357)

Dated: March 23, 1965.

[SEAL] FRANCIS KEPPEL,
Commissioner of Education.

Approved: May 3, 1965.

ANTHONY J. CELEBREZZE,
Secretary, Health, Education, and Welfare.

[F.R. Doc. 65-4826; Filed, May 6, 1965; 8:47 a.m.]

Title 49—TRANSPORTATION

Chapter I—Interstate Commerce Commission

SUBCHAPTER A—GENERAL RULES AND REGULATIONS

[Second Rev. S.O. 562]

PART 97—ROUTING OF TRAFFIC

Rerouting of Traffic; Appointment of Agents

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D.C., on the 30th day of April A.D. 1965.

It appearing, that the matter of car service (section 1, paragraphs 10–17 inclusive) of the Interstate Commerce Act being under consideration by Division 3 that whenever any carrier by railroad subject to Part I of the Interstate Commerce Act is, for any reason, unable to transport traffic offered it so as to properly serve the public, that car service will be promoted in the interest of the public and the commerce of the people by the appointment of agents with authority to divert and reroute such traffic, and that notice and public procedure are impracticable and contrary to the public interest and that good cause exists for making this order effective upon less than thirty days' notice.

It is ordered, That:

§ 97.562 Rerouting of traffic—Appointment of agents.

(a) C. W. Taylor, Director, and R. D. Pfahler, Assistant Director, Bureau of Safety and Service, Interstate Commerce Commission, Washington, D.C., and each of them are hereby appointed agents of the Interstate Commerce Commission and vested with authority to authorize diversion and rerouting of loaded and empty freight cars from and to any point in the United States whenever, in their opinion, an emergency exists whereby any railroad is unable to move traffic currently over its lines.

(b) Application: The provisions of this order shall apply to shipments moving in intrastate commerce as well as to those moving in interstate commerce.

(c) Effective date: This order shall become effective at 12:01 a.m., May 4, 1965.

(d) Expiration date: This order shall expire at 11:59 p.m., December 31, 1965, unless otherwise modified, changed, suspended or annulled by order of this Commission.

(Secs. 1, 12, 15, 24 Stat. 379, 383, 384, as amended; 49 U.S.C. 1, 12, 15. Interprets or applies secs. 1(10–17), 15(4), 40 Stat. 101, as amended, 54 Stat. 911, 49 U.S.C. 1(10–17), 15(4))

It is further ordered, That a copy of this order and direction shall be served upon each State railroad regulatory body, the Association of American Railroads, Car Service Division, and upon The American Short Line Railroad Association as agents of the railroads subscribing to the car service and per diem agreement under the terms of that agreement, and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D.C., and by filing it with the Director, Office of the Federal Register.

By the Commission, Division 3.

[SEAL] BERTHA F. ARMES,
Acting Secretary.

[F.R. Doc. 65-4842; Filed, May 6, 1965; 8:48 a.m.]

Proposed Rule Making

DEPARTMENT OF AGRICULTURE

Consumer and Marketing Service

[7 CFR Part 70]

GRADING AND INSPECTION OF POULTRY AND EDIBLE PRODUCTS AND UNITED STATES CLASSES, STANDARDS, AND GRADES

Notice of Proposed Rule Making

Notice is hereby given that the U.S. Department of Agriculture is considering amendments to the Regulations Governing the Grading and Inspection of poultry and edible products thereof and United States Classes, Standards, and Grades with respect thereto, under authority contained in the Agricultural Marketing Act of 1946, as amended (7 U.S.C. 1621–1627).

Statement of considerations. One of the prime considerations in developing standards and grades is insuring that they will be uniformly interpreted and applied. The Department has been concerned for some time with inequities in the standards as presently written. For example, under the present standards, the same tolerances for cuts, tears, missing skin, and discolorations apply to a 1-pound Rock Cornish Game Hen and a 4-pound stewing chicken. Obviously, there is a great difference in the area of skin between these two classes of poultry. In the past these inequities have been compensated for administratively under the general provisions of the standards. Graders, with the knowledge and consent of industry, do permit less tolerance for small birds than for larger birds within the maximum tolerances established. The present interpretation and application of the standards would be incorporated into the proposed standards.

The proposed amendments would establish tolerances in four different categories in lieu of the two categories now in use. The two categories presently used are chicken, ducks, guineas and pigeons; and turkeys and geese. The proposed categories are all classes of poultry in the following weight ranges: 1½ pounds or less, over 1½ pounds and not more than 6 pounds, over 6 pounds and not more than 16 pounds, more than 16 pounds. In order to be compatible with the proposed changes in categories under which tolerances for exposed flesh and discolorations are listed, tolerances for freezing defects in A Quality due to drying of the inner skin would be shown in the same manner. It is emphasized that the proposed changes in grade terminology would not affect the present application of the standards.

Minor changes would be made in the class descriptions of poultry to have them correspond with the description used in Part 81 of this chapter. Other minor changes would be made in other sections for the sake of clarity.

The proposed amendments also include standards for A Quality, ready-to-cook poultry roasts, and A, B, and C Quality poultry backs. The increasing importance of further processed poultry products to the industry emphasizes the need for grade standards for some of these items. A proposed standard for poultry roasts was published in the FEDERAL REGISTER on November 9, 1963. The Department announced in the FEDERAL REGISTER on June 20, 1964, that the publication of this standard would be delayed since the comments received showed an interest and need for such a standard but indicated a diversity of opinion regarding appropriate factors to consider in quality evaluation. Subsequent information has made it possible to republish the proposed standard for A Quality poultry roasts.

Changing procurement and marketing practices have made some poultry grades obsolete. The proposed amendments would delete the live poultry grades and the wholesale poultry grades. The individual grade standards for live poultry would be retained to provide for a criterion to determine when flocks are ready for market.

The suggested weight specifications for dressed poultry and ready-to-cook poultry would be deleted. Dressed poultry is of little import in modern marketing. Because of the rapid rate of growth and versatility of young ready-to-cook poultry, weight as an indication of method of cooking is misleading. For example, young chickens weighing 4 pounds could be suitable for either frying or roasting.

All persons who desire to submit written data, views, or comments in connection with this proposal shall file the same in triplicate with the Hearing Clerk, U.S. Department of Agriculture, Room 112, Administration Building, Washington, D.C., 20250, not later than June 10, 1965.

All written submissions made pursuant to this notice will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

The proposed amendments are as follows:

1. Section 70.181 *Live poultry* would be amended by deleting the last sentence and substituting in lieu thereof the following: "such gradings may be recorded on an official poultry grading certificate and will be applicable only to the individual birds graded."

2. Section 70.301(a) would be amended by substituting the words "(usually 5 to 6 weeks of age)" in lieu of the words "(usually 5 to 7 weeks of age.)"

2a. Section 70.301(e) would be amended by deleting the word "old" from the last sentence of that paragraph.

3. Section 70.301 (f) and (g) would be amended to read:

§ 70.301 Chickens.

* * * * *

(f) *Hen or stewing chicken or fowl.* A hen or stewing chicken or fowl is a mature female chicken (usually more than 10 months of age) with meat less tender than that of a roaster, and nonflexible breastbone tip.

(g) *Cock or rooster.* A cock or rooster is a mature male chicken with coarse skin, toughened and darkened meat, and hardened breastbone tip.

4. Section 70.305 (a) and (b) would be amended to read:

§ 70.305 Guineas.

* * * * *

(a) *Young guinea.* A young guinea may be of either sex, is tender-meated and has a flexible breastbone cartilage.

(b) *Mature guinea or old guinea.* A mature guinea or an old guinea may be of either sex, has toughened flesh and a hardened breastbone.

5. Section 70.325(b) would be amended to read:

§ 70.325 A Quality or No. 1 Quality.

* * * * *

(b) Is well feathered, with feathers quite thoroughly covering all parts of the body; and may have a slight scattering of pinfeathers.

* * * * *

6. Section 70.325(c) would be amended by substituting the word "deformities" in lieu of the word "defects."

7. Section 70.326(c) would be amended by substituting the word "deformities" in lieu of the word "abnormalities."

8. The heading "United States Grades For Live Poultry" preceding § 70.330, and § 70.330 would be deleted.

9. The heading "Grades" preceding § 70.335, and § 70.335, § 70.336, § 70.337 and § 70.338 would be deleted.

10. Section 70.350 (a) and (b) would be amended by changing "70.355" in the first sentences to read "70.356."

11. Section 70.350(c) and (e)(8) would be amended to read:

§ 70.350 General.

* * * * *

(c) In interpreting the respective requirements specified in § 70.350 to § 70.356 for A Quality, B Quality, and C Quality, the intensity, aggregate area involved and locations of (1) discolorations (whether or not caused by dressing operations), (2) bruises, (3) exposed flesh (resulting from cuts, tears and missing skin), (4) pinfeathers and (5) freezing defects, as such defects individually, or in combination, detract from the general appearance, shall be considered in de-

Carcass weight		Maximum aggregate area permitted	
Minimum	Maximum	Breast and legs	Elsewhere
None	1 pound 8 ounces	¾ inch	1¼ inches.
Over 1 pound 8 ounces	6 pounds	1¼ inches	3 inches.
Over 6 pounds	10 pounds	2 inches	4 inches.
Over 10 pounds	None	3 inches	5 inches.

Notwithstanding the foregoing, a carcass meeting the requirements of A Quality for fleshing may be trimmed to remove skin and flesh defects, provided that no more than one-third of the flesh is exposed on any part and the meat yield of any part is not appreciably affected.

* * * * *

17. Section 70.354(g) would be amended by deleting the last three sentences and substituting in lieu thereof the following and a new paragraph (i) would be added:

§ 70.354 B Quality.

* * * * *

(g) *Discolorations of the skin and flesh.* * * * The aggregate area of all discolorations for a carcass or a part therefrom shall not exceed the area of a circle of the diameter as specified in the following chart:

Carcass weight		Maximum aggregate area permitted		
Minimum	Maximum	Breast and legs	Elsewhere	Part
None	1 pound 8 ounces	1 inch	3 inches	¼ inch.
Over 1 pound 8 ounces	6 pounds	1½ inches	3 inches	1 inch.
Over 6 pounds	10 pounds	2½ inches	4 inches	1¼ inches.
Over 10 pounds	None	3 inches	6 inches	1½ inches.

* * * * *

(i) *Backs.* B Quality backs shall meet all applicable provisions of this section pertaining to parts and shall include either the meat contained on the ilium (oyster) and meat and skin from the pelvic bones or the vertebral ribs and scapula with meat and skin.

18. A new paragraph (c) would be added to § 70.355 to read:

§ 70.355 C Quality.

* * * * *

(c) *C Quality backs* shall include the meat and skin from the pelvic bones except that the meat contained on the ilium (oyster) may be removed. The vertebral ribs and scapula with meat and skin may also be removed, but the remaining portion must have the skin substantially intact.

19. A new § 70.356 following the heading "Standards for Quality of Specified Poultry Food Products" would be added to read:

§ 70.356 Poultry roast—A Quality.

The standards of quality contained in this section are applicable to poultry products labeled in accordance with Part 81 of this chapter as: "Ready-to-Cook Roasts," "Rolls," "Bars," "Logs," or words of similar import.

(a) The deboned poultry meat used in the preparation of the product shall be from young poultry of A Quality with respect to fleshing and fat covering.

(b) All tendons, cartilage, large blood vessels, blood clots, and discolorations shall be trimmed from the meat.

(c) All pinfeathers, bruises, hair, discolorations and blemishes shall be removed from the skin, and where necessary, excess fat shall be removed from the skin covering the crop area or other areas.

(d) *Seventy-five percent or more of the outer surface of the product shall be covered with skin,* whether attached to the meat or used as a wrap. The skin shall not appreciably overlap at any point. Product packaged in an ovenready pan or container need have only the entire exposed surface of the roast covered with skin. The combined weight of the skin and fat used to cover the outer surface and that used as a binder shall not exceed 15 percent of the total net weight of the product.

(e) The product shall be fabricated in such a manner that each slice remains substantially intact (does not separate into more than three parts) when sliced warm after cooking. This may be accomplished by use of large pieces of poultry or by use of approved binders.

(f) Seasoning or flavor enhancers, if used, shall be uniformly distributed.

(g) Product shall be fabricated or tied in such a manner that it will retain its shape after defrosting and cooking.

(h) Packaging shall be neat and attractive.

(i) Product shall be practically free of weepage after packaging and/or freezing, and, if frozen, shall have a bright, desirable color.

20. Section 70.360(a) would be amended by changing "§ 70.355" to read "§ 70.356."

21. Section 70.360(b) would be amended by changing the phrase "(c), (d) or (e)" to read: "(c) or (e)."

22. Section 70.360(d) would be deleted.

23. The headings "United States Wholesale Grades for Dressed Poultry and Ready-To-Cook Poultry" and "Grades" preceding § 70.364, and §§ 70.364, 70.365 and 70.366 would be deleted.

24. The heading "Weight Specifications" preceding § 70.370, and § 70.370 would be deleted.

Done at Washington, D.C., this 4th day of May 1965.

G. R. GRANGE,
Deputy Administrator,
Marketing Services.

[F.R. Doc. 65-4861; Filed, May 6, 1965; 8:50 a.m.]

Carcass weight		Maximum aggregate area permitted	
Minimum	Maximum	Breast and legs	Elsewhere
None	1 pound 8 ounces	None	¾ inch.
Over 1 pound 8 ounces	6 pounds	None	1½ inches.
Over 6 pounds	10 pounds	None	2 inches.
Over 10 pounds	None	None	4 inches.

* * * * *

13. Section 70.353(g) would be amended by deleting the last three sentences and substituting in lieu thereof the following:

§ 70.353 A Quality.

* * * * *

(g) *Discolorations of the skin and flesh.* * * * The aggregate area of all discolorations for a carcass or a part therefrom shall not exceed the area of a circle of the diameter as specified in the following chart:

Carcass weight		Maximum aggregate area permitted		
Minimum	Maximum	Breast and legs	Elsewhere	Part
None	1 pound 8 ounces	¾ inch	1 inch	¾ inch.
Over 1 pound 8 ounces	6 pounds	1 inch	2 inches	¾ inch.
Over 6 pounds	10 pounds	1½ inches	2½ inches	¾ inch.
Over 10 pounds	None	2 inches	3 inches	¾ inch.

14. Section 70.353(h)(2) would be amended as follows and new paragraph (i) would be added:

§ 70.353 A Quality.

* * * * *

(h) *Freezing defects.* * * *

(2) Occasional pockmarks due to drying of the inner layer of skin (derma), (however, none may exceed the area of a circle ⅛ inch in diameter for poultry weighing 6 pounds or less, and ¼ inch in diameter for poultry weighing over 6 pounds);

* * * * *

(i) *Backs.* A Quality backs shall meet all applicable provisions of this section pertaining to parts and shall include the meat contained on the ilium (oyster), pelvic meat and skin and vertebral ribs and scapula with meat and skin.

15. Section 70.354(a) would be amended by substituting the words "moderate deformities" in lieu of the words "slight abnormalities."

16. Section 70.354(e) would be amended to read:

§ 70.354 B Quality.

* * * * *

(e) *Exposed flesh.* Parts may have exposed flesh resulting from cuts, tears and missing skin, provided that not more than a moderate amount of the flesh normally covered by skin is exposed. The carcass may have exposed flesh resulting from cuts, tears and missing skin, provided that the aggregate of the areas of flesh exposed does not exceed the area of a circle of the diameter as specified in the following chart:

DEPARTMENT OF LABOR

Bureau of Labor Standards

[29 CFR Parts 1501, 1502, 1503]

SAFETY AND HEALTH REGULATIONS FOR SHIP REPAIRING, SHIPBUILDING, AND SHIPBREAKING

Proposed Threshold Limit Values

Pursuant to section 41 of the Longshoremen's and Harbor Workers' Compensation Act (33 U.S.C. 941), I hereby propose to amend 29 CFR Parts 1501, 1502, and 1503 as set forth below. The changes are proposed in view of the 1964 revision of the Theshold Limit Values issued by the American Conference of Governmental Industrial Hygienists which appears to contain the most recent and valid information concerning exposure to concentrations of airborne substances. Copies of these values may be obtained at the address in the proposed amendment to 29 CFR 1501.5.

Written data, views, and arguments regarding the proposal may be filed by mail with the Director of the Bureau of Labor Standards, U.S. Department of Labor, Washington, D.C., 20210, within 15 days after this document is published in the FEDERAL REGISTER.

1. The following addition to the list in 29 CFR 1501.5 would be made:

§ 1501.5 Reference specifications, standards, and codes.

(a) * * *

Threshold Limit Values for 1964, American Conference of Governmental Industrial Hygienists, 1014 Broadway, Cincinnati 2, Ohio, Subpart E, § 1501.11(a)(4); Subpart C, § 1501.21(b).

2. Paragraph (b) of 29 CFR 1501.21 would be revised to read as follows:

§ 1501.21 Toxic cleaning solvents.

* * * * *

(b) The principles in the threshold limit values to which attention is directed in § 1501.5 will be used by the Department of Labor in enforcement proceedings in defining a safe concentration of vapors.

* * * * *

3. The appendixes contained in 29 CFR Part 1501 would be deleted.

4. The following addition to the list in 29 CFR 1502.5 would be made:

§ 1502.5 Reference specifications, standards, and codes.

(a) * * *

Threshold Limit Values for 1964, American Conference of Governmental Industrial Hygienists, 1014 Broadway, Cincinnati 2, Ohio, Subpart C, § 1502.21(b).

5. Paragraph (b) of 29 CFR 1502.21 would be revised to read as follows:

§ 1502.21 Toxic cleaning solvents.

* * * * *

(b) The principles in the threshold limit values to which attention is directed in § 1502.5 will be used by the Department of Labor in enforcement proceedings in defining a safe concentration of vapors.

* * * * *

6. The appendixes contained in 29 CFR Part 1502 would be deleted.

7. The following addition to the list in 29 CFR 1503.5 would be made:

§ 1503.5 Reference specifications, standards, and codes.

(a) * * *

Threshold Limit Values for 1964, American Conference of Governmental Industrial Hygienists, 1014 Broadway, Cincinnati 2, Ohio, Subpart D, § 1503.11(a)(4).

8. The appendixes contained in 29 CFR Part 1503 would be deleted.

(33 U.S.C. 941)

Signed at Washington, D.C., this 29th day of April 1965.

W. WILLARD WIRTZ,
Secretary of Labor.

[F.R. Doc. 65-4811; Filed, May 6, 1965; 8:45 a.m.]

FEDERAL AVIATION AGENCY

[14 CFR Part 71]

[Airspace Docket No. 64-EA-18]

CONTROL ZONES, TRANSITION AREAS, AND CONTROL AREA EXTENSIONS

Proposed Alteration, Designation and Revocation

The Federal Aviation Agency is considering amending §§ 71.165, 71.171, and 71.181 of Part 71 of the Federal Aviation Regulations which would revoke the Harrisburg, Pa., control area extension (29 F.R. 17565) and Shenandoah, Pa., transition area (29 F.R. 17698); alter the Harrisburg (29 F.R. 17604), Lancaster (29 F.R. 17610), and Reading, Pa. (29 F.R. 17627), control zones and Lancaster, Pa., transition area (29 F.R. 17675); designate 700-foot above ground transition areas over Harrisburg-York State Airport, Harrisburg, Pa., Lancaster and Garden Spot Airports, Lancaster, Pa., General Spaatz Field, Reading, Pa., Chester County Area Airport, Coatesville, Pa., York Airport, York, Pa., and Kutztown Airport, Kutztown, Pa.; and designate a 1,200-foot above ground Harrisburg, Pa. transition area.

The controlled airspace in the aforementioned terminal areas is presently composed of the Harrisburg, Pa., control area extension, a portion of the Washington, D.C., and New York, N.Y., control area extensions and the Shenandoah and Lancaster, Pa., transition areas. Also included is the Harrisburg, Pa., control zone described as being within a 5-mile radius of Harrisburg-York State Airport, 2 miles either side of the Harrisburg VORTAC 100° radial extended from the 5-mile radius zone to the VORTAC and within 2 miles either side of the airport ILS localizer SW course extended from the 5-mile radius zone to the OM; the Lancaster, Pa., control zone described as being within a 5-mile radius of Lancaster Airport, within 2 miles either side of the Lancaster VOR 128° radial extended from the 5-mile radius zone to 12 miles SE of the VOR and within 2 miles either side of the Lancaster VOR 280° radial extended from the 5-mile radius zone to 12 miles W of the VOR; the Reading, Pa., control zone described as being within a 5-mile radius of General Carl A. Spaatz Airport. The airspace within a 5-mile radius of Olmsted AFB is part of the Harrisburg control zone.

The proposed alterations to the Harrisburg, Pa., Lancaster, Pa., and Reading, Pa., control zones would provide protection for aircraft executing prescribed instrument approach and departure procedures at the respective airports. The modification to the Harrisburg, Pa., control zone would reduce the extension to

the southwest; however, a new extension would be designated to the southeast to provide protection for aircraft executing the proposed TACAN approaches to Olmsted AFB. The modification to the Lancaster, Pa., control zone will reduce the extensions to the west and southeast. The modification to the Reading, Pa., control zone will add two extensions to the south to provide protection for aircraft departing Runway 18 and aircraft executing AL-627-ILS-Rwy-36, AL-627-ADP-1 and VHF/DF (emergency) instrument approach procedures.

The 700- and 1,200-foot above ground transition areas would provide protection for aircraft executing prescribed instrument holding, arrival, departure, and radar vectoring procedures in the Harrisburg, Reading, and Lancaster terminal areas with the 700-foot transition areas giving protection to aircraft executing approach procedures to York, Kutztown, and Coatesville terminal areas down to 700 feet above ground and departure procedures above 700 feet above ground. Concurrent with the designation of Harrisburg, Reading, Coatesville, and York, transition areas, we will have no requirement to retain the Harrisburg control area extension and the Shenandoah transition area.

The floors of airways which traverse the transition areas proposed herein would coincide with the floors of the transition areas.

Certain minor revisions to prescribe instrument procedures would be effected in conjunction with the actions proposed herein, but operational complexity would not be increased nor would aircraft performance or present landing minimums be adversely affected. Specific details of the changes to procedures and minimum flight rules altitudes that would be required may be examined by contacting the Chief, Airspace Branch, Air Traffic Division, Federal Aviation Agency, Federal Building, John F. Kennedy International Airport, Jamaica, N.Y., 11430.

Interested persons may submit such written data or views as they may desire. Communications should be submitted in triplicate to the Director, Eastern Region, ATTN: Chief, Air Traffic Division, Federal Aviation Agency, Federal Building, John F. Kennedy International Airport, Jamaica, N.Y., 11430. All communications received within 45 days after publication in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Chief, Airspace Branch, Eastern Region.

Any data, or views presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official docket will be available for examination by interested persons at the Office of the Regional Counsel, Federal Aviation Agency, Federal Building, John F. Kennedy International Airport, Jamaica, N.Y.

The Federal Aviation Agency, having completed a comprehensive review of the airspace requirements for the terminal areas of Harrisburg, Lancaster, Reading, Coatesville, Kutztown, and York, Pa., attendant to the implementation of the provisions of Civil Air Regulation amendments 60-21 and 60-29 (26 F.R. 570, 27 F.R. 4012), proposes the airspace actions hereinafter set forth:

1. Amend § 71.165 of Part 71 of the Federal Aviation Regulations so as to revoke the Harrisburg, Pa., control area extension.

2. Amend § 71.171 of Part 71 of the Federal Aviation Regulations so as to delete the description of the Harrisburg, Pa., control zone and insert in lieu thereof:

Within a 5-mile radius of the center, 40°-12'59" N., 76°51'08" W. of Harrisburg-York State Airport, Harrisburg, Pa., and within a 5-mile radius of the center, 40°11'39" N., 76°45'39" W. of Olmsted AFB, Middletown, Pa.; within 2 miles each side of the Harrisburg VOR 100° radial extending from the 5-mile radius zone to the VOR; within 2 miles each side of the Harrisburg-York State Airport ILS localizer west course extending from the 5-mile radius zone to 2 miles east of the OM; and within 2 miles each side of the Olmsted TACAN 118° radial extending from the Olmsted 5-mile radius zone to 8 miles SE of the TACAN.

3. Amend §71.171 of Part 71 of the Federal Aviation Regulations so as to delete the description of the Lancaster, Pa., control zone and insert in lieu thereof:

Within a 5-mile radius of the center, 40°-07'16" N., 76°17'47" W. of Lancaster Airport, Lancaster, Pa., and within 2 miles each side of the Lancaster VOR 128° radial extending from the 5-mile radius zone to 7 miles SE of the VOR and within 2 miles each side of the Lancaster VOR 260° radial extending from the 5-mile radius zone to 8 miles W of the VOR from 0700 to 2300 hours, local time, daily.

4. Amend § 71.171 of Part 71 of the Federal Aviation Regulations so as to delete the description of the Reading, Pa., control zone and insert in lieu thereof:

Within a 5-mile radius of the center, 40°-22'39" N., 75°57'87" W. of General Spaats Field, Reading, Pa., and within 2 miles each side of the airport ILS localizer S course extending from the 5-mile radius zone to 8 miles S of the OM and within 2 miles each side of the Reading VHF/DF 201° bearing extending from the 5-mile radius zone to 8 miles S of the VHF/DF site.

5. Amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to designate a 700- and 1,200-foot above ground Harrisburg, Pa., transition area described as follows:

HARRISBURG, PA.

That airspace extending upward from 700 feet above the surface within a 12-mile radius of the center, 40°12'59" N., 76°51'03" W. of Harrisburg-York State Airport, Harrisburg, Pa., and within 5 miles S and 8 miles N of the Harrisburg ILS localizer W course extending from the 12-mile radius area to 12 miles west of the OM; within 8 miles N and 8 miles S of a line bearing 276° from a point 40°13'27" N., 76°52'40" W. extending from the 12-mile radius area to 12 miles W of said point; within an area 2 miles S and 7 miles N of the Olmsted TACAN 118° and 298° radials extending from the 12-mile radius area to 14 miles SE and 20 miles NW of the TACAN.

That airspace extending upward from 1,200 feet above the surface beginning at: 41°00'-00" N., 75°45'00" W. to 40°40'00" N., 76°00'00" W. to 40°30'00" N., 76°00'00" W. to 40°30'00" N., 76°15'00" W. to 40°15'00" N., 76°00'00" W. to 40°10'00" N., 75°44'00" W. to 39°50'00" N., 75°44'00" W. to 39°50'00 N., 77°22'00" W. to 40°10'00" N., 77°37'00" W. to 40°10'00" N., 77°55'00" W. to 40°36'00" N., 77°55'00" W. to 40°47'27" N., 76°53'04" W. to 40°48'20" N., 76°41'30" W. to 40°55'20" N., 76°43'00" W. to point of beginning.

6. Amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to delete the description of the Lancaster, Pa., transition area and insert in lieu thereof:

That airspace extending upward from 700 feet above the surface within a 7-mile radius of the center, 40°07'16" N., 76°17'47" W. of Lancaster Airport, Lancaster, Pa., and within 5 miles SW and 8 miles NE of the Lancaster VOR 128° radial extending from the VOR to 12 miles SE; within 5 miles N and 8 miles S of the Lancaster VOR 260° radial extending from the VOR to 12 miles W; within 2 miles each side of the Lancaster VOR 045° radial extending from the 7-mile radius area to 8 miles NE, excluding the portion coinciding with the Harrisburg, Pa., 700-foot transition area.

7. Amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to designate a 700 foot above ground Reading, Pa., transition area described as follows:

READING, PA.

That airspace extending upward from 700 feet above the surface within a 9 mile radius of the center, 40°22'39" N., 75°87'87" W. of General Spaats Field, Reading, Pa., and within 5 miles W and 8 miles E of the Reading ILS localizer S course extended from the OM for 13 miles; within 5 miles each side of the East Texas VOR 253° radial extended to the Ravine VOR 126° radial and within a 6-mile radius of the center, 40°30'06" N., 75°47'05" W. of Kutztown Airport, Kutztown, Pa., excluding that portion coincident with the Allentown, Pa., 700-foot transition area.

8. Amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to designate a 700 foot above ground Coatesville, Pa., transition area described as follows:

COATESVILLE, PA.

That airspace extending upward from 700 feet above the surface within a 4-mile radius of the center, 39°59'00" N., 75°52'00" W. of Chester County Area Airport, Chester, Pa., and within 2 miles each side of the Coatesville RBN 263° bearing extending from the 4 mile radius area to 8 miles W of the RBN.

9. Amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to designate a 700-foot above ground York, Pa., transition area described as follows:

YORK, PA.

That airspace extending upward from 700 feet above the surface within a 6-mile radius of the center, 39°55'00" N., 76°52'00" W. of York Airport, York, Pa., and within 2 miles each side of the centerline of Runway 16 extended from the 6-mile radius area to 7 miles S of the end of the runway and within 2 miles each side of the 336° bearing of the York RBN extending from the 6-mile radius area to 8 miles NW of the RBN excluding that portion coincident with the Harrisburg, Pa., 700-foot transition area.

10. Amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to revoke the Shenandoah, Pa., transition area.

This amendment is proposed under section 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348).

Issued in Jamaica, N.Y., on April 20, 1965.

WAYNE HENDERSHOT,
Deputy Regional Director.

[F.R. Doc. 65-4801; Filed, May 6, 1965; 8:45 a.m.]

[14 CFR Part 71]

[Airspace Docket No. 65-SO-35]

CONTROL ZONE AND TRANSITION AREAS

Proposed Redesignation

The Federal Aviation Agency is considering amendments to Part 71 of the Federal Aviation Regulations which would alter the control zone and transition area at Memphis, Tenn., and the transition area at Tupelo, Miss.

The Memphis, Tenn., VORTAC is tentatively scheduled to be relocated in October, 1965, to latitude 34°56'35" N., longitude 89°57'34" W. The airway/jet route configuration and terminal area structure will be affected by the relocation. The Federal Aviation Agency proposes the airspace actions hereinafter set forth in order to adjust the control zone and transition area at Memphis, Tenn., and the transition area at Tupelo, Miss., to conform with the relocated VORTAC. The airway/jet route configuration will be adjusted in separate airspace action being processed under Airspace Docket No. 65-SO-9.

The agency further proposes to alter the Memphis transition area to provide controlled airspace for the protection of two instrument approach procedures proposed to be established into the Twinkle Town Airport, Walls, Miss. One of these approaches will utilize the Memphis relocated VORTAC and the other will be a radar surveillance approach.

The Memphis, Tenn., control zone is presently designated within a 5-mile radius of the Memphis Metropolitan Airport (latitude 35°03'00" N., longitude 89°58'15" W.); within 2 miles each side of the Memphis VORTAC 112° radial, extending from the 5-mile radius zone to 8 miles E of the VORTAC; within 2 miles each side of the Memphis Runway 35 ILS localizer S course, extending from the 5-mile radius zone to the OM; within 2 miles each side of the Memphis VORTAC 284° radial, extending from the 5-mile radius zone to 6 miles W of the airport; and within 2 miles each side of the extended centerline of Runway 3, extending from the 5-mile radius zone to 5.5 miles NE of the airport; excluding the portion within a 1-mile radius of the Desoto Air Park, Horn Lake, Miss. (latitude 34°59'15" N. longitude 90°01'55" W.).

The Memphis, Tenn., transition area is presently designated as that airspace extending upward from 700 feet above the surface within a 7-mile radius of the Memphis Metropolitan Airport (latitude 35°03'00" N., longitude 89°58'15" W.); (within an 8-mile radius of the West Memphis Airport (latitude 35°08'-24" N., longitude 90°14'00" W.) (effective June 24, 1965, Airspace Docket No. 65-SO-7)) within 2 miles each side of the Memphis Runway 9 ILS localizer W course, extending from the 7-mile radius area to 12 miles W of the OM; within 2 miles each side of the Memphis Runway 9 ILS localizer E course, extending from the 7-mile radius area to 14 miles E of the airport; within 2 miles each side of the Memphis Runway 35 ILS localizer S course, extending from the 7-mile radius area to 8 miles S of the OM; and that airspace extending upward from 1,200 feet above the surface within a 36-mile radius of the Memphis Metropolitan Airport; within the area NW of Memphis, extending beyond the 36-mile radius area bounded on the N by V-140, on the E by V-9W, on the S by V-54N, and on the W by V-69; and within the area SE of Memphis, extending beyond the 36-mile radius area bounded on the NE by the N boundary of V-176, on the E by longitude 89°20'00" W., on the S by latitude 34°09'30" N., and on the W by the W boundary of V-9E.

The Tupelo, Miss., transition area is presently designated as that airspace extending upward from 700 feet above the surface within a 5-mile radius of the Tupelo Municipal Airport (latitude 34°-15'30" N., longitude 88°45'55" W.), within 2 miles each side of the Tupelo VOR 215° radial, extending from the 5-mile radius area to 8 miles SW of the VOR; and the airspace extending upward from 1,200 feet above the surface within an 18-mile radius of the Tupelo Municipal Airport; and the area bounded on the NE by a line 4 nmi SW of and parallel to the Holly Springs, Miss., VOR 115° radial, on the SE by the Tupelo 18-mile radius area, on the SW by a line 4 nmi SW of and parallel to the Holly Springs, Miss., VOR 133° radial and on the W by the Memphis, Tenn., transition area.

1. The Memphis, Tenn., control zone would be redesignated as within a 5-mile radius of the Memphis Metropolitan Airport (latitude 35°03'00" N., longitude 89°58'15" W.); within 2 miles each side of the Memphis Runway 35 ILS localizer S course, extending from the 5-mile radius zone to the OM; within 2 miles each side of the extended centerline of runway 3, extending from the 5-mile radius zone to 5.5 miles NE of the airport; within 2 miles each side of the Runway 9 ILS localizer E course, extending from the 5-mile radius zone to 6 miles E of the airport; within 2 miles each side of the Memphis VORTAC 351° radial, extending from the 5-mile radius zone to the VORTAC; excluding the portion within a 1-mile radius of the Desoto Air Park, Horn Lake, Miss. (latitude 34°59'15" N., longitude 90°01'55" W.).

2. The Memphis, Tenn., transition area would be redesignated as that airspace extending upward from 700 feet above the surface within a 7-mile radius of the Memphis Metropolitan Airport (latitude 35°03'00" N., longitude 89°58'-15" W.); within 2 miles each side of the Memphis Runway 9 ILS localizer W course, extending from the 7-mile radius area to 8 miles W of the OM; within 2 miles each side of the Memphis Runway 9 ILS localizer E course, extending from the 7-mile radius area to 16 miles E of the airport; within 2 miles each side of the Memphis Runway 35 ILS localizer S course, extending from the 7-mile radius area to 8 miles S of the OM; within an 8-mile radius of the West Memphis Airport (latitude 35°08'24" N., longitude 90°14'00" W.); within an 8-mile radius of the Twinkle Town Airport (latitude 34°55'45" N., longitude 90°10'-05" W.); and that airspace extending upward from 1,200 feet above the surface within a 36-mile radius of the Memphis Metropolitan Airport; within the area NW of Memphis, extending beyond the 36-mile radius area bounded on the N by V-140, on the E by V-9W, on the S by V-54 and on the W by V-69; and within the area SE of Memphis, extending beyond the 36-mile radius area bounded on the N by the N boundary of V-176, on the E by longitude 89°20'00" W., on the S by latitude 34°09'30" N., and on the W by V-9E.

3. The Tupelo, Miss., transition area would be redesignated as that airspace extending upward from 700 feet above the surface within a 5-mile radius of the Tupelo Municipal Airport (latitude 34°15'30" N., longitude 88°45'55" W.); within 2 miles each side of the Tupelo VOR 215° radial, extending from the 5-mile radius area to 8 miles SW of the VOR; and that airspace extending upward from 1,200 feet above the surface within an 18-mile radius of the Tupelo Municipal Airport.

The proposed control zone and transition area alterations at Memphis are required to protect prescribed instrument approach procedures at the Memphis Metropolitan Airport and the Twinkle Town Airport, Walls, Miss. The presently designated control zone extensions beyond the 5-mile radius zone to 6 miles west of the airport and to the existing VORTAC are to be revoked as they will no longer be required. A control zone extension is proposed beyond the 5-mile radius zone to 6 miles east of the airport to provide protection for a back-course ILS approach to runway 27. The existing 700-foot transition area to 12 miles west of the airport is to be reduced to 8 miles west of the airport since the jet penetration procedures to the Memphis Metropolitan Airport have been canceled. The existing 700-foot transition area extension beyond the 7-mile radius area to 14 miles east of the airport is proposed to be extended to 16 miles east of the airport. These additional 2 miles are required for the protection of aircraft executing a straight-in approach from the intersection of the runway 9 ILS localizer course and the centerline of the realigned V-16 airway.

The portion of the Tupelo, Miss., transition area extending northwesterly beyond the 18-mile radius is proposed to be revoked since the realigned airway configuration will incorporate this area within controlled airspace.

The floors of airways which traverse the transition areas proposed herein

would automatically coincide with the

the Kokomo VOR as a low altitude re-

[14 CFR Part 71]

would automatically coincide with the floors of the transition areas.

Certain minor revisions to prescribed instrument procedures would be effected in conjunction with the actions proposed herein, but operational complexities would not be increased nor would aircraft performance characteristics or present landing minimums be adversely affected.

Specific details of the changes to minimum instrument flight rules altitudes that would be required may be examined by contacting the Chief, Airspace Utilization Branch, Air Traffic Division, Southern Region, Federal Aviation Agency, Post Office Box 20636, Atlanta, Ga., 30320.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in duplicate to the Director, Southern Region, Attn: Chief, Air Traffic Division, Federal Aviation Agency, Post Office Box 20636, Atlanta, Ga., 30320. All communications received within 30 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Chief, Air Traffic Division. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Southern Regional Office, Federal Aviation Agency, Room 724, 3400 Whipple Street, East Point, Ga.

This amendment is proposed under section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348(a)).

Issued in East Point, Ga., on April 28, 1965.

PAUL H. BOATMAN,
Acting Director,
Southern Region.

[F.R. Doc. 65-4802; Filed, May 6, 1965; 8:45 a.m.]

[14 CFR Part 71]

[Airspace Docket No. 65-CE-29]

VOR FEDERAL AIRWAYS

Proposed Realignment, Revocation, and Designation

The Federal Aviation Agency is considering amendments to Part 71 of the Federal Aviation Regulations that would realign VOR Federal airway No. 285 from Goshen, Ind., direct to Kokomo, Ind., and extend it from Kokomo direct to Indianapolis, Ind.; realign and extend VOR Federal airway No. 96 from Fort Wayne, Ind., direct to Kokomo, direct to Indianapolis; revoke VOR Federal airway 55 west alternate from Goshen to Fort Wayne; revoke VOR Federal airway No. 11 west alternate from Indianapolis to Fort Wayne; and that would designate the Kokomo VOR as a low altitude reporting point.

Interested persons may participate in the proposed rule making by submitting such written data, views, or arguments as they may desire. Communications should identify the airspace docket number and be submitted in triplicate to the Director, Central Region, Attention: Chief, Air Traffic Division, Federal Aviation Agency, 4825 Troost Avenue, Kansas City, Mo., 64110. All communications received within 45 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendments. The proposals contained in this notice may be changed in the light of comments received.

An official docket will be available for examination by interested persons at the Federal Aviation Agency, Office of the General Counsel, Attention: Rules Docket, 800 Independence Avenue SW., Washington, D.C., 20553. An informal docket also will be available for examination at the office of the Regional Air Traffic Division Chief.

The proposal to realign V-285 between Kokomo and Goshen would reduce the route mileage between these points. Extension of this airway to Indianapolis would simplify air traffic control phraseology and flight planning for operations between Indianapolis and Goshen. The realignment and extension of V-96 would reduce chart clutter in the vicinity of Kokomo and permit the revocation of V-11 west alternate between Indianapolis and Fort Wayne. V-55 west alternate between Goshen and Fort Wayne should be revoked since there is no longer an air traffic control requirement for this segment. Designation of the Kokomo VOR as a low altitude reporting point would provide an additional means for separating aircraft operating along the altered segments of V-225 and V-96.

The Fort Wayne control area extension is bounded in part by V-11 west alternate and V-96. However, no action would be required on this description since the control area extension will be revoked effective May 27, 1965 (Airspace Docket No. 64-CE-81, 30 F.R. 3350).

The Chicago control area extension is bounded on the east in part by V-55 west alternate. Action would be taken to substitute altered V-285 for V-55 west alternate in the description of this control area extension.

The Indianapolis control area extension is bounded on the east by V-11 in part and V-11 west alternate. Altered V-285 would be substituted for V-11 west alternate in the description of this control area extension. Reference to V-11 would be deleted in the rule since this is a typographical error and should have referred to V-11 west alternate.

These amendments are proposed under section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348).

Issued in Washington, D.C., on April 29, 1965.

DANIEL E. BARROW,
Chief, Airspace Regulations
and Procedures Division.

[F.R. Doc. 65-4803; Filed, May 6, 1965; 8:45 a.m.]

[14 CFR Part 71]

[Airspace Docket No. 65-SW-10]

FEDERAL AIRWAYS

Proposed Revocation and Designation

The Federal Aviation Agency is considering amendments to Part 71 of the Federal Aviation Regulations that would revoke the segment of VOR Federal airway No. 63 between Waco, Tex., and Sulphur Springs, Tex., and that would extend VOR Federal airway No. 54 from Quitman, Tex., via the intersection of the Quitman 243° and the Waco 037° True radials, to Waco.

Interested persons may participate in the proposed rule making by submitting such written data, views, or arguments as they may desire. Communications should identify the airspace docket number and be submitted in triplicate to the Director, Southwest Region, Attention: Chief, Air Traffic Division, Federal Aviation Agency, Post Office Box 1689, Fort Worth, Tex., 76101. All communications received within 45 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendments. The proposals contained in this notice may be changed in the light of comments received.

An official docket will be available for examination by interested persons at the Federal Aviation Agency, Office of the General Counsel, Attention: Rules Docket, 800 Independence Avenue SW., Washington, D.C., 20553. An informal docket also will be available for examination at the office of the Regional Air Traffic Division Chief.

The airspace actions, as proposed, would provide a more direct airway for aircraft operating between the Waco and Texarkana, Ark., terminal areas.

These amendments are proposed under section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348).

Issued in Washington, D.C., on April 29, 1965.

DANIEL E. BARROW,
Chief, Airspace Regulations
and Procedures Division.

[F.R. Doc. 65-4804; Filed, May 6, 1965; 8:45 a.m.]

[14 CFR Part 71]

[Airspace Docket No. 64-EA-49]

CONTROL ZONES, TRANSITION AREAS, AND CONTROL AREA EXTENSIONS

Proposed Alteration, Designation, and Revocation

The Federal Aviation Agency is considering amendments to Part 71 of the Federal Aviation Regulations that would alter the control zones at Portland, Maine, Brunswick, Maine, and Portsmouth, N.H.; that would designate transition areas at Portland, Portsmouth, Brunswick, and Sanford, Maine (Portland, Maine, terminal area), and that would revoke the Brunswick and Portland control area extensions.

As parts of these proposals relate to the navigable airspace outside the United States, this notice is submitted in consonance with the ICAO International Standards and Recommended Practices.

Applicability of International Standards and Recommended Practices, by the Air Traffic Service, FAA, in areas outside domestic airspace of the United States is governed by Article 12 and Annex 11 to the Convention on International Civil Aviation (ICAO), which pertains to the establishment of air navigation facilities and services necessary to promoting the safe, orderly and expeditious flow of civil air traffic. Its purpose is to insure that civil flying on international air routes is carried out under uniform conditions designed to improve the safety and efficiency of air operations.

The International Standards and Recommended Practices in Annex 11 apply in those parts of the airspace under the jurisdiction of a contracting state, derived from ICAO, wherein air traffic services are provided and also whenever a contracting state accepts the responsibility of providing air traffic services over high seas or in airspace of undetermined sovereignty. A contracting state accepting such responsibility may apply the International Standards and Recommended Practices to civil aircraft in a manner consistent with that adopted for airspace under its domestic jurisdiction.

In accordance with Article 3 of the Convention on International Civil Aviation, Chicago, 1944, state aircraft are exempt from the provisions of Annex 11 and its Standards and Recommended Practices. As a contracting state, the United States agreed by Article 3(d) that its state aircraft will be operated in international airspace with due regard for the safety of civil aircraft.

Since this action involves, in part, the designation of navigable airspace outside the United States, the Administrator has consulted with the Secretary of State and the Secretary of Defense in accordance with the provisions of Executive Order 10854.

Interested persons may participate in the proposed rule making by submitting such written data, views, or arguments as they may desire. Communications should identify the airspace docket number and be submitted in triplicate to the Director, Eastern Region, Attention: Chief, Air Traffic Division, Federal Aviation Agency, Federal Building, John F. Kennedy International Airport, Jamaica, N.Y., 11430. All communications received within 45 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendments. The proposals contained in this notice may be changed in the light of comments received.

An official docket will be available for examination by interested persons at the Federal Aviation Agency, Office of the General Counsel, Attention: Rules Docket, 800 Independence Avenue SW., Washington, D.C., 20553. An informal docket also will be available for examination at the office of the Regional Air Traffic Division Chief.

The Federal Aviation Agency, having completed a comprehensive review of the terminal airspace structure requirements in the Portland, Maine, terminal area, including studies attendant to the implementation of the provisions of CAR Amendments 60-31/60-29, proposes the airspace actions hereinafter set forth.

1. The Portland, Maine, control zone would be altered to read as that airspace within a 5-mile radius of Portland Municipal Airport (latitude 43°38'50" N., longitude 70°18'30" W.); within 2 miles each side of the Portland ILS localizer west course, extending from the 5-mile radius zone to the ILS outer marker; excluding that airspace within a 1-mile radius of Oak Knoll Airport, Scarboro, Maine (latitude 43°35'21" N., longitude 70°22'03" W.).

2. The Portsmouth, N.H., control zone would be altered to read as that airspace within a 5-mile radius of Pease AFB, Portsmouth, N.H. (latitude 43°04'40" N., longitude 70°49'25" W.); within 2 miles each side of the extended centerline of Runway 34, extending from the 5-mile radius zone to 9 miles northwest of the lift-off end of the runway; within 2 miles each side of the extended centerline of Runway 16, extending from the 5-mile radius zone to 8 miles southeast of the lift-off end of the runway; within 2 miles each side of the Pease AFB TACAN 142° True radial, extending from the 5-mile radius zone to 8 miles southeast of the TACAN; within 2 miles each side of the Pease AFB TACAN 332° True radial, extending from the 5-mile radius zone to 8 miles northwest of the TACAN.

3. The Brunswick, Maine, control zone would be altered to read as that airspace within a 5-mile radius of NAS Brunswick (latitude 43°53'35" N., longitude 69°56'-20" W.); within 2 miles each side of the Navy Brunswick VOR 166° True radial, extending from the 5-mile radius zone to 8 miles south of the VOR; within 2 miles each side of the 166° True bearing of the Navy Brunswick radio beacon, extending from the 5-mile radius zone to 8 miles south of the radio beacon; within 2 miles each side of the Navy Brunswick radio range north course, extending from the 5-mile radius zone to the radio range; within 2 miles each side of the Navy Brunswick TACAN 008° True radial, extending from the 5-mile radius zone to 8 miles north of the TACAN; excluding that airspace within a 1-mile radius of Topsham Airport; Topsham, Maine (latitude 43°56'55" N., longitude 69°59'50" W.).

4. The Portland, Maine, transition area would be designated as that airspace extending upward from 700 feet above the surface within a 7-mile radius of Portland Municipal Airport; and within 2 miles each side of the Portland ILS localizer west course, extending from the 7-mile radius area to 8 miles west of the ILS outer marker; and that airspace extending upward from 1,200 feet above the surface bounded by a line beginning at latitude 43°59'00" N., longitude 69°-16'00" W., thence to latitude 43°50'00" N., longitude 69°18'00" W., to latitude 43°44'00" N., longitude 69°19'42" W., thence southwest via the west boundary of Warning Area W-103 to latitude 42°-45'00" N., longitude 70°37'00" W., thence to latitude 42°53'00" N., longitude 71°05'00" W., to latitude 43°45'00" N., longitude 71°00'00" W., to latitude 44°-06'00" N., longitude 70°43'00" W., to latitude 44°02'05" N., longitude 70°37'-30" W., to latitude 44°13'30" N., longitude 70°11'30" W., to latitude 44°12'00" N., longitude 70°10'00" W., to latitude 44°05'00" N., longitude 70°23'00" W., to latitude 43°55'00" N., longitude 70°28'-00" W., to latitude 43°50'00" N., longitude 70°12'00" W., to latitude 44°03'00" N., longitude 70°06'00" W., to latitude 44°09'00" N., longitude 69°57'00" W., thence counterclockwise via the arc of a 14-mile radius circle centered on the Augusta, Maine, VOR to latitude 44°09'-00" N., longitude 69°39'00" W., thence to the point of beginning, excluding restricted area R-4901 and the caution area C-516.

5. The Sanford, Maine, transition area would be designated as that airspace extending upward from 700 feet above the surface within a 7-mile radius of Sanford Municipal Airport (latitude 43°23'30" N., longitude 70°42'35" W.); within 2 miles each side of the Kennebunk, Maine, VOR 064° True radial, extending from the 7-mile radius area to 8 miles northeast of the VOR.

6. The Portsmouth, N.H., transition area would be designated as that airspace extending upward from 700 feet above the surface within an 11-mile radius of Pease AFB; within 2 miles each side of the extended centerline of Runway 34, extending from the 11-mile radius area to 13 miles northwest of the lift-off end of the runway; within 2 miles each side of the extended centerline of Runway 16, extending from the 11-mile radius area to 13 miles southeast of the lift-off end of the runway, excluding R-4901.

7. The Brunswick, Maine, transition area would be designated as that airspace extending upward from 700 feet above the surface within a 9-mile radius of NAS Brunswick; within 2 miles each side of the Navy Brunswick VOR 166° True radial, extending from the 9-mile radius area to 12 miles south of the VOR; within 2 miles each side of the Navy Brunswick radio range south course, extending from the 9-mile radius area to 12 miles south of the radio range.

8. The Brunswick, Maine, and Portland, Maine, control area extensions would be revoked.

The proposed control zones, with their pertinent extensions, are necessary to provide protection for aircraft executing approach, departure, and missed approach procedures at the respective airports. The proposed transition areas and their extensions are necessary to provide protection for aircraft executing approach, departure, and missed approach procedures, holding patterns, and maneuvers in accordance with radar vectoring. Appropriate transition routes also would be protected.

The proposed transition areas would be contained, in part, within the Boston, Brunswick, and Portland control area extensions. The Boston control area extension will be proposed for revocation at a later date as a part of the CAR Amendments 60-21/60-29 implementa-

tion program for adjacent terminal areas.

Certain minor revisions to prescribed instrument procedures would be effected in conjunction with the actions proposed herein, but operational complexities would not be increased nor would aircraft performance characteristics or present landing minimums be adversely affected.

Specific details of the changes to minimum instrument flight rules altitudes that would be required may be examined by contacting the Chief, Airspace Branch, Air Traffic Division, Cen-

The International Standards and Recommended Practices in Annex 11

However, the proposed location and

Boundaries: The area centered on a boat

Fort Wayne; and that would designate

[F.R. Doc. 65-4852; Filed, May 6, 1965; 8:45 a.m.]

land control area extensions.

Traffic Division Chief.

No. 88——4

of Warning Area W-103 to latitude 42°-

at a later date as a part of the CAR Amendments 60-21/60-29 implementa-

tion program for adjacent terminal areas.

Certain minor revisions to prescribed instrument procedures would be effected in conjunction with the actions proposed herein, but operational complexities would not be increased nor would aircraft performance characteristics or present holding minimums be affected adversely.

Specific details of the changes to procedures and minimum instrument flight rules altitudes that would be required may be examined by contacting the Chief, Airspace Utilization Branch, Air Traffic Division, Eastern Region, Federal Aviation Agency, John F. Kennedy International Airport, Federal Building, Jamaica, N.Y., 11430.

These amendments are proposed under the authority of section 307(a) and 1110 of the Federal Aviation Act of 1958 (49 U.S.C. 1348, 1510), and Executive Order 10854 (24 F.R. 9565).

Issued in Washington, D.C., on April 30, 1965.

H. B. HELSTROM,
Acting Chief, Airspace Regulations and Procedures Division.

[F.R. Doc. 65-4851; Filed, May 6, 1965; 8:49 a.m.]

[14 CFR Part 71]

[Airspace Docket No. 65-CE-54]

TRANSITION AREA

Proposed Designation

The Federal Aviation Agency is considering amendments to Part 71 of the Federal Aviation Regulations which would designate controlled airspace in the Reed City, Mich., terminal area.

The Federal Aviation Agency, having completed a comprehensive review of the terminal airspace structural requirements in the Reed City, Mich., terminal area, proposes the following airspace action:

Designate the Reed City, Mich., transition area as that airspace extending upward from 700 feet above the surface within a 5-mile radius of Miller Field, Reed City, Mich. (latitude 43°53'30" N., longitude 85°31'00" W.) and within 5 miles E and 8 miles W of the 345° bearing from Miller Field, extending from Miller Field to 17 miles N of the airport.

The proposed transition area is being developed for the protection of aircraft executing a new instrument approach procedure. The proposed transition area would provide controlled airspace protection for aircraft departing from Miller Field, Reed City, Mich., during their climb from 700 to 1,200 feet and would also provide protection for aircraft executing the proposed instrument approach procedure during descent to 700 feet above the surface. The proposed transition area would also encompass the Reed City holding pattern.

The floors of the airways that would traverse the transition area proposed herein would automatically coincide with the floors of the transition area.

Specific details of the changes to procedures that would be required may be examined by contacting the Chief, Airspace Branch, Air Traffic Division, Central Region, Federal Aviation Agency, 4825 Troost Avenue, Kansas City, Mo., 64110.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Director, Central Region, Attn: Chief, Air Traffic Division, Federal Aviation Agency, 4825 Troost Avenue, Kansas City, Mo., 64110. All communications received within 45 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Division Chief. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The public Docket will be available for examination by interested persons in the office of the Regional Counsel, Federal Aviation Agency, 4825 Troost Avenue, Kansas City, Mo., 64110.

This amendment is proposed under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348).

Issued at Kansas City, Mo., on April 27, 1965.

EDWARD C. MARSH,
Director, Central Region.

[F.R. Doc. 65-4853; Filed, May 6, 1965; 8:49 a.m.]

[14 CFR Part 73]

[Airspace Docket No. 64-SO-7]

RESTRICTED AREA/MILITARY CLIMB CORRIDOR AND CONTROLLED AIRSPACE

Proposed Designation and Alteration

The Federal Aviation Agency is considering amendments to Part 73 of the Federal Aviation Regulations which would designate a restricted area/military climb corridor at Homestead AFB, Fla.

As parts of these proposals relate to the navigable airspace outside the United States, this notice is submitted in consonance with the ICAO International Standards and Recommended Practices.

Applicability of International Standards and Recommended Practices, by the Air Traffic Service, FAA, in areas outside domestic airspace of the U.S. is governed by Article 12 and Annex 11 to the Convention on International Civil Aviation (ICAO), which pertains to the establishment of air navigation facilities and services necessary to promoting the safe, orderly and expeditious flow of civil air traffic. Its purpose is to insure that civil flying on international air routes is carried out under uniform conditions designed to improve the safety and efficiency of air operations.

The International Standards and Recommended Practices in Annex 11 apply in those parts of the airspace under the juriadiction of a contracting state, derived from ICAO, wherein air traffic services are provided and also whenever a contracting state accepts the responsibility of providing air traffic services over high seas or in airspace of undetermined sovereignty. A contracting state accepting such responsibility may apply the International Standards and Recommended Practices to civil aircraft in a manner consistent with that adopted for airspace under its domestic jurisdiction.

In accordance with Article 3 of the Convention on International Civil Aviation, Chicago, 1944, state aircraft are exempt from the provisions of Annex 11 and its Standards and Recommended Practices. As a contracting state, the U.S. agreed by Article 3(d) that its state aircraft will be operated in international airspace with due regard for the safety of civil aircraft.

Since this action involves, in part, the designation of navigable airspace outside the United States, the Administrator has consulted with the Secretary of State and the Secretary of Defense in accordance with the provisions of Executive Order 10854.

Interested persons may participate in the proposed rule making by submitting such written data, views, or arguments as they may desire. Communications should identify the airspace docket number and be submitted in triplicate to the Director, Southern Region, Attention: Chief, Air Traffic Division, Federal Aviation Agency, Post Office Box 20636, Atlanta, Ga., 30320. All communications received within 45 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendments. The proposal contained in this notice may be changed in the light of comments received.

An official docket will be available for examination by interested persons at the Federal Aviation Agency, Office of the General Counsel, Attention: Rules Docket, 800 Independence Avenue, SW., Washington, D.C. An informal docket also will be available for examination at the office of the Regional Air Traffic Division Chief.

The Department of the Air Force has submitted a request for the designation of a restricted area/military climb corridor at Homestead AFB. The primary purpose of the climb corridor would be to ensure, to the maximum extent practicable, segregation of Air Defense Command mission aircraft during maximum performance climb-out from VFR traffic not in contact with the controlling facility.

The proposed corridor is not in accordance with policy regarding establishment of restricted area/military climb corridors as it is set forth in FAA Order AT 7510.18 dated July 12, 1962. The difference is that the entrance to the corridor from the end of the scramble runway would be approximately 3½ miles and the corridor alignment would exceed 25° from the scramble runway.

However, the proposed location and alignment of the corridor are the most acceptable in the air traffic control environment. Neither the FAA nor the Air Force object to these deviations. In addition, the Air Force has agreed that ATC may restrict, vector or clear scrambling interceptor aircraft in the interest of safety or efficient air traffic control service even though such restriction, vector, or clearance may take the interceptor out of the climb corridor.

The joint use restricted area would coincide with a portion of the Homestead, Fla. (Homestead AFB), control zone and control 1232 and 1408. The controlling agency would authorize other air traffic to transit the area when not in use by air defense missions.

If action is taken to designate this area, it would be described as hereinafter set forth.

The Homestead, Fla. (Homestead AFB), restricted area/military climb corridor would be described as follows:

Boundaries: The area centered on a bearing of 176° True (176° Magnetic), extending from an "entrance point" at 25°25'05" N., 80°25'11" W. to 30 nautical miles south of the entrance point, having a width of 2 nautical miles at the entrance point, and expanding uniformly to a width of 6 nautical miles at the outer extremity. That portion which would be outside the 3 nautical mile continental limit would be excluded.

Altitudes: 2,000 feet to FL 240 from entrance to 6 n.m.i. south of entrance. 5,000 feet m.s.l. to FL 240 from 6 to 10 n.m.i. south of entrance. 9,000 feet m.s.l. to FL 240 from 10 to 15 n.m.i. south of entrance. 14,000 feet m.s.l. to FL 240 from 15 to 24 n.m.i. south of entrance. FL 190 to FL 240 from 24 to 30 n.m.i. south of entrance.

Time of designation: Continuous.

Controlling agency: Federal Aviation Agency, Miami, Fla., approach control tower.

Using agency: 319th Fighter Interceptor Squadron, Homestead AFB, Fla.

That portion overlying international waters which would be excluded, would be established as a warning area by means of concurrent nonrulemaking action. The time of use, controlling agency, and using agency, for the warning area would be the same as the proposed restricted area. The altitudes described for the restricted area which would be excluded beyond the 3-mile limit, would serve as the warning area altitudes. The warning area would coincide with control 1232, control 1408, and VOR Federal airway No. 35.

These amendments are proposed under section 307(a) and 1110 of the Federal Aviation Act of 1958 (49 U.S.C. 1348, 1510), and Executive Order 10854 (24 F.R. 9565).

Issued in Washington, D.C., on April 29, 1965.

DANIEL E. BARROW,
Chief, Airspace Regulations and Procedures Division.

[F.R. Doc. 65-4805; Filed, May 6, 1965; 8:45 a.m.]

Notices

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

COLORADO

Change of Location and Temporary Closing

MAY 3, 1965.

Notice is hereby given that the Land Office, Bureau of Land Management, in Denver, Colo., will be closed to the public, Wednesday, May 12, through Tuesday, May 18, 1965, to facilitate moving to the new location: Room 15019, Federal Building, 1961 Stout Street, Denver, Colo. The new mailing address of the Land Office, effective May 17, 1965, will be Room 15019, Federal Building, 1961 Stout Street, Denver, Colo., 80202.

In accordance with Title 43, Code of Federal Regulations, Secs. 1821.2-1-2-3, applications, payments, and other documents received for filing in the normal course of business from May 12 through May 18, 1965, shall be deemed to be filed as of 10 a.m., May 19, 1965, and those required by the regulations to be filed on or before May 12 through May 18, 1965, will be timely filed if received in the Land Office in its new location up to 3 p.m. on May 19, 1965.

The list of lands available for further leasing for oil and gas in accordance with 43 CFR 3123.9 will not be posted on the required date of May 17, 1965. Lands which normally would have been posted on that date will be included with the June list which will be posted on June 21, 1965.

W. P. MEEK,
Land Office Manager.

[F.R. Doc. 65-4817; Filed, May 6, 1965; 8:46 a.m.]

[BLM 080781; Survey Group 74]

WISCONSIN

Notice of Filing of Plat of Survey

APRIL 30, 1965.

The plat of survey of an island in Wolf River, described below, was accepted on March 5, 1965. The plat will be officially filed in this office at 10 a.m., on June 1, 1965.

FOURTH PRINCIPAL MERIDIAN, OUTAGAMIE COUNTY, WIS.

T. 23 N., R. 16 E.,
Sec. 8, lot 8, 3.11 acres,
Sec. 17, lot 7, 13.74 acres, containing an aggregate of 16.85 acres.

The character of the island, and its timber and undergrowth, show that the island existed on May 29, 1848, the date Wisconsin was admitted into the Union, and at all later dates. The island is therefore public land.

The island is more than 50 percent upland in character within the meaning of the Swamp Land Acts.

Subject to valid existing rights, the island will be open only to:

1. Selection rights of the State of Wisconsin.

2. Applications under the Recreation and Public Purposes Act of June 14, 1926 (44 Stat. 741), as amended, by qualified applicants (individuals excluded).

The island will not be open to any other kind of application under the public land laws, including the mineral leasing and mining laws, until a further order is issued.

DORIS A. KOIVULA,
Manager, Land Office.

[F.R. Doc. 65-4818; Filed, May 6, 1965; 8:46 a.m.]

Geological Survey

[Idaho No. 16]

IDAHO

Phosphate and Nonphosphate Land Classification Order

Pursuant to authority under the Act of March 3, 1879 (20 Stat. 394; 43 U.S.C. 31), and as delegated to me by Departmental Order 2563 of May 2, 1950, under authority of Reorganization Plan No. 3 of 1950 (64 Stat. 1262), the following described lands, insofar as title thereto remains in the United States, are hereby classified as shown:

BOISE MERIDIAN, IDAHO

PHOSPHATE LANDS

T. 4 N., R. 43 E.,
Sec. 2, W½SW¼;
Sec. 3, lots 2, 3, and 4, S½N½, S½;
Sec. 10, N½NE¼;
Sec. 11, W½NE¼, SE¼NE¼, NW¼, SE¼;
Sec. 12, W½SW¼;
Sec. 13, N½, N½SE¼;
Sec. 14, N½NE¼, SE¼NE¼;
Sec. 19, lots 13 and 14;
Sec. 28, SW¼NW¼, NW¼SW¼;
Sec. 29, W½NE¼, SE¼NE¼, NW¼, N½SW¼, SW¼SW¼, N½SE¼, SE¼SE¼;
Sec. 30, lots 3 to 6, inclusive, and lots 11 to 14, inclusive, E½;
Sec. 31, lots 3 to 5, inclusive, NE¼NE¼, SW¼NE¼, W½SE¼;
Sec. 33, E½SW¼, SE¼;
Sec. 33, S½;
Sec. 34, S½;
Sec. 35, NW¼SW¼, S½SW¼.

NONPHOSPHATE LANDS

T. 4 N., R. 43 E.,
Sec. 2, lots 1 to 4, inclusive, S½N½, E½SW¼, SE¼;
Sec. 3, lot 1;
Secs. 4 to 9, inclusive;
Sec. 10, S½NE¼, W½, SE¼;
Sec. 11, NE¼NE¼, SW¼;
Sec. 12, N½, E½SW¼, SE¼;
Sec. 13, SW¼; S½SE¼;
Sec. 14, SW¼NE¼, W½, SE¼;
Secs. 15 to 18, inclusive;
Sec. 19, lots 1 to 12, inclusive, and lots 15 and 16, E½;
Secs. 20 to 27, inclusive;
Sec. 28, E½, E½NW¼, NW¼NW¼, SW¼SW¼, E½SW¼;
Sec. 29, NE¼NE¼, SE¼SW¼, SW¼SE¼;
Sec. 30, lots 1, 2, 7, 8, 9, 10, 15, and 16;
Sec. 31, lots 1 and 2, and lots 6 to 16, inclusive, NW¼NE¼, SE¼NE¼, E½SE¼;
Sec. 32, N½, W½SW¼;
Sec. 33, N½;
Sec. 34, N½;
Sec. 35, N½, NE¼SW¼, SE¼;
Sec. 36.

The total area of lands classified as phosphate lands by this action aggregates 4,264 acres, more or less, and the area classified as nonphosphate lands aggregates 19,575 acres, more or less.

R. H. LYDDAN,
Acting Director.

APRIL 29, 1965.

[F.R. Doc. 65-4812; Filed, May 6, 1965; 8:46 a.m.]

National Park Service

MAMMOTH CAVE NATIONAL PARK, KY.

Jurisdiction Over Certain Lands

Notice is hereby given that effective as of the first day of May 1965, at 12 m., m.s.t., the United States accepted exclusive jurisdiction over those lands described in and acquired for Mammoth Cave National Park, Ky., in the following deeds:

NPS deed	Grantor	Acres	Date of deed	Recorded		
				County	Deed book	Page
260	Peter B. Muir, Special Commissioner	5.60	5-25-43	Edmonson	44	348
262	Peter B. Muir, Special Commissioner (road and highway rights).		6-18-43	do	45	604-607
				Hart	53	623-627
263	Lucy B. James	103.32	1-21-48	Barren	114	427
264	Kentucky National Park Commission	110.45	7-20-48	Edmonson	48	416
266	Lucy Edwards Cox and W. P. Cox, wife and husband; and Harry E. Bush and Ann Weber Bush, husband and wife.	242.94 (fee simple) 129.63 (cave rights)	8-15-61	do	49	109
				do	99	11
267	Carrie B. Thomas; Mary Chaney; and Ruth Thomas Pohl, wife and husband.	255.90	11-20-62	do	60	1

This acceptance of legislative jurisdiction was subject to those reservations contained in the Act of the General Assembly of the State of Kentucky, approved March 22, 1930 (Acts of 1930, Ch. 132, page 405). This acceptance was effected by notifying the Governor of the State of Kentucky by a letter dated April 7, 1965, signed by Secretary of the Interior Stewart L. Udall. This letter reads as follows:

Notice is hereby given, in accordance with the act of Congress approved February 1, 1940 (54 Stat. 19; 40 U.S.C. sec. 255), and with the act of Congress approved June 5, 1942 (56 Stat. 317), and by virtue of authority contained in the act of Congress approved May 25, 1926 (44 Stat. 635), which authorized the establishment of Mammoth Cave National Park, that effective as of the first day of May 1965, at 12 m., Mountain Standard Time, the United States accepts the cession of legislative jurisdiction made by the Act of the General Assembly of the State of Kentucky, approved March 22, 1930 (Acts of 1930, chapter 132, page 405), over all the lands shown on "EXHIBIT A" hereof subject to the reservations set out in the aforesaid Act of the General Assembly.

This acceptance of legislative and police jurisdiction supplements that made in a letter dated April 10, 1944, to former Governor Willis. This acceptance of the cession of legislative and police jurisdiction and that made in our earlier letter encompass all of the federally owned lands within Mammoth Cave National Park. A copy of our earlier letter is enclosed for your convenient reference.

It is requested that you endorse the enclosed duplicate original of this notice of acceptance, indicating the date and time of its receipt, and return it to this Department. For this purpose there is enclosed for your convenience a self-addressed envelope.

Done at the city of Washington, D.C., this 30th day of April 1965.

JACKSON E. PRICE,
Acting Director,
National Park Service.

[F.R. Doc. 65-4814; Filed, May 6, 1965; 8:46 a.m.]

DEPARTMENT OF COMMERCE

Maritime Administration

DELTA STEAMSHIP LINES, INC.

Notice of Application

Notice is hereby given that Delta Steamship Lines, Inc., has applied for an increase of sailings on its subsidized freight service on Trade Route No. 14 between United States ports on the Gulf of Mexico and ports on the West Coast of Africa from a minimum of 18 and a maximum of 24 to a minimum of 24 and a maximum of 36 sailings annually.

Any person, firm or corporation having any interest in such application and desiring a hearing under section 605(c) of the Merchant Marine Act, 1936, as amended, 46 U.S.C. 1175 should, by the close of business on May 19, 1965, notify the Secretary, Maritime Subsidy Board, in writing in triplicate, and file petition for leave to intervene in accordance with the rules of practice and procedure of the Maritime Subsidy Board.

In the event a hearing is ordered to be held on the application under section 605(c), the purpose thereof will be to receive evidence relevant to (1) whether the application is one with respect to a vessel to be operated on a service, route or line served by citizens of the United States which would be in addition to the existing service, or services, and, if so, whether the service already provided by vessels of U.S. registry in such service, route or line is inadequate, and (2) whether in accomplishment of the purposes and policy of the act additional vessels should be operated thereon.

If no request for hearing and petition for leave to intervene is received within the specified time, or if the Maritime Subsidy Board determines that petitions for leave to intervene filed within the specified time do not demonstrate sufficient interest to warrant a hearing, the Maritime Subsidy Board will take such action as may be deemed appropriate.

Dated: May 3, 1965.

By order of the Maritime Subsidy Board.

JAMES S. DAWSON, JR.,
Secretary.

[F.R. Doc. 65-4823; Filed, May 6, 1965; 8:46 a.m.]

ATOMIC ENERGY COMMISSION

[Docket No. 50-208]

GENERAL ELECTRIC CO.

Notice of Issuance of Facility License Amendment

Please take notice that the Atomic Energy Commission has issued, effective as of the date of issuance, Amendment No. 3, set forth below, to facility license No. CX-20. The license authorizes the General Electric Co. (the licensee) to operate its Mixed Spectrum Critical Assembly located in Building 105 of General Electric's Vallecitos Atomic Laboratory located in Alameda County, Calif. The amendment, in accordance with the application for license amendment dated March 19, 1965, authorizes the licensee to receive, possess and use 6,000 kilograms of source material in connection with operation of the Mixed Spectrum Critical Assembly. The material is already in use at the reactor and this amendment is necessitated solely by a change in Commission regulations which eliminated an exemption from licensing previously applicable to the material.

The Commission has found that:

1. The application for amendment complies with the requirements of the Atomic Energy Act of 1954, as amended, and the Commission's regulations set forth in 10 CFR Ch. I;

2. Prior public notice of proposed issuance of this amendment is not required since the amendment does not involve significant hazards considerations different from those previously evaluated;

3. The issuance of this amendment will not be inimical to the common defense and security or to the health and safety of the public.

Within fifteen (15) days from the date of publication of this notice in the FEDERAL REGISTER, the licensee may file a request for a hearing, and any person whose interest may be affected by this proceeding may file a petition for leave to intervene. A request for a hearing and petitions to intervene shall be filed in accordance with the provisions of the Commission's rules of practice, 10 CFR Part 2. If a request for a hearing or a petition for leave to intervene is filed within the time prescribed in this notice, the Commission will issue a notice of hearing or an appropriate order.

For further details with respect to this amendment, see the application for license amendment, a copy of which is available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C.

Dated at Bethesda, Md., this 29th day of April 1965.

For the Atomic Energy Commission.

ROGER S. BOYD,
Chief, Research and Power Reactor Safety Branch, Division of Reactor Licensing.

FACILITY LICENSE AMENDMENT

[License No. CX-20, Amdt. 3]

1. License No. CX-20 which authorizes the General Electric Co. to operate its Mixed Spectrum Critical Assembly located in Building 105 of the Vallecitos Atomic Laboratory in Alameda County, Calif., is hereby amended, in accordance with the application for license amendment dated March 19, 1965, to add a new paragraph 3.D. to read as follows:

3.D. Pursuant to the Act and Title 10, CFR, Chapter I, Part 40, "Licensing of Source Material," to receive, possess and use 6,000 kilograms of source material in connection with operation of the Mixed Spectrum Critical Assembly.

2. This amendment is effective as of the date of issuance.

Date of issuance: April 29, 1965.

For the Atomic Energy Commission.

ROGER S. BOYD,
Chief, Research and Power Reactor Safety Branch, Division of Reactor Licensing.

[F.R. Doc. 65-4792; Filed, May 6, 1965; 8:45 a.m.]

[Docket No. 50-208]

TRUSTEES OF COLUMBIA UNIVERSITY IN CITY OF NEW YORK

Notice of Extension of Completion Date

Please take notice that the Atomic Energy Commission has issued an order extending to November 1, 1966, the latest completion date specified in construction permit No. CPRR-78 for construction of the TRIGA Mark II type nuclear reactor being constructed on the university's campus at Morningside Heights, Manhattan, New York, N.Y.

Copies of the order and of the application by the trustees of Columbia University in the city of New York are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C.

Dated at Bethesda, Md., this 29th day of April 1965.

For the Atomic Energy Commission.

R. L. DOAN,
Director,
Division of Reactor Licensing.

[F.R. Doc. 65-4793; Filed, May 6, 1965; 8:45 a.m.]

[Docket No. 50-294]

GENERAL DYNAMICS CORP.

Notice of Proposed Issuance of Facility License

Notice is hereby given that unless a request for a hearing is filed with the U.S. Atomic Energy Commission ("the Commission") by the General Dynamic Corp. ("the licensee"), or a petition for leave to intervene is filed by any person whose interest may be affected, as provided by and in accordance with the Commission's "Rules of Practice," 10 CFR Part 2 within 15 days after publication of this notice in the FEDERAL REGISTER, the Commission proposes to issue a facility license substantially in the form set forth below. The proposed license would authorize the licensee to possess and operate the Tungsten Nuclear Rocket Critical Facility at a maximum steady state power level of 200 watts (thermal) at the Corporation's site at Torrey Pines Mesa in San Diego, Calif. This facility was previously constructed and operated by the General Atomic Division of General Dynamics Corp. under contract with the Commission for conduct of the Experimental Beryllium Oxide Reactor (EBOR) critical experiments and was exempt from AEC licensing requirements.

The Commission has found that:

1. The application complies with the requirements of the Atomic Energy Act of 1954, as amended, and the Commission's regulations set forth in Title 10, Chapter I, CFR;

2. There is reasonable assurance that (i) the activities authorized by this license can be conducted at the designated location without endangering the health and safety of the public, and (ii) such activities will be conducted in compliance with the rules and regulations of the Commission;

3. The licensee is technically and financially qualified to engage in the proposed activities in accordance with the Commission's regulations;

4. The issuance of this license will not be inimical to the common defense and security or to the health and safety of the public.

For further details with respect to this proposed license, see (1) the license application dated December 8, 1964, and supplements thereto dated February 18, 1965, February 24, 1965, March 11, 1965, and April 14, 1965, (2) a related safety evaluation prepared by the Research and Power Reactor Safety Branch of the Division of Reactor Licensing and (3) the Technical Specifications referred to as Appendix A to the proposed facility license, all of which are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. A copy of item (2) above may be obtained at the Commission's Public Document Room, or upon request addressed to the Atomic Energy Commission, Washington, D.C., 20545, Attention: Director, Division of Reactor Licensing.

Dated at Bethesda, Md., this 5th day of May 1965.

For the Atomic Energy Commission.

ROGER S. BOYD,
Chief, Research and Power Reactor Safety Branch, Division of Reactor Licensing.

PROPOSED FACILITY LICENSE

1. This license applies to the Tungsten Nuclear Rocket Critical Facility (hereinafter "the facility") which is owned by General Dynamics Corp. (hereinafter "the licensee"), located at the licensee's site at Torrey Pines Mesa in San Diego, Calif. and described in the application dated December 8, 1964, and supplements thereto dated February 18, 1965, February 24, 1965, March 11, 1965, and April 14, 1965 (hereinafter "the application"). The facility was previously constructed and operated by the General Atomic Division of General Dynamics Corp. under contract with the U.S. Atomic Energy Commission (hereinafter "the Commission") for conduct of the Experimental Beryllium Oxide Reactor (EBOR) critical experiments and was exempt from AEC licensing requirements.

2. Subject to the conditions and requirements incorporated herein, the Commission hereby licenses General Dynamics Corp.:

A. Pursuant to section 104c of the Atomic Energy Act of 1954, as amended (hereinafter "the Act") and Title 10, CFR, Chapter I, Part 50, "Licensing of Production and Utilization Facilities" to possess, use and operate the facility in accordance with the procedures and limitations described in the application;

B. Pursuant to the Act and Title 10, CFR, Chapter I, Part 70, "Special Nuclear Material" to receive, possess and use up to 250 kilograms of contained uranium-235 in connection with operation of the facility; and

C. Pursuant to the Act and Title 10, CFR, Chapter I, Part 30, "Licensing of Byproduct Material," to possess, but not to separate, such byproduct material as may be produced by operation of the facility.

3. This license shall be deemed to contain and be subject to the conditions specified in § 50.54 of Part 50, § 70.32 of Part 70, and § 30.32 of Part 30 of the Commission's regulations, and to be subject to all applicable provisions of the Act and rules, regulations and orders of the Commission now or hereafter in effect; and is subject to the additional conditions specified below:

A. *Maximum power level.* The licensee shall not operate the facility at steady state power levels in excess of 200 watts (thermal).

B. *Technical specifications.* The Technical Specifications contained in Appendix A to this license (hereinafter the "Technical Specifications") are hereby incorporated in this license. The licensee shall operate the facility only in accordance with the Technical Specifications. No changes shall be made in the Technical Specifications unless authorized by the Commission as provided in 10 CFR 50.59.

C. *Authorization of changes, tests, and experiments.* The licensee may (1) make changes in the facility as described in the hazards summary report, (2) make changes in the procedures as described in the hazards summary report, and (3) conduct tests or experiments not described in the hazards summary report only in accordance with the provisions of § 50.59 of the Commission's regulations.

D. *Reports.* In addition to reports otherwise required under this license and applicable regulations:

(1) The licensee shall make an immediate report in writing to the Commission of any indication or occurrence of a possible unsafe condition relating to the operation of the facility including, without implied limitation, any possible unsafe condition arising out of:

a. Any substantial variance disclosed by operation of the facility from the performance specifications set forth in the hasards summary report, and

b. Any accidental release of radioactivity, whether or not resulting in property damage or personal injury or exposure above permissible limits.

(2) The licensee shall report to the Commission in writing significant changes in accident analyses, as described in the hazards summary report.

E. *Records.* In addition to those otherwise required under this license and applicable regulations, the licensee shall keep the following records:

(1) Facility operating records, including power levels.

(2) Records of in-pile irradiations.

(3) Records showing radioactivity released or discharged into the air or water beyond the effective control of the licensee as measured at the point of such release or discharge.

(4) Records of emergency facility scrams, including reasons for emergency shutdowns.

4. Pursuant to § 50.60 of the regulations in Title 10, Chapter I, CFR, Part 50, the Commission has allocated 250 kilograms of contained uranium-235 to General Dynamics Corp. for use in connection with operation of the facility.

5. This license is effective as of the date of issuance and shall expire at midnight, ———, 1970.

For the Atomic Energy Commission.

Date of issuance:

ROGER S. BOYD,
Chief, Research and Power Reactor Safety Branch, Division of Reactor Licensing.

[F.R. Doc. 65-4881; Filed, May 6, 1965; 8:50 a.m.]

CIVIL AERONAUTICS BOARD

[Docket No. 16129; Order E-22128]

EASTERN AIR LINES, INC., ET AL.

Order of Investigation Regarding Proposed Group Fares

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 4th day of May 1965.

Group fares proposed by Eastern Air Lines, Inc., Delta Air Lines, Inc., and Trans World Airlines., Inc.; Docket 16129.

By tariff [1] posted April 2, 1965, and marked for effectiveness May 16, 1965, Eastern Air Lines (Eastern), proposes local round-trip first-class and coach fares applicable on jet or propeller aircraft for groups of 25 or more persons between Fort Lauderdale and Miami, on the one hand and Chicago, Cleveland, Detroit, Indianapolis, Louisville, Pittsburgh, and St. Louis, on the other hand. Fares are applicable on Tuesday, Wednesday, and Thursday and apply only when transportation is to be provided in connection with a fully prepaid

[1] Eastern Air Lines, Inc., CAB No. 177.

Advertised Air Tour, the total price of such tour being not less than the applicable fare plus $28.00 for each passenger. There are no affinity requirements and tickets are valid between May 18, 1965, and December 15, 1965, but will not be honored on July 1, or July 6, 1965.

The proposed round-trip first-class fares range from 153 to 191 percent of Eastern's one-way propeller first-class fares between the same points and the proposed round-trip coach fares range from 146 to 189 percent of Eastern's one-way propeller coach fare between the same points. The tariff is marked to expire with December 15, 1965.

Group tour basing tariffs similar to Eastern's have been filed by Delta Air Lines, Inc. (Delta),[2] and Trans World Airlines, Inc. (TWA),[3] both of which are marked to become effective May 18, 1965. No complaints have been filed against any of the proposed tariffs.

In support of its filing Eastern states, inter alia, that the group tour basing fares are market developmental and directed to the expansion of the South Florida-Midwest/Great Lakes market through the promotion of tour and package vacation travel; that the South Florida-Midwest/Great Lakes market would be susceptible to the stimulus of the proposed fares is evidenced by a rate of growth of minus 1.89 percent in the Midwest-Florida markets, between the second quarters of 1961 and 1964, as compared with a rate of growth of plus 51.04 percent in the Midwest/Great Lakes-Los Angeles/Las Vegas/ Phoenix/ San Francisco markets for the same period. Eastern asserts further that these western markets have had similar promotional fares since early 1962 which have resulted in a substantial diversion of Miami/Fort Lauderdale traffic; that the absence of a promotional fare has discouraged Miami hotel operators from developing the Midwest/Great Lakes market by their own admission; and that the application of these promotional fares in the mid-week period will result in an increase in the load factors from new traffic with additional seat availability on weekends from shifting of demand to the mid-week flights.

Although Eastern has not submitted data to indicate that tour basing fares have been responsible for any specific percentage of the growth experienced in the markets which it cites,[4] these figures indicate a compelling need to promote traffic in the Midwest-Florida markets.

In the case of Tour Basing Fares, 14 CAB 257 (1951), we had before us for decision the lawfulness of promotional fares similar to the fares now proposed by Eastern, TWA, and Delta. While in that instance we determined that the tour basing fares then proposed were discriminatory, we established no absolute prohibition of a tour basing fare and subsequent to that time various tour basing fares have been allowed to go into effect on an experimental basis.[5] However, in each case we instituted an investigation of the fare proposals, and the proposed fares of Eastern present essentially the same issues of justness and reasonableness, discrimination, preference, and prejudice, and should be investigated. Consistent with our prior orders we have also decided not to suspend the effectiveness of the proposed tariffs pending investigation. To facilitate the investigation ordered herein, we will expect the carriers to keep adequate records of traffic, revenues and costs associated with the promotional fares here in issue.

Accordingly, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, particularly sections 102, 204 (a), 403, 404, and 1002 thereof: *It is ordered*, That:

1. An investigation is instituted to determine whether the fares and provisions in Delta Air Lines, Inc., CAB No. 86, Eastern Air Lines, Inc., CAB No. 177, and Trans World Airlines, Inc., CAB No. 142, including subsequent revisions and reissues thereof, are, or will be, unjust or unreasonable, unjustly discriminatory, unduly preferential, unduly prejudicial, or otherwise unlawful, and if found to be unlawful to determine and prescribe the lawful fares and provisions, and rules, regulations, and practices affecting such fares and provisions;

2. The proceeding herein be assigned for hearing before an Examiner of the Board at a time and place hereafter to be designated; and

3. Copies of this Order shall be filed with the tariffs and served upon Eastern Air Lines, Inc., Delta Air Lines, Inc., and Trans World Airlines, Inc., which are hereby made parties to this proceeding.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON,
Secretary.

[F.R. Doc. 65-4856; Filed, May 6, 1965; 8:50 a.m.]

[Docket No. 15353; Order E-22125]

INTERNATIONAL AIR TRANSPORT ASSOCIATION

Order Relating to Specific Commodity Rates

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 3d day of May 1965.

Agreement adopted by Traffic Conference 1 of the International Air Transport Association relating to specific commodity rates; Docket 15353, Agreement CAB 17666, R-110 and R-111.

There has been filed with the Board, pursuant to section 412(a) of the Federal Aviation Act of 1958 (the Act) and Part 261 of the Board's Economic Regulations, an agreement between various air carriers, foreign air carriers, and other carriers, embodied in the resolutions of Traffic Conference 1 of the International Air Transport Association (IATA), and adopted pursuant to the provisions of Resolution 590 dealing with specific commodity rates.

The agreement, adopted pursuant to unprotested notices to the carriers and promulgated in IATA Memoranda TC1/ Rates 2141 and 2143 as set forth in the attachment hereto,[1] (1) names rates under a new description, and (2) names additional specific commodity rates.

The Board, acting pursuant to sections 102, 204(a), and 412 of the Act, does not find the subject agreement to be adverse to the public interest or in violation of the Act, provided that approval thereof is conditioned as hereinafter ordered.

Accordingly, it is ordered:

That Agreement CAB 17666, R-110 and R-111, be approved, provided that such approval shall not constitute approval of the specific commodity descriptions contained therein for purposes of tariff publication.

Any air carrier party to the agreement, or any interested person, may, within 15 days from the date of service of this order, submit statements in writing containing reasons deemed appropriate, together with supporting data, in support of or in opposition to the Board's action herein. An original and nineteen copies of the statements should be filed with the Board's Docket Section. The Board may, upon consideration of any such statements filed, modify or rescind its action herein by subsequent order.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON,
Secretary.

[F.R. Doc. 65-4857; Filed, May 6, 1965; 8:50 a.m.]

[Docket No. 14605]

WEST COAST AIRLINES, INC.

Enforcement Proceeding; Notice of Oral Argument

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that oral argument in the above-entitled matter is assigned to be held on May 17, 1965, at 10 a.m., e.d.s.t., in Room 1027, Universal Building, Connecticut and Florida Avenues NW., Washington, D.C., before the Board.

West Coast Airlines, Inc., and the Bureau of Enforcement will be allotted 30 minutes for their argument. West Coast Airlines, Inc., may reserve not to exceed

[1] Attachment filed as part of original document.

[2] Delta Air Lines, Inc., CAB No. 86, filed April 8, 1965, bearing a posting date of April 9, 1965.

[3] Trans World Airlines, Inc., CAB No. 142, filed April 13, 1965.

[4] We would note that during the 3-year period utilized by Eastern in its comparison of total traffic, the tour basing elements of tariffs were in effect for approximately one-half the period and all ground tie-in features were canceled prior to the end of 2d quarter 1964.

[5] E.g. Order E-15050, March 29, 1960, tour basing fares of Capital Airlines, Inc.; Order E-16790, September 17, 1962, tour basing fares of United Air Lines, Inc., and Pan American World Airways, Inc.; Order E-18686, September 26, 1963, tour basing fares of American Airlines, Inc., and Trans World Airlines, Inc.

one-quarter of their allotted time for rebuttal. Please advise the Chief, Te

Based upon the aeronautical study, it mine its effect upon the safe and efficient

construct a radio antenna structure at

one-quarter of their allotted time for rebuttal. Please advise the Chief Examiner on or before May 13, 1965, the name of the person who will represent you at the argument.

Dated at Washington, D.C., May 4, 1965.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F.R. Doc. 65-4850; Filed, May 6, 1965; 8:50 a.m.]

FEDERAL AVIATION AGENCY

[OE Docket No. 65-CE-10]

METROMEDIA, INC.

Determination of No Hazard to Air Navigation

The Federal Aviation Agency has circularized the following proposal for aeronautical comment and has conducted a study (CE-OE-6245) to determine its effect upon the safe and efficient utilization of the navigable airspace.

Metromedia, Inc., Washington, D.C., proposes to increase by 589 feet the height of its television antenna structure in Decatur, Ill., at latitude 39°49'28" N., longitude 88°58'03" W. The height increase will be accomplished either by an addition to the existing structure or by new construction at the same location. The new overall height of the structure would be 1,849 feet above mean sea level (1,209 feet above ground).

The structure would be located approximately 5 miles west of the Decatur Municipal Airport, and within the boundaries of VOR Federal airway No. (V) 50.

It would exceed the standards for determining hazards to air navigation as defined in § 77.25(c)(1) (outer horizontal surface) of the Federal Aviation Regulations by 600 feet as applied to the airport. It would exceed the standards in § 77.23(a)(2) by 1,000 feet, as applied to the airway.

The structure would require an increase from 2,400 feet to 2,800 feet in the minimum en route altitude (MEA) for the segment of V50 between the Decatur VOR and Harristown Intersection and the establishment of procedures for departures from Runways 24 and 30 proceeding in its direction.

The aeronautical study disclosed the increase in MEA on V50 would have no substantial adverse effect upon operations on the airway, since the cardinal altitude of 3,000 would be retained. The study also disclosed that, because of the distance of the tower from the airport and from the extended runway centerlines, the departure procedures required to provide the necessary obstruction clearance over the tower could be implemented without having a substantial adverse effect on instrument flight rule operations.

The study further disclosed the structure would have no substantial adverse effect upon visual flight rules (VFR) operations at the Decatur airport since it would be located in the congested area of the city and beyond a normal traffic pattern for the airport.

Based upon the aeronautical study, it is the finding of the Agency that the proposed structure would have no substantial adverse effect upon aeronautical operations, procedures or minimum flight altitudes.

Therefore, pursuant to the authority delegated to me by the Administrator (§ 77.37), it is found that the proposed structure would have no substantial adverse effect upon the safe and efficient utilization of navigable airspace and it is hereby determined that the proposed structure would not be a hazard to air navigation provided that it is obstruction marked and lighted in accordance with Agency standards.

This determination is effective and will become final 30 days after the date of issuance unless an appeal is filed under § 77.39 (27 F.R. 10352). If the appeal is denied, the determination will then become final as of the date of the denial or 30 days after the issuance of the determination, whichever is later. Unless otherwise revised or terminated, a final determination hereunder will expire 18 months after its effective date or upon earlier abandonment of the construction proposal (§ 77.41).

Issued in Washington, D.C., on April 29, 1965.

JOSEPH VIVARI,
Acting Chief,
Obstruction Evaluation Branch.

[F.R. Doc. 65-4806; Filed, May 6, 1965; 8:45 a.m.]

[OE Docket No. 65-EA-4]

EVENING STAR BROADCASTING CO., INC.

Determination of Hazard to Air Navigation; Correction

The Federal Aviation Agency published a notice of determination of hazard to air navigation (OE Docket No. 65-EA-4) in the FEDERAL REGISTER, April 27, 1965 (30 F.R. 5865).

A typographical error appears in the last paragraph, column one, 30 F.R. 5866, with reference to Runway 14 at Washington National Airport. This should have referred to Runway 15.

OE Docket No. 65-EA-4 is hereby corrected accordingly.

This action is effective upon publication in the FEDERAL REGISTER.

Issued in Washington, D.C., on April 29, 1965.

JOSEPH VIVARI,
Acting Chief,
Obstruction Evaluation Branch.

[F.R. Doc. 65-4852; Filed, May 6, 1965; 8:49 a.m.]

[OE Docket No. 65-CE-7]

SOUTHERN ILLINOIS UNIVERSITY

Determination of No Hazard to Air Navigation

The Federal Aviation Agency has circularized the following proposal for aeronautical comment and has conducted a study (CE-OE-6706) to determine its effect upon the safe and efficient utilization of the navigable airspace.

The Board of Trustees of Southern Illinois University, Carbondale, Ill., proposes to construct a television antenna structure at latitude 38°52'32" N., longitude 88°06'39" W., near West Liberty, Ill. The overall height of the structure would be 1526.6 feet above mean sea level (1066.6 feet above ground).

The structure would exceed the standards for determining hazards to air navigation in § 77.23(a)(1) of the Federal Aviation Regulations by 566 feet since it would be more than 500 feet above ground.

The study disclosed the proposed structure would not require an increase in instrument flight rules (IFR) minimum altitudes and would not have an adverse effect on any IFR procedures. Further, it would not be located in an area where there is a significant volume of visual flight rules traffic.

Based upon the aeronautical study, it is the finding of the Agency that the proposed structure would have no substantial adverse effect upon aeronautical operations, procedures, or minimum flight altitudes.

Therefore, pursuant to the authority delegated to me by the Administrator (§ 77.37), it is found that the proposed structure would have no substantial adverse effect upon the safe and efficient utilization of navigable airspace and it is hereby determined that the proposed structure would not be a hazard to air navigation provided that it is obstruction marked and lighted in accordance with Agency standards.

This determination is effective and will become final 30 days after the date of issuance unless an appeal is filed under § 77.39 (27 F.R. 10352). If the appeal is denied, the determination will then become final as of the date of the denial or 30 days after the issuance of the determination, whichever is later. Unless otherwise revised or terminated, a final determination hereunder will expire 18 months after its effective date or upon earlier abandonment of the construction proposal (§ 77.41).

Issued in Washington, D.C., on April 30, 1965.

JOSEPH VIVARI,
Acting Chief,
Obstruction Evaluation Branch.

[F.R. Doc. 65-4854; Filed, May 6, 1965; 8:49 a.m.]

[OE Docket No. 65-EA-6]

AIR FORCE ELECTRONICS SYSTEMS DIVISION

Determination of No Hazard to Air Navigation

The Federal Aviation Agency has circularized the following proposal for aeronautical comment and has conducted an aeronautical study (EA-OE-6075) to determine its effect upon the safe and efficient utilization of the navigable airspace.

Headquarters Electronics Systems Division, Air Force Systems Command, U.S. Air Force, Bedford, Mass., proposes to construct a radio antenna structure at latitude 42°27'50" north, longitude 74°-03'50" west, near South Westerlo, N.Y. The overall height of the structure would be 2,420 feet above mean sea level (1,200 feet above ground).

The structure would exceed the standards for determining hazards to air navigation as defined in § 77.23(a)(1) of the Federal Aviation Regulations by 700 feet since it would be made than 500 feet above ground at the site of construction.

The aeronautical study disclosed that the structure would be located approximately 4 miles south southwest of the Westerlo, N.Y., Airport, and the same distance northwest of the Rainbow Airport. At this distance, the structure would not affect airport traffic patterns and would have no substantial adverse effect upon aeronautical operations at these airports.

The study further disclosed that the structure would not require an increase in instrument flight rule (IFR) minimum en route altitudes and would have no adverse effect upon IFR operations.

The Agency has not been requested to establish an instrument approach procedure for the Westerlo Airport. However, consideration was given to the possible effect this structure might have upon a VOR/DME approach from the Albany VORTAC which is approximately 19 miles northeast. Under present standards, if a procedure were developed from this facility, the lowest minimum altitude which could be approved is 1,000 feet above the airport elevation with a requirement for 1-mile visibility. The proposed structure would not have a substantial adverse effect upon such a procedure.

A comprehensive study of visual flight rule (VFR) traffic in the vicinity of the proposed structure revealed that cross-country VFR aircraft normally fly through this area at an altitude well above the top of the structure. Further, that the structure would not be located on a commonly used VFR route or in an area where there is a significant volume of VFR flying.

Based upon the aeronautical study, it is the finding of the Agency that the proposed structure would have no substantial adverse effect upon aeronautical operations, procedures or minimum flight altitudes.

Therefore, pursuant to the authority delegated to me by the Administrator (§ 77.37), it is found that the proposed structure would have no substantial adverse effect upon the safe and efficient utilization of navigable airspace and it is hereby determined that the proposed structure would not be a hazard to air navigation provided that it is obstruction marked and lighted in accordance with Agency standards.

This determination is effective and will become final 30 days after the date of issuance unless an appeal is filed under § 77.39 (27 F.R. 10352). If the appeal is denied, the determination will then become final as of the date of the denial or 30 days after the issuance of the determination, whichever is later. Unless otherwise revised or terminated, a final determination hereunder will expire 18 months after its effective date or upon earlier abandonment of the construction proposal (§ 77.41).

Issued in Washington, D.C., on April 30, 1965.

JOSEPH VIVARI,
Acting Chief,
Obstruction Evaluation Branch.

[F.R. Doc. 65-4855; Filed, May 6, 1965; 8:49 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 15984; FCC 65M-555]

KUNO RADIO, INC. (KUNO)

Order Scheduling Hearing

In re application of Kuno Radio, Inc. (KUNO), Corpus Christi, Tex., Docket No. 15984, File No. BMP-10937; for construction permit.

It is ordered, This 30th day of April 1965, that Sol Schildhause shall serve as the presiding officer in the above-entitled proceeding; that the hearings therein shall commence at 10 a.m. on June 25, 1965; and that a prehearing conference shall be convened at 9 a.m. on May 20, 1965: *And it is further ordered*, That all proceedings shall be held in the Offices of the Commission, Washington, D.C.

Released: May 4, 1965.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 65-4838; Filed, May 6, 1965; 8:48 a.m.]

[Docket Nos. 15981, 15982; FCC 65M-553]

RADIO PHONE COMMUNICATIONS, INC., AND AMERICAN RADIO-TELEPHONE SERVICE, INC.

Order Scheduling Hearing

In re applications of Radio Phone Communications, Inc., Docket No. 15981, File No. 269-C2-P-64; for a construction permit to establish new facilities in the Domestic Public Land Mobile Radio Service at Falls Church, Va.; American Radio-Telephone Service, Inc., Docket No. 15982, File No. 1134-C2-P-64; for a construction permit to modify the facilities of station KGA248 in the Domestic Public Land Mobile Radio Service at Washington, D.C.

It is ordered, This 30th day of April 1965, that Elizabeth C. Smith shall serve as the presiding officer in the above-entitled proceeding; that the hearings therein shall commence at 10 a.m. on June 17, 1965; and that a prehearing conference shall be convened at 9 a.m. on May 27, 1965; *And it is further ordered*, That all proceedings shall be held in the offices of the Commission, Washington, D.C.

Released: May 4, 1965.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 65-4839; Filed, May 6, 1965; 8:48 a.m.]

[Docket No. 15983; FCC 65M-554]

TWELVE SEVENTY, INC.

Order Scheduling Hearing

In re application of Twelve Seventy, Inc., Docket No. 15983, File No. BR-1749; for renewal of license of Station WTID, Newport News, Va.

It is ordered, This 30th day of April 1965, that James D. Cunningham shall serve as the presiding officer in the above-entitled proceeding; that the hearings therein shall commence at 10 a.m. on July 21, 1965, in Newport News, Va.; and that a prehearing conference shall be convened at 9 a.m. on May 28, 1965, in the Offices of the Commission, Washington, D.C.

Released: May 4, 1965.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 65-4840; Filed, May 6, 1965; 8:48 a.m.]

[Docket No. 15983; FCC 65-349]

TWELVE SEVENTY, INC.

Order Designating Application for Hearing on Stated Issues

In re application of Twelve Seventy, Inc., Docket No. 15983, File No. BR-1749; for renewal of license of Station WTID, Newport News, Va.

At a session of the Federal Communications Commission held at its offices in Washington, D.C., on the 28th day of April 1965;

The Commission having under consideration the above-captioned application;

It appearing that the following matters are to be considered in connection with the issues specified below:

1. On November 2, 1960 the Commission granted an assignment of the license of Station WYOU (now Station WTID), Newport News, Va., from United Broadcasting Co. of Eastern Virginia, Inc. to Twelve Seventy, Inc. (BAL-3779). The latter corporation was chartered by the State of Maryland on January 20, 1960, the incorporators being Robert Harold Symonds (president of Mutual Security Savings and Loan Association), Arthur A. Peisner (an attorney for Mutual) and Morton Lifshutz (treasurer and director of Mutual). Mutual Security Savings and Loan Association, located in Silver Spring, Md., was one of the Maryland loan associations which were the subject of receivership action during the past several years.

2. The application for assignment of license to Twelve Seventy, Inc. was filed on January 22, 1960 and showed the assignee authorized to issue 20,000 shares of no par value stock of which 9,000 shares had been issued to Mr. Lifshutz for $9,000 and 10,000 shares at $1 per share had been subscribed to by Max Reznick on January 18, 1960. FCC Form 323 filed on December 28, 1960 reported that as of December 5, 1960, 19,000 shares of capital stock were issued—9,000 to Lifshutz on January 20, 1960 for $9,000, and 10,000 to Reznick on July 1, 1960

quarter 1964.

[1] Eastern Air Lines, Inc., CAB No. 177.

of American Airlines, Inc., and Trans World Airlines, Inc.

[1] Attachment filed as part of original document.

for $10,000. However, both statements made in interviews with Reznick and Lifshutz in the Office of the Chief of the Complaints and Compliance Division on December 6, 1961, and entries in the WTID ledger indicate that the money for both Lifshutz's and Reznick's shares was advanced in installments between December 1960 and December 1961. Thus, it appears that misrepresentations with regard to the capitalization of the licensee corporation were made in both the assignment application and the December 28, 1960 ownership report.

3. The plan of financing the purchase of WTID included the issuance of a $30,000 corporate debenture bond to Symonds. A copy of such bond indicating that the original had been signed by Max Reznick as President of Twelve Seventy, Inc., and Morton Lifshutz as Treasurer, was attached to the assignment application. However, the alleged original of such bond, furnished us on June 15, 1964, by Harvey Rosenberg, attorney for Reznick, shows only one signature, that of Robert Symonds as President of Twelve Seventy. Commission records indicate that Mr. Reznick was the President of Twelve Seventy, Inc., from the time of its incorporation until August 7, 1963, and that Symonds was never an officer of the licensee corporation. Thus, a serious question is raised whether the licensee was a party to the deliberate submission of a false document to the Commission, and additionally, whether the licensee failed to report that Mr. Symonds was an officer of the licensee corporation in violation of § 1.613 of the Commission's rules.

4. Mr. Reznick has consistently claimed that he dealt with Lifshutz, Symonds, and Peisner solely as individuals furnishing personal funds on their own behalf, rather than as representatives of Mutual. However, that Mutual, unknown to the Commission, was the real party in interest is indicated by the following: The meetings dealing with the organization of Twelve Seventy, Inc., and the purchase of Station WTID were held in the Mutual Offices; Arthur Peisner, Mutual's legal counsel, handled the mechanics of incorporation; the licensee's post office address submitted on the December 1960 Form 323 was the address of a Mutual branch office; loans and stock payments to Twelve Seventy, Inc., are evidenced by canceled checks of Mutual and the Wayne Investment Corp., a subsidiary of Mutual, rather than personal checks of Symonds, Lifshutz, or Peisner; and, on February 28, 1963, the shares allegedly belonging to Lifshutz and the debenture bond allegedly held by Symonds as individuals, were sold as Mutual assets by the Mutual federal trustee to Max Reznick for $8,000.

5. Symonds and Peisner entered into an agreement with the Equity Investment Corp. whereby, in exchange for their interests in various companies including Mutual, they received stock interests in Equity, and Symonds became president of Equity. In a brochure on Equity, dated August 9, 1961, and signed by Symonds as president, the following statement appeared:

> Through the acquisition of the stock of 1370 Inc. Equity has acquired Radio Station WTID in Newport News, Va. The transfer of shares is subject to approval of the Federal Communications Commission.

This claim was based on a document whereby Reznick and Lifshutz had conveyed all of their stock interests to Equity. Neither an ownership report showing Equity as a shareholder of the licensee corporation, an application for consent to a transfer of control of the licensee corporation to Equity, nor a contract contemplating such transfer was ever filed with the Commission. Thus, in addition to furnishing further support for the contention that Mutual was the real party in interest in the original application, questions are raised as to probable violations of section 310(b) of the Communications Act of 1934, as amended, and § 1.613 of the Commission's rules with regard to Equity's interest in the licensee corporation.

6. On September 11, 1963 during a conference with Mr. Reznick at the Commission, he stated that he had made a creditor, Morris Silberman, a director of Twelve Seventy, Inc. sometime in 1962 and did not replace him until August 1963. No ownership report showing Silberman as a director has ever been filed with the Commission. It thus appears that a violation of § 1.613 of the Commission's rules occurred.

7. In the interview of September 11, 1963, Reznick stated that in order to give George Dail, general manager of WTID,[1] a free hand in operating the station, he made him president of the licensee corporation with carte blanche authority to conduct the affairs of the station without any consultation with Reznik. It thus appears that in contravention of section 310(b) of the Communications Act of 1934, as amended, Reznick relinquished control of WTID when Dail was made manager and president of Twelve Seventy on August 7, 1963.

8. On May 27, 1964, during a conference with Mr. Reznick at the Commission's offices, he stated that the 1963 Form 324 was compiled by a station employee after a phone call by Reznick to furnish some "reasonable" figures to be used in filling out the form, and several items were therefore in error. It was also stated that the licensee had failed to keep the Twelve Seventy accounting records posted and accurate.

9. On December 3, 1963 the licensee corporation filed a petition for reorganization under Chapter X of the Bankruptcy Act in the U.S. District Court for the Eastern District of Virginia, Newport News Division. By order of December 10, 1963, the court approved the petition and continued the debtor in possession. By order of April 29, 1964, the court confirmed a Plan for the Reorganization of Twelve Seventy, Inc. which was based on the proposed assignment of the license of Station WTID and the sale of its assets to the Armistead Broadcasting Corp. An application for consent to such assignment (BAPL-312) was filed on March 11, 1964. However, James Mitchell, the sole shareholder and financial backer of the assignee corporation, died on June 18, 1964. By letter of December 11, 1964, the Commission was notified that the proposed assignee pursuant to the terms of the sale agreement, had elected to declare such agreement null and void. Such action having rendered the aforementioned assignment application moot, it was dismissed on December 16, 1964.

10. On December 7, 1964, an application for the assignment of the license of Station WTID from Twelve Seventy, Inc. to David N. Montague, Trustee, was tendered for filing. It was accompanied by a court order dated September 18, 1964 stating that the court was dissatisfied with the progress that the debtor was making and therefore appointed David Montague as Trustee. In answer to question 15 of the assignment application (FCC Form 316), George Dail was listed as the 100 percent shareholder of the licensee corporation. When queried by the staff as to the source of this information, the trustee stated that the District Court judge had advised him that Dail had an option to purchase Reznick's stock and had exercised such option a few days prior to the commencement of the bankruptcy proceedings. The Commission was never informed of either the existence or the exercise of such option, although the staff held conferences with Reznick and his attorneys subsequent to the date of its apparent exercise. Thus, it now appears that in addition to the unauthorized relinquishment of de facto control to Dail on August 7, 1963, there was an unauthorized transfer of de jure control to him in late November or early December of 1963. Such action constitutes a violation of section 310(b) of the Communications Act of 1934, as amended, as well as violations of §§ 1.613 and 1.615 of the Commission's rules.

It further appearing that, in view of the foregoing, the Commission is unable to make the statutory finding that a grant of the above-captioned application would serve the public interest, convenience and necessity, and that the application must be designated for hearing on the issues set forth below;

It is ordered, That pursuant to section 309(e) of the Communications Act of 1934, as amended, the above captioned application is designated for a hearing, at a time and place to be specified in a subsequent order, upon the following issues:

1. To determine whether in its written or oral statements to the Commission or its staff with respect to the above matters, the licensee misrepresented facts to the Commission or was lacking in candor;

2. To determine whether the licensee maintained adequate supervision and control over the operation of its station;

3. To determine whether misrepresentations with regard to the capitalization of the licensee corporation were made in the Assignment Application of January 22, 1960 and the Ownership Report of December 28, 1960;

4. To determine whether the licensee knowingly submitted a false copy of the $30,000 debenture bond to the Commission;

5. To determine whether the licensee in contravention of § 1.613 of the Commission's rules failed to disclose that Robert Symonds was an officer of the licensee corporation;

6. To determine whether the licensee in contravention of § 1.613 of the Commission's rules failed to disclose that the Mutual Security Savings and Loan Association had an interest in the licensee corporation;

7. To determine whether the licensee in contravention of § 1.613 of the Commission's rules failed to disclose that the Equity Investment Corp. had an interest in the licensee corporation;

8. To determine whether the licensee in contravention of § 1.613 of the Commission's rules failed to submit a contract for the sale of its stock to the Equity Investment Corp.;

9. To determine whether, in 1961, Equity assumed control of the licensee corporation in contravention of section 310(b) of the Communications Act of 1934, as amended;

10. To determine whether the licensee in contravention of § 1.613 of the Commission's rules failed to disclose that Morris Silberman was a director of the licensee corporation;

11. To determine whether the licensee in contravention of section 310(b) of the Communications Act of 1934, as amended, relinquished de facto control of Station WTID to George Dail in August of 1963;

12. To determine whether the licensee in contravention of § 1.613 of the Commission's rules failed to file a stock option agreement held by George Dail;

13. To determine whether the licensee in contravention of section 310(b) of the Communications Act of 1934, as amended, relinquished de jure control of Station WTID to George Dail in late November or early December of 1963;

14. To determine whether, in contravention of § 1.615 of the Commission's rules, the licensee failed to report George Dail's increased ownership interest in the licensee corporation;

15. To determine whether the licensee submitted a false or misleading financial report to the Commission;

16. To determine whether, in light of the evidence adduced under the foregoing issues, the licensee possesses the requisite character qualifications to be a licensee of the Commission;

17. To determine whether the licensee possesses the requisite financial qualifications to be a licensee of the Commission;

18. To determine whether, on the basis of the evidence adduced under the foregoing issues, a grant of the above-captioned application would serve the public interest, convenience and necessity.

It is further ordered, That, to avail itself of the opportunity to be heard, the applicant herein, pursuant to § 1.221 of the Commission's rules and regulations, in person or by attorney, shall within twenty (20) days of the mailing of this order, file with the Commission, in triplicate, a written appearance stating an intent to appear on the date fixed for the hearing and present evidence on the issues specified in this order.

It is further ordered, That, the applicant herein shall, pursuant to section 311(a)(2) of the Communications Act of 1934, as amended, and § 1.594 of the Commission's rules and regulations, give notice of the hearing within the time and in the manner prescribed in such rule, and shall advise the Commission thereof as required by § 1.594(g) of the Commission's rules and regulations.

Released: May 3, 1965.

FEDERAL COMMUNICATIONS COMMISSION,[2]
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 65-4841; Filed, May 6, 1965; 8:48 a.m.]

[1] In consideration of his services, Reznick gave Dail 9,000 shares in Twelve Seventy, Inc. (approximately 47 percent of the outstanding shares). According to Commission records, Dail still has this interest.

[2] Commissioners Lee and Loevinger absent.

FEDERAL DEPOSIT INSURANCE CORPORATION

VOLUNTEER-STATE BANK, KNOXVILLE, TENN.

Notice of Application for Exemption

Pursuant to authority granted the Federal Deposit Insurance Corporation under sections 12(h) and 12(i) of the Securities Exchange Act of 1934, as amended, notice is hereby given to all interested parties that the Volunteer-State Bank, Knoxville, Tenn., has applied to the Federal Deposit Insurance Corporation for exemption from certain provisions of that Act. The bank has asked the Corporation to exempt it, its officers, directors and certain controlling persons from the requirements of sections 12, 13, 14, and 16 of the Act.

Notice is hereby given interested persons will have opportunity to present their written views or comments on this application on or before May 21, 1965. Communications should be addressed to the Secretary, Federal Deposit Insurance Corporation, 550 17th Street NW., Washington, D.C., 20429.

Dated this 29th day of April 1965.

FEDERAL DEPOSIT INSURANCE CORPORATION,
[SEAL] E. F. DOWNEY,
Secretary.

[F.R. Doc. 65-4834; Filed, May 6, 1965; 8:48 a.m.]

FEDERAL MARITIME COMMISSION

H. A. GOGARTY, INC., ET AL.

Notice of Agreements Filed for Approval

Notice is hereby given that the following freight forwarder cooperative working agreements have been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreements at the Washington office of the Federal Maritime Commission, 1321 H Street NW., Room 301. Comments with reference to an agreement including a request for hearing, if desired, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C., 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. A copy of any such statement or request for a hearing should also be forwarded to each of the parties to the agreement (as indicated hereinafter), and the comments should indicate that this has been done.

Unless otherwise indicated, these agreements are non-exclusive, cooperative working arrangements under which the parties may perform freight forwarding services for each other. Forwarding and service fees as agreed on each transaction. Ocean freight compensation is to be divided as agreed between the parties.

H. A. Gogarty, Inc., New York, N.Y., and Seaway Forwarding Co., Cleveland, Ohio ---------- FF-1881

Express Forwarding & Storage Co., Inc., New York, N.Y., and Seaway Forwarding Co., Cleveland, Ohio ---------- FF-1882

Blaser & Mercle, Inc., Cleveland, Ohio, and M. J. Corbett & Co., Inc., New York, N.Y. ---------- FF-1883

Inge & Company, Inc., New York, N.Y., and Seaway Forwarding Co., Cleveland, Ohio ---------- FF-1884

Gallagher & Ascher Co., Chicago, Ill., and Bohner, Gehrig & Co., Inc., New York, N.Y. ---------- FF-1889

John H. Paunce, Inc., Philadelphia, Pa., and W. R. Zanes & Co. of Louisiana, Inc., New Orleans, La. ---------- FF-1890

Gallagher & Ascher Co., Chicago, Ill., and Atlantic Forwarding Co., Inc., New York, N.Y. ---------- FF-1891

D. Hauser, Inc., New York, N.Y., and P. J. Herbelin Forwarding Co., Inc., Houston, Tex. ---------- FF-1894

Dumont Shipping Co., Inc., New York, N.Y., and Bevon International, Inc., Charleston, S.C. ---------- FF-1895

Heide and Co., Inc., Wilmington, N.C., and Fred P. Gaskell Co., Inc., New York, N.Y. (Norfolk, Va.) (New Orleans, La.) ---------- FF-1896

George W. Wise, Jr., Savannah, Ga., and Norton & Ellis, Inc., Norfolk, Va ---------- FF-1907

Alba Forwarding Co., Inc., Chicago, Ill., and Kormin Shipping Co., Inc., New York, N.Y. ---------- FF-1909

The J. D. Richardson Co., Detroit, Mich., and M. J. Corbett & Co., Inc., New York, N.Y. ---------- FF-1910

Taub, Hummel & Schnall, Inc., New York, N.Y., and Coastal Forwarders, Charleston, S.C. ---------- FF-1911

Gallagher & Ascher Co., Chicago, Ill., and Express Forwarding & Storage Co., New York, N.Y. ---------- FF-1912

R. F. Downing & Co., Inc., New York, N.Y., and Harper Robinson & Co., San Francisco, Calif. ---------- FF-1913

Silvey Shipping Co., Inc., New York, N.Y., is party to the following agreements, the terms of which are identical. The other parties are:

F. B. Vandegrift & Co., Inc., Philadelphia, Pa ---------- FF-1914

Reedy Forwarding Co., Inc., Miami, Fla. ---------- FF-1915

John S. Connor, Inc., Baltimore, Md. ---------- FF-1916

International Expediters, Inc., New York, N.Y., is party to the following agreements, the terms of which are identical. The other parties are:

M. E. Dey & Co., Inc., Milwaukee, Wis. ---------- FF-1870
Heide & Company, Inc., Wilmington, N.C. ---------- FF-1871
J. T. Steeb & Co., Inc., Portland, Oreg. ---------- FF-1872
John V. Carr & Sons, Detroit, Mich. ---------- FF-1873
Wilfred Schade & Co., Inc., Newport News, Va. ---------- FF-1874
John W. Newton, Jr., Beaumont, Tex. ---------- FF-1875
General Freight Services, Inc., Portland, Oreg. ---------- FF-1876
F. W. Myers & Co., Inc., Port Huron, Mich. ---------- FF-1877
Waters Shipping Co., Wilmington, N.C. ---------- FF-1878
Seaway Forwarding Co., Toledo, Ohio ---------- FF-1885
Pilbin & Co., Inc., Toledo, Ohio ---------- FF-1886
Southern Shipping Co., Savannah, Ga. ---------- FF-1887
General Foreign Freight Forwarders, Norfolk, Va. ---------- FF-1897
Southern Shipping Co., Inc., Charleston, S.C. ---------- FF-1898
T. Parker Host, Inc., Newport News, Va. ---------- FF-1899
Frank P. Dow Co., Inc., Longview, Wash. ---------- FF-1900
J. T. Steeb & Co., Inc., Tacoma, Wash. ---------- FF-1901
Norman G. Jensen, Inc., Longview, Wash. ---------- FF-1902
T. D. Downing Co., Boston, Mass. ---------- FF-1903
Heide & Co., Inc., Morehead City, N.C. ---------- FF-1904
J. R. Michels, Inc., Beaumont, Tex. ---------- FF-1905
Geo. S. Bush Co., Inc., Longview, Wash. ---------- FF-1906

William H. Masson, Inc., Baltimore, Md., is party to the following agreements, the terms of which are identical. The other parties are:

R. F. Downing & Co., Inc., New York, N.Y. ---------- FF-1890
E. Sidney Stockwell Co., Inc., Boston, Mass. ---------- FF-1892
Mercal International, Inc., New York, N.Y. ---------- FF-1893
V. Alexander & Co. of Louisiana, Inc., New Orleans, La. ---------- FF-1868

Agreement FF-1879, between Penson Forwarding Corp., New York, N.Y., and Frontier Freight Forwarders, Inc., Miami, Fla., is a cooperative working agreement whereunder compensation received from ocean carriers shall be divided by the parties in the following manner, 50 percent to Penson Forwarding Corp. and 50 percent to Frontier Freight Forwarders, Inc. Forwarding and service fees as agreed on each transaction.

Agreement FF-1908, between Atlas Forwarding Co., New York, N.Y., and Smith & Kelly Co., Savannah, Ga., is a cooperative working agreement whereunder compensation received from ocean carriers shall not be shared by the parties. All compensation of this nature will be received only by Atlas Forwarding Co., Inc. Forwarding and service fees as agreed on each transaction.

Dated: May 4, 1965.

THOMAS LISI,
Secretary.

[F.R. Doc. 65-4830; Filed, May 6, 1965; 8:47 a.m.]

MATSON NAVIGATION CO. AND GRACE LINE, INC.

Notice of Agreement Filed for Approval

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement(s) at the Washington office of the Federal Maritime Commission, 1321 H Street NW., Room 301; or may inspect agreements at the offices of the District Managers, New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments with reference to an agreement including a request for hearing, if desired, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C., 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the comments should indicate that this has been done.

Notice of agreement filed for approval by:

Mr. Robert C. Alsop, Vice President and Counsel, Grace Line, Inc., Three Hanover Square, New York, N.Y., 10004.

Agreement 9442, between Matson Navigation Co. (Matson) and Grace Line, Inc. (Grace), provides for Grace to act as Matson's General Passenger Agent in Central America and the North and West coasts of South America, to solicit and book passengers on Matson's vessels, to issue tickets, to accept bookings and collect fares from travel agents in the area in accordance with the terms and conditions as set forth in the agreement.

Dated: May 3, 1965.

By order of the Federal Maritime Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 65-4831; Filed, May 6, 1965; 8:47 a.m.]

MATSON NAVIGATION CO. AND GRACE LINE, INC.

Notice of Agreement Filed for Approval

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement(s) at the Washington office of the Federal Maritime Commission, 1321 H Street NW., Room 301; or may inspect agreements at the offices of the District Managers, New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments with reference to an agreement including a request for hearing, if desired, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C., 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the comments should indicate that this has been done.

Notice of agreement filed for approval by:

Mr. Robert C. Alsop, Vice President and Counsel, Grace Line, Inc., Three Hanover Square, New York, N.Y., 10004.

Agreement 9443, between Matson Navigation Co. (Matson) and Grace Line, Inc. (Grace), provides for Matson to act as Grace's General Passenger Agent in Hawaii, to solicit and book passengers on Grace vessels, to issue tickets, to accept bookings and collect fares from travel agents in the area in accordance with the terms and conditions as set forth in the agreement.

Dated: May 3, 1965.

By order of the Federal Maritime Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 65-4832; Filed, May 6, 1965; 8:47 a.m.]

OCEANIC STEAMSHIP CO. AND GRACE LINE, INC.

Notice of Agreement Filed for Approval

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement(s) at the Washington office of the Federal Maritime Commission, 1321 H Street NW., Room 301; or may inspect agreements at the offices of the District Managers, New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments with reference to an agreement including a request for hearing, if desired, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C., 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the comments should indicate that this has been done.

Notice of agreement filed for approval by:

Mr. Robert C. Alsop, Vice President and Counsel, Grace Line, Inc., Three Hanover Square, New York, N.Y., 10004.

Agreement 9444, between the Oceanic Steamship Co. (Oceanic) and Grace Line, Inc. (Grace), provides for Grace to act as Oceanic's General Passenger Agent in Central America and the North and West coasts of South America, to solicit and book passengers on Oceanic vessels, to issue tickets, to accept bookings and collect fares from travel agents in the area in accordance with the terms and conditions as set forth in the agreement.

Dated: May 3, 1965.

By order of the Federal Maritime Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 65-4833; Filed, May 6, 1965; 8:47 a.m.]

OCEANIC STEAMSHIP CO. AND GRACE LINE, INC.

Notice of Agreement Filed for Approval

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement(s) at the Washington office of the Federal Maritime Commission, 1321 H Street NW., Room 301; or may inspect agreements at the offices of the District Managers, New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments with reference to an agreement including a request for hearing, if desired, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C., 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the comments should indicate that this has been done.

Notice of agreement filed for approval by:

Mr. Robert C. Alsop, Vice President and Counsel, Grace Line, Inc., Three Hanover Square, New York, N.Y., 10004.

Agreement 9445, between Oceanic Steamship Co. (Oceanic) and Grace Line, Inc. (Grace), provides for Oceanic to act as Grace's General Passenger Agent in Australia, New Zealand, and South Sea Island ports, to solicit and book passengers on Grace vessels, to issue tickets, to accept bookings and collect fares from travel agents in the area in accordance with the terms and conditions as set forth in the agreement.

Dated: May 3, 1965.

By order of the Federal Maritime Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 65-4834; Filed, May 6, 1965; 8:47 a.m.]

UNITED STATES LINES CO. AND GRACE LINE, INC.

Notice of Agreement Filed for Approval

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763; 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement(s) at the Washington office of the Federal Maritime Commission, 1321 H Street NW., Room 301; or may inspect agreements at the offices of the District Managers, New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments with reference to an agreement including a request for hearing, if desired, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C., 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the comments should indicate that this has been done.

Notice of agreement filed for approval by:

Mr. Robert C. Alsop, Vice President and Counsel, Grace Line, Inc., Three Hanover Square, New York, N.Y., 10004.

Agreement 9446, between United States Lines Co. (United States) and Grace Line, Inc. (Grace), provides for Grace to act as United States' General Passenger Agent in Central America and on the North and West coasts of South America, to solicit and book passengers on United States vessels, to issue tickets, to accept bookings, and collect fares from travel agents in the area in accordance with the terms and conditions as set forth in the agreement.

Dated: May 4, 1965.

By order of the Federal Maritime Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 65-4835; Filed, May 6, 1965; 8:47 a.m.]

UNITED STATES LINES CO. AND GRACE LINE, INC.

Notice of Agreement Filed for Approval

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement(s) at the Washington office of the Federal Maritime Commission, 1321 H Street NW., Room 301; or may inspect agreements at the offices of the District Managers, New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments with reference to an agreement including a request for hearing, if desired, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C., 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the comments should indicate that this has been done.

Notice of agreement filed for approval by:

Mr. Robert C. Alsop, Vice President and Counsel, Grace Line, Inc., Three Hanover Square, New York, N.Y., 10004.

Agreement 9447, between United States Lines Co. (United States) and Grace Line, Inc. (Grace), provides for United States to act as Grace's General Passenger Agent in Eire, France, Switzerland, Belgium, Holland, Luxembourg, Germany, Austria, Poland, Hungary, Czechoslovakia, and South Africa, to solicit and book passengers on Grace vessels, to issue tickets, to accept bookings and collect fares from travel agents in the area in accordance with the terms and conditions as set forth in the agreement.

Dated: May 3, 1965.

By order of the Federal Maritime Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 65-4836; Filed, May 6, 1965; 8:47 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[812-1656]

INVESTORS DIVERSIFIED SERVICES, INC., AND INVESTORS ACCUMULATION PLAN, INC.

Notice of Application for Exemption

MAY 3, 1965.

Notice is hereby given that Investors Diversified Services, Inc. ("IDS"), a face amount certificate company registered under the Investment Company Act of 1940 ("Act") and its wholly owned subsidiary, Investors Accumulation Plan, Inc. ("Plan Company"), both Minnesota corporations, have filed an application pursuant to section 6(c) of the Act for an order of exemption from the provisions of section 27(a)(3) of the Act. Plan Company proposes to offer periodic payment plan certificates for the accumulation of shares of Investors Stock Fund, Inc. ("Stock Fund"). Stock Fund is registered under the Act as an open-end, diversified, management investment company. It invests principally in common stocks. IDS acts as investment adviser and underwriter for Stock Fund and will act as underwriter for the plan. The application requests an exemption from the provisions of section 27(a)(3) of the Act to permit the deduction of sales load on periodic payment plan certificates from payments during the second, third, and fourth years in amounts which exceed the amounts of sales load to be deducted from subsequent payments. All interested persons are referred to the application filed with the Commission for a full statement of the representations contained in the application which are summarized below.

Applicants propose to deduct sales load, which totals 8 percent of aggregate payments, on periodic payment plan certificates at the rate of 20 percent of payments during the first year, 18 percent during the second and third years, 7 percent during the fourth year and 4.2

percent thereafter. In addition to the sales load deduction, a custodian fee of $0.40 for each scheduled monthly payment is to be deducted commencing with the thirteenth month. Total deductions range from 9.83 percent to 8.37 percent of aggregate payments, dependent upon the certificate selected. Applicants state that total deductions for sales load under the proposed plan will be less, at any time before the final payment, than the amount which would be deducted if 50 percent, the maximum permitted by section 27(a)(2) of the Act, were deducted in the first year and amounts of sales load were deducted at a uniform rate thereafter as specified in section 27(a)(3).

Notice is further given that any interested person may, not later than May 21, 1965, submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C., 20549. A copy of such request shall be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon applicant at the address stated above. Proof of such service (by affidavit or in case of an attorney-at-law by certificate) shall be filed contemporaneously with the request. At any time after said date, as provided by Rule 0–5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the information stated in said application, unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion.

For the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 65-4808; Filed, May 6, 1965; 8:46 a.m.]

[File No. 70-4273]

MICHIGAN CONSOLIDATED GAS CO.

Notice of Proposed Acquisition of Utility Assets From Municipality

MAY 3, 1965.

Notice is hereby given that Michigan Consolidated Gas Co. ("Michigan Consolidated"), One Woodward Avenue, Detroit, Mich., 48226, a gas utility subsidiary company of American Natural Gas Co. ("American Natural"), a registered holding company, has filed an application with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating sections 9(a) and 10 of the Act as applicable to the proposed transaction. All interested persons are referred to the application, on file at the office of the Commission, for a statement of the transaction proposed therein which is summarized below.

Michigan Consolidated proposes to acquire, with treasury funds, from the City of Escanaba ("City"), a Michigan municipal corporation located in the Upper Peninsula of Michigan, the municipally owned propane-air gas production and distribution facilities located in the City, for a cash consideration of $725,000. The proposed acquisition includes all the properties which constitute the City's present system for the production, distribution, and sale of propane-air gas in the City, consisting of approximately 26.77 miles of various size gas mains, 1,896 gas service installations, gas meters, and various other facilities and property rights. The purchase agreement, which was reached after arm's-length negotiation, is subject to approval of such sale by three-fifths (3/5ths) majority vote of the electors of the City voting at a special election called for such purpose which has been set for June 1, 1965.

The assets to be acquired have an original cost of approximately $350,000. Studies made by consulting engineers for the City indicated a reasonable sales price in the range of $700,000. Studies made by Michigan Consolidated concluded that the proposed purchase price does not exceed the costs the company would incur if it were required to replace the existing distribution system. The filing states that subsequent to the proposed acquisition, Michigan Consolidated will file acquisition accounting entries with the Michigan Public Service Commission and obtain approval thereof.

The acquisition of the City's facilities is part of a general program which is being undertaken by Michigan Consolidated to provide natural gas service to approximately 36 municipalities located in the southern portion of the Upper Peninsula of Michigan. The City of Escanaba is the largest community in the area proposed to be served. The company's Upper Peninsula project includes the purchase of the City property and the construction of distribution systems in all of the communities to be served, estimated to cost approximately $8,000,000, and the construction of transmission facilities estimated to cost approximately $6,000,000, or a total project cost of $14,000,000. The costs associated with the Upper Peninsula project are a part of Michigan Consolidated's overall 1965 construction program of approximately $55,000,000, which will be financed initially by the proceeds from the sale of $5,040,000 of common stock to American Natural, funds generated internally, and bank loans which will be replaced by permanent financing in 1966, all of such financing to be the subject of subsequent filings with this Commission.

Michigan Consolidated has contracted to purchase additional natural gas to serve its Upper Peninsula territory from Michigan Wisconsin Pipe Line Co. ("Michigan Wisconsin"), which is also a subsidiary company of American Natural. Michigan Wisconsin is now awaiting final authorization by the Federal Power Commission to sell the required volumes of natural gas and to construct the necessary facilities to transport the gas from the terminus of its line approximately 4 miles to a point near Menominee, Mich. The requisite order of said Commission is to be filed herein by amendment. Michigan Consolidated has received a certificate from the Michigan Public Service Commission authorizing it to transport and distribute natural gas in the Upper Peninsula, conditioned upon Michigan Wisconsin's receiving an appropriate order from the Federal Power Commission.

Fees and expenses to be incurred in connection with the proposed transaction are estimated at $3,000, including legal fees of $500. It is stated that no State commission and no Federal commission, other than this Commission, has jurisdiction over the proposed acquisition of the utility assets.

Notice is further given that any interested person may, not later than May 26, 1965, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said application which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C., 20549. A copy of such request should be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon the applicant at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed contemporaneously with the request. At any time after said date, the application, as filed or as it may be amended, may be granted as provided in Rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in rules 20(a) and 100 thereof or take such other action as it may deem appropriate.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 65-4809; Filed, May 6, 1965; 8:46 a.m.]

[File No. 70-4272]

PENNSYLVANIA ELECTRIC CO.

Notice of Proposed Charter Amendment, Solicitation of Proxies, Acquisitions of Preferred Stock, and Related Transactions

MAY 3, 1965.

Notice is hereby given that Pennsylvania Electric Co. (Penelec), 1001 Broad Street, Johnstown, Pa., 15907, a Pennsylvania corporation and an electric utility subsidiary company of General Public Utilities Corp. (GPU), a registered holding company, has filed an application-declaration with this Commission, pursuant to the Public Utility Holding Company Act of 1935 (Act), designating sections 6(a), 7, 12(c), and 12(e) of the Act and Rules 42, 62, and 65 thereof as applicable to the proposed transactions. All interested persons are referred to the application-declaration, on file at the office of the Commission, for a statement

of the transactions therein proposed which are summarized below:

Penelec proposes to amend its charter by a vote of stockholders at a special meeting held for such purpose. If adopted, the proposed amendment will permit Penelec to increase the amount of unsecured debt securities which may be outstanding at any one time from 10 percent to 20 percent of the aggregate of its secured indebtedness, capital, and surplus. It is stated that such amendment would conform with the relevant provisions of the Commission's Statement of Policy Regarding Preferred Stock (Holding Company Act Release No. 13106, February 16, 1963). Penelec will solicit proxies from its stockholders in connection with such amendment and will bear all expenses related to the solicitation.

Penelec has outstanding 5,198,889 shares of $20 par value common stock, all owned by GPU. Its outstanding 405,000 shares of preferred stock consist of 69,0000 shares of 4.40 percent Series B; 101,000 shares of 3.70 percent Series C; 70,000 shares of 4.05 percent Series D; 30,000 shares of 4.70 percent Series E; 45,000 shares of 4.50 percent Series F; and 90,000 shares of 4.60 percent Series G. The holders of the preferred and common stocks are entitled to one vote for each share held. The affirmative vote of two-thirds of the shares of preferred stock, voting as a class regardless of series, and of a majority of the shares of common stock, is required to effectuate the proposed amendment. GPU intends to vote in favor of the proposed charter amendment unless, prior to the stockholders meeting, preferred stockholders submit written objections to the amendment pursuant to the appraisal provisions of Pennsylvania law (as described below) and, as a result, it would become necessary for Penelec to reacquire so substantial an amount of its preferred stock as to unduly deplete its treasury.

Under Pennsylvania law, any holder of Penelec's preferred stock who prior to the stockholders meeting objects in writing to the proposed charter amendment, does not vote in favor thereof, and otherwise perfects his appraisal rights, will have such appraisal rights as are provided for in section 2(d) of the Act approved May 3, 1933, P.L. 227, as amended (15 Purdon's Pennsylvania Statutes Annotated § 224(d)). Such appraisal rights (the details of which will be adequately set forth in the proxy material to be mailed to Penelec's preferred stockholders prior to the special meeting) would afford objecting preferred stockholders, if any, the right to surrender their shares to the company at a fair value arrived at in accordance with said Pennsylvania law. Penelec proposes to acquire not more than an aggregate of 40,000 shares of its preferred stock from holders thereof, if any, who perfect their appraisal rights. Prior to making any offer to any dissenting stockholder to acquire such shares, Penelec will file a post-effective amendment with this Commission setting forth the proposed offer, such amendment to become effective only upon Commission approval by supplemental order.

If the requisite favorable vote in respect of the proposed charter amendment is received, Penelec also proposes to purchase, during the latter part of 1965, through an invitation for tenders, such number of shares of its preferred stock of all series which, together with shares (if any) acquired by it from dissenting stockholders who perfect their appraisal rights, does not exceed 40,000. The tender period will be not less than 20 and no more than 40 days, and the invitation for tenders, which will be sent to all record holders of Penelec's preferred stock, will specify the maximum price for each series (not in excess of the call price thereof) at which tenders will be accepted. The maximum tender prices, to be determined by Penelec's board of directors, will be disclosed by post-effective amendment to the present application-declaration, such amendment to become effective only upon Commission approval by supplemental order. The invitation for tenders will also provide that tenders will be accepted by Penelec on the basis which results in the lowest cost of money to Penelec, and will set forth the basis for the equitable determination of the shares for which tenders will be accepted if more shares are tendered then Penelec seeks to acquire. No fractional interest in a share will be purchased, and no shares will be purchased from officers, directors, or affiliates of Penelec or from any other person with which any of the foregoing are affiliated or from any members of the immediate families of said officers, directors, or affiliates.

Penelec states that all acquired shares of preferred stock will be retired; that it has no present intention of issuing any additional shares of preferred stock; and that it contemplates the use of debenture financing and such gradual retirement of all of its perferred stock as its financial condition permits so that its security structure may ultimately consist of mortgage bonds, unsecured debentures, common stock and short-term promissory notes to banks. It is expected that this program, if initiated, will extend over a period of time and no assurance is given by Penelec that the program, once begun, will be completed. Penelec, within a reasonable time after the consummation of the proposed tender program, will submit a report to the Commission disclosing (in such detail as the Commission may reasonably request) the results and surrounding circumstances of the transaction.

The filing states that the Pennsylvania Public Uutility Commission has jurisdiction over the proposed amendment of Penelec's charter and that, upon approval by this Commission of all aspects of the proposed transactions, including the proposed accounting therefor, no other Federal commission has jurisdiction over the proposed transactions.

The fees and expenses to be incurred by Penelec in connection with the proposed transactions (other than any appraisal proceedings which may be conducted) are estimated not to exceed $18,500, including $7,500 counsel fees, $3,000 expense in connection with the solicitation and acceptance of tenders, and $5,500 expense in connection with the solicitation of proxies relating to the charter amendment.

Notice is further given that any interested person may, not later than May 25, 1965, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said application-declaration, which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C., 20549. A copy of such request should be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon applicant-declarant at the above-stated address, and proof of service (by affidavit, or, in case of an attorney at law, by certificate) should be filed contemporaneously with the request. At any time after said date, the application-declaration, as filed or as it may be amended, may be granted and permitted to become effective as provided in Rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof, or take such other action as it may deem appropriate.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 65-4810; Filed, May 6, 1965; 8:46 a.m.]

[File Nos. 8-8375, 24 NY-5930]

ELIZABETH SECURITIES, INC., AND SAVANT INSTRUMENTS, INC.

Findings, Opinion and Order Revoking Broker-Dealer Registration and Permanently Suspending Exemption Under Regulation A

APRIL 30, 1965.

In the matters of Elizabeth Securities, Inc., 1 Broad Street, Elizabeth, N.J., File No. 8-8375; and Savant Instruments, Inc. (formerly Servonuclear Corporation), 221 Park Avenue, Hicksville, N.Y., File No. 24 NY-5930.

EXEMPTION FROM REGISTRATION

GROUNDS FOR SUSPENSION OF EXEMPTION

Failure To Disclose Manipulation of Market

Where filing pursuant to Regulation A under Securities Act of 1933 for purpose of obtaining exemption from registration stated that public offering of stock would be at market and contained information with respect to stock's price range, but failed to disclose that selling stockholder had manipulated market in stock by increasing bids in quotation sheets and by making false and misilead-

ing statements which induced purchases

peared, our Divisions of Trading and

ing statements which induced purchases and sales in stock, held, exemption permanently suspended.

BROKER-DEALER PROCEEDINGS

GROUNDS FOR REVOCATION OF REGISTRATION AND FOR EXPULSION FROM REGISTERED SECURITIES ASSOCIATION

Manipulation of Market; False and Misleading Statements; Charging Unfair Prices

Where registered broker-dealer manipulated price of stock by increasing bids in quotation sheets and by inducing purchases and sales by means of materially false and misleading statements in anticipation of secondary offering for broker-dealer's own account, and charged unfair prices, held, willful violations of antifraud provisions of securities acts requiring revocation of registrant's broker-dealer registration and its expulsion from registered securities association.

Appearances:

Jack Becker and Paul Chernis of the New York Regional Office of the Commission, for the Divisions of Trading and Markets and Corporation Finance.

Robert Schwartz, for Elizabeth Securities, Inc., Nathaniel J. Rothenberg, George Heller, George Getz, and Savant Instruments, Inc.

John J. McKenna, pro se.

These are consolidated proceedings pursuant to Rule 261 of Regulation A under section 3(b) of the Securities Act of 1933 (Securities Act) and sections 15(b) and 15A of the Securities Exchange Act of 1934 (Exchange Act). The issues under the Exchange Act are whether the broker-dealer registration of Elizabeth Securities, Inc. (Elizabeth) should be revoked; whether Elizabeth should be expelled or suspended from the National Association of Securities Dealers, Inc. (NASD); and whether Elizabeth's officers, directors, and principal stockholders, Nathaniel J. Rothenberg, George Heller, and George Getz, should each be found a cause of any adverse order entered against Elizabeth. The issue under the Securities Act is whether our order of September 4, 1963, temporarily suspending an exemption from the registration requirements of section 5 of the Securities Act with respect to a proposed public offering of 15,000 shares (13,000 shares proposed to be offered by Elizabeth and 2,000 shares by John J. McKenna, as selling stockholders)[1] of the common stock of Savant Instruments, Inc. (Savant), formerly Servonuclear Corporation, should be vacated or made permanent.

After hearings, at which Elizabeth and its officers, Savant, and McKenna appeared, our Divisions of Trading and Markets and of Corporation Finance filed proposed findings and a brief. The hearing examiner submitted a recommended decision, to which no exceptions were filed, recommending that the registration of Elizabeth be revoked and that it be expelled from the NASD, that its officers be found causes of such action, and that the temporary suspension order against the proposed offering of Savant stock be made permanent.

On the basis of the hearing examiner's recommended decision and of our review of the record, we find, as did the examiner, that:

1. On July 5, 1963, Savant filed a notification and a statement in lieu of an offering circular,[2] for the purpose of obtaining a Regulation A exemption from registration with respect to the proposed offering. Certain amendments to the notification and statement were filed on July 23, 1963.

2. Beginning early in June 1963, prior to and in anticipation of the proposed offering, Elizabeth together with or aided and abetted by Rothenberg, Heller, and Getz, engaged in transactions and a course of business with respect to Savant stock in willful violation of the antifraud provisions of section 17(a) of the Securities Act and of sections 10(b) and 15(c)(1) of the Exchange Act and Rules 17 CFR 240.10b-5 and 15c1-2 thereunder.

a. They induced customers of Elizabeth to buy Savant shares from Elizabeth by means of false and misleading statements with respect to Savant's profits, the likelihood of Savant's obtaining Government contracts and of its being merged into or absorbed by a larger company, the probable sharp rise in the value of Savant stock, and the then current market price of Savant stock for which there was in fact no market other than one made and controlled by Elizabeth. At the same time they persuaded other investors to sell Savant shares to Elizabeth by telling them that Savant had no future and that the price of its shares was likely to decline.

b. They caused Elizabeth to make sales of Savant stock to customers at unreasonable prices. Elizabeth sold at prices that were from 20 percent to 75 percent above its contemporaneous costs. Moreover, as found below, the prices paid by registrant had been artificially inflated by its manipulative practices. Thus, the excessive markups registrant charged were added to prices that were substantially higher than those which would have prevailed in a market free from manipulation.

c. They caused Elizabeth and three other broker-dealers to insert quotations for Savant stock in the daily quotation sheets at arbitrary and progressively increasing prices from about ½–1 on June 4, to about 1½–2 on July 8, 1963, in a campaign designed artificially to raise the market price in anticipation of the proposed public offering.

3. The statements filed with the original and amended notifications under Regulation A set forth a table described as a "representative summary" of the price range of Savant stock in the over-the-counter market since the initial public offering of March 1962 and stated that the shares referred to therein were to be offered "at the market price prevailing at the time of sale," thereby impliedly representing that the market price of Savant shares had been and would be fixed by supply and demand in a free market uninfluenced by artificial devices.[3] Since the statement did not disclose Elizabeth's manipulative activities and the artificiality of the market prices that resulted therefrom, it was materially false and misleading.[4]

4. In view of the foregoing, it is in the public interest to revoke Elizabeth's broker-dealer registration and to expel it from the NASD. We also find that Rothenberg, Heller, and Getz are each a cause of the revocation and expulsion, and that the Regulation A exemption with respect to the proposed Savant offering should be permanently suspended.

Accordingly, it is ordered, That the registration as a broker and dealer of Elizabeth Securities, Inc., be, and it hereby is, revoked, and that Elizabeth Securities, Inc., be, and it hereby is, expelled from the National Association of Securities Dealers, Inc.; and it is found that Nathaniel J. Rothenberg, George Heller, and George Getz are each a cause of such revocation and expulsion; and

It is further ordered, Pursuant to Rule 261 of Regulation A that the exemption from registration with respect to the proposed public offering of 15,000 shares of common stock of Savant Instruments, Inc., formerly Servonuclear Corporation, be, and it hereby is, permanently suspended.

By the Commission (Commissioners Woodside, Owens, Budge and Wheat), Chairman Cohen absent and not participating.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 65-4807; Filed, May 6, 1965; 8:46 a.m.]

[1] The shares which Elizabeth proposed to offer were to be acquired by exercise of an option to purchase 13,000 shares of Savant stock at 10 cents per share. Elizabeth obtained the option in March 1962 as part of its compensation for underwriting a public offering of 100,000 shares of Savant stock at $2 per share. The 2,000 shares which McKenna proposed to offer were acquired by him as partial compensation for legal services rendered to Savant prior to the March 1962 public offering.

[2] It was stated that the offering would not exceed $50,000. Rule 17 CFR 230.257 under Regulation A provides that an offering circular need not be filed or used in connection with a Regulation A offering where the aggregate offering price does not exceed $50,000 and a statement setting forth the information (other than financial statements) required in an offering circular is filed with the notification.

[3] See Thornton v. S.E.C., 171 F. 2d 702 (C.A. 2, 1948), affirming Thornton & Co., 26 S.E.C. 208, 224 (1948); Otis & Co. v. S.E.C., 106 F. 2d 579, 582–583 (C.A. 6, 1939); S.E.C. v. Torr, 22 F. Supp. 602, 608 (S.D.N.Y., 1938); United States v. Brown, 5 F. Supp. 81, 85–86 (S.D. N.Y., 1933), aff'd., 79 F. 2d 321 (C.A. 2, 1935), cert. denied, 296 U.S. 650 (1935); Gob Shops of America, Inc., 39 S.E.C. 92, 98 (1959); Russell Maguire & Company, Inc., 10 S.E.C. 332, 348 (1941).

[4] See Coplin v. United States, 88 F. 2d 652, 661 (1937), cert. denied 301 U.S. 703 (1937); Bruns Nordeman & Company, 40 S.E.C. 652, 658–659 (1961); Gob Shops of America, Inc., 39 S.E.C. 92, 105 (1959); Adams & Co., 33 S.E.C. 444, 457 (1952); Halsey, Stuart & Co., Inc., 20 S.E.C. 102, 112 (1949); Barrett & Company, 9 S.E.C. 319, 320 (1941); Reiter-Foster Oil Corporation, 6 S.E.C. 1028, 1048–1049 (1940).

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATION FOR RELIEF

MAY 3, 1965.

Protests to the granting of an application must be prepared in accordance with Rule 1.40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 39741—*Coke and Coke Products to Points in Southwestern Territory.* Filed by Southwestern Freight Bureau, agent (No. B-8719), for interested rail carriers. Rates on coke, coke breeze, coke dust or coke screenings (the direct product of coal), in carloads, from points in Indiana and Ohio, also Ashland, Ky., Detroit, Mich., and Erie, Pa., to points in southwestern territory.

Grounds for relief—Market competition, modified shortline distance formula and grouping.

Tariff—Supplement 41 to Southwestern Freight Bureau, agent, tariff I.C.C. 4449.

By the Commission.

[SEAL] BERTHA F. ARMES, *Acting Secretary.*

[F.R. Doc. 65-4819; Filed, May 6, 1965; 8:46 a.m.]

FOURTH SECTION APPLICATIONS FOR RELIEF

MAY 4, 1965.

Protests to the granting of an application must be prepared in accordance with Rule 1.40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 39742—*Joint motor-rail rates—Middlewest Motor Freight.* Filed by Middlewest Motor Freight Bureau, agent (No. 357), for interested carriers. Rates on commodities moving on class and commodity rates over joint routes of applicant rail and motor carriers, between points in Central States territory, on the one hand, and points in Middlewest territory, on the other.

Grounds for relief—Motor-truck competition.

Tariff—Supplement 41 to Middlewest Motor Freight Bureau, agent, tariff MF-I.C.C. 417.

FSA No. 39743—*Sulphuric acid to Calvert, Ky.* Filed by O. W. South, Jr., agent (No. A4671), for interested rail carriers. Rates on sulphuric acid, in tank-car loads, from LeMoyne, Ala., to Calvert, Ky.

Grounds for relief—Market competition.

Tariff—Supplement 119 to Southern Freight Association, agent, tariff I.C.C. S-162.

FSA No. 39744—*Iron or steel articles to Bay St. Louis, Miss.* Filed by Traffic Executive Association-Eastern Railroads, agent (E.R. No. 2777), for interested rail carriers. Rates on iron or steel articles, viz.: plate or sheet, noibn, galvanized or plain, corrugated or not corrugated, also strip steel, noibn, in carloads, from specified points in New York, Ohio, Pennsylvania, and West Virginia, also Claymont, Del., and Sparrows Point, Md., to Bay St. Louis, Miss.

Grounds for relief—Market competition.

Tariff—Supplement 24 to Traffic Executive Association-Eastern Railroads, agent, tariff I.C.C. C-428.

FSA No. 39745—*Bituminous coal from Murdock, Ill.* Filed by Illinois Freight Association, agent (No. 281), for interested rail carriers. Rates on bituminous coal, in carloads, from Murdock, Ill., to points in northern Illinois, Iowa, Michigan, Minnesota, Nebraska, North Dakota, Ohio, South Dakota, Wisconsin, and Wyoming.

Grounds for relief—Market competition.

Tariff—Supplement 109 to Illinois Freight Association, agent, tariff I.C.C. 9001.

By the Commission.

[SEAL] BERTHA F. ARMES, *Acting Secretary.*

[F.R. Doc. 65-4849; Filed, May 6, 1965; 8:48 a.m.]

[Notice 25]

FINANCE APPLICATIONS

MAY 3, 1965.

The following publications are governed by the Interstate Commerce Commission's general requirements governing notice of filing of applications under sections 20a except (12) and 214 of the Interstate Commerce Act. The Commission's order of May 20, 1964, providing for such publication of notice, was published in the FEDERAL REGISTER issue of July 31, 1964 (29 F.R. 11126) and became effective October 1, 1964.

All hearings and prehearing conferences, if any, will be called at 9:30 a.m., U.S. standard time unless otherwise specified.

F.D. No. 23629—By application filed April 30, 1965, St. Louis-San Francisco Railway Co., 906 Olive Street, St. Louis, Mo., 63101, seeks authority under section 20a of the Interstate Commerce Act to assume obligation and liability in respect of not exceeding $4,725,000 aggregate principal amount of its Serial Equipment Trust Certificates, Series O, and the sale thereof. Applicant's attorney: John C. Ashton, Jr., General Attorney, St. Louis-San Francisco Railway Co., 906 Olive Street, St. Louis, Mo., 63101. Protests must be filed no later than 8 days from date of publication in the FEDERAL REGISTER.

By the Commission.

[SEAL] BERTHA F. ARMES, *Acting Secretary.*

[F.R. Doc. 65-4820; Filed, May 6, 1965; 8:46 a.m.]

[Notice 1167]

MOTOR CARRIER TRANSFER PROCEEDINGS

MAY 3, 1965.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 179), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC-67457. By order of April 27, 1965, the Transfer Board approved the transfer to Harvey Wakefield, doing business as Wakefield Trucking Service, Upton, Wyo., of Certificate No. MC-109796, issued December 27, 1950, to A. J. Altizer and Leroy Cure, a partnership, doing business as C. & A. Trucking Company, Sundance, Wyo., authorizing the transportation over irregular routes of livestock, between points in Crook, Campbell, and Weston Counties, Wyo., on the one hand, and, on the other, points in South Dakota; emigrant movables, between points in Crook, Campbell, and Weston Counties, Wyo., on the one hand, and, on the other, points in South Dakota, Nebraska, and Montana, within 150 miles of Sundance, Wyo.; feed, agricultural implements, and building materials, from points in South Dakota to points in Crook, Campbell, and Weston Counties, Wyo.; grain, from points in Crook, Campbell, and Weston Counties, Wyo., to points in South Dakota; and lumber, from points in Crook, Campbell, and Weston Counties, Wyo., to points in South Dakota and Nebraska. Vincent A. Ross, 321 Hynds Building, Cheyenne, Wyo., attorney for applicants.

No. MC-FC-67611. By order of April 28, 1965, the Transfer Board approved the transfer to Allied Tours, Inc., Norfolk, Nebr., of License No. MC-12881, issued October 21, 1964, to Mrs. Clara Rakowski, doing business as Allied Tours, 110 North Fourth Street, Norfolk, Nebr., authorizing the brokerage operations in connection with arranging transportation by motor vehicle in interstate or foreign commerce, passengers and their baggage, in special and charter operations, beginning and ending at Sioux City, Iowa, and points in Nebraska, and extending to points in the United States, including Alaska and Hawaii.

No. MC-FC-67641. By order of April 28, 1965, the Transfer Board approved the transfer to Arnoff Moving & Storage, Inc., Lakeville, Conn., of the operating rights of Louis Arnoff, Lakeville, Conn., issued June 21, 1949, and January 12, 1950, respectively, in Certificates Nos. MC-3748 and MC-3748 (Sub-No. 1) authorizing the transportation, over irregular routes, of horses, between points in Connecticut, on the one hand, and, on the other, points in New York and Massa-

chusetts, baggage, between Lakeville, Conn., and Millerton, N.Y., wholesale and retail food business, Island Sherman A. Zitzman, 201 Th

chusetts, baggage, between Lakeville, Conn., and Millerton, N.Y., and household goods, between Lakeville, Conn., and points in Connecticut, New York, and Massachusetts within 20 miles of Lakeville, on the one hand, and, on the other points in New York and Massachusetts, and between Lakeville, Conn., and points within Connecticut, New York, and Massachusetts, within 20 miles of Lakeville, on the one hand, and, on the other, points in Connecticut, Rhode Island, Maine, New Hampshire, Vermont, New Jersey, Pennsylvania, Maryland, Delaware, Virginia, and the District of Columbia. Glenn E. Knierim, 410 Asylum Street, Hartford, Conn., attorney for applicants.

No. MC–FC–67652. By order of April 28, 1965, the Transfer Board approved the transfer to John Kieffner, doing business as Iberia Transfer Co., Brinktown, Mo., of Certificates Nos. MC–4027 and MC–4027 (Sub-No. 5), issued September 28, 1959 and October 23, 1961, respectively, to Ralph Ernest Riemensnider, doing business as Iberia Transfer Co., Iberia, Mo., authorizing the transportation of general commodities, excluding household goods and commodities in bulk, over regular routes, between Iberia, Mo., and East St. Louis, Ill., and the intermediate and off-route points of Crocker, Mo., and National Stock Yards, Ill., those within 12 miles of Iberia, and those within 12 miles of Crocker; petroleum products, in containers, from Roxana, and Wood River, Ill., to East St. Louis, Ill.; with empty containers therefor on return; and general commodities excluding household goods and commodities in bulk, over irregular routes, between Iberia, Mo., and Springfield, Mo.; with restrictions. Joseph R. Nacy, 117 West High Street, Jefferson City, Mo., attorney for applicants.

No. MC–FC–67176. By supplemental order of April 27, 1965, the Transfer Board approved the transfer to Truck Transport, Inc., St. Louis, Mo., of the operating rights in Certificate No. MC–115331 (Sub-No. 52), issued November 4, 1964, to Truck Transport, Inc., St. Louis, Mo., authorizing the transportation of fertilizer and fertilizer ingredients, over irregular routes, from the plant and warehouse sites of Nitrin, Inc., at or near Cordova, Ill., to points in Arkansas, Indiana, Iowa, Kansas, Kentucky, Michigan, Minnesota, Missouri, Nebraska, North Dakota, Ohio, South Dakota, Tennessee, and Wisconsin, with specified restrictions. Thomas F. Kilroy, 1815 H Street NW., Washington 6, D.C., representative for applicants.

No. MC–FC–67746. By order of April 27, 1965, the Transfer Board approved the transfer to Scott Freightways, Inc., Grand Island, Nebr., of the operating rights issued by the Commission March 15, 1961, and July 21, 1960, under Certificates Nos. MC–118207 and MC–118207 (Sub-No. 1), respectively, to Paul E. Scott, doing business as Scott Truck Line, Hutchinson, Kans., authorizing the transportation, over irregular routes, of frozen fruits, frozen berries, and frozen vegetables, from Watsonville, Calif., and points in Oregon, to Hutchinson, Kans.; and such merchandise as is dealt in by wholesale and retail food business houses, from Denver and LaJunta, Colo., to points in Oklahoma and Kansas; salt, from Hutchinson, Kans., to points in 75 specified points in Nebraska, and points in Colorado; from Lyons and Kanopolis, Kans., to points designated in Colorado; petroleum products, in containers, from Tulsa, Okla., to Sedalia, Aurora, and Longmont, Colo.; from Ponca City and Enid, Okla., to specified points in Kansas, and designated points in Colorado; frozen juices, from Portland, Oreg., to Hutchinson, Kans.; and frozen potato products, from Portland and Ontario, Oreg., to Hutchinson, Kans. Donald L. Stern, Suite 630 City National Bank Building, Omaha, Nebr., attorney for applicants.

[SEAL] BERTHA F. ARMES,
Acting Secretary.

[F.R. Doc. 65–4821; Filed, May 6, 1965; 8:46 a.m.]

[Notice 1168]

MOTOR CARRIER TRANSFER PROCEEDINGS

MAY 4, 1965.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 179), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC–FC–35395. By order of April 29, 1965, the Transfer Board approved the lease of certificate of registration No. MC–99735 (Sub-No. 1) issued July 1, 1964 to Clyde C. Dent, Ennis, Tex., for a period of 2 years from February 22, 1965, to Jet Leasing Corporation, doing business as Jet Trucking Company, Athens, Tex., covering the transportation of: Livestock, feedstuffs, household goods, farm machinery, and oilfield equipment and pipe, and trenching machines, between points in Texas. Albert G. Walker, 304 Capital National Bank Building, Austin, Tex., 78701, attorney for applicants.

No. MC–FC–67679. By order of April 29, 1965, the Transfer Board approved the transfer to B. Arotsky & Son's Transportation Co., Inc., New Haven, Conn., of certificate in No. MC–35843, issued September 12, 1957, to Barney Arotsky, doing business as B. Arotsky & Son's Transportation Co., New Haven, Conn., authorizing the transportation of: Floor covering and cement, plumbing supplies and used lumber, salvaged merchandise, salvaged store and factory stock, fixtures and equipment, and scrap materials, from to or between specified points in New Jersey, Connecticut, New York, Massachusetts, Pennsylvania, and Rhode Island. Sherman A. Zitomer, 205 Church Street, New Haven, Conn., attorney for applicants.

No. MC–FC–67749. By order of April 28, 1965, the Transfer Board approved the transfer to John J. Prpich, doing business as Lawton Valley Lines, Lawton, Mich., of the operating rights issued by the Commission March 31, 1964, under certificate No. MC–109452 to Ralph Cooper, Dowagiac, Mich., authorizing the transportation of: Butter, eggs, fruits, and vegetables, from Decatur, Mich., to Chicago, Ill., serving all intermediate and off-route points within 25 miles of Decatur, restricted to pickup only; and feeds, fertilizer, and creamery supplies, from Chicago, Ill., to Decatur, Mich., serving all intermediate and off-route points within 25 miles of Decatur, restricted to delivery only. William B. Elmer, 22644 Gratiot Avenue, East Detroit, Mich., 48021, attorney for applicants.

No. MC–FC–67762. By order of April 28, 1965, the Transfer Board approved the transfer to McHugh Bros., Inc., West Pittston, Pa., of the certificate in No. MC–96501, issued February 15, 1943, to Joseph A. McHugh, doing business as McHugh Bros., Pittston, Pa., authorizing the transportation of: Household goods, between Pittston, Pa., and points in Luzerne County, Pa., within 6 miles of Pittston, on the one hand, and, on the other, points in New York and New Jersey. John J. Dempsey, Jr., Miners National Bank Building, Wilkes-Barre, Pa., attorney for applicants.

No. MC–FC–67770. By order of April 29, 1965, the Transfer Board approved the transfer to Evergreen Stage Line, Inc., Vancouver, Wash., of certificate No. MC–29839, issued September 28, 1964, to Julian C. Hutchins, doing business as Evergreen Stage Line, Vancouver, Wash., authorizing the transportation, over regular routes, of passengers and their baggage, and express, newspapers, and mail, in the same vehicle with passengers, between Vancouver, Wash., and Yacolt, Wash., serving all intermediate points; between Heisson, Wash., and Yacolt, Wash., serving all intermediate points; between Portland, Oreg., and Battle Ground, Wash., serving all intermediate points, with restriction; between junction Washington Highway 503 (formerly Washington Highway 1U) and Farm-to-Market Road 4, and Hockinson, Wash., serving no intermediate points; and passengers and their baggage, and express and newspapers in the same vehicle with passengers, between Portland, Oreg., and Washougal, Wash., serving all intermediate points but with service at intermediate points between Vancouver, Wash., and Portland, Oreg., including Vancouver, restricted to traffic moving to and from points east of Vancouver. John M. Hickson, 825 Failing Building, Portland, Oreg., attorney for applicants.

No. MC–FC–67774. By order of April 27, 1965, the Transfer Board approved the transfer to Wheels Trucking, Inc., Hays, Kans., of certificate of registration No. MC–58315 (Sub-No. 1) issued June 19, 1964, to Anton J. Klaus, doing business as Anton J. Klaus Truck Service, Hays, Kans., evidencing a right to

engage in interstate or foreign commerce in the transportation of: Oil field equipment, oil field machinery and materials, heavy machinery, and buildings, over irregular routes between specified points in Kansas. Leland M. Spurgeon, Sixth and Topeka Boulevard, Topeka, Kans., 66603, attorney for applicants.

No. MC–FC–67776. By order of April 29, 1965, the Transfer Board approved the transfer to William H. Brininstool, doing business as XL Transportation Company, Jal, N. Mex., of the operating rights issued by the Commission October 20, 1964, under certificate in No. MC–95287, to Annice Kathleen Butler, doing business as E. F. Butler Trucking Company, Jal, N. Mex., authorizing the transportation, over irregular routes, of oil field equipment and supplies, between points in Loving, Reeves, Ward, and Winkler Counties, Tex., and Eddy and Lea Counties, N. Mex.; machinery, equipment, materials, and supplies used in or in connection with, the discovery, development, production, refining, manufacture, etc., of natural gas and petroleum, and their products and byproducts; and machinery, equipment, materials and supplies used in connection with the construction, operation, maintenance, etc., of pipelines, including stringing and picking up of pipe except the stringing or picking up of pipe in connection with main or trunk pipelines, between Artesia, N. Mex., and points within 25 miles thereof, on the one hand, and, on the other, points in Eddy and Lea Counties, N. Mex., and Ector, Loving, Midland, Reeves, Ward, and Winkler Counties, Tex. W. D. Girand, Post Office Box 1290, Hobbs, N. Mex., attorney for applicants.

No. MC–FC–67781. By order of April 29, 1965, the Transfer Board approved the transfer to C. B. Richards, Inc., Erving, Mass., of certificate No. MC–23602, issued December 28, 1955, to Charles B. Richards, Erving, Mass., authorizing the transportation of paper and paper products, over irregular routes, between Erving, Mass., on the one hand, and, on the other, points in Rhode Island, Connecticut, and New Hampshire. Arthur A. Wentzell, 539 Hartford Turnpike, Shewsbury, Mass., representative for applicants.

No. MC–FC–67782. By order of April 29, 1965, the Transfer Board approved the transfer to James E. Wilson, Coudersport, Pa., of certificates Nos. MC–90764 and MC–90764 (Sub-No. 15), issued April 20, 1961, and February 23, 1960, respectively, to Arthur Robert Erwin, doing business as Erwin's Trucking Service, Wellsville, N.Y., authorizing the transportation of animal feed, over regular route, from Buffalo, N.Y., to Coudersport, Pa., serving the intermediate point of Wellsville, N.Y., restricted to pickup only, and the off-route point of Ulysses, Pa., restricted to delivery only; household goods, over irregular routes, between Wellsville, N.Y., on the one hand, and, on the other, points in Pennsylvania; and bananas, over irregular routes, from Baltimore, Md., and Weehawken, N.J., to Olean, N.Y. Ellis J. Hopkins, Thornton Building, Wellsville, N.Y., 14895, attorney for applicants.

No. MC–FC–67789. By order of April 28, 1965, the Transfer Board approved the transfer of a portion of the operating rights in certificate No. MC–24869, issued March 16, 1964, to Robert Voeltz, Emerald, Wis., authorizing the transportation, over irregular routes, of general commodities, with the usual exceptions, and well drilling supplies, from South St. Paul, St. Paul, Minneapolis, and Stillwater, Minn., to Stanton, Tiffany, and Hay River, Dunn County, Wis., to Charles A. Groepper, doing business as Groepper Transfer, Menomonie, Wis. A. R. Fowler, 2288 University, St. Paul, Minn., 55114, representative for applicants.

No. MC–FC–67790. By order of April 28, 1965, the Transfer Board approved the transfer to Blackhawk Motor Lines, Inc., Milton, Mass., of the certificate of registration No. MC–121196 (Sub-No. 1) issued January 27, 1964, to The Blackthorn Line, Inc., Boston, Mass., evidencing a right to engage in interstate or foreign commerce in the transportation of general commodities, over irregular routes, within the Commonwealth of Massachusetts. Francis E. Barrett, Jr., 182 Forbes Building, Braintree, Mass., attorney for transferee. Robert Gallagher, 111 State Street, Boston, Mass., attorney for transferor.

[SEAL] BERTHA F. ARMES,
Acting Secretary.

[F.R. Doc. 65–4844; Filed, May 6, 1965; 8:48 a.m.]

CUMULATIVE LIST OF CFR PARTS AFFECTED—MAY

The following numerical guide is a list of the parts of each title of the Code of Federal Regulations affected by documents published to date during May.

3 CFR

Page

EXECUTIVE ORDER:
11219 6381

5 CFR

213 ..... 6215, 6241, 6337
332 6337

7 CFR

54 6207
55 ..... 6141, 6207
56 6207
70 6207
81 6207
210 6207
301 ..... 6243, 6245
707 6246
717 6144
724 ..... 6144, 6146, 6207
842 6338
862 6247
863 6248
864 6248
908 6148
910 6148
965 6338
1421 6338
1468 6383
1472 6383
1488 6249

PROPOSED RULES:
28 6255
31 6350
70 6395
Ch. IX 6355
930 6255
1040 6163
1042 6163

9 CFR

PROPOSED RULES:
201 6360

12 CFR

12 6160
204 6339

12 CFR—Continued

Page

PROPOSED RULES:
261 6275
262 6275

14 CFR

39 6150
71 ..... 6150, 6215, 6241, 6384–6387
73 ..... 6242, 6387, 6388
75 ..... 6150, 6241, 6242
91 6388
97 ..... 6151, 6329
99 6242

PROPOSED RULES:
39 ..... 6188, 6274
67 6188
71 ..... 6189, 6225, 6397, 6399, 6400, 6402
73 6402

16 CFR

PROPOSED RULES:
303 6275

19 CFR

10 6149

21 CFR

121 ..... 6215, 6339, 6389
144 6389

26 CFR

1 ..... 6216, 6340
250 6217

PROPOSED RULES:
1 ..... 6222, 6349
31 6222
301 6222

29 CFR

50 6249
604 6218
606 6218

PROPOSED RULES:
657 6224
697 6225
1501 6397
1502 6397
1503 6397

32 CFR

Page

163 6161
516 6341
815 6343
882 6343

33 CFR

203 ..... 6161, 6388
207 6161

36 CFR

211 6345
311 6161

37 CFR

1 6391

38 CFR

2 6392
14 6392

43 CFR

PUBLIC LAND ORDERS:
3655 6392

45 CFR

130 6393

47 CFR

0 6250
2 ..... 6219, 6388
15 6250
73 6251

PROPOSED RULES:
2 6226
73 ..... 6274, 6275

49 CFR

95 6220
97 6394
141 6162

50 CFR

33 6344
60 6149

PROPOSED RULES:
32 6224

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FEDERAL REGISTER

VOLUME 30 • NUMBER 89

Saturday, May 8, 1965 • Washington, D.C.

Pages 6421–6461

Agencies in this issue—

The President
Agricultural Research Service
Atomic Energy Commission
Civil Aeronautics Board
Coast Guard
Consumer and Marketing Service
Customs Bureau
Federal Aviation Agency
Federal Communications Commission
Federal Power Commission
Food and Drug Administration
Foreign-Trade Zones Board
General Accounting Office
Geological Survey
Indian Affairs Bureau
Interstate Commerce Commission
Land Management Bureau
Post Office Department
Small Business Administration
Veterans Administration

Detailed list of Contents appears inside.



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1965

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Contents

THE PRESIDENT

EXECUTIVE ORDERS

Status of women; amendment ... 6427
Transferring lands in State of Washington from Okanogan National Forest to Wenatchee National Forest ... 6425

EXECUTIVE AGENCIES

AGRICULTURAL RESEARCH SERVICE

Rules and Regulations

Overtime services relating to imports and exports; commuted travel time allowances ... 6429

AGRICULTURE DEPARTMENT

See Agricultural Research Service; Consumer and Marketing Service.

ATOMIC ENERGY COMMISSION

Notices

Application for and issuance of facility licenses:
Colorado State University ... 6446
First Atomic Ship Transport Inc ... 6446
Lockheed Aircraft Corp ... 6446
Northrop Corp ... 6446
Saxton Nuclear Experimental Corp ... 6447

CIVIL AERONAUTICS BOARD

Notices

Bader Bros. Van Lines, Inc., et al.; proposed approval ... 6447
Mohawk Airlines, Inc.; realignment investigation ... 6448

COAST GUARD

Rules and Regulations

Rules of the road; miscellaneous amendments ... 6433

CONSUMER AND MARKETING SERVICE

Rules and Regulations

Handling limitation in California and Arizona:
Lemons ... 6430
Oranges, Valencia ... 6429
Shipment limitations:
Grapefruit in Arizona and California ... 6430
Peaches, fresh, in Georgia ... 6431

Proposed Rule Making

Olives in California; handling; hearing ... 6436

CUSTOMS BUREAU

Notices

Steel jacks from Canada; antidumping; withholding of appraisement ... 6445

FEDERAL AVIATION AGENCY

Rules and Regulations

Airworthiness directive; Fairchild Model F-27 aircraft ... 6431
Airworthiness release or aircraft log entry ... 6432
Jet route advisory areas; revocation, alteration, and designation ... 6432

Proposed Rule Making

Federal airway; extension ... 6443
Jet route and high altitude reporting points; realignment and designation ... 6443
Restricted area; alteration ... 6444

FEDERAL COMMUNICATIONS COMMISSION

Notices

Hearings, etc.:
Chicagoland TV Co. and Chicago Federation of Labor and Industrial Union Council ... 6450
Tri-Cities Broadcasting Co. and Dawson County Broadcasting Corp ... 6450

FEDERAL POWER COMMISSION

Notices

Hearings, etc.:
Eugene, Oreg ... 6450
Socony Mobil Oil Co., Inc., et al ... 6450

FOOD AND DRUG ADMINISTRATION

Rules and Regulations

Diammonium phosphate; food additive ... 6433

Notices

C. B. Kendall Co. et al.; opportunity for hearing ... 6445

FOREIGN-TRADE ZONES BOARD

Notices

Bay County, Mich.; application for foreign-trade zone and subzones; hearing ... 6451

GENERAL ACCOUNTING OFFICE

Rules and Regulations

Freight transportation services furnished for account of the United States; presentation and payment of carriers' bills ... 6429

GEOLOGICAL SURVEY

Notices

Idaho; phosphate land classification (2 documents) ... 6445

HEALTH, EDUCATION, AND WELFARE DEPARTMENT

See Food and Drug Administration.

INDIAN AFFAIRS BUREAU

Proposed Rule Making

State and local regulation of use of Indian property; applicability of rules of BIA ... 6438

INTERIOR DEPARTMENT

See Geological Survey; Indian Affairs Bureau; Land Management Bureau.

INTERSTATE COMMERCE COMMISSION

Notices

Applications by motor carriers of property or passengers ... 6460
Finance applications ... 6458
Fourth section applications for relief ... 6458
Motor carrier proceedings ... 6459
National Automobile Transporters Assn.; agreement ... 6458

LAND MANAGEMENT BUREAU

Rules and Regulations

Michigan; public land order ... 6437

POST OFFICE DEPARTMENT

Rules and Regulations

Miscellaneous amendments to chapter ... 6435

SMALL BUSINESS ADMINISTRATION

Notices

Delegations of authority to conduct program activities in regional areas:
Augusta, Maine ... 6452
Baltimore, Md ... 6453
Columbus, Ohio ... 6454
Newark, N.J ... 6453
Philadelphia, Pa ... 6455
Pittsburgh, Pa ... 6456
Richmond, Va ... 6456
Washington, D.C ... 6457
Manager Disaster Field Office, Crystal Lake, Ill.; delegation relating to financial assistance functions ... 6457
Wisconsin; declaration of disaster area ... 6452

TREASURY DEPARTMENT

See Coast Guard; Customs Bureau.

VETERANS ADMINISTRATION

Rules and Regulations

Release of information ... 6435

CONTENTS

There are no restrictions on the republication of material appearing in the FEDERAL REGISTER or the CODE OF FEDERAL REGULATIONS.

Proclamation	6423	Notices	
Executive Order		Hearings, etc.:	
Transferring lands in the State of Washington from the Okanogan National Forest to the Wenatchee National Forest	6425	Arizona Public Service Co. et al.	6445
Rules and Regulations		Consolidated Gas Supply Corp. et al.	6445
Agricultural Marketing Service:		Consolidated Natural Gas Co. et al.	6445
Limes grown in Florida; handling limitation	6429	Consumers Power Co.	6445
Oranges, Valencia, grown in Arizona and designated part of California; handling limitation	6429	Delhi-Taylor Oil Corp. et al.	6445
Agricultural Stabilization and Conservation Service:		Florida Power & Light Co.	6445
Sugar, 1965 crop; proportionate shares	6429	Gulf Oil Corp. et al.	6445
Atomic Energy Commission:		Gulf States Utilities Co. et al.	6446
Licensing of production facilities and utilization facilities; miscellaneous amendments	6430	Hunt Oil Co. et al.	6446
Civil Aeronautics Board:		Kansas-Nebraska Natural Gas Co., Inc.	6446
Certain air carrier investigations; miscellaneous amendments	6430	Mississippi River Fuel Corp. et al.	6446
Federal Aviation Agency:		Mobil Oil Corp. et al.	6446
Control zone and transition area; alteration	6431	Natural Gas Pipeline Co. of America et al.	6446
Federal Power Commission:		Northern Natural Gas Co. et al.	6447
Natural gas companies; miscellaneous amendments	6431	Pacific Gas and Electric Co. et al.	6447
Federal Reserve System:		Panhandle Eastern Pipe Line Co. et al.	6447
Regulation Q; miscellaneous amendments	6431	Pennsylvania Power & Light Co.	6447
Federal Trade Commission:		Phillips Petroleum Co. et al.	6447
Prohibited trade practices; miscellaneous amendments	6432	Public Service Co. of Colorado et al.	6448
Food and Drug Administration:		Public Service Co. of Oklahoma et al.	6448
Food additives; miscellaneous amendments	6432	Sinclair Oil & Gas Co. et al.	6448
Interstate Commerce Commission:		Southern Natural Gas Co. et al.	6448
Car service; miscellaneous amendments	6432	Tennessee Gas Pipeline Co. et al.	6448
Rerouting or diversion of traffic; miscellaneous amendments	6432	Texas Eastern Transmission Corp. et al.	6449
Land Management Bureau:		Texas Gas Transmission Corp. et al.	6449
Public land orders:		Transcontinental Gas Pipe Line Corp. et al.	6449
Alaska; withdrawal for Bureau of Land Management	6433	Transwestern Pipeline Co. et al.	6449
Arizona; withdrawal for Bureau of Land Management	6433	Trunkline Gas Co. et al.	6450
Colorado; withdrawal for Bureau of Land Management	6434	United Gas Pipe Line Co. et al.	6450
Montana; withdrawal for Bureau of Land Management	6434	Wisconsin Public Service Corp. et al.	6450
Nevada; withdrawal for Bureau of Land Management	6434	Release of information	6450
Oregon; withdrawal for Bureau of Land Management	6434		

List of CFR Parts Affected

(Codification Guide)

The following numerical guide is a list of the parts of each title of the Code of Federal Regulations affected by documents published in today's issue. A cumulative list of parts affected, covering the current month to date, appears at the end of each issue beginning with the second issue of the month.

A cumulative guide is published separately at the end of each month. The guide lists the parts and sections affected by documents published since January 1, 1965, and specifies how they are affected.

3 CFR

EXECUTIVE ORDERS:
April 19, 1892 (revoked in part by PLO 3656) 6437
823 (see EO 11220) 6425
11126 (amended by EO 11221) 6427
11220 6425
11221 6427

4 CFR

52 6429

7 CFR

354 6429
908 6429
909 6430
910 6430
918 6431
PROPOSED RULES:
Ch. IX 6438

14 CFR

39 6431
75 6432
121 6432
127 6432
PROPOSED RULES:
71 (2 documents) 6443
73 6444
75 6443

21 CFR

121 6433

25 CFR

PROPOSED RULES:
1 6438

33 CFR

80 6433
82 6434
86 6434
95 6434
135 6434

38 CFR

1 6435

39 CFR

4 6436
36 6436
37 6436
43 6436

43 CFR

PUBLIC LAND ORDERS:
3656 6437

Presidential Documents

Title 3—THE PRESIDENT

Executive Order 11220

TRANSFERRING LANDS IN THE STATE OF WASHINGTON FROM THE OKANOGAN NATIONAL FOREST TO THE WENATCHEE NATIONAL FOREST

WHEREAS a part of the Okanogan National Forest in Washington is so situated that its transfer to the Wenatchee National Forest in Washington would facilitate protection and administration of national forest land and would be in the public interest:

NOW, THEREFORE, by virtue of the authority vested in me by the Act of June 4, 1897 (30 Stat. 34, 36; 16 U.S.C. 473), and Section 11 of the Act of March 1, 1911 (36 Stat. 963; 16 U.S.C. 521), and as President of the United States, and upon the recommendation of the Secretary of Agriculture, it is ordered as follows:

All that part of the Okanogan National Forest, formerly known as the Chelan National Forest, established by Executive Order No. 823 of June 18, 1908, as amended and supplemented, which is situated in Chelan County, Washington, comprising a gross area of approximately 531,472 acres, of which about 521,944 acres consist of certain lands withdrawn from the public domain and others acquired by exchange (16 U.S.C. 485, 486) and donation (16 U.S.C. 569), is hereby transferred to and made a part of the Wenatchee National Forest, effective July 1, 1965, and the boundaries common to the two national forests are adjusted accordingly.

LYNDON B. JOHNSON

THE WHITE HOUSE,
May 6, 1965.

[F.R. Doc. 65-4953; Filed, May 7, 1965; 10:26 a.m.]

Executive Order 11221

AMENDMENT OF EXECUTIVE ORDER NO. 11126,[1] RELATING TO THE STATUS OF WOMEN

By virtue of the authority vested in me as President of the United States, it is ordered that Executive Order No. 11126 of November 2, 1963, which established a Committee and a Council relating to the status of women, be amended as follows:

(1) By substituting for Section 101(a) the following:

SECTION 101. (a) There is hereby established the interdepartmental Committee on the Status of Women (hereinafter referred to as the "Committee"), which shall be composed of the Secretary of Labor, who shall be the Chairman of the Committee, the Secretary of State, the Secretary of Defense, the Attorney General, the Secretary of Agriculture, the Secretary of Commerce, the Secretary of Health, Education, and Welfare, the Chairman of the Civil Service Commission, the Chairman of the Equal Employment Opportunity Commission, the Director of the Office of Economic Opportunity, and an Assistant Secretary of Labor to be designated by the Secretary of Labor, all ex officio. The Chairman may designate a Vice-Chairman of the Committee from its membership, and the Director of the Women's Bureau of the Department of Labor shall serve as Executive Vice-Chairman of the Committee, and shall be an ex officio member thereof.

(2) By substituting for Section 103 the following:

SEC. 103. Annually the Committee, after consultation with the Citizens' Advisory Council, shall transmit a report to the President concerning the status of women.

(3) By substituting for Section 201 the following:

SEC. 201. There is hereby established the Citizens' Advisory Council on the Status of Women (hereinafter referred to as the "Council"), which shall be composed of 20 members appointed by the President, one of whom he shall designate to serve as Chairman. The Council shall meet at the call of the Chairman of the Committee, but not less than twice a year. Members of the Council shall serve without compensation from the United States.

LYNDON B. JOHNSON

THE WHITE HOUSE,
May 6, 1965.

[F.R. Doc. 65-4954; Filed, May 7, 1965; 10:26 a.m.]

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[1] 3 CFR, 1959-1963 Comp., p. 791; 28 F.R. 11717.

Rules and Regulations

Title 4—ACCOUNTS

Chapter I—General Accounting Office

SUBCHAPTER D—TRANSPORTATION

[GAO Manual Transmittal 5–23]

PART 52—FREIGHT TRANSPORTATION SERVICES FURNISHED FOR THE ACCOUNT OF THE UNITED STATES

Presentation and Payment of Carriers' Bills

A new section is added which has the effect of precluding payment of freight transportation charges by the Government to persons or entities (other than bona fide agents billing in their principals' names) that are not in privity to the contract of carriage.

Part 52 is amended by the addition of a new § 52.26b providing as follows:

§ 52.26b Presentation and payment of carriers' bills for transportation services.

Bills will be prepared as provided in § 52.26 and presented to the paying agency of the department or establishment concerned for payment to: (a) The last carrier (including a freight forwarder) in privity with the contract of carriage as evidenced by the covering bill of lading; or (b) a participating carrier (including a freight forwarder) in privity with the contract of carriage as evidenced by the covering bill of lading, when submitted with a waiver accomplished by the last carrier (as described in paragraph (a) of this section) in favor of the billing carrier; or (c) a carrier (as described in paragraph (a) of this section) or its properly designated warehouse agent as authorized in § 52.30; or (d) an agent of the carriers (as described in paragraph (a) or (b) of this section) so long as the bill is submitted in the name of the principal. The agent's mailing address may be shown in such bills and the checks drawn in the name of the principal may be mailed to the agent. Any bill presented for payment that is not in conformity with the requirements of this section should be returned by the paying agency to the billing party with appropriate advice as to the reasons for nonpayment.

(Sec. 311, 42 Stat. 25, as amended; 31 U.S.C. 52. Interpret or apply sec. 309, 42 Stat. 25, as amended; 31 U.S.C. 49, and sec. 322, 54 Stat. 955, as amended; 40 U.S.C. 66)

[SEAL] JOSEPH CAMPBELL,
Comptroller General of the United States.

[F.R. Doc. 65-4886; Filed, May 7, 1965; 8:47 a.m.]

Title 7—AGRICULTURE

Chapter III—Agricultural Research Service, Department of Agriculture

PART 354—OVERTIME SERVICES RELATING TO IMPORTS AND EXPORTS

Commuted Travel Time Allowances

Pursuant to the authority conferred upon the Director of the Plant Quarantine Division by § 354.1 of the regulations concerning overtime services relating to imports and exports, effective August 18, 1964 (7 CFR 354.1), administrative instructions (7 CFR 354.2) effective July 30, 1963, as amended Oct. 2, 1963, Jan. 4, 1964, March 5, 1964, Aug. 18, 1964, Sept. 19, 1964, and April 14, 1965 (28 F.R. 7718, 10564, 14485, 29 F.R. 2985, 11743, 13099, 30 F.R. 4745), prescribing the commuted travel time that shall be included in each period of overtime duty are hereby amended by adding to the respective "list" therein, as follows:

§ 354.2 Administrative instructions prescribing commuted travel time.

* * * * *

OUTSIDE METROPOLITAN AREA

* * * * *

FIVE HOURS

Bellingham, Wash. (served from Seattle, Wash.).
Ferndale, Wash. (served from Seattle, Wash.).

* * * * *

These commuted travel time periods have been established as nearly as may be practicable to cover the time necessarily spent in reporting to and returning from the place at which the employee performs such overtime duty when such travel is performed solely on account of such overtime duty. Such establishment depends upon facts within the knowledge of the Plant Quarantine Division. It is to the benefit of the public that these instructions be made effective at the earliest practicable date. Accordingly, pursuant to the provisions of section 4 of the Administrative Procedure Act (5 U.S.C. 1003), it is found upon good cause that notice and public procedure on these instructions are impracticable, unnecessary, and contrary to the public interest, and good cause is found for making these instructions effective less than thirty days after publication in the FEDERAL REGISTER.

(64 Stat. 561; 5 U.S.C. 576)

This amendment shall become effective May 8, 1965.

Done at Hyattsville, Md., this 4th day of May 1965.

[SEAL] F. A. JOHNSTON,
Director, Plant Quarantine Division.

[F.R. Doc. 65-4884; Filed, May 7, 1965; 8:47 a.m.]

Chapter IX—Consumer and Marketing Service (Marketing Agreements and Orders; Fruits, Vegetables, Tree Nuts), Department of Agriculture

[Valencia Orange Reg. 119]

PART 908—VALENCIA ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

Limitation of Handling

§ 908.419 Valencia Orange Regulation 119.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 908, as amended (7 CFR Part 908), regulating the handling of Valencia oranges grown in Arizona and designated part of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations and information submitted by the Valencia Orange Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such Valencia oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 1001–1011) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for Valencia oranges and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such

Valencia oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on May 6, 1965.

(b) *Order.* (1) The respective quantities of Valencia oranges grown in Arizona and designated part of California which may be handled during the period beginning at 12:01 a.m., P.s.t., May 9, 1965, and ending at 12:01 a.m., P.s.t., May 16, 1965, are hereby fixed as follows:

(i) District 1: 250,000 cartons;

(ii) District 2: 113,616 cartons;

(iii) District 3: 100,000 cartons.

(2) As used in this section, "handled," "handler," "District 1," "District 2," and "District 3," and "carton" have the same meaning as when used in said amended marketing agreement and order.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: May 7, 1965.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 65-4976; Filed, May 7, 1965; 11:30 a.m.]

[Grapefruit Reg. 27]

PART 909—GRAPEFRUIT GROWN IN ARIZONA; IN IMPERIAL COUNTY, CALIF.; AND IN THAT PART OF RIVERSIDE COUNTY, CALIF., SITUATED SOUTH AND EAST OF WHITE WATER, CALIF.

Limitation of Shipments

§ 909.327 Grapefruit Regulation 27.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and this part (Order No. 909 as amended), regulating the handling of grapefruit grown in the State of Arizona; in Imperial County, California; and in that part of Riverside County, California, situated south and east of White Water, California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations of the Administrative Committee (established under the aforesaid amended marketing agreement and order), and upon other available information, it is hereby found that the limitation of shipments of grapefruit, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (5 U.S.C. 1001–1011) because the time intervening between the date when information upon which this section is based become available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective date. The Administrative Committee held a telephone meeting on April 29, 1965, to consider recommendations for regulation, in accordance with the provisions of said marketing agreement and order; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting; necessary supplemental economic and statistical information upon which this recommended regulation is based were received by the Fruit Branch on May 3, 1965; information regarding the provisions of the regulation recommended by the committee has been disseminated to shippers of grapefruit, grown as aforesaid, and this section, including the effective time thereof, is identical with the recommendation of the committee; it is necessary, in order to effectuate the declared policy of the act, to make this section effective on the date hereinafter set forth so as to provide for the continued regulation of the handling of grapefruit; and compliance with this section will not require any special preparation on the part of persons subject thereto which cannot be completed on or before the effective date hereof.

(b) *Order.* (1) Except as otherwise provided in subparagraph (2) of this paragraph, during the period beginning at 12:01 a.m., P.s.t., May 9, 1965, and ending at 12:01 a.m., P.s.t., August 1, 1965, no handler shall handle from the State of California or the State of Arizona to any point outside thereof:

(i) Any grapefruit which do not meet the requirements of the U.S. No. 2 grade and which are not free from peel that is more than one inch in thickness at the stem end (measured from the flesh to the highest point of the peel): *Provided,* That the tolerance prescribed for the U.S. No. 2 grade shall be the tolerances applicable to the requirements of this subparagraph except that not more than 5 percent shall be allowed for grapefruit having peel more than one inch in thickness at the stem end; or

(ii) Any grapefruit which measure less than 3$^{9}/_{16}$ inches in diameter, except that a tolerance of 5 percent, by count, for grapefruit smaller than 3$^{9}/_{16}$ inches shall be permitted, which tolerance shall be applied in accordance with the provisions for the application of tolerance specified in the revised United States Standards for Grapefruit (California and Arizona), §§ 51.925–51.955 of this title: *Provided,* That in determining the percentage of grapefruit in any lot which are smaller than 3$^{9}/_{16}$ inches in diameter, such percentage shall be based only on the grapefruit in such lot which are of a size 3$^{13}/_{16}$ inches in diameter and smaller.

(2) Subject to the requirements of subparagraph (1) (i) of this paragraph, any handler may, but only as the initial handler thereof, handle grapefruit smaller than 3$^{9}/_{16}$ inches in diameter directly to a destination in Zone 3 or Zone 4.

(3) As used herein, "handler," "variety," "grapefruit," "handle," "Zone 1," "Zone 2," "Zone 3," and "Zone 4" shall have the same meaning as when used in said amended marketing agreement and order; the term "U.S. No. 2" shall have the same meaning as when used in the aforesaid revised United States Standards for Grapefruit; and "diameter" shall mean the greatest dimension measured at right angles to a line from the stem to blossom end of the fruit.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: May 6, 1965.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 65-4939; Filed, May 7, 1965; 8:48 a.m.]

[Lemon Reg. 160]

PART 910—LEMONS GROWN IN CALIFORNIA AND ARIZONA

Limitation of Handling

§ 910.460 Lemon Regulation 160.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 910, as amended (7 CFR Part 910), regulating the handling of lemons grown in California and Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such lemons, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 1001–1011) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for lemons and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such lemons; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on May 4, 1965.

(b) *Order.* (1) The respective quantities of lemons grown in California and Arizona which may be handled during the period beginning at 12:01 a.m., P.s.t., May 9, 1965, and ending at 12:01 a.m., P.s.t., May 16, 1965, are hereby fixed as follows:

(i) District 1: Unlimited movement;

(ii) District 2: 325,500 cartons;

(iii) District 3: Unlimited movement.

(2) As used in this section, "handled," "District 1," "District 2," "District 3," and "carton" have the same meaning as when used in the said amended marketing agreement and order.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: May 6, 1965.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 65-4917; Filed, May 7, 1965; 8:48 a.m.]

[Peach Order 1]

PART 918—FRESH PEACHES GROWN IN GEORGIA

Limitation of Shipments

§ 918.306 Peach Order 1.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and this part (Order No. 918, as amended), regulating the handling of fresh peaches grown in the State of Georgia, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendation of the Industry Committee, established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that this order will tend to effectuate the declared policy of the act with respect to shipments of fresh peaches grown in the State of Georgia.

(2) It is hereby found that it is impracticable, unnecessary, and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective time of this section until 30 days after publication thereof in the FEDERAL REGISTER (5 U.S.C. 1001–1011) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective not later than May 10, 1965. The committee held an open meeting on April 29, 1965, after giving due notice thereof, to consider supply and market conditions for fresh peaches grown in Georgia, and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such peaches. Shipments of the early varieties of the current crop of peaches are expected to begin on or before May 20, 1965, and this section should be applicable, insofar as practicable, to all shipments of such peaches in order to effectuate the declared policy of the act; and compliance with this section will not require of handlers any preparation therefor which cannot be completed by the effective time hereof.

(b) *Order.* (1) During the period beginning at 12:01 a.m., e.s.t., May 10, 1965, and ending at 12:01 a.m., e.s.t., September 1, 1965, no handler shall ship (except peaches in bulk to destinations in the adjacent markets) any peaches which do not grade at least 85 percent U.S. No. 1 quality: *Provided,* That peaches with well healed hail marks, split pits, and with not more than 1 percent decay may be shipped if they otherwise meet the requirements of this subparagraph.

(2) During the period beginning at 12:01 a.m., e.s.t., May 10, 1965, and ending at 12:01 a.m., e.s.t., May 26, 1965, no handler shall ship (except peaches in bulk to destinations in the adjacent markets) any peaches which are smaller than 1⅞ inches in diameter, except that not more than 10 percent, by count, of such peaches in any bulk lot or any lot of packages, and not more than 15 percent, by count, of such peaches in any container in any such lot, may be smaller than 1⅞ inches in diameter.

(3) During the period beginning at 12:01 a.m., e.s.t., May 26, 1965, and ending at 12:01 a.m., e.s.t., June 1, 1965, no handler shall ship (except peaches in bulk to destinations in the adjacent markets) any peaches which are smaller than 1¾ inches in diameter, except that not more than 10 percent, by count, of such peaches in any bulk lot or any lot of packages, and not more than 15 percent, by count, of such peaches in any container in such lot, may be smaller than 1¾ inches in diameter.

(4) During the period beginning at 12:01 a.m., e.s.t., June 1, 1965, and ending at 12:01 a.m., e.s.t., September 1, 1965, no handler shall ship (except peaches in bulk to destinations in the adjacent markets) any peaches which are smaller than 1⅞ inches in diameter, except that not more than 10 percent, by count, of such peaches in any bulk lot or any lot of packages, and not more than 15 percent, by count, of such peaches in any container in such lot, may be smaller than 1⅞ inches in diameter.

(c) The inspection requirement contained in § 918.64 is hereby suspended with respect to peaches in bulk shipped to destinations in the adjacent markets during the period specified in paragraph (b) of this section.

(d) The maturity regulations contained in § 918.400 are hereby suspended with respect to shipments of peaches to destinations other than in the adjacent markets during the period specified in paragraph (b) of this section.

(e) When used herein, the terms "handler," "adjacent markets," "peaches," "peaches in bulk," and "ship" shall have the same meaning as when used in the aforesaid amended marketing agreement and order, and the terms "U.S. No. 1" and "diameter" shall have the same meaning as when used in the revised United States Standards for Peaches (§§ 51.1210–51.1223 of this title).

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: May 6, 1965.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 65-4940; Filed, May 7, 1965; 8:48 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Agency

[Docket No. 6607; Amdt. 39-64]

PART 39—AIRWORTHINESS DIRECTIVES

Fairchild Model F-27 Aircraft

Pursuant to the authority delegated to me by the Administrator (25 F.R. 6489), an airworthiness directive was adopted on April 23, 1965, and made effective immediately as to all known U.S. operators of Fairchild Model F–27 aircraft. The directive requires modification of the flap asymmetry warning system.

Since it was found that immediate corrective action was required, notice and public procedure thereon was impracticable and contrary to the public interest and good cause existed for making the airworthiness directive effective immediately as to all known U.S. operators of Fairchild Model F–27 aircraft by individual telegrams dated April 23, 1965. These conditions still exist and the airworthiness directive is hereby published in the FEDERAL REGISTER as an amendment to § 39.13 of Part 39 (14 CFR Part 39), to make it effective as to all persons.

FAIRCHILD. Applies to Model F–27 Aircraft with center hinge wing flap asymmetry switches, P/N 658–001.

Compliance required within 25 hours' time in service after the effective date of this AD unless already accomplished.

(a) Modify aircraft in accordance with Fairchild Service Bulletin No. 27–19, dated June 6, 1960, or Service Bulletin No. 27–26,

dated September 9, 1960, Revision 1, dated

dated September 9, 1960, Revision 1, dated March 1, 1965, or an equivalent approved by the Chief, Engineering and Manufacturing Branch, FAA Eastern Region.

(b) Upon request of an operator, an FAA maintenance inspector, subject to prior approval of the Chief, Engineering and Manufacturing Branch, FAA Eastern Region, may adjust the compliance time specified in this AD if the request contains substantiating data to justify the increase for such operator.

This amendment shall become effective upon publication in the FEDERAL REGISTER for all persons except those to whom it was made effective immediately by telegram dated April 23, 1965.

(Secs. 313(a), 601, and 603 of the Federal Aviation Act of 1958; 49 U.S.C. 1354(a), 1421, 1423)

Issued in Washington, D.C., on May 3, 1965.

C. W. WALKER,
Acting Director,
Flight Standards Service.

[F.R. Doc. 65-4902; Filed, May 7, 1965; 8:48 a.m.]

[Airspace Docket No. 65-WA-23]

PART 75—ESTABLISHMENT OF JET ROUTES

Revocation, Alteration and Designation of Jet Route Advisory Areas

The purpose of these amendments to Part 75 of the Federal Aviation Regulations is to revoke Jet Route No. 81 jet advisory area, alter Jet Route No. 68 jet advisory area, and add the Los Angeles, Calif., terminal jet advisory area.

Jet advisory areas consist of airspace so designated within the continental control area, but do not include airspace within positive control area. Jet Route No. 81 jet advisory area is presently designated from Miami, Fla., via J-81, to Barracuda Intersection. Since this entire route is either within positive control area or outside continental control area, the associated jet advisory area technically does not exist. Therefore, action is taken herein to correct the regulation. Nonregulatory jet advisory service will be provided on the portion of this jet route outside of positive control area.

Jet Route No. 68 jet advisory area is presently designated from the intersection of Jet Routes Nos. 68 and 55 to Nantucket, Mass. Since the portion of this jet advisory area which is west of Providence, R.I., is within positive control area, action is taken herein to redesignate Jet Route No. 68 jet advisory area only from Providence to Nantucket.

Airspace Docket No. 64-WA-81 was published in the FEDERAL REGISTER on February 25, 1965 (30 F.R. 2440), and revoked those segments of jet route advisory areas which were within positive control area. This docket inadvertently revoked the jet advisory area around Santa Catalina Island, Calif., which is outside positive control area, but within continental control area. Action is taken herein to designate the airspace within 3 miles of the shoreline of Santa Catalina Island as the Los Angeles, Calif., terminal jet advisory area.

Since these amendments are essentially editorial in nature, notice and public procedure hereon are unnecessary and the amendments may be made effective on less than 30 days' notice.

In consideration of the foregoing, Part 75 of the Federal Aviation Regulations is amended, effective upon publication in the FEDERAL REGISTER, as hereinafter set forth.

1. Section 75.200 (30 F.R. 2440) is amended by revoking Jet Route No. 81 jet advisory area and amending Jet Route No. 68 jet advisory area to read as follows:

Jet Route No. 68 jet advisory area.
Radar. From Providence, R.I., to Nantucket, Mass.

2. Section 75.300 (30 F.R. 2440) is amended by adding the following:

Los Angeles, Calif., jet advisory area.
Radar. a. The airspace within 3 miles from the shoreline of Santa Catalina Island, Calif.

(Sec. 307(a) of the Federal Aviation Act of 1958; 49 U.S.C. 1348)

Issued in Washington, D.C., on May 4, 1965.

DANIEL E. BARROW,
Chief, Airspace Regulations and Procedures Division.

[F.R. Doc. 65-4906; Filed, May 7, 1965; 8:48 a.m.]

[Docket No. 6620; Amdts. 121-6, 127-2]

PART 121—CERTIFICATION AND OPERATIONS: DOMESTIC, FLAG AND SUPPLEMENTAL AIR CARRIERS AND COMMERCIAL OPERATORS OF LARGE AIRCRAFT

PART 127—CERTIFICATION AND OPERATION OF SCHEDULED AIR CARRIERS WITH HELICOPTERS

Airworthiness Release or Aircraft Log Entry

The purpose of these amendments is to clarify the requirements concerning the certification required to be included in the airworthiness release or aircraft log entry following maintenance, preventive maintenance, or alterations on an aircraft. These requirements are set forth in § 121.709 of Part 121 (formerly Parts 40, 41, and 42 of the Civil Air Regulations) and § 127.319 of Part 127 of the Federal Aviation Regulations. While the following discussion refers only to § 121.709, it is also applicable to § 127.319 since both sections contain similar requirements.

As pertinent here, § 121.709(a) provides that a certificate holder (i.e., an air carrier or commercial operator) may not operate an aircraft after maintenance, preventive maintenance or alterations are performed on it unless there has been prepared an airworthiness release or appropriate entry in the aircraft log. Section 121.709(b) requires that the airworthiness release or log entry be prepared in accordance with the requirements of the certificate holder's manual and that it must include a certification that:

(i) The work was performed in accordance with the requirements of the certificate holder's manual;

(ii) All items required to be inspected were inspected by an authorized person who determined that the work was satisfactorily completed;

(iii) No known condition exists that would make the airplane unairworthy; and

(iv) So far as the work performed is concerned, the aircraft is in condition for safe operation.

In addition, § 121.709(b)(3) requires that the release or entry must be signed by an authorized certificated mechanic or repairman.

Some question has arisen as to whether this certification must be literally repeated for each airworthiness release or log entry or whether some other means of compliance with the requirement would satisfactorily carry out its purpose with no adverse effect on safety. The Agency recognizes that restating the certification each time that an airworthiness release or log entry is made may be a burdensome procedure for some certificate holders. After some consideration of this matter, the Agency has concluded that it would not be inconsistent with the purpose of the certification requirement to permit a certificate holder who so desires to provide that the signature of the person signing the airworthiness release or log entry constitutes the required certification. Accordingly, these amendments make it unnecessary for a certificate holder to repeat the certification statement each time an airworthiness release or aircraft log entry is made. To provide assurance that the person signing the release or entry is aware that his signature constitutes the certification, the amendments also require that a certificate holder who chooses this method of making the certification must include a statement to this effect in its manual.

Since these amendments do not change the existing rules but merely provide an alternative means of compliance with them, and impose no additional burden on any person, I find that notice and public procedure thereon are unnecessary and that good cause exists for making them effective with less than 30 days' notice.

In consideration of the foregoing, Chapter I of Title 14 of the Code of Federal Regulations is amended effective May 9, 1965, as follows:

1. By amending § 121.709 of Part 121 by adding a new paragraph (d) to read as follows:

§ 121.709 **Airworthiness release or aircraft log entry.**

* * * * *

(d) Instead of restating each of the conditions of the certification required by paragraph (b) of this section, the certificate holder may state in its manual that the signature of an authorized certificated mechanic or repairman constitutes that certification.

2. By amending § 127.319 of Part 127 by adding a new paragraph (d) to read as follows:

§ 127.319 **Airworthiness release or helicopter log entries.**

* * * * *

(d) Instead of restating each of the conditions of the certification required by paragraph (b) of this section, the air carrier may state in its manual that the signature of an authorized certificated mechanic or repairman constitutes that certification.

(Secs. 313(a), 601, 604, 605, and 607, Federal Aviation Act of 1958; 49 U.S.C. 1354, 1421, 1424, 1425, and 1427)

Issued in Washington, D.C., on April 29, 1965.

N. E. HALABY,
Administrator.

[F.R. Doc. 65-4715; Filed, May 7, 1965; 8:45 a.m.]

Title 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

SUBCHAPTER B—FOOD AND FOOD PRODUCTS

PART 121—FOOD ADDITIVES

Subpart C—Food Additives Permitted in Feed and Drinking Water of Animals or for the Treatment of Food-Producing Animals

DIAMMONIUM PHOSPHATE

Pursuant to a petition (FAP 4C1274) filed by International Minerals Corp., Old Orchard Road, Skokie, Ill., and upon consideration of other pertinent material, an order was published in the FEDERAL REGISTER of December 10, 1964 (29 F.R. 16909), providing for the safe use of diammonium phosphate in ruminant feeds. Subsequently, a comment was received requesting that the portion of the order relating to the declaration of the quantity of the additive in the labeling be amended for clarification.

The Commissioner of Food and Drugs, having evaluated the comment received and other relevant information, has concluded that § 121.265 should be amended as requested. Therefore, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409, 72 Stat. 1785; 21 U.S.C. 348) and under the authority delegated to the Commissioner by the Secretary of Health, Education, and Welfare (21 CFR 2.90), § 121.265(c) is amended by changing subparagraph (3) to read as follows:

§ 121.265 **Diammonium phosphate.**

* * * * *

(c) * * *

(3) If the feed additive premix, feed additive concentrate, or feed additive supplement contains more than 2 percent equivalent crude protein from diammonium phosphate, adequate directions for use and a prominent statement, "Warning—This feed should be used only in accordance with directions furnished on the label."

Any person who will be adversely affected by the foregoing order may at any time within 30 days from the date of its publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington, D.C., 20201, written objections thereto, preferably in quintuplicate. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof.

Effective date. This order shall be effective on the date of its publication in the FEDERAL REGISTER.

(Sec. 409, 72 Stat. 1786; 21 U.S.C. 348)

Dated: May 4, 1965.

GEO. P. LARRICK,
Commissioner of Food and Drugs.

[F.R. Doc. 65-4903; Filed, May 7, 1965; 8:47 a.m.]

Title 33—NAVIGATION AND NAVIGABLE WATERS

Chapter I—Coast Guard, Department of the Treasury

[CGFR 65-14]

MISCELLANEOUS AMENDMENTS TO RULES OF THE ROAD

Pursuant to the notice of proposed rule making published in the FEDERAL REGISTER of January 27, 1965 (30 F.R. 832-842), and the Merchant Marine Council Public Hearing Agenda, dated March 22, 1965 (CG-249), the Merchant Marine Council held a public hearing on March 22, 1965, for the purpose of receiving comments, views and data. The proposals considered were identified as Items I to XI, inclusive. Item I contained proposals regarding Rules of the Road. The Merchant Marine Council considered the proposals and comments submitted and recommended adoption of the proposals as set forth in the Agenda (Item I, pages 1 to 6, inclusive) except for 33 CFR 80.40 and 95.75, regarding temporary lowering of navigational lights, etc., by vessels when operating under bridges, which were revised in line with comments received. The proposals in Item I, as revised, are adopted and set forth in this document, which is the first of a series covering regulations and other actions considered in this public hearing.

Other miscellaneous amendments are included in this document besides those based on the proposals in the Merchant Marine Council Public Hearing Agenda (CG-249). Various references to laws, etc., are brought up to date. In Part 80 certain center headings are revised or deleted to be reflective of the revised provisions in the regulations and footnotes 1 and 2 are deleted since they are no longer needed. Part 82 regarding boundary lines is brought up to date by deletion of obsolete reference in § 82.1, by changing a reference to "Folly Island loran tower" in § 82.35; by changing the name from "Lime Kiln Light" to "Lime Kiln Light" in § 82.120; and by changing names of "Isla Morrillo" to "Cayo Morrillo" and "Isla Pajaros" to "Cayos De Pajaros" in § 82.236, which are the official names established by the Board on Geographic Names.

By Proclamation 3632 of December 29, 1964 (29 F.R. 19167), the President announced the effective date of September 1, 1965, for the "Regulations for Preventing Collisions at Sea, 1960," which are commonly referred to as "International Rules of the Road," or "International Rules," approved by the International Conference on Safety of Life at Sea, 1960, and set forth in the Act of September 24, 1963 (33 U.S.C. 1051-1053, 1061-1094). Also, Proclamation 3632 shall supersede Proclamation 3032 regarding the "Regulations for Preventing Collisions at Sea, 1948," which shall have no further force and effect on and after September 1, 1965. Various editorial amendments are made to substitute appropriate references to the 1960 "International Rules," for references to the 1948 "International Rules," in 33 CFR 85.01-1, 85.05-1, 135.05, 135.10, 135.25, 135.35, 135.40, and 135.45. Additionally, the designation "WAGL" for certain Coast Guard vessels was changed to be "WLB," except for the "USCGC Evergreen" which was changed from "(WAGL-295)" to "(WAGO-295)." These changes are made by blanket amendments to 33 CFR 135.25 and 135.50.

By virtue of the authority vested in me as Commandant, U.S. Coast Guard, by section 633 of Title 14, U.S. Code, Treasury Department Orders 120, July 31, 1950 (15 F.R. 6521), 167-33, September 23, 1958 (23 F.R. 7502), 167-68, January 29, 1964 (29 F.R. 2314), and 167-84, December 7, 1964 (29 F.R. 17123), and the statutes cited with the regulations below, the following amendments are prescribed and shall become effective 30 days after the date of publication of this document in the FEDERAL REGISTER except for the changes implementing the 1960 "International Rules," or changing references to such Rules, which shall become effective September 1, 1965:

SUBCHAPTER D—NAVIGATION REQUIREMENTS FOR CERTAIN INLAND WATERS

PART 80—PILOT RULES FOR INLAND WATERS

GENERAL

1. The authority note is amended to read as follows:

AUTHORITY: The provisions of this Part 80 issued under sec. 2, 80 Stat. 102, as amended; 33 U.S.C. 157. Treasury Department Order 167-33, Sept. 23, 1958, 23 F.R. 7502. Other statutory provisions interpreted or applied are cited to text.

§ 80.03 [Amended]

2. Section 80.03 *Signals* is amended by deleting footnote 1 and reference thereto following the word "duration" at the end of paragraph (a)(2).

LIGHTS FOR CERTAIN CLASSES OF VESSELS

3. The footnote 2 for the above center heading, which precedes § 80.14, is deleted.

4. Section 80.16a(b) is amended to read as follows:

§ 80.16a Lights for barges, canal boats, scows and other nondescript vessels on certain inland waters on the Gulf Coast and the Gulf Intracoastal Waterway.

* * * * *

(b) When one or more barges, canal boats, scows, or other vessels of nondescript type not otherwise provided for, are being towed by pushing ahead of a steam vessel, or by a combination of pushing ahead and towing alongside of a steam vessel, such tow shall be lighted by an amber light at the extreme forward end of the tow, so placed as to be as nearly as practicable on the centerline of the tow, a green light on the starboard side of the tow, so placed as to mark the maximum projection of the tow to starboard, and a red light on the port side of the tow, so placed as to mark the maximum projection of the tow to port.

* * * * *

(Interpret or apply R.S. 4233A, as amended, sec. 1, 30 Stat. 98, as amended; 33 U.S.C. 353, 170. Treasury Department Orders 120, July 31, 1950, 15 F.R. 6521; and 167–33, Sept. 23, 1958, 23 F.R. 7592)

SPECIAL DAY OR NIGHT SIGNALS

5. Section 80.33(d) is amended to read as follows:

§ 80.33 Special signals for vessels employed in hydrographic surveying.

* * * * *

(d) A vessel of the Coast and Geodetic Survey, when at anchor in a fairway on surveying operations, shall display from the mast during the daytime two black balls in a vertical line not less than 6 feet apart. At night two red lights shall be displayed in the same manner. In the case of a small vessel the distance between the balls and between the lights may be reduced to not less than 3 feet if necessary.

* * * * *

6. The center heading immediately preceding § 80.34 is amended to read "Miscellaneous," and the center heading immediately preceding § 80.38 is deleted.

7. Part 80 is amended by adding after § 80.38 a new § 80.40 reading as follows:

§ 80.40 Exceptions to the statutory and regulatory requirements for lights, day signals, or other navigational means and appliances when operating under bridges.

(a) Any vessel while passing under a bridge may temporarily lower any lights, day signals, or other navigational means and appliances when required to do so because of the restricted vertical clearance under the bridge. Immediately when clear of the bridge, all lights, day signals, or other navigational means and appliances shall be exhibited as required by law or regulation.

(Interpret or apply 77 Stat. 261, 33 U.S.C. 157a. Treasury Department Orders 167–33, Sept. 23, 1958, 23 F.R. 7592; 167–58, Jan. 29, 1964, 29 F.R. 2314)

PART 82—BOUNDARY LINES OF INLAND WATERS

1. The authority note for Part 82 is amended to read as follows:

AUTHORITY: The provisions of this Part 82 issued under sec. 2, 28 Stat. 673, as amended; 33 U.S.C. 151. Treasury Department Order 120, July 31, 1950, 15 F.R. 6521.

GENERAL

§ 82.1 [Amended]

2. Section 82.1 *General basis and purpose of boundary lines* is amended by changing in the first sentence the phrase from "By virtue of the authority vested in the Commandant of the Coast Guard under section 101 of Reorganization Plan No. 3 of 1946 (3 CFR, 1946 Supp., Ch. IV), and" to "Under."

ATLANTIC COAST

3. Section 82.35 is amended to read as follows:

§ 82.35 Charleston Harbor.

A line drawn from Charleston Light on Sullivan's Island to Lighted Whistle Buoy 2C; thence to Folly Island loran tower.

PACIFIC COAST

§ 82.120 [Amended]

4. Section 82.120 *Juan de Fuca Strait, Wash., and Puget Sound* is amended by changing the reference from "Line Kiln Light" to "Lime Kiln Light."

5. Part 82 is amended by inserting after § 82.120 a new § 82.122 reading as follows:

§ 82.122 Grays Harbor.

A line drawn from Bar Range Rear Light to North Bar Lighted Whistle Buoy 2NB; thence to Entrance Lighted Whistle Buoy 2; thence to Grays Harbor Light.

PUERTO RICO AND VIRGIN ISLANDS

§ 82.230 [Amended]

6. Section 82.230 *Bahia de Jobos* is amended by changing the references from "Isla Morrillo" to "Cayo Morrillo" and from "Isla Pajaros" to "Cayos de Pajaros."

PART 86—INTERPRETIVE RULINGS—INLAND RULES

Subpart 86.01—General Provisions

§ 86.01–5 [Amended]

2. Section 86.01–5 *Assignment of functions* is amended by changing the date of Treasury Department Order 167–17 from "June 25, 1955," to "June 29, 1955."

SUBCHAPTER F—NAVIGATION REQUIREMENTS FOR WESTERN RIVERS

PART 95—PILOT RULES FOR WESTERN RIVERS

1. The authority note is amended to read as follows:

AUTHORITY: The provisions of this Part 95 issued under R.S. 4233A, as amended; 33 U.S.C. 353. Treasury Department Order 167–33, Sept. 23, 1958, 23 F.R. 7592. Other statutory provisions interpreted or applied are cited to text.

LIGHTS FOR FERRYBOATS AND BARGES

2. Section 95.29(a) is amended to read as follows:

§ 95.29 Lights for barges towed ahead or alongside.

(a) When one or more barges are being towed by pushing ahead of a steam vessel, or by a combination of pushing ahead and towing alongside of a steam vessel, such tow shall be lighted by an amber light at the extreme forward end of the tow, so placed as to be as nearly as practicable on the centerline of the tow, a green light on the starboard side of the tow, so placed as to mark the maximum projection of the tow to starboard, and a red light on the port side of the tow, so placed as to mark the maximum projection of the tow to port.

* * * * *

3. Part 95 is amended by adding at the end thereof a center heading and a new § 95.75 reading as follows:

MISCELLANEOUS

§ 95.75 Exceptions to the statutory and regulatory requirements for lights, day signals, or other navigational means and appliances when operating under bridges.

(a) Any vessel while passing under a bridge may temporarily lower any lights, day signals, or other navigational means and appliances when required to do so because of the restricted vertical clearance under the bridge. Immediately when clear of the bridge, all lights, day signals, or other navigational means and appliances shall be exhibited as required by law or regulation.

(Interpret or apply 77 Stat. 261, 33 U.S.C. 157a. Treasury Department Orders 167–33, Sept. 23, 1958, 23 F.R. 7592; 167–58, Jan. 29, 1964, 29 F.R. 2314)

PART 135—LIGHTS FOR COAST GUARD VESSELS OF SPECIAL CONSTRUCTION

1. The authority note is amended to read as follows:

AUTHORITY: The provisions of this Part 135 issued under sec. 1, 59 Stat. 500, sec. 2, 77 Stat. 194; 33 U.S.C. 360, 1052. Treasury Department Orders 167–6, Nov. 17, 1953, 18 F.R. 7571; 167–64, Dec. 7, 1964, 29 F.R. 17123. Other statutory provisions interpreted or applied are cited to text.

2. Section 135.05 is amended to read as follows:

§ 135.05 Authority for regulations.

The authority to prescribe regulations in this part for Coast Guard vessels of special construction is set forth in section 2 of the act of September 24, 1963 (77 Stat. 194, 33 U.S.C. 1052), and section 1 of the act of December 3, 1945, as amended (59 Stat. 590; 33 U.S.C. 360). Rule 13(b), International Rules (77 Stat. 203; 33 U.S.C. 1073(b)), authorizes the Government to make certain special rules which will apply on the high seas, so far as its naval or other military vessels of special construction are concerned. In accordance with these laws the Assistant Secretary of the Treasury by Treasury Department Orders 167–6, dated November 17, 1953 (18 F.R. 7571), and 167–64, dated December 7, 1964 (29 F.R. 17123), delegated to the Commandant these functions pertaining to lights for Coast Guard vessels of special construction.

3. Section 135.10(a) is amended to read as follows:

§ 135.10 Definition of terms used in this part.

(a) *International Rules.* The term "International Rules" means the "Regulations for Preventing Collisions at Sea, 1960," as set forth in section 4 of the act of September 24, 1963 (77 Stat. 195–210; 33 U.S.C. 1061–1094).

* * * * *

§ 135.25 [Amended]

4. Section 135.25 *International Rules; horizontal separation of range lights* is amended by changing in paragraph (a) a reference for Rule 2(a)(iii) from "(33 U.S.C. 145(a)(iii))" to "(33 U.S.C. 1062(a)(iii))"; by changing in paragraph (e) the letter designations for all Buoy Tenders from "WAGL" to "WLB", except for "USCGC Evergreen" which is changed from "WAGL" to "WAGO"; by changing in paragraphs (f) and (g) the letter designations for all Buoy Tenders from "WAGL" to "WLB"; and by changing the authority note at the end of the section to read:

(Sec. 8, 62 Stat. 250, sec. 4, Rule 13(b), 77 Stat. 203; 33 U.S.C. 356, 1073)

§ 135.35 [Amended]

5. Section 135.35 *International Rules and Inland Rules; height and arc of visibility of after anchor light* is amended by changing in paragraph (a) the reference for Rule 11(b), International Rules, from "(33 U.S.C. 1451(b), 180)" to "(33 U.S.C. 1071(b), 180)."

§ 135.40 [Amended]

6. Section 135.40 *International Rules and Inland Rules; vertical separation of range lights* is amended by changing in paragraph (a) the reference for Rule 2(a)(iii), International Rules, from "(33 U.S.C. 145(a)(iii), 172 (a), (e))" to "(33 U.S.C. 1062(a)(iii), 172 (a), (e))," and by changing the authority note at end of section to read "(Sec. 5, 62 Stat. 250, sec. 4, Rule 13(b), 77 Stat. 203; 33 U.S.C. 356, 1073)."

§ 135.45 [Amended]

7. Section 135.45 *International Rules; height of forward masthead light* is amended by changing in paragraph (a) the reference for Rule 2(a)(iii), International Rules, from "(33 U.S.C. 145(a)(iii)" to "(33 U.S.C. 1062(a)(iii)," and by changing the authority note at end of section to read "(Sec. 5, 62 Stat. 250, sec. 4, Rule 13(b), 77 Stat. 203; 33 U.S.C. 356, 1073)."

§ 135.50 [Amended]

8. Section 135.50 *Great Lakes Rules; horizontal separation of range lights* is amended by changing in paragraphs (b), (c), and (d) the letter designations for all Buoy tenders from "WAGL" to "WLB".

Dated: May 3, 1965.

[SEAL] W. D. SHEELER,
Vice Admiral, U.S. Coast Guard,
Acting Commandant.

[F.R. Doc. 65-4696; Filed, May 7, 1965; 8:48 a.m.]

Title 38—PENSIONS, BONUSES, AND VETERANS' RELIEF

Chapter I—Veterans Administration

PART 1—GENERAL PROVISIONS

Release of Information

Sections 1.514, 1.515 and 1.517 are revised to read as follows:

§ 1.514 Disclosure to private physicians and hospitals other than Veterans Administration.

(a) When a beneficiary elects to obtain medical attention as a private patient from a private practitioner or in a hospital other than a Veterans Administration hospital, there may be disclosed to such private practitioner or head of such hospital (Federal, State, municipal, or private), such information as to the medical history, diagnosis, findings, or treatment as is requested, including the loan of original X-ray films, whether Veterans Administration clinical X-rays or service department entrance and separation X-rays, provided there is also submitted a written authorization from the beneficiary, or, in the event he is incompetent, from his representative or his nearest relative, for release of desired data. The said information will be supplied without charge directly to the private physician or hospital head and not through the beneficiary. In forwarding this information, it will be accompanied by the stipulations that it is released with the consent of the patient and that the information will be treated as confidential, as is customary in civilian professional medical practice.

(b) Such information may be released without charge and without consent of the patient, his representative, or nearest relative when a request for such information is received from: (1) The Superintendent of a State hospital for psychotic patients, a commissioner or head of a State department of mental hygiene, or head of a State, county or city health department, or (2) any fee basis physician or institution in connection with authorized treatment of the veteran as a Veterans Administration beneficiary.

§ 1.515 To commanding officers of State soldiers' homes.

When a request is received in a Veterans Administration regional office, center, or hospital from the commanding officer of a State soldiers' home for information other than information relative to the character of the discharge from a Veterans Administration center or hospital concerning a veteran formerly domiciled or hospitalized therein, the provisions of § 1.500 are applicable, and no disclosure will be made unless the request is accompanied by the authorization outlined in § 1.503. However, station heads, upon receipt of a request from the commanding officer of a State soldiers' home for the character of the discharge of a veteran from a period of hospital treatment or domiciliary care as a beneficiary of the Veterans Administration, will comply with the request, restricting the information disclosed solely to the character of the veteran's discharge from such treatment or care. Such information will be disclosed only upon receipt of a specific request therefor from the commanding officer of a State soldiers' home.

§ 1.517 Disclosure of vocational rehabilitation and education information to educational institutions cooperating with the Veterans Administration.

Requests from educational institutions and agencies cooperating with the Veterans Administration in the vocational rehabilitation and education of veterans for the use of vocational rehabilitation and education records for research studies will be forwarded to central office with the station head's recommendation for review by the Chief Benefits Director. Where the request to conduct a research study is approved by the Chief Benefits Director, the station head is authorized by this section to release information for such studies from vocational rehabilitation and education records as required: *Provided, however,* That any data or information obtained shall not be published without prior approval of the Chief Benefits Director and that data contained in published material shall not identify any individual veteran.

(72 Stat. 1114; 38 U.S.C. 210)

These VA Regulations are effective the date of approval.

Approved: May 4, 1965.

By direction of the Administrator.

[SEAL] A. H. MOSK,
Acting Deputy Administrator.

[F.R. Doc. 65-4697; Filed, May 7, 1965; 8:47 a.m.]

Title 39—POSTAL SERVICE

Chapter I—Post Office Department

MISCELLANEOUS AMENDMENTS TO CHAPTER

The regulations of the Post Office Department are hereby amended for clarification and to provide for the production of certain records in compliance with subpenas duces tecum. Additionally, regulations are amended to show that the cost of a die hub for special cancellations is usually $55 to $65 and that no die hub part number is required for canceling machine models D, K, H.D.2, and Mark II. The amendments are as follows:

PART 4—INFORMATION ON POSTAL MATTERS

In § 4.4, paragraph (d) is revised to read as follows:

§ 4.4 Available records.

* * * * *

(d) *Compliance with subpenas duces tecum*—(1) *Conditions for compliance.* (i) Time, leave, and payroll records of postal employees are subject to production when a subpena duces tecum has been served. Authority is hereby delegated to Regional Directors and, in those regions which have Regional Counsels, to the Regional Counsels to authorize the production of time, leave, and payroll records in response to a properly served subpena duces tecum.

(ii) If the subpena calls for employee records involving a job connected injury, the records are under the exclusive jurisdiction of the Bureau of Employee's Compensation, Department of Labor.

Such records may not be produced without the prior consent of that Department. Requests for authorization for the production of these records shall be addressed to: Bureau of Employee's Compensation, U.S. Department of Labor, Washington, D.C., 20210.

(iii) If the subpena calls for employee medical records, they may not be released except as stated herein. These records are primarily under the exclusive jurisdiction of the U.S. Civil Service Commission. The Civil Service Commission has delegated authority to this Department and to the Commission's Regional Directors to release medical information, in response to proper requests and upon competent medical advice, in accordance with the following criteria which have been prescribed to adequately safeguard the interests of the Government and the employee:

(*a*) Except in response to a subpena, no medical information about an employee will be released to any non-Federal entity or individual without authorization from the employee.

(*b*) With authorization from the employee this Department's Regional Directors or Regional Counsels will respond as follows to a request from a non-Federal source for medical information:

(*1*) If in the opinion of a Federal Medical Officer the medical information indicates the existence of a malignancy, a mental condition, or other condition about which a prudent physician would hesitate to inform a person suffering from such a condition as to its exact nature and probable outcome, the Regional Director or Regional Counsel will not release the medical information to the employee or to any individual designated by him, except to a physician designated by the employee in writing. The Regional Director or Regional Counsel will release such medical information, with a caution against divulgence, in response to a subpena.

(*2*) If in the opinion of a Federal Medical Officer the medical information does not indicate the presence of any condition which would cause a prudent physician to hesitate to inform a person suffering from such a condition as to its exact nature and probable outcome, the Regional Director or Regional Counsel will release it in response to a subpena or to the employee or to any person, firm, or organization he authorizes in writing to have it.

(*3*) If a Federal Medical Officer is not available, the Regional Director or Regional Counsel should refer the request to the Civil Service Commission regional office with the medical certificates or other medical reports concerned.

(iv) In no event will any records containing information as to the employee's security and loyalty be released.

(2) *Special requirements.* Subpenas calling for the production of records other than records described in subparagraph (1) of this paragraph may be honored only after consulting with and getting approval from the General Counsel of the Post Office Department, Washington, D.C., 20260. Inquiries should be addressed to the Assistant General Counsel, Opinions Division. When employees are authorized to comply with a subpena duces tecum, they will not leave the records themselves with the court, but will leave copies prepared for that purpose. Comply with section 721.643 of the Postal Manual in those cases in which the United States is not a party.

* * * * *

NOTE: The corresponding Postal Manual section is 114.44.

PART 36—SPECIAL CANCELLATIONS

1. In § 36.1, the diagram is revised to appear as follows:

§ 36.1 Description of machine cancellations.

* * * * *



* * * * *

NOTE: The corresponding Postal Manual section is 146.1.

2. In § 36.2, paragraph (a)(4), the diagram in paragraph (b), and paragraph (d) are revised to read as follows:

§ 36.2 How sponsors obtain special cancellations.

(a) *Requirements for use.* * * *

(4) *Cost.* The sponsor must pay the cost of manufacturing the special cancellation die hub and any costs incurred in adapting canceling machines for its use or for installing the hub. The cost of a die hub is usually $55 to $65. The organization or persons assuming the cost of manufacturing the die hub are billed by the manufacturer.

(b) *Wording.* * * *



* * * * *

(d) *Referral by postmaster.* The postmaster will forward the application to the Classification and Special Services Division, Bureau of Operations, Post Office Department, Washington, D.C., 20260. The postmaster must furnish with the application a sample impression of the canceling die presently on the machine that is to use the special cancellation die and the name of the manufacturer and model of the canceling machine on which the special die hub will be used, and must specify whether the machine is new or old (square or round type ring die). If the canceling machine is a Model Flier, M, or G, the postmaster must state the correct die hub part number from the Operating Instruction Book (1207 or 1207–G for Flier and M Machines, and 218 or 218–A for G Machines). No die hub part number is required for Models D, K, H.D.2, and Mark II. The postmaster must also state the effect the approval would have on the use of special cancellations already approved for his office.

* * * * *

NOTE: The corresponding Postal Manual sections are 146.22 and 146.24.

§ 36.3 [Amendment]

3. In § 36.3 *Disposition*, the address "Washington 25, D.C.," where it appears therein is changed to read "Washington, D.C., 20260."

NOTE: The corresponding Postal Manual section is 146.3.

PART 37—PREPAYMENTS AND REFUNDS

In § 37.1, paragraph (a)(6) is revised to read as follows:

§ 37.1 Postage payment.

(a) *Prepayment required.* * * *

(6) Keys and identification devices returned to owners, see § 24.1(c) of this chapter.

* * * * *

NOTE: The corresponding Postal Manual section is 147.11f.

PART 43—MAIL DEPOSIT AND COLLECTION

In § 43.6, paragraph (h)(1) is revised to read as follows:

§ 43.6 Mail chutes and receiving boxes.

* * * * *

(h) *Mailing chute and receiving box manufacturers* (1) A firm interested in the manufacture of mailing chutes or mailing chute receiving boxes must first submit to the Distribution and Delivery Division, Bureau of Operations, specifications, drawings, and a full size working model of the chute and receiving box. The chute section should be at least 5 feet in length and must contain a mail slot. This section is to be attached to the receiving box. If the specifications, drawings, and model are found satisfactory, the Bureau of Operations will request the firm to submit a $10,000 bond as specified in paragraph (f)(3) of this section. After the bond is examined and approved, the Bureau of Operations will authorize installation of not more than three mailing chutes and receiving boxes for a 90-day actual service condition test. If no unsatisfactory condition is disclosed during the test period, final approval for the manufacture of this equipment will be given. The company's name and address will then be added to the list of authorized manufacturers of mailing chutes and receiving boxes.

* * * * *

NOTE: The corresponding Postal Manual section is 153.681.

(R.S. 161, as amended; 5 U.S.C. 22, 39 U.S.C. 501, 2508, 2509, 6003)

LOUIS J. DOYLE,
General Counsel.

[F.R. Doc. 65-4823; Filed, May 7, 1965; 8:45 a.m.]

Title 43—PUBLIC LANDS: INTERIOR

Chapter II—Bureau of Land Management, Department of the Interior

APPENDIX—PUBLIC LAND ORDERS

[Public Land Order 3656]

[ELM 079251]

MICHIGAN

Partial Revocation of Lighthouse Reserve

By virtue of the authority vested in the President, and pursuant to Executive Order No. 10355 of May 26, 1952 (17 F.R. 4831), it is ordered as follows:

The Executive Order of April 19, 1892, which withdrew lands for lighthouse purposes is hereby revoked so far as it affects the following described land:

MICHIGAN MERIDIAN

T. 59 N., R. 28 W.,
Sec. 33, portions of lots 2 and 3, more particularly described as follows:
Beginning at a point on the south shore of Copper Harbor, which point is 800 feet west of line due north and south, passing through the center of Copper Harbor Rear Range Light; thence due south 1,360 feet, more or less, to the north shore of Lake Fanny Hooe; thence easterly, following the meanders of the north shore of Lake Fanny Hooe to the west bank of the creek that drains this lake; thence northerly, following the west bank of this creek to the south shore of Copper Harbor; thence westerly, following the meander of the south shore of Copper Harbor to the point of beginning, containing 11.35 acres, excepting, however, an area bounded as follows:

Commencing at a point on the center line of the Copper Harbor Range Lights (Az 190°-28'), said point being 450 feet south 10°28' W. of the center of the Front Range Light, thence on a line at right angles to the center line, that is, bearing north 79°32' W., 50 feet to the southwest corner of the plot, thence due north 585 feet, be it more or less, to the south shore of Copper Harbor, which point is the northwest corner of the plot, thence easterly following the meanders of the south shore of Copper Harbor to the mouth of the stream which drains Lake Fanny Hooe, thence following the west bank of this stream to a point bearing south 79°32' E. from the point of beginning, this point being the southeast corner of the plot, thence north 79°32' W., 44 feet, be it more ore less to the point of beginning, containing 2.30 acres.

The areas described aggregate 9.05 acres in Keweenaw County.

Jurisdiction over the land has been transferred to the General Services Administration as property subject to disposition under the Federal Property and Administrative Services Act of 1949 (63 Stat. 378; 40 U.S.C. 471), as amended.

JOHN A. CARVER, JR.,
Under Secretary of the Interior.

MAY 4, 1965.

[F.R. Doc. 65-4883; Filed, May 7, 1965; 8:47 a.m.]

regional Director or Regional Counsel will

Division, Bureau of Operations, Postcondition is disclosed during the test pe-

Proposed Rule Making

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

[25 CFR Part 1]

STATE AND LOCAL REGULATION OF USE OF INDIAN PROPERTY

Applicability of Rules of the Bureau of Indian Affairs

Basis and purpose. Notice is hereby given that pursuant to the authority vested in the Secretary of the Interior by the Revised Statutes, sections 161 (5 U.S.C. 22), and 463, and 465 (25 U.S.C. 2 and 9), and pursuant to other authorizing acts, it is proposed to add a new section to Part 1, Subchapter A, Chapter I, Title 25 of the Code of Federal Regulations, concerning State and local regulation of the use of Indian property.

The purpose of this addition is twofold. First, it will enunciate and particularize in regulatory form for the benefit and guidance of those concerned the sense of existing law under which laws, ordinances, codes, resolutions, rules or other regulations of a State or its political subdivisions limiting, zoning or otherwise governing, regulating or controlling the use or development of property are inapplicable to trust or restricted Indian property held or used under a lease or other agreement. Second, it will provide for the adoption and application by the Secretary in specific cases, after consultation with the Indian owner, of all or part of any laws enacted by a State or any of its political subdivisions regulating the use of property, which would otherwise be inapplicable.

It is the policy of the Department of the Interior whenever practicable, to afford the public an opportunity to participate in the rule-making process. Accordingly, interested persons may submit written comments, suggestions, or objections with respect to the proposed regulation to the Bureau of Indian Affairs, Washington, D.C., 20240, within 30 days of the date of publication of this notice in the FEDERAL REGISTER.

Part 1, Subchapter A, Chapter I, Title 25, Code of Federal Regulations, is amended by adding thereto a new § 1.4 to read as follows:

§ 1.4 State and local regulation of the use of Indian property.

(a) Except as provided in paragraph (b) of this section, none of the laws, ordinances, codes, resolutions, rules or other regulations of any State or political subdivision thereof limiting, zoning or otherwise governing, regulating, or controlling the use or development of any real or personal property, including water rights, shall be applicable to any such property leased from or held or used under agreement with and belonging to any Indian or Indian tribe, band, or community that is held in trust by the United States or is subject to a restriction against alienation imposed by the United States.

(b) The Secretary of the Interior or his authorized representative, after consultation with the Indian landowner, may in specific cases expressly adopt and apply all or any part of such laws, ordinances, codes, resolutions, rules or other regulations referred to in paragraph (a) of this section as he shall determine to be in the best interest of the Indian owner in achieving the highest and best use of such property.

JOHN A. CARVER, JR.,
Under Secretary of the Interior.

MAY 4, 1965.

[F.R. Doc. 65-4927; Filed, May 7, 1965; 8:48 a.m.]

DEPARTMENT OF AGRICULTURE

Consumer and Marketing Service

[7 CFR Ch. IX]

[Docket No. AO-352]

HANDLING OF OLIVES GROWN IN CALIFORNIA

Notice of Hearing With Respect to Proposed Marketing Agreement and Order

Pursuant to the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended; 7 U.S.C. 601-674), and in accordance with the applicable rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of a public hearing to be held in the Auditorium, Pacific Gas and Electric Building, 1401 Fulton Street, Fresno, Calif., beginning at 10 a.m., local time, May 26, 1965, with respect to a proposed marketing agreement and order regulating the handling of olives grown in the State of California. The proposed marketing agreement and order have not received the approval of the Secretary of Agriculture.

The public hearing is for the purpose of receiving evidence with respect to the economic and marketing conditions which relate to the provisions of the proposed marketing agreement and order, hereinafter set forth, and to any appropriate modifications thereof.

The Chairman of the Proponents Federal Marketing Order Committee submitted, and requested the hearing on, the proposed marketing agreement and order, the provisions of which are as follows (the sections identified with asterisks (***) apply only to the proposed marketing agreement and not to the proposed order):

DEFINITIONS

Section 1. Secretary.

"Secretary" means the Secretary of Agriculture of the United States, or any other officer or employee of the United States Department of Agriculture who is or who may hereafter be authorized to exercise the powers or to perform the duties of the Secretary of Agriculture.

Sec. 2. Act.

"Act" means Public Act No. 10, 73d Congress (May 12, 1933) as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended; 7 U.S.C. 601-674).

Sec. 3. Person.

"Person" includes an individual, partnership, corporation, association, or any other business unit.

Sec. 4. Area.

"Area" means the State of California.

Sec. 5. Olives.

"Olives" means the fruit of any variety of the species olea europaea, in any form, grown within the area.

Sec. 6. Variety group.

(a) "Variety group 1" shall include the following varieties: Aghizi Shami, Amellau, Ascolano, Ascolano dura, Azape, Balady, Barouni, Carydolia, Cucco, Gigante di Cerignola, Gordale, Grosane, Jahlut, Polymorpha, Prunara, Ropades, Sevillano, Saint Agostino, Tafahi, and Touffahi, or any mutations, sports, or other derivations from the above varieties.

(b) "Variety group 2" shall include the following varieties: Manzanillo, Mission, Nevadillo, Oblisa, Redding Picholine, or any mutations, sports, or other derivations from the above varieties.

Sec. 7. Natural condition olives.

"Natural condition olives" means olives in their fresh-harvested state prior to being placed in water or any curing or preserving solution including, but not limited to, acid, alkaline, or salt solutions, or agents.

Sec. 8. Packaged olives.

"Packaged olives" means olives which have been placed in hermetically sealed containers and heat sterilized under pressure; or olives, packed in brine, which have been completely fermented and cured and which do not have a pH of more than 4.00 and a sodium chloride content of less than 7.00 percent and contain not more than a trace of reducing sugars.

Sec. 9. Lot.

"Lot" means the total net quantity of natural condition olives of any one variety delivered to any one handler by any one producer at any one time in a day.

Sec. 10. Grade.

"Grade" means the classification of olives for quality and condition according to the grading specifications established pursuant to the provisions of this part.

Sec. 11. Size.

"Size" means the number of whole olives contained in a pound and may be referred to in terms of size ranges.

Sec. 12. Size-grade.

"Size-grade" means to classify olives, or to cause olives to be classified, into the separate size designations established by the committee with the approval of the Secretary.

Sec. 13. Acquire.

"Acquire" means to obtain physical possession of natural condition olives which have been harvested and to size grade or to have physical possession thereof.

Sec. 14. Handle.

"Handle" means to (a) acquire natural condition olives; (b) to size-grade olives; (c) to package olives; or (d) to ship packaged olives: *Provided*, This term shall not include olives acquired solely for the purpose(s) of preparing olives for fresh shipment; olive oil; salt cured oil coated olives (also variously referred to as "Greek Olives," "Greek Style Olives," or "Oil Cured Olives"); or processed Sicilian Style Olives.

Sec. 15. Handler.

"Handler" means any person who handles olives.

Sec. 16. Producer.

"Producer" means any person engaged in a proprietary capacity in the growing of olives.

Sec. 17. Committee.

"Committee" means the Olive Administrative Committee established by this subpart.

Sec. 18. Crop year.

"Crop year" and "Fiscal year" are synonymous and mean the 12-month period beginning September 1 of any year and ending August 31 of the following year, both dates inclusive.

Sec. 19. Part and subpart.

"Part" means the Order Regulating the Handling of Olives Grown in California and all rules and regulations, and supplementary orders issued thereunder. This order regulating the handling of olives grown in California shall be a "subpart" of such part.

Sec. 20. District.

"District" means any of the following geographical areas of the State of California:

(a) District 1 shall include the counties of Glenn, Tehama, and Shasta.

(b) District 2 shall include the counties of Mono, Mariposa, Merced, San Benito, Monterey, Madera, Fresno, Tulare, and all counties to the south thereof.

(c) District 3 shall include all counties not included in Districts 1 and 2.

OLIVE ADMINISTRATIVE COMMITTEE

Sec. 21. Establishment and membership.

An Olive Administrative Committee consisting of 16 members, with an alternate member for each such member, of whom with their respective alternates, 8 shall represent producers and 8 shall represent handlers, is hereby established to administer the terms and provisions of this part. For the initial term of office and thereafter unless changed pursuant to section 32, the membership of the committee shall be allocated in connection with the following groupings, with the alternate member position identically allocated: (a) Three handler members to represent handlers who are cooperative marketing associations of producers, referred to in this part as "cooperative handlers"; (b) four handler members to represent handlers, other than cooperative handlers, referred to in this part as "independent handlers"; one handler member to represent handlers who are cooperative handlers or independent handlers, whichever of such handlers handled as first handlers more than 50 percent of the olives handled by all handlers during the two crop years preceding the year in which nominations are made; (c) eight producer members to represent both producers who are members of cooperative marketing associations, and producers who deal with independent handlers, of which two shall come from District 1, four from District 2, and two from District 3.

Sec. 22. Term of office.

Members and alternate members of the committee shall each serve for terms of 2 years beginning on June 1 and ending on May 31 of the odd numbered years, but each such member and alternate member shall continue to serve until his respective successor is selected and has qualified: *Provided*, That the term of office of initial members and alternate members shall begin on a date to be designated by the Secretary.

Sec. 23. Selection.

Selection of members of the committee, and their respective alternates, shall be made in the appropriate number specified in section 21 by the Secretary from nominees nominated pursuant to this part or, in the discretion of the Secretary, from other eligible persons.

Sec. 24. Eligibility.

Each producer member of the committee shall be at the time of his selection, and during his term of office, a producer in the district for which selected and, except for producers who are members of cooperative handlers of producers, shall not be engaged in the handling of olives either in a proprietary capacity, or as a director, officer, or employee. Each handler member of the committee shall be a handler in the group he represents or a director, officer, or employee of such handler.

Sec. 25. Nominees.

(a) Candidates for nomination by producers from the various districts shall be obtained at meetings convened by the committee. The voting procedure and tabulation of votes shall be in accordance with rules and regulations prescribed by the committee with the approval of the Secretary, except that for the initial nomination meetings the voting on the nominees shall occur at such meetings. Each producer shall be entitled to cast only one vote for each member nominee and only one vote for each alternate member nominee in a district in which he is a producer, and no producer shall vote for candidates in more than one district. In case he is a producer in more than one district, he shall elect in which of such districts he will vote and notify the committee as to his choice.

(b) Nominations of handler members to represent cooperative handlers shall be submitted to the Secretary by the committee following a meeting called by the committee of cooperative handlers engaged in the handling of olives, which meeting shall be held for the purpose of obtaining such nominees.

(c) In any year in which nominations are made following two crop years during which the tonnage of olives handled by independent handlers, as first handlers exceeds 50 percent of the tonnage of olives handled by all handlers as first handlers, nominees for member positions to represent independent handlers shall be nominated at meetings called by the committee, as follows:

(1) Each of the four independent handlers who handled during such two preceding crop years, the four largest percentages of the olive tonnage handled by all independent handlers, shall nominate from among their respective organizations three nominees as handler members and three as alternate members;

(2) All other independent handlers who handled the remaining percentage of such olive tonnage shall nominate from among their organizations, two nominees for handler members and two for alternate members.

(d) In any year in which nominations are made following two crop years in which the tonnage of olives handled by cooperative handlers as first handlers exceeds 50 percent of the tonnage of olives handled as first handlers by all handlers, nominees for three members and alternate positions to represent the independent handlers referred to in paragraph (c)(1) of this section, shall be nominated in accordance with said paragraph (c)(1) of this section, and one nominee for the member and one for the alternate position to represent all other independent handlers, shall be nominated by the handlers referred to in paragraph (c)(2) of this section.

(e) All voting by handlers shall be weighted by the tonnage of olives handled during the preceding two crop years by the respective handlers in each group.

(f) The committee shall submit the names of all nominees selected by each of the groups referred to in this section to the Secretary prior to April 16 of the year in which nominations are made.

In the event the committee determines that any nominating procedure specified in this section or the allocation of

(d) To recommend to the Secretary amendments to this subpart.

Sec. 33. Voting procedure.

of this part. Notice of the committee's

ing to the grading specifications estab-

In the event the committee determines that any nominating procedure specified in this section or the allocation of membership as established in section 21 does not result in equitable representation, it may establish, with prior approval of the Secretary, such modifications as will tend to assure such representation.

(g) Initial meetings for the purpose of obtaining nominees shall be called by the Secretary.

Sec. 26. Alternates.

An alternate for a member of the committee shall act in the place and stead of such member (a) during his absence, and (b) in the event of his removal, resignation, disqualification, or death, until a successor for such member's unexpired term has been selected and has qualified. Except as otherwise specifically provided in this subpart, the provisions of this part applicable to members also apply to alternate members.

Sec. 27. Failure to nominate.

If nominations for any position on the committee are not received by the Secretary by May 1 of the year in which nominations are made, the Secretary may select an eligible individual without regard to nomination.

Sec. 28. Acceptance.

Any person selected by the Secretary as a member or as an alternate member of the committee shall qualify by filing a written acceptance with the Secretary promptly after being notified of such selection.

Sec. 29. Vacancies.

To fill any vacancy occasioned by the failure of any person selected as a member, or as an alternate member of the committee to qualify, or in the event of the removal, resignation, disqualification, or death of any member or alternate member, a successor for such person's unexpired term shall be nominated and selected in the manner set forth in section 25 insofar as such provisions are applicable. If nomination to fill any such vacancy is not made within 60 calendar days after such vacancy occurs, the Secretary may fill such vacancy without regard to nominations, but on the basis of the applicable representations and qualifications set forth in section 21.

Sec. 30. Compensation and expenses.

The members of the committee and the alternate members of the committee when acting as members shall serve without compensation, but shall be allowed their necessary expenses as approved by the committee.

Sec. 31. Powers.

The committee shall have the following powers:

(a) To administer the terms and provisions of this subpart;

(b) To make rules and regulations to effectuate the terms and provisions of this subpart;

(c) To receive, investigate, and report to the Secretary, complaints of violations of this subpart;

(d) To recommend to the Secretary amendments to this subpart.

Sec. 32. Duties.

The committee shall have, among others, the following duties:

(a) To act as intermediary between the Secretary and any producer, or handler;

(b) To keep minutes, books, and other records, which shall clearly reflect all of its acts and transactions, and such minutes, books, and other records shall be subject to examination by the Secretary at any time;

(c) To make, subject to approval by the Secretary, scientific and other studies, and assemble data on the producing, handling, shipping, and marketing conditions relative to olives, which are necessary in connection with the performance of its official duties;

(d) To submit to the Secretary such available information with respect to olives as he may request or as the committee may deem desirable and pertinent;

(e) To select, from among its members, a chairman and other officers, and to adopt such rules and regulations for the conduct of its business as it may deem advisable;

(f) To appoint such other officers or employ such other persons as it may deem necessary, and to determine the salaries and define the duties of each such person;

(g) Prior to the beginning of each crop year, and not later than August 15 prior to such crop year, to submit to the Secretary a budget of the anticipated expenses of the committee and the proposed assessments for such crop year, together with a report thereon: *Provided*, That, with respect to the initial crop year, the committee shall file such recommendation and supporting data with the Secretary as soon as practicable after the effective date of this subpart;

(h) To cause the books of the committee to be audited by one or more certified public accountants at least once each crop year, and at such other times as the committee may deem necessary or as the Secretary may request, and the report of each such audit shall show, among other things, the receipts and expenditures of funds, and at least two copies of each such audit report shall be submitted to the Secretary.

(i) To prepare monthly statements of its financial operations and make such statements, together with the minutes of its meetings, available at the office of the committee for inspection by any producer or handler, and to submit copies of such statements and minutes to the Secretary;

(j) To estimate the production by size of each variety of packaging quality olives during each crop year;

(k) To give reasonable advance notice of each meeting by mail addressed to each member, and such notice shall be given as widespread publicity as practicable. The same notice of meetings given to members shall be given to the Secretary;

(l) To redefine, with the approval of the Secretary, the districts into which the area has been divided in section 20.

Sec. 33. Voting procedure.

Decisions of the committee shall be by majority vote of the members present and voting and a quorum must be present: *Provided*, That decisions requiring a recommendation to the Secretary on matters pertaining to grade or size regulations shall require at least five affirmative votes from producer members and five affirmative votes from handler members. A quorum shall consist of at least 10 members of whom at least 5 must be producer members and at least 5 must be handler members. Except in case of an emergency, a minimum of five days advance notice must be given with respect to any meeting of the committee. In case of an emergency, to be determined within the discretion of the chairman of the committee, as much advance notice of a meeting as is practicable in the circumstances shall be given. The committee may vote by mail or telegram upon due notice to all members, but any proposition to be so voted upon first shall be explained accurately, fully, and identically by mail or telegram to all members. When any proposition is submitted to be voted on by such method, one dissenting vote shall prevent its adoption and at least 10 affirmative votes, 5 of which shall be producer votes, and 5 of which shall be handler votes, shall be required for adoption.

RESEARCH AND DEVELOPMENT

Sec. 34. Marketing research and development.

The committee, with the approval of the Secretary, may establish or provide for the establishment of marketing research and development projects designed to assist, improve, or promote the marketing, distribution, and consumption of olives. The expenses of such projects shall be paid from funds collected pursuant to section 46.

MARKETING POLICY

Sec. 35. Report of marketing policy.

Not later than August 15 preceding the beginning of each crop year, the committee shall hold a meeting for the purpose of formulating and adopting the marketing policy for the coming crop year: *Provided*, That with respect to the initial crop year the committee shall hold a meeting for such purpose as soon as practicable after the effective date of this subpart. The committee shall prepare and submit to the Secretary promptly after each such meeting, a report setting forth its recommended marketing policy for the ensuing crop year. In the event it becomes advisable to modify such policy, because of changed supply, demand, or other conditions, the committee shall formulate a new policy and shall submit a report thereon to the Secretary. In developing the marketing policy, the committee shall give consideration to the handler carryover, production, probable quality and composition of olive sizes in the crop, trade demand, probable imports, whether producer prices are likely to exceed parity, and the probable assessed tonnage for the purposes of section 45 and such other factors as may have a bearing on the marketing of olives or the administration

of this part. Notice of the committee's marketing policy, and of any modifications thereof, shall be given promptly by reasonable publicity to producers and handlers.

GRADE AND SIZE REGULATIONS

Sec. 36. Regulations.

No handler shall handle olives except in accordance with the provisions of this part.

Sec. 37. Incoming regulations.

(a) No handler shall acquire a lot of natural condition olives from a producer unless such lot of olives have been weighed on scales sealed by the State of California, Department of Weights and Measures, and on which lot an official Certified Weight Certificate has been issued. A copy of each such certificate shall be furnished by the handler to the inspection service and to the committee.

(b) No handler shall size-grade a lot of natural condition olives acquired from a producer unless such lot of olives has been properly sampled by or under the supervision of the inspection service. Each such sample shall be size-graded by the inspection service in accordance with the size requirements set forth in section 65 (Exhibit A) or as such requirements may be modified or supplemented by the Secretary on recommendation of the committee: *Provided*, That in no event shall the committee be permitted to recommend the elimination of any of the size designations set forth in § 52.-3755 of this title § 52.3756 of this title of the U.S. Standards for Canned Ripe Olives: *And further provided*, A lot of less than 1,000 pounds of olives need not be sampled or inspected but shall be weighed pursuant to the requirements of paragraph (a) of this section.

(c) Each handler shall incur a quantitative obligation of olives established from the weight reported on the incoming inspection certificates, olives of Variety Group 2, except for Oblixa, that weigh less than 1/180 pound, or olives of the Oblixa variety that weigh less than 1/140 pound, or olives of Variety Group 1, except for Ascolano, Barouni, and Saint Agostino variety that weigh less than 1/88 pound, or olives of the Ascolano, Barouni, and Saint Agostino variety that weigh less than 1/105 pound, and in addition thereto the quantity of olive culls, which shall be used for other than canned ripe olives.

(d) On recommendation of the committee and with the approval of the Secretary, rules and regulations, covering the grade of natural condition olives, may be issued.

(e) Upon recommendation of the committee, the Secretary may approve such rules and regulations as may be necessary to administer the provisions of and insure compliance with the provisions of this section.

Sec. 38. Outgoing regulations.

(a) *Minimum standards for canned ripe olives.* (1) No handler shall package and ship Canned Ripe Olives unless such olives are equal to or better than the requirements of U.S. Grade C (or "U.S. Standard") and, as applicable, conform with the size designations as defined in the then effective United States Standards for grades of Canned Ripe Olives: *Provided*, The Mixed sizes as defined are not applicable: *And further provided*, That with respect to size designations, (i) Olives of Variety Group 2, except for Oblixa variety, shall not be packaged and shipped if the count per pound of drained olives exceeds 140, however in Small (or) Select (or) Standard size no more than 15 percent of such olives can weigh less than 1/140 pound, and all other sizes shall be practically free from olives that weigh less than 1/140 pound; (ii) olives of the Oblixa variety shall not be packaged and shipped if the count per pound of drained olives exceeds 121, however in medium size 15 percent of such olives can weigh less than 1/121 pound, and all other sizes shall be practically free from olives that weigh less than 1/121 pound; (iii) olives of Variety Group 1, except for Ascolano, Barouni, and Saint Agostino, shall not be packaged and shipped if the count per pound of drained olives exceed 75, however in mammoth size, no more than 15 percent of such olives can weigh less than 1/75 pound, and all other sizes shall be practically free from olives that weigh less than 1/75 pound; and (iv) olives of the Ascolano, Barouni, and Saint Agostino variety shall not be packaged and shipped if the count per pound of drained olives exceeds 88, however in Extra Large size, no more than 15 percent of such olives can weigh less than 1/88 pound and all other sizes shall be practically free from olives that weigh less than 1/88 pound.

(2) Upon recommendations of the committee and with the approval of the Secretary, the present percent per pound limitations may be revised.

(3) Olives for pitting shall be inspected prior to pitting for conformance with all size requirements and if not meeting such requirements shall not be pitted and subsequently packaged as canned ripe olives unless packaged and shipped in chopped, sliced, or minced form.

(4) No handler shall use natural condition olives of Variety Group 2, except for Oblixa, that weigh less than 180 per pound referred to in this part as sub-petite size; nor of Oblixa variety that weigh less than 140 per pound; nor of Variety Group 1, except for Ascolano, Barouni, and Saint Agostino, that weigh less than 88 per pound; nor olives of the Ascolano, Barouni, and Saint Agostino variety that weigh less than 105 per pound, for canned ripe olives.

(b) *Minimum standards for green olives.* Upon recommendations of the committee and with the approval of the Secretary, minimum standards may be established for green olives. When such standards are established, no handler shall thereafter pack or ship green olives unless they conform thereto.

(c) Upon recommendation of the committee, the Secretary may approve such rules and regulations as may be necessary to administer the provisions of and insure compliance with the provisions of this section.

(d) *Effective period.* The minimum standards established pursuant to paragraphs (a) and (b) of this section and the provisions of this part relating to the administration thereof, shall continue in effect irrespective of whether the season average price for olives is above the parity level specified in section 2(1) of the act.

Sec. 39. Inspection and certification.

Each handler shall, at his own expense, upon the acquisition, and to the extent a minimum standard has been established for such olives before the shipping or disposing of packaged olives, cause inspection to be made of such olives to determine whether they meet the applicable grade and size requirements or the pack specifications effective pursuant to this part. Such handler shall obtain certificates that such olives meet the aforementioned applicable requirements and shall submit such certificates, or cause them to be submitted, to the committee. Acceptable certificates, for conformance with incoming regulations, shall be those issued by Federal-State inspectors, and, for conformance with outgoing regulations, shall be those issued by the Processed Products Standardization & Inspection Branch, Fruit and Vegetable Division of the Consumer and Marketing Service of the United States Department of Agriculture.

REPORTS AND BOOKS AND OTHER RECORDS

Sec. 40. Confidential information.

All reports and records submitted by handlers pursuant to the provisions of this section shall be received by, and at all times be in the custody of one or more designated employees of the committee. No such employees shall disclose to any person, other than the Secretary upon request therefor, data, or information obtained or extracted from such reports and records which might affect the trade position, financial condition, or business operation of the particular handler from whom received: *Provided*, That such data and information may be combined, and made available to any person, in the form of general reports in which the identity of the individual handler furnishing the information is not disclosed and may be revealed to any extent necessary to effect compliance with the provisions of this part and the regulations issued thereunder.

Sec. 41. Reports of acquisitions, sales, uses, and shipments.

Each handler shall file such reports of his acquisitions, sales, uses, and shipments of olives, as may be requested by the committee.

Sec. 42. Other reports.

Upon the request of the committee, each handler shall furnish such other reports and information as are needed to enable the committee to perform its functions under this part.

Sec. 43. Records.

Each handler shall maintain such records of olives acquired, held, and disposed of by him, as are prescribed by the committee and needed by it to perform its functions under this subpart. Such records shall be retained for at least two years beyond the crop year of their applicability.

Sec. 44. Verification of reports.

Sec. 44. Verification of reports.

For the purpose of checking and verifying reports filed by handlers, the committee, through its duly authorized representatives shall have access to any handler's premises during regular business hours, and shall be permitted at any such times to inspect such premises and any olives held by such handler, and any and all records of the handler with respect to the holding or disposition of olives by him. Each handler shall furnish all labor and equipment necessary to make such inspections. Each handler shall maintain records which will permit accurate identification of olives held by him or theretofore disposed of. Insofar as it is practicable and consistent with the carrying out of the provisions of this subpart, all data and information obtained or received through checking and verification of reports, shall be treated as confidential information.

EXPENSES AND ASSESSMENTS

Sec. 45. Expenses.

The committee is authorized to incur such expenses as the Secretary finds are reasonable and likely to be incurred by the committee for its maintenance and functioning and to enable it to exercise its powers and perform its duties in accordance with the provisions of this part. The funds to cover such expenses shall be acquired in the manner prescribed in section 46.

Sec. 46. Assessments.

(a) As his pro rata share of the expenses which the Secretary finds are reasonable and likely to be incurred by the committee during a fiscal period, each person who first handles olives during such period shall pay to the committee, upon demand, assessments on all olives so handled. The payment of assessments for the maintenance and functioning of the committee may be required under this part throughout the period it is in effect irrespective of whether particular provisions thereof are suspended or become inoperative.

(b) The Secretary shall fix the rate of assessment to be paid by each such person during a crop year in an amount designed to secure sufficient funds to cover the expenses which may be incurred during such period and to accumulate and maintain a reserve fund equal to approximately one crop year's expenses. At any time during or after the crop year, the Secretary may increase the rate of assessment in order to secure sufficient funds to cover any later finding by the Secretary relative to the expenses which may be incurred. Such increase shall be applied to all olives handled during the applicable fiscal period. In order to provide funds for the administration of the provisions of this part during the first part of a crop year before sufficient operating income is available from assessments on the current year's shipments, the committee may accept the payment of assessments in advance, and may also borrow money for such purposes.

Sec. 47. Accounting.

(a) If, at the end of a crop year, the assessments collected are in excess of expenses incurred, such excess shall be accounted for in accordance with one of the following:

(1) If such excess is not retained in a reserve, as provided in subparagraph (2) of this paragraph, the committee shall refund or credit to handler accounts the aforesaid excess. Each handler's share of such excess funds shall be the amount of assessments it has paid in excess of its pro rata share of the actual net expenses of the committee for the preceding crop year. Excess funds may be used temporarily by the committee to defray expenses of the subsequent crop year: *Provided*, That each handler's share of such excess shall be made available to it by the committee within 5 months after the end of the crop year.

(2) The committee, with the approval of the Secretary, may carry over such excess into subsequent crop years as a reserve: *Provided*, That funds already in the reserve do not equal approximately one crop year's expenses. Such reserve funds may be used (i) to defray expenses, during any crop year, prior to the time assessment income is sufficient to cover such expenses, (ii) to cover deficits incurred during any crop year when assessment income is less than expenses, (iii) to defray expenses incurred during any period when any or all provisions of this part are suspended or are inoperative, (iv) to cover necessary expenses of liquidation in the event of termination of this part. Upon such termination, any funds not required to defray the necessary expenses of liquidation shall be disposed of in such manner as the Secretary may determine to be appropriate: *Provided*, That to the extent practical, such funds shall be returned pro rata to the persons from whom such funds were collected.

(b) All funds received by the committee pursuant to the provisions of this part shall be used solely for the purpose specified in this part and shall be accounted for in the manner provided in this part. The Secretary may at any time require the committee and its members to account for all receipts and disbursements.

(c) Upon the removal or expiration of the term of office of any member of the committee, such member shall account for all receipts and disbursements and deliver all property and funds in his possession to the committee, and shall execute such assignments and other instruments as may be necessary or appropriate to vest in the committee full title to all of the property, funds, and claims vested in such member pursuant to this part.

MISCELLANEOUS PROVISIONS

Sec. 48. Personal liability.

No member or alternate member of the committee or the councils or any employee or agent thereof shall be held personally responsible, either individually or jointly with others, in any way whatsoever, to any handler or any person, for errors in judgment, mistakes, or other acts either of commission or omission, as such member, alternate member, employee, or agent, except for acts of dishonesty.

Sec. 49. Separability.

If any provision of this subpart is declared invalid or the applicability thereof to any person, circumstance, or thing is held invalid, the validity of the remainder of this subpart or the applicability thereof to any other person, circumstance, or thing shall not be affected thereby.

Sec. 50. Derogation.

Nothing contained in this subpart is, or shall be construed to be, in derogation or in modification of the rights of the Secretary or of the United States to exercise any powers granted by the act or otherwise, or, in accordance with such powers, to act in the premises whenever such action is deemed advisable.

Sec. 51. Duration of immunities.

The benefits, privileges, and immunities conferred upon any person by virtue of this subpart shall cease upon the termination of this subpart, except with respect to acts done under and during the existence of this subpart.

Sec. 52. Agents.

The Secretary may, by a designation in writing, name any person, including any officer or employee of the United States Government or name any bureau or division in the United States Department of Agriculture, to act as his agent or representative in connection with any of the provisions of this subpart.

Sec. 53. Effective time.

The provisions of this subpart, as well as any amendments to this subpart, shall become effective at such time as the Secretary may declare, and shall continue in force until terminated, or during suspension, in one of the ways specified in section 54.

Sec. 54. Suspension or termination.

(a) The Secretary may, at any time, terminate the provisions of this subpart by giving at least one day's notice by means of a press release or in any other manner which he may determine.

(b) The Secretary shall terminate or suspend the operation of any or all of the provisions of this subpart, whenever he finds such provisions do not tend to effectuate the declared policy of the act.

(c) The Secretary shall terminate the provisions of this subpart at the end of any crop year whenever he finds that such termination is favored by a majority of producers who, during a representative period determined by the Secretary, were producers: *Provided*, That such majority have, during such representative period, produced for market more than 50 percent of the volume of such olives produced for market, but such termination shall be effective only if announced on or before August 15 of the then current crop year.

(d) The Secretary shall conduct a referendum of producers and a poll of handlers during the month of June 1968 to determine whether the continuation of this part is favored by them. Producers entitled to vote in such referendum shall be those who during the 1967 crop year were producers and the poll shall be confined to handlers who handled olives in the 1967 crop year. If it develops from said referendum that 50 percent of the producers by number or volume of production represented in said referendum favor termination of this part the Secretary shall terminate this part.

(e) The provisions of this subpart shall, in any event, terminate whenever the provisions of the act authorizing them cease to be in effect.

Sec. 55. Proceedings after termination.

(a) Upon the termination of the provisions of this subpart, the members of the committee then functioning shall continue as joint trustees for the purpose of liquidating the affairs of the committee, of all funds and property then in the possession or under the control of the committee including claims for any funds unpaid or property not delivered at the time of such termination. Action by said trusteeship shall require the concurrence of a majority of the said trustees.

(b) Said trustees shall continue in such capacity until discharged by the Secretary, shall, from time to time account for all receipts and disbursements and deliver all property on hand, together with all books and records of the committee and the joint trustees, to such person as the Secretary may direct; and shall, upon the request of the Secretary, execute such assignments or other instruments necessary or appropriate to vest in such person full title and right to all of the funds, property, and claim vested in the committee or the joint trustees pursuant to this subpart.

(c) Any person to whom funds, property or claims have been transferred or delivered by the committee or its members, pursuant to this section, shall be subject to the same obligations imposed upon the members of the said committee and upon said joint trustees.

Sec. 56. Effect of termination or amendment.

Unless otherwise expressly provided by the Secretary, the termination of this subpart or any regulation issued pursuant thereto, or the issuance of any amendment to either thereof, shall not (a) affect or waive any right, duty, obligation, or liability which shall have arisen, or which may thereafter arise, in connection with any provision of this subpart, or any regulation issued thereunder; (b) release or extinguish any violation of this subpart or of any regulation issued thereunder; or (c) affect or impair any rights or remedies of the Secretary or any other person with respect to any such violation.

Sec. 57. Amendments.

Amendments to this subpart may be proposed from time to time, by any person or by the committee.

Sec. 58. Right of the Secretary.

The members of the committee and councils, including successors and alternates thereof, and any agent or employee appointed or employed by the committee, shall be subject to removal or suspension at any time by the Secretary. Each and every order, regulation, determination, decision, or other act of each committee provided for in this subpart shall be subject to the continuing right of the Secretary to disapprove of the same at any time. Upon such disapproval, such disapproved action shall be deemed null and void except as to acts done in reliance thereon or in compliance therewith prior to such disapproval by the Secretary.

Sec. 59. Counterparts.

This agreement may be executed in multiple counterparts and when one counterpart is signed by the Secretary, all such counterparts shall constitute, when taken together, one and the same instrument as if all signatures were contained in one original.***

Sec. 60. Additional parties.

After the effective date hereof, any handler may become a party to this agreement if a counterpart is executed by him and delivered to the Secretary. This agreement shall take effect as to such new contracting party at the time such counterpart is delivered to the Secretary, and the benefits, privileges, and immunities conferred by this agreement shall then be effective as to such new contracting party.***

Sec. 61. Order with marketing agreement.

Each signatory handler hereby requests the Secretary to issue, pursuant to the act, an order providing for regulating the handling of olives in the same manner as is provided for in this agreement.***

Sec. 65. Exhibit A; sizing requirements.

(a) All samples shall be size-graded by the inspection service in accordance with the approximate count per pound and the average count ranges shown on Table 1 of the United States Standards for grades of Canned Ripe Olives subject to the following modifications or additions thereto:

(1) Inspection certificates issued on Variety Group 1 and Variety Group 2 shall show the quantities in each size classification and in addition thereto the quantity of olives in the lot with a count range of 141 to 180 per pound which shall be referred to in this part as "Petite" size and the quantity of olives in the lot with a count range of 181 and up per pound which shall be referred to in this part as "Sub Petite" size.

Copies of this notice of hearing may be obtained from Dower T. Mohun, Western Marketing Field Office, Fruit and Vegetable Division, Consumer and Marketing Service, United States Department of Agriculture, 630 Sansome Street, San Francisco, Calif., 94111.

Dated: May 5, 1965.

CLARENCE H. GIRARD,
Deputy Administrator.

[F.R. Doc. 65-4885; Filed, May 7, 1965; 8:47 a.m.]

FEDERAL AVIATION AGENCY

[14 CFR Part 71]

[Airspace Docket No. 65-CE-49]

FEDERAL AIRWAY

Proposed Extension

The Federal Aviation Agency is considering an amendment to Part 71 of the Federal Aviation Regulations that would extend VOR Federal airway No. 215 from Muskegon, Mich., to the intersection of the Muskegon 208° and the Pullman, Mich., 259° True radials.

Interested persons may participate in the proposed rule making by submitting such written data, views, or arguments as they may desire. Communications should identify the airspace docket number and be submitted in triplicate to the Director, Central Region, Attention: Chief, Air Traffic Division, Federal Aviation Agency, 4825 Troost Avenue, Kansas City, Mo., 64110. All communications received within 45 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. The proposal contained in this notice may be changed in the light of comments received.

An official docket will be available for examination by interested persons at the Federal Aviation Agency, Office of the General Counsel, Attention: Rules Docket, 800 Independence Avenue SW., Washington, D.C., 20553. An informal docket also will be available for examination at the office of the Regional Air Traffic Division Chief.

The proposed airway extension would provide for a more efficient and expeditious movement of air traffic operating between Muskegon and the Chicago, Ill., terminal area. In addition, it would provide a dual airway structure south of Muskegon, would relieve traffic congestion over the Pullman VORTAC, and would reduce the en route mileage between Muskegon and Chicago O'Hare Airport by approximately 12 miles.

This amendment is proposed under section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348).

Issued in Washington, D.C., on May 4, 1965.

DANIEL E. BARROW,
Chief, Airspace Regulations and Procedures Division.

[F.R. Doc. 65-4903; Filed, May 7, 1965; 8:48 a.m.]

[14 CFR Parts 71, 75]

[Airspace Docket No. 64-EA-3]

JET ROUTE AND HIGH ALTITUDE REPORTING POINTS

Proposed Realignment and Designation

The Federal Aviation Agency is considering amendments to Parts 71 and 75 of the Federal Aviation Regulations that would realign Jet Route No. 42, in part,

from Nashville, Tenn., via London, Ky.,

died olives in the 1967 crop year. If it

from Nashville, Tenn., via London, Ky., and Beckley, W. Va., to Front Royal, Va., and would designate London and Beckley as high altitude reporting points.

Interested persons may participate in the proposed rule making by submitting such written data, views, or arguments as they may desire. Communications should identify the airspace docket number and be submitted in triplicate to the Director, Eastern Region, Attention: Chief, Air Traffic Division, Federal Aviation Agency, Federal Building, John F. Kennedy International Airport, Jamaica, N.Y., 11430. All communications received within 45 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendments. The proposals contained in this notice may be changed in the light of comments received.

An official docket will be available for examination by interested persons at the Federal Aviation Agency, Office of the General Counsel, Attention: Rules Docket, 800 Independence Avenue SW., Washington, D.C., 20553. An informal docket also will be available for examination at the office of the Regional Air Traffic Division Chief.

J-42 presently is aligned, in part, from Nashville, via Charleston, W. Va., to Front Royal. The realignment of J-42, as proposed above, would provide a dual jet route structure between Nashville and Front Royal, and would relieve congestion on this heavily traveled route. In consonance with this action, London and Beckley would be designated as high altitude reporting points.

These amendments are proposed under section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348).

Issued in Washington, D.C., on May 4, 1965.

DANIEL E. BARROW,
Chief, Airspace Regulations and Procedures Division.

[F.R. Doc. 65-4904; Filed, May 7, 1965; 8:48 a.m.]

[14 CFR Part 73]

[Airspace Docket No. 65-CE-55]

RESTRICTED AREA

Proposed Alteration

The Federal Aviation Agency is considering amendments to Part 73 of the Federal Aviation Regulations that would alter Restricted Area R-3601 at Brookville, Kans.

Interested persons may participate in the proposed rule making by submitting such written data, views, or arguments as they may desire. Communications should identify the airspace docket number and be submitted in triplicate to the Director, Central Region, Attention: Chief, Air Traffic Division, Federal Aviation Agency, 4825 Troost Avenue, Kansas City, Mo., 64110. All communications received within 30 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendments. The proposals contained in this notice may be changed in the light of comments received.

An official docket will be available for examination by interested persons at the Federal Aviation Agency, Office of the General Counsel, Attention: Rules Docket, 800 Independence Avenue SW., Washington, D.C., 20553. An informal docket also will be available for examination at the office of the Regional Air Traffic Division Chief.

The U.S. Air Force has requested alterations of R-3601 that would reduce the designated altitudes from "Surface to FL 450" to "Surface to FL 260," and that would change the time of designation from "Sunrise to sunset" to "Sunrise to 2400 hours CST, Monday through Friday; Sunrise to sunset, Saturday and Sunday."

The Kansas Air National Guard has a current mission training requirement to conduct night resolution photography using photoflash devices. R-3601 is the only special use airspace located within a reasonable operating distance of the Hutchinson Air National Guard Base that can be made available for this essential training. Aircraft would drop photoflash cartridges within R-3601 at altitudes varying from 2,000 to 5,000 feet AGL. The flare and fragments associated with these photoflash devices constitute a hazard that requires containment within restricted airspace.

In addition to the above night operations, the 835th Air Division, McConnell AFB, Kans. has a requirement to train F-105 pilots in the delivery of conventional weapons at night. A parachute flare dropped from a lead aircraft would illuminate the target area for weapons delivery by follow-on aircraft. This training requirement for the use of R-3601 at night becomes applicable approximately 1 July 1965.

A review of present weapons delivery techniques used in R-3601 reveals that the maximum ordinate altitude, plus buffer, will not exceed FL 260. Consequently, retention of an effective altitude above FL 260 cannot be justified under existing mission requirements.

These amendments are proposed under section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348).

Issued in Washington, D.C., on May 5, 1965.

DANIEL E. BARROW,
Chief, Airspace Regulations and Procedures Division.

[F.R. Doc. 65-4905; Filed, May 7, 1965; 8:48 a.m.]

Notices

DEPARTMENT OF THE TREASURY

Bureau of Customs

[Antidumping—AA 643.2-b]

STEEL JACKS FROM CANADA

Withholding of Appraisement Notice

MAY 3, 1965.

Pursuant to section 201(b) of the Antidumping Act, 1921, as amended (19 U.S.C. 160(b)), notice is hereby given that there are reasonable grounds to believe or suspect, from information presented to me, that the purchase price or the exporter's sales price is less or likely to be less than the foreign market value of steel jacks imported from Canada, manufactured by J. C. Hallman Manufacturing Co., Ltd., Waterloo, Ontario, Canada. The appropriate basis of comparison with foreign market value will be published in a supplemental notice in the FEDERAL REGISTER as soon as possible.

Customs officers are being directed to withhold appraisement of steel jacks imported from Canada, manufactured by J. C. Hallman Manufacturing Co., Ltd., Waterloo, Ontario, Canada, in accordance with the provisions of § 14.9(a) of the Customs Regulations (19 CFR 14.9(a)). This withholding order, and the dumping investigation on which it is based, is limited to the importations from and transactions of and with J. C. Hallman Manufacturing Co., Ltd., Waterloo, Ontario, Canada.

The information alleging that the merchandise under consideration was being sold at less than fair value within the meaning of the Antidumping Act was received in proper form on April 13, 1965. This information was the subject of an "Antidumping Proceeding Notice" which was published pursuant to § 14.6(d), Customs Regulations (19 CFR 14.6(d)), in the FEDERAL REGISTER of April 30, 1965, on page 6123 thereof.

This notice is published pursuant to § 14.6(e) of the Customs Regulations (19 CFR 14.6(e)).

[SEAL] LESTER D. JOHNSON,
Acting Commissioner of Customs.

[F.R. Doc. 65-4894; Filed, May 7, 1965; 8:48 a.m.]

DEPARTMENT OF THE INTERIOR

Geological Survey

[Idaho 17]

IDAHO

Phosphate Land Classification Order

Pursuant to authority under the Act of March 3, 1879 (20 Stat. 394; 43 U.S.C. 31), and as delegated to me by Departmental Order 2563 of May 2, 1950, under authority of Reorganization Plan No. 3 of 1950 (64 Stat. 1262), the following described lands, insofar as title thereto remains in the United States, are hereby classified as shown:

BOISE MERIDIAN, IDAHO

PHOSPHATE LANDS

T. 5 N., R. 43 E.,
Sec. 33, NE¼, NE¼SE¼;
Sec. 34, SW¼NW¼, W½SW¼, SE¼SW¼.

NONPHOSPHATE LANDS

T. 5 N., R. 43 E.,
Secs. 28 to 32, inclusive;
Sec. 33, W½, W½SE¼, SE¼SE¼;
Sec. 34, E½, E½NW¼, NW¼NW¼, NE¼SW¼.

T. 3 N., R. 44 E.,
Sec. 1, lots 1, 2, and 3, SE¼NE¼, SW¼NW¼, SW¼, W½SE¼;
Sec. 2;
Sec. 3, lots 1, 2, and 3, S½NE¼, N½SE¼, SE¼SE¼;
Sec. 7, lots 8 to 12, inclusive;
Sec. 11, NE¼, N½NW¼, SE¼NW¼, N½SE¼;
Sec. 12, N½, N½S½;
Sec. 18, lots 1, 2, 3, 5, 6, and 7, SE¼NW¼, E½SW¼, W½SE¼;
Sec. 19, NE¼, NE¼NW¼, NE¼SE¼;
Sec. 20, SW¼NW¼, SW¼, S½SE¼;
Sec. 28, W½NW¼;
Sec. 29, E½, NW¼NW¼, S½NW¼, NE¼SW¼.

NONPHOSPHATE LANDS

T. 3 N., R. 44 E.,
Sec. 1, lot 4, SW¼NE¼, SE¼NW¼, E½SE¼;
Sec. 3, lot 4, S½NW¼, SW¼, SW¼SE¼;
Secs. 4, 5, and 6;
Sec. 7, lots 1 to 7, inclusive, E½, E½W½;
Secs. 8, 9, and 10;
Sec. 11, SW¼NW¼, SW¼, S½SE¼;
Sec. 12, S½S½;
Secs. 13 to 17, inclusive;
Sec. 18, lot 4 and lots 8 to 12, inclusive, NE¼, NE¼NW¼, E½SE¼;
Sec. 19, lots 1 to 12, inclusive, SE¼NW¼, E½SW¼, W½SE¼, SE¼SE¼;
Sec. 20, NE¼, E½NW¼, NW¼NW¼, N½NE¼;
Secs. 21 to 27, inclusive;
Sec. 28, E½, E½NW¼, SW¼;
Sec. 29, NE¼NW¼, W½SW¼, SE¼SW¼;
Sec. 30;
Secs. 32 to 36, inclusive.

The total area of lands classified as phosphate lands by this action aggregates 3,985 acres, more or less, and the area classified as nonphosphate lands aggregates 20,004 acres, more or less.

Dated: May 3, 1965.

ARTHUR A. BAKER,
Acting Director.

[F.R. Doc. 65-4897; Filed, May 7, 1965; 8:48 a.m.]

DEPARTMENT OF THE INTERIOR

Geological Survey

[Idaho 18]

IDAHO

Phosphate Land Classification Order

Pursuant to authority under the Act of March 3, 1879 (20 Stat. 394; 43 U.S.C. 31), and as delegated to me by Departmental Order 2563 of May 2, 1950, under authority of Reorganization Plan No. 3 of 1950 (64 Stat. 1262), the following described lands, insofar as title thereto remains in the United States, are hereby classified as shown:

BOISE MERIDIAN, IDAHO

PHOSPHATE LANDS

T. 5 N., R. 43 E.,
Sec. 33, NE¼, NE¼SE¼;
Sec. 34, SW¼NW¼, W½SW¼, SE¼SW¼.

NONPHOSPHATE LANDS

T. 5 N., R. 43 E.,
Secs. 28 to 32, inclusive;
Sec. 33, W½, W½SE¼, SE¼SE¼;
Sec. 34, E½, E½NW¼, NW¼NW¼, NE¼SW¼.

The total area of lands classified as phosphate lands by this action aggregates 360 acres, more or less, and the area classified as nonphosphate lands aggregates 4,536 acres, more or less.

Dated: April 30, 1965.

ARTHUR A. BAKER,
Acting Director.

[F.R. Doc. 65-4893; Filed, May 7, 1965; 8:47 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[NDA Nos. 1-228, 1-628, 1-686]

[Consolidated Docket No. FDC-D-88 (A-C)]

C. B. KENDALL CO. ET AL.

Notice of Opportunity for Hearing

Notice is hereby given to the following applicants and any interested person who may be adversely affected that the Commissioner of Food and Drugs proposes to issue an order withdrawing approval of the following new-drug applications and all amendments and supplements thereto:

A. NDA 1-228, Potassium Chloride, Enteric Coated, 5, 7½, and 10 grains, held by C. B. Kendall Co., Indianapolis, Ind.

B. NDA 1-628, Entotab Potassium Chloride, 5 grains, held by S. R. Seaver & Co., North Kansas City, Mo.

C. NDA 1-686, Seal-Ins of Potassium Chloride, 5 grains and 10 grains, held by Seal-Ins Laboratories, Inc., Los Angeles, Calif.

It is proposed to withdraw approval of said applications under the provisions of section 505(e) of the Federal Food, Drug, and Cosmetic Act, on the grounds that:

1. New evidence of clinical experience not contained in such applications or not available to the Commissioner until after such applications were approved and tests by new methods and tests by methods not deemed reasonably applicable when such applications were approved, evaluated together with the evidence available when the applications were approved, show that such drugs are not shown to be safe for use under conditions of use upon the basis of which the applications were approved.

2. The new evidence of clinical experience shows that the use of such drugs is associated with nonspecific small-bowel lesions consisting of stenosis, with or without ulceration, and that such small-bowel lesions have caused obstruction, hemorrhage, and perforation, necessitated surgery, and have resulted in deaths. The tests by new methods and

tests by methods not deemed reasonably applicable when such applications were

tion, and Welfare to the Commissioner of Food and Drugs (21 CFR 2.90).

York, N.Y., 10004, a newly organized

described lands, insofar as title thereto

deaths. The tests by new methods and

tests by methods not deemed reasonably applicable when such applications were approved include studies in monkeys showing that the use of such drugs causes nonspecific small-bowel lesions consisting of stenosis with ulceration similar to the lesions associated with the clinical use of the drugs.

In accordance with the provisions of section 505 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355) and the regulations appearing in Title 21, Code of Federal Regulations, Part 130, the Commissioner will give the applicants named above, and any interested person who would be adversely affected by an order withdrawing such approvals, an opportunity for a hearing, at which time such persons may produce evidence and arguments to show why approval of such new-drug applications should not be withdrawn.

Within 30 days from the date of publication of this notice in the FEDERAL REGISTER such persons are required to file with the Hearing Clerk of the Department of Health, Education, and Welfare, Office of the General Counsel, Food and Drug Division, Room 5440, North Building, Department of Health, Education, and Welfare, 3d and Independence Avenue SW., Washington, D.C., 20201, a written appearance electing whether:

1. To avail themselves of the opportunity for a hearing; or

2. Not to avail themselves of the opportunity for a hearing.

If such persons elect not to avail themselves of the opportunity for a hearing, the Commissioner without further notice will enter a final order withdrawing the approval of the new-drug applications. Failure of such persons to file such a written appearance of election within 30 days following the date of publication of this notice in the FEDERAL REGISTER will be construed as an election by such persons not to avail themselves of the opportunity for a hearing.

The hearing contemplated by this notice will be open to the public, except that any portion of the hearing which concerns a method or process which the Commissioner finds is entitled to protection as a trade secret will not be open to the public, unless the applicants specify otherwise in their appearance.

If such persons elect to avail themselves of the opportunity for a hearing by filing a timely written appearance of election, a hearing examiner will be named by the Commissioner and he shall issue a written notice of the time and place for the hearing.

The Food and Drug Administration will initiate no regulatory action with respect to the continued marketing of potassium salt preparations provided that the conditions set forth in statement of policy § 3.15, published in this day's issue of the FEDERAL REGISTER (30 F.R. 5790) are met.

This notice is issued under the authority contained in section 701 of the Federal Food, Drug, and Cosmetic Act and delegated by the Secretary of Health, Education, and Welfare to the Commissioner of Food and Drugs (21 CFR 2.90).

Dated: May 5, 1965.

GEO. P. LARRICK,
Commissioner of Food and Drugs.

[F.R. Doc. 65-4893; Filed, May 7, 1965; 8:47 a.m.]

ATOMIC ENERGY COMMISSION

[Docket No. 50-80]

COLORADO STATE UNIVERSITY

Notice of Issuance of Facility License Amendment

Please take notice that no request for a formal hearing having been filed following publication of the notice of proposed action in the FEDERAL REGISTER on February 13, 1965, 30 F.R. 2044, the Atomic Energy Commission has issued Amendment No. 5 to Facility License No. R-26. The license amendment, in accordance with the application dated July 7, 1964, and the amendment thereto dated September 30, 1964, authorizes Colorado State University ("the licensee") to operate its nuclear reactor, Model AGN-201, Serial No. 109 ("the reactor"), at the new location in the Biophysical Science Building on the University's campus at Fort Collins, Colo.

The Commission has found that:

A. Removal of the reactor from its original location in the Engineering Building and reconstruction of the reactor in the New Biophysical Science Building have been completed in accordance with the terms and conditions of Construction Permit No. CPRR-84;

B. There is reasonable assurance that the licensee will operate the reactor at its new location so as to comply with the application and the provisions of the Atomic Energy Act of 1954, as amended, and the regulations in Title 10, Chapter I, CFR, including the regulations in Part 20, and so that the health and safety of the public will not be endangered.

The license amendment, as issued, is in the form published in the notice of proposed action.

Dated at Bethesda, Md., this 30th day of April 1965.

For the Atomic Energy Commission.

ROGER S. BOYD,
Chief, Research and Power Reactor Safety Branch, Division of Reactor Licensing.

[F.R. Doc. 65-4862; Filed, May 7, 1965; 8:45 a.m.]

[Docket No. 50-238]

FIRST ATOMIC SHIP TRANSPORT, INC.

Notice of Application for Facility License

Please take notice that First Atomic Ship Transport Inc., 39 Broadway, New York, N.Y., 10004, a newly organized and wholly-owned subsidiary of American Export Isbrandtsen Lines, Inc., pursuant to section 104 of the Atomic Energy Act of 1954, as amended, has filed an application dated April 30, 1965, for a facility license to use and operate the NS "Savannah" reactor facility at a maximum power level of 80 megawatts thermal for a period of 3 years. The applicant has also requested the necessary source, special nuclear material, and by-product material licenses for the proposed operation.

Under the proposed license the NS "Savannah", which has previously been operated under an authorization issued by the Atomic Energy Commission, would be used in the regular commercial operations of American Export Isbrandtsen Lines, Inc.

A copy of the application is available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C.

Dated at Bethesda, Md., this 3d day of May 1965.

For the Atomic Energy Commission.

R. L. DOAN,
Director,
Division of Reactor Licensing.

[F.R. Doc. 65-4863; Filed, May 7, 1965; 8:45 a.m.]

[Docket No. 50-236]

LOCKHEED AIRCRAFT CORP.

Notice of Application for Utilization Facility License

Please take notice that Lockheed Aircraft Corp., under section 104c of the Atomic Energy Act of 1954, has submitted an application for a license to construct and operate a Radiation Effects Reactor-II nuclear facility at the Georgia Nuclear Laboratories located near Dawsonville, Ga. The facility will be used for radiation effects testing. A copy of the application is available for public inspection in the AEC Public Document Room located at 1717 H Street NW., Washington, D.C.

Dated at Bethesda, Md., this 3d day of May 1965.

For the Atomic Energy Commission.

R. L. DOAN,
Director,
Division of Reactor Licensing.

[F.R. Doc. 65-4864; Filed, May 7, 1965; 8:45 a.m.]

[Docket No. 50-187]

NORTHROP CORP.

Notice of Proposed Issuance of Facility License Amendment

Please take notice that the Atomic Energy Commission proposes to issue Amendment No. 5, set forth below, to Facility License No. R-90, as amended, to the Northrop Corp. concerning the

TRIGA Mark F nuclear reactor located at Hawthorne, Calif. The amendment will authorize operation of the reactor for short periods of time at power levels up to and including one megawatt thermal, such operation being subject to the operating limitations described in the licensee's application, as amended, and amendments thereto dated January 19, 1965, and March 25, 1965.

The Commission has found that:

(1) The application for amendment complies with the requirements of the Atomic Energy Act of 1954, as amended, and the Commission's regulations set forth in Title 10, Chapter I, CFR;

(2) The issuance of the amendment will not be inimical to the common defense and security or to the health and safety of the public.

Within fifteen (15) days from the date of publication of this notice in the FEDERAL REGISTER, the licensee may file a request for a hearing, and any person whose interest may be affected by this proceeding may file a petition for leave to intervene. Requests for a hearing and petitions to intervene shall be filed in accordance with the provisions of the Commission's rules of practice (10 CFR Part 2). If a request for a hearing or a petition for leave to intervene is filed within the time prescribed in this notice, the Commission will issue a notice of hearing or an appropriate order.

For further details with respect to this amendment, see (1) Northrop Corp.'s application amendment dated January 19, 1965, and supplemental letter dated March 25, 1965, and (2) a related Safety Evaluation prepared by the Test and Power Reactor Safety Branch of the Division of Reactor Licensing, all of which are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. A copy of item (2) above may be obtained at the Commission's Public Document Room or upon request addressed to the Atomic Energy Commission, Washington, D.C., 20545, Attention: Director, Division of Reactor Licensing.

Dated at Bethesda, Md., this 4th day of May 1965.

For the Atomic Energy Commission.

SAUL LEVINE,
Chief, Test and Power Reactor Safety Branch, Division of Reactor Licensing.

AMENDMENT TO FACILITY LICENSE

[License R-90; Amdt. 5]

License No. R-90, issued to Northrop Corp., is hereby amended in the following respects:

In addition to the activities previously authorized by the Commission in License No. R-90, Northrop Corp. is authorized: To operate its TRIGA Mark F reactor facility for short periods of time at power levels up to and including one megawatt thermal, with each period of operation above 100 kilowatts being limited by the following: (1) 600° C. maximum central fuel element temperature, (2) 60° C. bulk pool temperature, (3) 90° C. outlet water temperature, and (4) 79° C. maximum ion chamber temperature, and all operating limitations described in its application, as amended, and amendments thereto dated January 19, 1965, and March 25, 1965.

This amendment is effective as of the date of issuance.

Date of issuance:

For the Atomic Energy Commission.

SAUL LEVINE,
Chief, Test and Power Reactor Safety Branch, Division of Reactor Licensing.

[F.R. Doc. 65-4865; Filed, May 7, 1965; 8:45 a.m.]

[Docket No. 50-146]

SAXTON NUCLEAR EXPERIMENTAL CORP.

Notice of Issuance of Facility License Amendment

Please take notice that the Atomic Energy Commission has issued, effective as of the date of issuance, Amendment No. 1, set forth below, to Operating License No. DPR-4. The license as issued February 29, 1964, authorizes Saxton Nuclear Experimental Corp. to operate its light water moderated and cooled, pressurized water reactor located near the Borough of Saxton in Liberty Township, Bedford County, Pa. The amendment authorizes the licensee to receive, possess and use 300 grams of plutonium 239 contained in a test fuel subassembly to be irradiated in the Saxton reactor as a proof test for the mechanical design for Saxton Core II, in accordance with the application for license amendment dated April 2, 1965.

The Commission has found that:

1. The application for amendment complies with the requirements of the Atomic Energy Act of 1954, as amended, and the Commission's regulations set forth in Title 10, Chapter I, CFR;

2. Prior public notice of proposed issuance of this amendment is not necessary since no significant hazards consideration is presented by this amendment;

3. The issuance of this amendment will not be inimical to the common defense and security or to the health and safety of the public.

Within fifteen (15) days from the date of publication of this notice in the FEDERAL REGISTER, the applicant may file a request for a hearing, and any person whose interest may be affected by this proceeding may file a petition for leave to intervene. A request for a hearing and petitions to intervene shall be filed in accordance with the provisions of the Commission's rules of practice, 10 CFR Part 2.

If a request for a hearing or a petition for leave to intervene is filed within the time prescribed in this notice, the Commission will issue a notice of hearing or an appropriate order.

For further details with respect to this amendment, see (1) the application for license amendment dated April 2, 1965, and (2) a related safety evaluation prepared by the Research and Power Reactor Safety Branch of the Division of Reactor Licensing, both of which are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. A copy of the safety evaluation may be obtained at the Commission's Public Document Room, or upon request addressed to the Atomic Energy Commission, Washington, D.C., Attention: Director, Division of Reactor Licensing.

Dated at Bethesda, Md., this 30th day of April 1965.

For the Atomic Energy Commission.

R. L. DOAN,
Director,
Division of Reactor Licensing.

FACILITY LICENSE AMENDMENT

[License DPR-4; Amdt. 1]

1. In accordance with the application for license amendment dated April 2, 1965, subparagraph 2.B. of Operating License No. DPR-4 issued February 29, 1964, to Saxton Nuclear Experimental Corp. is hereby amended to read as follows:

B. Pursuant to the Act and Title 10, CFR, Chapter I, Part 70, "Special Nuclear Material," to receive, possess and use at any one time (130 kilograms of contained Uranium-235 and 300 grams of contained Plutonium-239 as fuel for operation of the reactor; and

2. This amendment is effective as of the date of issuance.

Date of issuance: April 30, 1965.

For the Atomic Energy Commission.

R. L. DOAN,
Director,
Division of Reactor Licensing.

[F.R. Doc. 65-4866; Filed, May 7, 1965; 8:45 a.m.]

CIVIL AERONAUTICS BOARD

BADER BROS. VAN LINES, INC., ET AL.

Notice of Proposed Approval

Application of Bader Bros. Van Lines, Inc., et al. for approval of control and interlocking relationships under sections 408 and 409 of the Federal Aviation Act of 1958, as amended, Docket 15969.

Notice is hereby given, pursuant to the statutory requirements of section 408(b), that the undersigned intends to issue the attached order under delegated authority. Interested persons are hereby afforded a period of 15 days from date of service within which to file comments or request a hearing with respect to the action proposed in the order.

Dated at Washington, D.C., May 5, 1965.

[SEAL] J. W. ROSENTHAL,
Routes and Agreements Division,
Bureau of Economic Regulation.

[Docket 15969]

ORDER APPROVING CONTROL AND INTERLOCKING RELATIONSHIPS

Issued under delegated authority:

Application of Bader Bros. Van Lines, Inc., et al., for approval of control and interlocking relationships under sections 408 and 409 of the Federal Aviation Act of 1958, as amended.

By application filed March 22, 1965, as amended April 15, 1965, Herman Bader, Edward Bader, Daniel Bader, George Bader, and Bader Bros. Van Lines, Inc. (Van Lines), request the Board to approve under section

408 of the Federal Aviation Act of 1958, as

408 of the Federal Aviation Act of 1958, as amended (the Act), control relationships resulting from the equal common control by such individuals of Van Lines and Bader Bros. Warehouses, Inc. (Warehouses), Bader Bros. Arrow Van Lines, Inc. (Arrow), and Bader Bros. Transfer & Storage Corp. (Transfer). The application also requests approval of certain interlocking relationships, as shown in the appendix hereto.

Van Lines is an interstate motor common carrier of household goods and an applicant for interstate and international air freight forwarder authority restricted to the movement of household goods.[1]

Warehouses, Arrow, and Transfer are all motor common carriers engaged in the intrastate transportation of household goods. The applicants state that these companies are independent of any other companies; that the proposed relationships will not adversely affect the public interest; and that the public will be benefited by the establishment of a stable and reliable air freight forwarder service for the transportation of household goods.

No adverse comments or requests for a hearing have been received.

Notice of intent to dispose of the application without a hearing has been published in the FEDERAL REGISTER, and a copy of such notice has been furnished by the Board to the Attorney General not later than the day following the date of such publication, both in accordance with the requirements of section 408(b) of the Act.

Upon consideration of the application, it is concluded that Warehouses, Arrow, and Transfer are common carriers within the meaning of section 408 of the Act and that the common control of Van Lines, Warehouses, Arrow, and Transfer by Messrs. Daniel, Edward, George, and Herman Bader is subject to section 408 of the Act. However, it has been further concluded that such relationships do not affect the control of an air carrier directly engaged in the operation of aircraft in air transportation, do not result in creating a monopoly and do not restrain competition. Furthermore, no person disclosing a substantial interest in this proceeding is requesting a hearing and it is found that the public interest does not require a hearing. It therefore appears that approval of the control relationships would not be inconsistent with the public interest.

It is also concluded that interlocking relationships within the scope of section 409 (b) of the Act will exist between the companies as a result of the holding by Messrs. Daniel, Edward, George, and Herman Bader of the positions described in the appendix hereto. However, it is further concluded that the parties have made a due showing in the form and manner prescribed that such interlocking relationships will not adversely affect the public interest.

Pursuant to authority duly delegated by the Board in the Board's Regulations, 14 CFR 385.13, it is found that the foregoing control relationships should be approved under section 408(b) of the Act, without a hearing, and that the interlocking relationships should be approved under section 409.

Accordingly, it is ordered:

1. That the common control by Messrs. Daniel, Edward, George, and Herman Bader of Van Lines, Warehouses, Arrow, and Transfer be and it hereby is approved; and

2. That, subject to the provisions of Part 251 of the Board's Economic Regulations as now in effect or hereafter amended, the interlocking relationships existing by reason of the holding by Messrs. Daniel, Edward, George, and Herman Bader of the positions set forth in the appendix hereto be and they hereby are approved.

Persons entitled to petition the Board for review of this order pursuant to the Board's Regulations, 14 CFR 385.50, may file such petitions within 5 days after the date of service of this order.

This order shall be effective and become the action of the Civil Aeronautics Board upon expiration of the above period unless within such period a petition for review thereof is filed, or the Board gives notice that it will review this order on its own motion.

By J. W. Rosenthal, *Chief,*
Routes and Agreements Division,
Bureau of Economic Regulation.

[SEAL] HAROLD R. SANDERSON,
Secretary.

INTERLOCKING RELATIONSHIPS IN DOCKET 15960

Individual	Van Lines	Warehouses	Arrow	Transfer
Herman Bader	President and director.	President and director.	President and director.	Vice president and director.
Edward Bader	Vice president and director.	Vice president and director.	Vice president and director.	Secretary and director.
Daniel Bader	Secretary and director.	Secretary and director.	Secretary and director.	Treasurer and director.
George Bader	Treasurer and director.	Treasurer and director.	Treasurer and director.	President and director.

[F.R. Doc. 65-4898; Filed, May 7, 1965; 8:46 a.m.]

[Docket No. 16133; Order E-22133]

MOHAWK AIRLINES, INC.

Route 94 Realignment Investigation

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 5th day of May 1965.

One of the Board's objectives is to expedite the strengthening of local service carriers and reduce their dependence on subsidy while increasing service convenience to the public. To that end we have determined to examine the existing route structure of Mohawk Airlines, Inc. (Mohawk). In establishing the scope of the proceeding we are instituting herein, we have considered pending Mohawk applications for possible inclusion, as well as other amendments of Mohawk's certificate.

Following review of Mohawk's outstanding applications, we have eliminated the following from consideration in this investigation: An application for a route extension which would involve placing the carrier in an entirely new, and possibly heavily competitive, market;[1] a docket which involves service to Canada;[2] those applications which are being considered in pending cases;[3] and, those cases which can be considered more appropriately in another proceeding.[4]

We will consolidate in this proceeding three applications, which involve the addition of the Buffalo-Detroit segment, segment 6, to segments 1 and 3 which now terminate at Buffalo-Niagara Falls, and also involve nonstop Buffalo-Detroit authority.[5] While Mohawk provides Detroit with four daily round trips over its segment 6, all of these trips presently stop at Erie and Buffalo and continue beyond Buffalo to Boston, New York, or other points in upstate New York. Since Mohawk presently has the authority to provide single plane service from Detroit and Erie to other points east of Buffalo, the effect of granting the new applications would be to permit the carrier to offer through-plane service between Detroit and points east of Buffalo with fewer stops enroute. On the other hand, these applications, if granted, contemplate improved authority between points now served by trunkline and local service carriers, thus creating new competitive situations which we believe should be fully explored in this case.[6] We will, however, exclude from this proceeding issues of nonstop authority in the Boston-Buffalo, New York-Buffalo and service in the Boston-New York-Philadelphia-Washington air service corridor, we believe they should await consideration in a later proceeding, where the involved competitive implications can be more fully explored. Our consideration of them here would unduly enlarge the scope of this proceeding.

[1] The term "household goods" was defined by the Board in the Air Freight Forwarder Authority Case, Order E-21066, July 10, 1964, Docket 12193, et al. For purposes of the instant proceeding (Docket 15960) Van Lines is considered to be an air carrier.

[1] Although the carrier's application in Docket 14271 seeks to lift the restriction against single plane service between Jamestown and New York and involves an extension of segment 5, we will not consider, in this proceeding, the creation of a service which would have a highly competitive impact on a local service carrier already in the market, Allegheny Airlines, Inc.

[2] This application involves Boston-Toronto service via intermediates, Docket 15237.

[3] Two applications are being considered in pending proceedings: Dockets 14107 and 15432 involve renewal of Mohawk's service to Glens Falls, N.Y., and hearing on these applications was held February 23, 1965.

[4] Mohawk's application in Docket 14400 involves Providence-New York nonstop service and, in Docket 14923, service between Albany and Washington via White Plains. Since both applications relate to north-south

[5] For example, Erie-New York is served by Allegheny; Detroit-Albany, Detroit-Hartford, Detroit, Buffalo/Syracuse and Rochester are served by trunkline carriers. Also, there is a possibility that Allegheny and Lake Central Airlines, Inc., might benefit from additional traffic available at Erie if this point is dropped from some of Mohawk's Detroit-Buffalo flights.

Providence-Detroit markets. In addition, we will subject any award in this case to a restriction requiring at least two stops in the Boston-Detroit and New York-Detroit markets.

Of the 33 points now being served by Mohawk, there are only 4 points, other than major traffic points, where there is competition between Mohawk and a trunkline carrier: Albany, N.Y.; Burlington, Vt.; Worcester, Mass.; and Binghamton, N.Y. Of these, only at Albany and Binghamton would it be possible to conclude that there is unwarranted competition.[7] However, since Mohawk competes with Eastern at Binghamton, we prefer to reserve our investigation of the competitive considerations in this instance until such time as we review the entire matter of Eastern's north-south service in Pennsylvania. To treat with the competitive problems of Binghamton in this proceeding may bring into play a number of complicated issues involving the route structures of both Eastern and Allegheny, as well as Mohawk, and would unnecessarily inflate the instant case to unwieldy proportions.

However, in the case of service to Albany, Mohawk has replaced Eastern in the Albany-New York market, and American's services are extremely limited.[8] Therefore, we shall include as a part of our investigation in this case the matter of whether, and if so, in what manner, American's authority between Albany and New York should be deleted or restricted.

Being in the nature of a system review, this investigation will enable us to determine whether, and to what extent, Mohawk's certificate should be amended, altered or modified so as to reflect actual service being performed, to permit consolidation of duplicating services or segments, or to make permanent certain of the informally granted authorities which are either noncontroversial or are inseparable from other applications involving permanent authority which we have determined to consider in this investigation. Such matters will include the following:

1. In Docket 15494, August 1964, Mohawk seeks renewal of segment 5 of its route 94, the deletion of the intermediate point, Olean, N.Y., for an indefinite period,[9] and the extension of segment 5 beyond Utica-Rome and Syracuse so as to eliminate the need for scheduling a stop at a point common to both segments 3 and 5, thus permitting more direct service to the terminal Boston.[10] The grant of the application in Docket 15494 would permit Mohawk to serve the hyphenated point Hartford, Conn., and Springfield, Mass., through Bradley Field, located at Windsor Locks, Conn. Mohawk does not now have authority to serve Hartford. Since November 4, 1959, and following appropriate airport notice procedures,[11] Mohawk has been authorized to serve Springfield-Westfield through Bradley Field. It is appropriate to consider, as part of the segment 5 renewal investigation, whether Springfield-Westfield should be redesignated as Hartford-Springfield-Westfield.

2. Mohawk has received nonstop rights between Springfield-Westfield, on the one hand, and Rochester and Syracuse, on the other.[12] In an application filed in Docket 15167, April 8, 1964, Mohawk sought a change of service pattern which would have permitted flights between Buffalo, N.Y., Springfield-Westfield, Mass., and Boston, Mass. In our Order E-21031, July 2, 1964, we granted the Springfield-Westfield-Buffalo nonstop authority but denied the one-stop, Boston-Buffalo authority since Mohawk had not demonstrated that the economic feasibility of its Buffalo-Springfield-Westfield nonstop proposal depended on Boston "back-up" traffic and that it could not obtain the requisite traffic support elsewhere, and since such authority would be competitive with American's which appeared to be offering ample capacity in the market. However, in view of our intention to investigate other operations relating to Mohawk's segment 1 and segment 3, which relate to service to Boston[13] and since we can make a more well-informed judgment based on data developed in a full evidentiary hearing, we will include in this investigation, not only the question of whether Mohawk should have nonstop authority between Springfield-Westfield and Buffalo, but also the question of whether one-stop Buffalo-Boston authority should be granted Mohawk.

3. On January 3, 1964, Mohawk received temporary authority to provide nonstop transportation between Saranac Lake-Lake Placid, N.Y., and Utica-Rome, N.Y.[14] It would appear that this authority has resulted in a successful operation for Mohawk and has added convenience to the traveling public without any objection from any other carrier. We have decided that this investigation should determine whether such authority should be made a part of Mohawk's certificate.

In our review of Mohawk's system we have noted that segment 2 and segment 7 of route 94 involve service patterns which are largely parallel or duplicative. It appears that these two segments could be combined in a single segment without any competitive impact on other carriers and that Mohawk's system could be strengthened thereby. This investigation will provide an appropriate forum to resolve this possibility and we will include as an issue herein the question of consolidation of segments 2 and 7 of route 94.

Whenever possible we have implemented our policy of granting flag-stop authority to local service carriers to enable them to develop greater operating flexibility. Mohawk now has such authority but not as a part of its certificate. We will take this opportunity to include the question of whether flag-stop authority, now authorized by exemption,[15] shall become a permanent part of Mohawk's certificate authority.

This investigation is intended to be a review of Mohawk's system. Inevitably, and particularly because of possible competitive implications, there will be participation by other carriers. However, we wish to make it clear that this investigation will be limited to issues as designated herein and we will not consider in this proceeding the new or previously filed route applications of any other carrier for new authority or any other certificate modifications except as now contemplated in this order of investigation.

Accordingly, it is ordered:

1. That, pursuant to section 401(g) of the Federal Aviation Act of 1958, as amended, an investigation be and it hereby is instituted in Docket 16133 which shall be known as the Mohawk Airlines, Inc., Route Realignment Investigation, to determine whether the public convenience and necessity require:

a. The alteration, amendment or modification of American's certificates for routes 7 and 56 so as to delete or restrict service by American between Albany, N.Y. and New York City, N.Y.;

b. The redesignation, on route 94 of the point Springfield-Westfield as Hartford-Springfield-Westfield;

c. The alteration, amendment or modification of Mohawk's certificate so as to permit nonstop service between Buffalo, N.Y., and Springfield-Westfield, Mass.

d. The alteration, amendment or modification of Mohawk's certificate so as to combine the authority contained in seg-

[6] Mohawk's competitor at Burlington and Worcester is Northeast which primarily serves different markets.

[7] Albany is served by American on its east-west services between Boston-Detroit and Chicago. We do not envision any effective competition between Mohawk's short-haul, multi-stop services and those long-haul services being offered by American. Our interest is focused on the specific short-haul market, Albany-New York, in which Mohawk can, and does, effectively compete. For example, the January 1965 schedules indicate that American operates one trip per day in this market. Mohawk provides 14½ daily, nonstop, roundtrips between New York-Albany, in Convair and Martin aircraft, well dispersed throughout the day and to all three airports in the New York area.

[8] The question of terminating Mohawk's authority to serve Olean was before us in the Mohawk "Use It Or Lose It" Investigation. In Docket 14041, et al., Order E-21442, October 6, 1964, we determined to afford Olean an additional trial period to establish the feasibility of continued operations by Mohawk.

[9] The revised certificate authority, which Mohawk seeks on an indefinite or permanent basis, would then read:

"5. Between the terminal point Cleveland, Ohio, the intermediate points Jamestown, Elmira - Corning, Binghamton - Endicott-Johnson City, Ithaca-Cortland, Syracuse, Utica-Rome and Albany, N.Y., Hartford, Conn.-Springfield, Mass., Providence, R.I., and the terminal points Boston, Mass.;"

The carrier will accept a restriction between any pair of points that the Board finds to be in the public interest. In this regard, we are not placing in issue in this case any relaxation of Mohawk's present two-stop restrictions in the Cleveland and New York and Cleveland and Boston markets and consequently any award Mohawk may receive in this case would be subject to these present restrictions.

[10] Docket 10670, Order E-14611, November 4, 1959.

[11] This authority was granted initially on a temporary basis, in Order E-18425, June 8, 1963, and was renewed indefinitely in Docket 13565, Order E-20624, May 15, 1964.

[12] See footnote 5, supra.

[13] Docket 14730, Order E-20333, Jan. 3, 1964. While Mohawk can provide service at Saranac Lake-Lake Placid, a point on its route 72, and at Utica-Rome, a point on its route 94, it cannot fly nonstop between these two points.

[14] Order E-9820, effective Feb. 6, 1956.

ments 2 and 7 of route 94 into a single

ments 2 and 7 of route 94 into a single segment;

e. The alteration, amendment or modification of Mohawk's certificate so as to permit nonstop air transportation between Saranac Lake-Lake Placid, a point on its route 72 and Utica-Rome, a point on its route 94; on a nonsubsidy basis, in accordance with its existing authority contained in Order E–20333, January 3, 1964;

f. The alteration, amendment or modification of Mohawk's certificate so as to include therein the authorization to provide flag-stop service on its routes by omitting the physical landing of its aircraft at any intermediate point scheduled to be served on a particular flight: *Provided*, That there are no persons, property or mail on the aircraft destined for such point and no such traffic available at such point for the flight at the scheduled time of departure.

2. That Mohawk's applications in Dockets 12907, 14980, 14982, and 15494 be and they hereby are consolidated with the above investigation;

3. That the issues in this proceeding shall not include:

a. Nonstop authority for Mohawk between Boston and Buffalo, between New York and Buffalo, and between Providence and Detroit;

b. Nonstop or one-stop authority for Mohawk between Boston and Detroit and between New York and Detroit;

4. The issues in this proceeding shall not include any relaxation of Mohawk's present two-stop restrictions in the New York-Cleveland and Cleveland-Boston markets;

5. That the issues in this case shall include consideration of whether any new or modified authority for Mohawk will be granted with or without subsidy eligibility; and

6. That a copy of this order shall be served upon Mohawk Airlines, Inc.; Allegheny Airlines, Inc.; American Airlines, Inc.; Eastern Air Lines, Inc.; Trans World Airlines, Inc.; United Air Lines, Inc.; all cities authorized to receive air service from Mohawk Airlines, Inc. and the Aeronautics Commissions and/or Aeronautics Departments of each State served by Mohawk Airlines, Inc., all of whom shall be made parties to this proceeding.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON, *Secretary.*

[F.R. Doc. 65–4899; Filed, May 7, 1965; 8:48 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket Nos. 15668, 15708; FCC 65M–560]

CHICAGOLAND TV CO. AND CHICAGO FEDERATION OF LABOR AND INDUSTRIAL UNION COUNCIL

Order Continuing Hearing

In re applications of Frederick B. Livingston and Thomas L. Davis, doing business as Chicagoland TV Co., Chicago, Ill., Docket No. 15668, File No. BPCT–3116; Chicago Federation of Labor and Industrial Union Council, Chicago, Ill., Docket No. 15708, File No. BPCT–3439; for construction permit for new television broadcast station (Channel 38).

The Hearing Examiner having for consideration a petition for continuance filed on May 3, 1965, by Chicagoland TV Co.;

It appearing that petitioner asserts that the other parties hereto have consented to a grant of the requested relief;

It further appearing that the reasons assigned by petitioner for continuance indicate that a grant of the subject petition would tend toward a more orderly disposition of the designated issues;

It is ordered, This 4th day of May 1965, that the subject petition is granted, and that the hearing now scheduled to recommence on May 11, 1965, is continued to June 2, 1965, commencing at 10 a.m. in the offices of the Commission at Washington, D.C.

Released: May 5, 1965.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE, *Secretary.*

[F.R. Doc. 65–4900; Filed, May 7, 1965; 8:48 a.m.]

[Docket Nos. 15679, 15680; FCC 65M–556]

TRI-CITIES BROADCASTING CO. AND DAWSON COUNTY BROADCASTING CORP.

Order Continuing Hearing

In re applications of David F. Stevens, Jr., tr/as Tri-Cities Broadcasting Co., Cozad, Nebr., Docket No. 15679, File No. BP–15052; Dawson County Broadcasting Corp., Cozad, Nebr., Docket No. 15680, File No. BP–15679; for construction permits.

On the unopposed oral request of applicants, pending action on a "Joint Petion for Approval of Agreement, Dismissal of Application and Grant of the Remaining Application": *It is ordered*, This 4th day of May 1965, that the new procedural schedule shall be:

1. Exchange of remaining direct affirmative written cases of applicants—July 7, 1965.

2. Receipt of notification of witnesses desired for cross-examination—July 19, 1965.

3. Hearing—July 26, 1965 (re-scheduled from May 12, 1965).

Released: May 5, 1965.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE, *Secretary.*

[F.R. Doc. 65–4901; Filed, May 7, 1965; 8:48 a.m.]

FEDERAL POWER COMMISSION

[Project No. 2510]

EUGENE, OREG.

Notice of Application for License for Constructed Project

APRIL 30, 1965.

Public notice is hereby given that application has been filed under the Federal Power Act (16 U.S.C. 719a–825r) by City of Eugene, acting by and through its Eugene Water & Electric Board (correspondence to: Byron Price, Superintendent, Eugene Water & Electric Board, Post Office Box 1112, Eugene, Oreg.), for a license for constructed Project No. 2510, known as the Walterville Project, located on the McKenzie River, a major tributary of the Willamette River, in Lane County, Oreg., in the vicinity of Walterville.

The constructed project consists of: (1) An unlined canal about 4 miles long extending from the right bank of the McKenzie River to the powerhouse forebay, controlled by a reinforced concrete intake structure (with two 14-foot by 20-foot radial gates) located on the canal about 800 feet below the point of diversion from the river; (2) a 65-acre pumped storage upper reservoir (about 345 acre feet storage), located along the right bank of the canal about 3 miles below the intake, with associated pumping station (about 300 cfs capacity) and two 4-foot by 20-foot radial gates; (3) a forebay wall and forebay; (4) a siphon type spillway; (5) a reinforced concrete penstock (16½ feet square) about 130 feet long, controlled by a 20-foot by 22-foot radial gate; (6) a powerhouse containing an 11,000 hp turbine connected to a 9412 kva generator (0.85 P.F.)—fully automatic, with supervisory control from dispatchers office in Eugene, Oreg.; (7) a tailrace channel about 2 miles long; (8) a 66 kv substation; and (9) appurtenant facilities.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C., 20426, in accordance with the rules of practice and procedure of the Commission (18 CFR 1.8 or 1.10). The last day upon which protests or petitions may be filed is June 14, 1965. The application is on file with the Commission for public inspection.

JOSEPH H. GUTRIDE, *Secretary.*

[F.R. Doc. 65–4878; Filed, May 7, 1965; 8:46 a.m.]

[Docket No. RI61–188 etc.]

SOCONY MOBIL OIL CO., INC., ET AL.

Order Substituting Respondents, Accepting Successor's Agreements and Undertakings for Filing, and Redesignating Proceedings

MAY 3, 1965.

Socony Mobil Oil Co., Inc. (Operator), et al. (Successor to Bayview Oil Corp. (Operator), et al.), Docket No. RI61–188; Hurley Oil & Gas Co. (Operator), et al. and Socony Mobil Oil Co., Inc. (Operator), et al. (Successor to Bayview Oil Corp. (Operator), et al.), Docket Nos. RI62–318 and RI64–201.

On September 8, 1964, Socony Mobil Oil Co., Inc. (Operator), et al. (Socony) filed a motion requesting that it be substituted as respondent in lieu of Bayview Oil Corp. (Operator), et al. (Bayview) in Docket No. RI61–188 and that it be substituted as co-respondent in lieu of Bayview in Docket Nos. RI62–318 and RI64–201. These proceedings relate to sales to Mississippi River Fuel Corp. in the Waskom Field, Harrison County, Tex. (Texas Railroad Commission District No. 6).

The proposed increased rate in Docket No. RI61–188, designated as Supplement No. 7 to Bayview's FPC Gas Rate Schedule No. 7, was suspended and thereafter became effective subject to refund on June 9, 1961.

The proposed increased rate in Docket No. RI62–318, designated as Supplement No. 6 to Bayview's FPC Gas Rate Schedule No. 6, was suspended by order issued January 26, 1962, until July 25, 1962, when it became effective subject to refund.

The proposed increased rate in the proceeding in Docket No. RI64–201, designated as Supplement No. 5 to Bayview's FPC Gas Rate Schedule No. 7, was suspended by order issued October 18, 1963, until March 26, 1964, when it became effective subject to refund.

Hurley Oil & Gas Co. (Operator), et al. (Hurley) became the operator of the properties involved here replacing Bayview effective as of April 1, 1964, and the rate schedules of Bayview have been redesignated as Hurley's rate schedules. The interests acquired by Socony from Bayview were covered as of April 1, 1964, under Hurley's applicable rate schedules. By order issued August 7, 1964, in Hurley Oil & Gas Co. (Operator), et al., Docket Nos. G–2658, et al., Hurley was made corespondent with Bayview in the proceedings in Docket Nos. RI62–318 and RI64–201, and Hurley's agreements and undertakings to make refund of any excess charges in these proceedings from and after April 1, 1964, were accepted for filing.

In its motion requesting that it be substituted in lieu of Bayview in these proceedings, Socony proposes to assume Bayview's refund obligations in the above-entitled proceedings for the period prior to April 1, 1964. It has filed agreements and undertakings consistent with its proposal.

The Commission finds: It is necessary and proper in carrying out the provisions of the Natural Gas Act and the regulations thereunder that Socony be substituted as respondent in lieu of Bayview in the above-designated proceedings, that the proceedings be redesignated accordingly, and that the agreements and undertakings submitted by Socony be accepted for filing.

The Commission orders:

(A) Socony is substituted as respondent in lieu of Bayview in the proceeding in Docket No. RI61–188 and such proceeding is redesignated accordingly.

(B) Socony is substituted as co-respondent in lieu of Bayview in the proceedings in Docket Nos. RI62–318, and RI64–201, and such proceedings are redesignated accordingly.

(C) The agreements and undertakings submitted by Socony to assure refund of any excess charges which might be determined in Docket Nos. RI61–188, RI62–318, and RI64–201, for the respective periods prior to April 1, 1964, appear to be satisfactory and are accepted for filing.

(D) Socony shall comply with the refunding and reporting procedure required by the Natural Gas Act and § 154.102 of the regulations thereunder. Socony's agreements and undertakings shall remain in full force and effect until discharged by the Commission.

By the Commission.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F.R. Doc. 65–4880; Filed, May 7, 1965; 8:46 a.m.]

FOREIGN-TRADE ZONES BOARD

BAY COUNTY, MICH.

Application for Foreign-Trade Zone and Subzones; Notice of Hearing

Notice is hereby given that an application has been made to the Foreign-Trade Zones Board by the Bay County Board of Supervisors of Bay County, Mich., a public agency, for the privilege of establishing, operating, and maintaining a foreign-trade zone and two subzones thereof in Bay County within Customs Collection District No. 38 of the United States, pursuant to the provisions of the Foreign-Trade Zones Act of June 18, 1934, as amended (48 Stat. 998–1003; U.S.C. 81a–81u).

The Executive Secretary of the Foreign-Trade Zones Board, pursuant to Board Regulations, has designated Thomas Curtis, Director, Industrial Materials Staff, Business and Defense Services Administration, U.S. Department of Commerce, as Examiner to investigate the application and accompanying exhibits for compliance with §§ 400.600–400.608 of said regulations; and said application having been found to be in order, the Executive Secretary has designated as an Examiners Committee said Thomas Curtis, Chairman; Honorable Louis A. Mezzano, Collector of Customs, Detroit, Mich.; and Lt. Col. Edward C. Bruce, District Engineer, U.S. Army Engineer District, Detroit, Mich., in whose districts the proposed zone and subzones are to be located, to investigate thoroughly the application and report thereon to the Foreign-Trade Zones Board.

Notice is hereby given, pursuant to the Foreign-Trade Zones Act and Board Regulations,[1] that a public hearing on the application will be held by the Examiners Committee beginning at 10:00 a.m., local time, June 8, 1965, in the Main Courtroom, Federal Building (Post Office), Bay City, Mich.

The basic application, accompanying exhibits, and maps will be available for public information at the Office of the Collector of Customs, Federal Building, 243 West Congress Street, Detroit, Mich.; and at the Office of the Executive Secretary of the Foreign-Trade Zones Board, Room 6827, U.S. Department of Commerce, Washington, D.C.

In brief, the application provides for: (1) A primary foreign-trade zone at a 2.6 acre site approximately 500 feet from the public dock on the Saginaw River in Bangor Township, Bay County, Mich. Initially, the zone will contain approximately 3,000 square feet of covered space and 109,950 square feet of open space. Space is available for later zone expansion at a 5.8 acre site contiguous to the proposed zone and at a 6.3 acre site nearby; (2) an 8.4 acre subzone, approximately 800 yards northwest of the primary zone, upon which a 150,000 barrel capacity tank will be constructed; and (3) a 102 acre subzone, approximately 200 feet from the aforementioned subzone, which now contains petrochemical facilities. Both subzones will be operated by Dow Chemical Co. to receive, store, and process foreign and domestic naphtha. Chemical products produced within the subzone will be entered into the U.S. Customs territory for consumption, be consumed within the subzone, or be reexported. The three sites will be made available for zone use through a lease arrangement between Dow Chemical Co. and the Bay County Board of Supervisors.

The purposes of the hearing are to inform interested parties concerning this application, to afford them an opportunity to express their views relative thereto, and to obtain other data useful to the Examiners Committee.

Interested parties or their representatives will be afforded the opportunity to be heard at the hearing; however, for the accuracy of the record and to facilitate proceedings, they should file written request therefor as soon as possible and provide a written summary of their views regarding the application. Requests to be heard and written summaries should be directed to Mr. Thomas Curtis, Chairman of the Examiners Committee, Foreign-Trade Zones Board, Room 6827, U.S. Department of Commerce, Washington, D.C., 20230.

Persons not submitting advance requests may, nevertheless, be heard at the hearing at the discretion of the Examiners Committee. Interested parties not able to be present or represented at the hearing may submit their written views concerning the application to the Examiners Committee as indicated above.

RICHARD H. LAKE, *Executive Secretary, Foreign-Trade Zones Board.*

MAY 4, 1965.

[F.R. Doc. 65–4877; Filed, May 7, 1965; 8:46 a.m.]

[1] See Title 15, Code of Federal Regulations, Part 400, Article 18, Rules of Procedure and Practice.

SMALL BUSINESS ADMINISTRATION

[Declaration of Disaster Area 522]

WISCONSIN

Declaration of Disaster Area

Whereas, it has been reported that during the month of April 1965, because of the effects of certain disasters, damage resulted to residences and business property located in the State of Wisconsin;

Whereas the Small Business Administration has investigated and has received other reports of investigations of conditions in the areas affected;

Whereas, after reading and evaluating reports of such conditions, I find that the conditions in such areas constitute a catastrophe within the purview of the Small Business Act, as amended.

Now, therefore, as Executive Administrator of the Small Business Administration, I hereby determine that:

1. Applications for disaster loans under the provisions of section 7(b)(1) of the Small Business Act, as amended, may be received and considered by the Offices below indicated from persons or firms whose property, situated in the aforesaid State and areas adjacent thereto, suffered damage or destruction resulting from floods and accompanying conditions occurring on or about April 6, 1965.

OFFICE

Small Business Administration Regional Office, 114 North Carroll Street, Madison, Wis., 53703.

2. Temporary offices will be established in such areas as are necessary, addresses to be announced locally.

3. Applications for disaster loans under the authority of this Declaration will not be accepted subsequent to October 31, 1965.

Dated: April 26, 1965.

ROSS D. DAVIS,
Executive Administrator.

[F.R. Doc. 65-4807; Filed, May 7, 1965; 8:45 a.m.]

[Delegation of Authority 30; Augusta, Maine, Region]

AUGUSTA REGIONAL AREA

Delegation of Authority To Conduct Program Activities

I. Pursuant to the authority delegated to the Regional Director by Delegation of Authority No. 30-Boston, 30 F.R. 3251, the following authority is hereby redelegated to the specific positions as indicated herein:

A. *Size determinations (delegated to the positions as indicated below).* To make initial size determinations in all cases within the meaning of the Small Business Size Standards Regulations, as amended, and further, to make product classification decisions for financial assistance purposes only. Product classification decisions for procurement purposes are made by contracting officers.

B. *Eligibility determinations (delegated to the positions as indicated below).* To determine eligibility of applicants for assistance under any program of the Agency in accordance with Small Business Administration standards and policies.

C. *Chief, Financial Assistance Division (and Assistant Chief, if assigned).* 1. Item I.A. (Size Determinations for Financial Assistance only).

2. Item I.B. (Eligibility Determinations for Financial Assistance only).

3. To approve the following:

a. Direct loans not exceeding $100,000.

b. Participation loans not exceeding $250,000 (SBA share).

c. Simplified bank participation loans not exceeding $350,000 (SBA share).

d. Simplified early maturities participation loans not exceeding $350,000 (SBA share).

e. Direct disaster loans not exceeding $350,000.

f. Participation disaster loans not exceeding $350,000 (SBA share).

4. To decline as follows:

a. Business loans not exceeding $250,000 (SBA share).

b. Disaster loans not exceeding $350,000 (SBA share).

5. To disburse unsecured disaster loans.

6. To enter into business and disaster loan participation agreements with banks.

7. To execute loan authorizations for Washington approved loans and for loans approved under delegated authority, said execution to read as follows:

(Name), *Administrator,*
By ----------
(Name)
(Title of person signing)

8. To cancel, reinstate, modify and amend authorizations for business or disaster loans.

9. To extend the disbursement period on all loan authorizations or undisbursed portions of loans.

10. To approve, when requested, in advance of disbursement, conformed copies of notes and other closing documents; and to certify to the participating bank that such documents are in compliance with the participation authorization.

11. To approve service charges by participating bank not to exceed two percent per annum on the outstanding balance on construction loans and loans involving account receivable and inventory financing.

12. To take all necessary actions in connection with the administration, servicing, and collection of all loans and other obligations or assets, and to do and perform and to assent to the doing and performance of, all and every act and thing requisite and proper to effectuate the granted powers, including without limiting the generality of the foregoing:

a. The assignment, endorsement, transfer and delivery (but in all cases without representation, recourse or warranty) of notes, claims, bonds, debentures, mortgages, deeds of trust, contracts, patents and applications therefor, licenses, certificates of stock and of deposit, and any other liens, powers, rights, charges on and interest in or to property of any kind, legal and equitable, now or hereafter held by the Small Business Administration or its Administrator;

b. The execution and delivery of contracts of sale or of lease or sublease, quit-claim, bargain and sale or special warranty deeds, bills of sale, leases, subleases, assignments, subordinations, releases (in whole or in part) of liens, satisfaction pieces, affidavits, proofs of claim in bankruptcy or other estates and such other instruments in writing as may be appropriate and necessary to effectuate the foregoing.

c. The approval of bank applications for use of liquidity privilege under the loan guaranty plan.

D. *Chief, Loan Processing and Administration Section.* 1. To approve amendments and modifications of loan conditions for loans that have been fully disbursed.

2. Items I.C.3. and 4.

3. Items I.C.6 through 10

4. Item I.C.12—Only the authority for servicing, administration, and collection, including subitems a. and b.

5. Item I.A. (Size Determinations for Financial Assistance only.)

6. Item I.B. (Eligibility Determinations for Financial Assistance only.)

E. [Reserved.]

F. [Reserved.]

G. [Reserved.]

H. *Chief, Procurement and Management Assistance Division.* 1. Item I.A. (Size Determinations on PMA Activities only.)

2. Item I.B. (Eligibility Determinations on PMA Activities only.)

I. *Regional Counsel.* To disburse approved loans.

J. *Administrative Assistant.* 1. To (a) make emergency purchases chargeable to the administrative expense fund, not in excess of $25 in any one object class in any one instance but not more than $50 in any one month for total purchases in all object classes; (b) make purchases not in excess of $10 in any one instance for "one time items" not carried in stock subject to the total limitations set forth in (a) of this paragraph; (c) to contract for the repair and maintenance of equipment and furnishings in an amount not to exceed $25 in any one instance; and (d) purchase printing from the General Services Administration where centralized reproduction facilities have been established by GSA.

2. In connection with the establishment of Disaster Loan Offices, to (a) obligate Small Business Administration to reimburse General Services Administration for rental of office space; (b) rent office equipment; (c) procure (without dollar limitation) emergency supplies and materials.

3. To rent motor vehicles from the General Services Administration and to rent garage space for the storage of such vehicles when not furnished by this Administration.

II. The authority delegated herein cannot be redelegated.

III. The authority delegated herein to a specific position may be exercised by any SBA employee designated as Acting in that position.

IV. All previously delegated authority is hereby rescinded without prejudice to actions taken under such Delegations of Authority prior to the date hereof.

Effective date. February 1, 1965.

MAURICE F. WILLIAMS,
Regional Director,
Augusta, Maine.

[F.R. Doc. 65-4868; Filed, May 7, 1965; 8:45 a.m.]

[Delegation of Authority 30; Baltimore, Md., Region]

BALTIMORE REGIONAL AREA

Delegation of Authority To Conduct Program Activities

I. Pursuant to the authority delegated to the Regional Director by Delegation of Authority No. 30—Middle Atlantic Area, 30 F.R. 3254, the following authority is hereby redelegated to the specific positions as indicated herein:

A. *Size determinations (delegated to the positions as indicated below).* To make initial size determinations in all cases within the meaning of the Small Business Size Standards Regulations, as amended, and further, to make product classification decisions for financial assistance purposes only. Product classification decisions for procurement purposes are made by contracting officers.

B. *Eligibility determinations (delegated to the positions as indicated below).* To determine eligibility of applicants for assistance under any program of the Agency in accordance with Small Business Administration standards and policies.

C. *Chief, Financial Assistance Division (and Assistant Chief, if assigned).* 1. Item I.A. (Size Determinations for Financial Assistance only.)

2. Item I.B. (Eligibility Determinations for Financial Assistance only.)

3. To approve the following:

a. Business and disaster loans not exceeding $350,000 (SBA share).

b. Section 502 loans—direct $50,000 and participation loans where the bank's share is 10 percent or more—$100,000.

4. Decline loan applications in the categories described in Item I.C.3.b., above.

5. To decline business and disaster loans of any amount.

6. To disburse unsecured disaster loans.

7. To enter into business and disaster loan participation agreements with banks.

8. To execute loan authorizations for Washington approved loans and loans approved under delegated authority, said execution to read as follows:

(Name), *Administrator,*
By ----------
(Name)
(Title of person signing)

9. To cancel, reinstate, modify and amend authorizations for business or disaster loans.

10. To extend the disbursement period on all loan authorizations or undisbursed portions of loans.

11. To approve, when requested, in advance of disbursement, conformed copies of notes and other closing documents; and certify to the participating bank that such documents are in compliance with the participation authorization.

12. To approve service charges by participating bank not to exceed 2 percent per annum on the outstanding balance on construction loans and loans involving accounts receivable and inventory financing.

13. To take all necessary actions in connection with the administration, servicing, and collection of all loans and other obligations or assets, including collateral purchased; and to do and to perform and to assent to the doing and performance of, all and every act and thing requisite and proper to effectuate the granted powers, including without limiting the generality of the foregoing:

a. The assignment, endorsement, transfer and delivery (but in all cases without representation, recourse or warranty) of notes, claims, bonds, debentures, mortgages, deeds of trust, contracts, patents and applications therefor, licenses, certificates of stock and of deposit, and any other liens, powers, rights, charges on and interest in or to property of any kind, legal and equitable, now or hereafter held by the Small Business Administration or its Administrator.

b. The execution and delivery of contracts of sale or of lease or sublease, quit-claim, bargain and sale or special warranty deeds, bills of sale, leases, subleases, assignments, subordinations, releases (in whole or in part) of liens, satisfaction pieces, affidavits, proofs of claim in bankruptcy or other estates and such other instruments in writing as may be appropriate and necessary to effectuate the foregoing.

c. The approval of bank applications for use of liquidity privilege under the loan guaranty plan.

D. [Reserved.]

E. [Reserved.]

F. [Reserved.]

G. [Reserved.]

H. [Reserved.]

I. *Regional Counsel.* To disburse approved loans.

J. *Administrative Assistant.* 1. To make emergency purchases chargeable to the Administrative Expense Fund, not in excess of $25 in any one object class in any one instance, but not more than $50 in any one month for total purchased in all object classes.

2. To make purchases not in excess of $10 in any one instance for "one-time use items" not carried in stock subject to the total limitations set forth in Item I.J.1. above.

3. To contract for the repair and maintenance of equipment and furnishings in an amount not to exceed $25 in any one instance.

4. To purchase printing from the General Services Administration where centralized reproduction facilities have been established by GSA.

II. The authority delegated herein cannot be redelegated.

III. The authority delegated herein to a specific position may be exercised by any SBA employee designated as Acting in that position.

IV. All previously delegated authority is hereby rescinded without prejudice to actions taken under such Delegations of Authority prior to the date hereof.

Effective date. March 15, 1965.

MEREDITH R. HOFFMASTER,
Acting Regional Director,
Baltimore, Md.

[F.R. Doc. 65-4869; Filed, May 7, 1965; 8:45 a.m.]

[Delegation of Authority 30; Newark, N.J., Region]

NEWARK REGIONAL AREA

Delegation of Authority To Conduct Program Activities

I. Pursuant to the authority delegated to the Regional Director by Delegation of Authority No. 30—Middle Atlantic Area, 30 F.R. 3254, dated March 9, 1965, the following authority is hereby redelegated to the specific positions as indicated herein:

A. *Size determinations* (Delegated to the positions as indicated below). To make initial size determinations in all cases within the meaning of the Small Business Size Standards Regulations, as amended, and further, to make product classification decisions for financial assistance purposes only. Product classification decisions for procurement purposes are made by contracting officers.

B. *Eligibility determinations* (Delegated to the positions as indicated below). To determine eligibility of applicants for assistance under any program of the Agency in accordance with Small Business Administration standards and policies.

C. *Chief, Financial Assistance Division (and Assistant Chief, if assigned).* 1. Item I.A. (Size Determinations for Finance Assistance only.)

2. Item I.B. (Eligibility Determinations for Financial Assistance only.)

3. To approve the following:

a. Direct loans not exceeding $100,000.

b. Participation loans not exceeding $250,000 (SBA share).

c. Simplified bank participation loans not exceeding $350,000 (SBA share).

d. Simplified early maturities participation loans not exceeding $350,000 (SBA share).

e. Direct disaster loans not exceeding $350,000.

f. Participation disaster loans not exceeding $350,000 (SBA share).

4. To decline as follows:

a. Business loans not exceeding $250,000 (SBA share).

b. Disaster loans not exceeding $350,000 (SBA share).

5. To disburse unsecured disaster loans.

6. To enter into business and disaster loan participation agreements with banks.

7. To execute loan authorizations for Washington approved loans and for loans approved under delegated authority, said execution to read as follows:

(Name), *Administrator*,
By ----------
(Name)
(*Title of person signing*)

8. To cancel, reinstate, modify and amend authorizations for business or disaster loans.

9. To extend the disbursement period on all loan authorizations or undisbursed portions of loans.

10. To approve, when requested, in advance of disbursement, conformed copies of notes and other closing documents; and to certify to the participating bank that such documents are in compliance with the participation authorization.

11. To approve service charges by participating bank not to exceed two percent per annum on the outstanding balance on construction loans and loans involving account receivable and inventory financing.

12. To take all necessary actions in connection with the administration, servicing, and collection of all loans and other obligations or assets, and to do and perform and to assent to the doing and performance of, all and every act and thing requisite and proper to effectuate the granted powers, including without limitation the generality of the foregoing:

a. The assignment, endorsement, transfer and delivery (but in all cases without representation, recourse or warranty) of notes, claims, bonds, debentures, mortgages, deeds of trust, contracts, patents and applications therefor, licences, certificates of stock and of deposit, and any other liens, powers, rights, charges on and interest in or to property of any kind, legal and equitable, now or hereafter held by the Small Business Administration or its Administrator.

b. The execution and delivery of contracts of sale or of lease or sublease, quit-claim, bargain and sale or special warranty deeds, bills of sale, leases, subleases, assignments, subordinations, releases (in whole or in part) of liens, satisfaction pieces, affidavits, proofs of claim in bankruptcy or other estates and such other instruments in writing as may be appropriate and necessary to effectuate the foregoing.

c. The approval of bank applications for use of liquidity privilege under the loan guaranty plan.

D. [Reserved.]
E. [Reserved.]
F. [Reserved.]
G. [Reserved.]
H. [Reserved.]

I. *Regional Counsel.* To disburse approved loans.

J. *Administration Assistant.* 1. To make Emergency purchase chargeable to the Administrative Expense Fund, not in excess of $25 in any one object class in any one instance, but not more than $50 in any one month for total purchased in all object classes.

2. To make purchases not in excess of $10 in any one instance for "one-time use items" not carried in stock subject to the total limitations set forth in Item I.J.1. above.

3. To contract for the repair and maintenance of equipment and furnishings in an amount not to exceed $25 in any one instance.

4. To purchase printing from the General Services Administration where centralized reproduction facilities have been established by GSA.

II. The authority delegated herein cannot be redelegated.

III. The authority delegated herein to a specific position may be exercised by any SBA employee designated as Acting in that position.

IV. All previously delegated authority is hereby rescinded without prejudice to actions taken under such Delegations of Authority prior to the date hereof.

Effective date. March 15, 1965.

ANDREW P. LYNCH,
Acting Regional Director,
Newark, N.J.

[F.R. Doc. 65-4670; Filed, May 7, 1965; 8:45 a.m.]

[Delegation of Authority 30; Columbus, Ohio, Regional Office]

COLUMBUS REGIONAL OFFICE

Delegation of Authority To Conduct Program Activities

I. Pursuant to the authority delegated to the Regional Director by Delegation of Authority No. 30—Middle Atlantic Area, 30 F.R. No. 3254, the following authority is hereby redelegated to the specific positions as indicated herein:

A. *Size determinations (delegated to the positions as indicated below).* To make initial size determinations in all cases within the meaning of the Small Business Size Standards Regulations, as amended, and further, to make product classification decisions for financial assistance purposes only. Product classification decisions for procurement purposes are made by contracting officers.

B. *Eligibility determinations (delegated to the positions as indicated below).* To determine eligibility of applicants for assistance under any program of the Agency in accordance with Small Business Administration standards and policies.

C. *Chief, Financial Assistance Division.* 1. Item I.A. (Size Determinations for Financial Assistance only.)

2. Item I.B. (Eligibility Determinations for Financial Assistance only.)

3. To approve the following:

a. Business and disaster loans not exceeding $350,000 (SBA share).

b. Section 502 loans—direct $50,000 and participation loans where the bank's share is 10 percent or more—$100,000.

4. Decline loan applications in the categories described in Item I.C.3.b., above.

5. To decline business and disaster loans of any amount.

6. To disburse unsecured disaster loans.

7. To enter into business and disaster loan participation agreements with banks.

8. To execute loan authorizations for Washington approved loans and loans approved under delegated authority, said execution to read as follows:

(Name), *Administrator*,
By ----------
(Name)
(*Title of person signing*),

9. To cancel, reinstate, modify and amend authorizations for business or disaster loans.

10. To extend the disbursement period on all loan authorizations or undisbursed portions of loans.

11. To approve, when requested, in advance of disbursement, conformed copies of notes and other closing documents; and certify to the participating bank that such documents are in compliance with the participation authorization.

12. To approve service charges by participating bank not to exceed 2 percent per annum on the outstanding balance on construction loans and loans involving accounts receivable and inventory financing.

13. To take all necessary actions in connection with the administration, servicing, collection and liquidation of all loans and other obligations or assets, including collateral purchased; and to do and to perform and to assent to the doing and performance of, all and every act and thing requisite and proper to effectuate the granted powers, including without limiting the generality of the foregoing:

a. The assignment, endorsement, transfer and delivery (but in all cases without representation, recourse or warranty) of notes, claims, bonds, debentures, mortgages, deeds of trust, contracts, patents and applications therefor, licenses, certificates of stock and of deposit, and any other liens, powers, rights, charges on and interest in or to property of any kind, legal and equitable, now or hereafter held by the Small Business Administration or its Administrator;

b. The execution and delivery of contracts of sale or of lease or sublease, quit-claim, bargain and sale or special warranty deeds, bills of sale, leases, subleases, assignments, subordinations, releases (in whole or in part) of liens, satisfaction pieces, affidavits, proofs of claim in bankruptcy or other estates and such other instruments in writing as may be appropriate and necessary to effectuate the foregoing.

c. The approval of bank applications for use of liquidity privilege under the loan guaranty plan.

D. *Chief, Loan Processing and Administration Section.* 1. To approve amendments and modifications of loan conditions for loans that have been fully disbursed.

2. Items I.C.3. and 4.

3. To decline business and disaster loans of any amount.

4. Items I.C.7. through 11.

5. Item I.C.13.—Only the authority for servicing, administration, and collection, including subitems a. and b.

6. Item I.A. (Size Determinations for Financial Assistance only.)

7. Item I.B. (Eligibility Determinations for Financial Assistance only.)

E. *Chief, Loan Liquidation Section.* Item I.C.13.—Only the authority for liquidation, including collateral purchased, and subitems a. and b.

F. [Reserved.]

G. [Reserved.]

H. *Chief, Procurement and Management Assistance.* 1. Item I.A. (Size Determinations on PMA Activities only.)

2. Item I.B. (Eligibility Determinations on PMA Activities only.)

I. *Regional Counsel.* To disburse approved loans.

J. *Administrative Assistant.* 1. To purchase reproductions of loan documents, chargeable to the revolving fund, requested by United States Attorney in foreclosure cases.

2. To (a) purchase all office supplies and expendable equipment, including all desk-top items, and regular office equipment; (b) contract for repair and maintenances of equipment and furnishings; (c) contract for services required in setting up and dismantling and moving SBA exhibits and (d) issue Government bills of lading.

3. In connection with the establishment of Disaster Loan Offices, to (a) obligate Small Business Administration to reimburse General Services Administration for the rental of office space; (b) rent office equipment; and (c) procure (without dollar limitation) emergency supplies and materials.

4. To rent motor vehicles from the General Services Administration and to rent garage space for the storage of such vehicles when not furnished by this Administration.

II. The authority delegated herein cannot be redelegated.

III. The authority delegated herein to a specific position may be exercised by any SBA employee designated as Acting in that position.

IV. All previously delegated authority is hereby rescinded without prejudice to actions taken under such Delegations of Authority prior to the date hereof.

Effective date. March 15, 1965.

JOHN W. DONAHEY,
Acting Regional Director,
Columbus, Ohio.

[F.R. Doc. 65-4671; Filed, May 7, 1965; 8:46 a.m.]

[Delegation of Authority 30; Philadelphia, Pa., Region]

PHILADELPHIA REGIONAL AREA

Delegation of Authority To Conduct Program Activities

I. Pursuant to the authority delegated to the Regional Director by Delegation of Authority No. 30—Philadelphia, 30 F.R. 3254, the following authority is hereby redelegated to the specific positions as indicated herein:

A. *Size determinations (delegated to the positions as indicated below).* To make initial size determinations in all cases within the meaning of the Small Business Size Standards Regulations, as amended, and further, to make product classification decisions for financial assistance purposes only. Product classification decisions for procurement purposes are made by contracting officers.

B. *Eligibility determinations (delegated to the positions as indicated below).* To determine eligibility of applicants for assistance under any program of the Agency in accordance with Small Business Administration standards and policies.

C. *Chief, Financial Assistance Division (and Assistant Chief, if assigned).* 1. Item I.A. (Size Determinations for Financial Assistance only.)

2. Item I.B. (Eligibility Determinations for Financial Assistance only.)

3. To approve the following:

a. Business and disaster loans not exceeding $350,000 (SBA share).

b. Section 502 loans—direct $50,000 and participation loans where the bank's share is 10 percent or more—$100,000.

4. Decline loan applications in the categories described in Item I.C.3.b., above.

5. To decline business and disaster loans of any amount.

6. To disburse unsecured disaster loans.

7. To enter into business and disaster loan participation agreements with banks.

8. To execute loan authorizations for Washington approved loans and loans approved under delegated authority, said execution to read as follows:

(Name), *Administrator*,
By ----------
(Name)
(*Title of person signing*)

9. To cancel, reinstate, modify and amend authorizations for business or disaster loans.

10. To extend the disbursement period on all loan authorizations or undisbursed portions of loans.

11. To approve, when requested, in advance of disbursement, conformed copies of notes and other closing documents; and certify to the participating bank that such documents are in compliance with the participation authorization.

12. To approve service charges by participating bank not to exceed 2 percent per annum on the outstanding balance on construction loans and loans involving accounts receivable and inventory financing.

13. To take all necessary actions in connection with the administration, servicing, collection and liquidation of all loans and other obligations or assets, including collateral purchased; and to do and to perform and to assent to the doing and performance of, all and every act and thing requisite and proper to effectuate the granted powers, including without limiting the generality of the foregoing:

a. The assignment, endorsement, transfer and delivery (but in all cases without representation, recourse or warranty) of notes, claims, bonds, debentures, mortgages, deeds of trust, contracts, patents, and applications therefor, licenses, certificates of stock and of deposit, and any other liens, powers, rights, charges on and interest in or to property of any kind, legal and equitable, now or hereafter held by the Small Business Administration or its Administrator;

b. The execution and delivery of contracts of sale or of lease or sublease, quit-claim, bargain and sale or special warranty deeds, bills of sale, leases, subleases, assignments, subordinations, releases (in whole or in part) of liens, satisfaction pieces, affidavits, proofs of claim in bankruptcy or other estates and such other instruments in writing as may be appropriate and necessary to effectuate the foregoing.

c. The approval of bank applications for use of liquidity privilege under the loan guaranty plan.

D. *Chief, Loan Processing and Administration Section.* 1. To approve amendments and modifications of loan conditions for loans that have been fully disbursed.

2. Items I.C.3. and 4.

3. To decline business and disaster loans of any amount.

4. Items I.C.7. through 11.

III. The authority delegated herein to a specific position may be exercised by

III. The authority delegated herein to a specific position may be exercised by any SBA employee designated as Acting in that position.

IV. All previously delegated authority is hereby rescinded without prejudice to actions taken under such Delegations of Authority prior to the date hereof.

Effective date. April 1, 1965.

WILLIAM T. GENNETTI,
Regional Director,
Philadelphia, Pa.

[F.R. Doc. 65-4872; Filed, May 7, 1965; 8:46 a.m.]

[Delegation of Authority 30; Pittsburgh, Pa., Region]

PITTSBURGH REGIONAL AREA

Delegation of Authority To Conduct Program Activities

I. Pursuant to the authority delegated to the Regional Director by Delegation of Authority No. 30—Middle Atlantic Area, 30 F.R. 3254, the following authority is hereby redelegated to the specific positions as indicated herein:

A. *Size determinations (delegated to the positions as indicated below).* To make initial size determinations in all cases within the meaning of the Small Business Size Standards Regulations, as amended, and further, to make product classification decisions for financial assistance purposes only. Product classification decisions for procurement purposes are made by contracting officers.

B. *Eligibility determinations (delegated to the positions as indicated below).* To determine eligibility of applicants for assistance under any program of the Agency in accordance with Small Business Administration standards and policies.

C. *Chief, Financial Assistance Division.* 1. Item I.A. (Size Determinations for Financial Assistance only.)

2. Item I.B. (Eligibility Determinations for Financial Assistance only.)

3. To approve the following:

a. Business and disaster loans not exceeding $350,000 (SBA share).

b. Section 502 loans—direct $50,000 and participation loans where the bank's share is 10 percent or more—$100,000.

4. Decline loan applications in the categories described in Item I.C.3.b., above.

5. To decline business and disaster loans of any amount.

6. To disburse unsecured disaster loans.

7. To enter into business and disaster loan participation agreements with banks.

8. To execute loan authorizations for Washington approved loans and loans approved under delegated authority, said execution to read as follows:

(Name), *Administrator,*
By ----------
(Name)
(Title of person signing)

9. To cancel, reinstate, modify and amend authorizations for business or disaster loans.

10. To extend the disbursement period on all loan authorizations or undisbursed portions of loans.

11. To approve, when requested, in advance of disbursement, conformed copies of notes and other closing documents; and certify to the participating bank that such documents are in compliance with the participation authorization.

12. To approve service charges by participating bank not to exceed 2 percent per annum on the outstanding balance on construction loans and loans involving accounts receivable and inventory financing.

13. To take all necessary actions in connection with the administration, servicing, and collection of all loans and other obligations or assets, including collateral purchased; and to do and to perform and to assent to the doing and performance of, all and every act and thing requisite and proper to effectuate the granted powers, including without limiting the generality of the foregoing:

a. The assignment, endorsement, transfer and delivery (but in all cases without representation, recourse or warranty) of notes, claims, bonds, debentures, mortgages, deeds of trust, contracts, patents and applications therefor, licenses, certificates of stock and of deposit, and any other liens, powers, rights, charges on and interest in or to property of any kind, legal and equitable, now or hereafter held by the Small Business Administration or its Administrator;

b. The execution and delivery of contracts of sale or of lease or sublease, quitclaim, bargain and sale or special warranty deeds, bills of sale, leases, subleases, assignments, subordinations, releases (in whole or in part) of liens, satisfaction pieces, affidavits, proofs of claim in bankruptcy or other estates and such other instruments in writing as may be appropriate and necessary to effectuate the foregoing.

c. The approval of bank applications for use of liquidity privilege under the loan guaranty plan.

D. *Chief, Loan Processing and Administration Section.* 1. To approve amendments and modifications of loan conditions for loans that have been fully disbursed.

2. Items I.C. 3. and 4.

3. To decline business and disaster loans of any amount.

4. Items I.C. 7. through 11.

5. Item I.C. 13.—Only the authority for servicing, administration, and collection, including subitems a. and b.

6. Item I.A. (Size Determinations for Financial Assistance only.)

7. Item I.B. (Eligibility Determinations for Financial Assistance only.)

E. *Chief, Procurement and Management Assistance.* 1. Item I.A. (Size Determinations on PMA Activities only.)

2. Item I.B. (Eligibility Determinations on PMA Activities only.)

F. *Regional Counsel.* To disburse approved loans.

G. *Administrative Assistant.* To: (a) Make emergency purchases chargeable to the administrative expense fund, not in excess of $25 in any one object class in any one instance but not more than $50 in any one month for total purchased in all object classes, (b) make purchases not in excess of $10 in any one instance for "one time use items" not carried in stock subject to the total limitations set forth in (a) of this paragraph, (c) to contract for the repair and maintenance of equipment and furnishings in an amount not to exceed $25 in any one instance, and (d) purchase printing from the General Services Administration where centralized reproduction facilities have been established by GSA.

II. The authority delegated herein cannot be redelegated.

III. The authority delegated herein to a specific position may be exercised by any SBA employee designated as Acting in that position.

IV. All previously delegated authority is hereby rescinded without prejudice to actions taken under such Delegations of Authority prior to the date hereof.

Effective date. April 1, 1965.

F. A. THOMASSY,
Acting Regional Director,
Pittsburgh, Pa.

[F.R. Doc. 65-4873; Filed, May 7, 1965; 8:46 a.m.]

[Delegation of Authority 30; Richmond, Va., Region]

RICHMOND REGIONAL AREA

Delegation of Authority To Conduct Program Activities

I. Pursuant to the authority delegated to the Regional Director by Delegation of Authority No. 30—Philadelphia, 30 F.R. 3254, the following authority is hereby redelegated to the specific positions as indicated herein:

A. *Size determinations (delegated to the positions as indicated below).* To make initial size determinations in all cases within the meaning of the Small Business Size Standards Regulations, as amended, and further, to make product classification decisions for financial assistance purposes only. Product classification decisions for procurement purposes are made by contracting officers.

B. *Eligibility determinations (delegated to the positions as indicated below).* To determine eligibility of applicants for assistance under any program of the Agency in accordance with Small Business Administration standards and policies.

C. *Chief, Financial Assistance Division (and Assistant Chief, if assigned).* 1. Item I.A. (Size Determinations for Financial Assistance only.)

2. Item I.B. (Eligibility Determinations for Financial Assistance only.)

3. To approve the following:

a. Business and disaster loans not exceeding $350,000 (SBA share).

b. Section 502 loans—direct $50,000 and participation loans where the bank's share is 10 percent or more—$100,000.

4. Decline loan applications in the categories described in Item I.C.3.b., above.

5. To decline business and disaster loans of any amount.

6. To disburse unsecured disaster loans.

7. To enter into business and disaster loan participation agreements with banks.

8. To execute loan authorizations for Washington approved loans and loans approved under delegated authority, said execution to read as follows:

(Name), *Administrator,*
By ----------
(Name)
(Title of person signing)

9. To cancel, reinstate, modify and amend authorizations for business or disaster loans.

10. To extend the disbursement period on all loan authorizations or undisbursed portions of loans.

11. To approve, when requested, in advance of disbursement, conformed copies of notes and other closing documents; and certify to the participating bank that such documents are in compliance with the participation authorization.

12. To approve service charges by participating bank not to exceed 2 percent per annum on the outstanding balance on construction loans and loans involving accounts receivable and inventory financing.

13. To take all necessary actions in connection with the administration, servicing, collection and liquidation of all loans and other obligations or assets, including collateral purchased; and to do and to perform and to assent to the doing and performance of, all and every act and thing requisite and proper to effectuate the granted powers, including without limiting the generality of the foregoing:

a. The assignment, endorsement, transfer and delivery (but in all cases without representation, recourse or warranty) of notes, claims, bonds, debentures, mortgages, deeds of trust, contracts, patents and applications therefor, licenses, certificates of stock and of deposit, and any other liens, powers, rights, charges on and interest in or to property of any kind, legal and equitable, now or hereafter held by the Small Business Administration or its Administrator;

b. The execution and delivery of contracts of sale or of lease or sublease, quitclaim, bargain and sales or special warranty deeds, bills of sale, leases, subleases, assignments, subordinations, releases (in whole or in part) of liens, satisfaction pieces, affidavits, proofs of claim in bankruptcy or other estates and such other instruments in writing as may be appropriate and necessary to effectuate the foregoing.

c. The approval of bank applications for use of liquidity privilege under the loan guaranty plan.

D. *Chief, Loan Processing and Administration Section.* 1. To approve amendments and modifications of loan conditions for loans that have been fully disbursed.

2. Items I.C.3. and 4.

3. To decline business and disaster loans of any amount.

4. Items I.C.7. through 11.

5. Item I.C.13.—Only the authority for servicing, administration, and collection, including subitems a. and b.

6. Item I.A. (Size Determinations for Financial Assistance only.)

7. Item I.B. (Eligibility Determinations for Financial Assistance only.)

E. *Chief, Loan Liquidation Section.* Item I.C.13.—Only the authority for liquidation, including collateral purchased, and subitems a. and b.

F. [Reserved.]

G. [Reserved.]

H. *Chief, Procurement and Management Assistance.* 1. Item I.A. (Size Determinations on PMA Activities only.)

2. Item I.B. (Eligibility Determinations on PMA Activities only.)

I. *Regional Counsel.* To disburse approved loans.

J. *Administrative Officer.* 1. To purchase reproductions of loan documents, chargeable to the revolving fund, requested by United States Attorney in foreclosure cases.

2. To (a) purchase all office supplies and expendable equipment, including all desk-top items, and regular office equipment; (b) contract for repair and maintenance of equipment and furnishings; (c) contract for services required in setting up and dismantling and moving SBA exhibits and (d) issue Government bills of lading.

3. In connection with the establishment of Disaster Loan Office, to (a) obligate Small Business Administration to reimburse General Services Administration for the rental of office space; (b) rent office equipment; and (c) procure (without dollar limitation) emergency supplies and materials.

4. To rent motor vehicles from the General Services Administration and to rent garage space for the storage of such vehicles when not furnished by this Administration.

II. The authority delegated herein cannot be redelegated.

III. The authority delegated herein to a specific position may be exercised by any SBA employee designated as acting in that position.

IV. All previously delegated authority is hereby rescinded without prejudice to actions taken under such Delegations of Authority prior to the date hereof.

Effective date. March 15, 1965.

CLARENCE P. MOORE,
Regional Director,
Richmond, Va.

[F.R. Doc. 65-4874; Filed, May 7, 1965; 8:46 a.m.]

[Delegation of Authority 30, Chicago Regional Office; Disaster 1-65]

MANAGER, DISASTER FIELD OFFICE, CRYSTAL LAKE, ILL.

Delegation Relating to Financial Assistance Functions

I. Pursuant to the authority delegated to the Regional Director by Delegation of Authority No. 30 (Chicago, Ill.), 30 F.R. 4567, there is hereby redelegated to the Manager of Crystal Lake, Illinois Disaster Field Office the following authority.

A. *Financial assistance.* 1. To approve and decline disaster loans in an amount not exceeding $20,000.

2. To execute loan authorizations for Washington and Regional Office approved loans and for disaster loans approved under delegated authority, said execution to read as follows:

(Name), *Area Administrator,*
By ----------
Manager, Disaster Field Office.

3. To cancel, reinstate, modify and amend authorization for disaster loans approved under delegated authority.

4. To disburse unsecured disaster loans.

5. To extend the disbursement period on disaster loan authorizations or undisbursed portions of disaster loans.

II. The authority delegated herein may not be redelegated.

III. All authority delegated herein may be exercised by any SBA employee designated as Acting Manager of the disaster field office.

Effective date. April 19, 1965.

Robert C. Alm,
Acting Regional Director,
Chicago, Ill.

J. ROONEY,
Acting Regional Director,
Chicago, Ill.

[F.R. Doc. 65-4875; Filed, May 7, 1965; 8:46 a.m.]

[Delegation of Authority 30; Washington, D.C., Regional Office]

WASHINGTON REGIONAL OFFICE

Delegation of Authority To Conduct Program Activities

I. Pursuant to the authority delegated to the Regional Director by Delegation of Authority No. 30—(Middle Atlantic Area) 30 F.R. 3254, the following authority is hereby redelegated to the specific positions as indicated herein:

A. *Size determinations (delegated to the positions as indicated below).* To make initial size determinations for financial assistance only in all cases within the meaning of the Small Business Size Standards Regulations, as amended, and further, to make product classification decisions for financial assistance purposes only. Product classification decisions for procurement purposes are made by contracting officers.

B. *Eligibility determinations (delegated to the positions as indicated below).* To determine eligibility of applicants for financial assistance under any program of the Agency in accordance with Small Business Administration standards and policies.

C. *Chief, Financial Assistance Division.*

1. Item I.A.

2. Item I.B.

3. To approve or decline business and disaster loans not exceeding $50,000.00 (SBA's share).

4. To enter into business and disaster loan participation agreements with banks.

5. To execute loan authorizations for loans approved under delegated authority, said execution to read as follows:

EUGENE P. FOLEY,
Administrator,
By ----------
(Name)
Chief, Financial Assistance Division, Washington Regional Office.

6. To cancel, reinstate, modify and amend authorizations for business or disaster loans.

7. To extend the disbursement period on all loan authorizations.

8. To take all necessary actions in connection with the administration, servicing, and collection of all loans and other obligations or assets, and to do and perform and to assent to the doing and performance of, all and every act and thing requisite and proper to effectuate the granted powers, including without limiting the generality of the foregoing:

a. The assignment, endorsement, transfer and delivery (but in all cases without representation, recourse, or warranty) of notes, claims, bonds, debentures, mortgages, deeds of trust, contracts, patents and applications therefor, licenses, certificates of stock and of deposit, and any other liens, powers, rights, charges on and interest in or to property of any kind, legal and equitable, now or hereafter held by the Small Business Administration or its Administrator;

b. The execution and delivery of contracts of sale or of lease or sublease, quitclaim, bargain and sale or special warranty deeds, bills of sale, leases, subleases, assignments, subordinations releases (in whole or in part), of liens, satisfaction pieces, affidavits, proofs of claim in bankruptcy or other estates and such other instruments in writing as may be appropriate and necessary to effectuate the foregoing.

c. The approval of bank applications for use of liquidity privilege under the loan guaranty plan.

9. To (a) purchase all office supplies and expendable equipment, including all desk-top items and rent regular office equipment; (b) contract for repair and maintenance of equipment and furnishings in an amount not to exceed $50 in any one instance; (c) contract for services required in setting up and dismantling and moving SBA exhibits.

10. To rent motor vehicles from the General Services Administration and to rent garage space for the storage of such vehicles when not furnished by this administration.

D. *Regional Counsel.* To disburse approved loans.

E. [Reserved.]

F. [Reserved.]

G. [Reserved.]

H. [Reserved.]

II. The authority delegated herein cannot be redelegated.

III. The authority delegated herein to a specific position may be exercised by any SBA employee designated as Acting in that position.

IV. All previously delegated authority is hereby rescinded without prejudice to actions taken under such Delegations of Authority prior to the date hereof.

Effective date. April 7, 1965.

ARTHUR H. DOLL,
Acting Regional Director,
Washington, D.C.

[F.R. Doc. 65-4876; Filed, May 7, 1965; 8:46 a.m.]

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATIONS FOR RELIEF

MAY 5, 1965.

Protests to the granting of an application must be prepared in accordance with Rule 1.40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 39746—*Substituted Service—MP & T&P for Herrin Transportation.* Filed by J. D. Hughett, agent (No. 69), for interested carriers. Rates on property loaded in trailers and transported on railroad flatcars, between Beaumont, Dallas, Fort Worth, and Houston, Tex., on the one hand, and Little Rock, Ark., Memphis, Tenn., and Shreveport, La., on the other, on traffic originating at or destined to such points or points beyond as described in the application.

Grounds for relief—Motor-truck competition.

Tariff—J. D. Hughett, agent, tariff MF-I.C.C. 403.

FSA No. 39747—*Substituted Service—T&P for Red Ball Motor Freight, Inc.* Filed by J. D. Hughett, agent (No. 70), for interested carriers. Rates on property loaded in trailers and transported on railroad flatcars, between Dallas, Tex., and Shreveport, La., on traffic originating at or destined to such points or points beyond as described in the application.

Grounds for relief—Motor-truck competition.

Tariff—J. D. Hughett, agent, tariff MF-I.C.C. 403.

FSA No. 39748—*Sulphuric acid to Charlotte, N.C.* Filed by O. W. South, Jr., agent (No. A4672), for interested rail carriers. Rates on sulphuric acid, in tank carloads, from Pulaski, Va., to Charlotte, N.C.

Grounds for relief—Market competition.

Tariff—Supplement 120 to Southern Freight Association, agent, tariff I.C.C. S-162.

By the Commission.

[SEAL] BERTHA F. ARMES,
Acting Secretary.

[F.R. Doc. 65-4868; Filed, May 7, 1965; 8:47 a.m.]

[Sec. 5a Application 20]

NATIONAL AUTOMOBILE TRANSPORTERS ASSOCIATION

Application for Approval of Agreement

MAY 5, 1965.

The Commission is in receipt of the above-entitled and numbered application for approval of an agreement under the provisions of section 5a of the Interstate Commerce Act.

Filed: April 21, 1965, by George S. Dixon, Matheson, Dixon & Bieneman, Suite 1700, One Woodward Avenue, Detroit, Mich., 48226.

Agreement involved: Agreement between common carriers by motor vehicle, members of National Automobile Transporters Association, relating to joint consideration, initiation, change, and publication of rates, ratings, classifications, rules, regulations, and practices governing the transportation of automobiles and other property between points in the United States.

The complete application may be inspected at the office of the Commission in Washington, D.C.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 20 days from the date of this notice. As provided by the general rules of practice of the Commission, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing.

By the Commission, Division 2.

[SEAL] BERTHA F. ARMES,
Acting Secretary.

[F.R. Doc. 65-4869; Filed, May 7, 1965; 8:47 a.m.]

[Notice 20]

FINANCE APPLICATIONS

MAY 5, 1965.

The following publications are governed by the Interstate Commerce Commission's general requirements governing notice of filing of applications under sections 20a except (12) and 214 of the Interstate Commerce Act. The Commission's order of May 20, 1964, providing for such publication of notice, was published in the FEDERAL REGISTER issue of July 31, 1964 (29 F.R. 11126), and became effective October 1, 1964.

All hearings and prehearing conferences, if any, will be called at 9:30 a.m., U.S. standard time unless otherwise specified.

F.D. No. 23605—By application filed April 23, 1965, Monon Railroad, 332 South Michigan Avenue, Chicago, Ill., 60604, seeks authority to issue not exceeding 341,336.5 shares of Class B Common Stock. Applicant's attorney: John C. Tower, general attorney, Monon Railroad, 332 South Michigan Avenue, Chicago, Ill., 60604. Protests must be filed no later than 15 days from date of publication in the FEDERAL REGISTER.

F.D. No. 23610—By application filed April 22, 1965, T.I.M.E. Freight, Inc., 2604 Texas Avenue, Post Office Box 1120, Lubbock, Tex., seeks authority to split its common stock on the basis of two-for-one, change its common stock par value from $2 per share to $1 per share and increase its authorized shares from 875,000 to 3,000,000 shares. Applicant's attorney: Frank M. Garrison, assistant general counsel, Post Office Box 1120, Lubbock, Tex. Protests must be filed no later than 15 days from date of publication in the FEDERAL REGISTER.

F.D. No. 23611—By application filed April 23, 1965, Pennsylvania Reading Seashore Lines, 22 Federal Street, Camden, N.J., seeks authority under section 20a of the Interstate Commerce Act to issue a note in the principal amount of $1,680,000 and for exemption from competitive bidding. Applicant's attorney: Robert J. Williams, assistant general attorney, 415 Reading Terminal, Philadelphia, Pa., 19107. Protests must be filed no later than 15 days from date of publication in the FEDERAL REGISTER.

F.D. No. 23612—By application filed April 27, 1965, Monon Railroad, 332 South Michigan Avenue, Chicago, Ill., 60604, seeks authority under section 20a of the Interstate Commerce Act to issue not exceeding $1,184,000 principal amount of first mortgage, contingent 4 percent income bonds, series C, due January 1, 1983. Applicant's attorney: John C. Tower, general attorney, Monon Railroad, 332 South Michigan Avenue, Chicago, Ill., 60604. Protests must be filed no later than 15 days from date of publication in the FEDERAL REGISTER.

F.D. No. 23613—By application filed April 27, 1965, Pennsylvania Railroad Co., Six Penn Center Plaza, Philadelphia, Pa., 19104, seeks authority under section 20a of the Interstate Commerce Act to assume obligation and liability in respect of a note of Pennsylvania-Reading Seashore Lines in the principal amount of $1,680,000. Applicant's attorney: Edwin K. Taylor, assistant general counsel, 1138 Six Penn Center Plaza, Philadelphia, Pa., 19104. Protests must be filed no later than 15 days from date of publication in the FEDERAL REGISTER.

NOTE: This is directly related to F.D. No. 23611.

F.D. No. 23616—By application filed April 28, 1965, Mid-American Truck Lines, Inc., 900 North Indiana Avenue, Kansas City, Mo., 64120, seeks authority under section 214 of the Interstate Commerce Act to issue (1) an installment note for $560,000 bearing interest of 5¼ percent payable over a 10-year period, secured by real estate trust deed, and (2) an installment note for $65,000 payable over a 7-year period, secured by real estate trust deed. Applicant's attorney: LeRoy Wolfe, president, 900 North Indiana Avenue, Kansas City, Mo., 64120. Protests must be filed no later than 15 days from date of publication in the FEDERAL REGISTER.

F.D. No. 23620—By application filed April 20, 1965, Shamrock Van Lines, Inc., Post Office Box 5447, Dallas, Tex., 75207 (432 North Beltline Road, Irving, Tex.), seeks authority under section 214 of the Interstate Commerce Act to issue short term notes in the aggregate amount of $2 million. Applicant's attorney: Allen Melton, Rio Grande National Building, Dallas, Tex. Protests must be filed no later than 15 days from date of publication in the FEDERAL REGISTER.

F.D. No. 23628—By application filed April 30, 1965, Consolidated Freightways, Inc., 1530 Russ Building, San Francisco, Calif., seeks authority under section 214 of the Interstate Commerce Act to issue 2,000 shares of its capital stock to certain employees. Applicant's attorney: Robert C. Stetson, general attorney, 175 Linfield Drive, Menlo Park, Calif., 94025. Protests must be filed no later than 15 days from date of publication in the FEDERAL REGISTER.

By the Commission.

[SEAL] BERTHA F. ARMES,
Acting Secretary.

[F.R. Doc. 65-4890; Filed, May 7, 1965; 8:47 a.m.]

[Notice 1169]

MOTOR CARRIER TRANSFER PROCEEDINGS

MAY 5, 1965.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 179), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC-67571. By order of April 30, 1965, the Transfer Board approved the transfer to Foot's Warehouses, Inc., doing business as Foot's Transfer & Storage Co., Ltd., San Pedro, Calif., of Certificate No. MC-64290, issued May 2, 1941, to Foot's Transfer & Storage Co., Ltd., San Pedro, Calif., amended to show the name of Foot's Warehouses, Inc., doing business as Foot's Transfer & Storage Co., Ltd., April 8, 1965, authorizing the transportation over irregular routes of household goods, between Los Angeles Harbor and Long Beach, Calif., on the one hand, and, on the other, points within 70 miles of San Pedro, Calif.; household goods and general commodities, excluding commodities in bulk, between points in the Los Angeles Harbor commercial zone, as defined by the Commission; mineral water in containers, from Los Angeles Harbor and Long Beach, Calif., to Los Angeles, Calif., malt beverages, from Los Angeles, Calif., to Los Angeles Harbor and Long Beach, Calif. James J. Brown, 9301 Wilshire Boulevard, Beverly Hills, Calif., attorney for applicants.

No. MC-FC-67649. By order of April 30, 1965, the Transfer Board approved the transfer to Williams Moving & Storage Co., Inc., Tarkio, Mo., of Certificates Nos. MC-111748, MC-111748 (Sub-No. 5), MC-111748 (Sub-No. 6), and MC-111748 (Sub-No. 8), issued July 20, 1950, March 7, 1963, July 25, 1963, and February 8, 1965, respectively, to Harvey L. Williams, Jr., doing business as Williams Moving & Storage Co., Tarkio, Mo., authorizing the transportation of household goods over irregular routes, between points in Atchison and Holt Counties, Mo., on the one hand, and, on the other, points in Nebraska, Kansas, and Iowa; and between points in Buchanan County, Mo., on the one hand, and, on the other, points in Kansas, Nebraska, and Illinois; and feed blender mills from points in Jasper County, Mo., to points in Iowa, Kansas, and Nebraska. Carll V. Kretsinger, 510 Professional Building, Kansas City 6, Mo., representative for applicants.

No. MC-FC-67673. By order of April 29, 1965, the Transfer Board approved the transfer to L. James Averett and Don J. Kelsey, a Partnership, doing business as Averett & Son Trucking Co., Cowley, Wyo., of the operating rights of L. James Averett and Cecil Averett, a Partnership, doing business as Averett & Son Trucking Co., Cowley, Wyo., issued June 21, 1961, and June 3, 1963, in Permits Nos. MC-119563 and MC-119563 (Sub-No. 1), respectively, authorizing the transportation, over irregular routes, of clay products and fittings and accessories therefor, from Lovell, Wyo., to points in Wyoming, Montana, Colorado, Idaho, Utah, Nebraska, North Dakota, and South Dakota, and from Billings, Mont., to Lovell, Wyo., and fire brick, from Denver, Colo., to Lovell, Wyoming. Ward A. White, Post Office Box 578, Cheyenne, Wyo., 82001, attorney for applicants.

No. MC-FC-67675. By order of April 30, 1965, the Transfer Board approved the transfer to R. J. M. Express, Inc., Garfield, N.J., of the operating rights of Biaggio Sanfilippo, doing business as R. J. M. Express, East Paterson, N.J., issued May 28, 1963, in Certificate No. MC-64202, authorizing the transportation, over regular routes, of silks, acetates, rayon, and dyed and processed materials, between Paterson, N.J., and Sloatsburg, N.Y., and between New York, N.Y., and Sloatsburg, N.Y., and over irregular routes, of general commodities, excluding household goods, commodities in bulk, and other specified commodities, between Passaic, Paterson, and Clifton, N.J., and points in Bergen County, N.Y., on the one hand, and, on the other, points in the New York, N.Y., commercial zone, as defined, and paints, varnishes, waterproofings, dry pigments, and empty containers, from Ridgefield, N.J., to Scarsdale, White Plains, and Mount Vernon, N.Y. Joseph J. Salerno, Two Clifton Avenue, Clifton, N.J., attorney for applicants.

No. MC-FC-67676. By order of April 30, 1965, the Transfer Board approved the transfer to Claremont Motor Lines, Inc., Claremont, N.C., of the operating rights of Loy Thomas Miller and Dale Maurice Miller, a partnership, doing business as Claremont Motor Lines, Claremont, N.C., issued August 2, 1961, in Certificate No. MC-123613, authorizing the transportation, over irregular routes, of new furniture and furniture parts, from Conover, Hickory, Lenoir, Lincolnton, and Newton, N.C., to points in Ohio, in a described portion of Virginia, a described portion of West Virginia, and a described portion of Maryland. Martin C. Pannell, 25 North Brady Avenue, Newton, N.C., 28658, attorney for applicants.

No. MC-FC-67748. By order of April 29, 1965, the Transfer Board approved the transfer to Charles D. Carew, doing business as Standard Transfer & Storage, 1445 North Second Street, Stevens Point,

Wis., of the operating rights issued by the Commission May 15, 1963, under

No. MC-FC-67785. By order of April 467, commodities in bulk, among

Wis., of the operating rights issued by the Commission May 15, 1962, under Certificate No. MC–11569, to Charles D. Carew and Thomas B. Carew, a partnership, doing business as Standard Transfer, 1445 North Second Street, Stevens Point, Wis., authorizing the transportation of household goods, between Stevens Point, Wis., and points within 15 miles thereof, on the one hand, and, on the other, points in Illinois and Minnesota.

No. MC–FC–67783. By order of April 29, 1965, the Transfer Board approved the transfer to The Jerry Venel Corlett Movers & Storage Co., a corporation, Cleveland, Ohio, of Certificate No. MC–72242 issued January 10, 1947, to Clarence J. Hartman and Louis L. Hartman, a partnership, doing business as Hartman Moving & Transfer Co., Cleveland, Ohio, authorizing the transportation of household goods over irregular routes, between points in Cuyahoga County, Ohio, on the one hand, and, on the other, points in Illinois, Indiana, Kentucky, Michigan, New York, Ohio, Pennsylvania, and West Virginia, traversing New Jersey and Wisconsin for operating convenience only. G. H. Dilla, 5275 Ridge Road, Cleveland, Ohio, 44129, representative for applicants.

No. MC–FC–67784. By order of April 29, 1965, the Transfer Board approved the transfer to Prehner Trucking Service, Inc., North Las Vegas, Nev., of Certificate No. MC–61116 issued March 10, 1952, to McCutchen Transportation Co., a corporation, amended June 12, 1963, to read P. R. McCutchen, Inc., Post Office Box 1206, Bishop, Calif., authorizing the transportation over irregular routes of ore and ore concentrates and non-metallic minerals, between points in California and Nevada within 75 miles of Mina, Nev., including Mina, except when both the origin and destination points are on the line of a railroad; mining machinery, equipment, and supplies, between Mina, Nev., and points in California and Nevada within 75 miles of Mina, except points on U.S. Highway 95 when both origin and destination points are located thereon, and except points on railroads when both the origin and destination points are on such rail lines; and nonmetallic minerals, ore, ore concentrates, mining machinery, equipment and supplies, between points in California and Nevada within 25 miles of that part of U.S. Highway 95 between Las Vegas and junction Nevada Highway 3, on the one hand, and, on the other, Goldfield and Las Vegas, Nev., except when both the origin and destination points are on the line of a railroad. Wesley Prehner, 2039 Las Vegas Boulevard North, North Las Vegas, Nev., representative for transferee.

No. MC–FC–67785. By order of April 29, 1965, the Transfer Board approved the transfer to Raeford Trucking Co., a corporation, Sanford, N.C., of Certificate No. MC–124822 issued April 30, 1963, to Thomas C. Gresham, doing business as Gresham Transfer Co., Clinton, N.C., authorizing the transportation of plywood, veneer, and furniture panels and doors, over irregular routes, from points in Duplin, and Sampson Counties, N.C., to points in Indiana (except that part lying on and south of U.S. Highway 40 and on and east of U.S. Highway 31, with no service authorized to points on the indicated portions of the highways specified), Illinois, that part of Tennessee lying west of U.S. Highway 25–E, South Carolina (except Anderson, Greenville and Charleston), and Georgia. J. Linwood Keith, Post Office Box 45, Sanford, N.C., representative for transferee.

No. MC–FC–67793. By order of April 29, 1965, the Transfer Board approved the transfer to Loren R. Siewert, Gregory, S. Dak., of the operating rights in Certificate No. MC–105966, issued June 13, 1946, to S. K. McCanse, Gregory, S. Dak., authorizing the transportation, over irregular routes of: *Livestock*, between points and places in South Dakota, on and east of South Dakota Highway 73, west of the Missouri River, and south of the White River, on the one hand, and, on the other, points and places in Iowa and Nebraska, and farm machinery and implements and parts therefor, binder twine, building materials, livestock, poultry feeds, seeds, fencing, lubricating oils, and greases in containers, from Sioux City, Iowa, and points and places in Nebraska, to Gregory, S. Dak., and to points and places in South Dakota within 30 miles of Gregory except those within incorporated cities, towns, or villages, and except those lying on or east of a line drawn north and south through Burke, S. Dak., with no transportation for compensation on return except as otherwise authorized. Don A. Bierle, 314 Walnut Street, Yankton, S. Dak., attorney for applicants.

No. MC–FC–67794. By order of April 29, 1965, the Transfer Board approved the transfer to Harry Shallcross Express Co., a corporation, Kenilworth, N.J., of the operating rights in Certificate No. MC–75627, issued June 2, 1942, to Harry Shallcross, doing business as H. Shallcross Express, Kenilworth, N.J., authorizing the transportation, over irregular routes, of: General commodities, except those of unusual value, and except dangerous explosives, household goods as defined in Practices of Motor Common Carriers of Household Goods, 17 M.C.C. 467, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading, between New York, N.Y., on the one hand, and, on the other, points and places in Passaic, Bergen, Essex, Union, and Morris Counties, N.J., between Newark, N.J., on the one hand, and, on the other, points and places in Rockland County, N.Y., and Bergen, Passaic, Essex, Union, and Hudson Counties, N.J. Herman B. J. Weckstein, 1060 Broad Street, Newark 2, N.J., attorney for applicants.

[SEAL] BERTHA F. ARMES, *Acting Secretary.*

[F.R. Doc. 65–4891; Filed, May 7, 1965; 8:47 a.m.]

[Notice 767]

APPLICATIONS BY MOTOR CARRIERS OF PROPERTY OR PASSENGERS

MAY 7, 1965.

The following applications are governed by the Interstate Commerce Commission's special rules governing notice of filing of applications by motor carriers of property or passengers under sections 5(a) and 210a(b) of the Interstate Commerce Act, and certain other proceedings with respect thereto (49 CFR 1.240).

MOTOR CARRIERS OF PROPERTY

No. MC–F–9013. (MITCHELL TRANSPORT, INC.—PURCHASE (PORTION)—JIM'S TRANSFER, INC.), published in the February 3, 1965, issue of the FEDERAL REGISTER, on page 1145. Applicants, by second supplement and amendment to the application filed April 20, 1965, and in accord with order dated April 28, 1965, by the Commission, Finance Board No. 1, were authorized to purchase the following additional operating rights: *Asphaltum, brick, cement, doors (glazed and unglazed), lath, lumber, lime, paper (building or roofing), pipe (clay or concrete), paint, plaster, plaster board, plywood, roofing (composition), sash, shingles (wooden or composition), stone (artificial), building tile,* and *wall board,* as a *common carrier,* over irregular routes, between points in Spokane County, Wash., on the one hand, and, on the other, points in Boundary, Bonner, Kootenai, Benewah, Latah, Shoshone, Nez Perce, Idaho, and Lewis Counties, Idaho.

By the Commission.

[SEAL] BERTHA F. ARMES, *Acting Secretary.*

[F.R. Doc. 65–4892; Filed, May 7, 1965; 9:29 a.m.]

Calif., seeks authority under section 214 of the Interstate Commerce Act to issue

Atchison and Holt Counties, Mo., on the one hand, and, on the other, points in

the transfer to Charles D. Carew, doing business as Standard Transfer & Storage; 1445 North Second Street, Stevens Point,

CUMULATIVE LIST OF CFR PARTS AFFECTED—MAY

The following numerical guide is a list of the parts of each title of the Code of Federal Regulations affected by documents published to date during May.

3 CFR (Page)
EXECUTIVE ORDER:
Apr. 19, 1892 (revoked in part by PLO 3656) 6437
823 (see EO 11220) 6425
11219 6381
11126 (amended by EO 11221) 6427
11220 6425
11221 6427

4 CFR
52 6429

5 CFR
213 6215, 6241, 6337
332 6337

7 CFR
54 6207
55 6141, 6207
56 6207
70 6207
81 6207
210 6207
301 6243, 6245
354 6429
707 6246
717 6144
724 6144, 6146, 6207
842 6338
862 6247
863 6248
864 6248
908 6148, 6429
909 6430
910 6148, 6430
918 6431
965 6338
1421 6338
1468 6383
1472 6383
1488 6249
PROPOSED RULES:
28 6255
31 6350
70 6395
Ch. IX 6355, 6438
930 6255
1040 6163
1042 6163

9 CFR
PROPOSED RULES:
201 6360

12 CFR (Page)
12 6160
204 6339
PROPOSED RULES:
261 6275
262 6275

14 CFR
39 6150, 6431
71 6150, 6215, 6241, 6384–6387
73 6242, 6387, 6388
75 6150, 6241, 6242, 6432
91 6388
97 6151, 6329
99 6242
121 6432
127 6432
PROPOSED RULES:
39 6188, 6274
67 6188
71 6189, 6225, 6397, 6399, 6400, 6402, 6443
73 6402, 6444
75 6443

16 CFR
PROPOSED RULES:
303 6275

19 CFR
10 6149

21 CFR
121 6215, 6339, 6389, 6433
144 6389

25 CFR
PROPOSED RULES:
1 6438

26 CFR
1 6216, 6340
250 6217
PROPOSED RULES:
1 6222, 6349
31 6222
301 6222

29 CFR
50 6249
604 6218
608 6218
PROPOSED RULES:
657 6224
697 6225
1501 6397
1502 6397
1503 6397

32 CFR (Page)
163 6161
516 6341
815 6343
882 6343

33 CFR
80 6433
82 6434
86 6434
95 6434
135 6434
203 6161, 6388
207 6161

36 CFR
211 6345
311 6161

37 CFR
1 6391

38 CFR
1 6435
2 6392
14 6392

39 CFR
4 6436
36 6436
37 6436
43 6436

43 CFR
PUBLIC LAND ORDERS:
3655 6392
3656 6437

45 CFR
130 6393

47 CFR
0 6250
2 6219, 6388
15 6250
73 6251
PROPOSED RULES:
2 6226
73 6274, 6275

49 CFR
95 6220
97 6394
141 6162

50 CFR
33 6344
60 6149
PROPOSED RULES:
32 6224

MAY 14 1965
MAIN READING ROOM

MAY 14 1965
MAIN
READING ROOM

FEDERAL REGISTER

VOLUME 30 • NUMBER 90

Tuesday, May 11, 1965 • Washington, D.C.

Pages 6463–6506

Agencies in this issue—

The President
Atomic Energy Commission
Civil Service Commission
Commerce Department
Consumer and Marketing Service
Federal Aviation Agency
Federal Communications Commission
Federal Maritime Commission
Federal Power Commission
Food and Drug Administration
Immigration and Naturalization Service
Internal Revenue Service
Interstate Commerce Commission
Land Management Bureau
Securities and Exchange Commission
Small Business Administration
Smithsonian Institution
Wage and Hour Division

Detailed list of Contents appears inside.



THE NATIONAL ARCHIVES OF THE UNITED STATES • 1934 •

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(As of January 1, 1965)

Title 14—Aeronautics and Space (Parts 1–39) (Revised)... $1.25

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Contents

THE PRESIDENT

PROCLAMATION

Armed Forces Day 6467

EXECUTIVE ORDER

Prescribing standards of ethical conduct for Government officers and employees 6469

EXECUTIVE AGENCIES

AGRICULTURE DEPARTMENT

See Consumer and Marketing Service.

ATOMIC ENERGY COMMISSION

Rules and Regulations

Procurement regulations; miscellaneous amendments 6483

Notices

General Dynamics Corp.; issuance of construction permit 6497

CIVIL SERVICE COMMISSION

Rules and Regulations

State Department; excepted service 6478

COMMERCE DEPARTMENT

Notices

Nondiscrimination in programs and activities; correction 6503

CONSUMER AND MARKETING SERVICE

Rules and Regulations

Carrots grown in South Texas; shipment limitations 6479

Lemons grown in California and Arizona; handling limitations 6479

National School Lunch Program; second apportionment of food assistance funds; correction 6479

Notices

Certain humanely slaughtered livestock; identification of carcasses; changes in lists of establishments 6496

FEDERAL AVIATION AGENCY

Rules and Regulations

Federal airway; designation 6478

FEDERAL COMMUNICATIONS COMMISSION

Notices

Canadian-U.S.A. television agreement:

List of changes, additions and corrections in assignments 6491

Working arrangement for allocation of VHF television broadcast stations 6493

Standard broadcast application ready and available for processing 6491

Hearings, etc.:

American Telephone and Telegraph Co. (2 documents) 6492, 6493

United Broadcasting Co., Inc. 6492

WEPA–TV, Inc. (WEPA–TV) and Jet Broadcasting Co., Inc 6492

WHOO Radio, Inc. (WHOO) 6492

FEDERAL MARITIME COMMISSION

Notices

International Movers' Rate Agreement; notice of filing for approval 6503

FEDERAL POWER COMMISSION

Notices

Hearings, etc.:

Escondido Mutual Water Co., and City of Escondido, Calif. 6501

Gulf Oil Corp., et al 6498

Iowa Public Service Co 6502

Michigan Gas and Electric Co. 6502

Sunset International Petroleum Corp 6502

FOOD AND DRUG ADMINISTRATION

Rules and Regulations

Drugs; current good manufacturing practice in manufacture, processing, packing, or holding; medicated animal feeds 6475

Food additives:

Defoaming agents used in manufacture of paper and paperboard 6478

Resinous and polymeric coatings 6478

Technical white mineral oil 6477

Proposed Rule Making

Lakes of color additives 6490

Notices

Carlisle Chemical Works; filing of petitions for food additives adhesives 6498

New drugs; approval of applications 6497

HEALTH, EDUCATION, AND WELFARE DEPARTMENT

See Food and Drug Administration.

IMMIGRATION AND NATURALIZATION SERVICE

Rules and Regulations

Nonimmigrant classes; approval of schools 6479

INTERIOR DEPARTMENT

See Land Management Bureau.

INTERNAL REVENUE SERVICE

Rules and Regulations

Income tax; records and accounts of United States shareholders 6480

Proposed Rule Making

Income tax:

Dividend and interest information reporting 6488

Rules for determining stock ownership 6486

INTERSTATE COMMERCE COMMISSION

Rules and Regulations

General rules of practice; briefs 6485

Notices

Fourth section application for relief 6504

Motor carrier transfer proceedings (2 documents) 6504, 6505

JUSTICE DEPARTMENT

See Immigration and Naturalization Service.

LABOR DEPARTMENT

See Wage and Hour Division.

LAND MANAGEMENT BUREAU

Notices

Alaska; request for amendment of public land orders 6496

Outer Continental Shelf, Texas; call for nominations of areas for sulphur leasing 6496

SECURITIES AND EXCHANGE COMMISSION

Notices

Hearings, etc.:

Roosevelt Field, Inc 6498

Webb and Knapp, Inc 6498

SMALL BUSINESS ADMINISTRATION

Notices

Illinois; declaration of disaster area 6503

SMITHSONIAN INSTITUTION

Rules and Regulations

Vehicle parking 6482

TREASURY DEPARTMENT

See Internal Revenue Service.

WAGE AND HOUR DIVISION

Rules and Regulations

Puerto Rico; fabricated plastic products industry; wage rates 6482

List of CFR Parts Affected

(Codification Guide)

The following numerical guide is a list of the parts of each title of the Code of Federal Regulations affected by documents published in today's issue. A cumulative list of parts affected, covering the current month to date, appears at the end of each issue beginning with the second issue of the month.

A cumulative guide is published separately at the end of each month. The guide lists the parts and sections affected by documents published since January 1, 1965, and specifies how they are affected.

3 CFR

PROCLAMATIONS:
3172 (superseded by Proc. 3655) ... 6467
3395 (superseded by Proc. 3655) ... 6467
3655 ... 6467

EXECUTIVE ORDERS:
10530 (revoked in part by EO 11222) ... 6469
10939 (revoked by EO 11222) ... 6469
11125 (revoked by EO 11222) ... 6469
11222 ... 6469

PRESIDENTIAL DOCUMENTS OTHER THAN PROCLAMATIONS AND EXECUTIVE ORDERS:
Memorandum of July 20, 1961 (revoked by EO 11222) ... 6469
Memorandum of May 2, 1963 (revoked by EO 11222) ... 6469

5 CFR

213 ... 6478

7 CFR

210 ... 6479
910 ... 6479
970 ... 6479

8 CFR

214 ... 6479

14 CFR

71 ... 6478

21 CFR

121 (3 documents) ... 6477, 6478
133 ... 6475

PROPOSED RULES:
8 ... 6480

26 CFR

1 ... 6480

PROPOSED RULES:
1 (2 documents) ... 6486, 6488

29 CFR

690 ... 6482

36 CFR

502 ... 6482

41 CFR

9–1 ... 6483

49 CFR

1 ... 6485

Presidential Documents

Title 3—THE PRESIDENT

Proclamation 3655

ARMED FORCES DAY

By the President of the United States of America

A Proclamation

WHEREAS the safety of our cherished freedom rests in large measure upon the capabilities of our Armed Forces to forestall totalitarian aggression; and

WHEREAS the Armed Forces of the United States serve as a unified team, at home and at outposts throughout the world, insuring our own security and the security of our friends abroad, and fostering the settlement of international differences by peaceful processes; and

WHEREAS enlightened understanding and unstinting support of our Armed Forces by an informed American people are vital to the strength and vigor of our Armed Forces; and

WHEREAS our soldiers, sailors, airmen, marines, and coastguardsmen, from whom we ask so much, are the cornerstone of our military might and richly deserve to have a special day set aside in their honor:

NOW, THEREFORE, I, LYNDON B. JOHNSON, President of the United States of America and Commander in Chief of the Armed Forces of the United States, do hereby proclaim the third Saturday of May in 1965 and the third Saturday of May in each succeeding year as Armed Forces Day.

I direct the Secretary of Defense on behalf of the Army, the Navy, the Air Force, and the Marine Corps, and the Secretary of the Treasury on behalf of the Coast Guard, to designate that day each year for appropriate observances. The Secretary of Defense, as my personal representative, shall be responsible for the program contemplated by this proclamation and for soliciting the participation and cooperation in its execution by civil authorities and distinguished private citizens.

I invite the Governors of the States, the Commonwealth of Puerto Rico, and other areas subject to the jurisdiction of the United States, and the Commissioners of the District of Columbia, to provide for the observance of Armed Forces Day within their jurisdictions each year in an appropriate manner designed to enhance public understanding and appreciation of the Armed Forces of the United States as defenders of freedom at home and abroad.

I call upon my fellow Americans to display the flag of the United States at their homes on Armed Forces Day. I invite them to take part in observances planned by personnel of the Armed Forces as a report to the Nation which they are sworn to protect.

Proclamation No. 3172 of March 5, 1957, and Proclamation No. 3399 of March 18, 1961, are hereby superseded.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the United States of America to be affixed.

DONE at the City of Washington this seventh day of May in the year of our Lord nineteen hundred and sixty-five, and of the Independence of the United States of America the one hundred and eighty-ninth.

[SEAL]

LYNDON B. JOHNSON

By the President:

DEAN RUSK,
Secretary of State.

[F.R. Doc. 65–5014; Filed, May 10, 1965; 10:28 a.m.]

Executive Order 11222

PRESCRIBING STANDARDS OF ETHICAL CONDUCT FOR GOVERNMENT OFFICERS AND EMPLOYEES

By virtue of the authority vested in me by Section 301 of Title 3 of the United States Code, and as President of the United States, it is hereby ordered as follows:

PART I—POLICY

SECTION 101. Where government is based on the consent of the governed, every citizen is entitled to have complete confidence in the integrity of his government. Each individual officer, employee, or adviser of government must help to earn and must honor that trust by his own integrity and conduct in all official actions.

PART II—STANDARDS OF CONDUCT

SECTION 201. (a) Except in accordance with regulations issued pursuant to subsection (b) of this section, no employee shall solicit or accept, directly or indirectly, any gift, gratuity, favor, entertainment, loan, or any other thing of monetary value, from any person, corporation, or group which—

(1) has, or is seeking to obtain, contractual or other business or financial relationships with his agency;

(2) conducts operations or activities which are regulated by his agency; or

(3) has interests which may be substantially affected by the performance or nonperformance of his official duty.

(b) Agency heads are authorized to issue regulations, coordinated and approved by the Civil Service Commission, implementing the provisions of subsection (a) of this section and to provide for such exceptions therein as may be necessary and appropriate in view of the nature of their agency's work and the duties and responsibilities of their employees. For example, it may be appropriate to provide exceptions (1) governing obvious family or personal relationships where the circumstances make it clear that it is those relationships rather than the business of the persons concerned which are the motivating factors—the clearest illustration being the parents, children or spouses of federal employees; (2) permitting acceptance of food and refreshments available in the ordinary course of a luncheon or dinner or other meeting or on inspection tours where an employee may properly be in attendance; or (3) permitting acceptance of loans from banks or other financial institutions on customary terms to finance proper and usual activities of employees, such as home mortgage loans. This section shall be effective upon issuance of such regulations.

(c) It is the intent of this section that employees avoid any action, whether or not specifically prohibited by subsection (a), which might result in, or create the appearance of—

(1) using public office for private gain;

(2) giving preferential treatment to any organization or person;

(3) impeding government efficiency or economy;

(4) losing complete independence or impartiality of action;

(5) making a government decision outside official channels; or

(6) affecting adversely the confidence of the public in the integrity of the Government.

SEC. 202. An employee shall not engage in any outside employment, including teaching, lecturing, or writing, which might result in a conflict, or an apparent conflict, between the private interests of the

employee and his official government duties and responsibilities. [illegible]

employee and his official government duties and responsibilities, although such teaching, lecturing, and writing by employees are generally to be encouraged so long as the laws, the provisions of this order, and Civil Service Commission and agency regulations covering conflict of interest and outside employment are observed.

SEC. 203. Employees may not (a) have direct or indirect financial interests that conflict substantially, or appear to conflict substantially, with their responsibilities and duties as Federal employees, or (b) engage in, directly or indirectly, financial transactions as a result of, or primarily relying upon, information obtained through their employment. Aside from these restrictions, employees are free to engage in lawful financial transactions to the same extent as private citizens. Agencies may, however, further restrict such transactions in the light of the special circumstances of their individual missions.

SEC. 204. An employee shall not use Federal property of any kind for other than officially approved activities. He must protect and conserve all Federal property, including equipment and supplies, entrusted or issued to him.

SEC. 205. An employee shall not directly or indirectly make use of, or permit others to make use of, for the purpose of furthering a private interest, official information not made available to the general public.

SEC. 206. An employee is expected to meet all just financial obligations, especially those—such as Federal, State, or local taxes—which are imposed by law.

PART III—STANDARDS OF ETHICAL CONDUCT FOR SPECIAL GOVERNMENT EMPLOYEES

SECTION 301. This part applies to all "special Government employees" as defined in Section 202 of Title 18 of the United States Code, who are employed in the Executive Branch.

SEC. 302. A consultant, adviser or other special Government employee must refrain from any use of his public office which is motivated by, or gives the appearance of being motivated by, the desire for private gain for himself or other persons, including particularly those with whom he has family, business, or financial ties.

SEC. 303. A consultant, adviser, or other special Government employee shall not use any inside information obtained as a result of his government service for private personal gain, either by direct action on his part or by counsel, recommendations or suggestions to others, including particularly those with whom he has family, business, or financial ties.

SEC. 304. An adviser, consultant, or other special Government employee shall not use his position in any way to coerce, or give the appearance of coercing, another person to provide any financial benefit to him or persons with whom he has family, business, or financial ties.

SEC. 305. An adviser, consultant, or other special Government employee shall not receive or solicit from persons having business with his agency anything of value as a gift, gratuity, loan or favor for himself or persons with whom he has family, business, or financial ties while employed by the government or in connection with his work with the government.

SEC. 306. Each agency shall, at the time of employment of a consultant, adviser, or other special Government employee require him to supply it with a statement of all other employment. The statement shall list the names of all the corporations, companies, firms, State or local governmental organizations, research organizations and educational or other institutions in which he is serving as employee, officer, member, owner, director, trustee, adviser, or consultant. In addition, it shall list such other financial information as the appointing department or agency shall decide is relevant in the light of the duties the appointee is to perform. The appointee may, but need not, be required to reveal precise amounts of investments. The statement shall be kept current throughout the period during which the employee is on the Government rolls.

PART IV—REPORTING OF FINANCIAL INTERESTS

SECTION 401. (a) Not later than ninety days after the date of this order, the head of each agency, each Presidential appointee in the Executive Office of the President who is not subordinate to the head of an agency in that Office, and each full-time member of a committee, board, or commission appointed by the President, shall submit to the Chairman of the Civil Service Commission a statement containing the following:

(1) A list of the names of all corporations, companies, firms, or other business enterprises, partnerships, nonprofit organizations, and educational or other institutions—

(A) with which he is connected as an employee, officer, owner, director, trustee, partner, adviser, or consultant; or

(B) in which he has any continuing financial interests, through a pension or retirement plan, shared income, or otherwise, as a result of any current or prior employment or business or professional association; or

(C) in which he has any financial interest through the ownership of stocks, bonds, or other securities.

(2) A list of the names of his creditors, other than those to whom he may be indebted by reason of a mortgage on property which he occupies as a personal residence or to whom he may be indebted for current and ordinary household and living expenses.

(3) A list of his interests in real property or rights in lands, other than property which he occupies as a personal residence.

(b) Each person who enters upon duty after the date of this order in an office or position as to which a statement is required by this section shall submit such statement not later than thirty days after the date of his entrance on duty.

(c) Each statement required by this section shall be kept up to date by submission of amended statements of any changes in, or additions to, the information required to be included in the original statement, on a quarterly basis.

SEC. 402. The Civil Service Commission shall prescribe regulations, not inconsistent with this part, to require the submission of statements of financial interests by such employees, subordinate to the heads of agencies, as the Commission may designate. The Commission shall prescribe the form and content of such statements and the time or times and places for such submission.

SEC. 403. (a) The interest of a spouse, minor child, or other member of his immediate household shall be considered to be an interest of a person required to submit a statement by or pursuant to this part.

(b) In the event any information required to be included in a statement required by or pursuant to this part is not known to the person required to submit such statement but is known to other persons, the person concerned shall request such other persons to submit the required information on his behalf.

(c) This part shall not be construed to require the submission of any information relating to any person's connection with, or interest in, any professional society or any charitable, religious, social, fraternal, educational, recreational, public service, civic, or political organization or any similar organization not conducted as a business enterprise and which is not engaged in the ownership or conduct of a business enterprise.

SEC. 404. The Chairman of the Civil Service Commission shall report to the President any information contained in statements required by Section 401 of this part which may indicate a conflict between the financial interests of the official concerned and the performance of his services for the Government. The Commission shall report, or by regulation require reporting, to the head of the agency concerned any information contained in statements submitted pursuant to regulations issued under Section 402 of this part which may indicate a conflict between the financial interests of the officer or employee concerned and the performance of his services for the Government.

SEC. 405. The statements and amended statements required by or pursuant to this part shall be held in confidence, and no information as to the contents thereof shall be disclosed except as the Chairman of the Civil Service Commission or the head of the agency concerned may determine for good cause shown.

SEC. 406. The statements and amended statements required by or pursuant to this part shall be in addition to, and not in substitution for, or in derogation of, any similar requirement imposed by law, regulation, or order. The submission of a statement or amended statements required by or pursuant to this part shall not be deemed to permit any person to participate in any matter in which his participation is prohibited by law, regulation, or order.

PART V—DELEGATING AUTHORITY OF THE PRESIDENT UNDER SECTIONS 205 AND 208 OF TITLE 18 OF THE UNITED STATES CODE RELATING TO CONFLICTS OF INTEREST

SECTION 501. As used in this part, "department" means an executive department, "agency" means an independent agency or establishment or a Government corporation, and "head of an agency" means, in the case of an agency headed by more than one person, the chairman or comparable member of such agency.

SEC. 502. There is delegated, in accordance with and to the extent prescribed in Sections 503 and 504 of this part, the authority of the President under Sections 205 and 208(b) of Title 18, United States Code, to permit certain actions by an officer or employee of the Government, including a special Government employee, for appointment to whose position the President is responsible.

SEC. 503. Insofar as the authority of the President referred to in Section 502 extends to any appointee of the President subordinate to or subject to the chairmanship of the head of a department or agency, it is delegated to such department or agency head.

SEC. 504. Insofar as the authority of the President referred to in Section 502 extends to an appointee of the President who is within or attached to a department or agency for purposes of administration, it is delegated to the head of such department or agency.

SEC. 505. Notwithstanding any provision of the preceding sections of this part to the contrary, this part does not include a delegation of the authority of the President referred to in Section 502 insofar as it extends to:

(a) The head of any department or agency in the Executive Branch;

(b) Presidential appointees in the Executive Office of the President who are not subordinate to the head of an agency in that Office; and

(c) Presidential appointees to committees, boards, commissions, or similar groups established by the President.

PART VI—PROVIDING FOR THE PERFORMANCE BY THE CIVIL SERVICE COMMISSION OF CERTAIN AUTHORITY VESTED IN THE PRESIDENT BY SECTION 1753 OF THE REVISED STATUTES

SECTION 601. The Civil Service Commission is designated and empowered to perform, without the approval, ratification, or other action of the President, so much of the authority vested in the President by Section 1753 of the Revised Statutes of the United States (5 U.S.C. 631) as relates to establishing regulations for the conduct of persons in the civil service.

SEC. 602. Regulations issued under the authority of Section 601 shall be consistent with the standards of ethical conduct provided elsewhere in this order.

PART VII—GENERAL PROVISIONS

SECTION 701. The Civil Service Commission is authorized and directed, in addition to responsibilities assigned elsewhere in this order:

(a) To issue appropriate regulations and instructions implementing Parts II, III, and IV of this order;

(b) To review agency regulations from time to time for conformance with this order; and

(c) To recommend to the President from time to time such revisions in this order as may appear necessary to ensure the maintenance of high ethical standards within the Executive Branch.

SEC. 702. Each agency head is hereby directed to supplement the standards provided by law, by this order, and by regulations of the Civil Service Commission with regulations of special applicability to the particular functions and activities of his agency. Each agency head is also directed to assure (1) the widest possible distribution of regulations issued pursuant to this section, and (2) the availability of counseling for those employees who request advice or interpretation.

SEC. 703. The following are hereby revoked:

(a) Executive Order No. 10939 of May 5, 1961.

(b) Executive Order No. 11125 of October 29, 1963.

(c) Section 2(a) of Executive Order No. 10530 of May 10, 1954.

(d) White House memorandum of July 20, 1961, on "Standards of Conduct for Civilian Employees."

(e) The President's Memorandum of May 2, 1963, "Preventing Conflicts of Interest on the Part of Special Government Employees." The effective date of this revocation shall be the date of issuance by the Civil Service Commission of regulations under Section 701(a) of this order.

SEC. 704. All actions heretofore taken by the President or by his delegates in respect of the matters affected by this order and in force at the time of the issuance of this order, including any regulations prescribed or approved by the President or by his delegates in respect of such matters, shall, except as they may be inconsistent with the provisions of this order or terminate by operation of law, remain in effect until amended, modified, or revoked pursuant to the authority conferred by this order.

SEC. 705. As used in this order, and except as otherwise specifically provided herein, the term "agency" means any executive department, or any independent agency or any Government corporation; and the term "employee" means any officer or employee of an agency.

LYNDON B. JOHNSON

THE WHITE HOUSE,
May 8, 1965.

[F.R. Doc. 65-5018; Filed, May 10, 1965; 10:39 a.m.]

Rules and Regulations

Title 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

PART 133—DRUGS; CURRENT GOOD MANUFACTURING PRACTICE IN MANUFACTURE, PROCESSING, PACKING, OR HOLDING

Medicated Animal Feeds; Final Order

In the matter of the promulgation of regulations to establish criteria for current good manufacturing practice in the manufacture, processing, packing, or holding of medicated animal feed:

Having considered the comments, objections, and suggestions filed in response to the notice of proposed rulemaking in the above-identified matter published in the FEDERAL REGISTER of August 13, 1964 (29 F.R. 11628), the Commissioner of Food and Drugs has concluded that the proposed regulations should be issued, incorporating some of the suggested changes in whole or in part, as shown by the order hereinafter set forth. Therefore, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (secs. 501(a)(2)(B), 701(a); 52 Stat. 1050 as amended 76 Stat. 780, 781; 1055; 21 U.S.C. 351(a)(2)(B), 371(a)), and under the authority delegated to the Commissioner by the Secretary of Health, Education, and Welfare (21 CFR 2.90): *It is ordered*, That Part 133 be amended as follows:

1. Section 133.1 is amended by adding thereto a new paragraph (c) as follows:

§ 133.1 **Definitions.**

* * * * *

(c) As used in this Part 133, the term "medicated feed" means any "complete feed," "feed additive supplement," or "feed additive concentrate," as defined in § 121.200 of this chapter, which feed contains one or more drugs as defined in section 201(g) of the act. The term "medicated feed" does not include any undiluted drug of "premix," as defined in § 121.200 of this chapter, intended for manufacturing use in the production of a medicated feed, since these are subject to §§ 133.3–133.14, inclusive.

2. Part 133 is amended by adding thereto the following new sections under the center heading indicated:

MEDICATED FEEDS; MANUFACTURING PRACTICE

Sec.

133.100 Current good manufacturing practice.
133.101 Buildings.
133.102 Equipment.
133.103 Personnel.
133.104 Components.
133.105 Formula and production records.
133.106 Production and control procedures.
133.107 Packaging and labeling.
133.108 Laboratory controls.
133.109 Distribution records.
133.110 Complaint files.

MEDICATED FEEDS; MANUFACTURING PRACTICE

§ 133.100 **Current good manufacturing practice.**

The criteria in §§ 133.101–133.110, inclusive, shall apply in determining whether the methods used in, or the facilities and controls used for, the manufacture, processing, packing, or holding of a medicated feed conform to or are operated or administered in conformity with current good manufacturing practice to assure that a medicated feed meets the requirements of the act as to safety, and has the identity and strength, and meets the quality and purity characteristics which it purports or is represented to possess, as required by section 501(a)(2)(B) of the act. The regulations in this Part 133 permit the use of precision, automatic, mechanical, or electronic equipment in the production of a medicated feed when adequate inspection and checking procedures are used to assure proper performance.

§ 133.101 **Buildings.**

Buildings in which medicated feeds are manufactured, processed, packaged, labeled, or held shall be maintained in a reasonably clean and orderly manner and shall be of suitable size, construction, and location in relation to surroundings to facilitate maintenance and operation for their intended purpose. The buildings shall:

(a) Provide adequate space for the orderly placement of equipment and materials used in any of the following operations for which they are employed, to minimize any risk of mixups between different medicated feeds, their components, packaging, or labeling:

(1) The receipt, control, and storage of components.

(2) Any manufacturing and processing operations performed on the medicated feed.

(3) Any packaging and labeling operations.

(4) Storage of containers, packaging materials, labeling, and finishing products.

(b) Provide adequate lighting and other physical facilities necessary to prevent unsafe contamination of raw materials and finished products before, during, and after production.

(c) Provide for adequate washing, cleaning, toilet, and locker facilities.

Work areas and equipment used for the production of medicated feeds or for the storage of the components of medicated feeds shall not be used for the production, mixing, or storage of finished or unfinished insecticides, fungicides, or rodenticides or their components.

§ 133.102 **Equipment.**

Equipment used for the manufacture, processing, packaging, bulk shipment, labeling, holding, or control of medicated feeds or their components shall be maintained in a reasonably clean and orderly manner and shall be of suitable design, size, construction, and location in relation to surroundings to facilitate maintenance and operation for its intended purpose. The equipment shall:

(a) Be so constructed that any surfaces that come into contact with medicated feeds are suitable, in that they are not reactive, additive, or absorptive to an extent that significantly affects the identity, strength, quality, or purity of the medicated feed or its components.

(b) Be so constructed that any substance required for the operation of the equipment, such as lubricants, coolants, etc., may be employed without hazard of becoming an unsafe additive to the medicated feed.

(c) Be constructed to facilitate adjustment, cleaning, and maintenance, and to assure uniformity of production and reliability of control procedures and to assure the exclusion from medicated feeds of unsafe contamination, including cross-contamination from manufacturing operations.

(d) Be suitably grounded electrically to prevent lack of uniform mixing due to electrically charged particles.

(e) Be of suitable size and accuracy for use in any intended measuring, mixing, or weighing operations.

§ 133.103 **Personnel.**

The key employees and/or consultants responsible for the formulation, manufacture, and control of the medicated feed shall have a background of education or experience or a combination thereof that is adequate to assure proper composition and labeling of the medicated feeds.

§ 133.104 **Components.**

(a) Drug components, including undiluted drugs and any intermediate mixes containing drugs used in the manufacture and processing of medicated feeds, shall be received, stored, handled, and otherwise controlled in a manner to maintain the integrity and identification of such articles. Appropriate receipt and inventory records shall be maintained for 1 year and such records shall show the origin of any drug components, the batches in which they were used, and the results of any testing of them by or on behalf of the medicated-feed manufacturer.

(b) Nondrug components shall be stored and otherwise handled in a manner to avoid unsafe contamination, including cross-contamination from manufacturing operations.

(c) Statements relating to the identification and the quantitative composition appearing on the labels of undiluted drugs or other drug components received by the medicated-feed manufacturer from other suppliers may be relied upon by the medicated-feed manufacturer as acceptable evidence of the identity and composition of the drug or drug com-

ponents in lieu of actual testing of each such drug or drug component if such re-

justment of the equipment involved in continuous production processes; and

drug application or antibiotic form 10

ponents in lieu of actual testing of each such drug or drug component if such reliance is made in good faith.

§ 133.105 Formula and production records.

(a) For each medicated feed, a master formula record or card shall be prepared, checked, and maintained by a responsible key employee and retained for at least 1 year after production of the last batch. The formula record or card shall include at least the following:

(1) The name of the medicated feed, together with any other information necessary for the correct identification of the feed.

(2) The weight or measure of each ingredient, adequately identified, to be used in manufacturing a stated weight of the medicated feed.

(3) A copy, description, or notation adequately identifying the label, labeling, or placard necessary to be used on or with the complete medicated feed.

(4) Manufacturing instructions for each medicated feed produced on a batch or continuous operation basis, including mixing steps, mixing times, and batch formulas that have been determined to yield an adequately mixed medicated feed; and in the case of medicated feeds produced by continuous production run, any additional manufacturing directions including, when indicated, the settings of equipment that have been determined to yield an adequately mixed medicated feed of the specified formula.

(5) Appropriate control directions, including the manner and frequency with which any necessary samples of the medicated feed are to be taken for specified laboratory tests, the criteria for using laboratory test results to change formulations or manufacturing procedures, and the procedures to be observed to avoid unsafe contamination of the medicated feed with other medicated feeds or drug components.

(b) A production record shall be prepared for each batch or run of medicated feed produced, and shall be retained for at least 1 year. The production record shall include:

(1) Product identification, date of production, and endorsement by a responsible individual.

(2) A record of the quantity of drug components used.

(3) A record of the quantity of medicated feed produced.

(c) In the case of a customer-formula feed made to the specifications of a customer, the formula and production records required by this section may consist of copies of customers' purchase orders and sellers' invoices bearing the information required by this section.

§ 133.106 Production and control procedures.

Production and control procedures shall include all reasonable precautions, including the following, to assure that the medicated feeds produced are of proper composition and labeling:

(a) Each critical step in the process, such as the selection, weighing, and measuring of components; the addition of drugs or components during the process; the control of mixing times; the adjustment of the equipment involved in continuous production processes; and the determination of the finished yield, shall be performed in a manner that has been determined by appropriate methods, including laboratory testing of the medicated feed, to be adequate to assure the integrity of the final product. If such steps in the processing are controlled by precision, automatic, mechanical, or electronic equipment, provision shall be made to adequately check its performance.

(b) All containers to be used for undiluted drugs, drug components, intermediate mixtures, and finished feeds shall be received, adequately identified, and properly stored and handled in a manner adequate to prevent mixups or contamination.

(c) Equipment, including dust-control and other equipment, such as that used for holding and returning recovered or flush-out materials back into production, shall be maintained and operated in such a manner as to prevent unsafe contamination of the medicated feed.

(d) The steps used to prevent unsafe contamination of medicated feed include one or more of the following, or other equally effective procedures:

(1) Cleaning of those parts of storage, mixing, conveying, and any other equipment coming in contact with the drug component of the medicated feed for the purpose of cleaning out of the equipment any drug, drug component, or medicated feed prior to the use of the same equipment for the production of a different medicated feed.

(2) The cleaning of the equipment as required in subparagraph (1) of this paragraph, may be achieved by flushing all feed-contacting surfaces of such equipment used in the production of a medicated feed with a quantity of an appropriate drug-free feedstuff that has been found sufficient to remove any significant quantity of a drug component or an intermediate mix or complete medicated feed prior to the production of a different medicated feed. The yield from any such flushing operation may be incorporated in appropriate amounts in the subsequent production of a medicated feed intended to contain the same drug component (or components) to produce a complete medicated feed conforming to its composition and labeling specifications.

(e) If there is sequential production of batches of a medicated feed containing the same drug component (or components) at the same or lower levels, there shall be sufficient safeguards to avoid any buildup above the specified levels of the drug components in any of the batches of the complete feed.

(f) A sampling and assay schedule on the finished medicated feed, or a schedule at least as reliable, for checking on the composition of the finished article shall be applied as follows:

(1) In the case of a medicated feed that requires an approved new-drug application or antibiotic form 10 for its manufacture and marketing, the schedule of assays established in such application shall be used.

(2) In the case of a medicated feed that does not require an approved new-drug application or antibiotic form 10 for its marketing, three appropriately drawn samples from each 400 tons of such medicated feeds produced shall be taken at appropriately spaced intervals over the production period, and, in any event, not less than three such samples of each particular medicated feed during any 1 year shall be collected and analyzed. For the purposes of this subparagraph, the term "each particular medicated feed" shall be construed to include all feeds containing the same drug component (or the same mixture of components) at different levels. The collection and analysis of samples shall be from the medicated feed containing the highest level of the drug component (or mixture of components).

(3) A medicated feed covered by subparagraph (2) of this paragraph shall be exempt from the prescribed sampling and analytical schedule under the following conditions:

(i) The manufacturing practices used in the production of the medicated feed were consistent with the regulations of this part; and

(ii) The manufacturer of the medicated feed has produced at least 3 batches of such feed conforming to composition and labeling specifications during the 1-year period immediately preceding the date of manufacture of the feed and during that period has not been notified by the Food and Drug Administration or any State regulatory official that his manufacturing practices were in conflict with section 501(a)(2)(B) of the act or the regulations of this part and has not distributed a medicated feed during that period which has been proceeded against under the act because of failure of such feed to comply with its composition or labeling requirements or which has been analyzed by any State official and found to be deficient; and

(iii) The medicated feed contains only, as the drug component (or components), a low-level growth-promotion antibiotic (or antibiotics) as provided by and in accordance with the regulations in Part 121 of this chapter; it was manufactured from a feed additive premix, feed additive concentrate, or feed additive supplement that, at the time of receipt by the medicated-feed manufacturer, bore a label, or was accompanied by labeling, containing a quantitative composition statement of its antibiotic content together with directions for its use in the manufacturing of a legal medicated feed; and the medicated-feed manufacturer, in good faith, relied upon and followed the feed additive premix, concentrate, or supplement label or labeling information and directions for use in the manufacturing of the medicated feed; or

(iv) The medicated feed contains only, as the drug component (or components), a drug (or drugs) as provided by and in accordance with the regulations in Part 121 of this chapter; it was manufactured from a feed additive concentrate or feed additive supplement that, at the time of receipt by the medicated-feed manufacturer, bore a label, or was accompanied by labeling, containing the quantitative composition of its drug content together with directions for its use in the manufacturing of a legal medicated feed; and the medicated-feed manufacturer, in good faith, relied upon and followed the feed additive concentrate or supplement label or labeling information and directions for use in the manufacturing of the medicated feed; or

(v) The medicated feed contains only drug components as provided by and in accordance with the regulations in Part 121 of this chapter and was manufactured from a feed additive supplement, a low level growth-promotion antibiotic premix, a low level growth-promotion antibiotic concentrate, a feed additive concentrate, or a combination of any two of these used in accordance with the conditions set forth in subdivisions (ii), (iii), and (iv) of this subparagraph.

(g) Production and control procedures shall include provision for discontinuing distribution of any medicated feed found by the assay procedures, or any other controls performed, to fail to conform to appropriate specifications. Distribution of subsequent production shall not begin until it has been determined that proper control procedures have been established.

§ 133.107 Packaging and labeling.

Packaging and labeling operations shall be adequately performed and controlled to assure that only those medicated feeds made in compliance with established formula records and manufacturing and control directions shall be distributed; to prevent mixups between the medicated feeds during the packaging and labeling operations; and to assure that correct labeling is employed for the medicated feed. In the case of medicated feeds distributed in bulk, complete labeling shall accompany the shipment and be supplied to the consignee at the time of delivery. Such labeling may consist of an invoice or placard identifying the medicated feed and bearing adequate information for the safe and effective use of the medicated feed. Labels and labeling shall be received, handled, and stored in a manner that avoids labeling mixups. Previously used containers shall be adequately cleaned and labeled before reuse to avoid adulteration or misbranding.

§ 133.108 Laboratory controls.

Laboratory controls shall include the establishment of adequate specifications and test procedures to assure that the drug components and the finished medicated feeds conform to appropriate standards of identity, strength, quality, and purity. Laboratory controls shall include:

(a) The establishment of master records containing appropriate specifications and a description of the test procedures used to check them for each kind of drug used in the manufacture of medicated feeds; this may consist of the manufacturer's or supplier's statement of specifications.

(b) The establishment of finished-product specifications for medicated feeds and a description of any necessary laboratory test procedures to check them, including methods of assay for the active drug ingredient.

(c) A determination that the drug components remain uniformly dispersed and stable in the medicated feed under ordinary conditions of shipment, storage, and use; this may consist of a supplier's or consultant's determination made on a feed of substantially the same formula.

(d) Adequate provision to check the reliability, accuracy, and precision of any laboratory test procedure used; the official Methods of Analysis of the Association of Official Agricultural Chemists, methods described in an official compendium, and any method, submitted as a part of a food additive petition or new-drug application, which has been accepted by the Food and Drug Administration shall be regarded as meeting this provision.

(e) Provision for the maintenance of the results of any assays, including dates and endorsement of analysts. Such records, together with records of analyses reported by any State feed control official shall be retained in the possession of the manufacturer or in the possession of a consulting laboratory operating in his behalf. Such records shall be maintained for a period of at least 1 year after distribution of the medicated feed has been completed.

§ 133.109 Distribution records.

Complete records shall be maintained for each shipment of medicated feeds in a manner that will facilitate the recall, diversion, or destruction of the medicated feed, if necessary. Such records shall be retained for at least 6 months after the date of the shipment, and shall include the name and address of the consignee, the date and quantity shipped, and the manufacturing dates, control numbers, or marks identifying the medicated feed shipped. If the medicated feed is held under control of the manufacturer for further shipment at establishments other than where produced, records as outlined in this section shall be maintained at these establishments.

§ 133.110 Complaint files.

The medicated-feed manufacturer shall evaluate by responsible key personnel each complaint received by him on a feed that is manufactured or distributed by him and, where indicated, make such further investigations or take such appropriate action as appears to be warranted in the circumstances. A record of complaints and the action taken by the feed manufacturer shall be maintained for a period of 2 years. If the medicated feed is the subject of an approved new-drug application held by the feed manufacturer, he shall make such reports as are required by § 130.13 of this chapter.

Effective date. This order shall be effective on the date of its publication in the FEDERAL REGISTER.

(Secs. 501(a)(2)(B), 701(a); 52 Stat. 1050 as amended 76 Stat. 780, 781; 1055; 21 U.S.C. 351(a)(2)(B), 371(a))

Dated: May 6, 1965.

GEO. P. LARRICK,
Commissioner of Food and Drugs.

[F.R. Doc. 65-4979; Filed, May 10, 1965; 8:48 a.m.]

PART 121—FOOD ADDITIVES

Subpart C—Food Additives Permitted in Feed and Drinking Water of Animals or for the Treatment of Food-Producing Animals

TECHNICAL WHITE MINERAL OIL; UNIFORMITY OF NOMENCLATURE

In the matter of amending § 121.246, one comment was received with reference to the notice of proposed rulemaking published in the FEDERAL REGISTER of February 27, 1965 (30 F.R. 2605). This comment was directed to the specifications of technical white mineral oil as defined in § 121.2589. The objection contained in this comment has been resolved by an amendment to § 121.2589 which was promulgated by publication in the FEDERAL REGISTER of April 16, 1965 (30 F.R. 5475).

Accordingly, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(d), 72 Stat. 1787; 21 U.S.C. 348(d)) and under the authority delegated to the Commissioner by the Secretary of Health, Education, and Welfare (21 CFR 2.90), the proposed amendment to § 121.246 is made effective without change. The introduction and paragraphs (a) and (c) of § 121.246 are revised to read as follows:

§ 121.246 Mineral oil.

Mineral oil may be safely used in animal feed, subject to the provisions of this section.

(a) Mineral oil, for the purpose of this section, is that complying with the definition and specifications contained in § 121.1146 (a) and (b) or in § 121.2589(b)(1)(i) and (ii).

* * * * *

(c) The quantity of mineral oil used in animal feed shall not exceed 3.0 percent in mineral supplements, nor shall it exceed 0.06 percent of the total ration when present in feed or feed concentrates.

Any person who will be adversely affected by the foregoing order may at any time within 30 days from the date of its publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington, D.C., 20201, written objections thereto, preferably in quintuplicate. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof.

Effective date. This order shall be effective on the date of its publication in the FEDERAL REGISTER.

(Sec. 409(d), 72 Stat. 1787; 21 U.S.C. 348(d))

Dated: May 5, 1965.

GEO. P. LARRICK,
Commissioner of Food and Drugs.

[F.R. Doc. 65-4980; Filed, May 10, 1965; 8:47 a.m.]

PART 121—FOOD ADDITIVES

Subpart F—Food Additives Resulting From Contact With Containers or Equipment and Food Additives Otherwise Affecting Food

RESINOUS AND POLYMERIC COATINGS

The Commissioner of Food and Drugs, having evaluated the data in a petition (FAP 4B1444) filed by Fukuoka Packing Co., Ltd., 26, Ebisudori-2-Chome, Shibuya-Ku, Tokyo, Japan, and other relevant material, has concluded that the food additive regulations should be amended to provide for the use of additional substances in the production of resinous and polymeric food-contact coatings. Therefore, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1)), and under the authority delegated to the Commissioner by the Secretary of Health, Education, and Welfare (21 CFR 2.90), § 121.2514(b)(3)(xxxi) is amended by inserting alphabetically in the list, the following new items:

§ 121.2514 Resinous and polymeric coatings.

* * * * *

(b) * * *
(3) * * *
(xxxi) * * *

Butadiene-styrene-fumaric acid copolymer.
4,4'-Butylidenebis(6-*tert*-butyl-*m*-cresol).
* * *
Sodium decylbenzene sulfonate.
* * *
Tetrasodium EDTA (tetrasodium ethylenediaminetetraacetate).

* * * * *

Any person who will be adversely affected by the foregoing order may at any time within 30 days from the date of its publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington, D.C., 20201, written objections thereto, preferably in quintuplicate. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof.

Effective date. This order shall be effective on the date of its publication in the FEDERAL REGISTER.

(Sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1))

Dated: May 4, 1965.

GEO. P. LARRICK,
Commissioner of Food and Drugs.

[F.R. Doc. 65-4032; Filed, May 10, 1965; 8:47 a.m.]

PART 121—FOOD ADDITIVES

Subpart F—Food Additives Resulting From Contact With Containers or Equipment and Food Additives Otherwise Affecting Food

DEFOAMING AGENTS USED IN MANUFACTURE OF PAPER AND PAPERBOARD

The Commissioner of Food and Drugs, having evaluated the data in a petition (FAP 5B1501) filed by Theodore T. Tams, Jr., 188 Nassau Street, Princeton, N.J., and other relevant material, has concluded that the food additive regulations should be amended to provide for the use of additional substances as defoaming agents in the manufacture of paper and paperboard that contact food. Therefore, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1)), and under the authority delegated to the Commissioner by the Secretary of Health, Education, and Welfare (21 CFR 2.90), § 121.2519 (d)(3) is amended by inserting alphabetically therein three new items, as follows:

§ 121.2519 Defoaming agents used in the manufacture of paper and paperboard.

* * * * *

(d) * * *
(3) * * *

* * * * *

Potassium distearyl phosphate.

* * * * *

Sodium distearyl phosphate.

* * * * *

Tristearyl phosphate.

* * * * *

Any person who will be adversely affected by the foregoing order may at any time within 30 days from the date of its publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington, D.C., 20201, written objections thereto, preferably in quintuplicate. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof.

Effective date. This order shall be effective on the date of its publication in the FEDERAL REGISTER.

(Sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1))

Dated: May 4, 1965.

GEO. P. LARRICK,
Commissioner of Food and Drugs.

[F.R. Doc. 65-4031; Filed, May 10, 1965; 8:47 a.m.]

Title 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 213—EXCEPTED SERVICE

Department of State

In Federal Register Document 65-4709 appearing in the issue for Wednesday, May 5, 1965, at page 6241, the explanatory statement in regard to § 213.3304 is corrected so that the first two sentences read as follows:

Section 213.3304 is amended to recognize the replacement of the office of the Under Secretary for Political Affairs by the office of the Under Secretary for Economic Affairs and the appointment of the former Under Secretary for Political Affairs as Ambassador-at-Large. Because of these changes, two new positions, Personal Assistant and Staff Assistant to the Under Secretary for Economic Affairs, are excepted under Schedule C; one position of Special Assistant and the position of Private Secretary in the office of the Under Secretary for Political Affairs are now in the office of the Under Secretary for Economic Affairs; and one position of Special Assistant and the position of Personal Assistant in the office of the Under Secretary for Political Affairs are now in the office of the Ambassador-at-Large.

(R.S. 1753, sec. 2, 22 Stat. 403, as amended; 5 U.S.C. 631, 633; E.O. 10577, 19 F.R. 7521, 3 CFR, 1954–1958 Comp., p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] MARY V. WENZEL,
Executive Assistant to the Commissioners.

[F.R. Doc. 65-4038; Filed, May 10, 1965; 8:48 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Agency

[Airspace Docket No. 64-WA-107]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Designation of Federal Airway

On February 6, 1965, a notice of proposed rule making was published in the FEDERAL REGISTER (30 F.R. 1300) stating that the Federal Aviation Agency was considering an amendment to Part 71 of the Federal Aviation Regulations that would designate an east alternate to VOR Federal airway No. 455 from New Orleans, La., via Gulfport, Miss., to Hattiesburg, Miss.

Interested persons were afforded an opportunity to participate in the proposed rule making through the submission of comments. All comments received were favorable.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0001 e.s.t., June 24, 1965, as hereinafter set forth.

In § 71.123 (29 F.R. 17509), V-455 is amended by deleting "including a W alternate from New Orleans" and substituting "including an E alternate from New Orleans to Hattiesburg, via INT New Orleans 070° and Gulfport, Miss. 247° radials, Gulfport, INT Gulfport 344° and Hattiesburg 171° radials, and a W alternate from New Orleans" therefor.

(Sec. 307(a) of the Federal Aviation Act of 1958; 49 U.S.C. 1348)

Issued in Washington, D.C., on April 29, 1965.

DANIEL E. BARROW,
Chief, Airspace Regulations and Procedures Division.

[F.R. Doc. 65-4020; Filed, May 10, 1965; 8:46 a.m.]

Title 7—AGRICULTURE

Chapter II—Consumer and Marketing Service (School Lunch Program), Department of Agriculture

PART 210—NATIONAL SCHOOL LUNCH PROGRAM

Appendix—Second Apportionment of Food Assistance Funds Pursuant to National School Lunch Act Fiscal Year 1965

Correction

In F.R. Doc. 65-4661 appearing at page 6207 in the issue for Tuesday, May 4, 1965, the following change should be made: In the second column of the table, the total apportionment entry for Arizona reading "1,126,886" should read "1,128,886".

Chapter IX—Consumer and Marketing Service (Marketing Agreements and Orders; Fruits, Vegetables, Tree Nuts), Department of Agriculture

[Lemon Reg. 159, Amdt. 1]

PART 910—LEMONS GROWN IN CALIFORNIA AND ARIZONA

Limitation of Handling

Findings. (1) Pursuant to the marketing agreement, as amended, and this part (Order No. 910, as amended), regulating the handling of lemons grown in California and Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendation and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such lemons, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this amendment until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 1001–1011) because the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the act is insufficient, and this amendment relieves restriction on the handling of lemons grown in California and Arizona.

Order, as amended. The provisions in paragraph (b)(1)(ii) of § 910.459 (Lemon Regulation 158, 30 F.R. 6148) are hereby amended to read as follows:

§ 910.459 Lemon Regulation 159.

* * * * *

(b) *Order.* (1) * * *
(ii) District 2: 325,500 cartons.

* * * * *

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: May 6, 1965.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 65-4016; Filed, May 10, 1965; 8:46 a.m.]

[970.305 Amdt. 6]

PART 970—CARROTS GROWN IN SOUTH TEXAS

Limitation of Shipments

Findings. (a) Pursuant to Marketing Agreement No. 142 and this part (Order No. 970), both as amended, regulating the handling of carrots grown in designated counties in South Texas, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601 et seq.), and upon the basis of the recommendation and information submitted by the South Texas Carrot Committee, established pursuant to said marketing agreement and order, and upon other available information, it is hereby found that the amendment to the limitation of shipments hereinafter set forth will tend to effectuate the declared policy of the act and is warranted, and will maintain orderly marketing conditions tending to increase returns to carrot growers in the production area.

(b) It is hereby found that it is impracticable and contrary to the public interest to give preliminary notice, or engage in public rule making procedure, and that good cause exists for not postponing the effective date of this amendment until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 1003) in that (1) the 1964–65 marketing season for South Texas carrots is currently in progress and volume shipments are now being made, (2) to maximize benefits to growers, this amendment should apply to as many shipments of carrots as possible during the remainder of the 1964–65 season, (3) compliance with this amendment will not require any special preparation on the part of handlers which cannot be completed by the time this amendment becomes effective, (4) information regarding the committee's recommendation has been disseminated to producers and handlers in the production area, and (5) this amendment relieves restrictions on the handling of carrots grown in the production area.

Order, as amended. In § 970.305 (29 F.R. 15018, 30 F.R. 305, 644, 777, 880, 1726) amend the introductory paragraph and paragraph (b) to read as follows:

§ 970.305 Limitation of shipments.

During the period from May 7, 1965, through June 30, 1965, no handler shall (1) package or load carrots on Sundays, or (2) handle any lots of carrots grown in the production area unless such carrots meet the grade requirements of paragraph (a) of this section, and one of the size designations of paragraph (b) of this section, and meet the container and pack requirements of paragraphs (c) and (d) of this section, or unless such carrots are handled in accordance with provisions of paragraphs (e), (f), (g), and (h) of this section.

* * * * *

(b) *Sizing requirements*—(1) *Medium-to-large.* ¾ inch minimum diameter to 1½ inches maximum diameter, 5½ inches minimum length, with an average of 20 percent by count 1 inch minimum diameter or larger and no sample with less than 15 percent by count 1 inch or larger in diameter.

(2) *Jambos.* 1 inch minimum diameter to 2 inches maximum diameter and 6 inches minimum length.

* * * * *

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601 et seq.)

Dated: May 6, 1965, to become effective May 7, 1965.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 65-4041; Filed, May 10, 1965; 8:48 a.m.]

Title 8—ALIENS AND NATIONALITY

Chapter I—Immigration and Naturalization Service, Department of Justice

PART 214—NONIMMIGRANT CLASSES

Approval of Schools

The following amendment to Chapter I of Title 8 of the Code of Federal Regulations is hereby prescribed:

Paragraph (c) of § 214.3 is amended to read as follows:

§ 214.3 Petitions for approval of schools.

* * * * *

(c) *Consultation with United States Office of Education.* The United States Office of Education has been consulted

tion of all such relevant matter as was presented by interested persons regarding the rules proposed the amendments

§ 1.964–2 [Reserved]
§ 1.964–3 Records to be provided by

connection with United States risks, the 5-percent minimum premium require-

under section 954(c)(3)(A) and paragraph (d)(1) of § 1.954–2,

ration through the application of section 954(d)(2), and paragraph (b) of

(c) *Consultation with United States Office of Education.* The United States Office of Education has been consulted by the Service and has advised that each of the following is considered an established institution of learning or other recognized place of study, is operating a bona fide school, and has the necessary facilities, personnel, and finances to instruct in recognized courses: (1) A school (or school system) owned or operated as a public educational institution by the United States or a State or political subdivision thereof; (2) a school listed in the current United States Office of Education publication, "Accredited Higher Institutions" or "Education Directory, Part 3, Higher Education;" or (3) a secondary school operated by or as part of an institution of higher learning listed in the current United States Office of Education publication, "Accredited Higher Institutions" or "Education Directory, Part 3, Higher Education." Before a decision is made on a petition filed by any other school, the United States Office of Education shall be consulted by the district director to determine whether the petitioner is an established institution of learning or other recognized place of study, is operating a bona fide school, and has the necessary facilities, personnel, and finances to instruct in recognized courses.

* * * * *

(Sec. 103, 66 Stat. 173; 8 U.S.C. 1103)

This order shall be effective on the date of its publication in the FEDERAL REGISTER. Compliance with the provisions of section 4 of the Administrative Procedure Act (60 Stat. 238; 5 U.S.C. 1003) as to notice of proposed rule making and delayed effective date is unnecessary in this instance because the rule prescribed by the order relates to agency procedure.

Dated: May 5, 1965.

RAYMOND F. FARRELL,
Commissioner of Immigration and Naturalization.

[F.R. Doc. 65-4915; Filed, May 10, 1965; 8:45 a.m.]

Title 26—INTERNAL REVENUE

Chapter I—Internal Revenue Service, Department of the Treasury

SUBCHAPTER A—INCOME TAX

[T.D. 6524]

PART 1—INCOME TAX; TAXABLE YEARS BEGINNING AFTER DECEMBER 31, 1953

Records and Accounts of United States Shareholders

On March 2, 1965, notice of proposed rule making was published in the FEDERAL REGISTER (30 F.R. 2669) with respect to the amendments of the Income Tax Regulations (26 CFR Part 1) to conform such regulations to section 964(c) of the Internal Revenue Code of 1954, as added by section 12(a) of the Revenue Act of 1962 (76 Stat. 1006). After consideration of all such relevant matter as was presented by interested persons regarding the rules proposed, the amendments of the regulations as proposed are hereby adopted, subject to the following change:

Paragraph (d)(1) of § 1.964–4, as set forth in paragraph 2 of the notice of proposed rule making, is amended by striking out the word "and" at the end of subdivision (vi).

[SEAL] SHELDON S. COHEN,
Commissioner of Internal Revenue.

Approved: May 5, 1965.

STANLEY S. SURREY,
Assistant Secretary of the Treasury.

In order to conform the Income Tax Regulations (26 CFR Part 1) to section 964(c) of the Internal Revenue Code of 1954, as added by section 12(a) of the Revenue Act of 1962 (76 Stat. 1006), such regulations are amended as follows, effective with respect to taxable years of foreign corporations beginning after December 31, 1962, and to taxable years of United States shareholders within which or with which such taxable years of such foreign corporations end:

PARAGRAPH 1. Section 1.964 is amended by adding subsections (b) and (c) to section 964 and by revising the historical note as follows:

§ 1.964 Statutory provisions; miscellaneous provisions.

Sec. 964. *Miscellaneous provisions.* * * *

(b) *Blocked foreign income.* Under regulations prescribed by the Secretary or his delegate, no part of the earnings and profits of a controlled foreign corporation for any taxable year shall be included in earnings and profits for purposes of sections 952, 955, and 956, if it is established to the satisfaction of the Secretary or his delegate that such part could not have been distributed by the controlled foreign corporation to United States shareholders who own (within the meaning of section 958(a)) stock of such controlled foreign corporation because of currency or other restrictions or limitations imposed under the laws of any foreign country.

(c) *Records and accounts of United States shareholders*—(1) *Records and accounts to be maintained.* The Secretary or his delegate may by regulations require each person who is, or has been, a United States shareholder of a controlled foreign corporation to maintain such records and accounts as may be prescribed by such regulations as necessary to carry out the provisions of this subpart and subpart G.

(2) *Two or more persons required to maintain or furnish the same records and accounts with respect to the same foreign corporation.* Where, but for this paragraph, two or more United States persons would be required to maintain or furnish the same records and accounts as may by regulations be required under paragraph (1) with respect to the same controlled foreign corporation for the same period, the Secretary or his delegate may by regulations provide that the maintenance or furnishing of such records and accounts by only one such person shall satisfy the requirements of paragraph (1) for such other persons.

[Sec. 964 as added by sec. 12(a), Rev. Act 1962 (76 Stat. 1006)]

PAR. 2. There are inserted immediately after § 1.964–1 the following new sections:

§ 1.964–2 [Reserved]

§ 1.964–3 Records to be provided by United States shareholders.

(a) *Shareholder's responsibility for providing records.* For purposes of verifying his income tax liability in respect of amounts includible in income under section 951 for the taxable year of a controlled foreign corporation each United States shareholder (as defined in section 951(b)) who owns (within the meaning of section 958(a)) stock of such corporation shall, within a reasonable time after demand by the district director, provide the district director—

(1) Such permanent books of account or records as are sufficient to satisfy the requirements of section 6001 and section 964(c), or true copies thereof, as are reasonably demanded, and

(2) If such books or records are not maintained in the English language, either (i) an accurate English translation of such books or records or (ii) the services of a qualified interpreter satisfactory to the district director.

If such books or records are being used by another district director, the United States shareholder upon whom the district director has made a demand to provide such books or records shall file a statement of such fact with his district director, indicating the location of such books or records. For the length of time the United States shareholder of a controlled foreign corporation must cause such books or records as are under his control to be retained, see paragraph (e) of § 1.6001–1.

(b) *Records to be provided.* Except as otherwise provided in paragraph (c) of this section, the requirements of section 6001 and section 964(c) for record keeping shall be considered satisfied if the books or records produced are sufficient to verify for the taxable year—

(1) The subpart F income of the controlled foreign corporation and, if any part of such income is excluded from the income of the United States shareholder under section 963 or section 970(a), the application of such exclusion,

(2) The previously excluded subpart F income of such corporation withdrawn from investment in less developed countries,

(3) The previously excluded export trade income of such corporation withdrawn from investment, and

(4) The increase in earnings invested by such corporation in United States property.

(c) *Special rules.* Verification of the subpart F income of the controlled foreign corporation for the taxable year shall not be required if—

(1) It can be demonstrated to the satisfaction of the district director that—

(i) The locus and nature of such corporation's activities were such as to make it unlikely that the foreign base company income of such corporation (determined in accordance with paragraph (d)(3)(i) of § 1.954–1) exceeded 20 percent of its gross income (determined in accordance with paragraph (d)(3)(ii) of § 1.954–1) for the taxable year, and

(ii) If such corporation reinsures or issues insurance or annuity contracts in

connection with United States risks, the 5-percent minimum premium requirement prescribed in paragraph (b) of § 1.953–1 has not been exceeded for the taxable year, or

(2) The United States shareholder's pro rata share of such subpart F income is excluded in full from his income under section 963 and the books or records verify the application of such exclusion.

§ 1.964–4 Verification of certain classes of income.

(a) *In general.* The provisions of this section shall apply for purposes of determining when books or records are sufficient for purposes of § 1.964–3 to verify the classes of income described in such section.

(b) *Subpart F income.* Books or records sufficient to verify the subpart F income of a controlled foreign corporation must establish for the taxable year—

(1) Its gross income and deductions,

(2) The income derived from the insurance of United States risks (as provided in paragraph (c) of this section),

(3) The foreign base company income (as provided in paragraph (d) of this section), and

(4) In the case of a United States shareholder claiming the benefit of the exclusion provided in section 952(b) or the limitation provided in section 952(c)—

(i) The items of income excluded from subpart F income by paragraph (b) of § 1.952–1 as income derived from sources within the United States, the United States income tax incurred with respect thereto, and the deductions properly allocable thereto and connected therewith, and

(ii) The earnings and profits, or deficit in earnings and profits, of any foreign corporation necessary for the determinations provided in paragraphs (c) and (d) of § 1.952–1.

(c) *Income from insurance of United States risks.* Books or records sufficient to verify the income of a controlled foreign corporation from the insurance of United States risks must establish for the taxable year—

(1) That the 5-percent minimum premium requirement prescribed in paragraph (b) of § 1.953–1 has not been exceeded, or

(2) The taxable income, as determined under § 1.953–4 or § 1.953–5, which is attributable to the reinsuring or the issuing of any insurance or annuity contracts in connection with United States risks, as defined in § 1.953–2 or § 1.953–3.

(d) *Foreign base company income and exclusions therefrom.* Books or records sufficient to verify the income of a controlled foreign corporation which is foreign base company income must establish for the taxable year the following items:

(1) *Foreign personal holding company income.* The foreign personal holding company income to which section 954(c) and § 1.954–2 apply, for which purpose there must be established the gross income from—

(i) All rents and royalties,

(ii) Rents and royalties received in the active conduct of a trade or business from an unrelated person, as determined under section 954(c)(3)(A) and paragraph (d)(1) of § 1.954–2,

(iii) Rents and royalties received from a related person for the use of property in the country of incorporation of the controlled foreign corporation, as determined under section 954(c)(4)(C) and paragraph (e)(3) of § 1.954–2,

(iv) All dividends, interest, and, except where the controlled foreign corporation is a regular dealer in stock or securities, all gains and losses from the sale or exchange of stock or securities,

(v) Dividends, interest, and gains from the sale or exchange of stock or securities, received in the conduct of a banking, financing, or insurance business from an unrelated person, as determined under section 954(c)(3)(B) and paragraph (d)(2) and (3) of § 1.954–2,

(vi) Dividends and interest received from a related corporation organized in the country of incorporation of the controlled foreign corporation, as determined under section 954(c)(4)(A) and paragraph (e)(1) of § 1.954–2,

(vii) Interest received in the conduct of a banking or other financing business from a related person, as determined under section 954(c)(4)(B) and paragraph (e)(2) of § 1.954–2,

(viii) All annuities,

(ix) All gains from commodities transactions described in section 553(a)(2),

(x) All income from estates and trusts described in section 553(a)(4),

(xi) All income from personal service contracts described in section 553(a)(5), and

(xii) All compensation for the use of corporate property by shareholders described in section 563(a)(6).

(2) *Foreign base company sales income.* The foreign base company sales income to which section 954(d) and § 1.954–3 apply, for which purpose there must be established the gross income from—

(i) All sales by the controlled foreign corporation of its personal property and all purchases or sales of personal property by such corporation on behalf of another person,

(ii) Purchases and/or sales of personal property in connection with transactions not involving related persons (as defined in paragraph (e)(2) of § 1.954–1),

(iii) Purchases and/or sales of personal property manufactured, produced, etc., in the country of incorporation of the controlled foreign corporation, as determined under paragraph (a)(2) of § 1.954–3,

(iv) Purchases and/or sales of personal property for use, etc., in the country of incorporation of the controlled foreign corporation, as determined under paragraph (a)(3) of § 1.954–3, and

(v) Sales of personal property manufactured or produced by the controlled foreign corporation, as determined under paragraph (a)(4) of § 1.954–3.

Where an item of income falls within more than one of subdivisions (ii) through (v) of this subparagraph, it shall be sufficient to establish that it falls within any one of them. If a branch or similar establishment is treated as a wholly owned subsidiary corporation through the application of section 954(d)(2) and paragraph (b) of § 1.954–3, the requirements of this subparagraph shall be satisfied separately for each branch or similar establishment so treated and for the remainder of the controlled foreign corporation.

(3) *Foreign base company services income.* The foreign base company services income to which section 954(e) and § 1.954–4 apply, for which purpose there must be established the gross income from—

(i) All services performed by the controlled foreign corporation,

(ii) Services other than those (as determined under paragraph (b) of § 1.954–4) performed for, or on behalf of, a related person,

(iii) Services performed in the country of incorporation of the controlled foreign corporation, as determined under paragraph (c) of § 1.954–4, and

(iv) Services performed in connection with the sale or exchange of, or with an offer or effort to sell or exchange, personal property manufactured, produced, etc., by the controlled foreign corporation, as determined under paragraph (d) of § 1.954–4.

Where an item of income falls within more than one of subdivisions (ii) through (iv) of this subparagraph, it shall be sufficient to establish that it falls within any one of them.

(4) *Qualified investments in less developed countries.* The gross income from dividends, interest, and gains received from qualified investments in less developed countries and excluded from foreign base company income under section 954(b)(1) and paragraph (b)(1) of § 1.954–1. If the controlled foreign corporation has a qualified investment in a less developed country corporation, it shall be necessary to establish, from the books or records of the less developed country corporation, that such less developed country corporation meets the requirements of section 955(c) and § 1.955–5.

(5) *Income derived from aircraft or ships.* The gross income derived from aircraft or ships which is excluded from foreign base company income under section 954(b)(2) and paragraph (b)(2) of § 1.954–1.

(6) *Income on which taxes are not substantially reduced.* The gross income excluded from foreign base company income under section 954(b)(4) and paragraph (b)(3) of § 1.954–1 in the case of a controlled foreign corporation not availed of to substantially reduce income taxes, the income or similar taxes incurred with respect thereto, and all other factors necessary to verify the application of such exclusion.

(7) *Deductions.* The deductions allocable, under paragraph (c) of § 1.954–1, to each of the classes and subclasses of gross income described in subparagraphs (1) through (6) of this paragraph.

(e) *Exclusion under section 963.* Books or records sufficient to verify the application of the exclusion provided by section 963 with respect to the subpart F income for the taxable year of a controlled foreign corporation must estab-

lish that the conditions set forth in paragraph (a)(2) of § 1.963–1 have been met

graph (c) of § 1.970–1 for the taxable

§ 690.2 Wage rates.

lish that the conditions set forth in paragraph (a) (2) of § 1.963–1 have been met.

(f) *Exclusion under section 970(a).* Books or records sufficient to verify the application for the taxable year of the exclusion provided by section 970(a) in respect of export trade income which is foreign base company income must establish for such year—

(1) That the controlled foreign corporation is an export trade corporation, as defined in section 971(a) and paragraph (a) of § 1.971–1,

(2) The export trade income, as determined under section 971(b) and paragraph (b) of § 1.971–1, which constitutes foreign base company income,

(3) The export promotion expenses, as determined under section 971(d) and paragraph (d) of § 1.971–1, which are allocable to the excludable export trade income,

(4) The gross receipts, and the gross amount on which is computed compensation included in gross receipts, from property in respect of which the excludable export trade income is derived, as described in section 970(a)(1)(B) and paragraph (b)(2)(ii) of § 1.970–1, and

(5) The increase in investments in export trade assets, as determined under section 970(c)(2) and paragraph (d)(2) of § 1.970–1.

(g) *Withdrawal of previously excluded subpart F income from qualified investment.* Books or records sufficient to verify the previously excluded subpart F income of the controlled foreign corporation withdrawn from investment in less developed countries for the taxable year must establish—

(1) The sum of the amounts of income excluded from foreign base company income under section 954(b)(1) and paragraph (b)(1) of § 1.954–1 for all prior taxable years,

(2) The sum of the amounts of previously excluded subpart F income withdrawn from investment in less developed countries for all prior taxable years, as determined under section 955(a) and paragraph (b) of § 1.955–1, and

(3) The amount withdrawn from investment in less developed countries for the taxable year as determined under section 955(a) and paragraph (b) of § 1.955–1.

(h) *Withdrawal of previously excluded export trade income from investment.* Books or records sufficient to verify the previously excluded export trade income of the controlled foreign corporation withdrawn from investment for the taxable year must establish the United States shareholder's proportionate share of—

(1) The sum of the amounts by which the subpart F income of such corporation was reduced for all prior taxable years under section 970(a) and paragraph (b) of § 1.970–1,

(2) The sum of the amounts described in section 970(b)(1)(B),

(3) The sum of the amounts of previously excluded export trade income of such corporation withdrawn from investment under section 970(b) and paragraph (c) of § 1.970–1 for all prior taxable years, and

(4) The amount withdrawn from investment under section 970(b) and paragraph (c) of § 1.970–1 for the taxable year.

(i) *Increase in earnings invested in United States property.* Books or records sufficient to verify the increase for the taxable year in earnings invested by the controlled foreign corporation in United States property must establish—

(1) The amount of such corporation's earnings invested in United States property (as defined in section 956(b)(1) and paragraph (a) of § 1.956–2) at the close of the current and preceding taxable years, as determined under paragraph (b) of § 1.956–1,

(2) The amount of excluded property described in section 956(b)(2) and paragraph (b) of § 1.956–2 held by such corporation at the close of such years,

(3) The earnings and profits, to which section 959(c)(1) and paragraph (b)(1) of § 1.959–3 apply, distributed by such corporation during the preceding taxable year, and

(4) The amount of increase in earnings invested by such corporation in United States property which is excluded from the United States shareholder's gross income for the taxable year under section 959(a)(2) and paragraph (c) of § 1.959–1.

(Sec. 7805 of the Internal Revenue Code of 1954; 68A Stat. 917; 26 U.S.C. 7805)

[F.R. Doc. 65–4921; Filed, May 10, 1965; 8:46 a.m.]

Title 29—LABOR

Chapter V—Wage and Hour Division, Department of Labor

SUBCHAPTER A—REGULATIONS

PART 690—FABRICATED PLASTIC PRODUCTS INDUSTRY IN PUERTO RICO

Wage Order

Pursuant to section 5 of the Fair Labor Standards Act of 1938 (29 U.S.C. 205), and by means of Administrative Order No. 589 (30 F.R. 586), the Secretary of Labor appointed and convened Industry Committee No. 72–C. Administrative Order No. 589 referred to Industry Committee No. 72–C the question of the minimum wage rate or rates to be paid under section 6(c) of the Act to employees in the fabricated plastic products industry in Puerto Rico and gave due notice of the hearing of the Committee, as provided in 29 CFR 511.2.

Subsequent to an investigation and a hearing conducted pursuant to the notice, the Committee filed with the Administrator a report containing its findings of fact and recommendations with respect to the matters referred to it.

Accordingly, as authorized and required by section 8 of the Fair Labor Standards Act of 1938 (29 U.S.C. 208), Reorganizaiton Plan No. 6 of 1950 (3 CFR 1949–53 Comp., p. 1004), and General Order No. 45–A of the Secretary of Labor (15 F.R. 3290), the recommendations of Industry Committee No. 72–C are hereinafter published in this revision of 29 CFR 690.2.

Effective May 27, 1965, 29 CFR 690.2 is amended to read as follows:

§ 690.2 Wage rates.

The fabricated plastic products industry in Puerto Rico is divided into five classifications. Wages at rates not less than those prescribed in this section shall be paid under section 6(c) of the Fair Labor Standards Act of 1938 by every employer to each of his employees in each of the classifications in the industry who in any workweek is engaged in commerce or in the production of goods for commerce or is employed in an enterprise engaged in commerce or the production of goods for commerce as those terms are defined in section 3 of the Act.

(a) *Previously covered classifications.* The classifications in this paragraph (a) apply to all activities in the industry to which section 6 of the Act applies without reference to the Fair Labor Standards Amendments of 1961.

(1) *Dinnerware, sprayer, and vaporizer classification.* (i) The minimum wage for this classification is $1.25 an hour.

(ii) This classification is defined as consisting of the manufacture of plastic dinnerware, plastic sprayers, plastic vaporizers, and plastic atomizers.

(2) *Phonograph record classification.* (i) The minimum wage for this classification is $1.25 an hour.

(ii) This classification is defined as the manufacture of phonograph records.

(3) *Wall tile classification.* (i) The minimum wage for this classification is $1.05 an hour.

(ii) This classification is defined as the manufacture of plastic wall tile and wall tile accessories.

(4) *General classification.* (i) The minimum wage for this classification is 95 cents an hour.

(ii) This classification is defined as the manufacture of all products not included in the other classifications of the industry.

(b) *New coverage classification.* (1) The minimum wage for this classification is 85 cents an hour.

(2) This classification is defined as all activities of employees covered by section 6 of the Act, only by reason of the Fair Labor Standards Amendments of 1961 in the industry in Puerto Rico.

(Sec. 8, 52 Stat. 1064, as amended; 29 U.S.C. 208)

Signed at Washington, D.C., this 5th day of May 1965.

CLARENCE T. LUNDQUIST,
Administrator.

[F.R. Doc. 65–4936; Filed, May 10, 1965; 8:46 a.m.]

Title 36—PARKS, FORESTS, AND MEMORIALS

Chapter V—National Zoological Park, Smithsonian Institution

PART 502—SMITHSONIAN INSTITUTION REGULATIONS

Vehicle Parking

Effective 10 days following publication of this regulation in the FEDERAL REGISTER, Chapter V of Title 36 of the Code of Federal Regulations is amended by adding a new Part 502 as follows:

§ 502.1 Vehicle parking.

(a) It shall be unlawful for any unauthorized person to park a motor vehicle in the unloading areas, service roads, and parking areas adjacent to buildings of the Smithsonian Institution located on the Mall in Washington, D.C.

(b) For purposes of paragraph (a) of this section the buildings of the Smithsonian Institution located on the Mall in Washington, D.C., are the Smithsonian Building, the Air and Space Building, the Freer Gallery of Art Building, the Arts and Industries Building, the Museum of Natural History Building, the Museum of History and Technology Building, and the temporary buildings within the square bounded by 9th Street Southwest on the east, 12th Street Southwest on the west, Jefferson Drive Southwest on the north, and Independence Avenue Southwest on the south.

(Sec. 5 of the Act of Oct. 24, 1951, 65 Stat. 559, as amended by § 1 of the Act of Aug. 1, 1964, 78 Stat. 365; 40 U.S.C. § 193r)

Dated: May 5, 1965.

S. DILLON RIPLEY,
Secretary.

[F.R. Doc. 65–4914; Filed, May 10, 1965; 8:45 a.m.]

Title 41—PUBLIC CONTRACTS AND PROPERTY MANAGEMENT

Chapter 9—Atomic Energy Commission

PART 9–1—GENERAL

Subpart 9–1.1—Procurement Regulations

Subpart 9–1.2—Definition of Terms

Subpart 9–1.3—General Policies

Subpart 9–1.7—Small Business Concerns

Subpart 9–1.8—Labor Surplus Area Concerns

Subpart 9–1.9—Reporting Possible Antitrust Violations

Subpart 9–1.11—Qualified Products

Subpart 9–1.50—Change Orders, Equitable Adjustments, and Supplemental Agreements for Fixed-Price Contracts

Subpart 9–1.52—Procurement by Cost-Type Contractors

MISCELLANEOUS AMENDMENTS

Section 9–1.104, *Applicability*, paragraph (b) is deleted and the following substituted therefor, and a new paragraph (c) is added.

§ 9–1.104 Applicability.

* * * * *

(b) Basic procurement policies with which AEC cost contractors must comply are stated in Subpart 9–1.52, Procurement by Cost-Type Contractors. In addition, a section is included in each part of the AECPR to provide ready identification of all portions of that part of the FPR or AECPR which requires appropriate treatment in the development of statements of AEC cost-type contractor procurement practices.

(c) The following sections and subparts of the Federal Procurement Regulations Part 1 and this AECPR Part 1 constitute specific provisions which the contracting officer shall bring to the attention of cost-type contractors in the development of statements of contractor procurement practices as constituting areas which require appropriate treatment in order to carry out the basic AEC procurement policy set forth in AECPR 9–1.5203.

Section or Subpart	Subject
FPR:	
1–1.305	Specifications.
1–1.306	Standards.
1–1.307	Purchase descriptions.
1–1.310	Responsible prospective contractor.
1–1.316	Time of delivery or performance.
1–1.5	Contingent Fees.
1–1.6	Debarred, Suspended, and Ineligible Bidders.
1–1.7	Small Business Concerns.
1–1.8	Labor Surplus Area Concerns.
1–1.9	Reporting Possible Antitrust Violations.
1–1.10	Publicizing Procurement Actions.
1–1.11	Qualified Products.
1–1.16	Reports of Identical Bids.
AECPR:	
9–1.305–1	Mandatory use of Federal Specifications.
9–1.310	Responsible prospective contractors.
9–1.350	AEC Specifications and Standards.
9–1.354	Prebidding and preproposal conferences.
9–1.355	Combinations of architect-engineer and construction contracts.
9–1.5	Contingent Fees.
9–1.6	Debarred, Suspended, and Ineligible Bidders.
9–1.7	Small Business Concerns.
9–1.8	Labor Surplus Area Concerns.
9–1.9	Reporting Possible Antitrust Violations.
9–1.11	Qualified Products.
9–1.50	Change Orders, Equitable Adjustments, and Supplemental Agreements for Fixed-Price Contracts.

Sections 9–1.256, Cost-type contractor Class A; 9–1.257, Cost-type contractor Class B; and 9–1.353, Procurement by cost-type contractors, are deleted and reserved.

Section 9–1.305–1, *Mandatory use of Federal Specifications*, is deleted and the following substituted therefor:

§ 9–1.305–1 Mandatory use of Federal Specifications.

The policies and procedures established by FPR 1–1.305 shall be complied with by AEC for all direct procurement except as provided for in § 9–1.305–5 below. Managers of Field Offices are responsible for assuring that AEC contractors use paper specification standards published by the Joint Committee on Printing for the purchase of paper to be used in contractor-operated field printing plants authorized by the Joint Committee on Printing.

Section 9–1.310–1, *Scope*, is deleted and the following substituted therefor:

§ 9–1.310–1 Scope.

This section implements the policy and procedures set forth in FPR 1–1.310 to determine, before award, whether prospective contractors for furnishing the AEC supplies or nonpersonal services (including construction) qualify as responsible.

Section 9–1.702(b)(3), the last sentence is deleted.

Section 9–1.802, *Labor surplus area policies*, is deleted.

Section 9–1.901, *General*, is revised to read as follows:

§ 9–1.901 General.

The procedures prescribed in FPR Subpart 1–1.9 apply to all procurement on a competitive basis. Contracting officers should take steps to ensure full compliance with the requirements of this subpart by cost-type contractors.

Section 9–1.1101, *Procurement of qualified products*, the first paragraph is revised to read as follows:

§ 9–1.1101 Procurement of qualified products.

This subpart prescribes policies and procedures for the procurement of qualified products from lists of such products established by the Government. These procedures are applicable to AEC direct procurement. Contracting officers may authorize their use on a case-by-case basis in cost-type contractor procurement.

Section 9–1.1150, *Distribution of qualified products lists*, in the last sentence, "Office of Contract policy" is changed to "Division of Contracts."

Section 9–1.5001, *General policy*, is revised to read as follows:

§ 9–1.5001 General policy.

It is the policy of AEC to handle change orders and supplemental agreements to fixed-price contracts expeditiously and economically without sacrificing sound contract administration or lessening the opportunity for proper consideration of all pertinent factors in effecting equitable adjustments and settlements. Conscientious observance of this policy should reduce to a minimum formal disputes and litigation with resulting expense and delays which are harmful to all concerned.

Section 9–1.5002, *Applicability*, paragraph (b) is deleted and paragraph (a) becomes an unlettered paragraph.

The following subpart is added:

Subpart 9–1.52—Procurement by Cost-Type Contractors

Sec.	
9–1.5200	Definitions of cost-type contractor and cost-type subcontractor.
9–1.5201	Prime contract control provisions.
9–1.5202	AEC review and approval of cost-type contractor procurement practices and procedures.
9–1.5203	AEC basic procurement policies for cost-type contractors.

AUTHORITY: The provisions of this Subpart 9–1.52 issued under sec. 161 of the Atomic

Energy Act of 1954, as amended, 68 Stat. 948,

ing officers shall require cost-type prime

Energy Act of 1954, as amended, 68 Stat. 948, 42 U.S.C. 2201; sec. 205 of the Federal Property and Administrative Services Act of 1949, as amended, 63 Stat. 390, 40 U.S.C. 486.

§ 9–1.5200 Definitions of cost-type contractor and cost-type subcontractor.

The term "cost-type contractor" means a contractor who has a prime contract with the AEC on a cost basis. The term "cost-type subcontractor" means a subcontractor who has a subcontract on a cost basis under a cost-type prime contract provided all the preceding subcontracts, if any, in the contractual chain are also on a cost basis.

(a) *Cost-type contractor Class A.* The term "cost-type contractor Class A" means (1) a cost-type contractor who has a contract for the construction, operation, or maintenance of an AEC facility (including research and development facilities) which is segregated from the contractor's regular business, or (2) cost-type contractors with contracts which provide for procurement services incident to the construction of AEC facilities, or (3) any cost-type contractor who has set up a separate supply function for performance under AEC contracts or subcontracts.

(b) *Cost-type contractor Class B.* The term "cost-type contractor Class B" means a cost-type contractor with a contract under which substantially all work will be performed in the contractor's own facilities or at a location where the contractor's normal business is being conducted and for which a separate supply function is not maintained for such contract.

§ 9–1.5201 Prime contract control provisions.

Procurement activities of AEC cost-type contractors are governed by (a) the requirements of the "Subcontracts and Purchase Orders" clauses of their prime contracts and (b) other applicable contract provisions. The standard Subcontracts and Purchase Orders clause (AECPR 9–7.5006–29) states the contractual basis for the Government to exercise control over the contractor's procurement activities. Among other things, the clause requires the contractor to provide the Government with information concerning his own procurement practices and to use procurement methods and procedures which are acceptable to the Government. It reserves to the Government the right to require the contractor to submit for prior approval any or all contractor procurement actions. As a part of such approval authority, the contracting officer may prescribe the inclusion of subcontract provisions. In the absence of an article of the type giving the Government the contractual right to establish controls and to review and approve the contractor's procurement and contracting procedures, every effort should be made to accomplish this objective through mutual agreement with the contractor.

§ 9–1.5202 AEC review and approval of cost-type contractor procurement practices and procedures.

Subject to the waiver provided for in paragraph (c) of this section, contracting officers shall require cost-type prime contractors to submit, at the earliest practicable date, written statements of the detailed procurement practices and procedures used or proposed to be used by the contractor, for review by the contracting officer and written determination as to the acceptability of such practices and procedures. The FPR and AECPR shall be made available to cost-type contractors Class A as illustrative of the policies, practices, and procedures used by the AEC, for their consideration in the development or revision of their own written procurement practices and procedures. In approving contractor practices and procedures, contracting officers will be guided by the following:

(a) *Cost-type contractors Class A.* The contracting officer, before approving such practices and procedures, shall determine that they are consistent with the basic AEC procurement policies set forth in § 9–1.5203 of this subpart and that the contractor's procedures are adequate to achieve the policy objectives there stated. The portions of the FPR and AECPR listed in each part under "Policy, cost-type contractor procurement," constitute specific provisions which the contracting officer shall bring to the attention of cost-type contractors in the development of statements of contractor procurement practices as constituting areas which require appropriate treatment in order to carry out the basic AEC procurement policies set forth in AECPR § 9–1.5203. The contracting officer shall examine the proposed procurement practices and procedures to assure that appropriate recognition has been given to procurement requirements included in the contract, applicable laws and regulations, and those portions of the FPR and AECPR which are listed in the AECPR as applicable. All such listed portions are to be construed as instructions to the contracting officer and he is charged with utilizing the appropriate contractual mechanism for obtaining any action required of the contractor. Also, such statements, unless otherwise indicated, shall be construed as applying only to Class A cost-type contractors.

(b) *Cost-type contractors Class B.* The normal business practices of a Class B contractor will usually be accepted, providing:

(1) They are consistent with the basic AEC procurement policies set forth in § 9–1.5203 of this subpart and with procurement requirements included in the contract in accordance with applicable laws and regulations,

(2) The contractor's procedures are well established, consistently applied and conform to good business practices, and

(3) Acceptance of the contractor's normal business practices will not be disadvantageous to the Government.

(c) *Waiver.* For Class B contractors, the foregoing requirements calling for submission and review of written statements of detailed procurement practices and procedures may be waived:

(1) When the quantity of procurement chargeable to AEC work is not deemed substantial by the contracting officer; and provided the contract adequately incorporates the basic AEC procurement policies in § 9–1.5203 of this subpart; or

(2) The contracting officer is able to satisfy himself through other means that the procurement practices followed by the contractor are in the best interests of the Government.

(d) *Other contract provisions.* Paragraphs (a), (b), and (c) of this section relate to statements of contractor procurement practices and procedures submitted pursuant to requirements of the Subcontracts and Purchase Orders clause. Attention is called to the fact that other clauses appearing in Class A or Class B cost-type contracts may require close adherence by such contractors to specific Governmental policies or procedures.

§ 9–1.5203 AEC basic procurement policies for cost-type contractors.

(a) Procurement should be effected in the manner most advantageous to the Government—price, quality and other factors considered. In order to assure the award of business on an impartial basis, procurement (from sources other than Government sources) shall be effected by methods calculated to assure such full and free competition as is consistent with securing the required supplies or services. Normally, full and free competition should be attained through use of competitive bids and awards whenever such method is feasible and practicable under the circumstances.

(b) Certified cost or pricing data shall be requested when it is considered that circumstances warrant such action, especially when procurements are for items for which there is no competition or for which prices appear unreasonable and the amounts involved are substantial.

(c) Procurement shall not be made from firms or individuals on the AEC List of Disqualified Bidders and Ineligible Contractors.

(d) A fair proportion of supplies and services shall be procured from small business concerns.

(e) Types of subcontracts or purchase orders other than fixed-price (lump-sum or unit-price) type should not be used unless procurement of the required supplies or services is impracticable without the use of the type selected. The cost-plus-a-percentage-of-cost type shall not be used in any event.

(f) Contracting officers shall be notified in advance of the proposed procurement of supplies or services from sources owned or controlled by a cost-type contractor to permit the AEC, at its option or by agreement with the cost-type contractor, to effect the procurement directly by competitive or other authorized methods.

(g) Specific limitations shall be placed on the authority of cost-type contractors to enter into subcontracts and purchase orders; these limitations should be consistent with the amount and character of the prime contract and the subcontract work involved.

(h) Requirements shall be met from Government sources, if made available and if procurement is economically advantageous to the Government. Direct procurement by the AEC, rather than by a cost-type contractor, may be required where deemed necessary by the AEC or its authorized representative in order to carry out special requirements of appropriation Acts or other applicable laws relating to particular items.

(i) Certain items (see AECPR Part 9–5) must be obtained from Government sources of supply.

(j) Federal specifications shall be used to the extent that such use is consistent with the contractual requirements and program objectives.

(k) Cost-type contractors shall maintain, and make available for review by the AEC, justification in support of subcontracts and purchase orders adequate to reflect the procurement practices and procedures used and the circumstances supporting particular transactions.

Effective date. These regulations are effective upon publication in the FEDERAL REGISTER.

Dated at Germantown, Md., this 5th day of May 1965.

For the U.S. Atomic Energy Commission.

JOSEPH L. SMITH,
Director,
Division of Contracts.

[F.R. Doc. 65–4928; Filed, May 10, 1965; 8:47 a.m.]

Title 49—TRANSPORTATION

Chapter I—Interstate Commerce Commission

SUBCHAPTER A—GENERAL RULES AND REGULATIONS

[Ex Parte 55]

PART 1—GENERAL RULES OF PRACTICE

Briefs

At a general session of the Interstate Commerce Commission, held at its office in Washington, D.C., on the fourth day of May A.D. 1965.

There being under consideration the Commission's general rules of practice, and good cause appearing therefor:

It is ordered, That §§ 1.92, 1.93, and 1.94 are revised to read as follows:

§ 1.92 Briefs; when officer's report is served.

In a proceeding which has been the subject of oral hearing, and in which an officer's report is to be prepared and served, which fact will be stated by the officer on the record, only one brief shall be filed by each party. The officer shall fix for all parties the same time within which to file briefs, which time shall not exceed 45 days from the close of the hearing unless otherwise ordered by the Commission. Reply briefs are not permitted unless ordered by the Commission.

§ 1.93 Briefs; when officer's report is not served.

In a proceeding which has been the subject of oral hearing, and in which no officer's report is to be prepared and served, which fact will be stated by the officer on the record, only one brief shall be filed by each party. The officer shall fix for all parties the same time within which to file briefs, which time shall not exceed 45 days from the close of the hearing unless otherwise ordered by the Commission. Reply briefs are not permitted unless ordered by the Commission.

§ 1.94 Briefs of interveners.

Briefs of interveners shall be filed and served within the time fixed for the brief or the party in whose behalf the intervention is made.

It is further ordered, That this order shall become effective June 1, 1965.

And it is further ordered, That notice of this order shall be given to the general public by depositing a copy hereof in the Office of the Secretary of the Commission, Washington, D.C., and by filing a copy with the Director, Division of the Federal Register.

(Secs. 12, 17, 24 Stat. 383, as amended, 385, as amended; secs. 204, 205, 49 Stat. 546, as amended, 548, as amended; secs. 304, 316, 54 Stat. 923, 946; secs. 406, 417, 56 Stat. 285, 297, as amended; 49 U.S.C. 12, 17, 304, 305, 904, 916, 1006, 1017)

By the Commission.

[SEAL] BERTHA F. ARMES,
Acting Secretary.

[F.R. Doc. 65–4923; Filed, May 10, 1965; 8:46 a.m.]

Proposed Rule Making

DEPARTMENT OF THE TREASURY

Internal Revenue Service

[26 CFR Part 1]

RULES FOR DETERMINING STOCK OWNERSHIP

Notice of Proposed Rule Making

Notice is hereby given, pursuant to the Administrative Procedure Act, approved June 11, 1946, that the regulations set forth in tentative form below are proposed to be prescribed by the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury or his delegate. Prior to the final adoption of such regulations, consideration will be given to any comments or suggestions pertaining thereto which are submitted in writing, in duplicate, to the Commissioner of Internal Revenue, Attention: CC:LR, Washington, D.C., 20224, within the period of 45 days from the date of publication of this notice in the FEDERAL REGISTER. Any person submitting written comments or suggestions who desires an opportunity to comment orally at a public hearing on these proposed regulations should submit his request, in writing, to the Commissioner within the 45-day period. In such a case, a public hearing will be held, and notice of the time, place, and date will be published in a subsequent issue of the FEDERAL REGISTER. The proposed regulations are to be issued under the authority contained in section 7805 of the Internal Revenue Code of 1954 (68A Stat. 917; 26 U.S.C. 7805).

[SEAL] SHELDON S. COHEN,
Commissioner of Internal Revenue.

In order to conform the Income Tax Regulations (26 CFR Part 1) to section 958 of the Internal Revenue Code of 1954, as added by section 12(a) of the Revenue Act of 1962 (76 Stat. 1006), such regulations are amended as follows effective with respect to taxable years of foreign corporations beginning after December 31, 1962, and to taxable years of United States shareholders within which or with which such taxable years of such foreign corporations end:

§ 1.958 Statutory provisions; rules for determining stock ownership.

SEC. 958. *Rules for determining stock ownership*—(a) *Direct and indirect ownership*—(1) *General rule.* For purposes of this subpart (other than sections 955(b)(1)(A) and (B), 955(c)(2)(A)(ii), and 960(a)(1)), stock owned means—

(A) Stock owned directly, and

(B) Stock owned with the application of paragraph (2).

(2) *Stock ownership through foreign entities.* For purposes of subparagraph (B) of paragraph (1), stock owned, directly or indirectly, by or for a foreign corporation, foreign partnership, or foreign trust or foreign estate (within the meaning of section 7701(a)(31)) shall be considered as being owned proportionately by its shareholders, partners, or beneficiaries. Stock considered to be owned by a person by reason of the application of the preceding sentence shall, for purposes of applying such sentence, be treated as actually owned by such person.

(3) *Special rule for mutual insurance companies.* For purposes of applying paragraph (1) in the case of a foreign mutual insurance company, the term "stock" shall include any certificate entitling the holder to voting power in the corporation.

(b) *Constructive ownership.* For purposes of sections 951(b), 954(d)(3), and 957, section 318(a) (relating to constructive ownership of stock) shall apply to the extent that the effect is to treat any United States person as a United States shareholder within the meaning of section 951(b), to treat a person as a related person within the meaning of section 954(d)(3), or to treat a foreign corporation as a controlled foreign corporation under section 957, except that—

(1) In applying paragraph (1)(A) of section 318(a), stock owned by a nonresident alien individual (other than a foreign trust or foreign estate) shall not be considered as owned by a citizen or by a resident alien individual.

(2) In applying subparagraphs (A), (B), and (C) of section 318(a)(2), if a partnership, estate, trust, or corporation owns, directly or indirectly, more than 50 percent of the total combined voting power of all classes of stock entitled to vote of a corporation, it shall be considered as owning all the stock entitled to vote.

(3) In applying subparagraph (C) of section 318(a)(2), the phrase "10 percent" shall be substituted for the phrase "50 percent" used in subparagraph (C).

(4) Subparagraphs (A), (B), and (C) of section 318(a)(3) shall not be applied so as to consider a United States person as owning stock which is owned by a person who is not a United States person.

[Sec. 958 as added by sec. 12, Rev. Act 1962 (76 Stat. 1006); as amended by sec. 4(b)(3), Act of Aug. 31, 1964 (Public Law 88-554, 78 Stat. 763)]

§ 1.958-1 Direct and indirect ownership of stock.

(a) *In general.* Section 958(a) provides that, for purposes of sections 951 to 964 (other than sections 955(b)(1)(A) and (B), 955(c)(2)(A)(ii), and 960(a)(1)), stock owned means—

(1) Stock owned directly; and

(2) Stock owned with the application of paragraph (b) of this section.

The rules of section 958(a) and this section provide a limited form of stock attribution primarily for use in determining the amount taxable to a United States shareholder under section 951(a). These rules also apply for purposes of other provisions of the Code and regulations which make express reference to section 958(a).

(b) *Stock ownership through foreign entities.* For purposes of paragraph (a)(2) of this section, stock owned, directly or indirectly, by or for a foreign corporation, foreign partnership, or foreign trust or foreign estate (within the meaning of section 7701(a)(31)) shall be considered as being owned proportionately by its shareholders, partners, or beneficiaries, respectively. Stock considered to be owned by reason of the application of this paragraph shall, for purposes of reapplying this paragraph, be treated as actually owned by such person. Thus, this rule creates a chain of ownership; however, since the rule applies only to stock owned by a foreign entity, attribution under the rule stops with the first United States person in the chain of ownership running from the foreign entity. The application of this paragraph may be illustrated by the following example:

Example. Domestic corporation M owns 75 percent of the one class of stock in foreign corporation R, which in turn owns 80 percent of the one class of stock in foreign corporation S, which in turn owns 90 percent of the one class of stock in foreign corporation T. Under this paragraph, R Corporation is considered as owning 80 percent of the 90 percent of the stock which S Corporation owns in T Corporation, or 72 percent. Corporation M is considered as owning 75 percent of such 72 percent of the stock in T Corporation, or 54 percent. Since M Corporation is a domestic corporation, the attribution under this paragraph stops with M Corporation, even though, illustratively, such corporation is wholly owned by domestic corporation N.

(c) *Rules of application*—(1) *Special rule for mutual insurance companies.* For purposes of applying paragraph (a) of this section in the case of a foreign mutual insurance company, the term "stock" shall include any certificate entitling the holder to voting power in the corporation.

(2) *Amount of interest in foreign corporation, foreign partnership, foreign trust, or foreign estate.* The determination of a person's proportionate interest in a foreign corporation, foreign partnership, foreign trust, or foreign estate will be made on the basis of all the facts and circumstances in each case. Among the various factors which may be taken into account are interest in income, control, and value of interest. Any arrangement which artifically decreases a United States person's proportionate interest will not be recognized.

(d) *Illustration.* The application of this section may be illustrated by the following examples:

Example (1). United States persons A and B own 25 percent and 50 percent, respectively, of the one class of stock in foreign corporation M. Corporation M owns 80 percent of the one class of stock in foreign corporation N, and N Corporation owns 60 percent of the one class of stock in foreign corporation P. Under paragraph (b) of this section, M Corporation is considered to own 48 percent (80 percent of 60 percent) of the stock in P Corporation; such 48 percent is treated as actually owned by M Corporation for the purpose of again applying paragraph (b) of this section. Thus, A and B are considered to own 12 percent (25 percent of 48 percent) and 24 percent (50 percent of 48 percent), respectively, of the stock in P Corporation.

Example (2). United States person C is a 60-percent partner in foreign partnership X. Partnership X owns 40 percent of the one class of stock in foreign corporation Q. Corporation Q is a 50-percent partner in foreign partnership Y, and partnership Y owns 100 percent of the one class of stock in foreign corporation R. By the application of paragraph (b) of this section, C is considered to own 12 percent (60 percent of 40 percent of 50 percent of 100 percent) of the stock in R Corporation.

Example (3). Foreign trust Z was created for the benefit of United States persons D, E, and F. Under the terms of the trust instrument, the trust income is required to be divided into three equal shares. Each beneficiary's share of the income may either be accumulated for him or distributed to him in the discretion of the trustee. In 1970, the trust is to terminate and there is to be paid over to each beneficiary the accumulated income applicable to his share and one-third of the corpus. The corpus of trust Z is composed of 90 percent of the one class of stock in foreign corporation S. By the application of paragraph (b) of this section, each of D, E, and F is considered to own 30 percent (⅓ of 90 percent) of the stock in S Corporation.

§ 1.958-2 Constructive ownership of stock.

(a) *In general.* Section 958(b) provides that, for purposes of sections 951(b), 954(d)(3), and 957, the rules of section 318(a) as modified by section 958(b) and this section shall apply to the extent that the effect is to treat a United States person as a United States shareholder within the meaning of section 951(b), to treat a person as a related person within the meaning of section 954(d)(3), or to treat a foreign corporation as a controlled foreign corporation under section 957. The rules contained in this section also apply for purposes of other provisions of the Code and regulations which make express reference to section 958(b).

(b) *Members of family*—(1) *In general.* Except as provided in subparagraph (3) of this paragraph, an individual shall be considered as owning the stock owned, directly or indirectly, by or for—

(i) His spouse (other than a spouse who is legally separated from the individual under a decree of divorce or separate maintenance); and

(ii) His children, grandchildren, and parents.

(2) *Effect of adoption.* For purposes of subparagraph (1)(ii) of this paragraph, a legally adopted child of an individual shall be treated as a child of such individual by blood.

(3) *Stock owned by nonresident alien individual.* For purposes of this paragraph, stock owned by a nonresident alien individual (other than a foreign trust or foreign estate) shall not be considered as owned by a United States citizen or a resident alien individual. See section 958(b)(1).

(c) *Attribution from partnerships, estates, trusts, and corporations*—(1) *In general.* Except as provided in subparagraph (2) of this paragraph—

(i) *From partnerships and estates.* Stock owned, directly or indirectly, by or for a partnership or estate shall be considered as owned proportionately by its partners or beneficiaries.

(ii) *From trusts*—(a) *To beneficiaries.* Stock owned, directly or indirectly, by or for a trust (other than an employees' trust described in section 401(a) which is exempt from tax under section 501(a)) shall be considered as owned by its beneficiaries in proportion to the actuarial interest of such beneficiaries in such trust.

(b) *To owner.* Stock owned, directly or indirectly, by or for any portion of a trust of which a person is considered the owner under sections 671 to 678 (relating to grantors and others treated as substantial owners) shall be considered as owned by such person.

(iii) *From corporations.* If 10 percent or more in value of the stock in a corporation is owned, directly or indirectly, by or for any person, such person shall be considered as owning the stock owned, directly or indirectly, by or for such corporation, in that proportion which the value of the stock which such person so owns bears to the value of all the stock in such corporation. See section 956(b)(3).

(2) *Rules of application.* For purposes of subparagraph (1) of this paragraph, if a partnership, estate, trust, or corporation owns, directly or indirectly, more than 50 percent of the total combined voting power of all classes of stock entitled to vote in a corporation, it shall be considered as owning all the stock entitled to vote. See section 958(b)(2).

(d) *Attribution to partnerships, estates, trusts, and corporations*—(1) *In general.* Except as provided in subparagraph (2) of this paragraph—

(i) *To partnerships and estates.* Stock owned, directly or indirectly, by or for a partner or a beneficiary of an estate shall be considered as owned by the partnership or estate.

(ii) *To trusts*—(a) *From beneficiaries.* Stock owned, directly or indirectly, by or for a beneficiary of a trust (other than an employees' trust described in section 401(a) which is exempt from tax under section 501(a)) shall be considered as owned by the trust, unless such beneficiary's interest in the trust is a remote contingent interest. For purposes of the preceding sentence, a contingent interest of a beneficiary in a trust shall be considered remote if, under the maximum exercise of discretion by the trustee in favor of such beneficiary, the value of such interest, computed actuarially, is 5 percent or less of the value of the trust property.

(b) *From owner.* Stock owned, directly or indirectly, by or for a person who is considered the owner of any portion of a trust under sections 671 to 678 (relating to grantors and others treated as substantial owners) shall be considered as owned by the trust.

(iii) *To corporations.* If 50 percent or more in value of the stock in a corporation is owned, directly or indirectly, by or for any person, such corporation shall be considered as owning the stock owned, directly or indirectly, by or for such person. In determining the 50-percent requirement of the preceding sentence, all of the stock owned, directly, indirectly, and constructively, by the person concerned shall be aggregated. This subdivision shall not be applied so as to consider a corporation as owning its own stock.

(2) *Limitation.* Subparagraph (1) of this paragraph shall not be applied so as to consider a United States person as owning stock which is owned by a person who is not a United States person. See section 958(b)(4).

(e) *Options.* If any person has an option to acquire stock, such stock shall be considered as owned by such person. For purposes of the preceding sentence, an option to acquire such an option, and each one of a series of such options, shall be considered as an option to acquire such stock.

(f) *Rules of application.* For purposes of this section—

(1) *Stock treated as actually owned*—(i) *In general.* Except as provided in subdivisions (ii) and (iii) of this subparagraph, stock constructively owned by a person by reason of the application of paragraphs (b), (c), (d), and (e) of this section shall, for purposes of applying such paragraphs, be considered as actually owned by such person.

(ii) *Members of family.* Stock constructively owned by an individual by reason of the application of paragraph (b) of this section shall not be considered as owned by him for purposes of again applying such paragraph in order to make another the constructive owner of such stock.

(iii) *Partnerships, estates, trusts, and corporations.* Stock constructively owned by a partnership, estate, trust, or corporation by reason of the application of paragraph (d) of this section shall not be considered as owned by it for purposes of applying paragraph (c) of this section in order to make another the constructive owner of such stock.

(iv) *Option rule in lieu of family rule.* For purposes of this subparagraph, if stock may be considered as owned by an individual under paragraph (b) or (e) of this section, it shall be considered as owned by him under paragraph (e).

(2) *Coordination of different attribution rules.* For purposes of any one determination, stock which may be owned under more than one of the rules of § 1.958-1 and this section, or by more than one person, shall be owned under that attribution rule which imputes to the person, or persons, concerned the largest total percentage of such stock. The application of this subparagraph may be illustrated by the following examples:

Example (1). (a) United States persons A and B, and domestic corporation M, own 9 percent, 32 percent, and 10 percent, respectively, of the one class of stock in foreign corporation R. A also owns 10 percent of the one class of stock in M Corporation. For purposes of determining whether A is a United States shareholder with respect to R Corporation, 10 percent of the 10-percent interest of M Corporation in R Corporation is considered as owned by A. See paragraph (c)(1)(iii) of this section. Thus, A owns 10 percent (9 percent plus 10 percent of 10 percent) of the stock in R Corporation and is a United States shareholder with respect to such corporation. Corporation M and R, by reason of owning 10 percent and 32 percent, respectively, of the stock in R Corporation are United States shareholders with respect to such corporation.

(b) For purposes of determining whether R Corporation is a controlled foreign corporation, the 1 percent of the stock in R Corporation directly owned by M Corpora-

tion and considered as owned by A cannot be counted twice. Therefore, the total amount

required with respect to the $5. In addi-

tion and considered as owned by A cannot be counted twice. Therefore, the total amount of stock in R Corporation owned by United States shareholders is 51 percent, determined as follows:

	Stock ownership in R Corporation (percent)
A	9
B	32
M Corporation	10
Total	51

Example (2). United States person C owns 10 percent of the one class of stock in foreign corporation N, which owns 60 percent of the one class of stock in foreign corporation S. Under paragraph (a)(2) of § 1.958–1, C is considered as owning 6 per cent (10 percent of 60 percent) of the stock in S Corporation. Under paragraph (c)(1)(iii) and (2) of this section N Corporation is considered as owning 100 percent of the stock in S Corporation and C is considered as owning 10 percent of such 100 percent, or 10 percent of the stock in S Corporation. Thus, for purposes of determining whether C is a United States shareholder with respect to S Corporation, the attribution rules of paragraph (c)(1)(iii) and (2) of this section are used inasmuch as C owns a larger total percentage of the stock of S Corporation under such rules.

(g) *Illustration.* The application of this section may be illustrated by the following examples:

Example (1). United States persons A and B own 5 percent and 25 percent, respectively, of the one class of stock in foreign corporation M. Corporation M owns 60 percent of the one class of stock in foreign corporation N. Under paragraph (a)(2) of § 1.958–1, A and B are considered as owning 3 percent (5 percent of 60 percent) and 15 percent (25 percent of 60 percent), respectively, of the stock in N Corporation. Under paragraph (c)(2) of this section, M Corporation is treated as owning all the stock in N Corporation, and, under paragraph (c)(1)(iii) of this section, B is considered as owning 25 percent of such 100 percent, or 25 percent of the stock in N Corporation. Inasmuch as A owns less than 10 percent of the stock in M Corporation, he is not considered as owning, under paragraph (c)(1)(iii) of this section, any of the stock in N Corporation owned by M Corporation. Thus, the attribution rules of paragraph (a)(2) of § 1.958–1 are used with respect to A inasmuch as he owns a larger total percentage of the stock of N Corporation under such rules; and the attribution rules of paragraph (c)(1)(iii) and (2) of this section are used with respect to B inasmuch as he owns a larger total percentage of the stock of N Corporation under such rules.

Example (2). United States person C owns 60 percent of the one class of stock in domestic corporation P; corporation P owns 60 percent of the one class of stock in foreign corporation Q; and corporation Q owns 60 percent of the one class of stock in foreign corporation R. Under paragraph (a)(2) of § 1.958–1, P Corporation is considered as owning 36 percent (60 percent of 60 percent) of the stock in R Corporation, and C is considered as owning none of the stock in R Corporation inasmuch as the chain of ownership stops at the first United States person and P Corporation is such a person. Under paragraph (c)(2) of this section, Q Corporation is treated as owning 100 percent of the stock in R Corporation, and under paragraph (c)(1)(iii) of this section, P Corporation is considered as owning 60 percent of such 100 percent, or 60 percent of the stock in R Corporation. For purposes of determining the amount of stock in R Corporation which C is considered as owning, P Corporation is treated under paragraph (c)(2) of this section as owning 100 percent of the stock in R Corporation; therefore, C is considered as owning 60 percent of the stock in R Corporation. Thus, the attribution rules of paragraph (c)(1)(iii) and (2) of this section are used with respect to C and P Corporation inasmuch as they each own a larger total percentage of the stock of R Corporation under such rules.

Example (3). United States person D owns 25 percent of the one class of stock in foreign corporation S. D is also a 40-percent partner in domestic partnership X, which owns 50 percent of the one class of stock in domestic corporation T. Under paragraph (d)(1) of this section, the 25 percent of the stock in S Corporation owned by D is considered as being owned by partnership X; since such stock is treated as actually owned by partnership X under paragraph (f)(1)(i) of this section, such stock is in turn considered as being owned by T Corporation. Thus, under paragraphs (d)(1) and (f)(1)(i) of this section, T Corporation is considered as owning 25 percent of the stock in S Corporation.

Example (4). Foreign corporation U owns 100 percent of the one class of stock in domestic corporation V and also 100 percent of the one class of stock in foreign corporation W. By virtue of paragraph (d)(2) of this section, V Corporation may not be considered under paragraph (d)(1) of this section as owning the stock owned by its sole shareholder, U Corporation, in W Corporation.

Example (5). United States citizen E owns 15 percent of the one class of stock in foreign corporation Y, and United States citizen F, E's spouse, owns 5 percent of such stock. E and F's four nonresident alien grandchildren each own 20 percent of the stock in Y Corporation. Under paragraph (b)(1) of this section, E is considered as owning the stock owned by F in Y Corporation; however, by virtue of paragraph (b)(3) of this section, E may not be considered under paragraph (b)(1) of this section as owning any of the stock in Y Corporation owned by such grandchildren.

Example (6). United States person F owns 10 percent of the one class of stock in foreign corporation Z; corporation Z owns 10 percent of the one class of stock in foreign corporation K; and corporation K owns 100 percent of the one class of stock in foreign corporation L. United States person G, F's spouse, owns 9 percent of the stock in K Corporation. Under paragraph (c)(1)(iii) of this section or paragraph (a)(2) of § 1.958–1, F is considered as owning 1 percent (10 percent of 10 percent of 100 percent) of the stock in L Corporation by reason of his ownership of stock in Z Corporation, and, under paragraph (b)(1) of this section, G is considered as owning such 1 percent of the stock in L Corporation. Under paragraph (a)(2) of § 1.958–1, G is considered as owning 9 percent (9 percent of 100 percent) of the stock in L Corporation by reason of her ownership of stock in K Corporation, and, under paragraph (b)(1) of this section, F is considered as owning such 9 percent of the stock in L Corporation. Thus, for the purpose of determining whether F or G is a United States shareholder with respect to L Corporation, each of F and G is considered as owning a total of 10 percent of the stock in L Corporation by applying the rules of paragraph (a)(2) of § 1.958–1 and paragraphs (b)(1) and (c)(1)(iii) of this section.

[F.R. Doc. 65–4695; Filed, May 10, 1965; 8:45 a.m.]

[26 CFR Part 1]

INCOME TAX

Dividend and Interest Information Reporting

Notice is hereby given, pursuant to the Administrative Procedure Act, approved June 11, 1946, that the regulations set forth in tentative form below are proposed to be prescribed by the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury or his delegate. Prior to the final adoption of such regulations, consideration will be given to any comments or suggestions pertaining thereto which are submitted in writing, in duplicate, to the Commissioner of Internal Revenue, Attention: CC:LR:T, Washington, D.C., 20224, within the period of 30 days from the date of publication of this notice in the FEDERAL REGISTER. Any person submitting written comments or suggestions who desires an opportunity to comment orally at a public hearing on these proposed regulations should submit his request, in writing, to the Commissioner within the 30-day period. In such case, a public hearing will be held, and notice of the time, place, and date will be published in a subsequent issue of the FEDERAL REGISTER. The proposed regulations are to be issued under the authority contained in section 7805 of the Internal Revenue Code of 1954 (68A Stat. 917; 26 U.S.C. 7805).

[SEAL] SHELDON S. COHEN,
Commissioner of Internal Revenue.

In order to permit the reporting of dividend and interest payments on an account basis for 1965 and 1966, and to make certain other liberalizing changes, the Income Tax Regulations (26 CFR Part 1) under sections 6042, 6044 and 6049 of the Internal Revenue Code of 1954, relating to returns regarding payments of dividends, patronage dividends, and interest, respectively, are amended as follows:

PARAGRAPH 1. Section 1.6042–2 is amended by revising paragraphs (a)(1) and (c) thereof. These revised provisions read as follows:

§ 1.6042–2 Returns of information as to dividends paid in calendar years after 1962.

(a) *Requirement of reporting*—(1) *In general.* (i) Every person who makes payments of dividends (as defined in § 1.6042–3) aggregating $10 or more to any other person during a calendar year after 1962 shall make an information return on Forms 1096 and 1099 for such calendar year showing the aggregate amount of such payments, the name and address of the person to whom paid, the total of such payments for all persons, and such other information as is required by the forms. In the case of dividends paid during the calendar year 1963 or 1964, the requirement of this subdivision for the filing of Form 1099 will be met if a person making payments of dividends to another person on two or more classes of stock files a separate Form 1099 with respect to each such class of stock on which $10 or more of dividends are paid to such other person during the calendar year. Thus, if during 1963 a corporation pays to a person dividends totalling $15 on its common stock and $20 on its preferred stock, it may file separate Forms 1099 with respect to the payments of $15 and $20. If the dividends on the preferred stock totalled $5 instead of $20, no return would be required with respect to the $5. In addition, in the case of dividends paid during the calendar year 1965 or 1966, the requirement of this subdivision for the filing of Form 1099 will be met if a person making payments of dividends to another person on two or more separate stock ownership accounts (regardless of whether the payments are made on only one class of stock) files a separate Form 1099 with respect to each such stock ownership account on which $10 or more of dividends are paid to such other person during the calendar year.

(ii) Every person who during a calendar year after 1962 receives payments of dividends as a nominee on behalf of another person aggregating $10 or more shall make an information return on Forms 1096 and 1087 for such calendar year showing the aggregate amount of such dividends, the name and address of the person on whose behalf received, the total of such dividends received on behalf of all persons, and such other information as is required by the forms. Notwithstanding the preceding sentence, the filing of Form 1087 is not required if—

(a) The record owner is required to file a fiduciary return on Form 1041 disclosing the name, address, and identifying number of the actual owner;

(b) The record owner is a nominee of a banking institution or trust company exercising trust powers, and such banking institution or trust company is required to file a fiduciary return on Form 1041 disclosing the name, address, the identifying number of the actual owner; or

(c) The record owner is a banking institution or trust company exercising trust powers, or a nominee thereof, and the actual owner is an organization exempt from taxation under section 501(a) for which such banking institution or trust company files an annual return,

but only if the name, address, and identifying number of the record owner are included on the Form 1041 fiduciary return filed for the estate or trust or the annual return filed for the tax exempt organization.

* * * * *

(c) *Time and place for filing.* The returns required under this section for any calendar year shall be filed after September 30 of such year, but not before the payer's final payment for the year, and on or before February 28 of the following year with any of the Internal Revenue Service Centers, the addresses of which are listed in the instructions for Form 1096. For extensions of time for filing returns under this section, see § 1.6081–1.

* * * * *

PAR. 2. Paragraph (b) of § 1.6042–4 is amended to read as follows:

§ 1.6042–4 Statements to recipients of dividend payments.

* * * * *

(b) *Form of statement.* The written statement required to be furnished to a person under paragraph (a) of this section shall—

(1) Show the aggregate amount of payments shown on the Form 1099 or 1087 as having been made to (or received on behalf of) such person and include a legend indicating such amount is being reported to the Internal Revenue Service, and

(2) Show the name and address of the person filing the form.

The requirement of this section for the furnishing of a statement to any person may be met by the furnishing to such person of a copy of the Form 1099 or 1087 filed pursuant to § 1.6042–3 in respect of such person. A statement shall be considered to be furnished to a person within the meaning of this section if it is mailed to such person at his last known address.

* * * * *

PAR. 3. Paragraph (d) of § 1.6044–2 is amended to read as follows:

§ 1.6044–2 Returns of information as to payments of patronage dividends with respect to patronage occurring in taxable years beginning after 1962.

* * * * *

(d) *Time and place for filing.* The return required under this section on Forms 1096 and 1099 for any calendar year shall be filed after September 30 of such year, but not before the payer's final payment for the year, and on or before February 28 of the following year, with any of the Internal Revenue Service Centers, the addresses of which are listed in the instructions for such forms. For extensions of time for filing returns under this section, see § 1.6081–1.

* * * * *

PAR. 4. Paragraph (b) of § 1.6044–5 is amended to read as follows:

§ 1.6044–5 Statement to recipients of patronage dividends.

* * * * *

(b) *Form of statement.* The written statement required to be furnished to a person with respect to whom a return of information is made under § 1.6044–2 shall—

(1) Show the aggregate amount of payments shown on the return as having been made to such person and include a legend indicating such amount is being reported to the Internal Revenue Service, and

(2) Show the name and address of the cooperative making the return.

The requirement of this section for the furnishing of a statement to any person may be met by the furnishing to such person of a copy of the Form 1099 filed pursuant to § 1.6044–2 in respect of such person. A statement shall be considered to be furnished to a person within the meaning of this section if it is mailed to such person at his last known address.

* * * * *

PAR. 5. Section 1.6049–1 is amended by revising paragraphs (a)(1) and (c) thereof. These revised provisions read as follows:

§ 1.6049–1 Returns of information as to interest paid in calendar years after 1962.

(a) *Requirement of reporting*—(1) *In general.* (i) Every person who makes payments of interest (as defined in § 1.6049–2) aggregating $10 or more to any other person during a calendar year after 1962 shall make an information return on Forms 1096 and 1099 for such calendar year showing the aggregate amount of such payments, the name and address of the person to whom paid, the total of such payments for all persons, and such other information as is required by the forms. In the case of interest paid during the calendar years 1963 to 1966, inclusive, the requirement of this subdivision for the filing of Form 1099 will be met if a person making payments of interest to another person on two or more accounts, insurance contracts, or investment certificates files a separate Form 1099 with respect to each such account, contract, or certificate on which $10 or more of interest is paid to such other person during the calendar year. In the case of evidences of indebtedness described in section 6049(b)(1)(A), separate Forms 1099 may be filed as provided in the preceding sentence with respect to holdings in different issues. Thus, if during 1963 a bank pays to a person interest totalling $15 on one account and $20 on a second account, it may file separate Forms 1099 with respect to the payments of $15 and $20. If the interest on the second account totalled $5 instead of $20, no return would be required with respect to the $5.

(ii) Every person who during a calendar year after 1962 receives payments of interest as a nominee on behalf of another person aggregating $10 or more shall make an information return on Forms 1096 and 1087 for such calendar year showing the aggregate amount of such interest, the name and address of the person on whose behalf received, the total of such interest received on behalf of all persons, and such other information as is required by the forms. Notwithstanding the preceding sentence, the filing of Form 1087 is not required if—

(a) The record owner is required to file a fiduciary return on Form 1041 disclosing the name, address, and identifying number of the actual owner;

(b) The record owner is a nominee of a banking institution or trust company exercising trust powers, and such banking institution or trust company is required to file a fiduciary return on Form 1041 disclosing the name, address, and identifying number of the actual owner; or

(c) The record owner is a banking institution or trust company exercising trust powers, or a nominee thereof, and the actual owner is an organization exempt from taxation under section 501(a) for which such banking institution or trust company files an annual return,

but only if the name, address, and identifying number of the record owner are included on the Form 1041 fiduciary return filed for the estate or trust or the annual return filed for the tax exempt organization.

* * * * *

(c) *Time and place for filing.* The returns required under this section for any calendar year shall be filed after September 30 of such year, but not before the payer's final payment for the year,

and on or before February 28 of the fol-

and on or before February 28 of the following year with any of the Internal Revenue Service Centers, the addresses of which are listed in the instructions for Form 1096. For extensions of time for filing returns under this section, see § 1.6081–1.

* * * * *

PAR. 6. Paragraph (b) of § 1.6049–3 is amended to read as follows:

§ 1.6049–3 Statements to recipients of interest payments.

* * * * *

(b) *Form of statement.* The written statement required to be furnished to a person under paragraph (a) of this section shall—

(1) Show the aggregate amount of payments shown on the Form 1099 or 1087 as having been made to (or received on behalf of) such person and include a legend indicating such amount is being reported to the Internal Revenue Service, and

(2) Show the name and address of the person filing the form.

The requirement of this section for the furnishing of a statement to any person may be met by the furnishing to such person of a copy of the Form 1099 or 1087 filed pursuant to § 1.6049–1 in respect of such person. A statement shall be considered to be furnished to a person within the meaning of this section if it is mailed to such person at his last known address.

* * * * *

[F.R. Doc. 65–4922; Filed, May 10, 1965; 8:46 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Part 8]

COLOR ADDITIVES

Proposed Regulations for Lakes [1]

The Commissioner of Food and Drugs, in accordance with the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 706, 74 Stat. 399; 21 U.S.C. 376) and pursuant to the authority delegated to him by the Secretary of Health, Education, and Welfare (21 CFR 2.90; 29 F.R. 471) proposes the promulgation of the following regulations with respect to lakes of color additives listed under Subparts C, E, and G of Part 8. All interested persons are invited to present written views, comments, or objections regarding this proposal within 30 days from the date of its publication in the FEDERAL REGISTER. Such comments should be submitted, preferably in quintuplicate, to the Hearing Clerk, Department of Health, Education, and Welfare, 330 Independence Avenue SW., Washington, D.C., 20201, and may be accompanied by memoranda or briefs in support thereof.

1. It is proposed to amend Subpart C by adding thereto the following new section:

§ 8.299 Lakes of color additives listed under this Subpart C; listing and specifications.

(a) Lakes of color additives listed under this Subpart C shall be considered as also listed under this subpart and also subject to certification: *Provided*, That they are made by extending on a substratum of alumina a salt prepared by combining the basic radical aluminum or calcium with one or more previously certified water-soluble color additives listed in this subpart.

(b) The lakes prepared as described in paragraph (a) of this section shall meet the general specifications set forth in § 8.110(a) and the following:

(1) Soluble chlorides and sulfates (as sodium salts), not more than 2.0 percent.

(2) Inorganic matter, insoluble in hydrochloric acid, not more than 0.5 percent.

(c) The name of the lake shall be formed as follows:

(1) The listed name(s) of the color additive from which the lake is prepared; plus

(2) The name of the basic radical combined in such color; and

(3) The word "Lake."

2. It is proposed to amend Subpart E by adding thereto the following new section:

§ 8.4999 Lakes of color additives listed under this Subpart E; listing and specifications.

(a) Lakes of color additives listed under this subpart E shall be considered as being also listed under this subpart and also subject to certification: *Provided*, That they are made:

(1) By extending on a substratum of alumina, blanc fixe, gloss white, titanium dioxide, talc, rosin, aluminum benzoate, calcium carbonate, or any combination of two or more of these, a color additive listed under this subpart; or

(2) By extending on the substrata listed in subparagraph (1) of this paragraph a salt prepared by combining the basic radicals sodium, potassium, aluminum, barium, calcium, strontium, or zirconium with a color additive listed under this subpart.

(b) The lakes prepared as described in paragraph (a) of this section shall meet the general specifications set forth in § 8.110(a) and the following:

(1) Soluble chlorides and sulfates (as sodium salts), not more than 3.0 percent.

(2) In the case of a lake that contains barium salts, the barium soluble in dilute hydrochloric acid shall not be more than 0.05 percent (as barium chloride).

(3) The ratios of "uncombined intermediates/pure color" and "subsidiary colors/pure color" shall not be more than are permitted in the specifications for the color additive listed under this Subpart E.

(c) The name of the lake shall be formed as follows:

(1) The listed name of the color additive from which the lake is prepared; plus

(2) The name of the basic radical combined in such color; and

(3) The word "Lake."

3. It is proposed to amend Part 8 by adding thereto the following new Subpart G:

Subpart G—Listing of Color Additives for Cosmetic Use Subject to Certification

§§ 8.7001–8.7998 [Reserved]

§ 8.7999 Lakes of color additives listed under this Subpart G; listing and specifications.

(a) Lakes of color additives listed under this Subpart G shall be considered as being also listed under this subpart and also subject to certification: *Provided*, That they are made:

(1) By extending on a substratum of alumina, blanc fixe, gloss white, titanium dioxide, talc, rosin, aluminum benzoate, calcium carbonate, or any combination of two or more of these, a color additive listed under this subpart; or

(2) By extending on the substrata listed in subparagraph (1) of this paragraph a salt prepared by combining the basic radicals sodium, potassium, aluminum, barium, calcium, strontium, or zirconium with a color additive listed under this subpart.

(b) The lakes prepared as in paragraph (a) of this section shall meet the general specifications set forth in § 8.110 (c) and the following:

(1) Soluble chlorides and sulfates (as sodium salts), not more than 3.0 percent.

(2) In the case of a lake which contains barium salts, the barium soluble in dilute hydrochloric acid shall not be more than 0.05 percent (as barium chloride).

(3) The ratios of "uncombined intermediates/pure color" and "subsidiary colors/pure color" shall not be more than are permitted in the specifications for the color additive listed under this subpart.

(c) The name of the lake shall be formed as follows:

(1) The listed name of the color additive from which the lake is prepared; plus

(2) The name of the basic radical combined in such color; and

(3) The word "Lake."

Dated: May 5, 1965.

GEO. P. LARRICK,
Commissioner of Food and Drugs.

[F.R. Doc. 65–4923; Filed, May 10, 1965; 8:47 a.m.]

[1] Section 8.110 referred to in this document was published in the FEDERAL REGISTER of April 24, 1965 (30 F.R. 5797), in proposed regulations for general specifications for color additives.

Notices

FEDERAL COMMUNICATIONS COMMISSION

[List CTV–5]

CANADIAN TELEVISION ASSIGNMENTS

Changes, Additions and Corrections

MAY 1, 1965.

List of changes, additions and corrections in Canadian television assignments compiled from details supplied by the Department of Transport of Canada, pursuant to section B of the Canadian-United States Television Agreement (TIAS–2594) on or before May 1, 1965. This list is supplementary to the recapitulative list issued by the Commission on April 1, 1963.

			Effective radiated power (kw)	Directivity	Antenna height			Offset
					Above ground	Above m.s.l.	Above terrain	
		Channel 2 (54–60 mc)						
CFCL–TV–2	J. Conrad Lavigne Enterprises, Ltd.	Kirkland Lake (Kearns) Ont. N. 48°08'12", W. 79°29'12"	14.00 V 7.30 A	D.A.	*Feet* 490	*Feet* 1,750	*Feet* 722	No.
		Channel 4 (66–72 mc)						
CFCR–TV	Twin Cities Television	Kamloops, British Columbia N. 50°40'15", W. 120°23'50"	3.70 V 1.85 A	Om.	114	3,081	801	(+)
		Channel 5 (76–82 mc)						
CFCR–TV–6	Twin Cities Television, Ltd. (new assignment)	Mount Timothy, British Columbia N. 51°54'00", W. 121°15'30"	0.98 V 0.49 A	Om.	46	5,448	1,871	No.
		Channel 7 (174–180 mc)						
CKMJ–TV	Transcanada Communications, Ltd. (new assignment).	Moose Jaw, Saskatchewan N. 50°26'43", W. 105°46'09"	55.40 V 27.70 A	D.A.	752	2,727	766	(–)
CFLA–TV	Canadian B/Cing Corp.	Goose Bay, Labrador N. 53°17'47", W. 60°26'00"	0.870 V 0.435 A	Om.	90	891	82.4	No.
		Channel 9 (186–192 mc)						
CFCR–TV–4	Twin Cities Television, Ltd. (new assignment)	Clinton, British Columbia N. 51°06'10", W. 121°40'30"	0.204 V 0.012 A	Om.	45	6,545	1,805	(+)
		Channel 10 (192–198 mc)						
CJON–TV–1	Newfoundland B/Cing Co., Ltd. (new assignment).	Bonavista, Newfoundland N. 48°37'30", W. 53°03'45"	0.23 V 0.11 A	D.A.	87	847	486	No.
CKHQ–TV–1	Northeast Social Club (new assignment)	Manicouagan, Quebec N. 50°28'30", W. 68°44'26"	0.0550 V 0.0274A	D.A.	208	1,262	71	No.
		Channel 11 (198–204 mc)						
CBHT–3	Canadian B/Cing Corp.	Yarmouth, Nova Scotia N. 43°56'53", W. 66°06'07"	15.80 V 7.90 A	D.A.	810	890	680	(–)
CKBL–TV–1	La Compagnie de Radiodiffusion (new assignment).	Mont Climont, Quebec N. 48°23'30", W. 67°19'27"	0.343 V 0.172 A	D.A.	95	1,045	732	No.
		Channel 13 (210–216 mc)						
CFCN–TV–1	CFCN Television, Ltd. (new assignment)	Drumheller, Alberta N. 51°24'00", W. 112°19'46"	14.1 V 7.0 A	D.A.	540	3,940	916	No.
CBHT–1	Canadian B/Cing Corp.	Liverpool, Nova Scotia N. 44°05'59", W. 64°43'00"	0.466 V 0.233 A	D.A.	473	772	647	No.

[SEAL]

FEDERAL COMMUNICATIONS COMMISSION,
BEN F. WAPLE,
Secretary.

[F.R. Doc. 65–4945; Filed, May 10, 1965; 8:48 a.m.]

[FCC 65–372]

STANDARD BROADCAST APPLICATION READY AND AVAILABLE FOR PROCESSING

MAY 6, 1965.

The application listed below is mutually exclusive with the application, File No. BR–2831, of the licensee of Station WCGA, Calhoun, Ga., for renewal of license. The proposal is for the identical facilities of this Class II station; however, a different antenna site and antenna system is proposed. Since the data submitted indicates compliance with the Note to § 1.571 of our rules we have this date accepted the application for filing. Similarly, we will accept any other applications for consolidation which meet the requirements of our rules which govern the acceptance of applications.

NEW, Calhoun, Ga., John C. Roach, Req.: 900 kc, 1 kw, Day.

Accordingly, notice is hereby given that the above application is accepted for filing and that on June 15, 1965, the application will be considered as ready and available for processing, and pursuant to §§ 1.227(b)(1) and 1.591(b) of the Commission's rules, an application, in order to be considered with this application, or with any other application on file by the close of business on June 14, 1965, which involves a conflict necessitating a hearing with this application, must be substantially complete and tendered for filing at the offices of the Commission in Washington, D.C., by whichever date is earlier: (a) The close of business on June 14, 1965; or (b) the earlier effective cut-off date which this application or any other conflicting application may have by virtue of conflicts necessitating a hearing with applications appearing on previous lists.

The attention of any party in interest desiring to file pleadings concerning the

above application pursuant to section 309(d)(1) of the Communications Act quire that more time be extended for preparation than will have been avail-

It is ordered, This 5th day of May 1965,

lose primary service from the proposed

with the Note to § 1.571 of our rules we to be considered with this application, or desiring to file pleadings concerning the

above application pursuant to section 309(d)(1) of the Communications Act of 1934, as amended, is directed to § 1.560 (i) of the Commission's rules for the provisions governing the time of filing and other requirements relating to such pleadings.

Adopted: May 5, 1965.

FEDERAL COMMUNICATIONS COMMISSION,[1]
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 65-4946; Filed, May 10, 1965; 8:48 a.m.]

[Docket No. 15471; FCC 65M-563]

AMERICAN TELEPHONE & TELEGRAPH CO.

Order Continuing Hearing

In the matter of American Telephone & Telegraph Co., Docket No. 15471; charges for special construction over other than normal routes.

On the unopposed oral request of counsel for the Air Force, *It is ordered*, This 5th day of May 1965, that (a) the date for the distribution of the written testimony of the Air Force witnesses is extended from May 11 to June 29, 1965, and (b) the further hearing is rescheduled from May 25 to July 20, 1965.

Released: May 6, 1965.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 65-4948; Filed, May 10, 1965; 8:48 a.m.]

[Docket No. 15795; FCC 65M-562]

UNITED BROADCASTING CO., INC.

Memorandum Opinion and Order Continuing Hearing

In re application of United Broadcasting Co., Inc., Docket No. 15795, File No. BR-1104; for renewal of license of Station WOOK, Washington, D.C.

1. The applicant, in a request filed April 28, to modify the hearing schedule, is proposing trial procedures which would effectively put off the hearing to September 14, 1965. The Broadcast Bureau supports the request, its pleading setting out how the lengthy continuance will to a large extent serve its own schedule which most prominently features another matter likely, it is argued, to take up most of May and part of June.

2. This is too much, especially since staff counsel was careful early in the proceeding to remind that renewal cases are to be moved along. The month of July appears to be open and trial will be held during that month in accordance with the procedures set out below. Counsel for the applicant and for the Bureau are free as they wish to meet and to consult with a view to reducing the case to manageable proportions. But they are now on notice that fair process does not require that more time be extended for preparation than will have been available by the time the hearing opens in July.

Accordingly, it is ordered, This 5th day of May 1965, that the request of April 28, 1965, on behalf of United Broadcasting Co. to modify the hearing schedule is granted in that additional time is allowed for preparation and for the commencement of hearing, and in all other respects is denied. The following new schedule will govern the further conduct of this proceeding:

June 25, 1965—On or before this date the applicant will deliver to counsel for the Broadcast Bureau all written material it expects to rely upon in meeting its burden of proof under issues 2 and 3.

July 7, 1965—This is the new date—at 10 a.m., in Washington, D.C.—for the hearing to get under way. On this date, it is expected that consideration will be given at the outset to the trial of issues 2 and 3. On or before this date, too, the applicant must serve upon the Broadcast Bureau all of the written material it expects to rely upon in meeting its burden under all other issues. When trial of issues 2 and 3 is completed, the case will go forward without interruption to hear the evidence on all other issues.

July 1, 1965—If the Broadcast Bureau desires that the applicant produce for cross-examination witnesses sponsoring written exhibit material on issues 2 and 3, it must so notify the applicant on or before this new date of July 1, 1965. The date for calling for witnesses with respect to other issues will be later specified as the hearing develops.

Released: May 6, 1965.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 65-4949; Filed, May 10, 1965; 8:48 a.m.]

[Docket No. 15844, 15845; FCC 65M-561]

WEPA-TV, INC. (WEPA-TV) AND JET BROADCASTING CO., INC.

Order Regarding Procedural Dates

In re applications of WEPA-TV, INC. (WEPA-TV), Erie, Pa., Docket No. 15844, File No. BMPCT-5953; for modification of construction permit; the Jet Broadcasting Co., Inc., Erie, Pa., Docket No. 15845, File No. BPCT-3324; for construction permit for new television broadcast Station (Channel 24).

The Chief Hearing Examiner having under consideration a joint petition on behalf of the applicants, filed May 4, 1965, requesting an extension of certain procedural dates heretofore prescribed in the above-entitled proceeding;

It appearing, that the petitioners herein have pending with the Commission's Review Board a request for approval of an agreement looking toward dismissal of the application of WEPA-TV, Inc., and a grant of the application of The Jet Broadcasting Co., Inc.; and that approval of such agreement will render the above-entitled proceeding moot;

It appearing further, that the petition is not opposed by the Commission's Broadcast Bureau, the only other party to the proceeding, and that good cause is shown in support thereof;

It is ordered, This 5th day of May 1965, that the petition is granted, and procedural dates in the above-entitled proceeding are extended as follows:

	From	To
Exchange of exhibits	May 4	June 4, 1965
Notification of witnesses	May 13	June 11, 1965
Commencement of hearing	May 18	June 18, 1965

Released: May 6, 1965.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 65-4950; Filed, May 10, 1965; 8:48 a.m.]

[Docket No. 15985; FCC 65-356]

WHOO RADIO, INC. (WHOO)

Order Designating Application for Hearing on Stated Issues

In re application of WHOO RADIO, INC. (WHOO), Orlando, Fla., Docket No. 15985, File No. BP-13708; has: 990 kc, 5 kw, 10 kw-LS, DA-N, U, Class II; requests: 990 kc, 5 kw, 50 kw-LS (10 kw-CH) DA-2, U, Class II; for construction permit.

At a session of the Federal Communications Commission held at its offices in Washington, D.C., on the 28th day of April 1965;

The Commission having under consideration the above-captioned and described application;

It appearing, that, except as indicated by the issues specified below, the applicant is legally, technically, financially, and otherwise qualified to construct and operate as proposed; and

It further appearing, that, according to the applicant's data, 5,428 persons or 2.4 percent of the population (based on 1960 Census) within the proposed 25 mv/m contour reside within the proposed 50 kw-1 v/m contour, resulting in a contravention of § 73.24(g) of the Commission's rules; and that the applicant has requested a waiver thereof; and

It further appearing, that the Commission has carefully considered the grounds and data submitted in support of the waiver request but is unable at this time to conclude that a waiver would serve the public interest and is of the opinion that the matter should be fully explored in an evidential hearing, after which the request for waiver will be either granted or denied; and

It further appearing, that, in view of the foregoing, the Commission is unable to make the statutory finding that a grant of the subject application would serve the public interest, convenience, and necessity, and is of the opinion that the application must be designated for hearing on the issues set forth below:

It is ordered, That, pursuant to section 309(e) of the Communications Act of 1934, as amended, the application is designated for hearing at a time and place to be specified in a subsequent Order, upon the following issues:

1. To determine the areas and populations which may be expected to gain or lose primary service from the proposed operation of Station WHOO and the availability of other primary service to such areas and populations.

2. To determine whether the proposed operation is in compliance with § 73.24 (g) of the Commission's rules concerning population within the 1000 mv/m contour and, if not, whether circumstances exist which would warrant a waiver of said Section.

3. To determine, in the light of the evidence adduced pursuant to the foregoing issues, whether a grant of the application would serve the public interest, convenience and necessity.

It is further ordered, That, in the event of a grant of the application, the construction permit shall contain the following conditions:

The installation of a properly designed phase monitor in the transmitter room as a means of continuously and correctly indicating the amplitude and phase of currents in the several elements of the directional antenna system.

Field measuring equipment being available at all times and, after commencement of operation, the field intensity at each of the monitoring points being measured at least once every 7 days and an appropriate record kept of all measurements so made.

A complete nondirectional proof of performance, in addition to the required proof on the directional antenna system, being submitted before program tests are authorized.

Before program tests are authorized, permittee shall submit sufficient field intensity measurement data made on the nighttime array to establish that the installation of the additional tower for daytime operation has not adversely affected the nighttime radiation pattern.

It is further ordered, That, to avail itself of the opportunity to be heard, the applicant, pursuant to § 1.221(c) of the Commission rules, in person or by attorney, shall, within 20 days of the mailing of this order, file with the Commission in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this order.

It is further ordered, That the applicant herein shall, pursuant to section 311(a)(2) of the Communications Act of 1934, as amended, and § 1.594 of the Commission's rules, give notice of the hearing, within the time and in the manner prescribed in such rule, and shall advise the Commission of the publication of such notice as required by § 1.594 (g) of the rules.

Released: May 6, 1965.

FEDERAL COMMUNICATIONS COMMISSION,[1]
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 65-4951; Filed, May 10, 1965; 8:48 a.m.]

[1] Commissioner Lee absent.

[1] Commissioners Bartley and Loevinger absent.

[Supp. 2]

CANADIAN-U.S.A. TELEVISION AGREEMENT

Amendment to Allocation of VHF Broadcast Stations

MAY 6, 1965.

Pursuant to an exchange of correspondence between the Department of Transport of Canada and the Federal Communications Commission, Table A, Annex 1 of the Television Working Arrangement under the Canadian-United States of America Television Agreement has been amended as indicated by the following table.

Further amendments to Table A will be issued as public notices in the form of numbered supplements.

City	Channel No.	
	Delete	Add
Alberta		
Coronation	13	
Drumheller		12.
Brooks		5 (limitation to protect Station CJFB-TV, Channel 8—, Swift Current, Saskatchewan).
British Columbia		
Mount Timothy	8—	8.
Terrace	3—	3.
White Lake		12.
Ontario		
Bancroft		2+.
Elliot Lake		9+ (limitation to protect CBFOT, Channel 9—, Timmins, Ontario).
Haliburton		5 (limited 316 watts maximum radiated power with submitted directional antenna pattern and 145°).
Hearst		4—, 7.
Quebec		
Mont Climent		11 (limitation to protect Channel 11—, Sept Iles, Quebec, radiating 1,520 watts maximum power with submitted directional antenna pattern and 72°).
Saskatchewan		
Tugaske	10-(L)	

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 65-4944; Filed, May 10, 1965; 8:48 a.m.]

[Docket No. 14351; FCC 65-360]

AMERICAN TELEPHONE & TELEGRAPH CO.

Memorandum Opinion and Order

In the matter of American Telephone & Telegraph Co., Docket No. 14351; tariff F.C.C. No. 250, TELPAK service and channels.

1. Numerous pleadings were filed subsequent to the Commission's action of December 23, 1964, in this proceeding; F.C.C. 64-1172, as corrected, published officially at 37 F.C.C. 1111. Petitions for reconsideration (or for rehearing and here considered as petitions for reconsideration) have been filed, respectively, by: Administrator of General Services; Aeronautical Radio, Inc.; Air Transport Association of America; American Telephone & Telegraph Co. and its associated operating telephone companies; American Trucking Associations, Inc., Bethlehem Steel Corp. (formerly Bethlehem Steel Co.), Clark Equipment Co., Douglas Aircraft Co., Inc., Hunt Foods and Industries, Inc., NAM Communications Committee, Olin Mathieson Chemical Corp., and United States Steel Corp., jointly; Eastern Air Lines, Inc.; International Business Machines Corp.; Lockheed Aircraft Corp.; and The Western Union Telegraph Co. Oppositions to Western Union's petition were filed by GSA; jointly by ARINC, Air Transport, American Airlines, Inc., Eastern, IBM, Lockheed, and Xerox Corp.; jointly by American Trucking Associations, Bethlehem, Douglas, NAM, Olin Mathieson, and U.S. Steel; by A.T. & T.; by Dow Jones & Co., Inc.; by Lockheed; by The Associated Press; by Twin Coast Newspapers, Inc.; and by Xerox (filed prior to the joint submittal of ARINC et al. in which Xerox also joined). Western Union replied to the oppositions to its petition and also filed an opposition to most of the petitions for reconsideration. ARINC and Air Transport joined in a reply to Western Union's opposition; A.T. & T. also replied to Western Union's opposition. The requests thus presented are before the Commission for final disposition at this time.

2. Western Union's petition requests reconsideration insofar as our memorandum Opinion and Order fails to require cancellation of the TELPAK tariff within 60 days. In general, the other petitions seek reconsideration of our conclusions that TELPAK and the other private line services are like communication services, that there is no competitive necessity in the case of TELPAK A and B, and that TELPAK C and D have not been shown to be compensatory.

3. We will consider first points raised by Western Union's petition. Our reasons for continuing temporarily the TELPAK rates in effect are fully set out in our previous Memorandum Opinion and Order, FCC 64-1172 published at 37 F.C.C. 1111. However, one matter in connection with Western Union's petition deserves mention. The petition assumes that the theory of our findings and conclusions is to require the cancellation, without more, of the TELPAK tariff schedules. It should be pointed out that our decision merely holds that there is a discrimination which has not been shown to be justified and which, absent such a showing, must be eliminated. This is different from a holding that TELPAK per se is unlawful. In any case, as we have said, our reasons for not requiring the immediate elimination of such discrimination are fully set out

in our previous Memorandum Opinion and Order. It is unnecessary to restate such reasons here. Moreover, we know of no legal basis upon which we can require A.T. & T. to refrain from furnishing any additional TELPAK service while the tariff schedules remain in effect. Accordingly, Western Union's petition will be denied.

4. The other petitions for reconsideration in large part restate arguments previously made and considered by the Commission in its tentative decision and its previous Memorandum Opinion and Order. No useful purpose would be served by again setting forth the Commission's reasons for determining these matters as it has in its previous pronouncements.

5. Several of the petitions appear to request reconsideration insofar as the Memorandum Opinion and Order does not list separately each individual exception filed by each of the parties together with a specific ruling on each. The Memorandum Opinion and Order, together with the tentative decision, is clear as to the basis for the Commission's determination herein. The Memorandum Opinion and Order states that all exceptions filed except as indicated therein were denied as either immaterial or contrary to the weight of the evidence. We believe that the parties have been unmistakably informed as to our rulings on exceptions. However, even though we believe our previous action was clear and specific in expressing our ruling on each exception submitted, the Commission now states its ruling for each exception individually by an appendix to the present order and we thereby grant the request for reconsideration to that extent.

6. In addition A.T. & T. Exception No. 1 warrants further specific mention. A.T. & T. notes in its petition for reconsideration that our Memorandum Opinion and Order does not specifically deal with this exception relating to the alleged denial of a "full hearing" by virtue of the participation of the Common Carrier Bureau staff in the decisional process. We believe this matter was effectively disposed of by our order of September 7, 1961, which denied a petition of A.T. & T. which sought to have the hearing examiner prepare an initial decision herein. To the extent that reconsideration of that order is now sought, we affirm the order for the reasons stated therein. We there pointed out that the procedure being criticized is consistent with the requirements of the Administrative Procedure Act. We further pointed out that A.T. & T.'s views would not be ignored and that it would have the opportunity to file proposed findings, as well as exceptions to an initial decision, and to request oral argument. This in fact has been the case. A.T. & T.'s case herein has been ably and forcefully presented and, along with the presentations of all other participants, has been carefully considered by the Commission. We find no merit to A.T. & T.'s contention in this respect.

7. Questions have been raised as to whether the Memorandum Opinion and Order is a final decision. It was and is the Commission's intention to dispose finally of the issues to the extent indicated therein. This, of course, does not include final action concerning presently effective TELPAK C and D rates regarding which further evidence is to be taken.

Accordingly, it is ordered, That the above-referenced petitions for reconsideration are granted to the extent indicated above and in all other respects are denied.

Adopted: May 3, 1965.

Released: May 4, 1965.

FEDERAL COMMUNICATIONS COMMISSION,[1]

[SEAL] BEN F. WAPLE,
Secretary.

APPENDIX

RULINGS ON EXCEPTIONS OF A.T. & T.

Exception No.	Ruling
1	Denied. Presents no new arguments in again stating opposition to an interlocutory order of Feb. 6, 1962, adverse to A.T. & T. requests then pending.
2	Denied. To the extent that such matters were material, they were incorporated into the findings and conclusions.
3–5	Denied. Immaterial.
6, 7	Denied. Immaterial.
8	Granted. See A.T. & T. TELPAK Service, Memorandum Opinion and Order, par. 4, 37 F.C.C. 1111, 1112 (1964).[1a]
9–11	Denied. The statement of the questions presented is in accordance with the law and the evidence.
12	Denied. The reasoning in the Tentative Decision is correct.
13	Denied. Immaterial; see M.O. par. 6, note 3.
14	Denied. The reasoning in the Tentative Decision is correct.
15, 16	Denied. The finding is in accordance with the evidence.
17	Denied. See M.O. par. 9.
18	Denied. The conclusion is supported by findings based upon substantial evidence.
19, 20	Denied. Immaterial.
21	Denied. See rulings on exceptions 12–18.
22	Denied. Immaterial in part and contrary to the weight of the evidence as to the remainder, as specifically discussed in the Tentative Decision and Memorandum Opinion.
23	Denied. See A.T. & T. TELPAK Service, Tentative Decision, par. 14, 36 F.C.C. 370, 379 (1964).[2]
24	Denied. This exception misstates the Tentative Decision.
25	Denied. The Tentative Decision correctly reasoned and discussed the result.
26, 27	Denied. Contrary to the weight of the evidence.
28	Denied. Immaterial.
29	Denied. Contrary to the weight of the evidence.
30	Denied. The reasoning of the Tentative Decision is correct.
31	Denied. Contrary to the weight of the evidence.
32	Denied. See rulings on exceptions 26–31.
33	Denied. Contrary to the weight of the evidence.
34	Denied. Contrary to the weight of the evidence.
35	Denied. Immaterial.
36, 37	Denied. Immaterial in part and contrary to the weight of the evidence in part.
38	Denied. Contrary to the weight of the evidence.
39	Denied. Contrary to the weight of the evidence.
40	Denied. Contrary to the weight of the evidence.
41	Denied. The reasoning of the Tentative Decision is correct.
42	Denied. The reasoning of the Tentative Decision is correct.
43	Denied. See rulings on exceptions 24–35.
44	Denied. Contrary to the weight of the evidence.
45	Denied. See ruling on exception 11.
46	Denied. See M.O. par. 14 and rulings on exceptions 12–22 and 24–43.
47	Denied. Immaterial.
48	Denied. Immaterial.
49	Denied. See M.O. par. 15.
50–53	Denied. Contrary to the weight of the evidence; see also M.O. par. 18.
54	Denied. Contrary to the weight of the evidence.
55, 56	Denied. The Tentative Decision properly evaluates the evidence in this regard.
57	Denied. The tariff itself fragmentizes the offering.
58	Denied. See ruling on exception 57; see also M.O. par. 14.
59	Denied. Contrary to the weight of the evidence.
60	Denied. Contrary to the weight of the evidence.
61	Denied. Immaterial in part and in part based on assumptions contrary to the evidence of record.
62	Denied. Immaterial.
63	Denied. Immaterial.
64	Denied. There is no implication in the Tentative Decision that the absence of cost evidence is due to Respondents unwillingness or failure to comply with a Commission request.
65	Denied. Immaterial.
66	Denied. Contrary to the weight of the evidence.
67	Denied. Contrary to the weight of the evidence.
68	Denied. Contrary to the weight of the evidence.
69–71	Denied. Contrary to the weight of the evidence.
72, 75, 76, 78–80	Denied. For the reasons stated in the Tentative Decision and Memorandum Opinion.
73	Denied. Immaterial.
74	Denied. See M.O. par. 4.
77	Denied. See M.O. par. 14.

RULINGS ON EXCEPTIONS OF AMERICAN TRUCKING

Exception No.	Ruling
1	Granted. See M.O. par. 4.
2	Denied. Contrary to weight of the evidence; see M.O. par. 18.
3	Denied. Contrary to the law.
4	Denied. Contrary to the law.
5	Denied. The exception misstates the Tentative Decision.
6, 8	Denied. See M.O. par. 14.
7	Denied. Contrary to the weight of the evidence; see M.O. par. 18.
9	Denied. See rulings on the other exceptions.
10	Denied. See M.O. pars. 4–10, 18.

[1] Commissioner Cox dissenting in part and concurring in part and stating that: "I would grant Western Union's petition to the extent it seeks prompt elimination of the discrimination which has been found to exist."

[1a] Hereafter this decision will be cited as M.O.

[2] Hereafter this decision will be cited as T.D.

RULINGS ON EXCEPTIONS OF AMERICAN TRUCKING—Continued

Exception No.	Ruling
11	Denied. Contrary to the weight of the evidence.
12	Denied. Contrary to the weight of the evidence.
13	Denied. Contrary to the weight of the evidence.
14, 15	Denied. Contrary to the weight of the evidence.
16	Denied. Contrary to the weight of the evidence.
17	Denied. Contrary to the weight of the evidence.
18	Denied. See rulings on other exceptions.
19, 20, 22	Denied. In view of the reasons set forth in the Memorandum Opinion.
21	Denied. See M.O. pars. 19, 20.

RULINGS ON EXCEPTIONS OF ARINC

Exception No.	Ruling
1	Denied. Contrary to the weight of the evidence.
2	Denied in part and granted in part; see M.O. par. 4.
3	Denied. Consideration has been given to all evidence and proposed findings and findings have been made on all relevant and material evidence.
4	Denied. Consideration was given to the factor of competition by private microwave systems. The second part of the exception is contrary to the weight of the evidence.
5	Denied. Contrary to the weight of the evidence.
6	Denied. Contrary to the weight of the evidence.
7	Denied. Contrary to the weight of the evidence.
8	Denied. See M.O. par. 14.
9	Denied. The original tariff is not at issue.
10	Denied. Contrary to the law.
11	Denied. The exception misstates the Tentative Decision.
12	Denied. Contrary to the weight of the evidence; contrary to the law.
13	Denied. Contrary to the law.
14	Denied. Contrary to the law.
15	Denied. See M.O. par. 13.

RULINGS ON EXCEPTIONS OF ASSOCIATED PRESS

Exception No.	Ruling
1	Denied. These matters have been dealt with in both the Tentative Decision and the Memorandum Opinion. Their statement in the manner and place proposed is not deemed necessary.
2	Denied. Immaterial.
3	Denied. Contrary to the weight of the evidence. The like features of the TELPAK and Private Line services are considered in M.O. para. 8–9. Broadband service is treated at M.O. par. 6 and note 3; shared usage is discussed at M.O. par. 11.
4	Denied. Contrary to the weight of the evidence.
5, 6	Denied. See rulings on exceptions 13 and 14.
7, 12, 13	Denied. In view of and for the reasons set forth in the Tentative Decision and Memorandum Opinion.
8	Denied. See M.O. par. 14.
9	Denied. Irrelevant as the original TELPAK tariff is not at issue.

RULINGS ON EXCEPTIONS OF ASSOCIATED PRESS—Continued

Exception No.	Ruling
10	Denied. There was no showing that volume reductions created a separate service; however, the principle that volume reductions may, in fact, create a separate service is recognized at T.D. pars. 8 and 15 and at M.O. par. 12. We are not aware of any volume rates for private line services furnished broadcast stations.
11	Denied. The exception misstates the Tentative Decision.

RULINGS ON EXCEPTIONS OF EASTERN AIR LINES

Exception No.	Ruling
1	Denied. Immaterial.
2	Denied. The exception misstates the Tentative Decision.
3	Denied. See M.O. par. 4.
4	Denied. See M.O. par. 4.
5	Denied. The exception misstates the Tentative Decision.
6	Granted. See M.O. par. 4.
7	Denied. Not in accordance with the Commission's rules.
8	Denied. The exception misstates the Tentative Decision.
9	Denied. Contrary to the weight of the evidence.
10	Denied. Contrary to the weight of the evidence. In part the exception misstates the Tentative Decision.
11	Denied. Contrary to the weight of the evidence.
12	Denied. See M.O. par. 14.
13–15	Denied. The original tariff is not at issue.
16	Denied. For the reasons stated in the Tentative Decision and the Memorandum Opinion.
17	Denied. The computation does include terminal charges.

RULINGS ON EXCEPTIONS OF G.S.A.

Exception No.	Ruling
1	Denied. Immaterial.
2, 16, 36	Denied. The arguments of all parties were considered; see M.O. par. 13.
3–6	Denied. T.D. par. 3 correctly states the fundamental questions to be considered.
7	Denied. The finding is in accordance with the evidence.
8, 9	Denied. The exception is legally incorrect. In any case the succeeding paragraphs give further reasons for concluding that TELPAK and the other private line services are like communication services.
10–12	Denied. Immaterial.
13–15	Denied. See M.O. pars. 5, 6, and 18.
17	Denied. The purpose of the table in T.D. par. 14 is not to show the nature of the TELPAK service; however, it does show a difference in rates.
18, 19, 37	Denied. See M.O. par. 14.
20	Denied. The finding is in accordance with the evidence.
21–26	Denied. Immaterial.
27	Denied. The finding is in accordance with the evidence.
28–30	Denied. Immaterial.
31	Denied. This exception is not supported by the record and is contrary to the weight of the evidence.
32	Denied. Contrary to the weight of the evidence.
33	Denied. Irrevelant.

RULINGS ON EXCEPTIONS OF G.S.A.—Continued

Exception No.	Ruling
34	Denied. The finding is in accordance with the evidence.
35, 89, 93	Denied. The conclusion is in accordance with the basic findings supported by evidence of record.
38	Denied. The finding is in accordance with the evidence.
39	Denied. Immaterial.
40, 41	Denied. The reasons given for the exception are completely *non sequitur*.
42–53, 55, 56	Denied. The findings are in accordance with the evidence.
54	Denied. See M.O. par. 17 and note 5.
57	Denied. Immaterial.
58	Denied. The finding is in accordance with the evidence.
59	Denied. The finding is in accordance with the evidence.
60–62	Denied. Immaterial.
63	Denied. Immaterial.
64	Denied. Contrary to the weight of the evidence and immaterial.
65	Denied. Contrary to the weight of the evidence.
66, 67	Denied. Both findings are in accordance with the evidence.
68	Denied. See rulings on exceptions 54–56.
69	Denied. See rulings on exceptions 20–27.
70, 99	Denied. The reasons for the exceptions are logically erroneous.
71–73, 78–82	Denied. These exceptions are contrary to the weight of the evidence.
74–77	Denied. The first reason is contrary to the weight of the evidence and the second is immaterial.
83	Denied. Contrary to the weight of the evidence.
84, 86	Denied. See M.O. par. 12.
85	Denied. See ruling on exception 69.
87	Denied. See rulings on exceptions 30 and 40.
88	Granted. See M.O. par. 4.
90	Denied. The finding is in accordance with the evidence.
91	Denied. See ruling on exceptions 54–56.
92	Denied. See rulings on exceptions 19–35, 71–81 and 83.
94	Denied. Immaterial.
95, 96	Denied. Immaterial; see M.O. par. 14.
97, 98	Denied. See M.O. par. 6 and note 3.
100, 101	Denied. Not supported by the evidence.

RULINGS ON EXCEPTIONS OF I.B.M.

Exception No.	Ruling
1	Denied. Contrary to the weight of the evidence.
2	Denied. Contrary to the weight of the evidence.
3	Denied. Not in accordance with the Commission's Rules.
4	Denied. Contrary to the weight of the evidence.
5	Denied. Not in accordance with the Commission's Rules.
6	Denied. Not in accordance with the Commission's Rules.

RULINGS ON EXCEPTIONS OF LOCKHEED

Exception No.	Ruling
1	Denied. Immaterial.
2–4	Denied. See M.O. par. 4.
5	Denied. Immaterial.
6	Denied. Immaterial.

RULINGS ON EXCEPTIONS OF LOCKHEED—Con.

Exception No.	Ruling
7	Denied. Contrary to the weight of the evidence.
8	Denied. See M.O. par. 14.
9	Denied. The original tariff is not at issue.
10	Denied. Contrary to the law.
11	Denied. The exception misstates the Tentative Decision.
12	Denied. Contrary to the weight of the evidence; contrary to the law.
13	Denied. Contrary to the law.
14	Denied. Contrary to the law.
15	Denied. See M.O. par. 13.

RULINGS ON EXCEPTIONS OF MCI

Exception No.	Ruling
1	Denied. Contrary to the weight of the evidence.
2	Denied. Contrary to the weight of the evidence.
3	Denied. Not in accordance with the Commission's Rules.
4	Denied. Contrary to the weight of the evidence.
5	Denied. Not in accordance with the Commission's Rules.
6	Denied. Not in accordance with the Commission's Rules.

RULINGS ON EXCEPTIONS OF RCA

Exception No.	Ruling
1	Denied. Contrary to the weight of the evidence.
2	Denied. Contrary to the weight of the evidence.
3	Denied. Not in accordance with the Commission's Rules.
4	Denied. Contrary to the weight of the evidence.
5	Denied. Not in accordance with the Commission's Rules.
6	Denied. Not in accordance with the Commission's Rules.

RULINGS ON EXCEPTIONS OF SOUTHERN PACIFIC

Exception No.	Ruling
1	Denied. Contrary to the weight of the evidence.
2	Denied. Contrary to the weight of the evidence.
3	Denied. Not in accordance with the Commission's Rules.
4	Denied. Contrary to the weight of the evidence.
5	Denied. Not in accordance with the Commission's Rules.
6	Denied. Not in accordance with the Commission's Rules.

RULINGS ON EXCEPTIONS OF TRANSCONTINENTAL

Exception No.	Ruling
1	Denied. Contrary to the weight of the evidence.
2	Denied. Contrary to the weight of the evidence.
3	Denied. Not in accordance with the Commission's Rules.
4	Denied. Contrary to the weight of the evidence.
5	Denied. Not in accordance with the Commission's Rules.
6	Denied. Not in accordance with the Commission's Rules.

RULINGS ON EXCEPTIONS OF UNITED AIR LINES

Exception No.	Ruling
1	Denied. Immaterial.
2	Denied. The exception misstates the Tentative Decision.
3	Denied. See M.O. par. 4.
4	Denied. See M.O. par. 4.
5	Denied. The exception misstates the Tentative Decision.
6	Granted. See M.O. par. 4.
7	Denied. Not in accordance with the Commission's rules.
8	Denied. The exception misstates the Tentative Decision.
9	Denied. Contrary to the weight of the evidence.
10	Denied. Contrary to the weight of the evidence. In part the exception misstates the Tentative Decision.
11	Denied. Contrary to the weight of the evidence.
12	Denied. See M.O. par. 14.
13–15	Denied. The original tariff is not at issue.
16	Denied. For the reasons stated in the Tentative Decision and the Memorandum Opinion.
17	Denied. The computation does include terminal charges.

RULINGS ON EXCEPTIONS OF U.S.A.

Exception No.	Ruling
1	Denied. Immaterial.
2, 16, 36	Denied. The arguments of all parties were considered; see M.O. par. 13.
3–6	Denied. T.D. par. 3 correctly states the fundamental questions to be considered.
7	Denied. The finding is in accordance with the evidence.
8, 9	Denied. The exception is legally incorrect. In any case the succeeding paragraphs give further reasons for concluding that TELPAK and the other private line services are like communication services.
10–12	Denied. Immaterial.
13–15	Denied. See M.O. pars. 5, 6, and 18.
17	Denied. The purpose of the table in T.D. par. 14 is not to show the nature of the TELPAK service; however, it does show a difference in rates.
18, 19, 37	Denied. See M.O. par. 14.
20	Denied. The finding is in accordance with the evidence.
21–26	Denied. Immaterial.
27	Denied. The finding is in accordance with the evidence.
28–30	Denied. Immaterial.
31	Denied. This exception is not supported by the record and is contrary to the weight of the evidence.
32	Denied. Contrary to the weight of the evidence.
33	Denied. Irrevelant.

RULINGS ON EXCEPTIONS OF U.S.A.—Continued

Exception No.	Ruling
34	Denied. The finding is in accordance with the evidence.
35, 89, 93	Denied. The conclusion is in accordance with the basic findings supported by evidence of record.
38	Denied. The finding is in accordance with the evidence.
39	Denied. Immaterial.
40, 41	Denied. The reasons given for the exception are completely *non sequitur*.
42–53, 55, 56	Denied. The findings are in accordance with the evidence.
54	Denied. See M.O. par. 17 and note 5.
57	Denied. Immaterial.
58	Denied. The finding is in accordance with the evidence.
59	Denied. The finding is in accordance with the evidence.
60–62	Denied. Immaterial.
63	Denied. Immaterial.
64	Denied. Contrary to the weight of the evidence and immaterial.
65	Denied. Contrary to the weight of the evidence.
66, 67	Denied. Both findings are in accordance with the evidence.
68	Denied. See rulings on exceptions 54–56.
69	Denied. See rulings on exceptions 20–27.
70, 99	Denied. The reasons for the exceptions are logically erroneous.
71–73, 78–82	Denied. These exceptions are contrary to the weight of the evidence.
74–77	Denied. The first reason is contrary to the weight of the evidence and the second is immaterial.
83	Denied. Contrary to the weight of the evidence.
84, 86	Denied. See M.O. par. 12.
85	Denied. See ruling on exception 69.
87	Denied. See rulings on exceptions 30 and 40.
88	Granted. See M.O. par. 4.
90	Denied. The finding is in accordance with the evidence.
91	Denied. See ruling on exceptions 54–56.
92	Denied. See rulings on exceptions 19–35, 71–81 and 83.
94	Denied. Immaterial.
95, 96	Denied. Immaterial; see M.O. par. 14.
97, 98	Denied. See M.O. par. 6 and note 3.
100, 101	Denied. Not supported by the evidence.

RULINGS ON EXCEPTIONS OF I.B.M.

Exception No.	Ruling
1	Denied. Contrary to the weight of the evidence.
2	Denied. Contrary to the weight of the evidence.
3	Denied. Not in accordance with the Commission's Rules.
4	Denied. Contrary to the weight of the evidence.
5	Denied. Not in accordance with the Commission's Rules.
6	Denied. Not in accordance with the Commission's Rules.

RULINGS ON EXCEPTIONS OF LOCKHEED

Exception No.	Ruling
1	Denied. Immaterial.
2–4	Denied. See M.O. par. 4.
5	Denied. Immaterial.
6	Denied. Immaterial.

DEPARTMENT OF AGRICULTURE

and 4501) of establishments which are

Director, Eastern States Office, Bureau of

DRUGS FOR HUMAN USE

RULINGS ON EXCEPTIONS OF LOCKHEED—CONT.

Exception No.	Ruling
7	Granted. See M.O. par. 4.
8	Denied. Immaterial.
9	Denied. Contrary to the weight of the evidence.
10	Denied. See M.O. par. 12.
11	Denied. Contrary to the weight of the evidence.
12	Denied. Contrary to the weight of the evidence.
13	Denied. See M.O. par. 19.
14	Denied. Immaterial.
15	Denied. In view of the action taken in the Memorandum Opinion.

RULINGS ON EXCEPTIONS OF TWIN-COAST NEWS

1	Denied. These matters have been dealt with in both the Tentative Decision and the Memorandum Opinion. Their statement in the manner and the place proposed is not deemed necessary.
2, 4, 5	Denied. See M.O. pars. 5–9.
3	Denied. Contrary to the weight of the evidence.
6	Denied. See M.O. par. 14.
7, 11	Denied. Contrary to the weight of the evidence.
8	Denied. Irrelevant as the original TELPAK tariff is not at issue.
9	Denied. Contrary to the weight of the evidence.
10	Denied. The exception misstates the Tentative Decision.
12	Denied. See M.O. par. 20.

RULINGS ON EXCEPTIONS OF NAMBO

1	Denied. Not in accordance with the Commission's rules.
2	Denied. Contrary to the weight of the evidence.
3	Denied. Contrary to the weight of the evidence; see M.O. pars. 17–18.
4	Denied. The exception misstates the Tentative Decision.

RULINGS ON EXCEPTIONS OF DOW JONES

1	Granted. See M.O. par. 4.
2, 4	Denied. See T.D. note 8; M.O. par. 6 and note 3.
3	Denied. See M.O. par. 14.
5	Denied. Contrary to the weight of the evidence.
6	Denied. Not in accordance with the Commission's Rules.

RULINGS ON EXCEPTIONS OF WESTERN UNION

1	Denied. Contrary to the weight of the evidence.
2	Denied. Immaterial.
3	Denied. Contrary to the weight of the evidence.
4	Denied. Immaterial.
5	Denied. Contrary to the weight of the evidence.
6	Denied. Immaterial.
7	Denied. Immaterial.

RULINGS ON EXCEPTIONS OF UNITED PRESS INTERNATIONAL

1	Granted in part. See M.O. par. 4. The exception that UPI's argument was misstated is denied as immaterial.

[F.R. Doc. 65-4947; Filed, May 10, 1965; 8:48 a.m.]

DEPARTMENT OF AGRICULTURE

Consumer and Marketing Service

CERTAIN HUMANELY SLAUGHTERED LIVESTOCK

Identification of Carcasses; Changes in Lists of Establishments

Pursuant to section 4 of the Act of August 27, 1958 (7 U.S.C. 1904), and the statement of policy thereunder in 9 CFR 381.1, the lists (30 F.R. 100, 1204, 3228, and 4501) of establishments which are operated under Federal inspection pursuant to the Meat Inspection Act (21 U.S.C. 71 et seq.) and which use humane methods of slaughter and incidental handling of livestock are hereby amended as follows:

The reference to sheep with respect to Silver Falls Packing Co., Inc., establishment 153, is deleted.

The following table lists additional species at previously listed establishments that have been reported as being slaughtered and handled humanely.

Name of establishment	Establishment No.	Cattle	Calves	Sheep	Goats	Swine	Horses
Swift & Co.	33AN			X			
John Morrell & Co.	126				X		
Globe Packing Co.	663			X		X	
Sheridan Meat Co., Inc.	706				X		
Species added: S.							

Done at Washington, D.C., this 27th day of April 1965.

R. K. SOMERS,
Acting Deputy Administrator, Consumer and Marketing Service.

[F.R. Doc. 65-4942; Filed, May 10, 1965; 8:48 a.m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

ALASKA

Notice of Proposed Amendment of Public Land Orders 2323 and 2557

MAY 4, 1965.

The Department of the Army, and the Public Health Service, Department of Health, Education, and Welfare, have filed a request for amendment of Public Land Orders 2323 and 2557 dated April 12, 1961, and December 11, 1961, respectively (Fairbanks 022930) which withdrew the lands described below for use as a National Guard armory and a native hospital site. The proposed amendment would conform the original metes and bounds description to the survey.

For a period of 30 days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the undersigned officer of the Bureau of Land Management, Department of the Interior, Fairbanks District and Land Office, Post Office Box 1150, Fairbanks, Alaska.

The authorized officer of the Bureau of Land Management will prepare a report for consideration by the Secretary of the Interior who will determine whether or not the withdrawal will be amended as requested by the Bureau of Indian Affairs.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

If circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

The lands involved in the National Guard armory site are:

BARROW, ALASKA

U.S. Survey 4615, Alaska,
Lot 3, block 20.

The area described aggregates 38,944 square feet.

The lands involved in the Public Health Service hospital site are:

BARROW, ALASKA

U.S. Survey 4615, Alaska,
Lots 1 and 2, block 20.

The area described aggregates 465,647 square feet.

DONALD E. HARDING,
Acting Manager, Fairbanks District and Land Office.

[F.R. Doc. 65-4916; Filed, May 10, 1965; 8:45 a.m.]

OUTER CONTINENTAL SHELF, TEXAS

Call for Nominations of Areas for Sulphur Leasing

Pursuant to authority prescribed in 43 CFR, Part 3380, notice is hereby given that nominations of areas for prospective sulphur leasing in the Outer Continental Shelf off Texas may be submitted to the Director, Bureau of Land Management, Washington, D.C., not later than June 28, 1965. Copies of any nominations must be sent to the Regional Oil and Gas Supervisor, Geological Survey, T-6009 Federal Office Building, 701 Loyola Avenue, New Orleans, La. Envelopes should be marked "Nominations for sulphur leasing in the Outer Continental Shelf—Texas."

Official leasing maps in one set of eight maps and another set of four maps, showing leasing blocks off the coastline of Texas, can be purchased for one dollar per set from Manager, Bureau of Land Management, T-9003 Federal Office Building, 701 Loyola Avenue (Post Office Box 53226), New Orleans, La., 70150 and Director, Eastern States Office, Bureau of Land Management, Washington, D.C., 20240. Areas to be nominated must be listed according to blocks as shown on these maps or properly described subdivisions of blocks into quarters.

Any areas selected for competitive bidding will be published in the FEDERAL REGISTER and the published notice of lease offers will state the conditions and terms for leasing and the place, date, and hour at which bids will be received and opened.

CHARLES H. STODDARD,
Director, Bureau of Land Management.

Approved: May 7, 1965.

STEWART L. UDALL,
Secretary of the Interior.

[F.R. Doc. 65-4980; Filed, May 10, 1965; 8:46 a.m.]

ATOMIC ENERGY COMMISSION

[Docket No. 50-235]

GENERAL DYNAMICS CORP.

Notice of Issuance of Construction Permit

Please take notice that, no request for a formal hearing having been filed following publication of the notice of proposed action in the FEDERAL REGISTER, the Atomic Energy Commission has issued, effective as of the date of issuance, Construction Permit No. CPRR-88 authorizing construction of a Fast Critical Assembly type nuclear reactor on the General Dynamics Corp.'s laboratory site at Torrey Pines Mesa, Calif.

The permit, as issued, was substantially as set forth in the Notice of Proposed Issuance of Construction Permit and Facility License published in the FEDERAL REGISTER April 17, 1965, 30 F.R. 5536.

Dated at Bethesda, Md., this 4th day of May 1965.

For the Atomic Energy Commission.

SAUL LEVINE,
Chief, Test and Power Reactor Safety Branch, Division of Reactor Licensing.

[F.R. Doc. 65-4929; Filed, May 10, 1965; 8:47 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

NEW DRUGS

Notice of Approval of Applications

As provided in § 130.33 of the new-drug regulations (21 CFR 130.33), notice is given of the following new drugs for which applications, or supplemental applications for substantive labeling changes, have been approved on the dates specified:

DRUGS FOR HUMAN USE

Active ingredients (as declared on label)	Trade name or other designated name and dosage form	Principal indication or pharmacological category	Applicant	Date approved	How dispensed [1]
2-Hydroxy-4-methoxybenzophenone-5 sulfonic acid, 10 percent.	Uval (lotion)	Protective agent against sunburn.	Pharmafac, Inc., 10214 North Interregional, Austin, Tex.	July 28, 1964	OTC
Phenylbutazone, 50 mg.; prednisone, 1.25 mg.; dried aluminum hydroxide gel, 100 mg.; magnesium trisilicate, 100 mg.; homatropine methylbromide, 1.25 mg.	Hexanolidin (capsule).	Antiarthritic, anti-inflammatory.	Geigy Chemical Corp., Post Office Box 430, Yonkers, N.Y.	Jan. 11, 1965 [2]	Rx
Salicylic acid, 1 percent; yellow oxide of mercury, 1 percent; tetrasodium ethylene diamine tetraacetate, 0.15 percent; methyl benzethonium chloride, 0.1 percent.	Blef-Dome (ophthalmic ointment).	Aid in treatment of chronic blepharitis.	Dome Chemicals, Inc., 125 West End Ave., New York, N.Y., 10023.	Jan. 12, 1965	Rx
Pyridostigmine bromide, 0.0060 gm. per 5 ml.	Mestinon (syrup)	Parasympathomimetic (cholinergic) agent.	Hoffman-La Roche, Inc., Nutley, N.J., 07110.	Jan. 25, 1965	Rx
Isoproterenol sulfate, 2 mg. per cc.	Vapo-N-Iso Mesermatic (oral inhaler, aerosol).	Treatment of bronchial obstruction.	Vaponefrin Co., Bronx, N.Y., 10473.	Jan. 26, 1965	Rx
Meprobamate, 400 mg.	Meprobamate (tablet).	Tranquilizer	Horton & Converse, Los Angeles, Calif.	Jan. 29, 1965	Rx
Triamcinolone diacetate, 40 mg. per cc.	Aristocort Forte Parenteral (sterile suspension).	Gluco-corticoid	Lederle Laboratories, Pearl River, N.Y., 10965.	do [3]	Rx
Phenmetrazine hydrochloride, 25 mg.	Preludin (tablet)	Anorectic	Geigy Pharmaceuticals, division of Geigy Chemical Corp., Post Office Box 430, Yonkers, N.Y.	Feb. 8, 1965 [2]	Rx
Tolnaftate, 1 percent	Tinactin (dermatological solution).	Antifungal agent	Schering Corp., 60 Orange St., Bloomfield, N.J.	Feb. 10, 1965	Rx
Dexamethasone, 0.75 mg.	Decadril (tablet)	Gluco-corticoid	do	Feb. 15, 1965 [2]	Rx
Benzestrol, 1, 2, and 5 mg.	Chemestrogen (tablet).	Synthetic estrogen indicated in menopause.	T. E. Watson Co., Post Office Box 133, Briarcliff Manor, N.Y., 10510.	Feb. 22, 1965	Rx
Meprobamate, 400 mg.	Meprobamate (tablet).	Tranquilizer	The C. M. Bundy Co., Cincinnati, Ohio.	Feb. 25, 1965	Rx
Betamethasone acetate, 3 mg. per cc.; betamethasone alcohol (as betamethasone disodium phosphate), 3 mg. per cc.	Celestone Soluspan (injection).	Antiinflammatory agent (corticosteroid).	Schering Corp., 60 Orange St., Bloomfield, N.J.	Mar. 3, 1965	Rx
Metronidazole, 250 mg. per tablet and 500 mg. per insert.	Flagyl (tablet and vaginal insert).	Treatment of trichomonas vaginalis.	G. D. Searle & Co., Post Office Box 5110, Chicago, Ill., 60680.	Mar. 9, 1965 [2]	Rx
Dexamethasone phosphate sodium, 4 mg. per cc.; lidocaine hydrochloride, 10 mg. per cc.	Decadron Phosphate with Xylocaine (injection).	Corticosteroid	Merck Sharp & Dohme, division of Merck & Co., Inc., West Point, Pa., 19486.	do [3]	Rx
Tybamate, 125 mg., 250 mg., and 350 mg.	Solacen (capsule)	Tranquilizer	Wallace Laboratories, division of Carter Products, Inc., Half Acre Rd., Cranbury, N.J.	March 10, 1965.	Rx
Fluocinolone acetonide, 0.01 percent and 0.025 percent.	Synalar (cream)	Inflammatory dermatoses.	Syntex Laboratories, Inc., Palo Alto, Calif.	March 15, 1965 [2]	Rx
Fluocinolone acetonide, 0.025 percent.	Synalar (ointment).	do	do	do	Rx
Hydrocortisone sodium succinate (equivalent to 100 mg. or 250 mg. of hydrocortisone base per vial).	Soln-Cortef (injection).	Corticosteroid	The Upjohn Co., Kalamazoo, Mich.	March 16, 1965 [2]	Rx
Triethylene melamine, 5 mg.	Triethylene Melamine (tablet).	Neoplastic supplement.	Lederle Laboratories, division of American Cyanamid Co., Pearl River, N.Y.	do [3]	Rx
Anileridine (present as a phosphate), 25 mg. per cc.	Leritine (injection).	Narcotic	Merck Sharp & Dohme Research Laboratories, division of Merck & Co., Inc., West Point, Pa.	March 18, 1965 [2]	Rx
Anileridine (present as the dihydrochloride), 25 mg.	Leritine (tablet)	do	do	do	Rx

See footnotes at end of table.

DRUGS FOR VETERINARY USE

Active ingredients (as declared on label)	Trade name or other designated name and dosage form	Principal indication or pharmacological category	Applicant	Date approved	How dispensed [1]
Neomycin sulfate, 5 mg. per gm.; 9-fluoroprednisolone acetate, 1 mg. per gm.; tetracaine hydrochloride, 5 mg. per gm.	Neo-Predef (ointment).	Eye-ear topical anesthetic, antiinfective, antiinflammatory.	The Upjohn Co., Kalamazoo, Mich.	Jan. 13, 1965	R.
Do	Neo-Predef (powder).	Topical anesthetic, anti-infective, anti-inflammatory.	do	do	R.
Trichlorfon, 7.3 gm. per 9.7 gm., 18.2 gm. per 24.3 gm., and 36.4 gm. per 48.6 gm.	Dyrex (granules)	Anthelmintic	Fort Dodge Laboratories, Inc., Fort Dodge, Iowa.	Jan. 25, 1965 [2]	R.
Thiabendazole, 108 gm. per package.	Thibenzole (drench).	Anthelmintic	Merck Chemical Division., Merck & Co., Inc., Rahway, N.J.	do [2]	OTC
Disophenol, 4.5 percent	DNP (parenteral)	Anthelmintic	American Cyanamid Co., Princeton, N.J.	Jan. 27, 1965 [2]	R.
Sulfamethizole, 250 mg.; methenamine mandelate, 250 mg.	Mesulfin (tablet)	Antibacterial for urinary tract infections.	Ayerst Laboratories, Inc., 685 3d Ave., New York, N.Y.	Feb. 19, 1965	R.

[1] The abbreviation "R," means restricted by law to prescription only; the abbreviation "OTC" applies to drugs that by law are not required to be sold on prescription.
[2] Supplemental application, labeling change.

Dated: May 4, 1965.

GEO. P. LARRICK,
Commissioner of Food and Drugs.

[F.R. Doc. 65-4934; Filed, May 10, 1965; 8:47 a.m.]

CARLISLE CHEMICAL WORKS

Notice of Filing of Petitions for Food Additives Adhesives

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348 (b)(5)), notice is given that petitions (FAPs 5H1736, 5H1738, 5H1739) have been filed by Carlisle Chemical Works, Reading, Ohio, proposing an amendment to § 121.2520 *Adhesives* to provide for the safe use of bis(tri-*n*-butyltin) oxide, tri-*n*-butyltin acetate, and tri-*n*-butyltin neodecanoate as preservatives only.

Dated: May 4, 1965.

MALCOLM R. STEPHENS,
Assistant Commissioner for Regulations.

[F.R. Doc. 65-4935; Filed, May 10, 1965; 8:47 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 1-319]

ROOSEVELT FIELD, INC.

Order Suspending Trading in Securities

MAY 4, 1965.

The common stock, $1.50 par value, of Roosevelt Field, Inc., being listed and registered on the American Stock Exchange, pursuant to provisions of the Securities Exchange Act of 1934; and

It appearing to the Securities and Exchange Commission that the summary suspension of trading in such securities on such Exchange and otherwise than on a national securities exchange is required in the public interest and for the protection of investors:

It is ordered, Pursuant to sections 15(c)(5) and 19(a)(4) of the Securities Exchange Act of 1934, that trading in such securities on the American Stock Exchange and otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period May 5, 1965, through May 14, 1965, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 65-4908; Filed, May 10, 1965; 8:45 a.m.]

[File No. 1-3678]

WEBB & KNAPP, INC.

Order Suspending Trading in Securities

MAY 4, 1965.

The common stock (10 cents par value), $6 cumulative preferred stock, and 5 percent sinking fund debentures due June 1, 1974, of Webb & Knapp, Inc., being listed and registered on the American Stock Exchange, and such common stock having unlisted trading privileges on the Philadelphia-Baltimore-Washington Stock Exchange, pursuant to provisions of the Securities Exchange Act of 1934; and the warrants to purchase common stock of Webb & Knapp, Inc., being traded otherwise than on a national securities exchange; and

It appearing to the Securities and Exchange Commission that the summary suspension of trading in such securities on such exchanges and otherwise than on a national securities exchange is required in the public interest and for the protection of investors:

It is ordered, Pursuant to sections 15(c)(5) and 19(a)(4) of the Securities Exchange Act of 1934, that trading in the said common stock on such exchanges and in the said preferred stock and debentures on the American Stock Exchange, and trading otherwise than on a national securities exchange with respect to all of the securities mentioned herein be summarily suspended, this order to be effective for the period May 5, 1965, through May 14, 1965, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 65-4909; Filed, May 10, 1965; 8:45 a.m.]

FEDERAL POWER COMMISSION

[Docket No. RI65-500, etc.]

GULF OIL CORP. ET AL.

Order Providing for Hearings on and Suspension of Proposed Changes in Rates [1]

APRIL 30, 1965.

The Respondents named herein have filed proposed increased rates and charges of currently effective rate schedules for sales of natural gas under Commission jurisdiction, as set forth in Appendix A below.

The proposed changed rates and charges may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is in the public interest and consistent with the Natural Gas Act that the Commission enter upon hearings regarding the lawfulness of the proposed changes, and that the supplements herein be suspended and their use be deferred as ordered below.

The Commission orders:

(A) Under the Natural Gas Act, particularly sections 4 and 15, the regulations pertaining thereto (18 CFR, Ch. I), and the Commission's rules of practice and procedure, public hearings shall be held concerning the lawfulness of the proposed changes.

(B) Pending hearings and decisions thereon, the rate suplements herein are suspended and their use deferred until date shown in the "Date Suspended Until" column, and thereafter until made effective as prescribed by the Natural Gas Act.

(C) Until otherwise ordered by the Commission, neither the suspended supplements, nor the rate schedules sought to be altered, shall be changed until disposition of these proceedings or expiration of the suspension period.

(D) Notices of intervention or petitions to intervene may be filed with the Federal Power Commisadon, Washington, D.C., 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 and 1.37(f)) on or before June 14, 1965.

By the Commission.

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[1] Does not consolidate for hearing or dispose of the several matters herein.

APPENDIX A

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until	Cents per Mcf: Rate in effect	Cents per Mcf: Proposed increased rate	Rate in effect subject to refund in docket Nos.
RI65-500	Gulf Oil Corp., Post Office Box 1589, Tulsa, Okla., 74102.	23	11	Mississippi River Transmission Corp. (Woodlawn Field, Harrison County, Tex.) (R.R. District No. 6).	$1,144	3-30-65	5-1-65	10-1-65	14.0	15.144	
	Gulf Oil Corp.	43	8	Natural Gas Pipeline Co. of America (Quinduno Fields, Roberts County, Tex.) (R.R. District No. 10).	99,000	3-30-65	5-1-65	10-1-65	12.0	13.0	
	do	45	14	Cities Service Gas Co. (Rhodes Pool, Barber County, Kans.).	21,300	3-30-65	5-2-65	10-2-65	12.0	14.0	
	do	49	4	Northern Natural Gas Co. (North Hansford Field, Hansford County, Tex.) (R.R. District No. 10).	10,230	3-30-65	5-1-65	10-1-65	15.5	16.5	
	do	51	3	Panhandle Eastern Pipe Line Co. (Forgan Pool, Beaver County, Okla.) (Panhandle Area).	1,140	3-30-65	5-1-65	10-1-65	15.0	16.0	
	do	54	4	Panhandle Eastern Pipe Line Co. (Haviland Pool, Kiowa County, Kans.).	190	3-30-65	5-2-65	10-2-65	13.0	14.0	
	do	66	3	Panhandle Eastern Pipe Line Co. (Northwest Eva Pool, Texas County, Okla.) (Panhandle Area).	1,650	3-30-65	5-2-65	10-2-65	15.0	16.0	
	do	90	5	Colorado Interstate Gas Co. (Southwest Camp Creek Field, Beaver County, Okla.) (Panhandle Area).	3,114	3-30-65	5-2-65	10-2-65	16.80	17.92	
	do	98	16	Colorado Interstate Gas Co. (Laverne Field, Harper County, Okla.) (Panhandle Area).	45,456	3-30-65	5-2-65	10-2-65	16.735	17.840	
	do	99	4	Cities Service Gas Co. (Southeast Gibbon Field, Grant County, Okla.) (Oklahoma "Other" Area).	2,960	3-29-65	5-3-65	10-3-65	12.0	14.0	
	do	109	1	Panhandle Eastern Pipe Line Co. (South Greenough Pool, Beaver County, Okla.) (Panhandle Area).	120	3-30-65	5-2-65	10-2-65	15.0	16.0	
	do	117	8	Northern Natural Gas Co. (Hugoton Field, Finney, Haskell, Kearny and Seward Counties, Kans.).	7,677	3-30-65	5-1-65	10-1-65	11.0	12.0	
	do	123	4	Northern Natural Gas Co. (North Hansford Field, Hansford County, Tex.) (R.R. District No. 10).	1,050	3-30-65	5-1-65	10-1-65	15.5	16.5	
	do	130	16	Natural Gas Pipeline Co. of America (Booneville Band Conglomerate (Gas and Lo-Rice Conglomerate Fields, Jack and Wise Counties, Tex.) (R.R. District No. 9).	51,457	3-30-65	5-2-65	10-2-65	14.5	16.09	
	do	132	3	Northern Natural Gas Co. (South Greenwood Field, Beaver County, Okla.) (Panhandle Area).	327	3-30-65	5-1-65	10-1-65	16.930	18.048	
	do	137	4	Cities Service Gas Co. (North Medicine Lodge Field, Barber County, Kans.).	2,850	3-30-65	5-3-65	10-3-65	12.0	14.0	
	do	141	5	Northern Natural Gas Co. (Northwest Dower Pool, Beaver County, Okla.) (Panhandle Area).	1,000	3-30-65	5-2-65	10-2-65	15.5	17.5	
	do	150	2	Cities Service Gas Co. (North Waserico Pool, Logan County, Okla.) (Oklahoma "Other" Area).	400	3-30-65	5-1-65	10-1-65	11.0	12.0	
	do	159	4	Colorado Interstate Gas Co. (Hugoton Field, Kearney County, Kans.).	7,975	3-30-65	5-2-65	10-2-65	11.0	13.80	
	do	161	2	Cities Service Gas Co. (Southwest Wakita Pool, Grant County, Okla.) (Oklahoma "Other" Area).	600	3-30-65	5-1-65	10-1-65	13.0	14.0	
	do	217	2	Lone Star Gas Co. (Manziel Field, Wood County, Tex.) (R.R. District No. 6).	3,195	3-30-65	5-2-65	10-2-65	14.49	16.66	

See footnotes at end of table.

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until	Cents per Mcf: Rate in effect	Cents per Mcf: Proposed increased rate	Rate in effect subject to refund in docket Nos.
RI-399	Gulf Oil Corp. (Con.).	80	12	Tennessee Gas Transmission Co. (Holmwood Field, Calcasieu Parish, La.).	$4,382	5-20-65	[5] 5-2-65	10-2-65	[6] 15.75	[34] [35] 20.625	
	do	84	9	Texas Gas Transmission Corp. (Welsh Field, Jefferson Davis Parish, La.).	1,610	5-20-65	[7] 5-2-65	10-2-65	[6] 15.75	[35] [36] 16.26	
	do	87	7	Tennessee Gas Transmission Co. (Bully Camp Field, Lafourche Parish, La.).	85,300	5-20-65	[3] 5-2-65	10-2-65	[6] 13.5	[37] [38] [39] 20.5	
	do	89	6	Tennessee Gas Transmission Co. (Dixon Bay (South Pass Block 24) Field, Plaquemines Parish, La.).	12,340	5-20-65	[3] 5-2-65	10-2-65	[6] 13.5	[33] [37] [38] 20.5	
	do	201	6	United Gas Pipe Line Co. (Abbeville Field, Vermilion Parish, La.).	45,025	5-20-65	[3] 5-2-65	10-2-65	[6] 15.75	[34] [39] 20.00	
	do	157	5	Florida Gas Transmission Co. (East Corpus Christi Bay Field, Nueces County, Tex.) (R.R. District No. 4).	46,238	5-20-65	[3] 5-2-65	10-2-65	[6] 13.0	[6] [39] 16.5	
	do	158	5	Florida Gas Transmission Co. (East Mustang Island Field, Nueces County, Tex.) (R.R. District No. 4).	26,705	5-20-65	[3] 5-2-65	10-2-65	[6] 15.0	[6] [39] 16.5	
	do	160	3	United Gas Pipe Line Co. (Keeran and East Placedo Field, Victoria County, Tex.) (R.R. District No. 2).	7,661	5-25-65	[3] 5-2-65	10-2-65	[6] 14.7125	[6] [31] 15.7625	
	do	162	4	United Gas Pipe Line Co. (North McFaddin Field Victoria County, Tex.) (R.R. District No. 2).	9,976	5-20-65	[3] 5-2-65	10-2-65	[6] 14.7125	[6] [31] 15.7625	
	do	178	2	Transcontinental Gas Pipe Line Corp. (Dilworth Dome Field, McMullen County, Tex.) (R.R. District No. 1).	4,419	5-20-65	[3] 5-2-65	10-2-65	[9] 14.188	[6] [31] 15.2625	
	do	88	3	El Paso Natural Gas Co. (Blanco Pool, San Juan County, N. Mex.) (San Juan Basin Area).	214	5-20-65	[3] 5-2-65	10-2-65	[33] [35] [36] 13.2306	[33] [35] [36] [38] [39] 14.2801	
	do	87	6	El Paso Natural Gas Co. (Big Piney and East Labarage Pools, Sublette County, Wyo.).	11,000	5-20-65	[3] 5-2-65	10-2-65	[33] 15.0	[33] [36] 16.0	
	do	174	3	El Paso Natural Gas Co. (Dry Piney Area, Sublette County, Wyo.).	13,400	5-20-65	[3] 5-2-65	10-2-65	[34] 15.0	[34] [36] 17.5	
	do	190	7	El Paso Natural Gas Co. (Gallegos Gallup) (Basin Dakota) Pool, San Juan County, N. Mex.) (San Juan Basin Area).	5,707	5-20-65	[3] 5-2-65	10-2-65	[33] [35] [36] [38] 13.2305	[33] [35] [36] [38] [39] 14.2480	
	do	202	4	El Paso Natural Gas Co. (Ballard Pool, Rio Arriba County, N. Mex.) (San Juan Basin Area).	9,000 71	5-25-65 5-20-65	[3] 5-2-65 [3] 5-2-65	10-2-65 10-2-65	[33] [35] [36] [38] 13.2305 [37] [38] [39] 12.2304	[33] [35] [36] [38] [39] 14.2480 [33] [37] [38] 13.2305	
	do	223	3	Colorado Interstate Gas Co. (Patrick Draw Field, Sweetwater County, Wyo.).	2,770	5-20-65	[3] 5-2-65	10-2-65	[34] 15.3940	[34] 16.4006	
RI-404	Gulf Oil Corp. (Operator), et al.	44	7	Michigan Wisconsin Pipe Line Co. (Nichols Pool, Kiowa County, Kans.).	12,000	5-20-65	[3] 5-2-65	10-2-65	[10] 15.0	[6] [10] 16.0	
	do	70	6	do	2,370	5-25-65	[3] 5-2-65	10-2-65	[10] 15.0	[6] [10] 16.0	
	do	102	11	Mississippi River Transmission Corp. (Woodlawn Field, Harrison County, Tex.) (R.R. District No. 6).	2,071	5-20-65	[3] 5-2-65	10-2-65	[10] 15.0 [17] 14.0	[6] [10] 16.0 [6] [10] 18.144	
	do	79	15	Texas Gas Transmission Corp. (South Bell City Field, Calcasieu Parish, (La.).	23,380	5-20-65	[3] 5-2-65	10-2-65	[6] 15.75	[31] [39] 19.75	
	do	86	7	Tennessee Gas Transmission Co. (Timbalier Bay Field Lafourche Parish, La.).	477,000	5-20-65	[3] 5-2-65	10-2-65	[6] 13.5	[37] [38] [39] 20.5	
	do	93	7	Texas Gas Transmission Corp. (South Bell City Field, Calcasieu Parish, La.).	13,600	5-20-65	[3] 5-2-65	10-2-65	[6] 15.75	[37] [38] [39] 19.75	
	do	124	9	United Fuel Gas Co. (Southeast Houma Field, Terrebonne Parish, La.).	1,752	5-20-65	[3] 5-2-65	10-2-65	[6] 13.7	[40] [41] [42] 21.1	
	do	159	5	Florida Gas Transmission Co. (Lockridge Field, Brazoria County, Tex.) (R.R. District No. 3).	25,500	5-20-65	[3] 5-2-65	10-2-65	[6] 16.0	[41] [42] 17.5	
	do	204	4	Florida Gas Transmission Co. (Chenango and Blue Lake Fields, Brazoria County Tex.) (R.R. District No. 3).	28,250	5-20-65	[3] 5-2-65	10-2-65	[6] 16.0	[6] [42] 17.5	

See footnotes at end of table.

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until	Cents per Mcf: Rate in effect	Cents per Mcf: Proposed increased rate	Rate in effect subject to refund in docket Nos.
RI65-600	Gulf Oil Corp. (Operator), et al. (Continued).	150	5	El Paso Natural Gas Co. (Bisti Area, San Juan County, N. Mex.) (San Juan Basin Area).	$2,617	5-20-65	[3] 5-2-65	10-2-65	[33] [40] [44] 13.2496	[33] [36] [44] 14.2673	

[3] Upon expiration of statutory notice from Apr. 1, 1965, the end of the moratorium period provided by settlement order issued Apr. 26, 1963.
[5] Periodic rate increase.
[6] Pressure base is 14.65 p.s.i.a.
[7] Subject to a downward B.t.u. adjustment.
[9] Settlement rate as per order conditionally approving companywide settlement issued Apr. 25, 1963, in Docket Nos. G-9620, et al.
[10] Ceiling rate for increased rates but not effective rate at time of settlement.
[17] Initial rate but not effective rate at time of settlement.
[31] Renegotiated rate increase.
[33] Initial rate and effective rate at time of settlement.
[34] Includes periodic increase of 1.0 cent per Mcf plus proportionate B.t.u. adjustment.
[35] Includes base rate of 15.0 cents per Mcf before increase and 16.0 cents per Mcf after increase plus upward B.t.u. adjustment. Base rates subject to upward and downward B.t.u. adjustment.
[36] 2-step periodic rate increase.
[37] Includes 0.75 cent per Mcf deducted by buyer for dehydration.
[38] Effective rate at time of settlement.
[39] Includes periodic increase plus upward B.t.u. adjustment plus dehydration charge paid by buyer.
[40] Includes base rate of 15.0 cents per Mcf plus 0.94 cent upward B.t.u. adjustment plus 0.35 cent paid by buyer for dehydration. Base rate subject to upward and downward B.t.u. adjustment.
[41] Includes all allowances for B.t.u. adjustment and reimbursement for dehydration.
[42] Includes periodic increase plus proportionate upward B.t.u. adjustment.
[44] Includes base rate of 16.0 cents per Mcf plus upward B.t.u. adjustment. Base rate subject to upward and downward B.t.u. adjustment.
[45] Settlement rate includes base rate of 15.0 cents plus B.t.u. adjustment, but not to exceed 17.0 cents per Mcf. Base rate subject to upward and downward B.t.u. adjustment.
[33] Periodic increase plus 1.0 cent per Mcf for seller relinquishing right to process gas.
[35] Includes base rate of 16.5 cents per Mcf plus 1.0 cent for seller relinquishing right to process gas.
[36] Favored-nation rate increase.
[38] Pressure base is 15.025 p.s.i.a.
[39] Redetermined rate increase.
[40] Increase from settlement rate to contractually provided for periodic rate increase.
[41] Includes 1.5 cents per Mcf tax reimbursement.
[42] Increase is to first step of periodic escalation schedule in renegotiated contract.
[43] Increase to initial contract rate.
[44] Increase to contractually provided for periodic rate.
[45] Includes 1.0 cent per Mcf minimum guarantee for liquids.
[46] Subject to a deduction for compression.
[34] El Paso Natural Gas Co. has protested the level of tax reimbursement included in this rate.
[6] Tax portion of rate in effect subject to refund in Docket No. RI64-96.
[35] Settlement rate of 12.0 cents per Mcf plus 1.0 cent minimum guarantee for liquids; 0.2308 cent represents tax reimbursement which is in effect subject to refund in Docket No. RI64-96.
[8] Rate reduced 1.0 cent per Mcf for low pressure gas (below 500 p.s.i.g.).
[36] Initial rate and rate in effect at time of settlement was 12 cents; additional amount represents tax reimbursement in effect subject to refund.
[39] Includes 1.75 cents per Mcf tax reimbursement.
[42] Periodic increase to 8th step of periodic escalation schedule in contract.
[41] Includes 1.5 cents per Mcf tax reimbursement.
[43] Increase to initial contract rate.
[6] Tax portion of rate in effect subject to refund in Docket No. RI64-96.
[45] Settlement rate of 15.0 cents per Mcf plus 1.0 cent minimum guarantee for liquids; 0.2295 cent represents tax reimbursement which is in effect subject to refund in Docket No. RI65-96.

Gulf Oil Corp. and Gulf Oil Corp. (Operator), et al., (both referred to herein as Gulf) request waiver of the statutory notice period in order to permit their proposed rate increases to become effective as of April 1, 1965. Good cause has not been shown for waiving the 30-day notice requirement provided in section 4(d) of the Natural Gas Act to permit an earlier effective date for Gulf's rate filings and such requests are denied.

Gulf's proposed rate filings were submitted on March 30, 1965, one day prior to the expiration of the moratorium period provided by Gulf's company-wide settlement approved by Commission order issued April 25, 1963, in Docket Nos. G-9620, et al. Therefore, the expiration of the 30-day statutory notice requirement should commence from April 1, 1965, consistent with the Commission's aforementioned settlement order.

Supplements Nos. 3, 5, 7, and 4 to Gulf's FPC Gas Rate Schedules Nos. 88, 150, 190, and 202, respectively, include partial reimbursement for the full 2.65 percent New Mexico Emergency School Tax which was increased from 2.0 percent to 2.65 percent on April 1, 1963. The buyer, El Paso Natural Gas Co. (El Paso), in accordance with its policy of protesting all tax filings proposing reimbursement for the New Mexico Emergency School Tax in excess of 0.55 percent, has protested the aforementioned supplements with respect to the tax reimbursement portion thereof. El Paso questions the right of Gulf under the tax reimbursement clauses to file a rate increase reflecting tax reimbursement computed on the basis of an increase in tax rate by the New Mexico Legislature in excess of 0.55 percent. Under the circumstances, we shall provide that the hearings herein shall concern themselves with the contractual basis for Gulf's rate filings which El Paso has protested, as well as the statutory lawfulness of the increased rates and charges contained in all of the above-designated rate supplements.

All of the proposed increased rates and charges exceed the applicable area price levels for increased rates as set forth in the Commission's Statement of General Policy No. 61-1, as amended (18 CFR, Ch. I, Pt. 2, § 2.56).

United Gas Pipe Line Co. (United) has protested the proposed periodic rate increase filed by Gulf, designated herein as Supplement No. 6 to Gulf's FPC Gas Rate Schedule No. 201, contending that Gulf's "fractured" rate filing (the filing for a rate increase below that which is contractually authorized) is not consistent with the provisions of section 4(d) of the Natural Gas Act in the absence of United's consent. Based on such contention, United requests that Gulf be prohibited from filing for a higher rate increase above the level proposed here, as permitted under the contract, for the remainder of the contractual pricing period which expires on October 25, 1967. Section 4(d) does not preclude, as United contends, the filing of a "fractured" rate increase, and in any event United has shown no justification here for granting its request. We therefore deny United's request.

[F.R. Doc. 65-4879; Filed, May 10, 1965; 8:45 a.m.]

[Project No. 176]

ESCONDIDO MUTUAL WATER CO. AND CITY OF ESCONDIDO, CALIF.

Notice of Joint Application for Transfer of License

MAY 4, 1965.

Public notice is hereby given that joint application has been filed under the Federal Power Act (16 U.S.C. 791a–825r) by Escondido Mutual Water Co. and city of Escondido, Calif. (correspondence to: R. S. Harper, Secretary, Escondido Mutual Water Co., 620 North Ash Street, Escondido, Calif., and City Manager, City Hall, Escondido, Calif.), for transfer of the license for constructed Project No. 176, from the former to the latter.

The project known as Lake Wohlford Project, is situated on the San Luis Rey River, San Diego County, Calif., and affects lands of the United States and lands within the La Jolla, Rincon, and San Pascal Indian Reservations.

The project consists of: A rubble diversion dam across the San Luis Rey River; a conduit about 15 miles long into Bear Valley Creek; the Rincon powerhouse having an installed capacity of 434 horsepower; Lake Wohlford which supplies water for the Bear Valley powerhouse having an installed capacity of 900 horsepower; an 11,000-volt transmission line about 8 miles long connecting the two powerplants; a telephone line; a cable-way, various roads and trails for maintaining the project works; and appurtenant electrical and mechanical facilities.

Given as one of the reasons for the proposed transfer is that by a proposed agreement between the proposed transferor and the proposed transferee the latter (City) can advantageously use the transferor's waterworks system to develop the service rendered by the City to its inhabitants, and the ownership, operation and development of the transferor's system as a part of the City's waterworks system would eliminate wasteful paralleling and duplication of lines and facilities from separate ownerships of the two systems in case of future annexation.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C., 20426, in accordance with the rules of practice and procedure of the Commission (18 CFR 1.8 or 1.10). The last day upon which protests or petitions may be filed is June 28, 1965. The application is on file with the Commission for public inspection.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 65-4918; Filed, May 10, 1965; 8:45 a.m.]

[Docket No. E-7221]

IOWA PUBLIC SERVICE CO.

Notice of Application

MAY 3, 1965.

Take notice that on April 26, 1965, the Iowa Public Service Co. (Applicant), an Iowa corporation, primarily engaged in the distribution and sale of electric energy and natural gas in 30 counties in Iowa, 3 counties in South Dakota, and 1 county in Nebraska, filed an application with the Federal Power Commission, pursuant to section 203 of the Federal Power Act, requesting authority to acquire certain electric distribution facilities from the city of Sioux City, Iowa (City).

The facilities to be acquired comprise the electric distribution facilities which the City has recently obtained from the U.S. Air Force. The City has for many years owned the land which comprised the Sioux City Municipal Airport and the Sioux City Air Base. This land has been under lease to the U.S. Air Force and the Air Force has operated the electric distribution system which serves the area. In recent years, the area has been annexed into the corporate limits of the city of Sioux City and the City has now completed negotiations with the U.S. Air Force whereby the land has been returned to the City and all utilities were given to the City. According to the application, the consideration to be paid by the Applicant for the facilities is $91,250.

Applicant represents that it has for many years been supplying the electric energy distributed over the facilities herein considered and in many cases, the Applicant has been metering directly to those customers at the airport. Applicant further represents that the use of the facilities will not change after the acquisition and that the Applicant will assume responsibility for the maintenance of the facilities. Applicant states that this transaction will have no effect on any contract for the purchase, sale, or interchange of energy. According to the application, Applicant will acquire all of the distribution facilities of the City at the airport. However, the City will retain ownership to a short distribution line which supplies service to the Capehart Housing Development. The Applicant states that it cannot acquire ownership to this line because it runs through the incorporated town of Sergeant Bluff wherein the Applicant has no franchise to operate.

Applicant represents that it is in the best interest of the public that uses the facilities of the Sioux City Municipal Airport, and the best interest of the public that relies on the S.A.G.E. installation, that the electric distribution system at the airport be owned and maintained by the local franchised electric utility, which is the Applicant. Applicant also represents that it is likewise in the best public interest that electric energy be supplied, and services and facilities expanded to the commercial and industrial users by the local franchised electric utility which can best meet their needs. According to the application, the City is not in the business of selling electric energy and is not equipped to adequately maintain such facilities, nor does the City desire to engage in this business.

Any person desiring to be heard or to make any protest with reference to said application should on or before May 19, 1965, file with the Federal Power Commission, Washington, D.C., 20426, petitions or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). The application is on file and available for public inspection.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 65-4911; Filed, May 10, 1965; 8:45 a.m.]

[Docket No. E-7222]

MICHIGAN GAS AND ELECTRIC CO.

Order Instituting Investigation and Providing for Hearing

MAY 4, 1965.

Michigan Gas and Electric Co. (MGE), a Michigan corporation, with its principal place of business at 100 South Main, Three Rivers, Mich. by rate schedule filings completed on July 1, 1964, filed with this Commission an agreement and a supplement thereto[1] with the city of Dowagiac, Mich., Board of Public Works (Dowagiac) as an initial rate schedule and a supplement to a filed rate schedule[2] providing for service to the village of Paw Paw, Mich. (Paw Paw).

Available data indicate that MGE's average annual charges to Paw Paw for the 12 months ending April 30, 1964, were 15 mills per kwh. MGE's average annual charges to Dowagiac for the same 12-month period were 9.4 mills per kwh. MGE serves Paw Paw at a flat rate of 1.5 cents per kwh with a yearly minimum of $2,700. The company's deliveries to the village for the 12-month period were 10,745,900 kwh, and its total charge was $161,188.50. MGE's sales to Dowagiac are made at a two part rate, a demand charge of $2.35 per kw and an accompanying energy charge of 3½ mills per kwh. The latter rate is subject to changes in taxes and a commodity adjustment to reflect wholesale price changes.

Numerous conferences between representatives of MGE and staff have failed to disclose a sufficent cost justification for MGE rates and charges and their possible discriminatory or preferential effect. However, the Commission is not satisfied that either of MGE's rate schedules are consistent with statutory standards and it appears that there is a need for formal investigation and hearing of MGE's rates, charges and services to Dowagiac and Paw Paw pursuant to the provisions of sections 205, 206, 301, 304, 307, and 309 of the Federal Power Act.

[1] The filing consisted of an agreement dated Aug. 4, 1962, and a supplement thereto dated July 16, 1962, which have been respectively designated in the Commission's files as Michigan Gas and Electric Co., Rate Schedule FPC No. 4 and Supplement No. 1 thereto.

[2] The supplement is designated in the Commission's files as Michigan Gas and Electric Co., Supplement No. 1 to Rate Schedule FPC No. 2.

The Commission finds: Review and analysis of available office data indicate that MGE's Rate Schedules, FPC Nos. 2 and 4 as supplemented may result in excessive rates or charges or may be unduly discriminatory, unduly preferential, or otherwise unjust, unreasonable and unlawful within the meaning of the Federal Power Act. Accordingly, it is necessary and appropriate for the purposes of the Federal Power Act, particularly sections 205, 206, 301, 304, 307, and 309 thereof, that an investigation and hearing be held as hereinafter provided.

The Commission orders:

(A) A public hearing shall be held concerning the lawfulness of MGE's Rate Schedules FPC Nos. 2 and 4 as supplemented, at the time and place and in the manner all to be fixed by notice of the Secretary.

(B) MGE shall within 45 days from the date hereof, submit a special report setting out cost and revenue data using 1964 as the test year, showing MGE's costs of rendering service to Dowagiac and Paw Paw, calculated in accordance with applicable Commission precedents and submitted in the form as prescribed in Statements A through O, § 35.13(b) (4) (IV) of the Commission's regulations under the Federal Power Act. An original and nine conformed copies of the report shall be submitted.

(C) The foregoing submission shall not preclude or limit any additional showing by MGE and shall be without prejudice to future action taken by the Commission or its staff, or to any future position MGE or others may wish to take as to the significance of, or conclusions to be drawn from the above factual report.

(D) Notices of intervention or petitions to intervene in this proceeding may be filed with the Commission on or before May 28, 1965, in accordance with the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37).

By the Commission.

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 65-4912; Filed, May 10, 1965; 8:45 a.m.]

[Docket G-16436 etc.]

SUNSET INTERNATIONAL PETROLEUM CORP.

Order Amending Orders Issuing Certificates, Substituting Respondent, and Redesignating Proceeding

MAY 3, 1965.

Sunset International Petroleum Corp. (successor to Sunac Petroleum Corp.), Docket Nos. G-16436, et al.,[1] RI61-545, RI64-724, RI64-727.

Sunset International Petroleum Corp. (Applicant) filed in the dockets listed in the Appendix below applications pursuant to section 7(c) of the Natural Gas Act to amend orders of the Commission issuing certificates of public convenience and necessity to Sunac Petroleum Corp. (Sunac) in said dockets by substituting Applicant as certificate holder, all as more fully set forth in the applications.

Applicant has merged Sunac as of September 1, 1964, and proposes to continue service without change or interruption.

The FPC gas rate schedules of Sunac have heretofore been redesignated as those of Applicant as set forth in the Appendix below.

On January 4, 1965, Applicant filed motions in Sunac's pending rate proceedings in Docket Nos. RI61-545, RI64-724, and RI64-727 to be substituted in lieu of Sunac as respondent therein.

After due notice no petition to intervene, notice of intervention, or protest to the granting of the applications to amend has been filed.

The Commission finds:

(1) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act and the public convenience and necessity require that the orders issuing certificates of public convenience and necessity to Sunac in the dockets listed in the Appendix below should be amended by substituting Applicant as certificate holder.

(2) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act that Applicant should be substituted in lieu of Sunac as respondent in the proceedings pending in Docket Nos. RI61-545, RI64-724, and RI64-727.

The Commission orders:

(A) The orders issuing certificates of public convenience and necessity to Sunac in the dockets listed in the Appendix below be and the same are hereby amended by substituting Applicant as certificate holder, and in all other respects said orders shall remain in full force and effect.

(B) Applicant be and it is hereby substituted in lieu of Sunac as respondent in the proceedings pending in Docket Nos. RI61-545, RI64-724, and RI64-727, and said proceedings are redesignated accordingly.[2]

By the Commission.

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[1] Additional certificate dockets are listed in the Appendix below.

Docket No.	Filing date	Sunset FPC gas rate schedule	Sunac FPC gas rate schedule	Purchaser	Location
CI60-793	1- 4-65	[1] 10	[1] 1	South Texas Natural Gas Gathering Co.	East Falfurrias Area, Jim Wells and Kleberg Counties, Tex.
CI60-833	1- 4-65	11	2	Northern Natural Gas Co.	Hansford Field, Ochiltree County, Tex.
CI60-837	1- 4-65	12	3	do	Do.
CI61-46	1- 4-65	14	5	do	Womble Area, Ochiltree and Roberts Counties, Tex.
G-10005	1- 4-65	15	7	do	Herlan (Cleveland) Field, Hansford County, Tex.
G-10005	1- 4-65	16	8	do	Share Field, Ochiltree County, Tex.
G-10005	1- 4-65	17	9	do	Perryton Field, Ochiltree County, Tex.
CI61-1180	1- 4-65	[1] 10	[1] 11	Colorado Interstate Gas Co.	Mocane Field, Beaver County, Okla.
G-16855	1- 4-65	21	14	El Paso Natural Gas Co.	Huerfano Unit No. 108, San Juan County, N. Mex.
G-16436	1- 4-65	22	15	Natural Gas Pipeline Co. of America.	Wise County Area, Wise County, Tex.
CI60-302	1- 4-65	23	16	El Paso Natural Gas Co.	Rio Arriba County, N. Mex.
CI60-468	1- 4-65	24	17	do	Rio Arriba and San Juan Counties, N. Mex.
CI60-445	1- 4-65	[1] 25	[1] 18	Southern Union Gathering Co.	San Juan County, N. Mex.
CI60-425	1- 4-65	26	19	do	Do.
CI60-405	1- 4-65	27	20	El Paso Natural Gas Co.	Do.
CI64-1423	1- 4-65	28	21	do	West Cutz Pictured Cliffs Field, San Juan County, N. Mex.
CI61-710	2-22-65	29	6	Panhandle Eastern Pipe Line Co.	Light Field, Beaver County, Okla.
CI62-258	2-23-65	[1] 9	[1] 12	do	Mocane Morrow Field, Beaver County, Okla.

[1] "Et al."
[2] (Operator), et al."

[F.R. Doc. 65-4913; Filed May 10, 1965; 8:45 a.m.]

FEDERAL MARITIME COMMISSION

INTERNATIONAL MOVERS' RATE AGREEMENT

Notice of Agreements Filed for Approval

Notice is hereby given that the following agreements have been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement(s) at the Washington office of the Federal Maritime Commission, 1321 H Street NW., room 301; or may inspect agreements at the offices of the District Managers, New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments with reference to an agreement including a request for hearing, if desired, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C., 20573, within 10 days after publication of this notice in the FEDERAL REGISTER. A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the comments should indicate that this has been done.

Notice of Agreement Filed for Approval by:

Mr. Carroll F. Genovese, Executive Secretary, Movers' & Warehousemen's Association of America, Inc., Suite 1101, Warner Building, Washington, D.C., 20004.

Agreement No. 8530-1 between the member lines of the International Movers' Rate Agreement has been filed with the Commission for approval to establish a Self-Policing System, pursuant to General Order 7(46 CFR 528) and to modify the Admission, Withdrawal and Expulsion provisions of the basic agreement, pursuant to General Order 9 (46 CFR 523).

Dated: May 7, 1965.

By order of the Federal Maritime Commission.

THOMAS LIST,
Secretary.

[F.R. Doc. 65-4991; Filed, May 10, 1965; 8:48 a.m.]

[2] Sunset International Petroleum Corp., Docket No. RI61-545; Sunset International Petroleum Corp., Docket No. RI64-724; Sunset International Petroleum Corp. (Operator), et al., Docket No. RI64-727.

DEPARTMENT OF COMMERCE

Office of the Secretary

[Dept. Order 195]

NONDISCRIMINATION IN PROGRAMS AND ACTIVITIES

Manual of Orders

Correction

In F.R. Doc. 65-4683, appearing at page 6281 of the issue for Wednesday, May 5, 1965, the introductory paragraph was inadvertently omitted. It should read as follows: "The following order was issued by the Secretary of Commerce on April 2, 1965."

SMALL BUSINESS ADMINISTRATION

[Declaration of Disaster Area 523]

ILLINOIS

Declaration of Disaster Area

Whereas, it has been reported that during the month of April 1965, because of the effects of certain disasters, damage resulted to residences and business property located in the State of Illinois;

Whereas, the Small Business Administration has investigated and has received other reports of investigations of conditions in the areas affected;

Whereas, after reading and evaluating reports of such conditions, I find that the conditions in such areas constitute a catastrophe within the purview of the Small Business Act, as amended.

Now, therefore, as Executive Administrator of the Small Business Administration, I hereby determine that:

1. Applications for disaster loans under the provisions of section 7(b) (1) of the Small Business Act, as amended, may be received and considered by the Offices

below indicated from persons or firms

below indicated from persons or firms whose property, situated in the aforesaid State and areas adjacent thereto, suffered damage or destruction resulting from floods and accompanying conditions occurring on or about April 6, 1965.

OFFICE

Small Business Administration Regional Office, 219 South Dearborn Street, Chicago, Ill., 60604.

2. Temporary offices will be established in such areas as are necessary, addresses to be announced locally.

3. Applications for disaster loans under the authority of this Declaration will not be accepted subsequent to October 31, 1965.

Dated: April 28, 1965.

ROSS D. DAVIS,
Executive Administrator.

[F.R. Doc. 65-4907; Filed, May 10, 1965; 8:45 a.m.]

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATION FOR RELIEF

MAY 6, 1965.

Protests to the granting of an application must be prepared in accordance with Rule 1.40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 39749—*Cores from and to points in southwestern territory.* Filed by Southwestern Freight Bureau, agent (No. B-8723), for interested rail carriers. Rates on cores, tissue paper winding, old or reused, iron or steel, or compressed paper or pulp, in carloads, from, to, and within southwestern territory.

Grounds for relief—Carrier competition.

Tariff—Supplement 4 to Southwestern Freight Bureau, agent, tariff I.C.C. 4623.

By the Commission.

[SEAL] BERTHA F. ARMES,
Acting Secretary.

[F.R. Doc. 65-4924; Filed, May 10, 1965; 8:46 a.m.]

[Notice 1170]

MOTOR CARRIER TRANSFER PROCEEDINGS

MAY 6, 1965.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 179), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC-67684. By order of April 30, 1965, the Transfer Board approved the transfer to Trygve Lodrup, Garry White, and Harold Hall, a partnership, doing business as L.T.L. Delivery Service, Los Angeles, Calif., of Certificate No. MC-31689, and the Certificate of Registration in No. MC-31689 (Sub-No. 2), issued November 12, 1959, and April 7, 1964, respectively, to Crown Terminal Corp., Vernon, Calif., authorizing the transportation of: general commodities, with the usual exceptions including household goods and commodities in bulk, and various other specified commodities, from, to, or between specified points in California. Mitchell M. Brockman, 5208 West Pico Boulevard, Los Angeles, Calif., 90019, attorney for applicants.

No. MC-FC-67706. By order of April 30, 1965, the Transfer Board approved the transfer to Andrew J. Banfield, doing business as Banfield Bros., Cuba City, Wis., of Certificates in No. MC-106311 and No. MC-106311 (Sub-No. 1), issued May 7, 1947, and July 2, 1948, respectively, to Andrew J. Banfield and William U. Banfield, a partnership, doing business as Banfield Bros., Cuba City, Wis., authorizing the transportation of: Mine tailings, rock, crushed lime, sand, gravel, zinc, and lead ore, and mine tools and supplies, from, to, or between specified points in Illinois, Iowa, and Wisconsin. Claude J. Jasper, 301 Provident Building, 111 South Fairchild Street, Madison, Wis., 53703, attorney for applicants.

No. MC-FC-67711. By order of April 30, 1965, the Transfer Board approved the transfer to Hawthorne Hauling, Inc., Philadelphia, Pa., of Certificate in No. MC-109591 (Sub-No. 1), issued September 25, 1957, to Milton Krasilovsky, Inc., Brooklyn, N.Y., authorizing the transportation of: Heavy machinery and machinery parts, between New York, N.Y., on the one hand, and, on the other, points in New York, New Jersey, Pennsylvania, Connecticut, and Massachusetts, within 200 miles of New York, N.Y. Morris J. Winokur, 1920 Two Penn Center Plaza, Philadelphia, Pa. 19102, attorney for applicants.

No. MC-FC-67729. By order of April 30, 1965, the Transfer Board approved the transfer to Mildred L. Johnson, doing business as Johnson Forwarding Co., 70 Blanchard Street, Newark 5, N.J., of the operating rights in Permit No. MC-3469 issued July 29, 1941, to Edward Bewley Johnson, doing business as Johnson Forwarding Co., South Orange, N.J., authorizing the transportation over irregular routes, of: Mineral wool, asbestos cement, and waterproofing cement, over irregular routes, between Newark, N.J., on the one hand, and, on the other, Wilmington, Del., and points and places in the New York, N.Y., commercial zone, as defined by the Commission in 1 M.C.C. 665. Lead, zinc, and allied products, used in the manufacture and sale thereof, over irregular routes, between Newark, N.J., on the one hand, and, on the other, Mamaroneck, White Plains, Port Chester, Hempstead, and Southampton, N.Y., Philadelphia, Pa., Wilmington, Del., and Bridgeport, Conn., points and places in New Jersey and those in the New York, N.Y., commercial zone, as defined by the Commission in 1 M.C.C. 665.

No. MC-FC-67759. By order of April 30, 1965, the Transfer Board approved the transfer to Associated Van Lines, Inc., 1043 East Sixth Street, Long Beach, Calif., of the Certificate in No. MC-63302, issued October 2, 1958, to Eugene Nichols, doing business as Associated Van Lines, 1043 East Sixth Street, Long Beach, Calif., authorizing the transportation of: Christmas trees, from Los Angeles and Los Angeles Harbor, Calif., to points within 50 miles of Los Angeles; and household goods, between points in Los Angeles, Calif.

No. MC-FC-67765. By order of April 30, 1965, the Transfer Board approved the transfer to Donald R. Wills, doing business as Tweedy Transfer, Elbert, Colo., of the operating rights in Certificate of Registration No. MC-98946 (Sub-No. 1), issued November 30, 1964, to Frank Tweedy, doing business as Tweedy Transfer, Elbert, Colo., authorizing the transportation of all freight, except livestock and farm products from the town of Elbert, Colo., and within a radius of 10 miles thereof to Denver, Colo., and from Denver, Colo., to said territory, with a distinct understanding, however, that applicant will not be permitted to transport freight between Kiowa and Elizabeth, or intermediate points in competition with any present certificate-holder authorized to serve said points. John P. Thompson, 450 Capitol Life Building, Denver, Colo., 80203, attorney for applicants.

No. MC-FC-67775. By order of April 30, 1965, the Transfer Board approved the transfer to Francis E. Reaver, George W. Reaver, Mabel E. Reaver and Franklin R. Reaver, a partnership, doing business as Charles B. Reaver & Sons, Taneytown, Md., of the operating rights issued by the Commission January 30, 1964, under Permit No. MC-124555, to Francis Elwood Reaver, Carrie Virginia Reaver, Mabel Elizabeth Reaver, George Washington Reaver, and Franklin Roosevelt Reaver, a partnership, doing business as Charles B. Reaver & Sons, Taneytown, Carroll County, Md., authorizing the transportation, over irregular routes, of lumber, between Flintstone, Md., and Moorefield, W. Va.; from Flintstone, Md., and Moorefield, W. Va., to Winchester, Va., and points in Connecticut, Delaware, Massachusetts, New Jersey, New York, and Pennsylvania; from Moorefield, W. Va., to points in Maryland; and from Winchester, Va., to Baltimore, Md. Donald E. Freeman, Post Office Box 880, Westminster, Md., representative for applicants.

No. MC-FC-67786. By order of April 29, 1965, the Transfer Board approved the transfer to Lee Line, Inc., 709 Bench Street, Red Wing, Minn., of the operating rights in Certificate Nos. MC-102623 and MC-102623 (Sub-No. 1), issued July 16, 1942, and January 20, 1956, respectively, to Kenneth William Lee, 709 Bench Street, Red Wing, Minn., authorizing the transportation, over irregular routes, of: Passengers and their baggage, in round-trip charter operations, from points in Goodhue County, Minn., and Pierce County, Wis., to points in Minnesota, Iowa, and Wisconsin, and return, and beginning and ending at Ashland and Eau Claire, Wis., Minneapolis, Minn., and points in Minnesota and Wisconsin within 70 miles of Minneapolis, Minn., and extending to points in Connecticut, Delaware, Illinois, Indiana, Iowa, Kansas, Maryland, Massachusetts, Michigan, Minnesota, Missouri, Nebraska, New Jersey, New York, North Dakota, Ohio, Oklahoma, Pennsylvania, South Dakota, Rhode Island, Wisconsin, and the District of Columbia. Beginning and ending at Moorehead, Minn., and extending to points in Connecticut, Delaware, Illinois, Indiana, Iowa, Kansas, Maryland, Massachusetts, Michigan, Minnesota, Missouri, Nebraska, New Jersey, New York, North Dakota, Ohio, Oklahoma, Pennsylvania, South Dakota, Rhode Island, Wisconsin, and the District of Columbia, and to the Dominion of Canada.

[SEAL] BERTHA F. ARMES,
Acting Secretary.

[F.R. Doc. 65-4925; Filed, May 10, 1965; 8:46 a.m.]

[Notice 1170-A]

MOTOR CARRIER TRANSFER PROCEEDINGS

MAY 6, 1965.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 179), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC-67821. By order of May 5, 1965, the Transfer Board approved the transfer to Long's Express, Inc., Richmond, Va., of the operating rights in Certificate No. MC-85413, issued May 18, 1949, and Certificate of Registration Nos. MC-85413 (Sub-No. 6) and MC-85413 (Sub-No. 7), issued November 27, 1964, and February 6, 1964, respectively, evidencing a right to engage in operation in interstate or foreign commerce, in the transportation of general commodities, with the usual exceptions, and freight, between points in Virginia. J. Randolph Tucker, Jr., State-Planters Bank Building, Richmond, Va., attorney for applicants.

[SEAL] BERTHA F. ARMES,
Acting Secretary.

[F.R. Doc. 65-4926; Filed, May 10, 1965; 8:46 a.m.]

CUMULATIVE LIST OF CFR PARTS AFFECTED—MAY

The following numerical guide is a list of the parts of each title of the Code of Federal Regulations affected by documents published to date during May.

3 CFR — Page

PROCLAMATIONS:
- 3172 (superseded by Proc. 3655) — 6467
- 3395 (superseded by Proc. 3655) — 6467
- 3655 — 6467

EXECUTIVE ORDER:
- Apr. 19, 1892 (revoked in part by PLO 3656) — 6437
- 823 (see EO 11220) — 6425
- 10530 (revoked in part by EO 11222) — 6469
- 10939 (revoked by EO 11222) — 6469
- 11125 (revoked by EO 11222) — 6469
- 11126 (amended by EO 11221) — 6427
- 11219 — 6381
- 11220 — 6425
- 11221 — 6427
- 11222 — 6469

PRESIDENTIAL DOCUMENTS OTHER THAN PROCLAMATIONS AND EXECUTIVE ORDERS:
- Memorandum of July 20, 1961 (revoked by EO 11222) — 6469
- Memorandum of May 2, 1963 (revoked by EO 11222) — 6469

4 CFR
- 52 — 6429

5 CFR
- 213 — 6215, 6241, 6337, 6478
- 332 — 6337

7 CFR
- 54 — 6207
- 55 — 6141, 6207
- 56 — 6207
- 70 — 6207
- 81 — 6207
- 210 — 6207, 6479
- 301 — 6243, 6245
- 354 — 6429
- 707 — 6246
- 717 — 6144
- 724 — 6144, 6146, 6207
- 842 — 6338
- 862 — 6247
- 863 — 6248
- 864 — 6248
- 908 — 6145, 6429
- 909 — 6430
- 910 — 6145, 6430, 6479
- 918 — 6431
- 965 — 6338
- 970 — 6479
- 1421 — 6338
- 1468 — 6383
- 1472 — 6383
- 1488 — 6249

PROPOSED RULES:
- 28 — 6255
- 31 — 6350
- 70 — 6395
- Ch. IX — 6355, 6438
- 930 — 6255
- 1040 — 6163
- 1042 — 6163

8 CFR
- 214 — 6479

9 CFR

PROPOSED RULES:
- 201 — 6360

12 CFR
- 12 — 6160
- 204 — 6339

PROPOSED RULES:
- 261 — 6275
- 262 — 6275

14 CFR
- 39 — 6150, 6431
- 71 — 6150, 6215, 6241, 6384-6387, 6478
- 73 — 6242, 6387, 6388
- 75 — 6150, 6241, 6242, 6432
- 91 — 6388
- 97 — 6151, 6329
- 99 — 6242
- 121 — 6432
- 127 — 6432

PROPOSED RULES:
- 39 — 6188, 6274
- 67 — 6188
- 71 — 6189, 6225, 6397, 6399, 6400, 6402, 6443
- 73 — 6402, 6444
- 75 — 6443

16 CFR

PROPOSED RULES:
- 303 — 6275

19 CFR
- 10 — 6149

21 CFR
- 121 — 6215, 6339, 6389, 6433, 6477, 6478
- 133 — 6475
- 144 — 6389

PROPOSED RULES:
- 8 — 6490

25 CFR

PROPOSED RULES:
- 1 — 6438

26 CFR
- 1 — 6216, 6340, 6480
- 250 — 6217

PROPOSED RULES:
- 1 — 6222, 6349, 6486, 6488
- 31 — 6222
- 301 — 6222

tively, to Kenneth William Lee, 709

29 CFR	Page
50	6249
604	6218
606	6218
690	6482
PROPOSED RULES:	
657	6224
697	6225
1501	6397
1502	6397
1503	6397
32 CFR	
163	6161
516	6341
815	6343
882	6343
33 CFR	
80	6433
82	6434
86	6434
95	6434
135	6434
203	6161, 6388
207	6161
36 CFR	
211	6345
311	6161
502	6482
37 CFR	
1	6391
38 CFR	
1	6435
2	6392
14	6392
39 CFR	
4	6436
36	6436
37	6436
43	6436
41 CFR	
9–1	6483
43 CFR	
PUBLIC LAND ORDERS:	
3655	6392
3656	6437
45 CFR	
130	6393
47 CFR	
0	6250
2	6219, 6388
15	6250
73	6251
PROPOSED RULES:	
2	6226
73	6274, 6275
49 CFR	
1	6485
95	6220
97	6394
141	6162
50 CFR	
33	6344
60	6149
PROPOSED RULES:	
32	6224

Ref.

FEDERAL REGISTER

VOLUME 30 • NUMBER 91

Wednesday, May 12, 1965 • Washington, D.C.

Pages 6507–6565

Agencies in this issue—

Agricultural Stabilization and Conservation Service
Atomic Energy Commission
Civil Service Commission
Coast Guard
Commerce Department
Commodity Credit Corporation
Consumer and Marketing Service
Federal Aviation Agency
Federal Communications Commission
Federal Home Loan Bank Board
Federal Maritime Commission
Federal Power Commission
Federal Reserve System
Fish and Wildlife Service
Forest Service
Housing and Home Finance Agency
Indian Affairs Bureau
Interior Department
Interstate Commerce Commission
Maritime Administration
Securities and Exchange Commission
Treasury Department

Detailed list of Contents appears inside.



THE NATIONAL ARCHIVES OF THE UNITED STATES • 1934 •

Contents

Just Released

LIST OF CFR SECTIONS AFFECTED

January–April 1965

(Codification Guide)

The List of CFR Sections Affected is published monthly on a cumulative basis. It lists by number the titles, parts, and sections of the Code of Federal Regulations amended or otherwise affected by documents published in the FEDERAL REGISTER during 1965. Entries indicate the exact nature of all changes effected. This cumulative list of CFR sections affected is supplemented by the current lists of CFR parts affected which are carried in each daily FEDERAL REGISTER.

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Contents

AGRICULTURAL STABILIZATION AND CONSERVATION SERVICE
Rules and Regulations
Reconstitution of farms, allotments, and bases; pooling and transfer of allotments 6511

AGRICULTURE DEPARTMENT
See Agricultural Stabilization and Conservation Service; Commodity Credit Corporation; Consumer and Marketing Service; Forest Service.

ATOMIC ENERGY COMMISSION
Rules and Regulations
Procurement regulations:
Foreign purchases 6519
General, foreign purchases and contract clauses 6519
Special types and methods of procurement 6519

CIVIL SERVICE COMMISSION
Rules and Regulations
Allowances and differentials payable in non-foreign areas; places and rates 6511

COAST GUARD
Rules and Regulations
Uninspected vessels; fire extinguishers and ventilation of tanks and engine spaces on motorboats 6517

COMMERCE DEPARTMENT
See also Maritime Administration.
Notices
Organization units; procurement authority 6548

COMMODITY CREDIT CORPORATION
Rules and Regulations
Rye; 1965 crop loan and purchase program 6511

CONSUMER AND MARKETING SERVICE
Proposed Rule Making
Milk:
Memphis, Tenn., Fort Smith, Ark., and central Arkansas marketing area 6534
Rio Grande Valley marketing area 6538
Peanuts, domestically produced; quality regulation 6523

FEDERAL AVIATION AGENCY
Proposed Rule Making
Airborne distance measuring equipment; foreign aircraft; reopening time for public comment 6541

FEDERAL COMMUNICATIONS COMMISSION
Rules and Regulations
Radio broadcast services:
FM broadcast station; Plymouth and Goshen, Inc. 6520
Operator requirements 6519
Proposed Rule Making
Certain FM broadcast stations; table of assignments 6543
Radio frequency operated intruder alarms; use 6541
Notices
Hearings, etc.:
Chicagoland TV Co., and Chicago Federation of Labor and Industrial Union Council 6549
Continental Broadcasting of California, Inc. (KDAY) 6549
Lampasas Broadcasting Corp. (KCYL) 6551
Ocean County Radio Broadcasting Co. et al 6551
WHOO Radio, Inc. (WHOO) 6552

FEDERAL HOME LOAN BANK BOARD
Rules and Regulations
Scheduled items; definitions 6517
Proposed Rule Making
Federal insurance reserve; required amounts and maintenance 6544

FEDERAL MARITIME COMMISSION
Notices
Agreements filed for approval:
City of Los Angeles and National Metal & Steel Corp. 6552
Lykes Bros. Steamship Co., Inc., and Moore-McCormack Lines, Inc. 6552
South Atlantic and Gulf ports; terminal practices 6552
U.S. Government cargoes; order of investigation and hearing regarding rates 6552

FEDERAL POWER COMMISSION
Rules and Regulations
Applications of independent producers for certificates of public convenience and necessity and for abandonment; number of copies 6518
Notices
Hearings, etc.:
Cities Service Gas Co. et al 6553
Eastern Shore Natural Gas Co. 6554
Illinois Power Co. 6555
Marathon Oil Co. 6554
Northern Natural Gas Co. (2 documents) 6554
Potomac Light and Power Co. 6555

FEDERAL RESERVE SYSTEM
Notices
Chase Manhattan Bank; applications for unlisted trading privileges 6555

FISH AND WILDLIFE SERVICE
Rules and Regulations
North Dakota, national wildlife refuges; sport fishing 6521
Notices
Wildlife matters; delegation of authority 6548

FOREST SERVICE
Notices
Director, Division of Land Adjustments; delegation of authority to accept options and execute deeds 6549

HOUSING AND HOME FINANCE AGENCY
Notices
Regional Administrators; delegation of authority regarding loans for housing for elderly or handicapped 6555

INDIAN AFFAIRS BUREAU
Proposed Rule Making
Flathead Indian Irrigation Project, Montana; operation and maintenance charges 6523

INTERIOR DEPARTMENT
See also Fish and Wildlife Service; Indian Affairs Bureau.
Notices
Reports of appointment and statements of financial interests:
Innis, Joe T. 6548
McKnight, Maxwell 6548
Remalia, William R. 6549

INTERSTATE COMMERCE COMMISSION
Notices
Fourth section application for relief 6557
Motor carrier alternate route deviation notices 6558
Motor carrier applications and certain other proceedings 6559
Motor carrier intrastate applications; filing 6564
Motor carrier transfer proceedings 6563

MARITIME ADMINISTRATION
Notices
List of Free World and Polish flag vessels arriving in Cuba since January 1, 1963 6546

(Continued on next page)

SECURITIES AND EXCHANGE COMMISSION

CONTENTS

Rules and Regulations

Title 3 contains restrictions on the republication of material appearing in the FEDERAL REGISTER or the CODE OF FEDERAL REGULATIONS.

CONTENTS

SECURITIES AND EXCHANGE COMMISSION

Notices

Hearings, etc.:

Continental Vending Machine Corp. 6556
ERT Corp. 6556
Pittsburgh, Youngstown and Ashtabula Railway Co. et al. 6556
Security Trust Associates 6557

TREASURY DEPARTMENT

See also Coast Guard.

Notices

Galvanized ware from Canada; notice of intent to discontinue investigation and to make determination that no sales exist below fair value 6548

List of CFR Parts Affected

(Codification Guide)

The following numerical guide is a list of the parts of each title of the Code of Federal Regulations affected by documents published in today's issue. A cumulative list of parts affected, covering the current month to date, appears at the end of each issue beginning with the second issue of the month.

A cumulative guide is published separately at the end of each month. The guide lists the parts and sections affected by documents published since January 1, 1965, and specifies how they are affected.

5 CFR

591 6511

7 CFR

719 6511
1421 6511
PROPOSED RULES:
Ch. IX 6523
1097 6534
1102 6534
1108 6534
1138 6538

12 CFR

561 6517
PROPOSED RULES:
563 6544

14 CFR

PROPOSED RULES:
91 6541
129 6541

18 CFR

157 6518

25 CFR

PROPOSED RULES:
221 6523

41 CFR

9–1 6519
9–4 6519
9–6 (2 documents) 6519
9–7 6519

46 CFR

25 6517

47 CFR

73 (2 documents) 6519, 6520
PROPOSED RULES:
15 6541
73 6543

50 CFR

33 6521

Rules and Regulations

Title 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 591—ALLOWANCES AND DIFFERENTIALS PAYABLE IN NONFOREIGN AREAS

Places and Rates at Which Allowances Shall Be Paid

Section 591.202 is amended to show reductions of the cost-of-living allowance rates in Puerto Rico and the Virgin Islands. Effective on the first pay period beginning on or after July 1, 1965, § 591.202 is amended as set out below.

§ 591.202 Places and rates at which allowances shall be paid.

In accordance with the act and section 205 of Executive Order 10,000, as amended, and in consideration of relative consumer price levels in the area and in the District of Columbia, and differences in goods and services available and the manner of living of persons employed in the area concerned in positions comparable to those of United States employees in the area, allowances are established at the following places and rates:

Alaska (including all the Aleutian Islands east of longitude 167 degrees east of Greenwich): 25 percent of rate of basic compensation.

Commonwealth of Puerto Rico: 5 percent of rate of basic compensation.

Hawaii (excluding Ocean or Kure Island): 15 percent of rate of basic compensation.

Virgin Islands of the United States: 5 percent of rate of basic compensation.

(Sec. 207, 62 Stat. 194, as amended; 5 U.S.C. 118h; sec. 302, E.O. 10,000, 13 F.R. 5453, 3 CFR, 1943–48 Comp., p. 792; E.O. 10636, 20 F.R. 7025, 3 CFR, 1954–58 Comp., p. 268)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] MARY V. WENZEL,
Executive Assistant to the Commissioners.

[F.R. Doc. 65-4984; Filed, May 11, 1965; 8:46 a.m.]

Title 7—AGRICULTURE

Chapter VII—Agricultural Stabilization and Conservation Service (Agricultural Adjustment), Department of Agriculture

SUBCHAPTER B—FARM ACREAGE ALLOTMENTS AND MARKETING QUOTAS

[Amdt. 4]

PART 719—RECONSTITUTION OF FARMS, ALLOTMENTS, AND BASES

Pooling and Transfer of Allotments

(a) This amendment is issued pursuant to section 375(b) of the Agricultural Adjustment Act of 1938, as amended (7 U.S.C. 1375(b)), section 124 of the Soil Bank Act (7 U.S.C. 1812), and the Soil Conservation and Domestic Allotment Act (16 U.S.C. 590 g–p). This amendment provides for approval of transfer of pooled allotments by the receiving State committee, which the approval of the Deputy Administrator, upon a finding of facts which support the conclusion that a bona fide ownership of the farm exists notwithstanding a lease of the farm to the seller for the first year the allotment is transferred.

(b) Since transfers of pooled allotments are now pending for the current year it is essential that this amendment be made effective as soon as possible. It is hereby determined and found that compliance with the notice and public procedure requirements, and the 30-day effective date requirement of section 4 of the Administrative Procedure Act (60 Stat. 238; 5 U.S.C. 1003) is impracticable and contrary to the public interest and this amendment shall be effective upon filing this document with the Director, Office of the Federal Register.

Section 719.11(f)(4) of the regulations for Reconstitution of Farms, Allotments, and Bases (29 F.R. 13370, as amended), is amended by adding the following sentence at the end thereof:

§ 719.11 Pooling and transfer of farm acreage allotments and feed grain bases where the farm owner is displaced by an agency having the right of eminent domain.

* * * * * * *

(f) *Transfer from the pool.* * * *

(4) *Action of receiving State committee and Deputy Administrator.* * * * Notwithstanding any other provisions of this section and particularly subparagraph (3)(v) of this paragraph, the receiving State committee, with the approval of the Deputy Administrator, may authorize a transfer of allotment in any case where the displaced owner presents evidence satisfactory to the receiving State committee and the Deputy Administrator that the displaced owner has made a normal acquisition of the receiving farm for the purpose of bona fide ownership to reestablish his farming operations although the farm is leased to the seller of the farm for the first year the allotment is transferred.

* * * * * * *

(Secs. 375, 378, 52 Stat. 66, as amended, 72 Stat. 995, as amended, 7 U.S.C. 1375, 1378; sec. 124, 70 Stat. 198, 7 U.S.C. 1812; secs. 16(b), 74 Stat. 1030, 16(c), 75 Stat. 5, 16(d), 75 Stat. 302, 105(c), 75 Stat. 301, 16(h), 77 Stat. 45, 16 U.S.C. 590p)

Effective date. Date of filing this document with the Director, Office of the Federal Register.

Signed at Washington, D.C., on May 6, 1965.

H. D. GODFREY,
Administrator, Agricultural Stabilization and Conservation Service.

[F.R. Doc. 65-5002; Filed, May 11, 1965; 8:47 a.m.]

Chapter XIV—Commodity Credit Corporation, Department of Agriculture

SUBCHAPTER B—LOANS, PURCHASES, AND OTHER OPERATIONS

[C.C.C. Grain Price Support Regs., 1965-Crop Rye Supp.]

PART 1421—GRAINS AND SIMILARLY HANDLED COMMODITIES

Subpart—1965-Crop Rye Loan and Purchase Program

C.C.C. Grain Price Support Regulations Governing Price Support for the 1964 and Subsequent Crops (29 F.R. 2686) issued by the Commodity Credit Corporation and containing regulations of a general nature with respect to price support operations are supplemented for the 1965-crop of rye as follows:

Sec.
1421.2825 Purpose.
1421.2826 Availability.
1421.2827 Eligible rye.
1421.2828 Determination of quality.
1421.2829 Determination of quantity.
1421.2830 Warehouse receipts.
1421.2831 Service charges.
1421.2832 Warehouse charges.
1421.2833 Maturity of loans.
1421.2834 Support rates.

AUTHORITY: The provisions of this subpart issued under sec. 4, 62 Stat. 1070 as amended; 15 U.S.C. 714b. Interpret or apply sec. 5, 62 Stat. 1072, secs. 105, 401, 63 Stat. 1051 as amended; 15 U.S.C. 714c, 7 U.S.C. 1421, 1441.

§ 1421.2825 Purpose.

This subpart contains additional program provisions, which, together with the applicable provisions of the General Regulations Governing Price Support for the 1964 and Subsequent Crops, and any amendments thereto, apply to loans and purchases for 1965-crop rye.

§ 1421.2826 Availability.

Producers desiring to participate in this program must file an application for price support not later than January 31, 1966, in those States in which loans have February 28, 1966, as the maturity date (see § 1421.2833) and not later than March 31, 1966, in all other States. Loans shall be available through the last day on which an application must be filed in the applicable area.

§ 1421.2827 Eligible rye.

(a) *General.* In order to be eligible for price support, the rye must be merchantable for food, feed, or other uses as determined by CCC and must not contain mercurial compounds or other substances poisonous to man or animals.

(b) *Warehouse-stored loan grade requirements.* In order to be eligible for a warehouse storage loan, rye must also meet the following requirements:

(1) The rye must grade (i) No. 2 or better or (ii) No. 3 or 4 either on the factor of test weight or "thin" grade, or both, but otherwise must grade No. 2 or better.

(2) Rye must not grade "Light Smutty," "Smutty," "Light Garlicky,"

"Garlicky," or contain in excess of 1 percent ergot.

(3) Rye must not grade "Heavily" or contain in excess of the following percentage of ergot for rye containing in excess of three-tenths of 1 percent

§ 1421.2832 Warehouse charges.

§ 1421.2834 Support rates.

"Garlicky," or contain in excess of 1 percent ergot.

(3) Rye must not grade "Weevily" or "Tough" unless (i) it is represented by a warehouse receipt accompanied by a supplemental certificate which provides that the warehouseman shall deliver rye which does not grade "Weevily" or "Tough" and (ii) is otherwise of an eligible grade and quality. The grade, quality, and quantity shown on the supplemental certificate must be as provided in § 1421.2830.

§ 1421.2828 Determination of quality.

(a) *Grading factors.* The grade, grading factors, and all other quality factors shall be based on the Official Grain Standards of the United States for Rye, whether or not a determination of grade and quality is based on an official inspection.

(b) *Ergot.* The quantity of ergot shall be stated in terms of tenths of 1 percent and, where applicable, the word "Ergoty" shall be added to, and made a part of, the grade designation.

§ 1421.2829 Determination of quantity.

When the quantity is determined by weight, a bushel shall be 56 pounds of rye free of dockage.

(a) *In warehouse.* The quantity of rye on which a warehouse storage loan shall be made and the quantity delivered to or acquired by CCC in an approved warehouse under a farm-storage loan or a purchase shall be the net weight specified on the warehouse receipt or on the supplemental certificate, if applicable. If the rye has been dried or blended to reduce the moisture content, the quantity specified on the warehouse receipt or supplemental certificate, if applicable, shall represent the quantity after drying or blending, and such quantity shall reflect a minimum shrink in the receiving weight of 1.2 times the percentage difference between the moisture content of the rye, when received, and 14 percent.

(b) *On farm.* The quantity of eligible rye which may be placed under farm-storage loan shall be determined in accordance with § 1421.67 of the general regulations. The quantity acquired by CCC shall be determined by weight. In determining the quantity of sacked rye by weight a deduction of three-fourths of a pound for each sack shall be made.

(c) *Dockage.* When the quantity is determined by weight the percentage of dockage shall be determined and the weight of such dockage shall be deducted from the gross weight in determining the net quantity.

§ 1421.2830 Warehouse receipts.

Warehouse receipts tendered to CCC in connection with a loan or a purchase must meet the requirements of this section.

(a) *Separate receipt.* A separate warehouse receipt must be submitted for each grade and quality of rye.

(b) *Entries.* Each warehouse receipt or the warehouseman's supplemental certificate (in duplicate) properly identified with the warehouse receipt, must show (1) gross weight and net bushels, (2) grade (including special grades), (3) percentage of ergot for rye containing in excess of three-tenths of 1 percent of ergot, (4) test weight, (5) dockage, (6) moisture, if over 14 percent, (7) any other grading factor(s) when such factor(s) and not test weight determine the grade, and (8) whether the rye arrived by rail, truck, or barge.

(c) *Where warehouse receipt shows "Weevily" or excess moisture.* If a warehouse receipt tendered for loan indicates that the rye grades "Weevily" or contains over 14 percent moisture, the warehouse receipt must be accompanied by a supplemental certificate as provided in § 1421.2827(b)(3). The grade, grading factors, and quantity to be delivered must be shown on the supplemental certificate as follows:

(1) When the warehouse receipt shows "Weevily" and the rye has been conditioned to correct the "Weevily" condition, the supplemental certificate must show the same grade without the "Weevily" designation and the same grading factors and quantity as shown on the warehouse receipt;

(2) When the warehouse receipt indicates a moisture content of over 14 percent and the rye has been dried or blended, the supplemental certificate must show the grade, grading factors, and quantity after drying or blending the rye to a moisture content of not over 14 percent. The quantity shown shall reflect a drying or blending shrink as specified in § 1421.2829;

(3) The supplemental certificate must state that no lien for processing will be claimed by the warehouseman from CCC or any subsequent holder of the warehouse receipt;

(4) In case of conditions specified in subparagraphs (1) and (2) of this paragraph, the grade, grading factors, and the quantity shown on the supplemental certificate shall supersede the entries for such items on the warehouse receipt.

(d) *Liens.* The warehouse receipts may be subject to liens for warehouse charges only to extent indicated in § 1421.2832.

(e) *Freight bill requirements.* Warehouse receipts representing rye which has been shipped by rail or water from a country shipping point to a designated terminal point, or shipped by rail or water from a country shipping point to a storage point and stored in transit to a designated terminal point, must be accompanied by registered freight bills or by a certificate containing similar information. These registered freight bills or certificates must be representative as to origin and date of movement of the rye and must reflect the total freight rate from origin to designated terminal point, including penalty for out-of-line haul, if any. The form of the certificates will be prescribed by the ASCS commodity office and shall be signed by the warehouseman and may be made a part of the supplemental certificate.

§ 1421.2831 Service charges.

A service charge of one-half cent per bushel will be made for the quantity of the rye delivered to CCC. Such charge shall be handled in accordance with § 1421.60(b) of the general regulations.

§ 1421.2832 Warehouse charges.

(a) *Handling and storage liens.* Warehouse receipts and the rye represented thereby stored in an approved warehouse operating under the Uniform Grain Storage Agreement may be subject to liens for warehouse handling and storage charges at not to exceed the Uniform Grain Storage Agreement rates from the date the rye is deposited in the warehouse for storage. Warehouse receipts and the rye represented thereby stored in an approved warehouse operated by an Eastern common carrier may be subject to liens for warehouse elevation (receiving and delivering) and storage charges from the date of deposit at rates approved by the Interstate Commerce Commission. In no event shall a warehouseman be entitled to satisfy the lien by sale of the rye when CCC is holder of the warehouse receipt.

(b) *Deduction of storage charges—UGSA warehouses.* A table to be published later as an amendment to this paragraph will provide the deduction for storage charges to be made from the amount of the loan or purchase price in the case of rye stored in an approved warehouse operated under the Uniform Grain Storage Agreement. Such deduction shall be based on entries shown on the warehouse receipts. If written evidence is submitted with the warehouse receipt that all warehouse charges except receiving and loading-out charges have been prepaid through the applicable loan maturity date, no storage deductions shall be made. If such written evidence is not submitted, the date to be used for computing the storage deduction on rye stored in approved warehouses operating under the Uniform Grain Storage Agreement shall be the latest of the following: (1) The date of deposit, (2) the date storage charges start, or (3) the day following the date through which the storage charges have been paid. If none of the foregoing dates is shown, the date of the warehouse receipt shall be used.

(c) *Deduction of storage charges—Eastern common carriers.* In the case of rye stored in an approved warehouse operated by an Eastern common carrier, there shall be deducted in computing the loan or purchase price the amount of the approved tariff rate for storage (not including elevation), which will accumulate from the date of deposit through the applicable maturity date unless written evidence is submitted with the warehouse receipt that such charges have been prepaid. Where the producer presents evidence showing the elevation charges have been prepaid, the amount of the storage charges to be deducted shall be reduced by the amount of the elevation charges prepaid by the producer.

§ 1421.2833 Maturity of loans.

Loans mature on demand but not later than February 28, 1966, for rye stored in Alabama, Arkansas, Delaware, Florida, Georgia, Kentucky, Louisiana, Maryland, Mississippi, New Jersey, North Carolina, Pennsylvania, South Carolina, Tennessee, Virginia, and West Virginia, and not later than April 30, 1966, in all other States.

§ 1421.2834 Support rates.

Basic support rates for rye as established in this section are to be used in making loans or purchases and in settlement of loans and purchases. Farm-stored loans will be made at the applicable basic support rate adjusted only for weed control discount where applicable. Warehouse-stored loans, farm-stored loan settlements and purchases shall be at the applicable basic support rate adjusted by the discounts shown in paragraphs (a), (b), and (d) of this section and such other discounts as may be established by CCC applicable to the grade and quality of the rye on which the loan or settlement is made. Basic support rates for rye per bushel are for rye grading No. 2 or better or grading No. 3 on the basis of test weight only.

(a) *Support rates at designated terminal markets.* (1) The basic support rates established for designated terminal markets apply to rye shipped on a domestic interstate freight rate basis. The basic support rate at the designated terminal market for any rye shipped at other than the domestic interstate freight rate shall be reduced by the amount by which the freight rate paid is less than the domestic interstate freight rate.

(2) The basic support rates established for designated terminal markets also apply to rye which has been shipped by rail or water from a country shipping point to one of the designated terminal markets, as evidenced by paid freight bills duly registered for transit privileges. If the amount of paid-in freight is insufficient to guarantee the minimum proportional domestic interstate freight rate, if any, from the terminal market to a recognized market determined by the appropriate ASCS commodity office, there shall be deducted from the applicable terminal support rate the amount by which the amount of freight actually paid in is less than the amount required to be paid in to guarantee outbound movement at the minimum proportional domestic interstate freight rate. If the rye is stored at any designated terminal market and neither registered freight bills nor registered freight certificates are presented, the basic support rate shall be reduced by the actual amount of paid-in freight required to guarantee the proportional outbound rate from the terminal market to a recognized market determined by the appropriate ASCS commodity office.

(3) In determining the support rate for rye received by truck and stored at any designated terminal market, there shall be deducted from the applicable basic support rate the actual amount of paid-in freight required to guarantee the proportional outbound rate from the terminal market to a recognized market determined by the appropriate ASCS commodity office, plus 3.5 cents per bushel.

(4) Notwithstanding the foregoing provisions of this paragraph, in determining the support rate for rye shipped by rail or water and stored at any of the following terminal markets, there shall also be deducted from the applicable basic support rate the transportation cost, if any may be incurred, as determined by the appropriate ASCS commodity office, for moving the rye to a tidewater facility located within the same switching limits:

Long Beach, Los Angeles, Oakland, San Francisco, Stockton, and Wilmington, Calif.
Baltimore, Md.
Duluth, Minn.
Astoria and Portland, Oreg.
Albany and New York, N.Y.
Philadelphia, Pa.
Beaumont, Galveston, Houston, and Port Arthur, Tex.
Norfolk, Va.
Kalama, Longview, Seattle, Tacoma, and Vancouver, Wash.
Superior, Wis.

(5) Notwithstanding the foregoing provisions of this subparagraph, in determining the support rate for rye received by truck and stored at any of the terminal markets listed in subparagraph (4) of this paragraph, there shall also be deducted from the applicable basic support rate the amount of 3.25 cents per bushel from the terminal rate, plus the transportation cost, if any, as determined by the appropriate ASCS commodity office, for moving the rye to a tidewater loading facility located within the same switching limits.

(6) Designated Terminal Markets and Basic Terminal Support Rates are:

Terminal market:	Rate per bushel
Omaha, Nebr.	$1.20
Sioux City, Iowa	1.20
Duluth, Minn.	1.24
Minneapolis, Minn.	1.24
Saint Paul, Minn.	1.24
Superior, Wis.	1.24
Atchison, Kans.	1.23
Kansas City, Mo.	1.23
St. Joseph, Mo.	1.23
Chicago, Ill.	1.33
Milwaukee, Wis.	1.33
Memphis, Tenn.	1.34
St. Louis, Mo.	1.34
Galveston, Tex.	1.33
Houston, Tex.	1.33
Port Arthur, Tex.	1.33
Beaumont, Tex.	1.33
Long Beach, Calif.	1.36
Los Angeles, Calif.	1.36
Oakland, Calif.	1.36
San Francisco, Calif.	1.36
Stockton, Calif.	1.36
Wilmington, Calif.	1.36
Astoria, Oreg.	1.34
Kalama, Wash.	1.34
Longview, Wash.	1.34
Portland, Oreg.	1.34
Seattle, Wash.	1.34
Tacoma, Wash.	1.34
Vancouver, Wash.	1.34
Albany, N.Y.	1.47
Baltimore, Md.	1.47
New York, N.Y.	1.47
Norfolk, Va.	1.47
Philadelphia, Pa.	1.47

(b) *Support rates for rye in approved warehouse storage at other than designated terminal markets.* In determining the support rate for rye which is shipped by rail or water and which is stored in approved warehouses (other than those situated in the designated terminal markets) there shall be deducted from the basic support rate for the appropriate designated terminal market, as determined by CCC, an amount equal to the transit balance, if any, of the through-freight rate from the point of origin for such rye to such terminal market: *Provided*, That on any rye shipped at other than the domestic interstate freight rate, the basic support rate shall be further reduced by the amount by which the freight rate paid is less than the amount of the domestic interstate freight rate from the point of origin of such rye to the point of destination or appropriate terminal market: *And provided further*, That in the case of rye stored at any railroad transit point, taking a penalty by reason of out-of-line movement to the appropriate designated market, or for any other reason, there shall be added to such transit balance an amount equal to the cost of any out-of-line movement to the appropriate designated market, or other costs incurred in storing rye in such position.

(c) *Basic county support rates.* (1) The applicable basic support rate for farm-storage loans and for rye stored in approved county warehouse-storage, except as otherwise provided in paragraph (b) of this section and subparagraph (2) of this paragraph shall be the basic county support rate established for the county in which the rye is stored.

(2) If two or more approved warehouses are located in the same or adjoining towns, villages, or cities, having the same domestic interstate freight rate, such towns, villages, or cities shall be deemed to constitute one shipping point and the same basic county support rate shall apply even though such warehouses are not all located in the same county. Such support rate shall be the highest support rate of the counties involved. County basic price support rates are as follows:

ALABAMA

County	Rate per bushel
All counties	$1.18

ARIZONA

All counties	$1.08

ARKANSAS

All counties	$1.06

CALIFORNIA

County	Rate per bushel	County	Rate per bushel
Colusa	$1.22	Plumas	$1.13
Contra Costa	1.24	Riverside	1.19
Glenn	1.21	San Joaquin	1.25
Kern	1.20	Shasta	1.11
Lassen	1.06	Sierra	1.06
Marin	1.24	Siskiyou	1.11
Merced	1.24	Sonoma	1.22
Modoc	1.11	Stanislaus	1.24
Mono	1.00	Yuba	1.22

COLORADO

Adams	$0.93	Las Animas	$0.92
Arapahoe	.93	Lincoln	.93
Baca	.94	Logan	.93
Bent	.93	Morgan	.93
Boulder	.93	Otero	.93
Cheyenne	.95	Phillips	.95
Crowley	.93	Prowers	.95
Denver	.92	Pueblo	.93
Douglas	.93	Sedgwick	.95
Elbert	.93	Washington	.93
El Paso	.93	Weld	.93
Jefferson	.93	Yuma	.94
Kiowa	.94	All other counties	.93
Kit Carson	.95		
Larimer	.93		

CONNECTICUT

All counties	$1.17

DELAWARE

All counties	$1.17

FLORIDA

County	Rate per bushel
All counties	$1.18

INDIANA—Continued

County	Rate per bushel
Jasper	$1.33
Jay	1.33
Jefferson	1.33
Jennings	1.33
Johnson	1.33
Knox	1.33
Kosciusko	1.33
Lagrange	1.33
Lake	1.33
La Porte	1.33
Lawrence	1.33
Madison	1.33
Marion	1.33
Marshall	1.33
Martin	1.33
Miami	1.33
Monroe	1.33
Montgomery	1.33
Morgan	1.33
Newton	1.33
Noble	1.33
Ohio	1.33
Orange	1.33
Owen	1.33
Parke	1.33
Perry	1.33
Pike	1.33
Porter	1.33
Posey	1.33
Pulaski	1.33
Putnam	1.33
Randolph	1.33
Ripley	1.33
Rush	1.33
Scott	1.33
Shelby	1.33
Spencer	1.33
Starke	1.33
Steuben	1.33
Sullivan	1.33
Switzerland	1.33
Tippecanoe	1.33
Tipton	1.33
Union	1.33
Vanderburgh	1.33
Vermillion	1.33
Vigo	1.33
Wabash	1.33
Warren	1.33
Warrick	1.33
Washington	1.33
Wayne	1.33
Wells	1.33
White	1.33
Whitley	1.33

MICHIGAN—Continued

County	Rate per bushel
Ingham	$1.33
Ionia	1.33
Iosco	1.33
Isabella	1.33
Jackson	1.33
Kalamazoo	1.33
Kalkaska	1.33
Kent	1.33
Lake	1.33
Lapeer	1.33
Leelanau	1.33
Lenawee	1.33
Livingston	1.33
Luce	1.33
Mackinac	1.33
Macomb	1.33
Manistee	1.33
Marquette	1.33
Mason	1.33
Mecosta	1.33
Menominee	1.33
Midland	1.33
Missaukee	1.33
Monroe	1.33
Montcalm	1.33
Montmorency	1.33
Muskegon	1.33
Newaygo	1.33
Oakland	1.33
Oceana	1.33
Ogemaw	1.33
Ontonagon	1.33
Osceola	1.33
Oscoda	1.33
Otsego	1.33
Ottawa	1.33
Presque Isle	1.33
Roscommon	1.33
Saginaw	1.33
St. Clair	1.33
St. Joseph	1.33
Sanilac	1.33
Schoolcraft	1.33
Shiawassee	1.33
Tuscola	1.33
Van Buren	1.33
Washtenaw	1.33
Wayne	1.33
Wexford	1.33

FLORIDA

County	Rate per bushel
All counties	$1.23

GEORGIA

County	Rate per bushel
All counties	$1.32

IDAHO

County	Rate per bushel
Ada	$1.07
Adams	1.05
Bannock	.99
Bear Lake	.96
Benewah	1.13
Bingham	.97
Blaine	1.01
Boise	1.07
Bonner	1.06
Bonneville	.96
Boundary	1.05
Butte	.97
Camas	1.01
Canyon	1.07
Caribou	.97
Cassia	1.01
Clark	.94
Clearwater	1.10
Custer	.97
Elmore	1.06
Franklin	.99
Fremont	.94
Gem	$1.07
Gooding	1.04
Idaho	1.09
Jefferson	.95
Jerome	1.04
Kootenai	1.11
Latah	1.12
Lemhi	.96
Lewis	1.10
Lincoln	1.03
Madison	.95
Minidoka	1.02
Nez Perce	1.12
Oneida	.99
Owyhee	1.07
Payette	1.07
Power	1.00
Shoshone	1.01
Teton	.93
Twin Falls	1.02
Valley	1.06
Washington	1.05

ILLINOIS

County	Rate per bushel
Adams	$1.10
Alexander	1.13
Bond	1.16
Boone	1.20
Brown	1.11
Bureau	1.19
Calhoun	1.14
Carroll	1.17
Cass	1.13
Champaign	1.14
Christian	1.13
Clark	1.13
Clay	1.13
Clinton	1.18
Coles	1.13
Cook	1.21
Crawford	1.10
Cumberland	1.13
De Kalb	1.20
De Witt	1.13
Douglas	1.14
Du Page	1.20
Edgar	1.13
Edwards	1.14
Effingham	1.13
Fayette	1.13
Ford	1.13
Franklin	1.13
Fulton	1.13
Gallatin	1.09
Greene	1.16
Grundy	1.17
Hamilton	1.13
Hancock	1.10
Hardin	1.06
Henderson	1.10
Henry	1.13
Iroquois	1.16
Jackson	1.13
Jasper	1.12
Jefferson	1.18
Jersey	1.16
Jo Daviess	1.13
Johnson	1.08
Kane	1.20
Kankakee	1.17
Kendall	1.20
Knox	1.11
Lake	1.19
La Salle	1.18
Lawrence	1.12
Lee	$1.19
Livingston	1.13
Logan	1.13
McDonough	1.10
McHenry	1.20
McLean	1.13
Macon	1.14
Macoupin	1.16
Madison	1.17
Marion	1.15
Marshall	1.14
Mason	1.13
Massac	1.13
Menard	1.13
Mercer	1.10
Monroe	1.16
Montgomery	1.15
Morgan	1.13
Moultrie	1.14
Ogle	1.19
Peoria	1.13
Perry	1.13
Piatt	1.13
Pike	1.13
Pope	1.09
Pulaski	1.13
Putnam	1.16
Randolph	1.13
Richland	1.12
Rock Island	1.14
St. Clair	1.17
Saline	1.09
Sangamon	1.13
Schuyler	1.13
Scott	1.13
Shelby	1.13
Stark	1.15
Stephenson	1.19
Tazewell	1.13
Union	1.13
Vermilion	1.16
Wabash	1.15
Warren	1.11
Washington	1.14
Wayne	1.16
White	1.10
Whiteside	1.19
Will	1.18
Williamson	1.13
Winnebago	1.20
Woodford	1.13

INDIANA

County	Rate per bushel
Adams	$1.08
Allen	1.08
Bartholomew	1.06
Benton	1.14
Blackford	1.10
Boone	$1.08
Brown	1.06
Carroll	1.11
Cass	1.11
Clark	1.09

INDIANA—Continued

County	Rate per bushel
Clay	$1.11
Clinton	1.10
Crawford	1.15
Daviess	1.06
Dearborn	1.06
Decatur	1.06
De Kalb	1.09
Delaware	1.08
Dubois	1.16
Elkhart	1.11
Fayette	1.08
Floyd	1.03
Fountain	1.09
Franklin	1.09
Fulton	1.12
Gibson	1.11
Grant	1.10
Greene	1.06
Hamilton	1.08
Hancock	1.08
Harrison	1.03
Hendricks	1.08
Henry	1.09
Howard	1.11
Huntington	1.09
Jackson	1.08
Jasper	1.15
Jay	1.08
Jefferson	1.03
Jennings	1.04
Johnson	1.06
Knox	1.09
Kosciusko	1.10
Lagrange	1.09
Lake	1.18
La Porte	1.13
Lawrence	1.09
Madison	1.09
Marion	1.08
Marshall	1.11
Martin	1.08
Miami	$1.11
Monroe	1.12
Montgomery	1.15
Morgan	1.06
Newton	1.16
Noble	1.09
Ohio	1.03
Orange	1.13
Owen	1.06
Parke	1.09
Perry	1.15
Pike	1.12
Porter	1.15
Posey	1.11
Pulaski	1.13
Putnam	1.08
Randolph	1.09
Ripley	1.05
Rush	1.08
St. Joseph	1.11
Scott	1.09
Shelby	1.08
Spencer	1.15
Starke	1.12
Steuben	1.06
Sullivan	1.11
Switzerland	1.01
Tippecanoe	1.11
Tipton	1.10
Union	1.06
Vanderburgh	1.17
Vermillion	1.16
Vigo	1.16
Wabash	1.11
Warren	1.14
Warrick	1.17
Washington	1.03
Wayne	1.08
Wells	1.08
White	1.14
Whitley	1.10

IOWA

County	Rate per bushel
Adair	$1.02
Adams	1.02
Allamakee	1.05
Appanoose	1.08
Audubon	1.02
Benton	1.07
Black Hawk	1.06
Boone	1.02
Bremer	1.05
Buchanan	1.06
Buena Vista	.99
Butler	1.04
Calhoun	1.00
Carroll	1.01
Cass	1.01
Cedar	1.09
Cerro Gordo	1.01
Cherokee	.98
Chickasaw	1.05
Clarke	1.04
Clay	1.00
Clayton	1.07
Clinton	1.10
Crawford	1.02
Dallas	1.03
Davis	1.08
Decatur	1.04
Delaware	1.07
Des Moines	1.10
Dickinson	1.00
Dubuque	1.05
Emmet	1.02
Fayette	1.06
Floyd	1.01
Franklin	1.04
Fremont	1.02
Greene	1.01
Grundy	1.05
Guthrie	1.01
Hamilton	1.03
Hancock	1.01
Hardin	1.04
Harrison	1.02
Henry	1.06
Howard	1.04
Humboldt	$1.00
Ida	1.00
Iowa	1.06
Jackson	1.09
Jasper	1.04
Jefferson	1.07
Johnson	1.08
Jones	1.09
Keokuk	1.06
Kossuth	1.01
Lee	1.09
Linn	1.08
Louisa	1.08
Lucas	1.05
Lyon	.96
Madison	1.03
Mahaska	1.06
Marion	1.06
Marshall	1.05
Mills	1.02
Mitchell	1.02
Monona	1.03
Monroe	1.07
Montgomery	1.02
Muscatine	1.09
O'Brien	.99
Osceola	.99
Page	1.02
Palo Alto	1.00
Plymouth	1.00
Pocahontas	.99
Polk	1.04
Pottawattamie	1.02
Poweshiek	1.05
Ringgold	1.03
Sac	1.00
Scott	1.09
Shelby	1.02
Sioux	.99
Story	1.03
Tama	1.06
Taylor	1.03
Union	1.04
Van Buren	1.08

IOWA—Continued

County	Rate per bushel
Wapello	$1.07
Warren	1.04
Washington	1.07
Wayne	1.06
Webster	1.01
Winnebago	$1.03
Winneshiek	1.05
Woodbury	1.01
Worth	1.02
Wright	1.01

KANSAS

County	Rate per bushel
Allen	$1.05
Anderson	1.05
Atchison	1.05
Barber	1.02
Barton	1.02
Bourbon	1.05
Brown	1.05
Butler	1.04
Chase	1.05
Chautauqua	1.05
Cherokee	1.05
Cheyenne	.97
Clark	.96
Clay	1.05
Cloud	1.04
Coffey	1.05
Comanche	1.00
Cowley	1.04
Crawford	1.05
Decatur	1.00
Dickinson	1.04
Doniphan	1.05
Douglas	1.05
Edwards	1.02
Elk	1.05
Ellis	1.02
Ellsworth	1.03
Finney	.98
Ford	1.00
Franklin	1.05
Geary	1.05
Gove	.99
Graham	1.01
Grant	.97
Gray	.99
Greeley	.97
Greenwood	1.05
Hamilton	.97
Harper	1.03
Harvey	1.04
Haskell	.98
Hodgeman	1.01
Jackson	1.05
Jefferson	1.05
Jewell	1.08
Johnson	1.05
Kearny	.97
Kingman	1.03
Kiowa	1.02
Labette	1.05
Lane	.99
Leavenworth	1.05
Lincoln	1.03
Linn	$1.05
Logan	.98
Lyon	1.05
McPherson	1.03
Marion	1.04
Marshall	1.05
Meade	.98
Miami	1.05
Mitchell	1.03
Montgomery	1.05
Morris	1.05
Morton	.95
Nemaha	1.05
Neosho	1.05
Ness	1.01
Norton	1.01
Osage	1.05
Osborne	1.03
Ottawa	1.04
Pawnee	1.02
Phillips	1.02
Pottawatomie	1.05
Pratt	1.02
Rawlins	.98
Reno	1.03
Republic	1.04
Rice	1.03
Riley	1.05
Rooks	1.02
Rush	1.02
Russell	1.02
Saline	1.04
Scott	.98
Sedgwick	1.04
Seward	.97
Shawnee	1.05
Sheridan	.99
Sherman	.97
Smith	1.02
Stafford	1.03
Stanton	.96
Stevens	.96
Sumner	1.04
Thomas	.98
Trego	1.01
Wabaunsee	1.05
Wallace	.97
Washington	1.05
Wichita	.97
Wilson	1.05
Woodson	1.05
Wyandotte	1.05

KENTUCKY

All counties	$1.17

LOUISIANA

All counties	$1.08

MAINE

All counties	$1.17

MARYLAND

All counties	$1.17

MASSACHUSETTS

All counties	$1.17

MICHIGAN

County	Rate per bushel
Alcona	$0.96
Alger	1.00
Allegan	1.07
Alpena	.98
Arenac	1.00
Barry	1.07
Bay	1.04
Benzie	1.05
Berrien	1.11
Branch	1.08
Calhoun	1.11
Cass	1.11
Clare	1.05
Clinton	$1.08
Crawford	.99
Delta	1.01
Dickinson	1.03
Eaton	1.07
Genesee	1.08
Gladwin	1.04
Gogebic	1.00
Grand Traverse	.99
Gratiot	1.08
Hillsdale	1.08
Huron	1.08

MICHIGAN—Continued

County	Rate per bushel
Ingham	$1.08
Ionia	1.06
Iosco	.99
Iron	1.00
Isabella	1.04
Jackson	1.11
Kalamazoo	1.10
Kalzaska	.97
Kent	1.06
Lake	1.04
Lapeer	1.08
Leelanau	.97
Lenawee	1.12
Livingston	1.08
Macomb	1.11
Manistee	1.04
Marquette	1.00
Mason	1.04
Mecosta	1.04
Menominee	1.04
Midland	1.08
Missaukee	1.01
Monroe	1.12
Montcalm	1.04
Montmorency	$0.97
Muskegon	1.04
Newaygo	1.03
Oakland	1.09
Oceana	1.03
Ogemaw	1.02
Antonagon	.99
Osceola	1.04
Oscoda	1.02
Ottawa	1.07
Roscommon	1.02
Saginaw	1.06
St. Clair	1.10
St. Joseph	1.10
Sanilac	1.08
Shiawassee	1.06
Tuscola	1.08
Van Buren	1.09
Washtenaw	1.10
Wayne	1.10
Wexford	1.02
All other counties	.96

MINNESOTA

County	Rate per bushel
Aitkin	$1.13
Anoka	1.11
Becker	1.06
Beltrami	1.06
Benton	1.11
Big Stone	1.08
Blue Earth	1.11
Brown	1.11
Carlton	1.13
Carver	1.11
Cass	1.10
Chippewa	1.10
Chisago	1.11
Clay	1.06
Clearwater	1.07
Cottonwood	1.00
Crow Wing	1.11
Dakota	1.11
Dodge	1.11
Douglas	1.10
Faribault	1.10
Fillmore	1.08
Freeborn	1.11
Goodhue	1.11
Grant	1.09
Hennepin	1.11
Houston	1.07
Hubbard	1.06
Isanti	1.11
Itasca	1.15
Jackson	1.09
Kanabec	1.11
Kandiyohi	1.11
Kittson	1.00
Koochiching	1.06
Lac Qui Parle	1.08
Lake of the Woods	1.04
Le Sueur	1.11
Lincoln	1.06
Lyon	1.08
McLeod	1.11
Mahnomen	1.05
Marshall	1.08
Martin	$1.10
Meeker	1.11
Mille Lacs	1.11
Morrison	1.11
Mower	1.11
Murray	1.07
Nicollet	1.11
Nobles	1.04
Norman	1.04
Olmsted	1.11
Otter Tail	1.08
Pennington	1.04
Pine	1.12
Pipestone	1.08
Polk	1.04
Pope	1.10
Ramsey	1.11
Red Lake	1.08
Redwood	1.10
Renville	1.11
Rice	1.11
Rock	1.08
Roseau	1.01
St. Louis	1.07
Scott	1.11
Sherburne	1.11
Sibley	1.11
Stearns	1.11
Steele	1.11
Stevens	1.09
Swift	1.11
Todd	1.10
Traverse	1.07
Wabasha	1.11
Wadena	1.09
Waseca	1.11
Washington	1.11
Watonwan	1.11
Wilkin	1.07
Winona	1.11
Wright	1.11
Yellow Medicine	1.09

MISSISSIPPI

All counties	$1.17

MISSOURI

County	Rate per bushel
Adair	$1.09
Andrew	1.05
Atchison	1.02
Audrain	1.12
Barry	1.09
Barton	1.07
Bates	1.08
Benton	1.07
Bollinger	1.17
Boone	1.12
Buchanan	1.05
Butler	1.15
Caldwell	1.05
Callaway	$1.12
Camden	1.15
Cape Girardeau	1.17
Carroll	1.08
Carter	1.07
Cass	1.08
Cedar	1.08
Chariton	1.09
Christian	1.06
Clark	1.11
Clay	1.06
Clinton	1.06
Cole	$1.11
Cooper	1.10
Crawford	1.13
Dade	1.05
Dallas	1.12
Daviess	1.07
De Kalb	1.05
Dent	1.17
Douglas	1.03
Dunklin	1.14
Franklin	1.16
Gasconade	1.14
Gentry	1.04
Greene	1.11
Grundy	1.03
Harrison	1.04
Henry	1.09
Hickory	1.10
Holt	1.03
Howard	1.11
Howell	1.07
Iron	1.18
Jackson	1.05
Jasper	1.07
Jefferson	1.18
Johnson	1.06
Knox	1.10
Laclede	1.14
Lafayette	1.07
Lawrence	1.08
Lewis	1.12
Lincoln	1.16
Linn	1.09
Livingston	1.05
McDonald	1.05
Macon	1.10
Madison	1.18
Maries	1.13
Marion	1.12
Mercer	1.05
Miller	1.09
Mississippi	1.14
Moniteau	1.10
Monroe	1.11
Montgomery	1.14
Morgan	$1.09
New Madrid	1.15
Newton	1.07
Nodaway	1.08
Oregon	1.07
Osage	1.12
Ozark	1.02
Pemiscot	1.14
Perry	1.18
Pettis	1.08
Phelps	1.18
Pike	1.13
Platte	1.05
Polk	1.10
Pulaski	1.16
Putnam	1.03
Ralls	1.12
Randolph	1.11
Ray	1.06
Reynolds	1.11
Ripley	1.15
St. Charles	1.18
St. Clair	1.05
St. Francois	1.18
St. Genevieve	1.18
St. Louis	1.18
Saline	1.09
Schuyler	1.09
Scotland	1.10
Scott	1.16
Shannon	1.07
Shelby	1.11
Stoddard	1.16
Stone	1.07
Sullivan	1.04
Taney	1.07
Texas	1.07
Vernon	1.07
Warren	1.17
Washington	1.18
Wayne	1.16
Webster	1.12
Worth	1.03
Wright	1.07

MONTANA

County	Rate per bushel
Beaverhead	$0.94
Big Horn	.93
Blaine	.98
Broadwater	.96
Carbon	.92
Carter	.97
Cascade	.93
Chouteau	.92
Custer	.93
Daniels	.78
Dawson	.84
Deer Lodge	1.00
Fallon	.88
Fergus	.99
Flathead	.99
Gallatin	1.00
Garfield	.81
Glacier	.91
Golden Valley	.92
Granite	.99
Hill	.86
Jefferson	.96
Judith Basin	.89
Lake	.99
Lewis and Clark	.92
Liberty	.87
Lincoln	.96
McCone	.82
Madison	$1.00
Meagher	.95
Mineral	1.01
Missoula	1.01
Musselshell	.90
Park	.98
Petroleum	.90
Phillips	.79
Pondera	.90
Powder River	.81
Powell	1.00
Prairie	.94
Ravalli	.99
Richland	.83
Roosevelt	.81
Rosebud	.94
Sanders	1.01
Sheridan	.80
Silver Bow	1.00
Stillwater	.92
Sweet Grass	.95
Teton	.91
Toole	.80
Treasure	.87
Valley	.77
Wheatland	.92
Wibaux	.87
Yellowstone	.92

NEBRASKA

County	Rate per bushel
Adams	$1.03
Antelope	1.02
Arthur	.96
Banner	.91
Blaine	.99
Boone	1.03
Box Butte	.94
Boyd	1.01
Brown	.98
Buffalo	$1.02
Burt	1.03
Butler	1.04
Cass	1.05
Cedar	1.02
Chase	.96
Cherry	.96
Cheyenne	.93
Clay	1.04
Colfax	$1.03
Cuming	1.03
Custer	1.00
Dakota	1.02
Dawes	.91
Dawson	1.01
Deuel	.95
Dixon	1.02
Dodge	1.03
Douglas	1.04
Dundy	.95
Fillmore	1.05
Franklin	1.02
Frontier	.99
Furnas	1.01
Gage	1.05
Garden	.94
Garfield	1.02
Gosper	1.01
Grant	.94
Greeley	1.02
Hall	1.02
Hamilton	1.02
Harlan	1.02
Hayes	.96
Hitchcock	.97
Holt	1.02
Hooker	.96
Howard	1.02
Jefferson	1.05
Johnson	1.05
Kearney	1.02
Keith	.96
Keya Paha	.99
Kimball	.93
Knox	1.02
Lancaster	1.05
Lincoln	.98
Logan	$0.99
Loup	1.01
McPherson	.98
Madison	1.02
Merrick	1.02
Morrill	.92
Nance	1.02
Nemaha	1.05
Nuckolls	1.04
Otoe	1.05
Pawnee	1.05
Perkins	.96
Phelps	1.02
Pierce	1.02
Platte	1.02
Polk	1.02
Red Willow	.99
Richardson	1.05
Rock	.99
Saline	1.05
Sarpy	1.05
Saunders	1.05
Scotts Bluff	.91
Seward	1.05
Sheridan	.93
Sherman	1.02
Sioux	.91
Stanton	1.02
Thayer	1.05
Thomas	.98
Thurston	1.02
Valley	1.02
Washington	1.03
Wayne	1.02
Webster	1.03
Wheeler	1.02
York	1.03

NEVADA

All counties	$0.98

NEW HAMPSHIRE

All counties	$1.17

NEW JERSEY

All counties	$1.17

NEW MEXICO

All counties	$0.93

NEW YORK

All counties	$1.18

NORTH CAROLINA

All counties	$1.21

NORTH DAKOTA

County	Rate per bushel
Adams	$0.92
Barnes	1.00
Benson	.93
Billings	.90
Bottineau	.88
Bowman	.91
Burke	.87
Burleigh	.93
Cass	1.02
Cavalier	.94
Dickey	1.02
Divide	.86
Dunn	.90
Eddy	.96
Emmons	.94
Foster	.97
Golden Valley	.87
Grand Forks	1.01
Grant	.92
Griggs	.99
Hettinger	.91
Kidder	.95
La Moure	.99
Logan	.97
McHenry	.90
McIntosh	.97
McKenzie	$0.84
McLean	.91
Mercer	.91
Morton	.93
Mountrail	.87
Nelson	.98
Oliver	.92
Pembina	.99
Pierce	.91
Ramsey	.95
Ransom	1.02
Renville	.87
Richland	1.05
Rolette	.91
Sargent	1.04
Sheridan	.93
Sioux	.93
Slope	.91
Stark	.91
Steele	1.00
Stutsman	.98
Towner	.92
Traill	1.01
Walsh	1.00
Ward	.88
Wells	.95
Williams	.86

OHIO

County	Rate per bushel
Adams	$1.10
Allen	1.11
Ashland	1.13
Ashtabula	$1.15
Athens	1.12
Auglaize	1.10

OHIO—Continued

County	Rate per bushel
Belmont	$1.13
Brown	1.11
Butler	1.13
Carroll	1.13
Champaign	1.13
Clark	1.13
Clermont	1.13
Clinton	1.13
Columbiana	1.13
Coshocton	1.13
Crawford	1.13
Cuyahoga	1.13
Darke	1.13
Defiance	1.13
Delaware	1.13
Erie	1.13
Fairfield	1.13
Fayette	1.13
Franklin	1.13
Fulton	1.13
Gallia	1.13
Geauga	1.13
Greene	1.13
Guernsey	1.13
Hamilton	1.13
Hancock	1.13
Hardin	1.13
Harrison	1.13
Henry	1.13
Highland	1.13
Hocking	1.13
Holmes	1.13
Huron	1.13
Jackson	1.13
Jefferson	1.13
Knox	1.13
Lake	1.13
Lawrence	1.13
Licking	1.13
Logan	1.13
Lorain	1.13
Lucas	1.13
Madison	1.13
Mahoning	1.13
Marion	1.13
Medina	1.13
Meigs	1.13
Mercer	1.13
Miami	1.13
Monroe	1.13
Montgomery	1.13
Morgan	1.13
Morrow	1.13
Muskingum	1.13
Noble	1.13
Ottawa	1.13
Paulding	1.13
Perry	1.13
Pickaway	1.13
Pike	1.13
Portage	1.13
Preble	1.13
Putnam	1.13
Richland	1.13
Ross	1.13
Sandusky	1.13
Scioto	1.13
Seneca	1.13
Shelby	1.13
Stark	1.13
Summit	1.13
Trumbull	1.13
Tuscarawas	1.13
Union	1.13
Van Wert	1.13
Vinton	1.13
Warren	1.13
Washington	1.13
Wayne	1.13
Williams	1.13
Wood	1.13
Wyandot	1.13

OREGON

County	Rate per bushel
Baker	$1.00
Benton	1.07
Clackamas	1.07
Clatsop	1.07
Columbia	1.07
Coos	1.07
Crook	1.00
Curry	1.07
Deschutes	1.00
Douglas	1.07
Gilliam	1.00
Grant	1.00
Harney	1.00
Hood River	1.07
Jackson	1.07
Jefferson	1.00
Josephine	1.07
Klamath	1.00
Lake	1.00
Lane	1.07
Lincoln	1.07
Linn	1.07
Malheur	1.00
Marion	1.07
Morrow	1.00
Multnomah	1.07
Polk	1.07
Sherman	1.00
Tillamook	1.07
Umatilla	1.00
Union	1.00
Wallowa	1.00
Wasco	1.00
Washington	1.07
Wheeler	1.00
Yamhill	1.07

PENNSYLVANIA

County	Rate per bushel
Adams	$1.15
Allegheny	1.15
Armstrong	1.15
Beaver	1.15
Bedford	1.15
Berks	1.15
Blair	1.15
Bradford	1.15
Bucks	1.15
Butler	1.15
Cambria	1.15
Cameron	1.15
Carbon	1.15
Centre	1.15
Chester	1.15
Clarion	1.15
Clearfield	1.15
Clinton	1.15
Columbia	1.15
Crawford	1.15
Cumberland	1.15
Dauphin	1.15
Delaware	1.15
Elk	1.15
Erie	1.15
Fayette	1.15
Forest	1.15
Franklin	1.15
Fulton	1.15
Greene	1.15
Huntingdon	1.15
Indiana	1.15
Jefferson	1.15
Juniata	1.15
Lackawanna	1.15
Lancaster	1.15
Lawrence	1.15
Lebanon	1.15
Lehigh	1.15
Luzerne	1.15
Lycoming	1.15
McKean	1.15
Mercer	1.15
Mifflin	1.15
Monroe	1.15
Montgomery	1.15
Montour	1.15
Northampton	1.15
Northumberland	1.15
Perry	1.15
Philadelphia	1.15
Pike	1.15
Potter	1.15
Schuylkill	1.15
Snyder	1.15
Somerset	1.15
Sullivan	1.15
Susquehanna	1.15
Tioga	1.15
Union	1.15
Venango	1.15
Warren	1.15
Washington	1.15
Wayne	1.15
Westmoreland	1.15
Wyoming	1.15
York	1.15

TEXAS

County	Rate per bushel
Anderson	$1.08
Andrews	.96
Angelina	1.08
Aransas	1.08
Archer	1.03
Armstrong	.96
Atascosa	1.08
Austin	1.08
Bailey	.96
Bandera	1.08
Bastrop	1.08
Baylor	1.03
Bee	1.08
Bell	1.08
Bexar	1.08
Blanco	1.08
Borden	.96
Bosque	1.08
Bowie	1.08
Brazoria	1.08
Brazos	1.08
Brewster	.96
Briscoe	.96
Brooks	1.08
Brown	1.08
Burleson	1.08
Burnet	1.08
Caldwell	1.08
Calhoun	1.08
Callahan	1.08
Cameron	1.08
Camp	1.08
Carson	.96
Cass	1.08
Castro	.96
Chambers	1.08
Cherokee	1.08
Childress	.96
Clay	1.03
Cochran	.96
Coke	1.08
Coleman	1.08
Collin	1.08
Collingsworth	.96
Colorado	1.08
Comal	1.08
Comanche	1.08
Concho	1.08
Cooke	1.08
Coryell	1.08
Cottle	.96
Crane	.96
Crockett	1.08
Crosby	.96
Culberson	.96
Dallam	.96
Dallas	1.08
Dawson	.96
Deaf Smith	.96
Delta	1.08
Denton	1.08
De Witt	1.08
Dickens	.96
Dimmit	1.08
Donley	.96
Duval	1.08
Eastland	1.08
Ector	.96
Edwards	1.08
Ellis	1.08
El Paso	.96

OHIO—Continued

County	Rate per bushel	County	Rate per bushel
Belmont	$1.13	Lucas	$1.11
Brown	1.10	Madison	1.11
Butler	1.10	Mahoning	1.15
Carroll	1.13	Marion	1.12
Champaign	1.10	Medina	1.13
Clark	1.10	Meigs	1.10
Clermont	1.10	Mercer	1.10
Clinton	1.10	Miami	1.10
Columbiana	1.14	Monroe	1.13
Coshocton	1.13	Montgomery	1.10
Crawford	1.12	Morgan	1.13
Cuyahoga	1.13	Morrow	1.12
Darke	1.10	Muskingum	1.13
Defiance	1.10	Noble	1.13
Delaware	1.12	Ottawa	1.12
Erie	1.12	Paulding	1.10
Fairfield	1.12	Perry	1.12
Fayette	1.10	Pickaway	1.11
Franklin	1.12	Pike	1.10
Fulton	1.10	Portage	1.13
Gallia	1.10	Preble	1.10
Geauga	1.15	Putnam	1.11
Greene	1.10	Richland	1.13
Guernsey	1.13	Ross	1.11
Hamilton	1.10	Sandusky	1.12
Hancock	1.12	Scioto	1.10
Hardin	1.12	Seneca	1.12
Harrison	1.13	Shelby	1.10
Henry	1.10	Stark	1.13
Highland	1.10	Summit	1.13
Hocking	1.12	Trumbull	1.15
Holmes	1.13	Tuscarawas	1.13
Huron	1.12	Union	1.12
Jackson	1.10	Van Wert	1.10
Jefferson	1.14	Vinton	1.12
Knox	1.12	Warren	1.10
Lake	1.14	Washington	1.13
Lawrence	1.10	Wayne	1.13
Licking	1.12	Williams	1.10
Logan	1.11	Wood	1.12
Lorain	1.13	Wyandot	1.12

OKLAHOMA

Adair	$1.02	Le Flore	$0.98
Alfalfa	1.01	Lincoln	.98
Atoka	.98	Logan	.98
Beaver	.95	Love	.98
Beckham	.98	McClain	.98
Blaine	.96	McCurtain	.98
Bryan	.98	McIntosh	1.01
Caddo	.98	Major	.97
Canadian	.98	Marshall	.96
Carter	.98	Mayes	1.05
Cherokee	1.03	Murray	.98
Choctaw	.98	Muskogee	1.01
Cimarron	.94	Noble	1.01
Cleveland	.98	Nowata	1.05
Coal	.98	Okfuskee	.98
Comanche	.98	Oklahoma	.96
Cotton	.98	Okmulgee	1.02
Craig	1.05	Osage	1.03
Creek	1.01	Ottawa	1.05
Custer	.98	Pawnee	1.01
Delaware	1.05	Payne	.96
Dewey	.97	Pittsburg	.98
Ellis	.96	Pontotoc	.98
Garfield	1.00	Pottawatomie	.98
Garvin	.98	Pushmataha	.98
Grady	.98	Roger Mills	.97
Grant	1.01	Rogers	1.05
Greer	.98	Seminole	.98
Harmon	.98	Sequoyah	1.01
Harper	.95	Stephens	.98
Haskell	.99	Texas	.94
Hughes	.98	Tillman	.98
Jackson	.98	Tulsa	1.04
Jefferson	.98	Wagoner	1.04
Johnston	.98	Washington	1.05
Kay	1.02	Washita	.98
Kingfisher	.96	Woods	1.00
Kiowa	.98	Woodward	.97
Latimer	.98		

OREGON

Baker	$1.11	Columbia	$1.17
Benton	1.19	Coos	1.06
Clackamas	1.20	Crook	1.13
Clatsop	1.15	Curry	1.06

OREGON—Continued

County	Rate per bushel	County	Rate per bushel
Deschutes	$1.18	Malheur	$1.07
Douglas	1.09	Marion	1.21
Gilliam	1.20	Morrow	1.19
Grant	1.18	Multnomah	1.23
Harney	1.08	Polk	1.21
Hood River	1.23	Sherman	1.20
Jackson	1.09	Tillamook	1.23
Jefferson	1.20	Umatilla	1.18
Josephine	1.09	Union	1.13
Klamath	1.11	Wallowa	1.10
Lake	1.10	Wasco	1.23
Lane	1.15	Washington	1.22
Lincoln	1.09	Wheeler	1.18
Linn	1.19	Yamhill	1.22

PENNSYLVANIA

All counties $1.17

RHODE ISLAND

All counties $1.17

SOUTH CAROLINA

All counties $1.23

SOUTH DAKOTA

Aurora	$0.97	Jackson	$0.95
Beadle	1.02	Jerauld	.98
Bennett	.94	Jones	.95
Bon Homme	.96	Kingsbury	1.08
Brookings	1.03	Lake	1.01
Brown	1.02	Lawrence	.90
Brule	.99	Lincoln	.98
Buffalo	.99	Lyman	.96
Butte	.89	McCook	.98
Campbell	.96	McPherson	.99
Charles Mix	.94	Marshall	1.08
Clark	1.04	Meade	.91
Clay	.99	Mellette	.96
Codington	1.05	Miner	.99
Corson	.95	Minnehaha	1.01
Custer	.89	Moody	1.04
Davison	.97	Pennington	.96
Day	1.04	Perkins	.92
Deuel	1.02	Potter	1.00
Dewey	.94	Roberts	1.05
Douglas	.95	Sanborn	.98
Edmunds	1.00	Shannon	.96
Fall River	.88	Spink	1.02
Faulk	1.01	Stanley	.99
Grant	1.07	Sully	1.00
Gregory	1.00	Todd	.96
Haakon	.96	Tripp	.98
Hamlin	1.05	Turner	.97
Hand	1.00	Union	.99
Hanson	.97	Walworth	.97
Harding	.91	Washabaugh	.95
Hughes	.99	Yankton	.96
Hutchinson	.96	Ziebach	.93
Hyde	1.00		

TENNESSEE

All counties $1.18

TEXAS

Archer	$1.08	Denton	$1.08
Armstrong	1.02	Dickens	1.02
Bailey	1.02	Donley	1.02
Baylor	1.02	Eastland	1.07
Bosque	1.12	Fannin	1.07
Bowie	1.07	Fisher	1.02
Briscoe	1.02	Floyd	1.02
Brown	1.08	Foard	1.02
Callahan	1.05	Gaines	1.02
Carson	1.02	Gillespie	1.10
Cass	1.08	Gray	1.02
Castro	1.02	Grayson	1.07
Childress	1.02	Hale	1.02
Clay	1.05	Hall	1.02
Cochran	1.02	Hamilton	1.10
Collin	1.10	Hansford	1.01
Collingsworth	1.02	Hardeman	1.02
Comanche	1.08	Hartley	1.01
Concho	1.06	Haskell	1.02
Coryell	1.13	Hemphill	1.01
Cottle	1.02	Hidalgo	1.06
Dallam	1.01	Hockley	1.02
Dawson	1.02	Hood	1.08
Deaf Smith	1.02	Howard	1.02
		Hunt	1.08

TEXAS—Continued

County	Rate per bushel	County	Rate per bushel
Jack	$1.06	Palo Pinto	$1.07
Johnson	1.11	Parker	1.08
Jones	1.03	Parmer	1.02
Karnes	1.15	Potter	1.02
King	1.02	Randall	1.02
Knox	1.02	Reeves	.95
Lamb	1.02	Roberts	1.01
Lampasas	1.12	Runnels	1.05
Limestone	1.16	San Saba	1.08
Lipscomb	1.01	Scurry	1.02
Lubbock	1.03	Sherman	1.01
Lynn	1.02	Smith	1.13
McCulloch	1.07	Stonewall	1.03
McLennan	1.15	Swisher	1.03
Mason	1.08	Tarrant	1.11
Mitchell	1.03	Taylor	1.04
Montague	1.06	Terry	1.02
Moore	1.01	Wheeler	1.02
Motley	1.03	Wichita	1.04
Newton	1.17	Wilbarger	1.02
Nolan	1.02	Wise	1.08
Ochiltree	1.01	Yoakum	1.02
Oldham	1.03	Young	1.06

UTAH

All counties $0.93

VERMONT

All counties $1.17

VIRGINIA

All counties $1.17

WASHINGTON

Adams	$1.16	Lewis	$1.15
Asotin	1.12	Lincoln	1.15
Benton	1.19	Mason	1.14
Chelan	1.17	Okanogan	1.18
Clallam	1.07	Pacific	1.14
Clark	1.23	Pend Oreille	1.01
Columbia	1.16	Pierce	1.09
Cowlitz	1.19	San Juan	1.16
Douglas	1.16	Skagit	1.16
Ferry	.96	Skamania	1.11
Franklin	1.18	Snohomish	1.18
Garfield	1.15	Spokane	1.12
Grant	1.17	Stevens	1.09
Grays Harbor	1.14	Thurston	1.15
Island	1.18	Wahkiakum	1.19
Jefferson	1.08	Walla Walla	1.18
King	1.20	Whatcom	1.16
Kitsap	1.13	Whitman	1.13
Kittitas	1.22	Yakima	1.21
Klickitat	1.22		

WEST VIRGINIA

All counties $1.17

WISCONSIN

Adams	$1.14	Kewaunee	$1.11
Ashland	1.10	La Crosse	1.09
Barron	1.07	Lafayette	1.15
Bayfield	1.04	Langlade	1.09
Brown	1.13	Lincoln	1.08
Buffalo	1.04	Manitowoc	1.15
Burnett	1.12	Marathon	1.09
Calumet	1.15	Marinette	1.10
Chippewa	1.07	Marquette	1.14
Clark	1.08	Menominee	1.11
Columbia	1.16	Milwaukee	1.20
Crawford	1.08	Monroe	1.11
Dane	1.17	Oconto	1.12
Dodge	1.17	Oneida	1.07
Door	1.08	Outagamie	1.14
Douglas	1.10	Ozaukee	1.18
Dunn	1.08	Pepin	1.05
Eau Claire	1.08	Pierce	1.06
Florence	1.03	Polk	1.10
Fond Du Lac	1.16	Portage	1.10
Forest	1.08	Price	1.07
Grant	1.12	Racine	1.20
Green	1.17	Richland	1.14
Green Lake	1.15	Rock	1.19
Iowa	1.15	Rusk	1.09
Iron	1.05	St. Croix	1.08
Jackson	1.09	Sauk	1.15
Jefferson	1.18	Sawyer	1.06
Juneau	1.13	Shawano	1.11
Kenosha	1.20	Sheboygan	1.17

WISCONSIN—Continued

County	Rate per bushel	County	Rate per bushel
Taylor	$1.07	Washington	$1.18
Trempealeau	1.08	Waukesha	1.19
Vernon	1.10	Waupaca	1.12
Vilas	1.07	Waushara	1.13
Walworth	1.19	Winnebago	1.15
Washburn	1.05	Wood	1.10

WYOMING

All counties $0.93

(d) *Discounts.* The basic support rate shall be adjusted by discounts as follows: Rye containing more than three-tenths of 1 percent but not more than 1 percent ergot (ergoty rye containing in excess of 1 percent is not eligible for warehouse-storage loans):

Ergot content (percent):	Discount (cents per bushel)
0.31–0.40	1
0.41–0.50	2
0.51–0.60	3
0.61–0.70	4
0.71–0.80	5
0.81–0.90	6
0.91–1.00	7

Rye grading No. 4 on the factor of test weight only:

Test weight (pounds):	Discount (cents per bushel)
51.0–51.9	5
50.0–50.9	10
49.0–49.9	15

Rye grading No. 3 on account of being "thin":

"Thin" rye (percent):	Discount (cents per bushel)
15.1–17.0	1
17.1–19.0	2
19.1–21.0	3
21.1–23.0	4
23.1–25.0	5

Rye grading No. 4 on account of being "thin":

The discounts shall be 5 cents per bushel plus 1 cent for each 2 percent of "thin" rye or fraction thereof, in excess of 25 percent.

	Discount (cents per bushel)
Weed control discount (where required by § 1421.27)	10

(The discounts shall be cumulative except that only one grade discount shall apply.)

Effective date. Upon publication in the FEDERAL REGISTER.

Signed at Washington, D.C., on May 6, 1965.

H. D. GODFREY,
Executive Vice President,
Commodity Credit Corporation.

[F.R. Doc. 65-4943; Filed, May 11, 1965; 8:45 a.m.]

Title 12—BANKS AND BANKING

Chapter V—Federal Home Loan Bank Board

SUBCHAPTER D—FEDERAL SAVINGS AND LOAN INSURANCE CORPORATION

[No. FSLIC-2,066]

PART 561—DEFINITIONS

Scheduled Items

MAY 5, 1965.

Resolved that, notice and public procedure having been duly afforded (30 F.R. 3274) and all relevant material pretion and of determination by it of the assented or available having been considered by it, the Federal Home Loan Bank Board, upon the basis of such considerarisability of amendment of § 561.15 of the Rules and Regulations for Insurance of Accounts (12 CFR 561.15) and for the purpose of effecting such amendment, hereby amends said § 561.15 as follows, effective June 12, 1965:

Amend § 561.15 of the Rules and Regulations for Insurance of Accounts to read as follows:

§ 561.15 Scheduled items.

The term "scheduled items" means:

(a) Slow loans (other than insured or guaranteed loans),

(b) 20 percent of slow loans which are insured or guaranteed,

(c) Real estate owned as a result of foreclosure, or acquired by deed in lieu of foreclosure, other than real estate owned pending transfer to an insuring or guaranteeing agency of the U.S. Government,

(d) Such real estate sold on contract or by a loan (other than an insured or guaranteed loan) during the period that the unpaid principal balance or the unexpired portion of the term exceeds that permitted under otherwise applicable lending limitations, or, in the absence of otherwise applicable lending limitations, the unpaid principal balance exceeds 90 percent of the value of the security or the unexpired portion of the term exceeds 30 years.

(e) Any investment securities upon which one or more interest payments due has not been paid,

(f) Deposits in a bank, or savings accounts in a savings and loan association, under the control or in possession of appropriate supervisory authority, and

(g) Real estate acquired in exchange for any of the scheduled items described above.

(Secs. 402, 403, 48 Stat. 1256, 1257, as amended; 12 U.S.C. 1725, 1726. Reorg. Plan No. 3 of 1947, 12 F.R. 4981, 3 CFR, 1947 Supp.)

By the Federal Home Loan Bank Board.

[SEAL] HARRY W. CAULSEN,
Secretary.

[F.R. Doc. 65-4989; Filed, May 11, 1965; 8:46 a.m.]

Title 46—SHIPPING

Chapter I—Coast Guard, Department of the Treasury

SUBCHAPTER C—UNINSPECTED VESSELS

[CGFR 65-15]

PART 25—REQUIREMENTS

Fire Extinguishers and Ventilation of Tanks and Engine Spaces on Motorboats

Pursuant to the notices of proposed rule making published in the FEDERAL REGISTER of January 27, 1965 (30 F.R. 832–842), and February 18, 1965 (30 F.R. 2219), and the Merchant Marine Council Public Hearing Agenda, dated March 22, 1965 (CG–249), the Merchant Marine Council held a public hearing on March 22, 1965, for the purpose of receiving comments, views and data on proposals described in the notices and Agenda. The proposals considered were identified as Items I to XI, inclusive, and Item III contained proposals regarding fire extinguishers and ventilation of tank and engine spaces on motorboats. The Merchant Marine Council considered the proposals and comments submitted, and recommended adoption of such proposals after revision in line with comments received. These revised proposals are adopted and set forth in this document, which is the third of a series covering regulations and other actions considered in this public hearing.

The proposal designated 46 CFR 25.30–20(a) clarifies the requirements regarding when portable fire extinguishers are required. The comments accepted revised the proposal by including sketches of outboard motorboats under 26 feet in length which show arrangements requiring fire extinguishers to be on board as well as those conditions which will not require fire extinguishers.

The proposal designated 46 CFR 25.40–1 regarding ventilation of tank and engine spaces on motorboats and motor vessels is applicable to both existing and new motorboats and motor vessels. It was revised to state that, if alterations had to be made on existing vessels, then such alterations should be accomplished as soon as practicable but in any case shall be completed by June 1, 1966.

By virtue of the authority vested in me as Commandant, U.S. Coast Guard, by section 632 of Title 14, U.S. Code, and Treasury Department Order 120, July 31, 1950 (15 F.R. 6521), the following actions are ordered:

1. The rules and regulations for uninspected vessels shall be amended in accordance with the changes in this document.

2. The amendments in this document shall be effective on the 31st day after the date of publication of this document in the FEDERAL REGISTER except that the regulations in this document may be complied with during the period prior to the effective dates specified in lieu of existing requirements.

3. If existing motorboats or motor vessels require alterations to comply with the requirements in 46 CFR 25.40–1 in this document, then such alterations shall be accomplished as soon as practicable but in any case shall be completed by June 1, 1966. The "existing motorboats or motor vessels" shall be deemed to include all those built between the date of April 25, 1940, and the effective date of this document (which is the 31st day after the date of publication in the FEDERAL REGISTER).

Subpart 25.30—Fire Extinguishing Equipment

1. Section 25.30–20(a) is amended to read as follows:

§ 25.30–20 Fire extinguishing equipment required.

(a) *Motorboats.* (1) All motorboats shall carry at least the minimum number of hand portable fire extinguishers set

forth in Table 25.30–20(a)(1), except

forth in Table 25.30–20(a)(1), except that motorboats less than 26 feet in length, propelled by outboard motors and not carrying passengers for hire, need not carry such portable fire extinguishers if the construction of such motorboats will not permit the entrapment of explosives or flammable gases or vapors.

TABLE 25.30–20(a)(1)

Class of motorboat	Length, feet	Minimum number of B–I hand portable fire extinguishers required [1]	
		No fixed fire extinguishing system in machinery space	Fixed fire extinguishing system in machinery space
A	Under 16	1	0
I	16 and over, but under 26	1	0
II	26 and over, but under 40	2	1
III	40 and over, but not over 65	3	2

[1] One B–II hand portable fire extinguisher may be substituted for two B–I hand portable fire extinguishers.

(2) The intent of this regulation is illustrated in Figure 25.30–20(a1) where fire extinguishers are required if any one or more of the specified conditions exist, and in Figure 25.30–20(a2) where specified conditions do not, in themselves, require that fire extinguishers be carried.

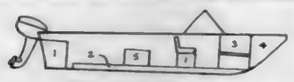


FIGURE 25.30–20(a1)

Fire extinguishers are required if any one or more of the following conditions exist (numbers identifying conditions are the same as those placed in Figure 25.30–20(a1):

1. Closed compartment under thwarts and seats wherein portable fuel tanks may be stored.
2. Double bottoms not sealed to the hull or which are not completely filled with flotation material.
3. Closed living spaces.
4. Closed stowage compartments in which combustible or flammable materials are stowed.
5. Permanently installed fuel tanks.



FIGURE 25.30–20(a2).

The following conditions do not, in themselves, require that fire extinguishers be carried (numbers identifying conditions are the same as those placed in Figure 25.30–20(a2):

1. Bait wells.
2. Glove compartments.
3. Buoyant flotation material.
4. Open slatted flooring.
5. Ice chests.

(R.S. 4405, as amended, 4462, as amended, sec. 17, 54 Stat. 166, as amended; 46 U.S.C. 375, 416, 526p. Treasury Department Order 120, July 31, 1950, 15 F.R. 6521)

Subpart 25.40—Ventilation

2. Section 25.40–1 is amended to read as follows:

§ 25.40–1 Tanks and engine spaces.

(a) All motorboats or motor vessels, except open boats, the construction or decking over of which is commenced after April 25, 1940, and which use fuel having a flashpoint of 110° F. or less, shall have at least 2 ventilator ducts, fitted with cowls or their equivalent, for the efficient removal of explosive or flammable gases from the bilges of every engine and fuel tank compartment. There shall be at least one exhaust duct installed so as to extend from the open atmosphere to the lower portion of the bilge and at least one intake duct installed so as to extend to a point at least midway to the bilge or at least below the level of the carburetor air intake. The cowls shall be located and trimmed for maximum effectiveness and in such a manner so as to prevent displaced fumes from being recirculated.

(b) As used in this section, the term "open boats" means those motorboats or motor vessels with all engine and fuel tank compartments, and other spaces to which explosive or flammable gases and vapors from these compartments may flow, open to the atmosphere and so arranged as to prevent the entrapment of such gases and vapors within the vessel.

(c) Where alterations are needed for existing motorboats or motor vessels to comply with the requirements in this section, such alterations shall be accomplished as soon as practicable but in any case shall be completed by June 1, 1966.

(R.S. 4405, as amended, 4462, as amended, sec. 17, 54 Stat. 166, as amended; 46 U.S.C. 375, 416, 526p. Treasury Department Order 120, July 31, 1950, 15 F.R. 6521)

Dated: May 6, 1965.

[SEAL] W. D. SHIELDS,
Vice Admiral, U.S. Coast Guard,
Acting Commandant.

[F.R. Doc. 65–4978; Filed, May 11, 1965; 8:45 a.m.]

Title 18—CONSERVATION OF POWER AND WATER RESOURCES

Chapter I—Federal Power Commission

[Docket No. R–274; Order No. 297]

PART 157—APPLICATIONS FOR CERTIFICATES OF PUBLIC CONVENIENCE AND NECESSITY AND FOR ORDERS PERMITTING AND APPROVING ABANDONMENT UNDER SECTION 7 OF THE NATURAL GAS ACT

Applications of Independent Producers for Certificates of Public Convenience and Necessity and for Abandonment; Number of Copies

MAY 4, 1965.

This order amends § 157.23 of the regulations under the Natural Gas Act by reducing the number of copies of an application for a certificate of public convenience and necessity now required by paragraphs (a) and (b) of that section and the form set out in Exhibit A thereto. It also specifies the number of copies of applications for abandonment to be filed pursuant to § 157.30.

We have recently appraised our needs in this regard and have determined that four copies of applications by both Class A and Class B producers will be adequate.

The Commission finds:

(1) Since the amendments herein adopted either reduce or clarify present procedural requirements, compliance with the notice and effective date provisions of section 4 of the Administrative Procedure Act is unnecessary.

(2) The amendments adopted herein are necessary and appropriate for the purposes of administration of the Natural Gas Act.

The Commission, acting pursuant to the authority granted by the Natural Gas Act, as amended, particularly sections 7 and 16 thereof (52 Stat. 825, 830; 15 U.S.C. 717f(c), 717o), orders:

(A) Effective upon the issuance of this order, §§ 157.23 and 157.30, Part 157, Subchapter E of Chapter I, Title 18 of the Code of Federal Regulations are amended as follows:

§ 157.23 [Amended]

1. In § 157.23 and Exhibit A thereto, delete the words "original and 7 copies" and "original and five copies" wherever they appear therein and in lieu thereof insert in each case the words "original and 3 copies".

2. Amend paragraph (a) of § 157.30 to read as follows:

§ 157.30 Abandonment of service.

(a) No independent producer as herein defined shall abandon all or any portion of its facilities subject to the jurisdiction of the Commission, or any service rendered by means of such facilities, without the permission and approval of the Commission first had and obtained upon application (original and 3 copies), after due hearing, and a finding by the Commission that the available supply of natural gas is depleted to the extent that the continuance of service is unwarranted, or that the present or future public convenience or necessity permit such abandonment: *Provided, however,* That nothing herein shall be construed as interfering or as intended to interfere with or to prevent compliance by a natural-gas company with valid conservation orders of a State agency relating to the production or gathering of natural gas.

* * * * *

(B) The Secretary shall cause prompt publication of this order to be made in the FEDERAL REGISTER.

By the Commission.

[SEAL] GORDON M. GRANT,
Acting Secretary.

[F.R. Doc. 65–4960; Filed, May 11, 1965; 8:45 a.m.]

Title 41—PUBLIC CONTRACTS AND PROPERTY MANAGEMENT

Chapter 9—Atomic Energy Commission

PART 9–1—GENERAL

Subpart 9–1.3—General Policies

Subpart 9–1.7—Small Business Concerns

PART 9–6—FOREIGN PURCHASES

Subpart 9–6.1—Buy American Act—Supply Service Contracts

Subpart 9–6.2—Buy American Act—Construction Contracts

PART 9–7—CONTRACT CLAUSES

Subpart 9–7.50—Use of Standard Clauses

MISCELLANEOUS AMENDMENTS

The following new section is added to Subpart 9–1.3, General Policies:

§ 9–1.356 Direct contracting for architect-engineer and construction contracts.

It is the policy of AEC to obtain architect-engineer and construction services by direct contract with the AEC. Exceptions to this policy require prior Headquarters approval in accordance with the provisions of AEC Manual Chapter 6101.

Section 9–1.709, *Records and reports,* is amended by deleting paragraph (b)(5) and renumbering paragraph (b)(6) as (b)(5).

Sections 9–6.103, *Nonavailability in the United States,* and 9–6.103–2, *Exceptions,* are revised as follows:

§ 9–6.103–2 Nonavailability in the United States.

Contracting officers may make the determinations required by FPR 1–6.103–2, provided such determination is factually supported in writing.

§ 9–6.103–3 Unreasonable cost or inconsistency with the public interest.

Except as provided in § 9–6.104–4(a), the General Manager shall make the determination required by FPR 1–6.103–3.

Section 9–6.202–1, *General,* paragraph (b) is amended by changing FPR 1–6.202–1 (a) and (b) to FPR 1–6.202–1 (a) and (c).

Sections 9–7.5004–7, –8, –9, –12, –18, –19 and –23 are amended by deleting the titles.

(Sec. 161, Atomic Energy Act of 1954, as amended, 68 Stat. 948, 42 U.S.C. 2201; section 205 of the Federal Property and Administrative Services Act of 1949, as amended, 63 Stat. 390, 40 U.S.C. 486)

Effective date. These amendments are effective upon publication in the FEDERAL REGISTER.

Dated at Germantown, Md., this 5th day of May 1965.

For the U.S. Atomic Energy Commission.

JOSEPH L. SMITH,
Director,
Division of Contracts.

[F.R. Doc. 65–4986; Filed, May 11, 1965; 8:46 a.m.]

PART 9–4—SPECIAL TYPES AND METHODS OF PROCUREMENT

Scope of Part and Policy, AEC Contractors

The following sections are added:

§ 9–4.000 Scope of part.

This part implements and supplements the policies and procedures set forth in Federal Procurement Regulation Part 1–4.

§ 9–4.000–50 Policy, AEC contractors.

The following portions of this part constitute specific provisions which the contracting officer shall bring to the attention of AEC contractors, where applicable, for appropriate action.

Section or subpart	Subject
AECPR 9–4.5008	"Representation" for use in subcontracts and purchase orders of prime contractor holding statutory indemnity agreement.

(Sec. 161, Atomic Energy Act of 1954, as amended, 68 Stat. 948, 42 U.S.C. 2201; section 205 of the Federal Property and Administrative Services Act of 1949, as amended, 63 Stat. 390, 40 U.S.C. 486)

Effective date. These amendments are effective upon publication in the FEDERAL REGISTER.

Dated at Germantown, Md., this 5th day of May 1965.

For the U.S. Atomic Energy Commission.

JOSEPH L. SMITH,
Director,
Division of Contracts.

[F.R. Doc. 65–4987; Filed, May 11, 1965; 8:46 a.m.]

PART 9–6—FOREIGN PURCHASES

Miscellaneous Amendments

§ 9–6.000–50, *Policy, cost-type contractor procurement,* is added as follows:

§ 9–6.000–50 Policy, cost-type contractor procurement.

The following subparts in FPR 1–6 and in this AECPR 9–6 constitute specific provisions which the contracting officer shall bring to the attention of cost-type contractors as constituting areas which require appropriate treatment in the development of statements of contractor procurement practices in order to carry out the basic AEC procurement policy set forth in AECPR § 9–1.5203:

Subparts	Subject
FPR 1–6.1	Buy American Act—Supply and service contracts.
FPR 1–6.2	Buy American Act—Construction contracts.
AECPR 9–6.1	Buy American Act—Supply service contracts.
AECPR 9–6.2	Buy American Act—Construction contracts.

Sections 9–6.100 and 9–6.202 are revised as follows:

§ 9–6.100 Scope.

This subpart implements Federal Procurement Regulations Subpart 1–6.1.

§ 9–6.202 Scope.

This subpart implements Federal Procurement Regulation Subpart 1–6.2.

(Sec. 161, Atomic Energy Act of 1954, as amended, 68 Stat. 948, 42 U.S.C. 2201; section 205 of the Federal Property and Administrative Services Act of 1949, as amended, 63 Stat. 390, 40 U.S.C. 486)

Effective date. These regulations are effective upon publication in the FEDERAL REGISTER.

Dated at Germantown, Md., this 5th day of May, 1965.

For the U.S. Atomic Energy Commission.

JOSEPH L. SMITH,
Director,
Division of Contracts.

[F.R. Doc. 65–4988; Filed, May 11, 1965; 8:46 a.m.]

Title 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

[FCC 65–390]

PART 73—RADIO BROADCAST SERVICES

Operator Requirements

At a session of the Federal Communications Commission at its office in Washington, D.C., on the 5th day of May 1965;

The Commission having under consideration possible amendment of the Commission's rules and regulations dealing with "operator requirements" (§§ 73.93, 73.265, 73.565 and 73.661); and

It appearing, That these rules and regulations have consistently been interpreted as requiring that the transmitter be accessible and clearly visible to the operator from his normal operating position;

It further appearing, That they have been construed similarly with respect to control and monitoring equipment, if remote control authority has been authorized by the Commission;

It further appearing, That §§ 73.93, 73.265, 73.565, and 73.661 should be reworded to make these interpretations explicit;

It further appearing, That since the rules no longer provide for the routine operation of AM and FM broadcast stations by holders of Radiotelephone Third

Class permits not endorsed for broadcast station operation, existing rules and regulations require that the transmitter be readily accessible and clearly visible to the

Class permits not endorsed for broadcast station operation, existing references to such permittees should be deleted;

It further appearing, That the first amendment mentioned above is interpretative and the second is editorial, so that the notice requirements of section 4 of the Administrative Procedure Act (5 U.S.C. 1003) are not applicable; and

It further appearing, That authority for the promulgation of these amendments to the Commission's rules and regulations are contained in section 4 (i) and (j) and 303(r) of the Communications Act of 1934, as amended;

Part 73 of the rules and regulations is amended as follows:

1. In § 73.93, paragraph (a) and the introductory text of paragraph (b) are amended to read as follows:

§ 73.93 Operator requirements.

(a) One or more radio operators holding a valid radiotelephone first-class operator license, except as provided in paragraph (b) of this section, shall be in actual charge of the transmitting apparatus and shall be on duty either at the transmitter location or remote control point. If operation by remote control has not been authorized, the transmitter shall be readily accessible and clearly visible to the operator at his normal operating position. If operation by remote control is authorized, the control and monitoring equipment shall be readily accessible and clearly visible to the operator at his normal operating position.

(b) In cases where a station is authorized for nondirectional operation with power not in excess of 10 kilowatts, the routine operation of the transmitter may be performed by an operator holding a valid first-class or second-class radiotelephone or radiotelegraph operator license or a radiotelephone third-class operator permit which has been endorsed for broadcast station operation. The operator shall be on duty at the transmitter or authorized remote control point and in actual charge thereof. Except at times when the operation of the station is under the immediate supervision of an operator holding a valid radiotelephone first-class operator license, adjustments of the transmitting equipment shall be limited to the following:

* * * * *

2. In § 73.265, paragraph (a) and the introductory text of paragraph (b) are amended to read as follows:

§ 73.265 Operator requirements.

(a) One or more radio operators holding a valid radiotelephone first-class operator license, except as provided in paragraph (b) of this section, shall be in actual charge of the transmitting apparatus and shall be on duty either at the transmitter location or remote control point. If operation by remote control has not been authorized, the transmitter shall be readily accessible and clearly visible to the operator at his normal operating position. If operation by remote control is authorized, the control and monitoring equipment shall be readily accessible and clearly visible to the operator at his normal operating position.

(b) In cases where a station is authorized to operate with a transmitter power output not in excess of 25 kilowatts, the routine operation of the transmitter may be performed by an operator holding a valid first-class or second-class radiotelephone or radiotelegraph operator license or a radiotelephone third-class operator permit which has been endorsed for broadcast station operation. The operator shall be on duty at the transmitter or authorized remote control point and in actual charge thereof. Except at times when the operation of the station is under the immediate supervision of an operator holding a valid radiotelephone first-class operator license, adjustments of the transmitter shall be limited to the following:

* * * * *

3. In § 73.565 paragraph (a) and the introductory text of paragraph (b) are amended to read as follows:

§ 73.565 Operator requirements.

(a) One or more radio operators holding a valid radiotelephone first-class operator license, except as provided in paragraph (b) of this section, shall be in actual charge of the transmitting apparatus and shall be on duty either at the transmitter location or remote control point. If operation by remote control has not been authorized, the transmitter shall be readily accessible and clearly visible to the operator at his normal operating position. If operation by remote control is authorized, the control and monitoring equipment shall be readily accessible and clearly visible to the operator at his normal operating position.

(b) In cases where a station is authorized to operate with transmitter power output not in excess of 25 kilowatts, the routine operation of the transmitter may be performed by an operator holding a valid first-class or second-class radiotelephone or radiotelegraph operator license or a radiotelephone third-class operator permit which has been endorsed for broadcast station operation. The operator shall be on duty at the transmitter or authorized remote control point and in actual charge thereof. Except at times when the operation of the station is under the immediate supervision of an operator holding a valid radiotelephone first-class operator license, adjustments of the transmitter shall be limited to the following:

* * * * *

4. § 73.661 is amended to read as follows:

§ 73.661 Operator requirements.

One or more operators holding a valid radiotelephone first-class operator license shall be on duty at the place where the transmitting apparatus is located or at a remote control point established pursuant to the provisions of § 73.676, and in actual charge thereof whenever the transmitter is delivering power to the transmitting antenna. The original license (or FCC Form 759) of each station operator shall be posted at the place where he is on duty. The licensed operator on duty and in charge of television broadcast transmitter may, at the discretion of the licensee, be employed for other duties or for the operation of another station or stations in accordance with the class of license which he holds and the rules and regulations governing such other stations. However, such other duties shall in nowise impair or impede the required supervision of the television broadcast transmitter. If operation by remote control has not been authorized, the transmitter shall be readily accessible and clearly visible to the operator at his normal operating position. If operation by remote control is authorized, the control and monitoring equipment shall be readily accessible and clearly visible to the operator at his normal operating position.

It is ordered, That, effective May 14, 1965, each of the aforementioned rules and regulations is amended as previously indicated.

(Sec. 4, 48 Stat. 1066, as amended; 47 U.S.C. 154; interprets or applies sec. 303, 48 Stat. 1082, as amended; 47 U.S.C. 303)

Released: May 7, 1965.

FEDERAL COMMUNICATIONS COMMISSION,[1]
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 65-5005; Filed, May 11, 1965; 8:48 a.m.]

[FCC 65-389]

PART 73—RADIO BROADCAST SERVICES

Table of Assignments; FM Broadcast Stations

In the matter of amendment of § 73.202, Table of Assignments, FM Broadcast Stations (Plymouth and Goshen, Ind.), Docket No. 15869, RM-678.

Report and order. 1. The Commission has before it for consideration the notice of proposed rule making, FCC 65-131, issued in this proceeding on February 19, 1965 (30 F.R. 2473), inviting comments on a proposal to reassign FM Channel 232A from Goshen, Ind., to Plymouth, Ind., in response to a petition for rule making (RM-678) filed by Kenneth E. Kunze, d.b.a. Community Service Broadcasters. No oppositions to the proposed change were filed.

2. Plymouth has a population of 7,558 persons. It is the county seat and largest community in Marshall County, which has a population of 32,443. There are no FM assignments in Plymouth and the only AM station there, WTCA, operates daytime only. The nearest large city is South Bend (2 Class A and 2 Class B assignments) at a distance of about 23 miles. Goshen, population 13,718, is the county seat but not the largest community of Elkhart County, which has a population of 106,790. It is located about 10 miles from Elkhart (2 Class B assignments), the largest city in the county. There are no applications on file for Channel 232A presently assigned to Goshen. Goshen has an unlimited-time AM station (WKAM) and an educational FM station, WGCS.

3. Petitioner alleges that Plymouth is important to the surrounding area as a governmental and economic center. Figures on retail and wholesale sales are cited to show that the Plymouth sales are a large portion of the total county sales. Petitioner urges that the proposal would provide Plymouth with its first early morning and nighttime aural service, that it would represent a more fair and equitable distribution of available facilities, and that an application would be filed without delay in the event the assignment is made available.

4. Upon consideration of the comments submitted and the relative situation of Plymouth and Goshen with respect to existing local and nearby aural services and other pertinent considerations, we are of the view that the reassignment of Channel 232A from Goshen to Plymouth would serve the public interest. While Goshen is a somewhat larger community (13,718 as against 7,558) it does have an unlimited-time AM station in addition to an educational FM station. Plymouth has only a daytime AM station. Plymouth, being both the county seat and largest community in its county, is the principal community for the county in which it is located. Goshen, on the other hand, is much smaller than the principal community in its county and located only 10 miles away from it. With respect to the availability of other FM signals, Plymouth is about 23 miles from South Bend, the nearest large city, while Goshen is but 10 miles from Elkhart, the nearest city. Both of these large cities have two Class B assignments. We are therefore of the view that the proposal to delete Channel 232A from Goshen and to assign it to Plymouth would conform to section 307 (b) of the Act and we are adopting it.

5. Authority for the adoption of the amendment included herein is contained in sections 4 (i) and (j), 303(r), and 307 (b) of the Communications Act of 1934, as amended.

6. In view of the foregoing, *It is ordered*, That effective June 14, 1965, the Table of FM Assignments, § 73.202 of the rules, is amended as follows:

(a) Delete the entry for Goshen, Ind.

(b) Add the following entry under the State of Indiana;

City	*Channel No.*
Plymouth	232A

7. *It is further ordered*, That this proceeding is terminated.

(Sec. 4, 48 Stat. 1066, as amended; 47 U.S.C. 154; interpret or apply secs. 303, 307, 48 Stat. 1082, 1083; 47 U.S.C. 303, 307)

Adopted: May 5, 1965.

Released: May 7, 1965.

FEDERAL COMMUNICATIONS COMMISSION,[1]
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 65-5006; Filed, May 11, 1965; 8:48 a.m.]

[1] Commissioners Bartley and Wadsworth absent.

[1] Commissioners Bartley and Wadsworth absent.

Title 50—WILDLIFE AND FISHERIES

Chapter I—Bureau of Sport Fisheries and Wildlife, Fish and Wildlife Service, Department of the Interior

PART 33—SPORT FISHING

National Wildlife Refuges; North Dakota

The following special regulations are effective on date of publication in the FEDERAL REGISTER.

§ 33.5 Special regulations; sport fishing; for individual wildlife refuge areas.

NORTH DAKOTA

ARROWWOOD NATIONAL WILDLIFE REFUGE

Sport fishing on the Arrowwood National Wildlife Refuge, N. Dak., is permitted only on the areas designated by signs as open to fishing. These open areas comprising 1,270 acres are delineated on maps available at the refuge headquarters and from the office of the Regional Director, Bureau of Sport Fisheries and Wildlife, 1006 West Lake Street, Minneapolis, Minn., 55408. Sport fishing shall be in accordance with all applicable State regulations subject to the following special conditions:

(a) The open season for sport fishing on the refuge extends from May 8, 1965, through September 14, 1965, daylight hours only.

The provisions of this special regulation supplement the regulations which govern fishing on wildlife refuge areas generally which are set forth in Title 50, Part 33, and are effective through September 14, 1965.

LAKE ILO NATIONAL WILDLIFE REFUGE

Sport fishing on the Lake Ilo National Wildlife Refuge, N. Dak., is permitted only on the area designated by signs as open to fishing. This open area comprising 1,300 acres is delineated on maps available at refuge headquarters and from the office of the Regional Director, Bureau of Sport Fisheries and Wildlife, 1006 West Lake Street, Minneapolis, Minn., 55408. Sport fishing shall be in accordance with all applicable State regulations subject to the following special conditions:

(a) The open season for sport fishing on the refuge extends from May 8, 1965, through September 14, 1965, daylight hours only.

The provisions of this special regulation supplement the regulations which govern fishing on wildlife refuge areas generally which are set forth in Title 50, Part 33, and are effective through September 14, 1965.

LOWER SOURIS NATIONAL WILDLIFE REFUGE

Sport fishing on the Lower Souris National Wildlife Refuge, N. Dak., is permitted only on the areas designated by signs as open to fishing. This open area comprising 11,430 acres is delineated on maps available at refuge headquarters and from the office of the Regional Director, Bureau of Sport Fisheries and Wildlife, 1006 West Lake Street, Minneapolis, Minn., 55408. Sport fishing shall be in accordance with all applicable State regulations subject to the following special conditions:

(a) The open season for sport fishing on the refuge extends from May 8, 1965, through September 14, 1965, daylight hours only.

The provisions of this special regulation supplement the regulations which govern fishing on wildlife refuge areas generally which are set forth in Title 50, Part 33, and are effective through September 14, 1965.

TEWAUKON NATIONAL WILDLIFE REFUGE

Sport fishing on the Tewaukon National Wildlife Refuge, N. Dak., is permitted only on the areas designated by signs as open to fishing. These open areas comprising 1,164 acres are delineated on maps available at refuge headquarters and from the office of the Regional Director, Bureau of Sport Fisheries and Wildlife, 1006 West Lake Street, Minneapolis, Minn., 55408. Sport fishing shall be in accordance with all applicable State regulations subject to the following special conditions:

(a) The open season for sport fishing on the refuge extends from May 8, 1965, through September 14, 1965, daylight hours only.

The provisions of this special regulation supplement the regulations which govern fishing on wildlife refuge areas generally which are set forth in Title 50, Part 33, and are effective through September 14, 1965.

UPPER SOURIS NATIONAL WILDLIFE REFUGE

Sport fishing on the Upper Souris National Wildlife Refuge, N. Dak., is permitted only on the areas designated by signs as open to fishing. These open areas comprising 6,000 acres are delineated on maps available at refuge headquarters and from the office of the Regional Director, Bureau of Sport Fisheries and Wildlife, 1006 West Lake Street, Minneapolis, Minn., 55408. Sport fishing shall be in accordance with all applicable State regulations subject to the following special conditions:

(a) The open season for sport fishing on the refuge extends from May 8, 1965, through September 14, 1965, daylight hours only.

(b) The use of minnows or any other fish or part thereof for bait is prohibited in all waters which lie north of the Lake Darling Dam.

The provisions of this special regulation supplement the regulations which govern fishing on wildlife refuge areas generally which are set forth in Title 50, Part 33, and are effective through September 14, 1965.

W. P. SCHARFER,
Acting Regional Director, Bureau of Sport Fisheries and Wildlife.

MAY 4, 1965.

[F.R. Doc. 65-4972; Filed, May 11, 1965; 8:45 a.m.]

Proposed Rule Making

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

[25 CFR Part 221]

OPERATION AND MAINTENANCE CHARGES

Flathead Indian Irrigation Project, Montana

Basis and purpose. Notice is hereby given that pursuant to the authority contained in the Acts of August 1, 1914 (38 Stat. 583), May 18, 1916 (39 Stat. 142) and March 7, 1928 (45 Stat. 210), and by virtue of the authority delegated by the Secretary of the Interior to the Commissioner of Indian Affairs (Order No. 2508; 14 F.R. 258), and by virtue of the authority delegated by the Commissioner of Indian Affairs to the Area Director (Bureau Order No. 551, Amendment No. 1; 16 F.R. 5454-7), it is proposed to amend §§ 221.24, 221.26, and 221.28 of Title 25, Code of Federal Regulations, dealing with the irrigable lands of the Flathead Indian Irrigation Project, Montana, that are subject to the jurisdiction of the several irrigation districts. The purpose of this amendment is to establish the lump sum assessment against the Flathead, Mission, and Jocko Valley Districts within the Flathead Indian Irrigation Project for the 1966 season.

It is the policy of the Department of the Interior, whenever practicable, to afford the public an opportunity to participate in the rule making process. Accordingly, interested persons may submit written comments, suggestions, or objections with respect to the proposed amendment to the Area Director, U.S. Bureau of Indian Affairs, 316 North 26th Street, Billings, Mont., within 30 days of the date of publication of this notice in the FEDERAL REGISTER.

Sections 221.24, 221.26, and 221.28 are amended to read as follows:

§ 221.24 Charges.

Pursuant to a contract executed by the Flathead Irrigation District, Flathead Indian Irrigation Project, Mont., on May 12, 1928, as supplemented and amended by later contracts dated February 27, 1929; March 28, 1934; August 26, 1936, and April 5, 1950, there is hereby fixed for the season of 1966 an assessment of $267,925.86 for the operation and maintenance of the irrigation system which serves that portion of the project within the confines and under the jurisdiction of the Flathead Irrigation District. This assessment involves an area of approximately 79,488.27 acres, which does not include any land held in trust for Indians and covers all proper general charges and project overhead.

§ 221.26 Charges.

Pursuant to a contract executed by the Mission Irrigation District, Flathead Indian Irrigation Project, Mont., on March 7, 1931, approved by the Secretary of the Interior on April 21, 1931, as supplemented and amended by later contracts dated June 2, 1934, June 6, 1936, and May 16, 1951, there is hereby fixed, for the season of 1966 an assessment of $50,486.27 for the operation and maintenance of the irrigation system which serves that portion of the project within the confines and under the jurisdiction of the Mission Irrigation District. This assessment involves an area of approximately 14,703.81 acres, which does not include any land held in trust for Indians and covers all proper general charges and project overhead.

§ 221.28 Charges.

Pursuant to a contract executed by the Jocko Valley Irrigation District, Flathead Indian Irrigation Project, Mont., on November 13, 1934, approved by the Secretary of the Interior on February 26, 1935, as supplemented and amended by later contracts dated August 26, 1936, and April 18, 1950, there is hereby fixed for the season of 1966 an assessment of $21,068.57 for the operation and maintenance of the irrigation system which served that portion of the project within the confines and under the jurisdiction of the Jocko Valley Irrigation District. This assessment involves an area of approximately 6,812.67 acres, which does not include any lands held in trust for Indians and covers all proper general charges and project overhead.

JAMES F. CANAN,
Area Director.

[F.R. Doc. 65-4981; Filed, May 11, 1965; 8:46 a.m.]

DEPARTMENT OF AGRICULTURE

Consumer and Marketing Service

[7 CFR Ch. IX]

[Docket No. AO 350]

QUALITY REGULATION OF DOMESTICALLY PRODUCED PEANUTS

Decision With Respect to Proposed Marketing Agreement

Pursuant to rules of practice and procedure as amended, governing proceedings to formulate marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held in Washington, D.C., on April 7, 1965, pursuant to notice thereof published in the FEDERAL REGISTER (30 F.R. 3658) on a proposed marketing agreement applying quality regulations to the handling of domestically produced peanuts to be effective pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674), hereinafter referred to as the "act". The public hearing was held at the request of a producer-sheller committee with representatives from major producer and sheller organizations in three major production areas of the United States.

Material issues. The material issues presented on the record of the hearing are as follows:

(1) The existence of the right to exercise Federal jurisdiction;

(2) The need for the proposed marketing agreement to effectuate the declared policy of the act;

(3) The specific terms and provisions of the agreement including:

(a) Definitions of the commodity, the persons to be regulated, the area, the crop year, and those other terms set forth in the notice of hearing which are applicable to the provisions of the proposed program;

(b) The establishment, maintenance, powers, and duties of a peanut administrative committee which shall be the administrative agency for the agreement;

(c) The procedure for annual development of a marketing policy;

(d) Quality regulation on incoming peanuts received or acquired by a handler;

(e) Quality regulation on outgoing peanuts being disposed of by a handler;

(f) Inspection, certification, and identification requirements on handlers;

(g) Authority for continuation of program if prices exceed parity;

(h) Authority for indemnification to handlers on peanuts determined to be unwholesome;

(i) Establishment of reporting and related bookkeeping requirements;

(j) Authority for the committee to incur expenses and for the Secretary to levy assessments on handlers;

(k) Additional terms and conditions as set forth in the notice of hearing in sections 50 through 61 and published in FEDERAL REGISTER (30 F.R. 3658) on March 19, 1965, which are common to marketing agreements; and

(4) Whether the facts presented on the record warrant the omission of a recommended decision and opportunity to file exceptions thereto.

Findings and conclusions. The findings and conclusions on the aforementioned material issues, all of which are based on the evidence adduced at the hearing and the record thereof, are as follows:

The proposed agreement should regulate the quality of domestically produced peanuts acquired and disposed of by handlers by limiting lots milled for or entering human consumption channels to those meeting prescribed standards. Assessments should be made on an equitable basis to provide an indemnification fund to reimburse handlers for losses on peanuts meeting quality standards but subsequently rejected as unwholesome. The proposed agreement should be for the purpose of carrying out the declared policy of the act by establishing and maintaining orderly marketing conditions as provided therein.

(1) Peanuts are acquired by handlers in the production areas and milled and sold to various outlets throughout the

On the 1964 crop, the industry worked out a control program with the Commod-

poration, association, or other business unit.

change the respective classifications. Any such changes would be guided by

are the Southeastern area, consisting of the States of Alabama, Florida,

dling either in a proprietary capacity or

Pursuant to a contract executed by the Mission Irrigation District, Flathead

after referred to as the "act". The public hearing was held at the request

maintaining orderly marketing conditions as provided therein.

(1) Peanuts are acquired by handlers in the production areas and milled and sold to various outlets throughout the country and in export. No differentiation is made in the processing or packing of peanuts for use within the States of production and those for shipment to other parts of the United States. The peanuts are picked and threshed on the farm and inspected for quality as they are sold or delivered to handlers for storage and are similarly milled regardless of their destination. Most of the commercial peanut producing States produce peanuts in excess of their local needs and the peanuts are either shipped to other locatities or States as peanuts or converted to products and shipped in both intrastate and interstate commerce. Should a program regulating quality of peanuts only in interstate commerce be adopted, the quality of peanuts handled within States would not be regulated, resulting in quality variations which could be a damaging factor to the entire peanut industry. In addition, since peanuts in intrastate commerce and those in interstate commerce are not distinguishable on cars or trucks, this would create serious compliance problems and possible destruction of the program. For these reasons it is concluded that the handling of peanuts within the respective States of production directly burdens, obstructs, and affects interstate and foreign commerce to such an extent as to make necessary the regulation of intrastate commerce in peanuts as well as the interstate and foreign commerce.

(2) Peanuts are produced in many localities under varying weather and cultural conditions, harvested and dried by different means and stored or handled in various ways. This means various qualities of peanuts are delivered by producers, milled by handlers, and offered for human consumption. Some of these have defects of mold or other damage such as to cause them to be of low value, poor taste, or unwholesome. Lots with a significant amount of such peanuts adversely affect the demand for peanuts and their sale is not in the public interest.

The various peanut grower associations have long striven to improve the quality of their commodity as a prime factor in orderly marketing and increasing human consumption. The achievement of such quality improvement has been almost a hopeless task due to the variable and disorganised approach and this would be remedied by the proposed marketing agreement.

In 1964, the peanut producers, shellers, and manufacturers were warned that they had a quality problem, resulting from certain mold damaged peanuts being unwholesome. The industry realized that fast action was necessary to avoid marketplace rejection of such peanuts. About 75 percent of the crop, which exceeds 1 million tons, is milled for human consumption. Producers and handlers rely heavily on commercial outlets as a major source of income. Therefore, they must avoid possible setbacks in demand brought about by rejection of peanuts that are of unsuitable quality for human consumption.

On the 1964 crop, the industry worked out a control program with the Commodity Credit Corporation of the U.S. Department of Agriculture. This program restricted the quality of peanuts which could be acquired for milling by any sheller; it restricted the quality that a sheller could deliver; and it provided indemnification to handlers for losses suffered due to rejection of unwholesome peanuts. This program was only temporary. Congress has provided means for industries to handle marketing problems, concerned with quality, under the Agricultural Marketing Agreement Act of 1937. It is this authority that would be exercised through the proposed marketing agreement to continue the quality control efforts instituted on the 1964 crop of peanuts through the CCC program.

Peanut shellers are financed, in large part, by banks and other credit sources. Should these shellers be subject to possible substantial losses due to rejections of peanuts from human consumption outlets, their ability to pay creditors would be impaired. Lenders would regard this type of business as being too risky to warrant the placing of funds into such an investment. Should this happen, handlers would have insufficient funds to acquire peanuts from producers and the Government would face serious storage and financing problems in extending price support to producers. Thus, development of the proposed marketing agreement is not only vital to the peanut industry but also to the banking community and the Government. The program's restrictions on acquisitions and deliveries can assure normal operations by peanut handlers or manufacturers of peanut products and the provisions for indemnification for losses, can assure handlers and lenders of the safety of their funds.

(3)(a) Certain terms applying to specific individuals, agencies, legislation, concepts, or things are used throughout the marketing agreement. These terms are defined for the purpose of designating specifically their applicability and establishing appropriate limitations on their respective meanings wherever they are used.

"Secretary" should be defined to include the Secretary of Agriculture of the United States, and in recognition of the fact that it is physically impossible for him to perform personally all of the functions and duties imposed upon him by law, any other officer or employee of the U.S. Department of Agriculture who is, or who may hereafter be, authorized to act on his stead.

The term "act" should be defined to provide a ready and correct legal citation for the statute pursuant to which the proposed program is to be operative and avoids the need for referring to these citations.

The definition of "person" follows the definition of that term as set forth in section 8a(9) of the act and will insure that it will have the same meaning as it has in the act. The term is used in the definitions of "producer" and "handler" and helps to determine clearly that each covers an individual, partnership, corporation, association, or other business unit.

"Area" should be defined to mean all the States that produce peanuts on a commercial basis. Presently, allotments of peanut acreage are made by the Department of Agriculture to 16 States which are Virginia, North Carolina, South Carolina, Georgia, Florida, Alabama, Mississippi, Arkansas, Tennessee, Missouri, Louisiana, Oklahoma, Texas, New Mexico, Arizona, and California and hence the definition includes these States.

"Peanuts" should be defined to mean the seeds of the legume arachis hypogaea and to include both inshell and shelled other than those marketed by the producer in green form for consumption as boiled peanuts. The latter are not delivered to handlers and hence can be exempt from the commodity to be regulated.

"Farmers Stock Peanuts" should be defined as picked and threshed peanuts which have not been shelled, crushed, cleaned, or otherwise changed from the form in which they are customarily marketed by the producer. This definition is used in other programs of this Department and throughout the industry. Producers should be permitted to remove from the threshed peanuts some of the foreign material or loose shelled kernels and may reduce the moisture level so that the peanuts will bring a higher price upon delivery to shellers. This procedure is only a preparation of farmers stock peanuts for delivery and not a cause for change in the classification of such peanuts.

Farmers stock peanuts were handled in the 1964 crop year under three major designations, these being Segregation 1, Segregation 2, and Segregation 3. The respective segregations are based on the percentage of damaged kernels and those with concealed damage. Thus, it is possible to grade the incoming peanuts into categories of acceptability.

"Segregation 1" should mean farmers stock peanuts with not more than 2 percent damaged kernels nor more than 1.00 percent concealed damage caused by rancidity, mold, or decay.

"Segregation 2" should mean farmers stock peanuts with more than 2 percent but not more than 4 percent damaged kernels nor more than 1.00 percent concealed damage caused by rancidity, mold, or decay.

"Segregation 3" should mean farmers stock peanuts with more than 4 percent damaged kernels or more than 1.00 percent concealed damage caused by rancidity, mold, or decay.

These classifications proved acceptable to the industry during the 1964 crop season and should be incorporated into the proposed marketing agreement to permit continuity of operation. However, modification of the definition of these three classifications should be provided for to permit adaptation to unforeseen developments on causes of mold damage or to recognize increased ability to inspect for wholesomeness. Therefore, the agreement should include authority for the Secretary, upon recommendation of the committee or other information, to

change the respective classifications. Any such changes would be guided by the requirements of the marketplace and the processing capabilities of the peanut industry.

The term "producer" should be defined to identify persons who may be eligible to serve in the producer positions on the administrative committee and those eligible to vote should there be any referendum on whether or not the marketing agreement should some day be terminated. Producer should mean any person engaged within the area in a proprietary capacity in the production of peanuts for sale. Thus, it covers all persons with a proprietary interest, which is deemed to be synonymous with ownership, and constitutes a simple means of expressing the various ways, whether by direct farming activity, partnership, sharecropping, or other means, that a person acquires a direct interest in a commodity and has it available for sale.

"Handle" should be defined for operational purposes and to assist in defining handler. The term should cover the acts which are those of a handler, in receiving and in introducing peanuts into channels of trade, and which qualify the person to participate in this agreement. Basically, a handler engages in the receiving or acquiring of peanuts (whether or not of his own production) in their cleaning, shelling, or crushing and in the shipment or sale of the resultant cleaned inshell or shelled commodity to users or manufacturers. However, neither the producer acts of sale or delivery to handlers nor of persons who receive peanuts from producers as an intermediary person, and pass them on to those who mill, shell or crush the peanuts should be included in the definition since the intermediaries do not release peanuts into human consumption outlets and the acts occur prior to the time when quality control needs to be applied.

"Handler" should be defined to mean any person who handles peanuts, in a capacity other than that of a custom cleaner or dryer, an assembler, a warehouseman, or other intermediary between the producer and the person handling, and who is a party to this agreement. A handler is a person who buys peanuts, mills the peanuts, and channels them into consumption outlets. Persons receiving peanuts from producers as intermediaries between the producers and those who actually mill peanuts and place them into edible channels, should be excluded to further clarify the exclusion under the definition of "handle".

"Crop Year" should be defined to cover the period when new crop peanuts become available and are largely handled, and to establish an operating period for assessment obligations. Therefore, crop year would be synonymous with fiscal year and should be the 12-month period beginning with July 1 in order to cover such peanuts as the first industry harvest in south Texas.

"Production areas" should be defined to describe the three main producing areas for administrative purposes. These are the Southeastern area, consisting of the States of Alabama, Florida, Georgia, Mississippi, and that part of South Carolina south and west of the Santee-Congaree-Broad Rivers; the Southwestern area, consisting of the States of Arizona, Arkansas, California, Louisiana, New Mexico, Oklahoma, and Texas; and the Virginia-Carolina area, consisting of the States of Missouri, North Carolina, Tennessee, Virginia, and that part of South Carolina north and east of the Santee-Congaree-Broad Rivers. The States included in each of the areas are those employed under the CCC price support program. The States are grouped in this manner since it may be desirable to employ some of the established administrative groups to handle local administration of the proposed marketing agreement. These areas also become the basis of producer and handler membership on the administrative committee.

"Area Association" should mean the GFA Peanut Association, Camilla, Ga., representing the Southeastern area; Southwestern Peanut Growers Association, Gorman, Tex., representing the Southwestern area; and the Peanut Growers Cooperative Marketing Association, Franklin, Va., representing the Virginia-Carolina area. These associations are cooperative marketing associations and are incorporated as such in the area. Each performs certain functions in effectuating the Commodity Credit Corporation's price support program to peanut producers. Therefore, each of the associations should have representation on the administrative committee.

(3)(b) The administrative agency to be established under this marketing agreement should be referred to as the Peanut Administrative Committee to reflect both the product and the general nature of the committee. It should consist of 18 members so as to permit representation by 3 producers and 3 handlers from each of the 3 production areas. The agreement pertains to quality regulation which is a problem of equal interest to all production areas and all segments of the industry. Thus, the representation should be equal in number both as to producers and to handlers. The industry has used similar representation when addressing itself to common problems even though there are differences in production between the three areas and in the number of producers and handlers. Since the area associations are cooperative producer associations and through their price support responsibilities are broadly concerned with all producers in each area, one of the producer committee members from each area should be from the association. Provision should be made to appoint an alternate member to act, when necessary, in the place of a member since individual producer or handler members may be unable to attend a committee meeting.

The committee should be composed of producers who are basically producers, except for the representatives of the area associations, and handlers who are basically handlers. Thus, the producer representatives should be persons producing peanuts and not engaged in handling either in a proprietary capacity or as a director, officer, or employee of a handler. If the producer should, during the course of his term, become a handler, he should thereupon become ineligible to continue his services on the committee. Should such happen, the person may no longer be primarily a spokesman for producers.

Handler members should be either handlers or officers or employees of a handler in the area for which selected. Officers or employees are the most likely choices as most handlers are corporations, there being few one-man operations. Should the person's activity or employment change relative to being a handler, then he, too, should cease to be eligible. However, there appears to be no need to bar a handler from serving on account of also being a producer, as the latter activity could be expected to be the lesser interest of the person.

Each alternate should be selected on the same basis and thus be similarly qualified to act in the absence of the member.

Representatives of the area associations should not be required to be other than an officer or employee of the association. They need not be producers. They would be working for producers, would be directly concerned with their interests and hence would be qualified to represent producers without engaging in production.

The members and the alternate member for each member should serve for 3-year terms. Terms of office should be staggered which would permit new members to always have the guidance and experience of existing members to assist in making committee decisions. So that the staggered term may be instituted, the initial members and their alternates should be selected so that one-third of the producer and handler representatives in each area may be replaced each year. Thus, some producers and handlers of the initial committee will be selected for 3-year terms, some for 2-year terms, and some for 1-year terms.

To expedite establishment of the initial committee, nominees from the three respective areas were submitted to the Department, by representatives of handler and producer organizations, and included in the notice. They represent choices of producers and handlers in specific terms of office. Many of these nominees participated in the drafting of the marketing agreement, and hence are familiar with the purposes and provisions of the program. They are known to be eligible for the positions to which nominated and should be named as members and alternates of the initial committee.

The agreement should provide for handlers and producers to nominate successor representatives to those named on the initial committee at meetings held in each area. The committee should take responsibility for seeing that meetings are convened, and it is expected this will be done by the manager of the committee. All handlers in an area should be notified of the area meeting by mail or telephone and producers should be notified through their organizations and other means of publicity. At such a meeting,

the persons eligible to serve on the committee should be the ones eligible to vote. However, each business unit which is a handler under the agreement should be eligible to vote in each area in which he operates. Each handler or producer would have but one vote in any such meeting so that those with more than one representative in attendance could not weight the vote.

Some handlers operate in more than one area, and it is the opinion of the industry and is so concluded that the handler should be permitted to attend the meeting in each such area and to vote in each such area. Handlers today belong to sheller organizations in each area in which they operate, and thus nomination of committee members would coincide with practices on officer selection for organizations in each area.

In view of the staggered term of office, only one member and alternate vacancy would normally occur in each area each year and, hence, one meeting is all that will be necessary. In this circumstance, the person receiving the largest number of votes should be the nominee. It is not likely that handlers or producers in any area will be faced with so large a number of candidates as to require a runoff vote to determine the choice of the majority of the handlers. In each of the three production areas, most, if not all, of the handlers belong to the area sheller organization and many producers also belong to State or areawide organizations. They are accustomed, therefore, to electing persons as herein proposed and to cause positions to be filled by various persons.

The agreement should provide that the nominations should be certified by the committee, for the approval of the Secretary, no later than April 5. This will provide opportunity for the transmission of names to the Secretary, for preparation of appointment papers, and the notification and qualification of members by the time their term of office starts.

The administrative committee should set up rules for producer nominations with the approval of the Secretary, and should be permitted to use the respective area associations to convene meetings and to give publicity of the meeting so that producers have an opportunity to attend.

It should be provided that the representative of the area association be nominated by the association rather than the producers as a whole. The Board of Directors should decide on the representative and preferably choose a person familiar with their operations such as the principal executive officer of the association.

As to the voting, there is a further point as it affects voting for the producer nominee and that is that any person who is a handler and also a producer should be able to vote, in his capacity as a producer, for the producer nominee. Such a person should not serve as a member or alternate to represent producers but there appears to be no need to exclude him from voting. He would be able to vote in a referendum on termination and since on nomination his tonnage will not be a factor, there should be no problem in permitting him one vote.

The agreement should indicate that the Secretary shall select producer and handler members and their alternates in the numbers and with the qualifications specified in this agreement. This is to follow through on the composition and eligibility provisions to assure that they will be adhered to in the selection action of the Secretary. In addition, provision should be made for the Secretary to select from eligible producers and handlers other than those certified by the committee. This would recognize the powers of the Secretary and to permit him to pass over a nominee of the committee if, in his judgment, this was the correct thing to do. This would then permit the Secretary to select a more suitable person or to request the committee to certify to him a new nomination.

Should some problem arise in obtaining a nominee within the time specified in the agreement, the Secretary should be permitted to select an eligible person to fill any position. This is for the purpose of permitting the Secretary to act when a condition requires it. The existence of the provision should encourage the committee to see that the Secretary need not select persons other than those which are nominated.

Upon being selected as a member or alternate member, it is necessary that the manager of the committee, the chairman of the committee, the industry in general, and the Secretary know that the person selected has agreed to serve, and this can be done by having him to file a written acceptance. Hence, it should be provided that each person selected by the Secretary as a member or alternate shall, prior to serving, qualify by filing with the Secretary a written acceptance as soon as practicable after being notified of his selection.

It has already been stated that there should be an alternate member for each member. This is to provide a person to serve when the member is not available to serve. The specific times when the alternate may serve would be during the absence of a member from an assembled meeting or from availability to participate in a mail vote, or in the event of the member's removal from the committee, his resignation, disqualification, or death. Where the event is one which in effect causes a vacancy on the committee, it should be provided that the alternate would serve only until a successor to the member's position has been selected and has qualified. In other words, the alternate should not succeed automatically to the position of the member but rather should continue as alternate unless selected to be the member. Thus, selections will always be made and vacancies occur in terms of specific positions.

To deal with any vacancy occasioned by the removal, resignation, disqualification, or death of any member or alternate, or one arising from failure of a person to qualify, there should be a requirement on the committee to take action to certify to the Secretary a new nominee. The evidence of record is that the committee certify a new nominee within 40-calendar days or else the Secretary may fill the position in accordance with failure to nominate procedures already mentioned.

Members of the committee, or their alternates when acting as members, should serve without compensation but should be allowed their necessary expenses, either on the basis of members filing their actual expenses or by granting a per diem rate, as the committee may approve. The purpose here is to reimburse members for travel expenses and for the cost of any meals and lodging which would be involved in attendance at committee meetings or while engaged on committee business. The producer and handler members are sufficiently industry-minded to be willing to serve without compensation. Moreover, it will be to the interest of all to hold expenses to a minimum and to thereby avoid criticism from those persons not members of the committee.

The agreement should deal with the matter of assembled meetings, voting, a quorum, and voting by mail or telegram so that there will be no question on these matters when operations begin. On most issues, the position of the majority should be recognized as the decision of the committee. However, a change of a quality regulation is an action of such consequence that it should receive support from some members from each of the three production areas. This would be assured by requiring that a change of quality regulation shall require approval of 75 percent of the members and this is included in the agreement. Actions concerned with quality regulation or marketing policy will be of great interest to users of peanuts and manufacturers of peanut products and their views and opinions may well be solicited. Therefore, the agreement should provide that meetings or portions of meetings concerned with marketing policy or quality regulation shall be open to all members of the peanut industry. This means not only producers and handlers but also users and manufacturers.

A quorum requirement should be included for an assembled meeting, votes should be cast in person, and if a quorum is not present, the decision should not be valid. The evidence is that an adequate quorum would be 50 percent of the producer members and 50 percent of the handler members. This would result in a quorum of 10 out of 18 because 50 percent of 9 would mean at least 5 producer and 5 handler members would be present.

The evidence further is that the committee should be permitted to vote by mail or telegram so that some of the minor activities, or those which must be taken quickly, can be handled without the need for an assembled meeting. However, when any such vote is taken, the proposition should be explained accurately, fully, and identically to all members so that each may vote on approximately the same basic information. Also, should the proposition be subject to argument and there is a dissenting vote, then the proposition should be held until an assembled meeting of the committee occurs. A vote by mail or telegram should have a deadline by which

the member or alternate for a member must file his vote with the committee. If a vote is not returned by the deadline, it should be assumed that the member is unable to conclude on the matter and hence the failure to vote should be a dissenting vote. In a case where an issue is clearcut, it is felt a member would vote readily on the issue.

The act lists four powers which administrative agencies have under marketing order programs. This program is a marketing agreement, but three of the powers should be included in the agreement; namely, to administer terms and provisions, to receive, investigate, and report complaints of violations, and to recommend to the Secretary amendments. The fourth can appropriately be included under duties and this has been done.

The duties of the committee should be set forth which will permit it to function efficiently and enable it and the Secretary to administer the program. Hence, the committee should act as intermediary between the Secretary and any producer or handler. It should keep minutes, books, and other records which reflect its actions and transactions and permit these to be examined by the Secretary. It should investigate and assemble data, from published or program sources, on production, handling, and marketing and have such data available for use at committee meetings. To support its actions, it should submit to the Secretary information with respect to peanuts which he may request or which the committee may deem desirable and pertinent to justify its actions or recommendations.

The committee should select a chairman and other officers and adopt bylaws for the conduct of its business. It should also employ a manager and probably as a minimum, a secretary and bookkeeper and determine the salaries and define the duties of such persons. It is presumed that the committee would operate through a chairman, a vice-chairman, and possibly a secretary and treasurer or a secretary-treasurer combined. The manager would be the operating executive and also perform the functions of assistant secretary and assistant treasurer.

At least once each crop year, the books of the committee should be audited by a Certified Public Accountant and two copies of such audit report should be submitted to the Secretary. Audits should be made at such other times as the committee or Secretary may require and audit reports, after elimination of confidential data, should be available for inspection in the offices of the committee by producers and handlers.

The committee should prepare and submit to the Secretary quarterly statements of financial operations, and these, as well as minutes of the meetings of the committee, should be available for inspection at the office of the committee by producers and handlers so that there will be a running fiscal record of operation. Notices of committee meetings should be given to the Secretary as well as to members, and it is to be understood that other interested persons should be permitted to receive a notice of meetings in which they may have an interest.

A major activity of the committee, through its manager and other employees, will be that of obtaining compliance with the agreement. This will involve notification to all handlers of their obligations, on-premise observation of activities, a rendering of interpretations of the program, and the investigation of indications of violations. The committee thus should be authorized to establish, with the approval of the Secretary, such rules and regulations as will enable it to carry out the program.

(3)(c) As hereinafter set forth, the operation needs of this program require the committee to meet prior to May 31 of each year and prepare and submit its recommended marketing policy covering quality regulation for the crop which will begin to move to handlers in July. In doing this, the committee should have available to it and consider such matters as will cause a well-rounded consideration of the regulations and the supplemental matters such as handler indemnification and probable assessable tonnage. The committee should keep abreast of production, harvesting, and storage conditions, of trends and developments, probable grade-out of the peanut crop, and of grading and treatment methods. It should be up to date on developments in inspection and the capability of making the necessary or desirable determinations. It should be abreast of the demand for peanuts in domestic and foreign markets. Any other factors which bear on quality regulation or administration of the agreement should also be considered. The committee conclusions should then be made available to producers and handlers by employing such publicity and such notifications as meet the needs of the persons involved.

The committee should meet early enough to permit the Secretary to correlate its proposals with those actions of the Commodity Credit Corporation, under price support, which cover similar areas of activity. It is likely that joint meetings between committee members and the representatives of the corporation will be needed from time to time and particularly in the preparation of quality regulations for an oncoming crop or when circumstances indicate a need to modify existing quality regulations. Occasionally, in view of the latter, the committee may need to review its operations and where this results in a modification of marketing policy on a given crop, a report should be prepared and notification given to the Secretary and to producers and handlers.

(3)(d) The general purpose of the incoming regulation provision is to continue in the peanut industry the control of peanuts which was begun under the CCC program on the 1964 crop of peanuts. This control proved generally satisfactory, and with authority in the agreement to issue modifying regulations, it is felt that the general provisions of the 1964 program are appropriate for inclusion in the marketing agreement, as hereinafter provided.

Consequently, the agreement should provide that no handler shall receive or acquire peanuts unless such peanuts upon inspection, at time of receipt from the producer, were determined to be Segregation 1 peanuts. If they are received from a person other than the producer, such person should not have blended or mixed them with peanuts of a lower quality than Segregation 1.

However, there are several exceptions to this restriction which are necessary to permit the functioning of the peanut industry. For instance, a handler should be permitted to acquire and deliver for seed purposes, farmers stock peanuts of not more than 3 percent damaged kernels nor more than 10 percent moisture if the peanuts were produced under the auspices of, and are controlled by, a State agency. In such circumstances, the State agency has the responsibility of regulating, controlling, and certifying the peanuts for seed usage. Where this is done, there appears to be no serious problem in maintaining the quality regulation on peanuts for human consumption.

A handler should also be permitted to acquire shelled peanuts from the Commodity Credit Corporation or milled peanuts, either cleaned inshell or shelled, from other handlers under this agreement, or from buyers who have bought from any such handlers or from CCC, as long as the lot has been certified as meeting requirements and the identity has been maintained.

Handlers often perform services for the area association under a peanut receiving and warehouse contract. By this means, peanuts not acquired by shellers or crushers for their own account are received from producers for the price support activities of CCC. There is no reason to interfere with this activity, as such peanuts are held separate and apart from those acquired by handlers and their disposition is controlled by CCC.

There should be no prohibition on a handler, if crusher, acquiring peanuts of a quality lower than Segregation 1 for use for oil stock. However, this should be permitted only under controlled conditions, and these should be prescribed by the committee with the approval of the Secretary. In other words, material acquired as oil stock should be kept isolated from the Segregation 1 peanuts which the same handler may be acquiring for use in human consumption outlets.

There are times when supplies of one or more sizes or types of peanuts are inadequate. CCC may be holding supplies of the deficit peanuts and in the past has released them to market and thereby assisted in stabilizing prices and supplies. This is a necessary activity to maintain the demand for such peanuts. Consequently, it should be recognized that the Secretary may need to release peanuts which meet the requirements of Segregation 2, and handlers permitted to acquire them when needed to fill demand. Moreover, should severely adverse crop conditions cause a general shortage of Segregation 1 peanuts which might drive the prices of such lots above parity, the Secretary should be permitted to author-

ize handlers to acquire Segregation 2 peanuts. In this whole matter of use of Segregation 2 for milling for human consumption, it is recognized that the proposal relates only to the incoming phase of the quality regulation and the handler would need to remove sufficient defective material from these lower quality lots so that he would comply with outgoing regulations.

Loose shelled kernels, that is kernels or portions of kernels completely free of their hulls, are found in farmers stock in all areas and these often have more defects than are found in the inshell portion of the lot. Hence, the acquisition of such kernels, or their removal from farmers stock, should be under procedures which the committee, with the approval of the Secretary, establishes. On the 1964 crop, the sound mature kernels were permitted to be separated from the loose shelled kernels and included with peanuts prepared as edible peanuts. When they were not separated, the entire amount of loose shelled kernels were required to be held apart from edible peanuts and delivered to lower return outlets.

(3) (e) The peanuts received by a handler should be further controlled by an outgoing regulation which restricts the handler in terms of the qualities he may dispose of for human consumption. Rather tight tolerances should be set up to restrict the amount of defective material in any lot. U.S. grade standards should be used as tolerance guides since they cover such areas as permitted percentages of split or broken, damaged, foreign material, and percent of peanuts which will pass through a prescribed screen. The committee should rely on these standards for its regulations, as these are well known throughout the peanut industry and are the basis of inspection by government inspection services.

Where mold damage exceeds a tolerance to be set forth in the regulation, it is expected that the committee would require chemical analysis to assure that the peanuts are wholesome. The committee may need to further protect the market by not only tolerances for mold damage, but also limiting the time for which an inspection certificate is valid on peanuts in storage. Restrictions may be necessary on the basis of other pertinent factors as problems arise. Lots which have been inspected and certified and go into storage rather than consumption, may deteriorate or be damaged during storage, and hence the inspection certificate, after some period of time, may not reflect the true condition of the lot.

The record evidence is to the effect that the regulations should be like those under which the industry operated on the 1964 crop. So that this may be achieved, the agreement should provide that peanuts which fail to meet the outgoing requirements shall be delivered to the Commodity Credit Corporation or disposed of otherwise as prescribed by the committee. However, in recognition of possible changes in the purchase program of CCC, the committee should be permitted to authorize other disposition and so adjust the agreement to the changed provisions applicable to a crop.

Under incoming regulation, certain exceptions are necessary to permit desirable functioning of the industry, and the same is true in respect to the outgoing regulation. Handlers should be permitted to transfer peanuts from one plant to another or to commercial storage without the restriction as to prohibition of shipment without meeting requirements. However, a wide-open privilege could result in abuses. Here again, the committee should carefully consider this area and establish such procedures as will permit normal operations but assure that the regulation will be fully complied with. An illustration of the regulation to control outgoing quality is that used on the 1964 crop. No handler was permitted to mill, for domestic human consumption, farmers stock peanuts which failed to meet the requirements of Segregation 1. If mold was found on more than 1 percent of the kernels in any lot and the handler wanted to ship them as edible peanuts, he was first required to have them chemically analyzed to determine that they were wholesome. If the peanuts were found to be unwholesome, the handler could remill them and have them retested, or he could dispose of them in the oil outlet. Special tolerances were established for the shelled peanuts as to percent damaged kernels, percent moisture, percent foreign material, and percent that fall through a prescribed screen. Upon inspection, the lot had to be identified by a procedure known as positive lot identification, or the lot must have been moved on a sealed conveyance. The basic purpose of the identification was one of identifying the lot in terms of a specific inspection certificate. Similar regulations should be permitted under the marketing agreement to regulate the 1965 or later crops.

(3) (f) The quality regulation must be administered in such a way that the committee obtains compliance with the quality regulations. Hence, the agreement should provide that each handler shall, prior to or upon receiving and before shipping or disposing of peanuts, have them inspected to determine compliance with the quality regulations and identification requirements which are prescribed. Such inspection and identification should be at the handler's expense to make it unnecessary for the committee to levy assessments to cover this cost. This will not be a new situation. Handlers are accustomed to having incoming inspection for the purposes of determining the price to be paid producers and in the 1964 season had inspection on peanuts shipped for human consumption. The identification requirements should be prescribed by the committee, with the approval of the Secretary, rather than written into the agreement. A method of "positive lot identification" has been in use for several years and is generally satisfactory, but this is an area subject to possible change resulting in improved methods. The handler should not only obtain an inspection, but require a certificate on each lot and all such certificates should be available for examination or use by the committee. Copies of each certificate need not be sent to the committee because copies are expected to be available through the inspection service, the individual handler and the area association. Acceptable certificates of inspection should be limited to those issued by the Federal or Federal-State inspectors authorized or licensed by the Secretary. Thus, there will be uniform methods of inspection and overall supervision throughout the production area.

(3) (g) Minimum standards of quality for peanuts for human consumption are those which will provide a sound product for the money spent by users and consumers, and since the product will need to be wholesome, it will be in the public interest to continue the regulations no matter what the level of prices. Producer prices are not likely to exceed parity in the near future. However, it is desirable to cover all possibilities, and the agreement should recognize the need for minimum standards of quality continuing irrespective of the price level. Should there be a shortage of supply in any season, the handlers may need to be permitted to use Segregation 2 peanuts for milling purposes, and this could be the minimum standard for that purpose. However, the quality to be shipped should continue to be held at minimum levels which adequately protect the public interest by providing only wholesome peanuts for human consumption.

(3) (h) An important feature of a quality regulation program which operates in conjunction with price support on a commodity is to provide a means for the handler to offset losses which cannot be reflected back to the producer and which may be impossible to pass on to buyers. A handler pays the minimum price established under price support in order to acquire peanuts and must sell in competition with all other shellers. The handling of peanuts is highly competitive and profit margins are small. Losses arising from rejection of one or more carloads of peanuts would cause a serious loss of capital to a handler and possibly destroy his credit rating. More serious still, if he is unable to secure protection against such losses, lenders may refuse to provide funds to acquire the crop and process it. Experiences during the 1964 season indicate that rejection will definitely occur when shipments are found to be unwholesome and hence unsuitable for edible use.

The provisions set forth in the marketing agreement would provide a means whereby all handlers who are parties to it could be protected. This provision would make it mandatory that the committee establish indemnities to handlers for losses incurred on peanuts which have been milled for human consumption, which meet the grade, quality, or other specifications which may be established under the outgoing regulation, but which are determined by the committee or the Food and Drug Administration to be unsuitable for human consumption. This should be limited to the sole matter of the residue from mold damage which is known as aflatoxin. This single item is the most likely cause of rejections, and it should be understood that indemnities will not be paid for rejections for other causes. The extent of the indemnity

should be one which practically eliminates loss to the handler, but which does not, on the average, permit a profit. The committee should deal with this subject in a manner to minimize claims upon the indemnification fund.

Peanuts which are rejected and on which indemnity is paid should be held for delivery to the committee or disposed of as the committee may direct. This is necessary again to minimize the indemnification payments and to establish a basis for determining the indemnity. The committee will know of the eligible outlets for such material and the level of prices prevailing therein. Most importantly, it should be the responsibility of the committee to cause the rejected lot, as long as it remains unwholesome, to be removed from the market.

The funds for indemnification should be obtained by assessments. In the 1964 season, an indemnification fund was operated by CCC, and a levy was made of $2 per ton of farmers stock peanuts received by each handler. The committee and the Secretary will need to determine whether that assessment of money is adequate. A crop may be marketed over more than a 12-month period. The bulk is marketed within the crop year, but some may continue to be marketed for several months. Thus, the obligation period of the committee should be defined to end on December 31 of the calendar year following the year in which the crop was produced. Thus, an indemnity on the 1965 crop might be paid on a rejection made as late as December 31, 1966. However, the committee should be permitted to establish a lesser period as part of its establishment of the terms and conditions under which the indemnity will be made.

(3) (i) The committee will need to keep books and record and possibly obtain reports, some of which reveal business operations of the handlers or their customers. This information should not be revealed with a highly competitive industry and moreover its disclosure is prohibited under the act and the administrative regulations of the Department. In fact, substantial penalties are applied to any employee, including employees of the committee, divulging confidential information. This should be prohibited for the further reason that each individual handler should be in a position to freely discuss his operations with the committee manager and with representatives of the Department of Agriculture concerned with the marketing agreement. Thus, program interpretations can be made, possible violations can be avoided, and compliance cases resolved. Consequently, the agreement should provide that all reports and records furnished by handlers, which include data or information, constituting a trade secret or disclosing a trade position, condition or business operation of the handlers or their customers shall be received by, and at all times kept in the custody and under the control of, one or more employees of the committee who shall disclose such information to no person other than the Secretary.

There may be instances when the handling of a compliance case by the committee may require that some information be disclosed to the committee to enable it to carry out its functions under this agreement. However, it is to be understood that any such disclosure should protect the confidential requirements.

There should be authority in the agreement for the committee to request reports of acquisitions and shipments of peanuts from any handler. Thus, the committee management may resolve discrepancies in shipments arising from its examination of the volumes under inspection certificates. Moreover, as the committee acquires experience with compliance work, it may be that this authority may be needed to simplify this activity. In the alternative, the committee may find it necessary to incur substantial travel and audit expenses and this may be unwarranted as a long-run item.

The administrative committee should have authority, with the approval of the Secretary, to obtain such other reports and information as are needed to perform its functions. Again, this is in the nature of a provision to assure the committee and the program of sufficient flexibility of action to operate a sound marketing agreement.

Much of the compliance activity under the agreement will rely on auditing by the committee management or duly authorized agents of the Secretary. So that this auditing may be soundly conducted, each handler should be required to maintain such records of peanuts received, held and disposed of by him as will substantiate any required report on which will show performance under the agreement. Such records should be retained for at least 2 years beyond the crop year of their applicability. A crop may be sold over more than 1 crop year and hence disposition may well occur in several months of the subsequent year. Then there must be time for auditing. Hence, 2 years beyond the crop year of applicability is the minimum period for which handlers should retain records.

The Secretary and committee management should have authority to pursue compliance activity by the right to check and verify the reports or operations of handlers under the agreement. This should include the right of access to any premises where peanuts or the records of such peanuts are held. However, such access should not be one which is practiced other than at reasonable business hours when the handler or his employees are in a position to assist in such verification.

(3) (j) The committee should be authorized to incur such expenses as the Secretary finds are reasonable and likely to be incurred by it during each crop year for maintenance and functioning and for such other purposes as the Secretary may, pursuant to the provisions of the agreement, determine to be appropriate. Thus, there would be adopted authorization whereby expenses of the marketing agreement would be borne by the industry. The Secretary's finding will be made upon the committee submitting a proposed budget of expenses and rate of assessment. Thus, the committee will need to anticipate its expenditures and the Secretary to establish a budget maximum and a rate of assessment.

Each handler should be required to pay to the committee, upon demand, with respect to all farmers stock peanuts received by him, including those of his own production but excluding those described in section 31 (c) and (d) which are not milled for use in trade channels, his pro rata share of all expenses which the Secretary finds are reasonable and likely to be incurred by the committee during each crop year or for indemnification on each crop. The Secretary will need to fix a rate of assessment at the beginning of the crop year to permit collection of the necessary funds. This rate of assessment will be each handler's pro rata share of the committee's expenses.

Since the indemnification funds are to be collected as part of the assessments, a major portion of the rate per ton will be for indemnification. It is possible that the amount collected for indemnification in any year may be inadequate. This may amount to a significant amount per ton, and an effort to collect it after some months of the crop year have elapsed could substantially affect the price for peanuts at a time when many of the peanuts had already been sold. Handlers would not be able to recoup the change in the rate of assessment to cover an indemnification deficit during the balance of the crop year. It is more desirable to assess for such a deficit in a subsequent crop year, and thereby permit the basic price structure on a crop to remain the same throughout its principal marketing period. However, there would be no objection to such a minor change in the assessment rate as may be needed to cover a deficit in the administrative fund. Such a deficit may change the assessment rate only by a cent or so per ton, whereas a deficit in the indemnification fund could conceivably run to one or more dollars per ton.

Since a deficit in any year, particularly in the beginning of the program, is definitely possible, the committee should be authorized to borrow money or accept advance payments from any handler in order to fulfill its obligations applicable to any crop or crop year. Thus, the committee would be able to honor its fiscal obligations. In a case of advance payments from handlers, the committee should then credit their accounts and thus offset against such handlers future assessment obligation.

The money collected for indemnification and not spent on a crop should be retained by the committee as a reserve against subsequent years when the burden of indemnification may be in excess of collections. In effect, the indemnification will have aspects of an insurance program and as the committee can build a sufficient reserve, it can safely set moderate assessments and thus reduce the addition to the f.o.b. prices on peanuts. To raise the assessment money, handlers will need to add it to peanut prices. Experience on the 1964 crop shows that the market can stand a moderate assessment but a reserve should be acquired as a safeguard against ever having to make the levy so high as to cause market prices which reduce sales.

The administrative fund and the indemnification fund should be kept separate

are discontinued, or change appreciably

the States of Virginia, North Carolina,

ending with June 30 of the following Sec. 18. Initial committee.

The administrative fund and the indemnification fund should be handled separately by the committee. Any administrative fund not used in a crop year should be credited to the accounts of handlers in the subsequent crop year. However, this action should be deferred until funds are available from the new crop. Permitting use of the already collected money until new collections are made could avoid the need to borrow money for administrative purposes. Since the crop year begins in July and substantial quantities of peanuts are harvested by September, it appears that by the end of the fourth month of the crop year (October), the committee will have sufficient collections from the new year's assessments to permit closing of the books for the prior year and crediting the excess money of the handlers who contributed the excess. It is to be understood that excess money may first be used by the committee against any other obligations of the handler which are due the committee. Also, any handler who discontinues his business should be permitted to have the excess refunded to him. In this instance, he would not be subject to assessment of the new crop year and, hence, there would be no point in holding his money to apply against possible obligations. Excess funds can arise from the fact that the original assessment was based on a budget of expenses and by the close of the fiscal period the actual expenses can then be determined, and the handler's actual pro rata share of such expenses.

Upon termination of the agreement, the indemnification money on hand should be turned over to any successor committee or disposed of, with the approval of the Secretary, for projects of benefit to the peanut industry. If the marketing agreement were replaced by a successor program, it would be highly desirable that such program began its indemnification program with an adequate reserve of money. If there were no successor program, the money should be used for benefits to the peanut industry. In the event there is still a residual of indemnification money, this together with any administrative money, should be returned pro rata to the handlers from whom collected. This latter would simply be a means of completing liquidation of the program.

(3) (k) Except for sections 57 and 61, the provisions of sections 50 through 56 and 58 to 61 as hereinafter set forth, are similar to those which are included in other marketing agreement programs. All such provisions, including sections 57 and 61, are incidental to, and not inconsistent with, the act and are necessary to effectuate the other provisions of the marketing agreement and to effectuate the declared policy of the act. Testimony at the hearing supports the inclusion of each such provision.

In addition to the requirement that the Secretary shall terminate or suspend the operation of any or all of the provisions of this agreement, whenever he finds that such provisions do not tend to effectuate the declared policy of the act, the agreement should require that if the provisions of the CCC price support program relating to purchases from shellers are discontinued, or change appreciably, consideration should be given to termination of this agreement. This is to cause reconsideration due to the impact which the CCC action would have handler acquisition practices.

Normally, the Secretary would determine whether or not producers favor termination by conducting a referendum. If termination were favored, the act requires termination at the end of the then current marketing period. Since termination can have a substantial economic impact on producers or handlers or both, industries often desire advanced notice of this action. Thus, it is proposed that in this agreement, the notice be at least one month in advance of the end of the current crop year.

In view of the fact that any handler executing the agreement after the effective date is to be afforded the benefits, privileges and immunities, including the indemnity feature, he should be required to comply with the assessment obligations and quality regulations applicable to the current crop.

(5) The due and timely execution of the functions of the Secretary of Agriculture under the act imperatively and unavoidably requires the omission of a recommended decision and exceptions thereto.

The agreement requires several actions to be taken by the committee and the Secretary relative to establishing and applying quality regulations on the 1965 crop of peanuts. The CCC program of regulation was on 1964 crop only. Failure to provide sufficient opportunity for the committee to organize, to consider and recommend 1965 crop regulations and to complete arrangements to administer the regulations, would create a period wherein the movement of peanuts would be unregulated and such is neither in the interest of the industry nor in the public interest.

Moreover, handlers and producers, persons concerned with price support activity, and peanut users and manufacturers need the earliest possible information on how peanuts will be marketed in the 1965 crop year. Contracting for the crop begins in advance of harvest and delays in this area adversely affect plans to produce and market peanut products. The time which would be consumed in preparing and issuing a recommended decision, allowance of a period for filing exceptions thereto and consideration of any such exceptions prior to the issuance of the Secretary's decision would unduly delay the effective date of the marketing agreement and thereby tend to obstruct and defeat the purposes of the agreement and the act.

Rulings on proposed findings and conclusions. April 23, 1965, was set by the Presiding Officer at the hearing as the latest date by which briefs would have to be filed by interested parties with respect to facts presented in evidence at the hearing and the findings and conclusions which should be drawn therefrom. No such brief was filed. However, a letter was received from a sheller association favoring a marketing agreement.

General findings. Upon the basis of the evidence introduced at such hearing, and the record thereof, it is found that:

(1) The marketing agreement, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act;

(2) The said marketing agreement regulates the handling of peanuts of domestic production in the same manner as, and is applicable only to persons in the respective classes of industrial or commercial activities specified in, a proposed marketing agreement upon which a hearing has been held; and

(3) All handling of peanuts covered by the marketing agreement is in the current of interstate or foreign commerce or directly burdens, obstructs, or affects such commerce.

Marketing agreement. Annexed hereto and made a part hereof is a document entitled "Marketing Agreement Regulating the Quality of Domestically Produced Peanuts" which has been decided upon as the appropriate and detailed means of effecting the foregoing conclusions.

It is hereby ordered, That all of this decision including the annexed agreement, be published in the FEDERAL REGISTER.

Dated: May 7, 1965.

GEORGE L. MEHREN,
Assistant Secretary.

MARKETING AGREEMENT REGULATING THE QUALITY OF DOMESTICALLY PRODUCED PEANUTS

The parties hereto, in order to effectuate the declared policy of the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31 as amended; 7 U.S.C. 601–674), and in accordance with the applicable rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders (7 CFR Part 900), desire to enter into this marketing agreement to apply quality regulations to the handling of domestically produced peanuts of 1965 and later crops and provide for indemnification and each party hereto agrees that, from the effective date of this marketing agreement, its handling of domestically produced peanuts shall be in conformity to, and in compliance with, the provisions hereof, which are as follows:

DEFINITIONS

Section 1. Secretary.

"Secretary" means the Secretary of Agriculture of the United States or any officer or employee of the U.S. Department of Agriculture who is, or who may hereafter be, authorized to act in his stead.

Sec. 2. Act.

"Act" means Public Act No. 10, 73d Congress (May 12, 1933), as amended and as re-enacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended; 7 U.S.C. 601 et seq.).

Sec. 3. Person.

"Person" means an individual, partnership, corporation, association, or any other business unit.

Sec. 4. Area.

"Area" means all States with commercial production of peanuts and includes the States of Virginia, North Carolina, South Carolina, Georgia, Florida, Alabama, Mississippi, Arkansas, Tennessee, Missouri, Louisiana, Oklahoma, Texas, New Mexico, Arizona, and California.

Sec. 5. Peanuts.

"Peanuts" means the seeds of the legume arachis hypogaea and includes both inshell and shelled other than those marketed by the producer in green form for consumption as boiled peanuts.

(a) *Farmers stock.* "Farmers stock peanuts" means picked and threshed peanuts which have not been shelled, crushed, cleaned, or otherwise changed (except for removal of foreign material, loose shelled kernels and excess moisture) from the form in which customarily marketed by producers.

(b) *Segregation 1.* "Segregation 1 peanuts" means farmers stock peanuts with not more than 2 percent damaged kernels nor more than 1.00 percent concealed damage caused by rancidity, mold or decay.

(c) *Segregation 2.* "Segregation 2 peanuts" means farmers stock peanuts with more than 2 percent but not more than 4 percent damaged kernels nor more than 1.00 percent concealed damage caused by rancidity, mold or decay.

(d) *Segregation 3.* "Segregation 3 peanuts" means farmers stock peanuts with more than 4 percent damaged kernels or more than 1.00 percent concealed damage caused by rancidity, mold or decay.

(e) The definitions set forth in paragraphs (b), (c), and (d) of this section may be modified by the Secretary pursuant to section 34.

Sec. 6. Producer.

"Producer" means any person engaged within the area in a proprietary capacity in the production of peanuts for sale.

Sec. 7. Handle.

"Handle" means to engage in the receiving or acquiring, cleaning and shelling, cleaning inshell, or crushing of peanuts and in the shipment (except as a common or contract carrier of peanuts owned by another) or sale of cleaned inshell or shelled peanuts or other activity causing peanuts to enter the current of commerce: *Provided,* That this term does not include sales or deliveries of peanuts by a producer to a handler or to an intermediary person engaged in delivering peanuts to handler(s): *And provided further,* That this term does not include sales or deliveries of peanuts by such intermediary person(s) to a handler.

Sec. 8. Handler.

"Handler" means any person who handles peanuts, in a capacity other than that of a custom cleaner or dryer, an assembler, a warehouseman or other intermediary between the producer and the person handling, and who is a party to this agreement.

Sec. 9. Crop year.

"Crop year" is synonymous with "fiscal year" and means the 12-month period beginning with July 1 of any year and ending with June 30 of the following year.

Sec. 10. Production areas.

"Production areas" means (a) the Southeastern Area consisting of the States of Alabama, Florida, Georgia, Mississippi, and that part of South Carolina south and west of the Santee-Congaree-Broad Rivers.

(b) The Southwestern Area consisting of the States of Arizona, Arkansas, California, Louisiana, New Mexico, Oklahoma, and Texas.

(c) The Virginia-Carolina Area consisting of the States of Missouri, North Carolina, Tennessee, Virginia, and that part of South Carolina north and east of the Santee-Congaree-Broad Rivers.

Sec. 11. Area association.

"Area association" means for the Southeastern area, GFA Peanut Association, Camilla, Georgia; Southwestern area, Southwestern Peanut Growers Association, Gorman, Texas; and Virginia-Carolina area, Peanut Growers Cooperative Marketing Association, Franklin, Virginia.

PEANUT ADMINISTRATIVE COMMITTEE

Sec. 15. Establishment and membership.

A Peanut Administrative Committee (hereinafter referred to as committee) is hereby established to administer the terms and provisions of this agreement. Such committee shall consist of 18 members of whom 9 shall represent producers and 9 shall represent handlers. The producer representation shall be three for the Southeastern area, three for the Southwestern area, and three for the Virginia-Carolina area of which one of the three in each production area shall represent the respective area association. The handler representation shall also be three for each of the designated areas. For each member there shall be an alternate member.

Sec. 16. Eligibility.

Each producer member of the committee and alternate member shall be, at the time of his selection and during his term of office, a producer, or an officer or employee of an area association, in the area for which selected and shall cease to be a member or alternate upon engaging in the handling of peanuts either in a proprietary capacity or as a director, officer, or employee of other than a cooperative association. Each handler member of the committee, and his alternate, shall be, at the time of his selection, a handler or an officer or employee of a handler in the area for which selected and shall throughout his term of office so continue to be a handler.

Sec. 17. Term of office.

Members and alternate members of the committee shall serve for terms of 3 years ending on April 30 but initial members and alternates shall be selected for terms of 1, 2, or 3 years so that one-third of the producer and handler representatives in each area may be replaced each year. Each member and alternate member shall continue to serve until his successor is selected and has qualified.

Sec. 18. Initial committee.

The initial members of the committee and their respective alternates shall be as follows:

SOUTHEASTERN AREA

Producers	Member	Alternate member	Term of office (years)
Area association.	D. H. Harden	W. G. Miller	3
At large	James E. Mobley	T. Lewis Knox	2
Do	Emmett Reynolds	Billy Newberry	1
Handlers			
	Dan W. Sands	Tom Chandler	3
	James Anderson	J. B. Roberts	2
	R. C. Singletary, Jr.	Robert Pender	1

SOUTHWESTERN AREA

Producers	Member	Alternate member	Term of office (years)
Area association.	Ross Wilson	B. D. Green	3
At large	D. B. Warren	E. A. Walker	2
Do	Barton Scott	Jesse Leach	1
Handlers			
	John Hankins	Pat Cagle	3
	Melvin Shell	Ellis L. Caney	2
	John Burroughs	R. L. Bordan	1

VIRGINIA-CAROLINA AREA

Producers	Member	Alternate member	Term of office (years)
Area association.	S. Wimack Lee	J. F. Turner, Sr.	3
At large	Joe S. Sugg	Minton Beach, Jr.	2
Do	Wm. V. Rawlings	G. B. Ligon	1
Handlers			
	H. R. Birdsong	W. J. Spain, Jr.	3
	T. J. White	W. P. Woodley	2
	B. E. Parker	William D. Shaw	1

Sec. 19. Nomination.

Producers and handlers may nominate their successor representatives to those named in section 18 at meetings held in each area except that each area association representative shall be nominated by the association. The committee shall hold and shall give reasonable publicity to nomination meetings and may use the respective area associations to convene meetings of the producers. Only persons eligible to serve shall be eligible to vote. Each producer and each handler shall have but one vote, but a handler may vote in each production area in which he is a handler and if engaged in peanut production, may vote in his capacity as a producer. The person receiving the largest number of the votes cast for a position shall be the nominee. All nominations shall be certified by the committee to the Secretary no later than April 5 preceding the commencement of the term of office.

Sec. 20. Selection.

The Secretary shall select successor producer and handler members and al-

ternate members of the committee in the numbers and with the qualifications

Sec. 27. Powers.

ternate members of the committee in the numbers and with the qualifications specified in this agreement. Such selections may be made from the nominations certified by the committee or from other eligible producers and handlers.

Sec. 21. Failure to nominate.

In the event a nominee for any member or alternate member position is not certified pursuant to and within the time specified, the Secretary may select an eligible person to fill such position without regard to nomination.

Sec. 22. Qualify by acceptance.

Each person selected by the Secretary as a member or as an alternate member shall, prior to serving, qualify by filing with the Secretary a written acceptance as soon as practicable after being notified of such selection.

Sec. 23. Alternate members.

An alternate for a member shall act in the place and stead of such member (a) during his absence, or (b) in the event of his removal, resignation, disqualification, or death, until a successor for such member's unexpired term has been selected and has qualified.

Sec. 24. Vacancies.

Any vacancy occasioned by the removal, resignation, disqualification, or death of any member or alternate, or any need to select a successor through failure of any person selected as a member or alternate member to qualify, and which is not recognized by the committee certifying to the Secretary a new nominee within 40 calendar days, may be filled pursuant to section 21.

Sec. 25. Compensation and expenses.

The members of the committee, and the alternate members when acting as members, shall serve without compensation but shall be allowed their necessary expenses, actual or per diem, as approved by the committee.

Sec. 26. Procedure.

All decisions of the committee reached at an assembled meeting shall be by majority vote of the members present except that a change of a quality regulation shall require approval of 75 percent of the members. Meetings, or portions of meetings, concerned with marketing policy or quality regulation shall be open to all members of the peanut industry. All votes in an assembled meeting shall be cast, in person and a quorum must be present for a valid decision. A quorum shall consist of not less than 50 percent of the producer members and 50 percent of the handler members. The committee may vote by mail or telegram upon due notice to all members, but any proposition so voted upon first shall be explained accurately, fully, and identically by mail or telegram, to all such members. When any proposition is submitted to be voted on by such method, one dissenting vote shall prevent its adoption. Failure of any member, or alternate acting for a member, to vote within a prescribed time shall be held to be a dissenting vote.

Sec. 27. Powers.

The committee shall have the following powers:

(a) To administer the agreement in accordance with its terms and provisions;

(b) To receive, investigate, and report to the Secretary, complaints of violations of this agreement; and

(c) To recommend to the Secretary amendments to this agreement.

Sec. 28. Duties.

The committee shall have the following duties:

(a) To act as intermediary between the Secretary and any producer or handler;

(b) To keep minutes, books, and other records which shall clearly reflect all of its acts and transactions and these shall be subject to examination by the Secretary at any time;

(c) To investigate and assemble data on the production, handling, and marketing of peanuts;

(d) To submit to the Secretary such available information with respect to peanuts as he may request and such other information as the committee may deem desirable and pertinent;

(e) To select from among its members a chairman and other officers and to adopt such bylaws for the conduct of its business as it may deem advisable;

(f) To appoint or employ such persons as it may deem necessary and to determine the salaries and define the duties of each such person;

(g) To cause the books of the committee to be audited by a certified public accountant at least once each crop year and at such other times as the committee may deem necessary or as the Secretary may request, to submit two copies of each such audit report to the Secretary, and to make available a copy which does not contain confidential data for inspection at the offices of the committee by producers and handlers;

(h) To prepare and submit to the Secretary quarterly statements of the financial operations of the committee and to make such statements together with the minutes of the meetings of said committee available for inspection at the offices of the committee by producers and handlers;

(i) To give the Secretary the same notice of meetings of the committee as is given to members;

(j) To investigate compliance with and to use means available to the committee to prevent violation of the provisions of this agreement; and

(k) To establish with the approval of the Secretary such rules and regulations as are necessary or incidental to administration of this agreement, as are consistent with its provisions, and as would tend to accomplish the purposes of this agreement and the act.

MARKETING POLICY

Sec. 30. Marketing policy.

Prior to May 31, the committee shall prepare and submit to the Secretary a report setting forth its recommended marketing policy covering quality regulations for the pending crop. In the event it becomes advisable to modify such policy, because of changed conditions, the committee shall formulate a new policy and shall submit a report thereon to the Secretary. In developing the marketing policy, the committee shall give consideration to the production, harvesting and storage conditions, probable quality of crop, grading and treatment methods, inspection capability, demand for peanuts in domestic and foreign markets, the basis of handler indemnification, the probable assessable tonnage for the purposes of section 48 and such other factors as may have a bearing on the peanut quality regulation or the administration of this agreement. Notice of the committee's marketing policy, and of any modifications thereof, shall be given promptly by reasonable publicity, to producers and handlers.

QUALITY REGULATION

Sec. 31. Incoming regulation.

No handler shall receive or acquire peanuts, either from a producer or other person, unless such peanuts were determined pursuant to section 33 to be Segregation 1 peanuts at time of receipt from the producer or, if received from another person, had not been mixed with peanuts of a lower quality than Segregation 1: *Provided*, That a handler may (a) receive or acquire and deliver for seed purposes farmers stock peanuts with not more than 3 percent damaged kernels nor more than 10 percent moisture if such peanuts were produced under the auspices of a State agency which regulates or controls the production of seed peanuts; (b) acquire shelled peanuts from the Commodity Credit Corporation (CCC) or cleaned inshell or shelled peanuts from handlers subject to this agreement, or from buyers who have purchased such peanuts from such handlers or from CCC, if the lot has been certified as meeting the requirements of section 32(a) and the identity is maintained; (c) perform services for an area association pursuant to a peanut receiving and warehouse contract; and (d) if a crusher, acquire peanuts of a lower quality than Segregation 1 as oil stock upon such conditions as the committee, with the approval of the Secretary, may prescribe. Segregation 2 peanuts which are wholesome relative to mold damage may be acquired from peanuts held by CCC or an area association when released by the Secretary as needed to fill demand. In the situation of section 35, the Secretary may authorize handlers to acquire Segregation 2 peanuts from producers or intermediaries. The acquisition of loose shelled kernels or their removal from farmers stock peanuts shall be in accordance with such prpcedures as the committee, with the approval of the Secretary, may establish.

Sec. 32. Outgoing regulation.

(a) No handler shall dispose of for human consumption, peanuts which fail to meet such U.S. grade requirements, or modifications thereof, or requirements as to wholesomeness as the committee, with the approval of the Secretary, may

specify including the tolerance for moldy peanuts, time in storage, or other pertinent factors. No inspection certificate issued pursuant to section 33 shall be effective if unacceptable to the committee or for more than such period of time as the committee, with the approval of the Secretary, may prescribe. Peanuts which fail to meet the requirements specified pursuant to this section shall be disposed of by delivery to the Commodity Credit Corporation or in such manner as may be prescribed by the committee with the approval of the Secretary.

(b) Notwithstanding the restrictions contained in this section, any handler may transfer peanuts from one plant owned by him to another plant owned by him or to commercial storage without having an inspection made as provided for in section 33. No such transfers shall be made except in accordance with such procedures as the committee, with the approval of the Secretary, may prescribe for movement within each production area, to another production area or to points outside thereof.

Sec. 33. Inspection, certification and identification.

Each handler shall, at his own expense, prior to or upon receiving and before shipping or disposing of peanuts, cause an inspection to be made of any such peanuts not covered by a valid inspection certificate, to determine whether they meet the applicable grade requirements effective pursuant to this agreement and shall comply with such identification requirements as the committee, with the approval of the Secretary, may prescribe. Such handler shall obtain a certificate that such peanuts meet the aforementioned applicable requirements and all such certificates shall be available for examination or use by the committee. Acceptable certificates shall be those issued by Federal or Federal-State inspectors authorized or licensed by the Secretary.

Sec. 34. Modification.

The requirements of sections 31 and 32 and definitions set forth in section 5 (b), (c), and (d) may be modified by the Secretary, upon recommendation of the committee or other information, whenever he finds that such modification would tend to effectuate the objectives of this agreement.

Sec. 35. Above parity situations.

Minimum standards established under sections 31 and 32, the grading and inspection requirements, and the provisions of this agreement relating to administration and indemnification shall continue in effect irrespective of whether or not the estimated season average price for peanuts is in excess of the parity level specified in section 2(1) of the act.

Sec. 36. Indemnification.

The committee shall, upon such terms and conditions as it may establish with the approval of the Secretary, indemnify any handler, to the extent specified, for losses incurred by him on peanuts which have been milled for sale for human consumption and which meet the applicable grade and other requirements but which are determined by the committee or the U.S. Food and Drug Administration to be unsuitable for human consumption because of aflatoxin including such peanuts returned, resold or rejected to a handler by a purchaser. Any peanuts for which the handler is indemnified pursuant to this paragraph shall be delivered to the committee or disposed of as the committee may direct. Funds for such indemnification shall be obtained pursuant to section 48. The period of indemnification on any crop may extend to December 31 of the calendar year following the year in which the crop was produced.

REPORTS, BOOKS AND RECORDS

Sec. 40. Confidential information.

All reports and records furnished or submitted by handlers to the committee which include data or information constituting a trade secret or disclosing the trade position, financial condition, or business operations of the particular handlers or their customers shall be received by, and at all times kept in the custody and under the control of, one or more employees of the committee, who shall disclose such information to no person except the Secretary. Notwithstanding the above provisions of this section, information may be disclosed to the committee when reasonably necessary to enable the committee to carry out its functions under this agreement.

Sec. 41. Reports of acquisitions and shipments.

Each handler shall file such reports of his acquisitions and shipments of peanuts, as may be requested by the committee.

Sec. 42. Other reports.

Upon the request of the committee, with the approval of the Secretary, each handler shall furnish such other reports and information as are needed to enable the committee to perform its functions under this agreement.

Sec. 43. Records.

Each handler shall maintain such records of peanuts received, held and disposed of by him, as will substantiate any required reports and will show performance under this agreement. Such records shall be retained for at least 2 years beyond the crop year of their applicability.

Sec. 44. Verification of reports.

For the purpose of checking and verifying reports filed by handlers or the operation of handlers under the provisions of this agreement, the Secretary and the committee, through its duly authorized agents, shall have access to any premises where peanuts may be held by any handler and at any time during reasonable business hours, shall be permitted to inspect any peanuts so held by such handler and any and all records of such handler with respect to the acquisition, holding, or disposition of all peanuts which may be held or which may have been disposed of by him.

EXPENSES AND ASSESSMENTS

Sec. 47. Expenses.

The committee is authorized to incur such expenses as the Secretary finds are reasonable and likely to be incurred by it during each crop year for the maintenance and functioning of the committee and for such other purposes as the Secretary may, pursuant to the provisions of this agreement, determine to be appropriate.

Sec. 48. Assessments.

(a) Each handler shall pay to the committee, upon demand, with respect to peanuts received by him, including his own production, his pro rata share of all expenses, indemnification and other, which the Secretary finds are reasonable and likely to be incurred by the committee during each crop year. Each handler's pro rata share shall be the rate of assessment fixed by the Secretary per net ton of farmers stock peanuts received or acquired other than those peanuts described in section 31 (c) and (d). During a crop year the Secretary may not increase the rate of assessment to cover a deficit in the indemnification fund but may assess for a deficit in a subsequent year. An assessment rate may be increased to cover a deficit in the administrative fund.

(b) In order to provide funds to carry out the functions of the committee, the committee may borrow money or may accept advance payments from any handler to be credited toward such assessments as may be levied pursuant to this section against the respective handler.

(c) *Indemnification reserve.* The committee, with the approval of the Secretary, may establish and maintain during one or more crop years a monetary reserve in an amount approximating anticipated expenses for indemnification pursuant to section 36.

(d) *Refunds.* Administrative funds held by the committee at the conclusion of the crop year in excess of the crop year's expenses, other than indemnification funds, may be used to defray expenses for no more than the ensuing 4 months, and thereafter within a reasonable time the committee shall credit the aforesaid administrative excess to handlers who contributed to such excess: *Provided*, That the excess due any handler shall be applied, in whole or in part, by the committee to any outstanding obligation due the committee from such handler. Should any handler discontinue handling peanuts, such excess shall be refunded to him. A handler's share of such excess funds shall be the amount of such assessments he paid in excess of his actual pro rata share of the administrative expenses of the committee. Upon termination of this agreement any indemnification money in possession of the committee shall be turned over to any successor committee or disposed of, with the approval of the Secretary, for projects of benefit to the peanut industry and any residual together with any administrative money shall be distributed in such manner as the Secretary may direct: *Provided*,

That, to the extent practicable, such residual funds shall be returned pro rata to the persons from whom collected.

MISCELLANEOUS PROVISIONS

Sec. 50. Rights of the Secretary.

The members of the committee (including successors or alternates) and any agent or employee appointed or employed by the committee, shall be subject to removal or suspension by the Secretary, in his discretion, at any time. Each and every decision, determination, or other act of the committee shall be subject to the continuing right of the Secretary to disapprove of the same at any time, and upon such disapproval, shall be deemed null and void.

Sec. 51. Personal liability.

No member or alternate member of the committee, nor any employee, representative, or agent of the committee shall be held personally responsible to any handler, either individually, or jointly with others, in any way whatsoever, to any person, for errors in judgment, mistakes, or other acts, either of commission or omission, as such member, alternate member, employee, representative, or agent, except for acts of dishonesty.

Sec. 52. Separability.

If any provision of this agreement is declared invalid, or the applicability thereof to any person, circumstance, or thing is held invalid, the validity of the remainder, or the applicability thereof to any other person, circumstance, or thing, shall not be affected thereby.

Sec. 53. Derogation.

Nothing contained in this agreement is, or shall be construed to be, in derogation or in modification of the rights of the Secretary or of the United States to exercise any powers granted by the act or otherwise, or, in accordance with such powers, to act in the premises whenever such action is deemed advisable.

Sec. 54. Duration of immunities.

The benefits, privileges, and immunities conferred upon any person by virtue of this agreement shall cease upon its termination, except with respect to acts done under and during the existence thereof.

Sec. 55. Agents.

The Secretary may, by a designation in writing, name any person, including any officer or employee of the United States Government, or name any service, division or branch in the U.S. Department of Agriculture, to act as his agent or representative in connection with any of the provisions of this agreement.

Sec. 56. Effective time.

The provisions of this agreement, as well as any amendments, shall become effective at such time as the Secretary may declare, and shall continue in force until terminated or suspended in one of the ways specified in section 57.

Sec. 57. Suspension or termination.

(a) *Failure to effectuate policy of act.* The Secretary shall terminate or suspend the operation of any or all of the provisions of this agreement, whenever he finds that such provisions do not tend to effectuate the declared policy of the act. Moreover, if the provisions of the CCC price support program relating to purchases from shellers are discontinued, or change appreciably, consideration shall be given to termination of this agreement.

(b) *Referendum.* The Secretary shall terminate, in accordance with section 8c(16)(B) of the act, the provisions of this agreement at the end of any crop year whenever he finds that such termination is favored by a majority of the producers of peanuts who during the crop year have been engaged in the production of peanuts for market: *Provided*, That such majority have during such period produced for market more than 50 percent of the volume of such peanuts produced for market within the area, but such termination shall be effective only if announced on or before June 1 of the then current crop year.

(c) *Termination of Act.* The provisions of this agreement shall terminate, in any event, whenever the provisions of the act authorizing them cease to be in effect.

Sec. 58. Procedure upon termination.

Upon the termination of this agreement, the members of the committee then functioning shall continue as joint trustees, for the purpose of liquidating the affairs of the committee. Action by such trustees shall require the concurrence of a majority of said trustees. Such trustees shall continue in such capacity until discharged by the Secretary, and shall account for all receipts and disbursements and deliver all property on hand, together with all books and records of the committee and the joint trustees, to such person as the Secretary may direct; and shall, upon the request of the Secretary, execute such assignments or other instruments necessary or appropriate to vest in such person full title and right to all the funds, properties, and claims vested in the committee or the joint trustees, pursuant to this agreement. Any person to whom funds, property, or claims have been transferred or delivered by the committee or the joint trustees, pursuant to this section, shall be subject to the same obligations imposed upon the members of said committee and upon said joint trustees.

Sec. 59. Effect of termination or amendment.

Unless otherwise expressly provided by the Secretary, the termination of this agreement or of any regulation issued pursuant thereto, or the issuance of any amendment to either thereof, shall not (a) affect or waive any right, duty, obligation, or liability which shall have arisen or which may thereafter arise in connection with any provisions of this agreement or any regulation issued thereunder, or (b) release or extinguish any violation of this agreement or any regulation issued thereunder, or (c) affect or impair any rights or remedies of the Secretary, or of any other person, with respect to such violation.

Sec. 60. Counterparts.

This agreement may be executed in multiple counterparts and, when one counterpart is signed by the Secretary, all such counterparts shall constitute, when taken together, one and the same instrument as if all signatures were contained in one original.

Sec. 61. Additional parties.

After the effective date of this agreement, any handler may become a party hereto if a counterpart is executed by him and delivered to the Secretary. This agreement shall take effect as to such new contracting party at the time such counterpart is delivered to the Secretary and such party has complied with assessment obligations and the quality regulations applicable to the current crop. The benefits, privileges, and immunities conferred by this agreement shall then be effective as to such new contracting party.

The undersigned hereby authorizes the Secretary to correct typographical errors which may have been made in this marketing agreement.

In witness whereof, the contracting handlers, acting under the provisions of the act, and for the purposes and subject to the limitations therein contained, and not otherwise, have hereunto set their respective hands and seals.

Signature of party: _____
(Firm name)
_____
(Address)
By: _____
(Name)
_____
(Title)

Date of execution
(Corporate seal; if none, so state)

[F.R. Doc. 65-4975; Filed, May 11, 1965; 8:46 a.m.]

[7 CFR Parts 1097, 1102, 1108]

[Docket Nos. AO-219-A16, AO-237-A11, AO-243-A13]

MILK IN MEMPHIS, TENN., FORT SMITH, ARK., AND CENTRAL ARKANSAS MARKETING AREAS

Notice of Hearing on Proposed Amendments to Tentative Marketing Agreements and Orders

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of a public hearing to be held at the Chisca Hotel, 272 South Main Street, Memphis, Tenn., beginning at 10 a.m., local time, on May 20, 1965, and at the

Grady-Manning Hotel, Main and Markam Streets, Little Rock, Ark., beginning at 10 a.m., local time, on May 24, 1965, with respect to proposed amendments to the tentative marketing agreements and to the orders, regulating the handling of milk in the Memphis, Fort Smith, and central Arkansas marketing area.

The public hearing is for the purpose of receiving evidence with respect to the economic and marketing conditions which relate to the proposed amendments, hereinafter set forth, and any appropriate modifications thereof, to the tentative marketing agreements and to the orders.

The proposed amendments, set forth below, have not received the approval of the Secretary of Agriculture.

MEMPHIS ORDER

Proposed by Mid-South Milk Producers Association:

Proposal No. 1. Revise § 1097.7 "Fluid milk plant" to read as follows:

§ 1097.7 Fluid milk plant.

"Fluid milk plant" means:

(a) Any milk processing or packaging plant from which a volume of Class I milk equal to an average of 1,000 pounds or more per day, or not less than 5.0 percent of the Class I milk of such plant is disposed of during the month on routes (including routes operated by vendors) or through plant stores to retail or wholesale outlets (except other fluid milk plants) located in the marketing area;

(b) Any plant from which during the month Grade A milk, skim milk, or the milk equivalent in the form of cream in excess of 70,000 pounds (bulk or packaged fluid milk products) is moved to and received at a plant(s) described pursuant to paragraph (a) of this section and any of the skim milk or butterfat contained in such products would be allocated to Class I pursuant to § 1097.46 if such plant were not a fluid milk plant.

Proposal No. 2. Delete the definition of "Approved plant" in § 1097.8, and add a new § 1097.8 to read as follows:

§ 1097.8 Route disposition.

"Route disposition" means any delivery of a fluid milk product from a plant to wholesale or retail outlets (including any delivery by vendor, from a plant, store, or through a vending machine) other than a delivery to a milk plant. A delivery through a distribution point shall be attributed to the plant from which the Class I milk is moved through a distribution point to wholesale or retail outlets, without intermediate movement to another milk plant.

Proposal No. 3. Revise the language of the introductory text of § 1097.9 to read as follows:

§ 1097.9 Nonfluid milk plant.

"Nonfluid milk plant" means any milk manufacturing, processing or packaging plant other than a fluid milk plant. * * *

* * * * *

Proposal No. 4. Revise § 1097.10 "Handler" to read as follows:

§ 1097.10 Handler.

"Handler" means:

(a) Any person in his capacity as the operator of one or more fluid milk plants.

* * * * *

(c) Any cooperative association with respect to the milk of its member-producers which it causes to be delivered directly from the farm to the fluid milk plant(s) of another handler in a bulk tank truck owned and operated by, or under contract to, or under control of, such cooperative association, if the cooperative association requests of the market administrator, and notifies the market administrator and the handler to whom the milk is delivered, in writing, that it wishes to become the handler for such milk. The cooperative association shall be considered the handler for such bulk tank milk, effective the first day of the month following receipt of such request and notice, and shall account for the actual receipts from each producer as determined at the farm at prices applicable to receipts from producers at plants to which the cooperative association delivers the milk. The cooperative association, once it becomes the handler for such bulk tank milk, shall remain the handler for such bulk tank milk from month to month until the cooperative association requests of the market administrator that such status be discontinued. The change in status of a cooperative association in regard to being a handler pursuant to this section will be with the approval of the market administrator.

Proposal No. 5. Revise § 1097.11 "Producer" to read as follows:

§ 1097.11 Producer.

"Producer" means a dairy farmer (except a producer-handler or a dairy farmer who during the current month qualifies as a producer under another Federal milk order) who produces milk in compliance with the Grade A inspection requirements of a duly constituted health authority, which milk is:

(a) Received at a fluid milk plant; or

(b) Diverted from a fluid milk plant to a nonfluid milk plant, except a milk plant fully subject to the provisions of another Federal milk order issued pursuant to the Act, for the account of the handler. Milk so diverted shall be deemed to have been received by the diverting handler at the location of the plant from which it was diverted.

Proposal No. 6. Revise § 1097.13 "Other source milk" to read as follows:

§ 1097.13 Other source milk.

"Other source milk" means all skim milk and butterfat contained in:

(a) Receipts during the month at a fluid milk plant in the form of fluid milk products except:

* * * * *

Proposal No. 7. Revise § 1097.16 "Fluid milk product" to read as follows:

§ 1097.16 Fluid milk product.

"Fluid milk product" means the fluid form of milk, skim milk, buttermilk, plain or flavored milk drinks, sweet and sour cream (except aerated cream and sterilized products packaged in hermetically sealed containers not labeled as Grade A); and any mixture in fluid form of milk, skim milk, and cream except mixes for frozen dairy products. Egg nog and sour cream mixtures to which cheese or any food substance other than a milk product has been added shall be considered as fluid milk products only if disposed of under a Grade A label.

Proposal No. 8. Revise § 1097.30 "Reports of receipts and utilization" to read as follows:

§ 1097.30 Reports of receipts and utilization.

By mailing on or before the 6th day, or by delivery not later than the 7th day after the end of such month, each handler (except a producer-handler) for each of his fluid milk plants and any cooperative association with respect to milk for which it is a handler pursuant to § 1097.10 (b) or (c), shall report for such month to the market administrator in detail and on forms prescribed by the market administrator the following:

* * * * *

Proposal No. 9. Revise § 1097.31(b) (2) to read as follows:

§ 1097.31 Other reports.

* * * * *

(b) * * *

(2) By mailing on or before the 6th day, or by delivery not later than the 7th day after the end of such month, * * *

* * * * *

Proposal No. 10. Revise § 1097.42(b) (1) and (2) to read as follows:

§ 1097.42 Shrinkage.

* * * * *

(b) For each handler prorate the resulting respective amounts between:

(1) The pounds of skim milk and butterfat in other source milk received in the form of bulk fluid milk products exclusive of that specified in § 1097.41(b) (5); and

(2) Fifty times the maximum pounds of skim milk and butterfat pursuant to § 1097.41(b)(5).

Proposal No. 11. Revise § 1097.51(a) (1) to read as follows:

§ 1097.51 Class prices.

* * * * *

(a) *Class I milk.* The price per hundredweight for Class I milk for the month shall be the basic formula price for the preceding month, plus $1.50 in each of the months of March through July and $1.91 in all other months; plus or minus a supply-demand adjustment computed as follows:

(1) Divide the total pounds of producer milk in the second and third months preceding by the total gross pounds of Class I milk (excluding interhandler transfers) and multiply the result by 100 and round to the nearest whole number. The result shall be known as the "current utilization percentage."

* * * * *

Proposed by Cedar Grove Dairy, Dean Foods Co., Inc., Sealtest Foods, Division

formula price for the preceding month plus $1.74 in all months;

tion of skim milk and butterfat at the plant, make reports to the market ad-

other person as of the end of the month during which an application for the

health authority having jurisdiction in

from this hearing, to make the Memphis

Proposed by Cedar Grove Dairy, Dean Foods Co., Inc., Sealtest Foods, Division of National Dairy Products Corp., The Southland Corp. and Turner's Dairy Co.:

Proposal No. 12. A. Delete paragraph (a) of § 1097.51 and replace same with the following:

§ 1097.51 Class prices.

(a) *Class I milk price.* The price per hundredweight for Class I milk for the month shall be the basic formula price for the preceding month, plus $1.78 during the months of August, September, October, and November; plus $1.58 during the months of December, January, February, and July; and plus $1.38 during all other months.

* * * * *

B. Include in the Class I price provision in § 1097.51(a), a proviso to read as follows: "*Provided*, That the Class I price shall not exceed the price for Class I milk of 3.5 percent butterfat content established for the same month or delivery period pursuant to Part 1062 of this chapter regulating the handling of milk in the St. Louis, Mo., marketing area, plus 42 cents."

C. If the supply-demand Class I price adjustment provision is not removed from the order:

(a) Provide that the producer receipts and the Class I sales used in determining the supply-demand Class I price adjustment shall be limited to the producer receipts and the Class I sales of plants regulated by the Memphis, Tenn., Order No. 97.

(b) Provide that the Class I price shall not be increased or decreased more than 10 cents because of the supply-demand adjustment.

(c) Make such provision in the order as will require a full and complete reporting, as producer milk, for use in the supply portion of said supply-demand adjustment, the production of producers who deliver milk to handlers regulated by the Memphis Order No. 97.

(d) Provide for the purposes of determining the supply-demand ratio, the Class I quantity factor, which now represents the total Class I sales of all handlers regulated by the orders involved in the supply-demand determination, shall be reduced by the amount of Class I utilization of the handlers allocated to other source milk regulated by another Federal order.

Proposed by Avent Dairy:

Proposal No. 13. Revise paragraph (a) of § 1097.51 to read as follows:

§ 1097.51 Class prices.

* * * * *

(a) *Class I milk price.* The price per hundredweight for Class I milk for the month shall be the basic formula price for the preceding month, plus $1.50 in each of the months of March through July and $1.91 in all other months: *Provided*, That the price per hundredweight or Class I milk for the month received at a fluid milk plant located in the State of Mississippi and from which all Class I route disposition is made within the State of Mississippi shall be the basic formula price for the preceding month plus $1.74 in all months;

* * * * *

Proposed by Turner's Dairy:

Proposal No. 14. (a) Provide for a 9-cent location differential for plants located 40 but less than 60 miles from the City Hall in Memphis, Tenn., and add an additional 1.5 cents for each additional 10 miles; or

(b) Provide a location differential of 7.5 cents for plants located 40 but less than 50 miles from the City Hall in Memphis, with an additional 1.5 cents for each additional 10 miles.

Proposed by Foremost Dairies, Inc.:

Proposal No. 15. Make such changes as may be necessary, as a consequence of any amendments that may result from this hearing, to make the Memphis and Central Arkansas market orders conform with respect to the Class I price, and the supply-demand adjustor provisions.

Proposal No. 16. Add the following paragraph to § 1097.12:

§ 1097.12 Producer milk.

* * * * *

(d) Received directly from producers' farms for its account by a cooperative association and diverted to a manufacturing plant, other order plant or unregulated plant.

Proposal No. 17. Add the following paragraph to § 1097.22:

§ 1097.22 Duties.

* * * * *

(o) Prepare and disseminate to the public, statistics showing the milk that is received directly from producers' farms for its account by a cooperative association and diverted to a manufacturing plant, other order plant or unregulated plant.

Proposed by Mid-South Milk Producers Association:

Proposal No. 18. Revise § 1097.52 "Butterfat differential to handlers" to read as follows:

§ 1097.52 Butterfat differential to handlers.

For milk containing more or less than 3.5 percent butterfat, the class prices calculated pursuant to § 1097.51 shall be increased or decreased, respectively, for each one-tenth percent butterfat at a rate, rounded to the nearest one-twentieth of a cent, determined as follows:

(a) *Class I price.* Multiply the Chicago butter price for the previous month by 0.12;

(b) *Class II price.* Multiply the Chicago butter price for the month by 0.115.

Proposal No. 19. Revised § 1097.61 "Plants subject to other Federal orders" to read as follows:

§ 1097.61 Plants subject to other Federal orders.

A plant specified in paragraph (a) of this section shall be considered a nonfluid milk plant except that the operator of such plant shall, with respect to the total receipts and utilization or disposition of skim milk and butterfat at the plant, make reports to the market administrator at such time and in such manner as the market administrator may require, in lieu of the reports required pursuant to § 1097.30, and allow verification of such reports by the market administrator.

(a) Any plant qualified pursuant to § 1097.7 (a) or (b), which would be subject to the classification and pricing provisions of another order unless the Secretary determines that a greater volume of Class I milk was disposed of from such plant (in bulk or packaged form) to retail or wholesale outlets, including fluid milk plants, in the Memphis, Tenn., marketing area than in the marketing area regulated pursuant to such other Federal order.

Proposal No. 20. Revise § 1097.70(e) (1) and (2) to read as follows:

§ 1097.70 Net obligations of handlers.

* * * * *

(e) Add the amount obtained from multiplying the difference between the Class II price for the preceding month and the Class I price for the current month by the lesser of:

(1) The pounds of skim milk and butterfat subtracted from Class I pursuant to § 1097.46(a) (5) and the corresponding step of (b); or

(2) The pounds of skim milk and butterfat remaining in Class II (exclusive of shrinkage) after computations pursuant to § 1097.46(a) (7) (i) and the corresponding step of (b) for the preceding month.

* * * * *

Proposal No. 21. Revise § 1097.72 "Computation of the uniform prices for base and excess milk for handlers" so as to provide for the proration of the payment to two or more cooperatives who are handlers pursuant to § 1097.10 (c) on the basis of the base and excess milk of the supplying producers.

Proposal No. 22. Revise § 1097.82 "Base rules" in its entirety to read as follows:

§ 1097.82 Base rules.

The following rules shall apply in connection with the establishment and assignment of bases:

(a) Subject to the provisions of paragraph (b) of this section, the market administrator shall assign a base as calculated pursuant to § 1097.80 to each person for whose account producer milk was delivered during the months of September through January;

(b) If a producer ceases to deliver milk in his name between September 1 and the last day of January, but milk is delivered to a handler from the same dairy production facility in the name of another producer during the remainder of the base-forming period, the base earned by both producers shall be combined in the manner set forth in paragraph (c) (3) of this section if milk is delivered in the names of both producers during any of the immediately following months of March through July; and

(c) An entire base shall be transferred from a person holding such base to another person as of the end of the month during which an application for the transfer of such base is received by the market administrator, such application to be on forms approved by the market administrator and signed by the base holder or his heirs and by the person to whom such base is to be transferred subject to the following conditions:

(1) If a base is held jointly and such joint holding is terminated, the entire base may be transferred to one of the joint holders;

(2) An entire base or the proportionate share of a jointly held base may be transferred to another person if such person assumes the ownership or operation of the farm on which the base to be transferred was established; and

(3) If one or more bases are transferred to a producer already holding a base which was either earned by such producer or transferred to him, a new base shall be computed by adding together the total producer milk deliveries during the base-forming period of all persons in whose names such bases were earned and dividing the total by the total number of days in such period beginning with the first day on which milk was received during the base-forming period from any of such persons, but not less than 120 days.

Proposed by Cedar Grove Dairy, Dean Foods Co., Inc., Sealtest Foods, Division of National Dairy Products Corp., The Southland Corp. and Turner's Dairy Co.:

Proposal No. 23. A. Replace the present individual-handler type of pooling with marketwide pooling, whereby all producers delivering milk to all handlers will be paid uniform prices for all milk so delivered, irrespective of the uses made of such milk by the individual handler to whom it is delivered, pursuant to 7 U.S.C. 608(c) (5) (B) (ii), Agricultural Marketing Agreement Act.

B. Delete the present §§ 1097.7 and 1097.8 and replace with the following:

§ 1097.7 Approved plant.

"Approved plant" means any milk processing or packaging plant from which during the month Grade A milk is shipped to a pool plant, or from which fluid milk products are distributed on routes in the marketing area.

§ 1097.8 Pool plant.

"Pool plant" means any approved plant specified in paragraph (a) or (b) of this section, except a plant of a producer-handler or a plant for which a handler is exempt pursuant to § 1097.61.

(a) A plant at which during the month fluid milk products are processed or packaged and from which (1) disposition of fluid milk products on routes is at least 50 percent of total receipts of Grade A milk and (2) fluid milk products distributed on routes in the marketing area are at least 10 percent of its total disposition of fluid milk products on routes.

(b) A plant from which during the month there has been delivered to plants described in paragraph (a) of this section fluid milk products approved by any health authority having jurisdiction in the marketing area as eligible for distribution under a Grade A label in a volume not less than 50 percent of its receipts of milk from approved dairy farms: *Provided*, That any plant which qualified as a pool plant pursuant to this paragraph during each of the months of August through February shall be designated as a pool plant for the following months of March through July, unless the operator of such plant files with the market administrator a written request for withdrawal prior to the first day of the month for which nonpool status is requested, in which case the plant shall remain a nonpool plant until it again qualifies for pool status.

C. Delete the words "fluid milk plant" wherever now appearing in the order and replace same with the words "pool plant".

D. Delete the words "nonfluid milk plant" wherever now appearing in the order and replace same with the words "nonpool plant".

E. Make provisions for the maintenance of a "producer-settlement fund" by the market administrator into which the market administrator shall deposit the appropriate payments made by handlers pursuant to §§ 1097.90 and 1097.95, and payments by handlers operating partially regulated distributing plants, and out of which the market administrator shall make appropriate payments described pursuant to §§ 1097.91 and 1097.95.

F. Provide appropriate provisions for marketwide pooling with respect to allocation, transfers, payments by partially regulated distributing plants with respect to sales of Class I milk inside the marketing area, and payments by pool plants with respect to unregulated other source milk allocated to Class I.

CENTRAL ARKANSAS ORDER

Proposed by Foremost Dairies, Inc.:

Proposal No. 24. A. Delete paragraph (a) of § 1108.51 and replace with:

§ 1108.51 Class prices.

(a) *Class I milk price.* The price per hundredweight for Class I milk for the month shall be the basic formula price for the preceding month, plus $1.78 during the months of August, September, October, and November; plus $1.58 during the months of December, January, February, and July; and plus $1.38 during all other months.

* * * * *

B. If the supply-demand Class I price adjustment provision is not removed from the order:

Provide that for purposes of determining the supply-demand ratio, the Class I quantity factor, which now represents the total Class I sales of all handlers regulated by the orders involved in the supply-demand determination, shall be reduced by the amount of Class I utilization of the handlers allocated to other source milk regulated by another Federal order.

Proposal No. 25. Make such changes as may be necessary, as a consequence of any amendments that may result from this hearing, to make the Memphis and Central Arkansas market orders conform with respect to the Class I price, and the supply-demand adjustor provisions.

* * * * *

Proposal No. 26. Add the following paragraph to § 1108.15:

§ 1108.15 Producer milk.

(c) Received directly from producers' farms for its account by a cooperative association and diverted to a manufacturing plant, other order plant or nonregulated plant.

Proposal No. 27. Add the following paragraph to § 1108.27:

§ 1108.27 Duties.

* * * * *

(o) Prepare and disseminate to the public, statistics showing the milk that is received directly from producers' farms for its account by a cooperative association and diverted to a manufacturing plant, other order plant or nonregulated plant.

FORT SMITH ORDER

Proposed by Foremost Dairies, Inc.:

Proposed No. 28. Add the following paragraph to § 1102.11.

§ 1102.11 Producer milk.

* * * * *

"Producer milk" shall also include that milk received directly from producers' farm for its account by a cooperative association and diverted to a manufacturing plant, other order plant or nonregulated plant.

Proposal No. 29. Add the following paragraph to § 1102.22:

§ 1102.22 Duties.

* * * * *

(l) Prepare and disseminate to the public, statistics showing the milk that is received directly from producers' farms for its account by a cooperative association and diverted to a manufacturing plant, other order plant or nonregulated plant.

* * * * *

Proposed by the Dairy Division, Consumer and Marketing Service:

Proposal No. 30. Make such changes as may be necessary to make the entire marketing agreements and the orders conform with any amendments thereto that may result from this hearing.

Copies of this notice of hearing and the order may be procured from the Market Administrator, Charles S. McDonald, Post Office Box 12266, Binghampton Station, Memphis, Tenn., 38112, or from the Hearing Clerk, Room 112–A Administration Building, U.S. Department of Agriculture, Washington, D.C., 20250, or may be there inspected.

Signed at Washington, D.C., on May 7, 1965.

CLARENCE H. GIRARD,
Deputy Administrator,
Regulatory Programs.

[F.R. Doc. 65-5004; Filed, May 11, 1965; 8:47 a.m.]

[7 CFR Part 1138]

farms where it is produced. The order
and test of milk delivered by a cooperative

[7 CFR Part 1138]

[Docket No. AO-335-A4]

MILK IN RIO GRANDE VALLEY MARKETING AREA

Decision on Proposed Amendments to Tentative Marketing Agreement and to Order

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held at Albuquerque, N. Mex., on March 31–April 1, 1965, pursuant to notice thereof issued on March 18, 1965 (30 F.R. 3781).

Upon the basis of the evidence introduced at the hearing and the record thereof, the Deputy Administrator on April 22, 1965 (30 F.R. 5851; F.R. Doc. 65-4406), filed with the Hearing Clerk, U.S. Department of Agriculture, his recommended decision containing notice of the opportunity to file written exceptions thereto.

The material issues, findings and conclusions, rulings, and general findings of the recommended decision (30 F.R. 5851; F.R. Doc. 65-4406) are hereby approved and adopted and are set forth in full herein:

The material issues on the record of the hearing relate to:

1. Pricing of diverted milk;
2. A cooperative association as a handler of milk delivered in farm bulk tanks to pool plants;
3. The Class I price and location differentials;
4. A fall incentive or "Louisville" plan of payments to producers;
5. Payments to producers on a base and excess plan; and
6. Miscellaneous and conforming changes.

This decision is concerned only with issues No. 1 and No. 2, which are of immediate concern to interested parties. No evidence was received pertaining to proposals in the hearing notice to revise the producer butterfat differentials and modify the method of classifying inventory. Therefore no further action on these matters will be taken. The remaining issues will be considered in a separate decision at a later date.

Findings and conclusions. The following findings and conclusions are confined to material issues No. 1 and No. 2 and are based on evidence presented at the hearing and the record thereof:

1. *Pricing of diverted milk.* Milk diverted to a nonpool plant should be priced at the location of the pool plant from which diverted when the farm, on which the milk is produced, is located within the marketing area; and at the location of the nonpool plant where received when the farm, on which the milk is produced, is located outside the marketing area.

All of the provisions of the Rio Grande Valley order became effective for the first time on July 1, 1962. The provisions of the order at that time were such that milk diverted from a pool plant to a nonpool plant was priced at the location of the pool plant. On the basis of the promulgation record it was expected that this provision would accommodate the relatively small quantities of milk that might be diverted under the then current marketing conditions.

The order was amended effective August 1, 1963, to provide that milk diverted to a nonpool plant be priced at the location of such plant rather than at the pool plant from which diverted. A supply of milk in the State of Kansas, more than 600 miles away, had by then become associated with pool plants in the marketing area. Location adjustments of 60–75 cents per hundredweight applied to this milk when it was received at pool plants located in Kansas. However, when milk moved directly from farms in Kansas to pool plants located in the marketing area, producers received the blend price at the location of such pool plant. Milk diverted from such a pool plant was priced as if moved from the farms in Kansas to the pool plant in the marketing area. Milk thus diverted provided a "windfall" hauling allowance at the expense of the pool. The change in the point of pricing diverted milk was made to remove any incentive for associating this milk directly with a pool plant in the marketing area solely for the purpose of pricing and then diverting such milk to local manufacturing plants in Kansas.

On the basis of this record, it was shown that during the years 1963 and 1964 milk was received at pool plants in the marketing area directly from farms located in the States of Arizona, Colorado, Kansas, and Utah. These farms were located 300 to 700 miles from the pool plants where such milk was received. On occasion, some of the milk produced on farms located a long distance from the pool plant where normally received has been diverted to manufacturing plants located within relatively short distances from the location of such farms.

Milk produced on farms located within the marketing area, however, has been diverted from pool plants to nonpool manufacturing plants located 400 to 800 miles from the location of the farms where produced. With the exception of a few ice cream plants located within the marketing area, there are no manufacturing facilities to which producer milk may be diverted. For example, during 1964 one cooperative association, with producer members located in the Rio Grande Valley marketing area, diverted more than 27 million pounds of producer milk to nonpool plants located in Arkansas City, Kans., Chickasha, Okla., and Johnstown, Colo. These manufacturing plants are located approximately 400 to 800 miles from the farms where the milk was produced. This cooperative diverted nearly all the excess milk. Only minor quantities were diverted by other handlers. The cooperative association stated that the extra cost of hauling milk to the nonpool plants, as compared to delivering to the pool plant at which normally received, amounted to nearly $129,000 for the year 1964. At the same time, because of location differentials, producers received $47,000 less than the uniform price applicable at the pool plants at which their milk was normally delivered.

It was under these circumstances that the proponent cooperative proposed a change in pricing milk diverted from pool plants to nonpool plants located long distances from the farms where the milk was produced. It was their proposal that milk should be priced at the pool plant from which diverted, unless the location of the nonpool plant to which the milk is diverted is at least 200 miles nearer to the county seat of the county in which the farm is located than is the plant from which the milk was diverted. In the latter case, the present policy of pricing diverted milk at the location of the nonpool plant would be retained.

This proposal was supported by another cooperative association with producer members located in the Rio Grande Valley marketing area. No opposition testimony was received concerning this proposal.

Marketing conditions in the Rio Grande Valley marketing area are unique. There are approximately 215 producers with their farms located within the marketing area. These producers in December 1964 represented 50 percent of the total number of producers and delivered over 81 percent of the producer milk. When the milk from these farms, located in the marketing area, must be diverted from pool plants to nonpool plants where the milk can be manufactured into powder and condensed milk, it must be shipped for the most part 400 to 800 miles. On the other hand, milk is received at pool plants located in the marketing area directly from farms located in the general vicinity of Erie, Kans., Pueblo, Colo., and Richfield, Utah. These farms are approximately 300 to 700 miles from the pool plants where the milk is received. When the milk from these farms needs to be diverted, it is received at nonpool manufacturing plants within the vicinity of the farm locations. While most of the producer milk for the Rio Grande Valley market is produced within the marketing area, twenty percent or more of such milk comes from areas 300 to 700 miles away, with no substantial quantities of milk available on a regular supply basis in the intervening area.

Under the present diverse marketing conditions some producers located a long distance from the marketing area are in a position to have their milk diverted to manufacturing plants near to them with little or no extra transportation cost. For these producers, the present provision of pricing diverted milk at the location of the nonpool manufacturing plant is appropriate. On the other hand, producers located within the marketing area incur hauling costs from the farm to nonpool manufacturing plants greater than those to the pool plant.

The Rio Grande Valley market is perhaps unique with respect to the geographical location of its milk supply. As pointed out above, a major proportion of the milk supply is produced within the marketing area and the remainder is produced at distances of 300 to 700 miles from the marketing area. Producer milk at the distant locations may be diverted to nonpool plants relatively close to the farms where it is produced. The order now provides that with respect to this milk it will be priced at the location of the nonpool manufacturing plant when it is diverted. There was no proposal to change this.

The problem which needs to be dealt with is the location price to be applicable to milk produced within the marketing area when it is diverted. Because of the extraordinary distances which this milk must be transported in order to find a market as surplus milk, a modification should be adopted in the point of pricing so that the economic losses to producers will be somewhat reduced when such milk is diverted to the distant plants. Accordingly, it is provided that with respect to milk produced within the marketing area and diverted to nonpool plants it will be priced at the location of the plant from which diverted. Milk produced outside the marketing area (and which may be marketed at nonpool manufacturing plants at relatively nearby locations) will continue to be priced on the basis of the location of the plant to which it is diverted. This procedure simplifies and accommodates the revision proposed by producers.

2. *Cooperative association as a handler of milk delivered in farm bulk tanks to pool plants.* A cooperative association should be permitted to be a handler with respect to milk delivered from a farm to a pool plant in a tank truck owned and operated by or under contract to such association.

Under the current arrangements for marketing the milk of producers using farm bulk tanks, the amount of milk delivered by any such producer and the butterfat tests thereof, can be determined only by measurement at the farm and from butterfat samples taken at the farm. After milk has been pumped into the tank truck and commingled with the milk of other producers there is no further opportunity to measure, sample, or reject the milk of an individual producer except as the operator of the pool plant measures, samples, and accepts or rejects the entire load of milk. When bulk tank assembly routes are operated by or under the control of a cooperative association, the association determines the quantity of milk received from each producer, and takes the samples used to determine the butterfat test of each producer's milk. Since a cooperative controls the determination of the weight and butterfat of such milk, it should be held responsible for accounting to the pool for the quantities and butterfat content of such milk. A cooperative association should be required to give prior notification to the market administrator and the receiving handler when the association intends to be the responsible handler for these functions.

If the handler receiving bulk tank milk for which a cooperative association is the handler accepts the farm weights and individual producer tests as the basis for determining the quantity and test of milk received, he should be allowed the full two percent Class II shrinkage allowance provided for receipts of producer milk. If, on the other hand, the quantity and test of milk delivered by a cooperative association is determined by tank load lots, the shrinkage allowance should be the same as on bulk tank lots from other handlers (1.5 percent), and the cooperative association as the receiving handler should have the remaining one-half percent as a shrinkage allowance.

The operator of the pool plant to which the milk is delivered, continues, however, to be the handler upon whose utilization the classification of such milk depends. In settling for milk it receives in bulk tanks from a cooperative association handler, the pool plant handler should pay the uniform producer price to the cooperative association and make settlement for pool equalization with the market administrator. A cooperative association, however, is responsible for pool equalization with the market administrator for any milk diverted for its account to a nonpool plant and for any differences between quantity of milk as determined at the farm and the quantity delivered to each pool plant of another handler. This system has the merit that any adjustments found on audit of a handler's records will be made directly with such handler.

For the purpose of location adjustments to producers, milk for which a cooperative association is the handler should be considered to have been received from producers by the cooperative association at the location of the pool plant to which it is delivered.

Enabling a cooperative to be a handler on its member-producers' bulk tank milk will afford a more satisfactory basis of accounting for such milk and will provide added flexibility to a cooperative association in allocating its members' bulk tank milk among handlers at any time such flexibility is needed. The pool plant operator, however, would continue to be responsible to the producer-settlement fund and for the administrative assessment on such milk.

Rulings on proposed findings and conclusions. Briefs and proposed findings and conclusions were filed on behalf of certain interested parties. These briefs, proposed findings and conclusions and the evidence in the record were considered in making the findings and conclusions set forth above. To the extent that the suggested findings and conclusions filed by interested parties are inconsistent with the findings and conclusions set forth herein, the requests to make such findings or reach such conclusions are denied for the reasons previously stated in this decision.

General findings. The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be inconflict with the findings and determinations set forth herein.

(a) The tentative marketing agreement and the order, as hereby proposed to be amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(b) The parity prices of milk as determined pursuant to section 2 of the Act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the marketing area, and the minimum prices specified in the proposed marketing agreement and the order, as hereby proposed to be amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(c) The tentative marketing agreement and the order, as hereby proposed to be amended, will regulate the handling of milk in the same manner as, and will be applicable only to persons in the respective classes of industrial and commercial activity specified in, a marketing agreement upon which a hearing has been held.

Rulings on exceptions. In arriving at the findings and conclusions, and the regulatory provisions of this decision, each of the exceptions received was carefully and fully considered in conjunction with the record evidence pertaining thereto. To the extent that the findings and conclusions, and the regulatory provisions of this decision are at variance with any of the exceptions, such exceptions are hereby overruled for the reasons previously stated in this decision.

Marketing agreement and order. Annexed hereto and made a part hereof are two documents entitled respectively, "Marketing Agreement Regulating the Handling of Milk in the Rio Grande Valley Marketing Area", and "Order Amending the Order Regulating the Handling of Milk in the Rio Grande Valley Marketing Area", which have been decided upon as the detailed and appropriate means of effectuating the foregoing conclusions.

It is hereby ordered, That all of this decision, except the attached marketing agreement, be published in the FEDERAL REGISTER. The regulatory provisions of said marketing agreement are identical with those contained in the order as hereby proposed to be amended by the attached order which will be published with this decision.

Determination of representative period. The month of February 1965 is hereby determined to be the representative period for the purpose of ascertaining whether the issuance of the attached order, as amended and as hereby proposed to be amended, regulating the handling of milk in the Rio Grande Valley marketing area, is approved or favored by producers, as defined under the terms of the order, as amended and as hereby proposed to be amended, and who, during such representative period, were engaged in the production of milk for sale within the aforesaid marketing area.

Signed at Washington, D.C., on May 7, 1965.

GEORGE L. MEHREN,
Assistant Secretary.

Order Amending the Order Regulating the Handling of Milk in the Rio Grande Valley Marketing Area

of this order, and are set forth in full this section, except that receipts in Grade

Order[1] *Amending the Order Regulating the Handling of Milk in the Rio Grande Valley Marketing Area*

§ 1138.0 Findings and determinations.

The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the Rio Grande Valley marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order as hereby amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(2) The parity prices of milk, as determined pursuant to section 2 of the Act, are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the order as hereby amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(3) The said order as hereby amended, regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial or commercial activity specified in, a marketing agreement upon which a hearing has been held.

Order relative to handling. It is therefore ordered, that on and after the effective date hereof, the handling of milk in the Rio Grande Valley marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as amended and as hereby amended, as follows:

The provisions of the proposed marketing agreement and order amending the order contained in the recommended decision issued by the Deputy Administrator, on April 22, 1965, and published in the FEDERAL REGISTER on April 27, 1965 (30 F.R. 5851; F.R. Doc. 65-4406), shall be and are the terms and provisions of this order, and are set forth in full herein:

1. Section 1138.7(b)(4) is revised to read as follows:

§ 1138.7 Producer.

* * * * *

(b) * * *

(4) For the purposes of location adjustments pursuant to §§ 1138.52 and 1138.81, milk diverted to a nonpool plant shall be considered to have been received at the location of the pool plant from which diverted when the farm on which the milk is produced is located within the marketing area and at the location of the nonpool plant where received when the farm on which the milk is produced is located outside the marketing area.

2. In § 1138.9, a new paragraph (c) is added to read as follows:

§ 1138.9 Handler.

* * * * *

(c) A cooperative association with respect to the milk of its member producers which is received from the farm for delivery to the pool plant of another handler in a tank truck owned and operated by or under contract to such cooperative association, if the cooperative association notified the market administrator and the operator of the pool plant to whom the milk is delivered, in writing prior to the first day of the month in which the milk is delivered, that it elects to be a handler for such milk. For purposes of location adjustments to producers such milk is considered to have been received from producers by the cooperative association at the location of the pool plant to which it is delivered.

3. Section 1138.30 is revised to read as follows:

§ 1138.30 Reports of receipts and utilization.

On or before the eighth day after the end of each month, the following handlers shall report to the market administrator in the detail and on forms prescribed by the market administrator for each plant as follows:

(a) Each handler who operates pool plant(s) shall report:

(1) The receipts of producer milk, the average butterfat test, and the pounds of butterfat contained therein;

(2) The quantities of skim milk and butterfat contained in fluid milk products received from other handlers;

(3) The quantities of skim milk and butterfat contained in receipts of other source milk;

(4) The pounds of skim milk and butterfat contained in all fluid milk products on hand at the beginning and at the end of the month;

(5) The utilization of all skim milk and butterfat required to be reported pursuant to this section;

(6) The disposition of fluid milk products in the marketing area on routes; and

(7) Such other information with respect to receipts and utilization as the market administrator may prescribe;

(b) Each handler who operates a partially regulated distributing plant shall report as required in paragraph (a) of this section, except that receipts in Grade A milk shall be reported in lieu of those in producer milk; and

(c) Each cooperative association shall report with respect to milk for which it is a handler pursuant to either § 1138.9 (b) or (c) as follows:

(1) Receipts of skim milk and butterfat from producers;

(2) Utilization of skim milk and butterfat for which it is the handler pursuant to § 1138.9(b);

(3) The quantities delivered to each pool plant of another handler pursuant to § 1138.9(c);

(4) The name and number of days of delivery, with the address of any producer not previously reported, the total pounds of milk and the pounds of butterfat received from each producer; and

(5) Such other information as the market administrator may require.

4. In § 1138.41, paragraph (b)(7) is revised to read as follows:

§ 1138.41 Classes of utilization.

* * * * *

(b) * * *

(7) In shrinkage allocated to receipts of skim milk and butterfat pursuant to § 1138.42(b)(1) but not in excess of:

(i) 2 percent of receipts of milk received directly from producers; plus

(ii) 1.5 percent of receipts from a cooperative association in its capacity as a handler pursuant to § 1138.9(c), except that if the handler operating the pool plant notifies the market administrator that he is purchasing such milk on the basis of farm weights determined from farm bulk tank calibrations and individual producer tests, the applicable percentage shall be 2 percent; plus

(iii) 1.5 percent of receipts of milk received in bulk tank lots from other pool plants; plus

(iv) 1.5 percent of receipts of fluid milk products in bulk tank lots from an other order plant, exclusive of the quantity for which Class II utilization was requested by the operator of such plant and the handler; plus

(v) 1.5 percent of receipts of fluid milk products in bulk tank lots from unregulated supply plants, exclusive of the quantity for which Class II utilization was requested by the handler; less

(vi) 1.5 percent of milk disposed of in bulk tank lots to pool plants (when the exceptions specified in subdivision (ii) of this subparagraph applies, the applicable percentage shall be two percent).

* * * * *

5. In § 1138.43, a new paragraph (c) is added to read as follows:

§ 1138.43 Responsibility of handlers and reclassification of milk.

* * * * *

(c) For the purposes of §§ 1138.41 through 1138.46, 1138.50 through 1138.54, and 1138.70 through 1138.72, milk delivered by a cooperative association in its capacity as a handler pursuant to § 1138.9(c) shall be classified and allocated as producer milk according to the use or disposition by the receiving handler and the value thereof at class prices shall be included in the receiving handler's net pool obligation pursuant to § 1138.70. For purposes of location adjustments pursuant to § 1138.52 and administrative expense pursuant to § 1138.86, such milk shall be treated as producer milk of the receiving handler.

6. In § 1138.70, the introductory text is revised to read as follows:

§ 1138.70 Computation of the net pool obligation of each pool handler.

The net pool obligation of each pool handler for each pool plant and of each cooperative association in its capacity as a handler pursuant to § 1138.9 (b) or (c) during each month shall be a sum of money computed by the market administrator as follows:

* * * * *

7. In § 1138.80, the introductory text is revised and a new paragraph (e) is added to read as follows:

§ 1138.80 Payment to producers.

Except as provided in paragraphs (c) and (e) of this section, each handler, except a cooperative association, shall make payment to each producer from whom milk is received as specified in paragraphs (a) and (b) of this section:

* * * * *

(e) Each handler who receives milk for which a cooperative association is the handler pursuant to § 1138.9(c), shall, on or before the second day prior to the date payments are due individual producers, pay such cooperative association for such milk as follows:

(1) An advance payment for milk received during the first 15 days of the month at the rate specified in paragraph (a) of this section; and

(2) In making final settlement, the value of such milk at the applicable uniform price, less the amount of advance payment made on such milk.

8. In § 1138.84, paragraph (a) is revised to read as follows:

§ 1138.84 Payments to the producer-settlement fund.

* * * * *

(a) The sum of:

(1) The total of the net pool obligation computed pursuant to § 1138.70 for such handler; and

(2) In the case of a cooperative association which is a handler, the minimum amount due from other handlers pursuant to § 1138.80(e);

* * * * *

[F.R. Doc. 65-4976; Filed, May 11, 1965; 8:46 a.m.]

[1] This order shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders have been met.

FEDERAL AVIATION AGENCY

[14 CFR Parts 91, 129]

[Reg. Docket No. 6395; Notice 64-53A]

AIRBORNE DISTANCE MEASURING EQUIPMENT; FOREIGN AIRCRAFT

Reopening of Time for Public Comment

On December 18, 1964, the Federal Aviation Agency issued a notice of proposed rule making to require airborne distance measuring equipment on foreign aircraft. This notice was published in the FEDERAL REGISTER on December 23, 1964 (29 F.R. 16233), and indicated that the Agency would consider all comments received by February 22, 1965. It has come to the Agency's attention that some foreign carriers, who did not receive a copy of this notice through the Agency's normal distribution, desire to make comments on this proposal. Accordingly, the Agency has determined that it is in the public interest to reopen the comment period on this notice until May 31, 1965, to give all interested parties additional time to comment. All communications received by that date will be considered by the Administrator before taking action on the proposed rule. Communications should identify the regulatory docket or notice number and be submitted in duplicate to the Federal Aviation Agency, Office of the General Counsel, Attention: Rules Docket, 800 Independence Ave S.W., Washington, D.C., 20553. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons.

Issued in Washington, D.C., on May 10, 1965.

G. S. MOORE,
Director, Flight Standards Service.

[F.R. Doc. 65-5048; Filed, May 11, 1965; 8:48 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 15]

[Docket No. 13863; FCC 65-363]

USE OF RADIO FREQUENCY OPERATED INTRUDER ALARMS

Second Notice of Proposed Rule Making

In the matter of amendment of Part 15 of the Commission's rules to add regulations governing the use of radio frequency operated intruder alarms, Docket No. 13863, RM-64, RM-153.

1. On June 20, 1963, the Commission issued a notice of proposed rule making to amend Part 15 of the rules to add regulations governing the use of radio frequency operated intruder alarms. (28 F.R. 6567, June 26, 1963.)

2. Comments were received from Notifier Corp., Sylvania Electric Products, Inc., Pinkerton Electro-Security Corp., American District Telegraph Co. (ADT), and Babcock Electronics Corp. All of these are manufacturers who now produce an intruder alarm or who propose to market such a system as soon as rules are adopted.

3. Sylvania, Pinkerton, and ADT commented that the proposed radiation limit of 500 microvolts per meter (μv/m) at 100 feet was far below the level required for reliable operation. Sylvania reported that the bi-static system they manufacture for military use required one to three volts per meter at 100 feet. Pinkerton reported that a limit of 50,000 μv/m at 100 feet was required for satisfactory operation of their Radar Eye equipment. ADT reported that at least one half volt per meter at 100 feet was required for operation at 22,125 Mc/s. ADT also proposed that the out-of-band radiation limit be relaxed on harmonics of the operating frequency.

4. The Commission is now proposing that the radiation limit be increased to one volt per meter at a distance of 100 feet within the permitted bands and is adding a power limit: one-half watt of RF power into the antenna. In line with ADT's suggestion, the radiation limit on harmonics would be 500 μv/m at 100 feet. A limit of 100 μv/m at 100 feet would apply to all other out-of-band radiation.

5. Sylvania requested that frequencies in the 1800 Mc/s band be authorized for intruder alarms. A system operating on these frequencies has been designed by Sylvania and is in use by the Government. Sylvania reported that the chief problem in shifting operation of their system up to 2450 Mc/s was the present lack of a satisfactory oscillator tube. However, they expected that "a suitable oscillator can and will be developed" if 2450 Mc/s were made available for intruder alarm use. Under these circumstances, the Commission does not believe that granting Sylvania's request will be in the public interest.

6. Pinkerton Electro-Security Corp., the successor to one of the original petitioners in this proceeding, is continuing to produce the Radar-Eye equipment which operates on a frequency of 401 Mc/s and requests inclusion of this frequency in the new rules. Pinkerton pointed out a number of factors which would be to their disadvantage if the Radar-Eye must be redesigned to operate on a higher frequency. However, Pinkerton's investment in the Radar-Eye was made despite the knowledge that the system could not be operated in compliance with the FCC Rules and Regulations. The requested frequency is in a band designated for meteorological aids and space communications. The Commission believes that the public interest would not be served by permitting these frequencies to be used for nonlicensed devices in the hands of the general public.

7. The Commission is proposing to add a fourth frequency band, 10,525±25 Mc/s, to the three proposed in the original notice. The permitted bands would also be wider than in the original proposal in line with the suggestion in several comments. The following four frequency bands are proposed for use by intruder alarms using an unmodulated continuous carrier (AO emission):

905–925 Mc/s (915±10 Mc/s).
2,425–2,475 Mc/s (2,450±25 Mc/s).
10,500–10,550 Mc/s (10,525±25 Mc/s).
22,025–22,225 Mc/s (22,125±100 Mc/s).

8. ADT expressed concern that intruder alarm systems presently operating below 70 Mc/s in compliance with the limitations in Part 15 would be outlawed by the proposed rules. The Commission has no such intention and is including a provision in the current proposal to permit operation of intruder alarms on fre-

quencies below 905 Mc/s subject to the limitations contained in § 15.7.

9. Comments regarding the Commission's proposal to require type approval ranged from Sylvania's suggestion that licensed operation would probably be required, to ADT's request for waiver of type approval for equipment installed and maintained by the manufacturer or his agent and not sold to the public. Pinkerton requested that the prohibition against changes in type approved equipment apply only to the RF section of intruder alarms.

10. The Commission has reconsidered the proposal for type approval and is proposing instead that the equipment be certificated by the user or the manufacturer as capable of operation in compliance with Part 15 based on comprehensive measurements. A copy of the certificate together with the measured data would have to be submitted to the Commission prior to operation of the equipment. The proposed rules also provide for prototype certification by the manufacturer.

11. This proposal to amend the Commission's rules is issued under the authority of sections 4(i), 303(g), and 303 (r) of the Communications Act of 1934, as amended.

12. Comments in support of or in opposition to the proposed amendment may be filed on or before June 15, 1965. Reply comments may be filed on or before June 30, 1965. All relevant and timely comments and reply comments will be considered by the Commission before final action is taken in this proceeding. In reaching its decision in this proceeding, the Commission may also take into account other relevant information before it, in addition to the specific comments invited by this Notice.

13. In accordance with the provisions of § 1.419 of the Commission's rules, an original and 14 copies of all statements, briefs, or comments filed shall be furnished the Federal Communications Commission.

Adopted: May 5, 1965.

Released: May 6, 1965.

FEDERAL COMMUNICATIONS COMMISSION,[1]
[SEAL] BEN F. WAPLE,
Secretary.

Part 15 is amended as follows:

1. Section 15.4 is amended by adding a new paragraph (j) to read as follows:

§ 15.4 Definitions.

* * * * *

(j) *Intruder alarm.* A restricted radiation device which establishes a radio frequency field in its vicinity for the purpose of detecting changes in that field resulting from the movement of persons or objects within the radio frequency field.

2. A new Subpart F (§§ 15.271–15.288) is added to read as follows:

[1] Commissioners Bartley and Loevinger absent.

Subpart F—Intruder Alarms

Sec.
15.271 General conditions of operation.
15.273 Frequencies of operation.
15.275 Radiation limits above 905 Mc/s.
15.277 Power.
15.278 Type of emission.
15.281 Certification of intruder alarms.
15.282 Content of the intruder alarm certificate.
15.283 Report of measurements of intruder alarm.
15.285 Identification of certificated intruder alarms.
15.288 Interference from intruder alarms.

§ 15.271 General conditions of operation.

(a) No intruder alarm manufactured after _____ shall be operated on frequencies above 905 Mc/s until a certificate attesting compliance with the technical requirements of this subpart has been filed with the Commission as provided in § 15.281.

(b) An intruder alarm may be operated on frequencies below 905 Mc/s subject to the provisions of § 15.7

§ 15.273 Frequencies of operation.

An intruder alarm may be operated within one of the frequency bands listed below subject to the limitations in §§ 15.275–15.278:

905–925 Mc/s (915±10 Mc/s).
2,425–2,475 Mc/s (2,450±25 Mc/s).
10,500–10,550 Mc/s (10,525±25 Mc/s).
22,025–22,225 Mc/s (22,125±100 Mc/s).

NOTE: The Commission recommends that the carrier frequency be set within the central 50 percent of the band to reduce the possibility of out-of-band radiation.

§ 15.275 Radiation limits above 905 Mc/s.

(a) The radiation of radio frequency energy on the fundamental frequency shall be limited to a field strength of one volt per meter at any point 100 feet or more from the device.

(b) The radiation on harmonics of the fundamental frequency shall be suppressed at least 60 db below the level at the fundamental frequency, and in no event shall harmonic radiation exceed a field strength of 500 uv/m at any point 100 feet or more from the device.

(c) Other spurious radiations shall be suppressed at least 80 db below the level at the fundamental frequency, and in no event shall such spurious radiation exceed a field strength of 100 uv/m at any point 100 feet or more from the device.

§ 15.277 Power.

The radio frequency power into the antenna on the fundamental frequency of any intruder alarm operating above 905 Mc/s, shall not exceed one-half watt.

§ 15.278 Type of emission.

Emissions from any intruder alarm operating above 905 Mc/s shall be limited to an unmodulated carrier (AO).

§ 15.281 Certification of intruder alarms.

(a) No intruder alarm manufactured after _____ may be operated on frequencies above 905 Mc/s until a certificate attesting compliance with the provisions of this subpart has been filed with the Commission.

(b) The certificate required by this subpart may be executed by the owner or by the manufacturer of the equipment.

§ 15.282 Content of the intruder alarm certificate.

(a) The manufacturer, model, and serial number, or other positive identification of the intruder alarm.

(b) The conditions under which the equipment shall be operated.

(c) The antenna to be used with the device.

(d) The report of measurements pursuant to § 15.283.

(e) A statement certifying that under the described conditions of operation and normal maintenance, the certificated intruder alarm may reasonably be expected to meet the requirements of this subpart.

(f) If filed by the manufacturer, a copy of the installation and operating instructions provided to the user. These instructions should be in sufficient detail to insure that operation will comply with the technical requirements of this subpart.

(g) If filed by the manufacturer, a statement certifying that production will be adequately controlled to insure that all units produced are capable of operating in compliance with the technical requirements of this subpart.

(h) Date of certificate.

(i) Signature. If filed by the manufacturer, the certificate shall be signed by a responsible official authorized to sign for the manufacturer and shall show his title.

§ 15.283 Report of measurements of intruder alarm.

The report of measurements may be prepared by any engineer skilled in making and interpreting the measurements that are required and shall contain the following information:

(a) Identification of the intruder alarm that was measured.

(b) A list of the measuring equipment used, including model and serial numbers and the date when last calibrated.

(c) A brief description of the measurement procedure used.

(d) A report of the measurements obtained on fundamental, harmonic and other spurious frequencies.

(e) Representative calculations used in computing equivalent field strength showing typical examples of each factor used for each measurement.

(f) The date the measurements were made.

(g) The name and address of the engineer who made the measurements and the name and address of his employer, if any.

(h) The signature of the engineer responsible for the report.

§ 15.285 Identification of certificated intruder alarms.

(a) Each certificated intruder alarm shall be identified by a distinctive seal or label, which may be a part of the name plate.

(b) The seal or label shall state that a certificate has been filed with the Commission attesting compliance with the requirements of this subpart.

(c) The seal or label shall state further:

"Operation of this equipment is subject to the condition that no harmful interference is caused and that any interference received, including interference which causes undesired operation of this equipment, must be accepted."

(d) The seal or label shall be permanently attached to the equipment and shall be readily visible for inspection by prospective purchasers.

(e) This identifying seal or label may be attached only after the certificate for the equipment has been filed with the Commission pursuant to § 15.281.

§ 15.288 Interference from intruder alarms.

The operator of an intruder alarm which causes harmful interference to an authorized radio service shall promptly stop operating the device. Operation shall not be resumed until the condition causing the harmful interference has been eliminated. See § 15.3.

[F.R. Doc. 65–5007; Filed, May 11, 1965; 8:48 a.m.]

[47 CFR Part 73]

[Docket No. 16006; FCC 65–386]

TABLE OF ASSIGNMENTS; FM BROADCAST STATIONS

Notice of Proposed Rule Making

In the matter of amendment of § 73.202, *Table of Assignments, FM Broadcast Stations* (New Albany, Ohio, Decatur, Ind., Elizabethton, Tenn., Ocean City, N.J., Oakland (Western) Md., Fairmont and Keyser, W. Va., Aiken, S.C., and Louisville, Ga., Copperhill, Clinton, Dayton, and Oak Ridge, Tenn., Winter Park and Leesburg, Fla., Crossville and Athens, Tenn., and Tucson, Ariz.), Docket No. 16006, RM–694, RM–739, RM–740, RM–743, RM–731, RM–750, RM–736, RM–675, RM–745, RM–693, RM–751.

1. Notice is hereby given of proposed rule making in the above entitled matters, concerning amendment of the FM Table of Assignments contained in § 73.202 of the Commission's rules. All proposed new assignments are alleged and appear to meet the separation requirements of the rules. All proposed assignments which are within 250 miles of the United States-Canadian border require coordination with the Canadian Government under the terms of the Canadian-United States FM Agreement of 1947 and the Working Arrangement of 1963. Except as noted, all channels proposed for shift or deletion are unoccupied and not applied for. Except where indicated, all population figures are from the 1960 U.S. Census.

2. RM–694. New Albany, Ohio (Christian Voice of Central Ohio, Inc.), RM–739. Decatur, Ind. (Afron, Inc.), RM–740. Elizabethton, Tenn. (Holston Broadcasting Corp.), RM–743. Ocean City, N.J. (Salt-Tee Radio, Inc.). In these four cases, interested parties have sought the addition of a Class A channel to a community presently having no FM assignment, without requiring any other changes in the table. All are of substantial size (with the exception of New Albany, Ohio), and appear to warrant the proposed assignments. Comments are therefore invited on the additions to the table listed below:

City	Channel No.	
	Present	Proposed
Decatur, Ind.		224A
Elizabethton, Tenn.		257A
Ocean City, N.J.		[1] 292A
New Albany, Ohio		250A

[1] A site for the use of this assignment would have to be selected approximately 2 miles out of the city to meet the required separation rules.

3. RM–731. Oakland (Western), Md. On February 18, 1965, Oakland Radio Station Corp., licensee of Station WMSG (AM), Oakland, Md., filed a petition requesting rule making to substitute Channel 243 for 244A in Oakland by making other necessary changes in the table as follows:

City	Channel No.	
	Present	Proposed
Oakland, Md.	244A	243
Fairmont, W. Va.	261A	260A
Keyser, W. Va.	240A	261A

Oakland, a community of 1,977 persons, is the largest community and county seat of Garrett County, which has a population of 20,420 persons. WMSG is the only station in the county and operates daytime-only. Petitioner submits that Oakland is the established trading center, not only for Garrett County, but adjoining Preston and Tucker Counties in West Virginia and has the largest business district in the area. It urges that only a Class B channel could serve this area because of its size (Garrett County comprises 662 square miles) and rugged mountainous terrain. Only a Class B station, it contends, could be economically feasible in view of the sparse population, many of whom do not receive any primary nighttime radio broadcast service. It also points out that the summertime population doubles due to the many vacation and resort facilities in the general area and that only a Class B facility would provide adequate signals to these areas. Finally, petitioner submits that there are no applications pending for any of the assignments affected by the proposal and that all assignments meet the mileage requirements of the rules.

4. While our general policy has been to assign Class A channels to the smaller communities and Class B or C channels to the large cities and metropolitan areas, we have made exceptions in those cases where the small community was far removed from any large city and the area was largely rural in character. Oakland may be the type of community which warrants a departure from the general policy. We are of the view that the proposal merits rule making and are inviting comments on the proposed changes as follows:

City	Channel No.	
	Present	Proposed
Oakland, Md.	244A	243
Fairmont, W. Va.	261A	260A
Keyser, W. Va.	240A	261A

5. RM–736. Aiken, S.C. On February 25, 1965, Soundcasting, Inc., applicant for a new FM station in Aiken, S.C., filed a petition requesting the assignment of Channel 240A to Aiken in addition to the present assignment, Channel 257A by substituting Channel 221A for Channel 240A at Louisville, Ga. There is no application on file for Channel 240A at Louisville. Aiken, with a population of 11,243, is the county seat of Aiken County, which has a population of 81,038 persons. It has two daytime-only AM radio stations and has been assigned one Class A assignment, Channel 257A. There are two applications on file for this assignment but these have not yet been designated for a comparative hearing. Petitioner urges that the proposal would eliminate a lengthy comparative hearing, provide competitive FM service at the earliest possible date, and would comply with all the mileage requirements of the rules.

6. The Commission believes that Aiken may be large and important enough to warrant the assignment of two FM assignments and is inviting comments on the petitioner's proposal as follows:

City	Channel No.	
	Present	Proposed
Aiken, S.C.	257A	240A, 257A
Louisville, Ga.	240A	221A

7. RM–675. Copperhill, Tenn., and RM–745. Clinton, Tenn. These two cases are related and so will be considered together. On October 26, 1964, Copper Basin Broadcasting Co., Inc., licensee of Station WLSB(AM), Copperhill, Tenn., filed a petition requesting the assignment of Channel 280A to Copperhill by substituting Channel 285A for 280A at Dayton, Tenn. Copperhill is a small community of only 631 persons located in the southeastern corner of Tennessee, but petitioner urges that the assignment would provide a local nighttime service to the rural areas of Blue Ridge, McCaysville, and Morgantown, all in Georgia, as well as Copperhill. Copper Basin further states that the local Class IV station in that community, Station WLSB, is so limited at night because of interference, that it cannot serve beyond the city limits of Copperhill.

8. The proposal to assign Channel 285A to Dayton, as proposed by Copper Basin, would conflict with an application filed by Radio Active Broadcasting, Inc. (BPH–4734), for the use of Channel 285A at Oak Ridge, Tenn., since the separation between these two reference points is less than the required 65 miles. There is also on file another application for the use of Channel 285A, that of Clinton

Broadcasters, Inc. (BPH–4634), requesting its use at Clinton, Tenn., under the

sary to compete with the Orlando sta-

posal conforms to all the rules and that

Broadcasters, Inc. (BPH-4634), requesting its use at Clinton, Tenn., under the "25 mile rule". The assignment of Channel 285A at Dayton would not conflict with the use of Channel 285A at Clinton.

9. I norder to remove the conflict with the Radio Active application for Channel 285A at Oak Ridge and with the proposed assignment of Channel 285A at Dayton, on March 19, 1965, Clinton Broadcasters, Inc., licensee of Station WYSH(AM), Clinton, Tenn., filed a petition for rule making (RM-745) requesting the assignment of Channel 285A to Clinton and the substitution of Channel 232A for 285A at Oak Ridge. Clinton, a community of 4,943 persons, is the county seat of Anderson County and is located about 18 miles northwest of Knoxville. The largest community in Anderson County is Oak Ridge with a population of 27,169 persons. Clinton Broadcasters submits that this community has a daytime-only AM station and that there is no other satisfactory nighttime servce available. It urges that not only would its proposal remove the two above-mentioned conflicts but that it would provide the community of Clinton with a much-needed outlet for local programs at night and would thus serve the public interest.

10. We are of the view that comments should be invited on the Copper Basin and Clinton proposals in order that all interested parties may submit their views and relevant data. Comments are therefore invited on the following:

City	Channel No.	
	Present	Proposed
Copperhill, Tenn.		280A
Clinton, Tenn.		285A
Dayton, Tenn.	280A	285A
Oak Ridge, Tenn.	285A	232A

If adopted, the changes outlined above would require Radio Active Broadcasting, Inc. to amend its application to specify Channel 232A in lieu of 285A at Oak Ridge.

11. RM-693. Winter Park, Fla. (Contemporary Broadcasting Co.). On December 2, 1964 (amended on April 1, 1965), Contemporary Broadcasting Co., licensee of Station WABR (AM), Winter Park, Fla., filed a petition requesting rule making looking toward the addition of Channel 290 to Winter Park by substituting Channel 294 for 293 at Leesburg, Fla. Winter Park is a city of 17,162 persons, which petitioner represents to be a 108-percent increase over the 1950 population. It is located in Orange County (population 263,540). It has one Class A FM assignment, Channel 276A, on which a construction permit has been granted. While Winter Park is in the Orlando urbanized area (with four FM assignments) petitioner urges that this city is large and important enough to warrant the assignment of two channels, and that the area is growing rapidly as a result of the expanding space program connected with Cape Kennedy. Petitioner recognizes that we have been reluctant to assign Class A and C channels in the same community but urges that a wide-area assignment is necessary to compete with the Orlando stations and to cover the intended area. Finally, it is shown that an area is available for transmitter sites from which all the required spacings can be met and from which the required signal can be placed over Winter Park. There is no application pending for Channel 293 in Leesburg.

12. We have reservations concerning this proposal, since not only would it mean mixing Class C and A channels in the same community, but Winter Park, as a community close to a substantially larger city, is the type of community for which a Class A assignment would normally be more appropriate. Nevertheless, other possible uses of this channel are quite limited, and we are of the view that the assignment may be warranted and should be explored in rule making. We therefore invite comments on the following:

City	Channel No.	
	Present	Proposed
Leesburg, Fla.	293	294
Winter Park, Fla.	276A	276A, 290

13. RM-751. Crossville, Tenn. On March 26, 1965, WAEW, Inc., licensee of radio Station WAEW(AM), Crossville, Tenn., filed a petition seeking the assignment of Channel 257A to Crossville by two alternative methods. One would substitute Channel 252A for 257A in Athens, Tenn.[2]

14. Crossville is a community of 4,668 persons and is located in Cumberland County, which has a population of 41,578 and an area of 679 square miles. It is its county seat and largest community. It has one AM station, WAEW, licensed to petitioner and operating daytime-only, but no FM assignment. Petitioner urges that the proposed assignment would provide the first local nighttime service to a substantial portion of Cumberland County, that it conforms to all the rules, and that an application will be filed for the use of Channel 257A in the event the assignment is adopted. No applications are on file for Channel 257A at Athens.

15. We are of the view that the WAEW proposal merits rule making and therefore we invite comments on the following:

City	Channel No.	
	Present	Proposed
Crossville, Tenn.		257A
Athens, Tenn.	257A	252A

16. RM-750. Tucson, Ariz. On March 23, 1965, Pima Broadcasting Co., Inc., licensee of radio Station KMOP(AM), Tucson, Ariz., filed a petition looking toward the addition of Channel 281 to that city. Petitioner states that the proposal conforms to all the rules and that it will file an application for the assignment in the event it is made final. Tucson, a city of 212,892 population, has been assigned 6 FM assignments, one Class A and 5 Class C. All are either authorized or applied for.

17. We are of the view that we should invite comments on the Pima proposal. However, since Tucson has been assigned the number of assignments contemplated for this size city in setting up the Table of Assignments, comments are also invited on the issue of whether the proposed addition will preclude needed future assignments in the general area. Comments are invited on the following:

City	Channel No.	
	Present	Proposed
Tucson, Ariz.	221A, 225, 229, 235, 241, 245	221A, 225, 229, 235, 241, 245, 281

18. Authority for the adoption of the amendments proposed herein is contained in sections 4 (i), (j), 303, and 307 (b) of the Communications Act of 1934, as amended.

19. Pursuant to applicable procedures set out in § 1.415 of the Commission's rules, interested parties may file comments on or before June 7, 1965, and reply comments on or before June 18, 1965. All submissions by parties to this proceeding or by persons acting in behalf of such parties must be made in written comments, reply comments or other appropriate pleadings.

20. In accordance with the provisions of § 1.419 of the rules, an original and 14 copies of all written comments, replies, pleadings, briefs, or other documents shall be furnished the Commission.

Adopted: May 5, 1965.

Released: May 7, 1965.

FEDERAL COMMUNICATIONS COMMISSION,[3]

[SEAL] BEN F. WAPLE, *Secretary.*

[F.R. Doc. 65-5009; Filed, May 11, 1965; 8:48 a.m.]

[2] The second alternative need not be considered, since it was advanced only to accommodate a situation which was removed by our recent report and order in Docket 15716, adopted Apr. 21, 1965.

[3] Commissioners Bartley and Wadsworth absent.

FEDERAL HOME LOAN BANK BOARD

[12 CFR Part 563]

[FSLIC-2,005]

FEDERAL SAVINGS AND LOAN INSURANCE CORP.

Required Amounts and Maintenance of Federal Insurance Reserve

MAY 5, 1965.

Resolved, That, pursuant to Part 508 of the general regulations of the Federal Home Loan Bank Board (12 CFR Part 508) and § 567.1 of the rules and regulations for insurance of accounts (12 CFR 567.1), it is hereby proposed that § 563.13 of the rules and regulations for insurance of accounts (12 CFR 563.13) be amended by amendments the substance of which is as follows:

1. Amend so much of subparagraph (3) of paragraph (b) of § 563.13 of the rules and regulations for insurance of accounts as precedes the first colon therein to read as follows:

§ 563.13 Required amounts and maintenance of Federal insurance reserve.

* * *

(b) * * *

(3) Each insured institution which has an adjusted net worth of less than 8 percent of its specified assets shall, by the close of each semiannual period, increase its net worth (exclusive of undivided profits and earned surplus) as compared to the close of the preceding semiannual period, by credit from net income, undivided profits or earned surplus to the Federal insurance reserve account, in at least the amount required by the applicable of the following requirements:

* * * * *

2. Amend paragraph (c) of § 563.13 of the rules and regulations for insurance of accounts to read as follows, effective December 1, 1965:

(c) *Limitations on payment of dividends or interest.* Any insured institution which has failed to meet the required credits under subparagraphs (3) of paragraph (a) of this section or under paragraph (b) of this section shall not declare, pay, or advertise dividends or interest for the semiannual period subsequent to the immediately succeeding semiannual period, in excess of the amount approved by the Corporation, unless, in such immediately succeeding semiannual period, the institution has credited to its Federal insurance reserve account an amount equal to the total deficiency in required credits plus the required credits for such period.

3. Amend § 563.13 of the rules and regulations for insurance of accounts by the addition of a new paragraph, paragraph (e), to read as follows:

(e) For purposes of this section, the terms "earned surplus" and "undivided profits" include only retained earnings from operations in prior periods which have not previously been allocated to another net worth account.

(Secs. 402, 403, 48 Stat. 1256, 1257, as amended; 12 U.S.C. 1725, 1726. Reorg. Plan No. 3 of 1947, 12 F.R. 4981, 3 CFR, 1947 Supp.)

Resolved further, That all interested persons are hereby given the opportunity to submit written data, views, or arguments on the following subjects and issues: (1) Whether said proposed amendment should be adopted as proposed; (2) whether said proposed amendment should be modified and adopted as modified; (3) whether said proposed amendment should be rejected. All such written data, views, or arguments must be received through the mail or otherwise at the Office of the Secretary, Federal Home Loan Bank Board, Federal Home Loan Bank Board Building, 101 Indiana Avenue NW., Washington, D.C., 20552, not later than June 12, 1965, to be entitled to be considered, but any received later may be considered in the discretion of the Federal Home Loan Bank Board.

By the Federal Home Loan Bank Board.

[SEAL] HARRY W. CAULSEN, *Secretary.*

[F.R. Doc. 65-4990; Filed, May 11, 1965; 8:46 a.m.]

Notices

FLAG OF REGISTRY, NAME OF SHIP—Continued

Notices

DEPARTMENT OF COMMERCE

Maritime Administration

[Report No. 55]

LIST OF FREE WORLD AND POLISH FLAG VESSELS ARRIVING IN CUBA SINCE JANUARY 1, 1963

SECTION 1. The Maritime Administration is making available to the appropriate Departments the following list of vessels which have arrived in Cuba since January 1, 1963, based on information received through May 3, 1965, exclusive of those vessels that called at Cuba on United States Government-approved noncommercial voyages and those listed in section 2. Pursuant to established United States Government policy, the listed vessels are ineligible to carry United States Government-financed cargoes from the United States.

FLAG OF REGISTRY AND NAME OF SHIP	Gross tonnage
Total, all flags (239 ships)	1,663,456
British (78 ships)	580,194
**Agate (trips to Cuba under ex-name Dairen—British flag).	
**Amalia (now Maltese flag).	
**Amazon River (now River—sold to Dutch breakers)	7,234
Antarctica	8,785
*Arctic Ocean	8,791
Ardenode	7,036
Ardgem	6,981
Ardmore	4,864
Ardpatrick	7,054
Ardrowan	7,300
Ardsirod	7,025
Ardtara	5,795
**Arlington Court (now Southgate—British flag).	
Athelcrown (Tanker)	11,149
Athelduke (Tanker)	9,089
Athelmere (Tanker)	7,524
Athelmonarch (Tanker)	11,182
Athelsultan (Tanker)	9,149
Avisfaith	7,868
Baxtergate	9,813
**Canuk Trader (now Elisa—Liberian flag)	7,151
*Cheung Chau	8,566
**Chipbee (Sold for scrap)	7,271
**Cosmo Trader (trips to Cuba under ex-name, Ivy Fair—British flag).	
**Dairen (now Agate—British flag)	4,939
East Breeze	8,708
Eastfortune	8,789
Eirini	7,402
Formentor	8,424
Free Enterprise	6,807
Free Merchant	5,237
**Garthdale (now Jeb Lee—British flag)	7,842
Grosvenor Mariner	7,026
Haselmoor	7,907
Helka	2,111
Hemisphere	8,718
Ho Fung	7,121
Inchstaffa	5,255

*Added to Report No. 54, appearing in the FEDERAL REGISTER issue of April 21, 1965.

**Ships appearing on the list that have been scrapped or have had changes in name and/or flag of registry.

FLAG OF REGISTRY, NAME OF SHIP—Continued	Gross tonnage
British—Continued	
**Ivy Fair (now Cosmo Trader—British flag)	7,201
**Jeb Lee (trip to Cuba under ex-name, Garthdale—British flag).	
Kinross	5,388
**Kirriemoor (now Jhelum—Pakistani flag)	5,933
La Hortensia	9,486
Linkmoor	8,236
Magister	3,389
Maratha Enterprise	7,166
Nancy Dee	6,597
Nebula	8,934
**Newdene (now Free Navigator—Haitian flag)	7,181
Newforest	7,185
Newgate	6,743
Newglade	7,368
Newgrove	7,172
Newheath	5,891
Newhill	7,855
Newlane	7,043
Newmeadow	5,654
Newmoat	7,151
Oceantramp	6,185
Oceantravel	10,477
Peony	9,037
Redbrook	7,388
Ruthy Ann	7,361
**St. Antonio (now Maltese flag).	
Sandsend	7,236
Santa Granda	7,229
Sea Amber	10,421
Sea Coral	10,421
Sea Empress	10,074
Shienfoon	7,127
Shun Fung	7,146
Socliyve	7,291
**Southgate (previous trips to Cuba under ex-name, Arlington Court—British flag)	9,662
Stanwear	8,108
Suva Breeze	4,970
Swift River	7,251
Thames Breeze	7,878
**Timios Stavros (now Maltese flag—Previous trips to Cuba under Greek flag).	
Venice	8,611
Vercharmian	7,265
Vergmont	7,381
West Breeze	8,718
Yungfutary	5,388
Yunglutaton	5,414
Zela M	7,237
Lebanese (60 ships)	401,184
Agia Sophia	3,106
Aiolos II	7,256
Ais Giannis	6,997
Akamas	7,285
Al Amin	7,186
Alaska	6,989
Anthas	7,044
Antonis	6,259
Ares	4,557
Areti	7,176
Aristefs	6,995
Astir	5,324
Athamas	4,729
**Carnation (Sold Spanish breakers)	4,884
**Christos (trip to Cuba under ex-name, Pamit—Greek flag).	
Claire	5,411
Cris	6,032
Dimos	7,187
Free Trader	7,067
Giannis	5,370
Giorgos Tsakirogiou	7,240
Granikos	7,282
Ilena	5,925
Ioannis Aspiotis	7,297
Kalliopi D. Lemos	5,103
Katerina	9,357
Leftrio	7,176
Malou	7,145
Mantric	7,255
Maria Despina	7,254
Maria Renee	7,203
Marichristina	7,124
Marymark	4,383
Mersinidi	6,782
Mimosa	7,314
Mousse	6,984
Nictric	7,296
Noelle	7,251
Noemi	7,070
Olga	7,199
Panagos	7,133
Parmarina	6,721
**Razani (broken up)	7,253
Reneka	7,250
Rio	7,194
St. Anthony	5,349
St. Nicolas	7,165
San George	7,267
San John	5,172
San Spyridon	7,260
Stevo	7,066
Taxiarhis	7,849
Tertric	7,045
Theodoros Lemos	7,198
Theologos	6,529
Toula	4,561
Troyan	7,243
Vassiliki	7,192
Vastric	6,453
Vergolivada	6,339
Yanzilas	10,051
Greek (36 ships)	259,391
Agios Therapon	5,617
Akastos	7,331
Alice	7,189
**Ambassade (sold Hong Kong shipbreakers)	6,600
Americana	7,104
Anacreon	7,359
**Anatoli (now Sunrise—Cypriot flag)	7,187
**Andromachi (previous trips to Cuba under ex-name, Penelope—Greek flag)	6,712
Antonia	5,171
Apollon	9,744
Athanassios K	7,216
Barbarino	7,084
Calliopi Michalos	7,249
Capetan Petros	7,291
**Embassy (broken up)	6,418
Flora M	7,244
**Gloria (now Helen—Greek flag)	7,128
**Helen (trip to Cuba under ex-name, Gloria—Greek flag).	
Irena	7,232
Istros II	7,275
Kapetan Kostis	5,032
Kyra Hariklia	6,888
Maria Theresa	7,245
Marigo	7,147
Maroudio	7,369
Mastro-Stelios II	7,282
**Nicolaos F. (previous trip to Cuba under ex-name, Nicolaos Frangistas—Greek flag).	
**Nicolaos Frangistas (now Nicolaos F.—Greek flag)	7,199
**Pamit (now Christos—Lebanese flag)	3,929
Pantanassa	7,131
Paxoi	7,144
**Penelope (now Andromachi—Greek flag).	

FLAG OF REGISTRY, NAME OF SHIP—Continued	Gross tonnage
Greek—Continued	
**Plate Trader (trip to Cuba under ex-name, Stylianos N. Vlassopulos—Greek flag).	
**Presvia (broken up)	10,830
Redestos	5,911
**Seirios (broken up)	7,239
Sophia	7,080
**Stylianos N. Vlassopulos (now Plate Trader—Greek flag)	7,244
**Timios Stavros (formerly British flag—now Maltese flag).	
Tina	7,362
Western Trader	9,268
Polish (16 ships)	112,770
Baltyk	6,963
Bialystok	7,173
Bytom	5,967
Chopin	6,987
Chorsow	7,237
Huta Florian	7,258
Huta Labedy	7,221
Huta Ostrowiec	7,175
Huta Zgoda	6,840
Kopalnia Bobrek	7,221
Kopalnia Ceslads	7,252
Kopalnia Miechowice	7,223
Kopalnia Siemianowice	7,165
Kopalnia Wujek	7,033
Piast	9,184
Transportowiec	10,880
Italian (13 ships)	104,492
Achille	6,950
Agostino Bertani	8,380
Andrea Costa (Tanker)	10,440
Aspromonte	7,154
Giuseppe Giulietti (Tanker)	17,519
Mariasusanna	2,479
Montiron	1,595
Nasareno	7,173
Nino Bixio	8,427
San Francesco	9,284
San Nicola (Tanker)	12,461
Santa Lucia	9,278
**Somalia (now Chen Chang—Nationalist Chinese flag)	3,352
Yugoslav (8 ships)	57,143
Bar	7,233
Cavtat	7,266
Cetinje	7,200
Dugi Otok	6,997
Kolasin	7,217
Mojkovac	7,125
Promina	6,960
**Trebinjica (wrecked)	7,145
French (6 ships)	16,391
Citroe	2,674
Eneo	1,232
Foulaya	8,739
Mungo	4,320
Nelee	2,874
Nove	352
Moroccan (5 ships)	35,328
Atlas	10,392
Banora	3,082
Marrakech	2,214
Mauritanie	10,392
Toubkal	8,748
Finnish (4 ships)	32,861
Augusta Paulin	7,096
**Hermia (trip to Cuba under ex-name Amfred—Swedish flag).	
Margrethe Paulin	7,251
Ragni Paulin	6,823

**Ships appearing on the list that have been scrapped or have had changes in name and/or flag of registry.

FLAG OF REGISTRY, NAME OF SHIP—Continued	Gross tonnage
Finnish—Continued	
Vainy (Tanker)	11,691
Maltese (6 ships)	26,497
**Amalia (previous trips to Cuba under British flag)	7,304
Ispahan	7,156
**St. Antonio (previous trip to Cuba under British flag)	6,704
**Timios Stavros (previous trips to Cuba under British flag and Greek flag)	5,333
Swedish (3 ships)	17,133
**Amfred (now Hermia—Finnish flag)	2,828
**Atlantic Friend (now Atlantic Venture—Liberian flag)	7,815
Dagmar	6,490
Netherlands (2 ships)	999
Melke	500
Tempo	499
Norwegian (2 ships)	10,002
Ole Bratt	5,252
**Tine (now Jesreel—Panamanian flag)	4,750
Cypriot (1 ship):	
Adelphos Petrakis	7,170
**Sunrise (trip to Cuba under ex-name Anatoli—Greek flag).	
Kuwaiti (1 ship):	
Maha	1,392
Haitian:	
**Free Navigator (trips to Cuba under ex-name Newdene—British flag).	
Nationalist Chinese:	
**Chen Chang (trip to Cuba under ex-name, Somalia—Italian flag).	
Liberian:	
**Atlantic Venture (trip to Cuba under ex-name, Atlantic Friend—Swedish flag).	
**Elisa (trip to Cuba under ex-name, Canuk Trader—British flag).	
Panamanian:	
**Jesreel (trip to Cuba under ex-name, Tine—Norwegian flag).	

FLAG OF REGISTRY, NAME OF SHIP—Continued
Pakistani:
**Jhelum (trip to Cuba under ex-name, Kirriemoor—British flag).

SEC. 2. In accordance with approved procedures, the vessels listed below which called at Cuba after January 1, 1962, have reacquired eligibility to carry United States Government-financed cargoes from the United States by virtue of the persons who control the vessels having given satisfactory certification and assurance:

(a) That such vessels will not, thenceforth, be employed in the Cuba trade so long as it remains the policy of the United States Government to discourage such trade; and

(b) That no other vessels under their control will thenceforth be employed in the Cuba trade, except as provided in paragraph (c); and

(c) That vessels under their control which are covered by contractual obligations, including charters, entered into prior to December 16, 1963, requiring their employment in the Cuba trade shall be withdrawn from such trade at the earliest opportunity consistent with such contractual obligations.

FLAG OF REGISTRY AND NAME OF SHIP	Number of ships
a. Since last report: None.	
b. Previous reports:	
Flag of registry (total)	79
British	33
Danish	1
Finnish	1
French	1
German (West)	1
Greek	24
Israeli	1
Italian	5
Japanese	1
Lebanese	1
Norwegian	4
Spanish	6

SEC. 3. The ships listed in sections 1 and 2 have made the following number of trips to Cuba since January 1, 1963, based on information received through May 3, 1965:

Flag of registry	Number of trips								
	1963	1964			1965				Total
		Jan.–Sept.	Oct.	Nov.	Dec.	Jan.	Feb.	Mar.	Apr.	
British	133	166	11	6	9	9	7	11	4	344
Lebanese	64	79	8	4	5	8	2	4	2	171
Greek	99	25	1	1		2		1	1	130
Italian	16	15		2	2	3	3	3	2	46
Spanish	5	14	2	1						25
Norwegian	14	6	1	1						34
Moroccan	9	11	2							22
Yugoslav	13	9			2					27
French	8	5	1	1	2			4		17
Swedish	3	2			1					6
Finnish	1	3	1						1	6
Netherlands		1	1		2					4
Maltese					2	1	1		1	4
Israeli						1				2
Kuwaiti		2	1							2
Cypriot	1									1
Danish	1									1
Germany (West)	1									1
Japanese	1									1
Subtotal	370	334	26	16	25	24	12	23	11	534
Polish	18	18	1	1	2	2	1	1		38
Grand total	388	336	27	20	27	26	13	24	11	572

NOTE: Trip totals in this section exceed ship totals in sections 1 and 2 because some of the ships made more than one trip to Cuba.

Dated: May 4, 1965.

tion on a WOC appointee in the Depart-

(1) Names of any corporations of which

Dated: May 4, 1965.

By order of the Deputy Maritime Administrator.

JAMES S. DAWSON, Jr.,
Secretary.

[F.R. Doc. 65-4937; Filed, May 11, 1965; 8:45 a.m.]

Office of the Secretary

[Dept. Order No. 46; Amdt. 1]

ORGANIZATION UNITS

Procurement Authority

The following amendment to the order was issued by the Secretary of Commerce on April 28, 1965. The material appearing at 29 F.R. 13541-13542 of October 1, 1964, is amended as follows:

Appendix A, dated September 16, 1964, to Department Order No. 46 of September 16, 1964, is amended to read:

PART I. ORGANIZATION UNITS DELEGATED PROCUREMENT AUTHORITY

National Bureau of Standards.
Weather Bureau (except as specified in Part II hereof).
Bureau of the Census (except as specified in Part II hereof).
Maritime Administration (except as specified in Part II hereof).
Bureau of Public Roads (except as specified in Part II hereof).
U.S. Commission—New York World's Fair.

PART II. ORGANIZATION UNITS ON BEHALF OF WHICH THE ASSISTANT SECRETARY EXERCISES PROCUREMENT AUTHORITY

Office of the Secretary, including constituent units.
Office of Business Economics.
Community Relations Service.
Business and Defense Services Administration.
Bureau of International Commerce.
Office of Foreign Commercial Services.
Office of Field Services.
Office of Administration (DIB).
Office of Publications and Information (DIB).
United States Travel Service.
Area Redevelopment Administration.
Patent Office.
Coast and Geodetic Survey.
Bureau of Public Roads (personal property and nonprofessional and nontechnical service contracts for headquarters office use).
Census Bureau (all procurement under $2,500).
Weather Bureau (all procurement under $2,500 and contracts for nontechnical items and items of common use within the Department).
Maritime Administration (purchase of administrative equipment and supplies for headquarters' use).

Effective date: April 28, 1965.

DAVID R. BALDWIN,
Acting Assistant Secretary for Administration.

[F.R. Doc. 65-4955; Filed, May 11, 1965; 8:45 a.m.]

DEPARTMENT OF THE TREASURY

Office of the Secretary

[Antidumping—AA 643.3-p]

GALVANIZED WARE FROM CANADA

Notice of Intent To Discontinue Investigation and To Make Determination That No Sales Exist Below Fair Value

MAY 5, 1965.

Information was received on November 30, 1964, that galvanized ware imported from Canada, manufactured by General Steel Wares Limited, Canada, was being sold at less than fair value within the meaning of the Antidumping Act, 1921, as amended.

On December 29, 1964, the Acting Commissioner of Customs issued a withholding of appraisement notice with respect to such merchandise which was published in the FEDERAL REGISTER dated January 5, 1965.

Promptly after the commencement of the antidumping investigation, sales to the United States of the merchandise were terminated. The exporter gave assurances that if sales to the United States are resumed they will not be below fair value.

In view of the foregoing, it appears that there are not, and are not likely to be, sales below fair value of galvanized ware from Canada, manufactured by General Steel Wares Limited, Canada.

Unless persuasive evidence or argument to the contrary is presented within 30 days, a determination will be made that there are not, and are not likely to be, sales below fair value.

This notice is published pursuant to § 14.7(b)(9) of the Customs Regulations (19 CFR 14.7(b)(9)).

[SEAL] JAMES A. REED,
Assistant Secretary of the Treasury.

[F.R. Doc. 65-4983; Filed, May 11, 1965; 8:46 a.m.]

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

WILDLIFE MATTERS

Delegation of Authority

Chapter 4, Part 4 of the Administrative Manual of the Bureau of Sport Fisheries and Wildlife is amended to add the act of September 28, 1962 (76 Stat. 653; 16 U.S.C. 460k), to the list of specific Federal laws in section 4.9I(1) that U.S. game management agents, U.S. deputy game wardens, refuge management agents, and wildlife management agents are authorized to enforce.

Section 4 AM 4.9I(1) is amended to read as follows:

4.9 Wildlife matters.

• • • • •

I. Enforcement authority of certain Bureau employees.

• • • • •

(1) Enforce any or all of the following Federal laws, and any regulation of the Secretary of the Interior in 50 CFR issued pursuant to these laws, including the authority to require and receive information concerning violations of such laws and regulations:

• • • • •

(1) Fish and Wildlife Recreation Act of 1962 (76 Stat. 653; 16 U.S.C. 460k).

• • • • •

JOHN S. GOTTSCHALK,
Director.

MAY 6, 1965.

[F.R. Doc. 65-4973; Filed, May 11, 1965; 8:46 a.m.]

Office of the Secretary

JOE T. INNIS

Report of Appointment and Statement of Financial Interests

MAY 5, 1965.

Pursuant to section 302(a) of Executive Order 10647, the following information on a WOC appointee in the Department of the Interior is furnished for publication in the FEDERAL REGISTER:

Name of appointee: Joe T. Innis.
Name of employing agency: U.S. Department of the Interior, Office of Oil and Gas.
The title of the appointee's position: Special Assistant to Regional Administrator, Emergency Petroleum and Gas Administration.
The name of the appointee's private employer or employers: Northern Natural Gas Co., Omaha, Nebr.

The statement of "financial interests" for the above appointee is enclosed.

STEWART L. UDALL,
Secretary of the Interior.

APPOINTEE'S STATEMENT OF FINANCIAL INTERESTS

In accordance with the requirements of section 302(b) of Executive Order 10647, I am filing the following statement for publication in the FEDERAL REGISTER:

(1) Names of any corporations of which I am, or had been within 60 days preceding my appointment, on April 30, 1965, as Vice President, Northern Natural Gas Co., an officer or director.

(2) Names of any corporations in which I own, or did own within 60 days preceding my appointment, any stocks, bonds, or other financial interests: Northern Natural Gas Co.

(3) Names of any partnerships in which I am associated, or had been associated within 60 days preceding my appointment: None.

(4) Names of any other businesses which I own, or owned within 60 days preceding my appointment: None.

JOE T. INNIS.

APRIL 30, 1965.

[F.R. Doc. 65-4969; Filed, May 11, 1965; 8:45 a.m.]

MAXWELL S. McKNIGHT

Report of Appointment and Statement of Financial Interests

MAY 5, 1965.

Pursuant to section 302(a) of Executive Order 10647, the following information on a WOC appointee in the Department of the Interior is furnished for publication in the FEDERAL REGISTER:

Name of appointee: Maxwell S. McKnight.
Name of employing agency: U.S. Department of the Interior, Office of Oil and Gas.
The title of the appointee's position: Special Assistant to Regional Administrator, Emergency Petroleum and Gas Administration.
The name of the appointee's private employer or employers: Socony Mobil Oil Co., New York.

The statement of "financial interests" for the above appointee is enclosed.

STEWART L. UDALL,
Secretary of the Interior.

APPOINTEE'S STATEMENT OF FINANCIAL INTERESTS

In accordance with the requirements of section 302(b) of Executive Order 10647, I am filing the following statement for publication in the FEDERAL REGISTER:

(1) Names of any corporations of which I am, or had been within 60 days preceding my appointment, on April 27, 1965, as Special Assistant to Regional Administrator, Emergency Petroleum and Gas Administration, an officer or director: None.

(2) Names of any corporations in which I own, or did own within 60 days preceding my appointment, any stocks, bonds, or other financial interests: Standard Oil (Indiana), Standard Oil (New Jersey), Triad Oil Co.

(3) Names of any partnerships in which I am associated, or had been associated within 60 days preceding my appointment: None.

(4) Names of any other businesses which I own, or owned within 60 days preceding my appointment: None.

WILLIAM R. REMALIA.

APRIL 27, 1965.

[F.R. Doc. 65-4971; Filed, May 11, 1965; 8:45 a.m.]

DEPARTMENT OF AGRICULTURE

Forest Service

DIRECTOR, DIVISION OF LAND ADJUSTMENTS

Delegation of Authority To Accept Options and Execute Deeds

Pursuant to (a) the Delegation of Authority and Assignment of Functions by the Secretary of Agriculture dated December 24, 1953, effective January 2, 1954 (19 F.R. 74), made pursuant to Reorganization Plan No. 2 of 1953 and other authorizations; and (b) the Delegation of Authority by the Chief, Forest Service, dated September 30, 1963 (28 F.R. 10828), authority is hereby delegated to the Director, Division of Land Adjustments, Forest Service, in his capacity as Director of said Division, to: (1) Accept, for and on behalf of the United States of America, options to purchase lands or interests therein pursuant to the Weeks Law of March 1, 1911 (36 Stat. 961), as amended, and related laws authorizing purchase of lands for the National Forest System; (2) execute deeds adjusting titles to land pursuant to Public Law 120—78th Congress 1st Session, approved July 8, 1943, as amended; and (3) execute deeds to National Forest System lands selected in land exchanges made pursuant to approved legislation.

Done at Washington, D.C., this 3d day of May 1965.

[SEAL] M. M. NELSON,
Deputy Chief, Forest Service.

[F.R. Doc. 65-4977; Filed, May 11, 1965; 8:46 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket Nos. 15666, 15706; FCC 65M-567]

CHICAGOLAND TV CO. AND CHICAGO FEDERATION OF LABOR AND INDUSTRIAL UNION COUNCIL

Order Scheduling Prehearing Conference

In re applications of Frederick B. Livingston and Thomas L. Davis, doing business as Chicagoland TV Co., Chicago, Ill., Docket No. 15666, File No. BPCT-3116; Chicago Federation of Labor and Industrial Union Council, Chicago, Ill., Docket No. 15706, File No. BPCT-3439; for construction permit for new television broadcast station (Channel 38).

The Hearing Examiner having under consideration the order of the Review Board (FCC 65R-89) released on March 15, 1965, enlarging the issues in this proceeding, and the order of the Commission (FCC 65R-160) released May 6, 1965, denying review of the Board's said order;

It appearing, that a conference should be convened for the purpose of establishing hearing dates relative to the enlarged issue:

It is ordered, This 7th day of May 1965, that a prehearing conference herein shall convene on May 12, 1965, commencing at 9:00 a.m. in the offices of the Commission at Washington, D.C.

Released: May 7, 1965.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 65-5009; Filed, May 11, 1965; 8:48 a.m.]

[Docket No. 15986; FCC 65-357]

CONTINENTAL BROADCASTING OF CALIFORNIA, INC. (KDAY)

Memorandum Opinion and Order Designating Application for Hearing on Stated Issues

In re application of Continental Broadcasting of California, Inc. (KDAY), Santa Monica, Calif., Docket No. 15986, File No. BMP-11408; Has: Lic: 1580 kc, 50 kw, DA-D, CP: 1580 kc, 10 kw, 50 kw-LS, DA-2, U (new site); Requests: 1580 kc, 50 kw, DA-2, U (and change in antenna site from location specified in construction permit); for modification of construction permit (File No. BP-15963).

1. The Commission has before it for consideration: (a) The above captioned and described application; (b) a "Petition to Deny" filed October 27, 1964, by Coast Radio Broadcasting Corp. ("KPOL"), licensee of standard broadcast Station KPOL, Los Angeles, Calif.; (c) an "Opposition to [KPOL] Petition to Deny" filed November 12, 1964, by the applicant ("KDAY"); (d) a letter filed November 19, 1964, by Crowell-Collier Broadcasting Corp. ("KFWB"), licensee of standard broadcast Station KFWB, Los Angeles, Calif. (requesting that the construction-permit modification, if granted, include conditions to protect KFWB); (e) a "Petition to Deny" filed December 7, 1964, by the County of Los Angeles, Calif.; (f) a "Petition to Deny" filed December 14, 1964, by the Los Angeles County and Cities Disaster and Civil Defense Commission; (g) an amended "Petition to Deny" filed December 29, 1964, by the County of Los Angeles; (h) a "Petition for Reconsideration" and a "Petition to Deny", both filed January 8, 1965, by Tri-Counties Public Service, Inc. ("KUDU"), licensee of standard broad-

cast Station KUDU, Ventura, Calif.; (i) an "Opposition [to KUDU] Petition to Deny" filed January 11, 1965, by the applicant ("KDAY"); (j) a letter filed January 18, 1965, by Crowell-Collier Broadcasting Corp. ("KFWB"), licensee of standard broadcast Station KFWB, Los Angeles, Calif. (requesting that the construction-permit modification, if granted, include conditions to protect KFWB); (k) a "Petition to Deny" filed January 25, 1965, by the County of Los Angeles, Calif.; (l) a "Petition to Deny" filed January 25, 1965, by the Los Angeles County and Cities Disaster and Civil Defense Commission; (m) an amended "Petition to Deny" filed January 26, 1965, by the County of Los Angeles; (n) a "Petition for Reconsideration" and a "Petition to Deny", both filed January 28, 1965, by Tri-Counties Public Service, Inc. ("KUDU"), licensee of standard broadcast Station KUDU, Ventura, Calif.; (o) an "Opposition [to KUDU] Petition to Deny" filed February 11, 1965, by the applicant ("KDAY"); (p) a letter filed February 18, 1965, by Crowell-Collier Broadcasting Corp. ("KFWB"), licensee of standard broadcast Station KFWB, Los Angeles, Calif. (requesting that the construction-permit modification, if granted, include conditions to protect KFWB); (q) a "Petition to Deny" filed February 25, 1965, by the County of Los Angeles, Calif.; (r) a "Petition to Deny" filed February 25, 1965, by the Los Angeles County and Cities Disaster and Civil Defense Commission; (s) an amended "Petition to Deny" filed February 26, 1965, by the County of Los Angeles; (t) a "Petition for Reconsideration" and a "Petition to Deny", both filed March 1, 1965, by Tri-Counties Public Service, Inc. ("KUDU"), licensee of standard broadcast Station KUDU, Ventura, Calif.; (u) an "Opposition [to KUDU] Petition to Deny" filed March 11, 1965, by the applicant ("KDAY"); (v) a letter filed March 18, 1965, by Crowell-Collier Broadcasting Corp. ("KFWB"), licensee of standard broadcast Station KFWB, Los Angeles, Calif. (requesting that the construction-permit modification, if granted, include conditions to protect KFWB); (w) a "Petition to Deny" filed March 25, 1965, by the County of Los Angeles, Calif.; (x) a "Petition to Deny" filed March 25, 1965, by the Los Angeles County and Cities Disaster and Civil Defense Commission; (y) an amended "Petition to Deny" filed March 26, 1965, by the County of Los Angeles; (z) a "Petition for Reconsideration" and a "Petition to Deny", both filed April 1, 1965, by Tri-Counties Public Service, Inc. ("KUDU"), licensee of standard broadcast Station KUDU, Ventura, Calif.; (aa) an "Opposition [to KUDU] Petition to Deny" filed April 12, 1965, by the applicant ("KDAY"); (bb) a letter filed April 19, 1965, by Crowell-Collier Broadcasting Corp. ("KFWB"), licensee of standard broadcast Station KFWB, Los Angeles, Calif. (requesting that the construction-permit modification, if granted, include conditions to protect KFWB); (cc) a "Petition to Deny" filed April 26, 1965, by the County of Los Angeles, Calif.; (dd) a "Petition to Deny" filed April 26, 1965, by the Los Angeles County and Cities Disaster and Civil Defense Commission; (ee) an amended "Petition to Deny" filed April 27, 1965, by the County of Los Angeles; (ff) a "Petition for Reconsideration" and a "Petition to Deny", both filed May 3, 1965, by Tri-Counties Public Service, Inc. ("KUDU"), licensee of standard broadcast Station KUDU, Ventura, Calif.; (gg) an "Opposition [to KUDU] Petition to Deny" filed May 10, 1965, by the applicant ("KDAY"); and (hh) a letter filed May 10, 1965, by Crowell-Collier Broadcasting Corp. ("KFWB"), licensee of standard broadcast Station KFWB, Los Angeles, Calif. (requesting that the construction-permit modification, if granted, include conditions to protect KFWB).

2. The above-captioned application proposes the use of a new transmitter site for Station KDAY. The proposed site is located in the Santa Monica Mountains, approximately 4 miles northeast of the center of Santa Monica, Calif. The proposed site is approximately 1,000 feet above average terrain in the area and 1,500 feet above mean sea level. The proposed antenna system is directional during daytime and nighttime hours of operation. The proposed directional antenna system would be identical to the existing system. The proposed transmitter would be located in a new building to be constructed at the proposed site.

3. The petitioners, the County of Los Angeles, Calif., and the Los Angeles County and Cities Disaster and Civil Defense Commission, allege that the proposed site is within the Los Angeles Civil Defense Area and that the proposed operation would affect vital public safety, civil defense, and defense communications. They request that the application be designated for hearing on the issue of whether the proposed operation would affect vital public safety, civil defense, and defense communications, and, if so, the nature and extent of such effect. The petitioners also request that the application be designated for hearing on the issue of whether the proposed operation would cause harmful interference to the operation of the Los Angeles County Civil Defense Communications System, and, if so, the nature and extent of such interference. The petitioners further request that the application be designated for hearing on the issue of whether the proposed operation would cause harmful interference to the operation of the Los Angeles County Flood Control District Communications System, and, if so, the nature and extent of such interference. The petitioners also request that the application be designated for hearing on the issue of whether the proposed operation would cause harmful interference to the operation of the Los Angeles County Sheriff's Department Communications System, and, if so, the nature and extent of such interference. The petitioners further request that the application be designated for hearing on the issue of whether the proposed operation would cause harmful interference to the operation of the Los Angeles County Fire Department Communications System, and, if so, the nature and extent of such interference. The petitioners also request that the application be designated for hearing on the issue of whether the proposed operation would cause harmful interference to the operation of the Los Angeles County Department of Public Works Communications System, and, if so, the nature and extent of such interference. The petitioners further request that the application be designated for hearing on the issue of whether the proposed operation would cause harmful interference to the operation of the Los Angeles County Department of Public Social Services Communications System, and, if so, the nature and extent of such interference. The petitioners also request that the application be designated for hearing on the issue of whether the proposed operation would cause harmful interference to the operation of the Los Angeles County Department of Public Health Communications System, and, if so, the nature and extent of such interference. The petitioners further request that the application be designated for hearing on the issue of whether the proposed operation would cause harmful interference to the operation of the Los Angeles County Department of Public Works Communications System, and, if so, the nature and extent of such interference. The petitioners also request that the application be designated for hearing on the issue of whether the proposed operation would cause harmful interference to the operation of the Los Angeles County Department of Public Social Services Communications System, and, if so, the nature and extent of such interference. The petitioners further request that the application be designated for hearing on the issue of whether the proposed operation would cause harmful interference to the operation of the Los Angeles County Department of Public Health Communications System, and, if so, the nature and extent of such interference.

hearing, within the time and in the

cast Station KUDU, Ventura, Calif.; (i) an "Opposition * * *", filed January 11, 1965, by KDAY, in response to the objections submitted by Los Angeles County; (j) an "Opposition * * *" to the KUDU petitions, filed February 12, 1965, by KDAY; (k) a "Reply to [KDAY's] Opposition * * *", filed February 19, 1965, by KUDU; (l) a "Joint Petition for Grant of Applications and, if Necessary, for Waiver of § 73.37", filed April 2, 1965, by KUDU and KDAY; and (m) related pleadings, affidavits, et al.

2. KPOL contends that, because of the nearness of the present KPOL and proposed KDAY transmitter sites to each other, the KDAY proposal might cause KPOL electrical interference. It therefore requests that the KDAY application be designated for hearing on that issue, or, in the alternative, that a grant of the KDAY application be appropriately conditioned to protect KPOL. KDAY, in its opposition pleading, states that it has no objection to any of the conditions proposed by KPOL except for one which would require KPOL's approval of the design and construction of traps and filters. Regarding that, KDAY says that it is agreeable to KPOL participation in the design and construction, but believes that satisfaction of Commission requirements, rather than approval by KPOL, should be the determining factor. KFWB, in its letter requests that the condition designed to protect it, in the above-referenced construction permit, be retained in the construction permit modification, if the application therefor is granted. KDAY has indicated no objection to KFWB's request. Accordingly, we will order herein that any grant shall include an appropriate condition to insure that the operations of KPOL and KFWB are adequately protected.

3. KUDU, in its "Petition to Deny" and "Petition for Reconsideration", originally contended that the KDAY proposal was inconsistent with the requirements of § 73.37 of the Commission's rules and that therefore the Commission should rescind its acceptance of the KDAY application for filing or, alternatively, deny the application. In its opposition pleading, KDAY claimed that its proposal would satisfy the requirements of § 73.37. Subsequently KDAY and KUDU—which has tendered for filing an application for an increase in its daytime power—filed a "Joint Petition for Grant of Applications and, If Necessary, for Waiver of § 73.37", in which each agrees to waive objections due to overlap which might result from the other's proposal, and both express the belief that a grant of either proposal would not adversely affect the other. In view of the submission of that "Joint Petition", and since we are of the opinion that the KDAY proposal does not violate § 73.37, KUDU's previous objections to the KDAY application will be dismissed as moot, as will the request for waiver of § 73.37 in the KUDU and KDAY joint petition insofar as that request relates to the KDAY application.

4. The county of Los Angeles, and the Los Angeles County and Cities Disaster and Civil Defense Commission allege that the KDAY proposal might adversely affect vital public safety, civil defense, and other essential radio facilities of the county and the local civil defense agency. They state that the radio facilities which are used by the objecting governmental units cover the frequency bands from 300 cycles to 3000 kilocyles and from 1761.5 kilocycles to 6825 megacycles; that these facilities are located at a county communications center in the immediate vicinity of the proposed KDAY site; and that they will be subjected to a signal intensity of 3 to 5 volts per meter from the proposed KDAY operation. They further contend that, because of the vital character of the county and civil defense operations involved, any interruption of service caused by the KDAY proposal would be intolerable. KDAY contends that its proposal would cause no significant problems. Indeed, it states, of the 50 frequencies referred to by these objectors, 47 could probably be used, without any problems arising, on the proposed KDAY towers themselves. KDAY adds that it is willing to assume the responsibility for, and cost of eliminating, any interference problems created by its proposed transmitter operation. Having considered the foregoing, the Commission finds that a substantial and material question exists as to whether the KDAY proposal would adversely affect the Los Angeles County and civil defense agency operations and, therefore, will include an appropriate issue in this regard.

5. The population and area data submitted by KDAY indicate that the population within the proposed 1 v/m contour is more than 1 percent of the population within the proposed 25 mv/m contour, daytime and nighttime, contrary to the requirements of § 73.24(g) of the rules. An issue regarding that fact is included in this Order.

6. Except as indicated by the issues specified below, the Commission finds that the applicant is legally, technically, financially, and otherwise qualified to construct and operate as proposed. However, in view of the questions considered in the foregoing paragraphs of this Order, the Commission is unable to make the statutory finding that a grant of the subject application would serve the public interest, convenience, and necessity, and is of the opinion that the application must be designated for hearing in a consolidated proceeding on the issues set forth below.

Accordingly, it is ordered, Pursuant to section 309(e) of the Communications Act of 1934, as amended, that the application is designated for hearing, at a time and place to be specified in a subsequent Order, upon the following issues:

1. To determine the areas and populations which may be expected to gain or lose primary service from the proposed operation of Station KDAY and the availability of other primary service to such areas and populations.

2. To determine whether the proposed operation would adversely affect the operations of the aforementioned communication facilities utilized by the county of Los Angeles and the Los Angeles County and Cities Disaster and Civil Defense Commission, and, if so, the nature and extent of such adverse effect.

3. To determine whether the proposed operation would be in compliance with the requirements of § 73.24(g) of the Commission's rules and, if not, whether circumstances exist which would warrant a waiver of said section.

4. To determine, in the light of the evidence adduced pursuant to the foregoing issues, whether a grant of the application would serve the public interest, convenience, and necessity.

It is further ordered, That the county of Los Angeles and the Los Angeles County and Cities Disaster and Civil Defense Commission are made parties to the proceeding.

It is further ordered, That, in the event of a grant of the application, the construction-permit modification shall contain the following conditions:

A properly designed phase monitor shall be installed in the transmitter room as a means of continuously and correctly indicating the amplitude and phase of currents in the several elements of the directional antenna system.

Field measuring equipment shall be available at all times and, after commencement of operations, the field intensity at each of the monitoring points shall be measured at least once every 7 days and an appropriate record kept of all measurements so made.

A complete nondirectional proof of performance, in addition to the proof on the directional antenna system, shall be submitted before program tests are authorized.

Permittee shall assume responsibility for the elimination of interference due to crossmodulation and for the installation and adjustment of filter circuits or other equipment in the antenna systems of the proposed operation and of standard broadcast Stations KLAC, KPOL, KFWB, or any other stations which may be necessary to prevent adverse effects due to internal crossmodulation and reradiation; and prior to the erection of antenna towers and subsequent thereto, sufficient field intensity measurements shall be made on those stations to establish that the radiation patterns have not been adversely affected due to reradiation. In addition, field observations shall be made to determine whether spurious emissions exist, and any objectionable interference problems resulting therefrom shall be eliminated. Results of the field observations shall be submitted by the permittee with its application for license.

It is further ordered, That, to avail itself of the opportunity to be heard, the applicant and parties respondent herein, pursuant to § 1.221(c) of the Commission rules, in person or by attorney, shall, within 20 days of the mailing of this Order, file with the Commission in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this Order.

It is further ordered, That the applicant herein shall, pursuant to section 311(a)(2) of the Communications Act of 1934, as amended, and § 1.594 of the Commission's rules, give notice of the hearing, within the time and in the manner prescribed in such rule, and shall advise the Commission of the publication of such notice as required by § 1.594(g) of the rules.

Adopted: April 28, 1965.

Released: May 6, 1965.

FEDERAL COMMUNICATIONS COMMISSION,[1]

[SEAL] BEN F. WAPLE, *Secretary.*

[F.R. Doc. 65-5010; Filed, May 11, 1965; 8:48 a.m.]

[Docket No. 15997; FCC 65-374]

LAMPASAS BROADCASTING CORP. (KCYL)

Order Designating Application for Hearing on Stated Issues

In re application of Lampasas Broadcasting Corp. (KCYL), Lampasas, Tex., Docket No. 15997, File No. BP-16383; Has: 1450 kc, 250 w, U, Class IV; Requests: 1450 kc, 250 w, 1 kw-LS, U, Class IV; for construction permit.

At a session of the Federal Communications Commission held at its offices in Washington, D.C., on the 5th day of May 1965;

The Commission having under consideration the above-captioned and described application;

It appearing, that, except as indicated by the issues specified below, the applicant is legally, technically, financially, and otherwise qualified to construct and operate as proposed; and

It further appearing, that Waco Broadcasting Corp., licensee of Station WACO, Waco, Tex., has filed a petition to deny the above application on the grounds that it would result in objectionable interference (10 kc removed) to the existing operation of Station WACO; and

It further appearing, that the Commission finds that the proposed operation of Station KCYL would, in fact, cause objectionable interference to WACO; and

It further appearing, that, in view of the foregoing, the Commission is unable to make the statutory finding that a grant of the subject application would serve the public interest, convenience, and necessity, and is of the opinion that the application must be designated for hearing on the issues set forth below:

It is ordered, That, pursuant to section 309(e) of the Communications Act of 1934, as amended, the application is designated for hearing, at a time and place to be specified in a subsequent Order, upon the following issues:

1. To determine the areas and populations which may be expected to gain or lose primary service from the proposed operation of Station KCYL and the availability of other primary service to such areas and populations.

2. To determine whether the proposed operation of Station KCYL would cause objectionable interference to Station WACO, Waco, Tex., and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other primary service to such areas and populations.

3. To determine, in the light of the evidence adduced pursuant to the foregoing issues, whether a grant of the application would serve the public interest, convenience and necessity.

It is further ordered, That, Waco Broadcasting Co., licensee of Station WACO, is made a party to the proceeding.

It is further ordered, That the petition to deny filed January 19, 1965 by Waco Broadcasting Company is granted to the extent indicated above and is denied in all other respects.

It is further ordered, That in the event of a grant of the above application, the construction permit shall contain the following condition: Permittee shall accept such interference as may be imposed by other existing 250 watt Class IV stations in the event they are subsequently authorized to increase power to 1000 watts.

It is further ordered, That, to avail themselves of the opportunity to be heard, the applicant and party respondent herein, pursuant to § 1.221(c) of the Commission rules, in person or by attorney, shall, within 20 days of the mailing of this Order, file with the Commission in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this Order.

It is further ordered, That the applicant herein shall, pursuant to section 311(a)(2) of the Communications Act of 1934, as amended, and § 1.594 of the Commission's rules, give notice of the hearing, within the time and in the manner prescribed in such rule, and shall advise the Commission of the publication of such notice as required by § 1.594(g) of the rules.

Released: May 7, 1965.

FEDERAL COMMUNICATIONS COMMISSION,[2]

[SEAL] BEN F. WAPLE, *Secretary.*

[F.R. Doc. 65-5011; Filed, May 11, 1965; 8:48 a.m.]

[Docket Nos. 15944-15946]

OCEAN COUNTY RADIO BROADCASTING CO. ET AL.

Order Designating Applications for Consolidated Hearing on Stated Issues

In re applications of Ocean County Radio Broadcasting Co., Toms River, N.J., Docket No. 15944, File No. BPH-4078, Requests: 92.7 mc, #224; 3 kw; 300 ft.; Seashore Broadcasting Corp., Toms River, N.J., Docket No. 15945, File No. BPH-4632, Requests: 92.7 mc, #224; 3 kw; 300 ft.; Beach Broadcasting Corp., Toms River, N.J., Docket No. 15946, File No. BPH-4638, Requests: 92.7 mc, #224; 3 kw(H); 3 kw(V); 300 ft.; for construction permits.

The Commission, by the Chief of the Broadcast Bureau under delegated authority, considered the captioned applications on April 22, 1965;

It appearing, that, except as indicated by the issues specified below, each of the applicants is legally, technically, financially and otherwise qualified to construct and operate as proposed; and

It further appearing, that the above-captioned applications are mutually exclusive in that concurrent operation would result in mutually destructive interference; and

It further appearing, that, in view of the foregoing, the Commission is unable to make the statutory finding that a grant of the subject applications would serve the public interest, convenience, and necessity and is of the opinion that the applications must be designated for hearing in a consolidated proceeding on the issues set forth below.

It is ordered, That, pursuant to section 309(e) of the Communications Act of 1934, as amended, the applications are designated for hearing in a consolidated proceeding at a time and place to be specified in a subsequent Order, upon the following issues:

1. To determine which of the operations proposed in the above-captioned applications would better serve the public interest, in light of the evidence adduced and the records made with respect to the significant differences between the applicants as to:

(a) The background and experience of each having a hearing on the applicant's ability to own and operate the proposed FM broadcast station.

(b) The proposals of each of the applicants with respect to management and operation of the proposed station.

(c) The programing services proposed in each of the applications.

2. To determine, in the light of the evidence adduced pursuant to the foregoing issue, which of the applications should be granted.

It is further ordered, That, to avail themselves of the opportunity to be heard, the applicants herein, pursuant to § 1.221(c) of the Commission rules, in person or by attorney, shall, within 20 days of the mailing of this Order, file with the Commission in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this Order.

It is further ordered, That the applicants herein shall, pursuant to section 311(a)(2) of the Communications Act of 1934, as amended, and § 1.594 of the Commission's rules, give notice of the hearing, either individually or, if feasible and consistent with the rules, jointly, within the time and in the manner prescribed in such rule, and shall advise the Commission of the publication of such notice as required by § 1.594(g) of the rules.

It is further ordered, That, the issues in the above-captioned proceeding may be enlarged by the Examiner, on his own motion or on petition properly filed by a party to the proceeding, and upon sufficient allegations of fact in support thereof, by the addition of the following

[1] Commissioner Lee absent.

[2] Commissioners Bartley and Loevinger absent.

issue: To determine whether the funds

Bernard J. Coughlin, General Manager, Port

issue: To determine whether the funds available to the applicant will give reasonable assurance that the proposals set forth in the application will be effectuated.

Released: May 6, 1965.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 65-5012; Filed, May 11, 1965; 8:48 a.m.]

[Docket No. 15985; FCC 65M-560]

WHOO RADIO, INC. (WHOO)

Order Scheduling Hearing

In re application of WHOO Radio, Inc. (WHOO), Orlando, Fla., Docket No. 15985, File No. BP-13708; for construction permit.

It is ordered, This 30th day of April 1965, that Basil P. Cooper shall serve as the presiding officer in the above-entitled proceeding; that the hearings therein shall commence at 10 a.m. on June 23, 1965; and that a prehearing conference shall be convened at 9 a.m. on May 21, 1965. *And it is further ordered*, That all proceedings shall be held in the Offices of the Commission, Washington, D.C.

Released: May 7, 1965.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 65-5013; Filed, May 11, 1965; 8:48 a.m.]

FEDERAL MARITIME COMMISSION

CITY OF LOS ANGELES AND NATIONAL METAL AND STEEL CORP.

Notice of Agreement Filed for Approval

Notice is hereby given that the following Agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1321 H Street NW., Room 301; or may inspect agreements at the offices of the District Managers, New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments with reference to an agreement including a request for hearing, if desired, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C., 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter), and the comments should indicate that this has been done.

Notice of agreement filed for approval by:

Bernard J. Caughlin, General Manager, Port of Los Angeles, Post Office Box 151, San Pedro, Calif., 90733.

Agreement No. T-924-1, between the City of Los Angeles (City) and National Metal & Steel Corp. (Company), is a modification of approved agreement No. T-924.

The original agreement, T-924, provides for Company's lease of certain property at Los Angeles for the storage of scrap metals and for the loading of such metals into vessels.

The modification extends the terms of the agreement for an additional 5-year period.

Dated: May 7, 1965.

By order of the Federal Maritime Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 65-4992; Filed, May 11, 1965; 8:46 a.m.]

LYKES BROS. STEAMSHIP CO., INC., AND MOORE-McCORMACK LINES, INC.

Notice of Proposed Cancellation of Agreement

Notice is hereby given that a request for cancellation of the following agreement, pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814), has been filed with the Commission.

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1321 H Street NW., Room 301; or may inspect agreements at the offices of the District Managers, New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments with reference to an agreement including a request for hearing, if desired, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C., 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the comments should indicate that this has been done.

Notice of requests for cancellation of transhipment agreements filed by:

Mr. W. H. Hagan, Jr.,
Traffic Manager, African Line,
Commerce Building,
821 Gravier Building,
New Orleans, La. 70112.

Agreement 8443, between Lykes Bros. Steamship Co., Inc. and Moore-McCormack Lines, Inc., covers a transhipment arrangement in the trade from Madagascar ports to U.S. Gulf ports with transhipment at African ports east of Capetown, South Africa.

Agreement 8465, between Lykes Bros. Steamship Co., Inc. and Moore-McCormack Lines, Inc., covers a transhipment arrangement in the trade from U.S. Gulf ports to Madagascar ports with transhipment at African ports east of Capetown, South Africa.

Dated: May 6, 1965.

By order of the Federal Maritime Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 65-4993; Filed, May 11, 1965; 8:46 a.m.]

[Fact Finding Investigation 5]

TERMINAL PRACTICES

South Atlantic and Gulf Ports (From, But Excluding, Hampton Roads, Va., to Brownsville, Tex.)

MAY 6, 1965.

A hearing in this proceeding will be held by the undersigned beginning at 10 a.m., May 25, 1965, at Room 301, Federal Building, Mobile, Ala.

The hearing will be public.

JAMES A. KEMPKER,
Investigative Officer.

[F.R. Doc. 65-4994; Filed, May 11, 1965; 8:46 a.m.]

[Docket No. 65-18]

RATES ON U.S. GOVERNMENT CARGOES

Order of Investigation and Hearing

The Atlantic and Gulf American Flag Berth Operators (AGAFBO) (Agreement No. 8086-2), the West Coast American Flag Berth Operators (Agreement No. 8186), and the Trans-Pacific American Flag Berth Operators (Agreement No. 8493), are ratemaking groups of common carriers that operate in the foreign commerce of the United States. Said conferences are composed of American flag lines which confer and act together to fix rates on U.S. Department of Defense (military) cargo.

As a result of information received by the Commission, including public testimony before Congressional Committees, a question has arisen as to whether the joint negotiation of rates on military cargo has resulted in fair and reasonable rates on said cargo, whether the operation of each of said agreements has resulted in fairness to the U.S. Government and each of its shipping agencies, whether each of said agreements has operated in the public interest, and whether each of said agreements has operated in a manner consistent with the provisions of the Shipping Acts.

Additionally, a commodity on which said conferences fix rates is that of military household goods. There is some indication that all or some of said conferences or their member lines acting jointly have agreed to charge special rates on U.S. Government-sponsored nonmilitary household goods outside the scope of their approved conference agreements. There is also indication that the special rates charged shipments of nonmilitary household goods have not been filed with the Federal Maritime Commission.

There is further evidence that certain of the member lines of said conferences have charged rates on U.S. Government-

sponsored, nonmilitary household goods, shipped by private van lines on through Government Bills of Lading, which rates are higher than those rates charged comparable shipments of military household goods under circumstances substantially the same.

AGAFBO filed reduced rates on household goods which became effective March 29, 1965, and are to remain in effect for a period of 30 days unless extended. Public charges have been made that these reduced rates are for the purpose of preventing the entry or causing the retirement from the trade of Sapphire Steamship Lines, an American flag line which is not a member of AGAFBO. A representative of AGAFBO publicly acknowledged that said reduced rates may not be "fair, reasonable or compensatory".

AGAFBO representatives have indicated that their rate reductions were required in order to remain competitive with household goods rates filed by Sapphire Steamship Lines. Said officials have further alleged that the rates on household goods of Sapphire Steamship Lines are unfair, non-compensatory and detrimental to U.S. commerce.

In consideration of the above, the Commission is of the opinion that an investigation should be initiated to determine:

(1) Whether any of the said agreements has operated in a manner which is unjustly discriminatory or unfair to the U.S. Government or to any of its shipping agencies or between carriers or has operated to the detriment of the Commerce of the United States, or is contrary to the public interest, or is in violation of the Shipping Acts; and whether in view of such findings each of said agreements should receive continued approval, be modified or cancelled pursuant to standards of section 15.

(2) Whether any of said conferences or the member lines acting jointly have carried out any agreement before it has been filed with and approved by the Commission in violation of section 15.

(3) Whether any of the member lines of said conferences have charged rates which are unduly, unreasonably, or unjustly discriminatory with respect to nonmilitary household goods sponsored by the U.S. government and shipped by private van lines, in violation of sections 16 First and 17.

(4) Whether any of the member lines of said conferences have charged rates on nonmilitary household goods, which rates were not properly on file with the Federal Maritime Commission in violation of section 18(b)(3).

(5) Whether the rates on household goods filed by AGAFBO are so unreasonably low as to be detrimental to the commerce of the United States in violation of section 18(b)(5).

(6) Whether the rates on household goods filed by AGAFBO have been, prior to the effective date of the reduced rates or will be at the expiration of the reduced rates, so unreasonably high as to be detrimental to the commerce of the United States in violation of section 18(b)(5).

(7) Whether the member lines of AGAFBO have individually or together with other member lines acted to exclude Sapphire from the carriage of goods in violation of section 14 Second.

(8) Whether the rates on household goods filed by Sapphire Steamship Lines are so unreasonably low as to be detrimental to the commerce of the United States in violation of section 18(b)(5).

Therefore, it is ordered, That the Commission, on its own motion pursuant to the provisions of sections 15 and 22 of the Shipping Act, 1916, enter upon an investigation to determine whether the rates and practices of the three conferences and/or their member lines violate sections 14 Second, 15, 16 First, 17, 18(b)(3) and 18(b)(5) of the Shipping Act, 1916, and whether the agreements of the conferences should continue to be approved in accordance with the provisions of section 15; and whether the rates of Sapphire Steamship Lines violate section 18(b)(5);

It is further ordered, That the conferences and carriers listed in Appendix A below be made parties respondent in this proceeding; and

It is further ordered, That this proceeding be assigned for public hearing before an examiner of the Commission's Office of Hearing Examiners and that the hearing be held at a date and place to be determined and announced by the presiding examiner; and that the proceeding be expedited;

It is further ordered, That notice of this Order be published in the FEDERAL REGISTER and that a copy thereof and notice of hearing be served upon respondents; and

It is further ordered, That any person, other than respondents, who desires to become a party to this proceeding and to participate therein, shall file a petition to intervene with the Secretary, Federal Maritime Commission, Washington, D.C., 20573, on or before May 21, 1965, with copy to parties.

And it is further ordered, That all future notices issued by or on behalf of the Commission in this proceeding, including notice of time and place of hearing or prehearing conference, shall be mailed directly to all parties of record.

By the Commission.

[SEAL] THOMAS LISI,
Secretary.

APPENDIX A

Agreement No. 8186—West Coast-American Flag Berth Operators Agreement.
Agreement No. 8493—Trans-Pacific American-Flag Berth Operators Agreement.

A. R. Page, Secretary, Seven Front Street, San Francisco, Calif., 94111.
American Export Isbrandtsen Lines, Inc. (Agreement 8186), 150 California Street, San Francisco, Calif.
American Mail Line Ltd. (Agreements 8186 and 8493), 601 California Street, San Francisco, Calif.
American President Lines, Ltd. (Agreements 8186 and 8493), 601 California Street, San Francisco, Calif.
Isthmian Lines, Inc. (Agreements 8186 and 8493), States Marine-Isthmian Agency, Inc., 100 Bush Street, San Francisco, Calif.
Matson Navigation Co. (Agreement 8186), 215 Market Street, San Francisco, Calif., 94105.
Pacific Far East Line, Inc. (Agreements 8186 and 8493), 141 Battery Street, San Francisco, Calif., 94111.
States Marine Lines—Joint Service (Agreements 8186 and 8493), (1) States Marine Lines, Inc.; (2) Global Bulk Transport Inc.; c/o States Marine-Isthmian Agency, Inc., 100 Bush Street, San Francisco, Calif.
States Steamship Co. (Agreement 8186), 320 California Street, San Francisco, Calif., 94104.
Waterman Steamship Corp. (Agreements 8186 and 8493), Waterman Corp. of California, 310 Sansome Street, San Francisco, Calif.

Agreement No. 8086—Atlantic & Gulf American-Flag Berth Operators Agreement.

R. L. Hansen, Secretary, 80 Broad Street, New York, N.Y., 10004.
Alcoa Steamship Co., Inc., 17 Battery Place, New York, N.Y., 10004.
American Export Isbrandtsen Lines, Inc., 26 Broadway, New York, N.Y., 10004.
American President Lines, Ltd., 29 Broadway, New York, N.Y., 10006.
American Union Transport, Inc., 17 Battery Place, New York, N.Y., 10004.
Bloomfield Steamship Co., 213 International Trade Mart, New Orleans, La., 70130.
Central Gulf Steamship Corp., One Whitehall Street, New York, N.Y., 10004.
Farrell Lines Inc., One Whitehall Street, New York, N.Y., 10004.
Grace Line, Inc., Three Hanover Square, New York, N.Y., 10004.
Great Lakes Bengal Lines, Inc., J. J. Georgelis, Inc., General Agents, One Whitehall Street, New York, N.Y., 10004.
Isthmian Lines, Inc., States Marine-Isthmian Agency, Inc., 90 Broad Street, New York, N.Y., 10004.
Lykes Bros. Steamship Co., Inc., 17 Battery Place, New York, N.Y., 10004.
Matson Navigation Co., 630 Fifth Avenue, New York, N.Y., 10020.
Moore-McCormack Lines, Inc., Two Broadway, New York, N.Y., 10004.
Pacific Seafarers, Inc., J. J. Georgelis, Inc., One Whitehall Street, New York, N.Y., 10004.
Prudential Steamship Corp., One Whitehall Street, New York, N.Y., 10004.
States Marine Lines—Joint Service, (1) States Marine Lines, Inc.; (2) Global Bulk Transport Inc.; c/o States Marine-Isthmian Agency, Inc., 90 Broad Street, New York, N.Y., 10004.
T. J. Stevenson & Co., Inc. (Stevenson Lines), 80 Broad Street, New York, N.Y., 10004.
United States Lines Co., One Broadway, New York, N.Y., 10004.
Waterman Steamship Corp., 19 Rector Street, New York, N.Y., 10006.
Sapphire Steamship Lines, Inc., 260 Fifth Avenue, New York, N.Y.

[F.R. Doc. 65-4995; Filed, May 11, 1965; 8:46 a.m.]

FEDERAL POWER COMMISSION

[Docket No. RP64-9 etc.]

CITIES SERVICE GAS CO. ET AL.

Notice of Extension of Time

MAY 4, 1965.

In the matter of Cities Service Gas Co., Docket No. RP64-9, Columbian Fuel Corp., Docket Nos. RI61-316, RI61-518, RI62-49, Cities Service Oil Co., Docket Nos. RI63-485, RI65-269.

Upon consideration of the motion filed by Staff Counsel on April 29, 1965, for an extension of time within which to file its direct testimony and exhibits in the above-designated matter;

Notice is hereby given that the time is extended to and including May 21, 1965, within which Staff Counsel shall serve its testimony and exhibits on all parties; and to and including June 4, 1965 within

which intervenors proposing to present

which intervenors proposing to present evidence on the affiliated purchased gas cost issue shall serve their testimony and exhibits upon all parties.

Further, notice is hereby given that the prehearing conference presently scheduled to commence on May 25, 1965, is postponed to June 15, 1965, at 10 a.m. in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D.C.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 65-4962; Filed, May 11, 1965; 8:45 a.m.]

[Docket No. CP65-345]

EASTERN SHORE NATURAL GAS CO.

Notice of Application

MAY 5, 1965.

Take notice that on April 28, 1965, Eastern Shore Natural Gas Co. (Applicant), filed in Docket No. CP65-345 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of a lateral pipeline and metering and connecting facilities to deliver interruptible natural gas to Crothers Brothers Co. (Crothers) at Mount Pleasant, Del., for use in drying grain in a plant under construction, all as more fully set forth in the application on file with the Commission and open to public inspection.

Specifically, Applicant proposes to tap its present 6-inch transmission line and extend a 2-inch line approximately 200 feet to Crothers' plant. The application states that the estimated annual delivery of 25,000 Mcf can be made from existing gas supplies.

The total estimated cost of the lateral, meter and regulating facilities proposed by the application is $2,995.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C., 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (157.10) on or before May 30, 1965.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no protest or petition to intervene is filed within the time required herein, and the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a protest or petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or to be represented at the hearing.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 65-4963; Filed, May 11, 1965; 8:45 a.m.]

[Docket No. G-2602 etc.]

MARATHON OIL CO.

Order Amending Orders Issuing Certificates of Public Convenience and Necessity, Substituting Applicant, and Cancelling Docket Number

MAY 4, 1965.

In the matter of Marathon Oil Co. (formerly the Ohio Oil Co.), Docket Nos. G-2602, G-7254, G-7270, G-10904, G-11630, G-12699, G-17931, CI61-169, CI62-1081.

On February 26, 1962, the Ohio Oil Co. (Ohio) filed in Docket No. CI62-1081 a petition to be substituted as certificate holder or Applicant in lieu of Plymouth Oil Co. (Plymouth) in the above dockets,[1] pursuant to an agreement between the parties dated December 28, 1961, by which Plymouth agreed to sell all of its assets, properties and rights to Ohio.

On August 17, 1962, Marathon Oil Co. (Marathon) filed in Docket Nos. G-2602, et al., a petition requesting that the name of the certificate holder or Applicant in the dockets listed therein, including those involved herein, be changed to reflect a change in name from Ohio to Marathon. The name was changed on June 4, 1962, effective August 1, 1962, by resolution of responsible officials of the corporation with the approval of the stock holders. There is no change in corporate structure.

Accordingly, Marathon will be substituted as certificate holder or Applicant in the dockets involved.

After due notice, no petition to intervene, notice of intervention, or protest to the granting of the petitions has been filed.

The Commission finds: It is necessary and appropriate in carrying out the provisions of the Natural Gas Act that Marathon Oil Co. be substituted for Plymouth Oil Co. as certificate holder or Applicant in the dockets involved herein as hereinafter ordered.

The Commission orders:

(A) The orders issuing certificates in Docket Nos. G-2602, G-7254, G-7270, G-10904, and G-12699 be and the same are hereby amended by substituting Marathon Oil Co. in lieu of Plymouth Oil Co. as certificate holder.

(B) The order issuing a certificate in Docket No. G-11630 be and the same is hereby amended by substituting Marathon Oil Co. (Operator) in lieu of Plymouth Oil Co. (Operator) as certificate holder.

(C) The order issuing a certificate in Docket No. G-17931 be and the same is hereby amended by substituting Marathon Oil Co., et al., in lieu of Plymouth Oil Co., et al., as certificate holder.

(D) Marathon Oil Co. is hereby substituted in lieu of Plymouth Oil Co. as applicant in Docket No. CI61-169.[2]

(E) Docket No. CI62-1081 be and the same is hereby canceled.

(F) In all other respects the orders hereby amended shall remain in full force and effect.

By the Commission.

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 65-4964; Filed, May 11, 1965; 8:45 a.m.]

[1] Included in the subject filing were Docket Nos. G-18929 and G-19525. However, the certificates granted therein by Commission orders issued May 3, 1960, in Docket No. G-13369, et al., and October 31, 1960, in Docket No. G-13831, et al., respectively, have been terminated by Commission orders issued September 13, 1963, in Docket No. G-9085, et al., and September 19, 1963, in Docket No. G-8003, et al., respectively. For this reason no action will be taken with respect to these dockets.

[2] Consolidated with Docket No. G-20464, et al.

[Docket Nos. CP64-255 (Phase I), CP65-188]

NORTHERN NATURAL GAS CO.

Notice of Petition To Amend

MAY 5, 1965.

Take notice that on April 28, 1965, Northern Natural Gas Co. (Petitioner), 2223 Dodge Street, Omaha, Nebr., filed in Docket Nos. CP64-255 (Phase I) and CP65-188 a petition to amend the orders of the Commission issued in said dockets on December 21, 1964, and March 31, 1965, respectively, each of which orders authorized, among other things, the construction and operation by Petitioner of a 3,400 horsepower reciprocating compressor unit at its Mullinville, Kans., compressor station.

By the instant filing, Petitioner seeks to have the orders amended to substitute authority for the construction and operation of a 12,500 horsepower turbine unit at the Mullinville station in lieu of the two 3,400 horsepower reciprocating units presently authorized.

The petition states that the estimated construction costs will be decreased by $166,500 if the orders are amended to authorize the substitution.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C., 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (157.10) on or before May 29, 1965.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 65-4965; Filed, May 11, 1965; 8:45 a.m.]

[Docket No. CP65-344]

NORTHERN NATURAL GAS CO.

Notice of Application

MAY 5, 1965.

Take notice that on April 28, 1965, Northern Natural Gas Co. (Applicant), 2223 Dodge Street, Omaha, Nebr., filed in Docket No. CP65-344 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of certain natural gas facilities and the transportation and sale of natural gas, all as more fully set forth in the application on file with the Commission and open to public inspection.

[2] Consolidated with Docket No. G-20464, et al.

Specifically, Applicant proposes to construct and operate 24 miles of 30-inch pipeline loop in northern Kansas and a 2,000 horsepower compressor unit addition at Ogden, Iowa. The total cost of the project is estimated to be $3,236,000, and it is to be financed from cash on hand, reserve accruals and retained earnings.

Applicant requests authorization to supply the following existing customers the increased contract demand volumes indicated:

	Mcf
Town of Harlan, Iowa	400
Iowa Southern Utilities Co.	70
Northern States Power Co.	9,005
Peoples Natural Gas Division	7,700
Town of Remsen, Iowa	50
Superior Water, Light and Power Co.	1,500
Town of Watertown, S. Dak.	400
Iowa Power and Light Co.	2,000
Metropolitan Utilities District	(2,000)
Total increase	19,125

The application states that 9,240 Mcf of the increase will be resold by the distributors to new and existing large volume industrial customers, as will 100 Mcf of existing contract demand of Peoples Natural Gas Division. The remaining 9,885 Mcf of increased volumes will be used by the distributors to meet growth requirements of the communities which they serve.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C., 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (157.10) on or before June 1, 1965.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no protest or petition to intervene is filed within the time required herein, and the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a protest or petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 65-4966; Filed, May 11, 1965; 8:45 a.m.]

[Project No. 2516]

POTOMAC LIGHT AND POWER CO.

Notice of Application for License for Constructed Project

MAY 4, 1965.

Public notice is hereby given that application has been filed under the Federal Power Act (16 U.S.C. 791a-825r) by Potomac Light and Power Co. (correspondence to: Carroll E. Summers, Secretary, Potomac Light and Power Co., 200 East Patrick Street, Frederick, Md.) for a license for constructed Project No. 2516, known as Dam No. 4 Hydro Station, located on the Potomac River, in Berkeley County, W. Va., near the town of Shepherdstown.

The existing project, which derives its power supply from a U.S. owned dam, consists of: A head race 230 feet long and 50 feet wide; a stone and reinforced concrete powerhouse containing two 500 kw. horizontal generators driven by two 670 hp. horizontal water wheels; a tailrace about 30 feet wide and 600 feet long; and all other electrical and mechanical facilities appurtenant to the operation of the project.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C., 20426, in accordance with the rules of practice and procedure of the Commission (18 CFR 1.8 or 1.10). The last day upon which protests or petitions may be filed is June 21, 1965. The application is on file with the Commission for public inspection.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 65-4967; Filed, May 11, 1965; 8:45 a.m.]

[Docket No. CP65-343]

ILLINOIS POWER CO.

Notice of Application

MAY 3, 1965.

Take notice that on April 27, 1965, Illinois Power Co. (Applicant), 500 South 27th Street, Decatur, Ill., 62525, filed in Docket No. CP65-343 an application pursuant to section 7(a) of the Natural Gas Act for an order of the Commission directing Mississippi River Transmission Corp. (MRTC), to establish physical connection of its natural gas transmission facilities with the facilities proposed to be constructed by Applicant, and to sell and deliver natural gas to Applicant for resale and distribution in the village of Valmeyer and environs, Monroe County, Illinois, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes to construct a distribution system in Valmeyer, Ill., for the resale of natural gas to residential and commercial customers. Applicant also requests that MRTC construct a sales station to service the proposed connection.

The total estimated volumes of natural gas involved to meet Applicant's annual and peak day requirements for the community for the initial 3-year period of proposed operations are stated to be:

	First year	Second year	Third year
Annual (Mcf)	4,104	14,[illegible]	17,814
Peak day (Mcf)	[illegible]	171.5	[illegible].0

The total estimated cost of Applicant's proposed distribution system is $233,-845, and will be financed from funds available for this purpose.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C., 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before May 28, 1965.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 65-5032; Filed, May 11, 1965; 8:48 a.m.]

HOUSING AND HOME FINANCE AGENCY

Office of the Administrator

REGIONAL ADMINISTRATORS

Delegation of Authority With Respect to Loans for Housing for the Elderly or Handicapped

Each Regional Administrator of the Housing and Home Finance Agency is hereby authorized under section 202 of the Housing Act of 1959, as amended (73 Stat. 667, as amended, 12 U.S.C. 1701q):

1. To execute loan agreements and regulatory agreements and amendments or modifications of loan agreements and regulatory agreements.

2. To authorize an increase of not to exceed 10 percent in the amount of the loan and to authorize such amendment of the loan agreement as is necessary to effectuate the authorized increase in the amount of the loan.

3. To execute amendments or modifications of notes, mortgages, and other collateral security instruments.

4. To redelegate to the Regional Director of Community Facilities the authority delegated herein except the authority to authorize an increase in the amount of the loan.

5. In the case of the Regional Administrator, Region VI (San Francisco), to redelegate to the Director for Northwest Operations, Region VI, at Seattle, Wash., any of the authority delegated herein.

This delegation supersedes the delegation effective May 5, 1964 (29 F.R. 5921, May 5, 1964).

(62 Stat. 1283 (1948), as amended by 64 Stat. 80 (1950), 12 U.S.C. 1701c)

Effective as of the 8th day of July 1964.

[SEAL] ROBERT C. WEAVER,
Housing and Home Finance Administrator.

[F.R. Doc. 65-4985; Filed, May 11, 1965; 8:46 a.m.]

FEDERAL RESERVE SYSTEM

CHASE MANHATTAN BANK

Applications for Unlisted Trading Privileges

Notice is hereby given that the Boston Stock Exchange and Philadelphia-Baltimore-Washington Stock Exchange, both of which are national securities ex-

changes, have applied to the Board of

changes, have applied to the Board of Governors, pursuant to sections 12(f) and 12(i) of the Securities Exchange Act of 1934 (15 U.S.C. 781), for unlisted trading privileges as to the capital stock of The Chase Manhattan Bank, which security is listed and registered on the New York Stock Exchange, a national securities exchange.

In determining whether to grant the applications, the Board is required by section 12(f)(2) of the Act to determine whether the requested unlisted trading privileges are necessary or appropriate in the public interest or for the protection of investors.

Upon receipt of a request from any interested person, on or before May 24, 1965, for a hearing on the applications, the Board will determine whether to order such a hearing. Any such request should state the nature of the interest of the person making the request and the position he proposes to take at the hearing, if a hearing is held. In addition, on or before the specified date any interested person may submit his views or any additional information bearing on the applications. Communications should be addressed to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C., 20551. At any time after the specified date, an order disposing of the applications may be issued by the Board upon the basis of the information presented therein and other available information.

Dated at Washington, D.C., this 6th day of May 1965.

By order of the Board of Governors.

[SEAL] MERRITT SHERMAN, *Secretary.*

[F.R. Doc. 65-4962; Filed, May 11, 1965; 8:46 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 1-3421]

CONTINENTAL VENDING MACHINE CORP.

Order Suspending Trading in Securities

MAY 6, 1965.

The common stock, 10 cents par value, of Continental Vending Machine Corp., being listed and registered on the American Stock Exchange and having unlisted trading privileges on the Philadelphia-Baltimore-Washington Stock Exchange and the 6-percent convertible subordinated debentures due September 1, 1976 being listed and registered on the American Stock Exchange, pursuant to provisions of the Securities Exchange Act of 1934; and

It appearing to the Securities and Exchange Commission that the summary suspension of trading in such securities on such Exchanges and otherwise than on a national securities exchange is required in the public interest and for the protection of investors:

It is ordered, Pursuant to sections 15(c)(5) and 19(a)(4) of the Securities Exchange Act of 1934, that trading in such securities on the American Stock Exchange, the Philadelphia-Baltimore-Washington Stock Exchange and otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period May 7, 1965, through May 16, 1965, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 65-4956; Filed, May 11, 1965; 8:45 a.m.]

[File No. 01-29]

ERT CORP.

Notice of Application and Opportunity for Hearing

MAY 5, 1965.

Notice is hereby given that ERT Corp. (Company), Jersey City 2, N.J., has filed an application pursuant to section 12(h) of the Securities Exchange Act of 1934, as amended (Act), for a finding that by reason of the limited amount of trading interest in its securities and the nature and extent of its activities an exemption from the registration provisions of sec. 12(g) of the Act would not be inconsistent with the public interest or the protection of investors. Exemption from section 12(g) will have the additional effect of exempting the company from sections 13 and 14 of the Act and any officer, director or beneficial owner of more than 10 percent of the Company's securities from section 16 thereof.

Section 12(g) of the Act requires the registration of the equity securities of every issuer which is engaged in or in a business affecting interstate commerce, or whose securities are traded by use of the mails or any means or instrumentality of interstate commerce and, on the last day of its fiscal year, had total assets exceeding $1,000,000, and a class equity security held of record initially by 750 or more persons, and after July 1, 1966, by 500 or more persons.

Section 12(h) empowers the Commission to exempt, in whole or in part, any issuer or class of issuers from registration, periodic reporting, and proxy solicitation provisions and to grant exemptions from insider reporting and trading provisions of the Act if the Commission finds, by reason of the number of public investors, amount of trading interest in the securities, the nature and extent of the activities of the issuer, or otherwise, that such exemption is not inconsistent with the public interest or the protection of investors.

The Company's and Trustee's application states, in part:

1. The company, a Delaware corporation, is a 98-percent owned subsidiary of Emerson Radio and Phonograph Corp. (Emerson), a New York corporation. The company was legally dissolved under the laws of Delaware on May 8, 1964.

2. The Liquidating Trustees hold assets having a net worth of approximately $1,782,000 and there are approximately 1,000 stockholders or holders of an interest in the dissolved Corporation. The Liquidating Trustees state they or the company are not engaged in any business either intrastate or interstate but are merely preparing to make a final liquidation of the net assets to the stockholders.

3. The stockholders, other than Emerson, hold 2 percent of the outstanding shares which the Trustees state has a net worth of approximately $35,000.

4. The Trustees expect to make a final distribution of the net assets by the end of the present calendar year. Two matters are pending which require resolution prior to such distribution; namely: (a) The settlement of a U.S. Government contract claim which ERT has against the U.S. Government where payments are to be made to ERT and (b) the completion of the Federal income tax examination of ERT for the years 1961 to date.

For a more detailed statement of the information presented, all persons are referred to said application which is on file in the offices of the Commission at 425 Second Street NW., Washington, D.C.

Notice is further given that any interested person may, not later than May 25, 1965, submit to the Commission in writing his views or any additional facts bearing upon this application or the desirability of a hearing thereon. Any such communication or request should be addressed: Secretary, Securities and Exchange Commission, 425 Second Street NW., Washington, D.C., 20549, and should state briefly the nature of the interest of the person submitting such information or requesting a hearing, the reason for such request, and the issues of fact and law raised by the application which he desires to controvert. At any time after said date, an order granting the application may be issued by the Commission unless an order for hearing upon the application is issued upon request or upon the Commission's own motion.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 65-4957; Filed, May 11, 1965; 8:45 a.m.]

[File Nos. 01-10—01-18]

PITTSBURGH, YOUNGSTOWN, AND ASHTABULA RAILWAY CO. ET AL.

Notice of Applications and Opportunity for Hearing

MAY 5, 1965.

In the matter of The Pittsburgh, Youngstown, and Ashtabula Railway Co. (File No. 01-10); Erie and Pittsburgh Railroad Co. (File No. 01-11); The Philadelphia and Trenton Railroad Co. (File No. 01-12); The Northern Central Railway Co. (File No. 01-13); The Cleveland and Pittsburgh Railroad Co. (File No. 01-14); The United New Jersey Railroad and Canal Co. (File No. 01-15); West Jersey and Seashore Railroad Co. (File No. 01-16); Pittsburgh, Fort Wayne, and Chicago Railway Co. (File No. 01-17); Elmira and Williamsport Railroad Co. (File No. 01-18).

Notice is hereby given that each of the above-named companies and The Pennsylvania Railroad Co. ("Pennsylvania"), have submitted applications to the Securities and Exchange Commission seeking exemptions under section 12(h) of the Securities Exchange Act of 1934 (Act), from the requirements of section 14(c) of the Act, for and in connection with any annual or other meeting of the stockholders of such companies at which the only actions to be taken are the election of directors and/or such other action as does not directly or indirectly affect the interest of the holders of such stock in said companies.

Section 12(h) of the Act permits the Commission, upon application of an interested person, by order, after notice and opportunity for hearing, to exempt in whole or in part any issuer or class of issuers from section 14 upon such terms and conditions and for such period as it deems appropriate, if the Commission finds, by reason of the number of public investors, amount of trading interest in the securities, the nature and extent of the activities of the issuer, income or assets of the issuer, or otherwise, that such action is not inconsistent with the public interest or the protection of investors.

According to the applications, all of the property of each company is operated by Pennsylvania as Lessee under leases dated at various years from 1870 to 1911, for terms of 999 years under which the rental paid annually by Pennsylvania is an amount sufficient to pay the fixed rate of dividend on stock owned by persons other than Pennsylvania and a sum sufficient to cover the expense of maintaining each of the organizations. The Board of Directors of each company includes officers of Pennsylvania and other persons chosen and nominated by Pennsylvania. In addition, the officers of each company are also officers of Pennsylvania and they received no separate compensation in their capacity as officers of such companies.

Each company presently has outstanding voting securities of various classes one or more of which are registered with the Securities and Exchange Commission pursuant to section 12(b) of the Securities Exchange Act of 1934, and listed for trading on the New York or the Philadelphia-Baltimore-Washington Stock Exchanges. As of November 30, 1964, Pennsylvania owned from 53.78 to 92.86 percent of such securities representing such percentages of the total voting power in such companies.

Each company files annual reports containing financial information together with other significant data with the Interstate Commerce Commission and with this Commission. Each company either mails notice of its annual meeting or publishes such notice in a newspaper as required by its By-Laws. No proxies are solicited from stockholders and some companies send its annual financial statements to its registered holders while other companies send such statements upon request. Each application states that the respective Exchanges are aware of these practices and have consented and agreed thereto. The applicants have undertaken, beginning in 1966, to send to each registered stockholder with the notice of each annual meeting a copy of its customary financial statement containing its balance sheet and income items.

For a more detailed statement of the information presented, all persons are referred to said applications which are on file in the offices of the Commission at 425 Second Street NW., Washington, D.C.

Notice is further given that an order granting the application upon such terms and conditions as the Commission may deem necessary or appropriate may be issued by the Commission at any time on or after May 25, 1965, unless prior thereto a hearing is ordered by the Commission. Any interested person may not later than May 25, 1965, at 5:30 p.m. submit to the Commission in writing his views or any additional facts bearing upon the application or the desirability of a hearing thereon, or request the Commission in writing that a hearing be held thereon. Any such communication or request should be addressed to the Secretary, Securities and Exchange Commission, Washington, D.C., 20549, and should state briefly the nature of the interest of the person submitting such information or requesting a hearing, the reason for such request and the issues of fact or law raised by the application which he desires to controvert. The applicants waive such notice and opportunity for hearing, but only if the Commission finds itself unable to grant the application.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 65-4958; Filed, May 11, 1965; 8:45 a.m.]

[811-412]

SECURITY TRUST ASSOCIATES

Notice of Filing of Application for Order Declaring Company Has Ceased To Be an Investment Company

MAY 6, 1965.

Notice is hereby given that Security Trust Associates ("applicant"), One Court Street, Boston 8, Mass., a trust created under the laws of the State of Massachusetts and a management open-end, diversified investment company registered under the Investment Company Act of 1940 ("Act"), has filed an application and an amendment thereto pursuant to section 8(f) of the Act for an order declaring that applicant has ceased to be an investment company as defined in the Act. All interested persons are referred to the application on file with the Commission for a full statement of the representations contained therein.

Applicant represents that it is not offering its securities to the public; that it does not presently propose a public offering of its securities; and that its outstanding securities are beneficially owned by not more than 100 persons.

Section 3(c)(1) of the Act provides that any issuer whose outstanding securities are beneficially owned by not more than 100 persons and which is not making and does not presently propose to make a public offering of its securities is not an investment company within the meaning of the Act.

Notice is further given that any interested person may, not later than May 26, 1965, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C., 20549. A copy of such request shall be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon applicant at the address stated above. Proof of such service (by affidavit or in case of an attorney-at-law by certificate) shall be filed contemporaneously with the request. At any time after said date, as provided by Rule 0-5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the information stated in said application, unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 65-4959; Filed, May 11, 1965; 8:45 a.m.]

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATION FOR RELIEF

MAY 7, 1965.

Protests to the granting of an application must be prepared in accordance with Rule 1.40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 39750—*Fertilizer products from Steeltown, Tex.* Filed by Southwestern Freight Bureau, agent (No. B-8722), for interested rail carriers. Rates on fish scrap, dry, not ground or pulverized, or acid fish scrap, in carloads, from Steeltown, Tex., to points in Illinois, Iowa, Missouri, and Wisconsin.

Grounds for relief—Market competition.

Tariff—Supplement 126 to Southwestern Freight Bureau, agent, tariff I.C.C. 4423.

No. MC 1934 (Deviation No. 3), THE [illegible] by motor vehicle, over irregular routes, [illegible] Salle Street, Chicago 3, Ill., Authorities

By the Commission.

[SEAL] BERTHA F. ARMES, *Acting Secretary.*

[F.R. Doc. 65-4996; Filed, May 11, 1965; 8:47 a.m.]

[Notice 351]

MOTOR CARRIER ALTERNATE ROUTE DEVIATION NOTICES

MAY 7, 1965.

The following letter-notices of proposals to operate over deviation routes for operating convenience only have been filed with the Interstate Commerce Commission, under the Commission's Deviation Rules Revised, 1957 (49 CFR 211.1 (c)(8)) and notice thereof to all interested persons is hereby given as provided in such rules (49 CFR 211.1(d)(4)).

Protests against the use of any proposed deviation route herein described may be filed with the Interstate Commerce Commission in the manner and form provided in such rules (49 CFR 211.1(e)) at any time, but will not operate to stay commencement of the proposed operations unless filed within 30 days from the date of publication.

Successively filed letter-notices of the same carrier under the Commission's Deviation Rules Revised, 1957, will be numbered consecutively for convenience in identification and protests if any should refer to such letter-notices by number.

MOTOR CARRIERS OF PROPERTY

No. MC 26739 (Deviation No. 14), CROUCH BROS., INC., Transport Building, St. Joseph, Mo., 64501, filed April 26, 1965. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From St. Joseph, Mo., over U.S. Highway 36 to junction U.S. Highway 73, and thence over U.S. Highway 73 to Omaha, Nebr., and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities over pertinent service routes as follows: From St. Joseph, Mo., over U.S. Highway 71 to junction Missouri Highway 27, and thence over Missouri Highway 27 to Hopkins, Mo., and (2) from Maryville, Mo., over U.S. Highway 71 to Clarinda, Iowa, thence over Iowa 2 to Shenandoah, Iowa, thence over U.S. Highway 59 to Emerson, Iowa, thence over U.S. Highway 34 to Glenwood, Iowa, and thence over U.S. Highway 275 to Omaha, Nebr., and return over the same routes.

No. MC 26739 (Deviation No. 15), CROUCH BROS., INC., Transport Building, St. Joseph, Mo., 64501, filed April 27, 1965. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Kansas City, Mo., over U.S. Highway 24 to junction U.S. Highway 73, and thence over U.S. Highway 73 to Omaha, Nebr., and return over the same route for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities over pertinent service routes as follows: (1) From Kansas City, Mo., over U.S. Highway 169 to junction Missouri Highway 116, and thence over Missouri Highway 116 to Plattsburg, Mo.; (2) from St. Joseph, Mo., over U.S. Highway 169 to junction Missouri Highway 116, and thence over Missouri Highway 116 to Lathrop, Mo.; (3) from St. Joseph, Mo., over U.S. Highway 71 to junction Missouri Highway 27, and thence over Missouri Highway 27 to Hopkins, Mo.; and (4) from Maryville, Mo., over U.S. Highway 71 to Clarinda, Iowa, thence over Iowa Highway 2 to Shenandoah, Iowa, thence over U.S. Highway 59 to Emerson, Iowa, thence over U.S. Highway 34 to Glenwood, Iowa, and thence over U.S. Highway 275 to Omaha, Nebr., and return over the same routes.

No. MC 52110 (Deviation No. 1), BRADY MOTORFRATE, INC., Sixth and University, Des Moines, Iowa, 50314, filed April 26, 1965. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From junction Indiana Highway 39 and U.S. Highway 20 over Indiana Highway 39 to the Indiana-Michigan State line, thence over Michigan Highway 239 to junction Interstate Highway 94, and thence over Interstate Highway 94 to Detroit, Mich., and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities over pertinent service routes as follows: (1) From Chicago, Ill., over U.S. Highway 12 to Michigan City, Ind., thence over U.S. Highway 35 to junction U.S. Highway 20, and thence over U.S. Highway 20 to South Bend, Ind.; (2) from South Bend, Ind., over U.S. Highway 20 to Elkhart, Ind., and thence over Indiana Highway 120 to Bristol, Ind.; (3) from Elkhart, Ind., over Indiana Highway 19 to the Indiana-Michigan State line, thence over Michigan Highway 205 to junction U.S. Highway 12 (formerly U.S. Highway 112), thence over U.S. Highway 12 through Mottville, Mich., to Ypsilanti, Mich. (also from Elkhart over Indiana Highway 120 to Bristol, thence over Indiana Highway 15 to the Indiana-Michigan State line, thence over Michigan Highway 103 to Mottville, and thence as specified above to Ypsilanti), (4) from Detroit, Mich., over U.S. Highway 12 (formerly U.S. Highway 112) through Dearborn, Mich., to Ypsilanti, and thence over Michigan Highway 17 to Ann Arbor, Mich., and return over the same routes.

No. MC 108158 (Sub-No. 29) (Deviation No. 8), MID-CONTINENT FREIGHT LINES, INC., 11 Oak Street SE., Minneapolis, Minn., 55414, filed April 26, 1965. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over deviation routes as follow: (1) From Kansas City, Mo., over U.S. Highway 69 to Cameron, Mo., thence over U.S. Highway 36 to Hannibal, Mo., (2) from junction U.S. Highway 50 and Missouri Highway 33 near Kansas City, Mo., over Missouri Highway 33 to Lathrop, Mo., thence over Missouri Highway 116 to junction U.S. Highway 69, thence over U.S. Highway 69 to Cameron, Mo., and thence over U.S. Highway 36 to Hannibal, Mo., and (3) from Hannibal, Mo., over U.S. Highway 61 to Rock Island, Ill., and return over the same routes for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities over pertinent service routes as follow: (1) Between junction U.S. Highway 66 and U.S. Highway 24 near Chenoa, Ill., and Kansas City, Mo., over U.S. Highway 24; (2) between Chenoa, Ill., and junction U.S. Highway 66 and Alternate U.S. Highway 66 over U.S. Highway 66, and (3) between Peoria, Ill., and Rock Island, Ill., over U.S. Highway 150.

MOTOR CARRIERS OF PASSENGERS

No. MC 1515 (Deviation No. 249), GREYHOUND LINES, INC. (Eastern Division), 1400 West Third Street, Cleveland, Ohio, 44113, filed April 28, 1965. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *passengers and their baggage*, and *express* and *newspapers* in the same vehicle with passengers over deviation routes as follows: (1) From junction Massachusetts Highway 9 and Interstate Highway 495 (approximately 4 miles northeast of Westborough, Mass.) over Interstate Highway 495 to junction Interstate Highway 93 (at Interchange No. 32), thence over Interstate Highway 93 to junction Massachusetts Highway 113 (northwest of Methuen, Mass.), thence over Massachusetts Highway 113 to junction Interstate Highway 495 north of Lawrence, Mass., thence over Interstate Highway 495 to junction Massachusetts Highway 110 at Merrimac, Mass., thence over Massachusetts Highway 110 to junction Interstate Highway 95 (southeast of Amesbury, Mass.), and thence over Interstate Highway 95 to Portsmouth, N.H., and return over the same route for operating convenience only, and (2) between junction Massachusetts Highway 110 and Interstate Highway 95 (southeast of Amesbury, Mass.), and Salisbury, Mass., over Massachusetts Highway 110, for operating convenience only.

The notice indicates that the carrier is presently authorized to transport passengers and the same property over pertinent service routes as follows: (1) From Boston, Mass., over U.S. Highway 1 through Newburyport, Mass. (also via bypass route around Newburyport), to the Massachusetts-New Hampshire State line, thence over U.S. Highway 1 through Smithtown, N.H., and Portland, N.H. (also from junction U.S. Highway 1 and Alternate U.S. Highway 1, approximately 1.6 miles south of Portsmouth over Alternate U.S. Highway 1, known as the Portsmouth Cutoff, to junction Maine Turnpike, thence over Maine Turnpike to junction U.S. Highway 1), (2) from junction U.S. Highway 1 and Massachusetts Highway 128 over Massachusetts Highway 128 to junction Massachusetts Highway 37, and (3) from Boston over Massachusetts Highway 9 to Worcester, and return over the same routes.

No. MC 1934 (Deviation No. 3), THE ARROW LINE, INC., 70 Florence Street, East Hartford, Conn., 06108, filed April 26, 1965. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *passengers and their baggage*, and *express*, and *newspapers* in the same vehicle with passengers over a deviation route as follows: From Hartford, Conn., over Connecticut Highway 5 to junction Interstate Highway 84 at East Hartford, Conn., thence over Interstate Highway 84 to junction Connecticut Highway 195 at Tolland, Conn., and thence over Connecticut Highway 195 to Storrs, Conn., and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport passengers and the same property over a pertinent service route as follows: From Hartford, Conn., over U.S. Highway 44 to junction Alternate U.S. Highway 44, thence over Alternate U.S. Highway 44 to Mansfield, Conn., and thence over Connecticut Highway 195 to Storrs, Conn., and return over the same route.

By the Commission.

[SEAL] BERTHA F. ARMES, *Acting Secretary.*

[F.R. Doc. 65-4997; Filed, May 11, 1965; 8:47 a.m.]

[Notice 765]

MOTOR CARRIER APPLICATIONS AND CERTAIN OTHER PROCEEDINGS

MAY 7, 1965.

The following publications are governed by the new Special Rule 1.247 of the Commission's rules of practice, published in the FEDERAL REGISTER, issue of December 3, 1963, which became effective January 1, 1964.

APPLICATIONS ASSIGNED FOR ORAL HEARING

MOTOR CARRIERS OF PROPERTY

No. MC 21170 (Sub-No. 81), filed April 21, 1965. Applicant: BOS LINES, INC., 408 South 12th Avenue, Marshalltown, Iowa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from points in Arkansas and Tennessee, to points in Arkansas, Colorado, Connecticut, Delaware, District of Columbia, Illinois, Indiana, Iowa, Kansas, Kentucky, Maine, Maryland, Massachusetts, Michigan, Minnesota, Missouri, Nebraska, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Tennessee, Vermont, Virginia, West Virginia, and Wisconsin.

HEARING: May 19, 1965, at the Dinkler-Andrew Jackson Hotel, Nashville, Tenn., before Examiner William A. Royall.

No. MC 42261 (Sub-No. 90) (AMENDMENT), filed March 31, 1965, published FEDERAL REGISTER issue April 21, 1965, and republished as amended this issue. Applicant: LANGER TRANSPORT CORP., Route 1 and Foot of Danforth Avenue, Jersey City, N.J. Applicant's attorney: Samuel B. Zinder, 140 Cedar Street, New York 6, N.Y. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals*, dry, in bulk, in tank and hopper type vehicles, from points in Mason County, W. Va., to points in the United States (excluding points in Alaska and Hawaii).

NOTE: The purpose of this republication is to delete (2) of previous publication and indicate hearing information set forth below.

HEARING: May 24, 1965, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Charles J. Murphy.

No. MC 107403 (Sub-No. 619) (REPUBLICATION), filed April 8, 1965, published FEDERAL REGISTER April 22, 1965, and republished this issue. Applicant: MATLACK, INC., 10 West Baltimore Avenue, Lansdowne, Pa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals*, dry, in bulk, in tank or hopper type vehicles, from points in Mason County, W. Va., to points in the United States (except Alaska and Hawaii).

NOTE: The purpose of this republication is to show hearing information.

HEARING: May 24, 1965, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Charles J. Murphy.

No. MC 107839 (Sub-No. 74), filed April 29, 1965. Applicant: DENVER-ALBUQUERQUE MOTOR TRANSPORT, INC., 5135 York Street, Denver, Colo. Applicant's attorney: Marion F. Jones, Suite 420 Denver Club Building, Denver, Colo., 80203. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from points in Arkansas and Tennessee, to points in Louisiana, Mississippi, Alabama, Georgia, Florida, South Carolina, North Carolina, Iowa, Missouri, Kansas, Nebraska, South Dakota, and North Dakota.

HEARING: May 19, 1965, at the Dinkler-Andrew Jackson Hotel, Nashville, Tenn., before Examiner William A. Royall.

No. MC 115826 (Sub-No. 57), filed April 26, 1965. Applicant: W. J. DIGBY, INC., Box 5088 Terminal Annex, Denver, Colo. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Baby foods* and *baby supplies*, from the plant and warehouse sites of Gerber Products Co., located in Fort Smith, Ark., to points in Arizona, California, Colorado, Idaho, Kansas, Louisiana, Missouri, Montana, Nebraska, Nevada, New Mexico, North Dakota, Oklahoma, Oregon, South Dakota, Texas, Utah, Washington, and Wyoming, and *damaged and rejected shipments*, on return.

HEARING: June 1, 1965, in the Greer Room No. 2 Hilton Hotel, 125 Second Avenue, Albuquerque, N. Mex., before Examiner William R. Tyers.

No. MC 116273 (Sub-No. 41) (REPUBLICATION), filed April 2, 1965, published FEDERAL REGISTER issue April 21, 1965, and republished this issue. Applicant: D & L TRANSPORT, INC., 3800 South Laramie Avenue, Cicero, Ill. Applicant's attorney: Carl L. Steiner, 39 South La Salle Street, Chicago 3, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry chemicals*, in bulk, in tank or hopper type vehicles, from points in Mason County, W. Va., to points in the United States (except Alaska and Hawaii).

NOTE: The purpose of this republication is to indicate hearing information.

HEARING: May 24, 1965, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Charles J. Murphy.

No. MC 118292 (Sub-No. 9) (REPUBLICATION), filed April 6, 1965, published FEDERAL REGISTER, issue of April 28, 1965, and republished this issue. Applicant: BALLENTINE PRODUCE, INC., Alma, Ark. Applicant's attorney: Lester M. Bridgeman, 1027 Woodward Building, Washington, D.C., 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Baby foods, bakery goods, cereal preparations* and *baby supplies*, from the plant site of Gerber Products Company at Fort Smith, Ark., to points in Texas, Oklahoma, Kansas, Missouri, Louisiana, New Mexico, and Colorado.

NOTE: Applicant is also authorized to conduct operations as a contract carrier in Permit MC 118434, therefore dual operations may be involved.

HEARING: June 1, 1965, in the Greer Room No. 2 Hilton Hotel, 125 Second Avenue, Albuquerque, N. Mex., before Examiner William R. Tyers.

No. MC 127215, filed May 5, 1965. Applicant: KENDRICK CARTAGE CO., a corporation, Post Office Box 63, Salem, Ill. Applicant's attorney: Thomas F. Kilroy, 1815 H Street NW., Washington 6, D.C. Authority sought to operate as a *common carrier* by motor vehicle, over irregular routes, transporting: *Anhydrous ammonia and nitrogen fertilizer solutions*, in bulk, in tank vehicles, from Peru, Ill., to points in Indiana, Iowa, Kansas, Kentucky, Minnesota, Missouri, Nebraska, Ohio, Tennessee, and Wisconsin.

NOTE: Applicant is also authorized to conduct operations as a contract carrier in Permit No. MC 110117, and various subs thereunder, therefore dual operations may be involved.

HEARING: June 7, 1965, at the Midland Hotel, 172 West Adams, Chicago, Ill., before Examiner Lawrence A Van Dyke, Jr.

No. MC 85934 (Sub-No. 33) (REPUBLICATION), filed November 9, 1964, published FEDERAL REGISTER, issue of November 5, 1964, and republished this issue after Order of Commission. Applicant: MICHIGAN TRANSPORTATION COMPANY, Dearborn, Mich. By application filed November 9, 1964, as amended, applicant seeks a certificate of public convenience and necessity authorizing operation, in interstate or foreign commerce, as a common carrier by motor vehicle, over irregular routes, of the phosphates, in bulk, in compartmented trailers, from the plant site of the Monsanto Company, located at Trenton, Mich., to Akron, Ohio, restricted to

the movement of two or more grades of

January 20, 1965, and republished this

Nebr.) west of Tekamah, Nebr., thence

the movement of two or more grades of phosphates at the same time. An Order, Operating Rights Board No. 1, dated April 29, 1965, served May 5, 1965 finds that the present and future public convenience and necessity require operation by applicant, in interstate or foreign commerce as a *common carrier*, by motor vehicle, over irregular routes, of *sodium tripoly phosphate* and *tetra sodium pyro phosphate*, in bulk, from the plant site of the Monsanto Company, located at Trenton, Mich., to Akron, Ohio; and that because it is possible that other parties may have an interest in and would be prejudiced by the lack of proper notice of the authority described in the findings in this order, a notice of the authority actually granted will be published in the FEDERAL REGISTER and issuance of a certificate in this proceeding will be withheld for a period of 30 days from the date of such publication, during which period any proper party in interest may file an appropriate protest or other pleading.

No. MC 112750 (Sub-No. 202) (REPUBLICATION), filed July 7, 1964, published FEDERAL REGISTER, issues of July 22 and September 10, 1964, and republished this issue after Order of Commission. Applicant: ARMORED CARRIER CORPORATION, Bayside, N.Y. By application filed July 7, 1964, as amended, applicant seeks a permit authorizing operations in interstate or foreign commerce, as a contract carrier by motor vehicle, over irregular routes, of the commodities between the points substantially as indicated below, except that part (2) includes the commodities named "of all kinds" and excludes plant removals, under continuing contracts with Consolidated Papers, Inc., of Wisconsin Rapids, Wis., and Sealtest Foods Division of National Dairy Products Corporation of Chicago, Ill. An Order, Operating Rights Board No. 1, dated April 23, 1965, served April 29, 1965, finds that the present and future public convenience and necessity require operation by applicant as a *common carrier* by motor vehicle, in interstate or foreign commerce, over irregular routes, of (1) *paper samples*, restricted against the transportation of any parcels, packages, or articles weighing in the aggregate more than 20 pounds from one consignor at one location to one consignee at one location on any single date, customer orders for purchase of merchandise, correspondence, records, and reports, between Chicago, Ill., on the one hand, and, on the other, Wisconsin Rapids, Wis., and (2) *business papers, records, audit and accounting media*, between Chicago, Ill., on the one hand, and, on the other, Kenosha and La Crosse, Wis.; and that because it is possible that other parties, who have relied upon the notice of the application as published, may have an interest in and would be prejudiced by the lack of proper notice of the authority described in the findings in this order, a notice of the authority actually granted will be published in the FEDERAL REGISTER, and any proper party in interest may file an appropriate protest or other pleading within a period of 30 days from the date of such publication.

No. MC 126100 (Sub-No. 2) (REPUBLICATION), filed December 21, 1964, published FEDERAL REGISTER, issue of January 20, 1965, and republished this issue after Order of Commission. Applicant: JERRY STEWARD, doing business as RAYMOND STEWARD AND SON, Cedar Falls, Iowa. By application filed December 21, 1964, as amended, applicant seeks a permit authorizing operations, in interstate or foreign commerce, as a contract carrier by motor vehicle, over irregular routes, of animal and poultry feed consisting of at least 40 percent of grain or grain products and noncarnivorous, and mineral mixtures for animal and poultry feed and protein blocks for animal feeding and corn, linseed meal, soybean meal and other basic ingredients, namely, mineral and poultry vitamins, meat scraps, tankage, bone meal, dicalcium phosphate, wheat middlings, oat feed, feeding oatmeal, and rolled oats, used in manufacture of animal and poultry feed, between the points indicated below. An Order, Operating Rights Board No. 1, dated April 28, 1965, served May 4, 1965, finds that operation by applicant, in interstate or foreign commerce, as a *contract carrier* by motor vehicle, over irregular routes, of *animal and poultry feed, animal and poultry feed ingredients*, and *protein blocks for animal feeding*, between Waterloo, Iowa, on the one hand, and, on the other, points in Faribault, Freeborn, Mower, Fillmore, Houston, Blue Earth, Waseca, Steele, Dodge, Olmsted, Winona, Nicollet, LeSuer, Rice, Goodhue, Wabasha, Sibley, Scott, Dakota, Carver, Hennepin, Ramsey, and Washington Counties, Minn., under a continuing contract with Kent Feeds, Inc., of Muscatine, Iowa, will be consistent with the public interest and the national transportation policy; that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder; that an appropriate permit should be issued; and that because it is possible that other parties, who have relied upon the notice of the application as published, may have an interest in and would be prejudiced by the lack of proper notice of the authority described in the findings in this order, a notice of the authority actually granted will be published in the FEDERAL REGISTER and issuance of a permit in this proceeding will be withheld for a period of 30 days from the date of such publication, during which period any proper party in interest may file an appropriate protest or other pleading.

NOTICE OF FILING OF PETITIONS

No. MC 109749 (Sub-No. 22) (PETITION TO AMEND), filed April 26, 1965. Petitioner: DAHL TRUCK LINE, Sioux City, Iowa. Petitioner holds Permit in No. MC 109749 (Sub-No. 22), authorizing the transportation of (1) Meats, meat products and meat byproducts, dairy products, and articles distributed by meat packinghouses, as described in Sections A, B, and C of Appendix 1 to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, from Sioux City, Iowa, to points in Nebraska, except Scottsbluff and Alliance, Nebr., and except points in Nebraska north of a line extending from a point on the Missouri River (due east of Tekamah, Nebr.) west of Tekamah, Nebr., thence along U.S. Highway 73W to junction Nebraska Highway 9, thence over Nebraska Highway 9 to junction U.S. Highway 275, thence along U.S. Highway 275 to junction U.S. Highway 20, and thence along U.S. Highway 20 to the Nebraska-Wyoming State line, including points on the highways specified, (2) Such commodities as are used by meat packers in the conduct of their business when destined to and for use by meat packers, as defined in Section D of Appendix 1 to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, from Sioux City, Iowa to points in Nebraska. RESTRICTION: The operations authorized herein are limited to a transportation service to be performed under a continuing contract or contracts with Swift & Company, Chicago, Ill. By the instant petition, petitioner requests that its Permit be amended by adding Sioux City Dressed Pork, Inc., Sioux City, Iowa, to the present restriction. This shipper to be in addition to the one presently authorized. Any person or persons desiring to participate in this proceeding, may, within 30 days from the date of this publication in the FEDERAL REGISTER, file an appropriate pleading, consisting of an original and six copies each.

No. MC 114194 (Sub-No. 19) (PETITION FOR REMOVAL OF CERTAIN RESTRICTIONS), filed April 30, 1965. Petitioner: KREIDER TRUCK SERVICE, INC., 8003 Collinsville Road, East St. Louis, Ill. Petitioner states that in MC 114194 (Sub-No. 19) it is authorized to transport Livestock and poultry feed ingredients and blends thereof, among other things, in bulk, in tank vehicles, from Dupo, Ill., to points in Missouri, Illinois, Nebraska, Minneosta, Wisconsin, Michigan, Ohio, Pennsylvania, Kentucky, Indiana, Louisiana, Texas, Kansas, Oklahoma, Arkansas, Tennessee, Iowa, West Virginia, Virginia, North Carolina, South Carolina, Georgia, Mississippi, and Alabama, with no transportation for compensation on return except as otherwise authorized. RESTRICTION: The authority granted above is restricted against the transportation of feed ingredients and blends thereof, derived from vegetable oils, animal oils, and animal fats, from Dupo, Ill., to Memphis, Tenn., and points in Hamilton County, Tenn., and to points in Alabama, Arkansas, Georgia, Illinois, Iowa, Kansas, Louisiana, Minnesota, Mississippi, Missouri, Nebraska, North Carolina, Oklahoma, South Carolina, Texas, and Wisconsin.

By the instant petition, petitioner seeks removal of the above restriction. Any person or persons desiring to participate in this proceeding, may, within 30 days from the date of this publication in the FEDERAL REGISTER, file an appropriate pleading, consisting of an original and six copies each.

No. MC 116316 (Sub-No. 2) (PETITION TO ADD TWO ADDITIONAL SHIPPERS), filed April 30, 1965. Petitioner: AMORED MOTOR SERVICE OF ARIZONA, INC., Phoenix, Ariz. Petitioner's attorney: Earl H. Carroll, 363 North First Avenue, Phoenix, Ariz., 85003. Petitioner states that it holds Permit in

No. MC 116316 (Sub-No. 2) authorizing it to conduct operations in interstate commerce, as a motor contract carrier, transporting, over irregular routes, coin, currency and securities, between Los Angeles, Calif., on the one hand, and, on the other, points in Arizona, under a continuing contract or contracts, with the following shippers: First National Bank of Arizona, of Phoenix, Ariz., and Valley National Bank of Phoenix, of Phoenix, Ariz. By the instant petition, petioner requests that an order be entered modifying the restriction in said permit so as to authorize service to the following shippers: First National Bank of Arizona, Phoenix, Ariz., Valley National Bank of Phoenix, Phoenix, Ariz., The Continental National Bank, Phoenix, Ariz., and the First Navajo National Bank, Winslow, Ariz. Any person or persons desiring to participate in this proceeding, may, within 30 days from the date of this publication in the FEDERAL REGISTER file an appropriate pleading, consisting of an original and six copies each.

No. MC 124620 (PETITION TO ADD SHIPPER), filed April 29, 1965. Petitioner: COMMODITY TRANSPORT, INC., Fremont, Nebr. Petitioners attorney: J. Max Harding, Box 2028, Lincoln, Nebr. Petitioner is authorized in MC 124620 to conduct operations as a motor contract carrier, over irregular routes, transporting feed and feed ingredients, from Columbus, Schuyler, and Fremont, Nebr., to points in Minnesota and Iowa; from Dundee and Pittsfield, Ill., and Minneapolis, Minn., to points in Nebraska, and points in that part of Iowa south of U.S. Highway 20 and west of U.S. Highway 169, except any portion of Fort Dodge or Sioux City, Iowa, in the described Iowa area; and from points in Iowa, to points in Nebraska. Nails, staples, wire, wire products, gates, and fence posts, from Crawfordsville, Ind., to points in Nebraska, and points in that part of Iowa south of U.S. Highway 20 and west of U.S. Highway 169, except any portion of Fort Dodge or Sioux City, Iowa, in the described Iowa area, subject to certain conditions, and limited to a transportation service to be performed, under a continuing contract, or contracts, with the following shippers: South Omaha Terminal Warehouse Co., of Omaha, Nebr., and Three Dehy Companies, of Fremont, Nebr. By the instant petition, petitioner requests the addition of the contract with Consolidated Blenders, Inc., of Fremont, Nebr. Any person or persons desiring to participate in this proceeding, may, within 30 days from the date of this publication in the FEDERAL REGISTER, file an appropriate pleading, consisting of an original and six copies each.

No. MC 124770 (PETITION FOR WAIVER OF RULE 1.101(e) AND FOR LEAVE TO FILE PETITION FOR AMENDMENT OF PERMIT TO CANCEL CONTRACTING SHIPPER AND TO ADD ADDITIONAL CONTRACTING SHIPPERS), filed April 29, 1965. Petitioner: FRANK G. TELLERI, doing business as TELLERI TRUCKING CO., Elizabeth, N.J. Petitioner's representative: Bert Collins, 140 Cedar Street, New York, N.Y., 10006. Petitioner is authorized in Permit No. MC 124770 to conduct operations as a contract carrier, by motor vehicle, over irregular routes, transporting: (1) Meats and meat products, in vehicles equipped with mechanical refrigeration, from Linden, N.J., to Kingston, Albany, Troy, and New York, N.Y., points in Nassau and Suffolk Counties, N.Y., Philadelphia, Pa., Stamford, Danbury, New Haven, and Hartford, Conn., and Boston, Mass.; and return shipments of meats and meat products, from the destination points described above to Linden, N.J., limited to a transportation service to be performed, under a continuing contract, or contracts, with Allen Packing Co., of Elizabeth, N.J.; (2) meats and meat products, in vehicles equipped with mechanical refrigeration, from New York, N.Y., to East Orange and Kearny, N.J.; and returned shipments of meats and meat products, from East Orange and Kearny, N.J., to New York, N.Y., limited to a transportation service to be performed, under a continuing contract, or contracts, with Cosmopolitan Dressed Beef Co., New York, N.Y.; and (3) meats and meat products, in vehicles equipped with mechanical refrigeration, from New York, N.Y., to Newark, N.J., and Philadelphia, Pa.; and returned shipments of meats and meat products, from Newark, N.J., and Philadelphia, Pa., to New York, N.Y., limited to a transportation service to be performed, under a continuing contract, or contracts, with the following shippers:

Food Fair Stores, Inc., Philadelphia, Pa., and Cosmopolitan Dressed Beef Co., New York, N.Y. By the instant petition, petitioner requests permission to delete Cosmopolitan Dressed Beef Co., as said shipper discontinued all of its business activities in New York, N.Y. In replacement of such shipper, petitioner seeks to serve another shipper, and to add one other shipper of meat and meat products, as follows: Bronx Independent Meat Co., Bronx, N.Y., and Berliner & Marx, Inc., New York, N.Y. It is requested that such permit be reissued to reflect the following: Meats and meat products, in vehicles equipped with mechanical refrigeration, from Linden, N.J., to Kingston, Albany, Troy, and New York, N.Y., points in Nassau and Suffolk Counties, N.Y., Philadelphia, Pa., Stamford, Danbury, New Haven, and Hartford, Conn., and Boston, Mass.; and return shipments of meats and meat products, from the destination points described above to Linden, N.J. RESTRICTION: The operations authorized above are limited to a transportation service to be performed, under a continuing contract, or contracts, with Allen Packing Co., of Elizabeth, N.J.; meats and meat products, in vehicles equipped with mechanical refrigeration, from East Orange and Kearny, N.J., to New York, N.Y.

RESTRICTION: The operations authorized in the two paragraphs next above are limited to a transportation service to be performed, under a continuing contract, or contracts, with Bronx Independent Meat Co., Bronx, N.Y., and Berliner & Marx, Inc., New York, N.Y.; meats and meat products, in vehicles equipped with mechanical refrigeration, from New York, N.Y., to Newark, N.J., and Philadelphia, Pa.; and returned shipments of meats and meat products, from Newark, N.J., and Philadelphia, Pa., to New York, N.Y. RESTRICTION: The operations authorized in the two paragraphs next above are limited to a transportation service to be performed, under a continuing contract, or contracts, with the following shippers: Food Fair Stores, Inc., Philadelphia, Pa., Berliner & Marx, Inc., New York, N.Y., Bronx Independent Meat Co., Bronx, N.Y. Any person or persons desiring to participate in this proceeding, may, within 30 days from the date of this publication in the FEDERAL REGISTER, file an appropriate pleading, consisting of an original and six copies each.

No. MC 125959 (PETITION FOR CHANGE IN DESTINATION), filed April 27, 1965. Petitioner: FABAR TERMINAL & TRANSPORTATION CO., INC., Brooklyn, N.Y. Petitioner's representative: George A. Olsen, 69 Tonnele Avenue, Jersey City, N.J., 07306. Petitioner holds Permit No. MC 125959 authorizing the transportation of "Paint (other than in bulk, in tank vehicles), over irregular routes, from the plant site of Sapolin Paints, Inc., at Brooklyn, N.Y., to Linden, N.J., with no transportation for compensation on return except as otherwise authorized. RESTRICTION: The operations authorized herein are limited to a transportation service to be performed, under a continuing contract, or contracts, with Sapolin Paints, Inc., of Brooklyn, N.Y." Petitioner states that Sapolin Paints, Inc., of Brooklyn, N.Y., now lease a warehouse at Linden, N.J. Sapolin is building its own warehouse at Edison, N.J., which should be completed sometime during the early part of July 1965. By the instant petition, petitioner requests the Commission to accept this petition for the change of destination from Linden, N.J., to Edison, N.J. Any person or persons desiring to participate in this proceeding, may, within 30 days from the date of this publication in the FEDERAL REGISTER, file an appropriate pleading, consisting of an original and six copies each.

APPLICATIONS FOR CERTIFICATES OR PERMITS WHICH ARE TO BE PROCESSED CONCURRENTLY WITH APPLICATIONS UNDER SECTION 5 GOVERNED BY SPECIAL RULE 1.240 TO THE EXTENT APPLICABLE

No. MC 59680 (Sub-No. 145), filed April 20, 1965. Applicant: STRICKLAND TRANSPORTATION CO., INC., Post Office Box 5689, Dallas, Tex. Applicant's attorney: W. T. Brunson, 419 Northwest Sixth, Oklahoma City, Okla. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), (1) From East St. Louis, Ill. (including National Stockyards), to Garden City, Mo., from East St. Louis over U.S. Highway 50 to junction U.S. Highway 65 (located near Sedalia, Mo.), thence over U.S. Highway 65 to junction Missouri Highway 52,

thence over Missouri Highway 52 to Clinton, Mo., thence over Missouri Highway 7 to Garden City, and return over the same route, serving the intermediate points of Creighton, Urich, Clinton, Lewis Station, Calhoun, and Windsor, Mo., and (2) between St. Louis, and Kansas City, Mo., from St. Louis over U.S. Highway 40 and Interstate Highway 70 to Kansas City, and return over the same route, serving no intermediate points, as an alternate route for operating convenience only. This is a matter directly related to MC–F–9091, published in FEDERAL REGISTER issue of April 28, 1965.

APPLICATIONS UNDER SECTIONS 5 AND 210a(b)

The following applications are governed by the Interstate Commerce Commission's special rules governing notice of filing of applications by motor carriers of property or passengers under sections 5(a) and 210(a)(b) of the Interstate Commerce Act and certain other proceedings with respect thereto (49 CFR 1.240).

MOTOR CARRIERS OF PROPERTY

No. MC–F–8394. (ATLAS TRUCK LINE, INC. — CONTROL — HEAVY HAULERS, INC.), published in the April 3, 1963 issue of the FEDERAL REGISTER on page 3240. By a report and order, dated December 3, 1964, by the Commission, Division 3, the application was denied without prejudice to the submission of an amended and acceptable proposal involving a merger of ATLAS TRUCK LINE, INC., and HEAVY HAULERS, INC. By petition filed May 3, 1965, applicants' seek to reopen, supplement and amend the application so as to include merger of ATLAS TRUCK LINE, INC., and its affiliates, as identified in said application, into HEAVY HAULERS, INC.

No. MC–F–9072 (THE MARYLAND TRANSPORTATION CO.—CONTROL—HART & CLARK TRANSFER CO., INC.), published in the April 15, 1965, issue of the FEDERAL REGISTER on page 5406. Supplement filed April 29, 1965, showing in addition to the transaction summarized in the prior notice, HART & CLARK TRANSFER CO., INC., would also *merge* into THE MARYLAND TRANSPORTATION CO.

No. MC–F–9086 (WITTE TRANSPORTATION CO.—PURCHASE—WALTER DANIELSON), published in the April 28, 1965, issue of the FEDERAL REGISTER on page 5919. Application filed May 3, 1965, for temporary authority under section 210a(b).

No. MC–F–9103. Authority sought for purchase by E. L. FARMER & COMPANY, 300 South Grant, Odessa, Tex., of a portion of the operating rights of L. E. WHITLOCK TRUCK SERVICE, INC., 629 West Broadway, Stafford, Kans., and for acquisition by J. C. FERGUSON, also of Odessa, Tex., of control of such rights through the purchase. Applicants' attorney: Jerry Prestridge, Post Office Box 1148, Austin, Tex., 78763. Operating rights sought to be transferred: *Machinery, equipment, materials,* and *supplies* used in, or in connection with, the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of natural gas and petroleum and their products and byproducts, and *machinery, equipment, materials,* and *supplies* used in, or in connection with, the construction, operation, repair, servicing, maintenance, and dismantling of pipelines, including the stringing and picking up of pipe, restricted against the transportation of any such commodities to be used in, or in connection with main pipelines, as a *common carrier* over irregular routes between points in Colorado and Wyoming. Vendee is authorized to operate as a *common carrier* in Texas, Oklahoma, New Mexico, Kansas, Montana, Arizona, Colorado, Utah, Wyoming, Alabama, Florida, Arkansas, Louisiana, and Mississippi. Application has been filed for temporary authority under section 210a(b).

No. MC–F–9105. Authority sought for merger into WIDING TRANSPORTATION, INC., 3347 Northwest St. Helens Road, Portland, Oreg., 97210, of the operating rights and property of JOE BOOKSHNIS, INC., 3347 Northwest St. Helens Road, Portland, Oreg., 97210, and for acquisition by G. A. WIDING, J. B. REDFERN, both of Portland, Oreg., EARL S. MOLLARD, Myrtle Creek, Oreg., and JOSEPH P. RUBLE, Weatherly Bldg., Portland, Oreg., of control of such rights and property through the transaction. Applicants' attorney: Earle V. White, 2130 Southwest Fifth Avenue, Portland, Oreg., 97201. Operating rights sought to be merged: *Petroleum products,* in bulk, in tank trucks, as a *common carrier* over irregular routes, from Vancouver, Wash., to points in Oregon, except Pendleton and Haines, Oreg., and points in Malheur County, Oreg., from Portland, Oreg., to Vancouver, Wash., from Vancouver, Wash., to points in Asotin and Garfield Counties, Wash., from Portland, Linnton, and Willbridge, Oreg., to points in Asotin and Garfield Counties, Wash., and points in Adams, Idaho, Latah, Lewis, Nez Perce, and Valley Counties Idaho; and *petroleum products,* in bulk, in tank vehicles, from Baker and Blakely, Oreg., points within 10 miles of each, and points within 5 miles of Pasco, Wash., to points in Boise, Canyon, Elmore, Gem, Gooding, Idaho, Jerome, Latah, Lewis, Ada, Adams, Lincoln, Nez Perce, Owyhee, Payette, Twin Falls, Washington, and Valley Counties, Idaho, and points in Oregon in and east of Hood River, Wasco, Jefferson, Deschutes, and Klamath Counties, Oreg. WIDING TRANSPORTATION, INC. is authorized to operate as a *common carrier* in Oregon, and California. Application has not been filed for temporary authority under section 210a(b).

NOTE: WIDING TRANSPORTATION, INC. control JOE BOOKSHNIS, INC., pursuant to authority granted January 13, 1964, in No. MC–F–8489.

No. MC–F–9106. Authority sought for purchase by W. W. YOUNG & SON, INC., 11861 Cottage Grove Avenue, Chicago 28, Ill., of a portion of the operating rights of CONTRACT STEEL CARRIERS, INC., 7500 West Chicago Avenue, Gary, Ind., and for acquisition by LESLIE W. YOUNG and ROLLIN R. YOUNG, both of Chicago, Ill., of control of such rights through the purchase. Applicants' attorney: Charles B. Myers, 611 Field Building, Chicago, Ill., 60603. Operating rights sought to be transferred: *Steel articles,* and *such materials* as are used or useful on highway construction projects (except cement, rock, sand, and gravel), as a *common carrier,* over irregular routes, from Chicago, Ill., to points in Boone, Cook, De Kalb, Du Page, Grundy, Kane, Kankakee, Kendall, Lake, La Salle, McHenry, and Will Counties, Ill.; and *iron and steel articles,* as described by the Commission in appendix V to the report in *Descriptions in Motor Carrier Certificates,* 61 M.C.C. 209, from Portage, Ind., to points in Boone, Cook, De Kalb, Du Page, Grundy, Kane, Kankakee, Kendall, Lake, La Salle, McHenry, and Will Counties, Ill. Vendee is authorized to operate as a *common carrier* in Illinois, Indiana, Michigan, and Wisconsin. Application has not been filed for temporary authority under section 210a(b).

No. MC–F–9107. Authority sought for purchase by CHESTER CARRIERS, INC., 1245 Manheim Pike, Lancaster, Pa., 17601, of the operating rights of McDANIEL SAND AND GRAVEL CO., INC., Box 187, North East, Md., 21901. Applicants' representative: Bernard N. Gingerich, Quarryville, Pa. Operating rights sought to be transferred: *Stone,* as a *common carrier* over irregular routes, from points in East Earl Township, Lancaster County, Pa., to Bridgeton, N.J., and points in Maryland and Delaware; and *sand,* from points in Cecil County, Md., to points in Lancaster County, Pa. RESTRICTION: The authority granted herein is subject to the following conditions: Operations authorized herein shall be conducted separately from carrier's operations as a private carrier; that a separate and distinct accounting system shall be maintained for each; that carrier shall not transport property both as a for-hire and a private carrier in the same vehicle at the same time. Vendee is authorized to operate as a *common carrier* in Pennsylvania, New Jersey, Delaware, and Maryland. Application has not been filed for temporary authority under section 210a(b).

No. MC–F–9108. Authority sought (1) for purchase by COMMERCIAL MOTOR FREIGHT, INC., OF INDIANA, 111 East McCarty St., Indianapolis, Ind., of the operating rights of ROOT TRANSIT, INC., Hodell and Prospect Streets, Shelbyville, Ind., and (2) for control by COMMERCIAL MOTOR FREIGHT, INC., OF INDIANA, of ROOT TRANSIT, INC. Applicants' attorneys: Walter F. Jones, Jr., and Ferdinand Born, 1019 Chamber of Commerce Building, Indianapolis, Ind. Operating rights sought to be (1) transferred and (2) controlled: *General commodities,* excepting, among others, household goods and commodities in bulk, as a *common carrier,* over irregular routes, between Indianapolis, Ind., and points in Decatur, Ripley, and Dearborn Counties, Ind., and points in Shelby, Rush, and Franklin Counties, Ind., south and west of U.S. Highway 52 (except Aurora, Wilmington, Sparta, Dillsboro, Milan, Napoleon, Moores Hill, Osgood, Delaware, Versailles, Flat Rock, Homer, Manilla, Blue Ridge, Milroy, Gowdy, Moscow, Westport, Letts, St. Paul, and Elrod, Ind., and except points on U.S. Highway 52); and under a certificate of registration, in Docket No. MC–58214 (Sub-No. 3), covering the transportation of property, as a common carrier, in intrastate commerce, within the State of Indiana; and in pending Docket No. MC–58214 (Sub-No. 5), covering the transportation of general commodities, excepting, among others, household goods and commodities in bulk, serving as off-route points in connection with applicant's regular routes between Indianapolis and the Indiana-Ohio State line, Sparta, Morristown, Flat Rock, Homer, Manilla, Blue Ridge, Milroy, Gowdy, Moscow, Westport, Letts, and St. Paul, Ind., and all points in Rush and Franklin Counties, Ind., on and north of U.S. Highway 52. COMMERCIAL MOTOR FREIGHT, INC., OF INDIANA, is authorized to operate as a *common carrier* in Indiana, Ohio, Kentucky, and Illinois. Application has not been filed for temporary authority under section 210a(b).

No. MC–F–9109. Authority sought for purchase by JOHN F. WALTER, Post Office Box 175, Newville, Pa., of the operating rights of DISTRIBUTORS TRANSIT, INC., 738 Monongahela Avenue, Glassport, Pa. Applicants' attorneys: Henry M. Wick, Jr., 1515 Park Building, Pittsburgh, Pa., 15222, and Arthur J. Diskin, 302 Frick Building, Pittsburgh, Pa., 15219. Operating rights sought to be transferred: *Glassware,* as a *common carrier* over irregular routes, from Glassport, Pa., to points in New York, Ohio, West Virginia, and Maryland; and *such merchandise* as is dealt in by wholesale, retail, and chain grocery and food business houses, between points in Pennsylvania within 50 miles of Greensburg, Pa., including Greensburg. Vendee is authorized to operate as a *common carrier* in Indiana, Ohio, Pennsylvania, New York, New Jersey, Maryland, Virginia, West Virginia, Delaware, Michigan, and the District of Columbia. Application has been filed for temporary authority under section 210a(b).

MOTOR CARRIERS OF PASSENGERS

No. MC–F–9104. Authority sought (1) For purchase by MOUNTAINEER BUS LINE, INC., 1058 University Avenue, Morgantown, W. Va., of the operating rights and property of OSGOOD BUS LINES, INC., Citizens Building, Morgantown, W. Va., and (2) for control by MOUNTAINEER BUS LINE, INC., of OSGOOD BUS LINES, INC., and for acquisition by JOHN A. FIORINI, 141 West First Street, Westover, W. Va., ALBERT E. FIORINI, 740 Fairmont Road, Westover, W. Va., FRANCES FIORINI, 836 Fairmont Road, Westover, W. Va., and FRED FIORINI, JR., 311 Riverview Avenue, Westover, W. Va., of control of such rights and property through the transaction. Applicants' attorney: John E. Crynock, 256 High Street, Morgantown, W. Va. Operating rights sought to be transferred and controlled: Passengers and their baggage, express, newspapers, and mail, in the same vehicle with passengers, as a *common carrier,* over regular routes, between Morgantown, W. Va., and Oakland, Md., serving all intermediate points. MOUNTAINEER BUS LINE, INC., is authorized to operate as a *common carrier* in West Virginia and Pennsylvania. Application has been filed for temporary authority under section 210a(b).

By the Commission.

[SEAL] BERTHA F. ARMES, *Acting Secretary.*

[F.R. Doc. 65–4998; Filed, May 11, 1965; 8:47 a.m.]

[Notice 1171]

MOTOR CARRIER TRANSFER PROCEEDINGS

MAY 7, 1965.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 179), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC–FC–67787. By order of April 30, 1965, the Transfer Board approved the transfer to Anthony S. Petrussello, doing business as Petrussello Transport, Shelton, Conn., of the operating rights in Certificate No. MC–64543, issued November 16, 1940, to Pauline Sykes, doing business as Sykes Motor Express, Stratford, Conn., authorizing the transportation, over irregular routes of: General commodities, except those of unusual value, and except high explosives, household goods (when transported as a separate and distinct service in connection with so-called "household movings"), commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading, over regular routes, between New York, N.Y., and New Haven and Derby, Conn., serving all intermediate points, and the off-route point of South Norwalk, Conn. Thomas W. Murrett, 410 Asylum Street, Hartford, Conn., attorney for applicants.

No. MC–FC–67795. By order of April 30, 1965, the Transfer Board approved the transfer to Bellefonte Charter Bus Service, Inc., Bellefonte, Pa., of the operating rights of Philip B. Gross and Laura E. Gross, a partnership, doing business as Bellefonte Charter Bus Service, Bellefonte, Pa., in Certificates Nos. MC–123915 and MC–123915 (Sub-No. 1), issued May 2, 1963, and October 7, 1963, respectively, authorizing the transportation, over regular routes, of passengers and their baggage, and express and newspapers in the same vehicle with passengers, between Sunbury, Pa., and Northumberland, Pa., and passengers and their baggage, and express, newspapers, and mail in the same vehicle with passengers, between Northumberland, Pa., and State College, Pa. Christian V. Graf, 407 North Front Street, Harrisburg, Pa., attorney for applicants.

No. MC–FC–67798. By order of April 30, 1965, the Transfer Board approved the transfer to Briggs Bros. Van Lines, Inc., Little Rock, Ark., of the operating rights in Certificate of Registration No. MC–120966 (Sub-No. 1), issued September 8, 1964, to L. H. Briggs, doing business as Briggs Bros. Van Lines, Little Rock, Ark., corresponding to the grant of intrastate authority to transferor, pursuant to Certificate No. M 1355, issued by the Arkansas Public Service Commission, authorizing the transportation of household goods as defined by the Commission, between points in Arkansas. W. J. Williams, Jr., 1600 Tower Building, Little Rock, Ark., 72201, attorney for applicants.

No. MC–FC–67799. By order of April 30, 1965, the Transfer Board approved the transfer to Comer C. Johnson, Route 4, Box 191, Little Rock, Ark., of the operating rights of Paul Pinkerton, Post Office Box 145, Taylorsville, Miss., in Permit No. MC–117951, issued October 19, 1960, authorizing the transportation, over irregular routes, of bananas, from New Orleans, La., to Little Rock, Ark.

No. MC–FC–67800. By order of April 30, 1965, the Transfer Board approved the transfer to Eugene H. Franz, doing business as Shur-Gro Liquid Feed Co., Liberal, Kans., of Permits Nos. MC–124219 and MC–124219 (Sub-No. 3), issued December 3, 1962, and August 7, 1963, respectively, in the name of Carl L. Schmatjen, doing business as Carl's Liquid Feed Service, Dodge City, Kans., authorizing the transportation of liquid animal feed premix (except (1) Those produced from vegetable and animal fats and oils and (2) molasses), in bulk, in tank vehicles, from the plant site of Feed Service Corp. near Crete, Nebr., to points in Colorado, New Mexico, that part of Kansas on and west of U.S. Highway 81, and that part of Oklahoma on and west of the eastern boundary lines of Grant, Garfield, Logan, Oklahoma, Grady, Stephens, and Jefferson Counties, Okla. (with specified restrictions), and mores liquefied premix and liquid animal feeds in bulk, in tank vehicles (except (1) those produced from vegetable or animal fats and oils, and (2) molasses), over irregular routes, from the site of the Feed Service Corp. Plant located near Crete, Nebr., to points in Arkansas, Louisiana, and Texas, and points in that part of Oklahoma on and east of the eastern boundary of Grant, Garfield, Logan, Oklahoma, Grady, Stephens, and Jefferson Counties, Okla., with specified restrictions. C. Zimmerman, 503 Schweiter Building, Wichita, Kans., 67202, attorney for applicants.

No. MC–FC–67803. By order of April 30, 1965, the Transfer Board approved the transfer to Kindsvater, Inc., Dodge City, Kans., of Certificates Nos. MC–249 and MC–249 (Sub-No. 2), issued August 27, 1958, and July 31, 1963, respectively, to Andy Kindsvater, Dodge City, Kans., authorizing the transportation over irregular routes, of household goods, from Dodge City, Kans., and points in Ford

and Hodgeman Counties, Kans., to points in Colorado on and east of U.S.

dence, R.I.; insecticides, from Portland, Conn., to points in Massachusetts and

HELMS MOTOR EXPRESS, INC., North Second Street, Albemarle, N.C., Appli-

CUMULATIVE LIST OF CFR PARTS AFFECTED—MAY

and Hodgeman Counties, Kans., to points in Colorado on and east of U.S. Highway 85; green hides, from Dodge City, Kans., to Kansas City., Mo.; agricultural machinery, between Dodge City, Kans., on the one hand, and, on the other, points in Colorado on and east of U.S. Highway 85; livestock, between Dodge City, Kans., and points within 50 miles thereof, on the one hand, and, on the other, points in Colorado on and east of U.S. Highway 85; between Dodge City, Kans., and points within 50 miles thereof, on the one hand, and, on the other, points in Oklahoma north of a line beginning at the Arkansas-Oklahoma State line and extending westward along U.S. Highway 64 to Warner, Okla., thence along U.S. Highway 266 to junction U.S. Highway 62, thence along U.S. Highway 62 to Oklahoma City, Okla., and thence along U.S. Highway 66 to the Oklahoma-Texas State line, including points on the indicated portions of the highways specified; between Dodge City, Kans., and points within 50 miles thereof, on the one hand, and, on the other, Kansas City, Mo.; agricultural augers, agricultural crop sprayers, agricultural bale movers, agricultural elevators, and attachments and accessories therefor, from Dodge City, Kans., and Compton and Monmouth, Ill., to Fresno and Los Angeles, Calif., Gering and Scottsbluff, Nebr., Amarillo, Dallas, and Houston, Tex., and points in Illinois, Idaho, Iowa, Minnesota, Montana, North Dakota, Oregon, South Dakota, Washington, and Wyoming; and from Compton and Monmouth, Ill., to Dodge City, Kans. Arthur L. Claussen, 303 New England Building, Topeka 3, Kans., attorney for applicants.

No. MC-FC-67804. By order of April 30, 1965, the Transfer Board approved the transfer to MacClain Trucking Company, a corporation, Glastonbury, Conn., of Certificates Nos. MC-5631 and MC-5631 (Sub-No. 4), issued May 15, 1957 and September 4, 1958, respectively, to David MacClain and Daniel Kancler, a partnership, doing business as MacClain Trucking Co., Glastonbury, Conn., authorizing the transportation, over irregular routes, of fertilizer and fertilizer ingredients, insecticides, herbicides, fungicides, and rodenticides, between Portland, Conn., on the one hand, and, on the other, points in New York, with specified restriction; fertilizer and fertilizer materials, between Portland, Conn., on the one hand, and, on the other, points in Massachusetts and Rhode Island; bone black, from Providence, R.I., to Portland, Conn.; agricultural commodities, from South Glastonbury, Conn., and points within 25 miles thereof, of New York, N.Y., Boston, Mass., and Providence, R.I.; insecticides, from Portland, Conn., to points in Massachusetts and Rhode Island; fertilizer and fertilizer materials, and agricultural insecticides, fungicides, herbicides, and rodenticides, from East Windsor and North Haven, Conn., to points in New York, Massachusetts, and Rhode Island (except points in the corporate limits of Boston and Springfield, Mass., and Providence, R.I.); and empty containers and refused, defective and damaged shipments on return. Reubin Kaminsky, 410 Asylum Street, Hartford, Conn., attorney for applicants.

No. MC-FC-67806. By order of April 30, 1965, the Transfer Board approved the transfer to People's Fuel & Trucking, Inc., Gardner, Mass., of the certificate in No. MC-61294, issued September 3, 1940, to Alyre H. Cormier and Alfred H. Cormier, a partnership, doing business as People's Ice and Coal Company, Gardner, Mass., authorizing the transportation of: Household goods, between Gardner, Mass., and points in Massachusetts within 20 miles of Gardner on the one hand, and, on the other, points in Connecticut, New York, New Hampshire, Vermont, and Maine. Arthur A. Wentsell, Post Office Box 720, Worcester, Mass., 01601, representative for applicants.

[SEAL] BERTHA F. ARMES,
Acting Secretary.

[F.R. Doc. 65-5000; Filed, May 11, 1965; 8:47 a.m.]

NOTICE OF FILING OF MOTOR CARRIER INTRASTATE APPLICATIONS

MAY 7, 1965.

The following applications for motor common carrier authority to operate in intrastate commerce seek concurrent motor carrier authorization in interstate or foreign commerce within the limits of the intrastate authority sought, pursuant to section 206(a)(6) of the Interstate Commerce Act, as amended October 15, 1962. These applications are governed by Special Rule 1.245 of the Commission's rules of practice, published in the FEDERAL REGISTER, issue of April 11, 1963, page 3533, which provides, among other things, that protests and requests for information concerning the time and place of State Commission hearings or other proceedings, any subsequent changes therein, and any other related matters shall be directed to the State Commission with which the application is filed and shall not be addressed to or filed with the Interstate Commerce Commission.

State Docket No. assigned T-681 (Sub-No. 21), filed March 5, 1965. Applicant: HELMS MOTOR EXPRESS, INC., North Second Street, Albemarle, N.C. Applicant's attorneys: Bailey, Dixon & Wooten, 300 South Salisbury, Post Office Box 2246, Raleigh, N.C. Certificate of public convenience and necessity sought to operate a freight service as follows: Transportation of: *General commodities*, Route 1, from the intersection of North Carolina Highway 27 and North Carolina Highway 109 at Troy, over North Carolina 109 to its intersection with North Carolina Highway 49, 6 miles south of Denton, and return over the same route, serving all intermediate points; Route 2, from Laurinburg over U.S. Highway 401 to its intersection with Scotland County Road No. 1421, thence over County Road 1421 to its intersection with County Road 1407, thence over County Road 1407 to Springs Mills Plant site, and return over the same route, serving all intermediate points; Route 3, from Waraaw over Duplin County Road No. 1300 to its intersection with County Road 1301, thence over County Road 1301 to Kenansville, and return over the same route, serving all intermediate points, including National Spinning Mills plant site; Route 4, from Chocowinity on North Carolina Highway 33 to Hobucken, thence over North Carolina Highway 304 to Bayboro, and return over the same route, serving all intermediate points; alternate route, from the intersection of North Carolina Highway 33 and North Carolina Highway 306, over North Carolina Highway 306 to Grantsboro; Route 5, from Bayboro over North Carolina Highway 55 to Oriental, and return over the same route, serving all intermediate points; and Route 6, from Aurora over Beaufort County Road No. 1940 to its intersection with County Road 1942, thence over County Road 1942 to Texas Gulf Sulphur Plant site, at or near Lees Creek, and all points within 5 miles thereof, and return over the same route, serving all intermediate points.

HEARING: June 9, 1965, at 10:00 a.m. at the offices of the North Carolina Utilities Commission, Raleigh, N.C.

Requests for procedural information, including the time for filing protests, concerning this application should be addressed to the North Carolina Utilities Commission, Post Office Box 991, Raleigh, N.C., 27602, and should not be directed to the Interstate Commerce Commission.

By the Commission.

[SEAL] BERTHA F. ARMES,
Acting Secretary.

[F.R. Doc. 65-5001; Filed, May 11, 1965; 8:47 a.m.]

CUMULATIVE LIST OF CFR PARTS AFFECTED—MAY

The following numerical guide is a list of the parts of each title of the Code of Federal Regulations affected by documents published to date during May.

3 CFR

	Page
PROCLAMATIONS:	
3172 (superseded by Proc. 3655)	6467
3399 (superseded by Proc. 3655)	6467
3655	6467
EXECUTIVE ORDER:	
Apr. 19, 1892 (revoked in part by PLO 3656)	6437
823 (see EO 11220)	6425
10530 (revoked in part by EO 11222)	6469
10939 (revoked by EO 11222)	6469
11125 (revoked by EO 11222)	6469
11126 (amended by EO 11221)	6427
11219	6381
11220	6425
11221	6427
11222	6469
PRESIDENTIAL DOCUMENTS OTHER THAN PROCLAMATIONS AND EXECUTIVE ORDERS:	
Memorandum of July 20, 1961 (revoked by EO 11222)	6469
Memorandum of May 2, 1963 (revoked by EO 11222)	6469

4 CFR

	Page
52	6429

5 CFR

	Page
213	6215, 6241, 6337, 6478
332	6337
591	6511

7 CFR

	Page
54	6207
55	6141, 6207
56	6207
70	6207
81	6207
210	6207, 6479
301	6243, 6245
354	6429
707	6246
717	6144
719	6511
724	6144, 6146, 6207
842	6338
862	6247
863	6248
864	6248
908	6148, 6429
909	6430
910	6148, 6430, 6479
918	6431
965	6338
970	6479
1421	6338, 6511
1468	6383
1472	6383
1488	6249
PROPOSED RULES:	
28	6255
31	6350
70	6395
Ch. IX	6355, 6438, 6523
930	6255
1040	6163
1042	6163
1097	6534
1102	6534
1108	6534
1138	6538

7 CFR—Continued

	Page
PROPOSED RULES—Continued	

8 CFR

	Page
214	6479

9 CFR

	Page
PROPOSED RULES:	
201	6360

12 CFR

	Page
12	6160
204	6339
561	6517
PROPOSED RULES:	
261	6275
262	6275
563	6544

14 CFR

	Page
39	6150, 6431
71	6150, 6215, 6241, 6384-6387, 6478
73	6242, 6387, 6388
75	6150, 6241, 6242, 6432
91	6388
97	6151, 6329
99	6242
121	6432
127	6432
PROPOSED RULES:	
39	6188, 6274
67	6188
71	6189, 6225, 6397, 6399, 6400, 6402, 6443
73	6402, 6444
75	6443
91	6541
129	6541

16 CFR

	Page
PROPOSED RULES:	
303	6275

18 CFR

	Page
157	6518

19 CFR

	Page
10	6149

21 CFR

	Page
121	6215, 6339, 6389, 6433, 6477, 6478
133	6475
144	6389
PROPOSED RULES:	
8	6490

25 CFR

	Page
PROPOSED RULES:	
1	6438
221	6523

26 CFR

	Page
1	6216, 6340, 6480
250	6217
PROPOSED RULES:	
1	6222, 6349, 6486, 6488
31	6222
301	6222

29 CFR

	Page
50	6249
604	6218
606	6218
690	6482
PROPOSED RULES:	
657	6224
697	6225
1501	6397
1502	6397
1503	6397

32 CFR

	Page
163	6161
516	6341
815	6343
882	6343

33 CFR

	Page
80	6433
82	6434
86	6434
95	6434
135	6434
203	6161, 6388
207	6161

36 CFR

	Page
211	6345
311	6161
502	6482

37 CFR

	Page
1	6391

38 CFR

	Page
1	6435
2	6392
14	6392

39 CFR

	Page
4	6436
36	6436
37	6436
43	6436

41 CFR

	Page
9-1	6483, 6519
9-4	6519
9-6	6519
9-7	6519

43 CFR

	Page
PUBLIC LAND ORDERS:	
3655	6392
3656	6437

45 CFR

	Page
130	6393

46 CFR

	Page
25	6517

47 CFR

	Page
0	6250
2	6219, 6388
15	6250
73	6251, 6519, 6520
PROPOSED RULES:	
2	6226
15	6541
73	6274, 6275, 6543

49 CFR

	Page
1	6485
95	6220
97	6394
141	6162

50 CFR

	Page
33	6344, 6521
60	6149
PROPOSED RULES:	
32	6224

MICHIGAN
MAY 14

MICHIGAN
MAY 14 1965
MAIN READING ROOM

FEDERAL REGISTER

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Pages 6567–6630

Agencies in this issue—

The President
Atomic Energy Commission
Civil Service Commission
Consumer and Marketing Service
Farm Credit Administration
Federal Aviation Agency
Federal Communications Commission
Federal Power Commission
Fish and Wildlife Service
Food and Drug Administration
Foreign-Trade Zones Board
General Services Administration
Housing and Home Finance Agency
Indian Affairs Bureau
International Joint Commission—
United States and Canada
Interstate Commerce Commission
Land Management Bureau
Saint Lawrence Seaway Development
Corporation
Securities and Exchange Commission
Small Business Administration

Detailed list of Contents appears inside.



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Contents

THE PRESIDENT

PROCLAMATION

Adding Ellis Island to the Statue of Liberty National Monument.. 6571

EXECUTIVE AGENCIES

AGRICULTURE DEPARTMENT

See Consumer and Marketing Service.

ATOMIC ENERGY COMMISSION

Rules and Regulations

General license for diagnostic uses of certain byproduct material.. 6575
Termination of contracts; policy, cost-type contractor procurement ---------- 6585

CIVIL AERONAUTICS BOARD

Notices

Southern Airways Inc.; notice of hearing regarding renewal of certain segments---------- 6597

CONSUMER AND MARKETING SERVICE

Rules and Regulations

Milk in Rio Grande Valley marketing area; miscellaneous amendments ---------- 6573
Tobacco inspection; standards--- 6573

Notices

Organization, functions and delegation of authority; miscellaneous amendments---------- 6597
Scott County Livestock Auction et al.; notice of changes in names of posted stockyards---- 6597

FARM CREDIT ADMINISTRATION

Rules and Regulations

Banks for cooperatives consolidated, debentures; Custodian and Acting Custodian--------- 6573

FEDERAL AVIATION AGENCY

Rules and Regulations

Airline transport pilot certificate; additional instruction required of applicant---------- 6577
Airworthiness directives; Fairchild Model F-27 Series aircraft------ 6577
Control zone; modification------ 6578
Control zone and transition areas: Alteration and designation---- 6579
Alteration, designation and revocation ---------- 6578
Control zones, transition area, and control area extensions; alteration, designation and revocation---------- 6577
Transition area and control area extension; alteration and revocation ---------- 6577

Proposed Rule Making

Control zone and transition area; proposed designation---------- 6588
Transition area and control zone; proposed modification and designation---------- 6588
Transition area and control zones; proposed alteration, and designation---------- 6589

FEDERAL COMMUNICATIONS COMMISSION

Proposed Rule Making

Radio broadcast services; proposed changes and correction of logs---------- 6590

Notices

Hearings, etc.:
Cascade Broadcasting Co. and Sunset Broadcasting Co. (KNDX-FM) ---------- 6601
Hogin, William S---------- 6597
Southington Broadcasters----- 6601
Television Broadcasters, Inc. (KBMT) and Texas Goldcoast Television, Inc. (KPAC-TV) ---------- 6598
Ypsilanti Broadcasting Co. (WYSI)---------- 6601

FEDERAL POWER COMMISSION

Notices

Hearings, etc.:
Barbara Oil Co. et al---------- 6602
Northern States Power Co----- 6603
Sun Oil Co. (2 documents).. 6603, 6604
Virginia Electric & Power Co--- 6604

FISH AND WILDLIFE SERVICE

Rules and Regulations

National wildlife refuges; sport fishing:
Minnesota---------- 6587
Wisconsin---------- 6587
Restricted or prohibited areas--- 6587

FOOD AND DRUG ADMINISTRATION

Rules and Regulations

Food additives; polyvinylpyrrolidone ---------- 6579

Proposed Rule Making

Food additives; adjuvants for pesticide chemicals; proposed exemption---------- 6588

Notices

Petitions filed regarding food additives:
American Cyanamid Co------- 6596
Elanco Products Co---------- 6596

FOREIGN-TRADE ZONES BOARD

Notices

San Francisco Foreign Trade Zone No. 3; extension of time to occupy present sites---------- 6596

GENERAL SERVICES ADMINISTRATION

Rules and Regulations

Price negotiation policies and techniques; miscellaneous amendments---------- 6581

HEALTH, EDUCATION, AND WELFARE DEPARTMENT

See Food and Drug Administration.

HOUSING AND HOME FINANCE AGENCY

Notices

Director for Northwest Operations, Region VI, Seattle, Wash.; redelegation of authority regarding Community Facilities Program ---------- 6607
Regional Directors of Community Facilities; redelegations of authority regarding advances for public works planning:
Atlanta (2 documents)--------- 6605
Chicago (2 documents)---- 6605, 6606
Fort Worth (2 documents)----- 6606
New York (2 documents)------ 6604
San Francisco (2 documents)-- 6606, 6607

INDIAN AFFAIRS BUREAU

Rules and Regulations

Leasing and permitting; correction ---------- 6579

INTERIOR DEPARTMENT

See Fish and Wildlife Service; Indian Affairs Bureau; Land Management Bureau.

INTERNATIONAL JOINT COMMISSION—UNITED STATES AND CANADA

Notices

Pembina River Development; notice of public hearing--------- 6607

INTERSTATE COMMERCE COMMISSION

Notices

Fourth section applications for relief ---------- 6628
Motor carrier, broker, water carrier and freight forwarder applications---------- 6609
Railroads serving certain States; rerouting or diversion of traffic---------- 6628

(*Continued on next page*)

LAND MANAGEMENT BUREAU

Rules and Regulations

Public land orders:
- Utah ... 6585
- Wyoming ... 6586

Notices

California; notice of filing of plats of survey and order providing for opening of public lands ... 6595

Proposed withdrawal and reservation of lands:
- Alaska (2 documents) ... 6593
- Idaho ... 6596

Washington State protraction diagrams (unsurveyed land); notice of filing ... 6593

SAINT LAWRENCE SEAWAY DEVELOPMENT CORPORATION

Rules and Regulations

Seaway regulations and rules; miscellaneous amendments ... 6580

SECURITIES AND EXCHANGE COMMISSION

Notices

Michigan Consolidated Gas. Co. and American Natural Gas Co.; proposed issuance and sale of common stock and charter amendment ... 6608

SMALL BUSINESS ADMINISTRATION

Notices

Delegations of authority regarding financial assistance:
- Assistant Deputy Administrator for Financial Assistance (Business Loan assistance) ... 6608
- Assistant Deputy Administrator for Financial Assistance (Economic Development assistance) ... 6609

Southern Equities, Inc.; suspension of license ... 6608

List of CFR Parts Affected

(Codification Guide)

The following numerical guide is a list of the parts of each title of the Code of Federal Regulations affected by documents published in today's issue. A cumulative list of parts affected, covering the current month to date, appears at the end of each issue beginning with the second issue of the month.

A cumulative guide is published separately at the end of each month. The guide lists the parts and sections affected by documents published since January 1, 1965, and specifies how they are affected.

3 CFR

PROCLAMATIONS:
- 1713 (superseded in part by Proc. 3656) ... 6571
- 3656 ... 6571

6 CFR
- 73 ... 6573

7 CFR
- 29 ... 6573
- 1138 ... 6573

10 CFR
- 30 ... 6575

14 CFR
- 39 ... 6577
- 61 ... 6577
- 71 (5 documents) ... 6577–6579

PROPOSED RULES:
- 71 (3 documents) ... 6588, 6589

21 CFR
- 121 ... 6579

PROPOSED RULES:
- 121 ... 6588

25 CFR
- 131 ... 6579

33 CFR
- 401 ... 6580

41 CFR
- 1–3 ... 6581
- 9–8 ... 6585

43 CFR

PUBLIC LAND ORDERS:
- 3638 ... 6585
- 3657 ... 6586

47 CFR

PROPOSED RULES:
- 73 ... 6590

50 CFR
- 26 ... 6587
- 33 (2 documents) ... 6587

Presidential Documents

Title 3—THE PRESIDENT

Proclamation 3656

ADDING ELLIS ISLAND TO THE STATUE OF LIBERTY NATIONAL MONUMENT

By the President of the United States of America

A Proclamation

WHEREAS Ellis Island in 1890 was placed under the control of the Federal Bureau of Immigration for development as an immigration station; and

WHEREAS between the years 1892 and 1954 Ellis Island was host to more than 16 million aliens entering this country; and

WHEREAS Ellis Island was a temporary shelter for those who sought refuge, freedom, and opportunity in our country; and

WHEREAS the millions of people who passed through the Ellis Island Depot were important to America for their contribution in making the United States of America the world leader it is today; and

WHEREAS the Statue of Liberty is a symbol to the world of the dreams and aspirations which have drawn so many millions of immigrants to America; and

WHEREAS to all Americans the Statue of Liberty stands eternal as the symbol of the freedom which has been made a living reality in the United States for men of all races, creeds, and national origins who have united in allegiance to the Constitution of the United States and to the imperishable ideals of our free society; and

WHEREAS, by Proclamation No. 1713 of October 15, 1924 (43 Stat. 1968), the Statue of Liberty and the land on which it is situated were established as a national monument in accordance with section 2 of the Act of Congress approved June 8, 1906 (34 Stat. 225; 16 U.S.C. 431); and

WHEREAS Ellis Island, consisting of approximately 27.5 acres, with improvements thereon, and of submerged lands in the rectangle surrounding the island, including the above acreage, aggregating 48 acres, is owned and controlled by the United States; and

WHEREAS the public interest would be promoted by reserving this area for proper protection and preservation as the Statue of Liberty National Monument:

NOW, THEREFORE, I, LYNDON B. JOHNSON, President of the United States of America, under and by virtue of the authority vested in me by section 2 of the Act of Congress approved June 8, 1906 (34 Stat. 225; 16 U.S.C. 431), do proclaim that the property known as Ellis Island, as described in the preamble of this Proclamation, which is owned and controlled by the United States is hereby added to and made a part of the Statue of Liberty National Monument, subject to the limitation contained in the last sentence of this paragraph, and shall be administered pursuant to the Act of August 25, 1916 (39 Stat. 535; 16 U.S.C., secs. 1–3), and acts supplementary thereto and amendatory thereof. Henceforth the Statue of Liberty National Monument shall consist of the Statue of Liberty, Liberty Island, and Ellis Island. Unless provided otherwise by Act of Congress, no funds appropriated to the Department of the Interior for the Administration of the National Monument shall be expended upon the development of Ellis Island.

Warning is hereby expressly given to all unauthorized persons not to appropriate, injure, destroy, or remove any feature of the National Monument.

So much of Proclamation No. 1713 of October 15, 1924, as relates to Fort Wood, New York, and the Statue of Liberty and the land on which it is situated, is hereby superseded.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the United States of America to be affixed.

DONE at the City of Washington this eleventh day of May in the year of our Lord nineteen hundred and sixty-five, and of the Independence of the United States of America the one hundred and eighty-ninth.

[SEAL]

LYNDON B. JOHNSON

By the President:

DEAN RUSK,
Secretary of State.

[F.R. Doc. 65-5141; Filed, May 12, 1965; 10:08 a.m.]

Rules and Regulations

Title 6—AGRICULTURAL CREDIT

Chapter I—Farm Credit Administration

SUBCHAPTER F—BANKS FOR COOPERATIVES

PART 73—BANKS FOR COOPERATIVES CONSOLIDATED DEBENTURES

Custodian and Acting Custodian

Title 6 of the Code of Federal Regulations is amended by changing § 73.2 (20 F.R. 581) to read as follows:

§ 73.2 Custodian and Acting Custodian.

The Chief, Collateral Section, Farm Credit Administration, shall serve, ex-officio, as Custodian of collateral pledged by the Central Bank for Cooperatives for consolidated debentures. The Chief, Securities Section, Farm Credit Administration, shall serve, ex officio, as Acting Custodian of collateral pledged by the Central Bank for Cooperatives for consolidated debentures, in the event the said Custodian is unable to serve for any reason. The Farm Loan Registrar in each farm credit district shall serve, ex officio, as Custodian of collateral pledged by the bank for cooperatives of the district for consolidated debentures; and the Deputy Registrar and any Acting Deputy Registrar in each farm credit district shall serve, ex officio, as Acting Custodian of collateral pledged by the bank for cooperatives of the district for consolidated debentures, in the event the said Custodian is unable to serve for any reason. The operating title of the Farm Loan Registrar when so serving shall be Custodian. The operating title of the Deputy Registrar and any Acting Deputy Registrar when so serving shall be Acting Custodian.

(Sec. 37, 48 Stat. 363, as amended; 12 U.S.C. 1134m)

HAROLD T. MASON,
Acting Governor,
Farm Credit Administration.

[F.R. Doc. 65-5047; Filed, May 12, 1965; 8:47 a.m.]

Title 7—AGRICULTURE

Chapter I—Consumer and Marketing Service (Standards, Inspections, Marketing Practices), Department of Agriculture

SUBCHAPTER A—COMMODITY STANDARDS AND STANDARD CONTAINER REGULATIONS

PART 29—TOBACCO INSPECTION

Subpart C—Standards

MISCELLANEOUS AMENDMENTS

A notice of proposed rule making covering an amendment to the Official Standard Grades for Flue-cured, U.S. Types 11, 12, 13, and 14, was published in the FEDERAL REGISTER of April 3, 1965 (30 F.R. 4361). Interested persons were given 30 days following publication of the notice in the FEDERAL REGISTER in which to submit written data, views, or arguments with respect to the proposed amendment. No data, views, or arguments were received.

After consideration of all relevant matters concerning the proposal, the proposed amendment, as so published, is adopted without change.

Effective date. In accordance with section 4 of the Administrative Procedure Act (5 U.S.C. 1003), the amendment shall become effective 30 days following the date of publication in the FEDERAL REGISTER.

The amendment is set forth below.

Done at Washington, D.C., this 7th day of May 1965.

G. R. GRANGE,
Deputy Administrator,
Marketing Services.

§ 29.1162 [Amended]

1. a. In § 29.1162 the specifications for grades B4K, B5K, and B6K are amended by changing "medium body" to read "fleshy."

b. Section 29.1162 is further amended by adding grade B4GG after grade B5RG and its specifications. The addition reads as follows:

B4GG—Fair Quality Gray Green Leaf. Immature, tight leaf structure, heavy, normal width. Uniformity, 70 percent; injury tolerance, 20 percent, of which not over 5 percent may be waste or other badly injured tobacco.

§ 29.1163 [Amended]

2. Section 29.1163 is amended by adding grades H4K, H5K, and H6K after grade H6FR and its specifications. The addition reads as follows:

H4K—Fair Quality Variegated Smoking Leaf. Mellow, open leaf structure, medium body, lean in oil, moderate color intensity, normal width. Uniformity, 70 percent; injury tolerance 30 percent, of which not over 5 percent may be waste or other badly injured tobacco.

H5K—Low Quality Variegated Smoking Leaf. Mellow, open leaf structure, medium body, lean in oil, weak color intensity, narrow. Uniformity, 70 percent; injury tolerance 30 percent, of which not over 10 percent may be waste or other badly injured tobacco.

H6K—Poor Quality Variegated Smoking Leaf. Mellow, open leaf structure, medium body, lean in oil, weak color intensity, stringy. Uniformity, 70 percent; injury tolerance 40 percent, of which not over 30 percent may be waste or other badly injured tobacco.

§ 29.1165 [Amended]

3. Section 29.1165 is amended by adding grade X4GK after X4KM and its specifications. The addition reads as follows:

X4GK—Fair Quality Green Variegated Lugs. Immature, close leaf structure, medium body. Uniformity, 70 percent; tolerance, 30 percent waste.

§ 29.1167 [Amended]

4. a. Section 29.1167 is amended by rewording the grade name for N1XL to read as follows:

Best Nondescript from the X Group.

b. Section 29.1167 is further amended by adding grade N1K after N1XL and its tolerance. The addition reads as follows:

N1K—Best Nondescript from the H Group. Tolerance: 60 percent waste.

§ 29.1181 [Amended]

5. a. In § 29.1181 the subheading "16 Grades of Smoking Leaf" is amended to read "19 Grades of Smoking Leaf" and grade symbols under this subheading are amended by adding "H4K," "H5K," and "H6K" after H6FR.

b. In § 29.1181 the subheading "17 Grades of Green" is amended to read "19 Grades of Green" and grade symbols under this subheading are amended by adding "B4GG" between B6GK and B5GG and "X4GK" between X5G and P4G.

c. In § 29.1181 the subheading "9 Grades of Nondescript" is amended to read "10 Grades of Nondescript" and grade symbols under this subheading are amended by adding "N1K" between N1XL and N1F.

(49 Stat. 734; 7 U.S.C. 511m)

[F.R. Doc. 65-5046; Filed, May 12, 1965; 8:47 a.m.]

Chapter X—Consumer and Marketing Service (Marketing Agreements and Orders; Milk), Department of Agriculture

[Milk Order 138]

PART 1138—MILK IN RIO GRANDE VALLEY MARKETING AREA

Order Amending Order

§ 1138.0 Findings and determinations.

The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon

certain proposed amendments to the tentative marketing agreement and to

Order relative to handling. It is therefore ordered, that on and after the effec-

(7) Such other information with respect to receipts and utilization as the

§ 1138.9(c) shall be classified and allo-

Title 10—ATOMIC ENERGY

From the point of view of external ex-

Standard Grades for Flue-cured, U.S. X4GK—Fair Quality Green Variegated Lugs. Immature, close leaf structure, me-

certain proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the Rio Grande Valley marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order as hereby amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(2) The parity prices of milk, as determined pursuant to section 2 of the Act, are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the order as hereby amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest;

(3) The said order as hereby amended, regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial or commercial activity specified in, a marketing agreement upon which a hearing has been held.

(b) *Additional findings.* It is necessary in the public interest to make this order amending the order effective not later than the date of publication in the FEDERAL REGISTER. Any delay beyond that date would tend to disrupt the orderly marketing of milk in the marketing area.

The provisions of the said order are known to handlers. The recommended decision of Deputy Administrator was issued April 22, 1965, and the decision of the Assistant Secretary containing all amendment provisions of this order was issued May 6, 1965. The changes effected by this order will not require extensive preparation or substantial alteration in method of operation for handlers. In view of the foregoing, it is hereby found and determined that good cause exists for making this order amending the order effective upon publication in the FEDERAL REGISTER and that it would be contrary to the public interest to delay the effective date of this amendment for 30 days after its publication in the FEDERAL REGISTER. (Sec. 4(c), Administrative Procedure Act, 5 U.S.C. 1001–1011)

(c) *Determinations*—It is hereby determined that:

(1) The refusal or failure of handlers (excluding cooperative associations specified in section 8(c)(9) of the Act) of more than 50 percent of the milk, which is marketed within the marketing area, to sign a proposed marketing agreement, tends to prevent the effectuation of the declared policy of the Act;

(2) The issuance of this order, amending the order, is the only practical means pursuant to the declared policy of the Act of advancing the interests of producers as defined in the order as hereby amended;

(3) The issuance of the order amending the order is approved or favored by at least two-thirds of the producers who during the determined representative period were engaged in the production of milk for sale in the marketing area.

Order relative to handling. It is therefore ordered, that on and after the effective date hereof, the handling of milk in the Rio Grande Valley marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as amended, and as hereby further amended, as follows:

1. Section 1138.7(b)(4) is revised to read as follows:

§ 1138.7 Producer.

* * * * *

(b) * * *

(4) For the purposes of location adjustments pursuant to §§ 1138.52 and 1138.81, milk diverted to a nonpool plant shall be considered to have been received at the location of the pool plant from which diverted when the farm on which the milk is produced is located within the marketing area and at the location of the nonpool plant where received when the farm on which the milk is produced is located outside the marketing area.

2. In § 1138.9, a new paragraph (c) is added to read as follows:

§ 1138.9 Handler.

* * * * *

(c) A cooperative association with respect to the milk of its member producers which is received from the farm for delivery to the pool plant of another handler in a tank truck owned and operated by or under contract to such cooperative association, if the cooperative association notified the market administrator and the operator of the pool plant to whom the milk is delivered, in writing prior to the first day of the month in which the milk is delivered, that it elects to be a handler for such milk. For purposes of location adjustments to producers such milk is considered to have been received from producers by the cooperative association at the location of the pool plant to which it is delivered.

3. Section 1138.30 is revised to read as follows:

§ 1138.30 Reports of receipts and utilization.

On or before the eighth day after the end of each month, the following handlers shall report to the market administrator in the detail and on forms prescribed by the market administrator for each plant as follows:

(a) Each handler who operates pool plant(s) shall report:

(1) The receipts of producer milk, the average butterfat test, and the pounds of butterfat contained therein;

(2) The quantities of skim milk and butterfat contained in fluid milk products received from other handlers;

(3) The quantities of skim milk and butterfat contained in receipts of other source milk;

(4) The pounds of skim milk and butterfat contained in all fluid milk products on hand at the beginning and at the end of the month;

(5) The utilization of all skim milk and butterfat required to be reported pursuant to this section;

(6) The disposition of fluid milk products in the marketing area on routes; and

(7) Such other information with respect to receipts and utilization as the market administrator may prescribe;

(b) Each handler who operates a partially regulated distributing plant shall report as required in paragraph (a) of this section, except that receipts in Grade A milk shall be reported in lieu of those in producer milk; and

(c) Each cooperative association shall report with respect to milk for which it is a handler pursuant to either § 1138.9 (b) or (c) as follows:

(1) Receipts of skim milk and butterfat from producers;

(2) Utilization of skim milk and butterfat for which it is the handler pursuant to § 1138.9(b);

(3) The quantities delivered to each pool plant of another handler pursuant to § 1138.9(c);

(4) The name and number of days of delivery, with the address of any producer not previously reported, the total pounds of milk and the pounds of butterfat received from each producer; and

(5) Such other information as the market administrator may require.

4. In § 1138.41, paragraph (b)(7) is revised to read as follows:

§ 1138.41 Classes of utilization.

* * * * *

(b) * * *

(7) In shrinkage allocated to receipts of skim milk and butterfat pursuant to § 1138.42(b)(1) but not in excess of:

(i) 2 percent of receipts of milk received directly from producers; plus

(ii) 1.5 percent of receipts from a cooperative association in its capacity as a handler pursuant to § 1138.9(c), except that if the handler operating the pool plant notifies the market administrator that he is purchasing such milk on the basis of farm weights determined from farm bulk tank calibrations and individual producer tests, the applicable percentage shall be 2 percent; plus

(iii) 1.5 percent of receipts of milk received in bulk tank lots from other pool plants; plus

(iv) 1.5 percent of receipts of fluid milk products in bulk tank lots from an other order plant, exclusive of the quantity for which Class II utilization was requested by the operator of such plant and the handler; plus

(v) 1.5 percent of receipts of fluid milk products in bulk tank lots from unregulated supply plants, exclusive of the quantity for which Class II utilization was requested by the handler; less

(vi) 1.5 percent of milk disposed of in bulk tank lots to pool plants (when the exceptions specified in subdivision (ii) of this subparagraph applies, the applicable percentage shall be two percent).

* * * * *

5. In § 1138.43, a new paragraph (c) is added to read as follows:

§ 1138.43 Responsibility of handlers and reclassification of milk.

* * * * *

(c) For the purposes of §§ 1138.41 through 1138.46, 1138.50 through 1138.54, and 1138.70 through 1138.72, milk delivered by a cooperative association in its capacity as a handler pursuant to § 1138.9(c) shall be classified and allocated as producer milk according to the use or disposition by the receiving handler and the value thereof at class prices shall be included in the receiving handler's net pool obligation pursuant to § 1138.70. For purposes of location adjustments pursuant to § 1138.52 and administrative expense pursuant to § 1138.88, such milk shall be treated as producer milk of the receiving handler.

6. In § 1138.70, the introductory text is revised to read as follows:

§ 1138.70 Computation of the net pool obligation of each pool handler.

The net pool obligation of each pool handler for each pool plant and of each cooperative association in its capacity as a handler pursuant to § 1138.9 (b) or (c) during each month shall be a sum of money computed by the market administrator as follows:

* * * * *

7. In § 1138.80, the introductory text is revised and a new paragraph (e) is added to read as follows:

§ 1138.80 Payment to producers.

Except as provided in paragraphs (c) and (e) of this section, each handler, except a cooperative association, shall make payment to each producer from whom milk is received as specified in paragraphs (a) and (b) of this section:

* * * * *

(e) Each handler who receives milk for which a cooperative association is the handler pursuant to § 1138.9(c), shall, on or before the second day prior to the date payments are due individual producers, pay such cooperative association for such milk as follows:

(1) An advance payment for milk received during the first 15 days of the month at the rate specified in paragraph (a) of this section; and

(2) In making final settlement, the value of such milk at the applicable uniform price, less the amount of advance payment made on such milk.

8. In § 1138.84, paragraph (a) is revised to read as follows:

§ 1138.84 Payments to the producer-settlement fund.

* * * * *

(a) The sum of:

(1) The total of the net pool obligation computed pursuant to § 1138.70 for such handler; and

(2) In the case of a cooperative association which is a handler, the minimum amount due from other handlers pursuant to § 1138.80(e);

* * * * *

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Effective date. Upon publication in the FEDERAL REGISTER.

Signed at Washington, D.C., on May 7, 1965.

GEORGE L. MEHREN,
Assistant Secretary.

[F.R. Doc. 65–5003; Filed, May 12, 1965; 8:47 a.m.]

Title 10—ATOMIC ENERGY

Chapter I—Atomic Energy Commission

PART 30—LICENSING OF BYPRODUCT MATERIAL

General License for Diagnostic Uses of Certain Byproduct Materials

On June 6, 1964, the Commission published in the FEDERAL REGISTER (29 F.R. 7393) a proposed amendment of its regulation, "Licensing of Byproduct Material", 10 CFR Part 30, which would generally license specified quantities and forms of iodine 131, cobalt 58, cobalt 60, and chromium 51 for use by physicians for diagnostic purposes.

In reference to the proposed amendment the Commission has received numerous comments from licensees, medical societies, and other interested persons. The majority of comments were favorable to the proposed amendment although a number of the letters received by the Commission opposed the amendment. Several specific comments suggested that the scope of the general license be broadened or that certain limitations of the general license be liberalized. It was suggested, for example, that the proposed possession limits for the generally licensed byproduct materials be increased and that iodinated fats and fatty acids for gastrointestinal function studies be added to the general license.

The Commission has given careful consideration to all comments received and has concluded that the proposed general license should be published as an effective rule substantially in the form published on June 6, 1964. There is one difference, however, in the amendment set forth below from the proposed rule published on June 6, 1964. Iodine 125 as iodinated human serum albumin (IHSA) has been added to the general license for determinations of blood and blood plasma volume. A physician is authorized to possess at any one time under the general license not more than 200 microcuries of iodine 125.

A statement of radiation safety considerations for iodine 131, cobalt 58, cobalt 60, and chromium 51 was included in the notice of proposed rule making published on June 6, 1964. The following is a statement of radiation safety considerations for iodine 125.

Statement of radiation safety considerations for iodine 125. Iodine 125, as iodinated human serum albumin, is currently produced and distributed under a product license issued by the Secretary, Department of Health, Education, and Welfare. IHSA–I–125 has a useful shelf life substantially greater than the equivalent product IHSA–I–131.

Iodine 125 has a considerably longer physical half-life (60 days) than I–131 (8 days), but the energy liberated per disintegration is about a factor of 10 less for I–125 than for I–131. In general, the latter consideration tends to make I–125 a less significant source of radiation exposure than I–131, per unit of activity.

From the point of view of external exposure, the dose rate near a given source will be about a factor of 2 less for I–125 than for I–131. More importantly, however, the radiation energies emitted by I–125 are such that it is considerably easier to shield, and under comparable handling conditions, including spills, I–125 would be expected to result in considerably lower external exposures.

Comparable internal radiation dose to the thyroid would be expected from I–125 as from I–131 for a given amount of activity in the form of iodine. In other forms, the I–125 would be expected to result in notably less exposure per unit of activity administered than I–131, since the biological half-lives in the body are controlling and these are independent of the isotope involved.

A major advantage of the use of I–125 over I–131 is that, with appropriate instrumentation, sensitivity can be improved, leading to possible reductions in the amount of activity required for a given medical test. Hence, it is likely that there will be some reduction in future patient exposures for a given medical test resulting from the use of I–125 as opposed to I–131.

In conclusion, there is reason to believe that I–125 may be expected in the future to result in some reduction in exposure. With proper storage, IHSA–I–125 has a longer useful shelf life than IHSA–I–131 .

Except for the addition of IHSA–I–125 to the general license, the text of the amendment is the same as the proposed general license published on June 6, 1964. The physician is required to register with the Commission prior to receiving byproduct material under the general license. The general license expressly limits use of the specified materials as to chemical form of the byproduct material, the drug which is labeled by the radioactive material, and the authorized use of the radiopharmaceutical. For example, there are only two authorized uses under the general license for iodine 131: (a) Iodine 131 as iodinated human serum albumin (IHSA) for determinations of blood and blood plasma volume; and (b) iodine 131 as sodium iodide for measurement of thyroid uptake. The authorized use of iodine 125 as iodinated human serum albumin is for determinations of blood and blood plasma volume.

The authorized use of cobalt 58 or cobalt 60 under the general license is for the measurement of intestinal absorption of cyanocobalamin. The authorized use for chromium 51 as sodium radiochromate is for determination of red blood cell volumes and studies of red blood cell survival time.

The limitations set forth in the earlier proposal are retained in this amendment. These include possession limits and limitations on storage and transfer of the radiopharmaceutical. The radiopharmaceutical must be in the form of capsules, disposable syringes, or other forms of prepackaged individual doses.

Radiopharmaceuticals used under the general license may not be administered to a woman known to be pregnant or to

a person under 18 years of age. The general licensee is exempt from the requirements of 10 CFR Part 20 with respect to the byproduct materials covered by the general license.

The radiopharmaceutical manufacturer is required to obtain a specific license authorizing distribution of radiopharmaceuticals for use under the general license. The manufacturer must submit evidence that the radiopharmaceutical is to be manufactured, labeled, and packaged under a new drug application approved by the Food and Drug Administration or a license for a biologic product issued by the Department of Health, Education, and Welfare.

The Atomic Energy Commission will work with the Food and Drug Administration and the Department of Health, Education, and Welfare on their labeling requirements for the generally licensed radiopharmaceuticals and the radiation safety information to be included in the brochures which accompany the generally licensed radiopharmaceuticals.

During the first few years the general license is in effect the Commission will conduct a study to evaluate the effects of the general license. Upon the basis of this experience the Commission will reevaluate the general license and determine whether it should be continued, withdrawn, or expanded to include additional materials and uses.

In view of the limited scope of the general license, the low levels of radiation involved, the manner in which diagnostic radioisotopes are used, and the fact that no processing of the radiopharmaceutical by the physician would be required, the Commission considers that no significant question of radiation safety is presented by the proposed general license.

It is recognized that only limited diagnostic programs are possible under the general license. The specified possession limits are relatively low and only a few forms of radiopharmaceuticals and authorized uses are included. A specific license will be required for those physicians who need a higher possession level, wish to employ other radiopharmaceuticals, or propose to use the specified radiopharmaceuticals for purposes other than those authorized under the general license.

Pursuant to the Atomic Energy Act of 1954, as amended, and the Administrative Procedure Act of 1946, the following amendment of Title 10, Chapter I, Part 30, "Licensing of Byproduct Material," is published as a document subject to codification to be effective thirty (30) days after publication in the FEDERAL REGISTER.

1. A new § 30.29 is added to read as follows:

§ 30.29 General license for medical use of certain quantities of byproduct material.

(a) A general license is hereby issued to any physician to receive, possess, transfer, or use for any of the following stated diagnostic uses, in accordance with the provisions of paragraphs (b), (c), and (d) of this section, the following byproduct materials in capsules, disposable syringes or other forms of prepackaged individual doses;

(1) Iodine 131 as sodium iodide (NaI^{131}) for measurement of thyroid uptake;

(2) Iodine 131 as iodinated human serum albumin (IHSA) for determinations of blood and blood plasma volume;

(3) Iodine 125 as iodinated human serum albumin (IHSA) for determinations of blood and blood plasma volume;

(4) Cobalt 58 for the measurement of intestinal absorption of cyanocobalamin;

(5) Cobalt 60 for the measurement of intestinal absorption of cyanocobalamin;

(6) Chromium 51 as sodium radiochromate for determination of red blood cell volumes and studies of red blood cell survival time.

NOTE: Section 30.24(k) requires manufacturers of radiopharmaceuticals which are under the general license in this paragraph to include the following statement in the label affixed to the container or in the leaflet or brochure which accompanies the radiopharmaceutical:

This radioactive drug may be received, possessed, and used only by physicians licensed to dispense drugs in the practice of medicine. Its receipt, possession, use, and transfer are subject to the regulations and a general license of the U.S. Atomic Energy Commission or of a State with which the Commission has entered into an agreement for the exercise of regulatory authority.

(Name of manufacturer)

(b) No physician shall receive, possess, use, or transfer byproduct material pursuant to the general license established by paragraph (a) of this section until he has filed Form AEC–482, "Registration Certificate—Medical Use of Byproduct Material Under General License" with the Director, Division of Materials Licensing, U.S. Atomic Energy Commission, Washington, D.C., 20545, and received from the Commission a validated copy of the Form AEC–482 with registration number assigned. The registrant shall furnish on Form AEC–482 the following information and such other information as may be required by that form:

(1) Name and address of the registrant;

(2) A statement that the registrant is a duly licensed physician authorized to dispense drugs in the practice of medicine, and specifying the license number and the State in which such license is valid; and

(3) A statement that the registrant has appropriate radiation measuring instruments to carry out the diagnostic procedures for which he proposes to use byproduct material under the general license of 10 CFR 30.29 and that he is competent in the use of such instruments.

(c) A physician who receives, possesses, or uses a pharmaceutical containing byproduct material pursuant to the general license established by paragraph (a) of this section shall comply with the following:

(1) He shall not possess at any one time, pursuant to the general license in paragraph (a) of this section, more than:

(i) 200 microcuries of iodine 131,
(ii) 200 microcuries of iodine 125,
(iii) 5 microcuries of cobalt 58,
(iv) 5 microcuries of cobalt 60, and
(v) 200 microcuries of chromium 51.

(2) He shall store the pharmaceutical until administered in the original shipping container or a container providing equivalent radiation protection;

(3) He shall use the pharmaceutical only for the uses authorized by paragraph (a) of this section;

(4) He shall not administer the pharmaceutical to a woman with confirmed pregnancy or to a person under 18 years of age;

(5) He shall not transfer the byproduct material to a person who is not authorized to receive it pursuant to a license issued by the Commission or an agreement State, or in any manner other than in the unopened, labeled shipping container as received from the supplier, except by administering it to a patient.

(d) The registrant possessing or using byproduct material under the general license of paragraph (a) shall report in duplicate to the Director, Division of Materials Licensing, any changes in the information furnished by him in the "Registration Certificate—Medical Use of Byproduct Material Under General License," Form AEC–482. The report shall be submitted within 30 days after the effective date of such change.

(e) Any person using byproduct material pursuant to the general license of paragraph (a) of this section is exempt from the requirements of Part 20 of this chapter with respect to the byproduct materials covered by the general license.

2. A new paragraph (k) is added to § 30.24 to read as follows:

§ 30.24 Special requirements for issuance of special licenses.

* * * * *

(k) *Manufacture and distribution of byproduct materials for medical use under general license.* An application for a specific license to distribute byproduct material for use by physicians under the general license of § 30.29 will be approved if:

(1) the applicant satisfies the general requirements specified in § 30.23;

(2) the applicant submits evidence that the byproduct material is to be manufactured, labeled, and packaged in accordance with a new drug application which the Commissioner of Food and Drugs, Food and Drug Administration, has approved, or in accordance with a license for a biologic product issued by the Secretary, Department of Health, Education, and Welfare;

(3) the following statement, or a substantially similar statement which contains the information called for in the following statement, appears on the label affixed to the container or appears in the leaflet or brochure which accompanies the package:

This radioactive drug may be received, possessed, and used only by physicians licensed to dispense drugs in the practice of medicine. Its receipt, possession, use, and transfer are subject to the regulations and a general license of the U.S. Atomic Energy Commission or of a State with which the Commission has entered into an agreement for the exercise of regulatory authority.

(Name of manufacturer)

(Sec. 161, 68 Stat. 948; 42 U.S.C. 2201)

Dated at Washington, D.C., this 30th day of April 1965.

For the Atomic Energy Commission.

W. B. MCCOOL,
Secretary.

[F.R. Doc. 65–5015; Filed, May 12, 1965; 8:45 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Agency

[Docket No. 6485; Amdt. 39–63]

PART 39—AIRWORTHINESS DIRECTIVES

Fairchild Model F–27 Series Aircraft

Amendment 39–40 (30 F.R. 2438), AD 65–5–4, requires inspection and modification of the rudder trim tab on all Fairchild Model F–27 Series aircraft. Subsequent to the issuance of AD 65–5–4, there have been four instances of rudder vibration that caused serious damage to the rudder and rudder trim tab. Accordingly, AD 65–5–4 is being amended to require further rudder trim tab modification. Since the repetitive inspections required by AD 65–5–4 are no longer required on aircraft modified in accordance with this amendment, the amendment limits the applicability of the AD to those aircraft that have not been modified by the manufacturer prior to delivery.

As a situation exists which demands immediate adoption of this regulation, it is found that notice and public procedure hereon are impracticable and good cause exists for making this amendment effective in less than 30 days.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (25 F.R. 6489), § 39.13 of Part 39 of the Federal Aviation Regulations, Amendment 39–40 (30 F.R. 2438), AD 65–5–4, is amended as follows:

(1) The applicability statement is amended by inserting the words "Serial Numbers 1 through 107" immediately after the words "F–27 Series aircraft."

(2) Paragraph (d) is stricken out, paragraph (c) is redesignated as paragraph (f), and the following new paragraphs are inserted after paragraph (c):

(d) Within the next 100 hours' time in service after the effective date of this amendment unless already accomplished, modify the rudder trim tab in accordance with Fairchild Alert Bulletin No. 27–39A, dated March 12, 1965, or later FAA-approved revision, or an equivalent approved by the Chief, Engineering and Manufacturing Branch, FAA Eastern Region.

(e) The repetitive inspections required by paragraphs (a) and (c) may be discontinued when the modification required by paragraph (d) is incorporated.

This amendment becomes effective May 13, 1965.

(Sec. 313(a), 601, and 603 of the Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421, 1423)

Issued in Washington, D.C., on May 6, 1965.

G. S. MOORE,
Director,
Flight Standards Service.

[F.R. Doc. 65–5019; Filed, May 12, 1965; 8:45 a.m.]

[Docket No. 6410; Amdt. 61–17]

PART 61—CERTIFICATION: PILOTS AND FLIGHT INSTRUCTORS

Airline Transport Pilot Certificate: Additional Instruction Required of Applicant

The purpose of this amendment is to permit an FAA inspector (or examiner) who conducts the flight test more flexibility in determining the amount and type of additional instruction (flight, synthetic trainer, or ground training) required of an applicant for an airline transport pilot certificate, or associated rating, who has failed the required flight test. The amendment also permits the applicant's certifying instructor to determine (if so authorized) the amount and type of required additional instruction.

This amendment was proposed in Notice No. 64–54 and published in the FEDERAL REGISTER on January 6, 1965 (30 F.R. 94). The comments received on the notice all support the proposals, and the Agency has determined to issue the amendment for the reasons stated in the notice.

Interested persons have been afforded an opportunity to participate in the making of this amendment, and due consideration has been given to all matter presented.

In consideration of the foregoing, subparagraph (d)(2) of § 61.27 of Part 61 of the Federal Aviation Regulations is amended, effective May 13, 1965, to read as follows:

§ 61.27 Retesting after failure.

* * * * *

(d) *Airline transport: flight test.*

* * *

(2) Received additional practice or instruction (flight, synthetic trainer, or ground training, or any combination thereof) that is necessary, in the opinion of the Administrator or the applicant's instructor (if the Administrator has authorized him to determine the additional instruction necessary) to prepare the applicant for retesting.

* * * * *

(Sec. 313(a), 314, 601, and 602 of the Federal Aviation Act of 1958 (49 U.S.C. 1354, 1355, 1421, 1422))

Issued in Washington, D.C., on May 3, 1965.

N. E. HALABY,
Administrator.

[F.R. Doc. 65–5020; Filed, May 12, 1965; 8:45 a.m.]

[Airspace Docket No. 64–EA–72]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Transition Area and Revocation of Control Area Extension

On page 2000 of the FEDERAL REGISTER for February 12, 1965, the Federal Aviation Agency published proposed regulations which would alter the Lima, Ohio, transition area and revoke the Mansfield, Ohio, control area extension.

Interested parties were given 45 days after publication of the proposed regulations to submit written data or views. No objections to the proposed regulations were received. During the pendency of the 45-day period it has become apparent that implementation of an adjacent terminal transition area would be delayed, thus requiring a continuation of the Mansfield, Ohio, control area extension.

In view of the foregoing the proposed regulation is hereby adopted effective 0001 e.s.t., July 22, 1965, except as follows:

1. Delete item 1.

Issued in Jamaica, NY., on April 28, 1965.

WAYNE HENDERSHOT,
Acting Director,
Eastern Region.

Amend § 71.181 of Part 71 of the Federal Aviation Regulations by deleting the description of the Lima, Ohio transition area and inserting in lieu thereof the following:

That airspace extending upward from 700 feet above the surface within a 6-mile radius of the center 40°42'31" N., 84°01'37" W. of Allen County Airport, Lima, Ohio; within 2 miles each side of the Lima VOR 090° radial extending from the 6-mile radius area to 8 miles east of the VOR.

That airspace extending upward from 1,200 feet above the surface bounded by a line beginning at 40°30'00" N., 83°10'00" W. to 40°30'00" N., 83°50'00" W. to 40°29'00" N., 84°14'00" W., to 40°32'00" N., 84°30'00" W. to 40°51'00" N., 84°30'00" W., to 40°50'00" N., 83°30'00" W. to the point of beginning.

(Sec. 307(a) of the Federal Aviation Act of 1958, 72 Stat. 749; 49 U.S.C. 1348)

[F.R. Doc. 65–5025; Filed, May 12, 1965; 8:45 a.m.]

[Airspace Docket No. 63–SW–50]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration and Designation of Control Zones, Designation of Transition Area, and Revocation of Control Area Extensions

On February 12, 1965, a notice of proposed rule making was published in the FEDERAL REGISTER (30 F.R. 1995) stating that the Federal Aviation Agency proposed to alter the controlled airspace in the Waco, Tex., terminal area.

Interested persons were afforded an opportunity to participate in the rule

VOR. This control zone is effective during the dates and times published in the Airman's Information Manual.

con on July 22, 1965. Therefore, the control zone designation based on the

Within a 5-mile radius of the center 45°

Within a 5-mile radius of the center

weight of 40,000 and a maximum up-

Interested persons were afforded an opportunity to participate in the rule making through submission of comments.

The Air Transport Association of America (ATA) requested that the minimum en route altitude (MEA) of 2,000 feet for V–15W between Whitney Intersection and the Waco VORTAC be retained in lieu of the proposed increase to 2,500 feet. ATA also requested that the Italy Intersection be redescribed to place it within the proposed portion of the transition area with a floor of 700 feet above the surface to permit the retention of the 2,000-foot MEA on the segment of V–15 between Italy Intersection and the Waco VORTAC.

Action has been initiated to retain the MEA's and redescribe the Italy Intersection, as requested by ATA. That action will not require any changes in the proposed airspace actions contained in the notice.

A requirement no longer exists for the retention of the Fort Worth, Tex., and the Altus, Okla., control area extensions; although not proposed in the notice, action is taken herein to revoke them. Since the revocation of this airspace imposes no additional burden on any person, notice and public procedure thereon are unnecessary.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0001 e.s.t., July 22, 1965, as hereinafter set forth.

1. In § 71.171 (29 F.R. 17639) the Waco, Tex. (Municipal Airport), control zone is amended to read.

WACO, TEX. (MUNICIPAL AIRPORT)

That airspace within a 5-mile radius of the Waco Municipal Airport (latitude 31°36'-40" N., longitude 97°13'40" W.); within 2 miles each side of the 330° radial from the Waco VORTAC extending from the 5-mile radius zone to 7.5 miles NW of the VORTAC; within 2 miles each side of the Waco ILS localizer N course, extending from the 5-mile radius zone to .5 mile S of the OM; and within 2 miles each side of the Waco VORTAC 096° radial, extending from the VORTAC to a 5-mile radius circle centered at James Connally AFB (latitude 31°38'20" N., longitude 97°04'25" W.); excluding the portion within the Waco, Tex. (James Connally AFB), control zone.

2. In § 71.171 (29 F.R. 17581) the following control zone is added:

WACO, TEX. (JAMES CONNALLY AFB)

That airspace within a 5-mile radius of James Connally AFB (latitude 31°38'20" N., longitude 97°04'25" W.); within 2 miles each side of the Connally AFB ILS localizer N course, extending from the 5-mile radius zone to 7.5 miles N of the OM; within 2 miles each side of the 359° bearing from the Connally RBN, extending from the 5-mile radius zone to 2 miles N of the RBN; and within 2 miles each side of the James Connally TACAN 167° and 352° radials extending from the 5-mile radius zone to 7 miles N and 4.5 miles S of the TACAN.

3. In § 71.171 (29 F.R. 17581) the following control zone is added:

TEMPLE, TEX.

That airspace within a 5-mile radius of the Draughon-Miller Airport, Temple, Tex. (latitude 31°09'10" N., longitude 97°24'25" W.); and within 2 miles each side of the Temple, Tex., VOR 348° radial extending from the 5-mile radius zone to 11.5 miles N of the VOR. This control zone is effective during the dates and times published in the Airman's Information Manual.

4. In § 71.165 (29 F.R. 17562) the Dallas, Tex., control area extension is revoked.

5. In § 71.165 (29 F.R. 17579) the Waco, Tex., control area extension is revoked.

6. In § 71.165 (29 F.R. 17564) the Fort Worth, Tex., control area extension is revoked.

7. In § 71.165 (29 F.R. 17558) the Altus, Okla., control area extension is revoked.

8. In § 71.181 (29 F.R. 17643) the following transition area is added:

WACO, TEX.

That airspace extending upward from 700 feet above the surface within the area bounded by a line beginning at latitude 32°-08'00" N., longitude 96°54'00" W.; to latitude 31°42'00" N., longitude 96°38'00" W.; to latitude 31°28'00" N., longitude 96°41'00" W.; to latitude 31°17'00" N., longitude 96°-56'00" W.; to latitude 31°17'00" N., longitude 97°13'00" W.; to latitude 31°17'00" N., longitude 97°25'30" W.; to latitude 30°58'30" N., longitude 97°35'40" W.; to latitude 31°-11'00" N., longitude 97°31'00" W.; to latitude 31°27'00" N., longitude 97°34'00" W.; to latitude 31°33'00" N., longitude 97°28'00" W.; to latitude 31°46'00" N., longitude 97°-30'00" W.; to latitude 31°59'00" N., longitude 97°24'00" W.; to point of beginning; and that airspace extending upward from 1,200 feet above the surface within the area bounded by a line beginning at latitude 31°13'00" N., longitude 98°38'00" W.; to latitude 31°23'31" N., longitude 97°47'45" W.; to latitude 31°22'33" N., longitude 97°-42'45" W.; to latitude 31°20'48" N., longitude 97°40'32" W.; to latitude 31°19'37" N., longitude 97°40'32" W.; to latitude 31°13'45" N., longitude 97°32'35" W.; to latitude 31°-06'06" N., longitude 97°32'42" W.; to latitude 30°57'00" N., longitude 97°36'00" W.; to latitude 30°55'00" N., longitude 97°26'00" W.; to latitude 30°48'00" N., longitude 97°-14'00" W.; to latitude 30°48'00" N., longitude 97°05'20" W.; to latitude 30°51'00" N., longitude 96°56'00" W.; to latitude 31°17'00" N., longitude 96°11'00" W.; to latitude 31°19'00" N., longitude 95°58'00" W.; to latitude 31°-47'00" N., longitude 95°55'00" W.; to latitude 31°47'00" N., longitude 96°22'00" W.; to latitude 32°12'00" N., longitude 96°50'00" W.; to latitude 32°18'00" N., longitude 97°-25'00" W.; to latitude 32°07'00" N., longitude 97°46'00" W.; to latitude 32°00'00" N., longitude 98°15'00" W.; to point of beginning.

(Sec. 307(a) of the Federal Aviation Act of 1958; 49 U.S.C. 1348)

Issued in Fort Worth, Tex., on May 5, 1965.

ARCHIE W. LEAGUE,
Director, Southwest Region.

[F.R. Doc. 65–5024; Filed, May 12, 1965; 8:45 a.m.]

[Airspace Docket No. 65–CE–57]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Modification of Control Zone

The purpose of this amendment to Part 71 of the Federal Aviation Regulations is to modify a portion of the Aberdeen, S. Dak., control zone.

The Aberdeen, S. Dak., L/MF radio range is being converted to a radio beacon on July 22, 1965. Therefore, the control zone designation based on the south course of the radio range must be designated by a bearing on the radio beacon. This action will not alter the Aberdeen control zone configuration.

Since this amendment does not alter the amount of controlled airspace presently designated, it imposes no additional burden on any person. Consequently, notice and public procedure hereon are unnecessary, and the amendment may become effective without regard to the 30 day statutory period.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended effective July 22, 1965, as hereinafter set forth:

In § 71.171 (29 F.R. 17581) the Aberdeen, S. Dak., control zone is amended by deleting that portion which reads, "Aberdeen RR S course, extending from the 5-mile radius zone to 8 miles S of the RR" and substitute therefor, "152° bearing from the Aberdeen RBN, extending from the 5-mile radius zone to 8 miles S of the RBN".

(Sec. 307(a) of the Federal Aviation Act of 1958; 49 U.S.C. 1348)

Issued in Kansas City, Mo., on April 29, 1965.

EDWARD C. MARSH,
Director, Central Region.

[F.R. Doc. 65–5023; Filed, May 12, 1965; 8:45 a.m.]

[Airspace Docket No. 64–EA–34]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Control Zone, and Designation and Revocation of Transition Areas

On page 1122 of the FEDERAL REGISTER for February 3, 1965, the Federal Aviation Agency published proposed regulations which would alter the Millinocket, Maine, control zone, designate a 700-foot transition area over Millinocket Municipal Airport, Millinocket, Maine, and revoke the Greenville, Maine, 1200-foot transition area and designate a 1200-foot Millinocket, Maine, transition area.

Interested parties were given 45 days after publication of the proposed regulations in which to submit any written views or data. No objections to the proposed regulations were received.

In view of the foregoing the proposed regulations are hereby adopted effective 0001 e.s.t., July 22, 1965, except as follows:

In item 3 delete "§ 71.165" and insert in lieu thereof "§ 71.181."

Issued in Jamaica, N.Y., on April 28, 1965.

WAYNE HENDERSHOT,
Acting Director, Eastern Region.

1. Amend § 71.171 of Part 71 of the Federal Aviation Regulations so as to delete the description of the Millinocket, Maine, control zone and insert in lieu thereof the following:

Within a 5-mile radius of the center 45°-38'50" N., 68°41'10" W. of Millinocket Airport; within 2 miles each side of a 094° bearing from the Millinocket Radio Beacon extending from the 5-mile radius zone to 7 miles E. of the radio beacon; and within 2 miles each side of the Millinocket VOR 298° radial extending from the 5-mile radius zone to the VOR.

2. Amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to designate a 700- and 1,200-foot Millinocket, Maine, transition area described as follows:

MILLINOCKET, MAINE

That airspace extending upward from 700 feet above the surface within a 7-mile radius of the center 45°38'50" N., 68°41'10" W. of Millinocket Municipal Airport, Millinocket, Maine; within 2 miles each side of a 094° bearing from the Millinocket RBN extending from the 7-mile radius area to 8 miles E. of the RBN; within 2 miles each side of the Millinocket VOR 298° radial extending from the 7-mile radius area to the VOR.

That airspace extending upward from 1,200 feet above the surface bounded by a line beginning at: 45°56'00" N., 68°36'00" W. to 45°39'00" N., 69°48'00" W. to 45°23'00" N., 69°48'00" W. to 45°23'00" N., 69°30'00" W. to 45°24'00 N., 68°55'00" W. to 45°30'00" N., 68°31'00" W. to 45°27'00" N., 68°20'00" W. to 45°33'00" N., 68°16'00" W. to 45°38'00" N., 67°40'30" W. to the point of beginning.

3. Amend § 71–181 of Part 71 of the Federal Aviation Regulations so as to revoke the Greenville, Maine, 1,200-foot transition area.

(Sec. 307(a) of the Federal Aviation Act 1958; 72 Stat. 749; 49 U.S.C. 1348)

[F.R. Doc. 65–5021; Filed, May 12, 1965; 8:45 a.m.]

[Airspace Docket No. 64–EA–66]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Control Zone, Designation of Transition Areas

On page 802 of the FEDERAL REGISTER of January 26, 1965, there was published a notice of proposed rule making to issue regulations which would alter the Danville, Va. control zone and designate a 700-foot transition area over the Danville Airport, Danville, Va. and a 1,200-foot transition area for the Danville, Va., terminal area.

Interested persons were given 45 days in which to submit written data or views with respect to the proposed regulations. No objection to the proposed regulations were received.

The proposed regulation is hereby adopted without change effective 0001 e.s.t., June 24, 1965.

Issued in Jamaica, N.Y., on March 26, 1965.

WAYNE HENDERSHOT,
Acting Director, Eastern Region.

1. Amend § 71.171 of Part 71 of the Federal Aviation Regulations by deleting the description of the Danville, Va., control zone and insert in lieu thereof the following:

Within a 5-mile radius of the center 36°34'20" N., 79°20'05" W. of Danville Airport, Danville, Va.; and within 2 miles each side of the Danville VOR 044° and 208° radials extending from the 5-mile radius zone to 7 miles NE and 7 miles SW of the VOR.

2. Amend § 71.181 of Part 71 of the Federal Aviation Regulations by designating a Danville, Va., 700- and 1,200-foot transition area described as follows:

DANVILLE, VA.

That airspace extending upward from 700 feet above the surface within a 7-mile radius of the center of 36°34'20" N., 79°20'05" W. of Danville Airport, Danville, Va.; within 2 miles each side of the Danville VOR 044° and 208° radials extending from the 7-mile radius area to 8 miles NE and 8 miles SW of the VOR.

That airspace extending upward from 1,200 feet above the surface bounded by a line beginning at 37°00'00" N., 80°25'20" W. to 37°00'00" N., 78°38'00" W. to 36°33'00" N., 78°43'00" W. to 36°18'30" N., 79°27'00" W. thence along a 35-mile radius arc (centered at 36°06'00" N., 80°01'30" W.) to 36°36'20" N., 80°06'30" W. to 36°48'40" N., 80°07'40" W. to the point of beginning.

(Sec. 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348))

[F.R. Doc. 65–5022; Filed, May 12, 1965; 8:45 a.m.]

Title 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

SUBCHAPTER B—FOOD AND FOOD PRODUCTS

PART 121—FOOD ADDITIVES

Subpart D—Food Additives Permitted in Food for Human Consumption

POLYVINYLPYRROLIDONE

The Commissioner of Food and Drugs, having evaluated the data in a petition (FAP 154) filed by General Aniline and Film Corp., 435 Hudson Street, New York 14, N.Y., and other relevant material, has concluded that § 121.1139 should be amended to provide for the safe use of polyvinylpyrrolidone as a clarifying agent in beer. It has also been concluded that the regulation should be amended to clarify the limitation relating to the additive's use in vinegar so that the maximum amount permitted refers to a residual level. Therefore, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1)), and under the authority delegated to the Commissioner by the Secretary of Health, Education, and Welfare (21 CFR 2.90), § 121.1139 is amended by revising paragraph (a) and by alphabetically adding a new item to the list of foods in paragraph (b) and by changing the limitation relating to vinegar in that list. As amended, the affected portions read as follows:

§ 121.1139 Polyvinylpyrrolidone.

• • • • •

(a) The additive is a polymer of purified vinylpyrrolidone catalytically produced, having an average molecular weight of 40,000 and a maximum unsaturation of 1.0 percent, calculated as the monomer, except that the polyvinylpyrrolidone used in beer is that having an average molecular weight of 360,000 and a maximum unsaturation of 1.0 percent, calculated as the monomer.

(b) • • •

Food	Limitations
Beer	As a clarifying agent, at a residual level not to exceed 10 parts per million.
•	•
Vinegar	As as clarifying agent, at a residual level not to exceed 40 parts per million.
•	•

Any person who will be adversely affected by the foregoing order may at any time within 30 days from the date of its publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington, D.C., 20201, written objections thereto, preferably in quintuplicate. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof.

Effective date. This order shall be effective on the date of its publication in the FEDERAL REGISTER.

(Sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1))

Dated: May 5, 1965.

GEO. P. LARRICK,
Commissioner of Food and Drugs.

[F.R. Doc. 65–5050; Filed, May 12, 1965; 8:48 a.m.]

Title 25—INDIANS

Chapter I—Bureau of Indian Affairs, Department of the Interior

SUBCHAPTER I—LEASING AND PERMITTING

PART 131—LEASING AND PERMITTING

Correction of CFR Supplement as of January 1, 1965

An inadvertent omission occurs in Part 131 as it appears in the Title 25 Supplement as of January 1, 1965. The omitted material which follows page 93 in the Supplement reads as follows:

(2) orphaned minors; (3) the undetermined heirs of a decedent's estate; (4) the heirs or devisees to individually owned land who have not been able to agree upon a lease during the three-month period immediately following the date on which a lease may be entered into; provided, that the land is not in

use by any of the heirs or devisees; and

(c) Unless otherwise provided by the

§ 401.104–16 [Revised]

struction; by revising § 401.102–8 (on

use by any of the heirs or devisees; and (5) Indians who have given the Secretary written authority to execute leases on their behalf.

(b) The Secretary may grant leases on the individually owned land of an adult Indian whose whereabouts is unknown, on such terms as are necessary to protect and preserve such property.

(c) The Secretary may grant permits on Government land.

§ 131.3 Grants of leases by owners or their representatives.

The following may grant leases: (1) Adults, other than those non compos mentis, (2) adults other than those non compos mentis, on behalf of their minor children, and on behalf of minor children to whom they stand in loco parentis when such children do not have a legal representative, (3) the guardian, conservator or other fiduciary, appointed by a state court or by a tribal court operating under an approved constitution or law and order code, of a minor or persons who are non compos mentis or are otherwise under legal disability, (4) tribes or tribal corporations acting through their appropriate officials.

§ 131.4 Use of land of minors.

The natural or legal guardian, or other person standing in loco parentis of minor children who have the care and custody of such children may use the individually owned land of such children during the period of minority without charge for the use of the land if such use will enable such person to engage in a business or other enterprise which will be beneficial to such minor children.

§ 131.5 Special requirements and provisions.

(a) All leases made pursuant to the regulations in this part shall be in the form approved by the Secretary and subject to his written approval.

(b) Except as otherwise provided in this part no lease shall be approved or granted at less than the present fair annual rental.

(1) An adult Indian owner of trust or restricted land may lease his land for religious, educational, recreational or other public purposes to religious organizations or to agencies of the Federal, State or local government at a nominal rental. Such adult Indian may lease land to members of his immediate family with or without rental consideration. For purposes of this section, "immediate family" is defined as the Indian's spouse, brothers, sisters, lineal ancestors, or descendants.

(2) In the discretion of the Secretary, tribal land may be leased at a nominal rental for religious, educational, recreational, or other public purposes to religious organizations or to agencies of Federal, State, or local governments; for purposes of subsidization for the benefit of the tribe; and for homesite purposes to tribal members provided the land is not commercial or industrial in character.

(3) Leases may be granted or approved by the Secretary at less than the fair annual rental when in his judgment such action would be in the best interest of the landowners.

(c) Unless otherwise provided by the Secretary a satisfactory surety bond will be required in an amount that will reasonably assure performance of the contractual obligations under the lease. Such bond may be for the purpose of guaranteeing:

(1) Not less than one year's rental unless the lease contract provides that the annual rental shall be paid in advance.

(2) The estimated construction cost of any improvement to be placed on the land by the lessee.

(3) An amount estimated to be adequate to insure compliance with any additional contractual obligations.

(d) The lessee may be required to provide insurance in an amount adequate to protect any improvements on the leased premises; the lessee may also be required to furnish appropriate liability insurance, and such other insurance as may be necessary to protect the lessor's interest.

(e) No lease shall provide the lessee a preference right to future leases nor shall any lease contain provisions for renewal, except as otherwise provided in this part. No lease shall be entered into more than 12 months prior to the commencement of the term of the lease. Except with the approval of the Secretary no lease shall provide for payment of rent in advance of the beginning of the annual use period for which such rent is paid. The lease contract shall

Title 33—NAVIGATION AND NAVIGABLE WATERS

Chapter IV—Saint Lawrence Seaway Development Corporation

PART 401—SEAWAY REGULATIONS AND RULES

Miscellaneous Amendments

The amendments contained herein are of a miscellaneous nature and apply to Subpart B—Rules, of 33 CFR Part 401. The Saint Lawrence Seaway Development Corporation is acting jointly with the St. Lawrence Seaway Authority of Canada in issuing these regulations, pursuant to provisions of the Corporation's enabling act (33 U.S.C. 981 et seq.). The present amendments were first published in the FEDERAL REGISTER on April 8, 1965 in a notice of proposed rule making (30 F.R. 4557–58).

Interested parties were permitted to submit written comments, suggestions or objections with respect to the proposed changes and no objections having been received, they are hereby adopted by the Corporation.

Subpart B—Rules, of 33 CFR Part 401 as revised by 28 F.R. 3754–62 and amended by 29 F.R. 5034–35, is further amended as follows:

I. The rules respecting Condition of Vessels §§ 401.102–1 to 401.102–19 are amended by revising § 401.102–4 (on masts) to account for vertical clearance restrictions at new bridges under construction; by revising § 401.102–8 (on drainage pipes) for clarification; by revising § 401.102–14 (on hand lines) to preclude the use of materials of insufficient tensile strength and by adding § 401.102–20 (on oily-water separators) in the interest of protecting the Seaway from pollution by oil, as follows:

§ 401.102–4 Masts.

No vessel shall transit any part of the Seaway if a mast on the vessel extends more than one hundred and seventeen feet above water level, and no vessel shall transit the Lachine Canal if a mast on the vessel extends more than fifty-nine feet above water level.

§ 401.102–8 Discharge pipes.

No vessels shall transit with pipes which discharge onto the top of a tie-up or lock wall. Discharge pipes will be rigged to assure that overboard discharge will be diverted into the water.

§ 401.102–14 Hand lines.

Hand lines must be of Manila or other acceptable material and must have a minimum diameter of one-half inch and a minimum length of one hundred feet and must not be knotted or weighted when they are to be used in the chamber of a lock.

§ 401.102–20 Oily-water separators.

It is strongly recommended that vessels, which cannot contain waste oil products or bilge water containing waste oil products, shall be equipped with oily-water separators or other such equipment for the extraction of oil products from waste water before discharge.

II. The rules respecting Radio Communications §§ 401.103–1 to 401.103–8 are amended by revising § 401.103–2 for clarification, as follows:

§ 401.103–2 Radio-telephone frequencies.

The Seaway stations operate on the following assigned VHF frequencies:

156.8 Mcs—Safety and calling.
156.7 Mcs—Working (Canadian stations).
156.6 Mcs—Working (Eisenhower station).

The Seaway stations maintain a listening watch, for emergency only, on 2182 Kcs.

III. The rules respecting Transit Instructions, §§ 401.104–1 to 401.104–47 are amended by revising § 401.104–8 (on masts) respecting vertical clearance restrictions; by deleting § 401.104–16 which pertained to the Lachine Canal, no longer in operation; by deleting the words "Lachine Canal" in subsection (a) of § 401.104–30 (on turning basins) and by adding § 401.104–48 on the prevention of oil pollution, as follows:

§ 401.104–8 Furnishing information re masts.

Vessels, whose masts extend more than one hundred and ten feet above water level, shall not transit any part of the Seaway until precise information concerning the height of the masts has been furnished to the dispatcher or officer in charge; and vessels, whose masts extend more than fifty-four, shall not transit the Lachine Canal until the same condition has been fulfilled.

§ 401.104–16 [Deleted]

§ 401.104–30 Turning basins.

A vessel shall not be turned about in any canal, except at the following turning basins and, in the case of those in the South Shore and Welland Canals, except with authorization from the dispatcher.

South Shore Canal:
(a) Turning Basin No. 1.
(b) Turning Basin No. 2.
Welland Canal:
(a) Opposite St. Catharines Wharf for vessels up to three hundred and fifty feet.
(b) Between Bridge 8 and Bridge 9 for vessels up to five hundred and fifty feet.
(c) Three thousand feet south of Bridge 12 for vessels up to six hundred feet.
(d) North of Lock No. 8 for vessels up to five hundred and fifty feet.
Lachine Canal:
(a) (Deleted).
(b) Below Lock No. 4.
Cornwall Canal:
(a) Above Lock No. 10.
(b) Three thousand feet above Lock No. 18—with permission of the Canal Superintendent.
Third Welland Canal:
(a) Above Lock No. 1 at Port Dalhousie.

§ 401.104–48 Prevention of oil pollution.

No vessel in transit shall discharge, dump or pump oil products or bilge containing oil products into the Seaway or adjacent waters. A record shall be kept by vessels of each location within the Seaway or adjacent waters where bilge water has been discharged.

IV. The rules respecting Toll Assessment and Collection §§ 401.106–1 to 401.106–10 are amended by deleting § 401.106–8 which dealt with through transits of the Lachine Canal; and by revising § 401.106–10 (on off-loaded weights) for the purpose of clarification, as follows:

§ 401.106–8 [Deleted]

§ 401.106–10 Off-loaded weights.

The loaded or manifest weight of cargo must be shown for tolls assessment purposes, except in the case of petroleum products where gallonage meters are not available at the point of loading, in which case off-loaded weights will be acceptable.

(68 Stat. 93–97, 33 U.S.C. 981–990, as amended)

SAINT LAWRENCE SEAWAY DEVELOPMENT CORPORATION,
[SEAL] JOSEPH H. MCCANN,
Administrator.

[F.R. Doc. 65–5038; Filed, May 12, 1965; 8:46 a.m.]

Title 41—PUBLIC CONTRACTS AND PROPERTY MANAGEMENT

Chapter 1—Federal Procurement Regulations

PART 1–3—PROCUREMENT BY NEGOTIATION

Subpart 1–3.8—Price Negotiation Policies and Techniques

MISCELLANEOUS AMENDMENTS

These amendments have been developed for the purpose of clarifying the requirements for the making of price and costs analyses and the submission of cost or pricing data. In addition, the amendments prescribe a definition of cost or pricing data and a new format for the Certificate of Current Cost or Pricing Data. The amendments also include simplified instructions regarding the use of prescribed clauses and clarification of the provisions of the clauses, particularly with respect to subcontracts.

1. Sections 1–3.807–2, 1–3.807–3, and 1–3.807–4 are amended to read as follows:

§ 1–3.807–2 Requirements for price or cost analysis.

(a) *General.* Some form of price or cost analysis should be made in connection with every negotiated procurement action. The method and degree of analysis, however, is dependent on the facts surrounding the particular procurement and pricing situation. Cost analysis shall be performed in accordance with paragraph (c) of this section when cost or pricing data is required to be submitted under the conditions described in § 1–3.807–3; however, the extent of the cost analysis should be that necessary to assure reasonableness of the pricing result, taking into consideration the amount of the proposed contract and the cost and time needed to accumulate the necessary data for analysis. Price analysis shall be used in all other instances to determine the reasonableness of the proposed contract price. Price analysis may also be useful in corroborating the overall reasonableness of a proposed price where the determination of reasonableness was developed through cost analysis.

(b) *Price analysis.* (1) Price analysis is the process of examining and evaluating a prospective price without evaluation of the separate cost elements and proposed profit of the individual prospective supplier whose price is being evaluated. Price analysis may be accomplished in various ways, including the following:

(i) The comparison of the price quotations submitted;

(ii) The comparison of prior quotations and contract prices with current quotations for the same or similar end items (to provide a suitable basis for comparison, appropriate allowances must be made for differences in such factors as specifications, quantities ordered, time for delivery, Government-furnished materials, and experienced trends of improvement in production efficiency; it must also be recognized that such comparison may not detect an unreasonable current quotation unless the reasonableness of the prior prices was established and unless changes in the general level of business and prices have been considered);

(iii) The use of rough yardsticks (such as dollars per pound, per horsepower, or other units) to point up apparent gross inconsistencies which should be subjected to greater pricing inquiry;

(iv) The comparison of prices set forth in published price lists issued on a competitive basis, published market prices of commodities, and similar indicia, together with discount or rebate arrangements; and

(v) The comparison of proposed prices with estimates of cost independently developed by personnel within the contracting activity.

(2) Price analysis techniques should be used to support or supplement cost analysis wherever appropriate.

(c) *Cost analysis.* (1) Cost analysis is the review and evaluation of a contractor's cost or pricing data (see § 1–3.807–3) and of the judgmental factors applied in projecting from the data to the estimated costs, in order to form an opinion on the degree to which the contractor's proposed costs represent what performance of the contract should cost, assuming reasonable economy and efficiency. It includes the appropriate verification of cost data, the evaluation of specific elements of costs, and the projection of these data to determine the effect on prices of such factors as:

(i) The necessity for certain costs;

(ii) The reasonableness of amounts estimated for the necessary costs;

(iii) Allowances for contingencies;

(iv) The basis used for allocation of overhead costs; and

(v) The appropriateness of allocations of particular overhead costs to the proposed contract.

(2) Appropriate consideration should be given to Part 1–15, which contains general cost principles and procedures for the determination and allowance of costs in connection with the negotiation of cost-reimbursement type contracts, as well as guidelines for use, where appropriate, in the evaluation of costs in connection with negotiated fixed-price type contracts.

(3) Among the evaluations that should be made where the necessary data are available are comparisons of a contractor's or offeror's current estimated costs with:

(i) Actual costs previously incurred by the contractor or offeror;

(ii) The contractor's or offeror's last prior cost estimate for the same or a similar item or with a series of his prior estimates;

(iii) Current cost estimates from other possible sources; and

(iv) Prior estimates of historical costs of other contractors manufacturing the same or similar items.

(4) Forecasting future trends in costs from historical cost experience is of primary importance. An adequate cost analysis must include consideration of future trends in costs. In cases involving production of recently developed, complex equipment, even in periods of relative price stability, trend analysis of basic labor and materials costs should be undertaken.

§ 1–3.807–3 Requirements for cost or pricing data.

(a) The contracting officer shall, except as provided in paragraph (b) of this section, require the prospective contractor or contractors, as the case may be, to submit in writing cost or pricing data and to certify, by use of the certificate in § 1–3.807–4, that, to the best of his knowledge and belief, the cost or pricing data he submitted was accurate, complete, and current, prior to:

(1) The award of any cost-reimbursement type, time and material, labor-hour, incentive, or price redeterminable

contract expected to exceed $100,000 in amount.

(2) The award of any firm fixed-price, or fixed-price with escalation, negotiated contract expected to exceed $100,000 in amount.

(3) The pricing of any contract modification expected to exceed $100,000 in amount to any formally advertised or negotiated contract whether or not cost or pricing data was required in connection with the initial pricing of the contract.

(b) The requirements of paragraph (a) of this section need not be applied where, in the case of (1) thereof, construction contracts or basic research contracts with educational institutions are involved; where, in the case of (2) and (3) thereof, it is determined by the contracting officer that the price negotiated is based on adequate price competition, established catalog or market prices of commercial items sold in substantial quantities to the general public, or prices set by law or regulation; or where, in exceptional cases, the head of the agency or his authorized designee authorizes the waiver of those requirements and states in writing his reasons for such determination (see § 1–3.302(e)).

(c) The furnishing and certification of cost or pricing data shall be required prior to the award of any negotiated contract not expected to exceed $100,000 in amount, or prior to the pricing of any contract modification not expected to exceed $100,000 in amount, to any formally advertised or negotiated contract whether or not cost or pricing data were required in connection with the initial pricing of the contract: *Provided*, That it is considered that the circumstances warrant such action. However, certification of the data shall not be required in the case of cost and cost-sharing contracts, the estimated cost of which does not exceed $100,000 and under which the contractor receives no fee.

(d) Any contractor who has been required to submit and certify cost or pricing data in accordance with this § 1–3.807–3 shall also be required to obtain cost or pricing data from his subcontractors under the circumstances set forth in the appropriate clause in § 1–3.814–3.

(e) Whenever a certificate of cost or pricing data is required, the applicable clause in § 1–3.814–1 shall be included in the contract, and the appropriate clauses in §§ 1–3.814–2 and 1–3.814–3 shall be used if required by those sections. Where such a certificate is required in accordance with § 1–3.807–3(c), those clauses shall be modified, as appropriate.

(f) When there is adequate price competition, cost or pricing data should not be requested regardless of the dollar amount involved. Where, however, cost or pricing data has been furnished, it shall be considered in making decisions on contract prices. As a general rule, cost or pricing data should not be requested when it has been determined that proposed prices are, or are based on, established catalog or market prices of commercial items sold in substantial quantities to the general public. Exceptions to the general rule include the following:

(1) Where, despite the willingness of a number of commercial purchasers to buy an item at such a catalog or market price, the contracting officer finds that that price is not reasonable and supports such finding by an enumeration of the facts upon which it is based, cost or pricing data may be requested if necessary to establish a reasonable price: *Provided*, That such finding is approved at a level, if any, above the contracting officer.

(2) Cost or pricing data may be requested, if necessary, where there is such a disparity between the quantity of the item being procured and the quantity of the same item for which there is such a catalog or market price that the reasonableness of the proposed price cannot be determined by comparing the proposed price with the market or catalog price. Where an item is substantially similar to a commercial item for which there is an established catalog or market price at which substantial quantities are sold to the general public, but the offered price of the former is not considered to be "based on" the price of the latter in accordance with § 1–3.807–1(b)(2), any requirement for cost or pricing data should be limited to that pertaining to the differences between the two items, if this limitation is consistent with assuring reasonableness of the price.

(g) The provisions of this paragraph (g) do not apply to awards of cost-reimbursement type, time and material, labor-hour, incentive, or price redeterminable contracts. Cost or pricing data shall not be requested prior to the award of any contract anticipated to be for $2,500 or less and generally should not be requested for modifications in those amounts. In procurements where it is anticipated that the contract award or modification will be between $2,500 and $10,000, cost or pricing data generally should not be requested. In almost all awards between $2,500 and $10,000 and modifications of $10,000 or less, the administrative costs will outweigh the pricing benefits which might otherwise accrue and some form of price analysis is almost always adequate in these situations. With respect to procurements where the amount of the award or modification is anticipated to be between $10,000 and $100,000, cost analysis and the obtaining of cost or pricing data from contractors shall be limited to cases where no satisfactory method of price analysis can be found.

(h) "Cost or pricing data" as used in this Subpart 1–3.8 refers to that portion of the contractor's submission which is factual. The requirement for "cost or pricing data" subject to certification is satisfied when all facts reasonably available to the contractor up to the time of agreement on price and which might reasonably be expected to affect the price negotiations are accurately disclosed to the contracting officer or his representative. The definition of cost or pricing data embraces more than historical accounting data; it also includes, where applicable, such factors as vendor quotations, nonrecurring costs, changes in production methods and production or procurement volume, unit cost trends such as those associated with labor efficiency, and make-or-buy decisions or any other management decisions which could reasonably be expected to have a significant bearing on costs under the proposed contract. In short, cost or pricing data consist of all facts which can reasonably be expected to contribute to sound estimates of future costs as well as to the validity of costs already incurred. Cost or pricing data, being factual, is that type of information which can be verified. Because the contractor's certificate pertains to "cost or pricing data," it does not make representations as to the accuracy of the contractor's judgment as to the estimated portion of future costs or projections. It does, however, apply to the data upon which the contractor's judgment is based. This distinction between fact and judgment should be clearly understood.

§ 1–3.807–4 Certificate of current cost or pricing data.

Where a certification of cost or pricing data is required in accordance with § 1–3.807–3, a certificate in the form set forth below shall be included in the contract file along with the documents supporting the negotiation. The contractor shall be required to submit the certificate as soon as practicable after agreement is reached on the contract price.

CERTIFICATE OF CURRENT COST OR PRICING DATA

This is to certify that, to the best of my knowledge and belief, cost or pricing data* submitted to the Contracting Officer or his representative in support of _____** are accurate, complete, and current as of the date of execution of this certificate.

Firm _____
Name _____
Title _____
_____***
(Date of execution)

*For definition of "cost or pricing data," see FPR § 1–3.807–3.

**Describe the proposal, quotation, request for price adjustments, or other submission involved, giving appropriate identifying number (e.g., RFP No. ------).

***As a general rule, this date should be the date when the contract price was agreed to. It is not intended that personal knowledge of the contractor's negotiator limits the responsibility of the contractor if the contractor had available at the time of the agreement information showing that the negotiated price is not based on accurate, complete, and current data. Contractors are expected to make a reasonable check to ascertain whether the concern had any information not personally known to the contractor's negotiator at the time of the agreement and which, in accordance with FPR § 1–3.807–3, should be disclosed to the contracting officer for his consideration. Contractors are not expected to make a complete recheck of all data or develop a new cost estimate after the date of agreement and prior to execution of the contract. However, execution of a Certificate of Current Cost or Pricing Data is not intended to relieve a contractor of the responsibility for disclosing circumstances or events, happening subsequent to the date of certification but known to the contractor prior to the date of contract execution, which could reasonably be expected to have a significant bearing on costs under the proposed contract.

2. Section 1–3.814 is amended to read as follows:

§ 1–3.814 Contract clauses.

Where a certificate of cost or pricing data is required in accordance with § 1–3.807–3, the applicable clause in § 1–3.814–1 shall be included in the contract, and the appropriate clauses in §§ 1–3.814–2 and 1–3.814–3 shall be used if required by those sections.

§ 1–3.814–1 Price reduction for defective cost or pricing data.

(a) The following clause shall be included (1) in cost-reimbursement type, time and material, labor-hour, incentive, or price redeterminable contracts in excess of $100,000 except where, in accordance with § 1–3.807–3(b), the submission of cost or pricing data is not required with respect to construction contracts or basic research contracts with educational institutions, and (2) in any other negotiated contract in excess of $100,000 where the price is not based on adequate price competition, established catalog or market prices of commercial items sold in substantial quantities to the general public, or prices set by law or regulation. However, the clause need not be included where, in accordance with § 1–3.807–3(b), the requirement for obtaining cost or pricing data has been waived by the head of the agency. In addition, the clause, appropriately modified in respect to subcontracts of $100,000 or less, shall be included in other negotiated contracts for which a certificate of cost or pricing data is required in accordance with § 1–3.807–3(c) in connection with the initial pricing of the contract.

PRICE REDUCTION FOR DEFECTIVE COST OR PRICING DATA

(a) If the Contracting Officer determines that any price, including profit or fee, negotiated in connection with this contract was increased by any significant sums because the Contractor, or any subcontractor in connection with a subcontract covered by (c) below, furnished incomplete or inaccurate cost or pricing data or data not current as certified in his Contractor's Certificate of Current Cost or Pricing Data, then such price shall be reduced accordingly and the contract shall be modified in writing to reflect such adjustment.

(b) Failure to agree on a reduction shall be a dispute concerning a question of fact within the meaning of the "Disputes" clause of this contract.

(c) The Contractor agrees to insert the substance of paragraphs (a) and (c) of this clause in each of his cost-reimbursement type, time and material, labor-hour, price redeterminable, or incentive subcontracts hereunder in excess of $100,000, and in any other subcontract hereunder in excess of $100,000 unless the price is based on adequate price competition, established catalog or market prices of commercial items sold in substantial quantities to the general public, or prices set by law or regulation. In each such excepted subcontract hereunder which exceeds $100,000, the Contractor shall insert the substance of the following clause:

PRICE REDUCTION FOR DEFECTIVE COST OR PRICING DATA-PRICE ADJUSTMENTS

(a) This clause shall become operative only with respect to any change or other modification made pursuant to one or more provisions of this contract which involves a price adjustment in excess of $100,000 that is not based on adequate price competition, established catalog or market prices of commercial items sold in substantial quantities to the general public, or prices set by law or regulation. The right to price reduction under this clause shall be limited to such price adjustments.

(b) If the Contractor determines that any price, including profit or fee, negotiated in connection with any price adjustment within the purview of paragraph (a) above was increased by any significant sums because the subcontractor or any of his subcontractors in connection with a subcontract covered by paragraph (c) below, furnished incomplete or inaccurate cost or pricing data or data not current as of the date of execution of the subcontractor's certificate of current cost or pricing data, then such price shall be reduced accordingly and the subcontract shall be modified in writing to reflect such adjustment.

(c) The subcontractor agrees to insert the substance of this clause in each subcontract hereunder which exceeds $100,000.

(b) The following clause shall be included (1) in all negotiated contracts in excess of $100,000 other than those described in § 1–3.814–1(a), and (2) in all formally advertised contracts in excess of $100,000 where it is reasonably expected (i) that there will be modifications thereto which will exceed $100,000 and (ii) that the pricing of such modifications will not be based on adequate price competition, established catalog or market prices of commercial items sold in substantial quantities to the general public, or prices set by law or regulation. However, the clause need not be included where, in accordance with § 1–3.807–3(b), the requirement for obtaining cost or pricing data has been waived by the head of the agency. In addition, the clause, modified as appropriate, shall be included in contracts of this type which do not exceed $100,000 where a certificate of cost or pricing data is required in accordance with § 1–3.807–3(c) in connection with the pricing of contract modifications.

PRICE REDUCTION FOR DEFECTIVE COST OR PRICING DATA-PRICE ADJUSTMENTS

(a) This clause shall become operative only with respect to any change or other modification made pursuant to one or more provisions of this contract which involves a price adjustment in excess of $100,000 that is not based on adequate price competition, established catalog or market prices of commercial items sold in substantial quantities to the general public, or prices set by law or regulation. The right to price reduction under this clause shall be limited to such price adjustments.

(b) If the Contracting Officer determines that any price, including profit or fee, negotiated in connection with any price adjustment under this contract was increased by any significant sums because the Contractor or any subcontractor in connection with a subcontract covered by paragraph (d) below furnished incomplete or inaccurate cost or pricing data or data not current as of the date of execution of his Contractor's Certificate of Current Cost or Pricing Data, then such price shall be reduced accordingly and the contract shall be modified in writing to reflect such adjustment.

(c) Failure to agree on a reduction shall be a dispute concerning a question of fact within the meaning of the "Disputes" clause of this contract.

(d) The Contractor agrees to insert the substance of paragraphs (a), (b), and (d) of this clause in each subcontract hereunder that exceeds $100,000.

(c) The requirement for inclusion of the clauses in paragraphs (a) and (b) of this § 1–3.814–1 in contracts with foreign governments or agencies thereof may be waived in exceptional cases where the head of the agency or his designee authorizes such waiver and states in writing his reasons for such determination.

§ 1–3.814–2 Audit and records.

(a) The following clause shall be included only in firm fixed-price and fixed-price with escalation negotiated contracts which exceed $100,000, except (1) where the price negotiated is based on adequate price competition, established catalog or market prices of commercial items sold in substantial quantities to the general public, or prices set by law or regulation, or (2) where, in accordance with § 1–3.807–3(b), the requirement for obtaining cost or pricing data has been waived by the head of the agency. In addition, the clause, appropriately modified, shall be included in contracts of this type which do not exceed $100,000 where a certificate of cost or pricing data is required in accordance with § 1–3.807–3(c) in connection with the initial pricing of the contract.

AUDIT

(a) For purposes of verifying that cost or pricing data submitted in conjunction with the negotiation of this contract or any contract change or other modification involving an amount in excess of $100,000 are accurate, complete, and current, the Contracting Officer or his authorized representatives shall, until the expiration of three years from the date of final payment under this contract, have the right to examine those books, records, documents and other supporting data which will permit adequate evaluation of the cost or pricing data submitted, along with the computations and projections used therein, which were available to the Contractor as of the date of execution of his Contractor's Certificate of Current Cost or Pricing Data.

(b) The Contractor agrees to insert the substance of this clause including this paragraph (b) in all subcontracts hereunder in excess of $100,000, so as to apply until three years after final payment under the subcontract, unless the price is not based on adequate price competition, established catalog or market prices of commercial items sold in substantial quantities to the general public, or prices set by law or regulation. In each such excepted subcontract hereunder in excess of $100,000, the Contractor shall insert the substance of the following clause to apply until three years after final payment under the subcontract.

AUDIT-PRICE ADJUSTMENTS

(a) This clause shall become operative only with respect to any change or other modification made pursuant to one or more provisions of this contract which involves a price adjustment in excess of $100,000 unless the price adjustment is based on adequate price competition, established catalog or market prices of commercial items sold in substantial quantities to the general public, or prices set by law or regulation and further provided that such change or other modification to this contract must result from a change or other modification to the Government prime contract.

(b) For purposes of verifying that cost or pricing data submitted in conjunction with a contract change or modification involving an amount in excess of $100,000 are accurate, complete and current, the Contracting Officer or his authorized representative shall, until the expiration of three years from the date of final payment under this contract, have the right to examine those books, records, documents, and other supporting data which

will permit adequate evaluation of the cost or pricing data submitted, along with the computations and projections used therein, which were available to the Contractor as of the date of execution of the Contractor's Certificate of Current Cost or Pricing Data.

(c) The Contractor agrees to insert the substance of this clause, including this paragraph (c), in all subcontracts hereunder in excess of $100,000 so as to apply until three years after final payment of the subcontract.

(b) The following clause shall be included (1) in formally advertised contracts which are expected to exceed $100,000 where it is reasonably expected (i) that there will be modifications thereto which will exceed $100,000 and (ii) that the pricing of such modifications will not be based on adequate price competition, established catalog or market prices of commercial items sold in substantial quantities to the general public, or prices set by law or regulation, and (2) in firm fixed-price or fixed-price with escalation negotiated contracts which exceed $100,000 and the price is based on adequate price competition, established catalog or market prices of commercial items sold in substantial quantities to the general public, or prices set by law or regulation. However, the clause need not be included where, in accordance with § 1–3.807–3(b), the requirement for obtaining cost or pricing data has been waived by the head of the agency. In addition, the clause, appropriately modified, shall be included in contracts of this type which do not exceed $100,000 where a certificate of cost or pricing data is required in accordance with § 1–3.807–3(c) in connection with the pricing of contract modifications. In negotiated contracts, delete from paragraph (b) of the clause the words "the Comptroller General of the United States."

AUDIT-PRICE ADJUSTMENTS

(a) This clause shall become operative only with respect to any change or other modification made pursuant to one or more provisions of this contract which involves a price adjustment in excess of $100,000 that is not based on adequate price competition, established catalog or market prices of commercial items sold in substantial quantities to the general public, or prices set by law or regulation.

(b) For purposes of verifying that cost or pricing data submitted in conjunction with a contract change or other modification involving an amount in excess of $100,000 are accurate, complete, and current, the Contracting Officer, the Comptroller General of the United States, or any authorized representatives, shall, until the expiration of three years from the date of final payment under this contract, have the right to examine those books, records, documents and other supporting data which will permit adequate evaluation of the cost or pricing data submitted, along with the computations and projections used therein, which were available to the Contractor as of the date of execution of his Contractor's Certificate of Current Cost or Pricing Data.

(c) The Contractor agrees to insert the substance of this clause in all subcontracts hereunder in excess of $100,000 so as to apply until three years after final payment under the subcontract and only when the change or other modification to the subcontract results from a change or other modification to the Government prime contract.

(c) The following clause shall be included in cost-reimbursement type, time and material, labor-hour, incentive or price redeterminable contracts in excess of $100,000 except where, in accordance with § 1–3.807–3(b), the submission of cost or pricing data is not required with respect to construction contracts or basic research contracts with educational institutions or the requirement for obtaining cost or pricing data has been waived by the head of the agency in accordance with § 1–3.807–3(b). The clause shall be appropriately modified in the case of such contracts which do not exceed $100,000.

AUDIT AND RECORDS

(a) The Contractor shall maintain books, records, documents, and other evidence and accounting procedures and practices, sufficient to reflect properly all direct and indirect costs of whatever nature claimed to have been incurred and anticipated to be incurred for the performance of this contract. The foregoing constitute "records" for the purposes of this clause.

(b) The Contractor's plants, or such part thereof as may be engaged in the performance of this contract, and his records shall be subject at all reasonable times to inspection and audit by the Contracting Officer or his authorized representative.

(c) The Contractor shall preserve and make available his records (1) until the expiration of three years from the date of final payment under this contract, and (2) for such longer period, if any, as is required by applicable statute, or by other clauses of this contract, or by (i) or (ii) below.

(i) If this contract is completely or partially terminated, the records relating to the work terminated shall be preserved and made available for a period of three years from the date of any resulting final settlement.

(ii) Records which relate to (A) appeals under the "Disputes" clause of this contract or (B) litigation or the settlement of claims arising out of the performance of this contract, shall be retained until such appeals, litigation, or claims have been disposed of.

(d)(1) The Contractor shall insert the substance of this clause, including the whole of this paragraph (d), in each subcontract hereunder that is not on a firm fixed-price basis.

(2) The Contractor shall insert the substance of the following clause in each firm fixed-price subcontract hereunder in excess of $100,000, except those subcontracts covered by subparagraph (3) below:

AUDIT

(a) For purposes of verifying that cost or pricing data submitted in conjunction with the negotiation of this contract or any contract change or other modification involving an amount in excess of $100,000 are accurate, complete, and current, the Contracting Officer, or his authorized representatives, shall, until the expiration of three years from the date of final payment under this contract, have the right to examine those books, records, documents, and other supporting data which will permit adequate evaluation of the cost or pricing data submitted, along with the computations and projections used therein, which were available to the Contractor as of the date of execution of his Contractor's Certificate of Current Cost or Pricing Data.

(b) The Contractor agrees to insert the substance of this clause including this paragraph (b) in all subcontracts hereunder in excess of $100,000 where the price is not based on adequate price competition, established catalog or market prices of commercial items sold in substantial quantities to the general public, or prices set by law or regulation.

(3) The Contractor shall insert the substance of the following clause in each firm fixed-price subcontract hereunder in excess of $100,000 where the price is based on adequate price competition, established catalog or market prices of commercial items sold in substantial quantities to the general public, or prices set by law or regulation.

AUDIT-PRICE ADJUSTMENTS

(a) This clause shall become operative only with respect to any change or other modification made pursuant to one or more provisions of this contract which involves a price adjustment in excess of $100,000, that is not based on adequate price competition, established catalog or market prices of commercial items sold in substantial quantities to the general public, or prices set by law or regulation and further *provided* that such change or other modification to this contract must result from a change or other modification to the Government prime contract.

(b) For purposes of verifying that any cost or pricing data submitted in conjunction with a contract change or other modification involving an amount in excess of $100,000 are accurate, complete, and current, the Contracting Officer, or his authorized representatives, shall, until the expiration of three years from the date of final payment under this contract, have the right to examine those books, records, documents and other supporting data which will permit adequate evaluation of the cost or pricing data submitted, along with the computations and projections used therein, which were available to the Contractor as of the date of execution of his Contractor's Certificate of Current Cost or Pricing Data.

(c) The Contractor agrees to insert the substance of this clause including this paragraph (c) in all subcontracts hereunder in excess of $100,000, so as to apply until three years after final payment of the subcontract.

(d) The requirement for inclusion of the clauses in paragraphs (a) and (b) of this § 1–3.814–2 may be waived for contracts with foreign governments or agencies thereof under circumstances where the requirement for the clauses in §§ 1–3.814–1 and 1–3.814–3 may be waived.

(e) The clause in § 1–7.101–10 shall be inserted in all negotiated fixed-price contracts in excess of $2,500, including contracts awarded under a total set-aside (small business restricted advertising, as defined in § 1–1.701–9) or a partial set-aside (see §§ 1–1.706 and 1–1.804), and a clause containing substantially the same provisions shall be included in all other negotiated contracts in excess of $2,500. In addition, the right of the contracting agency to inspect the plant and to audit the books and records of any prime contractor or subcontractor engaged in the performance of a cost type contract shall be expressly reserved in any such contract.

§ 1–3.814–3 Subcontractor cost and pricing data.

(a) Where the clause in § 1–3.814–1(a) is included in contracts in excess of $100,000, the clause in this § 1–3.814–3(a) also shall be included. In addition, the clause, appropriately modified, may be included in contracts of $100,000 or less which contain the clause in § 1–3.814–1(a).

SUBCONTRACTOR COST AND PRICING DATA

(a) The Contractor shall require subcontractors hereunder to submit in writing cost or pricing data under the following circumstances:

(1) Prior to award of any cost-reimbursement type, time and material, labor-hour,

incentive, or price redeterminable subcontract, the price of which is expected to exceed $100,000; and

(2) Prior to the award of any other subcontract, the price of which is expected to exceed $100,000 or to the pricing of any subcontract change or other modification for which the price adjustment is expected to exceed $100,000, where the price or price adjustment is not based on adequate price competition, established catalog or market prices of commercial items sold in substantial quantities to the general public, or prices set by law or regulation.

(b) The Contractor shall require subcontractors to certify, in substantially the same form as that used in the certificate by the Prime Contractor to the Government, that, to the best of their knowledge and belief, the cost and pricing data submitted under (a) above are accurate, complete, and current as of the date of the execution, which date shall be as close as possible to the date of agreement on the negotiated price of the subcontract or subcontract change or modification.

(c) The Contractor shall insert the substance of this clause including this paragraph (c) in each of his cost-reimbursement type, time and material, labor-hour, price redeterminable, or incentive subcontracts hereunder, and in any other subcontract hereunder which exceeds $100,000 unless the price thereof is based on adequate price competition, established catalog or market prices of commercial items sold in substantial quantities to the general public, or prices set by law or regulation. In each such excepted subcontract hereunder which exceeds $100,000, the Contractor shall insert the substance of the following clause:

SUBCONTRACTOR COST AND PRICING DATA-PRICE ADJUSTMENTS

(a) Paragraphs (b) and (c) of this clause shall become operative only with respect to any change or other modification made pursuant to one or more provisions of this contract which involves a price adjustment in excess of $100,000. The requirements of this clause shall be limited to such price adjustments.

(b) The Contractor shall require subcontractors hereunder to submit cost or pricing data under the following circumstances:

(1) Prior to award of any cost-reimbursement type, time and material, labor-hour, incentive, or price redeterminable subcontract, the price of which is expected to exceed $100,000; and

(2) Prior to award of any other subcontract, the price of which is expected to exceed $100,000, or to the pricing of any subcontract change or other modification for which the price adjustment is expected to exceed $100,000, where the price or price adjustment is not based on adequate price competition, established catalog or market prices of commercial items sold in substantial quantities to the general public, or prices set by law or regulation.

(c) The Contractor shall require subcontractors to certify, in substantially the same form as that used in the Certificate by the Prime Contractor to the Government, that, to the best of their knowledge and belief, the cost and pricing data submitted under (b) above are accurate, complete, and current as of the date of the execution, which date shall be as close as possible to the date of agreement on the negotiated price of the contract modification.

(d) The Contractor shall insert the substance of this clause including this paragraph (d) in each subcontract hereunder which exceeds $100,000.

(b) Where the clause in § 1–3.814–1 (b) is included in contracts in excess of $100,000, the clause in this § 1–3.814–3 (b) also shall be included. In addition, the clause, appropriately modified, may be included in contracts of $100,000 or less which contain the clause in § 1–3.814–1(b).

SUBCONTRACTOR COST AND PRICING DATA-PRICE ADJUSTMENTS

(a) Paragraphs (b) and (c) of this clause shall become operative only with respect to any change or other modification made pursuant to one or more provisions of this contract which involves a price adjustment in excess of $100,000. The requirements of this clause shall be limited to such price adjustments.

(b) The Contractor shall require subcontractors hereunder to submit in writing cost or pricing data under the following circumstances:

(1) Prior to award of any cost-reimbursement type, time and material, labor-hour, incentive, or price redeterminable subcontract, the price of which is expected to exceed $100,000; and

(2) Prior to award of any other subcontract, the price of which is expected to exceed $100,000, or to the pricing of any subcontract change or other modification for which the price adjustment is expected to exceed $100,000, where the price or price adjustment is not based on adequate price competition, established catalog or market prices of commercial items sold in substantial quantities to the general public, or rates or prices set by law or regulation.

(c) The Contractor shall require subcontractors to certify that to the best of their knowledge and belief the cost and pricing data submitted under (b) above are accurate, complete, and current as of the date of the execution, which date shall be as close as possible to the date of agreement on the negotiated price of the contract modification.

(d) The Contractor shall insert the substance of this clause including this paragraph (d) in each subcontract hereunder which exceeds $100,000.

(c) The requirements for inclusion of the clauses in paragraphs (a) and (b) of this § 1–3.814–3 in contracts with foreign governments or agencies thereof may be waived where the head of the agency of his designee authorizes such waiver and states in writing his reasons for such determination.

(Sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c))

Effective date. These regulations are effective July 12, 1965, but may be observed earlier.

Dated: May 7, 1965.

LAWSON B. KNOTT, JR.,
Acting Administrator of General Services.

[F.R. Doc. 65–5065; Filed, May 12, 1965; 8:49 a.m.]

Chapter 9—Atomic Energy Commission

PART 9–8—TERMINATION OF CONTRACTS

Policy, Cost-Type Contractor Procurement

The following section is added:

§ 9–8.000–50 Policy, cost-type contractor procurement.

The following sections and subparts in FPR 1–8 and this AECPR 9–8 constitute specific provisions which the contracting officer shall bring to the attention of cost-type contractors as constituting areas which require appropriate treatment in the development of statements of contractor procurement practices in order to carry out the basic AEC procurement policy set forth in AECPR § 9–1.5203.

Section or Subpart	*Subject*
FPR:	
1–8.101	Definitions.
1–8.204	Duties of prime contractor after receipt of notice of termination.
1–8.207	Accounting review of prime contract settlement proposals and of subcontract settlements.
1–8.208	Settlement of subcontract claims.
1–8.307–2	Bases for settlement proposals.
1–8.5	Disposition of Termination Inventory.
1–8.704–2	Suggested clause for subcontracts.
1–8.706	Subcontract termination clause.
AECPR:	
9–8.307–2	Bases for settlement proposals.
9–8.5	Disposition of Termination Inventory.

(Sec. 161 of the Atomic Energy Act of 1954, as amended, 68 Stat. 948, 42 U.S.C. 2201; sec. 205 of the Federal Property and Administrative Services Act of 1949, as amended, 63 Stat. 390, 40 U.S.C. 486)

Effective date. These amendments are effective upon publication in the FEDERAL REGISTER.

Dated at Germantown, Md., this 5th day of May 1965.

For the U.S. Atomic Energy Commission.

JOSEPH L. SMITH,
Director, Division of Contracts.

[F.R. Doc. 65–5039; Filed, May 12, 1965; 8:46 a.m.]

Title 43—PUBLIC LANDS: INTERIOR

Chapter II—Bureau of Land Management, Department of the Interior

APPENDIX—PUBLIC LAND ORDERS

[Public Land Order 3630]

[Utah 0143683]

UTAH

Partial Revocation of Reclamation Withdrawal (Central Utah Project)

Correction

In F.R. Doc. 65–4127 appearing at page 5635 in the issue for Wednesday, April 21, 1965, the following change should be made: A comma should be inserted in the third line of the Uintah Special Meridian land description reading "Sec. 10, SE¼NE¼, S½SW¼SE¼;" so that this line will read "Sec. 10, SE¼NE¼, S½SW¼, SE¼;".

[Public Land Order 3657]

(Wyoming 0311814, 0309718)

WYOMING

Adjusting Boundaries of Pathfinder National Wildlife Refuge

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952 (17 F.R. 4831), it is ordered as follows:

1. Subject to valid existing rights, the following-described lands are hereby withdrawn from all forms of appropriation under the public land laws, including the mining laws (Ch. 2, Title 30 U.S.C.), and added to and made a part of the Pathfinder National Wildlife Refuge, to be hereafter subject to all laws and regulations applicable to said refuge:

SIXTH PRINCIPAL MERIDIAN

(WYOMING 0311814)

T. 29 N., R. 84 W.,
Sec. 5, S½NW¼;
Sec. 7, lots 2, 3, and NE¼SW¼.
T. 27 N., R. 85 W.,
Sec. 13, W½;
Sec. 14, E½SE¼;
Sec. 23, E½NE¼;
Sec. 24, NW¼.
T. 29 N., R. 85 W.,
Sec. 6, lots 6, 7, and E½SW¼;
Sec. 7, lots 1, 2, N½NE¼, and E½NW¼;
Sec. 12, SE¼NE¼ and N½SE¼.
T. 30 N., R. 85 W.,
Sec. 25, S½SW¼ and SW¼SE¼;
Sec. 26, SW¼NW¼, NW¼SE¼, and SE¼SE¼;
Sec. 27, S½NE¼ and SE¼SW¼;
Sec. 30 S½SE¼.
T. 29 N., R. 86 W.,
Sec. 12, E½NE¼ and NE¼SE¼.

The areas described aggregate 1,971.97 acres.

2. Executive Order No. 7425 of August 1, 1936, establishing the Pathfinder National Wildlife Refuge, is hereby revoked so far as it affects the following-described lands:

SIXTH PRINCIPAL MERIDIAN

(WYOMING 0309718)

a. Lands in North Platte and Casper-Alcova Reclamation Projects:

T. 26 N., R. 84 W.,
Sec. 4, lots 1, 2, S½NE¼, and SE¼;
Sec. 8, NW¼NE¼;
Sec. 9, NE¼ and N½S½.
T. 27 N., R. 84 W.,
Sec. 5, lots 1 to 4, inclusive, SW¼NW¼, and W½SW¼;
Sec. 6;
Sec. 7, lots 1 to 4, inclusive, NE¼, E½NW¼, E½SW¼, and W½SE¼;
Sec. 8, NW¼NW¼;
Sec. 18, E½ and E½W½;
Sec. 19, lot 1, E½, and E½W½;
Sec. 20;
Sec. 28, SW¼;
Sec. 29;
Sec. 30, NE¼, NE¼NW¼, and NE¼SE¼;
Sec. 32, W½.
T. 28 N., R. 84 W.,
Sec. 4, lots 2 to 4, inclusive, SW¼NE¼, S½NW¼, SW¼, and W½SE¼;
Sec. 5, lots 1 to 4, inclusive, S½N½, N½S½, SE¼SW¼, and S½SE¼;
Sec. 6, lots 1 to 5, inclusive, S½NE¼, SE¼NW¼, E½SW¼, W½SE¼, and NE¼SE¼;
Sec. 7, lots 3, 4, S½NE¼, E½W½, and SE¼;
Sec. 8, N½ and SE¼SE¼;
Sec. 9;
Sec. 10, S½NW¼ and SW¼;
Sec. 15, W½NW¼ and SW¼;
Sec. 17, NE¼, SW¼, and N½SE¼;
Sec. 18, lots 1, 2, NW¼NE¼, and E½NW¼;
Sec. 19, E½SW¼ and W½SE¼;
Sec. 20, S½NE¼, NW¼NW¼, SW¼SW¼, E½SW¼, and SE¼;
Sec. 21, N½, SW¼, and W½SE¼;
Sec. 28, W½;
Sec. 30, lots 1 to 4, inclusive, W½NE¼, E½NW¼, and NE¼SW¼;
Sec. 31, S½SE¼;
Sec. 32, E½, E½NW¼, and SW¼;
Sec. 33, NW¼ and W½SW¼.
T. 29 N., R. 84 W.,
Sec. 16, SW¼ and W½SE¼;
Sec. 17, E½SE¼;
Sec. 19, SE¼NE¼, NE¼SE¼, and S½SE¼;
Sec. 20;
Sec. 21, W½E½ and W½;
Sec. 22, NE¼NE¼, S½NE¼, SE¼NW¼, and S½;
Sec. 23;
Sec. 24, S½NW¼ and SW¼;
Sec. 25, W½;
Sec. 26, N½, NW¼SW¼, and S½SE¼;
Sec. 27, N½, SW¼, N½SE¼, and SW¼SE¼;
Sec. 28, NE¼, E½NW¼, NW¼NW¼, SW¼SW¼, E½SW¼, and SE¼;
Sec. 29, W½NE¼, W½, and SE¼;
Sec. 30, NE¼;
Sec. 31, E½;
Sec. 32;
Sec. 33;
Sec. 34, N½, SW¼, and W½SE¼;
Sec. 35, N½NE¼, NE¼NW¼, S½NW¼, and NE¼SW¼;
Sec. 36, W½NW¼ and SW¼.
T. 27 N., R. 85 W.,
Sec. 12, E½SE¼.
T. 28 N., R. 85 W.,
Sec. 1, S½NE¼;
Sec. 13, NW¼SE¼, and SW¼;
Sec. 13, SE¼NE¼, and NW¼NW¼;
Sec. 14, E½NE¼, SW¼NE¼, and SE¼;
Sec. 23, E½;
Sec. 25, NE¼, E½NW¼, and N½SE¼, SW¼NW¼.

The areas described aggregate 21,562.63 acres.

b. Patented lands:

T. 26 N., R. 84 W.,
Sec. 8, SW¼NE¼ and NE¼SE¼.
T. 28 N., R. 84 W.,
Sec. 5, SW¼SW¼;
Sec. 6, SE¼SE¼;
Sec. 7, N½NE¼;
Sec. 8, SW¼, N½SE¼, and SW¼SE¼;
Sec. 17, NW¼;
Sec. 18, lots 3, 4, NE¼NE¼, S½NE¼, E½SW¼, and SE¼;
Sec. 19, lots 1 to 4, inclusive, W½NE¼, and E½NW¼.
T. 29 N., R. 84 W.,
Sec. 6, lot 2;
Sec. 26, S½SW¼;
Sec. 27, SE¼SE¼;
Sec. 28, SW¼NW¼ and NW¼SW¼;
Sec. 29, E½NE¼;
Sec. 35, S½NE¼, N½SE¼, and NW¼NW¼.
T. 28 N., R. 85 W.,
Sec. 12, NE¼SE¼ and S½SE¼;
Sec. 13, N½NE¼, SW¼NE¼, NE¼NW¼, S½NW¼, and S½;
Sec. 24;
Sec. 25, NW¼NW¼.

The areas described aggregate 3,277.59 acres.

c. Public lands:

T. 27 N., R. 84 W.,
Sec. 7, E½SE¼;
Sec. 19, lots 2 to 4, inclusive;
Sec. 30, lots 1 to 4, inclusive, SE¼NW¼, E½SW¼, W½SE¼ and SE¼SE¼;
Sec. 31.
T. 28 N., R. 84 W.,
Sec. 3, lots 3, 4, S½NW¼, and SW¼;
Sec. 4, lot 1, SE¼NE¼, and E½SE¼;
Sec. 10, N½NW¼;
Sec. 15, E½NW¼;
Sec. 16;
Sec. 17, S½SE¼;
Sec. 19, E½E½;
Sec. 20, N½NE¼, E½NW¼, SW¼NW¼, and NW¼SW¼;
Sec. 29;
Sec. 30, E½NE¼, SE¼SW¼, and SE¼;
Sec. 31, lots 1 to 4 inclusive, NE¼, E½NW¼, E½SW¼, and N½SE¼;
Sec. 32, W½NW¼.
T. 29 N., R. 84 W.,
Sec. 6, lot 1;
Sec. 16, E½SE¼;
Sec. 17, E½SW¼ and W½SE¼;
Sec. 19, N½NE¼, SW¼NE¼ and NW¼SE¼;
Sec. 21, E½E½;
Sec. 22, NW¼NE¼, N½NW¼, and SW¼NW¼;
Sec. 26, N½SE¼ and NE¼SW¼;
Sec. 30, SE¼;
Sec. 34, E½SE¼;
Sec. 35, NW¼SW¼ and S½S½;
Sec. 36, E½NW¼.
T. 27 N., R. 85 W.,
Sec. 12, NE¼ and W½SE¼.
T. 28 N., R. 85 W.,
Sec. 1, lots 1 to 4, inclusive, and S½NW¼;
Sec. 2, lots 1, 2, and S½NE¼;
Sec. 11, SE¼;
Sec. 14, NW¼NE¼.

The areas described aggregate 6,705.32 acres.

The areas described in paragraph 2c are located in Natrona and Carbon Counties. Topography ranges from nearly level grassland to steep and mountainous terrain. Access is limited to range trails.

3. Until 10 a.m. on November 5, 1965, the State of Wyoming shall have a preferred right of application to select the lands described in paragraph 2c, as provided by R.S. 2276, as amended (43 U.S.C. 852). After that date and hour the lands shall become subject to application, petition, location and selection generally, subject to valid existing rights, the provisions of existing withdrawals, and the requirements of applicable law. All valid applications received at or prior to 10 a.m. on June 12, 1965, shall be considered as simultaneously filed at that time. Those filed thereafter shall be considered in the order of filing.

4. Any locatable minerals in the lands described in paragraph 2b which were reserved to the United States at the time the lands were patented and any locatable minerals in the lands described in paragraph 2c will be open to location under the United States mining laws, subject to applicable law, rules and regulations at 10 a.m. on November 5, 1965. Any leasable minerals in the lands described in paragraph 2 belonging to the United States, will be open to applications and offers under the mineral leasing laws at the same date and hour.

Inquiries concerning the lands should be addressed to the Manager, Land Office, Bureau of Land Management, Cheyenne, Wyo.

JOHN A. CARVER, JR.,
Under Secretary of the Interior.

MAY 7, 1965.

[F.R. Doc. 65-5040; Filed, May 12, 1965; 8:47 a.m.]

Title 50—WILDLIFE AND FISHERIES

Chapter I—Bureau of Sport Fisheries and Wildlife, Fish and Wildlife Service, Department of the Interior

SUBCHAPTER C—THE NATIONAL WILDLIFE REFUGE SYSTEM

PART 26—RESTRICTED OR PROHIBITED ACTS

Search for and Removal of Objects of Antiquity and Valued Objects

Pursuant to the authority vested in the Secretary of the Interior by section 161 of the Revised Statutes (5 U.S.C. 22), Part 26, Title 50, Code of Federal Regulations, is amended as set forth below. The purpose of this amendment is to provide, by means of special regulation, for the collection of valued objects as a recreational use on wildlife refuge areas where special control problems exist.

Notice and public procedure on this amendment have been deemed impracticable because of the proximity of summer recreational programs on conservation areas. The amendment shall be effective upon publication in the FEDERAL REGISTER.

1. Section 26.28 is amended to read as follows:

§ 26.28 Search for and removal of objects of antiquity.

Persons are prohibited from searching for or removing from wildlife refuge areas objects of antiquity except as may be authorized by 43 CFR Part 3.

2. A new section is added to read as follows:

§ 26.28a Search for and removal of valued objects.

Persons are prohibited from searching for buried treasure, treasure trove, valuable semi-precious rocks, stones, or mineral specimens unless authorized by special permit or in a special Regulation issued under the provisions of § 26.25 of this chapter.

(R.S. 161, as amended, sec. 2, 33 Stat. 614, as amended, sec. 5, 43 Stat. 651, sec. 5, 45 Stat. 449, sec. 10, 45 Stat. 1224, sec. 4, 48 Stat. 402, as amended, sec. 2, 48 Stat. 1270, sec. 4, 76 Stat. 654; 5 U.S.C. 22, 16 U.S.C. 460k, 685, 725, 690d, 715i, 664; 43 U.S.C. 315a)

STEWART L. UDALL,
Secretary of the Interior.

MAY 7, 1965.

[F.R. Doc. 65-5043; Filed, May 12, 1965; 8:47 a.m.]

PART 33—SPORT FISHING

National Wildlife Refuges, Minn.

The following special regulation is effective on date of publication in the FEDERAL REGISTER.

§ 33.5 Special regulations; sport fishing; for individual wildlife refuge areas.

MINNESOTA

RICE LAKE NATIONAL WILDLIFE REFUGE

Sport fishing on the Rice Lake National Wildlife Refuge, Minn., is permitted only on the area designated by signs as open to fishing. This posted area comprising 50 acres is delineated on a map available at the refuge headquarters and from the office of the Regional Director, Bureau of Sport Fisheries and Wildlife, 1006 West Lake Street, Minneapolis, Minn., 55408. Sport fishing shall be in accordance with all applicable State regulations subject to the following special condition:

(a) The open season for sport fishing on the refuge extends from May 15, 1965, through September 30, 1965, during daylight hours only.

(b) The use of boats without motors is permitted.

The provisions of this special regulation supplement the regulations which govern fishing on wildlife areas generally which are set forth in Title 50, Part 33, and are effective through September 30, 1965.

TAMARAC NATIONAL WILDLIFE REFUGE

Sport fishing on the Tamarac National Wildlife Refuge, Minn., is permitted only on the areas designated by signs as open to fishing. This posted area comprising 9,300 acres is delineated on a map available at the refuge headquarters and from the office of the Regional Director, Bureau of Sport Fisheries and Wildlife, 1006 West Lake Street, Minneapolis, Minn., 55408. Sport fishing shall be in accordance with all applicable State regulations subject to the following special condition:

(a) The open season for sport fishing on the refuge extends from May 15, 1965, through September 30, 1965, during daylight hours only.

(b) The use of boats is not permitted on Chippewa Lake; the use of boats, without motors, is permitted on Lost and Wauboose Lakes.

The provisions of this special regulation supplement the regulations which govern fishing on wildlife areas generally which are set forth in Title 50, Part 33, and are effective through September 30, 1965.

R. W. BURWELL,
Regional Director, Bureau of Sport Fisheries and Wildlife.

MAY 5, 1965.

[F.R. Doc. 65-5044; Filed, May 12, 1965; 8:47 a.m.]

PART 33—SPORT FISHING

National Wildlife Refuges; Wisconsin

The following special regulation is effective on date of publication in the FEDERAL REGISTER.

§ 33.5 Special regulations; sport fishing; for individual wildlife refuge areas.

WISCONSIN

HORICON NATIONAL WILDLIFE REFUGE

Sport fishing on the Horicon National Wildlife Refuge, Wis., is permitted only on the areas designated by signs as open to fishing. The open area comprising 250 acres is delineated on a map available at the refuge headquarters and from the office of the Regional Director, Bureau of Sport Fisheries and Wildlife, 1006 West Lake Street, Minneapolis, Minn., 55408. Sport fishing shall be in accordance with all applicable State regulations subject to the following conditions:

(a) Open season: Daylight hours May 8, 1965, through September 30, 1965.

(b) The use of boats is prohibited.

The provisions of this special regulation supplement the regulations which govern fishing on wildlife areas generally, which are set forth in Title 50, Code of Federal Regulations, Part 33, and are effective through September 30, 1965.

NECEDAH NATIONAL WILDLIFE REFUGE

Sport fishing on the Necedah National Wildlife Refuge, Wis., is permitted only on the areas designated by signs as open to fishing. The open area comprising 500 acres is delineated on a map available at the refuge headquarters and from the office of the Regional Director, Bureau of Sport Fisheries and Wildlife, 1006 West Lake Street, Minneapolis, Minn., 55408. Sport fishing shall be in accordance with all applicable State regulations subject to the following conditions:

(a) Open season: Daylight hours July 1, 1965, through September 30, 1965.

(b) The use of boats without motors is permitted.

The provisions of this special regulation supplement the regulations which govern fishing on wildlife areas generally, which are set forth in Title 50, Code of Federal Regulations, Part 33, and are effective through September 30, 1965.

R. W. BURWELL,
Regional Director, Bureau of Sport Fisheries and Wildlife.

APRIL 23, 1965.

[F.R. Doc. 65-5045; Filed, May 12, 1965; 8:47 a.m.]

Proposed Rule Making

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Part 121]

FOOD ADDITIVES

Adjuvants for Pesticide Chemicals; Proposed Exemption

At the present time, a number of adjuvants used by the manufacturer as components of pesticide formulations are exempted from the requirements of tolerances under section 408 of the Federal Food, Drug, and Cosmetic Act. Such materials are listed in § 120.1001 (c) and (d) of the pesticide chemical regulations.

The same adjuvants, added to the pesticides by the grower prior to application of the pesticide, are not classified by the U.S. Department of Agriculture as "economic poisons" under the Federal Insecticide, Fungicide, and Rodenticide Act, and therefore are not amenable to regulation under section 408 of the act; however, they are subject to section 409 of the act.

The Commissioner of Food and Drugs has concluded that the food additive regulations issued under section 409 of the act should reflect the authority whereby those adjuvants not subject to section 408 may be used. Accordingly, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(d), 72 Stat. 1787; 21 U.S.C. 348(d)), and under the authority delegated to him by the Secretary of Health, Education, and Welfare (21 CFR 2.90), the Commissioner, on his own initiative, proposes that Part 121 be amended by adding to Subpart B a new section, as follows:

§ 121.102 Adjuvants for pesticide chemicals.

Adjuvants, identified and used in accordance with § 120.1001 (c) and (d) of this chapter, which are added to pesticide use dilutions by a grower or applicator prior to application to the raw agricultural commodity, are exempt from requirements of tolerances under section 409 of the act.

All interested persons are invited to submit their views in writing on the proposal herein within 30 days from the date of publication of this notice in the FEDERAL REGISTER. Such views and comments should be filed, preferably in quintuplicate, with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington, D.C., 20201, and may be accompanied by a memorandum or brief in support thereof.

Dated: May 7, 1965.

GEO. P. LARRICK,
Commissioner of Food and Drugs.

[F.R. Doc. 65-5051; Filed, May 12, 1965; 8:48 a.m.]

FEDERAL AVIATION AGENCY

[14 CFR Part 71]

[Airspace Docket No. 65-SW-11]

CONTROL ZONE AND TRANSITION AREA

Proposed Designation

The Federal Aviation Agency is considering an amendment to Part 71 of the Federal Aviation Regulations, which would alter the controlled airspace in the Silver City, N. Mex., terminal area.

The Federal Aviation Agency, having completed a comprehensive review of the terminal area, proposes the following action:

1. Designate the Silver City, N. Mex., control zone as that airspace within a 5-mile radius of Silver City-Grant County Airport (latitude 32°38'22" N., longitude 108°09'22" W.); and within 2 miles each side of the Silver City VOR 141° radial, extending from the 5-mile radius zone to 8 miles SE of the VOR. This control zone is effective during the dates and times published in the Airman's Information Manual.

2. Designate the Silver City, N. Mex., transition area as that airspace extending upward from 700 feet above the surface within a 7-mile radius of Silver City-Grant County Airport (latitude 32°38'22" N., longitude 108°09'22" W.); and within 5 miles SW and 8 miles NE of the Silver City VOR 141° radial, extending from the VOR to 12 miles SE; and that airspace extending upward from 1,200 feet above the surface within an area bounded by a line beginning at latitude 32°19'00" N., longitude 107°59'00" W.; to latitude 32°35'00" N., longitude 108°37'00" W.; to latitude 33°02'00" N., longitude 107°42'00" W.; to latitude 32°25'00" N., longitude 107°50'00" W.; to point of beginning.

The floors of the airways that would traverse the transition area proposed herein would automatically coincide with the floor of the transition area.

The proposed control zone would provide protection for aircraft executing prescribed instrument approach and departure procedures at Silver City-Grant County Airport. The proposed control zone would be parttime since weather services are not available on a full-time basis. The hours of designation of the proposed control zone would be published in the Airman's Information Manual. The proposed 700-foot floor portion of the transition area would provide required protection for aircraft conducting prescribed instrument operations below 1,500 feet above the surface outside the proposed control zone. The proposed 1,200-foot floor portion of the transition area would provide protection for aircraft executing instrument holding and arrival procedures at or above 1,500 feet above the surface outside the proposed 700-foot floor area.

Certain minor revisions to prescribed instrument procedures would be effected in conjunction with the actions proposed herein, but operational complexity would not be increased nor would aircraft performance characteristics or established landing minimums be adversely affected.

Specific details of the changes to procedures and minimum instrument flight rules altitudes that would be required may be examined by contacting the Chief, Air Traffic Division, Southwest Region, Federal Aviation Agency, Fort Worth, Tex.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Chief, Air Traffic Division, Southwest Region, Federal Aviation Agency, Post Office Box 1689, Fort Worth, Tex., 76101. All communications received within 45 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Chief, Air Traffic Division. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official docket will be available for examination by interested persons at the Office of the Regional Counsel, Southwest Region, Federal Aviation Agency, Fort Worth, Tex. An informal docket will also be available for examination at the Office of the Chief, Air Traffic Division.

This amendment is proposed under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348).

Issued in Fort Worth, Tex., on May 5, 1965.

ARCHIE W. LEAGUE,
Director, Southwest Region.

[F.R. Doc. 65-5027; Filed, May 12, 1965; 8:45 a.m.]

[14 CFR Part 71]

[Airspace Docket No. 65-CE-50]

TRANSITION AREA AND CONTROL ZONE

Proposed Modification and Designation

The Federal Aviation Agency is considering amendments to Part 71 of the Federal Aviation Regulations which would alter the controlled airspace in the Galesburg, Ill., terminal area.

A terminal VOR with related public instrument approaches is planned for the Galesburg, Ill., airport.

The Galesburg, Ill., transition area is presently designated as that airspace extending upward from 700 feet above the surface within a 5-mile radius of Galesburg Municipal Airport (latitude 40°-56'30" N., longitude 90°25'50" W.), and within 2 miles each side of the 025° bearing from Galesburg Municipal Airport extending from the 5-mile radius area to 8 miles NE of the airport.

The Federal Aviation Agency, having completed a comprehensive review of the terminal airspace structural requirements in the Galesburg, Ill., terminal area, proposed the following airspace actions:

(1) Designate the Galesburg, Ill., control zone as that airspace within a 5-mile radius of Galesburg, Ill., Municipal Airport (latitude 40°56'24" N., longitude 90°25'46" W.); within 2 miles each side of the Galesburg VOR 019° radial extending from the 5-mile radius zone to 8 miles N of the VOR; and within 2 miles each side of the Galesburg VOR 214° radial extending from the 5-mile radius zone to 8 miles SW of the VOR. This control zone shall be effective during the times established by a notice to airmen and published continuously in the Airman's Information Manual.

(2) Redesignate the Galesburg, Ill., transition area to comprise that airspace extending upward from 700 feet above the surface within a 5-mile radius of Galesburg, Ill., Municipal Airport (latitude 40°56'24" N., longitude 90°25'46" W.); within 5 miles E and 8 miles W of the Galesburg VOR 019° radial extending from the VOR to 12 miles N of the VOR; and within 5 miles NW and 8 miles SE of the Galesburg VOR 214° radial extending from the VOR to 12 miles SW of the VOR.

The proposed Galesburg control zone will provide protection for aircraft executing prescribed arrival and departure procedures at the Galesburg Municipal Airport during the hours of operation of the weather reporting service to be provided by duly certificated personnel of Ozark Air Lines. The hours during which weather observations are to be made and the information disseminated will be initially specified in the final rule. Normally, 30 days' notice will be given prior to any change thereafter in the hours of operation by a notice to airmen and published continuously in the Airman's Information Manual. The Galesburg control zone will become effective concurrently with the commissioning of the terminal VOR.

The proposed transition area would provide protection for departing aircraft in their climb from 700 to 1,200 feet above the surface during the times that the control zone is not in effect. It would also provide controlled airspace protection for aircraft executing the prescribed instrument approach procedures during descent to 1,000 feet above the surface when the control zone is in effect and during descent to 700 feet above the surface when the control zone is not in effect.

The floors of the airways which would traverse the transition area proposed herein would automatically coincide with the floor of the transition area.

Specific details of the public instrument approach procedure to be used may be examined by contacting the Chief, Airspace Branch, Air Traffic Division, Central Region, Federal Aviation Agency, 4825 Troost Avenue, Kansas City, Mo., 64110.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Director, Central Region, Attention: Chief, Air Traffic Division, Federal Aviation Agency, 4825 Troost Avenue, Kansas City, Mo., 64110. All communications received within 45 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Division Chief. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The public docket will be available for examination by interested persons in the Office of the Regional Counsel, Federal Aviation Agency, 4825 Troost Avenue, Kansas City, Mo., 64110.

This amendment is proposed under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348).

Issued at Kansas City, Mo., on April 29, 1965.

EDWARD C. MARSH,
Director, Central Region.

[F.R. Doc. 65-5028; Filed, May 12, 1965; 8:45 a.m.]

[14 CFR Part 71]

[Airspace Docket No. 64-EA-13]

TRANSITION AREA AND CONTROL ZONES

Proposed Alteration and Designation

The Federal Aviation Agency is considering amendments to Part 71 of the Federal Aviation Regulations that would alter the transition area at Nantucket, Mass., and the control zones at Nantucket, Falmouth, Mass., Hyannis, Mass., and Martha's Vinyard, Mass.; and that would designate a transition area in the Falmouth terminal area.

As parts of these proposals relate to the navigable airspace outside the United States, this notice is submitted in consonance with the ICAO International Standards and Recommended Practices.

Applicability of International Standards and Recommended Practices, by the Air Traffic Service, FAA, in areas outside domestic airspace of the United States is governed by Article 12 and Annex 11 to the Convention on International Civil Aviation (ICAO), which pertains to the establishment of air navigation facilities and services necessary to promoting the safe, orderly and expeditious flow of civil air traffic. Its purpose is to insure that civil flying on international air routes is carried out under uniform conditions designed to improve the safety and efficiency of air operations.

The International Standards and Recommended Practices of Annex 11 apply in those parts of the airspace under the jurisdiction of a contracting state, derived from ICAO, wherein air traffic services are provided and also whenever a contracting state accepts the responsibility of providing air traffic services over high seas or in airspace of undetermined sovereignty. A contracting state accepting such responsibility may apply the International Standards and Recommended Practices to civil aircraft in a manner consistent with that adopted for airspace under its domestic jurisdiction.

In accordance with Article 3 of the Convention on International Civil Aviation, Chicago, 1944, state aircraft are exempt from the provisions of Annex 11 and its Standards and Recommended Practices. As a contracting state, the United States agreed by Article 3(d) that its state aircraft will be operated in international airspace with due regard for the safety of civil aircraft.

Since this action involves, in part, the designation of navigable airspace outside the United States, the Administrator has consulted with the Secretary of State and the Secretary of Defense in accordance with the provisions of Executive Order 10854.

Interested persons may participate in the proposed rule making by submitting such written data, views, or arguments as they may desire. Communications should identify the airspace docket number and be submitted in triplicate to the Director, Eastern Region, Attention: Chief, Air Traffic Division, Federal Aviation Agency, Federal Building, John F. Kennedy International Airport, Jamaica, N.Y., 11430. All communications received within 45 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendments. The proposals contained in this notice may be changed in the light of comments received.

An official docket will be available for examination by interested persons at the Federal Aviation Agency, Office of the General Counsel, Attention: Rules Docket, 800 Independence Avenue SW., Washington, D.C., 20553. An informal docket also will be available for examination at the office of the Regional Air Traffic Division Chief.

The Federal Aviation Agency, having completed a comprehensive review of the terminal airspace structure requirements in the Falmouth terminal area (Otis AFB and the Barnstable, Martha's Vineyard, and Chatham airports) and the Nantucket transition area, including studies attendant to the implementation of the provisions of CAR Amendments 60-21/60-29, proposes the airspace actions hereinafter set forth.

1. The Falmouth, Mass., control zone would be redescribed as that area within a 5-mile radius of Otis AFB, Falmouth, Mass., (latitude 41°39'30" N., longitude 70°31'35" W.); within 2 miles each side of the extended centerline of Runway 5,

extending from the 5-mile radius zone to 9 miles northeast of the lift-off end of Runway 5; within 2 miles each side of the Otis TACAN 030° True radial extending from the 5-mile radius zone to 8 miles northeast of the TACAN; within 2 miles each side of the Otis VOR 035° True radial extending from the 5-mile radius zone to 10.5 miles northeast of the VOR; within 2 miles each side of the extended centerline of Runway 14 extending from the 5-mile radius zone to 7.5 miles southeast of the lift-off end of Runway 14; within 2 miles each side of the Otis TACAN 139° True radial extending from the 5-mile radius zone to 7 miles southeast of the TACAN; within 2 miles each side of the extended centerline of Runway 23 extending from the 5-mile radius zone to 8 miles southwest of the lift-off end of Runway 23; within 2 miles each side of the Otis TACAN 224° True radial extending from the 5-mile radius zone to 8 miles southwest of the TACAN; within 2 miles each side of the extended centerline of Runway 32 extending from the 5-mile radius zone to 8 miles northwest of the lift-off end of Runway 32; within 2 miles each side of the Otis TACAN 299° True radial extending from the 5-mile radius zone to 7 miles northwest of the TACAN.

2. The Nantucket, Mass., control zone would be redescribed as that area within a 4-mile radius of Nantucket Memorial Airport, Nantucket, Mass. (latitude 41°-15'15" N., longitude 70°03'40" W.) and within 2 miles each side of the Nantucket VORTAC 045° True radial extending from the 4-mile radius zone to 8 miles northeast of the VOR.

3. The Hyannis, Mass., control zone would be redescribed as that area within a 4-mile radius of Barnstable Airport, Hyannis, Mass. (latitude 41°40'10" N., longitude 70°16'45" W.) and within 2 miles each side of the Hyannis VOR 046° and 226° True radials extending from the 4-mile radius zone to 8 miles northeast of the VOR.

4. The Martha's Vineyard, Mass., control zone would be redescribed as that area within a 4-mile radius of Martha's Vineyard Airport (latitude 41°23'35" N., longitude 70°36'50" W.) within 2 miles each side of the Martha's Vineyard VOR 050° True radial extending from the 4-mile radius zone to 8 miles northeast of the VOR; within 2 miles each side of the 040° True bearing from the Martha's Vineyard RBN, extending from the 4-mile radius zone to 8 miles northeast of the RBN. This control zone would be effective from 0900 to 1700 hours, local time, daily, September 5 through June 22, and 0900 to 1900 hours, local time, daily, June 23 through September 4, annually.

5. A transition area is proposed for Falmouth, Mass. as that airspace extending upward from 700 feet above the surface within a 14-mile radius of Otis AFB, Falmouth, Mass. (latitude 41°39'30" N., longitude 70°31'35" W.); within a 6-mile radius of Barnstable Airport, Hyannis, Mass. (latitude 41°40'10" N., longitude 70°16'45" W.); within 5 miles northwest and 8 miles southeast of the Barnstable Airport ILS localizer northeast course extending from the ILS outer marker to 12 miles northeast of the OM; within a 4-mile radius of the Chatham Airport, Chatham, Mass. (latitude 41°41'20" N., longitude 69°59'25" W.); within a 6-mile radius of Martha's Vineyard Airport, Martha's Vineyard, Mass. (latitude 41°-23'35" N., longitude 70°36'50" W.) and within 5 miles northwest and 8 miles southeast of the Martha's Vineyard VOR 050° True radial extending from the VOR to 12 miles northeast of the VOR; and that airspace extending upward from 1,200 feet above the surface bounded by a line beginning at latitude 42°13'20" N., longitude 70°18'30" W., thence to latitude 42°10'50" N., longitude 70°03'00" W., to latitude 41°40'29" N., longitude 69°46'32" W., to latitude 41°38'00" N., longitude 69°45'10" W., to latitude 41°-21'00" N., longitude 69°45'10" W., to latitude 41°09'00" N., longitude 70°-00'00" W., to latitude 41°10'25" N., longitude 70°12'50" W., to latitude 41°-04'00" N., longitude 70°42'30" W., to latitude 41°13'05" N., longitude 70°-42'30" W., to latitude 41°21'00" N., longitude 70°48'00" W., to latitude 41°-42'00" N., longitude 70°48'00" W., to latitude 41°53'30" N., longitude 70°-56'30" W., thence to the point of beginning; and that airspace extending upward from 2,000 feet m.s.l. bounded on the north by Control 1142, on the southeast by Control 1143, and on the west by a line extending through latitude 41°-40'29" N., longitude 69°46'32" W. and latitude 42°10'50" N., longitude 70°-03'00" W., excluding the portion within the Nantucket, Mass., transition area.

6. The Nantucket, Mass., transition area would be redescribed as that airspace extending upward from 700 feet above the surface within a 6-mile radius of Nantucket Memorial Airport, Nantucket, Mass. (latitude 41°15'15" N., longitude 70°03'40" W.); within 2 miles each side of the Nantucket VORTAC 045° True radial extending from the 6-mile radius area to 10 miles northeast of the VOR; and that airspace extending upward from 2,000 feet m.s.l. northeast of Nantucket bounded on the northeast by the arc of a 29-mile radius circle centered at the Nantucket VORTAC, on the southeast by Control 1144, and on the northwest by Control 1143; southeast of Nantucket bounded on the southeast by the arc of a 13-mile radius circle centered on the Nantucket CONSOLAN (monitor site at latitude 41°15'35" N., longitude 70°-09'19" W.), and on the north by Control 1144, and on the southwest by Control 1145; and that airspace from FL 240 to FL 300, inclusive, southwest of Nantucket, bounded on the north by Control 1169, on the east by Control 1145, and on the south and west by the arc of a 10.2-mile radius circle centered on the Nantucket CONSOLAN station.

The contfol zones, as proposed, are necessary to protect instrument approach and departure procedures at the airports involved. The transition areas proposed are necessary to protect instrument approach and departure procedures as well as holding patterns.

The proposed transition area is contained in part within the Boston, Mass., control area extension. Revocation of the Boston control area extension will be accomplished at a later date as a part of the CAR Amendments 60-21/60-29 implementation program for adjacent terminal areas.

Certain minor revisions to prescribed instrument procedures would be effected in conjunction with the actions proposed herein, but operational complexities would not be increased nor would aircraft performance characteristics or present landing minimums be adversely affected.

Specific details of the changes to procedures and minimum instrument flight rules altitudes that would be required may be examined by contacting the Chief, Airspace Utilization Branch, Air Traffic Division, Eastern Region, Federal Aviation Agency, John F. Kennedy International Airport, Federal Building, Jamaica, N.Y., 11430.

These amendments are proposed under sections 307(a) and 1110 of the Federal Aviation Act of 1958 (49 U.S.C. 1348, 1510), and Executive Order 10854 (24 F.R. 9565).

Issued in Washington, D.C., on May 3, 1965.

DANIEL E. BARROW,
Chief, Airspace Regulations and Procedures Division.

[F.R. Doc. 65-5029; Filed, May 12, 1965; 8:45 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 73]

[Docket No. 16005; FCC 65-384]

RADIO BROADCAST SERVICES

Proposed Changes and Correction of Logs

In the matter of amendment to Part 73 of the Commission's rules, which would revise requirements having to do with changes and correction of logs; Docket No. 16005.

1. Notice is hereby given of proposed rule making in the above entitled matter.

2. It has come to the attention of the Commission that certain of its requirements pertaining to the correction of logs—and particularly program logs—have, in view of changing industry practice, become inappropriate, and in fact place a heavy burden on many broadcasters while at the same time failing to attain their objective of assuring reliability and integrity of the logs.

3. With respect to standard broadcast stations, the pertinent provisions of the present rule on log corrections are found in § 73.111(c) which applies without distinction to program, operating and maintainance logs, and reads as follows:

> No log or portion thereof shall be erased, obliterated, or willfully destroyed within the period of retention provided by the provisions of this part. Any necessary correction may be made only by the person originating the entry who shall strike out the erroneous portion, initial the correction made, and indicate the date of correction.

The rules relating to FM, noncommercial educational FM, and television stations are similar (§§ 73.281, 73.581 and 73.669).

4. The purpose of this rule is to assure as nearly as possible the integrity of the log, and the method is one commonly used with most contracts, wills and other important documents. The theory is that the validity of the content of the document is ascertainable so long as there are no erasures or obliterations, and every change is initialed and dated and the authenticity and identity of the initials are provable.

5. However, Commission experience with modern methods of station operation has suggested that different factors are applicable to program, operating and maintenance logs, and that the provisions for log correction need revision not only to conform to changing practices, but also to reflect these differences. Consequently the rules here proposed contain separate provisions to cover the correction of program, operating and maintenance logs in §§ 73.112, 73.113 and 73.114 respectively, leaving in 73.111(c) only the proscription on obliteration or erasure and the instructions as to manner of correction which are common to all three.

6. With a program log the validity of an entry is equal to the accuracy with which it reflects what was in fact broadcast. In other words, the log speaks as of the time of broadcast, and with regard to a correction it is only necessary to know whether the correction represents what was broadcast, not who made the correction or when the correction was made. Thus the proposed new § 73.112 (c) provides for initialling of all corrections, no matter by whom made, by the operator keeping the log, who has actual knowledge of what was broadcast, as a representation that the log as corrected is an accurate record of what was in fact broadcast.

7. As to automatic logs we believe that the person signing the certificate of authentication should have actual knowledge of what was broadcast. The proposed new § 73.112(b)(2) so provides. In § 73.112(c)(2) we have provided for a consistent method of correction of logs kept by automatic logging devices.

8. Also, we are proposing rules (e.g. § 73.112(c) for AM) which would prohibit any correction to a log after the person keeping the log has signed the log when going off duty. We can find no valid reason for permitting any change of the log itself whatsoever after that time. The advantages gained in establishing the integrity of the log would be largely dissipated were the rule to permit later changes or corrections. The person keeping the log has by definition a personal knowledge of the facts and we cannot conceive of any need in the normal course of station operation for a correction arising after that person has signed the log when going off duty, assuming a degree of attentiveness to duty which the Commission reasonably has the right to demand of its licensees. As the new rule itself provides, should there be unusual circumstances in which mistakes or ambiguities in the log are discovered only after it has been signed, any appropriate explanations or corrections can be made the subject of a separate memorandum affixed to the log.

9. The proposed §§ 73.113(d) and 73.114(c) provide for correction of operating and maintenance logs, respectively, in a manner which, in view of the nature of these logs and the way in which they are kept, remains basically the same as at present. Each contains the additional proviso that no changes or corrections shall be made after the operator has signed the log. Section 73.113(e) provides for a consistent method of correction for automatic operating logs.

10. In addition, it was felt that the present § 73.111(d) which permits collection of data in rough form for later transcription into the log, has no applicability to the program log and in fact would negate much of what would be gained by the proposed amendments to § 73.112. Consequently, it is proposed that § 73.111(d) be deleted, and that instead comparable provisions relating to the operating and maintenance logs only be added as §§ 73.113(c) and 73.114 (b) respectively.

11. Finally the proposed amendments would redesignate the paragraphs of § 73.114 so as to conform to the format of §§ 73.112 and 73.113.

12. Similar changes are proposed in the rules governing the other broadcast services (§§ 73.281, 73.282, 73.283, 73.284, 73.581, 73.582, 73.583, 73.584, 73.669, 73.670, 73.671, and 73.672).

13. The Commission feels that the proposed amendments not only relieve the broadcaster of what have been for some time burdensome and impractical requirements, but also go a long way toward providing for the reliability and integrity of program, operating and maintenance logs. Consequently the Commission, on its own motion, is proposing the amendments set forth below.

14. Pursuant to applicable procedures set out in § 1.415 of the Commission's rules and regulations, interested persons may file comments on or before June 14, 1965, and reply comments on or before June 25, 1965. All relevant and timely comments and reply comments will be considered by the Commission before final action is taken in this proceeding. In reaching its decision in this proceeding, the Commission may also take into account other relevant information before it, in addition to the specific comments invited by this notice.

15. Authority for the amendments proposed herein is contained in sections 4(i) and 303(j) of the Communications Act of 1934, as amended.

16. In accordance with the provisions of § 1.51 of the rules and regulations of the Commission, an original and 14 copies of all written comments and statements shall be furnished to the Commission.

Adopted: May 5, 1965.

Released: May 10, 1965.

FEDERAL COMMUNICATIONS COMMISSION,[1]
[SEAL] BEN F. WAPLE,
Secretary.

[1] Commissioners Bartley and Wadsworth absent.

1. In § 73.111, paragraph (c) is amended and paragraph (d) is deleted, as follows:

§ 73.111 General requirements relating to logs.

* * * * * *

(c) No log or portion thereof shall be erased, obliterated, or willfully destroyed within the period of retention provided by the provisions of this part. Any necessary correction may be made only pursuant to §§ 73.112, 73.113, and 73.114, and only by striking out the erroneous portion and adding the corrected entry, if any, or by attaching to the original log a separate memorandum as provided in those sections.

(d) [Deleted]

2. In § 73.112, paragraph (b)(2) is amended and a new paragraph (c) is added to read as follows:

§ 73.112 Program log.

* * * * * *

(b) * * *

(2) Each recording, tape, or other means employed shall be accompanied by a certificate of the operator or other responsible person on duty at the time or other duly authorized agent of the licensee, to the effect that it accurately reflects what was actually broadcast: *Provided*, That whoever signs such certificate of authentication shall have actual personal knowledge of what was broadcast. Any information required to be logged which is not incorporated in the automatic process shall be maintained in a separate log which shall be kept and maintained in accordance with the provisions of this section;

* * * * *

(c) Program logs shall be changed or corrected only in the manner prescribed in § 73.111(c) and only in accordance with the following:

(1) *Manually kept log.* Where, in any program log, or preprinted program log, or program schedule which upon completion is used as a program log, a correction is made either prior to or at the time of broadcast, such correction, no matter by whom made, shall be initialled by the person keeping the log and having actual knowledge of what was broadcast as an indication that the corrected log as initialled by him is an accurate representation of what was in fact broadcast. Such corrections shall be so initialled as soon as practicable after broadcast of the item in question, and in no case after the person keeping the log has signed the log when going off duty. Corrections made at or after the time of broadcast shall be made only by the person keeping the log who has actual knowledge of what was broadcast; but no correction, change, addition, or notation of any kind shall be made in a program log after the person keeping the log has signed the log when going off duty. Should any errors or ambiguities be found after the log has been so signed, corrective explanations shall be made the subject of a separate memorandum, dated and signed by the person who kept the log or by the station manager or an officer of the licensee. Such memorandum shall explain fully the circum-

stances surrounding the errors or ambiguities, and shall be affixed to the original log in question. If written and signed by other than the person who kept the log, the memorandum shall also be signed by the person who kept the log, as agreeing with the contents of the memorandum, or shall contain a satisfactory explanation of why such signature is lacking.

(2) *Automatic logging.* No automatically kept program log shall be altered in any way after record of what was broadcast has been made. Any errors, omissions, or ambiguities found in an automatically kept program log shall be noted and explained in an appendix to the certificate of authentication required by paragraph (b)(2) of this section, and shall be dated and signed by the person signing the certificate or by an officer of the licensee. If written and signed by other than the person signing the certificate, the appendix shall also be signed by the person who signed the certificate, as agreeing with the contents of the appendix, or shall contain a satisfactory explanation of why such signature is lacking.

3. Section 73.113 is amended by addition of the following new paragraphs (c), (d), and (e):

§ 73.113 Operating log.

* * * * *

(c) In preparing the operating log, original data may be recorded in rough form and later transcribed into the log, but in such a case all portions of the original memoranda shall be preserved as a part of the complete log.

(d) Manually kept log: Any necessary corrections in a manually kept operating log shall be made only by the person making the original entry, who shall strike out the erroneous portion, initial the correction made, and indicate the date of correction. All corrections in the operating log shall be initialed prior to signature by the person who signs the log when going off duty in accordance with § 73.111(a); and no corrections or changes of any kind shall be made in the operating log after the person keeping the log has signed the log when going off duty. Should any errors or ambiguities be found after the log has been so signed, corrective explanations shall be made the subject of a separate memorandum, dated and signed by the person who kept the log or by the chief engineer or an officer of the licensee. Such memorandum shall explain fully the circumstances surrounding the errors or ambiguities, and shall be affixed to the original log in question. If written and signed by other than the person who kept the log, the memorandum shall also be signed by the person who kept the log, as agreeing with the contents of the memorandum, or shall contain a satisfactory explanation of why such signature is lacking.

(e) Automatic logging: No automatically kept operating log shall be altered in any way after entries have been recorded. Any errors or omissions found in an automatically kept operating log shall be noted and explained in a memorandum signed by the operator on duty who, under the provisions of paragraph (b)(7) of this section, is required to inspect the automatic equipment. Such memorandum shall be affixed to the original log in question.

4. Section 73.114 is revised to read as follows:

§ 73.114 Maintenance log.

(a) The following entries shall be made in the maintenance log:

(1) An entry, each week, of the following where applicable:

(i) A notation indicating the readings of the tower base current ammeter(s) and the associated remote antenna ammeter(s) (actual readings observed prior to remote antenna ammeter recalibration) and indicating calibration of the remote ammeter(s) against the tower base ammeter(s).

(ii) Time and result of test of auxiliary transmitter.

(iii) A notation of all frequency checks and measurements made independently of the frequency monitor and of the correlation of these measurements with frequency monitor indications.

(iv) A notation of the calibration check of automatic recording devices as required by § 73.113(b)(3).

(2) An entry of the date and time of removal from and restoration to service of any of the following equipment in the event it becomes defective:

(i) Modulation monitor.
(ii) Frequency monitor.
(iii) Final stage plate voltmeter.
(iv) Final stage plate ammeter.
(v) Base current ammeter(s).
(vi) Common point ammeter.

(3) Record of tower light inspections where required by § 17.38(d) of this chapter (Part 17—Construction, Marking, and Lighting of Antenna Structures).

(4) Entries made so as to describe fully any experimental operation during the experimental period.

(5) Upon completion of the inspection required by § 73.93(e), the inspecting operator shall enter a signed statement that the required inspection has been made, noting in detail the tests, adjustments, and repairs which were accomplished in order to insure operation in accordance with the provisions of this subpart and the current instrument of authorization of the station. The statement shall also specify the amount of time, exclusive of travel time to and from the transmitter, which was devoted to such inspection duties. If complete repair could not be effected, the statement shall set forth in detail the items of equipment concerned, the manner and degree in which they are defective, and the reasons for failure to make satisfactory repairs.

(6) Any other entries required by the current instrument of authorization of the station and the provisions of this subpart.

(b) In preparing the maintenance log, original data may be recorded in rough form and later transcribed into the log, but in such case all portions of the original memoranda shall be preserved as a part of the complete log.

(c) Any necessary corrections in the maintenance log shall be made only by the inspecting operator who shall initial and date all changes prior to signing the log. No corrections or changes of any kind shall be made to any entry in the maintenance log after the inspecting operator has signed the log. Should any errors or ambiguities be found after the log has been so signed, corrective explanations shall be made the subject of a separate memorandum, dated and signed by the inspecting operator who made the entry in question or by the chief engineer or an officer of the licensee. Such memorandum shall explain fully the circumstances surrounding the errors or ambiguities, and shall be affixed to the original log in question. If written and signed by other than the person who kept the log, the memorandum shall also be signed by the person who kept the log, as agreeing with the contents of the memorandum, or shall contain a satisfactory explanation of why such signature is lacking.

5. Sections 73.281, 73.282, 73.283, 73.284, 73.581, 73.582, 73.583, 73.584, 73.669, 73.670, 73.671, and 73.672 will be amended to conform to §§ 73.111, 73.112, 73.113, and 73.114 as amended above.

[F.R. Doc. 65-5075; Filed, May 12, 1965; 8:50 a.m.]

Notices

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

ALASKA

Notice of Proposed Withdrawal and Reservation of Lands

MAY 5, 1965.

The Bureau of Indian Affairs has filed an application, Serial Number Fairbanks 034563, for withdrawal of the lands described below, from all forms of appropriation under the public land laws, including the mining laws, mineral leasing laws, grazing laws, and disposal of materials under the Material Act of 1947, as amended. The applicant desires the land for establishment of a native school reserve under the Act of May 31, 1938 (52 Stat. 593; 48 U.S.C. 353a).

For a period of 30 days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the undersigned officer of the Bureau of Land Management, Department of the Interior, Fairbanks District and Land Office, Post Office Box 1150, Fairbanks, Alaska.

The authorized officer of the Bureau of Land Management will undertake such investigations as are necessary to determine the existing and potential demand for the lands and their resources. He will also undertake negotiations with the applicant agency with the view of adjusting the application to reduce the area to the minimum essential to meet the applicant's needs to provide for the maximum concurrent utilization of the lands for purposes other than the applicant's, to eliminate lands needed for purposes more essential than the applicant's and to reach agreement on the concurrent management of the lands and their resources.

He will also prepare a report for consideration by the Secretary of the Interior who will determine whether or not the lands will be withdrawn as requested by the Bureau of Indian Affairs.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

If circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

The lands involved in the application:

TULUKSAK, ALASKA

Beginning at corner No. 1, bearing S. 72°40' E. 11 chains from M.C. No. 1, U.S. Survey 875; thence S. 17°20' W. 6.75 chains to corner No. 2, thence S. 72°40' E. 8 chains to corner No. 3, thence N. 17°20' E. 6.75 chains to corner No. 4, thence N. 72°40' W. 8 chains to corner No. 1 and the point of beginning.

The area described aggregates approximately 6.19 acres.

DONALD E. HARDING,
Acting Manager, Fairbanks District and Land Office.

[F.R. Doc. 65-5066; Filed, May 12, 1965; 8:49 a.m.]

ALASKA

Notice of Proposed Withdrawal and Reservation of Lands

MAY 7, 1965.

The Bureau of Land Management, United States Department of the Interior, has filed an application, Serial Number Fairbanks 034575, for withdrawal of the lands described below, from all forms of appropriation under the public land laws, including the mining laws. The applicant desires the land for establishment of a Bureau of Land Management protective area, under Executive 10355 (43 U.S.C. 141).

For a period of 30 days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the undersigned officer of the Bureau of Land Management, Department of the Interior, Fairbanks District and Land Office, Post Office Box 1150, Fairbanks, Alaska.

The authorized officer of the Bureau of Land Management will undertake such investigations as are necessary to determine the existing and potential demand for the lands and their resources. He will also undertake negotiations with the applicant agency with the view of adjusting the application to reduce the area to the minimum essential to meet the applicant's needs, to provide for the maximum concurrent utilization of the lands for purposes other than the applicant's, to eliminate lands needed for purposes more essential than the applicant's and to reach agreement on the concurrent management of the lands and their resources.

He will also prepare a report for consideration by the Secretary of the Interior who will determine whether or not the lands will be withdrawn as requested by the Bureau of Land Management.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

If circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

The lands involved in the application are:

WONDER LAKE, ALASKA

Beginning at a point on the northerly boundary of Mt. McKinley National Park adjacent to Wonder Lake, said point being in the vicinity of the intersection of the boundary with Willow Creek and also being twelve thousand five hundred feet (12,500') southwesterly from the boundary angle point adjacent to the Wonder Lake-Kantishna Road; thence N. 32°51' W. twenty four thousand one hundred sixty-seven feet (24,167') to a point; thence N. 57°09' E. nine thousand five hundred eighty-three feet (9,583') to a point; thence S. 32°51' E. six thousand eight hundred seventy-five feet (6,875') to a point; thence S. 81°06' E. twelve thousand four hundred fifty-five feet (12,455') to a point; thence S. 32°51' E. fifteen thousand feet more or less (15,000' more or less) to a point on the northerly boundary of the park; thence S. 85°02' W. seven thousand five hundred feet (7,500') along the said boundary to the above-mentioned angle point; thence S. 68°40' W. twelve thousand five hundred feet (12,500') to the point of beginning.

The area described aggregates approximately 9,118 acres.

ROSS A. YOUNGBLOOD,
Manager, Fairbanks District and Land Office.

[F.R. Doc. 65-5067; Filed, May 12, 1965; 8:49 a.m.]

WASHINGTON

Notice of Filing of Protraction Diagrams (Unsurveyed Land)

MAY 6, 1965.

Notice is hereby given that effective at and after 10 a.m. on June 25, 1965, protraction diagram Unit No. 6 is officially filed of record in the Washington Land Office, Room 670 Bon Marche Building, Spokane, Wash., 99201, and is available to the public as a matter of information only. In accordance with Title 43, Code of Federal Regulations, these protractions will become the basic record for describing the land for all authorized purposes. Until this date and time the diagrams have been placed in open files and are available to the public for information only.

WASHINGTON PROTRACTION DIAGRAM NOTICE OF FILING NO. 7

(Unit No. 6)

WILLAMETTE MERIDIAN

T. 26 N., R. 2 W.,
Secs. 3 to 7 inclusive;
Sec. 8, N½;
Sec. 9, N½;
Sec. 10, N½.
T. 27 N., R. 2 W.,
Sec. 4, W½SW¼;
Sec. 5, NW¼, S½;
Secs. 6 to 8 inclusive;
Sec. 9, W½;
Sec. 16, W½;
Secs. 17 to 20 inclusive;
Sec. 21, W½;
Sec. 28, W½;
Secs. 29 to 32 inclusive;
Sec. 33, W½.

T. 28 N., R. 2 W.,
Secs. 5 to 8 inclusive;
Secs. 17 to 19 inclusive;
Sec. 20, W½;
Sec. 29, W½;
Secs. 30 and 31;
Sec. 32, W½.
T. 29 N., R. 2 W.,
Sec. 19, W½;
Sec. 30, W½;
Sec. 31, NW¼, S½;
Sec. 32, S½.
T. 24 N., R. 3 W.,
Sec. 5, N½, SW¼;
Sec. 6.
T. 25 N., R. 3 W.,
Sec. 1, N½;
Sec. 2, N½;
Secs. 3 to 11 inclusive;
Sec. 12, S½;
Secs. 13 to 24 inclusive;
Sec. 26, NW¼, S½;
Secs. 27 to 35 inclusive.
T. 26 N., R. 3 W.,
Secs. 1 to 12 inclusive;
Sec. 13, N½, SW¼;
Sec. 14, N½, SE¼;
Sec. 15, N½;
Sec. 16, N½;
Sec. 17, N½, SW¼;
Sec. 18;
Sec. 19 excluding mineral survey;
Sec. 20, NW¼, S½;
Sec. 21, NE¼, S½;
Sec. 22, NW¼, S½;
Sec. 23, SW¼;
Sec. 25, S½;
Sec. 26, NW¼, S½;
Secs. 27 to 36 inclusive.
T. 27 N., R. 3 W.,
Secs. 1 to 4 inclusive;
Sec. 5 excluding mineral survey;
Sec. 6 excluding mineral survey;
Sec. 7 excluding mineral survey;
Sec. 8 excluding mineral survey;
Secs. 9 to 17 inclusive;
Sec. 18 excluding mineral survey;
Secs. 19 to 36 inclusive.
T. 28 N., R. 3 W.
T. 29 N., R. 3 W.,
Sec. 25, S½NE¼, S½;
Sec. 26, NW¼, S½;
Sec. 27, E½, S½NW¼, SW¼;
Sec. 28, S½NE¼, S½;
Sec. 29, S½;
Sec. 31, NE¼, S½;
Secs. 32 to 36 inclusive.
T. 23 N., R. 4 W.,
Sec. 3, N½;
Secs. 4 to 6 inclusive;
Sec. 7, N½;
Sec. 8, N½.
T. 24 N., R. 4 W.,
Sec. 1, N½;
Sec. 2, N½;
Sec. 3, N½;
Sec. 4, N½, SW¼;
Secs. 5 to 8 inclusive;
Sec. 9, NW¼, S½;
Sec. 10, NE¼, S½;
Sec. 11;
Sec. 12, NW¼, S½;
Secs. 13 to 35 inclusive;
Sec. 36, N½, SW¼.
T. 25 N., R. 4 W.
T. 26 N., R. 4 W.,
Secs. 1 to 12 inclusive;
Sec. 13 excluding mineral survey;
Secs. 14 to 23 inclusive;
Sec. 24 excluding mineral survey;
Secs. 25 to 36 inclusive.
T. 27 N., R. 4 W.
T. 28 N., R. 4 W.
T. 29 N., R. 4 W.,
Secs. 19 to 22 inclusive;
Sec. 23, S½, NW¼ excluding H.E.S. No. 146;
Sec. 24, S½;
Secs. 25 to 36 inclusive.

T. 22 N., R. 5 W.,
Secs. 1 to 4 inclusive;
Sec. 5, SW¼;
Sec. 6, NW¼, S½;
Secs. 7 to 11 inclusive;
Sec. 12, S½;
Sec. 13, N½;
Sec. 16, W½;
Secs. 17 to 20 inclusive;
Secs. 29 to 32 inclusive.
T. 23 N., R. 5 W.,
Secs. 1 to 8 inclusive;
Sec. 9, NW¼, S½;
Sec. 10, NE¼;
Sec. 11, N½;
Sec. 12, N½;
Secs. 16 to 22 inclusive;
Sec. 23, NW¼, S½;
Sec. 25, W½;
Secs. 26 to 35 inclusive;
Sec. 36, NW¼, S½.
T. 24 N., R. 5 W.
T. 25 N., R. 5 W.
T. 26 N., R. 5 W.
T. 27 N., R. 5 W.
T. 28 N., R. 5 W.
T. 29 N., R. 5 W.,
Sec. 7, SW¼;
Secs. 18 to 20 inclusive;
Sec. 25, S½;
Sec. 26, S½;
Sec. 27, S½;
Secs. 28 to 36 inclusive.
T. 22 N., R. 6 W.,
Secs. 1 to 34 inclusive.
T. 23 N., R. 6 W.,
Secs. 1 to 8 inclusive;
Sec. 9 excluding mineral survey;
Sec. 10, excluding mineral survey;
Secs. 11 to 14 inclusive;
Sec. 15 excluding mineral survey;
Sec. 16 excluding mineral survey;
Secs. 17 to 36 inclusive.
T. 24 N., R. 6 W.
T. 25 N., R. 6 W.
T. 26 N., R. 6 W.
T. 27 N., R. 6 W.
T. 28 N., R. 6 W.
T. 29 N., R. 6 W.,
Secs. 6 to 9 inclusive;
Sec. 10, W½;
Sec. 13, S½;
Secs. 14 to 26 inclusive;
Secs. 30 to 36 inclusive.
T. 23 N., R. 7 W.
T. 24 N., R. 7 W.
T. 24½ N., R. 7 W.,
Secs. 31 to 36 inclusive.
T. 25 N., R. 7 W.
T. 26 N., R. 7 W.
T. 27 N., R. 7 W.
T. 28 N., R. 7 W.,
Sec. 1;
Sec. 2 excluding H.E.S. No. 53;
Sec. 3 excluding H.E.S. No. 52 and No. 53;
Sec. 4 excluding H.E.S. No. 53;
Secs. 5 to 10 inclusive;
Sec. 11 excluding H.E.S. No. 53;
Secs. 12 to 36 inclusive.
T. 29 N., R. 7 W.,
Secs. 1 to 3 inclusive;
Sec. 4, E½;
Sec. 5, W½;
Secs. 6 and 7;
Sec. 8, W½;
Sec. 9, E½;
Secs. 10 to 15 inclusive;
Sec. 16, NE¼, S½;
Sec. 17, NW¼;
Secs. 18 and 19;
Secs. 21 to 28 inclusive;
Secs. 30 to 33 inclusive;
Sec. 33, excluding H.E.S. No. 52;
Sec. 34, excluding H.E.S. No. 52;
Secs. 35 and 36.
T. 30 N., R. 7 W.,
Sec. 30, SW¼, W½SE¼, SE¼SE¼;
Sec. 31;
Secs. 35 and 36.

T. 23 N., R. 8 W.
T. 24 N., R. 8 W.,
Secs. 1 to 6 inclusive;
Secs. 8 to 10 inclusive;
Sec. 12, E½;
Sec. 13, NE¼;
Sec. 15, N½;
Secs. 16 and 17;
Sec. 20, N½;
Sec. 25;
Sec. 32, SE¼;
Sec. 33, S½N½ excluding H.E.S. No. 116 and No. 257;
Secs. 34 to 36 inclusive.
T. 24½ N., R. 8 W.,
Secs. 31 to 36 inclusive.
T. 25 N., R. 8 W.
T. 26 N., R. 8 W.
T. 27 N., R. 8 W.
T. 28 N., R. 8 W.
T. 29 N., R. 8 W.
T. 30 N., R. 8 W.,
Sec. 19, S½;
Sec. 25, S½;
Sec. 26, S½;
Sec. 27, NW¼, S½;
Secs. 26 to 36 inclusive.
T. 25 N., R. 8½ W.,
Secs. 1 and 2;
Secs. 11 to 14 inclusive;
Secs. 23 to 26 inclusive;
Secs. 35 and 36.
T. 26 N., R. 8½ W.,
Secs. 1 and 2;
Secs. 11 to 14 inclusive;
Secs. 23 to 26 inclusive;
Secs. 35 and 36.
T. 27 N., R. 8½ W.,
Secs. 1 and 2;
Secs. 11 to 14 inclusive;
Secs. 23 to 26 inclusive;
Secs. 35 and 36.
T. 28 N., R. 8½ W.,
Secs. 1 and 2;
Secs. 11 to 14 inclusive;
Secs. 23 to 26 inclusive;
Secs. 35 and 36.
T. 22 N., R. 9 W.,
Secs. 2 to 5 inclusive;
Sec. 7 excluding H.E.S. No. 116;
Secs. 8 to 11 inclusive;
Sec. 14, N½, SW¼;
Secs. 15 to 21 inclusive;
Sec. 22, N½, SW¼;
Secs. 28 and 29;
Sec. 32, N½, SE¼;
Sec. 33, N½, SW¼.
T. 23 N., R. 9 W.,
Sec. 1, S½ excluding H.E.S. No. 142;
Sec. 11, excluding H.E.S. No. 144;
Secs. 12 to 14 inclusive;
Sec. 15 excluding H.E.S. No. 145;
Secs. 22 to 26 inclusive;
Secs. 33 to 36 inclusive.
T. 24 N., R. 9 W.,
Secs. 1 to 12 inclusive;
Sec. 14, N½.
T. 24½ N., R. 9 W.,
Secs. 31 to 36 inclusive.
T. 25 N., R. 9 W.
T. 26 N., R. 9 W.
T. 27 N., R. 9 W.,
Secs. 1 to 5 inclusive;
Secs. 8 to 17 inclusive;
Secs. 20 to 28 inclusive;
Sec. 29, N½;
Sec. 33, N½, SE¼;
Secs. 34 to 36 inclusive.
T. 30 N., R. 9 W.,
Sec. 19, E½;
Secs. 20 to 22 inclusive;
Sec. 23, W½;
Sec. 26, N½NW¼, SW¼NW¼;
Sec. 27, N½N½, SE¼NE¼;
Sec. 28, N½N½;
Sec. 29, N½NE¼, NW¼;
Sec. 36, E½.
T. 24 N., R. 10 W.

T. 24½ N., R. 10 W.,
Sec. 31 excluding H.E.S. No. 116;
Secs. 32 to 36 inclusive.
T. 28 N., R. 10 W.
T. 29 N., R. 10 W.,
Sec. 5, NW¼, S½;
Secs. 6 to 9 inclusive;
Sec. 10, NW¼, S½;
Secs. 15 to 22 inclusive;
Secs. 27 to 34 inclusive.
T. 30 N., R. 10 W.,
Sec. 4, S½;
Sec. 5, S½;
Sec. 6, S½;
Secs. 7 to 18 inclusive;
Sec. 19, N½;
Sec. 20, N½;
Sec. 21, N½;
Sec. 22, N½;
Sec. 23, N¼ excluding mineral survey;
Sec. 24, N½ excluding mineral survey.
T. 24 N., R. 10½ W.,
Sec. 1, S½;
Sec. 2, S½;
Secs. 11 to 14 inclusive;
Secs. 23 to 26 inclusive;
Secs. 35 and 36.
T. 28 N., R. 11 W.,
Sec. 1, N½;
Sec. 2, N½;
Secs. 3 to 9 inclusive;
Secs. 17 and 18.
T. 29 N., R. 11 W.,
Sec. 1, S½;
Sec. 2, S½;
Secs. 11 to 14 inclusive;
Sec. 15, E½, SW¼;
Sec. 16, SE¼;
Sec. 19, NW¼, S½;
Sec. 20, S½;
Sec. 21, E½, SW¼;
Secs. 22 to 36 inclusive.
T. 30 N., R. 11 W.,
Secs. 3 to 5 inclusive;
Sec. 8, N½;
Sec. 9, N½;
Secs. 10 and 11;
Sec. 12, W½, SE¼;
Secs. 13 to 15 inclusive;
Sec. 20, E½;
Secs. 21 to 24 inclusive.
T. 29 N., R. 12 W.,
Sec. 6, S½;
Sec. 9, S½;
Sec. 16, N½, SW¼;
Sec. 17 to 19 inclusive;
Sec. 20, N½, SW¼;
Sec. 21, NW¼;
Sec. 25, W½, SE¼;
Sec. 26, NE¼, S½;
Sec. 29, W½;
Sec. 30;
Sec. 35, N½, SE¼;
Sec. 36, N½, SW¼.
T. 30 N., R. 12 W.,
Secs. 3 to 5 inclusive;
Sec. 6, NE¼NE¼, S½NE¼, SE¼, E½SW¼, SW¼SW¼;
Sec. 7, NE¼, E½NW¼, NW¼NW¼, N½SE¼;
Sec. 8, N½, N½SW¼, SE¼SW¼, SE¼;
Sec. 9, N½N½;
Sec. 10, SE¼, E½SW¼, SW¼SW¼, N½NW¼;
Sec. 11, SW¼, W½SE¼, SE¼SE¼;
Sec. 12, S½S½;
Secs. 13 and 14;
Sec. 15, NE¼, E½NW¼, NW¼NW¼, N½SE¼, SE¼SE¼;
Sec. 17, N½NE¼, NE¼NW¼;
Sec. 23, N½NE¼, NE¼NW¼;
Sec. 24, N½N½.
T. 31 N., R. 12 W.,
Sec. 30, NW¼, S½;
Sec. 31;
Sec. 32, NW¼, S½.
T. 29 N., R. 13 W.,
Sec. 13, S½S½;
Sec. 23, NE¼NE¼, S½NE¼, SE¼;
Secs. 24 and 25;
Sec. 26, NE¼, N½SE¼, SE¼SE¼;
Sec. 36, N½N½.

Copies of this diagram are for sale at the Washington State Land Office, Bureau of Land Management, Room 670 Bon Marche Building, Spokane, Wash., 99201.

JOHN E. BURT, Jr.,
Officer in Charge.

[P.R. Doc. 65-5068; Filed, May 12, 1965; 8:49 a.m.]

[Group 419]

CALIFORNIA

Notice of Filing of Plats of Survey; Order Providing for Opening of Public Lands

MAY 5, 1965.

1. Plats of survey of the lands described below will be officially filed in the District and Land Office, Riverside, Calif., effective 10 a.m. on June 7, 1965.

SAN BERNARDINO MERIDIAN, CALIF.

T. 14 S., R. 22 E.,
Sec. 16: N½ and SE¼;
Sec. 17: N½;
Sec. 35: Lots 1 through 8, incl.;
Sec. 36: All.

The area described aggregates 1,772.31 acres. Plat of survey accepted March 3, 1965.

T. 14 S., R. 23 E.,
Sec. 16: All;
Sec. 36: All.

The area described aggregates 1,280.00 acres. Plat of survey accepted March 18, 1965.

2. Except for and subject to valid existing rights, it is presumed that title to the following described lands passed to the State of California upon acceptance of the plats of survey:

SAN BERNARDINO MERIDIAN, CALIF.

T. 14 S., R. 22 E.,
Sec. 16: N½ and SE¼;
Sec. 36: All.
T. 14 S., R. 23 E.,
Sec. 16: All;
Sec. 36: N½, SW¼, N½SE¼, SW¼SE¼, W½SE¼SE¼ and NE¼SE¼SE¼.

The area described aggregates 2,390.00 acres.

3. The following described lands have been withdrawn by Public Land Order 3262 of October 29, 1963 (28 F.R. 11731), from all forms of appropriation under the public land laws, including the mining but not the mineral leasing laws, subject to valid existing rights for use of the Bureau of Reclamation in connection with the Senator Wash Pump Storage Project:

SAN BERNARDINO MERIDIAN, CALIF.

T. 14 S., R. 23 E.,
Sec. 36: SE¼SE¼SE¼.

The area described aggregates 10.00 acres.

4. The following described lands are open to application, location, selection, and petition as outlined in paragraph 6 below. No application for these lands will be allowed under the homestead, desert land, small tract, or any other non-mineral public land law, unless the lands have already been classified upon consideration of an application. Any application that is filed will be considered on its merits. The lands will not be subject to occupancy or disposition until they have been classified:

SAN BERNARDINO MERIDIAN, CALIF.

T. 14 S., R. 22 E.,
Sec. 17: N½;
Sec. 35: Lots 1 through 8, incl.

The area described aggregates 652.31 acres.

5. Land use characteristics: The lands described in paragraph 4 above lie south and west of the Chocolate Mountains approximately 2 miles southwest and 5 miles southeast of Picacho Peak and about 14 miles north of Winterhaven in Imperial County, Calif. Elevations range from 850 to 1,000 feet above mean sea level. The climate in the area is extremely arid and vegetation is sparse and of no economic significance.

6. Subject to any existing valid rights and the requirements of applicable law, the lands described in paragraph 4 are hereby opened to filing applications, selections, and locations in accordance with the following:

a. Applications and selections under the non-mineral public land laws and applications and offers under the mineral leasing laws may be presented to the Manager mentioned below, beginning on the date of this order. Such applications, selections, and offers will be considered as filed on the hour and respective dates shown for the various classes enumerated in the following paragraphs:

(1) Applications by persons having prior existing valid settlement rights, preference rights conferred by existing laws, or equitable claims subject to allowance and confirmation will be adjudicated on the facts presented in support of each claim or right. All applications presented by persons other than those referred to in this paragraph will be subject to the applications and claims mentioned in this paragraph.

(2) All valid applications and selections under the nonmineral public land laws and applications and offers under the mineral leasing laws presented prior to 10 a.m. on June 7, 1965, will be considered as simultaneously filed at that hour. Rights under such applications and selections and offers filed after that hour will be governed by the time of filing.

b. Persons claiming preference rights based upon valid settlement, statutory preference, or equitable claims must enclose properly corroborated statements in support of their applications, setting forth all facts relevant to their claims. Detailed rules and regulations governing applications which may be filed pursuant to this notice can be found in Title 43 of the Code of Federal Regulations.

7. Inquiries concerning these lands should be addressed to the Manager, District and Land Office, Bureau of Land Management, 1414 Eighth Street, Post Office Box 723, Riverside, Calif., 92502.

HALL H. MCCLAIN,
Manager.

[F.R. Doc. 65-5041; Filed, May 12, 1965; 8:47 a.m.]

[Serial No. Idaho 016390]

IDAHO

Notice of Proposed Withdrawal and Reservation of Lands

MAY 6, 1965.

The Bonneville Power Administration has filed an application Serial Number Idaho 016390 for the withdrawal of the lands described below, from all forms of appropriation under the public land laws including the mining and mineral leasing laws and disposal of materials under the Act of July 31, 1947 (61 Stat. 681; 30 U.S.C. 601–604), as amended. The applicant desires the land for the construction and operation of the Idahome Substation.

For a period of 30 days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the undersigned officer of the Bureau of Land Management, Department of the Interior, Post Office Box 2237, Boise, Idaho, 83701.

The authorized officer of the Bureau of Land Management will undertake such investigations as are necessary to determine the existing and potential demand for the land and their resources. He will also undertake negotiations with the applicant agency with the view of adjusting the application to reduce the area to the minimum essential to meet the applicant's needs, to provide for the maximum concurrent utilization of the lands for purposes other than the applicant's, to eliminate lands needed for purposes more essential than the applicant's, and to reach agreement on the concurrent management of the land and their resources.

He will also prepare a report for consideration by the Secretary of the Interior who will determine whether or not the lands will be withdrawn as requested by the Bonneville Power Administration.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

If circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

The lands involved in the application are:

BOISE MERIDIAN, IDAHO

T. 11 S., R. 26 E.,
Sec. 34, a parcel of land described as beginning at a point in the south line of said section 34, S. 89°42' E., 3128.3 feet from the southwest corner of said section 34.
From the point of beginning,
N. 0°18' E., 230 feet;
S. 89°42' E., 398.5 feet to a point in the highway right-of-way line;
S. 27°54' E., along said westerly line, 34 feet;
N. 89°42' W., 224.5 feet;
S. 0°18' W., 200 feet, to a point in the south line of said section 34;
N. 89°42' W. 190 feet, along said south line to the point of beginning.

The area as described contains 1.15 acres, more or less in Cassia County, Idaho.

EUGENE E. BABIN,
Acting Land Office Manager.

[F.R. Doc. 65-5042; Filed, May 12, 1965; 8:47 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

ELANCO PRODUCTS CO.

Notice of Withdrawal of Petition for Food Additives Tylosin, Arsanilic Acid

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b), 72 Stat. 1786; 21 U.S.C. 348(b)), the following notice is issued:

In accordance with § 121.52 *Withdrawal of petitions without prejudice* of the procedural food additive regulations (21 CFR 121.52), Elanco Products Co., a division of Eli Lilly & Co., Indianapolis, Ind., 46206, has withdrawn its petition (FAP 3D1039), published in the FEDERAL REGISTER of June 5, 1963 (28 F.R. 5537), proposing the issuance of a regulation to provide for the safe use in swine feed of a combination of arsanilic acid at 90 grams per ton with tylosin at 20 to 40 grams per ton of complete feed.

The withdrawal of this petition is without prejudice to a future filing.

Dated: May 5, 1965.

MALCOLM R. STEPHENS,
Assistant Commissioner for Regulations.

[F.R. Doc. 65-5053; Filed, May 12, 1965; 8:48 a.m.]

AMERICAN CYANAMID CO.

Notice of Filing of Petition for Food Additives Adhesives

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348(b)(5)), notice is given that a petition (FAP 5B1745) has been filed by American Cyanamid Co., Wayne, N.J., 07470, proposing that paragraph (c)(5) of § 121.2520 *Adhesives* be amended by amended by inserting alphabetically in the list "Components of Adhesives" two items, as follows:

2,2-Dimethyl-1,3-propanediol as a monomer in polyester resins named in this subparagraph.
Tetrahydrophthalic acid as a monomer in polyester resins named in this subparagraph.

Dated: May 6, 1965.

MALCOLM R. STEPHENS,
Assistant Commissioner for Regulations.

[F.R. Doc. 65-5052; Filed, May 12, 1965; 8:48 a.m.]

FOREIGN-TRADE ZONES BOARD

[Order 66]

SAN FRANCISCO FOREIGN-TRADE ZONE NO. 3

Extension of Time To Occupy Present Sites

Pursuant to the authority granted in the Foreign-Trade Zones Act of June 18, 1934, as amended (48 Stat. 998–1003; 19 U.S.C. 81a–81u), the Foreign-Trade Zones Board has adopted the following order which is promulgated for the information and guidance of all concerned:

Whereas, the Foreign-Trade Zones Board, acting on a request of the San Francisco Port Authority and by Board Order No. 46, dated May 8, 1958, did establish the temporary location of Foreign-Trade Zone No. 3 at Pier No. 46C (33 Berry Street and 128–136 King Street) for a period of not to exceed three (3) years.

Whereas, the Foreign-Trade Zones Board, acting on subsequent requests of the San Francisco Port Authority, did grant two extensions of time for the temporary location of Zone No. 3, the most recent of which permitted operation at the temporary location until June 30, 1965.

Whereas, the San Francisco Port Authority, Grantee of Foreign-Trade Zone No. 3, by letter of November 6, 1964, did request permission to operate Zone No. 3 at its temporary location for an additional three (3) years, i.e. until June 30, 1968.

Now, therefore, the Foreign-Trade Zones Board, after reviewing the San Francisco Port Authority request for a three (3) year extension of time (June 30, 1965, to June 30, 1968), for the operation of Foreign-Trade Zone No. 3 at its present temporary location, approves an extension of the operation of Zone No. 3 at its present location for an indefinite period of time, provided that continued operation of the zone at such location beyond June 30, 1968, will automatically terminate the temporary status of that location and thereafter it will be the permanent zone site.

It is found that compliance with the notice, public rule making procedure, and effective date requirements of the Administrative Procedure Act (5 U.S.C. 1003) is unnecessary in connection with the issuance of this order, because its application is restricted to one foreign-trade zone, and is of a nature that it imposes no burden on the parties of interest. The effective date is, therefore, upon publication in the FEDERAL REGISTER.

Signed at Washington, D.C., this 5th day of May 1965.

[SEAL] JOHN T. CONNOR,
Secretary of Commerce, Chairman and Executive Officer, Foreign-Trade Zones Board.

Attest:

RICHARD H. LAKE,
Executive Secretary, Foreign-Trade Zones Board.

[F.R. Doc. 65-5080; Filed, May 12, 1965; 8:46 a.m.]

CIVIL AERONAUTICS BOARD

[Docket No. 15498]

SOUTHERN AIRWAYS, INC.

Notice of Hearing

Renewal of Southern Airways, Inc., segments 1(b), 6, 8, 9, and 10, and Anniston, Alabama on segment 1.

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that a hearing on the above-entitled application is assigned to be held on June 8, 1965, at 10 a.m., local time, in the National Guard Armory, Crossville, Tenn., before Examiner Joseph L. Fitzmaurice.

Dated at Washington, D.C., May 6, 1965.

[SEAL] JOSEPH L. FITZMAURICE,
Hearing Examiner.

[F.R. Doc. 65-5071; Filed, May 12, 1965; 8:49 a.m.]

DEPARTMENT OF AGRICULTURE

Consumer and Marketing Service

ORGANIZATION, FUNCTIONS, AND DELEGATIONS OF AUTHORITY

Pursuant to order of the Secretary dated February 8, 1965, appearing in 30 F.R. 2160, changing the name of the Agricultural Marketing Service to Consumer and Marketing Service, the statement of Organization, Functions, and Delegations of Authority of the Agricultural Marketing Service, appearing in 30 F.R. 1260, is hereby amended by changing the term "Agricultural Marketing Service" to "Consumer and Marketing Service" wherever it appears and by changing the term "AMS" to "C&MS" wherever it appears.

Section 1, *General*, is amended by deleting the word "and" after the last semicolon, changing the period at the end of the statement to semicolon and adding the following "and warehouse examination functions, but not including the functions of inventory management."

The name "Special Services Division" is changed to read, "Transportation and Warehouse Division" wherever it appears in sections 2, 5, and 11. Section 5(1) is further amended so as to read:

(1) *Transportation and Warehouse Division.* The Transportation and Warehouse Division is responsible for:

(1) Administering the U.S. Warehouse Act, as amended;

(2) Warehouse examination functions in connection with warehouses storing commodities pursuant to contracts or agreements with Commodity Credit Corporation;

(3) Administering provisions of section 201 of the Agricultural Adjustment Act of 1938, section 203(j) of the Agricultural Marketing Act of 1946, as amended, and certain related authorities covering adjustment in freight rates and services for agricultural products and farm supplies;

(4) Acting for, or assisting on assignment from, the Office of the Administrator in directing and coordinating and planning activities and operations assigned C&MS with respect to civil defense and defense mobilization; and

(5) Executing other marketing services programs and activities as assigned.

The name "Marketing Information Division" is changed to "Information Division" wherever it appears in sections 3 and 9.

Issued at Washington, D.C., this 10th day of May 1965.

S. R. SMITH,
Administrator.

[F.R. Doc. 65-5072; Filed, May 12, 1965; 8:49 a.m.]

SCOTT COUNTY LIVESTOCK AUCTION ET AL.

Notice of Changes in Names of Posted Stockyards

It has been ascertained, and notice is hereby given, that the names of the livestock markets referred to herein, which were posted on the respective dates specified below as being subject to the provisions of the Packers and Stockyards Act, 1921, as amended (7 U.S.C. 181 et seq.), have been changed as indicated below.

Original name of stockyard, location, and date of posting	*Current name of stockyard and date of change in name*
ARKANSAS	
Scott County Livestock Auction, Waldron, Dec. 17, 1958.	Scott County Livestock Auction, Inc., Jan. 18, 1965.
CALIFORNIA	
Gridley Auction Yard, Gridley, Nov. 16, 1959	Gridley Auction & Sales Yard, Jan. 13, 1965.
FLORIDA	
Hardee Livestock Market, Wauchula, Feb. 25, 1960	Hardee Livestock Market, Inc., Aug. 20, 1964.
GEORGIA	
Vidalia Livestock Market, Vidalia, Apr. 21, 1961	Vidalia Livestock Auction, Inc., Jan. 15, 1965.
IOWA	
Ankeny Sales Pavilion, Ankeny, Apr. 29, 1957	Farmers Livestock Market Co., Mar. 29, 1965.
KANSAS	
Mound City Sales Co., Mound City, Apr. 19, 1963	Mound City Livestock Auction Co., Jan. 11, 1965.
Osborne Livestock Commission Co., Osborne, Apr. 24, 1950.	The Osborne Livestock Commission Co., Jan. 1, 1965.
NEW YORK	
N. Johncox Sons, Palmyra, Aug. 1, 1960	Steuben County Livestock Market, Mar. 19, 1965.
TEXAS	
Huntsville Auction Co., Huntsville, May 12, 1959	Huntsville Livestock Auction Co., Mar. 25, 1965.
Farmer's & Rancher's Commission Co., Tyler, Feb. 21, 1961.	Farmers & Ranchers Livestock Commission Co., Dec. 16, 1964.
UTAH	
Salina Auction Co., Salina, Jan. 28, 1955	Producers Livestock Marketing Association, Apr. 2, 1965.
WYOMING	
Riverton Auction, Riverton, June 27, 1950	Riverton Livestock Auction, Mar. 1, 1965.

Done at Washington, D.C., this 10th day of May 1965.

K. A. POTTER,
Acting Chief, Rates and Registrations Branch, Packers and Stockyards Division, Consumer and Marketing Service.

[F.R. Doc. 65-5073; Filed, May 12, 1965; 8:49 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 15962; FCC 65-308]

WILLIAM S. HOGIN

Order Designating Applications for Consolidated Hearing on Stated Issues

In re application of William S. Hogin, Phoenix, Ariz., Docket No. 15962; for renewal of General Class amateur operator and station license, call sign K7DHF.

At a session of the Federal Communications Commission, held at its offices in Washington, D.C., on the 21st day of April 1965;

The Commission having under consideration the application of William S. Hogin, 3043 North 56th Street, Phoenix, Ariz., for renewal of his General Class amateur operator and station license, K7DHF, filed on July 9, 1964, pursuant to § 97.47 of the Commission's rules; and

It appearing, that William S. Hogin, formerly held a General Class amateur operator and station license, K7DHF, which expired on May 18, 1964; and

It further appearing, that on January 17, 1964, William S. Hogin, in attempting

to the Commission's letter of July 29

to obtain a second General Class amateur operator and station license violated § 97.129 of the Commission's rules, and Title 18, section 1001 of the U.S. Code; in that he used the alias of Bill X. Hogin, and gave a false birth date without disclosing that he already held a valid General Class amateur operator and station license, K7DHF; and

It further appearing, that, except for the facts set forth above, the applicant is legally and technically qualified to hold the license for which the captioned application has been made; and

It further appearing, that in view of the foregoing, the Commission is unable to find that the public interest, convenience, and necessity would be served by the grant of the captioned application:

It is ordered, Pursuant to sections 309(e) and 303(l) of the Communications Act of 1934, as amended, that the captioned application is designated for hearing, at a time and place to be specified by subsequent order, upon the following issues:

1. To determine the facts and circumstances concerning the filing of an application for a General Class amateur radio operator and station license in the name of Bill X. Hogin on January 17, 1964, particularly with regard to the answers to the following items on the application form: Name of applicant, date of birth, and current call sign, if presently licensed.

2. To determine whether the answers to the items on the application as set forth in the first issue were falsely stated by the applicant William S. Hogin.

3. To determine whether the applicant possesses the requisite qualifications to be, and may be relied upon to carry out his responsibilities as, a General Class amateur radio operator and station licensee.

4. To determine whether, in the light of the evidence adduced under the foregoing issues, the public interest, convenience, and necessity would be served by the grant of the captioned application.

It is further ordered, That, the burden of proceeding with the introduction of evidence and the burden of proof on all issues shall be on the applicant; and

It is further ordered, That to avail himself of the opportunity to be heard, the applicant, in person or by his attorney, shall within 20 days of the mailing of this order, file with the Commission, in triplicate, a written appearance stating that he will appear on the date fixed for hearing and present evidence on the issues specified in this order.

Released: May 10, 1965.

FEDERAL COMMUNICATIONS COMMISSION,[1]

[SEAL] BEN F. WAPLE, *Secretary.*

[F.R. Doc. 65-5076; Filed, May 12, 1965; 8:50 a.m.]

[1] Commissioners Lee and Cox absent.

[Docket Nos. 16001-16003; FCC 65-379]

TELEVISION BROADCASTERS, INC. (KBMT) AND TEXAS GOLDCOAST TELEVISION, INC. (KPAC-TV)

Memorandum Opinion and Order Designating Applications for Consolidated Hearing on Stated Issues

In re applications of Television Broadcasters, Inc. (KBMT), Beaumont, Tex., Docket No. 16001, File No. BPCT-3266, for construction permit; Television Broadcasters, Inc. (KBMT), Beaumont, Tex., Docket No. 16003, File No. BRCT-560; Texas Goldcoast Television, Inc. (KPAC-TV), Port Arthur, Tex., Docket No. 16002, File No. BRCT-389; for renewal of licenses.

1. The Commission has before it for consideration a Petition for Reconsideration filed February 8, 1965, by KSLA-TV, Inc., licensee of Television Broadcast Station KSLA-TV, Channel 12, Shreveport, La., a Petition for Reconsideration filed February 8, 1965, by Texas Goldcoast Television, Inc., licensee of Television Broadcast Station KPAC-TV, Channel 4, Port Arthur, Tex., and various pleadings filed in connection therewith.[1] By Memorandum Opinion and Order released January 8, 1965 (FCC 65-15, 4 R.R. 2d 119), the Commission granted without hearing the above-captioned application of Television Broadcasters, Inc., licensee of Television Broadcast Station KBMT, Channel 12, Beaumont, Tex., which requested a construction permit to make certain changes in the facilities of that station. The Commission considered the pleadings filed in connection with the application and found that the public interest, convenience, and necessity would be served by a grant of the application and that no substantial and material questions of fact had been raised warranting designation of the application for hearing. The Commission waived § 73.610 of its rules to permit operation at short-spacing to the cochannel station in Shreveport, La., and the grant was conditioned to require the applicant to provide "equivalent protection" to the cochannel station in accordance with applicant's representations to the Commission. We are now asked to reconsider our action and to designate the application for hearing on issues requested by the petitioner Texas Goldcoast Television, Inc. (hereinafter KPAC). Petitioner KSLA-TV, Inc. (hereinafter KSLA), also requests reconsideration on the basis that the conditions attached to the grant do not, in fact, assure that the applicant will provide the "equivalent protection" which it has undertaken to provide. KSLA requests that if the Commission does not reconsider and designate the application for hearing, the conditions should nevertheless be modified to assure the "equivalent protection" which was promised. The applicant has indicated that it would be agreeable to such modification. Accordingly, in view of our disposition of this matter, we believe that it would be appropriate to provide for the additional conditions requested by KSLA.

2. Petitioner KPAC requests reconsideration on the basis of four principal questions which it alleges that the Commission resolved erroneously. First, KPAC states that the Commission erred in its determination that the grant to KBMT would, inter alia, improve ABC's competitive position in the market vis-a-vis the other two national networks because circumstances have so changed since the application and original pleadings were filed that the basis for the Commission's determination of competitive imbalance no longer exists. Second, KPAC contends that while the Commission discussed television services available in the two areas in which applicant's Grade B signal would be lost in the event of a grant, the Commission did not consider the television services available in the gain area. Third, petitioner alleges that the Commission accepted at face value the allegations of applicant's aeronautical consultant with respect to the possibilities of locating a tower at any site other than that which it has selected and the likelihood of securing clearance from the Federal Aviation Agency for any other site. Finally, petitioner attacks the validity of the programming survey made by the applicant pursuant to the Commission's letter to the applicant of July 29, 1964. Petitioner also complains that it was never served by the applicant with a copy of the programming survey.

3. KPAC argues that the Commission discussed the television services available in the areas which would lose KBMT's Grade B signal in the event of a grant of the application, but that it did not discuss the television services available in the gain area. Thus, KPAC argues, no consideration was given to whether there is a need for the proposed new service. Petitioner now comes in, for the first time, with a showing of the television services available in the gain area and suggests that these figures demonstrate that there is no need for the new service proposed. Using petitioner's own computations, it appears that there are between two and six other television broadcast services available in the Grade B gain area. Approximately one-third of this area, however, has but two services available and applicant's improved

[1] The Commission also has before it for consideration: (a) Opposition filed Mar. 16, 1965, by applicant against both Petitions for Reconsideration, and (b) Reply filed Apr. 19, 1965, by Texas Goldcoast Television, Inc., to (a), above. The parties requested and were granted extensions of time within which to file their various pleadings. The Petition for Reconsideration filed by Texas Goldcoast was originally captioned "Petition for Reconsideration and Stay", but was subsequently corrected to delete the words "and Stay" in order to conform to § 1.42(e) of the Commission's rules.

signal would bring the third television service and the first ABC signal to this area. In the remainder of the gain area, there appears to be one or two other ABC signals available. No part of the two loss areas, however, is without at least one ABC Grade B signal in addition to that presently provided by applicant. On the basis of petitioner's figures, the area which will receive a first ABC Grade B service consists of 28,187 persons in an area of 1,462 square miles. In the western loss area, the bulk of the area consists of the waters of Galveston Bay and East Bay and the loss of populated land area is, therefore, insignificant. On balance, consideration of these facts does not lead us to a result different from that which we reached in our original deliberations.

4. Prior to a grant of the application, applicant had submitted an affidavit by its aeronautical consultant which expressed the opinion that, for various reasons, a proposal to locate applicant's transmitter at any site which would meet the spacing requirements and still enable it to achieve its objectives would meet with objections by the Federal Aviation Agency. KPAC has now submitted an affidavit from its own aeronautical consultant which, in most respects, disputes the opinion of the applicant's expert. It seems to us, however, that petitioner could have secured its expert's affidavit and submitted it in timely fashion consistent with § 1.106(c) of the Commission's rules. Petitioner made no effort in the 2-month period between February 20, 1964, when applicant's aeronautical consultant's affidavit was filed, and April 30, 1964, when petitioner filed its reply, to dispute the opinion of applicant's expert. More important, however, is the fact that petitioner made no attempt to show that a site other than that chosen by the applicant was available to the applicant which would meet the spacing requirements, meet air safety criteria, and permit applicant to achieve its objectives. The Commission, however, had before it a letter from the Federal Aviation Agency dated July 14, 1964, in which that agency stated:

> The KPAC-TV petition is reported as suggesting an increase of height of the existing KBMT-TV (sic) antenna. The antenna is at the maximum height now which would not have an adverse effect on air navigation. Another suggestion offered by KPAC-TV in its petition, according to the region [FAA's Southwest Regional Office], is that there is another area to which KBMT-TV could move. The region advises that the site selected by KBMT-TV is in an area between two other 1,049-foot towers and, therefore, is in the most acceptable location from an aeronautical standpoint. The region further advises the site would be in an area conforming to the antenna farm area concept.

It is apparent, from the foregoing, that the Federal Aviation Agency strongly supported the proposed site and this support was recognized in our Memorandum Opinion and Order granting the application. In the light of these facts, we are not persuaded that petitioner's showing warrants reversal of our prior decision.

5. KPAC attacks the validity of the survey made by the applicant pursuant to the Commission's letter of July 29, 1964. Petitioner makes the grave charge that the "purported KBMT survey is not only manifestly superficial and contrived—it is of highly questionable veracity." Petitioner suggests that the survey was fraudulent because, based on a "check survey" conducted by KPAC subsequent to applicant's survey, many of the persons allegedly interviewed categorically denied having been contacted by KBMT. In many instances, KPAC shows that the responses made by interviewees differ substantially from those reported by KBMT. Applicant, however, has furnished affidavits from these same people in which they deny that they were ever contacted by KPAC or that they said what KPAC reported them as having said. In effect, these affidavits purport to demonstrate that the KPAC "check survey", and not the KBMT survey, was contrived and fraudulent. KPAC has not furnished affidavits from its interviewees and, in fact, only furnished affidavits from its interviewers in response to KBMT's pleadings. The Commission is gravely concerned where, as here, it appears that one or both of the Commission's licensees may have attempted to deceive and mislead the Commission. We have before us conflicting claims, charges, and countercharges which we cannot resolve on the basis of the pleadings alone. We will, therefore, designate this matter for hearing on issues related to the facts and circumstances surrounding the conduct and content of the surveys made by KBMT and KPAC and the basis for the representations made by the parties to the Commission. Moreover, we believe that the applications for renewal of the licenses of Stations KBMT and KPAC-TV should also be designated for hearing in a consolidated proceeding with KBMT's application for a construction permit. We will provide for a field hearing in Beaumont, Tex., and will order an expedited proceeding. We recognize that, in order to permit immediate consideration of the renewal applications, it will be necessary to waive § 1.580(b) of our rules and our order so provides. Processing of the renewal applications has not been completed and it is possible that the parties may wish to request enlargement of the issues in this proceeding to enable the Hearing Examiner to consider such additional questions as may be raised as a result of the normal processing of the renewal applications.

6. The basic thrust of KPAC's request for reconsideration is its contention that, since the filing of the application and the pleadings filed in connection therewith, the competitive position of ABC vis-a-vis the other national networks has changed to the extent that ABC is now at least equal to the other networks nationally and, in some respects, leads the other networks. At the outset, we note that the material furnished by the petitioner to support this proposition consists of excerpts from articles contained in various trade publications and newspapers. More important, however, is the fact that the material which the petitioner has offered in support of its contentions is related to the national position of the networks and does not refute the Commission's findings that, in the Beaumont-Port Arthur market, ABC has competitively inferior facilities available to it. The Commission's decision was based upon findings, supported by the pleadings, that in the Beaumont-Port Arthur market, the facilities available to ABC were inferior to those available to the other national networks, resulting in a significant competitive imbalance in that market. Assuming, arguendo, that the petitioner made a prima facie showing that ABC is on a par nationally with the other networks, it would not follow that ABC has the opportunity to be competitive in the Beaumont-Port Arthur market. The petitioner must make a prima facie showing that equal opportunities to be competitive exist in the Beaumont-Port Arthur market for all of the networks. With respect to this narrow issue, petitioner has alleged nothing which has not already been considered by the Commission in reaching its original decision. We stated, in our original opinion, that it was neither our purpose nor function to assure competitive equality in any given market, but that it was our duty to provide, when possible and feasible, the opportunity for effective competition among the networks. When we have done that, we have done all that we can under the present statutory scheme in promoting a more effective competitive climate.

7. Finally, KPAC attacks the Commission's action of July 29, 1964, by which the Commission sent a letter to the applicant requiring the applicant to furnish additional information in the form of a programming submission and affording the applicant an opportunity to make any necessary surveys and changes in its programming proposal to reflect its efforts to accommodate the needs and interests of the people in the new area which it proposed to serve. Petitioner characterizes this action by the Commission as an "effort by the Commission in an adversary situation, to assist the applicant, in meeting his burden of proof * * *" and "an apparent disposition on the part of the Commission to assist the applicant in meeting its burden of proof and in making a case for waiver." Such assertions can only be the result of a lack of knowledge and understanding of the Commission's purpose and functions. Such action by the Commission is neither unique nor unprecedented. KTBS, Inc., FCC 63-359, 25 RR 301. It is well within the authority of the Commission to require additional information from applicants[2] and the Commission's rules contemplate that the Commission may require an applicant to amend its application, even in an adversary proceeding.[3] KPAC further complains that it was not served by applicant with a copy of the survey results and states that there is serious question as to whether the survey does not violate §§ 1.65, 1.513(d), and

[2] Section 308(b) of the Communications Act of 1934, as amended.

[3] Section 1.514(b) of the Commission's rules. See also §§ 1.566(b) and 1.568(b) of the rules.

1.522 of the Commission's rules.[4] The Commission's rules, however, do not require the applicant to serve upon petitioners copies of information furnished in response to the Commission's request. Petitioners were served with copies of the Commission's letter to applicant and were on notice of the date by which the information had to be furnished. Applicant's response was submitted on September 28, 1964, and the application was granted in January 1965, but at no time during that 3-month period during which the information was on file as a matter of public record did the petitioner express any objection to lack of service or complain that it was not aware of the contents of the amendment. Moreover, with respect to § 1.65 of the rules, we need only point out that the section became effective December 22, 1964, after the survey was submitted. Petitioner's allegations with respect to possible violation of § 1.513(d) have been discussed in paragraph 5, supra.

8. In connection with petitioner's lack of diligence in the matter of the affidavit of its aeronautical consultant as well as with respect to the matters of its failure to complain about not having been served with a copy of applicant's survey and its failure to furnish information as to other television services available in the proposed gain area, we think that the language of the Court of Appeals in Colorado Radio Corp. v. Federal Communications Commission, 73 U.S. App. D.C. 225, 118 F. 2d 24, is relevant: [5]

> [w]e cannot allow the appellant to sit back and hope that a decision will be in its favor, and then, when it isn't, to parry with an offer of more evidence.

9. We have considered carefully the matters set forth in the request for reconsideration and the pleadings filed in connection therewith. We have stated that petitioner's allegations of ABC's competitive equality or superiority nationally, even if proved, would be insufficient to show that ABC has available to it in the Beaumont-Port Arthur market a reasonably competitive facility. We have again weighed the losses against the gains and we have considered other television broadcast services available in the gain and loss areas and we have found, on balance, that the substantial public benefit to be derived from increased Grade A and Grade B coverage and the improvement of signal strength to a vast number of persons, in our judgment, far outweigh the detriment suffered as the result of the loss of applicant's signal to a comparatively small number of persons. Moreover, we have no doubt that the elimination of the waste of a significant portion of applicant's signal over water areas results in a more efficient use of the frequency within the intent and meaning of section 307(b) of the Communications Act. No challenge has been offered to this proposition. In the light of the facts of this case, we conclude that, except with respect to matters pertaining to the surveys conducted by KBMT and KPAC, no substantial and material questions of fact have been raised by the petitioners sufficient to warrant a hearing. We will provide, in this order, that if our grant, which we here set aside, is reinstated as a result of the hearing, it shall be subject to conditions set forth below. These conditions will be imposed in lieu of those originally imposed and are intended to assure that KBMT will provide the "equivalent protection" to KSLA which it has undertaken to provide.

10. The Commission, having determined to reconsider its action granting without hearing the above-captioned application of Television Broadcasters, Inc., to the extent indicated herein and for the reasons set forth herein, is unable to make the statutory finding that a grant of the application would serve the public interest, convenience, and necessity, and is of the opinion that the grant must be set aside and the application designated for hearing on the issues set forth below. In reconsidering our said action, however, we reaffirm our finding that, except as indicated by the issues set forth below, the applicant is legally, technically, and financially qualified to construct and operate as proposed.

Accordingly, it is ordered, That the Petitions for Reconsideration filed herein by KSLA–TV, Inc., and Texas Goldcoast Television, Inc., are granted to the extent indicated herein and are otherwise denied, and, pursuant to § 1.106(k)(3) of the Commission's rules, the grant of the application (BPCT–3266) of Television Broadcasters, Inc., for a construction permit, made by the Commission by Memorandum Opinion and Order released January 8, 1965 (FCC 65–15, 4 RR 2d 119), is hereby set aside.

It is further ordered, That, pursuant to section 309(e) of the Communications Act of 1934, as amended, the above-captioned applications of Television Broadcasters, Inc., for a construction permit (BPCT–3266) and for renewal of license (BRCT–560) and Texas Goldcoast Television, Inc., for renewal of license (BRCT–389) are designated for hearing in a consolidated proceeding, to be held in Beaumont, Tex., at a time to be specified in a subsequent order, upon the following issues:

1. To determine the facts and circumstances surrounding the programming survey made by Television Broadcasters, Inc., and the "check survey" made by Texas Goldcoast Television, Inc., and the preparation and submission of the results thereof to the Commission.

2. To determine, in the light of the evidence adduced pursuant to the foregoing issue, whether the principals, agents, employees, or representatives of Television Broadcasters, Inc., or Texas Goldcoast Television, Inc., have made misrepresentations to the Commission or have in any manner, attempted to deceive or mislead the Commission.

3. To determine, in the light of the evidence adduced pursuant to the foregoing issues, whether the applicants have the requisite qualifications to be broadcast licensees.

4. To determine, in the light of the evidence adduced pursuant to the foregoing issues, whether a grant of the application of Television Broadcasters, Inc., for renewal of license would serve the public interest, convenience, and necessity.

5. To determine, in the light of the evidence adduced pursuant to the foregoing issues, whether a grant of the application of Television Broadcasters, Inc., for a construction permit would serve the public interest, convenience, and necessity.

6. To determine, in the light of the evidence adduced pursuant to issues 1, 2, and 3, above, whether a grant of the application of Texas Goldcoast Television, Inc., for renewal of license would serve the public interest, convenience, and necessity.

It is further ordered, That, pursuant to § 1.3 of the Commission's rules, and upon the Commission's own motion, § 1.580(b) of the Commission's rules is hereby waived.

It is further ordered, That the Hearing Examiner shall expedite the hearing and shall make full use of his authority to utilize, among other procedures, prehearing conferences, the filing of stipulations of facts and issues, incorporation by reference, and such other devices as may be necessary and proper to expedite the hearing.

It is further ordered, That, in the event that it is determined, as a result of the hearing hereby ordered, that the renewal application of Television Broadcasters, Inc., should be granted and that the Commission's grant of the application of Television Broadcasters, Inc., for a construction permit should be reinstated, such reinstated grant shall be made subject to the conditions set forth below, in lieu of those conditions originally imposed.

It is further ordered, That, to avail themselves of the opportunity to be heard, the applicants herein, pursuant to § 1.221(c) of the Commission's rules, in person or by attorney, shall, within twenty (20) days of the mailing of this order, file with the Commission, in triplicate, a written appearance stating an intention to appear on the date set for the hearing and present evidence on the issues specified in this Order.

It is further ordered, That the applicants herein shall, pursuant to section 311(a)(2) of the Communications Act of 1934, as amended, and § 1.594(a) of the Commission's rules, give notice of the hearing within the time and in the manner prescribed in such rule, and shall advise the Commission of the publication of such notice as required by § 1.594(g) of the rules.

Adopted: May 5, 1965.

Released: May 10, 1965.

FEDERAL COMMUNICATIONS COMMISSION,[6]
[SEAL] BEN F. WAPLE,
Secretary.

[4] Section 1.65 of the Commission's rules is concerned with an applicant's responsibility for the continuing completeness and accuracy of information contained in an application pending before the Commission. It has no relevance to the matter now pending.

Section 1.522 of the rules pertains to the amendment of applications after designation for hearing and is therefore totally inapplicable to this matter.

Section 1.513(d) of the rules pertains to sanctions and criminal penalties for willful false statements made to the Commission.

[5] See also Springfield Television Broadcasting Corporation v. Federal Communications Commission, 117 U.S. App. D.C. 214, 328 F. 2d 186, 1 RR 2d 2069.

Subject to the following conditions:

1. The horizontal effective radiated visual power in the direction of Station KSLA–TV, Shreveport, La., shall not exceed 15.7 dbk (37.1 kw).

2. An appropriate reference antenna shall be installed on the main antenna structure for the purpose of making ratio field intensity measurements with the transmitting antenna in the direction of Station KSLA–TV at the time of initial operation and subsequent periodic checks during regular operation. The reference antenna shall be installed in a manner to minimize coupling to the main antenna elements, the tower structure, and guy wires. Provisions shall be made for coupling the transmitter output either to the reference antenna or to the main transmitting antenna and suitable means shall be available for accurately determining and maintaining the relative power inputs to the main and reference antennas.

3. Monitoring locations shall be selected for the purpose of obtaining relative field intensity measurements between the reference and main antenna to establish that the limited radiation specified above in the direction of KSLA–TV is not exceeded. At least two monitoring locations on the radial connecting the KBMT transmitting antenna and Station KSLA–TV shall be selected. Comparative radiation measurements of the KBMT transmitting antenna shall be made during equipment tests and at least once each 90 days at the selected monitoring locations. Records of such measurements shall be maintained and made available to the Commission upon request.

4. The application for license shall include the following:

(a) Horizontal plane radiation pattern obtained from measurements performed by the manufacturer for the transmitting antenna prior to its installation.

(b) Vertical radiation patterns obtained from measurements by the manufacturer for the transmitting antenna prior to its installation for at least the azimuths toward Station KSLA–TV.

(c) An affidavit by a qualified and licensed surveyor that the proper azimuthal orientation of the transmitting antenna to achieve the radiation limitations prescribed above for Station KSLA–TV was established at the time of the antenna installation.

(d) Description of the reference antenna installation with appropriate measured radiation patterns.

(e) Description of monitoring locations on the radial connecting the KBMT transmitting antenna and Station KSLA–TV.

(f) Comparative field intensity measurements obtained during equipment tests between the reference and main antenna at the selected monitoring points together with a description of equipment and technique employed.

(g) Description of means employed to monitor power input to the reference and main transmitting antennas during field measurements required in (f), above.

[6] Commissioner Bartley absent; Commissioners Lee and Cox concurring. Concurring statement of Commissioner Lee filed as part of original document.

[F.R. Doc. 65–5077; Filed, May 12, 1965; 8:50 a.m.]

[Docket No. 15871; FCC 65M–572]

SOUTHINGTON BROADCASTERS

Memorandum and Order Following Prehearing Conference

In re application of Fitzgerald C. Smith trading as Southington Broadcasters, Southington, Conn., Docket No. 15871, File No. BP–16405; for construction permit.

At a prehearing conference held on April 20, 1965, all parties agreed to the schedule of procedures set forth below:

May 11, 1965—Applicant will exchange with the other parties its showing responsive to the issue on financial qualifications.

May 21, 1965—On or before this date the other parties will inform applicant whether or not they wish to cross examine applicant's principals on its financial showing.

May 26, 1965—Hearing (continued from May 17, 1965).

So ordered.

Dated: May 6, 1965.

Released: May 7, 1965.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 65–5078; Filed, May 12, 1965; 8:50 a.m.]

[Docket Nos. 15303, 15304; FCC 65M–573]

CASCADE BROADCASTING CO. AND SUNSET BROADCASTING CO. (KNDX–FM)

Order Continuing Hearing

In re applications of Cascade Broadcasting Co., Yakima, Wash., Docket No. 15303, File No. BPH–4072; David Zander Pugsley trading as Sunset Broadcasting Co. (KNDX–FM), Yakima, Wash., Docket No. 15304, File No. BPH–4180; for construction permits.

The Hearing Examiner having under consideration a petition for continuance of hearing filed May 5, 1965, by Cascade Broadcasting Co.;

It appearing, that the hearing is now scheduled to commence on May 10, 1965; and

It further appearing, that considerable delays have been encountered in this proceeding so that normally an extension of the length requested should not be granted but that a continuance is desirable because of the Hearing Examiner's schedule, including the expectation of hospitalization; and

It further appearing, that the other applicant in this proceeding has no objection to a continuance.

It is ordered, This 6th day of May 1965, that the date for commencement of hearing is continued from May 10 to June 14, 1965.

Released: May 7, 1965.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 65–5079; Filed, May 12, 1965; 8:50 a.m.]

[Docket No. 15996; FCC 65–371]

YPSILANTI BROADCASTING CO. (WYSI)

Order Designating Application for Hearing on Stated Issues

In re application of Ypsilanti Broadcasting Co. (WYSI), Ypsilanti, Mich., Docket No. 15996, File No. BP–16005; has: 1480 kc, 500 w, DA–D, Day; req: increase antenna height, change directional pattern.

At a session of the Federal Communications Commission held at its offices in Washington, D.C., on the 5th day of May, 1965;

The Commission having under consideration the above-captioned and described application, as amended on December 11, 1964; informal objection filed on November 4, 1963, by Gerity Broadcasting Co. (Gerity), licensee of standard broadcast Station WABJ, Adrian, Mich., as supplemented on March 24, 1965, and related pleadings and correspondence;

It appearing, that Gerity in its informal objection, as supplemented, alleges that the proposal would cause objectionable interference and asks that the Commission either deny the application or designate it for hearing; and

It further appearing, that the proposed operation may cause objectionable interference to adjacent channel Station WABJ, Adrian, Mich.; and

It further appearing, that except as indicated by the issues specified below, the applicant is legally, technically, financially, and otherwise, qualified to operate as proposed; however, the Commission is unable to make the statutory finding that a grant of this application would serve the public interest, convenience, and necessity, and is of the opinion that it must be designated for hearing on the issues set forth below:

It is ordered, That pursuant to section 309(e) of the Communications Act of 1934, as amended, the application is designated for hearing at a time and place to be specified by subsequent order, upon the following issues:

1. To determine the areas and populations which may be expected to gain or lose primary service from the proposed operation of Station WYSI and the availability of other primary service to such areas and populations.

2. To determine whether, operating as proposed, WYSI would cause objectionable interference to Station WABJ, Adrian, Mich., or any other existing standard broadcast stations and, if so,

the nature and extent thereof, the areas and populations affected thereby and the availability of other primary service to such areas and populations.

3. To determine, in the light of the evidence adduced pursuant to the foregoing issues, whether a grant of the application would serve the public interest, convenience, and necessity.

It is further ordered, That Gerity Broadcasting Co., licensee of Radio Station WABJ is made a party to the proceeding.

It is further ordered, That the relief requested by WABJ is granted to the extent indicated and in all other respects is denied.

It is further ordered, That in the event the instant application is granted, the construction permit shall contain the following special conditions:

A complete non-directional proof of performance in addition to the required proof on the directional antenna system shall be submitted before program test authority is granted.

The permittee shall be responsible for purchasing and installing such additional filters, traps, or other devices as may be necessary to eliminate any re-radiation, cross-modulation or other harmful interaction which may result to Community Service Broadcasters, Inc., Ypsilanti, Mich., (WYNZ).

It is further ordered, That to avail themselves of the opportunity to be heard, the applicant and party respondent herein, pursuant to § 1.221 of the Commission's rules, in person or by attorney, shall within 20 days of the mailing of this order, file with the Commission in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this order.

Released: May 10, 1965.

FEDERAL COMMUNICATIONS COMMISSION,[1]

[SEAL] BEN F. WAPLE, *Secretary.*

[F.R. Doc. 65-5080; Filed, May 12, 1965; 8:50 a.m.]

FEDERAL POWER COMMISSION

[Docket No. RI65-603, etc.]

BARBARA OIL CO. (OPERATOR), ET AL.

Order Providing for Hearings on and Suspension of Proposed Changes in Rates[1a]

MAY 5, 1965.

The respondents named herein have filed proposed increased rates and charges of currently effective rate schedules for sales of natural gas under Commission jurisdiction, as set forth in Appendix A below.

The proposed changed rates and charges may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is in the public interest and consistent with the Natural Gas Act that the Commission enter upon hearings regarding the lawfulness of the proposed changes, and that the supplements herein be suspended and their use be deferred as ordered below.

The Commission orders:

(A) Under the Natural Gas Act, particularly sections 4 and 15, the regulations pertaining thereto (18 CFR, Ch. I), and the Commission's rules of practice and procedure, public hearings shall be held concerning the lawfulness of the proposed changes.

(B) Pending hearings and decisions thereon, the rate supplements herein are suspended and their use deferred until date shown in the "Date Suspended Until" column, and thereafter until made effective as prescribed by the Natural Gas Act.

(C) Until otherwise ordered by the Commission, neither the suspended supplements, nor the rate schedules sought to be altered, shall be changed until disposition of these proceedings or expiration of the suspension period.

(D) Notices of intervention or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C., 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 and 1.37(f)) on or before June 23, 1965.

By the Commission.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

APPENDIX A

Docket No.	Respondent	Rate sched. No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until	Cents per Mcf: Rate in effect	Cents per Mcf: Proposed increased rate	Rate in effect subject to refund in docket Nos.
RI65-603	Barbara Oil Co. (Operator), et al. 33 South Clark St., Chicago, Ill.	8	4	Cities Service Gas Co. (Hardtner Field, Barber County, Kans.).	$7,440	4-12-65	[2] 5-22-65	10-22-65	[3] 13.0	[4] [5] 14.0	RI60-67.
RI65-604	Union Oil Co. of California, Union Oil Center, Los Angeles, Calif., 90017.	13	14	Natural Gas Pipeline Co. of America (Camrick Southeast Gas Pool, Beaver County, Okla.) (Panhandle Area)	80	4- 9-65	[2] 5-10-65	10-10-65	[3] 17.6	[4] [6] 17.6	RI64-703.
	Union Oil Co. of California.	23	13	Natural Gas Pipeline Co. of America (Camrick Southeast Gas Pool, Boyd Area, Beaver County, Okla.) (Panhandle Area).	360	4- 9-65	[7] 5-10-65	10-10-65	[3] 17.4	[4] [6] 17.6	RI64-703.
RI65-605	B. W. Vinson, 1901 First National Bldg., Tulsa, Okla.	1	1	Michigan Wisconsin Pipe Line Co. (Laverne Field, Harper County, Okla.) (Panhandle Area).	837	4-12-65	[2] 5-13-65	10-13-65	[3] 17.0	[4] [6] 19.5	
RI65-606	W. H. Hunt, 1401 Elm St., Dallas, Tex., 75202.	7	1	South Texas Natural Gas Gathering Co. (El Benadito Area, Starr County, Tex.) (R.R. District No. 4).	160	4-15-65	[7] 5-16-65	10-15-65	14.5	[4] [6] 18.5	
RI65-607	Thomas C. Canan (Operator), et al. 837 Oil and Gas Bldg., Wichita Falls, Tex.	1	3	Trunkline Gas Co. (Dunn Field, Jim Wells County, Tex.) (R.R. District No. 4).	3,349	4-16-65	[7] 5-17-65	10-17-65	[8] 13.3748	[4] [6] 14.3844	
RI65-608	Sun Oil Co., 1608 Walnut St., Philadelphia, Pa., 19103, Attention: Mr. C. E. Wahler.	60	12 [9]	Northern Natural Gas Co. (Eumont Pool, Lea County, N. Mex.) (Permian Basin Area).	820	4- 8-65	[2] 5- 9-65	10- 9-65	[3] 5.7011	[4] [10] 11.7212	

[1] The stated effective date is the effective date requested by Respondent.
[2] Renegotiated rate increase.
[3] Pressure base is 14.65 p.s.i.a.
[4] Subject to a downward B.t.u. adjustment.
[5] Periodic rate increase.
[6] The stated effective date is the 1st day after expiration of the required statutory notice.
[7] Subject to an upward B.t.u. adjustment of 0.01 cent per B.t.u. above 1,000 to a maximum of 1,200. Respondent states that gas is above 1,000 B.t.u.
[8] Includes 0.25 cent per Mcf paid by buyer for delivery of gas dehydrated by seller.
[9] Applicable only to acreage added by Supplement Nos. 3 and 4.
[10] Includes partial reimbursement for full 2.65 percent New Mexico Emergency Helium Tax.

Union Oil Co. of California requests that its proposed rate increase contained in Supplement No. 13 to its FPC Gas Rate Schedule No. 23 be permitted to become effective as of May 8, 1965. W. H. Hunt and Thomas C. Canan (Operator), et al., request retroactive effective dates of July 1, 1964, and January 1, 1965, respectively, for their proposed rate increases. Good cause has not been shown for waiving the 30-day notice requirement provided in section 4(d) of the Natural Gas Act to permit earlier effective dates for the aforementioned producers' rate filings and such requests are denied.

All of the proposed increased rates and charges exceed the applicable area price level for increased rates as set forth in the Commission's Statement of General Policy No. 61-1, as amended (18 CFR, Ch. I, Pt. 2, § 2.56).

[1] Commissioners Bartley and Loevinger absent.

[1a] Does not consolidate for hearing or dispose of the several matters herein.

[F.R. Doc. 65-4961; Filed, May 12, 1965; 8:45 a.m.]

[Docket No. RI65-602]

SUN OIL CO.

Order Providing for Hearing on and Suspension of Proposed Change in Rate; Effective Subject To Refund

MAY 5, 1965.

Respondent named herein has filed a proposed change in rate and charge of a currently effective rate schedule for the sale of natural gas under Commission jurisdiction, as set forth in Appendix A below.

The proposed changed rate and charge may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is in the public interest and consistent with the Natural Gas Act that the Commission enter upon a hearing regarding the lawfulness of the proposed change, and that the supplement herein be suspended and its use be deferred as ordered below.

The Commission orders:

(A) Under the Natural Gas Act, particularly sections 4 and 15, the regulations pertaining thereto (18 CFR, Ch. I), and the Commission's rules of practice and procedure, a public hearing shall be held concerning the lawfulness of the proposed change.

(B) Pending hearing and decision thereon, the rate supplement herein is suspended and its use deferred until date shown in the "Date Suspended Until" column, and thereafter until made effective as prescribed by the Natural Gas Act: *Provided, however*, That the supplement to the rate schedule filed by respondent shall become effective subject to refund on the date and in the manner herein prescribed if within 20 days from the date of the issuance of this order respondent shall execute and file under its above-designated docket number with the Secretary of the Commission its agreement and undertaking to comply with the refunding and reporting procedure required by the Natural Gas Act and § 154.102 of the regulations thereunder, accompanied by a certificate showing service of a copy thereof upon the purchaser under the rate schedule involved. Unless respondent is advised to the contrary within 15 days after the filing of its agreement and undertaking, such agreement and undertaking shall be deemed to have been accepted.

(C) Until otherwise ordered by the Commission, neither the suspended supplement, nor the rate schedule sought to be altered, shall be changed until disposition of this proceeding or expiration of the suspension period.

(D) Notices of intervention or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C., 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 and 1.37(f)) on or before June 23, 1965.

By the Commission.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

APPENDIX A

Docket No.	Respondent	Rate sched. No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until	Cents per Mcf: Rate in effect	Cents per Mcf: Proposed increased rate	Rate in effect subject to refund in docket Nos.
RI65-602	Sun Oil Co., Post Office Box 2880, Dallas, Tex., 75221, Attention: Mr. R. L. Sullivan.	[illegible]	4	Coastal States Gas Producing Co.[3] (East Mathis Field, San Patricio County, Tex.) (R.R. District No. 4).	(2)	4-5-65	[4] 5-9-65	[5] 5-10-65	[6] 11.358	[7] [8] 12.3676	

[1] No deliveries are currently being made under this contract.
[2] The stated effective date is the 1st day after expiration of the required statutory notice.
[3] The suspension period is limited to 1 day.
[4] Periodic rate increase.
[5] Pressure base is 14.65 p.s.i.a.
[6] Includes tax reimbursement.
[7] Coastal States Gas Producing Co. resells the subject gas to Natural Gas Pipeline Co. of America under its FPC Gas Rate Schedule No. 23.

Sun Oil Co. (Sun) requests that its proposed periodic rate increase be permitted to become effective as of May 1, 1965. Good cause has not been shown for waiving the 30-day notice requirement provided in section 4(d) of the Natural Gas Act to permit an earlier effective date for Sun's rate filing and such request is denied.

Sun proposes a periodic increase from 11.358 cents to 12.3676 cents per Mcf, inclusive of applicable tax reimbursement, for gas sold to Coastal States Gas Producing Co. (Coastal States) from the East Mathis Field, San Patricio County, Tex. (Texas Railroad District No. 4). Coastal States, in turn, resells such gas, together with gas it purchases from other producers in the area, to Natural Gas Pipeline Co. of America pursuant to its FPC Gas Rate Schedule No. 23. Sun's filing reflects that no deliveries are currently being made under its rate schedule. The proposed increased rate is based upon a fixed periodic escalation provision[8] of Sun's contract with Coastal States, effective as of May 1, 1965.

The resale rate presently being collected by Coastal States under its FPC Gas Rate Schedule No. 23 is a redetermined rate of 14.5 cents per Mcf, which is in effect subject to refund in Docket No. G-17733. The 14.5 cent per Mcf rate was determined to be the price for the 5-year period commencing December 1, 1958. The contract comprising Coastal States' FPC Gas Rate Schedule No. 23, provides for further price redeterminations for the 5-year periods beginning December 1, 1963 and 1968, but in no event would the price be less than 14.5 cents and 15.5 cents per Mcf for such periods, respectively. Coastal States has not made any filing to reflect a price redetermination as of December 1, 1963.

Sun's recent company-wide settlement proposal, accepted by the Commission's order issued October 1, 1964, in Docket Nos. G-8288, et al., contains a moratorium, until August 1, 1967, against Sun filing any increased rates in excess of the applicable area ceiling levels for all of the rate schedules involved in that settlement, which includes the rate schedule involved herein. Although Sun's proposed 12.3676 cent per Mcf rate is below the applicable area increased rate ceiling and therefore permitted to be filed pursuant to the aforementioned moratorium, it is suspended for 1 day from May 9, 1965, the date of expiration of the statutory notice, because Coastal States' 14.5 cent per Mcf rate is presently involved in a rate suspension proceeding in Docket No. G-17733, and because the increased rate ceiling is applicable to the sale by Coastal States.

[8] Sun's first periodic increase was due on May 1, 1960, and at subsequent 5-year periods thereafter.

[F.R. Doc. 65-4968; Filed, May 12, 1965; 8:45 a.m.]

[Docket No. E-7223]

NORTHERN STATES POWER CO.

Notice of Application

MAY 6, 1965.

Take notice that on April 30, 1965, Northern States Power Co., a Minnesota corporation with its principal business office at Minneapolis, Minn., and doing business in the States of Minnesota, North Dakota, and South Dakota, filed an application with the Federal Power Commission, pursuant to section 204 of the Federal Power Act, seeking authority to issue, from time to time, its promissory notes in amounts not exceeding an aggregate of $27,000,000 at any one time outstanding to evidence short-term borrowings from commercial banks.

According to the application, promissory notes will be issued on various days and for various periods of time, but no note will mature more than 12 months after date of issue or renewal nor shall the maturity date of any note be later than August 31, 1966. Applicant states that the interest rate will be a rate that to the best knowledge and belief of the officers making the borrowings, does not exceed the prime loan interest rate at the time and place of making.

Applicant represents that it is its present intention, if, in the opinion of its directors and officers, market and economic conditions are favorable, to obtain funds for the prepayment of all or substantially all of its promissory notes described above by offering to the holders of its Common Stock the right to subscribe for one share of Common Stock for each 20 shares held. Applicant expects this rights offering to produce about $27

million of new capital. Under the proposed time schedule, the subscriptions will be received in August of this year. Application for the authorization of the issuance of additional Common Stock is expected to be filed with the Federal Power Commission on or about June 18, 1965.

According to the application, the proceeds from the bank borrowings to be evidenced by the promissory notes described above will be added to the general funds of the Applicant to pay in part the expenditures made and to be made in 1965 in connection with the Applicant's construction program. Included among Applicant's expenditures for its 1965 construction program are approximately $3 million for construction of its Allen S. King plant in Oak Park Heights, Minn., $4.7 million for construction of the 58,000 kw generating plant at Faribault, Minn., and $2.3 million for the Pathfinder atomic power plant of 66,000 kw capacity near Sioux Falls, S. Dak.

Any person desiring to be heard or to make any protest with reference to said application should on or before May 25, 1965, file with the Federal Power Commission, Washington, D.C., 20426, petitions or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). The application is on file and available for public inspection.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 65-5034; Filed, May 12, 1965; 8:46 a.m.]

[Docket No. RI65-582]

SUN OIL CO.

Order Amending Order Providing for Hearings on and Suspension of Proposed Changes in Rates

MAY 6, 1965.

On March 16, 1965, Sun Oil Co. (Sun) filed with the Commission a proposed change in rate, from 16.0 cents to 18.0 cents per Mcf, designated as Supplement No. 2 to Sun's FPC Gas Rate Schedule No. 174, which pertains to its jurisdictional sales of natural gas from the Coyanosa Field, Pecos County, Tex. (Texas Railroad District No. 8) (Permian Basin Area) to El Paso Natural Gas Co. The Commission by order issued April 14, 1965, suspended Sun's proposed rate increase and deferred the use thereof for 5 months until September 16, 1965, and thereafter until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

On April 12, 1965, Sun tendered an amended rate increase filing, designated as Supplement No. 1 to Supplement No. 2 to Sun's FPC Gas Rate Schedule No. 174, to reflect the tax reimbursement portion of Sun's aforementioned periodic rate increase which was suspended by the Commission's order issued April 14, 1965, in Docket No. RI65-582. Sun states that it inadvertently omitted the amount of reimbursement for tax from its proposed periodic rate increase. After revision to reflect the contractually provided for tax reimbursement, the proposed rate is 18.2430 cents per Mcf, with an increase in annual amount of $4,860 over the previously reported amount of $40,000, and exceeds the area ceiling for increased rates in Texas Railroad District No. 8, as did the previously suspended rate in said docket. Since Sun's corrective rate filing is for tax reimbursement, we believe that it would be in the public interest to accept the corrected rate filing subject to the suspension proceeding in Docket No. RI65-582, with the suspension period of such corrective rate filing to terminate concurrently with the suspension period (September 16, 1965) ordered in said docket.

Sun requests a retroactive effective date of August 1, 1964, the contractually provided effective date, for its proposed corrective rate filing. Good cause has not been shown for waiving the 30-day notice requirement provided in section 4(d) of the Natural Gas Act to permit an earlier effective date for Sun's proposed rate filing and such request is denied.

The Commission finds: Good cause exists for amending the Commission's order issued on April 14, 1965, in Docket No. RI65-582, to the extent hereinafter provided.

The Commission orders:

(A) Sun's increased rate filing, designated as Supplement No. 1 to Supplement No. 2 to Sun's FPC Gas Rate Schedule No. 174, is hereby accepted for filing subject to the suspension proceeding in Docket No. RI65-582. The suspension period for such rate filing shall terminate concurrently with the suspension period (September 16, 1965) presently in effect in said docket.

(B) In all other respects, the order issued by the Commission on April 14, 1965, in Docket No. RI65-582, shall remain unchanged and in full force and effect.

By the Commission.

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 65-5035; Filed, May 12, 1965; 8:46 a.m.]

[Docket No. E-6684]

VIRGINIA ELECTRIC & POWER CO.

Notice of Postponement of Hearing

MAY 6, 1965.

Upon consideration of the request filed on April 28, 1965, by counsel for Virginia Electric & Power Co. for postponement of the hearing presently scheduled to commence at 10 a.m., e.d.s.t., on May 25, 1965;

Notice is hereby given that the hearing is postponed to June 1, 1965, at 10 a.m., e.d.s.t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D.C.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 65-5036; Filed, May 12, 1965; 8:46 a.m.]

HOUSING AND HOME FINANCE AGENCY

Office of the Administrator

REGIONAL DIRECTOR OF COMMUNITY FACILITIES, REGION I (NEW YORK)

Redelegation of Authority With Respect to Advances for Public Works Planning (First and Second Programs)

The Regional Director of Community Facilities, Region I (New York), Housing and Home Finance Agency, in connection with the liquidation of the first and second programs of advances for public works planning (under Title V of War Mobilization and Reconversion Act of 1944, as amended, 50 U.S.C. App. 1671 note, and Act of October 13, 1949, entitled "An Act to provide for the advance planning of non-Federal public works," as amended, 40 U.S.C. 451; and pursuant to section 702(h) of the Housing Act of 1954, as amended, which subsection (h) was added by section 602 of the Housing Act of 1964, 40 U.S.C. 462(h) (herein called the "Act")) is hereby authorized within the Region:

1. To amend or modify agreements with public agencies for planning advances.

2. To make determinations concerning the liability of a public agency for repayment of an advance, including:

a. To determine the proportionate amount of an advance repayable pursuant to section 702(h)(1) of the Act, 40 U.S.C. 462(h)(1), if the public agency undertakes to construct only a portion of the public work planned.

b. To terminate all or a portion of the liability for repayment of an advance pursuant to section 702(h)(2) of the Act, 40 U.S.C. 462(h)(2).

c. To terminate an agreement for an advance pursuant to section 702(h)(2) of the Act, 40 U.S.C. 462(h)(2).

(62 Stat. 1283 (1948), as amended by 64 Stat. 80 (1950), 12 U.S.C. 1701c; Housing and Home Finance Administrator's delegation effective Jan. 15, 1965 (30 F.R. 3565, March 17, 1965))

Effective as of the 23d day of March 1965.

[SEAL] LESTER EISNER, JR.,
Regional Administrator,
Region I.

[F.R. Doc. 65-5054; Filed, May 12, 1965; 8:48 a.m.]

REGIONAL DIRECTOR OF COMMUNITY FACILITIES, REGION I (NEW YORK)

Redelegation of Authority With Respect to Advances for Public Works Planning (Third Program)

The Regional Director of Community Facilities, Region I (New York), Housing and Home Finance Agency, with respect

to the third program of advances for public works planning under section 702 of the Housing Act of 1954, as amended (particularly by section 6 of the Public Works Acceleration Act and section 602 of the Housing Act of 1964), 40 U.S.C. 462 (herein called the "Act"), is hereby authorized within the Region:

1. To execute agreements with public agencies and Indian tribes involving advances to aid in planning proposed public works.

2. To make determinations concerning the liability of a public agency or Indian tribe for repayment of an advance, including:

a. To determine the proportionate amount of an advance repayable pursuant to section 702(h)(1) of the Act, 40 U.S.C. 462(h)(1), if the public agency or Indian tribe undertakes to construct only a portion of the public work planned.

b. To terminate all or a portion of the liability for repayment of an advance pursuant to section 702(h)(2) of the Act, 40 U.S.C. 462(h)(2).

c. To terminate an agreement for an advance pursuant to section 702(h)(2) of the Act, 40 U.S.C. 462(h)(2).

d. To determine the amount of the advance which the public agency or Indian tribe is relieved of liability to repay pursuant to section 702(g) of the Act, 40 U.S.C. 462(g), if construction of the planned public works project or a portion thereof is initiated as a result of a grant under the Public Works Acceleration Act.

This redelegation supersedes the redelegation effective June 20, 1963 (29 F.R. 7132, May 29, 1964).

(62 Stat. 1283 (1948), as amended by 64 Stat. 80 (1950), 12 U.S.C. 1701c; Housing and Home Finance Administrator's delegation effective Jan. 15, 1965 (30 F.R. 3565, Mar. 17, 1965))

Effective as of the 23d day of March 1965.

[SEAL] LESTER EISNER, JR.,
Regional Administrator,
Region I.

[F.R. Doc. 65-5055; Filed, May 12, 1965; 8:48 a.m.]

REGIONAL DIRECTOR OF COMMUNITY FACILITIES, REGION III (ATLANTA)

Redelegation of Authority With Respect to Advances for Public Works Planning (First and Second Programs)

The Regional Director of Community Facilities, Region III (Atlanta), Housing and Home Finance Agency, in connection with the liquidation of the first and second programs of advances for public works planning (under Title V of War Mobilization and Reconversion Act of 1944, as amended, 50 U.S.C. App. 1671 note, and Act of October 13, 1949, entitled "An Act to provide for the advance planning of non-Federal public works," as amended, 40 U.S.C. 451; and pursuant to section 702(h) of the Housing Act of 1954, as amended, which subsection (h) was added by section 602 of the Housing Act of 1964, 40 U.S.C. 462(h) (herein called the "Act")) is hereby authorized within the Region:

1. To amend or modify agreements with public agencies for planning advances.

2. To make determinations concerning the liability of a public agency for repayment of an advance, including:

a. To determine the proportionate amount of an advance repayable pursuant to section 702(h)(1) of the Act, 40 U.S.C. 462(h)(1), if the public agency undertakes to construct only a portion of the public work planned.

b. To terminate all or a portion of the liability for repayment of an advance pursuant to section 702(h)(2) of the Act, 40 U.S.C. 462(h)(2).

c. To terminate an agreement for an advance pursuant to section 702(h)(2) of the Act, 40 U.S.C. 462(h)(2).

(62 Stat. 1283 (1948), as amended by 64 Stat. 80 (1950), 12 U.S.C. 1701c; Housing and Home Finance Administrator's delegation effective Jan. 15, 1965 (30 F.R. 3565, Mar. 17, 1965))

Effective as of the 15th day of January 1965.

[SEAL] EDWARD H. BAXTER,
Acting Regional Administrator,
Region III.

[F.R. Doc. 65-5056; Filed, May 12, 1965; 8:48 a.m.]

REGIONAL DIRECTOR OF COMMUNITY FACILITIES, REGION III (ATLANTA)

Redelegation of Authority With Respect to Advances for Public Works Planning (Third Program)

The Regional Director of Community Facilities, Region III (Atlanta), Housing and Home Finance Agency, with respect to the third program of advances for public works planning under section 702 of the Housing Act of 1954, as amended (particularly by section 6 of the Public Works Acceleration Act and section 602 of the Housing Act of 1964), 40 U.S.C. 462 (herein called the "Act"), is hereby authorized within the Region:

1. To execute agreements with public agencies and Indian tribes involving advances to aid in planning proposed public works.

2. To make determinations concerning the liability of a public agency or Indian tribe for repayment of an advance, including:

a. To determine the proportionate amount of an advance repayable pursuant to section 702(h)(1) of the Act, 40 U.S.C. 462(h)(1), if the public agency or Indian tribe undertakes to construct only a portion of the public work planned.

b. To terminate all or a portion of the liability for repayment of an advance pursuant to section 702(h)(2) of the Act, 40 U.S.C. 462(h)(2).

c. To terminate an agreement for an advance pursuant to section 702(h)(2) of the Act, 40 U.S.C. 462(h)(2).

d. To determine the amount of the advance which the public agency or Indian tribe is relieved of liability to repay pursuant to section 702(g) of the Act, 40 U.S.C. 462(g), if construction of the planned public works project or a portion thereof is initiated as a result of a grant under the Public Works Acceleration Act.

This redelegation supersedes the redelegation effective September 10, 1963 (28 F.R. 9853, September 10, 1963).

(62 Stat. 1283 (1948), as amended by 64 Stat. 80 (1950), 12 U.S.C. 1701c; Housing and Home Finance Administrator's delegation effective Jan. 15, 1965 (30 F.R. 3565, Mar. 17, 1965))

Effective as of the 15th day of January 1965.

[SEAL] EDWARD H. BAXTER,
Acting Regional Administrator,
Region III.

[F.R. Doc. 65-5057; Filed, May 12, 1965; 8:48 a.m.]

REGIONAL DIRECTOR OF COMMUNITY FACILITIES, REGION IV (CHICAGO)

Redelegation of Authority With Respect to Advances for Public Works Planning (First and Second Programs)

The Regional Director of Community Facilities, Region IV (Chicago), Housing and Home Finance Agency, in connection with the liquidation of the first and second programs of advances for public works planning (under Title V of War Mobilization and Reconversion Act of 1944, as amended, 50 U.S.C. App. 1671 note, and Act of October 13, 1949, entitled "An Act to provide for the advance planning of non-Federal public works," as amended, 40 U.S.C. 451; and pursuant to section 702(h) of the Housing Act of 1954, as amended, which subsection (h) was added by section 602 of the Housing Act of 1964, 40 U.S.C. 462(h) (herein called the "Act")) is hereby authorized within the Region:

1. To amend or modify agreements with public agencies for planning advances.

2. To make determinations concerning the liability of a public agency for repayment of an advance, including:

a. To determine the proportionate amount of an advance repayable pursuant to section 702(h)(1) of the Act, 40 U.S.C. 462(h)(1), if the public agency undertakes to construct only a portion of the public work planned.

b. To terminate all or a portion of the liability for repayment of an advance pursuant to section 702(h)(2) of the Act, 40 U.S.C. 462(h)(2).

c. To terminate an agreement for an advance pursuant to section 702(h)(2) of the Act, 40 U.S.C. 462(h)(2).

(62 Stat. 1283 (1948), as amended by 64 Stat. 80 (1950), 12 U.S.C. 1701c; Housing and Home Finance Administrator's delegation effective Jan. 15, 1965 (30 F.R. 3565, Mar. 17, 1965))

Effective as of the 13th day of May 1965.

[SEAL] JOHN P. MCCOLLUM,
Regional Administrator,
Region IV.

[F.R. Doc. 65-5058; Filed, May 12, 1965; 8:48 a.m.]

REGIONAL DIRECTOR OF COMMUNITY FACILITIES, REGION IV (CHICAGO)

Redelegation of Authority With Respect to Advances for Public Works Planning (Third Program)

The Regional Director of Community Facilities, Region IV (Chicago), Housing and Home Finance Agency, with respect to the third program of advances for public works planning under section 702 of the Housing Act of 1954, as amended (particularly by section 6 of the Public Works Acceleration Act and section 602 of the Housing Act of 1964), 40 U.S.C. 462 (herein called the "Act"), is hereby authorized within the Region:

1. To execute agreements with public agencies and Indian tribes involving advances to aid in planning proposed public works.

2. To make determinations concerning the liability of a public agency or Indian tribe for repayment of an advance, including:

a. To determine the proportionate amount of an advance repayable pursuant to section 702(h)(1) of the Act, 40 U.S.C. 462(h)(1), if the public agency or Indian tribe undertakes to construct only a portion of the public work planned.

b. To terminate all or a portion of the liability for repayment of an advance pursuant to section 702(h)(2) of the Act, 40 U.S.C. 462(h)(2).

c. To terminate an agreement for an advance pursuant to section 702(h)(2) of the Act, 40 U.S.C. 462(h)(2).

d. To determine the amount of the advance which the public agency or Indian tribe is relieved of liability to repay pursuant to section 702(g) of the Act, 40 U.S.C. 462(g), if construction of the planned public works project or a portion thereof is initiated as a result of a grant under the Public Works Acceleration Act.

This redelegation supersedes the redelegation effective September 10, 1963 (28 F.R. 9853, September 10, 1963).

(62 Stat. 1283, (1948), as amended by 64 Stat. 80 (1950), 12 U.S.C. 1701c; Housing and Home Finance Administrator's delegation effective Jan. 15, 1965 (30 F.R. 3565, Mar. 17, 1965))

Effective as of the 13th day of May 1965.

[SEAL] JOHN P. MCCOLLUM,
Regional Administrator,
Region IV.

[F.R. Doc. 65-5059; Filed, May 12, 1965; 8:48 a.m.]

REGIONAL DIRECTOR OF COMMUNITY FACILITIES, REGION V (FORT WORTH)

Redelegation of Authority With Respect to Advances for Public Works Planning (First and Second Programs)

The Regional Director of Community Facilities, Region V (Fort Worth), Housing and Home Finance Agency, in connection with the liquidation of the first and second programs of advances for public works planning (under Title V of War Mobilization and Reconversion Act of 1944, as amended, 50 U.S.C. App. 1671 note, and Act of October 13, 1949, entitled "An Act to provide for the advance planning of non-Federal public works," as amended, 40 U.S.C. 451; and pursuant to section 702(h) of the Housing Act of 1954, as amended, which subsection (h) was added by section 602 of the Housing Act of 1964, 40 U.S.C. 462(h) (herein called the "Act")) is hereby authorized within the Region:

1. To amend or modify agreements with public agencies for planning advances.

2. To make determinations concerning the liability of a public agency for repayment of an advance, including:

a. To determine the proportionate amount of an advance repayable pursuant to section 702(h)(1) of the Act, 40 U.S.C. 462(h)(1), if the public agency undertakes to construct only a portion of the public work planned.

b. To terminate all or a portion of the liability for repayment of an advance pursuant to section 702(h)(2) of the Act, 40 U.S.C. 462(h)(2).

c. To terminate an agreement for an advance pursuant to section 702(h)(2) of the Act, 40 U.S.C. 462(h)(2).

(62 Stat. 1283 (1948), as amended by 64 Stat. 80 (1950), 12 U.S.C. 1701c; Housing and Home Finance Administrator's delegation effective Jan. 15, 1965 (30 F.R. 3565, Mar. 17, 1965))

Effective as of the 13th day of May 1965.

[SEAL] HENRY G. CREEL, JR.,
Acting Regional Administrator,
Region V.

[F.R. Doc. 65-5060; Filed, May 12, 1965; 8:46 a.m.]

REGIONAL DIRECTOR OF COMMUNITY FACILITIES, REGION VI (SAN FRANCISCO)

Redelegation of Authority With Respect to Advances for Public Works Planning (First and Second Programs)

The Regional Director of Community Facilities, Region VI (San Francisco), Housing and Home Finance Agency, in connection with the liquidation of the first and second programs of advances for public works planning (under Title V of War Mobilization and Reconversion Act of 1944, as amended, 50 U.S.C. App. 1671 note, and Act of October 13, 1949, entitled "An Act to provide for the advance planning of non-Federal public works," as amended, 40 U.S.C. 451; and pursuant to section 702(h) of the Housing Act of 1954, as amended, which subsection (h) was added by section 602 of the Housing Act of 1964, 40 U.S.C. 462(h) (herein called the "Act")) is hereby authorized within the Region:

1. To amend or modify agreements with public agencies for planning advances.

2. To make determinations concerning the liability of a public agency for repayment of an advance, including:

a. To determine the proportionate amount of an advance repayable pursuant to section 702(h)(1) of the Act, 40 U.S.C. 462(h)(1), if the public agency undertakes to construct only a portion of the public work planned.

b. To terminate all or a portion of the liability for repayment of an advance pursuant to section 702(h)(2) of the Act, 40 U.S.C. 462(h)(2).

c. To terminate an agreement for an advance pursuant to section 702(h)(2) of the Act, 40 U.S.C. 462(h)(2).

d. To determine the amount of the advance which the public agency or Indian tribe is relieved of liability to repay pursuant to section 702(g) of the Act, 40 U.S.C. 462(g), if construction of the planned public works project or a portion thereof is initiated as a result of a grant under the Public Works Acceleration Act.

This redelegation supersedes the redelegation effective September 10, 1963 (28 F.R. 9853, September 10, 1963).

(62 Stat. 1283 (1948), as amended by 64 Stat. 80 (1950), 12 U.S.C. 1701c; Housing and Home Finance Administrator's delegation effective Jan. 15, 1965 (30 F.R. 3565, Mar. 17, 1965))

Effective as of the 13th day of May 1965.

[SEAL] HENRY G. CREEL, JR.,
Acting Regional Administrator,
Region V.

[F.R. Doc. 65-5061; Filed, May 12, 1965; 8:48 a.m.]

REGIONAL DIRECTOR OF COMMUNITY FACILITIES, REGION VI (SAN FRANCISCO)

Redelegation of Authority With Respect to Advances for Public Works Planning (Third Program)

The Regional Director of Community Facilities, Region VI (San Francisco), Housing and Home Finance Agency, with respect to the third program of advances for public works planning under section 702 of the Housing Act of 1954, as amended (particularly by section 6 of the Public Works Acceleration Act and section 602 of the Housing Act of 1964), 40 U.S.C. 462 (herein called the "Act"), is hereby authorized within the Region:

1. To execute agreements with public agencies and Indian tribes involving advances to aid in planning proposed public works.

2. To make determinations concerning the liability of a public agency or Indian tribe for repayment of an advance, including:

a. To determine the proportionate amount of an advance repayable pursuant to section 702(h)(1) of the Act, 40 U.S.C. 462(h)(1), if the public agency or Indian tribe undertakes to construct only a portion of the public work planned.

b. To terminate all or a portion of the liability for repayment of an advance pursuant to section 702(h)(2) of the Act, 40 U.S.C. 462(h)(2).

c. To terminate an agreement for an advance pursuant to section 702(h)(2) of the Act, 40 U.S.C. 462(h)(2).

d. To determine the amount of the advance which the public agency or Indian tribe is relieved of liability to repay pursuant to section 702(g) of the Act, 40 U.S.C. 462(g), if construction of the planned public works project or a portion thereof is initiated as a result of a grant under the Public Works Acceleration Act.

This redelegation supersedes the redelegation effective September 10, 1963 (28 F.R. 9853, September 10, 1963).

(62 Stat. 1283 (1948), as amended by 64 Stat. 80 (1950), 12 U.S.C. 1701c; Housing and Home Finance Administrator's delegation effective Jan. 15, 1965 (30 F.R. 3565, Mar. 17, 1965))

Effective as of the 13th day of May 1965.

[SEAL] ROBERT B. PITTS,
Regional Administrator,
Region VI.

[F.R. Doc. 65-5062; Filed, May 12, 1965; 8:48 a.m.]

DIRECTOR FOR NORTHWEST OPERATIONS, REGION VI (SEATTLE, WASH.)

Redelegation of Authority With Respect to Community Facilities Programs

1. The Director for Northwest Operations, Region VI, at Seattle, Wash., is hereby authorized within his jurisdiction (the counties of Adams, Benewah, Bonner, Boundary, Clearwater, Idaho, Kootenai, Latah, Lemhi, Lewis, Nez Perce, Shoshone, Valley, and Washington, in the State of Idaho; and the States of Alaska, Montana, Oregon and Washington) to exercise the authority delegated by the Housing and Home Finance Administrator to each Regional Administrator under the programs administered under the Community Facilities Administration, including the following:

(a) Advances for public works planning (first and second programs) authorized under Title V of War Mobilization and Reconversion Act of 1944, as amended, 50 U.S.C. App. 1671 note; and Act of October 13, 1949, as amended, 40 U.S.C. 451 (29 F.R. 3565, March 17, 1965);

(b) Advances for public works planning (third program) authorized under subsections 702 (a), (c), (g), and (h) of the Housing Act of 1954, as amended, 40 U.S.C. 462 (a), (c), (g), and (h) (29 F.R. 3565, March 17, 1965);

(c) Loans for housing for educational institutions authorized under Title IV of the Housing Act of 1950, as amended, 12 U.S.C. 1749–1749c (25 F.R. 5801, June 23, 1960);

(d) Public facility loans authorized under section 202 (a)–(d) of the Housing Amendments of 1955, as amended, 42 U.S.C. 1492 (a)–(d) (27 F.R. 10593, October 31, 1962);

(e) Grants-in-aid authorized under section 202(e) of the Housing Amendments of 1955, as amended by section 5(b) of the Public Works Acceleration Act, 42 U.S.C. 1492(e) (27 F.R. 10596, October 31, 1962);

(f) Loans for housing for the elderly authorized under section 202 of the Housing Act of 1959, as amended, 12 U.S.C. 1701q (29 F.R. 5921, May 5, 1964);

(g) Loans and grants authorized under sections 7 and 8 of the Area Redevelopment Act, 42 U.S.C. 2506 and 2507 (26 F.R. 7992, August 25, 1961).

2. This redelegation supersedes the redelegation effective September 10, 1963 (28 F.R. 9852, September 10, 1963).

(62 Stat. 1283 (1948), as amended by 64 Stat. 80 (1950), 12 U.S.C. 1701c; Housing and Home Finance Administrator's delegation effective January 15, 1965 (30 F.R. 3565, Mar. 17, 1965))

Effective as of the 13th day of May 1965.

[SEAL] ROBERT B. PITTS,
Regional Administrator,
Region VI.

[F.R. Doc. 65-5064; Filed, May 12, 1965; 8:48 a.m.]

INTERNATIONAL JOINT COMMISSION—UNITED STATES AND CANADA

PEMBINA RIVER DEVELOPMENT

Public Hearings

The International Joint Commission will conduct Public Hearings at 10 a.m., local time, in the Village Hall, Manitou, Manitoba, on June 9, 1965, and at 10 a.m., local time, in the School Gymnasium, Walhalla, N. Dak., on June 10, 1965, on the question of the possible cooperative development of the Pembina River.

On April 3, 1962, the Governments of Canada and the United States requested the Commission to determine what plan or plans of cooperative development of the water resources of the Pembina River Basin would be practicable, economically feasible, and to the mutual advantage of the two countries having in mind:

(a) Domestic water supply and sanitation;

(b) Control of floods;

(c) Irrigation; and,

(d) Any other beneficial uses.

Upon receipt of this Reference, the Commission established the International Pembina River Engineering Board to carry out the necessary technical investigations upon which to base a report to the Governments. The Board's report has been received and is available for inspection at the places listed hereunder. A summary of the report may be obtained by writing to the Commission.

Pursuant to the above, the purpose of the Hearings is to receive testimony and evidence with respect to the information contained in the report of the Board.

At the Hearings, all interested persons will be given an opportunity to express their views but, for accuracy of the record, statements of fact should be submitted in writing. Where written submissions are filed with the Secretaries, either before or at the Hearings, fifty (50) copies should be provided.

Locations in the United States where the report of the Board may be examined:

Public Library, Walhalla, N. Dak.
Clerk of the District Court, Pembina County, Cavalier, N. Dak.
Postmaster, U.S. Post Office, Pembina, N. Dak.
U.S. Customs House, Neche, N. Dak.
County Judge, Cavalier County, Langdon, N. Dak.
North Dakota State Water Conservation Commission, 1301 State Capitol, Bismarck, N. Dak.
William A. Bullard, Secretary, U.S. Section, International Joint Commission, Room B-206, 1711 New York Avenue NW., Washington, D.C., 20440.
D. G. Chance, Secretary, Canadian Section, International Joint Commission, Room 303, 75 Albert Street, Ottawa 4, Ontario, Canada.

WILLIAM A. BULLARD,
Secretary, U.S. Section,
International Joint Commission.

MAY 6, 1965.

[F.R. Doc. 65-5037; Filed, May 12, 1965; 8:46 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 70-4276]

MICHIGAN CONSOLIDATED GAS CO. AND AMERICAN NATURAL GAS CO.

Notice of Proposed Issuance and Sale of Common Stock to Holding Company and Charter Amendment

MAY 7, 1965.

Notice is hereby given that American Natural Gas Co. ("American Natural"), 30 Rockefeller Plaza, New York, N.Y., 10020, a registered holding company, and Michigan Consolidated Gas Co. ("Michigan Consolidated"), a public-utility subsidiary company of American Natural, have filed a joint application-declaration with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating sections 6(b), 9, 10, and 12(f) of the Act and rule 43 promulgated thereunder as applicable to the proposed transactions. All interested persons are referred to the joint application-declaration, on file at the office of the Commission, for a statement of the transactions therein proposed which are summarized below.

Michigan Consolidated proposes to issue and sell to American Natural, its sole common stockholder, 360,000 additional shares of common stock, $14 par value, and American Natural proposes to acquire these shares for cash at par, or for a total consideration of $5,040,000. In connection therewith, Michigan Consolidated proposes to amend its articles of Incorporation pursuant to Michigan law so as to increase its authorized capital stock from 8,980,000 shares to 9,340,000 shares. Upon such issuance and sale, Michigan Consolidated will have outstanding 9,340,000 shares of common stock of an aggregate par value of $130,760,000.

The proceeds from the sale of the common stock are to be used by Michigan Consolidated to finance, in part, its construction program for 1965, the cost of which is estimated at approximately $55,000,000.

Expenses in connection with the proposed issuance and sale of common stock are estimated at $14,100, including Federal original issue tax of $5,040, State commission fees of $7,560, and counsel fees of $1,000.

The proposal to amend the charter and the proposed issuance and sale of the common stock are subject to the jurisdiction of the Michigan Public Service Commission, the State commission of the State in which Michigan Consolidated is organized and doing business. Michigan Consolidated has filed an application with said State commission requesting the requisite authorization a copy of which, when issued, will be filed herein by amendment. The filing states that no other State commission and no Federal commission, other than this Commission, has jurisdiction over the proposed transactions.

Notice is further given that any interested person may, not later than June 4, 1965, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said joint application-declaration which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C., 20549. A copy of such request should be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon the applicants-declarants at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed contemporaneously with the request. At any time after said date, the joint application-declaration, as filed or as it may be amended, may be granted and permitted to become effective as provided in rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in rules 20(a) and 100 thereof or take such other action as it may deem appropriate.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 65-5031; Filed, May 12, 1965; 8:46 a.m.]

SMALL BUSINESS ADMINISTRATION

[License No. 05-0030]

SOUTHERN EQUITIES, INC.

Suspension of License

Notice is hereby given of the entry of an Order suspending the License of Southern Equities, Inc., License No. 05-0030, for a period of eighteen (18) months. The order was contained in an Initial Decision by the Hearing Examiner which became the Decision of the Administration as of the close of business on April 20, 1965, pursuant to § 109.20(a) of the Administration's rules of practice (13 CFR 109.20(a)). In accordance with the provisions of § 109.25 of the Administration's rules of practice, the suspension period commenced as of the start of business on April 21, 1965. The text of the order is as follows:

ORDER

It is ordered, That the License (No. 05-0030) of Southern Equities, Inc., the respondent herein, be and the same is hereby suspended for a period of eighteen (18) months from and after the date upon which this Order becomes final: *Provided, however*, That said suspension shall not operate to prevent respondent from tendering the surrender of its license and taking such action as shall be necessary to carry out any requirements of the Small Business Administration pursuant to the surrender of the license, as set forth in the Act and Regulations.

JOHN LEWIS,
Hearing Examiner.

FEBRUARY 12, 1965.

Dated: May 6, 1965.

ROSS D. DAVIS,
Acting Administrator.

[F.R. Doc. 65-5049; Filed, May 12, 1965; 8:47 a.m.]

[Delegation of Authority 4.1]

ASSISTANT DEPUTY ADMINISTRATOR FOR FINANCIAL ASSISTANCE (BUSINESS LOANS ASSISTANCE)

Delegation on Financial Assistance

I. Pursuant to the authority delegated by the Administrator to the Deputy Administrator for Financial Assistance in Delegation of Authority No. 4, as amended (29 F.R. 5489, 29 F.R. 18194), there is hereby redelegated to the Assistant Deputy Administrator for Financial Assistance (Business Loans Assistance) the following authority:

A. To approve or decline business and disaster loan applications, including reconsiderations thereof, and to execute authorizations and modifications pertaining to such loans.

B. To approve amendments of loan authorizations in loans that: (a) Have, or (b) have not been fully disbursed.

C. To take all necessary actions in connection with the servicing, administration, collection, and liquidation of partially or fully disbursed loans, other obligations and acquired property, but is not authorized:

1. To sell any primary obligation or other evidence of indebtedness owed to the Agency for a sum less than the total amount due thereon.

2. To accept or reject a compromise settlement of an indebtedness owed to the Agency for a sum less than the total amount due thereon.

3. To exercise any rights under the "Management Agreement" clause of a Loan Agreement.

4. To deny liability of the Small Business Administration under the terms of a participation agreement, or the assertion of a claim for recovery from a participating bank under any alleged violation of a participation agreement.

II. The authority delegated herein may be redelegated.

III. All authority delegated herein may be exercised by any SBA employee designated as Acting Assistant Deputy Administrator for Financial Assistance (Business Loans Assistance).

IV. All authority previously delegated by the Deputy Administrator to the Assistant Deputy Administrator for Financial Assistance (Business Loans Assistance) is hereby rescinded without prejudice to actions taken under all such delegations of authority prior to date hereof.

V. All actions taken by the Assistant Deputy Administrator for Financial Assistance (Business Loans) authorized by this redelegation, but taken prior to this redelegation, are hereby ratified.

Effective date: April 13, 1965.

LOGAN B. HENDRICKS,
Deputy Administrator for Financial Assistance.

[F.R. Doc. 65-5016; Filed May 12, 1965; 8:45 a.m.]

[Delegation of Authority 4.2]

ASSISTANT DEPUTY ADMINISTRATOR FOR FINANCIAL ASSISTANCE (ECONOMIC DEVELOPMENT ASSISTANCE)

Delegation on Financial Assistance

I. Pursuant to the authority delegated by the Administrator to the Deputy Administrator for Financial Assistance in Delegation of Authority No. 4, as amended (29 F.R. 5489 and 29 F.R. 18194), there is hereby redelegated to the Assistant Deputy Administrator for Financial Assistance (Economic Development Assistance) the following authority:

A. To approve the establishment of Small Business Development Centers to assist in making loans under the Economic Opportunity Act of 1964.

B. To approve or decline loans made under the Economic Opportunity Act of 1964, including reconsiderations thereof, and to execute authorizations and modifications pertaining to such loans.

C. To approve amendments of loan authorizations in loans in I.B., above, that: (a) Have, or (b) have not been fully disbursed.

D. To take all necessary actions in connection with the servicing, administration, collection and liquidation of partially or fully disbursed loans in I.B., above, other obligations and acquired property, but is not authorized:

1. To sell any primary obligation or other evidence of indebtedness owed to the Agency for a sum less than the total amount due thereon.

2. To accept or reject a compromise settlement of an indebtedness owed to the Agency for a sum less than the total amount due thereon.

3. To exercise any rights under the "Management Agreement" clause of a Loan Agreement.

4. To deny liability of the Small Business Administration under the terms of a participation agreement, or the assertion of a claim for recovery from a participating bank under any alleged violation of a participation agreement.

E. To take all necessary actions in connection with the servicing and liquidation of partially or fully disbursed loans made by the Area Redevelopment Administration in accordance with the Memorandum of Understanding between the Small Business Administration and the Area Redevelopment Administration dated January 16, 1963, as revised.

F. To determine eligibility of disaster loan applicants within the framework of prior determinations.

G. To authorize acceptance of disaster loan applications after expiration of the original disaster period.

H. To extend the original disaster period resulting from a disaster declaration.

II. The authority delegated herein may be redelegated.

III. All authority delegated herein may be exercised by any SBA employee designated as Acting Assistant Deputy Administrator for Financial Assistance (Economic Development Assistance).

IV. All authority previously delegated by the Deputy Administrator to the Assistant Deputy Administrator for Financial Assistance (Economic Development Assistance) is hereby rescinded without prejudice to actions taken under all such delegations of authority prior to date hereof.

V. All actions taken by the Assistant Deputy Administrator for Financial Assistance (Economic Development Assistance) authorized by this redelegation, but taken prior to this redelegation are hereby ratified.

Effective date: April 13, 1965.

LOGAN B. HENDRICKS,
Deputy Administrator for Financial Assistance.

[F.R. Doc. 65-5017; Filed, May 12, 1965; 8:45 a.m.]

INTERSTATE COMMERCE COMMISSION

[Notice 768]

MOTOR CARRIER, BROKER, WATER CARRIER, AND FREIGHT FORWARDER APPLICATIONS

MAY 7, 1965.

The following applications are governed by Special Rule 1.247[1] of the Commission's general rules of practice (49 CFR 1.247), published in the FEDERAL REGISTER, issue of December 3, 1963, effective January 1, 1964. These rules provide, among other things, that a protest to the granting of an application must be filed with the Commission within 30 days after date of notice of filing of the application is published in the FEDERAL REGISTER. Failure seasonably to file a protest will be construed as a waiver of opposition and participation in the proceeding. A protest under these rules should comply with § 1.40 of the general rules of practice which requires that it set forth specifically the grounds upon which it is made and specify with particularity the facts, matters, and things relied upon, but shall not include issues or allegations phrased generally. Protests not in reasonable compliance with the requirements of the rules may be rejected. The original and six (6) copies of the protests shall be filed with the Commission, and a copy shall be served concurrently upon applicant's representative, or applicant if no representative is named. If the protest includes a request for oral hearing, such request shall meet the requirements of § 1.247(d)(4) of the special rule. Subsequent assignment of these proceedings for oral hearing, if any, will be by Commission order which will be served on each party of record.

No. MC 981 (Sub-No. 17) (CORRECTION) filed April 8, 1965, published FEDERAL REGISTER issue April 28, 1965, corrected and republished this issue. Applicant: ABLE TRANSPORTATION, INC., 5017 Washington Road, Kenosha, Wis. Applicant's attorney: Charles W. Singer, Tower Suite 3600, 33 North La Salle Street, Chicago, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading), serving the plant site of Bethlehem Steel Co., located at Burns Harbor, Porter County, Ind., as an off-route point in connection with applicant's presently authorized regular route authority from Chicago, Ill., to Winterset, Iowa, and from Chicago, Ill., to Iowa City, Iowa.

NOTE: The purpose of this republication is to show the service as proposed will be over regular routes, in lieu of irregular routes as shown in previous publication. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 1641 (Sub-No. 63) filed April 22, 1965. Applicant: PEAKE TRANSPORT SERVICE, INC., Box 366, Chester, Nebr. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Anhydrous ammonia* and *liquid fertilizer solutions*, in bulk, in tank vehicles, from the Consumers Cooperative Association plant located near Fort Dodge, Iowa, to points in Nebraska, North Dakota, South Dakota, Minnesota, Missouri, Kansas, Wisconsin, and Illinois.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr.

No. MC 2202 (Sub-No. 277), filed April 20, 1965. Applicant: ROADWAY EXPRESS, INC., 1077 Gorge Boulevard, Post Office Box 471, Akron, Ohio, 44309. Applicant's attorney: Paul M. Daniell, 1600 First Federal Building, Atlanta, Ga., 30303. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk and those requiring special equipment), between Columbus, Ga., on the one hand, and, on the other, points in Russell County, Ala.

NOTE: Applicant states that it proposes to tack points in Russell County, Ala., with its existing operations from and to Columbus, Ga., and points within its commercial zone. Applicant also states that the proposed operation will be restricted to traffic destined to or originating at points presently served by applicant. If a hearing is deemed necessary, applicant requests it be held at Columbus, Ga.

No. MC 2428 (Sub-No. 16) (AMENDMENT), filed March 23, 1965, published FEDERAL REGISTER issue of April 14, 1965, amended April 27, 1965, and republished as amended this issue. Applicant: H. PRANG TRUCKING CO., INC., 112 New Brunswick Avenue, Hopelawn (Perth Amboy), N.J. Applicant's attorney: Morton E. Kiel, 140 Cedar Street, New York 6, N.Y. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Roofing, roofing material and supplies,*

[1] Copies of Special Rule 1.247 can be obtained by writing to the Secretary, Interstate Commerce Commission, Washington, D.C., 20423.

paint, shingles, asbestos, asbestos prod-

Highway 54, thence over U.S. Highway

408 South 12th Avenue, Marshalltown

paint, shingles, asbestos, asbestos products, felt, cement, and *asphalt* (except liquid asphalt, in bulk, in tank vehicles), (1) from Perth Amboy, N.J., to points in New Jersey, Connecticut, Delaware, Maryland, Massachusetts, New York, Pennsylvania, Rhode Island, and the District of Columbia, and (2) from points in New Jersey, Connecticut, Delaware, Maryland, Massachusetts, New York, Pennsylvania, Rhode Island, and the District of Columbia, to Perth Amboy, N.J.

NOTE: The purpose of this republication is to clearly set forth the authority sought. Applicant states the proposed operations will be under continuing contract with Philip Carey Manufacturing Co. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 2900 (Sub-No. 116), filed April 21, 1965. Applicant: RYDER TRUCK LINES, INC., 2050 Kings Road, Jacksonville, Fla. Applicant's attorney: Paul M. Daniell, 1600 First Federal Building, Atlanta, Ga., 30303. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, tobacco, liquor, commodities in bulk, commodities requiring special equipment, and household goods as defined by the Commission), between Columbus, Ga., on the one hand, and, on the other, points in Russell County, Ala.

NOTE: Common control may be involved. Applicant states that it proposes to tack points in Russell County, Ala., with its existing operations from and to Columbus, Ga., and points within its commercial zone. Applicant also states that the above proposed operation will be restricted to traffic destined to or originating at points presently served by applicant. If a hearing is deemed necessary, applicant requests it be held at Columbus, Ga.

No. MC 6078 (Sub-No. 47) (CLARIFICATION) filed April 8, 1965, published FEDERAL REGISTER issue April 28, 1965, and republished as clarified this issue. Applicant: D. F. BAST, INC., 1425 North Maxwell Street, Allentown, Pa. Applicant's representative: Bert Collins, 140 Cedar Street, New York 6, N.Y.

NOTE: Applicant states it is not seeking to serve any points not presently authorized, but is requesting authority to eliminate present gateways at Allentown and Bethlehem, Pa., in connection with parts (1) and (2). The purpose of this republication is to clarify the above note by adding the word "not" (not presently authorized). If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 11220 (Sub-No. 92), filed April 12, 1965. Applicant: GORDONS TRANSPORTS, INC., 185 West McLemore Avenue, Memphis, Tenn. Applicant's attorney: James W. Wrape, 2111 Sterick Building, Memphis, Tenn. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except automobiles set up on wheels, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between Chicago, Ill., and Vincennes, Ind.; from Chicago over Illinois Highway 50 to junction U.S. Highway 54, thence over U.S. Highway 54 to junction Illinois Highway 49, thence over Illinois Highway 49 to junction U.S. Highway 24, thence over U.S. Highway 24 to junction Illinois Highway 1, approximately two (2) miles east of Watseka, Ill., thence over Illinois Highway 1 to Lawrenceville, Ill., and thence over U.S. Highway 50 to Vincennes, and return over the same route, serving no intermediate points.

NOTE: Applicant states it proposes to join the proposed route at Vincennes with its present authority in MC 11220 Sub 79 between Chicago, Ill., and Pulaski, Tenn. If a hearing is deemed necessary, applicant requests it be held at Memphis, Tenn.

No. MC 14215 (Sub-No. 6), filed April 21, 1965. Applicant: ROBERT H. SMITH, doing business as ROBERT SMITH TRUCK SERVICE, Stony Hollow Boulevard, Post Office Box 23, Steubenville, Ohio. Applicant's attorney: James R. Stiverson, 50 West Broad Street, Columbus 15, Ohio. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Such bulk commodities* as are transported in dump vehicles, between points in those parts of Ohio, Pennsylvania, and West Virginia within 75 miles of Steubenville, Ohio, on the one hand, and, on the other, points in Pleasants County, W. Va.

NOTE: Applicant states the purpose of this application is to remove the gateways of Belmont, Guernsey, Jefferson, Monroe, Noble, and Harrison Counties, Ohio, on movements to and from Pleasants County, W. Va. If a hearing is deemed necessary, applicant requests it be held at Columbus, Ohio.

No. MC 14903 (Sub-No. 2), filed April 21, 1965. Applicant: FRY'S HORSE TRANSPORTATION, INC., Grove City, Ohio. Applicant's attorney: James R. Stiverson, 50 West Broad Street, Columbus 15, Ohio. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Livestock* (other than ordinary), and in connection therewith, *personal effects of attendants*, and *supplies* and *equipment* (including mascots) used in the care and/or exhibition of such animals, between points in Arizona, California, Colorado, and New Mexico.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Columbus, Ohio.

No. MC 16742 (Sub-No. 4), filed April 21, 1965. Applicant: DUNMIRE BROTHERS, INC., Plain City, Ohio. Applicant's attorney: James R. Stiverson, 50 West Broad Street, Columbus 15, Ohio. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Livestock* (other than ordinary livestock), and in connection therewith *personal effects of attendants*, and *supplies* and *equipment* (including mascots) used in the care and/or exhibition of such animals, between points in Arizona, California, Colorado, and New Mexico.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Columbus, Ohio.

No. MC 21170 (Sub-No. 82) filed April 30, 1965. Applicant: BOS LINES, INC., 408 South 12th Avenue, Marshalltown, Iowa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Ingredients* such as are used in the manufacture of medicinal additives for animal and poultry feeds (except commodities in bulk, in tank vehicles), from points in Illinois, Kentucky, New Jersey, and New York, to Charles City, Iowa.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 25869 (Sub-No. 42), filed April 21, 1965. Applicant: NOLTE BROS. TRUCK LINE, INC., 2509 "O" Street, Post Office Box 184, South Omaha, Nebr. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles*, from Omaha, Nebr., to points in Nebraska.

NOTE: Applicant states that the purpose of this application is for tacking or joining with its present authority. If a hearing is deemed necessary, applicant requests it be held at Lincoln, Nebr.

No. MC 29566 (Sub-No. 102), filed April 16, 1965. Applicant: SOUTHWEST FREIGHT LINES, INC., 1400 Kansas Avenue, Kansas City, Kans. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Advertising matter; articles distributed by wholesale or retail suppliers, marketers, or distributors of petroleum products* and *such commodities as are used by wholesale or retail suppliers, marketers, or distributors of petroleum products* in the conduct of their businesses, when shipped in mixed loads with petroleum products (presently authorized), from Ponca City, Okla., to points in Illinois, Iowa, Nebraska, and Missouri.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Kansas City, Mo.

No. MC 29566 (Sub-No. 103), filed April 19, 1965. Applicant: SOUTHWEST FREIGHT LINES, INC., 1400 Kansas Avenue, Kansas City, Kans. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products,* and *meat byproducts,* and *articles distributed by meat packinghouses* as described in sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except commodities in bulk, in tank vehicles and except hides), between Sioux Falls, S. Dak., and Arkansas City and Wichita, Kans.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Kansas City, Mo.

No. MC 29886 (Sub-No. 204), filed April 29, 1965. Applicant: DALLAS & MAVIS FORWARDING CO., INC., 4000 West Sample Street, South Bend, Ind. Applicant's attorney: Charles M. Pieroni (same as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Trucks, tractors, truck chassis, partially or completely assembled,* and (2) *parts and accessories thereof* when moving with the above-specified commodities, in initial movements, in drive-away and truckaway service, from Indianapolis, Ind., to points in the United States (except points in Hawaii).

NOTE: If a hearing is deemed necessary, applicant requests it be held at Louisville, Ky., or Chicago, Ill.

No. MC 30844 (Sub-No. 175), filed April 21, 1965. Applicant: KROBLIN REFRIGERATED XPRESS, INC., Post Office Box 218, Sumner, Iowa. Applicant's attorney: Truman A. Stockton, Jr., the 1650 Grant Street Building, Denver 3, Colo. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts, and articles distributed by meat packinghouses*, as described in Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except commodities in bulk, in tank vehicles), from points in Dawson County, Nebr., to points in Colorado, Connecticut, Delaware, District of Columbia, Illinois, Indiana, Iowa, Maine, Maryland, Massachusetts, Michigan, Minnesota, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Vermont, and Wisconsin.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr.

No. MC 30844 (Sub-No. 176), filed April 21, 1965. Applicant: KROBLIN REFRIGERATED XPRESS, INC., Post Office Box 218, Sumner, Iowa. Applicant's attorney: Truman A. Stockton, Jr., the 1650 Grant Street Building, Denver 3, Colo. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts, and articles distributed by meat packinghouses*, as described in Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except commodities in bulk, in tank vehicles), from Minden, Nebr., and points within 5 miles thereof, to points in Colorado, Connecticut, Delaware, District of Columbia, Illinois, Indiana, Iowa, Maine, Maryland, Massachusetts, Michigan, Minnesota, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Vermont, and Wisconsin.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr.

No. MC 30844 (Sub-No. 177), filed April 21, 1965. Applicant: KROBLIN REFRIGERATED XPRESS, INC., Post Office Box 218, Sumner, Iowa. Applicant's attorney: Truman A. Stockton, Jr., the 1650 Grant Street Building, Denver 3, Colo. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs*, canned, prepared, or preserved (other than frozen), from points in Delaware and Maryland, points in Atlantic, Burlington, Camden, Cape May, Cumberland, Gloucester, Ocean, and Salem Counties, N.J., and points in Accomack and Northampton Counties, Va., to points in Illinois, Indiana, Iowa, Kentucky, Michigan, Minnesota, Missouri, Ohio, and Wisconsin.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Baltimore, Md.

No. MC 31389 (Sub-No. 66) (CLARIFICATION), filed February 18, 1965, published FEDERAL REGISTER issue of March 25, 1965, and republished as clarified this issue. Applicant: McLEAN TRUCKING COMPANY, a corporation, Post Office Box 213, Winston-Salem, N.C. Applicant's attorney: David G. MacDonald, 1000 16th Street NW., Washington, D.C., 20036. The purpose of this republication is to substitute U.S. Highway 25 in place of U.S. Highway 276 as shown in section (4), irregular-route authority, of the previous publication, to read as follows: (4) Points in North Carolina more than 100 miles from and west of a north-south line drawn through High Point which are both on and south of U.S. Highway 70 and on or east of U.S. Highway 25.

No. MC 31600 (Sub-No. 587), filed April 15, 1965. Applicant: P. B. MUTRIE MOTOR TRANSPORTATION, INC., Calvary Street, Waltham, Mass. Applicant's attorney: E. Stephen Heisley, Transportation Building, Washington, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bulk commodities* (except cement), (1) between points in New York, (2) between points in Massachusetts, (3) from points in New York and Massachusetts, to points in Massachusetts, Connecticut, Rhode Island, New Hampshire, and Vermont, and (4) from points in New York, to points in Pennsylvania.

NOTE: Applicant states the service as proposed is to be restricted to shipments having a prior movement by rail. If a hearing is deemed necessary, applicant requests it be held at New York, N.Y.

No. MC 31600 (Sub-No. 588), filed April 15, 1965. Applicant: P. B. MUTRIE MOTOR TRANSPORTATION, INC., Calvary Street, Waltham, Mass. Applicant's attorney: E. Stephen Heisley, Transportation Building, Washington, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry cement and mortar*, in bulk, from points in Massachusetts, to points in Connecticut, Massachusetts, Rhode Island, and New Hampshire.

NOTE: Applicant states "no duplicate authority is being sought." If a hearing is deemed necessary, applicant requests it be held at New York, N.Y.

No. MC 36181 (Sub-No. 3), filed April 27, 1965. Applicant: ARNOLD N. GILMER, doing business as ARNOLD N. GILMER MOVING & STORAGE, Aberdeen, Md. Applicant's attorney: William T. Croft, Federal Bar Building, 1815 H Street NW., Washington 6, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods, office furniture and equipment, and store fixtures*, between points in Harford and Cecil Counties, Md., on the one hand, and, on the other, points in Baltimore County, Md., and Baltimore, Md.

NOTE: If a hearing is deemed necessary, applicant does not specify location.

No. MC 40647 (Sub-No. 7), filed April 19, 1965. Applicant: W. A. McDANIEL, doing business as McDANIEL MOTOR EXPRESS, Post Office Box 74, North Middletown, Ky. Applicant's attorney: George M. Catlett, Suite 703–706, McClure Building, Frankfort, Ky., 40601. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular and regular routes, transporting: *IRREGULAR ROUTES: Steel fencing, gates* and *posts, staples, nails, barbed and smooth wire rolls,* and *galvanized roofing*, from Kokomo, Ind., to Paris and Millersburg, Ky. *REGULAR ROUTES: General commodities*, (1) between North Middletown, Ky., and Paris, Ky., over U.S. Highway 460, serving all intermediate points and those off-route points within a 3-air mile radius of the specified route, including the termini; (2) between Paris, Ky., and Lexington, Ky., over U.S. Highways 68 and 27, serving all intermediate points and those off-route points within a 3-air mile radius of the specified route, including the termini; (3) between North Middletown, Ky., and Little Rock, Ky.; from North Middletown over Kentucky Highway 956 to Plum, Ky., thence over Kentucky Highway 537 to Little Rock and return over the same route, serving all intermediate points and those off-route points within a 3-air mile radius of the specified route, including the termini; and (4) between North Middletown, Ky., and Lexington, Ky., over Kentucky Highway 956, serving the intermediate points of Austerlitz, Clintonville, and Avon, Ky., and those off-route points within a 3-air mile radius of the termini and specified intermediate points on the route described in (4) above.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Lexington, Ky.

No. MC 42286 (Sub-No. 1), filed April 16, 1965. Applicant: RIZZO TRUCKING, INC., 71 North Fifth Street, Brooklyn, N.Y., 11211. Applicant's attorney: Morris Honig, 150 Broadway, New York 38, N.Y. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, packinghouse products,* and *commodities used by packinghouses*, (1) between New York, N.Y., on the one hand, and, on the other, points in Westchester County, N.Y.; (2) between Elmsford and Mount Kisco, N.Y., on the one hand, and, on the other, points in Bergen, Essex, Hudson, and Passaic Counties, N.J., and (3) between Newark, N.J., on the one hand, and, on the other, Elmsford and New York, N.Y.

NOTE: If a hearing is deemed necessary, applicant requests it be held at New York, N.Y.

No. MC 42487 (Sub-No. 623), filed April 16, 1965. Applicant: CONSOLIDATED FREIGHTWAYS CORPORATION OF DELAWARE, 175 Linfield Drive, Menlo Park, Calif. Applicant's attorney: R. C. Stetson, 175 Linfield Drive, Menlo Park, Calif. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Benzene sulfonyl chloride*, liquid, in bulk, in tank vehicles, from Salem, Ohio, to Richmond, Calif.

NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at San Francisco, Calif.

No. MC 44783 (Sub-No. 1), filed April 19, 1965. Applicant: THE MAHONING EXPRESS COMPANY, a corporation, 168 South Meridian Avenue, Youngstown, Ohio. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Culverts, guardrail and retaining wall*, from Girard, Ohio, and Neville Island, Pa., to points in Wisconsin, Illinois, Indiana, Kentucky, Michigan, Ohio, Pennsylvania, West Virginia, New York, and New Jersey, and *refused, returned, or rejected shipments* of the above-specified commodities, on return.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Pittsburgh, Pa.

No. MC 48957 (Sub-No. 24), filed April 26, 1965. Applicant: CROWN MOTOR FREIGHT CO., a corporation, 832 East 28th Street, Paterson 3, N.J. Applicant's attorney: S. S. Eisen, 140 Cedar Street, New York, N.Y. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Rayon, rayon yarn, rayon fiber, rayon yarn products, rayon waste, synthetic yarn, synthetic fiber, synthetic staple fiber, synthetic fiber products*, from Lewistown, Pa., to points in New York, New Jersey, Connecticut, Rhode Island, and Massachusetts.

NOTE: Applicant states that "no duplicating authority is sought." If a hearing is deemed necessary, applicant requests it be held at New York, N.Y.

No. MC 50002 (Sub-No. 48), filed April 16, 1965. Applicant: T. CLARENCE BRIDGE AND HENRY W. BRIDGE, a partnership, doing business as BRIDGE BROTHERS, North Santa Fe Trail, Post Office Box 568, Lamar, Colo. Applicant's attorney: C. Zimmerman, 503 Schweiter Building, Wichita, Kans., 67202. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Anhydrous ammonia*, in bulk, in tank vehicles, and *dry urea*, in bulk, from the plant site of American Cyanamid Co., located at Avondale, La., to points in Alabama, Arkansas, Florida, Georgia, Kansas, Kentucky, Louisiana, Mississippi, Missouri, North Carolina, Oklahoma, South Carolina, Tennessee, and Texas, and *rejected and damaged shipments*, on return.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 52458 (Sub-No. 201), filed April 23, 1965. Applicant: T. I. McCORMACK TRUCKING COMPANY, INC., U.S. Route 9 at Green Street, Woodbridge, N.J. Applicant's attorney: Chester A. Zybiut, 1000 Connecticut Avenue NW., Washington, D.C., 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry sugar*, in bulk, from the Town of Montezuma, Cayuga County, N.Y., to points in Connecticut, Delaware, Maine, Maryland, Massachusetts, Michigan, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Virginia, West Virginia, Vermont, Rhode Island, and the District of Columbia.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 52564 (Sub-No. 4), filed April 22, 1965. Applicant: ELLIOTT DELIVERY SERVICE, INC., 2130 24th Place NE., Washington 8, D.C. Applicant's attorney: Albert F. Beasley, Investment Building, 15th and K Streets NW., Washington 5, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over regular and irregular routes, transporting: REGULAR ROUTES (1) *Motion picture films and such supplies* as are incidental to and used in the exhibition of motion picture films and the maintenance and operation of motion picture theaters, *newspapers, magazines, periodicals, notions, novelties, groceries, bakery supplies, and dry ice*, between Washington, D.C., and Lexington, Va.: (a) From Washington over U.S. Highway 211 to junction U.S. Highway 50, thence over U.S. Highway 50 to junction Virginia Highway 723, thence over Virginia Highway 723 via Boyce, Va., to junction U.S. Highway 50, thence over U.S. Highway 50 to Winchester, Va., thence over U.S. Highway 11 via Stephens City, Va., to Lexington, and return over the same route, serving all intermediate points, and (b) from Washington to Boyce, Va., as specified above, thence over U.S. Highway 340 to junction Virginia Highway 277, thence over Virginia Highway 277 to Stephens City, Va., and thence to Lexington as specified above, and return over the same routes, serving all intermediate points; and (2) between junction U.S. Highways 50 and 29, and junction U.S. Highway 29 and the northern boundary of Amherst County, Va.;

From junction U.S. Highways 50 and 29 over U.S. Highway 29 to junction northern boundary of Amherst County, and return over the same route, serving no intermediate points and restricted to traffic moving to or from Washington, D.C. IRREGULAR ROUTES: *Motion picture films and such supplies* as are incidental to and used in the exhibition of motion picture films and the maintenance and operation of motion picture theaters, *newspapers, magazines, periodicals, notions, novelties, groceries, bakery supplies, and dry ice*, (a) between Bristol, Tenn., and points in Wyoming, Mercer, Raleigh, Summers, Monroe, and Greenbrier Counties, W. Va., and those in that part of Virginia south of and including Bath, Rockbridge, and Amherst Counties, Va., and west of U.S. Highway 29, including points on the indicated portions of the highway specified, and (b) between Washington, D.C., on the one hand, and, on the other, points in the irregular route territory described above.

NOTE: The purpose of this application is to combine applicant's irregular route operation in the handling of "notions, novelties, groceries, bakery supplies and dry ice" from Washington, D.C., to points on the said regular routes with its regular routes operation, so as to conduct a single, regular route, scheduled operation, between Washington, D.C., and Lexington, Va. No commodities have been added, and no additional territory or routes or duplicating authority is sought. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 52953 (Sub-No. 30), filed April 16, 1965. Applicant: ET & WNC TRANSPORTATION COMPANY, a corporation, 132 Legion Street, Johnson City, Tenn. Applicant's attorney: Russell R. Sage, 2001 Massachusetts Avenue NW., Washington, D.C., 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment and those injurious or contaminating to other lading), between Bristol, Tenn., and New York, N.Y.: (1) from Bristol over U.S. Highway 11 to junction U.S. Highway 340 (also from Bristol over Interstate Highway 81 to junction U.S. Highway 340), thence over U.S. Highway 340 to junction U.S. Highway 250, thence over U.S. Highway 250 to junction U.S. Highway 29, thence over U.S. Highway 29 to junction Interstate Highway 66, thence over Interstate Highway 66 to junction Interstate Highway 495, thence over Interstate Highway 495 to junction Interstate Highway 95, thence over Interstate Highway 95 to junction U.S. Highway 1 (also from junction Interstate Highways 66 and 495, over Interstate Highway 495 to junction U.S. Highway 1), thence over U.S. Highway 1 to junction Maryland Highway 176, thence over Maryland Highway 176 to junction Washington-Baltimore Expressway, thence over Washington-Baltimore Expressway to Baltimore, Md., thence over U.S. Highway 40 to junction U.S. Highway 13, thence over U.S. Highway 13 to junction Pennsylvania Highway 291.

Thence over Pennsylvania Highway 291 to Philadelphia, Pa., thence over U.S. Highway 1 to New York (also from junction U.S. Highways 40 and 13 south of Wilmington, Del., over U.S. Highway 40 to junction U.S. Highway 130, thence over U.S. Highway 130 to junction U.S. Highway 1; also from Philadelphia, Pa., across the Tacony-Palmyra Bridge to junction New Jersey Highway 73, thence over New Jersey Highway 73 to junction U.S. Highway 130, thence over U.S. Highway 130 to junction U.S. Highway 1), and return over the same route, serving the intermediate points of Washington, D.C., Baltimore, Md., and Philadelphia, Pa., and those off-route points located within 35 miles of Philadelphia, Pa., and points in New Jersey within 35 miles of the New York, N.Y., commercial zone; and (2) from Bristol over U.S. Highway 11 to junction U.S. Highway 22 (also from Bristol over Interstate Highway 81 to junction U.S. Highway 22), thence over U.S. Highway 22 to junction U.S. Highway 1 (also from junction U.S. Highway 22 and Interstate Highway 78 (or junction Interstate Highways 81 and 78), over Interstate Highway 78 to junction U.S. Highway 1), thence over U.S. Highway 1 to New York and return over the same route, serving no intermediate points and those off-route points in New Jersey within 35 miles of the New York, N.Y., commercial zone.

NOTE: Applicant states that the purpose of this application is to change applicant's existing gateway from Asheville to Bristol, Tenn., on movements to and from New York, Philadelphia, Baltimore and Washington, D.C. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Johnson City, Tenn.

No. MC 58813 (Sub-No. 59), filed April 21, 1965. Applicant: SELMAN'S EXPRESS, INC., 460 West 35th Street, New York, N.Y. Applicant's attorney: Solomon Granett, 1740 Broadway, New York, N.Y., 10019. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Wearing apparel*, loose, on hangers only, from West Palm Beach, Fla., to New York, N.Y., and (2) *materials and supplies* used in the manufacture of wearing apparel, from New York, N.Y., to West Palm Beach, Fla.

NOTE: If a hearing is deemed necessary, applicant requests it be held at New York, N.Y.

No. MC 61592 (Sub-No. 34), filed April 21, 1965. Applicant: JENKINS TRUCK LINE, INC., 3708 Elm Street, Bettendorf, Iowa, 52722. Applicant's attorney: Val M. Higgins, 1000 First National Bank Building, Minneapolis, Minn., 55402. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Prefabricated buildings*, complete, knocked down or in sections and when transported in connection with the transportation of such buildings, *component parts thereof* and *equipment and materials incidental* to the erection and completion of such buildings, from Fairborn, Ohio, and points within 5 miles thereof to points in Ohio and Indiana.

NOTE: If a hearing is deemed necessary applicant requests it be held at Chicago, Ill.

No. MC 61592 (Sub-No. 35), filed April 21, 1965. Applicant: JENKINS TRUCK LINE, INC., 3708 Elm Street, Bettendorf, Iowa. Applicant's attorney: Val M. Higgins, 1000 First National Bank Building, Minneapolis, Minn. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Trailers*, from Birmingham, Ala., to points in the United States (except points in Hawaii).

NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 72442 (Sub-No. 15), filed April 21, 1965. Applicant: AKERS MOTOR LINES, INCORPORATED, Post Office Box 579, Gastonia, N.C., 28053. Applicant's attorney: Alan E. Serby, Suite 1600, First Federal Building, Atlanta, Ga., 30303. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, tobacco, liquor, commodities in bulk, commodities requiring special equipment and household goods as defined by the Commission), between Columbus, Ga., on the one hand, and, on the other, points in Russell County, Ala.

NOTE: Applicant states that it proposes to tack points in Russell County, Ala., with its existing operations from and to Columbus, Ga., and points within its commercial zone. Applicant also states that the above proposed operation will be restricted to traffic destined to or originating at points presently served by applicant. If a hearing is deemed necessary, applicant requests it be held at Columbus, Ga.

No. MC 73165 (Sub-No. 195) filed March 19, 1965. Applicant: EAGLE MOTOR LINES, INC., 830 North 33d Street, Birmingham, Ala. Applicant's attorney: Maurice F. Bishop, 325–29 Frank Nelson Building, Birmingham 3, Ala. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Commodities* which, because of size or weight, require the use of special equipment, and *articles*, weighing 15,000 pounds or more, self-propelled or not, and not requiring special equipment, together with *related machinery, tools, parts*, and *supplies* moving in conjunction therewith, between points west of the Tennessee River in Tennessee and Kentucky, points in Missouri on and south of U.S. Highway 66, points in Arkansas, Mississippi, and points in Alabama on and north of U.S. Highway 278 (except Decatur), and points in Louisiana east of the Mississippi River.

NOTE: Applicant states it desires and proposes to tack any authority received under this application with authority authorized in its existing certificates. If a hearing is deemed necessary, applicant requests it be held at Memphis, Tenn.

No. MC 76478 (Sub-No. 9), filed April 23, 1965. Applicant: CHESTER CARRIERS, INC., 1245 Manheim Pike, Lancaster, Pa. Applicant's representative: Bernard N. Gingerich, Quarryville, Pa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Slag* (boiler), dried, crushed and/or screened, in bulk and/or in containers, from points in Lower Penns Neck Township, Salem County, N.J., and Passaic, N.J., to points in Connecticut, the District of Columbia, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont, and Virginia.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 80428 (Sub-No. 47), filed April 20, 1965. Applicant: McBRIDE TRANSPORTATION, INC., Main Street, Goshen, N.Y. Applicant's attorney: Martin Werner, 2 West 45th Street, New York 36, N.Y. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry sugar*, in bulk, from the Town of Montezuma, Cayuga County, N.Y., to points in Connecticut, Delaware, the District of Columbia, Maine, Maryland, Massachusetts, Michigan, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Vermont, Virginia, Rhode Island, and West Virginia, and *returned, refused and rejected shipments* of the above commodities, on return.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 83539 (Sub-No. 144), filed April 26, 1965. Applicant: C & H TRANSPORTATION CO., INC., 1935 West Commerce Street, Post Office Box 5976, Dallas, Tex., 75222. Applicant's attorney: W. T. Brunson, 419 Northwest Sixth Street, Oklahoma City, Okla. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Conduit, pipe*, or *tubing*, plastic, or fibre (bituminized or indurated), with or without fittings, from Sherman, Tex., to points in Alabama, Arkansas, Georgia, Missouri, New York, and Oklahoma.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C. or Dallas, Tex.

No. MC 94350 (Sub-No. 55), filed April 19, 1965. Applicant: TRANSIT HOMES, INC., 210 West McBee Avenue, Box 1628, Greenville, S.C. Applicant's attorney: Henry P. Willimon, Greenville, S.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Trailers* designed to be drawn by passenger automobiles, in initial movements, from points in Laurens County, S.C. (except Cross Hill and Clinton, S.C.), to points in Louisiana, Alabama, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Kentucky, Maine, Maryland, Michigan, Massachusetts, Mississippi, New Hampshire, New Jersey, New York, North Carolina, Pennsylvania, Rhode Island, South Carolina, Tennessee, Vermont, Virginia, West Virginia, Wisconsin, Ohio, and the District of Columbia, and *damaged* and *rejected shipments*, on return.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Columbus, S.C.

No. MC 102567 (Sub-No. 103), filed April 20, 1965. Applicant: EARL CLARENCE GIBBON, doing business as EARL GIBBON PETROLEUM TRANSPORT, 235 Benton Road, Bossier City, La. Applicant's attorney: Jo. E. Shaw, 641 Bettes Building, Houston, Tex. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Anhydrous ammonia*, in bulk, in tank vehicles and *urea*, dry, in bulk, from the plant site of American Cyanamid Co., Avondale, La., to points in Alabama, Arkansas, Florida, Georgia, Kansas, Kentucky, Louisiana, Mississippi, Missouri, North Carolina, Oklahoma, South Carolina, Tennessee, and Texas.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 105556 (Sub-No. 48), filed April 20, 1965. Applicant: HOUCK TRANSPORT COMPANY, a corporation, Box 559, Glendive, Mont. Applicant's attorney: Franklin S. Longan, Suite 319 Securities Building, Billings, Mont., 59101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum* and *petroleum products*, in bulk, in tank vehicles, (1) from Aberdeen, S. Dak.,

and points within fifteen (15) miles thereof, to points in Minnesota, Montana, North Dakota, and Wyoming, and (2) from Jamestown, N. Dak., and points within fifteen (15) miles thereof (except from the site of the pipeline terminal of Standard Oil Co., and/or American Oil Co., approximately twelve (12) miles west of Jamestown, N. Dak., on U.S. Highway 10), to points in Minnesota, Montana, South Dakota, and North Dakota.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Bismarck, N. Dak.

No. MC 106401 (Sub-No. 19), filed April 21, 1965. Applicant: JOHNSON MOTOR LINES, INC., 2426 North Graham Street, Post Office Box 10877, Charlotte 1, N.C. Applicant's attorney: Paul M. Daniell, 1600 First Federal Building, Atlanta, Ga., 30303. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between Columbus, Ga., on the one hand, and, on the other, points in Russell County, Ala.

NOTE: Applicant states that it proposes to tack points in Russell County, Ala., with its existing operations from and to Columbus, Ga., and points within its commercial zone. Applicant also states that the above-proposed operation will be restricted to traffic destined to or originating at points presently served by applicant. If a hearing is deemed necessary, applicant requests it be held at Columbus, Ga.

No. MC 106715 (Sub-No. 7), filed April 26, 1965. Applicant: SKAGGS FREIGHT LINES, INC., 422 Toronto Street, Dallas, Tex. Applicant's attorney: Benjamin E. Pickering, 2414 Mercantile Bank Building, Dallas, Tex. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: Uncrated, new or used, unassembled or dismantled *aeroplanes*, and *aeroplane parts*, (1) from points in Oklahoma, to points in Colorado, Wyoming, Utah, New Mexico, Nebraska, and Kansas, and (2) between points in Colorado, Wyoming, Utah, New Mexico, Nebraska, Texas, and Kansas (except Wichita and points within five (5) miles of Wichita).

NOTE: Applicant presently holds authority in the identical territory to transport "uncrated, new or used, unassembled or dismantled aeroplanes, and aeroplane parts, when transported along with an aeroplane". Applicant seeks no duplication of authority. If a hearing is deemed necessary, applicant requests it be held at Dallas, Tex.

No. MC 106968 (Sub-No. 4), filed April 19, 1965. Applicant: ROBERT B. WHITE, doing business as BOB WHITE'S HORSE TRANSPORTATION, Post Office Box 64, San Ysidro, Calif. Applicant's attorney: Phil Jacobson, 510 West Sixth Street, Suite 723, Los Angeles 14, Calif. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Race horses*, and in the same vehicle with such horses, *supplies and equipment* used in the transportation, care, and exhibition of such horses, and the *personal effects* of their attendants, between the port of entry on the international boundary between the United States and Mexico located at or near San Ysidro, Calif., on the one hand, and, on the other, the port of entry on the international boundary between the United States and Mexico located at or near El Paso, Tex.

NOTE: If a hearing is deemed necessary, applicant requests it be held at San Diego, Calif.

No. MC 107002 (Sub-No. 249), filed April 16, 1965. Applicant: HEARIN-MILLER TRANSPORTERS, INC., Post Office Box 1123 (Highway 80 West), Jackson, Miss. Applicant's attorney: Harry C. Ames, Jr., 529 Transportation Building, Washington, D.C., 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Anhydrous ammonia*, in bulk, in tank vehicles, and *dry urea*, in bulk, from the plant site of American Cyanamid in Avondale, La., to points in Alabama, Arkansas, Florida, Georgia, Kansas, Kentucky, Louisiana, Mississippi, Missouri, North Carolina, Oklahoma, South Carolina, Tennessee, and Texas.

NOTE: Applicant states no duplication of authority is sought. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 107002 (Sub-No. 250), filed April 20, 1965. Applicant: HEARIN-MILLER TRANSPORTERS, INC., Post Office Box 1123, Highway 80 West, Jackson, Miss. Applicant's attorney: E. Stephen Heisley, Transportation Building, Washington, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Processed clay*, in bulk, from Jackson, Miss., to points in Alabama, Florida, Georgia, Iowa, Missouri, New Jersey, North Carolina, Pennsylvania, South Carolina, Tennessee, Virginia, and West Virginia.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Jackson, Miss.

No. MC 107496 (Sub-No. 373), filed April 19, 1965. Applicant: RUAN TRANSPORT CORPORATION, Keosauqua Way at Third, Des Moines, Iowa. Applicant's attorney: H. L. Fabritz (address same as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cement*, in bulk, from the Dundee Cement Co., located at or near Castleton, Ind., to points in Illinois and Ohio.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 107496 (Sub-No. 374), filed April 20, 1965. Applicant: RUAN TRANSPORT CORPORATION, Keosauqua Way at Third, Des Moines, Iowa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Anhydrous ammonia*, in bulk, in tank vehicles, and *urea*, in bulk, from the plant site of the American Cyanamid Co., located at Avondale, La., to points in Alabama, Arkansas, Florida, Georgia, Kansas, Kentucky, Louisiana, Mississippi, Missouri, North Carolina, Oklahoma, South Carolina, Tennessee, and Texas.

NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 107515 (Sub-No. 510), filed April 21, 1965. Applicant: REFRIGERATED TRANSPORT CO., INC., 290 University Avenue SW., Atlanta, Ga. Applicant's attorney: Paul M. Daniell, Suite 1600 First Federal Building, Atlanta, Ga. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from Lafayette, Ind., to points in North Carolina, and South Carolina.

NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Indianapolis, Ind., or Washington, D.C.

No. MC 107515 (Sub-No. 511), filed April 20, 1965. Applicant: REFRIGERATED TRANSPORT CO., INC., 290 University Avenue SW., Atlanta, Ga. Applicant's attorney: Paul M. Daniell, Suite 1600 First Federal Building, Atlanta, Ga., 30303. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canned goods*, from points in Florida, to points in Alabama, Georgia, South Carolina, North Carolina, Tennessee, Mississippi, Louisiana, and Kentucky.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Orlando, Fla.

No. MC 107698 (Sub-No. 35) filed April 26, 1965. Applicant: BONANZA, INC., Post Office Box 5526, Midwest City, Okla. Applicant's attorney: Wilburn L. Williamson, 443-54 American National Building, Oklahoma City 2, Okla. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs*, from Springdale, Ark., and points within five (5) miles thereof, to points in Arizona, Colorado, Idaho, Montana, Nebraska, New Mexico, Utah, Wyoming, and Alpine, Ashley, El Paso and Pecos, Tex.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Phoenix, Ariz.

No. MC 107698 (Sub-No. 36), filed April 26, 1965. Applicant: BONANZA, INC., Post Office Box 5526, Midwest City, Okla. Applicant's attorney: Wilburn L. Williamson, 443-54 American National Building, Oklahoma City 2, Okla. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Oleomargarine*, from Dallas, Tex., to points in Utah, Idaho, Montana, Washington, and Oregon.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Oklahoma City, Okla.

No. MC 107698 (Sub-No. 37), filed April 30, 1965. Applicant: BONANZA, INC., Post Office Box 5526, Midwest City, Okla. Applicant's attorney: Wilburn L. Williamson, 443-54 American National Building, Oklahoma City 2, Okla. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods, potato products*, frozen or unfrozen, and *juice and juice concentrates*, frozen or unfrozen, from points in Washington, Oregon, and Idaho, to points in Kansas, Missouri, Mississippi, and Memphis, Tenn.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Oklahoma City, Okla.

No. MC 109397 (Sub-No. 117), filed April 19, 1965. Applicant: TRI-STATE MOTOR TRANSIT CO., a corporation, Post Office Box 113, Joplin, Mo. Applicant's attorney: Max G. Morgan, 443-54 American National Building, Oklahoma City, Okla. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Acids and chemicals*, in drums or packages and not in bulk, from Millsdale, Ill., to Fieldsboro, N.J.; and (2) *citric acid*, in drums and packages and not in bulk, from Fieldsboro, N.J., to points in Ohio, Michigan, Illinois, Missouri, Indiana, Kentucky, Kansas, Minnesota, and Wisconsin.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Kansas City, Mo.

No. MC 109497 (Sub-No. 11), (CORRECTION) filed March 4, 1965, published FEDERAL REGISTER issue March 25, 1965, corrected and republished April 1, 1965, and corrected and republished this issue. Applicant: A. F. COMER TRANSPORT SERVICE, INC., Post Office Box 711, Rocky Mount, N.C. Applicant's attorney: Louis Reznek, 5009 Keokuk Street, Washington 16, D.C.

NOTE: The purpose of this republication is to show that reference to the "Planters National Bank and Trust Company, Administrator" as shown in previous publications, is to be eliminated, as they are no longer Administrator.

No. MC 109637 (Sub-No. 279), filed April 19, 1965. Applicant: SOUTHERN TANK LINES, INC., 4107 Bells Lane, Louisville, Ky. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid latices*, in bulk, in tank vehicles, from points in Jefferson County, Ky., to points in California.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 109692 (Sub-No. 18), filed April 19, 1965. Applicant: GRAIN BELT TRANSPORTATION COMPANY, a corporation, 625 Livestock Exchange Building, Kansas City, Mo. Applicant's attorney: Tom B. Kretsinger, Suite 510 Professional Building, Kansas City, Mo. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Combines and parts thereof*, from points in the Kansas City, Mo.-Kans., commercial zone, as defined by the Commission, to points in Arkansas, Louisiana, and Mississippi, and *retendered, damaged, and refused shipments*, of the commodities specified above, on return.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Kansas City, Mo.

No. MC 110103 (Sub-No. 4), filed April 15, 1965. Applicant: WALTER E. COY, doing business as COY BROS., Box 416, Canfield, Ohio. Applicant's attorney: Paul F. Beary, 44 East Broad Street, Columbus, Ohio. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Clay and clay products*, in bulk, from points in Hillsville Township, Lawrence County, Pa., to points in Ohio, Michigan, West Virginia, Indiana, and New York, and Ashland, Ky., and (2) *clay, clay products, and high temperature cement*, in bulk, from Canfield, Ohio, to points in Michigan, West Virginia, New York, Pennsylvania, and Indiana, and Ashland, Ky.

NOTE: Applicant states the proposed service as shown above in (1) and (2), will be performed for the account of The American Fire Clay & Products Co., Canfield, Ohio. Applicant herein is already a contract carrier serving this shipper. It is further noted that applicant has common carrier authority under MC 109631, therefore, dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Columbus, Ohio.

No. MC 110166 (Sub-No. 15), filed April 19, 1965. Applicant: TENNESSEE CAROLINA TRANSPORTATION, INC., Nance Lane, Post Office Box 7308, Nashville, Tenn. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, and except dangerous explosives, household goods as defined in *Practices of Motor Common Carriers of Household Goods*, 17 M.C.C. 467, commodities in bulk, and those requiring special equipment), between Woodbury, Tenn., and Auburntown, Tenn.: From Woodbury over Tennessee Highway 145 to Auburntown, and return over the same route, serving all intermediate points.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Nashville, Tenn.

No. MC 110193 (Sub-No. 88), filed April 21, 1965. Applicant: SAFEWAY TRUCK LINES, INC., 20450 Ireland Road, South Bend, Ind. Applicant's representative: Walter J. Kobos (address same as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts, and articles distributed by meat packinghouses*, as described in sections A and C to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk), from Postville, Iowa, to points in Connecticut, Maryland, Massachusetts, New Jersey, New York, Pennsylvania, Rhode Island, and the District of Columbia, and *empty containers* and *incidental supplies* used in transporting the above-described commodities, on return.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Detroit, Mich.

No. MC 110193 (Sub-No. 89), filed April 21, 1965. Applicant: SAFEWAY TRUCK LINES, INC., 20450 Ireland Road, South Bend, Ind. Applicant's representative: Walter J. Kobos (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Meats, meat products, meat byproducts, and articles distributed by meat packinghouses*, as described in sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except liquids in bulk, in tank vehicles, and except hides), from Taylorville, Ill., to points in Connecticut, Massachusetts, and Rhode Island, and (2) *empty containers and pallets*, from points in Connecticut, Massachusetts, and Rhode Island to Taylorville and Chicago, Ill.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or St. Louis, Mo.

No. MC 110525 (Sub-No. 723), filed April 16, 1965. Applicant: CHEMICAL LEAMAN TANK LINES, INC., 520 East Lancaster Avenue, Downingtown, Pa. Applicant's attorneys: Leonard A. Jaskiewicz, 1155 15th Street, Madison Building, Washington, D.C. and Edwin H. van Deusen, 520 East Lancaster Avenue, Downingtown, Pa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals*, in bulk, between points in St. Charles Parish, La., on the one hand, and, on the other, points in the United States (except points in Alaska, and Hawaii).

NOTE: If a hearing is deemed necessary, applicant requests it be held at New Orleans, La.

No. MC 110525 (Sub-No. 724), filed April 16, 1965. Applicant: CHEMICAL LEAMAN TANK LINES, INC., 520 East Lancaster Avenue, Downingtown, Pa. Applicant's attorneys: Leonard A. Jaskiewicz, 1155 15th Street, Madison Building, Washington, D.C., 20005 and Edwin H. van Deusen, 520 East Lancaster Avenue, Downingtown, Pa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Anhydrous ammonia*, in bulk, and *urea*, dry, in bulk, from the plant site of American Cyanamid at Avondale, La., to points in Alabama, Arkansas, Florida, Georgia, Kansas, Kentucky, Louisiana, Missouri, North Carolina, Oklahoma, South Carolina, Tennessee, and Texas.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 110698 (Sub-No. 302), filed April 20, 1965. Applicant: RYDER TANK LINE, INC., Post Office Box 8418, Greensboro, N.C. Applicant's attorney: Francis W. McInerny, 1000 16th Street NW., Washington, D.C., 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Anhydrous ammonia*, in bulk, in tank vehicles and *dry urea*, in bulk, from the plant site of the American Cyanamid Co. at Avondale, La., to points in Alabama, Arkansas, Florida, Georgia, Kansas, Kentucky, Louisiana, Mississippi, Missouri, North Carolina, Oklahoma, South Carolina, Tennessee, and Texas.

NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 110988 (Sub-No. 128), filed April 15, 1965. Applicant: KAMPO TRANSIT, INC., 200 West Cecil Street, Neenah, Wis. Applicant's attorney: E. Stephen Heisley, Transportation Building, Washington, D.C., 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Feed* and *feed ingredients*, in bulk and in bags, from the plant sites of Darling & Co., located at Cedar Rapids, Iowa, and at or near Alpha, Iowa, to points in Illinois, Minnesota, Missouri, Nebraska, and Wisconsin.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 111170 (Sub-No. 98), filed April 19, 1965. Applicant: WHEELING PIPE LINE, INC., Post Office Box 1718, El Dorado, Ark. Applicant's attorney: Thomas E. James, 721 Brown Building, Austin, Tex., 78701. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Anhydrous ammonia*, in bulk, in tank vehicles, and *dry urea*, in bulk, from the plant site of American Cyanamid Co. at Avondale, La., to points in Alabama, Arkansas, Florida, Georgia, Kansas, Kentucky, Louisiana, Mississippi, Missouri, North Carolina, Oklahoma, South Carolina, Tennessee, and Texas.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 111397 (Sub-No. 69), filed April 19, 1965. Applicant: DAVIS TRANSPORT, INC., 1345 South Fourth Street, Paducah, Ky. Applicant's attorney: Herbert S. Melton, Jr., Suite 215, Katterjohn Building, Box 1284, Avondale Station, Paducah, Ky. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Anhydrous ammonia*, in bulk, in tank vehicles, and *dry urea*, in bulk, from the plant site of American Cyanamid Co., Avondale, La., to points in Alabama, Arkansas, Florida, Georgia, Kansas, Kentucky, Louisiana, Mississippi, Missouri, North Carolina, Oklahoma, South Carolina, Tennessee, and Texas.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 111401 (Sub-No. 171), filed April 19, 1965. Applicant: GROENDYKE TRANSPORT, INC., Post Office Box 632, 2510 Rock Island Boulevard, Enid, Okla. Applicant's attorney: Thomas E. James, 721 Brown Building, Austin, Tex. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Anhydrous ammonia*, in bulk, in tank vehicles, and *dry urea*, in bulk, from the plant site of American Cyanamid Co. located at Avondale, La., to points in Alabama, Arkansas, Florida, Georgia, Kansas, Kentucky, Louisiana, Mississippi, Missouri, North Carolina, Oklahoma, South Carolina, Tennessee, and Texas.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 111401 (Sub-No. 172), filed April 19, 1965. Applicant: GROENDYKE TRANSPORT, INC., 2510 Rock Island Boulevard, Post Office Box 632, Enid, Okla. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid animal feed ingredients* not produced from animal fats or vegetable oils, in bulk, in tank vehicles, from Crete, Nebr., to points in Kansas, Colorado, Oklahoma, Texas, Arkansas, Iowa, South Dakota, North Dakota, Minnesota, Wyoming, Missouri, Illinois, Wisconsin, and New Mexico.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr.

No. MC 111611 (Sub-No. 16), filed April 26, 1965. Applicant: NOERR MOTOR FREIGHT, INC., 205 Washington Avenue, Lewistown, Pa. Applicant's attorney: John E. Fullerton, 509 North Second Street, Harrisburg, Pa., 17101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Rayon, rayon yarn, rayon fiber, rayon yarn products, rayon waste, synthetic yarn, synthetic fiber, synthetic staple fiber, synthetic fiber products*, from Lewistown, Pa., to points in Connecticut, Massachusetts, New Jersey, New York, North Carolina, Pennsylvania, Rhode Island, South Carolina, and Virginia.

NOTE: Applicant states that no duplicating authority or additional territory areawise is being sought by this application. Applicant presently has authority, inter alia, to transport rayon and rayon yarn from Lewistown, Pa., to points in the various States named herein at MC 111611. This application seeks merely to add thereto the additional related commodities herein named in which its present shipper deals. If a hearing is deemed necessary, applicant requests it be held at New York, N.Y.

No. MC 112595 (Sub-No. 26), filed November 4, 1964. Applicant: FORD BROTHERS, INC., 510 Riverside Drive, Coal Grove, Ohio (Mailing address: Post Office Box 419, Ironton, Ohio). Applicant's attorney: Charles F. Dodrill, 600 5th Avenue, Huntington, W. Va. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid petroleum* and *petroleum products*, (1) between Kenova, W. Va., Catlettsburg, Covington, Leach, and Maysville, Ky., and Marietta, Ohio, on the one hand, and, on the other, points in the territory bounded by a line beginning at Coal Grove, Ohio, and extending along U.S. Highway 52 to the Ohio-Indiana State line, thence along the Ohio-Indiana State line to junction Ohio Highway 73, thence along Ohio Highway 73 to junction U.S. Highway 127, thence along U.S. Highway 127 to junction U.S. Highway 35, thence along U.S. Highway 35 to Dayton, Ohio, thence along Ohio Highway 4 to Springfield, Ohio, thence along U.S. Highway 68 to Urbana, Ohio, thence along U.S. Highway 36 to junction U.S. Highway 250, thence along U.S. Highway 250 to Wheeling, W. Va., thence along West Virginia Highway 88 to junction U.S. Highway 250, thence along U.S. Highway 250 to Philippi, W. Va., thence along U.S. Highway 119 to Buckhannon, W. Va., thence along West Virginia Highway 4 through Rock Cave, W. Va., to junction U.S. Highway 19, thence along U.S. Highway 19 to Bluefield, W. Va., thence along U.S. Highway 52 to Kermit, W. Va.

Thence along the West Virginia-Kentucky State line to Catlettsburg, Ky., thence along U.S. Highway 23 to Ashland, Ky., and thence across the Ohio River to the point of beginning, including points on the indicated portions of the highways specified, (2) between Huntington, Parkersburg and St. Marys, W. Va., and Ashland, Ky., on the one hand, and, on the other, points in Ohio, (3) between Ironton and Middleport, Ohio, on the one hand, and, on the other, points in West Virginia, (4) between Kenova, W. Va., Catlettsburg, Covington, Leach, and Maysville, Ky., and Marietta, Ohio, on the one hand, and, on the other, points in that part of Ohio north of a line beginning at the Ohio-Indiana State line and extending in an easterly direction along Ohio Highway 73 to junction U.S. Highway 127, thence along U.S. Highway 127 to junction U.S. Highway 35, thence along U.S. Highway 35 to Dayton, Ohio, thence along Ohio Highway 4 to Springfield, Ohio, thence along U.S. Highway 68 to Urbana, Ohio, thence along U.S. Highway 36 to junction U.S. Highway 250, thence along U.S. Highway 250 to the Ohio-West Virginia State line; points in that part of West Virginia south of U.S. Highway 52 between Bluefield, and Williamson, W. Va.; and those in Virginia and West Virginia east of a line beginning at Wheeling, W. Va., and extending in a southerly direction along West Virginia Highway 88 to junction Highway 250 to Philippi, W Va., thence along U.S. Highway 119 to Buckhannon, W. Va.

Thence along West Virginia Highway 4 through Rock Cave, W. Va., to junction U.S. Highway 19, and thence along U.S. Highway 19 to Bluefield, W. Va., and west of a line beginning at Bluefield, and extending in a northerly direction along U.S. Highway 19 to junction U.S. Highway 219, thence along U.S. Highway 219 to the West Virginia-Maryland State line, near Breedlove, W. Va., thence along the West Virginia-Maryland State line and the West Virginia-Pennsylvania State line to the Ohio River, including points on the indicated portions of the highways specified, (5) between Ironton and Middleport, Ohio, Huntington and Kenova, W. Va., and points in Kanawha County, W. Va., on the one hand, and, on the other, points in Kentucky located on and east of U.S. Highway 31-W, (6) between points in Kanawah County, W. Va., on the one hand, and, on the other, points in Ohio, (7) between Leach and Catlettsburg, Ky., and Kenova, W. Va., on the one hand, and, on the other, points in Virginia located on and west of a line extending over U.S. Highway 33 from the West Virginia-Virginia State line to its junction with U.S. Highway 15, thence on and west of U.S. Highway 15 to the North Carolina-Virginia State line, (8) from Sandyville, W. Va., to Morenci, Mich., (9) between points in Hamilton, Franklin, and Licking Counties, Ohio, on the one hand, and, on the other, points in Kentucky on and east of U.S. Highway 31-W, (10) between points in Scioto County, Ohio, on the one hand, and, on the other, points in Kentucky on and east of U.S. Highway 31-W, and (11) from Cobb (Kanawha County), W. Va., and Leach (Boyd County), Ky., to Morenci, Mich.

NOTE: This application was accompanied by a Motion to Dismiss. If a hearing is deemed necessary, applicant requests it be held at Ashland, Ky.

No. MC 112617 (Sub-No. 199), filed April 16, 1965. Applicant: LIQUID TRANSPORTERS, INC., Post Office Box 5135, Cherokee Station, Louisville 5, Ky. Applicant's attorney: L. A. Jaskiewicz, 600 Madison Building, 1155 15th Street NW., Washington, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Anhydrous ammonia* and *liquid fertilizer solutions*, in bulk, from Finney, Ohio to points in Kentucky.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Louisville, Ky. or Columbus, Ohio.

No. MC 112801 (Sub-No. 24), filed April 19, 1965. Applicant: TRANSPORT SERVICE CO., a corporation, Post Office Box 272, Cicero Station, Chicago, Ill. Applicant's attorney: Leonard A. Jaskiewicz, Madison Building, 1155 15th Street NW., Washington, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Anhydrous ammonia*, in bulk, in tank vehicles, and *dry urea*, in bulk, from the plant site of American Cyanamid Co. located at or near Avondale, La., to points in Alabama, Arkansas, Florida, Georgia, Kansas, Kentucky, Louisiana, Mississippi, Missouri, North Carolina, Oklahoma, South Carolina, Tennessee, and Texas.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 113267 (Sub-No. 151), filed April 26, 1965. Applicant: CENTRAL & SOUTHERN TRUCK LINES, INC., Post Office Box 548, Caseyville, Ill., 62232. Applicant's attorney: R. H. Burroughs, Post Office Box 548, Caseyville, Ill., 62232. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Yeast*, requiring mechanical refrigeration, from St. Louis, Mo., to points in Kentucky, Tennessee, and Alabama.

NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at St. Louis, Mo.

No. MC 113336 (Sub-No. 79), filed April 26, 1965. Applicant: PETROLEUM TRANSIT COMPANY, INC., Post Office Box 921, Lumberton, N.C. Applicant's attorney: James E. Wilson, 1111 E Street NW., Washington 4, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Commodities in bulk*, from Decatur, Ala., and points in Morgan, County, Ala., to points in Alabama, Georgia, Mississippi, Tennessee, North Carolina, South Carolina, Kentucky, Virginia, West Virginia, Illinois, Indiana, and Ohio.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 113678 (Sub-No. 124) (AMENDMENT), filed April 5, 1965, published FEDERAL REGISTER issue April 21, 1965, amended April 26, 1965, and republished as amended this issue. Applicant: CURTIS, INC., 770 East 51st Avenue, Denver, Colo. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts, articles distributed by meat packinghouses, and dairy products*, from Denver, Greeley, and Colorado Springs, Colo., to points in California.

NOTE: Applicant states the proposed service restricted to traffic originating in Colorado and destined to California. The purpose of this republication is to show destination to be California in lieu of Colorado as shown in previous publication. If a hearing is deemed necessary, applicant requests it be held at Denver, Colo.

No. MC 113855 (Sub-No. 106), filed April 26, 1965. Applicant: INTERNATIONAL TRANSPORT, INC., South Highway 53, Rochester, Minn. Applicant's attorney: Gene P. Johnson, First National Bank Building, Fargo, N. Dak., 58102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Radioactive source, special nuclear and byproduct materials, radioactive material shipping containers, nuclear reactor component parts, and related equipment*, between points in Cattaraugus County, N.Y., on the one hand, and, on the other, points in the United States (except Hawaii).

NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 114091 (Sub-No. 67), filed April 20, 1965. Applicant: HUFF TRANSPORT CO., INC., Fern Valley Road, Louisville, Ky. Applicant's attorney: Rudy Yessin, Sixth Floor, McClure Building, Frankfort, Ky. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Anhydrous ammonia*, in bulk, in tank vehicles and *dry urea* in bulk, from the plant site of American Cyanamid Co. located at or near Avondale, La., to points in Alabama, Arkansas, Florida, Georgia, Kansas, Kentucky, Louisiana, Mississippi, Missouri, North Carolina, Oklahoma, South Carolina, Tennessee, and Texas.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 114718 (Sub-No. 11), filed April 21, 1965. Applicant: OHIO VALLEY MOTOR FREIGHT, INC., Moore's Junction, Marietta, Ohio. Applicant's attorney: James R. Stiverson, 50 West Broad Street, Columbus 15, Ohio. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Ferro chrome*, in bulk, in dump vehicles, from Baltimore, Md., Philadelphia, Pa., and Newport News, Va., to points in Ohio, Michigan, Pennsylvania, and West Virginia.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 115180 (Sub-No. 15), filed April 20, 1965. Applicant: ONLEY REFRIGERATED TRANSPORTATION, INC., 408 West 14th Street, New York, N.Y. Applicant's representative: George A. Olsen, 69 Tonnele Avenue, Jersey City, N.J. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, and meat byproducts, articles distributed by meat packinghouses and such commodities as are used by meatpackers in the conduct of their business* when destined to and for use by meatpackers as described in sections A, C, and D of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk, in tank vehicles), from Garden City, Kans., and points within ten (10) miles thereof, to points in Pennsylvania, Connecticut, New York, New Jersey, Maryland, Delaware, Virginia, West Virginia, and the District of Columbia.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Wichita, Kans.

No. MC 115180 (Sub-No. 16), filed April 20, 1965. Applicant: ONLEY REFRIGERATED TRANSPORTATION, INC., 408 West 14th Street, New York, N.Y. Applicant's representative: George A. Olsen, 69 Tonnele Avenue, Jersey City, N.J., 07306. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products*, and *meat byproducts, articles distributed by meat packinghouses* and *such commodities as are used by meatpackers in the conduct of their business* when destined to and for use by meatpackers as described in sections A, C, and D of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk, in tank vehicles), from Mason City, Iowa, to points in Pennsylvania, Connecticut, New York, New Jersey, Maryland, Delaware, Virginia, West Virginia, and the District of Columbia.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 115491 (Sub-No. 60) (AMENDMENT), filed March 23, 1965, published in FEDERAL REGISTER issue of April 8, 1965, amended April 27, 1965, and republished as amended this issue. Applicant: COMMERCIAL CARRIER CORPORATION, 502 East Bridgers Avenue, Post Office Box 67, Auburndale, Fla. Applicant's attorney: Thomas F. Kilroy, Suite 1250 Federal Bar Building, 1815 H Street NW., Washington, D.C., 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products* and *meat byproducts, dairy products* and *articles distributed by meat packinghouses*, as described in Sections A, B and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, from points in Dakota County, Nebr., and Sioux City,

Iowa, to points in Alabama, Georgia, Florida, Tennessee, Mississippi, South Carolina, and North Carolina.

NOTE: The purpose of this republication is to broaden the scope of the origin territory. If a hearing is deemed necessary, applicant does not specify place of hearing.

No. MC 115491 (Sub-No. 66), filed March 23, 1965. Applicant: COMMERCIAL CARRIER CORPORATION, 502 East Bridgers Avenue, (Post Office Box 67), Auburndale, Fla. Applicant's attorney: Thomas F. Kilroy, Suite 1250 Federal Bar Building, 1815 H Street NW., Washington, D.C., 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products* and *meat byproducts, dairy products* and *articles distributed by meat packinghouses*, as described in Sections A, B and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, from points in Dakota County, Nebr., and Sioux City, Iowa, to points in Massachusetts, Rhode Island, Connecticut, New York, Pennsylvania, Virginia, West Virginia, New Jersey, Maryland, Delaware, and the District of Columbia.

NOTE: If a hearing is deemed necessary, applicant does not specify place of hearing.

No. MC 115491 (Sub-No. 67), filed April 19, 1965. Applicant: COMMERCIAL CARRIER CORPORATION, 502 East Bridgers Avenue, Auburndale, Fla. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Syrup, liquid sugar*, and *blends* thereof, from Decatur, Ill., to points in Alabama, Florida, and Georgia.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Tampa, Fla., Chicago, Ill., or Washington, D.C.

No. MC 115826 (Sub-No. 40) (AMENDMENT), filed January 5, 1965, published in FEDERAL REGISTER, issue of January 20, 1965, amended April 27, 1965, and republished as amended this time. Applicant: W. J. DIGBY, INC., 1960 31st Street, Post Office Box 5088, Terminal Annex, Denver, Colo. Applicant's attorney: Michael T. Corcoran, 1360 Locust Street, Denver, Colo., 80220. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Confectionery, syrups, sauces, toppings, and chocolate products* (except in bulk, in tank vehicles), *and advertising materials and displays and dispensing equipment and premiums*, when moving in connection with confectionery, syrups, sauces, toppings, and chocolate products (except in bulk, in tank vehicles), from Oakdale, Calif., to points in Colorado, Arizona, Utah, New Mexico, Nevada, Wyoming, Montana, Idaho, Oregon, Texas, and Washington.

NOTE: The purpose of this republication is to add Arizona, New Mexico, and Texas to the destination States. If a hearing is deemed necessary, applicant requests it be held at Denver, Colo.

No. MC 115826 (Sub-No. 58), filed April 30, 1965. Applicant: W. J. DIGBY, INC., Box 5088, Terminal Annex, Denver, Colo. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs*, from Springdale, Ark., and points within 5 miles thereof to points in Arizona, Colorado, Idaho, Montana, Nebraska, New Mexico, Utah, Wyoming, and Alpine, Ashley, El Paso and Pecos, Tex.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Phoenix, Ariz.

No. MC 115826 (Sub-No. 59), filed April 30, 1965. Applicant: W. J. DIGBY, INC., Box 5088, Terminal Annex, Denver, Colo. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages, and related advertising material*, from Golden, Colo., to points in California, Kansas, Nevada, New Mexico, Oklahoma, Texas, Utah, and Wyoming.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Denver, Colo.

No. MC 115841 (Sub-No. 236), filed April 27, 1965. Applicant: COLONIAL REFRIGERATED TRANSPORTATION, INC., 1215 Bankhead Highway West, Post Office Box 2169, Birmingham, Ala. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts*, and *articles distributed by meat packinghouses* (except commodities in bulk or tank vehicles, and hides), from the plant site of the Platte Valley Packing Co., located in Dawson County, Nebr., to points in Kentucky, Virginia, North Carolina, South Carolina, Georgia, Florida, Tennessee, Alabama, Mississippi, and Louisiana.

NOTE: Applicant states the proposed operations will be restricted to traffic originating at the plant site and/or cold storage facilities utilized by Platte Valley Packing Co. in Dawson County, Nebr. If a hearing is deemed necessary, applicant does not specify place of hearing.

No. MC 116014 (Sub-No. 18) filed April 22, 1965. Applicant: RALPH OLIVER AND MRS. SCOTT OLIVER, A Partnership, doing business as OLIVER TRUCKING CO., North Bloomfield Road, Winchester, Ky. Applicant's attorney: Robert M. Pearce, 221 St. Clair Street, Frankfort, Ky. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel* and *iron and steel articles*, between points in Kentucky.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Louisville, Ky.

No. MC 116077 (Sub-No. 180), filed April 19, 1965. Applicant: ROBERTSON TANK LINES, INC., Post Office Box 9527, 5700 Polk Avenue, Houston, Tex. Applicant's attorney: Thomas E. James, 721 Brown Building, Austin, Tex. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Anhydrous ammonia*, in bulk, in tank vehicles, and *dry urea*, in bulk, from the plant site of American Cyanamid Co. located at Avondale, La., to points in Alabama, Arkansas, Florida, Georgia, Kansas, Kentucky, Louisiana, Mississippi, Missouri, North Carolina, Oklahoma, South Carolina, Tennessee, and Texas.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 116722 (Sub-No. 15), filed April 19, 1965. Applicant: DENVER-CLIMAX TRUCK LINE, INC., 1380 Umatilla Street, Denver 4, Colo. Applicant's attorney: John P. Thompson, 450 Capitol Life Building, Denver, Colo., 80203. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Classes A and B explosives* and *general commodities* (except those of unusual value, commodities in bulk, and those requiring special equipment), between Leadville, Colo., and junction U.S. Highway 6 and Colorado Highway 91 in Summit County, Colo., from Leadville over U.S. Highway 24 to junction U.S. Highway 6, thence over U.S. Highway 6 to junction Colorado Highway 91, and return over the same route, serving all intermediate points and the off-route point of Homestake Water Diversion Project near Minturn, in Eagle County, Colo.

NOTE: Applicant states it proposes to tack the authority sought to its present authority, MC 116722 Sub Nos. 2 and 5, as to render service between points presently authorized, and points involved in present application. If a hearing is deemed necessary, applicant requests it be held at Denver, Colo.

No. MC 117547 (Sub-No. 13), filed April 23, 1965. Applicant: BELL TRANSPORTATION CO., INC., 113 West 42d Street, Suite 1004, New York, N.Y., 10036. Applicant's attorney: George H. Rosen, 291 Broadway, New York 7, N.Y. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passenger automobiles*, which are owned by persons traveling by air under military orders, in drive-a-way service, between McGuire Air Force Base, Fort Dix, and Wrightstown, N.J., on the one hand, and, on the other, New York, N.Y., and points in the New York commercial zone, as defined by the Commission.

NOTE: Applicant states no duplication of authority is sought. If a hearing is deemed necessary, applicant requests it be held at New York, N.Y.

No. MC 117686 (Sub-No. 48) (AMENDMENT), filed February 18, 1965, published FEDERAL REGISTER issue March 10, 1965, and republished as amended this issue. Applicant: HIRSCHBACH MOTOR LINES, INC., 3324 U.S. Highway 75 North, Sioux City, Iowa. Applicant's attorney: J. Max Harding, Box 2028, Lincoln, Nebr., 68501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, and meat byproducts, dairy products, and articles distributed by meat packinghouses*, as described in sections A, B, and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk, in tank vehicles), from Sioux City, Iowa, and points in Dakota County, Nebr., to points in Alabama, Arkansas, Georgia, Kansas, Louisiana, Mississippi, Missouri, Oklahoma, Tennessee, and Texas, and *damaged and rejected shipments* of the above commodities, on return.

NOTE: The purpose of this republication is to add the origin point of Sioux City, Iowa. If a hearing is deemed necessary, applicant requests it be held at Des Moines, Iowa, or Omaha, Nebr.

No. MC 117867 (Sub-No. 1), filed April 20, 1965. Applicant: JOHN W. SMITH, 1716 Alexander Circle, Pueblo, Colo. Applicant's attorney: Michael T. Corcoran, 1360 Locust Street, Denver, Colo., 80220. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bananas, coconuts*, and *pineapples*, from New Orleans, La., Mobile, Ala., Gulfport, Miss., and Freeport, Tex., to points in Colorado, and *exempt commodities*, on return.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Denver, Colo.

No. MC 118142 (Sub-No. 19), filed April 19, 1965. Applicant: M. BRUENGER & COMPANY, INC., 6330 North Broadway, Wichita, Kans. Applicant's attorney: James F. Miller, 7501 Mission Road, Shawnee Mission, Kans. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bananas*, from Mobile, Ala., Gulfport, Miss., Houston and Freeport, Tex., to Wichita, Kans.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Topeka, Kans.

No. MC 118196 (Sub-No. 31), filed April 15, 1965. Applicant: RAYE AND COMPANY TRANSPORTS, INC., Highway 71 North, Post Office Box 613, Carthage, Mo. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dairy products*, from Parsons, Salina, and Moline, Kans., to points in Colorado, New Mexico, Arizona, California, and points in that part of Texas on and west of U.S. Highway 87 to Big Springs, Tex., and on and north of U.S. Highway 80.

NOTE: If a hearing is deemed necessary, applicant does not specify place of hearing.

No. MC 119489 (Sub-No. 6), filed April 21, 1965. Applicant: PAUL ABLER, doing business as CENTRAL TRANSPORT CO., Post Office Box 596, Norfolk, Nebr. Applicant's attorney: J. Max Harding, Box 2028, Lincoln, Nebr., 68501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Anhydrous ammonia and liquid fertilizer solutions*, in bulk, in tank vehicles, from Fort Dodge, Iowa, and points within 10 miles thereof, to points in Kansas, Minnesota, Missouri, Nebraska, North Dakota, South Dakota, and Illinois, and *damaged and rejected shipments* of the same commodities on return.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Des Moines, Iowa.

No. MC 119531 (Sub-No. 34) (AMENDMENT), filed February 9, 1965, published FEDERAL REGISTER issue of February 25, 1965, amended April 30, 1965, and republished as amended this issue. Applicant: DIECKBRADER EXPRESS, INC., 5391 Wooster Road, Cincinnati, Ohio. Applicant's attorney: Charles W. Singer, 33 North La Salle Street, Suite 3600, Chicago 2, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Paper products*, from Piqua, Ohio, to points in Illinois, Indiana, Kentucky, Michigan, New York, and Pennsylvania and (2) *materials and supplies* from points in Illinois, Indiana, Kentucky, Michigan, New York, and Pennsylvania to Piqua, Ohio. *Restriction* against the transportation of commodities in bulk and tank vehicles.

NOTE: The purpose of this republication is to add: (a) The restriction and (b) New York as a destination State in (1) and origin State in (2) above. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Washington, D.C.

No. MC 119767 (Sub-No. 73), filed April 23, 1965. Applicant: BEAVER TRANSPORT CO., a corporation, 100 South Calumet Street, Burlington, Wis. Applicant's representative: Fred H. Figge, Post Office Box 339, Burlington, Wis. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canned and/or preserved foodstuffs* from North Chicago, Ill., to St. Louis, Mo., and Louisville, Ky.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Louisville, Ky.

No. MC 119767 (Sub-No. 75), filed May 3, 1965. Applicant: BEAVER TRANSPORT CO., a corporation, 100 South Calumet Street, Burlington, Wis. Applicant's representative: Fred H. Figge, Post Office Box 339, Burlington, Wis. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bakery goods*, from Seeleyville, Ind., to Thief River Falls, Minn.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 119777 (Sub-No. 36), filed April 22, 1965. Applicant: LIGON SPECIALIZED HAULER, INC., Post Office Box 31, Madisonville, Ky. Applicant's attorney: Robert M. Pearce, 221 St. Clair, Frankfort, Ky. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel and iron and steel articles*, between points in Kentucky.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Louisville, Ky.

No. MC 119778 (Sub-No. 87), filed April 19, 1965. Applicant: REDWING CARRIERS, INC., Box 34, Powderly Station, Birmingham, Ala. Applicant's attorney: Frank B. Hand, Jr., 921 17th Street NW., Washington 6, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Anhydrous ammonia*, in bulk, in tank vehicles and *dry urea*, in bulk, from the plant site of the American Cyanamid Co., located at or near Avondale, La., to points in Alabama, Arkansas, Florida, Georgia, Kansas, North Carolina, Louisiana, Oklahoma, Mississippi, Missouri, Kentucky, South Carolina, Tennessee, and Texas.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 119829 (Sub-No. 14), filed April 22, 1965. Applicant: F. J. EGNER & SON, INC., 3969 Congress Parkway, West Richfield, Ohio. Applicant's attorney: Taylor C. Burneson, 3430 Leveque-Lincoln Tower, 50 West Broad Street, Columbus, Ohio. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Syrups, sugars, flavoring compounds, and sweetenings, including corn syrup and sucrose, and products and blends thereof*, in bulk, in tank vehicle, from points in Williams County, Ohio, to points in Indiana, Michigan, and West Virginia.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Columbus, Ohio.

No. MC 119939 (Sub-No. 5), filed April 21, 1965. Applicant: W. & M. TRANSPORTATION CO., INC., Route 11 North, Ridgeway, W. Va. Applicant's representative: C. F. Germelman, Post Office Box 81, Winchester, Va., 22601. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs*, other than frozen, from points in Shenandoah County, Va., to points in Georgia and Florida, and *exempt commodities*, on return.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 120543 (Sub-No. 25) (AMENDMENT), filed January 25, 1965, published FEDERAL REGISTER issue February 17, 1965, amended and republished this issue. Applicant: FLORIDA REFRIGERATED SERVICE, INC., U.S. Highway 301, North, Dade City, Fla. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canned goods*, from points in Florida, to points in Pennsylvania, New Jersey, New York, Connecticut, Rhode Island, Massachusetts, New Hampshire, Maine, North Carolina, and Vermont.

NOTE: The purpose of this republication is to delete the commodities as shown in previous publication and include North Carolina as a destination State. If a hearing is deemed necessary, applicant requests it be held at Tampa, Fla.

No. MC 125081 (Sub-No. 1), filed April 14, 1965. Applicant: EUGENE C. USSERY, Marshall, Mo. Applicant's attorney: Joseph R. Navy, 117 West High Street, Jefferson City, Mo. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Farm supplies and supplies incidental to animal husbandry*, from points in Illinois, to points in Saline, Carroll, Chariton, Howard, Cooper, Pettis, and Lafayette Counties, Mo., (2) *paper and paper articles* as described in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, 289–291 (App. XI), from Nashville, Tenn., to points in Saline, Carroll, Chariton, Howard, Cooper, Pettis, and Lafayette Counties, Mo., and (3) *salt*, from Hutchinson, Kans., to points in Saline, Carroll, Chariton, How-

ard, Cooper, Pettis, and Lafayette Counties, Mo.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Jefferson City, Mo.

No. MC 125708 (Sub-No. 19), filed April 19, 1965. Applicant: HUGH MAJOR, 150 Sinclair, South Roxana, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Wooden posts, poles, beams, pillars, pallets*, (2) *lumber* not included in (1), and (3) *articles of wood manufacture*, from points in Illinois on and south of U.S. Highway 50, to points in Indiana, Ohio, Michigan, Wisconsin, Iowa, Nebraska, and Minnesota.

NOTE: Applicant is authorized to conduct operations as a contract carrier in Permit MC 116434 and subs thereunder, therefore, dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 126183 (Sub-No. 1), filed April 26, 1965. Applicant: L. S. BOWERS, R. L. BOWERS, AND R. E. ROBINSON, doing business as BOWERS & SON, 2030 Blake Street, Denver, Colo. Applicant's attorney: Marion F. Jones, Suite 420, Denver Club Building, Denver, Colo., 80202. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Business machines*, between Denver, Colo., and points in Denver County, Colo., on the one hand, and, on the other, points in Colorado.

NOTE: Applicant states it presently holds authority, in MC 126183, to transport uncrated store and office furnishings, fixtures, and equipment and component parts of the commodities described above, between Denver, Colo., and points in Denver County, Colo., on the one hand, and, on the other, points in Colorado, which would probably include most business machines. There may, however, be some business machines that are not covered by this description. If a hearing is deemed necessary, applicant requests it be held at Denver, Colo.

No. MC 126427 (Sub-No. 2), filed April 21, 1965. Applicant: PALMER TRANSPORTATION, INC., Chester, N.Y. Applicant's attorney: Edward M. Alfano, 2 West 45th Street, New York 36, N.Y. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry sugar*, in bulk, from the Town of Montezuma, Cayuga County, N.Y., to points in Connecticut, Delaware, District of Columbia, Maine, Maryland, Massachusetts, Michigan, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Virginia, Vermont, Rhode Island, and West Virginia, and *returned, refused, and rejected shipments* of the same commodities, on return.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 126516 (Sub-No. 3), filed April 16, 1965. Applicant: GEORGE K. HALL, doing business as SKYLINE MOTORS, West 15th Street, Beaver Falls, Pa. Applicant's attorney: Russell S. Bernhard, 1625 K Street NW., Washington, D.C., 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between Greater Pittsburgh Airport, Allegheny County, Pa., on the one hand, and, on the other, points in Mercer County, Pa., restricted to traffic having an immediately prior or subsequent movement by air.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Pittsburgh, Pa.

No. MC 126578 (Sub-No. 2) (AMENDMENT), filed March 1, 1965, published FEDERAL REGISTER issue March 25, 1965, and republished as amended this issue. Applicant: CHARLES E. GLAS, doing business as SERVUS TRUCKING CO., 12822 South Justine, Calumet Park, Ill. Applicant's attorney: Charles W. Singer, 33 North La Salle Street, Chicago, Ill., 60602. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Boots and shoes*, rubber or plastic, or plastic or rubber and canvas combined, from Rock Island, Ill., to Holyoke, Mass.; Stow, Toledo, Akron, and Columbus, Ohio; Baltimore, Md.; New York, N.Y., and Kingston and Pittsburgh, Pa., and (2) *raw products, equipment, materials*, and *supplies*, used or useful in the manufacture and sale of boots and shoes, rubber or plastic, or plastic or rubber and canvas combined, from New York, N.Y.; Palmerton, Pa.; Belpre, Akron, and Ashland, Ohio; Institute, W. Va.; Havre de Grace, Md.; Naugatuck, Conn.; Holyoke and Melrose, Mass.; Louisville, Ky.; Sayreville and Brunswick, N.J., and Baltimore, Md.; to Rock Island, Ill.

NOTE: The purpose of this republication is to add the origin points of Melrose, Mass.; Brunswick, N.J.; and Baltimore, Md.; in (2) above. Applicant states the above-proposed operations will be for the account of The Servus Rubber Co. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 126811 (Sub-No. 1), filed March 24, 1965. Applicant: B & B SERVICES, INC., 1821 Joy Road, Columbus, Ga. Applicant's attorney: Wade H. Tomlinson, Jr., Post Office Drawer 160, Columbus, Ga. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between Columbus, Ga., on the one hand, and, on the other, points in Chattahoochee, Stewart, Quitman, Randolph, Terrell, Webster, Sumter, Schley, Marion, Taylor, Talbot, Upson, Meriwether, Pike, Harris, Troupe, Heard, Muscogee, and Macon Counties, Ga., and points in Russell, Barber, Bullock, Macon, Lee, Chambers, Tallapoosa, and Randolph Counties, Ala.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Atlanta, Ga.

No. MC 126837 (AMENDMENT), filed December 24, 1964, published FEDERAL REGISTER issue January 13, 1965, and republished as amended this issue. Applicant: KAN-BRICK TRUCKING, INC., Box 126, Hoisington, Kans. Applicant's attorney: M. John Carpenter, Lakin at Baker, Great Bend, Kans., 67530. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Brick, stone, fireplace units, firebrick, flue liners, clay, and various related items*, from Hoisington, Kans., to points in Kansas, Texas, Missouri, Oklahoma, Colorado, Nebraska, and Wyoming, (2) *stone*, from Canon City, Denver, Longmont, and Lyons, Colo., to Hoisington, Kans., and (3) *firebrick* from Denver, Colo., to Hoisington, Kans., and *rejected and returned brick, stone, firebrick, and related items*, on return.

NOTE: Applicant states the above-proposed operations will be limited to service for the account of Kansas Brick and Tile Co., Inc. The purpose of this republication is to add (2) and (3) above, and to state that the above operations will be limited to service for the account of Kansas Brick and Tile Co., Inc. If a hearing is deemed necessary, applicant requests it be held at Wichita, Kans.

No. MC 126965 (Sub-No. 2), filed April 27, 1965. Applicant: CLIFFORD B. FINKLE, JR., 800 Bloomfield Avenue, Clifton, N.J. Applicant's representative: George A. Olsen, 69 Tonnele Avenue, Jersey City, N.J., 07306. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Computing tapes, discs, cylinder*, and *memorandum data*, between Passaic, N.J., points in the New York, N.Y. commercial zone and Naugatuck, Conn.

NOTE: Applicant states the proposed operation will be for the account of U.S. Rubber Co. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at New York, N.Y.

No. MC 127042 (Sub-No. 3), filed April 21, 1965. Applicant: HAGEN, INC., 4420 Floyd Street, Sioux City, Iowa. Applicant's attorney: J. Max Harding, Box 2028, Lincoln, Nebr. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products*, and *meat byproducts, dairy products, articles distributed by meat packinghouses*, and *such commodities as are used by meatpackers in the conduct of their business* when destined to and for use by meatpackers, as described in sections A, B, C, and D of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk, in tank vehicles), from points in Iowa, to points in Idaho, Illinois, Kansas, Minnesota, Missouri, Montana, Nebraska, North Dakota, Oklahoma, South Dakota, Wisconsin, and Wyoming, and *damaged* and *rejected shipments* of the above commodities, on return.

NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr.

No. MC 127067 (Sub-No. 1), filed April 26, 1965. Applicant: McLEE TRUCKING COMPANY, INC., 384 Lillian Drive, Memphis, Tenn. Applicant's attorney: James N. Clay III, 340 Sterick Building, Memphis, Tenn. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Feed and feed ingredients*, between points in Alabama, Arkansas, Georgia, Kentucky, Louisiana, Mississippi, Missouri, and Texas, on the one hand, and, on the other, Memphis, Tenn.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Memphis, Tenn.

No. MC 127077, filed March 15, 1965. Applicant: CONTRACTORS TRANSPORT CORP., 300 Sixth Street South, Arlington 2, Va. Applicant's attorney: Ernie Adamson, Box 62, Middleburg, Va. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Machinery, contractors equipment*, and *construction materials* and *supplies*, between points in the District of Columbia, Virginia, West Virginia, and Maryland on and north of U.S. Highway 60 and on and east of U.S. Highway 522, and points in York and Lancaster Counties, Pa., including all points on the highways indicated and all points in the States indicated which are on the boundary of said States.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 127140 (AMENDMENT), filed April 6, 1965, published in FEDERAL REGISTER issue of April 21, 1965, amended April 29, 1965, and republished as amended this issue. Applicant: PADUCAH EXPRESS, INC., 603 McDonald Court, Nashville, Tenn. Applicant's attorney: Walter Harwood, Nashville Bank and Trust Building, Nashville 3, Tenn. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), (1) between Nashville, Tenn., and Paducah, Ky.: From Nashville over U.S. Highway 41A to Clarksville, Tenn., thence over U.S. Highway 79 to Paris Landing, Tenn., thence over Tennessee Highway 119 to the Tennessee-Kentucky State line, thence over Kentucky Highway 121 to Murray, Ky., thence over U.S. Highway 641 to junction U.S. Highway 68, thence over U.S. Highway 68 to Paducah, and return over the same route, serving all intermediate points in Kentucky; (2) from Nashville, over U.S. Highway 41 to Hopkinsville, Ky., thence over U.S. Highway 68 to junction U.S. Highway 641, and return over the same route for joinder only, serving no intermediate points, (3) from junction U.S. Highway 68 and Tennessee Highway 80, near the Tennessee River, over Tennessee Highway 80 to junction U.S. Highway 641, at or near Hardin, Ky., and return over the same route, for joinder only, serving no intermediate points; and (4) from Clarksville, Tenn., over U.S. Highway 41A to junction U.S. Highway 68 at Hopkinsville, Ky., and return over the same route, for joinder only, serving no intermediate points.

NOTE: The purpose of this republication is to add the following routes Nos. (2), (3), and (4). If a hearing is deemed necessary, applicant requests it be held at Nashville, Tenn.

No. MC 127165, filed April 20, 1965. Applicant: GATEWAY TRANSFER CO., INC., 1815 Coke Street, Post Office Box 526, Laredo, Tex. Applicant's attorney: Jerry Prestridge, Post Office Box 1148, Austin, Tex., 78763. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities, including commodities of unusual value, Classes A and B explosives, household goods* as defined by the Commission, *commodities in bulk* (other than liquids) and *commodities which require special equipment because of size or weight*, between Laredo, Tex., and points within 5 miles thereof, on the one hand, and, on the other, the boundary of the United States and Mexico at an international bridge approximately 25 miles northwest of Laredo, Tex.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Laredo, Tex.

No. MC 127186, filed April 21, 1965. Applicant: PAUL P. LANIER, Box 492, Ironton, Ohio. Applicant's attorney: Earl N. Merwin, 85 East Gay Street, Columbus 15, Ohio. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Expanded plastic* in high cube closed van equipment, (1) from the shipper's plant and/or warehouse located in Hamilton Township, Lawrence County, Ohio, to points in Alabama, Delaware, the District of Columbia, Georgia, Kentucky, Maryland, New Jersey, Nassau and Suffolk Counties, N.Y., and New York, N.Y., and points in the New York commercial zone, North Carolina, that part of Pennsylvania east of U.S. Highway 219, South Carolina, Tennessee, Virginia, and West Virginia, and (2) from the shipper's plant and/or warehouse located in Royersford, Montgomery County, Pa., to Hamilton Township, Lawrence County, Ohio, and *rejected* and *refused expanded plastic*, in connection with routes (1) and (2) above, on return.

NOTE: Applicant states the above-proposed operations will be under a continuing contract with Dow Chemical Co., Midland, Mich. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 127193, filed April 20, 1965. Applicant: LEONARD BROS. VAN & STORAGE CO., a corporation, 7040 West Fort Street, Detroit, Mich., 48209. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Personal effects* and *property* used or to be used in a dwelling when a part of the equipment or supply of such dwelling, (2) *furniture fixtures, equipment*, and the *property* of stores, offices, museums, institutions, hospitals, or other establishments when a part of the stock, equipment, or supply of such stores, offices, museums, institutions, hospitals, or other establishments, and (3) *articles* including *objects of art, displays*, and *exhibits*, which because of the unusual nature or value require specialized handling and equipment which usually is employed in moving household goods, between points in that part of Michigan bounded by a line beginning at Flint, Mich., and extending along Michigan Highway 21 to Port Huron, Mich., thence along the shores of the St. Clair River, Lake St. Clair, the Detroit River, and Lake Erie to the Michigan-Ohio State line, thence along the Michigan-Ohio State line to U.S. Highway 23, thence north along U.S. Highway 23 to Flint, Mich., and point of beginning, including service to Flint, Port Huron, and Ann Arbor, Mich.

NOTE: If a hearing is deemed necessary applicant requests it be held at Detroit, Mich.

MOTOR CARRIERS OF PASSENGERS

No. MC 127107, filed March 31, 1965. Applicant: ADAM & EVE FOR TRAVEL, INC., 7106 Castor Avenue, Philadelphia, Pa., 19149. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Limousine passenger service and baggage* of passengers in the same vehicle, (1) beginning and ending at Philadelphia, Pa., and points in Montgomery and Bucks Counties, Pa., and extending to piers in New York City, N.Y., and (2) beginning and ending at Philadelphia, Pa., and points in Montgomery and Bucks Counties, Pa., and extending to points in Sullivan and Ulster Counties, N.Y.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Philadelphia, Pa.

APPLICATIONS FOR BROKERAGE LICENSES

MOTOR CARRIERS OF PASSENGERS

No. MC 12949, filed April 9, 1965. Applicant: JACOB L. STEISEL, 130 West 42d Street, New York 36, N.Y. For a license (BMC 5) to engage in operations as a *broker* at New York, N.Y., in arranging for the transportation in interstate or foreign commerce, by motor vehicle, of *passengers and their baggage*, in charter operations, beginning and ending at points in New York and extending to points in the United States.

No. MC 12951, filed April 16, 1965. Applicant: GEORGE K. NERVIG, doing business as NERVIG TRAVEL SERVICE, 317 South Phillips Avenue, Sioux Falls, S. Dak. Applicant's attorney: Gene E. Pruitt, Northwestern Bank Building, Sioux Falls, S. Dak., 57102. For a license (BMC 5) to engage in operations as a *broker* at Sioux Falls, S. Dak., in arranging for the transportation in interstate or foreign commerce of *passengers and their baggage*, between points in the United States, including Alaska and Hawaii.

APPLICATIONS IN WHICH HANDLING WITHOUT ORAL HEARING HAS BEEN REQUESTED

MOTOR CARRIERS OF PROPERTY

No. MC 2245 (Sub-No. 4) filed February 19, 1965. Applicant: THE O.K. TRUCKING COMPANY, a corporation, 1810 South Street, Cincinnati, Ohio, 45204. Applicant's attorney: James E. Wilson, Perpetual Building, 1111 E Street NW., Washington 4, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading), (1) between Cincinnati, Ohio,

and Clarksburg, W. Va., over U.S. Highway 50; (2) between Parkersburg and Buckhannon, W. Va., from Parkersburg over West Virginia Highway 47 to junction U.S. Highway 119, thence over U.S. Highway 119 to Buckhannon, and return over the same route; (3) between Newport, Ohio (Washington County), and Pike, W. Va., over Alternate U.S. Highway 50; (4) between Weston and Morgantown, W. Va., over U.S. Highway 19; (5) between Elkins and Fairmont, W. Va., from Elkins over U.S. Highway 33 to Buckhannon, thence over West Virginia Highway 20 to junction West Virginia Highway 73 near Clarksburg, thence over West Virginia Highway 73 to Fairmont, and return over the same route; (6) between Ravenswood Works, W. Va. (about 4 miles south of Ravenswood), and Weirton, W. Va.; over West Virginia Highway 2; (7) between Belpre, Ohio, and Weirton, W. Va., from Belpre, Ohio, over Ohio Highway 7 to Steubenville, Ohio.

Thence across the Ohio River to Weirton, return over the same route; (8) between Huntington and Bluefield, W. Va., over U.S. Highway 52; (9) between Huntington and Welch, W. Va., from Huntington over West Virginia Highway 10 to junction West Virginia Highway 16, thence over West Virginia Highway 16 to Welch, and return over the same route; (10) between Naugatuck and Logan, W. Va., from Naugatuck over West Virginia Highway 65 to junction U.S. Highway 119, thence over U.S. Highway 119 to Logan and return over the same route; (11) between Dayton, Ohio, and Bluefield, W. Va., from Dayton, over U.S. Highway 35 to Point Pleasant, W. Va., thence over West Virginia Highway 2 to junction West Virginia Highway 17 at Henderson, W. Va., thence over West Virginia Highway 17 to junction U.S. Highway 60 near St. Albans, W. Va., thence over U.S. Highway 60 to Charleston, W. Va., thence over West Virginia Turnpike to junction U.S. Highway 219, thence over U.S. Highway 219 to junction U.S. Highway 21, and thence over U.S. Highway 21 to Bluefield, W. Va., and return over the same route; (12) between Charleston, W. Va., and Bluefield, W. Va., from Charleston over U.S. Highway 21 to junction West Virginia Highway 3, thence over West Virginia Highway 3 to junction West Virginia Highway 20 at Hinton, thence over West Virginia Highway 20 to junction U.S. Highway 52.

Thence over U.S. Highway 52 to Bluefield, and return over the same route, (13) between Charleston, W. Va., and Oak Hill, W. Va., from Charleston over U.S. Highway 21 to the Kanawha River, thence across the Kanawha River to Montgomery, and thence over West Virginia Highway 61 to Oak Hill and return over the same route; (14) between Portsmouth and Columbus, Ohio, over U.S. Highway 23; (15) between Cincinnati and Cleveland, Ohio, from Cincinnati over Interstate Highway 71 to junction Ohio Highway 18, thence over Ohio Highway 18 to Cleveland and return over the same route, serving the off-route points of Avon Lake, Madison, and Painesville; (16) between Cincinnati, Ohio, and Wheeling, W. Va., from Cincinnati over Interstate Highway 75 to junction U.S. Highway 40 and Interstate Highway 70, thence over U.S. Highway 40 and Interstate Highway 70 to Wheeling, W. Va., and return over the same route, (17) between Cambridge, Ohio, and Weirton, W. Va., over U.S. Highway 22; (18) between Cincinnati, Ohio, and Vandalia, Ohio, from Cincinnati over U.S. Highway 127 to Hamilton, thence over Ohio Highway 4 to junction Ohio Highway 73.

Thence over Ohio Highway 73 to junction Interstate Highway 75, and thence over Interstate Highway 75 to Vandalia (also from Cincinnati to Vandalia over Interstate Highway 75), and return over the same route, and; (19) between Dayton, Ohio, and junction Ohio Highway 4 and U.S. Highway 40, from Dayton over Ohio Highway 4 to junction U.S. Highway 40, and return over the same route, serving all intermediate points, and all points in the State of West Virginia as off-route points in connection with the above-described routes. To the extent that the foregoing regular routes duplicate the carrier's existing authority, such routes shall not be construed as conferring more than one operating right severable for sale or otherwise.

NOTE: This application is filed pursuant to MC-C 4366, effective May 1, 1964, which provides the special rules for conversion of irregular to regular motor carrier operations.

SPECIAL NOTE: Protests to this application may be filed within 45 days instead of 30 days.

No. MC 18088 (Sub-No. 34), filed March 1, 1965. Applicant: FLOYD & BEASLEY TRANSFER COMPANY, INC., Post Office Drawer 8, Sycamore, Ala. Applicant's attorney: John W. Cooper, 805 Title Building, Birmingham, Ala., 35203. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: (A) *Textile products*, (1) between Sycamore, Ala., and Atlanta, Ga.; (a) from Sycamore over Alabama Highway 21 to junction U.S. Highway 78, thence over U.S. Highway 78 to Atlanta (also from Sycamore over Alabama Highway 21 to junction Interstate Highway 20, thence over Interstate Highway 20 to Atlanta), and return over the same route, serving all intermediate points; (b) from Sycamore over Alabama Highway 21 to junction U.S. Highway 78, thence over U.S. Highway 78 to junction Alabama Highway 46 (also from Sycamore over Alabama Highway 21 to junction Interstate Highway 20, thence over Interstate Highway 20 to junction Alabama Highway 46), thence over Alabama Highway 46 to the Alabama-Georgia State line, thence over Georgia Highway 166 to Atlanta and return over the same route, serving all intermediate points; (c) from Sycamore over Alabama Highway 21 to junction U.S. Highway 78, thence over U.S. Highway 78 to junction Georgia Highway 120 (also from Sycamore over Alabama Highway 21 to junction Interstate Highway 20).

Thence over Interstate Highway 20 to junction Georgia Highway 100, thence over Georgia Highway 100 to junction Georgia Highway 120, thence over Georgia Highway 120 to Marietta, Ga., thence over Interstate Highway 75 to Atlanta and return over the same route, serving all intermediate points; (2) between Sycamore, Ala., and Greenville, S.C.; (a) from Sycamore to Atlanta as described above, thence over U.S. Highway 23 to Cornelia, Ga., thence over U.S. Highway 123 to Greenville (also from Atlanta over Interstate Highway 85 to Greenville), and return over the same route, serving all intermediate points; (b) from Sycamore to Atlanta as described above, thence over U.S. Highway 29 (also over U.S. Highway 78) to Athens, Ga., thence over U.S. Highway 29 to Greenville (also from Athens over U.S. Highway 72 to Greenwood, S.C., thence over U.S. Highway 25 to Greenville), and return over the same route, serving all intermediate points; (3) between Birmingham, Ala., and Atlanta, Ga., over U.S. Highway 78 (also over Interstate Highway 20), serving all intermediate points; (4) between Birmingham, Ala., and Greenville, S.C.; from Birmingham over U.S. Highway 78 (also over Interstate Highway 20) to Atlanta, Ga., thence as described above to Greenville and return over the same route, serving all intermediate points; (5) between Birmingham, Ala., and Chattanooga, Tenn., over U.S. Highway 11 (also over Interstate Highway 59), serving all intermediate points; (6) between Atlanta, Ga., and Lanett, Ala., over U.S. Highway 29 (also over Interstate Highway 85), serving all intermediate points; (7) between Greenville, S.C., and Lanett, Ala., over U.S. Highway 29 (also over Interstate Highway 85), serving all intermediate points.

(8) Between Sycamore, Ala., and Chattanooga, Tenn.; from Sycamore over Alabama Highway 21 to Talladega, Ala., thence over Alabama Highway 77 to Attalla, Ala., thence over U.S. Highway 11 to Chattanooga (also from Attalla over Interstate Highway 59 to Chattanooga), and return over the same route, serving all intermediate points; (9) between Sycamore, Ala., and Birmingham, Ala.; (a) from Sycamore over Alabama Highway 21 to junction unnumbered road, thence over unnumbered road to junction Alabama Highway 76, thence over Alabama Highway 76 to Childersburg, Ala., thence over U.S. Highway 280 to Birmingham and return over the same route, serving all intermediate points; (b) from Sycamore over Alabama Highway 21 to Talladega, Ala., thence over Alabama Highway 77 to junction U.S. Highway 78, thence over U.S. Highway 78 to Birmingham (also from Talladega over Alabama Highway 77 to junction Interstate Highway 20, thence over Interstate Highway 20 to Birmingham), and return over the same route, serving all intermediate points; and (c) from Sycamore over Alabama Highway 21 to junction unnumbered road, thence over unnumbered road to junction Alabama Highway 76, thence over Alabama Highway 76 to Childersburg, Ala., thence over Alabama Highway 25 to Columbiana, Ala.

Thence over Alabama Highway 70 to Siluria, Ala., thence over Alabama Highway 119 to junction U.S. Highway 31, thence over U.S. Highway 31 to Birmingham (also from Siluria over Alabama Highway 119 to junction Interstate Highway 65, thence over Interstate Highway 65 to Birmingham), and return over the same route, serving all intermediate points; (B) *general commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading), (1) from Atlanta, Ga., to Sycamore, Ala.; (a) from Atlanta over U.S. Highway 78 to junction Alabama Highway 21, thence over Alabama Highway 21 to Sycamore (also from Atlanta over Interstate Highway 20 to junction Alabama Highway 21, thence over Alabama Highway 21 to Sycamore), serving no intermediate points; (b) from Atlanta over Georgia Highway 166 to the Georgia-Alabama State line, thence over Alabama Highway 46 to junction U.S. Highway 78, thence over U.S. Highway 78 to junction Alabama Highway 21 (also from the Georgia-Alabama State line over Alabama Highway 46 to junction Interstate Highway 20, thence over Interstate Highway 20 to junction Alabama Highway 21), thence over Alabama Highway 21 to Sycamore, serving no intermediate points; (c) from Atlanta over Interstate Highway 75 to Marietta, Ga.

Thence over Georgia Highway 120 to junction U.S. Highway 78, thence over U.S. Highway 78 to junction Alabama Highway 21, thence over Alabama Highway 21 to Sycamore (also from Marietta over Georgia Highway 120 to junction Georgia Highway 100, thence over Georgia Highway 100 to junction Interstate Highway 20, thence over Interstate Highway 20 to junction Alabama Highway 21, thence over Alabama Highway 21 to Sycamore), serving no intermediate points; (2) from Greenville, S.C., to Sycamore, Ala.; (a) from Greenville over U.S. Highway 123 to Cornelia, Ga., thence over U.S. Highway 23 to Atlanta, Ga., thence as described above to Sycamore (also from Greenville over Interstate Highway 85 to Atlanta), serving all intermediate points in South Carolina; (b) from Greenville over U.S. Highway 29 to Athens, Ga., thence over U.S. Highway 29 (also U.S. Highway 78) to Atlanta, thence to Sycamore as described above (also from Greenville over U.S. Highway 25 to Greenwood, S.C., thence over U.S. Highway 72 to Athens), serving all intermediate points in South Carolina; (3) from Atlanta, Ga., to Birmingham, Ala., over U.S. Highway 78 (also over Interstate Highway 20), serving all intermediate points on U.S. Highway 78 and Alabama Highway 202 (formerly U.S. Highway 78) between Birmingham and Anniston, Ala., and the off-route point of Cropwell, Ala.; (4) from Greenville, S.C., to Birmingham, Ala.; from Greenville to Atlanta as described above, thence over U.S. Highway 78 (also over Interstate Highway 20) to Birmingham, serving all intermediate points in South Carolina and on U.S. Highway 78 and Alabama Highway 202 (formerly U.S. Highway 78) between Birmingham and Anniston, Ala., and the off-route point of Cropwell, Ala.; (5) from Chattanooga, Tenn., to Birmingham, Ala., over U.S. Highway 11 (also over Interstate Highway 59), serving no intermediate points; (6) from Chattanooga, Tenn., to Sycamore, Ala.; from Chattanooga over Interstate Highway 59 to junction Alabama Highway 77 at Attalla, Ala.

Thence over Alabama Highway 77 to junction Alabama Highway 21 at Talladega, Ala., thence over Alabama Highway 21 to Sycamore, serving no intermediate points; (7) between Birmingham, Ala., and Anniston, Ala.; from Birmingham over U.S. Highway 78 to junction Alabama Highway 202 (formerly U.S. Highway 78), thence over Alabama Highway 202 to Anniston (also from Birmingham over Interstate Highway 20 to Anniston), and return over the same route, serving all intermediate points and the off-route point of Cropwell, Ala.; (8) from Birmingham, Ala., to Sycamore, Ala.; from Birmingham over U.S. Highway 280 to Childersburg, Ala., thence over Alabama Highway 76 to junction unnumbered road, thence over unnumbered road to junction Alabama Highway 21, thence over Alabama Highway 21 to Sycamore, serving no intermediate points; and (9) from Atlanta, Ga., to Anniston, Ala., over U.S. Highway 78 (also over Interstate Highway 20), serving no intermediate points.

NOTE: This application is filed pursuant to MC-C-4366, effective May 1, 1964, which provides the special rules for conversion of irregular-route to regular-route motor carrier operations.

SPECIAL NOTE: Protests to this application may be filed within 45 days instead of 30 days.

No. MC 22214 (Sub-No. 15), filed March 1, 1965. Applicant: ACCELERATED TRANSPORT-PONY EXPRESS, INC., 23 and 61 West Lee Street, Hagerstown, Md. Applicant's attorney: Spencer T. Money, Suite 411, Park Lane Building, 2025 Eye Street NW., Washington, D.C., 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined in *Practices of Motor Common Carriers of Household Goods*, 17 M.C.C. 467, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading), (1) between Hagerstown, Md., and Wheeling, W. Va., (a) from Hagerstown over U.S. Highway 11 to junction West Virginia Highway 9 at or near Martinsburg, W. Va., thence over West Virginia Highway 9 to junction U.S. Highway 522 at Berkeley Springs, thence over U.S. Highway 522 to junction U.S. Highway 40 at Hancock, Md., thence over U.S. Highway 40 to Wheeling, and return over the same route, serving no intermediate points, and (b) from Hagerstown over U.S. Highway 11 to junction U.S. Highway 50 at Winchester, Va., thence over U.S. Highway 50 to junction U.S. Highway 21 at Parkersburg, W. Va., thence over U.S. Highway 21 to Charleston, and return over the same route, serving no intermediate points, and (b) from Hagerstown over U.S. Highway 11 to junction Virginia Highway 42 at Harrisonburg, thence over Virginia Highway 42 to junction U.S. Highway 60 at or near Clifton Forge, thence over U.S. Highway 60 to Charleston, and return over the same route, serving no intermediate points; (3) between Hagerstown, Md., and Parkersburg, W. Va., (a) from Hagerstown over U.S. Highway 11 to junction U.S. Highway 50 at Winchester, Va., thence over U.S. Highway 50 to Parkersburg, and return over the same route, serving no intermediate points, and (b) from Hagerstown over U.S. Highway 11 to junction West Virginia Highway 9 at or near Martinsburg, W. Va., thence over West Virginia Highway 9 to junction U.S. Highway 522 at Berkeley Springs, thence over U.S. Highway 522 to junction U.S. Highway 40 at Hancock, Md., thence over U.S. Highway 40 to Wheeling, W. Va., thence over West Virginia Highway 2 to Parkersburg, and return over the same route, serving no intermediate points; (4) between Hagerstown, Md., and Charleston, W. Va., (a) from Hagerstown over U.S. Highway 11 to junction U.S. Highway 50 at Winchester, Va., thence over U.S. Highway 50 to junction U.S. Highway 21 at Parkersburg, W. Va., thence over U.S. Highway 21 to Charleston, and return over the same route, serving no intermediate points, and (b) from Hagerstown over U.S. Highway 11 to junction Virginia Highway 42 at Harrisonburg, thence over Virginia Highway 42 to junction U.S. Highway 60 at or near Clifton Forge, thence over U.S. Highway 60 to Charleston, and return over the same route, serving no intermediate points; (5) between Hagerstown, Md., and Huntington, W. Va., (a) from Hagerstown over U.S. Highway 11 to junction U.S. Highway 50 at Winchester, Va., thence over U.S. Highway 50 to junction West Virginia Highway 2 at Parkersburg.

Thence over West Virginia Highway 2 to Huntington, and return over the same route, serving no intermediate points, and (b) from Hagerstown over U.S. Highway 11 to junction Virginia Highway 42 at Harrisonburg, Va., thence over Virginia Highway 42 to junction U.S. Highway 60 at or near Clifton Forge, thence over U.S. Highway 60 to Huntington, and return over the same route, serving no intermediate points.

NOTE: This application is filed pursuant to MC-C-4366, effective May 1, 1964, which provides the special rules for conversion of irregular route to regular motor carrier operations.

SPECIAL NOTE: Protests to this application may be filed within 45 days instead of 30 days.

No. MC 25869 (Sub-No. 43), filed April 21, 1965. Applicant: NOLTE BROS. TRUCK LINE, INC., Post Office Box 184, South Omaha Station, 2509 O Street, South Omaha, Nebr. Applicant's attorney: Duane C. Acklie, Box 2028, Omaha, Nebr. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts, and articles distributed by meat packinghouses*, as described in sections A and C,

Appendix I, in *Descriptions in Motor Carrier Certificates* 61 M.C.C. 209 and 766 (except liquids in bulk, in tank vehicles and hides), from points in Saunders County, Nebr., to points in Kentucky.

No. MC 312220 (Sub-No. 22), filed March 1, 1965. Applicant: DANIELS MOTOR FREIGHT, INC., Post Office Box 2037, Warren, Ohio. Applicant's attorney: Francis J. Ortman, National Press Building, Washington 4, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), (1) between Warren, Ohio, and Baltimore, Md.; (a) from Warren over Ohio Highway 169 to junction U.S. Highway 422, thence over U.S. Highway 422 to junction U.S. Highway 22, thence over U.S. Highway 22 to junction U.S. Highway 220, thence over U.S. Highway 220 to junction U.S. Highway 30, thence over U.S. Highway 30 to junction Interstate Highway 70, thence over Interstate Highway 70 to junction U.S. Highway 40 (also over U.S. Highway 30 to junction Pennsylvania Highway 126, thence over Pennsylvania Highway 126 to the Pennsylvania-Maryland State line, thence over U.S. Highway 522 to junction U.S. Highway 40), thence over U.S. Highway 40 to Baltimore and return over the same route, serving all intermediate points, limited to the transportation of shipments originating at, or destined to, points east of 75 miles of Youngstown, Ohio; (b) from Warren over Ohio Highway 169 to Niles, Ohio, thence over Ohio Highway 46 to Austintown, Ohio, thence over Ohio Highway 18 to junction Interstate Highway 80S (Ohio Turnpike).

Thence over Interstate Highway 80S to junction Pennsylvania Turnpike, thence over the Pennsylvania Turnpike to junction Interstate Highway 83 (at Interchange No. 18), thence over Interstate Highway 83 to Baltimore and return over the same route, serving all intermediate points, limited to the transportation of shipments originating at, or destined to, points east of 75 miles of Youngstown, Ohio; (2) between Warren, Ohio, and Philadelphia, Pa.; (a) from Warren over Ohio Highway 169 to junction U.S. Highway 422, thence over U.S. Highway 422 to junction U.S. Highway 19, thence over U.S. Highway 19 to junction Pennsylvania Turnpike (Interchange No. 3), thence over the Pennsylvania Turnpike to junction U.S. Highway 11 (Interchange No. 16), thence over U.S. Highway 11 to junction U.S. Highway 230, thence over U.S. Highway 230 to junction U.S. Highway 30, thence over U.S. Highway 30 to junction U.S. Highway 202, thence over U.S. Highway 202 to junction Interstate Highway 76, thence over Interstate Highway 76 to Philadelphia and return over the same route, serving all intermediate points, limited to the transportation of shipments originating at, or destined to, points east of 75 miles of Youngstown, Ohio; (b) from Warren over Highway 169 to Niles, Ohio, thence over Ohio Highway 46 to Austintown, Ohio, thence over Ohio Highway 18 to junction Ohio Turnpike, thence over Ohio Turnpike to junction Pennsylvania Turnpike, thence over the Pennsylvania Turnpike to junction Interstate Highway 76, thence over Interstate Highway 76 to Philadelphia and return over the same route, serving all intermediate points, limited to the transportation of shipments originating at, or destined to, points east of 75 miles of Youngstown, Ohio; (3) between Warren, Ohio, and York, Pa.; from Warren over Ohio Highway 169 to junction U.S. Highway 422.

Thence over U.S. Highway 422 to junction U.S. Highway 22, thence over U.S. Highway 22 to junction U.S. Highway 220, thence over U.S. Highway 220 to junction Pennsylvania Turnpike (Interchange No. 11), thence over the Pennsylvania Turnpike to junction Pennsylvania Highway 75 (Interchange No. 14), thence over Pennsylvania Highway 75 to junction U.S. Highway 30, thence over U.S. Highway 30 to York and return over the same route, serving all intermediate points, limited to the transportation of shipments originating at, or destined to, points east of 75 miles of Youngstown, Ohio; (4) between Warren, Ohio, and New York, N.Y.; (a) from Warren over Ohio Highway 169 to junction U.S. Highway 422, thence over U.S. Highway 422 to junction U.S. Highway 22, thence over U.S. Highway 22 to junction U.S. Highway 1, thence over U.S. Highway 1 to New York (via the Holland Tunnel or Lincoln Tunnel), and return over the same route, serving all intermediate points, limited to the transportation of shipments originating at, or destined to, points east of 75 miles of Youngstown, Ohio; (b) from Warren over Ohio Highway 169 to Niles, Ohio, thence over Ohio Highway 46 to Austintown, Ohio, thence over Ohio Highway 18 to junction Ohio Turnpike, thence over the Ohio Turnpike to junction Pennsylvania Turnpike, thence over the Pennsylvania Turnpike to junction Interstate Highway 95 (New Jersey Turnpike), thence over Interstate Highway 95 to New York and return over the same route, serving all intermediate points, limited to the transportation of shipments originating at, or destined to, points east of 75 miles of Youngstown, Ohio; (5) between Warren, Ohio, and St. Louis, Mo.; from Warren over Ohio Highway 169 to Niles, Ohio, thence over Ohio Highway 46 to Austintown, Ohio.

Thence over Ohio Highway 18 to Rootstown, Ohio, thence over Ohio Highway 44 to junction U.S. Highway 224, thence over U.S. Highway 224 to junction Interstate Highway 71, thence over Interstate Highway 71 to Columbus, Ohio, thence over U.S. Highway 40 to St. Louis (also over Interstate Highway 71 to junction U.S. Highway 36, thence over U.S. Highway 36 to Marysville, Ohio, thence over Ohio Highway 4 to junction U.S. Highway 40, thence over U.S. Highway 40 to St. Louis), and return over the same route, serving all intermediate points, limited to the transportation of shipments originating at, or destined to, points west of 75 miles of Youngstown, Ohio; (6) between Warren, Ohio, and Indianapolis, Ind.; from Warren over Ohio Highway 169 to Niles, Ohio, thence over Ohio Highway 46 to Austintown, Ohio, thence over Ohio Highway 18 to Rootstown, Ohio, thence over Ohio Highway 44 to junction U.S. Highway 224, thence over U.S. Highway 224 to junction Interstate Highway 71, thence over Interstate Highway 71 to junction U.S. Highway 30, thence over U.S. Highway 30 to junction U.S. Highway 30N, thence over U.S. Highway 30N to Delphos, Ohio, thence over U.S. Highway 30 to Fort Wayne, Ind.

Thence over Indiana Highway 37 to Indianapolis (also from Fort Wayne over Indiana Highway 37 to junction Indiana Highway 100, thence over Indiana Highway 100 to junction U.S. Highway 421, thence over U.S. Highway 421 to Indianapolis), and return over the same route, serving all intermediate points, limited to the transportation of shipments originating at, or destined to, points west of 75 miles of Youngstown, Ohio; (7) between Warren, Ohio, and Chicago, Ill.; (a) from Warren over Ohio Highway 5 to junction Ohio Highway 14, thence over Ohio Highway 14 to junction Ohio Turnpike (Interchange No. 13), thence over the Ohio Turnpike to junction Ohio Highway 250 (Interchange No. 7), thence over Ohio Highway 250 to junction Ohio Highway 113, thence over Ohio Highway 113 to junction U.S. Highway 20, thence over U.S. Highway 20 to junction U.S. Highway 6, thence over U.S. Highway 6 to junction Indiana Highway 53; thence over Indiana Highway 53 to junction Interstate Highway 90 (also over Indiana Highway 53 to junction Interstate Highway 94, thence over Interstate Highway 94 to Chicago), thence over Interstate Highway 90 to Chicago (also from junction Ohio Highway 113 and U.S. Highway 20 over U.S. Highway 20 to junction Interstate Highway 90, thence over Interstate Highway 90 to Chicago), and return over the same route, serving all intermediate points, limited to the transportation of shipments originating at, or destined to, points west of 75 miles of Youngstown, Ohio; (b) from Warren over Ohio Highway 5 to junction Interstate Highway 80 (Ohio Turnpike at Interchange No. 14).

Thence over Interstate Highway 80 to junction Interstate Highway 90, thence over Interstate Highway 90 to Chicago (also over Interstate Highway 80 to junction Interstate Highway 94, thence over Interstate Highway 94 to Chicago) and return over the same route, serving all intermediate points, limited to the transportation of shipments originating at, or destined to, points west of 75 miles of Youngstown, Ohio; (c) from Warren over Ohio Highway 5 to junction Interstate Highway 80 (Ohio Turnpike at Interchange No. 14), thence over Interstate Highway 80 to junction Ohio Highway 120, thence over Ohio Highway 120 to Toledo, Ohio, thence over U.S. Highway 24 to Fort Wayne, Ind., thence over U.S. Highway 30 to junction Indiana Highway 53, thence over Indiana Highway 53 to junction Interstate Highway 90, thence over Interstate Highway 90 to Chicago (also over Indiana Highway 53 to junction Interstate Highway 94, thence over Interstate Highway 94 to Chicago), and return over the same

route, serving all intermediate points, limited to the transportation of shipments originating at, or destined to, points west of 75 miles of Youngstown, Ohio; (8) between Warren, Ohio, and Saginaw, Mich.; (a) from Warren over Ohio Highway 5 to junction Ohio Highway 82, thence over Ohio Highway 82 to junction U.S. Highway 20, thence over U.S. Highway 20 to junction Ohio Highway 120, thence over Ohio Highway 120 to junction U.S. Highway 25, thence over U.S. Highway 25 to junction U.S. Highway 24, thence over U.S. Highway 24 to junction Michigan Highway 50.

Thence over Michigan Highway 50 to junction U.S. Highway 23, thence over U.S. Highway 23 to junction Michigan Highway 46, thence over Michigan Highway 46 to Saginaw and return over the same route, serving all intermediate points, limited to the transportation of shipments originating at, or destined to, points west of 75 miles of Youngstown, Ohio; (b) from Warren over Ohio Highway 5 to junction Ohio Highway 14, thence over Ohio Highway 14 to junction Ohio Highway 82, thence over Ohio Highway 82 to junction U.S. Highway 20, thence over U.S. Highway 20 to junction U.S. Highway 23, thence over U.S. Highway 23 to junction Michigan Highway 46, thence over Michigan Highway 46 to Saginaw and return over the same route, serving all intermediate points, limited to the transportation of shipments originating at, or destined to, points west of 75 miles of Youngstown, Ohio; (c) from Warren over Ohio Highway 5 to junction Ohio Turnpike (Interchange 14), thence over the Ohio Turnpike to junction Ohio Highway 120 (Interchange 5), thence over Ohio Highway 120 to Toledo, Ohio, thence over Interstate Highway 75 to Saginaw and return over the same route, serving all intermediate points, limited to the transportation of shipments originating at, or destined to, points west of 75 miles of Youngstown, Ohio; (9) between Warren, Ohio, and Cleveland, Ohio; (a) from Warren over U.S. Highway 422 to Cleveland and return over the same route, serving all intermediate points; (b) from Warren over Ohio Highway 5 to junction Ohio Turnpike (Interchange No. 14), thence over the Ohio Turnpike to junction U.S. Highway 21 (Interchange No. 11).

Thence over U.S. Highway 21 to Cleveland (also over Ohio Highway 5 to junction Ohio Highway 14, thence over Ohio Highway 14 to Cleveland) and return over the same route, serving all intermediate points; (10) between Warren, Ohio, and Ashtabula, Ohio; from Warren over Ohio Highway 169 to Niles, Ohio, thence over Ohio Highway 46 to Ashtabula and return over the same route, serving all intermediate points; (11) between Warren, Ohio, and Elmira, N.Y.; from Warren over Ohio Highway 5 to junction Ohio Highway 7, thence over Ohio Highway 7 to junction Interstate Highway 90, thence over Interstate Highway 90 to junction New York Highway 5, thence over New York Highway 5 to junction U.S. Highway 20, thence over U.S. Highway 20 to junction New York Highway 63, thence over New York Highway 63 to junction U.S. Highway 15, thence over U.S. Highway 15 to junction New York Highway 17, thence over New York Highway 17 to Elmira and return over the same route, serving all intermediate points, limited to the transportation of shipments originating at, or destined to, points east of 75 miles of Youngstown, Ohio; (12) between Warren, Ohio, and Schenectady, N.Y.; (a) from Warren over Ohio Highway 5 to junction Ohio Highway 7, thence over Ohio Highway 7 to junction Interstate Highway 90, thence over Interstate Highway 90 to junction New York Highway 146 (New York Thruway Interchange No. 25).

Thence over New York Highway 146 to Schenectady (also over Interstate Highway 90 to junction New York Highway 365 (New York Thruway Interchange No. 33), thence over New York Highway 365 to Rome, N.Y., thence over New York Highway 49 to junction Interstate Highway 90 (New York Thruway Interchange No. 31), thence over Interstate Highway 90 to junction New York Highway 146 (New York Thruway Interchange No. 25)), and return over the same route, serving all intermediate points, limited to the transportation of shipments originating at, or destined to, points east of 75 miles of Youngstown, Ohio; (b) from Warren over Ohio Highway 5 to junction Ohio Highway 7, thence over Ohio Highway 7 to junction Interstate Highway 90, thence over Interstate Highway 90 to junction New York Highway 5, thence over New York Highway 5 to junction U.S. Highway 20, thence over U.S. Highway 20 to junction U.S. Highway 15 to junction Interstate Highway 90 (New York Thruway Interchange No. 46), thence over Interstate Highway 90 to junction New York Highway 146 (New York Thruway Interchange No. 25) (also over Interstate Highway 90 to junction New York Highway 365 (New York Thruway Interchange No. 33), thence over New York Highway 365 to Rome, N.Y., thence over New York Highway 49 to junction Interstate Highway 90 (New York Interchange No. 31), thence over Interstate Highway 90 to junction New York Highway 146 (New York Thruway Interchange No. 25)).

Thence over New York Highway 146 to Schenectady and return over the same route, serving all intermediate points, limited to the transportation of shipments originating at, or destined to, points east of 75 miles of Youngstown, Ohio; (13) between Warren, Ohio, and Syracuse, N.Y.; (a) from Warren over Ohio Highway 5 to junction Ohio Highway 7, thence over Ohio Highway 7 to junction Interstate Highway 90, thence over Interstate Highway 90 to junction New York Highway 5, thence over New York Highway 5 to junction U.S. Highway 20, thence over U.S. Highway 20 to junction U.S. Highway 15, thence over U.S. Highway 15 to junction Interstate Highway 90 (New York Thruway Interchange No. 46), thence over Interstate Highway 90 to junction Interstate Highway 81 (New York Thruway Interchange No. 36) (also over U.S. Highway 15 to Rochester, N.Y., thence over Interstate Highway 490 to junction Interstate Highway 90 (New York Thruway Interchange No. 45), thence over Interstate Highway 90 to junction Interstate Highway 81 (New York Thruway Interchange No. 36)).

Thence over Interstate Highway 81 to Syracuse and return over the same route, serving all intermediate points, limited to the transportation of shipments originating at, or destined to, points east of 75 miles of Youngstown, Ohio; (b) from Warren over Ohio Highway 5 to junction Ohio Highway 7, thence over Ohio Highway 7 to junction Interstate Highway 90, thence over Interstate Highway 90 to junction New York Highway 5, thence over New York Highway 5 to junction U.S. Highway 20, thence over U.S. Highway 20 to junction New York Highway 5, thence over New York Highway 5 to Syracuse and return over the same route, serving all intermediate points limited to the transportation of shipments originating at, or destined to, points east of 75 miles of Youngstown, Ohio; (d) from Warren over Ohio Highway 5 to junction Ohio Highway 7, thence over Ohio Highway 7 to junction Interstate Highway 90, thence over Interstate Highway 90 to junction Interstate Highway 81 (New York Thruway Interchange No. 36) (also over Interstate Highway 90 to junction U.S. Highway 15 (New York Thruway Interchange No. 46), thence over U.S. Highway 15 to Rochester, N.Y., thence over Interstate Highway 490 to junction Interstate Highway 90 (New York Thruway Interchange No. 45), thence over Interstate Highway 90 to junction Interstate Highway 81 (New York Thruway Interchange No. 36)).

Thence over Interstate Highway 81 to Syracuse and return over the same route, serving all intermediate points, limited to the transportation of shipments originating at, or destined to, points east of 75 miles of Youngstown, Ohio; (e) from Warren over Ohio Highway 5 to junction Ohio Highway 7, thence over Ohio Highway 7 to junction Interstate Highway 90, thence over Interstate Highway 90 to junction New York Highway 17 (New York Thruway Interchange No. 60),

thence over New York Highway 17 to Elmira, N.Y., thence over New York Highway 13 to junction U.S. Highway 11 (also Interstate Highway 81), thence over U.S. Highway 11 (also Interstate Highway 81) to Syracuse and return over the same route, serving all intermediate points, limited to the transportation of shipments originating at, or destined to, points east of 75 miles of Youngstown, Ohio; and (14) between Cleveland, Ohio, and junction Interstate Highway 90 and Ohio Highway 7; from Cleveland over Interstate Highway 90 to junction Ohio Highway 7 (also over U.S. Highway 20 to junction Ohio Highway 7, thence over Ohio Highway 7 to junction Interstate Highway 90), and return over the same route, serving all intermediate points, restricted to the transportation of shipments originating at or destined to Bradford, Pa., and points in New York east of a line beginning at Oswego, N.Y., and extending along New York Highway 57 to Syracuse, N.Y., and thence along U.S. Highway 11 to the New York-Pennsylvania State line; applicant proposes to serve as off-route points to the above-described regular-routes, all points in the irregular-route territory of Daniels Motor Freight, Inc., as presently defined in Certificates of Public Convenience and Necessity No. MC 31220 and MC 31220 (Sub-No. 17), dated September 21, 1956, and February 21, 1958, respectively.

NOTE: This application is filed pursuant to MC–C 4366, effective May 1, 1964, which provides the special rules for conversion of irregular-route to regular motor carrier operations.

SPECIAL NOTE: Protests to this application may be filed within 45 days instead of 30 days.

No. MC 35628 (Sub-No. 262), filed April 19, 1965. Applicant: INTERSTATE MOTOR FREIGHT SYSTEM, a corporation, 134 Grandville, SW., Grand Rapids, Mich. Applicant's attorney: Leonard D. Verdier, Jr., Michigan Trust Building, Grand Rapids, Mich., 49502. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except Classes A and B explosives, household goods as defined by the Commission and commodities in bulk), between Kansas City, Kans., and St. Louis, Mo., over U.S. Highway 40, serving no intermediate points, as an alternate route for operating convenience only in connection with applicant's authorized regular-route operations.

NOTE: Applicant states that no shipments shall be transported over the above-proposed route between Kansas City, Kans., and Kansas City, Mo., on the one hand, and, on the other, points on or south of U.S. Highway 50 and west of the Cincinnati, Ohio, commercial zone.

No. MC 41116 (Sub-No. 21), filed April 26, 1965. Applicant: MRS. LOIS M. FOGLEMAN, doing business as FOGLEMAN TRUCK LINE, Post Office Box 603, Crowley, La. Applicant's attorney: Austin L. Hatchell, Suite 1102, Perry Brooks Building, Austin 1, Tex. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Bags, bagging, steel cotton bale ties, burlap, and twine*, between Crowley, La., on the one hand, and, on the other, points in Colorado.

NOTE: Applicant proposes to transport *rejected shipments*, on return. Applicant states the proposed service to be under continuing contract with Crowley Industrial Bag Co., Inc., of Crowley, La. Applicant has common carrier authority under MC 123993 and subs thereunder, therefore, dual operations may be involved.

No. MC 52979 (Sub-No. 11), filed February 23, 1965. Applicant: HUNT TRUCK LINES, INC., West Highway Street, Rockwell City, Iowa. Applicant's representative: William A. Landau, 1307 East Walnut Street, Des Moines 16, Iowa. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk and those requiring special equipment), (1) from Chicago, Ill., over Illinois East-West Tollway and Illinois Highway 56 to junction U.S. Highway 30, thence over U.S. Highway 30 to junction Iowa Highway 17, thence over Iowa Highway 17 to junction unnumbered highways to junction U.S. Highway 20, near Somers, Iowa, thence over U.S. Highway 20 to Rockwell City, Iowa, and return over the same route, with no transportation for compensation on return except as otherwise authorized, serving no intermediate points but serving the off-route points of Lake City, Sac City, Manson, Fonda, Lohrville, Lake View, Humboldt, Pocahontas, Storm Lake, Cherokee, Carroll, Holstein, Ida Grove, Mapleton, Denison, Manning, Audubon, Harlan, Danbury, Coon Rapids, Remsen, Marcus, and LeMars, Iowa; (2) between Minneapolis, Minn., and Rockwell City, Iowa, from Minneapolis over U.S. Highway 169 to junction U.S. Highway 20, thence over U.S. Highway 20 to Rockwell City, and return over the same route, serving all intermediate points in Iowa and off-route points in Buena Vista, Calhoun, Carroll, Greene, Humboldt, Kossuth, Palo Alto, Pocahontas, Sac, and Webster Counties, Iowa.

NOTE: This application is filed pursuant to MC–C–4366, effective May 1, 1964, which provides the special rules for conversion of irregular route to regular motor carrier operations.

SPECIAL NOTE: Protests to this application may be filed within 45 days instead of 30 days.

No. MC 55337 (Sub-No. 15), filed February 24, 1965., Applicant; ELKTON TRUCKING COMPANY, a corporation, Elkton, Md. Applicant's attorney: James E. Wilson, Perpetual Building, 1111 E Street NW., Washington, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, and except dangerous explosives, household goods as defined in *Practices of Motor Common Carriers of Household Goods*, 17 M.C.C. 467, commodities in bulk, and those requiring special equipment), (1) between Baltimore, Md., and New York, N.Y., (a) from Baltimore over U.S. Highway 40 to junction U.S. Highway 130, thence over U.S. Highway 130 to junction U.S. Highway 1 and thence over U.S. Highway 1 to New York; (b) from Baltimore over Interstate Highway 95 to the Delaware Memorial Bridge, thence across Delaware Memorial Bridge to New Jersey Turnpike, thence over New Jersey Turnpike to Holland Tunnel, and thence via Holland Tunnel to New York, and return over the same routes, serving all intermediate points on (a) and (b) above; (2) between Baltimore, Md., and Allentown, Pa., from Baltimore over U.S. Highway 1 to Oxford, Pa., thence over Pennsylvania Highway 10 to junction U.S. Highway 30, thence over U.S. Highway 30 to junction Pennsylvania Highway 113, thence over Pennsylvania Highway 113 to junction Pennsylvania Highway 100, thence over Pennsylvania Highway 100 to Trexlertown, Pa., and thence over U.S. Highway 222 to Allentown, and return over the same route, serving all intermediate points; and (3) between Elkton, Md., and Allentown, Pa., from Elkton over Maryland Highway 279 to the Maryland-Delaware State line.

Thence over Delaware Highway 2 to Elsmere, Del., thence over Delaware Highway 141 to junction U.S. Highway 202, thence over U.S. Highway 202 to Westchester, Pa., thence over Pennsylvania Highway 100 to Trexlertown, Pa., and thence over U.S. Highway 222 to Allentown, and return over the same route, serving all intermediate points and in connection with each of the above-described routes all off-route points in that part of Maryland on and bounded by a line extending from Baltimore over Maryland Highway 45 (formerly U.S. Highway 111) to Towson, Md., thence along Maryland Highway 146 to Jacksonville, Md., thence along Maryland Highway 165 to junction Maryland Highway 165, thence along Maryland Highway 165 to the Maryland-Pennsylvania State line, thence along the Maryland-Pennsylvania State line to junction Maryland-Delaware State line, thence along the Maryland-Delaware State line to junction U.S. Highway 40, thence along U.S. Highway 40 to Elkton, thence south to the Elk River, thence along the western branch of the Elk River to the shore of Chesapeake Bay, thence along the shore of Chesapeake Bay to Baltimore, points in those portions of Pennsylvania, New Jersey, and Delaware bounded by a line beginning at the Maryland-Pennsylvania State line and extending along Pennsylvania Highway 10 (formerly U.S. Highway 122) to Reading, Pa., thence along Pennsylvania Highway 61 (formerly U.S. Highway 122) to Hamburg, Pa., thence along U.S. Highway 22 to Newark, N.J.

Thence along U.S. Highway 1 to junction U.S. Highway 130, thence along U.S. Highway 130 to junction U.S. Highway 40, thence along U.S. Highway 40 to the Maryland-Delaware State line, thence along the Maryland-Delaware State line to the Maryland-Pennsylvania State line, and thence along the Maryland-Pennsylvania State line to the point of beginning.

NOTE: Applicant states service is not proposed between any two intermediate and/or off-route points in the above described Maryland territory or between any two intermediate and/or off-route points in the above-described Pennsylvania, New Jersey, and Delaware territory. This application is filed pursuant to MC–C 4366, effective May 1, 1964, which provides the special rules of conversion of irregular route to regular motor carrier operations.

SPECIAL NOTE: Protests to this application may be filed within 45 days instead of 30 days.

No. MC 89723 (Sub-No. 38), filed April 21, 1965. Applicant: MISSOURI PACIFIC TRUCK LINES, INC., 210 North 13th Street, St. Louis, Mo., 63103. Applicant's attorney: Robt. S. Davis, 1218 Olive Street, St. Louis 3, Mo. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, between Hot Springs, Ark., and the Ouachita Job Corps Conservation Center near Royal, Ark.; from Hot Springs over U.S. Highway 270 to junction Forest Road No. 93, thence over Forest Road No. 93 to the Ouachita Job Corps Conservation Center near Royal, Ark., and return over the same route, serving no intermediate points.

NOTE: Applicant is a wholly owned subsidiary of Missouri Pacific Railroad Co., a common carrier by rail.

No. MC 105457 (Sub-No. 57), filed March 1, 1965. Applicant: THURSTON MOTOR LINES, INC., 601 Johnson Road, Charlotte, N.C. Applicant's attorney: John C. Bradley, Suite 618 Perpetual Building, 1111 E Street NW., Washington, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, livestock, high explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading), (1) between High Point, N.C., and Front Royal, Va., (a) from High Point over North Carolina Highway 68 to junction U.S. Highway 220, thence over U.S. Highway 220 to Roanoke, Va., thence over U.S. Highway 11 to Strasburg, Va., thence over Virginia Highway 55 to Front Royal, and return over the same route, (b) from High Point over North Carolina Highway 68 to junction U.S. Highway 158 at or near Stokesdale, N.C., thence over U.S. Highway 158 to Reidsville, N.C., thence over U.S. Highway 29 to Madison, Va., thence over Virginia Highway 231 to Sperryville, Va., thence over U.S. Highway 211 to junction U.S. Highway 522, thence over U.S. Highway 522 to Front Royal, and return over the same route; (2) between junction U.S. Highway 11 and U.S. Highway 340 at or near Greenville, Va., and Front Royal, Va., over U.S. Highway 340; (3) between Roanoke, Va., and Lynchburg, Va., over U.S. Highway 460; (4) between Bedford, Va., and Alta Vista, Va., over Virginia Highway 43; and (5) between Charlotte, N.C., and Roanoke, Va., from Charlotte over U.S. Highway 21 to Wytheville, Va.

Thence over U.S. Highway 11 to Roanoke (also from Dublin, Va., over Virginia Highway 100 to Narrows, Va., thence over U.S. Highway 460 to Christiansburg, Va.), and return over the same route.

NOTE: Applicant states it proposes to serve all intermediate points on the above described routes, and in connection with (1) through (5) above, all off-route points in that part of Virginia on and west of a line beginning at the Potomac River near Point of Rocks, Md., and extending along U.S. Highway 15 to junction U.S. Highway 50, near Aldie, Va., thence along U.S. Highway 50 to Middleburg, Va., thence along Virginia Highway 626 to The Plains, Va., thence along Virginia Highway 245 to junction Virginia Highway 17, thence along Virginia Highway 17 to Warrenton, Va., and thence along U.S. Highway 15 to the Virginia-North Carolina State line. Applicant states service will be restricted to the handling of traffic moving to, from or through either Charlotte or Roanoke Rapids, N.C. No duplication of authority is sought. This application is filed pursuant to MC–C–4366, effective May 1, 1964, which provides the special rules for conversion of irregular to regular motor carrier operations.

SPECIAL NOTE: Protests to this application may be filed within 45 days instead of 30 days.

No. MC 111871 (Sub-No. 7), filed February 24, 1965. Applicant: SOUTHEASTERN FREIGHT LINES, a corporation, Highway 378, West Columbia, S.C. Applicant's attorney: James E. Wilson, Perpetual Building, 1111 E Street NW., Washington, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, and except dangerous explosives, household goods as defined in *Practices of Motor Common Carriers of Household Goods*, M.C.C. 467, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading), (1) between Atlanta, Ga., and Dalton, Ga., over U.S. Highway 41, serving all intermediate points; (2) between Atlanta, Ga., and Spartanburg, S.C., from Atlanta over U.S. Highway 23 to Cornelia, Ga., thence over U.S. Highway 123 to Greenville, S.C., and thence over U.S. Highway 29 to Spartanburg, and return over the same route, serving all intermediate points; (3) between La Grange, Ga., and Greenville, S.C., over U.S. Highway 29, serving all intermediate points; (4) between Atlanta, Ga., and Athens, Ga., over U.S. Highway 78, serving all intermediate points; (5) between Atlanta, Ga., and Valdosta, Ga., over U.S. Highway 41, serving all intermediate points; (6) between Cordele, Ga., and Albany, Ga., from Cordele over Georgia Highway 257 to junction U.S. Highway 82, thence over U.S. Highway 82 to Albany, and return over the same route, serving all intermediate points; (7) between Griffin, Ga., and junction U.S. Highways 19 and 80 near Carsonville, Ga., over U.S. Highway 19, serving all intermediate points; (8) between Columbus, Ga., and Savannah, Ga., over U.S. Highway 80, serving all intermediate points; (9) between Macon, Ga., and Warrenton, Ga., from Macon over U.S. Highway 129 to Gray, Ga.

Thence over Georgia Highway 22 to Warrenton, and return over the same route, serving all intermediate points; (10) between Atlanta, Ga., and Charleston, S.C., from Atlanta over U.S. Highway 278 to Thomson, Ga., thence over U.S. Highway 78 to Charleston, and return over the same route, serving all intermediate points; (11) between Athens, Ga., and Thomson, Ga., over U.S. Highway 78, serving all intermediate points; (12) between Athens, Ga., and Rock Hill, S.C., from Athens over Georgia Highway 72 to the Georgia-South Carolina State line, thence over South Carolina Highway 72 to Rock Hill, and return over the same route, serving all intermediate points; (13) between Washington, Ga., and Myrtle Beach, S.C., from Washington over U.S. Highway 378 to Conway, S.C., thence over U.S. Highway 501 to Myrtle Beach, and return over the same route, serving all intermediate points; (14) between Aiken, S.C., and Cheraw, S.C., over U.S. Highway 1, serving all intermediate points; (15) between Thomasville, Ga., and Savannah, Ga., from Thomasville over U.S. Highway 84 to Waycross, Ga., thence over U.S. Highway 82 to Midway, Ga., and thence over U.S. Highway 17 to Savannah, and return over the same route, serving all intermediate points; (16) between Savannah, Ga., and Myrtle Beach, S.C., over U.S. Highway 17, serving all intermediate points; (17) between Savannah, Ga., and Rock Hill, S.C., from Savannah over U.S. Highway 321 to Columbia, S.C., and thence over U.S. Highway 21 to Rock Hill, and return over the same route, serving all intermediate points; (18) between Charleston, S.C., and Greenville, S.C., from Charleston over U.S. Highway 176 to Columbia, S.C., thence over U.S. Highway 76 to Laurens, S.C.

Thence over U.S. Highway 221 to junction U.S. Highway 276, and thence over U.S. Highway 276 to Greenville, and return over the same route, serving all intermediate points; (19) between junction U.S. Highways 76 and 52 near Goose Creek, S.C., and Cheraw, S.C., over U.S. Highway 52, serving all intermediate points.

NOTE: Applicant states in connection with the above-described routes, service is proposed to and from all off-route points in South Carolina and Georgia, restricted against service between any two intermediate and/or off-route points in Georgia or between any two intermediate and/or off-route points in South Carolina. This application is filed pursuant to MC–C–4366, effective May 1, 1964, which provides the special rules for conversion of irregular route to regular motor carrier operations.

SPECIAL NOTE: Protests to this application may be filed within 45 days instead of 30 days.

No. MC 114194 (Sub-No. 101), filed April 20, 1965. Applicant: KREIDER TRUCK SERVICE, INC., 8003 Collinsville Road, East St. Louis, Ill., 62201. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Syrups, sweetners, corn syrup*, and *blends*, in bulk, from Granite City, Ill., to points in Minnesota, Wisconsin, and Michigan, and *rejected shipments*, on return.

No. MC 118922 (Sub-No. 2), filed March 19, 1965. Applicant: W. L. CARTER, doing business as CARTER TRUCKING CO., Box 126, Locust Grove, Ga. Applicant's attorney: Bates Block, Sixth Floor, First National Bank Building; Atlanta, Ga. Authority sought to

operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Children's miniature cars, lawnmowers, coilers*, and *parts for each*, between the plant site of McDonough Power Equipment, Inc., McDonough, Ga., on the one hand, and, on the other, points in Florida, Alabama, Tennessee, South Carolina, North Carolina, Virginia, Ohio, Mississippi, Louisiana, Kentucky, Texas, Missouri, Illinois, West Virginia, Pennsylvania, New Jersey, Wisconsin, Indiana, Maryland, Delaware, Michigan, Minnesota, Iowa, Arkansas, and Oklahoma; and (2) *raw materials* when used for the manufacture of the above-described commodities, between points in the above-described destination States on the one hand, and, on the other, the plant site of McDonough Power Equipment, Inc., McDonough, Ga.

By the Commission.

[SEAL] BERTHA F. ARMES, *Acting Secretary.*

[F.R. Doc. 65-4999; Filed, May 12, 1965; 8:45 a.m.]

FOURTH SECTION APPLICATIONS FOR RELIEF

MAY 10, 1965.

Protests to the granting of an application must be prepared in accordance with Rule 1.40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 39751—*Liquid caustic soda to Cedartown, Ga.* Filed by O. W. South, Jr., agent (No. A-4673), for interested rail carriers. Rates on liquid caustic soda, in tank car-loads, from Geismar, La., to Cedartown, Ga.

Grounds for relief—Market competition.

Tariff—Supplement 57 to Southern Freight Association, agent, tariff I.C.C. S-397.

FSA No. 39752—*Dry concrete mixture from Omaha, Nebr.* Filed by Western Trunk Line Committee, agent (No. A-2404), for interested rail carriers. Rates on concrete mixture, dry, consisting of physical mixture in the same bag of cement and aggregates, in carloads, from Omaha, Nebr., to points in Kansas, Missouri, North Dakota, and South Dakota.

Grounds for relief—Market competition.

Tariffs—Supplements 172 and 28 to Western Trunk Line Committee, agent, tariffs I.C.C. A-4308 and A-4527, respectively.

By the Commission.

[SEAL] BERTHA F. ARMES, *Acting Secretary.*

[F.R. Doc. 65-5069; Filed, May 12, 1965; 8:49 a.m.]

[Second Rev. S. O. 562; Pfahler's I.C.C. Order 186]

RAILROADS SERVING ILLINOIS, IOWA, MINNESOTA, MISSOURI, WISCONSIN

Diversion and Rerouting of Traffic

In the opinion of R. D. Pfahler, agent, railroads serving the States of Illinois, Iowa, Minnesota, Missouri, and Wisconsin are unable to transport traffic routed over their lines because of flood conditions.

It is ordered, That:

(a) Rerouting of traffic: Railroads serving the States of Illinois, Iowa, Minnesota, Missouri, and Wisconsin being unable to transport traffic in accordance with shippers routing because of flood conditions are hereby authorized to divert and reroute such traffic over any available route to expedite the movement regardless of the routing shown on the waybill. The billing covering all such cars rerouted shall carry a reference to this order as authority for the rerouting.

(b) Concurrence of receiving roads to be obtained: The railroad desiring to divert or reroute traffic under this order shall confer with the proper transportation officer of the railroad to which such traffic is to be diverted or rerouted, and shall receive the concurrence of such other railroad before the rerouting or diversion is ordered.

(c) Notification to shippers: Each carrier rerouting cars in accordance with this order shall notify each shipper at the time each car is rerouted or diverted and shall furnish to such shipper the new routing provided under this order.

(d) Inasmuch as the diversion or rerouting of traffic by said agent is deemed to be due to carrier's disability, the rates applicable to traffic diverted or rerouted by said agent shall be the rates which were applicable at the time of shipment on the shipments as originally routed.

(e) In executing the directions of the Commission and of such agent provided for in this order, the common carriers involved shall proceed even though no contracts, agreements, or arrangements now exist between them with reference to the divisions of the rates of transportation applicable to said traffic; divisions shall be, during the time this order remains in force, those voluntarily agreed upon by and between said carriers; or upon failure of the carriers to so agree, said divisions shall be those hereafter fixed by the Commission in accordance with pertinent authority conferred upon it by the Interstate Commerce Act.

(f) Effective date: This order shall become effective at 12:01 a.m., May 8, 1965.

(g) Expiration date: This order shall expire at 11:59 p.m., May 21, 1965, unless otherwise modified, changed, suspended, or annulled.

It is further ordered, That this order shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and per diem agreement under the terms of that agreement and by filing it with the Director, Office of the Federal Register.

Issued at Washington, D.C., May 7, 1965.

INTERSTATE COMMERCE COMMISSION,
[SEAL] R. D. PFAHLER, *Agent.*

[F.R. Doc. 65-5070; Filed, May 12, 1965; 8:49 a.m.]

CUMULATIVE LIST OF CFR PARTS AFFECTED—MAY

The following numerical guide is a list of the parts of each title of the Code of Federal Regulations affected by documents published to date during May.

3 CFR

	Page
PROCLAMATIONS:	
1713 (superseded in part by Proc. 3656)	6571
3172 (superseded by Proc. 3655)	6467
3399 (superseded by Proc. 3655)	6467
3655	6467
3656	6571
EXECUTIVE ORDER:	
Apr. 19, 1892 (revoked in part by PLO 3656)	6437
823 (see EO 11220)	6425
10530 (revoked in part by EO 11222)	6469
10939 (revoked by EO 11222)	6469
11125 (revoked by EO 11222)	6469
11126 (amended by EO 11221)	6427
11219	6381
11220	6425
11221	6427
11222	6469
PRESIDENTIAL DOCUMENTS OTHER THAN PROCLAMATIONS AND EXECUTIVE ORDERS:	
Memorandum of July 20, 1961 (revoked by EO 11222)	6469
Memorandum of May 2, 1963 (revoked by EO 11222)	6469

4 CFR

	Page
52	6429

5 CFR

	Page
213	6215, 6241, 6337, 6478
332	6337
591	6511

6 CFR

	Page
73	6573

7 CFR

	Page
29	6573
54	6207
55	6141, 6207
56	6207
70	6207
81	6207
210	6207, 6479
301	6243, 6245
354	6429
707	6246
717	6144
719	6511
724	6144, 6146, 6207
842	6338
862	6247
863	6248
864	6248
908	6148, 6429
909	6430
910	6148, 6430, 6479
918	6431
965	6338
970	6479
1138	6573
1421	6338, 6511
1468	6383
1472	6383
1488	6249
PROPOSED RULES:	
28	6255
31	6250
70	6395

7 CFR—Continued

	Page
PROPOSED RULES—Continued	
Ch. IX	6355, 6438, 6523
930	6255
1040	6163
1042	6163
1097	6534
1102	6534
1108	6534
1138	6538

8 CFR

	Page
214	6479

9 CFR

	Page
PROPOSED RULES:	
201	6360

10 CFR

	Page
30	6575

12 CFR

	Page
12	6160
204	6339
561	6517
PROPOSED RULES:	
261	6275
262	6275
563	6544

14 CFR

	Page
39	6150, 6431, 6577
61	6577
71	6150, 6215, 6241, 6384–6387, 6478, 6577–6579.
73	6242, 6387, 6388
75	6150, 6241, 6242, 6432
91	6388
97	6151, 6329
99	6242
121	6432
127	6432
PROPOSED RULES:	
39	6188, 6274
67	6188
71	6189, 6225, 6397, 6399, 6400, 6402, 6443, 6588, 6589.
73	6402, 6444
75	6443
91	6541
129	6541

16 CFR

	Page
PROPOSED RULES:	
303	6275

18 CFR

	Page
157	6518

19 CFR

	Page
10	6149

21 CFR

	Page
121	6215, 6339, 6389, 6433, 6477, 6478, 6579
133	6475
144	6389
PROPOSED RULES:	
8	6490
121	6588

25 CFR

	Page
131	6579
PROPOSED RULES:	
1	6438
221	6523

26 CFR

	Page
1	6216, 6340, 6480
250	6217
PROPOSED RULES:	
1	6222, 6349, 6486, 6488
31	6222
301	6222

29 CFR

	Page
50	6249
604	6218
606	6218
690	6482
PROPOSED RULES:	
657	6224
697	6225
1501	6397
1502	6397
1503	6397

32 CFR

	Page
163	6161
516	6341
815	6343
882	6343

33 CFR

	Page
80	6433
82	6434
86	6434
95	6434
135	6434
203	6161, 6388
207	6161
401	6580

36 CFR

	Page
211	6345
311	6161
502	6482

37 CFR

	Page
1	6391

38 CFR

	Page
1	6435
2	6392
14	6392

39 CFR

	Page
4	6436
36	6436
37	6436
43	6436

41 CFR

	Page
1–3	6581
9–1	6483, 6519
9–4	6519
9–6	6519
9–7	6519
9–8	6585

43 CFR

	Page
PUBLIC LAND ORDERS:	
3638	6585
3655	6392
3656	6437
3657	6586

45 CFR

	Page
130	6393

46 CFR

	Page
25	6517

47 CFR

	Page
0	6250
2	6219, 6388

47 CFR—Continued	Page
15	6250
73	6251, 6519, 6520
PROPOSED RULES:	
2	6226
15	6541
73	6274, 6275, 6543, 6590
49 CFR	
1	6485
95	6220
97	6394
141	6162
50 CFR	
26	6587
33	6344, 6521, 6587
60	6142
PROPOSED RULES:	
32	6224

THE UNIVERSITY
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FEDERAL REGISTER

VOLUME 30 • NUMBER 93

Friday, May 14, 1965 • Washington, D.C.

Pages 6631–6673

Agencies in this issue—

The President
Civil Aeronautics Board
Civil Service Commission
Coast Guard
Commodity Credit Corporation
Consumer and Marketing Service
Engineers Corps
Federal Aviation Agency
Federal Communications Commission
Federal Power Commission
Food and Drug Administration
Foreign Assets Control Office
General Services Administration
Indian Affairs Bureau
International Commerce Bureau
Interstate Commerce Commission
Land Management Bureau
Patent Office
Securities and Exchange Commission
Small Business Administration
Treasury Department
Veterans Administration
Wage and Hour Division

Detailed list of Contents appears inside.



THE NATIONAL ARCHIVES OF THE UNITED STATES
1934

Volume 78

UNITED STATES STATUTES AT LARGE

[88th Cong., 2d Sess.]

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Contents

THE PRESIDENT

EXECUTIVE ORDER

Relating to the performance of functions authorized by the Foreign Assistance Act of 1961, as amended 6635

EXECUTIVE AGENCIES

AGRICULTURE DEPARTMENT

See Commodity Credit Corporation; Consumer and Marketing Service.

ARMY DEPARTMENT

See Engineers Corps.

CIVIL AERONAUTICS BOARD

Proposed Rule Making

Statements of general policy; passing off of foreign carrier affiliates and system relationships of air carriers 6650

Notices

Eastern Air Lines, Inc.; hearing regarding deletion of certain intermediate points 6662

CIVIL SERVICE COMMISSION

Rules and Regulations

Treasury Department; excepted service 6637

Notices

Food technologist; position for which there is determined to be a manpower shortage; notice of listing 6662

COAST GUARD

Notices

James River; notice of closure to navigation during launching of "USS John F. Kennedy" 6660

COMMERCE DEPARTMENT

See International Commerce Bureau; Patent Office.

COMMODITY CREDIT CORPORATION

Rules and Regulations

Export requirements for tobacco acquired with export commodity certificates; proof of exportation and notice to exporters 6639

CONSUMER AND MARKETING SERVICE

Rules and Regulations

Cotton classing, testing and standards; miscellaneous amendments 6637

Grading and inspection, and standards for approved plants and grades of dairy products; change of name of marketing service 6637

Grapefruit:

Import prohibitions 6638

Shipment limitations 6638

Milk in New York-New Jersey marketing area; change in name of marketing service 6639

Proposed Rule Making

Milk in Greater Wheeling, W. Va., marketing area; proposed suspension of certain provision 6659

Okra for processing; proposed standards for grades 6658

DEFENSE DEPARTMENT

See Engineers Corps.

ENGINEERS CORPS

Rules and Regulations

Entrance to seaports and Lake Washington, Wash.; dumping grounds and navigation regulations 6644

Pacific Ocean, Calif.; danger zone regulations 6643

FEDERAL AVIATION AGENCY

Rules and Regulations

Airworthiness directives:

Canadair Model CL-44D4 aircraft 6639

Piper Models PA-24-250, PA-24-260, PA-24-400, and PA-30 aircraft 6640

Alterations:

Control zone (3 documents) 6640, 6641

Control zone and transition area 6641

Jet route 6642

Transition area 6642

Control zones, transition areas, and control area extension; alteration, designation and revocation 6641

FEDERAL COMMUNICATIONS COMMISSION

Proposed Rule Making

FM and TV broadcast stations; proposed field strength curves 6651

Notices

Hearings, etc.:

Continental Broadcasting of California, Inc. (KDAY) 6662

Hogin, William S 6662

Kent-Sussex Broadcasting Co. 6662

Lampasas Broadcasting Corp. (KCYL) 6663

Television Broadcasters, Inc. (KBMT) and Texas Goldcoast Television, Inc. (KPAC-TV) 6663

Ypsilanti Broadcasting Co. (WYSI) 6663

FEDERAL POWER COMMISSION

Notices

National Power Survey Industry Advisory Committee on Underground Transmission; establishment 6667

Hearings, etc.:

American Petrofina Company of Texas et al 6668

Callery, F. A., Inc., et al 6665

Central Maine Power Co 6668

Coastal States Gas Producing Co., et al 6664

Cross Plains Natural Gas Utility District 6665

Midwestern Gas Transmission Co., and Natural Gas Pipeline Company of America 6667

Mountain Fuel Supply Co 6665

Northern Natural Gas Co. (2 documents) 6666

Ohio Fuel Gas Co 6666

Potomac Light and Power Co. (2 documents) 6667

FOOD AND DRUG ADMINISTRATION

Rules and Regulations

Food additives; resinous and polymeric coatings 6643

Notices

New drugs; approval of applications; correction 6662

FOREIGN ASSETS CONTROL OFFICE

Notices

Japan; importation of certain merchandise; available certifications 6660

GENERAL SERVICES ADMINISTRATION

Rules and Regulations

Donation of personal property; screening of surplus electronic property 6649

HEALTH, EDUCATION, AND WELFARE DEPARTMENT

See Food and Drug Administration.

INDIAN AFFAIRS BUREAU

Notices

Unit and communitization agreements; redelegation of authority regarding execution 6660

INTERIOR DEPARTMENT

See Indian Affairs Bureau; Land Management Bureau.

(*Continued on next page*)

INTERNATIONAL COMMERCE BUREAU
Notices
Tetalon; order denying export privileges for an indefinite period ... 6661

INTERSTATE COMMERCE COMMISSION
Notices
Finance applications ... 6669
Fourth section applications for relief ... 6671
Motor carrier transfer proceedings ... 6670

LABOR DEPARTMENT
See Wage and Hour Division.

LAND MANAGEMENT BUREAU
Notices
Oregon; proposed withdrawal and reservation of lands ... 6661

PATENT OFFICE
Rules and Regulations
Interference practice ... 6644

SECURITIES AND EXCHANGE COMMISSION
Rules and Regulations
Insider trading profits; exemption of certain transactions ... 6642
Notices
Overland Corp.; notice of application ... 6669

SMALL BUSINESS ADMINISTRATION
Notices
Manager Disaster Field Office, Rock Island, Ill.; delegation of authority regarding financial assistance ... 6669
Washington; declaration of disaster area ... 6669

TREASURY DEPARTMENT
See also Coast Guard; Foreign Assets Control.
Notices
Bicycles from Poland; discontinuance of investigation and determination regarding sales at fair value ... 6660

VETERANS ADMINISTRATION
Rules and Regulations
Adjudication; disappearance of veteran ... 6649

WAGE AND HOUR DIVISION
Notices
Certificates authorizing employment of learners at special minimum rates ... 6671

List of CFR Parts Affected

(Codification Guide)

The following numerical guide is a list of the parts of each title of the Code of Federal Regulations affected by documents published in today's issue. A cumulative list of parts affected, covering the current month to date, appears at the end of each issue beginning with the second issue of the month.

A cumulative guide is published separately at the end of each month. The guide lists the parts and sections affected by documents published since January 1, 1965, and specifies how they are affected.

3 CFR
EXECUTIVE ORDERS:
10784 (superseded by EO 11223) ... 6635
10845 (superseded by EO 11223) ... 6635
11223 ... 6635

5 CFR
213 ... 6637

7 CFR
28 ... 6637
58 ... 6637
905 ... 6638
944 ... 6638
1002 ... 6639
1487 ... 6639
PROPOSED RULES:
51 ... 6658
1006 ... 6659

14 CFR
39 (2 documents) ... 6639, 6640
71 (6 documents) ... 6640–6642
75 ... 6642
PROPOSED RULES:
399 ... 6650

17 CFR
240 ... 6642

21 CFR
121 ... 6643

33 CFR
204 ... 6643
205 ... 6644
207 ... 6644

37 CFR
1 ... 6644
3 ... 6644

38 CFR
3 ... 6649

41 CFR
101–44 ... 6649

47 CFR
PROPOSED RULES:
73 ... 6651

Presidential Documents

Title 3—THE PRESIDENT

EXECUTIVE ORDER 11223

RELATING TO THE PERFORMANCE OF FUNCTIONS AUTHORIZED BY THE FOREIGN ASSISTANCE ACT OF 1961, AS AMENDED

By virtue of the authority vested in me by Section 633 of the Foreign Assistance Act of 1961, as amended, 75 Stat. 454 (22 U.S.C. 2393), it is hereby determined that, to the extent hereinafter indicated, the performance of functions authorized by that Act, as amended, and any predecessor legislation, without regard to the laws specified in the numbered subdivisions of Sections 1 and 2 of this order and without regard to consideration as specified in Sections 3 and 4 of this order will further the purposes of the Foreign Assistance Act of 1961, as amended:

SECTION 1. With respect to functions authorized by the Foreign Assistance Act of 1961, as amended (22 U.S.C. 2151 *et seq.*), and any predecessor legislation except those functions exercised by the Department of Defense under authority of Sections 621 and 623 of the Foreign Assistance Act of 1961 (22 U.S.C. 2381 and 2383):

(1) The Act of March 26, 1934, 48 Stat. 500, as amended (15 U.S.C. 616a).

(2) Section 3648 of the Revised Statutes, as amended, 60 Stat. 809 (31 U.S.C. 529).

(3) Section 305 of the Federal Property and Administrative Services Act of 1949, 63 Stat. 396, as amended (41 U.S.C. 255).

(4) Section 3709 of the Revised Statutes, as amended (41 U.S.C. 5).

(5) Section 3710 of the Revised Statutes (41 U.S.C. 8).

(6) Section 2 of Title III of the Act of March 3, 1933, 47 Stat. 1520 (41 U.S.C. 10a).

(7) Section 3735 of the Revised Statutes (41 U.S.C. 13).

(8) Section 304(c) of the Federal Property and Administrative Services Act of 1949, as added by the Act of October 31, 1951, 65 Stat. 700 (41 U.S.C. 254(c)), but only with respect to contracts entered into with foreign governments or agencies thereof for the rendering of services to the United States or an agency thereof within the continental limits of the United States.

(9) Section 901(a) of the Merchant Marine Act, 1936, 49 Stat. 2015, as amended (46 U.S.C. 1241(a)).

SEC. 2. With respect to purchases authorized to be made outside the limits of the United States or the District of Columbia under the Foreign Assistance Act of 1961, as amended, and any predecessor legislation:

(1) Section 2276(a) of Title 10 of the United States Code.

(2) Section 2313(b) of Title 10 of the United States Code.

(3) Section 304(c) of the Federal Property and Administrative Services Act of 1949, as added by the Act of October 31, 1951, 65 Stat. 700 (41 U.S.C. 254(c)).

(4) Section 1301 of the Second War Powers Act, 1942, 56 Stat. 185 (50 U.S.C. App. 643), as extended by the provisions of the Act of June 30, 1953, 67 Stat. 120.

(5) Section 3(b) of the Act of August 28, 1958, 72 Stat. 972 (50 U.S.C. 1433(b)), but only with respect to contracts in which the inclusion of the clause required by Section 3(b), or the compliance with that clause, if included in a contract, is deemed by the executive or military department concerned to be impracticable.

SEC. 3. With respect to cost-type contracts heretofore or hereafter made with non-profit institutions under which no fee is charged or paid, amendments and modifications of such contracts may be made with or without consideration and may be utilized to accomplish the same things as any original contract could have accomplished, irrespective of the time or circumstances of the making, or the form of the contract amended or modified, or of the amending or modifying contract and irrespective of rights which may have accrued under the contract or the amendments or modifications thereof.

SEC. 4. With respect to contracts heretofore or hereafter made, other than those described in Section 3 of this order, amendments and modifications of such contracts may be made with or without consideration and may be utilized to accomplish the same things as any original contract could have accomplished, irrespective of the time or circumstances of the making, or the form of the contract amended or modified, or of the amending or modifying contract, and irrespective of rights which may have accrued under the contract or the amendments or modifications thereof, if the Secretary of State determines in each case that such action is necessary to protect the foreign policy interests of the United States.

SEC. 5. Executive Order No. 10784 of October 1, 1958, and Executive Order No. 10845 of October 12, 1959, are hereby superseded.

LYNDON B. JOHNSON

THE WHITE HOUSE,
May 12, 1965

[F.R. Doc. 65-5158; Filed, May 12, 1965; 2:56 p.m.]

Rules and Regulations

Title 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 213—EXCEPTED SERVICE

Treasury Department

Section 213.3305 is amended to show that the position of Secretarial Assistant to the Secretary is excepted under Schedule C. Effective on publication in the FEDERAL REGISTER, subparagraph (18) is added to paragraph (a) of § 213.3305 as set out below.

§ 213.3305 Treasury Department.

(a) *Office of the Secretary.* * * *

(18) One Secretarial Assistant to the Secretary.

* * * * * *

(R.S. 1753, sec. 2, 22 Stat. 403, as amended; 5 U.S.C. 631, 633; E.O. 10577, 19 F.R. 7521, 3 CFR, 1954–1958 Comp., p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] MARY V. WENZEL,
Executive Assistant to the Commissioners.

[F.R. Doc. 65-5104; Filed, May 13, 1965; 8:47 a.m.]

Title 7—AGRICULTURE

Chapter I—Consumer and Marketing Service (Standards, Inspections, Marketing Practices), Department of Agriculture

PART 28—COTTON CLASSING, TESTING, AND STANDARDS

Subpart A—Regulations Under United States Cotton Standards Act

MISCELLANEOUS AMENDMENTS

Statement of considerations leading to amendments. The following amendments to the regulations under the United States Cotton Standards Act are being made to: (1) Reflect the recent change in agency name from Agricultural Marketing Service to Consumer and Marketing Service; and (2) reflect changes in handling, safeguarding and distribution of practical forms of cotton standards made necessary by the transfer of the cotton standards work of the Consumer and Marketing Service from Washington, D.C., to Memphis, Tenn.

Pursuant to authority contained in section 10 of the United States Cotton Standards Act (42 Stat. 1519; 7 U.S.C. 61), said regulations are amended as follows:

§ 28.2 [Amended]

1. In paragraphs (e), (f), and (g) of § 28.2 the words "Agricultural Marketing Service" are deleted and the words "Consumer and Marketing Service" substituted therefor.

2. Section 28.107 is deleted in its entirety and the following is substituted therefor:

§ 28.107 Original cotton standards and reserve sets.

(a) The containers of the original Universal Standards and other official cotton standards of the United States currently adopted, whenever such official standards are represented by practical forms, shall be marked as prescribed in the order or orders of their establishment, wrapped and sealed with wax seals. When so marked, wrapped, and sealed, they shall be deposited in a safe in the vault of the Division in Washington, D.C. The Director may authorize the temporary removal of such containers from the vault and the transporting of the containers to other locations for purposes of Universal Cotton Standards conferences and other cotton standards meetings conducted by the Division. Such containers shall remain in the control and custody of the Director until the original standards contained therein are superseded by new or revised standards.

(b) At each Universal Cotton Standards Conference held for approving key copies of the Universal Standards there shall be prepared two full sets of practical forms of copies of such standards, which shall be known as "Reserve Sets" and which, upon the certification and recommendation of qualified experts, shall be certified by such experts as true copies of the currently adopted standards as and when established. Such reserve sets shall be enclosed in metal-lined cases and sealed in the presence of a special committee duly authorized by the Director and composed of representatives from the associations attending the conference and the Department. The special committee shall deposit the set designated as the First Reserve Set in a vault in a bank in Memphis, Tenn. The Division shall store the set designated as the Second Reserve Set in the vault of the Division in Washington, D.C., in the control and custody of the Director. These reserve sets shall remain sealed and deposited until such time as they shall be required for examination and use as set forth in paragraph (c) of this section.

(c) At the beginning of the next Universal Cotton Standards Conference, a special committee duly authorized by the Director and composed of representatives from the associations attending the conference and the Department shall deliver the First Reserve Set from its storage place to the site of the conference. This special committee shall witness the opening of the First Reserve Set for display at the conference. The Director shall arrange for removal of the Second Reserve Set from its storage place in Washington, D.C., and the transport of such set to the site of the conference. If upon examination of the First Reserve Set by representatives at the conference it should appear that such set has undergone any substantial change, the Second Reserve Set shall be opened and used in its stead.

(d) The First Reserve Set and the Second Reserve Set of each conference shall be retained by the Division until the currently adopted standards which they represent have been superseded by new or revised standards.

§ 28.123 [Amended]

3. In the heading of the middle column of the table in § 28.123, the word "Washington" is deleted and the words "Memphis, Tennessee" substituted therefor.

§ 28.124 [Amended]

4. In § 28.124 the words "Agricultural Marketing Service, USDA" are deleted and the words "Consumer and Marketing Service, USDA" substituted therefor.

§ 28.151 [Amended]

5. In the second and third sentences of § 28.151 the words "Washington, D.C." are deleted and the words "Memphis, Tennessee" substituted therefor.

(Sec. 10, 42 Stat. 1519; 7 U.S.C. 61)

These amendments concern matters of agency organization and procedure and require no preparation on the part of the cotton industry to comply with them. It will benefit the cotton industry in the United States, the overseas signatories to the Universal Cotton Standards Agreement, and the Consumer and Marketing Service to make these amendments effective prior to the Universal Cotton Standards Conference to be held on June 3–4, 1965, in Memphis, Tenn. Accordingly, pursuant to the provisions of section 4 of the Administrative Procedure Act (5 U.S.C. 1003), it is found upon good cause that notice and public procedure on these amendments are impracticable, unnecessary, and contrary to the public interest and good cause is found for making these amendments effective less than 30 days after publication in the FEDERAL REGISTER.

Effective date. These amendments shall become effective upon publication in the FEDERAL REGISTER.

Dated: May 10, 1965.

G. R. GRANGE,
Deputy Administrator, Marketing Services.

[F.R. Doc. 65-5097; Filed, May 13, 1965; 8:46 a.m.]

PART 58—GRADING AND INSPECTION, MINIMUM SPECIFICATIONS FOR APPROVED PLANTS AND STANDARDS FOR GRADES OF DAIRY PRODUCTS

Miscellaneous Amendments

Pursuant to the order of the Secretary of Agriculture dated February 8,

1965 (30 F.R. 2160), changing the name of the Agricultural Marketing Service to the Consumer and Marketing Service, 7 CFR Chapter I (Standards, Inspections and Marketing Practices) is hereby amended as follows:

Section 58.2(b): "Agricultural Marketing Service" is changed to read "Consumer and Marketing Service".

Section 58.2(o): "Agricultural Marketing Service" is changed to read "Consumer and Marketing Service".

Section 58.2(s): "Agricultural Marketing Service" is changed to read "Consumer and Marketing Service".

Section 58.50(d): "Agricultural Marketing Service" is changed to read "Consumer and Marketing Service".

Section 58.147: "Agricultural Marketing Service" is changed to read "Consumer and Marketing Service".

Section 58.189(b): "Agricultural Marketing Service" is changed to read "Consumer and Marketing Service".

Section 58.201: In the form included in this section "Agricultural Marketing Service" is changed to read "Consumer and Marketing Service"; "AMS" is changed to read "C&MS".

Section 58.2532(a): "Agricultural Marketing Service" is changed to read "Consumer and Marketing Service".

Section 58.2558: "Agricultural Marketing Service" is changed to read "Consumer and Marketing Service".

Section 58.2605(a)(1): "Agricultural Marketing Service" is changed to read "Consumer and Marketing Service".

Section 58.2656(a): "Agricultural Marketing Service" is changed to read "Consumer and Marketing Service".

Section 58.2678: "Agricultural Marketing Service" is changed to read "Consumer and Marketing Service".

Section 58.2704(a)(3): Insert "C&MS" between the words "Dairy Division" and "United States Department of Agriculture".

Section 58.2704(b): "Agricultural Marketing Service" is changed to read "Consumer and Marketing Service".

Section 58.2707(a): "Agricultural Marketing Service" is changed to read "Consumer and Marketing Service".

Section 58.2726(b): "Agricultural Marketing Service" is changed to read "Consumer and Marketing Service".

Section 58.2756: "Agricultural Marketing Service" is changed to read "Consumer and Marketing Service".

Done at Washington, D.C., this 10th day of May 1965.

S. R. SMITH,
Administrator.

[F.R. Doc. 65-5098; Filed, May 13, 1965; 8:46 a.m.]

Chapter IX—Consumer and Marketing Service (Marketing Agreements and Orders; Fruits, Vegetables, Tree Nuts), Department of Agriculture

[Grapefruit Reg. 57]

PART 905—ORANGES, GRAPEFRUIT, TANGERINES, AND TANGELOS GROWN IN FLORIDA

Limitation of Shipments

§ 905.464 Grapefruit Regulation 57.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 905, as amended (7 CFR Part 905), regulating the handling of oranges, grapefruit, tangerines, and tangelos grown in Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations of the committees established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found and determined, in accordance with paragraph (5) of section 602 of the act, that the continuation of regulation of shipments of grapefruit, as hereinafter provided, is necessary and will tend to avoid a disruption of the orderly marketing of the remainder of the current crop of such grapefruit; and such continuation of regulation will be in the public interest.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (5 U.S.C. 1001–1011) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. Shipments of all grapefruit, grown in the production area, are presently subject to regulation by grades and sizes, pursuant to the amended marketing agreement and order; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after an open meeting of the Growers Administrative Committee on May 11, 1965, such meeting was held to consider recommendations for regulation, after giving due notice of such meeting, and interested persons were afforded an opportunity to submit their views at this meeting; the provisions of this section, including the effective time hereof, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such grapefruit; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period hereinafter set forth so as to provide for the continued regulation of the handling of grapefruit, and compliance with this section will not require any special preparation on the part of the persons subject thereto which cannot be completed by the effective time hereof.

(b) *Order.* (1) Terms used in the amended marketing agreement and order shall, when used herein, have the same meaning as is given to the respective term in said amended marketing agreement and order; and terms relating to grade, diameter, standard pack, and standard box, as used herein, shall have the same meaning as is given to the respective term in the United States Standards for Florida Grapefruit (§§ 51.750–51.783 of this title).

(2) Grapefruit Regulation 56 (30 F.R. 6065) is hereby terminated at 12:01 a.m., e.s.t., May 14, 1965.

(3) During the period beginning at 12:01 a.m., e.s.t., May 14, 1965, and ending at 12:01 a.m., e.s.t., September 13, 1965, no handler shall ship between the production area and any point outside thereof in the continental United States, Canada, or Mexico:

(i) Any grapefruit, grown in the production area, which does not grade at least U.S. No. 2 Russet;

(ii) Any seeded grapefruit, grown in the production area, which are smaller than $3^{1}\frac{1}{16}$ inches in diameter, except that a tolerance of 10 percent, by count, of seeded grapefruit smaller than such minimum size shall be permitted, which tolerance shall be applied in accordance with the provisions for the application of tolerances, specified in the United States Standards for Florida Grapefruit; or

(iii) Any seedless grapefruit, grown in the production area, which are smaller than $3\frac{5}{16}$ inches in diameter, except that a tolerance of 10 percent, by count, of seedless grapefruit smaller than such minimum size shall be permitted, which tolerance shall be applied in accordance with the provisions for the application of tolerances, specified in said United States Standards for Florida Grapefruit.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: May 12, 1965.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 65-5152; Filed, May 13, 1965; 8:49 a.m.]

[Grapefruit Reg. 7, Amdt. 7]

PART 944—FRUITS, IMPORT REGULATIONS

Prohibition

Pursuant to the provisions of section 8e of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), the provisions of paragraph (a) of Grapefruit Regulation 7 (§ 944.103, 29 F.R. 12762, 13603, 30 F.R. 257, 754, 4055, 5359, 6065) are hereby amended to read as follows:

(a) On and after 12:01 a.m., e.s.t., May 14, 1965, the importation of any grapefruit into the United States is prohibited unless such grapefruit are inspected and meet the following applicable requirements:

(1) Seeded grapefruit shall grade at least U.S. No. 2 Russet and be of a size not smaller than $3^{1}\frac{1}{16}$ inches in diameter, except that a tolerance of 10 percent, by count, of seeded grapefruit smaller than such minimum size shall be permitted, which tolerance shall be applied in accordance with the provisions for the application of tolerances, specified in the U.S. Standards for Florida Grapefruit; or

(2) Seedless grapefruit shall grade at least U.S. No. 2 Russet and be of a size not smaller than $3\frac{5}{16}$ inches in diameter, except that a tolerance of 10 percent, by count, of seedless grapefruit smaller than such minimum size shall be permitted, which tolerance shall be applied in accordance with the provisions for the application of tolerances, specified in the U.S. Standards for Florida Grapefruit.

It is hereby found that it is impracticable, unnecessary, and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective time of this amendment beyond that hereinafter specified (5 U.S.C. 1001–1011) in that (a) the requirements of this amended import regulation are imposed pursuant to section 8e of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), which makes such regulation mandatory; (b) such regulation imposes the same restrictions on imports of all grapefruit as the grade and size restrictions being made applicable to the shipment of all grapefruit grown in Florida under Grapefruit Regulation 57 (§ 905.464); (c) compliance with this amended import regulation will not require any special preparation which cannot be completed by the effective time hereof; and (d) this regulation relieves restrictions on the importation of grapefruit.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated, May 12, 1965, to become effective at 12:01 a.m., e.s.t., May 14, 1965.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 65-5153; Filed, May 13, 1965; 8:49 a.m.]

Chapter X—Consumer and Marketing Service (Marketing Agreements and Orders; Milk), Department of Agriculture

PART 1002—MILK IN NEW YORK-NEW JERSEY MARKETING AREA

Change of Name

Pursuant to the order of the Secretary of Agriculture dated February 8, 1965 (30 F.R. 2160), changing the name of the Agricultural Marketing Service to the Consumer and Marketing Service, 7 CFR Chapter X (Marketing Agreements and Orders; Milk) is hereby amended as follows:

Section 1002.304: "Agricultural Marketing Service" is changed to read "Consumer & Marketing Service".

Done at Washington, D.C., this 10th day of May 1965.

S. R. SMITH,
Administrator.

[F.R. Doc. 65-5099; Filed, May 13, 1965; 8:46 a.m.]

Chapter XIV—Commodity Credit Corporation, Department of Agriculture

SUBCHAPTER C—EXPORT PROGRAMS

[Amdt. 1]

PART 1487—TERMS AND CONDITIONS UNDER WHICH EXPORT COMMODITY CERTIFICATES ISSUED BY COMMODITY CREDIT CORPORATION UNDER CERTAIN PROGRAMS MAY BE REDEEMED IN TOBACCO

Proof of Exportation and Notice to Exporters

1. Section 1487.5: *Export requirements for tobacco acquired with export commodity certificates,* is amended by adding a new paragraph (e), as follows:

§ 1487.5 Export requirements for tobacco acquired with export commodity certificates.

* * * * *

(e) The proof of exportation furnished under this part shall not have been used, and shall not subsequently be used, as evidence of exportation of tobacco or cigarettes under any other CCC or Department of Agriculture export program (except programs under title I and title IV of Public Law 480, 83d Congress), unless the proof covers a quantity in excess of that needed to support the export requirements of this part, and has been, or will be, used only in connection with the excess quantity to support the export requirements of the other program.

2. Attention is invited to the revised "Notice to Exporters" which accompanies this amendment.

(Secs. 4, 5, 62 Stat. 1070, as amended; 15 U.S.C. 714b, 714c)

Effective date. Date of filing with Office of Federal Register.

Signed at Washington, D.C., on May 10, 1965.

H. D. GODFREY,
Executive Vice President, Commodity Credit Corporation.

NOTICE TO EXPORTERS

The Department of Commerce, Bureau of International Commerce, pursuant to regulation under the Export Control Act of 1949, prohibits the exportation or re-exportation by anyone of any commodities under this program to Cuba, the Soviet Bloc or Communist-controlled areas of the Far East including Communist China, North Korea, and the Communist-controlled area of Vietnam, except under validated license issued by the U.S. Department of Commerce, Bureau of International Commerce.

For all exportations, one of the destination control statements specified in Commerce Department Regulations (Comprehensive Export Schedule § 379.10(c)) is required to be placed on all copies of the shipper's export declaration, all copies of the bill of lading, and all copies of the commercial invoices. For additional information as to which destination control statement to use, the exporter should communicate with the Bureau of International Commerce or one of the field offices of the Department of Commerce.

Exporters should consult the applicable Commerce Department regulations for more detailed information if desired and for any changes that may be made therein.

[F.R. Doc. 65-5117; Filed, May 13, 1965; 8:48 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Agency

[Docket No. 6622; Amdt. 39-65]

PART 39—AIRWORTHINESS DIRECTIVES

Canadair Model CL-44D4 Aircraft

Pursuant to the authority delegated to me by the Administrator (25 F.R. 6489), an airworthiness directive was adopted on April 30, 1965, and made effective immediately as to all known U.S. operators of Canadair Model CL-44D4 aircraft. The directive requires inspection of the main landing gear bogie beam.

Since it was found that immediate corrective action was required, notice and public procedure thereon was impracticable and contrary to the public interest and good cause existed for making the airworthiness directive effective immediately as to all known U.S. operators of Canadair Model CL-44D4 aircraft by individual telegrams dated April 30, 1965. These conditions still exist and the airworthiness directive is hereby published in the FEDERAL REGISTER as an amendment to § 39.13 of Part 39 (14 CFR Part 39), to make it effective as to all persons.

CANADAIR. Applies to Model CL-44D4 aircraft.

Compliance required as indicated.

(a) Prior to each flight after the effective date of this AD visually inspect for cracks a 3-inch width band on the outboard and inboard side of the right and left main landing gear bogie beams, P/N 44-87574, extending 1½ inches above and below the horizontal center line of the front axle bushing, P/N 44-87617, of the beams and longitudinally from the forward edge of the forward lugs to 6 inches aft of the aft edge of the front axle bushing.

(b) Within the next 60 hours' time in service after the effective date of this AD unless accomplished within the last 40 hours' time in service and at intervals thereafter not to exceed 100 hours' time in service from the last inspection, inspect for cracks the right and left main landing gear between each wheel and bogie beam using a 5-power or greater borescope or an FAA-approved equivalent.

(c) Within the next 60 hours' time in service after the effective date of this AD unless accomplished within the last 340 hours' time in service and at intervals thereafter not to exceed 400 hours' time in service from the last inspection:

(1) Remove right and left main landing gear wheels and brakes. Inspect for cracks using dye penetrant the area specified in paragraph (a) with a 10-power or greater magnifying glass or an equivalent method approved by the Chief, Engineering and Manufacturing Branch, FAA Eastern Region. Remove any protective coating prior to dye penetrant application.

(2) Inspect for cracks the interiors of the right and left main landing gear bogie beams from the aft end of plug, P/N 44–87704, to a point 6 inches aft of the plug with a 5-power or greater borescope or an equivalent method approved by the Chief, Engineering and Manufacturing Branch, FAA Eastern Region.

NOTE: This inspection may be conducted through the bogie beam aft access opening.

(d) Replace cracked parts before further flight with a part of the same part number or an equivalent approved by the Canadian Department of Transport. Inspect replacement parts in accordance with subparagraphs (c) (1) and (2) prior to installation. All repetitive inspections required by this AD also apply to replacement parts.

(e) Prior to each inspection, remove foreign matter from the area to be inspected.

(f) Upon request of the operator, an FAA maintenance inspector, subject to prior approval of the Chief, Engineering and Manufacturing Branch, FAA Eastern Region, may adjust the repetitive inspection intervals specified in this AD to permit compliance at an established inspection period of the operator if the request contains substantiating data to justify the increase for such operator.

(Canadair Service Information Circular Number 339 dated March 31, 1965, pertains to this subject.)

This amendment shall become effective upon publication in the FEDERAL REGISTER for all persons except those to whom it was made effective immediately by telegram dated April 30, 1965.

(Secs. 313(a), 601, and 603 of the Federal Aviation Act of 1958; 49 U.S.C. 1354(a), 1421, 1423)

Issued in Washington, D.C., on May 10, 1965.

G. S. MOORE,
Director,
Flight Standards Service.

[F.R. Doc. 65-5100; Filed, May 13, 1965; 8:47 a.m.]

[Docket No. 6627; Amdt. 39-66]

PART 39—AIRWORTHINESS DIRECTIVES

Piper Models PA–24–250, PA–24–260, PA–24–400, and PA–30 Aircraft

There has been a failure of a pitch servo breakaway ball link of a Mitchell Altimatic II autopilot on a Piper aircraft that resulted in a jammed stabilator. These autopilots are installed on Piper Models PA–24–250, PA–24–260, PA–24–400, and PA–30 aircraft. Therefore, an airworthiness directive is being issued to require modification of certain Mitchell Altimatic II autopilots installed on Piper Models PA–24 and PA–30 aircraft, and installation of a fuselage fairlead on Piper Models PA–24–250, PA–24–260, PA–24–400, and PA–30 aircraft, equipped with a Mitchell Altimatic II autopilot.

As a situation exists which demands immediate adoption of this regulation, it is found that notice and public procedure hereon are impracticable and good cause exists for making this amendment effective in less than 30 days.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (25 F.R. 6489), § 39.13 of Part 39 (14 CFR Part 39), is amended by adding the following new airworthiness directive:

PIPER. Applies to Models PA–24–250, PA–24–260, PA–24–400, and PA–30 aircraft equipped with a Mitchell Altimatic II autopilot.

Compliance required within the next 25 hours' time in service after the effective date of this AD, unless already accomplished.

To prevent further jamming of the stabilator control system by the autopilot pitch servo breakaway ball link, accomplish the following:

(a) On autopilots with pitch servos, Mitchell P/N 1X312C, having serial numbers listed on page 2 of Mitchell Service Information Bulletin No. A55, dated March 23, 1965, install pitch servo rack, Mitchell P/N 44A75–1, and spacer, Mitchell P/N 43A284 or Piper P/N 25422, in accordance with the accomplishment instructions in that Service Bulletin, or later FAA-approved revision, or an FAA-approved equivalent. Attach spacer using AN510–10R16 screws, AN960–10 washers, and MS20365–1032C nuts, or FAA-approved equivalents.

(b) Install a fairlead in the fuselage in accordance with the sketch in Piper Service Bulletin No. 224, dated April 7, 1965, or later FAA-approved revision, or an FAA-approved equivalent.

This amendment becomes effective May 15, 1965.

(Sec. 313(a), 601, and 603 of the Federal Aviation Act of 1958; 49 U.S.C. 1354(a), 1421, 1423)

Issued in Washington, D.C., on May 10, 1965.

G. S. MOORE,
Director,
Flight Standards Service.

[F.R. Doc. 65-5107; Filed, May 13, 1965; 8:47 a.m.]

[Airspace Docket No. 65–AL–14]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Control Zone

The purpose of this amendment to Part 71 of the Federal Aviation Regulations is to alter the effective hours of the Tanana, Alaska, control zone.

The hours of operation of the Tanana Flight Service Station are being reduced from 24 to 16 per day. Air/ground communications and scheduled airways weather observations will be available only from 0545 to 2145, local time, daily. Therefore, the control zone is redescribed to correspond to the time these services are available.

To accommodate those IFR flights which designate Tanana as the destination, departure or alternate airport at times other than the period from 0545 to 2145 hours, local time, callback service will be available upon receipt of at least 3 hours advance notice, and flight service station services will be provided during the 1 hour prior to estimated time of arrival and the one-half hour after departure. Although such services will be available on request through callback procedures, the control zone will be effective only from 0545 to 2145 hours, local time, daily.

Since this amendment imposes no additional burden on any person, notice and public procedure requirements of the Administrative Procedure Act are unnecessary and the amendment may be made effective upon publication in the FEDERAL REGISTER.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective upon publication in the FEDERAL REGISTER, as hereinafter set forth.

In § 71.171 (29 F.R. 17636), the Tanana, Alaska, control zone is amended by adding "from 0545 to 2145 hours, local time, daily".

(Sec. 307(a) of the Federal Aviation Act of 1958; 49 U.S.C. 1348)

Issued in Anchorage, Alaska, on May 7, 1965.

JAMES G. ROGERS,
Director, Alaskan Region.

[F.R. Doc. 65-5108; Filed, May 13, 1965; 8:47 a.m.]

[Airspace Docket No. 65–AL–15]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Control Zone

The purpose of this amendment to Part 71 of the Federal Aviation Regulations is to alter the effective hours of the Talkeetna, Alaska, control zone.

The hours of operation of the Talkeetna Flight Service Station are being reduced from 24 to 16 per day. Air/ground communications and scheduled airways weather observations will be available only from 0545 to 2145, local time, daily. Therefore, the control zone is redescribed to correspond to the time these services are available.

To accommodate those IFR flights which designate Talkeetna as the destination, departure or alternate airport at times other than the period from 0545 to 2145 hours, local time, callback service will be available upon receipt of at least 3 hours advance notice, and flight service station services will be provided during the 1 hour prior to estimated time of arrival and the one-half hour after departure. Although such services will be available on request through callback procedures, the control zone will be effective only from 0545 to 2145 hours, local time, daily.

Since this amendment imposes no additional burden on any person, notice and public procedure requirements of the Administrative Procedure Act are unnecessary and the amendment may be made effective upon publication in the FEDERAL REGISTER, as hereinafter set forth.

In § 71.171 (29 F.R. 17636), the Talkeetna, Alaska, control zone is amended by adding "from 0545 to 2145 hours, local time, daily".

(Sec. 307(a) of the Federal Aviation Act of 1958; 49 U.S.C. 1348)

Issued in Anchorage, Alaska, on May 7, 1965.

JAMES G. ROGERS,
Director, Alaskan Region.

[F.R. Doc. 65-5109; Filed, May 13, 1965; 8:47 a.m.]

[Airspace Docket No. 65–SW–93]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration and Designation of Control Zones, Designation of Transition Areas, and Revocation of Control Area Extension

On April 21, 1965, Federal Register Document 65–4103 was published in 30 F.R. 5624 which, in part, designated the William P. Hobby Airport and Ellington AFB control zones, and the Houston, Tex., transition area, effective 0001 e.s.t., June 24, 1965.

Subsequent to the publication of this rule in the FEDERAL REGISTER, the Department of the Air Force advised the Federal Aviation Agency that the Pearland radio beacon will be decommissioned on or about June 24, 1965, and that, as a result, a majority of the instrument approach procedures to Ellington AFB will be modified. As a result of these modifications, minor changes are required to the descriptions of the William P. Hobby Airport and Ellington AFB control zones without the designation of additional controlled airspace. It was also determined that an incorrect latitude was used in describing the eastern boundary of the portion of the Houston transition area with a floor of 700 feet above the surface. This would result in insufficient protection for instrument operations conducted below 1,500 feet above the surface. Corrective action is taken herein to amend the rule to alter the William P. Hobby and Ellington AFB control zones and depict the correct latitude for the Houston transition area.

Since this amendment imposes no additional burden on any person, notice and public procedures hereon are unnecessary and the effective date of the rule may be retained as initially adopted.

In consideration of the foregoing, Federal Register Document 65–4103 is amended, effective immediately, as hereinafter set forth.

(a) Paragraph 2 is amended to read as follows:

2. In § 71.171 (29 F.R. 17581) the following control zone is added:

HOUSTON, TEX. (ELLINGTON AFB)

That airspace within a 5-mile radius of Ellington AFB (latitude 29°36'25" N., longitude 95°09'20" W.); and within 2 miles each side of the Houston VORTAC 142° radial extending from the William P. Hobby Airport (latitude 29°38'40" N., longitude 95°16'30" W.) 5-mile radius zone to 10 miles SE of the VORTAC, excluding the portion within the William P. Hobby control zone.

(b) Paragraph 1 is amended to read as follows:

1. In § 71.171 (29 F.R. 17605), the Houston, Tex. (William P. Hobby Airport), control zone is amended to read as follows:

HOUSTON, TEX. (WILLIAM P. HOBBY)

That airspace within a 5-mile radius of William P. Hobby Airport (latitude 29°38'40" N., longitude 95°16'30" W.); within 2 miles each side of the Houston VORTAC 142° radial extending from the 5-mile radius zone to 10 miles SE of the VORTAC, within 2 miles each side of the 044° bearing from William P. Hobby Airport extending from the 5-mile radius zone to 5.5 miles NE of the airport, and within 2 miles each side of the 223° bearing from the William P. Hobby Airport extending from the 5-mile radius zone to 6 miles SW of the airport, excluding the portion E of a line from the intersecting point of 5-mile radius circles centered on William P. Hobby Airport and Ellington AFB (latitude 29°36'25" N., longitude 95°09'20" W.) NE of William P. Hobby Airport, through the intersecting point of such 5-mile radius circles SE of William P. Hobby Airport, to latitude 29°32'00" N., longitude 95°15'00" W.

(c) The 700-foot portion of the Houston, Tex., transition area, as described in paragraph 5, is amended to read:

That airspace extending upward from 700 feet above the surface bounded by a line beginning at latitude 29°25'00" N., longitude 95°30'00" W., to latitude 29°30'00" N., longitude 95°32'00" W., to latitude 29°46'00" N., longitude 95°27'00" W., to latitude 29°52'00" N., longitude 95°03'00" W., to latitude 29°-40'00" N., longitude 94°57'00" W., to latitude 29°32'00" N., longitude 95°00'00" W., to point of beginning.

(Sec. 307(a) of the Federal Aviation Act of 1958; 49 U.S.C. 1348)

Issued in Fort Worth, Tex., on May 7, 1965.

A. L. COULTER,
Acting Director,
Southwest Region.

[F.R. Doc. 65-5114; Filed, May 13, 1965; 8:48 a.m.]

[Airspace Docket No. 64–SW–55]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Control Zone and Transition Area

On March 4, 1965, a notice of proposed rule making was published in the FEDERAL REGISTER (30 F.R. 2822) stating that the Federal Aviation Agency proposed to alter the controlled airspace in the Hobbs, N. Mex., terminal area.

Interested persons were afforded an opportunity to participate in the rule making through submission of comments. No adverse comments were received within the time allotted.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0001 e.s.t., July 22, 1965, as hereinafter set forth.

1. In § 71.171 (29 F.R. 17605), the Hobbs, N. Mex., control zone is amended to read:

HOBBS, N. MEX.

That airspace within a 5-mile radius of Lea County Airport (latitude 32°41'19" N., longitude 103°13'01" W.); and within 2 miles each side of the Hobbs VOR 222° radial, extending from the 5-mile radius zone to 7 miles SW of the VOR; excluding the portion within a 1.5-mile radius of Hobbs Municipal Airport (latitude 32°46'08" N., longitude 103°12'50" W.).

2. § 71.181 (29 F.R. 17670), the Hobbs, N. Mex., transition area is amended to read:

HOBBS, N. MEX.

That airspace extending upward from 700 feet above the surface within a 9-mile radius of Lea County Airport (latitude 32°41'19" N., longitude 103°13'01" W.); and within 2 miles each side of the Hobbs VOR 222° radial, extending from the 9-mile radius area to 8 miles SW of the VOR; and that airspace extending upward from 1,200 feet above the surface within an area bounded by a line beginning at latitude 33°09'30" N., longitude 103°01'00" W.; to latitude 32°59'00" N., longitude 102°43'30" W.; to latitude 32°-36'30" N., longitude 102°07'20" W.; to latitude 32°19'35" N., longitude 102°55'10" W.; to latitude 32°13'40" N., longitude 102°-56'30" W.; to latitude 32°15'35" N., longitude 103°07'00" W.; to latitude 32°33'00" N., longitude 103°29'00" W.; to latitude 33°-00'00" N., longitude 103°18'00" W.; to point of beginning.

(Sec. 307(a) of the Federal Aviation Act of 1958; 49 U.S.C. 1348)

Issued at Fort Worth, Tex., on May 7, 1965.

A. L. COULTER,
Acting Director,
Southwest Region.

[F.R. Doc. 65-5115; Filed, May 13, 1965; 8:48 a.m.]

[Airspace Docket No. 65–SW–19]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Control Zone

The purpose of this amendment to Part 71 of the Federal Aviation Regulations is to alter the Lubbock, Tex. (Municipal Airport) control zone which was designated in Federal Register Document 65–1690 (30 F.R. 2197) to be effective 0001 e.s.t., May 27, 1965.

Subsequent to the publication of the above rule in the FEDERAL REGISTER, it has been determined that the Lubbock low-frequency range will be decomissioned on or about June 24, 1965, and instrument approach procedure A1–241–RNG, based thereon, will be cancelled. Action is taken herein to alter the Lubbock control zone to delete the extension predicated on this facilitity coincident with the date of decommissioning. Since this change will impose no additional burden on any person, notice and public procedures thereon are unnecessary.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0001 e.s.t., June 24, 1965, as hereinafter set forth.

In § 71.171 (30 F.R. 2197), the Lubbock, Tex. (Municipal Airport) control zone is amended to read:

That airspace within a 5-mile radius of Lubbock, Tex., Municipal Airport (latitude 33°39'32" N., longitude 101°49'41" W.); within 2 miles each side of the Lubbock VORTAC 122° radial, extending from the Lubbock 5-mile radius zone to the VORTAC; within 2 miles each side of the Lubbock VORTAC 124° radial, extending from the Lubbock 5-mile radius zone to 11.5 miles SE of the VORTAC; and within 2 miles each side of the Lubbock ILS localizer N course,

extending from the 5-mile radius zone to the OM.

(Sec. 307(a) of the Federal Aviation Act of 1958; 49 U.S.C. 1348)

Issued in Fort Worth, Tex., on May 7, 1965.

A. L. COULTER,
Acting Director,
Southwest Region.

[F.R. Doc. 65-5116; Filed, May 13, 1965; 8:48 a.m.]

[Airspace Docket No. 65-WE-48]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Transition Area

The purpose of this amendment to § 71.181 of the Federal Aviation Regulations is to alter the Prescott, Ariz., transition area.

The Prescott transition area is designated, in part with reference to the Prescott RBN. The Federal Aviation Agency plans to decommission this facility on May 27, 1965. Therefore, action is taken herein to redescribe the transition area to reflect the decommissioning of this facility.

Since this amendment is minor in nature and imposes no additional burden on any person, notice and public procedure hereon are unnecessary and the amendment may be made effective in less than 30 days.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0001 e.s.t., May 27, 1965, as hereinafter set forth.

In § 71.181 (29 F.R. 17691), the Prescott, Ariz., transition area is amended to read:

PRESCOTT, ARIZ.

That airspace extending upward from 700 feet above the surface within 2 miles each side of the Prescott VORTAC 123° and 303° radials, extending from the arc of a 5-mile radius circle centered on the Prescott Airport (latitude 34°39'10" N., longitude 112°25'15" W.) to 8 miles NW of the VORTAC; that airspace extending upward from 1,200 feet above the surface within a 20-mile radius of the Prescott VORTAC, extending clockwise from a line 5 miles W of and parallel to the Prescott VORTAC 340° radial to a line 5 miles W of and parallel to the VORTAC 159° radial, and that airspace within a 12-mile radius of the Prescott VORTAC, extending clockwise from a line 5 miles W of and parallel to the Prescott VORTAC 159° radial to a line 5 miles W of and parallel to the VORTAC 340° radial.

(Sec. 307(a) of the Federal Aviation Act of 1958, as amended; 72 Stat. 749; 49 U.S.C. 1348)

Issued in Los Angeles, Calif., on May 7, 1965.

LEE E. WARREN,
Acting Director,
Western Region.

[F.R. Doc. 65-5119; Filed, May 13, 1965; 8:48 a.m.]

[Airspace Docket No. 63-EA-118]

PART 75—ESTABLISHMENT OF JET ROUTES

Alteration of Jet Route

The purpose of this amendment is to alter a radial establishing the terminus of Jet Route No. 121 by 1°.

On May 1, 1965, Federal Register Document No. 65-4578 was published in the FEDERAL REGISTER (30 F.R. 6150), effective June 24, 1965, which, in part, designated Jet Route No. 121 from Norfolk, Va., to an intersection of the Providence 045° and the Boston, Mass., 067° radials. It was intended that this jet route would terminate at its intersection with Jet Route No. 575 between Boston and Yarmouth, N.S., Canada. A review of this action indicates that the Boston radial in the description of J-121 should be the 066° instead of 067°. Accordingly, action is taken herein to effect this substitution.

Since this is a minor amendment in which the public is not particularly interested, notice and public procedure hereon are unnecessary. More than 30 days will elapse from the time of publication of this alteration to the effective date of the rule as initially adopted, therefore, this amendment is made in compliance with section 4 of the Administrative Procedure Act.

In consideration of the foregoing, effective immediately, Federal Register Document No. 65-4578 is amended as follows:

In paragraph 1., "Boston, Mass., 067° radials." is deleted and "Boston, Mass., 066° radials." is substituted therefor.

(Sec. 307(a) of the Federal Aviation Act of 1958; 49 U.S.C. 1348)

Issued in Washington, D.C., on May 10, 1965.

DANIEL E. BARROW,
Chief, Airspace Regulations
and Procedures Division.

[F.R. Doc. 65-5120; Filed, May 13, 1965; 8:48 a.m.]

Title 17—COMMODITY AND SECURITIES EXCHANGES

Chapter II—Securities and Exchange Commission

[Release 34-7506]

PART 240—GENERAL RULES AND REGULATIONS, SECURITIES EXCHANGE ACT OF 1934

Insider Trading Profits; Exemption of Certain Transactions

The Securities and Exchange Commission has adopted new Rule 12h-3 (17 CFR 240.12h-3) under the Securities Exchange Act of 1934. The new rule exempts from section 16(b) of the Act for a temporary period transactions made prior to the first registration of an equity security under the Act by officers and directors of issuers which first register an equity security under section 12(g).[1]

Section 16(b) of the Act provides that profits realized by persons beneficially owning more than 10 percent of any class of equity security registered pursuant to section 12, or any director or officer of the issuer of such security, from the purchase and sale, or sale and purchase, of any equity security of such issuer, whether or not registered, within a period of less than 6 months, inure to and are recoverable by or on behalf of the issuer.

The courts in interpreting this section have indicated that recovery may be allowed of profits realized by a director or officer in the purchase (sale) of an equity security before the effective date of the first registration of an equity security of the issuer under section 12 and—within less than 6 months thereafter—a sale (purchase) is made after such effective date.[2]

In order to provide directors and officers of issuers registering under new section 12(g) of the Act with an opportunity to become familiar with the provisions of section 16(b), Rule 12h-3 exempts from the operation of section 16(b) any acquisition or disposition of an equity security by a director or officer of the issuer of such security made prior to the first registration of an equity security by the issuer under section 12(g); however, the exemption would not affect transactions subject to section 16(b) liabilities arising from registration on a national securities exchange.[3] The exemption provided by the rule applies to transactions occurring before or after the effective date of the rule, but is limited to transactions by directors or officers of issuers which first file a registration statement under section 12(g) on or prior to October 31, 1967.

[1] Section 12(g) of the Act requires certain issuers with total assets exceeding $1,000,000 to file a registration statement with this Commission registering each class of its nonexempt equity securities which is held of record by 750 or more persons at a fiscal year end after July 1, 1964, and each such class of equity securities held of record by 500 or more persons at a fiscal year end after July 1, 1966. Such registration statement must be filed within 120 days after the first fiscal year end at which the class of equity security is held of record by the requisite number of persons, except as otherwise provided by Rule 12g-1 (17 CFR 240.-12g-1). It becomes effective 60 days after filing with the Commission or within such shorter period as the Commission may direct.

[2] See Perfect Photo Inc. v. Grabb, 205 F. Supp. 569 (E.D. Pa., 1962) and Heil Coil v. Webster, 222 F. Supp. 831 (D.N.J., 1963).

[3] The rule makes no reference to transactions by persons beneficially owning more than 10 percent of a registered class of equity security because the exception in the last sentence of section 16(b) of the Act makes further exemption unnecessary.

Issuers and their counsel should carefully note that the courts in interpreting section 16(b) have also indicated that recovery may be allowed of profits realized by a person in the purchase (sale) of an equity security of an issuer having an equity security registered pursuant to section 12 of the Act before such person becomes a director or officer of the issuer and—within less than 6 months of such transaction—a sale (purchase) is made after such person becomes a director or officer of the issuer.[4]

Rule 12h-3 will not exempt such transactions by persons who become directors or officers after registration (except insofar as the transactions occur prior to registration) and issuers and their counsel should advise persons who may become directors or officers of the issuer of the implications of these interpretations of section 16(b) so that they may avoid any inadvertent liabilities under the section.

Commission action. Part 240 of Title 17, Chapter II of the Code of Federal Regulations is amended by adding a new § 240.12h-3 to read as follows:

§ 240.12h-3 Exemption from section 16(b) of transactions prior to registration under section 12(g).

Any acquisition or disposition of any equity security by a director or officer of the issuer of such security within 6 months prior to the first effective registration of a class of equity security of such issuer pursuant to section 12(g) shall not be subject to the operation of section 16(b) of the Act by virtue of such registration. The exemption provided by this rule shall apply to transactions occurring before or after the effective date of this rule. This rule shall not apply to any officer or director of an issuer which first files a registration statement pursuant to section 12(g) of the Act after October 31, 1967.

(Sec. 3(d), 78 Stat. 568, 15 U.S.C. 78l(h); Sec. 23(a), 48 Stat. 901, as amended, 15 U.S.C. 78w(a))

Since the rule is in the nature of an exemption, the Commission finds that notice and procedure pursuant to the Administrative Procedure Act is impractical and unnecessary and that the rule may be made effective upon publication thereof on May 10, 1965. The Commission also finds that the rule is not inconsistent with the public interest or the protection of investors. The foregoing action is taken pursuant to the Securities Exchange Act of 1934, as amended, particularly section 12(h) and 23(a) thereof.

By the Commission, May 10, 1965.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 65-5084; Filed, May 13, 1965; 8:45 a.m.]

[4] See Blau v. Allen, 163, F. Supp. 702 (S.D.N.Y., 1958) and Adler v. Klawans, 267 F. 2d 840 (2d Cir. 1959).

Title 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

SUBCHAPTER B—FOOD AND FOOD PRODUCTS

PART 121—FOOD ADDITIVES

Subpart F—Food Additives Resulting From Contact With Containers or Equipment and Food Additives Otherwise Affecting Food

RESINOUS AND POLYMERIC COATINGS

The Commissioner of Food and Drugs, having evaluated the data in a petition (FAP 4B1486) filed by Jones-Dabney Co., Division of Devoe and Raynolds Co., Inc., Post Office Box 8248, Station E, Louisville, Ky., 40208, and other relevant material, has concluded that § 121.2514 of the food additive regulations should be amended to provide for the use of a polyamine catalyst and cross-linking agent for epoxy resins used in resinous and polymeric food-contact coatings. Therefore, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1)), and under the authority delegated to the Commissioner by the Secretary of Health, Education, and Welfare (21 CFR 2.90), § 121.2514(b)(3)(viii)(b) is amended by inserting alphabetically in the list a new item, as follows:

§ 121.2514 Resinous and polymeric coatings.

* * * * * *

(b) * * *

(3) * * *

(viii) * * *

(b) Catalysts and cross-linking agents for epoxy resins:

* * * * * *

Polyamine produced when 1 mole of the chlorohydrin diether of polyethylene glycol 400 is made to react under dehydrohalogenating conditions with 2 moles of *N*-octadecyltrimethylenediamine, for use only in coatings that are subject to the provisions of paragraph (c) (3) or (4) of this section and that contact food at temperatures not to exceed room temperature.

* * * * * *

Any person who will be adversely affected by the foregoing order may at any time within 30 days from the date of its publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington, D.C., 20201, written objections thereto, preferably in quintuplicate. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof.

Effective date. This order shall be effective on the date of its publication in the FEDERAL REGISTER.

(Sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1))

Dated: May 10, 1965.

JOHN L. HARVEY,
Deputy Commissioner
of Food and Drugs.

[F.R. Doc. 65-5131; Filed, May 13, 1965; 8:48 a.m.]

Title 33—NAVIGATION AND NAVIGABLE WATERS

Chapter II—Corps of Engineers, Department of the Army

PART 204—DANGER ZONE REGULATIONS

Pacific Ocean, Calif.

The heading of § 204.202 and paragraph (b) (2), (3), (5), (6), and (7) are revised, effective upon publication in the FEDERAL REGISTER, to read as follows:

§ 204.202 Pacific Ocean, Air Force Western Test Range (AFWTR), Vandenberg AFB, Calif.; danger zone.

* * * * * *

(b) *The regulations.* * * *

(2) The stopping or loitering of vessels is expressly prohibited within a 3-mile radius of Purisima Point (Zone 8) unless prior permission is obtained from the Commander, Air Force Western Test Range (AFWTR).

(3) The firing of missiles will take place in any one or any group of zones in the danger area at frequent and irregular intervals throughout the year. The Commander, Air Force Western Test Range will announce hazardous firing operations. Each week public notices giving advance information for hazardous firing operations will appear in "Notice to Mariners." For the benefit of the fishermen and small craft operations, announcements will be made on radio frequency 2638 kc. Additionally, information will be posted on notice boards located outside Port Control Offices at Santa Barbara, Port San Luis and Morro Bay.

* * * * * *

(5) No seaplanes, other than those approved for entry by the Commander, Air Force Western Test Range, may enter the danger zone during firing periods.

(6) The regulations in this section shall be enforced by personnel attached to the Air Force Western Test Range (AFWTR) and by such agencies as may be designated by the Commander, Air

Force Western Test Range, Vandenberg Air Force Base, Calif.

(7) The Commander, Air Force Western Test Range will extend full cooperation relating to the public use of the danger area and will fully consider every reasonable request for its use in light of requirements for national security and safety of persons and property.

* * * * *

[Regs., May 5, 1965, ENGCW-ON] (sec. 4, 28 Stat. 362; 33 U.S.C. 1)

LAWRENCE H. WALKER, Jr.,
Brigadier General, U.S. Army,
Acting The Adjutant General.

[F.R. Doc. 65-5094; Filed, May 13, 1965; 8:46 a.m.]

PART 205—DUMPING GROUNDS REGULATIONS

PART 207—NAVIGATION REGULATIONS

Entrance to Seaports and Lake Washington, Wash.

1. Pursuant to the provisions of section 4 of the River and Harbor Act of March 3, 1905 (33 Stat. 1147; 33 U.S.C. 419) and section 7 of the River and Harbor Act of August 8, 1917 (40 Stat. 266; 33 U.S.C. 1), § 205.80 establishing and governing the use of dumping grounds and prohibited dumping grounds in waters adjacent to and waters constituting the approaches and entrances to certain ports is hereby amended by modifying paragraphs (b) (9), (10), (12), and (13), and (c) (5), effective 30 days after publication in the FEDERAL REGISTER, as follows:

§ 205.80 Entrance to seaports.

* * * * *

(b) *Dumping grounds.* * * *

(9) The waters of the Gulf of Mexico off Calcasieu Pass, La., within the following areas:

(i) *Area A.* Beginning at West Jetty at latitude 29°44'59", longitude 93°20'-36"; thence to latitude 29°44'51", longitude 93°21'33"; thence to latitude 29°45'38", longitude 93°21'41"; thence along the mean high tide shore line to West Jetty; thence along West Jetty to point of beginning.

(ii) *Area B.* Beginning at East Jetty at latitude 29°45'00", longitude 93°20'-25"; thence along East Jetty to the mean high tide shore line; thence along the mean high tide shore line to latitude 29°46'02", longitude 93°19'37"; thence to latitude 29°45'07", longitude 93°19'-28"; thence to point of beginning.

(iii) *Area C.* Beginning at latitude 29°39'47", longitude 93°19'44"; thence to latitude 29°39'39", longitude 93°20'-44"; thence to latitude 29°44'22", longitude 93°21'31"; thence to latitude 29°-44'30", longitude 93°20'32"; thence to point of beginning.

(iv) *Area D.* Beginning at latitude 29°34'08", longitude 93°16'19"; thence to latitude 29°33'06", longitude 93°16'-38"; thence to latitude 29°37'21", longitude 93°20'22"; thence to latitude 29°-37'45", longitude 93°20'26"; thence to latitude 29°37'52", longitude 93°19'25"; thence to latitude 29°37'29", longitude 93°19'23"; thence to point of beginning.

(10) The waters of the Gulf of Mexico off Sabine Pass, Tex., within the following areas:

(i) *Area A.* Beginning at latitude 29°38'09", longitude 93°49'23"; thence to latitude 29°35'53", longitude 93°48'-18"; thence to latitude 29°35'06", longitude 93°50'24"; thence to latitude 29°-36'37", longitude 93°51'09"; thence to latitude 29°37'00", longitude 93°50'06"; thence to latitude 29°37'46", longitude 93°50'26"; thence to point of beginning.

(ii) *Area B.* Beginning at latitude 29°38'13", longitude 93°49'13"; thence to latitude 29°38'36", longitude 93°48'-09"; thence to latitude 29°36'20", longitude 93°47'04"; thence to latitude 29°-35'57", longitude 93°48'07"; thence to point of beginning.

* * * * *

(12) The waters of the Gulf of Mexico off Galveston Entrance, Tex., within the following areas:

(i) *Area A.* Beginning at latitude 29°20'02", longitude 94°40'46"; thence to latitude 29°18'56", longitude 94°38'-40"; thence to latitude 29°18'04", longitude 94°39'15"; thence to latitude 29°-19'11", longitude 94°41'21"; thence to point of beginning.

(ii) *Area B.* Beginning at latitude 29°20'11", longitude 94°40'40"; thence to latitude 29°21'02", longitude 94°40'-05"; thence to latitude 29°19'56", longitude 94°37'59"; thence to latitude 29°-19'04", longitude 94°38'34"; thence to point of beginning.

(iii) *Area C.* Beginning at latitude 29°16'54", longitude 94°41'30"; thence to latitude 29°14'24", longitude 94°38'-42"; thence to latitude 29°15'54", longitude 94°37'06"; thence to latitude 29°-18'00", longitude 94°39'30"; thence to point of beginning.

(13) The waters of the Gulf of Mexico off Galveston Entrance, Texas bounded by the mean high tide shore line, Galveston North Jetty, and the following lines: Beginning at Galveston North Jetty Light at latitude 29°20'44", longitude 94°40'44"; thence to latitude 29°-23'24", longitude 94°42'30"; thence to latitude 29°25'18", longitude 94°40'00"; thence along longitude 94°40'00" to shore.

* * * * *

(c) *Prohibited dumping grounds.* * * *

(5) The waters of the Gulf of Mexico off Louisiana and Texas Coasts, except as provided in paragraph (b) (9) through (13) of this section, bounded by the mean high tide shore line and the following lines: Beginning at Galveston Jetty Light at latitude 29°19'30", longitude 94°41'33"; thence to latitude 28°-01'12", longitude 94°41'33", thence along the 40 fathom line to latitude 28°-01'18", longitude 94°13'42"; thence to Heald Bank Lighted Whistle Buoy 2 at latitude 29°05'00", longitude 94°13'42"; thence to Sabine Bank Light at latitude 29°28'18", longitude 93°43'24"; thence to Sabine Bank East End Lighted Whistle Buoy 1 at latitude 29°27'00", longitude 93°18'30"; thence 015° (true) to shore.

* * * * *

[Regs., May 1, 1965, 1507-32 (Entrance to Seaports)—ENGCW-ON] (sec. 4, 33 Stat. 1147, sec. 7, 40 Stat. 266; 33 U.S.C. 1, 419)

2. Pursuant to the provisions of section 7 of the River and Harbor Act of August 8, 1897 (40 Stat. 266; 33 U.S.C. 1), § 207.750 is hereby amended with respect to paragraph (h) changing the description and marking of the seaplane restricted area in Lake Washington, Wash., in subparagraph (1), redesignating subdivision (iv) of subparagraph (2) as (v) and prescribing a new subdivision (iv) to control the use of the area by swimmers, effective 30 days after publication in the FEDERAL REGISTER as follows:

§ 207.750 Puget Sound Area, Wash.

* * * * *

(h) *Lake Washington; seaplane restricted area, U.S. Naval Air Station, Sand Point, Seattle*—(1) *The area.* (i) Beginning at a point 343°, 2,650 yards from the control tower atop Building No. 264, U.S. Naval Air Station, Seattle, which is situated at latitude 47°40'56", longitude 122°15'24"; thence 347°, 2,000 yards; thence 077°, 500 yards; thence 167°, 2,000 yards, and thence to the point of beginning.

(ii) The area will be marked by special pneumatic buoys lying in a single straight line along the western boundary of the area, as follows: Six buoys spaced 400 yards apart, commencing at the point of beginning. Each end buoy will be equipped with a yellow light and all other buoys with green lights. These lights will be lighted only during night flying operations. Each buoy will be marked in addition by black and yellow vertical stripes.

(2) *The regulations.* * * *

(iv) No swimmers, scuba divers, or underwater vehicles shall operate or loiter in this area.

(v) The regulations in this paragraph shall be enforced by the Commandant, 13th Naval District, or his authorized representative.

* * * * *

[Regs., May 1, 1965, 207.750 (Lake Washington, Wash.)—ENGCW-ON] (sec. 7, 40 Stat. 266; 33 U.S.C. 1)

LAWRENCE H. WALKER, Jr.,
Brigadier General, U.S. Army,
Acting The Adjutant General.

[F.R. Doc. 65-5095; Filed, May 13, 1965; 8:46 a.m.]

Title 37—PATENTS, TRADEMARKS, AND COPYRIGHTS

Chapter I—Patent Office, Department of Commerce

PART 1—RULES OF PRACTICE IN PATENT CASES

PART 3—FORMS FOR PATENTS CASES

Interference Practice

The following amendments are made to take effect July 1, 1965, and to apply only to interferences declared on and after that date. In all other cases, the rules prior to amendment shall apply.

The text of these rules, except in certain particulars, was published in the FEDERAL REGISTER of February 26, 1965 (30 F.R. 2552-2556), and all persons who so desired were invited to submit written data, views, arguments or suggestions, or to attend the hearing held on April 8, 1965. The rules are being adopted after full consideration of all the material submitted and of all the views expressed at the oral hearing. The departures from the published text are made in the light of such material and views.

The text of the amendments is as follows:

Paragraphs (a) and (b) of § 1.203 are amended to read as follows:

§ 1.203 Preparation for interference between applications; suggestion of claims for interference.

(a) Before the declaration of interference it must be determined by the examiner that there is common subject matter in the cases of the respective parties, patentable to each of the respective parties, subject to the determination of the question of priority. Claims in the same language, to form the counts of the interference, must be present or be presented, in each application; except that, in cases where, owing to the nature of the disclosures in the respective applications, it is not possible for all applications to properly include a claim in identical phraseology to define the common invention, an interference may be declared, with the approval of the Commissioner, using as a count representing the interfering subject matter a claim differing from the corresponding claims of one or more of the interfering applications by an immaterial limitation or variation.

(b) When the claims of two or more applications differ in phraseology, but relate to substantially the same patentable subject matter, the examiner shall, if it has been determined that an interference should be declared, suggest to the parties such claims as are necessary to cover the common invention in the same language. The parties to whom the claims are suggested will be required to make those claims (i.e., present the suggested claims in their applications by amendment) within a specified time, not less than 30 days, in order that an interference may be declared. The failure or refusal of any applicant to make any claim suggested within the time specified, shall be taken without further action as a disclaimer of the invention covered by that claim unless the time be extended.

* * * * *

Paragraph (a) of § 1.205 is amended to read as follows:

§ 1.205 Interference with a patent; copying claims from patent.

(a) Before an interference will be declared with a patent, the applicant must present in his application, copies of all of the claims of the patent which also define his invention and such claims must be patentable in the application. However, an interference may be declared after copying the claims excluding an immaterial limitation or variation if such immaterial limitation or variation is not clearly supported in the application or if the applicant otherwise makes a satisfactory showing in justification thereof.

* * * * *

Section 1.206 is amended to read as follows:

§ 1.206 Interference with a patent; claims improperly copied.

(a) Where claims are copied from a patent and the examiner is of the opinion that the applicant can make only some of the claims so copied, he shall notify the applicant to that effect, state why he is of the opinion the applicant cannot make the other claims and state further that the interference will be promptly declared. The applicant may proceed under § 1.231 if he desires to further contest his right to make the claims not included in the declaration of the interference.

(b) Where the examiner is of the opinion that none of the claims can be made, he shall reject the copied claims stating in his action why the applicant cannot make the claims and set a time limit, not less than 30 days, for reply. If, after response by the applicant, the rejection is made final, a similar time limit shall be set for appeal. Failure to respond or appeal, as the case may be, within the time fixed will, in the absence of a satisfactory showing, be deemed a disclaimer of the invention claimed.

Section 1.207 is amended to read as follows:

§ 1.207 Preparation of interference papers and declaration of interference.

(a) When an interference is found to exist and the applications are in condition therefor, the primary examiner shall forward the files to the Board of Patent Interferences together with a statement indicating the claims of each applicant or patentee which are to form the respective counts of the interference and also indicating whether any party is entitled to the benefit of the filing date of any prior application as to the subject matter in issue, and, if so, identifying such application.

(b) A patent interference examiner will institute and declare the interference by forwarding notices to the several parties to the proceeding. Each notice shall include the name and residence of each of the other parties and those of his attorney or agent, and of any assignee, and will identify the application of each opposing party by serial number and filing date, or in the case of a patentee by the number and date of the patent. The notices shall also specify the issue of the interference, which shall be clearly and concisely defined in only as many counts as may be necessary to define the interfering subject matter (but in the case of an interference with a patent all the claims of the patent which can be made by the applicant should constitute the counts), and shall indicate the claim or claims of the respective cases corresponding to the count or counts. If the application or patent of a party included in the interference is a division, continuation or continuation-in-part of a prior application and the examiner has determined that it is entitled to the filing date of such prior application, the notices shall so state. Except as noted in paragraph (e) of this section, the notices shall also set a schedule of times for taking various actions as follows:

(1) For filing the preliminary statements required by § 1.215 and serving notice of such filing, not less than 2 months from the date of declaration.

(2) For each party who files a preliminary statement to serve a copy thereof on each opposing party who also files a preliminary statement as required by § 1.215(b), not less than 15 days after the expiration of the time for filing preliminary statements.

(3) For filing motions under § 1.231, not less than 4 months from declaration.

(c) The notices of interference shall be forwarded by the patent interference examiner to all the parties, in care of their attorneys or agents; a copy of the notices will also be sent the patentees in person and, if the patent in interference has been assigned, to the assignees.

(d) When the notices sent in the interest of a patent are returned to the Office undelivered, or when one of the parties resides abroad and his agent in the United States is unknown, additional notice may be given by publication in the Official Gazette for such period of time as the Commissioner may direct.

(e) In a case where the showing required by § 1.204(c) is deemed insufficient (§ 1.228) the notice of interference will not set the time schedule specified in paragraph (b) of this section but will be accompanied by an order to show cause by the Board of Patent Interferences as provided by § 1.228.

§ 1.209 [Cancelled]

Section 1.209 is cancelled.

Section 1.211 is amended to read as follows:

§ 1.211 Jurisdiction of interference.

(a) Upon the institution and declaration of the interference, as provided in § 1.207, the Board of Patent Interferences will take jurisdiction of the same, which will then become a contested case.

(b) The primary examiner will retain jurisdiction of the case until the declaration of interference is made.

Section 1.215 is amended to read as follows:

§ 1.215 Preliminary statement required.

(a) Each party to the interference will be required to file a concise preliminary statement giving certain facts and dates, on or before a date fixed by the Office. The preliminary statement must be signed and sworn to by the inventor but in appropriate circumstances, as when the inventor is dead or a showing is made of inability to obtain a statement from the inventor, the preliminary statement may be made by the personal representative or assignee or by someone authorized or entitled to make the statement and having knowledge of the facts.

(b) A party who files a preliminary statement shall at the same time notify

all opposing parties of that fact and by the time set for that purpose he shall serve a copy of his preliminary statement including any attached documents on every opposing party from whom he has received notification of the filing of a statement.

(c) A party who fails to serve a copy of his preliminary statement as required in paragraph (b) of this section will be restricted to his effective filing date. (See § 1.223(c).)

Section 1.216 is amended to read as follows:

§ 1.216 Contents of the preliminary statement.

(a) The preliminary statement must state that the party made the invention set forth by each count of the interference, and whether the invention was made in the United States or abroad. When the invention was made in the United States the preliminary statement must set forth as to the invention defined by each count the following facts including a brief statement as to the specific nature of each of the respective acts alleged:

(1) The date upon which the first drawing of the invention was made; if a drawing of the invention has not been made prior to the filing date of the application, it must be so stated.

(2) The date upon which the first written description of the invention was made; if a written description of the invention has not been made prior to the filing date of the application, it must be so stated.

(3) The date upon which the invention was first disclosed to another person; if the invention was not disclosed to another person prior to the filing date of the application, it must be so stated.

(4) The date of the first act or acts susceptible of proof (other than making a drawing or written description or disclosing the invention to another person) which, if proven, would establish conception of the invention, and a brief description of such act or acts; if there have been no such acts, it must be so stated.

(5) The date of the actual reduction to practice of the invention; if the invention has not been actually reduced to practice before the filing date of the application, it must be so stated.

(6) The date after conception of the invention when active exercise of reasonable diligence toward reducing the invention to practice began.

(b) When an allegation as to the first drawing (paragraph (a)(1) of this section) and/or as to the first written description (paragraph (a)(2) of this section) is made, a copy of such drawing and/or written description must be attached to the statement.

(c) If a party intends to rely solely on a prior application, domestic or foreign, and on no other evidence, the preliminary statement may so state and need not be signed or sworn to by the inventor.

Section 1.218 is amended to read as follows:

§ 1.218 Time for filing preliminary statement.

The time for filing the preliminary statement is ordinarily specified in the notices of interference mailed to the parties (§ 1.207). (For extension of the time set see § 1.245.)

§ 1.221 [Cancelled]

Section 1.221 is cancelled.

Paragraphs (a) and (c) of § 1.223 are amended to read as follows:

§ 1.223 Effect of statement.

(a) The preliminary statement should be carefully prepared, as a party will not be allowed to amend his statement in any way except by motion under § 1.222, and any doubts as to definiteness or sufficiency of any allegation or compliance with formal requirements will be resolved against the party concerned by restriction to his record date or to the latest date of a period alleged as may be appropriate. Prior to final hearing a party will not be notified of any defect in his statement except that whenever a resulting restriction provides basis for an order to show cause (§ 1.225) such order will be entered including notice of the defect. Each of the parties by whom or on whose behalf a preliminary statement is made will be strictly held in his proofs to the dates set forth therein. This includes joint applicants or patentees; a new preliminary statement will not be received in the event the application is amended or the patent is corrected to remove the names of those not inventors, nor will a preliminary statement alleging different dates be received if an application is amended or a patent is corrected to include a joint inventor, except by motion under § 1.222.

* * * * *

(c) If a party to an interference fails to file a statement, testimony will not be received subsequently from him to prove that he made the invention at a date prior to his effective filing date. If a party alleges in his statement a date of first drawing or first written description but does not attach a copy of such drawing or written description as required by § 1.216(b), he will be restricted to his effective filing date as to that allegation.

* * * * *

Section 1.224 is amended to read as follows:

§ 1.224 Reliance on prior application.

A party will not be permitted to rely on any prior application to obtain the benefit of its filing date unless the prior application is specified in the notice of interference (see § 1.226) or its benefit is sought by a motion filed in accordance with § 1.231. In the latter case, complete copies of the contents of the application file the benefit of which is sought, except affidavits under §§ 1.131, 1.202, and 1.204, must be served on all opposing parties with the motion, and in the case of a foreign application the necessary papers to prove a date of priority under 35 U.S.C. 119 including a translation where required (§ 1.55), must be filed (if they are not already of record) and copies served on all opposing parties with the motion. In either case the proof of service required by § 1.247 must include the prior application as well as the motion.

Section 1.225 is amended to read as follows:

§ 1.225 Failure of junior party to file statements or to overcome filing date of senior party.

If a junior party to an interference fails to file a preliminary statement, or if his statement fails to overcome the prima facie case made by the filing date of the application of another party, judgment on the record will be entered against such junior party unless he has filed a motion under § 1.231, within the time set for such motions, for some action in the interference. If such a motion has been timely filed but does not result in action in the interference which will remove the basis for a judgment on the record, such judgment on the record will be entered unless the motion related to matters which may be reviewed at final hearing under § 1.258, and within 20 days of the decision disposing of the motion the junior party concerned requests that final hearing be set to review such matters.

Section 1.226 is amended to read as follows:

§ 1.226 Access to applications.

After the mailing of the notices of interference each party will be permitted to see or obtain copies of each other's applications which are set out in the notices except for copies of affidavits filed under §§ 1.131, 1.202, and 1.204 which shall be and remain sealed until preliminary statements are opened under § 1.227, except as provided in § 1.228 regarding affidavits under § 1.204(c).

Section 1.227 is amended to read as follows:

§ 1.227 Access to preliminary statements.

(a) The preliminary statements shall be open to the inspection of the senior party, and of any junior party who himself filed a statement, after the date set for the serving of preliminary statements (§ 1.207(b)(2)), but shall not be open to inspection prior to that time.

(b) A junior party who fails to file a preliminary statement shall not have access to the preliminary statement of any other party.

(c) If the interference be terminated before the preliminary statements have been opened to the inspection of the parties, the preliminary statements will remain sealed.

(d) After termination of an interference any unopened statements will be removed from the interference file and preserved by the Office, and in no case will such statements be open to the inspection of anyone (including opposing parties) without authority from the Commissioner.

Section 1.228 is amended to read as follows:

§ 1.228 Summary judgment.

When an interference is declared on the basis of a showing under § 1.204(c), such showing will be examined by a Board of Patent Interferences. If the Board considers that the facts set out in the showing provide sufficient basis for overcoming the effective filing date of the patentee, the interference will proceed in the normal manner as provided by the rules in this part; otherwise an order shall be entered concurrently with the notice of interference pointing out wherein the showing is insufficient and notifying the applicant making such showing that summary judgment will be rendered against him because of such insufficiency at the expiration of a period specified in the notice, not less than thirty days, unless cause be shown why such action should not be taken. Any response made during the specified period will be considered by the Board without an oral hearing unless such hearing is requested by the applicant, but additional affidavits or exhibits will not be considered unless accompanied by a showing justifying their omission from the original showing. If the applicant files a response to the order to show cause, the patentee will be furnished with one of the copies of the showing under § 1.204(c) and will be allowed 30 days from its mailing date within which to present his views with respect thereto. He shall also be entitled to be represented at any oral hearing on the matter.

Section 1.231 is amended to read as follows:

§ 1.231 Motions before the primary examiner.

(a) Within the period set in the notice of interference for filing motions any party to an interference may file a motion seeking:

(1) To dissolve as to one or more counts, except that such motion based on facts sought to be established by affidavits or evidence outside of official records and printed publications will not normally be considered, and when one of the parties to the interference is a patentee, no motion to dissolve on the ground that the subject matter of the count is unpatentable to all parties or is unpatentable to the patentee will be considered, except that a motion to dissolve as to the patentee may be brought which is limited to such matters as may be considered at final hearing (§ 1.258). Where a motion to dissolve is based on prior art, service on opposing parties must include copies of such prior art.

(2) To amend the issue by addition or substitution of new counts.

(3) To substitute any other application owned by him as to the existing issue, or to include any other application or patent owned by him as to any subject matter other than the existing issue but disclosed in his application or patent involved in the interference and in an opposing party's application or patent in the interference which should be made the basis of interference between himself and such other party. Copies of such other application must be served on all other parties and the motion must be accompanied by proof of such service.

(4) To shift the burden of proof, or to be accorded the benefit of an earlier application which would not change the order of the parties.

(5) To amend an involved application by adding or removing the names of one or more inventors as provided in § 1.45.

(b) Each motion must contain a full statement of the grounds therefor and reasoning in support thereof. Any opposition to a motion must be filed within 20 days of the expiration of the time set for filing motions and the moving party may, if he desires, file a reply to such opposition within 15 days of the date the opposition was filed. If a party files a timely motion to dissolve, any other party may file a motion to amend within 20 days of the expiration of the time set for filing motions. Service on opposing parties of an opposition to a motion to amend which is based on prior art must include copies of such prior art. In the case of action by the primary examiner under § 1.237, such motions may be made within 20 days from the date of the primary examiner's decision on motion wherein such action was incorporated or the date of the communication giving notice to the parties of the proposed dissolution of the interference.

(c) A motion to amend or to substitute another application must be accompanied by an amendment adding the claims in question to the application concerned if such claims are not already in that application.

(d) All proper motions will be transmitted to and considered by the primary examiner without oral argument. Requests for reconsideration will not be entertained.

(e) In the determination of a motion to dissolve an interference between an application and a patent, the prior art of record in the patent file may be referred to for the purpose of construing the issue.

(f) Upon the granting of a motion to amend and the adoption of the claims by the other parties within a time specified, or upon the granting of a motion to substitute another application, and after the expiration of the time for filing any new preliminary statements, a patent interference examiner shall redeclare the interference or shall declare such other interferences as may be necessary to include said claims. A preliminary statement as to the added claims need not be filed if a party states that he intends to rely on the original statement and such a declaration as to added claims need not be signed or sworn to by the inventor in person. A second time for filing motions will not be set and subsequent motions with respect to matters which have been once considered by the primary examiner will not be considered.

§§ 1.232–1.236 [Cancelled]

Sections 1.232 through 1.236 are cancelled.

Section 1.237 is amended to read as follows:

§ 1.237 Dissolution at the request of examiner.

If, during the pendency of an interference a reference or other reason be found which, in the opinion of the primary examiner, renders all or part of the counts unpatentable, the attention of the Board of Patent Interferences shall be called thereto. The interference may be suspended and referred to the primary examiner for consideration of the matter, in which case the parties will be notified of the reason to be considered. Arguments of the parties regarding the matter will be considered if filed within 20 days of the notification. The interference will be continued or dissolved in accordance with the determination by the primary examiner. If such reference or reason be found while the interference is before the primary examiner for determination of a motion, decision thereon may be incorporated in the decision on the motion, but the parties shall be entitled to reconsideration if they have not submitted arguments on the matter.

§ 1.241 [Cancelled]

Section 1.241 is cancelled.

Section 1.243 is amended to read as follows:

§ 1.243 Motions before the Board of Patent Interferences.

Motions relating to matters other than those specified in § 1.231 will be determined by a patent interference examiner or the Board of Patent Interferences, as may be deemed appropriate. Such motions shall be made in writing and shall contain a full statement of the action sought and the grounds therefor, and satisfactory proof of any facts required must accompany the motion. Oral hearings will not be held except on order of a patent interference examiner or Board of Patent Interferences. Briefs or memoranda in support of such motions shall accompany the motion. Any reply to the motion, together with any brief or memorandum in support thereof, shall be filed within 10 days unless some other date is set by the patent interference examiner.

Paragraph (d) of § 1.244 is amended to read as follows:

§ 1.244 Motions; miscellaneous provisions.

* * * * *

(d) There is no appeal from decisions rendered on motions but the Commissioner may consider on petition any matter involving abuse of discretion or the exercise of his supervisory authority, or such other matters as he may deem proper to consider. Any such petition must comply with § 1.181 and, if not filed within 20 days from the decision complained of, may be dismissed as untimely. Any reply thereto must be filed within 10 days from the filing of the petition.

§ 1.246 [Cancelled]

Section 1.246 is cancelled.

Section 1.247 is amended to read as follows:

§ 1.247 Service of papers.

Every paper filed in the Patent Office in interference proceedings must be

served upon the other parties in the manner provided in § 1.248, except the following:

(a) Preliminary statements at the time of filing but see § 1.215 (b) and (c),

(b) Documentary exhibits introduced at the taking of a deposition,

(c) Certified transcripts of testimony under § 1.276 (but copies of the record must be served (§ 1.253)),

(d) Statutory disclaimers under 35 U.S.C. 253. The specification in certain sections that a designated paper must be served does not imply that other papers, not excepted above need not be served. However, the requirement for service of designated papers may be waived under particular circumstances and service may be required of other designated papers which need not ordinarily be served. Proof of such service must be made before the paper will be considered in the interference by the Office. A statement of the attorney, attached to or appearing in the original paper when filed, clearly stating the time and manner in which service was made will be accepted as prima facie proof of service.

Section 1.248 is amended to read as follows:

§ 1.248 Service of papers; manner of service.

Service of papers must be on the attorney or agent of the party if there be such or on the party if there is no attorney or agent, and may be made in either of the following ways:

(a) By delivering a copy of the paper to the person served;

(b) By leaving a copy at the usual place of business of the person served with someone in his employment;

(c) When the person served has no usual place of business, by leaving a copy at his residence, with a member of his family over 14 years of age and of discretion;

(d) Transmission by first class mail which may also be certified or registered. When service is by mail the date of mailing will be regarded as the date of service. Whenever it shall be satisfactorily shown to the Commissioner that none of the above modes of obtaining or serving the paper is practicable, service may be by notice published in the Official Gazette.

Paragraph (b) of § 1.251 is amended, and new paragraph (d) is added, as follows:

§ 1.251 Assignment of times for taking testimony.

* * * * *

(b) The time for taking testimony will ordinarily be assigned in notices sent to the parties after motions under § 1.231 have been disposed of or, if no such motions have been filed, after the close of the motion period (§ 1.231).

* * * * *

(d) The date for final hearing will ordinarily be set in separate notices.

Paragraphs (a), (d), and (f) of § 1.253 are amended to read as follows:

§ 1.253 Copies of the testimony.

(a) In addition to the certified transcript of the testimony (§§ 1.275 to 1.278), three true copies of the record of each party must be filed for the use of the Patent Office (a total of four copies), and one true copy of the record must be served upon each of the opposing parties.

* * * * *

(d) The copies of the record for all parties must be filed and served on the opposing parties by the date specified in the order setting times for taking testimony or such extensions as may be granted.

* * * * *

(f) When the copies of the record are in typewritten form, they must be clearly legible on opaque unglazed, durable paper approximately 8½ by 11 inches in size (letter size) and one of the three copies must be a ribbon copy, but need not be executed by the certifying officer. (The certified transcript may be a properly executed carbon copy. See § 1.277.) The typing shall be on one side of the paper, in not smaller than pica type; and double-spaced with a margin of 1½ inches on the left-hand side of the page. The sheets shall be bound at their left edges, in such manner to lie flat when opened, in a volume or volumes of convenient size (approximately 100 pages per volume is suggested) provided with covers. Multigraphed or otherwise reproduced copies conforming to the standards specified will be accepted.

* * * * *

Section 1.254 is amended to read as follows:

§ 1.254 Briefs at final hearing.

Briefs at final hearing before the Board of Patent Interferences shall be submitted in printed form, except that when not in excess of 50 legal-size double spaced typewritten pages, or the equivalent thereof, and in any other case where satisfactory reason therefor is shown, they may be submitted in typewritten form. If submitted in printed form, they shall be the same in size and the same as to page and print as is specified for printed copies of testimony. Typewritten briefs shall conform to the requirements for typewritten copies of testimony, except that legal-size paper may be used and the binding and covers specified are not required. Three copies of each brief must be filed. The times for filing briefs will ordinarily be set in the order setting times for taking testimony.

Paragraphs (a) and (b) of § 1.258 are amended to read as follows:

§ 1.258 Matters considered in determining priority.

(a) In determining priority of invention, the Board of Patent Interferences will consider only priority of invention on the evidence submitted. Questions of patentability of a claim generally will not be considered in the decision on priority; and neither will the patentability of a claim to an opponent be considered, unless the nonpatentability of the claim to the opponent will necessarily result in the conclusion that the party raising the question is in fact the prior inventor on the evidence before the Office, or relates to matters which have been determined to be ancillary to priority and must be considered, but a party shall not be entitled to raise such nonpatentability unless he has duly presented a motion for dissolution under § 1.231 upon such ground or shows good reason why such a motion was not presented.

(b) The matters raised on a motion relating to the burden of proof (§ 1.231) may be reviewed at final hearing.

* * * * *

Section 1.261 is amended to read as follows:

§ 1.261 Termination of interference.

An interference will be terminated by judgment after final hearing (§§ 1.251 to 1.259), or by judgment on the record as provided by § 1.225 or § 1.252, or by summary judgment because of an insufficient showing under § 1.204(c) as provided by § 1.228, or by dissolution as provided by § 1.231 or § 1.237, or as otherwise provided.

Paragraph (c) of § 1.272 is amended to read as follows:

§ 1.272 Manner of taking testimony.

* * * * *

(c) By agreement of the parties, the testimony of any witness or witnesses of any party, may be submitted in the form of an affidavit by such witness or witnesses. The parties may stipulate what a particular witness would testify to if called, or the facts in the case of any party may be stipulated. When evidence is submitted in one of these forms, four copies of such affidavit or stipulated testimony (§ 1.253(a) (f)) are required.

Paragraph (b) of § 1.282 is amended to read as follows:

§ 1.282 Official records and printed publications.

* * * * *

(b) In the case of prior applications, the filing date of which is claimed, compliance with the requirements of §§ 1.224 and 1.231 is sufficient notice under this section.

The text of § 3.44 (Form 3.44) is revised as follows:

§ 3.44 Interference; preliminary statement of domestic inventor.

PRELIMINARY STATEMENT

_____
v. } Interference No. _____
_____

_____ } ss.
_____

_____, being duly sworn (or affirmed), deposes and says that he is a party to the above identified interference, that he made the invention set forth by the counts of the interference in the United States; that

(1) The first drawing of the invention was (give specific nature of the drawing) made on _____, 19__. A copy is attached.[1]

(2) The first written description of the invention was in the form of a (give specific nature of the document) and was made on _____, 19__. A copy is attached.[1]

(3) The invention was first disclosed to others on _____, 19__, when (give brief description of circumstances).[1]

(4) The date of the first act or acts susceptible of proof, other than acts of the character specified in (1), (2), and (3) which, if proven would establish conception of the invention, and a brief description of such act or acts are (e.g. the making of a non-operating model on _____, 19__).

(5) The invention was actually reduced to practice on _____, 19__ by (give brief description of the acts to be relied on).

(6) Active exercise of reasonable diligence toward reducing the invention to practice began on _____, 19__ and comprised (give brief description of the nature of the activity to be relied on).[1]

_____
(Signature of inventor)

Subscribed and sworn to (or affirmed) before me this _____ day of _____, 19__.

[SEAL]

_____
(Signature of notary public or officer)

_____
(Official character)

[1] If there were no act corresponding to this allegation prior to the filing date of the application, it must be so stated. Note, however, date of completion of application drawing and specification, date of disclosure to person preparing the application, and diligence in preparing the application.

(Sec. 1, 66 Stat. 793, 35 U.S.C. 6)

EDWARD J. BRENNER,
Commissioner of Patents.

Approved: April 30, 1965.

WILLIAM W. EATON,
Deputy Assistant Secretary for Science and Technology.

[F.R. Doc. 65-5143; Filed, May 13, 1965; 8:49 a.m.]

Title 38—PENSIONS, BONUSES, AND VETERANS' RELIEF

Chapter I—Veterans Administration

PART 3—ADJUDICATION

Subpart A—Pension, Compensation, and Dependency and Indemnity Compensation

DISAPPEARANCE OF VETERAN

In § 3.656, paragraph (a) is amended to read as follows:

§ 3.656 Disappearance of veteran.

(a) When any veteran has disappeared for 90 days or more and his whereabouts remain unknown to the members of his family and the Veterans Administration, disability compensation which he was receiving or entitled to receive may be paid to or for his wife, children and parents, effective the day following the date of last payment to the veteran if a claim is received within 1 year after that date; otherwise from the date of receipt of a claim. The total amount payable will be the lesser of these amounts:

(1) Dependency and indemnity compensation.

(2) Amount of compensation payable to the veteran at the time of disappearance, subject to authorized insurance deductions.

* * * * *

(72 Stat. 1114; 38 U.S.C. 210)

This VA Regulation is effective December 1, 1962.

By direction of the Administrator.

Approved: May 10, 1965.

[SEAL] CYRIL F. BRICKFIELD,
Deputy Administrator.

[F.R. Doc. 65-5100; Filed, May 13, 1965; 8:46 a.m.]

Title 41—PUBLIC CONTRACTS AND PROPERTY MANAGEMENT

Chapter 101—Federal Property Management Regulations

SUBCHAPTER H—UTILIZATION AND DISPOSAL

PART 101-44—DONATION OF PERSONAL PROPERTY

Subpart 101-44.3—Donation for Educational, Public Health, and Civil Defense, Including Research or Public Airport Purposes

SCREENING OF SURPLUS ELECTRONIC PROPERTY

1. The table of contents of Part 101-44 is amended by adding the following entry:

Sec.
101-44.319 Expedited donation screening of surplus electronic property.

2. Subpart 101-44.3 is amended by adding § 101-44.319, as follows:

§ 101-44.319 Expedited donation screening of surplus electronic property.

(a) *General.* In order to expedite the donation of surplus electronic property for use in instructional and research programs conducted by educational institutions, certain specified types of surplus electronic equipment and components may be made available at a military holding activity, or upon approval of GSA at a civilian agency activity, for on-site screening.

(b) *Availability of electronic property.* Surplus electronic property for which the holding activity maintains accountability by weight or line item, and which is scrap or salvage as defined in § 101-43.104 may be made available for donation screening. Such property will normally be classified under FSC Groups 58, 59, 66 and 69 but may include similar electronic items classified under other FSC Groups. Items which are clearly not electronic items, such as aircraft and missile parts and components, test or laboratory equipment, or maintenance equipment and supplies will not be included in the screening.

(c) *Scheduling of screening.* The holding activity will notify the appropriate GSA regional office not less than 15 days prior to the date the on-site donation screening is scheduled to start, so that all necessary arrangements can be coordinated and agreed upon. On-site donation screening must be scheduled to begin when the property becomes surplus, after the end of the utilization screening period.

(d) *Participation.* Participation in these screening sessions is limited to accredited representatives of State agencies and science teachers and instructors from those eligible educational institutions, including maritime academies and military, Naval, Air Force or Coast Guard preparatory schools, designated by State agencies to attend such sessions.

(e) *Screening.* Screening sessions for surplus electronic property shall be conducted as follows:

(1) The donation screening period will be limited to the specific dates established by the agreement respecting the particular location. Generally, the screening period should not exceed 5 working days, except for those continuing programs carried out in accordance with this § 101-44.319.

(2) The electronic property selected for the screening session will be set aside in separate areas by the holding activity to facilitate screening by the participants.

(3) Authorized GSA and DHEW representatives will be present during all screening periods, except as provided in this § 101-44.319.

(4) In the case of property for which accountability is maintained by the Property Disposal Officer on a line item basis, the authorized DHEW representative will prepare SF 123, Construction Contract, listing the property selected for donation, and showing the item description, number of units, condition, and unit and total acquisition cost.

(5) When the property selected is accounted for by weight, the authorized DHEW representative will prepare SF 123 identifying the property as miscellaneous electronic items in FSC Groups 58, 59, 66, and 69 or other FSC Groups covering similar electronic items, as applicable, followed by a brief description of the types of items selected, e.g., tubes, tuners, receivers, condensers, etc. The total acquisition cost, actual or estimated, must be shown on the form. When the acquisition cost is computed by conversion of weight to dollars, or by other acceptable methods, care should be taken to reflect a value which is compatible with the original acquisition cost of the property.

(6) The DHEW representative should prepare and sign SF 123 at the site on a daily basis for the property selected. Upon approval by the GSA representative, the holding activity shall release the property. Processing of donation documents shall be expedited to insure that the property is removed at the end of each daily session. No property shall be released until after the donation is approved by the GSA representative.

(7) If the on-site donation screening is conducted on a continuing day-to-day basis, under procedures previously agreed to in writing between GSA, the holding activity, DHEW, and the State agency concerned, the presence of authorized GSA and DHEW representatives is not required. Arrangements may provide for processing of the essential donation documents subsequent to the on-site screening and removal of the property.

(Sec. 205(c), 63 Stat. 390; U.S.C. 486(c))

Effective date. This amendment is effective June 1, 1965.

Dated: May 7, 1965.

LAWSON B. KNOTT, JR.,
Acting Administrator of General Services.

[F.R. Doc. 65-5121; Filed, May 13, 1965; 8:48 a.m.]

Proposed Rule Making

CIVIL AERONAUTICS BOARD

[14 CFR Part 399]

[Docket 16151]

STATEMENTS OF GENERAL POLICY

Passing Off of Foreign Carrier Affiliates and System Relationships of Air Carriers

MAY 11, 1965.

Notice is hereby given that the Civil Aeronautics Board has under consideration a proposed addition to Part 399, Statements of General Policy, which would express the Board's policy of considering certain public references to affiliate and system relationships between an air carrier and foreign air carrier as contrary to the public interest.

This regulation is proposed under the authority of sections 102 (b), (c), (d), 204(a) of the Federal Aviation Act of 1958 (72 Stat. 740, 743); 49 U.S.C. 1302, 1324, and section 3 of the Administrative Procedure Act (60 Stat. 238; 5 U.S.C. 1002).

Interested persons may participate in the proposed rule making through submission of ten (10) copies of written data, views, or arguments pertaining thereto, addressed to the Docket Section, Civil Aeronautics Board, Washington, D.C., 20428. All relevant matter in communications received on or before June 14, 1965, will be considered by the Board before taking final action on the proposed rule. Copies of such communications will be available for examination by interested persons in the Docket Section of the Board, Room 710, Universal Building, 1825 Connecticut Avenue NW., Washington, D.C., upon receipt thereof.

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON,
Secretary.

Explanatory statement. The Board has been concerned with public holding out of relationships between air carriers and foreign air carriers which create the impression that the air transportation performed by related carriers is part of a unified transportation system. Such holding out may tend to create the impression that the air travel is being performed by one carrier when it is in fact being performed by another. The public references which create such an impression may constitute an unfair or deceptive practice or an unfair method of competition in air transportation or the sale thereof, or may be otherwise contrary to the public interest. This passing off may arise in situations where the air carrier and foreign air carrier have entered into agency relationships under which a carrier represents or performs services in one country for the benefit or on behalf of the carrier from another country. In cases where the air carrier has a financial interest in the foreign air carrier there is a greater likelihood that the agency relationship may develop into such a passing off situation.

A number of cases of this character have been dealt with by the Board in proceedings under section 401, 402, 408, or 412 of the Act. The need to introduce passing off issues into route proceedings under section 401 or 402, into control relationships considered under section 408, or carrier agreements processed under section 412, may be reduced by a declaration of Board policy. A statement of Board policy would guide carriers in their relationships and enable them to avoid arrangements likely to develop into passing off problems.

The Board therefore has under consideration the adoption of a policy stating its standard of judging when the public holding out of relationships between air carriers and foreign air carriers may constitute an unfair or deceptive practice.

It is proposed to amend Part 399, Statements of General Policy (14 CFR Part 399), by adding a new § 399.... to read:

§ 399.... Passing off of carrier identity by affiliation between carriers.

(a) *Applicability.* This policy shall apply to proceedings in which the Board, in exercising its regulatory powers with respect to air carriers and foreign air carriers, is required to determine whether carriers have engaged in unfair or deceptive practices, or unfair methods of competition. The standards herein shall not be construed to supersede any action previously taken by the Board in a particular proceeding dealing with the subject matter of this statement, but to the extent not inconsistent therewith shall provide standards which supplement, or implement such specific Board action.

(b) *Definition.* For the purpose of this statement the term "affiliation" as between an air carrier and a foreign air carrier, shall mean that one of the carriers directly or indirectly has one of the following relationships to the other:

(1) Owns or controls 10 percent or more of the securities of the other, with or without an accompanying power to vote;

(2) Is in control of the other within the meaning of section 408 of the Act;

(3) Has any of the interlocking relationships described in section 409 of the Act;

(4) Is jointly controlled with the other carrier, directly or indirectly by a third person;

(5) Provides general agency services for the other carrier.

For the purpose of this statement "general agency services" shall mean services performed under an agreement between an air carrier and a foreign air carrier which provides for the general representation of one by the other in a specified area or point, in relation to services such as the following: Solicitation and sale of passenger, express, and cargo transportation; airport transportation and hotel accommodations; local advertising and publicity; local sales offices; passenger services; local government representation; purchase, lease, or other acquisition of equipment; or aircraft and transit services, aircraft inspection, aircraft dispatch.

(c) *Minimum safeguards.* The minimum safeguards which the Board will consider as adequate to foreclose passing off by affiliated carriers are as follows:

(1) An air carrier and any affiliated foreign air carrier shall not engage in joint public relations activities at points served by both carriers which tend to pass off the services of one carrier as the services of the other carrier or as part of a unified system of which each is a part;

(2) Where one affiliated carrier provides general agency services for the other carrier, at points served by both carriers, it shall specifically identify all flights of the other carrier as flights of that carrier without reference to any relationship to the carrier performing the agency services;

(3) All forms of display (including aircraft insignia), schedule publications, advertising, or printed matter employed by affiliated carriers shall not state or imply that the services of either carrier is performed in common with the other carrier or as part of a single system. In cases where it is necessary to indicate that any agency service is performed by one affiliated carrier for the other, the references to the carrier performing the agency should be sufficiently subordinated to the name of the other carrier as to emphasize the limited role of the agent;

(4) Telephone facilities at points served by both carriers should preserve the identity of the individual carriers;

(5) Where joint traffic or sales facilities are maintained by affiliated carriers, the separate identity of each carrier should be maintained by reasonably comparable use of display advertising, desk space, personnel uniforms, and other facilities and activities;

(6) Where one carrier sells time payment tickets for travel over the other carrier (except interline travel), the application form should identify the carrier performing the transportation;

(7) The respective personnel of the affiliated carriers shall preserve the individual identity of the respective carriers in all public dealings.

(d) *Unfair and deceptive practice.* It is the policy of the Board to regard any joint activity of an affiliated air carrier and a foreign air carrier as an unfair or deceptive practice or unfair method of competition where such joint activity does not satisfy the minimum safeguards enumerated in the preceding subsection.

[F.R. Doc. 65-5142; Filed, May 13, 1965; 8:48 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 73]

[Docket No. 16004; FCC 65-393]

FM AND TV BROADCAST STATIONS

Proposed Field Strength Curves

1. Notice is hereby given of proposed rule making in the above-entitled matter.

2. The Commission has under consideration the propagation curves contained in Figure 1 of § 73.333 and Figures 9 and 10 of § 73.699 of its rules and regulations and the need for similar curves to be used for calculations of "equivalent protection".

3. Present rules of the Commission specify that the Field Strength curves originally developed for statistical estimates of the potential coverage of TV stations operating on Channels 2–6, should be used for statistical estimates of the potential coverage of stations operating on Channels 14–83. The meagre data on UHF propagation in the early 1950's indicated that propagation in these two bands was similar.

4. Although the reliability of this method of estimating UHF coverage has been questioned for a number of years, the absence of large scale UHF broadcasting operations and the lack of standardization in making field strength measurements at UHF have made it difficult to obtain sufficient data as a basis for more reliable curves. Most of the data available prior to 1958 was in the form of mobile measurements made with a receiving antenna height of 10 feet. Abnormal variations raised serious questions as to the validity of such measurements. The first serious efforts at standardization were made in connection with the T.A.S.O. project and the extensive measurements made at that time plus subsequent measurements made here and abroad have provided us with sufficient data to draft revised UHF Field Strength curves.

5. These curves have been prepared after extensive consultation with knowledgeable persons including Commission staff engineers, members of the former Radio Propagation Advisory Committee (RPAC), industry engineers and members of the C.C.I.R. study groups. The Committee for the Full Development of UHF Broadcasting (CAB) also has recommended that new curves for television be adopted by the Commission. The curves are reasonably valid only when used for the limited purposes intended by the rules. They will provide the statistical probability of a given field strength being equalled or exceeded at a specified percentage of receiving locations for a specified percentage of time, if applied to a sufficiently large area. They are being placed in the rules only for administrative purposes in connection with channel allocations, determination of compliance with rules requiring the placing of a specified statistical value of field strength over a specified area, the application of rules concerning overlap of statistical service contours, and for determining height and power restrictions for the maintenance of desired-to-undesired signal ratios at various geographical separations. More details than given herein on the development of these curves are contained in FCC Report R. 6602. Copies may be obtained by writing to the Chief Engineer at the Commission.

6. It is generally agreed that the reliability of the curves could be further refined by the application of factors relating to the broad nature of the terrain surrounding the transmitter. However, sufficient data have not been developed for formulating such terrain factors at this time. In view of the limited applicability intended, this does not detract from the value of the revised curves. We shall continue our efforts to develop valid and acceptable terrain factors.

7. The proposed new UHF curves include the F(50,50) curves for estimating service and the F(50,10) for estimating interference. In addition, we are issuing new Field Strength curves for Channels 2–6 and 7–13. These will also include F(50,10) curves which have not heretofore been included in our rules. It is also proposed to use the Channels 2–6 curves for the FM broadcast stations as well. A brief discussion of the proposed curves follows.

Channels 2–6. 8. The F(50,50) curves for low-VHF channels are essentially the same (within 1 db) as the curves in the present FCC rules for distances out to 20 miles. At distances beyond the horizon, the new curves indicate higher field strengths, because higher field strengths were obtained in numerous fixed-location, long-term measurements made in the United States. At distances beyond 80 miles the new curves are in good agreement with CCIR curves (Geneva, 1963). Linear height-gain relationships were maintained as closely as possible in the merging of the line-of-sight and tropospheric portions of the curves, with modifications to allow for the effects of the horizon for different transmitting antenna heights.

9. Information developed from all available measurements was used in the determination of fading ratios which were applied to the basic median curves to obtain F(50,10) curves, which indicate field strengths exceeded at 50 percent of the locations for at least 10 percent of the time. Fading ratios ranged from about 1 db at 10 miles for all antenna heights to a maximum of approximately 9 db for all antenna heights, such maxima occurring at progressively greater distances as the antenna height increases.

Channels 7–13. 10. The F(50,50) curves for high-VHF channels are essentially the same (within 1 db) as the curves in the present FCC rules at distances out to 20 miles for antenna heights of 1,000 feet and above. Below 1,000 feet, the new curves show stronger fields, reaching a maximum difference of 5 db at 20 miles for a 100-foot transmitting antenna. For 1,000-foot transmitting antennas the new curves are equal to the present curves for distances from 20 to 70 miles. For other antenna heights in this range of distances, departures from the present curves are due primarily to a more systematic application of the linear height gain relationship, with modifications to allow for the effects of the horizon for different transmitting antenna heights. Beyond 100 miles the high-VHF and low-VHF curves are identical.

11. For the F(50,10) curves, which indicate field strengths exceeded at 50 percent of the locations for at least 10 percent of the time, the same procedures as described for the low-VHF curves were followed in the development of the high-VHF curves.

Channels 14–83. 12. The present UHF curves are the same as for low-VHF. The new F(50,50) curves are practically the same for all antenna heights at distances out to 20 miles. Beyond 20 miles, the new curves show greater attenuation than those in the present rules.[1] All measurements indicate this pattern, and a basic curve for a transmitting antenna height of 500 feet was derived from the measurements. This curve agrees with the CCIR curve for this height, except in the region from 10 to 80 miles, where the CCIR curve is as much as 6 db lower than the new curve. A systematic linear height gain relationship was applied to this basic 500-foot curve for other heights, with modifications to allow for the effects of the horizon.

13. For the F(50,10) curves, the curves for distances out to about 10 miles are practically the same as for F(50,50). The new curves show maximum field strength increases over F(50,50) values of from 12.8 to 13.8 db at distances ranging from 70 miles for 100-foot and 140 miles for 5,000-foot transmitting antennas.

14. It is accordingly proposed to amend §§ 73.333 and 73.699 by deleting the curves which appear therein as Figures 1, and 9 and 10, respectively, and substituting the curves set forth below.

15. Authority for the adoption of the proposed amendments is contained in sections 4(i) and 303 of the Communications Act of 1934, as amended.

16. Pursuant to applicable procedures set out in § 1.415 of the Commission's rules, interested parties may file comments on or before June 14, 1965, and reply comments on or before June 25, 1965. All relevant and timely comments and reply comments will be considered by the Commission before final action is taken in this proceeding. In reaching its decision in this proceeding, the Commission may also take into account other relevant information before it, in addition to the specific comments invited by this notice.

17. In accordance with the provisions of § 1.419 of the rules, an original and 14 copies of all comments, replies, pleadings, briefs, and other documents shall be furnished the Commission.

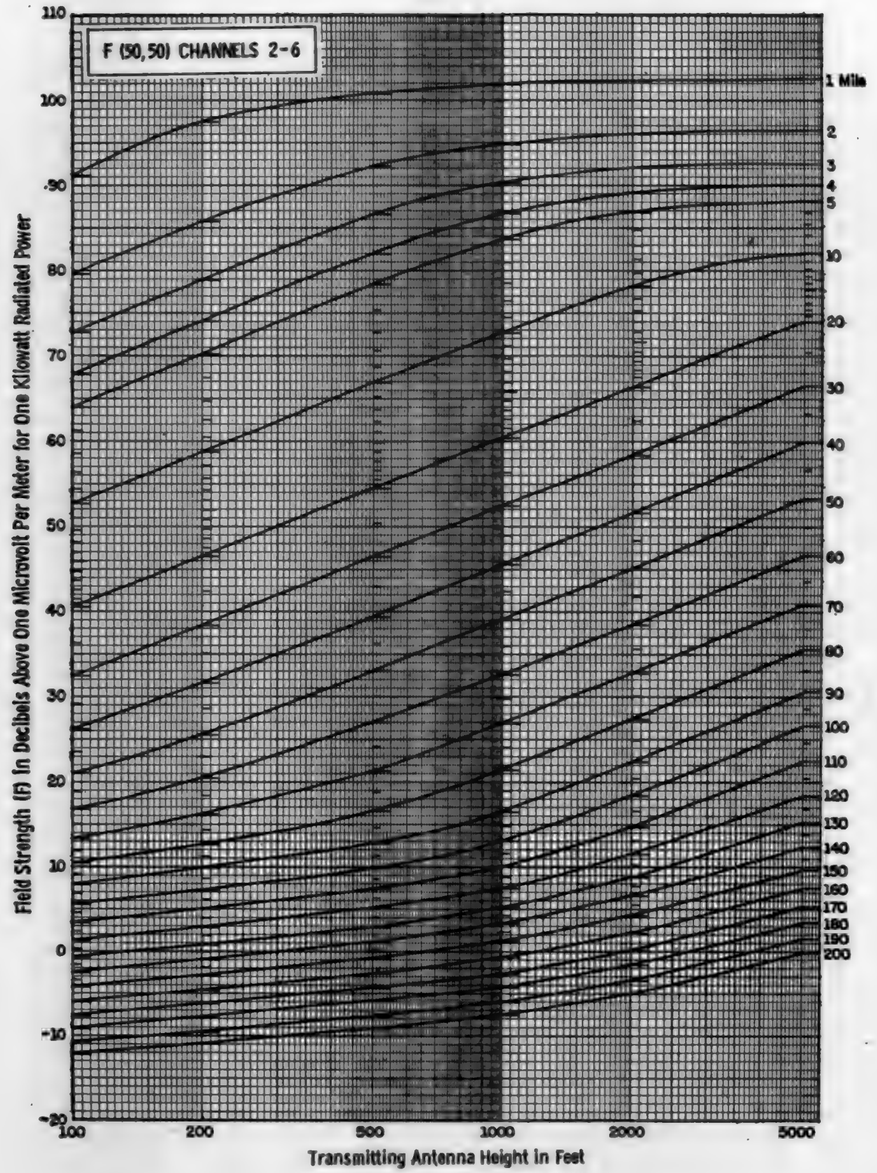
Adopted: May 5, 1965.

Released: May 10, 1965.

FEDERAL COMMUNICATIONS COMMISSION,[2]
[SEAL] BEN F. WAPLE,
Secretary.

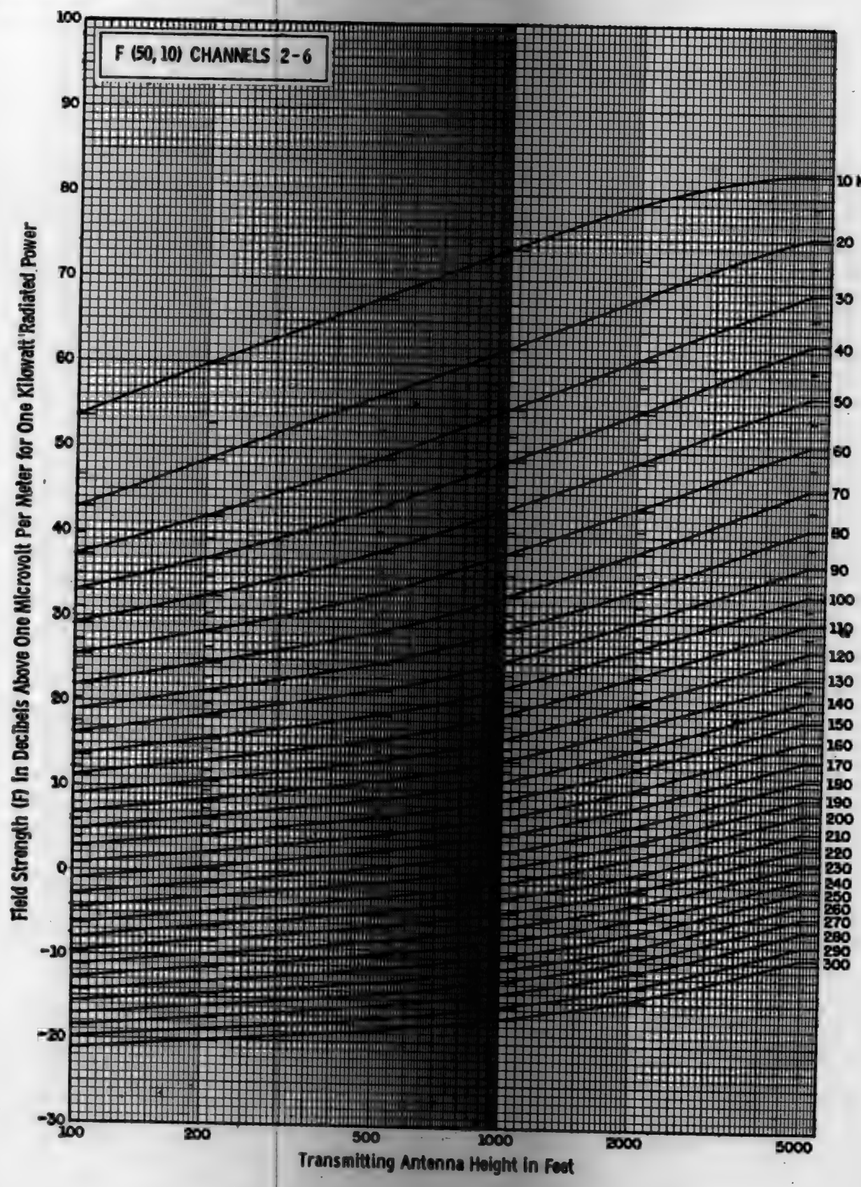
[1] See note to § 73.683.

[2] Commissioners Bartley and Wadsworth absent.



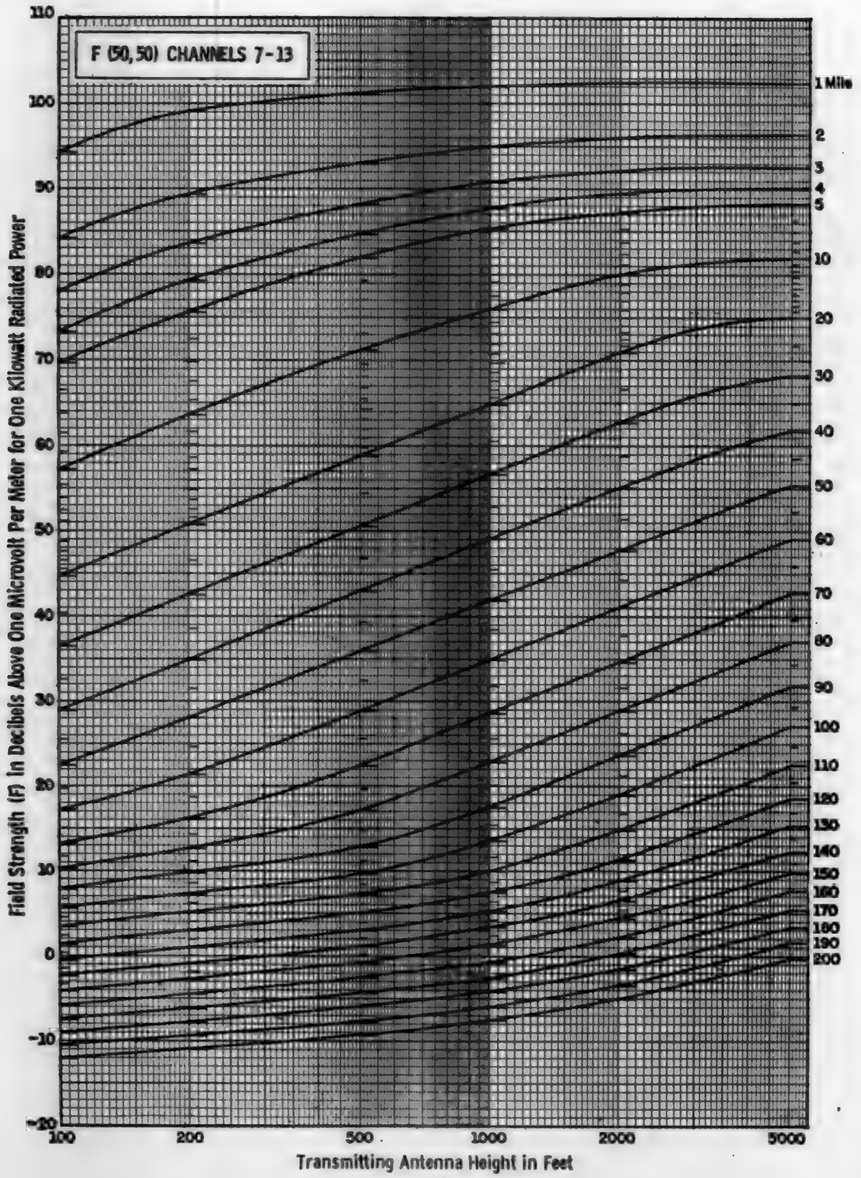
TELEVISION CHANNELS 2 - 6
ESTIMATED FIELD STRENGTH EXCEEDED AT 50 PERCENT
OF THE POTENTIAL RECEIVER LOCATIONS FOR AT LEAST 50 PERCENT
OF THE TIME AT A RECEIVING ANTENNA HEIGHT OF 30 FEET

April 26, 1965



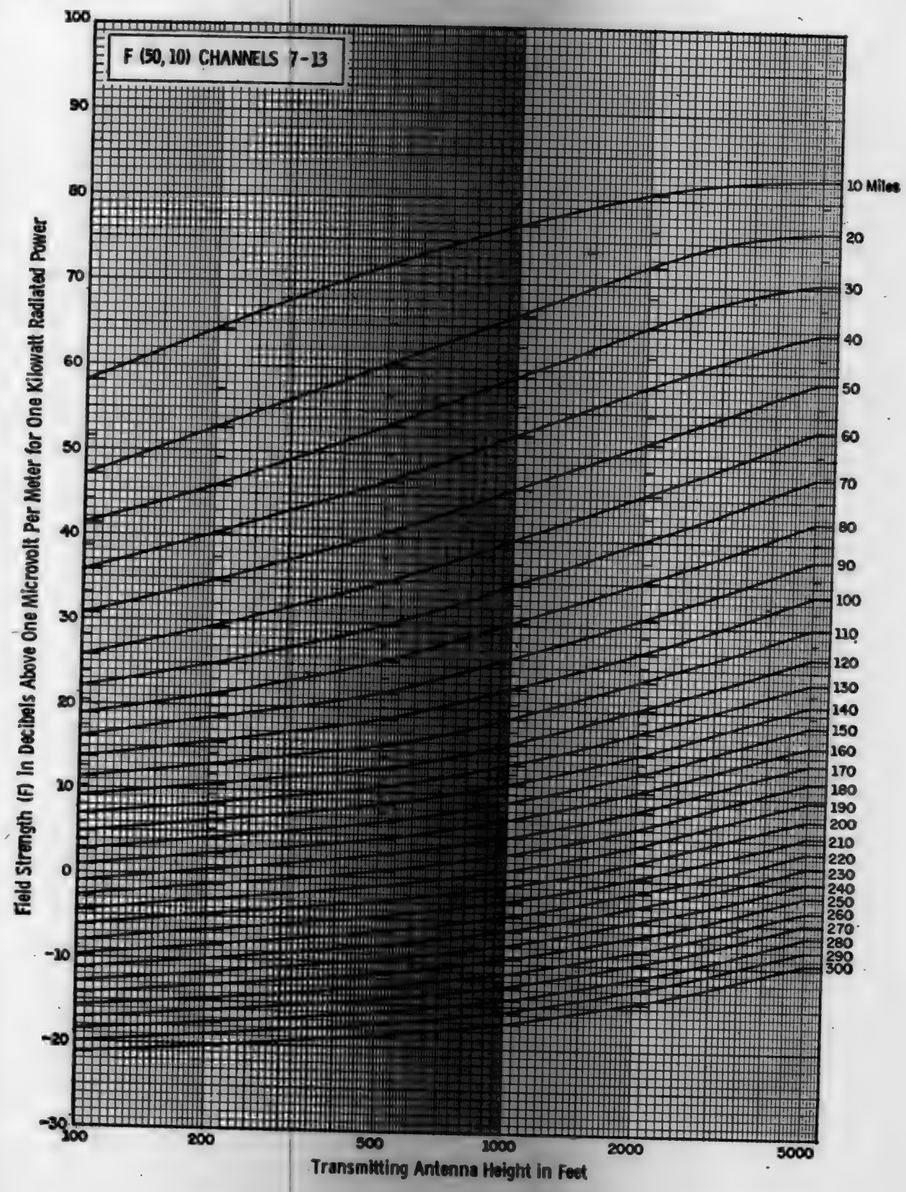
TELEVISION CHANNELS 2 - 6
ESTIMATED FIELD STRENGTH EXCEEDED AT 50 PERCENT
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OF THE TIME AT A RECEIVING ANTENNA HEIGHT OF 30 FEET

April 26, 1965



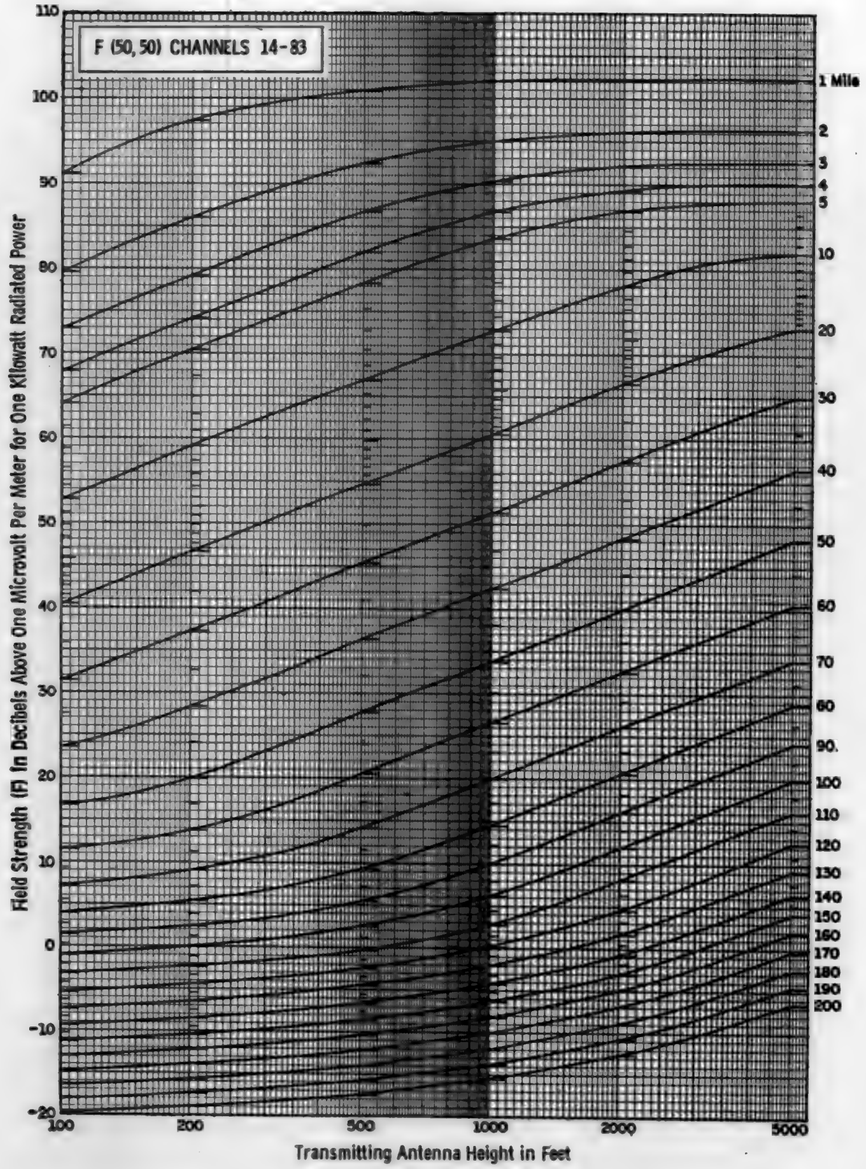
TELEVISION CHANNELS 7 - 13
ESTIMATED FIELD STRENGTH EXCEEDED AT 50 PERCENT
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OF THE TIME AT A RECEIVING ANTENNA HEIGHT OF 30 FEET

April 26, 1965



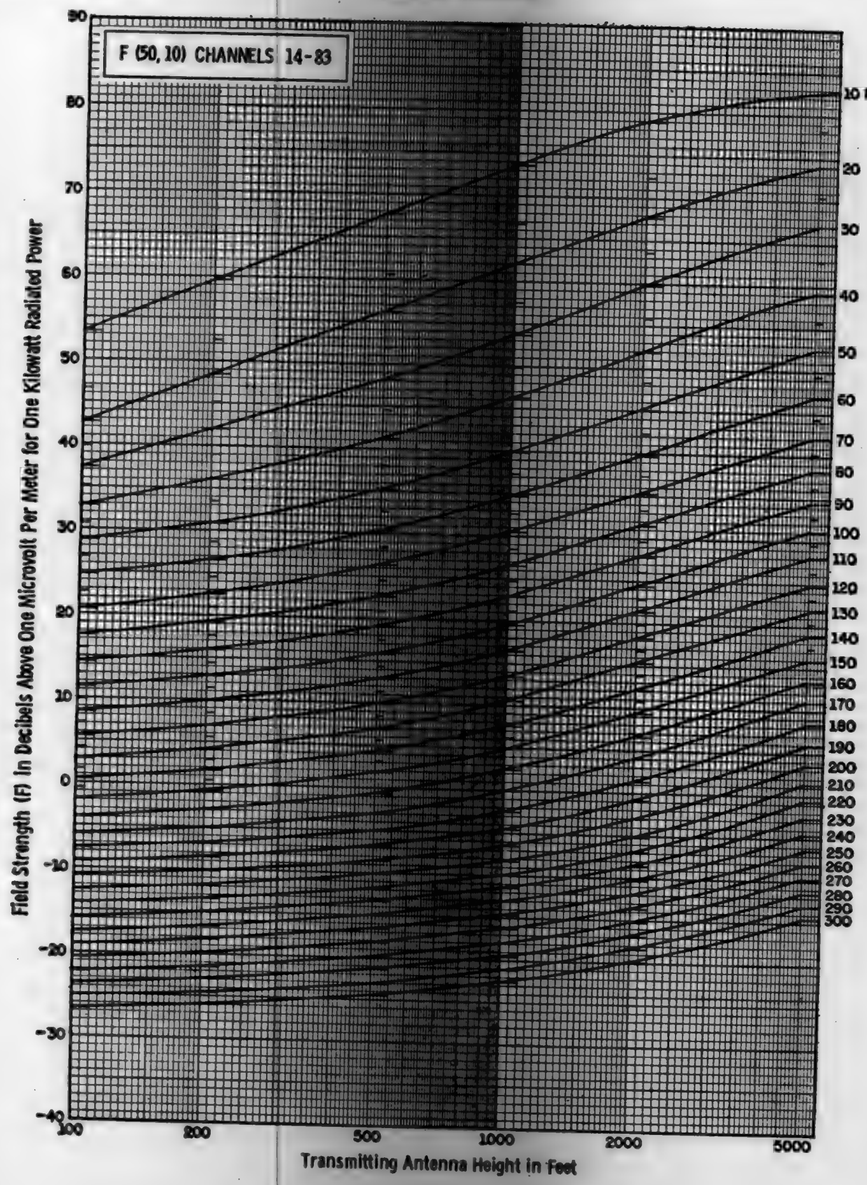
TELEVISION CHANNELS 7 - 13
ESTIMATED FIELD STRENGTH EXCEEDED AT 50 PERCENT
OF THE POTENTIAL RECEIVER LOCATIONS FOR AT LEAST 10 PERCENT
OF THE TIME AT A RECEIVING ANTENNA HEIGHT OF 30 FEET

April 26, 1965



TELEVISION CHANNELS 14-83
ESTIMATED FIELD STRENGTH EXCEEDED AT 50 PERCENT
OF THE POTENTIAL RECEIVER LOCATIONS FOR AT LEAST 50 PERCENT
OF THE TIME AT A RECEIVING ANTENNA HEIGHT OF 30 FEET

April 26, 1965



TELEVISION CHANNELS 14-83
ESTIMATED FIELD STRENGTH EXCEEDED AT 50 PERCENT
OF THE POTENTIAL RECEIVER LOCATIONS FOR AT LEAST 10 PERCENT
OF THE TIME AT A RECEIVING ANTENNA HEIGHT OF 30 FEET

April 26, 1965

[F.R. Doc. 65-5074; Filed, May 13, 1965; 8:45 a.m.]

DEPARTMENT OF AGRICULTURE

Consumer and Marketing Service

[7 CFR Part 51]

OKRA FOR PROCESSING

Proposed Standards for Grades [1]

Notice is hereby given that the U.S. Department of Agriculture is considering the issuance of U.S. Standards for Grades of Okra for Processing pursuant to the Agricultural Marketing Act of 1946 (60 Stat. 1087, as amended; 7 U.S.C. 1621–1627).

All persons who desire to submit written data, views or arguments for consideration in connection with the proposal should file the same in duplicate, not later than September 30, 1965, with the Hearing Clerk, U.S. Department of Agriculture, Room 112, Administration Building, Washington, D.C., 20250, where they will be available for public inspection during official hours of business (paragraph (b) of § 1.27, as amended at 29 F.R. 7311).

Statement of considerations leading to the proposed issuance of the grade standards. Okra has increased its popularity as a processed product in recent years. The quantities grown for processing have been rising steadily, due in large measure to the wide acceptance by consumers of the frozen product.

There has been no uniform method of grading and pricing okra delivered to processing plants. The contractual arrangements and methods of grading have varied widely among the various plants.

Two years ago a large processor of okra requested that the Department establish U.S. Standards for okra going to the processing plants. The existing standards for okra for fresh market are definitely unsuitable for use at processing plants.

Field studies were made last summer in okra producing areas to determine the needs and practices of the industry. From the information obtained, it appears that certain important characteristics of okra form a common basis for all purchasing specifications, even though they may vary widely in detail.

The proposed standards presented below incorporate the basic factors of quality common to all specifications. They also provide for considerable leeway of specifications on the factors of size and trim to accommodate the preferences of individual buyers based upon labor conditions in the area and types of machinery in the plant.

The proposed standards are as follows:

GENERAL

Sec.
51.3635 Application.

GRADES

51.3636 U.S. No. 1.
51.3637 U.S. No. 2.

[1] Packing of the product in conformity with the requirements of these standards shall not excuse failure to comply with the provisions of the Federal Food, Drug, and Cosmetic Act or with applicable State laws and regulations.

CULLS

Sec.
51.3638 Culls.

SIZE CLASSIFICATIONS

51.3639 Size classifications.

DEFINITIONS

51.3640 Similar varietal characteristics.
51.3641 Fresh.
51.3642 Tender.
51.3643 Fairly well colored.
51.3644 Fairly well formed.
51.3645 Worm hole.
51.3646 Damage.
51.3647 Fairly well trimmed.
51.3648 Well trimmed.
51.3649 Pale green.
51.3650 Moderately misshapen.
51.3651 Poorly trimmed.
51.3652 Length.

AUTHORITY: The provisions of this subpart issued under secs. 203, 205, 60 Stat. 1087, as amended, 1090, as amended; 7 U.S.C. 1622, 1624.

GENERAL

§ 51.3635 Application.

These standards are intended to apply only to seed pods of the okra plant (Hibiscus esculentus) delivered to a freezing or canning plant for processing purposes. They may be used as a basis for grading the quality of lots of okra for the purpose of more equitable pricing. It is assumed that a schedule of prices will be established to be paid by the pound for each quality and size of okra to be purchased by the processor. The percentage of each quality and size okra in the lot may be approximately determined by analyzing a representative sample or samples drawn from the lot. The price of the load can be calculated from the number of pounds and the established price of each quality and size.

GRADES

§ 51.3636 U.S. No. 1.

"U.S. No. 1" consists of pods of okra of similar varietal characteristics which are fresh, tender, fairly well colored, fairly well formed, free from decay and worm holes, and free from damage caused by scars, bruises, cuts, punctures, insects, discoloration, dirt or other foreign material or other means. Pods in this grade are at least fairly well trimmed, unless specified as well trimmed. (See Size, § 51.3639).

§ 51.3637 U.S. No. 2.

"U.S. No. 2" consists of pods of okra which meet the requirements of U.S. No. 1 grade except those for color, shape and trim. Okra in this grade may be pale green in color, moderately misshapen and poorly trimmed. (See Size, § 51.3639).

CULLS

§ 51.3638 Culls.

"Culls" consists of pods of okra which fail to meet the requirements of either of the foregoing grades, and any extraneous material in the lot.

SIZE CLASSIFICATIONS

§ 51.3639 Size classifications.

Okra may be classified as to size in connection with the grade into two or more groups on the basis of specified lengths in inches, or on the basis of the following size classifications:

(a) "Very small" includes pods of okra less than 1¾ inches in length.

(b) "Small" ("baby") includes pods of okra not less than 1¾ inches or more than 3½ inches in length.

(c) "Medium" includes pods of okra more than 3½ inches in length and, unless otherwise specified, not more than 5 inches in length.

(d) "Large," unless otherwise specified, includes pods of okra more than 5 inches in length.

DEFINITIONS

§ 51.3640 Similar varietal characteristics.

"Similar varietal characteristics" means that the pod is of the same type and closely similar in appearance to the rest of the pods in the lot.

§ 51.3641 Fresh.

"Fresh" means that the pod is not appreciably wilted or flabby.

§ 51.3642 Tender.

"Tender" means that the pod is succulent and reasonably free from fiber. The tip will break fairly easily and cleanly when bent back, and flesh of the central portion of the pod can be cut crosswise with a sharp knife using very little pressure.

§ 51.3643 Fairly well colored.

"Fairly well colored" means that the pod of a green variety has a good green color or is at least light green with no yellowish cast.

§ 51.3644 Fairly well formed.

"Fairly well formed" means that the pod is not more than slightly curved, crooked or otherwise not more than slightly deformed.

§ 51.3645 Worm hole.

"Worm hole" means a hole penetrating the wall of the pod caused by an insect.

§ 51.3646 Damage.

"Damage" means any specific defect described in this section; or an equally objectionable variation of any one of these defects, or any other defect, or any combination of defects which materially detracts from the edible or processing quality of the pod. The following specific defects shall be considered as damage:

(a) Scars or bruises which will materially detract from the appearance of the pod after processing;

(b) Cuts or punctures which penetrate the wall of the pod;

(c) Insects when the insect is present inside the pod, or when the action of insects has distinctly affected the appearance of the pod;

(d) Discoloration which will materially detract from the appearance of the pod after processing; and,

(e) Dirt or other foreign material which is so firmly attached to the pod that it cannot be removed by the usual processing plant washing.

§ 51.3647 Fairly well trimmed.

"Fairly well trimmed" means that the stem has been broken or cut off at a point not more than three-fourths inch below the cap scar at the base of the pod, and that the open seed cavities have not been exposed by excessively high trimming.

§ 51.3648 Well trimmed.

"Well trimmed" means that the stem has been neatly cut off at a point not more than one-half inch below the cap scar at the base of the pod, and that the open seed cavities have not been exposed by excessively high trimming.

§ 51.3649 Pale green.

"Pale green" means that the pod of a green variety has a tinge of green predominating over most or all of its surface, and not more than one-tenth of its surface shows a yellowish cast.

§ 51.3650 Moderately misshapen.

"Moderately misshapen" means that the pod is not badly curved, crooked or otherwise badly misshapen.

§ 51.3651 Poorly trimmed.

"Poorly trimmed" means that the stem has been broken or cut off at a point more than three-fourths inch below the cap scar at the base of the pod, or that the open seed cavities have been exposed by excessively high trimming.

§ 51.3652 Length.

"Length" means the dimension of the pod measured from the cap scar at the base to the tip end of the pod.

Dated: May 10, 1965.

G. R. GRANGE,
Deputy Administrator,
Marketing Services.

[F.R. Doc. 65-5133; Filed, May 13, 1965; 8:48 a.m.]

[7 CFR Part 1008]

MILK IN GREATER WHEELING, W. VA., MARKETING AREA

Notice of Proposed Suspension of Certain Provision of Order

Notice is hereby given that, pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), the suspension of certain provision of the order regulating the handling of milk in the Greater Wheeling, W. Va., marketing area is being considered for the period of May through August 1965.

The provision proposed to be suspended is the language in § 1008.9, as follows, "During any of the months of September through January, inclusive," relating to the pool plant qualifications for supply plants.

The proposed suspension would enable a plant that prior to May 1, 1965, was a distributing plant and is now a supply plant, to retain its pool plant status until next September, when it could qualify on the basis of the present supply plant pooling requirements.

All persons who desire to submit written data, views, or arguments in connection with the proposed suspension should file the same with the Hearing Clerk, Room 112, Administration Building, U.S. Department of Agriculture, Washington, D.C., 20250, not later than 3 days from the date of publication of this notice in the FEDERAL REGISTER. All documents filed should be in quadruplicate.

All written submissions made pursuant to this notice will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

Signed at Washington, D.C., on May 11, 1965.

CLARENCE H. GIRARD,
Deputy Administrator,
Regulatory Programs.

[F.R. Doc. 65-5118; Filed, May 13, 1965; 8:48 a.m.]

Notices

DEPARTMENT OF THE TREASURY

Coast Guard

[CGFR 65-24]

JAMES RIVER

Notice of Closure to Navigation During Launching of "USS John F. Kennedy"

By virtue of the authority vested in me as Commandant, United States Coast Guard, by Treasury Department Order 120 dated July 31, 1950 (15 F.R. 6521) and Executive Order 10173, as amended by Executive Orders 10277 and 10352, I hereby affirm for publication in the FEDERAL REGISTER the order of G. R. Evans, Captain, United States Coast Guard, Acting Commander, Fifth Coast Guard District, who has exercised authority as District Commander, such order reading as follows:

SPECIAL NOTICE JAMES RIVER

Pursuant to the request of the Commandant, Fifth Naval District, Norfolk, Va., and under the authority of Title II of the Espionage Act of June 15, 1917 (40 Stat. 220), as amended and Executive Order 10173, as amended, I declare that from 9:30 a.m., e.s.t., until 12 noon, e.s.t., on Saturday the 15th day of May 1965 the following area is a prohibited area and I order that it be closed to any person or vessel due to the launching of the Machinery Section of Hull No. 577, "USS John F. Kennedy":

The water of the James River, Norfolk-Newport News Harbor, Va., within the coordinates of Latitude 36 degrees 59 minutes 22 seconds North, Longitude 76 degrees 27 minutes 30 seconds West to 36 degrees 58 minutes 50 seconds North, 76 degrees 27 minutes 10 seconds West, to 36 degrees 59 minutes 02 seconds North, 76 degrees 26 minutes 35 seconds West, to 36 degrees 59 minutes 35 seconds North, 76 degrees 26 minutes 53 seconds West, to origin.

No person or vessel may remain in or enter this prohibited area.

The Captain of the Port, Norfolk-Newport News Area, Virginia, shall enforce this order. The Captain of the Port may be assisted by employees and facilities of any state or political subdivision thereof or any Federal Agency.

For violation of this order Title II of the Espionage Act of June 15, 1917 (40 Stat. 220), as amended, provides:

"If any owner, agent, master, officer, or person in charge, or any member of the crew of any such vessel fails to comply with any regulation or rule issued or order given under the provisions of this title, or obstructs or interferes with the exercise of any power conferred by this title, the vessel, together with her tackle, apparel, furniture, and equipment, shall be subject to seizure and forfeiture to the United States in the same manner as merchandise is forfeited for violation of the customs revenue laws; and the person guilty of such failure, obstruction, or interference shall be punished by imprisonment for not more than ten years and may, in the discretion of the court, be fined not more than $10,000.

"If any other person knowingly fails to comply with any regulation or rule issued or order given under the provisions of this title, or knowingly obstructs or interferes with the exercise of any power conferred by this title, he shall be punished by imprisonment for not more than ten years and may, at the discretion of the court, be fined not more than $10,000."

Dated: May 12, 1965.

[SEAL] P. E. TRIMBLE,
Rear Admiral, U.S. Coast Guard,
Acting Commandant.

[F.R. Doc. 65-5159; Filed, May 13, 1965; 8:49 a.m.]

Foreign Assets Control

IMPORTATION OF CERTAIN MERCHANDISE DIRECTLY FROM JAPAN

Available Certifications by Government of Japan

Notice is hereby given that certificates of origin issued by the Ministry of International Trade and Industry of the Government of Japan under procedures agreed upon between that Government and the Foreign Assets Control are now available with respect to the importation into the United States directly, or on a through bill of lading, from Japan of the following additional commodity:

Kumquats, canned or bottled.

[SEAL] MARGARET W. SCHWARTZ,
Director,
Office of Foreign Assets Control.

[F.R. Doc. 65-5102; Filed, May 13, 1965; 8:47 a.m.]

Office of the Secretary

[Antidumping—AA 643.3-m]

BICYCLES FROM POLAND

Notice of Intent To Discontinue Investigation and To Make Determination That No Sales Exist Below Fair Value

MAY 7, 1965.

Information was received on January 8, 1965, that bicycles imported from Poland were being sold at less than fair value within the meaning of the Antidumping Act, 1921, as amended. This information was the subject of an "Antidumping Proceeding Notice" which was published pursuant to § 14.6(d), Customs Regulations, in the FEDERAL REGISTER of January 30, 1965, on page 1011 thereof.

Based upon changed circumstances disclosing that, in view of the determination made by the Tariff Commission, an industry in the United States is not being, and is not likely to be injured, or prevented from being established, by reason of the importation of bicycles from Hungary, manufactured by Pannonia, Budapest, Hungary, sold at less than fair value within the meaning of the Antidumping Act of 1921, as amended (30 F.R. 3341), and the closely analogous circumstances prevailing in the instant investigation, which disclosed total sales to the United States of approximately $67,000 worth of Polish bicycles during 1964, it would appear to be no longer appropriate to continue this antidumping investigation.

Unless persuasive evidence or argument to the contrary is presented within 30 days, a determination will be made that there are not, and are not likely to be, sales below fair value.

This notice is published pursuant to § 14.7(b)(9) of the Customs Regulations (CFR 14.7(b)(9)).

[SEAL] JAMES A. REED,
Assistant Secretary
of the Treasury.

[F.R. Doc. 65-5101; Filed, May 13, 1965; 8:46 a.m.]

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

[Bureau Order 551, Amdt. 103]

UNIT AND COMMUNITIZATION AGREEMENTS

Redelegation of Authority With Respect to Execution

Section 16(i) of Order 551 (an order by which the Commissioner of Indian Affairs redelegates authority to Bureau Area Directors), as amended, is further amended as hereinafter indicated.

1. Section 16(i) is amended to include all Area Directors in approval authority and to read as follows:

SEC. 16. *Mineral leases and permits.* (a) * * *

(i) The authority conferred by this section extends to and includes the approval or other appropriate administrative action required on all subleases, assignments of mining permits or mineral leases now or hereafter in force on tribal and restricted allotted lands, bonds, and other instruments required in connection with such leases, subleases, permits or assignments, the acceptance of voluntary surrender of leases by lessees, cancellation of leases for violation of terms thereof, approval of agreements for settlement of claims for damage to Indian lands resulting from oil and gas or other mineral operations, unit and communitization agreements and well-spacing orders of the Oklahoma Corporation Commission submitted for approval under authority of section 11 of the Act of August 4, 1947 (61 Stat. 731).

2. The provisions of section 16(j)(8) are superseded by the amendment in item 1, above, and, therefore, section 16(j)(8) is revoked.

JOHN O. CROW,
Deputy Commissioner.

APRIL 2, 1965.

[F.R. Doc. 65-5093; Filed, May 13, 1965; 8:46 a.m.]

Bureau of Land Management

[Oregon 016416]

OREGON

Notice of Proposed Withdrawal and Reservation of Land

MAY 7, 1965.

The Bureau of Land Management, U.S. Department of the Interior, has filed an application, Serial No. Oregon 016416, for the withdrawal of the lands described below, from all forms of appropriation under the public land laws, including the mining but not the mineral leasing laws, or disposal of materials under the Act of July 31, 1947 (61 Stat. 681; 30 U.S.C. 601-604), as amended, or forest products under the Act of August 28, 1937 (50 Stat. 874; 43 U.S.C. 1181a), subject to valid existing rights.

The applicant desires the land for protection of a site containing hardrock to be used for construction and improvement of Federal and private logging roads.

For a period of 30 days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the undersigned officer of the Bureau of Land Management, Department of the Interior, 710 NE. Holladay, Portland, Oreg., 97232.

The authorized officer of the Bureau of Land Management will prepare a report for consideration by the Secretary of the Interior who will determine whether or not the lands will be withdrawn as requested by the Bureau of Land Management.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

If circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

The lands involved in the application are:

OREGON

WILLAMETTE MERIDIAN

Sugarloaf Mountain Material Site

T. 29 S., R. 12 W.,
Sec. 23, E½ and E½SW¼ (400 acres O&C land);
Sec. 24, SW¼SW¼ (40 acres PD land).

The area described aggregates 440 acres.

DOUGLAS E. HENRIQUES,
Land Office Manager.

[F.R. Doc. 65-5096; Filed, May 13, 1965; 8:46 a.m.]

DEPARTMENT OF COMMERCE

Bureau of International Commerce

[File No. 23 (65)-14]

TETALON

Order Denying Export Privileges for Indefinite Period

In the matter of Ilmari Kokkonen, doing business as Tetalon, Hjulbrinken 13, Tammelund, Helsinki, Finland, respondent; File No. 23(65)-14.

The Director, Investigations Division, Office of Export Control, Bureau of International Commerce, U.S. Department of Commerce, has applied for an order denying to the above-named respondent all export privileges for an indefinite period because the said respondent failed to furnish answers to interrogatories and failed to furnish certain records and other writings specifically requested, without good cause being shown. This application was made pursuant to § 382.15 of the Export Regulations (Title 15, Chapter III, Subchapter B, Code of Federal Regulations).

In accordance with the usual practice, the application for an Indefinite Denial Order was referred to the Compliance Commissioner, Bureau of International Commerce, who after consideration of the evidence has recommended that the application be granted. The report of the Compliance Commissioner and the evidence in support of the application have been considered.

The evidence presented shows that the respondent, Ilmari Kokkonen, does business under the firm name and style of Tetalon, and has a place of business in Helsinki, Finland; that the respondent is engaged in trading in and processing of chemicals and metals; and that the respondent purchased and received from a supplier in the United States a quantity of tantalum powder, a strategic material having important uses in the manufacturing of electronic equipment. The aforesaid Investigations Division is conducting an investigation into the handling and disposition by said respondent of said goods which, there are grounds to believe, were reexported from Finland to an unauthorized destination. It is impracticable to subpoena the respondent, and relevant and material interrogatories and request to furnish certain specific documents relating to this disposition of said commodities were served on him pursuant to § 382.15 of the Export Regulations. Said respondent has failed to furnish answers to said interrogatories or to furnish the documents requested, as required by said section, and he has not shown good cause for such failure. I find that an order denying export privileges to said respondent for an indefinite period is reasonably necessary to protect the public interest and to achieve effective enforcement of the Export Control Act of 1949, as amended.

Accordingly, it is hereby ordered:

I. All outstanding validated export licenses in which respondent appears or participates in any manner or capacity are hereby revoked and shall be returned forthwith to the Bureau of International Commerce for cancellation.

II. The respondent, his representatives, agents, and employees hereby are denied all privileges of participating, directly or indirectly, in any manner or capacity, in any transaction involving commodities or technical data exported from the United States in whole or in part, or to be exported, or which are otherwise subject to the Export Regulations. Without limitation of the generality of the foregoing, participation prohibited in any such transaction, either in the United States or abroad, shall include participation, directly or indirectly, in any manner or capacity: (a) As a party or as a representative of a party to any validated export license application; (b) in the preparation or filing of any export license application or reexportation authorization, or any document to be submitted therewith; (c) in the obtaining or using of any validated or general export license or other export control document; (d) in the carrying on of negotiations with respect to, or in the receiving, ordering, buying, selling, delivering, storing, using, or disposing of any commodities or technical data in whole or in part exported or to be exported from the United States; and (e) in the financing, forwarding, transporting, or other servicing of such commodities or technical data.

III. Such denial of export privileges shall extend not only to the respondent, but also to his agents and employees and to any person, firm, corporation, or business organization with which he now or hereafter may be related by affiliation, ownership, control, position of responsibility, or other connection in the conduct of trade or services connected therewith.

IV. This order shall remain in effect until the respondent provides responsive answers, written information and documents in response to the interrogatories heretofore served upon him or gives adequate reasons for failure to do so, except insofar as this order may be amended or modified hereafter in accordance with the Export Regulations.

V. No person, firm, corporation, partnership or other business organization, whether in the United States or elsewhere, without prior disclosure to and specific authorization from the Bureau of International Commerce, shall do any of the following acts, directly or indirectly, or carry on negotiations with respect thereto, in any manner or capacity, on behalf of or in any association with the respondent or any related party, or whereby the respondent or related party may obtain any benefit therefrom or have any interest or participation therein, directly or indirectly: (a) Apply for, obtain, transfer, or use any license, Shipper's Export Declaration, bill of lading, or other export control document relating to any exportation, reexportation, transshipment, or diversion of any commodity or technical data exported or to be exported from the United States, by, to, or for any such respondent or related party denied export privileges; or (b) order, buy, receive, use, sell, deliver, store, dispose of, forward, transport, finance, or otherwise service or participate in any exportation, reexportation, transshipment, or diversion of any commodity or technical data exported or to be exported from the United States.

VI. A copy of this order shall be served on respondent.

VII. In accordance with the provisions of § 382.15 of the Export Regulations, the respondent may move at any time to vacate or modify this Indefinite Denial Order by filing with the Compliance Commissioner, Bureau of International

Commerce, U.S. Department of Commerce, Washington, D.C., 20230, an appropriate motion for relief, supported by substantial evidence, and may also request an oral hearing thereon, which, if requested shall be held before the Compliance Commissioner at Washington, D.C., at the earliest convenient date.

This order shall become effective on May 13, 1965.

Dated: May 7, 1965.

FORREST D. HOCKERSMITH,
Director,
Office of Export Control.

[F.R. Doc. 65-5083; Filed, May 13, 1965; 8:45 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

NEW DRUGS

Notice of Approval of Applications

Correction

In F.R. Doc. 65-4934, appearing at page 6497 of the issue for Tuesday, May 11, 1965, the fourth entry in the first column of the table now reading "Pyridostigmine bromide, 0.0660 gm. per 5 ml." is corrected to read as follows: "Pyridostigmine bromide, 0.060 gm. per 5 ml."

CIVIL AERONAUTICS BOARD

[Docket No. 14265 etc.]

EASTERN AIR LINES, INC.

Notice of Hearing

In the matter of the application of Eastern Air Lines, Inc., for the deletion of Dothan, Ala., Dockets 14265 and 15692, as an intermediate point on Routes 5 and 10 and the application of the City of Dothan, Ala., et al., for scheduled air service by Southern Airways, Inc., to Dothan, Ala., as an intermediate point between Panama City, Fla., and Montgomery, Ala., on Segment 13 of Route 98.

In the matter of the application of Eastern Air Lines, Inc., for the deletion of Brunswick, Ga., Docket 14367, as an intermediate point on Route 6.

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that a public hearing upon the applications in Docket 14265 and Docket 15692 is assigned to be held on June 2, 1965, at 10 a.m., l.t., in the Circuit Court Room of the Houston County Court House, Oates and Main Streets, Dothan, Ala., before Examiner Leslie G. Donahue.

The public hearing upon the application of Eastern Air Lines, Inc., for the deletion of Brunswick, Ga., as an intermediate point on Route 6 is assigned to be held on June 8, 1965, at 10 a.m., e.d.s.t., in Room 911, Universal Building, Connecticut and Florida Avenues NW., Washington, D.C.

For further information concerning the issues involved and other matters in the above proceedings, interested persons are referred to the said applications, the Prehearing Conference and Supplemental Prehearing Conference Reports, the orders, and other documents on file in the above dockets in the Docket Section of the Civil Aeronautics Board.

Dated at Washington, D.C., May 11, 1965.

[SEAL] LESLIE G. DONAHUE,
Hearing Examiner.

[F.R. Doc. 65-5110; Filed, May 13, 1965; 8:47 a.m.]

CIVIL SERVICE COMMISSION

FOOD TECHNOLOGIST

Position for Which There Is Manpower Shortage; Notice of Listing

Under the provisions of section 7(b) of the Administrative Expenses Act of 1946, as amended, the Civil Service Commission has found, effective April 29, 1965, that there is a manpower shortage for the position of Food Technologist, GS-1382-11, Navy Subsistence Office, Washington, D.C.

This manpower shortage finding will terminate when the position is filled.

The appointee to this position may be paid for the expenses of travel and transportation to his first duty station.

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] MARY V. WENZEL,
Executive Assistant to the Commissioners.

[F.R. Doc. 65-5105; Filed, May 13, 1965; 8:47 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 15986; FCC 65M-578]

CONTINENTAL BROADCASTING OF CALIFORNIA, INC. (KDAY)

Order Scheduling Hearing

In re application of Continental Broadcasting of California, Inc. (KDAY), Santa Monica, Calif., Docket No. 15986, File No. BMP-11408; for modification of construction permit (File No. BP-15963).

It is ordered, This 10th day of May 1965, that Isadore A. Honig shall serve as the presiding officer in the above-entitled proceeding; that the hearings therein shall commence at 10 a.m. on July 22, 1965; and that a prehearing conference shall be convened at 9 a.m. on June 3, 1965: *And it is further ordered,* That all proceedings shall be held in the Offices of the Commission, Washington, D.C.

Released: May 10, 1965.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 65-5122; Filed, May 13, 1965; 8:48 a.m.]

[Docket No. 15962; FCC 65M-577]

WILLIAM S. HOGIN

Order Advancing Date of Hearing

In re application of William S. Hogin, Phoenix, Ariz., Docket No. 15962; for renewal of General Class amateur operator and station license, call sign K7 DHF.

It is ordered, This 10th day of May 1965, that the order issued April 30, 1965, in the above-entitled proceeding (FCC 65M-545; Mimeo. No. 67407), is amended to provide that the hearing in said proceeding shall commence on June 22, 1965, in Phoenix, Ariz., in lieu of June 25, 1965.

Released: May 10, 1965.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 65-5123; Filed, May 13, 1965; 8:48 a.m.]

[Docket No. 15995; FCC 65-370]

KENT-SUSSEX BROADCASTING CO.

Order Designating Application for Hearing on Stated Issues and Notice of Apparent Liability

In re application of H. M. Griffith, Jr. and C. V. Lundstedt, a partnership, doing business as The Kent-Sussex Broadcasting Co., Docket No. 15995, File No. BR-2885; for renewal of license of Station WKSB, Milford, Del.

At a session of the Federal Communications Commission held at its offices in Washington, D.C., on the 5th day of May 1965;

The Commission having under consideration (1) the above-captioned application; (2) Official Notices of Violations, dated July 22, 1960; October 14, 1960; May 24, 1961; September 22, 1961; August 31, 1962, and July 13, 1964, issued to Station WKSB (930 kc/s, 500 watts, daytime only-directional antenna), Milford, Del.; and (3) information from its Field Monitoring Bureau relating to the aforementioned Official Notices of Violations and the operation of Station WKSB during the period from on or about July 20, 1960, to July 7, 1964; and

It appearing, that the aforementioned Official Notices of Violations were respectively issued following Commission inspections of Station WKSB at Milford, Del., on July 20, 1960; October 11, 1960; May 16, 1961; September 14, 1961, August 29, 1962, July 7, 1964, and that during the period from on or about July 20, 1960, to July 7, 1964, that station has been operated in persistent and repeated violation of the Commission rules governing technical operation, logging and operator requirements and the terms of Station WKSB's authorization as is more particularly set forth and described in Exhibit A to this order which is annexed hereto and made a part hereof;[1] and

It further appearing, that the licensee submitted a series of responses to the Official Notices of Violations hereinbefore described as being dated July 22, 1960; October 14, 1960; May 24, 1961; September 22, 1961; and July 13, 1964, which responses, among other things, continuously assured the Commission of remedial action; that despite these assurances Station WKSB has operated repeatedly in violation of the Commission's rules as is more particularly described in Exhibit A to this Order; that the licensee has failed to reply to the Official Notice of Violation hereinbefore described as being dated August 31, 1962, and to the Revocation Warning Notice (FCC Form No. 794) dated October 5, 1962, calling such failure of reply to licensee's attention; and

It further appearing, that licensee has failed to file Annual Financial Reports for 1961, 1962, and 1963, despite repeated written requests therefor, in violation of § 1.611 of the Commission's rules; and that, accordingly the Commission is unable to determine licensee's financial qualifications;

It further appearing, that after consideration of all of the foregoing, and notwithstanding licensee's responses hereinbefore referred to, the Commission is unable to find that a grant of the above-captioned application would serve the public interest, convenience and necessity; and that, therefore, said application must be designated for a hearing;

It is ordered, That, pursuant to section 309(e) of the Communications Act of 1934, as amended, the above-captioned application is designated for a hearing, at a time and place to be specified in a subsequent order, upon the following issues:

1. To determine the nature and extent of the violations of the rules of the Commission and the terms of its license committed by WKSB for which Official Notices of Violations have been issued between July 20, 1960, and July 7, 1964, and the licensee's responses to the Official Notices of Violations;

2. To determine the nature of the control or supervision exercised by the applicant over the operation of Station WKSB between on or about July 20, 1960, to July 7, 1964;

3. To determine whether or not by written or oral statements to the Commission with respect to the above matters, the applicant misrepresented facts to the Commission or was lacking in candor;

4. To determine the reasons for licensee's failure to file Annual Financial Reports for 1961, 1962, and 1963.

5. To determine whether licensee possesses the requisite financial qualifications.

6. To determine whether forfeiture in the amount of $10,000 or some lesser sum should be ordered.

7. To determine whether, in the light of all or any of the above, a grant of the above-captioned application would serve the public interest, convenience or necessity.

It is further ordered, That to avail itself of the opportunity to be heard, the applicant herein, pursuant to § 1.221 of the Commission's rules and regulations, in person or by attorney, shall within twenty (20) days of the mailing of this order, file with the Commission, in triplicate, a written appearance stating an intent to appear on the date fixed for the hearing and present evidence on the issues specified in this order.

It is further ordered, That the applicant herein shall, pursuant to section 311(a)(2) of the Communications Act of 1934, as amended, and § 1.594 of the Commission's rules and regulations give notice of the hearing within the time and in the manner prescribed in such rule, and shall advise the Commission thereof as required by § 1.594 of the Commission's rules and regulations.

It is further ordered, That this shall constitute a Notice of Apparent Liability pursuant to section 503(b)(2) of the Communications Act for forfeiture in the amount of $10,000; and

It is further ordered, That the burden of proof and the burden of going forward with the introduction of evidence is placed on the applicant.

It is further ordered, That the Secretary of the Commission send copies of this order by Certified Mail—Return Receipt Requested to Station WKSB, Milford, Del.

Released: May 11, 1965.

FEDERAL COMMUNICATIONS COMMISSION,[2]
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 65-5124; Filed, May 13, 1965; 8:48 a.m.]

[1] Filed as part of original document.

[Docket No. 15997; FCC 65M-582]

LAMPASAS BROADCASTING CORP. (KCYL)

Order Scheduling Hearing

In re application of Lampasas Broadcasting Corp. (KCYL), Lampasas, Tex., Docket No. 15997, File No. BP-16383; for construction permit.

It is ordered, This 10th day of May 1965, that Millard F. French shall serve as the presiding officer in the above-entitled proceeding; that the hearings therein shall commence at 10 a.m. on July 14, 1965; and that a prehearing conference shall be convened at 9 a.m. on June 2, 1965: *And it is further ordered,* That all proceedings shall be held in the Offices of the Commission, Washington, D.C.

Released: May 11, 1965.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 65-5125; Filed, May 13, 1965; 8:48 a.m.]

[2] Commissioners Bartley and Loevinger absent.

[Docket Nos. 16001—16003; FCC 65M-583]

TELEVISION BROADCASTERS, INC. (KBMT) AND TEXAS GOLDCOAST TELEVISION, INC. (KPAC-TV)

Order Scheduling Hearing

In re applications of Television Broadcasters, Inc. (KBMT), Beaumont, Tex., Docket No. 16001, File No. BPCT-3266; for construction permit; Television Broadcasters, Inc. (KBMT), Beaumont, Tex., Docket No. 16003, File No. BRCT-560; Texas Goldcoast Television, Inc. (KPAC-TV), Port Arthur, Tex., Docket No. 16002, File No. BRCT-389; for renewal of licenses.

It is ordered, This 10th day of May 1965, that Sol Schildhause shall preside at the hearing in the above-entitled proceeding which is hereby scheduled to commence at 10 a.m., July 20, 1965, in Beaumont, Tex.; that the initial prehearing conference in the proceeding shall be convened by the presiding officer at 9 a.m., June 4, 1965, in the Offices of the Commission, Washington, D.C.: *And, it is further ordered,* That counsel for parties to the proceeding at the time of their appearance at the initial prehearing conference shall be prepared to discuss to the fullest extent applicable, in light of the governing issues, all of the pertinent points enumerated in § 1.251 of the Commission's rules of practice and procedure.

Released: May 11, 1965.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 65-5126; Filed, May 13, 1965; 8:48 a.m.]

[Docket No. 15996; FCC 65M-581]

YPSILANTI BROADCASTING CO. (WYSI)

Order Scheduling Hearing

In re application of Ypsilanti Broadcasting Co. (WYSI), Ypsilanti, Mich., Docket No. 15996, File No. BP-16005; for construction permit.

It is ordered, This 10th day of May 1965, that Chester F. Naumowicz, Jr., shall serve as the presiding officer in the above-entitled proceeding; that the hearings therein shall commence at 10 a.m. on July 13, 1965; and that a prehearing conference shall be convened at 9 a.m. on June 3, 1965: *And it is further ordered,* That all proceedings shall be held in the Offices of the Commission, Washington, D.C.

Released: May 11, 1965.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 65-5127; Filed, May 13, 1965; 8:48 a.m.]

FEDERAL POWER COMMISSION

[Docket No. G-2557 etc.]

COASTAL STATES GAS PRODUCING CO. ET AL.

Notice of Applications for Certificates, Abandonment of Service and Petitions To Amend Certificates [1]

MAY 6, 1965.

Take notice that each of the Applicants listed herein has filed an application or petition pursuant to section 7 of the Natural Gas Act for authorization to sell natural gas in interstate commerce or to abandon service heretofore authorized as described herein, all as more fully described in the respective applications and amendments which are on file with the Commission and open to public inspection.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C., 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before May 28, 1965.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on all applications in which no protest or petition to intervene is filed within the time required herein, if the Commission on its own review of the matter believes that a grant of the certificates or the authorization for the proposed abandonment is required by the public convenience and necessity. Where a protest or petition for leave to intervene is timely filed, or where the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given: *Provided, however*, That pursuant to § 2.56, Part 2, Statement of General Policy and Interpretations, Chapter I of Title 18 of the Code of Federal Regulations, as amended, all permanent certificates of public convenience and necessity granting applications, filed after April 15, 1965, without further notice, will contain a condition precluding any filing of an increased rate at a price in excess of that designated for the particular area of production for the period prescribed therein unless at the time of filing such certificate application, or within the time fixed herein for the filing of protests or petitions to intervene the Applicant indicates in writing that it is unwilling to accept such a condition. In the event Applicant is unwilling to accept such condition the application will be set for formal hearing.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

JOSEPH H. GUTRIDE,
Secretary.

[1] This notice does not provide for consolidation for hearing of the several matters covered herein, nor should it be so construed.

Docket No. and date filed	Applicant	Purchaser, field, and location	Price per Mcf	Pressure base
G-2557 4-6-65 [1]	Coastal States Gas Producing Co.,[1a] Post Office Drawer 521, Corpus Christi, Tex.	Natural Gas Pipeline Co. of America, Orange Grove Field, Jim Wells County, Tex.	(2)	
G-3025 E 4-26-65	Kewanee Oil Co. (Operator), et al. (successor to Estate of F. C. Deemer), Post Office Box 2239, Tulsa, Okla.	United Natural Gas Co., Appalachian Field, Clearfield and Jefferson Counties, Pa.	20.8925	14.73
G-5145 C 4-23-65	Humble Oil & Refining Co. (Operator), et al., Post Office Box 2180, Houston, Tex., 77001.	El Paso Natural Gas Co., Spraberry Field, Midland County, Tex.	18.2430	14.65
G-5648 C 4-26-65 [3]	Sun Oil Co. (Southwest Division), 1608 Walnut St., Philadelphia, Pa., 19103.	Texas Gas Transmission Corp., Carthage Field, Panola County, Tex.	11.0288	14.65
G-6133 C 4-26-65	Shell Oil Co., 50 West 50th St., New York, N.Y., 10020.	Gas Gathering Corp., Happytown Field, St. Martin Parish, La.	[4] 15.75	15.025
G-9670 4-6-65 [1]	Coastal States Gas Producing Co., Post Office Drawer 521, Corpus Christi, Tex.	Natural Gas Pipeline Co. of America, Riverside Field, San Patricio County, Tex.	(2)	
G-17477 4-6-65 [1]	do	Natural Gas Pipeline Co. of America, Reynolds Ranch Field, Jim Wells County, Tex.	(2)	
CI61-2 C 4-26-65	Graham-Michaelis Drilling Co. (Operator), et al., Graham Bldg., 211 North Broadway, Wichita, Kans., 67202.	Kansas-Nebraska Natural Gas Co., Inc., Camrick Field, Texas County, Okla.	17.0	14.65
CI61-524 C 4-26-65 [3]	Shell Oil Co. (Operator), et al., 50 West 50th St., New York, N.Y., 10020.	Michigan Wisconsin Pipe Line Co., Woodward Area, Major County, Okla.	15.0	14.65
CI61-737 D 4-26-65	Shell Oil Co., 50 West 50th St., New York, N.Y., 10020.	Transwestern Pipeline Co., acreage in Lipscomb County, Tex.	(2)	
CI62-1219 E 4-26-65	Oil & Gas Property Management, Inc. (successor to Lignum Oil Co.), 6th Floor, C & I Bldg., Houston, Tex.	El Paso Natural Gas Co., acreage in San Juan and Rio Arriba Counties, N. Mex.	[5] 12.0	15.025
CI63-555 E 3-11-65	Coastal States Gas Producing Co., et al. (successor to Carri Oil, et al.), c/o Sherman S. Poland Ross, Marsh & Foster, 725-15th St. NW., Washington, D.C., 20005.	Texas Eastern Transmission Corp., Dallas Husky Field, Goliad County, Tex.	11.8	14.65
CI64-69 C 4-28-65 [3]	Shell Oil Co., 50 West 50th St., New York, N.Y., 10020.	Panhandle Eastern Pipe Line Co., Avard Area, Woods County, Okla.	15.0	14.65
CI64-836 C 4-27-65	The Superior Oil Co., Post Office Box 1521, Houston, Tex.	Kansas-Nebraska Natural Gas Co., Inc., Bradshaw Field, Syracuse Area, Hamilton County, Kans.	12.5	14.65
CI64-847 C 4-26-65	Southwest Petroleum Management Corp., (Operator), et al., 1622 West Alabama Ave., Houston, Tex., 77006.	Texas Eastern Transmission Corp., East Melrose and West Weeastche Fields, Goliad County, Tex.	12.0	14.65
CI65-832 A 2-24-65 [3] E-25-65 [10]	J. M. Leonard (Operator), et al., 200 Houston St., Fort Worth, Tex.	United Gas Pipe Line Co., Yougeen Field, Bee County, Tex.	16.0	14.65
CI65-1041 A 4-22-65	Brooks Hall & Fred Jones Hall, 1704 Liberty Bank Bldg., Oklahoma City, Okla., 73102.	Arkansas Louisiana Gas Co., Lacey Area, Kingfisher County, Okla.	15.0	14.65
CI65-1043 B 4-27-65	J. Robert Horner, Post Office Box 226, Clarksburg, W. Va.	Equitable Gas Co., Buckhannon District, Upshur County, W. Va.	Declined in pressure.	
CI65-1044 A 4-22-65	Albert Sklar, et al., c/o Jerome M. Alper, Counsel, 813 18th St., NW., Washington, D.C., 20006.	Tennessee Gas Transmission Co., Bell City Field, Calcasieu Parish, La.	17.75	15.025
CI65-1045 A 4-23-65	Benedum-Trees Oil Co., Benedum-Trees Bldg., Pittsburgh, Pa., 15222.	Northern Natural Gas Co., East Balko Field, Beaver County, Okla.	15.0	14.65
CI65-1046 A 4-23-65	A.I.K., Ltd., 1008 Barfield Bldg., Amarillo, Tex.	Kansas-Nebraska Natural Gas Co., Inc., Camrick Field, Beaver County, Okla.	17.0	14.65
CI65-1047 A 4-26-65	Pan American Petroleum Corp., Post Office Box 591, Tulsa, Okla., 74101.	Northern Natural Gas Co., Northwest Lemon Field, Haskell County, Kans.	14.0	14.65
CI65-1048 A 4-26-65	The Superior Oil Co. (Operator), et al., Post Office Box 1521, Houston, Tex., 77001.	Panhandle Eastern Pipe Line Co., Northeast Putnam Field, Dewey County, Okla.	17.0	14.65
CI65-1049 B 4-26-65	Monsanto Co. (Operator), et al., 1200 Main St., Houston, Tex., 77002.	Southern Natural Gas Co., Merit Field, Simpson County, Miss.	Uneconomical	
CI65-1050 A 4-26-65	Sohio Petroleum Co., 970 First National Office Bldg., Oklahoma City, Okla., 73102.	Lone Star Gas Co., East Washington Field, McClain County, Okla.	15.0	14.65
CI65-1051 B 4-26-65	Sunray DX Oil Co., Post Office Box 2039, Tulsa, Okla., 74102.	Arkansas Louisiana Gas Co., Jefferson Field, Marion County, Tex.	Depleted	

Filing code: A—Initial service.
B—Abandonment.
C—Amendment to add acreage.
D—Amendment to delete acreage.
E—Succession.
F—Partial succession.

[1] Amendment to substitute exchange of gas for sales.
[1a] Successor in interest to Orange Grove Gas Gathering Co. Succession filing made March 24, 1965.
[2] Purchaser will redeliver like quantities of gas to Coastal States at an existing interconnection, in accordance with a Gas Exchange Agreement dated January 1, 1965, between parties.
[3] Adds acreage acquired from Socony Mobil Oil Co., Inc., Docket No. G-11060.
[4] Increased rate of 22.05 cents per Mcf suspended to July 1, 1966, in Docket No. RI65-675.
[5] Adds interest of nonoperators.
[6] Applicant has no market for the gas and deliveries never commenced.
[7] Application erroneously noticed Apr. 20, 1965, in Docket Nos. G-3088, et al. at a rate of 10.0 cents per Mcf.
[8] Adds interest of nonoperator.
[9] Application previously noticed Mar. 3, 1965, in Docket Nos. G-2884, et al. at a total initial rate of 16.4 cents per Mcf.
[10] Amendment to application filed to reflect a total initial rate of 16.0 cents per Mcf and delete provisions for price redetermination.

Docket No. and date filed	Applicant	Purchaser, field, and location	Price per Mcf	Pressure base
CI65-1052 A 4-26-65	Gulf Oil Corp., Post Office Box 1589, Tulsa, Okla., 74102.	Panhandle Eastern Pipe Line Co., Northeast Avard Field, Woods County, Okla.	[11] 18.5	14.65
CI65-1053 A 4-26-65	Sunray DX Oil Co., Post Office Box 2039, Tulsa, Okla., 74102.	Northern Natural Gas Co., Morrison Ranch, Roberts County, Tex.	17.0	14.65
CI65-1143 A 4-27-65	Jennings Petroleum Corp., c/o James W. George, Walker & George, 230 Cravens Bldg., Oklahoma City 2, Okla.	Michigan Wisconsin Pipe Line Co., acreage in Woodward County, Okla.	19.5	14.65

[11] Includes 1.5 cents estimated B.t.u. adjustment.

[F.R. Doc. 65-5083; Filed, May 13, 1965; 8:45 a.m.]

[Docket No. RI65-561]

F. A. CALLERY, INC., ET AL.

Order Amending Order Providing for Hearings on and Suspension of Proposed Changes in Rates To Permit Substitute Rate Filing

MAY 7, 1965.

On March 1, 1965, F. A. Callery, Inc., et al., (Callery) filed with the Commission a proposed change in rate, from 15.75 cents to 22.25 cents per Mcf, designated as Supplement No. 10 to Callery's FPC Gas Rate Schedule No. 7, which pertains to its jurisdictional sales of natural gas from the Napoleonville Field, Assumption Parish, La. (South Louisiana Area) to United Gas Pipe Line Co. (United). The Commission by order issued March 25, 1965, suspended Callery's proposed rate increase and deferred the use thereof for 5 months until September 1, 1965, and thereafter until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

On April 7, 1965, Callery submitted for filing as supplements to its FPC Gas Rate Schedule No. 7, a letter from United, the buyer under the aforementioned rate schedule, to Callery, notifying Callery of a reduction in the amount of the Louisiana Severance Tax to be reimbursed to Callery, from 1.75 cents to 1.50 cents per Mcf, effective May 1, 1965 [1]; a notice of change in rate in the currently effective rate of 15.75 cents [2] to 15.5 cents per Mcf reflecting such decrease, effective May 1, 1965 [3]; and an amended notice of change in rate in substitution for a prior rate increase filing suspended in Docket No. RI65-561 until September 1, 1965.[4] Callery's aforementioned Supplement Nos. 12 and 13 were accepted for filing, effective as of May 1, 1965, the proposed effective date, by the Commission's letter order issued April 30, 1965. Although Callery is prohibited from filing changes in rate under the subject rate schedule during the aforementioned suspension period, it was believed that the public interest would best be served by waiving such rule and permitting the rate changes to be filed.

Callery's amended notice of change in rate contained in Supplement No. 1 to Supplement No. 10 to Callery's FPC Gas Rate Schedule No. 7, submitted in substitution for a prior suspended rate in Docket No. RI65-561, reflects a decrease in rate of 22.0 cents per Mcf over the previously suspended rate of 22.25 cents per Mcf, amounting to an annual decrease of $6,008 from the previously proposed rate. The proposed substituted rate exceeds the area ceiling price for increased rates in South Louisiana Area, as did the previously suspended rate in said docket. Since Callery's substitute filing reflects a decreased rate, we believe that it would be in the public interest to accept such filing and to amend our order issued March 25, 1965, to make such rate filing subject to the suspension proceeding in Docket No. RI65-561, with the suspension period of such substitute filing to terminate concurrently with the suspension period (September 1, 1965) ordered in said docket.

The Commission finds: Good cause exists for amending the Commission's order issued on March 25, 1965, to the extent hereinafter provided.

The Commission orders:

(A) Callery's substituted rate filing, designated as Supplement No. 1 to Supplement No. 10 to Callery's FPC Gas Rate Schedule No. 7, is hereby accepted for filing subject to the suspension proceeding in Docket No. RI65-561. The suspension period for such substitute rate filing shall terminate concurrently with the suspension period (September 1, 1965) presently in effect in said docket.

(B) In all other respects, the order issued by the Commission on March 25, in Docket No. RI65-561, shall remain unchanged and in full force and effect.

By the Commission.

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 65-5086; Filed, May 13, 1965; 8:45 a.m.]

[1] Designated as Supplement No. 12 to Callery's FPC Gas Rate Schedule No. 7.
[2] Settlement rate approved by Commission's order issued Nov. 21, 1962, in Docket Nos. G-16330, et al.
[3] Designated as Supplement No. 13 to Callery's FPC Gas Rate Schedule No. 7.
[4] Designated as Supplement No. 1 to Supplement No. 10 to Callery's FPC Gas Rate Schedule No. 7.

[Docket No. CP65-347]

CROSS PLAINS NATURAL GAS UTILITY DISTRICT

Notice of Application

MAY 7, 1965.

Take notice that on May 3, 1965, The Cross Plains Natural Gas Utility District of Robertson and Sumner Counties (Applicant), Cross Plains, Tenn., filed in Docket No. CP65-347 an application pursuant to section 7(a) of the Natural Gas Act for an order of the Commission directing Tennessee Gas Transmission Co. (Tennessee Gas) to establish physical connection of its natural gas transmission facilities with the facilities proposed to be constructed by Applicant, and to sell and deliver natural gas to Applicant for resale and distribution in Robertson and Sumner Counties, Tenn., all as more fully set forth in the application on file with the Commission and open to public inspection.

Applicant seeks physical connection of its proposed distribution facilities with the facilities of Tennessee Gas in Robertson County, Tenn., and the sale and delivery of the requirements of Applicant for the potential residential and commercial customers in the area.

The total estimated volumes of natural gas involved to meet Applicant's annual and peak day requirements for the initial three year period of proposed operations are stated to be:

	First year	Second year	Third year
Annual (Mcf)	35,393	42,999	44,557
Peak day (Mcf)	296	451	468

Total estimated cost of Applicant's proposed distribution system is $440,000, to be financed from a bond issue.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C., 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before June 4, 1965.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 65-5087; Filed, May 13, 1965; 8:45 a.m.]

[Docket No. CP65-348]

MOUNTAIN FUEL SUPPLY CO.

Notice of Application

MAY 7, 1965.

Take notice that on May 3, 1965, Mountain Fuel Supply Co. (Applicant), 180 East First South Street, Salt Lake City, Utah, 84111, filed in Docket No. CP65-348 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of certain natural gas facilities, all as more fully set forth in the application on file with the Commission and open to public inspection.

Specifically, Applicant seeks authorization to construct and operate approximately 17 miles of 10¾-inch pipeline extending from the end of Applicant's existing 10¾-inch pipeline terminating in the State Line Field in Sweetwater County, Wyo., to a central delivery point in the West Side Canal Field in Carbon County, Wyo., and approximately 6 miles of 4½-inch pipeline extending from the end of the 10¾-inch pipeline in the West Side Canal Field to a central delivery point in the Four-Mile Creek Field, in Moffat County, Colo., together with the necessary fittings, valves, meters, and other accessories.

The application states that the additional gas supply to be provided as a result of the proposed construction will increase Applicant's reserve and help to offset the normal decline in deliverability of other reserves committed to its system, and will serve as a safety factor in the event of a failure of supply from its other sources.

The estimated cost of the proposed facilities is $400,000, which is to be financed from funds on hand and short-term bank borrowings, as required.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C., 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (157.10) on or before June 4, 1965.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no protest or petition to intervene is filed within the time required herein, and the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a protest or petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 65-5068; Filed, May 13, 1965; 8:45 a.m.]

[Docket No. CP64-228]

NORTHERN NATURAL GAS CO.

Notice of Petition To Amend

MAY 7, 1965.

Take notice that on May 3, 1965, Northern Natural Gas Co., (Petitioner), 2223 Dodge Street, Omaha, Nebr., filed in Docket No. CP64-228 a petition to amend the order of the Commission issued in said docket March 9, 1965, which order authorized Petitioner to construct and operate certain natural gas facilities and to deliver up to 14,000 Mcf per day of natural gas to Consumers Cooperative Association (Consumers).

By the instant filing, Petitioner seeks authorization for the construction and operation of two 4,000 horsepower compressor units at Petitioner's Clifton, Kans., compressor station in order to deliver an additional 7,000 Mcf per day to Consumers. The total contract demand of 21,000 Mcf per day is necessitated by Consumers' decision to build a 600-ton-per-day anhydrous ammonia fertilizer plant near Fort Dodge, Iowa, rather than the 400-ton-per-day plant previously proposed.

Petitioner estimates the cost of the additional compressor facilities to be $2,390,100, which will be financed from cash on hand, reserve accruals and retained earnings.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C., 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (157.10) on or before June 4, 1965.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no protest or petition to intervene is filed within the time required herein, and the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a protest or petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 65-5069; Filed, May 13, 1965; 8:45 a.m.]

[Docket No. CP64-255, Phase I]

NORTHERN NATURAL GAS CO.

Notice of Petition To Amend

MAY 7, 1965.

Take notice that on May 3, 1965, Northern Natural Gas Co. (Petitioner), 2223 Dodge Street, Omaha, Nebr., filed in Docket No. CP64-255 (Phase I) a petition to amend the order of the Commission issued in said docket December 21, 1964, which order authorized Petitioner to construct and operate certain pipeline facilities in order to provide initial natural gas service to the Mesabi Iron Range area of Minnesota.

By the instant filing, Petitioner proposes changes in the routing of the system to lengthen the pipeline to the Erie Mining Plant by 3 miles, to eliminate the 2.5 miles of pipeline to Hoyt Lakes, and to construct and operate 1.2 miles of pipeline to the Oglebay-Norton Plant near Forbes. The petition states that the net effect of the proposed changes will reduce the proposed pipeline from 163.6 miles to 160.5 miles.

Petitioner further seeks authority to increase the diameter of a portion of the pipeline to be constructed, as follows:

(1) Approximately 13.6 miles of pipeline from 10-inch to 12-inch, in a westerly direction from the terminus of the 20-inch line to the Hibbing takeoff.

(2) Approximately 9.7 miles of line from 8-inch to 10-inch in a general northeasterly direction to the Erie Mining Plant. Three miles of this segment is the result of lengthening as explained above.

Petitioner states that the need for these changes is the result of re-routing and increased demands of its customers, as more fully set forth in the petition to amend which is on file with the Commission and open to public inspection.

Petitioner estimates that the proposed changes can be made with no increase in construction costs as originally proposed.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C., 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (157.10) on or before June 5, 1965.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 65-5090; Filed, May 13, 1965; 8:45 a.m.]

[Docket No. CP65-346]

OHIO FUEL GAS CO.

Notice of Application

MAY 7, 1965.

Take notice that on April 30, 1965, The Ohio Fuel Gas Co. (Applicant), 99 North Front Street, Columbus, Ohio, 43215, filed in Docket No. CP65-346 an application pursuant to section 7 (b) and (c) of the Natural Gas Act for permission and approval to abandon certain natural gas facilities, and for a certificate of public convenience and necessity authorizing the construction and operation of certain other facilities, all as more fully set forth in the application on file with the Commission and open to public inspection.

Specifically, Applicant proposes the construction and operation of natural gas facilities in 11 separate projects totalling 39.7 miles of 8⅝-inch O.D. to 24-inch O.D. pipeline at various locations on its system within the State of Ohio. All projects consist of the looping or replacement of sections of existing transmission lines. Applicant seeks permission and approval to abandon the facilities which are to be replaced. The application states that service to 15 customers will be terminated due to the abandonment and relocation of facilities.

Applicant states that the looped lines and replacements are necessary to serve increased requirements for the winter of 1965-66, to relocate certain lines, and to replace certain deteriorated lines.

Applicant estimates the total cost of construction of the proposed transmission projects will be $1,822,000, which will be financed by The Columbia Gas System, Inc., Applicant's parent.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C., 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (157.10) on or before June 3, 1965.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no protest or petition to intervene is filed within the time required herein, and the Commission on its own review of the matter finds that a grant of the certificate and permission and approval for the proposed abandonment are required by the public convenience and necessity. If a protest or petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 65-5091; Filed, May 13, 1965; 8:46 a.m.]

[Docket No. RP61-19 etc.]

MIDWESTERN GAS TRANSMISSION CO. AND NATURAL GAS PIPELINE CO. OF AMERICA

Notice of Extension of Time

MAY 10, 1965.

Midwestern Gas Transmission Co., Docket Nos. RP61-19 and RP62-7; and Natural Gas Pipeline Co. of America, Docket No. RP63-6.

Upon consideration of the motion filed in the above-designated matter on April 27, 1965, by Midwestern Gas Transmission Co. for an extension of time to file prepared testimony and exhibits, and to postpone hearing;

Notice is hereby given that the time is extended to and including: June 4, 1965, within which Midwestern Gas Transmission Co. shall serve its complete case-in-chief with respect to the reserved depreciation issue upon all participants in this proceeding; June 21, 1965, within which all other participants desiring to present evidence on the reserved issue shall serve their testimony and exhibits; July 6, 1965, within which Midwestern Gas Transmission Co. shall serve any rebuttal evidence which it desires to tender upon all participants.

Further, notice is hereby given that the hearing in the above-designated matter, presently scheduled to commence on June 22, 1965, is postponed to July 13, 1965, at 10 a.m., e.d.s.t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D.C.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 65-5133; Filed, May 13, 1965; 8:48 a.m.]

[Project 2515]

POTOMAC LIGHT & POWER CO.

Notice of Application for License for Constructed Project

MAY 10, 1965.

Public notice is hereby given that application has been filed under the Federal Power Act (16 U.S.C. 791a-825r) by Potomac Light & Power Co. (correspondence to: Carroll E. Summers, Secretary, Potomac Light & Power Co., 200 East Patrick Street, Frederick, Md.) for license for constructed Project No. 2515, known as the Harpers Ferry Station, located on the Potomac River, in Jefferson County, W. Va., and Washington County, Md.

The existing project consists of: A 1,700-foot long concrete capped log-and-stone dam having an 18-foot maximum height and a 278-foot crest elevation; a 4,500-foot long head race formed by the south bank of the Potomac River and a parallel masonry wall extending downstream from the dam; a reinforced concrete and brick powerhouse containing two vertical shaft generators rated at 240 kw and 600 kw, respectively, connected to two vertical shaft water wheels rated at 330 hp and 900 horsepower, respectively; and all other electrical and mechanical facilities appurtenant to the operation of the project.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C., 20426, in accordance with the rules of practice and procedure of the Commission (18 CFR 1.8 or 1.10). The last day upon which protests or petitions may be filed is June 21, 1965. The application is on file with the Commission for public inspection.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 65-5134; Filed, May 13, 1965; 8:48 a.m.]

[Project 2517]

POTOMAC LIGHT & POWER CO.

Notice of Application for License for Constructed Project

MAY 10, 1965.

Public notice is hereby given that application has been filed under the Federal Power Act (16 U.S.C. 791a-825r) by Potomac Light & Power Co. (correspondence to: Mr. Carroll E. Summers, Secretary, Potomac Light & Power Co., 200 East Patrick Street, Frederick, Md.) for a license for constructed Project No. 2517, known as Dam No. 5 Hydro Station, located on the Potomac River in Berkeley County, W. Va. near the Town of Hedgesville.

The existing project consists of: (1) A head race approximately 40 feet by 80 feet in plan; (2) a reinforced concrete and brick powerhouse, approximately 40 feet by 80 feet in plan, which contains two 560 kw verticle generators driven by two 750 hp verticle water wheels; (3) a tailrace; and (4) all other electrical and mechanical facilities appurtenant to the operation of the project. The head at the powerhouse is 16.5 feet.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C., 20426, in accordance with the rules of practice and procedure of the Commission (18 CFR 1.8 or 1.10). The last day upon which protests or petitions may be filed is June 24, 1965. The application is on file with the Commission for public inspection.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 65-5135; Filed, May 13, 1965; 8:48 a.m.]

NATIONAL POWER SURVEY INDUSTRY ADVISORY COMMITTEE ON UNDERGROUND TRANSMISSION

Order Establishing Purpose and Practices

MAY 10, 1965.

The Federal Power Commission is directed by section 202(a) of the Federal Power Act (16 U.S.C. 792-825r) to promote and encourage voluntary interconnection and coordination of the nation's electric power facilities in the interest of economy and conservation, and is authorized by section 311 of the Act to conduct broad investigations covering all aspects of the entire power industry. In order to accomplish the objectives of the National Power Survey issued by the Commission on December 12, 1964, more effectively and in accordance with the Executive Order No. 11007 of February 26, 1962 (27 F.R. 1875), relating to the Formation and Use of Advisory Committees, we have concluded that it is in the public interest that a National Power Survey Industry Advisory Committee on Underground Transmission be, and hereby is, established.

1. *Purpose.* The Committee shall investigate the state of the art of underground transmission both by alternating and direct current and shall prepare a report thereon. The report will include an outline of the technical and economic problems involved in such transmission, the progress being achieved in overcoming such problems, and such recommendations as the Committee may deem advisable with respect to acceleration of progress in research and development of underground transmission. Such report shall be prepared and submitted as soon as practicable and if possible no later than September 1, 1965.

2. *Selection of Committee members.* All Committee members and alternates shall be selected by the Chairman of the Commission with the approval of the Commission.

3. *Conduct of meetings.* The Chairman of the Commission, or in his absence, the Acting Chairman, or any full-time employee of the Commission designated by the Chairman or Acting Chairman of the Commission, shall act as chairman of Committee meetings and shall be responsible for opening and conducting meetings and for adjourning meetings when, in his judgment, adjournment is in the public interest.

4. *Minutes.* The Chairman of the Commission having made a finding that maintenance of a verbatim transcript would be impracticable and not in the public interest, there shall be kept by the Secretary of the Committee, in lieu thereof, a record of persons present, a description of matters discussed and conclusions reached, and copies of all reports

received, issued, or approved by the Committee.

5. *Secretary of the Committee.* The Chairman of the Commission shall appoint a Secretary of the Committee from the Commission staff who shall be responsible for preparing summary minutes of all Committee meetings, preparing agenda, notifying members of the meetings, and maintaining all records related to organization, membership and operations of the Committee. The Secretary or his alternate shall be present during all meetings and shall certify the accuracy of all minutes.

6. *Location and time of meetings.* Meetings will convene at the call of the Chairman or Acting Chairman of the Commission at the Office of the Federal Power Commission, located at 441 G Street NW., Washington, D.C., 20426, unless otherwise directed. Ordinarily, meetings will be held during the regular working hours of the Federal Power Commission.

7. *Report of the Committee.* The report of the Committee will be presented to the Commission in written form. The content shall be limited to matters relating to those set forth in Item 1, *Purpose.*

8. *Duration of the Committee.* The Committee shall terminate upon submission of its report and in any event not later than 2 years subsequent to its date of establishment, unless the Commission determines in writing, not more than 60 days prior to the expiration of such 2-year period, that continued existence of the Committee is in the public interest.

By the Commission.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F.R. Doc. 65-5111; Filed, May 13, 1965; 8:47 a.m.]

[Docket No. RI65-609, etc.]

AMERICAN PETROFINA CO. OF TEXAS ET AL.

Order Providing for Hearings on and Suspension of Proposed Changes in Rates [1]

MAY 10, 1965.

The Respondents named herein have filed proposed increased rates and charges of currently effective rate schedules for sales of natural gas under Commission jurisdiction, as set forth in Appendix A below.

The proposed changed rates and charges may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is in the public interest and consistent with the Natural Gas Act that the Commission enter upon hearings regarding the lawfulness of the proposed changes, and that the supplements herein be suspended and their use be deferred as ordered below.

The Commission orders:

(A) Under the Natural Gas Act, particularly sections 4 and 15, the regulations pertaining thereto (18 CFR, Ch. I), and the Commission's rules of practice and procedure, public hearings shall be held concerning the lawfulness of the proposed changes.

(B) Pending hearings and decisions thereon, the rate supplements herein are suspended and their use deferred until date shown in the "Date Suspended Until" column, and thereafter until made effective as prescribed by the Natural Gas Act.

(C) Until otherwise ordered by the Commission, neither the suspended supplements, nor the rate schedules sought to be altered, shall be changed until disposition of these proceedings or expiration of the suspension period.

(D) Notices of intervention or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C., 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 and 1.37(f)) on or before July 1, 1965.

By the Commission.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

APPENDIX A

Docket No.	Respondent	Rate sched. No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until—	Cents per Mcf: Rate in effect	Cents per Mcf: Proposed increased rate	Rate in effect subject to refund in docket Nos.
RI65-608	American Petrofina Co. of Texas, Post Office Box 2159, Dallas, Tex.	9	10	United Fuel Gas Co. (Killens Ferry and Lamar Fields, Texas and Franklin Parishes, La.) (North Louisiana).	[2] 26,276	4-22-65	[3] 6-1-65	11-1-65	[4] 19.5	[5] [6] 21.1	RI60-189.
RI65-610	Seneca Oil Co. (Operator), et al., May-Ex Bldg., 3022 Northwest Expressway, Oklahoma City, Okla., 73112.	1	2	Cities Service Gas Co. (Cherryvale and Wakita Fields, Grant County, Okla.) (Oklahoma "Other" Area).	5,880	4-23-65	[7] 5-28-65	10-28-65	[8] 13.0	[6] [9] 14.0	RI60-273.

[2] The stated effective date is the effective date requested by Respondent.
[3] Four-step periodic rate increase.
[4] Pressure base is 15.025 p.s.i.a.
[5] Includes 1.5 cents per Mcf tax reimbursement.
[6] Periodic rate increase.
[7] Pressure base is 14.65 p.s.i.a.
[8] Subject to a downward B.t.u. adjustment.
[9] Includes 0.75 cent deducted by buyer for dehydrating gas.

American Petrofina Co. of Texas and Sena Oil Co. (Operator), et al. proposed increased rates and charges exceed the applicable area price level for increased rates as set forth in the Commission's Statement of General Policy No. 61-1, as amended (18 CFR Ch. I, Pt. 2, § 2.56).

[F.R. Doc. 65-5112; Filed, May 13, 1965; 8:47 a.m.]

[Project No. 2519]

CENTRAL MAINE POWER CO.

Notice of Application for License for Constructed Project

MAY 10, 1965.

Public notice is hereby given that application has been filed under the Federal Power Act (16 U.S.C. 791a-825r) by Central Maine Power Co. (correspondence to: W. H. Kimball, Vice President and Comptroller, Central Maine Power Co., 9 Green Street, Augusta, Maine, 04332), for a license for constructed Project No. 2519, known as the North Gorham Project, located in the Towns of Gorham, Windham, and Standish, in Cumberland County, Maine, on the Presumpscot River.

The project, which has been in existence for many years, consists of: (1) A dam, including a cut-stone non-overflow wall about 600 feet long, a gated masonry intake section about 51 feet long, a deep sluice gate section (submerged gates) about 47 feet long, a concrete gravity spillway section about 256 feet long, a sluice way (with stop logs) about 3¾ feet wide, a cutoff wall about 38 feet long; (2) a reservoir, area about 98 acres at full pond elevation 221.8 feet U.S.G.S., extending upstream about 1.1 miles; (3) four 8-foot diameter steel penstocks, two to each of two open flume surge chambers at the powerhouse; (4) a powerhouse containing two 1,460 hp turbines (total 2920 hp), each direct connected to a 1,125 kw generator (total 2250 kw); (5) two tailraces; (6) a 38.5 kv substation; and appurtenant facilities.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C., 20426, in accordance with the rules of practice and procedure of the Commission (18 CFR 1.8 or 1.10). The last day upon which protests or petitions may be filed is June 29, 1965. The application is on file with the Commission for public inspection.

JOSEPH H. GUTRIDE, *Secretary.*

[F.R. Doc. 65-5113; Filed, May 13, 1965; 8:47 a.m.]

[1] Does not consolidate for hearing or dispose of the several matters herein.

SECURITIES AND EXCHANGE COMMISSION

[811-638]

OVERLAND CORP.

Notice of Application for Order Declaring That Company Has Ceased To Be Investment Company

MAY 10, 1965.

Notice is hereby given that The Overland Corp. ("applicant"), 500 Security Building, Toledo, Ohio, a Delaware corporation and a closed-end, non-diversified investment company registered under the Investment Company Act of 1940 ("Act"), has filed an application pursuant to section 8(f) of the Act for an order declaring that applicant has ceased to be an investment company as defined in the Act. All interested persons are referred to the application on file with the Commission for a complete statement of the representations stated therein.

Applicant states that its securities are beneficially owned by 11 persons and that it does not presently propose to make a public offering of its securities. Section 3(c)(1) of the Act provides that any issuer whose outstanding securities are beneficially owned by not more than 100 persons and which is not making and does not presently propose to make a public offering of its securities is not an investment company within the meaning of the Act.

Notice is further given that any interested person may, not later than May 28, 1965, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C., 20549. A copy of such request shall be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon applicant at the address stated above. Proof of such service (by affidavit or in the case of an attorney-at-law by certificate) shall be filed contemporaneously with the request. At any time after such date, as provided by Rule 0-5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the information stated in said application, unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 65-5085; Filed, May 13, 1965; 8:45 a.m.]

SMALL BUSINESS ADMINISTRATION

[Declaration of Disaster Area 524]

WASHINGTON

Declaration of Disaster Area

Whereas, it has been reported that during the month of April 1965, because of the effects of certain disasters, damage resulted to residences and business property located in the State of Washington;

Whereas, the Small Business Administration has investigated and has received other reports of investigations of conditions in the areas affected;

Whereas, after reading and evaluating reports of such conditions, I find that the conditions in such areas constitute a catastrophe within the purview of the Small Business Act, as amended.

Now, therefore, as Executive Administrator of the Small Business Administration, I hereby determine that:

1. Applications for disaster loans under the provisions of section 7(b)(1) of the Small Business Act, as amended, may be received and considered by the Offices below indicated from persons or firms whose property, situated in the aforesaid State and areas adjacent thereto, suffered damage or destruction resulting from earthquake and accompanying conditions occurring on or about April 29, 1965.

OFFICE

Small Business Administration Regional Office, 506 2nd Avenue, Seattle, Washington, 98104.

2. Temporary offices will be established in such areas as are necessary, addresses to be announced locally.

3. Applications for disaster loans under the authority of this Declaration will not be accepted subsequent to October 31, 1965.

Dated: April 30, 1965.

ROSS D. DAVIS, *Executive Administrator.*

[F.R. Doc. 65-5081; Filed, May 13, 1965; 8:45 a.m.]

[Delegation of Authority 30, Chicago Regional Office, Disaster 2-65]

MANAGER, DISASTER FIELD OFFICE

Delegation Relating to Financial Assistance Functions

I. Pursuant to the authority delegated to the Regional Director by Delegation of Authority No. 30 (Chicago, Ill.), 30 F.R. 3252, there is hereby redelegated to the Manager of Rock Island, Ill., Disaster Field Office the following authority.

A. *Financial assistance.* 1. To approve and decline disaster loans in an amount not exceeding $20,000.

2. To execute loan authorizations for Washington and Regional Office approved loans and for disaster loans approved under delegated authority, said execution to read as follows:

(Name), *Area Administrator,*
By _____
Manager, Disaster Field Office.

3. To cancel, reinstate, modify and amend authorization for disaster loans approved under delegated authority.

4. To disburse unsecured disaster loans.

5. To extend the disbursement period on disaster loan authorizations or undisbursed portions of disaster loans.

II. The authority delegated herein may not be redelegated.

III. All authority delegated herein may be exercised by any SBA employee designated as Acting Manager of the disaster field office.

Effective date: May 5, 1965.

ROBERT C. ALM, *Acting Regional Director, Chicago.*

[F.R. Doc. 65-5082; Filed, May 13, 1965; 8:45 a.m.]

INTERSTATE COMMERCE COMMISSION

[Notice 27]

FINANCE APPLICATIONS

MAY 11, 1965.

The following publications are governed by the Interstate Commerce Commission's general requirements governing notice of filing of applications under sections 20a except (12) and 214 of the Interstate Commerce Act. The Commission's order of May 20, 1964, providing for such publication of notice, was published in the FEDERAL REGISTER issue of July 31, 1964 (29 F.R. 11126), and became effective October 1, 1964.

All hearings and prehearing conferences, if any, will be called at 9:30 a.m., U.S. standard time unless otherwise specified.

F.D. No. 23633—By application filed May 4, 1965, Seaboard Air Line Railroad Co., Seaboard Air Line Railroad Building, 3600 Broad Street, Richmond, Va., 23230, seeks authority under section 20a of the Interstate Commerce Act to issue and sell $5,745,000 of Equipment Trust Certificates, Series Y constituting the first installment of a two installment issue in the aggregate principal amount of $11,490,000. Applicant's attorney: W. V. Lawrence, Vice President and Comptroller, Seaboard Air Line Railroad, Post Office Box 1620, Richmond, Va., 23213. Protests must be filed no later than 15 days from date of publication in the FEDERAL REGISTER.

F.D. No. 23635—By application filed May 6, 1965, New York Central Railroad Co., 466 Lexington Avenue, New York, N.Y., 10017, seeks authority under section 20a of the Interstate Commerce Act to (1) issue (a) not exceeding 98,000 shares of its capital stock and (b) not exceeding $9,800,000 principal amount of its Twenty-Five Year Collateral Trust

6 percent Bonds, and (2) to pledge, as part of the collateral security for said bonds, not exceeding $4,900,000 principal amount of its Refunding and Improvement Mortgage 5 percent Bonds, Series C, due October 1, 2013. Applicant's attorney: Ulrich Schweitzer, General Corporate Attorney, The New York Central Railroad Co., 466 Lexington Avenue, New York, N.Y., 10017. Protests must be filed no later than 8 days from date of publication in the FEDERAL REGISTER.

F.D. No. 23636—By application filed May 6, 1965, New York Central Railroad Co., 466 Lexington Avenue, New York, N.Y., 10017, seeks preliminary authority under section 20a of the Interstate Commerce Act to issue a certificate to be impressed on certificates representing stock of The Pittsburgh and Lake Erie Railroad Co. tendered for exchange pursuant to applicant's offer of shares of its capital stock and other consideration in exchange for shares of capital stock of The Pittsburgh and Lake Erie Railroad Co. Applicant's attorney: Ulrich Schweitzer, General Corporate Attorney, 466 Lexington Avenue, New York, N.Y., 10017. Protests must be filed no later than 8 days from date of publication in the FEDERAL REGISTER.

F.D. No. 23639—By application filed May 10, 1965, New York Central Railroad Co., 466 Lexington Avenue, New York, N.Y., 10017, seeks authority under section 20a of the Interstate Commerce Act to assume obligation and liability in respect of $5,520,000 of its Second Equipment Trust of 1965 Equipment Trust Certificates. Applicant's attorney: L. Thomas Houser, Corporate Attorney, 466 Lexington Avenue, New York, N.Y., 10017. Protests must be filed no later than 15 days from date of publication in the FEDERAL REGISTER.

F.D. No. 23640—By application filed May 10, 1965, Great Northern Railway Co., 175 East Fourth Street, St. Paul, Minn., 55101, seeks authority under section 20a of the Interstate Commerce Act to assume obligation and liability, as guarantor, in respect of $5,400,000 principal amount of its Third Equipment Trust of 1965 Equipment Trust Certificates. Applicant's attorney: Anthony Kane, Vice President and General Counsel, 175 East Fourth Street, St. Paul, Minn., 55101. Protests must be filed no later than 15 days from date of publication in the FEDERAL REGISTER.

By the Commission.

[SEAL] BERTHA F. ARMES, *Acting Secretary.*

[F.R. Doc. 65-5129; Filed, May 13, 1965; 8:48 a.m.]

[Notice 1172]

MOTOR CARRIER TRANSFER PROCEEDINGS

MAY 11, 1965.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 179), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC-67620. By order of May 6, 1965, the Transfer Board approved the transfer to Crants Motor Express Co., Inc., 351 Delaware Avenue, Painted Post, N.Y., of the Certificate in No. MC-98428 (Sub-No. 1), issued May 22, 1964, to Cecile B. Crants, doing business as Crants Motor Express, 351 Delaware Avenue, Painted Post, N.Y., authorizing the transportation of: General commodities, excluding household goods, commodities in bulk, and other specified commodities, between Painted Post, N.Y., and Elmira, N.Y., serving all intermediate points on New York Highway 17, and between Big Flats, N.Y., and Elmira, N.Y., serving the intermediate points on New York Highway 17E and the off-route point of Corning, N.Y.

No. MC-FC-67656. By order of May 6, 1965, the Transfer Board approved the transfer to Sunvan Lines, Inc., Seattle, Wash., of the Certificate in No. MC-35666, issued to T. W. Lahar, doing business as Lahar Transfer, Yakima, Wash., authorizing the transportation of: Household goods, between Yakima, Wash., on the one hand, and, on the other, points in Washington and Oregon. George R. Labissoniere, 333 Central Building, Seattle 4, Washington, attorney for applicants.

No. MC-FC-67677. By order of May 6, 1965, the Transfer Board approved the transfer to Thomas F. Healey Moving Inc., 2525 Tilden Avenue, Brooklyn 26, N.Y., of the operating rights in Certificate No. MC-46853, issued September 7, 1940, to Thomas F. Healey, 2525 Tilden Avenue, Brooklyn 26, N.Y., authorizing the transportation, over irregular routes, of household goods, between New York, N.Y., on the one hand, and, on the other, points in Connecticut, New Jersey, New York, and Pennsylvania.

No. MC-FC-67777. By order of May 6, 1965, the Transfer Board approved the transfer to Veterans Truck Line, Inc., Kenosha, Wis., of the operating rights in Certificate No. MC-84687 issued May 26, 1955, and Permits Nos. MC-42309 and MC-42309 (Sub-No. 5), issued May 26, 1955 and August 9, 1955, respectively, to Reinhold Klug, doing business as Veterans Truck Line, Kenosha, Wis., authorizing as a common carrier, the transportation of household goods, as defined by the Commission, between points in Kenosha County, Wis., on the one hand, and, on the other, points in Illinois; and as a contract carrier, over irregular routes, general commodities, with usual exceptions, between Kenosha, Wis., on the one hand, and, on the other, points in Cook, Lake and McHenry Counties, Ill.; meats, meat products, meat byproducts, dairy products, and articles distributed by meat packinghouses, as defined by the Commission, from Kenosha, Wis., to points in Waukesha, Jefferson, and Milwaukee Counties, Wis., except Milwaukee, Wis., and fresh meats, and packinghouse products and byproducts, between points in Kenosha, Racine, and Walworth Counties, Wis., and Lake and McHenry Counties, Ill.; meats, meat products, meat byproducts, dairy products, and articles distributed by meat packinghouses, as defined by the Commission, from Chicago, Ill., to points in Lake and McHenry Counties, Ill., and those in Jefferson, Kenosha, Milwaukee (except the City of Milwaukee), Racine, Walworth, and Waukesha Counties, Wis., and empty containers for commodities as described above, from points in Lake and McHenry Counties, Ill., and those in Jefferson, Kenosha, Milwaukee (except the City of Milwaukee), Racine, Walworth, and Waukesha Counties, Wis., to Chicago, Ill. Frank X Koelsch III, 7622 West Greenfield Avenue, West Allis, Wis., attorney for transferee.

No. MC-FC-67808. By order of May 6, 1965, the Transfer Board approved the transfer to Hockman's Motor Express, Inc., Terre Hill, Pa., of certificate in Nos. MC-123112 and MC-123112 (Sub-No. 1), issued December 2, 1960 and October 26, 1961, respectively, to H. Lester Hockman, doing business as Hockman's Motor Express, Terre Hill, Pa., authorizing the transportation of: Shirts, pajamas, and underwear, from Paradise, Terre Hill, New Holland, Brownstown, Bareville, Reinholds, Martindale, and Rothsville, Pa., to New York, N.Y.; empty containers, thread, trimmings, cotton, rayon and silk piece goods, and machinery, machine parts, and supplies used in the manufacture and processing of: Shirts, pajamas and underwear, from New York, N.Y., to Paradise, Terre Hill, New Holland, Brownstown, Bareville, Reinholds, Martindale, and Rothsville, Pa.; shirts, dresses, slips, underwear, and sleeping garments, from Bart, Denver, Hopeland, and Womelsdorf, Pa., to New York, N.Y.; and materials, supplies and equipment used in the manufacture of shirts, dresses, slips, underwear, and sleeping garments, from New York, N.Y., to Bart, Denver, Hopeland, and Womelsdorf, Pa. Christian V. Graf, 407 North Front Street, Harrisburg, Pa., representative for applicants.

No. MC-FC-67819. By order of May 6, 1965, the Transfer Board approved the transfer to Robert James Crowley, doing business as Crowley-Merrill Trucking, Livermore Falls Road, Plymouth, N.H., of the operating rights in Certificates Nos. MC-109042, MC-109042 (Sub-No. 1), and MC-109042 (Sub-No. 3) issued June 4, 1948, January 2, 1948, and February 2, 1950, respectively, to Clayton R. Merrill, R.F.D. No. 1, Plymouth, N.H., authorizing the transportation, over irregular routes, of: dairy and packing house products, as defined in Appendixes A and B in Modification of Permits—Packing House Products 46 M.C.C. 23, fresh and frozen fish, fruits, and vegetables and groceries, over irregular routes, from Plymouth, N.H., to Waterville, N.H., with no transportation for compensation on return, except as otherwise authorized. Household goods as defined in Practices of Motor Common Carriers of Household Goods, 17 M.C.C. 467, over irregular routes, between Plymouth, N.H., and points and places within 15 miles of Plymouth, on the one hand, and, on the other, points and places in Maine, Vermont, Massachusetts, Rhode Island, Connecticut, New York, and New Jersey. Household goods, over irregular routes, between points and places in Cheshire County, N.H., on the one hand, and, on the other, points and places in Vermont and Massachusetts.

No. MC-FC-67829. By order of May 6, 1965, the Transfer Board approved the transfer to Richard H. Heiss, Page, Nebr., of Certificate No. MC-109646 issued October 15, 1948, to Jerome Allen, Page, Nebr., authorizing the transportation, over irregular routes, of livestock, between Page, Nebr., and points in Nebraska within 25 miles of Page, on the one hand, and, on the other, points in Iowa and South Dakota; grain, from points in Iowa and South Dakota to Page, Nebr., and points in Nebraska within 25 miles of Page; hay from Page, Nebr., and points in Nebraska within 25 miles of Page, to points in Iowa and South Dakota; and, feed, tankage, building material, farm machinery, farm machinery parts, and fencing, from Sioux City, Iowa, to Page, Nebr., and points in Nebraska within 25 miles of Page.

No. MC-FC-67831. By order of May 6, 1965, the Transfer Board approved the transfer to Robert J. Grall, Manitowoc, Wis., of Certificate No. MC-119406 issued August 31, 1964, to R. J. Crum, Antigo, Wis., authorizing the transportation of forest products, including rough and surfaced lumber, but not including veneer, plywood, dimension stock, and cedar poles and posts, over irregular routes, between points in Baraga, Dickinson, Houghton, Iron, Marquette, Menominee, and Ontonagon Counties, Mich., on the one hand, and, on the other, points in Wisconsin. Edward Solie, 4513 Vernon Boulevard, Madison, Wis., 53705, attorney for applicants.

No. MC-FC-67834. By order of May 6, 1965, the Transfer Board approved the transfer to Peppard & Van Emmerik, Inc., West Sayville, N.Y., of Certificate No. MC-103827 issued May 20, 1958, to Charles E. Peppard, doing business as Peppard & Van Emmerik, West Sayville, Long Island, N.Y., authorizing the transportation of household goods, over irregular routes, between New York, N.Y., and points in Suffolk County, N.Y., on the one hand, and, on the other, Washington, D.C., Alexandria, Va., points in Connecticut, Delaware, Maryland, Massachusetts, New Jersey, New York, and Rhode Island, and points in Pennsylvania on and east of a line beginning at the New York-Pennsylvania State line, and extending along U.S. Highway 15 to junction U.S. Highway 111 near Wormleysburg, Pa., thence along U.S. Highway 111 to junction unnumbered highway (formerly U.S. Highway 111), thence along unnumbered highway via New Cumberland, Pa., to junction U.S. Highway 111, thence along U.S. Highway 111 to junction unnumbered highway (formerly U.S. 111), thence along unnumbered highway via Newberrytown, and Strinestown, Pa., to junction U.S. Highway 111, and thence along U.S. Highway 111 to the Pennsylvania-Maryland State line. Charles E. Peppard, 55 Main Street, West Sayville, N.Y., representative for applicants.

[SEAL] BERTHA F. ARMES, *Acting Secretary.*

[F.R. Doc. 65-5130; Filed, May 13, 1965; 8:48 a.m.]

FOURTH SECTION APPLICATIONS FOR RELIEF

MAY 11, 1965.

Protests to the granting of an application must be prepared in accordance with Rule 1.40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 39753—*Gypsum and plaster returned from, to and between points in southern territory.* Filed by O. W. South, Jr., agent (No. A4681), for interested rail carriers. Rates on plaster, gypsum lath, gypsum wallboard and related articles, on shipments returned from original destinations in official (including Illinois), southern, southwestern and western trunkline territories, to original points of shipment in southern territory, including adjacent official territory border points.

Grounds for relief—Carrier competition.

Tariff—Supplement 12 to Southern Freight Association, agent, tariff I.C.C. S-461.

FSA No. 39754—*Iron or steel articles to Dawes, Tex.* Filed by Southwestern Freight Bureau, agent (No. B-8724), for interested rail carriers. Rates on iron or steel articles, in carloads, from points in official (including Illinois), southern, southwestern and western trunkline territories, to Dawes, Tex.

Grounds for relief—Market competition.

Tariff—Supplement 127 to Southwestern Freight Bureau, agent, tariff I.C.C. 4503.

FSA No. 39755—*Wheat to north Pacific coast ports.* Filed by Trans-Continental Freight Bureau, agent (No. 427), for interested rail carriers. Rates on wheat, threshed, in carloads, from points in western Minnesota, eastern Montana, North Dakota, and South Dakota, to ports in Oregon and Washington (for export).

Grounds for relief—Canadian market competition.

Tariff—Supplement 6 to Trans-Continental Freight Bureau, agent, tariff I.C.C. 1717.

FSA No. 39756—*Fresh meats and packinghouse products from Minden, Nebr.* Filed by Western Trunk Line Committee, agent (No. A-2405), for interested rail carriers. Rates on fresh meats and packinghouse products, in carloads, from Minden, Nebr., to points in southern territory.

Grounds for relief—Market competition.

Tariff—Supplement 23 to Western Trunk Line Committee, agent, tariff I.C.C. A-4516.

By the Commission.

[SEAL] BERTHA F. ARMES, *Acting Secretary.*

[F.R. Doc. 65-5128; Filed, May 13, 1965; 8:48 a.m.]

DEPARTMENT OF LABOR

Wage and Hour Division

CERTIFICATES AUTHORIZING EMPLOYMENT OF LEARNERS AT SPECIAL MINIMUM RATES

Notice is hereby given that pursuant to section 14 of the Fair Labor Standards Act of 1938 (52 Stat. 1060, as amended, 29 U.S.C. 201 et seq.), and Administrative Order No. 579 (28 F.R. 11524) the firms listed in this notice have been issued special certificates authorizing the employment of learners at hourly wage rates lower than the minimum wage rates otherwise applicable under section 6 of the act. The effective and expiration dates, occupations, wage rates, number or proportion of learners and learning periods, for certificates issued under general learner regulations (29 CFR 522.1 to 522.9), and the principal product manufactured by the employer are as indicated below. Conditions provided in certificates issued under the supplemental industry regulations cited in the captions below are as established in those regulations.

Apparel Industry Learner Regulations (29 CFR 522.1 to 522.9, as amended, and 29 CFR 522.20 to 522.25, as amended).

The following learner certificates were issued authorizing the employment of 10 percent of the total number of factory production workers for normal labor turnover purposes. The effective and expiration dates are indicated.

Aynor Manufacturing Co., Inc., Aynor, S.C.; effective 4-23-65 to 4-22-66 (women's bermudas and shorts).

Blackwelder Manufacturing Co., Inc., Yadkinville Road, Mocksville, N.C.; effective 4-21-65 to 4-20-66 (men's and boys' sport shirts).

Brunswick Manufacturing Co., 1601 Second Street, Brunswick, Ga.; effective 5-6-65 to 5-5-66 (children's and ladies' zipper jackets and car coats).

Cowden-Springfield Co., Springfield, Ky.; effective 5-1-65 to 4-30-66 (men's and boys' work pants).

Ecru Manufacturing Co., Ecru, Miss.; effective 5-1-65 to 4-30-66 (men's work shirts and boys' sport shirts).

Flushing Shirt Manufacturing Co., Inc., Grantsville, Md.; effective 4-21-65 to 4-20-66 (men's uniform shirts).

Hardeman Garment Corp., Box 226, Bolivar, Tenn.; effective 5-9-65 to 5-8-66 (men's and boys' trousers).

Honea Path Shirt Co., Simpsonville, S.C.; 5-5-65 to 5-4-66 (men's sport shirts).

J. H. Manufacturing Co., Inc., Centerville, Tenn.; effective 4-22-65 to 4-21-66 (men's ivy league and work pants).

Linn Manufacturing Co., Linn, Mo.; effective 5–1–65 to 4–30–66 (men's dress trousers).

McColl Manufacturing Co., McColl, S.C.; effective 4–23–65 to 4–22–66 (ladies' dresses).

Midland Manufacturing, Inc., Railroad Street, Olive Hill, Ky.; effective 4–27–65 to 4–26–66 (men's and boys' dungarees).

Monticello Manufacturing Co., a division of Kellwood Co., Monticello, Miss.; effective 4–24–65 to 4–23–66 (men's work trousers and casual slacks).

The Newton Co., Newton, Miss.; effective 5–1–65 to 4–30–66 (men's and ladies' slacks).

Sherman Manufacturing Co., 1200 South Main Street, Darlington, S.C.; effective 4–29–65 to 4–28–66 (ladies' house dresses).

Spartans Industries, Inc., Spencer, Tenn.; effective 5–7–65 to 5–6–66 (ladies' and girls' capri pants and shorts, ladies' blouses).

Wentworth Manufacturing Co., Sopkin Avenue, Florence, S.C.; effective 5–1–65 to 4–30–66 (ladies' wash frocks).

The following learner certificates were issued for normal labor turnover purposes. The effective and expiration dates and the number of learners authorized are indicated.

Eileen Hope, Inc., 122 Juniper Street, Harrisburg, Pa.; effective 4–27–65 to 4–26–66; 10 learners (women's dresses).

Formflex of Arizona, Inc., 1120 West Watkins Road, Phoenix, Ariz.; effective 4–26–65 to 4–25–66; 10 learners (girdles).

Higrade Manufacturing Co., 246 Oconee Street, Athens, Ga.; effective 4–27–65 to 4–26–66; 10 learners (men's work pants and work shirts).

Jomax Apparel Co., Inc., 252 West College Avenue, York, Pa.; effective 4–24–65 to 4–23–66; 10 learners (ladies' shirts and dresses).

Marvel Garment Co., 10 Ridge Road, Bangor, Pa.; effective 4–30–65 to 4–29–66; five learners (ladies' blouses).

The following learner certificates were issued for plant expansion purposes. The effective and expiration dates and the number of learners authorized are indicated.

Big River Manufacturing Co., Route 85, Kittanning, Pa.; effective 4–26–65 to 10–25–65; 15 learners (boys' cotton knit shirts).

Suzy Brooks of Pennsylvania, Inc., 201 Schuylkill Avenue, Tamaqua, Pa.; effective 4–24–65 to 10–23–65; five learners (children's dresses).

Formflex of Arizona, Inc., 1120 West Watkins Road; Phoenix, Ariz.; effective 4–26–65 to 10–25–65; 15 learners (girdles).

Hardeman Garment Corp., Box 236, Bolivar, Tenn.; effective 4–26–65 to 10–25–65; 75 learners (men's and boys' trousers).

Eileen Hope, Inc., 110 South Second Street, Halifax, Pa.; effective 4–26–65 to 10–25–65; 20 learners (women's dresses).

Murray Corp., 129 North Chestnut Street, Mount Olive, N.C.; effective 4–26–65 to 10–25–65; 40 learners. Learners may not be employed at special minimum wage rates in the manufacture of suit jackets and vests (men's quilted sport jackets).

The Warner Brothers Co., Post Office Box 682, Aiken, S.C.; effective 4–20–65 to 10–19–65; 50 learners (corsets and brassieres).

Hosiery Industry Learner Regulations (29 CFR 522.1 to 522.9, as amended, and 29 CFR 522.40 to 522.43, as amended).

Knit-Sox Knitting Mills, Inc., 11 Eighth Street SE., Hickory, N.C.; effective 4–27–65 to 4–26–66; 5 percent of the total number of factory production workers for normal labor turnover purposes (seamless).

Knitted Wear Industry Learner Regulations (29 CFR 522.1 to 522.9, as amended, and 29 CFR 522.30 to 522.35, as amended).

The H. W. Gossard Co., lingerie division, Bristow, Okla.; effective 4–22–65 to 10–21–65; 40 learners for plant expansion purposes. Learners may not be employed at special minimum wage rates in the manufacture of robes (women's knit and woven underwear).

J. E. Morgan Knitting Mills, Inc., 206 Center Street, Tamaqua, Pa.; effective 5–1–65 to 4–30–66; 5 percent of the total number of factory production workers for normal labor turnover purposes (men's and boys' knit underwear).

Russell Manufacture Corp., Haber Drive, Lebanon, Va.; effective 4–23–65 to 4–21–66; 5 percent of the total number of factory production workers for normal labor turnover purposes (women's and misses' underwear).

Each learner certificate has been issued upon the representations of the employer which, among other things, were that employment of learners at special minimum rates is necessary in order to prevent curtailment of opportunities for employment, and that experienced workers for the learner occupations are not available. Any person aggrieved by the issuance of any of these certificates may seek a review or reconsideration thereof within 15 days after publication of this notice in the FEDERAL REGISTER pursuant to the provisions of 29 CFR 522.9. The certificates may be annulled or withdrawn, as indicated therein, in the manner provided in 29 CFR Part 528.

Signed at Washington, D.C., this 30th day of April 1965.

ROBERT G. GRONEWALD,
Authorized Representative of the Administrator.

[F.R. Doc. 65–5093; Filed, May 13, 1965; 8:46 a.m.]

CUMULATIVE LIST OF CFR PARTS AFFECTED—MAY

The following numerical guide is a list of the parts of each title of the Code of Federal Regulations affected by documents published to date during May.

3 CFR

	Page
PROCLAMATIONS:	
1713 (superseded in part by Proc. 3656)	6571
3172 (superseded by Proc. 3655)	6467
3399 (superseded by Proc. 3655)	6467
3655	6467
3656	6571
EXECUTIVE ORDER:	
Apr. 19, 1892 (revoked in part by PLO 3656)	6437
823 (see EO 11220)	6425
10530 (revoked in part by EO 11222)	6469
10784 (superseded by EO 11223)	6635
10845 (superseded by EO 11223)	6635
10939 (revoked by EO 11222)	6469
11125 (revoked by EO 11222)	6469
11126 (amended by EO 11221)	6427
11219	6381
11220	6425
11221	6427
11222	6469
11223	6635

3 CFR—Continued

	Page
PRESIDENTIAL DOCUMENTS OTHER THAN PROCLAMATIONS AND EXECUTIVE ORDERS:	
Memorandum of July 20, 1961 (revoked by EO 11222)	6469
Memorandum of May 2, 1963 (revoked by EO 11222)	6469

4 CFR

52	6429

5 CFR

213	6215, 6241, 6337, 6478, 6637
332	6337
591	6511

6 CFR

73	6573

7 CFR

28	6637
29	6573
54	6207
55	6141, 6207
56	6207
58	6637
70	6207
81	6207
210	6207, 6479

7 CFR—Continued

	Page
301	6243, 6245
354	6429
707	6246
717	6144
719	6511
724	6144, 6146, 6207
842	6338
862	6247
863	6248
864	6248
905	6638
908	6148, 6429
909	6430
910	6148, 6430, 6479
918	6431
944	6638
965	6338
970	6479
1002	6639
1138	6573
1421	6338, 6511
1468	6383
1472	6383
1487	6639
1488	6249
PROPOSED RULES:	
28	6255

7 CFR—Continued

	Page
PROPOSED RULES—Continued	
31	6350
51	6658
70	6395
Ch. IX	6355, 6438, 6523
930	6255
1008	6659
1040	6163
1042	6163
1097	6534
1102	6534
1108	6534
1138	6538

8 CFR

214	6479

9 CFR

PROPOSED RULES:	
201	6360

10 CFR

30	6575

12 CFR

12	6160
204	6339
561	6517
PROPOSED RULES:	
261	6275
262	6275
563	6544

14 CFR

39	6150, 6431, 6577, 6639, 6640
61	6577
71	6150, 6215, 6241, 6384–6387, 6478, 6577–6579, 6640–6642.
73	6242, 6387, 6388
75	6150, 6241, 6242, 6432, 6642
91	6388
97	6151, 6329
99	6242
121	6432
127	6432
PROPOSED RULES:	
39	6188, 6274
67	6188
71	6189, 6225, 6397, 6399, 6400, 6402, 6443, 6588, 6589.
73	6402, 6444
75	6443
91	6541
129	6541
399	6650

16 CFR

PROPOSED RULES:	
303	6275

17 CFR

240	6642

18 CFR

157	6518

19 CFR

10	6149

21 CFR

121	6215, 6339, 6389, 6433, 6477, 6478, 6579, 6642.
133	6475
144	6389
PROPOSED RULES:	
8	6490
121	6588

25 CFR

131	6579
PROPOSED RULES:	
1	6438
221	6523

26 CFR

1	6216, 6340, 6480
250	6217
PROPOSED RULES:	
1	6222, 6349, 6486, 6488
31	6222
301	6222

29 CFR

50	6249
604	6218
606	6218
690	6482
PROPOSED RULES:	
657	6224
697	6225
1501	6397
1502	6397
1503	6397

32 CFR

163	6161
516	6341
815	6343
882	6343

33 CFR

80	6433
82	6434
86	6434
95	6434
135	6434
203	6161, 6388
204	6643
205	6644
207	6161, 6644
401	6580

36 CFR

	Page
211	6345
311	6161
502	6482

37 CFR

1	6391, 6644
3	6644

38 CFR

1	6435
2	6392
3	6649
14	6392

39 CFR

4	6436
36	6436
37	6436
43	6436

41 CFR

1–3	6581
9–1	6483, 6519
9–4	6519
9–6	6519
9–7	6519
9–8	6585
101–44	6649

43 CFR

PUBLIC LAND ORDERS:	
3638	6585
3655	6392
3656	6437
3657	6586

45 CFR

130	6393

46 CFR

25	6517

47 CFR

0	6250
2	6219, 6388
15	6250
73	6251, 6519, 6520
PROPOSED RULES:	
2	6226
15	6541
73	6274, 6275, 6543, 6590, 6651

49 CFR

1	6485
95	6220
97	6394
141	6162

50 CFR

26	6587
33	6344, 6521, 6587
60	6149
PROPOSED RULES:	
32	6224

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Pages 6675–6706

Agencies in this issue—

The President
Agricultural Stabilization and Conservation Service
Agriculture Department
Atomic Energy Commission
Commodity Credit Corporation
Consumer and Marketing Service
Customs Bureau
Defense Department
Federal Aviation Agency
Federal Communications Commission
Federal Maritime Commission
Food and Drug Administration
General Services Administration
Housing and Home Finance Agency
Interior Department
Interstate Commerce Commission
Mint Bureau
National Bureau of Standards
National Park Service
Patent Office
Securities and Exchange Commission
Treasury Department

Detailed list of Contents appears inside.



THE NATIONAL ARCHIVES OF THE UNITED STATES • 1934 •

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Contents

THE PRESIDENT

EXECUTIVE ORDER

Designation of certain foreign countries as economically less developed countries for purposes of the interest equalization tax 6679

EXECUTIVE AGENCIES

AGRICULTURAL STABILIZATION AND CONSERVATION SERVICE

Proposed Rule Making

Processor wheat; marketing certificate regulations 6686

AGRICULTURE DEPARTMENT

See also Agricultural Stabilization and Conservation Service; Commodity Credit Corporation; Consumer and Marketing Service.

Notices

Consumer and Marketing Service; delegations and functions 6697

ATOMIC ENERGY COMMISSION

Rules and Regulations

Contract reporting 6684
Patents and copyrights 6684
Procurement by negotiation 6683

Notices

Oregon State University; issuance of facility license amendment 6696

COMMERCE DEPARTMENT

See National Bureau of Standards; Patent Office.

COMMODITY CREDIT CORPORATION

Rules and Regulations

Barley; 1964 crop loan and purchase program; support rates 6681

Notices

Sales of certain commodities; May sales list 6693

CONSUMER AND MARKETING SERVICE

Rules and Regulations

Handling limitations:
Lemons grown in California and Arizona 6681
Valencia oranges grown in Arizona and designated part of California 6681

CUSTOMS BUREAU

Proposed Rule Making

Petroleum and petroleum products; importations in bulk; extension of time for filing comments 6686

DEFENSE DEPARTMENT

Rules and Regulations

Transportation by Military Air Transport Service and by other aircraft; deletion and reservation of parts 6682

FEDERAL AVIATION AGENCY

Rules and Regulations

Control areas; alteration 6682
Control zone and transition area; designation 6682

FEDERAL COMMUNICATIONS COMMISSION

Proposed Rule Making

Radio frequency operated intruder alarms 6689

Notices

Emerald Broadcasting Corp. (KPIR) et al.; designation of applications for consolidated hearing on stated issues 6699

FEDERAL MARITIME COMMISSION

Notices

Agreements filed for approval:
Compania Internacional de Vapores, Ltda., et al 6702
Transatlantic Shipping Corp. et al 6703
New York Harbor; free time and demurrage practices on inbound cargo 6701

FOOD AND DRUG ADMINISTRATION

Proposed Rule Making

Food additives; ethylene-methyl acrylate copolymer resins 6689

Notices

Petitions filed regarding food additives:
American Cyanamid Co 6698
Salsbury's, Dr., Laboratories 6698

GENERAL SERVICES ADMINISTRATION

Rules and Regulations

Centralized services in Federal buildings; Federal employee health services 6684

HEALTH, EDUCATION, AND WELFARE DEPARTMENT

See Food and Drug Administration.

HOUSING AND HOME FINANCE AGENCY

Notices

Urban Renewal Commissioner and HHFA Administrators; delegation of authority 6703

INTERIOR DEPARTMENT

See also National Parks Service.

Notices

Eddy and Lea Counties, N. Mex.; oil and gas and potash leasing and development within potash area 6692

INTERSTATE COMMERCE COMMISSION

Notices

Fourth section applications for relief 6703
Motor carrier transfer proceedings 6704

MINT BUREAU

Notices

Director of the Mint; order of succession of persons 6692

NATIONAL BUREAU OF STANDARDS

Notices

Electromagnetic propagation; course to be given at Boulder, Colo 6698

NATIONAL PARK SERVICE

Rules and Regulations

Coulee Dam National Recreation Area; camping 6682

PATENT OFFICE

Proposed Rule Making

Rules of practice and forms in trademark cases 6687

SECURITIES AND EXCHANGE COMMISSION

Notices

General Aniline & Film Corp. and Insurance Company of North America; notice of applications for unlisted trading privileges and opportunity for hearing 6703

TREASURY DEPARTMENT

See also Customs Bureau; Mint Bureau.

Notices

Titanium dioxide from France; notice of tentative determinations 6692

List of CFR Parts Affected

(Codification Guide)

The following numerical guide is a list of the parts of each title of the Code of Federal Regulations affected by documents published in today's issue. A cumulative list of parts affected, covering the current month to date, appears at the end of each issue beginning with the second issue of the month.

A cumulative guide is published separately at the end of each month. The guide lists the parts and sections affected by documents published since January 1, 1965, and specifies how they are affected.

3 CFR

EXECUTIVE ORDERS:
11071 (superseded in part by EO 11224) 6679
11224 6679

7 CFR

908 6681
910 6681
1421 6681
PROPOSED RULES:
777 6686

14 CFR

71 (2 documents) 6682

19 CFR

PROPOSED RULES:
13 6686

21 CFR

PROPOSED RULES:
121 6689

32 CFR

175 6682
180 6682

36 CFR

2 6682

37 CFR

PROPOSED RULES:
2 6687
4 6687

41 CFR

9–3 6683
9–9 6684
9–54 6684
101–5 6684

47 CFR

PROPOSED RULES:
15 6689

Presidential Documents

Title 3—THE PRESIDENT

Executive Order 11224

DESIGNATION OF CERTAIN FOREIGN COUNTRIES AS ECONOMICALLY LESS DEVELOPED COUNTRIES FOR PURPOSES OF THE INTEREST EQUALIZATION TAX

WHEREAS the Senate and House of Representatives have been duly notified of my intention to terminate the designation of the Bahamas, Bermuda, Ireland, Kuwait, and Portugal as economically less developed countries for purposes of the tax imposed by section 4911 of the Internal Revenue Code;

NOW, THEREFORE, by virtue of the authority vested in me by section 4916(b) of the Internal Revenue Code of 1954, as added by section 2 of the Interest Equalization Tax Act, approved September 2, 1964 (Public Law 88–563), by section 301 of title 3 of the United States Code, and as President of the United States, it is hereby ordered as follows:

SECTION 1. *Economically less developed countries.* For purposes of the tax imposed by section 4911 of the Internal Revenue Code, the following areas are designated as economically less developed countries:

(a) All foreign countries (including Trust Territories) in existence on or after the effective date of this order, other than Australia, Austria, Belgium, Canada, Denmark, Federal Republic of Germany, France, Ireland, Italy, Japan, Kuwait, Liechtenstein, Luxembourg, Monaco, Netherlands, New Zealand, Norway, Portugal, San Marino, Spain, Sweden, Switzerland, Union of South Africa, United Kingdom, and any foreign country within the Sino-Soviet bloc, as defined in section 2:

(b) Each territory, department, province, and possession (other than the Bahamas, Bermuda, and Hong Kong), of any foreign country in existence on or after the effective date of this order, other than a foreign country within the Sino-Soviet bloc, as defined in section 2, if the territory, department, province, or possession is overseas from the foreign country of which it is a territory, department, province, or possession; and

(c) The Commonwealth of Puerto Rico and all possessions of the United States.

SEC. 2. *Definition of the term "foreign country within the Sino-Soviet bloc."* For purposes of this order, the term "foreign country within the Sino-Soviet bloc" shall mean Albania, Bulgaria, any part of China which is dominated or controlled by International Communism, Cuba, Czechoslovakia, Estonia, Hungary, any part of Korea which is dominated or controlled by International Communism, Latvia, Lithuania, Outer Mongolia, Poland (including any area under its provisional administration), Rumania, Soviet Zone of Germany and the Soviet Sector of Berlin, Tibet, Union of Soviet Socialist Republics and the Kurile Islands, Southern Sakhalin, and areas in East Prussia which are under the provisional administration of the Union of Soviet Socialist Republics, and any part of Viet Nam which is dominated or controlled by International Communism.

SEC. 3. *Prior acquisitions and commitments.* Notwithstanding the provisions of sections 1 and 2 of this order, any area which had the status of an economically less developed country under section 4916(b)

of the Internal Revenue Code prior to the effective date of this order shall be deemed to be an economically less developed country for purposes of section 4916 with respect to an acquisition of stock or a debt obligation—

(a) If such acquisition was made prior to the effective date of this order;

(b) If such acquisition is made pursuant to an obligation to acquire which, prior to April 6, 1965, was unconditional or was subject only to conditions contained in a formal contract under which partial performance had occurred; or

(c) If, with respect to such acquisition, the acquiring United States person (or, in a case where two or more United States persons are making acquisitions as part of a single transaction, a majority in interest of such persons) had taken every action prior to April 6, 1965, to signify approval of the acquisition under the procedures ordinarily employed by such person (or persons) in similar transactions and had sent or deposited for delivery to the foreign person from whom the acquisition was made written evidence of such approval in the form of a commitment letter, memorandum of terms, draft purchase contract, or other document setting forth, or referring to a document sent by the foreign person from whom the acquisition was made which set forth, the principal terms of such acquisition, subject only to the execution of formal documents evidencing the acquisition and to customary closing conditions.

SEC. 4. *Rules and regulations.* The Secretary of the Treasury or his delegate is authorized to prescribe from time to time regulations, rulings, directions, and instructions to carry out the purposes of this order.

SEC. 5. *Effective date.* This order shall become effective upon its filing for publication in the FEDERAL REGISTER.

SEC. 6. *Inapplicability of Executive Order 11071.* Executive Order No. 11071, dated December 27, 1962, is hereby superseded to the extent that such order applies to section 4916 of the Internal Revenue Code.

LYNDON B. JOHNSON

THE WHITE HOUSE,
May 13, 1965.

[F.R. Doc. 65-5249; Filed, May 14, 1965; 11:42 a.m.]

Rules and Regulations

Title 7—AGRICULTURE

Chapter IX—Consumer and Marketing Service (Marketing Agreements and Orders; Fruits, Vegetables, Tree Nuts), Department of Agriculture

[Valencia Orange Reg. 120]

PART 908—VALENCIA ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

Limitation of Handling

§ 908.420 Valencia Orange Regulation 120.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 908, as amended (7 CFR Part 908), regulating the handling of Valencia oranges grown in Arizona and designated part of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations and information submitted by the Valencia Orange Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such Valencia oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 1001–1011) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for Valencia oranges and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such Valencia oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on May 13, 1965.

(b) *Order.* (1) The respective quantities of Valencia oranges grown in Arizona and designated part of California which may be handled during the period beginning at 12:01 a.m., P.s.t., May 16, 1965, and ending at 12:01 a.m., P.s.t., May 23, 1965, are hereby fixed as follows:

(i) District 1: 450,000 cartons;
(ii) District 2: 163,302 cartons;
(iii) District 3: 150,000 cartons.

(2) As used in this section, "handled," "handler," "District 1," "District 2," and "District 3," and "carton" have the same meaning as when used in said amended marketing agreement and order.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: May 14, 1965.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 65-5244; Filed, May 14, 1965; 11:18 a.m.]

[Lemon Reg. 161]

PART 910—LEMONS GROWN IN CALIFORNIA AND ARIZONA

Limitation of Handling

§ 910.461 Lemon Regulation 161.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 910, as amended (7 CFR Part 910), regulating the handling of lemons grown in California and Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such lemons, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 1001–1011) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for lemons and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such lemons; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on May 11, 1965.

(b) *Order.* (1) The respective quantities of lemons grown in California and Arizona which may be handled during the period beginning at 12:01 a.m., P.s.t., May 16, 1965, and ending at 12:01 a.m., P.s.t., May 23, 1965, are hereby fixed as follows:

(i) District 1: Unlimited movement;
(ii) District 2: 372,000 cartons;
(iii) District 3: Unlimited movement.

(2) As used in this section, "handled," "District 1," "District 2," "District 3," and "carton" have the same meaning as when used in the said amended marketing agreement and order.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: May 13, 1965.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 65-5196; Filed, May 14, 1965; 8:47 a.m.]

Chapter XIV—Commodity Credit Corporation, Department of Agriculture

SUBCHAPTER B—LOANS, PURCHASES, AND OTHER OPERATIONS

[C.C.C. Grain Price Support Regulations, 1964-Crop Barley Supp., Amdt. 4]

PART 1421—GRAINS AND SIMILARLY HANDLED COMMODITIES

Subpart—1964-Crop Barley Loan and Purchase Program

SUPPORT RATES

The regulations issued by the Commodity Credit Corporation (29 F.R. 6618,

11826, 14102 and 30 F.R. 4606) are amended as follows:

Section 1421.2231(f) is amended to change the following basic county support rates:

§ 1421.2231 Support rates.

* * * * *

(f) *Basic support rates for counties.*

* * * * *

OREGON

County	Rate per bushel	
	From—	To—
Benton	$0.91	$0.94
Clackamas	.93	.96
Lane	.88	.90
Linn	.91	.94
Marion	.93	.96
Polk	.92	.95
Tillamook	.95	.97
Washington	.95	.97
Yamhill	.94	.96

* * * * *

(Sec. 4, 62 Stat. 1070 as amended; 15 U.S.C. 714b. Interpret or apply sec. 5, 62 Stat. 1072, secs. 105, 401, 63 Stat. 1051 as amended; 15 U.S.C. 714c, 7 U.S.C. 1421, 1441)

Effective date. Upon publication in the FEDERAL REGISTER.

Signed at Washington, D.C., on May 11, 1965.

H. D. GODFREY,
Executive Vice President,
Commodity Credit Corporation.

[F.R. Doc. 65-5151; Filed, May 14, 1965; 8:46 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Agency

[Airspace Docket No. 65-CE-17]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Designation of Control Zone and Transition Area

On February 27, 1965, a notice of proposed rule making was published in the FEDERAL REGISTER (30 F.R. 2610), stating that the Federal Aviation Agency proposed to alter controlled airspace in the Bartlesville, Okla., terminal area.

Interested persons were afforded an opportunity to participate in the rule making through submission of comments. Due consideration was given to all relevant matters presented. The Air Transport Association offered no objection to the airspace designation as proposed. A request to have the Hi-Way Airport at Bartlesville, Okla., excluded from the proposed control zone was received from Mr. E. E. Davis, owner and operator of the Hi-Way Airport. The Agency has determined that the control zone can be adjusted so as to exclude the Hi-Way Airport without impairing safety. The proposed control zone will be modified accordingly. In addition, it has been determined that the action proposed to revoke the Bartlesville control area extension should be deferred to a later date. Since these changes in the proposed rule are minor in nature and impose no additional burden on any person, further notice and public procedure thereon are unnecessary.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0001 e.s.t., July 22, 1965, as hereinafter set forth.

(1) In § 71.171 (29 F.R. 17581), the following control zone is added:

BARTLESVILLE, OKLA.

Within a 5-mile radius of the Phillips Airport (latitude 36°45'45" N., longitude 96°-00'30" W.), and within 2 miles each side of the Bartlesville VOR 355° radial, extending from the 5-mile radius zone to 8 miles N of the VOR, excluding the area N of latitude 36°46'00" N and E of longitude 95°58'30" W. This control zone shall be effective during the times established by a notice to Airmen and continuously published in the Airman's Information Manual.

(2) In § 71.181 (29 F.R. 17643), the following is added:

BARTLESVILLE, OKLA.

That airspace extending upward from 700 feet above the surface within an 8-mile radius of the Phillips Airport (latitude 36°-45'45" N., longitude 96°00'30" W.); and within 2 miles each side of the Bartlesville VOR 355° radial, extending from the 8-mile radius area to 8 miles N of the VOR; and that airspace extending upward from 1,200 feet above the surface within 5 miles E and 8 miles W of the Bartlesville VOR 355° radial extending from the VOR to 13 miles N of the VOR.

(Sec. 307(a) of the Federal Aviation Act of 1958, 49 U.S.C. 1348)

Issued in Kansas City, Mo., on May 5, 1965.

EDWARD C. MARSH,
Director, Central Region.

[F.R. Doc. 65-5136; Filed, May 14, 1965; 8:45 a.m.]

[Airspace Docket No. 65-WA-33]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Control Areas

The purpose of this amendment to Part 71 of the Federal Aviation Regulations is to make an editorial change in the description of Control 1216.

Effective June 26, 1965, at 10 p.m., c.s.t., the New Orleans, La., and the San Antonio, Tex., Air Route Traffic Control Centers will be phased out of operation. Concurrently, the Houston, Tex., Air Route Traffic Control Center will commence operation. The current description for Control 1216 makes reference to the New Orleans Oceanic control area, which on June 26, 1965, will become the Houston Oceanic Control area. Accordingly, action is being taken herein to delete reference to the New Orleans Oceanic control area and substitute therefor reference to the Houston Oceanic Control area in the description of this control area.

Since this amendment is editorial in nature and does not alter the extent of control area and will impose no additional burden on any person, notice and public procedure hereon are unnecessary. However, since it is necessary that sufficient time be allowed to permit appropriate changes to be made on aeronautical charts, this amendment will become effective more than 30 days after publication.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 2200 c.s.t., June 26, 1965, as hereinafter set forth.

Section 71.163 (29 F.R. 17552) is amended as follows:

In Control 1216 "New Orleans Oceanic Control Area" is deleted wherever it appears and "Houston Oceanic Control Area" is substituted therefor.

(Sec. 307(a) of the Federal Aviation Act of 1958; 49 U.S.C. 1348)

Issued in Washington, D.C., on May 10, 1965.

H. B. HELSTROM,
Acting Chief, Airspace Regulations and Procedures Division.

[F.R. Doc. 65-5137; Filed, May 14, 1965; 8:45 a.m.]

Title 32—NATIONAL DEFENSE

Chapter I—Office of the Secretary of Defense

SUBCHAPTER F—TRANSPORTATION

PART 175—TRANSPORTATION BY MILITARY AIR TRANSPORT SERVICE

PART 180—TRANSPORTATION BY AIRCRAFT OTHER THAN MILITARY AIR TRANSPORT SERVICE

Deletion and Reservation of Parts

Parts 175 and 180 are deleted and reserved.

MAURICE W. ROCHE,
Director, Correspondence and Directives Division, Office of Assistant Secretary of Defense (Administration).

[F.R. Doc. 65-5140; Filed, May 14, 1965; 8:45 a.m.]

Title 36—PARKS, FORESTS, AND MEMORIALS

Chapter I—National Park Service, Department of the Interior

PART 2—GENERAL RULES AND REGULATIONS; NATIONAL RECREATION AREAS

Coulee Dam National Recreation Area

On page 15084 of the FEDERAL REGISTER of November 7, 1964, there was published a notice and text of a proposed amendment to § 2.3 of Title 36, Code of Federal Regulations. The purposes of this amendment are to restrict all camping in the Coulee Dam National Recreation Area to designated camp areas and to insure maximum protection to natural, historic, and scientific values.

Interested persons were given 30 days within which to submit written comments, suggestions, or objections with respect to the proposed amendment. No comments, suggestions, or objections have been received and the proposed amendment is hereby adopted without change and is set forth below. This amendment shall become effective at the beginning of the 30th calendar day following the date of this publication in the FEDERAL REGISTER.

(60 Stat. 238; 5 U.S.C. 1003; 39 Stat. 535; 16 U.S.C. 3)

Section 2.3(a) is amended to change the present text. As so amended § 2.3(a) reads as follows:

§ 2.3 Camping.

(a) **Camping, other than from vessels,** is permitted only within established campgrounds, unless written authorization is obtained from the Superintendent in connection with trips to isolated sections of the area: *Except,* That all camping is restricted to established campgrounds in Shadow Mountain and Coulee Dam National Recreation Areas. Campers must use specific campsites when such are delineated within an established campground.

* * * * *

STEWART L. UDALL,
Secretary of the Interior.

MAY 11, 1965.

[F.R. Doc. 65-5148; Filed, May 14, 1965; 8:45 a.m.]

Title 41—PUBLIC CONTRACTS AND PROPERTY MANAGEMENT

Chapter 9—Atomic Energy Commission

PART 9-3—PROCUREMENT BY NEGOTIATION

Miscellaneous Amendments

Section 9-3.000, *Scope of part,* is deleted and the following substituted therefor:

§ 9-3.000 Scope of part.

This part implements and supplements the policies and procedures governing procurement by negotiation set forth in Federal Procurement Regulations 1-3.

The following section is added:

§ 9-3.000-50 Policy, cost-type contractor procurement.

The following portions of the Federal Procurement Regulations Part 3 and this AECPR Part 3 constitute specific provisions which the contracting officer shall bring to the attention of cost-type contractors as constituting areas which require appropriate treatment in the development of statements of contractor procurement practices, in order to carry out the basic AEC procurement policy set forth in AECPR 9-1.5203.

Section or subpart	Subject
FPR:	
1-3.101 (b) (4) (c).	General requirements for negotiation.
1-3.102 ----	Factors to be considered in negotiating contracts.
1-3.103 (b) and (c).	Dissemination of procurement information.
1-3.4 (all) --	Types of Contracts.
1-3.601 ----	Purpose.
1-3.602 ----	Policy.
1-3.603 ----	Competition.
1-3.606 ----	Blanket purchase arrangements.
1-3.8 (all) --	Price Negotiation Policies and Techniques.
AECPR:	
9-3.103 ----	Dissemination of procurement information.
9-3.4 (all) --	Types of Contracts.
9-3.600 ----	Scope of subpart.
9-3.603-2 --	Data to support small purchases.
9-3.8 (all) --	Price Negotiation Policies and Techniques.

Section 9-3.103, *Dissemination of procurement information,* paragraph (d) is revised to read as follows:

§ 9-3.103 Dissemination of procurement information.

* * * * *

(d) Managers of Field Offices shall provide for the release of award information as prescribed by paragraph (b) of this section by the AEC Field Office concerned in those cases where he determines that compliance with the requirements of paragraph (b) of this section is inconsistent with the contractor's established commercial practices.

Section 9-3.301, *Determinations and findings required,* is deleted and the following new section is added:

§ 9-3.301 General.

Except as otherwise provided in § 9-3.-302, the determinations and findings required by FPR 1-3.3 shall be made, regardless of whether the contract is negotiated under the Federal Property and Administrative Services Act or the Atomic Energy Act of 1954. Except as otherwise provided in § 9-3.303, such determinations and findings may be made and executed by the contracting officer.

The following new sections are added:

§ 9-3.302 Determinations and findings required.

The determinations and findings required by FPR 1-3.302 (a) and (d) are required to be made only when the contract is negotiated under the Federal Property and Administrative Services Act of 1949.

§ 9-3.303 Determinations and findings by the Head of the Agency.

Findings and determinations supporting negotiation under the authority of the Federal Property and Administrative Services Act of 1949, section 302(c)(11) (FPR 1-3.211) with respect to contracts which will not require the expenditure of more than $25,000 may be executed by Managers of Field Offices and appropriate Headquarters Division Directors. Findings and determinations for such contracts in excess of $25,000 and in support of contracts negotiated pursuant to sections 302(c)(12) and 302(c)(13) of the Federal Property and Administrative Services Act of 1949 (FPR 1-3.212 and 1-3.213) shall be executed by the General Manager. (Determinations and findings to negotiate a contract under the authority of the Atomic Energy Act of 1954 may be made by the contracting officer.)

Section 9-3.403-52, *Fixed-price incentive contracts* (now covered by FPR 1-3.404-4), is deleted.

The following new sections are added:

§ 9-3.404-5 Prospective price redetermination at a stated time or times during performance.

See contract article set forth in AECPR 9-7.5006-34 and general discussion in AECPR 9-3.404-51.

§ 9-3.404-7 Retroactive price redetermination after completion.

See contract article set forth in AECPR 9-7.5006-34 and general discussion in AECPR 9-3.404-51.

§ 9-3.903-2 Review and approval of subcontracts.

See AECPR 9-1.52, Procurement by Cost-Type Contractors. The requirements set forth in the parenthetical sentence at the end of paragraph (b) of FPR 1-3.903-2 apply only to contracts negotiated under the authority of the Federal Property and Administrative Services Act.

Section 9-3.600, *Scope of subpart,* the last two sentences are deleted.

Section 9-3.809-50, *Use of advisory accounting reports,* paragraph (b), *Applicability,* and subparagraphs (1) and (2) under paragraph (b) are deleted and paragraph (b) is reserved.

The following changes are made in the section references:

Section 9-3.403-2 is changed to § 9-3.404-3.

Section 9-3.403-50 is changed to § 9-3.404-50.

Section 9-3.403-51 is changed to § 9-3.404-51.

Section 9-3.404-3 is changed to § 9-3.405-5, and the reference to FPR 1-3.404-3(d)(1)(ix) in paragraph (b) is changed to FPR 1-3.405-5(d)(1)(ix).

Section 9-3.405-1 is changed to § 9-3.406-1.

Section 9-3.405-3 is changed to § 9-3.408.

(Sec. 161 of the Atomic Energy Act of 1954, as amended, 68 Stat. 948, 42 U.S.C. 2201; Sec. 205 of the Federal Property and Administrative Services Act of 1949, as amended, 63 Stat. 390, 40 U.S.C. 486)

Effective date. These amendments are effective upon publication in the FEDERAL REGISTER.

Dated at Germantown, Md., this 11th day of May 1965.

For the U.S. Atomic Energy Commission.

JOSEPH L. SMITH,
Director,
Division of Contracts.

[F.R. Doc. 65-5144; Filed, May 14, 1965; 8:45 a.m.]

PART 9-9—PATENTS AND COPYRIGHTS

Miscellaneous Amendments

The following section is added:

§ 9-9.5000-50 Policy, cost-type contractor procurement.

All of AECPR Part 9 constitutes specific provisions which the contracting officer shall bring to the attention of Class A and Class B cost-type contractors as constituting areas which require appropriate treatment in the development of statements of contractor procurement practices in order to carry out the basic AEC procurement policy set forth in AECPR 9-1.5203.

Section 9-9.5005, *Type C patent provisions*, paragraph (a) under "Type C Patent Provisions," line 18, the word "plant" is changed to "patent."

Section 9-9.5006-2, *Contracts in which "background patents" provisions are deemed appropriate*, line 1, the words "Contracting Office" are changed to "Contracting Officer."

Section 9-9.5103, *Rights in copyrightable material under contracts*, subparagraph (d)(1), line 6, the words "under this contract" are inserted after the word "composed."

(Sec. 161 of the Atomic Energy Act of 1954, as amended, 68 Stat. 948, 42 U.S.C. 2201; sec. 205 of the Federal Property and Administrative Services Act of 1949, as amended, 63 Stat. 390, 40 U.S.C. 486)

Effective date. These amendments are effective upon publication in the FEDERAL REGISTER.

Dated at Germantown, Md., this 7th day of May 1965.

For the U.S. Atomic Energy Commission.

JOSEPH L. SMITH,
Director,
Division of Contracts.

[F.R. Doc. 65-5145; Filed, May 14, 1965; 8:45 a.m.]

PART 9-54—CONTRACT REPORTING

Miscellaneous Amendments

Delete § 9-54.000, *Scope of part*, and add the following:

§ 9-54.000 Scope of part.

(a) This part sets forth the policies and procedures established for uniform reporting to Headquarters of essential data on procurement actions. Such data will be used for management purposes, for informational reports and to furnish information on procurement required by Congressional Committees, General Services Administration, Small Business Administration, Department of Labor, Renegotiation Board, and the President's Committee on Equal Employment Opportunity.

§ 9-54.000-50 Policy, cost-type contractor procurement.

The following sections of this AECPR Part 54 constitute specific provisions which the contracting officer shall bring to the attention of Class A and Class B cost-type contractors as constituting areas which require appropriate treatment in the development of statements of contractor procurement practices in order to carry out the basic AEC procurement policy set forth in AECPR § 9-1.5203:

Section	*Subject*
AECPR:	
9-54.000	Scope of Part.
9-54.001	Applicability.
9-54.003	Definition of Procurement Action.
9-54.004	Reports Required.
9-54.005	Preparation of Reports.
9-54.006	Submission of Reports.

Section 9-54.004 *Reports required*, paragraphs (a) and (b), are deleted and the following substituted therefor:

§ 9-54.004 Reports required.

(a) Form AEC 328, Contract Data Card (see § 9-16.951-3) shall be prepared, in quintuplicate, by AEC offices and Managers of Field Offices shall require cost-type contractors (prime and sub) to prepare this report except as provided in § 9-54.001(a), for each of the following:

(1) Each procurement action (initial, increase, or decrease) of $25,000 or more;

(2) When the accumulated amount of a series of procurement actions under a previously unreported contract, subcontract, or purchase order totals $25,000 or more; and

(3) Each conversion of a letter contract reportable under subparagraph (1) or (2) of this paragraph, which results in a definitive contract.

(b) Form AEC-330 "Summary of Procurement Actions" (see § 9-16.951-4) shall be prepared by each AEC office and Managers of Field Offices shall require cost-type contractors and subcontractors to submit this report as follows:

(1) 1 copy of Form AEC-330 summarizing all fixed-price procurement actions by number of actions and dollar value; and

(2) 1 copy of Form AEC-330 summarizing all cost-type procurement actions by number of actions and dollar value.

(Sec. 161 of the Atomic Energy Act of 1954, as amended, 68 Stat. 948, 42 U.S.C. 2201; sec. 205 of the Federal Property and Administrative Services Act of 1949, as amended, 63 Stat. 390, 40 U.S.C. 486)

Effective date. These amendments are effective upon publication in the FEDERAL REGISTER.

Dated at Germantown, Md., this 7th day of May 1965.

For the U.S. Atomic Energy Commission.

JOSEPH L. SMITH,
Director,
Division of Contracts.

[F.R. Doc. 65-5146; Filed, May 14, 1965; 8:45 a.m.]

Chapter 101—Federal Property Management Regulations

SUBCHAPTER A—GENERAL

PART 101-5—CENTRALIZED SERVICES IN FEDERAL BUILDINGS

Federal Employee Health Services

The following material sets forth general procedures under which Federal employee health services are provided to occupying agencies in Federal buildings.

The table of contents of Part 101-5 is amended and a new Subpart 101-5.3 is added to read as follows:

Subpart 101-5.3—Federal Employee Health Services

Sec.
101-5.300 Scope of subpart.
101-5.301 Applicability.
101-5.302 Objective.
101-5.303 Guiding principles.
101-5.304 Type of health services.
101-5.305 Agency participation.
101-5.306 Economic feasibility.
101-5.307 Public Health Service.

Subparts 101-5.4—101-5.48 [Reserved]

AUTHORITY: The provisions of this Subpart 101-5.3 are issued under section 205(c), 63 Stat. 390; 40 U.S.C. 486(c); ch. 865, 60 Stat. 900; 5 U.S.C. 150.

Subpart 101-5.3—Federal Employee Health Services

§ 101-5.300 Scope of subpart.

This Subpart 101-5.3 sets forth the objective, guiding principles, and general procedures in connection with the establishment and operation of Federal employee health services in buildings managed by GSA.

§ 101-5.301 Applicability.

This Subpart 101-5.3 is applicable to all Federal agencies which occupy space in or are prospective occupying agencies of a building managed by GSA.

§ 101-5.302 Objective.

It is the objective of GSA to provide or arrange for appropriate health service programs in all Government-owned and -leased buildings, or groups of adjoining buildings, which it manages where the building population warrants, where other Federal medical facilities are not available, and, where the number of the occupying agencies indicating a willingness to participate in such a program on a reimbursable basis makes it financially feasible.

§ 101-5.303 Guiding principles.

The following principles will control the scope of the health services to be provided in keeping with the objective:

(a) Three hundred employees in a single building or a group of adjoining buildings will constitute the minimum number required to warrant the establishment of a health service.

(b) The maximum permissible reimbursable cost of a health service will be $15.00 per year per employee served, unless special industrial conditions or other abnormal health or accident risks exist which warrant an additional allowance. In the case of small agency population to be served (300 to 1,000), the permissible reimbursable cost per year per employee may be adjusted upward to an amount necessary to meet the cost of a minimum health service.

§ 101-5.304 Type of health services.

The type of employee health services made available to occupying agencies will be as follows:

(a) Treatments of on-the-job illnesses which usually are administered by a physician or nurse without the need for extensive diagnostic and therapeutic clinical equipment such as X-ray, dental, physical therapy, basal metabolism, and electrograph equipment.

(b) Preemployment and fitness-for-duty examinations including urinalysis, blood test, and X-ray in instances where the program provides for the services of a physician and the necessary adjunct diagnostic facilities are available in the agency health room or through other Federal out-patient facilities in the community.

(c) Referral of employees to private physicians and dentists or existing community resources such as social agencies, including health counseling services to the extent that they can be furnished by the regularly employed physicians and nurses normally engaged in conducting the health service.

(d) Administration of treatments or medications for illnesses or conditions for which an employee is under the care of a private physician and which such physician prescribes, or consents to, in the interest of keeping the employee on the job, provided that the equipment necessary for such treatments is ordinarily available, or the medications required are furnished by the employee or an employee group or organization.

§ 101-5.305 Agency participation.

At the time the space requirements for a building or a group of adjoining buildings are developed by GSA, the prospective occupying agencies will be canvassed by GSA to determine if they wish to participate in the health services program. Each agency desiring to participate in the health services program will be requested to furnish GSA with a written commitment, signed by an authorized official, that it is prepared to reimburse GSA, or such other agency as is designated pursuant to § 101-5.105(b), on a yearly per capita basis for each of its employees housed in the building or buildings covered by the program.

§ 101-5.306 Economic feasibility.

(a) The studies by GSA which lead to the development of space requirements and the determinations made as the result thereof will constitute the feasibility studies and the Administrator's determination contemplated by § 101-5.104.

(b) Each determination to provide health services will be governed by the principles stated in § 101-5.303 and will be in consonance with the general standards and guidelines furnished Federal agencies by the Public Health Service of the Department of Health, Education, and Welfare.

§ 101-5.307 Public Health Service.

(a) The only authorized contact point for assistance of and consultation with the Public Health Service is the Federal Employee Health Programs, Division of Hospitals, Public Health Service, Washington, D.C., 20201. Agencies designated pursuant to § 101-5.105(b) to operate Federal Employee Health Services should contact the Public Health Service directly on all matters dealing with the establishment and operation of employee health services.

(b) Public Health Service should be consulted on such matters as types, amounts, and approximate cost of necessary equipment; the scope of the services to be provided if it is affected by the amount of space and number of building occupants; types and amount of supplies, materials, medicines, etc., which should be stocked; and the approximate cost of personnel staffing in cases where this method of operation is chosen, etc. PHS should also be asked to develop and monitor standards under which each health unit would be operated.

Subparts 101-5.4—101-5.48 [Reserved]

Effective date. This regulation is effective upon publication in the FEDERAL REGISTER.

Dated: May 10, 1965.

LAWSON B. KNOTT, Jr.,
Acting Administrator
of General Services.

[F.R. Doc. 65-5157; Filed, May 14, 1965; 8:46 a.m.]

Proposed Rule Making

DEPARTMENT OF THE TREASURY

Bureau of Customs

[19 CFR Part 13]

PETROLEUM AND PETROLEUM PRODUCTS

Proposed Importations in Bulk; Extension of Time for Filing Comments

A notice of proposed rule making setting forth a proposed amendment to § 13.10 of the Customs Regulations (19 CFR 13.10), was published in the FEDERAL REGISTER for Saturday, March 13, 1965 (30 F.R. 3385). Comments were invited to be submitted within 30 days after publication.

Interested parties have requested additional time within which to submit comments. Accordingly, consideration will be given to any data, views, suggestions, or objections pertaining to the proposed amendment to the regulations which are submitted in writing to the Commissioner of Customs, Washington, D.C., 20026, not later than 20 days from the date this notice is published in the FEDERAL REGISTER.

[SEAL] LESTER D. JOHNSON,
Acting Commissioner of Customs.

Approved: May 5, 1965.

JAMES A. REED,
Assistant Secretary of the Treasury.

[F.R. Doc. 65-5161; Filed, May 14, 1965; 8:46 a.m.]

DEPARTMENT OF AGRICULTURE

Agricultural Stabilization and Conservation Service

[7 CFR Part 777]

PROCESSOR WHEAT MARKETING CERTIFICATE REGULATIONS

Notice of Proposed Rule Making

Notice is hereby given pursuant to Section 4a Administrative Procedure Act (60 Stat. 238, 5 U.S.C. 1003), that the Agricultural Stabilization and Conservation Service proposes to issue Amendment 5 to become effective July 1, 1965, to the Processor Wheat Marketing Certificate Regulations (29 F.R. 7867), as amended (29 F.R. 9840). The Regulations as amended shall continue in effect for the 1965–66 marketing year.

Consideration will be given to all written comments or suggestions in connection with the proposed amendment filed, in duplicate, with the Director, Procurement and Sales Division, Agricultural Stabilization and Conservation Service, U.S. Department of Agriculture, Washington, D.C., 20250, during the 30-day period beginning with the date this notice is published in the FEDERAL REGISTER. All written submissions made pursuant to this notice will be made available for public inspection in the office of the Director at the above address during regular business hours (7 CFR 1.27(b)).

Notice is also given that there will not be a transition period from the 1964–65 marketing year to the 1965–66 marketing year as the law authorizes the Secretary only to take action "to facilitate the transition from the program currently in effect (i.e. when it was enacted) to the program provided for in the Act," not for transition from year to year thereafter.

The following Amendment is issued pursuant to the Agricultural Adjustment Act of 1938, as amended by the Food and Agricultural Act of 1962 and the Agricultural Act of 1964, to provide miscellaneous changes in the Processor Wheat Marketing Certificate Regulations. (Sec. Secs. 379a to 379j, 52 Stat. 31, as amended by 76 Stat. 626 and 78 Stat. 176; 7 U.S.C. 1379a to 1379j.)

(1) It changes dates, where applicable, to extend the life of the regulations so they will apply to the marketing allocation program in effect for the year beginning July 1, 1965, and ending June 30, 1966.

(2) It provides for an additional report period for processors whose total certificate liability for the 1964–65 marketing year did not exceed 300 bushels.

(3) It clarifies the use of Form CCC–148, Food Product Farm Use Certificate.

(4) It provides additional instructions for food processors reporting on the weight of wheat basis, in the preparation of the processing report for the period ending June 30, 1965.

(5) It provides that beverage distilled spirits which are removed from the distillery and placed in barrels in a warehouse for aging are deemed to be removed from the plant for sale or consumption. Certificates would be required in connection with the wheat used in processing such distilled spirits, and the first report period would cover the year July 1, 1964, to June 30, 1965. Aged whisky which is marketed or removed from the warehouse on and after July 1, 1964, would not be subject to certificates if it had been distilled prior to July 1, 1964.

The proposed amendment to the Processor Wheat Marketing Certificate Regulations would read as follows:

Section 777.3 (g) is amended to read as follows:

§ 777.3 Definitions.

* * * * *

(g) A "plant" or "processing plant" means collectively all processing units under one roof or located adjacent to each other except that (1) any such unit or units producing animal feed or other non-food product exclusively shall be considered a separate plant, (2) any such unit or units processing durum wheat exclusively shall be considered a separate plant, and (3) any such unit in which beverage distilled spirits are placed in barrels for aging shall be considered a separate plant.

* * * * *

§ 777.4 [Amended]

Section 777.4(a) is amended by adding the following sentence: "The cost of domestic certificates for the marketing year beginning July 1, 1965, shall be 75 cents per bushel."

The second sentence of § 777.4(b)(1) is amended to read as follows: "To support such exemption, the processor shall, at the time of delivery of the food product, obtain a certificate from the producer, or his authorized agent, on Form CCC–148, Food Product Farm Use Certificate, to cover the quantity of food product delivered."

Section 777.10(a) is amended to read as follows:

§ 777.10 Wheat Marketing Certificate (Domestic).

(a) *Description.* Wheat Marketing Certificates (Domestic), herein called "domestic certificates" or "certificates", shall be represented by Form CCC–145, Wheat Marketing Certificate (Domestic) issued by CCC, or a certificate credit established by CCC in favor of a food processor for certificates purchased from CCC pursuant to these regulations. Form CCC–145 is a serially numbered form entitled "Wheat Marketing Certificate." A Form CCC–145 domestic certificate will be identified as "domestic", will show date of issuance, bushel quantity, face value, name and address of person to whom issued, and the marketing year to which it applies, and will bear the signature of a representative of CCC authorized to sign certificates.

* * * * *

Section 777.11 is amended by adding a new paragraph (e) to read as follows:

§ 777.11 Time and manner of acquiring and surrendering certificates.

* * * * *

(e) *Beverage distilled spirits.* Beverage distilled spirits are deemed to be removed from the processing plant for sale or consumption for the purposes of paragraphs (b) and (c) of this section when the spirits are removed from the distillery and placed in barrels for aging. Certificates shall be acquired and surrendered as provided in the foregoing paragraphs of this section, in an amount equivalent to the number of bushels of wheat used on and after July 1, 1964, in processing the beverage distilled spirits. The first period of processing operations which a processing report shall cover shall be the period beginning July 1, 1964, and ending June 30, 1965. Thereafter, processing reports shall cover periods as provided in Section 777.12.

Section 777.12(b)(1) is amended by adding a new subdivision (iv) and amending subparagraph (4) to read as follows:

§ 777.12 Food processing reports.

* * * * *

(b) * * *

(1) * * *

(iv) Effective commencing with the marketing year beginning July 1, 1965, each 6-month period in the case of a food processor whose certificate liability during the period July 1, 1964, through June 30, 1965, totalled 300 bushels of wheat or less. The first 6-month report shall cover the 6-month period beginning on 12:01 a.m. July 1, 1965, and ending at midnight December 31, 1965, and succeeding reports shall cover the 6-month periods thereafter. CCC reserves the right to require any processor to report in the periods prescribed in (i), (ii), or (iii) above.

* * * * *

(4) The first report period for any marketing year shall begin on July 1 at 12:01 a.m. If a food processor elects to use a processing report period other than the calendar month, the first report period shall end at such time short of 5 weeks as will make the second report coincide with the plant's established 4- or 5-week reporting period. The last report period for any marketing year shall end with the close of business on June 30. If the first or last report period is less than seven days, such period need not be reported separately but may be included in the report for the first or last full 4- or 5-week period as applicable.

* * * * *

Appendix II is amended as follows:

Item 12 is amended by adding the following at the end of the paragraph: "If the processor can establish his actual shrinkage for the marketing year, he may enter in Item 5F of his processing report for the period ending June 30 the actual shrinkage for the marketing year (not to exceed three-fifths of 1 percent of the total weight of wheat received at the processing plant during the marketing year as reported in Item 4B) less the total shrinkage previously reported in Item 5F. In such case he shall enter in the remarks section of the processing report "shrinkage adjusted based on actual experience for the current marketing year." If a processor makes this adjustment, based on actual shrinkage for the current marketing year, the same procedure for actual shrinkage must be followed at the end of subsequent marketing years."

Item 13 is amended by changing "June 30, 1965", in the second, third and fourth sentences to read "June 30 of the current marketing year."

Item 16 is amended to read as follows:

(16) Enter in Item 7D the face value of wheat marketing certificates (domestic) required. Obtain the amount by multiplying the quantity shown in Item 6 times $0.70 (or $0.18 to the extent the processor is eligible for transition certificates) for any period during the 1964–65 marketing year. Show in a footnote to the report the quantity computed at $0.18 per bushel for transition certificates. For the 1965–66 marketing year, obtain the amount by multiplying the quantity shown in Item 6 times $0.75.

Appendix III is amended by changing Item 16 to read as follows:

(16) Enter in Item 9D the face value of wheat marketing certificates (domestic) required. Obtain the amount by multiplying the quantity shown in Item 7C times $0.70 (or $0.18 to the extent the processor is eligible for transition certificates) for any period during the 1964–65 marketing year. Show in a footnote to the report the quantity computed at $0.18 for transition certificates. For the 1965–66 marketing year, obtain the amount by multiplying the quantity shown in Item 6 times $0.75.

Signed at Washington, D.C., on May 11, 1965.

ORVILLE L. FREEMAN,
Secretary.

[F.R. Doc. 65-5150; Filed, May 14, 1965; 8:45 a.m.]

DEPARTMENT OF COMMERCE

Patent Office

[37 CFR Parts 2, 4]

RULES OF PRACTICE AND FORMS FOR TRADEMARK CASES

Miscellaneous Amendments

Notice is hereby given that the United States Patent Office proposes to amend several of its rules, to add a new § 2.20, and to provide additional forms relating to trademarks. The amendments are proposed pursuant to the authority contained in Title 35, U.S.C. section 6.

In a variety of occasions the rules of trademark practice presently require a document supported by an oath or affidavit. The rules presently refer to verifications in many instances when requiring an oath in support of a document.

Public Law 88–292 of March 26, 1964, authorized the Commissioner of Patents to prescribe instances when documents to be filed in the Patent Office and which are required by any law, rule, or other regulation to be under oath might be accepted if, in lieu of the required document under oath, the party filing the document were to provide a written declaration in proper form setting forth the required information. Such a declaration may not be used unless it includes a warning statement that willful false statements and the like are punishable by fine or imprisonment, or both (18 U.S.C. 1001).

The new § 2.20 would set forth the form of the declaration and announce its acceptability in connection with the filing of documents when prescribed in individual rules. In general, the amendments of the rules are intended to prescribe the acceptability of the declaration in lieu of the oath in cases of all documents except the acknowledgment of an assignment and except in the case of the oaths or verifications presently required in testimony and contested actions described in §§ 2.123 through 2.145.

An alternative form (§ 4.1a) is provided to the present form (§ 4.1) for a *Trademark application by an individual; Principal Register.*, as illustrative of the required form of a written declaration.

Two important points must be remembered in connection with these changes: (1) The use of the declaration is an alternative to the use of the oath. Either in proper form is acceptable. (2) The declaration may only be used in those instances where the Commissioner of Patents has provided that it will be an acceptable alternative.

All persons who desire to submit written data, views, arguments, or suggestions for consideration in connection with the proposed amendments are invited to forward the same to the Commissioner of Patents, Washington, D.C., 20231, within 45 days of publication of these proposed changes in the FEDERAL REGISTER. An oral hearing is not scheduled.

The changes proposed follow:

Section 2.15 is amended by deletion from the first paragraph of the parenthetical phrase "(such as the application itself and verifications required of applicants, registrants or others)".

A new § 2.20 is added, reading as follows:

DECLARATIONS

§ 2.20 Declarations in lieu of oaths.

The applicant or member of the firm or an officer of the corporation or association making application for registration or filing a document in the Patent Office relating to a trademark may, in lieu of the oath, affidavit, verification or sworn statement required from him, in those instances prescribed in the individual rules, file a declaration that all statements made of his own knowledge are true and that all statements made on information and belief are believed to be true, if, and only if, the declarant is, on the same paper, warned that willful false statements and the like are punishable by fine or imprisonment, or both (18 U.S.C. 1001), and may jeopardize the validity of the application or document or any registration resulting therefrom.

Section 2.32 is amended by inserting the phrase "or include a declaration" after the phrase "sworn to" in the title of the section; by inserting in paragraph (a) thereof the phrase "or include a declaration in accordance with § 2.20" after the parenthetical phrase "(sworn to)"; and by substituting in paragraph (b) thereof the phrase "statement which is verified or which includes a declaration in accordance with § 2.20", for the phrase "verified statement".

Section 2.33(b) is amended by inserting the phrase "or declaration in accordance with § 2.20", after the two occurrences of the phrase "the verification".

Section 2.41 is amended by inserting the phrase "or declarations in accordance with § 2.20," after the two occurrences of the word "affidavits"; and by substituting in paragraph (b) thereof the phrase "statements which are verified or which include declarations in accordance with § 2.20" for the phrase "verified statements".

Section 2.42(b) is amended by inserting the phrase "or declaration in accordance with § 2.20" after the word "verification".

Section 2.66 is amended by substituting the phrase "showing which is verified or

which includes a declaration in accordance with § 2.20" for the phrase "verified showing".

Section 2.71 is amended in paragraphs (a) and (b) by inserting the phrase "or declaration in accordance with § 2.20" after the two occurrences of the word "affidavit"; and in paragraph (c) by inserting the phrase "or declaration" after the first occurrence of the word "verification", and by inserting the phrase "or declaration in accordance with § 2.20" after the second occurrence of the word "verification".

Section 2.72 is amended by inserting the phrase "or declaration in accordance with § 2.20" after the word "affidavit".

Section 2.97 is amended by inserting the phrase "or include a declaration in accordance with § 2.20" after the word "verified".

Section 2.101 is amended to read as follows:

§ 2.101 Time for filing opposition.

Any person who believes that he would be damaged by the registration of a mark upon the Principal Register may, upon payment of the required fee, oppose the same by filing an opposition, which is verified or which includes a declaration in accordance with § 2.20, in the Patent Office within 30 days after the publication (§ 2.81) of the mark sought to be registered.

Section 2.103 is amended to read as follows:

§ 2.103 Opposition filed by attorney or agent.

An opposition which is unverified or not accompanied by a declaration in accordance with § 2.20 may be filed by a duly authorized attorney or agent. Such opposition and the required fee must be filed in the Patent Office within 30 days after publication (§ 2.81) of the mark sought to be registered but the opposition will be null and void unless confirmed by the opposer either by verification or declaration in proper form filed in the Patent Office within 30 days after such filing, or within such further time as may be fixed by the Commissioner upon request made before the expiration of the 30 days.

Section 2.106(b) is amended by inserting the phrase "or include a declaration in accordance with § 2.20" after the word "verified".

Section 2.112 is amended by inserting the phrase "or include a declaration in accordance with § 2.20" after the word "verified".

Section 2.114(b) is amended by inserting the phrase "or include a declaration in accordance with § 2.20" after the word "verified".

Section 2.122(b) is amended by inserting the phrase "or declarations" after the two occurrences of the word "affidavits".

Section 2.145(a) is amended by substituting the phrase "an affidavit or declaration" for the phrase "and affidavit".

Section 2.146(b) is amended by inserting the phrase "or declarations in accordance with § 2.20" after the word "affidavits".

Section 2.151 is amended by inserting the phrase "or declaration" after the word "affidavit".

Section 2.153 is amended by inserting the phrase "or declaration in accordance with § 2.20" after the two occurrences of the word "affidavit".

Section 2.155 is amended by inserting the phrase "or declaration" after the word "affidavit".

Section 2.156 is amended by inserting the phrase "or declaration" after the word "affidavit".

The title preceding §§ 2.161–2.166 is amended by inserting the phrase "OR DECLARATION" after the word "AFFIDAVIT".

Section 2.161 is amended by inserting the phrase "or declaration" after the word "affidavit" in the title thereof; and by inserting the phrase "or declaration in accordance with § 2.20" after the word "affidavit".

Section 2.162 is amended by inserting the phrase "or declaration" after the word "affidavit" in the title thereof; and by inserting the phrase "or declaration" after the word "affidavit" in paragraphs (a) and (b).

Section 2.163 is amended by inserting the phrase "or declaration" after the three occurrences of the word "affidavit".

Section 2.164 is amended by inserting the phrase "or declaration" after the word "affidavit" in the title thereof; and by inserting the phrase "or declaration" after the word "affidavit".

Section 2.165 is amended by inserting the phrase "or declaration" after the word "affidavit" in the title thereof; and by inserting the phrase "or declaration" after the two occurrences of the word "affidavit" in paragraph (a), and after the two occurrences of the word "affidavit" in paragraph (b).

Section 2.166 is amended by inserting the phrase "or declaration" after the two occurrences of the word "affidavit".

The title preceding §§ 2.167 and 2.168 is amended by inserting the phrase "OR DECLARATION" after the word "AFFIDAVIT".

Section 2.167 is amended by inserting the phrase "or declaration" after the word "affidavit" in the title thereof; by inserting the phrase "or declaration in accordance with § 2.20" after the word "affidavit" in the first paragraph thereof; and by inserting the phrase "or declaration" after the word "affidavit" in the last sentence thereof.

Section 2.168 is amended by inserting the phrase "or declarations" after the word "affidavits" in the title thereof; by inserting the phrase "or declaration" after the two occurrences of the word "affidavit" in paragraph (a) thereof; and by inserting the phrase "or declaration" after the two occurrences of the word "affidavit" in paragraph (b) thereof.

Section 2.173(a) is amended by substituting the phrase "by the registrant and verified or include a declaration in accordance with § 2.20" for the phrase "and verified by the registrant".

Section 2.175(b) is amended by substituting the phrase "by the applicant and verified or include a declaration in accordance with § 2.20" after the phrase "and verified by the applicant".

Section 2.183 is amended by substituting the phrase "statement which is verified or which includes a declaration in accordance with § 2.20" for the phrase "verified statement" in paragraph (a) thereof; by inserting the phrase "declaration or" before the word "verified" in paragraph (b) thereof; by inserting the phrase "declaration or" before the word "verified" in paragraph (c) thereof; and by substituting the phrase "showing which is verified or which includes a declaration in accordance with § 2.20" for the phrase "verified showing" in paragraph (d) (3) thereof.

The note in Part 4—Forms for Trademark Cases, immediately preceding § 4.1 is amended by the addition of the following paragraph:

In using these forms, the applicant or member of the firm or officer of the corporation or association making application or filing the form may, in lieu of making the oath, affirmation, or verification required, set forth in the body of the statement required his written declaration that all statements made on information and belief are believed to be true, if, and only if, the declarant is, on the same paper, warned that willful false statements and the like are punishable by fine or imprisonment, or both (18 U.S.C. 1001), and may jeopardize the validity of the application or document or any registration resulting therefrom.

For illustrative purposes, § 4.1 would be modified in the use of such a declaration as an alternative to the form as used with the oath or verification as follows:

§ 4.1a Trademark application by an individual; Principal Register.

Mark ----------
(Identify the mark)
Class No. ----------
(If known)

* * * * *

The mark is used by applying it to ---------- (5) and five specimens showing the mark as actually used are presented herewith.

The undersigned applicant ---------- declares: That he believes himself to be the owner of the trademark sought to be registered; that to the best of his knowledge and belief no other person, firm, corporation, or association has the right to use said mark in commerce, either in the identical form or in such near resemblance thereto as may be likely, when applied to the goods of such other person, to cause confusion, or to cause mistake, or to deceive; that all statements made herein of his own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or document or any registration resulting therefrom.

(Signature of applicant)

Date ----------

(Sec. 1, 66 Stat. 793, 35 U.S.C. 6; P.L. 88–292, 35 U.S.C. 25, 78 Stat. 171)

EDWARD J. BRENNER,
Commissioner.

Approved: May 7, 1965.

J. HERBERT HOLLOMON,
Assistant Secretary for Science and Technology.

[F.R. Doc. 65–5156; Filed, May 14, 1965; 8:46 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Part 121]

ETHYLENE-METHYL ACRYLATE COPOLYMER RESINS

Notice of Proposal To Increase Methyl Acrylate Content and Extend Use of Ethylene-Methyl Acrylate Copolymer Resins

The Commissioner of Food and Drugs has received a petition from Spencer Chemical Division of Gulf Oil Corp., Dwight Building, Kansas City, Mo., 64105, proposing that § 121.2528 of the food additive regulations be amended to increase the maximum limit on the methyl acrylate content of the ethylene-methyl acrylate copolymer resins and to permit the use of ethylene-methyl acrylate copolymer resins in articles that contact all types of food, provided that the finished articles meet certain proposed extractives limits.

On the basis of the information submitted in the petition, and other relevant material, and under the authority vested in the Secretary of Health, Education, and Welfare by the Federal Food, Drug, and Cosmetic Act (sec. 409, 72 Stat. 1785 et seq.; 21 U.S.C. 348) and delegated by him to the Commissioner (21 CFR 2.90), it is proposed to amend § 121.2528 to increase the maximum limit on the methyl acrylate content of the ethylene-methyl acrylate copolymer resins; to permit the use of ethylene-methyl acrylate copolymer resins in articles that contact all types of foods; and to prescribe extractives limits for the finished articles containing the ethylene-methyl acrylate copolymer resins. Revised as proposed, § 121.2528 would read as follows:

§ 121.2528 Ethylene-methyl acrylate copolymer resins.

Ethylene-methyl acrylate copolymer resins may be safely used as articles or components of articles intended for use in contact with food, in accordance with the following prescribed conditions:

(a) For the purpose of this section, the ethylene-methyl acrylate copolymer resins consist of basic copolymers produced by the copolymerization of ethylene and methyl acrylate such that the copolymers contain no more than 25 weight percent of polymer units derived from methyl acrylate.

(b) The finished food-contact article, when extracted with the solvent or solvents characterizing the type of food and under the conditions of time and temperature characterizing the conditions of its intended use as determined from tables 1 and 2 of § 121.2526(c), yields net chloroform-soluble extractives (corrected for zinc extractives as zinc oleate) in each extracting solvent not to exceed 0.5 milligram per square inch of food-contact surface when tested by the methods described in § 121.2526(d). If the finished food-contact article is itself the subject of a regulation in this Subpart F, it shall also comply with any specifications and limitations prescribed for it by that regulation.

(NOTE: In testing the finished food-contact article, use a separate test sample for each required extracting solvent.)

(c) The provisions of this section are not applicable to ethylene-methyl acrylate copolymer resins used in food-packaging adhesives complying with § 121.2520.

All interested persons are invited to submit their views in writing (preferably in quintuplicate) regarding the proposal published herein. Such views and comments should be addressed to the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington, D.C., 20201, within 30 days following the date of publication of this notice in the FEDERAL REGISTER.

Dated: May 10, 1965.

JOHN L. HARVEY,
Deputy Commissioner of Food and Drugs.

[F.R. Doc. 65–5172; Filed, May 14, 1965; 8:47 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 15]

[Docket No. 13863; FCC 65–363]

RADIO FREQUENCY OPERATED INTRUDER ALARMS

Notice of Proposed Rule Making

In the matter of amendment of Part 15 of the Commission's rules to add regulations governing the use of radio frequency operated intruder alarms; Docket No. 13863, RM–64, RM–153.

1. On June 20, 1963, the Commission issued a notice of proposed rule making to amend Part 15 of the rules to add regulations governing the use of radio frequency operated intruder alarms. (28 F.R. 6567, June 26, 1963.)

2. Comments were received from Notifier Corp., Sylvania Electric Products, Inc., Pinkerton Electro-Security Corp., American District Telegraph Co. (ADT), and Babcock Electronics Corp. All of these are manufacturers who now produce an intruder alarm or who propose to market such a system as soon as rules are adopted.

3. Sylvania, Pinkerton, and ADT commented that the proposed radiation limit of 500 microvolts per meter (uv/m) at 100 feet was far below the level required for reliable operation. Sylvania reported that the bi-static system they manufacture for military use required one to three volts per meter at 100 feet. Pinkerton reported that a limit of 50,000 uv/m at 100 feet was required for satisfactory operation of their Radar Eye equipment. ADT reported that at least one-half volt per meter at 100 feet was required for operation at 22,125 Mc/s. ADT also proposed that the out-of-band radiation limit be relaxed on harmonics of the operating frequency.

4. The Commission is now proposing that the radiation limit be increased to one volt per meter at a distance of 100 feet within the permitted bands and is adding a power limit: one-half watt of RF power into the antenna. In line with ADT's suggestion, the radiation limit on harmonics would be 500 uv/m at 100 feet. A limit of 100 uv/m at 100 feet would apply to all other out-of-band radiation.

5. Sylvania requested that frequencies in the 1800 Mc/s band be authorized for intruder alarms. A system operating on these frequencies has been designed by Sylvania and is in use by the Government. Sylvania reported that the chief problem in shifting operation of their system up to 2450 Mc/s was the present lack of a satisfactory oscillator tube. However, they expected that "a suitable oscillator can and will be developed" if 2450 Mc/s were made available for intruder alarm use. Under these circumstances, the Commission does not believe that granting Sylvania's request will be in the public interest.

6. Pinkerton Electro-Security Corp., the successor to one of the original petitioners in this proceeding, is continuing to produce the Radar-Eye equipment which operates on a frequency of 401 Mc/s and requests inclusion of this frequency in the new rules. Pinkerton pointed out a number of factors which would be to their disadvantage if the Radar-Eye must be redesigned to operate on a higher frequency. However, Pinkerton's investment in the Radar-Eye was made despite the knowledge that the system could not be operated in compliance with the FCC rules and regulations. The requested frequency is in a band designated for meteorological aids and space communications. The Commission believes that the public interest would not be served by permitting these frequencies to be used for nonlicensed devices in the hands of the general public.

7. The Commission is proposing to add a fourth frequency band, 10,525±25 Mc/s, to the three proposed in the original notice. The permitted bands would also be wider than in the original proposal in line wtih the suggestion in several comments. The following four frequency bands are proposed for use by intruder alarms using an unmodulated continuous carrier (AO emission):

905–925 Mc/s (915±10 Mc/s).
2,425–2,475 Mc/s (2,450±25 Mc/s).
10,500–10,550 Mc/s (10,525±25 Mc/s).
22,025–22,225 Mc/s 22,125±100 Mc/s).

8. ADT expressed concern that intruder alarm systems presently operating below 70 Mc/s in compliance with the limitations in Part 15 would be outlawed by the proposed rules. The Commission has no such intention and is including a provision in the current proposal to permit operation of intruder alarms on frequencies below 905 Mc/s subject to the limitations contained in § 15.7.

9. Comments regarding the Commission's proposal to require type approval ranged from Sylvania's suggestion that

licensed operation would probably be required, to ADT's request for waiver of type approval for equipment installed and maintained by the manufacturer or his agent and not sold to the public. Pinkerton requested that the prohibition against changes in type approved equipment apply only to the RF section of intruder alarms.

10. The Commission has reconsidered the proposal for type approval and is proposing instead that the equipment be certificated by the user or the manufacturer as capable of operation in compliance with Part 15 based on comprehensive measurements. A copy of the certificate together with the measured data would have to be submitted to the Commission prior to operation of the equipment. The proposed rules also provide for prototype certification by the manufacturer.

11. This proposal to amend the Commission's rules is issued under the authority of section 4(i), 303(g), and 303 (r) of the Communications Act of 1934, as amended.

12. Comments in support of or in opposition to the proposed amendment may be filed on or before June 15, 1965. Reply comments may be filed on or before June 30, 1965. All relevant and timely comments and reply comments will be considered by the Commission before final action is taken in this proceeding. In reaching its decision in this proceeding, the Commission may also take into account other relevant information before it, in addition to the specific comments invited by this notice.

13. In accordance with the provisions of § 1.419 of the Commission's rules, an original and 14 copies of all statements, briefs, or comments filed shall be furnished the Federal Communications Commission.

Adopted: May 5, 1965.

Released: May 12, 1965.

FEDERAL COMMUNICATIONS COMMISSION,[1]
[SEAL] BEN F. WAPLE,
Secretary.

Part 15 is amended as follows:

1. Section 15.4 is amended by adding a new paragraph (j) to read as follows:

§ 15.4 General definitions.

* * * * *

(j) *Intruder alarm.* A restricted radiation device which establishes a radio frequency field in its vicinity for the purpose of detecting changes in that field resulting from the movement of persons or objects within the radio frequency field.

2. A new Subpart F (§§ 15.271–15.288) is added to read as follows:

Subpart F—Intruder Alarms

Sec.
15.271 General conditions of operation.
15.273 Frequencies of operation.
15.275 Radiation limits above 905 Mc/s.
15.277 Power.
15.278 Type of emission.
15.281 Certification of intruder alarms.
15.282 Content of the intruder alarm certificate.
15.283 Report of measurements of intruder alarm.
15.285 Identification of certificated intruder alarms.
15.288 Interference from intruder alarms.

[1] Commissioners Bartley and Loevinger absent; Commissioner Cox dissenting.

Subpart F—Intruder Alarms

§ 15.271 General conditions of operation.

(a) No intruder alarm manufactured after ---------- shall be operated on frequencies above 905 Mc/s until a certificate attesting compliance with the technical requirements of this subpart has been filed with the Commission as provided in § 15.281.

(b) An intruder alarm may be operated on frequencies below 905 Mc/s subject to the provisions of § 15.7.

§ 15.273 Frequencies of operation.

An intruder alarm may be operated within one of the frequency bands listed below subject to the limitations in §§ 15.275–15.278:

905–925 Mc/s (915±10 Mc/s).
2,425–2,475 Mc/s (2,450±25 Mc/s).
10,500–10,550 Mc/s (10,525±25 Mc/s).
22,025–22,225 Mc/s (22,125±100 Mc/s).

NOTE: The Commission recommends that the carrier frequency be set within the central 50 percent of the band to reduce the possibility of out-of-band radiation.

§ 15.275 Radiation limits above 905 Mc/s.

(a) The radiation of radio frequency energy on the fundamental frequency shall be limited to a field strength of one volt per meter at any point 100 feet or more from the device.

(b) The radiation on harmonics of the fundamental frequency shall be suppressed at least 60 db below the level at the fundamental frequency, and in no event shall harmonic radiation exceed a field strength of 500 uv/m at any point 100 feet or more from the device.

(c) Other spurious radiations shall be suppressed at least 80 db below the level at the fundamental frequency, and in no event shall such spurious radiation exceed a field strength of 100 uv/m at any point 100 feet or more from the device.

§ 15.277 Power.

The radio frequency power into the antenna on the fundamental frequency of any intruder alarm operating above 905 Mc/s, shall not exceed one-half watt.

§ 15.278 Type of emission.

Emissions from any intruder alarm operating above 905 Mc/s shall be limited to an unmodulated carrier (AO).

§ 15.281 Certification of intruder alarms.

(a) No intruder alarm manufactured after ---------- may be operated on frequencies above 905 Mc/s until a certificate attesting compliance with the provisions of this subpart has been filed with the Commission.

(b) The certificate required by this subpart may be executed by the owner or by the manufacturer of the equipment.

§ 15.282 Content of the intruder alarm certificate.

(a) The manufacturer, model, and serial number, or other positive identification of the intruder alarm.

(b) The conditions under which the equipment shall be operated.

(c) The antenna to be used with the device.

(d) The report of measurements pursuant to § 15.283.

(e) A statement certifying that under the described conditions of operation and normal maintenance, the certificated intruder alarm may reasonably be expected to meet the requirements of this subpart.

(f) If filed by the manufacturer, a copy of the installation and operating instructions provided to the user. These instructions should be in sufficient detail to insure that operation will comply with the technical requirements of this subpart.

(g) If filed by the manufacturer, a statement certifying that production will be adequately controlled to insure that all units produced are capable of operating in compliance with the technical requirements of this subpart.

(h) Date of certificate.

(i) Signature: If filed by the manufacturer, the certificates shall be signed by a responsible official authorized to sign for the manufacturer and shall show his title.

§ 15.283 Report of measurements of intruder alarm.

The report of measurements may be prepared by any engineer skilled in making and interpreting the measurements that are required and shall contain the following information:

(a) Identification of the intruder alarm that was measured.

(b) A list of the measuring equipment used, including model and serial numbers and the date when last calibrated.

(c) A brief description of the measurement procedure used.

(d) A report of the measurements obtained on fundamental, harmonic and other spurious frequencies.

(e) Representative calculations used in computing equivalent field strength showing typical examples of each factor used for each measurement.

(f) The date the measurements were made.

(g) The name and address of the engineer who made the measurements and the name and address of his employer, if any.

(h) The signature of the engineer responsible for the report.

§ 15.285 Identification of certificated intruder alarms.

(a) Each certificated intruder alarm shall be identified by a distinctive seal or label, which may be a part of the name plate.

(b) The seal or label shall state that a certificate has been filed with the Commission attesting compliance with the requirements of this subpart.

(c) The seal or label shall state further:

Operation of this equipment is subject to the condition that no harmful interference is caused and that any interference received, including interference which causes undesired operation of this equipment, must be accepted.

(d) The seal or label shall be permanently attached to the equipment and shall be readily visible for inspection by prospective purchasers.

(e) This identifying seal or label may be attached only after the certificate for the equipment has been filed with the Commission pursuant to § 15.281.

§ 15.288 Interference from intruder alarms.

The operator of an intruder alarm which causes harmful interference to an authorized radio service shall promptly stop operating the device. Operation shall not be resumed until the condition causing the harmful interference has been eliminated. See § 15.3.

[F.R. Doc. 65-5164; Filed, May 14, 1965; 8:47 a.m.]

Notices

DEPARTMENT OF THE TREASURY

Bureau of the Mint

DIRECTOR OF THE MINT

Order of Succession of Persons

MAY 6, 1965.

Under the authority conferred upon me by Treasury Department Order No. 129, Revision No. 2, dated April 22, 1955, it is hereby ordered that the following officers in the Bureau of the Mint, in the order of succession listed, shall act as Director during the absence or disability of that officer:

Assistant Director.
Chief Accountant.
Technical Consultant.
Chief, Coin Management, Security and Public Relations.
Management Analysis Officer.
Assistant Chief Accountant.
Assistant Technical Consultant.

In the event of an enemy attack on the continental United States and in the absence of the Director of the Mint, the senior officer present at the site at which the Director's operations are performed, in descending order in the following line of succession, shall act as Director.

Assistant Director.
Chief Accountant.
Technical Consultant.
Chief, Coin Management, Security and Public Relations.
Management Analysis Officer.
Assistant Chief Accountant.
Assistant Technical Consultant.

In the event of an enemy attack on the continental United States and in the occurrence of a vacancy in the office of the Director of the Mint, the Director's functions shall be deemed to have been transferred, pursuant to the above-mentioned Treasury Department Order, to the senior officer present at the site at which the Director's operations are performed, in the descending order in the line of succession listed in paragraph 2 above.

This order of succession modifies delegation order No. 1, Bureau of the Mint, Department of the Treasury, dated July 25, 1958, as published in the FEDERAL REGISTER, July 31, 1958.

[SEAL] EVA ADAMS,
Director of the Mint.

[F.R. Doc. 65-5163; Filed, May 14, 1965; 8:46 a.m.]

Office of the Secretary

[Antidumping—AA 643.3-m]

TITANIUM DIOXIDE FROM FRANCE

Notice of Tentative Determination

MAY 7, 1965.

Information was received on November 17, 1964, that titanium dioxide, pigment grade, imported from France was being sold at less than fair value within the meaning of the Antidumping Act, 1921, as amended.

I hereby make a tentative determination that titanium dioxide, pigment grade, imported from France is not being, nor likely to be, sold at less than fair value within the meaning of section 201 (a) of the Antidumping Act, 1921, as amended (19 U.S.C. 160(a)).

Statement of reasons on which this tentative determination is based. Sales to the United States were outright transactions involving none of the relationships outlined in section 207 of the Antidumping Act. The quantity sold in the home market was sufficient to afford a proper basis of comparison. Purchase price was therefore compared with home market price for fair value purposes.

Purchase price was represented by the ex-factory, packed price for exportation to the United States for both grades of titanium dioxide.

Home market price was calculated by deducting inland freight and tonnage rebate from the delivered price to home market purchasers. Allowance was made for credit terms, credit insurance, technical assistance and advertising for the benefit of customers, applicable to sales in the home market and not to sales for exportation to the United States. Further adjustment was made for the higher cost of packing on sales for exportation to the United States. In addition, adjustment was made for the differences in production costs with respect to one grade of titanium dioxide, the product sold in the home market being finer grained than that sold for exportation to the United States.

Comparison between purchase price and home market price calculated as outlined above, revealed that purchase price was not lower than home market price.

Such written submissions as interested parties may care to make with respect to the contemplated action will be given appropriate consideration by the Secretary of the Treasury.

If any person believes that any information obtained by the Bureau of Customs in the course of this antidumping proceeding is inaccurate or that for any other reason the tentative determination is in error, he may request in writing that the Secretary of the Treasury afford him an opportunity to present his views in this regard.

Any such written submissions or requests should be addressed to the Commissioner of Customs, 2100 K Street NW., Washington, D.C., 20226, in time to be received by his office not later than 30 days from the date of publication of this notice in the FEDERAL REGISTER.

This tentative determination and the statement of reasons therefore are published pursuant to § 14.8(a) of the Customs Regulations (19 CFR 14.8(a)).

[SEAL] JAMES A. REED,
Assistant Secretary of the Treasury.

[F.R. Doc. 65-5162; Filed, May 14, 1965; 8:46 a.m.]

DEPARTMENT OF THE INTERIOR

Office of the Secretary

EDDY AND LEA COUNTIES, N. MEX.

Oil, Gas, and Potash Leasing and Development Within Potash Area

For the purpose of revising the rules for concurrent operations in prospecting for and development and production of oil and gas and potash deposits owned by the United States within the Potash Area and for the purpose of revising the designated Potash Area to which the revised provisions are to be applicable, it is ordered as follows:

I. The order of the Secretary of the Interior dated February 6, 1939 (4 F.R. 1012), withholding certain lands in New Mexico from application or lease under the oil and gas provisions of the Mineral Leasing Act of February 25, 1920 (41 Stat. 437), as amended, which order was revoked by order of the Secretary of the Interior dated October 16, 1951 (16 F.R. 10669), shall continue to be revoked. The lands described in said order dated February 6, 1939 (except the E½SE¼, sec. 24, and the E½E½, W½SE¼, S½ SW¼, sec. 25, T. 20 S., R. 29 E., N.M.M., which were withdrawn from all forms of entry by Public Land Order No. 569, 14 F.R. 1086), which are opened for oil and gas leasing by said order dated October 16, 1951, shall continue to be open for oil and gas leasing. This order shall not affect the current status of land with respect to its being withdrawn from, or open for, entry or leasing.

II. Subject to the provisions of I above, the provisions of the order of the Secretary of the Interior dated October 16, 1951 (16 F.R. 10669), and the Potash Area designated therein are revised to be as specified herein.

III. 1. *Oil and gas leases.* Each successful applicant for a non-competitive oil and gas lease, and any party awarded a competitive lease, for lands included in the designated Potash Area will be required, as a condition to the issuance of such lease, to execute a stipulation agreeing that:

(a) No wells will be drilled for oil or gas except upon approval of the Regional Oil and Gas Supervisor of the Geological Survey, it being understood that drilling will be permitted only in the event that it is satisfactorily established that such drilling will not interfere with the mining and recovery of potash deposits, or the interest of the United States would best be subserved thereby.

(b) No wells will be drilled for oil or gas at a location which, in the opinion of the Regional Oil and Gas Supervisor of the Geological Survey, would result in undue waste of potash deposits or constitute a hazard to or unduly interfere with mining operations being conducted for the extraction of potash deposits.

(c) When it is determined by the Regional Oil and Gas Supervisor of the Geological Survey that unitization is necessary for orderly oil and gas development and proper protection of potash deposits, no well shall be drilled for oil or gas except pursuant to a unit plan approved by the Director of the Geological Survey.

(d) The drilling or the abandonment of any well on said lease shall be done in accordance with applicable oil and gas operating regulations including such requirements as the Regional Oil and Gas Supervisor of the Geological Survey may prescribe as necessary to prevent the infiltration of oil, gas, or water into formations containing potash deposits or into mines or workings being utilized in the extraction of such deposits.

The Regional Oil and Gas Supervisor of the Geological Survey in any action taken under item 1 (a), (b), (c), and (d) shall take into consideration recommendations of the Regional Mining Supervisor of the Geological Survey and applicable conservation rules and regulations of the Oil Conservation Commission of the State of New Mexico.

2. *Oil and gas leases.* As a condition to the granting of any renewal or extension of any existing lease embracing lands included in the designated Potash Area, the lessee will be required to execute a stipulation identical to that specified in item 1 (a), (b), (c), and (d) hereof.

3. *Potash leases.* All potash permits and leases hereafter issued or existing potash leases hereafter renewed for Federal lands within the designated Potash Area, shall be subject to a requirement either to be included in the lease or permit or imposed as a stipulation, to the effect that no mining or exploratory operations will be conducted that, in the opinion of the Regional Mining Supervisor of the Geological Survey, would constitute a hazard to oil or gas production, or that would unreasonably interfere with the orderly development and production under any oil or gas lease issued for the same land.

4. *Maps and surveys.* (a) Well records and survey plats that an oil and gas lessee must file pursuant to applicable operating regulations (30 CFR Part 221), shall be available for inspection at the office of the Regional Oil and Gas Supervisor by any party holding a potash permit or lease on the land on which the well is situated insofar as such records are pertinent to the mining and protection of potash deposits.

(b) Maps of mine workings and surface installations and records of core analyses that a potash lessee must file pursuant to applicable operating regulations (30 CFR Part 231), shall be available for inspection at the office of the Regional Mining Supervisor to any party holding an oil and gas lease on the same land insofar as such maps or records are pertinent to the development and protection of oil and gas deposits.

5. *Unit plans.* Any unit plan hereafter approved or prescribed that includes oil and gas leases covered by this notice shall include a provision embodying in substance the requirements set forth in items 1 (a), (b), and (d), and 4(a), hereof.

6. *Definition.* The word "potash" as used herein shall be deemed to embrace potassium and associated minerals as specified in the act of February 7, 1927 (44 Stat. 1057).

IV. The lessee of any existing lease in the designated Potash Area may make such land subject to the rules and regulations of Part III above by filing an election to do so, in duplicate, with the Land Office, Bureau of Land Management, Santa Fe, N. Mex. Except to the extent herein modified, the general regulations contained in 43 CFR Part 3100, and the specific regulations in Part 3120 (governing the leasing and development of oil and gas deposits) and Part 3140 (governing the leasing and development of potash deposits), shall be applicable to the lands covered hereby.

V. The designated Potash Area is described as follows:

NEW MEXICO PRINCIPAL MERIDIAN

T. 19 S., R. 29 E.,
Secs. 1 and 2;
Secs. 11 to 14 inclusive;
Secs. 23 to 26 inclusive;
Secs. 35 and 36.
T. 20 S., R. 29 E.,
Secs. 1 and 2;
Secs. 11 to 15 inclusive;
Secs. 22 to 27 inclusive;
Secs. 34 to 36 inclusive.
T. 21 S., R. 29 E.,
Secs. 1 to 5 inclusive;
Secs. 10 to 15 inclusive;
Secs. 22 to 27 inclusive;
Secs. 34 to 36 inclusive.
T. 22 S., R. 29 E.,
Secs. 1 to 5 inclusive;
Secs. 8 to 17 inclusive;
Secs. 20 to 29 inclusive;
Secs. 32 to 36 inclusive.
T. 23 S., R. 29 E.,
Secs. 1 to 5 inclusive;
Secs. 8 to 15 inclusive;
Secs. 22 to 27 inclusive;
Secs. 34 to 36 inclusive.
T. 18 S., R. 30 E.,
Secs. 8 to 17 inclusive;
Secs. 20 to 29 inclusive;
Secs. 32 to 36 inclusive.
T. 19 S., R. 30 E.
T. 20 S., R. 30 E.
T. 21 S., R. 30 E.
T. 22 S., R. 30 E.
T. 23 S., R. 30 E.
T. 19 S., R. 31 E.,
Secs. 31 to 36 inclusive.
T. 20 S., R. 31 E.
T. 21 S., R. 31 E.
T. 22 S., R. 31 E.,
Secs. 1 to 9 inclusive;
Secs. 16 to 21 inclusive;
Secs. 28 to 33 inclusive.
T. 23 S., R. 31 E.,
Secs. 4 to 9 inclusive;
Secs. 16 to 21 inclusive;
Secs. 28 to 33 inclusive.
T. 19 S., R. 32 E.,
Secs. 25 to 28 inclusive;
Secs. 31 to 36 inclusive.
T. 20 S., R. 32 E.
T. 21 S., R. 32 E.
T. 19 S., R. 33 E.,
Secs. 21 to 36 inclusive.
T. 20 S., R. 33 E.
T. 21 S., R. 33 E.
T. 19 S., R. 34 E.,
Secs. 19 and 20;
Secs. 29 to 32 inclusive.
T. 20 S., R. 34 E.,
Secs. 3 to 10 inclusive;
Secs. 15 to 36 inclusive.
T. 21 S., R. 34 E.,
Secs. 5 to 8 inclusive;
Secs. 17 to 20 inclusive;
Secs. 29 to 32 inclusive.

The area described, including public and nonpublic lands, aggregates 420,212.38 acres, more or less.

VI. This order shall be effective on the date of publication in the FEDERAL REGISTER.

Dated: May 11, 1965.

STEWART L. UDALL,
Secretary of the Interior.

[F.R. Doc. 65-5149; Filed, May 14, 1965; 8:46 a.m.]

DEPARTMENT OF AGRICULTURE

Commodity Credit Corporation

SALES OF CERTAIN COMMODITIES

May Sales List

Notice to buyers. Pursuant to the policy of Commodity Credit Corporation issued October 12, 1954 (19 F.R. 6669), and subject to the conditions stated therein as well as herein, the commodities listed below are available for sale and, where noted, for redemption of payment-in-kind certificates on the price basis set forth.

The prices at which Commodity Credit Corporation commodity holdings are available for sale during May 1965 are as announced by the U.S. Department of Agriculture. The following commodities are available: Butter, cheddar cheese, nonfat dry milk, cotton (upland and extra long staple), wheat, corn, oats, barley, rye, rice, grain sorghum, peanuts, flax, and linseed oil.

There are no changes from the April list in the commodities available. Butter and nonfat dry milk have been added to the list of commodities available for barter. In April, USDA began announcing daily export payment rates for flaxseed and linseed oil.

Corn, oats, barley or grain sorghum, as determined by CCC, will be sold for unrestricted use for "Dealers' Certificates" issued under the emergency livestock feed program. Grain delivered against such certificates will be sold at the applicable current market price, determined by CCC.

In the following listing of commodities and sales prices or method of sales, "unrestricted use" applies to sales which permit either domestic or export use and "export" applies to sales which require export only. CCC reserves the right to determine the class, grade, quality and available quantity of commodities listed for sale.

The CCC Monthly Sales List, which varies from month to month as additional commodities become available or commodities formerly available are dropped, is designed to aid in moving CCC's inventories into domestic or export use through regular commercial channels.

If it becomes necessary during the month to amend this list in any material way—such as by the removal or addition of a commodity in which there is general interest or by a significant change in price or method of sale—an announcement of the change will be sent to all persons currently receiving the list by mail from Washington. To be put on

this mailing list, address: Director, Procurement and Sales Division, Agricultural Stabilization and Conservation Service, U.S. Department of Agriculture, Washington, D.C., 20250.

Interest rates per annum under the CCC Export Credit Sales Program (Announcement GSM–3) for May 1965 are 4½ percent for periods up to and including 12 months, and 5 percent for periods from over 12 months up to a maximum of 36 months. Commodities currently offered for sale by CCC, plus tobacco from CCC loan stocks, are available for export sale under the CCC Export Credit Sales Program as provided under specific commodity listings. Commodities from private stocks now eligible for financing under the CCC Export Credit Sales Program include wheat, wheat flour, bulgur, corn, cornmeal, barley, oats, rye, grain sorghum, upland and extra long staple cotton, tobacco, milled and brown rice, cottonseed oil, soybean oil, and dairy products.

The following commodities are available for programming under Title IV, P.L. 480, private trade agreements: Wheat, corn, rice, grain sorghum, upland and extra long staple cotton, tobacco from CCC loan stocks, butter, cheese, and nonfat dry milk. In addition, other surplus agricultural commodities are also eligible for Title IV programming. Information on commodities available under this program, and current information on interest rates and other phases of the program may be obtained from the Office of the General Sales Manager, Foreign Agricultural Service, U.S. Department of Agriculture, Washington, D.C., 20250.

The following commodities are currently available for barter: Barley, upland and extra long staple cotton, tobacco, wheat, corn, grain sorghum, butter and nonfat dry milk. In addition, free market stocks of cottonseed and soybean oils are eligible for barter programming.) This list is subject to change from time to time.

The CCC will entertain offers from responsible buyers for the purchase of any commodity on the current list. Offers accepted by CCC will be subject to the terms and conditions prescribed by the Corporation. These terms include payment by cash or irrevocable letter of credit before delivery of the commodity, and the conditions require removal of the commodity from CCC stocks within a reasonable period of time. Where sales are for export, proof of exportation is also required, and the buyer is responsible for obtaining any required U.S. Government export permit or license. Purchases from CCC shall not constitute any assurance that any such permit or license will be granted by the issuing authority.

Applicable announcements containing all terms and conditions of sale will be furnished upon request. For easy reference a number of these announcements are identified by code number in the following list. Interested persons are invited to communicate with the Agricultural Stabilization and Conservation Service, USDA, Washington, D.C., 20250, with respect to all commodities or—for specified commodities—within the designated ASCS Commodity Office.

Commodity Credit Corporation reserves the right to amend, from time to time, any of its announcements. Such amendments shall be applicable to and be made a part of the sale contracts thereafter entered into.

CCC reserves the right to reject any or all offers placed with it for the purchase of commodities pursuant to such announcements.

CCC reserves the right to refuse to consider an offer, if CCC does not have adequate information of financial responsibility of the offerer to meet contract obligations of the type contemplated in this announcement. If a prospective offerer is in doubt as to whether CCC has adequate information with respect to his financial responsibility, he should either submit a financial statement to the office named in the invitation prior to making an offer, or communicate with such office to determine whether such a statement is desired in his case. When satisfactory financial responsibility has not been established, CCC reserves the right to consider an offer only upon submission by offerer of a certified or cashier's check, a bid bond, or other security, acceptable to CCC, assuring that if the offer is accepted, the offerer will comply with any provisions of the contract with respect to payment for the commodity and the furnishing of performance bond or other security acceptable to CCC.

Disposals and other handling of inventory items often result in small quantities at given locations or in qualities not up to specifications. These lots are offered by the appropriate ASCS office promptly upon appearance and therefore, generally, they do not appear in the monthly Sales List.

On sales for which the buyer is required to submit proof to CCC of exportation the buyer shall be regularly engaged in the business of buying or selling commodities and for this purpose shall maintain a bona fide business office in the United States, its territories or possessions and have a person, principal, or resident agent upon whom service of judicial process may be had.

Prospective buyers for export should note that generally, sales to United States Government agencies, with only minor exceptions will constitute domestic unrestricted use of the commodity.

Commodity Credit Corporation reserves the right, before making any sales, to define or limit export areas.

The Department of Commerce, Bureau of International Commerce, pursuant to regulations under the Export Control Act of 1949, prohibits the exportation or re-exportation by anyone of any commodities under this program to Cuba, the Soviet Bloc or Communist-controlled areas of the Far East including Communist China, North Korea, and the Communist-controlled area of Vietnam, except under validated license issued by the U.S. Department of Commerce, Bureau of International Commerce.

For all exportations, one of the destination control statements specified in Commerce Department Regulations (Comprehensive Export Schedule § 379.10(c)) is required to be placed on all copies of the shipper's export declaration, all copies of the bill of lading, and all copies of the commercial invoices. For additional information as to which destination control statement to use, the exporter should communicate with the Bureau of International Commerce or one of the field offices of the Department of Commerce.

Exporters should consult the applicable Commerce Department regulations for more detailed information if desired and for any changes that may be made therein.

Sales Price or Method of Sale

ITEM I—WHEAT, BULK

Unrestricted use.

A. *Nonstorable.* Such dispositions of nonstorable wheat as CCC may designate will be made at not less than market price, as determined by CCC.

B. *Availability information.* For information on the disposition of nonstorable wheat, contact the Evanston, Kansas City, Minneapolis, or Portland ASCS grain office shown at the end of this sales list.

All sales of storable wheat for unrestricted use are suspended until further notice.

Export.

Sales will be made pursuant to the following announcements:

A. Announcement GR–345 (Revised August 25, 1964) as amended for export under the wheat export payment-in-kind program.

B. Announcement GR–261 (Revision 2, January 9, 1961, as amended and supplemented) for export as wheat and under Announcement GR–262 (Revision 2, January 9, 1961, as amended) for export as flour for application under arrangements for barter and approved CCC credit sales only at prices determined daily. Hard winter wheat will not be sold through West Coast ports under Announcements GR–261 or GR–262.

C. *Available.* Evanston, Kansas City, Minneapolis, and Portland ASCS grain offices.

ITEM II—CORN, BULK

Unrestricted use.

A. *Redemption of domestic payment-in-kind certificates.* Such CCC dispositions of corn as CCC may designate will be in redemption of certificates or rights represented by pooled certificates under a feed grain program. The price at which corn shall be valued for such dispositions shall be the highest of (a) market price as determined by CCC, (b) a minimum price for such corn as determined by CCC and, (c) the payment-in-kind formula price for such redemptions. Such formula price shall be the applicable 1964 price-support loan rate for the class, grade, and quality of the corn plus the amount shown in C of this unrestricted use section applicable for the storage point involved.

B. *General sales.*

1. *Storable.* Such CCC dispositions of storable corn, as CCC may designate as general sales, will be made during the month at market price, but not less than the Agricultural Act of 1949 formula minimum price for such sales which is 105 percent[2] of the applicable 1964 price-support rate (published price-support rate plus 15 cents per bushel) for the class, grade, and quality of the corn, plus the amount shown in C of this unrestricted use section, applicable to the storage point involved. Examples of these formula minimum prices are shown in C below. For corn in store at other than the point of production, the freight from point of production to the present point of storage will also be added. CCC will normally make general sales of corn when dispositions of such corn are not being made against domestic payment-in-kind certificates.

2. *Nonstorable.* Such dispositions of nonstorable corn as CCC may designate as general sales will be made at not less than market price, as determined by CCC.

C. *Markups and Agricultural Act of 1949 formula price examples (per bushel).*

Markup in cents in store at—		Examples of in-store[1] formula minimum prices No. 2 yellow corn (14 percent MT. and 2 percent F.M.) (exrail or barge in dollars)	
Production point	Other points	Terminal	General sales price
Cents 10½	*Cents* 12	Minneapolis, Minn.[3]	$1.45¼
		Chicago, Ill.[4]	1.64

D. *Availability information.* For information on CCC corn sales and payments-in-kind from bin sites, contact ASCS State or county offices. For information on the disposition of corn from other locations, contact the Evanston, Kansas City, Minneapolis or Portland ASCS grain offices shown at the end of this sales list.

Export.

Sales for barter and credit are made at the applicable export market price, as determined by CCC; export payment-in-kind rates, if any, are deducted in arriving at barter and credit sales prices. Sales for export commodity certificates are made at the applicable domestic market price. The statutory minimum price referred to in the price adjustment provisions of the following export sales announcements is 105 percent of the applicable price-support rate plus the adjustment referred to in C of the unrestricted use section for corn. Sales will be made pursuant to the following announcements:

A. Announcement GR–368 (Revised March 1, 1965), feed grain export payment-in-kind program, at interior locations.

B. Announcement GR–212 (Revision 2, Jan. 9, 1961), for application to approved CCC barter and credit sales except that limited West Coast terminal stocks are available for export sale. (Barter, credit and other designated sales.)

C. *Available.* Evanston, Kansas City, Minneapolis, and Portland ASCS grain offices.

ITEM III—GRAIN SORGHUM (BULK)

Unrestricted use.

A. *Redemption of domestic payment-in-kind certificates.* Such CCC dispositions of grain sorghum, as CCC may designate will be in redemption of certificates or rights represented by pooled certificates under a feed grain program. The minimum price at which grain sorghum shall be valued for such dispositions shall be market price, but not less than the payment-in-kind formula price for such redemption. Such formula price shall be the applicable 1964 price-support loan rate for the class, grade, and quality of the grain sorghum, plus the amount shown in C of this unrestricted use section applicable to the type of carrier involved.

B. *General sales.*

1. *Storable.* Such CCC dispositions of storable grain sorghum, as CCC may designate as general sales, will be made during the month at market price, but not less than the Agricultural Act of 1949 formula minimum price for such sales which is 105 percent[2] of the applicable 1964 price-support rate (published price-support loan rate plus 23 cents per hundredweight) for the class, grade, and quality of the grain sorghum, plus the amount shown in C of this unrestricted use section applicable to the type of carrier involved. If delivery is outside the area of production, applicable freight will be added. Examples of these formula minimum prices are shown in C below. CCC will normally make general sales of grain sorghum when dispositions of such grain sorghum are not being made against domestic payment-in-kind certificates.

2. *Nonstorable.* Such dispositions of nonstorable grain sorghum as CCC may designate as general sales will be made at not less than market price, as determined by CCC.

C. *Markups and Agricultural Act of 1949 formula price examples (per hundredweight).*

Markup in cents received by—		Examples of in-store[1] formula minimum prices for No. 2 or better grain sorghum (exrail or barge in dollars)	
Truck	Rail or barge	Terminal	General sales price
Cents 33½	*Cents* 23½	Kansas City, Mo.	$2.70½

D. *Availability information.* For information on CCC grain sorghum sales and payments-in-kind from bin sites, contact ASCS State or county offices. For information on the disposition of grain sorghum from other locations, contact the Kansas City, Evanston, Portland, or Minneapolis ASCS grain office shown at the end of this sales list.

Export.

Sales are made at the applicable export market price, as determined by CCC; export payment-in-kind rates, if any, are deducted in arriving at barter and credit sales prices. The statutory minimum price referred to in the price adjustment provisions of the following export sales announcements is 105 percent of the applicable price-support rate plus the adjustment referred to in C of the unrestricted use section for grain sorghum. Sales will be made pursuant to the following announcements:

A. Announcement GR–368 (Revised March 1, 1965), feed grain export payment-in-kind program.

B. Announcement GR–212 (Revision 2, January 9, 1961), (for application to arrangements for barter, approved CCC credit and other designated sales).

C. *Available.* Evanston, Kansas City, Minneapolis, and Portland ASCS grain offices.

ITEM IV—BARLEY, BULK

Unrestricted use.

A. *Redemption of domestic payment-in-kind certificates.* Such CCC dispositions of barley as CCC may designate, will be in redemption of certificates or rights represented by pooled certificates under a feed grain program. The minimum price at which barley shall be valued for such dispositions shall be market price, as determined by CCC, but not less than the payment-in-kind formula price for such redemptions. Such formula price shall be the applicable 1964 price-support loan rate for the class, grade, and quality of the barley, plus the amount shown in C of this unrestricted use section, applicable to the type of carrier involved.

B. *General sales.*

1. *Storable.* Such CCC dispositions of storable barley, as CCC may designate as general sales, will be made during the month at market price, but not less than the Agricultural Act of 1949 formula minimum price for such sales which is 105 percent[2] of the applicable 1964 price support rate (published price-support loan rate plus 13 cents per bushel) for the class, grade, and quality of the barley, plus the amount shown in C of this unrestricted use section, applicable to the type of carrier involved. Examples of these formula minimum prices are shown in C below. If delivery is outside the area of production, applicable freight will be added. CCC will normally make general sales of barley when dispositions of such barley are not being made against domestic payment-in-kind certificates.

2. *Nonstorable.* At not less than market price as determined by CCC.

C. *Markups and Agricultural Act of 1949 formula price examples (per bushel).*

Markup in cents received by—		Examples of in-store[1] formula minimum prices for No. 2 or better barley (exrail or barge in dollars)	
Truck	Rail or barge	Terminal	General sales price
Cents 18½	*Cents* 13½	Minneapolis, Minn.	$1.34½
		Kansas City, Mo.	1.36½

D. *Availability information.* For information on CCC barley sales from bin sites, contact ASCS State or county offices. For information on the disposition of barley from other locations, contact the Evanston, Kansas City, Minneapolis, or Portland ASCS grain office shown at the end of this sales list.

Export.

Sales are made at the applicable export market price, as determined by CCC; export payment-in-kind rates, if any, are deducted in arriving at barter and credit sales prices. The statutory minimum price referred to in the price adjustment provisions of the following export sales announcements is 105 percent of the applicable price-support rate plus the adjustment referred to in C of the unrestricted use section for barley. Sales will be made pursuant to the following announcements:

A. Announcement GR–368 (Revised March 1, 1965), feed grain export payment-in-kind program.

B. Announcement GR–212 (Revision 2, January 9, 1961), for application to approved CCC barter and credit sales.

C. *Available.* Evanston and Kansas City ASCS Offices. Stocks in Duluth or Minneapolis will be available through the Minneapolis ASCS grain office.

ITEM V—OATS, BULK

Unrestricted use.

A. *Storable.* Market price, as determined by CCC, but not less than the Agricultural Act of 1949 formula price which is 105 percent[2] of the applicable 1964 price-support rate for the class, grade, and quality of the oats plus the amount shown below applicable to the storage point involved. For oats in-store at other than the point of production, the freight from point of production to the present point of storage will also be added.

B.

Per bushel markup in-store at—		Examples of per bushel formula minimum prices basis in-store[1]		
Production point	Other points	Terminal	Grade and class	Price
Cents 13½	*Cents* 15	Chicago, Ill.[4]	No. 2 XHWO.	$0.66¼
		Minneapolis, Minn.[5]		.86¼

C. *Nonstorable* (as available). At not less than the market price as determined by CCC.

D. *Availability information.* Sales at bin sites are made through the ASCS county offices; at other locations through the Evanston, Kansas City, Minneapolis, or Portland ASCS grain offices.

Export.

Sales are made at the applicable export market price, as determined by CCC; export payment-in-kind rates, if any, are deducted in arriving at credit sales prices. The stat-

See footnotes at end of document.

utory minimum price referred to in the price adjustment provisions of the following export sales announcements is 105 percent of the applicable price-support rate plus the adjustment referred to in B of the unrestricted use section for oats. Sales will be made pursuant to the following announcements except that oats will not be sold for applications to Title I or Title IV, Public Law 480 purchase authorizations or for barter:

A. Announcement GR-368 (Revised March 1, 1965), feed grain export payment-in-kind program.

B. Announcement GR-212 (Revision 2, January 9, 1961), for application to approved CCC credit and other designated sales.

C. *Available.* Evanston, Kansas City, Minneapolis, and Portland ASCS grain office.

ITEM VI—RYE, BULK

Unrestricted use.

A. *Storable.* Market price, as determined by CCC, but not less than the Agricultural Act of 1949 formula price which is 105 percent[2] of the applicable 1964 price-support rate for the class, grade, and quality of the grain plus the respective amount shown below applicable to the type of carrier involved. If delivery is outside the area of production applicable freight will be added to the above.

B.

Per bushel markup received by—		Examples of per bushel formula minimum price (exrail or barge)		
Truck	Rail or barge	Terminal	Class and grade	Price
Cents 19½	*Cents* 13½	Minneapolis, Minn.	No. 2 or better (or No. 3 on TW only):	$1.49½

C. *Nonstorable* (as available). At not less than market price as determined by CCC.

D. *Availability information.* Sales at bin sites are made through ASCS county offices; at other locations through the Evanston, Kansas City, Minneapolis, or Portland ASCS grain offices.

Export.

Sales are made at the applicable export market price, as determined by CCC; export payment-in-kind rates, if any, are deducted in arriving at credit sales prices. The statutory minimum price referred to in the price adjustment provisions of the following export sales announcements is 105 percent of the applicable price-support rate plus the adjustment referred to in B of the unrestricted use section for rye. Sales will be made pursuant to the following announcements:

A. Announcement GR-368 (Revised March 1, 1965), feed grain export payment-in-kind program.

B. Announcement GR-212 (Revision 2, January 9, 1961), for application to approved CCC credit and other designated sales.

C. *Available.* Evanston, Kansas City, and Portland ASCS offices; also Minneapolis ASCS grain office for rye stored in terminals in Minneapolis.

ITEM VII—RICE, ROUGH

Unrestricted use.

Market price but not less than 1964 loan rate plus 5 percent plus 41 cents per hundredweight, basis in store.

Export.

As milled or brown under Announcement GR-369, revision III, rice export program—payment-in-kind, and under GR-379, revision I, for approved credit sales.

Availability information. Prices, quantities, and varieties of rough rice available from Kansas City ASCS Commodity Office.

See footnotes at end of document.

ITEM VIII—COTTON, UPLAND

Unrestricted use.

A. Competitive bid under the terms and conditions of Announcement NO-C-10, as amended (Sale of Upland Cotton for Unrestricted Use). Under this announcement, upland cotton acquired under price-support programs will be sold at the highest price offered but in no event at less than the higher of (a) 105 percent of the current loan rate for such cotton, plus reasonable carrying charges, or (b) the market price for such cotton, as determined by CCC.

B. Competitive offers under the terms and conditions of Announcement NO-C-26 (Disposition of Upland Cotton—for exchange of PIK certificates or rights in the certificate pool for upland cotton), as amended. Upland cotton may be acquired at its domestic market price which shall be the highest price offered but not less than the minimum price determined by CCC.

Export.

A. *CCC cash sales for export.* Competitive bid under the terms and conditions of Announcement CN-EX-25 (Cotton Export Program—Sales—1964-66 Marketing Years) and NO-C-29 (Sale of Upland Cotton—Cotton Export Program—1964-66 Marketing Years), as amended.

B. *CCC credit sales and barter.* Competitive bid under the terms and conditions of Announcement CN-EX-23 (Purchase of Upland Cotton for Export under the Export Credit Sales Program), Announcement CN-EX-24 (Acquisition of Upland Cotton for Export under the Barter Program), and Announcement NO-C-28 (Sale of Upland Cotton—CCC Credit and Barter Programs—1964-66 Marketing Years), as amended.

ITEM IX—COTTON, EXTRA LONG STAPLE

Unrestricted use.

Competitive bid under the terms and conditions of Announcements NO-C-6 (Revised July 22, 1960), as amended, and NO-C-10, as amended. Under these announcements extra long staple cotton (domestically grown) will be sold at the highest price offered but in no event at less than the higher of (a) 115 percent of the current support price for such cotton plus reasonable carrying charges, or (b) the domestic market price as determined by CCC.

Export.

A. *CCC cash sales for export.* Competitive bid under the terms and conditions of Announcements CN-EX-20 (Foreign-grown Extra Long Staple Cotton Export Program) and NO-C-28 (Sale of Foreign-grown Extra Long Staple Cotton).

Competitive bid under the terms and conditions of Announcements CN-EX-22 (Extra Long Staple Cotton Export Program) and NO-C-27 (Sale of Extra Long Staple Cotton), as amended.

B. *CCC credit sales and barter.* Competitive bid under the terms and conditions of Announcement CN-EX-26 (Purchase of Extra Long Staple Cotton for Export under the Export Credit Sales Program), Announcement CN-EX-27 (Acquisition of Extra Long Staple Cotton for Export under the Barter Program), and Announcement NO-C-27 (Sale of Extra Long Staple Cotton), as amended.

Availability information. Sale of cotton will be made by the New Orleans ASCS Commodity Office and catalogs for upland cotton and extra long staple cotton showing quantities, qualities, and location may be obtained for a nominal fee from that office.

ITEM X—PEANUTS, SHELLED OR UNSHELLED (FARMERS STOCK AS AVAILABLE)

Unrestricted use.

U.S. Extra Large and U.S. Medium—1962 crop. Competitive bids pursuant to Peanut Announcement 3 Revised, at the higher of the market or minimum prices determined by CCC which reflect not less than 105 percent of the support price plus reasonable carrying charges.

Domestic crushing or export.

Competitive bids pursuant to CCC Peanut Announcement 1 (Revised), January 4, 1962, Amendments 1 through 4 thereto, Supplement 1, March 3, 1964, and Appendix 1 thereto and terms of weekly lot list(s).

Export.

U.S. Extra Large and U.S. Medium-Shelled Virginia type. Competitive bids pursuant to same terms and conditions set forth in the preceding paragraph.

When stocks are available lot lists are issued by GFA Peanut Association, Camilla, Ga., Peanut Growers Cooperative Marketing Association, Franklin, Va., Southwestern Peanut Growers' Association, Gorman, Tex.

Available through Producer Associations Division, ASCS, Room 3752, Washington, D.C., 20250.

ITEM XI—FLAXSEED, BULK

Unrestricted use.

A. *Storable.* Market price basis in store,[3] but not less than the applicable 1964 support price for the class, grade, and quality of flaxseed plus 14½ cents per bushel, and plus the respective amount shown below, applicable to the type of carrier involved. If delivery is outside the area of production applicable freight will be added to the above.

B.

Markup per bushel received by—		Examples of minimum prices (exrail or barge)		
Truck	Rail or barge	Terminal	Class and grade	Price
Cents 21½	*Cents* 13½	Minneapolis	No. 1	$3.41

C. *Nonstorable* (as available). At not less than market price as determined by CCC.

D. *Available.* Through the Minneapolis Grain Merchandising ASCS office.

Export.

Under Announcement PS-GR-4 dispositions of flaxseed, as designated by CCC, will be in redemption of export PIK certificates at the domestic market price as determined by CCC.

Available. Through the Minneapolis Grain Merchandising ASCS office.

ITEM XII—LINSEED OIL, RAW

Export.

Under Announcement PS-GR-4 dispositions of raw linseed oil, as designated by CCC, will be in redemption of export PIK certificates at the domestic market price as determined by CCC.

Available. Through the Minneapolis ASCS Commodity Office.

ITEM XIII—DAIRY PRODUCTS

Sales are in carlots only in-store at storage location of products.

Submission of offers.

Submit offers to the Minneapolis ASCS Commodity Office.

NONFAT DRY MILK

Unrestricted use.

Announced prices, under LD-20, as amended; Spray process, U.S. Extra Grade, 16.40 cents per pound.

Export.

A. Payment-in-kind under SM-8, as amended.

B. Competitive bid, under MP-10, pursuant to invitation to bid to be issued by Minneapolis ASCS Commodity Office.

BUTTER

Unrestricted use.

Announced prices, under LD-20, as amended: 63.0 cents per pound—New York, Pennsylvania, New Jersey, New England, and other States bordering the Atlantic Ocean and Gulf of Mexico. 62.25 cents per pound—Washington, Oregon, and California. All other States 62.0 cents per pound.

Export.

A. Payment-in-kind under SM-8 as amended.

B. Competitive bid under Announcement MP-10, pursuant to invitations to bid to be issued by Minneapolis ASCS Commodity Office.

CHEDDAR CHEESE (STANDARD MOISTURE BASIS)

Unrestricted use.

Announced prices under LD-20, as amended: 41.25 cents per pound—New York, Pennsylvania, New England, New Jersey, and other States bordering the Atlantic Ocean and Pacific Ocean and the Gulf of Mexico. All other States 40.25 cents per pound.

Export.

Competitive bid under Announcement MP-10, pursuant to invitation to bid to be issued by Minneapolis ASCS Commodity Office. Announced prices under MP-10.

Any cheese offered but not sold under the invitation to bid issued pursuant to MP-10 will be offered for sale through the following Monday noon at prices announced by press release from the Minneapolis ASCS Commodity Office each Tuesday.

FOOTNOTES:

[1] The delivery basis for these examples is "in-store", and market prices will be on the same basis. The formula price delivery basis for bin site sales will be f.o.b.

[2] To compute, multiply applicable support price by 1.05, round product up to nearest whole cent and add amount shown in the appropriate table and any applicable freight.

[3] On sales made on a protein basis, the loan rate shall be increased by the applicable market or loan bulletin protein premium for the protein content of the wheat, whichever is higher. On sales made on a sedimentation basis, the loan rate shall be increased by the applicable loan bulletin sedimentation premium for the sedimentation value of the wheat. On sales made on a combined sedimentation and protein basis, the loan rate shall be adjusted by the applicable loan bulletin sedimentation and protein premiums and discounts for the respective sedimentation value and protein contents of the wheat.

[4] Woodford County, Ill., origin.

[5] Redwood County, Minn., origin.

USDA AGRICULTURAL STABILIZATION AND CONSERVATION SERVICE OFFICES

GRAIN OFFICES

Evanston ASCS Commodity Office, 2201 Howard Street, Evanston, Ill., 60202. Telephone: Long distance—University 9-0600 (Evanston Exchange). Local—Rogers Park 1-5000 (Chicago, Ill.).

Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Kentucky, Maine, Maryland, Massachusetts, Michigan, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Virginia, Vermont, and West Virginia.

Branch Office—Minneapolis ASCS Branch Office, 310 Grain Exchange Building, Minneapolis, Minn., 55415. Telephone: 594-2031.

Minnesota, Montana, North Dakota, South Dakota, and Wisconsin.

Kansas City ASCS Commodity Office, 9330 Ward Parkway (P.O. Box 205), Kansas City, Mo., 64141. Telephone: Emerson 1-0600.

Alabama, Arkansas, Colorado, Kansas, Louisiana, Mississippi, Missouri, Nebraska, New Mexico, Oklahoma, Texas, and Wyoming.

Branch Office—Portland ASCS Branch Office, 1218 Southwest Washington Street, Portland, Oreg., 97205. Telephone: 226-3361.

Alaska, Hawaii, Idaho, Nevada, Oregon, Utah, and Washington (Domestic and Export Sales), Arizona and California (Export sales only).

Branch Office—Berkeley ASCS Branch Office, 2030 Milvia Street, Berkeley, Calif., 94704. Telephone: Thornwall 1-5121.

Arizona and California (Domestic sales only).

PROCESSED COMMODITIES OFFICE—(ALL STATES)

Minneapolis ASCS Commodity Office, 6400 France Avenue, South Minneapolis, Minn., 55410. Telephone: 334-3200.

COTTON OFFICES—(ALL STATES)

New Orleans ASCS Commodity Office, Wirth Building, 120 Marais Street, New Orleans, La., 70112. Telephone: 527-7766.

GENERAL SALES MANAGER OFFICES

Representative of General Sales Manager, New York Area: Joseph Reidinger, 80 Lafayette Street, New York, N.Y., 10013. Telephone: Rector 2-8000.

Representative of General Sales Manager, West Coast Area: Callan B. Duffy, Appraisers' Building, Room 802, 630 Sansome Street, San Francisco, Calif., 94111. Telephone: 556-6185.

(Sec. 4, 62 Stat. 1070, as amended; 15 U.S.C. 714b. Interpret or apply sec. 407, 63 Stat. 1066; sec. 105, 63 Stat. 1051, as amended by 76 Stat. 612; secs. 303, 306, and 307, 76 Stat. 614-617; 7 U.S.C. 1427; and 1441 (note))

Signed at Washington, D.C., on May 12, 1965.

H. D. GODFREY,
Executive Vice President,
Commodity Credit Corporation.

[F.R. Doc. 65-5171; Filed, May 14, 1965; 8:47 a.m.]

Office of the Secretary

CONSUMER AND MARKETING SERVICE

Delegations of Functions

The functions and authorities delegated to the Agricultural Marketing Service in 29 F.R. 16212 are hereby superseded by the delegations to the Consumer and Marketing Service contained herein:

CONSUMER AND MARKETING SERVICE

SEC. 110. *Assignment of Functions.* The following assignment of functions is hereby made to the Consumer and Marketing Service:

a. Payments to State Departments of Agriculture in connection with cooperative marketing service projects under section 204(b) of the Agricultural Marketing Act of 1946 (7 U.S.C. 1623(b)).

b. Transportation activities under section 201 of the Agricultural Adjustment Act of 1938 (7 U.S.C. 1291) and section 203(j) of the Agricultural Marketing Act of 1946 (7 U.S.C. 1622(j)).

c. Programs provided for in the Department of Agriculture Appropriation Act for 1954 under the heading "Marketing Services" and under the Agricultural Marketing Act of 1946 (7 U.S.C. 1621-1627), except as otherwise assigned in this document.

d. Marketing agreement and order programs for all commodities as authorized under sections 8b and 8c of the Agricultural Adjustment Act (of 1933), as amended and reenacted by the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 608b, 608c).

The functions under section 8e of the Agricultural Adjustment Act (of 1933), as added August 28, 1954, and amended (7 U.S.C. 608e-1).

e. Designation of Market Administrators and Committees administering marketing agreement and order programs.

f. Functions relating to domestic food distribution including the school lunch program, special milk program, administration of section 32 of the Act of August 24, 1935 (7 U.S.C. 612c) as supplemented by public law 165, 75th Congress (15 U.S.C. 713c) and related legislation, the administration of clause (3) of section 416 of the Agricultural Act of 1949 (7 U.S.C. 1431), except the declaration and selection of commodities available for distribution, and working with the Office of Emergency Planning on problems of emergency food supply and distribution. In carrying out these functions, the Consumer and Marketing Service shall, to the extent practicable, use the commodity procurement, handling, payment and related services of the Agricultural Stabilization and Conservation Service.

g. The Perishable Agricultural Commodities Act (7 U.S.C. 499a-499r).

h. Export Apple and Pear Act (7 U.S.C. 581-589).

i. Produce Agency Act (7 U.S.C. 491-497).

j. The Export Grape and Plum Act (7 U.S.C. 591-599).

k. Food Stamp Act of 1964 (7 U.S.C. 2011 et seq.)

l. Poultry Products Inspection Act (21 U.S.C. 451 et seq.), Meat Inspection Act (21 U.S.C. 71 et seq.), Horse Meat Act (21 U.S.C. 96), Humane Slaughter Act (7 U.S.C. 1901 et seq.), Process and Renovated Butter Act (26 U.S.C. 4817-4818), import meat provisions of section 306 of the Tariff Act (19 U.S.C. 1306 (b) and (c)).

m. The warehouse examination function for the Agricultural Stabilization and Conservation Service, but this does not include the functions of inventory management.

SEC. 111. *Reservations.* a. *Reservations to the Secretary:*

(1) Final action on regulations under the Agricultural Marketing Agreement Act (7 U.S.C. 610(c), 608c(15)(A) as modified by E.O. 10199).

(2) Issuance, amendment, termination or suspension of any marketing agreement or order or any provision thereof.

(3) Designation of members of the advisory committee under section 5 of the Humane Slaughter Act (7 U.S.C. 1905).

b. *Reservations to the Judicial Officer:*

(1) Final action in reparation proceedings, in section 5 cases under the Grain Standards Act, and in proceedings pursuant to sections 7 and 8 of the Administrative Procedure Act, except orders in rulemaking under the Agricultural Marketing Agreement Act of 1937.

Done at Washington, D.C., this 11th day of May 1965.

ORVILLE L. FREEMAN,
Secretary of Agriculture.

[F.R. Doc. 65-5154; Filed, May 14, 1965; 8:46 a.m.]

DEPARTMENT OF COMMERCE

National Bureau of Standards

ELECTROMAGNETIC PROPAGATION

Course To Be Given at Boulder, Colorado

A 3-week course in Electromagnetic Propagation will be offered by the Central Radio Propagation Laboratory of the National Bureau of Standards in association with the Electrical Engineering Department of the University of Colorado. The course will be given at Boulder, Colo., June 28 to July 16, 1965. The objectives of this course are to provide a concentrated study of the fundamentals of electromagnetic propagation, recent advances in propagation research, and applications of theory to the design and development of communication systems. The course will cover propagation at frequencies ranging from VLF up to and including optical frequencies. It will cover space propagation as well as atmospheric propagation. The following is a list of topics that will be included in the course:

1. Ray Theory and Ray Tracing Techniques.
2. Introduction to Mode Theory and Full Wave Methods.
3. Characteristic of the Medium.
4. Propagation in the Frequency Range 10–200 kc/s.
5. Propagation in the Frequency Range 200–2000 kc/s.
6. Propagation in the Frequency Range 2–30 Mc/s.
7. Propagation above 30 Mc/s.
8. Optical Propagation.
9. Antenna Systems.
10. Noise, Receiving Systems.
11. Modulation.

Prerequisites. A bachelor's degree in electrical engineering, physics, or suitable academic or practical experience.

Tuition. Three-week course, Electromagnetic Propagation—$300.00.

Registration. Registration will be limited and early applications should be made to ensure consideration. Further details of the course and registration forms can be obtained from Professor S. W. Maley, Department of Electrical Engineering, University of Colorado, Boulder, Colo.

A. V. ASTIN,
Director.

[F.R. Doc. 65–5155; Filed, May 14, 1965; 8:46 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

AMERICAN CYANAMID CO.

Notice of Filing of Petition for Food Additive Chlortetracycline

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348(b)(5)), notice is given that a petition (FAP 5C1744) has been filed by American Cyanamid Co., Post Office Box 400, Princeton, N.J., proposing an amendment to § 121.208 *Chlortetracycline* by adding a new item to table 6 in paragraph (d), to provide for the safe use of chlortetracycline in cattle feed, as follows:

TABLE 6—CHLORTETRACYCLINE IN CATTLE FEED

Principal ingredient	Amount	Combined with—	Amount	Limitations	Indications for use
• • •	• • •	• • •	• • •	• • •	• • •
9. Chlortetracycline.	5.0 (mg. per pound body weight per day).			For beef cattle and nonlactating dairy cows; to be fed for 30–60 days; not to be administered within 10 days of slaughter.	Aid in the elimination of carrier anaplasmosis.

Dated: May 10, 1965.

MALCOLM R. STEPHENS,
Assistant Commissioner for Regulations.

[F.R. Doc. 65–5173; Filed, May 14, 1965; 8:47 a.m.]

DR. SALSBURY'S LABORATORIES

Notice of Filing of Petition for Food Additives 3,5-Dinitrobenzamide; Low-Level Antibiotics

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348(b)(5)), notice is given that a petition (FAP 5D1742) has been filed by Dr. Salsbury's Laboratories, Charles City, Iowa, proposing an amendment to § 121.263 of the food additive regulations to provide for the safe use of 3,5-dinitrobenzamide with low-level antibiotics in chicken and turkey feeds, as follows:

Principal ingredient	Grams per ton	Combined with—	Grams per ton	Limitations	Indications for use
1.1 3,5-Dinitrobenzamide.	[redacted] (0.075%)			For chickens and turkeys; feed for 14 days; not for laying birds.	Aid in prevention of fowl typhoid, paratyphoid, and pullorum.
1.2 3,5-Dinitrobenzamide.	[redacted] (0.15%)			For chickens and turkeys; feed for 10 days; not for laying birds.	Aid in the control of early mortality due to fowl typhoid, paratyphoid, and pullorum.
a. 1.1 or 1.2	[redacted]	Penicillin	2.4–50	As procaine penicillin	Growth promotion and feed efficiency.
b. 1.1 or 1.2	[redacted]	Penicillin + bacitracin.	2.4–50	Not less than 0.6 gm. of penicillin nor less than 3 gm. of bacitracin nor more than 50 gm. in combination; as procaine penicillin + zinc bacitracin.	Do.
c. 1.1 or 1.2	[redacted]	Penicillin + streptomycin.	16.4–50	Not less than 2.4 gm. of penicillin nor less than 12 gm. of streptomycin nor more than 50 gm. in combination; as procaine penicillin + streptomycin sulfate.	Do.
d. 1.1 or 1.2	[redacted]	Bacitracin	4–50	As zinc bacitracin	Do.
e. 1.1 or 1.2	[redacted]	Chlortetracycline	10–50	As chlortetracycline hydrochloride.	Do.

Dated: May 10, 1965.

MALCOLM R. STEPHENS,
Assistant Commissioner for Regulations.

[F.R. Doc. 65–5174; Filed, May 14, 1965; 8:47 a.m.]

ATOMIC ENERGY COMMISSION

[Docket No. 50–106]

OREGON STATE UNIVERSITY

Notice of Issuance of Facility License Amendment

Please take notice that the Atomic Energy Commission has issued, effective as of the date of issuance, Amendment No. 7, set forth below, to Facility License No. R–51. The license authorizes Oregon State University (the licensee) to operate its nuclear reactor Model AGN–201, Serial No. 114 (the reactor), on its campus in Corvallis, Oreg. The amendment authorizes the licensee to modify its reactor organization structure and reactor operating procedures as described in the application for license amendment dated January 31, 1964, and supplement thereto dated February 12, 1965.

The Commission has found that:

1. The application for amendment complies with the requirements of the Atomic Energy Act of 1954, as amended, and the Commission's regulations set forth in Title 10, Chapter 1, CFR;

2. Prior public notice of proposed issuance of this amendment is not required since the amendment does not involve significant hazards considerations different from those previously evaluated;

3. The issuance of this amendment will not be inimical to the common defense and security or to the health and safety of the public.

Within fifteen (15) days from the date of publication of this notice in the FEDERAL REGISTER, the licensee may file a request for a hearing, and any person whose interest may be affected by this proceeding may file a petition for leave to intervene. A request for a hearing and petitions to intervene shall be filed in accordance with the provisions of the Commission's "Rules of Practice," 10 CFR Part 2. If a request for a hearing or a petition for leave to intervene is filed within the time prescribed in this notice, the Commission will issue a notice of hearing or an appropriate order.

For further details with respect to this amendment, see (1) the application for license amendment and supplement thereto, and (2) a related safety evaluation prepared by the Research and Power Reactor Safety Branch of the Division of Reactor Licensing, both of which are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. A copy of item (2) above may be obtained at the Commission's Public Document Room, or upon request addressed to the Atomic Energy Commission, Washington, D.C., 20545, Attention: Director, Division of Reactor Licensing.

Dated at Bethesda, Md., this 10th day of May 1965.

For the Atomic Energy Commission.

ROGER S. BOYD,
Chief, Research and Power Reactor Safety Branch, Division of Reactor Licensing.

[License No. R–51; Amdt. 7]

FACILITY LICENSE AMENDMENT

1. Facility License No. R–51, as amended, which authorizes Oregon State University ("the licensee") to operate its nuclear reactor Model AGN–201, Serial No. 114 ("the reactor") on its campus in Corvallis, Oreg., is hereby further amended to authorize the licensee to modify its reactor organization structure and operating procedures as described in the application for license amendment dated January 31, 1964, and supplement thereto dated February 12, 1965, subject to the following conditions:

A. A physical barrier shall be erected in the reactor room to separate the reactor area from the reactor console area.

B. The following indicator lights shall be checked as a part of the facility checkout procedures:

(1) Alarm switch light.
(2) Magnets on light.
(3) Magnets ground light.
(4) Interlock off light.
(5) Four rod down lights.
(6) Up indicator light for the safety rods.
(7) Engaged lights for the control and safety rods.

C. The reactor console log shall be maintained and shall include the following information:

(1) Any intended changes in reactivity.
(2) Glory hole and access port loadings.
(3) Shielding and content of thermal column.
(4) Name and number of authorized experiment.
(5) Water temperature.
(6) Count rate meter voltage.
(7) Flux levels.
(8) Rods down position reading.
(9) Time of startup.
(10) The flux level with the safety rods in the up position.

2. This amendment is effective as of the date of issuance.

Date of issuance: May 10, 1965.

For the Atomic Energy Commission.

ROGER S. BOYD,
Chief, Research and Power Reactor Safety Branch, Division of Reactor Licensing.

[F.R. Doc. 65–5147; Filed, May 14, 1965; 8:45 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket Nos. 15998–16000; FCC 65–378]

EMERALD BROADCASTING CORP. (KPIR) ET AL.

Memorandum Opinion and Order Designating Applications for Consolidated Hearing on Stated Issues

In re applications of Emerald Broadcasting Corp. (KPIR), Eugene, Oreg., Docket No. 15998, File No. BP–15590; Has: 1500 kc, 10 kw, D, Class II; requests: 1120 kc, 50 kw, DA–1, U, Class II–A; Pendleton Broadcasting Co. (KUMA), Pendleton, Oreg., Docket No. 15999, File No. BP–16220; Has: 1290 kc, 5 kw, DA–N, U, Class III; requests: 1120 kc, 10 kw, DA–N, U, Class II–A; Hi-Desert Broadcasting Corp. (KDHI), Twenty-Nine Palms, Calif., Docket No. 16000, File No. BP–16503; Has: 1250 kc, 1 kw, D, Class III; requests: 1120 kc, 10 kw, DA–N, U, Class II–A; for construction permits.

1. The Commission has before it for consideration (a) the above-captioned and described applications; (b) "Petition for a Public Hearing Pursuant to the Provisions of Section 316 and Petition to Deny" filed on August 16, 1962, by the Columbia Broadcasting System, Inc., licensee of Station KMOX, St. Louis, Mo., directed against the above-captioned application for Emerald Broadcasting Corp.; (c) an "Opposition to Petition for a Public Hearing Pursuant to the Provisions of Section 316 and Opposition to Petition to Deny" filed June 27, 1963, by Emerald Broadcasting Corp.; (d) a petition to deny the application of the Hi-Desert Broadcasting Corp., filed February 26, 1965, by the Columbia Broadcasting System, Inc.; and (e) an opposition to the latter petition filed by the Hi-Desert Broadcasting Corp. on March 11, 1965.

2. With respect to the KPIR proposal, CBS claims, in substance, that the Commission's rules that were in force at the time that Station KMOX received its license, which provided, in part, for the licensing of no other unlimited time station on 1120 kilocycles, the KMOX frequency, are incorporated into the terms of the KMOX license (F.C.C. v. National Broadcasting Co. (KOA), 319 U.S. 239, 245 (1942)); that the acceptance of the KPIR application and subsequent grant of the application pursuant to new allocation rules adopted by the Commission in the Clear Channel proceeding on September 13, 1961 (Docket No. 6741) (21 RR 1801 (1961)), would constitute a modification of the KMOX license; that, therefore, the Commission is required according to CBS, to afford CBS an opportunity at a hearing pursuant to section 316 of the Communications Act of 1934, as amended, to show cause why the license of KMOX should not be modified; that, in the event the Commission finds, after hearing that the alleged modification of the KMOX license would serve the public interest, convenience and necessity, the Commission would then be required to hold a hearing pursuant to section 309 of the Communications Act to determine whether the proposed operation of KPIR would comply with the provisions of § 73.24(g) which governs the limitations on the population within the 1000 mv/m contour of a standard broadcast station.

3. Since the filing of the CBS petition against the KPIR application, certain acts of the applicant and a court decision have resolved two of the matters raised by CBS. After the Commission affirmed its adoption of standards which permit the assignment of a second unlimited time station on the KMOX frequency, 24 R.R. 1595 (1962), the United States Court of Appeals for the District of Columbia Circuit upheld the validity of the new rules and confirmed the principle that the new rules are incorporated into the licenses of existing stations when a renewal of license is granted subsequent to the adoption of the new standards. The Goodwill Stations, Inc., v. Federal Communications Commission, 308 F. 2d 339, 113, U.S. App. D.C. 384, 23 R.R. 2064 (1962). The license of KMOX expired February 1, 1962, and was renewed February 19, 1963. Therefore the license under which KMOX is currently operating is subject to rules adopted in the clear channel proceeding and the contention of CBS that the licensing of a second station on 1120 kilocycles constitutes a modification of license as contemplated by section 316 of the Act will be rejected. CBS, in the petition to deny, claimed that the proposed operation of KPIR would cause interference to the nighttime operation of KMOX. KPIR has amended its proposal concerning this allegation of interference. However, as set forth in paragraph 8a, a question is presented as to whether adequate protection is afforded to the nighttime operation of KMOX, and based on this alleged interference, an issue will be specified. Federal Communications Commission v. National Broadcasting Company (KOA), 319 U.S. 239 (1942). The petition of KMOX will be granted to this extent and KMOX will be made a party to the proceeding.

4. One further matter contained in the pleadings on the KPIR proposal will be considered. KMOX alleged that the proposed operation of KPIR violates § 73.24(g) of the rules as to population residing within the 1000 mv/m contour. By amendment filed June 12, 1964, the applicant indicates that the population residing within the 1000 mv/m contour is less than 300 persons and therefore the

proposal complies with § 73.24(g) of the rules.

5. In the petition to deny the application of the Hi-Desert Broadcasting Corp. filed on February 26, 1965, CBS alleged that the KDHI proposal may cause interference within the 0.5 mv/m–50-percent secondary service area of KMOX. It is contended by CBS that the terrain in the vicinity of the proposed antenna site is generally mountainous in character; that a high degree of suppression is incorporated in the Hi-Desert nighttime directional antenna system; that antenna current deviations of less than 3.5 percent would cause the proposed MEOV's to be exceeded; and that, as a result, the proposed antenna system may not be adjusted and maintained in a manner to afford adequate nighttime protection to KMOX.

6. In Hi-Desert's opposition to the CBS petition to deny its application, Hi-Desert contends that the proposed antenna site is located on flat terrain with no gross terrain obstructions located within several miles; that no difficulty is expected in adjusting the array within the proposed MEOV's of radiation; that it may be necessary to maintain the antenna currents and phase relations within one percent and one degree to avoid exceeding the proposed MEOV's, but that the monitors to be installed will have a rated accuracy capable of assuring adequate maintenance; that good engineering techniques will be utilized in construction and maintenance of the proposed directional antenna system; and that the array will be adjusted in a manner to afford adequate protection to KMOX.

7. The Commission's study of the Hi-Desert proposal indicates that the terrain in the vicinity of the proposed antenna site is reasonably flat and free of obstructions which would tend to cause adverse problems of scatter and reradiation; that the degree of suppression proposed is not so great that it cannot be reasonably expected to be achieved; and that no substantial question of adequate protection to KMOX obtains. The Commission will, in the event of a grant of the Hi-Desert application, impose appropriate conditions to assure adequate protection to KMOX. The CBS petition to deny the Hi-Desert proposal will therefore be dismissed as moot.

8. The following additional matters are to be considered in connection with the issues specified below:

(a) The Emerald Broadcasting Corp. proposes to operate with 50 kilowatts of power utilizing a four-tower parallelogram directional array (DA–1) to suppress the radiation towards the dominant co-channel station (KMOX, St. Louis, Mo.). In the null areas the radiation is suppressed to values as low as 14.0 mv/m (calculated theoretical value) with a MEOV of 35.2 mv/m. While this proposed low value of radiation is not in a direction towards the secondary service area of KMOX, the degree of suppression directly towards KMOX is critically low for a 50 kilowatt operation. (Calculated value is 19.2 mv/m and MEOV is 44.0 mv/m.)

A study of a topographic map submitted by the applicant indicates that terrain irregularities may exist in the vinicity of the proposed antenna site which may cause signal scatter and reradiation and further aggravate the problem of adjusting and maintaining the array within the proposed critically low values.

Since the applicant has not submitted any data obtained from a site survey which would afford a means of determining the feasibility of the directional operation, a substantial question obtains as to whether the proposed antenna system can be adjusted and maintained as proposed and whether adequate protection will be afforded KMOX.

(b) KPIR proposes to maintain its main studio at the existing transmitter site which is not located within the city limits of Eugene, Oreg., and which is not located at the proposed transmitter site and therefore is in violation of § 73.30 of the rules. A waiver of § 73.30 has been requested.

(c) It has not been determined that the proposed antenna system of KDHI would not constitute a menace to air navigation.

(d) The KUMA proposal does not comply with the provisions of § 73.24(g) of the rules in that the population within the proposed 1000 mv/m contour would be in excess of 300 persons and over 1 percent of the population residing within the proposed 25 mv/m contour. An issue will be included to determine whether circumstances exist which would warrant a waiver of that section.

9. The Commission finds that the applicants are, except as indicated by the issues specified below, legally, technically, financially, and otherwise qualified to construct and operate their respective stations as proposed, but that the proposed operations involve mutual interference and § 73.22(a) provides for the assignment of only one Class II–A facility on 1120 kilocycles. Therefore, the Commission is unable to find that a grant of any of the applications would serve the public interest, convenience and necessity, and is of the opinion that the applications must be designated for hearing in a consolidated proceeding on the issues set forth below:

Accordingly, it is ordered, That, pursuant to section 309(e) of the Communications Act of 1934, as amended, the applications are designated for hearing in a consolidated proceeding, at a time and place to be specified in a subsequent Order, upon the following issues:

1. To determine the areas and populations which may be expected to gain or lose primary service from the proposed operations of Stations KPIR, KUMA, and KDHI and the availability of other primary service to such areas and populations.

2. To determine whether the directional antenna system of Emerald Broadcasting Corporation can be adjusted and maintained within the maximum expected operating values of radiation proposed, and whether adequate nighttime protection will be afforded Station KMOX, St. Louis, Mo.

3. To determine whether the proposed operation of Emerald Broadcasting Corp. is in compliance with § 73.30(a) of the Commission's rules with respect to location of the main studio, and, if not, whether circumstances exist which would warrant a waiver of said section.

4. To determine whether there is a reasonable possibility that the tower height and location proposed by KDHI would constitute a menace to air navigation.

5. To determine whether the proposed operation of Pendleton Broadcasting Co. is in compliance with § 73.24(g) of the rules concerning population within the 1000 mv/m contour, and, if not, whether circumstances exist which would warrant a waiver of said section.

6. To determine, in the light of section 307(b) of the Communications Act of 1934, as amended, which of the proposals would better provide a fair, efficient and equitable distribution of radio service.

7. To determine, in the light of the evidence adduced pursuant to the foregoing issues which, if any, of the applications should be granted.

It is further ordered, That, the Columbia Broadcasting System, Inc., licensee of Station KMOX, St. Louis, Mo., and the Federal Aviation Agency, are made parties to the proceeding.

It is further ordered, That the "Petition for Public Hearing Pursuant to the Provisions of Section 316 and Petition To Deny" filed August 16, 1962 by Columbia Broadcasting System, Inc., is dismissed, in part, is denied, in part, and is granted, in part, as indicated above.

It is further ordered, That the petition to deny the application of the Hi-Desert Broadcasting Corp. filed February 26, 1965, by the Columbia Broadcasting System, Inc., is dismissed.

It is further ordered, That, in the event of a grant of any of the applications, the construction permit shall contain the following condition:

Pending a final decision in Docket No. 14419 with respect to pre-sunrise operation with daytime facilities, the present provisions of § 73.87 of the Commission's rules are not extended to this authorization, and such operation is precluded.

It is further ordered, That, in the event of a grant of the application of the Hi-Desert Broadcasting Corp., the construction permit shall contain the following conditions:

A study, based upon anticipated variations in phase and magnitude of current in the individual antenna towers, after initial adjustment, must be submitted with the application for license to indicate clearly that the inverse distance field strengths at one mile can be maintained with the maximum expected operating values of radiation specified in the radiation pattern. Allowable deviation in phase and current determined from this study will be incorporated in the instrument of authorization.

A properly designed phase monitor of sufficient accuracy and resolution shall be installed in the transmitter room, and shall be continuously available as a means of indicating that the relative phase and current ratios of the antenna towers are maintained within the maximum allowable deviation values indicated in the authorization.

It is further ordered, That, to avail themselves of the opportunity to be

heard, the applicants and parties respondent herein, pursuant to § 1.221(c) of the Commission rules, in person or by attorney, shall, within 20 days of the mailing of this order, file with the Commission in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this order.

It is further ordered, That the applicants herein shall, pursuant to section 311(a)(2) of the Communications Act of 1934, as amended, and § 1.594 of the Commission's rules, give notice of the hearing, either individually or, if feasible and consistent with the rules, jointly, within the time and in the manner prescribed in such rule, and shall advise the Commission of the publication of such notice as required by § 1.594(g) of the rules.

It is further ordered, That, the issues in the above-captioned proceeding may be enlarged by the Examiner, on his own motion or on petition properly filed by a party to the proceeding, upon sufficient allegations of fact in support thereof, by the addition of the following issue: To determine whether the funds available to the applicant will give reasonable assurance that the proposals set forth in the application will be effectuated.

Adopted: May 5, 1965.

Released: May 12, 1965.

FEDERAL COMMUNICATIONS COMMISSION,[1]

[SEAL] BEN F. WAPLE, *Secretary.*

[F.R. Doc. 65-5165; Filed, May 14, 1965; 8:47]

FEDERAL MARITIME COMMISSION

[Docket No. 65-14]

INBOUND CARGO AT NEW YORK HARBOR

Free Time and Demurrage Practices; Order of Investigation and Hearing

General Order 8, Part I of the Federal Maritime Commission (46 CFR Part 526, 28 F.R. 10703, October 4, 1963), names free time and demurrage regulations on import property applicable to common carriers by water serving New York Harbor. These regulations prescribe free time and demurrage periods and provide that (1) where a carrier is for any reason (such as a longshore strike), unable or refuses, to tender cargo for delivery, free time must be extended, and (2) where a consignee is prevented from removing his cargo by factors beyond his control (such as, but not limited to trucking strikes or weather conditions) which affect the entire port or a substantial portion thereof, cargo can be charged with no more than first period demurrage.

New York Harbor, among others on the East and Gulf Coasts, was rendered inoperative by a longshoremen's strike which extended from January 11, 1965, to February 13, 1965. At the end of the strike an abnormally great number of ships discharged their cargoes as quickly as they could. This, added to the inbound cargo left on the pier prior to the strike and the export cargo moving across the piers caused greater than normal congestion on the shore-side of the piers. As a result (1) there were long lines of trucks awaiting access to many piers, some of which could not be loaded because of congestion and pier labor shortages, and (2) some trucks either did not get into the pier lines or left the lines without awaiting their pick-ups.

Protests have been received from various importers with respect to demurrage charges applicable during and subsequent to said longshoremen's strike in New York Harbor and from truckers with respect to shore-side congestion at piers subsequent to the strike.

Moreover, there have been complaints in the past that for reasons beyond their control that pertained to only one or two terminals, it has been impossible for importers to remove cargoes from the pier. General Order 8 Part I does not grant relief from penalty demurrage unless the conditions affect an entire port area or substantial portion thereof and such importers, therefore, were required to pay penalty demurrage.

The Commission has reviewed the protests and the comments of the various groups and is of the opinion that an investigation should be instituted to resolve the free time and demurrage problems in the Port of New York.

Therefore, it is ordered, That the Commission, on its own motion pursuant to the provisions of sections 17, 22 and 43 of the Shipping Act, 1916, enter upon an investigation to determine whether:

(1) Free time and demurrage practices in the Port of New York violate section 17 of the Shipping Act, 1916;

(2) General Order 8 Part I has been lawfully interpreted and enforced during the periods of abnormal shore-side pier congestion following the strike of longshoremen; terminating February 13, 1965;

(3) General Order 8 Part I should be amended to deal more adequately in the future with periods of general pier congestion;

(4) General Order 8 Part I should be amended to proscribe assessment of any pier demurrage against cargo during maritime strikes; and

(5) General Order 8 Part I should be amended to delete the words "which affect an entire port area or a substantial portion thereof."

It is further ordered, That the conferences, carriers and terminal operators listed in Appendix A below be made parties respondent in this proceeding; and

It is further ordered, That this proceeding be assigned for public hearing before an examiner of the Commission's Office of Hearing Examiners and that the hearing be held at a date and place to be determined and announced by the presiding examiner; and that the proceeding be expedited;

It is further ordered, That notice of this order be published in the FEDERAL REGISTER and that a copy thereof and notice of hearing be served upon respondents; and

It is further ordered, That any person, other than respondents, who desire to become a party to this proceeding and to participate therein, shall file a petition to intervene with the Secretary, Federal Maritime Commission, Washington, D.C., 20573, on or before May 31, 1965; with copy to respondent.

And it is further ordered, That all future notices issued by or on behalf of the Commission in this proceeding, including notice of time and place of hearing or prehearing conference, shall be mailed directly to all parties of record.

By the Commission.

[SEAL] FRANCIS C. HURNEY, *Special Assistant to the Secretary.*

APPENDIX A

American & Australian Line, U.P.S.T., Port Newark, Newark, N.J.
American Export & Isbrandtsen Lines, 26 Broadway, New York, N.Y.
American-Israeli Shipping Co., Inc., Pier 32 North River, New York, N.Y.
American President Lines, 29 Broadway, New York, N.Y.
American Stevedores, Inc., 67 Broad Street, New York, N.Y.
Anchor Line, Ltd., 25 Broadway, New York, N.Y.
Argentine Lines, 17 Battery Place, New York, N.Y.
Atlantic Lines, Ltd., One Whitehall Street, New York, N.Y.
Atlanttrafik Express Service, 25 Broadway, New York, N.Y.
Barber Fern-Ville Lines, 17 Battery Place, New York, N.Y.
Barber Line, 17 Battery Place, New York, N.Y.
Barber-Wilhelmsen Line, 17 Battery Place, New York, N.Y.
Barber Steamship Lines, Inc., 17 Battery Place, New York, N.Y.
Bay Ridge Operating Co., Inc., 34 Whitehall Street, New York, N.Y.
Belgian Line, Inc., 67 Broad Street, New York, N.Y.
Black Diamond Steamship Corp., 2 Broadway, New York, N.Y.
Black Star Line, 42 Broadway, New York, N.Y.
Blue Star Line, Pier 10, Brooklyn, N.Y.
Bristol City Line of Steamships, Ltd., 1 Broadway, New York, N.Y.
Brodin Line, 25 Broadway, New York, N.Y.
C.M.C.R. Lines "Compagnie Maritime des Chargeurs Reunis," 2 Broadway, New York, N.Y.
C.T.O. Line, 2 Broadway, New York, N.Y.
Central Gulf Lines, One Whitehall Street, New York, N.Y.
China Merchants Steam Navigation Co., 61 Broadway, New York, N.Y.
China, Union Lines, Ltd., 80 Broad Street, New York, N.Y.
Compania Sud-Americana De Vapores (Chilean Line), 29 Broadway, New York, N.Y.
Concordia Line, Pier 10, Brooklyn, N.Y.
Cosmopolitan Line, 42 Broadway, New York, N.Y.
Costa Line, 26 Broadway, New York, N.Y.
Cunard Steamship Company, Ltd., 25 Broadway, New York, N.Y.
Dovar Line, 26 Broadway, New York, N.Y.
De La Rama Lines, 25 Broadway, New York, N.Y.
Elder Dempster Lines, Ltd., Pier 2 BD, Brooklyn, N.Y.
Fabre Line, Pier 7 Bush Docks, New York, N.Y.
Farrell Lines, Inc., 1 Whitehall Street, New York, N.Y.
Fassio Line, 26 Beaver Street, New York, N.Y.
Finnlines, 90 Broad Street, New York, N.Y.

[1] Commissioner Bartley absent.

French Lines, 17 Battery Place, New York, N.Y.
Fresco Lines, 120 Wall Street, New York, N.Y.
Grace Line, Inc., 3 Hanover Square, New York, N.Y.
Grancolombiana (New York), Inc., 79 Pine Street, New York, N.Y.
Greek Line, Inc., 8–10 Bridge Street, New York, N.Y.
Hamburg-American Line, 17 Battery Place, New York, N.Y.
Hamburg-Atlantic Line, Pier 84, N.R., New York, N.Y.
Hansa Lines, 120 Wall Street, New York, N.Y.
Hellenic Lines, Ltd., 39 Broadway, New York, N.Y.
Hoegh Lines, 51 Broad Street, New York, N.Y.
Holland-America Line, Pier 40, New York, N.Y.
Holland-Pan American Line, 2 Broadway, New York, N.Y.
Home Lines, 42 Broadway, New York, N.Y.
Irish Shipping, Ltd., Pier 6 P.A., Brooklyn, N.Y.
Isthmian Lines, Inc., 90 Broad Street, New York, N.Y.
Italian Line, One Whitehall Street, New York, N.Y.
Ivaran Lines, Pier 12 Pt. A, Brooklyn, N.Y.
International Terminal Operating Co., Inc., 2 Broadway, New York, N.Y.
Java Pacific Line, Inc., 25 Broadway, New York, N.Y., 10004.
Jugolinija, 17 Battery Place, New York 4, N.Y.
"K" Line, 51 Broad Street, New York 4, N.Y.
Lamport & Holt Line, Ltd., 17 Battery Place, New York 4, N.Y.
Lloyd Brasileiro, 17 Battery Place, New York 4, N.Y.
Maersk Line, 67 Broad Street, New York 4, N.Y.
Maher Stevedoring Co., Inc., 80 Broad Street, New York 4, N.Y.
Malaya Indonesia Line, 25 Broadway, New York 4, N.Y.
Mamenic Line, 26 Broadway, New York 4, N.Y.
Marchessini Lines, 26 Broadway, New York, N.Y., 10004.
Maritime Co. of the Philippines, 26 Broadway, New York 4, N.Y.
Marra Bros., Inc., 735 Court Street, Brooklyn, N.Y.
Maude/James, Inc., 185 Montague, Brooklyn, N.Y.
John W. McGrath Corp., 39 Broadway, New York, N.Y.
Meyer Line, 17 Battery Place, New York 4, N.Y.
Mitsui O.S.K. Lines, Ltd., 17 Battery Place, New York, N.Y., 10004.
Moore-McCormack Lines, Inc., Two Broadway, New York, N.Y., 10004.
Motorships of Puerto Rico, Inc., 17 Battery Place, New York 4, N.Y.
Nacirema Operating Co., Inc., 21 State Street, New York, N.Y.
National Hellenic American Line, 42 Broadway, New York, N.Y., 10004.
Nedlloyd Line, 25 Broadway, New York, N.Y., 10004.
North German Lloyd, 17 Battery Place, New York 4, N.Y.
Northeast Marine Terminal Co., Inc., 17 Battery Place, New York, N.Y.
Norton Line, Pier 3, Erie Basin, New York, N.Y.
Norwegian America Line, 24 State Street, New York, N.Y.
Nippon Yusen Kaisha, Ltd., 25 Broadway, New York 4, N.Y.
Orient Mid-East Lines, 29 Broadway, New York 6, N.Y.
Orient Overseas Line, 19 Rector Street, New York 6, N.Y.
Pacific Star Line, 42 Broadway, New York, N.Y., 10004.
Packet Shipping Corp., 39 Broadway, New York 6, N.Y.
Pioneer Terminal Corp., 17 Battery Place, New York, N.Y.
Pittston Stevedoring Corp., 17 Battery Place, New York, N.Y.
Polish Ocean Lines, 17 Battery Place, New York 4, N.Y.
Port and Associated Lines, 25 Broadway, New York 4, N.Y.
Prudential Lines, Inc., 1 Whitehall Street, New York 4, N.Y.
Red Star Line, Pier 40, North River, New York, N.Y.
Reliable Marine Service Co., Inc., 11 Atlantic Basin, Brooklyn, N.Y.
Rex Line, 51 Broad Street, New York 4, N.Y.
Robin Line, 2 Broadway, New York 4, N.Y.
Royal Netherlands Steamship Co., 25 Broadway, New York 4, N.Y.
Sabre Line, 19 Rector Street, New York, N.Y., 10006.
Scandinavian-American Line, 25 Broadway, New York 4, N.Y.
S. C. I. Line, 26 Beaver Street, New York, N.Y.
Scindia Steam Navigation Co., 17 Battery Place, New York 4, N.Y.
Seven Stars (Africa) Line, Pier 32, North River, New York, N.Y.
South African Marine Corp., 17 Battery Place, New York 4, N.Y.
States Marine Lines, 90 Broad Street, New York 4, N.Y.
Swedish American Line, 34 Whitehall Street, New York 4, N.Y.
Swedish Transatlantic Line, 34 Whitehall Street, New York 4, N.Y.
Thorden Lines, 90 Broad Street, New York 4, N.Y.
Tica Line, 29 Broadway, New York, N.Y., 10006.
Torm Lines, 85 Broad Street, New York 4, N.Y.
Transamerican Steamship Corp., 17 Battery Place, New York 4, N.Y.
Transoceanic Terminal Corp., 67 Broad Street, New York, N.Y.
Turkish Cargo Lines, 11 Broadway, New York 4, N.Y.
United Philippine Lines, Inc., 17 Battery Place, New York 4, N.Y.
United Port Service Co., 26 Beaver Street, New York, N.Y.
United States Lines Co., 1 Broadway, New York 4, N.Y.
Universal Terminal & Stevedoring Corp., 24 State Street, New York, N.Y.
Uruguayan Line, 17 Battery Place, New York 4, N.Y.
Venezuelan Line, Pier 10, North River, New York, N.Y.
Viking Line, 19 Rector Street, New York 6, N.Y.
Waterman Steamship Corp., 19 Rector Street, New York 6, N.Y.
Wilhelmsen Line, 17 Battery Place, New York 4, N.Y.
Yamashita-Shinnihon Steamship Co., Ltd., 52 Broadway, New York 4, N.Y.
Zim Israel Navigation Co., Ltd., 42 Broadway, New York 4, N.Y.
New York Committee of Inward Far East Lines, Free Time Agreement No. 6015, James A. Dennean, Chairman, 11 Broadway, New York 4, N.Y.
Associated Latin American Conference, Free Time Agreement No. 7115, C. D. Marshall, Chairman, 11 Broadway, New York 4, N.Y.
East Coast South America/New York, Free Time Agreement, Wilbur Van Emburgh, Chairman, 17 Battery Place, New York 4, N.Y.
Calcutta, East Coast of India and East Pakistan/U.S.A. Conference, Free Time Agreement No. 7555, James C. Pendleton, Gen. Sec'y., 11 Broadway, New York 4, N.Y.
American West African Freight Conference, Free Time Agreement No. 7556, John K. Cunningham, Chairman, 80 Broad Street, New York 4, N.Y.
The West Coast of Italy, Sicilian and Adriatic Ports/North Atlantic Range Conference, G. Ravera, Secretary pt., Vico S. Luca, 4, Genoa, Italy.
Marseilles/North Atlantic U.S.A. Freight Conference, G. Retournat, Secretary, 17, Rue de la Republique, Marseille (2e), France.
North Atlantic Westbound Freight Association, McDIARMID & CO., Secretaries, Cunard Building, Liverpool 3, England.
United States Atlantic and Gulf—Santo Domingo Conference, C. D. Marshall, Chairman, 11 Broadway, New York, N.Y., 10004.
French North Atlantic Westbound Freight Conference, Mrs. M. Lambert, Secretary, 12 Rue des Pierrelais, Chatillon-sous-Bagneux, Seine, France.
Swiss/North Atlantic Freight Conference, Mrs. M. Lambert, Secretary, 12 Rue des Pierrelais, Chatillon-sous-Bagneux, Seine, France.
West Coast of India and Pakistan/USA Conference, James C. Pendleton, General Secretary, 11 Broadway, New York, N.Y., 10004.
Ceylon U.S.A. Conference, MacKinnon, MacKenzie & Co. of Ceylon, Secretaries, Post Office Box 94, Colombo 1, Ceylon.
Continental North Atlantic Westbound Freight Conference, Mrs. M. Bourgeois, Secretary, 79, de Bomstraat, Antwerp, Belgium.

[F.R. Doc. 65–5170; Filed, May 14, 1965; 8:47 a.m.]

COMPANIA INTERNACIONAL DE VAPORES, LTDA., ET AL.

Notice of Proposed Cancellation of Agreement

Notice is hereby given that a request for cancellation of the following Agreement, pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814) has been filed with the Commission.

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1321 H Street NW., Room 301; or may inspect agreements at the offices of the District Managers, New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments with reference to an agreement including a request for hearing, if desired, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C., 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the comments should indicate that this has been done.

Notice of intent to cancel agreement 7635, filed by:

Leonard G. James, Esq., Graham, James & Rolph, 310 Sansome Street, San Francisco, Calif., 94104.

Agreement 7635, approved April 8, 1948, between Compania Internacional de Vapores, Ltda., Sociedad Armadora Aristomenis Panama, S.A., and S.A.D.G. Gratsos, created an arrangement for the operation of these carriers as the "Pacific Mediterranean Line" joint service, in the trades between U.S. Pacific Coast ports and ports in Spain, Portugal, France, Italy, Greece, Turkey, Morocco, Algeria, Tunisia, Egypt, Palestine, islands in the Mediterranean Sea, Mexico, Central America, Panama, Canal Zone, Colombia, Venezuela, the Azores, Canary Islands, Netherlands West Indies, and the islands of the Caribbean.

Dated: May 11, 1965.

By order of the Federal Maritime Commission.

FRANCIS C. HURNEY,
Special Assistant to the Secretary.

[F.R. Doc. 65–5168; Filed, May 14, 1965; 8:47 a.m.]

TRANSATLANTIC SHIPPING CORP. ET AL.

Notice of Agreement Filed for Approval

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement(s) at the Washington office of the Federal Maritime Commission, 1321 H Street NW., Room 301; or may inspect agreements at the offices of the District Managers, New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments with reference to an agreement including a request for hearing, if desired, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C., 20573, within 10 days after publication of this notice in the FEDERAL REGISTER. A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the comments should indicate that this has been done.

Notice of agreement filed for approval by:

Mr. Sanford C. Miller, Haight, Gardner, Poor & Havens, 80 Broad Street, New York, N.Y., 10004.

Agreement No. 8277–2, between the carriers, comprising the "Greek Line" joint service modifies Agreement No. 8277, as amended, which covers a passenger service in the trade between United States Atlantic ports and ports in Europe and the Mediterranean, and also in cruises out of United States Atlantic ports to the Mediterranean, Bermuda, the West Indies and the Caribbean. Agreement No. 8277–2 provides: (1) For extension of the service between United States Atlantic ports and ports in Europe and the Mediterranean to include cargo services; (2) for the establishment of the "right of independent action" in conformity with General Order 6 (46 CFR Part 529); (3) that only those parties serving a particular trade shall participate in establishing and maintaining agreed fares, rates, charges and practices, (4) a new provision for handling shippers' requests and complaints; and (5) for establishment of a self-policing system pursuant to General Order 7 (46 CFR Part 528).

Dated: May 12, 1965.

By order of the Federal Maritime Commission.

FRANCIS C. HURNEY,
Special Assistant to the Secretary.

[F.R. Doc. 65–5169; Filed, May 14, 1965; 8:47 a.m.]

HOUSING AND HOME FINANCE AGENCY

Office of the Administrator

URBAN RENEWAL COMMISSIONER AND HHFA REGIONAL ADMINISTRATORS

Delegation of Authority With Respect to Slum Clearance and Urban Renewal Program, Urban Renewal Demonstration Program, and Urban Planning Grant Program

The delegation of authority with respect to the slum clearance and urban renewal program, demonstration grant program, and urban planning grant program, republished at 25 F.R. 9874, October 14, 1960, as amended or modified at 27 F.R. 10235, October 18, 1962, 28 F.R. 2933, March 23, 1963, 29 F.R. 8153, June 26, 1964, and 29 F.R. 12754, September 9, 1964, is hereby further amended in the following respects:

1. By changing in the caption the phrase "Demonstration Grant Program" to read "Urban Renewal Demonstration Program" as set forth above.

2. By revising paragraph numbered 3 to read:

3. The Commissioner is further authorized to administer the provisions of section 314 of the Housing Act of 1954, as amended (42 U.S.C. 1452a), with respect to the urban renewal demonstration program.

Effective as of the 15th day of May 1965.

[SEAL] ROBERT C. WEAVER,
Housing and Home Finance Administrator.

[F.R. Doc. 65–5160; Filed, May 14, 1965; 8:46 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[File Nos. 7–2433, 7–2434]

GENERAL ANILINE & FILM CORP., AND INSURANCE COMPANY OF NORTH AMERICA

Notice of Applications for Unlisted Trading Privileges and of Opportunity for Hearing

MAY 11, 1965.

In the matter of applications of the Boston Stock Exchange for unlisted trading privileges in certain securities.

The above named national securities exchange has filed applications with the Securities and Exchange Commission pursuant to section 12(f)(1)(B) of the Securities Exchange Act of 1934 and Rule 12f–1 thereunder, for unlisted trading privileges in the common stocks of the following companies, which securities are listed and registered on one or more other national securities exchanges:

General Aniline & Film Corp., File 7–2433.
Insurance Co. of North America, File 7–2434.

Upon receipt of a request, on or before May 27, 1965 from any interested person, the Commission will determine whether the application with respect to any of the companies named shall be set down for hearing. Any such request should state briefly the title of the security in which he is interested, the nature of the interest of the person making the request, and the position he proposes to take at the hearing, if ordered. In addition, any interested person may submit his views or any additional facts bearing on any of the said applications by means of a letter addressed to the Secretary, Securities and Exchange Commission, Washington 25, D.C., not later than the date specified. If no one requests a hearing with respect to any particular application, such application will be determined by order of the Commission on the basis of the facts stated therein and other information contained in the official files of the Commission pertaining thereto.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 65–5139; Filed, May 14, 1965; 8:45 a.m.]

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATIONS FOR RELIEF

MAY 12, 1965.

Protests to the granting of an application must be prepared in accordance with Rule 1.40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 39757—*Pulpboard or fiberboard to points in Illinois.* Filed by O.W. South, Jr., agent (No. A4674), for interested rail carriers. Rates on pulpboard or fiberboard, in carloads, from points in southern territory, also Hopewell, Va., to Chicago, Carol Stream, and Kankakee, Ill.

Grounds for relief—Market competition.

Tariffs—Supplement 2 to Southern Freight Association, agent, tariff I.C.C. S–519 and supplement 44 to Traffic Executive Association-Eastern Railroads, agent, tariff I.C.C. C–366.

FSA No. 39758—*Vegetable oils between points in southern territory.* Filed by O. W. South, Jr., agent (No. A4675), for interested rail carriers. Rates on vegetable oils and related articles, in tank carloads, between L&N common points; also between such points, on the one hand, and points in southern territory on the C&G, IC, GM&O, AT&N, and StL-SF railroads, on the other.

Grounds for relief—Market competition.

Tariff—Supplement 55 to Southern Freight Association, agent, tariff I.C.C. S–418.

FSA No. 39759—*Liquid caustic soda to Griffin, Ga.* Filed by O. W. South, Jr., agent (No. A4676), for interested rail carriers. Rates on liquid caustic soda, in tank carloads, from Redstone Arsenal, Ala., and Charleston, S.C., to Griffin, Ga.

Grounds for relief—Market competition.

Tariffs—Supplements 183 and 4 to Southern Freight Association, agent, tariffs, I.C.C. S–194 and S–517, respectively.

FSA No. 39760—*Liquid caustic soda to Chattanooga, Tenn.* Filed by O. W. South, Jr., agent (No. A4678), for interested rail carriers. Rates on liquid caustic soda, in tank carloads, from LeMoyne, Ala., to Chattanooga, Tenn.

Grounds for relief—Market competition.

Tariff—Supplement 183 to Southern Freight Association, agent, tariff I.C.C. S–194.

FSA No. 39761—*Liquid caustic soda to Charleston, S.C.* Filed by O. W. South, Jr., agent (No. A4677), for and on behalf of Southern Railway Co. Rates on liquid caustic soda, in tank carloads, from LeMoyne, Ala., to Charleston, S.C.

Grounds for relief—Market competition.

Tariff—Supplement 183 to Southern Freight Association, agent, tariff I.C.C. S–194.

FSA No. 39762—*Liquid caustic soda to St. Marys, Ga.* Filed by O. W. South, Jr., agent (No. A4679), for interested rail carriers. Rates on liquid caustic soda, in tank carloads, from LeMoyne and Redstone Arsenal, Ala., to St. Marys, Ga.

Grounds for relief—Market competition.

Tariff—Supplement 183 to Southern Freight Association, agent, tariff I.C.C. S–194.

FSA No. 39763—*Liquefied chlorine gas to St. Marys, Ga.* Filed by O. W. South, Jr., agent (No. A4680), for interested rail carriers. Rates on liquefied chlorine gas, in tank carloads, from LeMoyne, Ala., to St. Marys, Ga.

Grounds for relief—Market competition.

Tariff—Supplement 183 to Southern Freight Association, agent, tariff I.C.C. S–194.

By the Commission.

[SEAL] BERTHA F. ARMES, *Acting Secretary.*

[F.R. Doc. 65–5166; Filed, May 14, 1965; 8:47 a.m.]

[Notice 1173]

MOTOR CARRIER TRANSFER PROCEEDINGS

MAY 12, 1965.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 179), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC–FC–67503. By order of May 7, 1965, the Transfer Board approved the transfer to Edward J. Josselyn, doing business as A.P.E. Transportation, Cambridge, Mass., of the operating rights issued by the Commission May 12, 1949, under Certificate No. MC–79583, to Robert J. Gallagher, doing business as R. Gallagher, North Abington, Mass., authorizing the transportation, over irregular routes, of general commodities, except commodities in bulk, household goods, and other specified commodities, between Boston, Quincy, Braintree, and Weymouth, Mass. Thomas N. Byrnes, Jr., 350 Hancock Street, North Quincy, Mass., attorney for applicants.

No. MC–FC–67607. By order of May 10, 1965, the Transfer Board approved the transfer to Arthur G. Jones and D. W. Evans, a Partnership, doing business as Reading Grain and Lumber Co., Reading, Kans., of the operating rights in Certificate No. MC–52018, issued May 22, 1941, to B. F. Price, Reading, Kans., authorizing the transportation, over irregular routes of livestock, from Reading, Kans., and points within 5 miles of Reading, to Kansas City and St. Joseph, Mo., and feed, from Kansas City and St. Joseph to Reading, Kans., and points within 5 miles of Reading. Clarence V. Beck, Citizens National Bank Building, Emporia, Kans., attorney for applicants.

No. MC–FC–67766. By order of May 10, 1965, the Transfer Board approved the transfer to Alvin J. Andersen, doing business as Northwest Towing, Riverside, Ill., of the operating rights in Certificate No. MC–123209, issued August 23, 1961, to Northwest Towing, Inc., Chicago, Ill., authorizing the transportation, over irregular routes, of wrecked or disabled motor vehicles, from points in Indiana, Michigan, and Wisconsin, to Chicago, Ill., and of replacement vehicles, from Chicago, Ill., to points in Indiana, Michigan, and Wisconsin. Gregory J. Scheurich, 111 West Washington Street, Chicago 2, Illinois, attorney for applicants.

No. MC–FC–67820. By order of May 6, 1965, the transfer Board approved the transfer to Houston Truck Lines, Inc., Houston, Tex., of a portion of the authority evidencing a right to engage in interstate or foreign commerce in Certificate of Registration No. MC–120482 (Sub-No. 2) issued May 12, 1964, to H. C. Buckner and H. W. Buckner, a partnership, doing business as Buckner Brothers, Houston, Tex., covering the transportation of various types of iron and steel articles, subject to certain conditions, within the State of Texas. Joe G. Fender, 2033 Norfolk Street, Houston 6, Tex., attorney for applicants.

No. MC–FC–67833. By order of May 6, 1965, the Transfer Board approved the transfer to P. Fantasia Trucking Corp., Brooklyn, N.Y., of Permit No. MC–45858, issued April 16, 1956, to Palmina Fantasia, Brooklyn, N.Y., authorizing the transportation of burlap and burlap products, paper, paper and wooden boxes, sheet steel, steel products, and tin mill products, over irregular routes, between New York, N.Y., on the one hand, and, on the other, points in New York, those in Connecticut within 70 miles of New York, N.Y., and those in New Jersey within 25 miles of New York, N.Y. Arthur J. Piken, 160–16 Jamaica Avenue, Jamaica 32, N.Y., representative for applicants.

[SEAL] BERTHA F. ARMES, *Acting Secretary.*

[F.R. Doc. 65–5167; Filed, May 14, 1965; 8:47 a.m.]

CUMULATIVE LIST OF CFR PARTS AFFECTED—MAY

The following numerical guide is a list of the parts of each title of the Code of Federal Regulations affected by documents published to date during May.

3 CFR

	Page
PROCLAMATIONS:	
1713 (superseded in part by Proc. 3656)	6571
3172 (superseded by Proc. 3655)	6467
3399 (superseded by Proc. 3655)	6467
3655	6467
3656	6571
EXECUTIVE ORDER:	
Apr. 19, 1892 (revoked in part by PLO 3656)	6437
823 (see EO 11220)	6425
10530 (revoked in part by EO 11222)	6469
10784 (superseded by EO 11223)	6635
10845 (superseded by EO 11223)	6635
10939 (revoked by EO 11222)	6469
11071 (superseded in part by EO 11224)	6679
11125 (revoked by EO 11222)	6469
11126 (amended by EO 11221)	6427
11219	6381
11220	6425
11221	6427
11222	6469
11223	6635
11224	6679
PRESIDENTIAL DOCUMENTS OTHER THAN PROCLAMATIONS AND EXECUTIVE ORDERS:	
Memorandum of July 20, 1961 (revoked by EO 11222)	6469
Memorandum of May 2, 1963 (revoked by EO 11222)	6469

4 CFR

	Page
52	6429

5 CFR

	Page
213	6215, 6241, 6337, 6478, 6637
332	6337
591	6511

6 CFR

	Page
73	6573

7 CFR

	Page
28	6637
29	6573
54	6207
55	6141, 6207
56	6207
58	6637
70	6207
81	6207
210	6207, 6479
301	6243, 6245
354	6429
707	6246
717	6144
719	6511
724	6144, 6146, 6207
842	6338
862	6247
863	6248
864	6248
905	6638
908	6148, 6429, 6681
909	6430
910	6148, 6430, 6479, 6681
918	6431
944	6638
985	6338
990	6479
1002	6639
1136	6573
1421	6338, 6511, 6681
1468	6383
1472	6383
1487	6639
1488	6249
PROPOSED RULES:	
28	6255
31	6350
51	6658
70	6395
777	6686
Ch. IX	6355, 6438, 6523
930	6255
1008	6659
1040	6163
1042	6163
1097	6534
1102	6534
1108	6534
1138	6538

8 CFR

	Page
214	6479

9 CFR

	Page
PROPOSED RULES:	
201	6360

10 CFR

	Page
30	6575

12 CFR

	Page
12	6160
204	6339
561	6517
PROPOSED RULES:	
261	6275
262	6275
563	6544

14 CFR

	Page
39	6150, 6431, 6577, 6639, 6640
61	6577
71	6150, 6215, 6241, 6384–6387, 6478, 6577–6579, 6640–6642, 6682.
73	6242, 6387, 6388
75	6150, 6241, 6242, 6432, 6642
91	6388
97	6151, 6329
99	6242
121	6432
127	6432
PROPOSED RULES:	
39	6188, 6274
67	6188
71	6189, 6225, 6397, 6399, 6400, 6402, 6443, 6588, 6589.
73	6402, 6444
75	6443
91	6541
129	6541
399	6650

16 CFR

	Page
PROPOSED RULES:	
303	6275

17 CFR

	Page
240	6642

18 CFR

	Page
157	6518

19 CFR

	Page
10	6149
PROPOSED RULES:	
13	6686

21 CFR

	Page
121	6215, 6339, 6389, 6433, 6477, 6478, 6579, 6643.
133	6475
144	6389
PROPOSED RULES:	
8	6490
121	6588, 6689

25 CFR

	Page
131	6579
PROPOSED RULES:	
1	6438
221	6523

26 CFR

	Page
1	6216, 6340, 6480
250	6217
PROPOSED RULES:	
1	6222, 6349, 6486, 6488
31	6222
301	6222

29 CFR

	Page
50	6249
604	6218
606	6218
690	6482
PROPOSED RULES:	
657	6224
697	6225
1501	6397
1502	6397
1503	6397

32 CFR

	Page
163	6161
175	6682
180	6682
516	6341
815	6343
882	6343

33 CFR

	Page
80	6433
82	6434
86	6434
95	6434
135	6434
203	6161, 6388
204	6643
205	6644
207	6161, 6644
401	6580

36 CFR

	Page
2	6682
211	6345
311	6161
502	6482

37 CFR

	Page
1	6391, 6644
3	6644

37 CFR—Continued Page

PROPOSED RULES:
2 6687
4 6687

38 CFR
1 6435
2 6392
3 6649
14 6392

39 CFR
4 6436
36 6436
37 6436
43 6436

41 CFR
1–3 6581
9–1 6483, 6519
9–3 6683
9–4 6519

41 CFR—Continued Page
9–6 6519
9–7 6519
9–8 6585
9–9 6684
9–54 6684
101–5 6684
101–44 6649

43 CFR
PUBLIC LAND ORDERS:
3638 6585
3655 6392
3656 6437
3657 6586

45 CFR
130 6393

46 CFR
25 6517

47 CFR Page
0 6250
2 6219, 6388
15 6250
73 6251, 6519, 6520

PROPOSED RULES:
2 6226
15 6541, 6689
73 6274, 6275, 6543, 6590, 6651

49 CFR
1 6485
95 6220
97 6394
141 6162

50 CFR
26 6587
33 6344, 6521, 6587
60 6149

PROPOSED RULES:
32 6224

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FEDERAL REGISTER

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Pages 6707–6759

PART I

(Part II begins on page 6747)

Agencies in this issue—

Agricultural Stabilization and Conservation Service
Agriculture Department
Civil Aeronautics Board
Coast Guard
Consumer and Marketing Service
Federal Aviation Agency
Federal Communications Commission
Federal Maritime Commission
Federal Power Commission
Federal Reserve System
Food and Drug Administration
Interior Department
Interstate Commerce Commission
Land Management Bureau
National Bureau of Standards
National Park Service
Post Office Department

Detailed list of Contents appears inside.



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UNITED STATES STATUTES AT LARGE

TABLES OF LAWS AFFECTED in Volumes 70–74

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Contents

AGRICULTURAL STABILIZATION AND CONSERVATION SERVICE

Rules and Regulations

Cotton; transfer of acreage affected by natural disaster 6712

AGRICULTURE DEPARTMENT

See also Agricultural Stabilization and Conservation Service; Consumer and Marketing Service.

Notices

Tobacco inspection and price support services; public hearings regarding applications for additional sale at Danville, Va., and proposed new market at Yadkinville, N.C. 6740

CIVIL AERONAUTICS BOARD

Notices

Engel Brothers, Inc., et al.; proposed approval for control and interlocking relationships 6740

COAST GUARD

Rules and Regulations

Suspension and revocation proceedings; appeals; temporary documents 6713

Notices

James River; closure to navigation during launching of "George C. Marshall" 6738

COMMERCE DEPARTMENT

See National Bureau of Standards.

CONSUMER AND MARKETING SERVICE

Rules and Regulations

Lemons grown in California and Arizona; handling limitation 6712

Meat inspection; gamma radiation for treatment of product; redesignation 6731

Strawberries; U.S. standards for grades 6711

FEDERAL AVIATION AGENCY

Rules and Regulations

Certification and operations; domestic, flag, and supplemental air carriers and commercial operators of large aircraft; miscellaneous amendments 6725

Objects affecting navigable airspace; miscellaneous amendments 6713

Standard instrument approach procedures; miscellaneous amendments 6714

Proposed Rule Making

Federal airways; alterations and designations 6735

Transition area; alteration 6736

Transition area and restricted area; alteration and designation 6736

FEDERAL COMMUNICATIONS COMMISSION

Notices

Hearings, etc.:

Birmingham Broadcasting Co. and Dorsey Eugene Newman 6741

Emerald Broadcasting Corp. (KPIR) et al 6741

Hicks, Ralph and Southwestern Bell Telephone Co 6741

Kent-Sussex Broadcasting Co 6741

FEDERAL MARITIME COMMISSION

Notices

Inbound cargo at New York Harbor; prehearing conference regarding free time and demurrage practices 6741

FEDERAL POWER COMMISSION

Notices

Hearings, etc.:

Humble Gas Transmission Co 6742

Midwestern Gas Transmission Co 6742

Pacific Gas and Electric Co 6742

Rocky Mountain Power Co 6743

Tennessee Gas Transmission Co 6743

Western Gas Service Co 6744

FEDERAL RESERVE SYSTEM

Rules and Regulations

Securities of member State banks; interpretation of definition of "officer" 6731

FOOD AND DRUG ADMINISTRATION

Rules and Regulations

Food additives; amprolium and additional secondary ingredients 6732

Proposed Rule Making

Color additives; listing and exemption from certification:

Juices:

Fruit 6735

Vegetable 6735

Paprika 6733

Paprika oleoresin 6733

Saffron 6734

Turmeric 6733

Turmeric oleoresin 6734

Notices

Dearborn Chemical Co.; filing of petition for food additive sodium polyacrylate 6740

HEALTH, EDUCATION, AND WELFARE DEPARTMENT

See Food and Drug Administration.

INTERIOR DEPARTMENT

See also Land Management Bureau; National Park Service.

Notices

Job Corps Conservation Center Coordination; approvals 6739

Statement of changes in financial interests:

Bovier, Ralph F 6739

Clark, Lemore W 6739

Persons, Marvin F 6740

Wilkins, George L 6740

INTERSTATE COMMERCE COMMISSION

Notices

Fourth section application for relief 6744

Motor carrier transfer proceedings 6744

LAND MANAGEMENT BUREAU

Notices

Arizona; termination of proposed withdrawal and reservation of lands 6738

NATIONAL BUREAU OF STANDARDS

Rules and Regulations

Electricity; test fee schedules 6748

NATIONAL PARK SERVICE

Notices

San Juan National Historic Site; construction and maintenance representative; delegation of authority 6739

Superintendents and certain other officials; delegation of authority regarding administration, operation and development of National Capital Parks 6738

POST OFFICE DEPARTMENT

Notices

Postmasters and assistant postmasters; delegation of authority to administer oaths to Job Corps enrollees 6738

TREASURY DEPARTMENT

See Coast Guard.

List of CFR Parts Affected

(Codification Guide)

The following numerical guide is a list of the parts of each title of the Code of Federal Regulations affected by documents published in today's issue. A cumulative list of parts affected, covering the current month to date, appears at the end of each issue beginning with the second issue of the month.

A cumulative guide is published separately at the end of each month. The guide lists the parts and sections affected by documents published since January 1, 1965, and specifies how they are affected.

7 CFR

51 6711
722 6712
910 6712

9 CFR

318 6731

12 CFR

206 6731

14 CFR

77 6713
97 6714
121 6725

PROPOSED RULES:
71 (3 documents) 6735, 6736
73 6736

15 CFR

201 6748

21 CFR

121 6732

PROPOSED RULES:
8 (7 documents) 6733–6735

46 CFR

137 6713

Rules and Regulations

Title 7—AGRICULTURE

Chapter I—Consumer and Marketing Service (Standards, Inspections, Marketing Practices), Department of Agriculture

PART 51—FRESH FRUITS, VEGETABLES AND OTHER PRODUCTS (INSPECTION, CERTIFICATION AND STANDARDS)

Subpart—United States Standards for Grades of Strawberries [1]

On January 27, 1965 a notice of proposed rule making was published in the FEDERAL REGISTER (30 F.R. 843) regarding a proposed revision of United States Standards for Grades of Strawberries (7 CFR 51.3115–51.3124).

Statement of considerations leading to the revision of the grade standards. The existing United States Standards for Strawberries have been in effect since March 23, 1942, and have not been codified in accordance with the Administrative Procedure Act of 1946.

In addition to codification, the revision makes the grades more applicable to current handling and marketing practices. The revision does not change the scoring of any specific defect, but will provide more uniform terminology in line with recently issued standards.

After consideration of all relevant matters presented, including the proposal set forth in the aforesaid notice, the following United States Standards for Grades of Strawberries are hereby promulgated pursuant to the Agricultural Marketing Act of 1946 (60 Stat. 1087, as amended; 7 U.S.C. 1621–1627).

GRADES

Sec.
51.3115 U.S. No. 1.
51.3116 U.S. Combination.
51.3117 U.S. No. 2.

UNCLASSIFIED

51.3118 Unclassified.

APPLICATION OF TOLERANCES

51.3119 Application of tolerances.

DEFINITIONS

51.3120 Overripe.
51.3121 Undeveloped.
51.3122 Damage.
51.3123 Serious damage.
51.3124 Diameter.

AUTHORITY: The provision of this subpart issued under secs. 203, 205, 60 Stat. 1087, as amended, 1090 as amended; 7 U.S.C. 1622, 1624.

GRADES

§ 51.3115 U.S. No. 1.

"U.S. No. 1" consists of strawberries of one variety or similar varietal characteristics with the cap (calyx) attached, which are firm, not overripe or undeveloped, and which are free from mold or decay and free from damage caused by dirt, moisture, foreign matter, disease, insects, or mechanical or other means. Each strawberry has not less than three-fourths of its surface showing a pink or red color.

(a) *Size.* Unless otherwise specified, the minimum diameter of each strawberry is not less than three-fourths inch.

(b) *Tolerances.* In order to allow for variations incident to proper grading and handling the following tolerances, by volume, are provided as specified:

(1) *For defects.* Not more than 10 percent for strawberries in any lot which fail to meet the requirements of this grade, but not more than one-half of this tolerance, or 5 percent, shall be allowed for defects causing serious damage, including therein not more than two-fifths of this latter amount, or 2 percent, for strawberries affected by decay.

(2) *For off-size.* Not more than 5 percent for strawberries in any lot which are below the specified minimum size.

§ 51.3116 U.S. Combination.

"U.S. Combination" consists of a combination of U.S. No. 1 and U.S. No. 2 strawberries, except for size: *Provided,* That at least 50 percent, by volume, of the strawberries meet the requirements of U.S. No. 1 grade.

(a) *Size.* Unless otherwise specified, the minimum diameter of each strawberry is not less than three-fourths inch.

(b) *Tolerances.* In order to allow for variations incident to proper grading and handling the following tolerances, by volume, are provided as specified:

(1) *For defects.* Not more than 10 percent for strawberries in any lot which are seriously damaged, including therein not more than one-fifth of this tolerance, or 2 percent, for strawberries affected by decay. No part of any tolerance shall be allowed to reduce for the lot as a whole, the percentage of U.S. No. 1 strawberries required in the combination, and individual containers (cups or baskets) may have not less than 65 percent U.S. No. 1 strawberries: *Provided,* That the entire lot averages within the required percentage.

(2) *For off-size.* Not more than 5 percent of the strawberries in any lot may be below the specified minimum size.

§ 51.3117 U.S. No. 2.

"U.S. No. 2" consists of strawberries which are free from decay and free from serious damage caused by dirt, disease, insects, mechanical or other means. Each strawberry has not less than one-half of its surface showing a pink or red color.

(a) *Size.* Unless otherwise specified, the minimum diameter of each strawberry is not less than five-eighths inch.

(b) *Tolerances.* In order to allow for variations incident to proper grading and handling the following tolerances, by volume, are provided as specified:

(1) *For defects.* Not more than 10 percent for strawberries in any lot which are seriously damaged, including therein not more than three-tenths of this tolerance, or 3 percent, for strawberries affected by decay.

(2) *For off-size.* Not more than 5 percent for strawberries in any lot which are below the specified minimum size.

UNCLASSIFIED

§ 51.3118 Unclassified.

"Unclassified" consists of strawberries which have not been classified in accordance with any of the foregoing grades. The term "unclassified" is not a grade within the meaning of these standards but is provided as a designation to show that no grade has been applied to the lot.

APPLICATION OF TOLERANCES

§ 51.3119 Application of tolerances.

(a) The contents of individual packages (cups or baskets) in the lot, based on sample inspection, are subject to the following limitations:

(1) For a tolerance of 10 percent or more, individual packages (cups or baskets) in any lot shall have not more than one and one-half times the tolerance specified, except that when the package contains 25 specimens or less, individual packages shall have not more than double the tolerance specified: *Provided,* That the averages for the entire lot are within the tolerance specified for the grade.

(2) For a tolerance of less than 10 percent, individual packages (cups or baskets) in any lot shall have not more than double the tolerance specified, except that at least one defective and one off-size specimen may be permitted in any package: *Provided,* That the averages for the entire lot are within the tolerances specified for the grade.

DEFINITIONS

§ 51.3120 Overripe.

"Overripe" means dead ripe, becoming soft, a condition unfit for shipment and necessitating immediate consumption.

§ 51.3121 Undeveloped.

"Undeveloped" means that the berry has not attained a normal shape and development due to frost injury, lack of pollination, insect injury, or other causes. "Button" berries are the most common type of this condition.

§ 51.3122 Damage.

"Damage" means any defect or any combination of defects, which materially detracts from the appearance, or the edible or shipping quality of the strawberries.

§ 51.3123 Serious damage.

"Serious damage" means any specific defect described in this section; or an equally objectionable variation of any one of these defects, any other defect, or

[1] Packing of the product in conformity with the requirements of these standards shall not excuse failure to comply with the provisions of the Federal Food, Drug, and Cosmetic Act or with applicable State laws and regulations.

any combination of defects, which seriously detracts from the appearance, or the edible or shipping quality of the strawberries. The following specific defects shall be considered as serious damage:

(a) Soft berries;
(b) Badly deformed berries;
(c) Badly bruised berries;
(d) Decayed or leaky berries;
(e) Berries badly caked with dirt; and,
(f) Berries with less than one-half of surface showing pink or red color.

§ 51.3124 Diameter.

"Diameter" means the greatest dimension measured at right angles to a straight line running from the stem to the apex.

The United States Standards for Grades of Strawberries contained in this subpart shall become effective July 1, 1965, and will thereupon supersede the United States Standards for Strawberries which have been in effect since March 23, 1942.

Dated: May 12, 1965.

G. R. GRANGE,
Deputy Administrator, Marketing Services.

[F.R. Doc. 65-5197; Filed, May 17, 1965; 8:46 a.m.]

Chapter VII—Agricultural Stabilization and Conservation Service (Agricultural Adjustment), Department of Agriculture

[Amdt. 17]

PART 722—COTTON

Subpart—Acreage Allotment Regulations for the 1964 and Succeeding Crops of Upland Cotton

ERRONEOUS NOTICES AND TRANSFER OF COTTON ACREAGE AFFECTED BY NATURAL DISASTER

This amendment is issued pursuant to the Agricultural Adjustment Act of 1938, as amended (52 Stat. 31, as amended; 7 U.S.C. 1281 et seq.).

(a) The purpose of this amendment is to designate States and counties that have been affected by a natural disaster within the meaning of section 344(n) of the Act for the 1965 crop and to delete the provisions relating to erroneous notices of planted acreage which are covered in the regulations in Part 718 of this chapter.

(b) In order that determinations with respect to transfers of acreage for the 1965 crop may be made prior to the end of the cotton planting season, it is essential that this amendment be made effective as soon as possible. Accordingly, it is hereby determined and found that compliance with the notice, public procedure requirements and the 30-day effective date requirements of section 4 of the Administrative Procedure Act (60 Stat. 238; 5 U.S.C. 1003) is impracticable and contrary to the public interest and this amendment shall be effective upon filing of this document with the Director, Office of the Federal Register.

The acreage allotment regulations for the 1964 and succeeding crops of upland cotton (28 F.R. 11041, as amended) are amended as follows:

§ 722.225 [Amended]

1. Section 722.225 of the regulations is amended by deleting paragraph (b) therefrom.

2. Section 722.226 of the regulations is amended by adding a new paragraph at the end thereof as follows:

§ 722.226 Transfer of farm cotton acreage affected by a natural disaster.

* * * * *

(i) *Designated States and counties affected by a natural disaster for 1965.* It is hereby determined that a natural disaster consisting of flood or excessive rainfall in 1965 has prevented timely planting or replanting of a portion of the 1965 farm cotton allotments on some farms in the following designated States and counties:

COUNTIES APPROVED FOR FLOODED FARM TRANSFERS

ARKANSAS	
Crittenden.	Lee.
Cross.	Monroe.
Desha.	Phillips.
ILLINOIS	
Alexander.	Pulaski.
KENTUCKY	
Fulton.	Hickman.
MISSISSIPPI	
Bolivar.	Lafayette.
Calhoun.	Tunica.
Coahoma.	Warren.
De Soto.	Washington.
Grenada.	Yalobusha.
Issaquena.	
MISSOURI	
Butler.	Pemiscot.
Dunklin.	Ripley.
Mississippi.	Scott.
New Madrid.	Stoddard.
TENNESSEE	
	Obion.
Gibson.	Shelby.
Lake.	Tipton.
Lauderdale.	

(Secs. 344(n), 375; 78 Stat. 177, 52 Stat. 66, as amended, 7 U.S.C. 1344(n), 1375)

Effective date. Date of filing this document with the Director, Office of the Federal Register.

Signed at Washington, D.C., on May 13, 1965.

H. D. GODFREY,
Administrator, Agricultural Stabilization and Conservation Service.

[F.R. Doc. 65-5222; Filed, May 17, 1965; 8:48 a.m.]

Chapter IX—Consumer and Marketing Service (Marketing Agreements and Orders; Fruits, Vegetables, Tree Nuts), Department of Agriculture

[Lemon Reg. 160, Amdt. 1]

PART 910—LEMONS GROWN IN CALIFORNIA AND ARIZONA

Limitation of Handling

Findings. 1. Pursuant to the marketing agreement, as amended, and this part (Order No. 910), as amended, regulating the handling of lemons grown in California and Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendation and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such lemons, as hereinafter provided, will tend to effectuate the declared policy of the act.

2. It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this amendment until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 1001–1011) because the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the act is insufficient, and this amendment relieves restriction on the handling of lemons grown in California and Arizona.

Order, as amended. The provisions in paragraph (b)(1)(ii) of § 910.460 (Lemon Regulation 160, 30 F.R. 6430) are hereby amended to read as follows:

§ 910.460 Lemon Regulation 160.

* * * * *

(b) *Order.* (1) * * *

(ii) District 2: 385,950 cartons.

* * * * *

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: May 13, 1965.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 65-5198; Filed, May 17, 1965; 8:45 a.m.]

Title 46—SHIPPING

Chapter I—Coast Guard, Department of the Treasury

SUBCHAPTER K—MARINE INVESTIGATIONS AND SUSPENSION AND REVOCATION PROCEEDINGS

[CGFR 64-85]

PART 137—SUSPENSION AND REVOCATION PROCEEDINGS

Subpart 137.30—Appeals

TEMPORARY DOCUMENTS

The purpose for amending 46 CFR 137.30–15 regarding temporary documents is to revise procedures and to clarify issuance of temporary documents pending decisions on appeals by merchant mariners.

The revised procedures provide that a merchant mariner may file his request for a temporary document with the Examiner or any Officer in Charge, Marine Inspection, who will forward such request to the Examiner who conducted the hearing, rather than via the District Commander as in the past.

This amendment also clarifies the provision that an Examiner is authorized to grant a request for a temporary document, pending a decision on appeal, except when any one of two different situations exists; i.e., (1) the hearing transcript has been sent to the Commandant; or (2) the order of suspension or revocation rests on a finding of guilty for a serious offense, such as appears in § 137.03–5, or is otherwise of such a character that the presence of the person on board a vessel would be incompatible with the requirements of safety of life or property at sea. In either situation the request may be forwarded by the Examiner to the Commandant for action. There is no change with respect to the first situation. In the second situation an Examiner should not grant a request for a temporary document if he believes it would be incompatible with the requirements of safety of life or property at sea. Nevertheless, it is not considered inconsistent that the Commandant should consider such a request since opinions may differ as to whether or not it would be safe, in a particular case, to issue a temporary document pending a decision on appeal. In order to properly evaluate the circumstances in each case, the Commandant should have the hearing transcript available before ruling on the request and this will now be furnished to him in most cases.

As the amendment to 46 CFR 137.30–15 regarding temporary documents revises and clarifies Coast Guard procedures and delegated authority of Examiners, it is hereby found that it is exempt from compliance with the Administrative Procedure Act (respecting notice of proposed rule making, public rule making procedure thereon, and effective date requirements) by specific provisions in section 4 of this Act (5 U.S.C. 1003).

By virtue of the authority vested in me as Commandant, U.S. Coast Guard, by section 632 of Title 14, U.S. Code, and Treasury Department Order 120, July 31, 1950 (15 F.R. 6521), and others specifically listed with the regulation below, the following amendment to § 137.30–15 is prescribed and shall become effective on the date of publication of this document in the FEDERAL REGISTER:

§ 137.30–15 Temporary documents.

(a) Any person who has appealed from a decision suspending or revoking his document may file a written request for a temporary document with the Examiner who rendered the decision or with any Officer in Charge, Marine Inspection, for forwarding to such Examiner. The request will be granted by the Examiner except (1) when the hearing transcript has been forwarded to the Commandant, or (2) when, in the opinion of the Examiner, the order of suspension or revocation rests upon a finding of guilty for a serious offense of such a character that the presence of the person charged on board a vessel, either immediately or for the indefinite future, would be incompatible with the requirements of safety of life or property at sea, or for a serious offense found by the Examiner to have been committed wilfully.

(b) If the transcript has been forwarded to the Commandant, or if the request is denied by the Examiner, the request shall be forwarded by the Examiner to the Commandant for final action. A temporary document may be issued in the discretion of the Commandant, except where such action, in the opinion of the Commandant, would be incompatible with the requirements of safety of life or property at sea.

(c) A temporary document shall be subject to such terms and conditions as the Commandant or Examiner may prescribe. However, all such documents shall provide that they expire not more than six months after issuance or upon service of the Commandant's decision on appeal, whichever occurs first. If a temporary document expires before the Commandant's decision is rendered, it may be renewed, after authorization by the Commandant, by the issuance of a new temporary document by an Officer in Charge, Marine Inspection.

(d) Copies of the temporary documents issued shall become a part of the record on appeal.

(R.S. 4405, as amended, 4463, as amended, and sec. 633, 63 Stat. 545; 46 U.S.C. 375, 416, 14 U.S.C. 633; interpret or apply R.S. 4426, as amended, 4450, as amended, secs. 1, 2, 49 Stat. 1544, 1545, as amended, sec. 7, 54 Stat. 165, as amended, secs. 1 to 12, 60 Stat. 237–244, secs. 1, 3, 63 Stat. 494, sec. 3, 63 Stat. 675, sec. 3, 70 Stat. 676, sec. 3, 70 Stat. 152; 46 U.S.C. 239, 239a, 239b, 367, 390b, 404, 526f, 5 U.S.C. 1001–1011, 50 U.S.C. 198. Treasury Department Orders 120, July 31, 1950, 15 F.R. 6521; 167–9, Aug. 3, 1954, 19 F.R. 5195; 167–14, Nov. 26, 1954, 19 F.R. 8026; 167–15, Jan. 3, 1955, 20 F.R. 840; 167–14, June 20, 1955, 20 F.R. 4976; 167–20, June 18, 1956, 21 F.R. 4894)

Dated: May 7, 1965.

[SEAL] W. D. SHIELDS,
Vice Admiral, U.S. Coast Guard, Acting Commandant.

[F.R. Doc. 65-5213; Filed, May 17, 1965; 8:47 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Agency

[Reg. Docket No. 6648; Amdt. 77-1]

PART 77—OBJECTS AFFECTING NAVIGABLE AIRSPACE

Miscellaneous Amendments

The purpose of this amendment is to make certain minor clarifying amendments to Part 77 of the Federal Aviation Regulations, which became effective on May 1, 1965.

Section 77.19, by reference to § 77.28 (b) in the last paragraph, provides for application of the dimensions of clear zones for runways at civil airports to runways at all military airports. This was not intended. As currently written, § 77.28(b)(1) states that the primary surface for military airports is "the same elevation as the centerline of the runway." The section is being revised to make it clear that the primary surface undulates with the underlying surface.

In the interest of timely correction of these discrepancies, in view of the May 1, 1965, effective date of revised Part 77, and since these amendments are clarifying in nature, I find that notice and public procedure are impracticable and contrary to the public interest and that this amendment may therefore be made effective immediately.

In consideration of the foregoing, Part 77 is amended, effective immediately, as follows:

(1) The flush paragraph at the end of § 77.19(c) is amended to read as follows:

For the purpose of this subpart, a runway clear zone for civil airports, and for each military airport on which the longest runway is no more than 5,000 feet in length, is an area at ground level which begins at the end of each primary surface defined in § 77.27(a) and extends with the width of each approach surface defined in § 77.27 (b) and (c), to terminate directly below each approach surface slope at the point, or points, where the slope reaches a height of 50 feet above the elevation of the runway or 50 feet above the terrain at the outer extremity of the clear zone, whichever distance is shorter. For military airports with at least one runway more than 5,000 feet in length, the runway clear zone is the surface defined in § 77.28(b)(2).

(2) The first sentence of § 77.28(b)(1) is amended to read as follows: "A surface located on the ground or water longitudinally centered on each runway with the same length as the runway."

(Secs. 307, 313, 1101, Federal Aviation Act of 1958; 49 U.S.C. 1348, 1354, 1510, E.O. 10854 (24 F.R. 9565))

Issued in Washington, D.C., on May 11, 1965.

N. E. HALABY,
Administrator.

[F.R. Doc. 65-5176; Filed, May 17, 1965; 8:45 a.m.]

SUBCHAPTER F—AIR TRAFFIC AND GENERAL OPERATING RULES

[Reg. Docket No. 6599; Amdt. 426]

PART 97—STANDARD INSTRUMENT APPROACH PROCEDURES

Miscellaneous Amendments

The amendments to the standard instrument approach procedures contained herein are adopted to become effective when indicated in order to promote safety. The amended procedures supersede the existing procedures of the same classification now in effect for the airports specified therein. For the convenience of the users, the complete procedure is republished in this amendment indicating the changes to the existing procedures.

As a situation exists which demands immediate action in the interests of safety in air commerce, I find that compliance with the notice and procedure provisions of the Administrative Procedure Act is impracticable and that good cause exists for making this amendment effective within less than 30 days from publication.

In view of the foregoing and pursuant to the authority delegated to me by the Administrator (24 F.R. 5662), Part 97 (14 CFR Part 97) is amended as follows:

1. By amending the following automatic direction finding procedures prescribed in § 97.11(b) to read:

ADF STANDARD INSTRUMENT APPROACH PROCEDURES

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
				T-dn	300-1	300-1	200-½
				C-dn	700-1	700-1	700-1½
				A-dn	800-2	800-2	800-2
				If Terry fan marker received, minimums become:			
				C-dn	600-1	600-1	600-1½

Radar transitions and vectoring authorized in accordance with approved patterns.
No procedure turn. Radar control will not descend aircraft below 3000' until passing Wade Int, Inbnd.
Minimum altitude over Margaret Int on final approach crs, 2800'; over Terry FM, 1500'.
Crs and distance, Wade Int to RBn, 086°—7.8 miles; Margaret Int to RBn, 095°—4.7 miles; breakoff point to runway, 078°—0.4 mile.
Crs and distance, Terry FM to airport, 086°—1.5 miles; to RBn, 2.1 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0.9 mile after passing FTY RBn, make left turn, climb to 3000' and return to Wade Int via 275° bearing from FTY RBn, or follow radar vector after being reidentified.
NOTE: ATL approach control radar must be in operation for vector to final approach crs. Night air carrier operations not authorized.
CAUTION: Water tank, 1215'—1.8 miles WNW and tower, 1279'—2.7 miles NW of airport.
MSA within 25 miles of facility: 000°–180°—4000'; 180°–270°—3700'; 270°–360°—3800'.

City, Atlanta; State, Ga.; Airport name, Fulton County; Elev., 834'; Fac. Class., MH; Ident., FTY; Procedure No. 1, Amdt. 1; Eff. date, 22 May 65; Sup. Amdt. No. Orig.; Dated, 2 Jan. 65

Erie VOR	ERI RBn	061°—10.8 miles	2800	T-dn	300-1	300-1	200-½
Harborcreek Int	ERI RBn	Direct	2800	C-dn	600-1	600-1	500-1½
Hammett Int	ERI RBn	Direct	2300	S-dn-24	600-1	600-1	500-1
Wattsburg Int	ERI RBn	Direct	3300	A-dn	800-2	800-2	800-2
Lawrence Int	ERI RBn	Direct	1400				

Procedure turn N side of crs, 059° Outbnd, 239° Inbnd, 2800' within 10 miles.
Minimum altitude over facility on final approach crs, 1800'.
Crs and distance, facility to airport, 239°—3.6 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 3.6 miles after passing ERI RBn, make a right-climbing turn to 3000' and return to ERI RBn. Hold NE on 059° bearing of Erie RBn, 1-minute right turns, 239° Inbnd.
AIR CARRIER NOTE: 300-1 required for takeoff on all runways except 6-24. Sliding scale authorized Runways 6-24.
MSA within 25 miles of facility: 060°–150°—2900'; 150°–240°—3100'; 240°–330°—2000'; 330°–060°—1800'.

City, Erie; State, Pa.; Airport name, Port Erie; Elev., 726'; Fac. Class., MHW; Ident., ERI; Procedure No. 1, Amdt. 5; Eff. Date, 22 May 65; Sup. Amdt. No. 4; Dated, 13 Oct. 63

Erie VOR	ER LOM (final)	Direct	3000	T-dn	300-1	300-1	200-½
				C-dn	500-1	500-1	500-1½
				S-dn-6	600-1	600-1	600-1
				A-dn	800-2	800-2	800-2

Procedure turn S side of crs, 239° Outbnd, 059° Inbnd, 2300' within 10 miles.
Minimum altitude over facility on final approach crs, 2000'.
Crs and distance, facility to airport, 059°—3.9 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 3.9 miles after passing ER LOM, climb to 2300' on 059° heading, make left turn, proceed to ER LOM, hold SW, ER LOM, right turns, 1 minute, 059° Inbnd.
AIR CARRIER NOTE: 300-1 required for takeoff on all runways except 6-24. Sliding scale authorized Runways 6-24.
MSA within 25 miles of facility: 060°–140°—3100'; 140°–280°—2900'; 280°–320°—2000'; 320°–060°—1600'.

City, Erie; State, Pa.; Airport name, Port Erie; Elev., 732'; Fac. Class., LOM; Ident., ER; Procedure No. 2; Amdt. 1; Eff. date, 22 May 65; Sup. Amdt. No. Orig.; Dated, 20 Feb. 64

ADF STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
FAT VOR	FAT RBn	Direct	2000	T-dn	300-1	300-1	NA
FAT LOM	FAT RBn	Direct	3000	C-dn	800-1	800-1	NA
				C-n	800-2	800-2	NA
				A-dn	NA	NA	NA

Radar vectoring authorized in accordance with approved patterns.
Procedure turn S side of crs, 215° Outbnd, 035° Inbnd, 2000' within 10 miles.
Minimum altitude over facility on final approach crs, 1100'.
Crs and distance, facility to airport, 083°—0.9 mile.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0.0 mile of FAT RBn, climb to 2000' on crs 135° from FAT RBn within 15 miles.
MSA within 25 miles of facility: 000°–090°—4500'; 090°–180°—2100'; 180°–270°—1900'; 270°–360°—3000'.

City, Fresno; State, Calif.; Airport name, Fresno-Chandler Municipal; Elev., 283'; Fac. Class., H-SAB; Ident., FAT; Procedure No. 1, Amdt. 1; Eff. date, 22 May 65; Sup. Amdt. No. Orig.; Dated, 21 Dec. 63

GLS VOR	GLS RBn	Direct	1600	T-dn	300-1	300-1	200-½
				C-dn	500-1	500-1	500-1½
				S-dn-13	400-1	400-1	400-1
				A-dn	800-2	800-2	800-2

Radar vectoring by Houston approach control may be used to position aircraft on final approach within 10 miles of Galveston RBn with elimination of procedure turn.
Procedure turn S side of crs, 203° Outbnd, 123° Inbnd, 1600' within 10 miles.
Minimum altitude over facility on final approach crs, 1100'.
Crs and distance, facility to airport, 123°—4.3 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.3 miles after passing GLS RBn, turn right, climb to 1500' direct to GLS RBn.
CAUTION: 231' radio tower, 7000' NE of airport. 187' water tank ESE side of airport.
MSA within 25 miles of facility: 000°–270°—1400'; 270°–360°—2300'.

City, Galveston; State, Tex.; Airport name, Scholes Field; Elev., 7'; Fac. Class., BHH; Ident., GLS; Procedure No. 1, Amdt. 6; Eff. date, 22 May 65; Sup. Amdt. No. 5; Dated, 11 Apr. 64

HOU VOR	AAP MH	Direct	1800	T-dn	300-1	300-1	200-½
Fairbanks Int	AAP MH	Direct	1800	C-dn	600-1	600-1	600-1
Arcola Int	AAP MH	Direct	1500	A-dn	NA	NA	NA
Rosenberg Int	AAP MH	Direct	1600				
Cypress Int	AAP MH	Direct	1700				
HOU RBn	AAP MH	Direct	1800				

Radar vectoring authorized in accordance with approved patterns.
Procedure turn W side of crs, 344° Outbnd, 164° Inbnd, 1600' within 10 miles.
Minimum altitude over facility on final approach crs, 800'.
Crs and distance, facility to airport, 165°—0.4 mile.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0.4 mile after passing AAP RBn, turn right, climb to 2000' on crs of 270° from the AAP RBn within 10 miles.
NOTES: No weather service. Unicom 24 hours, 122.8 and 122.1. Procedure not authorized for air carrier. Runways 50' wide. Private facility approved for public use
MSA within 25 miles of facility: 000°–090°—1800'; 090°–180°—2600'; 180°–270°—1500'; 270°–360°—1800'.

City, Houston; State, Tex.; Airport name, Andrau Airpark; Elev., 80'; Fac. Class., MHW; Ident., AAP; Procedure No. 1, Amdt. 6; Eff. date, 22 May 65; Sup. Amdt. No. 5; Dated, 27 June 64

Johnson City Int	JCY RBn	Direct	3100	T-dn	300-1	300-1	200-½
Fredericksburg Int	JCY RBn	Direct	3100	C-dn	500-1	500-1	500-1½
				A-dn	NA	NA	NA

Procedure turn E side of crs, 166° Outbnd, 346° Inbnd, 3000' within 10 miles.
Minimum altitude over facility on final approach crs, 2500'.
Crs and distance, facility to airport, 346°—2.0 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 2.0 miles after passing JCY RBn, turn right, climb to 4000' on 350° crs from JCY BRn. Then proceed to SAT VOR R-353 via the Austin, Tex., VOR R-260, thence to Johnson City Int via SAT VOR R-353, maintain 4000', hold N of Johnson City Int, in 1-minute right hand pattern. Contact ATC for further clearance.
NOTES: (1) Air carrier use not authorized. (2) No weather at airport. (3) Austin altimeter setting will be used for this approach. (4) REIL serves Runway 35.
CAUTION: Procedure not wholly within controlled airspace.
MSA within 25 miles of facility: 000°–090°—3200'; 090°–180°—2900'; 180°–270°—3300'; 270°–360°—3300'.

City, Johnson City; State, Tex.; Airport name, Johnson City; Elev., 1512'; Fac. Class., MH; Ident., JCY; Procedure No. 1, Amdt. 5; Eff. date, 22 May 65; Sup. Amdt. No. 4; Dated, 26 Dec. 64

Leroy Int	AZ LOM	Direct	2800	T-dn	300-1	300-1	200-½
AZO VOR	AZ LOM	Direct	2800	C-dn	400-1	500-1	500-1½
BTL VOR	AZ LOM	Direct	2800	S-dn-35	400-1	400-1	400-1
Centerville Int	Barton Int	Via AZO R-197 and BTL R-218.	2800	A-dn	800-2	800-2	800-2
Barton Int	AZ LOM (final)	Direct	2500				
Lawton Int	AZ LOM	Direct	2800				
Cooper Int	AZ LOM	Direct	2800				
Hickory Int	AZO VOR	Direct	2800				
GRR VOR	AZ LOM	Direct	2800				

Procedure turn E side of crs, 172° Outbnd, 352° Inbnd, 2800' within 10 miles.
Minimum altitude over facility on final approach crs, 2500'.
Crs and distance, facility to airport, 352°—5.8 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 5.8 miles after passing AZ LOM, climb to 3000', proceed to Cooper Int via AZO VOR R-321, or when directed by ATC, climb to 2800', turn left, and return to AZ LOM.
CAUTION: This procedure authorized only when tower operates.
MSA within 25 miles of facility: 000°–360°—2400'.

City, Kalamazoo; State, Mich.; Airport name, Kalamazoo Municipal; Elev., 876'; Fac. Class., LOM; Ident., AZ; Procedure No. 1, Amdt. 5; Eff. date, 22 May 65; Sup. Amdt. No. 4; Dated, 25 Jan. 64

PROCEDURE CANCELLED, EFFECTIVE 18 MAY 1965.

City, Kwajalein Island, Marshall Islands; Airport name, PMFR Kwajalein; Elev., 7'; Fac. Class., H; Ident., NDJ; Procedure No. 1, Amdt. Orig.; Eff. date, 5 May 62

ADF STANDARD INSTRUMENT APPROACH PROCEDURES—Continued

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
SUX VOR	LOM	Direct	1700	T-dn	300-1	300-1	*200-½
				C-dn	300-1	600-1	600-1⅝
				S-dn-31	400-1	400-1	400-1
				A-dn	800-2	800-2	800-2

Procedure turn E side of crs, 127° Outbnd, 307° Inbnd, 2600′ within 10 miles.
Minimum altitude over facility on final approach crs, 2600′.
Crs and distance, facility to airport, 307°—5.3 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 5.3 miles after passing LOM, climb to 2600′ on 307° magnetic bearing from LOM within 15 miles or, when directed by ATC, turn left and climb to 3700′ on R-295 of SUX VOR within 20 miles.
NOTE: For aircraft departing northeastbound when weather is below 2400-2, flight below 3600′ beyond 7 miles from airport is prohibited between the 347° and 025° radials of the SUX VORTAC due to a 3369′ tower, 12 miles NE of the airport.
*300-1 required for all takeoffs on Runway 4, due to 1318′ terrain, 1.4 miles ENE of airport.
MSA within 25 miles of facility: 000°–090°—4400′; 090°–270°—2700′; 270°–360°—3600′.

City, Sioux City; State, Iowa; Airport name, Sioux City Municipal; Elev., 1097′; Fac. Class., LOM; Ident., SU; Procedure No. 1, Amdt. 11; Eff. date, 22 May 65; Sup. Amdt. No. 10; Dated, 10 Apr. 65

SUX VOR	JKN RBn	Direct	2600	T-dn	300-1	300-1	*200-½
Jefferson Int	JKN RBn	Direct	2600	C-dn	600-1	600-1	600-1⅝
Hubbard Int	JKN RBn	Direct	2800	S-dn-13	600-1	600-1	600-1
				A-dn	800-2	800-2	800-2

Procedure turn W side of crs, 307° Outbnd, 127° Inbnd, 2600′ within 10 miles.
Minimum altitude over facility on final approach crs, 2200′.
Crs and distance, facility to airport, 127°—4.1 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.1 miles after passing JKN RBn, climb to 2800′ on 127° magnetic bearing from JKN RBn within 20 miles.
NOTE: For aircraft departing northeastbound when weather is below 2400-2, flight below 3600′ beyond 7 miles from airport is prohibited between the 347° and 025° radials of the SUX VORTAC due to a 3369′ tower, 12 miles NE of the airport.
*300-1 required for all takeoffs on Runway 4, due to 1318′ terrain, 1.4 miles ENE of airport.
MSA within 25 miles of facility: 000°–090°—4400′; 090°–360°—2700′.

City, Sioux City; State Iowa; Airport name, Sioux City Municipal; Elev., 1097′; Fac. Class., MHW; Ident., JKN; Procedure No. 2, Amdt. 5; Eff. date, 22 May 65; Sup. Amdt. No. 4; Dated, 10 Apr. 65

McClure Int	LOM	Direct	2200	T-dn	300-1	300-1	200-½
Waterville VOR	LOM	Direct	2200	C-dn	500-1	500-1	500-1⅝
Harbor View Int	LOM	Direct	2200	S-dn-7	500-1	500-1	500-1
Gerald Int	LOM	Direct	2200	A-dn	800-2	800-2	800-2

Radar vectoring authorized in accordance with approved patterns.
Procedure turn S side of crs, 249° Outbnd, 069° Inbnd, 2100′ within 10 miles.
Minimum altitude over facility on final approach crs, 1500.′
Crs and distance, facility to airport, 069°—4.7 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.7 miles after passing LOM, make right-climbing turn to 2200′, proceed to Waterville VOR, hold SE Waterville VOR on R-140, right turns, 1 minute, 320° Inbnd, or when directed by ATC, within 4.7 miles after passing LOM, make climbing left turn to 2100′, proceed to Toledo LOM, hold SW Toledo LOM, right turns, 1 minute, 069° Inbnd.
CAUTION: Tower 969′ —1¾ miles S of LMM.
MSA within 25 miles of facility: 000°–090°—2600′; 090°–180°—2000′; 180°–270°—2100′; 270°–360°—2600′.

City, Toledo; State, Ohio; Airport name, Toledo Express; Elev., 684′; Fac. Class., LOM; Ident., TO; Procedure No. 1, Amdt. 9; Eff. date, 22 May 65; Sup. Amdt. No. 8; Dated, 2 Jan. 65

2. By amending the following very high frequency omnirange (VOR) procedures prescribed in § 97.11(c) to read:

VOR STANDARD INSTRUMENT APPROACH PROCEDURES

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.
If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
AEX VOR	ESF VOR	Direct	1700	T-dn	300-1	300-1	300-1
AEX RBn	ESF VOR	Direct	1700	C-dn	400-1	600-1	500-1⅝
Boyce Int	ESF VOR	Direct	1700	S-dn-14	400-1	400-1	400-1
Larto Int	ESF VOR	Direct	2000	A-dn	800-2	800-2	800-2
V-114, V-114N	ESF VOR	ESF-166	1700				
Van Int	ESF VOR (final)	Direct	1000				

Radar terminal area transition altitude: 1000′ within 20 miles. Radar control must provide 1000′ clearance when within 3 miles of radio tower, 1709′—16 miles S of radar site at Englaud A.F.B.
Procedure turn E side of crs, 331° Outbnd, 151° Inbnd, 1700′ within 10 miles.
Minimum altitude over facility on final approach crs, 1000′.
Crs and distance, facility to airport, 151°—3.0 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 3.0 miles after passing ESF VOR, climb to 1700′ on ESF VOR R-151, turn left and return to ESF VOR.
MSA within 25 miles of facility: 000°–090°—1400′; 090°–180°—1400′; 180°–270°—1700′; 270°–360°—1600′.

City, Alexandria; State, La.; Airport name, Esler Field; Elev., 108′; Fac. Class., L-BVOR; Ident., ESF; Procedure No. 1, Amdt. 4; Eff. date, 22 May 65; Sup. Amdt. No. 3; Dated, 26 Sept. 64

VOR STANDARD INSTRUMENT APPROACH PROCEDURES—Continued

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
AEX VOR	ESF VOR	Direct	1700	T-dn	300-1	300-1	200-½
AEX RBn	ESF VOR	Direct	1700	C-dn	400-1	500-1	500-1½
Boyce Int	ESF VOR	Direct	1700	S-dn-32	400-1	400-1	400-1
Larto Int	ESF VOR	Direct	2000	A-dn	800-2	800-2	800-2
V-114	Marks Int	AEX 110/ESF-16.	1700				
Marks Int	Cox Int (final)	Direct	1300				

Radar vectoring authorized in accordance with approved patterns.
Procedure turn E side of crs, 148° Outbnd, 328° Inbnd, 1600′ within 10 miles of Cox Int. Beyond 10 miles not authorized.
Minimum altitude over Cox Int on final approach crs, 1300′.
Crs and distance, Cox Int to airport, 328°—4.0 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.0 miles after passing *Cox Int, climb to 2000′ and proceed to ESF VOR. Hold NW on ESF R-331 (RT).
MSA within 25 miles of the facility: 000°–090°—1400′; 090°–180°—1400′; 180°–270°—1700′; 270°–360°—1500′.

City, Alexandria; State, La.; Airport name, Esler Field; Elev., 108′; Fac. Class., L-BVOR; Ident., ESF; Procedure No. 2, Amdt. 2; Eff. date, 22 May 65; Sup. Amdt. No. 1; Dated, 7 Nov. 64

				T-d	300-1	300-1	300-1
				C-d	800-2	800-2	800-2
				A-d	NA	NA	NA

Procedure turn S side of crs, 274° Outbnd, 094° Inbnd, 2600′ within 10 miles. Beyond 10 miles not authorized.
Minimum altitude over facility on final approach crs, 2100′.
Crs and distance, facility to airport, 094°—4 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 6.0 miles after passing STW VOR, make a left-climbing turn to 2600′ and return to STW VOR. Hold W, 1-minute right turns, 094° Inbnd.
NOTE: UNICOM available on 122.8.
MSA within 25 miles of facility: 000°–090°—3100′; 090°–180°—2800′; 180°–270°—3100′; 270°–360°—3200′.

City, Andover; State, N.J.; Airport name, Aeroflex-Andover; Elev., 563′; Fac. Class., LBVORTAC; Ident., STW; Procedure No. 1, Amdt. 2; Eff. date, 22 May 65; Sup. Amdt. No. 1; Dated, 11 July 64

				T-dn	500-1	305-1	200-½
				C-dn	500-1	502-1	500-1⅝
				S-dn-6	500-1	500-1	500-1
				A-dn	800-2	800-2	800-2

Procedure turn S side crs, 239° Outbnd, 059° Inbnd, 2200′ within 10 miles.
Minimum altitude over facility on final approach crs, 1800′.
Crs and distance, facility to airport, 059°—6.0 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 6.0 miles after passing ERI VOR, climb to 3000′ on crs 059° from Erie VOR within 10 miles, return to ERI VOR, hold SW, 1-minute right turns, 059° Inbnd.
AIR CARRIER NOTE: 300-1 required for takeoff on all Runways except 6-24. Sliding scale authorized Runways 6-24.
MSA within 25 miles of the facility: 060°–140°—3100′; 140°–220°—2900′; 220°–320°—2200′; 320°–060°—1900′.

City, Erie; State, Pa.; Airport name, Port Erie; Elev., 732′; Fac. Class., BVORTAC; Ident., ERI; Procedure No. 1, Amdt. 5; Eff. date, 22 May 65; Sup. Amdt. No. 4; Dated, 6 July 63

Berenda Int	FAT VOR (final)	Direct	1600	T-dn	300-1	300-1	NA
				C-d	900-1	900-1	NA
				C-a	900-2	900-2	NA
				A-dn	NA	NA	NA
				If aircraft equipped to receive DME and the 6-mile DME Fix R-166 received, the following minimums apply:			
				C-d	700-1	700-1	NA
				C-a	700-2	700-2	NA

Radar vectoring authorized in accordance with approved patterns.
Procedure turn W side of crs, 313° Outbnd, 133° Inbnd, 2300′ within 10 miles.
Minimum altitude over facility on final approach crs, 1900′.
Crs and distance, facility to airport, 165°—9.2 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 9.2 miles after passing FAT VOR, turn right, proceed direct to FAT VOR, climbing to 2300′ on R-305 within 20 miles.
MSA within 25 miles of facility: 360°–090°—7500′; 090°–180°—5000′; 180°–270°—1900′; 270°–360°—6000′.

City, Fresno; State, Calif.; Airport name, Fresno-Chandler Municipal; Elev., 282′; Fac. Class., BVORTAC; Ident., FAT; Procedure No. 1, Amdt. 3; Eff. date, 22 May 65; Sup. Amdt. No. 2; Dated, 12 Sept. 64

Galveston RBn	GLS VOR	Direct	2300	T-dn	300-1	300-1	200-½
				C-dn	500-1	500-1	500-1⅝
				S-dn-13	400-1	400-1	400-1
				A-dn	800-2	800-2	800-2

Radar vectoring by Houston approach control may be used to position aircraft on final approach within 10 miles NW of Galveston VOR with elimination of procedure turn.
Procedure turn S side crs, 291° Outbnd, 111° Inbnd, 2200′ within 10 miles.
Minimum altitude over facility on final approach crs, 1100′; minimum altitude abeam GLS RBn on final approach crs, 600′.*
Crs and distance, facility to airport, 111°—7.5 miles; abeam GLS RBn, 111°—4.3 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 7.5 miles after passing GLS VOR, turn right, climb to 1800′ direct to GLS VOR.
CAUTION: 291′ radio tower, 7009′ NE of airport. 157′ water tank, ESE of airport.
*Descent below 600′ not authorized until position abeam GLS RBn (021° bearing to GLS RBn) identified.
MSA within 25 miles of facility: 000°–270°—1400′; 270°–360°—2300′.

City, Galveston; State, Tex.; Airport name, Scholes Field; Elev., 7′; Fac. Class., BVORTAC; Ident., GLS; Procedure No. 1, Amdt. 6; Eff. date, 22 May 65; Sup. Amdt. No. 5; Dated, 11 Apr. 64

VOR STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
				T-dn	300-1	300-1	300-1½
				C-dn	500-1	600-1	600-1½
				A-dn	800-2	800-2	800-2

Procedure turn N side of crs, 113° Outbnd, 293° Inbnd, 2000' within 10 miles.
Minimum altitude over facility on final approach crs, 1700'.
Crs and distance, facility to airport, 293°—3.3 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 5.3 miles after passing MSS VOR, make right-climbing turn to 2000'; return to Massena VOR. Hold SE of MSS VOR, 1-minute right turns, 293° Inbnd crs.
CAUTION: 598' tower, 2.0 miles SW of airport.
MSA within 25 miles of facility: 000°-090°—2000'; 090°-180°—3600'; 180°-270°—3000'; 270°-360°—2000'.

City, Massena; State, N.Y.; Airport name, Richards Field; Elev., 215'; Fac. Class., H-BVORTAC; Ident., MSS; Procedure No. 1, Amdt. 7; Eff. date, 22 May 65; Sup. Amdt. No. 6; Dated, 14 Mar. 64

				T-d	800-1	800-1	800-1
				T-n	NA	NA	NA
				C-d	1400-2	1400-2	1400-2
				C-n	NA	NA	NA
				A-dn*	NA	NA	NA

Procedure turn N side of crs, 112° Outbnd, 292° Inbnd, 3500' within 10 miles.
Minimum altitude over facility on final approach crs, 3500'.
Crs and distance, facility to airport, 292°—9.9 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 9.9 miles after passing GDM VOR, make a left-climbing turn to 3500' direct to GDM VOR. Hold E of GDM VOR, 1-minute, right turns, 292° Inbnd.
*Alternate weather minimums of 2000-3 is authorized only for those who have an approved arrangement for weather service at the airport.
MSA within 25 miles of facility: 000°-090°—4500'; 090°-180°—3500'; 180°-270°—2600'; 270°-360°—3500'.

City, Orange; State, Mass; Airport name, Orange Municipal; Elev., 855'; Fac. Class., BVORTAC; Ident., GDM; Procedure No. 1, Amdt. 1; Eff. date, 22 May 65; Sup. Amdt. No. Orig.; Dated, 8 Aug. 64

				T-dn	300-1	300-1	*200-½
				C-dn	500-1	600-1	600-1½
				S-dn-31	400-1	400-1	400-1
				A-dn	800-2	800-2	800-2

Procedure turn E side of crs, 132° Outbnd, 312° Inbnd, 2400' within 10 miles.
Minimum altitude over facility on final approach crs, 2100'.
Crs and distance, facility to airport, 312°—3.6 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 3.6 miles after passing SUX VOR, climb to 3000' on R-331 within 20 miles.
NOTES: (1) When authorized by ATC, DME may be used to position aircraft for straight-in approach at 3000' between R-060 clockwise to R-289 via 10-mile DME are with the elimination of procedure turn. (2) For aircraft departing northeastbound when weather is below 2400-3, flight below 3000' beyond 7 miles from airport is prohibited between 347° and 025° radials of the SUX VORTAC due to a 3309' tower, 12 miles northeast of the airport.
*300-1 required for all takeoffs on Runway 4, due to 1518' terrain 1.4 miles ENE of airport.
MSA within 25 miles of facility: 000°-090°—4400'; 090°-270°—2700'; 270°-360°—3700'.

City, Sioux City; State, Iowa; Airport name, Sioux City Municipal; Elev., 1097'; Fac. Class., BVORTAC; Ident., SUX; Procedure No. 1, Amdt. 11; Eff. date, 22 May 65; Sup. Amdt. No. 10; Dated, 10 Apr. 65

Dinuba Int	VIS VOR	Direct	3000	T-dn	300-1	300-1	200-½
Laton Int	VIS VOR	Direct	2000	C-dn	400-1	500-1	500-1½
Pixley Int	VIS VOR	Direct	3000	S-dn-12R	400-1	400-1	400-1
Exeter Int	VIS VOR	Direct	2000	A-dn*	NA	NA	NA

Radar vectoring authorized in accordance with approved patterns.
Procedure turn N side of crs, 287° Outbnd, 107° Inbnd, 2000' within 10 miles.
Minimum altitude over facility on final approach crs, 1300'.
Crs and distance, facility to airport 107°—4.7 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.7 miles after passing VIS VOR, climb to 2000' on VIS VOR R-107 within 15 miles.
NOTE: Final approach from holding pattern at VIS VOR not authorized. Procedure turn required.
#Control zone effective 0700 to 2100 local time daily. 700' minimums required during periods control zone not in effect.
*Alternate minimums of 800-2 authorized for air carriers with weather reporting service available at the airport.
MSA within 25 miles of facility: 000°-090°—3200'; 090°-180°—3400'; 180°-270°—2000'; 270°-360°—4100'.

City, Visalia; State, Calif.; Airport name, Visalia Municipal; Elev., 297'; Fac. Class., TVOR; Ident., VIS; Procedure No. 1, Amdt. 1; Eff. date, 22 May 65; Sup. Amdt. No. Orig.; Dated, 6 Feb. 65

GSH VOR	Green Int	Direct	2300	T-dn	300-1	300-1	200-½
OXI VOR	Green Int	Direct	2300	C-dn	700-1	700-1½	700-1½
MOI VOR	Green Int	Direct	2300	A-dn	NA	NA	NA
OLK VOR	Canoe Int	Direct	2300				
Green Int	Canoe Int (final)	Direct	2200				

Procedure turn S side of crs, 278° Outbnd, 098° Inbnd, 2200' within 10 miles of Canoe Int.
Minimum altitude over Canoe Int on final approach crs, 2200'.
Crs and distance, Canoe Int to airport, 098°—3.2 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 5.2 miles after passing Canoe Int, make left turn, climb to 2300', return to Canoe Int.
NOTES: (1) No weather reporting service, obtain SBN and FWA weather and altimeter settings before making IFR approach. (2) Radar vectoring to final approach crs to eliminate procedure turn authorized by Chicago Center radar. Minimum radar vectoring altitude within 15 miles of Canoe Int, 2300'; from 15-20 miles, 2800'. (3) Dual VOR required for IFR approach.
MSA within 25 miles of facility: 090°-180°—2700'; 180°-090°—2300'.

City, Warsaw; State, Ind.; Airport name, Warsaw Municipal; Elev., 840'; Fac. Class., L-BVOR; Ident., OLK; Procedure No. 1, Amdt. Orig.; Eff. date, 22 May 65

3. By amending the following terminal very high frequency omnirange (TerVOR) procedures prescribed in § 97.13 to read:

TERMINAL VOR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.
If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
				T-dn	300-1	300-1	200-½
				C-dn	700-1	700-1	700-1½
				A-dn	800-2	800-2	800-2
				When Terry fan marker received minimums become:			
				C-dn	600-1	600-1	600-1½

Radar transitions and vectoring authorized in accordance with approved patterns.
No procedure turn. Radar control will not descend aircraft below 3000' until passing Wade Int Inbnd.
Minimum altitude over Margaret Int on final approach crs, 2600'; over Terry FM, 1600'.
Crs and distance, Wade Int to VOR, 096°—8.0 miles; Margaret Int to VOR, 096°—6.0 miles; breakoff point to Runway, 078°—0.4 mile.
Crs and distance, Terry fan marker to airport, 096°—1.5 miles; to VOR, 2.1 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0.0 mile after passing FTY VOR, make left turn, climb to 3000' and return to Wade Int via FTY R-278 or follow radar vector after being reidentified.
NOTES: (1) ATL approach control radar must be in operation for vector to final approach crs. (2) Night air carrier operations not authorized.
MSA within 25 miles of facility: 000°-180°—4000'; 180°-270°—3700'; 270°-360°—3800'.

City, Atlanta; State, Ga.; Airport name, Fulton County; Elev., 834'; Fac. Class., L-BVOR; Ident., FTY; Procedure No. TerVOR (R-275), Amdt. 7; Eff. date, 22 May 65; Sup. Amdt. No. 6; Dated, 21 Nov. 64

Papi Int	Glencoe Int	Via OBK R-076 and ORD R-285	2500	T-dn	800-1	800-1	800-1½
Glencoe Int	Rand Int (final)	Direct	1400	C-dn	400-1	400-1	800-1½
OBK VOR	Glencoe Int	Direct	2000	S-dn-22	400-1	400-1	400-1
Niles Int	ORD VORTAC	Direct	1900	A-dn	800-2	800-2	800-2
Warren Int	ORD VORTAC	Direct	2500				
OBK VOR	ORD VORTAC	Direct	2500				

Radar transition to final approach crs, authorized. Aircraft will be released for final approach without procedure turn 3 miles from Rand Int.
Procedure turn N side of crs, 033° Outbnd, 213° Inbnd, 2800' within 10 miles of VORTAC.
Minimum altitude over Rand Int on final approach crs, 1400'.
Crs and distance, Rand Int to Runway 22, 213°—2.6 miles; Rand Int to VOR, 2.3 miles.
Crs and distance, breakoff point to approach end of Runway 22, 218°—0.27 mile.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0.0 mile of ORD VOR, climb to 3500' and proceed in DPA VOR via ORD R-213 and DPA R-035, or as directed by ATC, climb to 1500' on ORD R-213, then make right-climbing turn to 2600' and proceed to Elgin Int ORD R-271.
NOTES: (1) Dual VOR or VOR and DME receivers or radar fix required in lieu of Rand Int. (2) Aircraft executing missed approach may after being reidentified be radar controlled.
CAUTION: Takeoffs on Runway 27 when weather is below 2000-3 will intercept ORD VOR R-280 and climb to 2000' before proceeding westbound. Takeoffs on Runway 22L when weather is below 2000-3 will intercept ORD VOR R-305 and climb to 2000' before proceeding westbound. Takeoffs on Runway
MSA within 25 miles of facility: 000°-090°—2000'; 090°-180°—2600'; 180°-270°—2800'; 270°-360°—2500'.

City, Chicago; State, Ill.; Airport name, O'Hare International; Elev., 667'; Fac. Class., L-BVORTAC; Ident., ORD; Procedure No. TerVOR-22, Amdt. 4; Eff. date, 22 May 65; Sup. Amdt. No. 3; Dated, 18 Jan. 64

MBS VOR	Mt Pleasant VOR	Direct	2500	T-dn	800-1	800-1	200-½
				C-dn	600-1	600-1	600-1½
				A-dn	NA	NA	NA

Procedure turn, N side final approach crs, 095° Outbnd, 275° Inbnd, 2200' within 10 miles.
Minimum altitude over facility on final approach crs, 1400'.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0.0 mile of VOR, make right-climbing turn to 2200' on Mt. Pleasant VOR R-360 and then return to the VOR.
NOTES: (1) No weather available. (2) Private facility operated by the State of Michigan.
MSA within 25 miles of facility: 000°-090°—2100'; 090°-180°—2000'; 180°-270°—2400'; 270°-360°—2400'.

City, Mount Pleasant; State, Mich.; Airport name, Mount Pleasant; Elev., 755'; Fac. Class., T-BVOR; Ident., MOP; Procedure No. TerVOR-27, Amdt. Orig.; Eff. date, 22 May 65

Moneta Int	VOR	Direct	7800	T-dn	800-1	800-1	800-1
Sweetwater Int	VOR	Direct	9000	C-dn	600-1	600-1	600-1½
				S-dn	600-1	600-1	600-1
				A-dn*	NA	NA	NA

Procedure turn S side of crs, 275° Outbnd, 095° Inbnd, 7000' within 10 miles.
Minimum altitude over facility on final approach crs, 6100'.
Facility on airport. Breakoff point to runway, 099°—0.5 mile.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0.0 mile of RIW VOR, climb to 7500' on R-105 within 15 miles.
NOTE: Departure procedures not required.
*Alternate minimums of 800-2 authorized for air carrier with weather reporting service available at airport.
MSA within 25 miles of facility: 000°-090°—10,100'; 090°-180°—9400'; 180°-270°—13,100'; 270°-360°—10,300'.

City, Riverton; State, Wyo.; Airport name, Riverton Municipal; Elev., 5498'; Fac. Class., BVOR; Ident., RIW; Procedure No. TerVOR-10, Amdt. 2; Eff. date, 22 May 65; Sup. Amdt. No. 1; Dated, 1 Aug. 64

TERMINAL VOR STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

Transition From—	To—	Course and distance	Minimum altitude (feet)	Ceiling and visibility minimums Condition	2-engine or less: 65 knots or less	2-engine or less: More than 65 knots	More than 2-engine, more than 65 knots
Moneta Int	VOR	Direct	7500	T-dn	300-1	300-1	300-1
Sweetwater Int	VOR	Direct	9000	C-dn	400-1	400-1	400-1½
				S-dn	400-1	400-1	400-1
				A-dn*	NA	NA	NA

Procedure turn N side of crs, 108° Outbnd, 288° Inbnd, 7000' within 10 miles.
Minimum altitude over facility on final approach crs, 5900'.
Facility on airport; breakoff point to runway, 279°—0.5 mile.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0.0 mile of RIW VOR, climb to 7500' on R-284 within 15 miles.
NOTE: Departure procedures not required.
*Alternate minimums of 800-2 authorized for air carriers with weather reporting service available at airport.
MSA within 25 miles of facility: 000°–090°—10,100'; 090°–180°—9400'; 180°–270°—13,100'; 270°–360°—10,300'.

City, Riverton; State, Wyo.; Airport name, Riverton Municipal; Elev., 5468'; Fac. Class., BVOR; Ident., RIW; Procedure No. TerVOR-28, Amdt. 2; Eff. date, 22 May 65; Sup. Amdt. No. 1; Dated, 1 Aug. 64

				T-dn	300-1	300-1	300-1½
				C-dn	700-1	700-1	700-1½
				A-dn	800-2	800-2	800-2
				If 5-mile Radar fix is received the following minimums apply:			
				C-dn	600-1	600-1	600-1½

Radar transitions and vectoring authorized in accordance with approved patterns.
Procedure turn W side of crs, 085° Outbnd, 215° Inbnd, 2300' within 10 miles.
Minimum altitude over facility on final approach crs, 1300'; if 5-mile Radar Fix received, 1200'.
Facility on airport; breakoff point to runway, 220°—0.5 mile.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0.0 mile of Rochester VOR, make right-climbing turn to 3000', intercept R-258 of Rochester VOR, proceed to Spencerport Int. Hold W, 1-minute left turns, 118° Inbnd.
CAUTION: Tower, 800'—2.3 miles north of airport. Tower, 946'—2.5 miles SW of airport.
AIR CARRIER NOTE: Takeoff on Runway 12 and landing on Runway 30 not authorized.
MSA within 25 miles of facility: 000°–090°—2100'; 090°–180°—3800'; 180°–270°—3100'; 270°–360°—2000'.

City, Rochester; State, N.Y.; Airport name, Rochester-Monroe County; Elev., 559'; Fac. Class., BVOR; Ident., ROC; Procedure No. TerVOR-22, Amdt. 1; Eff. date, 22 May 65; Sup. Amdt. No. Orig.; Dated, 13 Mar. 65

4. By amending the following very high frequency omnirange-distance measuring equipment (VOR/DME) procedures prescribed in § 97.15 to read:

VOR/DME STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.
If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition From—	To—	Course and distance	Minimum altitude (feet)	Ceiling and visibility minimums Condition	2-engine or less: 65 knots or less	2-engine or less: More than 65 knots	More than 2-engine, more than 65 knots
10-mile DME Fix R-017	5-mile DME Fix R-017	Direct	1500	T-dn	300-1	300-1	300-1½
5-mile DME Fix R-017	Houston VOR (final)	Direct	800	C-dn	400-1	400-1	400-1½
				S-dn-21°*	400-1	400-1	400-1
				A-dn	800-2	800-2	800-2

Radar vectoring authorized in accordance with approved patterns.
Radar Fix may be used in lieu of DME Fix.
Procedure turn W side of crs, 017° Outbnd, 197° Inbnd, 1600' within 10 miles.
Minimum altitude over facility on final approach crs, 800'.*
Crs and distance breakoff point to approach end Runway 21, 216°—0.7 mile.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0.0 mile of HOU VOR, climb to 2300' on R-218 within 20 miles.
CAUTION: 1549' tower, approximately 13 miles SW of HOU VOR. 1239' tower, approximately 11 miles SSE of HOU VOR.
*Descent below 1500' not authorized until passing 5-mile DME Fix on final approach.
**400-¾ authorized, except for 4-engine turbojet aircraft, with operative high-intensity runway lights.
MSA within 25 miles of facility: 000°–090°—1600'; 090°–180°—2300'; 180°–270°—2600'; 270°–360°—1800'.

City, Houston; State, Tex.; Airport name, William P. Hobby; Elev., 50'; Fac. Class., H-BVORTAC; Ident., HOU; Procedure No. VOR/DME-2, Amdt. 5; Eff. date, 22 May 65; Sup. Amdt. No. 4; Dated, 17 Apr. 65

20-mile DME Fix LCH R-265	20-mile DME Fix LCH R-282	Via 20-mile DME arc.	1500	T-dn	300-1	300-1	300-1½
20-mile DME Fix LCH R-249	20-mile DME Fix LCH R-282	Via 20-mile DME arc.	1500	C-dn	400-1	400-1	400-1½
				A-dn	800-2	800-2	800-2
20-mile DME Fix LCH R-252	11-mile DME Fix LCH R-282	Direct	1500				
11-mile DME Fix LCH R-282	8-mile DME Fix LCH R-282 (final)	Direct	600				

Procedure turn S side of crs, 282° Outbnd, 072° Inbnd, 1500' within 10 miles of 11-mile DME Fix.
Minimum altitude over 11-mile DME Fix on final approach crs, 1500'; over 8-mile DME Fix on final approach crs, 600'.
Crs and distance 11-mile DME Fix to airport 072°—4.7 miles; 8-mile DME Fix to airport 072°—1.7 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished upon reaching 0.3-mile DME Fix, climb to 1500' direct to LCH VOR.
NOTE: VOR and DME equipment required for the execution of this procedure.
MSA within 25 miles of facility: 000°–360°—1500'.

City, Lake Charles; State, La.; Airport name, Lake Charles Municipal; Elev., 10'; Fac. Class., H-BVORTAC; Ident., LCH; Procedure No. 1, Amdt. Orig.; Eff. date, 22 May 65

VOR/DME STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

Transition From—	To—	Course and distance	Minimum altitude (feet)	Ceiling and visibility minimums Condition	2-engine or less: 65 knots or less	2-engine or less: More than 65 knots	More than 2-engine, more than 65 knots
SUX VORTAC	8.5-mile DME Fix R-311	[illegible]	2600	T-dn	300-1	300-1	*200-½
				C-dn	600-1	600-1	600-1½
				S-dn-13	800-1	800-1	800-1
				A-dn	800-2	800-2	800-2

Procedure turn W side of crs, 311° Outbnd, 131° Inbnd, 2600' between 8.5- and 13.5-mile DME Fix R-311.
Minimum altitude over 8.5-mile DME Fix R-311 on final approach crs, 2100'.
Crs and distance, 8.5-mile DME Fix R-311 to airport, 131°—3.4 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished at 8.5-mile DME Fix R-311, climb to 2600' on R-131 within 10 miles of VOR.
NOTES: (1) When authorized by ATC, DME may be used to position aircraft for straight-in approach at 2300' between R-260 clockwise to 320° via 15 miles DME arc with the elimination of procedure turn. (2) Final approach from holding pattern at 8.5-mile DME Fix R-311 not authorized. Procedure turn required. (3) For aircraft departing northeastbound when weather is below 3400-2, flight below 3600' beyond 7 miles from airport is prohibited between the 247° and 028° radials of the SUX VORTAC due to a 3369' tower, 12 miles NE of the airport.
*300-1 required for all takeoffs on Runway 4, due to 1318' terrain 1.4 miles ENE of airport.
MSA within 25 miles of facility: 000°–090°—4400'; 090°–270°—3700'; 270°–360°—3700'.

City, Sioux City; State, Iowa; Airport name, Sioux City Municipal; Elev., 1097'; Fac. Class., BVORTAC; Ident., SUX; Procedure No. VOR/DME No. 2, Amdt. 4; Eff. date, 22 May 65; Sup. Amdt. No. 3; Dated, 10 Apr. 65

5. By amending the following instrument landing system procedures prescribed in § 97.17 to read:

ILS STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.
If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition From—	To—	Course and distance	Minimum altitude (feet)	Ceiling and visibility minimums Condition	2-engine or less: 65 knots or less	2-engine or less: More than 65 knots	More than 2-engine, more than 65 knots
ABI VOR	University Int	Direct	3300	T-dn	300-1	300-1	300-1½
Dyess VOR	University Int	Direct	3600	C-dn	400-1	400-1	400-1½
ABI LOM	University Int	Direct	3300	S-dn-17°	400-1	400-1	400-1
Nugent Int	Fort Int	Direct	1150	A-dn	800-2	800-2	800-2
Fort Int	University (final)	Direct	2600				

Radar vectoring authorized in accordance with approved patterns.
Procedure turn E side of crs, 350° Outbnd, 170° Inbnd, 2600' within 10 miles of University Int.
Minimum altitude over University Int on final approach crs, 2600'; over Fort Int, 3600'.
Crs and distance, University Int to airport, 170°—3.5 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 3.5 miles after passing University Int, climb to 3600' on S crs of ILS within 20 miles or, when directed by ATC, turn left and climb to 3600' on R-110 of ABI VOR within 20 miles.
Radar may be used to position aircraft over Fort Int at 3100', with elimination of procedure turn.
CAUTION: Towers, 2032'—2.6 miles WNW; 2116'—4.2 NW; 2087'—4.8 miles NW.
*400-¾ authorized, except for 4-engine turbojet, with operative high-intensity runway lights.

City, Abilene; State, Tex.; Airport name, Abilene Municipal; Elev., 1738'; Fac. Class., ILS; Ident., I-ABI; Procedure No. ILS-17 (back crs), Amdt. 4; Eff. date, 22 May 65; Sup. Amdt. No. 3; Dated, 13 Mar. 65

Wrigley Int	AT LOM (final)	Direct	2800	T-dn	300-1	300-1	300-1½
				C-dn	NA	NA	NA
				S-dn-9L and 9R	200-½	200-½	200-½
				A-dn	800-2	800-2	800-2

Procedure turn not authorized. Radar vectoring to final approach crs required. Standard radar separation will be provided throughout these approaches.
Minimum altitude at glide slope intercept Inbnd, 9L—3200' at Wrigley Int (2800' when authorized by ATC); 9R—2800'.
Crs, AT LOM to Runway 9L and AL LOM to Runway 9R, 090°.
Altitude of glide slope and distance to approach end of runway at OM; 9L, 3224'—4.1 miles; 9R, 2800'—5.0 miles; at MM, 9L, 1236'—0.8 mile; 9R, 1220'—0.6 mile.
When advised by the controller, or if visual contact not established upon descent to authorized landing minimums, or if landing not accomplished: Runway 9L—climb to 3000', proceed to Tucker Int via ATL VOR R-083. Runway 9R—make climbing right turn to 3000' and proceed direct to MDU VOR.
NOTES: (1) When advised by ATC, pilot shall monitor both control frequency and localizer voice continuously during the remainder of the approach.
Aircraft executing missed approaches may, after being reidentified, be radar controlled.

City, Atlanta; State, Ga.; Airport name, Atlanta; Elev., 1024'; Fac. Class., ILS I-ATL; Ident., I-ALR; Procedure No. ILS-9L and 9R, Amdt. Orig.; Eff. date, 22 May 65

BIL VOR	LOM	Direct	6600	T-dn*	300-1	300-1	200-½
BIL RBn	LOM	Direct	5300	C-dn	500-1	500-1	500-1½
Masseihell Int	LOM	Direct	6000	S-dn-96°	200-½	200-½	200-½
Rapelje DME Fix	LOM	Direct	5300	A-dn	600-2	600-2	600-2
Ryegate Int	LOM	Direct via R-284	5300				
12-mile DME Fix R-284 BIL VOR	W crs ILS (final)	BIL VOR	5000				

Procedure turn S side of crs, 275° Outbnd, 095° Inbnd, 5300' within 10 miles.
Minimum altitude at glide slope intercept Inbnd, 5000'.
Altitude of glide slope and distance to approach end of runway at OM 4994'—4.0 miles; at MM 3615'—0.6 mile.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished, climb to 5300' on E crs of the ILS within 15 miles or, when directed by ATC, climb to 5300' on R-055 BIL VOR within 20 miles, or climb to 6300' on R-114 BIL VOR within 20 miles.
NOTES: (1) Final approach from holding pattern at LOM not authorized. Procedure turn required. (2) When weather is below 600-2 and aircraft is southeastbound, flight below 4700' is prohibited SE of airport between BIL VOR radials 080° CW to 110° inclusive to 4349' tower, 3 miles SE of airport.
*Takeoff below 300-1 prohibited on all Runways except 9–27.
#400-1 required when glide slope not utilized.
%400-¾ authorized, except for 4-engine turbojet aircraft, with operative high-intensity runway lights.
%400-½ authorized, except for 4-engine turbojet aircraft, with operative ALS.

City, Billings; State, Mont.; Airport name, Logan Field; Elev., 3606'; Fac. Class., ILS; Ident., I-BIL; Procedure No. ILS-9, Amdt. 12; Eff. date, 22 May 65; Sup. Amdt. No. 11; Dated, 24 Apr. 65

ILS STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
Erie VOR	LOM (final)	Direct	3000	T–dn	300–1	300–1	200–½
				C–dn	500–1	500–1	500–1½
				S–dn–6°	300–½	300–½	300–½
				A–dn	600–2	600–2	600–2

Procedure turn S side SW crs, 238° Outbnd, 058° Inbnd, 2300' within 10 miles.
Minimum altitude at glide slope interception Inbnd, 2000'.
Altitude of glide slope and distance to approach end of runway at OM, 1960'—3.9 miles; at MM, 1032'—0.5 mile.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished climb to 2300' on 058° heading within 10 miles, make left turn and return to LOM. Hold SW right turns, 058° Inbnd.
AIR CARRIER NOTE: 300–1 required for takeoff on all Runways except 6–24. Sliding scale authorized Runways 6–24.
*400–1 required when glide slope not utilized; 400–½ authorized, except for 4-engine turbojet aircraft, with operative high-intensity runway lights; 400–½ authorized, except for 4-engine turbojet aircraft, with operative ALS.

City, Erie; State, Pa.; Airport name, Port Erie; Elev., 732'; Fac. Class., ILS; Ident., I–ERI; Procedure No. ILS–6, Amdt. 4; Eff. date, 22 May 65; Sup. Amdt. No. 3; Dated, 16 Nov. 64

Leroy Int	AZ LOM	Direct	2800	T–dn	300–1	300–1	200–½
AZO VOR	AZ LOM	Direct	2800	C–dn	400–1	400–1	400–1½
BTL VOR	AZ LOM	Direct	2800	S–dn–35°	300–½	300–½	300–½
Centerville Int	Barton Int	Via BTL R–218 and AZO R–192.	2800	A–dn	600–2	600–2	600–2
Barton Int	AZ LOM (final)	Direct	2800				
Lawton Int	AZ LOM	Direct	2800				
Cooper Int	AZO VOR	Direct	2800				
Hickory Int	AZO VOR	Direct	2800				
GRE VOR	AZO VOR	Direct	2800				

Procedure turn E side of crs, 172° Outbnd, 352° Inbnd, 2800' within 10 miles.
Minimum altitude at glide slope intercept Inbnd, 2800'.
Altitude of glide slope and distance to approach end of runway at OM, 2717'—5.8 miles; at MM, 1070'—0.5 mile.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished, climb to 3000', proceed to Cooper Int via AZO VOR R–321 or, when directed by ATC, climb to 2800', turn left and return to AZ LOM.
AIR CARRIER NOTE: 300–¾ authorized when tower not operating for air carrier with weather reporting service.
CAUTION: Glide slope not usable Inbnd from middle marker; satisfactory for authorized minimums.
*400–¾ required when glide slope not utilized. 400–1 required when tower not operating.
#Alternate minimums authorized only when AZO tower operational or for air carrier with weather reporting service.

City, Kalamazoo; State, Mich.; Airport name, Kalamazoo Municipal; Elev., 874'; Fac. Class., ILS; Ident., I–AZO; Procedure No. ILS–35, Amdt. 5; Eff. date, 22 May 65; Sup. Amdt. No. 4; Dated, 25 Jan. 64

Greensburg Int	McKeesport RBn (final)	Direct	3000	T–dn	300–1	300–1	200–½
Scottdale Int	McKeesport RBn	Direct	3000	C–dn	500–1	500–1	500–1½
Allegheny VOR	McKeesport RBn	Direct	3000	S–dn–27½	200–½	200–½	200–½
GP LOM	McKeesport RBn	Direct	3000	A–dn	600–2	600–2	600–2
McKeesport RBn	ILS OM (final)	Direct	2700				
Imperial VOR	McKeesport RBn	IRL R–317	3000				
McKeesport RBn	Jeannette Int	Direct	3000				
Jeannette Int	McKeesport RBn (final)	Direct	3000				

Radar vectoring authorized in accordance with approved patterns.
Procedure turn S side of crs, 096° Outbnd, 276° Inbnd, 3000' within 10 miles of MKP RBn. Nonstandard due to traffic.
Minimum altitude at glide slope interception Inbnd, 2700'. Glide slope may be intercepted at 3000' over MKP RBn or 2700' between MKP RBn and the ILS OM.
Altitude of glide slope and distance to approach end of runway at OM, 2615—4.2; at MM, 1480—0.6
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished, climb to 3000', proceeding to AGC RBn. Hold W right turns, 1 minute 082° Inbnd.
*400–¾ with glide slope inoperative.
†400–½ authorized, except for 4-engine turbojet aircraft, with operative ALS.

City, Pittsburgh; State, Pa.; Airport name, Allegheny County; Elev., 1223'; Fac. Class., ILS; Ident., I–AGC; Procedure No. ILS–27, Amdt. 14; Eff. date, 22 May 65; Sup. Amdt. No. 13; Dated, 25 Jan. 65

SUX VOR	JKN RBn	Direct	2800	T–dn	300–1	300–1	"200–½
Jefferson Int	JKN RBn	Direct	2800	C–dn	500–1	500–1	500–1½
Hubbard Int	JKN RBn	Direct	2800	S–dn–13	300–1	300–1	300–1
				A–dn	600–2	600–2	600–2

Procedure turn W side of crs, 307° Outbnd, 127° Inbnd, 2800' within 10 miles.
Minimum altitude over JKN RBn on final approach, 2300'.
Crs and distance, JKN RBn to approach end of runway, 127°—4.1 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.1 miles after passing JKN RBn, climb to 2800' on SE crs of ILS within 20 miles.
CAUTION NOTE: This procedure not premised on use of glide slope.
NOTES: (1) When authorized by ATC, SUX DME may be used to position aircraft for straight-in approach at 3100' between R–260 clockwise to 350° via 10-mile DME arc with the elimination of procedure turn. (2) For aircraft departing northeastbound when weather is below 2400–2, flight below 3600' beyond 7 miles from airport is prohibited between the 347° and 025° radials of the SUX VORTAC due to a 3369' tower, 12 miles northeast of the airport.
"300–1 required for all takeoffs on Runway 4, due to 1316' terrain 1.6 miles ENE of airport.

City, Sioux City; State, Iowa; Airport name, Sioux City Municipal; Elev., 1097'; Fac. Class., ILS; Ident., I–SUX; Procedure No. ILS–13 (back crs), Amdt. 5; Eff. date, 22 May 65; Sup. Amdt. No. 4; Dated, 10 Apr. 65

ILS STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
SUX VOR	LOM	Direct	2800	T–dn	300–1	300–1	"200–½
				C–dn	500–1	500–1	500–1½
				S–dn–31	200–½	200–½	200–½
				A–dn	600–2	600–2	600–2

Procedure turn E side of crs, 127° Outbnd, 307° Inbnd, 2800' within 10 miles.
Minimum altitude at glide slope intercept Inbnd, 2800'.
Altitude of glide slope and distance to approach end of runway at OM, 2678'—5.8 miles; at MM, 1267'—0.5 mile.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished, climb to 2800' on NW crs, ILS within 15 miles or, when directed by ATC, turn left and climb to 3700' on R–265 of SUX VOR, within 20 miles.
NOTES: (1) When authorized by ATC, SUX DME may be used to position aircraft for straight-in approach at 3000' between R–260 clockwise to R–350 via 10-mile DME arc with the elimination of procedure turn. (2) For aircraft departing northeastbound when weather is below 2400–2, flight below 3600' beyond 7 miles from airport is prohibited between the 347° and 025° radials of the SUX VORTAC due to a 3369' tower, 12 miles NE of the airport.
"300–1 required for all takeoffs on Runway 4, due to 1316' terrain 1.6 miles ENE of airport.

City, Sioux City; State, Iowa; Airport name, Sioux City Municipal; Elev., 1097'; Fac. Class., ILS; Ident., I–SUX; Procedure No. ILS–31, Amdt. 11; Eff. date, 22 May 65; Sup. Amdt. No. 10; Dated, 10 Apr. 65

McClure Int	LOM	Direct	2200	T–dn	300–1	300–1	200–½
Waterville VOR	LOM	Direct	2200	C–dn	500–1	500–1	500–1½
Harbor View Int	LOM	Direct	2200	S–dn–7°	200–½	200–½	200–½
Gerald Int	LOM	Direct	2200	A–dn	600–2	600–2	600–2

Radar vectoring authorized in accordance with approved patterns.
Procedure turn S side of crs, 249° Outbnd, 069° Inbnd, 2100' within 10 miles.
Minimum altitude at glide slope intercept Inbnd, 2000'.
Altitude of glide slope and distance to approach end of runway at OM, 1983'—4.7 miles; at MM, 892'—0.6 mile.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished, make climbing right turn to 2200', proceed to Waterville VOR. Hold SE Waterville VOR on R–140, right turns, 1 minute, 320° Inbnd, or when directed by ATC, climb to 2000' on NE localizer crs to Harbor View Int, hold NE Harbor View Int, left turns, 1 minute, 240° Inbnd.
CAUTION: Tower, 869'—1¼ miles S of LMM.
*400–¾ required with glide slope inoperative. 400–½ authorized, except for 4-engine turbojet aircraft, with operative ALS.

City, Toledo; State, Ohio; Airport name, Toledo Express; Elev., 684'; Fac. Class., ILS; Ident., I–TUL; Procedure No. ILS–7, Amdt. 10; Eff. date, 22 May 65; Sup. Amdt. No. 9; Dated, 2 Jan. 65

Harbor View Int	Holland Int (final)	Direct	2300	T–dn	300–1	300–1	200–½
				C–dn	500–1	500–1	500–1½
				S–dn–24	400–1	400–1	400–1
				A–dn	600–2	600–2	600–2

Radar vectoring authorized in accordance with approved radar patterns.
Procedure turn N side of crs, 096° Outbnd, 276° Inbnd, 2800' within 10 miles of Holland Int.
No glide slope or markers. Descend to landing minimums after passing Holland Int. Minimum altitude over Holland Int, 2200'.
Crs and distance, Holland Int to Runway 25, 249°—4.7 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.7 miles after passing Holland Int, climb straight ahead to 2100' on 249° crs to Toledo LOM. Hold SW Toledo LOM, right turns, 1 minute, 069° Inbnd.
CAUTION: Tower, 869' 1¾ miles S of middle marker.
*400–¾ authorized, except for 4-engine turbojet aircraft, with operative high-intensity runway lights.

City, Toledo; State, Ohio; Airport name, Toledo Express; Elev., 684'; Fac. Class., ILS; Ident., I–TOL; Procedure No. ILS–25 (back crs), Amdt. 7; Eff. date, 22 May 65; Sup. Amdt. No. 6; Dated, 27 Mar. 65

6. By amending the following radar procedures prescribed in § 97.19 to read:

RADAR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet, MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.
If a radar instrument approach is conducted at the below named airport, it shall be in accordance with the following instrument procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitude(s) shall correspond with those established for en route operations in the particular area or as set forth below. Positive identification must be established with the radar controller. From initial contact with radar to final authorized landing minimums, the instructions of the radar controller are mandatory except when (A) visual contact is established on final approach at or before descent to the authorized landing minimums, or (B) at pilot's discretion if it appears desirable to discontinue the approach, except when the radar controller may direct otherwise prior to final approach, a missed approach shall be executed as provided below when (A) communication on final approach is lost for more than 5 seconds during a precision approach, or for more than 20 seconds during a surveillance approach; (B) directed by radar controller; (C) visual contact is not established upon descent to authorized landing minimums; or (D) if landing is not accomplished.

Radar terminal area maneuvering sectors and altitudes														Ceiling and visibility minimums			
From	To	Dist.	Alt.	Dist.	Alt.	Dist.	Alt.	Dist.	Alt.	Dist.	Alt.	Dist.	Alt.	Condition	2-engine or less		More than 2-engine, more than 65 knots
															65 knots or less.	More than 65 knots	
[illegible]	020	40	4800	20	3300	20	2800							Surveillance approach			
020	060	40	3000	20	3000												
060	180	40	5500					12	2800					T–dn*	300–1	300–1	200–½
180	205	40	4000	20	4000									C–dn	500–1	500–1	500–1½
205	230	40	3500	20	3500	20	3500							S–dn 1 and 19	300–1	300–1	300–1
230	260	40	3500	20	3000	20	3000							A–dn	600–2	600–2	600–2
260	280	40	3000			20	3300	12	2800								
280	310	40	4000														
310	333	40	3000														
333	060	40	4000														
060	080			20	4800												
080	130			20	5500	20	4000										
130	290			20	4000												
290	333			20	3000												
333	060																
060	110					20	3000										
110	110					20	3800										

RADAR STANDARD INSTRUMENT APPROACH PROCEDURES—Continued

Radar terminal area maneuvering sectors and altitudes														Ceiling and visibility minimums			
From	To	Dist.	Alt.	Dist.	Alt.	Dist.	Alt.	Dist.	Alt.	Dist.	Alt.	Dist.	Alt.	Condition	2-engine or less		More than 2-engine, more than 66 knots
															66 knots or less	More than 66 knots	
158	180					20	3000										
268	323					20	3000	12	2000								
158	060							12	1800								
130	220							12	2000								
000	360									5	1500						

NOTE: Standard clearance of 1000' from 0-3 miles must be provided over: (1) 700' antenna, 2.5 miles W of airport. (2) 2170' antenna, 26.0 miles NW of airport. (3) 1715' antenna, 8.0 miles E of airport. (4) 1900' antenna, 10.7 miles SW of airport. (5) 980' antenna, 5.5 miles SE of airport. (6) 2398' antenna, 21.0 miles SW of airport.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished, Runway 1: Climb to 1800' direct to AL LOM. Hold N of AL LOM, right turns 1 minute, 191° inbnd. Runway 15: Climb to 2000' direct to Greenbush Int, right turns, 1 minute, 014° inbnd.
*300-1 required for all takeoffs on Runways 10, 29, 15, and 33.

City, Albany; State, N.Y.; Airport name, Albany County; Elev., 285'; Fac. Class. and Ident., Albany Radar; Procedure No. 1, Amdt. 1; Eff. date, 22 May 65; Sup. Amdt. No. Orig.; Dated, 23 June 62

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 66 knots
					66 knots or less	More than 66 knots	
080°	080°	Within:		Surveillance approach			
All sectors		20 miles	1700				
		10 miles	1500				
				T-dn	300-1	300-1	300-1½
				C-dn	600-1	600-1	600-1½
				S-dn9°	300-1	300-1	600-1
				A-dn	800-2	800-2	800-2
				Precision approach			
				S-dn-13	200-½	200-½	200-½
				S-dn-4, 31	300-¾	300-¾	300-¾
				A-dn-13, 4, 31	800-2	800-2	800-2

Radar terminal area transition altitudes—all bearings from the radar site with sector azimuths progressing clockwise.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished, Runways 4, 8, 13, and 17: Make a left-climbing turn to 1500' on CYN VOR R-213 to Nesco Int, hold E, 1-minute, left turns, Inbnd crs, 264°. Runways 31, 26, 35, and 22: Make right-climbing turn to 1800' on CYN VOR R-213 to Nesco Int, hold E, 1-minute, left turns, Inbnd crs, 264°.
CAUTION: Radar tower, 226'—0.7 mile SW Runway 4.
*400-1 authorized for Runways 13, 17, 22, 26, and 31.
#400-¾ authorized, except for 4-engine turbojet aircraft, with operative hi-intensity runway lights for runways 13 and 31.
¢400-½ authorized, except for 4-engine turbojet aircraft, with operative ALS Runway 13.

City, Atlantic City; State, N.J.; Airport name, NAFEC Atlantic City; Elev., 70'; Fac. Class. and Ident., Atlantic City Radar; Procedure No. 1, Amdt. 5; Eff. date, 22 May 65; Sup. Amdt. No. 4; Dated, 7 Dec. 63

225° CW	265°	Within:			Surveillance approach		
225° CW	265°	15 miles	3000				
265° CW	350°	15-20 miles	2500	T-dn	300-1	300-1	300-1½
350° CW	225°	20 miles	2300	C-dn	600-1	600-1	600-1½
000° CW	360°	25 miles	2300	S-dn 16, 34, 25#...	400-1	400-1	400-1
		20-30 miles	2800	S-dn-7	500-1	500-1	800-1
				A-dn	800-2	800-2	800-2

Radar vectoring authorized in accordance with approved radar patterns.
Radar control will provide 1000' vertical clearance within a 3-mile radius of the 1029' and 1039' towers, 18 miles NE of airport.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished, Runway 7: Make climbing right turn to 2200', proceed to Waterville VOR. Hold SE Waterville VOR R-140, right turns, 1 minute, 220° Inbnd. Runway 16: Make climbing left turn to 2200', proceed to Waterville VOR. Hold SE Waterville VOR R-140, right turns, 1 minute, 220° Inbnd. Runway 25: Climb straight ahead to 2100', proceed to Toledo LOM. Hold SW Toledo LOM, right turns, 1 minute, 069° Inbnd. Runway 34: Make climbing left turn to 2100', proceed to Toledo LOM. Hold SW Toledo LOM, right turns, 1 minute, #400-¾ authorized for Runway 25, except for 4-engine turbojet aircraft, with operative high-intensity runway lights.

City, Toledo; State, Ohio; Airport name, Toledo Express; Elev., 684'; Fac. Class. and Ident., Toledo Radar; Procedure No. 1, Amdt. 3; Eff. date, 22 May 65; Sup. Amdt. No. 2; Dated, 27 Mar. 65

035°	280°	0-6 miles	2800		Surveillance approach		
290°	035°	0-6 miles	2800				
165°	195°	6-8 miles	2500	T-dn	300-1	300-1	NA
195°	165°	6-25 miles	3000	C-dn	700-1	700-1	NA
165°	195°	8-10 miles	2800	S-D-18#	700-1	700-1	NA
165°	195°	10-25 miles	3000	A-dn	NA	NA	NA

All bearings and distances are from radar site.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished, turn left, climbing to 3100' on R-002 IAB VOR, intercept R-051 ICT VOR, proceed to DeGraff Int.
NOTE: Aircraft executing missed approach may be radar controlled after being reidentified.
*3400' within 0-3 miles of 2446' tower located 15 miles WNW of Beech Airport.
#Airport attended Monday through Friday, daylight hours only. No runway lights.

City, Wichita; State, Kans.; Airport name, Beech Factory; Elev., 1307'; Fac. Class. and Ident., Wichita Radar; Procedure No. 1, Amdt. 2; Eff. date, 22 May 65; Sup. Amdt. No. 1; Dated, 20 Apr. 64

These procedures shall become effective on the dates specified therein.

(Secs. 307(c), 313(a), 601, Federal Aviation Act of 1958; 49 U.S.C. 1348(c), 1354(a), 1421; 72 Stat. 749, 752, 775)

Issued in Washington, D.C., April 15, 1965.

C. W. WALKER,
Acting Director, Flight Standards Service.

[F.R. Doc. 65-4181; Filed, May 17, 1965; 8:45 a.m.]

[Docket Nos. 710, 873, 1099; Amdt. 121-7]

PART 121—CERTIFICATION AND OPERATIONS: DOMESTIC, FLAG, AND SUPPLEMENTAL AIR CARRIERS AND COMMERCIAL OPERATORS OF LARGE AIRCRAFT

Miscellaneous Amendments

This amendment completely revises the crewmember and aircraft dispatcher training program requirements contained in Subpart N of Part 121 of the Federal Aviation Regulations.

In addition, amendments are made to certain requirements of Subpart O "Flight Crewmember Qualifications". One amendment concerns the use of approved aircraft simulator training courses in lieu of alternate required proficiency flight checks and also the use of aircraft simulators for certain proficiency flight check maneuvers. Another amendment to this subpart adds a requirement for an initial and annual proficiency check for pilots serving as other than pilot in command and second in command. Additional amendments to Subpart O are made to conform certain requirements with the amended training program requirements.

These amendments are based on three separate notices of proposed rule making issued by the Federal Aviation Agency. These notices were: (1) Draft Release 61-7, "Qualification and Training Requirements for Pilots Other Than Pilots in Command"; (2) Draft Release 61-17, "Use of Aircraft Simulators for Pilot Training and Proficiency Checks"; and (3) Draft Release 62-9, "Approval of Air Carrier Training Programs".

CAR Parts 40, 41, and 42 were recodified into FAR Part 121 effective April 1, 1965, and these amendments are therefore issued as amendments to Part 121. The term "certificate holder" is used in this preamble and in the amendments, as in Part 121, to include all air carriers and commercial operators certificated under Part 121.

The Agency has held several informal meetings since these notices were issued with the organizations representing the persons affected by the three proposals. The most recent of these meetings were held in June and July of 1964. Reports of these meetings are included in the Docket for Draft Release 62-9. This rule reflects the comments received by the Agency at these meetings in addition to the comments received in response to the original notices.

The major proposals from each of these notices and the amendments based thereon are hereinafter discussed separately.

Draft Release 61-7. As proposed in this notice, the recent experience provision is amended to require that those requirements be met by "all pilots who serve as required flight crewmembers, or who are utilized at the flight controls during takeoffs and landings." The present recent experience requirements (i.e., three takeoffs and three landings within preceding 90 days) apply only to pilots serving as pilot in command or second in command. The Air Transport Association of America objected to this proposal on the ground that it was inconsistent with the Agency's policy with respect to pilot crewmembers not required by the regulations; that is, that the training requirements be consistent with the duties performed. The Agency does not agree that any inconsistency is created. As stated in Draft Release 61-7, the Agency believes that each "required" pilot flight crewmember should be qualified to relieve other pilots at the flight controls during any phase of flight, including takeoffs and landings.

As proposed in Draft Release 61-7, § 121.449 is amended to require that the second in command of a crew of three or more pilots be subject to the same semi-annual proficiency check requirement as a pilot in command and further to require an initial and annual pilot proficiency check for all pilots not covered by the pilot in command and second in command proficiency check requirements.

Draft Release 61-17. The majority of the proposals in this notice were related to minimum standards for the approval of airplane simulators. These standards were adopted as amendments to CAR Parts 40, 41, and 42 effective June 10, 1963. Those portions of Draft Release 61-17 that were not included in the 1963 amendments were related to the use of airplane simulators in conducting pilot proficiency checks. Basically, the proposal sought to incorporate in the rules the substance of CAMs 40.302-3 and -4 (and comparable CAMs to Parts 41 and 42).

As indicated in the notice, even before the 1957 amendment permitting the substitution of an approved course of training in an airplane simulator for every other required proficiency flight check, those certificate holders using approved simulators in their training programs were permitted to conduct all but four of their pilot in command proficiency check maneuvers in the simulator, instead of in an airplane in flight. However, specific approval by the Agency was required before a certificate holder could make such a substitution. The Agency feels that since this program has operated successfully for many years it should be set forth in the rules as proposed in Draft Release 61-17. Accordingly, a new § 121.442 incorporates the provisions proposed in Draft Release 61-17 and presently contained in CAMs 40.302-3 and -4.

Draft Release 62-9. This notice proposed to amend CARs 40, 41, and 42 to specify the procedures and minimum standards to be used in obtaining approval of a training program. As indicated in the draft release, while the CARs were amended effective January 1, 1961, to require "approval" of the training program established by each certificate holder, that amendment did not contain any procedures or minimum standards for obtaining such approval.

Draft Release 62-9 proposed to add an appendix that set forth in detail the curriculum requirements necessary to obtain approval of a training program. Many of the comments received on the notice were critical of the amount of detail included in the proposed rule. It was suggested, that by setting forth the procedures and minimum requirements in such detail, the Agency would put too much emphasis on uniformity and thereby would discourage the efforts of individual certificate holders to use initiative to improve their training programs. Upon reviewing the proposal, the Agency agrees that the rules should contain only those minimum items that are necessary, in the interest of safety, in every training program. Accordingly, the rule as adopted does not contain the type of appendix originally proposed. Instead the Agency has included in the rules, in as broad terms as possible, those items felt to be essential to every training program. The appendix now being added is basically a table setting forth the programmed hours of training, for each trainee in each major category, that the Agency would consider to be a minimum in the absence of a showing by the certificate holder that circumstances justify a lesser amount. Those circumstances that would justify such a reduction are set forth in § 121.414. The table as adopted is basically the same as Chart 1 contained in the notice.

The rules as adopted make clear the basic requirements for initial and recurrent training for each crewmember and aircraft dispatcher. Provision is made for the revision of an approved training program at the initiative of either the certificate holder or the Administrator. The provisions for revision on the Administrator's initiative are comparable to those contained in the recently adopted continuous maintenance program and set forth in § 121.373.

The provision of § 121.421(a) authorizing the "initial training" of a flight engineer to be given in operations under Part 121 has been deleted. This change is consistent with the Agency's repeal of a comparable authorization in § 40.307 in amendment 40-43. Recurrent training and the annual flight check (except emergency procedures) may, however, be conducted in operations under Part 121 as long as the flight engineer remains qualified to serve in such operations. The basis for this distinction is the Agency's belief that operations under the Part should not be exposed to the hazards that might be created by the use of a flight engineer, whose qualifications have not been determined or have expired.

In view of the requirement that each pilot receive recurrent training each year in each type airplane in which he is to retain qualification, the Agency believes that the requirement that every other proficiency check must be performed in the largest type airplane flown is no longer needed. Accordingly, this requirement is deleted from §§ 121.441 and 121.449.

In view of the detailed crewmember emergency training requirement included in this amendment the training requirement contained in § 121.397(c) is deleted as obsolete.

After further deliberation and in consideration of all comments received in response to DR 62-9, it is not deemed necessary or appropriate at this time to set forth requirements for the minimum number of programmed hours of ground and flight training for training programs

applicable to airplanes with a maximum certificated takeoff weight of 12,500 pounds or less. Such requirements would only be applicable to a few scheduled certificate holders using small airplanes and located for the most part in Alaska. Such certificate holders' training programs vary considerably depending on the type of operation conducted. Accordingly, standardized programmed hours such as proposed in Chart 2 are not being adopted at this time for application to the approved training programs of certificate holders using small airplanes.

Interested persons have been afforded an opportunity to participate in the making of this amendment (26 F.R. 3438 (DR 61-7); 26 F.R. 8461 (DR 61-17); 27 F.R. 2319 (DR 62-9)), and due consideration has been given to all relevant matter presented.

In consideration of the foregoing, Chapter I of Title 14 of the Code of Federal Regulations is amended as hereinafter set forth effective August 16, 1965.

(Secs. 313(a), 601, 604, 605, Federal Aviation Act of 1958; 49 U.S.C. 1354, 1421, 1424, 1425)

Issued in Washington, D.C., on May 11, 1965.

N. E. HALABY,
Administrator.

§ 121.433 [Amended]

1. By amending § 121.433(a) by striking the reference to section "121.423" and inserting in place thereof "121.422, 121.425,".

2. By amending § 121.439 to read as follows:

§ 121.439 Pilot qualification: Recent experience.

Unless, within the preceding 90 days, the pilot has made at least three takeoffs and three landings in an airplane of the type in which he is to serve, no certificate holder may use a pilot—

(a) As a pilot in command;
(b) As a second in command;
(c) As a pilot flight crewmember required by this part; or
(d) At the flight controls of an airplane during takeoffs or landings.

3. By amending § 121.441 as follows:

a. By amending the second sentence of paragraph (b) by striking the word "a" after the words "Administrator or" and by inserting the words "an approved" in place thereof.

b. By striking the third sentence of paragraph (b) and by amending subparagraph (23) thereof to read as follows:

§ 121.441 Pilot checks.

* * * * *

(b) *Proficiency check.* * * *

(23) Flight maneuvers, except that weight and power combinations less than those specified may be used if the performance capabilities of the airplane under the specified conditions are simulated:

(i) At the authorized maximum takeoff weight, takeoff using maximum takeoff power with a simulated failure of the critical engine.

(ii) If a three-engine or four-engine airplane, flight, including maneuvering to a landing at the authorized maximum landing weight, with the most critical combination of two engines inoperative or operating at zero thrust using, where appropriate, applicable climb speeds set forth in the Airplane Flight Manual.

(iii) At the authorized maximum landing weight, simulated pull-out at a safe altitude from the approach configurations with the critical engine inoperative or operating at zero thrust and from the landing configuration with all engines operative.

* * * * *

c. By striking paragraph (d) and by redesignating paragraph (e) as (d).

4. By adding a new § 121.442 to read as follows:

§ 121.442 Use of flight simulator.

(a) *Substitution of approved airplane simulator training course for proficiency flight check.* After the first proficiency check, the satisfactory completion of an approved training course in an approved airplane simulator may be substituted at alternate six-month intervals for the proficiency check required by § 121.441 (b), if the simulator meets the requirements of Appendix B of this part and—

(1) The simulator is maintained at the same level as required for initial approval;

(2) A functional preflight check of the simulator is performed each day before beginning simulator flight training or proficiency checks;

(3) A daily discrepancy log is kept and an entry of each discrepancy is made by the simulator instructor or check airman before the end of each training or check flight; and

(4) If a modification is made to the airplane, a corresponding modification is made to the simulator if necessary for flight crew training or proficiency checks.

The simulator may be used with inoperative instruments or equipment if they are not applicable to the particular phase of training being given.

(b) *Airplane simulator training course requirements.* When a course of training in an approved airplane simulator is to be substituted for a required proficiency check as provided for in paragraph (a) of this section, the certificate holder must comply with at least the following in conducting the course of training:

(1) The course must be conducted in an approved simulator appropriate to the particular type of airplane and must include:

(i) Each flight maneuver required for a proficiency check as specified in § 121.441(b), except maneuvering at minimum speed, landing under circling approach conditions, takeoffs, and landings with simulated engine failures, and the instrument approach procedures for which the lowest minimums are approved.

(ii) Appropriate maneuvers peculiar to the particular type of airplane (such as dutch roll);

(iii) At least four hours of simulator flight training time and instruction in all normal and emergency procedures appropriate to the particular type of airplane;

(iv) At least two hours of briefing and debriefing on the maneuvers and procedures involved.

(2) A sufficient number of airplane simulator instructors must be provided. Each instructor must hold, or have held, a valid airline transport pilot certificate and have completed, to the satisfaction of an approved check airman or the Administrator, the approved pilot ground training course and a complete airplane simulator flight training course for the type airplane simulator on which he is to instruct.

(3) Satisfactory completion of the approved simulator course by each trainee must be certified to by an approved check airman or the Administrator.

(4) A record system must be established and maintained on each trainee indicating the kind, amount, and dates of training received and certification of satisfactory completion.

(c) *Use of approved airplane simulator as part of required proficiency check.* In addition to the authorization contained in paragraph (a) of this section for the substitution of an approved airplane simulator training course for certain proficiency checks required by § 121.441(b), an approved airplane simulator may be used in the conduct of such a proficiency check as follows:

(1) An approved airplane simulator may be used to conduct all required maneuvers except those excluded in paragraph (b)(1)(i) of this section.

(2) Except for the oral equipment examination and the maneuvers associated with orientation, beam bracketing, cone identification, loop orientation, and other such maneuvers authorized to be given in a synthetic trainer in subparagraph (24) of paragraph (b) of § 121.441, those parts of a required proficiency flight check given in an approved airplane simulator under subparagraph (1) of this paragraph must be satisfactorily demonstrated to an approved check airman or the Administrator.

§ 121.443 [Amended]

5. By amending § 121.443(a) by inserting the words "an approved" immediately after the words "appropriate instructor or".

6. By amending § 121.449 to read as follows:

§ 121.449 Proficiency checks: Second in command and other pilots.

(a) A certificate holder may not use a pilot as second in command or in any other capacity as a pilot crewmember (other than pilot in command) unless he has satisfactorily shown to the Administrator or an approved check pilot that he is able to pilot and navigate each airplane that he is to fly and to perform his assigned duties. Thereafter, he may not serve as second in command or in any other capacity as a pilot crewmember (other than pilot in command) unless each 12 calendar months he satisfactorily completes a similar pilot proficiency check.

(b) Except as provided in paragraphs (c) and (d) of this section, the proficiency check must include at least an oral or written equipment test and the following procedures and flight maneuvers:

(1) Takeoffs and landings.

(2) The procedures and flight maneuvers set forth in §§ 121.418(a) (5) through (8) and 121.420(a).

(c) After the first proficiency check, the satisfactory completion of an approved training course in an approved airplane simulator that meets the requirements of § 121.442(a) may be substituted at alternate 12 calendar month intervals for the proficiency checks required by paragraph (a) of this section. Satisfactory completion of a proficiency check in accordance with § 121.441 or § 121.442 meets the requirements of this section.

(d) For pilots who are not to serve at the flight controls during takeoff or landing, the initial and annual proficiency checks need include only the assigned flight duties (including flight emergencies) and the maneuvers and procedures set forth in § 121.418(a) (5) through (9).

(e) For pilots who are to serve as second in command of an operation requiring three or more pilots, the proficiency check requirements are the same as those required for a pilot in command in § 121.441 and must be completed every 6 months.

(f) The provisions and limitations set forth in § 121.442 with respect to the use of approved airplane simulators in substitution for or in the conduct of proficiency checks, are also applicable to the proficiency check requirements of this section.

§ 121.397 [Amended]

7. By striking paragraph (c) of § 121.397.

§ 121.463 [Amended]

8. By striking the reference to section "121.425" in § 121.463(a) and by inserting in place thereof a reference to "121.423".

9. By amending Subpart N of Part 121 and by adding an Appendix E to Part 121 as hereinafter set forth.

Subpart N—Crewmember and Aircraft Dispatcher Training Program

Sec.
121.410 Applicability.
121.411 Training program: General.
121.412 Training program: Approval and revision.
121.413 Certification of completion of training.
121.414 Curriculum requirements.
121.415 Synthetic trainers.
121.416 Crewmember emergency training.
121.417 Ground training: Pilots.
121.418 Flight training: All pilots.
121.419 Flight training: Pilot in command and second in command in a crew requiring three or more pilots.
121.420 Flight training: Second in command and certain other pilots.
121.421 Flight engineer training.
121.422 Flight navigator training.
121.423 Aircraft dispatcher training: Domestic and flag air carriers.
121.424 Flight attendant training.
121.425 Initial flight assignments on a particular type of airplane.

AUTHORITY: The provisions of this Subpart N issued under secs. 313(a), 601, 604, and 605, Federal Aviation Act of 1958; 49 U.S.C. 1354, 1421, 1424, and 1425.

Subpart N—Crewmember and Aircraft Dispatcher Training Program

§ 121.410 Applicability.

Except where otherwise stated, this subpart prescribes requirements applicable to each certificate holder for establishing and maintaining a training program for each crewmember and each required aircraft dispatcher.

§ 121.411 Training program: General.

(a) Each certificate holder shall—

(1) Establish, obtain approval of, and maintain a training program that meets the requirements of this subpart and that ensures that each crewmember and each aircraft dispatcher is adequately trained to perform his assigned duties;

(2) Provide adequate ground and flight training facilities and properly qualified instructors for the training required by this subpart;

(3) Provide and keep current, with respect to each airplane type it uses, appropriate course material, examinations, training forms, instructions, and procedures for use in conducting the checks required by this subpart; and

(4) Provide enough approved check airmen (who hold at least the same airman certificates and ratings that the airman being checked is required to hold) to conduct the flight checks required by this part.

(b) No certificate holder may use any crewmember or aircraft dispatcher in operations under this Part unless before serving in such operations the crewmember or dispatcher has—

(1) Satisfactorily completed the appropriate initial training phase of the certificate holder's approved training program; and

(2) Thereafter, at least once each 12 months, has satisfactorily completed the appropriate recurrent training phase and any required checks.

(c) Whenever a crewmember or aircraft dispatcher who is required to take recurrent training, a flight check, or a competence check, takes that check or completes that training in the calendar month before, or the calendar month after, the calendar month in which it becomes due, he is considered to have taken or completed it in the calendar month in which it became due.

§ 121.412 Training program: Approval and revision.

(a) To obtain initial approval of its training program or approval of any revision thereto, each certificate holder must submit to the Administrator—

(1) Three copies of the proposed curriculum; and

(2) Training forms, records, and any other relevant material requested by the Administrator.

(b) The Administrator approves a training program or revisions to an approved training program if he finds that the curriculum complies with this subpart and Appendix E of this part.

(c) Whenever the Administrator finds that revisions to an approved training program are necessary for the continued adequacy of the program, the certificate holder shall, after notification by the Administrator, make any changes in the program found by the Administrator to be necessary. A certificate holder may petition the Administrator to reconsider the notice to make a change in a program. The petition must be filed with the FAA Air Carrier District Office charged with the overall inspection of the certificate holder's operations within 30 days after the certificate holder receives the notice. Except in the case of an emergency requiring immediate action in the interest of safety, the filing of the petition stays the notice pending a decision by the Administrator.

§ 121.413 Certification of completion of training.

Each instructor, supervisor, or approved check airman who is responsible for particular initial or recurrent training or a flight check shall certify as to the proficiency of the crewmember or dispatcher concerned after he completes that training or check. That certification shall be made a part of the crewmember's or dispatcher's record.

§ 121.414 Curriculum requirements.

(a) *General.* The training program for each crewmember and dispatcher must consist of appropriate ground and flight training as required in this subpart and except as provided in paragraph (b) or (c) of this section, must include the programmed hours of initial and recurrent training set forth in Appendix E of this part. The certificate holder shall standardize procedures for each flight crew function so that each flight crewmember knows the functions for which he is responsible and the relation of those functions to the functions of other flight crewmembers.

(b) *Reduction in programmed hours: General.* A certificate holder may apply to the Administrator for a reduction in the programmed hours of training for the following situations:

(1) When a crewmember's or dispatcher's training and experience in previous training courses, including approved training courses conducted by another certificate holder, ensure that an adequate level of ability and proficiency would result from a modified training course and the certificate holder's training record contains satisfactory evidence to substantiate the prior training and experience.

(2) When a modified training course will adequately ensure proficiency for crewmembers and dispatchers transitioning from one airplane type to a similar airplane type (differences training).

(3) When a crewmember is transitioning from one crewmember function on an airplane to another crewmember function, for which he holds an appropriate airman certificate, on the same or a similar type airplane.

(4) When a re-evaluation of an approved training program shows that improvements in methods, training aids, quality of instruction, or any combination thereof, have increased training effectiveness to warrant the reduction.

(c) *Reduction in programmed hours: Initial flight training and initial flight assignments.* A reduction in the programmed hours of initial flight training is permitted as follows:

(1) A flight crewmember who progresses successfully through the initial flight training in less than the programmed flight time for that phase may be flight checked at that stage of the training by an approved check airman or by the Administrator, if recommended by the certificate holder's instructor or approved check airman. Whenever more than 20 percent of the flight checks given under this paragraph are unsatisfactory, the Administrator rescinds this privilege until he finds that satisfactory means have been taken to improve the effectiveness of the training.

(2) Whenever the hours of training in an approved airplane simulator set forth in column III of Appendix E are included in the initial flight training curriculum, the number of hours of initial flight training required in column II may be reduced by 25 percent. The Administrator may after evaluation grant proportionate reductions based on the use of other procedural trainers.

(3) The hours of initial flight assignment set forth in column V of Appendix E may be reduced (not to exceed 50 percent) for pilots and flight engineers by substituting one takeoff and one landing for each required hour of flight.

(4) A pilot who has satisfactorily completed the required programmed hours of initial training for second in command on a particular airplane type may qualify as pilot in command of that type airplane by completing the programmed hours of upgrade training set forth in Appendix E, in place of the programmed hours of initial training for that position.

(d) *Reduction in programmed hours: Recurrent ground training.* A certificate holder may apply to the Administrator for a reduction (not to exceed 25 percent) in the programmed hours of recurrent ground school training when the certificate holder uses a directed study course as part of its recurrent ground training.

§ 121.415 Synthetic trainers.

(a) *Approved airplane simulator.* An approved airplane simulator, appropriate to the particular type airplane, may be used to accomplish any training required in this subpart, unless that training is required to be performed in actual flight.

(b) *Use of synthetic trainers other than approved simulators.* Procedures trainers, systems trainers, or other training devices that are shown to be adequate for a particular phase of training required in this subpart may be used for that training unless it is required to be performed in actual flight.

§ 121.416 Crewmember emergency training.

(a) Each certificate holder shall design its training emergency procedures to give each crewmember who is assigned emergency and evacuation functions instruction in the appropriate emergency procedures listed below, including assignments in an emergency and coordination among crewmembers, and individual instruction in the location and operation of all emergency equipment used in ditching and evacuation:

(1) Procedures for handling failure of an engine, engines, or other airplane components or systems.

(2) Procedures for handling—

(i) Emergency decompression;

(ii) Fire in the air or on the ground;

(iii) Ditching; and

(iv) Evacuation.

(3) The power setting for maximum endurance and maximum range.

(b) The certificate holder shall give each crewmember, at least once each 12 calendar months, recurrent training in the emergency procedures set forth in this section.

(c) Synthetic trainers approved to simulate flight operating emergency conditions, static airplanes, ground demonstrations, classroom lectures, films, or other training devices, as appropriate, may be used for training crewmembers in emergency procedures if the method used ensures that each crewmember is adequately trained in the operation or use of all equipment such as lifevests, oxygen, oxygen masks, escape ropes and chutes, and emergency exits.

(d) The certificate holder shall give instruction, by lectures and films (or other equivalent means approved after demonstration) to each crewmember performing duties on pressurized airplanes operated above 25,000 feet covering at least—

(1) Respiration;

(2) Hypoxia;

(3) Duration of consciousness at altitudes without supplemental oxygen;

(4) Gas expansion;

(5) Gas bubble formation; and

(6) Physical phenomena and incidents of decompression.

(e) Each certificate holder shall include in its emergency training program drills, as appropriate to each type airplane and its equipment, using established procedures for:

(1) Ditching.

(2) Evacuation.

(3) Fire extinguishing.

(4) Operation and use of emergency exits.

(5) Use of evacuation chutes.

(6) Placing of escape ropes.

(7) Administration of crew and passenger oxygen.

(8) Removal of liferafts from airplane, inflation of rafts, and boarding of passengers and crew.

(9) Putting on and inflation of lifevests.

(10) Handling of passengers during emergencies.

In conducting drills, each certificate holder shall ensure that each trainee actually performs each function or action appropriate to his duties except those functions or actions that the Administrator finds can be adequately learned by the trainee through demonstration.

§ 121.417 Ground training: Pilots.

(a) The initial ground training that the certificate holder must provide for each pilot before he serves as a pilot flight crewmember must include at least instruction in—

(1) The appropriate provisions of the certificate holder's operations specifications and of the Federal Aviation Regulations, especially the operating and dispatch or flight release rules and airplane operating limitations;

(2) Dispatch procedures (domestic and flag air carriers) or flight release procedures (supplemental air carriers and commercial operators) and appropriate contents of the manuals;

(3) Duties and responsibilities of crewmembers;

(4) The type of airplane to be flown, including a study of the airplane, aircraft engines, major components and systems, performance limitations, cruise control, fuel consumption, flight planning, standard and emergency operating procedure, and appropriate contents of the approved Airplane Flight Manual;

(5) Principles and methods for determining weight and balance limitations for takeoff and landing;

(6) Navigation and the use of appropriate navigation aids, including instrument approach facilities and procedures that the certificate holder is authorized to use;

(7) Air traffic control systems and procedures, and pertinent ground control letdown procedures

(8) Enough meterology to ensure a practical knowledge of the principles of icing, fog, thunderstorms, and frontal systems including, as appropriate, high altitude weather phenomena;

(9) Procedures for operating in turbulent air including, as appropriate, clear air turbulence, icing, hail, thunderstorm, and other potentially hazardous meteorological conditions; and

(10) Communications procedures and communications equipment failure procedures.

(b) Each certificate holder shall give each pilot—

(1) Any additional ground training necessary to ensure qualification in new equipment, procedures, or techniques; and

(2) Recurrent ground training every 12 calendar months to ensure his continued proficiency in procedures, techniques, and information essential to the satisfactory performance of his duties.

§ 121.418 Flight training: all pilots.

(a) The initial flight training that the certificate holder must provide for each pilot before he serves as a pilot flight crewmember must include at least the approved programmed hours of flight instruction and practice in the following:

(1) Assigned flight duties.

(2) Takeoffs and landings during day and night in each type of airplane in which he is to serve as a pilot.

(3) Normal and emergency flight maneuvers in each type of airplane in which he is to serve as pilot.

(4) Flight under simulated instrument conditions.

(5) Climbs and climbing turns.

(6) Maneuvers at minimum speeds.

(7) Engine shutdown and restart.

(8) Approaches to stalls.

(9) Flight under simulated IFR conditions using each kind of navigation facility used in normal operations.

(b) A pilot qualifying to serve as other than pilot in command or second in command shall show the Administrator or an approved check pilot that he is able to take off and land each type of airplane in which he is to serve.

(c) Each certificate holder shall give each pilot—

(1) Any additional flight training necessary to ensure qualification in new equipment, procedures, or techniques; and

(2) Recurrent training each 12 calendar months consisting of at least the approved programmed hours of flight instruction and practice in the items set forth in paragraph (a) of this section and any required flight checks in each type airplane on which the pilot serves as a pilot and in which he is not required to receive a proficiency check or in substitution a simulator training course under § 121.441 or § 121.447.

(d) In addition to the initial and recurrent training required by this section, each certificate holder must provide any additional initial and recurrent training required in this subpart, as appropriate to the position in which the pilot is to serve.

§ 121.419 Flight training: Pilot in command and second in command in a crew requiring three or more pilots.

(a) *Initial.* The initial flight training that the certificate holder must provide for each pilot before he serves as a pilot in command or second in command of an operation that requires three or more pilots must include the approved programmed hours of flight instruction and practice in at least the maneuvers and procedures set forth in § 121.441(b) in each type airplane (in which he has not previously qualified) to be flown by him, and in addition the following:

(1) Briefing session.

(2) Preflight inspection of the airplane.

(3) Pretakeoff checks.

(4) Crosswind takeoffs.

(5) Operation of systems controls at the flight engineer station.

(6) If appropriate to training in the particular type airplane, zero flap landings, dutch rolls, turns with and without spoilers, tuck and Mach buffet, procedures for runaway or jammed stabilizer, landing and go around with the horizontal stabilizer out of trim.

(7) In flight or in a static airplane, airplane simulator, procedures or systems trainer, or other appropriate training device—

(i) Normal operation as appropriate to the particular type airplane of the pressurization, pneumatic, air conditioning, fuel, oil, electronic, electrical, hydraulic, and flight control systems; and

(ii) In-flight emergency procedures, including, as appropriate to the particular type of airplane: powerplant, heater, cargo compartment, cabin, flight deck, wing, and electrical fires; smoke removal; electrical, hydraulic, flight control, and flight instrument system malfunction or failures; decompression; and fuel dumping.

In conducting a takeoff with a simulated failure of the critical engine under § 121.441(b)(23) in transport category airplanes, the engine failure must be simulated as close as possible to the critical engine failure speed V_1 and climb-out must be made as close as possible to the takeoff safety speed V_2, and the pilot shall determine the values for V_1 and V_2.

(b) *Recurrent.* Each certificate holder shall give each pilot in command and second in command in an operation that requires three or more pilots at least two periods of recurrent flight training within each 12 calendar month period that together consist of at least the approved programmed hours and that include the maneuvers and procedures set forth in § 121.441(b). The recurrent training must be given in each type airplane in which the pilot is to retain qualification, except that where a pilot is qualified in more than one airplane type he need only be given one period of training in each type within each 12 calendar month period. Satisfactory completion of a required proficiency check in a particular type airplane under § 121.441 or § 121.442 is considered to satisfy the recurrent flight training or flight check required by this section in that type airplane.

§ 121.420 Flight training: Second in command and certain other pilots.

(a) *Initial.* The initial flight training that the certificate holder must provide for each pilot before he serves as second in command in an operation other than an operation requiring three or more pilots, before he serves at the flight controls during takeoff or landing, or before he serves as pilot (other than as pilot in command or second in command) in an operation requiring three or more pilots, must include the approved programmed hours of flight instruction and practice in at least the following maneuvers and procedures in each type airplane (in which he has not previously qualified) to be flown by him:

(1) Assigned flight duties of second in command including flight emergencies.

(2) Taxiing.

(3) Takeoff and landing with simulated engine failure.

(4) Flight under simulated IFR conditions including instrument approach at least down to circling approach minimums and a simulated missed approach using that kind of approach procedure for which the lowest minimums are approved.

(5) Flight under simulated IFR conditions using each kind of navigational facility and letdown procedure that is used in normal operations. Except for those approach procedures for which the lowest minimums are approved, letdown procedures may be given in a synthetic trainer that has the radio equipment and instruments necessary to simulate other navigational and letdown procedures approved for the certificate holder.

(6) Except for zero flap landing, the training set forth in § 121.419(a) (6) and (7).

(b) *Recurrent.* Each certificate holder shall give each pilot subject to the requirements of this section, recurrent training at least once each 12 calendar months. The recurrent training must—

(1) Consist of at least the approved programmed hours of training in the maneuvers and procedures set forth in subparagraphs (1) through (5) of paragraph (a) of this section and in emergency procedures.

(2) Be given in each type airplane in which the pilot is to retain qualification, except that satisfactory completion of a required proficiency check in a particular type airplane under § 121.441, § 121.442, or § 121.449 is considered to satisfy the recurrent flight training or flight check required by this section in that type airplane.

§ 121.421 Flight engineer training.

(a) The initial training that the certificate holder must provide for each flight engineer before he serves as flight engineer must include at least the approved programmed hours of ground and flight training in the following:

(1) Ground training in the subjects specified in subparagraphs (1) through (5) of § 121.417(a) and those parts of subparagraphs (8) through (10) of that paragraph relating to his duties, functions, and responsibilities;

(2) Enough flight training on each type airplane on which he is to serve to be proficient in the duties assigned to him and a flight check that includes the following:

(i) A preflight inspection.

(ii) Performance of assigned flight engineer duties accomplished from the flight engineer station during taxi, runup, takeoff, climb, cruise, descent, approach, and landing.

(iii) Normal and emergency or alternate operation of all airplane systems.

(iv) Accomplishment of appropriate functions and computations, such as fuel management and fuel consumption records.

(b) Each certificate holder shall give each flight engineer—

(1) Any additional ground and flight training necessary to ensure his qualification in new equipment, procedures, and techniques; and

(2) At least once each 12 calendar months—

(i) A flight check (that conforms with the initial flight check) in each type airplane in which he is to retain qualification; and

(ii) Recurrent ground and flight training that includes at least the programmed hours set forth in the certificate holder's approved training program to ensure his continued proficiency with respect to procedures, techniques, and information essential to the satisfactory performance of his duties.

(c) Satisfactory completion of the flight check items set forth in subparagraph (2) of paragraph (a) of this section in each type airplane in which a flight engineer serves may be substituted for the programmed hours of recurrent flight training otherwise required in the approved training program for that type airplane.

(d) Except for emergency procedures and as prohibited in § 121.453, a recurrent flight check may be given in operations under this part or the entire check (excluding preflight inspection) may be given in a synthetic trainer that is representative of that type airplane.

§ 121.422 Flight navigator training.

(a) The initial training that the certificate holder must provide for each flight navigator before he serves as a flight navigator must include at least the

approved programmed hours of ground and flight training in the following:

(1) Ground training for each type airplane on which he is to serve, in at least the applicable parts of subparagraphs (1) through (4) and (6) through (8) of § 121.417(a) and in the following:

(i) Limitations on climb, cruise, and descent speeds.

(ii) Each item of navigational equipment installed, including relevant radio, radar, and other electronic equipment.

(iii) Relevant performance information in the certificate holder's manual.

(iv) Airspeed, temperature, and pressure indicating instruments or systems.

(v) Kinds of compasses, limitations, and methods of compensation.

(vi) Cruise control charts and data, including fuel consumption rates.

(2) Enough flight training to ensure his proficiency in the duties assigned to him.

(b) Each certificate holder shall give each flight navigator—

(1) Any additional ground and flight training necessary to ensure his qualification in new equipment, procedures, and techniques; and

(2) At least once each 12 calendar months, recurrent ground and flight training and a flight check to ensure his continued proficiency.

(c) The flight training required by this section may be given during flights under this part if given under the supervision of a qualified flight navigator. The flight checks required by this section may be given during flights under this part or in a synthetic trainer in place of a check in flight.

§ 121.423 Aircraft dispatcher training: Domestic and flag air carriers.

(a) The initial training each domestic and flag air carrier must provide for each aircraft dispatcher before he serves as a dispatcher must include at least the programmed hours of training set forth in the approved training program. In addition, each aircraft dispatcher shall, before performing duties as an aircraft dispatcher, satisfactorily demonstrate to the supervisor or ground instructor authorized to certify his proficiency, his knowledge of the following:

(1) Contents of the air carrier operating certificate.

(2) Appropriate provisions of the air carrier's operations specifications, manuals, and the Federal Aviation Regulations.

(3) Communications facilities used, including characteristics, limitations, and normal and emergency procedures.

(4) Navigational aids and publications.

(5) Meteorology, including types of meteorological information and forecasts, interpretation of weather data including forecasting of en route and terminal temperature and other weather conditions, frontal systems, wind conditions, and use of weather charts, actual and prognostic, for various altitudes.

(6) Flight operations procedures including the following:

(i) Duties and responsibilities of pilots and dispatchers.

(ii) Weight and balance computations.

(iii) Basic airplane performance dispatch requirements and procedures.

(iv) Notam system.

(v) Flight planning including track selection, flight time analyses, and fuel requirements.

(7) Airports used and the terrain en route.

(8) Prevailing weather phenomena.

(9) Sources of weather information available.

(10) Pertinent air traffic control procedures.

(11) Emergency procedures.

(12) Airplane performance information (applicable to each type airplane operated by the air carrier for which the dispatcher is responsible) including at least—

(i) Cruise control methods, procedures, and data;

(ii) Airplane limitations;

(iii) Airplane performance data;

(iv) Minimum equipment list; and

(v) Flight planning.

(b) The training program must emphasize emergency procedures, including the alerting of proper governmental, company, and private agencies to give the maximum help to an airplane in distress.

(c) Each air carrier shall give each dispatcher—

(1) Any additional training necessary to ensure his qualification for new equipment, procedures, and techniques; and

(2) At least once each 12 calendar months, recurrent ground training (consisting of the programmed hours set forth in the approved training program) and a competence check to ensure his continued competence with respect to the procedures, techniques, and information essential to his duties.

§ 121.424 Flight attendant training.

(a) The initial training that the certificate holder must provide for each flight attendant before he serves on a flight under this part must ensure that such crewmember is fully qualified to perform the duties assigned during flight time. This training must consist of at least the programmed hours of initial training set forth in the certificate holder's approved training program including at least the following, as appropriate to assigned duties and responsibilities:

(1) Authority of the pilot in command.

(2) Passenger handling, including procedures to be followed in the event of the presence of deranged persons or other persons whose conduct might jeopardise the safety of other passengers.

(3) With respect to each type of airplane on which a crewmember is to serve as a flight attendant in air transportation—

(i) A general description of the airplane;

(ii) A knowledge of all crewmember assignments, functions, and responsibilities during ditching and evacuation;

(iii) Briefing of passengers;

(iv) Use of public address system and means of communicating with cockpit;

(v) Location and operation of portable fire extinguishers, including a knowledge of the type of fires to be combatted with each type of extinguisher;

(vi) Location and use of first-aid equipment;

(vii) Proper use of electrical galley equipment, cabin heat controls, if installed in cabin, and ventilation controls;

(viii) Location and operation of passenger oxygen equipment; and

(ix) Location and operation of all normal and emergency exits, including evacuation chutes and escape ropes.

(b) Each certificate holder shall give each flight attendant at least once each twelve calendar months recurrent training that includes at least the programmed hours set forth in the certificate holder's approved training program and a competence check to determine the attendant's ability to perform assigned duties and responsibilities.

§ 121.425 Initial flight assignments on a particular type of airplane.

(a) Except as provided in paragraph (b) of this section, in addition to the ground and flight training specified in the certificate holder's approved training program (Appendix E, columns I and II), no crewmember may serve on a type airplane on which he has not previously served, or in a crew position in which he has not previously served, unless he satisfactorily completes at least the number of programmed hours specified in the certificate holder's approved training program for initial flight assignment (Appendix E, column V). In conducting initial flight assignments in each type airplane—

(1) Each pilot in command must perform the duties of a pilot in command while being observed by an approved check airman.

(2) Each second in command must either perform the duties of second in command while being observed by an approved check airman, or act as observer on the flight deck.

(3) Each flight engineer must perform the duties of a flight engineer while being observed by a qualified flight engineer or an approved check airman.

(4) Each flight attendant must either perform the duties of a flight attendant while being observed by a supervisor or act as an observer.

(b) A flight attendant who is assigned to duty in more than one type aircraft and who has received sufficient ground school and practical training in each type aircraft, is required to comply with paragraph (a)(4) of this section only in the larger type aircraft to which assigned.

NOTE: The reporting and/or record-keeping requirements contained herein have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

APPENDIX E

PROGRAMMED HOURS OF TRAINING

		I Ground School					II Flight Training		III Approved Simulator		IV Procedural Trainer (a)		V Initial Flight Assignments (c)			
		PIC FE	2IC	NA	FA	DS	PIC	2IC FE	PIC	2IC FE	PIC	2IC	PIC	2IC	FE	FA DS
Basic indoctrination (newly hired)		40	40	40	40	40	x	x	x	x	x	x	x	x	x	x
DC-3 initial (I) and upgrade (U), C-46 recurrent (R)	I	40	40	x	8	16	8	4	x	x	4	4	10	10	x	x
	U	x	16	x	x	x	x	4	x	x	4	4	x	x	x	x
	R	12	12	x	8	8	2.5	1.0	x	x	4	4	x	x	x	x
M 202/404 and CV 240/440	I	64	64	x	8	20	8	8	10(b)	10(b)	4	2	15	15	x	x
	U	x	32	x	x	x	x	5	x	10(b)	4	4	x	x	x	x
	R	16	16	x	4	8	3	1.5	10(c)	10(d)	4	2	x	10	x	x
DC-4, L-049 and L-749	I	64	64	24	8	40	8	5	10(b)	10(b)	4	2	x	x	x	x
	U	x	32	x	x	x	x	5	x	10(b)	4	4	15	15	7.5	x
	R	16	16	12	4	10	3	1.5	10(c)	10(d)	4	2	x	15	x	x
B-377, L-1049, 1649 and DC-6/7	I	80	80	24	10	40	10	6	15(b)	15(b)	4	2	x	x	x	x
	U	x	40	x	x	x	x	6	x	15(b)	4	4	20	20	10	x
	R	20	20	12	5	10	3	1.5	10(c)	10(d)	4	2	x	20	x	x
F-27 and CV-440	I	80	80	x	8	40	10	6	x	x	4	4	20	20	x	x
	U	x	40	x	x	x	x	6	x	x	4	4	x	x	x	x
	R	20	20	x	4	10	3	1.5	x	x	4	4	25	25	x	x
Viscount and Argosy	I	80	80	x	10	40	10	6	10(b)	10(b)	4	2	x	x	x	x
	U	x	40	x	x	x	x	6	x	10(b)	4	4	25	25	x	x
	R	20	20	x	x	x	x	6	10(c)	6(d)	4	2	x	25	x	x
L-188, CL-44, DAC III, and Caravelle	I	120	120	32	20	60	15	7	15(b)	15(b)	4	2	25	25	12.5	x
	U	x	60	x	x	x	x	7	x	15(b)	4	4	x	25	x	x
	R	20	20	16	5	20	3	1.5	10(c)	10(d)	4	2	25	25	12.5	x
B-707, B-720, B-727, DC-8 and CV-880, CV-990	I	120	120	32	16	60	20	10	20(b)	20(b)	4	2	x	x	x	x
	U	x	60	x	x	x	x	10	x	15(b)	4	4	25	25	12.5	x
	R	25	25	16	12	20	6	3	10(e)	10(d)	4	2	x	15	x	x
													x	x	x	x

NOTES

(a) Programmed hours required to satisfy requirements of § 121.441(b)(24) when performed in other than an airplane in flight or an approved airplane simulator.

(b) Programmed hours required to reduce initial flight training by 25 percent as provided in § 121.414(c)(2).

(c) Programmed hours required when PIC proficiency checks required by § 121.441(b) are conducted in accordance with § 121.442.

(d) Programmed hours when 2IC proficiency checks are conducted in accordance with § 121.449(c). Minimum flight engineer recurrent flight training and check time to satisfy requirements of § 121.421(b).

(e) Programmed hours required to satisfy requirements of § 121.424.

[F.R. Doc. 65-5178; Filed, May 17, 1965; 8:45 a.m.]

Title 12—BANKS AND BANKING

Chapter II—Federal Reserve System

SUBCHAPTER A—BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM

[Reg. F]

PART 206—SECURITIES OF MEMBER STATE BANKS

Interpretation of Definition of "Officer"

§ 206.101 Interpretation of definition of "officer".

(a) Section 206.2(o) defines the term "officer" to mean any person who occupies one or more of certain enumerated positions in a member State bank "and any other person who participates in major policy-making functions of the bank." Among the positions so enumerated is that of "Vice President", but it is also provided that a person bearing the title of "Vice President" who does not "participate in major policy-making functions of the bank" is not an officer for the purposes of this Part 206.

(b) When this Part 206 was adopted, an accompanying description in the FEDERAL REGISTER (30 F.R. 362; January 12, 1965), stated that "an 'officer' of a bank is defined to exclude persons who, regardless of title, do not participate in major policy-making functions." This statement has resulted in some confusion as to the scope of the definition of "officer". In order to clarify the matter, the Board of Governors has made the following interpretation.

(c) All persons holding any position enumerated in § 206.2(o), except those holding a position as "Vice President", are officers for purposes of this Part 206 regardless of whether they participate in major policy-making functions. The second sentence of § 206.2(o), which provides that certain persons are not officers if they do not participate in major policy-making functions, applies only to persons with the title of "Vice President".

(15 U.S.C. 78w; interprets or applies 15 U.S.C. 78l, 78m, 78n, and 78p)

Dated at Washington, D.C., this 10th day of May 1965.

BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM,
[SEAL] MERRITT SHERMAN,
Secretary.

[F.R. Doc. 65-5175; Filed, May 17, 1965; 8:45 a.m.]

Title 9—ANIMALS AND ANIMAL PRODUCTS

Chapter III—Consumer and Marketing Service—Meat Inspection, Department of Agriculture

SUBCHAPTER A—MEAT INSPECTION REGULATIONS

PART 318—REINSPECTION AND PREPARATION OF PRODUCTS

Gamma Radiation for Treatment of Product; Redesignation

On April 22, 1965, there was published in the FEDERAL REGISTER (30 F.R. 5702) a document containing an amendment of the Meat Inspection Regulations pursuant to the authority of the Meat Inspection Act, as amended and extended (21 U.S.C. 71–96), and subsections 306 (b) and (c) of the Tariff Act of 1930, as amended (19 U.S.C. 1306 (b) and (c)), which, among other things, adds a new section to such regulations that was designated as § 318.18. Since such designation has been previously assigned to another different regulation, the new regulation set forth at 30 F.R. 5702 designated as § 318.18 is hereby redesignated as § 318.19.

This redesignation is formal in nature and makes no substantive changes, but is necessary in order to avoid duplication in regulation numbering and should be made effective as soon as possible in order to avoid confusion.

Therefore, under section 4 of the Administrative Procedure Act (5 U.S.C. 1003), it is found upon good cause that

notice and other public procedure on this redesignation are unnecessary and impracticable, and good cause is found for making the redesignation effective less than 30 days after publication in the FEDERAL REGISTER.

This redesignation shall become effective upon publication in the FEDERAL REGISTER.

(Sec. 306, 46 Stat. 689, as amended, 19 U.S.C. 1306, 34 Stat. 1264, 21 U.S.C. 80; 29 F.R. 16210, 30 F.R. 1260, 2160)

Done at Washington, D.C., this 12th day of May 1965.

R. K. SOMERS,
Acting Deputy Administrator, Consumer Protection, Consumer and Marketing Service.

[F.R. Doc. 65-5199; Filed, May 17, 1965; 8:46 a.m.]

Title 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

SUBCHAPTER B—FOOD AND FOOD PRODUCTS

PART 121—FOOD ADDITIVES

Subpart C—Food Additives Permitted in Feed and Drinking Water of Animals or for the Treatment of Food Producing Animals

AMPROLIUM AND ADDITIONAL SECONDARY INGREDIENTS

The Commissioner of Food and Drugs, having evaluated the data submitted in a petition (FAP 5C1636) filed by Merck, Sharp & Dohme Research Laboratories, Division of Merck & Co., Inc., Rahway, N.J., and other relevant material, has concluded that the food additive regulations should be amended to provide for the safe use, in chicken feed, of amprolium combined with arsanilic acid and penicillin, with or without streptomycin. Therefore, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1)), and under the authority delegated to the Commissioner by the Secretary of Health, Education, and Welfare (21 CFR 2.90), §§ 121.210 and 121.253 of the food additive regulations are amended as follows:

1. Section 121.210 is amended as follows:

a. Paragraph (c), is amended by adding to table 1 new items 3.2 and 3.3, by changing items 3.1 a and c as indicated, and by deleting present items 3.1 m and n and indicating them as reserved.

b. By adding thereto a new paragraph (e).

As amended, the affected portions read as follows:

§ 121.210 **Amprolium.**

* * *

(c) * * *

TABLE 1—AMPROLIUM IN COMPLETE CHICKEN AND TURKEY FEED

Principal ingredient	Grams per ton	Combined with—	Grams per ton	Limitations	Indications for use
* * *	* * *	* * *	* * *	* * *	* * *
3.1 Amprolium	* * *	* * *	* * *	* * *	* * *
3.2 Amprolium	38.3–113.5 (0.004%–0.0125%)	Arsanilic acid	90 (0.01%)	For replacement chickens; as specified in item 3.1 of this table; not for laying chickens; withdraw 5 days before slaughter.	Development of active immunity to coccidiosis; growth promotion and feed efficiency; improving pigmentation.
3.3 Amprolium	38.3–113.5 (0.004%–0.0125%)	Sodium arsanilate	90 (0.01%)	For replacement chickens; as specified in item 3.1 of this table; not for laying chickens; withdraw 5 days before slaughter.	Development of active immunity to coccidiosis; growth promotion and feed efficiency; improving pigmentation.
a. 3.1 or 3.2	* * *	* * *	* * *	* * *	* * *
* * *	* * *	* * *	* * *	* * *	* * *
c. 3.1 or 3.2	* * *	* * *	* * *	As procaine penicillin plus streptomycin sulfate 14.4–50 gm. of combinations containing 16.7 percent of penicillin.	* * *
* * *	* * *	* * *	* * *	* * *	* * *
m. [Reserved]					
n. [Reserved]					
* * *	* * *	* * *	* * *	* * *	* * *

* * * * * * *

(e) Section 121.1022 establishes the limitation for residues of the additive in food for human consumption.

2. Section 121.253 is amended by changing item 1.3a in the table in paragraph (c) and by adding a new paragraph (e) thereto. As amended, the affected portions read as follows:

§ 121.253 **Arsanilic acid.**

* * *

(c) * * *

ARSANILIC ACID IN COMPLETE CHICKEN AND TURKEY FEED

Principal ingredient	Grams per ton	Combined with—	Grams per ton	Limitations	Indications for use
* * *	* * *	* * *	* * *	* * *	* * *
1.3 * * *	* * *	* * *	* * *	* * *	* * *
a. 1.1, 1.2, or 1.3					
* * *	* * *	* * *	* * *	* * *	* * *

* * * * * *

(e) Section 121.1138 establishes the limitation for residues of the additive in food for human consumption.

Any person who will be adversely affected by the foregoing order may at any time within 30 days from the date of its publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington, D.C., 20201, written objections thereto, preferably in quintuplicate. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections.

If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof.

Effective date. This order shall be effective on the date of its publication in the FEDERAL REGISTER.

(Sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1))

Dated: May 11, 1965.

JOHN L. HARVEY,
Deputy Commissioner of Food and Drugs.

[F.R. Doc. 65-5204; Filed, May 17, 1965; 8:47 a.m.]

Proposed Rule Making

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Part 8]

COLOR ADDITIVES

Paprika; Notice of Proposal To List for Food Use and Exempt From Certification [1]

Notice is given that the Commissioner of Food and Drugs, on his own initiative, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 706(b)(1), (c)(2), (d), 74 Stat. 399, 402; 21 U.S.C. 376(b)(1), (c)(2), (d)), and under the authority delegated to him by the Secretary of Health, Education, and Welfare (25 F.R. 8625), proposes the listing and exemption from certification of the color additive paprika for use in coloring foods. All interested persons are hereby invited to present written views, comments, or objections regarding this proposal, within 30 days from the date of publication of this notice in the FEDERAL REGISTER. Such comments should be submitted, preferably in quintuplicate, to the Hearing Clerk, Department of Health, Education, and Welfare, 330 Independence Avenue SW., Washington 25, D.C.

It is proposed to amend Part 8 by adding to Subpart D the following new section:

§ 8.307 **Paprika.**

(a) *Identity.* (1) The color additive paprika is the ground dried pod of mild capsicum (Capsicum annuum L.). The definition of paprika in this paragraph is for the purpose of identity as a color additive only and shall not be construed as setting forth an official standard for paprika.

(2) Color additive mixtures made with paprika may contain as diluents only those substances listed in this Subpart D as safe and suitable in color additive mixtures for coloring foods.

(b) *Specifications.* Paprika shall conform to the general specifications set forth in § 8.110 for color additives to be used in or on food.

(c) *Uses and restrictions.* Paprika may be safely used for the coloring of foods generally, in amounts consistent with good manufacturing practice, except that it may not be used to color foods for which standards of identity have been promulgated under section 401 of the act, unless the use of added color is authorized by such standards.

(d) *Labeling.* The color additive and any mixtures intended solely or in part for coloring purposes prepared therefrom shall bear, in addition to the other information required by the act, labeling in accordance with the provisions of § 8.32.

(e) *Exemption from certification.* Certification of this color additive is not necessary for the protection of the public health, and therefore batches thereof are exempt from the certification requirements of section 706(c) of the act.

Dated: May 10, 1965.

JOHN L. HARVEY,
Deputy Commissioner of Food and Drugs.

[F.R. Doc. 65-5200; Filed, May 17, 1965; 8:47 a.m.]

[21 CFR Part 8]

COLOR ADDITIVES

Paprika Oleoresin; Notice of Proposal To List for Food Use and Exempt From Certification [1]

Notice is given that the Commissioner of Food and Drugs, on his own initiative, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 706(b)(1), (c)(2), (d), 74 Stat. 399, 402; 21 U.S.C. 376(b)(1), (c)(2), (d)), and under the authority delegated to him by the Secretary of Health, Education, and Welfare (25 F.R. 8625), proposes the listing and exemption from certification of the color additive paprika oleoresin for use in coloring foods. All interested persons are hereby invited to present written views, comments, or objections regarding this proposal within 30 days from the date of publication of this notice in the FEDERAL REGISTER. Such comments should be submitted, preferably in quintuplicate, to the Hearing Clerk, Department of Health, Education, and Welfare, 330 Independence Avenue SW., Washington 25, D.C.

It is proposed to amend Part 8 by adding to Subpart D the following new section:

§ 8.306 **Paprika oleoresin.**

(a) *Identity.* (1) The color additive paprika oleoresin is the combination of flavor and color principles obtained from paprika (Capsicum annuum L.) by extraction, using any one or a combination of the following solvents:

Acetone.
Ethyl alcohol.
Ethylene dichloride.
Hexane.
Isopropyl alcohol.
Methyl alcohol.
Methylene chloride.
Trichloroethylene.

The definition of paprika oleoresin in this paragraph is for the purpose of identity as a color additive only, and shall not be construed as setting forth an official standard for paprika oleoresin under section 401 of the act.

(2) Color additive mixtures made with paprika oleoresin may contain as diluents only those substances listed in this Subpart D as safe and suitable in color additive mixtures for coloring foods.

(b) *Specifications.* (1) Paprika oleoresin shall conform to the general specifications set forth in § 8.110 for color additives to be used in or on food.

(2) Paprika oleoresin shall contain no more residue of the solvents listed in paragraph (a)(1) of this section than is permitted of the corresponding solvents in spice oleoresins under applicable food additive regulations in Part 121 of this chapter.

(c) *Uses and restrictions.* Paprika oleoresin may be safely used for the coloring of foods generally, in amounts consistent with good manufacturing practice, except that it may not be used to color foods for which standards of identity have been promulgated under section 401 of the act, unless the use of added color is authorized by such standards.

(d) *Labeling.* The color additive and any mixtures intended solely or in part for coloring purposes prepared therefrom shall bear, in addition to the other information required by the act, labeling in accordance with the provisions of § 8.32.

(e) *Exemption from certification.* Certification of this color additive is not necessary for the protection of the public health, and therefore batches thereof are exempt from the certification requirements of section 706(c) of the act.

Dated: May 10, 1965.

JOHN L. HARVEY,
Deputy Commissioner of Food and Drugs.

[F.R. Doc. 65-5207; Filed, May 17, 1965; 8:47 a.m.]

[21 CFR Part 8]

COLOR ADDITIVES

Turmeric; Notice of Proposal To List for Food Use and Exempt From Certification [1]

Notice is given that the Commissioner of Food and Drugs, on his own initiative, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (secs. 706(b)(1), (c)(2), (d), 74 Stat. 399, 402; 21 U.S.C. 376(b)(1), (c)(2), (d)), and under the authority delegated to him by the Secretary of Health, Education, and Welfare (25 F.R. 8625), proposes the listing and exemption from certification of the color additive turmeric for use in coloring foods. All interested persons are hereby invited to present written views, comments, or objections regarding this proposal within 30 days from the date of publication of this notice in the FEDERAL REGISTER. Such comments should be submitted, preferably in quintuplicate, to the Hearing Clerk, Department of Health, Education, and Welfare,

[1] Section 8.110 referred to in this document was published in the FEDERAL REGISTER of Apr. 24, 1965 (30 F.R. 5797), in proposed regulations for general specifications for color additives.

330 Independence Avenue SW., Washington, D.C., 20201.

It is proposed to amend Part 8 by adding to Subpart D the following new section:

§ 8.309 Turmeric.

(a) *Identity.* (1) The color additive turmeric is the ground rhizome of Curcuma longa L. The definition of turmeric in this paragraph is for the purpose of identity as a color additive only, and shall not be construed as setting forth an official standard for turmeric.

(2) Color additive mixtures made with turmeric may contain as diluents only those substances listed in this Subpart D as safe and suitable in color additive mixtures for coloring foods.

(b) *Specifications.* Turmeric shall conform to the general specifications set forth in § 8.110 for color additives to be used in or on foods.

(c) *Uses and restrictions.* Turmeric may be safely used for the coloring of foods generally, in amounts consistent with good manufacturing practice, except that it may not be used to color foods for which standards of identity have been promulgated under section 401 of the act, unless the use of added color is authorized by such standards.

(d) *Labeling.* The color additive and any mixtures intended solely or in part for coloring purposes prepared therefrom shall bear, in addition to the other information required by the act, labeling in accordance with the provisions of § 8.32.

(e) *Exemption from certification.* Certification of this color additive is not necessary for the protection of the public health, and therefore batches thereof are exempt from the certification requirements of section 706(c) of the act.

Dated: May 10, 1965.

JOHN L. HARVEY,
Deputy Commissioner of Food and Drugs.

[F.R. Doc. 65-5209; Filed, May 17, 1965; 8:47 a.m.]

[21 CFR Part 8]

COLOR ADDITIVES

Turmeric Oleoresin; Notice of Proposal To List for Food Use and Exempt From Certification [1]

Notice is given that the Commissioner of Food and Drugs, on his own initiative, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 706 (b)(1), (c)(2), (d), 74 Stat. 399, 402; 21 U.S.C. 376 (b)(1), (c)(2), (d)), and under the authority delegated to him by the Secretary of Health, Education, and Welfare (25 F.R. 8625), proposes the listing and exemption from certification of the color additive turmeric oleoresin for use in coloring foods. All interested persons are hereby invited to present written views, comments, or objections regarding this proposal within 30 days from the date of publication of this notice in the FEDERAL REGISTER. Such comments should be submitted, preferably in quintuplicate, to the Hearing Clerk, Department of Health, Education, and Welfare, 330 Independence Avenue SW., Washington 25, D.C.

It is proposed to amend Part 8, by adding to Subpart D the following new section:

§ 8.310 Turmeric oleoresin.

(a) *Identity.* (1) The color additive turmeric oleoresin is the combination of flavor and color principles obtained from turmeric (Curcuma longa L.) by extraction using any one or a combination of the following solvents:

Acetone.
Ethyl alcohol.
Ethylene dichloride.
Hexane.
Isopropyl alcohol.
Methyl alcohol.
Methylene chloride.
Trichloroethylene.

The definition of turmeric oleoresin in this paragraph is for the purpose of identity as a color additive only, and shall not be construed as setting forth an official standard for turmeric oleoresin under section 401 of the act.

(2) Color additive mixtures made with turmeric oleoresin may contain as diluents only those substances listed in this Subpart D as safe and suitable in color additive mixtures for coloring foods.

(b) *Specifications.* (1) Turmeric oleoresin shall conform to the general specifications set forth in § 8.110 for color additives to be used in or on food.

(2) Turmeric oleoresin shall contain no more residue of the solvents listed under paragraph (a)(1) of this section than is permitted for the corresponding solvents in spice oleoresins under applicable food additive regulations in Part 121 of this chapter.

(c) *Uses and restrictions.* Turmeric oleoresin may be safely used for the coloring of foods generally, in amounts consistent with good manufacturing practice, except that it may not be used to color foods for which standards of identity have promulgated under section 401 of the act, unless the use of added color is authorized by such standards.

(d) *Labeling.* The color additive and any mixtures intended solely or in part for coloring purposes prepared therefrom shall bear, in addition to the other information required by the act, labeling in accordance with the provisions of § 8.32.

(e) *Exemption from certification.* Certification of this color additive is not necessary for the protection of the public health, and therefore batches thereof are exempt from the certification requirements of section 706(c) of the act.

Dated: May 10, 1965.

JOHN L. HARVEY,
Deputy Commissioner of Food and Drugs.

[F.R. Doc. 65-5210; Filed, May 17, 1965; 8:47 a.m.]

[21 CFR Part 8]

COLOR ADDITIVES

Saffron; Notice of Proposal To List for Food Use and Exempt From Certification [1]

Notice is given that the Commissioner of Food and Drugs, on his own initiative, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 706 (b)(1), (c)(2), (d), 74 Stat. 399, 402; 21 U.S.C. 376 (b)(1), (c)(2), (d)), and under the authority delegated to him by the Secretary of Health, Education, and Welfare (25 F.R. 8625), proposes the listing and exemption from certification of the color additive saffron for use in coloring foods. All interested persons are hereby invited to present written views, comments, or objections regarding this proposal within 30 days from the date of publication of this notice in the FEDERAL REGISTER. Such comments should be submitted, preferably in quintuplicate, to the Hearing Clerk, Department of Health, Education, and Welfare, 330 Independence Avenue SW., Washington 25, D.C.

It is proposed to amend Part 8 by adding to Subpart D the following new section:

§ 8.311 Saffron.

(a) *Identity.* (1) The color additive saffron is the dried stigma of Crocus sativus L. The definition of saffron in this paragraph is for the purpose of identity as a color additive only, and shall not be construed as setting forth an official standard for saffron.

(2) Color additive mixtures made with saffron may contain as diluents only those substances listed in this Subpart D as safe and suitable in color additive mixtures for coloring foods.

(b) *Specifications.* Saffron shall conform to the general specifications set forth in § 8.110 for color additives to be used in or on food.

(c) *Uses and restrictions.* Saffron may be safely used for the coloring of foods generally, in amounts consistent with good manufacturing practice, except that it may not be used to color foods for which standards of identity have been promulgated under section 401 of the act, unless the use of added color is authorized by such standards.

(d) *Labeling.* The color additive and any mixtures intended solely or in part for coloring purposes prepared therefrom shall bear, in addition to the other information required by the act, labeling in accordance with the provisions of § 8.32.

(e) *Exemption from certification.* Certification of this color additive is not necessary for the protection of the public health, and therefore batches thereof are exempt from the certification requirements of section 706(c) of the act.

Dated: May 10, 1965.

JOHN L. HARVEY,
Deputy Commissioner of Food and Drugs.

[F.R. Doc. 65-5208; Filed, May 17, 1965; 8:47 a.m.]

[1] Section 8.110 referred to in this document was published in the FEDERAL REGISTER of Apr. 24, 1965 (30 F.R. 5797), in proposed regulations for general specifications for color additives.

[21 CFR Part 8]

COLOR ADDITIVES

Fruit Juice; Notice of Proposal To List for Food Use and Exempt From Certification [1]

Notice is given that the Commissioner of Food and Drugs, on his own initiative, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 706 (b)(1), (c)(2), (d), 74 Stat. 399, 402; 21 U.S.C. 376 (b)(1), (c)(2), (d)), and under the authority delegated to him by the Secretary of Health, Education, and Welfare (25 F.R. 8625), proposes the listing and exemption from certification of the color additive fruit juice for use in coloring foods. All interested persons are hereby invited to present written views, comments, or objections regarding this proposal, within 30 days from the date of publication of this notice in the FEDERAL REGISTER. Such comments should be submitted, preferably in quintuplicate, to the Hearing Clerk, Department of Health, Education, and Welfare, 330 Independence Avenue SW., Washington 25, D.C.

It is proposed to amend Part 8 by adding to Subpart D the following new section:

§ 8.313 Fruit juice.

(a) *Identity.* (1) The color additive fruit juice is the concentrated or unconcentrated liquid expressed from mature varieties of fresh, edible fruits, or is a water infusion of the dried fruit. The definition of fruit juice in this paragraph is for the purpose of identity as a color additive only and shall not be construed as a standard of identity under section 401 of the act. However, where a standard of identity for a particular fruit juice has been promulgated under section 401 of the act, it shall conform to such standard.

(2) Color additive mixtures made with fruit juice may contain as diluents only those substances listed in this Subpart D as safe and suitable in color additive mixtures for coloring foods.

(b) *Specifications.* Fruit juice shall conform to the general specifications set forth in § 8.110 for color additives to be used in or on food.

(c) *Uses and restrictions.* Fruit juice may be safely used for the coloring of foods generally, in amounts consistent with good manufacturing practice, except that it may not be used to color foods for which standards of identity have been promulgated under section 401 of the act, unless the use of added color is authorized by such standards.

(d) *Labeling.* The color additive and any mixtures intended solely or in part for coloring purposes prepared therefrom shall bear, in addition to the other information required by the act, labeling in accordance with the provisions of § 8.32.

(e) *Exemption from certification.* Certification of this color additive is not necessary for the protection of the public health, and therefore batches thereof are exempt from the certification requirements of section 706(c) of the act.

Dated: May 10, 1965.

JOHN L. HARVEY,
Deputy Commissioner of Food and Drugs.

[F.R. Doc. 65-5205; Filed, May 17, 1965; 8:47 a.m.]

[21 CFR Part 8]

COLOR ADDITIVES

Vegetable Juice; Notice of Proposal To List for Food Use and Exempt From Certification [1]

Notice is given that the Commissioner of Food and Drugs, on his own initiative, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 706 (b)(1), (c)(2), (d), 74 Stat. 399, 402; 21 U.S.C. 376(b)(1), (c)(2), (d)), and under the authority delegated to him by the Secretary of Health, Education, and Welfare (25 F.R. 8625), proposes the listing and exemption from certification of the color additive vegetable juice for use in coloring foods. All interested persons are hereby invited to present written views, comments, or objections regarding this proposal within 30 days from the date of publication of this notice in the FEDERAL REGISTER. Such comments should be submitted, preferably in quintuplicate, to the Hearing Clerk, Department of Health, Education, and Welfare, 330 Independence Avenue SW., Washington 25, D.C.

It is proposed to amend Part 8 by adding to Subpart D the following new section:

§ 8.314 Vegetable juice.

(a) *Identity.* (1) The color additive vegetable juice is the concentrated or unconcentrated liquid expressed from mature varieties of fresh, edible vegetables. The definition of vegetable juice in this paragraph is for the purpose of identity as a color additive only, and shall not be construed as a standard of identity under section 401 of the act. However, where a standard of identity for a particular vegetable juice has been promulgated under section 401 of the act, it shall conform to such standard.

(2) Color additive mixtures made with vegetable juice may contain as diluents only those substances listed in this Subpart D as safe and suitable in color additive mixtures for coloring foods.

(b) *Specifications.* Vegetable juice shall conform to the general specifications set forth in § 8.110 for color additives to be used in or on food.

(c) *Uses and restrictions.* Vegetable juice may be safely used for the coloring of foods generally, in amounts consistent with good manufacturing practice, except that it may not be used to color foods for which standards of identity have been promulgated under section 401 of the act, unless the use of added color is authorized by such standards.

(d) *Labeling.* The color additive and any mixtures intended solely or in part for coloring purposes prepared therefrom shall bear, in addition to the other information required by the act, labeling in accordance with the provisions of § 8.32.

(e) *Exemption from certification.* Certification of this color additive is not necessary for the protection of the public health, and therefore batches thereof are exempt from the certification requirements of section 706(c) of the act.

Dated: May 10, 1965.

JOHN L. HARVEY,
Deputy Commissioner of Food and Drugs.

[F.R. Doc. 65-5211; Filed, May 17, 1965; 8:47 a.m.]

[1] Section 8.110 referred to in this document was published in the FEDERAL REGISTER of Apr. 24, 1965 (30 F.R. 5797), in proposed regulations for general specifications for color additives.

FEDERAL AVIATION AGENCY

[14 CFR Part 71]

[Airspace Docket No. 65-EA-26]

FEDERAL AIRWAYS

Proposed Alterations and Designation

The Federal Aviation Agency is considering amendments to Part 71 of the Federal Aviation Regulations that would alter segments of VOR Federal airways Nos. 20, 143, 156, 157, 222, 258 and designate a VOR Federal airway from Moorefield, W. Va., to Nottingham, Md.

Interested persons may participate in the proposed rule making by submitting such written data, views, or arguments as they may desire. Communications should identify the airspace docket number and be submitted in triplicate to the Director, Eastern Region, Attention: Chief, Air Traffic Division, Federal Aviation Agency, Federal Building, John F. Kennedy International Airport, Jamaica, N.Y., 11430. All communications received within 45 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendments. The proposals contained in this notice may be changed in the light of comments received.

An official docket will be available for examination by interested persons at the Federal Aviation Agency, Office of the General Counsel, Attention: Rules Docket, 800 Independence Avenue SW., Washington, D.C., 20553. An informal docket also will be available for examination at the office of the Regional Air Traffic Division Chief.

The Federal Aviation Agency is considering the airspace actions hereinafter set forth.

1. The V-20 north alternate segment from South Boston, Va., via Flat Rock, Va., to Richmond, Va., would be revoked. The latest FAA peak day airway traffic survey shows a maximum of four aircraft movements on this north alternate segment of V-20. Therefore, retention of this airway segment is unjustified as a continued assignment of airspace.

2. The V-143 segment from Montebello, Va., to Nottingham, Md., would be revoked. The latest FAA IFR peak day traffic survey shows a maximum of two aircraft movements for the segment of V-143 between Montebello and Casanova. Therefore, retention of this air-

way segment is unjustified as a continued assignment of airspace. The segment of V–143 between Casanova and Nottingham would be replaced by the segment of V–308 between Moorefield, W. Va., and Nottingham, as proposed herein.

3. The V–156 north alternate segment from Elkins, W. Va., to Gordonsville, Va., would be revoked. The latest FAA IFR peak day airway traffic survey shows no aircraft movements on this portion of the segment of V–156N between Elkins and Kessel, W. Va.; five aircraft movements between Kessel and the intersection of VOR Federal airway No. 174; three aircraft movements between V–174 and the Luray, Va., Intersection; four aircraft movements between Luray Intersection and the intersection of VOR Federal airway No. 140; two aircraft movements between V–140 and Gordonsville. The portion of V–156N between Elkins and Kessel is a common segment with VOR Federal airway No. 4 between these points. Accordingly, retention of this segment of V–156N is unjustified as a continued assignment of airspace.

4. The V–157 west alternate segment from Richmond, Va., to Washington, D.C., would be revoked. The latest FAA IFR peak day airway traffic survey shows a maximum of six aircraft movements on this west alternate segment of V–157. This proposed revocation would not derogate service since en route traffic would be processed by the main airway segment between these two terminals. Therefore, retention of this west alternate airway segment is unjustified as a continued assignment of airspace.

5. The V–222 segment from Gordonsville to the intersection of the Gordonsville 076° and the Brooke, Va., 132° True radials (Grubbs Intersection) would be revoked. The latest IFR peak day airway traffic survey shows only one aircraft movement on V–222 between Gordonsville and the Grubbs Intersection. Therefore, retention of this airway segment is unjustified as a continued assignment of airspace.

6. The V–258 segment from Beckley, W. Va., to Roanoke, Va., would be realigned via the intersection of the Beckley 125° and the Roanoke 288° True radials. This realignment would provide for a common intersection at the centerlines of VOR Federal airway Nos. 37, 140 and 258 and would reduce the en route mileage on this segment of V–258 between Beckley and Roanoke.

7. VOR Federal airway No. 308 would be designated from the intersection of the Linden, Va., 273° and the Casanova 284° True radials (Moorefield, W. Va., Intersection), via Casanova; intersection of the Casanova 076° and the Nottingham 271° True radials; to Nottingham. This proposed airway would provide a departure route for aircraft westbound from the Washington Metropolitan Area. The segment of this proposed airway between Casanova and Nottingham would provide a replacement for the segment of V–143 proposed herein for revocation.

The above proposed airspace actions are designed to improve the airway route structure within the Washington Air Route Traffic Control Center Flight Advisory Area by eliminating multiple airway numbers, little used airway segments, and by providing a common intersection at a multiple airway crossing point.

These amendments are proposed under section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348).

Issued in Washington, D.C., on May 11, 1965.

H. B. HELSTROM,
Acting Chief, Airspace Regulations and Procedures Division.

[F.R. Doc. 65–5179; Filed, May 17, 1965; 8:45 a.m.]

[14 CFR Part 71]

[Airspace Docket No. 65–SW–18]

TRANSITION AREA

Proposed Alteration

The Federal Aviation Agency is considering an amendment to Part 71 of the Federal Aviation Regulations which would alter the controlled airspace in the Stillwater, Okla., terminal area.

The following controlled airspace is presently designated in this area:

1. The Stillwater, Okla., transition area is designated as that airspace extending upward from 700 feet above the surface within a 5-mile radius of Searcy Field, Stillwater, Okla., (latitude 36°09'-30" N., longitude 97°05'05" W.), and within 5 miles E and 8 miles W of the 359° bearing from the airport, extending from the airport to 12 miles N.

2. The Oklahoma City, Okla., transition area, effective 0001 e.s.t., May 27, 1965, is designated as that airspace extending upward from 1,200 feet above the surface within a 57-mile radius of latitude 35°25'50" N., longitude 97°35'-10" W., within 6 miles SE and 9 miles NW of the Oklahoma City VORTAC 242° radial, extending from the 57-mile radius area to 52 miles SW of the VORTAC, within 6 miles S and 9 miles N of the Oklahoma City VORTAC 282° radial, extending from the 57-mile radius area to 62 miles W of the VORTAC, and within the area bounded on the E by longitude 96°54'00" W., and on the W by longitude 97°18'20" W. extending N from the 57-mile radius area to latitude 36°26'00" N., excluding the portion N of a line extending from latitude 35°54'00" N., longitude 98°25'00" W., to latitude 35°-48'00" N., longitude 98°18'00" W., to latitude 36°03'00" N., longitude 97°23'-30" W., to latitude 36°13'25" N., longitude 97°18'20" W.

The Federal Aviation Agency proposes to alter the Stillwater transition area as follows: Redesignate the Stillwater transition area as that airspace extending upward from 700 feet above the surface within a 6-mile radius of Searcy Field, Stillwater, Okla. (latitude 36°09'-30" N., longitude 97°05'05" W.); and within 2 miles each side of the Stillwater VOR 005° radial, extending from the 6-mile radius area to 8 miles N of the VOR; and that airspace extending upward from 1,200 feet above the surface within an area bounded on the W by the E boundary of V–77E; on the E by the SW boundary of V–74S; and on the S by latitude 36°26'00" N., extending the portion within the Ponca City, Okla., transition area.

The proposed alteration described herein is required to provide protection for a new instrument approach procedure, and its associated transitions predicated on the Stillwater VOR which is scheduled to be commissioned on or about June 24, 1965, and to delete the portion of the existing 700-foot floor area required for ADF Special Procedure No. 1 which will be cancelled concurrent with the commissioning date of the VOR.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Chief, Air Traffic Division, Southwest Region, Federal Aviation Agency, Post Office Box 1689, Fort Worth, Tex., 76101. All communications received within 45 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Chief, Air Traffic Division. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Office of the Regional Counsel, Southwest Region, Federal Aviation Agency, Fort Worth, Tex. An informal Docket will also be available for examination at the Office of the Chief, Air Traffic Division.

This amendment is proposed under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348).

Issued in Fort Worth, Tex., on May 10, 1965.

A. L. COULTER,
Acting Director, Southwest Region.

[F.R. Doc. 65–5180; Filed, May 17, 1965; 8:45 a.m.]

[14 CFR Parts 71, 73]

[Airspace Docket No. 65–WE–33]

TRANSITION AREA AND RESTRICTED AREA

Proposed Alteration and Designation

The Federal Aviation Agency is considering amendments to Parts 71 and 73 of the Federal Aviation Regulations that would designate the Yuma West, Ariz., restricted area, and that would delete references to restricted areas R–2301 and R–2307 from the Yuma transition area.

Interested persons may participate in the proposed rule making by submitting such written data, views, or arguments as they may desire. Communications should identify the airspace docket number and be submitted in triplicate to the Director, Western Region, Attention:

Chief, Air Traffic Division, Federal Aviation Agency, 5651 West Manchester Avenue, Post Office Box 90007, Airport Station, Los Angeles, Calif., 90009. All communications received within 45 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendments. The proposals contained in this notice may be changed in the light of comments received.

An official docket will be available for examination by interested persons at the Federal Aviation Agency, Office of the General Counsel, Attention: Rules Docket, 800 Independence Avenue SW., Washington, D.C., 20553. An informal docket also will be available for examination at the office of the Regional Air Traffic Division Chief.

If the above proposals are adopted, the Yuma West, Ariz., restricted area would be designated as follows:

Boundaries. Beginning at latitude 33°00'-00" N., longitude 114°30'00" W.; to latitude 33°02'48" N., longitude 114°30'00" W.; to latitude 33°02'48" N., longitude 114°34'00" W.; to latitude 33°15'00" N., longitude 114°-34'37" W.; to latitude 33°15'00" N., longitude 114°30'00" W.; to latitude 33°26'00" N., longitude 114°30'00" W.; to latitude 33°26'-00" N., longitude 114°28'00" W.; to latitude 33°28'00" N., longitude 114°13'00" W.; thence S along State Highway 95 to latitude 33°00'00" N., longitude 114°17'20" W.; to the point of beginning.

Altitudes. Surface to FL 240.

Time of use. Continuous.

Using agency. Commanding Officer, Yuma Proving Ground.

Controlling agency. Los Angeles Air Route Traffic Center.

The boundary area, described above, would be divided by a line at latitude 33°-15'00" N. The portions south of the division would be identified as Yuma West "A" with the N portion identified as Yuma West "B". The Army has stated that joint use of the airspace is acceptable and anticipates there will be frequent times when both the proposed Yuma West "A" and Yuma West "B" will not be used simultaneously due to the variance in the programs to be conducted in each area. Division into two areas will permit a greater release of the unused portion of the airspace to the FAA.

The U.S. Army has stated that the proposed area is needed to provide the U.S. Army Materiel Command with the necessary area for priority test activities conducted by the Test and Evaluation Command. The activities include research and development, engineering acceptance and service testing programs. The programs involve activities such as firing of aircraft armament systems; a multiple use moving target range for weapons testing of both ground-to-ground and air-to-ground systems; accuracy and armor plate tests of munitions and weapons; blast tests for vulnerability evaluation of test items and explosives; and air-to-ground delivery of missiles. The Army stated that all of these activities are new commitments to the Yuma Proving Ground and cannot be conducted in the present restricted airspace because of range limitations and activity saturation.

The proposed Yuma West area would extend into a portion of the Yuma transition area. Since the proposed restricted area would be joint use, it would not be excepted from the description of the Yuma transition area. Restricted Areas R–2301 and R–2307 are also joint use, and present references to them in the transition area description would be deleted to provide charting uniformity.

These amendments are proposed under section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348).

Issued in Washington, D.C., on May 11, 1965.

DANIEL E. BARROW,
Chief, Airspace Regulations and Procedures Division.

[F.R. Doc. 65–5181; Filed, May 17, 1965; 8:45 a.m.]

Notices

DEPARTMENT OF THE TREASURY

Coast Guard

[CGFR 65-23]

JAMES RIVER

Notice of Closure of Navigation During Launching of "George C. Marshall"

By virtue of the authority vested in me as Commandant, United States Coast Guard, by Treasury Department Order 120 dated July 31, 1950 (15 F.R. 6521), and Executive Order 10173, as amended by Executive Orders 10277 and 10352, I hereby affirm for publication in the FEDERAL REGISTER the order of O. C. Rohnke, Rear Admiral, United States Coast Guard, Commander, Fifth Coast Guard District, who has exercised authority as District Commander, such order reading as follows:

SPECIAL NOTICE JAMES RIVER

Under the authority of Title II of the Espionage Act of June 15, 1917 (40 Stat. 220), as amended, and Executive Order 10173, as amended, I declare that from 11 a.m., e.s.t., until 1:30 p.m., e.s.t., on Friday, 21 May 1965, the following area is a prohibited area and I order that it be closed to any person or vessel due to the launching of "George C. Marshall" (SSB(N)654):

The water of the James River, Norfolk-Newport News Harbor, Virginia, within the coordinates of Latitude 36 degrees 59 minutes 34 seconds North, Longitude 76 degrees 26 minutes 53 seconds West at the shoreline of Newport News, thence southwesterly 500 yards to Latitude 36 degrees 59 minutes 27 seconds North, Longitude 76 degrees 27 minutes 10 seconds West, thence southeasterly to Latitude 36 degrees 58 minutes 43 seconds North, Longitude 76 degrees 26 minutes 41 seconds West, thence easterly to Newport News Shipbuilding Company Pier 8 Light (USCG Light List No. 2786.5).

No person or vessel may remain in or enter this prohibited area.

The Captain of the Port, Norfolk-Newport News Area, Va., shall enforce this order.

The Captain of the Port may be assisted by employees and facilities of any State or political subdivision thereof or any Federal Agency.

For violation of this order Title II of the Espionage Act of June 15, 1917 (40 Stat. 220), as amended, provides:

"If any owner, agent, master, officer, or person in charge, or any member of the crew of any such vessel fails to comply with any regulation or rule issued or order given under the provisions of this title, or obstructs or interferes with the exercise of any power conferred by this title, the vessel, together with her tackle, apparel, furniture, and equipment, shall be subject to seizure and forfeiture to the United States in the same manner as merchandise is forfeited for violation of the customs revenue laws; and the person guilty of such failure, obstruction, or interference shall be fined not more than $10,000 or imprisoned not more than two years, or both.

"If any other person knowingly fails to comply with any regulation or rule issued or order given under the provisions of this title, or knowingly obstructs or interferes with the exercise of any power conferred by this title, he shall be punished by imprisonment for not more than ten years and may, at the discretion of the court, be fined not more than $10,000."

Dated: May 7, 1965.

[SEAL] W. D. SHIELDS,
Vice Admiral, U.S. Coast Guard, Acting Commandant.

[F.R. Doc. 65-5214; Filed, May 17, 1965; 8:47 a.m.]

POST OFFICE DEPARTMENT

POSTMASTERS AND ASSISTANT POSTMASTERS

Delegation of Authority To Administer Oaths of Office to Job Corps Enrollees

The following delegation of authority is made in Organization and Administration Transmittal Letter 108 dated May 17, 1965 signed by the Deputy Postmaster General:

Postmasters and assistant postmasters are authorized, when requested, to administer oaths of office to prospective Job Corps enrollees. No payment shall be accepted for administering the oath.

NOTE: The corresponding Postal Manual section is 844.21c.

(R.S. 161, as amended; 5 U.S.C. 16a, 22; 39 U.S.C. 309, 501)

LOUIS J. DOYLE,
General Counsel.

[F.R. Doc. 65-5203; Filed, May 17, 1965; 8:46 a.m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

ARIZONA

Notice of Termination of Proposed Withdrawal and Reservation of Lands

Notice of an application, Serial No. Arizona 010780, for withdrawal and reservation of lands was published as Federal Register Document No. 62-10134 on page 10,002 of the issue for October 11, 1962. The applicant agency has canceled its application insofar as it involved the lands described below. Therefore, pursuant to the regulations in 43 CFR Part 2311, such lands will be at 10:00 a.m. on June 9, 1965, relieved of the segregative effect of the above mentioned application.

The lands involved in this notice of termination are:

GILA AND SALT RIVER BASE MERIDIAN, ARIZ.

T. 11 S., R. 15 E., unsurveyed.
In secs. 26 and 35.

FRED J. WEILER,
State Director.

MAY 10, 1965.

[F.R. Doc. 65-5202; Filed, May 17, 1965; 8:46 a.m.]

National Park Service

[Order 2]

SUPERINTENDENTS AND CERTAIN OTHER OFFICIALS

Delegation of Authority Regarding Administration, Operation and Development of National Capital Parks

SECTION 1. The National Park Service Superintendents in the National Capital Region whose positions are allocated to Civil Service Grade GS-14 and above, in the administration, operation and development of the areas under their supervision, are authorized to exercise all of the authority now or hereafter delegated to the Regional Director by the Director, except with respect to the following matters:

(a) Appointments and status changes involving personnel in grade GS-14 and higher grades; however, appointments and status changes involving grade GS-13 must be submitted to the National Capital Regional Office for review before being finalized.

(b) Classification of positions in any Civil Service or supervisory wage board grades.

(c) Establishment of permanent graded or ungraded positions.

(d) Establishment of wage rates.

(e) Acceptance of an offer in settlement of a timber trespass unless (1) the trespass is an innocent one, (2) the damages therefrom do not exceed $500, and (3) payment of the full amount of the damages is offered.

(f) Approval of preliminary construction plans and working drawings not preceded by a preliminary drawing, not requiring approval by the Director, and preliminary and final concessioners' drawings.

(g) Approval of regularly scheduled overtime in excess of thirty days.

(h) Authority with respect to the preservation of historical and archeological data (including relics and specimens) which might otherwise be lost as the result of the construction of a dam.

(i) Acceptance of donations of personal property valued in excess of $5,000, and acceptance of donations of money in excess of $5,000.

(j) Sales of timber pursuant to section 3 of the Act of August 25, 1916 (39 Stat. 535; 16 U.S.C. 1952 ed., sec. 3).

(k) Acceptance of donations of lands and water rights, exchanges of lands and water rights, and purchase of lands and water rights.

(l) Disposition of lands or interests therein.

SEC. 2. The superintendents whose positions are allocated to Civil Service grades GS-13, GS-12, and GS-11, inclusive, in the administration, operation and development of the areas under their supervision, are authorized to exercise all of the authority now or hereafter delegated to the Regional Director by the Director, except with respect to the following matters:

(a) Appointments and status changes involving personnel in the same Civil Service grade as, or higher grades than, the Superintendent making appointments or status changes.

(b) Classification of positions in any Civil Service or supervisory wage board grades.

(c) Establishment of permanent graded or ungraded positions.

(d) Establishment of wage rates.

(e) Approval of contracts for construction, supplies, or services in excess of $50,000.

(f) Acceptance of an offer in settlement of a timber trespass unless (1) the trespass is an innocent one, (2) the damages therefrom do not exceed $500, and (3) payment of the full amount of the damages is offered.

(g) Approval of preliminary construction plans and working drawings not preceded by a preliminary drawing, not requiring approval by the Director, and preliminary and final concessioners' drawings.

(h) Approval of regularly scheduled overtime in excess of thirty days.

(i) Authority with respect to the preservation of historical and archeological data (including relics and specimens) which might otherwise be lost as the result of the construction of a dam.

(j) Issuance of revocable special use permits having a term of more than three years.

(k) Acceptance of donations of personal property valued in excess of $5,000, and acceptance of donations of money in excess of $5,000.

(l) Sales of timber pursuant to section 3 of the Act of August 25, 1916 (39 Stat. 535; 16 U.S.C. 1952 ed., sec. 3).

(m) Acceptance of donations of lands and water rights, exchanges of lands and water rights, and purchase of lands and water rights.

(n) Disposition of lands or interests therein.

SEC. 3. *Associate Regional Director and Assistant Regional Directors.* The Associate Regional Director and Assistant Regional Directors may exercise all the authority of the Regional Director with respect to any matter which may come before them.

SEC. 4. *Associate Regional Director and Assistant Regional Director (Administration).* The Associate Regional Director and the Assistant Regional Director (Administration) may execute and approve contracts not in excess of $200,000 for construction, supplies, equipment and services. This authority may be exercised by these officers in behalf of any area or office for which the National Capital Regional Office serves as the field finance office, except the National Capital Office, Design and Construction.

SEC. 5. *Regional Chief, Division of Property Management and General Services and Regional Procurement Officer.* The Regional Chief, Division of Property Management and General Services, may execute, administer and approve contracts not in excess of $200,000 for construction, supplies, equipment and services. The Regional Procurement Officer may execute and approve contracts not in excess of $50,000 for supplies, equipment and services. This authority may be exercised by these officers on behalf of any office or area for which the National Capital Regional Office serves as the field finance office, except the National Capital Office, Design and Construction.

SEC. 6. *Redelegation.* The Superintendents may, in writing, redelegate to any officer or employee the authority delegated to them by this order. Each redelegation shall be published in the FEDERAL REGISTER.

SEC. 7. *Appeal.* Except in matters relating to contracts for construction, supplies, equipment, or services, any party aggrieved by any action or decision of any Superintendent or any of the officers mentioned herein shall have the right of appeal to the Regional Director. Any such appeal shall be in writing and shall be submitted to the Regional Director within thirty days after receipt by the aggrieved party of notice of the action taken or decision made by the Superintendent or other officer.

SEC. 8. *Revocation.* This order supersedes National Capital Region Order No. 1 (28 F.R. 1811) as amended.

(National Park Service Order No. 14 (19 F.R. 8824), as amended; 39 Stat. 535, 16 U.S.C., sec. 3; National Capital Region Order No. 1 (28 F.R. 1811))

Dated: April 7, 1965.

T. SUTTON JETT,
Regional Director, National Capital Region.

[F.R. Doc. 65-5200; Filed, May 17, 1965; 8:46 a.m.]

[Order 1, Amdt. 1]

SAN JUAN NATIONAL HISTORIC SITE; CONSTRUCTION AND MAINTENANCE REPRESENTATIVE

Delegation of Authority Regarding Execution of Contracts for Supplies, Equipment or Services

2. *Construction and Maintenance Representative.* The Construction and Maintenance Representative may issue purchase orders not in excess of $500 for supplies or equipment in conformity with applicable regulations and statutory authority and subject to availability of appropriations.

(National Park Service Order No. 14 (19 F.R. 8824), as amended; 39 Stat. 535, 16 U.S.C., sec. 3; Southeast Region Order No. 3 (21 F.R. 1493))

JULIO MARRERO-NUÑEZ,
Superintendent, San Juan National Historic Site.

APRIL 15, 1965.

[F.R. Doc. 65-5201; Filed, May 17, 1965; 8:46 a.m.]

Office of the Secretary

[Order 2885, Amdt. 1]

JOB CORPS CONSERVATION CENTER COORDINATION

Approvals

Section 4 of Secretary's Order 2885, dated January 7, 1965, published in the FEDERAL REGISTER January 13, 1965 (30 F.R. 450), is amended to read:

SEC. 4. *Approvals.* Appointments to the positions of bureau conservation center officers, center directors and deputy center directors for work program are made by the head of the bureau concerned with the concurrence of the Job Corps Conservation Center Coordinator. The Secretary will approve budget requests for the program, center sites, activation schedules, and basic working agreements with the Office of Economic Opportunity and other Federal agencies involved in the program. All matters that are to be approved by the Secretary shall be routed through the Interior Job Corps Conservation Center Coordinator and the Director, Resources Program Staff, before referral to the Secretary.

STEWART L. UDALL,
Secretary of the Interior.

MAY 11, 1965.

[F.R. Doc. 65-5190; Filed, May 17, 1965; 8:46 a.m.]

RALPH F. BOVIER

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past 6 months:

(1) No change.
(2) No change.
(3) No change.
(4) No change.

This statement is made as of April 29, 1965.

Dated: April 29, 1965.

R. F. BOVIER.

[F.R. Doc. 65-5191; Filed, May 17, 1965; 8:46 a.m.]

LEMORE W. CLARK

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past 6 months:

(1) No change.
(2) A. Deletions: None. B. Additions: Great A. & P. Tea, Florida Gas Company.
(3) No change.
(4) No change.

This statement is made as of May 3, 1965.

Dated: May 3, 1965.

L. W. CLARK.

[F.R. Doc. 65-5192; Filed, May 17, 1965; 8:46 a.m.]

MARVIN F. PERSONS

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past 6 months:

(1) No change.
(2) No change.
(3) No change.
(4) No change.

This statement is made as of April 29, 1965.

Dated: April 29, 1965.

M. F. PERSONS.

[F.R. Doc. 65-5193; Filed, May 17, 1965; 8:46 a.m.]

GEORGE L. WILKINS

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past 6 months:

(1) No change.
(2) No change.
(3) No change.
(4) No change.

This statement is made as of May 3, 1965.

Dated: May 3, 1965.

GEO. L. WILKINS.

[F.R. Doc. 65-5194; Filed, May 17, 1965; 8:46 a.m.]

DEPARTMENT OF AGRICULTURE

Office of the Secretary

TOBACCO INSPECTION AND PRICE SUPPORT SERVICES

Notice of Public Hearings Regarding Applications for Additional Sale at Danville, Va., and a Proposed New Market at Yadkinville, N.C.

Notice is hereby given of public hearings to be held upon the following applications for tobacco inspection and price support services. The date, time, and place of hearing for each application is as follows:

The hearing upon the application of W. N. Terry, Jr., President, and Charles K. Waddell, Secretary-Treasury, of The Danville Tobacco Association, Inc., 402 Masonic Temple, Danville, Va., for tobacco inspection and price support services for an additional sale on the Danville tobacco market will be held in the Courtroom, U.S. Post Office and Courthouse Building, 700 Main Street, Danville, Va., beginning at 9:30 a.m., e.s.t., on May 24, 1965.

The hearing upon the application of J. A. Miller, J. A. Miller, Jr., and David Lee Miller, of Route 2, Yadkinville, N.C., for tobacco inspection and price support services for a new market at Yadkinville, N.C., will be held in the auditorium, County Agricultural Building, 537 Spruce Street, Winston-Salem, N.C., beginning at 1 p.m., e.s.t., on May 25, 1965.

The aforesaid public hearings will be conducted and evidence received pursuant to the concurrent and identical policy statements and regulations governing the extension of tobacco inspection and price support services to new markets and to additional sales on designated markets (7 CFR Part 29, Subpart A).

Done at Washington, D.C., this 13th day of May 1965.

GEORGE L. MEHREN,
Assistant Secretary.

[F.R. Doc. 65-5223; Filed, May 17, 1965; 8:46 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

DEARBORN CHEMICAL CO.

Notice of Filing of Petition for Food Additive Sodium Polyacrylate

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348(b)(5)), notice is given that a petition (FAP 5A1535) has been filed by Dearborn Chemical Co., Post Office Box 337, Lake Zurich, Ill., 60047, proposing an amendment to § 121.1088 of the food additive regulations to provide for the safe use of sodium polyacrylate as a boiler water additive.

Dated: May 10, 1965.

MALCOLM R. STEPHENS,
Assistant Commissioner for Regulations.

[F.R. Doc. 65-5212; Filed, May 17, 1965; 8:47 a.m.]

CIVIL AERONAUTICS BOARD

ENGEL BROTHERS, INC., ET AL.

Notice of Proposed Approval

Application of Engel Brothers, Inc., et al., for approval of control and interlocking relationships under sections 408 and 409 of the Federal Aviation Act of 1958, as amended, Docket 15970.

Notice is hereby given, pursuant to the statutory requirements of section 408(b) that the undersigned intends to issue the attached order under delegated authority. Interested persons are hereby afforded a period of fifteen days from the date of service within which to file comments or request a hearing with respect to the action proposed in the order.

Dated at Washington, D.C., May 13, 1965.

[SEAL] J. W. ROSENTHAL,
Chief, Routes and Agreements Division, Bureau of Economic Regulation.

ORDER APPROVING CONTROL AND INTERLOCKING RELATIONSHIP

By application filed March 22, 1965, as amended April 20, 1965, Joseph W. Engel, William E. Engel, and Engel Bros., Inc. (Engel), request the Board to approve under section 408 of the Federal Aviation Act of 1958, as amended, (the Act) control relationships resulting from the control by Joseph and William Engel of Engel & Engel Bros. Moving & Storage, Inc. (Moving), and through Engel of T.E.K. Van Lines, Inc. (TEK). The application also requests approval of certain interlocking relationships, as shown in the appendix below.

Engel is an interstate motor common carrier of household goods and an applicant for interstate and international air freight forwarder authority restricted to the movement of household goods.[1] Moving is a motor common carrier engaged in the intrastate transportation of household goods and TEK is an interstate motor common carrier of household goods. The applicants state that these companies are operated independently of each other; that the proposed relationships will not adversely affect the public interest; and that the public will be benefited by the establishment of a stable and reliable air freight forwarder service for the transportation of household goods.

No adverse comments or requests for a hearing have been received.

Notice of intent to dispose of the application without a hearing has been published in the FEDERAL REGISTER, and a copy of such notice has been furnished by the Board to the Attorney General not later than the day following the date of such publication, both in accordance with section 408(b) of the Act.

Upon consideration of the application, it is concluded that Moving and TEK are common carriers within the meaning of section 408 of the Act and that the common control of Engel and Moving and through Engel of TEK by Joseph and William Engel is subject to section 408 of the Act. However, it has been further concluded that such relationships do not affect the control of an air carrier directly engaged in the operation of aircraft in air transportation, do not result in creating a monopoly and do not restrain competition. Furthermore, no person disclosing a substantial interest in this proceeding is currently requesting a hearing and it is found that the public interest does not require a hearing. It therefore appears that approval of the control relationships would not be inconsistent with the public interest.

It is also concluded that interlocking relationships within the scope of section 409(a) of the Act will exist between the companies as a result of the holding by Joseph and William Engel of the positions described in the appendix below. However, it is further concluded that the parties have made a due showing in the form and manner prescribed that such interlocking relationships will not adversely affect the public interest.

Pursuant to authority duly delegated by the Board in the Board's regulations, 14 CFR 385.13, it is found that the foregoing control relationships should be approved under section 408(b) of the Act, without a hearing, and that the interlocking relationships should be approved under section 409.

Accordingly, it is ordered:

1. That the common control by Joseph and William Engel of Engel & Moving, and through Engel of TEK, be and it hereby is approved; and

2. That, subject to the provisions of Part 251 of the Board's economic regulations, as now in effect and hereafter amended, the interlocking relationships existing by reason of the holding by Joseph and William Engel of the positions set forth in the appendix hereto be and they hereby are approved.

Persons entitled to petition the Board for review of this order pursuant to the Board's regulations, 14 CFR 385.50, may file such petitions within five days after the date of service of this order.

This order shall be effective and become the action of the Civil Aeronautics Board upon expiration of the above period unless within such period a petition for review thereof is filed, or the Board gives notice that it will review this order on its own motion.

By: J. W. ROSENTHAL,
Chief, Routes and Agreements Division, Bureau of Economic Regulation.

[SEAL] HAROLD R. SANDERSON,
Secretary.

APPENDIX

INTERLOCKING RELATIONSHIPS IN DOCKET 15970

Individual	Engle	Moving	TEK
Joseph W. Engel	President, treasurer and director.	President, treasurer and director.	Secretary-treasurer and director.
William E. Engel	Vice president, secretary and director.	Vice president, secretary and director.	

[F.R. Doc. 65-5224; Filed, May 17, 1965; 8:48 a.m.]

[1] The term "household goods" has been defined by the Board in the Air Freight Forwarder Authority Case, Order E-21056, July 10, 1964, Docket 12193, et al. For purposes of the instant proceeding (Docket 15970), Engel is considered to be an air carrier.

FEDERAL COMMUNICATIONS COMMISSION

[Docket Nos. 15767, 15768; FCC 65M-597]

BIRMINGHAM BROADCASTING CO. AND DORSEY EUGENE NEWMAN

Order Continuing Hearing

In re applications of Birmingham Broadcasting Co., Irondale, Ala., Docket No. 15767, File No. BP-16260; Dorsey Eugene Newman, Irondale, Ala., Docket No. 15768, File No. BP-16388; for construction permits.

The Review Board has before it a "Joint Request for Approval of Agreement Under Rule 1.525," filed by the captioned applicants. Should this request be approved, cause for hearing would be removed. Accordingly, the Examiner on his own motion takes the action set forth below:

It is ordered, This 12th day of May 1965, that the hearing in this proceeding now scheduled for 10 a.m., May 12, 1965, is continued to 10 a.m., June 14, 1965.

Released: May 12, 1965.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 65-5218; Filed, May 17, 1965; 8:48 a.m.]

[Docket Nos. 15998-16000; FCC 65M-599]

EMERALD BROADCASTING CORP. (KPIR) ET AL.

Order Scheduling Hearing

In re applications of Emerald Broadcasting Corp. (KPIR), Eugene, Oreg., Docket No. 15998, File No. BP-15590; Pendleton Broadcasting Co. (KUMA), Pendleton, Oreg., Docket No. 15999, File No. BP-16220; Hi-Desert Broadcasting Corp. (KDHI), Twenty-Nine Palms, Calif., Docket No. 16000, File No. BP-16503; for construction permits.

It is ordered, This 10th day of May 1965, that Walther W. Guenther shall serve as the presiding officer in the above-entitled proceeding; that the hearings therein shall commence at 10 a.m., on July 21, 1965; and that a prehearing conference shall be convened at 9 a.m., on June 4, 1965: *And it is further ordered*, That all proceedings shall be held in the offices of the Commission, Washington, D.C.

Released: May 12, 1965.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 65-5219; Filed, May 17, 1965; 8:48 a.m.]

[Docket No. 15957; FCC 65M-598]

RALPH HICKS AND SOUTHWESTERN BELL TELEPHONE CO.

Memorandum Opinion and Order Continuing Prehearing Conference

In the matter of Ralph Hicks, complainant v. Southwestern Bell Telephone Co., defendant, Docket No. 15957.

1. Counsel for the defendant under date of May 3, 1965 advised the Hearing Examiner that an agreement dated April 20, 1965 had been entered into with the complainant, Hicks, relating to interconnected service to be furnished complainant by defendant at Fort Smith, Ark. The agreement referred to above has been furnished to the Corporation Commission of the State of Oklahoma and the Public Service Commission of the State of Arkansas.

2. Counsel further advised that when the orders are received from the respective state commission, they will be forwarded for consideration in the docket in this proceeding along with the agreement.

3. In view of the foregoing, it is considered appropriate that the prehearing conference now scheduled for May 20, 1965 should be continued.

Accordingly, it is ordered, This 12th day of May 1965, that the prehearing conference now scheduled for May 20, 1965, be and the same is hereby continued to June 11, 1965, 10 a.m., in the Commission's Offices, Washington, D.C.

It is further ordered, That the hearing now scheduled for June 2, 1965, be and the same is hereby continued without date.

Released: May 12, 1965.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 65-5220; Filed, May 17, 1965; 8:48 a.m.]

[Docket No. 15995; FCC 65M-593]

KENT-SUSSEX BROADCASTING CO.

Order Scheduling Hearing

In re application of H. M. Griffith, Jr. and C. V. Lundstedt, a partnership, doing business as the Kent-Sussex Broadcasting Co., Docket No. 15995, File No. BR-2885; for renewal of license of Station WKSB, Milford, Del.

It is ordered, This 10th day of May 1965, that H. Gifford Irion will preside at the hearing in the above-entitled proceeding which is hereby scheduled to commence at 10 a.m. on July 28, 1965, in Milford, Del.: *And it is further ordered*, That a prehearing conference in the proceeding will be convened by the presiding officer at 9 a.m. on June 3, 1965, in Washington, D.C.

Released: May 12, 1965.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 65-5221; Filed, May 17, 1965; 8:48 a.m.]

FEDERAL MARITIME COMMISSION

[No. 65-14]

INBOUND CARGO AT NEW YORK HARBOR

Free Time and Demurrage Practices; Prehearing Conference

MAY 13, 1965.

Pursuant to Rule 6(d) of the Commission's rules of practice and procedure, a prehearing conference in this proceeding will be held before the undersigned beginning at 10 a.m., June 1, 1965, in Room 114, 1321 H Street NW., Washington, D.C.

Notice of this prehearing conference will be published in the FEDERAL REGISTER.

CHARLES E. MORGAN,
Presiding Examiner.

[F.R. Doc. 65-5217; Filed, May 17, 1965; 8:48 a.m.]

FEDERAL POWER COMMISSION

[Docket No. CP65-354]

HUMBLE GAS TRANSMISSION CO.

Notice of Application

MAY 11, 1965.

Take notice that on May 5, 1965, Humble Gas Transmission Co. (Applicant), 1700 Commerce Building, New Orleans, La., 70112, filed in Docket No. CP65-354 an application pursuant to section 7(b) of the Natural Gas Act for permission and approval to abandon natural gas service to Tennessee Gas Transmission Co. (Tennessee Gas), all as more fully set forth in the application on file with the Commission and open to public inspection.

Specifically, Applicant seeks permission and approval to abandon its sale of natural gas from the Alligator Bayou Field in Chambers County, Tex., to Tennessee Gas. The application states that the reason for the proposed abandonment of service is that Tennessee Gas's Agua Dulce-Sabine Line is being abandoned pursuant to the authorization granted to Tennessee Gas by the Commission's order issued January 12, 1965, in Docket No. CP64-218 (Phase II). Applicant states that the line will be used by an affiliate of Tennessee Gas for the transportation of natural gas in intrastate commerce and that Tennessee Gas will no longer purchase gas produced by Applicant from the Alligator Bayou Field.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C., 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (157.10) on or before June 7, 1965.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no protest or petition to intervene is filed within the time required herein, and the Commission on its own review of the matter finds that a grant of permission and approval for the proposed abandonment is required by the public convenience and necessity. If a protest or petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 65-5183; Filed, May 17, 1965; 8:45 a.m.]

[Docket Nos. CP65-349-CP65-351]

MIDWESTERN GAS TRANSMISSION CO.

Notice of Application

MAY 11, 1965.

Take notice that on May 3, 1965, Midwestern Gas Transmission Co. (Applicant), 231 South La Salle Street, Chicago, Ill., filed in Docket No. CP65-350 an application pursuant to section 3 of the Natural Gas Act requesting an order of the Commission authorizing Applicant to import natural gas from the Dominion of Canada (Canada). On the same date Applicant filed in Docket No. CP65-349 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of facilities for the interstate transportation of natural gas in the states of Minnesota and Wisconsin. Applicant filed a third application, on the same day, in Docket No. CP65-351 for an original permit pursuant to Executive Order No. 10485, dated September 3, 1953, authorizing the construction, operation, maintenance and connection of facilities at the international boundary between the United States and Canada for the importation of natural gas from Canada. The proposal involved is more fully set forth in the applications submitted in the above docket numbers, and these applications are on file with the Commission and open to public inspection.

The applications incorporate a proposal by Applicant to transport natural gas for the account of Trans-Canada Pipe Lines Limited (Trans-Canada) from Emerson, Manitoba, to Marshfield, Wis. The application states that Applicant's existing facilities presently interconnect with the existing facilities of Trans-Canada at a point on the international boundary near Emerson, Manitoba, and also interconnect with the facilities of Michigan Wisconsin Pipe Line Co. (Michigan Wisconsin) near Marshfield, Wis. Applicant is informed that Michigan Wisconsin will file shortly an application with the Commission wherein it will seek authorization to construct and operate facilities to receive at Marshfield and to transport and to redeliver natural gas to Trans-Canada at delivery points located on the international boundary between the United States and Canada near Sarnia, Ontario, and Sault St. Marie, Ontario. Both the present filing and that contemplated by Michigan Wisconsin propose the transportation of a fourth year peak day volume of 600,384 Mcf of natural gas per day. The proposal set forth in the application is competitive and mutually exclusive with the project proposed by Great Lakes Transportation Company filed with the Commission in Docket Nos. CP65-171, CP65-172 and CP65-173.

Specifically, Applicant seeks authorization to construct, over a period of 4 years, 5.6 miles of 36-inch pipeline and 487.7 miles of 30-inch pipeline, all of which will loop existing lines of Applicant, expansion of the Marshfield meter station, and the addition of 58,900 compressor horsepower at the existing stations near Hallock and Staples in Minnesota and new stations near Ada, Minn., and St. Croix Falls, Wis.

The cost of the facilities proposed to be constructed by Applicant is estimated to be $77,331,000, which is to be financed by the issuance of debentures and additional common stock.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C., 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (157.10) on or before June 6, 1965.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 3, 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on these applications if no protest or petition to intervene is filed within the time required herein, and the Commission on its own review of the matter finds that a grant of the certificate and the permit are required by the public convenience and necessity. If a protest or petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 65-5184; Filed, May 17, 1965; 8:45 a.m.]

[Project No. 233]

PACIFIC GAS AND ELECTRIC CO.

Modification of Notice of Land Withdrawal

MAY 11, 1965.

On June 16, 1952, The Director of the Bureau of Land Management was notified of the reservation of approximately 129.49 acres of United States lands, for this project (No. 233) pursuant to the filing on April 7, 1952 of an application for amendment of license by the Pacific Gas and Electric Co., Licensee for Project No. 233 to include changes in plans for the location of the Pit 4 powerhouse, tunnel, and penstock as delimited on accompanying map Exhibit "K" Sheet 2A (FPC No. 233-74) filed with the Commission April 8, 1952.

By letter dated March 12, 1965 (received by the Commission March 17, 1965), The Pacific Gas and Electric Co. transmitted revised map Exhibit "K" Sheet 2A (FPC No. 233-78) showing the location of the aforementioned Pit 4 powerhouse area, tunnel and adit rights-of-way, and includes the location of an access road right-of-way not heretofore included in this project, all "as built."

Therefore, in accordance with the provisions of Section 24 of the Act of June 10, 1920, as amended, notice is hereby given that the hereinafter described lands, insofar as title thereto remains in the United States are, from the date of receipt of maps on March 16, 1965, reserved from all forms of disposal under the laws of the United States until otherwise directed by the Commission or by Congress.

MOUNT DIABLO MERIDIAN, CALIF.

PIT NO. 4 POWERHOUSE AREA

T. 36 N., R. 1 E.,
Section 10, N½SW¼, SE¼SW¼.
Section 15; (Unsurveyed) NE¼NW¼.

Approximately 160.00 acres.

All portions of the following described subdivisions lying within a right-of-way 100 feet in width, 50 feet on each side of the center line survey of the tunnel and adit location as delimited on revised map, Exhibit "K" Sheet 2A (FPC No. 233-78).

T. 36 N., R. 1 E.,
Section 10, S½SE¼;
Section 11, S½S½ (Unsurveyed);
Section 12, S½S½ (Unsurveyed).
T. 36 N., R. 2 E.,
Section 7, S½S½ (Unsurveyed);
Section 8, S½S½ (Unsurveyed);
Section 17, NE¼NW¼ (Unsurveyed).

48.32 acres, more or less.

All portions of the following described subdivisions lying within a right-of-way 200 feet in width, 100 feet on each side of the center line survey of the access road location as delimited on map, Exhibit "K" Sheet 2A (FPC No. 233-78).

T. 36 N., R. 1 E.,
Section 15, SE¼NW¼, E½SW¼, W½SE¼ (Unsurveyed);
Section 22, N½NE¼, SE¼NE¼ (Unsurveyed);
Section 23, N½ (Unsurveyed);
Section 24, NW¼NE¼, S½NE¼, NW¼, NE¼SE¼ (Unsurveyed).
T. 36 N., R. 2 E.,
Section 8, SE¼SW¼, S½SE¼ (Unsurveyed);
Section 17, E½NW¼, SW¼ (Unsurveyed);
Section 19, NE¼, Fractional S½NW¼ and N½SW¼, NW¼SE¼ (Unsurveyed);
Section 20, NW¼NW¼ (Unsurveyed).

Approximately 36,300 feet or 166.04 acres more or less.

A copy of the revised map Exhibit "K" Sheet 2A (FPC No. 233-78) superseding map sheet (FPC No. 233-74) is being transmitted to the Bureau of Land Management, Forest Service and Geological Survey.

This withdrawal notice modifies and supersedes, in its entirety, the notice dated June 26, 1952, to the Bureau of Land Management. The area of United States lands reserved pursuant to the filing of the revised map exhibits is approximately 373.36 acres, all of which are within the Shasta National Forest. Of the total area all except approximately 77.63 acres within the access road right-of-way have heretofore been reserved for power purposes under Power Site Classification No. 83 or by prior reserves for this Project No. 233.

By the direction of the Commission.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 65-5185; Filed, May 17, 1965; 8:45 a.m.]

[Project No. 2289]

ROCKY MOUNTAIN POWER CO.

Notice of Amended Application for License for Proposed Project

MAY 11, 1965.

Public notice is hereby given that application, as amended, has been filed under the Federal Power Act (16 U.S.C. 791a-825r) by Rocky Mountain Power Co. (correspondence to: Smith W. Brookhart, Attorney, Brookhart, Becker & Dorsey, 1700 K Street NW., Washington, D.C., 20006) for a license for proposed Project No. 2289, known as the Sweetwater Hydroelectric Project, to be located on Lake, Cross, Dry Sweetwater, Sweetwater, Lost Solar and Park Creeks; White River and South Fork of the White River (all within the Colorado River Drainage Basin), in Garfield, Eagle, and Rio Blanco Counties, Colo., and affecting lands of the United States within the White River National Forest and the Flat Tops Wilderness Area.

As proposed, the project is to be constructed in three stages, as follows: Stage I; Sweetwater forebay dam; forebay tunnel; penstock tunnel; penstock; powerplant containing two motor-generator pump storage units of 82,500 kw each; dam at outlet of Sweetwater Lake creating usable reservoir storage of 11,000 acre-feet; switchyard; access roads and other necessary appurtenances; and Stage II; expansion of the Sweetwater penstock tunnel; penstock; addition of the 3d and 4th 82,500 kw motor-generator pump storage units to the powerhouse; switchyard and other additional appurtenances as necessary; and Stage III; further expansion of all Sweetwater facilities to permit the installation of the 5th and 6th motor-generator pump storage units; Sweetwater Forebay low-head pumping plant containing two 8,400 hp units for pumping; Lost Solar Creek earth fill upper forebay dam (3,500 acre-feet of usable storage); South Fork earth-rockfill afterbay reservoir dam on the South Fork of White River (5,800 acre-feet of usable storage); Meadows Reservoir (124,000 acre-feet of usable storage) created by a 280-foot high rockfill dam on the South Fork of the White River; water conduits connecting South Fork Reservoir with Lost Solar Forebay; Lost Solar Forebay with Meadows Reservoir; Meadows Reservoir with Sweetwater Forebay Reservoir; Lost Solar powerplant containing four initial and provision for four future units with ultimate capacity of 495,000 kilowatts. Transmission facilities are to be provided by East-West Intertie, Inc., a separate corporation, to be licensed separately.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C., 20426, in accordance with the rules of practice and procedure of the Commission (18 CFR 1.8 or 1.10). The last day upon which protests or petitions may be filed is June 10, 1965. The application is on file with the Commission for public inspection.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 65-5186; Filed, May 17, 1965; 8:45 a.m.]

[Docket No. CP65-352]

TENNESSEE GAS TRANSMISSION CO.

Notice of Application

MAY 11, 1965.

Take notice that on May 5, 1965, Tennessee Gas Transmission Co. (Applicant), Post Office Box 2511, Houston, Tex., 77001, filed in Docket No. CP65-352 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of facilities for the purpose of liquefaction, storage and vaporization of natural gas and for the sale of said gas to its General Service Customers in the New England Service Area, all as more fully set forth in the application on file with the Commission and open to public inspection.

The application states that 18 General Service Customers of Applicant have requested a maximum daily liquefied natural gas quantity of 121,454 Mcf and a maximum winter liquefied natural gas contract quantity of 3,032,176 Mcf. To serve these requirements, Applicant proposes to construct and operate the following facilities: (1) A liquefied natural gas plant and storage facilities to be located at Applicant's compressor station No. 267 at Hopkinton, Mass., (2) the replacement of 10 miles of lateral pipeline which will result in increased diameters varying from 6 inches to 12 inches at Torrington, Conn., Nashua, N.H., and Southbridge, Worcester, and Gloucester, Mass., and (3) meter facilities.

Applicant states that the proposed facilities will enable it to liquefy natural gas, store it as a liquid during the off-peak periods, and vaporize it for sale and delivery during the winter period. The liquefaction capacity is to be 12,500 Mcf per day, the storage capacity will be 3,000,000 Mcf and the vaporization or deliverability capacity will be 248,000 Mcf per day.

The cost of the proposed new and replacement facilities is estimated to be $14,950,000, which will be financed initially through Applicant's revolving credit arrangement with permanent financing including first mortgage bonds to be arranged later.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C., 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (157.10) on or before June 7, 1965.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without

further notice before the Commission on this application if no protest or petition to intervene is filed within the time required herein, and the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a protest or petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 65-5187; Filed, May 17, 1965; 8:45 a.m.]

[Docket No. CP65-355]

WESTERN GAS SERVICE CO.

Notice of Application

MAY 11, 1965.

Take notice that on May 6, 1965, Western Gas Service Co. (Applicant), Post Office Box 9777, El Paso, Tex., 79988, filed in Docket No. CP65-355 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of facilities to purchase natural gas from Colorado Interstate Gas Co. (Colorado) from Colorado's main transmission line, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Specifically, Applicant requests authority to construct 1.098 miles of 4½-inch O.D. steel main to connect its present facilities to a new tap on Colorado's Fourway to Kit Carson pipeline at Stratford, Tex., and a new tap on the same pipeline near Keyes, Okla. Applicant states that these two new taps will provide gas for Applicant's new irrigation well customers in these areas.

The cost of the new facilities is estimated to be $10,400.

The application states that Applicant has agreed to purchase from Colorado up to a maximum of 10,000 Mcf per day over a 2 year period and anticipates that it will require 576,840 Mcf during the first year. The letter agreement further provides that Applicant will take or pay for a minimum volume of 34,500 Mcf each month.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C., 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (157.10) on or before June 7, 1965.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no protest or petition to intervene is filed within the time required herein, and the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a protest or petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 65-5189; Filed, May 17, 1965; 8:45 a.m.]

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATION FOR RELIEF

MAY 13, 1965.

Protests to the granting of an application must be prepared in accordance with Rule 1.40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 39764—*Gypsum and plaster returned from, to and between points in western trunkline territory.* Filed by Western Trunk Line Committee, agent (No. A-2399), for interested rail carriers. Rates on plaster, gypsum lath and gypsum wallboard and related articles, in carloads, on shipments returned from original destinations in southern, western trunkline territories also Colorado and Wyoming, to original points of shipment in western trunkline territory, also Colorado, Montana, Utah, and Wyoming.

Grounds for relief—Carrier competition.

Tariffs—Supplement 119 to Western Trunk Line Committee, agent, tariff I.C.C. A-4411 and 5 other schedules named in the application.

By the Commission.

[SEAL] BERTHA F. ARMES,
Acting Secretary.

[F.R. Doc. 65-5215; Filed, May 17, 1965; 8:47 a.m.]

[Notice 1174]

MOTOR CARRIER TRANSFER PROCEEDINGS

MAY 13, 1965.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 179), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC-67429. By order of May 12, 1965, the Transfer Board approved the transfer to R. D. Transfer, Inc., Omaha, Nebr., of a portion of Certificate No. MC-76052, and the entire Certificates in Nos. MC-76052 (Sub-No. 22) and MC-76052 (Sub-No. 23), issued March 17, 1964, October 23, 1962, and July 3, 1963, respectively, to Montezuma Truck Lines, Inc., Commerce City, Colo., authorizing the transportation of lumber, over irregular routes, between points in Colorado, Utah, Nebraska, and Wyoming; between points in Arizona, on the one hand, and, on the other, points in Utah (with restriction); between points in Colorado; lumber, from Blair, Nebr., Goodland, Kans., and Poncha Springs, Colo., and points within 5 miles of each, and points in Colorado west of the Continental Divide, to points in Illinois (except Chicago and East St. Louis and their respective commercial zones), and that part of Wisconsin on and south of a line beginning at Sheboygan and extending over Wisconsin Highway 23 to Fond du Lac, thence over U.S. Highway 151 to junction Wisconsin Highway 68, thence over Wisconsin Highway 68 to junction Wisconsin Highway 33, thence over Wisconsin Highway 33 to Portage, and thence along the Wisconsin River to the Mississippi River (with restriction); and forest products, from points in Michigan and Wisconsin, to points in Colorado and Wyoming. Donald L. Stern, 924 City National Bank Building, Omaha 2, Nebr., representative for transferee. Marion F. Jones, 526 Denham Building, Denver, Colo., representative for transferor.

No. MC-FC-67480. By order of May 12, 1965, the Transfer Board, on reconsideration, approved the transfer to Herb Davies, doing business as Davies Truck Line, Topeka, Kans., of the "claimed grandfather-proviso rights" sought in the proceeding No. MC-59366 (Sub-No. 3) in the name of Merold Hurd, Ruby Hurd, administratrix, doing business as P & H Truck Line, Topeka, Kans., for a certificate of registration, covering the transportation of property between specified points and areas in Kansas. Docket No. MC-124950 (Sub-No. 2) has been assigned to cover the subject transfer of "claimed rights" in the instant proceeding No. MC-FC-67480. Erle W. Francis, 214 West Sixth Street, Topeka, Kans., 66603, attorney for applicants.

No. MC-FC-67805. By order of May 10, 1965, the Transfer Board approved the transfer to Bucks County Construction Co., a corporation, Penndel, Pa., of Certificate No. MC-76079 issued May 16, 1955, to Mary E. Graham, Philadelphia, Pa., authorizing the transportation over irregular routes, of machinery, including pumps, condensers, dynamos, motors, and parts, between Philadelphia, Pa., on the one hand, and, on the other, Wilmington, Del., and points in New Jersey; and between points in Philadelphia, Pa. E. Stephen Heisley, 529 Transportation Building, Washington, D.C., 20006, attorney for applicants.

No. MC-FC-67825. By order of May 12, 1965, the Transfer Board approved the transfer to Frank Gebbia, doing business as Gebbia Trucking Co., Clark, N.J., of the operating rights issued by the Commission November 8, 1963, under Permit No. MC-85405 to Thomas C. Murphy and Henry C. Murphy, a partnership, doing business as Murphy Brothers, Brooklyn, N.Y., authorizing the transportation, over irregular routes of new and used office furniture and fixtures, between New York, N.Y., on the one hand, and, on the other, points in Connecticut, New York, New Jersey, and Pennsylvania. Henry W. Rapuano, 378 Ninth Street, Brooklyn, 15, N.Y., attorney for applicants.

No. MC-FC-67830. By order of May 10, 1965, the Transfer Board approved the transfer to Paul J. Schmit, doing business as Paul J. Schmit Trucking, Milwaukee, Wis., of Permits Nos. MC-109724, MC-109724 (Sub-No. 1), and MC-109724 (Sub-No. 2), issued October 18, 1948, June 10, 1953, and September 28, 1961, respectively, to John Dewar, Waukesha, Wis., authorizing the transportation over irregular routes of drain tile, culvert pipe, and sewer pipe, from Waukesha, Wis., to points in Illinois on and north of U.S. Highway 6; crushed stone, from points in the towns of Pewaukee and Lisbon, Waukesha County, Wis., to points in Illinois on and north of U.S. Highway 6; cut stone from points in the town of Genesee, Waukesha County, Wis., to points in Illinois on and north of U.S. Highway 6; and skids and pallets, from points in Illinois on and north of U.S. Highway 6 to points in the towns of Pewaukee, Lisbon, and Genesee, Waukesha County, Wis.; and pig iron, in dump vehicles, from Chicago, Ill., to Whitewater, Wis. William C. Dineen, 710 North Plankinton Avenue, Milwaukee, Wis., 53203, attorney for applicants.

[SEAL] BERTHA F. ARMES,
Acting Secretary.

[F.R. Doc. 65-5216; Filed, May 17, 1965; 8:47 a.m.]

CUMULATIVE LIST OF CFR PARTS AFFECTED—MAY

The following numerical guide is a list of the parts of each title of the Code of Federal Regulations affected by documents published to date during May.

3 CFR

	Page
PROCLAMATIONS:	
1713 (superseded in part by Proc. 3656)	6571
3172 (superseded by Proc. 3655)	6467
3399 (superseded by Proc. 3655)	6467
3655	6467
3656	6571
EXECUTIVE ORDER:	
Apr. 19, 1892 (revoked in part by PLO 3656)	6437
823 (see EO 11220)	6425
10530 (revoked in part by EO 11222)	6469
10784 (superseded by EO 11223)	6635
10845 (superseded by EO 11223)	6635
10939 (revoked by EO 11222)	6469
11071 (superseded in part by EO 11224)	6679
11125 (revoked by EO 11222)	6469
11126 (amended by EO 11221)	6427
11219	6381
11220	6425
11221	6427
11222	6469
11223	6635
11224	6679
PRESIDENTIAL DOCUMENTS OTHER THAN PROCLAMATIONS AND EXECUTIVE ORDERS:	
Memorandum of July 20, 1961 (revoked by EO 11222)	6469
Memorandum of May 2, 1963 (revoked by EO 11222)	6469

4 CFR

52	6429

5 CFR

213	6215, 6241, 6337, 6478, 6637
332	6337
591	6511

6 CFR

73	6573

7 CFR

28	6637
29	6573
51	6711
54	6207
55	6141, 6207
56	6207
58	6637
70	6207
81	6207
210	6207, 6479
301	6243, 6245
354	6429
707	6246
717	6144
719	6511
722	6712
724	6144, 6146, 6207
842	6338
862	6247
863	6248
864	6248
905	6638
908	6148, 6429, 6681
909	6430
910	6148, 6430, 6479, 6681, 6712
918	6431
944	6638
965	6338
970	6479
1002	6639
1138	6573
1421	6338, 6511, 6681
1468	6383
1472	6383
1487	6639
1488	6249
PROPOSED RULES:	
28	6255
31	6350
51	6658
70	6395
777	6686
Ch. IX	6355, 6438, 6523
930	6255
1008	6659
1040	6163
1042	6163
1097	6534
1102	6534
1108	6534
1138	6538

8 CFR

214	6479

9 CFR

318	6731
PROPOSED RULES:	
201	6360

10 CFR

30	6575

12 CFR

12	6160
204	6339
206	6731
561	6517
PROPOSED RULES:	
261	6275
262	6275
563	6544

14 CFR

39	6150, 6431, 6577, 6639, 6640
61	6577
71	6150, 6215, 6241, 6384–6387, 6478, 6577–6579, 6640–6642, 6682.
73	6242, 6387, 6388
75	6150, 6241, 6242, 6432, 6642
77	6713
91	6388
97	6151, 6329, 6714
99	6242
121	6432, 6725
127	6432
PROPOSED RULES:	
39	6188, 6274
67	6188
71	6189, 6225, 6397, 6399, 6400, 6402, 6443, 6588, 6589, 6735, 6736.
73	6402, 6444, 6736
75	6443
91	6541
129	6541
399	6650

15 CFR

201	6748

16 CFR

PROPOSED RULES:	
303	6275

17 CFR

	Page
240	6642

18 CFR

	Page
157	6518

19 CFR

	Page
10	6149
PROPOSED RULES:	
13	6686

21 CFR

	Page
121	6215, 6339, 6389, 6433, 6477, 6478, 6579, 6643, 6732.
133	6475
144	6389
PROPOSED RULES:	
8	6490, 6733–6735
121	6588, 6689

25 CFR

	Page
131	6579
PROPOSED RULES:	
1	6438
221	6523

26 CFR

	Page
1	6216, 6340, 6480
250	6217
PROPOSED RULES:	
1	6222, 6349, 6486, 6488
31	6222
301	6222

29 CFR

	Page
50	6249
604	6218
606	6218
690	6482
PROPOSED RULES:	
657	6224
697	6225
1501	6397
1502	6397
1503	6397

32 CFR

	Page
163	6161
175	6682
189	6682
516	6341
815	6343
882	6343

33 CFR

	Page
80	6433
82	6434
86	6434
95	6434
135	6434
203	6161, 6388
204	6643
205	6644
207	6161, 6644
401	6580

36 CFR

	Page
2	6682
211	6345
311	6161
502	6482

37 CFR

	Page
1	6391, 6644
3	6644
PROPOSED RULES:	
2	6687
4	6687

38 CFR

	Page
1	6435
2	6392
3	6649
14	6392

39 CFR

	Page
4	6436
36	6436
37	6436
43	6436

41 CFR

	Page
1–3	6581
9–1	6483, 6519

41 CFR—Continued

	Page
9–3	6683
9–4	6519
9–6	6519
9–7	6519
9–8	6519
9–9	6585
9–54	6684
101–5	6684
101–44	6649

43 CFR

	Page
PUBLIC LAND ORDERS:	
3638	6585
3655	6392
3656	6437
3657	6586

45 CFR

	Page
130	6393

46 CFR

	Page
25	6517
137	6713

47 CFR

	Page
0	6250
2	6219, 6388
15	6250
73	6251, 6519, 6520
PROPOSED RULES:	
2	6226
15	6541, 6689
73	6274, 6275, 6543, 6590, 6651

49 CFR

	Page
1	6485
96	6220
97	6394
141	6162

50 CFR

	Page
26	6587
33	6344, 6521, 6587
60	6149
PROPOSED RULES:	
32	6224

FEDERAL REGISTER

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PART II

Department of Commerce

National Bureau of Standards



Electricity Test Fee Schedules

Title 15—COMMERCE AND FOREIGN TRADE

Chapter II—National Bureau of Standards, Department of Commerce

SUBCHAPTER A—TEST FEE SCHEDULES

PART 201—ELECTRICITY

Under the provisions of 15 U.S.C. sections 275(a) and 277, the test fee schedules of the National Bureau of Standards, Department of Commerce, pertaining to electricity are revised as provided herein.

This revision supersedes Title 15, Chapter II, Subchapter A, Part 201, which appeared in 29 F.R. 7316, 9841, 15810, and 16319. It includes several increases of range and adds two new services; one for frequency stability calibration of signal sources, and one for continuous wave low level power measurement of coaxial bolometer units and bolometer-coupler units. The fees have generally been revised upward to assure full recovery of the cost of providing calibration services. The major new cost factor included is the impact of Federal pay legislation which took effect in July 1964.

PART 201—ELECTRICITY

NOTE: The calibration service covered by this part includes the determinations of the corrections for standard electrical and electronic measuring apparatus and their range-extending auxiliaries used at power and audio frequencies (up to 30 kHz (kc/s), high frequencies 30 kHz (kc/s) to 1000 MHz (Mc/s) and higher), and microwave frequencies (above 1000 MHz (Mc/s)).

The Bureau does not test, except occasionally for other agencies of the Federal Government, electrical devices or supplies not directly related to the field of measurement. Tests of power transformers, motors, generators, relays, wiring, appliances, etc., should not be requested.

RESISTANCE MEASUREMENTS

PRECISION WIRE-WOUND RESISTANCE STANDARDS AND APPARATUS

Sec.
201.100 General.
201.101 Precision standard resistors.
201.102 Precision resistance apparatus.

RESISTANCE STANDARDS OTHER THAN WIRE-WOUND

201.103 Multi-megohm resistors.

INDUCTANCE AND CAPACITANCE MEASUREMENTS

201.104 Standard inductors.
201.105 Standard capacitors; tests with alternating current.

ELECTROCHEMISTRY

201.201 Standard cells.

ELECTRICAL INSTRUMENTS

201.300 General.
201.301 Standard resistors for current measurements.
201.302 Volt boxes (fixed-ratio voltage dividers).
201.303 Ac-dc instruments and thermal converters.
201.304 Ac-dc wattmeters, single phase.
201.305 Watthour meters.
201.306 Current transformers.
201.307 Current transformer comparators (testing sets).

MAGNETIC MEASUREMENTS

Sec.
201.400 General.
201.401 General magnetic measurements; normal induction and hysteresis.
201.402 Magnetic materials; alternating-current permeability and core loss.
201.403 Magnetic testing apparatus; mutual inductors, search coils, and fluxmeters.

DIELECTRIC MEASUREMENTS

201.500 Dielectric constant, dissipation factor.

VOLTAGE RATIO AND HIGH-VOLTAGE MEASUREMENTS

201.601 Voltage dividers.
201.602 Voltage transformers.
201.603 Voltage tranformer comparators.
201.604 Kilovoltmeters.

LOW-FREQUENCY REGION

201.701 Frequency stability calibration of signal sources, up to 30 kHz (kc/s).

HIGH-FREQUENCY REGION

201.800 General.
201.810 Rf, rf-dc voltmeters and thermal converters in the frequency range of 30 kHz (kc/s) to 1000 MHz (Mc/s); from 0.2 to 300 V.
201.811 Rf micropotentiometers, voltmeters, and signal sources from 30 kHz (kc/s) to 1000 MHz (Mc/s), from 1 μV to 0.1 V.
201.820 Rf calorimeters, 30 kHz (kc/s) to 500 MHz (Mc/s).
201.821 Continuous wave low-level power measurements of coaxial bolometer units and bolometer-coupler units.
201.830 Immittance, 30 kHz (kc/s) to 4 GHz (Gc/s).
201.840 Dissipative fixed coaxial attenuators.
201.841 Dissipative variable coaxial attenuators.
201.842 Waveguide below-cutoff (piston) attenuators.
201.843 Coaxial fixed directional couplers.
201.844 Coaxial variable directional couplers.
201.850 Field strength measurements, 30 Hz (c/s) to 1000 MHz (Mc/s).
201.860 Frequency stability calibration of signal sources, from 30 kHz (kc/s) to 500 MHz (Mc/s).

MICROWAVE REGION

201.900 General.
201.910 Continuous low-level power measurement of waveguide bolometer units and bolometer-coupler units.
201.911 Continuous low-level power measurement of waveguide dry calorimeters.
201.920 Reflection coefficient magnitude measurement on waveguide reflectors (mismatches).
201.930 Frequency measurement on cavity wavemeters.
201.940 Attenuation difference measurements on variable attenuators.
201.941 Insertion loss measurements on fixed attenuators.
201.950 Effective noise temperature measurements on noise sources.

AUTHORITY: The provisions of this Part 201 issued under sec. 9, 31 Stat. 1450, as amended; 15 U.S.C. 277; interprets or applies sec. 7, 70 Stat. 960; 15 U.S.C. 275a.

RESISTANCE MEASUREMENTS

INVOLVING PRECISION WIRE-WOUND RESISTORS

§ 201.100 General.

In general, §§ 201.101 and 201.102 apply only to apparatus embodying the following features:

(a) The resistance material should have a low temperature coefficient, should not change its resistance appreciably with time, and for low-valued coils should have a small thermoelectric power against copper.

(b) All wire standard resistors and the more important section of resistance apparatus for use in d–c circuits should be wound on metal or ceramic supports, preferably in a single layer. Electrical connections to the resistance material should be brazed in all cases in which the total resistance is less than 1,000 ohms. The resistance material should be protected against oxidation and other chemical action and should be annealed or aged by baking after winding.

(c) Precision standard resistors should be so adjusted as to give an accuracy of at least 0.02 percent without corrections. Precision resistance apparatus should be adjusted within 0.05 percent of nominal value.

(d) Because comparatively rapid changes in resistance take place in new apparatus, it is not advisable to calibrate new or repaired apparatus until at least two months after the resistors have been annealed and adjusted. Precision apparatus known to be a prototype will be held in the laboratory (in the absence of other instructions) for at least a month, when the measurements will be repeated to determine the drift in value, if any. No extra charge is made for these later measurements. Occasionally during the course of calibration it is discovered that the standard or instrument under observation is defective and in need of repair. In such instances the item in question will be rejected and a fee equal to the published fee, in whole or in part, will be assessed, commensurate with the effort expended before calibration was halted.

(e) Unless otherwise stated, the tests listed are generally made using a direct current of such magnitude as to cause only a negligible heating of the resistance material. Calibrations of standard resistors, bridges, and decade resistors consist of determinations of the resistance of the standards or of the resistance of the elements of the bridges or similar apparatus from which values corresponding to all possible readings can be computed. Precision standard resistors are ordinarily measured at a temperature of 25° C., while resistance apparatus is measured at room temperatures, usually from 22 to 25° C.

(f) The Bureau does not calibrate portable self-contained test equipment having relatively low accuracy such as portable potentiometers, resistance test sets, and double-bridge ohmmeters. The accuracy of these devices is such that a complete detailed determination of corrections is not economically feasible. Apparatus of this type may be spot-checked by measuring known voltages or resistances with them. Adequate calibration services of this type can be obtained from a number of commercial testing laboratories.

§ 201.101 Precision standard resistors.

Standards of 10 ohms and less of the precision type provided with amalgamated current terminals and designed for oil immersion must be of the four-terminal type, that is, must have both current and potential terminals. The resistance of standards having nominal values in range 0.0001 ohm to 100,000 ohms will usually be given to the nearest 0.0001 percent in terms of the calibrating unit (the legal unit) maintained by the Bureau with a group of 1-ohm standard resistors. Each report of calibration will state the uncertainty of the reported value at the time of calibration. This uncertainty will vary from 0.0001 percent for Thomas-type 1-ohm standards to 0.002 percent for resistors of nominal value 0.0001 ohm. Additional information regarding standard resistors (is included with) the report of calibration.

Item	Description	Fee
	Determination of resistance in oil bath at 25° C. For all standards having resistances in the range 0.0001 to 100,000 ohms, inclusive, provided they are adjusted with 0.05 percent of a nominal value which is itself a decimal multiple (or submultiple) of 1 ohm:	
201.101a–1	Two-terminal measurements	$40.00
201.101a–2	Four-terminal measurements 0.01 ohm to 10 ohms (except Thomas type)	50.00
201.101a–3	Four-terminal measurements, Thomas-type 1 ohm and standards 0.001 ohm and less	70.00
	Determination of resistance in oil bath at 25° C. For odd-valued standards not falling within the scope of item 201.101a:	
201.101b–1	Two-terminal measurements	55.00
201.101b–2	Four-terminal measurements	75.00
	Measurement of resistance in oil bath at 20, 25, and 30° C., and determination of temperature coefficient. Such measurements are made only when it is shown that the small changes in resistance resulting from necessary variations of the temperature from 25° C. are of importance:	
201.101c–1	Two-terminal measurements	150.00
201.101c–2	Four-terminal measurements	175.00
201.101z	For special tests not covered by the above schedule, advance arrangements must be made. Fees will be charged dependent on the time involved in making the tests.	

§ 201.102 Precision resistance apparatus.

Corrections pertinent to apparatus of suitable quality submitted under this section will ordinarily be reported to a number of significant figures so chosen that normal variation of ambient conditions within the stated bounds of test conditions will not affect the corrections by more than a few units in the last place reported. Calibrations will be made at room temperature, usually 22 to 25° C.

Item	Description	Fee
201.102a	Precision decade and plug boxes. For decades not exceeding 10,000 ohms per step: (1) First point in each box (2) Each additional point in same resistance box	$20.00 5.00
201.102b	Megohm box, 10 sections each 100,000 ohms	100.00
201.102c	Megohm boxes, wire-wound, 10 equal sections. Calibrations with all sections in parallel giving nominal value 0.01 to 10 megohms	70.00
201.102d–1	Precision Wheatstone bridges	350.00
201.102d–2	Calorimetric bridges of all kinds	700.00
201.102e	Potentiometers, minimum steps 10 μV or more	300.00
201.102f	Potentiometers, minimum steps less than 10 μV	550.00
201.102g	Kelvin bridge ratio box	$225.00
201.102h	Double ratio set for Kelvin bridge, with double set of fixed and variable arms	600.00
201.102i–1	Four-dial precision resistive voltage divider	300.00
201.102i–2	Five-dial precision resistive voltage divider	425.00
201.102i–3	Six-dial precision resistive voltage divider or universal ratio set	475.00
201.102j	Quick resistance ratio test on any precision voltage divider. Linearity check in steps of one-ninth of input resistance	110.00
201.102k	Direct reading ratio set, 3 dials	110.00
201.102l	Direct reading ratio set, 4 dials	225.00
201.102m	Double direct reading ratio set	320.00
201.102z	For special tests not covered by the above schedule, advance arrangements must be made. Fees will be charged dependent on the time involved in making the tests.	

RESISTANCE STANDARDS OTHER THAN WIRE-WOUND

§ 201.103 Multi-megohm resistance standards—except wire-wound.

Measurements made on resistors submitted under this section are accurate to 0.1 percent at the time of test if nominal values are in the range 10^6 to 10^{12} ohms; for higher-valued resistors the accuracy is 0.5 percent. In order that the reported results be of significance it is necessary that standards submitted for tests be made of suitable materials processed in such a manner that resistance values do not change rapidly with time. They should be so constructed and treated that the effect of relative humidity is minimised. The resistance of these standards usually depends on the magnitude of the applied voltage; the test voltage should therefore be specified. Each resistor should have an identifying number engraved on or permanently attached to it.

Item	Description	Fee
201.103a	Determination of resistance of a resistor at one voltage (1.5 to 250 V) at room temperature (23° C.) and humidity (50 percent rh or less) when the resistor has a nominal value between 10^9 and 10^{12} ohms	$45.00
201.103b	Determination of resistance of a resistor at one voltage (1.5 to 250 V) at standard laboratory temperature (23° C.) and humidity (50 percent rh or less) when the resistance is higher than 10^{12} ohms but the current involved is not less than 10^{-12} amp	85.00
201.103c	Determination of resistance of a resistor at each voltage (1.5 to 250 V) at standard laboratory temperature (23° C.) and humidity (50 percent rh or less) when the current involved is less than 10^{-12} amp but not less than 10^{-13} amp	70.00
201.103z	For special tests not covered by the above schedule, advance arrangements must be made. Fees will be charged dependent on the time involved in making the tests.	

INDUCTANCE AND CAPACITANCE MEASUREMENTS

NOTE: Tests at radio frequencies are performed at the NBS Boulder Laboratories, Boulder, Colo., 80301.

§ 201.104 Standard inductors.

(a) Inductors for use in a–c bridges are ordinarily tested at 100, 400, 1,000, or 10,000 Hz (c/s) at a room temperature of 23° C. and a relative humidity of 50 percent or less. Measurements at 10,000 Hz (c/s) are limited to standard inductors of 0.1 henry or less. Most inductors used at 60 Hz (c/s) can be tested at 100 Hz (c/s) since the variation of inductance with frequency in this range is usually negligible. Purchase orders should state which frequency or frequencies are to be used for calibration purposes. A metal-encased standard is calibrated with the case connected to the "low" terminal of the inductor unless other conditions are specified. Variable inductors used at circuit elements in laboratory setups are low-accuracy devices which do not come within the purview of this schedule and should not be submitted for calibration. Q values are not supplied for inductors calibrated under this schedule. Inductors intended for use as Q standards at radio frequency should be referred to the Boulder Laboratories. Mutual inductors used in magnetic testing for calibrating ballistic galvanometers should be calibrated with direct current under item 201.403a.

(b) Accuracy: Inductance values and accuracy statements given in reports of calibration depend upon two factors: (1) The accuracy of the comparison of the client's inductor with the NBS working standards of inductance; (2) the uncertainty in the derivation of the unit of inductance which is embodied in the NBS working standards. In general, inductance values will be given to as many significant figures as are justified at the time of measurement. The uncertainty figure given in each report of calibration takes into account factors (1) and (2) stated above and will vary from 0.02 percent to 0.2 percent depending upon the nominal value of the inductor and the frequency of the test current employed.

(c) Inductors can usually be shipped safely by express but should be carefully packed to avoid damage to the coil fastenings and terminals.

Item	Description	Fee
201.104a	Determination of self or mutual inductance of a fixed inductor with non-magnetic core at one frequency, 100, 400, 1,000, or 10,000 Hz (c/s)	$40.00
201.104b	Determination at an additional frequency 100, 400, 1,000, or 10,000 Hz (c/s) on an inductor tested under 201.104a	20.00
201.104z	For special tests not covered by the above schedule, advance arrangements must be made. Fees will be charged depending upon the nature of the calibration.	

§ 201.105 Standard capacitors.

(a) Calibrations are ordinarily performed at 65, 100, 400, 1,000, and 10,000 Hz (c/s) with an ambient temperature of about 23° C. and a relative humidity of 50 percent or less.

(b) The accuracy stated in the report of calibration is determined in part by the accuracy of the NBS measurements and in part by the performance characteristics of the capacitor itself and is sufficiently broad to allow for variations in the stray capacitance at the connectors, variations in temperature of a few degrees Celsius, considerable variation in

relative humidity and atmospheric pressure, and frequency deviations of a few percent from the stated test conditions. Over the above frequency range, and in the capacitance range from 0.001 pF to 100 μF, the uncertainty usually lies in the range 0.002 to 0.5 percent.

(c) The capacitance value given is the equivalent parallel capacitance. In general a determination of the equivalent parallel conductance with high accuracy is not feasible; however, for solid dielectric capacitors an approximate value is given without additional charge.

(d) Continuously adjustable ("variable") capacitors are no longer calibrated by the Bureau.

(e) In applying the following schedule to decade capacitance boxes the first entry (201.105a) applies to a determination of the zero capacitance and conductance of the box (all dials set at zero). The second entry applies to the determination of the capacitance and conductance added to the circuit when any one dial is advanced from zero to a specified setting, and at the frequency used in determining zero capacitance. For measurements at additional frequencies the schedule is applied in the same manner, i.e., the higher fee is used for the first point (zero calibration) at the new frequency, and the lower fee applies to additional points at that frequency.

Item	Description	Fee
201.105a	Determination of either direct or grounded capacitance of a fixed capacitor or one section of a subdivided capacitor, with alternating current at one frequency selected from those listed above (201.105)	$45.00
201.105b	Determination of either direct or grounded capacitance of each additional point on the same subdivided capacitor submitted under item 201.105a	25.00
201.105z	For special calibrations not covered by the above schedule, advance arrangements must be made. Fees will be charged dependent on the time involved in making the calibration.	

ELECTROCHEMISTRY

§ 201.201 Standard cells.

(a) Unsaturated standard cells will be accepted for calibration by the Bureau only from public utilities and others having operations of such a nature as to require calibrations by the Bureau.

(b) Unsaturated cells normally require about two weeks for a complete calibration. The cells are kept in a thermally insulated cabinet and readings of their emf are taken daily for a period of ten days after the values have become reasonably constant. If the emf continues to fluctuate, or is unusually low, or if the cell shows other abnormal indications, the nature of the failure is stated. Unsaturated cells are not likely to be injured by normal transportation (mail or express), if they are carefully packed. Shipment during very cold weather should be avoided because of the possible hazard from freezing.

(c) Saturated cells should be transported by messenger because they should never be inverted nor tipped more than 45°. In order that the reported values are of the highest accuracy the emfs of saturated cells are measured while they are kept 6 to 8 weeks in an NBS temperature-controlled oil bath or in their own thermoregulated air bath.

Item	Description	Fee
201.201a	Cadmium standard cell (unsaturated type), determination of electromotive force with an uncertainty of 0.005 percent	$45.00
201.201b	Cadmium standard cell (saturated type), measurement of the first cell of a group at a fixed temperature of 25° C., in thermostatically controlled oil bath or at a fixed temperature in a thermoregulated air bath	32.00
201.201c	Each additional saturated cell of a group	41.00
201.201d	Cadmium standard cell (saturated type), measurement of the first cell of a group at any temperature between 20 and 35° C., except 25° C., in a thermostatically controlled oil bath	100.00
201.201e	Each additional cell of a group (at temperatures between 20 and 35° C., except 25° C., in a thermostatically controlled oil bath)	46.00
201.201z	For special tests not covered by the above schedule, fees will be charged dependent upon the nature of the test.	

ELECTRICAL INSTRUMENTS

§ 201.300 General.

(a) Indicating (pointer-and-scale) instruments should be calibrated quite frequently with d–c standards and ac–dc transfer instruments, or with stable d–c or a–c sources which are calibrated periodically in this way. Suitable standards and transfer instruments are now readily available commercially. Because of the necessity of frequent tests, a single d–c or a–c calibration of an indicating instrument has little permanent value. Thus in this category the Bureau ordinarily accepts for calibration only rms ac–dc instruments and thermal converters of 0.1 percent rated accuracy or better, for ac–dc difference tests only.

(b) The Bureau's ac–dc difference tests consist of determination of the difference between quantities (current, voltage, or power) required to give the same response (output) of an instrument or thermal converter on alternating current and on reversed direct current, as evaluated by comparison with an NBS ac–dc transfer standard. The alternating quantity, Q_a, required for a given response of the instrument or converter is then $Q_a = Q_d(1+S)$ where Q_d is the average quantity required for this response on reversed direct current, as determined by d–c standards, and S is the small fractional ac–dc difference. Usually NBS ac–dc difference tests are made on each range of the instrument or converter. The differences depend on the ratios of the reactances of the components, and increase with frequency, but are small and relatively permanent over the rated frequency range of a well-designed instrument. Therefore, NBS tests are normally made only at the upper rated frequency on each range and at the lower rated frequency on one range. Ordinarily, the tests need not be repeated at intervals of less than five years, and then only if the instrument is to be used over the upper part of its frequency range.

§ 201.301 Standard resistors for current measurements.

(a) *Calibration.* The Bureau normally calibrates only resistors of 0.04 percent accuracy or better. Test results for suitable standard resistors for current measurements are usually reported with an uncertainty of 0.01 percent.

(b) *Design.* A standard resistor for current measurements is a four-terminal resistor, for which the resistance is defined as the ratio of the open-circuit potential difference between the potential terminals to the current through the current terminals. The resistance value will be definite and reproducible only if the current flow pattern at the potential terminals is completely reproduced. This flow pattern should be fixed by resistor design to be independent of the way in which current is introduced at the current terminals and of the location of leads on the potential terminals. In some instances where this has not been done the type and location of connections to the current terminals can be specified adequately to fix the flow pattern at the potential terminals.

(c) *High-current resistors.* (1) Resistors for high currents (above about 1,000 amperes) require considerable power, so that their temperature rise between low and rated current, and the resulting change in resistance, will depend not only on their design, including means provided for dissipating heat, but also on the connecting bus bars and their junctions to the resistor. Bus bars of generous cross section may carry away a significant part of the heat generated in the resistor; inadequate bus bars may actually contribute to the heating of the resistor. In addition, contact resistance at the points of connection to the bus bars, unless carefully minimized, may contribute appreciably to the heating. (Contact resistance of bolted connections depends on area of contact, cleanness of surfaces, and pressure.) Resistance determinations made in the laboratory at rated current may therefore be of little value because the working temperature conditions cannot be duplicated. The best experimental procedure to use in such cases is to place the standard in a temperature-controlled enclosure and measure its resistance with a comparatively low test current when it is heated uniformly to temperatures approximating that at which it will operate in service (201.301 d and e). From data at two or more elevated temperatures, combined with that at room temperature, a curve can be plotted from which the resistance at the operating temperature can be read, provided this temperature is determined by the user with the resistor under the actual operating conditions.

(2) Changes in the resistance may also result from strains in the resistance element produced by mechanical forces incidental to clamping the resistor connections, as well as from inherent internal expansion constraints on resistor parts, or forces from the magnetic field produced by the current.

(d) *Test schedule.* Resistors when first submitted for test should be tested with about 20 percent of rated current and with full rated current; normally when resubmitted for test, determinations need be made only with 20 percent of rated current; once stability is proved, the resistor need not be recalibrated at intervals of less than two years.

Item	Description	Fee
201.301a-1	Initial determination of resistance of a single-range resistor or one range of a multirange resistor, at 20 percent rated current or less (current rating not to exceed 300 amp)	$60.00
201.301a-2	Same as a–1, except current rating above 300 amp but not to exceed 1,000 amp	100.00
201.301b	Determination of resistance on another range of a multirange resistor, at 20 percent rated current or less (current rating not to exceed 300 amp)	20.00
201.301c	Test according to item 201.301a or 201.301b having been made, for an additional determination at another test current (not to exceed 1,000 amp)	30.00
201.301d	Additional determination of resistance at temperatures above room temperature at a current not greater than 20 percent rated, for first elevated temperature	100.00
201.301e	Additional determination of resistance of each additional elevated temperature, at a current not greater than 20 percent rated	24.00
201.301f	Twenty determinations of resistances corresponding to 9 plug positions and 11 slider positions of an adjustable low-resistance standard, at 20 amp	270.00
201.301z	For determinations of resistance at currents larger than 1,000 amp and requiring unusual setups or procedures, and for special tests not covered by the above schedule, advance arrangements must be made. Fees for such tests will depend upon the nature of the test.	

§ 201.302 Volt boxes (fixed ratio voltage dividers).

A volt box is a resistive voltage divider used to extend the range of the voltage measured by a potentiometer. Its ratio for any range is obtained by dividing the voltage across its input terminals by the open-circuit voltage across the section to be connected to the potentiometer.

(a) *Calibration.* The Bureau normally calibrates only volt boxes for which the maker's stated ratio accuracy is 0.04 percent or better. Values of ratio are normally reported with an uncertainty of 0.005 percent.

(b) *Humidity effects.* The insulating structure of a volt box is equivalent to a network of high resistances in parallel with one or more of its wire-wound precision resistance elements. Thus, changes in insulation resistance as a result of variations in surface or volume moisture may affect the ratios. Such ratio changes are normally less on low than on high ratios. This effect can be reduced or eliminated by constructions which provide built-in guard electrodes, maintained at appropriate potentials. Another effect of humidity is to produce changes in the values of the precision wire-wound resistors. The magnitude of this effect varies with coil construction and with wire size and coating. Because humidity effects may reach equilibrium only after days (or even weeks), it is recommended that laboratory humidity be held continuously at or below 50 percent.

(c) *Ambient temperature and self-heating effects.* Changes in ambient temperature should have little effect on ratio if all the resistance elements have the same temperature coefficient. However, self-heating as a result of sustained operation may significantly change the ratios because of unequal temperature rise in the various resistors. The magnitude of this effect depends on construction and coil arrangement, and on the power dissipated. It should (1) be less than for high ranges, (2) be greater for volt boxes that require higher current at rated voltage, (3) increase approximately with the square of the applied voltage, and (4) be entirely negligible at 20 percent of rated voltage on all ranges.

(d) *Suggested test schedule.* (1) Volt boxes should be tested at rated voltage. The first calibration test should also include a test at 20 percent rated voltage on one or more of the higher ranges, which are preferably selected by the Bureau. The equilibrium values at 20 and 100 percent rated voltage may be used to estimate the magnitude of the self-heating effects for the various ranges. Tests having once been made at 20 and 100 percent rated voltage, subsequent determinations need be made only at rated voltage, since the self-heating effect should not change with time.

(2) Once stability has been established, a volt box should not require recalibrations at intervals less than two years.

Item	Description	Fee
201.302a	Determination of ratio on one range at rated voltage, not to exceed 1,000 V, and at a ratio not to exceed 10,000/1	$65.00
201.302b	Determination of ratio at rated voltage on an additional range	30.00
201.302c	Determination at a reduced voltage on a range tested in 201.302 a or b	10.00
201.302d	Test per range, at rated voltage, of a multirange guarded standard voltage divider. (Design similar to that described in NBS RP1419.) Values normally reported with an uncertainty of 0.001 percent	50.00
201.302z	For tests on volt boxes not covered by the above schedule, advance arrangements must be made. Fees will be charged depending upon the nature of the test.	

§ 201.303 Ac–dc instruments and thermal converters (20 to 50,000 Hz (c/s), up to 20 amp and 600 V).

Ordinarily rms ac–dc instruments or converters of 0.1 percent rated accuracy or better are accepted for test, which consists of ac–dc difference determinations by the procedures of items 201.303 a to c. See 201.300.

Item	Description	Fee
201.303a	Initial determination of ac–dc difference of an instrument or converter at one applied voltage or current, one frequency from 20 through 50,000 Hz (c/s)	$50.00
201.303b	Each additional determination of ac–dc difference of the same instrument, converter or set of converters, one frequency from 20 through 30,000 Hz (c/s)	13.00
201.303c	Each additional determination of ac–dc difference of the same instrument, converter, or set of converters, one frequency from 20,000 through 50,000 Hz (c/s)	23.00
201.303z	For special tests not covered by the above schedule, advance arrangements must be made. Fees will be charged depending upon the nature of the test. For tests at higher voltages see 201.604.	

§ 201.304 Ac–dc wattmeters, single phase (20 to 2,000 Hz (c/s), up to 15 amperes and 500 volts).

Ordinarily only single-phase ac–dc wattmeters of 0.1 percent rated accuracy or better are accepted for test, which consists of ac–dc difference determinations by the procedures of items 201.304 a to c. See 201.300. Unless otherwise specified, these tests are made at two scale points at 0.5 power factor on a base range and one scale point at other combinations of ranges, followed by tests at unity power factor at one scale point on one or more ranges, depending upon the results obtained.

Item	Description	Fee
201.304a	Determination of the difference between the reading on reversed direct current and the reading on alternating current at the first scale point at which this difference is determined, at currents not to exceed 15 amp	$58.00
201.304b	Determination of this difference at one scale point on an additional range, frequency, or power factor, at currents not to exceed 15 amp	25.00
201.304c	Determination at each additional scale point with the same combination of range, frequency, and power factor, at currents not to exceed 15 amp	10.00
201.304z	For frequencies greater than 70 Hz (c/s) and for special tests not covered by the above schedule, advance arrangements must be made. Fees will be charged depending upon the nature of the test.	

§ 201.305 Watthour meters.

Except under unusual circumstances, only portable standard watthour meters (rotating standards) will be accepted for test. Tests consist of determinations of the percentage registration of the meter "as received." If meters are to be cleaned and adjusted this must be done before they are submitted for test. The Bureau does not undertake the cleaning and adjustment of meters and does not knowingly begin tests on faulty meters. Before tests can be started the test conditions must be completely specified by the user as to current and voltage ranges to be tested, frequency, applied voltage and current, and power factor. A guide listing a limited yet adequate schedule

of tests is available at no charge. Test voltages should be chosen from the following values: 1, 2, or 4 times 110, 115, 120, 125, and 130 V. Test current should be chosen from the following values: 1, 10, or 100 times 0.25, 0.5, 0.75, 1, 1.25, 1.5, 2, 2.5, 3, 3.75, 4, 5, 7.5 amperes (but not to exceed 100 amperes). Tests at other voltages or currents, or at power factors other than 1.0 and 0.5 current lagging, will be considered as special tests, because rearrangements of circuits are required (see 201.305a). Unless otherwise specified, test runs on portable standard watthour meters (rotating standards) are of approximately 100 seconds duration. The meters are energized for at least 30 minutes at rated voltage and current on one range before starting the test.

Item	Description	Fee
201.305a	Test at 60 Hz (c/s) on one combination of range, applied voltage, and power factor, at not more than five current loads	$72.00
201.305b	Additional test on the same or an additional combination of range, applied current, voltage, and power factor	10.00
201.305c	Test of one or two additional meters simultaneously with the first, under the same conditions as 201.305a, per meter	97.00
201.305d	Test of each additional meter simultaneously with the first, under the same conditions as 201.305b, per meter	5.00
201.305e	For special tests not covered by the above schedule, advance arrangements must be made. Fees will be charged depending upon the time required for the test.	

§ 201.306 Current transformers.

(a) Calibration: The Bureau normally calibrates only current transformers of high quality for use as reference standards. The Bureau may decline requests for tests which are not to be used for establishing or checking a reference standard. If the transformer quality is stated in terms of ASA accuracy classes, calibration will normally be limited to transformers stated to be in the 0.3 percent class for one or more ASA burdens. Bureau equipment is primarily designed for testing current transformers whose rated secondary current is 5 amperes. Results obtained at frequencies near 60 Hz (c/s) will normally be reported with an uncertainty of 0.05 percent in ratio and 1 min in phase angle. However, in some instances the ratio can be reported with an uncertainty of 0.02 percent and the phase angle to 0.5 minute.

(b) Test information: Tests cannot be started until information is furnished concerning the following conditions: (1) test frequency, (2) secondary test currents, (3) secondary burdens, (4) ranges to be tested. It is customary to make tests at secondary currents of 0.5, 1, 2, 3, 4, and 5 amperes.

(c) Transformer burden: (1) Current transformers should be tested with burdens equivalent to the impedance imposed when the transformer is used as a reference standard. Inclusion of tests at ASA burdens is not recommended. The burdens listed in the American Standard for Instrument Transformers, C–57.13, are for rating purposes only and differ from the instrument burdens imposed on a reference standard. Large errors in measurement can result if the values of ratio and phase angle obtained with an ASA burden are used for the transformer when it supplies only an instrument burden.

(2) Preferably the burden should be specified in terms of the measured resistance and inductance, including the leads to connect the instruments to the secondary of the transformer. If this measurement cannot be made conveniently, it will suffice in most cases to state the name of the maker, the type, range, and serial number of each instrument used in the burden, and the length and size of the leads used in the secondary circuit. Alternatively the burden may be stated in terms of the volt-amperes and power factor of the secondary circuit at the test frequency.

(3) The test equipment regularly used at the Bureau imposes a minimum test burden of about 0.16 ohm with a minimum inductance of about 10 μH (if the burden inductance is larger than 10 μH, the minimum resistance is increased above 0.16 ohm). Special test equipment and procedures must be used for burdens lower than 0.16 ohm, so that advance arrangements must be made and higher fees must be charged. In planning for the tests of a transformer it is therefore desirable to select a low burden, but one larger than this minimum, preferably not less than 0.2 ohm. The required total may be made up by incorporating resistance in the leads to the instruments.

(d) Multirange current transformers, in which the same sections of primary windings are used in series and in parallel, usually have phase angles and ratio factors which are equal on the several ranges to within the accuracy needed for almost any measurement purpose. Hence a test at six values of secondary current on one range is nearly always sufficient to determine the characteristics of the transformer. Further tests, often made at 0.5 and 5 secondary amperes on each additional range, merely serve as a safeguard by means of which mistakes in winding may be detected. When the various ranges of a multirange transformer are obtained by taps on either winding, this relation does not necessarily hold, particularly in the case of secondary taps; and tests in addition to the initial six-point test on one range should be made, using two values of secondary current on each of the ranges so obtained. Transformers of some designs, however, show very little difference in ratio factor and phase angle on the various ranges, and the Bureau should be consulted before tests on a large number of ranges are requested.

(e) Demagnetization: Unless otherwise specified, current transformers will be demagnetized before being tested. If it is desired to have a transformer tested as submitted (without demagnetization), this fact should specifically be stated.

(f) Test limitation at frequencies greater than 60 Hz (c/s): At 400 Hz (c/s), the maximum current range for which tests are made is about 200 amperes and the phase angle values are normally reported to an accuracy of 3 minutes; at 800 Hz (c/s) there is a further reduction in the current range and accuracy. If the burdens at these higher frequencies are specified in terms of volt-amperes and power factor, the frequency for which these values are stated must be clearly indicated so that the proper burden resistance and inductance can be duplicated.

(g) Recalibration: At room temperature the ratio and phase angle under a specified test condition should be repeatable unless the core is magnetized. Once stability has been demonstrated a current transformer should not require recalibration at intervals less than five years.

Item	Description	Fee
201.306a-1	Determinations of the ratio and phase angle of a current transformer on one range at one frequency and one burden (not less than 0.2 ohm resistance) at not more than six values of secondary current, namely, 0.5, 1, 2, 3, 4, and 5 amp unless otherwise specified; primary current not to exceed 500 amp	$115.00
201.306a-2	Same as a-1 except primary current greater than 500 amp but not to exceed 8,000 amp	140.00
201.306b-1	Determinations of the ratio and phase angle at one value of secondary current on an additional combination of frequency, range, and burden (not less than 0.2 ohm resistance); primary current not to exceed 500 amp	30.00
201.306b-2	Same as b-1 except primary current greater than 500 amp but not to exceed 8,000 amp	35.00
201.306c	Determinations of ratio and phase angle at an additional value of secondary current with the same combination of frequency, range, and burden used in 201.306a or b, primary current not to exceed 8,000 amp	10.00
201.306e	For tests of current transformers at frequencies other than 25, 50, or 60 Hz (c/s), or with burdens less than 0.2 ohm resistance, or with primary currents greater than 8,000 amp, and for special tests not covered by the above schedule, advance arrangements must be made. Fees will be charged depending upon the nature of the test.	

§ 201.307 Current transformer comparators (testing sets).

Item	Description	Fee
201.307a	Determination of the values of current ratio and phase angle for settings of the dials of a current transformer comparator for 60 Hz (c/s) (not exceeding 13 points on ratio dial and 15 on on phase angle dial)	$250.00
201.307b	Determination according to 201.307a having been made, for 10 determinations at 25 Hz (c/s) or for determinations on the second range of a double-range comparator	60.00
201.307c	For special tests not covered by the above schedule, advance arrangements must be made. Fees will be charged depending upon the nature of the test.	

MAGNETIC MEASUREMENTS

§ 201.400 General.

(a) A general discussion of magnetic principles and methods used in magnetic testing is given in NBS Monograph 47, Basic Magnetic Quantities and the Measurement of the Magnetic Properties of Materials. Price 30 cents. Available from Superintendent of Documents, U.S. Government Printing Office, Washington, D.C., 20402.

(b) Tests in this field are for the most part made on samples which serve as standards to coordinate work in various laboratories and thus secure uniformity in commercial testing. For this purpose it is essential that the standard bars be very uniform in their magnetic properties. The Bureau does not normally make routine acceptance tests of magnetic materials unless these specimens are to be used, at least temporarily, as standards. The standard dimensions of magnetic test specimens are given in §§ 201.401 and 201.402. It is occasionally possible to test specimens of unusual materials or shapes where the services of the Bureau are needed in the development of new test procedures which are likely to be of importance in the industry. In such cases a full understanding of the problem should be developed by correspondence, or preferably by a visit which will permit direct discussion between engineers concerned and the Bureau staff.

§ 201.401 General magnetic measurements; normal induction and hysteresis.

Specimens submitted for test should be of rectangular cross section, width not to exceed 3.0 cm (1⅛ in.); thickness not to exceed 1.0 cm (⅜ in.); for magnetizing forces from 0 to 300 or 0 to 5,000 oersteds, length to be not less than 25.4 cm (10 in.); for magnetising forces in the range 100 to 5,000 oersteds, length to be not less than 7 cm (2⅝ in.). Specimens whose permeability is not greater than 4 may be of circular cross section, diameter not to exceed 1.27 cm (½ in.) but in any event cross-sectional area must be not less than 0.2 cm² (0.031 in.²).

Item	Description	Fee
201.401a	Determination of data for normal induction curve in the range 0 to 300 oersteds	$50.00
201.401b	Determination of data for normal induction curve in the range 100 to 5,000 oersteds	60.00
201.401c	Determination of data for normal induction curve in the range 0 to 5,000 oersteds	100.00
201.401d	Determination of data for demagnetization curve, one value of magnetizing force	50.00
201.401e	Same as 201.401d, each additional value of maximum magnetizing force	40.00
201.401f	Determination of permeability for specimens whose permeability is less than 4, first specimen	35.00
201.401g	Each additional specimen submitted at the same time	10.00
201.401z	For examination of material found to be unsuitable for test, or for special tests not covered by the above schedule, fees will be charged dependent on the cost of such examination or special test.	

§ 201.402 Magnetic materials; a–c permeability and core loss.

Test specimens should consist of the proper number of strips 3 cm (1^{19}/$_{32}$ in.) wide and either 28 cm (11^{1}/$_{32}$ in.) to 30.5 cm (12 in.), or 50 cm (19^{11}/$_{16}$ in.) long prepared in accordance with the specifications of the American Society for Testing and Materials, A–34.

Item	Description	Fee
201.402a	Determination of total core loss at 60 Hz (c/s) at one value of maximum induction	$45.00
201.402b	Same as 201.402a, each additional value of maximum induction	15.00
201.402c	Determination of a-c permeability at 60 Hz (c/s) at one value of maximum induction	45.00
201.402d	Same as 201.402c, each additional value of maximum induction	15.00
201.402z	For examination of material found to be unsuitable for test, or for special tests not covered by the above schedule, fees will be charged dependent on the cost of such examination or special test.	

§ 201.403 Magnetic testing apparatus; mutual inductors, search coils, and fluxmeters.

Item	Description	Fee
201.403a	Determination of mutual inductance by direct current	$30.00
201.403b	Same as 201.403a, each additional inductor submitted at the same time or each additional value for variable or tapped inductors	15.00
201.403c	Determination of the area-turns of a search coil, first coil	35.00
201.403d	Each additional search coil submitted at the same time	20.00
201.403e	Calibration of fluxmeter at not more than five points on one range	45.00
201.403f	Calibration of fluxmeter at one scale point on an additional range	10.00
201.403g	Calibration of standard magnetic	30.00–70.00
201.403z	For examination of apparatus unsuitable for test, or for special tests not covered by the above schedule, fees will be charged dependent on the cost of such examination or special test.	

DIELECTRIC MEASUREMENTS

§ 201.500 Dielectric constant and dissipation factor.

In general, the Bureau will make tests of insulating and dielectric properties of materials only on (1) specimens of known composition of pure materials for which values are considered of use by the Bureau, or by other government agencies; and (2) dielectric reference standards made from materials exhibiting reproducible behavior under specified environmental conditions (such as humidity), when such standards are needed for improving methods of measurement. Measurements are not made on the effective insulation resistances, dielectric constant or dissipation factor of structures and assemblies of insulation, or on electric breakdown generally. Inquiries giving comprehensive information regarding any tests desired from low frequencies up to 30 kHs (kc/s) should be directed to the National Bureau of Standards, Washington, D.C., 20234. Inquiries concerning tests above 30 kHs (kc/s) should be addressed to the National Bureau of Standards, Boulder, Colo. 80301.

VOLTAGE RATIO AND HIGH-VOLTAGE MEASUREMENTS

NOTE: See § 201.102 for information relative to the calibration of resistive voltage dividers with direct current. See § 201.302 for information relative to the calibration of volt boxes.

§ 201.601 Voltage dividers.

(a) The calibration of ratio devices such as voltage dividers need not be referred to the national standards of inductance or resistance or to any other national standard. However, methods and equipment are available at the Bureau for the measurement of alternating-voltage ratios with high accuracy, and a routine calibration service for first-quality decade inductive voltage dividers is provided. Inductive voltage dividers which incorporate a resistive divider as a fine adjustment are not accepted for calibration.

(b) The largest contribution to instability in inductive voltage dividers often arises in the decade switches. Variable contact resistance in these switches sometimes affects the stability of voltage-ratio measurements to a significant extent but is most evident by its effect on the phase angle. When a decade inductive voltage divider exhibits large changes in phase angle on repeated measurements after the switches have been disturbed, the divider should no longer be considered satisfactory for use as a standard of voltage ratio.

(c) Corrections for the separate decades of an inductive divider, in general, cannot be simply combined; however, the correction to a step setting of one of the higher decades is usually independent of the setting of the lowest decades. Stray impedances must be fixed by connecting the case to the divider at one point; and unless otherwise specified, the case will be connected to one of the common terminals. Calibration intervals of three years should be satisfactory for good quality inducive voltage dividers which have not been abused.

(d) Decade inductive voltage dividers are calibrated at the Bureau by a comparison method, using as a working standard a well-constructed inductive divider which has previously been calibrated by capacitance-ratio or other suitable methods. The comparison method is simple and convenient and can be used in other laboratories for the rapid calibration of other voltage dividers. Accordingly, it is recommended that, in general, only one divider from a laboratory be submitted to the Bureau for calibration and that other dividers be calibrated by a comparison method using it as a standard.

Item	Description	Fee
201.601a	Determination of the ratio and phase angle of an inductive voltage divider for each setting of the three highest decades (all decades except the one under calibration being set at 0) and for two other arbitrary settings to be selected by NBS, at one frequency (50, 100, 400 and 1,000 Hz (c/s) services are available at NBS Washington; 400 and 1,000 Hz (c/s) services are available at NBS–Boulder) and with an input voltage not exceeding 150 volts rms (calibrations are ordinarily made with an input voltage of 100 volts rms)	$120.00

Item	Description	Fee
201.601b	Determination of the ratio and phase angle of an inductive voltage divider for each setting of the highest decade (all other decades being set at 0) and for one arbitrary setting of each of the 2d and 3d decades to be selected by NBS, at one frequency and with an input voltage not exceeding 180 volts rms (see 201.601a above)	$75.00
201.601z	Determination of the ratios and phase angles of resistive or capacitive voltage dividers and of inductive voltage dividers at frequencies (other than those listed) up to 10 kHz (kc/s) or in other respects beyond those covered in items 201.601a and 201.601b are handled on a special test basis, and advance arrangements must be made. Fees will be charged dependent upon the nature of the test.	

§ 201.602 Voltage transformers.

(a) *Acceptance.* The Bureau normally accepts voltage transformers for calibration only if they are suitable for use as reference standards. Results of tests at or near 60 Hz (c/s) will normally be reported to 0.01 percent in ratio and 1 minute in phase angle.

(b) *Test information.* Tests cannot be started until information is furnished concerning the following test conditions: (1) Test frequency; (2) secondary test voltages; (3) secondary burdens; (4) ranges to be tested.

(c) *Transformer burdens.* The ratio and phase angle of a voltage transformer vary linearly with secondary current under conditions of constant voltage, frequency, and power factor within its rating. Hence, if values of ratio and phase angle are determined on open circuit (zero burden) and at one burden having a particular power factor, values at other burdens with the same power factor (and at the same voltage and frequency) can be found by linear interpolation. If the ratio and phase angle of a voltage transformer are known both on open circuit (zero burden) and at a single unity power-factor burden, the ratio and phase angle for any power factor (at the same voltage and frequency) can be computed with sufficient accuracy for many measurement purposes by the following formulas:

$$F = F_0 + \frac{I}{I_1}[(F_1 - F_0)\cos\Phi + (\gamma_1 - \gamma_0)\sin\Phi],$$

and

$$\gamma = \gamma_0 + \frac{I}{I_1}[(F_1 - F_0)\sin\Phi - (\gamma_1 - \gamma_0)\cos\Phi].$$

where I_1 and I are the secondary current at the known unity power-factor burden and the desired burden, respectively; F_0, F_1, and F are the ratio correction factors at zero burden, the known unity power-factor burden, and the desired burden, respectively; γ_0, γ_1, and γ are the corresponding phase angles in radians; and $\cos\Phi$ is the power factor of the desired burden (Φ being taken as positive for inductive burdens). The following conversion factors apply:

1 minute = 0.000291 radian
1 radian = 3438 minutes

The "standard burdens" of the ASA Standard for Instrument Transformers (C57.13) are for rating purposes only, and are not recommended for use as test burdens in calibrating a voltage transformer for use as a reference standard. Values of ratio and phase angle at any ASA burden can be computed with sufficient accuracy for rating purposes by using the above formulas. The test burdens recommended are stated in item 201.602a–1, below. In this item, the instrument burden "to be specified by the user" should preferably be the burden with which the transformer will be used as a reference standard, in the test circuit, and may be stated either in terms of volt-amperes and power factor at a specified voltage and frequency, or the resistance and reactance of the test circuit elements.

(d) *Test voltages.* When a secondary burden of fixed impedance is used, the ratio and phase angle of a well-designed voltage transformer are nearly independent of the secondary voltage within its normal operating range. Hence, tests at a single voltage are sufficient unless the transformer is to be operated over an extended voltage range. In extended-range operation the variations of ratio factor and phase angle with voltage are identical for any constant-impedance burden. Hence, it should be sufficient to make ratio and phase-angle determinations at the extremes of the expected voltage-range of operation and at one or perhaps two intermediate voltage points on one burden (preferably zero burden). Tests at all additional burdens need be made at only a single voltage.

(e) *Multirange transformer.* When multiple ranges are provided by series-parallel primary connections, the ratio correction factors and phase angles (for constant secondary voltage, burden, and frequency) are practically identical for all ranges so obtained. (Hence a single determination on each range after the first serves to completely define the transformer performance when the added ranges are obtained by primary series-parallel combinations.) When multiple ranges are obtained by tapping a portion of one of the windings, or by secondary series-parallel combinations, the ratio correction factors and phase angles are not necessarily the same on the various ranges.

(f) *Fuses.* It is recommended that voltage transformers intended as reference standards be used without fuses, because fuse resistance affects both ratio and phase angle values so that fuse deterioration or replacement may alter the values. When a fused transformer is submitted, tests with the fuses in place will be made only if this is specifically requested by the customer.

(g) *Tests at 400 Hz (c/s).* Ratio and phase angle determinations at 400 Hz (c/s) can be made up to 9,000 volts. Results of such tests will normally be reported to 0.03 percent in ratio and 3 minutes in phase angle.

(h) *Recalibration.* The ratio and phase angle of a voltage transformer for a given burden, voltage, and frequency should not change significantly with time unless the transformer is damaged. Once stability has been demonstrated, a transformer should not require recalibration at intervals less than five years.

(i) *Shipment.* Heavy transformers should be shipped in wooden boxes and held in place, if necessary, by checks or cleats. Large transformers, especially those having oil-filled iron cases, should be crated separately and arranged, whenever possible, so that the terminals can be made accessible for tests without removing the entire crate. The tops of boxes should be marked "this side up." Large transformers (those more than 12 ft. high including crating, or weighing more than 6,000 lbs.) require special handling; advance arrangements, including provision for delivery inside the laboratory, must be made.

Item	Description	Fee
	NOTE: It is recommended that a voltage transformer be calibrated under schedule 201.602a–1 or 201.602a–2 the first time it is submitted to NBS for calibration. In view of the performance characteristics discussed above, it is believed that subsequent calibrations under schedule 201.602a–3 or 201.602a–4 should meet most requirements.	
201.602a–1	Determinations of the ratio and phase angle of a voltage transformer at one frequency (25, 50, or 60 Hz (c/s)), one range, and one secondary voltage, with not more than four values of secondary burden; namely, those giving zero, half, and full rated noninductive load at rated voltage, and with one instrument burden of approximately unity power factor to be specified by the user; primary voltage not to exceed 25,000 V	$110.00
201.602a–2	As in a–1 except primary voltage greater than 25,000 V but not to exceed 100,000 V	195.00
201.602a–3	Determination of the ratio and phase angle of a voltage transformer at one frequency (25, 50, or 60 Hz (c/s)), one range, one secondary voltage and with one unity power factor burden; primary voltage not to exceed 25,000 V	80.00
201.602a–4	Determination of the ratio and phase angle of a voltage transformer at one frequency (25, 50, or 60 Hz (c/s)), one range, one secondary voltage and with one unity power factor burden; primary voltage not to exceed 100,000 V	120.00
201.602b	Determination of ratio and phase angle at one value of secondary voltage on an additional range or frequency, and with any of the burdens used in 201.602a	35.00
201.602c	Determination of ratio and phase angle with an additional burden (already used in 201.602a) and with the same combination of range, frequency, and voltage used in 201.602b	15.00
201.602d	Determination of ratio and phase angle at an additional burden of approximately unity power factor other than those used in 201.602a	35.00
201.602e	Determination of ratio and phase angle at an additional value of secondary voltage on the same combination of range, frequency, and burden used in 201.602 a, b, c, or d	10.00
201.602z	For tests of voltage transformers at other frequencies, with primary voltage greater than 100,000 V, or with other than unity power factor burdens, and for other special tests not covered by the above schedule, advance arrangements must be made. Fees will be charged depending on the nature of the test. At 400 Hz (c/s), test fees are approximately double those at 60 Hz (c/s).	

§ 201.603 Voltage transformer comparators.

Item	Description	Fee
201.603a	Calibrations of voltage transformer comparators are handled on a special test basis; however, advance arrangements need not be made. Fees will be charged dependent upon the nature of the calibration required.	

§ 201.604 Kilovoltmeters.

Item	Description	Fee
201.604a	Calibration of kilovoltmeters at five scale points on one range using 60 Hz (c/s) alternating voltage (up to 60 kV)	$100.00
201.604b	Calibration of kilovoltmeters at five scale points on one range using direct voltage of one polarity to ground (up to 60 kV)	80.00
201.604c	Calibration at one scale point on an additional range (up to 60 kV) for 201.604 a or b	25.00
201.604d	Calibration of each additional scale point on one of the ranges calibrated under 201.604 a, b, or c	10.00
201.604z	For calibrations at voltages above 60 kV, advance arrangements must be made. Fees will be charged dependent upon the nature of the calibration required.	

Low-Frequency Region

§ 201.701 Frequency stability calibration of signal sources, up to 30 kHz (kc/s).

(Services available only at the Boulder Laboratories.)

(a) Frequency stability calibrations are made on signal sources up to 30 kHz (kc/s). (See schedule 201.860 for calibration service at higher frequencies.)

(b) The signal source should have a power output of at least 10 milliwatts (into a matched load).

(c) Frequency stability of the signal source should be better than approximately one part in 10^7.

Item	Description	Fee
201.701a	Measurement of frequency stability of signal sources, up to 30 kHz (kc/s)	(*)

*Fees. The fees to be charged for these calibration services performed by the National Bureau of Standards at its Boulder Laboratories, Boulder, Colo., are not fixed at this time. Charges will be made for actual costs incurred. Upon request, estimates will be furnished for specific tasks which should provide a close approximation of actual cost.

High-Frequency Region

§ 201.800 General.

(a)(1) In the high-frequency region of approximately 30 kHz (kc/s) to 1000 MHz (Mc/s) and higher, the Electronic Calibration Center, Boulder Laboratories, is equipped to calibrate standards of voltage, power, immittance, attenuation, and field strength. These standards are limited at present to those designed for cw measurements and having coaxial terminals (usually type N connectors). No general provisions have yet been made for standards with balanced transmission-line terminals.

(2) Stable rf power sources and detectors are required to perform such measurements. This is accomplished by use of crystal-controlled rf power sources and receivers. Rf power sources have power stabilization circuits that provide a power output constant to within 0.1 percent or better over periods of one hour or more. Special low-noise, crystal-controlled receivers meet the exacting requirements to monitor or detect these signals. In using standards at high frequencies it is often desirable, and even necessary, to duplicate these conditions.

(3) Calibration services for high-frequency standards with coaxial connectors are performed at the fixed frequencies of 30, 100, and 300 kHz (kc/s), and 1, 3, 10, 30, 100, 300, and 1000 MHz (Mc/s). Calibrations are available at other frequencies for some standards, as well as continuous frequency coverage up to 12 GHz (Gc/s) for certain calibrations, but usually with less accuracy.

(4) Connectors limit the accuracy of measurements in the high-frequency region to some extent. To avoid instability from this cause, precision connectors should be used on interlaboratory standards. In the case of Type N connectors, certain mechanical dimensions should fall within tolerances specified by the Armed Services Electro-Standards Agency (ASESA) in Procurement Specification MIL–C–71. If dimensions fall outside the specified tolerances, there is a possibility of damaging the mating connectors on interlaboratory standards and NBS working standards. Critical dimensions of Type N connectors are indicated on a drawing that may be obtained from the Electronic Calibration Center, National Bureau of Standards, Boulder, Colo., 80301.

(b) Fees: The fees to be charged for the following calibration services performed by the National Bureau of Standards at its Boulder Laboratories, Boulder, Colo., are not fixed at this time. Charges will be made for actual costs incurred. Upon request, estimates will be furnished for specific tasks which should provide a close approximation of actual cost.

§ 201.810 Rf, rf–dc voltmeters, and thermal converters in the frequency range of 30 kHz (kc/s) to 1000 MHz (Mc/s); from 0.2 V to 300 V.

Ordinarily instruments equally suitable for use on d–c and rf will be calibrated only for rf–dc difference by the procedure of item 201.810a, since periodic calibrations can be made by the user on reversed direct current. Such reversed d–c calibrations will be made at the Bureau only under unusual circumstances and by advance arrangement. Instruments for use only on rf will be given rf calibrations by the procedures of items 201.810 a, b. Instruments which respond to average or peak values or which are not in ASA accuracy class ¼ percent or better are not usually accepted for calibration below 30 MHz (Mc/s).

Item	Description	Fee
201.810a	Determination of voltage at 30, 100, 300 kHz (kc/s), 1, 3, 10, 30, and 100 MHz (Mc/s) from 0.2 to 300 V	(*)
201.810b	Determination of voltage at 300, 400, 500, 700, and 1000 MHz (Mc/s) from 0.2 to 20 V	(*)
201.810z	Special calibrations not covered by the above schedule	(*)

*See § 201.800(b). Fees.

§ 201.811 Rf micropotentiometers, voltmeters, and signal sources in the frequency range from 30 kHz (kc/s) to 1000 MHz (Mc/s), from 1 μV to 0.1 volt.

The Bureau normally accepts for calibration only high-quality instruments suitable for use as interlaboratory standards. These instruments should have a stability of 1 percent or better and an accuracy of 3 percent or better. Rf voltmeters will be calibrated by the procedures of items 201.811 a, b. The Bureau usually accepts only signal sources (signal generators) high enough in quality to be considered as interlaboratory standards. If these instruments are equally suitable for use on d–c and rf, they will be calibrated for rf–dc difference by the procedures of items 201.811 a, b. Signal sources suitable for use only on rf will be calibrated by the procedure of item 201.811a.

Item	Description	Fee
201.811a	Determination of voltage for micropotentiometers, voltmeters, and signal sources from 30 kHz (kc/s) to 900 MHz (Mc/s), from 1 μV to 0.1 V	(*)
201.811b	Determination of voltage for voltmeters from 900 to 1000 MHz (Mc/s), from 100 μV to 0.1 V	(*)
201.811z	Special calibrations not covered by the above schedule	(*)

*See § 201.800(b). Fees.

§ 201.820 Rf calorimeters, 30 kHz (kc/s) to 500 MHz (Mc/s).

(a) For maximum calibration accuracy, interlaboratory rf calorimeters should repeat readings to one percent or better with a constant power input.

(b) At present only rf calorimeters utilizing Type N connectors for rf power input can be calibrated. Refer to § 201.800 for special requirements for Type N connectors used on interlaboratory standards.

Item	Description	Fee
201.820a	Calibration of rf calorimeter at one frequency at 100 and 300 kHz (kc/s); 1, 3, 10, and 30 MHz (Mc/s); and at one power level from 0.001 to 200 W	(*)
201.820b	Calibration of rf calorimeter at one frequency at 100, 200, 300, 400, and 500 MHz (Mc/s); at one power level from 0.001 to 100 W	(*)
201.820c	Each additional power level at the same frequency	(*)
201.820z	Special calibrations not covered by the above schedule	(*)

*See § 201.800(b). Fees.

§ 201.821 Continuous wave low-level, power measurement of coaxial bolometer units and bolometer-coupler units.

(a) A bolometer unit includes both the bolometer element or elements and the bolometer mount in which they are supported.

(b) Power measurements are made on barretter-type bolometer units having nominal resistance of 50, 100, or 200 ohms at a bias current between 3.5 and 10 mA; and on thermistor-type bolometer units having a nominal resistance of 50, 100, or 200 ohms at a bias current between 5

and 15 mA. Bolometer units[1] should be of the fixed tuned or untuned broadband type and must have suitable[2] male or female Type N connectors.

(c) Power measurements are made on bolometer units at cw power levels of 1, and 10 mW only.

(d) Power measurements are made on bolometer-coupler combinations having coupling ratios from 3 to 30 dB. A bolometer unit of the fixed tuned or untuned broadband type should be permanently attached to the side arm of the directional coupler. The directional coupler should have good design features, with a directivity of 30 dB or greater, and a VSWR no greater than 1.10 for the input and output ports of the main arm of the coupler.

(e) Effective efficiency for bolometer units is defined as the ratio of the substituted d–c power in the bolometer unit to the microwave power dissipated within the bolometer unit.[3]

(f) Calibration factor for bolometer units is defined as the ratio of the substituted d–c power in the bolometer unit to the rf power incident upon the bolometer unit.[3]

(g) Calibration factor for bolometer-coupler units is defined as the ratio of the substituted d–c power in the bolometer unit on the side arm of the directional coupler to the rf power incident upon a nonreflecting load attached to the output port of the main arm.[3]

(h) For temperature-compensated bolometer units, the d–c cable may be sent with the unit for maximum accuracy of calibration.

Item	Description	Fee
201.821a	Measurement of calibration factor of a coaxial bolometer unit at one frequency at 100 MHz (Mc/s) or 1 GHz (Gc/s); and at one power level, 1 or 10 mW	(*)
201.821b	Measurement of calibration factor of a coaxial bolometer-coupler unit at one frequency at 30, 100, 200, 300, 400, 500 MHz (Mc/s), or 1 GHz (Gc/s); and at one power level	(*)
201.821c	Each additional power level at the same frequency	(*)
201.821z	Special calibrations not covered by the above schedule	(*)

*See § 201.800(b). Fees.

§ 201.830 Immittance, 30 kHz (kc/s) to 4 GHz (Gc/s).

(a) Maximum accuracy can be achieved only in the case of instruments and components equipped with connectors having a plane of reference directly compatible with the Bureau system with no necessity for special adapters. In the interest of preserving higher calibration accuracies, coaxial connectors should be utilized on standard instruments and components wherever possible. Calibrations are not performed on capacitors with unshielded terminals, e.g. binding posts and banana plug connectors.

(b) Power applied to any item under test will normally not exceed 1 W. Where caution in this respect is necessary it should be clearly stated in the calibration request. All calibrations described in this section are performed under ambient conditions of approximately 23° C. and 40 percent relative humidity.

Item	Description	Fee
201.830a-1	Two-terminal impedance measurement at one point in the frequency range 30 to 400 kHz (kc/s), 0 to 10,000 ohms resistance, and 0 to 1100 μH inductance	(*)
201.830a-2	Each additional point within the limits in item 201.830a-1	(*)
201.830b-1	Two-terminal impedance measurement at one point in the frequency range 30 kHz (kc/s) to 1 MHz (Mc/s), 0 to 1000 ohms resistance, and 0 to 110 μH inductance	(*)
201.830b-2	Each additional point within the limits in item 201.830b-1	(*)
201.830c-1	Two-terminal admittance measurement at one point in the frequency range 30 kHz (kc/s) to 1 MHz (Mc/s), 0 to 1100 μmho conductance, and 0 to 1100 pF capacitance	(*)
201.830c-2	Each additional point within the limits in item 201.830c-1	(*)
201.830d-1	Two-terminal admittance measurement at one point in the frequency range 5 to 280 MHz (Mc/s), 0 to 50 μmho conductance, and 0 to 50 pF capacitance	(*)
201.830d-2	Each additional point within the limits in item 201.830d-1	(*)
201.830e-1	Two-terminal impedance measurement of coaxial components at frequencies from 50 MHz (Mc/s) to 4 GHz (Gc/s), within the range 0.5 to 5000 ohms for magnitude and 0 to 90° for phase angle	(*)
201.830e-2	Each additional point within the limits in item 201.830e-1	(*)
201.830f-1	Q-Standard calibration in the frequency range 50 kHz (kc/s) to 45 MHz (Mc/s), 0 to 1000 for effective Q, and 30 to 450 pF for effective resonating capacitance	(*)
201.830z	Special two-terminal immittance calibrations not covered by the above schedule	(*)
201.831a-1	Three-terminal capacitance calibration at 100 kHz (kc/s), 465 kHz (kc/s), or 1 MHz (Mc/s) for the following fixed nominal values: 10^{-4}, 10^{-3}, 10^{-2}, 10^{-1}, 10^{0}, 10^{1}, and 10^{2} pF, per frequency	(*)
201.831b-1	Three-terminal capacitance calibration at 465 kHz (kc/s) at one point in the range 0.001 to 100 pF	(*)
201.831b-2	Each additional point within the limits in item 201.831b-1	(*)

*See § 201.800(b). Fees.

§ 201.840 Dissipative fixed coaxial attenuators.

(a) Dissipative fixed coaxial attenuators are normally calibrated in a system having a characteristic impedance of 50+j0 ohms. Since the accuracy of the calibration is degraded by any deviation or uncertainty in this characteristic impedance, the types of allowable connectors are limited. Precision connectors having a known plane of reference or the Type N meeting Procurement Specification MIL–C–71 are required. (See § 201.800.) All measurements are made by the substitution method which requires that the connectors used be asexual or the attenuator have a male connector at one port and a female connector at the other port. If an adapter is required to comply with the foregoing, it must be supplied with the attenuator and the combination will be calibrated as one unit. Attenuators having a VSWR of 1.30 or greater at either port are not acceptable.

(b) Maximum power to any attenuator will not exceed 20 mW unless prior arrangements for higher power levels have been made.

Item	Description	Fee
201.840a-1	Measurement of insertion loss of fixed attenuator at one of the following frequencies: 1, 10, 30, 60, 100, and 300 MHz (Mc/s). Range: 0 to 100 dB	(*)
201.840a-2	Each additional attenuator at the same frequency and over the same range as item 201.840a-1	(*)
201.840b-1	Measurement of insertion loss of fixed attenuator at any frequency between 200 MHz (Mc/s) and 12 GHz (Gc/s). Range: 0 to 60 dB	(*)
201.840b-2	Each additional attenuator at the same frequency and over the same range as item 201.840b-1	(*)
201.840z	Special calibrations not covered by the above schedule	(*)

*See § 201.800(b). Fees.

§ 201.841 Dissipative variable coaxial attenuators.

(a) These attenuators are calibrated in accordance with item 201.840 except that the zero or other specified setting is used as the reference. Because attenuation difference only is measured, both ports may have the same connector.

(b) Variable attenuators must have a repeatability of setting better than 0.1 dB; incremental attenuators must have a repeatability of 0.01 dB or better.

Item	Description	Fee
201.841a-1	Measurement of one increment on dissipative variable attenuator or at one of the following frequencies: 1, 10, 30, 60, 100, and 300 MHz (Mc/s). Range 0 to 100 dB	(*)
201.841a-2	Each additional increment at the same frequency and over the same range as item 201.841a-1	(*)
201.841b-1	Measurement of one increment on a dissipative variable attenuator at any frequency between 200 MHz (Mc/s) and 12 GHz (Gc/s). Range 0 to 60 dB	(*)
201.841b-2	Each additional increment at the same frequency and over the same range as item 201.841b-1	(*)
201.841z	Special calibrations not covered by the above schedule	(*)

*See § 201.800(b). Fees.

§ 201.842 Waveguide below-cutoff (piston) attenuators.

(a) Waveguide below-cutoff attenuators are normally calibrated in a system having a characteristic impedance of 50+j0 ohms. As only attenuation difference measurements are made on this type of attenuator, Type BNC, C, TNC, etc., connectors are acceptable but precision type connectors are preferred.

(b) An insertion loss measurement at the attenuator zero setting can be made. Maximum power to any attenuator will not exceed 20 mW unless prior arrangements for higher power levels have been made.

(c) Calibrations are performed at the following frequencies: 1, 10, 30, 60, 100, and 300 MHz (Mc/s).

[1] Bolometer unit is here defined to include the bolometer element and the bolometer mount.

[2] See § 201.800.

[3] Deseh, R. F., and R. E. Larson, Bolometric Microwave Power Calibration Techniques at NBS, IEEE Trans-I&M, IM–12, No. 1, 29 (June 1963).

Item	Description	Fee
201.842a-1	One increment on a waveguide below-cutoff attenuator at one of the following frequencies: 1, 10, 30, 60, 100, and 300 MHz (Mc/s). Range (including initial insertion loss): up to 110 dB	(*)
201.842a-2	Each additional increment at the same frequency and over the same range as item 201.842a-1	(*)
201.842z	Special calibrations not covered by the above schedule	(*)

*See § 201.800(b). Fees.

§ 201.843 Coaxial fixed directional couplers.

Fixed directional couplers are calibrated in accordance with item 201.840. Terminations must be supplied for any arm not used during a measurement.

Item	Description	Fee
201.843a-1	Single insertion loss measurement between any two arms of a coaxial fixed directional coupler at one of the following frequencies: 1, 10, 30, 60, 100, and 300 MHz (Mc/s). Range: 0 to 100 dB	(*)
201.843a-2	Each additional insertion loss measurement between any two arms at the same frequency and over the same range as item 201.843a-1	(*)
201.843b-1	Single insertion loss measurement between any two arms at any frequency between 200 MHz (Mc/s) and 12 GHz (Gc/s). Range: 0 to 60 dB	(*)
201.843b-2	Each additional insertion loss measurement between any two arms at the same frequency and over the same range as item 201.843b-1	(*)
201.843z	Special calibrations not covered by the above schedule	(*)

*See § 201.800(b). Fees.

§ 201.844 Coaxial variable directional couplers.

(a) Coaxial variable directional couplers are calibrated in accordance with item 201.841. Terminations must be supplied for any arm not used during a measurement.

(b) The change in coupling to the side arm relative to the minimum setting on the device is normally measured.

Item	Description	Fee
201.844a-1	Single coupling increment between input and variable arm of coaxial variable directional coupler at one of the following frequencies: 1, 10, 30, 60, 100, and 300 MHz (Mc/s). Range (including initial coupling loss): up to 110 dB	(*)
201.844a-2	Each additional increment at the same frequency, and over the same range as item 201.844a-1	(*)
201.844b-1	Same measurement as in item 201.844a-1 at any frequency between 200 MHz (Mc/s) and 12 GHz (Gc/s). Range (including initial coupling loss): up to 60 dB	(*)
201.844b-2	Same measurement as in item 201.844a-2 at the same frequency and over the same range as item 201.844b-1	(*)
201.844z	Special calibrations not covered by the above schedule	(*)

*See § 201.800(b). Fees.

§ 201.850 Field strength meters, 30 Hz (c/s) to 1000 MHz (Mc/s).

(a) Field strength standards and field strength meters are calibrated in terms of cw signals in the frequency range from 30 Hz (c/s) to 1000 MHz (Mc/s). Loop antennas are calibrated in the frequency range from 30 Hz (c/s) to 30 MHz (Mc/s), and horizontally polarized dipole antennas are calibrated from 30 to 1000 MHz (Mc/s). The magnitude of the calibrating fields varies from approximately 25 to 200 mV/m for loop antennas, and approximately 50 mV/m for dipole antennas.

(b) The internal characteristics of field strength meters, such as the overall linearity of the receiver, accuracy of the signal input attenuators, and the accuracy of the receiver as a two-terminal rf voltmeter can be measured at frequencies from 30 Hz (c/s) to 1000 MHz (Mc/s).

(c) When field strength standards or meters are submitted for calibration an instruction manual and all accessories should be included, and the instrument should be in excellent operating condition.

Item	Description	Fee
201.850a-1	Calibration of loop antenna at one frequency, 30 Hz (c/s) to 30 MHz (Mc/s)	(*)
201.850a-2	Calibration of loop antenna at frequencies additional to item 201.850a-1, 30 Hz (c/s) to 30 MHz (Mc/s)	(*)
210.850z	Special calibrations not covered by the above schedule	(*)
210.851a-1	Calibration of dipole antenna at one frequency, 30 to 1000 MHz (Mc/s)	(*)
201.851a-2	Calibration of dipole antenna at frequencies additional to item 201.851a-1, 30 to 400 MHz (Mc/s)	(*)
201.851a-3	Calibration of dipole antenna at frequencies additional to item 201.851a-1, 400 to 1000 MHz (Mc/s)	(*)
201.851z	Special calibrations not covered by the above schedule	(*)
201.852a-1	Calibration of input attenuators at one frequency, initial step	(*)
201.852a-2	Calibration of additional steps of input attenuator in addition to item 201.852a-1	(*)
201.852b-1	Calibration of the overall linearity of receiver and output circuit at one frequency and one attenuator setting, initial point	(*)
201.852b-2	Calibration of overall linearity of receiver at other points in addition to item 201.852b-1	(*)
201.852c-1	Calibration of the receiver as a two-terminal rf voltmeter, 1 to 10,000 μV, 0 to 400 MHz (Mc/s), at one frequency	(*)
201.852c-2	Calibration of the receiver as a two-terminal rf voltmeter at other frequencies additional to item 201.852c-1, 0 to 400 MHz (Mc/s)	(*)
201.852c-3	Calibration of receiver as a two-terminal rf voltmeter at other frequencies additional to item 201.852c-1, 400 to 1000 MHz (Mc/s)	(*)
201.852z	Special calibrations not covered by the above schedule	(*)

*See § 201.800(b). Fees.

§ 201.860 Frequency stability calibration of signal sources.

(Service available only at the Boulder Laboratories.)

(a) Frequency stability calibrations are made on signal sources in the frequency range from 30 kHz (kc/s) to 500 MHz (Mc/s).

(b) The signal source should have a power output of at least 10 milliwatts (into a matched load).

(c) Frequency stability of the signal source should be better than approximately one part in 10^9.

Item	Description	Fee
201.860a	Measurement of frequency stability of signal sources, from 30 kHz (kc/s) to 500 MHz (Mc/s)	(*)

*See § 201.800(b). Fees.

MICROWAVE REGION

§ 201.900 General.

(a) (1) Microwave calibration services presently available include measurements in power, impedance, frequency, attenuation, and noise. The frequency range covered for each of the measurements is given below.

(2) In performing microwave calibrations, a considerable amount of time is needed to prepare the system for measurement operation. Much of this preparation is related to the adjustment of the system to the frequency of operation selected for the calibration. Time and cost often can be reduced by minimizing the number of times the operating frequency of the calibration system must be readjusted. To help in achieving this reduction in costs, a list of suggested calibration frequencies is presented in the following table. These frequencies are suggested for use in connection with this schedule and for interlaboratory standards utilizing terminations consisting of the standard waveguide sizes given below in the table of suggested calibration frequencies. It should be emphasized that the suggested frequencies are primarily for economy and for convenience to those requesting calibrations. In general the calibration instrumentation for the microwave region is intended to provide complete and continuous frequency coverage as appropriate for the various waveguide sizes. Those having need for calibrations at other than suggested frequencies can be accommodated.

EIA waveguide designation	Frequency range GHz (Gc/s)	Suggested calibration frequencies GHz (Gc/s)		
		No. 1	No. 2	No. 3
WR284	2.60– 3.95	2.85	3.25	3.55
WR187	3.95– 5.85	4.35	4.90	5.25
WR137	5.85– 8.20	6.45	7.00	7.40
WR112	7.05–10.0	7.75	8.50	9.00
WR90	8.20–12.4	9.00	9.60	11.2
WR62	12.4 –18.0	13.5	15.5	17.0
WR42	18.0 –26.5	19.8	22.0	23.8
WR28	26.5 –40.0	29.0	33.5	37.0

(b) Fees: The fees to be charged for the following calibration services performed by the National Bureau of Standards at its Boulder Laboratories, Boulder, Colo. are not fixed at this time. Charges will be made for actual costs incurred. Upon request, estimates will be furnished for specific tasks which should provide a close approximation of actual costs.

§ 201.910 Continuous low-level, power measurement of waveguide bolometer units and bolometer-coupler units.

(a) Power measurements are made on barretter-type bolometer units having

nominal resistance of either 100 or 200 ohms at a bias current between 3.5 and 10 mA, and on thermistor-type bolometer units having a nominal resistance of either 100 or 200 ohms at a bias current between 5 and 15 mA. Bolometer units should be of the fixed tuned or untuned broadband type.

(b) Power measurements are made on bolometer units at power values from 0.1 to 10 mV.

(c) Power measurements are made on bolometer-coupler combinations having coupling ratios from 3 to 20 dB. A bolometer unit of the fixed tuned or untuned broadband type should be permanently attached to the side arm of the coupler. The three-port directional coupler should have good design features with a directivity of 40 dB or greater and a VSWR no greater than 1.05 for the input and output ports of the main arm of the coupler.

(d) Effective efficiency for bolometer units is defined as the ratio of the substituted d–c power in the bolometer unit to the microwave power dissipated within the bolometer unit.

(e) Calibration factor for bolometer units is defined as the ratio of the substituted d–c power in the bolometer unit to the microwave power incident upon the bolometer unit.

(f) Calibration factor for bolometer-coupler units is defined as the ratio of the substituted d–c power in the bolometer unit on the side arm of the directional coupler to the microwave power incident upon a nonreflecting load attached to the output port of the main arm.

(g) Efficiency for bolometer units is defined as the ratio of the microwave power absorbed by the barretter element to the microwave power dissipated within the bolometer unit.

Item	Description	Fee
	Measurement of effective efficiency of bolometer unit at a single frequency of the following waveguide sizes terminated with standard waveguide connectors:	
201.910a–1	W R90 (8.2–12.4 GHz) (Gc/s)	(*)
201.910a–2	W R62 (12.4–18.0 GHz) (Gc/s)	(*)
201.910a–3	W R137 (5.85–8.20 GHz) (Gc/s)	(*)
	Measurement of calibration factor of bolometer unit at a single frequency of the following waveguide sizes terminated with standard waveguide connectors:	
201.910b–1	W R90 (8.2–12.4 GHz) (Gc/s)	(*)
201.910b–2	W R62 (12.4–18.0 GHz) (Gc/s)	(*)
201.910b–3	W R 137 (5.85–8.20 GHz) (Gc/s)	(*)
	Measurement of calibration factor of bolometer coupler unit at a single frequency of the following waveguide sizes terminated with standard waveguide connectors:	
201.910c–1	W R90 (8.2–12.4 GHz) (Gc/s)	(*)
201.910c–2	W R62 (12.4–18.0 GHz) (Gc/s)	(*)
201.910c–3	W R137 (5.85–8.20 GHz) (Gc/s)	(*)
	Measurement of efficiency of bolometer unit at a single frequency of the following waveguide size terminated with a standard waveguide connector:	
201.910d–3	W R137 (5.85–8.20 GHz) (Gc/s)	(*)
201.910e	Special calibrations not covered by the above schedule	(*)

*See § 201.900(b). Fees.

§ 201.911 Continuous low-level power measurement of waveguide dry calorimeters.

Item	Description	Fee
201.911a–1	Measurement of output voltage versus input microwave power for dry calorimeter at a single frequency of WR90 waveguide (8.2–12.4 GHz (Gc/s)) terminated with a standard waveguide connector, at power values from 10 milliwatts to 1 watt	(*)
201.911a–2	Each additional power value at the same frequency as item 201.911a–1	(*)
201.911e	Special calibrations not covered by the above schedule	(*)

*See § 201.900(b). Fees.

§ 201.920 Reflection coefficient magnitude measurement on waveguide reflectors (mismatches).

(a) Reflection coefficient measurements are made on reflectors producing a reflection coefficient magnitude in the range 0.025 to 1.0.

(b) Reflectors must be fitted with standard types of waveguide flanges. The face of these flanges should be machined flat and smooth and should not contain protrusions or indentations. The connecting holes of the flange should be symmetrically and accurately alined to the rectangular waveguide opening.

Item	Description	Fee
	Measurement of reflection coefficient magnitude of reflector at a single frequency of the following waveguide sizes terminated with standard waveguide connectors:	
201.920a–1	W R90 (8.2–12.4 GHz) (Gc/s)	(*)
201.920a–2	W R62 (12.4–18.0 GHz) (Gc/s)	(*)
201.920e	Special calibrations not covered by the above schedule	(*)

*See § 201.900(b). Fees.

§ 201.930 Frequency measurement on cavity wavemeters.

(a) Frequency measurements are made on fixed or variable cavity wavemeters of either the reaction (one-port) type or the transmission (two-port) type.

(b) Frequency measurements are made on fixed or variable cavity wavemeters having coaxial terminals with Type N connectors (male or female) in the frequency range of 1000 MHz (Mc/s) to 10 GHz (Gc/s).

(c) Frequency measurements are made on fixed or variable cavity wavemeters having standard type waveguide terminals in the frequency range of 2.6 to 75 GHz (Gc/s).

Item	Description	Fee
201.930a	Measurement of resonance frequency of fixed cavity wavemeter	(*)
201.930b	Setting of adjustable cavity wavemeter at prescribed resonance frequency	(*)
201.930c–1	Calibration of dial setting versus resonance frequency of variable cavity wavemeter at initial prescribed frequency	(*)
201.930c–2	Calibration of dial setting versus resonance frequency of variable cavity wavemeter at each prescribed frequency additional to the initial frequency and on the same wavemeter as 201.930c–1	(*)
201.930e	Special calibrations not covered by the above schedule	(*)

*See § 201.900(b). Fees.

§ 201.940 Attenuation difference measurements on variable attenuators.

(a) Attenuation difference measurements are made on step or continuously variable attenuators usually with the zero dial setting used as the reference position.

(b) Attenuation measurements are made for attenuation values from 0 to 50 dB. This range of attenuation values can be extended to 70 dB in some frequency ranges.

(c) Variable attenuators should have a repeatability of dial setting better than ±0.1 dB.

(d) Variable attenuators should have a VSWR less than 1.1 at each waveguide port.

Item	Description	Fee
	Measurement of attenuation differences of direct-reading variable attenuator at an initial prescribed dial setting at a single frequency of the following waveguide sizes terminated with standard waveguide connectors:	
201.940a–1	W R284 (2.60–3.95 GHz) (Gc/s)	(*)
201.940a–2	W R187 (3.95–5.85 GHz) (Gc/s)	(*)
201.940a–3	W R137 (5.85–8.2 GHz) (Gc/s)	(*)
201.940a–4	W R112 (7.05–10.0 GHz) (Gc/s)	(*)
201.940a–5	W R90 (8.2–12.4 GHz) (Gc/s)	(*)
201.940a–6	W R62 (12.4–18.0 GHz) (Gc/s)	(*)
201.940a–7	W R42 (18.0–26.5 GHz) (Gc/s)	(*)
201.940a–8	W R28 (26.5–40.0 GHz) (Gc/s)	(*)
201.940a–20	Measurement of attenuation difference of direct-reading variable attenuator at each prescribed dial setting additional to the initial dial setting at the same frequency and on the same attenuator as 201.940a–1 to 201.940a–8	(*)
	Calibration of dial setting versus attenuation difference for indirect-reading variable attenuator at an initial prescribed attenuation difference value at a single frequency of the following waveguide sizes terminated with standard waveguide connectors:	
201.940b–1	W R284 (2.60–3.95 GHz) (Gc/s)	(*)
201.940b–2	W R187 (3.95–5.85 GHz) (Gc/s)	(*)
201.940b–3	W R137 (5.85–8.2 GHz) (Gc/s)	(*)
201.940b–4	W R112 (7.05–10.0 GHz) (Gc/s)	(*)
201.940b–5	W R90 (8.2–12.4 GHz) (Gc/s)	(*)
201.940b–6	W R62 (12.4–18.0 GHz) (Gc/s)	(*)
201.940b–7	W R42 (18.0–26.5 GHz) (Gc/s)	(*)
201.940b–8	W R28 (26.5–40.0 GHz) (Gc/s)	(*)
201.940b–20	Calibration of dial setting versus attenuation difference for indirect-reading variable attenuator at each prescribed attenuation difference value additional to the initial attenuation difference value at the same frequency and on the same attenuator as 201.940b–1 to 201.940b–8	(*)
201.940e	Special calibrations not included in the above schedule	(*)

*See § 201.900(b). Fees.

§ 201.941 Insertion loss measurements on fixed attenuators.

(a) Insertion loss measurements are made on fixed two-port attenuators.

(b) Insertion loss measurements are made for insertion loss values from 0 to 50 dB. This range of attenuation values can be extended to 70 dB in some frequency ranges.

(c) Fixed attenuators should have a VSWR less than 1.1 at each waveguide port.

Item	Description	Fee
	Measurement of insertion loss of fixed attenuator at a single frequency of the following waveguide sizes terminated with standard waveguide connectors:	
201.941a–1	WR284 (2.60–3.95 GHz) (Gc/s)	(*)
201.941a–2	WR187 (3.95–5.85 GHz) (Gc/s)	(*)
201.941a–3	WR137 (5.85–8.2 GHz) (Gc/s)	(*)
201.941a–4	WR112 (7.05–10.0 GHz) (Gc/s)	(*)
201.941a–5	WR90 (8.2–12.4 GHz) (Gc/s)	(*)
201.941a–6	WR62 (12.4–18.0 GHz) (Gc/s)	(*)
201.941a–7	WR42 (18.0–26.5 GHz) (Gc/s)	(*)
201.941a–8	WR28 (26.5–40.0 GHz) (Gc/s)	(*)
201.941e	Special calibrations not included in the above schedule	(*)

*See § 201.900(b). Fees.

§ 201.950 Effective noise temperature measurement on noise sources.

(a) Effective noise temperature measurements are made on waveguide noise sources (usually a gas-discharge tube) under conditions of continuous, unmodulated operation in the range 900 to 300,000° K. (excess noise ratio range 3.3 to 30 dB).

(b) The direct current required for normal operation of the gas-discharge tube should not exceed 300 mA but should be sufficient to prevent excessive plasma oscillations.

(c) The waveguide noise source must have an input VSWR no greater than 1.2.

(d) The gas-discharge tube should be secure in the mount, and the output port of the unit should be terminated with a matched load.

Item	Description	Fee
201.950a–1	Measurement of effective noise temperature of noise source in WR90 waveguide at a single frequency selected from 9.0, 9.8, and 11.2 GHz (Gc/s)	(*)
201.950e	Special calibrations not covered by the above schedule	(*)

*See § 201.900(b). Fees.

A. V. Astin,
Director.

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Contents

AGRICULTURAL RESEARCH SERVICE
Rules and Regulations
European chafer; designation of regulated areas 6770

AGRICULTURAL STABILIZATION AND CONSERVATION SERVICE
Notices
Director or Acting Director, Kansas City ASCS Commodity Office; delegation of authority 6798

AGRICULTURE DEPARTMENT
See Agricultural Stabilization and Conservation Service; Agricultural Research Service; Commodity Credit Corporation; Consumer and Marketing Service.

ATOMIC ENERGY COMMISSION
Notices
Department of Water and Power of the City of Los Angeles; notice of reconvening of hearing 6799

CIVIL AERONAUTICS BOARD
Notices
International Air Transport Association; agreement relating to specific commodity rates 6799

CIVIL SERVICE COMMISSION
Rules and Regulations
Entire executive service; excepted service 6765

COMMERCE DEPARTMENT
Notices
Lawrence, George E.; statement of changes in financial interests 6799

COMMODITY CREDIT CORPORATION
Rules and Regulations
Flour export program; cash payment, terms and conditions 6771

CONSUMER AND MARKETING SERVICE
Rules and Regulations
Oranges grown in Florida; shipment limitations 6770
Valencia oranges grown in Arizona and designated part of California; handling limitation 6771
Proposed Rule Making
Export Apple and Pear Act; grades, requirements and regulations 6782
Prunes, dried, produced in California; recommended decision 6782
Notices
Luverne Auction et al.; deposting of stockyards 6798
Shantz & Rodman Livestock Commission Co., Inc., et al.; posted stockyards 6798

FEDERAL AVIATION AGENCY
Rules and Regulations
Control zone:
Alteration of designation 6765
Modification of amendment to designation 6765
Control zone and transition area; alteration 6765
IFR altitudes; miscellaneous changes 6766
Proposed Rule Making
Control zones, transition areas, and control area extensions; proposed alteration, designation and revocation 6793
Federal airway; proposed designation 6794
Transition area; proposed designation 6795

FEDERAL COMMUNICATIONS COMMISSION
Rules and Regulations
Organization, practice and procedure and stations on shipboard in maritime services; miscellaneous amendments 6778
Practice and procedure; miscellaneous amendments 6780
Notices
Hearings, etc.:
American Telephone and Telegraph Co. 6799
Flower City Television Corp. et al 6800
Traxler, John N., et al 6801

FEDERAL MARITIME COMMISSION
Notices
Sea-Lanes Shipping Co., Inc., et al.; agreements filed for approval 6802

FEDERAL POWER COMMISSION
Notices
Hearings, etc.:
Confederated Salish and Kootenai Tribes of the Flathead Reservation, Mont., and Montana Power Co. 6802
Husky Oil Co. 6803
Northern Natural Gas Co. 6803

FEDERAL RESERVE SYSTEM
Notices
United California Bank; order approving merger of banks 6804

FOOD AND DRUG ADMINISTRATION
Proposed Rule Making
Certain antibiotic drugs; proposed changes in sterility tests 6795
Notices
Kendall, C. B., Co. et al.; notice of opportunity for hearing; correction 6799

HEALTH, EDUCATION, AND WELFARE DEPARTMENT
See Food and Drug Administration; Public Health Service.

HOUSING AND HOME FINANCE AGENCY
Notices
Acting Regional Director of Community Facilities, Region III (Atlanta) designation; ratification 6804
Ratification of acts taken under the title of Acting Regional Director of Community Facilities, Region III (Atlanta) 6804

IMMIGRATION AND NATURALIZATION SERVICE
Rules and Regulations
Manifests; miscellaneous amendments 6776
Notices
Statement of organization; deletion of international airports from listing 6797

INTERIOR DEPARTMENT
See Land Management Bureau.

INTERNAL REVENUE SERVICE
Rules and Regulations
Liquors, miscellaneous regulations; correction 6769

INTERSTATE COMMERCE COMMISSION
Notices
Fourth section applications for relief 6827
Motor carrier, broker, water carrier and freight forwarder applications 6806
Motor carrier intrastate applications; notice of filing 6805
Motor carrier transfer proceedings 6826

JUSTICE DEPARTMENT
See Immigration and Naturalization Service.

(Continued on next page)

LAND MANAGEMENT BUREAU

Notices

Alaska:
- Proposed withdrawal and reservation of lands (2 documents) 6797, 6798
- Termination of proposed withdrawal and reservation of lands 6797

Idaho; proposed withdrawal and reservation of lands 6797

PUBLIC HEALTH SERVICE

Proposed Rule Making

Immune serum globulin (human); additional standards 6795

SECURITIES AND EXCHANGE COMMISSION

Notices

Hearings, etc.:
- Investors Inter-Continental Fund, Ltd 6804
- Massachusetts Electric Co. and New England Electric System 6805

SMALL BUSINESS ADMINISTRATION

Rules and Regulations

Small business size standards; definitions 6778

Notices

Hawaii; declaration of disaster area 6805

TREASURY DEPARTMENT

See Internal Revenue Service.

List of CFR Parts Affected

(Codification Guide)

The following numerical guide is a list of the parts of each title of the Code of Federal Regulations affected by documents published in today's issue. A cumulative list of parts affected, covering the current month to date, appears at the end of each issue beginning with the second issue of the month.

A cumulative guide is published separately at the end of each month. The guide lists the parts and sections affected by documents published since January 1, 1965, and specifies how they are affected.

5 CFR

213 6765

7 CFR

301 6770
905 6770
908 6771
1483 6771

PROPOSED RULES:

33 6782
993 6782

8 CFR

231 6776
251 6776

13 CFR

121 6778

14 CFR

71 (3 documents) 6765
95 6766

PROPOSED RULES:

71 (3 documents) 6793–6795

21 CFR

PROPOSED RULES:

141a 6795

26 CFR

170 6769

42 CFR

PROPOSED RULES:

73 6795

47 CFR

0 6778
1 (2 documents) 6778, 6780
83 6778

Rules and Regulations

Title 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 213—EXCEPTED SERVICE

Entire Executive Civil Service

Section 213.3102 is amended to show the exception under Schedule A of certain temporary positions when filled by persons participating in programs established to encourage youth to resume or continue their education. The positions covered are paid at the equivalent of the minimum wage established by the Fair Labor Standards Amendments of 1961, currently $1.25 an hour, and involve laboring or other routine work. Participants must be at least 16 years old and must be certified by a local organization cooperating with a Federal agency in alleviating youth problems. The Schedule A exception, which may be used only for specific programs and locations identified by the Civil Service Commission, is effective upon publication in the FEDERAL REGISTER. Paragraph (v) is added to § 213.3102 as set out below.

§ 213.3102 Entire executive civil service.

* * * * *

(v) Between June 1, 1965, and September 30, 1965, temporary positions whose pay has been fixed at the equivalent of the minimum wage established by the Fair Labor Standards Amendments of 1961 (currently $1.25 an hour) and whose duties involve laboring work or other work of a routine nature requiring primarily physical effort and no specific knowledges or skills, when filled by persons participating in a program established to encourage youth to resume or continue their education. A person may not be appointed under this authority (1) unless he has reached his 16th birthday and is certified by a local organization cooperating with a Federal agency in alleviating youth problems; or (2) for more than 700 hours. This authority may be used only for those specific programs and locations identified by the Commission.

(R.S. 1753, sec. 2, 22 Stat. 403, as amended; 5 U.S.C. 631, 633; E.O. 10577, 19 F.R. 7521, 3 CFR, 1954–58 Comp., p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] MARY V. WENZEL,
Executive Assistant to the Commissioners.

[F.R. Doc. 65-5103; Filed, May 18, 1965; 8:45 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Agency

SUBCHAPTER E—AIRSPACE

[Airspace Docket No. 65-SW-82]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Federal Register Document

On April 27, 1965, Federal Register Document 65-4337 was published (30 F.R. 5827) which, in part, designated the Fort Worth, Tex. (Meacham Field), control zone, effective 0001 e.s.t., July 22, 1965.

Subsequent to the publication of this rule in the FEDERAL REGISTER, it was determined that the Fort Worth, Tex., radio beacon, upon which the control zone extension to the north is based, will be relocated to the Meacham Field ILS outer marker site on or about June 24, 1965. As a result of this relocation, the north extension is eliminated herein.

Since this change is less restrictive in nature and imposes no additional burden on any person, notice and public procedures hereon are unnecessary and the effective date of the final rule may be retained as initially adopted.

In consideration of the foregoing, paragraph 7 of Federal Register Document No. 65-4337 is amended, effective immediately, to read as follows:

"In § 71.171 (29 F.R. 17581), the following control zone is added: Fort Worth, Tex. (Meacham Field). That airspace within a 5-mile radius of Meacham Field (latitude 32°49'00" N., longitude 97°21'35" W.); within a 5-mile radius of Carswell AFB (latitude 32°-46'20" N., longitude 97°26'30" W.); and within 2 miles each side of the Meacham Field ILS localizer S course, extending from Meacham Field to 6 miles S; excluding the portion W of longitude 97°24'00" W."

(Sec. 307(a) of the Federal Aviation Act of 1958; 49 U.S.C. 1348)

Issued in Fort Worth, Tex., on May 12, 1965.

A. L. COULTER,
Acting Director, Southwest Region.

[F.R. Doc. 65-5230; Filed, May 18, 1965; 8:45 a.m.]

[Airspace Docket No. 65-WE-7]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Modification of Amendment to Control Zone Designation

On March 17, 1965, there was published in the FEDERAL REGISTER (30 F.R. 3516) an amendment to Part 71 of the Federal Aviation Regulations designating a control zone at Napa, Calif.

Subsequent to the publication of the amendment, it was determined that the Federal Aviation Agency control tower at Napa County Airport would become operational during the month of July 1965. Therefore, on April 30, 1965, there was published in the FEDERAL REGISTER (30 F.R. 6113) a modification to the previous amendment of Part 71 of the Federal Aviation Regulations, changing the effective date for the commissioning of the Napa, Calif., control zone from June 24, 1965, to July 22, 1965.

Subsequent to the publication of the modification of the amendment additional delay in the commissioning of the Federal Aviation Agency control tower at Napa Airport has been encountered. therefore, action is taken herein to change the effective date of the rule to August 19, 1965.

Since 30 days will elapse from the time of publication of the rule as initially adopted to the new effective date, this change is made in compliance with section 4 of the Administrative Procedure Act.

In consideration of the foregoing, Airspace Docket No. 65-WE-7 is amended, effective immediately, as follows: "effective 0001 e.s.t., July 22, 1965" is deleted and "effective 0001 e.s.t., August 19, 1965" is substituted therefor.

(Sec. 307(a) of the Federal Aviation Act of 1958, as amended; 72 Stat. 749; 49 U.S.C. 1348)

Issued in Los Angeles, Calif., on May 11, 1965.

LEE E. WARREN,
Acting Director, Western Region.

[F.R. Doc. 65-5231; Filed, May 18, 1965; 8:45 a.m.]

[Airspace Docket No. 65-WE-50]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Control Zone and Transition Area

The purpose of these amendments to Part 71 of the Federal Aviation Regulations is to alter the Winslow, Ariz., control zone and transition area.

The Winslow control zone and transition area are presently designated, in part, with reference to the Winslow RBN. This facility is being converted to an SABH, non-IFR, type beacon and the prescribed instrument approach procedure is being canceled. Therefore, action is taken herein to revoke the control zone extension and 700-foot transition area extension based on this facility.

Since these amendments are minor in nature and impose no additional burden on any person, notice and public procedure hereon are unnecessary, and these

amendments may be made effective in less than 30 days.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0001 e.s.t., May 27, 1965, as hereinafter set forth.

1. In § 71.171 (29 F.R. 17642), the Winslow, Ariz., control zone is amended to read:

WINSLOW, ARIZ.

Within a 6-mile radius of Winslow Municipal Airport (latitude 35°01'15" N., longitude 110°43'15" W.).

2. In § 71.181 (29 F.R. 17706), the Winslow, Ariz., transition area is amended to read:

WINSLOW, ARIZ.

That airspace extending upward from 700 feet above the surface within a 9-mile radius of Winslow Municipal Airport (latitude 35°01'15" N., longitude 110°43'15" W.), and within 2 miles each side of the Winslow VORTAC 314° radial, extending from the 9-mile radius area to 8 miles NW of the VORTAC; that airspace extending upward from 1,200 feet above the surface within 10 miles SW and 13 miles NE of the Winslow VORTAC 154° and 334° radials, extending from 15 miles NW to 25 miles SE of the VORTAC.

(Sec. 307(A) of the Federal Aviation Act of 1958, as amended, 72 Stat. 749; 49 U.S.C. 1348)

Issued in Los Angeles, Calif., on May 11, 1965.

LEE E. WARREN,
Acting Director, Western Region.

[F.R. Doc. 65-5232; Filed, May 18, 1965; 8:46 a.m.]

SUBCHAPTER F—AIR TRAFFIC AND GENERAL OPERATING RULES [NEW]

[Reg. Docket No. 6645; Amdt. 95-128]

PART 95—IFR ALTITUDES

Miscellaneous Changes

The purpose of this amendment to Part 95 of the Federal Aviation Regulations is to make changes in the IFR altitudes at which all aircraft shall be flown over a specified route or portion thereof. These altitudes, when used in conjunction with the current changeover points for the routes or portions thereof, also assure navigational coverage that is adequate and free of frequency interference for that route or portion thereof.

As a situation exists which demands immediate action in the interest of safety, I find that compliance with the notice and procedure provisions of the Administrative Procedure Act is impracticable and that good cause exists for making this amendment effective within less than 30 days from publication.

In consideration of the foregoing and pursuant to the authority delegated to me by the Administrator (24 F.R. 5662), Part 95 of the Federal Aviation Regulations is amended, effective June 24, 1965, as follows:

1. By amending Subpart C as follows:

Section 95.101 *Amber Federal airway 1* is amended to read in part:

From, to, and MEA
Dixon INT, Alaska; Sitka, Alaska, LFR; 4,000.

Section 95.264 *Red Federal airway 64* is amended to read:

From, to, and MEA
Dixon INT, Alaska; Annette Island, Alaska, LFR; 4,700.

Section 95.625 *Blue Federal airway 25* is amended to read in part:

Gulkana, Alaska LFR; *Big Delta, Alaska, LFR; **12,000. *9,200—MCA Big Delta LFR, southbound. **11,500—MOCA.

Section 95.1001 *Direct route—United States* is amended by adding:

Albany, Ga., VOR; Lumpkin INT, Ga.; *2,000. *1,900—MOCA.
Albany, Ga., VOR; Turner AFB, Ga., VOR; *1,800. *1,500—MOCA.
Alma, Ga., VOR; Browntown INT, Ga.; *2,000. *1,400—MOCA.
Alma, Ga., VOR; Liberty, Ga., RBN; *3,000. *1,400—MOCA.
Browntown INT, Ga., Brunswick, Ga., VOR; *1,500. *1,300—MOCA.
Browntown INT, Ga., Navy Glynco, Ga., RBN; *1,500. *1,300—MOCA.
Browntown INT, Ga.; Waverly INT, Ga.; *2,500. *1,300—MOCA.
Brunswick, Ga., VOR; Cox INT, Ga.; *1,500. *1,300—MOCA.
Brunswick, Ga., VOR; Liberty, Ga., RBN; *2,000. *1,300—MOCA.
Brunswick, Ga., VOR; Stafford INT, Ga.; *1,500. *1,200—MOCA.
Brunswick, Ga., VOR; Starfish INT, Ga.; *2,000. *1,200—MOCA.
Cox INT, Ga.; Alma, Ga., VOR; *2,000. *1,400—MOCA.
Cox INT, Ga.; Browntown INT, Ga.; *2,500. *1,200—MOCA.
Cutler INT, Fla.; Biscayne, Fla., VOR; *1,500. *1,100—MOCA.
Desoto INT, Ga.; Turner AFB, Ga., VOR; *1,800. *1,600—MOCA.
Givhans INT, S.C.; Tucker INT, S.C.; *2,200. *1,300—MOCA.
Golden Beach INT, Fla.; Miami, Fla., VOR; 2,000.
Lee INT, Fla.; Valdosta, Ga., VOR; *1,800. *1,500—MOCA.
Mango INT, Fla.; Miami, Fla., I-MIA, lcsr crs.; *3,000. *1,000—MOCA.
Marlow INT, Ga.; Liberty, Ga., RBN; 2,200.
Marlow INT, Ga.; Savannah, Ga., LOM; *1,700. *1,400—MOCA.
Navy Glynco, Ga., TACAN; Cox INT, Ga.; *1,500. *1,200—MOCA.
Navy Glynco, Ga., TACAN; Stafford INT, Ga.; *1,500. *1,300—MOCA.
Sale INT, Ga.; Turner AFB, Ga., VOR; *1,800. *1,500—MOCA.
Savannah, Ga., VOR; Cox INT, Ga.; *2,000. *1,500—MOCA.
Savannah, Ga., VOR; Alma, Ga., VOR; *3,000. *1,500—MOCA.
Savannah, Ga., VOR; Liberty, Ga., RBN; *2,000. *1,500—MOCA.
Tucker INT, S.C.; Charleston, S.C., LOM; *1,500. *1,300—MOCA.
Valdosta, Ga., VOR; Moody AFB, Ga., VOR; *1,800. *1,500—MOCA.
Valdosta, Ga., VOR; Quitman INT, Ga.; *1,800. *1,600—MOCA.
Int, 296° M rad, BSY, and 152° M rad, MIA; Miami, Fla., MFA; ILS lcsr. crs.; *1,500. *1,300—MOCA.
Gulfport, Miss., VOR; Mouse INT, Miss.; *1,600. *1,500—MOCA.
Mouse INT, Miss.; Wiggins INT, Miss.; 2,500.
Columbus, Miss., VOR; Int, 150° M rad, Columbus VOR and 227° M rad, Tuscaloosa VOR; *1,800. *1,600—MOCA. MAA—7,000.
Ennis INT, Tex.; Quitman, Tex., VOR; *4,000. *1,900—MOCA.
West Palm Beach, Fla., VOR; Barracuda INT, Fla. (via control 1,150); 29,000.
West Palm Beach, Fla., VOR; Sturgeon INT, Fla. (via control 1,150); 14,000.
Gadsden, Ala., VOR; Lehigh INT, Ala.; *3,000. *2,500—MOCA.
Gadsden, Ala., VOR; Geraldine INT, Ala.; *3,000. *2,300—MOCA.

From, to, and MEA
Anniston, Ala., VOR; Steele INT, Ala.; *3,000. *2,500—MOCA.
Cairns, Ala., VOR; Clayton INT, Ala.; *2,000. *1,700—MOCA.
Birmingham, Ala., LMM; Trussville INT, Ala.; *2,700. *2,400—MOCA.
Anniston, Ala., VOR; Leeds INT, Ala.; *3,000. *2,600—MOCA.

Section 95.1001 *Direct route—United States* is amended to read in part:

Todd INT, La.; Neptune INT, La.; *5,000. *4,000—MOCA.
Muscle Shoals, Ala., VOR; Nashville, Tenn., VOR (via MSL 024/BNA 205); *3,000. *2,300—MOCA.
Brookwood, Ala., VOR; Bessemer INT, Ala.; *2,800. *2,000—MOCA.

Section 95.6001 *VOR Federal airway 1* is amended to read in part:

Kinston, N.C., VOR; *Zang INT, N.C.; 1,900. *4,000—MRA.
Zang INT, N.C., Barnegat, N.J., VOR; Oak City INT, N.C., Int, 170° M rad, Kennedy VOR and 053° M rad, Barnegat VOR; 1,900. *3,000. *1,600—MOCA.
Int, 170° M rad, Kennedy VOR and 053° M rad, Barnegat VOR; Kennedy, N.Y., VOR; *2,000. *1,500—MOCA.
Kennedy, N.Y., VOR; Int, 010° M rad, Kennedy VOR and 217° M rad, Carmel VOR; *2,500. *1,500—MOCA.
Int, 010° M rad, Kennedy VOR and 217° M rad, Carmel VOR; Carmel, N.Y., VOR; *2,500. *1,900—MOCA.

Section 95.6002 *VOR Federal airway 2* is amended to read in part:

*Spokane, Wash., VOR; Rockford DME INT, Wash., westbound 7,200, eastbound 9,000. *5,200—MCA Spokane, VOR; eastbound. Rockford DME INT, Wash.; Mullan Pass, Idaho, VOR; 9,000.

Section 95.6003 *VOR Federal airway 3* is amended to read in part:

Jacksonville, Fla., VOR; Via W alter.; *O'Neill INT, Fla., via W alter.; **1,300. *1,500—MRA. **1,100—MOCA.
O'Neill INT, Fla., via W alter.; Brunswick, Ga., VOR; via W alter.; *1,500. *1,300—MOCA.
*St. Marys INT, Ga.; Brunswick, Ga., VOR; **1,500. *2,000—MRA. **1,100—MOCA.
Brunswick, Ga., VOR; *Fairhope INT, Ga.; **1,500. *3,000—MRA. **1,300—MOCA.
Fairhope INT, Ga.; *Harris Neck INT, Ga.; **1,600. *3,800—MRA. **1,200—MOCA.
Solberg, N.J., VOR; Int, 096° M rad, Sparta VOR and 244° M rad, Carmel VOR; *2,000. *1,900—MOCA.
Int, 093° M rad, Sparta VOR and 244° M rad, Carmel VOR; Carmel, N.Y., VOR; 2,600.
West Chester, Pa., VOR; Int, 056° M rad, West Chester VOR and 166° M rad, Pottstown VOR; *2,400. *2,000—MOCA.
Int, 056° M rad, West Chester VOR and 166° M rad, Pottstown VOR; Warrington INT, Pa.; 2,000.

Section 95.6004 *VOR Federal airway 4* is amended to read in part:

Hallsville, Mo., VOR; St. Paul INT, Mo.; *2,700. *2,100—MOCA.
St. Paul INT, Mo.; St. Louis, Mo., VOR; *2,200. *1,700—MOCA.

Section 95.6008 *VOR Federal airway 8* is amended to read in part:

Long Beach, Calif., VOR; Anaheim INT, Calif.; *3,000. *2,100—MOCA.
Anaheim INT, Calif.; Olive INT, Calif.; *4,000. *3,200—MOCA.
Olive INT, Calif.; Ontario, Calif., VOR; 5,000.

From, to, and MEA
*Hanksville, Utah, VOR, via S alter.; Grand Junction, Colo., VOR, via S alter.; **10,700. *11,000—MCA Hanksville VOR, southwestbound. **10,500—MOCA.

Section 95.6008 *VOR Federal airway 8* is amended by adding:

Bryce Canyon, Utah VOR, via N alter.; *San Rafael INT, Utah, via N alter.; **16,000. *14,000—MCA San Rafael INT, westbound. **13,300—MOCA.
San Rafael INT, Utah, via N alter.; Grand Junction, Colo., VOR, via N alter.; *11,000. *9,200—MOCA.

Section 95.6012 *VOR Federal airway 12* is amended to read in part:

Readsville, Mo., VOR, via S alter.; Maryland Heights, Mo., VOR, via S alter.; *2,700. *2,200—MOCA.

Section 95.6013 *VOR Federal airway 13* is amended to read in part:

Houston, Tex., VOR; Humble INT, Tex.; *1,600. *1,500—MOCA.
Humble INT, Tex.; Cleveland INT, Tex.; 1,500.

Section 95.6015 *VOR Federal airway 15* is amended to read in part:

Magnolia INT, Tex.; College Station, Tex., VOR; *2,000. *1,800—MOCA.
Sealy INT, Tex., via W alter.; College Station, Tex., VOR, via W alter.; *2,100. *1,400—MOCA.
*Gunther INT, Tex.; Ardmore, Okla., VOR; **2,700. *2,600—MRA. **2,300—MOCA.
Dallas, Tex., VOR, via W alter.; Gainesville INT, Tex., via W alter.; 2,500. *2,100—MOCA.
Gainesville INT, Tex., via W alter.; Ardmore, Okla., VOR, via W alter.; *2,700. *2,300—MOCA.

Section 95.6017 *VOR Federal airway 17* is amended to read in part:

Laredo, Tex., VOR; *Webb INT, Tex.; **2,300. *5,000—MRA. **2,000—MOCA.
Webb INT, Tex.; Cotulla, Tex., VOR; *2,300. *1,700—MOCA.
*Millett INT, Tex.; Leming INT, Tex.; **2,500. *5,000—MRA. **1,600—MOCA.
Leming INT, Tex.; Losoya INT, Tex.; *2,300. *1,600—MOCA.
San Antonio, Tex., VOR; Austin, Tex., VOR; 3,000.
San Antonio, Tex., VOR, via E. alter.; Austin, Tex., VOR, via E alter.; 3,000.
Austin, Tex., VOR; *Georgetown INT, Tex.; 2,300. *4,000—MRA.

Section 95.6020 *VOR Federal airway 20* is amended to read in part:

Corpus Christi, Tex., VOR; Bayside INT, Tex.; *1,600. *1,400—MOCA.
Bayside INT, Tex.; Palacios, Tex., VOR; *1,700. *1,400—MOCA.
Corpus Christi, Tex., VOR, via N alter.; Austwell INT, Tex., via N alter.; *1,600. *1,200—MOCA.
Austwell INT, Tex., via N alter.; Palacios, Tex., VOR, via N alter.; *1,700. *1,400—MOCA.
Palacios, Tex., VOR; Damon INT, Tex.; *1,800. *1,400—MOCA.
Damon INT, Tex.; Arcola INT, Tex.; 1,600.
Houston, Tex., VOR, via S alter.; La Porte INT, Tex., via S alter.; *1,600. *1,500—MOCA.
La Porte INT, Tex., via S alter.; Sabine Pass, Tex., VOR, via S alter.; 1,500.

Section 95.6021 *VOR Federal airway 21* is amended to read in part:

Long Beach, Calif., VOR; Anaheim INT, Calif.; *3,000. *2,100—MOCA.
Anaheim INT, Calif.; Olive INT, Calif.; *4,000. *3,200—MOCA.

From, to, and MEA
Olive INT, Calif.; Ontario, Calif., VOR; 5,000.

Section 95.6022 *VOR Federal airway 22* is amended to read in part:

Houston, Tex., VOR; La Porte INT, Tex.; *1,600. *1,500—MOCA.
La Porte INT, Tex.; Sabine Pass, Tex., VOR; 1,500.

Section 95.6023 *VOR Federal airway 23* is amended to read in part:

Portland, Oreg., VOR; *Mayfield INT, Wash.; 5,000. *6,000—MRA.

Section 95.6026 *VOR Federal airway 26* is amended to read in part:

*Rapid City, S. Dak., VOR; Philip, S. Dak., VOR; 4,500. *6,500—MCA Rapid City VOR; Westbound.

Section 95.6035 *VOR Federal airway 35* is amended by adding:

Blackford, Va., VOR; via E alter.; Bluefield, W. Va., VOR, via E alter.; 6,600.
Bluefield, W. Va., VOR, via E alter.; Charleston, W. Va., VOR, via E alter.; 6,000.

Section 95.6037 *VOR Federal airway 37* is amended to read in part:

Savannah, Ga., VOR; *Tillman INT, S.C.; **2,000. *3,000—MRA. **1,300—MOCA.

Section 95.6043 *VOR Federal airway 43* is amended to read in part:

Youngstown, Ohio, VOR; Linesville INT, Pa.; 3,000.

Section 95.6044 *VOR Federal airway 44* is amended to read in part:

Barnegat, N.J., VOR; Int, 170° M rad, Kennedy VOR and 053° M rad, Barnegat VOR; *3,000. *1,600—MOCA.
Int, 170° M rad, Kennedy VOR and 053° M rad, Barnegat VOR; Riverhead, N.Y., VOR; *2,000. *1,500—MOCA.

Section 95.6051 *VOR Federal airway 51* is amended to read in part:

Highway, Tenn., VOR, via E alter.; Liberty INT, Ky., via F alter.; *3,100. *2,400—MOCA.
Liberty INT, Ky., via E alter.; Louisville, Ky., VOR, via E alter.; *2,700. *2,000—MOCA.

Section 95.6052 *VOR Federal airway 52* is amended to read in part:

*Rockport INT, Ill.; Winfield INT, Mo.; **2,600. *3,200—MRA. **1,800—MOCA.
Winfield INT, Mo.; St. Louis, Mo., VOR; *2,400. *1,800—MOCA.

Section 95.6053 *VOR Federal airway 53* is amended to read in part:

Henryville INT, Ind.; Houston INT, Ind.; *3,500. *2,600—MOCA.

Section 95.6053 *VOR Federal airway 53* is amended by adding:

Columbia, S.C., VOR, via W alter.; Greenwood, S.C., VOR via W alter.; *2,200. *2,100—MOCA.
Greenwood, S.C., VOR, via W alter.; *Inman INT, S.C., via W alter.; **3,000. *4,000—MCA Inman INT, northbound. **2,500—MOCA.
Inman INT, S.C. via W alter.; Asheville, N.C., VOR, via W alter.; 6,000.

Section 95.6055 *VOR Federal airway 55* is amended to read in part:

Brainerd, Minn., VOR; Beltrami INT, Minn.; *8,000. *2,600—MOCA.
Beltrami INT, Minn.; Grand Forks, N. Dak., VOR; *3,300. *2,200—MOCA.
Stevens Point, Wis., VOR; Junction City INT, Wis.; *3,000. *2,400—MOCA.

From, to, and MEA
Junction City INT, Wis.; Eau Claire, Wis., VOR; *3,200. *2,700—MOCA.

Section 95.6059 *VOR Federal airway 59* is amended to read in part:

Beckley, W. Va., VOR; Ivydale INT, W. Va.; *5,000. *4,900—MOCA.
Ivydale INT, W. Va.; Walnut Grove INT, W. Va.; 5,000.

Section 95.6064 *VOR Federal airway 64* is amended to read in part:

Long Beach, Calif., VOR; *Tustin INT, Calif.; 2,500. *4,300—MCA Tustin INT, eastbound.

Section 95.6068 *VOR Federal airway 68* is amended to read in part:

Solon INT, Tex.; *Armstrong INT, Tex.; **3,000. *3,000—MRA. **1,500—MOCA.
Junction, Tex., VOR; Doss INT, Tex.; *3,700. *3,400—MOCA.
San Antonio, Tex., VOR; McCoy INT, Tex.; *3,000. *2,300—MOCA.
Three Rivers INT, Tex.; Cartwright INT, Tex.; *2,500. *1,800—MOCA.

Section 95.6070 *VOR Federal airway 70* is amended to read in part:

Corpus Christi, Tex., VOR; Bayside INT, Tex.; *1,600. *1,400—MOCA.
Bayside INT, Tex.; Palacios, Tex., VOR; *1,700. *1,400—MOCA.
Palacios, Tex., VOR; Jones Creek INT, Tex.; *1,700. *1,400—MOCA.
Jones Creek INT, Tex.; Galveston, Tex., VOR; *1,500. *1,400—MOCA.

Section 95.6072 *VOR Federal airway 72* is amended to read in part:

Richwoods, Mo., VOR; Troy, Ill., VOR; 2,600.

Section 95.6076 *VOR Federal airway 76* is amended to read in part:

Llano, Tex., VOR; Lake Travis INT, Tex.; *3,000. *2,500—MOCA.
Llano, Tex., VOR, via S alter.; Granite Shoals INT, Tex., via S alter.; *3,000. *2,800—MOCA.
Austin, Tex., VOR; Paige INT, Tex.; 2,100.

Section 95.6093 *VOR Federal airway 93* is amended to read in part:

Jarrettsville INT, Md.; Lancaster, Pa., VOR; 3,000.

Section 95.6112 *VOR Federal airway 112* is amended to read in part:

The Dalles, Oreg., VOR; *Ione INT, Oreg.; 4,300. *6,000—MRA.

Section 95.6123 *VOR Federal airway 123* is amended to read in part:

La Guardia, N.Y., VOR; Int, 045° M rad, La Guardia VOR and 294° M rad, Deer Park VOR; *2,500. *1,500—MOCA.
Int, 045° M rad, La Guardia VOR and 294° M rad, Deer Park VOR; Stamford INT, N.Y.; *2,500. *1,700—MOCA.

Section 95.6134 *VOR Federal airway 134* is deleted.

Section 95.6136 *VOR Federal airway 136* is amended to read in part:

Pulaski, Va., VOR; Pigg INT, Va.; 5,500.
Pigg INT, Va.; Dry Fork INT, Va.; 3,500.
Dry Fork INT, Va.; South Boston, Va., VOR; 2,800.

Section 95.6153 *VOR Federal airway 153* is amended to read in part:

Bayville INT, N.Y.; Int, 070° M rad, La Guardia VOR and 029° M rad, Kennedy VOR; *2,000. *1,100—MOCA.

From, to, and MEA

Int, 070° M rad, La Guardia VOR and 029° M rad, Kennedy VOR; La Guardia, N.Y., VOR; *2,000. *1,500—MOCA.

Section 95.6157 *VOR Federal airway 157* is amended to read in part:

La Guardia, N.Y., VOR; Int, 045° M rad, La Guardia VOR and 294° M rad, Deer Park VOR; *2,500. *1,500—MOCA.
Int, 045° M rad, La Guardia VOR and 294° M rad, Deer Park VOR; Stamford INT, N.Y.; *2,500. *1,700—MOCA.
Stamford INT, N.Y.; Int, 045° M rad, La Guardia VOR and Carmel VOR; *2,600. *2,100—MOCA.

Section 95.6159 *VOR Federal airway 159* is amended to read in part:

West Palm Beach, Fla., VOR; *Monet INT, Fla.; **1,500. *2,000—MRA. **1,300—MOCA.
Monet INT, Fla.; Pluto INT, Fla.; *2,000. *1,200—MOCA.
Pluto INT, Fla.; Vero Beach, Fla., VOR; *2,000. *1,300—MOCA.

Section 95.6162 *VOR Federal airway 162* is amended to read in part:

Harrisburg, Pa., VOR; via S alter.; Boyer INT, Pa., via S alter.; 3,000.

Section 95.6163 *VOR Federal airway 163* is amended to read in part:

Corpus Christi, Tex., VOR; Sinton INT, Tex.; *1,700. *1,400—MOCA.
Bergheim INT, Tex.; Spring Branch INT, Tex.; *3,300. *2,800—MOCA.
Willow City INT, Tex.; Kingsland INT, Tex.; *4,000. *2,900—MOCA.
Mansfield INT, Tex.; *Armstrong INT, Tex.; **3,000. *3,000—MRA. **1,400—MOCA.
Harlingen, Tex., VOR, via W alter.; *Armstrong INT, Tex., via W alter.; **1,500. *3,000—MRA. **1,400—MOCA.
Christine INT, Tex.; Leming INT, Tex.; *2,200. *1,700—MOCA.
Leming INT, Tex.; Losoya INT, Tex.; *2,300. *1,600—MOCA.
Alvord INT, Tex.; Ardmore, Okla., VOR; *3,000. *2,600—MOCA.

Section 95.6167 *VOR Federal airway 167* is amended to read in part:

Coyle, N.J., VOR; Int, 057° M rad, Coyle VOR and 206° M rad, Kennedy VOR; 3,000.
Int, 057° M rad, Coyle VOR and 206° M rad, Kennedy VOR; Kennedy, N.Y., VOR; 1,700.
Kennedy, N.Y., VOR; Int, 053° M rad, Kennedy VOR and 091° M rad, La Guardia VOR; *2,500. *1,500—MOCA.
Int, 053° M rad, Kennedy VOR and 091° M rad, La Guardia VOR; Northport INT, N.Y.; *2,500. *1,500—MOCA.

Section 95.6169 *VOR Federal airway 169* is amended to read in part:

Sidney, Nebr., VOR; Scottsbluff, Nebr., VOR; *6,400. *5,700—MOCA.

Section 95.6180 *VOR Federal airway 180* is amended to read in part:

*Weimar INT, Tex.; Eagle Lake, Tex., VOR; **2,100. *3,000—MRA. **1,700—MOCA.

Section 95.6183 *VOR Federal airway 183* is amended to read:

*Santa Barbara, Calif., VOR; Maricopa INT, Calif.; **9,000. *7,500—MCA Santa Barbara VOR, northeastbound. **8,900—MOCA.
*Maricopa INT, Calif.; Bakersfield, Calif.; 3,000. *5,000—MCA Maricopa INT, southwestbound.

Section 95.6188 *VOR Federal airway 188* is amended to read in part:

Jefferson, Ohio, VOR; Tidioute, Pa., VOR; 3,500.

Section 95.6191 *VOR Federal airway 191* is amended to read in part:

From, to, and MEA

Stevens Point, Wis., VOR; Wausau, Wis., VOR; *3,000. *2,500—MOCA.

Section 95.6198 *VOR Federal airway 198* is amended to read in part:

*Weimar INT, Tex.; Eagle Lake, Tex., VOR; **2,100. *3,000—MRA. **1,700—MOCA.

Section 95.6210 *VOR Federal airway 210* is amended to read in part:

Hallsville, Mo., VOR; St. Paul INT, Mo.; *2,700. *2,100—MOCA.
St. Paul INT, Mo.; St. Louis, Mo., VOR; *2,200. *1,700—MOCA.

Section 95.6234 *VOR Federal airway 234* is amended to read in part:

Dalhart, Tex., VOR; Int, 223° M rad, Liberal VOR and 343° M rad, Borger VOR; 5,700.
Int, 223° M rad, Liberal VOR and 343° M rad, Borger VOR; Liberal, Kans., VOR; *5,700. *4,700—MOCA.

Section 95.6238 *VOR Federal airway 238* is amended to delete:

West Chester, Pa., VOR; Echelon INT, N.J.; 2,000.
Phillipsburg, Pa., VOR; Harrisburg, Pa., VOR; 4,000.

Section 95.6251 *VOR Federal airway 251* is amended to read in part:

Hanover INT, Pa.; Delroy INT, Pa.; 4,000.
Delroy INT, Pa.; Lancaster, Pa., VOR; 3,000.

Section 95.6252 *VOR Federal airway 252* is amended to read in part:

Sparta, N.J., VOR; Int, 061° M rad, Solberg VOR and 155° M rad, Sparta VOR; 2,500.

Section 95.6253 *VOR Federal airway 253* is amended to read in part:

*Boise, Idaho, VOR; Banks INT, Idaho, northbound 10,400; southbound 8,000. *6,500—MCA Boise VOR, northbound.

Section 95.6258 *VOR Federal airway 258* is amended to read in part:

Sharon INT, W. Va.; Beckley, W. Va., VOR; *5,500. *5,200—MOCA.

Section 95.6258 *VOR Federal airway 258* is amended to delete:

Roanoke, Va., VOR; Penhook INT, Va.; 5,000.

Section 95.6258 *VOR Federal airway 258* is amended by adding:

Roanoke, Va., VOR; Blackwater INT, Va.; 5,000.
Blackwater INT, Va.; Pigg INT, Va.; 3,500.
Pigg INT, Va.; Danville, Va., VOR; 3,900.

Section 95.6287 *VOR Federal airway 287* is amended to read in part:

Portland, Oreg., VOR; *Mayfield INT, Wash.; 5,000. *6,000—MRA.

Section 95.6293 *VOR Federal airway 293* is amended to read:

Ely, Nev., VOR; *Elko, Nev. VOR; **#14,000. *12,000—MCA Elko VOR, southbound. **13,100—MOCA. #MEA is established with a gap in navigation signal coverage.

Section 95.6304 *VOR Federal airway 304* is amended to read in part:

Borger, Tex., VOR, via W alter.; Int, 223° M rad, Liberal VOR and 343° M rad, Borger VOR, via W alter.; *6,000. *4,700—MOCA.
Int, 223° M rad, Liberal VOR and 343° M rad, Borger VOR, via W alter.; Liberal, Kans., VOR, via W alter.; *5,700. *4,700—MOCA.

Section 95.6401 *Hawaii VOR Federal airway 1* is amended to read in part:

From, to, and MEA

Paradise INT, Hawaii; *Hibiscus INT, Hawaii; 4,000. *4,000—MRA.

Section 95.6402 *Hawaii VOR Federal airway 2* is amended to read in part:

*Hilo, Hawaii, VOR; Int, 080° M rad, Hilo VOR and 011° bearing from Pahoa RBN. *3,000—MCA Hilo VOR, northwestbound.
High Tide INT, Hawaii; Breakers INT, Hawaii; *4,000. *1,000—MOCA.
Breakers INT, Hawaii; Honolulu, Hawaii, VOR; 4,000.

Section 95.6403 *Hawaii VOR Federal airway 3* is deleted.

Section 95.6415 *Hawaii VOR Federal airway 15* is amended to read in part:

Int, 097° M rad, South Kauai VOR and 119° M rad, Lihue VOR; Breakers INT, Hawaii; *4,000. *1,000—MOCA.
Breakers INT, VOR; Honolulu, Hawaii, VOR; 4,000.

Section 95.6416 *Hawaii VOR Federal airway 16* is amended to read in part:

*Arbor INT, Hawaii; **Redwood INT, Hawaii; ***9,000. *7,000—MRA. **9,000—MRA. ***2,000—MOCA.

Section 95.6433 *VOR Federal airway 433* is amended to read in part:

La Guardia, N.Y., VOR; Int, 010° M rad, Kennedy VOR and 217° M rad, Carmel VOR; *2,500. *1,500—MOCA.
Int, 010° M rad, Kennedy VOR and 217° M rad, Carmel VOR; Carmel, N.Y., VOR; *2,500. *1,900—MOCA.

Section 95.6455 *VOR Federal airway 455* is amended by adding:

New Orleans, La., VOR, via E alter.; Clam INT, La., via E alter.; 1,400.
Clam INT, La., via E alter.; Gulfport, Miss., VOR, via E alter.; 1,500.
Gulfport, Miss., VOR, via E alter; Mouse INT, Miss., via E alter.; 1,500.
Mouse INT, Miss., via E alter.; Hattiesburg, Miss., VOR, via E alter.; 2,000.

Section 95.6472 *VOR Federal airway 472* is amended by adding:

Elizabeth City, N.C., VOR; *Zang INT, N.C.; **4,000. *4,000—MRA. *4,000—MCA Zang INT, eastbound. **1,400—MOCA.
Zang INT, N.C.; Kinston, N.C., VOR; 1,900.

Section 95.6493 *VOR Federal airway 493* is amended by adding:

Highway, Tenn., VOR; Lexington, Ky., VOR; *3,500. *2,800—MOCA.

Section 95.6804 *VOR Federal airway 804* is amended to read in part:

St. Louis, Mo., VOR; St. Paul INT, Mo.; *2,200. *1,700—MOCA.
St. Paul INT, Mo.; Hallsville, Mo., VOR; *2,700. *2,100—MOCA.

Section 95.6805 *VOR Federal airway 805* is amended to read in part:

Oak City INT, N.C.; *Zang INT, N.C.; 1,900. *4,000—MRA.
Zang INT, N.C.; Kingston, N.C., VOR; 1,900.
Savannah, Ga., VOR; *Harris Neck INT, Ga.; **1,600. *3,800—MRA. **1,500—MOCA.
Harris Neck INT, Ga.; *Fairhope INT, Ga.; **1,600. *3,000—MRA. **1,200—MOCA.
Fairhope INT, Ga.; Brunswick, Ga., VOR; *1,500. *1,300—MOCA.
Brunswick, Ga., VOR; *St. Marys INT, Ga.; **1,500. *2,000—MRA. **1,100—MOCA.

Section 95.6839 *VOR Federal airway 839* is amended to read in part:

From, to, and MEA

Beckley, W. Va., VOR; Ivydale INT, W. Va.; *5,000. *4,900—MOCA.
Ivydale INT, W. Va.; Walnut Grove INT, W. Va.; 5,000.

Section 95.6845 *VOR Federal airway 845* is amended to read in part:

Ardmore, Okla., VOR; Gainesville INT, Tex.; *2,700. *2,300—MOCA.

Section 95.6859 *VOR Federal airway 859* is amended to read in part:

Ardmore, Okla., VOR; Gainesville INT, Tex.; *2,700. *2,300—MOCA.

Section 95.6863 *VOR Federal airway 863* is amended to read in part:

La Guardia, N.Y., VOR; Int, 070°M rad, La Guardia VOR and 029° M rad, Kennedy VOR; *2,000. *1,500—MOCA.
Int, 070° M rad, La Guardia VOR and 029° M rad, Kennedy VOR; Bayville INT, N.Y.; *2,000. *1,100—MOCA.

Section 95.6875 *VOR Federal airway 875* is amended to read in part:

Carmel, N.Y., VOR; Int, 093° M rad, Sparta VOR and 244° M rad, Carmel VOR; 2,600.
Int, 093° M rad, Sparta VOR and 244° M rad, Carmel VOR; Solberg, N.J., VOR; *2,000. *1,900—MOCA.

Section 95.7001 *Jet Route No. 1* is amended by adding:

From, to, MEA, and MAA

United States-Mexican border, San Diego, Calif., VORTAC; 18,000; 45,000.

Section 95.7018 *Jet Route No. 18* is amended to read in part:

Phoenix, Ariz., VORTAC; Grants, N. Mex., VOR; #21,000; 45,000. #MEA is established with a gap in navigation signal coverage.

Section 95.7024 *Jet Route No. 24* is amended to read in part:

Phoenix, Ariz., VORTAC; Grants, N. Mex., VOR; #21,000; 45,000. #MEA is established with a gap in navigation signal coverage.

Section 95.7034 *Jet Route No. 34* is amended to read in part:

Dickinson, N. Dak., VORTAC; Aberdeen, S. Dak., VOR; #18,000; 45,000. #MEA is established with a gap in navigation signal coverage.

Section 95.7070 *Jet Route No. 70* is amended to read in part:

Dickinson, N. Dak., VORTAC; Aberdeen, S. Dak., VOR; #18,000; 45,000. #MEA is established with a gap in navigation signal coverage.

Section 95.7084 *Jet Route No. 84* is amended to delete:

Northbrook, Ill., VORTAC; Carleton, Mich., VORTAC; 18,000; 45,000.
Carleton, Mich., VORTAC; Slate Run, Pa., VOR; 18,000; 45,000.
Slate Run, Pa., VOR; Kennedy, N.Y., VORTAC; 18,000; 45,000.

Section 95.7100 *Jet Route No. 100* is added to read:

From, to, MEA, and MAA

Bryce Canyon, Utah, VORTAC; Int 063° M rad, Bryce Canyon, VORTAC and 244° M rad, Grand Junction VORTAC; 26,000; 45,000.
Int 033° M rad, Bryce Canyon, VORTAC and 244° M rad, Grand Junction, VORTAC; Grand Junction, Colo., VORTAC; 18,000; 45,000.

Section 95.7121 *Jet Route No. 121* is added to read:

Norfolk, Va., VORTAC; Sea Isle, N.J., VORTAC; 18,000; 45,000.
Sea Isle, N.J., VORTAC; Hampton, N.Y., VORTAC; 18,000; 45,000.
Hampton, N.Y., VORTAC; Providence, R.I., VOR; 18,000; 45,000.
Providence, R.I., VOR; Int, 059° M rad, Providence, VORTAC and 082° M rad, Boston, VORTAC; 18,000; 45,000.

Section 95.7506 *Jet Route No. 506* is added to read:

Millinocket, Maine, VORTAC; United States-Canadian border; 18,000; 45,000.

Section 95.7509 *Jet Route No. 509* is added to read:

Int, 177° M rad, Massena, VOR and 215° M rad, St. Eustache, VOR; United States-Canadian border; 18,000; 45,000.

Section 95.7584 *Jet Route No. 584* is added to read:

Northbrook, Ill., VORTAC; Carleton, Mich., VORTAC; 18,000; 45,000.
Carleton, Mich., VORTAC; Slate Run, Pa., VOR; 18,000; 45,000.
Slate Run, Pa., VOR; Kennedy, N.Y., VORTAC; 18,000; 45,000.

Section 95.7586 *Jet Route No. 586* is added to read:

United States-Canadian border; Massena, N.Y., VOR; 18,000; 45,000.
Massena, N.Y., VOR; United States-Canadian border; 18,000; 45,000.

2. By amending Subpart D as follows:

Section 95.8003 *VOR Federal airway changeover points:*

Airway segment: From; to—Changeover point: Distance; from

V–8 is amended by adding:
Hanksville, Utah, VORTAC; Grand Junction, Colo., VORTAC; 40; Hanksville.
V–21 is amended to read in part:
Dubois, Idaho, VOR; Dillon, Mont., VOR; 46; Dubois.
V–257 is amended to read in part:
Dubois, Idaho, VOR; Dillon, Mont., VOR; 46; Dubois.
V–287 is amended by adding:
Portland, Oreg., VOR; Olympia, Wash., VOR; 42; Portland.
J–501 is amended by adding:
Seattle, Wash., VORTAC; United States-Canadian border; 60; Seattle.

(Secs. 307, 1110, Federal Aviation Act of 1958; 49 U.S.C. 1348, 1510)

Issued in Washington, D.C., on May 11, 1965.

EDWARD C. HODSON,
Acting Director,
Flight Standards Service.

[F.R. Doc. 65–5177; Filed, May 18, 1965; 8:45 a.m.]

Title 26—INTERNAL REVENUE

Chapter I—Internal Revenue Service, Department of the Treasury

SUBCHAPTER E—ALCOHOL, TOBACCO AND OTHER EXCISE TAXES

PART 170—MISCELLANEOUS REGULATIONS RELATING TO LIQUORS

Correction of CFR Supplement as of January 1, 1965

An inadvertent ommission occurs in Part 170 as it appears in Title 26 (Parts 170 to 299) Cumulative Supplement as of January 1, 1965. The omitted text set forth below follows page 6 of the Supplement:

REDEMPTION OF STAMPS IN PUERTO RICO

§ 170.633 Stamps eligible for redemption.

Subject to the provisions of section 6805, I.R.C., and of this subpart, unused Puerto Rican special rectification stamps, or unused rectification tax sheet stamps, may be redeemed if claim is filed within 3 years of the date of purchase of the stamps.

§ 170.634 Claim, Form 843.

Redemption of unused stamps under this subpart shall be allowed by the Chief, Collection Branch, pursuant to a claim on Form 843, for refund of the amount paid for unused stamps and shall be made only to the person or his legal representative, who purchased such stamps from the Government. The claim shall be filed with the Chief, Collection Branch. Separate claims shall be filed for each of the premises for which the stamps were procured. The stamps for which claim is made shall be attached to the Form 843, and the class, number, and denomination thereof shall be listed in the claim or in an attachment thereto. If the claim includes stamps which had been destroyed, evidence satisfactory to the Chief, Collection Branch, establishing such destruction must accompany the claim.

§ 170.635 Time for filing claim.

No claim for the redemption of stamps eligible for redemption under § 170.633 shall be allowed unless presented within 3 years after the purchase of such stamps from the Government.

§ 170.636 Authorized claimant.

Claims should be made in the name of the purchaser of the stamps, except that in the case where such person is deceased the claim should be made in the name of the executor or administrator. Certified copies of the letters of administration or letters testamentary, or other similar evidence, should be attached to the claim to show that the claimant is the executor, etc. If the claim is signed by an attorney-in-fact for an individual, partnership, association, or corporation, or by one of the members of a partnership or association,

or, in the case of a corporation, by an officer or other person, the authority for such signing must be evidenced by a duly authenticated copy of the power of attorney conferring authority upon the person signing the document to execute the same or, in the case of a corporation, by properly certified copies of extracts of the minutes of meetings of the board of directors authorizing certain officers or other persons to sign for the corporation: *Provided*, That such evidence of authority to sign need not be submitted with the claim where such document has previously been filed by the claimant with the Chief, Collection Branch. Powers of attorney shall be executed on Form 1534.

Title 7—AGRICULTURE

Chapter III—Agricultural Research Service, Department of Agriculture

[P.P.C. 613, 6th Rev.]

PART 301—DOMESTIC QUARANTINE NOTICES

Subpart—European Chafer

ADMINISTRATIVE INSTRUCTIONS DESIGNATING REGULATED AREAS UNDER EUROPEAN CHAFER QUARANTINE AND REGULATIONS

Pursuant to the authority conferred by § 301.77–2 of the regulations supplemental to the European chafer quarantine (7 CFR 301.77–2), under sections 8 and 9 of the Plant Quarantine Act of 1912, as amended, and section 106 of the Federal Plant Pest Act (7 U.S.C. 161, 162, 150ee), administrative instructions appearing as 7 CFR 301.77–2a are hereby revised to read as follows:

§ 301.77–2a Administrative instructions designating regulated areas under the European chafer quarantine and regulations.

The following counties and other civil divisions, and parts thereof, in the quarantined States listed below, are designated as European chafer regulated areas within the meaning of the provisions in this subpart:

CONNECTICUT

Hartford County. The towns of Berlin and Southington.

New Haven County. The town of Meriden.

NEW YORK

Broome County. The city of Binghamton.

Cayuga County. The towns of Brutus, Cato, Conquest, Ments, Montezuma, Sennett, and Throop, and the city of Auburn.

Chemung County. The towns of Ashland, Big Flats, Elmira, Horseheads, Southport, and the city of Elmira.

Chenango County. The town and city of Norwich.

Cortland County. The town of Cortlandville, and the city of Cortland.

Erie County. The towns of Amherst, Cheektowago, and Tonawanda, and the cities of Buffalo, Lackawanna, and Tonawanda.

Genesee County. The towns of Batavia and LeRoy, and the city of Batavia.

Herkimer County. The town and city of Herkimer.

Kings County. The entire county.

Monroe County. The entire county.

New York County. Governors Island.

Niagara County. The towns of Cambria, Lewiston, Lockport, Newfane, Niagara, Pendleton, Porter, Wheatfield, and Wilson, and the cities of Lockport, Niagara Falls, and North Tonawanda.

Oneida County. The towns of New Hartford and Whitestown, and the city of Utica.

Onondaga County. The towns of Camillus, Cicero, Clay, De Witt, Elbridge, Geddes, Lysander, Manlius, Onondaga, Salina, and Van Buren, and the city of Syracuse.

Ontario County. Towns of Canandaigua, Farmington, Geneva, Gorham, Hopewell, Manchester, Phelps, Seneca, and Victor, and the cities of Canandaigua and Geneva.

Oswego County. The town of Schroeppel, and the city of Oswego.

Richmond County. The entire county (Staten Island).

Schuyler County. The towns of Dix, Reading, and Tyrone.

Seneca County. The towns of Fayette, Junius, Seneca Falls, and Tyre, the village and town of Waterloo, and the city of Seneca Falls.

Wayne County. The entire county.

Yates County. The town of Starkey.

(Sec. 9, 37 Stat. 318, sec. 106, 71 Stat. 33; 7 U.S.C. 162, 150ee. Interprets or applies sec. 8, 37 Stat. 318, as amended; 7 U.S.C. 161; 29 F.R. 16210, as amended, 30 F.R. 5801; 7 CFR 301.77–2)

These administrative instructions shall become effective May 19, 1965, when they shall supersede administrative instructions effective May 7, 1964 (7 CFR 301.77–2a).

The Director of the Plant Pest Control Division has determined that infestations of the European chafer exist or are likely to exist in the counties and other civil divisions, and parts thereof, listed above, or that it is necessary to regulate such localities because of their proximity to infestation or their inseparability for quarantine purposes from infested localities. Therefore, such counties and other civil divisions, and parts thereof, are designated as European chafer regulated areas.

This revision of the administrative instructions adds the following towns and cities to the regulated areas in the State of New York: City of Binghamton, in Broome County; town of Cortlandville and city of Cortland, Cortland County; towns of Batavia and Le Roy, and city of Batavia, Genesee County; town of Schroeppel and city of Oswego, Oswego County; and town of Starkey, Yates County. It also extends the existing regulated areas in New York to include the following towns and cities: Town of Sennett and city of Auburn, Cayuga County; city of Herkimer, Herkimer County; town of Wilson, Niagara County; town of Tyrone, Schuyler County; and towns of Fayette and Seneca Falls, and city of Seneca Falls, Seneca County.

Inasmuch as this revision imposes restrictions necessary to prevent the spread of European chafers, it should be made effective promptly to accomplish its purpose in the public interest. Accordingly, under section 4 of the Administrative Procedure Act (5 U.S.C. 1003), it is found upon good cause that notice and other public procedure with respect to this revision are impracticable and contrary to the public interest, and good cause is found for making this revision effective less than 30 days after publication in the FEDERAL REGISTER.

Done at Hyattsville, Md., this 14th day of May 1965.

[SEAL] LEO G. K. IVERSON,
Acting Director,
Plant Pest Control Division.

[F.R. Doc. 65–5269; Filed, May 18, 1965; 8:48 a.m.]

Chapter IX—Consumer and Marketing Service (Marketing Agreements and Orders; Fruits, Vegetables, Tree Nuts), Department of Agriculture

[Orange Reg. 48]

PART 905—ORANGES, GRAPEFRUIT, TANGERINES, AND TANGELOS GROWN IN FLORIDA

Limitation of Shipments

§ 905.465 Orange Regulation 48.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and this part (Order No. 905, as amended), regulating the handling of oranges, grapefruit, tangerines, and tangelos grown in Florida effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations of the committees established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of oranges, including Temple oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (5 U.S.C. 1001–1011) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. Shipments of oranges, including Temple oranges, grown in the production area, are presently subject to regulation by grades and sizes, pursuant to the amended marketing agreement and order; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after an open meeting of the Growers Administrative Committee on May 11, 1965, such meeting was held to consider recommendations for regulation, after giving due notice of such meeting, and interested persons were afforded an opportunity to submit their views at this meeting; the provisions of this section, including the effective time hereof, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period hereinafter set forth so as to provide for the continued regulation of the handling of oranges, including Temple oranges, and compliance with this section will not require any special preparation on the part of the persons subject thereto which cannot be completed by the effective time hereof.

(b) *Order.* (1) Terms used in the amended marketing agreement and order shall, when used herein, have the same meaning as is given to the respective term in said amended marketing agreement and order; and terms relating to grade, diameter, standard pack, and standard box, as used herein, shall have the same meaning as is given to the respective term in the United States Standards for Florida Oranges and Tangelos (§§ 51.1140–51.1178 of this title).

(2) Orange Regulation 47 (30 F.R. 986, 3961) is hereby terminated at 12:01 a.m., e.s.t., May 31, 1965.

(3) During the period beginning at 12:01 a.m., e.s.t., May 31, 1965, and ending at 12:01 a.m., e.s.t., September 13, 1965, no handler shall ship between the production area and any point outside thereof in the continental United States, Canada, or Mexico:

(i) Any oranges, including Temple oranges, grown in the production area, which do not grade at least U.S. No. 2 Russet;

(ii) Any oranges, except Temple oranges, grown in the production area, which are of a size smaller than 2⅛6 inches in diameter, except that a tolerance of 10 percent, by count, of oranges smaller than such minimum diameter shall be permitted which tolerance shall be applied in accordance with the provisions for the application of tolerances specified in said United States Standards for Florida Oranges and Tangelos: *Provided*, That in determining the percentage of oranges in any lot which are smaller than 2⅛6 inches in diameter, such percentage shall be based only on those oranges in such lot which are of a size 2⅛6 inches in diameter or smaller; or

(iii) Any Temple oranges, grown in the production area, which are of a size smaller than 2⅛6 inches in diameter, except that a tolerance of 10 percent, by count, of Temple oranges smaller than such minimum diameter shall be permitted which tolerance shall be applied in accordance with the provisions for the application of tolerances specified in the aforesaid United States Standards for Florida Oranges and Tangelos.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: May 14, 1965.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 65–5245; Filed, May 18, 1965; 8:47 a.m.]

[Valencia Orange Reg. 119, Amdt. 1]

PART 908—VALENCIA ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

Limitation of Handling

Findings. (1) Pursuant to the marketing agreement, as amended, and this part (Order No. 908, as amended), regulating the handling of Valencia oranges grown in Arizona and designated part of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendation and information submitted by the Valencia Orange Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such Valencia oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this amendment until 30 days after publication thereof in the FEDERAL REGISTER (5 U.S.C. 1001–1011) because the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the act is insufficient, and this amendment relieves restriction on the handling of Valencia oranges grown in Arizona and designated part of California.

Order, as amended. The provisions in paragraph (b)(1) (i) and (iii) of § 908.419 (Valencia Orange Regulation 119, 30 F.R. 6429) are hereby amended to read as follows:

§ 908.419 Valencia Orange Regulation 119.

* * * * *

(b) *Order.* (1) * * *

(i) District 1: 350,000 cartons;

(iii) District 3: 125,000 cartons.

* * * * *

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: May 14, 1965.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 65–5246; Filed, May 18, 1965; 8:47 a.m.]

Chapter XIV—Commodity Credit Corporation, Department of Agriculture

SUBCHAPTER C—EXPORT PROGRAMS

[Rev. I; Amdt. 6]

PART 1483—WHEAT AND FLOUR

Subpart—Flour Export Program—Cash Payment (GR–346) Terms and Conditions

The Terms and Conditions of the Flour Export Program—Cash Payment (GR–346) (25 F.R. 5816), as amended (25 F.R. 9939, 25 F.R. 10758, 27 F.R. 1753, 27 FR. 4863, 27 F.R. 10351, 29 F.R. 4667 and 29 F.R. 12010) are further amended as follows:

A new section is added immediately after § 1483.202 to read as follows:

§ 1483.203 Financial responsibility.

CCC reserves the right to refuse to (a) consider an offer to purchase CCC wheat for export as flour, or (b) register a sale of flour for an export payment hereunder, if CCC does not have adequate information of the financial responsibility of the offerer to meet contract obligations of the type contemplated in this subpart. If a prospective offerer is in doubt as to whether CCC has adequate information with respect to his financial responsibility, he should either submit a financial statement to the appropriate ASCS Commodity Office prior to making an offer to purchase CCC wheat for export as flour (see § 1483.260 through 1483.270), or communicate with such office or with the office specified in § 1483.278 prior to making the exporter's agreement with CCC described in § 1483.240 to determine whether such a statement is desired in his case. When satisfactory financial responsibility has not been established, CCC reserves the right to consider an offer only upon submission by the offerer of a certified or cashier's check, a bid bond, or other security, acceptable to CCC, assuring that if the offer is accepted the offerer will comply with any provisions of this subpart and will furnish a performance bond or other performance security acceptable to CCC.

Section 1483.205 *General conditions of eligibility* is amended by adding a new paragraph (i) and deleting the last sentence of paragraph (d) and substituting the following:

§ 1483.205 General conditions of eligibility.

* * * * *

(d) * * * The foregoing exclusion of documentary evidence of export which has been or will be used in connection with other export programs is intended to prevent a duplication in whole or in part of export payments or allowances under two or more export programs of CCC on the same quantity of flour. Accordingly, nothing herein shall be construed to preclude a bill of lading or other evidence of export filed under this subpart from being used as evidence in connection with a sale under a purchase authorization pursuant to P.L. 480, 83d Congress, or a sale of wheat for export

as flour under § 1483.261 of this subpart, or in connection with any other export program of CCC, including barter transactions, if CCC determines that such use will not result in any duplication of export payments or allowances.

* * * * *

(i) Unless otherwise specified in the announcement of rates (as referred to in § 1483.220), payment at rates provided in such announcement shall be made only on flour for which domestic marketing certificates are acquired and surrendered to CCC. The rate applicable to flour for which such certificates are not acquired and surrendered to CCC shall be the announced rate, less the cost of domestic wheat marketing certificates under the Processor Wheat Marketing Certificate Regulations which was taken into consideration by CCC in determining the announced rate. If the cost of domestic wheat marketing certificates exceeds the announced rate, the difference shall constitute a refund rate for the purpose of these regulations.

§1483.221 [Amended]

Section 1483.221(e) is amended by deleting in the fifth sentence the words "notification telegram" and substituting the words "notice of sale".

Section 1483.222 *Conversion factors,* is amended to change paragraph (a) to read as follows:

§ 1483.222 Conversion factors.

(a) The following conversion factors shall be applied to the announced rate to determine the rate applicable to a particular exportation of flour:

	Rate factor
Wheat flour (including clears and excluding malted wheat flour), derived from conventional milling practices which are generally accepted in the milling industry in the United States as representing a 72 percent type of extraction operation	1.000
Semolina and farina	1.000
Malted wheat flour	.909
Bulgur (87 percent extraction operation)	.841
Wheat flour, derived from conventional milling practices which are generally accepted in the milling industry in the United States as representing a 90 percent type of extraction operation	.810
Whole wheat flour	.745

* * * * *

§ 1483.225 [Amended]

Section 1483.225(a)(5) is amended by deleting in the second sentence the words "notification telegram" and substituting the words "notice of sale".

Section 1483.227 *Declaration of sale and evidence of sale* is amended to change paragraphs (b)(1)(vi) and (ix) to read respectively as follows:

§ 1483.227 Declaration of sale and evidence of sale.

* * * * *

(b) * * *

(1) * * *

(vi) Type of flour and type of extraction operation (see § 1483.222), the class of wheat from which the flour was milled and the approximate ash content must be shown. For example: "Hard Spring 0.48 Ash." For blended flours, the most predominant class of wheat contained in the blend should be shown. For example: "blended (predominantly) Hard Winter 0.70 Ash."

* * * * *

(ix) Coast or coasts of export from which it is anticipated exportation will be made.

* * * * *

Section 1483.241 *Cancellation of sale or failure to export,* is amended to change paragraph (b) to read as follows:

§ 1483.241 Cancellation of sale or failure to export.

* * * * *

(b) If, after an exporter has been afforded the opportunity to present evidence, the Vice President determines that the exporter has failed to export in accordance with his agreement with CCC, the exporter shall pay on demand any damages resulting from such failure or at CCC's election the exporter may be required to ship a quantity of replacement flour, within such period as is specified by CCC, to the same designated country as was provided in the sales contract on which exportation was not made, at an export payment rate equal to the lower of (1) the rate applicable to the sale on which exportation was not made or (2) the rate applicable to the sale on which the replacement flour is exported. If the exporter fails to export the replacement flour as required, he shall pay CCC as liquidated damages an amount determined by multiplying the quantity of flour involved in such failure by the amount by which the rate applicable to the sale on which exportation was not made is exceeded by the highest rate announced on and after the date of CCC's notice requiring exportation of the replacement flour, for exportation to the country and in the period in which the replacement flour was required to be shipped. It is mutually agreed that such amount is a reasonable estimate of the probable actual damages to be incurred by CCC. In addition to his liability under the foregoing provision of this paragraph, the exporter may be suspended or debarred from participating in this program or in any other program of CCC for such period and subject to such terms and conditions as may be provided pursuant to the suspension and debarment regulations of CCC (29 F.R. 10495, July 29, 1964, and any amendments thereto). The exporter shall not be liable under this paragraph and shall not be suspended or debarred for such failure if he establishes to the satisfaction of the Vice President that his failure to export was not due to his fault or negligence.

* * * * *

Section 1483.246(a)(7) relating to *Documents required as evidence of sale* is amended to read as follows:

§ 1483.246 Documents required as evidence of sale.

(a) * * *

(7) In the case of sales to the Army and Air Force Exchange Service and Navy Exchanges each Form CCC–413 must be supported by:

(i) A certificate of exportation. In the case of sales to the Army and Air Force Exchange Service, the certificate shall be signed by the Chief or Assistant Chief, Transportation Division, AAFES. In the case of sales to Navy Exchanges, the certificate is obtainable from the U.S. Navy Ship's Store Office, Third Avenue and 29th Street, Brooklyn 32, N.Y. It must be signed, as appropriate, by one of the following authorized officials:

(*a*) Director, Water Freight Division, U.S. Naval Supply Center, Oakland, Calif.

(*b*) Director, Traffic Branch Division, U.S. Naval Supply Center, Bayonne, N.J.

(*c*) Director, Land-Air Freight Division, U.S. Naval Supply Center, Norfolk, Va.

(ii) A statement by the exporter, certified as being a true and correct statement, that the flour for which export payment is claimed is the same flour as described in the Declaration of Sale.

* * * * *

A new center heading and eleven new sections are added at the end of the subpart to read as follows:

REDEMPTION OF EXPORT COMMODITY CERTIFICATES IN WHEAT FOR EXPORT IN THE FORM OF FLOUR

§ 1483.260 Submission of offers.

CCC invites offers to purchase CCC wheat with Export Commodity Certificates, Form CCC–341 (hereinafter referred to as "Certificate(s)"), for export as flour. Purchases under this announcement cannot be applied to a transaction under the CCC Export Credit Sales Program (Announcement GSM–3 as amended) or to a barter transaction. Offers may be submitted by letter, telegram, or orally to the Evanston or Kansas City ASCS Commodity Office from which the exporter desires delivery. The offerer must specify the class, grade, quality, and quantity of wheat desired, and the desired point of delivery. CCC reserves the right to determine the classes, grades, qualities, and quantities and point of delivery for which offers will be considered, and to reject any offer in whole or in part. Exports of flour made in satisfaction of an obligation to export under a contract for the purchase of wheat from CCC may also be used to satisfy an obligation to export under a contract with CCC pursuant to § 1483.240 if otherwise eligible under the provisions of this subpart.

§ 1483.261 Creation of contracts.

Preliminary negotiations for purchase of wheat under this subpart shall be confirmed by written Confirmation of Sale which shall be issued by the ASCS Commodity Office in duplicate. One copy shall be signed and returned by the exporter whose offer to purchase wheat is accepted by CCC. Such exporter is hereinafter called "the Purchaser." The Confirmation of Sale, together with the terms and conditions of this subpart and any amendments in effect on the date of sale, shall constitute the sales contract. Any provision of prior negotiations not contained in the Confirmation of Sale shall be of no effect. The term "date of sale," as used in §§ 1483.260 to 1483.270, inclusive, shall mean the date that the parties concluded their preliminary negotiations, and such date shall be specified in the Confirmation of Sale.

§ 1483.262 Price.

The contract price for the wheat shall be based on the prevailing United States domestic market price as determined by CCC at the time the parties completed their preliminary negotiations on the sale, for the class, grade, quality (including protein) and point of delivery of the wheat and such price shall be specified in the Confirmation of Sale.

§ 1483.263 Payment terms and financial arrangements.

(a) The amount due CCC for wheat purchased hereunder shall be paid by the purchaser by surrender to CCC of properly endorsed certificate(s). If certificates having a value in excess of the purchase price are surrendered by the purchaser to CCC, the certificates having the earliest date of issuance shall be applied first to the purchase and any certificates not applied shall be returned to the purchaser. If the value of certificates applied to the purchase exceeds the purchase price, such excess will be adjusted by issuance and delivery to the purchaser of a balance certificate which may be used on a subsequent purchase from CCC. The date of issuance shown on the balance certificate will be the date shown on the original certificate, or if more than one certificate is applied to the purchase, the date of issuance shown on the balance certificate will be the latest date of issuance shown on a certificate applied to the purchase. The value of the balance certificate will be determined by deducting from the value of certificates surrendered to CCC, the purchase price of the wheat.

(b) Financial arrangements covering the purchase price specified in the Confirmation of Sale of any wheat purchased from CCC hereunder shall be made prior to delivery of the wheat by CCC in one (or a combination) of the following ways:

(1) Surrender to the appropriate ASCS Commodity Office of certificate(s) sufficient to pay for the wheat.

(2) If a purchaser desires delivery prior to receipt by CCC of certicates, he may make payment in cash, certified check, or cashier's check for the wheat to be delivered, or if delivery is to be made in store, he may request that CCC draw a sight draft on him through a named bank with warehouse receipts attached or request that CCC surrender the warehouse receipts to him in a simultaneous exchange for an acceptable remittance delivered at the ASCS Commodity Office. To the extent that acceptable certificates are received by CCC within 90 days after delivery of the wheat to the purchaser, CCC shall promptly make refund of funds received.

(3) If a purchaser desires delivery prior to receipt by CCC of certificates, he may establish an irrevocable commercial letter of credit acceptable to CCC for an amount equivalent to the total amount of the purchase price of the wheat plus interest thereon for 60 days. CCC will not draw against the letter of credit to the extent that the purchaser pays to CCC the purchase price of the wheat and any applicable interest promptly upon presentation of invoices or prior to invoicing by CCC. To the extent that such payment is not made, CCC will draw drafts under the letter of credit for the amount remaining unpaid, supported by a statement specifying the amount due. When financial arrangements are made in this manner, the following shall apply:

(i) The letter of credit shall have an effective period of at least 60 days from the final date for delivery of the wheat to the purchaser as specified in the Confirmation of Sale. If a single letter of credit is used for this purpose as well as for the upward adjustment in price required under paragraph (c) of this section, the effective period shall be 150 days from the final date for delivery.

(ii) Interest on the purchase price of the wheat shall be paid in cash for the period from the date of delivery of the wheat to the date CCC receives acceptable certificates or cash or, in the case of payments against sight drafts drawn by CCC, the date CCC estimates the draft will be paid. The rate of interest shall be the rate in effect on the date of sale as announced in the CCC Monthly Sales List for sales made under the CCC credit sales program for periods up to 12 months. The interest shall be included in the amount of sight drafts drawn by CCC.

(iii) Unless otherwise requested by the purchaser, CCC shall, promptly after receiving cash for application on the purchase price and interest, if any, or acceptable certificates for application on the purchase price, notify the bank which issued or confirmed the letter of credit that CCC consents to a reduction of such letter of credit in an amount equivalent to the amount of cash or acceptable certificates received.

(iv) To the extent acceptable certificates are received by CCC within 90 days after delivery of the wheat to the purchaser, CCC shall promptly make refund of any funds received representing the purchase price of the wheat (but not any interest).

(c) The amount of the upward adjustment in price which is provided in § 1483.268 for failure to submit certificates within 90 days after delivery shall be computed as of the date of sale, and shall be specified in the Confirmation of Sale. Financial arrangements for such price adjustments shall be made by each purchaser who wishes to obtain delivery of wheat prior to receipt by CCC of certificates therefor in one of the following ways:

(1) Payment in cash, certified check, or cashier's check or

(2) Establishment of an irrevocable commercial letter of credit acceptable to CCC which shall have an effective period of at least 150 days from the date for delivery specified in the Confirmation of Sale and upon which CCC will draw drafts for the amount of the upward adjustment in price resulting from such failure to submit certificates within 90 days after delivery, supported by a statement specifying the amount due CCC. Promptly after CCC receives acceptable certificates in payment of the wheat purchased as provided in paragraph (b) (2) or (3) of this section, CCC shall notify the bank which issued or confirmed the letter of credit that CCC consents to a reduction of such letter of credit, unless otherwise requested by the purchaser, or shall make refund to the purchaser of funds received. Any such reduction or refund shall be in an amount equivalent to the purchaser's financial coverage under this subsection related to the quantity for which payment has been received in the form of acceptable certificates by CCC.

(d) The financial arrangements provided in paragraphs (b) and (c) of this section shall be made:

(1) Prior to delivery of the wheat by CCC on purchases which provide for delivery within 5 days following the date of the sale, and,

(2) On all other purchases, not less than 5 days prior to delivery of the wheat by CCC, but in no event later than 30 days following the date of sale, unless CCC consents in writing to a different period.

(e) If the purchaser fails to make a financial arrangement acceptable to CCC in accordance with paragraph (d) of this section, CCC shall have the right to deem the purchaser in default and may avail itself of any remedy available to an unpaid seller. The purchaser shall be liable to CCC for any loss or damages resulting from such default.

§ 1483.264 Delivery.

(a) The method, time, and place of delivery of the wheat by CCC will be as specified in the Confirmation of Sale.

(b) If the wheat is to be delivered instore, delivery shall be accomplished by delivery to the purchaser of endorsed warehouse receipts, or other evidence of title. Delivery may be made by posting warehouse receipts in the mail. In the case of instore delivery the terms of continued storage thereafter shall be for determination between the purchaser and warehouseman.

(c) If the wheat is to be delivered other than instore, the details thereof shall be specified in the Confirmation of Sale.

(d) Title and risk of loss and damage shall pass to the purchaser upon delivery. All charges thereafter accruing, including warehouse and loading-out charges, in the case of instore delivery, shall be for the account of the purchaser: *Provided,* That if delivery is not made within 30 days after the date of sale, the purchaser shall pay CCC for warehouse charges on the wheat not delivered, at the rate specified in the Confirmation of Sale for the period beginning on the 31st day to and including the date of delivery or, if the purchaser fails to take delivery, to and including the final date for delivery specified in the Confirmation of Sale or any written extension thereof: *Provided further,* That the purchaser shall not be responsible for such charges accruing after such 30-day period as a result of delay on the part of CCC in making delivery which is not attributable to the fault or negligence of the purchaser.

(e) If on deliveries other than instore the purchaser fails to take delivery of

the wheat within the delivery period specified in the Confirmation of Sale, or any written extension thereof, CCC may at its option deliver the wheat instore in a warehouse of its choice by delivery of endorsed warehouse receipts, or CCC shall have the right to deem the purchaser in default and the purchaser shall be liable to CCC for any loss or damages resulting from such default.

§ 1483.265 Specifications.

(a) If the wheat is to be delivered instore, CCC shall deliver warehouse receipts, or other evidence of title, representing the kind of wheat and the quantity, class, grade, and quality stated in the Confirmation of Sale, and CCC shall have no responsibility in the event of failure of the warehouseman to deliver in accordance with the warehouse receipts or other evidence of title.

(b) If the wheat is to be delivered other than instore, the kind of wheat and the quantity, class, grade, and quality delivered shall be that stated in the Confirmation of Sale. Determinations as to the class, grade and quality of the wheat delivered shall be made on the basis of an official inspection at point of delivery, unless otherwise specified in the Confirmation of Sale. The method of determining the quantity delivered shall be as stated in the Confirmation of Sale. If the wheat delivered is within the quality tolerance, if any, specified in the Confirmation of Sale, such delivery shall be accepted by the purchaser. If the wheat delivered is not within the quality tolerance, if any, specified in the Confirmation of Sale, the wheat may be rejected by the purchaser at the time of delivery or accepted subject to an adjustment in price for grade and quality differences in accordance with current market premiums and discounts, as determined by CCC. In the case of rejection, CCC shall, upon request of the purchaser, replace such rejected quantity. The purchaser may reject any overdeliveries in quantity. Overdeliveries in quantity accepted by the purchaser shall be settled for at the contract price unless a different price has been agreed to between CCC and the purchaser. In case of underdeliveries a balance certificate shall be issued by CCC, or if other financial arrangements were furnished, the value of certificates the purchaser is required to surrender will be reduced. In the case of overdeliveries the purchaser shall tender cash or certificates to CCC. If the value of wheat delivered exceeds the value of certificates surrendered by $3.00 or less, no adjustment will be necessary. If the value of certificates surrendered exceeds the value of wheat delivered by $3.00 or less, a balance certificate will not be issued unless requested.

§ 1483.266 Export requirements.

(a) The purchaser shall, on or after the date of sale and within 90 days after delivery by CCC of the wheat to him or within such extension of that period as may for good cause be approved by the Director or his designee in writing pursuant to § 1483.268(c)(2) cause exportation to a designated country of the flour equivalent of the wheat delivered hereunder by CCC. The flour exported shall not be re-entered by anyone into the United States, Alaska, Hawaii or Puerto Rico, nor shall the purchaser cause the flour exported to be transshipped to any country excluded by § 1483.287.

(b) The purchaser shall, within 30 days after exportation, furnish to the ASCS Commodity Office evidence of such exportation, as required in § 1483.267. Failure of the purchaser to furnish CCC evidence of exportation within 120 days after delivery of the wheat to him, or in the case of extension of the time for export, within 30 days from the last date specified for exportation under such extension, shall constitute prima facie evidence of failure to export. Documents supporting an Application for Flour Export Payment on the flour exported will be accepted as evidence of export of wheat purchased from CCC if they satisfy the requirements specified in § 1483.267, and the Application for Flour Export Payment is accompanied by a letter in duplicate specifying the documents which are submitted as evidence of export and the CCC sales contract number to which they relate.

(c) The flour exported must have been milled in the United States from U.S. wheat. The flour exported shall be produced under a conventional milling practice that is generally accepted in the milling industry in the United States as representing a 72 percent type of extraction operation and such extraction rate shall be the rate as to which the purchaser must certify in § 1483.267(c), unless specific arrangements have been made with CCC for the export of flour produced under a different type of extraction operation and such extraction rate has been specified in the Confirmation of Sale. The wheat equivalent of each type of flour shown in Column A shall be the number of bushels of wheat prescribed as the conversion factor for such type of flour in Column B. The exporter shall export 100 pounds of flour for each unit of wheat equivalent shown in Column B.

(A) Type of flour	(B) Bushels of wheat equivalent per 100 pounds of flour (conversion factor)
Wheat flour (including clears and excluding malted wheat flour) derived from conventional milling practices which are generally accepted in the milling industry in the United States as representing a 72 percent type of extraction operation	2.283
Semolina and farina	2.283
Malted wheat flour	2.075
Bulgur (67 percent extraction operation)	1.916
Wheat flour, derived from conventional milling practices which are generally accepted in the milling industry in the United States as representing a 90 percent type of extraction operation	1.851
Whole wheat flour	1.700

If flour of an extraction rate other than those for which conversion factors are specified in Column B above is to be exported under the contract, the quantity of flour that must be exported shall be as stated in the Confirmation of Sale and shall equal at least that quantity of flour which could be produced from the quantity of wheat acquired from CCC when milled at the extraction rate stated in the Confirmation of Sale. It is not required that the flour exported be milled from the identical wheat delivered by CCC or from wheat of the same class and grade. The flour must have been milled in a mill located in the same wheat market area, as determined by CCC, as the area in which the wheat acquired hereunder was delivered by CCC, unless the Confirmation of Sale specifies that the flour may be milled in a different area.

(d) Exportation by or to a United States Government agency[1] shall not qualify as an exportation under the provisions of this Announcement unless exportation is by or to the Army and Air Force Exchange Service, Navy Exchanges or the Panama Canal Company.

(e) The flour shall not be exported by anyone or transhipped by the purchaser or caused to be transhipped by the purchaser to one or more countries or areas to which a license is required by the Bureau of International Commerce, United States Department of Commerce unless a license for such shipment or transhipment thereto has been obtained from such Bureau.[2]

(f) Flour exported shall be deemed to have been exported on the date which appears on the applicable onboard export bill of lading, or if export is by truck or rail, on the date the shipment clears the United States Customs. If flour is lost, destroyed or damaged after loading on board an export vessel, exportation shall be deemed to have been made as of the date of the on-board-vessel bill of lading or the latest date appearing on the loading tally sheet or similar documents if the loss, destruction or damage occurs subsequent to loading aboard vessel but prior to issuance of the on-board bill of lading: *Provided*, That, if the "lost" or "damaged" flour remains in the United States, it shall be considered as re-entered flour and shall be subject to the provisions of § 1483.268(b).

NOTE TO PURCHASERS: Purchasers may find it desirable to carry insurance on the full domestic value of flour against any loss which may occur prior to the flour leaving this country by rail or truck or prior to loading on the export vessel.

[1] United States Government agency means any corporation wholly owned by the Federal Government and any department, bureau, administration or other unit of the Federal Government as, for example, the Departments of the Army, Navy and Air Force, and the Agency for International Development. Sales to foreign buyers, including foreign governments though financed with funds made available by a United States Agency such as the Agency for International Development or the Export-Import Bank, are not sales to a United States Government agency, provided the commodity is not for transfer by such buyer to a United States Government agency.

[2] The attention of the offerer is invited to the "Notice to Exporters," which accompanies this Announcement, relative to Department of Commerce regulations.

§ 1483.267 Evidence of export.

Evidence of export shall consist of the following documentation, as applicable:[1]

(a) If export is by water or air, a nonnegotiable copy or photostat of the applicable on-board bill of lading issued at point of export signed by an agent of the export carrier, which shows the CCC sales contract number, the net weight of the flour exported, the name of the export carrier, and shows that the flour is destined for a designated country. If the country of destination shown on the bill of lading is not the ultimate destination, the exporter shall also furnish one unauthenticated copy of a Shipper's Export Declaration showing that the country of ultimate destination is in fact a designated country. If the bill of lading shows the gross weight rather than net weight, the purchaser shall furnish a certification as to the number of bags, the tare weight, and the net weight of the flour. Where loss, destruction or damage to the flour occurs subsequent to loading aboard the export carrier but prior to the issuance of the on-board bill of lading, a copy of a loading sheet or acceptable similar document may be substituted for the commercial bill of lading.

(b) If export is by rail or truck, one unauthenticated copy of Shipper's Export Declaration (or photostat copy of an unauthenticated copy) which identifies the shipment(s), the date of clearance into the foreign country, the weight of the flour, and the CCC sales contract number. The unauthenticated copy, or photostat copy, shall bear the following statement certified by the purchaser:

The authenticated copy of this Shipper's Export Declaration was forwarded to (name of the ASCS Commodity Office) with application for Flour Export Payment under Registration No. _____

(c) A certification, signed by the purchaser, and, if the purchaser did not mill the flour, by the miller of the flour, stating (1) the extraction rate of the flour, (2) the maximum ash content of the flour, (3) that the flour was the product of a conventional United States milling process which would normally produce flour at the extraction rate shown, (4) that the flour exported was milled only from United States wheat, and (5) the address of the mill in which the exported flour was produced.

(d) If the export shipment is made by vessel, plane, truck or other carrier, operated by a United States Government agency, then in lieu of the bill of lading or Shipper's Export Declaration provided for in paragraphs (a) and (b) of this section, the exporter may submit a certificate issued by an authorized official or employee of such agency showing the date of shipment(s), type of carrier used, identification of the flour, the weight of the flour, the weight of the containers and the number of containers, the export destination, a certification by the exporter that shipment is not by or to a U.S. Government agency (unless it is the A&AF Exchange Service, Navy Exchange or the Panama Canal Company), and such other information required in paragraph (a) of this section as may be applicable hereto.

(e) Where shipment takes place from a Canadian port:

(1) One signed or certified true copy of the bill of lading or other document covering the movement of the flour from the United States to the export vessel described in the on-board ship bill of lading issued at the point of export in Canada, and

(2) One signed or certified true copy of a document evidencing the preservation of the identity of the flour until exported from Canada.

(3) A certification by the exporter that the flour was milled in the United States or Puerto Rico from wheat produced in the United States.

(f) Where exportation of the flour has been made by anyone or transhipment made or caused to be made by the purchaser to one or more of the countries or areas to which a license is required by the Bureau of International Commerce, United States Department of Commerce, the license issued for such movement by such agency shall be identified.

(g) In case a single bill of lading or other documentary evidence of export covers more than the net quantity of flour which is applied against any one contract with CCC and such documentary evidence of export is to be used as evidence of export of such excess quantity in connection with a different contract with CCC under any export program of CCC pursuant to which CCC has paid or agreed to pay an export allowance or has sold wheat at prices which reflect any export allowance, each copy of such documentary evidence of export submitted pursuant to this section shall be accompanied by a statement certified by the exporter identifying all contracts with CCC to which this documentary evidence of export has been or will be applied and the quantity applicable to each contract.

(h) The documentary evidence of export submitted herein, except to the extent permitted by paragraph (g) of this section, must not have been used in connection with any other sale of wheat for export as flour at prices which reflect an export allowance or any other export program which results in CCC making another export allowance on the same flour.

(i) In the case of sales to the Army and Air Force Exchange Service and Navy Exchanges the exporter shall furnish a certificate of exportation. With respect to sales to the Army and Air Force Exchange Service, the certificate shall be signed by the Chief or Assistant Chief, Transportation Division, AAFES. The certificate with respect to sales to Navy Exchanges is obtainable from the U.S. Navy Ship's Store Office, Third Avenue and 29th Street, Brooklyn 32, N.Y. It must be signed, as appropriate, by one of the following authorized officials:

(1) Director, Water Freight Division, U.S. Naval Supply Center, Oakland, Calif.

(2) Director, Traffic Branch Division, U.S. Naval Supply Center, Bayonne, N.J.

(3) Director, Land-Air Freight Division, U.S. Naval Supply Center, Norfolk, Va.

(j) Where for good cause, the exporter establishes that he is unable to supply documentary evidence of export as specified in the above provisions of this section, CCC may accept such other evidence of export as will establish to its satisfaction that the exporter has fully complied with his obligations to export.

(k) Such additional evidence of exportation as CCC may require to enable it to determine that there has been compliance with the export requirements of this Announcement.

§ 1483.268 Adjusted contract price.

(a) Wheat is made available under this Announcement at prices below the statutory minimum required under section 407 of the Agricultural Act of 1949, as amended, for sales for unrestricted use upon condition that payment in certificates is made as provided in § 1483.263 and upon the further condition that the purchaser complies with all applicable provisions of §§ 1483.266 and 1483.267. If the flour is not exported as required by this Announcement, excluding, however, the requirement as to time of exportation, or if payment in certificates is not made as required, the contract price with respect to the quantity of wheat involved shall be adjusted upward by the amount that such contract price is exceeded by the price which is the highest of the following in effect on the date of sale:

(1) CCC's statutory minimum sales price for domestic unrestricted CCC, or

(2) the sales price announced by CCC for sales for domestic unrestricted use of the same class, grade and quality of the wheat or,

(3) if no such sales price has been announced, the domestic market price as determined by CCC.

(b) The total amount of any upward adjustment in contract price or liquidated damages arising under this section shall be paid by the purchaser to CCC promptly upon demand, plus interest on such upward adjustment at the rate of 6 percent per annum from the date of sale. Any upward adjustment of the contract price will not be made if CCC determines:

(1) that the flour has been re-entered into the continental United States, Alaska, Hawaii or Puerto Rico due to causes without the fault or negligence of the purchaser, that such flour was pursuant to written approval of CCC subsequently actually exported to a designated country or area within the period specified by CCC, and that the purchaser submitted evidence of such exportation in accordance with § 1483.267; or

(2) that the flour placed in transit to an export location for export under this announcement or re-entered into the continental United States, Alaska, Hawaii or Puerto Rico was lost, damaged,

[1] The requirements of this section do not supersede requirements applicable to exports under Title I or IV, Public Law 480, 83d Congress, as amended, which exports must also conform to requirements in applicable Public Law 480 regulations and Purchase Authorizations to be eligible for Public Law 480 financing.

destroyed or deteriorated and the physical condition thereof was such that its entry into domestic market channels will not impair CCC's price support operations. *Provided*, That if insurance proceeds or other recoveries such as from carriers, exceed the purchase price of the quantity of wheat lost, damaged, or destroyed, plus other costs incurred by the purchaser in connection with such wheat prior to the time of its loss, the amount of such excess shall be paid to CCC.

(c) (1) Failure of the purchaser to export the flour within the time provided in this announcement will cause serious and substantial damages to CCC because of its price support program. Since it will be difficult to prove the amount of such damage, the purchaser shall pay to CCC by way of compensation, and not as a penalty, liquidated damages for delay in exportation not excused under subparagraph (2) of this paragraph at the rate of 1 cent per calendar day per bushel for the number of bushels of wheat for which an equivalent in the form of flour is not exported commencing on the ninety-first day after delivery of the wheat or the day following any extension in time for exportation granted under subparagraph (2) of this paragraph and ending on the date of actual exportation: *Provided, however*, That the total amount of purchase price plus liquidated damages shall not exceed the adjusted sales price plus interest thereon from the date of sale determined as provided in paragraph (a) of this section. It is mutually agreed that such damages are a reasonable estimate of the probable actual damages. The purchaser agrees to pay such liquidated damages on demand.

(2) An extension of time for exportation may be granted, either before or after the final date for exportation, subject to such terms and conditions as CCC may prescribe, if the purchaser gives CCC prompt written notice of a delay in exportation and the cause thereof, and the Contracting Officer, CCC, determines in writing that the delay is due solely to causes without the fault or negligence of the purchaser. Written notice of such determination shall be given to the purchaser and shall be final and conclusive upon the parties subject only to appeal by the purchaser to the Contract Disputes Board of CCC. Any extension of time for exportation will be equivalent to the period of time lost because of such excusable delay.

§ 1483.269 Inability to perform.

CCC shall not be responsible for damages for any failure to deliver, or delay in delivery of, the wheat due to any cause without the fault or negligence of CCC, including, but not restricted to, failure of warehousemen to meet delivery instructions. In case of delay in delivery due to any such causes, CCC shall make delivery to the purchaser as soon as practicable.

§ 1483.270 Covenant against contingent fees.

The purchaser warrants that no person or selling agency has been employed or retained to solicit or secure a contract under § 1483.240 or § 1483.261 upon an agreement or understanding for a commission, percentage, brokerage, or contingent fee, except bona fide employees or bona fide established commercial agencies maintained by the exporter for the purpose of securing business. For breach or violation of this warranty CCC shall have the right to annul any such contract without liability or in its discretion in the case of contracts under § 1483.240 to deduct from the export payment or otherwise recover the full amount of such commission, percentage, brokerage or contingent fee, or in the case of contracts under § 1483.261 require the purchaser to pay such amount in addition to the contract price.

A new section is added immediately preceding § 1483.275 to read as follows:

§ 1483.274 Performance security.

In addition to the performance security required under § 1483.263(b) (3) and (c) (2), CCC reserves the right to require the purchaser to furnish a performance bond acceptable to CCC conditioned upon his faithful performance of each and all provisions of the contract, or in lieu of such bond, a certified check, a cashier's check, or other acceptable security, including an irrevocable letter of credit in form approved by CCC against which CCC may draw with a statement that the money is due CCC. Such bond or other security shall be in an amount determined by CCC to be sufficient to protect its financial interests under the contract.

Section 1483.278 is amended to read as follows:

§ 1483.278 Submission of reports.

The Notice of Sale, Declaration of Sale, Notice of Export and related reports required under this subpart to be submitted to the Director should be addressed as follows:

Wheat Subsidy and Market Branch, Procurement and Sales Division, Agricultural Stabilization and Conservation Service, U.S. Department of Agriculture, Washington, D.C., 20250.

Delivery to the above office of telegraphic Notices of Sale will be expedited if addressed as follows:

Substaff, USDA (AG), Washington, D.C.

Exporters calling this office by long distance telephone may do so by direct dialing. The long distance area number for Washington, D.C., is 202. The telephone numbers are DUdley 8-3261, -3262, -3927, -3928. For example, exporters may dial 202 DU 8-3261.

Exporters are urged to report telephonic Notice of Sale by calling DU 8-7305, -7306 or -2334.

(Secs. 4 and 5, Stat. 1070 and 1072, Sec. 2, 63 Stat. 948, as amended, 15 U.S.C. 714 b and c, and 7 U.S.C. 1641)

Effective date. This amendment shall be effective on the date of filing this amendment with the Director, Office of the Federal Register.

Signed at Washington, D.C., on May 13, 1965.

H. D. GODFREY,
Executive Vice President,
Commodity Credit Corporation.

APPENDIX

NOTICE TO EXPORTERS

The Department of Commerce, Bureau of International Commerce, pursuant to regulations under the Export Control Act of 1949, prohibits the exportation or re-exportation by anyone of any commodities under this program to Cuba, the Soviet Bloc or Communist-controlled areas of the Far East including Communist China, North Korea and the Communist-controlled area of Vietnam, except under validated license issued by the U.S. Department of Commerce, Bureau of International Commerce.

For all exportations, one of the destination control statements specified in Commerce Department Regulations (Comprehensive Export Schedule 15 CFR 379.10(c)) is required to be placed on all copies of the shipper's export declaration, all copies of the bill of lading, and all copies of the commercial invoices. For additional information as to which destination control statement to use, the exporter should communicate with the Bureau of International Commerce or one of the field offices of the Department of Commerce.

Exporters should consult the applicable Commerce Department regulations for more detailed information if desired and for any changes that may be made therein.

[F.R. Doc. 65-5251; Filed, May 14, 1965; 1:08 p.m.]

Title 8—ALIENS AND NATIONALITY

Chapter I—Immigration and Naturalization Service, Department of Justice

PART 231—ARRIVAL-DEPARTURE MANIFESTS AND LISTS; SUPPORTING DOCUMENTS

PART 251—ARRIVAL MANIFESTS AND LISTS; SUPPORTING DOCUMENTS

Manifests

Reference is made to the notice of proposed rule making which was published in the FEDERAL REGISTER on March 30, 1965 (30 F.R. 4135), pursuant to section 4 of the Administrative Procedure Act (60 Stat. 238; 5 U.S.C. 1003) and in which there was set out proposed amendments to Parts 231 and 251 of Chapter I, Title 8, Code of Federal Regulations, pertaining to manifests.

Representations which were received concerning the proposed rules of March 30, 1965, have been considered and those proposed rules have been amended in the following respects:

Section 231.2(a) has been amended to permit the presentation of Forms I-94 for departing nonimmigrant aliens within 96 hours from the time of departure, exclusive of Saturdays, Sundays, and legal holidays, by the master or agent of a vessel making regularly scheduled voyages to and from the United States; in addition, failure to submit such a Form I-94 within the allotted time, shall not be regarded as lack of compliance with section 231(d) of the Act when, for good cause shown, timely presentation was not made.

The amendatory regulations as set out below are hereby adopted.

1. Sections 231.1 and 231.2 are amended to read as follows:

§ 231.1 Arrival manifests for passengers.

(a) *Vessels.* The master or agent of every vessel arriving in the United States from a foreign place or from an outlying possession of the United States, except one arriving directly from Canada on a voyage originating in that country, must present a manifest of all passengers on board to the immigration officer at the first port of arrival. For such vessels as are given advance permission to use the procedure, the manifest shall be in the form of a separate arrival-departure card (Form I-94) prepared for and presented by each passenger. For all other vessels the manifest shall be submitted on a Form I-418, executed in accordance with the instructions on the reverse thereof, with a completely executed set of Forms I-94 prepared for and presented by each alien passenger except an immigrant, a Canadian citizen, or a British subject residing in Canada or Bermuda.

(b) *Aircraft.* The captain or agent of every aircraft arriving in the United States from a foreign place or from an outlying possession of the United States, except one arriving directly from Canada on a flight originating in that country, must present a manifest in the form of a separate arrival-departure card (Form I-94) prepared for and presented by each passenger on board to the immigration officer at the first port of arrival, except that an arrival-departure card is not required for an arriving, through-flight passenger at a United States port from which he will depart directly to a foreign place or an outlying possession of the United States on the same flight, provided the number of such through-flight passengers is noted on the Bureau of Customs Form 7507 or on the International Civil Aviation Organization's General Declaration and such passengers remain during the ground time in a separate area under the direction and control of the Service.

(c) *Deferred inspection.* When inspection of an arriving passenger is deferred at the request of the carrier to another port of debarkation, the manifest relating to any such passenger shall be returned, together with a Form I-92 when the Form I-94 manifest procedure is used, for presentation by the captain, master, or agent at the port where inspection is to be conducted.

§ 231.2 Departure manifests for passengers.

(a) *Vessels.* The master or agent of every vessel departing from the United States for a foreign place or an outlying possession of the United States, except one departing directly to Canada on a voyage terminating in that country, must present a manifest of all passengers on board to the immigration officer at the port of departure. For such vessels as are given advance permission to use the procedure, the manifest shall be in the form of a separate arrival-departure card (Form I-94) for each passenger. For all other vessels, the manifest shall be submitted on a Form I-418, executed in accordance with the instructions on the reverse thereof, with a fully executed Form I-94 for each alien passenger except an alien permanent resident of the United States, a Canadian citizen, or a British subject residing in Canada or Bermuda. For departing alien nonimmigrants the Form I-94 given the alien at the time of his last admission to the United States should be utilized. Any alien registration receipt card on Form I-151 surrendered pursuant to Part 264 of this chapter shall be attached to the manifest. The presentation of the departure manifest on vessels making regularly scheduled voyages to and from the United States may be deferred as follows: The Forms I-94 of departing nonimmigrant aliens, together with the name of the vessel and the date and place of departure, shall be presented to the immigration officer at the port of departure within 96 hours from the time of departure, exclusive of Saturdays, Sundays, and legal holidays. On those vessels using the Form I-94 manifest, the Forms I-94 of all departing passengers, other than nonimmigrant aliens, together with the name of the vessel, the date and place of departure, the total number of departing passengers, and the number of Forms I-94 previously submitted, shall be presented to the immigration officer at the port of departure within 30 calendar days from date of departure. On vessels using the Form I-418 manifest, the Forms I-418, appropriately noted to show prior submission of Forms I-94, shall be presented to the immigration officer at the port of departure within 30 calendar days from date of departure. In the event a Form I-94 for a departing nonimmigrant alien is not submitted within the aforementioned 96-hour period, a completed Form I-94 for that person shall be attached to and shall be submitted with the departure manifest, accompanied by an explanation as to why timely presentation was not made; for good cause shown, such submission shall not be regarded as lack of compliance with section 231(d) of the Act.

(b) *Aircraft.* The captain or agent of every aircraft departing from the United States for a foreign place or an outlying possession of the United States, except one departing directly to Canada on a flight terminating in that country, must present a manifest of all passengers on board to the immigration officer at the port of departure prior to departure, except that aircraft departing on regularly scheduled flights from the United States may defer presentation for a period not in excess of 48 hours. The manifest shall be in the form of a Bureau of Customs Form 7507 or the International Civil Aviation Organization's General Declaration and a separate arrival-departure card (Form I-94) for each passenger, except a through-flight passenger for whom an arrival-departure card was not prepared upon arrival. An alien nonimmigrant departing on an aircraft proceeding directly to Canada on a flight terminating in that country should surrender any Form I-94 in his possession to the airline agent at the port of departure or to the Canadian immigration officer at the port of arrival in that country.

2. Sections 251.1, 251.3, and 251.4 are amended to read as follows:

§ 251.1 Arrival manifests and lists.

(a) *Vessels.* The master or agent of every vessel arriving in the United States from a foreign place or from an outlying possession of the United States shall present to the immigration officer at the port of first arrival a manifest of all crewmen on board on Form I-418 in accordance with the instructions contained thereon. A manifest shall not be required for crewmen aboard a vessel of United States, Canadian, or British registry engaged solely in traffic on the Great Lakes, or the St. Lawrence River, and connecting waterways herewith designated as a Great Lakes vessel, except crewmen of other than United States, Canadian, or British citizenship and, after submission of a manifest on the first voyage of a calendar year, a manifest shall not be required on subsequent arrivals unless there is employed on the vessel at the time of such arrival an alien crewman of other than United States, British, or Canadian citizenship who was not aboard and listed on the occasion of the submission of the last prior manifest.

(b) *Aircraft.* The captain or agent of every aircraft arriving in the United States from a foreign place or from an outlying possession of the United States, except an aircraft arriving in the United States directly from Canada on a flight originating in that country, shall present to the immigration officer at the port of first arrival a manifest on the Bureau of Customs Form 7507 or on the International Civil Aviation Organization's General Declaration of all the crewmen on board, including crewmen who are returning to the United States after taking an aircraft of the same line from the United States to a foreign place or crewmen who are entering the United States as passengers solely for the purpose of taking an aircraft of the same line from the United States to a foreign port. The surname, given name, and middle initial of each such crewman listed shall be shown.

(c) *Additional documents.* The master, captain, or agent shall prepare as a part of the manifest, when one is required for presentation to an immigration officer, a completely executed set of Forms I-95 for each alien crewman on board, except (1) an alien immigrant crewman in possession of a valid immigrant visa, reentry permit, or alien registration receipt card on Form I-151; (2) a Canadian or British citizen crewman serving on a vessel plying solely between Canada and the United States; or (3) a crewman seeking conditional landing privileges under section 252(a) (1) of the Act who is in possession of an unmutilated alien crewman landing permit and identification card (Form I-184) or an unmutilated conditional landing permit (Form I-95) with space for additional endorsements previously issued to him as a member of the crew of the same vessel or an aircraft of the same line on his last prior arrival in the United States, following which he departed from the United States as a member of the crew of the same vessel or an aircraft of the same line.

§ 251.3 Departure manifests and lists for vessels.

(a) *Form I–418, Crew List.* The master or agent of every vessel departing from the United States shall submit to the immigration officer at the port from which such vessel is to depart directly to some foreign place or outlying possession of the United States, except when a manifest is not required pursuant to § 251.1(a), a single Form I–418, Crew List, completed in accordance with the instructions contained herein. Every item in the heading of the Form I–418 must be completed and the following endorsement shall be placed on the first line of the form: "Arrival Crew List, Form I–418, filed at (show United States port of entry)." Submission of a Form I–418 which lacks that endorsement or which lacks other essential information shall be regarded as lack of compliance with section 251(c) of the Act.

(b) *Added crewmen.* Under a heading "Added Crewmen," list the names of all nonresident alien crewmen who were not members of the crew and manifested on Form I–418 as such on the occasion of the vessel's last arrival in the United States and attach for each name on the list the Form I–95 or Form I–94 given to the alien crewman when he last arrived in the United States. If that form is unavailable, a new Form I–95 shall be prepared and attached to the Form I–418.

(c) *Separated crewmen.* Under a heading "Separated Crewmen," list the names of all alien crewmen, other than alien permanent residents of the United States, who were listed on the arrival Form I–418, as members of the crew on the occasion of the vessel's last arrival in the United States but who for any reason are not departing with the vessel, and for each such separated crewman show his nationality, passport number, specific port and date of separation, and the reasons for failure to depart. The list required by paragraph (b) of this section and this paragraph may be incorporated in a single Form I–418, if space permits. The required lists need not be submitted for Canadian or British citizen crewmen of Great Lakes vessels.

(d) *No changes in crew.* When there are no added and separated crewmen as described in this section, the Form I–418 shall be endorsed with the notation "No changes in nonresident alien crew upon departure."

§ 251.4 Departure manifests and lists for aircraft.

(a) *Bureau of Customs Form 7507 or International Civil Aviation Organization's General Declaration.* The captain or agent of every aircraft departing from the United States for a foreign place or an outlying possession of the United States, except an aircraft departing from the United States directly to Canada on a flight terminating in that country, shall submit to the immigration officer at the port from which such aircraft is to depart on the Bureau of Customs Form 7507 or on the International Civil Aviation Organization's General Declaration a list of all crewmen on board, including crewmen who arrived in the United States as crewmen on an aircraft of the same line and who are departing as passengers. The surname, given name, and middle initial of each such crewman listed shall be shown.

(b) *Notification of changes in employment for aircraft.* The agent of the air transportation line shall immediately notify in writing the nearest immigration office of the termination of employment in the United States of each alien employee of the line furnishing the name, birthdate, birthplace, nationality, passport number, and other available information concerning such alien.

(Sec. 103, 66 Stat. 173; 8 U.S.C. 1103)

The basis and purpose of the above-prescribed rules are to provide for the more expeditious and meaningful submission of departure manifests; to eliminate the requirement for presentation of crew manifests upon arrival from Guam, Puerto Rico, or the Virgin Islands of the United States; and to require the manifesting of certain air crewmen who enter or depart as passengers.

This order shall become effective on July 1, 1965.

Dated: May 13, 1965.

RAYMOND F. FARRELL,
Commissioner of Immigration and Naturalization.

[F.R. Doc. 65-5225; Filed, May 18, 1965; 8:45 a.m.]

Title 13—BUSINESS CREDIT AND ASSISTANCE

Chapter I—Small Business Administration

[Amdt. 2]

PART 121—SMALL BUSINESS SIZE STANDARDS

Definition of a Small Business for Purpose of Government Procurements for Artificial Leather, Oilcloth, and Other Impregnated and Coated Fabrics, Except Rubberized

On February 27, 1965, there was published in the FEDERAL REGISTER (30 F.R. 2614), a notice of proposal to amend the definition of a small business manufacturer for the purpose of bidding on Government procurements for products classified in SIC Industry 2295, Artificial leather, oilcloth, and other impregnated and coated fabrics, except rubberized.

Under the proposed amendment, a concern in this industry would be considered as small if, together with its affiliates, its number of employees does not exceed 1,000 persons.

Interested persons were given an opportunity to present their comments or suggestions thereon to the Office of Economic Analysis within 30 days after the date of publication of the notice in the FEDERAL REGISTER. After consideration of all relevant matters regarding the proposal, the amendment set forth below is herby adopted.

The Small Business Size Standards Regulation (Revision 5) (30 F.R. 2247), as amended (30 F.R. 4252) is hereby further amended by adding to Schedule B of § 121.3–8 the following industry size standard:

Census Classification code	Industry	Employment size standard (number of employees)
2295	Artificial leather, oilcloth, and other impregnated and coated fabrics, except rubberized.	1,000

This amendment shall become effective 60 days after publication in the FEDERAL REGISTER.

Dated: May 11, 1965.

EUGENE P. FOLEY,
Administrator.

[F.R. Doc. 65-5228; Filed, May 18, 1965; 8:45 a.m.]

Title 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

[FCC 65-400]

PART 0—COMMISSION ORGANIZATION

PART 1—PRACTICE AND PROCEDURE

PART 83—STATIONS ON SHIPBOARD IN MARITIME SERVICES

Miscellaneous Amendments

In the matter of amendment of Parts 0, 1, and 83 of the Commission's rules to implement the radio provisions of the International Convention for the safety of Life at Sea, London, 1960.

At a session of the Federal Communications Commission held at its offices in Washington, D.C., on the 12th day of May 1965;

The Commission having under consideration the above-captioned matter;

It appearing, that the International Convention for the Safety of Life at Sea, 1960, which replaces and abrogates the Safety Convention, 1948, was accepted by the United States of America on August 2, 1962, and will come into force, internationally, on May 26, 1965; and

It further appearing, that by Docket No. 15034, published in the FEDERAL REGISTER on November 7, 1963 (28 F.R. 11889), the Commission made initial amendments to Part 83 to conform these rules with certain new technical requirements of the Safety Convention, 1960; and

It further appearing, that inasmuch as the balance of the new provisions of the Safety Convention, 1960, which relate to (a) the titles of certificates to be issued under that Convention, (b) the extension of applicability of the radio provisions thereof down to ships of 300 gross tons, (c) the provision of a separate reserve transmitter in installations on cargo ships of 1600 gross tons and upwards made on or after November 19, 1952, and (d) the provision of a reserve

source of energy for radiotelephone stations installed in cargo vessels on or after November 19, 1952, are treaty matters that have previously been accepted by the United States and will come into force on May 26, 1965, with regard to U.S. ships engaged on international voyages, it is desirable to include these provisions and related editorial and procedural amendments in Parts 0, 1, and 83 of the Commission's rules; and

It further appearing, that certain of the amendments adopted herein implement the new and changed radio provisions of the Safety Convention, 1960, by specific rules, and the remaining amendments are editorial and procedural in nature, and hence compliance with the notice and effective date provisions of section 4 of the Administrative Procedure Act is unnecessary; and

It further appearing, that the amendments adopted herein are issued pursuant to authority contained in section 303(r) of the Communications Act of 1934, as amended:

It is ordered, That effective May 26, 1965, Parts 0, 1, and 83 of the Commission's rules are amended as set forth below.

Released: May 14, 1965.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

A. Part 0, Commission Organization, is amended as follows:

In § 0.332(b) the introductory text is amended, and subparagraph (5) (including subparagraphs (i) and (ii)), is deleted:

§ 0.332 Additional authority delegated.

* * * * *

(b) Applications or requests for exemption, pursuant to the provisions of sections 352(b) and 383 of the Communications Act; Regulation 4, Chapter 1 of the Safety Convention; Regulation 5, Chapter IV of the Safety Convention; Regulation 12(b), Chapter V of the Safety Convention; or Article 6 of the Great Lakes Radio Agreement:

* * * * *

(5) [Deleted]

* * * * *

B. Part 1, Practice and Procedure, is amended as follows:

§ 1.922 [Amended]

1. Section 1.922 is amended by deleting FCC Form 820–A and its title from the listing, and by revising the title of FCC Form 820 as follows:

820 Application for Exemption from Ship Radio Station Requirements.

2. Section 1.927, paragraph (a), is amended to read:

§ 1.927 Application for ship radio inspection or periodical survey of ships subject to compulsory radio requirements.

(a) Applications for ship radio inspection and certification of the ship radio license in accordance with the requirements of section 362(b) of the Communications Act, and/or issuance of a Safety Convention certificate in accordance with the terms of Regulations 12 and 13, Chapter 1 of the Safety Convention, should be submitted on FCC Form 801 entitled "Application for Ship Radio Inspection". This form should be forwarded to the Engineer in Charge of the radio district office nearest the desired port of inspection (see § 0.121 of this chapter).

* * * * *

3. Section 1.928, paragraph (b) is amended to read:

§ 1.928 Procedure with respect to applications for ship radio inspection or periodical survey.

* * * * *

(b) Application for a Safety Convention certificate in accordance with the terms of Regulations 12 and 13, Chapter 1 of the Safety Convention.

* * * * *

4. Section 1.929 is amended to read:

§ 1.929 Application for exemption from compulsory ship radio requirements.

Applications for exemption, filed under the provisions of sections 352 (b) or (c) and 383 of the Communications Act; Regulation 5, Chapter IV of the Safety Convention; and Article 6 of the Great Lakes Radio Agreement, shall be submitted on FCC Form 820 entitled "Application for Exemption from Ship Radio Station Requirements".

(Sec. 10(b), 50 Stat. 192, as amended, 47 U.S.C. 352; and sec. 170 Stat. 1047, 47 U.S.C 383)

C. Part 83, Stations on Shipboard in the Maritime Services, is amended as follows:

1. Section 83.2, paragraphs (a) and (p) are amended to read:

§ 83.2 General.

(a) *Safety Convention.* The International Convention for the Safety of Life at Sea, London, 1960, including the Regulations annexed thereto.

* * * * *

(p) *Safety Convention Certificates*—(1) *Nuclear Passenger Ship Safety Certificate.* A certificate issued after inspection and survey to a nuclear passenger ship which complies with the relevant requirements of the Safety Convention.

(2) *Passenger Ship Safety Certificate.* A certificate issued after inspection and survey to a passenger ship which complies with the relevant requirements of the Safety Convention.

(3) *Nuclear Cargo Ship Safety Certificate.* A certificate issued after inspection and survey to a nuclear cargo ship which complies with the relevant requirements of the Safety Convention.

(4) *Cargo Ship Safety Radiotelegraphy Certificate.* A certificate issued after inspection to a cargo ship which complies with the Safety Convention radio requirements applicable to cargo ships carrying a radiotelegraph station for the purpose of meeting such requirements.

(5) *Cargo Ship Safety Radiotelephony Certificate.* A certificate issued after inspection to a cargo ship which complies with the Safety Convention radio requirements applicable to cargo ships carrying a radiotelephone station for the purpose of meeting such requirements.

(6) *Exemption Certificate.* A certificate issued to a ship which is granted partial, conditional, or complete exemption from applicable provisions of the Safety Convention.

* * * * *

§ 83.8 [Deleted]

2. Section 83.8 is deleted.

3. Section 83.49, paragraph (a) is amended to read:

§ 83.49 Application for exemption.

(a) Application for exemption from the radio provisions of parts II or III of title III of the Communications Act of 1934, as amended, the Safety of Life at Sea Convention, 1960, or the Great Lakes Radio Agreement, or for modification or renewal of exemption previously granted, shall be submitted by the vessel owner, the vessel's operating agency, or the master of the vessel to the Secretary, Federal Communications Commission, Washington, D.C., 20554, on FCC Form 820. In cases of emergency found by the Commission, the Commission may consider an informal application which should include the full information normally furnished on the formal application.

* * * * *

4. Section 83.441, paragraph (a) is amended to read:

§ 83.441 Inspection of station.

(a) Every ship of the United States subject to part II of title III of the Communications Act and/or the radio provisions of the Safety Convention shall have the equipment and apparatus prescribed therein inspected at least once every 12 months. The issuance of an appropriate certificate (see section 361 of the Communications Act) in behalf of any vessel of the United States concerning the radio particulars provided for in the Safety Convention is subject to a finding by the Commission that such vessel complies with the applicable radio provisions of that Convention. The issuance date of Cargo Ship Safety Radiotelegraphy Certificates and Cargo Ship Safety Radiotelephony Certificates issued by the Commission shall be the date the station is found to be in compliance or not later than one business day following such incompliance date.

* * * * *

5. Section 83.442 is amended to read:

§ 83.442 Radiotelegraph station.

The radiotelegraph station required to be provided on a ship by reason of the provisions of part II of title III of the Communications Act, or on a U.S. ship by reason of the Safety Convention, shall comply in an efficient manner with the provisions of this subpart in addition to all other applicable requirements of this part. The radiotelegraph station comprises a main installation and a reserve installation, electrically separate and electrically independent of each other (except as otherwise provided in paragraph (b) of § 83.443) and such other equipment as may be necessary for the

proper use and operation of these installations.

6. Section 83.443 is amended to read:

§ 83.443 Main and reserve installations.

(a) The main installation includes a main transmitter, a main receiver, a main power supply, and a main antenna system.

(b) The reserve installation includes a reserve transmitter, a reserve receiver, a reserve power supply, emergency electric lights, and a reserve antenna system: *Provided, however,* That:

(1) *Cargo ships engaged on international voyages.* In installations on cargo ships of 300 gross tons and upwards but less than 1,600 gross tons, and in installations on cargo ships of 1,600 gross tons and upwards installed prior to November 19, 1952, if the main transmitter complies with all the requirements for the reserve transmitter, the latter may be omitted.

(2) *Cargo ships not engaged on international voyages.* In installations on cargo ships of 500 gross tons and upwards but less than 1,600 gross tons, and in installations on cargo ships of 1,600 gross tons and upwards installed prior to August 13, 1955, if the main transmitter complies with all the requirements for the reserve transmitter, the latter may be omitted.

(3) A cargo ship the keel of which was laid prior to June 1, 1954, may either be equipped with a reserve antenna or provided with a spare antenna consisting of a single-wire transmitting antenna (including suitable insulators) completely assembled for immediate installation.

7. Section 83.446, paragraph (a) (7) is amended to read:

§ 83.446 Requirements of reserve installation.

(a) • • •

(7) The emergency electric lights shall be controlled by two-way switches placed near the main entrance to the radiotelegraph operating room and at the radiotelegraph operating position, in all cases where the distance between these points is greater than 8 feet: *Provided,* That this requirement shall be applicable to stations when the main or reserve radiotelegraph transmitter is replaced or initially installed in such station on and after May 26, 1965.

• • • • •

8. Section 83.453, paragraph (b) is amended to read:

§ 83.453 Radiotelegraph auto alarm.

• • • • •

(b) The following radiotelegraph auto alarms are acceptable for use pursuant to § 83.205:

(1) A radiotelegraph auto alarm that was type approved by the Commission prior to January 1, 1954, and installed prior to May 26, 1965, is acceptable until May 26, 1969. All radiotelegraph auto alarm type approvals dated prior to January 1, 1954, are canceled as of May 26, 1969.

(2) A radiotelegraph auto alarm that was type approved by the Commission subsequent to January 1, 1954, pursuant to § 83.554.

9. Section 83.486 is amended to read:

§ 83.486 Automatic radiotelephone alarm signal generator.

The transmitter provided as a component of the radiotelephone station shall be equipped with a device, of a type approved by the Commission pursuant to § 83.142, capable of automatically generating the international radiotelephone alarm signal: *Provided,* That this requirement shall be applicable to all such transmitters initially installed on and after May 26, 1965, and to all such transmitters on and after May 26, 1968.

10. Section 83.491, paragraph (a) is amended to read:

§ 83.491 Reserve source of energy.

(a) When the main source of energy is not situated on the same deck as the main wheelhouse or at least one deck above the vessel's main deck, a reserve source of electrical energy shall be provided and shall be so situated: *Provided, however,* That this requirement is applicable only:

(1) When the required radiotelephone transmitter has been installed on or after November 19, 1952, in the case of vessels engaged on international voyages; or

(2) When the required radiotelephone transmitter has been installed on or after August 13, 1955, in the case of vessels not engaged on international voyages.

• • • • •

11. Section 83.538 is amended to read:

§ 83.538 Occasional navigation on the Great Lakes.

Any vessel of the United States which enters the Great Lakes from Montreal or below and which engages in not more than two voyages on the Great Lakes in any one calendar year solely between (a) one or more ports outside the Great Lakes and (b) one or more ports on the Great Lakes, may in lieu of complying with the technical radiotelephone requirements of the Great Lakes Radio Agreement, comply with the radiotelephone requirements of Regulations 14 and 15 of Chapter IV of the Safety of Life at Sea Convention, 1960: *Provided, however,* That:

(1) The vessel has on board a valid Cargo Ship Safety Radiotelephony Certificate; and

(2) The radiotelephone installation is equipped to transmit and receive on the frequencies 2003 kc/s and 2182 kc/s.

12. Section 83.557 is amended by revising the footnote to the table in paragraph (b) (1) and the footnote to the table in paragraph (c) (2) to read:

§ 83.557 Requirements for survival craft portable radio equipment.

• • • • •

(b) (1) • • •

[1] In the case of equipment type approved prior to May 26, 1965, the power output may be 1.7 watts into an artificial antenna of 10 ohms resistance and 75 picofarads capacitance.

• • • • •

(c) • • •

(2) • • •

[1] In the case of equipment type approved prior to May 26, 1965, the artificial antenna may be 10 ohms resistance and 75 picofarads capacitance.

• • • • •

[F.R. Doc. 65-5259; Filed, May 18, 1965; 8:46 a.m.]

[FCC 65-398]

PART 1—PRACTICE AND PROCEDURE

Miscellaneous Amendments

At a session of the Federal Communications Commission held at its offices in Washington, D.C., on the 12th day of May 1965:

The Commission having under consideration the local notice requirements set forth in §§ 1.525, 1.580, and 1.594 of the rules of practice and procedure and, in particular, the time periods within which such notice must be provided; and

It appearing, that these rules now provide for publication of notice during the first week after the happening of certain events; that it is frequently difficult to prepare the notice and arrange for publication during this period; that the publication of notice can be delayed for 1 week without material disadvantage to those in the local community who may wish to participate in the proceeding; and, therefore, that the rules should be amended to permit publication beginning in the second week after the happening of the events in question; and

It further appearing, that the amendments adopted herein are procedural in nature, that they relieve a restriction, and hence that the notice and effective date requirements of section 4 of the Administrative Procedure Act are inapplicable; and

It further appearing, that authority for the amendments adopted herein is contained in sections 4(i), 303(r), and 311 of the Communications Act of 1934, as amended:

It is ordered, Effective May 24, 1965, that §§ 1.525, 1.580, and 1.594 of the rules of practice and procedure are amended as set forth below.

(Secs. 4, 303, 311, 48 Stat. 1066, 1082, 74 Stat. 892; 47 U.S.C. 154, 303, 311)

Released: May 14, 1965.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

1. Section 1.525(b) (2) is amended to read as follows:

§ 1.525 Agreements between parties for amendment or dismissal of, or failure to prosecute broadcast applications.

• • • • •

(b) • • •

(2) Upon release of an order under subparagraph (1) of this paragraph, any party proposing to withdraw its application shall cause to be published a notice of such proposed withdrawal at least twice a week for 2 consecutive weeks within the 3-week period immediately following release of the Commission's order, in a daily newspaper of general circulation published in the community in which it was proposed to locate the station: *Provided, however,* That if there is no such daily newspaper published in the community, the notice shall be published as follows:

(i) If one or more weekly newspapers of general circulation are published in the community in which the station was proposed to be located, notice shall be published in such a weekly newspaper once a week for 3 consecutive weeks within the 4-week period immediately following the release of the Commission's order.

(ii) If no weekly newspaper of general circulation is published in the community in which the station was proposed to be located, notice shall be published at least twice a week for 2 consecutive weeks within the 3-week period immediately following the release of the Commission's order in the daily newspaper having the greatest general circulation in the Community in which the station was proposed to be located.

• • • • •

2. Section 1.580(c), and that portion of (d) preceding subparagraph (1), are amended to read as follows:

§ 1.580 Local notice of filing; public notice of acceptance for filing; petitions to deny.

• • • • •

(c) Except as otherwise provided in paragraph (e) of this section, an applicant filing any application or an amendment thereto which is subject to the provisions of this section (except for applications for stations in the international broadcast service and for television translator stations) shall cause to be published a notice of such filing as follows: Notice shall be published at least twice a week for 2 consecutive weeks within the 3-week period immediately following the tendering for filing of such application or amendment, or at least twice a week for 2 consecutive weeks within the 3-week period immediately following notification by the Commission pursuant to § 1.571, § 1.572, § 1.573, or § 1.578, in a daily newspaper of general circulation published in the community in which the station is located or proposed to be located: *Provided, however,* That if there is no such daily newspaper published in the community, the notice shall be published as follows:

(1) If one or more weekly newspapers of general circulation are published in the community in which the station is located or proposed to be located, notice shall be published in such a weekly newspaper once a week for 3 consecutive weeks within the 4-week period immediately following the tendering for filing of such application or amendment, or at least twice a week for 2 consecutive weeks within the 4-week period immediately following notification by the Commission pursuant to § 1.571, § 1.572, § 1.573, or § 1.578, in the daily newspaper having the greatest general circulation in the community in which the station is located or proposed to be located:

And provided further: That in the case of an application for a permit pursuant to section 325(b) of the Communications Act, the notice shall be published at least twice a week for 2 consecutive weeks within the 3-week period immediately following the tendering for filing of such application, or at least twice a week for 2 consecutive weeks within the 3-week period immediately following notification by the Commission pursuant to § 1.571, § 1.572, § 1.573, or § 1.578, in a daily newspaper of general circulation in the largest city in the principal area to be served in the United States by the foreign radio broadcast station:

And provided further, That in the case of an application for change in the location of a station, the notice shall be published both in the community in which the station is located and in the community in which the station is proposed to be located.

(d) If the application seeks modification, assignment, transfer, or renewal of an operating broadcast station (except for applications for stations in the international broadcast service and for television translator stations), the applicant shall, in addition to publishing a notice of such filing as provided in paragraph (c) of this section, cause the same notice to be broadcast over that station at least once daily on 4 days in the second week immediately following the tendering for filing of such application, or in the second week immediately following notification by the Commission pursuant to § 1.571, § 1.572, § 1.573, or § 1.578. In the case of television broadcast stations and noncommercial educational television broadcast stations, such notice shall be broadcast orally with camera focused on the announcer. The notice required by this paragraph shall be broadcast during the following periods:

• • • • •

3. Section 1.594(a), and that portion of (b) preceding subparagraph (1), are amended to read as follows:

§ 1.594 Local notice of designation for hearing.

(a) Except as otherwise provided in paragraph (c) of this section, when an application subject to the provisions of § 1.580 (except for applications for stations in the international broadcast service and for television translator stations) is designated for hearing, the applicant shall cause to be published a notice of such designation as follows: Notice shall be published at least twice a week, for 2 consecutive weeks within the 3-week period immediately following release of the Commission's order specifying the time and place of the commencement of the hearing, in a daily newspaper of general circulation published in the community in which the station is located or proposed to be located: *Provided, however,* That if there is no such daily newspaper published in the community, the notice shall be published as follows:

(1) If one or more weekly newspapers of general circulation are published in the community in which the station is located or proposed to be located, notice shall be published in such a weekly newspaper once a week for 3 consecutive weeks within the 4-week period immediately following the release of the Commission's order specifying the time and place of the commencement of the hearing;

(2) If no weekly newspaper of general circulation is published in the community in which the station is located or proposed to be located, notice shall be published at least twice a week for 2 consecutive weeks within the 3-week period immediately following the release of the Commission's order specifying the time and place of the commencement of the hearing in the daily newspaper having the greatest general circulation in the community in which the station is located or proposed to be located:

And provided further, That in the case of an application for a permit pursuant to section 325(b) of the Communications Act, the notice shall be published at least twice a week for 2 consecutive weeks within the 3-week period immediately following release of the Commission's order specifying the time and place of the commencement of the hearing in a daily newspaper of general circulation in the largest city in the principal area to be served in the United States by the foreign radio broadcast station:

And provided further, That in the case of an application for change in the location of a station, the notice shall be published both in the community in which the station is located and in the community in which the station is proposed to be located.

(b) When an application which is subject to the provisions of § 1.580 and which seeks modification, assignment, transfer, or renewal of an operating broadcast station is designated for hearing (except for applications for stations in the international broadcast service and for television translator stations), the applicant shall, in addition to publishing a notice of such designation as provided in paragraph (a) of this section, cause the same notice to be broadcast over that station at least once daily on 4 days in the second week immediately following the release of the Commission's order specifying the time and place of the commencement of the hearing. In the case of television broadcast stations and noncommercial educational television broadcast stations, such notice shall be broadcast orally with camera focused on the announcer. The notice required by this paragraph shall be broadcast during the following periods:

• • • • •

[F.R. Doc. 65-5261; Filed, May 18, 1965; 8:48 a.m.]

Proposed Rule Making

DEPARTMENT OF AGRICULTURE

Consumer and Marketing Service

[7 CFR Part 33]

EXPORT APPLES AND PEARS

Notice of Proposed Rule Making

Notice is hereby given that the Department is considering the proposed amendment of the regulations (7 CFR Part 33), as hereinafter set forth, effective pursuant to the provisions of the Export Apple and Pear Act, as amended (48 Stat. 123; 7 U.S.C. 581–589), and the authority set forth in section 7, 48 Stat. 124; 7 U.S.C. 587.

All persons who desire to submit written data, views, or arguments in connection with the aforesaid proposal shall file the same, in quadruplicate, with the Hearing Clerk, United States Department of Agriculture, Room 112 Administration Building, Washington, D.C., 20250, not later than the 30th day after the publication of this notice in the FEDERAL REGISTER. All written submissions made pursuant to this notice will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

The proposed amendment would (1) increase from 25 to 100 boxes the exempt quantity of apples or pears that may be shipped by an exporter on a single conveyance to any foreign country, and (2) permit shipment to Mexico of pears in less than carload lots (400 boxes), providing that not more than one such lot may be shipped by any shipper to any one consignee or receiver on the same conveyance.

The proposed amendment is as follows:

Revise paragraph (a) of § 33.12 *Apples and pears not subject to regulation* so that after such revision the preamble of such section and paragraph (a) provide as follows:

§ 33.12 Apples and pears not subject to regulation.

Except as otherwise provided in this section, any person may, without regard to the provisions of this part, ship or offer for shipment, and any carrier may, without regard to the provisions of this part, transport or receive for transportation to any foreign destination:

(a) A quantity of apples or pears to any foreign country not exceeding a total of 5,000 pounds gross weight or 100 boxes of apples or pears packed in standard boxes on a single conveyance: *Provided*, That pears may be shipped to Venezuela or Mexico in less than carload lots not exceeding one such lot to any one consignee or receiver on a single conveyance.

* * * * *

Dated: May 14, 1965.

ARTHUR E. BROWNE,
Acting Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 65-5271; Filed, May 18, 1965; 8:49 a.m.]

[7 CFR Part 993]

[Docket No. AO 301-A5]

DRIED PRUNES PRODUCED IN CALIFORNIA

Notice of Recommended Decision and Opportunity To File Written Exceptions With Respect to Proposed Amendment of Marketing Agreement, as Amended, and Order, as Amended

Pursuant to the applicable rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of the filing with the Hearing Clerk, United States Department of Agriculture, of this recommended decision with respect to proposed amendment of the marketing agreement, as amended, and this part (Order No. 993, as amended), regulating the handling of dried prunes produced in California (hereinafter collectively referred to as the "order"). The order is effective pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674), hereinafter referred to as the "act", and any amendment which may result from this proceeding also will be effective pursuant to the act.

Interested persons may file written exceptions to this recommended decision with the Hearing Clerk, United States Department of Agriculture, Room 112, Administration Building, Washington, D.C., 20250, not later than the close of business on the 12th day after publication of this recommended decision in the FEDERAL REGISTER. Exceptions should be filed in quadruplicate. All written submissions made pursuant to this notice will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

Preliminary statement. The public hearing on the record of which the proposed amendment is formulated was held in San Francisco, California, on March 15 and 16, 1965. Notice of the hearing was published in the FEDERAL REGISTER on February 24, 1965 (30 F.R. 2601). The proposals in the notice of hearing were submitted by the Prune Administrative Committee (hereinafter referred to as the "committee"), the agency established pursuant to the order to administer the terms and provisions thereof.

Material issues. The material issues presented on the record of the hearing involve amendatory action relating to:

(1) The defining of the terms "handle," "proper storage," "domestic trade demand," "foreign trade demand," "salable prunes," and "reserve prunes";

(2) The modification of the committee's voting procedures to require at least 14 affirmative votes for committee decisions on important matters;

(3) The deletion of the requirement that committee members shall receive $10 per day, and the payment of alternate members' expenses when authorized by the committee;

(4) The requiring of statements of the committee's financial operations on reserve prunes;

(5) The application of a minimum size limitation to French prunes disposed of for human consumption as prunes;

(6) The need, authority, and method for volume regulation, and the enlargement of marketing policy requirements;

(7) The need, authority, and methods for optional diversion of prune plums by producers;

(8) The prunes on which assessments should be levied; and

(9) The making of such changes in the order as are necessary to bring the entire order, as proposed to be amended, into conformity with the amendatory action resulting from the hearing.

Findings and conclusions. The findings and conclusions on the aforementioned material issues, all of which are based on the evidence adduced at the hearing and the record thereof, are as follows:

(1) The term "handle," now defined in § 993.13, specifies those functions which, when performed with respect to prunes, make a person a handler and thereby subject him to the provisions of the order. It was proposed in the notice of hearing to consider any need to revise the definition in view of the proposed addition to the order of provisions for volume regulation. The record does not show any need to revise the definition. It does show, however, that the term should continue to apply with respect to prunes on which the specified functions of handling are performed, including salable and reserve prunes in the event of volume regulation. This is necessary to permit order operations and to effect handler compliance.

A new section, § 993.21a, should be added to the order to define the term "proper storage" to mean storage of such character as will maintain prunes in the same condition as when received by a handler, except for normal and natural deterioration and shrinkage. The need for defining the term stems from the requirement in new § 993.57 for handlers to hold reserve prunes in proper storage for the account of the committee. To specify storage of such character as will keep the prunes in the same condition as when received is necessary to protect the value of the pooled prunes for the persons beneficially interested therein. However, in the course of storing prunes, due to their semi-perishable nature, some deterioration and shrinkage beyond the handler's control normally and naturally occurs even in good storage facilities and conditions. The foregoing exception in the definition is made in recognition of this normal occurrence.

A new section, § 993.21b *Trade demand*, should be added to the order to define the terms "domestic trade demand" and "foreign trade demand". The first term should be defined to mean the quantity of prunes which the commercial trade will acquire from all handlers during a crop year for distribution in domestic markets for human consumption as prunes and prune products. The second term should be defined to mean the quantity of prunes which the commercial trade will acquire from all handlers during a crop year for distribution in other than domestic markets for human consumption as prunes and prune products. The term "domestic" is presently defined in § 993.21 to mean the United States, Canal Zone, Puerto Rico, Virgin Islands, and Canada. The two terms thus serve to distinguish between the two geographical market areas, domestic and foreign, historically considered by the prune industry as generally differing from one another as to marketing practices and terms and conditions of sales.

A new section, § 993.21c, should be added to the order to define the term "salable prunes" to mean those prunes which are free to be handled pursuant to any salable percentage established by the Secretary pursuant to § 993.54, or, if a reserve percentage of zero is established for a crop year, all prunes received by handlers from producers and dehydrators during that year. Another new section, § 993.21d, should be added to the order to define the term "reserve prunes" to mean those prunes which must be withheld in satisfaction of a reserve obligation arising from the application of a reserve percentage established by the Secretary pursuant to § 993.54. The two terms should be defined for use in the proposed volume provisions and the regulations which cause prunes to fall into one of the two categories during a crop year on the basis of salable and reserve percentages. The definition of the term "salable prunes" should prescribe that all prunes received by handlers from producers and dehydrators during a crop year comprise salable prunes if a reserve percentage of zero is established for a crop year because salable prunes will constitute the tonnage basis on which assessments will be levied whether or not volume regulation is in effect.

(2) The proviso in § 993.33 should be revised to require that committee decisions on marketing policy, grade or size regulations, pack specifications, salable and reserve percentages, and on any matters pertaining to the control or disposition of reserve prunes or to prune plum diversion, including any delegation of authority to act on such matters and any recommendations of rules and procedures with respect to such matters, including any such decision arrived at by mail or telegram, shall require at least 14 affirmative votes (two-thirds of the 21-member committee). The proviso presently provides that committee decisions on marketing policy, grade or size regulations, or pack specifications shall require at least 11 affirmative votes (a majority of the 21-member committee).

With prospect of larger productions of prunes than the average production of recent years, committee decisions on marketing policy, grade or size regulations, or pack specifications are likely to have greater economic impact on producers and handlers in the years ahead. Moreover, committee decisions on volume regulation and prune plum diversion would be of particular importance to the industry. Committee decisions on the implementation of volume regulation and prune plum diversion could have as an important effect on the industry as do its decisions and recommendations on marketing policy, volume percentages and on whether to recommend to the Secretary that prune plum diversion be operative. This implementation would include committee decisions and recommendations on such matters as rules and procedures on volume regulation and prune plum diversion, and the delegation, either to subcommittees or to the committee management, of authority to work out details and to perform functions on reserve prune management and diversion operations. The evidence of record is all these matters should be subject to a 14-vote requirement, and that whenever more than one-third of the industry is in opposition on these important matters, the item under consideration should be deemed to have inadequate support. The revision of the proviso should provide that 14-vote requirement also apply to committee decisions when voting is conducted by mail or telegram on any of the foregoing matters so as to be consistent with the voting requirement to be applied in committee meetings. As a conforming change in this regard, the last sentence of § 993.33 should be amended by placing a period after the word "adoption" and deleting the remainder of the sentence.

(3) Section 993.34 should be revised to provide that the members of the committee, and alternates when acting as members, or when alternates' expenses are authorized by the committee, shall serve without compensation but shall be allowed their expenses. This section now provides that the members of the committee, and their alternates when acting as members, shall receive $10 per day for each day devoted to performing their duties under the order, plus their reasonably necessary expenses.

The provision for compensation of $10 per day should be deleted because it is indicated that producers and handlers are sufficiently public spirited to be willing to serve without this compensation and thus avoid the cost to the industry which such compensation entails. However, members of the committee, and alternates acting as members, should continue to be allowed their expenses as is done in other programs of this type.

Occasions arise when alternates, even though not acting as members, should be allowed their expenses. For example, some committee meetings, such as those dealing with annual marketing policy, may be of such importance that both members and alternates are justified in attending. The contributions of alternates to such meetings, the information they derive from attendance, and the orientation they can then provide other producers or handlers can be of real value to the industry. Payment of alternates' expenses should be authorized for the further purpose of permitting attendance while performing specific tasks as members of subcommittees. So that alternates' expenses (when not acting as members) are paid only when they perform duties under the order and serve useful purposes to the industry, such payment should be made only when authorized by the committee. The evidence of record is that as the committee gains experience with the use of this authorization, it will include in its bylaws specific conditions under which it will authorize payment of alternate expenses.

(4) In § 993.36 paragraphs (i), (j), (k), (l), and (m) should be relettered as (j), (k), (l), (m), and (n), respectively, and a new paragraph (i) should be inserted to provide, as one of the committee's duties, that it shall prepare and submit to the Secretary annually, as soon as practicable after the end of each crop year and at such other times as the committee may deem appropriate or as the Secretary may request, a statement of the committee's financial operations with respect to reserve prunes for such crop year and to make such statements available at the offices of the committee for inspection by producers, dehydrators, and handlers. Good business practice dictates the need to require the committee to make financial statements of its reserve prune operations. Submission of the statements to the Secretary would provide opportunity for supervision. The making of the statements available to producers, dehydrators, and handlers would provide interested persons with needed information. Reserve prune activity may be sporadic, with periods of inactivity interspersed throughout the crop year. Hence, the order should not require the statement monthly but should require the statement annually as soon as practicable after the close of the crop year if any such activity occurs that year, and at any other times as may be specified by the committee or the Secretary. So that monthly statements of financial operations of reserve tonnage will not be required by the order, "exclusive of reserve prune operations," should be inserted immediately after "the financial operations of the committee" in paragraph (h) of § 993.36.

(5) Paragraph (d) of § 993.50 prohibits handlers from shipping or otherwise making final disposition of any lot of consumer packages of French prunes unless the average count of such prunes contained in such lot is 100 or less per pound. Said paragraph (d) should be amended so as to extend this minimum size requirement to apply to handler shipment or disposition of any lot of French prunes for human consumption as prunes, regardless of the type of container in the lot. This minimum size requirement also should be extended, as discussed hereinafter, to French prunes used in certain lots of mixed dried fruit for human consumption as such.

Despite the present requirement, a small volume of French prunes averaging in count more than 100 per pound reaches consumers by shipment in bulk containers for sale at retail in bulk or as a repackaged item. This is an undesirable situation because these small size French prunes are generally unsuitable for human consumption as prunes

whether in consumer packages or other containers. In general, French prunes smaller than 100 count have less sugar, possess less desirable flavor and texture, and are less mature than larger prunes. The smallness of such prunes is a definite factor of quality and maturity. It is neither in the interest of the public nor the prune industry that such prunes be offered for consumption as prunes. Hence, the minimum size requirement, as proposed to be extended, should be in effect irrespective of whether the estimated season average price to producers for prunes is in excess of parity.

The minimum size requirement also should be extended to any lot of containers holding 10 pounds or more of French prunes and other dried fruit if more than 60 percent of the net weight of mixed dried fruit in the lot consists of French prunes. This should be done for the same reasons as hereinabove stated. "Consumer package" as defined in § 993.22 includes any container holding less than 10 pounds of prunes and other dried fruit only if more than 60 percent of the net weight of mixed dried fruit in the lot consists of prunes. However, a pack of mixed dried fruit so heavily weighted to prunes is uncommon. The existing minimum size requirement for French prunes is applicable to the French prunes in such a pack to prevent handlers from circumventing the requirement by increasing the percentage of prunes in the total weight of the mixed dried fruit to more than 60 percent but less than 100 percent. Recognized packs of mixed dried fruit normally have less than 60 percent of dried prunes in the total weight of the mixture. The minimum size requirement is not applied to prunes in these recognized packs due to the difficulty of obtaining sufficient prunes from the low proportion packs to make the inspection tests.

The French prunes averaging smaller than 100 count would be substandard prunes for shipment or other disposition. Therefore, their handling should continue to be governed by the provisions of present paragraph (e) of § 993.50. Such prunes, to the extent they meet applicable minimum grade standards, may be used in human food products such as prune juice or other prune products wherein the prunes lose their form and character as prunes by conversion prior to consumption.

(6) During the six-year period 1958–63, the annual production of California dried prunes averaged only 132,200 tons and the season average price to producers for this commodity ranged from 78 to 150 percent of the parity price. Plantings of prune trees continued. An upward trend in bearing acreage developed so that the prospect for some time is for a much higher annual average production than the annual average of the 1958–63 period. The relatively small supply and high prices for prunes during that period contributed materially to a curtailment of both domestic and export demand for prunes. The situation came to a head in 1964 when 180,000 tons of prunes were produced. In these circumstances of prune demand and supply without volume controls, including excessive market offerings of prunes immediately following the harvesting season, price cutting by the industry, particularly in the export market, has been harmful to buyer confidence, prune disappearance and price stability. The estimated season average price to producers for 1964 crop prunes descended to approximately 60 percent of the parity price with the prospect of a larger than normal carryout at the end of the 1964–65 crop year. Barring unforeseen circumstances, such as unfavorable weather conditions, the prospective supply and demand situation for prunes is such that prune prices are likely to continue to average considerably below parity for a number of years.

The hearing evidence is that, under the prospective conditions stated, the demand for prunes and total returns to producers could be increased by (1) withholding from commercial trade channels in a reserve pool the quantity of prunes necessary to protect against errors of estimation and permit orderly marketing of the supply, (2) restricting the volume of prunes which may be freely marketed by handlers (salable prunes), (3) releasing from the reserve pool, from time to time, as needed for use in export or domestic trade channels, or both, that portion of the withheld reserve prunes needed to meet the demand for prunes not supplied by salable prunes, and (4) disposing of any reserve prunes, in excess of domestic and foreign trade demand and any salable and reserve carryover needs, in outlets noncompetitive with normal outlets for salable prunes.

Under this plan, the industry could feed prunes into commercial trade channels at rates corresponding with the ability of markets to take the prunes at stable or reasonably advancing prices. Such orderly marketing gives buyers confidence and enhances demand for the commodity and its products. The plan would encourage further stability in the marketing of prunes by permitting reserve prunes to be carried over from one year to supplement any short crop which may occur in the following year.

So as to safeguard against harmful price cutting in export, it would be possible to implement the plan, if deemed necessary, by requiring prunes for export to be sold at not less than specified minimum prices. Another means of implementation would be to make it possible for prunes for export to any or all countries to be sold at prices lower than domestic prices for prunes. This could be done if necessary to compete to better advantage in the world market for dried prunes and thereby increase exports, and if it could be found that to do so would tend to effectuate the declared policy of the act.

At the hearing it was proposed, as one alternative means of volume regulation, that only that portion of the July estimated prune supply in excess of the total anticipated commercial demand, including a desirable carryout, be placed in the reserve pool. This proposal is inconsistent with the authorized concept of reserve control which is to correct the price weakness caused by excessive market offerings immediately following the harvesting season. Hence, this proposal is not recommended for adoption.

In the marketing policy provisions of the notice of hearing, it was proposed that the order provide a choice of controlling reserve prunes either by a producer pool or by a handler pool. It was further proposed that the committee annually recommend its choice at its marketing policy meeting. Then, at the time of the establishment of the salable and reserve percentages, the Secretary would be required to specify whether reserve prunes were to be controlled by a producer pool or a handler pool.

Specific provisions for each type of pooling were set forth in the notice of hearing. A producer pool is described as one where the reserve percentage is applied to the prunes received by each handler from each producer and dehydrator, the committee sells the reserve prunes, collects the proceeds, and distributes the net proceeds to equity holders (primarily producers). A handler pool is described as one where the reserve percentage is applied to each handler's total receipts of prunes from producers and dehydrators, the handler is permitted to dispose of reserve prunes pursuant to an agency arrangement with the committee, and the handler receives the proceeds. Distribution of the proceeds by the handler then depends upon the individual arrangement between handler and producer.

Under the proposed plan for the control and disposition of reserve prunes, all or a large portion of these prunes would be disposed of in commercial trade channels for export or domestic use. It is important therefore that the reserve prunes so used be of suitable grade and size for the particular use. However, no requirement was set forth in the notice of hearing to compel this specifically. In the absence of such requirement, the result could be that prunes of the least value from the standpoint of quality and size would be placed in the reserve pool. This could tend to defeat the objective of volume regulation to expand markets for prunes, by starving certain outlets and leaving an excess in others. Regarding the producer pool arrangement, the evidence of record shows the need to apply the reserve percentage in a manner which would cause an "across-the-board" setaside, that is, to cause a withholding approximating the average marketable content of the natural condition prunes received by each handler from each producer and dehydrator. In this way, a producer who delivers prunes to a handler would make the same contribution to the pool and receive the same net return from the pool as a producer who delivers prunes of identical quantity, quality, and size to another handler. This proposal is recommended for adoption and should be included in new § 993.56. Several methods of causing an "across-the-board" setaside were discussed at the hearing but none was recommended over the others as the committee desired more time to study the matter and to include the specific method later chosen in the rules and procedures. This should be done as the method chosen could be more easily changed, if experience requires change, than if included in the order.

The "across-the-board" pooling concept was not proposed in connection with a handler pool. The handler's reserve obligation would be only a tonnage obligation and the reserve proceeds which he would return to producers would depend on his contractual agreements with them. Hence, producers' contributions to a handler pool and their net returns could vary even though their deliveries of prunes were identical in all aspects.

A producer pool operated in terms of prune quality and sizes pooled so that existing prune and prune product outlets are maintained and expanded could present better equity to both handlers and producers than a handler pool. Handlers would be expected to more aggressively compete for and price the salable tonnage as they would have fewer options in terms of access to the reserve. Producers would look to the committee for payment on pooled tonnage instead of relying on handlers to earn and return at least the industry wide average.

A handler pool is not as essential in the prune industry as in a program for a commodity which has no outlets for excess production and the committee is in a poor position to develop outlets. The prune industry has existing export markets for prunes and domestic markets for prunes and prune products and needs orderly marketing conditions to enlarge these outlets. Handlers can be expected to be actively interested in obtaining a substantial quantity of reserve prunes from a producer pool for maintaining and expanding outlets, particularly if profitable trading conditions are established. Thus a producer pool is a feasible means of marketing reserve prunes and has the further merit of providing more equitable buying conditions for handlers and returns to producers.

In view of the foregoing, the proposal for the option of a handler pool and provisions relative thereto are not recommended for adoption.

Section 993.41 on marketing policy should be revised in view of the proposed addition to the order of provisions authorizing volume regulation and producer diversion of prune plums.

The time for the committee's preparation and submission to the Secretary of its marketing policy report should be changed from "Prior to the fourth Tuesday of each July" to "On or before the fourth Tuesday of each July" so as to give the committee one additional day to obtain and include in its report "last minute" information on the prune situation. The additional time could be important to the adequacy and accuracy of the report especially when estimates of the prospective situation based on latest information are changing daily.

Present provisions on modification and giving notice of marketing policy require no essential change. Neither do certain items which the committee is required to consider and include in its report. However, the committee should be required to consider and include in its report a number of additional items so that an effective policy will be developed to facilitate operation of the program.

The estimated carryover of salable prunes as of August 1, the beginning of the crop year, should be included in the report. This is part of the available prune supply. It is one of the factors determining whether volume regulation is needed and, if so, would enter into the computation of the salable and reserve percentages.

The report also should include the estimated carryover of reserve prunes as of August 1. This factor would not enter into the computation of volume percentages as the reserve prunes held by handlers for the account of the committee would be the result of prior volume regulation. However, this would show the estimated quantity of prunes which could be used to supplement a short crop, or be a factor in determining the quantity of prune plums desirable to be diverted or the quantity of reserve prunes which should be disposed of in outlets noncompetitive with normal outlets for salable prunes.

The grade and size composition of the salable and reserve carryovers should be taken into account by the committee and included in the report since the demand for the different grades and sizes of prunes varies according to prune outlets and the supply of a particular grade and size affects the price thereof.

Another factor for inclusion in the report should be the quantity of prunes to be produced without regard to possible diversions of prune plums by producers. Information regarding the total prospective prune production is crucial for wise decisions regarding the extent of grade, size, and volume regulation, and producer diversion of prune plums because production as part of the supply affects prices and producer income. The estimate of the prune production should include the equivalent dried weight of the quantity of prune plums likely to be diverted by producers because those prune plums would be included in early crop estimates and the salable and reserve percentages would be applied to the prunes received by handlers plus the diverted tonnage.

The report should include the committee's estimates of the domestic trade demand by uses of prunes and of foreign trade demand by countries or groups of countries. These estimates are basic for determining the total trade demand and the extent of volume regulation needed, if any, so as to achieve orderly marketing and the best possible producer returns consistent with marketing conditions.

The desirable carryout of salable prunes at the end of the ensuing crop year should be estimated by the committee and included in the report. Since the salable carryover (as carryin) is brought into the available supply for computing the salable and reserve percentages, the tonnage desired to be carried out at the end of the crop year should be included in demand considerations.

The committee should estimate and include in its marketing policy report the quantity of prunes to be withheld as reserve prunes so as to protect against errors of estimation and permit orderly marketing of the supply. If the adjustments inherent in this estimate were not made, the preceding estimates would lead to the conclusion that the quantity of reserve prunes should be only that portion of the supply in excess of domestic and foreign trade demand and a desirable carryout. However, such quantity would not be sufficient to protect against the possibility of too large a quantity of salable prunes caused either by underestimation of the production or overestimation of trade demand. If the quantity of salable prunes were too large, a weak marketing situation would develop. Hence, the estimated quantity of reserve prunes to be withheld should be increased in appropriate amount to protect against errors of estimation. Moreover, one of the needs for reserve control is to prevent price instability or weakness caused by excessive market offerings immediately following the harvesting season. Therefore, appropriate increase in the estimated quantity of reserve prunes to be withheld should be made to prevent such excessive offerings of salable prunes and the consequent price fluctuations and weakness. These protective additions to the reserve would have the effect of initially reducing the salable supply below probable requirements and hence would permit reserve prunes to be released later from time to time for use in domestic or export outlets, or both, as market conditions warrant.

The committee's recommended salable and reserve percentages, based on the preceding estimates, should be included in the report so that the Secretary can take action thereon. In order to achieve the objectives of volume regulation, the reserve percentage, for example, could be computed as follows: (1) Add the salable carryover to the estimated production to obtain the estimated supply; (2) subtract from the estimated supply the sum of domestic trade demand, foreign trade demand, and the desirable carryout of salable prunes to obtain the unadjusted quantity of reserve prunes for withholding; (3) adjust this quantity upward in accordance with the preceding paragraph; and (4) divide the adjusted quantity desired to be withheld as reserve prunes by the estimated production and multiply the result by 100 to obtain the reserve percentage, rounding the percentage to the nearest whole number. The salable percentage is obtained by subtracting the reserve percentage from 100 percent.

The committee should estimate and include in its report the quantity, if any, of prune plums, dried weight basis, desirable to be diverted by producers. This would give the Secretary a basis for acting on the committee's recommendation and would provide the industry with information on which to conduct its operations. After making the supply and demand estimates, the committee would be in a position to estimate whether the estimated supply of prunes is in excess of trade demand and carryover requirements and, if so, whether producers could

effect a saving by diverting prune plums instead of delivering them to handlers in the form of dried prunes for disposition in low-return, noncompetitive outlets.

The marketing policy report should include any recommended change in grade or size regulation or pack specifications so that the industry would be given notice of the proposed change and the Secretary could take action on it in time for the coming crop.

In addition, the report should include information on the current prices for prunes and the trend and level of consumer income. Knowledge of these factors would contribute to the determination of a price objective for prunes and of the supply of prunes which should be placed in the reserve pool.

A new section, § 993.54 *Establishment of salable and reserve percentages,* should be added to the order to authorize the Secretary to establish or modify the salable and reserve percentages. This is necessary for volume allocation of the crop. The new section should provide whenever the Secretary finds, from the recommendations or supporting information supplied by the commitee, or from any other available information, that to establish the percentages of prunes for any crop year which shall be salable prunes and reserve prunes, respectively, or to modify the previously established percentages, would tend to effectuate the declared policy of the act, he shall establish or modify such percentages. The Secretary should not be precluded from using such information as he may have, in acting on the committee's recommendation, so as to effectuate the declared policy of the act. Also, the Secretary has certain responsibilities under the act which require that he not necessarily bind his actions to those recommended by the committee. If marketing conditions and program operations warrant, it may be desirable during a crop year to modify the percentages during a crop year to provide additional salable prunes in lieu of the committee offering reserve prunes for sale to handlers. The order should permit this to be done. However, the reserve percentage previously established for the then current crop year should not be increased as some handlers could have committed all of their salable prunes and the modification then would not affect all handlers equitably. The sum of the percentages should equal 100 percent and thereby account for the entire receipts of handlers from producers and dehydrators that are subject to volume regulation.

As another step in the volume allocation of the crop, the new section should provide that the salable and reserve percentages, when applied to the natural condition weight of prunes received during a crop year by a handler from producers and dehydrators plus that diverted tonnage (dried weight natural condition basis) on diversion certificates and credited to or held by him, shall determine the weight of each handler's receipts which are salable prunes and reserve prunes. Such receipts mean physical receipts as well as the weight represented by diversion certificates. The diversion certificate weight should be included as aforesaid because the equivalent dried weight of any prune plums diverted would have been included in the estimated prune production upon which the computation of the percentages was based. However, as discussed in connection with new § 993.56, the weight of prunes should not include the weight obligation which must be diverted to nonhuman consumption pursuant to § 993.49(c).

New § 993.54 should further provide that a cooperative marketing association may concentrate the prunes of its producer members before applying the salable and reserve percentages. This should be permitted as such an association has the authority to market the prunes of its producer members and is one handler and also an entity of all producer members.

A new section, § 993.55 *Application of salable and reserve percentages after end of crop year,* should be added to the order. This section should require that the salable and reserve percentages established for any crop year shall also apply to prunes received by handlers in the subsequent crop year and before salable and reserve percentages are established for that crop year. This provision is needed to maintain continuity of volume regulation and continuous protection during any rule making period to establish new percentages. The committee will desire to wait until the approach of harvest to make its percentage recommendations and this will mean that final action by the Secretary may not be effective for a few weeks in the new crop year. Should a short crop condition warrant a reduction of the reserve percentage to zero, this could be done quickly enough to avoid undue restraint on handlers. The new section should further provide that, after the percentages are established for the subsequent crop year, all reserve obligations theretofore accrued during such year on the basis of the previously effective percentages shall be adjusted to the newly established percentages. This provision is necessary to maintain equity among handlers and to achieve the division of the subsequent crop into salable and reserve prunes in accordance with the volume percentages established by the Secretary.

As a basis for administering volume regulation and obtaining handler compliance therewith, a new section, § 993.56 *Reserve obligation,* should be added to the order. This section should specify that the reserve obligation of a handler shall approximate the average marketable content of the handler's receipts and shall be a weight of natural condition prunes equal to the reserve percentage applied to the natural condition weight of prunes, excluding the weight obligation of § 993.49(c), such handler receives during the crop year from producers and dehydrators plus the dried weight (dried weight natural condition basis) on diversion certificates credited to or held by him. The reserve portion of the diversion certificate weight should be included as part of the handler's reserve obligation, in addition to the reserve portion of his above described physical receipts of prunes from producers and dehydrators, as the diversion weight would have been included in the estimated prune production upon which the computation of the reserve percentage was based. To do otherwise would distort the salable-reserve balance sought.

In considering the proper application of the salable and reserve percentages and their consequences to handlers and producers, three alternatives were explored: (1) Deducting from handler receipts, prior to application of the percentages, the weight of prunes which must be disposed of by handlers to nonhuman consumption outlets pursuant to § 993.49(c); (2) making no deduct from handler receipts and permitting only the reserve percentage of the § 993.49(c) weight to satisfy the reserve obligation (the balance to be salable); and (3) making no deduct from receipts but crediting the entire amount of § 993.49 (c) weight against reserve obligation.

If item (1) were adopted, it is apparent that those producers of good quality lots would be rewarded and those delivering material with a weight which must be disposed of to nonhuman consumption outlets would thereby have a smaller portion creditable as salable tonnage. For instance, if two producers each delivered 104 tons when the percentages were 75 percent salable and 25 percent reserve, and one producer had 4 tons of § 993.49(c) material, and such were deducted from his delivery prior to application of the percentages, his salable weight would be 75 tons and his reserve weight 25 tons. The producer who had no material to be deducted from receipts would have a salable weight of 78 tons and a reserve weight of 26 tons. Thus, there would be a field incentive to produce and deliver only good quality fruit.

If the second alternative were adopted, wherein there is no deduct and only the reserve percentage is credited to the reserve pool, the salable tonnage would then be, in the example above, 78 tons for each producer. However, the handler receiving the defect material would find that it must be pro rated the same as other receipts as between salable and reserve and hence 3 tons of the 4 tons received would need to be diverted pursuant to § 993.49(c), and thus he, in fact, would receive only 75 tons for the salable outlet. This situation could result in many misunderstandings between producers and handlers.

The third alternative is advantageous to both the handler and the individual producer in that a maximum proportion would be salable; namely, 78 tons. The reserve would be 26 tons and the entire amount of the excess defects would be credited to the reserve obligation. Hence 26 tons less 4 tons of defect material would mean that the first producer's actual contribution to the pool is only 22 tons. His equity, therefore, would be the 22 tons physically entering the pool. However, having delivered on 100 merchantable tons, he would have 78 tons salable or the same as the producer delivering 104 merchantable tons. Thus there would be an inequity between the two producers on the salable tonnage.

From the foregoing, it is concluded that the most desirable means of giving certainty to handlers as to the precise salable weight they are obtaining from each producer and to maintain equity as between producers, from the standpoint of merchantable weight (whether salable or reserve) delivered, would be to deduct from incoming receipts that weight of material which must be diverted pursuant to § 993.49(c).

For compliance purposes, the new section also should provide that the salable prunes permitted to be disposed of by any handler in accordance with the provisions of the program shall be deemed to be that handler's quota fixed by the Secretary within the meaning of section 8a(5) of the act. The act provides that any handler exceeding such quota shall forfeit to the United States a sum equal to the current market value of such excess. It was proposed at the hearing that any prunes permitted to be disposed of by a handler in accordance with the provisions of the program should be deemed to be that handler's quota for the purpose of section 8a(5) of the act. The intent of the proposal was to avoid construing a handler as being in violation and subject to section 8a(5) if he legitimately disposed of reserve prunes or prunes freed by diversion certificates. However, this proposal is not recommended for adoption as it is not construed as being in conformance with section 8a(5). The quota, as set forth herein, would consist of a handler's salable prunes which include those prunes freed by diversion certificates as salable prunes. Moreover, disposal of reserve prunes by a handler in accordance with the provisions of the program, such as an export sale by a handler of reserve prunes which he acquired from the committee solely for export, would be considered as specifically permitted activity supplementary to disposition of his quota. However, any unauthorized disposal of reserve prunes by a handler would be an appropriation of prunes required to be withheld for the account of the committee and being in excess of his quota would be in violation of section 8a(5).

A new section, § 993.57 *Holding requirement and delivery,* should be added to the order. It should be specified therein that each handler shall, at all times, hold, in his possession or under his control, in proper storage for the account of the committee, free and clear of all liens, the quantity of prunes necessary to meet his reserve obligation, less certain permissible reductions, in this holding requirement, as set forth hereinafter. In order to effectuate the purpose of volume regulation, means must be used for physically withholding reserve prunes from disposition until disposition thereof is authorized. Handlers are experienced in storing prunes properly and have the facilities to do so. Since the reserve prunes would be held for the account of the committee for disposition as authorized by it for the beneficial interest of equity holders, the prunes obviously should be held free and clear of all liens.

As a marketing season progresses, the quantity of reserve prunes required to be held by a handler would not equal his reserve obligation due to their authorized disposal and other reasons. For the purposes of reserve management and handler compliance, it is necessary to set forth in the new section the permissible reductions in the quantity of reserve prunes a handler is required to hold.

The notice of hearing contained a proposal that the handler's holding requirement should be reduced by the weight of prunes disposed of by him in nonhuman consumption outlets whether or not pursuant to § 993.49(c) of the order and credited by the committee against his reserve obligation. While this provision has some merit in a volume control operating through a handler pool, it is herein recommended that such control operate only through a producer pool. In such a pool, the committee assumes responsibility for paying producers for the reserve percentage and hence there is a need to maintain the value of such pool consistent with the reserve percentage equities of the producers. Accordingly, this proposal is denied.

It is self-evident that the handler's holding requirement should be reduced temporarily by any quantity of prunes for which he has temporary deferment of time for withholding reserve prunes. Provisions for such deferment are discussed and set forth hereinafter.

The handler's holding requirement should be reduced by the natural condition dried weight equivalent of any prune plums diverted by producers as shown on diversion certificates held by him, or credited by the committee against his reserve obligation. Any prune plums diverted would not be delivered to a handler. Therefore, he should not be required to hold prunes he does not receive. Unless limited by the committee, the credit against the handler's reserve obligation and the reduction in his holding requirement should be for the total dried weight of the diversion certificate, as discussed herein under material issue (7).

The handler's requirement to hold reserve prunes also should be reduced by any quantity of reserve prunes disposed of by him under a sales contract of the committee; or delivered by him to the committee, or to a person designated by it, pursuant to its instructions; or for which he is otherwise relieved by the committee of his responsibility to hold reserve prunes. Such disposal or relief from responsibility would be authorized by the committee and hence should be recognized by appropriate adjustment.

The new section should further provide that no handler may transfer a reserve obligation but any handler may, upon notification to the committee, arrange to hold reserve prunes on the premises of another handler or in approved commercial storage, under conditions of proper storage. In some instances it may place an undue burden on a handler to require him to hold reserve prunes on his own premises because he may have limited storage facilities. Moreover, premises where prunes are stored in California would be available to the surveillance of the committee's staff. Consequently, the handler should be permitted, with the committee's knowledge to hold reserve prunes elsewhere than on his premises under proper storage. However, it should be understood that in so doing, the handler would not be relieved of his obligation to hold and protect the prunes. In other words, the handler's reserve obligation arises from his receiving prunes and is not transferable.

Handlers would hold reserve prunes subject to the control of, and disposition by, the committee. Therefore, the new section should permit the committee, after giving reasonable notice, to require a handler to deliver to it, or to a person designated by it, f.o.b. handler's warehouse or point of storage, reserve prunes held by him. So as to be in a position to meet the requirements of any particular outlet for reserve prunes, the committee should be authorized to require that such delivery consist of natural condition prunes or to arrange with the handler for such delivery to consist of processed prunes.

A new section, § 993.58 *Deferment of time for withholding,* should be added to the order to permit compliance by any handler with the requirement to withhold reserve prunes to be deferred by the committee to any date desired by the handler, but not later than November 15 of the crop year, subject to specified conditions. Deferment of the meeting of the withholding requirement would permit a handler to satisfy the heavy demand for prunes which normally occurs in the fall of the crop year when, temporarily, he might not have enough salable prunes to fulfill all of his sales orders. However, no deferment should continue after November 15 because procurement of prunes from producers and dehydrators could be unduly retarded and the desired effects of withholding reserve prunes so delayed as to cause weakness in prices to producers for prunes.

So as to assure, insofar as practicable, that a handler would meet his withholding requirement by the end of the deferment period and that the program would be protected if he failed to do so, no deferment should be effective until the committee has a written undertaking, secured by a performance bond acceptable to the committee, that the handler will have fully satisfied his withholding requirement on or before the date specified. The bond should be in an amount computed by multiplying the pounds of natural condition prunes, for which deferment is desired, by the bonding rate. The bonding rate should be set by the committee at a level sufficient to remove temptation of forfeiture and to discourage unauthorized use of reserve prunes and damage to the program. Since the deferment would be at the handler's election and for his benefit, he should bear the cost of the bond.

The new section should contain appropriate provisions, as hereinafter set forth, which would permit the committee, in case a handler defaults in meeting his deferred withholding requirement, to purchase salable prunes from handlers, sell such prunes in reserve prune outlets, and deposit the net proceeds with reserve pool funds for distribution to equity

holders. In this way, the salable-reserve imbalance caused by the defaulting handler increasing the salable supply beyond that intended would be restored to balance.

If the committee is unable to purchase the quantity of salable prunes as large as that needed to replace the reserve prunes used in default, any remaining funds received from forfeiture of the bond, less committee expenses, should be placed with reserve pool funds for distribution to equity holders. The new section should so provide so that equity holders will be compensated, insofar as practicable, for damage done to them and the program by the defaulting handler.

Lastly, it should be provided that a handler who has defaulted on his bond shall be credited on his reserve obligation with, and his holding requirement reduced by, that quantity of prunes represented by the sums collected but not more than the extent of the default. This would recognize the restitution made to the program.

A new section, § 993.59 *Payment to handlers for services*, should be added to the order to require the committee to pay handlers for necessary services rendered by them in connection with reserve prunes including inspection, receiving, storing, grading, and fumigation, in accordance with a schedule of payments and conditions established by the Secretary after recommendation by the committee. The reserve prunes would be held by handlers for the account of the committee and disposed of for the benefit of producers and other persons having a beneficial interest therein. Hence, it is only fair that handlers be paid for their services with respect to reserve prunes. Costs of these services may change in the future. Hence, appropriate charges should not be established in the order but rather by rule making.

A new section, § 993.65 *Disposition of reserve prunes*, should be added to the order. It should provide that the committee shall have the power and authority to sell or dispose of any and all reserve prunes to meet demand either in domestic outlets, or in foreign outlets, or for use in any outlet, defined in rules and procedures, established by the Secretary after recommendation of the committee, noncompetitive with normal outlets for salable prunes. It is basic to the effectuation of the declared policy of the act that the Secretary's agency, the committee, be authorized to dispose of the commodity pooled, as permitted by the act. Management of the reserve is thereby permitted to be on an industry-wide basis. The committee is enabled to market the reserve in an orderly manner, and by so doing, to enhance the interests of producers, other equity holders, and handlers. Since, as discussed hereinbefore, the quantity of salable prunes initially released by the percentages should not, in furtherance of orderly marketing, be sufficient to meet domestic and foreign demand and carryout requirements, the committee should have the authority to sell or dispose of reserve prunes either in domestic outlets, foreign outlets, or both, as the need arises to supplement salable prunes sold in those outlets. The objective would be to conduct such disposition in an orderly manner so as to maximize total sales of prunes and returns to producers.

Outlets available to the committee also should include those noncompetitive with normal outlets for salable prunes. Noncompetitive outlets could be such outlets as new foreign markets or those which have not imported California prunes for many years, perhaps certain new or limited uses of prunes, and those outlets wherein prunes are used for animal feed or botanicals. These noncompetitive outlets should not be spelled out in the order but instead should be included in the rules and procedures. In this way, they could be examined carefully, in view of the latest information available, as to their noncompetitive status, the desirability of supplying them with reserve prunes, and the best method of disposition.

The new section should further provide that the committee shall offer to sell and sell reserve prunes to handlers for disposition or sale by them in any of the outlets available to reserve prunes. One of the main purposes of this program should be to encourage handlers, the experienced sellers of prunes, to expand outlets for the commodity and its products. However, the committee should be permitted to supply certain outlets with prunes where it can do so more appropriately than handlers, and the new section should so provide. For example, if it should become necessary for reserve prunes to be disposed of for animal feed, it may be determined that the committee, by selling prunes directly to that outlet rather than through handlers, can effect economy of operation and reap the advantage inherent in being a single seller of a sizable quantity.

Sale of reserve prunes by the committee to any handler for resale in domestic, foreign, or noncompetitive outlets or to other persons for sale in such outlets should be governed by the provisions of a sales agreement, executed by the handler with the committee. The terms and conditions of the agreement would provide a means to the committee of controlling the disposition of reserve prunes to achieve the orderly marketing and producer return objective desired. Inherent in the committee's right to dispose of reserve prunes is the authority to price them. The agreement could specify the documentation needed to show, to the committee's satisfaction, sale, shipment, or use in the particular outlet.

For compliance purposes, the new section should provide that the committee may refuse to sell reserve prunes to any handler if he violates the terms and conditions of the agreement or other provisions of the program. It is impractical to state in the order or herein all of the terms and conditions which may be needed in the sales agreement. The agreement can be readily adapted to the needs of an outlet and to the marketing conditions existing at the time.

The new section should provide that no offer to sell reserve prunes either to handlers or to other persons shall be made by the committee until five days (exclusive of Saturdays, Sundays, and holidays) have elapsed from the time it files with the Secretary complete information as to the proposed terms and conditions including the basis for determining handlers' shares, or until receipt of notice from the Secretary that he does not disapprove the making of such offer. This safeguard is needed to permit the Secretary time to review the information on which the committee based its proposal and to determine whether the proposal is sound and likely to be of value to the industry. The requirement for submission of the basis for determining handlers' shares of an offer, whether acquisitions, holdings, or other basis, will permit the Secretary to have a voice in the equitable treatment of handlers in light of their acquisition and disposition positions at the time of the offer. In general, this offer technique would permit the committee to dispose of reserve prunes in a timely manner in accordance with need.

The new section should provide that any handler who is authorized by the committee to dispose of reserve prunes may arrange to dispose of his share of reserve prunes through such other handler. This is desirable for it offers the flexibility of handlers working out a mutual arrangement to the advantage of each in meeting the terms and conditions of a particular disposition of reserve prunes. For example, if a handler has only a limited export outlet for prunes, it may be to his advantage, when the committee makes an export offer, to arrange for the sale of his share through an exporting handler. In turn, the exporting handler may benefit by obtaining the prunes needed for his export sales orders. However, it should be stipulated in the new section that credit for the reserve disposition shall go to the handler whose reserve prunes are used. His reserve obligation is not transferable and the credit for the disposition should remain with the obligation. Otherwise, he might be left in a position of not being able to reduce his holding requirement even though he had made substantial disposition of reserve prunes as aforesaid.

The new section should further provide that expenses incurred by the committee for the receiving, handling, holding, or disposing of any quantity of reserve prunes shall be charged against the sales proceeds from such prunes. The reserve prunes are to be disposed of by the committee for the benefit of producers and other equity holders in the reserve pool. Therefore, it is only proper that such direct expenses should be deducted from the sales proceeds. Furthermore, this is consistent with the act and the most satisfactory method of obtaining funds to meet such expenses.

Net proceeds from the disposition of reserve prunes should be distributed by the committee either directly, or through handlers as agents of the committee, under safeguards to be established by the committee, to persons in proportion to their contributions thereto, or to their successors in interest, with appropriate grade and size differentials as established by the committee. Net proceeds distribution through handlers as agents is to permit handlers to maintain a client relationship with the producers. If the committee elects this method, it is not contemplated that the handlers would obtain custody of the proceeds. It is intended that the committee will check the accuracy of each draft for payment. Equity holders would include producers, dehydrators, and persons to whom an equity in a pool may be assigned such as handlers. The proposed provision recognizes that the assignee or successor in interest would share in the proceeds as his interest might appear. Different grades and different sizes of prunes ordinarily do not have the same value and the differences in these values should be recognized in distributing net proceeds on the basis of the prunes of the contributing persons.

The new section should permit progress payments to be made by the committee as sufficient funds accumulate so that producers and other equity holders would not have to wait until complete liquidation of the pool to have the use of some of the net proceeds.

The new section also should provide that distribution of the proceeds in connection with the reserve prunes contributed by a cooperative marketing association could be made to such association if it so requests. Since an association of this character would contribute to the reserve based on the combined tonnage of its members and would have its own method of making distribution to its members, it should be treated as a single person for the purpose of receiving net proceeds if it so requests.

(7) A new section, § 993.62 *Diversion privileges*, should be added to the order to authorize the committee under certain conditions to issue diversion certificates, for use in satisfying reserve obligation, to producers who voluntarily divert, from the prune outlet for eligible purposes, plums of a variety used in the production of prunes.

In a particular year the estimated supply of prunes may be in excess of domestic and foreign trade demand and any salable and reserve carryover needs. Hence, the need may arise to dispose of a portion of the reserve prunes in low-return, noncompetitive outlets such as the animal feed outlet. In these circumstances, the evidence of record is that producers could make a net monetary saving under the proposed diversion authorization by diverting prune plums instead of incurring the costs of harvesting and drying them and delivering the dried product to handlers. In recognition of this opportunity for higher net returns to producers, the order should give them the choice under certain conditions of either diverting prune plums or delivering excess prunes to handlers. The proposed diversion authorization would be coordinated with, and used in implementation of, volume regulation only when it appears that the supply of prunes will exceed trade demand and carryover requirements. In view of this and the aforesaid opportunity for producers to obtain higher net returns, the proposed authorization is incidental to, and not inconsistent with, volume regulation and is necessary to better effectuate the purposes of volume regulation and the declared policy of the act.

The term "prune plums" should be defined in the new section to mean plums of a variety used in the production of prunes. The industry refers to undried plums used in the production of dried prunes as prune plums, green prunes, or fresh prunes. When a portion of the moisture is removed from such undried prunes by artificial dehydration or by sun-drying, the fruit becomes prunes. The definition is needed to identify the fresh fruit which would be eligible for diversion under certain conditions and to exclude from such eligibility dried prunes, plums not used in the production of prunes, and plums used in the production of dried plums which are not within the meaning of "prunes" defined in § 993.5. The latter two categories of fruit are not involved in the program. The proposed diversion authorization in the notice of hearing included dried prunes ("prunes" as defined in § 993.5) in addition to prune plums. However, it would be difficult to police diversion of dried prunes so as to prevent their use in commercial trade channels. Dried prunes are less destructible and perishable than prune plums. Hence, actual proof of their diversion could be delayed and be more expensive to obtain than for prune plums. Moreover, the cost of drying already would have been incurred and once dried the prunes could be handled as such under the order. Hence, the proposal to include dried prunes is not recommended for adoption.

The new section should provide that no producer shall be required to divert all or any portion of the prune plums produced by him. This recognizes that the producer has complete freedom of choice as to whether he uses the privilege of diverting if diversion operations are authorized, and is consistent with the act which prohibits regulation of any producer in his capacity as a producer.

Diversion operations should be authorized only if the Secretary concurs that such should be permitted on the basis of a committee recommendation, and other available information. This authority to invoke diversion operations in any year should be permissive and be under the committee's and the Secretary's control so that prune plums could not be diverted when needed in the form of dried prunes for trade demand and carryover requirements and so that diversion could occur only under conditions permitting improvement in producer returns.

As a condition precedent to diversion operations, there should be in effect appropriate implementing rules and procedures established by the Secretary after recommendation by the committee. This is essential so producers and handlers would know the "rules of the game" in advance and could make their plans and conduct their operations accordingly. Wide latitude would be needed in establishing such rules and procedures so as to provide an administrable and enforceable plan of operation. It is not possible to specify herein all of the matters which should be covered by the rules and procedures. These may vary according to the methods of diversion authorized for a particular crop, the quantity of prune plums deemed desirable to be diverted, and the views of the committee and the Secretary as to the safeguards needed to prevent abuse of the privilege. However, it is clear from the record that the rules and procedures should deal, among other things, with methods and criteria for issuing diversion certificates to producers, obtaining proof of diversion and policing thereof, crediting diversion against reserve obligation, transferring diversion certificates, and preventing excessive diversion.

After diversion operations are authorized, and subject to the applicable rules and procedures, any producer should be permitted to divert prune plums of his own production for eligible purposes and receive from the committee a diversion certificate therefor. To the extent permitted by the rules and procedures, it should be provided that the certificate may be submitted to any handler in lieu of reserve prunes and the certificate shall entitle the handler to satisfy his reserve obligation to the same extent. In this way, producers who receive certificates for diverting prune plums and handlers who obtain the certificates would benefit in the program from salable prunes being free from the requirement to withhold reserve prunes. The producer who diverts has the same opportunity to have salable prunes as the producer who does not divert. The quantity of salable prunes would not be any larger than it would be if the diverted prune plums were dried and delivered to handlers. However, the quantity of reserve prunes would be less.

For example, a producer delivers 900 tons of prunes to a handler together with a diversion certificate for 100 tons of prunes, the equivalent dried weight of the prune plums diverted by the producer. The committee had issued the certicate to the producer after obtaining proof that the prune plums were actually diverted. Volume percentages of 75 percent salable and 25 percent reserve are applied to 1,000 tons, the total of the delivered tonnage and the certificated tonnage. This results in 750 tons of salable prunes and a reserve obligation of 250 tons. The certificated tonnage of 100 tons is credited against the handler's reserve obligation and reduces his withholding requirement from 250 to 150 tons. For the 900 tons of prunes actually delivered, the salable portion is 675 tons (75 percent of 900 tons). However, the effect of the diversion certificate for 100 tons is to release 75 tons of delivered prunes as salable prunes (675 tons plus 75 tons equals 750 tons). The 75 tons equal the salable percentage of the diversion certificate quantity of 100 tons (75 percent of 100 tons). If another producer delivered 1,000 tons of prunes with no diversion certificate, the quantity of salable prunes and the reserve obligation arising from the delivery would be the same as for the first producer, 750 tons and 250 tons, respectively. Since the handler receiving the second producer's delivery has no diversion certificate, the quantity of reserve prunes required to be withheld is 250 tons (25 percent of 1,000 tons) instead of 150 tons as in the first instance.

Since a cooperative marketing association has the authority to market the prunes of its producer members and is one handler and also an entity of all grower members, diversion certificates for prune plums diverted by the producer members of a cooperative marketing association should be issued by the committee to the association if it so requests.

It should be provided that diversion certificates may be transferable among producers and handlers but only to the extent authorized by the rules and procedures. This authority should be available for use to permit producers and handlers needing the certificates to obtain them, but should be invoked only if under the rules and procedures equities in the reserve pool are protected and the committee maintains accountability and control.

Permissive methods of eligible diversion should include disposal of prune plums for non-human use and leaving prune plums unharvested. In these ways, it would be possible to assure the disposal, destruction, or non-use of prune plums so they would not be competitive with the normal marketing of prunes and prune products. Since other desirable methods of diversion may be developed which should entitle producers to receive diversion certificates, provision should be made for these to be authorized. Eligible diversions should be within such restrictions as may be prescribed in rules and procedures. For example, the record of evidence shows that creditable diversion of prune plums for use in making fresh prune juice should not be permitted as this product for human consumption would be competitive with prune juice made from dried prunes.

The new section should further specify that no diversion certificate shall be issued by the committee for prune plums which would not, under normal producer practices, be dried and delivered to a handler. This provision would be compatible with one of the purposes of diverting prune plums from the prune outlet which is to prevent a supply of prunes occurring that is in excess of domestic and foreign trade demand and any reserve carryover requirement. This would tend to create a favorable situation for volume regulation. It would be incompatible with this purpose to give credit under the program for prune plums which producers would normally discard, such as those left on the ground from mechanical harvesting or those damaged or destroyed by rain to the point of not being harvested or suitable for dried prunes. The undesirable effect of crediting such fruit would be to increase the total tonnage subject to volume regulation by increasing the total certificated as diverted.

Any prune plums diverted should not be included for equity purposes in any reserve pool. Since the equivalent dried weight of the fruit diverted would not be physically available for pooling and sale as dried prunes, it would not be reasonable to credit prune plums in any reserve pool for additional benefits, such as pool returns to equity holders.

Inasmuch as diversion is a privilege extended to producers and is at their election, those participating should pay the committee fees established to cover costs pertaining to diversion. If diversion certificates are issued to a cooperative marketing association instead of to its producer members, the association should pay the fees as it would be acting on behalf of its members. It should be required that the fees be paid to the committee before it issues diversion certificates to assure collection of money needed to cover costs.

(8) The first sentence of paragraph (a) of § 993.81 should be revised so that the assessable prunes of each handler are all salable prunes handled by him as the first handler thereof, instead of all prunes received by him from producers and dehydrators as presently provided. The revision would make it clear that assessments would be levied on the same prunes only once. In the event of volume regulation, it would be appropriate to confine the assessable tonnage to salable prunes and to exclude reserve prunes. Reserve prunes would be held for the account of the committee. In some instances it could happen that an excess of this tonnage would not be distributed, processed, or shipped by handlers in commercial trade channels and hence would not be appropriately assessable. The assessable base of salable prunes of a handler should include the salable portion of the diverted tonnage on diversion certificates credited to or held by him in addition to the salable portion of the prunes physically received by him from producers and dehydrators. This is consistent with new §§ 993.21c and 993.54. Moreover, this recognizes that a handler who receives a diversion certificate representing a given creditable weight of prunes is entitled to the same salable quantity as a handler who receives the same weight of prunes from producers and dehydrators, that is, the result of applying the salable percentage to the weight in either case. However, if there were no volume regulation for a crop year, all prunes would be salable prunes as recognized in new § 993.21c which defines salable prunes.

It was proposed at the hearing that the order provide the committee and the Secretary with several choices as to those prunes which would be assessable. However, the proposal is not recommended for adoption since the recommended salable prune basis is easily administrable, avoids the uncertainty involved in having choice, and is appropriate for use with or without volume regulation.

(9) Some of the amendatory actions herein cause the need to make certain conforming changes, as hereinafter set forth, in the provisions of the order so that the order will be in conformity with those actions. Such changes are discussed herein in connection with the proposals to which pertinent. All of such changes should be incorporated in the order. Another such change, for better format and applicability of the provisions, should be to move § 993.48 *Regulation* from its present location in the order and place it immediately preceding the center heading "Grade and Size Regulations" and a new center heading "Prohibition on Handling" should be inserted immediately preceding § 993.48 as relocated. Section 993.48 provides that no handler shall handle prunes except in accordance with the provisions of this part. The new center heading and relocation of § 993.48 would be appropriate as a conforming change in view of the general applicability of the section to all handling of prunes and the proposed addition to the order of provisions for volume regulation and prune plum diversion.

Rulings on proposed findings and conclusions. The Presiding Officer announced at the hearing that interested persons would be allowed to and including March 31, 1965, to file with the Hearing Clerk proposed findings and conclusions, and written arguments or briefs, based on evidence received at the hearing. Briefs were filed by Burrel Leonard, Alfred Tisch, E. W. Landram, F. J. Stapleton for Stapleton-Spence Packing Co. and S. R. Abinante for Abinante & Nola Packing Co., Inc., Charles J. Olson, Valley View Packing Co., Inc., and R. W. Jewell for the Prune Administrative Committee.

Every point covered in these briefs has been considered carefully, in light of the scope of the notice and the evidence in the record, in making the findings and reaching the conclusions herein set forth. To the extent that any suggested findings and conclusions contained in those briefs are inconsistent with the findings and conclusions contained herein, they are denied on the basis of the facts found and stated in connection with this recommended decision.

General findings. (a) The findings hereinafter set forth are supplementary, and in addition to the previous findings and determinations which were made in connection with the issuance of the marketing agreement and order and each previously issued amendment thereto. Except the finding as to the base period for parity computation, and except insofar as such findings and determinations may be in conflict with the findings set forth herein, all of the said previous findings and determinations are hereby ratified and affirmed. (For prior findings and determinations see 14 F.R. 5254; 16 F.R. 8437; 19 F.R. 1301; 22 F.R. 8254; 26 F.R. 475);

(b) The marketing agreement and order, as amended and as hereby proposed to be further amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act;

(c) The marketing agreement and order, as amended and as hereby proposed to be further amended, regulate the handling of dried prunes produced in California in the same manner as, and are applicable only to persons in the respective classes of industrial or commercial activity specified in, the marketing agreement and order upon which hearings have been held;

(d) There are no differences in the production and marketing of dried prunes in the production area covered by the marketing agreement and order, as amended and as hereby proposed to be further amended, which require different terms applicable to different parts of such area;

(e) The marketing agreement and order, as amended and as hereby proposed to be further amended, are limited in application to the smallest regional production area which is practicable, consistently with carrying out the declared policy of the act, and the issuance of several orders applicable to subdivisions of the production area would not effectively carry out the declared policy of the act; and

(f) All handling of dried prunes produced in California is in the current of interstate or foreign commerce, or directly burdens, obstructs, or affects such commerce.

Recommended amendment of the order. The following further amendment of the order is recommended as the detailed and appropriate means by which the foregoing conclusions may be carried out:

1. A new § 993.21a reading as follows is added immediately after § 993.21:

§ 993.21a Proper storage.

"Proper storage" means storage of such character as will maintain prunes in the same condition as when received by a handler, except for normal and natural deterioration and shrinkage.

2. A new § 993.21b reading as follows is added immediately after new § 993.21a:

§ 993.21b Trade demand.

(a) *Domestic trade demand.* The quantity of prunes which the commercial trade will acquire from all handlers during a crop year for distribution in domestic markets for human consumption as prunes and prune products.

(b) *Foreign trade demand.* The quantity of prunes which the commercial trade will acquire from all handlers during a crop year for distribution in other than domestic markets for human consumption as prunes and prune products.

3. A new § 993.21c reading as follows is added immediately after new § 993.21b:

§ 993.21c Salable prunes.

"Salable prunes" means those prunes which are free to be handled pursuant to any salable percentage established by the Secretary pursuant to § 993.54, or, if a reserve percentage of zero is established for a crop year, all prunes received by handlers from producers and dehydrators during that year.

4. A new § 993.21d reading as follows is added immediately after new § 993.21c:

§ 993.21d Reserve prunes.

"Reserve prunes" means those prunes which must be withheld in satisfaction of a reserve obligation arising from application of a reserve percentage established by the Secretary pursuant to § 993.54.

§ 993.33 [Amended]

5. The proviso in the first sentence of § 993.33 is revised to read as follows: "*Provided*, That decisions on marketing policy, grade or size regulations, pack specifications, salable and reserve percentages, and on any matters pertaining to the control or disposition of reserve prunes or to prune plum diversion pursuant to § 993.62, including any delegation of authority for action on such matters and any recommendation of rules and procedures with respect to such matters, including any such decision arrived at by mail or telegram, shall require at least 14 affirmative votes."

6. The last sentence of § 993.33 is amended by placing a period after the word "adoption" and deleting the remainder of the sentence.

7. Section 993.34 is revised to read as follows:

§ 993.34 Expenses.

The members of the committee, and alternates when acting as members, or when alternates' expenses are authorized by the committee, shall serve without compensation but shall be allowed their expenses.

§ 993.36 [Amended]

8. Paragraph (h) of § 993.36 is amended by inserting ", exclusive of reserve prune operations," immediately after "the financial operations of the committee".

9. In § 993.36 present paragraphs (i), (j), (k), (l), and (m) are relettered as (j), (k), (l), (m), and (n), respectively, and a new paragraph (i) reading as follows is added:

(i) To prepare and submit to the Secretary annually, as soon as practicable after the end of each crop year and at such other times as the committee may deem appropriate or the Secretary may request, a statement of the Committee's financial operations with respect to reserve prunes for such crop year and to make such statement available at the offices of the committee for inspection by producers, dehydrators, and handlers;

10. Section 993.41 is revised to read as follows:

§ 993.41 Marketing policy.

(a) On or before the fourth Tuesday of each July, the committee shall prepare and submit to the Secretary a report setting forth its recommended marketing policy for the ensuing crop year. If it becomes advisable to modify such policy, because of changed demand, supply, or other conditions, the committee shall formulate a new policy and shall submit a report thereon to the Secretary. Notice of the committee's marketing policy, and of any modifications thereof, shall be given promptly by reasonable publicity to producers, dehydrators, and handlers.

(b) In formulating its marketing policy for the ensuing crop year, the committee shall consider and shall include in its report to the Secretary, the following estimates (natural condition basis) and recommendations:

(1) The carryover of salable prunes as of August 1;

(2) The carryover of reserve prunes as of August 1;

(3) The grade and size composition of the salable and reserve carryovers;

(4) The quantity of prunes to be produced without regard to possible diversions of prune plums by producers;

(5) The probable quality and prune sizes in the crop;

(6) The domestic trade demand by uses of prunes;

(7) The foreign trade demand by countries or groups of countries;

(8) The desirable carryout of salable prunes at the end of the ensuing crop year;

(9) The quantity of prunes to be withheld as reserve prunes so as to protect against errors of estimation and permit orderly marketing of the supply;

(10) The recommended salable and reserve percentages;

(11) The quantity of prune plums, dried weight basis, deemed desirable to be diverted pursuant to § 993.62;

(12) Any recommended change in regulations pursuant to §§ 993.49 to 993.53, inclusive;

(13) The probable assessable tonnage for the purposes of § 993.81; and

(14) The current prices for prunes, the trend and level of consumer income, whether producer prices are likely to exceed parity, and such other factors as may have a bearing on the marketing of prunes or the administration of this part.

11. Section 993.48 *Regulation* is moved from its present position in the order and placed immediately preceding the center heading "Grade and Size Regulation", and a new center heading "Prohibition on Handling" is inserted immediately preceding § 993.48 as relocated and immediately following § 993.41.

12. Paragraph (d) of § 993.50 is revised to read as follows:

§ 993.50 Outgoing regulation.

* * * * * *

(d) French prunes: No handler shall ship or otherwise make final disposition of any of the following lots for human consumption as prunes or as mixed dried fruit unless the average count of prunes contained in any such lot is 100 or less per pound: (1) Any lot of consumer packages of French prunes; (2) any lot of other containers of French prunes; or (3) any lot of containers holding 10 pounds or more of French prunes and other dried fruit if more than 60 percent of the net weight of mixed dried fruit in the lot consists of French prunes. In determining whether any such lot conforms to this minimum size requirement, the following tolerance shall apply: In a sample of 100 ounces, the count per pound of 10 ounces of the smallest prunes shall not vary from the count per pound of 10 ounces of the largest prunes by more than 45 points. The Secretary may, upon the basis of the recommendation and information submitted by the committee and other available information, modify this tolerance for uniformity of size.

* * * * * *

Reserve control. 13. New sections reading as follows are added immediately after § 993.53:

§ 993.54 Establishment of salable and reserve percentages.

Whenever the Secretary finds, from the recommendations and supporting information supplied by the committee, or from any other available information,

that to establish the percentages of prunes for any crop year which shall be salable prunes and reserve prunes, respectively, or to modify the previously established percentages, would tend to effectuate the declared policy of the act, he shall establish or modify such percentages. The salable and reserve percentages when applied to the natural condition weight of prunes, excluding the weight obligation of § 993.49(c), received during the crop year by a handler from producers and dehydrators, plus that diverted tonnage (dried weight natural condition prune basis) on diversion certificates issued pursuant to § 993.62 and credited to or held by him, shall determine the weight of each handler's receipts which are salable prunes and reserve prunes. The total of the salable and reserve percentages shall equal 100 percent. A cooperative marketing association may concentrate the prunes of its producer members before applying the salable and reserve percentages.

§ 993.55 Application of salable and reserve percentages after end of crop year.

The salable and reserve percentages established for any crop year shall also apply to prunes received by handlers in the subsequent crop year and before salable and reserve percentages are established for that crop year. After such percentages are established for the subsequent crop year, all reserve obligations theretofore accrued during such year on the basis of the previously effective percentages shall be adjusted to the newly established percentages.

§ 993.56 Reserve obligation.

Whenever salable and reserve percentages are in effect for a crop year, the reserve obligation of a handler shall approximate the average marketable content of the handler's receipts and shall be a weight of natural condition prunes equal to the reserve percentage applied to the natural condition weight of prunes, excluding the weight obligation of § 993.49(c), such handler receives during the crop year from producers and dehydrators plus that diverted tonnage (dried weight natural condition prune basis) on diversion certificates credited to or held by him which were issued pursuant to § 993.62. The salable prunes permitted to be disposed of by any handler in accordance with the provisions of this part shall be deemed to be that handler's quota fixed by the Secretary within the meaning of section 8a(5) of the act.

§ 993.57 Holding requirement and delivery.

Each handler shall at all times, hold, in his possession or under his control, in proper storage for the account of the committee, free and clear of all liens, the quantity of prunes necessary to meet his reserve obligation, less any quantity: (a) For which he has a temporary deferment pursuant to § 993.58(a); (b) of prune plums (dried weight natural condition basis) diverted pursuant to § 993.62 as shown on diversion certificates held by him, or credited by the committee against his reserve obligation; (c) disposed of by him under a sales contract of the committee; (d) delivered by him to the committee, or to a person designated by it, pursuant to its instructions; and (e) for which he is otherwise relieved by the committee of such responsibility to so hold prunes. No handler may transfer a reserve obligation but any handler may, upon notification to the committee arrange to hold reserve prunes on the premises of another handler or in approved commercial storage, under conditions of proper storage. The committee may, after giving reasonable notice, require a handler to deliver to it, or to a person designated by it, f.o.b. handler's warehouse or point of storage, reserve prunes held by him. The committee may require that such delivery consist of natural condition prunes or it may arrange for such delivery to consist of processed prunes.

§ 993.58 Deferment of time for withholding.

(a) Compliance by any handler with the requirement of § 993.57 for withholding reserve prunes may be temporarily deferred to any date desired by the handler, but not later than November 15 of the crop year, upon the execution and delivery by such handler to the committee of a written undertaking that on or prior to the desired date he will have fully satisfied his holding requirement. Such undertaking shall be secured by a bond or bonds to be filed with and acceptable to the committee in the amount or amounts specified, conditioned upon full compliance with such undertaking.

(b) (1) Each bond shall be provided by and at the handler's expense, with a surety or sureties acceptable to the committee, and shall be in an amount computed by multiplying the pounds of natural condition prunes for which deferment is desired by the bonding rate. Such bonding rate shall be established by the committee at a level sufficient to achieve the objectives of this part.

(2) In case a handler defaults in meeting his deferred withholding requirement, any funds collected by the committee from the bonding company through such default shall be used by the committee to purchase from handlers a quantity of natural condition prunes, up to but not exceeding the quantity on which the default occurred. Purchases shall be made from prunes with respect to which the reserve obligation has been met, and shall be of grades, varieties, or sizes and in such containers as the committee specifies in consideration of available reserve prune outlets. Purchases shall be at prices determined to be appropriate by the committee and if more prunes are offered than required by the committee, it shall make the purchases from various handlers as nearly as practicable in proportion to the quantity of their respective offerings at the same price. The committee shall dispose of the prunes acquired as soon as practicable in the most favorable reserve prune outlets and shall deposit the proceeds from such sales, less committee expenses in connection with such transaction, with reserve pool funds for distribution to equity holders.

(3) If for any reason the committee is unable to purchase a quantity of prunes as large as the quantity of reserve prunes in default by the handler, any remaining balance of funds received because of the default less expenses of the committee, shall be deposited with reserve pool funds for distribution to equity holders.

(c) A handler who has defaulted on his bond shall be credited on his reserve obligation with, and his holding requirement reduced by, that quantity of prunes represented by the sums collected but not more than the extent of his default.

§ 993.59 Payment to handlers for services.

The committee shall pay handlers for necessary services rendered by them in connection with reserve prunes including, but not limited to, inspection, receiving, storing, grading, and fumigation, in accordance with a schedule of payments and conditions established by the Secretary after recommendation by the committee.

14. *Producer diversion.* A new § 993.62 reading as follows is added immediately after new § 993.59:

§ 993.62 Diversion privileges.

(a) *Prune plums.* The words "prune plums" as used in this section mean plums of a variety used in the production of prunes.

(b) *Voluntary principle.* No producer shall be required to divert all or any portion of the prune plums produced by him.

(c) *Authorization.* If, on the basis of a committee recommendation for diversion operations, the availability of governing rules and procedures established by the Secretary after recommendation of the committee, and other information, the Secretary concurs that diversion operations should be permitted, he shall authorize such operations.

(d) *Diversion certificates.* After diversion operations are authorized, and subject to the applicable rules and procedures, any producer may divert prune plums of his own production for eligible purposes and receive from the committee a diversion certificate therefor: *Provided*, That diversion certificates for prune plums diverted by producer members of a cooperative marketing association shall be issued by the committee to the association if it so requests. To the extent permitted by the rules and procedures, the certificate may be submitted to any handler in lieu of reserve prunes and to the same extent the certificate shall entitle the handler to satisfy his reserve obligation. Only to the extent permitted by the rules and procedures diversion certificates may be transferable among producers and handlers.

(e) *Eligible diversions.* Within such restrictions as may be prescribed in rules and procedures, diversion may be authorized for such dispositions as are not competitive with the normal marketing of prunes and prune products. Such eligible diversions may include: (1) Disposal of prune plums for non-human use; (2) leaving prune plums unharvested; and (3) such other methods of diversion as may be authorized. No diversion certificate shall be issued by the committee for prune plums which would not, under normal producer practices, be dried and delivered to a handler.

(f) *Non-participation in pool proceeds.* Any prune plums diverted pursuant to this section shall not be included in any reserve pool.

(g) *Payment of costs.* Prior to the issuance of a diversion certificate to a producer or a cooperative marketing association, the producer or association shall pay to the committee fees established to cover costs pertaining to the diversion.

15. *Disposition of reserve prunes.* A new § 993.65 reading as follows is added immediately after new § 993.62:

§ 993.65 Disposition of reserve prunes.

(a) *Committee's right of disposition.* The committee shall have the power and authority to sell or dispose of any and all reserve prunes (1) to meet demand either (i) as domestic trade demand, or (ii) as foreign trade demand, or (2) for use in any outlet, defined in rules and procedures, established by the Secretary after recommendation of the committee, noncompetitive with normal outlets for salable prunes.

(b) *Methods of disposition.* The committee may, for any of the purposes of § 993.65(a), offer to sell and sell reserve prunes to handlers for disposition or sale by them in specified outlets. Sale of reserve prunes by the committee to any handler for resale in such outlets or for resale to other persons for sale in such outlets shall be governed by the provisions of a sales agreement, executed by the handler with the committee. The committee may refuse to sell reserve prunes to any handler if the handler violates the terms and conditions of the agreement or other provisions of this part. The committee may sell reserve prunes into any outlet in which direct selling is determined to be more appropriate.

(c) *Offers to sell reserve prunes.* No offer to sell reserve prunes either to handlers or to other persons shall be made by the committee until five days (exclusive of Saturdays, Sundays, and holidays) have elapsed from the time it files with the Secretary complete information as to the terms and conditions of the proposed offer including the basis for determining the handlers' shares: *Provided*, That at any time prior to the expiration of the five-day period the offer may be made upon the committee receiving from the Secretary notice that he does not disapprove it.

(d) *Transfer of shares.* No handler may transfer a reserve obligation. However, any handler who is authorized by the committee to dispose of reserve prunes may arrange with another handler to dispose of his share of reserve prunes through such other handler. In that event, credit for the reserve disposition shall go to the handler whose reserve prunes are used.

(e) *Distribution of proceeds.* Expenses incurred by the committee for the receiving, handling, holding, or disposing of any quantity of reserve prunes shall be charged against the proceeds of sales of such prunes. Net proceeds from the disposition of reserve prunes shall be distributed by the committee either directly, or through handlers as agents of the committee, under safeguards to be established by the committee, to persons in proportion to their contributions thereto, or to their successors in interest, with appropriate grade and size differentials as established by the committee. Progress payments may be made by the committee as sufficient funds accumulate. Distribution of the proceeds in connection with the reserve prunes contributed by a cooperative marketing association shall be made to such association, if it so requests.

§ 993.81 [Amended]

16. In the first sentence of paragraph (a) of § 993.81 "with respect to all salable prunes handled by him as the first handler thereof" is substituted for "with respect to all prunes received by him from producers and dehydrators".

Dated: May 14, 1965.

CLARENCE H. GIRARD,
Deputy Administrator,
Regulatory Programs.

[F.R. Doc. 65-5272; Filed, May 18, 1965; 8:49 a.m.]

FEDERAL AVIATION AGENCY

[14 CFR Part 71]

[Airspace Docket No. 64-EA-37]

CONTROL ZONES, TRANSITION AREAS AND CONTROL AREA EXTENSIONS

Proposed Alteration, Designation, Revocation

The Federal Aviation Agency is considering amending §§ 71.165, 71.171, and 71.181 of Part 71 of the Federal Aviation Regulations which would alter the Albany (29 F.R. 17644) and Glens Falls, N.Y. (29 F.R. 17666), transition areas, the Albany (29 F.R. 17581), Schenectady (29 F.R. 17633) and Glens Falls, N.Y. (29 F.R. 17602), control zones; designate 700-foot-above-ground transition areas over Pittsfield Airport, Pittsfield, Mass., and Rutland Airport, Rutland, Vt.; revoke the Albany, N.Y., control area extension (29 F.R. 17557) and the transition areas of Cambridge (29 F.R. 17651) and Middle Grove (29 F.R. 17682), N.Y. A 700-foot-above-ground Albany, N.Y., transition area would also be designated.

The controlled airspace in the aforementioned terminal areas is presently composed of the Albany, Rome (29 F.R. 17575), Newburgh (29 F.R. 17571), N.Y., Chicopee Falls, Mass. (29 F.R. 17561), and Rutland, Vt. (29 F.R. 17575), Control Area Extensions; and the Cambridge, N.Y., Albany, Glens Falls, and Middle Grove, N.Y., transition Areas. Also included are the control zones of Albany, N.Y., described as being within a 5-mile radius of Albany County Airport and within 2 miles either side of the 015° bearing of a point (42°47'42" N., 73°48'10" W.) extended from the 5-mile radius zone to 10 miles north of the point and within 2 miles either side of the Albany ILS localizer N course extended from the 5-mile radius zone to 10 miles N of the OM; of Glens Falls, N.Y., described as within a 5-mile radius of Warren County Airport and of Schenectady, N.Y., described as being within a 5-mile radius of Schenectady County Airport and within 2 miles either side of a line extending from the airport 5-mile radius zone to the Albany, N.Y., ILS OM. A portion of the Windsor Locks, Conn. (29 F.R. 17580), control area extension is also included.

The proposed alteration of the Albany control zone would provide protection for aircraft executing prescribed instrument approach and departure procedures at the Albany County Airport. The control zone modification would eliminate the extension to the northeast and reduce the extension to the north. However, one new extension would be designated to the east providing protection for aircraft executing AL-10-VOR-DME-1 instrument approach procedure.

The proposed alteration of the Schenectady control zone would provide protection for aircraft executing prescribed instrument approach and departure procedures at the Schenectady County Airport. The control zone modification would eliminate the southeast extension. However, two new extensions would be designated to the west and northwest providing protection for departure aircraft climbing to 700 feet AGL.

The proposed alteration of the Glens Falls control zone would provide protection for aircraft executing prescribed instrument approach and departure procedures at the Warren County Airport. Three new extensions would be designated: (1) The extensions to the north and west providing protection for departure aircraft climbing to 700 feet AGL; and (2) the extension based on the Glens Falls VOR 005° radial providing protection for aircraft executing AL-673-VOR/DME-1 instrument approach procedure.

The 700- and 1,200-foot transition areas would provide protection for aircraft executing prescribed holding, arrival, departure, and radar vectoring procedures in the terminal areas. The 700-foot transition areas for Rutland and Pittsfield will provide protection for aircraft executing approach procedures down to 700 feet above ground and departure procedures above 700 feet above ground.

The floors of airways which traverse the transition areas proposed herein would coincide with the floors of the transition areas.

Certain minor revisions to prescribed instrument procedures would be effected in conjunction with the actions proposed herein, but operational complexity would not be increased nor would aircraft performance or present landing minimums be adversely affected. Specific details of the changes to procedures and minimum flight rules altitudes that would be required may be examined by contacting the Chief, Airspace Branch, Air Traffic Division, Federal Aviation Agency, Federal Building, John F. Kennedy International Airport, Jamaica, N.Y., 11430.

Interested persons may submit such written data or views as they may desire. Communications should be submitted in triplicate to the Director, East-

ern Region, Attn: Chief, Air Traffic Division, Federal Aviation Agency, Federal Building, John F. Kennedy International Airport, Jamaica, N.Y., 11430. All communications received within 45 days after publication in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Chief, Airspace Branch, Eastern Region.

Any data, or views presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official docket will be available for examination by interested persons at the Office of the Regional Counsel, Federal Aviation Agency, Federal Building, John F. Kennedy International Airport, Jamaica, N.Y.

The Federal Aviation Agency, having completed a comprehensive review of the airspace requirements for the terminal areas of Albany, Schenectady, and Glens Falls, N.Y., Pittsfield, Mass. and Rutland, Vt. attendant to the implementation of the provisions of Civil Air Regulation amendments 60–21 and 60–29 (26 F.R. 570; 27 F.R. 4012), proposes the airspace actions hereinafter set forth:

1. Amend § 71.165 of Part 71 of the Federal Aviation Regulations so as to revoke the Albany, N.Y. control area extension.

2. Amend § 71.171 of Part 71 of the Federal Aviation Regulations so as to delete the description of the Albany, N.Y. control zone and insert in lieu thereof:

Within a 5-mile radius of the center, 42°44'48" N., 73°48'19" W. of Albany County Airport, Albany, N.Y. and within 2 miles each side of the Albany VOR 354° radial extending from the 5-mile radius zone to 7 miles N of the VOR and within 2 miles each side of the Albany VOR 094° radial extending from the 5-mile radius zone to 6 miles east of the VOR.

3. Amend § 71.171 of Part 71 of the Federal Aviation Regulations so as to delete the description of the Schenectady, N.Y. control zone and insert in lieu thereof:

Within a 5-mile radius of the center, 42°51'13" N., 73°55'48" W. of Schenectady County Airport, Schenectady, N.Y. and within 2 miles each side of the centerline of Runway 28 extended from the 5-mile radius zone to 9 miles west of the end of the runway and within 2 miles each side of the centerline of Runway 33 extended from the 5-mile radius zone to 5 miles northwest of the end of the runway, excluding that portion coinciding with the Albany, N.Y., control zone. This control zone is effective from 0600 to 2200 hours local time, daily.

4. Amend § 71.171 of Part 71 of the Federal Aviation Regulations so as to delete the description of the Glens Falls, N.Y. control zone and insert in lieu thereof:

Within a 5-mile radius of the center, 43°20'32" N., 73°36'35" W. of Warren County Airport, Glens Falls, N.Y. and within 2 miles each side of the centerline of Runway 30 extended from the 5-mile radius zone to 11 miles west of the end of the runway; within 2 miles each side of the centerline of Runway 1 extended from the 5-mile radius zone to 12 miles north of the end of the runway and within 2 miles each side of the Glens Falls VOR 006° radial extending from the 5-mile radius zone to 12 miles north of the VOR; and within a 1-mile radius of the center, 43°23'30" N., 73°41'45" W. of Lake George Airport, Lake George, N.Y.

5. Amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to revoke the Cambridge, N.Y. and Middle Grove, N.Y. transition areas.

6. Amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to delete the description of the Albany, N.Y. transition area and insert in lieu thereof:

That airspace extending upward from 700 feet above the surface within a 9-mile radius of the center, 42°44'48" N., 73°48'19" W. of Albany County Airport, Albany, N.Y., and within 5 miles east and 8 miles west of the Albany ILS localizer north course extending from the 9-mile radius area to 12 miles north of the OM; within 2 miles each side of the Albany VOR 013° radial extending from the 9-mile radius area to 15.5 miles north of the VOR; within 2 miles each side of the Albany VOR 094° radial extending from the 9-mile radius area to 12 miles east of the VOR; within 5 miles west and 8 miles east of the Albany VOR 183° radial extending from the 9-mile radius area to 12 miles south of the VOR; within a 7-mile radius of the center, 42°51'13" N., 73°55'48" W. of Schenectady County Airport, Schenectady, N.Y.; within 2 miles each side of the centerline of Runway 28 of the latter airport extended from the 7-mile radius area to 12 miles west of the end of the runway; within 2 miles each side of the centerline of Runway 33 of the latter airport extended from the 7-mile radius area to 9 miles northwest of the end of the runway.

That airspace extending upward from 1,200 feet above the surface bounded by a line beginning at: 44°00'00" N., 73°47'00" W. to 44°00'00" N., 73°16'00" W. to 43°47'00" N., 72°39'00" W., to 43°11'00" N., 72°39'00" W. to 42°02'00" N., 78°16'00" W. to 42°01'00" N., 74°30'00" W. to 43°19'00" N., 74°30'00" W. to the point of beginning.

7. Amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to delete the description of the Glens Falls, N.Y. transition area and insert in lieu thereof:

That airspace extending upward from 700 feet above the surface within a 7-mile radius of the center, 43°20'32" N., 73°36'35" W. of Warren County Airport, Glens Falls, N.Y. and within 2 miles each side of the Glens Falls VOR 172° radial extending from the 7-mile radius area to 15 miles south of the VOR; within 2 miles each side of the centerline of Runway 30 extended from the 7-mile radius area to 14 miles west of the end of the runway; and within 2 miles each side of the centerline of Runway 1 extended from the 7-mile radius area to 13.5 miles north of the end of the runway.

8. Amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to designate a 700-foot-above-ground Rutland, Vt. transition area described as follows:

RUTLAND, VT.

That airspace extending upward from 700 feet above the surface within a 5-mile radius of the center 43°31'46" N., 72°56'54" W. of Rutland Airport, Rutland, Vt., and within 2 miles each side of the Rutland RBN 158° bearing extending from the 5-mile radius area to the RBN.

9. Amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to designate a 700-foot-above-ground Pittsfield, Mass., transition area described as follows:

PITTSFIELD, MASS.

That airspace extending upward from 700 feet above the surface within a 7-mile radius of the center, 42°25'36" N., 73°17'30" W., of Pittsfield Airport, Pittsfield, Mass; within 2 miles each side of the Pittsfield RBN 059° bearing extending from the 7-mile radius area to 8 miles northeast of the RBN; and within 2 miles each side of the Chester VOR 299° radial extending from the 7-mile radius area to 10 miles northwest of the VOR.

This amendment is proposed under section 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348).

Issued in Jamaica, N.Y., on May 6, 1965.

WAYNE HENDERSHOT,
Acting Director, Eastern Region.

[F.R. Doc. 65–5234; Filed, May 18, 1965; 8:46 a.m.]

[14 CFR Part 71]

[Airspace Docket No. 65–CE–56]

FEDERAL AIRWAY

Proposed Designation

The Federal Aviation Agency is considering an amendment to Part 71 of the Federal Aviation Regulations that would designate a south alternate to VOR Federal airway No. 148, from Redwood Falls, Minn., to Minneapolis, Minn., via Flying Cloud, Minn., and the intersection of the Flying Cloud 074° and Minneapolis 188° True radials.

Interested persons may participate in the proposed rule making by submitting such written data, views, or arguments as they may desire. Communications should identify the airspace docket number and be submitted in triplicate to the Director, Central Region, Attention: Chief, Air Traffic Division, Federal Aviation Agency, 4825 Troost Avenue, Kansas City, Mo., 64110. All communications received within 45 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. The proposal contained in this notice may be changed in the light of comments received.

An official docket will be available for examination by interested persons at the Federal Aviation Agency, Office of the General Counsel, Attention: Rules Docket, 800 Independence Avenue SW., Washington, D.C., 20553. An informal docket also will be available for examination at the office of the Regional Air Traffic Division Chief.

The segment of the proposed alternate between Redwood Falls and Flying Cloud is an inbound route to Minneapolis and designating it as a numbered Federal airway would simplify flight planning and reduce air traffic control clearance phraseology. There would not be the normal 15° separation between this proposed airway and either Victor 144 or Victor 26 at Redwood Falls. However, this would not derogate safe use of the proposed airway since radar separation standards are employed in this area.

This amendment is proposed under section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348).

Issued in Washington, D.C., on May 13, 1965.

DANIEL E. BARROW,
Chief, Airspace Regulations and Procedures Division.

[F.R. Doc. 65–5235; Filed, May 18, 1965; 8:46 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Part 141a]

PENICILLIN AND PENICILLIN-CONTAINING DRUGS; TESTS AND METHODS OF ASSAY

Proposed Changes in Sterility Tests for Certain Antibiotic Drugs

As provided in the Federal Food, Drug, and Cosmetic Act (sec. 507, 59 Stat. 463, as amended; 21 U.S.C. 357), the Commissioner of Food and Drugs, on his own initiative, and under the authority delegated to him by the Secretary of Health, Education, and Welfare (21 CFR 2.90), proposes that the regulations providing tests and methods of assay for penicillin and penicillin-containing drugs (21 CFR Part 141a) be amended as hereinafter set forth to establish alternative sterility tests for the procaine penicillin drugs specified.

All interested persons are hereby invited to submit their views in writing on these proposed amendments within 30 days from the date of publication of this notice in the FEDERAL REGISTER. Such views and comments should be filed, preferably in quintuplicate, with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington, D.C., 20201, and may be accompanied by a memorandum or brief in support thereof.

It is proposed to amend Part 141a in the following respects:

1. By changing § 141a.26(b) to read as follows:

§ 141a.26 Procaine penicillin.

* * * * * *

(b) *Sterility.* Proceed as directed in § 141.2 of this chapter, using the method described in paragraph (e)(1) and (2) of that section, except if using the method in paragraph (e)(1), add sufficient penicillinase to diluting fluid A and swirl the flask to completely solubilize the procaine penicillin before filtration.

* * * * * *

2. By changing § 141a.29(b) to read as follows:

§ 141a.29 Procaine penicillin for aqueous injection.

* * * * * *

(b) *Sterility.* Proceed as directed in § 141.2 of this chapter, using the method described in paragraph (e)(1) of that section, except add sufficient penicillinase to diluting fluid A and swirl the flask to completely solubilize the procaine penicillin before filtration. However, if the preparation contains homogenizers or suspending agents which prevent solubilization, proceed as directed in paragraph (e)(2) of that section, except use medium B in lieu of medium A.

* * * * * *

3. By changing § 141a.46(b) to read as follows:

§ 141a.46 Procaine penicillin in streptomycin sulfate solution; procaine penicillin in dihydrostreptomycin sulfate solution veterinary.

* * * * * *

(b) *Sterility.* Proceed as directed in § 141.2 of this chapter, using the method described in paragraph (e)(1) of that section, except add sufficient penicillinase to diluting fluid A and swirl the flask to completely solubilize the procaine penicillin before filtration. However, if the preparation contains homogenizers or suspending agents which prevent solubilization, proceed as directed in paragraph (e)(2) of that section, except use medium B in lieu of medium A.

* * * * * *

Dated: May 13, 1965.

JOHN L. HARVEY,
Deputy Commissioner of Food and Drugs.

[F.R. Doc. 65–5273; Filed, May 18, 1965; 8:49 a.m.]

Public Health Service

[42 CFR Part 73]

BIOLOGICAL PRODUCTS

Proposed Additional Standards; Immune Serum Globulin (Human)

Notice is hereby given that the Surgeon General proposes to amend Part 73 of the Public Health Service regulations to include specific standards of safety, purity and potency for Immune Serum Globulin (Human).

Inquiries may be addressed, and data, views and arguments may be presented by interested parties, in writing, in triplicate, to the Surgeon General, Public Health Service, Washington 25, D.C. All relevant material received not later than 60 days after publication of this notice in the FEDERAL REGISTER will be considered.

It is proposed to make any amendments that are adopted effective 60 days after publication in the FEDERAL REGISTER.

1. Amend Part 73 of the Public Health Service regulations by adding the following to the table of contents at the end thereof:

ADDITIONAL STANDARDS: IMMUNE SERUM GLOBULIN (HUMAN)

Sec.
73.355 The product.
73.356 Manufacture of Immune Serum Globulin (Human).
73.357 The final product.
73.358 Potency.
73.359 General requirements.

2. Amend Part 73 by adding the following at the end thereof:

ADDITIONAL STANDARDS: IMMUNE SERUM GLOBULIN (HUMAN)

§ 73.355 The product.

(a) *Proper name and definition.* The proper name of this product shall be Immune Serum Globulin (Human). The product is defined as a sterile solution containing antibodies derived from human blood.

(b) *Source material.* The source of Immune Serum Globulin (Human) shall be blood, plasma or serum from human donors determined at the time of donation to have been free of causative agents of diseases that are not destroyed or removed by the processing methods, as determined by the donor's history and from such physical examination and clinical tests as appear necessary for each donor at the time the blood was obtained. The source blood, plasma or serum shall not contain a preservative and shall be stored in a manner that will prevent contamination by microorganisms, pyrogens or other impurities.

(c) *Additives in source material.* Source blood, plasma or serum shall contain no additives other than citrate or acid citrate dextrose anticoagulant solution, unless it is shown that the processing method yields a product free of the additive to such an extent that the safety, purity and potency of the product will not be affected adversely.

§ 73.356 Manufacture of Immune Serum Globulin (Human).

(a) *Processing method.* The manufacturer shall demonstrate a processing method that (1) is capable of concentrating tenfold from source material at least two different antibodies, (2) does not affect the integrity of the globulins and is capable of consistently yielding a product which is safe for subcutaneous and intramuscular injection and (3) will not transmit viral hepatitis.

(b) *Reference materials.* The following reference materials shall be obtained from the Division of Biologic Standards:

(1) NIH reference measles serum for correlation of measles antibody titers with globulin products.

(2) NIH reference poliomyelitis globulin for correlation of poliomyelitis antibody titers, types 1, 2, and 3 with globulin products.

(c) *Microbial contamination.* Low temperatures or aseptic techniques shall be used to minimize contamination by microorganisms. Preservatives to inhibit growth of microorganisms shall not be used during processing.

(d) *Bulk storage.* The globulin fraction may be stored in bulk prior to further processing provided it is stored in well-marked hermetically closed containers. Globulin as either a liquid concentrate or a solid and containing alcohol or more than 5-percent moisture shall be stored at a temperature of −10° C. or lower. Globulin as a solid free from alcohol and containing less than 5-percent moisture, shall be stored at a temperature of 0° C. or lower.

(e) *Determination of the lot.* Each lot of Immune Serum Globulin (Human) shall represent a pooling of equal amounts of material from not less than 1,000 donors.

(f) *Sterilization and heating.* The final product shall be sterilized promptly after solution. At no time during processing shall the product be exposed to temperatures above 45° C. and the product shall not be exposed to temperatures above 5° C. for more than 72 hours.

§ 73.357 The final product.

(a) *Final solution.* The final product shall be a 16.5±1.5 percent solution of globulin containing 0.3 molar glycine and a preservative.

(b) *Protein composition.* At least 90 percent of the globulin shall have an electrophoretic mobility not faster than -2.8×10^{-5} centimeters per volt per second, when measured at a 1 percent protein concentration in sodium diethylbarbiturate at pH 8.6 and 0.1 ionic strength.

§ 73.358 Potency.

(a) *Antibody levels and tests.* Each lot of final product shall contain at least the minimum levels of antibodies for diphtheria, measles, and for at least one type of poliomyelitis. In the event the final bulk solution is stored at a temperature above 5° C. the antibody level tests shall be performed after such storage with a sample of the stored material.

(b) *Minimum levels.* The minimum antibody levels are as follows:

(1) No less than 2 units of diphtheria antitoxin per ml.

(2) A measles neutralizing antibody level determined in tissue culture of no less than 0.5 times the level of the reference measles serum.

(3) A poliomyelitis neutralizing antibody level determined in tissue culture of no less than 1.0 for Type 1, 1.0 Type 2, and 2.5 for Type 3, times the antibody level of the reference poliomyelitis immune globulin.

§ 73.359 General requirements.

(a) *Heat stability test.* Approximately 2 ml. of final container material of each lot shall not show any visible sign of gelation after heating in a 12×75 mm. stoppered glass tube at 57° C. for 4 hours.

(b) *Hydrogen ion concentration.* The pH of final container material shall be 6.8±0.4 when measured in a solution diluted to 1-percent protein with 0.15 molar sodium chloride.

(c) *Turbidity.* The product shall be free of turbidity as determined by visual inspection of final containers.

(d) *Date of manufacture.* The date of manufacture is the date of initiating the last valid measles or poliomyelitis antibody test (§ 73.358(b) (1) and (2)) whichever date is earlier.

(e) *Period of cold storage.* The final product may be held by the manufacturer in cold storage at a temperature not above 5° C. for 3 years after the date of manufacture without decreasing the length of the dating period. The provisions of § 73.84 shall not apply.

(f) *Dating.* The dating period shall be 3 years provided the labeling recommends storage from 2–10° C.

(g) *Labeling.* Labeling shall comply with the requirements of § 73.50 through § 73.55 and in addition shall indicate that:

(1) There is no prescribed potency for viral hepatitis antibodies.

(2) The product is manufactured for intravenous administration.

(3) The lot is or is not suitable for use with Measles Virus Vaccine, Live, Attenuated.

(h) *Samples and protocols.* For each lot of Immune Serum Globulin (Human) the following material shall be submitted to the Director, Division of Biologics Standards, National Institutes of Health, Bethesda 14, Md.:

(1) A 50 ml. sample of the final product.

(2) All protocols relating to the history of each lot and all results of all tests prescribed in these additional standards

(Sec. 315, 58 Stat. 690, as amended; 42 U.S.C 216; interpret or apply sec. 351, 58 Stat. 702 42 U.S.C. 262)

Dated: May 12, 1965.

DAVID E. PRICE,
Acting Surgeon General.

Approved:

RUFUS E. MILES, Jr.,
Assistant Secretary for Administration.

[F.R. Doc. 65–5275; Filed, May 18, 1965; 8:49 a.m.]

Notices

DEPARTMENT OF JUSTICE

Immigration and Naturalization Service

STATEMENT OF ORGANIZATION

Deletion From International Airports Listing

Effective upon publication in the FEDERAL REGISTER, the following amendment to the Statement of Organization of the Immigration and Naturalization Service (19 F.R. 8071, December 8, 1954), as amended, is prescribed:

The listing of international airports in District No. 7—Buffalo, N.Y., of subparagraph (3) *Ports of entry for aliens arriving by aircraft* of paragraph (c) *Suboffices* of sec. 1.51 *Field Service* is amended by deleting "Malone, N.Y., Malone-Dufort Airport."

Dated: May 14, 1965.

RAYMOND F. FARRELL,
Commissioner of Immigration and Naturalization.

[F.R. Doc. 65–5250; Filed, May 18, 1965; 8:47 a.m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[Anchorage 060677]

ALASKA

Notice of Termination of Proposed Withdrawal and Reservation of Lands

MAY 12, 1965.

Notice of an application, serial number Anchorage 060677 for withdrawal and reservation of lands was published as Federal Register Document No. 64–5787 on pages 7518–7519 of the issue for June 11, 1964. The applicant agency has canceled its application in its entirety. Therefore, pursuant to the regulations contained in 43 CFR Part 2311 such lands will be, at 10 a.m., on May 26, 1965, relieved of the segregative affect of the above mentioned application.

The lands involved in this notice of termination are:

All contiguous lands below an elevation of 1,400 feet in the drainage basin of Copper River and its tributaries, as included in proposed Power Site Classification No. 452, and more completely described in terms of existing surveys and protraction diagrams of the Bureau of Land Management in conjunction with topographic quadrangle maps of the Geological Survey and affecting lands in the following townships:

COPPER RIVER MERIDIAN

Tps. 1 N., Rs. 1 and 2 W.
T. 2 N., R. 1 W.
Tps. 3 and 4 N., Rs. 1, 2, and 3 W.
Tps. 5 and 6 N., R. 1 W.
Tps. 1 N., Rs. 1 and 2 E.
Tps. 2 and 3 N., R. 1 E.
Tps. 1 S., Rs. 1, 2, 3, 4, and 5 E.
Tps. 2 S., Rs. 2, 3, 4, 5, and 6 E.
Tps. 3 S., Rs. 4, 5, 6, and 7 E.
Tps. 4 S., Rs. 5, 6, 7, and 8 E.
Tps. 5 S., Rs. 5, 6, 7, 8, 9, 10, 12, 13, and 14 E.
Tps. 6 S., Rs. 7, 8, 9, 10, 11, 12, 13, 14, and 15 E.
Tps. 7 S., Rs. 8, 10, 11, 12, 13, 14, and 15 E.
Tps. 8 S., Rs. 14, 15, 16, and 17 E.
Tps. 9 S., Rs. 14, 15, 16, 17, and 18 E.
T. 10 S., R. 15 E.
T. 11 S., R. 15 E.

All unsurveyed lands along the Tana River (tributary to the Copper River) below an elevation of 1,400 feet.

The areas described aggregate approximately 603,922 acres.

AL J. HOLLEY,
Acting Manager, Anchorage District and Land Office.

[F.R. Doc. 65–5242; Filed, May 18, 1965; 8:47 a.m.]

[Serial No. Idaho 016341]

IDAHO

Notice of Proposed Withdrawal and Reservation of Lands

MAY 11, 1965.

The Department of Agriculture has filed an application, Serial Number Idaho 016341, for the withdrawal of the lands described below, from all forms of appropriation under the public land laws and the general mining laws. The applicant desires the land for an administrative site and two campgrounds.

For a period of 30 days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the undersigned officer of the Bureau of Land Management, Department of the Interior, Post Office Box 2237, Boise, Idaho, 83701.

The authorized officer of the Bureau of Land Management will undertake such investigations as are necessary to determine the existing and potential demand for the land and their resources. He will also undertake negotiations with the applicant agency with the view of adjusting the application to reduce the area to the minimum essential to meet the applicant's needs, to provide for the maximum concurrent utilization of the lands for purposes other than the applicant's, to eliminate lands needed for purposes more essential than the applicant's, and to reach agreement on the concurrent management of the land and their resources.

He will also prepare a report for consideration by the Secretary of the Interior who will determine whether or not the lands will be withdrawn as requested by the Department of Agriculture.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

If circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

The lands involved in the application are:

BOISE MERIDIAN, IDAHO

BOISE NATIONAL FOREST

French Creek Campground

T. 14 N., R. 3 E.,
A tract of land within the unsurveyed E½NE¼NE¼, NE¼SE¼NE¼, section 29 more particularly described as:
Starting at the corner common to sections 20, 21, 28, 29, which is corner No. 1 and the true point of beginning; thence west 10 chs. to corner No. 2; thence south 30 chs. to corner No. 3; thence east 10 chs. to corner No. 4; thence north 30 chs. to corner No. 1, the true point of beginning, containing 30 acres more or less.

CARIBOU NATIONAL FOREST

Current Creek Administrative Site

T. 2 S., R. 44 E.,
Sec. 2, W½ of lot 1.

Containing 19.91 acres, more or less.

PAYETTE NATIONAL FOREST

Cabin Creek Campground

T. 15 N., R. 1 E.,
Sec. 12, SE¼SW¼NE¼NE¼, SW¼SE¼NE¼NE¼, and the N½NE¼SE¼NE¼.

Containing 10 acres.

The areas described aggregate 59.91 acres in Adams, Bonneville and Valley Counties, Idaho.

ORVAL G. HADLEY,
Manager, Land Office.

[F.R. Doc. 65–5243; Filed, May 18, 1965; 8:47 a.m.]

[Anchorage 062396]

ALASKA

Notice of Proposed Withdrawal and Reservation of Lands

MAY 10, 1965.

The United States Forest Service, Department of Agriculture, has filed an application Serial Number Anchorage 062396 for the withdrawal of the lands described below from all forms of appropriation under the mining laws.

The applicant desires the land for use as an administrative site for the Maybeso Experimental Forest in the research of the impact of logging on salmon streams, erosion and sedimentation and other studies.

For a period of thirty days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the undersigned officer of the Bureau of Land Management, Department of the Interior, Anchorage District and Land Office, 555 Cordova Street, Anchorage, Alaska, 99501.

If circumstances warrant it, a public hearing will be held at a convenient time and place which will be announced.

The determination of the Secretary of the Interior on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

The land affected is an area located on the east side of Prince of Wales Island, Alaska, in the vicinity of Hollis Anchorage, and

Beginning at Corner No. 1, a point at mean high tide, approximately 69.60 chains N. 57° W. from USC&GS triangulation station PLEA, at approximate latitude 55°28'39" and approximate longitude 132°37'30"; thence, N. 9°25' W., 36.0 chains to Corner No. 2; N. 88°15' W., 10.10 chains to Corner No. 3; S. 10°20' W., 23.36 chains to Corner No. 4, a point at mean high tide, thence with the meanders of mean high tide, and around a small unnamed island connected to the main island by a filled roadway to the point of beginning.

The area described aggregates approximately 90.50 acres.

JAMES W. SCOTT,
Manager,
Anchorage District and Land Office.

[F.R. Doc. 65-5265; Filed, May 18, 1965; 8:48 a.m.]

[Fairbanks 034580]

ALASKA

Notice of Proposed Withdrawal and Reservation of Lands

MAY 12, 1965.

The Bureau of Indian Affairs has filed an application, Serial Number Fairbanks 034580, for withdrawal of the lands described below, from all forms of appropriation under the public land laws, including the mining laws, mineral leasing laws, grazing laws, and disposal of materials under the Material Act of 1947, as amended. The applicant desires the land for administrative use under the Act of June 25, 1910 (36 Stat. 43 U.S.C. 141-143).

For a period of 30 days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the undersigned officer of the Bureau of Land Management, Department of the Interior, Fairbanks District and Land Office, Post Office Box 1150, Fairbanks, Alaska.

The authorized officer of the Bureau of Land Management will undertake such investigations as are necessary to determine the existing and potential demand for the lands and their resources. He will also undertake negotiations with the applicant agency with the view of adjusting the application to reduce the area to the minimum essential to meet the applicant's needs, to provide for the maximum concurrent utilization of the lands for purposes other than the applicant's, to eliminate lands needed for purposes more essential than the applicant's and to reach agreement on the concurrent management of the lands and their resources.

He will also prepare a report for consideration by the Secretary of the Interior who will determine whether or not the lands will be withdrawn as requested by the Bureau of Indian Affairs.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

If circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

The lands involved in the application are:

BETHEL, ALASKA

Beginning at a point from which U.S.C. and G.S. Station "Bethel Mag" in latitude 60°47'08.692" N., longitude 161°46'21.865" W. bears N. 89°40' E., 2,227.90 feet, S. 0°20' E., 2,650 feet, and N. 89°40' E., 9,300 feet, thence S. 89°40' W., 10,272.10 feet; S. 0°20' E., 7,500 feet; N. 89°40' E., 6,971.40 feet; N. 23°30' E., 8,168.15 feet to the point of beginning, excluding the Bethel White Alice Site (F-010043), and the Federal Aviation Agency withdrawal (Public Land Order 3443), for the Bethel H. Marker.

The area described aggregates approximately 1450 acres.

ROSS A. YOUNGBLOOD,
Manager, Fairbanks District and Land Office.

[F.R. Doc. 65-5266; Filed, May 18, 1965; 8:48 a.m.]

DEPARTMENT OF AGRICULTURE

Agricultural Stabilization and Conservation Service

DIRECTOR OR ACTING DIRECTOR, KANSAS CITY ASCS COMMODITY OFFICE

Delegation of Authority

Pursuant to the authority vested in me by the Processor Wheat Marketing Certificate Regulations, I hereby delegate to the Director or Acting Director, Kansas City ASCS Commodity Office, the responsibility to approve a combination of two or more plants or a division of the plant as provided in § 777.12(e). The authority herein delegated shall be exercised in conformity with the requirements of the Processor Wheat Marketing Certificate Regulations and may not be redelegated.

(Secs. 379(a) to 379(j), 52 Stat. 31, as amended; 7 U.S.C. 1379a to 1379j)

Signed at Washington, D.C., on May 14, 1965.

CLIFFORD G. PULVERMACHER,
Director, Procurement and Sales Division.

[F.R. Doc. 65-5270; Filed, May 18, 1965; 8:48 a.m.]

Consumer and Marketing Service

LUVERNE AUCTION ET AL.

Deposting of Stockyards

It has been ascertained, and notice is hereby given, that the livestock markets named herein, originally posted on the respective dates specified below as being subject to the Packers and Stockyards Act, 1921, as amended (7 U.S.C. 181 et seq.), no longer come within the definition of a stockyard under said Act and are, therefore, no longer subject to the provisions of the Act.

Name, Location of Stockyard, and Date of Posting

ALABAMA

Luverne Auction, Luverne, May 18, 1959.

LOUISIANA

Town and Country Auctions, Inc., Ville Platte, Mar. 12, 1963.

MISSISSIPPI

Pellers' Livestock Barn No. 2, Kosciusko, Jan. 12, 1959.

NEBRASKA

Deshler Livestock Commission Co., Deshler, Aug. 18, 1950.

NEVADA

Singer's Feed and Auction Yard, Lovelock, Apr. 12, 1960.

TEXAS

Hereford Livestock Auction, Hereford, Oct. 28, 1958.

Notice or other public procedure has not preceded promulgation of the foregoing rule since it is found that the giving of such notice would prevent the due and timely administration of the Packers and Stockyards Act and would, therefore, be impracticable and contrary to the public interest. There is no legal warrant or justification for not depositing promptly a stockyard which is no longer within the definition of that term contained in the Act.

The foregoing is in the nature of a rule granting an exemption or relieving a restriction and, therefore, may be made effective in less than 30 days after publication in the FEDERAL REGISTER. This notice shall become effective upon publication in the FEDERAL REGISTER.

(42 Stat. 159, as amended and supplemented; 7 U.S.C. 181 et seq.)

Done at Washington, D.C., this 13th day of May 1965.

K. A. POTTER,
Acting Chief, Rates and Registrations Branch, Packers and Stockyards Division, Consumer and Marketing Service.

[F.R. Doc. 65-5247; Filed, May 18, 1965; 8:47 a.m.]

SHANTZ & RODMAN LIVESTOCK COMMISSION CO., INC., ET AL.

Posted Stockyards

Pursuant to the authority delegated under the Packers and Stockyards Act, 1921, as amended (7 U.S.C. 181 et seq.), on the respective dates specified below it was ascertained that the livestock markets named below were stockyards within the definition of that term contained in section 302 of the Act, and notice was given to the owners and to the public by posting notice at the stockyards as required by said section 302.

Name, location of stockyard, and date of posting

ARKANSAS

Shantz & Rodman Livestock Commission, Co., Inc., North Little Rock, Apr. 23, 1965.

COLORADO

Salida-Monte Vista Livestock Commission, Co., Inc., Monte Vista, Feb. 23, 1965.

FLORIDA

Daytona Horse Sales, Inc., Daytona Beach, Nov. 20, 1964.

INDIANA

Rensselaer Livestock Auction, Rensselaer, Apr. 28, 1965.

KANSAS

Hoxie Livestock Sale, Hoxie, Mar. 22, 1965.

TEXAS

West Texas Livestock Sales Co., Plainview, Apr. 30, 1964.

Done at Washington, D.C., this 13th day of May 1965.

K. A. POTTER,
Acting Chief, Rates and Registrations Branch, Packers and Stockyards Division, Consumer and Marketing Service.

[F.R. Doc. 65-5248; Filed, May 18, 1965; 8:47 a.m.]

DEPARTMENT OF COMMERCE

Office of the Secretary

GEORGE E. LAWRENCE

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests as reported in the FEDERAL REGISTER during the past six months:

A. Deletions: Mohawk Electronics.
B. Additions: None.

This statement is made as of April 30, 1965.

GEORGE E. LAWRENCE.

MAY 10, 1965.

[F.R. Doc. 65-5252; Filed, May 18, 1965; 8:47 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[NDA Nos. 1-228, 1-626, 1-686]

[Consolidated Docket No. FDC-D-88 (A-C)]

C. B. KENDALL CO. ET AL.

Notice of Opportunity for Hearing; Correction

In F.R. Doc. 65-4893 appearing on page 6445 in the issue of May 8, 1965, the following change should be made in the next to the last paragraph of the notice:

The phrase "published in this day's issue of the FEDERAL REGISTER" should read "published in the FEDERAL REGISTER of April 24, 1965".

Dated: May 12, 1965.

JOHN L. HARVEY,
Deputy Commissioner of Food and Drugs.

[F.R. Doc. 65-5274; Filed, May 18, 1965; 8:49 a.m.]

ATOMIC ENERGY COMMISSION

[Docket No. 50-214]

DEPARTMENT OF WATER AND POWER OF THE CITY OF LOS ANGELES

Notice of Reconvening of Hearing

A recess was taken in this proceeding on April 1, 1965. An announcement was made on the record that a formal notice would be issued respecting reconvening of the hearing on June 21, 1965.

Pursuant to that announcement, notice is hereby given that the public hearing in this proceeding will reconvene at 10 a.m. (local time) on Monday, June 21, 1965, in the Committee room of the City Auditorium at Santa Monica, Calif., to further consider the issues specified for consideration by the Atomic Energy Commission.

Issued: May 14, 1965, Germantown, Md.

ATOMIC SAFETY AND LICENSING BOARD.
SAMUEL W. JENSCH,
Chairman.

[F.R. Doc. 65-5236; Filed, May 18, 1965; 8:45 a.m.]

CIVIL AERONAUTICS BOARD

[Docket No. 15353; Order E-22162]

INTERNATIONAL AIR TRANSPORT ASSOCIATION

Order Relating to Specific Commodity Rates

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 13th day of May 1965.

There has been filed with the Board, pursuant to section 412(a) of the Federal Aviation Act of 1958 (the Act) and Part 261 of the Board's Economic Regulations, an agreement between various air carriers, foreign air carriers, and other carriers, embodied in the resolutions of Traffic Conference 1 of the International Air Transport Association (IATA), and adopted pursuant to the provisions of Resolution 590 dealing with specific commodity rates.

The agreement, adopted pursuant to unprotested notices to the carriers and promulgated in IATA Memoranda as set forth in the attachment hereto, (1) names a rate under a new description, and (2) names additional specific commodity rates.[1]

[1] Filed as part of original document.

The Board, acting pursuant to sections 102, 204(a), and 412 of the Act, does not find the subject agreement to be adverse to the public interest or in violation of the Act, provided that approval thereof is conditioned as herein after ordered.

Accordingly, it is ordered: That Agreement C.A.B. 17666, R-112 through R-118, be approved, provided that such approval shall not constitute approval of the specific commodity descriptions contained therein for purposes of tariff publication.

Any air carrier party to the agreement, or any interested person, may, within 15 days from the date of service of this order, submit statements in writing containing reasons deemed appropriate, together with supporting data, in support of or in opposition to the Board's action herein. An original and nineteen copies of the statements should be filed with the Board's Docket Section. The Board may, upon consideration of any such statements filed, modify or rescind its action herein by subsequent order.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON,
Secretary.

[F.R. Doc. 65-5268; Filed, May 18, 1965; 8:48 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 15011; FCC 65-364]

AMERICAN TELEPHONE AND TELEGRAPH CO.

Memorandum Opinion and Order

In the matter of American Telephone & Telegraph Co., Docket No. 15011; charges, practices, classifications, and regulations for and in connection with Teletypewriter Exchange Service.

1. By order FCC 63-261, 28 F.R. 2873, the Commission instituted the investigation with which this proceeding is concerned into the lawfulness of American Telephone & Telegraph Co. Long Lines Department Tariff FCC No. 133 providing teletypewriter exchange service. That order prescribed procedures whereby the examiner designated to preside at the hearings should certify the record to the Commission for decision without preparing an initial decision or recommended decision.

2. *It is ordered,* That pursuant to section 8(a) of the Administrative Procedure Act, 5 U.S.C. 1007(a), the procedures established by FCC 63-261, 28 F.R. 2873, are revised to direct that after expiration of time for submitting proposed findings and conclusions with supporting reasons as provided at 47 CFR 1.263 and 1.264, the Chief, Common Carrier Bureau, shall prepare and issue a recommended decision; and

3. *It is further ordered,* That the parties shall have the opportunity, within 30 days after release is made of the full text of the recommended decision, to submit exceptions to the recommended

decision, or a statement in support of the recommended decision in whole or in part, with supporting reasons for such exceptions or statement, for consideration by the Commission; and

4. *It is further ordered*, That the further procedures shall be pursuant to 47 CFR Part 1 as though the Commission had initially decided the case.

Adopted: May 5, 1965.

Released: May 7, 1965.

FEDERAL COMMUNICATIONS COMMISSION,[1]
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 65-5262; Filed, May 18, 1965; 8:45 a.m.]

[Docket No. 14394 etc.; FCC 65-403]

FLOWER CITY TELEVISION CORP., ET AL.

Memorandum Opinion and Order

In re applications of Flower City Television Corp., Rochester, N.Y., Docket No. 14394, File No. BPCT-2929; Genesee Valley Television Co., Inc., Rochester, N.Y., Docket No. 14395, File No. BPCT-2944; Rochester Area Educational Television Association, Inc., Rochester, N.Y., Docket No. 14459, File No. BPCT-2943; Star Television, Inc., Rochester, N.Y., Docket No. 14460, File No. BPCT-2948; Community Broadcasting, Inc., Rochester, N.Y., Docket No. 14461, File No. BPCT-2953; Heritage Radio & Television Broadcasting Co., Inc., Rochester, N.Y., Docket No. 14462, File No. BPCT-2961; Main Broadcast Co., Inc., Rochester, N.Y., Docket No. 14464, File No. BPCT-2964; The Federal Broadcasting System, Inc., Rochester, N.Y., Docket No. 14465, File No. BPCT-2966; Citizens Television Corp., Rochester, N.Y., Docket No. 14466, File No. BPCT-2967; Rochester Broadcasting Corp., Rochester, N.Y., Docket No. 14467, File No. BPCT-2972; Rochester Telecasters, Inc., Rochester, N.Y., Docket No. 14468, File No. BPCT-2974; for construction permits for new television broadcast stations (Channel 13).

1. The Commission has before it for consideration (a) the Initial Decision in the above-captioned proceeding (FCC 64D-5, released January 28, 1964) proposing grant of the applications of Rochester Area Educational Television Association, Inc. (RAETA), and Rochester Telecasters, Inc. (RTI), and denial of the other applications; [1a] (b) the exceptions, with supporting briefs, of the parties, and replies to exceptions with supporting briefs; (c) a petition for leave to amend application, filed January 28, 1964, by Heritage Radio & Television Broadcasting Co., Inc.; (d) a brief as amicus curiae filed with the Commission's permission on April 27, 1964, by American Broadcasting Co.; (e) a request for official notice, filed May 27, 1964, by Community Broadcasting, Inc.; (f) a petition for leave to amend application, filed June 24, 1964, by RAETA; (g) a petition to reopen the record and to remand, filed October 15, 1964, by all parties to the proceeding except RAETA, Rochester Telecasters, Inc., Rochester Broadcasting Corp., and the Chief, Broadcast Bureau; (h) the oral argument held November 2, 1964, before the Commission en banc, on the exceptions to the Initial Decision, at which time each party was afforded the opportunity to address itself to the above-described petition to reopen the record and to remand, and when American Broadcasting Company was permitted to participate as amicus curiae; (i) a letter from counsel for Star Television, Inc., dated February 11, 1965, informally advising the Commission that Mr. Isaac Gordon (treasurer, director, and a 14 percent stockholder) died on January 29, 1965; and (j) the entire record herein.

2. The Commission believes that the public interest would be best served at this juncture by remanding the proceeding on a reopened record to a Hearing Examiner so that further evidence may be adduced regarding questions which give the Commission some concern. These questions are: (a) Whether alternative means are available for the broadcast of the type of educational programming which RAETA proposes; and (b) whether a share-channel applicant such as RTI would provide an effectively competitive outlet for a third network service, including the question whether American Broadcasting Co. would affiliate with such an applicant.

3. Since no specific issue was designated to elicit information on whether RAETA could accomplish its objective by means other than its present proposal, the Examiner refused to admit evidence relating to other methods for doing so. Although she stated originally that she would take official notice of the then pending rule-making proceeding in Docket No. 14744, the Examiner later reversed this ruling.

4. We understand the Examiner's reluctance to receive such evidence. Consistent with RAETA's right to file for Channel 13, she believed that taking official notice of the pendency of the rule-making proceeding would result in the exploration of alternative means of carrying out RAETA's proposal, and would introduce irrelevant considerations. This position would be correct in the usual circumstances. However, the later adoption and issuance of a Report and Order in Docket No. 14744, establishing an Instructional Television Fixed Service,[2] casts the matter in a different light. The primary purpose of this newly-established service is to provide for the transmission of visual and aural instructional material to students enrolled in formal courses of instruction. Although the new service is intended to supplement, and not replace; the educational television broadcast service, we believe that we must note this significant development, because failure to do so would not be in accord with our public interest responsibilities. Accordingly, it will be appropriate in the remanded proceeding to inquire into the impact which establishment of the Instructional Television Fixed Service may have upon the RAETA proposal. In this connection, it is pertinent also to ascertain the impact which a recent grant of a construction permit to the City School District of Rochester, N.Y., (BPTF-38) in the Instructional Television Fixed Service may have upon the RAETA proposal. Inasmuch as this proceeding is not one where the VHF channel at issue provides the last opportunity for an educational organization to program for the Rochester area, the fact that UHF Channel 21, reserved for educational use in Rochester, is not in use is another matter warranting consideration.[3] Although the University of the State of New York, State Education Department, was granted a construction permit (BPET-6) on July 23, 1952, for a non-commercial educational television broadcast station to operate on Channel 21 in Rochester, the station has not yet been built. The authorization is still outstanding, however. Since the eventual use of Channel 21 in Rochester may have a direct bearing upon the disposition of the subject proceeding, the Commission desires current information on the permittee's plans—or lack thereof—to construct and operate a station on Channel 21. Therefore, the permittee is being made a party to this proceeding with its participation limited to exploration of its plans for activation of its 13-year-old construction permit.

5. Our determination to remand the proceeding to inquire into other means whereby RAETA's proposal could be carried out stems, in part, from discovery of the fact that of RAETA's proposed 44 weekly broadcast hours, 18½ hours would be devoted to in-school programming with 10½ of these hours being devoted to repeated in-school programs. When nearly 41 percent of RAETA's proposed programming would be devoted to programs clearly not designed to be received by the general public, a question arises whether the use proposed of the VHF Channel at issue would constitute the best available use.

6. Uncertainty exists in the present state of the record as to affiliation commitments from the American Broadcasting Company network. Thus, RTI and each of the other commercial applicants proposes to affiliate with the ABC network. RTI alone of the applicants was unable to produce an affiliation commitment from ABC. The Examiner stated that since there are three television networks, and since Channel 13 is the third VHF Channel assigned to Rochester, she

[1] Commissioners Bartley and Loevinger absent.

[1a] The application of Rochester Broadcasting Corp. was denied by the Examiner as in default for failure to prosecute its application. No exception to this action has been taken.

[2] 25 RR 1785, released July 30, 1963.

[3] Although arising in a somewhat different context, compare Memorandum Opinion and Order, FCC 65-329, BM-321, released Apr. 26, 1965, where the Commission stated, among other things, that even in the absence of extensive UHF conversion generally at the present time, a UHF channel reserved for educational use can be used to meet in-school training and instructional educational needs of a given area; and that with the implementation of the all-channel receiver law, it may be expected that in the reasonably near future the more general cultural and educational needs of an area may be adequately met by a UHF station.

was "unable to find from the record that RTI (or any of the other commercial applicants) will be unable to effectuate its proposed network programming. The indications are to the contrary." The present record will not support an affirmative findings that ABC programming would be available to RTI. In this connection, we think it is advisable to have the record reflect the reasons of ABC for its apparently ambivalent position as to possible affiliation with RTI. The Examiner rejected evidence as to ABC's reasons for its reluctance to affiliate with RTI, and an offer of proof was thereupon made. Since the close of the record, we permitted ABC to file an amicus curiae brief addressed solely to the question whether a share-channel grant would prevent the inauguration in Rochester of a third, competitive commercial service. ABC was permitted also to participate as amicus curiae in the oral argument herein. Because of the importance of the question of affiliation,[4] we believe that the Examiner's ruling noted above should be reversed,[5] and that in the remanded proceeding the reasons regarding network affiliation should be explored. To facilitate this, ABC will be made a party to the proceeding, with its participation restricted to this phase of the hearing.

7. In addition to remanding the proceeding to explore the above-mentioned matters, the Commission believes that it is advisable to have the record up-dated as to all the applications. To this end, a period of 90 days from the date of release of this order will be provided within which the parties may up-date their applications in the respects noted below. It should be stated at the outset that the order herein is not to be construed as inviting the parties to submit virtually new applications; this is not the case. The pending petitions for leave to amend certain of the applications disclose that, with the passage of time, changes have occurred in the make-up of the applicants. Where involuntary changes have occurred in stockholdings or in officers and directors, either because of death or disability of principals, the applications are to be made current to reflect such changes. Changes of a voluntary nature will not be permitted, for it is not the Commission's intention that the competitive position of any applicant be improved to the prejudice of any other applicant. As to the changes which will be permitted, resulting from death or disability, the Commission believes that the backgrounds of any replacements should be set forth so that the comparative qualifications of the applicants may be fully evaluated. Cf. The Young People's Church of the Air, Inc., FCC 61-401, 21 RR 476. In this manner, further comparison of the applicants will be more meaningful and more reflective of the present realities.

8. We invite changes in the program proposals which have been advanced in the several applications. The ever-changing needs of a community such as Rochester may now be somewhat different from those needs ascertained by the applicants several years ago. If, during the 90-day period provided herein, some of the applicants determine that the needs previously ascertained by them are reflective of present needs, they may so indicate when the material up-dating their applications is submitted. If others find that the needs are different from those previously ascertained by them, the programming proposals in these instances may be modified to reflect any changes. What may be done with regard to ascertainment of present needs in the Rochester area will, of course, have some bearing upon the planning and preparation comparative criterion. This is to be expected, for ascertainment of needs necessarily entails elements of planning and preparation. We believe that the 90-day period provided herein is ample for these purposes.

9. The further hearing ordered herein will commence within a reasonable time after the end of the 90-day period. No further order will be issued by the Commission specifying the date of commencement of the hearing. This date will be left to the discretion of the Hearing Examiner, who is designated as presiding officer by the Chief Hearing Examiner, so that the hearing may be conducted as expeditiously as possible consistent with the Hearing Examiner's calendar of cases.

10. The scope of the further hearing has been set out above.[6] Of necessity, findings as well as conclusions must be made as to these new areas of inquiry, as well as to revisions of such other areas as planning and preparation and proposed programming. Since the Examiner who originally presided at the hearing is now unavailable, a question arises as to the completeness of the Initial Decision which the newly assigned Hearing Examiner will render. Because we do not envision a lengthy, full-scale hearing of the kind which led to the first Initial Decision, we are of the view that after the customary hearing procedures have been followed, the presiding officer should issue a document in the nature of a supplemental initial decision. Thereafter, in accordance with the pertinent provisions of the Commission's rules and regulations, the parties may perfect their appeals, if any, to the Commission.

In view of the foregoing, *It is ordered*, That the record herein is reopened and that the proceeding is remanded for further hearing consistent with this Memorandum Opinion and Order; and

It is further ordered, That American Broadcasting-Paramount Theatres, Inc. (ABC) and the University of the State of New York, State Education Department, are made parties to this proceeding, with their participation herein limited to the areas of Commission concern treated in paragraphs 4 and 6 of this Memorandum Opinion and Order; and

It is further ordered, That the above-described petition to reopen the record and remand, filed October 15, 1964, is granted to the extent indicated herein, and otherwise is denied; and

It is further ordered, That the above-described petitions for leave to amend applications in various respects, and the request for official notice, are dismissed, the materials contained therein to be submitted as the respective applications are updated; and

It is further ordered, That the applicants herein, within 90 days from the date of release of this Order, shall submit any and all materials updating their respective applications, consistently with the terms of the Order herein.

Released: May 13, 1965.

FEDERAL COMMUNICATIONS COMMISSION,[1]
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 65-5263; Filed, May 18, 1965; 8:48 a.m.]

[Docket Nos. 15803-15806; FCC 65M-601]

JOHN N. TRAXLER ET AL.

Order Continuing Hearing

In re applications of John N. Traxler and Alvera M. Traxler, husband and wife, Delray Beach, Fla., Docket No. 15803, File No. BPH-3485; Sunshine Broadcasting Co., Delray Beach, Fla., Docket No. 15804, File No. BPH-4174; WLOD, Inc., Pompano Beach, Fla., Docket No. 15805, File No. BPH-4253; Boca Broadcasters, Inc., Pompano Beach, Fla., Docket No. 15806, File No. BPH-4605; for construction permits.

To formalize the agreements and rulings made on the record at a prehearing conference held on May 10, 1965 in the above-entitled matter concerning the future conduct of this proceeding: *It is ordered*, This 12th day of May 1965, that:

Exchange of engineering exhibits is rescheduled for May 17, 1965;

Exchange of lay exhibits is rescheduled for May 24, 1965;

Notification of witnesses is rescheduled for May 25, 1965; and

Hearing presently scheduled for May 18, 1965 is continued to May 27, 1965.

Released: May 13, 1965.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 65-5264; Filed, May 18, 1965; 8:48 a.m.]

[4] Cf. Television Broadcasters, Inc., FCC 65-15, 4 RR 2d 119 (1965), where the Commission stated, among other things, "while it is neither our purpose nor function to assure competitive equality in any given market, we have a duty at least to take such actions as will create greater opportunities for more effective competition among the networks in major markets. Peninsula Broadcasting Corp., FCC 64-703, 3 RR 2d 243."

[5] The reopening on this question is to determine whether an ABC affiliation with RTI would adequately provide for a third competitive network service in Rochester, as well to determine ABC's intentions and reasons for either an affiliation or refusing to affiliate with RTI.

[6] The nature of the further hearing ordered herein does not lend itself to the designation of specific, additional issues.

[1] Commissioner Bartley dissenting to the remand; Commissioners Cox and Wadsworth not participating.

FEDERAL MARITIME COMMISSION

SEA-LANES SHIPPING CO., INC. ET AL.

Notice of Agreements Filed for Approval

Notice is hereby given that the following freight forwarder cooperative working agreements have been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreements at the Washington office of the Federal Maritime Commission, 1321 H Street NW., Room 301. Comments with reference to an agreement including a request for hearing, if desired, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C., 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. A copy of any such statement or request for a hearing should also be forwarded to each of the parties to the agreement (as indicated hereinafter), and the comments should indicate that this has been done.

Unless otherwise indicated, these agreements are nonexclusive, cooperative working agreements under which the parties may perform freight forwarding services for each other. Forwarding and service fees as agreed on each transaction. Ocean freight compensation is to be divided as agreed between the parties.

Sea-Lanes Shipping Co., Inc., New York, N.Y., and Francesco Parisi Midwest, Inc., Chicago Ill.---------- FF-1918
International Expediters, Inc., New York, N.Y., and Chase Leavitt & Co., Portland, Maine---------- FF-1922
William H. Masson, Inc., Baltimore, Md., and General Foreign Freight Forwarders, Norfolk, Va---------- FF-1924
George W. Wise, Jr., Savannah, Ga., and J. H. Russell, New Orleans, La---------- FF-1927
Behring-South Ports Shipping, Inc., Houston, Tex., and Amersped, Inc., New York, N.Y---------- FF-1928
Gehrig Hoban & Co., Inc., New York, N.Y., and T. D. Downing Co., Boston, Mass---------- FF-1929
C. S. Greene & Co., Inc., Chicago, Ill., and American Union Transport Forwarding, Inc., New York, N.Y... FF-1930
W. R. Zanes & Co., of Louisiana, Inc., New Orleans, La., and M. J. Corbett & Co., Inc., New York, N.Y ---------- FF-1933
H. E. Schurig & Co., Inc., Houston, Tex., and Tone Forwarding Corp., New York, N.Y---------- FF-1940
Francesco Parisi, Inc., New York, N.Y., and Fillette Greene & Co., of Tampa, Tampa, Fla---------- FF-1941
H. A. Gogarty, Inc., New York, N.Y., and W. O. Smith & Co., Inc., Norfolk, Va---------- FF-1945
Anderson Shipping Co., Savannah, Ga., and Wilk Forwarding Co., Jacksonville, Fla---------- FF-1948
George Rediker Shipping Corp., New York, N.Y., and The Cottman Co., Baltimore, Md---------- FF-1949
Bemo Shipping Co., New York, N.Y., and The Hipage Co., Inc., Norfolk, Va---------- FF-1950
P. John Hanrahan, Inc., New York, N.Y., and J. H. Russell, New Orleans, La---------- FF-1951
Triangle Forwarding Corp., New York, N.Y., and Seaway Forwarding Co., Cleveland, Ohio---------- FF-1953
Natural Nydegger Transport Corp., New York, N.Y., and J. K. Ebberwein, Savannah, Ga---------- FF-1955
Baker, Irons & Dockstader, Inc., New York, N.Y., and Seaway Forwarding Co., Cleveland, Ohio---------- FF-1961
Inge and Co., Inc., New York, N.Y., and Wilfred Schade & Co., Inc., Newport News, Va---------- FF-1962
Meisner Shipping Service, New York, N.Y., and Seaway Forwarding Co., Cleveland, Ohio---------- FF-1963
Morris Friedman & Co., Philadelphia, Pa., and J. P. Fleisig Co., New York, N.Y---------- FF-1964
Globe Shipping Co., Inc., New York, N.Y., and Enterprise Shipping Co. (Division of Norman G. Jensen, Inc.), San Francisco, Calif------ FF-1966

Agreement FF-1917 between Atlas Forwarding Co., Inc., New York, N.Y. and General Foreign Freight Forwarders, Norfolk, Va. is a cooperative working arrangement whereunder compensation received from ocean carriers shall not be shared by the parties. All compensation of this nature will be received only by Atlas Forwarding Co., Inc. Forwarding and service fees as agreed on each transaction.

Silvey Shipping Co., New York, N.Y. is party to the following agreements, the terms of which are identical. The other parties are:

Chas. Kurz Co., Philadelphia, Pa... FF-1919
Alexander V. & Co., of Louisiana, Inc., New Orleans, La---------- FF-1923

Wilfred Schade & Co., Inc., Newport News, Va. is party to the following agreements, the terms of which are identical. The other parties are:

George Rediker Shipping Corp., New York, N.Y---------- FF-1920
Hudson Shipping Co., Inc., New York, N.Y---------- FF-1932
Paul A. Boulo, Mobile, Ala---------- FF-1934
The J. P. Fleisig Co., New York, N.Y. FF-1939
John S. Connor, Inc., Baltimore, Md. FF-1947

Agreement FF-1921 between Sunshine Forwarders, Inc., Jacksonville, Fla. and H. A. Gogarty, Inc., New York, N.Y. is a cooperative working arrangement whereunder forwarding and service fees are to be as follows:

To pass completed export declarations.. $1.25
To pass completed bill of lading---- 1.25
To prepare or complete and pass bill of lading---------- 2.50
To prepare or complete and pass export declarations---------- 2.50
Preparation of Consul documents---- 5.00
Consular documents (at cost).
Telephone calls, teletypes or telegrams (at cost).
Ocean freight brokerage is to be divided equally on a 50/50 basis between both parties.

Hudson Shipping Co., Inc., New York, N.Y. is party to the following agreements, the terms of which are identical. The other parties are:

Morris Friedman & Co., Philadelphia, Pa---------- FF-1925
Samuel Shapiro & Co., Inc., Baltimore, Md---------- FF-1926
George W. Wise, Jr., Savannah, Ga... FF-1943
Lyons Export & Import, Inc., Chicago, Ill---------- FF-1944

Triangle Forwarding Corp., New York, N.Y. is party to the following agreements, the terms of which are identical. The other parties are:

General Foreign Freight Forwarders, Norfolk, Va---------- FF-1935
Norton & Ellis, Inc., Norfolk, Va.... FF-1936
Wilfred Schade & Co., Inc., Newport News, Va---------- FF-1937
J. S. Lipinski Co., Toledo, Ohio---- FF-1938

Express Forwarding & Storage Co., New York, N.Y. is party to the following agreements, the terms of which are identical. The other parties are:

John V. Carr & Son, Inc., Detroit, Mich---------- FF-1942
Pistorino & Co., Inc., Boston, Mass.. FF-1946
C. S. Greene & Co., Milwaukee, Wis.. FF-1958
John W. Newton, Jr., Beaumont, Tex---------- FF-1959
A. J. Arango, Inc., Tampa, Fla------ FF-1960

Agreement FF-1952 between Penson Forwarding Corp., New York, N.Y. and J. K. Ebberwein, Savannah, Ga. is a cooperative working arrangement whereunder forwarding and service fees are subject to negotiation and agreement on each transaction depending upon the services to be performed. Ocean freight brokerage will be retained by the originating forwarder.

Agreement FF-1931 between C. S. Greene and Co., Inc., Chicago, Ill. and Seaport Shipping Co., Seattle, Wash. is a cooperative working arrangement whereunder forwarding and service fees are $7.50 per shipment and special services remain subject to negotiation and agreement on each transaction. Ocean freight brokerage to be divided on the basis of 50 percent to Seaport Shipping Co. and 50 percent to C. S. Greene & Co., Inc. on the amount collected.

Agreement FF-1956 between Atlas Forwarding Co., Inc., New York, N.Y. and Amco Custom Brokerage Co., Philadelphia, Pa. is a cooperative working arrangement whereunder compensation received from ocean carriers in the form of freight brokerage shall not be shared by the parties. All compensation of this nature will be received only by Atlas Forwarding Co., Inc. Forwarding and service fees as agreed.

THOMAS LISI,
Secretary.

MAY 14, 1965.

[F.R. Doc. 65-5267; Filed, May 18, 1965; 8:48 a.m.]

FEDERAL POWER COMMISSION

[Project No. 2507]

CONFEDERATED SALISH AND KOOTENAI TRIBES AND MONTANA POWER CO.

Notice of Application for License for Project Comprising Both Constructed and Unconstructed Developments

MAY 12, 1965.

Public notice is hereby given that application has been filed under the Federal Power Act (16 U.S.C. 791a-825r) by the Confederated Salish and Kootenai Tribes of the Flathead Reservation, Mont., and the Montana Power Co. (correspondence for the Confederated Tribes to: Wilkinson, Cragun and Barker, Attention: John W. Cragun, attorneys for Applicant Tribes, 1616 H Street NW., Washington, D.C., 20006; Walter W. McDonald, Chairman of Tribal Council, the Confederated Salish and Kootenai Tribes, Dixon, Mont. Correspondence for the Montana Power Co. to: J. E. Corrette, President, the Montana Power Co., Butte, Mont., 59701; William H. Coldiron, attorney at law, 40 East Broadway, Butte, Mont., 59701; Lee S. Sherline, 815 Connecticut Avenue NW., Washington, D.C., 20006; Willard W. Gatchell, attorney at law, Suite 307 Riddell Building, 1730 K Street NW., Washington, D.C.) for license for Project No. 2507, consisting of two hydroelectric developments to be constructed at Buffalo Rapids sites Nos. 2 and 4, and the constructed Kerr development, all on the Flathead River in the counties of Flathead, Lake, and Sanders in Montana, near Polson, and affecting lands of the United States held in trust for the Confederated Salish and Kootenai Tribes of the Flathead Reservation. The unconstructed and constructed developments of Project No. 2507 are described as follows:

Buffalo Rapids No. 4 (Proposed). Located at river mile 37, would consist of a concrete gravity dam 830 feet long with a maximum height of 130 feet abutting an earth fill dam 1,120 feet long; a reservoir having a storage capacity of about 113,000 acre feet and a surface area of about 3,870 acres extending about 24 miles upstream to the powerhouse of Buffalo Rapids No. 2; a semioutdoor powerhouse integral with the dam structure and having an installed capacity of 120,000 kw in two units; a transmission line, 1.5 miles long; and appurtenant works. Buffalo Rapids No. 2 (Proposed). Located at river mile 61, would embody a concrete gravity dam 788 feet long with a maximum height of 110 feet abutting an earth fill dam 1,360 feet long; a reservoir having a storage capacity of about 121,000 acre feet and a surface area of 3,350 acres extending about 11 miles upstream to the Kerr powerhouse; a semioutdoor powerhouse integral with the dam and having an installed capacity of 120,000 kw; a transmission line 1.5 miles long; and appurtenant works. Kerr (Constructed). Located at approximately river mile 72, was constructed under a license issued for Project No. 5, May 23, 1930, and placed in operation on May 20, 1939. It consists of a variable radius concrete arch dam 381 feet long and 200 feet high abutting a gravity section; a reservoir extending 4 miles up the Flathead River to Flathead Lake which between elevations 2,883 and 2893 feet (msl) has a storage capacity of 1,217,000 acre feet; a powerhouse consisting of a steel frame building housing three units having a total capacity of 168,000 kw; a transmission line about 1,500 feet long; and appurtenant works.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C., 20426, in accordance with the rules of practice and procedure of the Commission (18 CFR 1.8 or 1.10). The last day upon which protests or petitions may be filed is July 19, 1965. The application is on file with the Commission for public inspection.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 65-5239; Filed, May 18, 1965; 8:46 a.m.]

[Docket No. G-8052, etc.]

HUSKY OIL CO.

Notice of Application

MAY 12, 1965.

Take notice that on February 15, 1965, Husky Oil Co. (Applicant), formerly Husky, Inc., filed in Docket No. G-8052, et al.,[1] an application pursuant to section 7(c) of the Natural Gas Act to amend the orders issuing certificates of public convenience and necessity in said dockets by substituting Applicant as certificate holder, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Certificates were issued in the subject dockets to Husky Oil Co. Husky Oil Co. was merged by Husky, Inc., effective December 31, 1964, and Husky, Inc., changed its name to Husky Oil Co. The application states that Applicant will continue to sell natural gas under the predecessor Husky Oil Co. rate schedules. Details of the application are set forth in the Appendix below.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C., 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before June 1, 1965.

JOSEPH H. GUTRIDE,
Secretary.

APPENDIX

Docket No.	Predecessor's FPC gas rate schedule	Purchaser	Location	Price (cents/Mcf)	Pressure base (p.s.i.a.)
G-8052	1	Mountain Fuel Supply Co.	Are Unit Field, Moffat County, Colo.	13.0	15.025
G-8053	4	do	Salt Wells Field, Sweetwater County, Wyo.	13.0	15.025
G-8056	3	El Paso Natural Gas Co.	Langile-Mattix Field, Lea County, N. Mex.	[2] 13.1123	14.65
G-8057	5	do	do	9.0	14.65
CI60-423	[2] 8	do	do	9.0	14.65
CI60-422	[2] 9	do	do	[2] 15.1132	14.65
CI61-186	[2] 10	Montana-Dakota Utilities Co.	Manderson-Slick Creek area, Big Horn County, Wyo.	10.0	15.025
CI61-1374	[2] 11	do	do	11.63	15.025
CI64-1097	12	Mountain Fuel Supply Co.	Little Snake Unit area, Moffat County, Colo. and Sweetwater County, Wyo.	11.0	15.025

[1] Effective subject to refund in Docket No. G-19722.
[2] "(Operator), et al."
[3] Effective subject to refund in Docket No. RI60-13.

[F.R. Doc. 65-5240; Filed, May 18, 1965; 8:46 a.m.]

[1] Additional dockets are listed in the appendix.

[Docket No. CP65-338]

NORTHERN NATURAL GAS CO.

Order Consolidating Proceedings, Setting Date for Hearing, and Permitting Interventions

MAY 12, 1965.

Notice of application in the above-numbered docket, which was filed on April 23, 1965, was issued by the Secretary of the Commission on April 28, 1965.

By said application Northern Natural Gas Co. proposes to construct and operate measuring facilities at the tailgate of the plant of Humble Oil and Refining Co. in the Gomez Field of Pecos County, Tex., and approximately 12 miles of 24-inch pipeline from such measuring facilities to the beginning of Northern's 24-inch Coyanosa to Kermit line proposed in Docket No. CP65-1.

Northern requests that this application be consolidated for hearing with the proceedings in Northern Natural Gas Co., Dockets Nos. CP65-1, CP65-91; Natural Gas Pipeline Co. of America, Docket No. CP65-169; Transwestern Pipeline Co., Docket Nos. CP65-208, CP65-236 and CP65-237, which proceedings are set for hearing on May 25, 1965.

The Commission finds:

(1) The application in Docket No. CP65-338 involves issues related to the issues presented by the applications in the proceedings in Docket No. CP65-1, et al., referred to supra, which are scheduled for hearing commencing May 25, 1965. It is necessary and appropriate in the administration of the Natural Gas Act that this application be consolidated with the above-described proceedings in Docket No. CP65-1, et al., and set for hearing on May 25, 1965.

(2) It is desirable to allow all interveners in the proceedings in Docket No. CP65-1, et al., to intervene herein in order that they may establish the facts and law from which the nature and validity of their alleged rights and interests may be determined and show what further action may be appropriate under the circumstances in the administration of the Natural Gas Act.

The Commission orders:

(A) The application herein is hereby consolidated with the proceedings in Northern Natural Gas Co., Docket No. CP65-1, et al., and is set for public hearing on the issues presented in said application in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D.C., commencing at 10 a.m. on May 25, 1965.

(B) All parties heretofore permitted to intervene in the proceedings in Docket No. CP65-1, et al., are hereby permitted to intervene herein.

By the Commission.

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 65-5241; Filed, May 18, 1965; 8:47 a.m.]

FEDERAL RESERVE SYSTEM

UNITED CALIFORNIA BANK

Order Approving Merger of Banks

In the matter of the application of United California Bank for approval of merger with Bank of Ceres.

There has come before the Board of Governors, pursuant to the Bank Merger Act of 1960 (12 U.S.C. 1828(c)), an application by United California Bank, Los Angeles, Calif., a State member bank of the Federal Reserve System, for the Board's prior approval of the merger of that bank and Bank of Ceres, Ceres, Calif., under the charter and title of United California Bank. As an incident to the merger, the sole office of Bank of Ceres would become a branch of the resulting bank. Notice of the proposed merger, in form approved by the Board, has been published pursuant to said Act.

Upon consideration of all relevant material in the light of the factors set forth in said Act, including reports furnished by the Comptroller of the Currency, the Federal Deposit Insurance Corporation, and the Attorney General on the competitive factors involved in the proposed merger,

It is hereby ordered, for the reasons set forth in the Board's Statement[1] of this date, that said application be and hereby is approved, provided that said merger shall not be consummated (a) within seven calendar days after the date of this Order or (b) later than three months after said date.

Dated at Washington, D.C., this 12th day of May, 1965.

By order of the Board of Governors.[2]

[SEAL] MERRITT SHERMAN, *Secretary.*

[F.R. Doc. 65-5227; Filed, May 18, 1965; 8:45 a.m.]

HOUSING AND HOME FINANCE AGENCY

Office of the Administrator

RATIFICATION OF ACTS TAKEN UNDER THE TITLE OF ACTING REGIONAL DIRECTOR OF COMMUNITY FACILITIES, REGION III (ATLANTA)

Acts consistent with the powers, functions, and duties redelegated or assigned to the Regional Director of Community Facilities, Region III (Atlanta), taken on or after May 15, 1963, and through August 17, 1963, under the title of Acting Regional Director of Community Facilities, Region III (Atlanta), by the officers appointed to the following listed positions in Region III, are hereby ratified and effective as if authorized on the date taken:

1. Deputy Regional Administrator.
2. Deputy Regional Director of Community Facilities.
3. Chief, Public Facilities Operations Staff.
4. Chief, Finance Staff.
5. Chief, Engineering Staff.

(62 Stat. 1283 (1948), as amended by 64 Stat. 80 (1950), 12 U.S.C. 1701c)

Issued as of the 19th day of May 1965.

[SEAL] ROBERT C. WEAVER, *Housing and Home Finance Administrator.*

[F.R. Doc. 65-5257; Filed, May 18, 1965; 8:48 a.m.]

ACTING REGIONAL DIRECTOR OF COMMUNITY FACILITIES, REGION III (ATLANTA)

Designation; Ratification

1. *Designation.* The officers appointed to the following listed positions in Region III (Atlanta) are hereby designated to serve as Acting Regional Director of Community Facilities, Region III (Atlanta), during the present vacancy in the position of Regional Director of Community Facilities, Region III, with all the powers, functions and duties redelegated or assigned to the Regional Director of Community Facilities, Region III, provided that no officer is authorized to serve as Acting Regional Director of Community Facilities, Region III, unless all other officers whose titles precede his in this designation are unable to act by reason of absence:

a. Deputy Regional Administrator.
b. Deputy Regional Director of Community Facilities.
c. Chief, Public Facilities Operations Branch.
d. Chief, Finance Branch.
e. Chief, Engineering Branch.

Effective as of the 19th day of May 1965.

2. *Ratification.* Acts consistent with the designation in paragraph 1 of this document taken on or after August 18, 1963, and up to the effective date of such designation are hereby ratified and effective as if authorized on the date taken.

Issued as of the 19th day of May 1965.

(62 Stat. 1283 (1948), as amended by 64 Stat. 80 (1950), 12 U.S.C. 1701c)

[SEAL] ROBERT C. WEAVER, *Housing and Home Finance Administrator.*

[F.R. Doc. 65-5258; Filed, May 18, 1965; 8:48 a.m.]

[1] Filed as part of the original document. Copies available upon request to the Board of Governors of the Federal Reserve System, Washington, D.C., 20551, or to the Federal Reserve Bank of San Francisco. Dissenting Statement of Governor Robertson also filed as part of the original document and available upon request.

[2] Voting for this action: Chairman Martin, and Governors Balderston, Shepardson, and Mitchell. Voting against this action: Governor Robertson. Absent and not voting: Governor Daane. Governor Maisel did not participate in this action.

SECURITIES AND EXCHANGE COMMISSION

[File No. 811-672]

INVESTORS INTER-CONTINENTAL FUND, LTD.

Notice of Filing of Application for Order Declaring That Company Has Ceased To Be an Investment Company

MAY 13, 1965.

Notice is hereby given that an application has been filed pursuant to section 8(f) of the Investment Company Act of 1940 ("Act") for an order of the Commission declaring that Investors Inter-Continental Fund, Ltd. ("applicant") 1000 Roanoke Building, Minneapolis, Minn., a registered open-end diversified management investment company, has ceased to be an investment company. All interested persons are referred to the application on file with the Commission for a complete statement of the representations summarized below.

Applicant was incorporated on November 30, 1954 under the Companies Act of Canada and was registered under the Investment Company Act on March 30, 1955. On June 30, 1964 in accordance with a plan of reorganization approved by its shareholders on that date, applicant transferred its assets after debts, liabilities and obligations had been paid or duly provided for to Investors Inter-Continental Fund, Inc., a Nevada corporation and a registered open-end diversified investment company, in exchange for the capital stock of that Company which was distributed on a pro rata basis to the shareholders of applicant. Since that date applicant has not had any securities outstanding, and does not propose to acquire any assets, issue any securities or conduct any business.

Section 8(f) of the Act provides, in pertinent part, that whenever the Commission upon application finds that a registered investment company has ceased to be an investment company, it shall so declare by order and upon the taking effect of such order the registration of such company shall cease to be in effect.

Notice is given that any interested person may, not later than June 1, 1965 at 5:30 p.m. submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C., 20549. A copy of such request shall be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon applicant at the address stated above. Proof of such service (by affidavit or in

case of an attorney-at-law by certificate) shall be filed contemporaneously with the request. At any time after said date, as provided by Rule 0-5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the showing made in said application, unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 65-5237; Filed, May 18, 1965; 8:46 a.m.]

[File No. 70-4276]

MASSACHUSETTS ELECTRIC CO. AND NEW ENGLAND ELECTRIC SYSTEM

Notice of Proposed Increase in Authorized Shares of Common Stock and Issuance and Sale Thereof to Holding Company

MAY 13, 1965.

Notice is hereby given that New England Electric System ("NEES"), 441 Stuart Street, Boston, Mass., 02116, a registered holding company, and one of its electric utility subsidiary companies, Massachusetts Electric Co. ("Mass. Electric"), have filed a joint application-declaration with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating sections 6(a)(2), 6(b), 7, 9(a), and 10 of the Act as applicable to the proposed transactions. All interested persons are referred to the joint application-declaration, on file at the office of the Commission, for a statement of the transactions therein proposed which are summarized below.

Mass. Electric proposes to increase its authorized and outstanding shares of $25 par value common stock (all of which are owned by NEES) from 2,073,436 to 2,216,293 shares. Mass. Electric further proposes to issue and sell, and NEES proposes to acquire, the 142,857 additional shares of common stock of Mass. Electric at a price of $70 per share or for an aggregate price of $9,999,990.

Mass. Electric presently has outstanding $11,500,000 of short-term notes payable to NEES, evidencing borrowings made for construction. The proceeds from the issue and sale of the additional common stock will be applied to the payment, in part, of the then outstanding short-term notes. Mass. Electric desires to consummate the proposed transactions in order to finance permanently capitalizable expenditures.

The fees and expenses to be paid in connection with the proposed transactions are estimated to aggregate $200 for NEES and $13,544 for Mass. Electric. The latter amount consists of $1,000 for services performed at cost by the system service company, $10,000 for original issue stamp tax, and $2,544 for State filing fees.

Mass. Electric has applied to the Massachusetts Department of Public Utilities for authorization of the proposed issue and sale of additional shares of common stock. A copy of the order entered therein is to be supplied by amendment. It is represented that no other State commission and no Federal commission, other than this Commission, has jurisdiction over the proposed transactions.

Notice is further given that any interested person may, not later than June 14, 1965, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said joint application-declaration which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C., 20549. A copy of such request should be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon the applicants-declarants at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed contemporaneously with the request. At any time after said date, the joint application-declaration, as filed or as it may be amended, may be granted and permitted to become effective as provided in Rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 65-5238; Filed, May 18, 1965; 8:46 a.m.]

SMALL BUSINESS ADMINISTRATION

[Declaration of Disaster Area 525]

HAWAII

Declaration of Disaster Area

Whereas, it has been reported that during the month of May 1965, because of the effects of certain disasters, damage resulted to residences and business property located in Honolulu County in the State of Hawaii;

Whereas, the Small Business Administration has investigated and has received other reports of investigations of conditions in the area affected;

Whereas, after reading and evaluating reports of such conditions, I find that the conditions in such area constitute a catastrophe within the purview of the Small Business Act, as amended.

Now, therefore, as Executive Administrator of the Small Business Administration, I hereby determine that:

1. Applications for disaster loans under the provisions of section 7(b)(1) of the Small Business Act, as amended, may be received and considered by the Offices below indicated from persons or firms whose property, situated in the aforesaid County and areas adjacent thereto, suffered damage or destruction resulting from floods and accompanying conditions occurring on or about May 2, 1965.

Office: Small Business Administration Regional Office, 1149 Bethel Street, Honolulu, Hawaii, 96813

2. A temporary office will be established in necessary area, address to be announced locally.

3. Applications for disaster loans under the authority of this Declaration will not be accepted subsequent to November 30, 1965.

Dated: May 5, 1965.

ROSS D. DAVIS, *Executive Administrator.*

[F.R. Doc. 65-5239; Filed, May 18, 1965; 8:45 a.m.]

INTERSTATE COMMERCE COMMISSION

NOTICE OF FILING OF MOTOR CARRIER INTRASTATE APPLICATIONS

MAY 14, 1965.

The following applications for motor common carrier authority to operate in intrastate commerce seek concurrent motor carrier authorization in interstate or foreign commerce within the limits of the intrastate authority sought, pursuant to section 206(a)(6) of the Interstate Commerce Act, as amended October 15, 1962. These applications are governed by special rule 1.245 of the Commission's rules of practice, published in the FEDERAL REGISTER, issue of April 11, 1963, page 3533, which provides, among other things, that protests and requests for information concerning the time and place of State Commission hearings or other proceedings, any subsequent changes therein, and any other related matters shall be directed to the State Commission with which the application is filed and shall not be addressed to or filed with the Interstate Commerce Commission.

State Docket No. M-3668, filed April 28, 1965. Applicant: CARTER TRUCK LINE, INC., 500 North Third Street, Fort Smith, Ark. Certificate of public convenience and necessity sought to operate a freight service as follows: Transportation of general commodities, between Ozark, Ark., and Cass, Ark., from Ozark, over Arkansas Highway 23, and return over the same route.

HEARING: May 24, 1965, at 10 a.m. at the Justice Building, Little Rock, Ark. Requests for procedural information including the time for filing protests, concerning this application should be addressed to the Arkansas Commerce Commission, Justice Building, Little Rock, Ark., 72201, and should *not* be directed to the Interstate Commerce Commission.

State Docket No. assigned MC 4479 Sub 1, filed January 20, 1965. Applicant: KNOXVILLE-MARYVILLE

MOTOR EXPRESS, INC., 1910 University Avenue NW., Knoxville, Tenn. Applicant's representative: John T. Gilbertson, 100 Knox Federal Building, Knoxville, Tenn., 37902. Certificate of public convenience and necessity sought to operate a freight service as follows: Transportation of *general commodities* (excluding household goods and liquid commodities in bulk), from Oak Ridge to Oliver Springs and Wartburg, Tenn., on State Route 62, including Petros on State Route 116; from Wartburg to Sunbright on U.S. 27, and return, serving all intermediate points; Wartburg to Harriman, Tenn., via Route 27 on to Highway Junction of Route 27; thence U.S. Highway 70 and/or I40 to Rockwood, Tenn.; thence U.S. Highway 70 and/or I40 Junction; thence U.S. Highway 70 and/or I40 to Rockwood, Tenn.; thence U.S. 70 and/or I40 to Midtown, Kingston and Knoxville, Tenn. All of said routes to be operated in conjunction with carrier's present authority. Alternate route: Oliver Springs to Harriman, Tenn., via State Route 81 and U.S. Highway 27, serving all intermediate points on said highways and State Docket No. assigned MC 4479 Sub 2, filed April 5, 1965. Certificate of public convenience and necessity sought to operate a freight service as follows: Transportation of *general commodities* (excluding household goods and liquid commodities in bulk) from Knoxville, Tenn., via State Highways 33 and 131, to Junction of State Highway 131 and State Highway 61; thence on State Highway 61 to Luttrell, Tenn., and return, serving Luttrell, Tenn. Alternate route: from Knoxville via U.S. 11W to Highway Junction of State Highway 61 to Luttrell, Tenn., and return.

NOTE: Applicant states in MC 4479 Sub 1, the proposed service is, "with all of said routes, if granted, to be operated in conjunction with carrier's present authority. The carrier seeks authority to conduct intrastate operations jointly with interstate freight from and to all of said points," with reference to MC 4479 Sub 2, Applicant states "this route to be operated in conjunction with carrier's present authority."

HEARING: June 16, 1965, at 9:30 a.m. (e.s.t.) at the Andrew Johnson Hotel, Knoxville, Tenn.

Requests for procedural information including the time for filing protests, concerning these applications should be addressed to the Tennessee Public Service Commission, Cordell Hull Building, Nashville, Tenn., 37219, and should *not* be directed to the Interstate Commerce Commission.

State Docket No. assigned C-6714 Case No. 13, filed April 13, 1965. Applicant: CENTRAL TRANSPORT, INC., 3399 East McNichols Road, Detroit, Mich., 48212. Applicant's attorney: George W. Loomis, 117 West Allegan Street, Lansing, Mich., 48933. Certificate of public convenience and necessity sought to operate a freight service as follows: Transportation of *general commodities*, from the junction Interstate Highway 96 and U.S. Highway 24 via Interstate Highway 96 to junction U.S. Highway 23 serving only those points otherwise authorized to serve.

HEARING: June 8, 1965 at 9:30 a.m. at the offices of the Michigan Public Service Commission, Lewis Cass Building, Lansing, Mich., 48913. Requests for procedural information, including the time for filing protests, concerning this application should be addressed to the Michigan Public Service Commission, Lewis Cass Building, Lansing, Mich., 48913, and should *not* be directed to the Interstate Commerce Commission.

State Docket No. assigned 12890, filing date unknown. Applicant: Duncan Motor Lines, Easley, S.C. Applicant's attorney: John T. Gentry, Pickens, S.C. Certificate of public convenience and necessity sought to operate a freight service as follows: Transportation of (1) *General commodities* (except petroleum products in bulk, in tank trucks, Classes A and B explosives and Classes A, C, and D poisons as defined under Explosives and other Dangerous Articles in American Trucking Association, Inc., agent, Tariff No. 10, MF-ICC No. 11, PSCSC No. 11, supplements thereto or reissues thereof; and household goods and related articles, as defined in Motor Truck Rate Bureau, agent, Household Goods Tariff, Motor Freight Tariff No. 8-D, SCPSC-MF No. 79, supplements thereto or reissues thereof), between points and places in Greenville and Pickens Counties, and between points and places in these counties and points and places in South Carolina; (2) *farm commodities*, between points and places in Greenville and Anderson Counties, and between points and places in these counties and points and places in South Carolina; and (3) *builders' supplies* (brick, stone, sand, lumber), between points and places in Anderson, Greenville, Greenwood, Oconee, and Spartanburg Counties, and between points and places in these counties and points and places in South Carolina.

HEARING: June 22, 1965, at 11 a.m. at the Commission's Offices in the Wade Hampton Office Building, Columbia, S.C. Requests for procedural information including the time for filing protests, concerning this application should be addressed to the South Carolina Public Service Commission, Wade Hampton State Office Building, Columbia 1, S.C., and should *not* be directed to the Interstate Commerce Commission.

By the Commission.

[SEAL] BERTHA P. ARMES, *Acting Secretary.*

[F.R. Doc. 65-5256; Filed, May 18, 1965; 8:48 a.m.]

[Notice 769]

MOTOR CARRIER, BROKER, WATER CARRIER, AND FREIGHT FORWARDER APPLICATIONS

MAY 14, 1965.

The following applications are governed by Special Rule 1.247[1] of the Commission's general rules of practice (49 CFR 1.247), published in the FEDERAL REGISTER, issue of December 3, 1963, effective January 1, 1964. These rules provide, among other things, that a protest to the granting of an application must be filed with the Commission within 30 days after date of notice of filing of the application is published in the FEDERAL REGISTER. Failure seasonably to file a protest will be construed as a waiver of opposition and participation in the proceeding. A protest under these rules should comply with § 1.40 of the general rules of practice which requires that it set forth specifically the grounds upon which it is made and specify with particularity the facts, matters, and things relied upon, but shall not include issues or allegations phrased generally. Protests not in reasonable compliance with the requirements of the rules may be rejected. The original and six (6) copies of the protest shall be filed with the Commission, and a copy shall be served concurrently upon applicant's representative, or applicant if no representative is named. If the protest includes a request for oral hearing, such request shall meet the requirements of § 1.247(d)(4) of the special rule. Subsequent assignment of these proceedings for oral hearing, if any, will be by Commission order which will be served on each party of record.

No. MC 409 (Sub-No. 21) filed April 23, 1965. Applicant: O. E. POULSON, INC., Elm Creek, Nebr. Applicant's attorney: Donald E. Leonard, Box 2028, 605 South 14th Street, Lincoln, Nebr. Authority sought to operate as a *common carrier* by motor vehicle, over irregular routes, transporting: *Liquid animal feed ingredients*, not produced from animal fats or vegetable oils, in bulk, in tank vehicles, from Crete, Nebr., to points in Arkansas, Colorado, Iowa, Kansas, Louisiana, Minnesota, Missouri, Nebraska, New Mexico, North Dakota, Oklahoma, South Dakota, Texas, and Wyoming, and *damaged* and *rejected shipments* on return.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr.

No. MC 531 (Sub-No. 187), filed April 28, 1965. Applicant: YOUNGER BROTHERS, INC., 4904 Griggs Road, Houston, Tex. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Silica gel catalyst*, in bulk, in pneumatic hopper tank vehicles, from Brian, La., to Blue Island and Wood River, Ill., Indianapolis, Ind., Louisville and Leach, Ky., Port Reading, N.J., Tonawanda, N.Y., and Warren and Marcus Hook, Pa.

NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 1124 (Sub-No. 203) filed April 22, 1965. Applicant: HERRIN TRANSPORTATION COMPANY, a corporation, 2301 McKinney Avenue, Houston, Tex. Applicant's attorney: Leroy Hallman, First National Bank Building, Dallas 2, Tex. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except commodities in bulk, livestock, Classes A and B explosives and household goods as defined by the Commission), serving the plantsite of the National Cash Register Co. located near Jacksonville, Fla., as an off-route point in connection with applicant's authorized regular route operations.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Jacksonville, Fla.

No. MC 2202 (Sub-No. 276) (AMENDMENT), filed April 1, 1965, published FEDERAL REGISTER issue, April 21, 1965, and republished as amended this issue. Applicant: ROADWAY EXPRESS, INC., 1077 Gorge Boulevard, Post Office Box 471, Akron, Ohio, 44309. Applicant's attorney: William O. Turney, 2001 Massachusetts Avenue NW., Washington, D.C., 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between Wilmington, Del. and junction Pennsylvania Highway 41 and U.S. Highway 30, from Wilmington over Delaware Highway 48 to junction Delaware Highway 41, thence over Delaware Highway 41 to the Delaware-Pennsylvania State line, thence over Pennsylvania Highway 41 to junction U.S. Highway 30, and return over the same route, as an alternate route for operating convenience only in connection with applicant's regular route operations, serving no intermediate points.

NOTE: The purpose of this republication is to clarify the route description above by adding the line "to junction Delaware Highway 41, thence over Delaware Highway 41". If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 2202 (Sub-No. 278), filed April 26, 1965. Applicant: ROADWAY EXPRESS, INC., 1077 Gorge Boulevard, Post Office Box 471, Akron, Ohio, 44309. Applicant's attorney: Russell R. Sage, 2001 Massachusetts Avenue NW., Washington, D.C., 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk and those requiring special equipment), (1) between Camden, N.J., and Scranton, Pa.; (a) from Camden over U.S. Highway 30 to junction U.S. Highway 611, thence over U.S. Highway 611 to junction Pennsylvania Highway 115, thence over Pennsylvania Highway 115 to junction Pennsylvania Highway 512, thence over Pennsylvania Highway 512 to junction U.S. Highway 611, thence over U.S. Highway 611 to Scranton and return over the same route, serving all intermediate points and all off-route points in Pennsylvania within 15 miles of the above described highways; (b) from Camden over U.S. Highway 30 to junction U.S. Highway 611, thence over U.S. Highway 611 to junction U.S. Highway 309, thence over U.S. Highway 309 to junction Pennsylvania Highway 191, thence over Pennsylvania Highway 191 to junction Pennsylvania Highway 512, thence over Pennsylvania Highway 512 to junction U.S. Highway 611, thence over U.S. Highway 611 to Scranton and return over the same route, serving all intermediate points and all off-route points in Pennsylvania within 15 miles of the above described highways; (c) from Camden over U.S. Highway 30 to junction U.S. Highway 611, thence over U.S. Highway 611 to junction U.S. Highway 309, thence over U.S. Highway 309 to junction Interstate Highway 276, thence over Interstate Highway 276 to junction Pennsylvania Turnpike Northeast Extension, thence over Pennsylvania Turnpike Northeast Extension to Scranton and return over the same route, serving all intermediate points and all off-route points within 15 miles of the above described highways; and (d) from Camden over U.S. Highway 30 to junction U.S. Highway 611, thence over U.S. Highway 611 to junction U.S. Highway 1, thence over U.S. Highway 1 to junction U.S. Highway 422, thence over U.S. Highway 422 to Reading, Pa.

Thence over Pennsylvania Highway 61 to Pottsville, Pa., thence over U.S. Highway 209 to junction U.S. Highway 309, thence over U.S. Highway 309 to junction Interstate Highway 81, (also from junction U.S. Highway 422 and Pennsylvania Highway 100, over Pennsylvania Highway 100 to junction Pennsylvania Highway 29, thence over Pennsylvania Highway 29 to Hazleton, Pa., thence over U.S. Highway 309 to junction Interstate Highway 81; and also from Reading, Pa., over U.S. Highway 222 to Allentown, Pa., thence over U.S. Highway 309 through Tamaqua, Pa., to junction Interstate Highway 81), thence over Interstate Highway 81 to Scranton and return over the same route, serving all intermediate points and all off-route points within 15 miles of the above described highways (1) between Camden, N.J., and Reading, Pa., and (2) located east of the highways traversed from Reading over Pennsylvania Highway 61 to Pottsville, Pa., thence over U.S. Highway 209 to Tamaqua, Pa., thence over U.S. Highway 309 to junction Interstate Highway 81, thence over Interstate Highway 81 to Scranton; and (II) serving points located on and east of Pennsylvania Highway 10 and within 10 miles of applicant's existing route over U.S. Highway 30 between Philadelphia, Pa., and Sadsburyville, Pa., as off-route points in connection with applicant's authorized regular-route operations.

NOTE: Applicant states that it "seeks to convert certain general commodity, irregular-route authority in the eastern part of Pennsylvania and the western part of New Jersey to regular-route authority. This conversion will also result in the elimination of observing the use of various points in New Jersey as gateway points in connection with operations to and from the involved Pennsylvania points and points west of the Ohio-Pennsylvania State line." Applicant also states that it proposes to tack the above proposed operation to its existing regular-route authority. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 2261 (Sub-No. 4), filed May 3, 1965. Applicant: RICHTER TRANSFER & STORAGE, INC., 1205 Greenvale Road, Albany, Ga. Applicant's attorney: Norman J. Bolinger, 1730 American Heritage Life Building, Jacksonville, Fla., 32202. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in that part of Alabama, Florida, Georgia, and South Carolina bounded by a line beginning at Greenwood, S.C., and extending southeast along U.S. Highway 178 to junction U.S. Highway 21, thence south along U.S. Highway 21 to junction U.S. Highway 17, thence south along U.S. Highway 17 to the South Carolina-Georgia State line thence southeast along the South Carolina-Georgia State line to the Atlantic Ocean, thence south along the Georgia coastline on the Atlantic Ocean to the Georgia-Florida State line, thence west along the Georgia-Florida State line to its junction with U.S. Highway 441, thence south along U.S. Highway 441 to Lake City, Fla., thence south along U.S. Highway 41 to Archer, Fla., thence southwest along Florida Highway 24 to the Gulf of Mexico, thence north and west along the Florida coastline on the Gulf of Mexico to a point on the coast south of U.S. Highway 331, thence north along U.S. Highway 331 to De-Funiak Springs, Fla., thence north along Florida Highway 83 to junction Florida Highway 2, thence northeast along Florida Highway 2 and 183 to the Florida-Alabama State line, thence northeast along Alabama Highway 27 to Geneva, Ala., thence northeast along Alabama Highway 52 to Dothan, Ala., thence north along U.S. Highway 431 to Eufala, Ala., thence northwest along U.S. Highway 82 to Union Springs, Ala., thence north along U.S. Highway 29 to Tuskegee, Ala., thence north along Alabama Highway 81 to Notasulga, Ala., thence west along Alabama Highway 14 to Tallapoosa, Ala., thence north along Alabama Highway 49 to Newsite, Ala., thence northeast along Alabama Highway 22 to the Alabama-Georgia State line, thence north along the Alabama-Georgia State line to junction with U.S. Highway 78, thence east along U.S. Highway 78 to Athens, Ga., thence east along Georgia Highway 72 to the Georgia-South Carolina State line, thence east along South Carolina Highway 72 to Greenwood, S.C., and point of beginning.

NOTE: Applicant is also authorized to conduct operations as a contract carrier in Permit No. MC 105249 and subs thereunder, therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Jacksonville, Fla.

No. MC 3560 (Sub-No. 20), filed April 26, 1965. Applicant: GENERAL EXPRESSWAYS, INC., 1205 South Platte River Drive, Denver, Colo. Applicant's attorney: David Axelrod, 39 South La Salle Street, Chicago 3, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk and those requiring special equipment), (1) between St. Louis, Mo., and Fort Wayne, Ind., (a) from St. Louis over Interstate Highway 70 (also from St. Louis over U.S. High-

[1] Copies of Special Rule 1.247 can be obtained by writing to the Secretary, Interstate Commerce Commission, Washington, D.C., 20423.

way 40) to junction Interstate Highway 69, thence over Interstate Highway 69 to Fort Wayne, and return over the same route, serving no intermediate points, and (b) from St. Louis over Interstate Highway 70 (also from St. Louis over U.S. Highway 40) to junction Indiana Highway 37, thence over Indiana Highway 37 to junction U.S. Highway 24, thence over U.S. Highway 24 to Fort Wayne, and return over the same route, serving no intermediate points; (2) between Fort Wayne, Ind., and junction Interstate Highway 69 and U.S. Highway 20 at or near Angola, Ind., over Interstate Highway 69, serving no intermediate points and (3) between Fort Wayne, Ind., and junction U.S. Highway 27 and U.S. Highway 20 at or near Angola, Ind., over U.S. Highway 27, serving no intermediate points, as alternate routes for operating convenience only, in connection with applicant's authorized regular-route operations.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 4405 (Sub-No. 428), filed April 22, 1965. Applicant: DEALERS TRANSIT, INC., 13101 South Torrence Avenue, Chicago 33, Ill. Applicant's attorney: James W. Wrape, Sterick Building, Memphis, Tenn. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Trailers, semitrailers* and *trailer chassis* (except those designed to be drawn by passenger automobiles), and *parts moving in conjunction with such trailers and chassis*, in initial movements, in truckaway and driveaway service, from Dorchester, Mass., to points in the continental United States; and (2) *tractors*, in secondary driveaway service, only when drawing trailers, semitrailers and trailer chassis moving in initial driveaway service, from Dorchester, Mass., to points in Alaska, Arizona, Nevada, Oregon, and Vermont.

NOTE: Applicant states it will not tack the above authority with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Boston, Mass.

No. MC 4405 (Sub-No. 429), filed April 22, 1965. Applicant: DEALERS TRANSIT, INC., 13101 South Torrence Avenue, Chicago 33, Ill. Applicant's attorney: James W. Wrape, Sterick Building, Memphis, Tenn. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Hoists, lift gates, spreaders and containers* (except containers having a capacity of 5 gallons or less or having a capacity of 9 cubic feet or less), from Lima, Ohio, to points in the continental United States, and (2) *materials, supplies and parts* used in the manufacture, assembly and servicing of the described commodities in (1) above when moving in mixed loads with any of such commodities, from Lima, Ohio, to points in the continental United States.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 4405 (Sub-No. 430), filed April 22, 1965. Applicant: DEALERS TRANSIT, INC., 13101 South Torrence Avenue, Chicago 33, Ill. Applicant's attorney: James W. Wrape, Sterick Building, Memphis, Tenn. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (A) *Truck and trailer bodies* and *refuse containers, hydraulic hoists, lift gates* and *parts thereof*, from points in Bryan County, Okla., to points in Alabama, Florida, Illinois, Kansas, Minnesota, North Dakota, South Dakota, and Tennessee; (B) *trailers, semitrailers* and *trailer chassis* (except those designed to be drawn by passenger automobiles) and *parts* moving in conjunction with such trailers and chassis, in initial movements, in truckaway and driveaway service, from points in Bryan County, Okla., to points in Alabama, Florida, Illinois, Kansas, Minnesota, North Dakota, South Dakota, and Tennessee; and (C) *truck and trailer bodies, refuse containers, hydraulic hoists, lift gates* and *parts thereof*, when moving with trailers moving in initial truckaway or driveaway service, from points in Bryan County, Okla., to points in Alabama, Florida, Illinois, Kansas, Minnesota, North Dakota, South Dakota, and Tennessee.

NOTE: Applicant states that it intends to tack the proposed authority in (A) above to its existing authority. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 10761 (Sub-No. 173), filed May 3, 1965. Applicant: TRANSAMERICAN FREIGHT LINES, INC., 1700 North Waterman Avenue, Detroit, Mich. Applicant's attorney: Howell Ellis, Suite 616–618, Fidelity Building, 111 Monument Circle, Indianapolis 4, Ind. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment and those injurious or contaminating to other lading), (1) between New Castle, Pa., and junction U.S. Highways 422 and 22 near Ebensburg, Pa., over U.S. Highway 422, serving no intermediate points, as an alternate route for operating convenience only in connection with applicant's authorized regular-route operations; and (2) between Cleveland, Ohio, and junction U.S. Highways 322 and 22 near Lewistown, Pa., over U.S. Highway 322, serving no intermediate points, as an alternate route for operating convenience only in connection with applicant's authorized regular-route operations.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Pittsburgh, Pa.

No. MC 11220 (Sub-No. 93), filed April 22, 1965. Applicant: GORDON'S TRANSPORTS, INC., 185 West McLemore Avenue, Memphis, Tenn. Applicant's attorney: James W. Wrape, 2111 Sterick Building, Memphis, Tenn. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between Little Rock, Ark., and Broken Bow, Okla., from Little Rock over Interstate Highway 30 to junction U.S. Highway 70 West of Benton, Ark., thence over U.S. Highway 70 to Broken Bow, and return over the same route, serving all intermediate points in Oklahoma without restriction and serving the intermediate point of Dequeen, Ark., restricted to delivery on eastbound traffic and pickup on westbound traffic.

NOTE: Applicant states it will utilize the above proposed route in connection with its operations now being conducted under Certificate No. MC 11220 (Sub-No. 71). If a hearing is deemed necessary, applicant requests it be held at Little Rock, Ark.

No. MC 13569 (Sub-No. 13) filed April 21, 1965. Applicant: THE LAKE SHORE MOTOR FREIGHT COMPANY, a corporation, 1200 South State Street, Girard, Ohio. Applicant's attorney: A. David Millner, 1060 Broad Street, Newark, N.J., 07102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel* and *iron and steel articles*, between points in that part of Pennsylvania on and west of U.S. Highway 219 and those in Ohio, on the one hand, and, on the other, points in Illinois, Indiana and the Southern Peninsula of Michigan.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 19227 (Sub-No. 92), filed April 27, 1965. Applicant: LEONARD BROS. TRANSFER, INC., 2595 Northwest 20th Street, Miami, Fla. Applicant's attorney: William O. Turney, 2001 Massachusetts Avenue NW., Washington, D.C., 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Missile parts*, between points in New York, Connecticut, Rhode Island, Massachusetts, Vermont, New Hampshire, Maine, New Jersey, Pennsylvania, Delaware, Maryland, Virginia, West Virginia, Ohio, Michigan, and the District of Columbia.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Orlando, Fla.

No. MC 19227 (Sub-No. 93), filed April 27, 1965. Applicant: LEONARD BROS. TRANSFER, INC., 2595 Northwest 20th Street, Miami, Fla. Applicant's attorney: William O. Turney, 2001 Massachusetts Avenue NW., Washington, D.C., 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Missiles and missile parts, and missile supplies and equipment* (except such as requires the use of special equipment), (1) between points in Florida, and (2) between points in Florida, on the one hand, and, on the other, points in Alabama, Georgia, Illinois, Louisiana, Mississippi, South Carolina, Tennessee, and Texas.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Orlando, Fla.

No. 19227 (Sub-No. 94), filed April 27, 1965. Applicant: LEONARD BROS. TRANSFER, INC., 2595 Northwest 20th Street, Miami, Fla. Applicant's attorney: William O. Turney, 2001 Massachusetts Avenue NW., Washington, D.C., 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Missile parts*, between Miami, Fla., and points within 25 miles of Miami, on the one hand, and, on the other, points in Alabama, Delaware, Georgia, Illinois, Indiana, Kentucky, Louisiana, Maryland, Mississippi, New Jersey, New York, North Carolina, Ohio, Pennsylvania, South Carolina, Tennessee, Virginia, West Virginia, and the District of Columbia.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Orlando, Fla.

No. MC 21006 (Sub-No. 17), filed April 22, 1965. Applicant: JOSEPH S. TRIGLIA, 705 East State Street, Delmar, Del. Applicant's attorney: M. Bruce Morgan, 201 Axar Building, Glen Burnie, Md., 21061. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Agricultural commodity containers*, from Woodland, N.C., and points within 15 miles thereof, to points in Georgia, Florida, and South Carolina.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 25869 (Sub-No. 44), filed April 22, 1965. Applicant: NOLTE BROS. TRUCK LINE, INC., 2509 "O" Street, Post Office Box 184, South Omaha, Nebr. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Hides*, from points in Iowa and Nebraska, to Chicago, Ill.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 29120 (Sub-No. 77), filed May 3, 1965. Applicant: ALL-AMERICAN TRANSPORT, INC., 1500 Industrial Avenue, Post Office Box 756, Sioux Falls, S. Dak., 57101. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment and those injurious or contaminating to other lading), (1) between Chicago, Ill., and Sioux Falls, S. Dak., over Interstate Highway 90, serving no intermediate points, as an alternate route for operating convenience only, in connection with applicant's authorized regular-route operations; (2) between junction U.S. Highway 16 and Interstate Highway 90 near Tomah, Wis., and Sioux Falls, S. Dak., over U.S. Highway 16, serving no intermediate points, as an alternate route for operating convenience only, in connection wtih applicant's authorized regular-route operations; (3) between junction Interstate Highway 90 and U.S. Highway 12 near Madison, Wis., and junction U.S. Highways 14 and 16 at La Crosse, Wis.; from junction Interstate Highway 90 and U.S. Highway 12 near Madison, Wis., over U.S. Highway 12 to junction U.S. Highway 14 at Middleton, Wis., thence over U.S. Highway 14 to junction U.S. Highway 16 at La Crosse, Wis., and return over the same route, serving no intermediate points and serving the terminal points for joinder with other routes herein described, as an alternate route for operating convenience only, in connection with applicant's authorized regular-route operations; and (4) between junction Interstate Highway 90 and Minnesota Highway 4 and U.S. Highway 16, over Minnesota Highway 4, serving no intermediate points and serving the terminal points for joinder with other routes herein described, as an alternate route for operating convenience only, in connection with applicant's authorized regular-route operations.

NOTE: In (1) above, applicant states that joinder is sought with U.S. Highway 16 near Tomah, Wis., and in (4) above, joinder is sought with those routes described in Certificate No. MC 29120 (Sub-No. 58). Applicant also states that no duplicating authority is sought. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Sioux Falls, S. Dak.

No. MC 30844 (Sub-No. 178), filed May 5, 1965. Applicant: KROBLIN REFRIGERATED XPRESS, INC., Post Office Box 218, Sumner, Iowa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs*, from Springdale, Ark., to points in Colorado, Idaho, Montana, Nebraska, Utah, and Wyoming.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Boise, Idaho.

No. MC 31024 (Sub-No. 34), filed April 20, 1965. Applicant: NEPTUNE WORLD-WIDE MOVING, INC., 55 Weyman Avenue, New Rochelle, N.Y. Applicant's attorney: S. Sidney Eisen, 140 Cedar Street, New York 6, N.Y. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Tabulating machines*, uncrated, between points in Wake and Durham Counties, N.C., and points in Fayette County, Ky., and points in the United States (except Alaska and Hawaii).

NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 41404 (Sub-No. 56), filed May 7, 1965. Applicant: ARGO-COLLIER TRUCK LINES CORPORATION, Post Office Box 151, Fulton Highway, Martin, Tenn., 38237. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts, dairy products, articles distributed by meat packinghouses, and such commodities as are used by meat packers in the conduct of their business when destined to and for use by meat packers*, as described in Sections A, B, C, and D in Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except commodities in bulk, in tank vehicles), from points in Dakota County, Nebr., to points in Alabama, Florida, Georgia, Kentucky, Louisiana, Mississippi, North Carolina, South Carolina, and Tennessee.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Sioux City or Des Moines, Iowa.

No. MC 41404 (Sub-No. 57), filed May 7, 1965. Applicant: ARGO-COLLIER TRUCK LINES CORPORATION, Post Office Box 151, Fulton Highway, Martin, Tenn., 38237. Applicant's attorney: Joseph M. Scanlan, 111 West Washington Street, Chicago, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Oleomargarine, shortening, lard, tallow, salad dressings* and *table sauces*, in vehicles equipped with mechanical refrigeration, from Jacksonville, Ill., and points within one (1) mile thereof to points in Arkansas, Indiana, Iowa, Kansas, Kentucky, Michigan, Minnesota, Missouri, Nebraska, Ohio, Wisconsin, North Dakota, and South Dakota.

NOTE: Applicant states the proposed operations will be restricted against the transportation of the commodities specified above in liquid form, in tank vehicles. If a hearing is deemed necessary, applicant requests it be held at St. Louis, Mo., or Springfield, Ill.

No. MC 42718 (Sub-No. 1), filed April 29, 1965. Applicant: C. F. SOWLE, 543 Pleasant Street, Fall River, Mass. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts* (except commodities in bulk), *dairy products* and *articles distributed by meat packinghouses*, from Providence, R.I., to Brockton and Taunton, Mass.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Providence, R.I.

No. MC 42963 (Sub-No. 28), filed April 29, 1965. Applicant: DANIEL HAMM DRAYAGE COMPANY, a corporation, Second and Tyler Streets, St. Louis, Mo. Applicant's attorney: Ernest A. Brooks II, 1301–02 Ambassador Building, St. Louis, Mo., 63101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Ink*, in bulk, from St. Louis, Mo., to points in Kansas, Nebraska, Iowa, Illinois, Kentucky, Tennessee, Arkansas, Oklahoma, Louisiana, Indiana, and Ohio.

NOTE: If a hearing is deemed necessary, applicant requests it be held at St. Louis, Mo.

No. MC 46240 (Sub-No. 12), filed April 23, 1965. Applicant: DIRECT TRANSIT LINES, INC., 200 Colrain Street SW., Grand Rapids, Mich. Applicant's attorney: Rex Eames, 1800 Buhl Building, Detroit, Mich., 48226. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Nonferrous scrap metals*, in bulk and loose, from points in Illinois, Missouri, New Jersey, New York, Pennsylvania, and Wisconsin to Port Huron, Mich., and Middletown, Ohio, under a continuing contract with Mueller Brass Company, Port Huron, Mich.

NOTE: Applicant is also authorized to conduct operations as a common carrier in Certificates MC 106603 and Subs, therefore dual operations may be involved. If a hear-

ing is deemed necessary, applicant requests it be held at Detroit, Mich.

No. MC 47142 (Sub-No. 88), filed May 5, 1965. Applicant: C. I. WHITTEN TRANSFER COMPANY, a corporation, 200 19th Street, Huntington, W. Va. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Classes A, B, and C explosives, blasting supplies, nitro-carbo-nitrates and ammonium nitrate*, between Ordill, Ill., and points within 10 miles of Ordill, on the one hand, and, on the other, points in Connecticut, Maryland, New Jersey, New York, North Carolina, Pennsylvania, South Carolina, Tennessee, Virginia, and West Virginia.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 52751 (Sub-No. 47), filed April 28, 1965. Applicant: ACE LINES, INC., 4143 East 43d Street, Des Moines, Iowa, 50317. Applicant's representative: William A. Landau, 1307 East Walnut, Des Moines 16, Iowa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Hardboard, wallboard* and *siding*, from Superior, Wis., to points in Minnesota and Nebraska.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Minneapolis, Minn.

No. MC 58885 (Sub-No. 23), filed April 29, 1965. Applicant: ATLANTA MOTOR LINES, INC., 1268 Caroline Street NE., Atlanta, Ga. Applicant's attorney: Paul M. Daniell, 1600 First Federal Building, Atlanta, Ga., 30303. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between Hiawassee, and Clayton, Ga., over U.S. Highway 76, serving all intermediate points, restricted against transporting any traffic moving between Atlanta, Ga., and points within 15 miles thereof, on the one hand, and, on the other, Clayton, Ga.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Atlanta, Ga.

No. MC 58923 (Sub-No. 33), filed April 13, 1965. Applicant: GEORGIA HIGHWAY EXPRESS, INC., 2090 Jonesboro Road SE., Atlanta, Ga. Authority sought to operate as a *common carrier*, by motor vehicle, over regular and irregular routes, transporting: *General commodities* (except those of unusual value, dangerous explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading). REGULAR ROUTES: (1) Between Valdosta, Ga., and Lake City, Fla.: from Valdosta over U.S. Highway 41 and Interstate Highway 75 to Lake City, and return over the same route, serving all intermediate points; (2) between Valdosta, Ga., and Madison, Fla.: from Valdosta over Georgia Highway 31 to the Georgia-Florida State line, thence over Florida Highway 145 to Madison, and return over the same route, serving all intermediate points; (3) between Knoxville, Tenn., and Valdosta, Ga.: from Knoxville over U.S. Highway 129 to junction U.S. Highway 411, thence over U.S. Highway 411 to junction U.S. Highway 41, thence over U.S. Highway 41 and Interstate Highway 75 to Lake City, Fla., thence over U.S. Highway 90 to Madison, Fla., thence over Florida Highway 145 to the Florida-Georgia State line, thence over Georgia Highway 31 to Valdosta, and return over the same route, serving all intermediate points; and (4) between Florence, Ala., and Valdosta, Ga.: from Florence over Alabama Highway 184 to junction Alabama Highway 101, thence over Alabama Highway 101 to junction Alternate U.S. Highway 72, thence over Alternate U.S. Highway 72 to junction Alabama Highway 67, thence over Alabama Highway 67 to junction U.S. Highway 231, thence over U.S. Highway 231 to junction U.S. Highway 278.

Thence over U.S. Highway 278 to junction U.S. Highway 431, thence over U.S. Highway 431 to junction Alabama Highway 22, thence over Alabama Highway 22 and 20 to the Georgia-Alabama State line, thence over Georgia Highway 109 to junction U.S. Highway 27, thence over U.S. Highway 27 to junction U.S. Highway 280, thence over U.S. Highway 280 to junction Georgia Highway 55, thence over Georgia Highway 55 to junction U.S. Highway 82, thence over U.S. Highway 82 to junction Georgia Highway 133, thence over Georgia Highway 133 to junction Georgia Highway 33, thence over Georgia Highway 33 to junction Georgia Highway 94, thence over Georgia Highway 94 to junction U.S. Highway 41, thence over U.S. Highway 41 to Lake City, Fla., thence over U.S. Highway 90 to Madison, Fla., thence over Florida Highway 145 to the Florida-Georgia State line, thence over Georgia Highway 31 to Valdosta, and return over the same route, serving all intermediate points. IRREGULAR ROUTES: *General commodities* (except those of unusual value, dangerous explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading), between points in Florida on and east of a line beginning at the Georgia-Florida State line, thence along U.S. Highway 19 to New Port Richey, thence along the Gulf of Mexico to Naples, thence points on and north of line beginning at Naples and U.S. Highway 41, thence along U.S. Highway 41 to the Atlantic Ocean.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Atlanta, Ga., or Orlando, Fla.

No. MC 61396 (Sub-No. 135), filed April 22, 1965. Applicant: HERMAN BROS. INC., 2501 North 11th Street, Omaha, Nebr. Applicant's attorney: Donald L. Stern, 630 City National Bank Building, Omaha, Nebr. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Commodities in bulk*, having a prior or subsequent movement by barge, between points in Arkansas, Illinois, Indiana, Michigan, Oklahoma, Tennessee, and Wisconsin.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 65922 (Sub-No. 6), filed April 30, 1965. Applicant: McDADE TRANSFER CORPORATION, 3310 Old William Penn Highway, Monroeville, Pa. Applicant's attorney: Noel F. George, 44 East Broad Street, Columbus 15, Ohio. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Slabs* (building and roofing), *concrete* made of portland cement with wood fiber or chip aggregate and without metal reinforcement, from Richmond, Va., to points in Ohio, Indiana, Illinois, Michigan, and Wisconsin.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 69052 (Sub-No. 33), filed May 3, 1965. Applicant: REED TRUCKING COMPANY, a corporation, Milton, Del. Applicant's attorney: James E. Wilson, 1111 E Street NW., Washington 4, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs*, canned, prepared or preserved (other than frozen), from Fruitland, Md., and points in Sussex County, Del., to points in Wisconsin, Minnesota, Iowa, Kansas, Nebraska, and Missouri.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 69492 (Sub-No. 29), filed May 5, 1965. Applicant: HENRY EDWARDS, doing business as HENRY EDWARDS TRUCKING COMPANY, Post Office Box 97, Clinton, Ky. Applicant's attorney: Walter Harwood, Nashville Bank & Trust Building, Nashville 3, Tenn. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading), between Clinton, Ky., and Nashville, Tenn.

NOTE: Applicant states it will tack the above authority sought to its other authority, but subject to the restriction against handling traffic originating at, destined to, or interchanged at Paducah, Ky., St. Louis, Mo., and Memphis, Tenn., and their respective commercial zones. If a hearing is deemed necessary, applicant requests it be held at Nashville, Tenn.

No. MC 75651 (Sub-No. 60), filed April 20, 1965. Applicant: R. C. MOTOR LINES, INC., Post Office Box 2501, Jacksonville, Fla., 32202. Applicant's attorney: Paul M. Daniell, 1600 First Federal Building, Atlanta, Ga., 30303. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between Columbus, Ga., on the one hand, and, on the other, points in Russell County, Ala.

NOTE: Applicant states that it proposes to tack points in Russell County, Ala., with its existing operations from and to Columbus, Ga., and points within its commercial zone. Applicant also states that the above proposed operation will be restricted to traffic destined to or originating at points presently served by applicant. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Columbus, Ga.

No. MC 76032 (Sub-No. 196), filed April 28, 1965. Applicant: NAVAJO FREIGHT LINES, INC., 1205 South Platte River Drive, Denver, Colo., 80223. Applicant's attorneys: Ken Wolford (same address as applicant), and David Axelrod, 39 South La Salle Street, Chicago 3, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Source, special nuclear and radioactive materials*, between the facilities of United Nuclear Corp., located at Hematite, Mo., on the one hand, and, on the other, San Diego, San Jose, and Canoga Park, Calif., Lynchburg, Va., Apollo and Pittsburgh, Pa., New Haven and Windsor, Conn., Schenectady, N.Y., Attleboro, Mass., Cleveland and Sandusky, Ohio, White Plains and Hicksville, N.Y., Oak Ridge National Laboratory, Oak Ridge, Tenn., and Los Alamos National Laboratory (University of California Scientific Laboratory), Los Alamos, N. Mex.

NOTE: If a hearing is deemed necessary, applicant does not specify place of hearing.

No. MC 76032 (Sub-No. 197), filed May 5, 1965. Applicant: NAVAJO FREIGHT LINES, INC., 1205 South Platte River Drive, Denver, Colo., 80223. Applicant's attorney: Ken Wolford (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Classes A, B, and C explosives, ammunition* not included in Classes A, B, and C explosives and *component parts* of explosives and ammunition, between Denver, Colo., and Manteca, Calif.; from Denver over U.S. Highway 40 to junction U.S. Highway 189 at or near Heber, Utah, thence over U.S. Highway 189 to junction U.S. Highway 91 at or near Provo, Utah, thence over U.S. Highway 91 to junction U.S. Highway 50 at or near Spanish Fork, Utah, thence over U.S. Highway 50 to Sacramento, Calif., thence over U.S. Highway 99 to Manteca and return over the same route, serving no intermediate points, as an alternate route for operating convenience only, in connection with applicant's authorized regular-route operations.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Denver, Colo.

No. MC 89684 (Sub-No. 52), filed April 8, 1965. Applicant: WYCOFF COMPANY, INCORPORATED, 560 South Second West Street, Salt Lake City, Utah. Authority sought to operate as a *common carrier*, by motor vehicle, transporting: *General commodities* having a prior or subsequent movement by aircraft over REGULAR ROUTES, (A) (1) between Salt Lake City, Utah, and Butte, Mont., from Salt Lake City over U.S. Highway 91 to Brigham City, Utah, thence over U.S. Highway 191 to junction U.S. Highway 91, thence over U.S. Highway 91 to Butte, and return over the same route, serving all intermediate points; (2) between U.S. Highway 191, serving all intermediate Idaho Falls and St. Anthony, Idaho over ate points; (3) between Downey, Idaho, and Brigham City, Utah, over U.S. Highway 91, serving all intermediate points and the off-route points of Oxford, Clifton, and Dayton, Idaho; (4) between St. Anthony and Ashton, Idaho, over U.S. Highway 191, serving the intermediate point of Chester, Idaho; (5) between junction U.S. Highways 30N and 91 and Preston, Idaho, from said junction over U.S. Highway 30N to junction Idaho Highway 34, thence over Idaho Highway 34 to Preston, and return over the same route, serving all intermediate points; (6) between Malta and Declo, Idaho, over unnumbered highway, serving the intermediate point of Albion; (7) between Payette and Boise, Idaho, from Payette over Idaho Highway 52 to junction U.S. Highway 30, thence over U.S. Highway 30 to junction Idaho Highway 16, thence over Idaho Highway 16 by Emmett, to junction Idaho Highway 44, east of Star, thence over Idaho Highway 44 to Boise and return over the same route, serving the intermediate point of Emmett; (8) between Parma and Caldwell, Idaho, from Parma over U.S. Highway 95 to junction Idaho Highway 72 to Caldwell, and return over the same route, serving the intermediate points of Homedale and Marsing; (9) between junction U.S. Highway 191 and U.S. Highway 26 (formerly Idaho Highway 29) northeast of Idaho Falls, and Rigby, from junction U.S. Highway 191 and U.S. Highway 26 (formerly Idaho Highway 29) over U.S. Highway 26 to Ririe.

Thence over Idaho Highway 48 (formerly unnumbered highway) to Rigby and return over the same route, serving the intermediate point of Ririe; (10) between junction U.S. Highway 30N and Idaho Highway 34, west of Alexander, Idaho, and Logan, Utah, from junction U.S. Highway 30N and Idaho Highway 34 over U.S. Highway 30N to Montpelier, Idaho, thence over U.S. Highway 89 to Logan and return over the same route, serving all intermediate points in Idaho and the off-route point of Conda, Idaho; (11) between junction U.S. Highways 89 and 91, north of Salt Lake City, Utah, and Ogden, Utah, over U.S. Highway 89, serving no intermediate points; (12) between junction U.S. Highways 89 and 30S, near Uintah, Utah, and junction U.S. Highways 30S and 189, near Echo City, Utah, over U.S. Highway 30S, serving no intermediate points or the terminus, near Uintah, Utah, as an alternate route for operating convenience only joined with the route specified immediately above in connection with carrier's otherwise authorized regular route operations; (13) between junction U.S. Highways 191 and 30S, near Tremonton, Utah, and Weiser, Idaho, from junction U.S. Highways 191 and 30S over U.S. Highway 30S to Declo, Idaho, thence over unnumbered highway over the Snake River to junction U.S. Highway 30N, thence over U.S. Highway 30N to Rupert, Idaho, thence over Idaho Highway 25 to Paul, Idaho, thence over unnumbered highway over the Snake River to Burley, Idaho, thence over U.S. Highway 30 to junction U.S. Highway 20 north of Caldwell, Idaho, thence over U.S. Highway 20 to junction U.S. Highway 26 south of Ontario, Oreg., thence over U.S. Highway 26 to Ontario, thence over U.S. Highway 30 over the Snake River to junction U.S. Highway 95, thence over U.S. Highway 95 to Weiser and return over the same route, serving all intermediate points in Idaho and Oregon; (14) between Salt Lake City, Utah, and junction U.S. Highways 30S and 189, near Echo City, Utah, from Salt Lake City over highways specified above to junction U.S. Highways 89 and 30S, near Uintah, Utah.

Thence easterly over U.S. Highway 30S to junction U.S. Highway 89 and return over the same route, serving no intermediate points; (15) between Bliss and Shoshone, Idaho, over Temporary U.S. Highway 20, serving the intermediate point of Gooding; (16) between Bliss and Paul, Idaho, over Idaho Highway 25, serving the intermediate points of Wendell, Jerome, Eden, and Hazelton; (17) between Gooding and Wendell, Idaho, over Idaho Highway 46, serving no intermediate points; (18) between Pocatello and Rupert, Idaho, over U.S. Highway 30N, serving all intermediate points and the off-route point of Aberdeen; (19) between Salt Lake City, Utah and Rock Springs, Wyo., from Salt Lake City over U.S. Highway 40 to Kimball, Utah, thence over U.S. Highway 189 (formerly Utah Highway 42) by Wanship to junction U.S. Highway 30S, thence over U.S. Highway 30S to junction U.S. Highway 30, thence over U.S. Highway 30 to Rock Springs, and return over the same route, serving all intermediate points, and the off-route point of Mountain View, Wyo.; (20) from Salt Lake City, Utah, to Preston, Idaho, from Salt Lake City over U.S. Highway 91 to Preston and return over the same route with no transportation for compensation except as otherwise authorized, serving all intermediate points in Idaho, and Logan, Utah; (21) between Salt Lake City and Nephi, Utah, over U.S. Highway 91, serving all intermediate points and the off-route point of Eureka, and those in Salt Lake County, Utah; (22) between Spanish Fork and Elsinore, Utah, from Spanish Fork over U.S. Highway 6 to Thistle, thence over U.S. Highway 89 to Elsinore and return over the same route, serving all intermediate points and the off-route points of Fountain Green, Moroni, and Monroe, Utah; (23) between Thistle and Green River, Utah, over U.S. Highway 50, serving all intermediate points and the off-route points of Kenilworth, Sunnyside, Dragerton, Columbia, Huntington, and Castle Dale; (24) between Kimball and Vernal, Utah, over U.S. Highway 40, serving all intermediate points and the off-route points of Park City and Midway; (25) between Salt Lake City, Utah, and Ely, Nev., over Alternate U.S. Highway 50 (formerly U.S. Highway 50), serving all intermediate points and the off-route point of Tooele, Utah; (B) (1) between

Dillon and Butte, Mont., from Dillon over Montana Highway 41 to junction U.S. Highway 10S.

Thence over U.S. Highway 10S to Butte and return over the same route, serving the intermediate point of Twin Bridges and the off-route point of Sheridan; (2) between Salt Lake City and Wendover, Utah, over Alternate U.S. Highway 50, serving all intermediate points and the off-route points in Tooele County, Utah; (3) between Salt Lake City and Kanab, Utah, from Salt Lake City over U.S. Highway 91 to Spanish Fork, thence over U.S. Highway 6 to Thistle, thence over U.S. Highway 89 to Kanab and return over the same route, serving all intermediate points and the off-route points of Escalante, Tropic, Springdale, Eureka, Fountain Green, Moroni, and Monroe, and points in Salt Lake County, Utah; (4) between Salt Lake City, Utah, and Ashton, Idaho, from Salt Lake City over U.S. Highway 91 by Ogden, Brigham City and Logan, Utah, and Preston, Downey, and Pocatello, Idaho, to Idaho Falls, Idaho, thence over U.S. Highway 191 to Ashton and return over the same route, serving all intermediate points and the off-route point of Hyde Park, Utah; (5) between Salt Lake City, Utah, and Weiser, Idaho, from Salt Lake City over U.S. Highway 89, by Ogden, Brigham City, and Logan, Utah, to Montpelier, Idaho, thence over U.S. Highway 30 by Twin Falls, Boise, Nampa, and Caldwell, Idaho, to junction U.S. Highway 30N, thence over U.S. Highway 30N to Weiser and return over the same route, serving all intermediate points and the off-route points of Wendell and Gooding, Idaho, and Hyde Park, Utah; (6) between Brigham City, Utah, and Burley, Idaho, over U.S. Highway 30S, serving all intermediate points and the off-route points of Wendell and Gooding, Idaho, and Hyde Park, Utah; (7) between Rupert and Sun Valley, Idaho, from Rupert over Idaho Highway 25 to junction U.S. Highway 93.

Thence over U.S. Highway 93 to junction Idaho Highway 75, thence over Idaho Highway 75 to Sun Valley and return over the same route, serving all intermediate points and the off-route points of Wendell and Gooding, Idaho; (8) serving Adrian, Oreg., as an off-route point in connection with carrier's authorized regular route operations to and from Ontario, Oreg.; (9) serving Thayne and Afton, Wyo., and Lewiston and Hyrum, Utah, as off-route points in connection with carrier's authorized regular route operations between Salt Lake City, Utah, and St. Anthony, Idaho; (10) between Baker, Oreg., and Weiser, Idaho, from Baker over U.S. Highway 30 to junction U.S. Highway 30N, thence over U.S. Highway 30N to Weiser, and return over the same route, serving all intermediate points; (11) between Evanston and Kemmerer, Wyo., from Evanston over Wyoming Highway 89 to the Utah-Wyoming State line, thence over Utah Highway 16 (formerly Utah Highway 3) to junction Utah Highway 51, thence over Utah Highway 51 to Utah-Wyoming State line, thence over Wyoming Highway 89 to junction U.S. Highway 30N near Sage, Wyo., thence over U.S. Highway 30N to Kemmerer and return over the same route, serving all intermediate points; (12) between Evanston and Kemmerer, Wyo., over U.S. Highway 189, as an alternate route for operating convenience only, in connection with carrier's, authorized regular route operations, serving no intermediate points; (13) between Kemmerer, Wyo., and junction U.S. Highway 30N and U.S. Highway 30, over U.S. Highway 30N, as an alternate route for operating convenience only, in connection with carrier's authorized regular route operations, serving no intermediate points; (14) between Kanab, Utah, and Flagstaff, Ariz., (a) over U.S. Highway 89, serving all intermediate points, and (b) from Kanab over Alternate U.S. Highway 89 to junction U.S. Highway 89, thence over U.S. Highway 89 to Flagstaff and return over the same route, serving all intermediate points; (15) between Ashton, Idaho, and West Yellowstone, Mont., from Ashton over Idaho Highway 47 (formerly U.S. Highway 191) by Marysville and Warm River, Idaho, to junction U.S. Highway 191.

Thence over U.S. Highway 191 to West Yellowstone and return over the same route, serving all intermediate points; (16) between junction unnumbered highway and U.S. Highway 191 at or near Island Park Lodge, Idaho, and junction unnumbered highway and U.S. Highway 191 at or near Mack's Inn, Idaho, over unnumbered highway by Big Springs, Idaho, serving the intermediate point of Big Springs; (17) between Nephi and St. George, Utah, over U.S. Highway 91, serving all intermediate points and the off-route points of Enterprise, Milford, Delta, and Lynndyl, Utah; (18) between Green River and Monticello, Utah, from Green River over U.S. Highways 6–50 to Crescent Junction, thence over U.S. Highway 160 to Monticello and return over the same route, serving all intermediate points; (19) between Rock Springs and Jackson, Wyo., over U.S. Highway 187, serving all intermediate points. (C) IRREGULAR ROUTE: from Salt Lake City, Utah, to points in that part of Idaho, south of Idaho County, Idaho.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Salt Lake City, Utah.

No. MC 95540 (Sub-No. 638), filed May 3, 1965. Applicant: WATKINS MOTOR LINES, INC., Albany Highway, Thomasville, Ga. Applicant's representative: Jack M. Holloway (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from Humboldt, Tenn., to points in Alabama, Connecticut, Delaware, Florida, Georgia, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, North Carolina, Pennsylvania, Rhode Island, South Carolina, Vermont, Virginia, West Virginia, and the District of Columbia.

NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 97240 (Sub-No. 4) filed April 23, 1965. Applicant: WILLIAM R. BABINEAU, INC., 1070 North Avenue, Burlington, Vt. Applicant's attorney: Francis R. Peisch, Post Office Box 954, Burlington, Vt., 05402. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, commodities in bulk and those requiring special equipment), (1) between Burlington, Vt., and Swanton, Vt.; from Burlington north over U.S. Highway 7 and 2 through Winooski, Vt., to junction U.S. Highways 7 and 2, thence over U.S. Highway 2 to Alburg, Vt., thence return over U.S. Highway 2 to junction Vermont Highway 78, thence over Vermont Highway 78 to Swanton and return over the same route, serving all intermediate points and the off-route points of Colchester, West Milton, Grande Isle Station, North Hero Station, Isle La Motte, Gordon Landing, and Alburg Springs, Vt.; (2) between Burlington, Vt., and junction Vermont Highway 127 and U.S. Highway 7 and 2, over Vermont Highway 127, serving all intermediate points.

NOTE: Applicant states that it proposes to tack the above proposed authority to its existing authority. If a hearing is deemed necessary, applicant requests it be held at Burlington, Vt.

No. MC 97764 (Sub-No. 2), filed April 22, 1965. Applicant: EDWIN F. ALBRECHT, doing business as ALBRECHT TRANSFER, Fairfield, Nebr. Applicant's attorney: J. Max Harding, Box 2028, Lincoln, Nebr., 68501. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities requiring special equipment and those injurious or contaminating to other lading), between Fairfield, Nebr., and Hastings, Nebr., from Fairfield over Nebraska Highway 74 to junction U.S. Highway 281, thence over U.S. Highway 281 to Hastings, and return over the same route, serving no intermediate points but serving the off-route point of Glenvil, Nebr.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Lincoln, Nebr.

No. MC 102295 (Sub-No. 7) (CORRECTION), filed April 13, 1965, published FEDERAL REGISTER issue May 5, 1965, and republished as corrected this issue. Applicant: GUY HEAVENER, INC., 28 School Lane, Harleysville, Pa. Applicant's attorney: Morris J. Winokur, Suite 1920, Two Penn Center Plaza, John F. Kennedy Boulevard at 15th Street, Philadelphia, Pa., 19102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Stone and gravel*, from points in Bucks, Chester, and Lancaster Counties, Pa., Montgomeryville and White Haven, Pa., Baltimore and Harford Counties, Md., to points in Allen County, Ind., and (2) *coal*, from points in Mahoning County, Ohio, to points in Montgomery and Philadelphia Counties, Pa.

NOTE: The purpose of this republication is to show the correct origin points in (1) above to be Baltimore County, Md., instead of Baltimore, Md. If a hearing is deemed necessary, applicant requests it be held at Philadelphia, Pa.

No. MC 102567 (Sub-No. 104), filed May 3, 1965. Applicant: EARL CLARENCE GIBBON, doing business as EARL GIBBON PETROLEUM TRANSPORT, 235 Benton Road, Bossier City, La. Applicant's attorney: Jo E. Shaw, Bettes Building, Houston, Tex. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Commodities*, in bulk, having a prior or subsequent movement by rail, water, or pipeline, between points in Alabama, Arkansas, Florida, Georgia, Louisiana, Mississippi, Missouri, Oklahoma, Tennessee, and Texas.

NOTE: If a hearing is deemed necessary, applicant requests it be held at New Orleans, La.

No. MC 103051 (Sub-No. 188), filed April 23, 1965. Applicant: FLEET TRANSPORT COMPANY, INC., 340 Armour Drive NE., Atlanta, Ga. Applicant's attorney: R. J. Reynolds, Jr., 403–11 Healey Building, Atlanta, Ga. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Corn syrup and liquid sugar, and blends of corn syrup and liquid sugar*, in bulk, in tank vehicles, from points in Cullman County, Ala., to points in Georgia.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Atlanta, Ga., or Washington, D.C.

No. MC 103993 (Sub-No. 202), filed April 22, 1965. Applicant: MORGAN DRIVE-AWAY, INC., 2800 Lexington Avenue, Elkhart, Ind. Applicant's attorney: John E. Lesow, 3737 North Meridian Street, Indianapolis 8, Ind. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Campers, camp coaches* and *trailers*, designed to be drawn by passenger automobiles, and *component parts thereof when shipped therewith*, in initial movements, in truckaway service, from points in Hancock and Winnebago Counties, Iowa, to points in the United States.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Des Moines, Iowa.

No. MC 105269 (Sub-No. 39), filed May 5, 1965. Applicant: GRAFF TRUCKING COMPANY, INC., 2110 Lake Street, Kalamazoo, Mich., 49005. Applicant's attorney: John M. Veale, Suite 1700, 1 Woodward Avenue, Detroit, Mich., 48226. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Paper and paper products*, from La Porte, Ind., to points in Michigan.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Lansing, Mich.

No. MC 105636 (Sub-No. 25) (CLARIFICATION), filed April 7, 1965, published in the FEDERAL REGISTER issue of April 21, 1965, republished as amended May 5, 1965, and further republished this issue as a clarification. Applicant: ARMELLINI EXPRESS LINES, INC., Oak and Brewster Roads, Vineland, N.J. Applicant's attorney: Morris J. Winokur, Suite 1920, Two Penn Center Plaza, John F. Kennedy Boulevard at 15th Street, Philadelphia, Pa., 19102.

NOTE: Such authority is exactly the same as that held by applicant under MC–105636 (Sub-No. 23), except that the destination points are commercial piers in Jacksonville and Tampa, Fla., instead of Miami. The proposed operation will provide the same type of service which applicant has been providing for its shippers from the same points of origin to the piers in Miami, for export to the same foreign countries. The purpose of the republication is to more clearly set forth the note previously published in FEDERAL REGISTER issues of April 21 and May 5, 1965. If a hearing is deemed necessary, applicant requests it be held at Philadelphia, Pa.

No. MC 105733 (Sub-No. 36), filed April 27, 1965. Applicant: H. R. RITTER TRUCKING CO., INC., 928 East Hazelwood Avenue, Rahway, N.J. Applicant's attorney: Edward C. Smith, 26 Broadway, New York, N.Y., 10004. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid and dry bulk commodities* in tank or hopper type vehicles, from Camden and Jersey City, N.J., to points in Connecticut, Delaware, the District of Columbia, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Vermont, Virginia, and West Virginia.

NOTE: Applicant states the above operation will be restricted to shipments having a prior movement by railroad. If a hearing is deemed necessary, applicant requests it be held at New York, N.Y., or Washington, D.C.

No. MC 105733 (Sub-No. 37), filed April 27, 1965. Applicant: H. R. RITTER TRUCKING CO., INC., 928 East Hazelwood Avenue, Rahway, N.J. Applicant's attorney: Edward C. Smith, 26 Broadway, New York, N.Y., 10004. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Commodities* in bulk, (1) between points in New York; (2) between points in Massachusetts; (3) between points in New Jersey; (4) from points in New York, Massachusetts, and New Jersey, to points in Massachusetts, Connecticut, Rhode Island, New Hampshire, and Vermont, and (5) from points in New York and New Jersey to points in Pennsylvania.

NOTE: Applicant states the above operations will be restricted to shipments having a prior movement by rail. If a hearing is deemed necessary, applicant requests it be held at New York, N.Y., or Washington, D.C.

No. MC 105813 (Sub-No. 27), filed May 3, 1965. Applicant: BELFORD TRUCKING CO., INC., 1299 Northwest 23d Street, Miami, Fla. Applicant's attorney: David Axelrod, 39 South La Salle Street, Chicago 3, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts* and *articles distributed by meat packinghouses* (except hides and commodities in bulk, in tank vehicles) as described in Appendix I in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, from Minden, Nebr., and points within 5 miles thereof, to points in Florida, Georgia, Alabama, North Carolina, and South Carolina.

NOTE: If a hearing is deemed necessary, applicant does not specify place of hearing.

No. MC 105813 (Sub-No. 128), filed May 3, 1965. Applicant: BELFORD TRUCKING CO., INC., 1299 Northwest 23d Street, Miami, Fla. Applicant's attorney: David Axelrod, 39 South La Salle Street, Chicago, Ill., 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts* and *articles distributed by meat packinghouses* (except hides and commodities in bulk, in tank vehicles), as described in Appendix I in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, from Lexington, Nebr., and points within 5 miles thereof, to points in Florida, Georgia, Alabama, North Carolina, and South Carolina.

NOTE: If a hearing is deemed necessary, applicant does not specify place of hearing.

No. MC 105813 (Sub-No. 129), filed May 3, 1965. Applicant BELFORD TRUCKING CO., INC., 1299 NW., 23d Street, Miami, Fla. Applicant's attorney: David Axelrod, 39 South La Salle Street, Chicago 3, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts*, and *articles distributed by meat packinghouses* (except hides and commodities in bulk, in tank vehicles), as described in Appendix I in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, from Darr, Nebr., to points in Florida, Georgia, Alabama, North Carolina, and South Carolina.

NOTE: Applicant does not specify place of hearing, if one is deemed necessary.

No. MC 107002 (Sub-No. 251), filed April 26, 1965. Applicant: HEARIN-MILLER TRANSPORTERS, INC., Post Office Box 1123, Highway 80 West, Jackson, Miss. Applicant's attorneys: Harry C. Ames, Jr., 529 Transportation Building, Washington, D.C., and H. D. Miller, Jr., Post Office Box 1250, Jackson, Miss. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid petroleum products*, in bulk, from points in Muscogee County, Ga., to points in Alabama, Florida, Georgia, North Carolina, South Carolina, Tennessee, and Mississippi.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Atlanta, Ga.

No. MC 107002 (Sub-No. 252), filed April 26, 1965. Applicant: HEARIN-MILLER TRANSPORTERS, INC., Post Office Box 1123, Highway 80 West, Jackson, Miss., 39205. Applicant's attorneys: Harry C. Ames, Jr., 529 Transportation Building, Washington, D.C., 20006, and H. D. Miller, Jr., Post Office Box 1250, Jackson, Miss., 39205. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Blends of liquid sugar and syrups*, in bulk, in tank vehicles, from New Orleans, La., to points in Louisiana on and east of U.S. Highway 165 and on and north of U.S. Highway 84, and (2) *returned, rejected, contaminated, un-*

used, and *refused shipments of liquid sugar, blends of liquid sugar and syrups*, from points in Louisiana on and east of U.S. Highway 165 and on and north of U.S. Highway 84 to New Orleans, La.

NOTE: Applicant states it has been granted authority on liquid sugar to and from the territory described in (1) above and seeks herein only authority to perform a more complete service. If a hearing is deemed necessary, applicant does not specify place of hearing.

No. MC 107227 (Sub-No. 87), filed May 7, 1965. Applicant: INSURED TRANSPORTERS, INC., 1944 Williams Street, San Leandro, Calif. Applicant's attorney: John G. Lyons, Mills Tower, San Francisco 4, Calif. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Trucks, tractors, truck chassis*, partially or completely assembled, and *parts and accessories thereof*, when moving with the above described commodities, in initial movements, in driveaway and truckaway service, from Indianapolis, Ind., to points in the United States, including Alaska, but excluding Hawaii.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Louisville, Ky.

No. MC 107403 (Sub-No. 621), filed April 27, 1965. Applicant: MATLACK, INC., 10 West Baltimore Avenue, Lansdowne, Pa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals*, in bulk, in tank vehicles, from Carpentersville, Ill., to points in Connecticut, Delaware, Maryland, New Jersey, New York, Pennsylvania, Rhode Island, and West Virginia.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 107403 (Sub-No. 622), filed April 27, 1965. Applicant: MATLACK, INC., 10 West Baltimore Avenue, Lansdowne, Pa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foundry sand additive*, in bulk, in tank or hopper type vehicles, from Cincinnati, Ohio, to points in Indiana.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Cincinnati, Ohio.

No. MC 107475 (Sub-No. 56), filed April 20, 1965. Applicant: DANCE FREIGHT LINES, INC., 920 Dance Court, Cincinnati 3, Ohio. Applicant's attorney: Alan E. Serby, Suite 1600 First Federal Building, Atlanta, Ga., 30303. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between Columbus, Ga., on the one hand, and, on the other, points in Russell County, Ala.

NOTE: Applicant states that it proposes to tack points in Russell County, Ala., with its existing operations from and to Columbus, Ga., and points within its commercial zone. Applicant also states that the above proposed operation will be restricted to traffic destined to or originating at points presently served by applicant. If a hearing is deemed necessary, applicant requests it be held at Columbus, Ga.

No. MC 107496 (Sub-No. 376), filed April 27, 1965. Applicant: RUAN TRANSPORT CORPORATION, Keosauqua Way at Third, Des Moines, Iowa. Applicant's attorney: H. L. Fabritz (address same as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Inedible grease and tallow*, in bulk, from Ottumwa, Iowa to Henry, Ill.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 107636 (Sub-No. 7), filed May 5, 1965. Applicant: M. M. CAMPION AND GEORGE KINGSHOTT, a partnership, doing business as C & K TRANSPORT, Box 427, New Buffalo, Mich. Applicant's attorney: Quentin A. Ewert, Union Savings & Loan Building, 117 West Allegan Street, Lansing, Mich., 48933. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Lime and limestone products*, from Detroit, Mich., to points in Indiana, Illinois, Iowa, Kentucky, Ohio, Missouri, New York, Pennsylvania, Wisconsin, and West Virginia.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Lansing, Mich.

No. MC 107698 (Sub-No. 38), filed May 3, 1965. Applicant: BONANZA, INC., Post Office Box 5526, Midwest City, Okla. Applicant's attorney: Wilburn L. Williamson, 443–54 American National Building, Oklahoma City 2, Okla. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canned and preserved foodstuffs*, from points in Washington, Oregon, Idaho, and Utah, to points in Oklahoma.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Oklahoma City, Okla.

No. MC 107839 (Sub-No. 72), filed April 29, 1965. Applicant: DENVER-ALBUQUERQUE MOTOR TRANSPORT, INC., 5135 York Street, Denver, Colo. Applicant's attorney: Marion F. Jones, Suite 420, Denver Club Building, Denver, Colo., 80202. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from points in Hidalgo County, Tex., to points in Alabama, Arkansas, Colorado, Florida, Georgia, Iowa, Kansas, Kentucky, Louisiana, Mississippi, Missouri, Nebraska, North Carolina, Oklahoma, South Carolina, and Tennessee.

NOTE: Applicant does not specify place of hearing, if one is deemed necessary.

No. MC 107839 (Sub-No. 73), filed April 29, 1965. Applicant: DENVER-ALBUQUERQUE MOTOR TRANSPORT, INC., 5135 York, Denver, Colo. Applicant's attorney: Richard A. Peterson, Box 2028, Lincoln, Nebr., 68501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts, dairy products*, and *articles distributed by meat packinghouses*, from points in Iowa to points in Alabama, Florida, Georgia, Kentucky, Louisiana, Mississippi, North Carolina, South Carolina, and Tennessee.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Des Moines, Iowa.

No. MC 107839 (Sub-No. 75), filed May 3, 1965. Applicant: DENVER-ALBUQUERQUE MOTOR TRANSPORT, INC., 5135 York Street, Denver, Colo. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts, dairy products and articles distributed by meat packinghouses*, from the plant site of Platte Valley Packing Company located at Darr, Nebr., to points in Colorado on and south of U.S. Highway 24.

NOTE: Applicant does not specify place of hearing, if one is deemed necessary.

No. MC 108006 (Sub-No. 12), filed April 26, 1965. Applicant: MAISLIN BROS. TRANSPORT LIMITED, 7401 Newman Boulevard, LaSalle, P.Q., Canada. Applicant's representative: William D. Traub, 10 East 40th Street, New York 16, N.Y. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Commodities*, the transportation of which because of size or weight, or shape, require the use of special equipment (except (a) commodities in bulk and (b) motor vehicles), between the ports of entry on the International Boundary line between the United States and Canada at or near Rouses Point, Champlain, and Trout River, N.Y., on the one hand, and, on the other, points in New York, New Jersey, Pennsylvania, Maine, New Hampshire, Vermont, Massachusetts, Connecticut, and Rhode Island, restricted to traffic moving in foreign commerce.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Plattsburgh, N.Y.

No. MC 108053 (Sub-No. 62), filed May 3, 1965. Applicant: LITTLE AUDREY'S TRANSPORTATION COMPANY, INC., Post Office Box 709, Fremont, Nebr. Applicant's attorney: David Axelrod, 39 South La Salle Street, Chicago, Ill., 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts, and articles distributed by meat packinghouses* (except hides and commodities in bulk, in tank vehicles) as described in Appendix I in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, from Darr, Nebr., to points in Arizona, Colorado, Nevada, California, Oregon, Washington, Idaho, Utah, and New Mexico.

NOTE: Applicant does not specify place of hearing, if one is deemed necessary.

No. MC 108053 (Sub-No. 63), filed May 3, 1965. Applicant: LITTLE AUDREY'S TRANSPORTATION COMPANY, INC., Post Office Box 709, Fremont, Nebr. Applicant's attorney: David Axelrod, 39 South La Salle Street, Chicago, Ill., 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts*, and *articles distributed by meat packinghouses* (except hides and commodities in bulk, in tank vehicles) as described in Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, from points in Dakota County, Nebr., to points in Arizona, Colorado, Nevada, California, Oregon, Idaho, Utah, and New Mexico.

NOTE: If a hearing is deemed necessary, applicant does not specify a location.

No. MC 108053 (Sub-No. 64), filed May 3, 1965. Applicant: LITTLE AUDREY'S TRANSPORTATION COMPANY, INC., Post Office Box 709, Fremont, Nebr. Applicant's attorney: David Axelrod, 39 South La Salle Street, Chicago, Ill., 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts*, and *articles distributed by meat packinghouses* (except hides and commodities in bulk, in tank vehicles) as described in Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, from Minden, Nebr., and points within five (5) miles thereof, to points in Arizona, Colorado, Nevada, California, Oregon, Washington, Idaho, Utah, and New Mexico.

NOTE: If a hearing is deemed necessary, applicant does not specify a location.

No. MC 108053 (Sub-No. 66), filed May 3, 1965. Applicant: LITTLE AUDREY'S TRANSPORTATION COMPANY, INC., Post Office Box 709, Fremont, Nebr. Applicant's attorney: David Axelrod, 39 South La Salle Street, Chicago 3, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts, and articles distributed by meat packinghouses* (except hides and commodities in bulk, in tank vehicles) as described in Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, from points in Dakota County, Nebr., to points in Arizona, Colorado, Nevada, California, Oregon, Washington, Idaho, Utah, and New Mexico.

NOTE: If a hearing is deemed necessary, applicant does not specify a location.

No. MC 108329 (Sub-No. 9), filed April 28, 1965. Applicant: KATO, INC., Route No. 3, Elizabethtown, Ky. Applicant's attorney: David A. Sutherlund, 1120 Connecticut Avenue NW., Washington, D.C., 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except Classes A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), restricted to shipments having an immediately prior or subsequent movement by air, between Standiford Field Airport, Louisville, Ky., Municipal Airport, Nashville, Tenn., and Bowling Green-Warren County Airport, Bowling Green, Ky., on the one hand, and, on the other, points in Barren, Allen, Warren, Simpson, Logan, and Todd Counties, Ky., and Montgomery, Robertson, and Sumner Counties, Tenn.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Bowling Green, Ky.

No. MC 108380 (Sub-No. 68), filed April 26, 1965. Applicant: JOHNSTON'S FUEL LINERS, INC., Post Office Box 112, Newcastle, Wyo. Applicant's attorney: Truman A. Stockton, Jr., The 1650 Grant Street Building, Denver 3, Colo. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum and petroleum products*, from Aberdeen, S. Dak., and points within fifteen (15) miles thereof, to points in Montana and Wyoming, and *rejected shipments*, on return.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Pierre, S. Dak.

No. MC-109397 (Sub-No. 118), filed April 19, 1965. Applicant: TRI-STATE MOTOR TRANSIT CO., a corporation, Post Office Box 113, Joplin, Mo. Applicant's attorney: Max G. Morgan, 443–454 American National Building, Oklahoma City 2, Okla. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Radioactive source, special nuclear and byproduct materials, radioactive material shipping containers, nuclear reactor component parts, and related equipment*, between points in Alameda and Santa Clara Counties, Calif., on the one hand, and, on the other, points in the United States (except points in Hawaii).

NOTE: If a hearing is deemed necessary, applicant requests it be held at Los Angeles or San Francisco, Calif.

No. MC 109397 (Sub-No. 119), filed May 3, 1965. Applicant: TRI-STATE MOTOR TRANSIT CO., a corporation, Post Office Box 113, Joplin, Mo. Applicant's attorney: Max G. Morgan, 443–454 American National Building, Oklahoma City 2, Okla. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Radioactive source, special nuclear and byproduct materials, radioactive material shipping containers, nuclear reactor component parts, and related equipment*, between points in Cattaraugus County, N.Y., on the one hand, and, on the other, points in the continental United States.

NOTE: Applicant states no duplication of authority is sought. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 110193 (Sub-No. 91), filed April 30, 1965. Applicant: SAFEWAY TRUCK LINES, INC., 20450 Ireland Road, South Bend, Ind. Applicant's representative: Walter J. Kobos (same address as applicant's). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts* and *articles distributed by meat packinghouses* (except hides and commodities in bulk, in tank vehicles) as described in sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, from points in Dakota County, Nebr., to points in Maine, New Hampshire, Vermont, Massachusetts, Connecticut, Rhode Island, New York, New Jersey, Pennsylvania, Delaware, Maryland, Virginia, West Virginia, Ohio, and the District of Columbia.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr.

No. MC 110420 (Sub-No. 429) (AMENDMENT) filed March 31, 1965, published in FEDERAL REGISTER issue of April 21, 1965, amended May 5, 1965, and republished as amended this issue. Applicant: QUALITY CARRIERS, INC., 100 South Calumet Street, Burlington, Wis. Applicant's representative: Fred H. Figge, Post Office Box 339, Burlington, Wis. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Tallow and greases*, from points in Wisconsin, to Green Bay, Wis.

NOTE: The purpose of this republication is to delete the word "Inedible" from the commodity description. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 110420 (Sub-No. 435), filed April 28, 1965. Applicant: QUALITY CARRIERS, INC., 100 South Calumet Street, Burlington, Wis. Applicant's representative: Fred H. Figge (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fish oil and natural bodied fish oil products*, in bulk, in tank vehicles, from Baltimore, Md., to points in Georgia, Kentucky, and Michigan.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 110420 (Sub-No. 436), filed April 28, 1965. Applicant: QUALITY CARRIERS, INC., 100 South Calumet Street, Burlington, Wis. Applicant's representative: Fred H. Figge (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Coloring syrup, caramel color, flavoring syrup*, in bulk, in tank vehicles, from Granite City, Ill., to points in Connecticut.

NOTE: If a hearing is deemed necessary, applicant requests it be held at St. Louis, Mo.

No. MC 110420 (Sub-No. 437), filed April 28, 1965. Applicant: QUALITY CARRIERS, INC., 100 South Calumet Street, Burlington, Wis. Applicant's representative: Fred H. Figge (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Acids and chemicals*, in bulk, in tank or hopper type vehicles, from Mason City, Iowa, to points in Wisconsin.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 110420 (Sub-No. 439), filed May 3, 1965. Applicant: QUALITY CARRIERS, INC., 100 South Calumet Street, Burlington, Wis. Applicant's representative: Fred H. Figge, Post Office Box 339, Burlington, Wis. Authority

sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Syrups, sweeteners, corn syrup and blends*, in bulk, in tank vehicles, from Granite City, Ill. to points in New York and Ohio.

NOTE: If a hearing is deemed necessary, applicant requests it be held at St. Louis, Mo.

No. MC 110420 (Sub-No. 440), filed May 3, 1965. Applicant: QUALITY CARRIERS, INC., 100 South Calumet Street, Burlington, Wis. Applicant's representative: Fred H. Figge, Post Office Box 339, Burlington, Wis. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Syrups, sweeteners*, and *blends*, in bulk, in tank vehicles, from Edinburg, Ind. to points in Iowa, Idaho, Minnesota, Montana, North Dakota, Oregon, South Dakota, and Washington.

NOTE: If a hearing is deemed necessary, applicant requests it be held at St. Louis, Mo.

No. MC 110420 (Sub-No. 441), filed May 3, 1965. Applicant: QUALITY CARRIERS, INC., 100 South Calumet Street, Burlington, Wis. Applicant's representative: Fred H. Figge, Post Office Box 339, Burlington, Wis. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Syrups, sweeteners, corn syrup and blends*, in bulk, in tank vehicles, from Granite City, Ill., to points in Kentucky and Tennessee.

NOTE: If a hearing is deemed necessary, applicant requests it be held at St. Louis, Mo.

No. MC 110420 (Sub-No. 442), filed April 30, 1965. Applicant: QUALITY CARRIERS, INC., 100 South Calumet Street, Burlington, Wis. Applicant's representative: Fred H. Figge, Post Office Box 339, Burlington, Wis. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Syrups, sweeteners* and *Blends thereof*, in bulk, in tank vehicles, from Edinburg, Ind., to points in Indiana, Michigan, Ohio, Illinois, Pennsylvania, Kentucky, and West Virginia.

NOTE: If a hearing is deemed necessary, applicant requests it be held at St. Louis, Mo.

No. MC 110420 (Sub-No. 443), filed May 3, 1965. Applicant: QUALITY CARRIERS, INC., 100 South Calumet Street, Burlington, Wis., 53105. Applicant's representative: Fred H. Figge, 100 South Calumet Street, Burlington, Wis., 53105. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Syrups, corn syrup, sweeteners and blends*, in bulk, in tank vehicles, from Granite City, Ill., to points in Texas.

NOTE: If a hearing is deemed necessary, applicant requests it be held at St. Louis, Mo.

No. MC 110420 (Sub-No. 444), filed May 3, 1965. Applicant: QUALITY CARRIERS, INC., 100 South Calumet Street, Burlington, Wis., 53105. Applicant's representative: Fred H. Figge, 100 South Calumet Street, Burlington, Wis., 53105. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Syrups, sweeteners and blends*, in bulk, in tank vehicles, from Granite City, Ill., to points in Arkansas and Louisiana.

NOTE: Applicant states no duplication of authority is sought. If a hearing is deemed necessary, applicant requests it be held at St. Louis, Mo.

No. MC 110420 (Sub-No. 445), filed May 3, 1965. Applicant: QUALITY CARRIERS, INC., 100 South Calumet Street, Burlington, Wis. Applicant's representative: Fred H. Figge, 100 South Calumet Street, Burlington, Wis. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Syrups, sweeteners and blends*, in bulk, in tank vehicles, from Granite City, Ill., to points in Michigan, Minnesota, and Wisconsin.

NOTE: Applicant states no duplication of authority is sought. If a hearing is deemed necessary, applicant requests it be held at St. Louis, Mo.

No. MC 110505 (Sub-No. 60), filed April 26, 1965. Applicant: RINGLE TRANSPORT, INC., 405 South Grant Avenue, Fowler, Ind. Applicant's attorney: Robert C. Smith, 512 Illinois Building, Indianapolis 4, Ind. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Glassware* and *glass containers, with or without caps, covers or stoppers*, and *paper cartons* used in the packing of glassware and glass containers, from Winchester, Ind., to points in Illinois, Missouri, Ohio, Wisconsin, Michigan, and Kentucky, and *damaged and rejected shipments*, on return.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Indianapolis, Ind.

No. MC 110525 (Sub-No. 724) (AMENDMENT), filed April 16, 1965, published FEDERAL REGISTER issue of May 13, 1965, and republished as amended this issue. Applicant: CHEMICAL LEAMAN TANK LINES, INC., 520 East Lancaster Avenue, Downingtown, Pa. Applicant's attorneys: Leonard A. Jaskiewicz, 1155 15th Street, Madison Building, Washington, D.C., 20005, and Edwin H. Van Deusen, 520 East Lancaster Avenue, Downingtown, Pa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Anhydrous ammonia*, in bulk, and *urea*, dry, in bulk, from the plant site of American Cyanamid Company at Avondale, La., to points in Alabama, Arkansas, Florida, Georgia, Kansas, Kentucky, Louisiana, Mississippi, Missouri, North Carolina, Oklahoma, South Carolina, Tennessee, and Texas.

NOTE: The purpose of this republication is to add the State of Mississippi to the destination points, and to correct the name of the plant to read: "American Cyanamid Company." If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 110563 (Sub-No. 28), filed April 30, 1965. Applicant: COLDWAY FOOD EXPRESS, INC., Ohio Building, Sidney, Ohio. Applicant's attorney: Joseph M. Scanlan, 111 West Washington Street, Chicago, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs*, canned, prepared or preserved, (1) From points in Delaware and Maryland, to points in Ohio, Michigan, Indiana, Illinois, Wisconsin, Missouri, Iowa, Minnesota, and Kentucky, and (2) from points in Atlantic, Burlington, Camden, Cape May, Cumberland, Gloucester, Ocean, and Salem Counties, N.J., and points in Accomack and Northampton Counties, Va., to points in Minnesota and Iowa.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 110563 (Sub-No. 29), filed April 30, 1965. Applicant: COLDWAY FOOD EXPRESS, INC., Ohio Building, Sidney, Ohio. Applicant's attorney: Joseph Scanlan, 111 West Washington Street, Chicago, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products* and *articles distributed by meat packinghouses*, from Garden City, Kans. and points within ten (10) miles thereof to points in Maine, New Hampshire, Vermont, Massachusetts, Rhode Island, Connecticut, New Jersey, Pennsylvania, New York, Delaware, Maryland, and the District of Columbia.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Kansas City, Kans.

No. MC 110563 (Sub-No. 30), filed May 5, 1965. Applicant: COLDWAY FOOD EXPRESS, INC., Ohio Building, Sidney, Ohio. Applicant's attorney: Joseph Scanlan, 111 West Washington, Chicago, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts, and articles distributed by meat packinghouses* (except commodities in bulk, in tank vehicles), from points in Dakota County, Nebr., to points in Maine, Vermont, New Hampshire, Massachusetts, Rhode Island, Connecticut, New Jersey, New York, Pennsylvania, Delaware, Maryland, and Washington, D.C.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Des Moines, Iowa or Omaha, Nebr.

No. MC 110698 (Sub-No. 303), filed May 5, 1965. Applicant: RYDER TANK LINE, INC., Post Office Box 6418, Greensboro, N.C. Applicant's attorney: Francis W. McInerny, 1000 Sixteenth Street NW., Washington, D.C., 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Commodities* in bulk (except paving tar), from points in Morgan County, Ala., to points in Alabama, Georgia, Illinois, Indiana, Mississippi, North Carolina, Ohio, Kentucky, South Carolina, Tennessee, Virginia, and West Virginia.

NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 111301 (Sub-No. 12), filed April 22, 1965. Applicant: L. J. KREUTZER, doing business as KREUTZER MOTOR EXPRESS, 1423 Third Avenue, Mankato, Minn. Applicant's attorney: Clay R. Moore, 1000 First National Bank Building, Minneapolis, Minn. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Stone* (except granite when moving in truckload lots), natural rough, finished, precast, fabricated, crushed, chipped and in any other form, from Mankato and Kasota, Minn., and points within ten (10) miles thereof to points in Ohio, Pennsylvania, New York, New Jersey, Delaware, Virginia, West Virginia, District of Columbia, Kentucky, Missouri, and Maryland, and *rejected shipments* on return.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Minneapolis, Minn.

No. MC 111594 (Sub-No. 28), filed May 3, 1965. Applicant: CENTRAL WISCONSIN MOTOR TRANSPORT COMPANY, a corporation, Post Office Box 200, Wisconsin Rapids, Wis. Applicant's attorney: David Axelrod, 39 South La Salle Street, Chicago 3, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving the plant site of the American Can Co. Bottle Division, Valley Park, Minn., as an off-route point in connection with applicant's regular route operations.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Minneapolis, Minn.

No. MC 111812 (Sub-No. 284), filed April 22, 1965. Applicant: MIDWEST COAST TRANSPORT, INC., Wilson Terminal Building, Post Office Box 747, Sioux Falls, S. Dak., 57101. Applicant's attorney: Donald L. Stern, 630 City National Bank Building, Omaha, Nebr., 68102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts, articles distributed by meat packinghouses*, and *dairy products*, from Sioux City, Iowa, and points in Dakota County, Nebr., to points in Iowa, Minnesota, South Dakota, North Dakota, Wisconsin, Illinois, Indiana, Michigan, Ohio, Pennsylvania, New York, New Jersey, Delaware, Maryland, West Virginia, Virginia, Connecticut, Rhode Island, Massachusetts, Vermont, New Hampshire, Maine, and the District of Columbia.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr.

No. MC 112148 (Sub-No. 33), filed May 3, 1965. Applicant: JAMES H. POWERS, INC., Melbourne, Iowa. Applicant's representative: William A. Landau, 1307 East Walnut Street, Des Moines 16, Iowa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs*, from Decatur and Lawton, Mich., to points in Missouri.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Des Moines, Iowa.

No. MC 112184 (Sub-No. 20) (AMENDMENT), filed April 16, 1965, published in FEDERAL REGISTER issue of May 5, 1965, amended May 7, 1965, and republished as amended this issue. Applicant: THE MANFREDI MOTOR TRANSIT COMPANY, a corporation, Route 87, Newbury, Ohio. Applicant's attorney: John P. McMahon, 44 East Broad Street, Columbus, Ohio, 43215. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Hydrofluoric acid*, in bulk, in shipper owned tank vehicles, from Cleveland, Ohio, to points in Maryland and West Virginia; and (2) *compressed gases*, in bulk, in shipper owned tank vehicles, from Cleveland, Ohio, to points in Mississippi.

NOTE: The purpose of this republication is to broaden the scope of authority sought. Applicant states that the above proposed operations will be performed under continuing contract or contracts with Harshaw Chemical Corp. of Cleveland, Ohio. If a hearing is deemed necessary, applicant requests it be held at Columbus, Ohio.

No. MC 112446 (Sub-No. 42), filed April 28, 1965. Applicant: REFINERS TRANSPORT, INC., 1300 51st Avenue North, Post Office Box 1156, Nashville, Tenn. Applicant's attorney: Clarence Evans, Third National Bank Building, Nashville 3, Tenn. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Commodities* in bulk, from points in Morgan County, Ala., to points in Alabama, Georgia, Mississippi, Tennessee, North Carolina, South Carolina, Kentucky, West Virginia, Illinois, Indiana, and Ohio and *rejected shipments only*, on return.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Birmingham, Ala.

No. MC 112446 (Sub-No. 43), filed April 28, 1965. Applicant: REFINERS TRANSPORT, INC., 1300 51st Avenue North, Post Office Box 1165, Nashville, Tenn. Applicant's attorney: Clarence Evans, Third National Bank Building, Nashville 3, Tenn. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry chemicals*, in tank and hopper type vehicles, from points in Mason County, W. Va., to points in Alabama, Arkansas, Florida, Georgia, Kentucky, Louisiana, Mississippi, North Carolina, South Carolina, Tennessee, Virginia, and West Virginia, and *rejected shipments only*, on return.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 112520 (Sub-No. 120), filed April 28, 1965. Applicant McKENZIE TANK LINES, INC., New Quincy Road, Tallahassee, Fla. Applicant's attorney: Norman J. Bolinger, 1730 American Heritage Life Building, Jacksonville, Fla., 32202. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals*, in bulk, between points in St. Charles Parish, La., on the one hand, and, on the other, points in the United States (except Alaska and Hawaii).

NOTE: If a hearing is deemed necessary, applicant requests it be held at New Orleans, La.

No. MC 112668 (Sub-No. 38), filed April 28, 1965. Applicant: HARVEY R. SHIPLEY & SONS, INC., Post Office, Finksburg, Md. Applicant's representative: Donald E. Freeman, 172 East Green Street, Westminister, Md. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Ladders*, from Westminster, Md., to points in Alabama, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Kentucky, Maine, Maryland, Massachusetts, Michigan, Mississippi, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Vermont, Virginia, West Virginia, Wisconsin, and the District of Columbia.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 112668 (Sub-No. 39), filed April 28, 1965. Applicant: HARVEY R. SHIPLEY & SONS, INC., Post Office, Finksburg, Md. Applicant's representative: Donald E. Freeman, 172 East Green Street, Westminster, Md., 21157. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Ground limestone*, in bulk, in dump vehicles, from Texas, Md., to Greenville, Pa.

NOTE: Applicant states it presently holds authority to transport ground limestone between the points involved by tacking authority held at Millville, W. Va. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 112668 (Sub-No. 40) filed April 28, 1965. Applicant: HARVEY R. SHIPLEY & SONS, INC., Post Office, Finksburg, Md. Applicant's representative: Donald E. Freeman, 172 East Green Street, Westminster, Md., 21157. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Stone products*, from Millville, W. Va., to points in Delaware, New Jersey, North Carolina, and the District of Columbia.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 113325 (Sub-No. 41) filed April 21, 1965. Applicant: SLAY TRANSPORTATION CO., INC., 2001 South Seventh Street, St. Louis, Mo., 63104. Applicant's attorney: Chester A. Zyblut, 1000 Connecticut Avenue NW., Washington, D.C., 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Commodities* in bulk, in dump vehicles, from points in the St. Louis, Mo.-East St. Louis, Ill., commercial zone, as defined by the Commission and points within 10 miles thereof, to points in Illinois, Indiana, Michigan, Wisconsin, Iowa, Nebraska, Kansas, Oklahoma, Arkansas, Tennessee, and Kentucky.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 113362 (Sub-No. 69) filed April 22, 1965. Applicant: ELLSWORTH FREIGHT LINES, INC., 220 East Broadway, Eagle Grove, Iowa. Applicant's at-

torney: Donald L. Stern, 630 City National Bank Building, Omaha, Nebr. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts, and articles distributed by meat packinghouses*, as described in Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except commodities in bulk, in tank vehicles, and except hides), from Minden, Nebr., and points within 5 miles thereof, to points in Iowa, Minnesota, Wisconsin, Indiana, Ohio, Pennsylvania, New York, Vermont, Connecticut, Rhode Island, Massachusetts, New Hampshire, Maine, Maryland, Delaware, the District of Columbia, Virginia, West Virginia, New Jersey, and Michigan.

NOTE: If a hearing is deemed necessary, applicant does not specify place of hearing.

No. MC 113495 (Sub-No. 18), filed May 4, 1965. Applicant: GREGORY HEAVY HAULERS, INC., 2 Main Street, Nashville, Tenn. Applicant's attorney: Wilmer B. Hill, Transportation Building, Washington, D.C., 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Trucks*, in initial movements, in truckaway service, from Decatur, Ill., to points in Virginia, North Carolina, and Tennessee, and (2) *parts, attachments*, and *accessories* for the commodities in (1) above, from Decatur, Morton, and Joliet, Ill., to points in Virginia, North Carolina, and Tennessee.

NOTE: Applicant states it presently holds authority in MC 113495 Sub 6 to transport numerous commodities from the origin points named above to the same destination points named above. The purpose of this application is to add the items in (1) and (2) to the present commodity description.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Washington, D.C.

No. MC 113678 (Sub-No. 132) (CLARIFICATION), filed April 19, 1965, published in FEDERAL REGISTER issue of May 5, 1965, and republished as clarified this issue. Applicant: CURTIS, INC., 770 East 51st Avenue, Denver, Colo., 80216. Applicant's attorney: Duane W. Acklie, Post Office Box 2028, Lincoln, Nebr. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts* and *articles distributed by meat packinghouses* as described in Appendix I, *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 (272–273), from New York City, N.Y., and Washington, D.C., to Baltimore, Md., and Philadelphia, Pa.

NOTE: Applicant states that the sole purpose of this application is for tacking this authority with the authority now held by applicant in MC 113678 (from Denver, Colo., to Washington, D.C., New York, N.Y., and Boston, Mass.), and MC 113678 Sub 7 (from Greeley, Colo., to New Haven, Conn., Savannah, Ga., Lexington, Ky., Boston, Mass., New York, N.Y., Knoxville, Tenn., and Washington, D.C.). The purpose of this republication is to clarify the note that was previously published. If a hearing is deemed necessary, applicant requests it be held at Denver, Colo.

No. MC 113678 (Sub-No. 133), filed April 23, 1965. Applicant: CURTIS, INC., 770 East 51st Avenue, Denver, Colo., 80216. Applicant's attorney: Duane W. Acklie, Post Office Box 2028, Lincoln, Nebr. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Food products* (except frozen foods) in vehicles equipped with mechanical refrigeration, from New York, N.Y., and points in the New York, N.Y., commercial zone and Union County, N.J., to points in Ohio, West Virginia, Kentucky, Indiana, Illinois, Missouri, Arkansas, Oklahoma, Michigan, Kansas, Colorado, New Mexico, Arizona, California, Nevada, Utah, Iowa, Minnesota, Nebraska, South Dakota, North Dakota, Wyoming, Idaho, Montana, Oregon, and Washington.

NOTE: If a hearing is deemed necessary, applicant requests it be held at New York, N.Y.

No. MC 113678 (Sub-No. 136), filed May 4, 1965. Applicant: CURTIS, INC., 770 East 51st Avenue, Denver, Colo., 80216. Applicant's attorney: Duane W. Acklie, Post Office Box 2028, Lincoln, Nebr. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, dairy products, and articles distributed by meat packinghouses*, from Denver, Colo., to points in Arkansas, Georgia, Kentucky, North Carolina, South Carolina, Tennessee, Virginia, and West Virginia.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Denver, Colo.

No. MC 113678 (Sub-No. 141), filed May 10, 1965. Applicant: CURTIS, INC., 770 East 51st Avenue, Denver, Colo. Applicant's attorney: Duane W. Acklie, Post Office Box 2028, Lincoln, Nebr. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs* (other than frozen), from points in Cumberland County, N.J., to points in Colorado, Iowa, Minnesota, Nebraska, North Dakota, South Dakota, Wisconsin, and Milan, Ill.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Philadelphia, Pa.

No. MC 113828 (Sub-No. 85), filed May 7, 1965. Applicant: O'BOYLE TANK LINES, INCORPORATED, 4848 Cordell Avenue NW., Washington 14, D.C. Applicant's attorney: William P. Sullivan, 1825 Jefferson Place NW., Washington, D.C., 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry cement and dry hydrated lime*, from the terminal site of Southern Cement Company, Division of Martin-Marietta Corporation, Charlotte, N.C., to points in South Carolina and Virginia.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 114019 (Sub-No. 134), filed May 3, 1965. Applicant: MIDWEST EMERY FREIGHT SYSTEM, INC., 7000 South Pulaski Road, Chicago, Ill. Applicant's attorney: David Axelrod, 39 South La Salle Street, Chicago 3, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts, and articles distributed by meat packinghouses* (except hides and commodities in bulk, in tank vehicles), as described in Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, from points in Dakota County, Nebr., to points in Illinois, Indiana, West Virginia, Virginia, Michigan, New Jersey, Delaware, Pennsylvania, New York, Maryland, Maine, New Hampshire, Vermont, Connecticut, Massachusetts, Rhode Island, Ohio, and Washington, D.C.

NOTE: If a hearing is deemed necessary, applicant does not specify place of hearing.

No. MC 114019 (Sub-No. 135), filed May 3, 1965. Applicant: MIDWEST EMERY FREIGHT SYSTEM, INC., 7000 South Pulaski Road, Chicago 3, Ill. Applicant's attorney: David Axelrod, 39 South La Salle Street, Chicago 3, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts, and articles distributed by meat packinghouses* (except hides and commodities in bulk, in tank vehicles), as described in Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, from Darr, Nebr., to points in Illinois, Indiana, West Virginia, Virginia, Michigan, New Jersey, Delaware, Pennsylvania, New York, Maryland, Maine, New Hampshire, Vermont, Connecticut, Massachusetts, Rhode Island, Ohio, and the District of Columbia.

NOTE: If a hearing is deemed necessary, applicant does not specify a location.

No. MC 114019 (Sub-No. 136), filed May 3, 1965. Applicant: MIDWEST EMERY FREIGHT SYSTEM, INC., 7000 South Pulaski Road, Chicago 3, Ill. Applicant's attorney: David Axelrod, 39 South La Salle Street, Chicago 3, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts, and articles distributed by meat packinghouses* (except hides and commodities in bulk, in tank vehicles), as described in Appendix I in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, from points in Dakota County, Nebr., to points in Illinois, Indiana, West Virginia, Virginia, Michigan, New Jersey, Delaware, Pennsylvania, New York, Maryland, Maine, New Hampshire, Vermont, Connecticut, Massachusetts, Rhode Island, Ohio, and Washington, D.C.

NOTE: If a hearing is deemed necessary, applicant does not specify place of hearing.

No. MC 114061 (Sub-No. 14), filed March 3, 1965. Applicant: HARRY SCHNEIDER AND ROSE F. SCHNEIDER, a partnership, doing business as SCHNEIDER'S TRANSFER, Fourth and Maury Streets, Richmond 25, Va. Applicant's attorney: Jno. C. Goddin, Insurance Building, 10 South 10th Street, Richmond, Va., 23219. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Such merchandise* as is dealt in by wholesale, retail, general, and chain grocery and food business houses, and, in connection therewith, *equipment, materials*, and *supplies* used in the conduct of such business, between the facilities of the Great Atlantic & Pacific Tea Company, Inc., located in Virginia and points in McDowell, Mingo, Mercer, Monroe, Greenbrier, Summers, Wyoming, and Raleigh Counties, W. Va.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Richmond, Va.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Richmond, Va.

No. MC 114211 (Sub-No. 78), filed April 26, 1965. Applicant: WARREN TRANSPORT, INC., Post Office Box 420, Waterloo, Iowa, 50704. Applicant's attorney: Charles W. Singer, 33 North La Salle Street, Chicago 2, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Tractors*, and *tractor attachments, agricultural implements*, and *agricultural machinery* and *parts*, from Bloomington, Minn., to points in Wisconsin, Minnesota, Iowa, Montana, North Dakota, South Dakota, and the Upper Peninsula of Michigan, and *rejected shipments*, on return.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 114273 (Sub-No. 15), filed April 28, 1965. Applicant: CEDAR RAPIDS STEEL TRANSPORTATION, INC., 3930 16th Avenue SW., Post Office Box 1904, Cedar Rapids, Iowa. Applicant's attorney: William P. Sullivan, 1825 Jefferson Place NW., Washington, D.C., 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes transporting: *Iron and steel articles*, between Sterling and Rock Falls, Ill., on the one hand, and, on the other, points in Iowa.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Davenport, Iowa, or Chicago, Ill.

No. MC 114364 (Sub-No. 104), filed April 20, 1965. Applicant: WRIGHT MOTOR LINES, INC., 16th and Elm Street, Rocky Ford, Colo. Applicant's attorney: Marion F. Jones, Suite 420, Denver Club Building, Denver, Colo. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dairy products*, from Parsons, Salina, and Moline, Kans., to points in Arizona, California, Colorado, New Mexico, and points in Texas on and west of U.S. Highway 87 to Big Springs, Tex., and on and north of U.S. Highway 80.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Denver, Colo.

No. MC 114364 (Sub-No. 105), filed April 23, 1965. Applicant: WRIGHT MOTOR LINES, INC., 16th and Elm Street, Rocky Ford, Colo. Applicant's attorney: Marion F. Jones, Suite 420, Denver Club Building, Denver, Colo. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer, fertilizer ingredients, and fertilizer compounds*, in bags and packages, from Henderson, Manzanola and Pueblo, Colo., to points in Arizona, Kansas, New Mexico, Oklahoma, and Texas.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Denver, Colo.

No. MC 114457 (Sub-No. 31), filed May 5, 1965. Applicant: DART TRANSIT COMPANY, a corporation, 780 North Prior Avenue, St. Paul, Minn. Applicant's attorney: Charles W. Singer, 33 North La Salle Street, Chicago, Ill., 60602. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dairy products* and *byproducts*, and such *materials, supplies*, and *equipment* as are incidental to the production, packing and sale of dairy products and byproducts, (1) from Minneapolis and St. Paul, Minn., to Topeka, Kans.; and (2) from points in Rice, Goodhue, Waseca, Freeborn, and Jackson Counties, Minn., to St. Joseph and Kansas City, Mo., and Topeka, Kans.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 114647 (Sub-No. 17), filed April 22, 1965. Applicant: ROBERT E. PLETCHER, doing business as PLETCHER TRANSFER & STORAGE, 605 East J Street, Forest City, Iowa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Travel trailers* (house vacation trailers), *travel coaches, topper coaches, campers* and *camp coaches*, in initial movements, in truckaway and towaway service, from Forest City, Iowa, to points in New Mexico, Idaho, and Washington, and *damaged, unclaimed, rejected* and *returned shipments* of the above commodities on return.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Forest City, Iowa.

No. MC 115066 (Sub-No. 6), filed April 23, 1965. Applicant: LEE MOTOR LINES, INC., Post Office Box 728, Muncie, Ind. Applicant's attorney: Donald W. Smith, Suite 511 Fidelity Building, Indianapolis, Ind., 46204. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Glass containers*, one gallon or less in capacity, from Winchester, Ind., to Oconomowoc and Racine, Wis., and *returned shipments, pallets*, and *skids* on return.

NOTE: Applicant is also authorized to conduct operations as a common carrier in Certificate MC 109611 Sub 2, therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Indianapolis, Ind.

No. MC 115162 (Sub-No. 113), filed May 6, 1965. Applicant: WALTER POOLE, doing business as POOLE TRUCK LINE, Post Office Box 310, Evergreen, Ala. Applicant's representative: Robert E. Tate, 2031 9th Avenue, South Birmingham, Ala. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Truck bodies*, knocked down and *parts* therefor, from Wapakoneta, Ohio, to points in Georgia, Louisiana, Florida, Mississippi, and Alabama (except Birmingham and 65 miles thereof, and Mobile).

NOTE: If a hearing is deemed necessary, applicant requests it be held at Atlanta, Ga., or Cincinnati, Ohio.

No. MC 115257 (Sub-No. 17), filed April 28, 1965. Applicant: SHAMROCK VAN LINES, INC., Post Office Box 5447, Dallas, Tex. Applicant's attorney: Max G. Morgan, 443–54 American National Building, Oklahoma City 2, Okla. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fixtures*, including but not limited to *refrigeration units, display cases, prefabricated walk-in coolers* and *air-conditioning units*, restricted to when moving in mixed shipments consisting of crates and uncrated items, between San Antonio, Tex., on the one hand, and, on the other, points in the continental United States including the ports of entry located on the International Boundary lines between the United States and Canada and between the United States and Mexico.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Dallas, Tex.

No. MC 115331 (Sub-No. 133), filed April 29, 1965. Applicant: TRUCK TRANSPORT, INCORPORATED, 707 Market Street, St. Louis, Mo. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lime, limestone*, and *limestone products*, from Kansas City, Mo., to points in Kansas, Missouri, and Nebraska.

NOTE: If a hearing is deemed necessary, applicant requests it be held at St. Louis or Kansas City, Mo.

No. MC 115331 (Sub-No. 134), filed May 3, 1965. Applicant: TRUCK TRANSPORT INCORPORATED, 707 Market Street, St. Louis, Mo. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Charcoal, charcoal briquettes*, and (2) *wood chips, vermiculite, lighter fluid* and *associated items* used or useful in the preparation of barbecue, when moving in the same vehicle with items specified in (1) above, from Burnside, Ky., to points in Michi-

gan, Minnesota, Wisconsin, and points in Illinois (except Chicago) on and north of U.S. Highway 36 and points in Indiana (except Indianapolis) on and north of U.S. Highway 36.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Milwaukee, Wis., Louisville, Ky. or Washington, D.C.

No. MC 115491 (Sub-No. 68), filed April 22, 1965. Applicant: COMMERCIAL CARRIER CORPORATION, 502 East Bridgers Avenue, Auburndale, Fla. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dairy products substitutes* and *beverage preparations*, requiring refrigeration in vehicles equipped for temperature control, from Chicago, Ill. to points in Alabama, Florida, Georgia, Kentucky, Mississippi, North Carolina, South Carolina, Tennessee, Virginia, and West Virginia.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 115841 (Sub-No. 237) filed April 22, 1965. Applicant: COLONIAL REFRIGERATED TRANSPORTATION, INC., 1215 Bankhead Highway West, Post Office Box 2169, Birmingham, Ala. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from Cleveland, Ohio, to points in Florida, restricted to the transportation of traffic in consolidated lots moving on a single bill of lading, the components of which are destined to points in more than one State.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Cleveland, Ohio.

No. MC 116038 (Sub-No. 24) filed April 27, 1965. Applicant: NORTHERN MOTOR CARRIERS, INC., Route 9 Saratoga Road, Fort Edward, N.Y. Applicant's attorney: Harold G. Hernly, 711 Fourteenth Street NW., Washington 5, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Talc*, in bulk, in pressure differential tank vehicles, from West Windsor, Vt., to North Brunswick, N.J., and *refused* and *rejected material*, on return.

NOTE: Applicant is also authorized to conduct operations as a contract carrier in Permit MC 117561 and subs thereunder, therefore, dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 116063 (Sub-No. 67), filed April 22, 1965. Applicant: WESTERN-COMMERCIAL TRANSPORT, INC., 2400 Cold Springs Road, Fort Worth, Tex. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Sugars, syrups*, and *blends* thereof, in bulk, from Sugarland, Tex. to points in Arkansas, Oklahoma, New Mexico, and Louisiana.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Houston, Tex.

No. MC 116077 (Sub-No. 181), filed May 3, 1965. Applicant: ROBERTSON TANK LINES, INC., Post Office Box 9527, 5700 Polk Avenue, Houston, Tex., 77011. Applicant's attorney: Mert Starnes, 721 Brown Building, Austin, Tex., 78701. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Commodities*, in bulk, having prior movement by rail, water, or pipeline, between points in the United States (except Alaska and Hawaii).

NOTE: Applicant states that it seeks no duplicating authority. If a hearing is deemed necessary, applicant requests it be held at Houston, Tex.

No. MC 116099 (Sub-No. 1), filed April 22, 1965. Applicant: WOODWORTH & SONS, INC., Tolono, Ill. Applicant's attorney: Robert T. Lawley, 306–308 Reisch Building, Springfield, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Crude* and *edible vegetable oils*, in bulk, from Decatur, Bloomington, and Gibson City, Ill., to Havana and Mapleton, Ill.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Springfield, Ill.

No. MC 116254 (Sub-No. 57), filed May 5, 1965. Applicant: CHEM-HAULERS, INC., Post Office Box 245, Sheffield, Ala. Applicant's attorney: Walter Harwood, Nashville Bank and Trust Building, Nashville 3, Tenn. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Commodities*, in bulk, having a prior or subsequent movement by rail, water, or pipeline, between points in Alabama, Arkansas, Florida, Georgia, Louisiana, Mississippi, Missouri, Oklahoma, Tennessee, and Texas.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Montgomery or Birmingham, Ala., or New Orleans, La., or Memphis, Tenn., or Atlanta, Ga.

No. MC 116763 (Sub-No. 51), filed April 22, 1965. Applicant: CARL SUBLER TRUCKING, INC., Auburndale, Fla. Applicant's mailing address, North West Street, Versailles, Ohio. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Animal and poultry feeds* and *supplements* therefor, between points in Alabama, Georgia, Mississippi, and South Carolina, on the one hand, and, on the other, points in Florida.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Atlanta, Ga.

No. MC 117119 (Sub-No. 209), filed April 26, 1965. Applicant: WILLIS SHAW FROZEN EXPRESS, INC., Elm Springs, Ark. Applicant's attorney: John H. Joyce, 26 North College, Fayetteville, Ark. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from Humboldt, Tenn., to points in Illinois, Michigan, Arkansas, Indiana, Kentucky, Ohio, Pennsylvania, New York, Massachusetts, Connecticut, Rhode Island, New Jersey, Delaware, Maryland, the District of Columbia, Virginia, West Virginia, North Carolina, South Carolina, Georgia, Florida, Alabama, Mississippi, Louisiana, Kansas, Maine, New Hampshire, Vermont, and Wisconsin.

NOTE: Applicant states that it can presently serve all destination territory shown above by tacking its various certificates, except all of Arkansas, and the States of Illinois and Michigan. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 117416 (Sub-No. 14), filed April 20, 1965. Applicant: NEWMAN AND PEMBERTON CORPORATION, 2007 University Avenue NW., Knoxville, Tenn. Applicant's attorney: William P. Sullivan, 1825 Jefferson Place NW., Washington, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Canned and processed foodstuffs* (other than frozen), (a) from Louisville, Ky., and points in Indiana on, east, and south of a line beginning at the Kentucky-Indiana State line and extending north along Indiana Highway 135 to Indianapolis, Ind., thence along U.S. Highway 31 to junction Indiana Highway 26, thence east along Indiana Highway 26 to the Indiana-Ohio State line to points in Alabama, Arkansas, Florida, Georgia, Illinois, Indiana, Kentucky, Louisiana, Maryland, Mississippi, North Carolina, Ohio, South Carolina, Tennessee, Virginia, West Virginia, and the District of Columbia, (b) from Knoxville, Tenn., to points in Alabama, Arkansas, Florida, Georgia, Illinois, Indiana, Kentucky, Louisiana, Missouri, Mississippi, North Carolina, Ohio, South Carolina, Virginia, and West Virginia, (c) from Newport, Sevierville, and Tellico Plains, Tenn., to points in Alabama, (2) *cleaning compounds and paper napkins, when loaded with canned or processed foodstuffs*, from Indianapolis, Ind., to points in Alabama, Arkansas, Florida, Georgia, Illinois, Kentucky, Louisiana, Maryland, Mississippi, North Carolina, Ohio, South Carolina, Tennessee, Virginia, West Virginia, and the District of Columbia.

NOTE: Applicant states it "now holds a portion of the authority sought but does not seek duplicate authority." If a hearing is deemed necessary, applicant requests it be held at Indianapolis, Ind.

No. MC 117574 (Sub-No. 121), filed April 23, 1965. Applicant: DAILY EXPRESS, INC., Post Office Box 39, M.R. No. 3, Carlisle, Pa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Tractors, with or without attachments, tractor attachments, lawn, farm and gardening and snow removal equipment*, between Richmond, Ind., on the one hand, and, on the other, points in Maine, New Hampshire, Vermont, Massachusetts, Connecticut, Rhode Island, New York, Pennsylvania, New Jersey, Delaware, Maryland, District of Columbia, Virginia, West Virginia, and North Carolina.

NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 117574 (Sub-No. 122), filed April 27, 1965. Applicant: DAILY EXPRESS, INC., Post Office Box 39, M.R. No. 3, Carlisle, Pa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Tractors, tractor attachments, agricultural, farm and garden implements, equipment and machinery* (except those articles which because of size or weight require the use of special equipment), between Coldwater, Ohio, and points in New Jersey, Delaware, Maryland, Virginia, West Virginia, and Pennsylvania east of a line extending along the eastern boundary of McKean, Cameron, Clearfield, Indiana, Westmoreland, and Fayette Counties, Pa.

NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 117815 (Sub-No. 41), filed April 26, 1965. Applicant: PULLEY FREIGHT LINES, INC., 2341 Easton Boulevard, Des Moines, Iowa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum* and *petroleum products, compounded oils and greases, rust preventatives and rust-removing compounds, brake fluid, carbon, gum and sludge-removing compounds, car undercoating, body sealer* and *sound deadening compounds*, all in containers, from Kansas City, Kans., to points in Iowa, Nebraska, Minnesota, and Wisconsin.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Kansas City, Mo.

No. MC 117883 (Sub-No. 42), filed April 23, 1965. Applicant: SUBLER TRANSFER, INC., East Main Street, Versailles, Ohio. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs*, canned, prepared or preserved (other than frozen), from points in Delaware and Maryland, points in Atlantic, Burlington, Camden, Cape May, Cumberland, Gloucester, Ocean, and Salem Counties, N.J., and points in Accomack and Northampton Counties, Va., to points in Illinois, Indiana, Iowa, Kentucky, Michigan, Minnesota, Missouri, Ohio, and Wisconsin.

NOTE: If a hearing is deemed necessary, applicant does not specify a location.

No. MC 117883 (Sub-No. 43), filed April 23, 1965. Applicant: SUBLER TRANSFER, INC., East Main Street, Versailles, Ohio. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from Belvidere, Ill., to points in Connecticut, the District of Columbia, Delaware, Indiana, Kentucky, Maine, Maryland, Massachusetts, Michigan, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Vermont, Virginia, and West Virginia.

NOTE: If a hearing is deemed necessary, applicant does not specify a location.

No. MC 117883 (Sub-No. 44) filed April 26, 1945. Applicant: SUBLER TRANSFER, INC., East Main Street, Versailles, Ohio. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods and frozen products, including frozen animal and poultry food*, from New Bedford, Mass., and points within 20 miles of New Bedford, Mass., to points in Illinois, Indiana, Iowa, Kentucky, Michigan, Minnesota, Nebraska, Ohio, and Wisconsin, including all ports of entry of the Canadian provinces at Quebec and Ontario for the purpose of transfer of shipments destined to points in the Dominion of Canada.

NOTE: If a hearing is deemed necessary, applicant does not specify place of hearing.

No. MC 117883 (Sub-No. 45), filed April 26, 1965. Applicant: SUBLER TRANSFER, INC., East Main Street, Versailles, Ohio. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts and articles distributed by meat packinghouses*, as described by the Commission, in sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, from the plant site of Platte Valley Packing Co. located in Dawson County, Nebr., to points in Connecticut, Delaware, the District of Columbia, Illinois, Indiana, Maine, Maryland, Massachusetts, Michigan, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Vermont, Virginia, Wisconsin, and West Virginia. Restricted (1) to the transportation of shipments originating at the aforesaid plantsite and/or cold storage facilities utilized by Platte Valley Packing Co., in Dawson County, Nebr., and (2) against liquids in bulk, in tank vehicles, and hides.

NOTE: If a hearing is deemed necessary, applicant does not specify place of hearing.

No. MC 117883 (Sub-No. 46), filed April 26, 1965. Applicant: SUBLER TRANSFER, INC., East Main Street, Versailles, Ohio. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts and articles distributed by meat packinghouses*, as described in sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, from Garden City, Kans., and points within 10 miles thereof, to points in Connecticut, Delaware, District of Columbia, Illinois, Indiana, Maine, Maryland, Massachusetts, Michigan, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Vermont, Virginia, Wisconsin, and West Virginia.

NOTE: Applicant does not specify place of hearing if one is deemed necessary.

No. MC 118527 (Sub-No. 3) filed March 1, 1965. Applicant: SOURDOUGH EXPRESS INC., 508 12th Avenue, Post Office Box 288, Fairbanks, Alaska. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, commodities in bulk, and those requiring special equipment), between points in that part of Alaska bounded by a line beginning at the junction of the United States-Canada Boundary line and Alaska Highway 2, at or near Boundary, Alaska, and extending north along the United States-Canada Boundary line to its junction with the Yukon River, near Eagle, Alaska, thence north and west along the Yukon River to the confluence of the Yukon and Tenana Rivers at or near Tanana, Alaska, thence east along the Tanana River to the confluence of the Tanana and the Kantishna Rivers, thence south along the Kantishna River to Kantishna, Alaska, thence east along an unnumbered highway between Kantishna, Alaska, and Alaska Highway 3 to junction Alaska Highway 3, thence along Alaska Highway 3 to junction Alaska Highway 8, thence east along Alaska Highway 8 to Paxson, Alaska, thence along an imaginary line drawn in an easterly direction from Paxson to Slana, Alaska, located on Alaska Highway 1, thence easterly along an imaginary line to the point of beginning (presently authorized territory), on the one hand, and, on the other, Haines, Alaska, restricted to through traffic interlined at Haines, Alaska, with no local service on shipments originating at or destined to Haines, Alaska.

NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Fairbanks, Alaska.

No. MC 118595 (Sub-No. 5), filed April 29, 1965. Applicant: J. K. WYATT, doing business as J. K. WYATT TRUCKING CO., Gatesville, N.C. Applicant's attorney: Jno. C. Goddin, Insurance Building, 10 South 10th Street, Richmond, Va., 23219. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wood fences and wood fence materials* from points in Gates County, N.C., and Nansemond County, Va., to points in Alabama, Connecticut, Delaware, the District of Columbia, Florida, Georgia, Indiana, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Mississippi, Missouri, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Texas, Vermont, Virginia, and West Virginia, and *damaged, refused and rejected shipments* of the above commodities, on return.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 119422 (Sub-No. 30), filed April 26, 1965. Applicant: EE-JAY MOTOR TRANSPORTS, INC., 15th and Lincoln, East St. Louis, Ill. Applicant's attorney: Ernest A. Brooks II, 1301–02 Ambassador Building, St. Louis, Mo. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry fertilizer*, in bulk, between points in Illinois on and south of U.S. Highway 136, on the one hand, and, on the other, points in Missouri.

NOTE: If a hearing is deemed necessary, applicant requests it be held at St. Louis, Mo.

No. MC 119555 (Sub-No. 3), filed May 6, 1965. Applicant: OIL AND INDUSTRY SUPPLIERS LTD., 400 Archibald Street, St. Boniface, Manitoba, Canada. Applicant's attorney: Donald A. Morken, 1000 First National Bank Building, Minneapolis, Minn., 55402. Authority sought to operate as a *common carrier*, by motor vehicle, over ir-

regular routes, transporting: *Petroleum and petroleum products*, in foreign commerce only, from points in Minnesota and North Dakota, to the ports of entry located on the international boundary line between the United States and Canada located in Minnesota and North Dakota.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Minneapolis, Minn.

No. MC 119567 (Sub-No. 3), filed April 22, 1965. Applicant: F. H. McCLURE AND R. V. ESTELL, a partnership, doing business as EMPIRE TRANSPORT, 2007 Overland Road, Boise, Idaho. Applicant's attorney: Kenneth G. Bergquist, 110 Bank of Idaho Building, Boise, Idaho, 83702. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cement and cement products*, in containers or in bulk, from Lime, Oreg., to the Hells Canyon Dam Site located on the Snake River between Oregon and Idaho, approximately fourteen (14) miles north of Homestead, Oreg.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Boise, Idaho.

No. MC 119684 (Sub-No. 5), filed March 24, 1965. Applicant: FULLERTON MOTOR TRUCK SERVICE, INC., 1821 West 33d Place, Chicago, Ill., 60608. Applicant's representative: George S. Mullins, 4704 West Irving Park Road, Chicago, Ill., 60641. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Compressed gases* (not including petroleum gases), in multiple-cylinder or tube trailers, (2) *liquid gases* (cryogenics) (not including petroleum gases), in pressure vehicles, between Chicago and Sterling, Ill., on the one hand, and, on the other, points in Indiana, Iowa, Michigan, Missouri, Ohio, and Wisconsin (3) *empty or partially empty multiple cylinder banks, and multiple cylinder or tube trailers*, between points in Indiana, Iowa, Michigan, Missouri, Ohio, and Wisconsin, on the one hand, and, on the other, Chicago, and Sterling, Ill., and (4) *compressed gases* (not including petroleum gases), in pressure cylinders, in specially constructed motor vehicles, between Chicago and Sterling, Ill., on the one hand, and, on the other, points in Indiana, Iowa, Michigan, Missouri, Ohio, and Wisconsin.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 119767 (Sub-No. 74) filed April 28, 1965. Applicant: BEAVER TRANSPORT CO., a corporation, 100 South Calumet Street, Burlington, Wis. Applicant's representative: Fred H. Figge, Post Office Box 339, Burlington, Wis. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products*, and *meat byproducts*, as described in Section A of Appendix I to the report in *Descriptions in Motor Carrier Certificates* 61 M.C.C. 209 and 766 (except hides), (1) from Peoria, Ill., to points in Iowa and Wisconsin and (2) from Cedar Rapids, Dubuque, Ottumwa, and Waterloo, Iowa, and Omaha, Nebr., to points in Illinois (except E. St. Louis and Chicago) and points in Lake, Porter, Jasper, La Porte, Newton, Starke, St. Joseph, Elkhart, and Marshall Counties, Ind. Restricted against the transportation in bulk in tank vehicles.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 119778 (Sub-No. 88), filed May 3, 1965. Applicant: REDWING CARRIERS, INC., Post Office Box 34, Powderly Station, Birmingham, Ala. Applicant's attorney: Frank B. Hand, Jr., 921 17th Street NW., Washington 6, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Commodities* in bulk, having a prior movement by rail, water, or pipeline, between points in Alabama, Arkansas, Florida, Georgia, Louisiana, Mississippi, Missouri, Oklahoma, Tennessee, and Texas.

NOTE: If a hearing is deemed necessary, applicant requests it be held at New Orleans, La., or Atlanta, Ga.

No. MC 119944 (Sub-No. 6), filed April 28, 1965. Applicant: BROCKWAY FAST MOTOR FREIGHT, INC., 568 Central Avenue, Somerville, N.J. Applicant's representative: Bert Collins, 140 Cedar Street, New York 6, N.Y. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Talc*, in bulk, in pressure differential tank-vehicles, from the Town of West Windsor, Vt., to points in New Jersey:

NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or New York, N.Y.

No. MC 120240 (Sub-No. 2), filed May 5, 1965. Applicant: FREEMAN TRANSFER, INC., Fremont, Nebr. Applicant's attorney: Bill Gilmore, Dodge County Courthouse, Fremont, Nebr. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products, meat byproducts* and *articles distributed by meat packinghouses* (except hides and liquids in bulk, in tank vehicles), from points in Saunders County, Nebr., to points in Missouri on and south of U.S. Highway 40 and points in Kansas on and south of U.S. Highway 50.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Fremont, Nebr.

No. MC 120543 (Sub-No. 28), filed April 22, 1965. Applicant: FLORIDA REFRIGERATED SERVICE, INC., U.S. 301, North, Post Office Box 1297, Dade City, Fla., 33525. Applicant's attorney: Lawrence D. Fay, Post Office Box 1086, Jacksonville, Fla., 32201. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs*, from Plant City, Fla., to points in Mississippi, Louisiana, Arkansas, Texas, Oklahoma, Kansas, Nebraska, North Dakota, South Dakota, Wyoming, Colorado, New Mexico, Arizona, Utah, Idaho, Nevada, California, Oregon, and Washington, and *exempt commodities*, on return.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Tampa, Fla.

No. MC 120792 (Sub-No. 2), filed April 23, 1965. Applicant: G. A. MEYER, JR., doing business as CANOVA TRANSFER, Canova, S. Dak. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, between Sioux Falls, Canova, Unityville, and Epiphany, S. Dak.

NOTE: If a hearing is deemed necessary, applicant does not specify place of hearing.

No. MC 123393 (Sub-No. 63), filed April 22, 1965. Applicant: BILYEU REFRIGERATED TRANSPORT CORPORATION, 1914 East Blaine Street, Springfield, Mo. Applicant's attorney: Herman W. Huber, 101 East High Street, Jefferson City, Mo. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts* and *articles distributed by meat packinghouses*, from Lexington, Nebr., and points within five (5) miles thereof, and Minden, Nebr., and points within five (5) miles thereof, to points in Arizona, California, Idaho, Nevada, Oregon, Utah, and Washington, and *exempt commodities* on return.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 123393 (Sub-No. 64), filed April 22, 1965. Applicant: BILYEU REFRIGERATED TRANSPORT CORPORATION, 1914 East Blaine Street, Springfield, Mo. Applicant's attorney: Herman W. Huber, 101 East High Street, Jefferson City, Mo. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts, and articles distributed by meat packinghouses*, as described in sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk, in tank vehicles), from Lexington, Nebr., and points within five (5) miles thereof, and Minden, Nebr., and points within five (5) miles thereof, to points in Arkansas, Illinois, Iowa, Kansas, Missouri, Oklahoma, Tennessee, Kentucky, and Indiana.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr.

No. MC 123868 (Sub-No. 6), filed May 3, 1965. Applicant: CANA TRANSPORT CO., INC., 706 Franklin Avenue, Endicott, N.Y. Applicant's attorney: Donald C. Carmien, 300 Press Building, Binghamton, N.Y., 13902. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Green cattle hides*, for the account of Memphis Hide Corporation, from Memphis, Tenn., to Buffalo, N.Y.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Binghamton, N.Y.

No. MC 124078 (Sub-No. 137), filed April 26, 1965. Applicant: SCHWERMAN TRUCKING CO., a corporation, 611 South 28th Street, Milwaukee, Wis., 53246. Applicant's attorney: James R. Ziperski (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Commodities*, in bulk, from points in Morgan County, Ala., to points in Alabama, Georgia, Illinois, Indiana, Kentucky, Mississippi, North Carolina, Ohio, South Carolina, Tennessee, Virginia, and West Virginia.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Montgomery, Ala.

No. MC 124078 (Sub-No. 138), filed May 7, 1965. Applicant: SCHWERMAN TRUCKING CO., a corporation, 611 South 28th Street, Milwaukee, Wis., 53246. Applicants' attorney: James R. Ziperski (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals*, dry, in bulk, in tank or hopper-type vehicles, from points in Mason County, W. Va., to points in the United States, except Alaska and Hawaii).

NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 124211 (Sub-No. 34), filed May 6, 1965. Applicant: HILT TRUCK LINE, INC., 1813 Yolande Street, Post Office Box 824, Lincoln, Nebr. Applicant's attorney: J. Max Harding, Post Office Box 2028, Lincoln, Nebr., 68501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Glassware* and *glass containers* with or without their equipment of *caps, covers, tops* or *stoppers, paper cartons* or *accessories for glass containers*, from the plant site of Anchor Hocking Glass Corp., at or near Gurnee, Ill., and points within a 10-mile radius thereof, to points in Colorado, Kansas, Minnesota, Montana, Nebraska, North Dakota, South Dakota, Wisconsin, and Wyoming and *damaged or rejected shipments*, on return; and (2) *materials, supplies*, and *equipment* as are used in the manufacture of glassware, from points in Colorado, Kansas, Minnesota, Montana, Nebraska, North Dakota, South Dakota, Wisconsin, and Wyoming, to the plant site of Anchor Hocking Glass Corp. at Gurnee, Ill., and *damaged* or *rejected shipments*, on return.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 124218 (Sub-No. 5), filed April 30, 1965. Applicant: UNIT TRANSPORTATION, INC., Ford Boulevard and Fifth Street, Hamilton, Ohio. Applicant's attorney: Albert J. Tener, Bank of Jamestown Building, Jamestown, N.Y., 14701. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Special events trailers and advertising material related thereto*, in initial movements, in truckaway service, from Hamilton, Ohio, to points in the United States (except Hawaii and Alaska), and (2) *returned shipments* of the above specified commodities, in secondary movements from points in the United States (except Hawaii and Alaska), to Hamilton, Ohio.

NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Buffalo, N.Y.

No. MC 124669 (Sub-No. 11), filed April 22, 1965. Applicant: TRANSPORT, INC., OF SOUTH DAKOTA, a corporation, 1012 West 41st Street, Sioux Falls, S. Dak. Applicant's attorney: Ronald B. Pitzenbarger, Post Office Box 396, Moorhead, Minn. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Anhydrous ammonia* and *liquid fertilizer solutions*, in bulk, from the Consumers Cooperative Association plant located at or near Fort Dodge, Iowa, to points in Illinois, Kansas, Minnesota, Missouri, Nebraska, North Dakota, and South Dakota.

NOTE: Applicant does not specify place of hearing, if one is deemed necessary.

No. MC 125756 (Sub-No. 3), filed April 29, 1965. Applicant: JOHN M. KELLY, doing business as KELLY TRUCKING COMPANY, 534 Woodbine Drive, Lexington, Ky. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts, dairy products*, and *articles distributed by meat packinghouses* as defined by the Commission, from Lexington, Ky., to points in Bath, Boyle, Fleming, Franklin, Mercer, Montgomery, Scott, and Woodford Counties, Ky.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Frankfort, Ky.

No. MC 125777 (Sub-No. 58), filed May 5, 1965. Applicant: JACK GRAY TRANSPORT, INC., 3200 Gibson Transfer Road, Hammond, Ind. Applicant's attorney: David Axelrod, 39 South La Salle Street, Chicago 3, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Sand*, in bulk, in hydraulic dump vehicles (other than hopper or tank vehicles), from Troy Grove, Ill., to points in Wisconsin.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 125792 (Sub-No. 2), filed May 5, 1965. Applicant: ALLAN A. McDONALD, doing business as A & A CLUB SERVICE & GARAGE, 1016 North Alvarado Street, Los Angeles 26, Calif. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wrecked and disabled autos* and *other motor vehicles*, from points in Clark, Mineral, and Washoe Counties, Nev., and points in Coconino, Maricopa, Mohave, Navajo, Pima, Yavapai, and Yuma Counties, Ariz., to points in Los Angeles, Calif., commercial zone.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Los Angeles, Calif.

No. MC 125996 (Sub-No. 2), filed April 29, 1965. Applicant: JENSEN TRUCKING CO., INC., 807 Washington Street, Gothenburg, Nebr. Applicant's attorney: Richard A. Peterson, Post Office Box 2028, Lincoln, Nebr. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Commercial feeds*, in bulk and/or bags and/or packages, (1) from points in Kansas (except Muncie), to points in Nebraska, Wyoming, Utah, and Montana, and (2) from points in Iowa, to points in Idaho, Utah, and Montana.

NOTE: Applicant states the above operations will be restricted against the transportation of salt and salt compounds, crushed and ground oyster shells, and animal feed, grade sugar, and molasses, in bulk. If a hearing is deemed necessary, applicant requests it be held at Lincoln, Nebr.

No. MC 126145 (Sub-No. 4), filed April 21, 1965. Applicant: PHILLIPS TRUCKING, a corporation, 20299 Valley Boulevard, Rialto, Calif. Applicant's attorney: R. Y. Schureman, 1010 Wilshire Boulevard, Los Angeles, Calif., 90017. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Potash*, in bulk, from Trona, Calif., to points in Arizona.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Los Angeles, Calif.

No. MC 126402 (Sub-No. 4), filed April 29, 1965. Applicant: JACK WALKER TRUCKING SERVICE, INC., 844 Louden Avenue, Lexington, Ky. Applicant's attorney: George M. Catlett, 703–706 McClure Building, Frankfort, Ky. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages*, in containers, from Milwaukee, Wis., and St. Joseph, Mo., to points in Jefferson County, Ky.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Louisville, Ky.

No. MC 126403 (Sub-No. 1), filed April 23, 1965. Applicant: APPLIANCE DELIVERY CORP., Southeast Corner 19th & Allegheny Avenue, Philadelphia, Pa., 19132. Applicant's attorney: M. Mark Mendel, 1901 P.S.F.S. Building, Philadelphia, Pa., 19107. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Household appliances*, including, but not limited to stereos, ranges and televisions, between Philadelphia, Pa., and points in New Jersey and Delaware.

NOTE: Applicant states the proposed service will be limited to electrical or gas appliances needing installation and subsequent servicing and performed for Appliance Service Installation Corp. If a hearing is deemed necessary, applicant requests it be held at Philadelphia, Pa.

No. MC 126537 (Sub-No. 9), filed April 29, 1965. Applicant: KENT I. TURNER, KENNETH E. TURNER, AND ERVIN L. TURNER, a partnership, doing business as TURNER EXPEDITING SERVICE, Post Office Box 21132, Louisville, Ky. Applicant's attorney: George M. Catlett, Suite 703–706 McClure Building, Frankfort, Ky., 40601. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except Classes A and B explosives), between Standiford Field (Airport) at Louisville, Ky., on the one hand, and, on the other, points in Barren County, Ky., restricted to the handling of shipments having an

immediate prior or immediate subsequent movement by air.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Louisville, Ky.

No. MC 126717 (Sub-No. 4), filed April 26, 1965. Applicant: WALTER PLOUGH, doing business as WALT'S DRIVE-A-WAY SERVICE, Rural Route No. 4, Kuebler Road, Evansville, Ind. Applicant's attorney: John E. Lesow, 3737 North Meridian Street, Indianapolis, Ind. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chassis for self-propelled cranes* in driveaway service, from Evansville, Ind., Erie, Pa., to points in Florida.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Indianapolis, Ind., or Louisville, Ky.

No. MC 126736 (Sub-No. 40), filed April 26, 1965. Applicant: PETROLEUM CARRIER CORPORATION OF FLORIDA, 369 Margaret Street, Jacksonville, Fla. Applicant's attorney: Martin Sack, 710 Atlantic Bank Building, Jacksonville, Fla., 32202. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum products*, in bulk, in tank vehicles, from Jacksonville and St. Marks, Fla., to points in Georgia.

NOTE: Applicant states that all duplicating authority is to be eliminated. If a hearing is deemed necessary, applicant requests it be held at Jacksonville, Fla.

No. MC 126869 (Sub-No. 1), filed May 3, 1965. Applicant: M & W TRUCKING, INC., Post Office Box 58, Bowdon, Ga. Applicant's attorney: Paul M. Daniell, 1600 First Federal Building, Atlanta, Ga., 30303. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Solid and semipneumatic tires, plastic or rubber handle bar grips, pedals and mud flaps, plastic streamers and wheels, steel wheels* and *wheels mounted with solid or semipneumatic tires*, from Bowdon, Ga., to points in Alabama, Arkansas, Illinois, Indiana, Kentucky, Louisiana, Mississippi, Missouri, Ohio, Tennessee, and Texas; (2) *solid and semipneumatic tires* (which have moved inbound from Bowdon, Ga., for mounting) and *wheels, mounted*, (a) from Selma, Ala., to points in the destination states described in (1) above; (b) from Akron, Ohio, to points in Ohio; and (3) *materials, equipment* and *supplies* used in the production of the above described commodities, from points in Alabama, Arkansas, Illinois, Indiana, Kentucky, Louisiana, Mississippi, Missouri, Ohio, Tennessee, and Texas, to Bowdon, Ga.

NOTE: Applicant states that the above proposed operations will be performed for the account of Textile Rubber Co., Inc. If a hearing is deemed necessary, applicant requests it be held at Atlanta, Ga.

No. MC 126934 (Sub-No. 1), filed April 19, 1965. Applicant: GULF MOVING & STORAGE CO., INC., 427 Galennie Street, New Orleans, La. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Containerized new and used household goods and hold baggage*, in the same vehicles, between New Orleans, La., on the the one hand, and, on the other, points in Orleans, Jefferson, St. Charles, St. Bernard, St. Tammany, Washington, Plaquemines, Lafourche, Terrebonne, St. Mary, St. Martin, St. James, Assumption, Iberia, Iberville, St. Helena, East Baton Rouge, West Baton Rouge, Ascension, Livingston, Tangipahoa, St. John the Baptist, Beauregard, Calcasieu, West Feliciana, East Feliciana, Pointe Coupee, Lafayette, St. Landry, Evangeline, Jefferson Davis, Vermillion, and Vernon Parishes, La., and points in Hancock, Harrison, Pearl River, Stone, Jackson, and George Counties, Miss., and Mobile and Baldwin Counties, Ala.

NOTE: If a hearing is deemed necessary, applicant requests it be held at New Orleans, La.

No. MC 126983 (Sub-No. 2), filed April 27, 1965. Applicant: YOUNGBLOOD VAN & STORAGE CO. OF ANNISTON, INC., 501–507 Noble Street, Anniston, Ala. Applicant's attorney: Joseph F. Muilins, Jr., One Farragut Square South, Washington, D.C., 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in Alabama within a 125-mile radius of Montgomery, Ala., including Montgomery, Ala., restricted to shipments having a prior or subsequent movement beyond said points, in containers, and further restricted to pickup and delivery service incidental to and in connection with packing, crating and containerization, or unpacking, uncrating and decontainerization of such shipments.

NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Montgomery, Ala.

No. MC 127159 (CORRECTION), filed April 13, 1965, published in FEDERAL REGISTER issue of May 5, 1965, and republished as corrected this issue. Applicant: STANDARD TRUCKING CO., INC., Post Office Box 93, Bay Minette, Ala. Applicant's representative: Robert E. Tate, 2031 Ninth Avenue South, Birmingham, Ala. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *New furniture*, from the plant site of Standard Furniture Manufacturing Co., located at Bay Minette, Ala., to points in the United States (except Hawaii and Alaska), and (2) *new furniture, equipment, materials, and supplies used in the manufacture and distribution* of new furniture, from points in the United States (except Hawaii and Alaska), to the plant site of Standard Furniture Manufacturing Co., located at Bay Minette, Ala.

NOTE: The above proposed operations will be under continuing contract or contracts with Standard Furniture Manufacturing Co., Inc., and its affiliated or subsidiary companies. The purpose of this republication is to correctly set forth the authority sought. If a hearing is deemed necessary, applicant requests it be held at either Mobile or Birmingham, Ala.

No. MC 127165 (Sub-No. 1), filed April 20, 1965. Applicant: ROCKNE TRUCK RENTAL CORP., 369A Duffy Avenue, Hicksville, Long Island, N.Y. Applicant's representative: William D. Traub, 10 East 40th Street, New York 16, N.Y. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Scrap metals* and *materials*, from points in Nassau and Suffolk Counties, N.Y., to points in New Jersey and New York, N.Y., steamship piers.

NOTE: If a hearing is deemed necessary, applicant requests it be held at New York, N.Y.

No. MC 127188 (Sub-No. 1), filed April 21, 1965. Applicant: DON PALMER AND HERBERT WALKER, a partnership, doing business as P & W TRANSPORT CO., 5104 Lower Birdville Road, Fort Worth, Tex. Applicant's attorney: M. Ward Bailey, Continental Life Building, Fort Worth, Tex., 76102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Green and wet salted hides and sheep pelts*, from points in Oklahoma, Texas, and Louisiana to the ports along the Gulf of Mexico extending from New Orleans, La., to Brownsville, Tex., including New Orleans, La., and Brownsville, Tex., and the ports of entry located on the international boundary line between the United States and Mexico located in Texas.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Dallas, Tex.

No. MC 127199, filed April 19, 1965. Applicant: ROY E. SCHOTT, doing business as TRI-STATE MOBILE HOME MOVER, Route 4, Box 322, Swanton, Ohio. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Mobile homes*, between points in Ohio, Michigan, and Indiana.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Swanton, Ohio.

No. MC 127200, filed April 23, 1965. Applicant: WEST BEND IMPLEMENT COMPANY, INC., 1200 North Main Street, West Bend, Wis., 53095. Applicant's attorney: Leo F. Schlaefer, Corner of Sixth and Hickory, West Bend, Wis., 53095. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Farm machinery*, (1) between points in Washington, Ozaukee, Sheboygan, Fond du Lac, Dodge, Jefferson, Waukesha, and Milwaukee Counties, Wis.; and (2) between Waupaca, Wis., on the one hand, and, on the other, points in Winnebago, Outagamie, Waushara, and Waupaca Counties, Wis.

NOTE: If a hearing is deemed necessary, applicant requests it be held at West Bend, Wis.

No. MC 127205, filed April 15, 1965. Applicant: ARTHUR B. McMILLEN, doing business as McMILLEN & SONS GARAGE, Box 551, New Paris, Pa. Applicant's attorney: Gordon E. Stroup, 8–10 Court House Square, Bedford, Pa. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Disabled vehicles and replacement vehicles*, between points in Bedford County, Pa., and points in Ohio, West Virginia, Maryland, Virginia, New York, New Jersey, and the District of Columbia.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Pittsburgh, Pa.

No. MC 127208, filed April 22, 1965. Applicant: FREELAND D. NASH, Wheatley, Ark. Applicant's attorney: Jimason J. Daggett, Suite 1, Daggett Building, Marianna, Ark., 72360. Authority to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Farm machinery and implements*, from Minneapolis, Minn., Waterloo, Iowa, South Bend, Ind., Athens, Tenn., and Minden, La., to Wheatley, Stuttgart, Holly Grove, and Forrest City, Ark.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Little Rock, Ark.

No. MC 127210, filed April 26, 1965. Applicant: T AND R CARTAGE CO., a corporation, 121 East 115th Street, Chicago, Ill. Applicant's attorney: Harold E. Marks, 208 South La Salle Street, Chicago 4, Ill. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *New and used kitchen cabinets and home appliances*, from points in that part of the Chicago commercial zone located in Illinois, as defined by the Commission to points in Lake, Porter, La Porte, Starke, and St. Joseph Counties, Ind., and *refused, rejected and damaged shipments*, on return.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 127214, filed April 26, 1965. Applicant: T. J. SMITH doing business as SMITTY'S AIRFREIGHT EXPEDITING SERVICE COMPANY, 7600 Cedar Springs Road, Dallas, Tex. Applicant's attorney: Hugh T. Matthews, 630 Fidelity Union Tower, Dallas, Tex. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except household goods and Classes A and B explosives), having an immediately prior or immediately subsequent movement by aircraft, between airports located in Dallas and Tarrant Counties, Tex., on the one hand, and, on the other, points in Wilbarger, Baylor, Throckmorton, Shackleford, Callahan, Coleman, McCulloch, Mason, Wichita, Archer, Young, Stephens, Eastland, Brown, San Saba, Llano, Clay, Jack, Palo Pinto, Erath, Comanche, Mills, Lampasas, Burnet, Hamilton, Montague, Wise, Parker, Hood, Somervell, Bosque, Coryell, Bell, Williamson, Travis, Cooke, Denton, Tarrant, Dallas, Johnson, Hill, McLennan, Falls, Milam, Bastrop, Lee, Robertson, Limestone, Ellis, Navarro, Collin, Grayson, Rockwall, Kaufman, Henderson, Anderson, Van Zandt, Hunt, Fannin, Lamar, Delta, Hopkins, Rains, Wood, Smith, Cherokee, Nacogdoches, Rusk, Gregg, Upshur, Camp, Franklin, Red River, Bowie, Titus, Morris, Cass, Marion, Harrison, Panola, Shelby, San Augustine, Sabine, and Freestone Counties, Texas.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Dallas, Tex.

No. MC 127220, filed April 26, 1965. Applicant: A. C. EXPRESS, INC., 4350 Kendrick Street, Golden, Colo. Applicant's attorney: Marion F. Jones, Suite 420 Denver Club Building, Denver, Colo., 80202. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages, and related advertising material*, from Golden, Colo. to points in Nevada, New Mexico, Oklahoma, Texas, Utah, and Wyoming.

NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Denver, Colo.

No. MC 127221, filed April 26, 1965. Applicant: WILLIAM C. RACINE, 2676 Carpenter Road, Lapeer, Mich. Applicant's attorney: Walter N. Bieneman, Suite 1700 One Woodward Avenue, Detroit, Mich., 48226. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Prepared foods*, requiring mechanically refrigerated equipment, in shipper-owned and carrier-owned trailers, between Kalamazoo, Mich., on the one hand, and, on the other, points in Michigan.

NOTE: Applicant states that the above proposed service will be performed under continuing contract with Dean Foods Co., Chicago, Ill. If a hearing is deemed necessary, applicant requests it be held at Lansing, Mich.

No. MC 127228, filed April 29, 1965. Applicant: GEORGE PHILLIPS, doing business as P–5 TRUCKING CO., 5 Hansen Road, Old Bridge, N.J. Applicant's representative: George A. Olsen, 69 Tonnele Avenue, Jersey City, N.J., 07306. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Such commodities, equipment, materials and supplies* used, sold or dealt in by food processing manufacturers, between the Federal Bakers Supplies Corp.'s plant, located in Garfield, N.J., on the one hand, and, on the other, points in Delaware, Connecticut, Maryland, New York, and Pennsylvania.

NOTE: Applicant states it will be under a continuing contract with Federal Bakers Supplies Corp., Garfield, N.J. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

MOTOR CARRIER OF PASSENGERS

No. MC 1515 (Sub-No. 80), filed April 20, 1965. Applicant: GREYHOUND LINES, INC., 140 South Dearborn Street, Chicago, Ill. Applicant's attorney: Robert J. Bernard (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage*, in the same vehicle with passengers, in charter bus service, (1) from Flandreau, S. Dak., to Gettysburg, Mobridge Corner, Mobridge, and McLaughlin, S. Dak., Garrison Corner, Garrison, Fort Totten, Belcourt, Raub, Parshall, and New Town, N. Dak., Poplar, Wolf Creek, Glasgow, Dobson, Fort Belknap, Havre, Dixon and Browning, Mont., and (2) from above enumerated points in Montana, North Dakota, and South Dakota to Flandreau, S. Dak.

NOTE: Applicant states outbound trips from Flandreau will be made at the end of the school year in May or June transporting students to their homes for the summer vacation period. Return trips to Flandreau will be made in September for the opening of school. The proposed transportation service will consist of groups of Indian students, under the supervision of the U.S. Department of the Interior, Bureau of Indian Affairs. If a hearing is deemed necessary, applicant requests it be held at Sioux Falls, S. Dak.

No. MC 3600 (Sub-No. 5) (CORRECTION), filed April 6, 1965, published FEDERAL REGISTER, issue of April 28, 1965, and republished as corrected this issue. Applicant: FRANK MARTZ COACH COMPANY, a corporation, 239 Old River Road, Wilkes-Barre, Pa. Applicant's attorney: John J. Dempsey, Jr., Suite 1200, Miners National Bank Building, Wilkes-Barre, Pa. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers and their baggage, and express and newspapers*, in the same vehicle with passengers, during the season extending May 15 to October 15, both inclusive, of each year, between the junction of the Northeast Extension of the Pennsylvania Turnpike and the Pennsylvania Turnpike and Atlantic City, N.J., from junction of the Northeast Extension of the Pennsylvania Turnpike and the Pennsylvania Turnpike over the Pennsylvania Turnpike to Valley Forge Interchange (No. 24), thence over Interstate Highways 76 and 676 to junction New Jersey Highway 42, thence over New Jersey Highway 42 to junction Atlantic City Expressway, and thence over Atlantic City Expressway to Atlantic City, and return over the same route, serving no intermediate points, but serving junction of Northeast Extension of the Pennsylvania Turnpike and the Pennsylvania Turnpike for purpose of joinder only, as an alternate route for operating convenience only in connection with applicant's presently authorized regular route operations between Scranton and Wilkes-Barre, Pa., and between Atlantic City, N.J., and New York, N.Y.

NOTE: The purpose of this republication is to correctly set forth the proposed operation in lieu of the proposal as previously published in error. If a hearing is deemed necessary, applicant requests it be held at Philadelphia, Pa., or New York, N.Y.

No. MC 126280 (Sub-No. 2), filed April 22, 1965. Applicant: AIRPORT TRANSFER CO., LIMITED, Post Office Box 1555, Halifax, Nova Scotia, Canada. Applicant's attorney: S. Harrison Kahn, Suite 733 Investment Building, Washington, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage*, in round trip charter and special operations, beginning and ending at the ports of entry located on the international boundary line between the United States and Canada, and extending to points in the United States (except Alaska and

Hawaii), restricted to foreign commerce only.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Augusta, Maine.

APPLICATIONS FOR BROKERAGE LICENSES

MOTOR CARRIERS OF PASSENGERS

No. MC 12952, filed April 21, 1965. Applicant: EVERGREEN TOURS, INC., 1936 Westlake Avenue, Seattle, Wash., 98101. For a license (BMC 5) to engage in operations as a *broker* at Seattle, Wash., in arranging for the transportation in interstate or foreign commerce of *Passengers and their baggage*, in charter and special operations, beginning and ending at Bremerton, Tacoma, and Seattle, Wash., and extending to points in the United States, including the ports of entry located on the international boundary lines between the United States and Canada and between the United States and Mexico.

No. MC 12953, filed April 26, 1965. Applicant: LYNN F. BUCKLIN, SR., doing business as WIDE WORLD TRAVEL, 315 West Broadway, Eugene, Oreg. Applicant's attorney: Howard E. Speer, 641 Pearl Street, Eugene, Oreg., 97401. For a license (BMC 5) to engage in operations as a *broker* at Eugene, Oreg., in arranging for transportation in interstate or foreign commerce, of *passengers and their baggage*, between points in the United States.

APPLICATIONS IN WHICH HANDLING WITHOUT ORAL HEARING HAS BEEN REQUESTED

MOTOR CARRIERS OF PROPERTY

No. MC 3009 (Sub-No. 58), filed April 29, 1965. Applicant: WEST BROTHERS, INC., 706 East Pine Street, Hattiesburg, Miss., 39402. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, and commodities in bulk), between Lucedale, Miss., and Pascagoula, Miss.; from Lucedale over Mississippi Highway 26 to junction Mississippi Highway 63, thence over Mississippi Highway 63 to junction U.S. Highway 90, thence over U.S. Highway 90 to Pascagoula and return over the same route, serving all intermediate points.

NOTE: Applicant states that it presently holds authority as an alternate route, over the above described route and the purpose of this application is to acquire authority to serve all intermediate points.

No. MC 47323 (Sub-No. 17), filed May 3, 1965. Applicant: ANDERSON TRUCKING CO., a corporation, Rural Delivery No. 4, Mercer, Pa. Applicant's attorney: William W. Knox, 23 West 10th Street, Erie, Pa., 16501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Coal*, in bulk, in dump vehicles, from points in Tioga County, Pa., to points in New York on and west of U.S. Highway 11 from the New York-Pennsylvania State line to Binghamton, N.Y., thence on and west of New York Highway 7 to Colliersville, thence on and west of New York Highway 28 to Alder Creek, and thence on and west of New York Highway 12 to the St. Lawrence River, and the international boundary line between the United States and Canada.

No. MC 118785 (Sub-No. 4), filed April 23, 1965. Applicant: UNITED CASKET TRANSPORT, INC., 3329-3335 Arch Street, Philadelphia, Pa., 19104. Applicant's attorney: Ralph C. Busser, Jr., 1710 Locust Street, Philadephia, Pa., 19103. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Caskets, casket shells, casket covers, and funeral supplies*, all uncrated (1) from Scranton, Pa., to points in the District of Columbia, Florida, Maryland, Massachusetts, New Jersey, New York, Ohio, Rhode Island, Pennsylvania, Vermont, Virginia, and West Virginia; (2) from Richmond, Ind., to points in Illinois, Iowa, Wisconsin, Michigan, Indiana, Kentucky, Tennessee, Ohio, and West Virginia; (3) from Springfield, Ohio, to points in Ohio, Michigan, Illinois, Indiana, Missouri, Iowa, Minnesota, Wisconsin, Nebraska, California, Colorado, Oklahoma, Montana, Washington, Kentucky, Virginia, Tennessee, West Virginia, Pennsylvania, New York, North Carolina, South Carolina, Georgia, Florida, Massachusetts, Connecticut, the District of Columbia, New Jersey, Delaware, Maryland, and Rhode Island; (4) from Nashua, N.H., to points in the United States (except Alaska and Hawaii); (5) from Syracuse, N.Y., to points in Maine, Vermont, New Hampshire, Massachusetts, Connecticut, New Jersey, Rhode Island, Virginia, West Virginia, Maryland, the District of Columbia, North Carolina, South Carolina, Georgia, Florida, Alabama, Mississippi, Louisiana, Texas, Oklahoma, Arkansas, Tennessee, Kentucky, and Illinois; (6) from Erwin, Tenn., and Lancaster, Ky., to points in California, Colorado, the District of Columbia, Florida, Illinois, Maryland, Massachusetts, Michigan, Missouri, Oregon, Pennsylvania, Rhode Island, Tennessee, and Texas; (7) from Philadelphia, Pa., to points in Massachusetts, New Hampshire, Vermont, Virginia, Michigan, Maine, and Illinois, and *damaged, defective, and returned shipments* of the above commodities, on return.

No. MC 123807 (Sub-No. 2), filed April 30, 1965. Applicant: RENNOLDS POTTERFIELD, 725a Stanton Street, Monroe City, Mo. Applicant's attorney: Thomas P. Rose, Jefferson Building, Jefferson City, Mo. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lime*, dry, in bulk, from points in Adams County, Ill., to Kansas City, Mo.

No. MC 124997 (Sub-No. 1), filed May 3, 1965. Applicant: R. F. TRUESDELL CO., a corporation, 1616 West 47th Street, Ashtabula, Ohio. Applicant's attorney: T. Baldwin Martin, 503 First National Bank Building, Macon, Ga., 31201. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Pulp board and fiber board*, and *corrugated pulpboard and fibreboard boxes, boxes*, from Hattiesburg, Miss. to points in Alabama, Louisiana, and that portion of Florida west of the Apalachicola River.

No. MC 126485 (Sub-No. 2), filed April 22, 1965. Applicant: McINTIRE BROTHERS, INC., Rural Route No. 2, Knox, Ind. Applicant's attorney: Warren C. Moberly, 1212 Fletcher Trust Building, Indianapolis, Ind. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Fruit juices, fruit juice concentrate*, and *fruit juice drinks*, in retail containers, from West Allis, Wis., to points in that part of Indiana bounded by a line beginning at Michigan City, Ind., and extending along U.S. Highway 35 to junction U.S. Highway 24, thence along U.S. Highway 24 to Huntington, Ind., and thence along U.S. Highway 224 to the Indiana-Ohio State line.

No. MC 126683 (Sub-No. 2), filed April 23, 1965. Applicant: JOSEPH P. SOVAK, MD No. 3 Cromwell Road, Monroe, N.Y. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat and poultry*, from New York, N.Y., and Newark, N.J., to points in Orange and Rockland Counties, N.Y., and *refused, rejected, and damaged shipments* of the above commodities, on return.

No. MC 127207, filed April 23, 1965. Applicant: CACHE VALLEY DAIRY ASSOCIATION, a corporation, Smithfield, Utah. Applicant's attorney: Harry D. Pugsley, Suite 600, El Paso Natural Gas Building, 315 East Second South, Salt Lake City, Utah, 84111. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Grocery store items*, from San Francisco and points in Alameda, San Mateo, Santa Clara, Los Angeles, Orange, and San Bernardino Counties, Calif., to points in Salt Lake, Davis, Weber, and Cache Counties, Utah, and *exempt commodities*, on return.

NOTE: Applicant states: "Applicant is a bona fide agricultural cooperative association and is presently performing this service as back-haul as part of its transportation of its cheese to California. The transportation is by the Association in its own vehicles, controlled by it and operated by its own employees. Applicant in good faith asserts that such transportation is exempt under section 203(b)(5). It is not the purpose of the applicant to enter into general carrier business, but to limit such activities exclusively to back-haul, and if this contract carrier application is granted it would eliminate any controversy about the exemption and applicant reserves all of its rights under such exemption statute."

By the Commission.

[SEAL] BERTHA F. ARMES, *Acting Secretary.*

[F.R. Doc. 65-5255; Filed, May 18, 1965; 8:47 a.m.]

[Notice 1178]

MOTOR CARRIER TRANSFER PROCEEDINGS

MAY 17, 1965.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 179), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC-67802. By order of May 14, 1965, the Transfer Board approved the transfer to John J. Carroll, doing business as World's Fair Limousine Service, 231 Spring Street, Naugatuck, Conn., of the operating rights in Certificate No. MC-125160 (Sub-No. 2) issued August 11, 1964, to Eastern Limousine Service, Inc., Sunset Drive, Naugatuck, Conn., limited in point of time contingent upon conditions for period in 1964 and 1965 that the New York World's Fair is open to the public, authorizing transportation, over irregular routes, of: Passengers and their baggage, in special operations, in nonscheduled service, limited to the transportation of not more than 11 passengers in any one vehicle not including the driver thereof, and not including children under 10 years of age who do not occupy a seat or seats, between Waterbury, Naugatuck, Seymour, Derby, and Stratford, Conn., on the one hand, and, on the other, the site of New York World's Fair at Flushing Meadows, Flushing, N.Y.

[SEAL] BERTHA P. ARMES, *Acting Secretary.*

[F.R. Doc. 65-5301; Filed, May 18, 1965; 8:49 a.m.]

FOURTH SECTION APPLICATIONS FOR RELIEF

MAY 14, 1965.

Protests to the granting of an application must be prepared in accordance with Rule 1.40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 39765—*Liquid Caustic Soda to Westover, Ga.* Filed by O. W. South, Jr., agent (No. A4682), for interested rail carriers. Rates on liquid caustic soda, in tank carloads, and on shipments subject to minimum of 4 tank carloads, from LeMoyne, Ala., to Westover, Ga.

Grounds for relief: Market competition.

Tariff: Supplement 185 to Southern Freight Association, agent, tariff I.C.C. S-194.

FSA No. 39766—*Chlorine to Palatka, Fla.* Filed by O. W. South, Jr., agent (No. A4683), for interested rail carriers. Rates on chlorine, in tank carloads, from LeMoyne, Ala., to Palatka, Fla.

Grounds for relief: Market competition.

Tariff—Supplement 185 to Southern Freight Association, agent, tariff I.C.C. S-194.

FSA No. 39767—*Liquid caustic soda to Palatka, Fla.* Filed by O. W. South, Jr., agent (No. A4684), for interested rail carriers. Rates on liquid caustic soda, in tank carloads, from LeMoyne, Ala., to Palatka, Fla.

Grounds for relief: Market competition.

Tariff: Supplement 185 to Southern Freight Association, agent, tariff I.C.C. S-194.

FSA No. 39768—*Chlorine from LeMoyne, Ala.* Filed by O. W. South, Jr., agent (No. A4685), for interested rail carriers. Rates on chlorine, in tank carloads, from LeMoyne, Ala., to Jacksonville and South Jacksonville, Fla.

Grounds for relief: Market competition.

Tariff: Supplement 187 to Southern Freight Association, agent, tariff I.C.C. S-194.

FSA No. 39769—*Chlorine to Nixon, Ga.* Filed by O. W. South, Jr., agent (No. A4686), for interested rail carriers. Rates on chlorine, in tank carloads, from LeMoyne, Ala., to Nixon, Ga.

Grounds for relief—Market competition.

Tariff: Supplement 186 to Southern Freight Association, agent, tariff I.C.C. S-194.

FSA No. 39770, as amended—*Iron and steel articles to Vicksburg, Miss.* Filed by Illinois Freight Association, agent (No. 283), for interested rail carriers. Rates on iron and steel articles, viz.: bars or rods, noibn, plates or sheets, noibn, also strip steel, noibn, in carloads, from Chicago, Ill., and points in Chicago switching district, including Lemont, Joliet, and South Chicago, Ill., and Gary and Indiana Harbor, Ind., also Alton, Federal, and East St. Louis, Ill., to Vicksburg, Miss.

Grounds for relief: Barge competition.

Tariff: Supplement 35 to Illinois Freight Association, agent, tariff I.C.C. 1035.

FSA No. 39771—*T.O.F.C. rates from and to points in WTL territory.* Filed by Western Trunk Line Committee, agent (No. A-2406), for interested rail carriers. Rates on property moving on class and commodity rates loaded in trailers and transported on railroad flat cars, between Elberton, Ga., and Lewisburg, Tenn., on the one hand, and points in western trunk-line territory, on the other.

Grounds for relief: Motor-carrier competition, short-line distance formula and grouping.

Tariff: Supplement 3 to Western Trunk Line Committee, agent, tariff I.C.C. A-4582.

FSA No. 39772—*Joint motor-rail rates—Niagara Frontier.* Filed by Niagara Frontier Tariff Bureau, Inc., agent (No. 37), for interested carriers. Rates on various commodities moving on class and commodity rates over joint routes of applicant rail and motor carriers, between points in central States, middle Atlantic and New England territories, on the one hand, and points in the Provinces of Ontario and Quebec, Canada, on the other.

Grounds for relief: Motor-truck competition.

Tariff: Supplement 4 to Niagara Frontier Tariff Bureau, Inc., agent, tariff MF-I.C.C. 64.

FSA No. 39773—*Joint motor-rail rates—Niagara Frontier.* Filed by Niagara Frontier Tariff Bureau, Inc., agent (No. 38), for interested carriers. Rates on various commodities moving on class and commodity rates over joint routes of applicant rail and motor carriers, between points in central States and middlewest territories, on the one hand, and points in Provinces of Ontario and Quebec, Canada, on the other.

Grounds for relief: Motor-truck competition.

Tariff: Supplement 4 to Niagara Frontier Tariff Bureau, Inc., agent, tariff MF-I.C.C. 64.

FSA No. 39774—*Alumina from Bauxite, Ark.* Filed by Southwestern Freight Bureau, agent (No. B-8726), for interested rail carriers. Rates on alumina, calcined or hydrated, in bulk in covered hopper cars, in carloads, from Bauxite, Ark., to Cincinnati, Ohio, and Louisville, Ky.

Grounds for relief: Market competition.

Tariff: Supplement 78 to Southwestern Freight Bureau, agent, tariff I.C.C. 4529.

By the Commission.

[SEAL] BERTHA F. ARMES, *Acting Secretary.*

[F.R. Doc. 65-5253; Filed, May 18, 1965; 8:47 a.m.]

CUMULATIVE LIST OF CFR PARTS AFFECTED—MAY

The following numerical guide is a list of the parts of each title of the Code of Federal Regulations affected by documents published to date during May.

3 CFR

Page

PROCLAMATIONS:
- 1713 (superseded in part by Proc. 3656) — 6571
- 3172 (superseded by Proc. 3655) — 6467
- 3399 (superseded by Proc. 3655) — 6467
- 3655 — 6467
- 3656 — 6571

EXECUTIVE ORDER:
- Apr. 19, 1892 (revoked in part by PLO 3656) — 6437
- 823 (see EO 11220) — 6425
- 10530 (revoked in part by EO 11222) — 6469
- 10784 (superseded by EO 11223) — 6635
- 10845 (superseded by EO 11223) — 6635
- 10939 (revoked by EO 11222) — 6469
- 11071 (superseded in part by EO 11224) — 6679
- 11125 (revoked by EO 11222) — 6469
- 11126 (amended by EO 11221) — 6427
- 11219 — 6381
- 11220 — 6425
- 11221 — 6427
- 11222 — 6469
- 11223 — 6635
- 11224 — 6679

PRESIDENTIAL DOCUMENTS OTHER THAN PROCLAMATIONS AND EXECUTIVE ORDERS:
- Memorandum of July 20, 1961 (revoked by EO 11222) — 6469
- Memorandum of May 2, 1963 (revoked by EO 11222) — 6469

4 CFR

- 52 — 6429

5 CFR

- 213 — 6215, 6241, 6337, 6478, 6637, 6765
- 332 — 6337
- 591 — 6511

6 CFR

- 73 — 6573

7 CFR

- 28 — 6637
- 29 — 6573
- 51 — 6711
- 54 — 6207
- 55 — 6141, 6207
- 56 — 6207
- 58 — 6637
- 70 — 6207
- 81 — 6207
- 210 — 6207, 6479
- 301 — 6243, 6245, 6770
- 354 — 6429
- 707 — 6246
- 717 — 6144
- 719 — 6511
- 722 — 6712
- 724 — 6144, 6146, 6207
- 842 — 6338
- 862 — 6247
- 863 — 6248
- 864 — 6248
- 905 — 6638, 6770
- 908 — 6148, 6429, 6681, 6771
- 909 — 6430
- 910 — 6148, 6430, 6479, 6681, 6712
- 918 — 6431
- 944 — 6638
- 965 — 6338
- 970 — 6479
- 1002 — 6639
- 1138 — 6573
- 1421 — 6338, 6511, 6681
- 1468 — 6383
- 1472 — 6383
- 1483 — 6771
- 1487 — 6639
- 1488 — 6249

PROPOSED RULES:
- 28 — 6255
- 31 — 6350
- 33 — 6782
- 51 — 6658
- 70 — 6395
- 777 — 6686
- Ch. IX — 6355, 6438, 6523
- 930 — 6255
- 993 — 6782
- 1008 — 6659
- 1040 — 6163
- 1042 — 6163
- 1097 — 6534
- 1102 — 6534
- 1108 — 6534
- 1138 — 6538

8 CFR

- 214 — 6479
- 231 — 6776
- 251 — 6776

9 CFR

- 318 — 6731

PROPOSED RULES:
- 201 — 6360

10 CFR

- 30 — 6575

12 CFR

- 12 — 6160
- 204 — 6339
- 206 — 6731
- 561 — 6517

PROPOSED RULES:
- 261 — 6275
- 262 — 6275
- 563 — 6544

13 CFR

- 121 — 6778

14 CFR

- 39 — 6150, 6431, 6577, 6639, 6640
- 61 — 6577
- 71 — 6150, 6215, 6241, 6384–6387, 6478, 6577–6579, 6640–6642, 6682, 6765.
- 73 — 6242, 6387, 6388
- 75 — 6150, 6241, 6242, 6432, 6642
- 77 — 6713
- 91 — 6388
- 95 — 6766
- 97 — 6151, 6329, 6714
- 99 — 6242
- 121 — 6432, 6725
- 127 — 6432

PROPOSED RULES:
- 39 — 6188, 6274
- 67 — 6188
- 71 — 6189, 6225, 6397, 6399, 6400, 6402, 6443, 6588, 6589, 6735, 6736, 6793–6795
- 73 — 6402, 6444, 6736
- 75 — 6443
- 91 — 6541
- 129 — 6541
- 399 — 6650

15 CFR

- 201 — 6749

16 CFR

PROPOSED RULES:
- 303 — 6275

17 CFR

- 240 — 6642

18 CFR

- 157 — 6518

19 CFR

- 10 — 6149

PROPOSED RULES:
- 13 — 6688

21 CFR

- 121 — 6215, 6339, 6389, 6433, 6477, 6478, 6579, 6643, 6732.
- 133 — 6475
- 144 — 6389

PROPOSED RULES:
- 8 — 6490, 6733–6735
- 121 — 6588, 6689
- 141a — 6795

25 CFR

- 131 — 6579

PROPOSED RULES:
- 1 — 6438
- 221 — 6523

26 CFR

- 1 — 6216, 6340, 6480
- 170 — 6769
- 250 — 6217

PROPOSED RULES:
- 1 — 6222, 6349, 6486, 6488
- 31 — 6222
- 301 — 6222

29 CFR

- 50 — 6249
- 604 — 6218
- 606 — 6218
- 690 — 6482

PROPOSED RULES:
- 657 — 6224
- 697 — 6225
- 1501 — 6397
- 1502 — 6397
- 1503 — 6397

32 CFR

- 163 — 6161
- 175 — 6662
- 180 — 6662
- 516 — 6341
- 815 — 6343
- 882 — 6343

33 CFR

Page

- 80 — 6433
- 82 — 6434
- 86 — 6434
- 95 — 6434
- 135 — 6434
- 203 — 6161, 6388
- 204 — 6643
- 205 — 6644
- 207 — 6161, 6644
- 401 — 6580

36 CFR

- 2 — 6682
- 211 — 6345
- 311 — 6161
- 502 — 6482

37 CFR

- 1 — 6391, 6644
- 3 — 6644

PROPOSED RULES:
- 2 — 6687
- 4 — 6687

38 CFR

- 1 — 6435
- 2 — 6392
- 3 — 6549
- 14 — 6392

39 CFR

Page

- 4 — 6436
- 36 — 6436
- 37 — 6436
- 43 — 6436

41 CFR

- 1–3 — 6581
- 9–1 — 6483, 6519
- 9–3 — 6683
- 9–4 — 6519
- 9–6 — 6519
- 9–7 — 6519
- 9–8 — 6585
- 9–9 — 6684
- 9–54 — 6684
- 101–5 — 6684
- 101–44 — 6649

42 CFR

PROPOSED RULES:
- 73 — 6795

43 CFR

PUBLIC LAND ORDERS:
- 3638 — 6585
- 3655 — 6392
- 3656 — 6437
- 3657 — 6586

45 CFR

Page

- 130 — 6393

46 CFR

- 25 — 6517
- 137 — 6713

47 CFR

- 0 — 6250, 6778
- 1 — 6778, 6780
- 2 — 6219, 6388
- 15 — 6250
- 73 — 6251, 6519, 6520
- 83 — 6778

PROPOSED RULES:
- 2 — 6226
- 15 — 6541, 6689
- 73 — 6274, 6275, 6543, 6590, 6651

49 CFR

- 1 — 6485
- 95 — 6220
- 97 — 6394
- 141 — 6162

50 CFR

- 26 — 6587
- 33 — 6344, 6521, 6587
- 60 — 6149

PROPOSED RULES:
- 32 — 6224

THE UNIVERSITY OF MICHIGAN
MAY 25 1965
MAIN READING ROOM

FEDERAL REGISTER

VOLUME 30 • NUMBER 97

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Pages 6831–6898

Agencies in this issue—

The President
Agricultural Research Service
Atomic Energy Commission
Civil Aeronautics Board
Civil Service Commission
Consumer and Marketing Service
Federal Aviation Agency
Federal Communications Commission
Federal Maritime Commission
Federal Power Commission
Fish and Wildlife Service
Food and Drug Administration
General Services Administration
Housing and Home Finance Agency
Interstate Commerce Commission
Land Management Bureau
Maritime Administration
National Park Service
Securities and Exchange Commission
Small Business Administration
Tariff Commission

Detailed list of Contents appears inside.



THE NATIONAL ARCHIVES OF THE UNITED STATES • 1934 •

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Volume 78

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[88th Cong., 2d Sess.]

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Contents

THE PRESIDENT

PROCLAMATION

Prayer for peace, Memorial Day, 1965 6835

EXECUTIVE AGENCIES

AGRICULTURAL RESEARCH SERVICE

Rules and Regulations

Enforcement of Federal Insecticide, Fungicide, and Rodenticide Act; interpretation of requirements with respect to directions for use 6857

AGRICULTURE DEPARTMENT

See Agricultural Stabilization and Conservation Service; Consumer and Marketing Service.

ATOMIC ENERGY COMMISSION

Notices

New York State; memorandum of understanding 6883

CIVIL AERONAUTICS BOARD

Notices

Air Traffic Conference of America; deferring action on agreement 6884
International Air Transport Assn.; specific commodity rates 6884

CIVIL SERVICE COMMISSION

Rules and Regulations

Excepted service:
Health, Education, and Welfare Department 6857
Small Business Administration 6857

COMMERCE DEPARTMENT

See Maritime Administration.

CONSUMER AND MARKETING SERVICE

Rules and Regulations

Food stamp program; participation of retail food stores; wholesale food concerns and banks 6859
Peaches, fresh, in Georgia; expenses and rate of assessment 6858

FEDERAL AVIATION AGENCY

Rules and Regulations

Airworthiness directives:
Beech Model 23 aircraft 6837
Lockheed Models, certain 6837
Controlled zone; alteration 6838
Control zone and transition area; alteration 6838
Standard instrument approach procedures 6839
Transition area designation; correction 6838

Proposed Rule Making

Control zone, transition area and control area extension; alteration, designation and revocation 6872

FEDERAL COMMUNICATIONS COMMISSION

Rules and Regulations

Satellite communications; ownership and operation of initial earth stations 6862
UHF television channels; expanded use 6869

Notices

Hearings, etc.:
American Telephone and Telegraph Co 6885
Smiles of Virginia, Inc., and Petersburg Broadcasting Co., Inc 6888

FEDERAL MARITIME COMMISSION

Notices

American Export Isbrandtsen Lines, Inc., and First Atomic Ship Transport Inc.; agreements filed for approval 6888
Independent ocean freight forwarder applications; revision 6888

FEDERAL POWER COMMISSION

Notices

Hearings, etc.:
Atlantic Seaboard Corp 6879
Haun, W. G., et al 6874
Sumiton, Ala 6880
Walsh, Frank H., et al 6873

FISH AND WILDLIFE SERVICE

Rules and Regulations

Sport fishing in Montana:
Charles M. Russell National Wildlife Refuge 6871
Medicine Lake National Wildlife Refuge 6871
Ninepipe National Wildlife Refuge 6871
Pablo National Wildlife Refuge 6871

FOOD AND DRUG ADMINISTRATION

Rules and Regulations

Food additives; food starch-modified 6837

GENERAL SERVICES ADMINISTRATION

Rules and Regulations

Rules of Board of Contract Appeals; appeal file 6837

Notices

Standing interagency committees chaired by GSA; establishment or extension during fiscal years 1964 and 1965 6888

HEALTH, EDUCATION, AND WELFARE DEPARTMENT

See Food and Drug Administration.

HOUSING AND HOME FINANCE AGENCY

Notices

Regional Administrator, Region III (Atlanta); delegation of authority 6889

INTERIOR DEPARTMENT

See Fish and Wildlife Service; Land Management Bureau; National Park Service.

INTERSTATE COMMERCE COMMISSION

Notices

Fourth section applications for relief 6895
Motor carrier applications and certain other proceedings 6892
Motor carrier transfer proceedings 6896

LAND MANAGEMENT BUREAU

Notices

Alaska; amendment of public land order 6881
Nevada; filing of protraction diagrams (2 documents) 6881
Proposed withdrawal and reservation of lands:
New Mexico (2 documents) 6881, 6882
Oregon (2 documents) 6882

MARITIME ADMINISTRATION

Notices

Moore-McCormack Lines, Inc.; application 6883

NATIONAL PARK SERVICE

Rules and Regulations

Glacier National Park, Montana; eating, drinking and lodging establishments on private lands 6861

Notices

Catoctin Mountain Park, Md., Job Corps Conservation Center Director and Administrative Officer; delegation of authority 6883

SECURITIES AND EXCHANGE COMMISSION

Notices

Hearings, etc.:
Continental Vending Machine Corp 6889
General Public Utilities Corp 6889
Public Service Company of Oklahoma 6890

(Continued on next page)

CONTENTS

SMALL BUSINESS ADMINISTRATION

Notices

Delegations to Managers relating to financial assistance functions:
- La Crosse, Wis. — 6891
- Prairie du Chien, Wis. — 6891

Disaster area declarations:
- Minnesota — 6890
- Missouri — 6890
- Nebraska — 6891

TARIFF COMMISSION

Notices

Safety pins; report to President — 6891

List of CFR Parts Affected

(Codification Guide)

The following numerical guide is a list of the parts of each title of the Code of Federal Regulations affected by documents published in today's issue. A cumulative list of parts affected, covering the current month to date, appears at the end of each issue beginning with the second issue of the month.

A cumulative guide is published separately at the end of each month. The guide lists the parts and sections affected by documents published since January 1, 1965, and specifies how they are affected.

3 CFR

PROCLAMATION:
3657 — 6835

5 CFR

213 (2 documents) — 6857

7 CFR

362 — 6857
918 — 6858
1602 — 6859

14 CFR

39 (2 documents) — 6837
71 (3 documents) — 6838
97 — 6839

PROPOSED RULES:
71 — 6872

21 CFR

121 — 6837

36 CFR

7 — 6861

41 CFR

5–60 — 6837

47 CFR

25 — 6862
73 — 6869

50 CFR

33 (4 documents) — 6871

Presidential Documents

Title 3—THE PRESIDENT

Proclamation 3657

PRAYER FOR PEACE, MEMORIAL DAY, 1965

By the President of the United States of America

A Proclamation

On this Memorial Day, May 30, we will pay homage to our honored dead who gave their lives that this country might live in peace and freedom. Their numbers are legion, their deeds valorous, their memories hallowed.

They fought in the valleys of Pennsylvania, in the trenches at Verdun, and in the foxholes at Guadalcanal. Now America's sons are again making the highest sacrifice to protect for this and future generations the liberty won in past struggles.

Man possesses now the capacity to end war and preserve peace. We are able to eliminate poverty and share abundance, to overcome disease and illiteracy, and to bring to all our fellow citizens the fulfillment of their dream of a better life. We have the means to achieve these victories; now we need only the will.

We are a people with an abiding faith in a merciful God and in His goodness. It is not only fitting but necessary that we seek His guidance and help in the pursuit of these tasks.

For this purpose the Congress, in a joint resolution approved May 11, 1950 (64 Stat. 158), requested the President to issue a proclamation calling upon the people of the United States to observe each Memorial Day as a day of prayer for permanent peace:

NOW, THEREFORE, I, LYNDON B. JOHNSON, President of the United States of America, do hereby designate Memorial Day, Sunday, May 30, 1965, as a day of prayer for permanent peace, and I call upon the people of the Nation to pray for a lasting peace in which all mankind may reap the fruits of His blessing.

I designate the hour beginning in each locality at eleven o'clock in the morning of that day as the time for all Americans to join in prayer. I also urge the press, radio, television, and all other media of information to cooperate in this observance.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the United States of America to be affixed.

DONE at the City of Washington this fifteenth day of May in the year of our Lord nineteen hundred and sixty-five, and of the [SEAL] Independence of the United States of America the one hundred and eighty-ninth.

LYNDON B. JOHNSON

By the President:

GEORGE W. BALL,
Acting Secretary of State.

[F.R. Doc. 65-5348; Filed, May 18, 1965; 2:12 p.m.]

Rules and Regulations

Title 41—PUBLIC CONTRACTS AND PROPERTY MANAGEMENT

Chapter 5—General Services Administration

PART 5–60—CONTRACT APPEALS

Subpart 5–60.2—Rules of the General Services Administration Board of Contract Appeals

APPEAL FILE

The following material revises the Rules of the General Services Administration Board of Contract Appeals to extend the period of time within which an appeal file must be submitted by the Contracting Officer to the Board of Contract Appeals from 30 to 45 days.

Section 5–60.204–1 is amended to read as follows:

§ 5–60.204–1 Request, preparation, and submission.

The contracting officer will submit to the Board through the Central Office service or staff office concerned and through the Office of the General Counsel the following documents and information (herein referred to as the "appeal file") as promptly as possible after receipt of the Board's request therefor, and in any event so as to reach the Board within 45 days after such receipt.

(Sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c))

Effective date. This regulation is effective May 18, 1965.

Dated: May 12, 1965.

LAWSON B. KNOTT, Jr.,
Acting Administrator of General Services.

[F.R. Doc. 65–5308; Filed, May 19, 1965; 8:48 a.m.]

Title 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

SUBCHAPTER B—FOOD AND FOOD PRODUCTS

PART 121—FOOD ADDITIVES

Subpart D—Food Additives Permitted in Food for Human Consumption

FOOD STARCH-MODIFIED

The Commissioner of Food and Drugs, having evaluated the data in a petition (FAP 4A1190) filed by National Starch and Chemical Corp., 1700 West Front Street, Plainfield, N.J., 07063, and other relevant material, has concluded that an amendment should issue to provide for the safe use of a food starch-modified by treatment with not more than 0.3 percent epichlorohydrin and not more than 4.0 percent succinic anhydride. Therefore, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1)), and under the authority delegated to the Commissioner by the Secretary of Health, Education, and Welfare (21 CFR 2.90), § 121.1031(f) is amended by adding alphabetically an additional treatment, as follows:

§ 121.1031 Food starch-modified.

* * * * * * *

(f) * * *

* * * * * * *

Limitation
Epichlorohydrin, not to exceed 0.3 percent, and succinic anhydride, not to exceed 4.0 percent.

* * * * * * *

Any person who will be adversely affected by the foregoing order may at any time within 30 days from the date of its publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington, D.C., 20201, written objections thereto, preferably in quintuplicate. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof.

Effective date. This order shall be effective on the date of its publication in the FEDERAL REGISTER.

(Sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1))

Dated: May 4, 1965.

GEO. P. LARRICK,
Commissioner of Food and Drugs.

[F.R. Doc. 65–5326; Filed, May 19, 1965; 8:49 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Agency

[Docket No. 6490; Amdt. 39–67]

PART 39—AIRWORTHINESS DIRECTIVES

Beech Model 23 Aircraft

A proposal to amend Part 39 of the Federal Aviation Regulations to include an airworthiness directive requiring rerouting of the static lines to prevent water from entering the static lines through the fuselage static air ports and causing a system malfunction on Beech Model 23 aircraft was published in 30 F.R. 2469.

Interested persons have been afforded an opportunity to participate in the making of the amendment. No objections were received.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (25 F.R. 6489), § 39.13 of Part 39 (14 CFR Part 39), is hereby amended by adding the following new airworthiness directive:

BEECH. Applies to Model 23 aircraft Serial Numbers M–1 through M–334 except M–62.

Compliance required within 100 hours' time in service after the effective date of this AD, unless already accomplished.

To prevent water from entering the static lines through the fuselage static air ports and causing a system malfunction, accomplish the following or an FAA-approved equivalent:

(a) Remove the tee fitting from the static line connection just aft of the rear cabin bulkhead.

(b) Connect a 52-inch length of 0.25-inch O.D. by 0.040-inch wall polyethylene tubing to the static line running under the floorboard with a 262–P–¼ union.

(c) Place the pack nut and plastic ferrule not used with the union on the other end of the tubing and connect the tee fitting.

(d) Remove the clips which originally secured the static lines to the cabin bulkhead and use one to attach the static line to the top of the bulkhead just aft of the cabin bulkhead Station 239.00.

(e) Shorten the tubing from each static port to provide gentle curves and to prevent any low places in the line that could trap water between the static ports and the tee. Reconnect the two shortened static port lines to the tee fitting using either the original plastic ferrules and pack nuts or new like parts.

(Beech Service Bulletin No. 7 covers this same subject.)

This amendment shall become effective June 19, 1965.

(Sec. 313(a), 601, 603, Federal Aviation Act of 1958; 49 U.S.C. 1354(a), 1421, 1423)

Issued in Washington, D.C., on May 13, 1965.

G. S. MOORE,
Director, Flight Standards Service.

[F.R. Doc. 65–5281; Filed, May 19, 1965; 8:46 a.m.]

[Docket No. 6650; Amdt. 39–68]

PART 39—AIRWORTHINESS DIRECTIVES

Lockheed Models 1049C, 1049E, 1049G, and 1049H Series Aircraft

There have been several malfunctions of a radio transfer switch assembly on Lockheed Models 1049C, 1049E, 1049G, and 1049H series aircraft caused by the presence of wire clippings within the assembly. Such a malfunction could cause erratic indication of the aircraft radio navigation equipment. Since this condition is likely to exist or develop in other

products of the same type design, an airworthiness directive is being issued to require a visual inspection of each switch assembly, and removal of any wire clippings found.

As a situation exists which demands immediate adoption of this regulation, it is found that notice and public procedure hereon are impracticable and good cause exists for making this amendment effective in less than 30 days.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (25 F.R. 6489), § 39.13 of Part 39 of the Federal Aviation Regulations is amended by adding the following new airworthiness directive:

LOCKHEED. Applies to Models 1049C, 1049E, 1049G, and 1049H series aircraft equipped with Lockheed radio transfer switch assembly, P/N 319122.

Compliance required within the next 300 hours' time in service after the effective date of this AD unless already accomplished.

Disassemble each radio transfer switch assembly, P/N 319122, without unsoldering the wiring and visually inspect each part of the switch assembly for wire clippings. Remove any clippings found and reassemble the switch assembly before further flight.

NOTE: During the inspection required by this AD, particular attention should be given to the switch wafers.

This amendment becomes effective May 20, 1965.

(Secs. 313(a), 601, 603, Federal Aviation Act of 1958; 49 U.S.C. 1354(a), 1421, 1423)

Issued in Washington, D.C., on May 14, 1965.

C. W. WALKER,
Acting Director,
Flight Standards Service.

[F.R. Doc. 65-5282; Filed, May 19, 1965; 8:46 a.m.]

[Airspace Docket No. 65-CE-12]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Control Zone and Transition Area

On March 12, 1965, a notice of proposed rule making was published in the FEDERAL REGISTER (30 F.R. 3356) stating that the Federal Aviation Agency proposed to alter controlled airspace in the Bemidji, Minn., terminal area.

Interested persons were afforded an opportunity to participate in the rule making through submission of comments. All comments received were favorable.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0001 e.s.t., July 22, 1965, as hereinafter set forth.

1. In § 71.171 (29 F.R. 17581) the Bemidji, Minn., control zone is amended to read:

BEMIDJI, MINN.

Within a 5-mile radius of the Bemidji Municipal Airport (latitude 47°30'35" N., longitude 94°55'50" W.), within 2 miles each side of the Bemidji VOR 136° radial, extending from the 5-mile radius zone to the VOR and within 2 miles each side of the 262° bearing from the Bemidji Municipal Airport, extending from the 5-mile radius zone to 8 miles W of the airport, excluding the portion 9 miles SE of and parallel to the Bemidji VOR 024° and 204° radials. This control zone shall be effective during the times established by a Notice to Airmen and published continuously in the Airmen's Information Manual.

2. In § 71.181 (29 F.R. 17643) the Bemidji, Minn., transition area is amended to read:

BEMIDJI, MINN.

That airspace extending upward from 700 feet above the surface within a 6-mile radius of Bemidji Municipal Airport (latitude 47°30'35" N., longitude 94°55'50" W.), and within 2 miles each side of the 316° and 136° radials extending from the 6-mile radius area to 8 miles NW of the VOR, within 2 miles each side of the Bemidji VOR 135° radial extending from the 6-mile radius area to 17 miles SE of the VOR, within 5 miles N and 8 miles S of the 262° bearing from the Bemidji Municipal Airport, extending from the airport to 12 miles W of the airport; and that airspace extending upward from 1,200 feet above the surface within 5 miles NE and 8 miles SW of the Bemidji VOR 136° and 316° radials, extending from 4 miles SE to 13 miles NW of the VOR, and within 5 miles SW and 8 miles NE of the Bemidji VOR 135° radial, extending from 7 miles SE of the VOR to 22 miles SE of the VOR.

(Sec. 307(a), Federal Aviation Act of 1958; 49 U.S.C. 1348)

Issued in Kansas City, Mo., on May 11, 1965.

KIRBY L. BRANNON,
Acting Director, Central Region.

[F.R. Doc. 65-5283; Filed, May 19, 1965; 8:46 a.m.]

[Airspace Docket No. 65-WE-13]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Control Zone

On February 10, 1965, a notice of proposed rule making was published in the FEDERAL REGISTER (30 F.R. 1875), stating that the Federal Aviation Agency proposed to alter the NAAS Ream Field, Calif., control zone.

Interested persons were afforded an opportunity to participate in the rule making through submission of comments. Due consideration was given to all revelant matters presented.

Comments regarding the proposal were received from the city and Chamber of Commerce, Chula Vista, Calif., Breise & Johnson Flying Service, Inc., and the city of San Diego, expressing concern that the eastern limits of the Ream Field control zone extension, as proposed, would unduly restrict future flight operations at Brown Field. Action is being taken to modify prescribed instrument approach procedures established east of NAAS Ream Field by reducing the 4 n.m. TACAN arc to 3.5 n.m., so that the proposed control zone extension may be proportionately reduced by 0.5 n.m.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended effective 0001 e.s.t., July 22, 1965, as hereinafter set forth.

In § 71.171 (29 F.R. 17627), the NAAS Ream Field, Calif., control zone is amended as follows:

IMPERIAL BEACH, CALIF.

Within a 3-mile radius of NAAS Ream Field (latitude 32°34'00" N., longitude 117°06'50" W.); that airspace W of Ream Field within the arc of a 6-mile radius circle centered on Ream TACAN, extending counterclockwise from a line 2 miles N of and parallel to the Ream TACAN 288° radial to the United States/Mexican Flight Information Region boundary, excluding the portion under the jurisdiction of Mexico; and that airspace E of Ream Field within the arc of a 6-mile radius circle centered on Ream TACAN, extending clockwise from a line 2 miles N of and parallel to the Ream TACAN 068° radial to the United States/Mexican Border.

(Sec. 307(a), Federal Aviation Act of 1958, as amended; 72 Stat. 749; 49 U.S.C. 1348)

Issued in Los Angeles, Calif., on May 12, 1965.

LEE E. WARREN,
Acting Director, Western Region.

[F.R. Doc. 65-5284; Filed, May 19, 1965; 8:46 a.m.]

[Airspace Docket No. 64-CE-81]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Transition Area Designation; Correction

On March 12, 1965, Federal Register Document 65-2522 was published in the FEDERAL REGISTER (30 F.R. 3350) and amended, in part, § 71.181 of the Federal Aviation Regulations. Therein, the Sterling, Ill., transition area was designated in part as that airspace "within 2 miles each side of the Polo, Ill., VORTAC 029° radial". The correct designation is "within 2 miles each side of the Polo, Ill., VORTAC 209° radial". Action is taken herein to correct this discrepancy.

Since this amendment is editorial in nature, and imposes no additional burden on any person, notice and public procedure hereon are unnecessary, and the effective date of the final rule, as initially adopted, may be retained.

In consideration of the foregoing, effective immediately, Federal Register Document 65-2522 is altered as follows:

In the designation of the Sterling, Ill., transition area where "within 2 miles each side of the Polo, Ill., VORTAC 029° radial" appears, it is changed to read, "within 2 miles each side of the Polo, Ill., VORTAC 209° radial".

(Sec. 307(a), Federal Aviation Act of 1958; 49 U.S.C. 1348)

Issued in Kansas City, Mo., on May 11, 1965.

KIRBY L. BRANNON,
Acting Director, Central Region.

[F.R. Doc. 65-5285; Filed, May 19, 1965; 8:46 a.m.]

[Reg. Docket No. 6808; Amdt. 427]

PART 97—STANDARD INSTRUMENT APPROACH PROCEDURES

Miscellaneous Amendments

The amendments to the standard instrument approach procedures contained herein are adopted to become effective when indicated in order to promote safety. The amended procedures supersede the existing procedures of the same classification now in effect for the airports specified therein. For the convenience of the users, the complete procedure is republished in this amendment indicating the changes to the existing procedures.

As a situation exists which demands immediate action in the interests of safety in air commerce, I find that compliance with the notice and procedure provisions of the Administrative Procedure Act is impracticable and that good cause exists for making this amendment effective within less than 30 days from publication.

In view of the foregoing and pursuant to the authority delegated to me by the Administrator (24 F.R. 5662), Part 97 (14 CFR Part 97) is amended as follows:

1. By amending the following low or medium frequency range procedures prescribed in § 97.11(a) to read:

L/MF STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	

PROCEDURE CANCELLED EFFECTIVE 27 MAY 1965.

City, Bakersfield; State, Calif.; Airport name, Meadows Field; Elev., 489'; Fac. Class., SBMRAZ; Ident., BC; Procedure No. 1, Amdt. 10; Eff. date, 2 Oct. 64; Sup. Amdt. No. 9; Dated, 18 Apr. 64

PROCEDURE CANCELLED EFFECTIVE 27 MAY 1965.

City, Ellensburg; State, Wash.; Airport name, Ellensburg Municipal; Elev., 1780'; Fac. Class., SBMRAZ; Ident., EL; Procedure No. 1, Amdt. 10; Eff. date, 21 Nov. 64; Sup. Amdt. No. 9; Dated, 8 Apr. 61

PROCEDURE CANCELLED EFFECTIVE 27 MAY 1965.

City, Ephrata; State, Wash.; Airport name, Ephrata Municipal; Elev., 1272'; Fac. Class., BMRLZ; Ident., EH; Procedure No. 1, Amdt. 8; Eff. date, 26 Dec. 64; Sup. Amdt. No. 7; Dated, 15 Sept. 63

PROCEDURE CANCELLED EFFECTIVE 27 MAY 1965.

City, Eugene; State, Oreg.; Airport name, Mahlon Sweet Field; Elev., 369'; Fac. Class., SBRAZ; Ident., EO; Procedure No. 1, Amdt. 11; Eff. date, 1 May 65; Sup. Amdt. No. 10; Dated, 22 June 63

PROCEDURE CANCELLED EFFECTIVE 27 MAY 1965.

City, Klamath Falls; State, Oreg.; Airport name, Kingsley Field; Elev., 4095'; Fac. Class., SBRAZ; Ident., EL; Procedure No. 1, Amdt. 11; Eff. date, 21 Nov. 64; Sup. Amdt. No. 10; Dated, 15 Sept. 63

PROCEDURE CANCELLED EFFECTIVE 27 MAY 1965.

City, Medford; State, Oreg.; Airport name, Medford Municipal; Elev., 1339'; Fac. Class., SBRAZ; Ident., ME; Procedure No. 1, Amdt. 10; Eff. date, 21 Nov. 64; Sup. Amdt. No. 9; Dated, 3 May 64

PROCEDURE CANCELLED EFFECTIVE 27 MAY 1965.

City, Palmdale; State, Calif.; Airport name, Air Force Plant No. 42; Elev., 2349'; Fac. Class., SBMRAZ; Ident., PL; Procedure No. 1, Amdt. 2; Eff. date, 23 Jan. 64; Sup. Amdt. No. 1; Dated, 27 Feb. 60

PROCEDURE CANCELLED EFFECTIVE 27 MAY 1965.

City, Portland; State, Oreg.; Airport name, Portland International; Elev., 20'; Fac. Class., SABRAZ; Ident., PO; Procedure No. 1, Amdt. 10; Eff. date, 24 Aug. 63; Sup. Amdt. No. 9; Dated, 5 Apr. 63

PROCEDURE CANCELLED EFFECTIVE 27 MAY 1965.

City, Toledo; State, Wash.; Airport name, Toledo-Winlock Municipal; Elev., 871'; Fac. Class., BMRLZ; Ident., TDO; Procedure No. 1, Amdt. 4; Eff. date, 20 Feb. 65; Sup. Amdt. No. 3; Dated, 28 Dec. 63

2. By amending the following automatic direction finding procedures prescribed in § 97.11(b) to read:

ADF STANDARD INSTRUMENT APPROACH PROCEDURES

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
BFL VOR	LOM	Direct	7400	T–dn%	500–1	500–1	500–1½
Maricopa Int	LOM	Direct	3000	C–dn	500–1	500–1	500–1½
Arvin Int	LOM (final)	Direct	2000	S–dn–30R	500–1	500–1	500–1
Lamont Int	Arvin Int	Direct	4500	A–dn	800–2	800–2	800–2
Woody Int	LOM	Direct	4000				

Procedure turn S side of crs, 119° Outbnd, 299° Inbnd, 2400′ within 10 miles of LOM. Beyond 10 miles not authorized.
Minimum altitude over facility on final approach crs, 2000′.
Crs and distance, facility to airport, 299°—4.5 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.5 miles after passing LOM, climb to 3000′ on 299° crs from LOM within 20 miles or, when directed by ATC, (1) climb via BFL VOR R–227 to McKittrick Int at 3000′; (2) climb direct to BFL VOR, then via R–322 to Delano Int at 3000′.
Other changes: Deletes transition from BC LFR.
*All turns S side of crs, high terrain N.
%E and southbound (015° thru 210°) IFR departures must comply with published Bakersfield SID's.
MSA within 25 miles of facility: 000°–090°—8700′; 090°–180°—8100′; 180°–270°—6100′; 270°–360°—5300′.

City, Bakersfield; State, Calif.; Airport name, Meadows Field; Elev., 488′; Fac. Class., LOM; Ident., BF; Procedure No. 1, Amdt. 5; Eff. date, 27 May 65; Sup. Amdt. No. 4; Dated, 14 Nov. 64

PROCEDURE CANCELLED EFFECTIVE 27 MAY 1965.

City, Blythe; State, Calif.; Airport name, Blythe; Elev., 397′; Fac. Class., SABH; Ident., BLH; Procedure No. 1, Amdt. 1; Eff. date, 31 Aug. 63; Sup. Amdt. No. Orig.; Dated, 18 Aug. 62

Burton Int	Kitsap RBn	Direct	3000	T–dn	500–1	500–1	500–1
Lodall Int	Kitsap RBn	Direct	3000	C–dn	600–1	600–1	600–1½
SEA VOR	Kitsap RBn	Direct	3000	A–dn	800–2	800–2	800–2

Radar vectoring using Seattle-Takoma radar authorized in accordance with approved patterns.
Procedure turn W side crs, 187° Outbnd, 007° Inbnd, 2000′ within 10 miles.
Facility on airport.
Minimum altitude over facility on final approach crs, 1100′.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0.6 mile after passing PWT RBn, make immediate right turn, climb to 2000′ on crs. 187° from Kitsap RBn within 10 miles.
CAUTION: 1761′ terrain, 2.5 miles N of airport.
Other change: deletes transition from SJ LFR.
MSA within 25 miles of facility: 000°–090°—2100′; 090°–180°—2000′; 180°–270°—2700′; 270°–360°—2800′.

City, Bremerton; State, Wash.; Airport name, Kitsap County; Elev., 462′; Fac. Class., MHW; Ident., PWT; Procedure No. 1; Amdt. 3; Eff. date 27 May 65; Sup. Amdt. No. 2; Dated, 26 Dec. 64

PROCEDURE CANCELLED EFFECTIVE 27 MAY 1965.

City, Casper; State, Wyo.; Airport name, Casper Air Terminal; Elev., 5348′; Fac. Class., H–SAB; Ident., CPR; Procedure No. 2, Amdt. 3; Eff. date, 26 Dec. 64; Sup. Amdt. No. 2; Dated, 17 Oct. 63

Paradise Int	CVE RBn	Direct	2600	T–dn	500–1	500–1	NA
Bucktown Int	CVE RBn	Direct	2200	C–dn	500–1	500–1	NA
				S–dn–11	500–1	500–1	NA
				A–dn	800–2	800–2	NA

Procedure turn S side of final approach crs, 292° Outbnd, 112° Inbnd, 2600′ within 10 miles.
Minimum altitude over facility on final approach crs, 1400′.
Crs and distance, facility to airport, 112°—3.0 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 3.0 miles after passing Coatesville RBn, make a right-climbing turn to 2600′, returning to Coatesville RBn. Hold W, 1-minute right turns, 112° Inbnd.
MSA within 25 miles of the facility: 000°–270°—2100′; 270°–360°—2400′.

City, Coatesville; State, Pa.; Airport name, Chester County Area; Elev., 623′; Fac. Class. MHW; Ident., CVE; Procedure No. 1, Amdt. 1; Eff. date, 27 May 65; Sup. Amdt. No. Orig.; Dated, 26 Jan. 63

PROCEDURE CANCELLED EFFECTIVE 27 MAY 1965.

City, Daggett; State, Calif.; Airport name, Municipal; Elev., 1927′; Fac. Class., BH; Ident., DAG; Procedure No. 1, Amdt. Orig.; Eff. date, 26 Oct. 63

DAB VOR	LOM	Direct	1800	T–dn	500–1	500–1	500–1½
Barberville Int	LOM	Direct	1600	C–dn	400–1	400–1	500–1½
Lake Helen Int	LOM	Direct	1600	S–dn–0	400–1	400–1	400–1
Smyrna Int	LOM	Direct	1400	A–dn	800–2	800–2	800–2
Woodruff Int	LOM (final)	Direct	1400				

Procedure turn N side of crs, 245° Outbnd, 065° Inbnd, 1400′ within 10 miles.
Minimum altitude over facility on final approach crs, 1400′.
Crs and distance, facility to airport, 065°—4.7 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.7 miles after passing LOM, climb to 1500′ on crs of 065°, make left turn, proceed to Daytona Beach VOR via R–140 or, when directed by ATC, make right turn, climb to 1800′, and return direct to LOM.
MSA within 25 miles of facility: 000°–090°—1400′; 090°–180°—1300′; 180°–270°—2100′; 270°–360°—1200′.

City, Daytona Beach; State, Fla.; Airport name, Daytona Beach Municipal; Elev., 34′; Fac. Class., LOM; Ident., DA; Procedure No. 1, Amdt. 7; Eff. date, 29 May 65; Sup. Amdt. No. 6; Dated, 11 May 63

PROCEDURE CANCELLED EFFECTIVE 27 MAY 65.

City, Elko; State, Nev.; Airport name, Elko Municipal; Elev., 5135′; Fac. Class., SABH; Ident., EKO; Procedure No. 1, Amdt. 2; Eff. date, 1 Aug. 64; Sup. Amdt. No. 1; Dated, 15 June 62

ADF STANDARD INSTRUMENT APPROACH PROCEDURES—Continued

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
LMT VOR	LFA RBn	Direct	7500	T–dn%	400–1	400–1	400–1½
Mt. Dome VHF Int	LFA RBn	Direct	7500	C–dn	1600–1	1600–1	1600–1½
LMT VOR R–161 20-mile DME Fix	LFA RBn	Direct	7500	A–dn	1600–2	1600–2	1600–2
LFA RBn	MT LMM (final)	Direct	5700				

Procedure turn not authorized. Final approach from holding pattern at LFA RBn. Final approach crs, 318° from LFA RBn.
Minimum altitude over OM on final approach crs, 5700′; over LMM, 5500′.
Crs and distance, LFA RBn to airport, 318°—10.5 miles; OM to airport, 318°—5.8 miles; MT LMM to airport, 318°—0.6 mile.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0.6 mile after passing MT LMM, turn left, climb to 7300′ in a 1-minute right turn holding pattern on 260° bearing from MT LMM.
CAUTION: High terrain all quadrants.
Other change: Deletes aircraft equipment requirement note. Deletes departure procedures having reference to KL LFR.
%Takeoffs all runways: Climb via SE crs LMT TLS localizer southeastbound to cross LFA RBn at or above 5700′, thence turn right heading 250° magnetic to intercept R–161 LMT VOR, thence turn right, climb direct LMT VOR so as to cross LMT VOR at or above 7000′.
Takeoffs all runways: Climb southeastbound on R–140 LMT VOR to cross LFA RBn/11-mile DME Fix at or above 5700′, thence turn right heading 280° magnetic to intercept R–161 LMT VOR, thence turn right, climb direct LMT VOR so as to cross LMT VOR at or above 7000′.
MSA within 25 miles of facility: 000°–090°—8300′; 090°–180°—7600′; 180°–270°—8500′; 270°–360°—9300′.

City, Klamath Falls; State, Oreg.; Airport name, Kingsley Field; Elev., 4032′; Fac. Class., LMM; Ident., MT; Procedure No. 2, Amdt. 2; Eff. date, 27 May 65; Sup. Amdt. No. 1; Dated, 21 Nov. 64

Little Rock VORTAC	LOM	Direct	1800	T–dn	300–1	300–1	*200–½
Malvern Int	LOM	Direct	1800	C–dn	500–1	500–1	500–1½
Mabelvale Int	LOM (final)	Direct	1500	S–dn–4	500–1	500–1	500–1
Bauxite Int	040° bearing to LOM	010°–2.3 miles	1900	A–dn	800–2	800–2	800–2

Radar transitions authorized, in accordance with approved patterns.
Procedure turn N side SW crs, 220° Outbnd, 040° Inbnd, 1800′ within 10 miles. (Nonstandard due to traffic.)
Minimum altitude over LOM Inbnd final, 1500′; over LMM# Inbnd final, 900′.
Crs and distance, LOM to airport, 040°—4.6 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.6 miles after passing LOM, climb to 2000′ on crs, 040° from LOM within 20 miles or, when directed by ATC, turn right, climb to 1500′ and proceed to LIT RBn.
*300–1 required for takeoff Runways 17, 35, and 22.
#Descent below 900′ not authorized unless MM or LMM received.
MSA within 25 miles of facility: 000°–090°—3100′; 090°–180°—2200′; 270°–360°—3300′.

City, Little Rock; State, Ark.; Airport name, Adams Field; Elev., 257′; Fac. Class., LOM; Ident., LI; Procedure No. 1, Amdt. 7; Eff. date, 29 May 65; Sup. Amdt. No. 6; Dated, 28 Sept. 64

Mobile VOR	LOM	Direct	1500	T–dn	300–1	300–1	300–1½
Brookley VOR	LOM	Direct	1500	C–dn	400–1	500–1	500–1½
				S–dn–14	400–1	400–1	400–1
				A–dn	800–2	800–2	800–2

Radar vectoring authorized in accordance with approved patterns.
Procedure turn W side of crs, 319° Outbnd, 139° Inbnd, 1500′ within 10 miles.
Minimum altitude over facility on final approach crs, 1800′.
Crs and distance, facility to airport, 139°—4.6 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.5 miles after passing LOM make right turn, climb to 1800′ on 180° crs from LOM within 20 miles or, when directed by ATC, make right turn, proceed direct to MOB VOR climbing to 1800′ and enter VOR holding pattern.
NOTE: Aircraft executing missed approach may, after being reidentified, be radar controlled.
MSA within 25 miles of facility: 000°–090°—2400′; 090°–180°—2400′; 180°–270°—1500′; 270°–360°—1600′.

City, Mobile; State, Ala.; Airport name, Bates Field; Elev., 219′; Fac. Class., LOM; Ident., MO; Procedure No. 1, Amdt. 16; Eff. date, 29 May 65; Sup. Amdt. No. 15; Dated, 16 Jan. 65

PROCEDURE CANCELLED EFFECTIVE 27 MAY 65.

City, Ogden; State, Utah; Airport name, Ogden Municipal; Elev., 4455′; Fac. Class., SABHZ; Ident., OGD; Procedure No. 1, Amdt. 4; Eff. date, 3 Oct. 64; Sup. Amdt. No. 3; Dated, 18 July 64

Warrington Int	ING RBn	Direct	2200	T–d	300–1	NA	NA
Pottstown VOR	ING RBn	Direct	2200	C–d	600–1	NA	NA
Fraser Int	ING RBn (final)	Direct	1200	A–d	NA	NA	NA

Radar vectoring authorized in accordance with approved Philadelphia approach control radar patterns.
Procedure turn N side of crs, 241° Outbnd, 061° Inbnd, 2200′ within 10 miles.
Minimum altitude over facility on final approach crs, 1100′.
Crs and distance, facility to airport, 061°—0.8 mile.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0.8 mile after passing ING RBn, climb on crs, 061° to 1400′ within 5 miles, then make left-climbing turn, returning to ING RBn at 2200′. Hold SW, one-minute left turns, Inbnd crs, 061°.
NOTE: ING RBn operational daily from 0700 to 2100 local time.
Other change: Deletes transition from Hi-Line Int.
MSA within 25 miles of the facility: 000°–090°—2000′; 090°–180°—2480′; 180°–270°—2000′; 270°–360°—2300′.

City, Philadelphia (Ambler); State, Pa.; Airport name, Wings Field; Elev., 330′; Fac. Class., MHW; Ident., ING; Procedure No. 1, Amdt. 2; Eff. date, 27 May 65; Sup. Amdt. No. 1; Dated, 10 Oct. 64

Imperial VOR	McKeesport RBn	IRL R–117	3000	T–dn	300–1	300–1	200–½
Scottdale Int	McKeesport RBn	Direct	3000	C–dn	600–1	600–1	600–1½
Allegheny VOR	McKeesport RBn	Direct	3000	S–dn–27	600–1	600–1	600–1
GP LOM	McKeesport RBn	Direct	3000	A–dn	800–2	800–2	800–2
Greensburg	McKeesport RBn	Direct	3000	The following minimums apply if AGC OM is received:			
McKeesport RBn	Jeannette Int	Direct	3000	C–dn	500–1	500–1	500–1½
Jeannette Int	McKeesport RBn (final)	Direct	2700	S–dn–27	400–1	400–1	400–1

Radar vectoring authorized in accordance with approved patterns.
Procedure turn S side of crs, 096° Outbnd, 275° Inbnd, 3000′ within 10 miles. Nonstandard due to traffic.
Minimum altitude over facility on final approach crs, 2700′.
Crs and distance, MKP RBn to airport, 275°—5.5 miles; OM to airport, 275°—4.2 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 5.5 miles after passing McKeesport RBn, climb to 3000′ proceeding to AGC RBn. Hold W, right turns 1 minute, 082° Inbnd.
MSA within 25 miles of facility: 000°–090°—2600′; 090–180°—3700′; 180°–360°—3100′.

City, Pittsburgh; State, Pa.; Airport name, Allegheny County; Elev., 1282′; Fac. Class., MHW; Ident., MKP; Procedure No. 1, Amdt. 13; Eff. date, 29 May 65; Sup. Amdt. No. 12; Dated, 23 Jan. 65

ADF STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

Transition From—	To—	Course and distance	Minimum altitude (feet)	Ceiling and visibility minimums: Condition	2-engine or less: 65 knots or less	2-engine or less: More than 65 knots	More than 2-engine, more than 65 knots
PIH VOR	LOM	Direct	7000	T–dn%	300–1	300–1	200–½
Falls Int	LOM	Direct	7000	C–dn*	500–1	500–1	500–1½
				S–dn–21	400–1	400–1	400–1
				A–dn	800–2	800–2	800–2

Radar vectoring authorized in accordance with approved patterns.
Procedure turn N side of crs, 018° Outbnd, 198° Inbnd, 7000′ within 10 miles.
Minimum altitude over facility on final approach crs, 5500′.
Crs and distance, facility to airport, 207°—3.7 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 3.7 miles after passing LOM, climb to 6500′ on 231° crs from PI LOM within 15 miles.
CAUTION: High terrain SE through SW of airport.
Other change: Deletes transition from PH LFR.
*Circling not authorized S of airport.
%Takeoff all runways: Shuttle climb on the 234° radial of the PIH VOR within 30 miles to minimum crossing altitude required for direction of flight. All turns N side of 234° radial.
MSA within 25 miles of facility: 000°–090°—10,300′; 090°–180°—10,300′; 180°–270°—5800′; 270°–360°—6800′.

City, Pocatello; State, Idaho; Airport name, Pocatello Municipal; Elev., 4448′; Fac. Class., LOM; Ident., PI; Procedure No. 1, Amdt. 6; Eff. date, 27 May 65; Sup. Amdt. No.5; Dated, 18 Apr. 64

Portland VOR	SVY RBn	Direct	3200	T–dn*	300–1	300–1	200–½
Newberg VOR	SVY RBn	Direct	3200	C–dn	700–1	700–1	700–1½
North Plains VHF Int	SVY RBn	Direct	3200	A–dn	800–2	800–2	800–2
Scappoose VHF Int	SVY RBn (final)	Direct	3000				

Radar vectoring authorized in accordance with approved patterns.
Procedure turn S side of crs, 278° Outbnd, 098° Inbnd, 3200′ within 10 miles of Sauvies Island RBn.
Minimum altitude over SVY RBn on final approach crs, 3000′; over OM, 1100′; over LMM, 900′.
Crs and distance, facility to airport, 098°—9.5 miles; OM to airport, 098°—4.0 miles; LMM to airport, 098°—0.6 mile.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0.6 mile after passing LMM, climb direct to IA LOM, continue climb to 3700′ in a 1-minute left turn holding pattern E of IA LOM.
Other changes: Deletes transitions from Woodland FM, LaCenter FM, Portland LFR, and Willamette FM.
#CAUTION: 554′ terrain, 1.8 miles SE of airport.
*200–½ authorized on Runways 10R and L/28 R and L only. 700–2 required on Runways 2 and 20.
MSA within 25 miles of facility: 000°–090°—5400′; 090°–180°—2600′; 180°–270°—4500′; 270°–360°—3100′.

City, Portland; State, Oreg; Airport name, Portland International; Elev., 26′; Fac. Class., MHW; Ident., SVY; Procedure No. 1, Amdt. 13; Eff. date, 27 May 65; Sup. Amdt. No. 12; Dated, 21 Mar. 64

Groves VHF Int	IA LOM	Direct	3400	T–dn*	300–1	300–1	200–½
PDX VOR	IA LOM	Direct	3700	C–dn#	700–1	700–1	700–1½
Oswego VHF Int	IA LOM	Direct	3700	A–dn	800–2	800–2	800–2
Mt. Scott VHF Int	IA LOM	Direct	3700				

Radar transitions and vectoring using Portland radar authorized in accordance with approved radar patterns.
Procedure turn S side of crs, 098° Outbnd, 278° Inbnd, 3700′ within 10 miles.
Final approach from holding pattern at IA LOM not authorized, procedure turn required.
Minimum altitude over facility on final approach crs 1700′.
Crs and distance, facility to airport, 278°—5.0 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 5.0 miles after passing IA LOM, climb to 3300′ direct to SVY RBn, or when directed by ATC, turn right, climb to 4000′ direct PDX VOR.
Other changes: Deletes transition from PO LFR. Deletes requirement for radar alignment on final approach heading.
#CAUTION: 554′ terrain, 1.8 miles SE of airport. Terrain rises to 11,246′ within 35 miles of LOM.
*200–½ authorized Runways 10R/L and 28R/L. 700–2 required Runways 3 and 20.
MSA within 25 miles of facility: 000°–180°—5500′; 180°–270°—3100′; 270°–360°—4700′.

City, Portland; State, Oreg.; Airport name, Portland International; Elev., 26′; Fac. Class., LOM; Ident., IA; Procedure No. 2, Amdt. 1; Eff. date, 27 May 65; Sup. Amdt. No. Orig.; Dated, 22 June 63

PROCEDURE CANCELLED EFFECTIVE 27 MAY 1965.

City, Prescott; State, Ariz.; Airport name, Prescott Municipal; Elev., 5042′; Fac. Class., BH; Ident., PRC; Procedure No. 1, Amdt. 1; Eff. date, 16 Nov. 63; Sup. Amdt. No. Orig.; Dated, 24 Aug. 63

RKS VOR	LOM	Direct	6400	T–dn%	300–1	300–1	200–½
				C–dn	700–1	700–1	700–1½
				A–dn	800–2	800–2	800–2

Procedure turn N side of crs, 074° Outbnd, 254° Inbnd, 9200′ within 10 miles.
Minimum altitude over facility on final approach crs, 8600′.
Crs and distance, facility to airport, 254°—3.9 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 3.9 miles after passing LOM, climb to 10,000′ on 254° crs from LOM within 10 miles.
Other changes: Deletes transition from Point of Rocks FM.
%Takeoff all runways: Shuttle climb on the 263° radial of the Rock Springs VORTAC within 15 miles to minimum crossing altitude required for direction of flight.
MSA within 25 miles of facility: 000°–090°—9100′; 090°–180°—9700′; 180°–270°—9700′; 270°–360°—9700′.

City, Rock Springs; State, Wyo.; Airport name, Rock Springs Municipal; Elev., 6732′; Fac. Class., LOM; Ident., RK; Procedure No. 1, Amdt. 1; Eff. date, 27 May 65; Sup. Amdt. No. Orig.; Dated, 5 Oct. 63

ADF STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

Transition From—	To—	Course and distance	Minimum altitude (feet)	Ceiling and visibility minimums: Condition	2-engine or less: 65 knots or less	2-engine or less: More than 65 knots	More than 2-engine, more than 65 knots
Gaviota VOR	Halibut Int	Direct	5000	T–dn%	300–1	300–1	*300–1
Channel Int	Goleta Int	Direct	3000	C–dn	500–1	500–1	500–1½
Goleta Int	Lobster Int	Direct	3000	A–dn	800–2	800–2	800–2
Lobster Int	Halibut Int	Direct	3000				
SBA LMM	Naples Int/LOM	Direct	4000				
Santa Barbara VOR	Santa Barbara LMM	Direct	5000				
Halibut Int	Naples Int/OM (final)	Direct	2100				

Procedure turn S side of final approach crs, 253° Outbnd, 073° Inbnd, 3200′ within 10 miles of Naples Int/OM.
Minimum altitude over Naples Int/OM Inbnd, 2100′.
Crs and distance, Naples Int/OM to airport, 073°—5.5 miles; LMM to airport, 073°—0.5 mile.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished at LMM, climb straight ahead to 1000′, turn right to 240° heading, intercept and proceed via 184° crs from LMM or SBA VOR R–195 to Goleta Int at 2500′, or when directed by ATC, (1) climb straight ahead to 1000′, turn right, climb via 253° crs from LMM to Naples Int/OM at 2500′, (2) climb straight ahead to 1000′, turn right and climb via VTU VOR R–279 or 060° crs from SBA LMM to channel Int at 3100′.
NOTE: Simultaneous use of ADF and VOR receivers necessary for execution of this approach. Final approach from holding pattern at Naples Int/OM not authorized. Procedure turn required.
CAUTION: All maneuvering must be accomplished S of final approach crs. High terrain N.
Other change: Deletes straight-in minimums.
*300–¾ authorized on Runways 25, 15.
%Northbound (260° thru 080°) IFR departures must comply with published Santa Barbara SID's.
MSA within 25 miles of facility: 000°–180°—3700′; 180°–270°—4500′; 270°–000°—7900′.

City, Santa Barbara; State, Calif.; Airport name, Santa Barbara Municipal; Elev., 14′; Fac. Class., LMM; Ident., BA; Procedure No. 1, Amdt. 2; Eff. date, 27 May 65; Sup. Amdt. No. 1; Dated, 20 Jan. 63

GEG VOR	GE LOM	Direct	4400	T–dn%	300–1	300–1	200–½
				C–dn	500–1	500–1	500–1½
				S–dn–21	400–1	400–1	400–1
				A–dn	800–2	800–2	800–2

Radar vectoring authorized in accordance with approved patterns.
When used in lieu of procedure turn, alignment on final approach heading within 10 miles of LOM is required.
Procedure turn N side of crs, 025° Outbnd, 205° Inbnd, 4800′ within 10 miles. Not authorized beyond 10 miles.
Shuttle descent to 4600′ in a 170–175 KT 1-minute right turn, holding pattern NE of GE LOM.
Minimum altitude over facility on final approach crs, 3600′.
Crs and distance, facility to airport, 205°—3.9 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 3.9 miles after passing GE LOM, climb to 4000′ direct GEG VOR, continue climb on R–207 within 10 miles of GEG VOR or, when directed by ATC, turn right, climb direct to GE LOM, thence continue climb to 4500′ in a 170–175 KT 1-minute right turn, holding pattern NE of GE LOM.
CAUTION: High terrain N and E of airport. 3188′ tower, 1.6 miles SE of GE LOM. Terrain and tower 6031′—16 miles NE of LOM; 4849′ TV tower, 9.2 miles E of airport.
Other change: Deletes transition from Rockford VHF Int.
%Takeoffs all runways: Climb direct GEG VOR, thence continue climb on R–207 GEG VOR within 10 miles so as to cross GEG VOR at or above; eastbound V–2 3200′; Northeastbound V–2N 3200′; southeastbound V28 5000′.
LP departures: Climb on the 206° bearing from EG LMM within 10 miles to MEA for direction of flight.
MSA within 25 miles of facility: 000°–090°—7100′; 090°–180°—6300′; 180°–270°—4100′; 270°–360°—6100′.

City, Spokane; State, Wash.; Airport name, Spokane International; Elev., 2373′; Fac. Class., LOM; Ident., GE; Procedure No. 1, Amdt. 6; Eff. date, 27 May 65; Sup. Amdt. No. 5; Dated, 20 Feb. 65

Utica VOR	BKG RBn	Direct	3300	T–dn	300–1	300–1	200–½
Vernon Int	BKG RBn	Direct	3000	C–dn	400–1	400–1	500–1½
Lakeport Int	BKG RBn	Direct	2800	S–dn–15	400–1	400–1	400–1
Westlake Int	BKG RBn (final)	Direct	2800	A–dn	800–2	800–2	800–2

Radar vectoring and transitions by Griffis RAPCON authorized in accordance with approved patterns.
Procedure turn W side of crs, 329° Outbnd, 149° Inbnd, 2600′ within 10 miles.
Minimum altitude over facility on final approach crs, 2600′.
Crs and distance, facility to airport, 149°—5.7 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 5.7 miles after passing BKG RBn, climb straight ahead to 3200′ direct to UTI RBn. Hold SE of UTI RBn, 329° Inbnd, 1-minute right turns.
Other change: Deletes transition from Sherrill Int to BKG RBn.
MSA within 25 miles of BKG RBn: 000°–090°—4000′; 090°–180°—3800′; 180°–270°—3900′; 270°–360°—3200′.

City, Utica; State, N.Y.; Airport name, Oneida County; Elev., 742′; Fac. Class., MHW; Ident., BKG; Procedure No. 2, Amdt. 2; Eff. date, 27 May 65; Sup Amdt. No. 1; Dated, 13 Feb. 65

PROCEDURE CANCELLED EFFECTIVE 27 MAY 1965.

City, Winslow; State, Ariz.; Airport name, Municipal; Elev., 4857′; Fac. Class., SABH; Ident INW; Procedure No. 1, Amdt. 3; Eff. date, 22 Dec. 62; Sup. Amdt. No. 2; Dated, 17 Nov. 63

Hampton Int	THV RBn	Direct	2900	T–dn	400–1	400–1	NA
Delroy Int	THV RBn	Direct	2900	C–dn	700–1	700–1	NA
				S–dn	NA	NA	NA
				A–dn	NA	NA	NA

Procedure turn E side of final approach crs, 344° Outbnd, 164° Inbnd, 2900′ within 10 miles.
Minimum altitude over facility on final approach crs, 2000′.
Crs and distance, facility to airport, 164°—3.6 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 3.6 miles after passing RBn make immediate left-climbing turn to 2900′ and return to York RBn. Hold N York RBn, 1-minute left turns, Inbnd crs, 164°.
MSA within 25 miles of the facility: 180°–090°—2700′; 090°–180°—2200′.

City, York; State, Pa.; Airport name, York; Elev., 469′; Fac. Class., MHW; Ident., THV; Procedure No. 1, Amdt. 2; Eff. date, 27 May 65; Sup. Amdt. No. 1; Dated, 31 Oct. 64

3. By amending the following very high frequency omnirange (VOR) procedures prescribed in § 97.11(c) to read:

VOR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
Romeo Int	ALS VOR	Direct	10,100	T-dn§	600-1	600-1	600-1½
Blanca Int	ALS VOR	Direct	10,100	C-dn	600-1	600-1	600-1½
				A-dn%	600-2	600-2	600-2

Procedure turn N side of crs, 113° Outbnd, 293° Inbnd, 10,100′ within 10 miles.
Minimum altitude over facility on final approach crs, 9200′.
Crs and distance, facility to airport, 320°—5.6 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 5.6 miles after passing ALS VOR, climb to 10,000′ on ALS VOR R-320 within 15 miles.
NOTES: Voice communications with Denver ARTCC and Trinidad FSS.
CAUTION: High terrain all quadrants. Procedure not wholly within controlled airspace.
%Use as an alternate authorized only while Alamosa weather bureau is in operation from 0400 to 2000 MST.
§IFR departures: Climb in holding pattern on ALS VOR R-325, right turns, to sufficient altitude to cross ALS VOR at 9800′ eastbound on V82–210; 10,700′ southwestbound on V210S; 9400′ northwestbound on V484; 9200′ southbound on V83; and 9800′ southwestbound on V210.
MSA within 25 miles of facility: 000°–090°—16,400′; 090°–180°—12,200′; 180°–360°—13,600′.

City, Alamosa; State, Colo.; Airport name, Alamosa Municipal; Elev., 7539′; Fac. Class., H-BVORTAC; Ident., ALS; Procedure No. 1, Amdt. 1; Eff. date, 29 May 65; Sup. Amdt. No. Orig.; Dated, 3 Feb. 64

Wasco VHF Int	BFL VOR (final)	Direct	1500	T-dn%	800-1	800-1	800-1½
Woody Int	BFL VOR	Direct	1500	C-dn	800-1	800-1	800-1½
				S-dn-12L	800-1	800-1	800-1
				A-dn	800-2	800-2	800-2

Procedure turn E side of crs, 322° Outbnd, 142° Inbnd, 2800′ within 10 miles.
Minimum altitude over facility on final approach crs, 1800′.
Crs and distance, facility to airport, 131°—3.4 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 3.4 miles after passing BFL VOR, turn right, W and climb to 3000′ on R-322 to Delano Int, or when directed by ATC, climb to 3000′ on R-227 to McKittrick Int.
NOTES: (1) Final approach from holding pattern at BFL VOR not authorized. Procedure turn required. (2) When authorized by ATC, DME may be used at 9 miles from BFL VOR at 3000′ from BFL R-121 to R-352 to position aircraft on final approach crs for a straight-in approach with the elimination of procedure turn.
Other change: Deletes transition from Bakersfield LFR.
*All turns E side of crs, traffic restrictions W.
%E and southbound (015° thru 210°) IFR departures must comply with published Bakersfield SID's.
MSA within 25 miles of facility: 000°–090°—8600′; 090°–180°—7700′; 180°–360°—8500′.

City, Bakersfield; State, Calif.; Airport name, Meadows Field; Elev., 489′; Fac. Class., BVORTAC; Ident., BFL; Procedure No. 1, Amdt. 9; Eff. date, 27 May 65; Sup. Amdt. No. 8; Dated, 3 Oct. 64

				T-dn%	800-1	800-1	800-1
				T-n	800-2	800-2	800-2
				C-dn	1100-2	1100-2	1100-2
				A-dn	1100-2	1100-2	1100-2

Procedure turn S side of crs, 212° Outbnd, 032° Inbnd, 3100′ within 10 miles.
Minimum altitude over facility on final approach crs, 2300′.
Crs and distance, facility to airport, 032°—1.9 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 1.9 miles after passing VOR, make right-climbing turn to 4000′ on R-156 within 20 miles of VOR.
CAUTION: 1160′ terrain, 2 miles WNW of airport and rising rapidly to 3100′.
AIR CARRIER NOTE: Reduction in visibility by sliding scale or local conditions not authorized.
%Westbound (180° thru 040°) and eastbound (070° thru 096°) climb direct to BLH VOR, climb via R-130 within 15 miles to recross BLH VOR at 2500′ minimum, then via assigned route. Procedure turn W of crs.
MSA within 25 miles of facility: 000°–090°—4500′; 090°–180°—3800′; 180°–360°—5000′.

City, Blythe; State, Calif.; Airport name, Blythe; Elev., 397′; Fac. Class., BVORTAC; Ident., BLH; Procedure No. 1, Amdt. 3; Eff. date, 27 May 65; Sup. Amdt. No. 2; Dated, 31 Aug. 63

				T-dn%*	2000-4	2000-4	2000-4
				C-dn	2000-4	2000-4	2000-4
				A-dn	2000-4	2000-4	2000-4

Procedure turn N side crs, 042° Outbnd, 222° Inbnd, 6000′ within 10 miles.
Minimum altitude over facility on final approach crs, 4000′.
Crs and distance, facility to airport, 224°—11.6 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 6.0 miles after passing DAG–VOR, turn right, climb to 6000′ on R-230 to Daggett VOR.
NOTE: Final approach from holding pattern at DAG VOR not authorized. Procedure turn required.
*500-1 authorized for takeoff on Runways 3 and 7.
%Northbound (290° thru 010°) and southbound (100° thru 240°) after reaching 700 feet (base controlled airspace) climb direct DAG VORTAC, then via assigned route.
MSA within 25 miles of facility: 000°–090°—8400′; 090°–270°—8000′; 270°–360°—6300′.

City, Daggett; State, Calif.; Airport name, Barstow-Daggett; Elev., 1927′; Fac. Class., L-BVORTAC; Ident., DAG; Procedure No. 1, Amdt. 3; Eff. date, 27 May 65; Sup. Amdt. No. 2; Dated, 7 Sept. 63

VOR STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
				T-dn%	800-1	800-1	800-1½
				C-d	1000-1	1000-1	1000-1½
				A-d	NA	NA	NA

Procedure turn N side of crs, 080° Outbnd, 260° Inbnd, 8100′ within 10 miles. Not authorized beyond 10 miles.
Minimum altitude over facility on final approach crs, 8000′.
Crs and distance, facility to airport, 014°—1.1 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 9.0 mile of FBR VOR, turn right, climb to 10,000′ on R-330 within 20 miles.
Other change: Deletes transition from FBR RBs.
%Departure procedures: None required.
MSA within 25 miles of facility: 000°–090°—8200′; 090°–180°—12,000′; 180°–270°—11,500′; 270°–360°—9800′.

City, Fort Bridger; State, Wyo.; Airport name, Fort Bridger; Elev., 7016′; Fac. Class., BVOR; Ident., FBR; Procedure No. 1, Amdt. 4; Eff. date, 27 May 65; Sup. Amdt. No. 3; Dated, 6 Apr. 63

Harrisburg LFR	HAR VOR	Direct	3000	T-dn	800-1	800-1	800-1
Harrisburg LOM	HAR VOR	Direct	3000	T-n	800-2	800-2	800-2
				C-dn	1200-2	1200-2	1200-2
				A-dn	1200-2	1200-2	1200-2

Radar vectoring authorized in accordance with approved patterns.
Procedure turn S side of crs, 288° Outbnd, 108° Inbnd, 3000′ within 10 miles.
Minimum altitude over facility on final approach crs, 2000′.
Crs and distance, facility to airport, 108°—7.5 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 7.5 miles after passing Harrisburg VOR, climb to 3000′ on HAR VOR R-111 to Steelton Int. Hold E 1-minute left turns, Inbnd crs, 291°.
AIR CARRIER NOTE: Landing on Runway 2 authorized only during daylight hours with ceiling of 1800′ or better.
NOTE: Takeoff on Runway 20 not authorized.
#Takeoff minimums of 800–1 authorized for Runways 8–26 only.
MSA within 25 miles of facility: 000°–270°—2800′; 270°–360°—3200′.

City, Harrisburg; State, Pa.; Airport name, Harrisburg-York State; Elev., 347′; Fac. Class., BVORTAC; Ident., HAR; Procedure No. 1, Amdt. 8; Eff. date, 27 May 65; Sup. Amdt. No. 7; Dated, 31 Oct. 64

				T-dn%	800-1	800-1	800-1½
				C-d	1000-1½	1000-1½	1000-2
				C-n	1000-2	1000-2	1000-2
				A-dn	1000-3	1000-3	1000-3

Procedure turn N side of crs, 096° Outbnd, 276° Inbnd, 4700′ within 10 miles.
Minimum altitude over facility on final approach crs, 4000′.
Crs and distance, facility to airport, 295°—10.1 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 7.5 miles after passing PMD VOR, make climbing right turn, climb via R-295 to VOR, then via R-067 to 9000′ within 10 miles.
NOTE: Final approach from holding pattern at PMD VOR not authorized. Procedure turn required.
Other change: Deletes transition from PEC LFR.
%Southbound (100° thru 270°) after reaching 700′ (base of control area), climb on the Palmdale VOR R-288 between the station and a point 15 miles NW to sufficient altitude to cross PMD VOR at minimum crossing altitude for direction of flight. Procedure turn/turns N of crs.
MCA's: 100°–205°—6000′; 205°–270°—4500′.
MSA within 25 miles of facility: 000°–090°—4700′; 090°–180°—10,460′; 180°–360°—7700′.

City, Lancaster; State, Calif.; Airport name, Gen. William J. Fox Airfield; Elev., 2349′; Fac. Class., H-BVORTAC; Ident., PMD; Procedure No. 1, Amdt. 2; Eff. date, 27 May 65; Sup. Amdt. No. 1; Dated, 26 Nov. 64

				T-dn%	3500-3	3500-3	3500-3
				C-dn	3500-3	3500-3	3500-3
				A-dn	4000-4	4000-4	4000-4

Procedure turn S side of crs, 273° Outbnd, 093° Inbnd, 9500′ within 10 miles.
Minimum altitude over facility on final approach crs, 9000′.
Crs and distance, facility to airport, 093°—7.5 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 6.0 miles after passing MLD VOR, turn left, and climb to 11,000′ on R-273 within 20 miles.
CAUTION: High terrain all quadrants.
Other change: Deletes transition from Malad City LFR.
#Takeoff all runways: Climb clear of clouds over Malad City Airport to 8000′; continue climb direct MLD VOR.
MSA within 25 miles of facility: 000°–090°—10,200′; 090°–180°—9400′; 180°–270°—10,000′; 270°–360°—10,000′.

City, Malad City; State, Idaho; Airport name, Malad City; Elev., 4625′; Fac. Class., BVORTAC; Ident., MLD; Procedure No. 1, Amdt. 3; Eff. date, 27 May 65; Sup. Amdt. No. 2; Dated, 17 Nov. 63

				T-dn	800-1	800-1	800-1½
				C-d	800-1	800-1	800-1½
				C-n	800-2	800-2	800-2
				S-d-9	800-1	800-1	800-1
				S-n-9	800-2	800-2	800-2
				A-dn	800-2	800-2	800-2
				If aircraft has operating ADF or DME receivers and Lake Int is identified, the following minimums are authorized:			
				C-dn	400-1	800-1	800-1½
				S-dn-9	400-1	400-1	400-1

Radar vectoring authorized in accordance with approved patterns.
Procedure turn S side of crs, 288° Outbnd, 108° Inbnd, 1800′ within 10 miles.
Minimum altitude over facility on final approach crs, 1800′; over Lake Int, 700′.
Crs and distance, facility to airport, 108°—3.3 miles; Lake Int to airport, 108°—3.3 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 6.3 miles after passing MOB VOR, turn right, climb to 1800′ on MOB VOR R-180 within 20 miles or, when directed by ATC, turn left, climb to 1800′ on MOB VOR R-059 within 20 miles.
NOTES: (1) When authorized by ATC, DME may be used within 20 miles at 1800′ to position aircraft for a straight-in approach with the elimination of a procedure turn. (2) Aircraft executing missed approach may, after being reidentified, be radar controlled.
MSA within 25 miles of the facility: 000°–090°—1900′; 090°–180°—1900′; 180°–270°—1800′; 270°–360°—1600′.

City, Mobile; State, Ala.; Airport name, Bates Field; Elev., 218′; Fac. Class., BVORTAC; Ident., MOB; Procedure No. 1, Amdt. 14; Eff. date, 29 May 65; Sup. Amdt. No. 13; Dated, 26 Dec. 64

VOR STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

Transition From—	Transition To—	Course and distance	Minimum altitude (feet)	Ceiling and visibility minimums Condition	2-engine or less: 65 knots or less	2-engine or less: More than 65 knots	More than 2-engine, more than 65 knots
				T-dn%*	300–1	300–1	200–½
				C-dn*	500–1	500–1	500–1⅛
				S-dn–8	500–1	500–1	500–1
				A-dn	800–2	800–2	800–2

Radar vectoring authorized in accordance with approved patterns.
Procedure turn N side of crs, 234° Outbnd, 054° Inbnd, 6800′ within 10 miles. All turns N side of crs; high terrain S.
Minimum altitude over facility on final approach crs, 5400′.
Crs and distance, facility to airport, 052°—3.1 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 3.1 miles after passing PIH VOR, climb to 7000′ on R-015 within 15 miles.
NOTE: Final approach from holding pattern at PIH VOR not authorized, procedure turn required.
CAUTION: High terrain located SE through SW of airport.
Other change: Deletes transition from PH LFR.
*Circling not authorized S of airport.
%Takeoff all runways: Shuttle climb on the 224° radial of the PIH VOR within 20 miles to minimum crossing altitude required for direction of flight. All turns N side of 224° radial.
MSA within 25 miles of facility: 000°–090°—10,200′; 090°–180°—10,200′; 180°–270°—9800′; 270°–360°—9800′.

City, Pocatello; State, Idaho; Airport name, Pocatello Municipal; Elev., 4448′; Fac. Class., BVOR; Ident., PIH; Procedure No. 1, Amdt. 8; Eff. date, 27 May 65; Sup. Amdt. No. 6; Dated, 18 Apr. 64

				T-dn%*	800–2	800–2	800–2
				C-dn	800–2	800–2	800–2
				A-dn	1000–2	1000–2	1000–2

Procedure turn N side of crs, 289° Outbnd, 109° Inbnd, 7500′ within 10 miles. Nonstandard due to high terrain S.
Minimum altitude over facility on final approach crs, 6900′.
Crs and distance, facility to airport, 112°—4.1 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.1 miles after passing PRC-VOR, make immediate left-climbing turn and return to PRC VOR; continue climb to 8000′ on R-289 within 30 miles or, when directed by ATC, make immediate left turn and climb to 9000′ on R-099 within 15 miles of PRC VOR. Beyond 15 miles not authorized.
NOTE: (1) Final approach crs is to NE side of airport. (2) Circling and maneuvering W and S not authorized.
Other change: Deletes transition from Prescott RBn.
*800–2 authorized for takeoff on Runways 3 and 21.
%Takeoffs all runways: Runways 3 and 30 climb direct to PRC VOR; Runway 12 turn left, Runway 21 turn right, climb direct to PRC VOR, then climb NW via PRC VOR R-289 to recross PRC VOR at minimum crossing altitudes for direction of flight.
MCA's: PRC VOR R-050 to R-180–5800′; PRC VOR R-181 to R-258–7200′. Northbound (289° through 046°) on-course climb authorized.
MSA within 25 miles of facility: 000°–090°—8800′; 090°–180°—9000′; 180°–270°—8800′; 270°–360°—8800′.

City, Prescott; State, Ariz.; Airport name, Prescott Municipal; Elev., 5042′; Fac. Class., H-BVORTAC; Ident., PRC; Procedure No. 1, Amdt. 13; Eff. date, 27 May 65; Sup. Amdt. No. 12; Dated, 20 Feb. 65

				T-dn%*	300–1	300–1	200–½
				C-dn*	700–1	700–1	700–1⅛
				A-dn	1200–2	1200–2	1200–2

Procedure turn N side of crs, 081° Outbnd, 261° Inbnd, 9200′ within 10 miles.
Minimum altitude over Salt Int on final approach crs, 8900′; over VOR, 8000′.
Crs and distance, Salt Int to VOR, 261°—2.1 miles; VOR to airport, 267°—1.9 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 1.9 miles after passing RKS VOR, climb to 10,000′ on R-266 within 20 miles.
NOTE: If Salt Int is used, ADF equipment required.
*If Salt Int not received, minimums of 1200–1 apply.
%Takeoff all runways: Shuttle climb on the 243° radial of the Rock Springs VORTAC within 15 miles to minimum crossing altitude required for direction of flight.
MSA within 25 miles of facility: 000°–090°—9100′; 090°–180°—9700′; 180°–270°—9700′; 270°–360°—9700′.

City, Rock Springs; State, Wyo.; Airport name, Rock Springs Municipal; Elev., 6752′; Fac. Class., BVORTAC; Ident., RKS; Procedure No. 1, Amdt. 7; Eff. date, 27 May 65; Sup. Amdt. No. 6; Dated, 18 Apr. 64

				T-dn	300–1	800–1	200–½
				C-dn	600–1	600–1	600–1⅛
				S-dn–11	400–1	400–1	400–1
				A-dn	800–2	800–2	800–2

Procedure turn N° side crs, 300° Outbnd, 120° Inbnd, 7000′ within 10 miles.
Minimum altitude over facility on final approach crs, 6000′.
Crs and distance, facility to airport, 107°—3.7 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 3.7 miles after passing VOR, turn left, climb to 7000′ on R-079 within 15 miles.
Shuttle: To 8000′ on crs, 300° Outbnd, 120° Inbnd within 20 miles of INW VOR.
Other change: Deletes transition from Winslow RBn.
°All turns N side of crs, high terrain, S.
MSA within 25 miles of facility: 270°–000°—7000′; 000°–270°—8000′.

City, Winslow; State, Ariz.; Airport name, Winslow Municipal; Elev., 4997′; Fac. Class., H-BVORTAC; Ident., INW; Procedure No. 1, Amdt. 6; Eff. date, 27 May 65; Sup. Amdt. No. 5; Dated, 3 Aug. 64

4. By amending the following terminal very high frequency omnirange (TerVOR) procedures prescribed in § 97.13 to read:

TERMINAL VOR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.
If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition From—	Transition To—	Course and distance	Minimum altitude (feet)	Ceiling and visibility minimums Condition	2-engine or less: 65 knots or less	2-engine or less: More than 65 knots	More than 2-engine, more than 65 knots
10-mile DME Fix R-182	EUG VOR	Direct	3000	T-dn	300–1	300–1	200–½
10-mile DME Fix R-167	EUG VOR	Direct	3000	C-dn	800–1	800–1	800–1⅛
10-mile DME Fix R-204	EUG VOR	Direct	3000	A-dn	800–2	800–2	800–2
				If aircraft equipped to receive VOR and ADF simultaneously or equipped with DME and Junction City Int identified, the following minimums apply:*			
				C-dn	800–1	800–1	800–1⅛
				S-dn–15#	400–1	400–1	400–1

Procedure turn W side of crs, 347° Outbnd, 167° Inbnd, 2900′ within 10 miles.
Final approach from holding pattern at EUG VOR not authorized, procedure turn required.
Minimum altitude over Junction City Int on final approach crs, 1200′; over EUG VOR, 800′.
Facility on airport.
Crs and distance, Junction City Int to airport, 167°—2.8 miles; breakoff point to approach end of Runway 16, 159°—0.6 (LMM).
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0.0 mile after passing EUG VOR, turn right, climb to 2300′ on R-347 within 10 miles, or when directed by ATC, turn right and climb to 3000′ on R-250 EUG VOR within 10 miles of EUG VOR.
CAUTION: High terrain E and W.
NOTE: When authorized by ATC, DME may be used between R-326 EUG VOR clockwise to R-010 EUG VOR within 10 miles at 2300′ to position aircraft for straight-in approach with elimination of the procedure turn.
*If Junction City Int not identified, authorized minimum over EUG VOR is 1200′.
#400–¾ authorized, except for 4-engine turbojet aircraft, with operative high-intensity runway lights.
#400–1½ authorized, except for 4-engine turbojet aircraft, with operative ALS.
MSA within 25 miles of facility: 000°–090°—4800′; 090°–180°—4800′; 180°–270°—3800′; 270°–360°—4500′.

City, Eugene; State, Oreg.; Airport name, Mahlon Sweet Field; Elev., 365′; Fac. Class., L-BVORTAC; Ident., EUG; Procedure No. VOR-16, Amdt. 8; Eff. date, 27 May 65; Sup. Amdt. No. 7; Dated, 1 May 65

				T-dn	300–1	300–1	200–½
				C-dn	800–1	800–1	800–1⅛
				A-dn	800–2	800–2	800–2
				Aircraft equipped with VOR and DME and Lincoln Int identified or radar Fix obtained in lieu of Lincoln Int minimums are:			
				C-dn	500–1	500–1	500–1⅛

Radar vectoring authorized in accordance with approved patterns. Aircraft will be released for final approach without procedure turn Inbnd on final approach crs, 7 miles from VOR.
Procedure turn E side of crs, 038° Outbnd, 218° Inbnd, 2600′ within 10 miles.
Minimum altitude over facility on final approach crs, 1600′.
Facility on airport, crs and distance, breakoff point to approach end of Runway 22, 224°—0.5 mile.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0.0 mile of FWA VOR, climb to 2600′ southwestbound on radial, 218° and proceed to Rock Creek Int, or when directed by ATC, climb to 2100′, make left turn and proceed direct to FW LOM.
NOTE: (1) Aircraft executing missed approach may be radar controlled after radar identification. (2) When authorized by ATC, 10-miles DME arc at 2600′ may be used between FWA VOR R-250° clockwise to R-150° to position aircraft for straight-in approach with elimination of procedure turn.
MSA within 25 miles of facility: 315°–045°—2700′; 045°–315°—2200′.

City, Fort Wayne; State, Ind.; Airport name, Baer Field; Elev., 801′; Fac. Class., H-BVORTAC; Ident., FWA; Procedure No. Ter VOR-22, Amdt. Orig; Eff. date, 27 May 65

				T-dn%	400–1	400–1	400–1
				C-dn	1500–1	1500–1	1500–1⅛
				A-dn	1500–2	1500–2	1500–2
				If aircraft equipped to receive VOR and DME, and Canal Int identified, the following minimums apply:			
				C-dn	800–1	800–1	800–1⅛

Procedure turn E side of crs, 160° Outbnd, 330° Inbnd, 7600′ within 14 miles.
Minimum altitude over Canal Int on final approach crs, 5600′; over LMT VOR, 4900′.
Facility on airport, crs and distance, Canal Int to VOR, 330°—2.5 miles; breakoff point to runway, 318°—0.4 mile.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0.0 mile of LMT VOR turn left, climb to 7500′ on R-255 in a 1-minute left turn holding pattern, all turns N side of crs.
CAUTION: High terrain all quadrants.
Other change: Deletes departure procedures having reference to KL LFR.
%Takeoffs all runways: Climb southeastbound on R-140 LMT VOR to cross LFA RBn/11-mile DME Fix at or above 8700′, thence turn right heading 250° magnetic to intercept R-161 LMT VOR, thence turn right, climb direct LMT VOR so as to cross LMT VOR at or above 7000′.
Takeoffs all runways: Climb via SE crs LMT ILS localizer southeastbound to cross LFA RBn/11-mile DME Fix, LMT VOR at or above 8700′, thence turn right heading 250° to intercept R-161 LMT VOR, thence turn right, climb direct LMT VOR so as to cross LMT VOR at or above 7000′.
MSA within 25 miles of facility: 000°–090°—8300′; 090°–180°—7600′; 180°–270°—8800′; 270°–360°—8900′.

City, Klamath Falls; State, Oreg.; Airport name, Kingsley Field; Elev., 4092′; Fac. Class., L-BVORTAC; Ident., LMT; Procedure No. Ter VOR-32, Amdt. 3; Eff. date, 27 May 65; Sup. Amdt. No. 2; Dated, 21 Nov. 64

Long Beach VOR	Canal Int	Direct	8000	T-dn	300–1	300–1	200–½
Downey RBn/FM	Canal Int	Direct	8000	C-dn	500–1	600–1	600–1⅛
LAX VOR	Speedway Int	Direct	2400	S-dn–25R	500–1	500–1	500–1
Canal Int	Speedway Int (final)	Direct	1800	A-dn	800–2	800–2	800–2
				If aircraft equipped with operating dual VOR receivers and Holly Int received, the following minimums apply:			
				S-dn	400–1	400–1	400–1

Radar vectoring authorized in accordance with approved patterns.
Procedure turn S side of crs, 060° Outbnd, 240° Inbnd, 2400′ within 10 miles of Speedway Int. Nonstandard due to traffic restrictions N of final approach crs.
Minimum altitude over Speedway Int on final approach crs, 1800′.
Crs and distance, Speedway Int to airport, 240°—5.8 miles. Breakoff point to runway, 248°—0.5 mile.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 5.8 miles after passing Speedway Int, climb to 2000′ via LAX VOR R-248 within 20 miles.
MSA within 25 miles of facility: 000°–090°—7300′; 090°–180°—2800′; 180°–270°—2400′; 270°–360°—2300′.

City, Los Angeles; State, Calif.; Airport name, Los Angeles; Elev., 126′; Fac. Class., H-BVORTAC; Ident., LAX; Procedure No. TerVOR-25R, Amdt. 2; Eff. date, 29 May 65; Sup. Amdt. No. 1; Dated, 18 Apr. 64

TERMINAL VOR STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
				T-dn%** C-dn‡ A-dn	300-1 400-1 800-2	300-1 500-1 800-2	200-½ 500-1½ 800-2

Procedure turn S side of crs, 080° Outbnd, 210° Inbnd, 4700' within 10 miles.
Minimum altitude over facility on final approach crs, 2040'.
Facility on airport.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0.0 mile of PMD VOR, make right-climbing turn, climb via PMD R-087 to 5000' within 10 miles.
NOTE: Military aerodrome—Prior permission required.
Other change: Deletes transition from PL LFR.
‡No lights Runways 4–22. Night operations this runway not authorized.
**Traffic restrictions N of crs.
**600-2 required for takeoff on Runway 22.
%Southbound (100° thru 270°) takeoff all runways: Turn N immediately after takeoff, intercept and climb Outbnd on PMD R-283 between the station and a point 15 miles NW to sufficient altitude to cross PMD VOR at minimum crossing altitude for direction of flight. Procedure turn N of crs.
MCA's: 100°–205°—6000'; 206°–270°—4500'.
MSA within 25 miles of facility: 000°–090°—4700'; 090°–180°—10,400'; 180°–360°—7700'.

City, Palmdale; State, Calif.; Airport name, Palmdale Air Force Plant No. 42; Elev., 2540'; Fac. Class., H-BVORTAC; Ident., PMD; Procedure No. VOR-22, Amdt. 5; Eff. date, 27 May 65; Sup. Amdt. No. 4; Dated, 23 Jan. 65

OOD VOR Warrington Int Fraser Int Taylor VHF Int	Taylor VHF Int Taylor VHF Int Taylor VHF Int PNE VOR (final)	Via radar vectors* Via radar vectors* Via radar vectors* Vectors 064°	2400 2400 2400 800	T-dn C-dn S-dn-6 A-dn	200-1 700-1 700-1 800-2	800-1 700-1 700-1 800-2	700-1½ 700-1½ 700-1 800-2

Radar vectors authorized in accordance with approved Philadelphia patterns.
Procedure turn not authorized.
Facility on airport.
Crs and distance breakoff point to runway, 056°—0.5 mile.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0.0 mile of PNE VOR, climb on R-064 to 1500' within 5 miles. Then make left-climbing turn to 2400'.
Proceed direct PNE VOR. Hold SW, 1-minute right turns, Inbnd crs, 064°.
Other change: Deletes transitions from Hi-Line Int and Ardmore Int.
*Radar vectors to final approach Fix are required. Final approach radial, 244°.
MSA within 25 miles of the facility: 000°–180°—1500'; 180°–360°—2400'.

City, Philadelphia; State, Pa.; Airport name, North Philadelphia; Elev., 120'; Fac. Class., T-VOR; Ident., PNE; Procedure No. TerVOR-6, Amdt. 1; Eff. date, 27 May 65; Sup. Amdt. No. Orig.; Dated, 15 Aug. 64

				T-dn C-dn S-dn-13 A-dn*	800-1 700-1 700-1 800-2	800-1 700-1 700-1 800-2	NA NA NA NA

Procedure turn W side of crs, 311° Outbnd, 131° Inbnd, 2800' within 10 miles.
Minimum altitude over facility on final approach crs, 2000'.
Facility on airport.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0.0 mile of YKN VOR, make right-climbing turn to 2600' on R-311 within 10 miles.
NOTE: When weather is below 1000-3, aircraft departing eastbound, flight below 2600' prohibited between radials 010° to 140° inclusive of the YKN VOR due to 2100' tower, 2.4 miles E of airport.
AIR CARRIER NOTE: Alternate minimums authorized 24 hours daily for air carriers with weather reporting service available at the airport.
*Alternate minimums authorized only during hours of control zone operation.
MSA within 25 miles of facility: 000°–360°—3100'.

City, Yankton; State, S. Dak.; Airport name, Yankton Municipal; Elev., 1222'; Fac. Class., L-VOR; Ident., YKN; Procedure No. TerVOR-13, Amdt. Orig.; Eff. date, 27 May 65

5. By amending the following very high frequency omnirange-distance measuring equipment (VOR/DME) procedures prescribed in § 97.15 to read:

VOR/DME STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.
If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
JVL VORTAC	10-mile DME Fix R-035	Direct	3000	T-dn C-dn S-dn-22 A-dn*	300-1 600-1 600-1 800-2	300-1 600-1 600-1 800-2	200-½ 600-1½ 800-1 800-2

When authorized by ATC, JVL DME may be used to position aircraft for straight-in approach at 2800' between R-320 clockwise to R-110° via 16-mile DME are with the elimination of procedure turn.
Procedure turn N side of crs, 035° Outbnd, 215° Inbnd, 2600' between 10- and 20-mile DME Fix R-035.
Minimum altitude over 10-mile DME Fix R-035 on final approach crs, 2300'.
Crs and distance, 10-mile DME Fix R-035 to airport, 215°—4.8 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished at 5.2-mile DME Fix R-035, climb to 2400' on 226° radial of JVL VORTAC within 10 miles.
NOTE: Approach control available through Rockford, Ill., control tower.
*Alternate minimums authorized only during hours of control zone operation. Alternate minimums authorized 24 hours daily for air carriers with weather reporting service at the airport.
MSA within 25 miles of facility: 000°–090°—2400'; 090°–180°—2400'; 180°–270°—2800'; 270°–360°—2400'.

City, Janesville; State, Wis.; Airport name, Rock County; Elev., 808'; Fac. Class., BVORTAC; Ident., JVL; Procedure No. VOR/DME No. 1, Amdt. Orig.; Eff. date, 27 May 65

				T-dn%* C-dn‡ S-dn 25 A-dn	300-1 400-1½ 400-1½ 800-2	300-1 500-1½ 400-1½ 800-2	200-½ 500-2 400-1½ 800-2

Procedure turn Teardrop, right turn, 044° Outbnd, 224° Inbnd, 4700' within 10 miles.
Minimum altitude over 5.0-mile DME Fix R-064, 4300'.
Minimum altitude over 5.0-mile DME Fix R-064 on final approach crs, 3800'.
Crs and distance, 5.0-mile DME Fix R-064, to airport, 244°—5.5 miles; breakoff point to runway, 251°—1.6 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished at 1.1 miles before VORTAC, make right-climbing turn and climb via R-067 to 5000' within 10 miles.
NOTE: Military airport authorized for military use only, except by prior arrangement.
Other change: Deletes transition from PMD RBn.
‡No lights Runways 4–22. Night operations this runway not authorized.
*600-2 required for takeoff on Runway 22.
%Southbound (100° thru 270°) takeoff all runways: Turn N immediately after takeoff, intercept and climb Outbnd on PMD R-283 between the station and a point 15 miles NW to sufficient altitude to cross PMD VOR at minimum crossing altitude for direction of flight. Procedure turn N of crs.
MCA's: 100°–205°—6000'; 206°–270°—4500'.
MSA within 25 miles of facility: 000°–090°—4700'; 090°–180°—10,400'; 180°–360°—7700'.

City, Palmdale; State, Calif.; Airport name, Palmdale Air Force Plant No. 42; Elev., 2540'; Fac. Class., H-BVOR/TAC; Ident., PMD; Procedure No. VOR/DME No. 1, Amdt. 2; Eff. date, 27 May 65; Sup. Amdt. No. 1; Dated, 23 Jan. 65

10-mile DME Fix R-089 10-mile DME Fix R-328 10-mile DME Fix R-074 Groves Int	PDX VOR PDX VOR (final) PDX VOR PDX VOR	Direct Direct Direct Direct	4000 3000 4000 5400	T-dn* C-d C-n A-dn	300-1 900-1 900-2 1000-2	300-1 900-1 900-2 1000-2	200-½ 900-1½ 900-2 1000-2

Radar vectoring authorized in accordance with approved patterns.
Procedure turn W side of crs, 328° Outbnd, 148° Inbnd, 4000' within 10 miles.
Minimum altitude over facility on final approach crs, 3000'.
Crs and distance, facility to airport, 136°—9.2 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 9.2 miles after passing PDX VOR, turn left and return direct to PDX VOR climbing to 4000'.
CAUTION: 986' terrain, 1.5 miles SE of airport.
NOTE: When authorized by ATC, DME may be used between R-160 clockwise to R-320 within 15 miles at 4000' to position aircraft for straight-in approach with elimination of the procedure turn.
Other changes: Deletes transitions from Woodland FM and LaCenter FM.
*200-½ authorized on 10R and L/28R and L. 700-2 required on Runways 2 and 20.
MSA within 25 miles of facility: 090°–180°—5100'; 180°–270°—3100'; 270°–090°—5800'.

City, Portland; State, Oreg.; Airport name, Portland International; Elev., 29'; Fac. Class., H-BVORTAC; Ident., PDX; Procedure No. VOR/DME No. 1, Amdt. 3; Eff. date, 27 May 65; Sup. Amdt. No. 2; Dated, 26 Sept. 64

10-mile DME Fix PRC-R-289	PRC VOR (final)	Direct	6000	T-dn*% C-dn‡ A-dn	800-2 800-2 1000-2	800-2 800-2 1000-2	800-2 800-2 1000-2

Procedure turn Teardrop, 309° Outbnd, turn left, 109° Inbnd, 7800' within 10 miles.
Minimum altitude over facility on final approach crs, 6600'.
Crs and distance, facility to airport, 112°—4.1 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished at 4.1 miles after passing PRC VOR, make immediate left-climbing turn and return to PRC VOR, climb to 8000' on R-289 within 15 miles or, when directed by ATC, make immediate left turn, and climb to 9000' on R-080 within 15 miles. Not authorized beyond 15 miles.
NOTES: (1) When authorized by ATC, DME may be used at 10 miles at 9100' altitude from PRC R-287 to R-288 and at 9000' altitude between PRC R-288 and R-348 to position aircraft for a straight-in approach with the elimination of the procedure turn. (2) Final approach crs is to NE side of airport.
*600-2 authorized for takeoff on Runways 3 and 21.
‡Circling W and S not authorized.
%Takeoffs all runways: Runways 3 and 30 climb direct to PRC VOR, Runway 12 turn left, Runway 21 turn right, climb direct to PRC VOR, then climb NW via PRC VOR R-289 to recross PRC VOR at minimum crossing altitudes for direction of flight.
MCA's: PRC VOR R-060 to R-180—5800'; PRC VOR R-181 to R-268—7200'; northbound (269° through 059°) on crs climb authorized.
MSA within 25 miles of facility: 000°–090°—5800'; 090°–180°—9000'; 180°–270°—8600'; 270°–360°—5800'.

City, Prescott; State, Ariz.; Airport name, Prescott Municipal; Elev., 5042'; Fac. Class., H-BVORTAC; Ident., PRC; Procedure No. 1, Amdt. 2; Eff. date, 27 May 65; Sup. Amdt. No. 1; Dated, 20 Feb. 65

VOR/DME STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

Transition: From—	Transition: To—	Course and distance	Minimum altitude (feet)	Ceiling and visibility minimums: Condition	2-engine or less: 65 knots or less	2-engine or less: More than 65 knots	More than 2-engine, more than 65 knots
15-mile DME Fix R-081	7-mile DME Fix R-081	Direct	9200	T-dn%	300-1	300-1	200-½
7-mile DME Fix R-081	3-mile DME Fix R-081	Direct	8100	C-dn	400-1	500-1	500-1½
3-mile DME Fix R-081	RKS VOR (final)	Direct	7200	S-dn-25	400-1	400-1	400-1
				A-dn	800-2	800-2	800-2

Procedure turn N side of crs, 081° Outbnd, 261° Inbnd, 9200' within 10 miles.
Crs and distance, facility to airport, 267°—1.9 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished at 1.9-mile DME Fix R-267, climb to 10,000' on R-268 within 20 miles.
NOTE: When authorized by ATC, DME may be used within 15 miles between radials 010° clockwise to 081° at 9800' to position aircraft for final approach, with the elimination of a procedure turn.
%Takeoff all runways: Shuttle climb on the 243° radial of the Rock Springs VORTAC within 15 miles to minimum crossing altitude required for direction of flight.
MSA within 25 miles of facility: 000°–090°—9100'; 090°–180°—9700'; 180°–270°—9700'; 270°–360°—9700'.
City, Rock Springs; State, Wyo.; Airport name, Rock Springs Municipal; Elev., 6732'; Fac. Class., BVORTAC; Ident., RKS; Procedure No. VOR/DME No. 1, Amdt. 4; Eff. date, 27 May 65; Sup. Amdt. No. 3; Dated, 18 Apr. 64

20-mile DME Fix R-073	11-mile DME Fix R-073	Direct	8500	T-dn%	300-1	300-1	200-½
11-mile DME Fix R-073	GEG VOR	Direct	4200	C-dn	500-1	500-1	500-1½
				S-dn-3R	400-1	400-1	400-1
				A-dn	800-2	800-2	800-2

Radar transitions and vectoring utilizing Spokane radar authorized in accordance with approved radar patterns.
When used in lieu of procedure turn, alignment on final approach heading within 10 miles of VOR is required.
Procedure turn S side of crs, 207° Outbnd, 027° Inbnd, 4000' within 10 miles.
Minimum altitude over facility on final approach crs, 3700'.
Crs and distance, facility to airport, 027°—4.4 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.4 miles after passing GEG VOR, climb on R-026 to GE LOM, thence continue climb to 4500' in a 1-minute right turn holding pattern on R-026 NE of GE LOM or, when directed by ATC, make left-climbing turn and climb to 4000' on R-271 within 20 miles, all turns S side R-271, or make left-climbing turn and return to VOR, climbing to 4000'.
Other change: Deletes transitions from Rockford, Williams, Amber, Tyler, Edwall, and Corsicy Ints.
NOTE: When authorized by ATC, DME may be used within 9 miles at 4000' to position aircraft for straight-in approach with elimination of the procedure turn.
CAUTION: Terrain and tower, 6031'—16 miles NE of LOM; high terrain N through E of airport; 3188' tower, 4.8 miles SE of GE LOM; 4349' TV tower, 8.2 miles E of airport.
#400-¾ authorized, except for 4-engine turbojet aircraft, with operative high-intensity runway lights.
%Takeoffs all runways: Climb direct GEG VOR, thence continue climb on R-207 GEG VOR within 10 miles so as to cross GEG VOR at or above eastbound V-2 3200'; northeastbound V-2N 3200'; southeastbound V-28 3000'.
LF departures: Climb on the 205° bearing from EG LMM within 10 miles to MEA for direction of flight.
MSA within 25 miles of facility: 000°–090°—6900'; 090°–180°—5000'; 180°–270°—4100'; 270°–360°—6100'.
City, Spokane; State, Wash.; Airport name, Spokane International; Elev., 2372'; Fac. Class., H-BVORTAC; Ident., GEG; Procedure No. VOR/DME No. 1, Amdt. 5; Eff. date, 27 May 65; Sup. Amdt. No. 4; Dated, 20 Feb. 65

				T-dn	300-1	300-1	200-½
				C-dn	600-1	600-1	600-1½
				S-dn-11	400-1	400-1	400-1
				A-dn	800-2	800-2	800-2

Procedure turn N° side of crs, 300° Outbnd, 120° Inbnd, 7000' within 10 miles.
Minimum altitude over facility on final approach crs, 6000'.
Crs and distance, facility to airport, 107°—3.7 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 3.7 miles after passing INW VOR, turn left, climb to 7000' on R-079 within 15 miles.
Shuttle: To 8000' on crs, 300° Outbnd, 120° Inbnd within 20 miles.
NOTE: When authorized by ATC, DME may be used at 6 miles at 7000' to position aircraft for straight-in approach with elimination of procedure turn.
Other Change: Deletes transition from INW RBn.
°All turns N side of crs, high terrain, S.
MSA within 25 miles of facility: 270°–090°—7000'; 090°–270°—8000'.
City, Winslow; State, Ariz.; Airport name, Winslow Municipal; Elev., 4937'; Fac. Class., H-BVORTAC; Ident., INW; Procedure No. VOR/DME No. 1, Amdt. 1; Eff. date, 27 May 65; Sup. Amdt. No. Orig.; Dated, 8 Aug. 64

6. By amending the following instrument landing system procedures prescribed in § 97.17 to read:

ILS STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.
If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition: From—	Transition: To—	Course and distance	Minimum altitude (feet)	Ceiling and visibility minimums: Condition	2-engine or less: 65 knots or less	2-engine or less: More than 65 knots	More than 2-engine, more than 65 knots
Shafter Int	Int of FLW R-030 and BFL Localizer B.C.	Direct	4000	T-dn%	300-1	300-1	200-½
PTV VOR	Int of PTV R-183 and BFL Localizer B.C.	Direct	3000	C-dn	300-1	500-1	500-1½
Int of BFL R-322 and PTV R-183	Int of PTV R-183 and BFL Localizer B.C.	Direct	3000	S-dn-12L#	400-1	400-1	400-1
				A-dn	800-2	800-2	800-2
Int of FLW R-030 and BFL Localizer B.C.	Lerdo Int (final)	Direct	2000				
Int of PTV R-183 and BFL Localizer B.C.	Lerdo Int (final)	Direct	2000				

Procedure turn not authorized.
Minimum altitude over Lerdo Int on final approach crs, 2000'.
Crs and distance, Lerdo Int to airport, 119°—4.6 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.6 miles after passing Lerdo Int, climb straight ahead to 1500' within 6 miles, turn right, climb via localizer crs to Lerdo Int at 3000' or, when directed by ATC, climb to McKittrick Int via R-227 at 3000'.
NOTE: When authorized by ATC, DME may be used at 9 miles from BFL VOR at 3000' from BFL R-121, CW R-352 to position aircraft on BFL R-296/localizer back crs for a straight-in approach with the elimination of the procedure turn.
#400-¾ authorized, except for 4-engine turbojet aircraft, with operative high-intensity runway lights.
%E and southbound (015° thru 210°) IFR departures must comply with published Bakersfield SID's.
City, Bakersfield; State, Calif.; Airport name, Meadows Field; Elev. 489'; Fac. Class., ILS; Ident., I-BFL; Procedure No. ILS-12L (back crs), Amdt. 2; Eff. date, 27 May 65; Sup. Amdt. No. 1; Dated, 19 Dec. 64

BFL VOR	LOM	Direct	2400	T-dn%	300-1	300-1	200-½
Maricopa Int	LOM	Direct	3000	C-dn	500-1	500-1	500-1½
River Int	LOM	Direct	2400	S-dn-30R#	200-½	200-½	200-½
Arvin Int	LOM (final)	Direct	°3000	A-dn	800-2	800-2	800-2
Lamont Int	Arvin Int	Direct	6900				
Woody Int	LOM	Direct	4000				

Procedure turn S° side SE crs, 119° Outbnd, 299° Inbnd, 2400' within 10 miles of OM. Beyond 10 miles not authorized.
Minimum altitude at glide slope interception Inbnd, 2000'. Descent°° to 1985' at LOM authorized after glide slope intercept on localizer crs.
Altitude of glide slope and distance to approach end of runway at OM, 1985'—4.5 miles; at MM, 713'—0.6 mile.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished, climb direct BFL VOR, then via R-322 to Delano Int at 3000' or, when directed by ATC, climb via BFL VOR R-277 to McKittrick Int at 3000'.
NOTE: When authorized by ATC, DME may be used at 17 miles at 2400', from BFL VOR R-237 counterclockwise R-122 to position aircraft on BFL R-122/localizer front crs for a straight-in approach with the elimination of the procedure turn.
Other change: Deletes transition from BC LFR.
°All turns S side of crs, high terrain, N.
#400-¾ required with glide slope inoperative. 400-1½ authorized, except for 4-engine turbojet aircraft, with operative ALS.
%E and southbound (015° thru 210°) IFR departures must comply with published Bakersfield SID's.
City, Bakersfield; State, Calif.; Airport name, Meadows Field; Elev., 489'; Fac. Class., ILS; Ident., I-BFL; Procedure No. ILS-30R, Amdt. 10; Eff. date, 27 May 65; Sup. Amdt. No. 15; Dated, 14 Nov. 64

DAB VOR	LOM	Direct	1500	T-dn	300-1	300-1	200-½
Barberville Int	LOM	Direct	1800	C-dn	400-1	500-1	500-1½
Lake Helen Int	LOM	Direct	1500	S-dn-6°	200-½	200-½	200-½
Smyrna Int	LOM	Direct	1500	A-dn	600-2	600-2	600-2
Woodruff Int	LOM (final)	Direct	1400				

Procedure turn N side of crs, 345° Outbnd, 065° Inbnd, 1400' within 10 miles.
Minimum altitude at glide slope interception Inbnd, 1400'.
Altitude of glide slope and distance to approach end of runway at OM, 1378'—4.7' miles; at MM, 226'—0.6 mile.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished, climb to 1500' on NE crs ILS, make left turn and proceed to Daytona Beach VOR via the R-140 or, when directed by ATC, climb to 1500' on NE crs ILS, make right turn and proceed direct to LOM.
#400-¾ required with glide slope inoperative. 400-1½ authorized, except for 4-engine turbojet aircraft, with operative ALS.
City, Daytona Beach; State, Fla.; Airport name, Daytona Beach Municipal; Elev., 34'; Fac. Class., ILS; Ident., I-DAB; Procedure No. ILS-6, Amdt. 6; Eff. date, 20 May 65; Sup. Amdt. No. 5; Dated, 11 May 63

Harrisburg LFR	LOM	Direct	2700	T-d	600-1	600-1	600-1
Harrisburg VOR	LOM	Direct	2700	T-a	800-2	800-2	800-2
				C-dn	1000-2	1000-2	1000-2
				S-d-E	600-1¼	600-1¼	600-1¼
				S-a-E	600-2	600-2	600-2
				A-dn	1000-2	1000-2	1000-2

Radar transitions authorized in accordance with approved patterns.
Procedure turn N side of W crs, 256° Outbnd, 076° Inbnd, 2700' within 10 miles.
Minimum altitude over LOM, 2700'. No glide slope. Distance to approach end of runway at OM, 7.1 miles, at MM, 1.8 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 7.1 miles after passing LOM, climb to 3000' on Harrisburg VOR R-111 to Steelton Int. Hold E 1-minute left turns, Inbnd crs, 291°.
AIR CARRIER NOTES: Landing on Runway 2 authorized only during daylight hours with ceiling 1500' or better.
NOTES: (1) Takeoff minimums of 300-1 authorized for Runways 8–26 only. (2) Takeoff on Runway 20 not authorized. (3) ADF approach not authorized.
CAUTION: Circling minimums do not provide standard clearance over 1135' ridge and tower, 1.6 miles S of airport.
CAUTION: Nonstandard instrument landing system. Approaches not authorized with any commissioned component inoperative.
CAUTION: Course vagaries and/or flag indications may be encountered below 6000' beyond 10 miles of localizer antenna when more than 15° S of the localizer crs.
City, Harrisburg; State, Pa.; Airport name, Harrisburg-York State; Elev., 347'; Fac. Class., ILS; Ident., I-HAR; Procedure No. ILS-8, Amdt. 9; Eff. date, 27 May 65; Sup. Amdt. No. 8; Dated, 14 July 62

ILS STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
LMT VOR	LFA RBn	Direct	7800	T–dn%	400–1	400–1	400–½
Mt. Dome VHF Int	LFA RBn	Direct	7500	C–dn	900–1	800–1	800–1½
LMT VOR R–161 20-miles DME Fix	LFA RBn	Direct	7800	S–dn–32°	400–¾	400–¾	400–¾
				A–dn	1000–2	1000–2	1000–2

Procedure turn not authorized. Final approach from holding pattern at LFA RBn. Final approach crs, 318° from LFA RBn.
Minimum altitude at glide slope interception, 7500'.
Altitude of glide slope and distance to approach end of runway at LFA RBn, 7500'—10.5 miles; at OM, 5970'—5.8 miles; at MM, 4850'—0.6 mile.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0.6 mile after passing MT LMM, climb to 7800' direct to LMT VOR, thence turn left, continue climb in a 1-minute left turn holding pattern on R–265 of LMT VOR.
CAUTION: High terrain all quadrants.
Other change: Deletes departure procedures having reference to KL LFR.
*All components of the ILS including LFA RBn and all related airborne equipment must be in satisfactory operating condition when executing this approach. The ALS is not considered a component of this ILS.
%Takeoffs all runways: Climb via SE crs LMT ILS localizer southeastbound to cross LFA RBn at or above 8700'; thence turn right heading 250° magnetic to intercept R–161 LMT VOR, thence turn right, climb direct LMT VOR so as to cross LMT VOR at or above 7000'.
Takeoffs all runways: Climb southeastbound on R–140 LMT VOR to cross LFA RBn/11-miles DME Fix at or above 8700', thence turn right heading 280° magnetic to intercept R–161 LMT VOR, thence turn right, climb direct LMT VOR so as to cross LMT VOR at or above 7000'.

City, Klamath Falls; State, Oreg.; Airport name, Kingsley Field; Elev., 4092'; Fac. Class., ILS; Ident., I–LMT; Procedure No. ILS–32, Amdt. 8; Eff. date, 27 May 65; Sup. Amdt. No. 4; Dated, 21 Nov. 64

Little Rock VORTAC	LOM	Direct	2000	T–dn	200–1	200–1	*200–½
Bauxite Int	SW crs ILS	010°–2.3 miles	1800	C–dn	500–1	500–1	500–1½
Mabelvale Int	LOM (final)	Direct	1800	S–dn–4°**	200–½	200–½	200–½
				A–dn	600–2	600–2	600–2

Radar vectoring authorized in accordance with approved patterns.
Procedure turn N side of crs, 220° Outbnd, 040° Inbnd 1800' within 10 miles.
Minimum altitude at glide slope interception Inbnd, 1800'.
Altitude of glide slope and distance to approach end of runway at LOM, 1800'—4.6 miles, at LMM, 900—0.6 mile.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished climb to 2000' on NE crs, ILS (040°) within 30 miles or, when directed by ATC, (1) turn right, climb to 2000' and proceed to VORTAC, or (2) turn right, climb to 2000' on R–065 within 20 miles.
*300–1 required for takeoff Runways 17, 35, 22.
**500–1 required when glide slope not utilized.

City, Little Rock; State, Ark.; Airport name, Adams Field; Elev., 257'; Fac. Class., ILS; Ident., I–LIT; Procedure No. ILS–4, Amdt. 9; Eff. date, 29 May 65; Sup. Amdt. No. 7; Dated, 12 Oct. 63

Medford VOR	MF LOM	Direct	8000	T–dn%	800–1	800–1	200–½
Gold Hill Int	MF LOM	Direct	6500	C–dn	700–1	700–1	700–1½
Klamath Junction Int	MF LOM	Direct	9000	S–dn–14	200–½	200–½	200–½
Talent Int	MF LOM	Direct	8000	A–dn	1000–2	1000–2	1000–2
15-mile DME Fix and N crs MFR Loc	Evans Creek FM (final)	Direct	6500*				

Procedure turn E side N crs, 319° Outbnd, 139° Inbnd, 6800' within 10 miles of Evans Creek FM.
Minimum altitude at glide slope interception Inbnd, 6000'.
Altitude of glide slope and distance to approach end of runway at Evans Creek, 6000'—14.6 miles; at OM, 2900'—4.7 miles; at MM, 1550'—0.6 mile.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished, make immediate climbing right turn, climbing direct to MF LOM, thence continue climb to 6500' in a 1-minute right turn, holding pattern S of MF LOM on the localizer crs.
NOTE: (1) Evans Creek FM and all components of the ILS and related airborne equipment must be fully operational and used when executing this approach. Evans Creek FM and procedure turn may be eliminated provided VFR on-top is maintained to MF LOM, and further, the aircraft must be able to arrive over MF LOM at 2860' on-top. (2) When authorized by ATC, DME may be used between R–215 MFR VOR clockwise to R–247 MFR VOR within 15 miles at 6500' to position aircraft for straight-in approach with elimination of procedure turn.
CAUTION: High terrain all quadrants.
Major change: Deletes transition from Medford LFR.
*Descent on glide slope to cross Evans Creek FM at 6000' is authorized.
%All IFR departures must comply with published Medford SID's.

City, Medford; State, Oreg.; Airport name, Medford Municipal; Elev., 1330'; Fac. Class., ILS; Ident., I–MFR; Procedure No. ILS–14, Amdt. 8; Eff. date, 27 May 65; Sup. Amdt. No. 7; Dated, 10 Apr. 65

Prior Int	LOM (final)	Direct	2200	T–dn*	300–1	300–1	200–½
FGT VOR	LOM	Direct	2300	C–dn	500–1	500–1	500–1½
Ketcham Int	LOM (final)	Direct	2700	S–dn–45**	200–½	200–½	200–½
MSP VOR	LOM	Direct	2500	A–dn	600–2	600–2	600–2
MSP RBn	LOM	Direct	2300				

Radar vectoring to final approach crs authorized in accordance with approved patterns.
Procedure turn S side of crs, 319° Outbnd, 039° Inbnd, 2300' within 10 miles.
Minimum altitude at glide slope interception Inbnd 2200'.
Altitude of glide slope and distance to approach end of runway at OM, 2088'—4.8 miles; at MM, 1035'—0.6 mile.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished, climb to 2600' on NE crs ILS within 15 miles.
NOTE: Aircraft executing missed approach may be radar controlled after radar identification.
*400–1 required when glide slope not utilized. 400–½ authorized, except for 4-engine turbojet aircraft, with operative high-intensity runway lights. 400–½ authorized, except for 4-engine turbojet aircraft, with operative ALS.
**Runway visual range, 2400' also authorized for takeoff on Runway 4 in lieu of 200–½ when 200–½ authorized, providing high-intensity runway lights are operational.
**Runway visual range, 2400' is also authorized for landing on Runway 4; provided, that all components of the ILS, high-intensity runway lights, approach lights with condenser discharge flashers, outer compass locator and all related airborne equipment are operating satisfactorily. Descent below 1040' shall not be made unless visual contact with approach lights has been established or the aircraft is clear of clouds.

City, Minneapolis; State, Minn.; Airport name, Minneapolis-St. Paul International (Wold-Chamberlain Field); Elev., 840'; Fac. Class., ILS; Ident., I–APL; Procedure No. ILS–4, Amdt. 8; Eff. date, 29 May 65; Sup. Amdt. No. 7; Dated, 9 Jan. 65

ILS STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
Mobile VOR	LOM	Direct	1500	T–dn	300–1	300–1	200–½
Brookley VOR	LOM	Direct	1500	C–dn	400–1	500–1	500–1½
				S–dn–14°	200–½	200–½	200–½
				A–dn	600–2	600–2	600–2

Radar vectoring authorized in accordance with approved patterns.
Procedure turn W side of crs, 319° Outbnd, 139° Inbnd, 1500' within 10 miles.
Minimum altitude at glide slope interception Inbnd, 1500'.
Altitude of glide slope and distance to approach end of runway at OM, 1500'—4.5 miles; at MM, 424'—0.6 mile.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished, make right turn, climb to 1800' on 180° crs from LOM within 20 miles or, when directed by ATC, make right turn, proceed direct to MOB VOR climbing to 1800' and enter VOR holding pattern.
NOTE: Aircraft executing missed approach may, after being reidentified, be radar controlled.
*400–½ required when glive slope not utilized. 400–½ authorized, except for 4-engine turbojet aircraft, with operative ALS.

City, Mobile; State, Ala.; Airport name, Bates Field; Elev., 218'; Fac. Class., ILS; Ident., I–MOB; Procedure No. ILS–14, Amdt. 15; Eff. date, 29 May 65; Sup. Amdt. No. 14; Dated, 16 Jan. 65

PIH VOR	LOM	Direct	7000	T–dn%	300–1	300–1	200–½
Falls Int	LOM	Direct	7000	C–dn***	500–1	500–1	500–1½
IDA VOR	NE crs of localizer**	180°—20 miles	7400	S–dn–21°	200–½	300–¾	300–¾
				A–dn	600–2	600–2	600–2

Radar vectoring authorized in accordance with approved patterns.
Procedure turn N side of NE crs, 027° Outbnd, 207° Inbnd, 7000' within 10 miles. Not authorized beyond 10 miles.
Minimum altitude at glide slope interception Inbnd, 7000'.
Altitude of glide slope and distance to approach end of runway at OM, 5610'—3.7 miles; at MM, 4660'—0.6 mile.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished, climb to 6500' on R–234 PIH VOR within 15 miles or, when directed by ATC, climb to 6500' on 231° crs from PI LOM within 15 miles.
CAUTION: High terrain, SE through SW of airport.
Other change: Deletes transition from PH LFR.
*400–¾ required when glide slope not utilized. 400–½ authorized, except for 4-engine turbojet aircraft, with operative SALS.
**Maintain 7400' until interception of glide slope, descend on glide slope to cross LOM at 5610'.
***Circling not authorized S of airport.
%Takeoff all runways: Shuttle climb on the 234° radial of the PIH VOR within 20 miles to minimum crossing altitude required for direction of flight. All turns N side of 234° radial.

City, Pocatello; State, Idaho; Airport name, Pocatello Municipal; Elev., 4446'; Fac. Class., ILS; Ident., I–PIH; Procedure No. ILS–21, Amdt. 6; Eff. date, 27 May 65; Sup. Amdt. No. 5; Dated, 21 Mar. 64

11.8-mile DME Fix R–338 PDX VOR	SVY RBn	Direct	3300	T–dn***	300–1	300–1	200–½
Scappoose VHF Int	SVY RBn (final)	Direct	3000	C–dn%	700–1	700–1	700–1½
UBG VOR	SVY RBn	Direct	3200	S–dn–10R###	200–½	200–½	200–½
PDX VOR	SVY RBn	Direct	3200	A–dn	700–2	700–2	700–2
15-mile DME Fix R–175 PDX VOR	SVY RBn	Direct	3200				

Radar vectoring authorized in accordance with approved patterns.
Procedure turn S side of crs, 278° Outbnd, 098° Inbnd, 3200' within 10 miles. Beyond 10 miles not authorized.
Minimum altitude at glide slope interception Inbnd, 3000'.
Altitude of glide slope and distance to approach end of runway at SVY RBn, 3000'—9.5 miles; at OM, 1257'—4.0 miles; at MM, 280'—0.6 mile.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished, climb direct to IA LOM, continue climb to 3700' in a 1-minute left turn, holding pattern E of IA LOM or, when directed by ATC, proceed direct to PDX VOR, climbing to 4000'.
Other change: Deletes transitions from Woodland FM, Willamette FM and PO LFR.
*200–½ authorized Runways 10R/L and 28R/L only. 700–2 required on Runways 2 and 20.
#500–½ required when glide slope not utilized.
%CAUTION: 664' terrain, 1.8 miles SE of airport.
**Runway visual range, 2400' also authorized for takeoff on Runway 10R in lieu of 200–½ when 200–½ authorized; provided high-intensity runway lights are operational.
##Runway visual range, 2400' also authorized for landing on Runway 10R provided all components of the ILS, high-intensity runway lights, approach lights, condenser discharge flashers, outer compass locator, and all related airborne equipment are operating satisfactorily. Descent below 220' shall not be made unless visual contact with approach lights has been established or the aircraft is clear of the clouds.

City, Portland; State, Oreg.; Airport name, Portland International; Elev., 26'; Fac. Class., ILS; Ident., I–PDX; Procedure No. ILS–10R, Amdt. 13; Eff. date, 27 May 65; Sup. Amdt. No. 14; Dated, 27 Feb. 65

PDX VOR	Levee Int	Direct	3200	T–dn*	300–1	300–1	200–½
UBG VOR	Levee Int	Direct	3200	C–dn#	700–1	700–1	700–1½
Pearson Int	Levee Int	Direct	3200	S–dn–10L	600–1	600–1	600–1
Buxton Int	Levee Int (final)	Direct	2900	A–dn	800–2	800–2	800–2

Radar vectoring authorized in accordance with approved patterns.
Procedure turn S side of crs, 278° Outbnd, 098° Inbnd, 3200' within 10 miles of Levee Int.
Crs and distance, Levee Int to airport, 098°—8.8 miles; Portal Int to airport, 098°—4.4 miles.
No glide slope. (Back crs).
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.4 miles after passing Portal Int, climb direct to I A LOM, continue climb to 3700' in a 1-minute left turn, holding pattern E of IA LOM or, when directed by ATC, turn left, climb to 4000' direct to PDX VOR.
NOTE: Dual VHF receivers required for this approach.
*200–½ authorized Runways 10R/L and 28R/L only. 700–2 required on Runways 2 and 20.
#CAUTION: 664' terrain, 1.8 miles SE of airport.

City, Portland; State, Oreg.; Airport name, Portland International; Elev., 26'; Fac. Class., ILS; Ident., I–IAP; Procedure No. ILS–10L (back crs), Amdt. 2; Eff. date, 27 May 65; Sup. Amdt. No. 1; Dated, 11 Apr. 64

ILS STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
Groves VHF Int	IA LOM	Direct	1400	T-dn**°	300-1	300-1	200-½
PDX VOR	IA LOM	Direct	1700	C-dn#	700-1	700-1	700-1½
Mt. Scott VHF Int	IA LOM	Direct	1700	S-dn-28##%	200-½	200-½	200-½
Oswego VHF Int	IA LOM	Direct	1700	A-dn	700-2	700-2	700-2

Radar transitions and vectoring using Portland radar authorized in accordance with approved radar patterns.
Procedure turn S side of crs, 056° Outbnd, 276° Inbnd, 3700' within 10 miles.
Final approach from holding pattern at IA LOM not authorized, procedure turn required.
Minimum altitude at glide slope intersection Inbnd, 1700'.
Altitude of glide slope and distance to approach end of runway at OM, 1677'—5.0 miles; at MM, 284'—0.6 mile.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished, climb to 3200' direct to SVY RBn, or when directed by ATC, turn right, climb to 4000' direct to PDX VOR.
Other change: Deletes transition from PO LFR. Delated requirement for radar alignment on final approach.
*200-½ authorized Runways 10R/L and 28R/L only. 700-2 required on Runways 2 and 20.
%700-1 required when glide slope not used.
**Runway visual range, 2400' also authorized for takeoff on Runway 28R in lieu of 200-½ when 200-½ authorized; provided high-intensity runway lights are operational.
##Runway visual range, 2400' also authorized for landing on Runway 28R provided all components of the ILS, high-intensity runway lights, approach lights, condenser discharge flashers, outer compass locator, and all related airborne equipment are operating satisfactorily. Descent below 226' shall not be made unless visual contact with approach lights has been established or the aircraft is clear of the clouds.
#CAUTION: 664' m.s.l. terrain, 1.8 miles SE of airport. Terrain rises to 11,248' within 35 miles of LOM.

City, Portland; State, Oreg.; Airport name, Portland International; Elev., 28'; Fac. Class., ILS; Ident., I-IAP; Procedure No. ILS-28R, Amdt. 1; Eff. date, 27 May 65; Sup. Amdt. No. Orig.; Dated, 23 June 63

East Texas VOR	LOM	Direct	1900	T-dn°	300-1	300-1	200-½
Honeybrook Int	LOM (final)	Direct	2100#	C-dn	800-2	800-2	800-2
Boyer Int	LOM	Direct	2900	S-dn-36**	400-1	400-1	400-1
Bernville Int	LOM	Direct	2900	A-dn	1000-2	1000-2	1000-2

Procedure turn E side S crs, 181° Outbnd, 001° Inbnd, 2100' within 10 miles.
Minimum altitude at glide slope intersection Inbnd, 2100'.
Altitude of glide slope and distance to approach end of runway at OM, 1631—3.9 miles, at MM 541—0.9 mile.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished, climb to 3000' on crs of 061° from the RDG LOM to intercept the 321° radial of the Pottstown VOR direct to Auburn Int and hold SW on R-261 ETX VOR, 1-minute pattern left turns.
AIR CARRIER NOTE: Neither sliding scale nor any reduction in takeoff minimums authorized on Runways 21 or 36.
Other change: Deletes transitions from Int SW crs, Allentown LFR and S crs, ILS, and from Rainholds Int.
*300-1 required for takeoff on Runways 21 and 36; takeoff on Runways 15 and 18, make right turn as soon as practical, to avoid towers, 1230' and high terrain, 2.6 miles SE of airport.
**600-1 required with glide slope inoperative.
#After intercession of localizer crs Inbnd, descent on glide slope to cross outer marker at 1631' on final approach is authorized.

City, Reading; State, Pa.; Airport name, General Carl A. Spaats Field; Elev., 342'; Fac. Class., ILS; Ident., I-RDG; Procedure No. ILS-36, Amdt. 10; Eff. date, 27 May 65; Sup. Amdt. No. 9; Dated, 14 Nov. 64

Hallville DME Int*	LOM (final)	Direct	9500	T-dn%	300-1	300-1	200-½
RKS VOR	LOM	Direct	9250	C-dn#	400-1	400-1	400-1½
				S-dn-28#	300-½	300-½	300-½
				A-dn	600-2	600-2	600-2

Procedure turn N side E crs, 074° Outbnd, 254° Inbnd, 9200' within 10 miles of LOM.
Minimum altitude at glide slope intersection Inbnd, 9600'.
Altitude of glide slope and distance to approach end of runway at OM 7530'—3.9 miles, at MM, 6952'—0.6 mile.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished climb to 10,000' on W crs of localizer, 254° Outbnd within 10 miles of LOM or, when directed by ATC, climb to 10,000' on R-266 RKS-VOR within 20 miles.
AIR CARRIER NOTE: Sliding scale not authorized.
CAUTION: Without glide slope, maintain 9600' until over OM Inbnd.
NOTE: When authorized by ATC, DME may be used within 30 miles at 9700' to position aircraft over Hallville DME Int for final approach with the elimination of procedure turn.
*Maintain 9600' until intercession of glide slope, descend on glide slope to cross LOM at 7530'.
#If glide slope not used, 700' minimums apply; straight-in minimums not authorized.
%Takeoff all runways: Shuttle climb on the 248° radial of the Rock Springs VORTAC within 15 miles to minimum crossing altitude required for direction of flight.

City, Rock Springs; State, Wyo.; Airport name, Rock Springs Municipal; Elev., 6752'; Fac. Class., ILS; Ident., I-RKS; Procedure No. ILS-25; Amdt. 13; Eff. date, 27 May 65; Sup. Amdt. No. 12; Dated, 16 Nov. 63

SBA VOR	LMM	Direct	8000	T-dn%	300-1	300-1	200-1
SBA LMM	Naples Int/OM	Direct	4000	C-dn	700-1	700-1	700-1½
Channel Int	LMM	Direct	4000	S-dn-7*	300-¾	300-¾	300-¾
GVO VOR	Halibut Int/6000' till 1 mile S	R-163	3200	A-dn	800-2	800-1	800-1
Goleta Int	Lobster Int	Direct	3000				
Lobster Int	Halibut Int	Direct	7000				
Halibut Int	Naples Int/OM (final)	Direct	1800				
Channel Int	Goleta Int	Direct	4000				

Procedure turn S side W crs, 233° Outbnd, 073° Inbnd, 3200' within 10 miles of Naples Int/OM.
Minimum altitude at glide slope intersection Inbnd, 2100'.
Altitude of glide slope at Naples Int/OM, 1500'; at MM, 198'; at Halibut Int, 3200'.
Distance to approach end of runway from Naples Int/OM, 5.5 miles; from MM, 0.5 mile, from Halibut Int, 11.9 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished, climb straight ahead to 800', make right turn to 240° heading, intercept and proceed via SBA VOR R-195 or 194° crs from LMM to Goleta Int at 2500' or when directed by ATC, (1) climb straight ahead to 800', turn right, climb via SBA ILS W crs to Naples Int/OM at 2800', or (2) climb straight ahead to 800', make climbing right turn and climb via VTU VOR R-279 or 099° crs from SBA LMM to Channel Int at 2000'.
NOTE: Final approach from holding pattern at Naples Int/OM not authorized. Procedure turn required.
CAUTION: All maneuvering must be accomplished S of localizer crs. High terrain to the N.
#300-¾ authorized on Runways 25, 15.
%Northbound (280° thru 080°) IFR departures must comply with published Santa Barbara SID's.
*400-1 required with glide slope inoperative. 400-¾ authorized, except for 4-engine turbojet aircraft, with operative high-intensity runway lights. 400-½ authorized, except for 4-engine turbojet aircraft, with operative ALS.

City, Santa Barbara; State, Calif.; Airport name, Santa Barbara Municipal; Elev., 14'; Fac. Class., ILS; Ident., I-SBA; Procedure No. ILS-7, Amdt. 12; Eff. date, 27 May 65; Sup. Amdt. No. 11; Dated, 2 Mar. 63

ILS STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
20-mile DME Fix R-073 GEG VOR	GE LOM	Direct	5500	T-dn%*	300-1	300-1	200-½
GEG VOR	GE LOM	Direct	4000	C-dn	500-1	500-1	500-1½
				S-dn-21**	200-½	200-½	200-½
				A-dn	600-2	600-2	600-2

Radar vectoring authorized in accordance with approved patterns. When used in lieu of procedure turn, alignment on final approach heading within 10 miles of LOM is required.
Procedure turn N side of NE crs, 028° Outbnd, 208° Inbnd, 4500' within 10 miles. Beyond 10 miles not authorized.
Shuttle descent to 4500' in a 170–175 KT 1-minute right turn, holding pattern NE of GE LOM on NE crs of ILS localizer.
Minimum altitude at glide slope Intercession Inbnd, 3600'.
Altitude of glide slope and distance to approach end of runway at LOM, 3427'—3.9 miles; at LMM, 3980'—0.6 mile.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished, climb straight ahead to the GEG VOR and climb to 4000' on R-207 within 10 miles of GEG VOR or, when directed by ATC, turn right, climb direct to GE LOM, thence continue climb to 4500' in a 170–175 KT 1-minute right turn, holding pattern NE of GE LOM on the localizer crs.
Other change: Deletes transition from Rockford VHF Int.
CAUTION: Terrain and tower, 6031'—16 miles NE of LOM; high terrain, N through E of airport; 3186' tower, 4.8 miles SE of GE LOM; 4540' TV tower, 9.2 miles E of airport.
*Runway visual range, 2400' also authorized for takeoff on Runway 21 in lieu of 200-½ when 200-½ is authorized provided high-intensity runway lights are operational.
**Runway visual range, 2400' also authorized for landing on Runway 21, provided all components of the ILS, high-intensity runway lights, approach lights, condenser discharge flashers, outer compass locator, and all related airborne equipment are operating satisfactorily. Descent below 2573' shall not be made unless visual contact with approach lights has been established or the aircraft is clear of the clouds.
%Takeoffs all runways: Climb direct GEG VOR, thence continue climb on R-207 GEG VOR within 10 miles so as to cross GEG VOR at or above eastbound V-2 3200'; northeastbound V-2N 3200'; southeastbound V-26 3000'.
LF departures: Climb on the 208° bearing from EG LMM within 10 miles to MEA for direction of flight.

City, Spokane; State, Wash; Airport name, Spokane International; Elev., 2372'; Fac. Class., ILS; Ident., I-GEG; Procedure No. ILS-21, Amdt. 9; Eff. date, 27 May 65; Sup. Amdt. No. 8; Dated, 20 Feb. 65

7. By amending the following radar procedures prescribed in § 97.19 to read:

RADAR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet, MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.
If a radar instrument approach is conducted at the below named airport, it shall be in accordance with the following instrument procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitude(s) shall correspond with those established for en route operation in the particular area or as set forth below. Positive identification must be established with the radar controller. From initial contact with radar to final authorized landing minimums, the instructions of the radar controller are mandatory except when (A) visual contact is established on final approach at or before descent to the authorized landing minimums, or (B) at pilot's discretion if it appears desirable to discontinue the approach, except when the radar controller may direct otherwise prior to final approach, a missed approach shall be executed as provided below when (A) communication on final approach is lost for more than 5 seconds during a precision approach, or for more than 30 seconds during a surveillance approach; (B) directed by radar controller; (C) visual contact is not established upon descent to authorized landing minimums; or (D) if landing is not accomplished.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
000°	360°	Within:		Surveillance approach			
090°	360°	10 miles	3000				
090°	360°	20 miles	2100	T-dn	300-1	300-1	200-½
090°	360°	30 miles	2600	C-dn	500-1	500-1	500-1½
090°	360°	40 miles	2800	S-dn-26, 33*	400-1	400-1	400-1
				S-dn-22	500-1	500-1	500-1
				S-dn-10, 15	500-1	500-1	500-1
				A-dn	800-2	800-2	800-2

If visual contact not established upon descent to authorized landing minimums or if landing not accomplished, Runways 28, 22, 33: Climb to 2000' direct to BAL LOM. Hold W, 102° Inbnd, 1-minute right turns. Runways 10, 15: Climb to 2000' direct to Bodkin Int. Hold E R-106, 1-minute left turns.
*400-¾ authorized, except for 4-engine turbojet aircraft, with operative high-intensity runway lights.

City, Baltimore; State, Md.; Airport name, Friendship International; Elev., 146'; Fac. Class., Baltimore; Ident., RADAR; Procedure No. 1, Amdt. 2; Eff. date, 20 May 65; Sup. Amdt. No. 1; Dated, 6 June 64

RADAR STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

Radar terminal area maneuvering sectors and altitudes														Ceiling and visibility minimums			
From	To	Dist.	Alt.	Dist.	Alt.	Dist.	Alt.	Dist.	Alt.	Dist.	Alt.	Dist.	Alt.	Condition	2-engine or less		More than 2-engine, more than 90 knots
															65 knots or less	More than 65 knots	
110	195	20	3600	15	4000									Surveillance approach			
195	080	20	3300	15	3200												
080	110	20	3000	15	2400									T-d-All°@	800-1	800-1	800-1
														T-n-All°@	800-2	800-2	800-2
														C-dn-8/30%	1100-2	1100-2	1100-2
														C-dn-26%	1000-2	1000-2	1000-2
														S-dn-8/30	1100-2	1100-2	1100-2
														S-dn-26	900-1½	900-1½	900-1½
														A-dn-8/30	1100-2	1100-2	1100-2
														A-dn-26	1000-2	1000-2	1000-2

All sectors within 10 miles 2400'.
All bearings are from the radar site with sector azimuths progressing clockwise.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished, Runway 30: Make climbing left turn to 3000', proceed direct to HAR VOR. Hold W, HAR VOR 1-minute right turns Inbnd crs, 101°. Runway 26: Make climbing right turn to 3000', proceed direct to HAR VOR. Hold W, HAR VOR 1-minute right turns, Inbnd crs, 101°. Runway 8: climb to 3000' on HAR VOR R-111 to Steelton Int. Hold E 1-minute left turns, Inbnd crs, 291°.
CAUTION: Towers, 1080'—7.5 miles NW and 1530'—7.9 miles N of airport.
NOTE: Landing on Runway 2 authorized only during daylight hours with ceiling 1800' or better.
*Takeoff minimums of 200-1 authorized for Runways 8-26 only.
@ Takeoff on Runway 20 not authorized.
% Circling minimums do not provide standard clearance over 1130' ridge and tower, 1.6 miles S of airport.

City, Harrisburg; State, Pa; Airport name, Harrisburg-York State; Elev., 347'; Fac. Class., Harrisburg; Ident., Radar; Procedure No. 1, Amdt. 3; Eff. date, 27 May 65; Sup. Amdt. No. 2; Dated, 31 Oct. 64

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
009°	287°	Within 30 miles	6000	Precision approach			
				T-dn*#	200-1	200-1	200-½
				C-dn	700-1	700-1	700-1¼
				S-dn-10R##	200-½	200-½	200-½
				A-dn	700-2	700-2	700-2
				Surveillance approach			
				T-dn°	200-1	200-1	200-½
				C-dn	800-1	800-1	800-1¼
				S-dn-28R/10R$	700-1	700-1	700-1
				S-dn-20	800-1	800-1	800-1
				A-dn	800-2	800-2	800-2

If visual contact not established upon descent to authorized landing minimums or if landing not accomplished, all runways: Climb to 3000' direct to PDX VOR or, when directed by ATC, Runway 10R; climb to 3200' direct to IA LOM; Runway 28R; climb to 3200' direct to Sauvies Island RBn.
AIR CARRIER NOTE: Sliding scale for landing not authorized Runway 20.
CAUTION: 664' terrain, 1.5 miles SE airport.
°200-½ authorized for Runways 10R-L and 28R-L only. 700-2 required for Runways 2 and 20.
#Runway visual range, 2400' also authorized for takeoff on Runway 10R in lieu of 200-½ when 200-¼ is authorized providing high-intensity runway lights are operational.
##Runway visual range, 2400' also authorized for landing on Runway 10R provided that all components of the PAR, high-intensity runway lights, approach lights, condenser discharge flashers, outer compass locator, and all related airborne equipment are in satisfactory operating condition. Descent below 226' shall not be made unless visual contact with the approach lights has been established or the aircraft is clear of clouds.
$Minimum altitude over 3-mile Radar Fix Inbnd on final to Runway 10R, 900'.

City, Portland; State, Oreg.; Airport name, Portland International; Elev., 29'; Fac. Class., Portland; Ident., Radar; Procedure No. 1, Amdt. 10; Eff. date, 27 May 65; Sup. Amdt. No. 6; Dated, 3 Apr. 65

These procedures shall become effective on the dates specified therein.

(Secs. 307(c), 313(a), 601, Federal Aviation Act of 1958; 49 U.S.C. 1348(c), 1354(a), 1421; 72 Stat. 749, 752, 775)

Issued in Washington, D.C., on April 23, 1965.

C. W. WALKER,
Acting Director, Flight Standards Service.

[F.R. Doc. 65-4520; Filed, May 19, 1965; 8:45 a.m.]

Title 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 213—EXCEPTED SERVICE

Department of Health, Education, and Welfare

Section 213.3316 is amended to show the exception under Schedule C of the position of Director, Office of Economic and Social Analysis. Effective on publication in the FEDERAL REGISTER, subparagraph (24) is added to paragraph (a) of § 213.3316 as set out below.

§ 213.3316 Department of Health, Education, and Welfare.

(a) *Office of the Secretary.* * * *

(24) Director, Office of Economic and Social Analysis.

* * * * *

(R.S. 1753, sec. 2, 22 Stat. 403, as amended; 5 U.S.C. 631, 633; E.O. 10577, 19 F.R. 7521, 3 CFR, 1954–58 Comp., p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] MARY V. WENZEL,
Executive Assistant to the Commissioners.

[F.R. Doc. 65-5307; Filed, May 19, 1965; 8:48 a.m.]

PART 213—EXCEPTED SERVICE

Small Business Administration

Section 213.3332 is amended to show the redesignation of the position of Special Assistant to the Administrator (ARA) as Director, Office of Area Redevelopment Loans, because of the modification and expansion of that position. Effective on publication in the FEDERAL REGISTER, paragraph (r) of § 213.3332 is amended as set out below.

§ 213.3332 Small Business Administration.

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(r) Director, Office of Area Redevelopment Loans.

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(R.S. 1753, sec. 2, 22 Stat. 403, as amended; 5 U.S.C. 631, 633; E.O. 10577, 19 F.R. 7521, 3 CFR, 1954–58 Comp., p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] MARY V. WENZEL,
Executive Assistant to the Commissioners.

[F.R. Doc. 65-5311; Filed, May 19, 1965; 8:48 a.m.]

Title 7—AGRICULTURE

Chapter III—Agricultural Research Service, Department of Agriculture

[Interpretation 7, Revision 1]

PART 362—REGULATIONS FOR ENFORCEMENT OF FEDERAL INSECTICIDE, FUNGICIDE, AND RODENTICIDE ACT

Interpretation of Requirements With Respect to Directions for Use

Pursuant to the authority vested in me by § 362.3 of the regulations (7 CFR 362.3) under the Federal Insecticide, Fungicide, and Rodenticide Act (7 U.S.C. 135–135k), Interpretation 7 with respect to directions for use (7 CFR 362.105) is hereby amended to read as follows:

§ 362.105 Interpretation of requirements with respect to directions for use.

(a) *Requirements of the Act.* The Act and the regulations require that every economic poison which is subject to their provisions must be properly labeled including directions for use which may be necessary and, if complied with, adequate to protect the public.

(b) *Contents of directions.* The extent of detailed information required in the directions for use will vary, depending upon the nature of the proposed use, general knowledge of the economic poison and its uses, and possible hazards involved. In general, directions should include:

(1) The site of application of the economic poison including such factors as the crops, animals, areas, or objects to be treated;

(2) The rate of application to each site;

(3) Instructions on timing applications to obtain best results and to avoid adverse effects;

(4) Any necessary limitation or restriction such as the time required between application and harvest of food crops, warning against use on certain crops, animals, objects, or in certain areas; and

(5) Any other pertinent information which in the opinion of the Director is necessary for the protection of the public.

(c) *When directions are required.* Directions for use are required whenever they are necessary for the protection of the public. The public includes all persons who may be affected by the handling, storage, or use of the economic poison. Directions for use are necessary in the labeling of all products which are sold for use as economic poisons with the following exceptions:

(1) Detailed directions for use may be omitted from the labeling of well known economic poisons which are sold in containers of 100 pounds or more of a solid intended primarily for use undiluted, 50 pounds or more of a solid intended primarily for use after dilution, 55 gallons or more of a liquid intended primarily for use undiluted, or 30 gallons or more of a liquid intended primarily for use after dilution; *Provided:*

(i) There is readily available general knowledge of the composition, methods of use, and effectiveness of the product for economic poison purposes;

(ii) Option 1 of the ingredient statement is followed; and

(iii) In the opinion of the Director, such directions are not necessary for the protection of the public.

(2) Detailed directions for use may be omitted from the labeling of economic poisons (as defined in Interpretation 3, Revision 1) which are intended for use only by manufacturers of products other than economic poisons in their regular manufacturing processes; *Provided:*

(i) Option 1 of the ingredient statement is followed;

(ii) The label clearly shows that the product is intended for use only in manufacturing processes;

(iii) Adequate information such as technical data sheets or bulletins is available to the trade specifying the type of pesticide involved and its proper use in manufacturing processes;

(iv) The economic poison will not come into the hands of the general public except after incorporation into such finished products; and

(v) In the opinion of the Director, such directions are not necessary for the protection of the public.

Detailed directions for use are not considered necessary in such cases since such uses are highly specialized and usually well-known to the manufacturer. Examples of such products would be those intended for use during the manufacturing processes in treating leather, wool, other fabrics, paints, building materials, and other materials for protection against any pest.

(3) Detailed directions for use may be omitted from the labeling of economic poisons for which sale is limited to physicians, veterinarians, or druggists; *Provided:*

(i) Option 1 of the ingredient statement is followed;

(ii) The label clearly states that the product is for use only by physicians or veterinarians, or for use as prescribed by physicians or veterinarians; and

(iii) In the opinion of the Director, such directions are not necessary for the protection of the public.

An example of such products would be benzyl benzoate to be used by, or its use prescribed by physicians or veterinarians for use against the itch mite or mange mite.

(4) Detailed directions for use may be omitted from the labeling of economic poisons which are intended for use only by distributors or formulators in preparing economic poisons for sale to the public; *Provided:*

(i) Option 1 of the ingredient statement is followed;

(ii) There is readily available to the trade, information on the composition, toxicity, methods of use, applicable restrictions or limitations, and effectiveness of the product for economic poison purposes;

(iii) The label clearly states that the product is intended for use only in manufacturing, formulating, mixing, or repacking for use as economic poisons; and

(iv) In the opinion of the Director, such directions are not necessary for the protection of the public.

Examples of such products are 50 percent DDT and concentrated 2,4-dichlorophenoxyacetic acid intended for use by distributors or formulators in preparing economic poisons of a lower concentration for sale to the public.

(d) *Where directions shall appear.* The directions for use shall appear on the labeling of the economic poison. The labeling includes the label which is affixed to the product plus all printed or graphic matter which accompanies the product at any time. Directions for use may appear on the label or on accompanying leaflets or circulars.

(1) Directions for use may be placed on any part of the label; *Provided:*

(i) They are conspicuous enough to be easily read by the user of the economic poison.

(2) Directions for use may appear on printed or graphic matter which accompanies the economic poison; *Provided:*

(i) Such printed or graphic matter is securely attached to each package of the economic poison, or placed within the outside wrapper or bag, so that it will not under normal condition be lost during shipment, storage, or handling,

(ii) The label bears a reference to the directions for use on accompanying leaflets or circulars, such as "See directions on the enclosed circular," and

(iii) In the opinion of the Director it is not necessary for such directions to appear on the label.

(e) *Adequacy and clarity of directions.* (1) Directions for use must be stated in terms which can be easily read and understood by the average person likely to use the economic poison. Directions must be adequate when carefully followed, to protect the public from economic cheat and from personal injury or damage to property. This requires sufficient completeness to insure the proper use of the product so as to obtain the desired results in pest control without causing injury to man, beneficial animals, or beneficial plants. Directions need not be exhaustive in every case, since some of the common economic poisons are intended for use against a large number of pests. Frequently the methods of control in different parts of the country vary and they may vary in a single locality from year to year, depending on weather conditions. It would be manifestly impractical to include detailed directions for all uses on the labeling of many widely used economic poisons.

(2) The need for detailed directions for use will be greater on household or home garden products likely to be used by persons not well informed in the use of economic poisons than it will be in the case of products intended for large scale agricultural or commercial uses. The large scale user is more likely to be informed of the properties of economic poisons and also to rely on local agricultural authorities for advice. The need for detailed directions is also greater in the case of new economic poisons, or those of unusual composition than it is in the case of older, well-known materials.

(3) The following general considerations apply:

(i) Directions for use of economic poisons which are likely to be applied by householders or small gardeners, cattle raisers, etc., shall be sufficiently detailed to give full information on usage. They must include methods of application, time of application, rate of application, dilutions, any necessary limitations or restrictions and when necessary they shall provide for repeated treatments. The directions for use shall be consistent with the warning or caution statements on the label.

(ii) Directions for use of well-known, standardized economic poisons which will be applied by professional pest control operators, may be more general in nature, giving sites of application, pests to be controlled, and rates and methods of application.

(iii) Directions for use of new or unusual economic poisons shall be given in full detail, since information or advice on the use of the product from other sources is not likely to be available.

(f) *Applicability of directions.* Directions for use in the labeling of economic poisons will be considered to apply in all parts of the country in which the product is marketed unless the labeling makes a direct statement to the contrary. It has been found that some pests are more easily controlled in certain parts of the country than in others. If an economic poison has a nationwide distribution, the directions for use should apply to all parts of the nation. However, if work by the State experiment stations in certain sections of the country shows, for example, that concentrations lower than those recommended in the labeling of the product will be effective against a certain pest in those particular sections than is required in other sections, objection is not raised to recommendation of the weaker dilution in the particular sections involved or to a reference to agricultural authorities in those sections for information as to usage there. If the product is marketed only in the sections where the weaker dilution has been found effective, the weaker dilution may be recommended without reference to the dilution required elsewhere. However, a statement to that effect must accompany the application for registration.

(g) *Broad claims.* The directions for use must not bear any false or misleading claims. Examples of broad claims, which are not acceptable in most cases, include the following:

(1) Broad references to insects, plant diseases, weeds, rodents, or a list of pests followed by the abbreviation "etc." which are likely to be interpreted as implying that the product will kill or control any or all such pests. (Specific pests which the product will adequately control when used as directed, may be named and in some cases are required to be named.)

(2) Claims for extermination of insects, plant diseases, weeds, rodents, or other pests. (Claims for killing or controlling particular kinds of pests are acceptable and may be required if the product will give a reasonable control of such pests under the specified conditions of use.)

(3) Claims for sterilization in the case of germicides when the product will not kill resistant spores under the specified conditions of use.

(4) Claims implying effectiveness of the economic poison under all conditions of use if it is not effective under all such conditions. When a product is not effective under certain conditions, as for example, in the presence of dirt, at low temperatures, or in the presence of other chemicals, the directions should make it clear that such conditions are to be avoided.

(h) *Responsibility for claims.* The shipper or guarantor of an economic poison is responsible for the accuracy of all claims made for it, including those in the directions for use. Therefore, only those claims which have been proven to be accurate, in that effective pest control is accomplished without injury to living man, beneficial plants or beneficial animals, should appear in the directions for use.

Effective date. This revision of Interpretation 7 shall become effective upon its publication in the FEDERAL REGISTER, when it shall supersede Interpretation 7.

Done this 14th day of May 1965.

JUSTUS C. WARD,
Director, Pesticides Regulation Division, Agricultural Research Service.

[F.R. Doc. 65-5304; Filed, May 19, 1965; 8:48 a.m.]

Chapter IX—Consumer and Marketing Service (Marketing Agreements and Orders; Fruits, Vegetables, Tree Nuts), Department of Agriculture

PART 918—FRESH PEACHES GROWN IN GEORGIA

Expenses and Rate of Assessment

Pursuant to the marketing agreement, as amended, and this part (Order No. 918, as amended), regulating the handling of fresh peaches grown in Georgia, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the proposals submitted by the Industry Committee (established pursuant to said amended marketing agreement and order), it is hereby found and determined that:

§ 918.204 Expenses and rate of assessment.

(a) *Expenses.* Expenses that are reasonable and necessary to be incurred by the Industry Committee during the period March 1, 1965, through February 28, 1966, will amount to $17,366.

(b) *Rate of assessment.* The rate of assessment for said period, payable by each handler in accordance with § 918.41, is fixed at one cent ($0.01) per bushel basket of peaches (net weight 50 pounds), or an equivalent of peaches in other containers or in bulk.

It is hereby further found that it is impracticable, unnecessary, and contrary to the public interest to give preliminary notice, and engage in public rule-making procedure, and good cause exists for not postponing the effective date hereof until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 1001–1011) in that (1) shipments of fresh peaches have already begun; (2) the relevant provisions of said amended marketing agreement and this part require that rates of assessment fixed for a particular marketing year shall be applicable to all assessable peaches from the beginning of such period; and (3) the current fiscal period began March 1, 1965, and the rate of assessment herein fixed will automatically apply to all assessable peaches beginning with such date.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: May 17, 1965.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 65-5325; Filed, May 19, 1965; 8:49 a.m.]

Chapter XVI—Consumer and Marketing Service (Food Stamp Program), Department of Agriculture

PART 1602—PARTICIPATION OF RETAIL FOOD STORES, WHOLESALE FOOD CONCERNS AND BANKS

This revised Part 1602 contains regulations relating to the participation of retail food stores, wholesale food concerns and banks. Revised Part 1600—General Information and Definitions, and revised Part 1601—Participation of State Agencies and Eligible Households, were published in 30 F.R. 4315.

Sec.
1602.1 Approval of retail food stores and wholesale food concerns.
1602.2 Participation of retail food stores.
1602.3 Participation of wholesale food concerns.
1602.4 Procedure for redeeming coupons.
1602.5 Participation of banks.
1602.6 Disqualification of retail food stores and wholesale food concerns.
1602.7 Determination and disposition of claims—retail food stores and wholesale food concerns.
1602.8 Administrative review—retail food stores and wholesale food concerns.

AUTHORITY: The provisions of this Part 1602 issued under Public Law 88-525, 78 Stat. 703.

§ 1602.1 Approval of retail food stores and wholesale food concerns.

(a) Food retailers or food wholesalers desiring to participate in the Program shall file an application with C&MS, in such form as C&MS may prescribe.

(b) An applicant shall provide sufficient data on the nature and scope of the firm's business for C&MS to determine whether such applicant's participation will effectuate the purposes of the Program. In making such determination C&MS shall consider: (1) The nature and the extent of the food business conducted by the applicant; (2) the volume of food stamp business which may be reasonably expected to be done by the applicant; (3) the business integrity and reputation of the applicant; and (4) such other factors as C&MS considers pertinent to the application under consideration.

(c) Upon approval, C&MS will issue an authorization card to the firm. Such authorization card shall be retained by the authorized firm until superseded, surrendered or revoked as provided in this part.

(d) C&MS shall deny the application of any firm if it determines that such firm's participation will not effectuate the purposes of the Program. If C&MS determines that a firm does not qualify for participation in the Program, a notice to that effect shall be issued to the firm. Such notice shall be delivered by certified mail or personal service. If such firm is aggrieved by such action, it may seek administrative review of such action as provided in § 1602.8.

(e) C&MS may from time to time, but not more frequently than once each Federal fiscal year, require all authorized firms within a project area to submit new applications if such firms wish to continue to participate in the Program: *Provided, however,* That any individual firm may be required to submit a new application at any time C&MS receives new or additional information with respect to such firm, relating to any of the criteria set forth in paragraph (b) of this section. C&MS shall review the new application and within 30 days of receipt, make a determination as to whether the firm's continued participation serves to effectuate the purposes of the Food Stamp Program. Applications received under this paragraph shall be considered by C&MS under the same criteria and subject to the same rights of administrative review as provided in this section for initial applications.

(f) The filing of any application containing false information may result in the denial or withdrawal of approval to participate in the Program and may subject the firm and persons responsible to civil or criminal action under applicable provisions of the law. C&MS may also deny or withdraw approval to participate where information regarding the firm's business integrity and reputation becomes available which, in the opinion of C&MS, indicates the firm is not willing or does not have the ability to abide by the provisions of this part. Any such withdrawal or denial of authorization to participate in the Program shall be subject to administrative review under the provisions of § 1602.8. The contents of applications or other information furnished by firms under the provisions of this section shall not be used or disclosed to anyone except for purposes directly connected with the administration and enforcement of the provisions of the Food Stamp Act of 1964 and the provisions of this part.

§ 1602.2 Participation of retail food stores.

(a) Authorized retail food stores shall post in the store the "Official Food List" issued by C&MS or a notice of similar import.

(b) Coupons shall be accepted by an authorized retail food store only in exchange for eligible foods, as defined in § 1600.2(j) of this chapter. A food retailer shall not knowingly accept coupons for any imported meat or meat products. The acceptance of coupons for meat or meat products which are labeled or can be identified as imported when they are delivered to the retail food store or to a central warehouse, a distribution center or meat fabricating facility, operated by the food retailer shall be deemed to have been done with knowledge of the fact that such meat or meat products were imported. Any other food product which is clearly identified on the package as being imported shall not be exchanged for coupons. Coupons shall be accepted for eligible food items at the same prices and on the same terms and conditions applicable to cash purchases of the same foods at the same store: *Provided, however,* That nothing in this part shall be construed as authorizing C&MS to specify the prices at which food may be sold by retail food stores.

(c) No retail food store authorized to receive coupons shall accept coupons marked "paid" or "cancelled", coupons marked with the name or authorization number of any other retail food store or wholesale food concern, coupons bearing the name of any bank, or coupons of other than 50-cent denomination which have been detached from the coupon book prior to the time of purchase of eligible food. Coupons shall not knowingly be accepted from persons who have no right to possession of such coupons for such use. If a retailer has any cause to believe that a person presenting coupons has no right to possession thereof, such retailer should request such person to show the identification card of the head of the household to establish the right of such person to possession of coupons.

(d) Change in cash shall not be given for coupons, but an authorized retail food store may use for the purpose of making change, those uncancelled and unendorsed coupons having a denomination of 50 cents which were previously accepted in exchange for eligible foods. If change in an amount of less than 50 cents is required, the eligible household shall have the option of paying in cash or receiving credit from the authorized retail food store for future delivery of an equivalent value of eligible foods. At no time may credit returned as change to eligible households be in excess of 49 cents.

(e) An authorized food retailer shall not retain custody of any unexpended coupons of eligible households or use or adopt any trick, scheme, or device to prevent an eligible household from using unexpended coupons in other authorized retail food stores.

(f) Coupons shall not be accepted by an authorized retail food store in payment for any eligible foods purchased in or delivered by such store prior to the time at which the coupons are tendered in payment for eligible foods.

(g) Authorized retail food stores which receive coupons in accordance with the provisions of this part, shall be entitled to receive payment for the face value of such coupons upon presentation through the banking system or through authorized wholesale food concerns.

§ 1602.3 Participation of wholesale food concerns.

(a) An authorized wholesale food concern may accept endorsed coupons for redemption only from authorized retail food stores, and only when coupons are presented with the authorized retail food store's properly executed, signed redemption certificate, and when such coupons have not been marked "paid" or "cancelled".

(b) An authorized wholesale food concern which has received coupons in accordance with the provisions of this part shall be entitled to receive payment through the banking system for the face value of such coupons, upon presentation of the coupons together with (1) the authorized retail food store's properly executed, signed redemption certificate for such coupons, and (2) the authorized wholesale food concern's properly executed, signed redemption certificate.

§ 1602.4 Procedure for redeeming coupons.

(a) Coupons accepted by a retail food store or wholesale food concern prior to the receipt by such firm of an authorization card from C&MS shall not be presented for redemption under the procedure set forth in this section, except that within the first 90 days of the opening of any project area, the Food Distribution Officer-in-Charge, in accordance with instructions issued by C&MS, may approve the redemption under this section of coupons accepted by such firm prior to the receipt of an authorization card from C&MS if such firm applies for and receives authorization to participate in the Program.

(b) Each authorized retail food store or authorized wholesale food concern shall stamp or otherwise indicate its authorization number or the name of such store or concern on each coupon prior to the time such coupons are presented for redemption under the procedure provided in this part.

(c) Authorized retail food stores and authorized wholesale food concerns will be provided by C&MS with redemption certificates which shall be used in presenting coupons to commercial banks for credit or for cash. Authorized retail food stores shall also use such certificates in presenting coupons to authorized wholesale food concerns for redemption.

§ 1602.5 Participation of banks.

(a) Banks may accept coupons for redemption from authorized retail food stores and authorized wholesale food concerns in accordance with the provisions of this part and the instructions of the Federal Reserve Banks. Coupons submitted to banks for credit or for cash must be properly endorsed in accordance with § 1602.4 and shall be accompanied by a properly executed redemption certificate. No bank shall knowingly accept coupons used by ineligible persons or transmitted for collection by unauthorized retail food stores, wholesale food concerns, or any other unauthorized individuals, partnerships, corporations, or other legal entities. Banks may require persons presenting coupons for redemption to show their authorization card. The redemption certificates shall be held by the receiving bank until final credit has been given by the Federal Reserve Bank, after which they shall be forwarded by the receiving banks to the Food Distribution Field Office. Coupons accepted for deposit or for payment in cash must be cancelled by or for the first bank receiving the coupons by indelibly marking "paid" or "cancelled" together with the name of the bank, or its routing symbol transit number, on the coupons by means of an appropriate stamp. A portion of a coupon consisting of less than three-fifths (⅗) of a whole coupon shall not be accepted for redemption by banks. Banks who are members of the Federal Reserve System and nonmember clearing banks may forward cancelled coupons directly to Federal Reserve Banks for payment in accordance with applicable regulations or instructions of the Federal Reserve Banks. Other banks may forward cancelled coupons through ordinary collection channels.

(b) Federal Reserve Banks, acting as fiscal agents of the United States, are authorized to receive cancelled coupons from member banks of the Federal Reserve System and non-member clearing banks for collection as cash items and to charge such items to the general account of the Treasurer of the United States.

(c) While in the course of shipment cancelled coupons shall be considered to be at the risk of the Department, if the bank transmitting such coupons has exercised due diligence and taken ordinary care in making the shipment. Reports of loss, destruction, or damage shall be given promptly on discovery to all of the following: C&MS; the nearest Secret Service Office; and the Post Office or other carrier; and the Secretary of the Treasury, Bureau of Accounts. Claim for replacement or credit in the event of loss, damage or destruction of any shipment of coupons shall be filed in writing with C&MS and shall be supported by the redemption certificates received from the retail food stores or wholesale food concerns, relating to the coupons included in the particular shipment involved in such claim.

(d) Notwithstanding any provisions of this chapter to the contrary, coupons may be issued to persons authorized by C&MS for use in examining and inspecting program operations, compliance with program regulations, and for other purposes determined by C&MS to be required for proper administration of the Program. Such coupons which have been so issued and used, as well as any coupons which C&MS believes may have been issued, transferred, negotiated, used, or received in violation of any provisions of this chapter or of any applicable statute, shall, at the request of authorized representatives of C&MS and on issuance of a receipt therefor by such representatives, be released and turned over to C&MS by the bank receiving such coupons, or by any other person to whom such request is addressed, together with the certificate(s) of redemption accompanying such coupons, if any. Any such coupons so requested shall not thereafter be eligible for redemption through Federal Reserve Banks or other collection channels: *Provided, however,* That C&MS may redeem such coupons from any such bank or person by payment of the face amount thereof upon determination by C&MS that such direct redemption of coupons is warranted under all of the circumstances of the examination or inspection in which such coupons were used. Coupons received by C&MS under this paragraph (d) shall be held by C&MS for such disposition as may be determined by C&MS on completion of the examination or inspection in which such coupons were used. In the event such coupons have not been redeemed by C&MS as provided in this paragraph, claims or demands relative thereto may be mailed to the local C&MS Food Distribution Field Office for the project area involved.

§ 1602.6 Disqualification of retail food stores and wholesale food concerns.

(a) Any authorized retail food store or authorized wholesale food concern may be disqualified from further participation in the Program by C&MS for a reasonable, definitely stated period of time, not to exceed three years, as C&MS may determine, if such retail food store or wholesale food concern fails to comply with the Food Stamp Act of 1964 or the provisions of this part.

(b) Any retail food store or wholesale food concern considered for disqualification under paragraph (a) of this section shall have full opportunity to submit to C&MS information, explanation, or evidence concerning any instances of non-compliance before a final determination is made by C&MS as to the administrative action to be taken. Prior to such determination, the retail food store or wholesale food concern shall be sent a letter of charges by the appropriate Director, Area Office, Food Distribution, specifying the violations or actions which C&MS believes constitute a basis for disqualification. Such letter shall inform the food retailer or food wholesaler that he may respond either orally or in writing to the charges contained therein within ten days of the mailing date thereof, which response shall set forth a statement of evidence, information, or explanation pertaining to the specified violations or acts. Such response, if any, shall be made to the Director, Area Office, Food Distribution, who issued the letter of charges. If no response is made to the letter of charges, C&MS will deem the charges to have been admitted.

(c) The letter of charges, the response, and such other information as may be available to C&MS shall be reviewed and considered by the Director, Food Stamp Division, who shall then issue his determination.

(d) The determination of the Director, Food Stamp Division, shall be final and not subject to further administrative or judicial review unless a written request for review is filed within ten days in accordance with § 1602.8.

(e) The mailing by certified mail or delivery by personal service of any notice required of C&MS by this part will constitute notice to the addressee of its contents.

§ 1602.7 Determination and disposition of claims—retail food stores and wholesale food concerns.

(a) If C&MS determines that a retail food store or wholesale food concern accepted coupons in violation of the provisions of the Food Stamp Act of 1964 or the provisions of this part, C&MS may deny the claim for redemption of such coupons. In the event such coupons have been redeemed, C&MS may assert a claim against such firm for the face value of the coupons involved in such violations and may collect such claims by setoff of the amount against other claims for redemption of coupons submitted by the firm.

(b) In addition to the procedure set forth in § 1602.4 for the redemption of coupons, C&MS may redeem coupons received by unauthorized retail food stores or wholesale food concerns if the following conditions exist: (1) The coupons were received in accordance with the provisions of this part governing acceptance of coupons except the provisions requiring that the firm be authorized before acceptance; (2) the coupons were accepted by the firm in good faith, and without any intent to circumvent the provisions of this part; and (3) the firm applies for and receives authorization to participate in the Program. Firms seeking to redeem coupons as provided in this paragraph shall present a claim in writing for redemption of such coupons to the local Food Distribution Field Office. This claim shall be accompanied by a notarized affidavit containing a full statement of the circumstances surrounding the acceptance of the coupons. The affidavit shall also include a certification that the coupons were accepted in good faith, and without any intent to circumvent the requirements of this part.

(c) If a claim under the provisions of this section is denied in whole or in part, notification of such action shall be sent to the firm by certified mail or personal service. If the firm is aggrieved by such action, it may seek administrative review as provided in § 1602.8.

§ 1602.8 Administrative review—retail food stores and wholesale food concerns.

(a) A food retailer or food wholesaler aggrieved by administrative action under the provisions of §§ 1602.1, 1602.6 and 1602.7 may within ten days of the date of delivery to the firm of notice of such administrative action, file a written request for review of such administrative action with the Food Stamp Review Officer. On receipt of such request for review, the questioned administrative action shall be stayed pending disposition of such request for review by the Food Stamp Review Officer.

(b) The request for review shall be filed with the Food Stamp Review Officer, United States Department of Agriculture, Washington, D.C., 20250.

(c) The procedure for food stamp reviews, to be published at a later date in Part 1603 of this chapter, will be available upon request from the Food Stamp Review Officer.

NOTE: The reporting and/or record-keeping requirements contained herein have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

The provisions of this part shall become effective as provided in § 1600.5(d) of this chapter.

ROY W. LENNARTSON,
Associate Administrator.

Approved: May 17, 1965.

GEORGE L. MEHREN,
Assistant Secretary.

[F.R. Doc. 65-5305; Filed, May 19, 1965; 8:48 a.m.]

Title 36—PARKS, FORESTS, AND MEMORIALS

Chapter I—National Park Service, Department of the Interior

PART 7—SPECIAL REGULATIONS RELATING TO PARKS AND MONUMENTS

Glacier National Park, Mont.; Eating, Drinking, and Lodging Establishments on Private Lands

On page 3712 of the FEDERAL REGISTER of March 20, 1965, there was published a notice and text of a proposed amendment to § 7.3 of Title 36, Code of Federal Regulations. The purpose of this amendment is to provide a method of insuring that eating, drinking, and lodging establishments located on private lands in Glacier National Park are meeting substantive requirements of State laws and county ordinances with regard to public health and sanitation.

Interested persons were given 30 days within which to submit written comments, suggestions, or objections with respect to the proposed amendment. Suggestions and objections have been considered, and it has been determined that the amendment should be and is hereby adopted as set forth below. The amendment shall become effective upon publication in the FEDERAL REGISTER in order that establishments affected by the regulation may be inspected prior to the commencement of the visitor season.

A new paragraph (j) is added to § 7.3 to read as follows:

§ 7.3 Glacier National Park.

* * * * *

(j) *Eating, drinking, and lodging establishments.* (1) No eating, drinking, or lodging establishment offering food, drink, or lodging for sale may be operated on any privately owned lands within Glacier National Park unless a permit for the operation thereof has first been obtained from the Superintendent.

(2) The Superintendent will issue a permit only after an inspection of the premises and a determination that the premises comply with the substantive requirements of state and county health and sanitary laws and ordinances and rules and regulations promulgated pursuant thereto which would apply to the premises if the privately owned lands were not subject to the jurisdiction of the United States.

(3) No fee will be charged for the issuance of such a permit.

(4) The Superintendent or his duly authorized representative shall have the right of inspection at all reasonable times for the purpose of ascertaining that the premises are being maintained and operated in compliance with State and county health laws and ordinances and rules and regulations promulgated pursuant thereto.

(5) Failure of the permittee to comply with all State and county substantive laws and ordinances, and rules and regulations promulgated pursuant thereto applicable to the establishment for which a permit is issued, or failure to comply with any Federal law or any regulation promulgated by the Secretary of the Interior for governing the Park, or with the conditions imposed by the permit, will be grounds for revocation of the permit.

(6) The applicant or permittee may appeal to the Regional Director, Midwest Region, National Park Service, from any final action of the Superintendent, refusing, conditioning, or revoking a permit. Such an appeal, in writing, shall be filed within 30 days after receipt of notice by the applicant or permittee of the action appealed from. Any final decision of the Regional Director may be appealed to the Director, National Park Service, within 30 days after receipt of notice by the applicant or permittee of the Regional Director's decision. During the period in which an appeal is being considered by the Regional Director or the Director, the establishment for which a permit has been denied or revoked shall not be operated.

(7) The revocable permit for eating, drinking, and lodging establishments issued by the Superintendent shall contain general regulatory provisions as hereinafter set forth, and will include such reasonable special conditions relating in the health and safety of visitors both to the park and to the establishments as the Superintendent may deem necessary to cover existing local circumstances, and shall be in a form substantially as follows:

(Front of Permit)

UNITED STATES
DEPARTMENT OF THE INTERIOR
NATIONAL PARK SERVICE

REVOCABLE PERMIT FOR OPERATION OF EATING OR DRINKING AND LODGING ESTABLISHMENTS

Permission is hereby granted _____ who resides at _____ to operate during the period of _____, 19__, to _____, 19__, inclusive, a _____
(Specify type of establishment)
within Glacier National Park on lands privately owned or controlled by him (her) over which the United States exercises exclusive jurisdiction. This permit is subject to the general provisions and any special conditions stated on the reverse hereof.

Issued at Glacier National Park, Mont., this _____ day of _____, 19__.

_____
(Superintendent)

I, _____, the permittee named herein, accept this permit subject to the terms, covenants, obligations, and reservations expressed or implied.

Co-partnership—permittees sign as "Members of firm".
Corporation—the officer authorized to execute contracts, etc., should sign, with title, the sufficiency of such signature being attested by the Secretary, with corporate seal in lieu of witnesses.

_____
(Permittee)

Witness:

_____
(Name)

_____
(Address)

_____
(Name)

_____
(Address)

(Reverse of Permit)

GENERAL REGULATORY PROVISIONS OF THIS PERMIT

1. Permittee shall exercise this privilege subject to the supervision of the Superintendent of the Park and shall comply with the regulations of the Secretary of the Interior governing the Park.

2. Any building or structure used for the purpose of conducting the business herein permitted shall be kept in a safe, and sightly condition.

3. Permittee shall dispose of all refuse from the business herein permitted as required by the Superintendent.

4. Permittee, his agents, and employees shall be responsible for the preservation of good order within the vicinity of the business operations herein permitted.

5. Failure of the permittee to comply with all State and county substantive laws and ordinances and rules and regulations promulgated pursuant thereto applicable to eating, drinking, and lodging establishments or to comply with any law or any regulation of the Secretary of the Interior governing the Park, or with the conditions imposed by this permit, will be grounds for revocation of this permit.

6. This permit may not be transferred or assigned without the consent, in writing, of the Superintendent.

7. Neither Members of, nor Delegates to Congress, or Resident Commissioners, officers, agents, or employees of the Department of the Interior, shall be admitted to any share or part of this permit or derive, directly or indirectly, any pecuniary benefit arising therefrom.

8. Standard Equal Employment Provision to be set out in full as provided for by Executive Orders 10925 and 11114.

9. The following special provisions are made a part of this permit:

(80 Stat. 236; 5 U.S.C. 1003, 39 Stat. 535; 16 U.S.C. 3)

KEITH NEILSON,
Superintendent,
Glacier National Park.

[F.R. Doc. 65-5203; Filed, May 19, 1965; 8:47 a.m.]

Title 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

[Docket No. 15735; FCC 65-401]

PART 25—SATELLITE COMMUNICATIONS

Definitions

In the matter of amendment of Part 25 of the Commission's rules and regulations with respect to ownership and operation of initial earth stations in the United States for use in connection with the proposed global commercial communication-satellite system, Docket No. 15735, RM-644.

1. On August 13, 1964, the Communications Satellite Corp. (ComSat) filed a petition for rule making requesting the Commission to institute a rule making proceeding looking toward the adoption of a rule which would limit to ComSat the ownership and operation of the initial earth stations in the United States for use in connection with the proposed global commercial satellite system. After carefully considering the petition and statements filed in opposition and support thereof, the Commission, on December 9, 1964, instituted the above entitled proceeding through issuance of a notice of proposed rule making or formulation of general policy.

2. In the notice, the Commission expanded the scope of the original rule making proposed by ComSat and instituted a much broader proceeding. Such expansion was based on the belief that we should not confine ourselves to a consideration of only one of the several approaches available to us. In our view, three possible courses of action are available, namely: (a) The handling of individual applications for specific earth stations, (b) the adoption of rules limiting eligibility to file applications, and (c) the adoption of a general policy to govern the processing of applications. Accordingly, this proceeding was instituted and designed to afford interested parties the opportunity to advance full and detailed arguments concerning the merits of the foregoing alternatives and to advocate the course which would enable us best to serve the requirements of the public interest.

3. To this end, the notice solicited the views of interested parties who favor either the adoption of rules or a general policy statement with respect to the following questions:

(1) Who should be eligible to file applications under such a rule or general policy statement,

(a) ComSat alone;

(b) A communications carrier alone;

(c) ComSat and one or more carriers jointly;

(d) One or more carriers jointly;

(e) Any other alternatives possible under section 201(c)(7) of the Act?

(2) For what period of time should such a rule or general policy statement be effective?

(3) Each entity responding to one of the courses set forth above should show how its recommendations would:

(a) Provide uniform and nondiscriminatory access to the satellite system;

(b) Affect the expeditious establishment of the system;

(c) Affect the cost per voice channel;

(d) Provide for the most efficient use of the available frequencies;

(e) Affect the capability of the system to adapt to technical changes and expansion of the system to meet global needs;

(f) Affect the existing competitive situation in providing service to the public;

(g) Affect the ability of ComSat to discharge its statutory obligations as well as those under the Agreement Establishing Interim Arrangements for a Global Communications Satellite System, signed by the United States on August 20, 1964, and the Special Agreement signed by ComSat as the United States designated signatory on the same date;

(h) Affect the ability of the carriers to discharge their duty to provide worldwide and national service at reasonable charges;

(i) Affect the cost and efficiency in controlling the space segment of the system;

(j) The manner and method of the proposed operation.

(4) Set forth in detail the functions to be performed by the earth station including those necessary for connection to terrestrial services.

4. Those parties advocating the establishment of procedures for processing individual applications on a case by case basis were asked to show how such procedures would best serve the public interest, and specifically:

a. How the necessary research and development reasonably may be expected to be instituted and continue under such a course;

b. How site selection and building of the station(s) can proceed expeditiously;

c. When applications reasonably may be perfected for filing;

d. How processing of applications and possible hearings can be completed in time to assure that a completed station will be available when the satellites of the basic system are ready for launch.

5. Comments were filed by American Communications Association (ACA), Aeronautical Radio, Inc. (ARINC), and RCA Communications, Inc. (RCA). Comments and reply comments were filed by American Telephone and Telegraph Co. (A.T. & T.), Communications Satellite Corp. (ComSat), Hawaiian Telephone Co. (Hawaiian), ITT World Communications, Inc. (ITT), United States Independent Telephone Association (USITA), and Western Union International, Inc. (WUI). Reply comments only were filed by Columbia Broadcasting System (CBS), Philco Corp. (Philco), and Westrex Communications Division, Litton Systems, Inc. (Westrex).

6. With the exception of ITT and ACA, who favor an individual application approach, and ARINC and CBS who take no position on the issue of earth station ownership, the parties recommend the adoption by the Commission of a general policy or rule to govern the issuance of earth station authorizations.

LEGAL ISSUE

7. We turn now to the position taken by I.T. & T., and generally supported by ACA, that the only course of action available to the Commission, in implementing the provisions of section 201(c)(7) of the Communications Satellite Act, is the institution of individual licensing proceedings. Section 201(c)(7) of the Communications Satellite Act of 1962 (Satellite Act) provides:

(c) the Federal Communications Commission, in its administration of the provisions of the Communications Act of 1934, as amended, and as supplemented by this Act, shall—

* * * * *

(7) Grant appropriate authorizations for the construction and operation of each satellite terminal station, either to the Corporation [ComSat] or to one or more authorized carriers or to the corporation and one or more such carriers jointly, as will best serve the public interest, convenience, and necessity. In determining the public interest, convenience, and necessity the Commission shall authorize the construction and operation of such stations by communications common carriers or the corporation, without preference to either;

8. Basically, it is contended that the language and legislative history of section 201(c)(7) manifest an intent of Congress that each satellite earth station authorization shall be issued by the Commission on a case-by-case, station-by-station basis. Accordingly, it is maintained that the hearing requirements of sections 308 and 309 of the Communications Act of 1934, as amended (Communications Act), and section 5 of the Administrative Procedure Act (APA), are applicable. It is urged that determinations by the Commission relating to earth station authorizations must be made within the context of a quasi-adjudicatory hearing.

9. In our judgment these arguments overlook the scope of the policy and rule making authority vested in the Commission under the Communications Act, as supplemented by the Satellite Act. Under section (4)(j) of the Communications Act, the Commission has broad discretion to adopt such procedures, policies and application requirements as will best conduce to the proper dispatch of its business and to the ends of justice. Moreover, under section 303 of the Communications Act, the Commission, among other things, may classify radio [earth] stations, prescribe the nature of the services to be rendered by each class, determine their location and impose such other requirements relating to their operation. This broad grant of policy and rule making authority is supplemented by section 201(c)(11) of the Satellite Act which directs the Commission to make rules and regulations to carry out the provisions thereof (see also sec. 303(r) of the Communications Act). In addition, the Commission may delineate elements of the public interest which applicants for station licenses must meet and may dismiss or reject, without hearing, such applications which fail to meet such requirements (NBC v. U.S., 319 U.S. 190; U.S. v. Storer Broadcasting Co., 351 U.S. 192).[1] There is also no indication that Congress in any way specified a particular procedure to be followed in making the requisite public interest judgments under section 201(c)(7), or that it withdrew from the Commission any particular procedure, e.g., the adoption of a general policy or the issuance of rules and regulations.

10. On the contrary, it appears reasonably clear that Congress left to the informed discretion of the Commission, the method and procedures best designed to make the requisite judgments in implementing section 201(c)(7), provided that such judgments are based upon, and represent a fair and impartial evaluation of, all relevant public interest considerations and are conducive to the establishment of the systems as expeditiously as practicable. We believe that this proceeding affords us the means of making such an evaluation consistent with the intent of Congress.

11. In view of the foregoing, we must reject the argument that the only lawful course of action available to us, in carrying out the provisions of section 201(c)(7), is confined to the establishment of procedures for processing individual applications for specific earth stations.

12. In view of the fact that we have found there are no legal restrictions on the choice of the courses of action available to us, namely, (a) the handling of individual applications for specific earth stations, (b) the adoption of rules limiting eligibility to file applications, and (c) the adoption of a general policy concerning the filing of applications, we shall now consider which of such courses of action would best serve the public interest.

13. In our judgment, certain controlling public interest factors underlie the ultimate choice to be made among the three possible courses of action. First, the most important consideration is the need to insure, so far as it is possible, that the earth stations will be available for use with the space segment of the system in order to provide global satellite service at the earliest practicable date. It is the enunciated policy of the Congress that the global system shall be established as expeditiously as practicable and that the new services are to be made available as promptly as possible (Satellite Act, sec. 102 (a) and (b)). The United States has exercised leadership in this field and has invited all interested nations of the world to join with ComSat in an international consortium to provide communication services via satellite. Other nations are now planning and will construct earth stations for global satellite communications. We must conduct our affairs in such fashion as to enable whatever entity or entities are to be authorized to build earth stations in the United States to meet the need for global satellite communications consistent with the foregoing national policy and objectives. Hence, it is imperative that the procedures governing the issuance of earth station authorizations should be designed to serve the need for expeditious action.

14. Second, we believe any such course must give due recognition to the existing state of technology, particularly the present limitation on the number of earth stations which can be utilized effectively during the initial stage of development and operation of the system. The fact that only a limited number of earth stations simultaneously can use a satellite without considerable reduction of channel capacity effectively restricts the number of stations which now may be authorized. This so-called problem of "multiple-access" requires the application of measures which do not adversely affect the economic operation of the system or the quality of service to be provided.

15. Third, whatever course we adopt should be for an interim period and should be applied only to the stations initially required for the basic global system.

16. Finally, any action we take should be conditioned so as to prevent any undue advantage to any entity which may secure earth station authorizations during the interim period, and avoid any disadvantages to other legally competent entities which, in the future, may be authorized to apply for and obtain earth station licenses. Accordingly, we will apply the basic principles set forth above as a test of the efficacy of the positions advanced by the respondents in favor of the particular proposals they advocate to determine which course of action will best achieve the results we believe most in the public interest.

17. We turn now to the question of whether we should make no policy decisions as a result of this proceeding, but rather provide for the issuance of earth station authorizations through the processing of individual applications. The time pressures and the need to fix responsibility for carrying forward the satellite program without the risk of freezing the ownership and control of the initial stations during the interim period, convince us that it is not practical, feasible, or in the public interest to follow the usual application procedures which would seriously delay the research, design, and construction of such stations. Accordingly, we believe that use of conventional application procedures for the issuance of earth station authorizations would not serve the public interest.

18. While the adoption of rules might tend to accomplish the purposes and objectives attainable under a general interim policy, we believe that the changing and dynamic nature of the situation with which we are confronted does not readily lend itself to this approach. In light of this situation, it would be neither realistic nor meaningful, at this time, to establish rules intended to have long range applicability. On the other hand, the adoption of an interim licensing policy will serve the public interest by fixing now the responsibility for carrying forward the satellite program during the critical early stages of development of the system. Therefore, we believe that our policy should be an interim one and should, by its terms, terminate at a fixed date, unless it is determined the public interest would be served by extending it. We believe it reasonable to expect that technological advances and the experience gained during two years of station operation will provide a firmer basis for more definitive determinations. Accordingly, we shall reassess such policy at the end of such period.

19. Turning now to the essential features which a general licensing policy should contain, we note that in essence three distinct types of ownership of initial earth stations are advocated: [2]

(a) ComSat advocates exclusive ownership and operation by it;

(b) WUI and RCA advocate joint carrier ownership, after ComSat plans, designs, and builds the station;

(c) A.T. & T., Hawaiian and USITA advocate joint ComSat-carrier ownership with primary responsibility and authority in ComSat to plan, design, build, operate, and manage the stations.

20. Under ComSat's proposed policy it alone would be designated to plan, build,

[1] It is to be noted that parties may petition for waiver and if a proper basis is presented a hearing will be held.

[2] In view of the position of I.T. & T. and ACA that earth stations may be authorized only through quasi-adjudicatory proceedings on individual applications, they expressed no views with respect to the other possible courses of action.

design, own and operate the initial stations. ComSat maintains that the expeditious establishment of the system would be assured by the adoption of its proposal. It reasons that a sound system of coordination is required in the design, construction and day-to-day operation of the earth stations and the space segment of the system. Such coordination will be required, particularly during the initial period of development, where the making of prompt decisions and the utilization of flexible operating procedures in the administration and control of the stations will be essential. It insists that a policy permitting joint ownership would jeopardize the development of a sound system of coordination, add to the administrative and technical complexities of the system and thereby delay its expeditious establishment by introducing unnecessary compromises in the design, construction, operation, site location, etc. of the earth stations. These difficulties, it maintains, would also impede technical changes and expansion of the system.

21. Further, it argues that the fulfillment of its statutory mission to achieve global coverage depends upon encouraging and achieving optimum use of the system by all authorized carriers. Thus, it will be both obligated and motivated to provide uniform and nondiscriminatory access to the system. Moreover, it maintains that it will be exclusively concerned with the successful establishment and use of the system on an impartial and objective basis since it will have no conflicting interest in alternative forms of international communications with which the satellite system will compete. Hence, earth station ownership by it will widen the ownership interest in international communications facilities and thus provide a healthy competitive environment in the field of international telecommunications. Conversely, it argues that carrier ownership of earth stations would result in cumulative carrier participation in ComSat in view of the fact that the carriers in the aggregate now hold 50 percent of the stock of the Corporation.

22. Finally, ComSat argues that, absent earth station ownership and operation, its statutory mission under the Satellite Act and its role as the United States participant in the global system will be rendered relatively ineffective. In this connection it recites that the research and development program carried out by it pursuant to section 305 of the Act, and the implementation of national policy toward the establishment of a global system (sec. 102) have resulted in interim arrangements under which an international consortium of communication entities will own and operate the space segment of the system. Under the terms of the Interim Agreement, ComSat will represent the United States on the Interim Committee of the consortium which will be responsible for the design, development, construction, establishment and operation of the space segment. In addition, ComSat will act as manager of the space segment. Since participating foreign entities will own and operate earth stations in their respective countries, ComSat believes that a corresponding identity of interest should exist in the United States during the initial stage of development.

23. Under the joint carrier ownership policy advanced by WUI and RCA, ComSat would be licensed to construct the initial stations and operate them during the experimental phase. However, under WUI's proposal ComSat would be required to make available to all authorized carriers jointly, the whole of its interest in the license and station facilities when the system becomes operational. The terms and conditions of the transfer would be determined by the Commission following consideration of the views of interested parties. RCA makes allowance for possible ComSat ownership of such portion of the stations which the carriers may choose not to acquire. The time limit of the policy would be flexible in order to accommodate technological advances and not preclude authorized carriers from individually owning earth stations at such time as the public interest requires.

24. Such a policy, it is contended, would enable ComSat to proceed promptly toward the design and construction of the initial stations free from any conflicting private interests and would enhance the capability of the system to meet technical changes during the experimental and testing period. On the other hand, it is urged that technical changes and required expansions of the system, during the operational period, would be assured through carrier station ownership because of the long standing knowledge and experience of the carriers in providing communications services directly to the public. In addition, RCA and WUI argue that the joint carrier ownership policy proposed will foster competition by permitting the carriers to own the facilities with which they will provide satellite communications services to the public and that such an arrangement in turn will stimulate incentive among the carriers to use satellite facilities along with other modes of communications and thereby generally promote a healthy economic climate in the field of international communications. Conversely, it is argued that exclusive ownership and operation by ComSat will stifle competition by placing it in a position to furnish communication satellite services directly to the public and thereby exclude the carriers from performing any meaningful function in providing such services.

25. Although differing in some respects, the proposals of A.T. & T., Hawaiian and USITA may be characterized as favoring a mixed ownership policy under which ComSat and the carriers would jointly own the initial stations.

26. Specifically, A.T. & T. favors the adoption of a policy authorizing ComSat to design, construct and operate the initial stations. Authorized carriers would be permitted to share in the ownership to the extent of approximately 50 percent of each station, subject to periodic adjustments based on their respective use of such stations. The policy would apply for a period of 2 years, subject to termination and modification should ComSat fail diligently to prosecute applications pursuant thereto. Finally, the policy would reserve for future consideration the question of ownership and operation of stations beyond those initially required. Hawaiian's proposal is substantially similar to the foregoing, except that Hawaiian is concerned only with an earth station which may be located in Hawaii and would limit ownership in such station to those carriers authorized to provide service to that area.

27. A.T. & T. and Hawaiian contend that under their proposal the placing of primary control in ComSat for the design, construction and operation of the stations would eliminate any delay in the establishment of the system or confusion in the operation of the stations. Additionally, it is urged that by providing for carrier ownership of the station facilities incentive among the carriers to use the system will be enhanced which will contribute to the economic viability of the system and generally foster competition in the field of international telecommunications. Conversely, it is argued that exclusive ownership and operation by ComSat will stifle competition by placing it in a position to furnish communication satellite services directly to the public and thereby exclude the carriers from performing any meaningful function in providing such services. These parties further assert that direct ownership participation by the carriers will add to the capability of the system to meet technical changes and expanding requirements because of the acquired knowledge and experience of the carriers in providing communications services to the public.

28. While USITA proposes the adoption of rules, its proposal is equally adaptable to a general policy approach. Under its proposal the Commission would permit the filing of one application for each station by either ComSat itself, or by ComSat and one or more carriers jointly. Each initial license would be so conditioned as to require the transfer, at some future time, of all or part of the ownership of an earth station to one or more carriers upon findings made at a hearing upon written application of an authorized carrier. Further, the initial licensee would receive no preference in any such proceeding by reason of having been granted the initial authorization. The foregoing conditions are intended to reserve for the future the use of evidentiary hearings involving the reassignment of the initial licenses and the issuance of authorizations for any additional stations beyond those initially required.

29. Before attempting an evaluation of the merits of the foregoing proposals, we believe it pertinent to reiterate our basic responsibility in this matter; namely, to effectuate the policy of Congress that the global system be established as expeditiously as practicable and that the services via satellite be available to the general public as promptly as practicable. (Satellite Act, sec. 102 (a) and (b), see also paragraphs 13, 14, 15, and 16 supra). In order to discharge the foregoing responsibility, we must see to it that the development and availability of United States earth stations keep pace with both the space segment program and the earth station programs of the foreign participants in the system. Furthermore, the existing state of technology limits the number of earth stations which may be effectively utilized and gives rise to various problems in making available the facilities to the largest number of nations without unduly degrading the quality and quantity of circuits available. In addition, we are on the threshold of numerous developments in technology, system design, and other relevant factors that can have a significant impact upon the operations of the satellite system. Considerations such as the foregoing underline the need for centralized administrative control and close technical coordination between the earth station and space segment programs. This is true not only with respect to internal operations and planning in this country, but is equally true with respect to relations between United States participants and the foreign participants in the global system. During the period when vital decisions concerning the establishment, capacity and initial operation of the basic global system are to be made, the interests of all participants, foreign and domestic, in the space segment and the earth stations, must be viewed as essential parts of a single unit. Each of these factors convince us that there is a pressing need during this crucial formative period to provide a mechanism for (i) efficient and expeditious planning, construction, operation and control of the limited number of initial earth stations which are feasible; (ii) for resolving in a prompt and orderly manner all of the problems which are sure to arise; and (iii) for effective coordination of United States efforts relating to both the space segment and earth stations with foreign participants in the entire system. In summary, we believe it is essential that, to the extent possible, diffusion of responsibility, with the risk of delays or compromises which could adversely affect the efficiency of not only the earth stations in the United States but also of the system as a whole, must be avoided. Any failure on our part to provide the organizational or administrative structure essential during this critical period could compromise the orderly development of the system as well as its prompt availability to the greatest number of countries interested in utilizing its services. Thus, the policy we are adopting is designed to meet a present crucial need when the system is in its initial stages and will be limited only to the interim period.

30. In our judgment, the public interest considerations set forth above can best be served during the critical interim period by centralizing in ComSat responsibility for the design, construction, and operation of the initial earth stations. Therefore, ComSat should be the sole earth station licensee with undivided responsibility for the earth stations during the interim period. It will thus be in a position to make the many necessary complex decisions regarding the construction and operation of the stations promptly and will be in a unique position to provide the essential coordination during the critical developmental period with the space segment program and with the program of the foreign participants. With respect to the latter consideration, we recognize that the interest of the communications common carriers who will use the system to serve the public requires close coordination with their foreign correspondents. Thus, international business arrangements will continue to be made directly between communications common carriers and their foreign correspondents.[3] While this is a consideration which might support direct carrier participation in the earth station facet of the operation, it is not controlling under the circumstances. First of all, as set forth more fully in paragraph 33 infra, the interim policy which we are adopting allows for substantial carrier participation. Secondly, for the reasons stated, we believe that the need for, and the advantages to be gained from the closest possible coordination between the designers and operators of the earth and space segments are at this initial stage more important than any possible advantages which might be gained from direct participation in the operation of the earth stations by the carriers. We should also stress that this determination, like all determinations we are making herein, relates solely to the initial earth stations and is interim in nature. It may well be that upon review of this policy, which we will undertake after an appropriate period, we may find that the foregoing considerations should be viewed from a different perspective or possibly that other considerations are controlling. Finally, ComSat will be in a position to expedite resolution of the technical and administrative problems which will arise during this period of evolving satellite technology.

31. Aside from the foregoing, we note that ComSat is an entity whose entire effort is devoted exclusively to satellite communications and which has been charged with responsibility of fulfilling the interests of the United States in the space segment. Moreover, it is the designated United States representative on the Interim Committee with all obligations pertaining thereto under domestic law and under the Interim Agreements. Its ability to discharge its obligations in all these respects in this crucial, formative period will be strengthened by our interim policy. Hence, it will be able to represent the United States more effectively on the Interim Committee during this early period, particularly in view of the fact that, almost without exception, its fellow members on such Committee have similar joint responsibility for the space segment and the earth stations in their respective countries. Finally, we note that with one exception, all of the carriers which addressed themselves to the question of planning, designing, and building the stations, recognize that ComSat should have primary, if not sole, responsibility for performing these functions.

32. In reaching the judgment that ComSat should be given responsibility for planning, construction, operation and control of the initial stations during the critical early period, we have of course considered the various carrier proposals for ownership of the initial stations. WUI and RCA would give ComSat sole responsibility for the design, construction, and experimental operation of the initial earth stations, but would require that ComSat transfer the licenses and facilities to the carriers when the system becomes operational. Such arrangements would be inconsistent with the criteria for coordination and control set forth above. In our view, the reasons supporting the designation of ComSat to design and construct the initial stations (reasons which are fully recognized by RCA and WUI), apply with equal force to ComSat maintaining sole control during the system's early operational stages. Further, the adoption of a policy of complete carrier earth station ownership and operation would complicate the installation and operation of facilities for command and control of the space segment and might require ComSat to build a separate earth station for this purpose, thus increasing overall costs considerably. Such a policy, particularly if adopted without benefit of operational experience with a commercial system, would run the risk of degrading the quality and efficiency of satellite service which depend so greatly upon close coordination between the earth stations and the space segment of the system. Moreover, if ComSat is completely excluded from the ownership and operation of the initial earth stations, it might well be prevented from fully discharging its obligations as our space segment licensee during this critical period of inception of the basic global system. Certainly it would appear in the public interest that the space segment licensee be the operator of the initial earth stations during the early stages of development when station operation bears so importantly on the coordination of the total system.

33. We now address ourselves to the proposals for joint ownership of the initial stations by ComSat and the carriers. This proposal, whatever merit it may have at a later stage, is not conducive to serving the public interest at this time. Initially we note that the carriers now have a significant voice and interest in the corporate affairs of ComSat through their stock ownership (50 percent of the stock of the Corporation) and their right to elect 40 percent of the directors. Under this arrangement, the international carriers have an effective means of presenting their views on all important facets of commercial satellite communications. Accordingly, it does not appear to us that carrier station ownership, in addition to the foregoing stock ownership and right to elect directors, is necessary in order to afford them an opportunity to contribute their knowledge and experience or to adequately protect their interests with respect to the initial ground

[3] Article II(b) of the Agreement Establishing Interim Arrangements provides: "• • • that administrations and communications carriers will, subject to the requirements of their applicable domestic law, negotiate and enter directly into such traffic agreements as may be appropriate with respect to their use of channels of communication provided by the system to be established under this Agreement, services to be furnished to the public, facilities, divisions of revenues and related business arrangements."

stations. They can, instead, through corporate board action, contribute their knowledge and expertise to the formulation of policy with respect to significant matters affecting the establishment and operation of the earth stations. Indeed, we would expect that such contributions can be made not only through the carrier representation on the ComSat Board but also through appropriate liaison, consultation and coordination between ComSat and the carriers, particularly with respect to technical and operational problems that will arise. Our expectation is based on the fact that the carriers will be users of the system during this initial period and ComSat can be expected to seek appropriate advice and assistance from those entities upon which it must depend for its revenues.

34. The joint ownership proposals for the initial earth stations in effect seek carrier participation, over and above the foregoing participation, during this critical beginning period. This is clearly so in the case of the proposals to allow the carriers 50 percent ownership (or negative control) of the initial earth stations. It is also the case with respect to joint ownership arrangements whereby particular carriers would have substantial interests (but not more than 49 percent) in particular earth stations, since such substantial interests would have a correspondingly substantial voice in the various decisions made with respect to that earth station during the initial period (over and beyond the carrier's voice in the ComSat corporate board or through appropriate liaison or consultation). But we believe that this increased participation at the earth station level by the carriers is undesirable during the initial period as it would appear to run counter to the policy considerations which have led to our conclusion that there is a crucial need for centralized authority to take prompt effective action to resolve the many varied problems sure to arise during the initial period. Indeed, as a practical matter, we believe that any arrangement calling for a substantial ownership interest on the part of the carriers, however effectively it may function, involves the risk of diluting responsibility, with resultant risk of possible delays and undesirable compromises in the decisions affecting the stations and the system during the interim period. We think this will be particularly true if, as has been suggested, the carriers were to have 50 percent ownership of the earth stations. Further, the joint station ownership would require some type of temporary or ad hoc arrangement, the formulation and functioning of which could involve unnecessary delays, uncertainties, and possible conflicts among the parties greatly out of proportion to the temporary conditions it is designed to meet. In short, we believe that any joint station ownership during the initial period involves certain risks and disadvantages which far outweigh any possible gains to be derived; and here we again take into account that, to a significant degree, the carriers will be able to contribute their knowledge and experience and protect their vital interests through the means described above.

35. We recognize that we have, on occasion, favored joint ownership of international communications facilities by a consortium of carriers[4] and, indeed, we do not rule out adoption of such a scheme for earth stations at some time in the future. However, the circumstances under which we have authorized such joint ownership are in sharp contrast to the unsettled conditions and critical basic problems with which we will be faced in the immediate future with respect to earth stations and the communications satellite system as a whole.[5]

36. Thus, we believe that our proposal will provide for effective carrier participation during the initial period, which is highly desirable, without the risk of delay, uncertainty and compromise which would be involved if the carriers were to have a direct ownership interest and a voice in the management decisions. Insofar as incentive to use the system is concerned, the carriers have substantial ownership interests in ComSat, and they have indicated a serious interest in the use of space satellite techniques for international communications. We believe that the interim policy we are adopting is best calculated to serve the public interest, and is consistent with carrier needs and objectives in satellite communications. We again emphasize that our policy is not designed to establish a permanent ownership arrangement for either the initial earth stations or any additional stations that may be authorized in the future. Rather, it is a temporary measure applicable only to the initial stations, designed to maximize the opportunity to initiate an efficient system as expeditiously as practicable in light of existing technology. After the basic global system and the initial earth stations are established and operational experience is obtained, there likely will be different or additional factors and conditions, both of a technical and policy nature, which will have to be carefully considered when we re-examine our interim policy with respect to earth station ownership.

37. In addition to the factors considered above, we have not overlooked the important public interest considerations affecting (a) uniform and nondiscriminatory access to the system, and (b) efficient use of the available frequencies. In our judgment, based upon all of the data now available, each of these important public interest considerations would be served at least as well under the policy we have decided to adopt as under the joint ownership proposals.

38. We now turn to the question of the number and location of the stations to which our interim policy is to apply. ComSat states that it would be prepared to complete and file applications promptly for three stations in the northeastern and northwestern parts of the conterminous United States and in Hawaii if its proposal is adopted. In addition, it states that a fourth station may be necessary in the event a medium altitude system is selected for the basic system. ComSat does not propose to file an application for such fourth station until the basic system choice is made. A.T. & T. agrees with the view that a maximum of four stations will be required to meet foreseeable service requirements but doubts whether all four stations will in fact be required at the outset, particularly one located in the southeastern part of the conterminous United States. WUI and RCA do not address themselves to the question of the number or location of the stations initially required. Hawaiian is concerned only with the interim policy insofar as it applies to a station in Hawaii and does not address itself to the question of what other stations might be required or where they should be located. I.T. & T. does not specify the number or location of the stations which it believes to be required. It indicates that it has been "investigating potential areas of site implementation in several parts of the United States". In addition, I.T. & T. states that it is in a position to submit a detailed application "for one or more earth stations to be located in the United States and/or its possessions * * *".

39. In view of the time pressure, which is a basic reason for our interim policy, existing traffic requirements, and the technical factors involved, we believe that authorization is now required for three stations during the interim period, and that the regional station site deployment proposed by ComSat for initial construction offers a sound and reasonable basis upon which to establish a global system. Accordingly, our interim policy shall be applicable to the three stations, one each to be located in the northeastern and northwestern parts of the conterminous United States and in Hawaii. If any interested entity in the future can demonstrate that an additional station is required, for example, in the southeastern United States or elsewhere, we will entertain appropriate applications for any such other stations upon a showing that:

(a) Such station is required to provide needed global coverage not available via the aforementioned three stations; and

(b) Is otherwise justified by economic, technical and other relevant considerations.

40. In substance, under our policy ComSat will assume the sole responsibility for the design, construction, and operation of the three initial stations. In order to expedite matters we are requiring that applications for the three initial stations should be filed within 60 days from the date this Report is published. If applications are not filed within such time, the Commission will consider what modifications it should make in the policy in order to expedite the prompt planning and construction of the needed stations. For the reasons set forth above (see par. 18), the policy will remain in effect for 2 years from the date the first station license is granted unless

[4] See, for example, our Memorandum Opinion and Order, adopted Mar. 17, 1964, with respect to TAT 4, FCC 64-217.

[5] Our policy there was enunciated in connection with the fourth trans-Atlantic cable after several years of experience with sole ownership of the United States share by one carrier and was designed to serve entirely different purposes.

amended, terminated, or extended by the Commission for good cause. Therefore, subject to the limitations set forth above, licenses issued under the policy will be limited to a term of 2 years, and thereafter we will consider what action should be taken in light of conditions then found to obtain. We wish to make it clear that in all future licensing actions no entity will be given a preference or be prejudiced because of any actions we take under the policy we are adopting herein.

41. We recognize that in this area, as in other areas of Commission action, interested entities may disagree with our policy determinations and desire to challenge them, or the carriers may choose to file applications which do not accord with the interim policy. If any interested party wishes to challenge our policy, we are setting forth the procedures which should be followed to minimize delay and assure the availability of the earth stations when needed:

(a) We would expect ComSat to make timely filing for the earth stations;

(b) We shall process the applications expeditiously and take into account any objections made during the 30-day statutory period;

(c) Unless we are persuaded that the public interest would not be served thereby, we would grant ComSat authorization to commence construction, subject to the requirements of our interim policy or any modifications thereof we find in the public interest after considering objections to the ComSat applications and also subject to the outcome of any proceeding we may hold;

(d) We would then immediately take up any matters in petitions to deny which have not been disposed of, or institute a proceeding to consider whether the public interest would be served by a grant of a competing application(s). We would determine, upon examination of the pleadings, whether to adhere to the interim policy, or whether some further procedural steps are needed, including oral argument or an evidentiary hearing. In the latter event, we would hold an expedited hearing (see sec. 409(a)(b) of the Communications Act).

42. We believe that the foregoing procedures meet the requirements of the public interest in this vitally important situation. Since, in any event, ComSat will be permitted to undertake immediate steps for the design and construction of the ground stations, the possibility of serious delay in such design and construction is eliminated and the Congressional policy of "establishing * * * as expeditiously as practicable a commercial communications satellite system" can be implemented (sec. 102(a), Satellite Act). Further, it affords interested parties the opportunity fully and fairly to challenge the interim policy and contest for the earth station authorizations.

43. We recognize here the Ashbacker holding (326 U.S. 327) where the Court, in finding that the Commission contravened the hearing provisions of section 309 when it granted one application and designated a mutually exclusive one for hearing, stated (at p. 333): "Legal theory is one thing. But the practicalities are different." We think that that statement is especially pertinent here. For we are not dealing here with the usual situation where there are two or more applicants for a broadcast permit and the grant of one effectively puts the other at a practical disadvantage. If ComSat were to lose out in any proceeding, it would not be out of business and have lost its investment. Rather, there could be a simple direction to transfer the station, on assumption of the appropriate costs, to the successful applicant in the comparative proceeding. Such action would create no hardship among the parties to the comparative proceeding and indeed would be consistent with the views of the majority of the respondent to this proceeding which recognize that ComSat should be designated and encouraged to assume the responsibility of going forward with the design and construction of the initial stations.

44. Finally, we believe that we have the statutory authority to employ the above procedure, if necessary. The Act bestows upon the Commission comprehensive, not niggardly, powers to deal with the dynamic and changing field of radio. See National Broadcasting Co., v. U.S., 319 U.S. 190. Thus, the Commission is empowered to "perform any and all acts, make such rules and regulations, and issue such orders, not inconsistent with this Act, as may be necessary in the execution of its functions" (sec. 4(i)). See also section 4(j). In addition to these general provisions section 201(c)(7) of the Satellite Act specifically authorizes the Commission to "grant appropriate authorizations for the construction and operation of each satellite terminal station * * * as will best serve the public interest * * *", and section 102(a) sets out the policy of the United States to "establish * * * as expeditiously as practicable a commercial communications satellite system." That policy is clearly of an overriding nature.[6]

45. In our judgment, the interim policy adopted herein (pars. 40, 41) is called for in the public interest and has been arrived at on a sound basis. Moreover, there is no indication or showing that our task of formulating policy would be significantly aided by an evidentiary hearing at this time. We believe this policy will assure prompt construction; necessary centralization in planning, design and management; adequate flexibility for change and improvement; provide ComSat with adequate means of discharging its responsibilities; induce carrier use of the system; permit carrier contribution of know-how and experience; assure that stations adequately meet carrier needs; provide for uniform and nondiscriminatory access to the system; make possible economical operation and efficient use of the available frequency spectrum; and, in no way prejudice the position of any legally competent entity in future licensing proceedings.

[6] For example, it would override any inconsistent provision in the Communications Act. See sec. 401 of the Satellite Act ("* * * Whenever the application of the provisions of this Act shall be inconsistent with the application of the provisions of the Communications Act, the provisions of this Act shall govern.")

Other Matters

46. The views of Philco and Westrex relate primarily to the question of maintaining competition in the procurement of equipment and services required to establish the system and the earth stations. In this connection, these respondents believe that if carriers with equipment manufacturing affiliates are authorized to construct and operate the stations they would tend to favor their own suppliers and thereby adversely affect competition in procurements. I.T. & T. objects to the comments of both Philco and Westrex on the grounds that they are irrelevant and nonresponsive and therefore should not be admitted to the record of this proceeding. We have considered these comments for the limited purpose of noting that Part 25, Subpart B of the Commission's rules and regulations covering communications satellite procurements (47 CFR 25.151 et seq.) provide adequate and reasonable assurance against favoritism in the procurement of equipment and services required for the construction, operation, and maintenance of the satellites and earth stations. However, should the need arise, the Commission is prepared to consider amendments to the procurement rules through the institution of a proceeding designed for such purpose.

47. CBS is concerned solely with the possible impact of the Commission's decision in this proceeding on the interpretation of the concept of "authorized users". It maintains that sections 102(c), 305(a)(2) and 305(b)(4) of the Satellite Act, when read together, authorize ComSat to deal directly with noncarrier communication entities and CBS regards itself as eligible to become an "authorized user." It suggests, therefore, that rules and regulations should be established to govern assignment of requests for use of facilities to insure that all ultimate users have equitable access to the system.

48. I.T. & T. objects to the inclusion in the record of CBS's statement on the grounds that it is irrelevant and immaterial to the issues in the proceeding. We have considered the views of CBS for the limited purpose of pointing out that the policy we have adopted is designed solely to govern the issuance of authorizations for, and the disposition of ownership interests in, communications satellite earth stations pursuant to section 201(c)(7) of the Satellite Act. Hence, our action should not be construed to, in any way, affect or prejudice the question involving the authorization of carriers and such other entities to provide service via the system or to use it.

With respect to the views of ARINC, we intend to make certain threshold determinations in the near future dealing with the application of space radio communication techniques in the Aeronautical Radio Service.

EQUIPMENT AND FUNCTION OF EARTH STATIONS

49. The respondents are in general agreement that the telemetry and command, and the assignment of satellites for optimum traffic management are functions which should be performed by the space segment manager. It is also generally agreed that the earth station antenna and associated equipment should be included within the earth station complex under the control of the licensee. However, varying views are expressed with respect to the extent to which the following communications equipment should be included within the communications satellite earth station complex under the control of the licensee, namely:

(1) Land-line facilities (wire, cable, radio) used to transport the traffic between the earth station site and the terrestrial communications networks;

(2) Communications terminal equipment; and,

(3) Channel deriving (multiplex) equipment.

50. Generally, the carrier respondents maintain that item (1) above should not be included within the earth station equipment and that such equipment should be owned, maintained and operated by the carriers. In addition, A.T. & T. proposes that the communications terminal and channel deriving (multiplex) equipment (items 2 and 3 above) should not be included within the earth station complex under the control and operation of the licensee. ComSat proposes to accept outgoing traffic in any conventional form selected by the terrestrial common carriers and is prepared to process such traffic to any extent necessary for efficient transmission via the satellite. Further, traffic received from the satellite would be converted by ComSat to a form suitable for terrestrial transmission. Westrex believes that placing the channel deriving (multiplex) equipment under the control of ComSat would result in a more efficient operation.

51. After careful consideration of the various views of the parties, we believe that the equipment and functions of the earth stations must be determined on the basis of the following important public interest considerations. Foremost, it is essential that the operator of the earth stations should be in a position to assure that all authorized users have equitable access to the system as required by the Satellite Act. In addition, such operator must be able to furnish channels of communication to users of the earth station facilities. The earth station licensee also must have undivided responsibility for the proper handling of all satellite traffic. Finally, the earth station equipment and functions must be so planned as to promote the efficient use of the available frequency spectrum.

52. With these public interest considerations in mind, the Commission believes the following facilities—in addition to the physical station plant and the antennas with the associated equipment—should be under the direction and control of the earth station licensee: (1) The terrestrial facilities (wire, radio, cable) used to transport the satellite traffic to and from the earth station site and a place in close proximity to the central point at which international traffic normally is processed for overseas handling, (2) the channel deriving (multiplex) equipment which processes traffic received from terrestrial facilities for transmission via satellite, and (3) equipment which receives the traffic from the satellite and after transmission via terrestrial facilities to the nearest point of interface processes it prior to transfer to the carriers.[7]

53. Under the foregoing classification of earth station equipment and functions the carriers may use existing terrestrial facilities to transport traffic to the point of interface and existing terminal equipment to interconnect with the terminal equipment of the earth station complex for transmission via satellite. Such an arrangement provides a ready and acceptable means of connection to the satellite system and thereby promotes the objective of equitable access. At the same time, by permitting the interface to be placed in close proximity to existing message centers where international traffic is now normally processed, the earth station licensee would have undivided control over satellite traffic from the point of interface to the earth station plant, and would have greater freedom in determining and employing the type of modulation best suited for satellite communications consistent with international standards. Under this arrangement, the earth station plant can be operated as a relay point and as such there will be no necessity for processing the traffic there. As a result there should be a reduction in (a) the system complexity; (b) total equipment requirements and (c) overall system noise. Further, by placing the channel deriving (multiplex) equipment under the control of the earth station licensee, it will facilitate the furnishing of channels of communication to all authorized users. And finally, there should be need for only one or a minimum number of microwave facilities required to link the message center with the earth station, an arrangement which should contribute to the efficient use of the available domestic frequency spectrum.[8]

54. In view of the foregoing, and, on the basis of the public interest, convenience, and necessity, the Commission hereby adopts the policy governing the issuance of authorizations for communication satellite earth stations as set forth in this Report.

55. Further, the Commission finds that the public interest, convenience, and necessity will be served by the adoption of the rules defining equipment and function of earth stations, as set forth in the Appendix below. Accordingly, pursuant to the authority contained in sections 201(c)(7) and 201(c)(11) of the Communications Satellite Act of 1962, and sections 4(i) and 4(j) and 303 of the Communications Act of 1934, as amended: *It is ordered*, This 12th day of May 1965, that Part 25 of the Commission's Rules and Regulations is amended by adding to Subpart A the rules set forth in the Appendix below, effective June 22, 1965.

(Secs. 4, 201, 303, 48 Stat. 1066, as amended, 76 Stat. 419, 48 Stat. 1082, as amended; 47 U.S.C. 154, 721, 303)

Released: May 13, 1965.

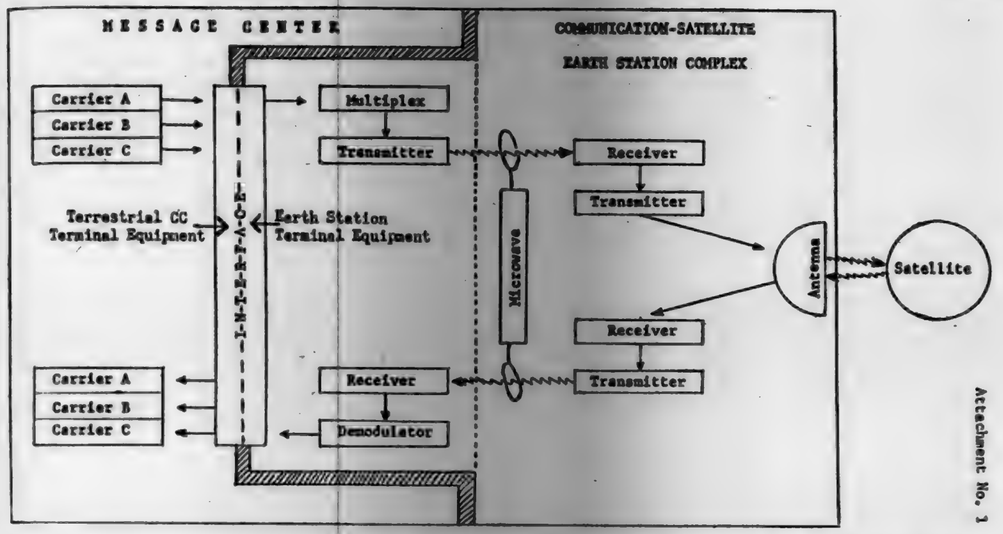
FEDERAL COMMUNICATIONS COMMISSION,[9]
BEN F. WAPLE,
Secretary.

[SEAL]

[7] See appendix.

[8] Attachment 1 is intended to illustrate the functions of equipment at the message center and the earth station described in par. 53.

[9] Dissenting statement of Commissioners Hyde and Lee filed as part of original document.



Attachment No. 1

APPENDIX

Section 25.103 is amended by the addition of new paragraphs (d), (e), and (f) as follows:

§ 25.103 Definitions.

* * * * *

(d) *Communications satellite earth station complex.* The term communications satellite earth station complex includes transmitters, receivers, and communications antennas at the earth station site, the terrestrial facilities used to transport the traffic between the earth station site and the point of interface, and associated multiplex and demodulation equipment.

(e) *Communications satellite earth station complex functions.* The communications satellite earth station complex processes traffic to be transmitted to and received from a satellite, performs the transmission and reception functions, and transports such traffic between the earth station site and the point of interface.

(f) *Interface.* The point of interconnection between two distinct but adjacent communications systems having different functions. The interface in the communications satellite service is that point where communications terminal equipment of the terrestrial common carriers interconnects with the terminal equipment of the communications satellite earth station complex. The interface in the communications satellite service shall be located in close proximity to the central point at which international traffic is normally processed for overseas handling.

[F.R. Doc. 65-5260; Filed, May 19, 1965; 8:45 a.m.]

[Docket No. 14229 (RM-454, RM-490); FCC 65-417]

PART 73—RADIO BROADCAST SERVICES

Fostering Expanded Use of UHF Television Channels

Supplement No. 3 to the Third Report and Order. 1. Pursuant to the policy announced in the Third Report and Order in the above-entitled matter, the following cases require prompt action prior to the conclusion of the overall revision of the Table of Assignments for UHF television channels (§ 73.606 of the Commission rules).

PATERSON, N.J.

2. By Commission order of May 28, 1963 (FCC 63-490), three applicants for Channel 37 at Paterson, N.J., were designated for hearing in Dockets 15089, 15091, and 15092. The hearing order stated that pursuant to final action on pending petitions to set aside Channel 37 for use by Radio Astronomy interests, it might be necessary to substitute a channel other than Channel 37 for use at Paterson. Channel 37 was subsequently reserved for Radio Astronomy use until 1974 and in the second notice of proposed rule making in Docket No. 14229, Channel 66 was proposed at Paterson. The parties to the Paterson proceeding agreed to amend their applications to specify Channel 66 or such other channel as might be assigned to Paterson.

3. In the revised UHF assignment plan, Channel 41 has been found to be a more efficient assignment than Channel 66 for Paterson. Accordingly, that assignment is now being made final so that the hearing may go forward unclouded by a tentative channel assignment.

TOLEDO, OHIO

4. Three applications were originally filed for Channel 79 in Toledo, Ohio, and were designated for hearing on February 5, 1964, in Dockets No. 15326, 15327, and 15328. Pursuant to an agreement between the parties, two of the applications have been dismissed. The remaining applicant, D. H. Overmyer, in a letter to the Commission dated October 30, 1964, requested that Channel 24 be substituted for Channel 79 in Toledo, and that any authorization that it may receive for Channel 79 be modified to substitute Channel 24. An Initial Decision looking toward grant of a construction permit to D. H. Overmyer was released on January 19, 1965, and became final March 10, 1965.

5. Retention of Channel 79 in Toledo and the authorization of new construction on that channel would be prejudicial to the proceedings in Docket No. 15201 concerning the allocation of UHF channels for regular airborne educational TV operation and to the Commission's investigation into the possible use of the upper UHF channels for a low powered Community TV service. Pursuant to discussions with representatives of the Department of Transport of Canada, they have agreed to make certain channel assignment changes in Windsor and Sarnia, Ontario, which will make possible the use of Channel 24 at Toledo. This assignment is consistent with the efficiency criteria used in the development of the overall assignment plan for UHF channels. In order to avoid delay in the construction of the newly authorized UHF television station at

Toledo, the assignment is being adopted herein.

SAGINAW, MICH.

6. Lake Huron Broadcasting Corp. is the present licensee of WKNX–TV, Channel 57, Saginaw, Mich. On June 25, 1963, they filed a petition for rule making (RM–454) requesting the substitution of a lower UHF channel for their use at Saginaw. Channel 25 was suggested. The petition was caught up in the proceedings in Docket No. 14229 concerning an overall revision of the Table of Assignments for UHF channels.

7. We have recently been advised that the transmitting apparatus now employed at WKNX–TV urgently needs replacement because of its age and resulting unreliable performance and that in view of the substantial investment involved, the licensee would like a decision with respect to its petition. The assignment of Channel 25 to Saginaw is consistent with the efficiency criteria used in the development of the overall assignment plan for UHF channels. Accordingly, in order to permit Lake Huron Broadcasting Corp. to proceed promptly with the urgently needed replacement of equipment, we are adopting the assignment of Channel 25 to Saginaw herein.

BURLINGTON, N.J.

8. On July 8, 1964, the Commission granted construction permit BPCT–3093 to Kaiser Broadcasting Corp. for the construction and operation of a new UHF television broadcast station on Channel 41 at Burlington, N.J. Channel 41 is assigned to Trenton, N.J., in the present Table of Assignments in § 73.606 of Commission rules and is available to Burlington under the "15 mile rule". The permittee specified a transmitter site in the northern part of Philadelphia and requested a waiver of the mileage separation rules with respect to Channel 55 at Lancaster, Pa.

9. Because of the pending proceeding in Docket No. 14229, which looked toward an overall revision of the Table of Assignments for UHF channels, the Commission was unwilling to concur in a short-spaced assignment since an assignment meeting the required separations could probably be found. Accordingly, the construction permit issued to Kaiser permitted the commencement of construction with respect to all proposed facilities except those specifically designed for operation on Channel 41. We are now advised that the permittee is prepared to place an order for the transmitter and antenna and must supply a specific channel number.

10. On the basis of the efficiency criteria used for the development of the revised overall assignment plan for UHF channels, Channel 48 has been found to be the preferred assignment for Burlington. In order to avoid delay in the construction and operation of the newly authorized UHF television station at Burlington, N.J., we are adopting that assignment herein.

DRAKETOWN, GA.

11. On August 2, 1962, the Commission adopted a Report and Order in Docket No. 14409 amending the Table of Assignments in § 73.606 of the rules to provide UHF television channels in several Georgia communities for use by educational TV stations. This proceeding originated as the result of a petition (RM–290) by the Georgia State Board of Education to provide reserved channels for the establishment of a statewide educational network. The petition included a request for a channel at Draketown, Ga. However, we were unable to make an assignment at Draketown within the framework of the existing assignments at that time.

12. When the present proceedings in Docket No. 14229 were initiated the proposed revised Table of Assignments for UHF channels included the assignment of Channel 27 to Draketown. Draketown was included on the basis of claims by the Georgia State Board of Education that it was a key location in its contemplated statewide plan. A review of the initial proposal on the basis of the efficiency criteria used for the development of an overall UHF assignment plan shows that Channel 24 at Draketown is a more efficient assignment than Channel 27. The Georgia State Board of Education has advised us that they are now prepared to seek Federal funds for the construction and operation of an education UHF television broadcast station at Draketown but cannot do so until a reserved assignment is provided for Draketown. For that reason, we are adopting herein the assignment of Channel 24 at Draketown.

OTHER CHANGES IN THE TABLE

13. The action taken herein requires the deletion of certain channels appearing in the present Table of Assignments in § 73.606 of the rules, in order to remove conflicts. Substitute channels are available and will be assigned in the forthcoming revised overall assignment plan if such action is consistent with the principles upon which the revised plan is based.

14. These actions are being taken prior to the conclusion of the overall revision of the assignment plan on the basis of representations that the parties are prepared to proceed promptly with the construction and operation of UHF broadcasting stations on the channels assigned herein. Lack of diligence may result in the assignment of some other channel or if necessary the deletion of the channel, upon the conclusion of the proceedings in Docket No. 14229.

15. In the light of the foregoing: *It is hereby ordered*, That effective June 28, 1965, § 73.606 of the Commission rules is amended, insofar as the communities named below are concerned, to read as follows:

City	Add	Delete
Mumford, Ala		*24–
Stamford-Norwalk, Conn		55
Dover, Del		48–
Draketown, Ga	*24–	
Elberton, Ga		24+
Griffin, Ga		30+
East Lansing, Mich		*24–
Midland, Mich		99–
Saginaw, Mich	25–	57–
Burlington, N.J	48–	
Paterson, N.J	41+	37+
Trenton, N.J		41+
Albany, N.Y		41
Toledo, Ohio	24–	70
Hazleton, Pa		63
Lancaster, Pa		55+
Cookeville, Tenn		24

16. *It is further ordered:*

(a) That the construction permit BPCT–3039 held by Kaiser Broadcasting Corp. for construction of a new television station in Burlington, N.J., is modified to specify construction on Channel 48 in lieu of Channel 41, subject to the conditions enumerated below;

(b) That the construction permit (BPCT–3173, Docket No. 15327), held by D. H. Overmyer for construction of a new television station in Toledo, Ohio, is modified to specify construction on Channel 24 in lieu of Channel 79, subject to the conditions enumerated below;

(c) That the license of Lake Huron Broadcasting Corp. for Station WKNX-TV, Saginaw, Mich., is modified to specify operation on Channel 25 in lieu of Channel 57, subject to the conditions enumerated below;

17. The above modifications of authorizations are subject to the following conditions:

(a) That in each case the licensee or permittee shall advise the Commission in writing by June 1, 1965, of its acceptance of the modification of its authorization;

(b) That in each case of modification of construction permit to specify a different channel the permittee shall submit to the Commission by June 1, 1965, all necessary information for the preparation of modified authorization to construct and operate on the newly specified channel with transmitting facilities meeting all requirements of the Commission's rules and regulations for operation on that channel; and

(c) That in each case of modification of license the licensee may continue operation temporarily on the previously specified channel in accordance with the terms and conditions of the current license until the following requirements have been satisfied:

(1) In each case the licensee must submit by June 1, 1965, all information necessary to comply with applicable rules, executed in triplicate, for the preparation of the modified authorization to cover the operation of the licensed station on the newly specified channel;

(2) The construction looking to a change to the newly specified channel is not to commence until specifically authorized by the Commission after the information in (1) above is submitted.

(3) Upon completion of construction of the new facilities in accordance with the terms of the modified authorization, proof of performance measurement data adequate to demonstrate compliance with the applicable technical performance requirements of the rules and of the type normally required to be furnished in an application for a television license shall be submitted, in triplicate, at least ten (10) days prior to the date on which it is desired to begin program operation. Program operation on the newly specified channel shall not be commenced until specifically authorized by the Commission after its evaluation of such data.

(d) All of the above assignments remain subject to change in accordance with the final outcome of Docket No. 14229.

18. Authority for the actions taken herein is contained in sections 4(i), 303, and 307(b) of the Communications Act of 1934, as amended.

(Sec. 4, 48 Stat. 1066, as amended; 47 U.S.C. 154; interpret or apply secs. 303, 307, 48 Stat. 1082, 1083; 47 U.S.C. 303, 307)

Adopted: May 12, 1965.

Released: May 14, 1965.

FEDERAL COMMUNICATIONS COMMISSION,[1]

[SEAL] BEN F. WAPLE, *Secretary.*

[F.R. Doc. 65–5322; Filed, May 19, 1965; 8:49 a.m.]

Title 50—WILDLIFE AND FISHERIES

Chapter I—Bureau of Sport Fisheries and Wildlife, Fish and Wildlife Service, Department of the Interior

PART 33—SPORT FISHING

Medicine Lake National Wildlife Refuge, Montana

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER.

§ 33.5 Special regulations; sport fishing; for individual wildlife refuge areas.

MONTANA

MEDICINE LAKE NATIONAL WILDLIFE REFUGE

Sport fishing on the Medicine Lake National Wildlife Refuge, Mont., is permitted only on the area designated by signs as open to fishing. This open area, comprising 750 acres, is delineated on maps available at the refuge headquarters, Medicine Lake, Mont., 59247, and from the office of the Regional Director, Bureau of Sport Fisheries and Wildlife, 1002 Northeast Holladay Street, Portland, Oreg., 97208. Sport fishing shall be in accordance with all applicable State regulations, subject to the following special conditions:

(1) The sport fishing season on the refuge extends from July 1 through September 15, 1965, and from November 15, 1965, through March 31, 1966.

(2) Boats with or without motors may be used for fishing.

The provisions of this special regulation supplement the regulations which govern fishing on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 33, and are effective to April 1, 1966.

PAUL T. QUICK,
Regional Director, Bureau of Sport Fisheries and Wildlife.

MAY 14, 1965.

[F.R. Doc. 65–5318; Filed, May 19, 1965; 8:48 a.m.]

[1] Commissioner Wadsworth absent.

PART 33—SPORT FISHING

Ninepipe National Wildlife Refuge, Montana

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER.

§ 33.5 Special regulations; sport fishing; for individual wildlife refuge areas.

MONTANA

NINEPIPE NATIONAL WILDLIFE REFUGE

Sport fishing on the Ninepipe National Wildlife Refuge, Mont., is permitted only on the area designated by signs as open to fishing. This open area, comprising 2,062 acres, is delineated on maps available at the refuge headquarters and from the office of the Regional Director, Bureau of Sport Fisheries and Wildlife, 1002 Northeast Holladay Street, Portland, Oreg., 97208. Sport fishing shall be in accordance with all applicable State regulations, subject to the following special conditions:

Area No. 1. North shore from north end of main dike to the south end of the Allentown bridge, and that portion of the refuge lying east of Highway 93, open all year, except closed September 8, 1965, to the end of the migratory waterfowl hunting season.

Area No. 2. South shore from south end of main dike to south end of the Allentown bridge open from July 15, 1965, through February 28, 1966, except closed from September 8, 1965, to the end of the migratory waterfowl hunting season.

Area No. 3. The area of the main dike open all year, except closed during the migratory waterfoul hunting season.

The provisions of this special regulation supplement the regulations which govern fishing on wildlife refuge areas generally, which are set forth in Title 50, Code of Federal Regulations, Part 33, and are effective to May 1, 1966.

PAUL T. QUICK,
Regional Director, Bureau of Sport Fisheries and Wildlife.

MAY 14, 1965.

[F.R. Doc. 65–5319; Filed, May 19, 1965; 8:48 a.m.]

PART 33—SPORT FISHING

Pablo National Wildlife Refuge, Montana

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER.

§ 33.5 Special regulations; sport fishing; for individual wildlife refuge areas.

MONTANA

PABLO NATIONAL WILDLIFE REFUGE

Sport fishing on the Pablo National Wildlife Refuge, Mont., is permitted only on the area designated by signs as open to fishing. This open area, comprising 1,900 acres, is delineated on maps available at the refuge headquarters, National Bison Range, Moiese, Mont., 59824, and from the office of the Regional Director, Bureau of Sport Fisheries and Wildlife, 1002 Northeast Holladay Street, Portland, Oreg., 97208. Sport fishing shall be in accordance with all applicable State regulations, subject to the following special conditions:

Open season: The north and east shorelines from the inlet canal to the south end of the main dike are open from July 15, 1965, through February 28, 1966, except during the migratory waterfowl hunting season.

The provisions of this special regulation supplement the regulations which govern fishing on wildlife refuge areas generally, which are set forth in Title 50, Code of Federal Regulations, Part 33, and are effective to May 1, 1966.

PAUL T. QUICK,
Regional Director, Bureau of Sport Fisheries and Wildlife.

MAY 14, 1965.

[F.R. Doc. 65–5320; Filed, May 19, 1965; 8:48 a.m.]

PART 33—SPORT FISHING

Charles M. Russell National Wildlife Range, Montana

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER.

§ 33.5 Special regulations; sport fishing; for individual wildlife refuge areas.

MONTANA

CHARLES M. RUSSELL NATIONAL WILDLIFE – RANGE

Sport fishing on the Charles M. Russell National Wildlife Range, Mont., is permitted only on the area designated by signs as open to fishing. This open area, comprising the Missouri and Musselshell Rivers and Fort Peck Reservoir, is delineated on maps available at the refuge headquarters, Post Office Box 110, Lewistown, Mont., and from the office of the Regional Director, Bureau of Sport Fisheries and Wildlife, 1002 Northeast Holladay Street, Portland, Oreg., 97208. Sport fishing shall be in accordance with all applicable State regulations, subject to the following special conditions:

The wildlife range is open to sport fishing the year round.

The provisions of this special regulation supplement the regulations which govern fishing on wildlife refuge areas generally, which are set forth in Title 50, Code of Federal Regulations, Part 33, and are effective to May 22, 1966.

PAUL T. QUICK,
Regional Director, Bureau of Sport Fisheries and Wildlife.

MAY 13, 1965.

[F.R. Doc. 65–5321; Filed, May 19, 1965; 8:49 a.m.]

Proposed Rule Making

FEDERAL AVIATION AGENCY

[14 CFR Part 71]

[Airspace Docket No. 65-CE-61]

CONTROL ZONE, TRANSITION AREA AND CONTROL AREA EXTENSION

Proposed Alteration, Designation and Revocation

The Federal Aviation Agency is considering amendments to Part 71 of the Federal Aviation Regulations to alter controlled airspace in the Billings, Mont., terminal area.

The following controlled airspace is presently designated in the Billings, Mont., terminal area:

1. The Billings, Mont., control zone is designated within a 5-mile radius of Logan Field, Billings, Mont. (latitude 45°48'23'' N., longitude 108°31'54'' W.), and within 2 miles either side of the 071° bearing from the Billings RBN extending from the 5-mile radius zone to 12 miles NE of the RBN.

2. The Billings, Mont., control area extension is designated within a 25-mile radius of the Billings VORTAC extending clockwise from V-2 W of Billings to V-19 SE of Billings; within 12 miles W and 8 miles E of the Billings VORTAC 347° radial extending from the 25-mile radius area to 46 miles N of the VORTAC; and within 12 miles SW and 8 miles NE of the Billings VORTAC 301° radial extending from V-2 and the 25-mile radius area to 53 miles NW of the VORTAC; including the airspace bounded on the N by V-2, on the E by V-187, and on the SW by a line extending from the S boundary of V-2 through latitude 45°43'00'' N., longitude 108°48'-00'' W., and latitude 45°42'30'' N., longitude 108°44'00'' W. to the W boundary of V-167.

The Federal Aviation Agency, having completed a comprehensive review of the terminal airspace structural requirements in the Billings, Mont., terminal area, including studies attendant to the implementation of the provisions of Amendments 60-21 (26 F.R. 570) and 60-29 (27 F.R. 4012) of Part 60 of the Civil Air Regulations, proposes the following airspace actions:

1. Redesignate the Billings, Mont., control zone within a 5-mile radius of Logan Field, Billings, Mont. (latitude 45°48'23'' N., longitude 108°31'54'' W.); and within 2 miles each side of the Billings ILS localizer W course extending from the 5-mile radius zone to 8 miles W of the OM and within 2 miles each side of the Billings VORTAC 095° and 267° radials extending from 12 miles E to 8 miles W of the VORTAC.

2. Designate the Billings, Mont., transition area as that airspace extending upward from 700 feet above the surface within an 8-mile radius of Logan Field, Billings, Mont. (latitude 45°48'23'' N., longitude 108°31'54'' W.); and within 2 miles each side of the 071° bearing from the Billings RBN extending from the 8-mile radius area to 8 miles E of the RBN; and within 5 miles N and 8 miles S of the Billings VORTAC 267° radial extending from the 8-mile radius area to 12 miles W of the VORTAC; and within 5 miles N and 8 miles S of the Billings ILS localizer W course extending from the 8-mile radius area to 12 miles W of the OM; and that airspace extending upward from 1200 feet above the surface within a 21-mile radius of the Billings VORTAC extending clockwise from V-2 W of Billings to V-19 SE of Billings; and within 10 miles SW and 7 miles NE of the Billings VORTAC 301° radial extending from 20 miles NW of the VORTAC to 49 miles NW of the VORTAC; and within 10 miles SW and 7 miles NE of the Billings VORTAC 317° radial extending from the 21-mile radius area to 45 miles NW of the VORTAC; and within 10 miles W and 7 miles E of the Billings VORTAC 347° radial extending from the 21-mile radius area to 42 miles N of the VORTAC.

3. Revoke the Billings, Mont., control area extension in its entirety.

The proposed control zone would provide controlled airspace for aircraft executing prescribed instrument arrival and departure procedures during their flight below 1,000 feet above the surface. The proposed control zone extensions to the east and west of the Logan Field will provide protection for aircraft executing the VOR and ILS approaches to Logan Field.

The proposed 700-foot floor transition area would provide controlled airspace protection for the procedure turn areas of the prescribed instrument approach procedures, the final approach of the ADF 2 approach procedure, and the portion of the departure procedures during their climb from 1,000 feet to 1,500 feet above the surface. The proposed 1,200-foot floor transition area would provide protection for the procedure turn areas of the ADF 2 and VOR/DME 2 instrument approach procedures and prescribed holding patterns at the Rapelje, Ryegate, and Musselshell Intersections.

The floors of the airways that traverse the transition area proposed herein would automatically coincide with the floors of the transition area.

Certain minor revisions to prescribed instrument procedures would be effected in conjunction with the actions proposed herein, but operational complexity would not be increased nor would aircraft performance or landing minimums be adversely affected.

Specific details of the changes to procedures that would be required may be examined by contacting the Chief, Airspace Branch, Air Traffic Division, Central Region, Federal Aviation Agency, 4825 Troost Avenue, Kansas City, Mo., 64110.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Director, Central Region, Attention: Chief, Air Traffic Division, Federal Aviation Agency, 4825 Troost Avenue, Kansas City, Mo., 64110. All communications received within 45 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Division Chief. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The public Docket will be available for examination by interested persons in the office of the Regional Counsel, Federal Aviation Agency, 4825 Troost Avenue, Kansas City, Mo., 64110.

This amendment is proposed under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348).

Issued at Kansas City, Mo., on May 11, 1965.

KIRBY L. BRANNON,
Acting Director, Central Region.

[F.R. Doc. 65-5266; Filed, May 19, 1965; 8:47 a.m.]

Notices

FEDERAL POWER COMMISSION

[Docket Nos. G-5077 etc.]

FRANK H. WALSH ET AL.

Notice of Applications for Certificates, Abandonment of Service and Petitions To Amend Certificates [1]

May 11, 1965.

Take notice that each of the Applicants listed herein has filed an application or petition pursuant to section 7 of the Natural Gas Act for authorization to sell natural gas in interstate commerce or to abandon service heretofore authorized as described herein, all as more fully described in the respective applications and amendments which are on file with the Commission and open to public inspection.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C., 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before June 2, 1965.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on all applications in which no protest or petition to intervene is filed within the time required herein, if the Commission on its own review of the matter believes that a grant of the certificates or the authorization for the proposed abandonment is required by the public convenience and necessity. Where a protest or petition for leave to intervene is timely filed, or where the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given: *Provided, however,* That pursuant to § 2.56, Part 2, Statement of General Policy and Interpretations, Chapter I of Title 18 of the Code of Federal Regulations, as amended, all permanent certificates of public convenience and necessity granting applications, filed after April 15, 1965, without further notice, will contain a condition precluding any filing of an increased rate at a price in excess of that designated for the particular area of production for the period prescribed therein unless at the time of filing such certificate application, or within the time fixed herein for the filing of protests or petitions to intervene the Applicant indicates in writing that it is unwilling to accept such a condition. In the event Applicant is unwilling to accept such condition the application will be set for formal hearing.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

JOSEPH H. GUTRIDE,
Secretary.

Docket No. and date filed	Applicant	Purchaser, field, and location	Price per Mcf	Pressure base
G-5077 E 5-5-65	Frank H. Walsh (successor to Shell Oil Co.), Post Office Box 90, Sterling, Colo.	Kansas-Nebraska Natural Gas Co., Inc., Yenter Field, Logan County, Colo.	7.0	16.4
G-5145 D 5-3-65	Humble Oil & Refining Co., Post Office Box 2180, Houston, Tex., 77001.	El Paso Natural Gas Co., Spraberry Field, Reagan County, Tex.	Assigned	
G-5274 4-19-65 [3]	Skelly Oil Co., Post Office Box 1650, Tulsa 2, Okla.	Northern Natural Gas Co., Eunice Plant No. 2, Lea County, N. Mex.	11.0	14.65
G-9702 E 4-29-65	Cities Service Oil Co. (successor to Imperial Oil of Kansas, Inc.), Cities Service Bldg., Bartlesville, Okla.	Cities Service Gas Co., Medicine Lodge Field, Barber County, Kans.	[4] 13.0	14.65
G-16139 D 5-3-65	Gulf Oil Corp., Post Office Box 1589, Tulsa, Okla., 74102.	Transwestern Pipeline Co., Panhandle Area, Roberts County, Tex.	(5)	
C161-385 F 4-28-65	Cities Service Oil Co. (successor to Imperial Oil of Kansas, Inc.), Cities Service Bldg., Bartlesville, Okla.	Northern Natural Gas Co., acreage in Finney County, Kans.	12.0	14.65
C161-392 5-28-65 [6]	Forest Oil Corp., et al., 1200 National Bank of Commerce Bldg., San Antonio, Tex., 78205.	El Paso Natural Gas Co., Clear Lake Field, Beaver County, Okla.	17.0	14.65
C161-1589 C 4-30-65	Texaco Inc., Post Office Box 52332, Houston, Tex., 77052.	Arkansas Louisiana Gas Co., Lassater Field, Marion County, Tex.	12.0962	14.65
C163-125 E 4-12-65	Sohio Petroleum Co. (successor to Prado Oil and Gas Co.), 970 First National Office Bldg., Oklahoma City, Okla., 73102.	Northern Natural Gas Co., East Camrick Field, Beaver County, Okla.	16.8	14.65
C163-126 E 4-12-65	do	Natural Gas Pipeline Co. of America, Southeast Camrick Field, Beaver County, Okla.	[4] 16.8	14.65
C163-265 5-21-65 [3]	Forest Oil Corp., et al., 1200 National Bank of Commerce Bldg., San Antonio, Tex., 78205.	Michigan Wisconsin Pipe Line Co., Woodward Area, Major and Woodward Counties, Okla.	15.0+ B.t.u. Adjustment	14.65
C163-1110 A 3-4-65 C 11-19-63	H. J. Mosser, Operator, 1315 Bank of the Southwest Bldg., Houston 2, Tex.	The Altex Corp., Tom Graham Field, Jim Wells County, Tex.	13.8462	14.65
C163-1276 E 4-12-65	Sohio Petroleum Co. (successor to Prado Oil & Gas Co.), 970 First National Office Bldg., Oklahoma City, Okla., 73102.	Natural Gas Pipeline Co. of America, Camrick Field, Beaver County, Okla.	[4] 12.0	14.65
C164-672 E 4-28-65	Cities Service Oil Co. (successor to Robert L. Williams, d.b.a. Imperial Oil Co. (Operator), et al.), Cities Service Bldg., Bartlesville, Okla.	Northern Natural Gas Co., acreage in Meade County, Kans.	16.0	14.65
C164-1453 E 4-29-65	Cities Service Oil Co. (successor to Ashmun & Hilliard No. 5, Ltd. (Operator), et al.), Cities Service Bldg., Bartlesville, Okla.	El Paso Natural Gas Co., Monahans Field, Ward and Winkler Counties, Tex.	14.189	14.65
C165-880 A 12-11-64 [7] 4-28-65 [8]	The California Co., a division of California Oil Co., 1111 Tulane Ave., New Orleans, La., 70112.	Natural Gas Pipeline Co. of America, West Cameron Blocks 17-49 Field Area, Offshore Cameron Parish, La.	20.625 19.0	15.025 15.025
C165-767 C 5-3-65	Southern Union Production Co., Fidelity Union Tower, Dallas, Tex., 75201.	El Paso Natural Gas Co., acreage in San Juan County, N. Mex.	15.0	15.025
C165-1032 A 4-16-65 [9] 4-27-65 [9]	Bridwell Oil Co., Post Office Drawer 1630, Wichita Falls, Tex.	United Gas Pipe Line Co., Willeman Field, San Patricio County, Tex.	[10] 13.4196	14.65
C165-1042 B 4-19-65	True Oil Co., Post Office Drawer 1612, Casper, Wyo.	Kansas-Nebraska Natural Gas Co., Inc., Minto Field, Logan County, Colo.	Uneconomical	
C165-1144 F 4-2-65	Turnbull & Zoch Drilling Co. (Operator), et al. (successor to Union Producing Co.), 821 Wilson Tower, Corpus Christi, Tex.	United Gas Pipe Line Co., Fox Field, Refugio County, Tex.	13.0 [11]	14.65
C165-1145 A 4-29-65	Pan American Petroleum Corp., Post Office Box 591, Tulsa, Okla., 74102.	Arkansas Louisiana Gas Co., Wilburton Field, Latimer and Pittsburg Counties, Okla.	15.0	14.65
C165-1146 A 4-29-65	Fairman Drilling Co., Box 288, DuBois, Pa., 15801.	Consolidated Gas Supply Corp., [12] Big Run Pool, Gaskill Township, Jefferson County, Pa.	27.5	15.325
C165-1147 B 4-28-65	Shell Oil Co., 50 West 50th St., New York, N.Y., 10020.	The Manufacturers Light & Heat Co., Caledonia-Pike Area, Elk and Clearfield Counties, Pa.	Depleted	

Filing code: A—Initial service.
B—Abandonment.
C—Amendment to add acreage.
D—Amendment to delete acreage.
E—Succession.
F—Partial succession.

See footnotes at end of table.

[1] This notice does not provide for consolidation for hearing of the several matters covered herein, nor should it be so construed.

Docket No. and date filed	Applicant	Purchaser, field, and location	Price per Mcf	Pressure base
CI65-1148 B 4-27-65	The Superior Oil Co., Post Office Box 1521, Houston, Tex.	Florida Gas Transmission Co., Oblate Field, Hidalgo County, Tex.	Depleted	----------
CI65-1149 A 4-30-65	Anadarko Production Co., Post Office Box 361, Liberal, Kans.	Northern Natural Gas Co., Northeast Dower Field, Beaver County, Okla.	17.0	14.65
CI65-1150 A 4-29-65	Sinclair Oil & Gas Co., Post Office Box 591, Tulsa, Okla. 74102.	Michigan Wisconsin Pipe Line Co., Gageby Creek Field, Wheeler County, Tex.	17.0	14.65
CI65-1151 B 4-30-65	Lab Oil Company, et al., Box 1391, Corpus Christi, Tex.	Costal States Gas Producing Co., A & H Field, Duval County, Tex.	Depleted	----------
CI65-1152 F 4-26-65	Frank H. Walsh (successor to Shell Oil Co.), Post Office Box 30, Sterling, Colo.	Kansas-Nebraska Natural Gas Co., Inc., Elm Grove and Key Fields, Logan County, Colo.	7.0	16.4
CI65-1153 A 5-3-65	Sohio Petroleum Co., 970 First National Office Bldg., Oklahoma City, Okla., 73102.	Tennessee Gas Transmission Co., South Pass Block 24 Field, Plaquemines Parish, La.	[2] 18.0	[2] 15.025
CI65-1155 A 5-3-65	The Waverly Oil Works Co., 4403 Centre Ave., Pittsburgh, Pa., 15213.	Equitable Gas Co., Otter District, Braxton County, W. Va.	[2] 15.0	[2] 15.325
CI65-1156 A 5-3-65	Hal M. Stierwalt & Max W. Coll, II, Post Office Box 1818, Roswell, N. Mex.	El Paso Natural Gas Co., Tapicito Picture Cliffs, Rio Arriba County, N. Mex.	[2] 13.0	[2] 15.025
CI65-1157 A 5-3-65	The Ballard & Cordell Corp., c/o John M. Shuey, attorney, 604 Johnson Bldg., Shreveport, La.	Trunkline Gas Co., Cow Pen Creek Field, Beauregard Parish, La.	[3] [4] 16.0	[2] 15.025
CI65-1158 F 5-3-65	Humble Oil & Refining Co. (successor to Hanley Co.), Post Office Box 2180, Houston, Tex., 77001.	El Paso Natural Gas Co., Spraberry Field, Reagan County, Tex.	[3] 18.0	[2] 14.65
CI65-1159 A 5-3-65	Tenneco Oil Co. (Operator), et al., Post Office Box 2511, Houston, Tex., 77001.	El Paso Natural Gas Co., San Juan Basin, San Juan and Rio Arriba Counties, N. Mex.	[5] 19.0	[2] 15.025
CI66-1160 A 5-3-65	Northern Natural Gas Producing Co., 150 East 42d St., New York, N.Y., 10017.	Michigan Wisconsin Pipe Line Co., Gageby Creek Field, Wheeler County, Tex.	[3] 17.0	[2] 14.65
CI65-1161 F 4-13-65	Sohio Petroleum Co. (successor to Prado Oil & Gas Co.), 970 First National Office Bldg., Oklahoma City, Okla., 73102.	South Texas Natural Gas Gathering Co., Prade Field, Jim Hogg County, Tex.	[2] 18.0	[2] 14.65
CI65-1162 F 4-13-65	do	do	[7] 16.7	[2] 14.65
CI65-1163 A 5-5-65	Cleary Petroleum, Inc., 310 Kermac Bldg., Oklahoma City, Okla., 73102.	Northern Natural Gas Co., Como Field, Beaver County, Okla.	17.0	[2] 14.65
CI65-1164 A 5-4-65	Shell Oil Co., 50 West 50th St., New York, N.Y., 10020.	Natural Gas Pipeline Co. of America, Indian Basin Area, Eddy County, N. Mex.	[8] 19.0	[2] 14.65
CI65-1165 F 5-4-65	Rutter & Co., Ltd., et al., 500 North Big Spring, Midland, Tex.	El Paso Natural Gas Co., Spraberry Trend Field, Reagan County, Tex.	[3] [9] 17.2295	[2] 14.65
CI65-1166 A 5-4-65	Gulf Oil Corp., Post Office Box 1589, Tulsa, Okla., 74102.	Northern Natural Gas Co., Hansford (Upper Morrow) Field, Hansford County, Tex.	17.0	[2] 14.65
CI65-1167 B 4-28-65	Oley Yeager, R.F.D., Branchland, W. Va.	Pennzoil Co., acreage in Lincoln County, W. Va.	Depleted	----------
CI65-1168 F 5-5-65	Tenneco Oil Co. (successor to Delhi-Taylor Oil Corp.), Post Office Box 2511, Houston, Tex., 77001.	Florida Gas Transmission Co., McGill Ranch Field, Kenedy County, Tex.	17.5	[2] 14.65
CI65-1169 A 5-6-65	Gulf Oil Corp., Post Office Box 1589, Tulsa, Okla., 74102.	Panhandle Eastern Pipe Line Co., Einsel Field, Kiowa County, Kans.	[2] 15.0	[2] 14.65
CI65-1170 A 5-6-65	L. T. Burns Estate, et al., First National Bank Bldg., Wichita Falls, Tex.	Natural Gas Pipeline Co. of America, Boonsville (BCG) Field, Wise County, Tex.	14.0	[2] 14.65

[1] Amendment to certificate filed for establishment of new delivery point.
[2] Rate in effect subject to refund in Docket No. G-20262; an increase in rate to 14.0 cents was suspended until June 26, 1965, in Docket No. RI65-451.
[3] No sale or delivery of gas has been made and Parties have agreed to the deletion of certain acreage from basic contract in order that a farm-out agreement may be made with another company.
[4] Amendment to certificate filed to cover the interests of co-owners.
[5] An increase in rate was filed for and suspended in Docket No. RI61-583 by order issued July 3, 1961, but has not yet been made effective.
[6] In event of processing, Seller pays Buyer 1.0 cent per Mcf for gathering of gas consumed in processing plus an additional ½ cent per Mcf if Buyer is obliged to install field compression equipment.
[7] Application previously noticed December 22, 1964 in Docket Nos. G-9663 et al. at a total initial price of 20.083 cents per Mcf.
[8] Amendment to Application filed to reflect prices of 20.625 cents per Mcf for gas produced from the South Louisiana Area and 19.0 cents per Mcf for gas produced from the Federal Offshore Area, in lieu of the original single price of 20.083 cents.
[9] Application previously noticed April 27, 1965, in Docket Nos. G-9634, et al. at a total initial price of 13.25 cents per Mcf.
[10] Amendment to Application filed to reflect a total initial price of 13.4196 cents in lieu of 13.25 cents per Mcf.
[11] Includes 0.1696 cent per Mcf tax reimbursement.
[12] Plus partial tax reimbursement of Texas Production tax in an amount equal to 1.84 percent of the value of the gas delivered.
[13] Formerly New York State Natural Gas Corp.
[14] Subject to deduction of 1.0 cent per Mcf per stage for compression.
[15] Rate in effect subject to refund in Docket No. RI65-56.
[16] Subject to B.t.u. adjustment.
[17] Rate in effect subject to refund in Docket No. RI62-201.
[18] Rate in effect subject to refund in Docket No. RI62-187.

[F.R. Doc. 65-5188; Filed, May 19, 1965; 8:45 a.m.]

[Docket Nos. G-3609 etc.]

W. G. HAUN & LEE DRILLING CO. ET AL.

Findings and Order After Hearing

MAY 11, 1965.

In the Matter of Findings and Order After Statutory Hearing Issuing Certificates of Public Convenience and Necessity, Amending Certificates, Permitting and Approving Abandonment of Service, Terminating Certificates, Substituting Respondents, Redesignating Proceeding, Accepting Agreements and Undertakings for Filing, Accepting Related Rate Schedules and Supplements for Filing and Permitting Withdrawal of Interventions.

Each of the Applicants listed herein has filed an application pursuant to section 7 of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale and delivery of natural gas in interstate commerce, for permission and approval to abandon service, or a petition to amend an existing certificate authorization, all as more fully described in the respective applications and petitions (and any supplements or amendments thereto) which are on file with the Commission.

The Applicants herein have filed related FPC Gas Rate Schedules and propose to initiate or abandon, add or delete natural gas service in interstate commerce as indicated by the tabulation herein. All sales certificated herein are either equal to or below the ceiling prices established by the Commission's Statement of Policy 61-1, as amended, or involve sales for which permanent certificates have been previously issued.

W. G. Haun and Lee Drilling Co., Applicants in Docket No. G-3609, propose to continue the sale of natural gas heretofore authorized in said docket and made pursuant to M. B. Armer FPC Gas Rate Schedule No. 1. The presently effective rate under said rate schedule is in effect subject to refund in Docket No. RI60-388.[1] Applicants have filed agreements and undertakings to assure the refunds of any amounts collected in excess of the amounts determined to be just and reasonable in said proceeding. Inasmuch as Applicants acquired the producing properties from Armer prior to the time that the change in rate was made effective subject to refund, they will be substituted as respondents in the rate proceeding, the proceeding will be redesignated accordingly, and the agreements and undertakings will be accepted for filing.

It appears that the Commission's order issued August 5, 1963 (Docket No. G-2721, et al.), which granted a certificate of public convenience and necessity to Edwin M. Jones Oil Co. in Docket No. CI62-1080, failed to terminate the predecessor certificate authorizations covering the natural gas service which Edwin M. Jones Oil Co., as successor, was being authorized to render. Those were Van Lewis, authorized in Docket No. G-6214,[2] and James R. and Nancy Lewis Welsh, in Docket No. G-6218.[3] The latter two dockets will be terminated in this order.

[1] Consolidated with Docket No. AR64-1, et al.

After due notice, a notice of intervention by The Public Utilities Commission of the State of California, a petition to intervene by Pacific Gas & Electric Co., and a joint petition to intervene by Southern California Gas Co. and Southern Counties Gas Co. of California were filed on December 9 and 14, 1964, respectively, in Docket No. CI65-444. A notice of intervention by The Public Service Commission of the State of New York was filed on February 26, 1965, in Docket No. CI65-739. Notices of withdrawal of the respective interventions by interveners were filed on April 19, 20, and 16, 1965, respectively, in Docket No. CI65-444. Notice of withdrawal of the intervention by intervener was filed on April 14, 1965, in Docket No. CI65-739. No other petitions to intervene, notices of intervention, or protests to the granting of any of the respective applications or petitions in this order have been received.

At a hearing held on May 4, 1965, the Commission on its own motion received and made a part of the record in these proceedings all evidence, including the applications, amendments and exhibits thereto, submitted in support of the respective authorizations sought herein, and upon consideration of the record,

The Commission finds:

(1) Each Applicant herein is a "natural-gas company" within the meaning of the Natural Gas Act as heretofore found by the Commission or will be engaged in the sale of natural gas in interstate commerce for resale for ultimate public consumption, subject to the jurisdiction of the Commission, and will, therefore, be a "natural-gas company" within the meaning of said Act upon the commencement of the service under the respective authorizations granted hereinafter.

(2) The sales of natural gas hereinbefore described, as more fully described in the respective applications, amendments and/or supplements herein, will be made in interstate commerce, subject to the jurisdiction of the Commission, and such sales by the respective Applicants, together with the construction and operation of any facilities subject to the jurisdiction of the Commission necessary therefor, are subject to the requirements of subsections (c) and (e) of section 7 of the Natural Gas Act.

(3) The sales of natural gas by the respective Applicants, together with the construction and operation of any facilities subject to the jurisdiction of the Commission necessary therefor, are required by the public convenience and necessity and certificates therefor should be issued as hereinafter ordered and conditioned.

(4) The respective Applicants are able and willing properly to do the acts and to perform the servies proposed and to conform to the provisions of the Natural Gas Act and the requirements, rules and regulations of the Commission thereunder.

(5) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act and the public convenience and necessity require that the certificate authorizations heretofore issued by the Commission in Docket Nos. G-3609, G-6311, G-6596, G-6599, G-8147, G-8149, G-18726, CI60-175, CI60-358, CI60-442, CI61-1147, CI62-1100, CI62-1221, CI63-601, CI63-996, CI64-1461, CI64-1470, CI65-11, CI65-187, CI65-359, CI65-406, and CI65-461 should be amended as hereinafter ordered.

(6) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act that the certificates issued in the following dockets should be amended to reflect the deletion of acreage where new certificates are issued herein:

Amend to delete acreage	New certificate
G-10280	CI65-884
G-13209	CI65-917
CI60-130	CI65-931
CI62-851	CI65-822
CI62-1345	CI65-793
CI63-65	CI65-875

(7) The sales of natural gas proposed to be abandoned by the respective Applicants, as hereinbefore described, all as more fully described in the tabulation herein and in the respective applications, are subject to the requirements of subsection (b) of section 7 of the Natural Gas Act, and such abandonments should be permitted and approved as hereinafter ordered.

(8) The certificates of public convenience and necessity heretofore issued to the respective Applicants herein relating to the abandonments hereinafter permitted and approved should be terminated.

(9) The outstanding certificate authorizations in Docket Nos. G-6214 and G-6218 should be terminated.

(10) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act that W. G. Haun and Lee Drilling Co. should be substituted in lieu of M. B. Armer as respondents in the proceeding pending in Docket No. RI60-388, that said proceeding should be redesignated accordingly, and the agreements and undertakings filed by them should be accepted for filing.

(11) It is necessary and proper in carrying out the provisions of the Natural Gas Act that The Public Utilities Commission of the State of California, Pacific Gas & Electric Co., and Southern California Gas Co. and Southern Counties Gas Co. of California (joint petition) should be permitted to withdraw their respective interventions filed on December 9 and 14, 1964, respectively, in Docket No. CI65-444, and that The Public Service Commission of the State of New York should be permitted to withdraw the notice of intervention filed on February 26, 1965, in Docket No. CI65-739.

(12) The respective related rate schedules and supplements as designated or redesignated in the tabulation herein should be accepted for filing as hereinafter ordered.

The Commission orders:

(A) Certificates of public convenience and necessity be and the same are hereby issued, upon the terms and conditions of this order, authorizing the sales by the respective Applicants herein of natural gas in interstate commerce for resale, together with the construction and operation of any facilities subject to the jurisdiction of the Commission necessary for such sales, all as hereinbefore described and as more fully described in the respective applications, amendments, supplements and exhibits in this proceeding.

(B) The certificates granted in paragraph (A) above are not transferable and shall be effective only so long as Applicants continue the acts or operations hereby authorized in accordance with the provisions of the Natural Gas Act and the applicable rules, regulations and orders of the Commission.

(C) The grant of the certificates issued in paragraph (A) above shall not be construed as a waiver of the requirements of section 4 of the Natural Gas Act or of Part 154 or Part 157 of the Commission's regulations thereunder, and is without prejudice to any findings or orders which have been or may hereafter be made by the Commission in any proceeding now pending or hereafter instituted by or against the respective Applicants. Further, our action in this proceeding shall not foreclose nor prejudice any future proceedings or objections relating to the operation of any price or related provisions in the gas purchase contracts herein involved. Nor shall the grant of the certificates aforesaid for service to the particular customers involved imply approval of all of the terms of the respective contracts, particularly as to the cessation of service upon termination of said contracts, as provided by section 7(b) of the Natural Gas Act. Nor shall the grant of the certificates aforesaid be construed to preclude the imposition of any sanctions pursuant to the provisions of the Natural Gas Act for the unauthorized commencement of any sales of natural gas subject to said certificates.

(D) The certificate issued herein in Docket No. CI63-201 is subject to the conditions set forth in paragraphs (E), (F), and (G) of the order accompanying Opinion No. 350 (27 FPC 35).

(E) The certificate issued herein in Docket No. CI65-939 involving the sale of gas by Tenneco Oil Company to its parent, Tennessee Gas Transmission Company is without prejudice to any action which the Commission may take in any rate proceeding involving either company.

(F) The certificate authorizations heretofore issued to the respective Applicants in Docket Nos. G-6311, G-18726, CI60-175, CI62-1221, CI63-601, CI63-996, CI64-1470, CI65-187, CI65-359, and CI65-461 are hereby amended by adding

[2] Van Lewis FPC Gas Rate Schedule No. 2 and James R. and Nancy Lewis Welsh FPC Gas Rate Schedule No. 2 were superseded by Henrietta Yerger Jones, doing business as Edwin M. Jones Oil Co., FPC Gas Rate Schedule No. 3, certificate Docket No. G-6215, which certificate was terminated by order issued Aug. 5, 1963.

thereto or deleting therefrom authorization to sell natural gas to the same purchasers and in the same areas as covered by the original authorizations, pursuant to the rate schedule supplements as indicated in the tabulation herein.

(G) The certificates heretofore issued in the following dockets are hereby amended to reflect the deletion of acreage where new certificates are issued herein:

Amend to delete acreage	*New certificate*
G–10280	CI65–884
G–13209	CI65–917
CI60–120	CI65–931
CI62–851	CI65–822
CI62–1345	CI65–793
CI63–65	CI65–875

(H) The certificate heretofore issued in Docket No. CI61–1147 is hereby amended to include the sale of natural gas from the additional acreage and such authorization is subject to the conditions set forth in paragraphs (C), (D), and (E) of the order accompanying Opinion No. 353 (27 FPC 449).

(I) The certificate heretofore issued in Docket No. CI62–1100 is hereby amended to include the sale of natural gas from the additional acreage and such authorization is subject to the same terms and conditions imposed upon the original certificate issued March 30, 1964.

(J) The certificate heretofore issued in Docket No. CI64–1461 is hereby amended to reflect a total initial price of 14.6856 cents per Mcf in lieu of 13.6728 cents per Mcf at 14.65 p.s.i.a.

(K) The certificate heretofore issued in Docket No. CI65–11 is hereby amended to include the sale of natural gas from the additional acreage and the related rate schedule is redesignated as Geological Exploration Co. (Operator), et al.

(L) The certificate heretofore issued in Docket No. CI65–406 is hereby amended to include the interest of the co-owners.

(M) The certificates heretofore issued in Docket Nos. G–3609, G–6596, G–6599, G–8147, G–8149, CI60–358, and CI60–442 are hereby amended by changing the certificate holders to the respective successors in interest as indicated in the tabulation herein.

(N) In view of the certificate issued herein in Docket No. CI65–620 wherein Hydrocarbon Chemicals, Inc., is authorized to sell gas from acreage acquired from Cameron Oil & Gas Co. in Docket No. G–2972, Cameron Producing Co. in Docket No. G–2973, and Watson Oil & Gas Co. in Docket No. G–6597, the certificates heretofore issued to the predecessors in Docket Nos. G–2972, G–2973, and G–6597, respectively, are hereby terminated.

(O) Permission for and approval of the abandonment of service by the respective Applicants, as hereinbefore described and as more fully described in the respective applications herein are hereby granted.

(P) In view of the abandonment authorization granted herein in Docket No. CI65–928, the certificate heretofore issued in Docket No. G–3894 is hereby terminated only insofar as it pertains to sales covered by Supplement No. 8 to FPC Gas Rate Schedule No. 43.

(Q) In view of the abandonment authorization granted herein in Docket No. CI65–929, the certificate heretofore issued in Docket No. CI62–1032 is hereby terminated only insofar as it pertains to sales covered by Supplement No. 3 to FPC Gas Rate Schedule No. 14.

(R) The certificates heretofore issued in Docket Nos. G–7525, G–11868, G–12696, G–13867, CI63–1003, and CI64–341 are hereby terminated.

(S) The outstanding certificate authorizations in Docket Nos. G–6214 and G–6218 are hereby terminated.

(T) W. G. Haun and Lee Drilling Co. be and they are hereby substituted in lieu of M. B. Armer as respondents in the proceeding pending in Docket No. RI60–388, said proceeding is redesignated accordingly,[2] and the agreements and undertakings submitted by them are accepted for filing.

(U) W. G. Haun and Lee Drilling Co. shall comply with the refunding and reporting procedure required by the Natural Gas Act and § 154.102 of the regulations thereunder, and their agreements and undertakings filed in Docket No. RI60–388 shall remain in full force and effect until discharged by the Commission.

(V) The Public Utilities Commission of the State of California, Pacific Gas & Electric Co., and Southern California Gas Co. and Southern Counties Gas Co. of California (joint petition) are hereby permitted to withdraw their respective interventions, filed on December 9 and 14, 1964, respectively, in Docket No. CI65–444, and The Public Service Commission of the State of New York is hereby permitted to withdraw the notice of intervention filed on February 26, 1965, in Docket No. CI65–739.

(W) The respective related rate schedules and supplements as indicated in the tabulation herein are hereby accepted for filing; further, the rate schedules relating to the successions herein are hereby redesignated and accepted, subject to the applicable Commission regulations under the Natural Gas Act to be effective on the dates indicated in the tabulation herein.

By the Commission.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

Docket No. and date filed	Applicant	Purchaser, field, and location	FPC rate schedule to be accepted: Description and date of document	No.	Supp.
G–3609 E 1–4–65	W. G. Haun & Lee Drilling Co. (successor to M. B. Armer).	Zenith Gas System, Inc., Aetna Gas Field, Barber County, Kans.	M. B. Armer, FPC GRS No. 1.	1	
			Supplement No. 1	1	1
			Notice of succession (undated).		
			Assignment 5–3–54 [1]	1	2
			Assignment 5–14–59 [2]	1	3
			Effective date: 5–14–59.		
G–6311 C 3–15–65	Amerada Petroleum Corp. (Operator), et al.	Northern Natural Gas Co., Various Fields, Lea County, N. Mex.	Supplemental agreement 5–12–64.[3]	30	18
			Amendment to supplemental agreement 2–4–65.[4]	30	1–20
			Supplemental agreement 8–21–64.[3]	30	19
			Amendment to supplemental agreement 2–4–65.[4]	30	1–21
			Supplemental agreement 9–10–64.[3]	30	22
			Amendment to supplemental agreement 2–4–65.[4]	30	1–23
G–6596 E 8–13–64	Hydrocarbon Chemicals, Inc. (successor to Watson Oil & Gas Co., Inc.).	Cumberland & Allegheny Gas Co., Union District, Barbour and Upshur Counties, W. Va.	Watson Oil & Gas Co., Inc., FPC GRS No. 3.	14	
			Notice of succession 8–10–64.		
			Assignment 8–7–59 [5]	14	1
			Effective date: 8–7–59.		
G–6599 E 8–31–64	do	Equitable Gas Co., Salt Lick District, Braxton County, W. Va.	Watson Oil & Gas Co., FPC GRS No. 7.	17	
			Supplement No. 1	17	1
			Notice of succession 8–10–64.		
			Assignment 8–7–59 [5]	17	2
			Effective date: 8–7–59.		
G–8147 E 8–13–64	Hydrocarbon Chemicals, Inc. (successor to Earl S. Goodwin, et al.).	Cumberland & Allegheny Gas Co., Union District, Upshur County, W. Va.	Earl S. Goodwin, et al., FPC GRS No. 2.	12	
			Supplement No. 1	12	1
			Notice of succession 8–10–64.		
			Assignment 8–7–59 [5]	12	2
			Effective date: 8–7–59.		
G–8149 E 8–13–64	do	do	Earl S. Goodwin, et al., FPC GRS No. 3	13	
			Supplement No. 1	13	1
			Notice of succession 8–10–64.		
			Assignment 8–7–59 [5]	13	2
			Effective date: 8–7–59.		
G–18726 D 3–15–65	Socony Mobil Oil Co., Inc. (partial abandonment).	Transwestern Pipeline Co., acreage in Ellis County, Okla.	Notice of partial cancellation 3–12–65.[7] [8]	232	6

Filing code: A—Initial service.
B—Abandonment.
C—Amendment to add acreage.
D—Amendment to delete acreage.
E—Succession.
F—Partial succession.

See footnotes at end of table.

[2] W. G. Haun and Lee Drilling Co.

Docket No. and date filed	Applicant	Purchaser, field, and location	FPC rate schedule to be accepted: Description and date of document	No.	Supp.
CI65–444 A 11–10–64 B 3–27–64 [6]	Rutter & Co., Ltd., et al.	El Paso Natural Gas Co., Spraberry Trend Area, Glasscock County, Tex.	Contract 2–4–64	2	
CI65–739 C 3–10–65	Sinclair Oil & Gas Co.	El Paso Natural Gas Co., Basin Dakota Field, San Juan County, N. Mex.	Supplemental Agreement 2–4–65.[9]	23	1
CI64–620 A 9–13–64 (G–2972)[6] (G–2973)[6] (G–6597)[6] CI65–735 A 1–26–65	Hydrocarbon Chemicals, Inc.	Cumberland & Allegheny Gas Co., Washington and Buckhannon Districts, Upshur County, W. Va.	Contract 12–19–60 [10]	15	
			Contract 12–19–60 [10]	16	
	William V. Mostin	El Paso Natural Gas Co., Basin Dakota Field, San Juan County, N. Mex.	Contract 12–10–64 [11]	1	
CI64–739 A 1–26–65	Shell Oil Co.	Anschutz Louisiana Pipe Line Co., King Bayou Field, Cameron Parish, La.	Contract 12–22–64 [11]	215	
CI65–775 A 3–4–65	Earl A. Benson, Estate.	El Paso Natural Gas Co., Basin Dakota Field, San Juan County, N. Mex.	Contract 12–11–64 [11]	1	
A CI65–793 (CI62–1345) F 3–11–65	United Engineering Service, Inc.	Trunkline Gas Co., Heard Ranch Field, Bee County, Tex.	Contract 1–28–65 [12]	1	
			Assignment 11–3–64 [12]	1	1
			Assignment 11–1–64 [12]	1	2
A CI65–822 (CI63–651) F 3–19–65	Bolin Oil Co.	El Paso Natural Gas Co., South Blanco Field, Rio Arriba County, N. Mex.	Effective date: 11–1–64.		
			Contract 2–15–65 [12]	2	
			Letter agreement: 10–23–62	1	2
			Letter agreement: 9–17–62	2	3
			Amendment 5–10–63	2	4
			Letter agreement: 6–1–63	2	5
			Letter agreement: 7–5–63.	2	6
			Assignment 9–20–63 [13]	2	7
			Effective date: 9–1–63.		
CI65–826 A 3–26–65	Edward Mike Davis, d.b.a. Tiger Oil Co. (Operator), et al.	Kansas-Nebraska Natural Gas Co., Inc. Siems Field, Washington County, Colo.	Contract 1–4–65 [11]	1	
			Contract 5–10–63 [9]	1	1
A CI65–875 (CI63–646) F 3–3–65	OWM and VLM Trust (successor to C. W. Murrellson).	El Paso Natural Gas Co., Basin Dakota Field, San Juan County, N. Mex.	Letter agreement: 10–23–62	1	2
			Supplement agreement 12–5–63 [9]	1	3
			Supplement agreement: 1–21–65 [9]	1	4
A CI65–884 (G–10280) [6] F 3–8–65	Forest Oil Corp.	Texas Eastern Transmission Corp., Dallas Husky Field, Goliad County, Tex.	Assignment 2–1–65 [9]	1	5
			Contract 2–25–57 [14]	22	
			Letter agreement 2–1–60.[9]	1	6
			Assignment 12–28–64 [9]	22	7
			Assignment 12–28–64 [9]	22	8
CI65–906 A 3–10–65	Coquin Corp. (Operator), et al.	Gas Transport, Inc., Ravenswood Field, Grant District, Jackson County, W. Va.	Contract 2–17–65 [9]	1	
CI65–907 A 3–11–65	The Atlantic Refining Co. (Operator), et al.	Oklahoma Gas Co., Northwest Lovedale Field, Harper County, Okla.	Contract 2–1–65 [11]	295	
CI65–909 A 3–11–65	DeKalb Oil & Gas Development Co.	Equitable Gas Co., Salt Lick District, Braxton County, W. Va.	Contract 10–23–64 [11]	1	
CI65–920 A 3–11–65	Virgil E. Daugherty, Agent for Jack Arnold, Jr., et al.	Consolidated Gas Supply Corp. (formerly Hope Natural Gas Co.), Center District, Gilmer County, W. Va.	Contract 10–29–64 [11]	4	
CI60–173 C 3–22–65	Pubco Petroleum Corp. (Operator), et al.	El Paso Natural Gas Co., Basin Dakota Field, Rio Arriba County, N. Mex.	Supplemental agreement 2–1–65.[9] [11]	13	16
CI60–358 E 3–19–65	Burnett Corp. (Operator), et al. (successor to H. N. Burnett).	Panhandle Eastern Pipe Line Co., acreage in Carson and Hutchinson Counties, Tex.	H. N. Burnett, FPC GRS No. 10.	2	
			Supplement No. 1–2	2	1–2
			Notice of succession 3–17–65. [8]		
			Effective date: 7–1–64.		
CI60–442 E 3–4–65	Dorsey Buttram (successor to Buttram Tashoma Co.).	El Paso Natural Gas Co., Red Wash Unit, Uintah County, Colo.	Buttram Tashoma Co., FPC GRS No. 1.	2	
			Supplement No. 1–3	2	1–3
			Notice of succession 3–4–65.		
			Assignment 2–1–65	2	4
			Effective date: 2–1–65.		
CI61–1147 C 3–22–65	Sunray DX Oil Co.	Michigan Wisconsin Pipe Line Co., Woodward Area, Woodward County, Okla.	Amendatory agreement 2–10–65 [9]	211	13
CI62–1100 D 3–17–65	Continental Oil Co.	Lone Star Gas Co., Doyle Field, Stephens County, Okla.	Supplemental agreement 2–21–64.	220	9
			Amendatory agreement	220	4
CI62–1221 C 2–17–65	Carl E. Gungoll, et al.	Cities Service Gas Co., Northeast Waynoka Field, Woods County, Okla.	Supplemental agreement 9–1–64. [11]	1	4
CI63–201 A 3–12–63	Continental Oil Co. [17]	Panhandle Eastern Pipe Line Co., Elk City Hoxbar and Commingle Unit, Beckham and Washita Counties, Okla.	Ratification Agreement 2–10–62 [9]	264	1
			Contract 2–25–60 [11]	264	2
CI65–601 C 3–4–65	W. H. Moser, d.b.a. Bolton Oil & Gas Co.	Equitable Gas Co., Bircher Fork District, Gilmer County, W. Va.	Letter Agreement 1–26–65.[11]	58	2
CI65–606 D 12–28–64	Humble Oil & Refining Co.	Arkansas Louisiana Gas Co., North Cooper Field, Blaine County, Okla.	Assignment 11–18–64 [9]	231	10
			Letter agreement 11–26–64.[9] [18]	231	11
CI64–32 A 7–2–63	Lab Oil Co. (Operator), et al.	Hydrocarbon Transmission Co., North A.B.O.G. Field, Jim Wells County, Tex.	Contract 1–15–63.	11	1
			Amendment 9–10–63 [9]	11	
CI64–223 [19] A 9–19–63	Hydrocarbon Transmission Co. (Operator).	The A.B.O.G. Corp., North A.B.O.G. Field, Jim Wells County, Tex.	Contract 1–3–63.	3	1
			Amendment 2–4–65 [9] [20]	3	
A CI64–654 (G–11821) [21] F 11–4–63	John Franks [22]	United Gas Pipe Line Co., Marx-Pistol Ridge Field, Ferret County, Miss.	Contract 11–24–64 [9]	13	1
			Assignment 10–21–63 [9]	13	
CI64–1461 A 10–25–65 [17]	The Algoa Co.	United Gas Pipe Line Co., Bowe Field, Jim Wells County, Tex.	Effective date: 10–21–63.		
			(23)	1	
CI64–1470 C 3–22–65	Shell Oil Co. (Operator), et al.	Montana-Dakota Utilities Co., Wild River Area, Ft. Fremont County, Wyo.	Letter Agreement 1–26–65.[11]	200	12
CI65–11 C 3–12–65 [8]	Geological Exploration Co. (Operator), et al.	Lone Star Gas Co., acreage in Rusk County, Tex.	Assignment 5–19–64 [9] [24]	2	1
CI65–157 C 1–22–65	Continental Oil Co.	El Paso Natural Gas Co., Basin Dakota Field, San Juan County, N. Mex.	Supplemental agreement 11–1–64.[11]	267	2
CI65–359 C 3–15–65	Texaco Inc.	Panhandle Eastern Pipe Line Co., Northwest Perryton Area, Ochiltree County, Tex.	Amendment 2–10–65 [11]	244	1
CI65–406 3–17–65 [8]	Gulf Oil Corp. (Operator), et al.	Cities Service Gas Co., Northwest Lovedale Field, Harper County, Okla.	(25)	280	

See footnotes at end of table.

Docket No. and date filed	Applicant	Purchaser, field, and location	FPC rate schedule to be accepted		
			Description and date of document	No.	Supp.
CI65-901 A 3-11-65	George Moses	Consolidated Gas Supply Corp. (formerly Hope Natural Gas Co.), Sherman and Center Districts, Calhoun and Gilmer Counties, W. Va.	Contract 2-10-65 [11]	9	
CI65-902 (G-13867) B 3-11-65	P & S Oil and Gas Corp.	Consolidated Gas Supply Corp. (formerly Hope Natural Gas Co.), Elk and Union Districts, Kanawha and Clay Counties, W. Va.	Notice of cancellation 3-9-65 [3] [6]	6	1
CI65-903 A 3-11-65	Gus Berry	Consolidated Gas Supply Corp. (formerly Hope Natural Gas Co.), Sherman District, Calhoun County, W. Va.	Contract 1-19-65 [11]	4	
CI65-904 A 3-11-65	Ramsey Associated Petroleum, Ltd.	Consolidated Gas Supply Corp. (formerly Hope Natural Gas Co.), Glenville and Otter Districts, Gilmer and Braxton Counties, W. Va.	Contract 2-1-65 [11]	1	
CI65-912 A 3-12-65	W. H. Mosser, Agent for Joseph S. Gruss.	Equitable Gas Co., Union District, Ritchie County, W. Va.	Contract 2-11-65 [11]	8	
CI65-913 A 3-15-65	Barron Kidd	Natural Gas of West Virginia, Inc., Santee Field, Monongalia County, W. Va.	Contract 5-26-64	8	
CI65-914 (G-7625) B 3-15-65	Pan American Petroleum Corp.	Tennessee Gas Transmission Co., La Rosa Field, Refugio County, Tex.	Notice of cancellation 3-12-65 [3] [6]	96	4
CI65-916 A 3-15-65	Amerada Petroleum Corp.	Northern Natural Gas Co., Ozona Area, Crockett County, Tex.	Ratified 2-4-65	126	
			Contract 9-18-64	126	1
			Letter agreement 2-4-65 [3] [11]	126	2
A CI65-917 (G-13209) F 3-15-65 [8]	Gulf Oil Corp. (successor to Union Texas Petroleum, a division of Allied Chemical Corp.).	Michigan Wisconsin Pipe Line Co., Laverne Field, Harper County, Okla.	Contract 5-29-57	291	
			Assignment 6-6-61	291	1
			Effective date: 6-6-61		
CI65-919 (CI64-341) B 3-15-65	Cities Service Co. (Operator), et al.	Texas Eastern Transmission Corp., London Field, Nueces County, Tex.	Notice of cancellation 3-12-65 [3] [6]	40	2
CI65-920 A 3-15-65	Carrillo Petroleum Corp.	Valley Gas Transmission, Inc., Buena Suerta Field, Duval County, Tex.	Contract 1-15-65 [11]	1	
CI65-921 (G-11866) B 3-15-65	Socony Mobil Oil Co., Inc. (Operator), et al.	Lone Star Gas Co., Doyle Field, Stephens County, Okla.	Notice of cancellation 3-12-65 [3] [6]	14	7
					7
CI65-923 A 3-17-65	The British-American Oil Producing Co.	El Paso Natural Gas Co., Payton (Deep) Field, Pecos County, Tex.	Contract 9-1-64 [11]	65	
CI65-924 A 3-17-65	Steve Gose (Operator), et al.	Fort Smith Gas Corp., Spiro Field, Le Flore County, Okla.	Contract 8-26-64 [9]	2	
			Contract 8-26-64 [10]	2	1
CI65-925 A 3-17-65	Oil and Gas Property Management, Inc. (Operator), et al.	Panhandle Eastern Pipe Line Co., acreage in Kiowa County, Kans.	Contract 3-11-65 [11]	23	
CI65-926 A 3-17-65	Samedan Oil Corp. (Operator), et al.	Natural Gas Pipeline Co. of America, Hugoton (Morrow) Field, Texas County, Okla.	Contract 1-30-65 [11]	19	
CI65-928 (G-3894) [8] B 3-19-65	The Atlantic Refining Co.	Transcontinental Gas Pipe Line Corp., Odem Field, San Patricio County, Tex.	Notice of cancellation 3-18-65 [3] [6]	43	8

[1] From Armer to W. G. Haun.
[2] From Armer to Lee Drilling Co.
[3] Adds acreage.
[4] Eliminates Favored Nations Clause and indefinite pricing provisions of basic contract as it pertains to the additional acreage.
[5] Assigns interest from Watson Oil & Gas Co., Inc., to Applicant.
[6] Assigns interest from Earl S. Goodwin, et al., to Applicant.
[7] Deletes 160 acres, well on subject properties does not meet contract reserve requirements.
[8] Effective date: Date of this order.
[9] Production limited to Dakota Formation for the added acreage.
[10] Adds acreage and deletes indefinite pricing provision and minimum guarantee for liquids from basic contract insofar as it pertains to the additional acreage.
[11] Effective date: Date of initial delivery.
[12] 10.0 cents per Mcf effective rate as of date of transfer. Rate increase to 11.0 cents per Mcf filed Nov. 16, 1964 was originally proposed to take effect Jan. 1, 1965. By amendment filed concurrently with the notice of succession it is now proposed to take effect May 1, 1965.
[13] Includes description of assignments whereby Applicant acquired its interest in the properties involved.
[14] Basic contract provided for 19.5 cents plus upward B.t.u. adjustment, however, Applicant states its willingness to accept authorization for the additional acreage at 17.0 cents conditioned similarly to the certificates issued in Opinion No. 363.
[15] Omit.
[16] Deletes indefinite pricing provisions in basic contract insofar as it pertains to the May 21, 1964, supplemental agreement (Supp. No. 3).
[17] By letter dated May 2, 1963, Applicant advised willingness to accept a permanent certificate at 15.0 cents conditioned similarly to the certificates issued in Opinion No. 350.
[18] Adopts and ratifies contract dated Mar. 23, 1960, between Shell Oil Co. and Panhandle Eastern (Supp. No. 1).
[19] Assignment of acreage to Amax Petroleum Corp.
[20] Released assigned acreage in Sec. 10-8N-10W from the Humble contract dated Dec. 22, 1960. Amax dedicated such acreage to a similar contract between Sinclair Oil & Gas Co. and buyer and received a certificate in Docket No. CI65-551.
[21] Temporary certificate issued accepting basic contract conditioned upon elimination of impermissible pricing provisions.
[22] Amends contract pricing provisions by eliminating pricing provisions which are impermissible under Order No. 242.
[23] Applicant proposes to make the subject sale subject to all the conditions of the predecessors companywide settlement approved by Commission order dated June 28, 1962, The Ohio Oil Co. (now Marathon), Docket Nos. RI60-92, et al.
[24] The predecessor's certificate issued in Docket No. G-11821 was amended to reflect the deletion of the assigned acreage by order issued Mar. 2, 1964, in Docket Nos. G-10289, et al.
[25] Contract executed by The Ohio Oil Co. (now Marathon Oil Co.) currently on file as Marathon Oil Co. (Operator), et al., FPC GRS No. 16.
[26] Conveys acreage from Marathon Oil Co. to John Franks.
[27] Amendment to the certificate to reflect the price at a total initial rate of 14.0856 cents per Mcf in lieu of 13.0728 cents. No related rate filing.
[28] Applicant requests that its certificate application be amended to reflect designation to (Operator), et al.
[29] Conveys interest to various co-owners; assignment previously accepted.
[30] Amendment to the certificate filed to cover the interest of co-owners in Units operated by Applicant.
[31] Rate filing consists of letters from co-owners (Christine Berg, Flagg Oil Corp., and Baruch-Easter Corp.) authorizing Gulf to file for them. Letters made interest statements to Gulf's rate schedule.
[32] Amendment to the application filed to reflect a proposed rate of 16.0 cents per Mcf in lieu of the original proposed rate of 15.96 cents per Mcf.
[33] Finwood Corp. is also signatory to the agreement. Sinclair's filing does not cover Finwood's interest. Finwood's interest represents only a production payment.
[34] Supersedes Cameron Oil & Gas Co., FPC GRS No. 5 (Docket No. G-2972) and Cameron Producing Co., FPC GRS No. 2 (Docket No. G-2973). Docket Nos. G-2972 and G-2973 will be terminated in this order.
[35] Supersedes Watson Oil & Gas Co., FPC GRS No. 1 (Docket No. G-6897). Docket No. G-6897 will be terminated in this order.
[36] Contract executed by J. Ray McDermott & Co., Inc., et al., currently on file as J. Ray McDermott & Co., Inc., (Operator), et al., FPC GRS No. 16.
[37] Conveys acreage from J. Ray McDermott, et al., to United Engineering Service, Inc.
[38] Assigns interest of Candado Production Co. covered as an et al. party under International Oil & Gas Corp. (Operator), et al., FPC GRS No. 5 to Bolin Oil Co.
[39] Basic contract between C. W. Murchison and El Paso; on file as C. W. Murchison FPC GRS No. 1.
[40] Deletes indefinite pricing provisions of basic contract dated May 10, 1962.
[41] Supplemental agreement dedicates additional acreage to C. W. Murchison FPC GRS No. 1 (Murchison did not file for this acreage) and deletes indefinite pricing provisions and minimum guarantee for liquids insofar as they pertain to acreage added by supplemental agreement of January 21, 1965.
[42] Assigns interest from C. W. Murchison to CWM and VLM Trust.
[43] Rowe submitted rate filings to delete the assigned acreage from his related rate schedule.
[44] Basic contract between W. Earl Rowe, et al., and Wilcox Trend Gathering System, Inc. (predecessor of Texas Eastern). On file as W. Earl Rowe, FPC GRS No. 3.
[45] Deletes favored nations provisions from basic contract.
[46] Conveys acreage from Rowe, et al., to Samuel L. Fly, to be effective as of October 1, 1964.
[47] Conveys acreage from Samuel L. Fly to Forest Oil Corp.
[48] Acreage is applicable only to Bera Sand Gas and Oriskany Sand Gas and below.
[49] Production of gas no longer economically feasible.
[50] Source of gas depleted.
[51] Provides for wellhead sale until Gasoline Plant is operational.
[52] Partial succession to Union Texas Petroleum, a division of Allied Chemical Corp., FPC GRS No. 44.
[53] Contract executed by Steve Gose, et al.
[54] Contract executed by "Oxley Group".
[55] Docket No. G-3894 will be terminated in part only, other sales covered under this docket.

[F.R. Doc. 65-5162; Filed, May 19, 1965; 8:45 a.m.]

[Docket No. RP65-49]

ATLANTIC SEABOARD CORP.

Order Providing for Hearing and Suspending Proposed Revised Tariff

MAY 13, 1965.

Atlantic Seaboard Corp. (Seaboard) on March 31, 1965, tendered for filing Eighth Revised Volume No. 1 to its FPC Gas Tariff, with the request that it be permitted to become effective as of May 1, 1965. By letter filed April 29, 1965, Seaboard postponed the effective date to May 15, 1965.

The proposed revised tariff would supersede the existing tariff and would make the following basic changes: (1) The rate for contract demand service (Rate Schedules CDS and CDS–FR) is substantially increased in the demand component and correspondingly reduced in the commodity (volume) component; (2) a new class of service is offered, identified as "Winter Service" (WS), to meet customers' peaking requirements supplied from Seaboard's storage capacity; (3) the minimum billing demand 90 percent ratchet provisions are eliminated from CDS and CDS–FR rate schedules; (4) the existing Authorized Over-run (AOS) rate schedule is eliminated and replaced with new Emergency Gas Service (EGS) and new Emergency Service (ES) rate schedules; and (5) the restrictions on sales of gas for boiler fuel use are eliminated.

In support of its proposed tariff filing, Seaboard states that its net effect will be to bring about an estimated annual reduction to all customers amounting to approximately $2.6 million for the 12 months ending April 30, 1966, and approximately $2.1 million for the calendar year 1966. Additionally, Seaboard states that the rate filing accommodates to the maximum extent possible the requests of several wholesale customers who have expressed the need for a lower CD commodity rate level in order to meet industrial market competition, the requests of other wholesale customers who have requested a Winter Service rate so as to alleviate the high cost of meeting winter peak loads resulting from space heating, and the requests of customers that the restrictions on sales for boiler fuel use be eliminated. However, Seaboard also admits that if a CDS customer does not sign up for WS service the CDS rates will result in the increased charges to such customers.[1]

Seaboard requests that the Commission permit the proposed filing to become effective without suspension. It states that its ability to effectuate the new tariff and rate reductions is dependent upon such acceptance by the Commission because suspension and concomitant collection of monies subject to refund would expose it to the possibility of over-collection from some customers and under-collection from others. It alleges that it could not undertake the proposed changes if they are suspended. It also asserts that no useful purpose would be served by suspension since the new tariff would result in reductions in the average cost of gas to all customers.

Five of Seaboard's distributor-customers filed responses which are either favorable, or which do not object to the adjustment in level of demand-commodity charges in the CDS and CDS–FR rate schedules or to the new Winter Service rate schedule. These customers are Baltimore Gas and Electric Co. (Baltimore), City of Charlottesville, Va., Commonwealth Natural Gas Corp., Lynchburg Gas Co., and Roanoke Gas Co. The last three companies named, however, object to the proposed CDS Partial Requirements (PR) rate schedules.

Washington Gas Light Co. (Washington), Seaboard's largest customer, filed a protest on April 19, 1965, and the Public Service Commission of the District of Columbia (PSC–DC) filed a protest on April 16, 1965, strongly urging that we reject Seaboard's proposed tariff filing on the ground that it would nullify the Commission's decision on rate design issued in Opinion No. 430 and 430–A without any showing of changed circumstances to support the requested modification of the CDS rate design.[2]

In addition, Washington urges that the proposed filing be rejected because it is not supported by the required cost study for a major rate increase as required by § 154.63 of the Commission's regulations. Washington states that under the proposed CDS rate schedules its cost of gas would be increased by a net amount of $1.7 million annually. It also states that this increase would not be offset by lower cost of WS gas because it has not signed a new service agreement for such service, and it has not tentatively agreed to do so, as Seaboard's filing implies.

In further support for its request that the proposed tariff filing be rejected, Washington contends that Seaboard has made a conditional filing by its statements that the ability to effectuate the new tariff is dependent upon its acceptance without suspension and suspension exposes it to so great a loss that it could not undertake the proposed changes if they are suspended. Washington interprets Seaboard's statements as asserting that Seaboard will not file the motion pursuant to section 4(e) of the Act to make the rate changes effective at the end of the suspension period. Washington claims that the conditions sought to be imposed by Seaboard are improper. Baltimore's petition in support of the proposed filing states that it is "advised that unless the tariff is made effective without suspension, "the proposed tariff will be withdrawn."

It appears that the proposed tariff filing is a major rate change within the meaning of § 154.63(a)(2), and Seaboard should have submitted therewith the material required under § 154.63(b)(3). Seaboard's failure to comply with those requirements renders its filing subject to rejection as provided in § 154.63(e)(4). However, as indicated in that rule, whether a filing is to be rejected is a matter within our discretion. We are of the view that it is in the public interest that in lieu of rejection of this proposed filing we take the action herein set forth. Such waiver is not to be construed as relieving Seaboard from the burden of proof obligation under section 4(e) of the Act, or from the obligation to submit and serve the data and studies prescribed by § 154.63(b)(3) of our regulations.

All of Washington's other contentions respecting the proposed filing, including its assertion that the increased demand charges and corresponding reductions in commodity charges in the CDS rate schedules constitute "multification" of our decision on rate design in Opinion No. 430, are more appropriately matters which may require dismissal of the filing depending upon the record evidence. Our action herein provides for opportunity for all parties to present evidence upon such issues. Panhandle Eastern Pipe Line Co. v. F.P.C., 236 F. 2d 606 (1956). United Gas Pipe Line Co., Docket No. RP65–1, order issued October 22, 1964.

Seaboard represents that service under its proposed tariff, when taken on a "package" basis will result in annual reduced costs to its customers accruing from the date such tariff becomes effective. Seaboard contends that its filing constitutes a "comprehensive revision of its tariff structure" and such it must be considered as a "total package that seeks to solve not one problem but many problems". Obviously there is a difference of opinion at least between Seaboard and Washington as to the nature of the problems and whether the proposed filing does in fact present a solution thereto.

Our review indicates that the proposed filing does raise a number of issues which can be resolved only on a record made during hearing. However since a rate reduction is available to the customers under the proposed filing, we deem it in the public interest to enable those customers desiring to take the new "package" to have the benefit of such reduction as quickly as possible. In taking this action we do not of course express any opinion that the proposed reduction is sufficient to render Seaboard's rates just and reasonable or that the manner of such reduction is a reasonable one.

It is our view that the public interest will best be served by suspension of the proposed revised tariff for one day and expedited hearing thereon. Our suspension action contemplates that Seaboard will file the necessary motion to make that tariff effective immediately

[1] Seaboard's customers (except Washington Gas Light Co.), support the proposed filing and presumably those customers would sign service agreements to purchase under CDS and WS rate schedules in substantially the amounts set forth in the appendix to Seaboard's letter of transmittal dated March 31, 1965. However, no service agreements have been submitted indicating that any customer has in fact signed up for service under the combined package of CDS and WS rate schedules.

[2] Opinion No. 430, issued June 2, 1964, and Opinion No. 430–A, issued October 14, 1964, in Docket No. G–20270, et al., 32 F.P.C. —.

after the suspension period has run. It is our further view that the service agreements under this tariff, which have not yet been filed, shall be for an interim term not exceeding two years. Such interim limited term will minimize the risks, if any, under the new tariff, both for Seaboard and its customers and at the same time afford all parties an opportunity to fully try the issues in this proceeding and any related rate or certificate proceedings presently pending. Accordingly, the parties are hereby put on notice that any service agreements filed under the proposed revised tariff for a longer term than two years will be suspended.

It is also appropriate that the parties be given an opportunity to present their views as to whether the presently effective rate schedules or a modification thereof to reflect the overall level of rate reduction being offered by the present filing should not be made available for those customers which might prefer not to enter into service agreements under the proposed tariff even for the interim period. For such purposes we are prescribing an immediate prehearing conference at which each of the parties may set forth its views on this matter and the supporting reasons therefor.

The Commission finds:

(1) It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the rates, charges, classifications and services contained in Seaboard's FPC Gas Tariff, as proposed to be amended by Eighth Revised Volume No. 1, and that said proposed revised tariff be suspended and the use thereof deferred as hereinafter provided.

(2) It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the proposed changes in rates and charges contained in Seaboard's Eighth Revised Volume No. 1, be made effective as hereinafter provided and that Seaboard be required to file a motion and an undertaking as hereinafter ordered and conditioned.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereunder, the Commission's rules of practice and procedure and the regulations under the Natural Gas Act (18 CFR Ch. I), a public hearing be held on a date fixed by notice from the Presiding Examiner as hereinafter provided, concerning the lawfulness of the rates, charges, classifications and services contained in Seaboard's FPC Gas Tariff, as proposed to be amended by Eighth Revised Volume No. 1.

(B) Pending such hearing and decision thereon, Seaboard's proposed revised tariff, identified in paragraph (A) above, hereby is suspended and its use deferred until May 16, 1965: *Provided, however*, That, within twenty days from the date of this order, Seaboard shall file a motion as required by section 4(e) of the Natural Gas Act and concurrently execute and file with the Secretary of the Commission the agreement and undertaking described in paragraph (E) below. Unless Seaboard is advised to the contrary within fifteen days after the date of filing such agreement and undertaking, the agreement and undertaking shall be deemed to have been accepted.

(C) A prehearing conference before the Presiding Examiner shall commence at 10 a.m., e.d.t., on May 19, 1965, to afford Seaboard its customers and interested State commissions, an opportunity to present their views and the support thereof concerning the concurrent, continued use of the presently effective rate schedules, as discussed hereinabove. The record of such prehearing conference shall be certified to the Commission by the Presiding Examiner immediately upon conclusion of such conference.

(D) Seaboard shall refund at such times and in such amounts to persons entitled thereto, and in such manner as may be required by final order of the Commission, the portion of rates and charges found by the Commission in this proceeding not justified, together with interest thereon at the rate of 7 percent per annum from the date of payment to Seaboard until refunded; shall bear all costs of any such refunding; shall keep accurate accounts in detail of all amounts received by reason of the tariff sheets made effective as of May 16, 1965, and each billing period, specifying by whom and in whose behalf such amounts were paid, and shall report (original and four copies) in writing and under oath, to the Commission monthly, for each billing period and for each purchaser, the billing determinants of natural gas sales to such purchasers, and the revenues resulting therefrom as computed under the tariff sheets in effect immediately prior to May 16, 1965, and under the tariff sheets herein allowed to become effective, together with the differences in the revenues so computed.

(E) As a condition of this order, Seaboard shall execute and file in triplicate with the Secretary of this Commission, its written agreement and undertaking to comply with the terms of paragraph (D) hereof, signed by a responsible officer of the corporation, evidenced by proper authority from the Board of Directors, and accompanied by a certificate showing service of copies thereof upon all purchasers under the tariff sheet involved as follows:

Agreement and Undertaking of Atlantic Seaboard Corporation to comply with the Terms and Conditions of paragraph (D) of Federal Power Commission's Order issued ----------, 1965, in Docket No. RP65-49.

In conformity with the requirements of the order issued ----------, 1965, in Docket No. RP65-49, Atlantic Seaboard Corp. hereby agrees and undertakes to comply with the terms and conditions of paragraph (D) of said order, and has caused this agreement and undertaking to be executed and sealed in its name by its officers, thereupon duly authorized in accordance with the terms of the resolution of its Board of Directors, a certified copy of which is appended hereto this ------ day of ----------, 1965.

ATLANTIC SEABOARD CORP.,
By ----------
(President)

Attest:

(Secretary)

(F) If Seaboard shall, in conformity with the terms and conditions of its agreement and undertaking, make the refunds as may be required by order of the Commission in this proceeding, the undertaking shall be discharged, otherwise it shall remain in full force and effect.

(G) Presiding Examiner Howell Purdue or any other officer designated by the Chief Examiner for that purpose (see Delegation of Authority, 18 CFR 3.5(d)) shall prescribe other relevant procedural matters not herein provided; preside at the prehearing conferences and at the hearing in this matter, and control the proceeding until the completed record is certified to the Commission, pursuant to the Commission's rules of practice and procedure, and as further provided by this order.

(H) Seaboard, the Commission Staff and interveners shall serve their direct testimony and exhibits upon the Presiding Examiner and all other parties as follows: Seaboard on or before June 9, 1965, Staff on or before September 9, 1965, and interveners on or before September 20, 1965.

(I) Pursuant to § 1.18 of the Commission's rules of practice and procedure, a prehearing conference before the Presiding Examiner shall commence at 10 a.m., e.d.t., on September 27, 1965, in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D.C., for the purpose of reaching such agreements as will expedite the determination herein, including, but not limited to, stipulation of facts, narrowing and defining of issues, and establishment of dates for service of rebuttal testimony and for cross-examination of all testimony.

(J) The cross-examination, when commenced, shall be continuous as to all witnesses to be presented, unless the Presiding Examiner finds that extraordinary circumstances preclude such procedure.

(K) Notices of intervention and petitions to intervene may be filed with the Federal Power Commission, Washington, D.C., 20426, in accordance with the Commission's rules of practice and procedure, §§ 1.8 and 1.37(f) (18 CFR 1.8 and 1.37(f)), on or before May 28, 1965.

By the Commission.

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 65-5290; Filed, May 19, 1965; 8:47 a.m.]

[Docket No. CP65-353]

TOWN OF SUMITON, ALA.

Notice of Application

MAY 13, 1965.

Take notice that on May 6, 1965, the Town of Sumiton, Ala. (Applicant), filed in Docket No. CP65-353 an application pursuant to section 7(a) of the Natural Gas Act for an order of the Commission directing Southern Natural Gas Co. (Southern), to establish physical connection of its natural gas transmission facilities with the facilities proposed to be constructed by Applicant, and to sell and deliver natural gas to Applicant for resale and distribution in Sumiton, Ala., and environs, all as more fully set forth in the application on file with the Commission and open to public inspection.

Applicant seeks physical connection of its proposed lateral transmission facilities with Southern's pipeline located approximately 10.83 miles south of Sumiton and to sell the following estimated peak-day and annual natural gas requirements during the first 3 years of operations:

	First year	Second year	Third year
Annual (Mcf)	67,115	72,057	76,803
Peak day (Mcf)	806	962	1,025

The total estimated cost of Applicant's proposed construction of transmission and distribution facilities is $490,000, which will be financed from the sale of revenue bonds.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C., 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10), on or before June 11, 1965.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 65-5291; Filed, May 19, 1965; 8:47 a.m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

ALASKA

Notice of Amendment of Proposed Amendment of Public Land Order 1600

MAY 13, 1965.

In F.R. Doc. 65-4645 of the issue for May 4, 1965, the following changes should be made:

On page 6227, paragraph 4 should read: "The authorized officer of the Bureau of Land Management will prepare a report for consideration by the Secretary of the Interior who will determine whether or not the withdrawal will be amended as requested by the U.S. Weather Bureau."

The last line of the description should read: "The area described aggregates approximately 369,711 square feet."

ROSS A. YOUNGBLOOD,
Manager, Fairbanks District and Land Office.

[F.R. Doc. 65-5294; Filed, May 19, 1965; 8:47 a.m.]

NEVADA

Notice of Filing of Protraction Diagrams

MAY 12, 1965.

Notice is hereby given that effective at and after 10 a.m., June 14, 1965, the following protraction diagrams are officially filed of record in the Nevada Land Office. In accordance with Title 43 Code of Federal Regulations, these protractions will become the basic record for describing the land for all authorized purposes. Until this date and time the diagrams have been placed in open files and are available to the public for information only.

NEVADA PROTRACTION DIAGRAMS NOS. 172
TOWNSHIP 17S

MOUNT DIABLO MERIDIAN

No. 172
T. 2 N., R. 60 E.
T. 3 N., R. 60 E.
T. 2 N., R. 61 E.
T. 3 N., R. 61 E.
T. 2 N., R. 62 E.

No. 173
T. 1 N., R. 59 E.
T. 1 N., R. 60 E.

No. 174
T. 1 N., R. 61 E.
T. 1 N., R. 62 E.
T. 1 N., R. 63 E.

No. 175
T. 2 N., R. 65 E.
T. 2 N., R. 66 E.
T. 3 N., R. 66 E.

No. 176
T. 4 N., R. 62 E.
T. 5 N., R. 62 E.
T. 4 N., R. 63 E.
T. 5 N., R. 63 E.
T. 4 N., R. 64 E.
T. 5 N., R. 64 E.

Copies of these diagrams are for sale at one dollar ($1.00) each by the Nevada Land Office, Bureau of Land Management, Post Office Box No. 1551, Reno, Nev.

DONALD I. BAILEY,
Acting Manager, Nevada Land Office.

[F.R. Doc. 65-5295; Filed, May 19, 1965; 8:47 a.m.]

NEVADA

Notice of Filing of Protraction Diagrams

MAY 13, 1965.

Notice is hereby given that effective at and after 10 a.m., June 21, 1965, the following protraction diagrams are officially filed of record in the Nevada Land Office. In accordance with Title 43 Code of Federal Regulations, these protractions will become the basic record for describing the land for all authorized purposes. Until this date and time the diagrams have been placed in open files and are available to the public for information only.

NEVADA PROTRACTION DIAGRAMS NOS. 177
TOWNSHIP 18S

MOUNT DIABLO MERIDIAN

No. 177
T. 1 S., R. 59 E.
T. 2 S., R. 59 E.
T. 1 S., R. 60 E.
T. 2 S., R. 60 E.
T. 1 S., R. 61 E.
T. 2 S., R. 61 E.

No. 178
T. 1 S., R. 62 E.
T. 2 S., R. 62 E.
T. 1 S., R. 63 E.
T. 2 S., R. 63 E.
T. 3 S., R. 63 E.

No. 179
T. 3 S., R. 60 E.
T. 3 S., R. 61 E.

No. 180
T. 4 N., R. 51 E.
T. 4 N., R. 52 E.
T. 5 N., R. 52 E.
T. 4 N., R. 53 E.
T. 5 N., R. 53 E.

No. 181
T. 4 N., R. 49½ E.
T. 5 N., R. 49½ E.
T. 4 N., R. 50 E.
T. 5 N., R. 50 E.
T. 1 N., R. 51½ E.
T. 2 N., R. 51½ E.
T. 1 N., R. 52 E.
T. 2 N., R. 52 E.

No. 182
T. 3 N., R. 50 E.
T. 3½ N., R. 50 E.
T. 3 N., R. 51 E.
T. 3½ N., R. 51 E.
T. 3 N., R. 51¼ E.
T. 3¼ N., R. 51½ E.
T. 2½ N., R. 52 E.
T. 3 N., R. 52 E.

Copies of these diagrams are for sale at one dollar ($1.00) each by the Nevada Land Office, Bureau of Land Management, Post Office Box No. 1551, Reno, Nev.

DANIEL P. BAKER,
Land Office Manager.

[F.R. Doc. 65-5296; Filed, May 19, 1965; 8:47 a.m.]

NEW MEXICO

Notice of Proposed Withdrawal and Reservation of Lands

MAY 14, 1965.

The Forest Service, United States Department of Agriculture has filed application, Serial No. New Mexico 0556995 for the withdrawal of lands described below. The applicant desires the lands for the addition to, and the consolidation with National Forest Lands to permit more efficient administration thereof in the conservation of national resources.

For a period of 30 days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the undersigned officer of the Bureau of Land Management, Department of the Interior, Manager, Post Office Box 1449, Santa Fe, N. Mex., 87501.

The authorized officer of the Bureau of Land Management will undertake such investigations as are necessary to determine the existing and potential demand for the lands and their resources. He will also undertake negotiations with the applicant agency with the view of adjusting the application to reduce the area to the minimum essential to meet the applicant's needs, to provide for the maximum concurrent utilization of the lands

for purposes other than the applicant's to eliminate lands needed for purposes more essential than the applicant's, and to reach agreement on the concurrent management of the lands and their resources.

He will also prepare a report for consideration by the Secretary of the Interior who will determine whether or not the lands will be withdrawn as requested by the Forest Service.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

If circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

The lands involved in the application are:

NEW MEXICO PRINCIPAL MERIDIAN, N. MEX.

T. 1 N., R. 11 E.,
Sec. 32, N½SW¼, W½SE¼.
T. 9 N., R. 11 W.,
Sec. 19, lots 1, 2, 4, E½, E½W½;
Secs. 20 to 26, inclusive;
Sec. 27, N½, N½S½, SE¼SE¼;
Secs. 28 and 29;
Sec. 30, lots 1, 2, 3, 4, E½, E½W½;
Sec. 31, lots 1, 2, 3, 4, E½, E½W½;
Secs. 32 and 33;
Sec. 34, E½NE¼, W½NW¼, SE¼NW¼, S½;
Secs. 35 and 36.
T. 10 N., R. 11 W.,
Sec. 34, SE¼;
Sec. 35.
T. 1 S., R. 11 E.,
Sec. 5, S½SE¼;
Sec. 8, N½NE¼.

The areas described aggregate 12,367.74 acres.

MICHAEL T. SOLAN,
Manager.

[F.R. Doc. 65-5297; Filed, May 19, 1965; 8:47 a.m.]

[New Mexico 0557005]

NEW MEXICO

Notice of Proposed Withdrawal and Reservation of Lands

MAY 14, 1965.

The Forest Service, U.S. Department of Agriculture, has filed an application, Serial Number New Mexico 0557005, for the withdrawal of lands described below, from location and entry under the general mining laws but not the mineral leasing laws. The applicant desires the land for protection of the Bernalillo Watershed in Cibola National Forest, N. Mex.

For a period of 30 days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the undersigned officer of the Bureau of Land Management, Department of the Interior, Manager, Post Office Box 1449, Santa Fe, N. Mex., 87501.

The authorized officer of the Bureau of Land Management will undertake such investigations as are necessary to determine the existing and potential demand for the lands and their resources. He will also undertake negotiations with the applicant agency with the view of adjusting the application to reduce the area to the minimum essential to meet the applicant's needs, to provide for the maximum concurrent utilization of the lands for purposes other than the applicant's, to eliminate lands needed for purposes more essential than the applicant's, and to reach agreement on the concurrent management of the lands and their resources.

He will also prepare a report for consideration by the Secretary of the Interior who will determine whether or not the lands will be withdrawn as requested by the Forest Service.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

If circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

The lands involved in the application are:

NEW MEXICO PRINCIPAL MERIDIAN, N. MEX.

T. 12 N., R. 4 E.,
Sec. 1, lots 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, SW¼NE¼, S½NW¼SW¼, W½SE¼;
Sec. 2, lots 1, 2, 3, S½NE¼, SE¼NW¼, N½SE¼, SE¼SE¼;
Sec. 12, lots 1, 2, 3, 4, W½NE¼, NW¼;
Sec. 14, lots 5, 6, 7, NE¼NE¼.
T. 12 N., R. 5 E.,
Sec. 6, lots 9, 10, 13, 17, 18, 19;
Sec. 7, NW¼.

The areas described aggregate 1869.70 acres.

MICHAEL T. SOLAN,
Manager.

[F.R. Doc. 65-5298; Filed, May 19, 1965; 8:47 a.m.]

[Oregon 016434]

OREGON

Notice of Proposed Withdrawal and Reservation of Land

MAY 11, 1965.

The Forest Service, U.S. Department of Agriculture, has filed an application, Serial Number Oregon 016434, for the withdrawal of the lands described below, from all forms of appropriation under the U.S. Mining Laws (Ch. 2, 30 U.S.C.), but not from leasing under the mineral leasing laws.

The applicant desires the land to protect areas for public recreational use.

For a period of 30 days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the undersigned officer of the Bureau of Land Management, Department of the Interior, 710 Northeast Holladay, Portland, Oreg., 97232.

The authorized officer of the Bureau of Land Management will undertake such investigations as are necessary to determine the existing and potential demand for the lands and their resources. He will also undertake negotiations with the applicant agency with the view of adjusting the application to reduce the area to the minimum essential to meet the applicant's needs, to provide for the maximum concurrent utilization of the lands for purposes other than the applicant's, to eliminate lands needed for purposes more essential than the applicant's, and to reach agreement on the concurrent management of the lands and their resources.

He will also prepare a report for consideration by the Secretary of the Interior who will determine whether or not the lands will be withdrawn as requested by the Forest Service.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

If circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

The lands involved in the application are:

OREGON

WILLAMETTE MERIDIAN

UMATILLA NATIONAL FOREST

Long Prairie Spring Campground

T. 7 S., R. 24 E.,
In sec. 1.
Total—10 acres.

Crawford Spring Campground

T. 7 S., R. 24 E.,
In sec. 12.
Total—10 acres.

Government Spring Campground

T. 6 S., R. 26 E.,
In sec. 26.
Total—10 acres.

Willow Spring Campground

T. 7 S., R. 26 E.,
In Sec. 10.
Total—30 acres.

Swale Spring Campground

T. 6 S., R. 28 E.,
In Sec. 4.
Total—10 acres.

Biscuit Spring Campground

T. 4 S., R. 29 E.,
In sec. 33.
Total—10 acres.

Oriental Campground

T. 7 S., R. 33 E.,
In sec. 10.
Total—10 acres.
Total area in Umatilla National Forest—90 acres.

SISKIYOU NATIONAL FOREST

Lower Rogue River Recreational Area Addition

T. 36 S., R. 13 W.,
In secs. 1, 2, and 3.
Total—240 acres—in Siskiyou National Forest.

The total area aggregates 330 acres.

DOUGLAS E. HENRIQUES,
Land Office Manager.

[F.R. Doc. 65-5299; Filed, May 19, 1965; 8:47 a.m.]

[Oregon 016435]

OREGON

Notice of Proposed Withdrawal and Reservation of Land

MAY 11, 1965.

The Forest Service, United States Department of Agriculture, has filed an application, Serial Number Oregon 016435, for the withdrawal of the lands described below, from all forms of appropriation under the United States Mining Laws (Chap. 2, 30 U.S.C.), but not from leasing under the mineral leasing laws.

The applicant desires the land for protection of aesthetic values of roadside zones.

For a period of 30 days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the undersigned officer of the Bureau of Land Management, Department of the Interior, 710 Northeast Holladay, Portland, Oreg., 97232.

The authorized officer of the Bureau of Land Management will undertake such investigations as are necessary to determine the existing and potential demand for the lands and their resources. He will also undertake negotiations with the applicant agency with the view of adjusting the application to reduce the area to the minimum essential to meet the applicant's needs, to provide for the maximum concurrent utilization of the lands for purposes other than the applicant's, to eliminate lands needed for purposes more essential than the applicant's, and to reach agreement on the concurrent management of the lands and their resources.

He will also prepare a report for consideration by the Secretary of the Interior who will determine whether or not the lands will be withdrawn as requested by the Forest Service.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

If circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

The lands involved in the application are:

OREGON

WILLAMETTE MERIDIAN

ROGUE RIVER NATIONAL FOREST

Crater Lake Park Highway Zone and Rogue Riverside and Recreation Zone Addition

T. 29 S., R. 4 E.,
Sec. 16, SE¼SW¼SW¼.
T. 28 S., R. 5 E.,
Sec. 34, S½NE¼.
Total—90 acres.

WALLOWA-WHITMAN NATIONAL FOREST

Lostine River Roadside and Riverfront Zone Addition

T. 3 S., R. 43 E.,
Sec. 24, W½W½NW¼,
Sec. 25, SE¼NW¼,
Sec. 36, E½NW¼.
Total—160 acres.

The total area aggregates 250 acres.

DOUGLAS E. HENRIQUES,
Land Office Manager.

[F.R. Doc. 65-5300; Filed, May 19, 1965; 8:48 a.m.]

National Park Service

[Order 1, Amdt. 1]

CATOCTIN MOUNTAIN PARK, MD.; JOB CORPS CONSERVATION CENTER DIRECTOR AND ADMINISTRATIVE OFFICER

Delegation of Authority

SEC. 2. The Job Corps Conservation Center Director and Administrative Officer may issue purchase orders not to exceed $2500 for supplies, materials and equipment in conformity with applicable regulations and statutory authority and subject to availability of funds.

(National Park Service Order No. 14 (19 F.R. 8824), as amended; 30 Stat. 535, 16 U.S.C., sec., 2; National Capital Region Order No. 1 (28 F.R. 1811))

PAUL L. WEBB,
Superintendent.

APRIL 30, 1965.

[F.R. Doc. 65-5293; Filed, May 19, 1965; 8:47 a.m.]

DEPARTMENT OF COMMERCE

Maritime Administration

MOORE-McCORMACK LINES, INC.

Notice of Application

Notice is hereby given that Moore-McCormack Lines, Inc., has filed application to amend its Operating-Differential Subsidy Agreement, Contract No. FMB-4B (Rev.) to permit 18 additional sailings per annum on its subsidized freight service on Trade Route No. 6 between United States Atlantic ports and ports in Scandinavia. No increase is requested in the number of sailings which may now call at ports in Belgium and The Netherlands.

Any person, firm or corporation having any interest in such application and desiring a hearing under section 605(c) of the Merchant Marine Act, 1936, as amended, 46 U.S.C. 1175 should by the close of business on May 25, 1965, notify the Secretary, Maritime Subsidy Board in writing in triplicate, and file petition for leave to intervene in accordance with the rules of practice and procedure of the Maritime Subsidy Board.

In the event a hearing is ordered to be held on the application under section 605 (c), the purpose thereof will be to receive evidence relevant to (1) whether the application is one with respect to a vessel to be operated on a service, route or line served by citizens of the United States which would be in addition to the existing service, or services, and if so, whether the service already provided by vessels of United States registry in such service route or line is inadequate, and (2) whether in the accomplishment of the purposes and policy of the Act additional vessels should be operated thereon.

If no request for hearing and petition for leave to intervene is received within the specified time, or if the Maritime Subsidy Board determines that petitions for leave to intervene filed within the specified time do not demonstrate sufficient interest to warrant a hearing, the Maritime Subsidy Board will take such action as may be deemed appropriate.

Dated: May 14, 1965.

By order of the Maritime Subsidy Board.

JAMES S. DAWSON, Jr.
Secretary.

[F.R. Doc. 65-5306; Filed, May 19, 1965; 8:48 a.m.]

ATOMIC ENERGY COMMISSION

NEW YORK

Memorandum of Understanding

Notice is hereby given that Chairman Glenn T. Seaborg, on behalf of the Atomic Energy Commission, and the Honorable Nelson A. Rockefeller, Governor of the State of New York, have signed the Memorandum of Understanding, below, to implement certain provisions contained in the Agreement between the U.S. Atomic Energy Commission and the State of New York, effective October 15, 1962. That agreement provided for the discontinuance of certain Commission regulatory authority and responsibility within the State pursuant to section 274 of the Atomic Energy Act of 1954, as amended.

Dated at Washington, D.C., this 13th day of May 1965.

For the Atomic Energy Commission.

W. B. MCCOOL,
Secretary.

MEMORANDUM OF UNDERSTANDING

Memorandum of Understanding between the U.S. Atomic Energy Commission and the State of New York for implementation of certain provisions contained in Agreement between the U.S. Atomic Energy Commission and the State of New York, effective on October 15, 1962, for discontinuance of certain Commission regulatory authority and responsibility within the State pursuant to section 274 of the Atomic Energy Act of 1954, as amended.

The U.S. Atomic Energy Commission (hereinafter referred to as the "Commission") and the State of New York (hereinafter referred to as the "State") entered into the above-described Agreement on October 15, 1962.

The Commission and the State recognized, in Article VII of that Agreement, that the limits on their respective rights, powers and responsibilities under the U.S. Constitution, with respect to protection against radiation hazards arising out of the activities licensed by the Commission within the State, are not precisely clear.

The Commission and the State agreed, among other things, in Article VII to work together to define, within a reasonable time, the limits of, and to provide mechanisms for accommodating, such responsibilities of both parties.

The Commission and the State have now agreed upon certain mechanisms for accommodating their interests.

In view of the foregoing, it is agreed between the Commission and the Governor of the State, acting in behalf of the State, as follows:

(1) The Commission will furnish promptly to the State, without charge, one copy of each of the below-described documents (except those documents the disclosure of which would be contrary to law and except those documents which are excluded from the Commission's public records pursuant to Part 9 of the Commission's rules and regulations) relating to activities authorized or sought to be authorized within the State under a specific license from the Commission: (a) Specific licenses issued by the Commission; and (b) with respect only to production or utilization facilities and activities involving the receipt of waste radioactive material from other persons for the purpose of packaging, storage or disposal, (i) filings in Commission proceedings, (ii) correspondence between the Commission and its licensees or license applicants regarding the issuance, denial, amendment, interpretation, enforcement, transfer, renewal, modification, suspension, or revocation of a Commission license, and (iii) notices filed in the Commission's Public Document Room to the effect that other documents have not been filed therein. The Commission will also furnish to the State, without charge, one copy of such other documents, relating to activities authorized or sought to be authorized within the State under a specific license from the Commission, as may be reasonably requested by the State and the disclosure of which to the State is not contrary to law or the public interest.

(2) Representatives of the Commission's regulatory staff and the State will meet from time to time to advise and consult, and to exchange information, concerning production or utilization facilities, and activities involving the receipt of waste radioactive material from other persons for the purpose of packaging, storage or disposal, authorized or sought to be authorized within the State under Commission license. Opportunity will be given to representatives of the State for at least one meeting with the Commission's regulatory staff prior to Commission publication in the FEDERAL REGISTER of a notice scheduling a hearing, or of a notice of proposed action in nonhearing cases, on applications for a construction permit or license for such a facility or activity, and for such additional meetings as the State may reasonably request.

(3) The Commission will notify the State immediately of any theft or loss of material within the State reported to the Commission by a Commission licensee. The Commission will also notify the State immediately of any incident within the State, reported to the Commission by a Commission licensee, for which immediate notification is required to be made by the licensee to the Commission under the Commission's rules and regulations.

(4) It is a mutual objective of the Commission and the State to avoid dual regulation for purposes of protection against radiation hazards of activities licensed by either party within the State. Accordingly, and in view of paragraph (5) and the other provisions of this Memorandum of Understanding: (a) The State will use its best efforts to exempt activities licensed by the Commission from State regulations which are directed toward protection against radiation hazards from those radiation sources which are regulated by the Commission; (b) the foregoing undertaking shall not apply to reasonable State requirements for (i) access by State representatives to records which Commission licensees are required to maintain pursuant to the Commission's rules and regulations or the provisions of a Commission license, (ii) sampling of effluents by State representatives, (iii) such measuring or surveying by State representatives of levels of radiation and radioactive contamination as will not substantially interfere with or interrupt any activities licensed by the Commission, (iv) routing and scheduling of material in transit, and (v) access by State representatives to facilities of Commission licensees in order to accomplish the foregoing.

(5) Nothing in this Memorandum of Understanding shall be construed as defining or affecting the respective rights and powers of the Commission or the State under the U.S. Constitution, nor as affecting in any way the rights and privileges of any third party. In view of the mechanisms provided in this Memorandum of Understanding for accommodating the interests of the parties, the Commission and the State consider any attempt to define the limits of the rights and powers of the parties to be unnecessary.

(6) Either the Commission or the State may, with or without cause, terminate this Memorandum of Understanding, either in whole or in part, by 30 days' written notice to the other party.

(7) This Memorandum of Understanding shall become effective thirty (30) days after signature of both parties and shall remain in effect unless and until such time as it is terminated pursuant to paragraph (6).

Done at Washington, District of Columbia, in triplicate, this 14th day of April 1965.

For the United States Atomic Energy Commission.

GLENN T. SEABORG,
Chairman.

Done at Albany, State of New York, in triplicate, this 7th day of May 1965.

For the State of New York.

NELSON A. ROCKEFELLER,
Governor.

[F.R. Doc. 65-5317; Filed, May 10, 1965; 8:48 a.m.]

CIVIL AERONAUTICS BOARD

[Docket No. 15853; Order E-22166]

INTERNATIONAL AIR TRANSPORT ASSN.

Order Relating to Specific Commodity Rates

Adopted by the Civil Aeronautics Board at its office in Washington, D.C. on the 14th day of May 1965.

There has been filed with the Board, pursuant to section 412(a) of the Federal Aviation Act of 1958 (the Act) and Part 261 of the Board's Economic Regulations, an agreement between various air carriers, and other carriers, embodied in the resolutions of Joint Conferences 1–2, 3–1, and 1–2–3 of the International Air Transport Association (IATA), and adopted pursuant to the provisions of Resolution 590 dealing with specific commodity rates.

The agreement, adopted pursuant to unprotested notices to the carriers and promulgated in IATA Status Reports Nos. 15 and 17 as set forth in the attachment hereto,[1] (1) names rates under new descriptions, and (2) names additional specific commodity rates.

The Board, acting pursuant to sections 102, 204(a), and 412 of the Act, does not find the subject agreement to be adverse to the public interest or in violation of the Act, provided that approval thereof is conditioned as hereinafter ordered.

Accordingly, it is ordered:

That Agreement CAB 18169, R–12 and R–13, be approved, provided that such approval shall not constitute approval of the specific commodity descriptions contained therein for purposes of tariff publication.

Any air carrier party to the agreement, or any interested person, may, within 15 days from the date of service of this order, submit statements in writing containing reasons deemed appropriate, together with supporting data, in support of, or in opposition to, the Board's action herein. An original and 19 copies of the statement should be filed with the Board's Docket Section. The Board may, upon consideration of any such statements filed, modify or rescind its action herein by subsequent order.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON,
Secretary.

[F.R. Doc. 65-5315; Filed, May 19, 1965; 8:48 a.m.]

[Docket No. 16111; Order E-22168]

AIR TRAFFIC CONFERENCE OF AMERICA

Order Deferring Action on Agreement

Agreement among the members of the Air Traffic Conference of America, Docket 16111, Agreement CAB 5044–A113; relating to travel agents.

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 14th day of May 1965.

The members of the Air Traffic Conference of America (ATC) filed with the Board on April 27, 1965, under section 412 of the Federal Aviation Act of 1958, as amended (the Act), an agreement establishing for ATC approved sales agents a new commission structure and rules governing their operation of sales locations on the premises of commercial customers, i.e., in-plant facilities.[2] The agreement, quoted in Appendix A hereto,[3] is not to become effective unless approved by the Board.[4]

The proposed rules and procedures obviously are of substantial importance to both carriers and agents and undoubtedly are of significance to companies concerned with having agents provide in-plant services. In this connection, the Board notes that on May 5, 1965, ATC, on behalf of certain of its member carriers, filed an Explanatory Statement outlining the reasons underlying various aspects of the agreement. The Board has not had an opportunity to review carefully the information in the Statement but, in any event, it desires the views of all interested persons before proceeding with further consideration of the matter. Therefore, the Board has decided to defer action and provide an opportunity for those concerned to file written statements in support of, or in opposition to approval of the agreement. In addition to whatever further comments the carriers may wish to submit, the Board would expect agents to submit information showing specifically in what respects they either favor or oppose the various provisions of the agreement, including the economic effect of the proposed commission rate structure on their overall revenues. Similarly, the Board would be interested in the views of commercial firms, particularly with respect to the provisions of the agreement relating to the establishment of in-plant services.

Accordingly, it is ordered:

1. That further action on Agreement CAB 5044–A113 be and it hereby is deferred; and

2. That any interested person desiring to file comments with respect to Agreement CAB 5044–A113 shall file such comments within 30 days after the date of service of this order. Statements in reply thereto may be filed within 15 days after the date fixed for the filing of such initial comments. All such filings shall conform to the general requirements of the Board's rules of practice in economic proceedings, and should be submitted in triplicate to the Board's Docket Section.

This order shall be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON,
Secretary.

[F.R. Doc. 65-5316; Filed, May 19, 1965; 8:48 a.m.]

[1] Filed as part of original document.

[2] The agreement stems in part from an earlier resolution of the carriers prohibiting agents' in-plant locations (Agreement CAB 5044–A102, Docket 15455). The latter agreement was approved by the Board on January 27, 1965 (Order E-21726), for 120 days (May 27, 1965), with the proviso "that if within such period the members of ATC file with the Board a resolution permitting under prescribed rules arrangements of the nature that Agreement CAB 5044–A102 would preclude, such filing shall automatically extend the approval herein until the Board acts finally on such new resolution." The instant filing is deemed to be such a resolution.

[3] Filed as part of original document.

[4] A general comparison of the present and proposed commission structure is set forth in Appendix B which is filed as part of original document.

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 15011; FCC 65-402]

AMERICAN TELEPHONE AND TELEGRAPH CO.

Memorandum Opinion and Order Terminating Proceedings

In the matter of American Telephone and Telegraph Co., Docket No. 15011; charges, practices, classifications, and regulations for and in connection with Teletypewriter Exchange Service.

1. By Memorandum Opinion and Order FCC 65-66, published on February 11, 1965, at 30 F.R. 1955, the Commission denied a request of the Public Utilities Commission of the State of California (California), asking rejection of certain revisions of American Telephone and Telegraph Co. Tariff FCC No. 133 filed on November 16, 1964, relating to station and supplemental equipment furnished in connection with teletypewriter exchange service. The Commission also ordered that the issues of its investigation into the lawfulness of A.T. & T.'s teletypewriter exchange service tariff be enlarged to include inquiry into:

(1) Whether it is practicable to establish separate interstate and intrastate schedules of charges for items of station and supplemental equipment used in furnishing teletypewriter exchange service;

(2) If it would not be practicable to establish separate interstate and intrastate schedules of charges, whether the single schedule of charges for such equipment should be filed with the Commission in accordance with the provisions of section 203 of the Communications Act of 1934.

The order provided parties to the investigation proceedings and other interested persons an opportunity to submit written data, views, or arguments for consideration by the Commission in the determination of the new issues. Comments or statements have been filed by American Telephone and Telegraph Co., California, GT&E Service Corp., the Western Union Telegraph Co., and United States Independent Telephone Association. The problems considered here arise because the carrier offers, in connection with its teletypewriter exchange service, station, and supplemental equipment which is usable interchangeably between interstate and intrastate service. Carriers have substantial investment in this equipment, and economic and efficient operations tend to justify making the same equipment available for combined interstate and intrastate service.

2. In its comments Western Union takes the position that the first question posed by the Commission must be initially answered by A.T. & T. and has declined to comment thereon.

3. California, GT&E, and USITA each state that it is not practicable to establish separate interstate and intrastate schedules of charges for items of station and supplemental equipment. California and USITA both assert that it would be impracticable to base separate charges on the proportionate use of the equipment in interstate and intrastate communication services. Generally, A.T. & T. also takes this view although it concludes that separate schedules are practicable under a method that will be discussed more fully below. It is asserted by A.T. & T. and by California that interstate charges based on the interstate usage in each State may have to be different in each State, resulting in nonuniform rates for the one service on file with this Commission. Or, if the interstate schedule contained a nationally uniform rate based on the nationwide average of percentage of interstate usage, then the varying percentage of intrastate usage within each State would result in total charges to the subscriber which may be above or below the total revenue requirement depending upon the percentage of intrastate usage for the States.

4. California, GT&E, and USITA also state that confusion and delay would result because conflicts of substantive and procedural nature between State regulatory authorities and this Commission would arise in attempting to resolve the inherent complex rate issues. It is pointed out that intrastate rate increases in California do not become effective without approval of the California Commission. It is urged that the likelihood of securing concurrent initial and continuing approval of the various jurisdictions would be remote. USITA also states that it would not be "feasible to have a single flat charge filed in both the intrastate and the interstate tariff." After stating that separate interstate and intrastate charges for items of station and supplemental equipment would not be practicable if based on proportionate interstate-intrastate usage, A.T. & T. states that it would be practicable to file in the interstate tariff the monthly charge for basic TWX service, including "basic station equipment," and to file in the intrastate tariffs charges for supplemental equipment including station equipment "other than the basic stations." It argues that the existing practice for TWX service, wherein only a basic monthly fixed charge appears in the interstate tariff and all equipment charges are filed in intrastate tariffs, tends to justify the filing methods urged above.

5. A.T. & T.'s suggestion of filing charges in the interstate tariff for "basic equipment" and of filing charges in the intrastate tariffs for all other station equipment does not meet the question under consideration. Since all of the items involved may be used interchangeably for both interstate and intrastate service, the filing of some in an interstate tariff and some in the States' tariffs does not resolve the jurisdictional question. The question under consideration concerns whether, for a given item of equipment, it is practicable to have separate charges listed in both the intrastate and interstate tariffs.

6. It is clear from this summary of the comments and statements filed in response to our order referred to above that the parties which have responded do not consider it practicable to establish separate interstate and intrastate schedules of charges for items of station and supplemental equipment used in connection with interstate teletypewriter exchange service. We agree with this conclusion.

7. With regard to the second issue, the position of California is that this Commission has jurisdiction by virtue of sections 2(b)(1) and 221(b) of the Communications Act of 1934 over only TWX interstate connection (message) charges. It argues that charges for equipment used in intrastate communications must be filed with the State authorities; and an interstate tariff covering intrastate services would not be lawful. California's reliance on section 221(b) is based on an assumption that TWX is a "telephone exchange service" exempted thereby from the jurisdiction of this Commission. Thus, California argues that only interstate connection (mes-

sage) charges are to be filed in the interstate tariff.

8. GT&E's position on question two is that, to the extent items of station and supplemental equipment are used for intrastate service, rates and charges applicable thereto are beyond the scope of the jurisdiction of this Commission by virtue of section 2(b)(1) of the Communications Act of 1934, and that there is nothing in that act which would relieve carriers from continuing the present situation of filing rates for such equipment for intrastate service with State authorities. Thus, GT&E concludes that it would seem appropriate for the schedule of charges for such equipment to be filed with appropriate State authorities. Under GT&E's position charges for all items of TWX station equipment would be filed in intrastate tariffs.

9. USITA's position on the second question is that charges for equipment used interchangeably between interstate and intrastate service should be filed in intrastate tariffs. USITA urges that the reasons justifying the filing of telephone terminal equipment in intrastate tariffs applies with equal force in the TWX service. USITA argues that the only station equipment charges which should be filed in the interstate tariff are the charges for equipment used exclusively in interstate service.

10. A.T. & T. apparently recognizes that this Commission has jurisdiction over schedules of charges for station equipment used interchangeably in interstate communication service and intrastate communication service. But A.T. & T. argues that the Commission has the authority to forbear to exercise its jurisdiction over supplemental equipment used in both interstate and intrastate communications. A.T. & T. finds this authority to forbear to exercise jurisdiction in the phrase "unless otherwise provided by or under authority of this Act" in section 203(c) of the Communications Act of 1934. A.T. & T. argues that the current TWX tariff arrangement, whereby a basic monthly charge appears in the interstate tariff and all other equipment charges are filed in intrastate tariffs, amounts to such forbearance. A.T. & T. also points to the Commission's decision not to regulate interstate use of automatic telephone answering devices in connection with toll telephone service, Jordaphone Corporation of America v. American Telephone and Telegraph Company, FCC 54–594 (Dockets 9383 and 9701, May 7, 1954).

11. Western Union's position is that "the entire schedule of charges should be filed with this Commission in accordance with the provisions of section 203 of the Communications Act of 1934." Western Union argues that the jurisdiction of the Commission does not turn on whether or not it is practicable to establish separate interstate and intrastate schedules, and that it would be error for the Commission not to exercise the jurisdiction conferred on it by the act. Western Union argues further that TWX is essentially and predominately an interstate service and that the equipment in question is used in the provision of that service.

12. The provisions of the Communications Act of 1934 "apply to all interstate and foreign communications by wire or radio * * *" (47 U.S.C. sec. 2(a)), with exemptions. "Communication" as defined in the act includes "all instrumentalities, facilities, apparatus, and services * * * incidental to * * *" the transmission of communications (47 U.S.C. secs. 3(a) and 3(b)). The act also provides that a common carrier shall file with this Commission "schedules showing all charges for itself and its connecting carriers for interstate and foreign wire or radio communication * * * and showing the classifications, practices, and regulations affecting such charges," (47 U.S.C. sec. 203(a)) and that no carrier "shall engage or participate in such communication unless schedules have been filed and published in accordance with the provisions of this Act * * * and no carrier shall * * * extend to any person any privileges or facilities, in such communications, * * * except as specified in such schedule." (47 U.S.C. sec. 203(c).)

13. It is clear to the Commission that charges for teletypewriter station and supplemental equipment are charges for and in connection with wire or radio communications. The Commission has jurisdiction under the Communications Act of 1934 to regulate charges for all interstate and foreign communication service, with certain exceptions not applicable here. We conclude that charges for station and supplemental equipment collected for and in connection with use of interstate teletypewriter exchange communication service are charges over which this Commission has regulatory jurisdiction under the Act and for which schedules of charges must be filed with this Commission pursuant to 47 U.S.C. section 203.

14. This Commission has previously held that it has jurisdiction over facilities which are used for and in connection with interstate and foreign communications even though not used exclusively in interstate and foreign communications. In Use of Recording Devices, 11 FCC 1033 (1947), the carrier argued that "the jurisdiction of the Commission to make an order regulating the use of recorders is limited to use in connection with facilities which are exclusively interstate." 11 FCC 1033 at 1046. The Commission, however, rejected this argument, stating:

> * * * the Commission is of the opinion that it clearly has jurisdiction to act with respect to the matter of the use of recording devices in connection with interstate and foreign message toll telephone service. The foregoing argument of the [carrier] has obvious fallacies: It ignores entirely the basic grant of jurisdiction to this Commission over interstate and foreign communication by wire or radio (see Communications Act, secs. 1 and 2(a)), and it pays no heed to the facts of operation of telephone recording devices. 11 FCC at 1047.

We there noted that the recording devices could be switched on and off permitting nonuse of the device during intrastate communication when desirable. But TWX service, just as toll telephone service,

> * * * necessarily involves all the facilities, charges, classifications, practices, services, and regulations used in the rendition of the service, and regulation of such service must be able to deal with all or any matters so involved if it is to be effective. This is clearly the purport of the comprehensive common carrier provision of the Communications Act. See Matter of Hotel Surcharges, (10 FCC 252 (1943)); Ambassador, Inc. v. United States, 325 U.S. 317, [footnote omitted]. 11 FCC 1033 at 1047.

15. The question of the Commission's jurisdiction over charges for communication facilities and services used interchangeably for both interstate and intrastate communications was also presented in relation to telephone answering devices in Jordaphone Corporation of America v. American Telephone and Telegraph Company, FCC 54–594 (Dockets 9383 and 9701, May 7, 1954). In the Jordaphone case, the contention was there made that, because tariff regulations prohibiting the use of customer-owned automatic answering devices affected intrastate and exchange telephone service, the Commission was without jurisdiction to entertain a complaint alleging the unreasonableness of such regulations. This contention was rejected by the Commission as follows:

> We also reject the contention of the defendant telephone companies that this Commission does not have jurisdiction to entertain the complaints. The defendant telephone companies operate extensive nationwide telephone facilities and maintain more than 35,000,000 telephones interconnected through more than 8,000 central offices and handle approximately 140,000,000 calls per day. During 1950, approximately 98.8 percent of all telephone messages transmitted over the facilities of the Bell System Companies were exchange and intrastate calls and approximately 1.2 percent were interstate or foreign toll message calls. Despite the fact that the individual telephone installation is used more extensively for intrastate telephone communications than for interstate and foreign toll telephone service, it is clear that this Commission, pursuant to sections 1 and 2(a) of the Communications Act of 1934, as amended (47 U.S.C. 151, 152(a)), has jurisdiction insofar as the 1.2 percent interstate and foreign toll message calls are concerned. This 1.2 percent amounted to some 500,000,000 telephone calls in 1950 (para. 3 of Conclusions).

Thus the Commission exercised its jurisdiction over the tariff regulations insofar as they applied to interstate service by finding them to be unlawful and by requiring the carriers to file revised regulations permitting the interstate use of such devices where permitted by local or State authorities. The tariff provision filed pursuant to our prescription states:

> The [general foreign attachments provision] may not be interpreted to preclude the installation and use in connection with facilities furnished by this Company of automatic telephone answering devices not furnished by this Company in any community or state in which the use of such devices is authorized by the appropriate local regulatory agency or State commission.

It is clear, therefore, that the Jordaphone case is not a precedent for forbearance by the Commission in the exercise of its jurisdiction, as is contended by A.T. & T. Rather, the Jordaphone case supports our conclusions that section 203 of the Act requires the carrier to file with the Commission its schedule of charges for station and supplemental equipment used for and in connection with interstate teletypewriter exchange change service.

16. The items of station and supplemental equipment in question are offered by the carrier for use for and in connection with interstate teletypewriter communication service. What services and facilities the carrier will offer for use for and in connection with its interstate teletypewriter exchange service must be governed by a reasonable schedule of charges initiated by the carrier. Cf. Ambassador, Inc. v. United States, 325 U.S. 317, 326 (1945). We conclude that the statute requires that the carrier file with this Commission its schedule of charges for whatever services and facilities, including station and supplemental equipment, the carrier offers for use for and in connection with its interstate teletypewriter exchange service.

17. Such a conclusion is supported by the decision of the Supreme Court of the United States that the Interstate Commerce Commission has power to authorize abandonment for both interstate and intrastate traffic of a railroad branch line lying wholly within one State. In Colorado v. United States, 271 U.S. 153 (1926), suit was brought by Colorado to enjoin and set aside in part an order of the Interstate Commerce Commission certifying that present and future convenience and necessity permitted the abandonment by a carrier of a branch line located wholly within Colorado. On appeal from a dismissal of the suit, the Supreme Court affirmed. In rejecting the contention of the State that the Commission lacked power to authorize the abandonment, as affecting intrastate traffic, a part of the line wholly within Colorado, the Court concluded:

> The exercise of Federal power in authorizing abandonment is not an invasion of a field reserved to the State * * *. Because the same instrumentality serves both [interstate and intrastate commerce], Congress has power to assume not only some control, but paramount control, insofar as interstate commerce is involved * * *. 271 U.S. 153 at 165.

The Court found that this power had been conferred on that Commission by the Interstate Commerce Act, section 1, para. 18–20, as amended by the Transportation Act of 1920, section 402, pursuant to which the certificate had been issued. The carrier here, like the railroad in that case, undertakes—

> to engage in both intrastate and interstate commerce. The same instrumentality serves both. The two services are inextricably intertwined. The extent and manner in which one is performed necessarily affects the performance of the other * * *. 271 U.S. at 164.

To the extent the carrier provides station equipment for use in connection with both interstate and intrastate communication the Commission has authority to regulate the charges for interstate use of those facilities in order to insure lawful performance of the interstate service.

18. The objections to filing schedules of charges for station and supplemental equipment with this Commission rest heavily upon section 2(b)(1) of the Communications Act of 1934. Section 2(b)(1) provides:

> Subject to the provisions of section 301, nothing in this Act shall be construed to apply or to give the Commission jurisdiction with respect to (1) charges, classifications, practices, services, facilities, or regulations for or in connection with intrastate communications service by wire or radio of any carrier * * *.

It is argued that, since the regulation of intrastate communications does not rest in the jurisdiction of this Commission, the Commission may not, or ought not, regulate facilities used in interstate communication service which are also used in intrastate service. We find nothing in section 2(b)(1) which imposes any limitation upon our full authority over interstate communication service. For us to conclude that, because the facilities or instrumentalities are used in intrastate as well as in interstate communications service, we do not have jurisdiction, or that we should not exercise it, would leave a substantial portion of the interstate communication service unregulated. We do not believe the Congress so intended. See Use of Recording Devices, 11 FCC, 1033, 1048 (1947). See also, Hush-A-Phone Corp. v. American Telephone and Telegraph Co. FCC 55–1242 (Docket 9189, Dec. 23, 1955), order set aside and remanded on other grounds, Hush-A-Phone Corp. v. United States, 238 F. 2d 266 (D.C. Cir. 1956).

19. A.T. & T. argues that the phrase "unless otherwise provided by or under authority of this Act" in section 203(c) gives the Commission authority to forbear to exercise jurisdiction and to permit A.T. & T. to file its schedule of charges for items of station and supplemental equipment only with State authorities. Section 203(c) begins with an all inclusive "No carrier * * *." The phrase A.T. & T. relies upon modifies that beginning, for instance, in order to allow carriers the exemptions provided by section 221(b) concerning interstate telephone exchange services. These exemptions do not relieve a carrier from the general requirement imposed by section 203 to file schedules of charges for interstate communications services, nor do they permit the Commission to grant exception to that general requirement. In Jordaphone, supra, the Commission did not relieve the carrier of its duty to file a schedule of charges or the regulations applicable thereto for interstate service, but rather the Commission ordered A.T. & T. to modify the interstate tariffs on file to conform to the Commission's conclusion that the general foreign attachments provision should not be construed by the company to prevent the use of telephone answering devices where permitted by local and State regulatory authorities. See also A.T. & T. and Western Union Private Line Cases, 34 FCC 244, 363–368 (1961). Moreover, even if we were not bound by the statutory requirement, sound regulatory policy requires that charges for a service such as TWX, which is so predominantly interstate in its use, should be contained in tariffs on file with this Commission.

20. The Commission rejects California's contention that TWX service is a "telephone exchange service." Section 3(r) of the Act defines "telephone exchange service" as:

> * * * service within a telephone exchange, or within a connected system of telephone exchanges within the same exchange area operated to furnish to subscribers intercommunicating service of the character ordinarily furnished by a single exchange and which is covered by the exchange service charge.

Teletypewriter exchange service does not come within the above definition. The interstate TWX service with which we are concerned here is not covered by an "exchange service charge" within the meaning of that section. And further, the fact that TWX service, in some aspects, makes use of exchange facilities in common with telephone exchange service does not convert TWX service into telephone exchange service. Further, we cannot agree with USITA's argument that the reasons justifying the filing of message toll telephone terminal equipment charges in intrastate tariffs applies with equal force to the TWX service. Substantial material differences exist between the tariff rate structure applicable to interstate message toll telephone service and the service in question here. The principal difference is that the interstate tariff for message toll telephone service provides that the toll service charge specified in the tariff includes payment for all service furnished between the calling and called telephones which includes the interstate use of all station or terminal equipment. In the case of TWX, to the contrary, the per message charges do not purport to cover the charges to the user for the interstate use of the station equipment, which is a separate chargeable unit of interstate service.

21. In summary it appears that on the basis of statements and comments presented herein by the parties, it is not practicable to establish separate interstate and intrastate schedules of charges for items of station and supplemental equipment used in furnishing teletypewriter exchange service. Further, we conclude that A.T. & T. and its concurring carriers are required by section 203 of the Act to file with this Commission a schedule of charges for items of station and supplemental equipment used in connection with interstate teletypewriter exchange service and that the revised schedule of charges for teletypewriter exchange service which have been filed here by A.T. & T. purport to contain all such charges. Therefore, we conclude that the inquiry into new issues in this proceeding initiated by FCC 65–66, 30 F.R. 1955, may be terminated, and that no further proceedings are required in regard to the statements and comments submitted by the parties.

22. It should be stated that our conclusions on the requirement of filing a schedule of charges with this Commission does not purport to touch upon the other regulatory questions regarding the lawfulness of the charges, classifications, practices, regulations, etc., contained in such schedule. Whatever questions may exist concerning the lawfulness of the proposed rates for equipment used in connection with interstate TWX serv-

ice may properly be handled at public hearings as a part of the investigation of A.T. & T.'s TWX rates initiated by our order of March 19, 1963, FCC 63-261, 28 F.R. 2873.

Accordingly, it is ordered, That there shall be no further proceedings regarding the issues initiated by the Commission's order FCC 65-66, 30 F.R. 1955, and the proceeding instituted by such order is terminated and closed, without affecting in any manner the proceeding in Docket 15011 as it existed prior to such order.

Adopted: May 12, 1965.

Released: May 14, 1965.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 65-5323; Filed, May 19, 1965; 8:49 a.m.]

[Docket Nos. 15877, 15878; FCC 65M-613]

SMILES OF VIRGINIA, INC., AND PETERSBURG BROADCASTING CO., INC.

Order Continuing Prehearing Conference

In re applications of Smiles of Virginia, Inc., Petersburg, Va., Docket No. 15877, File No. BPH-4641; Petersburg Broadcasting Co., Inc., Petersburg, Va., Docket No. 15878, File No. BPH-4700; for construction permits.

The Chief Hearing Examiner having under consideration a petition in behalf of Smiles of Virginia, Inc., filed May 13, 1965, for continuance of the prehearing conference in the above-entitled proceeding which heretofore was scheduled for May 25, 1965;

It appearing, that the petition is supported by a showing of good and sufficient cause and is not opposed by any of the parties to the proceeding;

It is ordered, This 14th day of May 1965, that the petition is granted; and that the prehearing conference scheduled to be held May 25, 1965, in the above-entitled proceeding is continued to July 14, 1965.

Released: May 14, 1965.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 65-5324; Filed, May 19, 1965; 8:49 a.m.]

FEDERAL MARITIME COMMISSION

AMERICAN EXPORT ISBRANDTSEN LINES, INC., AND FIRST ATOMIC SHIP TRANSPORT, INC.

Notice of Agreement Filed for Approval

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1321 H Street NW., Room 301; or may inspect agreements at the offices of the District Managers, New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments with reference to an agreement including a request for hearing, if desired, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C., 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the comments should indicate that this has been done.

Notice of agreement filed for approval by:

Mr. James N. Jacobi, Kurrus and Jacobi, 2000 K Street NW., Washington, D.C., 20006.

Agreement 9451, between American Export Isbrandtsen Lines, Inc. (AEIL), and First Atomic Ship Transport Inc. (FAST), a wholly owned subsidiary of AEIL covers an arrangement for the integration of the vessel NS "Savannah," chartered to FAST by U.S. Department of Commerce (Maritime Administration), in the commercial freighter liner operations of AEIL in its U.S. North Atlantic/United Kingdom, Continental Europe and Mediterranean services. FAST will be in charge of the operation and navigation of the vessel, and AEIL will act as General Agents for the vessel under terms and conditions set forth in the agreement.

Dated: May 17, 1965.

By the Federal Maritime Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 65-5312; Filed, May 19, 1965; 8:48 a.m.]

INDEPENDENT OCEAN FREIGHT FORWARDER APPLICATIONS

Notice of Revision

Notice is hereby given of changes in the following applications for independent ocean freight forwarder licenses filed pursuant to section 44, Shipping Act, 1916 (75 Stat. 522 and 46 U.S.C. 841(b)).

GRANDFATHER APPLICANTS

Mr. Jenario Emilio Gonsales-Colon, Box 10526, Caparra Heights, San Juan, P.R.; application No. 166, cancelled April 26, 1965.

Central Shipping Co., David Swed, d.b.a., 575 Riverdale Avenue, Brooklyn, N.Y.; application No. 584, withdrawn May 26, 1965.

Wm. V. Cady, 17 Battery Place, New York, N.Y.; application No. 256, cancelled April 7, 1965.

NONGRANDFATHER APPLICANT

Marjes Forwarding Corp., 300 Maspeth Avenue, Brooklyn, N.Y.; application, withdrawn April 26, 1965.

Notice is hereby given of changes in the following independent ocean freight forwarder licenses issued pursuant to section 44, Shipping Act, 1916 (75 Stat. 522 and 46 U.S.C. 841(b)).

Intercon Forwarding, Inc., 82 Beaver Street, New York, N.Y.; License No. 984, cancelled April 20, 1965.

Notice is hereby given that the following applicants have filed with the Federal Maritime Commission, applications for licenses as independent ocean freight forwarders, pursuant to section 44(a) of the Shipping Act, 1916 (75 Stat. 522 and 46 U.S.C. 841(b)).

Persons knowing of any reason why any of the following applicants should not receive a license are requested to communicate with the Director, Bureau of Domestic Regulation, Federal Maritime Commission, Washington, D.C., 20573. Protests received within 60 days from the date of publication of this notice in the FEDERAL REGISTER will be considered.

International Traffic & Trade Specialists, Inc., 85 Hillside Avenue, New Rochelle, N.Y.; Anthony G. Guiliano, president; Barbara A. Guiliano, secretary and treasurer.

Norman R. Wittkamp, d.b.a., Shipco, 1300 Texas, Post Office Box 60459, Houston, Tex.; Norman R. Wittkamp, owner.

Florida-Panama Forwarders, Inc., 844 Biscayne Boulevard, Miami, Fla.; Mario Saens, president and director; Gustavo Saens, vice president and director; Nelly E. Fresnedo, secretary and director.

International Export Packers, Inc., 5908 Seminary Road, Bailey's Crossroads, Va.; Jack Kagan, president; Melvin A. Kuit, vice president; C. M. Tremback, secretary and treasurer.

CHANGE OF OFFICERS

Erskine Freight Forwarding Co., 24 State Street, New York, N.Y.; Mr. Edward L. O'Reilly, president.

J. B. Michels, Inc., Post Office Box 53150, Houston, Tex.; R. A. Chapman, president; Byron K. Wilson, vice president.

Notice is hereby given of the change of addresses and names of the following Licensed Independent Ocean Freight Forwarders.

ADDRESS CHANGE

Horizon Forwarders, Inc., 36 Pearl Street, New York, N.Y.; License No. 106.

Federal Storage and Forwarding Co., 1701 Florida Avenue NW., Washington, D.C.; License No. 548.

Carson M. Simon & Co., Carson Maynard Simon, d.b.a., 209-211 Chestnut Street, Philadelphia, Pa.; License No. 502.

CHANGE OF NAME

Poseidon Freight Forwarders to Hector Illescas, d.b.a., Poseidon Freight Forwarders, 25 California Street, San Francisco, Calif.

W. J. Browning to W. J. Browning, Inc., Roysters Building, Norfolk, Va.

Dated: May 17, 1965.

THOMAS LISI,
Secretary.

[F.R. Doc. 65-5313; Filed, May 19, 1965; 8:48 a.m.]

GENERAL SERVICES ADMINISTRATION

STANDING INTERAGENCY COMMITTEES CHAIRED BY GENERAL SERVICES ADMINISTRATION

Establishment or Extension During Fiscal Years 1964 and 1965

Bureau of the Budget Circular No. A-63 of March 2, 1964, requires that notice of the establishment or extension of standing interagency committees be published in the FEDERAL REGISTER "in order to facilitate convenient and permanent reference by Federal agencies, unless this would be inconsistent with law or regulations, or where such publication would not be in the national interest." In compliance with this requirement the following information is provided relating to standing interagency committees chaired by the General Services Administration.

A. Standing committees established during fiscal year 1964:

Interdepartmental Disposal Subcommittee of the Interdepartmental Disposal Committee, Office of Emergency Planning.

B. Standing committees extended beyond June 30, 1964:

Administrative Committee of the Federal Register.
Federal Fire Council.
Interagency Advisory Committee on Disposal of Natural Rubber.
Interagency Advisory Committee on Security Equipment.
Interagency Committee for the Review of Federal Supply Schedules.
Interagency Procurement Policy Committee.
Interagency Transportation and Traffic Management Committee.
Interagency Utilities Committee.
National Archives Trust Fund Board.
National Historical Publications Commission.

C. Standing committees abolished during fiscal year 1965:

General Services Advisory Council.

D. Standing committees extended beyond June 30, 1965:

Region 2, Wax Testing Committee.

Dated: May 12, 1965.

LAWSON B. KNOTT, Jr.,
Acting Administrator of General Services.

[F.R. Doc. 65-5309; Filed, May 19, 1965; 8:48 a.m.]

HOUSING AND HOME FINANCE AGENCY

Office of the Administrator

HHFA REGIONAL ADMINISTRATOR, REGION III (ATLANTA)

Delegation of Authority With Respect to Urban Planning Grant Program—Project No. Ind. P-28, Within Portion of Louisville Metropolitan Area in Indiana

The Regional Administrator of the Housing and Home Finance Agency, Region III (Atlanta), is hereby authorized to administer the provisions of section 701 of the Housing Act of 1954, as amended (40 U.S.C. 461), with respect to Project No. Ind. P-28 within that portion of the Louisville metropolitan area which is in Indiana.

The delegation with respect to the urban planning grant program, republished October 14, 1960 (25 F.R. 9874), as amended, as it applies to the HHFA Regional Administrator, Region III (Atlanta) and Region IV (Chicago), is modified accordingly.

(62 Stat. 1283 (1948), as amended by 64 Stat. 80 (1950), 12 U.S.C. 1701c)

Effective as of the 14th day of May 1965.

[SEAL] ROBERT C. WEAVER,
Housing and Home Finance Administrator.

[F.R. Doc. 65-5314; Filed, May 19, 1965; 8:48 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 1-3421]

CONTINENTAL VENDING MACHINE CORP.

Order Suspending Trading in Securities

MAY 14, 1965.

The common stock, 10 cents par value, of Continental Vending Machine Corp., being listed and registered on the American Stock Exchange and having unlisted trading privileges on the Philadelphia-Baltimore-Washington Stock Exchange, and the 6 percent convertible subordinated debentures due September 1, 1976, being listed and registered on the American Stock Exchange, pursuant to provisions of the Securities Exchange Act of 1934; and

It appearing to the Securities and Exchange Commission that the summary suspension of trading in such securities on such exchanges and otherwise than on a national securities exchange is required in the public interest and for the protection of investors.

It is ordered, Pursuant to sections 15(c)(5) and 19(a)(4) of the Securities Exchange Act of 1934, that trading in such securities on the American Stock Exchange, the Philadelphia-Baltimore-Washington Stock Exchange and otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period May 17, 1965, through May 26, 1965, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 65-5287; Filed, May 19, 1965; 8:47 a.m.]

[File No. 70-4211]

GENERAL PUBLIC UTILITIES CORP.

Notice of Proposed One-Year Extension of Authorization To Issue Notes to Banks

MAY 14, 1965.

Notice is hereby given that General Public Utilities Corp. ("GPU"), 80 Pine Street, New York 5, N.Y., a registered holding company, has filed with this Commission a post-effective amendment to its declaration in this matter pursuant to sections 6(a) and 7 of the Public Utility Holding Company Act of 1935 ("Act"). All interested persons are referred to the declaration, as previously amended and as now amended, on file at the office of the Commission, for a statement of the transaction therein proposed which is summarized as follows:

On June 5, 1964, the Commission entered an order, pursuant to sections 6(a) and 7 of the Act, authorizing GPU to issue and sell to banks, from time to time not later than June 30, 1965, promissory notes maturing in ten months from the dates of issue, bearing interest at the prime rate for commercial borrowing in New York City at the issue dates, and in an aggregate principal amount not in excess of $20,000,000 to be outstanding at any one time (Holding Company Act Release No. 15082). In said post-effective amendment GPU states that, for the reasons noted below, only $11,000,000 principal amount of such notes had been issued and were outstanding at the date of the post-effective amendment; and requests that the authority to issue the original amount of $20,000,000 notes be extended for 1 year, to June 30, 1966, on the same terms and to the same banks, and for the same purposes, as heretofore authorized in the order of June 5, 1964.

It is further stated that at the time of the original declaration, it was contemplated that the proceeds from the sale of the notes would be used by GPU principally to make additional investments and capital contributions to its subsidiary companies, and that GPU would pay the notes out of proceeds to be derived from the sale of additional shares of its common stock in 1965. One of GPU's subsidiary companies, Jersey Central Power & Light Co. ("JCP&L"), has since arranged to sell part of its interest in two generating stations to a nonaffiliate pursuant to declarations filed with the Commission (File Nos. 70-4243 and 70-4252), of which one is pending and the other has been authorized by order of the Commission dated May 10, 1965 (Holding Company Act Release No. 15237). GPU states that this has resulted in a substantial reduction in JCP&L's capital requirements for 1965, and, in turn makes it unnecessary and inadvisable for GPU to issue and sell additional shares of its common stock in 1965. Accordingly, GPU anticipates that all notes issued pursuant to the extension of authority requested in its post-effective amendment will be paid from the proceeds of a common stock financing by GPU in 1966.

Notice is further given that any interested person may, not later than June 7, 1965, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said amended declaration which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C., 20549. A copy of such request should be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon the declarant at the above-stated

address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed contemporaneously with the request. At any time after said date, the declaration, as amended by said post-effective amendment, may be granted as provided in rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in rules 20(a) and 100 thereof or take such other action as it may deem appropriate.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 65-5286; Filed, May 19, 1965; 8:47 a.m.]

[File No. 70-4277]

PUBLIC SERVICE CO. OF OKLAHOMA

Notice of Proposed Issuance and Sale of Notes to Banks

MAY 14, 1965.

Notice is hereby given that Public Service Co. of Oklahoma ("Public Service"), 600 South Main Street, Tulsa, Okla., 74102, an electric utility subsidiary company of Central and South West Corp., a registered holding company, has filed a declaration with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating sections 6 and 7 thereof as applicable to the proposed transactions. All interested persons are referred to the declaration, on file at the office of the Commission, for a statement of the transactions therein proposed which are summarized below.

Public Service proposes to issue and sell, from time to time commencing in June 1965 and in varying amounts as funds are required for construction purposes, its unsecured promissory notes to banks in an aggregate face amount not exceeding $20,000,000. The banks and their respective commitments are as follows:

The First National Bank of Chicago, Chicago, Ill.	$6,500,000
Bankers Trust Co., New York, N.Y.	5,000,000
Harris Trust & Savings Bank, Chicago, Ill.	3,200,000
The First National Bank & Trust Co. of Tulsa, Tulsa, Okla.	2,900,000
National Bank of Tulsa, Tulsa, Okla.	2,000,000
First National Bank in Bartlesville, Bartlesville, Okla.	400,000
Total	$20,000,000

The notes are to be dated as of the date of issuance, are to mature on a date not more than 12 months from the date of the first borrowing, and are to bear interest at the prime rate (currently 4½ percent per annum) in effect at The First National Bank of Chicago on the date of each borrowing. The notes may be prepaid in whole at any time or in part from time to time without premium or penalty. Public Service proposes to use the proceeds from the sale of the proposed notes to finance partially its construction expenditures which are estimated at $23,220,000 in 1965 and $32,100,000 in 1966. The company will apply the net proceeds from any permanent financing effected prior to the maturity of the proposed notes in reduction of, or in total payment of, such notes outstanding, and the remaining amount, if any, which may be borrowed pursuant to this authorization shall be reduced by the amount, if any, by which such proceeds exceed the amount of such outstanding notes.

The filing states that expenses to be incurred in connection with the proposed transactions are estimated at $400, and that $1,000 represents a reasonable allocation of counsel's annual retainer with respect to the services rendered in this matter. It is further stated that no State or Federal commission, other than this Commission, has jurisdiction over the proposed issuance of notes.

Notice is further given that any interested person may, not later than June 8, 1965, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said declaration which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C., 20549. A copy of such request should be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon the declarant at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed contemporaneously with the request. At any time after said date, the declaration, as filed or as it may be amended, may be permitted to become effective as provided in rule 23 of the general rules and regulations promulgated under the Act or the Commission may grant exemption from such rules as provided in rules 20(a) and 100 thereof or take such other action as it may deem appropriate.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 65-5280; Filed, May 19, 1965; 8:47 a.m.]

SMALL BUSINESS ADMINISTRATION

[Declaration of Disaster Area 526]

MINNESOTA

Declaration of Disaster Area

Whereas, it has been reported that during the month of May 1965, because of the effects of certain disasters, damage resulted to residences and business property located in the State of Minnesota;

Whereas, the Small Business Administration has investigated and has received other reports of investigations of conditions in the areas affected;

Whereas, after reading and evaluating reports of such conditions, I find that the conditions in such areas constitute a catastrophe within the purview of the Small Business Act, as amended.

Now, therefore, as Executive Administrator of the Small Business Administration, I hereby determine that:

1. Applications for disaster loans under the provisions of section 7(b)(1) of the Small Business Act, as amended, may be received and considered by the Offices below indicated from persons or firms whose property, situated in the aforesaid State and areas adjacent thereto, suffered damage or destruction resulting from tornadoes and accompanying conditions occurring on or about May 6 and 7, 1965.

OFFICE

Small Business Administration Regional Office, 609 Second Avenue South, Minneapolis, Minn., 55402.

2. Temporary offices will be established as are necessary, addresses to be announced locally.

3. Applications for disaster loans under the authority of this Declaration will not be accepted subsequent to November 30, 1965.

Dated: May 7, 1965.

ROSS D. DAVIS, *Executive Administrator.*

[F.R. Doc. 65-5276; Filed, May 19, 1965; 8:45 a.m.]

[Declaration of Disaster Area 528]

MISSOURI

Declaration of Disaster Area

Whereas, it has been reported that during the month of April 1965, because of the effects of certain disasters, damage resulted to residences and business property located in the State of Missouri;

Whereas, the Small Business Administration has investigated and has received other reports of investigations of conditions in the areas affected;

Whereas, after reading and evaluating reports of such conditions, I find that the conditions in such areas constitute a catastrophe within the purview of the Small Business Act, as amended.

Now, therefore, as Executive Administrator of the Small Business Administration, I hereby determine that:

1. Applications for disaster loans under the provisions of section 7(b)(1) of the Small Business Act, as amended, may be received and considered by the Offices below indicated from persons or firms whose property, situated in the aforesaid State and areas adjacent thereto, suffered damage or destruction resulting from floods and accompanying conditions occurring on or about April 6, 1965.

OFFICE

Small Business Administration Regional Office, 1520 Market Street, St. Louis, Mo., 63103.

2. Temporary offices will be established at Hannibal, Missouri, and such other areas as are necessary, addresses to be announced locally.

3. Applications for disaster loans under the authority of this Declaration will not be accepted subsequent to November 30, 1965.

Dated: May 10, 1965.

L. B. HENDRICKS, *Acting Executive Administrator.*

[F.R. Doc. 65-5277; Filed, May 19, 1965; 8:45 a.m.]

[Declaration of Disaster Area 527]

NEBRASKA

Declaration of Disaster Area

Whereas, it has been reported that during the month of May 1965, because of the effects of certain disasters, damage resulted to residences and business property located in Boone County in the State of Nebraska;

Whereas, the Small Business Administration has investigated and has received other reports of investigations of conditions in the area affected;

Whereas, after reading and evaluating reports of such conditions, I find that the conditions in such area constitute a catastrophe within the purview of the Small Business Act, as amended.

Now, therefore, as Executive Administrator of the Small Business Administration, I hereby determine that:

1. Applications for disaster loans under the provisions of section 7(b)(1) of the Small Business Act, as amended, may be received and considered by the Offices below indicated from persons or firms whose property, situated in the aforesaid County and areas adjacent thereto, suffered damage or destruction resulting from tornado and accompanying conditions occurring on or about May 8, 1965.

OFFICE

Small Business Administration Regional Office, 215 North 17th Street, Omaha, Nebr., 68102.

2. A temporary office will be established at Primrose, Nebraska, address to be announced locally.

3. Applications for disaster loans under the authority of this Declaration will not be accepted subsequent to November 30, 1965.

Dated: May 11, 1965.

L. B. HENDRICKS, *Acting Executive Administrator.*

[F.R. Doc. 65-5278; Filed, May 19, 1965; 8:45 a.m.]

[Delegation of Authority 30, Madison Regional Office, Disaster 1-65]

MANAGER, DISASTER FIELD OFFICE, LA CROSSE, WIS.

Delegation Relating to Financial Assistance Functions

I. Pursuant to the authority delegated to the Regional Director by Delegation of Authority No. 30 (Madison, Wis.), 30 F.R. 3252, there is hereby redelegated to the Manager of La Cross, Wis., Disaster Field Office the following authority.

A. *Financial assistance.* 1. To approve and decline disaster loans in an amount not exceeding $20,000.00.

2. To execute loan authorizations for Washington and Regional Office approved loans and for disaster loans approved under delegated authority, said execution to read as follows:

(*Name*), *Administrator,*
By ----------
HAROLD F. STEVENS, *Manager, Disaster Field Office.*

3. To cancel, reinstate, modify and amend authorization for disaster loans approved under delegated authority.

4. To disburse unsecured disaster loans.

5. To extend the disbursement period on disaster loan authorizations or undisbursed portions of disaster loans.

II. The authority delegated herein may not be redelegated.

III. All authority delegated herein may be exercised by any SBA employee designated as Acting Manager of the disaster field office.

Effective date. May 3, 1965.

LAWRENCE J. HAYES, *Regional Director, Madison, Wis.*

[F.R. Doc. 65-5279; Filed, May 19, 1965; 8:45 a.m.]

[Delegation of Authority 30, Madison Regional Office, Disaster 2-65]

MANAGER, DISASTER FIELD OFFICE, PRAIRIE DU CHIEN, WIS.

Delegation Relating to Financial Assistance Functions

I. Pursuant to the authority delegated to the Regional Director by Delegation of Authority No. 30 (Madison, Wis.), 30 F.R. 3252, there is hereby redelegated to the Manager of Prairie du Chien, Wisconsin Disaster Field Office the following authority.

A. *Financial assistance.* 1. To approve and decline disaster loans in an amount not exceeding $20,000.00.

2. To execute loan authorizations for Washington and Regional Office approved loans and for disaster loans approved under delegated authority, said execution to read as follows:

(*Name*), *Administrator,*
By ----------
JAMES D. GIBSON, *Manager, Disaster Field Office.*

3. To cancel, reinstate, modify and amend authorization for disaster loans approved under delegated authority.

4. To disburse unsecured disaster loans.

5. To extend the disbursement period on disaster loan authorizations or undisbursed portions of disaster loans.

II. The authority delegated herein may not be redelegated.

III. All authority delegated herein may be exercised by any SBA employee designated as Acting Manager of the disaster field office.

Effective date. May 11, 1965.

LAWRENCE J. HAYES, *Regional Director, Madison, Wis.*

[F.R. Doc. 65-5280; Filed, May 19, 1965; 8:46 a.m.]

TARIFF COMMISSION

SAFETY PINS

Report to the President

MAY 17, 1965.

The Tariff Commission today released a report in which it informs the President of its judgment of the probable economic effect of the reduction or termination of the increase in duty on safety pins that was imposed in 1957 under the escape-clause procedure. The Commissioners held divergent views on the impact of reduced duty rates on the safety pin industry.

Commissioners Dorfman, Fenn, and Culliton state in the report that "restoration of the trade-agreement rate of duty would tend to place a ceiling on domestic prices and would have a slightly negative impact on domestic production." They indicate that there probably would be no serious effects on either overall corporate profits or employment. The major corporations engaged in the production of safety pins have great flexibility in product mix and in their use of personnel because of the wide range of products they manufacture, and they could be expected to make the necessary adjustments gradually and successfully.

Commissioners Talbot and Sutton state that "a reduction or termination of the increase in duty on safety pins would probably result in a decline at least of selected import prices, a resultant increase in imports, depressed profits, and a decline in domestic production accompanied by commensurate unemployment."

The report concludes an investigation (No. TEA-IA-6) instituted by the Commission, upon request of the President, under section 351(d)(2) of the Trade Expansion Act of 1962. Under that act, the Commission's advice is to be taken into account by the President before he determines whether or not to reduce or terminate an increase in duty imposed under the escape-clause procedure. A reduction in duty on safety pins from 35 percent to 22½ percent ad valorem was made in 1948 pursuant to a concession granted by the United States in the General Agreement on Tariffs and Trade. The preconcession rate of 35 percent was restored in 1957 under the escape-clause provisions of the Trade Agreements Extension Act of 1951.

Certain portions of the report to the President may not be made public since they contain information that would reveal the operations of individual concerns. The Commission, therefore, is releasing the report to the public with those portions omitted.

Copies of the public report (the release of which was authorized by the President) are available upon request as long as the limited supply lasts. Address requests to the Secretary, U.S. Tariff Commission, Eighth and E Streets NW., Washington, D.C., 20436.

By direction of the Commission.

[SEAL] DONN N. BENT, *Secretary.*

[F.R. Doc. 65-5310; Filed, May 19, 1965; 8:48 a.m.]

INTERSTATE COMMERCE COMMISSION

[Notice 765]

MOTOR CARRIER APPLICATIONS AND CERTAIN OTHER PROCEEDINGS

MAY 14, 1965.

The following publications are governed by the new Special Rule 1.247 of the Commission's rules of practice, published in the FEDERAL REGISTER, issue of December 3, 1963, which became effective January 1, 1964.

APPLICATIONS ASSIGNED FOR ORAL HEARING

MOTOR CARRIERS OF PROPERTY

No. MC 64932 (Sub-No. 374), filed May 10, 1965. Applicant: ROGERS CARTAGE CO., a corporation, 1439 West 103d Street, Chicago, Ill. Applicant's attorney: David Axelrod, 39 South La Salle, Chicago, Ill., 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals*, dry, in bulk, in tank and hopper-type vehicles, from points in Mason County, W. Va., to points in United States, excluding Alaska and Hawaii.

HEARING: June 7, 1965, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Theodore M. Tahan.

No. MC 110698 (Sub-No. 301) (REPUBLICATION), filed April 7, 1965, published FEDERAL REGISTER issue April 28, 1965, and republished this issue. Applicant: RYDER TANK LINE, INC., Post Office Box 8418, Greensboro, N.C. Applicant's attorney: Francis W. McInerny, 1000 16th Street NW., Washington, D.C., 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry chemicals*, in bulk, from points in Mason County, W. Va., to points in the United States (except Alaska and Hawaii).

NOTE: Common control may be involved. The purpose of this republication is to show hearing information as set forth below.

HEARING: June 7, 1965, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Theodore M. Tahan.

No. MC 113678 (Sub-No. 134), filed April 22, 1965. Applicant: CURTIS, INC., 770 East 51st Avenue, Denver, Colo., 80216. Applicant's attorney: Duane W. Acklie, Post Office Box 2028, Lincoln, Nebr. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Baby foods and baby supplies*, from the plant site of Gerber Products Co., located at Fort Smith, Ark., to points in New Mexico and Colorado.

HEARING: June 1, 1965, in the Greer Room No. 2, Hilton Hotel, 125 Second Avenue, Albuquerque, N. Mex., before Examiner William R. Tyers.

No. MC 113828 (Sub-No. 82) (REPUBLICATION), filed April 7, 1965, published FEDERAL REGISTER issue April 28, 1965, and republished this issue. Applicant: O'BOYLE TANK LINES, INCORPORATED, 4848 Cordell Avenue, Washington 14, D.C. Applicant's attorney: William P. Sullivan, 1825 Jefferson Place NW., Washington, D.C., 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry chemicals*, in bulk, from points in Mason County, W. Va., to points in Delaware, Maryland, New Jersey, North Carolina, Pennsylvania, South Carolina, Virginia, and the District of Columbia.

NOTE: The purpose of this republication is to show hearing information set forth below.

HEARING: June 7, 1965, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Theodore M. Tahan.

No. MC 119097 (Sub-No. 3), filed August 22, 1963. Applicant: JOHNNY'S AUTO & TRUCK TOWING, INC., 1122 Sweitzer Street, Akron, Ohio. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Motor and other highway vehicles designed for general highway transportation, which are wrecked, disabled, abandoned, repossessed, stolen, or embezzled*, with or without cargo, by wrecker equipment only, and *dollies* where said vehicles are in such condition that the vehicles cannot be towed; also *replacement vehicles and equipment* from wrecked or disabled vehicles, by wrecker service only, between points in Cuyahoga, Medina, Portage, Stark, Summit, and Wayne Counties, Ohio, on the one hand, and on the other, points in New York, New Jersey, Maryland, and the District of Columbia.

HEARING: June 18, 1965, at the New Post Office Building, 85 Marconi Boulevard, Columbus, Ohio, before Examiner William J. O'Brien, Jr.

No. MC 124125 (Sub-No. 3), filed May 10, 1965. Applicant: A & P EQUIPMENT & SUPPLY CORP., Morton Boulevard, Kingston, N.Y. Applicant's representative: Charles H. Trayford, 220 East 42d Street, New York 17, N.Y. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Precast or prestressed concrete products*, from the plant site of Spancrete Northeast, Inc., at or near South Bethlehem, N.Y., to points in Connecticut, Maine, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, and Vermont.

HEARING: May 26, 1965, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner James Anton.

No. MC 50069 (Sub-No. 307) (REPUBLICATION), filed November 2, 1964, published FEDERAL REGISTER, issue of November 25, 1964, and republished this issue after order of Commission. Applicant: REFINERS TRANSPORT & TERMINAL CORPORATION, Chicago, Ill. By application filed November 2, 1964, as amended, applicant seeks a certificate of public convenience and necessity authorizing operation, in interstate or foreign commerce, as a common carrier by motor vehicle, over irregular routes, of phosphates, in bulk, in compartmented vehicles, from the plant site of the Monsanto Co., at or near Trenton, Mich., to Akron, Ohio, limited to shipments of two or more types of phosphates. An order, Operating Rights Board No. 1, dated April 28, 1965, served May 6, 1965, finds that the present and future public convenience and necessity require operation by applicant, in interstate or foreign commerce as a *common carrier* by motor vehicle, over irregular routes, of *sodium tripoly phosphate* and *tetra sodium pyro phosphate*, in bulk, from the plant site of the Monsanto Co., located at Trenton, Mich., to Akron, Ohio; that because it is possible that other parties may have an interest in and would be prejudiced by the lack of proper notice of the authority described in the findings in this order, a notice of the authority actually granted will be published in the FEDERAL REGISTER and issuance of a certificate in this proceeding will be withheld for a period of 30 days from the date of such publication, during which period any proper party in interest may file an appropriate protest or other pleading.

No. MC 117344 (Sub-No. 130) (THE MAXWELL CO.—EXTENSION-CHERRIES IN BRINE) (REPUBLICATION), filed June 25, 1964, published FEDERAL REGISTER, issues of July 8, 1964, and April 14, 1965, and republished this issue. Applicant: THE MAXWELL CO., Cincinnati, Ohio. Notice: On March 24, 1965, the above-entitled proceeding was reopened for further proceedings solely for the purpose of determining whether the transportation, in interstate or foreign commerce, of cherries, in brine, is exempt from economic regulation by the Commission under the provisions of section 203(b)(6) of the Interstate Commerce Act, as amended. Interested persons were invited to present their views through appropriate pleadings to be filed prior to May 17, 1965. At the request of interested persons, including E. J. Brach & Sons, the time for filing such pleadings is extended to June 15, 1965.

No. MC 126586 (Sub-No. 1) (REPUBLICATION), filed December 16, 1964, published FEDERAL REGISTER, issue of January 13, 1965, and republished after order of Commission. Applicant: WILLIAM J. SCHROEDER, doing business as WILLIAM J. SCHROEDER TRANSFER, New Orleans, La. By application filed December 16, 1964, applicant seeks a permit authorizing operations, in interstate or foreign commerce, as a contract carrier by motor vehicle of meats, meat products, meat byproducts, and dairy products, as defined in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, 766, in vehicles equipped with temperature control devices, for the account of John Morrell & Co., in pool car shipments having a prior rail movement, (1) from New Orleans, La., to Venice, La., over Louisiana Highway 23, serving all intermediate points, (2) from New Orleans to Des Allemands, La., over U.S. Highway 90, serving all intermediate points, and (3) from New Orleans to Barataria and Lafitte, La., over Louisiana Highway 45, serving all intermediate points, and returned shipments of the above-described commodities in (1), (2), and (3) above, on return.

An order, Operating Rights Board No. 1, dated April 23, 1965, served April 29, 1965, finds that operation by applicant, in interstate or foreign commerce, as a contract carrier by motor vehicle, over irregular routes, of meats, meat products, meat byproducts and dairy products, as described in sections A and B of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, 766, in vehicles equipped with mechanical refrigeration, from New Orleans, La., to points in Jefferson, Plaquemines, and St. Charles Counties, La., restricted to the transportation of shipments having an immediately prior movement by rail, under a continuing contract with John Morrell & Co., of Sioux Falls, S. Dak., will be consistent with the public interest and the national transportation policy; and that because it is possible that other parties, who have relied upon the notice of the application as published, may have an interest in and would be prejudiced by the lack of proper notice of the authority described in the findings in this order, a notice of the authority actually granted will be published in the FEDERAL REGISTER and issuance of a permit in this proceeding will be withheld for a period of 30 days from the date of such publication, during which period any proper party in interest may file an appropriate protest or other pleading.

NOTICE OF FILING OF PETITIONS

No. MC 113436 (PETITION FOR MODIFICATION OF CERTIFICATE BY DELETION OF THE PHRASES, "IN INITIAL MOVEMENTS", "IN SECONDARY MOVEMENTS", AND "IN TRUCKAWAY SERVICE", INSOFAR AS THE TRANSPORTATION OF "BODIES" AND "CABS" IS INVOLVED), filed May 5, 1965. Petitioner: AUTOMOBILE CARRIERS, INC., 3401 North Dort Highway, Flint, Mich. Petitioner's attorneys: James W. Wrape and Louis I. Dailey, 2111 Sterick Building, Memphis, Tenn. Petitioner states that it transports automobiles, trucks, chassis, parts thereof, automobile show displays, bodies, and cabs, in initial and secondary movements, in truckaway service, and that Sheet 1 of its Certificate No. MC 113436, issued November 16, 1964, it holds authority as follows: New automobiles, new trucks, new bodies, new cabs, new chassis, and parts thereof, restricted to initial movements, in truckaway service, from Flint, Mich., to Lincoln, Nebr., and points in Alabama, Illinois, Georgia, Indiana, Iowa, Michigan, Missouri, Tennessee, Ohio, Wisconsin, and Kentucky, except that parts thereof of the above-specified commodities may not be transported to points in Alabama, Georgia, and Tennessee, and to points in Kentucky other than those on the Ohio River, with no transportation for compensation on return except as otherwise authorized. In line with the decision of Division 1 in the *Matson, Inc., Case, supra*, this portion of the certificate should be changed to read: New automobiles, new trucks, new chassis, and parts thereof, in truckaway service, and new bodies and new cabs. The same procedure can easily be followed with respect to the remaining portion of the certificate having to do with the handling of similar commodities in secondary movements: Automobiles, trucks, chassis, and parts thereof, new, used, unfinished, and/or wrecked, automobile show displays, restricted to secondary movements, in truckaway service, and bodies and cabs, with the territorial portion remaining unchanged. By the instant petition, petitioner requests the Commission to modify and reissue its certificate so that the effect will be that the restrictive expressions, "in initial movements", "in secondary movements", and "in truckaway service" shall not apply to the transportation of "bodies" and "cabs" as authorized in said certificate. Any person or persons desiring to participate in this proceeding, may, within 30 days from the date of this publication, file an appropriate pleading, consisting of an original and six copies each.

No. MC 115162 (Sub-No. 8), and No. MC 115162 (Sub-No. 16) (PETITION TO MODIFY OR AMEND CERTIFICATES), filed May 3, 1965. Petitioner: WALTER POOLE, doing business as POOLE TRUCK LINE, Evergreen, Ala. Petitioner's representative: Robert E. Tate, 2031 Ninth Avenue, South, Birmingham, Ala. Petitioner is authorized in No. MC 115162 (Sub-No. 8), to transport: New furniture, uncrated, as described in Appendix II to the report in *Descriptions in Motor Carrier Certificates*, 61 MCC 209, from Frisco City, Ala., to points in Arkansas, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maryland, Michigan, Minnesota, Mississippi, Missouri, Nebraska, New Mexico, New York, North Carolina, Oklahoma, North Dakota, Ohio, Pennsylvania, South Carolina, Tennessee, Texas, West Virginia, Wisconsin, and Virginia, with no transportation for compensation on return except as otherwise authorized. In Docket No. MC-115162 (Sub-No. 16), petitioner is authorized to transport: New furniture, uncrated, as described in Appendix II to the report in *Descriptions in Motor Carrier Certificates*, 61 MCC 209, from Frisco City, Ala., to points in Arizona, California, Colorado, Connecticut, Delaware, Idaho, Maine, Massachusetts, Montana, Nevada, New Hampshire, New Jersey, Oregon, Rhode Island, South Dakota, Utah, Vermont, Washington, Wyoming, and the District of Columbia, with no transportation for compensation on return except as otherwise authorized. Petitioner has been requested by this same shipper to apply for or to have its certificates amended and modified so that this shipper could ship *crated* new furniture along with or in separate straight truckloads from Frisco City, Ala., to the same destination territory. By the instant petition, petitioner requests that the commodity description and the origin point and the destinations remain the same and requesting that the terminology "uncrated" be removed from its Certificates, or the terminology "crated or uncrated" be added. Any person or persons desiring to participate in this proceeding, may, within 30 days from the date of this publication in the FEDERAL REGISTER, file an appropriate pleading, consisting of an original and six copies each.

No. MC 124944 (PETITION TO MODIFY PERMIT), filed May 3, 1965. Petitioner: ROBERT DIBBLE, Kingston, Mich. Petitioner's attorney: William B. Elmer, 1800 Buhl Building, Detroit, Mich. Petitioner states that it operates as a *contract carrier* by motor vehicle, transporting *pickles, sauerkraut* and *peppers*, from Bridgeport, Mich., to points in Illinois, Indiana, Kentucky, Ohio, points in Iowa on and east of U.S. Highway 63, points in New York on and west of U.S. Highway 11, points in Pennsylvania on and west of U.S. Highway 219, points in West Virginia on and west of U.S. Highway 119, Roanoke and Salem, Va., and Atlanta, Ga., limited to a transportation service to be performed under a continuing contract or contracts with Crown Foods, Inc., of Bridgeport, Mich. By the instant petition, petitioner states that on or about March 29, 1965, Crown Foods, Inc., became merged with and a part of Vlasic Food Products Co. of Detroit, Mich. Petitioner requests that an order be issued modifying its permit and authorising it to engage in the same operations for Vlasic Food Products Co. that it is now authorized to perform for Crown Foods, Inc. Any person or persons desiring to participate in this proceeding, may, within 30 days from the date of this publication in the FEDERAL REGISTER, file an appropriate pleading, consisting of an original and six copies each.

APPLICATIONS UNDER SECTIONS 5 AND 210a(b)

The following applications are governed by the Interstate Commerce Commission's Special Rules governing notice of filing of applications by motor carriers of property or passengers under sections 5(a) and 210a(b) of the Interstate Commerce Act and certain other proceedings with respect thereto (49 CFR 1.240).

MOTOR CARRIERS OF PROPERTY

No. MC-F-9110. Authority sought for purchase by NATIONAL TRAILER CONVOY, INC., 1925 National Plaza, Tulsa, Okla., 74151, of the operating rights of FLAGSTAFF TRAILER SALES, INC., Post Office Box 2546, Flagstaff, Ariz., and for acquisition by LEASE PLAN INTERNATIONAL CORP., 9 Chelsea Place, Great Neck, Long Island, N.Y., of control of such rights through the purchase. Applicants' attorney and representative: R. Y. Schureman, 1010 Wilshire Boulevard, Los Angeles, Calif., 90017, and Richard K. Mangum, Post Office Box 10, Flagstaff, Ariz. Operating rights sought to be transferred: *Buildings*, assembled, partially assembled, or unassembled, as a *common carrier* over irregular routes, between points in Arizona, California, Nevada, New Mexico, and Utah. RESTRICTION: The authority granted herein is restricted against the transportation of trailers or mobile homes designated to be drawn by passenger automobiles and oilfield and industrial buildings. Vendee is authorized to operate as a *common carrier* in all States in the United States (except Hawaii), and the District of Columbia. Applica-

tion has not been filed for temporary authority under section 210a(b).

No. MC–F–9111. Authority sought for purchase by BRUCE CARTAGE, INCORPORATED, 3460 East Washington Road, Saginaw, Mich., of the operating rights of EDWIN P. BREEN, doing business as BREEN'S DELIVERY SERVICE, 411–13 Schribner Street NW., Grand Rapids, Mich., and for acquisition by CHARLES D. BRUCE, JR., also of Saginaw, Mich., of control of such rights through the purchase. Applicants' attorney: William D. Parsley, 117 West Allegan Street, Lansing, Mich., 48933. Operating rights sought to be transferred: In pending Docket No. MC–98154 Sub-2, seeking a certificate of registration, covering the transportation of property, as a common carrier, in intrastate commerce, within the State of Michigan. Vendee holds no authority from this Commission. However, its controlling stockholder, CHARLES D. BRUCE, JR., does business as BRUCE CARTAGE COMPANY, 3460 East Washington Road, Saginaw, Mich., which is authorized to operate as a *common carrier* in the State of Michigan. Application has not been filed for temporary authority under section 210a(b).

No. MC–F–9112. Authority sought for purchase by MOTOR FREIGHT EXPRESS, Arsenal Road and Toronita Street, York, Pa., of the operating rights and property of CLEVELAND-PITTSBURGH FREIGHT LINE, INC., 3515 Lakeside Avenue, Cleveland, Ohio, and for acquisition by MERCHANTS TERMINAL CORPORATION, 501 North Kresson Street, Baltimore, Md., and in turn by HOFFBERGER FOUNDATION, INC., 215 North Calvert Street, Baltimore, Md., of control of such rights and property through the purchase. Applicants' attorneys: Robert H. Griswold, Post Office Box 432, Harrisburg, Pa., 17108, and Nowell F. George, 44 East Broad Street, Columbus, Ohio, 43215. Operating rights sought to be transferred: *General commodities*, excepting, among others, household goods and commodities in bulk, as a *common carrier* over regular routes, between Cleveland, Ohio, and Pittsburgh, Pa., serving certain intermediate and off-route points, between Cleveland, Ohio, and junction U.S. Highway 21 and Ohio Highway 18, serving all intermediate points and the off-route point of West Richfield, Ohio. RESTRICTION: The service authorized herein shall be restricted solely to the interchange of traffic, at terminals of connecting line motor carriers; three alternate routes for operating convenience only; *general commodities*, with exceptions as specified above, over irregular routes, between the above terminal and intermediate and off-route points in Ohio, on the one hand, and, on the other, certain points in Pennsylvania and West Virginia, between points in Cuyahoga County, Ohio. Vendee is authorized to operate as a *common carrier* in New York, Delaware, Pennsylvania, New Jersey, Maryland, Virginia, and the District of Columbia. Application has not been filed for temporary authority under section 210a(b).

No. MC–F–9113. Authority sought for control by HIRSCHBACH MOTOR LINES, INC., 3324 U.S. Highway 75 North, Sioux City, Iowa, of BEAR MOUNTAIN MOTOR EXPRESS, INC., 200 Pearl Street, Sioux City, Iowa, and for acquisition by RAYMOND C. HIRSCHBACH, also of 3324 U.S. Highway 75 North, Sioux City, Iowa, of control of BEAR MOUNTAIN MOTOR EXPRESS, INC., through the acquisition by HIRSCHBACH MOTOR LINES, INC. Applicants' attorney: Donald E. Leonard, Box 2028, Lincoln, Nebr. Operating rights sought to be controlled: *Bananas*, as a *common carrier*, over irregular routes, from New Orleans, La., to Lincoln, Hastings, and Omaha, Nebr., Casper, Wyo., and Rapid City, S. Dak. RESTRICTION: The above-described service to Omaha, Nebr., is restricted to the plant site of Pacific-Gamble-Robinson Co.; from Gulfport, Miss., to points in Iowa, Kansas, Minnesota, Missouri, Nebraska, South Dakota, and Wyoming, from New Orleans, La., to Scottsbluff, McCook, and Holdrege, Nebr., and Topeka and Salina, Kans., from Mobile, Ala., to Topeka and Salina, Kans., Lincoln, Hastings, Omaha, Scottsbluff, McCook, and Holdrege, Nebr., Rapid City, S. Dak., Salt Lake City, Utah, and Casper, Wyo. RESTRICTION: Service to Omaha, Nebr., is limited to the plant site at the Pacific-Gamble-Robinson Co. HIRSCHBACH MOTOR LINES, INC., is authorized to operate as a *common carrier* in Kansas, Missouri, Arkansas, Tennessee, Mississippi, Louisiana, Nebraska, Minnesota, North Dakota, South Dakota, Oklahoma, Iowa, Alabama, Illinois, Montana, Texas, Arizona, California, Florida, Nevada, New Mexico, Oregon, and Washington. Application has been filed for temporary authority under section 210a(b).

No. MC–F–9114. Authority sought for purchase by RINGLE EXPRESS, INC., 405 South Grant Avenue, Fowler, Ind., of a portion of the operating rights of CONTRACT CARRIERS, INC., 2425 Walton Street, Anderson, Ind., and for acquisition by ROBERT L. McGRIFF, Route 1, Box 335, Moline, Ill., of control of such rights through the purchase. Applicants' attorney: Robert C. Smith, 512 Illinois Building, Indianapolis, Ind., 46204. Operating rights sought to be transferred: *Wire, bale ties, nails, staples, steel fence and steel fence materials, pipe, sheet steel, steel ridge rolls*, and *steel rods*, as a *common carrier*, over irregular routes, from Kokomo, Ind., to points in Illinois; *iron or steel bars, iron or steel bars, reinforcement*, with or without accompanying bar chairs, bar spacers, bar ties, bar supports, clips screed chairs, stirrups, tie chairs or bar chairs and spacers combined, *iron or steel cloth or fabric*, and *iron or steel mesh, bar or wire, concrete or plaster reinforcement*, from Kokomo, Ind., to points in Illinois (except Chicago Heights and points in Chicago, Ill., commercial zone as defined by the Commission); and *iron and steel articles*, from Kokomo, Ind., to points in Kentucky. Vendee is authorized to operate as a *common carrier* in all States in the United States (except Alaska and Hawaii), and the District of Columbia. Application has not been filed for temporary authority under section 210a(b).

No. MC–F–9115. Authority sought for control by THOMAS W. DORAN, 296 Connecticut Street, Buffalo, N.Y., 14213, of BUFFALO CONSOLIDATED CARTAGE, INC., 296 Connecticut Street, Buffalo, N.Y., 14213. Applicant's attorney: Clarence E. Rhoney, 94 Oakwood Avenue, North Tonawanda, N.Y. Operating rights sought to be controlled: In pending Docket No. MC–98730 Sub 1 seeking a certificate of registration, covering the transportation of general commodities, as a common carrier, in intrastate commerce, within the State of New York. THOMAS W. DORAN holds no authority from this Commission. Application has not been filed for temporary authority under section 210a(b).

NOTE: See also MC–F–9116, published this same issue, which is interrelated.

No. MC–F–9116. Authority sought for control by THOMAS J. C. DORAN, Exchange and Hamburg Streets, Buffalo, N.Y., of INDUSTRIAL TRUCK LINES, INC., Exchange and Hamburg Streets, Buffalo, N.Y. Applicants' attorney: Clarence E. Rhoney, 94 Oakwood Avenue, North Tonawanda, N.Y. Operating rights sought to be controlled: In pending Docket No. MC–97877 Sub 1, seeking a certificate of registration, covering the transportation of general commodities, as a common carrier, in intrastate commerce, within the State of New York. THOMAS J. C. DORAN holds no authority from this Commission. Application has not been filed for temporary authority under section 210a(b).

NOTE: See also MC–F–9115, published this same issue, which is interrelated.

No. MC–F–9117. Authority sought for purchase by SARTAIN TRUCK LINE, INC., 1354 North Second Street, Memphis 7, Tenn., of a portion of the operating rights of MEADOR'S MOTOR LINES, INC., 141 West Carolina Avenue, Memphis 6, McKellar Station, Tenn., and for acquisition by W. D. SARTAIN, also of 1354 North Second Street, Memphis, Tenn., of control of such rights through the purchase. Applicants' attorney: Edward G. Grogan, Suite 2020, First National Bank Building, Memphis, Tenn. Operating rights sought to be transferred: Under a certificate of registration in Docket No. MC–114391 (Sub-No. 3), covering the transportation of property, as a common carrier, in intrastate commerce, in Certificate No. 585–G, from Memphis, Tenn., to the Tennessee River, with closed doors between Memphis and Bells, Tenn., serving all intermediate points between Bells and the Tennessee River, via Tennessee Highway 1 to Bells, Tenn., Highway 20 to Alamo, Tenn., Highway 54 to Bradford, via Tennessee Highways 43 and 76 to Trezevant or via unnumbered highway between Bradford and Trezevant, via Tennessee Highways 105, 77, and 1 to the Tennessee River with closed doors between Bradford and Trezevant, Tenn.; and Certificate No. 585–J, between Trenton, Tenn. and Bradford, Tenn., over U.S. 45W via Dyer and Rutherford, and an unnumbered State road from Rutherford to Bradford, serving all intermediate points. Vendee is authorized to operate as a *common carrier* in the State of Tennessee. Application has not been filed for temporary authority under section 210a(b).

No. MC–F–9118. Authority sought for purchase by RUSSELL BEVERLEY TRUCKING COMPANY, INCORPORATED, 4923 Old Midlothian Pike, Post Office Box 8811, Richmond, Va., 23225, of the operating rights and property of MORTON SCHNEIDER, doing business as MORTON TRANSFER, Post Office Box 21, Fourth and Maury Streets, Richmond, Va., and for acquisition by RUSSELL S. BEVERLEY, also of Post Office Box 8811, Richmond, Va., of control of such rights and property through the purchase. Applicants' representative: Russell S. Beverley. Operating rights sought to be transferred: *General commodities*, excepting, among others, household goods and commodities in bulk, as a *common carrier*, over irregular routes, between Richmond, Va., and the United States Airport, approximately 4 miles southwest of Richmond, Va., between Richmond, Va., and Ampthill, Va.; in pickup and delivery service, between points in Richmond; serving Ampthill and Richmond Deep Water Terminal, Va., as additional points in connection with the immediately above-described pickup and delivery operation at Richmond, Va.; between Richmond, Va., and the Richmond General Depot, near Ampthill, Va.; *meats, meat products, meat byproducts, and dairy products* as described in Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, in vehicles equipped for mechanical refrigeration, from Richmond, Va., to points in Virginia within 65 miles thereof; *candy* and *confectionary*, in vehicles equipped with mechanical refrigeration, from Richmond, Va., to points in Virginia, within 65 miles of Richmond, Va.; and *foodstuffs*, in vehicles equipped with mechanical refrigeration, from Richmond and Norfolk, Va., to points in North Carolina on and east of U.S. Highway 1. Vendee is authorized to operate as a *common carrier* in Maryland, Virginia, Pennsylvania, North Carolina, South Carolina, New Jersey, New York, Delaware, and the District of Columbia. Application has been filed for temporary authority under section 210a(b).

No. MC–F–9120. Authority sought for purchase by DORN'S TRANSPORTATION, INC., Railroad Avenue Extension, Albany, N.Y., of the operating rights and property of NORTHEASTERN TRANSPORTATION CO., INC., 175 Stafford Street, Springfield, Mass., and for acquisition by FRED DORN, also of Albany, N.Y., of control of such rights and property through the purchase. Applicants' attorney: Irving Klein, 280 Broadway, New York, N.Y., 10007. Operating rights sought to be transferred: Under a certificate of registration, in Docket No. MC–121444 Sub 1, covering the transportation of general commodities, as a common carrier, in intrastate commerce, within the State of Massachusetts. Vendee is authorized to operate as a *common carrier* in New York, Connecticut, Massachusetts, New Jersey, Pennsylvania, Rhode Island, Vermont, Maryland, Delaware, Virginia, and the District of Columbia. Application has been filed for temporary authority under section 210a(b).

NOTE: Docket No. MC–84213 Sub 26 is a matter directly related.

MOTOR CARRIER OF PASSENGERS

No. MC–F–9119. Authority sought for control and merger by LAKE SHORE SYSTEM, INC., 714 East Broad Street, Columbus, Ohio, 43215, of the operating rights and property of (A) THE MUSKINGUM VALLEY TRANSIT COMPANY, doing business as LAKE SHORE SYSTEM, 714 East Broad Street, Columbus, Ohio, 43215, and (B) THE LAKE SHORE COACH COMPANY, doing business as LAKE SHORE SYSTEM, 714 East Broad Street, Columbus, Ohio, 43215, and for acquisition by OHIO RAPID TRANSIT, INC., 714 East Broad Street, Columbus, Ohio, 43215, and in turn by R. S. THOMASSON, 714 East Broad Street, Columbus, Ohio, 43215, of control of such rights and property through the transaction. Applicants' attorney and representative: George C. McConnaughey, Jr., 50 West Broad Street, Columbus, Ohio, and R. S. Thomasson, 714 East Broad Street, Columbus, Ohio. Operating rights sought to be controlled and merged: (A) Passengers and their baggage, and express, newspapers, and mail, in the same vehicle with passengers, as a *common carrier* over regular routes, between Columbus, Ohio, and Zanesville, Ohio, between Columbus, Ohio, and Newark, Ohio, between Zanesville, Ohio, and Marietta, Ohio, between Pittsburgh, Pa., and Columbus, Ohio, between Barnesville, Ohio, and Morristown, Ohio, serving all intermediate points; passengers and their baggage, and express and newspapers, in the same vehicle with passengers, between junction U.S. Highway 40 and Ohio Highway 8, and Barnesville, Ohio, serving all intermediate points.

(2) Passengers and their baggage, and express, newspapers, and mail, in the same vehicle with passengers, as a *common carrier*, over regular routes, between Columbus, Ohio, and Jackson, Ohio, serving all intermediate points and the off-route points of Sugar Grove and Brice, Ohio, between Columbus, Ohio, and Chillicothe, Ohio, between Circleville, Ohio, and junction Ohio Highway 159 and U.S. Highway 23, between South Bloomfield, Ohio, and Circleville, Ohio, between Logan, Ohio, and Pomeroy, Ohio, between Basil, Ohio, and Buckeye Lake, Ohio, between junction U.S. Highway 23 and South Bloomfield-Reynoldsburg Road, and junction Little Walnut Road and U.S. Highway 23, between junction U.S. Highway 23 and Miller Road, and junction Miller Road and Circleville-Kingston Road, between Circleville, Ohio, and junction County Highway and U.S. Highway 22 (at a point north of Stoutsville, Ohio), between junction U.S. Highway 33 and Ohio Highway 796, north of Rockbridge, Ohio, and junction U.S. Highway 33 and Ohio Highway 796, south of Rockbridge, Ohio, between junction old U.S. Highway 33 and new U.S. Highway 33, located approximately 1.5 miles north of Canal Winchester, Ohio, and junction new U.S. Highway 33 and old U.S. Highway 33 located just south of Carroll, Ohio, serving all intermediate points. LAKE SHORE SYSTEM, INC. holds no authority from this Commission. Application has not been filed for temporary authority under section 210a(b).

By the Commission.

[SEAL] BERTHA F. ARMES, *Acting Secretary.*

[F.R. Doc. 65–5264; Filed, May 19, 1965; 8:45 a.m.]

FOURTH SECTION APPLICATIONS FOR RELIEF

MAY 17, 1965.

Protests to the granting of an application must be prepared in accordance with Rule 1.40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 39775—*Liquid caustic soda from LeMoyne, Ala.* Filed by O. W. South, Jr., agent (No. A4687), for interested rail carriers. Rates on liquid caustic soda, in tank carloads, from LeMoyne, Ala., to Kingsport, Tenn.

Grounds for relief—Market competition.

Tariff—Supplement 187 to Southern Freight Association, agent, tariff I.C.C. S–194.

FSA No. 39776—*Substituted service—D&S, et al., for Pilot Freight Carriers, Inc.* Filed by Southern Motor Carriers Rate Conference, agent (No. 112), for interested carriers. Rates on property loaded in trailers and transported on railroad freight cars, between Durham, Fayetteville, Hamlet, Raleigh, and Rocky Mount, N.C., and Georgetown, S.C., on the one hand, and Baltimore, Md., Norfolk and Richmond, Va., Kearny, N.J., and Philadelphia, Pa., on the other, on traffic originating at or destined to such points or points beyond as described in the application.

Grounds for relief—Motor-truck competition.

Tariff—Supplement 5 to Southern Motor Carriers Rate Conference, agent, tariff MF–I.C.C. 1333.

FSA No. 39777—*Liquid caustic soda to La Grange, Ga.* Filed by Southwestern Freight Bureau, agent (No. B–8725), for interested rail carriers. Rates on liquid caustic soda, in tank carloads, from points in Texas, also Baldwin, Ark., and Lake Charles, La., to La Grange, Ga.

Grounds for relief—Market competition.

Tariffs—Supplements 78, 180, and 76 to Southwestern Freight Bureau, agent, tariffs I.C.C. 4529, 4450, and 4534, respectively.

By the Commission.

[SEAL] BERTHA F. ARMES, *Acting Secretary.*

[F.R. Doc. 65–5302; Filed, May 19, 1965; 8:48 a.m.]

[Notice 1176]

MOTOR CARRIER TRANSFER PROCEEDINGS

MAY 17, 1965.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 179), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC–FC–67208. By order of May 13, 1965, the Transfer Board approved on reconsideration, the transfer to A. C. Miller Trucking Co., Ltd., Rodney, Ontario, Canada, of Permits Nos. MC–115952 and MC–115952 (Sub-No. 1), and Certificate No. MC–124077 (Sub-No. 1), issued February 12, 1957, February 3, 1959, and September 18, 1963, respectively, to A. C. Miller, Rodney, Ontario, Canada, authorizing the transportation as a contract carrier of rough lumber from points in Michigan, except Detroit and points in the Detroit commercial zone, to ports of entry on the United States-Canada boundary line near Detroit and Fort Huron; from specified points in Pennsylvania, Ohio, Indiana, New York, West Virginia, and Louisville, Ky., to ports of entry on the United States-Canada boundary line near Detroit, Port Huron, and Buffalo, restricted to the pickup of shipment originating at points not served by rail; lumber, between ports of entry on the United States-Canada boundary line at or near Detroit and Port Huron, Mich., and Buffalo, N.Y., on the one hand, and, on the other, points in New York, Pennsylvania, Ohio, Indiana, and Louisville, Ky.; from the ports of entry on the United States-Canada boundary line at or near Detroit and Port Huron, Mich., to points in Michigan (except Detroit, Mich., and points in the Detroit, Mich., commercial zone, as defined by the Commission); and as a common carrier of coal, in bulk, in dump vehicles, from points in Elk County, Pa., on and west of U.S. Highway 219, and points in Clarion County, Pa., on and north of U.S. Highway 322, to ports of entry on the United States-Canada boundary line at or near Buffalo, N.Y.; and cement, in bulk, in dump vehicles, from ports of entry on the United States-Canada boundary line at or near Buffalo, N.Y., to Saint Marys, Bradford, Kane, Warren, Tionesta, and Erie, Pa. Miss Wilhelmina Boersma, 2850 Penobscot Building, Detroit, Mich., 48226, attorney for applicants.

No. MC–FC–67671. By order of May 13, 1965, the Transfer Board approved the transfer to Eugene Cramphin, Eaton, N.Y., of the operating rights in Certificate No. MC–2766, issued June 23, 1958, to Mahlon E. Koelow, doing business as Bartlett Motor Express, 411 West Belden Avenue, Syracuse, N.Y., authorizing the transportation, over regular routes, of general commodities, excluding household goods, commodities in bulk, and other specified commodities, between Syracuse, N.Y., and Cazenovia, N.Y.

No. MC–FC–67672. By order of May 13, 1965, the Transfer Board approved the transfer to Grace Lee Corbett, doing business as R. A. Corbett Transport, Lufkin, Tex., of the operating rights in Certificates Nos. MC–105387 (Sub-No. 5), MC–105387 (Sub-No. 18), MC–105387 (Sub-No. 19), and MC–105387 (Sub-No. 22), issued May 25, 1948, January 23, 1950, May 18, 1950, and March 12, 1953, respectively, to R. A. Corbett, doing business as R. A. Corbett Transport, Lufkin, Tex., authorizing the transportation of petroleum products, in bulk, in tank trucks, over irregular routes, from and to specified points in Texas and Louisiana, petroleum products, in bulk, in tank vehicles, over irregular routes, from specified points in Texas to specified points in Arkansas and Louisiana, petroleum products, in bulk, in tank vehicles, over irregular routes, from specified points in Texas to specified points in Texas and Louisiana, and lacquer thinner, in bulk, in tank vehicles, over irregular routes, from Houston, to Shreveport, New Orleans, and Baton Rouge, La., El Dorado, and Hope, Ark., Wichita, Kans., Tulsa, Okla., Kansas City, Mo., Memphis, Tenn., and Birmingham, Ala. Ewell H. Muse, Jr., 415 Perry Brooks Building, Austin, Tex., 78701, attorney for applicants.

No. MC–FC–67734. By order of May 13, 1965, the Transfer Board approved the transfer to Complete Auto Transport, a corporation, Santa Fe Springs, Calif., of Certificate of Registration in No. MC–96915 (Sub-No. 1), issued May 7, 1965, to Nicholas C. Conteas, doing business as California Auto Transport, Santa Fe Springs, Calif., authorizing transportation in interstate or foreign commerce corresponding in scope to the service authorized by Certificate of Public Convenience and Necessity granted in Decision No. 45990, dated July 24, 1951, as amended and transferred in Decision No. 47925, and No. 64662, dated December 18, 1962, issued by the Public Utilities Commission of the State of California. Ivan McWhinney, 639 South Spring Street, Los Angeles, Calif., 90014, attorney for applicants.

No. MC–FC–67791. By order of May 13, 1965, the Transfer Board approved the transfer to Atwood Truck Line, Inc., Fort Morgan, Colo., of Certificates Nos. MC–5267, MC–5267 (Sub-No. 8), MC–5267 (Sub-No. 9), MC–5267 (Sub-No. 11), and MC–5267 (Sub-No. 13), issued July 16, 1954, May 11, 1964, March 10, 1959, April 8, 1960, and December 3, 1959, to William R. Brumfield and Olivet Atwood Brumfield, a partnership, doing business as Atwood Truck Line, Fort Morgan, Colo., over irregular routes, of farm machinery, feed, potatoes, livestock, aggregates, cement, irrigating pipe, machinery, equipment, materials and supplies used in, or in connection with, the installation or construction of irrigating pipe systems, limestone, limestone products, and limestone byproducts, in bulk, cement products, between, from, and to, and between points and areas, in the States of Iowa, Nebraska, Colorado, and Wyoming, varying with the commodities transported. Alvin J. Meiklejohn, Jr., 420 Denver Club Building, Denver, Colo., 80202, attorney for applicants.

No. MC–FC–67809. By order of May 12, 1965, the Transfer Board approved the transfer to Grafton-Milwaukee Transportation Line, Inc., Grafton, Wis., of the certificate in No. MC–85247, issued March 13, 1942, to Fred W. Port, doing business as Grafton-Milwaukee Transportation Line, Grafton, Wis., authorizing the transportation of: General commodities, excluding household goods, commodities in bulk, and other specified commodities, between Grafton, Wis., and Milwaukee, Wis., serving specified intermediate points. Richard C. Bonner, 1211 Bridge Street, Grafton, Wis., attorney for applicants.

[SEAL] BERTHA F. ARMES, *Acting Secretary.*

[F.R. Doc. 65–5303; Filed, May 19, 1965; 8:48 a.m.]

CUMULATIVE LIST OF CFR PARTS AFFECTED—MAY

The following numerical guide is a list of the parts of each title of the Code of Federal Regulations affected by documents published to date during May.

3 CFR

	Page
PROCLAMATIONS:	
1713 (superseded in part by Proc. 3656)	6571
3172 (superseded by Proc. 3655)	6467
3399 (superseded by Proc. 3655)	6467
3655	6467
3656	6571
3657	6835
EXECUTIVE ORDER:	
Apr. 19, 1892 (revoked in part by PLO 3656)	6437
823 (see EO 11220)	6425
10530 (revoked in part by EO 11222)	6469
10784 (superseded by EO 11223)	6635
10845 (superseded by EO 11223)	6635
10939 (revoked by EO 11222)	6469
11071 (superseded in part by EO 11224)	6679
11125 (revoked by EO 11222)	6469
11126 (amended by EO 11221)	6427
11219	6381
11220	6425
11221	6427
11222	6469
11223	6635
11224	6679
PRESIDENTIAL DOCUMENTS OTHER THAN PROCLAMATIONS AND EXECUTIVE ORDERS:	
Memorandum of July 20, 1961 (revoked by EO 11222)	6469
Memorandum of May 2, 1963 (revoked by EO 11222)	6469

4 CFR

	Page
52	6429

5 CFR

	Page
213	6215, 6241, 6337, 6478, 6637, 6765, 6837
332	6337
591	6511

6 CFR

	Page
73	6573

7 CFR

	Page
28	6637
29	6573
51	6711
54	6207
55	6141, 6207
56	6207
58	6637
70	6207
81	6207
210	6207, 6479
301	6243, 6245, 6770
354	6429
362	6857
707	6246
717	6144
719	6511
722	6712
724	6144, 6146, 6207
842	6338
862	6247
903	6248
904	6248
905	6638, 6770
908	6148, 6429, 6681, 6771
909	6430
910	6148, 6430, 6479, 6681, 6712
918	6431, 6858
944	6638
965	6338
970	6479
1002	6639
1138	6573
1421	6338, 6511, 6681
1468	6383
1472	6383
1483	6771
1487	6639
1488	6249
1602	6859
PROPOSED RULES:	
28	6255
31	6350
33	6782
51	6658
70	6395
777	6686
Ch. IX	6355, 6438, 6523
930	6255
993	6782
1008	6659
1040	6163
1042	6163
1097	6534
1102	6534
1108	6534
1138	6538

8 CFR

	Page
214	6479
231	6776
251	6776

9 CFR

	Page
318	6731
PROPOSED RULES:	
201	6360

10 CFR

	Page
30	6575

12 CFR

	Page
12	6160
204	6339
206	6731
561	6517
PROPOSED RULES:	
261	6275
262	6275
563	6544

13 CFR

	Page
121	6778

14 CFR

	Page
39	6150, 6431, 6577, 6839, 6640, 6837
61	6577
71	6150, 6215, 6241, 6384–6387, 6478, 6577–6579, 6640–6642, 6682, 6765, 6838
73	6242, 6387, 6388
75	6150, 6241, 6242, 6432, 6642
77	6713
91	6388
95	6766
97	6151, 6329, 6714, 6839
99	6242
121	6432, 6725
127	6432
PROPOSED RULES:	
39	6188, 6274
67	6188
71	6189, 6225, 6397, 6399, 6400, 6402, 6443, 6588, 6589, 6735, 6736, 6793–6795, 6872.
73	6402, 6444, 6736
75	6443
91	6541
129	6541
399	6650

15 CFR

	Page
201	6748

16 CFR

	Page
PROPOSED RULES:	
303	6275

17 CFR

	Page
240	6642

18 CFR

	Page
157	6518

19 CFR

	Page
10	6149
PROPOSED RULES:	
13	6686

21 CFR

	Page
121	6215, 6339, 6389, 6433, 6477, 6478, 6579, 6643, 6732, 6837.
133	6475
144	6389
PROPOSED RULES:	
8	6490, 6733–6735
121	6588, 6689
141a	6795

25 CFR

	Page
131	6579
PROPOSED RULES:	
1	6438
221	6523

26 CFR

	Page
1	6216, 6340, 6480
170	6769
250	6217
PROPOSED RULES:	
1	6222, 6349, 6486, 6488
31	6222
301	6222

29 CFR

	Page
50	6249
604	6218
606	6218
690	6482
PROPOSED RULES:	
657	6224
697	6225
1501	6397
1502	6397
1503	6397

32 CFR

	Page
163	6161

32 CFR—Continued Page

175 6682
180 6682
516 6341
815 6343
882 6343

33 CFR

80 6433
82 6434
86 6434
95 6434
135 6434
203 6161, 6388
204 6643
205 6644
207 6161, 6644
401 6580

36 CFR

2 6682
7 6561
211 6345
311 6161
502 6482

37 CFR

1 6391, 6644
3 6644

PROPOSED RULES:

2 6687
4 6687

38 CFR

1 6435
2 6392

38 CFR—Continued Page

3 6649
14 6392

39 CFR

4 6436
36 6436
37 6436
43 6436

41 CFR

1–3 6581
5–60 6837
9–1 6483, 6519
9–3 6683
9–4 6519
9–6 6519
9–7 6519
9–8 6585
9–9 6684
9–54 6684
101–5 6684
101–44 6649

42 CFR

PROPOSED RULES:

73 6795

43 CFR

PUBLIC LAND ORDERS:

3638 6585
3655 6392
3656 6437

43 CFR—Continued Page

PUBLIC LAND ORDERS—Continued

3657 6586

45 CFR

130 6393

46 CFR

25 6517
137 6713

47 CFR

0 6250, 6778
1 6778, 6780
2 6219, 6383
15 6250
25 6862
73 6251, 6519, 6520, 6860
83 6778

PROPOSED RULES:

2 6226
15 6541, 6689
73 6274, 6275, 6543, 6590, 6651

49 CFR

1 6485
95 6220
97 6394
141 6162

50 CFR

26 6587
33 6344, 6521, 6587, 6871
60 6149

PROPOSED RULES:

32 6224

FEDERAL REGISTER

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Pages 6899–6933

Agencies in this issue—

Agriculture Department
Alien Property Office
Civil Service Commission
Coast Guard
Commodity Credit Corporation
Consumer and Marketing Service
Education Office
Federal Aviation Agency
Federal Home Loan Bank Board
Federal Maritime Commission
Food and Drug Administration
Immigration and Naturalization Service
Interstate Commerce Commission
Land Management Bureau
Maritime Administration
Public Housing Administration
Securities and Exchange Commission

Detailed list of Contents appears inside.



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Contents

AGRICULTURE DEPARTMENT
See also Commodity Credit Corporation; Consumer and Marketing Service.
Notices
Utah and Wisconsin; designation of areas for emergency loans ... 6927

ALIEN PROPERTY OFFICE
Notices
Wien-Film Gesellschaft m.b.H. et al.; intention to return vested property ... 6926

CIVIL SERVICE COMMISSION
Rules and Regulations
Excepted service:
Housing and Home Finance Agency ... 6903
Interstate Commerce Commission ... 6903

COAST GUARD
Notices
New London Harbor; notice of closing to navigation during launching of USS "James K. Polk" ... 6926

COMMERCE DEPARTMENT
See Maritime Administration.

COMMODITY CREDIT CORPORATION
Rules and Regulations
Cooperative marketing associations; eligibility requirements for price support ... 6907
Dairy products export payment-in-kind program; terms and conditions ... 6910
Livestock feed program; miscellaneous amendments ... 6909

CONSUMER AND MARKETING SERVICE
Rules and Regulations
Plums:
Regulation by grades ... 6903
Regulation by sizes (3 documents) ... 6903–6905
Raisins produced from grapes grown in California; miscellaneous amendments ... 6905
Proposed Rule Making
Grapefruit grown in interior district of Florida; handling ... 6917

EDUCATION OFFICE
Notices
Applications for Federal assistance in construction of noncommercial educational television broadcast facilities; acceptance for filing ... 6928

FEDERAL AVIATION AGENCY
Rules and Regulations
Control zone; alteration ... 6914
Control zone and transition area; designation and alteration ... 6914
Federal airway; designation ... 6915
Jet route; alteration ... 6915
Jet route segments; revocation ... 6915
Transition area; alteration ... 6915
Proposed Rule Making
Clearances and instructions ... 6921
Control zone and transition area; supplemental notice of proposed designation and alteration; correction ... 6922
Federal airways:
Proposed alteration ... 6923
Proposed realignment ... 6923
Federal airways, control zone and transition area; proposed designations and alteration ... 6922
Jet route; proposed designation ... 6924
Transition area:
Proposed designation ... 6924
Proposed redesignation ... 6924

FEDERAL HOME LOAN BANK BOARD
Rules and Regulations
Definitions; scheduled items; correction ... 6915

FEDERAL MARITIME COMMISSION
Notices
Agreements filed for approval:
City of New York and Cunard Steamship, Ltd ... 6929
Far East Conference ... 6929
States Marine Lines Joint Service and American Mail Line, Ltd ... 6929
Transshipment and apportionment agreements from Indonesian ports to U.S. Atlantic and Gulf ports; order of investigation ... 6928

FOOD AND DRUG ADMINISTRATION
Rules and Regulations
Food additives; calcium disodium EDTA ... 6915

HEALTH, EDUCATION, AND WELFARE DEPARTMENT
See Education Office; Food and Drug Administration.

HOUSING AND HOME FINANCE AGENCY
See Public Housing Administration.

IMMIGRATION AND NATURALIZATION SERVICE
Notices
Statement of organization; Field Service Border Patrol Sectors; El Centro, Calif ... 6926

INTERIOR DEPARTMENT
See Land Management Bureau.

INTERSTATE COMMERCE COMMISSION
Notices
Fourth section applications for relief ... 6931
Motor carrier transfer proceedings ... 6931

JUSTICE DEPARTMENT
See Alien Property Office; Immigration and Naturalization Service.

LAND MANAGEMENT BUREAU
Notices
Alaska; termination of proposed withdrawal and reservation of lands ... 6927
Michigan; proposed withdrawal and reservation of land ... 6927

MARITIME ADMINISTRATION
Notices
Moore-McCormack Lines, Inc.; notice of application ... 6927

PUBLIC HOUSING ADMINISTRATION
Notices
Assistant Directors for Management and Assistant Directors Programs; delegations of final authority ... 6929

SECURITIES AND EXCHANGE COMMISSION
Notices
Hearings, etc.:
Boston Safe Deposit and Trust Co ... 6930
Fontana Union Water Co ... 6930

TREASURY DEPARTMENT
See Coast Guard.

List of CFR Parts Affected

(Codification Guide)

The following numerical guide is a list of the parts of each title of the Code of Federal Regulations affected by documents published in today's issue. A cumulative list of parts affected, covering the current month to date, appears at the end of each issue beginning with the second issue of the month.

A cumulative guide is published separately at the end of each month. The guide lists the parts and sections affected by documents published since January 1, 1965, and specifies how they are affected.

5 CFR

213 (2 documents) 6903

7 CFR

917 (4 documents) 6903–6905
989 6905
1425 6907
1475 6909
1485 6910

PROPOSED RULES:

Ch. IX 6917

12 CFR

561 6915

14 CFR

71 (4 documents) 6914, 6915
75 (2 documents) 6915

PROPOSED RULES:

1 6921
71 (6 documents) 6922–6924
75 6924
91 6921

21 CFR

121 6915

Rules and Regulations

Title 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 213—EXCEPTED SERVICE

Interstate Commerce Commission

Section 213.3122 is amended to show that the position of Congressional Liaison Officer is no longer excepted under Schedule A. Effective on publication in the FEDERAL REGISTER, the headnote and paragraph (a) of § 213.3122 are revoked.

(R.S. 1753, sec. 2, 22 Stat. 403, as amended; 5 U.S.C. 631, 633; E.O. 10577, 19 F.R. 7521, 3 CFR, 1954–58 Comp., p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] MARY V. WENZEL,
Executive Assistant to the Commissioners.

[F.R. Doc. 65–5360; Filed, May 20, 1965; 8:49 a.m.]

PART 213—EXCEPTED SERVICE

Housing and Home Finance Agency

Section 213.3344 is amended to show that the positions of Assistant Commissioner (Program Planning) and Assistant Commissioner (Operations and Standards), Community Facilities Administration, are no longer excepted under Schedule C. Effective on publication in the FEDERAL REGISTER, subparagraphs (35) and (36) of paragraph (a) of § 213.3344 are revoked.

(R.S. 1753, sec. 2, 22 Stat. 403, as amended; 5 U.S.C. 631, 633; E.O. 10577, 19 F.R. 7521, 3 CFR, 1954–58 Comp., p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] MARY V. WENZEL,
Executive Assistant to the Commissioners.

[F.R. Doc. 65–5359; Filed, May 20, 1965; 8:49 a.m.]

Title 7—AGRICULTURE

Chapter IX—Consumer and Marketing Service (Marketing Agreements and Orders; Fruits, Vegetables, Tree Nuts), Department of Agriculture

[Plum Order 1]

PART 917—FRESH BARTLETT PEARS, PLUMS, AND ELBERTA PEACHES GROWN IN CALIFORNIA

Regulation by Grades

§ 917.353 Plum Order 1.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and this part (Order No. 917, as amended), regulating the handling of fresh Bartlett pears, plums, and Elberta peaches grown in the State of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations of the Plum Commodity Committee, established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of plums, in the manner herein provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable, unnecessary, and contrary to the public interest to give preliminary notice, engage in public rulemaking procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (5 U.S.C. 1001–1011) in that, as hereinafter set forth, the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective not later than the date hereinafter specified. A reasonable determination as to the supply of, and the demand for, such plums must await the development of the crop thereof, and adequate information thereon was not available to the Plum Commodity Committee until the date hereinafter set forth on which an open meeting was held, after giving due notice thereof, to consider the need for, and the extent of, regulation of shipments of such plums. Interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; shipments of the current crop of such plums are expected to begin on or about the effective date hereof; this section should be applicable to all such shipments in order to effectuate the declared policy of the act; the provisions of this section are identical with the aforesaid recommendation of the committee; and information concerning such provisions and effective time has been disseminated among handlers of such plums; and compliance with the provisions of this section will not require of handlers any preparation therefor which cannot be completed by the effective time hereof. Such committee meeting was held on April 28, 1965.

(b) *Order.* (1) During the period beginning at 12:01 a.m., P.s.t., May 23, 1965, and ending at 12:01, P.s.t., November 1, 1965, no shipper shall ship any lot of packages or containers of any variety of plums unless such plums grade at least U.S. No. 1.

(2) Section 917.143 of the rules and regulations, as amended (§ 917.100 et seq.), sets forth the requirements with respect to the inspection and certification of shipments of fruit covered by this section. Such section also prescribes the conditions which must be met if any shipment is to be made without prior inspection and certification. Notwithstanding that shipments may be made without inspection and certification, each shipper shall comply with all grade and size regulations applicable to the respective shipment.

(3) When used herein, "U.S. No. 1" shall have the same meaning as set forth in the U.S. Standards for Plums and Prunes (§§ 51.1520–1537 of this title), and all other terms shall have the same meaning as when used in the amended marketing agreement and order.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: May 18, 1965.

FLOYD F. HEDLUND,
Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 65–5361; Filed, May 20, 1965; 8:49 a.m.]

[Plum Order 2]

PART 917—FRESH BARTLETT PEARS, PLUMS, AND ELBERTA PEACHES GROWN IN CALIFORNIA

Regulation by Sizes

§ 917.354 Plum Order 2. (Beauty)

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and this part (Order No. 917, as amended), regulating the handling of fresh Bartlett pears, plums, and Elberta peaches grown in the State of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations of the Plum Commodity Committee, established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of plums of the variety hereinafter set forth, and in the manner herein provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable, unnecessary, and contrary to the public interest to give preliminary notice, engage in public rulemaking procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (5 U.S.C. 1001–1011) in that, as hereinafter set forth, the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the

act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective not later than the date hereinafter specified. A reasonable determination as to the supply of, and the demand for, such plums must await the development of the crop thereof, and adequate information thereon was not available to the Plum Commodity Committee until the date hereinafter set forth on which an open meeting was held, after giving due notice thereof, to consider the need for, and the extent of, regulation of shipments of such plums. Interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; shipments of the current crop of such plums are expected to begin on or about the effective date hereof; this section should be applicable to all such shipments in order to effectuate the declared policy of the act; the provisions of this section are identical with the aforesaid recommendation of the committee; information concerning such provisions and effective time has been disseminated among handlers of such plums, and compliance with the provisions of this section will not require of handlers any preparation therefor which cannot be completed by the effective time hereof. Such committee meeting was held on April 28, 1965.

(b) *Order.* (1) During the period beginning at 12:01 a.m., P.s.t., May 23, 1965, and ending at 12:01 a.m., P.s.t., November 1, 1965, no shipper shall ship from any shipping point during any day any package or container of Beauty plums, except to the extent otherwise permitted under this paragraph, unless:

(i) Such plums are of a size that, when packed in a standard basket, they will pack at least a 4 x 5 standard pack; and

(ii) The diameters of the smallest and largest plums in such package or container do not vary more than one-fourth (¼) inch: *Provided*, That a total of not more than five (5) percent, by count, of the plums in the package or container may fail to meet this requirement.

(2) During each day of the aforesaid period, any shipper may ship from any shipping point a quantity of such plums, by number of packages or containers, which are of a size smaller than the size prescribed in subparagraph (1) of this paragraph if said quantity does not exceed one hundred (100) percent of the number of the same type of packages or containers of such plums shipped by such shipper which meet the size requirements of said subparagraph (1) of this paragraph: *Provided*, That all such smaller plums meet the following requirements:

(i) Such plums are of a size that, when packed in a standard basket, they will pack at least a 5 x 5 standard pack; and

(ii) The diameters of the smallest and largest plums in the package or container do not vary more than one-fourth (¼) inch: *Provided*, That a total of not more than five (5) percent, by count, of the plums in the package or container may fail to meet this requirement.

(3) If any shipper, during any day of the aforesaid period, ships from any shipping point less than the maximum allowable quantity of such plums that may be of a size smaller than the size prescribed in subparagraph (1) of this paragraph, the quantity of such undershipment may be shipped by such shipper only from such shipping point.

(4) When used herein, "standard pack" shall have the same meaning as set forth in the revised United States Standards for Plums and Prunes (Fresh) (§§ 51.1520–1537 of this title); "standard basket" shall mean the standard basket set forth in paragraph 1 of section 828.1 of the Agricultural Code of California; "diameter" shall mean the distance through the widest portion of the cross section of a plum at right angles to a line running from the stem to the blossom end; and, except as otherwise specified, all other terms shall have the same meaning as when used in the amended marketing agreement and order.

(5) Section 917.143 of the rules and regulations, as amended (§ 917.100 et seq.), sets forth the requirements with respect to the inspection and certification of shipments of fruit covered by this section. Such section also prescribes the conditions which must be met if any shipment is to be made without prior inspection and certification. Notwithstanding that shipments may be made without inspection and certification, each shipper shall comply with all grade and size regulations applicable to the respective shipment.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: May 18, 1965.

FLOYD F. HEDLUND,
Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 65–5362; Filed, May 20, 1965; 8:49 a.m.]

[Plum Order 3]

PART 917—FRESH BARTLETT PEARS, PLUMS, AND ELBERTA PEACHES GROWN IN CALIFORNIA

Regulation by Sizes

§ 917.355 Plum Order 3. (Burmosa)

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and this part (Order No. 917, as amended), regulating the handling of fresh Bartlett pears, plums, and Elberta peaches grown in the State of California, effective under the applicable provisions of the Agricultural Marketing Agreemnt Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations of the Plum Commodity Committee, established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of plums of the variety hereinafter set forth, and in the manner herein provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable, unnecessary, and contrary to the public interest to give preliminary notice, engage in public rule making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (5 U.S.C. 1001–1011) in that, as hereinafter set forth, the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective not later than the date hereinafter specified. A reasonable determination as to the supply of, and the demand for, such plums must await the development of the crop thereof, and adequate information thereon was not available to the Plum Commodity Committee until the date hereinafter set forth on which an open meeting was held, after giving due notice thereof, to consider the need for, and the extent of, regulation of shipments of such plums. Interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; shipments of the current crop of such plums are expected to begin on or about the effective date hereof; this section should be applicable to all such shipments in order to effectuate the declared policy of the act; the provisions of this section are identical with the aforesaid recommendation of the committee; and information concerning such provisions and effective time has been disseminated among handlers of such plums and compliance with the provisions of this section will not require of handlers any preparation therefor which cannot be completed by the effective time hereof. Such committee meeting was held on April 28, 1965.

(b) *Order.* (1) During the period beginning at 12:01 a.m., P.s.t., May 23, 1965, and ending at 12:01 a.m., P.s.t., November 1, 1965, no shipper shall ship any package or container of Burmosa plums, except to the extent otherwise permitted by this paragraph, unless:

(i) Such plums are of a size that, when packed in a standard basket, they will pack at least a 4 x 4 standard pack; and

(ii) The diameters of the smallest and largest plums in such package or container do not vary more than one-fourth (¼) inch: *Provided*, That a total of not more than five (5) percent, by count, of the plums in the package or container may fail to meet this requirement.

(2) During each day of the aforesaid period, any shipper may ship from any shipping point a quantity of such plums, by number of packages or containers, which are of a size smaller than the size prescribed in subparagraph (1) of this

paragraph if said quantity does not exceed one hundred (100) percent of the number of the same type of packages or containers of plums shipped by such shipper which meet the size requirements of said subparagraph (1) of this paragraph: *Provided*, That all such smaller plums meet the following requirements:

(i) Such plums are of a size that, when packed in a standard basket, they will pack at least a 4 x 5 standard pack; and

(ii) The diameters of the smallest and largest plums in the package or container do not vary more than one-fourth (¼) inch: *Provided*, That a total of not more than five (5) percent, by count, of the plums in the package or container may fail to meet this requirement.

(3) If any shipper, during any day of the aforesaid period, ships from any shipping point less than the maximum allowable quantity of such plums that may be of a size smaller than the size prescribed in subparagraph (1) of this paragraph, the quantity of such undershipment may be shipped by such shipper only from such shipping point.

(4) When used herein, "standard pack" shall have the same meaning as set forth in the revised U.S. Standards for Plums and Prunes (Fresh) (§§ 51.1520–1537 of this title); "standard basket" shall mean the standard basket set forth in paragraph 1 of section 828.1 of the Agricultural Code of California; "diameter" shall mean the distance through the widest portion of the cross section of a plum at right angles to a line running from the stem to the blossom end; and, except as otherwise specified, all other terms shall have the same meaning as when used in the amended marketing agreement and order.

(5) Section 917.143 of the rules and regulations, as amended (§ 917.100 et seq.), sets forth the requirements with respect to the inspection and certification of shipments of fruit covered by this section. Such section also prescribes the conditions which must be met if any shipment is to be made without prior inspection and certification. Notwithstanding that shipments may be made without inspection and certification, each shipper shall comply with all grade and size regulations applicable to the respective shipment.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: May 18, 1965.

FLOYD F. HEDLUND,
Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 65–5363; Filed, May 20, 1965; 8:49 a.m.]

[Plum Order 4]

PART 917—FRESH BARTLETT PEARS, PLUMS, AND ELBERTA PEACHES GROWN IN CALIFORNIA

Regulation by Size

§ 917.356 Plum Order 4. (Santa Rosa)

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and this part (Order No. 917, as amended) regulating the handling of fresh Bartlett pears, plums, and Elberta peaches grown in the State of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations of the Plum Commodity Committee, established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of plums of the variety hereinafter set forth, and in the manner herein provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable, unnecessary, and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (5 U.S.C. 1001–1011) in that, as hereinafter set forth, the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective not later than the date hereinafter specified. A reasonable determination as to the supply of, and the demand for, such plums must await the development of the crop thereof, and adequate information thereon was not available to the Plum Commodity Committee until the date hereinafter set forth on which an open meeting was held, after giving due notice thereof, to consider the need for, and the extent of, regulation of shipments of such plums. Interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; shipments of the current crop of such plums are expected to begin on or about the effective date hereof; this section should be applicable to all such shipments in order to effectuate the declared policy of the act; the provisions of this section are identical with the aforesaid recommendation of the committee; and information concerning such provisions and effective time has been disseminated among handlers of such plums and compliance with the provisions of this section will not require of handlers any preparation therefor which cannot be completed by the effective time hereof. Such committee meeting was held on April 28, 1965.

(b) *Order.* (1) During the period beginning at 12:01 a.m., P.s.t., May 23, 1965, and ending at 12:01 a.m., P.s.t., November 1, 1965, no shipper shall ship any package or container of Santa Rosa plums unless:

(i) Such plums are of a size that, when packed in a standard basket, they will pack at least a 4 x 5 standard pack; and

(ii) The diameters of the smallest and largest plums in such package or container do not vary more than one-fourth (¼) inch: *Provided*, That a total of not more than five (5) percent, by count, of the plums in the package or container may fail to meet this requirement.

(2) When used herein, "standard pack" shall have the same meaning as set forth in the revised United States Standards for Plums and Prunes (Fresh) (§§ 51.1520–51.1537 of this title); "standard basket" shall mean the standard basket set forth in paragraph 1 of section 828.1 of the Agricultural Code of California; "diameter" shall mean the distance through the widest portion of the cross section of a plum at right angles to a line running from the stem to the blossom end; and, except as otherwise specified, all other terms shall have the same meaning as when used in the amended marketing agreement and order.

(3) Section 917.143 of the rules and regulations, as amended (§ 917.100 et seq.), sets forth the requirements with respect to the inspection and certification of shipments of fruit covered by this section. Such section also prescribes the conditions which must be met if any shipment is to be made without prior inspection and certification. Notwithstanding that shipments may be made without inspection and certification, each shipper shall comply with all grade and size regulations applicable to the respective shipment.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: May 18, 1965.

FLOYD F. HEDLUND,
Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 65–5364; Filed, May 20, 1965; 8:49 a.m.]

PART 989—RAISINS PRODUCED FROM GRAPES GROWN IN CALIFORNIA

Subpart—Administrative Rules and Regulations

OFF-GRADE AND OTHER FAILING RAISINS AND RAISINS RESIDUAL MATERIAL

Notice was published in the April 3, 1965, issue of the FEDERAL REGISTER (30 F.R. 4361) regarding a proposal based upon the recommendation of the Raisin Administrative Committee, to amend certain provisions of the Subpart—Administrative Rules and Regulations with respect to the exemption, reporting, receipt, acquisition, and disposition of off-grade raisins, other failing raisins, and raisin residual material. The subpart is operative pursuant to the marketing agreement, as amended, and this part (Order No. 989, as amended), herein referred to collectively as the "order", regulating the handling of raisins produced from grapes grown in California, effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674).

The notice afforded interested persons opportunity to file written data, views, or arguments with respect to the proposal. None were received within the prescribed time.

After consideration of all relevant matters presented, including those in the notice, the information and recommendation submitted by the Raisin Administrative Committee, and other available information, it is hereby found that the amendment, as hereinafter set forth, of the administrative rules and regulations is in accordance with the order and will tend to effectuate the declared policy of the act. As part of this amendatory action, § 989.159(g)(2) has been recodified for purposes of simplification.

Therefore, it is ordered, That the Subpart—Administrative Rules and Regulations (7 CFR 989.101 to 989.176) be, and the same hereby is, amended as follows:

1. Paragraph (g)(2) of § 989.159 is revised to read:

§ 989.159 Regulation of the handling of raisins subsequent to their acquisition.

* * * * *

(g) *Disposition of off-grade raisins and raisin residual material*— * * *

(2) *Shipment of raisins which fail to meet minimum grade standards.* (i) Except as authorized in this part, no handler shall ship or otherwise dispose of any off-grade raisins, other failing raisins, or raisin residual material (including defective raisins, stemmer waste, sweepings, and other residue). As used in this part, "other failing raisins" means any raisins acquired by a handler as standard raisins, and any raisins acquired as off-grade raisins and processed to a point where they qualify as packed raisins, but which fail to meet the applicable grade and condition standards for shipment or final disposition as raisins. Any handler may ship or otherwise dispose of off-grade raisins, other failing raisins, and raisin residual material to or at points within the continental United States (other than Alaska) for use in eligible non-normal outlets only after filing with the Committee a written application to make such shipment or other disposition and receiving its written approval thereof. However, the requirements of prior filing and approval of any such application shall not apply to: (*a*) The transfer of any such raisins or material by a handler from one of his plants to another of his plants in the State of California; (*b*) any interpacker transfer or removal of off-grade raisins made in accordance with § 989.158(c)(3) or (6); (*c*) any return by a handler of unstemmed off-grade raisins to the tenderer in accordance with § 989.158(c)(7); (*d*) any shipment or transfer of off-grade raisins, other failing raisins, or raisin residual material by any handler to a processor within the State of California for use, within the State, in eligible non-normal outlets; and (*e*) any direct use by the handler of such raisins or material in eligible non-normal outlets within the State of California.

(ii) Each such application shall, in addition to the agreement specified in subdivision (iii) of this subparagraph, include as a minimum: (*a*) The names and addresses of the handler, the buyer, the consignee, and the user; (*b*) the quantity of off-grade and other failing raisins and the quantity of raisin residual material to be shipped or otherwise disposed of; (*c*) a description of such off-grade raisins and other failing raisins and raisin residual material, as to type or origin; (*d*) the present location of such raisins and raisin residual material; (*e*) the particular use to be made of the raisins; and (*f*) a copy of the sales contract, which may be on a form furnished by the Committee, wherein the buyer agrees:

(*1*) Not to ship such raisins or raisin residual material to points outside the continental United States or to Alaska;

(*2*) To dispose of the raisins or raisin residual material only for uses in eligible non-normal outlet(s); and

(*3*) To permit representatives of the Committee and of the Secretary of Agriculture to examine all of his books and records relating to such raisins and residual material.

When the use or the name and address of the consignee or user are not known by the handler, the handler shall arrange for the submission of such information to the Committee.

(iii) Each such application shall also include a provision for liquidated damages wherein the handler in consideration of the Committee approving his application agrees that in the event any raisins or raisin residual material covered by the approved application should be shipped to points outside of the continental United States or to Alaska, or disposed of in other than eligible non-normal outlets, by any person, it will cause serious and substantial damage to the Committee and to the producers and handlers of raisins and it will be difficult, if not impossible, to prove the extent of such damage, and therefore he (the handler) shall pay to the Committee the sum of $200 as liquidated damages for each ton so shipped or disposed of, such sum being a fair measure of damages and not a penalty.

(iv) The Committee shall notify the applicant in writing of its approval action. In acting on an application, the Committee may disapprove the application when: (*a*) The application is incomplete, or any required information has not been submitted; (*b*) the Committee has cause to believe that the raisins or raisin residual material covered by the application will not be shipped or disposed of in accordance with the application; or (*c*) the handler, or any of the parties involved in the proposed shipment or disposition, had shipped or made disposition or use of raisins or raisin residual material covered by a previously approved application inconsistent with that application. When the use or the name and address of the user or consignee are not known to the handler, the Committee shall not approve the application until it has been informed as to such use and user and consignee of the raisins or residual material.

(v) The Committee may, for cause, revoke any previously approved application of a handler if the handler, buyer, consignee or user covered by the application has shipped or made disposition inconsistent with any approved application. The Committee shall notify the handler in writing of such revocation.

(vi) The handler shall furnish the Committee with a copy of the shipping document or other documentary evidence of the disposition as may be satisfactory to the Committee and at such times as the Committee may direct.

* * * * *

2. Section 989.160 is revised to read:

§ 989.160 Exemptions.

Any processor may receive or acquire any raisins for use in eligible non-normal outlets, and dispose of them for such use, without having them inspected and certified. Processors receiving or acquiring raisins under such exemption, or otherwise receiving or acquiring raisins which do not meet the applicable minimum grade and condition standards, shall not ship or otherwise dispose of any such raisins except in conformity with the provisions of § 989.159(g)(2). Processors shall report receipts and acquisitions and make such other reports as are or may be required pursuant to §§ 989.73 and 989.173.

3. The provisions of paragraphs (b)(6), (c)(2), and (d)(2) of § 989.173 are revised to read:

§ 989.173 Reports.

* * * * *

(b) *Report of raisins received or acquired*— * * *

(6) *Monthly report of raisins received or acquired by processors.* Each processor who receives or acquires off-grade raisins, or who avails himself of the exemptions from the grade and inspection requirements provided in §§ 989.58, 989.59(f), and 989.160 and receives or acquires raisins or raisin residual material, shall submit to the Committee on or before the seventh day of each month a report of such raisins, raisin residual material, and off-grade raisins received or acquired during the preceding month. Each report shall show for each varietal type, each receipt, and each acquisition thereof:

(i) The name and address of the handler, producer, or other persons from whom such raisins or raisin residual material was received or acquired;

(ii) The date of the receipt or acquisition;

(iii) The net weight of such raisins and raisin residual material in each receipt and in each acquisition; and

(iv) The ultimate disposition made or to be made of such raisins and raisin residual material.

(c) *Reports of disposition*— * * *

(2) *Disposition by handlers (other than processors) of off-grade raisins, other failing raisins, and raisin residual material.* Each handler who is not a processor shall submit to the Committee on or before the seventh day of each month a report of all shipments and other dispositions made during the preceding month of off-grade raisins, other failing raisins, and raisin residual material. Such report shall be submitted on a form furnished by the Committee and shall include the following information:

(i) Date of each shipment and other disposition;

(ii) Name and address of each buyer and receiver; and

(iii) Description and net weight of the raisins and raisin residual material in each shipment or other disposition.

* * * * *

(d) *Reports of interhandler transfers*— * * *

(2) *Off-grade tonnage.* Any handler who transfers off-grade raisins or other failing raisins to another handler, other than a processor, within the State of California shall, prior to making such transfer, submit to the Committee (on forms furnished by it) a plan of movement showing:

(i) The intended date of transfer;

(ii) The location of the raisins, the name and address of the receiving handler, and the location of the plant of the receiving handler;

(iii) The name and address of the tenderer of each lot included in the transfer, and the inspection certificate number applicable to the lot;

(iv) The varietal type, net weight, and condition of such raisins; and

(v) An attachment, when applicable, indicating the tenderer's agreement to the transfer. Two copies of the plan, as approved by the Committee, shall accompany the transfer to the receiving handler, on one of which the receiving handler shall certify to the acceptance and receipt of such raisins and submit it to the Committee.

* * * * *

It is further found that good cause exists for not postponing the effective time of this action until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 1003(*a*)) in that: (1) This action mainly modifies and relieves restrictions on the disposition of off-grade raisins and other failing raisins; (2) changes which do not specifically relieve restrictions are necessary so as to conform requirements to the less restrictive regulations; and (3) no useful purpose would be served by delaying the effective time hereof.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: May 17, 1965, to become effective upon publication in the FEDERAL REGISTER.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 65-5345; Filed, May 20, 1965; 8:46 a.m.]

Chapter XIV—Commodity Credit Corporation, Department of Agriculture

SUBCHAPTER B—LOANS, PURCHASES, AND OTHER OPERATIONS

PART 1425—COOPERATIVE MARKETING ASSOCIATIONS

Subpart—Eligibility Requirements for Price Support

Sec.
1425.1 General statement.
1425.2 Administration.
1425.3 Application.
1425.4 Producer-ownership and control.
1425.5 Articles or bylaw provisions.
1425.6 Financial condition.
1425.7 Operations.
1425.8 Conflict of interest.
1425.9 Uniform marketing agreement.
1425.10 Purchased and nonmember commodity.
1425.11 Member business.
1425.12 Vested authority.
1425.13 Eligible commodity and pooling.
1425.14 Distribution of proceeds.
1425.15 Member associations.
1425.16 Non-discrimination.
1425.17 Records maintained.
1425.18 Inspection and investigation.
1425.19 Determination of eligibility.
1425.20 Definitions.

AUTHORITY: The provisions of this subpart issued under secs. 4, 5, 62 Stat. 1070, as amended; 15 U.S.C. 714b. Interpret or apply sec. 5, 62 Stat. 1072, secs. 101, 103, 401, 62 Stat. 1051 as amended; secs. 301, 401, 62 Stat. 1053; secs. 308, 401, 401, 62 Stat. 1054, sec. 302, 73 Stat. 988; 15 U.S.C. 714 b and c; 7 U.S.C. 1421, 1441, 1444, 1446d, 1447.

§ 1425.1 General statement.

This subpart and any amendments thereto set forth the requirements for eligibility of a cooperative marketing association (hereinafter referred to in this subpart as "association") to obtain price support collectively on behalf of its members on any commodity of a crop for which a price support program is in effect if regulations are issued with respect to such program incorporating the provisions of this subpart.

§ 1425.2 Administration.

(a) *Responsibility.* The Farmer Programs Division, ASCS, will administer the provisions of this subpart under the general direction and supervision of the Deputy Administrator, State and County Operations, in accordance with program provisions and policy determined by the CCC. In the field, the provisions of this subpart will be administered by the State and County Agricultural Stabilization and Conservation Committees and, where applicable, the Agricultural Stabilization and Conservation Service Commodity Office.

(b) *Limitation of authority.* The authority conferred by this subpart to administer provisions contained herein does not include authority to modify or waive any of the provisions of this subpart.

§ 1425.3 Application.

An association required to be approved under this subpart in order to be eligible for price support shall submit an application for a determination of eligibility for each year for which it desires approval. The association shall forward its application, together with such information as may be required by such application and this subpart to the State committee of the State where the association's principal office is located. Applications shall be submitted not later than the applicable dates stated in this section with respect to each of the commodities listed herein, or by such later date as the Executive Vice President, CCC, may authorize to alleviate hardship:

Commodity	Date
Cotton	Aug. 1.
Dry edible beans	Do.
Honey	July 1.
Rice	Aug. 1.
Soybeans	Sept. 1.
Tung oil	Oct. 1.

The latest date for filing application with respect to other commodities not listed herein which incorporate the provisions of this subpart in their program regulations will be stated in such regulations.

§ 1425.4 Producer-ownership and control.

The association shall be a producer-owned and producer-controlled cooperative marketing association.

(a) *Ownership.* For an association to be producer-owned, producer-members of the association, or other bona fide cooperative associations owned and controlled by their producer members, shall own more than 50 percent of the association's equity capital.

(b) *Control.* For an association to be producer controlled, the organization and operation of the association shall be under the control of its members who are producers or of bona fide cooperative associations which in turn are under the control of members who are producers. The association shall submit with its application a detailed statement of its organization and method of operation and such other information as may be required by the Executive Vice President, CCC, showing the manner in which producer control is exercised.

§ 1425.5 Articles or bylaw provisions.

The articles of incorporation or association, the bylaws of the association or the statute under which the association is incorporated or operates shall provide for each of the requirements of this section, except that the requirements of paragraphs (d), (e), (h), and that part of paragraph (a) of this section providing that the annual meeting must be at a location which will provide members or their delegates a reasonable opportunity to attend and participate, may be provided for by resolution of the board of directors.

(a) *Annual meeting.* The association shall hold an annual meeting of members or delegates at one or more locations within its operating area which will afford a reasonable opportunity for all members, or their delegates if the association has such manner of annual meeting, to attend and participate.

(b) *Notice of meetings.* Each member or delegate, as the case may be, shall be given written notice of the time, place, and purpose of all regular and special meetings of members or delegates.

(c) *Open membership.* The association shall admit to membership every farmer-producer who applies for admission thereto for the purpose of participating in the activities of the association except that the association may refuse admission to an applicant on its finding, based on reasonable grounds, that his admission would prejudice the interests or hinder or otherwise obstruct the purposes of the association.

(d) *Nominations.* Nominations for election of delegates and directors may

be made by secret balloting, nominating committee or petition of members. Nominations for election of officers may be made by secret balloting or by nominating committee. In any event, nominations shall be permitted by any member from the floor at the meeting for the election of delegates and directors, and by any director at the meeting for election of officers.

(e) *Secret ballot.* Voting for election of directors, delegates and officers shall be by secret ballot when there are two or more nominees for a position to be filled or more nominees than there are positions to be filled, as applicable.

(f) *Voting rights.* Each member of the association shall have a single vote regardless of the number of shares of stock owned or controlled by him, except that the Executive Vice President, CCC, may, in his discretion, approve some other voting method which in his opinion will adequately protect the interests of the members of the association.

(g) *Proxy or power of attorney.* Voting by proxy or under power of attorney shall not be permitted.

(h) *Financial statement.* Each member shall be given each year a summary financial statement based on an annual audit by an independent public accountant of the books and accounts of the association.

§ 1425.6 Financial condition.

An association shall be financially able to make advances to its members and market their commodity. It shall submit with its application evidence establishing that its operation is on a financially sound basis.

§ 1425.7 Operations.

An association shall establish to the satisfaction of the Executive Vice President, CCC, that it is so organized and staffed by individuals employed directly by it that it is able to perform its contracts with its members and to provide an effective marketing operation for its members.

§ 1425.8 Conflict of interest.

(a) *Transactions detrimental to members.* The association shall not be eligible for price support unless it establiahes to the satisfaction of CCC that any transactions described in this section have not operated and will not operate to the detriment of members of the association.

(b) *Association transactions.* The association shall submit with its application a detailed report concerning all of its transactions with the following persons during the year proceding the date of its application, except those transactions which do not differ from transactions entered into by the association with its general membership:

(1) With any director, officer, or principal employee of the association or with any of his close relatives;

(2) With any partnership in which any such person or any of his close relatives is entitled to receive a percentage of the gross profits;

(3) With any corporation in which any such person, or any of his close relatives own stock;

(4) With any business entity from which any such person or any of his close relatives receives fees for transacting business with or on behalf of the association, or

(5) With any business entity in which an agent, director, officer, or employee of the association was an agent, director, officer or employee of such business entity.

A close relative means a husband or a wife or a person related as child, parent, brother, or sister, by blood, adoption, or marriage, and shall include in-laws within such categories of relationship. The report shall include, but is not limited to, transactions involving purchases, sales, handling, marketing, transportation, warehousing, and related activities.

(c) *Contemplated transactions.* The association shall also submit a statement as to whether any transactions of the kind described in paragraph (b) of this section are contemplated in the period between the date of the application and the end of the marketing year for which approval is requested. If any such transaction is contemplated, the association shall submit a detailed statement of the reasons therefor.

§ 1425.9 Uniform marketing agreement.

Any commodity on which price support is obtained, and any other quantity of such commodity which is included in the same pool with a quantity of the commodity on which price support is obtained, must be delivered to the association by its members pursuant to a uniform marketing agreement between the association and each of its members who delivered such commodity to the association.

§ 1425.10 Purchased commodity where producer does not share in marketing proceeds and commodity acquired from nonmembers.

Any commodity purchased from members who do not retain the right to share in the proceeds from marketing of such commodity as provided in §§ 1425.13 and 1425.14, and any commodity acquired from nonmembers is not eligible for price support.

§ 1425.11 Member business.

If price support is sought for a commodity of a particular crop, not less than 80 percent of the commodity of that crop that is acquired by or delivered to the association for marketing must be produced by its members or by members of its member associations. Purchases by the association from CCC shall not be considered in determining the volume of member and nonmember business.

§ 1425.12 Vested authority.

The association shall have authority to obtain a loan on the security of the commodity delivered to it by its members and to give a lien thereon and authority to sell such commodity.

§ 1425.13 Eligible commodity and pooling.

The association may obtain price support only on the portion of the eligible commodity received from its eligible members which remains undisposed of in its inventory at the time such commodity is offered as security for a loan or is offered for purchase. The association may establish separate pools for quantities of a commodity acquired from its members. If the association has obtained price support from CCC on any part of the commodity included in a pool, all of the commodity included in such pool must be eligible for price support. Allocations of costs and expenses as between separate pools shall be made in accordance with sound accounting principles and practices. Any losses incurred by the association in marketing a commodity not included in a pool on which price support is obtained from CCC shall not be assessed against the proceeds of marketing of a pool on which price support was obtained. CCC may approve an exception to the foregoing requirements upon written request by the association if the Executive Vice President, CCC, determines that the approval of such request will result in equitable treatment of producers and is in accord with the purposes of the price support program.

§ 1425.14 Distribution of proceeds.

If price support is obtained from CCC on any part of the commodity in a pool, the proceeds of such pool shall be distributed only to members participating in such pool ratably on the basis of the quantity and quality of the commodity delivered by each member which is included in such pool or on such other fair and reasonable basis as the Executive Vice President, CCC, may approve. The association shall submit with its application a detailed description of the method by which proceeds from a pool on which price support is obtained will be distributed. Such method shall assure CCC that proceeds obtained through price support shall not accrue to persons other than eligible producer members.

§ 1425.15 Member associations.

Notwithstanding the requirements of § 1425.4, an association otherwise eligible for price support which includes in its membership other cooperative marketing associations composed of producer-members shall be eligible for price support if the applicant association and its member cooperative marketing associations meet the requirements of this section:

(a) Each member cooperative marketing association must have the right to deliver the applicable commodity of its members to the applicant association. Such member association must also have authority to sell a commodity received from its members, obtain a loan on the security thereof and give a lien thereon;

(b) In its charter, bylaws, marketing agreements or by other legal means, the applicant association must require its member cooperative marketing associations to meet the requirements of this subpart;

(c) The association must determine that its member cooperative marketing associations are eligible for price support under this subpart and shall submit a certification with its application for approval that its members are eligible under this subpart.

§ 1425.16 Nondiscrimination.

The association shall not, on the ground of race, color, or national origin, deny any producer the benefits of, exclude him from participation in, or otherwise subject him to discrimination with respect to, any benefits resulting from its approval to receive price support and shall comply with the provisions of Title VI of the Civil Rights Act of 1964 and the Secretary's regulations issued thereunder, appearing in §§ 15.1–15.12 of this title (29 F.R. 16274), and any amendments thereto. The association agrees that the United States shall have the right to enforce compliance with such statute and regulations by suit or by any other action authorized by law. The association shall submit a certification with its application that the above cited regulations have been read and understood and that the association will abide by them.

§ 1425.17 Records maintained.

The association and its member associations, if any, shall maintain a record which shows the quantity of the commodity eligible for price support received from each of its members, the date(s) and place(s) the commodity was received, the quality factors specified in the applicable regulations for the commodity (including class, variety, grade, and quality where applicable), and the quantity to which each applicable quality factor applies, and also, a record of the quantity of each disposition of the eligible commodity received from such members. The same kind of records shall be maintained by the association with respect to the commodity received from members or nonmembers which is ineligible for price support.

§ 1425.18 Inspection and investigation.

(a) *Inspection.* The books, documents, papers and records of the association, and its member associations, if any, for any year's business shall be available to CCC for inspection and examination at all reasonable times through the end of the fifth marketing year following the marketing year for which approval is obtained.

(b) *Investigation.* CCC shall have the right, at any time after an application is received, to examine all books, documents, papers and records of the applicant association and its member associations and to make such investigations as are deemed necessary to determine whether the applicant association and its member associations, if any, are operating or have operated in accordance with the regulations in this subpart, their articles of incorporation, bylaws, agreements with producers and with the representations made by the applicant association in its application for approval and, where applicable, its President, CCC.

§ 1425.19 Determination of eligibility.

The determination of the eligibility under this subpart of a cooperative marketing association to receive price support shall be made by the Executive Vice President, CCC.

§ 1425.20 Definitions.

As used in this subpart the term "person" shall have the same meaning as the definition of such term in the regulations pertaining to Reconstruction of Farms, Allotments, and Bases, Part 719 of this title and any amendments thereto.

The reporting and record keeping requirements contained herein have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Effective date. Upon publication in the FEDERAL REGISTER.

Signed at Washington, D.C., on May 18, 1965.

H. D. GODFREY,
Executive Vice President,
Commodity Credit Corporation.

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[Revision 3; Amdt. 2]

PART 1475—EMERGENCY FEED PROGRAM

Subpart—Livestock Feed Program

MISCELLANEOUS AMENDMENTS

The regulations issued by the Commodity Credit Corporation published in 29 F.R. 12006, 29 F.R. 13475, and 30 F.R. 2894 which contain specific requirements for the continuing Livestock Feed Program are amended as follows:

1. The subpart heading for the regulation published in 29 F.R. 12006 shall be identified as, "Livestock Feed Program Revision 2."

2. The subpart heading for the regulation published in 29 F.R. 13475 shall be identified as, "Livestock Feed Program Revision 3."

3. Section 1475.203(q) is amended to read:

§ 1475.203 Definitions.

* * * * *

(q) "Processed feed" means feed which contains not more than 90 percent by weight of any one feed grain and which is in ground, rolled, steamed, pelletized, or other processed form provided that all of the ingredients of the whole grain are included.

* * * * *

4. Section 1475.207 is amended to read:

§ 1475.207 Sales made through county offices.

When an owner desires to purchase grain pursuant to an approved application he shall, prior to any delivery, make payment to the county committee by means of an acceptable remittance for the quantity of grain purchased except that when a State or Federal agency certifies to CCC that it will finance part or all of the cost of the purchase, such certification may be accepted in lieu of cash to the extent of the amount so certified if such agency agrees (a) to make payment to CCC of such amount in the normal course of its procedures for payment and (b) to issue the check, draft, warrant, or such other means of payment as may be employed, directly to CCC.

5. Section 1475.208(d) is amended to read:

§ 1475.208 Pricing of grains.

* * * * *

(d) *Inadvertent overdeliveries.* Inadvertent overdelivery of the properly determined total approved quantity stated in the application which is delivered to an owner from a bin site under § 1475.210(b), carrier's conveyance under § 1475.210(d), or because of an error on the part of CCC shall be settled between the owner and CCC at a price equal to the county total support level. Overdeliveries in excess of such total approved quantity by warehouses, handlers or dealers not due to error by CCC shall be settled between them and the owner.

6. Section 1475.209(b)(2) is amended and (b)(4) is added to read:

§ 1475.209 Sales of loan grain.

* * * * *

(b) *Loan grain in farm storage.* * * *

(2) If the quantity of any feed grain approved for purchase on an application is less than the quantity under a farm storage loan other than a loan specified in § 1475.205(d)(1), CCC shall, notwithstanding any provisions of the loan documents to the contrary, (i) require advance delivery to CCC on the farm where stored of a quantity of the loan grain equal to the quantity to be purchased, (ii) accept delivery of such quantity of loan grain, (iii) credit the owner's loan with the settlement value of the quantity delivered on the basis of the applicable class, grade, quality, and quantity as set forth in the loan documents, (iv) require the owner to purchase the approved quantity of grain at the applicable price under this program, and (v) redeliver such grain to the owner on the farm where stored.

* * * * *

(4) If there has been a conversion of grain securing the loans referred to in subparagraphs (1) and (2) of this paragraph, the maturity date for the entire loan shall be accelerated and the entire loan shall be settled in accordance with the applicable grain price support regulations. The owner shall also be declared ineligible to participate in the Livestock Feed Program.

* * * * *

7. The first sentence of § 1475.210(c) is amended to read:

§ 1475.210 Sales of other CCC-owned grain.

* * * * *

(c) *Warehouse and handler stored grain.* The owner shall take physical delivery of the grain as soon as possible after issuance of the delivery order but not earlier than the date of such issuance and not later than a date which would normally permit feeding of the grain within the prescribed period. * * *

* * * * *

§ 1475.211 [Amended]

8. The second sentence of § 1475.211(b) is amended to read: "The owner may obtain as many separate warrants as shall be necessary to permit delivery of

the net approved quantity (§ 1475.208 (d)(3)) by a date that would normally permit feeding of the grain within the prescribed period."

9. Section 1475.212 is amended to read:

§ 1475.212 Disposition of grain and adjustment of sales price.

(a) *Feed for primary livestock.* The owner must feed to his primary livestock in the emergency area by the end of the prescribed period a total quantity of feed equal in feed equivalents to the quantity (1) acquired by him under the program for primary livestock and (2) otherwise available to him for feeding his primary livestock at the time of his first application after the county was designated an emergency area.

(b) *Total feed for all eligible livestock.* The owner must feed to his eligible livestock (primary and secondary combined) in the emergency area by the end of the prescribed period a total quantity of feed equal in feed equivalents to the quantity (1) acquired by him under the program and (2) otherwise available to him for feeding his eligible livestock at the time of his first application after the county was designated an emergency area.

(c) *Allocating available feed to classes of livestock.* The feed referred to in paragraphs (a)(2) and (b)(2) of this section shall be determined by allocating the feed available to the owner among primary, secondary and ineligible livestock and poultry in proportion to their normal feeding requirements as determined by the county committee.

(d) *Grace period.* Notwithstanding the provisions of paragraphs (a) and (b) of this section the owner shall have a grace period of 30 days after the prescribed period for feeding the required quantities of feed grain to his livestock.

(e) *Adjustments.* Except as provided in § 1475.214, if the owner does not feed the grain as provided in paragraphs (a) through (d) of this section to his eligible livestock, he may satisfy his obligation to CCC under this program as follows:

(1) If there is a current Livestock Feed Program in the area he may with prior approval of the county committee, sell the grain to another owner with an unfilled net approved quantity on his application at not more than the price at which the grain was purchased, or

(2) If he agrees to use the feed on hand for feed purposes only, or dispose of the feed only for such use, he may pay to CCC the difference between the price paid for such feed grain and the market price thereof, as determined by CCC, on the date of the delivery order, warrant, or other delivery authorization, as the case may be, for the last acquisition of such feed grain under the program.

(3) Notwithstanding the provisions of subparagraphs (1) and (2) of this paragraph, if CCC determines that the quantity of feed which should have been fed to the owner's primary livestock was actually fed by the owner to his secondary livestock within the prescribed and grace periods the owner shall be deemed to have acquired the kind and quantity of feed grain specified in paragraph (f) of this section for feeding to such livestock and shall pay to CCC, on demand, the balance due under § 1475.208(b) for such feed grain.

(f) *Kind of feed grain involved in price adjustments.* The kind and quantity of feed grain on which the price adjustments specified in this section shall be based, shall be the kind and quantity acquired from CCC which was not fed to the applicable livestock except that:

(1) If the feed involved was feed otherwise available to the owner for feeding his eligible livestock, the price adjustment shall be based on the kind of feed grain last acquired under the program and on a quantity of such feed grain equal in feed grain equivalents to the feed involved, as determined by CCC, or

(2) If the feed involved was processed feed acquired from an approved dealer, the price adjustment shall be based on the kind of feed grain for which payment was made to CCC and on a quantity equal to the quantity of such feed grain in the processed feed involved.

(g) *Reporting livestock changes.* If the owner suffers losses among or disposes of any of his eligible livestock, or transfers any of his eligible livestock outside the emergency area, he shall report the fact promptly to the county office from which feed grain was purchased under the program. If the owner fails to feed the quantities of feed to primary livestock, or to all eligible livestock as specified in this section he shall report the fact promptly to the applicable county office.

10. Section 1475.213 is amended to read:

§ 1475.213 Maintenance of books and records.

Warehousemen, handlers and dealers shall maintain and preserve for at least three full years following deliveries made against delivery orders and warrants and for such additional period as CCC may request in writing, books and records which will permit verification of all transactions with regard to delivery orders and warrants. An examination of such books and records by a duly authorized representative of the United States shall be permitted at any time during business hours. If requested to do so by the county committee, the owner shall within 30 days of such request submit such information as may be requested by the county committee with respect to his livestock feeding operations.

11. Section 1475.214(a) is amended to read:

§ 1475.214 Violations.

(a) *Disposal of grain to others.* If the owner has failed to feed the quantities of feed required by § 1475.212 (a) through (d) to be fed to primary or eligible livestock, he shall not dispose of feed grain acquired under the program (including any processed feed containing any feed grain acquired under the program) to any other person except as permitted in §§ 1475.210(f) and 1475.212(e). If the feed grain acquired from CCC is disposed of to any other person, except as permitted in the regulations of this subpart, or if a delivery order or warrant is used for obtaining other than feed grain, the owner shall be subject to such civil penalties and to such criminal liabilities as are provided by applicable Federal statutes.

* * * * * *

Effective date. Date of publication.

Signed at Washington, D.C., on May 18, 1965.

H. D. GODFREY,
Executive Vice President,
Commodity Credit Corporation.

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SUBCHAPTER C—EXPORT PROGRAMS

[SM-7, Rev. 1]

PART 1485—DAIRY PRODUCTS

Subpart—Dairy Products Export Payment-in-Kind Program—Terms and Conditions

These regulations set forth the terms and conditions of the Dairy Products Export Payment-in-Kind Program and constitute a revision of the regulations governing the program on and after the effective date of this subpart except as provided in § 1485.201 below.

GENERAL

Sec.
1485.201 General statement.
1485.202 Submission and acceptance of offers.
1485.203 Exporter's contract with CCC.
1485.204 Inspection of dairy products at time of production and at time of loading for export.
1485.205 Exportation requirements.
1485.206 Quantity tolerance.
1485.207 Application for export commodity certificate.
1485.208 Documents required as evidence of export.
1485.209 Export commodity certificate.
1485.210 Performance guarantee.
1485.211 Liquidated damages.
1485.212 Covenant against contingent fees.
1485.213 Export and exportation.
1485.214 Performance and good faith.
1485.215 Assignments and setoffs.
1485.216 Records and accounts.
1485.217 Reports.
1485.218 Field offices.
1485.219 Officials not to benefit.
1485.220 Eligible country or designated country.

AUTHORITY: The provisions of this subpart issued under secs. 4 and 5, 62 Stat. 1070, 1072, 15 U.S.C. 714 b and c.

GENERAL

§ 1485.201 General statement.

(a) Commodity Credit Corporation (referred to herein as "CCC") pursuant to this subpart announces a Dairy Products Export Payment-in-Kind Program (referred to herein as the "program") under which an exporter may earn payments in the form of export commodity certificates at rates which will be announced by CCC.

(b) This program is in lieu of the Dairy Products Export Payment-in-Kind Program established by regulations governing that program, Announcement SM-7, 28 F.R. 11667, which was terminated May 22, 1964, 29 F.R. 6848, as to nonfat dry milk, and was terminated as to the remainder of the program November 23, 1964, 29 F.R. 15809, but does not supersede that program (Announcement SM-7) for any uncompleted transactions under agreements between exporters and CCC entered into under the terms of that announcement. This program (SM-7 Revision 1) will operate independently and on a separate basis from the Special Dairy Products Export Payment Rates-by-Contract Program, Announcement SM-8 (Revision 1), 29 F.R. 17032. An export under Announcement SM-8 will not be deemed to be an export under this program and vice versa. This subpart contains the regulations governing this program under which CCC will make payments in the form of export commodity certificates (called "certificates" in this subpart) to exporters who have exported or caused to be exported dairy products from commercial sources at payment rates announced by CCC as provided in § 1485.202. Eligible dairy products, applicable export payment rates, and periods during which such export payment rates will remain in effect will be announced by press release from time to time by the General Sales Manager, Foreign Agricultural Service (referred to herein as "FAS"). Certificates will be redeemable in any commodity offered for export sale under a CCC regulation or announcement providing for redemption of such certificates. Such commodities delivered in redemption of certificates must also be exported. Dairy products obtained from CCC for export shall not be eligible for certificates unless other dairy products have been exported in satisfaction of the requirements of the export sale contract. This program will be carried out in behalf of CCC by FAS and by the Agricultural Stabilization and Conservation Service (referred to herein as "ASCS"), U.S. Department of Agriculture, and will be administered under the general direction and supervision of the General Sales Manager, FAS. Information pertaining to the program may be obtained as provided in § 1485.218.

§ 1485.202 Submission and acceptance of offers.

(a) Exporters desiring to participate in this program may submit offers during periods which will be announced by press release, to the General Sales Manager, FAS, to export specific quantities of dairy products from commercial sources at payment rates which are in effect at the time the offer is received by the General Sales Manager. An offer may be made by letter, telegram, or TWX. (1) Such offers must state: (i) That the offer is made pursuant to Announcement SM-7 (Revision 1), and (ii) The quantity and kind of dairy products to be exported. A telegraphic or other written notice of acceptance by CCC will be given for each accepted offer by the General Sales Manager stating the rate in effect at the time of receipt of the offer and an acceptance number. Such notice will be issued within one business day after the receipt of the offer. "Business day" means any day of the week except Saturday, Sunday, and days declared legal holidays by statute for U.S. Government employees. Any offer may be rejected and notice of rejection will be given by telegram or TWX within one business day after the time the offer is received by the General Sales Manager. (2) Changes or modifications in a contract between CCC and an exporter resulting from acceptance of his offer may be made if the General Sales Manager determines that (i) the change or modification is made for the purpose of correcting an error in the original offer which arose without the fault or negligence of the exporter, and the exporter notifies the General Sales Manager of such error within one week after the acceptance of the offer, and the General Sales Manager finds that the offer as so changed or modified would have been accepted, or (ii) a change in the specifications of nonfat dry milk product or milkfat product to be exported is requested by the exporter, and the change will not affect the net quantity of nonfat dry milk or milkfat to be exported. All communications pertaining to an Offer to Export to which an acceptance number has been assigned shall contain reference to the acceptance number. "General Sales Manager" as used in this subpart means the General Sales Manager, FAS, or his designee.

(b) The General Sales Manager reserves the right to refuse to consider an offer if he does not have adequate information of financial responsibility of the offerer to meet contract obligations of the type contemplated in this announcement. If a prospective offerer is in doubt as to whether the General Sales Manager has adequate information with respect to his financial responsibility, he should either submit a financial statement to the General Sales Manager prior to making an offer, or communicate with such office to determine whether such statement is desired in his case. When satisfactory financial responsibility has not been established, the General Sales Manager reserves the right to consider an offer only upon submission by offerer of a certified or cashier's check, a bid bond, or other security, acceptable to the General Sales Manager, assuring that if the offer is accepted, the offerer will comply with any provisions of the contract.

(c) CCC reserves the right to reject any or all offers submitted under the provisions of this subpart at any time, notwithstanding the fact that an announced export payment period may be in effect.

§ 1485.203 Exporter's contract with CCC.

The submission of an offer to export and its acceptance by CCC shall constitute a contract between CCC and the exporter under which (a) subject to all the terms and conditions of this subpart, the exporter agrees to export or cause to be exported dairy products and, upon the failure to comply with such terms and conditions, to pay CCC for its damages as provided in § 1485.211, and (b) CCC agrees to issue certificates to the exporter as provided in § 1485.209.

§ 1485.204 Inspection of dairy products at time of production and at time of loading for export.

(a) The exporter shall obtain an inspection certificate which shall have been issued by the Inspection and Grading Branch, Dairy Division, Consumer and Marketing Service (referred to herein as "CMS"), within 90 days of the time of export, showing the weight and quality of the commodity and the milkfat content in the case of milkfat products, for submission with the application for payment: *Provided, however,* That the General Sales Manager may, in his discretion, accept other evidence of weight and quality.

(b) The exporter shall also obtain from CMS through his own arrangements a grading certificate covering the inspection of the commodity at dockside or border port of entry showing the quantity of the product, condition of the containers, and verification that the product being exported is the same as that reported on the quality and weight inspection certificates provided for in paragraph (a) of this section, for submission with the application for payment.

(c) In the case of exports shipped across the U.S. border by truck or railroad the dairy products may be inspected at the point of loading and sealed under supervision of CMS. The certificates resulting from such inspection will be accepted in lieu of certificates obtained under paragraph (b) of this section.

§ 1485.205 Exportation requirements.

(a) The exporter shall export or cause to be exported to eligible countries as defined in § 1485.220, the quantity and kind of dairy products stated in the offer. Exportation shall be during the period commencing on the date following the date of acceptance of the offer and ending ninety days after such date or within any extension of such period which is approved in writing by the General Sales Manager, FAS, as provided in § 1485.211(b). Such period during which exportation must be made is hereinafter referred to as the "export period."

(b) Exportation of the dairy products by or to a U.S. Government agency shall not qualify as an exportation for the purposes of this program. (U.S. Government agency means any corporation wholly owned by the Federal Government and any department, bureau, administration, or other unit of the Federal Government, as for example the Departments of the Army, Navy, and Air Force, the Agency for International Development, the Army and Air Force Exchange Service, the Navy exchanges, and the Panama Canal Company.) Sales by exporters to foreign buyers including foreign governments, financed with funds made available by a U.S. Government agency such as the Agency for International Development or the Export-Import Bank, are not sales to a U.S. Government agency, provided the dairy products are not for transfer by such buyers to a U.S. Government agency.

(c) Dairy products exported under this program must have been processed in the United States from milk produced in the United States.

(d) Dairy products exported to an eligible country shall not be transshipped thereafter by the exporter to any country other than an eligible country.

§ 1485.206 Quantity tolerance.

If the exporter exports or causes exportation of a net quantity of dairy products less than the net quantity provided in the exporter's contract with CCC, but not less than 95 percent of such quantity, the exporter shall not be deemed to be in default. If an exporter exports or causes exportation of a net quantity in excess of the net quantity provided in the exporter's contract with CCC, but not in excess of 105 percent of such quantity, he may include such excess quantity in his application for payment and such excess quantity may be included in the computation of the amount of the certificate to be issued.

§ 1485.207 Application for export commodity certificate.

An original and two copies of Application for Export Payment Form CCC–135 must be prepared and submitted to the Minneapolis ASCS Commodity Office, together with the evidence of the weight and quality or grade as provided in § 1485.204 and the evidence of exportation as provided in § 1485.208. Such evidence must be submitted within 60 days after the end of the export period. The exporter will be required to certify in the application that the dairy products were not exported by or to a U.S. Government agency as defined in § 1485.205(b).

§ 1485.208 Documents required as evidence of export.

(a) Each Application for Export Payment, Form CCC–135 must be supported by the following documents evidencing export as applicable:

(1) Subject to the provisions of subparagraph (3) of this paragraph, if export is by water, or air, a nonnegotiable duplicate copy of the applicable onboard commercial bill of lading signed by an agent of the export carrier, which shows the net weight of the dairy product, and the identification of the export carrier. A bill of lading showing the gross weight of the dairy product and the number of containers may be furnished, provided the bill of lading also shows the weight of the containers or the exporter furnishes an acceptable certification as to the weight of the containers. If exported under Public Law 480, 83d Congress, the purchase authorization number shall be shown on the bill of lading. If loss, destruction, or damage to the dairy product occurs subsequent to loading on board the export carrier, but prior to issuance of onboard bill of lading, one copy of a loading tally sheet or acceptable similar document may be substituted for the bill of lading.

(2) Subject to the provisions of subparagraph (3) of this paragraph, if export is by rail or truck, and not under Public Law 480, 83d Congress, a Shipper's Export Declaration, authenticated by a representative of the Bureau of Customs at the port of export, which identifies the shipment(s), the date of clearance into the foreign country, the gross weight of the dairy product, the net weight of the dairy product, and the weight of the containers. If export is under Public Law 480, 83d Congress, one unauthenticated copy of Shipper's Export Declaration (or photostat of an unauthenticated copy) which shall bear a statement certified by the exporter stating, "The authenticated copy of this Shipper's Export Declaration was forwarded to (insert name of banking institution) with my draft for financing of the shipment under P.A. No. (show number)."

(3) If the export shipment is made by vessel, plane, truck, or other carrier, operated by a U.S. Government agency, then in lieu of the bill of lading or Shipper's Export Declaration provided for in subparagraphs (1) and (2) of this paragraph, the exporter may submit a certificate issued by an authorized official or employee of such agency showing the date of export(s), type of carried used, identification of the commodity, and the quantity.

(4) Such additional evidence of export as CCC may require under the circumstances of any particular transaction to enable CCC to determine that there has been compliance with the export requirements.

(b) If the shipper or consignor named in the onboard bill(s) of lading or the Shipper's Export Declaration(s) is other than the exporter named in the offer to export, waiver by such shipper or consignor of any interest in the application for payment in favor of such exporter is required. Such waiver must clearly identify the onboard bill(s) of lading or Shipper's Export Declaration(s) submitted to evidence export.

(c) If exportation of the dairy product has been made by anyone, or transshipment made or caused by the exporter, to one or more countries or areas to which a validated license is required by the Bureau of International Commerce, U.S. Department of Commerce, the bills of lading or other pertinent documentary evidence required to be furnished to CCC shall identify the license by number issued by the Bureau of International Commerce, U.S. Department of Commerce, for such movement.

(d) In case a single bill of lading or other documentary evidence of export covers a quantity of a dairy product in excess of the net quantity applied against the exporter's contract with CCC under this program, and such documentary evidence of export is to be used as evidence of export of such excess quantity in connection with a different contract with CCC under this program or under any other export program of CCC pursuant to which CCC had paid or agreed to make an export payment or has sold dairy products at prices which reflect any export allowance, each copy of such documentary evidence of export submitted pursuant to paragraph (a) of this section shall be accompanied by a statement certified by the exporter identifying each contract and program to which the documentary evidence of export has been or will be applied and the quantity applicable to each contract and program.

§ 1485.209 Export commodity certificate.

Upon receipt of an Application for Export Payment, Form CCC–135, according to § 1485.207, the Minneapolis ASCS Commodity Office will determine the amount of payment due and issue an Export Commodity Certificate Form CCC–341, for the amount due.

(a) *Amount for which issued.* The amount shown in the space provided for the value of the certificate will be the amount obtained by multiplying the export payment rate in effect at the time the offer was received by the General Sales Manager by whichever of the following is applicable.

(1) The number of pounds (net weight) of conventional U.S. Extra Grade nonfat dry milk or low lactose nonfat dry milk exported.

(2) The adjusted pounds of U.S. Extra Grade nonfat dry milk exported in other than conventional form. The adjusted pounds of nonfat dry milk shall be determined by multiplying the net weight of the product exported by a percentage factor. The percentage factor shall be 100 percent minus the sum of the following:

(i) The percentage of moisture in excess of 4 percent;

(ii) The percentage of allowable ingredients other than nonfat dry milk not in excess of ten percent which may be present in the product. The adjusted nonfat content shall be evidenced by grading certificates submitted in support of the application for payment.

(3) The adjusted pounds of butter (as determined in this subsection) exported. The adjusted pounds of butter shall be determined by multiplying the net pounds of butter exported in each category of butter listed below by the factor applicable to such category:

	Factor
Standard butter (80.0–81.9 percent milkfat)	1.0000
Higher fat butter (82.0–82.9 percent milkfat)	1.0260
Higher fat butter (83.0 percent milkfat or more)	1.0375

The adjusted pounds of butter shall be determined for each churn of butter and shall be based on grading certificates submitted to CCC in support of exporter's application for export payment.

(4) The number of pounds of milkfat products (other than butter) exported adjusted to a basis of 80 percent milkfat. The exporter shall be paid at the applicable rate for the quantity of eligible dairy products exported up to but not in excess of 105 percent of the net quantity of the dairy products specified in the contract.

(b) *Payee.* Except as provided in § 1485.215, the certificate will be issued only to the exporter whose offer to export has been accepted by CCC.

(c) *Date of issuance.* The date of issuance shown on the certificate will be the date the certificate is issued by the ASCS Commodity Office.

(d) *Transfer.* Certificates may be transferred by endorsement.

(e) *Redemption.* Certificates will be redeemed by CCC at face value in any commodity offered for export sale under a CCC regulation or announcement providing for redemption of such certificates, subject to the terms and conditions of such regulation or announcement.

(f) *Expiration.* Certificates shall expire if not presented for redemption within 365 days after date of issuance shown on the certificate and thereafter shall have no value, unless the period for redemption is extended by CCC.

§ 1485.210 Performance guarantee.

CCC reserves the right to require the exporter to furnish a cash deposit, performance bond, or irrevocable commercial letter of credit, acceptable to CCC, to guarantee performance of any of his obligations under this subpart.

§ 1485.211 Liquidated damages.

(a) Failure of the exporter to export or cause to be exported, or delays in exporting or causing to be exported, to an eligible country as provided in this subpart, the quantity of dairy products specified in his contract with CCC shall constitute a breach of the contract which will result in damages to CCC. Since it will be difficult, if not impossible, to prove the exact amount of such damages, the exporter shall pay to CCC promptly upon demand, by way of compensation and not as a penalty, liquidated damages as follows:

(1) Liquidated damages for delay in exportation shall commence on the first day following the end of the export period (90 days after CCC's acceptance of the offer or any extension thereof approved pursuant to paragraph (b) of this section) but such damages shall not be assessed beyond 30 days and shall be in the following amounts per pound for each calendar day of delay;

(i) With respect to nonfat dry milk, 0.01 cent (one-hundredth of a cent) per pound;

(ii) With respect to milkfat, 0.04 cent (four-hundredths of a cent) per pound.

(2)(i) Liquidated damages for failure to export or for delay in exportation of more than 30 days shall be in the following amounts per pound:

(a) With respect to nonfat dry milk, 0.3 cent (three-tenths of a cent) per pound;

(b) With respect to milkfat products, 1.2 cents (one and two-tenths cents) per pound.

Provided, That, if the export payment rate for any dairy product under the contract which was breached and the rate of liquidated damages with respect to such product under the foregoing provisions of this subparagraph (2) is less than the export payment rate for such product under any other contract made pursuant to this subpart by CCC with any exporter within 150 days after the date of the contract which was breached, then the liquidated damages under the contract with respect to such product shall be the difference between the export payment rate under the contract and the highest export payment rate for such product under any other contract made with any exporter within such 150-day period.

(ii) In addition to liability for liquidated damages, an exporter's failure to export in accordance with his contract may be cause for suspension or debarment under § 1485.214.

(iii) Failure of the exporter to submit evidence of exportation within 60 days after the final date for exportation specified in § 1485.205 or any extension thereof shall constitute prima facie evidence of failure to export. An exportation which has not been made to an eligible country within 30 calendar days after the end of the export period shall be deemed not to have been made at all, and no payments from CCC will have been earned by the delayed exportation.

(3) The liquidated damages provided in subparagraphs (1) and (2) of this paragraph shall not be cumulative.

(4) The exporter by submitting an offer will thereby agree that the liquidated damages provided herein are a reasonable estimate of the probable actual damages that would be incurred by CCC.

(b) If the exporter gives the General Sales Manager prompt written notice of a delay in exportation and the cause thereof, either before or within 30 days after the end of the 90-day period following the acceptance of the exporter's offer, and the General Sales Manager determines in writing that such delay was due solely to causes without the exporter's fault or negligence, an extension of time for exportation will be granted for a period of not to exceed 30 days. Notwithstanding the foregoing, the General Sales Manager is authorized to extend a period for exportation upon such terms and conditions as he may prescribe if such extension is determined by him to be in the interest of CCC.

(c) If the shipment of any dairy products pursuant to the exporter's contract with CCC does not qualify as an exportation to an eligible country, or if dairy products exported are reentered into the United States, including Puerto Rico, regardless of whether such reentry is caused by the exporter, or if any dairy products are transshipped by the exporter to any country excluded by § 1485.220, the exporter shall be in default, and shall return to CCC any certificates issued by CCC in payment for export of such dairy products, or shall refund to CCC the face value of such certificates in cash and, with respect to any dairy products reentered into the United States, including Puerto Rico, shall pay to CCC liquidated damages in amounts provided in paragraph (a)(2) of this section. The exporter shall not be subject to such damages if he establishes to the satisfaction of CCC that the dairy products reentered were lost, damaged, or destroyed, and the physical condition is such that their reentry will not impair CCC's export and price support program. Notwithstanding the provisions of this paragraph (c), the exporter shall not be subject to liquidated damages as provided in paragraph (a)(2) of this section and shall be entitled to retain the certificates if he establishes to the satisfaction of the General Sales Manager that the reentry was not due to his fault or negligence and promptly after he received notice of reentry, he subsequently exported a quantity of dairy products in fulfillment of the requirements of his contract with CCC equal to that which was reentered.

§ 1485.212 Covenant against contingent fees.

The exporter warrants that no person or selling agency has been employed or retained to solicit or secure contracts as provided under § 1485.203 upon an agreement or understanding for a commission, percentage, brokerage, or contingent fee, excepting bona fide established commercial agencies maintained by the exporter for the purpose of securing business. For breach or violation of this warranty, CCC shall have the right to annul the contract without liability, or, in its discretion, to deduct from the value which a certificate would otherwise have, the full amount of such commission, percentage, brokerage, or contingent fee, or to otherwise recover such full amount from the exporter.

§ 1485.213 Export and exportation.

"Export" or "exportation" means, except as otherwise provided in this section a shipment from the conterminous U.S. destined to an eligible country. The dairy products so shipped shall be deemed to have been exported on the date which appears on the applicable onboard ship export bill of lading or other document authorized by this subpart to be furnished in lieu of such bill of lading, or if shipment from the conterminous United States is by truck or rail, the date the shipment clears U.S. customs. A diversion of the shipment to an ineligible country while enroute to an eligible country shall not be considered as a shipment destined to an eligible country. If the dairy products are lost, destroyed, or damaged after loading onboard a ship for export, exportation to the eligible country shall be deemed to have been made as of the date of the onboard ship export bill of lading or other document authorized by this subpart to be furnished in lieu of such bill of lading, or the latest date appearing on the loading tally sheet or similar documents if the loss, destruction, or damage occurs subsequent to loading onboard ship but prior to issuance of onboard ship ocean bill of lading or such other document: *Provided, however*, That if the "lost, destroyed or damaged" dairy products remain in the United States, the products shall be considered as reentered and shall be subject to the provisions of § 1485.211(c).

§ 1485.214 Performance and good faith.

If CCC, after affording the exporter an opportunity to present evidence in accordance with the regulations of CCC relating to suspension and debarment, determines that the exporter has failed to act in good faith in connection with any transaction under this subpart, or that such exporter is irresponsible in carrying out his obligations under a contract entered into pursuant to this subpart, such exporter may be denied the right to submit offers under this program.

§ 1485.215 Assignments and setoffs.

(a) No assignment shall be made by an exporter of the exporter's contract, or of any rights thereunder, except that the exporter may assign the payments due the exporter under an Application for Export Payment, Form CCC–135, to any bank, trust company, Federal lending agency, or other financing institution, and subject to the approval of the Vice

President, CCC, assignment may be made to any other person: *Provided*, That such assignment shall be recognized only if and when the assignee thereof files written notice of the assignment together with a signed copy of the instrument of assignment, in accordance with the instructions on Form CCC–251, "Notice of Assignment", which form must be used in giving notice of assignment to CCC: *Provided, further*, That any such assignment shall cover all amounts payable and not already paid under the contract and shall not be made to more than one party and shall not be subject to further assignment except that any such assignment may be made to one person as agent or trustee for two or more persons participating in such financing. The "Instrument of Assignment" may be executed on Form CCC–252, or the assignee may use his own form of assignment. Forms may be obtained from the ASCS Commodity Office.

(b) (1) If the exporter is indebted to CCC, the amount of such indebtedness may be set off against payments due the exporter under an Application for Export Payment, Form CCC–135. In the case of an assignment and notwithstanding such assignment, CCC may set off (i) any amounts due CCC under the terms and conditions of these regulations and (ii) any amounts, other than the amounts specified in subdivision (i) of this subparagraph due CCC, if the assignee was advised of such amounts at the time of acknowledgement by CCC of receipt of the notice of assignment.

(2) In the case of an assignment pursuant to paragraph (a) of this section, any indebtedness of the exporter to CCC which may not be set off under this paragraph (b) may be set off against any amounts due and payable under the regulations which remain after the deductions of amounts (including interest and other charges) due the assignee under the assignment. Setoff as provided in this section shall not deprive the exporter of the right to contest the justness of the indebtedness involved, either by administrative appeal or by legal action.

§ 1485.216 Records and accounts.

Each exporter shall maintain accurate records relating to all commodities exported or to be exported in connection with this program. Such records, and any document relating to any transaction in connection with this program shall be available during regular business hours for inspection and audit by authorized employees of the U.S. Department of Agriculture, and shall be preserved for 3 years after date of export.

§ 1485.217 Reports.

The exporter shall file such reports as may be required from time to time by the CCC subject to the approval of the Bureau of the Budget.

§ 1485.218 Field Offices.

(a) Information concerning this program may be obtained from the Office of the General Sales Manager, Washington, D.C., or from representatives of the General Sales Manager as follows:

(1) Joseph Reidinger, 80 Lafayette Street, New York, N.Y., 10013.

(2) Callan B. Duffy, 630 Sansome Street, Appraisers Building, Room 802, San Francisco, Calif., 94111.

(b) Information concerning this program may also be obtained from the Minneapolis ASCS Commodity Office, 6400 France Avenue South, Minneapolis, Minn., 55410.

§ 1485.219 Officials not to benefit.

No member of or delegate to Congress, or resident Commissioner, shall be admitted to any benefit that may arise from any provision of this program, but this provision shall not be construed to extend to a payment made to a corporation for its general benefit.

§ 1485.220 Eligible country or designated country.

"Eligible country" or "designated country" means any destination outside of the United States and Puerto Rico excluding any country or area for which a license is required under regulations issued by the Bureau of International Programs, U.S. Department of Commerce unless a license for shipment or transshipment thereto has been obtained from such Bureau.

Issued this 18th day of May 1965.

RAYMOND A. IOANES,
Vice President, Commodity Credit Corporation and Administrator, Foreign Agricultural Service.

[F.R. Doc. 65–5379; Filed, May 20, 1965; 8:50 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Agency

[Airspace Docket No. 65–CE–16]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Designation of Control Zone and Alteration of Transition Area

On February 27, 1965, a notice of proposed rule making was published in the FEDERAL REGISTER (30 F.R. 2609) stating that the Federal Aviation Agency proposed to alter controlled airspace in the Manhattan, Kans., terminal area.

Interested persons were afforded an opportunity to participate in the rule making through submission of comments. All comments received were favorable.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0001 e.s.t., August 19, 1965, as hereinafter set forth.

1. In § 71.171 (29 F.R. 17581) the following is added:

MANHATTAN, KANS.

Within a 5-mile radius of the Manhattan, Kans., Municipal Airport (latitude 39°08'35" N., longitude 96°40'05" W.), and within 2 miles each side of the Manhattan VOR 046° radial, extending from the 5-mile radius zone to 8 miles NE of the VOR, and within 2 miles each side of the Manhattan VOR 147° radial, extending from the 5-mile radius zone to 11 miles SE of the VOR, and within 2 miles NE and 3 miles SW of the 127° bearing from the Manhattan RBN, extending from the 5-mile radius zone to 10 miles SE of the RBN, excluding the Fort Riley, Kans., control zone and the portion within R–3602. The control zone shall be effective during the times established by a Notice to Airmen and published continuously in the Airman's Information Manual.

2. In § 71.181 (29 F.R. 17643) the Manhattan, Kans., transition area is amended to read:

MANHATTAN, KANS.

That airspace extending upward from 700 feet above the surface within a 7-mile radius of the Manhattan Airport (latitude 39°08'35" N., longitude 96°40'05" W.), within 2 miles each side of the Manhattan VOR 046° radial, extending from the 7-mile radius area to 8 miles NE of the VOR; within 2 miles NE and 3 miles SW of the 127° bearing from the Manhattan RBN, extending from the RBN to 10 miles SE; within 6 miles S and 9 miles N of the Fort Riley VOR 059° radial extending from the VOR to 21 miles NE; within 2 miles each side of the Fort Riley VOR 222° radial extending from the VOR to 8 miles SW; and that airspace extending upward from 1,200 feet above the surface within a 23-mile radius of the Marshall AAF (latitude 39°09'15" N., longitude 96°46'30" W.). The portion of this transition area within R–3602 shall be used only after obtaining prior approval from appropriate authority.

(Sec. 307(a), Federal Aviation Act of 1958; 49 U.S.C. 1348)

Issued in Kansas City, Mo., on May 11, 1965.

KIRBY L. BRANNON,
Acting Director, Central Region.

[F.R. Doc. 65–5327; Filed, May 20, 1965; 8:45 a.m.]

[Airspace Docket No. 65–WE–55]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Control Zone

The purpose of this amendment to Part 71 of the Federal Aviation Regulations is to alter the description of the Medford, Oreg., control zone.

The Medford, Oreg., control zone is presently designated, in part, with reference to the Medford radio range which will be converted to a radio beacon (Class SBH) on May 27, 1965. Instrument approach procedures predicated on the radio range will be canceled, and the radio beacon will be classified as a VFR aid. Therefore, action is taken herein to revoke the control zone extension based on the Medford radio range.

Since the change effected by this amendment is less restrictive in nature than present requirements, notice and public procedure hereon are unnecessary.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0001 e.s.t., May 27, 1965, as hereinafter set forth.

In § 71.171 (29 F.R. 17615), the Medford, Oreg., control zone is amended to read:

Within a 5-mile radius of Medford Municipal Airport (latitude 42°22'15" N., longitude 122°52'20" W.); within 2 miles each side of the Medford ILS localizer N course, extending from the 5-mile radius zone to 6 miles N of the OM.

(Sec. 307(a), Federal Aviation Act of 1958, as amended, 72 Stat. 749; 49 U.S.C. 1348)

Issued in Los Angeles, Calif., on May 14, 1965.

LEE E. WARREN,
Acting Director, Western Division.

[F.R. Doc. 65–5328; Filed, May 20, 1965; 8:45 a.m.]

[Airspace Docket No. 65–WA–11]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Designation of Federal Airway

On March 13, 1965, a notice of proposed rule making was published in the FEDERAL REGISTER (30 F.R. 3391) stating that the Federal Aviation Agency was considering an amendment to Part 71 of the Federal Aviation Regulations that would designate a VOR Federal airway from Paris, Tex., to Page, Okla.

Interested persons were afforded an opportunity to participate in the proposed rule making through the submission of comments. All comments received were favorable.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0001 e.s.t., July 22, 1965, as hereinafter set forth.

In § 71.123 (29 F.R. 17509), V–315 is added as follows:

V–315 From Paris, Tex. to Page, Okla.

(Sec. 307(a), Federal Aviation Act of 1958; 49 U.S.C. 1348)

Issued in Washington, D.C., on May 17, 1965.

H. B. HELSTROM,
Acting Chief, Airspace Regulations and Procedures Division.

[F.R. Doc. 65–5329; Filed, May 20, 1965; 8:45 a.m.]

[Airspace Docket No. 65–SO–35]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Transition Area

The purpose of this amendment to § 71.181 of the Federal Aviation Regulations is to alter the transition area at Waycross, Ga.

The Waycross, Ga., transition area extending upward from 1,200 feet above the surface is presently designated, in part, as within 8 miles N and 5 miles S of the 086° bearing from a point at latitude 31°15'42" N., longitude 82°19'26" W., extending from this point to 12 miles E of the point. The purpose of this portion of the transition area was to provide protection to aircraft executing approaches to the Waycross-Ware County Airport in accordance with a special ADF procedure utilizing commercial broadcast station WACL as the navigational approach aid. This approch procedure was canceled on March 13, 1965; therefore, the portion of the transition area providing protection of this approach procedure is no longer required and action is taken herein to revoke it.

Since the change effected by this amendment is less restrictive in nature than the present requirements, and imposes no additional burden on any person, notice and public procedure hereon are unnecessary and it shall become effective 0001 e.s.t., July 22, 1965, as hereinafter set forth.

In § 71.181 the Waycross, Ga., transition area (30 F.R. 1188) is amended to read:

That airspace extending upward from 700 feet above the surface within a 5-mile radius of Waycross-Ware County Airport (latitude 31°14'55" N., longitude 82°23'48" W.); within 2 miles each side of the Waycross, Ga., VOR 100° radial, extending from the 5-mile radius area to the Waycross VOR 307° and 027° radials; and that airspace extending upward from 1,200 feet above the surface within 8 miles N and 5 miles S of the Waycross VOR 297° radial, extending from the VOR to 12 miles NW.

(Sec. 307(a), Federal Aviation Act of 1958; 49 U.S.C. 1348(a))

Issued in East Point, Ga., on May 13, 1965.

PAUL H. BOATMAN,
Acting Director, Southern Region.

[F.R. Doc. 65–5330; Filed, May 20, 1965; 8:45 a.m.]

[Airspace Docket No. 65–EA–9]

PART 75—ESTABLISHMENT OF JET ROUTES

Revocation of Jet Route Segment

On March 6, 1965, a notice of proposed rule making was published in the FEDERAL REGISTER (30 F.R. 2953) stating that the Federal Aviation Agency was considering an amendment to Part 75 of the Federal Aviation Regulations that would revoke the segment of Jet Route No. 47 from Spartanburg, S.C., via Lexington, Ky., to Dayton, Ohio.

Interested persons were afforded an opportunity to participate in the proposed rule making through the submission of comments. All comments received were favorable.

In consideration of the foregoing, Part 75 of the Federal Aviation Regulations is amended, effective 0001 e.s.t., July 22, 1965, as hereinafter set forth.

In § 75.100 (29 F.R. 17776), Jet Route No. 47 is amended to read as follows:

Jet Route No. 47 (Charleston, S.C., to Spartanburg, S.C.)
From Charleston, S.C., via Columbia, S.C., to Spartanburg, S.C.

(Sec. 307(a), Federal Aviation Act of 1958; 49 U.S.C. 1348)

Issued in Washington, D.C., on May 14, 1965.

H. B. HELSTROM,
Acting Chief, Airspace Regulations and Procedures Division.

[F.R. Doc. 65–5331; Filed, May 20, 1965; 8:45 a.m.]

[Airspace Docket No. 65–SO–2]

PART 75—ESTABLISHMENT OF JET ROUTES

Alteration of Jet Route

On March 20, 1965, a notice of proposed rule making was published in the FEDERAL REGISTER (30 F.R. 3714) stating that the Federal Aviation Agency was considering an amendment to Part 75 of the Federal Aviation Regulations that would realign Jet Route No. 4 between Montgomery, Ala., and Augusta, Ga., via Atlanta, Ga.

Interested persons were afforded an opportunity to participate in the proposed rule making through the submission of comments. All comments received were favorable.

In consideration of the foregoing, Part 75 of the Federal Aviation Regulations is amended, effective 0001 e.s.t., July 22, 1965, as hereinafter set forth.

In § 75.100 (29 F.R. 17776), the text of Jet Route No. 4 is amended by deleting "Montgomery, Ala.;" and substituting "Montgomery, Ala.; Atlanta, Ga.;" therefor.

(Sec. 307(a), Federal Aviation Act of 1958; 49 U.S.C. 1348)

Issued in Washington, D.C., on May 14, 1965.

H. B. HELSTROM,
Acting Chief, Airspace Regulations and Procedures Division.

[F.R. Doc. 65–5332; Filed, May 20, 1965; 8:45 a.m.]

Title 12—BANKS AND BANKING

Chapter V—Federal Home Loan Bank Board

SUBCHAPTER D—FEDERAL SAVINGS AND LOAN INSURANCE CORPORATION

[No. FSLIC–2,066]

PART 561—DEFINITIONS

Scheduled Items

Correction

In F.R. Doc. 65–4989 appearing at page 6517 in the issue for Wednesday, May 12, 1965, the first paragraph is corrected to read as follows:

Resolved that, notice and public procedure having been duly afforded (30 F.R. 3274) and all relevant material presented or available having been considered by it, the Federal Home Loan Bank Board, upon the basis of such consideration and of determination by it of the advisability of amendment of § 561.15 of the Rules and Regulations for Insurance of Accounts (12 CFR 561.15) and for the purpose of effecting such amendment, hereby amends said § 561.15 as follows, effective June 12, 1965:

Title 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

SUBCHAPTER B—FOOD AND FOOD PRODUCTS

PART 121—FOOD ADDITIVES

Subpart D—Food Additives Permitted in Food for Human Consumption

CALCIUM DISODIUM EDTA

The Commissioner of Food and Drugs, having evaluated data in a petition (FAP

5A1639) filed by Geigy Industrial Chemicals, Division of Geigy Chemical Corp., Post Office Box 430, Yonkers, N.Y., and other relevant material, has concluded that the food additive regulations should be amended to prescribe the safe use of calcium disodium EDTA as a stabilizer of color in canned, cooked dried lima beans. Therefore, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1)), and under the authority delegated to the Commissioner by the Secretary of Health, Education, and Welfare (21 CFR 2.90), § 121.1017(b)(1) is amended by inserting, alphabetically, in the table a new item, as follows:

§ 121.1017 Calcium disodium EDTA.

* * * * * * *

(b) * * *

(1) * * *

Food	Limitation (parts per million)	Use
* * *	* * *	* * *
Dried lima beans (cooked canned).	310	Promote color retention.
* * *	* * *	* * *

Any person who will be adversely affected by the foregoing order may at any time within 30 days from the date of its publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington, D.C., 20201, written objections thereto, preferably in quintuplicate. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof.

Effective date. This order shall be effective on the date of its publication in the FEDERAL REGISTER.

(Sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1))

Dated: May 3, 1965.

GEO. P. LARRICK,
Commissioner of Food and Drugs.

[F.R. Doc. 65-5350; Filed, May 20, 1965; 8:47 a.m.]

Proposed Rule Making

DEPARTMENT OF AGRICULTURE

Consumer and Marketing Service

[7 CFR Ch. IX]

[Docket No. AO-358]

HANDLING OF GRAPEFRUIT GROWN IN INTERIOR DISTRICT IN FLORIDA

Notice of Hearing With Respect to Proposed Marketing Agreement and Order

Pursuant to the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended; 7 U.S.C. 601–674), and in accordance with the applicable rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of a public hearing to be held in the Auditorium, Florida Citrus Mutual Building, Lakeland, Fla., beginning at 10 a.m., local time, June 28, 1965, with respect to a proposed marketing agreement and order regulating the handling of grapefruit grown in the Interior District in Florida. The proposed marketing agreement and order have not received the approval of the Secretary of Agriculture.

The public hearing is for the purpose of receiving evidence with respect to the economic and marketing conditions which relate to the provisions of the proposed marketing agreement and order, hereinafter set forth, and to any appropriate modifications thereof.

The proposed marketing agreement and order, the provisions of which are as follows, was submitted with a request for a hearing thereon by Florida Citrus Mutual and the Florida Fresh Citrus Shippers Association (the sections identified with asterisks (***) apply only to the proposed marketing agreement and not to the proposed order):

DEFINITIONS

Section 1. Secretary.

"Secretary" means the Secretary of Agriculture of the United States, or any officer or employee of the Department to whom authority has heretofore been delegated, or to whom authority may hereafter be delegated, to act in his stead.

Sec. 2. Act.

"Act" means Public Act No. 10, 73d Congress (May 12, 1933), as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (Sec. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674).

Sec. 3. Person.

"Person" means an individual, partnership, corporation, association, or any other business unit.

Sec. 4. Fruit or grapefruit.

"Fruit" or "grapefruit" means any or all varieties of Citrus Paradisi, MacFadyen, grown in the Interior district in the State of Florida.

Sec. 5. Producer or grower.

"Producer" is synonymous with "grower" and means any person who is engaged in the production for market of grapefruit in the Interior district and who has a proprietary interest in the grapefruit so produced.

Sec. 6. Handler or shipper.

"Handler" is synonymous with "shipper" and means any person (except a common or contract carrier transporting grapefruit for another person) who, as owner, agent, or otherwise, handles grapefruit in fresh form, or causes grapefruit to be handled.

Sec. 7. Handle or ship.

"Handle" or "ship" means to sell or transport grapefruit, or in any other way to place grapefruit in the current of commerce between the regulation area and any point outside thereof in the United States, Canada, or Mexico.

Sec. 8. Standard packed box.

"Standard packed box" means a unit or measure equivalent to one and three-fifths (1⅗) United States bushels of grapefruit, whether in bulk or in any container.

Sec. 9. Fiscal period.

"Fiscal period" means the period of time from August 1, of any year until July 31, of the following year, both dates inclusive: *Provided*, That the initial fiscal period shall begin on the effective date of this part.

Sec. 10. Committee.

"Committee" means Interior Grapefruit Marketing Committee.

Sec. 11. Regulation area.

"Regulation area" means that portion of the State of Florida which is bounded by the Suwannee River, the Georgia border, the Atlantic Ocean, and the Gulf of Mexico.

Sec. 12. Interior district.

"Interior district" means the following areas in the State of Florida: The counties of Hillsborough, Pinellas, Manatee, Citrus, Sumter, Hernando, Pasco, Lake, Orange, Osceola, Seminole, Alachua, Putnam, St. Johns, Flagler, Marion, Levy, Duval, Nassau, Baker, Union, Bradford, Columbia, Clay, Gilchrist, Suwannee, Polk, Hardee, Sarasota, Monroe, Highlands, Okeechobee, Glades, De Soto, Charlotte, Lee, Hendry, Collier, Dade, Broward, and County Commissioner's Districts One, Two, and Three of Volusia County and shall include the portions of the Counties of Brevard, Indian River, Martin, and Palm Beach except as particularly described as follows: Beginning at a point on the shore of the Atlantic Ocean where the line between Flagler and Volusia Counties intersects said shore, thence follow the line between said two counties to the southwest corner of Section 23, Township 14 South, Range 31 East; thence continue south to the southwest corner of Section 35, Township 14 South, Range 31, East; thence east to the northwest corner of Township 18 South, Range 32 East; thence south to the southwest corner of Township 17 South, Range 32 East; thence east to the northwest corner of Township 18 South, Range 33 East, thence south to the St. Johns River; thence along the main channel of the St. Johns River and through Lake Harney, Lake Poinsett, Lake Winder, Lake Washington, Sawgrass Lake, and Lake Helen Blazes to the range line between Ranges 35 East and 36 East; thence south to the south line of Brevard County; thence east to the line between Ranges 36 East and 37 East; thence south to the southwest corner of St. Lucie County; thence east to the line between Ranges 39 East and 40 East; thence south to the south line of Martin County; thence east to the line between Ranges 40 East and 41 East; thence south to the West Palm Beach Canal (also known as the Okeechobee Canal); thence follow said canal eastward to the mouth thereof; thence east to the shore of the Atlantic Ocean; thence northerly along the shore of the Atlantic Ocean to the point of beginning.

ADMINISTRATIVE BODY

Sec. 20. Establishment and membership.

There is hereby established an Interior Grapefruit Marketing Committee. The membership shall consist of those members and alternates of the Growers Administrative Committee and Shippers Advisory Committee serving as members and alternates of Marketing Order No. 905, and whose residence and principal place of business are in the Interior district.

Sec. 21. Inability of members to serve.

(a) An alternate for a member of the committee shall act in the place and stead of such member (1) in his absence, or (2) in the event of his removal, resignation, disqualification, or death, and until a successor for his unexpired term has been selected.

(b) In the event of the death, removal, resignation, or disqualification of any person selected by the Secretary as a member or an alternate member of the committee, a successor for the unexpired term of such person shall be selected by the Secretary.

Sec. 22. Powers of the Interior Grapefruit Marketing Committee.

The committee, in addition to the power to administer the terms and pro-

visions of this subpart, as herein specifically provided, shall have the power (a) to make, only to the extent specifically permitted by the provisions contained in this subpart, administrative rules and regulations; (b) to receive, investigate, and report to the Secretary complaints of violations of this subpart; and (c) to recommend to the Secretary amendments to this subpart.

Sec. 23. Duties of the Interior Grapefruit Marketing Committee.

It shall be the duty of the committee: (a) To select a chairman from its membership, and to select such other officers and adopt such rules and regulations for the conduct of its business as it may deem advisable;

(b) To keep minutes, books, and records which will clearly reflect all of its acts and transactions, which minutes, books, and records shall at all times be subject to the examination of the Secretary;

(c) To act as intermediary between the Secretary and producers and handlers;

(d) To furnish the Secretary with such available information as he may request;

(e) To appoint such employees as it may deem necessary and to determine the salaries and define the duties of such employees;

(f) To cause its books to be audited by one or more certified or registered public accountants at least once for each fiscal period, and at such other times as it deems necessary or as the Secretary may request, and to file with the Secretary copies of all audit reports;

(g) To prepare and publicly issue a monthly statement of financial operations of the committee; and

(h) To provide an adequate system for determining the total crop of grapefruit, and to make such determinations, as it may deem necessary, or as may be prescribed by the Secretary, in connection with the administration of this subpart.

Sec. 24. Compensation and expenses of committee members.

The members and alternate members of the committee shall serve without compensation but may be reimbursed for expenses necessarily incurred by them in attending committee meetings and in the performance of their duties under this subpart.

Sec. 25. Procedure of committee.

(a) Except as provided in paragraphs (b) and (c) of this section, a majority of the members present shall constitute a quorum for any decision or action of the committee.

(b) For any recommendation for regulations to be valid, not less than 60 percent of the committee shall concur, except as provided for in paragraph (c) of this section.

(c) Not less than 75 percent of the committee shall concur to make a recommendation for regulations for any week following three or more weeks of continuous regulations. The requirements of this paragraph shall not apply to recommendations to amend an existing regulation.

(d) The vote of each member cast for or against any recommendations made pursuant to this subpart, shall be duly recorded. Each member must vote in person.

(e) In the event any member of the committee and his alternate are not present at any meeting of the committee, any alternate for any other member appointed by the chairman of the committee, may serve in the place and stead of the absent member and his alternate.

(f) The committee shall give to the Secretary the same notice of meeting of the committee as is given to the members thereof.

Sec. 26. Funds.

(a) All funds received by the committee pursuant to the provisions of this subpart shall be used solely for the purposes herein specified and shall be accounted for in the manner provided in this subpart.

(b) The Secretary may, at any time, require the committee and its members to account for all receipts and disbursements.

(c) Upon the removal or expiration of the terms of office of any member of the committee such member shall account for all receipts and disbursements and deliver all property and funds, together with all books and records in his possession, to his successor in office, and shall execute such assignment and other instruments as may be necessary or appropriate to vest in such successor full title to all of the property, funds, and claims vested in such pursuant to this subpart.

EXPENSES AND ASSESSMENTS

Sec. 30. Expenses.

The committee is authorized to incur such expenses as the Secretary finds are reasonable and necessary to carry out the functions of the committee under this subpart during each fiscal period. The funds to cover such expenses shall be acquired by the levying of assessments upon handlers as provided in section 31.

Sec. 31. Assessments.

(a) Each handler who first handles fruit shall pay to the committee, upon demand, such handler's pro rata share of the expenses which the Secretary finds will be incurred by such committee for its maintenance and functioning during each fiscal period. Each such handler's share of such expenses shall be that proportion thereof which the total quantity of fruit shipped by such handler as the first handler thereof during the applicable fiscal period is of the total quantity of fruit so shipped by all handlers during the same fiscal period. The Secretary shall fix the rate of assessment per standard packed box of fruit to be paid by each such handler. The payment of assessments for the maintenance and functioning of the committee may be required under this part throughout the period it is in effect irrespective of whether particular provisions thereof are suspended or become inoperative.

(b) At any time during or after the fiscal period, the Secretary may increase the rate of assessment so that the sum of money collected pursuant to the provisions of this section shall be adequate to cover the said expenses. Such increase shall be applicable to all fruit shipped during the given fiscal period. In order to provide funds to carry out the functions of the committee, handlers may make advance payment of assessments.

Sec. 32. Handler's accounts.

If, at the end of a fiscal period the assessments collected are in excess of expenses incurred, the committee, with the approval of the Secretary, may carry over such excess into subsequent fiscal periods as a reserve: *Provided*, That funds already in the reserve do not exceed approximately one-half one fiscal period's expenses. Such reserve funds may be used (a) to cover any expenses authorized by this part and (b) to cover necessary expenses of liquidation in the event of termination of this part. If any such excess is not retained in a reserve, each handler entitled to a proportionate refund shall be credited with such refund against the operations of the following fiscal period unless he demands payment of the sum due him, in which case such sum shall be paid to him. Upon termination of this part, any funds not required to defray the necessary expenses of liquidation shall be disposed of in such manner as the Secretary may determine to be appropriate: *Provided*, That to the extent practical, such funds shall be returned pro rata to the persons from whom such funds were collected.

REGULATION

Sec. 40. Marketing policy.

(a) Prior to the first recommendation for regulation during any marketing season, the committee shall submit to the Secretary its marketing policy for such season. Such marketing policy shall contain the following information:

(1) The estimated available crop of grapefruit in the district, including estimated quality;

(2) The estimated utilization of the crop that will be marketed in domestic, export, and by-product channels, together with quantities otherwise to be disposed of;

(3) A schedule of estimated weekly shipments of grapefruit during the ensuing season;

(4) The available supplies of competitive deciduous fruits in all producing areas of the United States;

(5) Level and trend in consumer income;

(6) Estimated supplies of competitive citrus commodities; and

(7) Any other pertinent factors bearing on the marketing of grapefruit. In the event that it becomes advisable substantially to modify such marketing policy, the committee shall submit to the Secretary a revised marketing policy.

(b) All meetings of the committee held for the purpose of formulating such marketing policies shall be open to growers and handlers.

(c) The committee shall transmit a copy of each marketing policy report or revision thereof to the Secretary and to each grower and handler who files a request therefor. Copies of all such reports shall be maintained in the office of the committee where they shall be available for examination by growers and handlers.

Sec. 41. Recommendation for volume regulation.

(a) The committee may, during any week, recommend to the Secretary the total quantity of grapefruit which it deems advisable to be handled during the next succeeding week: *Provided*, That such regulations shall not in the aggregate be recommended during the 1965–66 fiscal period for more than 6 weeks, and in the succeeding fiscal period not more than 8 weeks and all subsequent fiscal periods not more than 10 weeks.

(b) In making its recommendations, the committee shall give due consideration to the following factors:

(1) Market prices for grapefruit;

(2) Supply of grapefruit on track at, and en route to, the principal markets;

(3) Supply, maturity, and condition of grapefruit in the production area;

(4) Market prices and supplies of citrus fruits from competitive producing areas, and supplies of other competitive fruits;

(5) Trend and level in consumer income; and

(6) Other relevant factors.

(c) At any time during a week for which the Secretary, pursuant to section 42, has fixed the quantity of grapefruit which may be handled, the committee may recommend to the Secretary that such quantity be increased for such week. Each such recommendation, together with the committee's reason for such recommendation, shall be submitted promptly to the Secretary.

Sec. 42. Issuance of volume regulation.

Whenever the Secretary finds, from the recommendations and information submitted by the committee, or from other available information, that to limit the quantity of grapefruit which may be handled during a specified week will tend to effectuate the declared policy of the act, he shall fix such quantity. Such regulations may, as authorized by the act, be made effective irrespective of whether the season average price of grapefruit is in excess of the parity price specified therefor in the act: *Provided*, That such regulations shall not in the aggregate limit the volume of grapefruit shipments during the 1965–66 fiscal period for more than 6 weeks, and the succeeding fiscal period not more than 8 weeks, and all subsequent fiscal periods not more than 10 weeks. The quantity so fixed for any week may be increased by the Secretary at any time during such week. The Secretary may upon the recommendation of the committee, or upon other available information, terminate or suspend any regulation at any time.

Sec. 43. Prorate bases.

(a) Each person who desires to handle grapefruit, shall submit to the committee, at such time and in such manner as may be designated by the committee, and upon forms made available by it, a written application for a prorate base and for allotments as provided in this section and section 44.

(b) Such application shall be substantiated in such manner and shall be supported by such information as the committee may require.

(c) The committee shall determine the accuracy of the information submitted pursuant to this section. Whenever the committee finds that there is an error, omission, or inaccuracy in any such information, it shall correct the same and shall give the person who submitted the information a reasonable opportunity to discuss with the committee the factors considered in making the correction.

(d) Each week during the marketing season when volume regulation is likely to be recommended, the committee shall compute a prorate base for each person who has made application in accordance with the provisions of this section. Such prorate base for each handler shall, except as provided in paragraph (e) of this section, during the 1965–66 fiscal period be the quantity shipped by him during the preceding marketing season and during the 1966–67 fiscal period be the average seasonal quantity shipped by him during the preceding two marketing seasons, and during the 1967–68 fiscal period and subsequent fiscal periods be the seasonal average quantity shipped by him during the preceding three marketing seasons. At any time handlers having only one or two seasons of past performance in seasons immediately preceding the season for which prorate bases are computed, such handlers bases shall be computed in the same manner as described above.

(e) Any person who has made no shipments of grapefruit in the season immediately preceding the season for which prorate bases are being established, and is the sole owner or has control of a packinghouse and applies for a prorate base shall be considered a new handler. The committee shall compute a prorate base based upon his prior shipments if any, grapefruit under control and any other factors which, in the judgment of the committee are relevant and proper to be used in arriving at an equitable prorate base for such handler.

Sec. 44. Allotments.

Whenever the Secretary has fixed the quantity of grapefruit which may be handled during any week, the committee shall calculate the quantity of grapefruit which may be handled during such week by each person who has applied for a prorate base. Such quantity shall be the allotment of such person and shall be that portion of the total quantity fixed by the Secretary which, expressed in terms of percent, is equal to the percentage that such applicant's prorate base is of the aggregate of the prorate bases of all such applicants. The committee shall give reasonable notice to each person of the allotment computed for him pursuant to this section.

Sec. 45. Overshipments.

During any week for which the Secretary has fixed the total quantity of grapefruit which may be handled, any person who has received an allotment may handle, in addition to the total allotment available to him for use during such week, an amount of grapefruit equivalent to 10 percent of such total allotment, or 500 boxes, whichever is greater. The quantity of grapefruit so handled in excess of the total allotment which such person had available for use during such week (but not exceeding an amount equivalent to the excess shipments permitted under this section) shall be deducted from such person's allotment for the next week. If such person's allotment for such week is in an amount less than the excess shipments permitted under this section, the remaining quantity shall be deducted from succeeding weekly allotments issued to such person until such excess has been entirely offset: *Provided*, That at any time there is no volume regulation in effect it shall be deemed to cancel all requirements to undership allotments because of previous overshipments pursuant to this part.

Sec. 46. Undershipments.

If any person handles during any week a quantity of grapefruit, covered by a regulation issued pursuant to section 42, in an amount less than the total allotment available to him for such week, he may handle, during the next succeeding week, a quantity of grapefruit, in addition to that permitted by the allotment available to him for such week, equivalent to such undershipment or 25 percent of the allotment issued to him for the week during which the undershipment was made, whichever is the lesser: *Provided*, That the committee, with the approval of the Secretary, may increase or decrease such percentage.

Sec. 47. Allotment loans.

(a) A person to whom allotments have been issued, except a new handler, may lend such allotments to other persons to whom allotments have also been issued. A new handler may borrow allotments and repay same. Each party to any such loan agreement shall, prior to completion of the agreement, notify the committee of the proposed loan and the date of repayment and obtain the committee's approval of the agreement.

(b) The committee may act on behalf of persons desiring to arrange allotment loans. In each case, the committee shall confirm all such transactions immediately after the completion thereof by memorandum addressed to the parties concerned, which memorandum shall be deemed to satisfy the requirements of paragraph (a) of this section as to an approval of the loan agreement.

Sec. 48. Inspection and certification.

Whenever the handling of grapefruit is regulated pursuant to section 42, each handler who handles any grapefruit shall, prior to the handling of any lot of grapefruit, cause such lot to be inspected by the Federal or Federal-State Inspection Service and certified by it as meeting all applicable requirements of such regulation: *Provided*, That such inspection and certification shall not be required if the particular lot of fruit previously had been so inspected and certified.

REPORTS

Sec. 50. Reports.

Upon request of the committee, made with approval of the Secretary, each handler shall maintain such records and furnish to the committee, in such manner and at such time as it may prescribe, reports of overshipments and undershipments and such other reports and information as may be necessary for the committee to perform its duties under this part.

MISCELLANEOUS PROVISIONS

Sec. 55. Fruit not subject to regulation.

Except as otherwise provided in the section, any person may, without regard to the provision of sections 42 through 48 and the regulations issued thereunder, ship grapefruit for the following purposes:

(a) To a charitable institution for consumption by such institution;

(b) To a relief agency for distribution by such agency;

(c) To a commercial processor for conversion by such processor into canned or frozen products or into a beverage base;

(d) By parcel post; and

(e) In such minimum quantities, types of shipments, or for such purposes as the committee with the approval of the Secretary may specify. No assessment shall be levied on fruit so shipped.

The committee shall, with the approval of the Secretary, prescribe such rules, regulations, or safeguards as it may deem necessary to prevent grapefruit handled under the provisions of this section from entering channels of trade for other than the purposes authorized by this section. Such rules, regulations, and safeguards may include the requirements that handlers shall file applications with the committee for authorization to handle grapefruit pursuant to this section, and that such applications be accompanied by a certification by the intended purchaser or receiver that the grapefruit will not be used for any purpose not authorized by this section.

Sec. 56. Compliance.

Except as provided in this part, no person shall handle grapefruit during any week in which a regulation issued by the Secretary pursuant to section 42 is in effect, unless such grapefruit are, or have been handled pursuant to an allotment therefor, or unless such person is otherwise permitted to handle such grapefruit under the provisions of this part; and no person, shall handle grapefruit except in conformity with the provisions of this part and the regulations issued under this part.

Sec. 57. Right of Secretary.

The members of the committee (including successors and alternates), and any agents, employees, or representatives thereof, shall be subject to removal or suspension by the Secretary at any time. Each and every regulation, decision, determination, or other act of the committee shall be subject to the continuing right of the Secretary to disapprove of the same at any time. Upon such disapproval, the disapproved action of the committee shall be deemed null and void, except as to acts done in reliance thereon or in compliance therewith prior to such disapproval by the Secretary.

Sec. 58. Effective time.

The provisions of this part shall become effective at such time as the Secretary may declare above his signature to this part, and shall continue in force until terminated in one of the ways specified in section 59.

Sec. 59. Termination.

(a) The Secretary may at any time terminate the provisions of this part by giving at least one day's notice by means of a press release or in any other manner which he may determine.

(b) The Secretary shall terminate the provisions of this part at the end of any fiscal period whenever he finds that such termination is favored by a majority of producers who, during the preceding fiscal period, have been engaged in the production for market of fruit: *Provided*, That such majority have, during such period produced for market more than 50 percent of the volume of such fruit produced for market, but such termination shall be effective only if announced on or before July 31 of the then current fiscal period.

(c) The provisions of this part shall, in any event, terminate whenever the provisions of the act authorizing it cease to be in effect.

Sec. 60. Proceedings after termination.

(a) Upon the termination of the provisions of this part, the then functioning members of the committee shall continue as joint trustees, for the purpose of liquidating the affairs of the same committee, of all the funds and property then in the possession of or under control of such administrative committee, including claims for any funds unpaid or property not delivered at the time of such termination.

(b) The said trustees (1) shall continue in such capacity until discharged by the Secretary; (2) shall, from time to time, account for all receipts and disbursements or deliver all property on hand, together with all books and records of the committee and of the joint trustees, to such person as the Secretary may direct; and (3) shall, upon the request of the Secretary, execute such assignments or other instruments necessary or appropriate to vest in such person full title and right to all of the funds, property, and claims vested in the committee, or the joint trustees pursuant to this part.

(c) Any funds collected pursuant to section 31, over and above the amounts necessary to meet outstanding obligations and expenses necessarily incurred during the operation of this part and during the liquidation period, shall be returned to handlers as soon as practicable after the termination of this part. The refund to each handler shall be represented by the excess of the amount paid by him over and above his pro rata share of the expenses.

(d) Any person to whom funds, or claims have been transferred or delivered by the committee, or its members, pursuant to this section, shall be subject to the same obligations imposed upon the members of said committee and upon the said joint trustees.

Sec. 61. Duration of immunities.

The benefits, privileges, and immunities conferred upon any person by virtue of this part shall cease upon its termination, except with respect to acts done under and during the existence of this part.

Sec. 62. Agents.

The Secretary may, by designation in writing, name any person, including any officer or employee of the Government, or name any bureau or division in the United States Department of Agriculture, to act as his agent or representative in connection with any of the provisions of this part.

Sec. 63. Derogation.

Nothing contained in this part is, or shall be construed to be in derogation or in modification of the rights of the Secretary or of the United States (a) to exercise any powers granted by the act or otherwise, or (b) in accordance with such powers, to act in the premises whenever such action is deemed advisable.

Sec. 64. Personal liability.

No member or alternate of the committee, nor any employee or agent thereof, shall be held personally responsible, either individually or jointly with others, in any way whatsoever, to any handler or to any other person for errors in judgment, mistakes, or other acts, either of commission or omission, as such member, alternate, or employee.

Sec. 65. Separability.

If any provision of this part is declared invalid, or the applicability thereof to any person, circumstance, or thing is held invalid, the validity of the remainder of this part or the applicability thereof to any other person, circumstance, or thing shall not be affected thereby.

Sec. 66. Counterparts.

This agreement may be executed in multiple counterparts and when one counterpart is signed by the Secretary, all such counterparts shall constitute, when taken together, one and the same instrument as if all signatures were contained in one original. * * *

Sec. 67. Additional parties.

After the effective date hereof, any handler may become a party to this agreement if a counterpart is executed by him and delivered to the Secretary. This agreement shall take effect as to such new contracting party at the time such counterpart is delivered to the Secretary, and the benefits, privileges, and immunities conferred by this agreement shall then be effective as to such new contracting party. * * *

Sec. 68. Order with marketing agreement.

Each signatory handler hereby requests the Secretary to issue, pursuant to the act, an order providing for regulating the handling of grapefruit in the same manner as is provided for in this agreement. * * *

Copies of this notice of hearing may be obtained from Minard F. Miller, Fruit and Vegetable Division, Consumer and Marketing Service, United States Department of Agriculture, Post Office Box 9, Lakeland, Fla., 33802.

Dated: May 17, 1965.

J. C. BLUM,
Acting Deputy Administrator, Regulatory Programs.

[F.R. Doc. 65-5346; Filed, May 20, 1965; 8:47 a.m.]

FEDERAL AVIATION AGENCY

[14 CFR Parts 1, 91]

[Reg. Docket No. 6652; Notice 65-11]

CLEARANCES AND INSTRUCTIONS

Notice of Proposed Rule Making

The Federal Aviation Agency is considering amendments to Parts 1 and 91 of the Federal Aviation Regulations that would revise the definitions of "air traffic control" and "air traffic control clearances" and clarify the distinction between ATC clearances and ATC instructions.

Interested persons may participate in the proposed rule making by submitting such written data, views, or arguments as they may desire. Communications should identify the regulatory docket or notice number and be submitted in triplicate to the Federal Aviation Agency, Office of the General Counsel, Attention: Rules Docket, 800 Independence Avenue SW., Washington, D.C., 20553. All communications received on or before July 20, 1965, will be considered by the Administrator before taking action on the proposed amendment. The proposal contained in the notice may be changed in the light of comments received. All comments submitted will be available in the Rules Docket for examination by interested persons, both before and after the closing date for comments.

The term "instruction," in connection with air traffic control, predates the term "clearance" by several years. In 1938 the air traffic control "instruction" was introduced as a definition in the Civil Air Regulations, and made applicable to Center operation. In 1943 the regulations were modified so that a control tower, as well as an Air Route Traffic Control Center, could issue an instruction. In 1945, the term "clearance," granted by a tower or center was inserted into the regulations to serve as a condition precedent to operating under IFR on Federal airways.

Instances have occurred in which pilots excessively questioned, or totally disregarded, control messages from ATC involving use of the terms "instruction" and "clearance." On January 16, 1960, in response to the situation, the Agency published Draft Release No. 60-1 in the FEDERAL REGISTER (29 F.R. 391). In this document it was proposed to clarify and emphasize the authority of ATC by requiring immediate compliance with specific instructions when conditions do not permit further discussion by a pilot seeking a course of action different from the instruction. Opposition by the public to this proposal primarily was premised upon the descriptive definition of an instruction as a directive requiring immediate, unquestioning compliance. As a result of general opposition by the public, and the extremely controversial aspects of the proposal, the Draft Release was withdrawn in September 1962, to permit additional study of the problem. The results of this study are the amendments proposed herein.

"Air traffic control" is presently described as a service operated by appropriate authority to promote the safe, orderly, and expeditious flow of air traffic. The Agency has determined that a more specific definition should be formulated because of confusion existing among certain segments of the aviation community who believe the service is wholly permissive, while others believe its use requires mandatory compliance with directives. This misunderstanding as to the purpose of air traffic control, and the respective responsibilities between pilots and controllers, may become clearer if a more exact definition and statement of the nature and purpose of air traffic control is delineated by regulation.

The primary objective of air traffic control is the prevention of collision between aircraft. While aircraft are being operated in controlled airspace under special VFR and IFR flight plans (except when operating VFR-on-top or with any other VFR restriction), ATC is responsible for maintaining separation between this traffic. However, it is also an established concept that even though ATC provides separation to special VFR and IFR traffic, it does not eliminate the primary responsibility of the pilots of such aircraft from maintaining a lookout and avoiding other aircraft when able to do so. Generally, this concept of air traffic control service is well understood.

One of the principal areas of confusion involving the responsibilities of pilots and controllers is VFR operations being conducted in the vicinity of an airport having control tower service. ATC services in this area are intended principally to assist the pilot-in-command in the exercise of his primary responsibility of separating his aircraft from others. ATC issues clearances and information for this purpose. It is also necessary that the controller issue directions to aircraft in the vicinity of an airport for the purpose of establishing an orderly traffic flow and sequencing aircraft. However, pilots involved are still responsible for the spacing between individual aircraft.

Generally, in a VFR type operation the pilot is in the best position to see other aircraft in his immediate vicinity, and in a great majority of cases, he is the only person qualified to detect the development of a hazardous situation and to take appropriate action to avoid a collision. In most instances, the VFR pilot is out of sight of the controller when clearances and advisory information are being transmitted by radio. Even in those situations in which aircraft are visible to the controller, he is often unable to issue proper evasive directions to a pilot because he cannot determine accurately the relative positions of aircraft, either laterally or vertically, by visual observation. Consequently, the controller's role with the VFR pilot is one of issuing clearances and information to assist the VFR pilot in avoiding collision. The primary responsibility for specific evasive action rests with the pilot-in-command, and by reason of the diversified factors involved in VFR flying, positive separation by ATC is precluded.

Stating these concepts another way, ATC positively separates IFR aircraft from other IFR aircraft. The pilots of such aircraft primarily rely upon the controller for separation, even though each is required to maintain a lookout for other traffic. On the other hand, the VFR pilot is primarily responsible for maintaining separation from other aircraft and the controller will issue clearances and information to the pilot so that efficient and orderly use of the airport environment results, and help is provided the VFR pilot in avoiding collision with other aircraft.

Assuming the pilot-controller responsibilities, regarding clearances and required actions, are clarified, the questions most frequently raised are (1) how can a pilot distinguish between a required action and a clearance, and (2) to what extent is the pilot required to follow such directions.

In the past, some pilots have considered a clearance to be an instruction, while others believed that controllers only issued clearances. Still others, realizing the distinction between clearances and instructions, violently opposed both the use of the word "instruction" and its import. The Agency has determined that the best method for correcting the problem is to discontinue use of the term "instruction" and use only ATC clearances.

A problem exists concerning the method used to distinguish between ATC clearances that, on the one hand, are the subject of a normal discussion between the controller and pilot, and those with which a pilot must comply without delay because they involve hazardous, time-critical situations. In the latter situations, such words as "immediately" or "now" or words of similar connotation, would be included in the clearance when necessary to indicate urgency. Urgency is implicit in clearances such as "stop" or "go around". A pilot would be required immediately to initiate the action required by the clearance, subject to his final responsibility for the safety of his aircraft. After a pilot has initiated compliance with such a clearance, he could negotiate with ATC for an alternative clearance.

It is not the intent of this proposed regulatory action to void the pilot's privilege to question an ATC message. However, in those circumstances in which ATC needs immediate pilot action for safety reasons, there is no time available to discuss the matter until the pilot

has initiated compliance with the clearance. Normally, when immediate safety requirements are not involved, negotiations may take place between the controller and pilot concerning an alternative course of action. Traffic conditions permitting, a pilot's request usually would be approved. The proposed regulation purposely uses the terms "accepted" and "received." In situations that are not time-critical, a clearance does not exist until it is accepted by the pilot. On the other hand, when immediate action in the interests of safety is involved the clearance initiated by ATC is effective immediately when "received" by the pilot.

The regulations have always been stated in such a manner that, regardless of any clearance, the pilot-in-command has the final responsibility for the safety of his aircraft. This standard is continued in the proposed rule, and the pilot is expected to take whatever measures he deems necessary to assure the safety of his flight.

FAR § 91.75 anticipates that an emergency situation may require a pilot to deviate from his clearance. The present proposal broadens this concept by recognizing that there are circumstances short of an emergency in which a pilot is permitted to deviate from a clearance to the extent required by safety. When such a situation occurs, a pilot is required to notify ATC immediately so that ATC can take action to resolve any resulting traffic conflict.

In addition, this notice proposes to eliminate from § 91.75 the requirement that a pilot submit a detailed report to the FAA after receiving priority from ATC because of a declared emergency. This requirement was introduced into the air traffic rules in 1947 to minimize the practice of declaring an emergency to receive preferential handling by ATC. At that time, turbojet aircraft were coming into general use and declarations of emergencies to obtain priorities were becoming frequent. Since 1947 the operational capability of these aircraft has improved to the point where priority emergencies are virtually nonexistent. Consequently, the need for this requirement no longer exists.

The definition proposed for an ATC clearance would retain the substantive aspect of the present definition contained in Part 1. It would remain as an authorization issued by ATC for air traffic control purposes, thereby being limited to the objectives stated in the definition of air traffic control.

The Agency emphasizes that this proposal would make no basic change in the present pilot-controller relationship. It is intended, however, to clarify the function of air traffic control and the respective responsibilities of pilots and controllers.

In consideration of the foregoing, it is proposed to amend the Federal Aviation Regulations as hereinafter set forth.

§ 1.1 [Amended]

1. Part 1—Definition and Abbreviations would be amended by adding the following definitions in appropriate alphabetical sequence:

"Air Traffic Control" means a service operated by personnel authorized by the Administrator or other appropriate authority for the purpose of—

(1) Preventing collision in controlled airspace between aircraft being operated in accordance with Special VFR or under IFR without VFR restrictions;

(2) Providing for the safe, orderly, and expeditious movement of air traffic operating in the vicinity of an airport with a functioning control tower; and

(3) Assisting pilots operating aircraft in any airspace in the safe conduct of their aircraft operation.

"Air Traffic Control clearance" means a specification issued by ATC, for air traffic control purposes, of the conditions under which an aircraft is to be operated.

2. Part 91—General Operating and Flight Rules would be amended by amending § 91.75 to read as follows:

§ 91.75 Compliance with ATC clearances.

(a) When a pilot-in-command accepts an ATC clearance under either VFR or IFR, he shall take action to comply with the terms of the clearance and may not deviate from it, unless—

(1) He accepts an amended clearance;

(2) Safety of the aircraft would be compromised by complying with the clearance, and ATC is notified as soon as possible; or

(3) He cancels his IFR flight plan while operating in VFR conditions.

(b) Regardless of whether he accepts a clearance under either VFR or IFR, when a pilot-in-command receives a clearance that requires immediate action (as conveyed by the use of the word "immediately," "now," or a word of similar connotation), he shall immediately initiate the action specified by the terms of the clearance and may not deviate from it unless safety of the aircraft would be compromised by adhering to the clearance and ATC is notified thereof as soon as possible.

These amendments are proposed under the authority of section 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348).

Issued in Washington, D.C., on May 14, 1965.

N. E. HALABY,
Administrator.

[F.R. Doc. 65-5334; Filed, May 20, 1965; 8:46 a.m.]

[14 CFR Part 71]

[Airspace Docket No. 65-CE-18]

CONTROL ZONE AND TRANSITION AREA

Supplemental Notice of Proposed Designation and Alteration; Correction

On April 28, 1965, Federal Register Document 65-4450 was published in the FEDERAL REGISTER (30 F.R. 5908) and proposed to amend, in part, §§ 71.165 and 71.181 of the Federal Aviation Regulations. In this supplemental notice paragraph (2), concerning the proposed description of the Columbia, Mo., transition area, contained certain printing and editorial discrepancies. Action is taken herein to correct these discrepancies.

Since this amendment is editorial in nature and imposes no additional burden on any person, notice and public procedure hereon are unnecessary, and the effective date of the final rule as initially adopted may be retained.

In consideration of the foregoing, effective immediately, Federal Register Document 65-4450 (30 F.R. 5908) is amended as follows:

(2) Designate the Columbia, Mo., transition area as that airspace extending upward from 700 feet above the surface bounded on the N by latitude 39°-09'00" N., on the W by longitude 92°31'-00" W., on the S by latitude 38°53'30" N., on the E by longitude 92°14'00" W., and within 2 miles each side of the Columbia VOR 176° radial extending from the VOR to 13 miles S of the VOR; and that airspace extending upward from 1,200 feet above the surface bounded by a line beginning at latitude 38°38'40" N., longitude 92°31'00" W., thence N along longitude 92°31'00" W., to latitude 38°53'30" N., thence E along latitude 38°53'30" N., to longitude 92°-14'00" W., thence S along longitude 92°14'00" W., to latitude 38°43'30" N., thence SE to latitude 38°39'10" N., longitude 92°06'15" W., thence SW to latitude 38°29'40" N., longitude 92°14'45" W., thence NW to the point of beginning.

This correction is made under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348).

Issued in Kansas City, Mo., on May 11, 1965.

KIRBY L. BRANNON,
Acting Director, Central Region.

[F.R. Doc. 65-5333; Filed, May 20, 1965; 8:45 a.m.]

[14 CFR Part 71]

[Airspace Docket No. 65-CE-59]

FEDERAL AIRWAYS, CONTROL ZONE AND TRANSITION AREA

Proposed Designations and Alteration

The Federal Aviation Agency is considering amendments to Part 71 of the Federal Aviation Regulations which would alter the controlled airspace in the Manitowoc, Wis., terminal area.

A VOR with related public use instrument approaches is planned for the Manitowoc, Wis., Municipal Airport.

The Manitowoc, Wis., transition area is presently designated as that airspace extending upward from 700 feet above the surface within a 4-mile radius of Manitowoc Airport (latitude 44°07'30" N., longitude 87° 40'45" W.) and within 5 miles E and 8 miles W of the 351° bearing from the airport extending from the airport to 12 miles N of the airport.

The Federal Aviation Agency, having completed a comprehensive review of the terminal airspace structural requirements in the Manitowoc, Wis., terminal area, proposes the following airspace actions:

(1) Designate the Manitowoc, Wis., control zone as that airspace within a 5-mile radius of Manitowoc, Wis., Municipal Airport (latitude 44°07'30" N., longitude 87°40'45" W.), within 2 miles each side of the Manitowoc VOR 342° radial extending from the 5-mile radius zone to 8 miles N of the VOR, and within 2 miles each side of the Manitowoc VOR 176° radial extending from the 5-mile radius zone to 8 miles S of the VOR. This control zone shall be effective during the times established by Notice to Airmen and continuously published in the Airman's Information Manual.

(2) Redesignate the Manitowoc, Wis., transition area to comprise that airspace extending upward from 700 feet above the surface within 8 miles W and 5 miles E of the Manitowoc VOR 343° and 163° radials extending from 2 miles S to 13 miles N of the VOR, and within 8 miles W and 5 miles E of the Manitowoc VOR 176° radial extending from the VOR to 12 miles S of the VOR.

The proposed Manitowoc control zone will provide protection for aircraft executing prescribed arrival and departure procedures at the Manitowoc Municipal Airport during the hours of operation of the weather reporting service to be provided by duly certificated personnel of North Central Airlines. The hours during which weather observations are to be made, and the information disseminated, will be initially specified in the final rule. Normally, 30 days notice will be given prior to any change thereafter in the hours of operation by a Notice to Airmen and continuously published in the Airman's Information Manual. The Manitowoc control zone will become effective concurrently with the commissioning of the VOR.

The proposed transition area will provide protection for departing aircraft in their climb from 700 to 1,200 feet above the surface during the times that the control zone is not in effect. It will also provide controlled airspace protection for aircraft executing the prescribed instrument approach procedures during descent to 1,000 feet above the surface when the control zone is in effect, and during descent to 700 feet above the surface when the control zone is not in effect.

The floors of the airways which would traverse the transition area proposed herein would automatically coincide with the floor of the transition area.

Specific details of the public instrument approach procedure to be used may be examined by contacting the Chief, Airspace Branch, Air Traffic Division, Central Region, Federal Aviation Agency, 4825 Troost Avenue, Kansas City, Mo., 64110.

Interested persons may submit such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Director, Central Region, Attention: Chief, Air Traffic Division, Federal Aviation Agency, 4825 Troost Avenue, Kansas City, Mo., 64110. All communications received within 45 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Division Chief. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The public docket will be available for examination by interested persons in the office of the Regional Counsel, Federal Aviation Agency, 4825 Troost Avenue, Kansas City, Mo., 64110.

This amendment is proposed under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348).

Issued at Kansas City, Mo., on May 11, 1965.

KIRBY L. BRANNON,
Acting Director, Central Region.

[F.R. Doc. 65-5335; Filed, May 20, 1965; 8:46 a.m.]

[14 CFR Part 71]

[Airspace Docket No. 65-CE-52]

FEDERAL AIRWAY

Proposed Realignment

The Federal Aviation Agency is considering an amendment to Part 71 of the Federal Aviation Regulations that would realign the VOR Federal airway No. 2 segment from Helena, Mont., via the intersection of the Helena 119° and the Bozeman, Mont., 338° True radials; Bozeman; intersection of the Bozeman 128° and the Livingston, Mont., 261° True radials; to Livingston.

Interested persons may participate in the proposed rule making by submitting such written data, views, or arguments as they may desire. Communications should identify the airspace docket number and be submitted in triplicate to the Director, Central Region, Attention: Chief, Air Traffic Division, Federal Aviation Agency, 4825 Troost Avenue, Kansas City, Mo., 64110. All communications received within 45 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. The proposal contained in this notice may be changed in the light of comments received.

An official docket will be available for examination by interested persons at the Federal Aviation Agency, Office of the General Counsel, Attention: Rules Docket, 800 Independence Avenue SW., Washington, D.C., 20553. An informal docket also will be available for examination at the office of the Regional Air Traffic Division Chief.

The proposed realignment of V-2 would place this airway segment in an area of low mountain terrain where lesser weather phenomena, such as severe turbulence, icing, and snow showers, prevails. The present alignment of V-2 is approximately 11 miles shorter than the proposed realignment of the airway segment, but the latter would provide the best and safest service to the users.

This amendment is proposed under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348).

Issued in Washington, D.C., on May 14, 1965.

DANIEL E. BARROW,
Chief, Airspace Regulations and Procedures Division.

[F.R. Doc. 65-5336; Filed, May 20, 1965; 8:46 a.m.]

[14 CFR Part 71]

[Airspace Docket No. 64-WE-39]

FEDERAL AIRWAYS

Proposed Alteration

The Federal Aviation Agency is considering amendments to Part 71 of the Federal Aviation Regulations that would establish floors of 1,200 feet above the surface on segments of VOR Federal airways Nos. 21, 257, and 269.

Interested persons may participate in the proposed rule making by submitting such written data, views, or arguments as they may desire. Communications should identify the airspace docket number and be submitted in triplicate to the Director, Western Region, Attention: Chief, Air Traffic Division, Federal Aviation Agency, 5651 West Manchester Avenue, Post Office Box 90007, Airport Station, Los Angeles, Calif., 90009. All communications received within 45 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendments. The proposals contained in this notice may be changed in the light of comments received.

An official docket will be available for examination by interested persons at the Federal Aviation Agency, Office of the General Counsel, Attention: Rules Docket, 800 Independence Avenue SW., Washington, D.C., 20553. An informal docket also will be available for examination at the office of the Regional Air Traffic Division Chief.

The proposal, set forth above, would establish floors of 1,200 feet above the surface on the following airway segments:

1. V-21 from Malad City, Idaho, via Pocatello, Idaho, Idaho Falls, Idaho, to Dubois, Idaho.

2. V-257 from Malad City via Pocatello to Dubois.

3. V-269 from Twin Falls, Idaho, via Burley, Idaho, to Pocatello.

The floors are proposed for these airways because the pertinent segments are designated for short distances in mountainous terrain and the 1,200-foot floors are necessary for climb and descent to and from the minimum enroute altitudes.

These amendments are proposed under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348).

Issued in Washington, D.C., on May 14, 1965.

H. B. HELSTROM,
Acting Chief, Airspace Regulations and Procedures Division.

[F.R. Doc. 65-5337; Filed, May 20, 1965; 8:46 a.m.]

[14 CFR Part 71]

[Airspace Docket No. 65-CE-62]

TRANSITION AREA

Proposed Designation

The Federal Aviation Agency is considering an amendment to Part 71 of the Federal Aviation Regulations to designate controlled airspace at Warsaw, Ind.

An instrument approach procedure has been established for the Warsaw, Ind., Municipal Airport. The Warsaw Municipal Airport lies beneath the Chicago, Ill., South Bend, Ind., and Fort Wayne, Ind., transition areas which have a floor of 1,200 feet above the surface at Warsaw.

The Federal Aviation Agency, having completed a comprehensive review of the terminal airspace structural requirements in the Warsaw, Ind., terminal area, proposes the following airspace action:

Designate the Warsaw, Ind., transition area as that airspace extending upward from 700 feet above the surface within a 5-mile radius of Warsaw, Ind., Municipal Airport (latitude 41°17'00" N., longitude 85°51'00" W.); and within 2 miles each side of the Wolflake, Ind., VOR 278° radial, extending from the 5-mile radius area to 25 miles W of the VOR.

The transition area proposed herein would provide protection for departing aircraft at Warsaw during climb from 700 to 1,200 feet above the surface. It would also provide protection for aircraft executing the prescribed instrument approach procedure during descent from 1,500 to 700 feet above the surface. The holding pattern, transition routes, and procedure turn areas are within the presently designated transitions areas for Chicago, South Bend, and Fort Wayne.

The floors of the airways which would traverse the transition area proposed herein would automatically coincide with the floor of the transition area.

Certain minor revisions to the prescribed instrument approach procedure would be effected in conjunction with the actions proposed herein, but operational complexity would not be increased nor would aircraft performance or present landing minimums be adversely affected.

Interested persons may submit such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Director, Central Region, Attention: Chief, Air Traffic Division, Federal Aviation Agency, 4825 Troost Avenue, Kansas City, Mo., 64110. All communications received within 45 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Division Chief. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The public docket will be available for examination by interested persons in the office of the Regional Counsel, Federal Aviation Agency, 4825 Troost Avenue, Kansas City, Mo., 64110.

This amendment is proposed under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348).

Issued at Kansas City, Mo., on May 11, 1965.

KIRBY L. BRANNON,
Acting Director, Central Region.

[F.R. Doc. 65-5339; Filed, May 20, 1965; 8:46 a.m.]

[14 CFR Part 71]

[Airspace Docket No. 65-CE-63]

TRANSITION AREA

Proposed Redesignation

The Federal Aviation Agency is considering an amendment to Part 71 of the Federal Aviation Regulations which would alter controlled airspace in the Dubuque, Iowa, terminal area.

The following controlled airspace is presently designated in the Dubuque, Iowa, terminal area:

The Dubuque, Iowa, transition area is designated as that airspace extending upward from 700 feet above the surface within a 7-mile radius of the Dubuque Municipal Airport (latitude 42°24'10" N., longitude 90°42'32" W.), and within 8 miles NE and 5 miles SW of the Dubuque VOR 159° and 339° radials, extending from 6 miles NW to 14 miles SE of the VOR.

The Federal Aviation Agency, having completed a comprehensive review of the terminal airspace structural requirements in the Dubuque, Iowa, terminal area, proposes the following airspace action:

Redesignate the Dubuque, Iowa, transition area as that airspace extending upward from 700 feet above the surface within a 7-mile radius of the Dubuque Municipal Airport (latitude 42°24'10" N., longitude 90°42'32" W.), and within 8 miles NE and 5 miles SW of the Dubuque VOR 159° and 339° radials, extending from 6 miles NW to 14 miles SE of the VOR; and that airspace extending upward from 1,200 feet above the surface bounded on the N by the S edge of V-100, on the E by the W edge of V-63, on the S by the N edge of V-172, and on the W by the E edge of V-67, excluding the portions which overlie the Cedar Rapids, Iowa, and Waterloo, Iowa, transition areas.

The present Dubuque, Iowa, transition area provides controlled airspace for the protection of aircraft executing prescribed arrival, departure and holding procedures. The additional controlled airspace proposed herein would permit the Chicago, Ill., Air Route Traffic Control Center to provide radar vectoring services to aircraft operating to, from, and between Cedar Rapids, Iowa, and Dubuque, Iowa.

The additional proposed airspace will not have any effect on instrument approach procedure altitudes or minimums.

The floors of the airways that would traverse the transition area proposed herein would automatically coincide with the floors of the transition area.

Specific details of the changes to procedures that would be required may be examined by contacting the Chief, Airspace Branch, Air Traffic Division, Central Region, Federal Aviation Agency, 4825 Troost Avenue, Kansas City, Mo., 64110.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Director, Central Region, Attention: Chief, Air Traffic Division, Federal Aviation Agency, 4825 Troost Avenue, Kansas City, Mo., 64110. All communications received within 45 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Division Chief. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The public Docket will be available for examination by interested persons in the office of the Regional Counsel, Federal Aviation Agency, 4825 Troost Avenue, Kansas City, Mo., 64110.

This amendment is proposed under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348).

Issued at Kansas City, Mo., on May 12, 1965.

KIRBY L. BRANNON,
Acting Director, Central Region.

[F.R. Doc. 65-5340; Filed, May 20, 1965; 8:46 a.m.]

[14 CFR Part 75]

[Airspace Docket No. 65-WA-7]

JET ROUTE

Proposed Designation

The Federal Aviation Agency is considering an amendment to Part 75 of the Federal Aviation Regulations that would designate a jet route between the El Paso, Tex., and Winslow, Ariz., VORTAC's.

Interested persons may participate in the proposed rule making by submitting such written data, views, or arguments as they may desire. Communications should identify the airspace docket number and be submitted in triplicate to the Federal Aviation Agency, Office of the General Counsel, Attention: Rules Docket, 800 Independence Avenue SW., Washington, D.C., 20553. All communications received within 45 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. The proposal contained in the

notice may be changed in the light of comments received. All comments submitted will be available in the Rules Docket for examination by interested persons, both before and after the closing date for comments.

The jet route, as proposed above, would connect Jet Route Nos. 2, 74, and 72 thereby providing alternate routings between Texas and the West Coast when unfavorable meteorological conditions exist on the primary routes.

This amendment is proposed under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348).

Issued in Washington, D.C., on May 14, 1965.

H. B. HELSTROM,
Acting Chief, Airspace Regulations and Procedures Division.

[F.R. Doc. 65-5338; Filed, May 20, 1965; 8:46 a.m.]

Notices

DEPARTMENT OF THE TREASURY

Coast Guard

[CGFR 65-36]

NEW LONDON HARBOR

Notice of Closing to Navigation During Launching of USS "James K. Polk"

By virtue of the authority vested in me as Commandant, U.S. Coast Guard, by Treasury Department Order 120, dated July 31, 1950 (15 F.R. 6521), and Executive Order 10173, as amended by Executive Orders 10277 and 10352, I hereby affirm for publication in the FEDERAL REGISTER the order of Irvin J. Stephens, Rear Admiral, U.S. Coast Guard, Commander, Third Coast Guard District, who has exercised authority as District Commander, such order reading as follows:

SPECIAL NOTICE, NEW LONDON HARBOR

Pursuant to the request of the Commander, Submarine Force, U.S. Atlantic Fleet, U.S. Navy, and acting under the authority of the Act of June 15, 1917 (40 Stat. 220), as amended, and the regulations in Part 6, Chapter 1, Title 33, Code of Federal Regulations, I hereby order that the waters of New London Harbor, New London, Conn., between the latitudes of 41°20'08" N., and 41°20'32" N., be closed to all persons and vessels on Saturday, 22 May 1965, from 1600 p.m., e.d.s.t., until the USS "James K. Polk" is made fast to the wetdock at the Electric Boat Division of the General Dynamics Corp., Groton, Conn. The launching of the USS "James K. Polk" is scheduled for 1630 d.s.t., on Saturday, 22 May 1965. The northern and southern limits of this area will be marked by ranges located on the eastern shore. Coast Guard vessels will be anchored off these ranges between the shore line and the main ship channel.

All persons and vessels are directed to remain outside of the closed area. This order will be enforced by the Captain of the Port, New London, Conn., and by U.S. Coast Guard vessels under his command. The aid of other Federal, State and Municipal agencies may be enlisted to assist in the enforcement of this order.

Penalties for violation of the above order: Section 2, Title II of the Act of June 15, 1917, as amended, 50 U.S.C. 192, provides as follows: If any owner, agent, master, officer or person in charge, or any member of the crew of any such vessel fails to comply with any regulation or rule issued or order given under the provisions of this title, or obstructs or interferes with the exercise of any power conferred by this title * * * Or if any other person knowingly fails to comply with any regulation or rule issued or order given under the provisions of this title, or knowingly obstructs or interferes with the exercise of any power conferred by this title, he shall be punished by imprisonment for not more than 10 years and may, at the discretion of the court, be fined not more than $10,000.

Dated: May 19, 1965.

[SEAL] W. D. SHIELDS,
Vice Admiral, U.S. Coast Guard,
Acting Commandant.

[F.R. Doc. 65-5407; Filed, May 20, 1965; 9:33 a.m.]

DEPARTMENT OF JUSTICE

Immigration and Naturalization Service

STATEMENT OF ORGANIZATION

Field Service Border Patrol Sectors; El Centro, Calif.

Effective upon publication in the FEDERAL REGISTER, the following amendment to the Statement of Organization of the Immigration and Naturalization Service (19 F.R. 8071, December 8, 1954), as amended, is prescribed:

Sector No. 12 of paragraph (d) *Border patrol sectors* of sec. 1.51 *Field service* is amended to read as follows:

SECTOR NO. 12—EL CENTRO, CALIF.

Bakersfield, Calif.
Calexico, Calif.
El Centro, Calif.
Indio, Calif.

Dated: May 18, 1965.

RAYMOND F. FARRELL,
Commissioner of
Immigration and Naturalization.

[F.R. Doc. 65-5349; Filed, May 20, 1965; 8:47 a.m.]

Office of Alien Property

WIEN-FILM GESELLSCHAFT M.B.H., ET AL.

Notice of Intention To Return Vested Property

Pursuant to the Agreement entitled "Agreement Between the United States of America and the Republic of Austria Regarding the Return of Austrian Property, Rights, and Interests" which was signed at Washington on January 30, 1959 and ratified by the United States on March 4, 1964, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

Wien-Film Gesellschaft m.b.H., Siebensterngasse 31, Vienna VII, Austria; Claim Nos. 44956 and 63562; $6,513.40 in the Treasury of the United States.

Gertrud Riederer, Hilscherstrasse 10, Bad-Wimpfen am Neckar, Germany; Claim No. 47351; $38.78 in the Treasury of the United States.

Emma Wernert, % Mrs. Martha Foerster, Rollbergstrasse 7, Neukoelln, Berlin 44, Germany; Claim No. 58791; $693.77 in the Treasury of the United States.

Karl Georg Hasenburger, Hauptstrasse 31, Fuerstenfeld, Steiermark, Austria; Claim No. 63385; $140.81 in the Treasury of the United States.

Dr. Richard Winterling, Defreggerstrasse 16, Innsbruck, Tyrol, Austria; Claim No. 63931; $300.00 in the Treasury of the United States.

Wulf Dieter Winterling, Defreggerstrasse 16, Innsbruck, Tyrol, Austria; Claim No. 63932; $800.00 in the Treasury of the United States.

Dr. Guido Beck, Av. Atlantica 998, Apt. 103, Rio de Janeiro, Brasil; Claim No. 66726; $331.33 in the Treasury of the United States.

Bernhard Draeger, Im Falkenrain 16, Stuttgart, Germany; Claim No. 67011; $12,592.41 in the Treasury of the United States.

Therese Schwaiger, Argelligasse 39/4, Vienna X, Austria; Claim No. 67020; $489.72 in the Treasury of the United States.

AUSTRO-MECHANA, Ungargasse 2, Vienna III, Austria; on behalf of its members as follows:

Max Depolo, Sennstrasse 10, Innsbruck, Austria; $29.23 in the Treasury of the United States.

Ludwig Schmidseder, Tengstrasse 18, Munich 13, West Germany; $5.72 in the Treasury of the United States.

Emilie Schanser, Oberer Stadtplatz 33, Schaerding, Upper Austria; Successor of Rudolf Schanser, deceased; $53.95 in the Treasury of the United States.

Rosa Steiner, doing business as Phoebus Musikverlag, Kapaunplatz 7, Vienna XX, Austria; $20.40 in the Treasury of the United States.

Walter Simlinger, Alter Platz 15, Klagenfurt, Austria; $8.39 in the Treasury of the United States.

Bruno Uher, Lindengasse 58, Vienna VIII, Austria; $35.58 in the Treasury of the United States.

Aloisia (Luise) Woytacek, Herbststrasse 31, Vienna XVI, Austria; Successor of Julius Lehnert, deceased; $89.37 in the Treasury of the United States.

Margarete Pfreimer, Leopold Ristergasse 5/24, Vienna V, Austria; Successor of Wilhelm Schmidt-Gentner, deceased; $47.23 in the Treasury of the United States.

Leonie Rainer, doing business as Johann Gross Musikverlag, Kaiser Josephstrasse 15, Innsbruck, Tyrol, Austria; $73.53 in the Treasury of the United States.

Anna Pernklau, Rainerstrasse 20, Wels, Upper Austria; Successor of Karl Pernklau, deceased; $121.98 in the Treasury of the United States.

Erich Meder, Lenaugasse 11, Vienna VIII, Austria; $9.41 in the Treasury of the United States.

Otto Riedlmayer, doing business as Sollsten Verlag, Alserstrasse 43, Vienna VIII, Austria; $373.12 in the Treasury of the United States.

Wilhelm Jelinek, Roemergasse 56, Vienna XVI, Austria; $8.31 in the Treasury of the United States.

Roman Domanig, Linke Wienzeile 4, Vienna VI, Austria; Successor of Roman Domanig-Roll, deceased; $10.29 in the Treasury of the United States.

Peter Bernhuber and Marietta Bernhuber, both of 9/36 Schubertring, Vienna I, Austria; Successors of Ludwig Bernauer, deceased, and Frida Bernhuber, deceased; Claim No. 41867; $7.07 in the Treasury of the United States; $7.08 in the Treasury of the United States.

Executed at Washington, D.C., on May 18, 1965.

For the Attorney General.

[SEAL] ANTHONY L. MONDELLO,
Deputy Director,
Office of Alien Property.

[F.R. Doc. 65-5347; Filed, May 20, 1965; 8:47 a.m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[Anchorage 056553]

ALASKA

Notice of Termination of Proposed Withdrawal and Reservation of Lands

MAY 13, 1965.

Notice of an application, serial number Anchorage 056553, for withdrawal and reservation of lands was published as Federal Register Document No. 62-3515 on page 3472 of the issue for April 11, 1962. The applicant agency has canceled its application in its entirety. Therefore, pursuant to the regulations contained in 43 CFR Part 2311 such lands will be, at 10 a.m. on May 27, 1965, relieved of the segregative affect of the above mentioned application.

The lands involved in this notice of termination are:

ANCHORAGE TOWNSITE—EAST ADDITION

Block 23, Lots 1 and 2;
Block 24, Lots 4, 5, and 6.

The areas described aggregates 35,000 sq. ft.

JAMES W. SCOTT,
Manager, Anchorage District
and Land Office.

[F.R. Doc. 65-5358; Filed May 20, 1965; 8:49 a.m.]

MICHIGAN

Notice of Proposed Withdrawal and Reservation of Land

MAY 17, 1965.

The Forest Service, Department of Agriculture, has filed application BLM 080551 for the withdrawal of the lands described below for addition to the Hiawatha National Forest, Mich.

The lands are within the exterior boundaries of the Hiawatha National Forest. Lots 3 and 4 sec. 15, T. 48 N., R. 19 W., were reserved for lighthouse purposes by Executive Order of December 9, 1852. The U.S. Coast Guard relinquished these lands, and by letter of October 2, 1964, this Office accepted accountability and responsibility therefor. Lot 1 sec. 12, T. 41 N., R. 1 E., is subject to a right of way for a range light and crib timber pier. A permit therefor was granted to the Michigan Limestone Division, United States Steel Corp. on April 4, 1964, for a term of 25 years. The remaining lands are vacant public domain, free of conflict.

For a period of 30 days from the date of publication of this notice all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the undersigned officer of the Eastern States Office, Bureau of Land Management, Department of the Interior, Washington, D.C., 20240.

The Department's regulations, 43 CFR 2311.1-3(c) provide that the authorized officer of the Bureau of Land Management will undertake such investigations as are necessary to determine the existing and potential demand for the lands and their resources. He will also undertake negotiations with the applicant agency with the view of adjusting the application to reduce the area to the minimum essential to meet the applicant's needs, to provide for the maximum concurrent utilization of the lands for purposes other than the applicant's, to eliminate lands needed for purposes more essential than the applicant's, and to reach agreement on the concurrent management of the lands and their resources.

The authorized officer will also prepare a report for consideration of the Secretary of the Interior who will determine whether or not the lands will be withdrawn as requested by the applicant agency.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

If circumstances warrant, a public hearing will be held at a convenient time and place, which will be announced.

The lands involved in the application are:

MICHIGAN MERIDIAN, MICH.

T. 41 N., R. 1 E., Mackinac County,
Sec. 12, lot 1.
T. 41 N., R. 2 E., Mackinac County,
Sec. 6, lot 5;
Sec. 7, lot 1.
T. 41 N., R. 3 E., Chippewa County,
Sec. 5, NE¼SW¼.
T. 43 N., R. 3 E., Chippewa County,
Sec. 24, lots 1 and 2;
Sec. 25, lots 6, 7 and 8.
T. 43 N., R. 4 E., Chippewa County,
Sec. 30, lots 1 and 2.
T. 47 N., R. 18 W., Alger County,
Sec. 6, all fractional.
T. 39 N., R. 19 W., Delta County,
Sec. 28, lot 1;
Sec. 33, lot 5.
T. 48 N., R. 19 W., Alger County,
Sec. 15, lots 3 and 4.
T. 39 N., R. 20 W., Delta County,
Sec. 3, lot 1.
T. 46 N., R. 29 W, Marquette County,
Sec. 25, SW¼SW¼.

The areas described aggregate 222.08 acres.

DORIS A. KOIVULA,
Manager, Land Office.

[F.R. Doc. 65-5344; Filed, May 20, 1965; 8:46 a.m.]

DEPARTMENT OF AGRICULTURE

Office of the Secretary

UTAH AND WISCONSIN

Designation of Areas for Emergency Loans

For the purpose of making emergency loans pursuant to section 321 of the Consolidated Farmers Home Administration Act of 1961 (7 U.S.C. 1961), it has been determined that in the hereinafter-named counties in the States of Utah and Wisconsin natural disasters have caused a need for agricultural credit not readily available from commercial banks, cooperative lending agencies, or other responsible sources.

UTAH

Box Elder.	Salt Lake.
Cache.	Utah.
Davis.	Weber.

WISCONSIN

Crawford.	Vernon.
Grant.	

Pursuant to the authority set forth above, emergency loans will not be made in the above-named Wisconsin counties after December 31, 1965, or in the above-named Utah counties after June 30, 1966, except to applicants who previously received emergency or special livestock loan assistance and who can qualify under established policies and procedures.

Done at Washington, D.C., this 18th day of May 1965.

ORVILLE L. FREEMAN,
Secretary.

[F.R. Doc. 65-5367; Filed, May 20, 1965; 8:50 a.m.]

DEPARTMENT OF COMMERCE

Maritime Administration

MOORE-McCORMACK LINES, INC.

Notice of Application

Notice is hereby given that Moore-McCormack Lines, Inc., has filed application dated May 5, 1965, for written permission under section 805(a) of the Merchant Marine Act, 1936, as amended, to permit its owned vessels, the "SS Robin Hood" and the "SS Robin Kirk," which are under extended time charters to States Marine Lines, Inc., for periods of about 2 to 4 months from March 12, 1965, and about 3 to 5 months from January 23, 1965, respectively, to load lumber and/or lumber products for carriage on one eastbound voyage each from U.S. North Pacific ports to U.S. Atlantic ports, commencing about June 3, 1965, and June 24, 1965.

Interested parties may inspect this application in the Office of Government Aid, Maritime Administration, Room 4077, GAO Building, 441 G Street NW., Washington, D.C.

Any person, firm or corporation having any interest (within the meaning of section 805(a)) in such application and desiring to be heard on issues pertinent to section 805(a) or submit a written statement with reference to the application must, before the close of business on May 28, 1965, make such submission or notify the Secretary, Maritime Subsidy Board/Maritime Administration in writing, in triplicate, and file petition for leave to intervene which shall state clearly and concisely the grounds of interest, and the alleged facts relied on for relief. Notwithstanding anything in § 201.78 of the rules of practice and procedure, Maritime Subsidy Board/Maritime Administration (46 CFR 201.78) petitions for leave to intervene received

after the close of business May 28, 1965, will not be granted in this proceeding.

If no petitions for leave to intervene are received within the specified time, the Maritime Subsidy Board/Maritime Administration will take such action as may be deemed appropriate.

In the event petitions are received from parties with standing to be heard on the application, a hearing will be held June 1, 1965, at 10 a.m. in Room 4519, General Accounting Office Building, 441 G Street NW., Washington, D.C. The purpose of the hearing will be to receive evidence under section 805(a) relative to whether the proposed operation (a) could result in unfair competition to any person, firm, or corporation operating exclusively in the coastwise or intercoastal service or (b) would be prejudicial to the objects and policy of the Act.

Dated: May 19, 1965.

By order of the Maritime Subsidy Board/Maritime Administration.

JAMES S. DAWSON, Jr.,
Secretary.

[F.R. Doc. 65-5386; Filed, May 20, 1965; 8:50 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of Education

APPLICATIONS FOR FEDERAL FINANCIAL ASSISTANCE IN CONSTRUCTION OF NONCOMMERCIAL EDUCATIONAL TELEVISION BROADCAST FACILITIES

Notice of Acceptance for Filing

Notice is hereby given that effective with this publication the following described application, for Federal financial assistance in the construction of noncommercial educational television broadcast facilities is accepted for filing in accordance with 45 CFR, § 60.7:

The Educational Television Council of Central New York, Inc., 1130 Salt Springs Road, Syracuse, N.Y., File No. 101, for the establishment of a new noncommercial educational television station on channel 43, Syracuse, N.Y.

Any interested person may, pursuant to 45 CFR, section 60.8, within 30 calendar days from the date of this publication, file comments regarding the above application with the Director, Educational Television Facilities Program, U.S. Office of Education, Washington, D.C., 20202.

(76 Stat. 64, 47 U.S.C. 390)

RAYMOND J. STANLEY,
Director, Educational Television Facilities Program, U.S. Office of Education.

[F.R. Doc. 65-5351; Filed, May 20, 1965; 8:47 a.m.]

FEDERAL MARITIME COMMISSION

[Docket No. 65-17]

TRANSSHIPMENT AND APPORTIONMENT AGREEMENTS FROM INDONESIAN PORTS TO U.S. ATLANTIC AND GULF PORTS

Order of Investigation

Agreement No. 9222 has been filed for approval under section 15 of the Shipping Act, 1916. The agreement provides for an exclusive arrangement for the carriage of through cargo from Indonesian ports to U.S. Atlantic and Gulf ports. The parties to this agreement are the originating carriers at Indonesian ports (First Carriers), who operate in the coastwise trade of Indonesia and provide a feeder service from Indonesian outports to base ports served by ocean carriers, and certain members of the Java/New York Rate Agreement, No. 90 (Second Carriers), who operate from base ports in Indonesia to U.S. Atlantic and Gulf ports.

Agreement No. 9202 has also been filed for approval under section 15. This agreement provides for the apportionment among the Second Carriers of transshipment cargo, originating at Indonesian outports, destined for U.S. Atlantic ports.

Agreement No. 9222, between First Carriers and Second Carriers, presents to us the necessity of determining, not only whether the agreement should be approved, disapproved, or modified, under section 15, but also the question of whether the First Carriers, who carry cargo destined for the United States but do not actually call at U.S. ports, are common carriers by water in the foreign commerce of the United States as defined in section 1 of the Shipping Act, 1916. In addition, the Commission must decide whether the arrangement between the Second Carriers, who are common carriers in the foreign commerce of the United States, to enter into Agreement No. 9222 with First Carriers is an agreement subject to section 15.

Agreement No. 9202, providing for the apportionment among the Second Carriers of cargo carried under the transshipment agreement contemplated by Agreement No. 9222, presents to us the question of whether this agreement, alone or in connection with Agreement No. 9222, meets the standards of section 15.

The Commission has decided that, in order to determine whether Agreement No. 9222 is subject to section 15, whether the arrangement between the Second Carriers to enter into Agreement No. 9222 is subject to section 15, and whether these agreements or Agreement No. 9202 should be approved, disapproved, or modified, it will institute an investigation so that it can make these determinations upon an evidentiary record.

Therefore, it is ordered, That pursuant to section 15 and section 22, the Commission hereby institutes an investigation to determine:

1. Whether First Carriers, parties to Agreement No. 9222, are common carriers by water in the foreign commerce of the United States as defined in section 1 of the Shipping Act, 1916;

2. Whether Agreement No. 9222 is subject to the requirements of section 15 of the Shipping Act, 1916;

3. Whether Agreement No. 9222, if subject to section 15, should be approved, disapproved, or modified pursuant to section 15;

4. Whether the arrangement between Second Carriers to enter into Agreement No. 9222 is an agreement subject to the requirements of section 15;

5. Whether the arrangement between Second Carriers to enter into Agreement No. 9222, if subject to section 15, should be approved, disapproved, or modified pursuant to section 15;

6. Whether Agreement No. 9202 should be approved, disapproved, or modified pursuant to section 15;

7. Whether Agreements No. 9222 and 9202 represent the complete understanding between the parties;

8. Whether Agreement No. 9222, Agreement No. 9202, or the arrangement between the Second Carriers to enter into Agreement No. 9222 have been carried out in whole or part without approval of the Commission as required by section 15.

That the parties to Agreements No. 9222 and No. 9202, listed in Appendix A below, are hereby named respondents. Persons other than respondents who desire to become a party to this proceeding shall file a petition to intervene with the Secretary, Federal Maritime Commission, Washington, D.C., 20573, on or before May 31, 1965, with copy to respondents.

That the proceeding herein ordered be assigned for hearing before an examiner of the Commission's Office of Hearing Examiners at a date and place to be determined hereafter and announced by the Chief Examiner.

That this order shall be served upon all respondents and shall be published in the FEDERAL REGISTER. All future notices issued in this proceeding, including notice of time and place of hearing and prehearing conference, shall be mailed directly to parties of record.

[SEAL] THOMAS LISI,
Secretary.

APPENDIX A

FIRST CARRIERS

P.N. "Pelajaran Nasional Indonesia" (Pelni), % United States Embassy, Djakarta, Indonesia, via U.S. Department of State, Washington, D.C.

Straits Steamship Co., Ltd., % United States Embassy, Djakarta, Indonesia, via U.S. Department of State, Washington, D.C.

Kie Hock Shipping Co., Ltd., % United States Embassy, Djakarta, Indonesia, via U.S. Department of State, Washington, D.C.

Guan Guan Ltd., % United States Embassy, Djakarta, Indonesia, via U.S. Department of State, Washington, D.C.

SECOND CARRIERS

American President Lines, Ltd., 601 California Street, San Francisco, Calif., 94108.

Barber-Fern Line, Barber Steamship Lines Inc., General Agents, 17 Battery Place, New York, N.Y., 10004.

Compagnie Maritime des Chargeurs Reunis, Black Diamond Steamship Corp., General Agents, 2 Broadway, New York, N.Y., 10004.

Hoegh Lines, Kerr Steamship Co., Inc., General Agents, 51 Broad Street, New York, N.Y., 10004.

Isthmian Lines, Inc., States Marine—Isthmian Agency, Inc., 90 Broad Street, New York, N.Y., 10004.

Maersk Line (A. P. Moller), 67 Broad Street, New York, N.Y., 10004.

Mitsui O. S. K. Lines, Ltd., 17 Battery Place, New York, N.Y., 10004.

N. V. Nedlloyd Lijnen, Nedlloyd Lines, Inc., General Agents, 25 Broadway, New York, N.Y., 10004.

[F.R. Doc. 65-5357; Filed, May 20, 1965; 8:49 a.m.]

CITY OF NEW YORK AND CUNARD STEAMSHIP CO., LTD.

Notice of Agreement Filed for Approval

Notice is hereby given that the following Agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement(s) at the Washington office of the Federal Maritime Commission, 1321 H Street NW., Room 301; or may inspect agreements at the offices of the District Managers, New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments with reference to an agreement including a request for hearing, if desired, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C., 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter), and the comments should indicate that this has been done.

Notice of agreement filed for approval by:

The city of New York, Department of Marine and Aviation, Battery Maritime Building, New York, N.Y., 10004.

Agreement No. T-1791, between the city of New York (City) and the Cunard Steamship Co., Ltd. (Company), provides for Company's lease of Pier 51 and certain property at New York, to be used for steamship terminal purposes.

For annual rental Company agrees to pay a fixed sum for the pier plus a percentage of the cost of furnishing new doors on the bulkhead shed, and a fixed sum for the marginal street area.

Company agrees to deliver to City a percentage of all wharfage charges collected for craft not owned, chartered, or engaged in loading or unloading vessels owned or chartered by Company. City's Commissioner of Marine and Aviation will fix these charges.

Dated: May 18, 1965.

By order of the Federal Maritime Commission.

FRANCIS C. HURNEY,
Special Assistant to the Secretary.

[F.R. Doc. 65-5354; Filed, May 20, 1965; 8:48 a.m.]

FAR EAST CONFERENCE

Notice of Petition Filed for Approval

Notice is hereby given that the following petition has been filed with the Commission for approval pursuant to section 14b of the Shipping Act, 1916, as amended (75 Stat. 762, 46 U.S.C. 814).

Interested parties may inspect a copy of the current contract form and of the petition, reflecting the changes proposed to be made in the language of said contract, at the Washington office of the Federal Maritime Commission, 1321 H Street NW., Room 301; or at the offices of the District Managers, New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments with reference to the proposed changes and the petition, including a request for hearing, if desired, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C., 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. A copy of any such statement should also be forwarded to the party filing the petition (as indicated hereinafter), and the comments should indicate that this has been done.

Notice of proposed language changes in a dual rate contract form as set forth in a petition filed by:

Mr. Elkan Turk, Jr., Burlingham, Underwood, Barron, Wright, and White, 26 Broadway, New York, N.Y., 10004.

There has been filed on behalf of the Far East Conference a petition requesting permission to make certain language changes in the form of dual rate contract approved for the Far East Conference as indicated:

To amend Article 1(f) by placing a period after the word "lots", in the second line thereof, and by deleting the balance thereof and substituting therefor, the following language:

This Agreement also shall not apply to any shipments by Merchant of Merchant's proprietary cargo when carried in vessels owned by Merchant or in vessels fully time or bareboat chartered by Merchant for the exclusive use of the Merchant for a period of not less than six (6) months. As used herein, "proprietary cargo" means cargo which has been raised, grown, manufactured, or produced by Merchant, and is marketed by Merchant in its name as its own product. It does not include goods purchased by Merchant or bought and sold by Merchant on behalf of others. It excludes all goods of agents, traders, or commission merchants.

Dated: May 18, 1965.

By order of the Federal Maritime Commission.

FRANCIS C. HURNEY,
Special Assistant to the Secretary.

[F.R. Doc. 65-5355; Filed, May 20, 1965; 8:48 a.m.]

STATES MARINE LINES JOINT SERVICE AND AMERICAN MAIL LINE, LTD.

Notice of Agreement Filed for Approval

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1321 H Street NW., Room 301; or may inspect agreements at the offices of the District Managers, New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments with reference to an agreement including a request for hearing, if desired, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C., 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter), and the comments should indicate that this has been done.

Notice of agreement filed for approval by:

Mr. G. E. Sherwood, Director of Market Research, American Mail Line, 1010 Washington Building, Seattle 1, Wash.

Agreement 9428-1 between States Marine Lines Joint Service and American Mail Line Ltd., amends the basic agreement by altering the apportionment of through rates and transhipment expenses on cargo originating in the Philippines and destined to U.S. West Coast ports with transshipment in Japan.

Dated: May 18, 1965.

By order of the Federal Maritime Commission.

FRANCIS C. HURNEY,
Special Assistant to the Secretary.

[F.R. Doc. 65-5356; Filed, May 20, 1965; 8:48 a.m.]

HOUSING AND HOME FINANCE AGENCY

Public Housing Administration

ASSISTANT DIRECTORS FOR MANAGEMENT AND ASSISTANT DIRECTORS FOR PROGRAMS

Delegation of Final Authority

Section II, Delegations of Final Authority, is amended as follows:

Paragraph C3 is changed to read as follows:

C3. To exercise all powers and authorities vested in the Commissioner in all matters relating to the maintenance and operation of such housing, except the approval of income limits; and in all matters relating to the carrying out of relocation plans.

Assistant Directors for Management.

A new paragraph C4 is added to read as follows:

C4. To exercise all powers and authorities vested in the Commissioner in all matters relating to economic aspects in connection with such housing, including the need for low-income housing, income limits, and gap determinations; in all matters relating to the adequacy of relocation resources and relocation plans;

and in approving contracts for relocation services.

Assistant Directors for Programs.

The following paragraphs should be renumbered as shown:

From	To
C4	C5
C5	C6
C6	C7
C7	C8

This delegation supersedes the delegation approved October 27, 1962 (27 F.R. 10777, November 3, 1962).

Effective as of the 9th day of April 1965.

Approved: May 17, 1965.

MARIE C. MCGUIRE,
Commissioner.

[F.R. Doc. 65-5343; Filed, May 20, 1965; 8:46 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[01-4]

BOSTON SAFE DEPOSIT & TRUST CO.

Notice of Application and Opportunity for Hearing

MAY 17, 1965.

Notice is hereby given that Boston Safe Deposit & Trust Co. ("the Bank"), Boston, Mass., has filed an application pursuant to section 12(h) of the Securities Exchange Act of 1934, as amended ("the Act"), for an order exempting it from the registration provisions of section 12 (g) of the Act. Exemption from section 12(g) will have the additional effect of exempting the Bank from section 13 or 14 of the Act and any officer, director or beneficial owner of more than 10 percent of the Bank's capital stock from section 16 thereof.

Section 12(g) of the Act requires the registration of the equity securities of every issuer which is engaged in, or in a business affecting, interstate commerce, or whose securities are traded by use of the mails or any means or instrumentality of interstate commerce and, on the last day of its fiscal year, has total assets exceeding $1 million and a class of equity securities held of record initially by 750 or more persons, and after July 1, 1966, by 500 or more persons. Registration is terminated 90 days after the issuer files a certification with the Commission that the number of holders of the registered class of equity securities is fewer than 300 persons.

Section 12(h) empowers the Commission to exempt, in whole or in part, any issuer or class of issuer from the registration, periodic reporting and proxy solicitation provisions of the Act if the Commission finds, by reason of the number of public investors, amount of trading interest in the securities, the nature and extent of the activities of the issuer, or otherwise, that such exemption is not inconsistent with the public interest or the protection of investors.

The Bank's application states, in part:

1. The Bank, a Massachusetts corporation, had approximately $90 million total assets and 960 holders of its single class of capital stock, $50 par value, on December 31, 1964. It is not subject to the jurisdiction of any federal bank regulatory agency and would, therefore, have to register on or before April 30, 1965 (extended to June 30, 1965, by the Commission).

2. Pursuant to an Exchange Offer registered under the Securities Act of 1933, commenced on March 15, 1965, The Boston Co., Inc. ("Boston Company") has acquired as of April 21, 1965, over 97 percent of the Bank's outstanding shares. As of the latter date the Bank had only 44 stockholders of record including Boston Company, which now has more than 900 stockholders of record.

3. In the event the Commission should issue an order exempting the Bank from the registration (and other) requirements of section 12(g) of the Act, Boston Company has undertaken to file, not later than 30 days following the date of such order, a registration statement under section 12(g) of the Act with respect to its Class A Common Stock and Class B Common Stock.

For a more detailed statement of the information presented, all persons are referred to said application which is on file in the offices of the Commission at 425 Second Street NW., Washington, D.C.

Notice is further given that any interested person may, not later than June 7, 1965, submit to the Commission in writing his views or any additional facts bearing upon this application or the desirability of a hearing thereon. Any such communication or request should be addressed: Secretary, Securities and Exchange Commission, 425 Second Street NW., Washington, D.C., 20549, and should state briefly the nature of the interest of the person submitting such information or requesting a hearing, the reason for such request, and the issues of fact and law raised by the application which he desires to controvert. At any time after said date, an order granting the application may be issued by the Commission unless an order for hearing upon said application be issued upon request or upon the Commission's own motion.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 65-5341; Filed, May 20, 1965; 8:46 a.m.]

[Filed No. 01-35]

FONTANA UNION WATER CO.

Notice of Application and Opportunity for Hearing

MAY 17, 1965.

Notice is hereby given that the Fontana Union Water Co. ("Company"), Fontana, Calif., has filed an application pursuant to section 12(h) of the Securities Exchange Act of 1934, as amended ("Act"), for a finding that by reason of the limited amount of trading interest in its securities and the nature and extent of its activities, an exemption from the registration provisions of section 12(g) of the Act would not be inconsistent with the public interest or the protection of investors. Exemption from section 12(g) will have the additional effect of exempting the Company from sections 13 and 14 of the Act and any officer, director or beneficial owner of more than 10 percent of the Company's equity security from section 16 thereof.

Section 12(g) of the Act requires the registration of the equity security of every issuer which is engaged in, or in a business affecting interstate commerce, or whose securities are traded by use of the mails or any means or instrumentality of interstate commerce and, on the last day of its fiscal year, has total assets exceeding $1,000,000, and a class of equity security held of record initially by 750 or more persons, and after July 1, 1966 by 500 or more persons.

Section 12(h) empowers the Commission to exempt, in whole or in part, any issuer or class of issuers from the registration, periodic reporting and proxy solicitation provisions and to grant exemptions from the insider reporting and trading provisions of the Act if the Commission finds, by reason of the number of public investors, amount of trading interest in the securities, the nature and extent of the activities of the issuer, or otherwise, that such exemption is not inconsistent with the public interest or the protection of investors.

The Company's application states, in part:

The Company was incorporated in California on April 26, 1912, as a nonprofit cooperative irrigation Company for the purpose of providing water service at cost to its shareholders. As of December 31, 1964 it had total assets in excess of $5,000,000 and has 775 shareholders of its 15,000 outstanding shares.

All but 2 percent of the shares outstanding are held by persons receiving service from the Company and there is no market for the Company's stock. Of the outstanding shares 70 percent are owned by the Kaiser Steel Co. and the San Gabriel Valley Water Co., a public utility registered with the California Public Utilities Commission. The remaining shares are held by farmers, individual land owners or former landholders, and other governmental agencies such as the Cities of San Bernardino, Fontana, and Rialto.

Shareholders annually receive certified financial statements of the Company.

For a more detailed statement of the information presented, all persons are referred to said application which is on file in the offices of the Commission at 425 Second Street NW., Washington, D.C.

Notice is further given that any interested person may, not later than June 7, 1965, submit to the Commission in writing his views or any additional facts bearing upon this application or the desirability of a hearing thereon. Any such communication or request should be addressed: Secretary, Securities and Exchange Commission, 425 Second Street NW., Washington, D.C., 20549, and should state briefly the nature of the interest of the person submitting such information or requesting a hearing, the reason for such request, and the issues of fact and law raised by the application which he desires to controvert. At any time after said date, an order granting the application may be issued by the Commission unless an order for hearing upon said application be issued upon request or upon the Commission's own motion.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 65-5342; Filed, May 20, 1965; 8:46 a.m.]

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATIONS FOR RELIEF

MAY 18, 1965.

Protests to the granting of an application must be prepared in accordance with Rule 1.40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 39778—*Scrap iron or steel to Ashland, Ky.* Filed by Traffic Executive Association-Eastern Railroads, agent (E.R. No. 2778), for interested rail carriers. Rates on scrap iron or steel (not copper clad), viz.: scraps or pieces of iron or steel having value for remelting purposes only, in carloads, from Ambridge, Pa., to Ashland, Ky.

Grounds for relief—Truck-barge competition.

Tariff—Supplement 110 to The Pennsylvania Railroad Co. tariff I.C.C. 3524.

FSA No. 39779—*Liquid caustic soda to Nixon, Ga.* Filed by O. W. South, Jr., agent (No. A4688), for interested rail carriers. Rates on liquid caustic soda, in tank carloads, and on shipments subject to minimum of 4 tank carloads, from LeMoyne, Ala., to Nixon, Ga.

Grounds for relief—Market competition.

Tariff—Supplement 189 to Southern Freight Association, agent, tariff I.C.C. S-194.

FSA No. 39780—*Sulphuric acid to Montgomery, Ala.* Filed by O. W. South, Jr., agent (No. A4689), for interested rail carriers. Rates on sulphuric acid, in tank carloads, and shipments subject to minimum of 5 tank carloads, from Copperhill, Tenn., to Montgomery, Ala.

Grounds for relief—Market competition.

Tariff—Supplement 121 to Southern Freight Association, agent, tariff I.C.C. S-162.

By the Commission.

[SEAL] BERTHA F. ARMES,
Acting Secretary.

[F.R. Doc. 65-5352; Filed, May 20, 1965; 8:47 a.m.]

[Notice 1177]

MOTOR CARRIER TRANSFER PROCEEDINGS

MAY 18, 1965.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 179), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC-67642. By order of May 14, 1965, the Transfer Board on reconsideration approved the transfer to P. F. McDade and Son, Inc., Philadelphia, Pa., of the operating rights of Francis Joseph McDade, doing business as P. F. McDade and Son, Philadelphia, Pa., issued July 27, 1960, and August 2, 1960, in Certificates Nos. MC-17355 and MC-17355 (Sub-No. 3), authorizing the transportation, over irregular routes of household goods, water heaters, and general commodities, exluding household goods and commodities in bulk, from, to, and between specified points in Delaware, Maryland, New Jersey, New York, Pennsylvania, and the District of Columbia, varying with the commodities indicated. John A. M. McCarthy, 532-35 Western Saving Fund Building, Southeast Corner Broad and Chestnut Streets, Philadelphia, Pa., 19107, attorney for applicants.

No. MC-FC-67706. By order of May 12, 1965, the Transfer Board approved the transfer to J. K. McKeown Co., Inc., Arlington, Mass., of a portion of the operating rights in Certificate No. MC-109453, issued February 25, 1965, to Wood Brothers, Inc., Arlington, Mass., authorizing the transportation of: Household goods, between Boston, Mass., and points within 20 miles of Boston, on the one hand, and, on the other, points in Minnesota, Iowa, Missouri, and Wisconsin. Robert J. Gallager, 111 State Street, Boston, Mass., 02109, attorney for applicants.

No. MC-FC-67710. By order of May 12, 1965, the Transfer Board approved the transfer to J. C. Pitts, doing business as Refrigeration Delivery Service, Wichita, Kans., of Certificate of Registration in No. MC-121480 (Sub-No. 1), issued February 24, 1964, to J. C. Pitts and Robert Cawthorn, a partnership, doing business as Refrigeration Delivery Service, Wichita, Kans., authorizing the transportation of certain specified commodities, between all points in the State of Kansas, restricted to mechanically refrigerated equipment. William C. Farmer, 729 Beacon Building, Wichita, Kans., attorney for applicants.

No. MC-FC-67826. By order of May 12, 1965, the Transfer Board approved the transfer to Steelman Express, Inc., Rosemont, Pa., of the operating rights in the Certificate of Registration No. MC-120953 (Sub-No. 1), issued February 12, 1965, to Eileen K. Steelman, doing business as R. S. Steelman Express, Upper Darby, Pa., authorizing, as a Class D carrier, the transportation of property, excluding household goods, and other specified commodities, between points in the Township of Upper Darby, Pa., and from points in the Township of Upper Darby to points within an airline distance of 10 miles, excluding Philadelphia; to transport parcels, packages, and merchandise from retail and department stores and specialty shops in the Borough of Darby and the Township of Upper Darby, to customers of the stores and shops within 10 miles of the limits of said township to customers in the city and county of Philadelphia and the return of refused or damaged goods; and from points in the city and county of Philadelphia to the said stores and shops and to their customers within 10 miles of the said township; and to transport property, excluding household goods in use, between points in the city and county of Philadelphia. Raymond A. Thistle, Jr., 1500 Walnut Street, Philadelphia, Pa., attorney for applicants.

No. MC-FC-67827. By order of May 12, 1965, the Transfer Board approved the transfer to Francis Petrella & Joseph Petrella, a partnership, doing business as Petrella's Express, Downingtown, Pa., of the operating rights issued by the Commission July 3, 1941, under Permit No. MC-42043, to Arthur Petrella, Downingtown, Pa., authorizing the transportation, over regular routes, of paper and paper products, between Downingtown, Pa., and Camden, N.J. G. Donald Bullock, Box 103, Wyncote, Pa., representative for applicants.

No. MC-FC-67828. By order of May 13, 1965, the Transfer Board approved the transfer to Tennessee Trailblazers, 928 Harrison Street, Nashville, Tenn., of the operating rights issued by the Commission February 13, 1959, under Certificate No. MC-57976 (Sub-No. 2) to C. V. Buttrey and L. L. Treanor, doing business as Tennessee Trailblazers, 928 Harrison Street, Nashville, Tenn., authorizing the transportation, over regular routes, of passengers and their baggage, and express, mail, and newspapers in the same vehicle with passengers, between Nashville, Tenn., and Florence, Ala., serving all intermediate points; between Dickson, Tenn., and junction Tennessee Highways 46 and 100, between Hohenwald, Tenn., and junction Tennessee Highways 13 and 48, between Hohenwald, Tenn., and Summertown Crossroads, Tenn., between Waynesboro, Tenn., and Corinth, Miss., between junction Tennessee Highways 22 and 57, and Corinth, Miss.; between Selmer, Tenn., and junction Tennessee Highway 57 and U.S. Highway 45; between Lyles, Tenn., and junction unnumbered highway and Tennessee Highway 100 and between Wrigley, Tenn., and junction unnumbered highway and Tennessee Highway 100.

No. MC-FC-67835. By order of May 13, 1965, the Transfer Board approved

the transfer to Viero Graziani, Fred Graziani and Arthur Graziani, a partnership, doing business as A. Graziani & Sons, 1057 Butler Avenue, New Castle, Pa., of Permit No. MC-1407 issued November 4, 1964, to Robert B. Metz, Rural Delivery No. 1, New Middletown, Ohio, authorizing the transportation of building and road construction materials, over irregular routes, from Darlington, and Hillsville, Pa., and points within 5 miles of Darlington and Hillsville, to points in Columbiana, Mahoning and Trumbull Counties, Ohio.

No. MC-FC-67851. By order of May 14, 1965, the Transfer Board approved the transfer to Kern's Trucking, Inc., Pittsfield, Mass., of the operating rights in Certificate of Registration No. MC-120928 (Sub-No. 1), issued January 28, 1964, to Fred A. Kern, doing business as Kern's Trucking, corresponding to the grant of Irregular Route Common Carrier Certificate No. 5366 dated January 11, 1940, issued by the Massachusetts Department of Public Utilities. Anthony J. Ruberto, 184 North Street, Pittsfield, Mass., attorney for applicants.

[SEAL] BERTHA F. ARMES, *Acting Secretary.*

[F.R. Doc. 65-5353; Filed, May 20, 1965; 8:48 a.m.]

CUMULATIVE LIST OF CFR PARTS AFFECTED—MAY

The following numerical guide is a list of the parts of each title of the Code of Federal Regulations affected by documents published to date during May.

3 CFR

Page

PROCLAMATIONS:
1713 (superseded in part by Proc. 3656) 6571
3172 (superseded by Proc. 3655) 6467
3399 (superseded by Proc. 3655) 6467
3655 6467
3656 6571
3657 6835

EXECUTIVE ORDER:
Apr. 19, 1892 (revoked in part by PLO 3656) 6437
323 (see EO 11230) 6425
10530 (revoked in part by EO 11222) 6469
10784 (superseded by EO 11223) 6635
10845 (superseded by EO 11223) 6635
10939 (revoked by EO 11222) 6469
11071 (superseded in part by EO 11224) 6679
11125 (revoked by EO 11222) 6469
11126 (amended by EO 11221) 6427
11219 6381
11220 6425
11221 6427
11222 6469
11223 6635
11224 6679

PRESIDENTIAL DOCUMENTS OTHER THAN PROCLAMATIONS AND EXECUTIVE ORDERS:
Memorandum of July 20, 1961 (revoked by EO 11222) 6469
Memorandum of May 2, 1963 (revoked by EO 11222) 6469

4 CFR

52 6429

5 CFR

213 6215, 6241, 6337, 6478, 6637, 6765, 6857, 6903.
332 6337
591 6511

6 CFR

73 6573

7 CFR

28 6637
29 6573
51 6711
54 6207
55 6141, 6207
56 6207
58 6637
70 6207
81 6207
210 6207, 6479
301 6243, 6245, 6770
354 6429
362 6857
707 6246
717 6144
719 6511
722 6712
724 6144, 6146, 6207
842 6338
862 6247
863 6248
864 6248
905 6638, 6770
908 6148, 6429, 6681, 6771
909 6430
910 6148, 6430, 6479, 6681, 6712
917 6903-6905
918 6431, 6858
944 6638
965 6338
970 6479
989 6905
1002 6639
1138 6573
1421 6338, 6511, 6681
1425 6907
1468 6383
1472 6383
1475 6909
1483 6771
1485 6910
1487 6639
1488 6249
1602 6859

PROPOSED RULES:
28 6255
31 6350
33 6782
51 6658
70 6395
777 6686
Ch. IX 6355, 6438, 6523, 6917
930 6255
993 6782
1008 6659
1040 6163
1042 6163
1097 6534
1102 6534
1108 6534
1138 6538

8 CFR

214 6479
231 6778
251 6778

9 CFR

318 6731

PROPOSED RULES:
201 6360

10 CFR

30 6575

12 CFR

12 6160
204 6339
206 6731
561 6517, 6915

PROPOSED RULES:
261 6275
262 6275
563 6544

13 CFR

121 6778

14 CFR

39 6150, 6431, 6577, 6639, 6640, 6837
61 6577
71 6150, 6215, 6241, 6384-6387, 6478, 6577-6579, 6640-6642, 6682, 6765, 6838, 6914, 6915.
73 6242, 6387, 6388
75 6150, 6241, 6242, 6432, 6642, 6915
77 6713
91 6388
95 6766
97 6151, 6329, 6714, 6839
99 6242
121 6432, 6725
127 6432

PROPOSED RULES:
1 6921
39 6188, 6274
67 6188
71 6189, 6225, 6397, 6399, 6400, 6402, 6443, 6588, 6589, 6735, 6736, 6793-6795, 6872, 6922-6924.
73 6402, 6444, 6736
75 6443, 6924
91 6541, 6921
129 6541
399 6650

15 CFR

201 6748

16 CFR

Page

PROPOSED RULES:
303 6275

17 CFR

240 6642

18 CFR

157 6518

19 CFR

10 6149

PROPOSED RULES:
13 6686

21 CFR

121 6215, 6339, 6389, 6433, 6477, 6478, 6579, 6643, 6732, 6837, 6915.
133 6475
144 6389

PROPOSED RULES:
8 6490, 6733-6735
121 6588, 6689
141a 6795

25 CFR

131 6579

PROPOSED RULES:
1 6438
221 6523

26 CFR

1 6216, 6340, 6480
170 6769
250 6217

PROPOSED RULES:
1 6222, 6349, 6486, 6488
31 6222
301 6222

29 CFR

50 6240
604 6218
606 6218
690 6482

PROPOSED RULES:
657 6224
697 6226
1501 6397
1502 6397
1503 6397

32 CFR

Page
163 6161
175 6682
180 6682
516 6341
815 6343
882 6343

33 CFR

80 6433
82 6434
86 6434
95 6434
135 6434
203 6161, 6388
204 6643
205 6644
207 6161, 6644
401 6580

36 CFR

2 6682
7 6861
211 6345
311 6161
502 6482

37 CFR

1 6391, 6644
3 6644

PROPOSED RULES:
2 6687
4 6687

38 CFR

1 6435
2 6392
3 6649
14 6392

39 CFR

4 6436
36 6436
37 6436
43 6436

41 CFR

1-3 6581
5-60 6837
9-1 6483, 6519
9-3 6683
9-4 6519
9-6 6519
9-7 6519
9-8 6585
9-9 6684
9-54 6684
101-5 6684
101-44 6649

42 CFR

PROPOSED RULES:
73 6795

43 CFR

PUBLIC LAND ORDERS:
3638 6585
3655 6392
3656 6437
3657 6586

45 CFR

130 6393

46 CFR

25 6517
137 6713

47 CFR

0 6250, 6778
1 6778, 6780
2 6219, 6388
15 6250
25 6862
73 6251, 6519, 6520, 6869
83 6778

PROPOSED RULES:
2 6226
15 6541, 6689
73 6274, 6275, 6543, 6590, 6651

49 CFR

1 6485
95 6220
97 6394
141 6162

50 CFR

26 6587
33 6344, 6521, 6587, 6871
60 6149

PROPOSED RULES:
32 6224

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FEDERAL REGISTER

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Pages 6935–6960

Agencies in this issue—

Agriculture Department
Civil Aeronautics Board
Civil Service Commission
Commodity Exchange Authority
Consumer and Marketing Service
Customs Bureau
Defense Department
Employment Security Bureau
Federal Aviation Agency
Federal Communications Commission
Federal Maritime Commission
Federal Power Commission
Federal Radiation Council
Geological Survey
Immigration and Naturalization Service
Interior Department
Interstate Commerce Commission
Public Health Service
Securities and Exchange Commission

Detailed list of Contents appears inside.



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Contents

AGRICULTURE DEPARTMENT
See also Commodity Exchange Authority; Consumer and Marketing Service.
Rules and Regulations
Public contracts and property management; miscellaneous amendments 6943

CIVIL AERONAUTICS BOARD
Notices
Hearings, etc.:
Baggage liability rules case 6949
Westbound specific commodity rates 6949

CIVIL SERVICE COMMISSION
Rules and Regulations
Excepted service; Saint Lawrence Seaway Development Corporation 6939

COMMODITY EXCHANGE AUTHORITY
Rules and Regulations
Reports by traders; maintenance of books and records 6941

CONSUMER AND MARKETING SERVICE
Rules and Regulations
Handling limitations in California and Arizona:
Lemons 6939
Oranges, Valencia 6939
Proposed Rule Making
Milk in Delaware Valley marketing area; proposed termination of order 6947

CUSTOMS BUREAU
Notices
Motor vehicles and parts thereof from Canada; determination with respect to suspected bounty or grant 6958

DEFENSE DEPARTMENT
Rules and Regulations
Personnel; uniform training categories and pay groups within reserve forces 6942

EMPLOYMENT SECURITY BUREAU
Rules and Regulations
Administrative procedure; withholding payments and certifications 6941

FEDERAL AVIATION AGENCY
Rules and Regulations
Airworthiness directive; Sikorsky Model S-58 helicopters 6940
Control zone and transition area; alteration 6940

FEDERAL COMMUNICATIONS COMMISSION
Proposed Rule Making
FM broadcast stations; table of assignments; extension of time for filing comments (2 documents) 6947
Notices
Hearings, etc.:
Beard, Sam H., and Southeastern Broadcasting Co., Inc. (WKLF-FM) 6949
Central Broadcasting Corp. and WCRB, Inc. 6949
Effingham Broadcasting Co. 6950
Southern Broadcasting Co. and Hall County Broadcasting Co. 6950
Tuscarawas Broadcasting Co. 6950
5 KW, Inc., and Marietta Broadcasting Co. 6950

FEDERAL MARITIME COMMISSION
Notices
North Atlantic Baltic Freight Conference et al.; agreement filed for approval 6951
Trans-Atlantic Associated Freight Conference; request for cancellation of agreement 6951

FEDERAL POWER COMMISSION
Notices
Hearings, etc.:
Atlantic Seaboard Corp. et al 6951
Columbia Gulf Transmission Co. et al 6951
Nekoosa-Edwards Paper Co. 6952
Public Service Company of New Hampshire et al 6952

FEDERAL RADIATION COUNCIL
Notices
Radiation protection guidance for Federal agencies; memorandum for the President 6953

GEOLOGICAL SURVEY
Notices
Idaho; phosphate and nonphosphate land classification orders (2 documents) 6948

HEALTH, EDUCATION, AND WELFARE DEPARTMENT
See Public Health Service.

IMMIGRATION AND NATURALIZATION SERVICE
Rules and Regulations
Aliens and nationality; miscellaneous amendments 6940

INTERIOR DEPARTMENT
See also Geological Survey.
Notices
Statements of changes in financial interests:
Davis, William Angus 6948
Fehr, Franklin Stuart 6948
Porter, William C., Jr. 6948

INTERSTATE COMMERCE COMMISSION
Notices
Finance applications 6958
Fourth section applications for relief 6957
Motor carriers of property; applications 6958

JUSTICE DEPARTMENT
See Immigration and Naturalization Service.

LABOR DEPARTMENT
See Employment Security Bureau.

PUBLIC HEALTH SERVICE
Rules and Regulations
Grants for construction of nurse training facilities 6944

SECURITIES AND EXCHANGE COMMISSION
Notices
Hearings, etc.:
Consolidated Gas Supply Corp. et al 6955
Gibco, Inc 6956
Wellington Fund, Inc. 6957

TREASURY DEPARTMENT
See Customs Bureau.

List of CFR Parts Affected

(Codification Guide)

The following numerical guide is a list of the parts of each title of the Code of Federal Regulations affected by documents published in today's issue. A cumulative list of parts affected, covering the current month to date, appears at the end of each issue beginning with the second issue of the month.

A cumulative guide is published separately at the end of each month. The guide lists the parts and sections affected by documents published since January 1, 1965, and specifies how they are affected.

5 CFR
213 ... 6939

7 CFR
908 ... 6939
910 ... 6939
PROPOSED RULES:
1004 ... 6947

8 CFR
214 ... 6940
332a ... 6940
336 ... 6940
499 ... 6940

14 CFR
39 ... 6940
71 ... 6940

17 CFR
18 ... 6941

20 CFR
601 ... 6941

32 CFR
102 ... 6942

41 CFR
4-2 ... 6943
4-3 ... 6943
4-5 ... 6943
4-16 ... 6944

42 CFR
57 ... 6944

47 CFR
PROPOSED RULES:
73 (2 documents) ... 6947

Rules and Regulations

Title 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 213—EXCEPTED SERVICE

Saint Lawrence Seaway Development Corporation

Section 213.3152 is added to show the exception under Schedule A of the position of Assistant Manager, Seaway International Bridge, Saint Lawrence Seaway Development Corporation. Effective on publication in the FEDERAL REGISTER, § 213.3152, paragraph (a), is added as set out below.

§ 213.3152 Saint Lawrence Seaway Development Corporation.

(a) One Assistant Manager, Seaway International Bridge.

(R.S. 1753, sec. 2, 22 Stat. 403, as amended; 5 U.S.C. 631, 633; E.O. 10577, 19 F.R. 7521, 3 CFR, 1954–1958 Comp., p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] MARY V. WENZEL,
Executive Assistant to the Commissioners.

[F.R. Doc. 65-5392; Filed, May 21, 1965; 8:46 a.m.]

Title 7—AGRICULTURE

Chapter IX—Consumer and Marketing Service (Marketing Agreements and Orders; Fruits, Vegetables, Tree Nuts), Department of Agriculture

[Valencia Orange Reg. 121]

PART 908—VALENCIA ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

Limitation of Handling

§ 908.421 Valencia Orange Regulation 121.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 908, as amended (7 CFR Part 908), regulating the handling of Valencia oranges grown in Arizona and designated part of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations and information submitted by the Valencia Orange Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such Valencia oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 1001–1011) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for Valencia oranges and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such Valencia oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on May 20, 1965.

(b) *Order.* (1) The respective quantities of Valencia oranges grown in Arizona and designated part of California which may be handled during the period beginning at 12:01 a.m., P.s.t., May 23, 1965, and ending at 12:01 a.m., P.s.t., May 30, 1965, are hereby fixed as follows:

(i) District 1: 500,000 cartons;
(ii) District 2: 233,159 cartons;
(iii) District 3: 150,000 cartons.

(2) As used in this section, "handled," "handler," "District 1," "District 2," and "District 3," and "carton" have the same meaning as when used in said amended marketing agreement and order.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: May 21, 1965.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 65-5472; Filed, May 21, 1965; 11:27 a.m.]

[Lemon Reg. 162]

PART 910—LEMONS GROWN IN CALIFORNIA AND ARIZONA

Limitation of Handling

§ 910.462 Lemon Regulation 162.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 910, as amended (7 CFR Part 910), regulating the handling of lemons grown in California and Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such lemons, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 1001–1011) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for lemons and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such lemons; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on May 18, 1965.

(b) *Order.* (1) The respective quantities of lemons grown in California and Arizona which may be handled during the

period beginning at 12:01 a.m., P.s.t., May 23, 1965, and ending at 12:01 a.m., P.s.t., May 30, 1965, are hereby fixed as follows:

(i) District 1: Unlimited movement;
(ii) District 2: 372,000 cartons;
(iii) District 3: Unlimited movement.

(2) As used in this section, "handled," "District 1," "District 2," "District 3," and "carton" have the same meaning as when used in the said amended marketing agreement and order.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: May 20, 1965.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 65-5440; Filed, May 21, 1965; 8:49 a.m.]

Title 8—ALIENS AND NATIONALITY

Chapter I—Immigration and Naturalization Service, Department of Justice

MISCELLANEOUS AMENDMENTS TO CHAPTER

The following amendments to Chapter I of Title 8 of the Code of Federal Regulations are hereby prescribed:

PART 214—NONIMMIGRANT CLASSES

§ 214.2 [Amended]

The first sentence of subparagraph (1) *Without visas* of paragraph (c) *Transits* of § 214.2 *Special requirements for admission, extension, and maintenance of status* is deleted and in lieu thereof the following two sentences are inserted: "Any alien, except a citizen and resident of the Union of Soviet Socialist Republics, Estonia, Latvia, Lithuania, Poland, Czechoslovakia, Hungary, Rumania, Bulgaria, Albania, Cuba, Communist-controlled China ("Chinese People's Republic"), North Korea ("Democratic People's Republic of Korea"), the Soviet Zone of Germany ("German Democratic Republic"), North Vietnam ("Democratic Republic of Vietnam"), and Outer Mongolia ("Mongolian People's Republic"), may apply for immediate and continuous transit through the United States. Such an alien must establish that he is admissible under the immigration laws; that he has confirmed and onward reservations to at least the next country beyond the United States (except that, if seeking to join an aircraft or vessel in the United States as a crewman, he is in possession of, if joining a vessel, or makes application upon arrival for, a Form I–184 permanent-type landing permit and identification card, and upon joining the vessel will remain aboard at all times until it departs from the United States, and his departure from the United States will be accomplished within 5 calendar days after his arrival), and that he has a document establishing his ability to enter some country other than the United States."

PART 332a—OFFICIAL FORMS

§ 332a.2 [Amended]

The list of forms in § 332a.2 *Official forms prescribed for use of clerks of naturalization courts* is amended by deleting the following forms and references thereto:

Form No.	*Title and description*
N–490	Order of Court Granting Petitions for Naturalization.
N–491	Order of Court Denying Petitions for Naturalization.

PART 336—PROCEEDINGS BEFORE NATURALIZATION COURT

§ 336.13 [Amended]

The first sentence of paragraph (a) of § 336.13 *Preparation of lists and orders of court for presentation at final hearing* is amended to read as follows: "At or prior to the final naturalization hearing the representative attending the hearing shall submit to the court lists and orders of court, in duplicate, on Forms N–480, N–480A, N–481, N–485, N–485A, or N–492, as appropriate, for petitions recommended to be granted; on Form N–483 for petitions recommended to be continued; and on Forms N–484, N–484A, N–486, N–486A, or N–493, as appropriate, for petitions recommended to be denied."

PART 499—NATIONALITY FORMS

§ 499.1 [Amended]

The list of forms in § 499.1 *Prescribed forms* is amended by deleting the following forms and references thereto:

Form No.	*Title and description*
N–490	Order of Court Granting Petitions for Naturalization.
N–491	Order of Court Denying Petitions for Naturalization.

(Sec. 103, 66 Stat. 173; 8 U.S.C. 1103)

This order shall be effective on the date of its publication in the FEDERAL REGISTER. Compliance with the provisions of section 4 of the Administrative Procedure Act (60 Stat. 238; 5 U.S.C. 1003) as to notice of proposed rule making and delayed effective date is unnecessary in this instance because the changes are editorial in nature.

Dated: May 18, 1965.

RAYMOND F. FARRELL,
Commissioner of Immigration and Naturalization.

[F.R. Doc. 65-5386; Filed, May 21, 1965; 8:47 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Agency

[Docket No. 6492; Amdt. 39-69]

PART 39—AIRWORTHINESS DIRECTIVES

Sikorsky Model S–58 Helicopters

A proposal to amend Part 39 of the Federal Aviation Regulations to revise Amendment 238, 25 F.R. 13955, AD 61–1-3, Sikorsky Model S–58 helicopters, by specifying a mandatory life limit for gears salvaged in accordance with paragraph (B) of Sikorsky Service Bulletin No. 58B35–3B, and to permit certain gears to be resalvaged in accordance with paragraph (A) of Sikorsky Service Bulletin No. 58B35–3B as an alternative to the resalvaging method now specified in paragraph (b) of the AD was published in 30 F.R. 2470.

Interested persons have been afforded an opportunity to participate in the making of the amendment. No objections were received.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (25 F.R. 6489), § 39.13 of Part 39 (14 CFR Part 39), is amended by amending AD 61–1–3, Amendment 238, 25 F.R. 13955, by—

1. Amending the introductory clause of paragraph (b) to read:

Gears salvaged as outlined in paragraph (a) of this directive may be resalvaged, prior to accumulating 1,200 hours' time in service since that salvage, in accordance with paragraph (A) of Sikorsky Service Bulletin No. 58B35–3B or the following:

2. Adding a new paragraph (d) to read:

(d) All input bevel gears (P/N S1635–20011–2) that have been salvaged for the first time in accordance with paragraph (B) of Sikorsky Service Bulletin No. 58B35–3B shall be retired upon accumulation of 2,400 hours' time in service since salvage.

3. Amending the parenthetical reference statement to read:

(Sikorsky Service Bulletin No. 58B35–3B covers this subject.)

This amendment shall become effective June 21, 1965.

(Sec. 313(a), 601, 603, Federal Aviation Act of 1958; 49 U.S.C. 1354(a), 1421, 1423)

Issued in Washington, D.C., on May 17, 1965.

C. W. WALKER,
Acting Director, Flight Standards Service.

[F.R. Doc. 65-5368; Filed, May 21, 1965; 8:45 a.m.]

[Airspace Docket No. 63–EA–54]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Control Zones and Transition Area

On February 10, 1965, a notice of proposed rule making was published in the FEDERAL REGISTER (30 F.R. 1874) stating that the Federal Aviation Agency was considering amendments to Part 71 of the Federal Aviation Regulations that would alter the control zones at John F. Kennedy International Airport, New York, N.Y., Newark Airport, Newark, N.J., La Guardia Airport, New York, N.Y., Morristown Airport, Morristown, N.J., Teterboro Airport, Teterboro, N.J., and designate a transition area in the New York, N.Y., terminal area.

Interested persons were afforded an opportunity to participate in the proposed rule making through the submission of comments. All comments received were favorable.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0001 e.s.t., July 22, 1965, as hereinafter set forth.

1. In § 71.171 (29 F.R. 17581), the pertinent control zones are altered to read as follows:

NEW YORK, N.Y. (JOHN F. KENNEDY INTERNATIONAL AIRPORT)

Within a 5.5-mile radius of the John F. Kennedy International Airport (latitude 40°38'30" N., longitude 73°47'10" W.); within a 5-mile radius of NAS New York, N.Y. (latitude 40°35'40" N., longitude 73°53'30" W.); within 2 miles each side of the John F. Kennedy International Airport NE localizer course, extending from the 5.5-mile radius zone to the NE OM; within 2 miles each side of the Kennedy VORTAC 053° radial, extending from the 5.5-mile radius zone to 7 miles E of the VORTAC; within 2 miles each side of the Kennedy VORTAC 129° radial, extending from the 5.5-mile radius zone to 6 miles SE of the VORTAC; within a 9-mile radius of the John F. Kennedy International Airport, extending clockwise from a line 2 miles E of and parallel to the Kennedy VORTAC 141° radial to a line 2 miles W of and parallel to the Kennedy VORTAC 242° radial; within 2 miles each side of the John F. Kennedy International Airport SW localizer course, extending from the 5.5-mile radius zone to 8 miles SW of the OM–RBN; and within 2 miles each side of the 185° bearing from the Fort Tilden, N.Y. RBN, extending from the NAS New York 5-mile radius zone to 8 miles S of the RBN.

MORRISTOWN, N.J.

Within a 5-mile radius of Morristown Airport (latitude 40°47'50" N., longitude 74°25'-05" W.) excluding that portion within a 1-mile radius of Hanover Airport, Hanover, N.J. (latitude 40°50'20" N., longitude 74°20'45" W.); and within 2 miles each side of the 227° bearing from the Chatham, N.J. RBN, extending from the 5-mile radius zone to 7 miles SW of the RBN. This control zone is effective from 0700 to 2000 hours, local time, daily.

TETERBORO, N.J.

Within a 5-mile radius of Teterboro Airport (latitude 40°51'05" N., longitude 74°03'40" W.).

NEWARK, N.J.

Within a 5-mile radius of Newark Airport (latitude 40°41'35" N., longitude 74°10'15" W.); within 2.5 miles W and 2 miles E of the Newark localizer SW course, extending from the 5-mile radius zone to 7.5 miles SW of the OM; within 2 miles each side of the Newark localizer NE course, extending from the 5-mile radius zone to the Teterboro Airport (latitude 40°51'05" N., longitude 74°06'40" W.) 5-mile radius zone; and within 2 miles each side of the 264° bearing from the liftoff end of Runway 29, extending from the 5-mile radius zone to 5 miles SW of the runway.

NEW YORK, N.Y. (LA GUARDIA AIRPORT)

Within a 5-mile radius of La Guardia Airport (latitude 40°46'30" N., longitude 73°-53'20" W.); and within 2 miles each side of the La Guardia VOR 034° radial, extending from the 5-mile radius zone to 5.5 miles NE of the VOR, excluding the portion within the John F. Kennedy International Airport control zone.

2. In § 71.181 (29 F.R. 17643), the New York, N.Y., transition area is designated as follows:

That airspace extending upward from 700 feet above the surface beginning at latitude 41°07'30" N., longitude 73°57'00" W.; to latitude 41°01'00" N., longitude 74°00'00" W.; to latitude 40°50'00" N., longitude 73°42'00" W.; to latitude 40°41'00" N., longitude 73°-33'30" W.; to latitude 40°18'30" N., longitude 73°39'30" W.; to latitude 40°17'30" N., longitude 73°52'45" W.; to latitude 40°24'20" N., longitude 74°45'40" W.; to latitude 40°31'-15" N., longitude 74°42'30" W.; to latitude 40°38'00" N., longitude 74°40'30" W.; to latitude 40°57'00" N., longitude 74°28'30" W.; to latitude 41°11'00" N., longitude 74°-09'00" W.; to the point of beginning; that airspace extending upward from 1,200 feet above the surface beginning at latitude 41°-19'00" N., longitude 74°00'00" W.; to latitude 41°12'00" N., longitude 74°06'00" W.; to latitude 41°11'00" N., longitude 74°09'00" W.; to latitude 40°57'00" N., longitude 74°28'30" W.; to latitude 40°49'00" N., longitude 74°-37'00" W.; to latitude 41°19'00" N., longitude 74°33'00" W.; to the point of beginning; and that airspace extending upward from 1,200 feet above the surface beginning at latitude 40°30'00" N., longitude 73°36'00" W.; thence via latitude 40°30'00" N. to the W edge of V–139; thence along the W edge of V–139 to a line extending through latitude 40°13'30" N., longitude 73°21'30" W.; to latitude 40°17'20" N., longitude 73°32'45" W.; to latitude 40°18'30" N., longitude 73°-39'30" W.; to the point of beginning. The airspace within W–106 below 3,000 feet MSL and that airspace within Control Area 1147 are excluded.

(Secs. 307(a), 1110, Federal Aviation Act of 1958, 49 U.S.C. 1348, 1510; E.O. 10854 (24 F.R. 9565))

Issued in Washington, D.C., on May 17, 1965.

H. B. HELSTROM,
Acting Chief, Airspace Regulations and Procedures Division.

[F.R. Doc. 65-5369; Filed, May 21, 1965; 8:45 a.m.]

Title 17—COMMODITY AND SECURITIES EXCHANGES

Chapter I—Commodity Exchange Authority (Including Commodity Exchange Commission), Department of Agriculture

PART 18—REPORTS BY TRADERS

Maintenance of Books and Records

By virtue of the authority vested in the Secretary of Agriculture by sections 4i and 8a(5) of the Commodity Exchange Act, as amended (7 U.S.C. 6i and 12a(5)), § 18.05 of the regulations under said act relating to reports by traders (17 CFR 18.05) is hereby amended as follows:

In § 18.05 the phrase "such position and the transactions therein and all related transactions," is deleted and the phrase "all positions and transactions for future delivery in the commodity on all contract markets and all positions and transactions in the cash commodity, its products, and byproducts," is inserted after the phrase "all details concerning". As so amended, § 18.05 reads as follows:

§ 18.05 Maintenance of books and records.

Every trader who holds or controls a reportable position shall keep books and records showing all details concerning all positions and transactions for future delivery in the commodity on all contract markets and all positions and transactions in the cash commodity, its products, and byproducts, and shall upon request furnish to the Act Administrator any pertinent information concerning such positions and transactions.

(Sec. 4i, 49 Stat. 1496; sec. 8a, 49 Stat. 1500, as amended; 7 U.S.C. 6i, 12a; 29 F.R. 16210, as amended)

The effect of this amendment is to remove uncertainty as to the meaning of the phrase "related transactions" by clarifying the language of the regulation. The amendment does not impose any additional requirements and should be made effective as soon as possible. Therefore, under section 4 of the Administrative Procedure Act (5 U.S.C. 1003), it is found upon good cause that notice and other public procedure on the amendment are unnecessary, and good cause is found for making the amendment effective less than 30 days after publication in the FEDERAL REGISTER.

This amendment shall become effective upon publication in the FEDERAL REGISTER.

The reporting and record keeping requirements contained herein have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Done at Washington, D.C., this 19th day of May 1965.

GEORGE L. MEHREN,
Assistant Secretary.

[F.R. Doc. 65-5405; Filed, May 21, 1965; 8:49 a.m.]

Title 20—EMPLOYEES' BENEFITS

Chapter V—Bureau of Employment Security, Department of Labor

PART 601—ADMINISTRATIVE PROCEDURE

Withholding Payments and Certifications

Pursuant to authority contained in the Social Security Act (42 U.S.C. 1302), the Wagner-Peyser Act (29 U.S.C. 49k), and the Federal Unemployment Tax Act in the Internal Revenue Code of 1954 (26 U.S.C. 3303(b)(3) and 3304(c)), I hereby revise § 601.5 of Title 20 of the Code of Federal Regulations as set forth below.

The revision would provide that the Secretary shall not withhold certification for administrative grants to a State because the State unemployment compensation law no longer includes a provision required by section 303(a) of the Social Security Act without giving the State agency reasonable notice and opportunity for hearing. The revision would also change subparagraphs (3) and (5) of paragraph (a) to reflect amendments to section 303(b)(1) of the Social Security Act and section 3304(c) of the Federal Unemployment Tax Act made by section 405 of Public Law 736, 81st Congress.

The provisions of section 4 of the Administrative Procedure Act (5 U.S.C.

1003) which require notice of proposed rule making, opportunity for public participation, and delay in effective date are not applicable because these rules involve only matters that relate to public benefits, procedure, and policy. I do not believe that public participation or delay will serve a useful purpose here. Accordingly, this amendment shall become effective immediately.

As amended 20 CFR 601.5 reads as follows:

§ 601.5 Withholding payments and certifications.

(a) *When withheld.* Payment of funds to States or yearend certification of State laws, or both, are withheld when the Secretary finds, after reasonable notice and opportunity for hearing:

(1) That any provision required by section 303(a) of the Social Security Act is no longer included in the State unemployment compensation law; or

(2) That the State unemployment compensation law has been so changed as no longer to meet the conditions required by section 3303(a) of the Internal Revenue Code of 1954 (sec. 3303(b)(3) of the Internal Revenue Code); or

(3) That the State unemployment compensation law has been so amended as no longer to contain the provisions specified in section 3304(a) or has failed to comply substantially with any such provision and such finding has become effective (sec. 3304(c) of the Internal Revenue Code of 1954); or

(4) That in the administration of the State unemployment compensation law there has been a failure to comply substantially with required provisions of such law (sec. 303(b)(2) of the Social Security Act and sec. 3303(b)(3) of the Internal Revenue Code of 1954); or

(5) That in the administration of the State unemployment compensation law there has been a denial, in a substantial number of cases, of benefits due under such law, except that there may be no such finding until the question of entitlement has been decided by the highest judicial authority given jurisdiction under such State law (sec. 303(b)(1) of the Social Security Act); or

(6) That a State fails to make its unemployment compensation records available to the Railroad Retirement Board or fails to cooperate with Federal agencies charged with the administration of unemployment compensation laws (sec. 303(c) of the Social Security Act); or

(7) That a State no longer has a plan of operation for public employment offices complying with the provisions of the Wagner-Peyser Act; or

(8) That a State agency has not properly expended, in accordance with an approved plan of operation, the Federal monies paid it for administration of its public employment service.

(b) *Informal discussion.* Such hearings are generally not called, however, until after every reasonable effort has been made by regional and central office representatives to resolve the question involved by conference and discussion with State officials. Formal notification of the date and place of a hearing does not foreclose further negotiations with State officials.

(c) *Notice of noncertification.* If, at any time during the taxable year, the Secretary of Labor has reason to believe that a State whose unemployment compensation law he has previously approved may not be certified, he promptly notifies the Governor of the State to that effect (sec. 3304(d) of the Internal Revenue Code of 1954).

(d) *Notice of hearing.* Notice of hearing is sent by the Secretary of Labor to the State employment security agency. The notice sets forth the purpose of the hearing, the time, date, and place at which the hearing will be held, and the rules of procedure which will be followed. At a hearing the State is given an opportunity to present arguments and all relevant evidence, written or oral. The Secretary makes the necessary determination or findings, on the basis of the record of such hearings. A notice of the Secretary's determination or finding is sent to the State employment security agency.

(e) *Civil Rights Act issues.* To the extent that any proposed withholding of funds involves circumstances within the scope of Title VI of the Civil Rights Act of 1964 and the regulations promulgated thereunder, the procedure set forth in Part 31, Title 29 of the Code of Federal Regulations shall be applicable.

(Sec. 12, 48 Stat. 117, as amended; 29 U.S.C. 49K; sec. 1102, 49 Stat. 647, as amended; 42 U.S.C. 1302; 26 U.S.C. 3303(b)(3) and 3304(c))

Signed at Washington, D.C., this 17th day of May 1965.

W. WILLARD WIRTZ,
Secretary of Labor.

[F.R. Doc. 65-5377; Filed, May 21, 1965; 8:46 a.m.]

Title 32—NATIONAL DEFENSE

Chapter I—Office of the Secretary of Defense

SUBCHAPTER B—PERSONNEL, MILITARY AND CIVILIAN

PART 102—UNIFORM TRAINING CATEGORIES AND PAY GROUPS WITHIN THE RESERVE FORCES

The Deputy Secretary of Defense approved the following:

Sec.
102.1 Purpose.
102.2 Applicability.
102.3 Training categories.
102.4 Uniform pay groups.
102.5 Tours of active-duty-for-training in excess of fifteen (15) consecutive days.
102.6 Basic requirements and policy.

AUTHORITY: The provisions of this Part 102 issued under 10 U.S.C. 1006 and 2001, 32 U.S.C. 502.

§ 102.1 Purpose.

This part (a) establishes policy and designates uniform training categories for Ready Reserve and Standby Reserve of the Armed Forces under provisions of section 2001 of Title 10, U.S. Code; (b) establishes uniform Ready Reserve pay groups, for budget and pay purposes; and (c) provides uniform planning and budgeting policies and procedures relating to and authorizing tours of active-duty-for-training with pay in excess of fifteen (15) consecutive days for selected personnel of the reserve components of the Armed Forces.

§ 102.2 Applicability.

The provisions of this part apply to the Departments of the Army, Navy, and Air Force in the administration of the reserve components.

§ 102.3 Training categories.

(a) Each unit and member of the Ready Reserve not on active duty shall be placed in one of the following training categories, as determined by the Secretary of the Military Department concerned:

Training category	Annual number of periods of inactive-duty training	Annual active-duty-for-training
A	48	15 days.
B	24	Do.
C	12	Do.
D	0	Do.
E	0	30 days.
F	0	4 months minimum initial active-duty-for-training.
G	12	0.
H	Correspondence Courses and Extension Courses.	
I	No training.	
J	Officer Training Programs.	

(b) Units and members of the Army National Guard of the United States and the Air National Guard of the United States (except those who are members of the inactive National Guard) shall be placed in a training category consistent with the training requirements set forth in Title 32, U.S. Code.

(c) Additional training within any category may be prescribed by the Secretaries of the Military Departments as necessary and consistent with law.

(d) The following members of the Standby Reserve may be permitted to participate voluntarily in reserve training for promotion and retirement points.

(1) Personnel who have not fulfilled their statutory military service obligations.

(2) Personnel who qualify for retention in an active reserve status under the provisions of section 1006, Title 10, U.S. Code.

(3) Personnel now in the active Standby Reserve or who were transferred from the Ready to the Standby Reserve after January 16, 1965, and prior to June 30, 1965. Persons transferred to the Standby Reserve after June 30, 1965, will not be permitted to participate in reserve training for promotion and retirement points unless they qualify under subparagraph (1) or (2) of this paragraph.

(e) Standby Reserve members who participate shall be placed in appropriate training categories. They will not be entitled to pay and allowances, including travel and transportation allowances for such training.

§ 102.4 Uniform pay groups.

(a) The following uniform pay groups are established within the Ready Reserve for budget and pay purposes:

Pay group	Annual number of paid periods of inactive-duty training	Annual paid active-duty-for-training
A	48	15 days.
B	24	Do.
C	12	Do.
D	0	Do.
E	0	30 days.
F	0	4 months minimum initial active-duty-for-training.

(b) The Secretaries of the Military Departments shall determine which of the above-pay groups are to be established for the reserve components of their departments. (Designation of pay groups does not preclude additional paid training where otherwise authorized.)

(c) In order to conform to the accounting classifications prescribed in DoD Instruction 7220.11, "Budget and Expense Accounting Classifications for Reserve Component Personnel Appropriations", September 29, 1959, paid active-duty-for-training for school and special tours shall not be identified as separate pay groups, but may be in addition to the training provided by the established pay groups.

(d) The Secretaries of the Military Departments may authorize multiple training periods within appropriate pay groups; that is, more than one (1) paid inactive-duty training period to be conducted within one (1) calendar day, provided each is of at least four (4) hours' duration. However, no more than two (2) such paid training periods in one (1) calendar day may be authorized.

§ 102.5 Tours of active-duty-for-training in excess of fifteen (15) consecutive days.

(a) Training funds, appropriated for tours of active-duty-for-training in excess of fifteen (15) consecutive days with pay for selected reserve component personnel (as distinguished from other reserve components training funds), shall be used to provide sufficient annual active-duty-for-training for such personnel to acquire or maintain essential proficiency in their military occupational specialties, as follows:

(1) Tours of active-duty-for-training as students at regular, associate, and refresher courses of service schools, area schools, unit schools, officer candidate schools, and other installations which provide training applicable to the individual's assignment.

(2) Other justified tours of active-duty-for-training, not to exceed ninety (90) days (including travel time) in any 1 fiscal year for the following purposes:

(i) Staff and faculty for schools.

(ii) Special field, fleet, and joint exercises.

(iii) Indoctrination training.

(iv) Special tours of active-duty-for-training in connection with projects relating to the reserve component programs, including support for operation of training camps and training ships, when appropriate personnel in active military service are not available for the duties to be performed and if such duties are essential to the organization and training programs of the reserve component and are beyond the services which the active military forces normally provide for the support of the reserve component programs.

(3) Tours of active-duty-for-training of thirty (30) days, authorized by section 270(a) of Title 10, U.S. Code.

(4) Tours of active-duty-for-training of not more than forty-five (45) days for failure to perform reserve training duty satisfactorily, as authorized in section 270 (b) and (c) of Title 10, U.S. Code.

(5) Initial tours of active-duty-for-training for basic training for individuals entering directly into the Reserve Forces under provisions of section 511, Title 10, U.S. Code.

(6) Tours of active-duty-for-training of three (3) to six (6) months for graduates of officers' training programs under provisions of paragraph (1), subsection 6(d) of the Universal Military Training and Service Act, as amended.

(b) The Secretaries of the Military Departments are authorized to include, in the budget for the regular service, funds to provide tours of active duty for reservists for the purpose of meeting temporary personnel requirements which may or may not be directly incident to the furthering of the Reserve Forces program.

§ 102.6 Basic requirements and policy.

(a) In order to insure that trained units and qualified individuals are available for active duty in time of war or national emergency, as set forth in sections 262 and 263 of Title 10, U.S. Code, and that funds appropriated annually for reserve training are adequate to meet mobilization requirements but not excessive to such need, the Secretaries of the Military Departments shall take the following actions in accordance with the principles indicated, dependent on the particular needs of the Military Department concerned:

(1) Establish criteria by which individuals subject to the mandatory participation requirement will be placed in an appropriate training category. Such criteria shall include consideration of the individual's civilian employment and the proximity of established reserve drilling units to his place of residence or employment. No individual shall be involuntarily placed in Training Categories A, B, C, or E (§ 102.3) unless there is a vacancy in an established training unit within reasonable commuting distance, as determined by the Secretary of the Military Department concerned.

(2) Establish criteria for identifying all organized training units with a training category. Such criteria shall include, but not necessarily be limited to, the specialized nature of the training required and the availability to the unit of proper training aids and equipment necessary to perform the assigned training mission.

(b) In establishing the criteria called for in paragraph (a) of this section, the following considerations shall govern:

(1) Training prescribed should be the minimum number of inactive duty training periods and minimum periods of annual training required to maintain the proficiency of the unit or individual.

(2) Wherever practicable, multiple inactive duty training periods will be used as substitutes for weekly paid training periods.

(c) Those members of the Ready Reserve who are not subject to mandatory training participation requirements shall be encouraged to participate to the extent necessary to maintain their mobilization potential.

MAURICE W. ROCHE,
Director, Correspondence and Directives Division, OASD (Administration).

[F.R. Doc. 65-5378; Filed, May 21, 1965; 8:46 a.m.]

Title 41—PUBLIC CONTRACTS AND PROPERTY MANAGEMENT

Chapter 4—Department of Agriculture

MISCELLANEOUS AMENDMENTS

Chapter 4 is amended as follows:

PART 4-2—PROCUREMENT BY FORMAL ADVERTISING

Subpart 4-2.2—Solicitation of Bids

Section 4-2.205-1, a new section, is added to provide for establishing bidder mailing lists.

§ 4-2.205-1 Establishment of lists.

Applications for placement on bidder's mailing lists shall be acknowledged if such is requested, or if the contracting officer considers it desirable to do so.

PART 4-3—PROCUREMENT BY NEGOTIATION

Subpart 4-3.6—Small Purchases

Section 4-3.604 *Imprest funds (petty cash) method* is amended as follows: Section 4-3.604-5 is deleted and the following is inserted in lieu thereof:

§ 4-3.604-5 Limitations.

The maximum amount of advance which a cashier may be authorized should be determined by the agency head or his designee in accordance with the criteria set forth in paragraph 0306 of the Treasury Department "Manual of Procedures and Instructions for Cashiers Operating Under Executive Order No. 6166."

Section 4-3.604-6 *Procurement and payment,* is deleted entirely.

PART 4-5—SPECIAL AND DIRECTED SOURCES OF SUPPLY

Subpart 4-5.53—General Services Administration

Section 4-5.5301 *Stores depots,* is amended as follows:

Section 4-5.5301-3 is amended by adding the following paragraph (1):

§ 4-5.5301-3 Utilization of GSA Stores Depot Stocks.

* * * * *

(1) Where items available from GSA will not adequately serve the required functional purpose and it is necessary to procure similar items from other sources to meet actual needs of the procuring agency, prior approval of GSA is required. Requests to waive the required use of GSA items shall be submitted in duplicate to the Office of Plant and Operations. Such requests shall (1) describe the pertinent differences between the GSA item and the item required; (2) specify the quantity required; and (3) state the reason why the GSA item will not meet the requirement.

PART 4–16—PROCUREMENT FORMS

Subpart 4–16.8—Miscellaneous Forms

Section 4–16.804 *Report on procurement by civilian executive agencies,* is amended by assigning a heading to the existing paragraph and adding a new paragraph as follows:

§ 4–16.804 Report on procurement by civilian agencies.

(a) *General.* Standard Form 37, Report on Procurement by Civilian Executive Agencies, shown at § 1–16.901.37, shall be used to make reports. This form may be requisitioned from the Central Supply Section, Service Operations Division, Office of Plant and Operations. Reports shall be prepared by each agency for each semiannual period (January 1 through June 30 and July 1 through December 31) and submitted in duplicate to the Procurement and Contract Management Division, Office of Plant and Operations, by the 20th of the month immediately following the close of each semiannual period. Agencies conducting special programs involving the procurement of property or services which, in their opinion should not be included in the report may submit detailed justification for exemption to the Director of Plant and Operations for his approval and appropriate submission to the Administrator of General Services for action.

(b) *Special reports.* There shall be reported in the "Remarks" block of Standard Form 37 for the reporting period ending June 30, the total number and dollar amount of (1) construction contracts and (2) project service contracts awarded during the fiscal year. Project service contracts are contracts for services such as seeding, weed eradication, equipment rental, aerial spraying, fire control, etc. Do not include contracts for repair of equipment or other services related to housekeeping functions. The following format shall be used:

CONTRACTS, FISCAL YEAR .....

	Number	Amount (to nearest dollar)
Construction (over $2,000)		
Project service (over $2,500)		
Total		

Done at Washington, D.C., this 19th day of May 1965.

F. R. MANCHAM,
Director of Plant and Operations.

[F.R. Doc. 65-5406; Filed, May 21, 1965; 8:49 a.m.]

Title 42—PUBLIC HEALTH

Chapter I—Public Health Service, Department of Health, Education, and Welfare

SUBCHAPTER D—GRANTS

PART 57—GRANTS FOR CONSTRUCTION OF HEALTH RESEARCH FACILITIES (INCLUDING MENTAL RETARDATION RESEARCH FACILITIES), TEACHING FACILITIES AND STUDENT LOANS

Subpart E—Grants for Construction of Nurse Training Facilities

Notice of proposed rule making, public rule making procedures and postponement of effective date have been omitted in the issuance of the following Subpart E—Grants for Construction of Nurse Training Facilities, which relates solely to grants to public or nonprofit private schools of nursing for the construction of nurse training facilities.

This subpart shall become effective on the date of publication in the FEDERAL REGISTER.

New Subpart E is added as follows:

Subpart E—Grants for Construction of Nurse Training Facilities

Sec.
57.401 Definitions.
57.402 Eligibility.
57.403 Priority.
57.404 Percentage of participation; amount of the construction grant.
57.405 Nondiscrimination.
57.406 Terms and conditions.
57.407 Good cause for other use of completed facility.
57.408 Payments.
57.409 Minimum standards of construction and equipment.

AUTHORITY: The provisions of this Subpart E issued under sec. 215, 58 Stat. 690, as amended; 42 U.S.C. § 216. Interpret or apply secs. 801–804, 76 Stat. 908; 42 U.S.C. § 296.

§ 57.401 Definitions.

As used in this subpart:

(a) All terms shall have the same meaning as given them in the Act.

(b) "Act" means Part A of Title VIII of the Public Health Service Act, as amended by P.L. 88–581 (78 Stat. 908; 42 U.S.C. § 296).

(c) "Construction grant" means a grant of funds for the construction of training facilities as authorized by the Act.

(d) "New school" means a school of nursing which has not been in operation prior to application for a construction grant under this subpart, except that for purposes of § 57.402(c) it includes a school whose program, at the time of application, is not eligible for accreditation by reason of an insufficient period of operation.

(e) "Equipment" means those items which are necessary for the functioning of the facilities and which are considered depreciable and as having an estimated life of not less than 5 years. Not included are items of current operating expense such as glassware, chemicals and fuel.

§ 57.402 Eligibility.

In order to be eligible for a construction grant:

(a) The applicant shall meet the applicable requirements of section 802 of the Act.

(b) The project shall be located in a State.

(c) The applicant shall provide a program of nurse education which is accredited by a recognized body or bodies approved for such purpose by the Commissioner of Education, except that the program of a new school shall be deemed accredited if the Commissioner finds, after consultation with the appropriate accreditation body or bodies, that there is reasonable assurance that the program will meet the accreditation standards of such body or bodies, prior to the beginning of the academic year following the normal graduation date of the first class of such school.

§ 57.403 Priority.

The order of priority in approving applications for construction grants shall be determined on the basis of those factors specified in section 802(c) of the Act, and the following: (a) The relative availability of qualified students, (b) the relative effectiveness of the project in accomplishing the purposes of the Act at the least relative cost, (c) the relative extent to which financial support is committed by the applicant for the construction and operation of the facility, and (d) the relative ability of the applicant to make efficient and productive use of the facility constructed.

§ 57.404 Percentage of participation; amount of construction grant.

(a) *Percentage of participation.* The amount of the construction grant may not exceed 50 percent of the necessary cost of construction except that in the case of a project for a new school, or for major expansion of training capacity of an existing school, it may not exceed 66⅔ percent of such cost. For the purpose of these regulations a major expansion of training capacity of an existing school occurs or will occur when the Surgeon General determines, on the basis of such information or assurances as he may require, that the first-year enrollment at such a school for each of the 10 full school years after the completion of the construction will exceed the highest first-year enrollment at such school for any of the 5 full school years preceding the year in which the application is made by at least 20 percentum of such highest first-year enrollment, or by 10 students, whichever is greater; provided, however, that where the Surgeon General finds, with respect to a particular school, that such increased enrollment cannot be achieved until the second or third full school year of operation, he may determine that a major expansion of training capacity will occur during the first or second full school year if the increased enrollment will equal such amount in excess of 5 percent or 5 students, whichever is greater, as the Surgeon General may specify.

(b) *Amount of Construction grant—Less than maximum.* In determining the extent to which less than the maximum allowable construction grant may be made, the Surgeon General shall take into consideration the most effective use of available Federal funds to further the purposes of the Act.

(c) *Acquisition of existing buildings.* Where the project involves the acquisition of an existing building or buildings (including the acquisition of land in connection therewith), the necessary cost of such acquisition will be determined on the basis of such documentation submitted by the applicant as the Surgeon General may prescribe (including the reports of such real estate appraisers as the Surgeon General may designate), and other relevant factors.

§ 57.405 Nondiscrimination.

(a) Each construction grant shall be subject to the condition that the grantee shall comply with the requirements of Executive Order 11114, June 22, 1963 (28 F.R. 6485), and with the applicable rules, regulations and procedures prescribed pursuant thereto by the President's Committee on Equal Employment Opportunity (28 F.R. 9812).

(b) Attention is called to the requirements of Title VI of the Civil Rights Act of 1964 (78 Stat. 252; P.L. 88–352) which provides that no person in the United States shall, on the ground of race, color, or national origin be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance (sec. 601). A regulation implementing such Title VI, applicable to grants for construction of nurse training facilities, has been issued by the Secretary of Health, Education, and Welfare with the approval of the President (45 CFR Part 80). This regulation, published in the FEDERAL REGISTER of December 4, 1964 (29 F.R. 16298–16305), is effective on January 3, 1965, the 30th day after such publication.

§ 57.406 Terms and conditions.

In addition to any other requirements imposed by law or determined by the Surgeon General to be reasonably necessary with respect to particular projects to fulfill the purpose of the grant, each construction grant shall be subject to the condition that the applicant will furnish and comply with the following assurances. The Surgeon General may at any time approve exceptions to these terms and conditions where he finds that such exceptions are not inconsistent with the Act and the purposes of the program:

(a) That applicant has a fee simple or such other estate or interest in the site, including necessary easements and rights-of-way, sufficient to assure for a period of not less than 20 years undisturbed use and possession for the purpose of the construction and operation of the facility.

(b) That the Surgeon General's approval of the final working drawings and specifications, which conform to the minimum standards of construction and equipment (§ 57.409), will be obtained before the project is advertised or placed on the market for bidding;

(c) That applicant will perform actual construction work by the lump sum (fixed price) contract method; employ adequate methods of obtaining competitive bidding prior to awarding the construction contract, either by public advertising or circularizing three or more bidders; and award the contract to the responsible bidder submitting the lowest acceptable bid;

(d) That applicant will enter into no construction contract or contracts for the project or a part thereof, the cost of which is in excess of the estimated cost approved in the application for that portion of the work covered by the plans and specifications, without the prior approval of the Surgeon General;

(e) That applicant will finance all costs in excess of the estimated costs approved in the application and submit to the Surgeon General for prior approval changes that substantially alter the scope of work, functions, utilities or safety of the facility;

(f) That applicant will construct the project, or cause it to be constructed, to final completion in accordance with the grant application and approved plans and specifications;

(g) That applicant will maintain adequate and separate accounting and fiscal records and accounts for all funds provided from any source to pay the cost of the project, and permit audit of such records and accounts at any reasonable time;

(h) That applicant will furnish progress reports and such other information as the Surgeon General may require;

(i) That applicant will provide and maintain competent and adequate architectural or engineering supervision and inspection at the construction site to insure that the completed work conforms with the approved plans and specifications;

(j) That sufficient funds will be available to meet the non-Federal share of the cost of constructing the facility;

(k) That sufficient funds will be available when construction is completed for effective use of the facility for the purposes for which it is being constructed;

(l) That the facility will be used for the purposes for which it is constructed for not less than 20 years after the completion of construction;

(m) That no portion of the facility constructed with funds under the Act will be used for sectarian instruction or as a place for religious worship for at least 20 years after the completion of construction;

(n) That in the case of an application to expand the training capacity of an existing school, the first-year enrollment at such school during the first full school year after the completion of the construction and for each of the next nine school years thereafter will exceed the highest first-year enrollment at such school for any of the 5 full years preceding the year in which the application is made by 5 percentum of such highest first-year enrollment, or by 5 students, whichever is greater, or by such higher percentage or number as specified in the approved application.

(o) (1) That any laborer or mechanic employed by any contractor or subcontractor in the performance of work on the construction of the facility will be paid wages at rates not less than those prevailing on similar construction in the locality as determined by the Secretary of Labor in accordance with the Davis-Bacon Act (40 U.S.C. 276 et seq.), and will receive compensation at a rate not less than one and one-half times his basic rate of pay for all hours worked in any work week in excess of 8 hours in any calendar day or 40 hours in the work week (40 U.S.C. 327–332); and

(2) That the following conditions and provisions will be included in all construction contracts:

(i) The provisions set forth in "Labor Standards for Public Health Service Construction Grant Programs for Hospital and Related Medical Facilities" (PHS No. 930–A–5) pertaining to the Copeland Act (Anti-Kickback) Regulations and Labor Standards (prevailing rates of pay and overtime requirements) except in the case of contracts in the amount of $2,000 or less;

(ii) The contractor shall furnish performance and payment bonds in the full amount of the contract price, and shall maintain, during the life of the contract, adequate fire, workmen's compensation, public liability and property damage insurance;

(iii) Representatives of the Public Health Service and such other persons as the Surgeon General may designate, will have access at all reasonable times to work wherever it is in preparation or progress, and the contractor shall provide proper facilities for such access and inspection.

§ 57.407 Good cause for other use of completed facility.

If, within 20 years after completion of any construction for which a construction grant has been made the facility shall cease to be used for the teaching purposes for which it was constructed, the Surgeon General, in determining whether there is good cause for releasing the applicant or other owner of the facility from the obligation so to use the facility, shall take into consideration the extent to which:

(a) The facility will be devoted by the applicant or other owner to the teaching of other health personnel;

(b) There are reasonable assurances that for the remainder of the 20-year period other facilities not previously utilized for nurse training will be so utilized and are substantially the equivalent in nature and extent for such purposes.

§ 57.408 Payments.

(a) Except as provided in paragraph (b) of this section, payments shall be made at the request of the applicant, shall be based on the cost of the work performed, materials and equipment fur-

nished, and services performed, as follows:

(1) The first installment when not less than 25 percent of the construction of the project has been completed;

(2) A second installment when not less than 50 percent of the construction of the project has been completed;

(3) A third installment when not less than 75 percent of the construction of the project has been completed;

(4) A fourth installment when the project is 95 percent completed; and

(5) The final payment when the project is completed and final inspection by a representative of the Public Health Service is made and the amount certified as due and payable as determined by the audit.

(b) Upon a written request and a showing of necessity by the applicant, the Surgeon General may adopt a different schedule of payments.

§ 57.409 Minimum standards of construction and equipment.

(a) *Introduction.* (1) The standards set forth in this subpart have been established by the Surgeon General as required by the Act. These standards constitute minimum requirements for construction and equipment and shall apply to all projects for which Federal assistance is requested under the Act. The Surgeon General may approve plans and specifications which contain deviations from the requirements prescribed, if he is satisfied that the purposes of such requirements have been fulfilled. In addition to these requirements, it is recognized that the project will have to meet the requirements of local codes and ordinances relating to construction.

(b) *Architectural.* (1) Facilities shall be fire safe, structurally safe, and so planned as to carry out effectively the proposed program. The following requirements have been established to assure an orderly development of the project and to provide a uniform method for the preparation and review of drawings, specifications, and estimates.

(2) The submission of programs, drawings, construction outlines and estimates shall be in three stages as follows:

(i) *First stage.*

(a) Program.
(b) Schematic plans.
(c) Outline specifications.
(d) Site survey.
(e) Estimated construction costs.

(ii) *Second stage.*

(a) Preliminary plans.
(b) Outline specifications.
(c) Revised cost estimates.

(iii) *Third stage.*

(a) Working drawings.
(b) Specifications.
(c) Final cost estimates.

(c) *Construction.* (1) One-story buildings shall be constructed of noncombustible materials of not less than one-hour fire-resistive construction throughout except as follows:

(i) Boilerrooms and rooms used for the storage of combustible materials shall be of two-hour fire-resistive noncombustible construction.

(ii) Interior nonload-bearing partitions, other than those enclosing corridors and vertical shafts, may be of noncombustible construction without a fire-resistive rating.

(2) *Buildings more than one story* in height shall be constructed of noncombustible materials, using a structural framework of reinforced concrete or structural steel except that load-bearing masonry walls and piers may be utilized for buildings up to and including three stories in height. The fire-resistive requirements of the various building elements shall be of not less than the following hourly ratings:

Columns, girders, trusses	1½ hr.
Floor construction including beams	1½ hr.
Roof construction including beams	1 hr.
Beams supporting masonry; individually protected	2 hrs.
Bearing walls	2 hrs.
Corridor partitions	1 hr.
Walls enclosing stairways, elevator shafts, chutes and other vertical shafts, boiler rooms, and rooms used for storage of combustible materials	2 hrs.

(3) *Interior finish walls and ceilings* of all exitways, storage rooms, laboratories, and areas of unusual fire hazard shall have a flame-spread rating of less than 20. Interior finish of other areas shall have a flame-spread rating of less than 75 except that 10 percent of the aggregate wall and ceiling areas of any space may have a flame-spread rating up to 200. Flame-spread ratings shall be on the basis of tests conducted in accordance with American Society for Testing Materials, Publication No. E84.

(4) *Exit facilities.* Exit facilities shall comply with the requirements of the Building Exits Code, National Fire Protection Association Bulletin No. 101.

(d) *Mechanical.* All installations of fuel burning equipment steam, heating, air conditioning, and ventilation, plumbing and other systems shall comply with the requirements of:

1. National Board of Fire Underwriters, 85 John Street, New York 38, N.Y.

2. American Standards Association, 70 East 45th Street, New York 17, N.Y.

Boilers shall meet the requirements of the American Society of Mechanical Engineers (A.S.M.E. codes relating to pressure vessels), and shall be installed to meet all requirements of State and local codes and regulations.

(e) *Electrical.* All electrical installations and equipment shall comply with the requirements of local and State codes and the applicable sections of the National Electrical Code and the following:

(1) *Hazardous locations.* Installations and equipment in rooms in which flammable anesthetic and disinfecting agents are used or stored shall comply with the requirements of NFPA No. 56 and No. 70.

(2) *Fire alarms.* Manually operated fire alarm system installations shall comply with the requirements of NFPA No. 72 and shall be located as required by the Building Exits Code, NFPA No. 101.

(3) *Radiation protection.* Radiation protection in rooms in which X-ray, gamma-ray, or beta-ray producing equipment is used shall comply with the requirements of the following handbooks of the National Bureau of Standards:

Handbook 55. Protection Against Betatron-Synchrotron Radiations up to 100 Million Electron Volts.

Handbook 73. Protection Against Radiations From Sealed Gamma Sources.

Handbook 76. Medical X-ray Protection up to Three Million Volts.

(4) *Emergency electric service.* Emergency exit lighting shall comply with the requirements of the National Electrical Code and shall be located as required by the Building Exits Code.

(f) *Elevators, dumbwaiters, and escalators.* Installation of elevators, dumbwaiters, and escalators shall comply with the requirements of the American Standard Safety Code for Elevators, Dumbwaiters, and Escalators, ASA A17.1–1960.

Dated: April 21, 1965.

LUTHER L. TERRY,
Surgeon General.

Approved: May 17, 1965.

ANTHONY J. CELEBREZZE,
Secretary.

[F.R. Doc. 65-5308; Filed, May 21, 1965; 8:47 a.m.]

Proposed Rule Making

DEPARTMENT OF AGRICULTURE

Consumer and Marketing Service

[7 CFR Part 1004]

MILK IN DELAWARE VALLEY MARKETING AREA

Notice of Proposed Termination of Order

Notice is hereby given that, pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and § 1004.91 of the order regulating the handling of milk in the Delaware Valley Marketing Area, the termination of such order is being considered.

The Department has concluded that consideration should be given to immediate termination of the order in its present form on the basis that it provides an economic incentive for cooperatives to obtain Class I outlets for milk which otherwise would be disposed of for surplus use at a Class II value, by means destroying the objectives and effectiveness of the order. This economic incentive is such (as much as $2.10 to $2.77 per hundredweight, the range of difference between the Class I and Class II prices during the most recent 12 months) as to result inevitably in almost insurmountable administrative difficulties in the effective and uniform enforcement of the order in its present form and that such order therefore may no longer tend to effectuate, or may obstruct, the declared policy of the Act.

Audits of the records of various cooperative associations and proprietary handlers and other investigation have revealed widespread practices resulting in the undercutting of the established minimum order prices. Further, efforts appear to have been made to conceal the true nature of the transactions by: The maintenance of incomplete or dual records; the establishment of dummy corporations and the use of third party intermediaries; the establishment of special accounts through which payments for alleged services are made; payments in the guise of brokerage fees, all or part of which eventually accrue to the proprietary handler or persons intimately associated with such handler, and by other intricate and devious means. To the extent possible in the circumstances, all available legal procedures will be pursuant in an effort to enforce the existing order as to any past or current violations.

All persons who desire to submit written data, views, or arguments in connection with the proposed termination should file the same with the Hearing Clerk, Room 112-A, Administration Building, U.S. Department of Agriculture, Washington, D.C., 20250, not later than 20 days from date of publication of this notice in the FEDERAL REGISTER. All documents filed should be in quadruplicate.

All written submissions made pursuant to this notice will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

Signed at Washington, D.C., on May 19, 1965.

GEORGE L. MEHREN,
Assistant Secretary.

[F.R. Doc. 65-5383; Filed, May 21, 1965; 8:47 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 73]

FM BROADCAST STATIONS

Table of Assignments; Order Extending Time for Filing Reply Comments

In the matter of amendment of § 73.202, Table of Assignments, FM Broadcast Stations (Kirksville, Mo., Rensselaer, Ind., Golden Meadow, La., Xenia, Ohio, Atlantic, Iowa, Omaha and Lincoln, Nebr., Ralls and Lamesa, Tex., Skowhegan, Maine, Park Rapids, Minn., Ukiah, Calif., Cincinnati, Ohio, Tasley, Va., Hamilton, Ala., Booneville and Starkville, Miss., Savannah, Tenn., Docket No. 15935, RM-701, RM-716, RM-705, RM-717, RM-711, RM-722, RM-714, RM-726, RM-715, RM-728, RM-721, RM-729.

1. Kate F. Fite, on May 12, 1965, has requested an extension of time in which to file reply comments in Docket 15935. Mrs. Fite submits that on April 5, 1965, the Commission issued a notice of proposed rule making in reponse to a petition filed by her and others inviting comments on various proposals to amend the FM Table of Assignments by May 3, 1965, and reply comments by May 14, 1965. She further states that the University of Mississippi filed comments on her proposal as well as three alternative counterproposals, that these set forth a number of legal and technical arguments, and that additional time is necessary to prepare an adequate reply. Petitioner therefore requests that the time for filing reply comments in the subject proceeding, RM-721, be extended to May 28, 1965.

2. The Commission is of the view that the extension requested in this case is warranted and would serve the public interest.

3. *Accordingly, it is ordered,* That the time for filing reply comments in this proceeding, insofar as RM-721 only is concerned, is extended from May 14, 1965, to May 28, 1965.

4. This action is taken pursuant to authority found in sections 4(i), 5(d)(1), and 303(r) of the Communications Act of 1934, as amended, and § 0.281(d)(8) of the Commission's rules.

Adopted: May 19, 1965.

Released: May 19, 1965.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 65-5397; Filed, May 21, 1965; 8:48 a.m.]

[47 CFR Part 73]

FM BROADCAST STATIONS

Table of Assignments; Order Extending Time for Filing Reply Comments

In the matter of amendment of § 73.202, Table of Assignments, FM Broadcast Stations (Kirksville, Mo., Rensselaer, Ind., Golden Meadow, La., Xenia, Ohio, Atlantic, Iowa, Omaha and Lincoln, Nebr., Ralls and Lamesa, Tex., Skowhegan, Maine, Park Rapids, Minn., Ukiah, Calif., Cincinnati, Ohio, Tasley, Va., Hamilton, Ala., Booneville and Starkville, Miss., Savannah, Tenn., Docket No. 15935, RM-701, RM-716, RM-705, RM-717, RM-711, RM-722, RM-714, RM-726, RM-715, RM-728, RM-721, RM-729.

1. On April 5, 1965, the Commission issued a notice of proposed rule making (FCC 65-276) in the above-entitled matter which specified that comments were to be filed on or before May 3, 1965, and reply comments on or before May 14, 1965. Greene Information Center, Inc., one of the petitioners in this matter, has requested an extension of time for the filing of reply comments to and including May 28, 1965. Greene Information Center states that a counterproposal has been filed to its proposal and that the additional time is needed to explore the possibility of a solution to the conflict.

2. The Commission is of the view that the extension requested in this case is warranted and would serve the public interest.

3. *Accordingly, it is ordered,* That the time for filing reply comments in this proceeding, insofar as RM-714 only is concerned, is extended from May 14, 1965, to May 28, 1965.

4. This action is taken pursuant to authority found in sections 4(i), 5(d)(1), and 303(r) of the Communications Act of 1934, as amended, and § 0.281(d)(8) of the Commission's rules.

Adopted: May 19, 1965.

Released: May 19, 1965.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 65-5398; Filed, May 21, 1965; 8:48 a.m.]

Notices

DEPARTMENT OF THE INTERIOR

Geological Survey

[Idaho 19]

IDAHO

Phosphate and Nonphosphate Land Classification Order

Pursuant to authority under the Act of March 3, 1879 (20 Stat. 394; 43 U.S.C. 31), and as delegated to me by Departmental Order 2563 of May 2, 1950, under authority of Reorganization Plan No. 3 of 1950 (64 Stat. 1262), the following described lands, insofar as title thereto remains in the United States, are hereby classified as shown:

BOISE MERIDIAN, IDAHO

PHOSPHATE LANDS

T. 4 N., R. 42 E.,
Sec. 22, E½NE¼, NE¼SE¼;
Sec. 23, N½, N½S½, SE¼SE¼;
Sec. 24, S½NW¼, SW¼, NW¼SE¼, S½SE¼;
Sec. 25, NE¼, N½NW¼, E½SE¼.

NONPHOSPHATE LANDS

T. 4 N., R. 42 E.,
Secs. 1 and 2, and secs. 11 to 14, inclusive;
Sec. 23, S½SW¼, SW¼SE¼;
Sec. 24, NE¼, N½NW¼, NE¼SE¼;
Sec. 25, S½NW¼, SW¼, W½SE¼;
Sec. 26.

Reclassified phosphate lands from nonphosphate lands. Prior classification of the following subdivisions as nonphosphate lands is hereby revoked and the lands are reclassified as phosphate lands:

T. 4 N., R. 42 E.,
Sec. 36, SE¼NE¼.

The area classified totals 6,919 acres, more or less, of which about 1,320 acres are classified as phosphate lands, about 40 acres are reclassified as phosphate lands that were formerly classified as nonphosphate lands, and about 5,559 acres are classified as nonphosphate lands.

ARTHUR A. BAKER,
Acting Director.

MAY 17, 1965.

[F.R. Doc. 65-5390; Filed, May 21, 1965; 8:47 a.m.]

[Idaho 20]

IDAHO

Phosphate and Nonphosphate Land Classification Order

Pursuant to authority under the Act of March 3, 1879 (20 Stat. 394; 43 U.S.C. 31), and as delegated to me by Departmental Order 2563 of May 2, 1950, under authority of Reorganization Plan No. 3 of 1950 (64 Stat. 1262), the following described lands, insofar as title thereto remains in the United States, are hereby classified as shown:

BOISE MERIDIAN, IDAHO

PHOSPHATE LANDS

T. 4 N., R. 44 E.,
Sec. 18;
Sec. 19, N½N½, SE¼NE¼;
Sec. 20, SW¼NE¼, NW¼, N½SW¼, SE¼SW¼, NW¼SE¼, S½SE¼;
Sec. 21, NE¼, NE¼NW¼, NE¼SE¼;
Sec. 27, N½NE¼, SE¼NE¼, W½SW¼, SE¼SW¼;
Sec. 28, S½N½, NW¼NW¼, S½;
Sec. 29, NE¼, NE¼NW¼, NE¼SE¼;
Sec. 33, NE¼, NE¼NW¼, NE¼SE¼;
Sec. 34;
Sec. 35, lots 1 and 2, NW¼NE¼, SW¼NW¼, SW¼.

NONPHOSPHATE LANDS

T. 4 N., R. 44 E.,
Sec. 19, SW¼NE¼, S½NW¼, S½;
Sec. 20, N½NE¼, SE¼NE¼, SW¼SW¼, NE¼SE¼;
Sec. 21, NW¼NW¼, S½NW¼, SW¼, NW¼SE¼, S½SE¼;
Sec. 27, SW¼NE¼, NW¼, NE¼SW¼, SE¼;
Sec. 28, N½NE¼, NE¼NW¼;
Sec. 29, NW¼NW¼, S½NW¼, SW¼, NW¼SE¼, S½SE¼;
Secs. 30, 31, and 32;
Sec. 33, NW¼NW¼, S½NW¼, SW¼, NW¼SE¼, S½SE¼;
Sec. 35, lots 3 and 4, SW¼NE¼, N½NW¼, SE¼NW¼, W½SE¼.

Reclassified phosphate lands from nonphosphate lands. Prior classification of the following subdivisions as nonphosphate lands is hereby revoked and the lands are reclassified as phosphate lands:

T. 4 N., R. 44 E.,
Sec. 7, SE¼SW¼, SW¼SE¼;
Sec. 10, S½SW¼, SW¼SE¼;
Sec. 15, N½N½, SW¼NW¼, NW¼SW¼;
Sec. 16, NE¼, NW¼NW¼, S½NW¼, SW¼, N½SE¼, SW¼SE¼;
Sec. 17, W½NW¼, NW¼SW¼;
Sec. 22, S½N¼, NW¼NW¼, N½S½, SE¼SW¼, S½SE¼;
Sec. 23, SW¼NW¼, SW¼;
Sec. 26, SW¼, SW¼SE¼;
Sec. 28, lots 3 and 4, W½E½, NW¼, N½SW¼, SE¼SW¼;
Sec. 36, W½E½, W½.

The area classified totals 11,270 acres, more or less, of which about 3,703 acres are classified as phosphate lands, about 2,984 acres are reclassified as phosphate lands that were formerly classified as nonphosphate lands, and about 4,583 acres are classified as nonphosphate lands.

ARTHUR A. BAKER,
Acting Director.

MAY 17, 1965.

[F.R. Doc. 65-5391; Filed, May 21, 1965; 8:48 a.m.]

Office of the Secretary

WILLIAM ANGUS DAVIS

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past 6 months:

(1) No change.
(2) San Diego Gas & Electric Co., Minnesota Mining & Manufacturing Co., Arizona Agrochemical Corp.
(3) No change.
(4) No change.

This statement is made as of May 14, 1965.

Dated: May 14, 1965.

WILLIAM ANGUS DAVIS.

[F.R. Doc. 65-5380; Filed, May 21, 1965; 8:46 a.m.]

FRANKLIN STUART FEHR

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past 6 months:

(1) No change.
(2) No change.
(3) No change.
(4) No change.

This statement is made as of May 14, 1965.

Dated: May 14, 1965.

FRANKLIN STUART FEHR.

[F.R. Doc. 65-5381; Filed, May 21, 1965; 8:46 a.m.]

WILLIAM C. PORTER, JR.

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past 6 months:

(1) No change.
(2) No change.
(3) No change.
(4) No change.

This statement is made as of May 14, 1965.

Dated: May 14, 1965.

W. C. PORTER, JR.

[F.R. Doc. 65-5382; Filed, May 21, 1965; 8:47 a.m.]

CIVIL AERONAUTICS BOARD

[Docket No. 15629]

BAGGAGE LIABILITY RULES CASE

Notice of Hearing

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that a hearing in the above-entitled proceeding will be held on June 8, 1965, at 10 a.m., e.d.s.t., in Room 1027 of the Universal Building, Connecticut and Florida Avenues NW., Washington, D.C., before the undersigned.

For information concerning the issues involved and other details in this proceeding, interested persons are referred to the prehearing conference report served on December 18, 1964, and other documents which are in the docket of this proceeding on file in the Docket Section of the Civil Aeronautics Board.

Dated at Washington, D.C., May 18, 1965.

[SEAL] MILTON H. SHAPIRO,
Hearing Examiner.

[F.R. Doc. 65-5393; Filed, May 21, 1965; 8:48 a.m.]

[Docket No. 15923]

WESTBOUND SPECIFIC COMMODITY RATES

Notice of Postponement of Hearing

Notice is hereby given that the hearing in the above-entitled proceeding has been indefinitely postponed.

Dated at Washington, D.C., May 18, 1965.

[SEAL] MILTON H. SHAPIRO,
Hearing Examiner.

[F.R. Doc. 65-5394; Filed, May 21, 1965; 8:48 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket Nos. 15947, 15948; FCC 65M-617]

SAM H. BEARD AND SOUTHEASTERN BROADCASTING CO., INC. (WKLF-FM)

Order Following Prehearing Conference

In re applications of Sam H. Beard, Clanton, Ala., Docket No. 15947, File No. BPH-4395; Southeastern Broadcasting Co., Inc. (WKLF-FM), Clanton, Ala., Docket No. 15948, File No. BPH-4417; for construction permits.

A prehearing conference having been held on May 17, 1965, and it appearing that certain procedural agreements were reached which should be finalized by order;

It is ordered, This 17th day of May 1965, that:

(1) The direct affirmative cases of the applicants shall be presented in the form of sworn, written exhibits;

(2) Copies of the applicants' exhibits shall be exchanged (with copies to be supplied also to the Hearing Examiner and Bureau counsel) by June 17, 1965;

(3) Notification as to those witnesses required to be present at the hearing for cross-examination shall be given to counsel concerned by June 29, 1965; and

(4) The hearing heretofore scheduled to commence on June 9, 1965, is postponed to July 7, 1965, at 10 a.m., in the offices of the Commission at Washington, D.C.

Released: May 17, 1965.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 65-5399; Filed, May 21, 1965; 8:49 a.m.]

[Docket Nos. 15419, 15420; FCC 65R-177]

CENTRAL BROADCASTING CORP. AND WCRB, INC.

Memorandum Opinion and Order

In re applications of Central Broadcasting Corp., Ware, Mass., Docket No. 15419, File No. BPH-4242; WCRB, Inc., Springfield, Mass., Docket No. 15420, File No. BPH-4319; for construction permits.

1. By Memorandum Opinion and Order, FCC 65R-26, released January 26, 1965, the Review Board held in abeyance action on a joint petition for approval of agreement between the above-captioned parties, for dismissal of the application of Central Broadcasting Corporation, and for grant of the WCRB, Inc. application. Petitioners were allowed 30 days within which to file supporting information as to the value of certain nonmonetary items specified in the joint agreement, or to submit a new agreement in conformity with the requirements of section 311 of the Communications Act of 1934, as amended, and the Commission's rules promulgated thereunder. In the same Opinion the Review Board indicated for the reasons stated therein, that in the event the joint petition was approved, publication of local notice pursuant to the provisions of § 1.525(b) of the rules would be required. On February 26, 1965, Central and WCRB filed a supplement containing additional information in support of their original request.

2. The subject agreement provides that, in consideration of Central's dismissal, WCRB will make partial reimbursement of out-of-pocket expenses incurred by Central in prosecuting its application in the amount of $2,250. Central includes affidavits in support of its itemization of aggregate expenses incurred to the extent of $2,757.40. In addition to such payment, the agreement provides that Central or Allen W. Roberts, the sole stockholder of Central, will have the right to purchase 15 shares (15 percent) of WCRB, Inc.'s stock from Charles River Broadcasting Co. (sole stockholder and owner of 100 shares of WCRB, Inc.) at $10 per share, the cost to Charles River. The right to one directorship, inspection of books, and various voting and other provisions would accompany such stock purchase. These include mutual rights of first refusal by either party to the joint agreement as to the sale of WCRB, Inc., stock at a price equal to a bona fide offer or, in the event the Roberts family ceases to hold majority control of Central, at the "fair market value." Roberts would also be retained by WCRB for a 1-year period as a consultant and advisor, working for not more than 10 hours per month, without pay but with mileage and similar expenses to be reimbursed.

3. In their supplement, petitioners again contend that the $150 price for the 15 percent interest in WCRB, Inc., represents the current or market value of such stock. In support thereof, petitioners have submitted a joint affidavit of Roberts and Theodore Jones, the principal officer of WCRB, Inc., which states that WCRB is not now a going concern; there is no public market in its stock; there have been no previous sales of its stock other than the original issue at $10 per share; that WCRB has no fixed assets; that instead, because of accrued expenses, the book value of the stock is considerably less than $10 per share; that it expects only to break even during the first year of operations (as indicated by the estimates of anticipated costs and revenues in its application); and that independent FM stations in similarly sized markets, according to the Commission's AM-FM Broadcast Financial Data—1963 (FCC Public Notice 58084), are generally losing money.[1] Petitioners further contend that the services which Roberts will render as a consultant to WCRB may reasonably be evaluated at $10 per hour and that the total compensation to which he would be entitled, if any were to be paid, would amount to $1,200, which in turn should reduce the net monetary value of the consideration Roberts is to receive for dismissal of the Central application by that amount. As to the directorship in WCRB, Inc., which Roberts would be allowed; the right of first refusal on sale of WCRB, Inc., stock; the right to inspection of books; and other miscellaneous agreements, petitioners contend that these are normal incidents of ownership of stock in a closely held corporation and have no monetary value.

4. As the Board views the subject agreement, it is essentially in two parts, the first relating to reimbursement of out-of-pocket expenses by payment of a cash sum of money, and the second in effect, a proposed merger. Since we have no question that Roberts has reasonably and prudently expended a sum somewhat in excess of $2,250 in the preparation and prosecution of Central's application, we will allow such cash reimbursement to be made to him. Based on the information now before us, however, we cannot find that the proposed merger with its accompanying pro-

[1] The cited data refer to communities with three or more FM stations operated by "non-AM licensees." WCRB proposes the first noneducational independent FM station for Springfield. Thus, the attempted comparison is of questionable value.

visions,[3] (particularly that by which Roberts or Central will have an option to purchase 15 shares of WCRB stock at $10.00 per share, the cost to Charles River) does not involve a consideration in excess of the legitimate and prudent expenses incurred by Roberts in the prosecution of the application. The mere statement that WCRB has no fixed assets and its only assets of any nature are the money paid in to date, does not, as contended by petitioners, establish that at most $150 is the current or market value of such 15 shares of stock to be purchased by Roberts. It is elementary that current or market value of stock is not established by these meager facts, standing alone, and without regard to (a) WCRB's financial condition after giving effect to the issuance of the construction permit (which would establish, among other factors, the amount of preoperating expenses or costs which under normal accounting practices are considered as a capital item, as well as the value of the leasehold rights to equipment, land, studio, buildings, etc.) and (b) offers to persons other than Roberts to purchase such a 15 percent interest.

5. In view of the foregoing, we will allow the provisions of the agreement for cash reimbursement of Roberts' substantiated expenses to the extent of $2,250. However, since the information submitted relating to the remaining provisions of the agreement by which Roberts or Central will be given an option to purchase 15 shares of WCRB stock for $150, plus accompanying rights including the employment of Roberts as a consultant, does not meet the requirements of § 1.525(a),[3] these latter provisions of the agreement will be disallowed. If this meets with the petitioners' approval, the publication ordered below shall be effected; upon a showing of compliance with the publication requirement, the agreement will be approved to the extent indicated herein, and the application of Central Broadcasting Corp. will be dismissed. Whether the application of WCRB, Inc., will be granted is dependent upon whether any application is filed for the community of Ware in response to the publication required herein. Should petitioners not be willing to accept the foregoing disposition, they are to inform the Board of their decision within 5 days after release of this opinion. If the parties choose to withdraw the agreement and proceed with the hearing, compliance with the ordering clause below relative to publication of local notice will not be necessary.

Accordingly, it is ordered, This 18th day of May 1965, That further opportunity be afforded for other persons to apply for the facilities specified in the application of Central Broadcasting Corp.; and that Central Broadcasting Corp. will therefore comply with the provisions of § 1.525(b), unless the Review Board is notified otherwise in accordance with this opinion.

Released: May 19, 1965.

FEDERAL COMMUNICATIONS COMMISSION,[4]
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 65-5400; Filed, May 21, 1965; 8:48 a.m.]

[Docket No. 15822; FCC 65M-622]

EFFINGHAM BROADCASTING CO.

Order Continuing Hearing

In re application of Effingham Broadcasting Co., Licensee of Radio Station WCRA, Effingham, Ill., Docket No. 15822, File No. BL-10634; for license to cover construction permit for power increase.

Because of a possible conflict in the Hearing Examiner's schedule, *It is ordered,* This 18th day of May 1965, that the hearing herein scheduled for June 9, 1965, be and the same is hereby rescheduled for June 14, 1965, 10 a.m., in the Commission's Offices, Washington, D.C.

Released: May 18, 1965.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 65-5401; Filed, May 21, 1965; 8:49 a.m.]

[Docket Nos. 15854, 15855; FCC 65M-618]

5 KW, INC., AND MARIETTA BROADCASTING CO.

Order Continuing Hearing

In re applications of 5 KW, Inc., Marietta, Ohio, Docket No. 15854, File No. BPH-4485; William G. Wells and R. Sanford Guyer doing business as Marietta Broadcasting Co., Marietta, Ohio, Docket No. 15855, File No. BPH-4561; for construction permits.

The Hearing Examiner has under consideration a joint petition filed May 12, 1965, by the above-entitled applicants requesting that the procedural dates presently established in this proceeding be continued without date. The reason for the requested extension is the fact that the two applicants have reached a tentative understanding looking toward the execution of a written agreement which, if approved by the Commission, will result in the elimination of the necessity for a formal hearing. The parties anticipate that a formal request for approval of the contemplated agreement will be filed within 10 days.

The Hearing Examiner has been advised informally that the Chief, Broadcast Bureau has no objection to continuing for a period of 30 days the procedural steps previously agreed to. Good cause for granting the joint petition has been shown.

It is ordered, This the 14th day of May 1965, that the joint petition of the above-entitled applicants is granted, and all procedural steps are continued for a period of 30 days;

It is further ordered, That the date for the evidentiary hearing now scheduled to begin on June 7, 1965, is continued to a date to be subsequently specified by an order of the Hearing Examiner.

Released: May 17, 1965.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 65-5402; Filed, May 21, 1965; 8:48 a.m.]

[Docket Nos. 15798, 15799; FCC 65M-624]

SOUTHERN BROADCASTING CO. AND HALL COUNTY BROADCASTING CO.

Order Further Continuing Hearing

In re applications of Southern Broadcasting Co., Gainesville, Ga., Docket No. 15798, File No. BPH-4137; Ernest H. Reynolds, Jr., trading as Hall County Broadcasting Co., Gainesville, Ga., Docket No. 15799, File No. BPH-4539; for construction permits.

On the Hearing Examiner's own motion, *It is ordered,* This 18th day of May 1965, that the comparative hearing heretofore rescheduled for May 24, 1965, is further continued to June 24, 1965, pending completion by the Review Board of its consideration of the applicants' Joint Petition (filed April 19, 1965), for Approval of an Agreement looking toward dismissal of Southern's application and grant of the Hall County application.

Released: May 19, 1965.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 65-5403; Filed, May 21, 1965; 8:48 a.m.]

[Docket No. 15430; FCC 65M-612]

TUSCARAWAS BROADCASTING CO.

Order Scheduling Hearing

In re applications of The Tuscarawas Broadcasting Co., New Philadelphia, Ohio, Docket No. 15430, File No. BPH-4196; for construction permits.

It is ordered, This 14th day of May 1965, that the hearing herein be and the same is hereby scheduled for June 7, 1965, 10 a.m., in the Commission's Offices, Washington, D.C. (See Commission Memorandum Opinion and Order, FCC 65-404, released May 13, 1965.)

Released: May 14, 1965.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 65-5404; Filed, May 21, 1965; 8:49 a.m.]

[3] It is noted that in the application for assignment of AM station WARE, Ware, Mass. (BAL-497, effective Nov. 7, 1963), to Central, Roberts represented that he would devote full time to the operation of WARE, and be the active manager of it. Were Roberts to be retained by WCRB for a 1 year period as a consultant and advisor working for not more than 10 hours per month (without pay) a question might arise as to the continued bona fides of these representations as well as those relating to the proposed merger.

[3] Subsections (1) and (8) of § 1.525(a) require that the supporting affidavits contain information as to "The exact nature of any consideration (including an agreement for merger of interests) promised or paid;" and "A statement fully explaining and justifying any consideration paid or promised."

[4] Board Member Pincock abstaining.

FEDERAL MARITIME COMMISSION

NORTH ATLANTIC BALTIC FREIGHT CONFERENCE ET AL.

Notice of Agreement Filed for Approval

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1321 H Street NW., Room 301; or may inspect agreement at the offices of the District Managers, New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments with reference to an agreement including a request for hearing, if desired, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C., 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the comments should indicate that this has been done.

North Atlantic Baltic Freight Conference, North Atlantic Continental Freight Conference, North Atlantic French Atlantic Freight Conference, North Atlantic Mediterranean Freight Conference, North Atlantic United Kingdom Freight Conference.

Notice of agreement filed for approval by:

Burton H. White, Esq., Burlingham, Underwood, Barron, Wright, and White, 26 Broadway, New York, N.Y., 10004.

Agreement 9448, between the member lines of the five (5) conferences named above, operating pursuant to approved Agreements 7670, 9214, 7770, 7980, and 7100, covers an arrangement whereby the said lines, through their respective duly authorized conference chairmen, may consult, confer, and meet with one another regarding common problems and issue joint reports and circulars relating to such problems, with the right of independent action reserved to each conference.

Dated: May 19, 1965.

By order of the Federal Maritime Commission.

FRANCIS C. HURNEY,
Special Assistant to the Secretary.

[F.R. Doc. 65-5395; Filed, May 21, 1965; 8:48 a.m.]

TRANS-ATLANTIC ASSOCIATED FREIGHT CONFERENCES

Notice of Proposed Cancellation of Agreement

Notice is hereby given that a request for cancellation of the following agreement, pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814) has been filed with the Commission.

No. 99——8

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1321 H Street NW., Room 301; or may inspect agreements at the offices of the District Managers, New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments with reference to an agreement including a request for hearing, if desired, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C., 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the comments should indicate that this has been done.

Notice of request for cancellation of Agreement 12, filed by:

Burton H. White, Esq., Burlingham, Underwood, Barron, Wright, and White, 26 Broadway, New York, N.Y., 10004.

Agreement 12, approved on June 26, 1923, is between various carriers presently comprising the membership of the following conferences:

North Atlantic Baltic Freight Conference (7670).
North Atlantic Continental Freight Conference (9214).
North Atlantic French Atlantic Freight Conference (7770).
North Atlantic Mediterranean Freight Conference (7980).
North Atlantic United Kingdom Freight Conference (7100).

The agreement provided for the creation of an arrangement known as The Trans-Atlantic Associated Freight Conferences with headquarters in New York, which enabled the said carriers to cooperate in the handling of matters of general interest in the conduct of their business, relations with shippers, connecting carriers and all others, under terms and conditions set forth therein.

Dated: May 19, 1965.

By order of the Federal Maritime Commission.

FRANCIS C. HURNEY,
Special Assistant to the Secretary.

[F.R. Doc. 65-5396; Filed, May 21, 1965; 8:48 a.m.]

FEDERAL POWER COMMISSION

[Docket No. G-16401 etc.]

ATLANTIC SEABOARD CORP. ET AL.

Notice of Extension of Time

MAY 13, 1965.

Atlantic Seaboard Corp., Docket No. G-16401; Home Gas Co., Docket No. G-16403; Kentucky Gas Transmission Corp., Docket No. G-16403; The Manufacturers Light and Heat Co., Docket No. G-16404; The Ohio Fuel Gas Co., Docket No. RP65-45.

Take notice that the time is hereby extended to and including June 1, 1965, within which all intervenors proposing to present evidence in the above-designated matter shall serve their prepared testimony and exhibits upon all parties. Further, the prehearing conference presently scheduled to commence May 25, 1965, is hereby postponed to June 11, 1965.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 65-5373; Filed, May 21, 1965; 8:45 a.m.]

[Docket No. CP65-102 etc.]

COLUMBIA GULF TRANSMISSION CO. ET AL.

Notice of Supplements and Amendments to Applications

MAY 14, 1965.

Columbia Gulf Transmission Co., Docket No. CP65-102; Atlantic Seaboard Corp., Docket No. CP65-122; Transcontinental Gas Pipe Line Corp., Docket No. CP65-181; Transcontinental Gas Pipe Line Corp., United Natural Gas Co., and North Penn Gas Co., Docket No. CP65-182; United Fuel Gas Co., Docket No. CP65-198.

By order issued March 30, 1965, herein, the Commission consolidated the above dockets for hearing and decision. Ordering Paragraph (D) of the March 30, 1965 order provided for the filing of modifications and supplements to the applications.

Take notice that in accordance with Ordering Paragraph (D) of the March 30, 1965 order, as modified by the Notice of Change of Procedural Dates issued in these proceedings by the Secretary on April 14, 1965,[1] the following supplements and amendments have been filed:

Docket No.	Title of filing (supplement or amendment)	Date filed
CP65-102	First supplement	Apr. 26, 1965
CP65-122	Second supplement	Apr. 16, 1965
CP65-122	Third supplement	Apr. 26, 1965
CP65-181	Amendment	Apr. 26, 1965
CP65-198	First amendment	Apr. 26, 1965

Columbia Gulf Transmission Co. filed the supplement in Docket No. CP65-102 to reflect later estimates of gas requirements. No change in facilities is involved.

Atlantic Seaboard Corp. (Atlantic Seaboard) filed its Second Supplement[2] in Docket No. CP65-122 to comply with Ordering Paragraph (I) of the March 30, 1965 order herein. This Supplement contains copies of requests by its customers for additional contract demand for the 1965-1966 winter heating season.

Atlantic Seaboard's Third Supplement to its application in Docket No. CP65-122 contains later, revised estimates of gas requirements and gas availability together with related data, a supplemental Statement of Revenues, Expenses, and Income to reflect the potential impact of its proposed FPC Gas Tariff

[1] The Notice provided for the filing of amendments on or before April 26, 1965, that direct testimony must be served on or before May 20, 1965, and that the prehearing conference would be held on June 1, 1965.

[2] Atlantic Seaboard's First Supplement was filed on January 26, 1965, prior to the consolidation of these proceedings for hearing.

Eighth Revised Volume No. 1, filed March 31, 1965,[1] and a slight modification of pipe specifications.

Under its amendment in Docket No. CP65-181, Transcontinental Gas Pipe Line Corp. (Transco) now seeks authority for the construction, installation and operation of additional pipeline, compressor, and appurtenant facilities, estimated to cost $89,150,000. Transco also seeks authority to render additional pipeline firm service of 205,610 Mcf per day and additional storage service of 106,017 Mcf per day.

Transco proposes that the existing firm allocation of the city of Laurens, S.C. be reduced from 8,500 Mcf per day to 6,700 Mcf per day. In connection with the net increases in firm pipeline service and storage service, Transco proposes an additional allocation of 55,000 Mcf per day of CD-3 service to Consolidated Edison Co. of New York, Inc. (Consolidated Edison) and the reduction of Consolidated Edison's existing GSS service allocation to zero. Transco states that this supply will be used by Consolidated Edison in the winter months primarily for service to its gas customers and in off-peak periods in its electric generating system as a replacement for fuel oil.

Finally, Transco, in its amendment, proposes to install a delivery point for its proposed new customer, Washington Gas Light Co., at Manassas, Va., in lieu of the delivery point at Gaithersburg, Md., which was proposed in the original application.

The Amendment of United Fuel Gas Co. (United Fuel) in Docket No. CP65-198 is predicated upon later, revised estimates of gas requirements and gas available. In light of the new estimates of gas requirements, United Fuel has amended its application by:

(1) Eliminating therefrom the request for authorization to construct and operate 8.9 miles of 30-inch loop pipeline immediately east of Ceredo (Wayne County, W. Va.) Compressor Station; and

(2) Including therein a request to construct and operate an additional 8.2 miles of 24-inch loop pipeline in its system north of Cobb (Kanawha County, W. Va.) Compressor Station.

All of the applications, supplements, and amendments discussed above are on file with the Commission and open to public inspection.

Additional (or supplemental) protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C., 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before June 3, 1965.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 65-5374; Filed, May 21, 1965; 8:45 a.m.]

[1] See Notice of Proposed Changes in Rates and Charges, Atlantic Seaboard Corp., Docket No. RP65-40, issued April 2, 1965.

[Project No. 2498]

NEKOOSA-EDWARDS PAPER CO.

Notice of Application for License for Constructed Project

MAY 14, 1965.

Public notice is hereby given that application has been filed under the Federal Power Act (16 U.S.C. 791a–825r) by Nekoosa-Edwards Paper Co. (correspondence to: Samuel A. Casey, President, Nekoosa-Edwards Paper Co., Port Edwards, Wis.), for a license for constructed Project No. 2498, known as the Hewittville Hydroelectric Project, located on the Raquette River, in the town of Potsdam, in St. Lawrence County, N.Y.

The existing project consists of: A combination gravity and buttress dam 550 feet long, 19 feet above bedrock, with flashboards adding 2 feet to its height when in use; six masony flames, each 16 feet deep and 13 feet wide, conveying water to six waterwheels; and a reinforced steel and concrete powerhouse having a total installed capacity of 1,770 horsepower.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C., 20426, in accordance with the rules of practice and procedure of the Commission (18 CFR 1.8 or 1.10). The last day upon which protests or petitions may be filed is June 30, 1965. The application is on file with the Commission for public inspection.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 65-5375; Filed, May 21, 1965; 8:46 a.m.]

[Docket No. E-7220]

PUBLIC SERVICE COMPANY OF NEW HAMPSHIRE ET AL.

Notice of Application

MAY 14, 1965.

Public Service Co. of New Hampshire, New Hampshire Electric Co., and Kittery Electric Light Co.; Docket No. E-7220.

Take notice that on April 23, 1965, an application was filed with the Federal Power Commission pursuant to section 203 of the Federal Power Act by Public Service Co. of New Hampshire (Public Service), a corporation organized under the laws of the State of New Hampshire and authorized to do business in the States of New Hampshire, Maine, and Vermont, New Hampshire Electric Co. (New Hampshire), a corporation incorporated under the laws of the State of New Hampshire and authorized to do business in the States of New Hampshire and Maine and Kittery Electric Light Co. (Kittary), a corporation organized under the laws of the State of Maine and authorized to do business in the State of Maine, jointly and severally seeking authorization to transfer the assets of Kittery and New Hampshire to Public Service. All of the outstanding capital stock of New Hampshire is owned by Public Service and all of the outstanding capital stock of Kittery is owned by New Hampshire.

Public Service, with its subsidiaries, New Hampshire and Kittery, owns and operates a single-integrated system engaged in the generation, purchase, and transmission of electricity and its distribution and sale to the public in 10 cities and 180 other communities in New Hampshire, to 9 communities in the State of Maine and to 7 communities in the State of Vermont and the sale at wholesale to 10 other electric utilities.

New Hampshire serves the public in New Hampshire in the counties of Cheshire, Hillsborough, Merrimack, Rockingham, and Strafford, and the Navy Yard in the county of York, Maine. Kittery serves the public in Maine in the county of York.

Kittery intends to transfer to New Hampshire all of its operating facilities used for the transmission and distribution of electricity. New Hampshire intends to transfer to Public Service all of its operating facilities used for the generation, transmission, and distribution of electricity including those acquired by it from Kittery. The proposed use of these facilities will be identical with the present use. The total electric utility plant presently owned by New Hampshire amounts to $14,449,267; the total electric utility plant now owned by Kittery amounts to $1,497,593.

Applicants seek permission to transfer all facilities and assets of Kittery to New Hampshire in exchange for surrender by New Hampshire for cancellation of all the stock of Kittery which is held by New Hampshire and the assumption of all the debts and obligations of Kittery and permission to transfer all facilities and assets of New Hampshire including those acquired by New Hampshire from Kittery, to Public Service in exchange for surrender by Public Service for cancellation of all stock of New Hampshire which is held by Public Service, and the assumption by Public Service of all debts and obligations of New Hampshire, including those of Kittery assumed by New Hampshire.

The Applicants state that the consolidation of the three companies, which will not result in any change in service, will simplify the corporate structure, produce some economies in operation, simplify future proceedings before various regulatory authorities, and reduce the number of reports required to be filed with regulatory authorities and other State and Federal agencies.

Any person desiring to be heard or to make any protest with reference to said application should on or before June 1, 1965, file with the Federal Power Commission, Washington, D.C., 20426, petitions or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). The application is on file and available for public inspection.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 65-5376; Filed, May 21, 1965; 8:46 a.m.]

FEDERAL RADIATION COUNCIL

RADIATION PROTECTION GUIDANCE FOR FEDERAL AGENCIES

Memorandum for the President

MAY 17, 1965.

Pursuant to Executive Order 10831 and Public Law 86-373, the Federal Radiation Council is transmitting recommendations for the approval of the President for guidance of Federal agencies in their radiation protection activities. The present recommendations are directed to guidance for protective actions affecting the normal production, processing, distribution, and use of food products for human consumption when such products are contaminated with strontium-89, strontium-90, or cesium-137. It is the intention of the Council to release the background material leading to these recommendations as Staff Report No. 7 when the recommendations are approved.

Background. The first two memorandums that provided guidance for Federal agencies in the conduct of their radiation protection activities were approved by the President on May 13, 1960, and September 20, 1961. These provided a general philosophy of radiation protection and the general principles of control based on the annual intake of radionuclides. The recommendations also provided the basis for the control and regulation of normal peacetime operations in which exposure to radiation is a factor. The Radiation Protection Guides (RPG's) were designed to limit the exposures of the whole body and of certain organs of radiation workers and the general population resulting from the use of ionizing radiation in normal peacetime operations.

During the atmospheric testing of nuclear weapons in 1961 and 1962 the question arose as to the use of those RPG's for determining the conditions under which the production, processing, distribution, and use of food, particularly fresh fluid milk, should be altered to reduce human intake of radionuclides from fallout. In September 1962 the Federal Radiation Council stated its position on this subject, and in 1963 the Council reiterated that those existing guides were not applicable to a determination of a need for protective actions and noted that it would recommend guidance on the subject to the President.

Specific guidance for protective actions applicable to contamination of food by iodine-131 was approved by the President in July 1964.

Data on worldwide fallout from past testing of nuclear weapons in the atmosphere have been reviewed by the Federal Radiation Council and the findings reported in FRC Report Nos. 3, 4, and 6.

Fundamental differences between Radiation Protection Guides and Protective Action Guides. FRC Report Nos. 1 and 2 provide radiation protection guidance for the control and regulation of the normal peacetime uses of nuclear technology in which control is exercised primarily on the design and use of the radiation source. The RPG's in those reports were developed as guidelines for the protection of radiation workers and the general public against exposures that might result from routine uses of ionizing radiation.

In formulating these guides there was a judgment, or balance, between the possible risks associated with a particular radiation exposure and the reasons for allowing the exposure.

An important factor in providing guides for any purpose is the change in risk assigned to higher or lower doses and the corresponding effort to reduce them. Other factors influencing informed opinion of where and why a particular balance should be made include views regarding prevailing practices and the relative importance of health risks in relation to economic, political, or other considerations of national welfare.

Although radiation doses numerically equal to the RPG's may impose a risk so small that they can be accepted each year for a lifetime if there is significant benefit from the programs causing the exposure, they do not and cannot establish a line that is safe on one side and unsafe on the other. Rather, some risk of injury may exist at any level of dose and the risk continuously increases with dose. Caution should be exercised in decisions to take protective actions in situations where projected doses are near the numerical values of the RPG's since the biological risks are so low that the actions could have a net adverse rather than beneficial effect on the public well-being.

In contrast to the guidance for control at the point of release, FRC Report No. 5 provided general guidance for the protection of the population against exposure resulting from the accidental release, or to the unforeseen appearance, of radioactive materials in the environment. Specific guidance, including a numerical value for the Protective Action Guide (PAG) was provided for iodine-131. The PAG represents a consensus as to when, under the conditions considered most likely to occur, intervention is indicated to avoid radiation exposure that would otherwise result from a transient environmental contamination condition. This judgment involves health, economic, sociologic, and political factors for which the relative values are different than for the RPG. These factors for the PAG may include agricultural policies, the known feasibility of protective actions, related health impacts, and similar considerations involved in the national interest.

Radionuclides considered. Four radionuclides are particularly important in considering radioactive contamination of food. These are iodine-131, strontium-89, strontium-90, and cesium-137. Iodine-131 was considered in FRC Report No. 5, and this memorandum will deal only with strontium-89, strontium-90, and cesium-137.

Physical and biological factors related to the metabolism of strontium and cesium have recently been reviewed for the Federal Radiation Council by a committee selected by the National Academy of Sciences. Consideration has been given to the irradiation of the embryo or fetus by these nuclides, as well as irradiation of infants, children, and adults. Irradiation of bone marrow is considered to be the most significant from the standpoint of producing harmful effects. Strontium-89 and strontium-90 deposit selectively in the skeleton causing irradiation of bone marrow adjacent to the sites of deposition in the skeleton. Cesium-137 is distributed through soft issues and irradiates the whole body, including bone and bone marrow.

Protective Actions Guides. As stated in Report No. 5, a protective action is an action or measure taken to avoid most of the exposure to radiation that would occur from future ingestion of the foods contaminated with radioactive materials.

Decisions to implement protective actions involve a comparison of the risk due to radiation exposure with the undesirable features of the contemplated actions. The critical decisions to be made are whether to permit unrestricted use of feed crops or food products, to place restrictions on the normal use of feed crops or food products, or to destroy feed crops or food products.

The Council has adopted the term Protective Action Guide, defined as the projected absorbed dose to individuals in the general population that warrants protective action following a contaminating event. The projected dose is the dose that would be received by individuals in the population group from the contaminating event if no protective action were taken. If the projected dose exceeds the PAG, protective action is indicated. Making use of the operational technique adopted in the Memorandum for the President, May 1960, protective action would be indicated at an average projected dose to a suitable sample of the exposed population equal to one-third of the PAG.

Protective actions are appropriate when the health benefits associated with the reduction in exposure to be achieved are sufficient to offset the undesirable features of the protective actions. The PAG represents the Council's judgment as to where this balance should be for the conditions considered most likely to occur. If, in a particular situation, there is available an effective action with low total impact, initiation of such action at a projected dose lower than the PAG may be justifiable. If only high impact action would be effective, initiation of such action may be justifiable only at a projected dose higher than the PAG. The types of actions considered in the development of guidance in the memorandum include:

1. Altering production, processing, or distribution practices affecting the movement of radioactive contamination through the food chain and into the human body. This action may include storage of food supplies and animal feeds to allow for radioactive decay.

2. Diverting affected products to uses other than human consumption.

3. Condemning affected products.

An alteration of the normal diet of an individual is generally less desirable than the measures listed and should not be undertaken except on the personal advice of a physician.

Two limiting conditions of environmental contamination have been examined: an acute localized contaminating event in which prompt action may be necessary to avoid the exposure that would otherwise result; and a widespread, generally increasing, low-level contamination (from stratospheric fallout) that would cause a continuous intake of radionuclides by large numbers of people for several years.

The acute localized contaminating event. Situations justifying protective actions could occur from such events as an industrial accident, possibly involving a nuclear reactor or a nuclear fuel processing plant, and release of radioactive materials from nuclear explosions. The considerations involved in determining appropriate criteria for protective action have led to the development of three categories of dietary pathways which may require decisions following an acute contaminating event. Categories I and II related to intake in the first year following acute deposition, while Category III considers subsequent intake after the first year.

Category I is concerned with the immediate transmission of the radionuclides through the pasture-cow-milk-man pathway. The three nuclides of interest may be transmitted through this pathway simultaneously if they are deposited simultaneously on pasture. Experimental data indicate that nearly all the radioactivity appearing in milk through this pathway will have occurred within 100 days, and protective actions may have to be applied for this length of time. Protective action must be initiated within about a week to be effective in averting most of the potential exposure. This category of transmission may be the only one of importance for strontium-89 because of its relatively short radioactive half life (50.5 days).

Category II is concerned with the transmission of radionuclides to man through dietary pathways other than that specified as Category I during the first year following an acute contaminating event. This involves the use of feed crops for animals, including dairy cattle, and plant products used directly for human consumption. The radioactivity initially deposited on such crops in the field does not gain access to the human food chain until after the crops are harvested. Immediate action to reduce the potential intake will not usually be required because of the normal delay in the use of such crops. However, an early decision will be required as to the need for examination of the radionuclide content of harvested crops before they enter normal marketing channels. Strontium-90 and cesium-137 may be transmitted through the cow's feed to milk; cesium-137, in particular, may be transmitted through feed to meat; both may be transmitted to man through the direct consumption of plant products.

Category III is primarily concerned with the long-term transmission of strontium-90 through soil into plants in the years following a contaminating event. Residual contamination of cesium-137 on pasture when there is a heavy root mat may be a consideration for 1 to 2 years following a sufficiently severe contaminating event. Because of the long leadtime available to assess the possible radionuclide intakes, immediate action is not necessary. Any action that may be taken must be based on the long-term reduction of the radionuclide concentrations in products grown in the area.

In considering the desirability of initiating protective actions following a contaminating event, it is necessary to consider the three categories separately. The benefits of a protective action taken in one category are largely independent of whether or not action is taken in another. Individuals may be exposed to radioactivity from all three categories; however, the guides for individual categories recommended in this memorandum are sufficiently conservative that it is unnecessary to provide an additional limitation on combined doses. Since actions that are likely to be taken in Categories I and II would be effective against any of the three nuclides in either category, the sum of the projected doses to the bone marrow should be compared to the numerical value of the respective guide in the appropriate category when the need for protective action is considered.

Considerations in the development of Protective Actions. The basic considerations in the development of guidance for the acute event are:

1. The occurrence of an acute contaminating event which will require protective action is considered to be so infrequent that it is unlikely that the same individual will be exposed to more than one event.

2. Exposure to the public from radionuclides in the environment is directly related to concentration of the radionuclides in food supplies and the length of time (weeks, months, or years) over which unusual exposures would be expected to occur. The need for protective actions is generally independent of the source of contamination.

3. The substitution of food or feeds of lower radionuclide content for contaminated products is both effective and practicable.

4. The potential intake of radionuclides by individuals in the general public from radionuclides in the environment can be reduced whenever modifications in the normal production, processing, distribution, or dietary practices are considered to be less objectionable than the radiation risk that would otherwise have to be accepted.

5. Protective actions, by their very nature, are short-term modifications in such practices.

6. If the contamination of a particular crop or dietary component is so high that it would not be acceptable for local use, the crop or dietary component is not considered acceptable for use in other areas to which it may be transported.

SPECIFIC GUIDANCE

Category I. The concept of the PAG, as presented in Report No. 5, was developed for use as guidance in situations involving the rapid transmission of radionuclides from pasture to milk to man with inherent limitations on the types of effective actions for which the necessary resources would be generally available. Such a situation has many of the characteristics of an emergency requiring an immediate decision as to the need for protective actions. The possible need for early actions to avoid most of the projected intake that may result from an acute localized contaminating event involving strontium-89, strontium-90, and cesium-137 is also present in Category I.

Recommendation. In view of these considerations it is recommended that:

1. The Protective Action Guide for the transmission of strontium-89, strontium-90, and cesium-137 through milk under the conditions of Category I be a mean dose of 10 rads in the first year to the bone marrow or whole body of individuals in the general population; and provided further that the total dose resulting from Category I not exceed 15 rads. For purposes of applying this guide, the total dose from strontium-89 and cesium-137 is assumed to be the same as the dose in the first year, whereas the total dose from strontium-90 is assumed to be five times the dose from strontium-90 in the first year. As an operational technique it is assumed that the guide will be met effectively if the average projected dose to a suitable sample of the population (children approximately 1 year of age) does not exceed one-third of the numerical values prescribed for the individual.

Category II. The time of deposition of radioactive materials relative to the various stages in the plant growth cycle will be a major factor affecting the concentration of radionuclides in food and feed. Although the variations in these concentrations can be large, depending on the time of year and the particular produce grown in the contaminated area, the concentrations of radionuclides reaching man through Category II pathways will be less, in most cases, than those in Category I. The need for initiating a program to assess the radionuclide content and the use of crops in Category II can be deduced from the situation found in Category I. Protective actions usually will not be required in Category II if they were not required in Category I.

When a need for quantitative examination of crops has been established the significance of radioactive contamination should be evaluated in terms of potential daily intake by persons deriving major portions of their diets from local foods. Within Category II a wide range of situations may exist. It is generally impossible to predict total radiation doses solely from the degree of contamination of a particular crop. The composition of population groups consuming food crops in Category II usually will differ from the composition of groups affected by Category I. The complexity of such situations and the fact that, for most crops, immediate action beyond assuring that questionable crops are not marketed before appropriate assessment can be made, make it impractical to provide numerical guides applicable to individual products. However, if it appears that the total projected dose to a suitable sample of a population group from all crops in Category II would be larger than the PAG recommended for this category, protective actions should be initiated against those crops that would make major contributions to that dose. In order to meet the objective of item No. 6 of the basic considerations in the development of this guidance, the suitable sample would be from a group considered to live in a contaminated area and also be considered to make maximum utilization of locally produced food products.

Recommendation. In view of these considerations it is recommended that:

2. The Protective Action Guide for the transmission of strontium-89, strontium-90, and cesium-137 through food crops or animal feed crops under the conditions in Category II be a mean dose of five rads in the first year to the bone marrow or whole body of individuals in the general population. As an operational technique it is assumed that the guide will be met effectively if the average projected dose to a suitable sample of the local population is no larger than two rads in the first year to the whole body or bone marrow.

Category III. In this category there can be extremely wide variations in the situations that might exist in relation to (1) areas involved, (2) crops affected, (3) possible rate of change in strontium-90 gaining access to plants, and (4) possible actions. In addition, one is now concerned with problems of long-term chronic exposure. Actions that may be effective in Category III involve major long-term changes in farming practices such as selection of crops, chemical or mechanical treatment of soil, land utilization, or all three of these. Following a sufficiently severe event, long-term restrictions may be placed on the use of farmland for food or feed production. The range of considerations that may enter into a decision to take action in this category together with the length of time available for detailed evaluations make it less meaningful to provide a numerical PAG than to provide guidance for evaluation of long-term situations. The nature of the situation is such that detailed evaluation would not be required except in situations in which levels of environmental contamination are greater than those that might occur under guidance provided for normal peacetime operations.

Recommendations. In view of these considerations it is recommended that:

3. The desirability of protective action against exposure to environmental radioactivity from situations in Category III be determined on a case-by-case basis. If it appears that annual doses to the bone marrow after the first year may exceed 0.5 rad to individuals or 0.2 rad to a suitable sample of the population such situations shall be appropriately evaluated.

It is recommended that:

4. The guidance contained in the preceding recommendations be approved for use of Federal agencies in the conduct of those radiation protection activities affecting the normal production, processing, distribution, and use of food and agricultural products following acute radioactive contamination of the environment.

The numerical values of absorbed doses specified as guides for an acute contaminating event are not intended to authorize deliberate releases expected to result in absorbed doses of these magnitudes, nor do they have any relevance to civil defense applications.

Worldwide contamination from stratospheric fallout. Stratospheric fallout from past atmospheric testing of nuclear weapons has led to a worldwide deposition of fission products in the environment. The studies of fallout in the United States from past testing (FRC Report Nos. 4 and 6) have indicated that:

1. In the conterminous United States strontium-89 gave estimated average total doses of 0.04 rad to bone and 0.01 rad to bone marrow. These doses were divided about equally between 1962 and 1963. In 1964 the estimated dose from strontium-89 was negligible.

2. The average annual strontium-90 content of the total diet in the "wet" areas of the United States reached a value of approximately 40 picocuries of strontium-90 per gram calcium in 1964. This could lead to an average annual dose in new bone and in bone marrow of about 0.03 and 0.01 rad, respectively. In Alaska strontium-90 burdens in bone of a few individuals appear to be about four times as high as those found in the conterminous United States.

3. Internal exposure from cesium-137 to be taken in through the diet in the conterminous United States during the next 30 years has been estimated to be about 0.01 rad. In Alaska, although the amount of fallout deposited per unit area is about one-fifth as much as that deposited in the 30°–40° latitude band, a combination of ecological conditions and specific dietary habits of some Eskimos and Indians causes higher cesium body burdens than are found in the conterminous United States. Average body burdens of cesium-137 in these inhabitants were about three times as high in 1964 as they were in 1962. The estimated annual whole body doses to these individuals ranged from about one-quarter to one-half of the numerical value of the RPG for individuals in the general population.

On the basis of this information on stratospheric fallout the Council concluded that the health risk from radioactivity in food over the next several years would be too small to justify protective actions to limit the intake of radionuclides either by diet modifications or by altering the normal distribution and use of food, particularly milk and dairy products.

Recommendations. In view of these considerations it is recommended that:

5. Surveillance of the radionuclide content in food products contaminated with worldwide fallout be continued at levels appropriate to the situation.

It is recommended that:

6. Surveillance and research programs examining the special ecological situations in the arctic region continue until future trends can be predicted with greater confidence.

It is recommended that:

7. Nationwide programs to reduce potential exposure of the population from gradually increasing levels of environmental contamination, such as that associated with worldwide fallout, are not necessary now nor for future levels of fallout from past testing.

ANTHONY J. CELEBREZZE,
Chairman.

The recommendations numbered "1" through "7" contained in the above memorandum are approved for the guidance of Federal agencies, and the memorandum shall be published in the FEDERAL REGISTER.

Dated: May 20, 1965.

LYNDON B. JOHNSON.

[F.R. Doc. 65-5476; Filed, May 21, 1965; 12:00 m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 70-4275]

CONSOLIDATED GAS SUPPLY CORP. ET AL.

Notice of Proposed Issuance of Notes

MAY 18, 1965.

Notice is hereby given that Consolidated Natural Gas Co. ("Consolidated"), 30 Rockefeller Plaza, New York, N.Y., 10020, a registered holding company, and its wholly owned subsidiary companies, Consolidated Gas Supply Corp. ("Supply Corp.", successor by merger of Hope Natural Gas Co. and New York State Natural Gas Corp.), The East Ohio Gas Co. ("East Ohio"), Lake Shore Pipe Line Co. ("Lake Shore"), The Peoples Natural Gas Co. ("Peoples"), and The River Gas Co. ("River"), have filed a joint application-declaration with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating sections 6(a), 6(b), 7, 9(a), 10, 12(b), and 12(f) of the Act and Rules 43 and 45 promulgated thereunder as applicable to the proposed transactions. All interested persons are referred to the joint application-declaration, on file at the office of the Commission, for a statement of the transactions therein proposed which are summarized below.

Consolidated proposes to obtain funds for financing the seasonal increase in gas storage inventories of certain of its subsidiary companies by issuing, on one or more dates in 1965, an aggregate of up to $35,000,000 of unsecured promissory notes to a group of banks. The proceeds from the sale of notes will be advanced to such subsidiary companies on open account. Both the notes and the open account advances will mature in not more than 12 months from the date of the first note borrowing and will bear interest at the prime rate of The Chase Manhattan Bank (presently 4½ percent per annum) in effect on the date of such first note borrowing. The notes will be prepayable, in whole or in part at any time, without premium, upon 10 days' prior written notice. Both the notes and the open account advances will be repaid as gas is withdrawn from storage and sold by the subsidiary companies during the 1965–66 heating season.

The names of the banks and the participation of each in the proposed borrowing by Consolidated are as follows:

New York City:	
The Chase Manhattan Bank	$11,800,000
The First National City Bank	3,000,000
Morgan Guaranty Trust Co.	2,750,000
Manufacturers Hanover Trust Co.	2,000,000
Bankers Trust Co.	1,500,000
Chemical Bank New York Trust Co.	1,500,000
Irving Trust Co.	1,500,000
OHIO	
Cleveland:	
The National City Bank	2,400,000
Union Commerce Bank	1,100,000
Central National Bank	350,000
Society National Bank	300,000
Akron:	
First National Bank of Akron	225,000
The Akron Dime Bank	150,000
The Firestone Bank	150,000
Ashtabula:	
The Farmers National Bank & Trust Co.	50,000
Canton:	
The Harter Bank & Trust Co.	175,000
First National Bank of Canton	150,000
The Canton National Bank	75,000
The Peoples-Merchants Trust Co.	75,000
Painesville:	
The Lake County National Bank	50,000
Warren:	
The Second National Bank of Warren	50,000
The Union Savings & Trust Co.	50,000
Youngstown:	
The Mahoning National Bank	250,000
The Union National Bank	150,000
PENNSYLVANIA	
Pittsburgh:	
Pittsburgh National Bank	1,400,000
Mellon National Bank and Trust Co.	1,300,000
The Union National Bank of Pittsburgh	800,000
Altoona:	
Altoona Central Bank and Trust Co.	100,000
Johnstown:	
Johnstown Bank and Trust Co.	50,000
United States National Bank in Johnstown	50,000
NEW YORK	
Elmira:	
Marine Midland Trust Co. of Southern New York	500,000
Syracuse:	
Marine Midland Trust Co. of Central New York	500,000
WEST VIRGINIA	
Clarksburg:	
The Empire National Bank of Clarksburg	150,000
The Union National Bank of Clarksburg	150,000
Morgantown:	
The First National Bank of Morgantown	125,000
Parkersburg:	
The Parkersburg National Bank	125,000
Commercial Banking & Trust Co.	75,000
Union Trust & Deposit Co.	75,000
Total	$25,000,000

In 1964, Consolidated made open account advances for construction to subsidiary companies, of which $13,300,000 mature on or before October 20, 1965, and $1,500,000 mature on or before November 19, 1965. Consolidated proposes to extend the repayment dates of said $13,300,000 advances to November 19, 1965, to coincide with the date of maturity of Consolidated's related construction bank loan made in 1964. In addition, Consolidated proposes to make further open account advances, from time to time as funds are needed by its subsidiary companies, for 1965 construction expenditures. The proposed 1965 construction advances, which will aggregate not more than $10,200,000, will bear the prime rate of interest of The Chase Manhattan Bank in effect on the date of the first such advance to the respective subsidiary company and will be repaid on or before November 19, 1965. Consolidated estimates the cost of the system's 1965 construction program at $70,300,000.

The subsidiary companies propose to repay said 1964 construction advances, aggregating $14,800,000, and the proposed $10,200,000 1965 advances for said purpose, by issuing to Consolidated equal principal amounts of nonnegotiable long-term notes bearing interest substantially equal to the effective cost of money to Consolidated through the issuance and sale, later in 1965, of $25,000,000 principal amount of 25-year sinking fund debentures to mature in 1990, such issuance and sale to be the subject of a subsequent filing with this Commission. Of the proposed long-term notes, 80 percent of the aggregate principal amount will mature serially in the years 1970 through 1989, and the balance will mature in 1990.

The proposed intrasystem transactions described above are summarized as follows:

	Advances by Consolidated for gas storage	Consolidated's advances for 1964 construction to be extended	Advances by Consolidated for 1965 construction	Issuance of long-term notes to Consolidated by subsidiaries
Supply Corp.	$24,000,000	(*)	$5,000,000	$6,800,000
East Ohio	10,000,000	10,000,000	2,000,000	12,000,000
Lake Shore		1,000,000	200,000	1,200,000
Peoples	1,000,000	3,000,000	1,800,000	4,500,000
River		300,000	400,000	700,000
	35,000,000	14,300,000	10,200,000	25,000,000

*No extension is necessary with respect to the advance of $1,800,000 to Supply Corp.

The filing states that the Public Service Commission of West Virginia has jurisdiction over the long-term and short-term borrowings proposed by Supply Corp.; that The Public Utilities Commission of Ohio has jurisdiction over the long-term borrowings proposed by East Ohio, Lake Shore, and River; that the Pennsylvania Public Utility Commission has jurisdiction over the long-term borrowings proposed by Peoples; and that no other State commission and no Federal commission, other than this Commission, has jurisdiction over any of the proposed transactions.

The fees and expenses to be incurred in connection with the proposed transactions, all of which are to be paid by Consolidated, are estimated not to exceed $2,500, consisting of $2,000 payable to Con-Gas Service Corp. for services on a cost basis and miscellaneous out-of-pocket expenses of $500.

Notice is further given that any interested person may, not later than June 14, 1965, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said joint application-declaration which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C., 20549. A copy of such request should be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon the applicants-declarants at the above-stated address, and proof of service (by affidavit or, in case of an attorney-at-law, by certificate) should be filed contemporaneously with the request. At any time after said date, the joint application-declaration, as filed or as it may be amended, may be granted and permitted to become effective as provided in Rule 23 of the General Rules and Regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 65-5370; Filed, May 21, 1965; 8:45 a.m.]

[File No. 811-735]

GIBCO, INC.

Notice of Application for Order Declaring That Company Has Ceased To Be Investment Company

MAY 18, 1965.

Notice is hereby given that an application has been filed pursuant to section 8(f) of the Investment Company Act of 1940 ("Act") for an order of the Commission declaring that Gibco, Inc. ("applicant"), 515 West Williams Street, Greenville, Mich., a Michigan corporation and a management, closed-end, nondiversified investment company registered under the Act, has ceased to be an investment company. All interested persons are referred to the application on file with the Commission for a complete statement of applicant's representations, which are summarized below.

Applicant represents that on August 23, 1961, its Board of Directors, with the written consent of Hupp Corp., the record owner of 98 percent of its outstanding common stock, adopted a Plan of Liquidation. Pursuant thereto, applicant has distributed all of its assets. In consideration of applicant's final distribution under the Plan, applicant's remaining liabilities were assumed by Hupp Corp. in June, 1964. The application states that, as of December 31, 1964, the applicant had no assets and no liabilities.

Notice is further given that any interested person may, not later than June 9, 1965, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C., 20549. A copy of such request shall be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon applicant. Proof of such service (by affidavit or in the case of an attorney-at-law by certificate) shall be filed contemporaneously with the request. At any time after said date, as provided by Rule 0-5 of the Rules and Regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the information stated in said application, unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 65-5371; Filed, May 21, 1965; 8:45 a.m.]

WELLINGTON FUND, INC.

[812-1781]

Notice of Filing of Application for Order for Exemption

MAY 18, 1965.

Notice is hereby given that Wellington Fund, Inc. ("Wellington Fund"), 1630 Locust Street, Philadelphia, Pa., a Delaware corporation which is registered under the Investment Company Act of 1940 ("Act") as an open-end diversified management investment company, has filed an application pursuant to section 6(c) of the Act requesting an order of the Commission exempting from the provisions of section 22(d) of the Act the proposed issuance of its shares, without sales charge, for substantially all of the cash and securities of Apex Hosiery Co. ("Apex"). Said exemptive order is requested since the shares of Wellington Fund are offered to the public at a price which includes a sales charge in addition to the net amount which Wellington Fund receives from the underwriter through whom such public offering is made. All interested persons are referred to the application as filed with the Commission for a complete statement of the representations made therein which are summarized below.

As of January 31, 1965, the net assets of Wellington Fund amounted to approximately $1,937,700,000. Apex, a corporation organized under the laws of Pennsylvania, was formerly in the manufacturing business, but for approximately 10 years has been a personal holding company owned by a maximum of 42 stockholders. The assets of Apex consist entirely of cash and marketable securities and, at January 31, 1965, had a value of approximately $9,000,000. Pursuant to an Agreement and Plan of Reorganization, Wellington Fund will acquire substantially all of the assets of Apex in exchange for stock of Wellington Fund which will be distributed to shareholders of Apex upon liquidation. Neither Apex nor any of the shareholders thereof has any present intention of redeeming shares of Wellington Fund which they acquire.

The amount of stock of Wellington Fund to be delivered to Apex will be determined on the basis of the values at 3:30 p.m. on the business day next succeeding the first dividend record date established by Wellington Fund after April 23, 1965, or on such other date as may be mutually agreed upon; the number of shares to be delivered will be obtained by dividing the adjusted market value of the assets of Apex by the net amount per share which Wellington Fund receives from the underwriter of its shares on sales of its shares to the public. This amount is the net asset value per share plus a charge, recently computed at 4 cents per share, to reflect the per share amount of annual brokerage commissions paid by Wellington Fund in acquiring portfolio securities. The market value of the assets of Apex will be adjusted according to a formula set forth in the application which reflects the higher ratio of unrealized appreciation in the assets of Apex than in the assets of Wellington Fund as well as the Federal income taxes which may be payable upon present or future realization of the excess appreciation. As of January 31, 1965, unrealized appreciation represented 35 percent and 15 percent of the net asset value of the shares of Apex and Wellington Fund respectively. Of the securities to be acquired, Wellington Fund intends to retain, subject to changes in investment conditions and considerations, securities having a value as of January 31, 1965, of approximately $6,708,000, and to sell securities having a value of approximately $1,980,000.

Notice is further given that any interested person may, not later than June 9, 1965, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C., 20549. A copy of such request shall be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon applicant at the address stated above. Proof of such service (by affidavit or in case of an attorney-at-law by certificate) shall be filed contemporaneously with the request. At any time after said date, as provided by Rule 0-5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the information stated in said application, unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 65-5372; Filed, May 21, 1965; 8:45 a.m.]

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATIONS FOR RELIEF

MAY 19, 1965.

Protests to the granting of an application must be prepared in accordance with Rule 1.40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 39781—*Gravel from Attica, Ind.* Filed by Illinois Freight Association, agent, (No. 284), for and on behalf of Norfolk and Western Railway Co. Rates on gravel, road surfacing, in carloads, from Attica, Ind., to Sadorus, Ivesdale and Tolono, Ill.

Grounds for relief—Motor-truck competition.

Tariff—Supplement 22 to Norfolk and Western Railway Co. tariff I.C.C. 8115 (Wabash series).

FSA No. 39782—*Beet or Cane Sugar to West Chicago, Ill.* Filed by Southwestern Freight Bureau, agent, (No. B-8727), for interested rail carriers. Rates on sugar, beet, or cane, in carloads, from Hereford and Sugarland, Tex., to West Chicago, Ill.

Grounds for relief—Market competition and rate relationship.

Tariff—Supplement 38 to Southwestern Freight Bureau, agent, tariff I.C.C. 4514.

FSA No. 39783—*Gravel to Mt. Zion, Ill.* Filed by Illinois Freight Association, agent, (No. 286), for and on behalf of Illinois Central Railroad Co. Rates on gravel, road surfacing, in carloads, from Riverton, Ind., to Mt. Zion, Ill.

Grounds for relief—Motor-truck competition.

Tariff—Supplement 124 to Illinois Central Railroad Co. tariff I.C.C. A-11687.

FSA No. 39784—*Gravel from Dickason Pit, Ind.* Filed by Illinois Freight Association, agent, (No. 285), for and on behalf of Chicago & Eastern Illinois Railroad Co. Rates on gravel, road surfacing, in carloads, from Dickason Pit, Ind., to Holland, Moccasin, and Altamont, Ill.

Grounds for relief—Motor-truck competition.

Tariff—Supplement 46 to Chicago & Eastern Illinois Railroad Co. tariff I.C.C. 330.

By the Commission.

[SEAL] BERTHA F. ARMES, *Acting Secretary.*

[F.R. Doc. 65-5385; Filed, May 21, 1965; 8:47 a.m.]

[Notice 28]

FINANCE APPLICATIONS

MAY 19, 1965.

The following publications are governed by the Interstate Commerce Commission's general requirements governing notice of filing of applications under sections 20a except (12) and 214 of the Interstate Commerce Act. The Commission's order of May 20, 1964, providing for such publication of notice, was published in the FEDERAL REGISTER issue of July 31, 1964 (29 F.R. 11126) and became effective October 1, 1964.

All hearings and prehearing conferences, if any, will be called at 9:30 a.m., U.S. standard time unless otherwise specified.

F.D. No. 23641. By application filed May 12, 1965, Adley Corp., 216 Crown Street, New Haven, Conn., 06510, seeks authority under section 214 of the Interstate Commerce Act to issue six promissory notes in an aggregate face amount of approximately $936,000. Applicant's attorneys: Jack R. Turney, Jr., Turney, Major, Markham, and Sherfy, 2001 Massachusetts Avenue NW., Washington, D.C., 20036 and Howard T. Gillis, The Adley Corp., 216 Crown Street, New Haven, Conn., 06510. Protests must be filed no later than 15 days from date of publication in the FEDERAL REGISTER.

F.D. No. 23648. By application filed May 17, 1965, Brink's Express Co. of Canada, Ltd., 1000 Ottawa Street (Post Office Box 587), Montreal, Quebec Province, Canada, seeks authority under section 214 of the Interstate Commerce Act to issue 110,000 shares of redeemable Class A stock having a par value of $100. Applicant's attorneys: Edward K. Wheeler, Wheeler and Wheeler, 704 Southern Building, Washington, D.C., 20005 and Francis D. Partlan, % Brink's, Inc., 234 East 24th Street, Chicago, Ill., 60616.

NOTE: This application is directly related to Docket No. MC-F-9121.

F.D. No. 23647. By application filed May 12, 1965, The Greyhound Corp., 140 South Dearborn Street, Chicago, Ill., 60603, seeks authority under section 214 of the Interstate Commerce Act to issue short-term notes in an amount not exceeding $50,000,000 face amount outstanding at any one time. Applicant's attorney: Gerald H. Trautmen Vice President and General Counsel, The Greyhound Corp., 601 California Street, San Francisco, Calif., 94108. Protests must be filed no later than 15 days from date of publication in the FEDERAL REGISTER.

By the Commission.

[SEAL] BERTHA F. ARMES, *Acting Secretary.*

[F.R. Doc. 65-5386; Filed, May 21, 1965; 8:47 a.m.]

[Notice 770]

APPLICATIONS UNDER SECTIONS 5 AND 210a(b)

MAY 19, 1965.

The following applications are governed by the Interstate Commerce Commission's special rules governing notice of filing of applications by motor carriers of property or passengers under sections 5(a) and 210a(b) of the Interstate Commerce Act, and certain other proceedings with respect thereto (49 CFR 1.240).

MOTOR CARRIERS OF PROPERTY

No. MC-F-8998 (correction) (C & H TRANSPORTATION CO., INC.—PURCHASE (PORTION)—FERGUSON TRUCKING CO., INC.), published in the January 20, 1965 issue of the FEDERAL REGISTER on page 665. The prior notice, concerning the operating rights sought to be transferred, should be amended as follows: *Machinery, equipment, materials, and supplies*, used in, or in connection with, the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of natural gas and petroleum and their products and byproducts, and *machinery, materials, equipment, and supplies*, used in, or in connection with the construction, operation, repair, servicing, maintenance and dismantling of pipe lines, including the stringing and picking up thereof, as a *common carrier*, over irregular routes, between points in New Mexico, Oklahoma, and Kansas, between points in Kansas, on the one hand, and, on the other, points in that part of Texas north of U.S. Highway 80 and west of U.S. Highway 75, including points on the indicated portions of the highways specified, between points in Kansas, on the one hand, and, on the other, points in Arizona, Colorado, Utah, and Wyoming, between points in that part of Texas north of U.S. Highway 80, and west of U.S. Highway 75, and within 250 miles of Seagraves, Tex., including points on the indicated portions of the highways specified, on the one hand, and, on the other, points in Arizona and Utah; and *heavy or cumbersome commodities*, which, because of size or weight, require the use of special equipment, between Seagraves, Tex., and points in Texas within 250 miles of Seagraves, and those in that part of Texas north of U.S. Highway 80 and west of U.S. Highway 75, beyond such 250 mile radius, including points on the indicated portions of the highways specified, on the one hand, and, on the other, points in Arizona.

NOTE: In *C & H TRANSPORTATION CO., INC.—PURCHASE (PORTION)—FERGUSON TRUCKING CO., INC.*, 93 M.C.C. 741, decided February 26, 1964, authority was granted for C & H to purchase certain operating rights of Ferguson, conditioned upon cancellation of above-referred-to operating rights. On March 3, 1965, the U.S. District Court for the Northern District of Texas, Dallas Division, in Civil Action No. CA-3-780, issued a temporary restraining order against the order of February 26, 1964.

By the Commission.

[SEAL] BERTHA F. ARMES, *Acting Secretary.*

[F.R. Doc. 65-5387; Filed, May 21, 1965; 8:47 a.m.]

DEPARTMENT OF THE TREASURY

Bureau of Customs

[644]

MOTOR VEHICLES AND MOTOR VEHICLE PARTS FROM CANADA

Determination With Respect to Suspected Bounty or Grant

A notice was published in the FEDERAL REGISTER of April 17, 1965 (30 F.R. 5534), that the Bureau of Customs had received information that Canada, on January 16, 1965, had adopted measures which became effective on January 18, 1965, under which certain automotive vehicles and parts imported into Canada shall be free of duty. These measures are set forth in Canadian Order-in-Council P.C. 1965-99, dated January 16, 1965, which was published in the FEDERAL REGISTER on April 22, 1965 (30 F.R. 5710). Related to those measures are certain ancillary letters sent to the Canadian Government by Canadian automobile manufacturers.

The notice stated that a question had been raised whether the action by Canada and by the automobile manufacturers in Canada would result in the payment or bestowal of a bounty or grant, within the meaning of section 303 of the Tariff Act of 1930 (19 U.S.C. 1303), upon the manufacture, production, or export of the vehicles and parts to which the Canadian Order-in-Council relates.

The notice afforded an opportunity for interested persons to present written data, views or arguments with respect to the existence or nonexistence, and the net amount, of a bounty or grant. All data, views or arguments that were received, and such information with respect to this matter as was developed by the Bureau of Customs itself, have been considered.

It is hereby determined that the action which was the subject of the April 17, 1965 notice does not result in the importation into the United States of articles on which a bounty or grant has been paid or bestowed within the meaning of section 303 of the Tariff Act of 1930 (19 U.S.C. 1303).

[SEAL] LESTER D. JOHNSON, *Acting Commissioner of Customs.*

Approved: May 21, 1965.

JAMES POMEROY HENDRICK, *Acting Assistant Secretary of the Treasury.*

[F.R. Doc. 65-5477; Filed, May 21, 1965; 4:14 p.m.]

CUMULATIVE LIST OF CFR PARTS AFFECTED—MAY

The following numerical guide is a list of the parts of each title of the Code of Federal Regulations affected by documents published to date during May.

3 CFR — Page

PROCLAMATIONS:
1713 (superseded in part by Proc. 3656) — 6571
3172 (superseded by Proc. 3655) — 6467
3399 (superseded by Proc. 3655) — 6467
3655 — 6467
3656 — 6571
3657 — 6835
EXECUTIVE ORDER:
Apr. 19, 1892 (revoked in part by PLO 3656) — 6437
823 (see EO 11220) — 6425
10530 (revoked in part by EO 11222) — 6469
10784 (superseded by EO 11223) — 6635
10845 (superseded by EO 11223) — 6635
10939 (revoked by EO 11222) — 6469
11071 (superseded in part by EO 11224) — 6679
11125 (revoked by EO 11222) — 6469
11126 (amended by EO 11221) — 6427
11219 — 6381
11220 — 6425
11221 — 6427
11222 — 6469
11223 — 6635
11224 — 6679
PRESIDENTIAL DOCUMENTS OTHER THAN PROCLAMATIONS AND EXECUTIVE ORDERS:
Memorandum of July 20, 1961 (revoked by EO 11222) — 6469
Memorandum of May 2, 1963 (revoked by EO 11222) — 6469

4 CFR
52 — 6429

5 CFR
213 — 6215, 6241, 6337, 6478, 6637, 6765, 6857, 6903, 6939.
332 — 6337
591 — 6511

6 CFR
72 — 6573

7 CFR
26 — 6637
29 — 6573
51 — 6711
54 — 6207
55 — 6141, 6207
56 — 6207
58 — 6637
70 — 6207
81 — 6207
210 — 6207, 6479
301 — 6243, 6245, 6770
354 — 6429
362 — 6857
707 — 6246
717 — 6144
719 — 6511
722 — 6712
724 — 6144, 6146, 6207
842 — 6338
863 — 6247
864 — 6248
905 — 6638, 6770
908 — 6148, 6429, 6681, 6771, 6939
909 — 6430
910 — 6148, 6430, 6479, 6681, 6712, 6939
917 — 6903-6905
918 — 6431, 6858
944 — 6638
965 — 6338
970 — 6479
989 — 6905
1002 — 6639
1138 — 6573
1421 — 6338, 6511, 6681
1425 — 6907
1468 — 6383
1472 — 6383
1475 — 6909
1483 — 6771
1485 — 6910
1487 — 6639
1488 — 6249
1602 — 6859
PROPOSED RULES:
28 — 6255
31 — 6350
33 — 6782
51 — 6658
70 — 6395
777 — 6686
Ch. IX — 6355, 6438, 6523, 6917
930 — 6255
993 — 6782
1004 — 6947
1008 — 6659
1040 — 6163
1042 — 6163
1097 — 6534
1102 — 6534
1108 — 6534
1138 — 6538

8 CFR
214 — 6479, 6940
231 — 6776
251 — 6776
332a — 6940
336 — 6940
499 — 6940

9 CFR
318 — 6731
PROPOSED RULES:
201 — 6360

10 CFR
30 — 6575

12 CFR
12 — 6160
204 — 6339
208 — 6731
561 — 6517, 6915
PROPOSED RULES:
261 — 6275
262 — 6275
563 — 6544

13 CFR
121 — 6778

14 CFR
39 — 6150, 6431, 6577, 6639, 6640, 6837, 6940
61 — 6577
71 — 6150, 6215, 6241, 6384-6387, 6478, 6577-6579, 6640-6642, 6682, 6765, 6838, 6914, 6915, 6940.
73 — 6242, 6387, 6388
75 — 6150, 6241, 6242, 6432, 6642, 6915
77 — 6713
91 — 6388
95 — 6766
97 — 6151, 6329, 6714, 6839
99 — 6242
121 — 6432, 6725
127 — 6432
PROPOSED RULES:
1 — 6921
39 — 6188, 6274
67 — 6188
71 — 6189, 6225, 6397, 6399, 6400, 6402, 6443, 6588, 6589, 6735, 6736, 6793-6795, 6872, 6922-6924.
73 — 6402, 6444, 6736
75 — 6443, 6924
91 — 6541, 6921
129 — 6541
399 — 6650

15 CFR
201 — 6748

16 CFR
PROPOSED RULES:
303 — 6275

17 CFR
18 — 6941
240 — 6642

18 CFR
157 — 6518

19 CFR
10 — 6149
PROPOSED RULES:
13 — 6686

20 CFR
601 — 6941

21 CFR
121 — 6215, 6339, 6389, 6433, 6477, 6478, 6579, 6643, 6732, 6837, 6915.
133 — 6475
144 — 6389
PROPOSED RULES:
8 — 6490, 6733-6735
121 — 6588, 6689
141a — 6795

25 CFR
131 — 6579
PROPOSED RULES:
1 — 6438
221 — 6523

26 CFR
1 — 6216, 6340, 6480
170 — 6769
250 — 6217
PROPOSED RULES:
1 — 6222, 6349, 6486, 6488
31 — 6222
301 — 6222

29 CFR — Page

50 — 6249
604 — 6218
606 — 6218
690 — 6482

PROPOSED RULES:

657 — 6224
697 — 6225
1501 — 6397
1502 — 6397
1503 — 6397

32 CFR

102 — 6942
163 — 6161
175 — 6682
180 — 6682
516 — 6341
815 — 6343
882 — 6343

33 CFR

80 — 6433
82 — 6434
86 — 6434
95 — 6434
135 — 6434
203 — 6161, 6388
204 — 6643
205 — 6644
207 — 6161, 6644
401 — 6580

36 CFR

2 — 6682
7 — 6861
211 — 6345
311 — 6161
502 — 6482

37 CFR — Page

1 — 6391, 6644
3 — 6644

PROPOSED RULES:

2 — 6687
4 — 6687

38 CFR

1 — 6435
2 — 6392
3 — 6649
14 — 6392

39 CFR

4 — 6436
36 — 6436
37 — 6436
43 — 6436

41 CFR

1-3 — 6581
4-2 — 6943
4-3 — 6943
4-5 — 6943
4-16 — 6944
5-60 — 6837
9-1 — 6483, 6519
9-3 — 6683
9-4 — 6519
9-6 — 6519
9-7 — 6519
9-8 — 6585
9-9 — 6684
9-54 — 6684
101-5 — 6684
101-44 — 6649

42 CFR

57 — 6944

PROPOSED RULES:

73 — 6795

43 CFR — Page

PUBLIC LAND ORDERS:

3638 — [illegible]
3655 — [illegible]
3656 — [illegible]
3657 — [illegible]

45 CFR

130 — [illegible]

46 CFR

26 — [illegible]
137 — [illegible]

47 CFR

0 — 6250, [illegible]
1 — 6778, [illegible]
2 — 6219, [illegible]
15 — [illegible]
25 — [illegible]
73 — 6251, 6519, 6520, [illegible]
83 — [illegible]

PROPOSED RULES:

2 — [illegible]
15 — 6541, [illegible]
73 — 6274, 6275, 6543, 6590, 6651, [illegible]

49 CFR

1 — [illegible]
95 — [illegible]
97 — [illegible]
141 — [illegible]

50 CFR

26 — [illegible]
33 — 6344, 6521, 6587, [illegible]
60 — [illegible]

PROPOSED RULES:

32 — [illegible]

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FEDERAL REGISTER

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Agencies in this issue—

Agricultural Stabilization and Conservation Service
Atomic Energy Commission
Civil Aeronautics Board
Civil Service Commission
Commerce Department
Commodity Credit Corporation
Consumer and Marketing Service
Defense Department
Federal Aviation Agency
Federal Communications Commission
Federal Housing Administration
Federal Maritime Commission
Federal Power Commission
Food and Drug Administration
Forest Service
Interstate Commerce Commission
Land Management Bureau
Post Office Department
Securities and Exchange Commission
Small Business Administration
Treasury Department
Wage and Hour Division

Detailed list of Contents appears inside.



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Contents

AGRICULTURAL STABILIZATION AND CONSERVATION SERVICE
Rules and Regulations
Reconstitution of farms, allotments, and bases; land covered by whole farm cropland conversion program agreement 6975

AGRICULTURE DEPARTMENT
See Agricultural Stabilization and Conservation Service; Commodity Credit Corporation; Consumer and Marketing Service; Forest Service.

ATOMIC ENERGY COMMISSION
Notices
Byproduct material, source material, and special nuclear material in quantities not sufficient to form a critical mass; regulatory authority, discontinuance by AEC and assumption by States 7020

CIVIL AERONAUTICS BOARD
Notices
Hearings, etc.:
Chicago Avenue Transfer, Inc., et al 7020
Service rates for certain military mail 7021

CIVIL SERVICE COMMISSION
Rules and Regulations
Emergency Planning Office; excepted service 6975

COMMERCE DEPARTMENT
Notices
Under Secretary of Commerce for Transportation; delegation of authority, duties and responsibilities 7018

COMMODITY CREDIT CORPORATION
Rules and Regulations
Wheat and flour; flour export program—cash payment; correction 6976

CONSUMER AND MARKETING SERVICE
Rules and Regulations
Lemons grown in California and Arizona; handling limitations 6975
Milk in Greater Wheeling, W. Va., marketing area; order suspending certain provisions 6975
Proposed Rule Making
Oranges, grapefruit, tangerines, and tangelos grown in Florida; further amendment of marketing agreement 6983

DEFENSE DEPARTMENT
Rules and Regulations
Miscellaneous amendments to subchapter 6985

FEDERAL AVIATION AGENCY
Rules and Regulations
Airworthiness directives:
Beech Models C18S and AT-11 Series aircraft 6976
Beech Models D18S and C45 Series aircraft 6976
Beech Models E18S, G18S, and H18 Series aircraft 6976
Control zone; designation 6977
Control zones, control area extensions and transition areas; alteration, revocation, and designation 6977
Federal airway; designation 6978
Federal airways; designations and realignment 6978
Restricted area segment; revocation 6978
Transition area; alteration 6978
Proposed Rule Making
Control area; proposed revocation 6984
Control zones, transition area, and control area extension; proposed alteration, designation, and revocation 6985
Federal airways; proposed extension and realignment 6986
Transition area; proposed alteration 6986
Notices
May Broadcasting Co. (KMTV) et al.; order entering final determination of no hazard to air navigation 7022

FEDERAL COMMUNICATIONS COMMISSION
Notices
Hearings, etc.:
Carolina Radio Broadcasting Co 7022
Hogin, William S 7022
KUNO Radio Inc. (KUNO) 7022
Nebraska Rural Radio Association (KRVN) and Town & Farm Co., Inc. (KMMJ) 7022
Trinity Broadcasting Co 7023

FEDERAL HOUSING ADMINISTRATION
Rules and Regulations
Mutual mortgage insurance and insured home improvement loans; title objection waiver with reduced insurance benefits 6982

FEDERAL MARITIME COMMISSION
Notices
Wallenius Line; notice of petition filed for approval 7023

FEDERAL POWER COMMISSION
Notices
Hearings, etc.:
Arizona Public Service Co 7023
Tennessee Gas Transmission Co 7023

FOOD AND DRUG ADMINISTRATION
Rules and Regulations
Drugs:
Ampicillin trihydrate; changes in moisture and identity tests 6979
Bacitracin, zinc bacitracin and polymyxin B sulfate for prescription compounding 6980
FD & C Red No. 4; procedure for discontinuing use in new drugs for ingestion 6979
Proposed Rule Making
Oils, fats, and fatty foods for regulating intake of fatty acids in dietary management; label statements 6984
Notices
Frozen concentrate for artificially sweetened lemonade 7020
Petitions filed regarding food additives:
Allied Chemical Corp 7020
Silicone Products Department, General Electric Co 7020

FOREST SERVICE
Rules and Regulations
Trespass; revocation of section 6982

HEALTH, EDUCATION, AND WELFARE DEPARTMENT
See Food and Drug Administration.

HOUSING AND HOME FINANCE AGENCY
See Federal Housing Administration.

INTERIOR DEPARTMENT
See Land Management Bureau.

INTERSTATE COMMERCE COMMISSION
Notices
Fourth section applications for relief 7027
Motor carrier transfer proceedings 7027

LABOR DEPARTMENT
See Wage and Hour Division.

(Continued on next page)

CONTENTS

LAND MANAGEMENT BUREAU

Notices

Alaska; amendment of proposed amendment of public land orders 7018
California; proposed withdrawal and reservation of lands; correction 7018
New Mexico; proposed withdrawal and reservation of lands 7017

POST OFFICE DEPARTMENT

Notices

Organization and administration 6988

SECURITIES AND EXCHANGE COMMISSION

Notices

Hearings, etc.:
Blossman Hydratane Gas, Inc 7024
General Aniline & Film Corp 7024
SCM Corp. and Black & Decker Manufacturing Co 7025

SMALL BUSINESS ADMINISTRATION

Notices

Authority delegations regarding financial assistance functions; Manager, Disaster Field Office:
Kokomo, Ind 7025
Minneapolis, Minn 7025

TREASURY DEPARTMENT

Notices

Crude sulfur from Canada; determination of sales at not less than fair value 7018

WAGE AND HOUR DIVISION

Notices

Certificates authorizing employment of full-time students working outside of school hours in retail or service establishments at special minimum rates 7025
Certificates authorizing employment of learners at special minimum rates 7026

List of CFR Parts Affected

(Codification Guide)

The following numerical guide is a list of the parts of each title of the Code of Federal Regulations affected by documents published in today's issue. A cumulative list of parts affected, covering the current month to date, appears at the end of each issue beginning with the second issue of the month.

A cumulative guide is published separately at the end of each month. The guide lists the parts and sections affected by documents published since January 1, 1965, and specifies how they are affected.

5 CFR

213 6975

7 CFR

719 6975
910 6975
1008 6975
1483 6976
PROPOSED RULES:
905 6983

14 CFR

39 (3 documents) 6976
71 (5 documents) 6977, 6978
73 6978
PROPOSED RULES:
71 (4 documents) 6984–6986

21 CFR

130 6979
141a 6979
141e 6980
146a 6979
146e 6980
148p 6980
PROPOSED RULES:
125 6984

24 CFR

203 6962

32 CFR

1 6965
2 6967
3 6967
5 6968
7 6968
9 6968
13 6972
15 6973

36 CFR

261 6982

Rules and Regulations

Title 32—NATIONAL DEFENSE

Chapter I—Office of the Secretary of Defense

SUBCHAPTER A—ARMED SERVICES PROCUREMENT REGULATIONS

MISCELLANEOUS AMENDMENTS TO SUBCHAPTER

The following amendments to this subchapter are issued by direction of the Assistant Secretary of Defense (Installations and Logistics) pursuant to the authority contained in Department of Defense Directive No. 4105.30, dated March 11, 1959 (24 F.R. 2260), as amended, and 10 U.S.C. 2202.

PART 1—GENERAL PROVISIONS

1. Section 1.102 is revised; in § 1.104, the existing text is designated as paragraph (a) and a new paragraph (b) is added; the introductory text of § 1.106–1 is revised; and a new § 1.106–3 is added, as follows:

§ 1.102 Applicability of subchapter.

This subchapter shall apply to all purchases and contracts made by the Department of Defense, within or outside the United States (but see § 1.109–4), for the procurement of supplies or services which obligate appropriated funds (including available contract authorizations), unless otherwise specified herein, except transportation services procured by transportation requests, transportation warrants, bills of lading, and similar transportation forms. (Procurement of these excepted transportation services shall be in accordance with specific regulations and instructions issued by the Military Traffic Management and Terminal Service (MTMTS), Military Sea Transportation Service (MSTS), Military Air Transport Service (MATS), and the Departments.)

§ 1.104 Content of subchapter.

(a) • • •

(b) A supplement to the regulations in this subchapter, entitled USEUCOM Supplement (not published in the C.F.R.), is applicable to all purchasing offices of the Department of Defense in the North Atlantic-Mediterranean area, including all of Europe. The USEUCOM Supplement and changes thereto are developed by USEUCOM and concurred in by the Offshore Procurement Policy Coordinating Committee representing the purchasing offices in that area and, after adoption and approval by the Armed Services Procurement Regulation Committee, are published and distributed by the Headquarters, U.S. European Command, as an integral part of the Armed Services Procurement Regulation. In addition, Headquarters USEUCOM publishes Tabs to the USEUCOM Supplement which contain source and informational material (such as government-to-government agreements and tax information) and which do not require approval by the Armed Services Procurement Regulation Committee.

§ 1.106–1 Department of Defense directives, instructions, manuals, and circulars.

Policies, procedures, and information concerned primarily with procurement may be published in Department of Defense directives, instructions, manuals, and circulars under any of the following circumstances:

• • • • •

§ 1.106–3 Armed Services procurement manuals.

In accordance with the authority in § 1.106–1, Armed Services procurement manuals shall be published when determined necessary or advisable. They shall contain material useful for training and instruction, but they shall not contain material which is directive in nature. Material to be published as Armed Services procurement manuals shall first be approved by the Armed Services Procurement Regulation Committee. Such publications and revisions thereto will be announced in Defense procurement circulars.

2. Section 1.107, 1.304, and 1.324–2(c) are revised; in § 1.324–6(a), paragraph (a) (i) of the warranty clause is revised; and new § 1.325 is added, as follows:

§ 1.107 Dissemination and effective date of the subchapter, revisions, supplements, and manuals.

(a) This subchapter and revisions thereof, will be distributed by the Departments to all interested activities and individuals within the Department of Defense. Supplements and manuals shall be ordered and distributed separately as requirements indicate. The Military Departments shall obtain from the Government Printing Office the number of copies of this subchapter, revisions thereof, supplements, and manuals, required to make this distribution. Private firms, individuals, and others outside the Department of Defense may obtain copies of these publications by purchase from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C., 20402.

(b) Revisions of the Armed Services Procurement Regulation shall be effective at all applicable echelons 90 days after date of issuance, unless otherwise prescribed in any such revision. Supplements and manuals shall be effective when issued, unless otherwise provided therein. Contract clauses and forms prescribed in such revisions shall be used in all invitations for bids and requests for proposals issued after the effective date thereof, unless otherwise provided in any such revisions.

§ 1.304 Selection of items involving data subject to limited rights or other restrictive factors.

In some cases, the procurement of an item would involve data subject to limited rights (see § 9.201(b) of this chapter) or other factors which would restrict sources of procurement or limit competition, but alternative items can be procured which would meet the military needs involved. In such cases, consideration should be given in selecting the item to be procured, to the relative advantages for national defense purposes of the item which involves such data subject to limited rights or other factors as against the disadvantages of a restricted source of supply and possible increased cost to the Government because of lack of competition. However, where a particular item best meets military needs, the contracting activity should not refrain from procuring the item solely because it would involve such restrictions or limitations.

§ 1.324–2 Policy.

• • • • •

(c) In negotiated procurements, the following clause shall be included in the solicitation when the procurement involves a commercial supply or service sold with a commercial warranty as a customary trade practice, and the contracting officer, after reviewing the factors listed in § 1.324–3(b), determines that the benefits of a commercial warranty should be obtained:

COMMERCIAL WARRANTY (APRIL 1965)

The Contractor agrees that the supplies or services furnished under this contract shall be covered by the most favorable commercial warranties the Contractor gives to any customer for such supplies or services and that the rights and remedies provided herein are in addition to and do not limit any rights afforded to the Government by any other clause of this contract.

• • • • •

§ 1.324–6 Warranty clauses.

(a) • • •

SUPPLY WARRANTY

(a) • • •

(i) the rights and remedies of the Government provided in this clause are in addition to and do not limit any rights afforded to the Government by any other clause of the contract; and

• • • • •

§ 1.325 Variation in quantity.

To the extent that a variation in quantity is caused by the conditions specified in the clause in § 7.103–4 of this chapter that quantity may be accepted only to the extent specified in the Schedule. The permissible variation shall be stated as a percentage and may be an increase, a decrease, or a combination of both. There should be no standard or usual percentage or variation. Each procurement for which an overrun or underrun is permissible should be based upon the

normal commercial practices of the particular industry for particular items, and the permitted percentage should be no larger than is necessary to afford a contractor reasonable protection. In no event shall the permissible variation exceed plus or minus 10 percent. The clause set forth below shall be included in the Schedule, only when one or more of the causes of quantity variation foreseeable exists at the time of solicitation.

EXTENT OF QUANTITY VARIATION (APRIL 1965)

The permissible variation under the clause of the General Provisions entitled "Variation in Quantity" shall be limited to:

Increase (insert: _____ % or none).
Decrease (insert: _____ % or none).
This increase or decrease shall apply to _____.*

*Insert in the blank the designation(s) to which the percentages apply, such as: (1) the total contract quantity; (2) item 1 only; (3) each quantity specified in the delivery schedule of the "Time of Delivery" clause; (4) the total item quantity for each destination; (5) the total quantity of each item without regard to destination.

Consideration shall be given to the quantity to which the percentage variation applies. For example, when it is contemplated that delivery will be made to multiple destinations and it is desired that the quantity variation extend to the item quantity for each destination, this requirement must be set forth with particularity. Similarly, when it is desired that the quantity variation extend to the total quantity of each item and not to the quantity for each destination, it may be desirable to express a percentage limitation for each destination to prevent unrealistic distribution of any increase or decrease.

3. Sections 1.1003–1(a), 1.1003–3, and 1.1003–6(b) are revised; in § 1.1003–9, paragraph (a)(2) and the note in paragraph (b)(9) are revised; and §§ 1.1004, 1.1005–1(b)(1) and 1.1006 are revised, as follows:

§ 1.1003–1 General.

(a) Except for procurements described in paragraphs (b) and (c) of this section, every proposed advertised or negotiated procurement, including modifications to existing contracts when new funds are obligated for additional supplies and services, made in the United States, its possessions, and Puerto Rico which may result in an award in excess of $10,000 shall be publicized promptly in the Commerce Business Daily "Synopsis of U.S. Government Proposed Procurement, Sales and Contract Awards". Modifications to an existing contract resulting from price changes, engineering changes, overruns, definitization of letter contracts, and other similar transactions need not be publicized in the Commerce Business Daily.

• • • • •

§ 1.1003–3 Preinvitation notices.

Where preinvitation notices (see § 2.205–6 of this chapter) are used, the preinvitation information shall be included in the synopsis. This information need not be republished in the synopsis when the invitation for bids is issued. However, if the preinvitation notice contains a set-aside provision which is later cancelled (e.g., because of a lack of small business response) then, the procurement shall be synopsized the second time at the time the solicitation is issued.

§ 1.1003–6 Synopsis of subcontract opportunities.

• • • • •

(b) *By prime contractors and subcontractors.* Prime contractors and subcontractors should be encouraged to use the Commerce Business Daily to publicize opportunities in the field of subcontracting stemming from their defense business. Prime contractors and their subcontractors will be advised to mail subcontract information directly to the U.S. Department of Commerce, Commerce Business Daily, Room 1300, New Post Office Building, 433 West Van Buren Street, Chicago, Ill., 60607, under the heading "Subcontracting Assistance Wanted" and in the form of the following example.

XYZ Co., Attention: John Z. Smith, Telephone No., Randolph 6–1111, 102 First Avenue, Chicago, Ill., 60607, seeks subcontractor on items to be used in connection with Contract No. ------ awarded _____
(Date)
Coils, induction, DWG. No. 10–742 _____ 10,000 each (name, description and quantity of other items or services may be included as long as contract assistance is desired under the same contract number)—If interested, make inquiry before _____ to above contractor.
(Date)

§ 1.1003–9 Preparation and transmittal.

(a) • • •

(2) When the use of mail service does not interfere with the intent of allowing interested firms ample time to submit bids, proposals or quotations, or when teletypewriter service is not available, synopses shall be dispatched by airmail or ordinary mail, whichever is considered most expeditious, addressed as follows:

U.S. Department of Commerce, Commerce Business Daily, Room 1300, New Post Office Building, 433 West Van Buren Street, Chicago, Ill., 60607.

(b) • • •
(9) • • •

NOTE: The purpose of using "cuts" is to reduce the costs of preparing, transmitting and printing synopses. In order to promote cost reduction, contracting officers are urged to use references to "cuts" in preparing synopses, when applicable. If an existing "cut" does not cover a frequently recurring situation, contracting officers of each Department may request the Commerce Business Daily to establish a new "cut." Requests shall be addressed to:

U.S. Department of Commerce, Commerce Business Daily, Room 1300, New Post Office Building, 433 West Van Buren Street, Chicago, Ill., 60607.

• • • • •

§ 1.1004 Disclosure of information prior to award.

(a) A high level of business security must be maintained in order to preserve the integrity of the procurement process. Occasionally, it is necessary to contact potential contractors and others outside the Department of Defense to obtain information regarding wage rates, material costs, and the like, in order to prepare Government estimates in connection with proposed procurements; however, these estimates and other details regarding such proposed procurements shall not be publicized nor discussed with prospective contractors.

(b) Maximum information may be made available to the public except (1) advance information on proposed plans regarding procurements, which information would provide undue or discriminatory advantage to private or personal interests, (2) information which is received in confidence, (3) information which requires protection in the public interest, or (4) information as to referrals (for technical review, contracting authority, or other reasons) or recommendations made with respect thereto in connection with any given procurement. This policy applies to all Government personnel who participate directly or indirectly in any stage of the procurement cycle. (See §§ 1.1006, 2.210, 3.506, 3.507, and 3.804 of this chapter.) Information submitted by the bidder or offeror in confidence, and information which might jeopardize the position of the Government or any prospective contractor shall not be released, except as provided in §§ 1.1006 and 3.507. (See § 1.705–3 as to information to be released to the SBA.)

§ 1.1005–1 Synopsis of contract awards.

• • • • •

(b) *Preparation and transmittal.* (1) Purchasing officers shall prepare and forward single copies of synopses of contract awards, using the same format as prescribed for synopses of proposed procurements in § 1.1003–9, to the address below, by airmail or ordinary mail whichever is considered most expeditious, before the close of business at the end of each week.

U.S. Department of Commerce, Commerce Business Daily, Room 1300, New Post Office Building, 433 West Van Buren Street, Chicago, Ill., 60607.

• • • • •

4. New §§ 1.1006–1 and 1.1006–2 are added, and §§ 1.1602(c) and 1.1604 are revised, as follows:

§ 1.1006 Release of procurement information.

§ 1.1006–1 Members of Congress.

(a) *Individual requests.* In addition to having access to that information available to members of the public, Members of Congress upon their request, shall be given detailed information regarding any particular Department of Defense procurement. The information given shall be responsive to the Congressional request; however, where responsiveness would result in disclosure of classified matter, business confidential information, or information which would be prejudicial to competitive procurement, the proposed reply, with full documentation, shall be referred to the Secretary of the Department concerned, and the appropriate legislative liaison office shall be informed. When a proposed reply is to be so referred to a Secretary, an interim reply shall be made to the Congressional request indicating the action being taken.

(b) *Inclusion on bidders mailing lists.* Any member of any Committee or Subcommittee of the Congress which is interested in procurement matters shall, upon request of the Committee or Subcommittee Chairman, be placed on applicable bidders mailing lists to receive automatic distribution of bid and proposal information in the specified area of interest.

§ 1.1006–2 General public.

Requests from the general public, including suppliers, for specific information such as the number or types of supplies purchased and prices paid during extended periods of time, will generally be denied. The inquirer shall be informed that it is not the Department of Defense policy to compile and disseminate such information; but see §§ 2.408 and 3.507 of this chapter.

§ 1.1602 Agreement to recognize a successor in interest.

• • • • •

(c) When it is consistent with the Government's interest to recognize a successor in interest to a Government contract, the Department concerned shall execute an agreement with the transferor and the transferee, which shall ordinarily provide in part that:

(1) The transferee assumes all the transferor's obligations under the contract;

(2) The transferor waives all rights under the contract as against the Government;

(3) The transferor guarantees performance of the contract by the transferee (a satisfactory performance bond may be accepted in lieu of such guarantee); and

(4) Nothing in the agreement shall relieve the transferor or the transferee from compliance with any Federal law.

All agreements, prior to execution, shall be reviewed by Government counsel for legal sufficiency. A form for such an agreement for use when the transferor and transferee are corporations, and all the assets of the transferor are transferred, is set forth herein. This form may be adapted to fit specific cases and may be used as a guide in preparing similar agreements for use in other situations.

§ 1.1604 Processing novation agreements and change of name agreements.

(a) Except as provided in paragraph (b) of this section, when only one Department has outstanding contracts with the contractor or contractors seeking a novation or change of name agreement, the documents pertaining thereto shall be forwarded to the appropriate addressee in paragraph (c) of this section. This addressee may authorize the procuring activity of its Department having the largest unsettled (unbilled plus billed but unpaid) dollar balance with the contractor or contractors to process and execute the agreement.

(b) Notwithstanding paragraph (a) of this section, if a novation or change of name agreement involves contracts of only one Defense Supply Center, that Center shall retain the case and process and execute the agreement.

(c) When more than one Department has outstanding contracts with the contractor or contractors seeking a novation or change of name agreement, a single agreement covering all such contracts shall be executed by the Department having the largest unsettled (unbilled plus billed but unpaid) dollar balance with the contractor or contractors. Such agreements shall be executed by a duly authorized official or the appropriate office listed below:

Department of the Army, Headquarters, U.S. Army Materiel Command, Attention: AMCGC–P, Washington, D.C., 20315.
Department of the Navy, Office of Naval Material, Attention: MAT 215, Washington, D.C., 20360.
Department of the Air Force, Headquarters, U.S. Air Force Systems Command, Attention: SCKPP, Washington, D.C., 20331.
Defense Supply Agency, Attention: DSAH–PPO, Cameron Station, Alexandria, Va., 22314.
Defense Communications Agency, Attention: Code 260, Washington, D.C., 20305.

(d) The Department processing a proposed novation agreement shall promptly provide notice of the proposed agreement, including the list of contracts as required by § 1.1602(b)(2), to the other Departments and Defense agencies having contracts with the contractor or contractors concerned. Such notice shall be transmitted to the appropriate addressee listed in paragraph (c) of this section. Within 30 days after receipt of such notice, the Department may submit comments to the processing Department, which comments shall be considered prior to execution of the proposed agreement. The absence of comment from a Department within 30 days after its receipt of notice of a proposed novation agreement shall be construed as approval by that Department. Where only a single Department is concerned, the procuring activity processing a proposed novation agreement shall give similar notice of it to all other interested procuring activities in that Department.

(e) Where substantial alterations or additions to the formats set forth in §§ 1.1602(c) and 1.1603(b) are considered appropriate by the Department processing the proposed agreement, that Department shall coordinate the agreement with the other Departments prior to execution. Any objection shall be resolved before the agreement is executed.

(f) Executed novation agreements or change of name agreements shall be distributed by the processing Department as follows:

(1) The original signed copy to the Finance Center listed below which services the Disbursing Office designated in the contract to make payment:

Army—Commanding General, Finance Center, U.S. Army Processing and Disposition Branch, Retained Accounts Division, Indianapolis, Ind., 46249.
Navy—Navy Finance Center, Administrative Services Department, Attention: Code S, Cleveland, Ohio, 44114.
Air Force—Air Force Accounting and Finance Center, 3800 York Street, Denver, Colo., 80205.

(2) The duplicate signed copy shall be retained in the Office executing the agreement.

(3) The triplicate signed copy shall be forwarded to the contractor.

(4) Where more than one Department is involved, two copies of the multiservice agreement to the appropriate addressee listed in paragraph (c) of this section.

(g) After execution and distribution of an agreement, an administrative change (DD Form 1319) shall be prepared by the processing activity incorporating a summary of the agreement and attaching thereto a complete list of the contracts affected. For single service agreements, three copies of the DD Form 1319 shall be furnished for each contract to the procuring activities concerned, and for multiservice agreements, to the appropriate addressee listed in paragraph (c) of this section.

(h) Novation and change of name agreements amending contracts for the storage of household goods entered into pursuant to Commercial Warehousing and Related Services for Household Goods of Military Personnel (DOD Regulation 4145.16–R) shall be forwarded by household goods field officers to Headquarters, Military Traffic Management and Terminal Service, Attention: MTMTS–HG, Building T–7, Washington, D.C., 20315, for appropriate execution without regard to the provisions of paragraphs (a), (c), (d), and (g) of this section.

PART 2—PROCUREMENT BY FORMAL ADVERTISING

5. Section 2.201(b)(2) is revised, as follows:

§ 2.201 Preparation of invitation for bids.

• • • • •

(b) • • •

(2) The quantity of supplies or services to be supplied under each item, and any provision for extent of quantity variation (see § 1.325 of this chapter).

• • • • •

PART 3—PROCUREMENT BY NEGOTIATION

6. Sections 3.402(b)(1) and 3.501(b)(25) are revised as follows:

§ 3.402 Basic principles for use of contract types.

• • • • •

(b) *Preferred contract types.* (1) The firm fixed-price contract is the most preferred type because the contractor accepts full cost responsibility, and the relationship between cost control and profit dollars is established at the outset of the contract. Accordingly, whenever a reasonable basis for firm pricing exists (see § 3.404–2), the firm fixed-price contract shall be used, because its use under these circumstances will provide the contractor with a maximum profit incentive to control the costs of performance. However, the contracting officer must be alert to the fact that in certain situations the use of special contract

incentive provisions may be more appropriate. While maximum incentive to a contractor exists in a firm fixed-price contract, the basis for the application of firm fixed-price is the knowledge that the price has been arrived at either through competition or through sound pricing techniques which keep pricing uncertainties to a minimum. In those situations in which price competition is not present, and (i) where the cost of pricing data available does not permit sufficiently realistic estimates of the probable cost of performance, or (ii) where uncertainties surrounding the contract performance cannot be sufficiently identified to evaluate their impact on price, the use of a type of contract other than firm fixed-price should be considered. For example, a profit incentive to control costs can be achieved through use of the fixed-price incentive contract, and to a lesser degree, the cost-plus-incentive-fee contract, where appropriate target costs and incentive arrangements can be negotiated.

* * * * *

§ 3.501 Preparation of request for proposals or request for quotations.

* * * * *

(b) * * *

(25) Provisions for extent of quantity variations (see § 1.325 of this chapter);

* * * * *

§ 3.506–1 [Amended]

7. In § 3.506–1, the reference to "§ 9.202–6" is changed to read: "§ 9.202–3(d)".

PART 5—INTERDEPARTMENTAL AND COORDINATED PROCUREMENT

8. Section 5.1101 is revised to read as follows:

§ 5.1101 Application of procurement assignment.

Single procurement in the form of single department procurement shall be effected whenever it will result in net advantages to the Department of Defense as a whole, except so far as it can be demonstrated that the use of such a procurement method will adversely affect military operations. Single department procurement assignments in Alaska, Hawaii, and outside the remainder of the United States, regardless of funds utilized, will be determined by the respective Unified Commanders. Implementation of such assignments will be effected within the unified commands under the direction of the Unified Commanders.

PART 7—CONTRACT CLAUSES

9. Section 7.103–4 is revised; in § 7.104–29, the introductory text of paragraph (a) is revised; in § 7.104–41, the introductory text of paragraph (c) is revised; in § 7.104–42, the introductory text of paragraph (a) is revised; and a new § 7.104–54 is added, as follows:

§ 7.103–4 Variation in quantity.

See also § 1.325 of this chapter.

VARIATION IN QUANTITY (JULY 1949)

No variation in the quantity of any item called for by this contract will be accepted unless such variation has been caused by conditions of loading, shipping, or packing, or allowances in manufacturing processes, and then only to the extent, if any, specified elsewhere in this contract.

§ 7.104–29 Price reduction for defective cost or pricing data.

(a) The following clause shall be inserted in any cost-reimbursement type, price redeterminable, time and materials, labor hour, or incentive contract except cost and cost-sharing contracts the estimated cost of which does not exceed $100,000 and under which the contractor receives no fee. It shall also be inserted in any other negotiated contract over $100,000 except where the price is based on adequate price competition, established catalog or market prices of commercial items sold in substantial quantities to the general public, or prices set by law or regulation. In addition, the contracting officer shall include this clause in other negotiated contracts for which he has obtained a Certificate of Current Cost or Pricing Data in accordance with § 3.807–3(a)(4) of this chapter in connection with the initial pricing of the contract, and in such cases paragraph (c) may be appropriately modified in respect to subcontracts of less than $100,000.

* * * * *

§ 7.104–41 Audit and records.

* * * * *

(c) Insert the following clause in any negotiated cost-reimbursement type, incentive, time and materials, labor hour, or price redeterminable contract.

* * * * *

§ 7.104–42 Subcontractor cost and pricing data.

(a) The following clause shall be inserted in any cost-reimbursement type, incentive, time and materials, labor hour, or price redeterminable contract. In addition, it shall also be inserted in all other negotiated contracts over $100,000, except where the price is based on adequate price competition, established catalog or market prices of commercial items sold in substantial quantities to the general public, or prices set by law or regulation. The contracting officer may include this clause, with appropriate reduction in the dollar amounts included therein, in other negotiated contracts where a Certificate of Current Cost or Pricing Data is required (see § 3.807–3(a)(4) of this chapter) in connection with initial pricing of the contract.

* * * * *

§ 7.104–54 Extent of quantity variation.

In accordance with § 1.325 of this chapter, insert the clause set forth therein.

10. Sections 7.302–23, 7.402–22, 7.402–23, and 7.902–16 are revised and new §§ 7.902–18, 7.902–19, and 7.902–20 are added, as follows:

§ 7.302–23 Patent rights.

In accordance with the requirements of § 9.107 of this chapter, insert the appropriate contract clause set forth therein with additional or alternate paragraphs as prescribed therein. However, in the case of contracts awarded on the basis of no profit, the percentage amount specified to be withheld under paragraph (g) of the clause set forth in § 9.107–5(a) of this chapter or paragraph (f) of the clause set forth in § 9.107–5 (b) and (c) of this chapter may be changed from "ten percent (10%)" to "one percent (1%)".

§ 7.402–22 Patent rights.

In accordance with the requirements of § 9.107 of this chapter, insert the appropriate contract clause set forth therein with additional or alternate paragraphs as prescribed therein. However, in the case of contracts without fee, the percentage amount specified to be withheld under paragraph (g) of the clause set forth in § 9.107–5(a) of this chapter or paragraph (f) of the clause set forth in § 9.107–5(b) of this chapter may be changed from "ten percent (10%)" to "one percent (1%)". In contracts without fee with educational institutions, paragraphs (g) and (f) of the clauses set forth in § 9.107–5 (a), (b), and (c) of this chapter, respectively, may be omitted.

§ 7.402–23 Basic data clause.

In accordance with the requirements of § 9.203 of this chapter, insert the clause set forth in § 9.203(b) of this chapter with appropriate additional or alternate paragraphs as prescribed by the instructions set forth in §§ 9.203 and 9.204–1 of this chapter, and the appropriate "Data—Withholding of Payment" clause as set forth in § 9.207 of this chapter.

§ 7.902–16 Data—withholding of payments.

In contracts containing the clause set forth in § 9.203(b) of this chapter insert the clause in § 9.207–2(b) with the following modification: For the words, "withhold payment * * * contract price," substitute "withhold from payments due the Contractor 10% of the ceiling price.".

§ 7.902–18 Price reduction for defective cost or pricing data.

Insert the clause set forth in § 7.104–29 (a).

§ 7.902–19 Audit and records.

Insert the clause set forth in § 7.104–41 (c).

§ 7.902–20 Subcontractor cost and pricing data.

Insert the clause set forth in § 7.104–42 (a).

PART 9—PATENTS, DATA, AND COPYRIGHTS

11. Sections 9.200, 9.201, 9.202, 9.202–1, 9.202–2, and 9.202–3 are revised, and §§ 9.202–4, 9.202–5, and 9.202–6 are revoked, as follows:

§ 9.200 Scope of subpart.

This subpart sets forth the Department of Defense policy, implementing instructions, and contract clauses with respect to acquisition of rights in technical and other data and copyrights. It relates only to the acquisition of rights in data and does not establish requirements for data.

§ 9.201 Definitions.

For the purposes of this subpart the following terms have the meanings set forth below:

(a) "Data" means writings, sound recordings, pictorial reproductions, drawings, or other graphic representations and works of similar nature, whether or not copyrighted. The term does not include financial reports, cost analyses, and other information incidental to contract administration.

(b) "Limited rights" means rights to use, duplicate, or disclose technical data in whole or in part by or for the Government, with the express limitation that such technical data may not be released outside the Government, or used, duplicated, or disclosed, in whole or in part, for manufacture or procurement, except for:

(1) Emergency repair or overhaul work by or for the Government where the item or process concerned is not otherwise reasonably available to enable timely performance of the work; and

(2) Release to a foreign government, as the interests of the United States may require;

Provided, That in either case the release of such technical data shall be made subject to the foregoing limitations of this paragraph.

(c) "Unlimited rights" means rights to use, duplicate, or disclose technical data in whole or in part, in any manner and for any purpose whatsoever, and to have or permit others to do so.

§ 9.202 Acquisition of rights in technical data.

§ 9.202–1 Background.

(a) *Government's interest in technical data.* The Government has extensive needs for many kinds of technical data. Its needs may well exceed those of private commercial customers. For defense purposes millions of separate equipment and supply items, ranging from standard to unique types, must be acquired, operated, and maintained, often at points remote from the source of supply. Functions requiring varied kinds of technical data include training of personnel, overhaul and repair, cataloging, standardization, inspection and quality control, packaging, and logistics operations. Data resulting from research and development contracts must be obtained, organized and disseminated to many different users. Finally, the Government must make technical data widely available in the form of contract specifications in order to obtain competition among its suppliers, and thus further economy in Government procurement.

(b) *Contractors' interest in technical data.* Commercial organizations have a valid economic interest in data they have developed at their own expense for competitive purposes. Such data, particularly technical data which discloses details of design or manufacture, is often closely held because its disclosure to competitors could jeopardize the competitive advantage it was developed to provide. Public disclosure of such technical data can cause serious economic hardship to the originating company.

(c) *The balancing of interests.* It is apparent that there is no necessary correlation between the Government's needs for technical data and its contractors' economic interests therein. The Government must not be barred from bargaining and contracting to obtain such technical data as it needs, even though that data may normally not be disclosed in commercial practice. Moreover, when the Government pays for research and development work which produces new knowledge, products or processes, it has an obligation to foster technological progress through wide dissemination of the new and useful information derived from such work and where practicable to provide competitive opportunities for supplying the new products and utilizing the new processes. At the same time, acquiring, maintaining, storing, retrieving, and distributing technical data in the vast quantities generated by modern technology is costly and burdensome for the Government. For this reason alone it would be necessary to control closely the extent and nature of data procurement. Such control is also necessary to insure Government respect for its contractors' economic interest in technical data relating to their privately developed items. Such respect is an important factor in fostering successful contractual relationships, in encouraging a ready flow of data essential to Government needs, and in providing incentive to develop at private expense items of military usefulness. The policies and procedures of this subpart are framed in the light of these considerations.

§ 9.202–2 Policy.

(a) *General.* It is the policy of the Department of Defense to acquire only such data and rights therein as are essential to meet Government needs.

(b) *Unlimited rights.* Technical data in the following categories, when specified in any contract as being required for delivery, or subject to order under the contract, shall be acquired with unlimited rights:

(1) Technical data resulting directly from performance of experimental, developmental, or research work which was specified as an element of performance in a Government contract or subcontract;

(2) Technical data necessary to enable others to manufacture end-items, components and modifications, or to enable them to perform processes, when the end-items, components, modifications or processes have been, or are being, developed under Government contracts or subcontracts in which experimental, developmental or research work was specified as an element of contract performance, except technical data pertaining to items, components or processes developed at private expense;

(3) Technical data constituting corrections or changes to Government-furnished data;

(4) Technical data pertaining to end-items, components or processes which was prepared for the purpose of identifying sources, size, configuration, mating and attachment characteristics, functional characteristics, and performance requirements ("form, fit and function" data, e.g., specification control drawings, catalog sheets, envelope drawings, etc.);

(5) Manuals or instructional materials prepared for installation, operation, maintenance or training purposes; and

(6) Other technical data which has been, or is normally furnished without restriction by a contractor or subcontractor.

(c) *Limited rights.* Except as provided in paragraph (b) of this section, technical data pertaining to items, components or processes developed at private expense will be acquired with limited rights if ordered.

(It should be clearly understood that the above statement of policy is a recital of rights to be acquired in certain categories of data if the data is called for under the contract. Neither the foregoing statement of data rights policy, nor its implementing paragraph (b) (1) and (2) of the Basic Data clause in § 9.203(b), establishes data requirements for a particular contract. It should also be noted that data pertaining to items, components or processes developed at private expense may be called for, required, or otherwise furnished under paragraph (b) (1), (3), (4), (5) and (6) of this section and, as such, it will be acquired with unlimited rights. Contract clauses and the schedule establish the form and type of data to be furnished; the categories into which such delivered data fall, determine the rights to be obtained by the Government to use or publish such data.)

(d) *Predetermination of rights in data.* In order to assist in the timely and effective application of the policy in paragraphs (b) and (c) of this section, the following procedures may be employed in negotiated contracts:

(1) The Government and the contractor may enter into an agreement, which shall be incorporated in the Schedule of the contract directly or by reference, and which shall, to the extent practicable, list or describe, either individually or by class—

(i) The technical data which falls within the six categories in paragraph (b) of this section and is therefore to be furnished with unlimited rights, and

(ii) The technical data described in paragraph (c) of this section which is to be furnished with limited rights.

This procedure shall not be used to require the contractor to furnish with unlimited rights data which, under the policy in paragraphs (b) and (c) of this section, should be furnished with limited rights. However, the contracting officer may, if competitive procurement is desired, review the data proposed to be listed or described in subdivision (ii) of this subparagraph to determine whether to invoke the procedures of paragraph (g) of this section to purchase unlimited rights in any of the data. If such purchase is agreed upon, the lists or descriptions shall be adjusted to reflect the change.

(2) If, after execution of any negotiated contract in which experimental, developmental or research work is specified as an element of contract performance, the contractor wishes to use in the performance of the contract any end-item, component, modification or process the data for which is not listed or described in accordance with subparagraph

(1) of this paragraph, but which would be furnished with limited rights in accordance with the policy in paragraphs (b) and (c) of this section, he shall be required to advise the contracting officer of this fact promptly; *Provided*, That no such advice shall be required with respect to standard commercial items which are manufactured by more than one source of supply. If the contracting officer agrees that under the policy stated in paragraphs (b) and (c) of this section such data should be furnished with limited rights, he may then determine whether to invoke the procedures of paragraph (g) of this section to purchase unlimited rights in such data. The lists or descriptions in subparagraph (1) of this paragraph shall be adjusted to reflect the changes required by the foregoing procedure.

(e) *Subcontracts.* It is the policy of the Department of Defense that prime contractors and higher tier subcontractors shall not use their power to award subcontracts as economic leverage to acquire rights in the data of their subcontractors for themselves. Accordingly, when there is a requirement in the prime contract or deferred order for data to be supplied with limited rights pursuant to paragraph (c) of this section, and such data is to be obtained from a subcontractor, the subcontractor may submit such data directly to the Government rather than through the prime contractor.

(f) *Deferred selection and delivery of data.* (1) The Government may defer selection and delivery of all or any portion of the data specified in the contract until actual requirements can be economically determined. Accordingly, the Government may request the contractor to delivery any such data or portions thereof at any time during the performance of the contract or within 2 years from either acceptance of all items (other than data) under the contract or termination of the contract, whichever is later. However, the contractor's obligation to deliver data pertaining to any item obtained from a subcontractor shall cease 2 years after the date on which he accepts the item. The Government may make any number of orders for technical data, but each order shall be made sufficiently in advance of the required delivery date to enable the contractor to provide data in the specified format.

(2) The price of the work includes the Government's right to use such data as prescribed in the contract, and no additional payment shall be made to the contractor with respect to rights in such data. However, at the time of delivery payment shall be made, by equitable adjustment or otherwise, for converting the data into the prescribed form, reproducing it, and preparing it for delivery.

(g) *Specific acquisition of data and rights.* (1) Notwithstanding any other provision of this subpart, the Government may acquire unlimited rights in any data by means of negotiation with an individual contractor or subcontractor, or as a part of a competition among several contractors or subcontractors. Such individual negotiation or competition may be conducted either by the Government, or upon Government request by the prime contractor or higher tier subcontractor. No data or rights therein shall be acquired under this section unless it is determined after a finding upon a documented record by the head of the procuring activity or his designee that:

(i) There is a clear need for reprocurement of the item, component or process to which the technical data pertains;

(ii) There is no suitable item, component or process of alternate design or availability;

(iii) The item or component can be manufactured or the process performed through the use of such technical data by other competent manufacturers, without the need for additional technical data which cannot be purchased reasonably or is not readily obtained by other economic means; and

(iv) Anticipated net savings in reprocurements will exceed the acquisition cost of the technical data and rights therein.

(2) The analysis and findings referred to in subparagraph (1) of this paragraph shall specifically identify each component and the particular data therefor which is to be purchased.

§ 9.202–3 Procedures.

(a) *Establishing the Government's rights to use technical data acquired.* All technical data specified in a contract or subcontract for delivery thereunder shall be acquired subject to the rights established in the appropriate Rights in Technical Data clauses set forth in this subpart. Except as provided in § 1.1707 of this chapter and Subpart I, Part 18 of this chapter, no other clauses, directives standards, specifications or other implementation shall be included, directly or by reference, to enlarge or diminish such rights. The Government's acceptance of technical data subject to limited rights does not impair any rights in such data to which the Government is otherwise entitled or impair the Government's right to use similar or identical data acquired from other sources.

(b) *Marking and identification of technical data.* Technical data delivered to the Government pursuant to any contract requirement shall be marked with the number of the prime contract, and the name and address of the contractor or subcontractor who generated the data. When technical data is received subject to limited rights, such identifying markings and the authorized restrictive legend shall be maintained on all reproductions thereof.

(c) *Unmarked or improperly marked technical data.* (1) Technical data received without a restrictive legend shall be deemed to have been furnished with unlimited rights. However, the contracting officer may permit the contractor to place a restrictive legend on such data within six months of its delivery if the contractor demonstrates that the omission of the legend was inadvertent and the use of the legend is authorized.

(2) Technical data received with a restrictive legend not permitted by the terms of the contract shall be used with limited rights pending inquiry to the contractor whose name appears on the data as the originator. If no response to a properly directed inquiry has been received within 60 days, or if the response fails to show that the restriction was authorized the cognizant Government personnel shall obliterate such legend, notify the contractor accordingly, and thereafter may use such data as if it were acquired with unlimited rights.

(3) If the contract authorizes the contractor to furnish technical data with limited rights, but the restrictive legend employed by the contractor is not in the form prescribed by the contract, the data shall be used with limited rights, and the contractor shall be required to amend the legend to conform with that specified in the contract. If the contractor fails to so amend the legend within 60 days after notice, the cognizant Government personnel shall obliterate the legend, notify the contractor accordingly, and thereafter may use such data with unlimited rights.

(d) *Technical data furnished on a restricted basis in support of a proposal.* When, in response to a request for a proposal, an offeror submits technical data on a restricted basis in accordance with § 3.506 of this chapter and it is contemplated to award the contract to such offeror, the contracting officer will ascertain whether to acquire rights to use all or part of the technical data furnished with the proposal. If such rights are desired, the contracting officer will negotiate with the offeror in accordance with the policies set forth in §§ 9.202–9.202–3. If the offeror agrees to furnish such technical data under the contract, the appropriate clause set forth in § 9.203 shall be inserted in the contract, and the contract shall identify the data to be covered by such a clause.

(e) *Delivery of technical data to foreign governments.* As provided in § 9.201(b), limited rights include the right of the Government to deliver the technical data to foreign governments as the national interest of the United States may require, subject to the same limitations which the Government accepts for itself. When the Government proposes to make technical data subject to limited rights available for use by a foreign government, it will, to the maximum extent practicable, give reasonable notice thereof to the contractor or subcontractor who generated the technical data and whose name and address appears thereon.

§ 9.202–4 Delivery data for use in foreign countries. [Revoked]

§ 9.202–5 Copyrights. [Revoked]

§ 9.202–6 Data furnished on a restricted basis in support of a proposal. [Revoked]

12. Section 9.203 is revised; §§ 9.203–1, 9.203–3, 9.203–3, and 9.203–4 are revoked; and §§ 9.204–1 and 9.207–2 are revised, as follows:

§ 9.203 Contract clauses.

(a) *General.* In every contract in which technical data is specified to be delivered, insert the clause in paragraph (b) of this section, *provided* that such clause shall not be used in contracts:

(1) When all technical data to be delivered is to be acquired with unlimited rights pursuant to § 9.202–2(g), in which case the clause in paragraph (d) of this section shall be used;

(2) When existing works are acquired in accordance with § 9.205;

(3) When the clause in § 9.204 is used in accordance with the provisions of §§ 9.204–2 and 9.204–3; or

(4) To be performed outside the United States, its territories, possessions, or Puerto Rico, in which case the clause in § 9.206 applies.

In negotiated contracts in which experimental, developmental or research work is specified as an element of contract performance and the contracting officer uses the procedure of § 9.202–2(d) concerning predetermination of rights in data, the paragraph in paragraph (c) of this section will be added to the Basic Data clause in paragraph (b) of this section. In any contract in which the ordering of data is to be deferred, the clause in paragraph (e) of this section is to be included. With respect to contracts containing value engineering provisions, see § 1.1704 of this chapter.

(b) ***Basic data clause.***

RIGHTS IN TECHNICAL DATA (FEBRUARY 1965)

(a) *Definitions.*

(1) *"Technical data,"* as used in this clause, means technical writing, sound recordings, pictorial reproductions, drawings, or other graphic representations and works of a technical nature, whether or not copyrighted, which are specified to be delivered pursuant to this contract. The term does not include financial reports, cost analyses, and other information incidental to contract administration.

(2) *"Limited rights"* means rights to use, duplicate, and disclose technical data in whole or in part, by or for the Government, with the express limitation that such data may not be released outside the Government, used, duplicated, or disclosed in whole or in part, for manufacture or procurement, except for:

(i) Emergency repair or overhaul work by or for the Government where the item or process concerned is not otherwise reasonably available to enable timely performance of the work; and

(ii) Release to a foreign government as the interests of the United States may require;

provided, in either case, that the release of such data shall be subject to the limitations of this paragraph (2).

(3) *"Unlimited rights"* means rights to use, duplicate or disclose technical data, in whole or in part, in any manner and for any purpose whatsoever, and to have or permit others to do so.

(b) *Government rights.*

(1) The Government shall have unlimited rights in:

(i) Technical data resulting directly from performance of experimental, developmental or research work which was specified as an element of performance in this or any other Government contract or subcontract;

(ii) Technical data necessary to enable manufacture of end-items, components and modifications, or to enable the performance of processes, when the end-items, components, modifications or processes have been, or are being, developed under this or any other Government contract or subcontract in which experimental, developmental or research work is, or was specified as an element of contract performance, except technical data pertaining to items, components or processes developed at private expense (but see (2) (ii) below);

(iii) Technical data constituting corrections or changes to Government-furnished data;

(iv) Technical data pertaining to end-items, components or processes which was prepared for the purpose of identifying sources, size, configuration, mating and attachment characteristics, functional characteristics and performance requirements ("form, fit and function" data, e.g., specification control drawings, catalog sheets, envelope drawings, etc.);

(v) Manuals or instructional materials prepared for installation, operation, maintenance or training purposes;

(vi) Other technical data which has been, or is normally furnished without restriction by the Contractor or subcontractor; and

(vii) Technical data listed or described in an agreement incorporated in to the Schedule of this contract, which the parties have predetermined, on the basis of subparagraphs (i) thru (vi) above, and agreed will be furnished with unlimited rights.

(2) The Government shall have limited rights in:

(i) Technical data, listed or described in an agreement incorporated into the Schedule of this contract, which the parties have agreed will be furnished with limited rights; and

(ii) Technical data pertaining to items, components or processes developed at private expense, other than such data as may be included in the data referred to in (b)(1)(i), (iii), (iv), (v), and (vi);

Provided, That each piece of data to which limited rights are to be asserted pursuant to (2) (i) and (ii) above is marked with the following legend in which is inserted the number of the prime contract under which the technical data is to be delivered and the name of the Contractor or subcontractor by whom the technical data was generated:

Furnished under U.S. Government Contract No. _____. Shall not be either released outside the Government, or used, duplicated, or disclosed in whole or in part for manufacture or procurement, without the written permission of _____, except for: (i) emergency repair or overhaul work by or for the Government, where the item or process concerned is not otherwise reasonably available to enable timely performance of the work; or (ii) release to a foreign government, as the interests of the United States may require; *Provided*, That in either case the release, use, duplication or disclosure hereof shall be subject to the foregoing limitations. This legend shall be marked on any reproduction hereof in whole or in part.

No legend shall be marked on, nor shall any limitation on rights of use be asserted as to, any data which the Contractor has previously delivered to the Government without restriction. The limited rights provided for by this paragraph (b)(2) shall not impair the right of the Government to use similar or identical data acquired from other sources.

(c) *Material covered by copyright.*

(1) Notwithstanding the provisions of (b) above, the Contractor agrees to and does hereby grant to the Government, and to its officers, agents and employees acting within the scope of their official duties, a royalty-free, nonexclusive and irrevocable license throughout the world for Government purposes to publish, translate, reproduce, deliver, perform, dispose of, and to authorize others so to do, all technical data now or hereafter covered by copyright.

(2) No such copyrighted matter shall be included in technical data furnished hereunder without the written permission of the copyright owner for the Government to use such copyrighted matter in the manner described above.

(3) The Contractor shall report to the Government (or higher tier Contractor) promptly and in reasonable written detail each notice or claim of copyright infringement received by the Contractor with respect to any technical data delivered hereunder.

(d) *Removal of unauthorized markings.* Notwithstanding any provisions of this contract concerning inspection and acceptance, the Government may modify, remove, obliterate, or ignore any marking not authorized by the terms of this contract on any technical data furnished hereunder, if—

(1) The Contractor fails to respond within sixty (60) days to a written inquiry by the Government concerning the propriety of the use of the marking, or

(ii) The Contractor's response fails to substantiate his contention that the use of the marking is authorized, in which case the Government shall give written notice to the Contractor.

(e) *Relation to patents.* Nothing contained in this clause shall imply a license to the Government under any patent or be construed as affecting the scope of any license or other right otherwise granted to the Government under any patent.

(f) *Limitation on charges for data.* The Contractor recognizes that the Government, or a foreign government with funds derived through the Military Assistance Program or otherwise through the U.S. Government, may contract for property or services with respect to which the vendor may be liable to the Contractor for charges for the use of technical data on account of such a contract. The Contractor further recognizes that it is the policy of the Government not to pay in connection with its contracts, or to allow to be paid in connection with contracts made with funds derived through the Military Assistance Program or otherwise through the U.S. Government, charges for data which the Government has a right to use and disclose to others, which is in the public domain, or which the Government has been given without restrictions upon its use and disclosure to others. This policy does not apply to reasonable reproduction, handling, mailing, and similar administrative costs incident to the furnishing of such data. In recognition of this policy, the Contractor agrees to participate in and make appropriate arrangements for the exclusion of such charges from such contracts, or for the refund of amounts received by the Contractor with respect to any such charges not so excluded.

(g) *Acquisition of data from subcontractors.*

(1) Whenever any technical data is to be obtained from a subcontractor under this contract, the Contractor shall use this same clause in the subcontract, without alteration, and no other clause shall be used to enlarge or diminish the Government's or the Contractor's rights in that subcontractor data which is required for the Government.

(2) Technical data required to be delivered by a subcontractor shall normally be delivered to the next higher tier Contractor. However, when there is a requirement in the prime contract, or in the deferred order, for data which may be supplied with limited rights pursuant to (b)(2) above, a subcontractor may fulfill such requirement by submitting such data directly to the Government rather than through the prime Contractor.

(3) The Contractor and higher tier subcontractors will not use their power to award subcontracts as economic leverage to acquire rights in data from their subcontractors for themselves.

(c) ***Notice of certain limited rights.*** The paragraph (h) set forth below shall be added to the clause in paragraph (b) of this section in all negotiated contracts in which experimental, developmental or research work is specified as an element of contract performance and in which the procedure of § 9.202–2(d), concern-

ing predetermination of rights in data, is to be followed:

(h) The Contractor will promptly notify the Contracting Officer in writing of the intended use in the performance of the contract of any end-item, component, modification or process for which the Contractor intends to furnish data with limited rights; *Provided*, That no such notice is required with respect to standard commercial items which are manufactured by more than one source of supply or with respect to data which the parties have specified in the Schedule would be furnished with limited rights. Subcontractors will notify the next higher tier Contractor. (February 1965.)

(d) *Technical data clause—specific acquisition.* The following clause shall be used in contracts in which all technical data is to be acquired with unlimited rights pursuant to § 9.202–2(g). In addition, if the Government has determined to acquire all technical data with unlimited rights from a subcontractor pursuant to § 9.202–2(g), the following clause shall be used in the subcontract in lieu of the Rights in Technical Data clause whether or not the prime contract makes provision therefor. The clause shall not be used under any other circumstances.

RIGHTS IN TECHNICAL DATA—SPECIFIC ACQUISITION (MAY 1964)

(a) *Definition.* "Technical data" as used in this clause means technical writings, sound recordings, pictorial reproductions, drawings, or other graphic representations and works of a technical nature, whether or not copyrighted, which are specified to be delivered pursuant to this contract. The term does not include financial reports, cost analyses, and other information incidental to contract administration.

(b) *Government rights.* The Government may duplicate, use and disclose in any manner and for any purpose whatsoever, and have others so do, all or any part of the technical data delivered by the Contractor to the Government under this contract.

(c) *Material covered by copyright.*

(1) The Contractor agrees to and does hereby grant to the Government, and to its officers, agents, and employees acting within the scope of their official duties, a royalty-free, nonexclusive and irrevocable license throughout the world for Government purposes to publish, translate, reproduce, deliver, perform, dispose of, and to authorize others so to do, all technical data now or hereafter covered by copyright.

(2) No such copyrighted matter shall be included in technical data furnished hereunder without the written permission of the copyright owner for the Government to use such copyrighted matter in the manner above described.

(3) The Contractor shall report to the Government (or higher tier Contractor) promptly and in reasonable written detail each notice or claim of copyright infringement received by the Contractor with respect to any technical data delivered hereunder.

(d) *Relation to patents.* Nothing contained in this clause shall imply a license to the Government under any patent, or be construed as affecting the scope of any license or other right otherwise granted to the Government under any patent.

(e) *Limitation on charges for data.* The Contractor recognizes that the Government, or a foreign government with funds derived through the Military Assistance Program or otherwise through the U.S. Government, may contract for property or services with respect to which the vendor may be liable to the Contractor for charges for the use of technical data on account of such a contract. The Contractor further recognizes that it is the policy of the Government not to pay in connection with its contracts, or to allow to be paid in connection with contracts made with funds derived through the Military Assistance Program or otherwise through the U.S. Government, charges for data which the Government has a right to use and disclose to others, which is in the public domain, which the Government has been given without restrictions upon its use and disclosure to others. This policy does not apply to reasonable reproduction, handling, mailing, and similar administrative costs incident to the furnishing of such data. In recognition of this policy, the Contractor agrees to participate in and make appropriate arrangements for the exclusion of such charges from such contracts, or for the refund of amounts received by the Contractor with respect to any such charges not so excluded.

(e) *Deferred ordering of technical data.* When the ordering of technical data is to be deferred, the following additional clause shall be included in the prime contract.

DEFERRED ORDERING OF TECHNICAL DATA (MAY 1964)

The Government shall have the right to order, at any time during the performance of this contract, or within two (2) years from either acceptance of all items (other than data) to be delivered under this contract or termination of this contract, whichever is later, any data called for in the Schedule of this contract, and the Contractor shall promptly prepare and deliver such data as is ordered. However, the Contractor shall be relieved of the obligation to furnish data pertaining to an item obtained from a subcontractor upon the expiration of two (2) years from the date he accepts the item. When the data is delivered, payment shall be made, by equitable adjustment or otherwise, for converting the data into the prescribed form, reproducing it, and preparing it for delivery. Such payment shall not be included in the application of any incentive pricing formula.

§ 9.203–1 Basic data clause. [Revoked]

§ 9.203–2 Provision for addition to basic data clause for use in supply contracts. [Revoked]

§ 9.203–3 Limited rights provision for addition to basic data clause. [Revoked]

§ 9.203–4 Provision for addition to basic data clause for use in contracts for experimental, developmental, or research work. [Revoked]

§ 9.204–1 Limitation on Government's right of publication for sale to the general public.

The paragraph set forth below may be added to the clause of § 9.203(b) when, in contracts for research, the contracting officer determines in accordance with Departmental procedures that public dissemination of the work or certain designated parts of the work specified to be delivered under contract is in the best interest of the Government and would be facilitated by the Government relinquishing its right to publish for sale or to have others publish for sale for it. This paragraph shall not be used otherwise.

( ) If, after final settlement of this contract, and within the period designated in the Schedule* for the purpose of this paragraph ( ) or otherwise approved by the Contracting Officer, but in any event within a period no greater than 24 months, the Contractor publishes for sale any Technical Data which are (i) designated in the Schedule* as being subject to this paragraph ( ) and (ii) delivered under this contract, the Government agrees not to publish such Data for sale or authorize others so to do. This limitation on the Government's right to publish for sale any such Data so published by the Contractor shall continue as long as the Data are protected by copyright. As to all such Data not so published by the Contractor, this paragraph shall be of no force or effect.

*The word "Schedule" may be replaced by the words "Task Order," or other appropriate reference in accordance with Departmental procedures.

§ 9.207–2 Clauses.

(a) The following clause shall be inserted in all fixed-price contracts (except those not exceeding $10,000 or with educational institutions) containing the clause set forth in § 9.203(b).

DATA—WITHHOLDING OF PAYMENT (APRIL 1965)

If "Technical Data" (as defined in the clause of this contract entitled "Rights in Technical Data"), or any part thereof, is not delivered within the time specified by this contract or is deficient upon delivery (including having restrictive markings not specifically authorized by this contract), the Contracting Officer may, until such data is delivered or deficiencies are corrected, withhold payment to the Contractor of ten percent (10%) of the contract price unless a lesser withholding is specified in the schedule. Payments shall not be withheld nor any other action taken pursuant to this clause where the Contractor's failure to make timely delivery or to deliver data without deficiencies arises out of causes beyond the control and without the fault or negligence of the Contractor within the meaning of the clause hereof entitled "Default." The withholding of any amount or subsequent payment thereof to the Contractor shall not be construed as a waiver of any rights accruing to the Government under this contract.

(b) The following clause shall be used in all cost-reimbursement type contracts (except contracts with educational institutions) containing the clause set forth in § 9.203(b).

DATA—WITHHOLDING OF PAYMENT (APRIL 1965)

If "Technical Data" (as defined in the clause of this contract entitled "Rights in Technical Data"), or any part thereof, is not delivered within the time specified by this contract or is deficient upon delivery (including having restrictive markings not specifically authorized by the contract), the Contracting Officer may, until such data is delivered or deficiencies are corrected, withhold payment due the Contractor on account of allowable costs and fixed fee, of ten percent (10%) of the contract price, unless a lesser withholding is specified in the schedule. Payments shall not be withheld nor any other action taken pursuant to this clause where the Contractor's failure to make timely delivery or to deliver data without deficiencies arises out of causes beyond the control and without the fault or negligence of the Contractor within the meaning of the clause hereof entitled "Excusable Delays." The withholding of any amount of subsequent payment thereof to the Contractor shall not be construed as a waiver of any rights accruing to the Government under this contract.

PART 13—GOVERNMENT PROPERTY

13. In § 13.709, the clause heading and clause paragraph (d) are revised, as follows:

§ 13.709 Clause for Government Property Furnished "As Is".

* * * * *

GOVERNMENT PROPERTY FURNISHED "AS IS" (APR. 1965)

* * * * *

(d) Except as otherwise provided in this clause, Government property furnished "as is" shall be governed by the "Government Property" clause of this contract.

PART 15—CONTRACT COST PRINCIPLES AND PROCEDURES

14. Sections 15.105 and 15.205–9 are revised; new § 15.205–25 is added; and § 15.205–40 is revised, as follows:

§ 15.105 Facilities contracts.

Subpart E of this part contains principles and procedures for the evaluation and determination of costs under facilities contracts (§ 13.101–11 of this chapter) and subcontracts thereunder. Such principles and procedures shall be incorporated by reference in facilities contracts as the basis—

(a) For determination of reimbursable costs under facilities contracts including cost-reimbursement type subcontracts thereunder;

(b) For the ngeotiation of overhead rates (Subpart G, Part 3 of this chapter); and

(c) For the determination of costs of terminated facilities contracts where the contractor elects to "voucher out" his cost (Subpart D, Part 8 of this chapter), and for settlement of such contracts by determination (§ 8.209–7 of this chapter).

§ 15.205–9 Depreciation.

(a) Depreciation is a charge to current operations which distribute the cost of a tangible capital asset, less estimated residual value, over the estimated useful life of the asset in a systematic and logical manner. It does not involve a process of valuation. Useful life has reference to the prospective period of economic usefulness in the particular contractor's operations as distinguished from physical life.

(b) Subject to paragraph (c) of this section, normal depreciation on a contractor's plant, equipment, and other capital facilities is an allowable element of contract cost: *Provided*, That the amount thereof is computed—

(1) Upon the property cost basis used by the contractor for Federal income tax purposes (see Section 167 of the Internal Revenue Code of 1954, as amended); or

(2) In the case of nonprofit or tax-exempt organizations, upon a property cost basis which could have been used by the contractor for Federal income tax purposes, had such organizations been subject to the payment of income tax; and in either case,

(3) By the consistent application to the assets concerned of any generally accepted accounting method, and subject to the limitations of the Internal Revenue Code of 1954, as amended, including—

(i) The straight line method;

(ii) The declining balance method, using a rate not exceeding twice the rate which would have been used had the annual allowance been computed under the method described in subdivision (i) of this subparagraph;

(iii) The sum of the years-digits method; and

(iv) Any other consistent method productive of an annual allowance which, when added to all allowances for the period commencing with the use of the property and including the current year, does not, during the first two-thirds of the useful life of the property, exceed the total of such allowances which would have been used had such allowances been computed under the method described in subdivision (ii) of this subparagraph.

(c) Compliance with Revenue Procedure (R.P.) 62–21, or the use of any other appropriate method of estimating useful lives, will be regarded as indicating normal depreciation if the contractor is able to demonstrate that depreciation costs allocated to the contract are reasonable. Reasonableness ordinarily will be inferred if the contractor establishes that he is following depreciation policies and procedures which—

(1) Are not inconsistent with the policies and procedures followed in connection with other than government business;

(2) Are reflected in his books of account and financial statements; and

(3) Satisfy any one of the following tests:

(i) They are consistent with depreciation computation and allocation practices previously accepted for government contract purposes under basically similar conditions.

(ii) Although constituting a change from previous practices, they do not significantly increase the portion of depreciation costs allocable to the contract under previously accepted practices.

(iii) They clearly provide for conformance within a reasonable period of lives used to the contractor's retirement and replacement patterns, or provide a planned retirement and replacement program which is consistent with the lives used.

(iv) They satisfy the reserve ratio test general rule in accordance with sections 5.01 and 5.02, Part II, R.P. 62–21.

(v) They satisfy the transition rule set forth in subsection 5.03, R.P. 62–21, except that for the purposes of this subpart, if the reserve ratio for a guideline class has not come within the upper limit of the appropriate reserve ratio range by the close of the period described in paragraph (b) of subsection 5.03, or, notwithstanding paragraph (a) of such subsection, if the reserve ratio is not moving toward such upper limit (within the meaning of paragraph (c) of such subsection) for any taxable year during this period commencing with the year of adoption by the contractor of R.P. 62–21, then the transition rule will cease to apply and the general rule set forth in subsection 5.02 for the application of the reserve ratio test shall apply.

(vi) They satisfy the facts and circumstances tests set forth in R.P. 62–21, including those described under subsection 3.06, Part II.

(d) Depreciation should usually be allocated to the contract and other work as an indirect cost. The amount of depreciation allowed in any accounting period may, consistent with the basic objectives set forth in paragraph (a) of this section, vary with volume of production or use of multishift operations.

(e) In the case of emergency facilities covered by certificates of necessity, a contractor may elect to use normal depreciation without requesting a determination of "true depreciation" or may elect to use either normal or "true depreciation" after a determination of "true depreciation" has been made by an Emergency Facilities Depreciation Board. The method elected must be followed consistently throughout the life of the emergency facility. Where an election is made to use normal depreciation, the amount thereof for both the emergency period and the post-emergency period shall be computed in accordance with paragraph (b) of this section. Where an election is made to use "true depreciation," the amount allowable as depreciation—

(1) With respect to the emergency period (5 years), shall be computed in accordance with the determination of the Emergency Facilities Depreciation Board and allocated rateably over the full five year emergency period; provided no other allowance is made which would duplicate the factors, such as extraordinary obsolescence, cover by the Board's determination; and

(2) After the end of the emergency period, shall be computed by distributing the remaining undepreciated portion of the cost of the emergency facility over the balance of its useful life (but see paragraph (f) of this section); provided the remaining undepreciated portion of such cost shall not include any amount of unrecovered "true depreciation;" and provided further, that, if the contractor has adopted R.P. 62–21, only the remaining undepreciated portion of the cost which is recoverable through normal depreciation allowances under this subpart shall be taken into account for the purposes of applying the procedure.

(f) Depreciation on idle or excess facilities shall not be allowed except on such facilities as are reasonably necessary for standby purposes.

(g) No depreciation, rental, or use charge shall be allowed on property:

(1) Acquired from the Government at no cost by the contractor or by an organization, directly or indirectly controlling, controlled by or under common control with the contractor; or

(2) Otherwise acquired by the contractor, which has been fully depreciated when a substantial portion of such depreciation was on a basis that represented, in effect, a recovery thereof as a charge against Government contracts or subcontracts; *Provided, however*, That if the taxpayer consolidates his normal facilities on a permanent basis into ac-

counts corresponding to the guideline classes in accordance with Revenue Procedure 62-21, these accounts should include all depreciable assets used in the taxpayer's trade or business, whether or not previously considered fully depreciated. This is because the assets in this type of multiple-asset account lose their individual identities and no particular item still in use can be considered as being fully depreciated. In this case, as provided in R.P. 62-21, the assets previously considered as fully depreciated should be taken into consideration in computing the amount of allowable depreciation, the class life, and the rate of growth.

If the above circumstances do not apply, a reasonable charge for the use of fully depreciated property may be agreed upon and allowed (but see § 15.107). In determining this charge, consideration should be given to cost, total estimated useful life at time of negotiation, and effect of any increased maintenance charges or decreased efficiency due to age.

§ 15.205-25 Relocation costs.

(a) Relocation costs, for the purpose of this subpart, are costs incident to the permanent change of duty assignment (for an indefinite period or for a stated period of no less than 12 months) of an existing employee or upon recruitment of a new employee. These costs may include, but are not limited to, cost of (1) transportation of the employee, members of his immediate family and his household and personal effects to the new location; (2) finding a new home, such as advance trips by employees and spouses to locate living quarters and temporary lodging during the transition period; (3) closing costs (*i.e.*, brokerage fees, legal fees, appraisal fees, etc.), incident to the disposition of housing; (4) other necessary and reasonable expenses normally incident to relocation, such as cost of cancelling an unexpired lease, disconnecting or reinstalling household appliances, and purchase of insurance against damages to personal property; (5) loss on sale of home; and (6) acquisition of a home in a new location (*i.e.*, brokerage fees, legal fees, appraisal fees, etc.).

(b) Subject to paragraph (c) of this section, relocation costs of the type covered in paragraph (a) (1), (2), (3) and (4) of this section are allowable, provided (1) the move is for the benefit of the employer; (2) reimbursement is in accordance with an established policy or practice consistently followed by the employer, and such policy or practice is designed to motivate employees to relocate promptly and economically; (3) the costs are not otherwise unallowable under the provisions of § 15.205-33, or any other section of this subpart (see § 15.107 as related to large scale contractor relocation); and (4) amounts to be reimbursed shall not exceed the employee's actual (or reasonably estimated) expenses.

(c) Costs otherwise allowable under paragraph (b) of this section are subject to the following additional provisions: (1) the transition period for incurrence of costs of the type covered in paragraph (a) (2) of this section shall be kept to the minimum number of days necessary under the circumstances, but shall not, in any event, exceed a cumulative total of 30 days including advance trip time; and (2) allowance for costs of the type covered in paragraph (a) (3) of this section shall not exceed 8 percent of the sales price of the property sold. Costs of the type covered in paragraph (a) (3) and (4) of this section are allowable only in connection with the relocation of existing employees, and are not allowable for newly recruited employees.

(d) Costs of the type covered in paragraph (a) (5) and (6) of this section are not allowable.

§ 15.205-40 Special tooling and special test equipment costs.

(a) The term "special tooling" means all jigs, dies, fixtures, molds, patterns, taps, gauges, other equipment and manufacturing aids, and replacements thereof, which are of such a specialized nature that, without substantial modification or alteration, their use is limited to the development or production of particular supplies or parts thereof, or the performance of particular services. The term includes all components of such items, but does not include:

(1) Consumable property;

(2) Special test equipment; or

(3) Buildings, nonseverable structures (except foundations and similar improvements involving relatively minor expense which are necessary for the installation of special tooling), general or special machine tools, or similar capital items.

(b) The term "special test equipment" means electrical, electronic, hydraulic, pneumatic, mechanical or other items or assemblies of equipment, which are of such a specialized nature that, without modification or alteration, the use of such items (if they are to be used separately) or assemblies is limited to testing in the development or production of particular supplies or parts thereof, or in the performance of particular services. The term "special test equipment" includes all components of any assemblies of such equipment, but does not include:

(1) Consumable property;

(2) Special tooling; or

(3) Buildings, nonseverable structures (except foundations and similar improvements necessary for the installation of special test equipment), general or special machine tools, or similar capital items.

(c) The cost of special tooling and special test equipment used in the performance of one or more Government contracts is allowable and shall be allocated to the specific Government contract or contracts for which acquired, except that the cost of—

(1) Items acquired by the contractor prior to the effective date of the contract, or replacements of such items, whether or not altered or adapted for use in the performance of the contract, or

(2) Items the acquisition of which by the Government is specifically excluded by the Schedule

shall be allowable only as depreciation or amortization.

(d) Where items are disqualified as special tooling because with less than substantial modification or alteration they can be made general purpose, and where items are disqualified as special test equipment because with relatively minor expense they can be made suitable for general purpose use and have a value as such commensurate with their value as special test equipment, the cost of adapting the items for use under the contract and the cost of returning them to their prior configuration will be allowable.

15. The heading of Subpart D is changed, and §§ 15.401-1 and 15.401-2 are revised, as follows:

Subpart D—Construction and Architect-Engineer Contracts

§ 15.401-1 Applicable cost principles.

Except as otherwise provided in this subpart, because of the specialized nature of construction and architect-engineer contracts, the allowability of costs shall be determined in accordance with subpart B of this part, except to the extent that the provisions of that subpart are clearly inappropriate to such contracts.

§ 15.401-2 Special factors affecting the allowability of costs.

The scope of the work required may vary from routine projects of short duration to be performed within the contractor's home office locality to the erection of complex military installations at remote overseas locations over a period of several years. Climate and terrain may vary greatly among construction sites. All of these factors involving the nature, size, duration and location of a construction project generally affect the basic determination of the Government as to the type of contract to be awarded and the operating practices, techniques and procedures employed by the contractor, particularly with respect to the incurrence of the selected costs set forth in §§ 15.402-1 and 15.402-3. Advance understandings as set forth in § 15.107, for such items as home office overhead, partner's compensation, employment of consultants, and equipment usage, are particularly important in construction and architect-engineer contracts in order to assure complete understanding of the parties and avoid possible subsequent disputes or disallowances.

[Rev. 10, ASPR, Apr. 1, 1965] (Sec. 2202, 70A Stat. 120; 10 U.S.C. 2202. Interpret or apply secs. 2301-2314, 70A Stat. 127-133; 10 U.S.C. 2301-2314)

J. C. LAMBERT,
Major General, U.S. Army,
The Adjutant General.

[F.R. Doc. 65-5494; Filed, May 24, 1965; 8:47 a.m.]

Title 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 213—EXCEPTED SERVICE

Office of Emergency Planning

Section 213.3126 is added to show the exception under Schedule A of the position of Field Representative in the Resource Readiness Office, Office of Emergency Planning, and the headnote for paragraph (l) of § 213.3326 is amended to show a change of title from Manpower and Services Office to Resource Readiness Office.

1. Effective on publication in the FEDERAL REGISTER § 213.3126 is added as set out below.

§ 213.3126 Office of Emergency Planning.

(a) One Field Representative, Resource Readiness Office.

2. Effective on publication in the FEDERAL REGISTER, the headnote of paragraph (l) of § 213.3326 is amended as set out below.

§ 213.3326 Office of Emergency Planning.

• • • • • •

(l) *Resource Readiness Office.*

• • • • • •

(R.S. 1753, sec 2, 22 Stat. 403, as amended; 5 U.S.C. 631, 633; E.O. 10577, 19 F.R. 7521, 3 CFR, 1954-58 Comp., p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] MARY V. WENZEL,
Executive Assistant to the Commissioners.

[F.R. Doc. 65-5451; Filed, May 24, 1965; 8:49 a.m.]

Title 7—AGRICULTURE

Chapter VII—Agricultural Stabilization and Conservation Service (Agricultural Adjustment), Department of Agriculture

SUBCHAPTER B—FARM ACREAGE ALLOTMENTS AND MARKETING QUOTAS

[Amdt. 5]

PART 719—RECONSTITUTION OF FARMS, ALLOTMENTS, AND BASES

Land Covered by Whole Farm Cropland Conversion Program Agreement

(a) This amendment is issued pursuant to section 375(b) of the Agricultural Adjustment Act of 1938, as amended (7 U.S.C. 1375(b)), section 124 of the Soil Bank Act (7 U.S.C. 1812), and the Soil Conservation and Domestic Allotment Act (16 U.S.C. 590 g-p). This amendment provides that land covered by a whole farm cropland conversion program agreement cannot be reconstituted with other land unless all the other land is also covered by a whole farm cropland conversion program agreement.

(b) Since farms are now being reconstituted effective for 1965 crops, it is essential that this amendment be made effective as soon as possible. It is hereby determined and found that compliance with the notice and public procedure requirements, and the 30-day effective date requirement of section 4 of the Administrative Procedure Act (60 Stat. 238; 5 U.S.C. 1003) is impracticable and contrary to the public interest and this amendment shall be effective upon filing this document with the Director, Office of the Federal Register.

Section 719.3(b) of the Regulations for Reconstitution of Farms, Allotments, and Bases (29 F.R. 13370), as amended, is amended by adding a new subparagraph as follows:

§ 719.3 Farm constitution.

• • • • • •

(b) *Farms constituted for the first time or reconstituted hereafter.* • • •

(7) Land covered by a whole farm cropland conversion program agreement unless all the other land included in the farm is also covered by a whole farm cropland conversion program agreement.

• • • • • •

(Secs. 375, 52 Stat. 66, as amended, 7 U.S.C. 1375; sec. 124, 70 Stat. 198, 7 U.S.C. 1812, secs. 16(b), 74 Stat. 1030, 16(c), 75 Stat. 5, 16(d), 75 Stat. 302, 105(c), 75 Stat. 301, 16(h), 77 Stat. 45, 16 U.S.C. 590p)

Effective date. Date of filing this document with the Director, Office of the Federal Register.

Signed at Washington, D.C., on May 20, 1965.

H. D. GODFREY,
Administrator, Agricultural Stabilization and Conservation Service.

[F.R. Doc. 65-5459; Filed, May 24, 1965; 8:50 a.m.]

Chapter IX—Consumer and Marketing Service (Marketing Agreements and Orders; Fruits, Vegetables, Tree Nuts), Department of Agriculture

[Lemon Reg. 161, Amdt. 1]

PART 910—LEMONS GROWN IN CALIFORNIA AND ARIZONA

Limitation of Handling

Findings. (1) Pursuant to the marketing agreement, as amended, and this part (Order No. 910, as amended), regulating the handling of lemons grown in California and Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), and upon the basis of the recommendation and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such lemons, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule making procedure, and postpone the effective date of this amendment until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 1001-1011) because the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the act is insufficient, and this amendment relieves restriction on the handling of lemons grown in California and Arizona.

Order, as amended. The provisions in paragraph (b) (1) (ii) of § 910.461 (Lemon Regulation 161, 30 F.R. 6681) are hereby amended to read as follows:

§ 910.461 Lemon Regulation 161.

• • • • • •

(b) *Order.* (1) • • •

(ii) District 2: 404,550 cartons.

• • • • • •

(Secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674)

Dated: May 20, 1965.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 65-5441; Filed, May 24, 1965; 8:48 a.m.]

Chapter X—Consumer and Marketing Service (Marketing Agreements and Orders; Milk), Department of Agriculture

[Milk Order 8]

PART 1008—MILK IN GREATER WHEELING, W. VA., MARKETING AREA

Order Suspending Certain Provision

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and of the order regulating the handling of milk in the Greater Wheeling, W. Va., marketing area (7 CFR Part 1008), it is hereby found and determined that:

(a) In § 1008.9, the provision, "During any of the months of September through January, inclusive," no longer tends to effectuate the declared policy of the Act for the period of May through August 1965.

(b) Thirty days' notice of the effective date hereof is impractical, unnecessary and contrary to the public interest in that:

(1) This suspension order does not require of persons affected substantial or extensive preparation prior to the effective date.

(2) This suspension order is necessary to reflect current marketing conditions and to maintain orderly marketing conditions in the marketing area.

(3) The suspension will enable a plant that prior to May 1, 1965, was a distributing plant and is now a supply plant to retain its pool plant status until next September, when it could qualify on the basis of the present supply plant pooling requirements.

(4) Interested parties were afforded opportunity to file written data, views or arguments concerning this suspension (30 F.R. 6659). None were filed in opposition to the proposed suspension.

Therefore, good cause exists for making this order effective upon publication in the FEDERAL REGISTER.

It is therefore ordered, That the aforesaid provision of the order is hereby suspended for the period May through August 1965.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Effective date. Upon publication in the FEDERAL REGISTER.

Signed at Washington, D.C., on May 20, 1965.

GEORGE L. MEHREN,
Assistant Secretary.

[F.R. Doc. 65–5460; Filed, May 24, 1965; 8:50 a.m.]

Chapter XIV—Commodity Credit Corporation, Department of Agriculture

SUBCHAPTER C—EXPORT PROGRAMS

[Rev. I; Amdt. 8]

PART 1483—WHEAT AND FLOUR

Subpart—Flour Export Program—Cash Payment (GR–346) Terms and Conditions

Correction

In F.R. Doc. 65–5251, appearing at page 6771 in the issue for Wednesday, May 19, 1965, paragraph (a)(1) of § 1483.268 is corrected to read as follows:

(1) CCC's statutory minimum sales price for domestic unrestricted use for the same class, grade, and quality of the wheat, as determined by CCC, or

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Agency

[Docket No. 6200; Amdt. 39–70]

PART 39—AIRWORTHINESS DIRECTIVES

Beech Models D18S and C45 Series Aircraft

Amendment 812 (29 F.R. 12914), AD 64–21–3 requires inspection of the wing center section steel truss joints in the nacelle at the lower side tube clusters of the landing gear on Beech Model D18S aircraft. Subsequent to the issuance of AD 64–21–3, the Agency has determined that the repetitive inspections required by the AD may be discontinued on aircraft modified in accordance with Beech Drawings 18–001034 and 18–001035 or when new truss assemblies P/N 404–184210–301 left and 404–184210–302 right are installed. Therefore, the AD is amended to provide for discontinuance of the repetitive inspections after modification and to provide that such modification may be accomplished in accordance with the December revision of Beech Service Bulletin No. 64–17 or a later FAA-approved revision.

Since this amendment provides an alternative means of compliance, relieves a restriction, and imposes no additional burden on any person, notice and public procedure hereon are unnecessary and the amendment may be made effective in less than 30 days.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (25 F.R. 6489), § 39.13 of Part 39 of the Federal Aviation Regulations, Amendment 812 (29 F.R. 12914), AD 64–21–3, is amended as follows:

(1) Paragraphs (a) (1), (2), (b) (1), and (2) are amended by inserting the words "or the revision dated December 1964, or later FAA-approved revision," immediately after the words "dated August 1964,".

(2) The following new subparagraph is inserted after paragraph (a)(3):

(4) The inspections required by subparagraphs (a) (1) and (2) may be discontinued on aircraft operated within the limitations of Aircraft Specification A–765 after accomplishment of field repairs in accordance with Beech Drawings 18–001034 and 18–001035 on both sides of the fuselage or installation of new truss assemblies, P/N 404–184210–301 left and 404–184210–302 right, or a combination of the field repairs on one side and the new truss assembly on the other side, or an equivalent approved by the Chief, Engineering and Manufacturing Branch, FAA Central Region. The inspections may be discontinued on aircraft operated within supplemental type certificate approved limitations after accomplishment of the modifications specified in this subparagraph, provided all weight in excess of 9,700 lbs. is restricted to fuel in the outboard wing tanks.

This amendment becomes effective May 25, 1965.

(Secs. 313(a), 601, and 603, Federal Aviation Act of 1958; 49 U.S.C. 1354(a), 1421, and 1423)

Issued in Washington, D.C., on May 18, 1965.

C. W. WALKER,
Acting Director,
Flight Standards Service.

[F.R. Doc. 65–5412; Filed, May 24, 1965; 8:45 a.m.]

[Docket No. 6196; Amdt. 39–71]

PART 39—AIRWORTHINESS DIRECTIVES

Beech Models C18S and AT–11 Series Aircraft

Amendment 810 (29 F.R. 12913), AD 64–21–1, as amended by Amendment 829 (29 F.R. 15282), requires inspection of the wing center section steel truss joints in the nacelle region on Beech Models C18S and AT–11 aircraft. Subsequent to the issuance of AD 64–21–1, the Agency has determined that the repetitive inspections required by the AD may be discontinued on aircraft modified in accordance with Beech Drawings 18–001034 and 18–001035 or when new truss assemblies P/N 84–184200–246 left and 84–184200–247 right are installed. Therefore, the AD is amended to provide for discontinuance of the repetitive inspections after modification and to provide that such modification may be accomplished in accordance with the December revision of Beech Service Bulletin No. 64–16 or a later FAA-approved revision.

Since this amendment provides an alternative means of compliance, relieves a restriction, and imposes no additional burden on any person, notice and public procedure hereon are unnecessary and the amendment may be made effective in less than 30 days.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (25 F.R. 6489), § 39.13 of Part 39 of the Federal Aviation Regulations, Amendment 810 (29 F.R. 12913), AD 64–21–1, as amended by Amendment 829 (29 F.R. 15282), is further amended as follows:

(1) Paragraphs (a) (1), (2), and (b) (1) are amended by inserting the words "or the revision dated December 1964, or later FAA-approved revision," immediately after the words "dated August 1964,".

(2) The following new subparagraph is inserted after paragraph (a)(3):

(4) The inspections required by subparagraphs (a) (1) and (2) may be discontinued on aircraft operated within the limitations of Aircraft Specifications A–2–562 and A–767 after accomplishment of field repairs in accordance with Beech Drawings 18–001034 and 18–001035 on both sides of the fuselage or installation of new truss assemblies, P/N 84–184200–246 left and 84–184200–247 right, or a combination of the field repairs on one side and the new truss assembly on the other side, or an equivalent approved by the Chief, Engineering and Manufacturing Branch, FAA Central Region. The inspections may be discontinued on aircraft operated within supplemental type certificate approved limitations after accomplishment of the modifications specified in this subparagraph, provided all weight in excess of 9,700 lbs. is restricted to fuel in the outboard wing tanks.

This amendment becomes effective May 25, 1965.

(Secs. 313(a), 601, and 603, Federal Aviation Act of 1958; 49 U.S.C. 1354(a), 1421, and 1423)

Issued in Washington, D.C., on May 18, 1965.

C. W. WALKER,
Acting Director,
Flight Standards Service.

[F.R. Doc. 65–5411; Filed, May 24, 1965; 8:45 a.m.]

[Docket No. 6199; Amdt. 39–72]

PART 39—AIRWORTHINESS DIRECTIVES

Beech Models E18S, G18S, and H18 Series Aircraft

Amendment 811 (29 F.R. 12914), AD 64–21–2 requires inspection and repair of wing front spar lower caps on Beech Models E18S, E18S–9700, G18S, and H18. Subsequent to the issuance of AD 64–21–2, the Agency has determined that the repetitive inspections required by the AD may be discontinued on aircraft modified in accordance with Beech Drawings 18–001034 and 18–001035 or when new truss assemblies P/N 404–184210–301 left and 404–184210–302 right are installed. Therefore, the AD is amended to provide for discontinuance of the repetitive inspections after modification and to provide that such modification may be accomplished in accordance with the January revision of Beech Service Bulletin No. 64–15 or a later FAA-approved revision.

Since this amendment provides an alternative means of compliance, relieves a restriction, and imposes no additional burden on any person, notice and public procedure hereon are unnecessary and the amendment may be made effective in less than 30 days.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (25 F.R. 6489), § 39.13 of Part 39 of the Federal Aviation Regulations, Amendment 811 (29 F.R. 12914), AD 64–21–2, is amended as follows:

(1) The applicability statement is amended to read as follows:

Applies to Models E18S, E18S–9700, G18S, and H18 aircraft, serial numbers BA–1 through BA–710 and BA–712 through BA–722 and to aircraft of these serial numbers originally designated as E18S, E18S–9700, G18S, and H18, and subsequently redesignated on a supplemental type certificate, that have 1,500 or more hours' time in service.

(2) Paragraphs (a) and (b) are amended by inserting the words "or the revision dated January 1965, or later FAA-approved revision," immediately after the words "dated August 1964,".

(3) The following new paragraph is inserted after paragraph (c):

(d) The inspections required by paragraphs (a) and (b) may be discontinued on aircraft operated within the limitations of Aircraft Specification A–765 after accomplishment of field repairs in accordance with Beech Drawings 18–001034 and 18–001035 on both sides of the fuselage or installation of new truss assemblies, P/N 404–184210–301 left and 404–184210–302 right, or a combination of the field repairs on one side and the new truss assembly on the other side, or an equivalent approved by the Chief, Engineering and Manufacturing Branch, FAA Central Region. The inspections may be discontinued on aircraft operated within supplemental type certificate approved limitations after accomplishment of the modifications specified in this paragraph, provided all weight in excess of 9,700 lbs. is restricted to fuel in the outboard wing tanks.

This amendment becomes effective May 25, 1965.

(Secs. 313(a), 601, and 603, Federal Aviation Act of 1958; 49 U.S.C. 1354(a), 1421, and 1423)

Issued in Washington, D.C., on May 18, 1965.

C. W. WALKER,
Acting Director,
Flight Standards Service.

[F.R. Doc. 65–5413; Filed, May 24, 1965; 8:45 a.m.]

[Airspace Docket No. 64–SO–67]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Designation of Control Zone

On March 13, 1965, a notice of proposed rule making was published in the FEDERAL REGISTER (30 F.R. 3390) stating that the Federal Aviation Agency was considering an amendment to Part 71 of the Federal Aviation Regulations that would designate a part-time control zone at Alexander Hamilton Airport, St. Croix, V.I.

Interested persons were afforded an opportunity to participate in the proposed rule making through the submission of comments. All comments received were favorable.

In the notice of proposed rule making it was stated that a part-time control tower for the airport was to be commissioned during July 1965. The commissioning of the tower has been postponed until approximately February 1966. However, the International Flight Service Station at Alexander Hamilton Airport operates from 0600 to 2200 hours, local time, daily. Communications and weather observations are provided by this facility. Therefore, the airport meets all the criteria for the establishment of a control zone as outlined in the notice of proposed rule making.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended effective 0001 e.s.t., July 22, 1965, as hereinafter set forth.

In § 71.171 (29 F.R. 17581) the following control zone is added:

CHRISTIANSTED, ST. CROIX, V.I.

Within a 5-mile radius of the Alexander Hamilton Airport (latitude 17°43'15" N., longitude 64°47'58" W.); within 2 miles each side of the St. Croix VOR 250° radial, extending from the 5-mile radius zone to the VOR, and within 2 miles each side of the 208° bearing from the airport, extending from the 5-mile radius zone to 6 miles SW of the airport, effective from 0600 to 2200 hours, local time, daily.

(Secs. 307(a), 1110, Federal Aviation Act of 1958; 49 U.S.C. 1348, 1510, and Executive Order 10854 (24 F.R. 9565))

Issued in Washington, D.C., on May 18, 1965.

DANIEL E. BARROW,
Chief, Airspace Regulations and Procedures Division.

[F.R. Doc. 65–5414; Filed, May 24, 1965; 8:45 a.m.]

[Airspace Docket No. 63–SO–89]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Control Zones, Revocation of Control Area Extensions, Designation and Alteration of Transition Areas

On February 26, 1965, a notice of proposed rule making was published in the FEDERAL REGISTER (30 F.R. 2556) stating that the Federal Aviation Agency proposed to alter the control zones at Birmingham, Tuscaloosa, and Anniston, Ala.; revoke the Birmingham and Tuscaloosa, Ala., control area extensions; designate transition areas at Birmingham and Anniston, Ala.; and alter the Tuscaloosa, Ala., transition area.

Interested persons were afforded an opportunity to participate in the rule making through submission of comments. All comments received were favorable.

Subsequent to the publication of the notice, the Federal Aviation Agency has proposed to relocate the Birmingham, Ala., Simultaneous Automatic Broadcast Homer (H–SAB) to the instrument landing system outer marker site. Action will be taken to modify the procedure based upon this facility. With this change, the proposed control zone extension "• • • within 2 miles each side of the 001° bearing from the Birmingham RBN extending from the 5-mile radius zone to 8 miles N of the RBN" will be no longer required. Action is taken herein to delete this portion of the Birmingham control zone as proposed in the notice.

Since this amendment is minor in nature and imposes no additional burden on any person, notice and public procedure hereon are unnecessary.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective July 22, 1965, as hereinafter set forth.

1. In § 71.171 (29 F.R. 17581) the following control zones are amended to read:

BIRMINGHAM, ALA.

Within a 5-mile radius of the Birmingham Municipal Airport (latitude 32°33' 49" N., longitude 86°45'31" W.); within 2 miles each side of the Birmingham localiser SW course extending from the 5-mile radius zone to 5.5 miles SW of the airport; within 2 miles each side of the 055° and 235° bearings from the Roebuck RBN extending from the 5-mile radius zone to 8 miles NW of the RBN.

TUSCALOOSA, ALA.

Within a 5-mile radius of Van De Graaff Airport (latitude 33°13'36" N., longitude 87°-36'36" W.).

ANNISTON, ALA.

Within a 5-mile radius of the Anniston Municipal Airport (latitude 33°35'23" N., longitude 85°51'30" W.); within a 1.5-mile radius of Lee Brothers Airport (latitude 33°-37'30" N., longitude 85°47'20" W.).

2. In § 71.165 (29 F.R. 17557) the Birmingham and Tuscaloosa, Ala., control area extensions are revoked.

3. Section 71.181 (29 F.R. 17643) is amended by adding the following:

BIRMINGHAM, ALA.

That airspace extending upward from 700 feet above the surface within a 9-mile radius of the Birmingham Municipal Airport (latitude 32°33'49" N., longitude 86°45'31" W.); within 8 miles NW and 5 miles SE of the Birmingham localiser SW course extending from the OM to 17 miles SW; and that airspace extending upward from 1,200 feet above the surface bounded by a line beginning at latitude 34°00'00" N., longitude 87°30'00" W., extending S along longitude 87°30'00" W., to a 19-mile radius arc centered at the Tuscaloosa, Ala., VOR, thence counterclockwise along this arc to the SE boundary of V–18, thence SW along V–18 to longitude 86°00'00" W., thence S along longitude 86°00'00" W., to the N boundary of V–209, thence NE along V–209 to a 19-mile radius arc centered at the Tuscaloosa VOR, thence counterclockwise along this arc to the SW boundary of V–209, thence NE along V–209 to latitude 33°01'00" N., thence to latitude 33°01'00" N., longitude 87°16'15" W., thence direct through latitude 33°11'20" N., longitude 87°06'20" W., to the S boundary of V–66, thence E along V–66 to longitude 86°00'00" W., thence N along longitude 86°00'00" W., to the S boundary of V–18, thence E along V–18 to longitude 85°33'00"

W., thence N along longitude 85°33'00" W., to 7 miles N of V-18 N, thence W 7 miles N of and parallel to V-18 N to longitude 86°01'00" W., thence NW to latitude 34°00'-00" N., longitude 86°15'00" W., thence N along longitude 86°15'00" W., to latitude 34°15'00" N., thence W along latitude 34°-15'00" N., to 11 miles NW of V-115, thence SW 11 miles NW of and parallel to V-115 to latitude 34°00'00" N., thence W along latitude 34°00'00" N. to point of beginning, excluding those portions within R-2101 and the Gadsden, Ala., transition area.

ANNISTON, ALA.

That airspace extending upward from 700 feet above the surface within an 8-mile radius of the Anniston Municipal Airport (latitude 33°35'29" N., longitude 85°51'20" W.); and within 2 miles each side of a 232° bearing from the Anniston RBN extending from the Anniston control zone to 12 miles SW of the airport.

4. In § 71.181 the Tuscaloosa, Ala., transition area (30 F.R. 434) is amended to read:

TUSCALOOSA, ALA.

That airpace extending upward from 700 feet above the surface within a 7-mile radius of Van De Graaff Airport (latitude 33°13'35" N., longitude 87°36'36" W.).

(Sec. 307(a), Federal Aviation Act of 1958; 49 U.S.C. 1348(a))

Issued in East Point, Ga., on May 14, 1965.

PAUL H. BOATMAN,
Acting Director, Southern Region.

[F.R. Doc. 65-5415; Filed, May 24, 1965; 8:45 a.m.]

[Airspace Docket No. 65-WA-1]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Designation of Federal Airway

On March 6, 1965, a notice of proposed rule making was published in the FEDERAL REGISTER (30 F.R. 2952) stating that the Federal Aviation Agency proposed to designate the United States portion of VOR Federal airway No. 316 from Sault Ste. Marie, Mich., direct to Sudbury, Ontario, Canada.

Interested persons were afforded an opportunity to participate in the rule making through the submission of comments. All comments received were favorable.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0001 e.s.t., July 22, 1965, as hereinafter set forth.

Section 71.123 (29 F.R. 17509) is amended by adding V-316:

V-316 from Sault Ste. Marie, Mich., to Sudbury, Ontario, Canada. The airspace within Canada is excluded.

(Sec. 307(a), Federal Aviation Act of 1958; 49 U.S.C. 1348)

Issued in Washington, D.C., on May 18, 1965.

DANIEL E. BARROW,
Chief, Airspace Regulations and Procedures Division.

[F.R. Doc. 65-5416; Filed May 24, 1965; 8:45 a.m.]

[Airspace Dockets Nos. 64-WA-99, 64-WA-100, 65-WA-12]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Designations and Realignment of Federal Airways

On March 9, 1965, a notice of proposed rule making was published in the FEDERAL REGISTER (30 F.R. 3225) stating that the Federal Aviation Agency was considering an amendment to Part 71 of the Federal Aviation Regulations that would designate a VOR Federal airway from Louisville, Ky., direct to London, Ky.

On February 10, 1965, a notice of proposed rule making was published in the FEDERAL REGISTER (30 F. R.1876) stating that the Federal Aviation Agency was considering amendments to Part 71 of the Federal Aviation Regulations that would designate a VOR Federal airway from London, Ky., via Holston Mountain, Tenn., the intersection of the Holston Mountain 104° and Greensboro, N.C. 280° True radials, to Greensboro, and that would realign VOR Federal airway No. 259 east alternate from Holston Mountain to Hickory, N.C., via the Holston Mountain 104° True radial.

On February 4, 1965, a notice of proposed rule making was published in the FEDERAL REGISTER (30 F.R. 1201) stating that the Federal Aviation Agency was considering an amendment to Part 71 of the Federal Aviation Regulations that would designate a VOR Federal airway from Rocky Mount, N.C. to Elizabeth City, N.C.

Interested persons were afforded an opportunity to participate in the proposed rule makings, set forth in each of the above cited airspace dockets, through the submission of comments. All comments received on the proposals of each docket were favorable.

Since the airway segments proposed for designation in the three pertinent dockets are portions of a route, they are combined, herein, into one airway and assigned the same number; e.g., VOR Federal airway No. 310. For these reasons, the three dockets have been combined, herein, and published as one amendment.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0001 e.s.t., July 22, 1965, as hereinafter set forth:

In § 71.123 (29 F.R. 17509), the following amendments are made:

1. V-310 is added as follows:

V-310 From Louisville, Ky., via London, Ky.; Holston Mountain, Tenn.; INT Holston Mountain 104° and Greensboro, N.C., 280° radials; to Greensboro. From Rocky Mount, N.C., to Elizabeth City, N.C.

2. In V-259 "Holston Mountain 103° radials." is deleted and "Holston Mountain 104° radials." is substituted therefor.

(Sec. 307(a), Federal Aviation Act of 1958; 49 U.S.C. 1348)

Issued in Washington, D.C., on May 18, 1965.

DANIEL E. BARROW,
Chief, Airspace Regulations and Procedures Division.

[F.R. Doc. 65-5417; Filed, May 24, 1965; 8:46 a.m.]

[Airspace Docket No. 65-SO-24]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Transition Area

On April 10, 1965, a notice of proposed rule making was published in the FEDERAL REGISTER (30 F.R. 4681) stating that the Federal Aviation Agency proposed to alter the Shelbyville, Tenn., transition area which becomes effective 0001 e.s.t., May 27, 1965 (Airspace Docket No. 64-SO-45) (30 F.R. 3640).

Interested persons were afforded an opportunity to participate in the rule making through submission of comments. The Airport Manager of the Shelbyville Municipal Airport (Bomar Field) suggested the proposed transition area be enlarged to include the holding pattern airspace area S of the fan marker proposed to be established at latitude 35°29'02" N., longitude 86°27'55" W. This holding pattern airspace area is contained within the Nashville, Tenn., transition area (effective 0001 May 27, 1965—Airspace Docket No. 64-SO-45) (30 F.R. 3640) extending upward from 1,200 feet above the surface and there is no requirement for this area being protected by a 700-foot transition area. All other comments received were favorable.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0001 e.s.t., July 22, 1965, as hereinafter set forth.

In § 71.181 the Shelbyville, Tenn., transition area (30 F.R 3640) is amended to read:

That airspace extending upward from 700 feet above the surface within 8 miles N and 8 miles S of the 093° and 273° bearings from Bomar Field (latitude 35°33'44" N., longitude 86°26'33" W.), extending from 12 miles W to 8 miles E of the airport; within 8 miles W and 5 miles E of the Shelbyville VOR 196° radial, extending from the VOR to 12 miles S.

(Sec. 307(a), Federal Aviation Act of 1958; 49 U.S.C. 1348(a))

Issued in East Point, Ga., on May 14, 1965.

PAUL H. BOATMAN,
Acting Director, Southern Region.

[F. R. Doc. 65-5418; Filed, May 24, 1965; 8:45 a.m.]

[Airspace Docket No. 65-WE-42]

PART 73—SPECIAL USE AIRSPACE

Revocation of Restricted Area Segment

The purpose of this amendment to Part 73 of the Federal Aviation Regulations is to revoke a portion of the Ajo, Ariz., Restricted Area R-2301.

The Department of the Air Force has stated that it no longer requires that portion of R-2301 below 3,000 feet MSL that lies N of a line beginning at latitude 32°-40'45" N., longitude 114°18'29" W.; to latitude 32°37'40" N., longitude 114°12'-40" W.; to latitude 32°37'40" N., longitude 114°09'00" W.; to latitude 32°42'30" N., longitude 113°45'00" W.; to latitude 32°44'15" N., longitude 113°41'05" W.

Since this amendment is less restrictive to the public than the present designation of R-2301, notice and public procedure hereon are unnecessary. Further, since that portion of the airspace revoked herein is immediately available for public use, this rule may become effective on less than 30 days notice.

In consideration of the foregoing, Part 73 of the Federal Aviation Regulations is amended, effective upon publication in the FEDERAL REGISTER, as hereinafter set forth.

In § 73.23 (29 F.R. 17731) the Ajo, Ariz., Restricted Area R-2301 is amended by deleting from the text "; to the point of beginning" and substituting ", to the point of beginning; excluding that airspace below 3,000 feet MSL, N of a line beginning at latitude 32°40'45" N., longitude 114°18'29" W.; to latitude 32°37'40" N., longitude 114°12'40" W.; to latitude 32°37'40" N., longitude 114°-09'00" W.; to latitude 32°42'30" N., longitude 113°45'00" W.; to latitude 32°-44'15" N., longitude 113°41'05" W." therefor.

(Sec. 307(a), Federal Aviation Act of 1958; 49 U.S.C. 1348)

Issued in Washington, D.C., on May 18, 1965.

CHARLES W. CARMODY,
Acting Director, Air Traffic Service.

[F.R. Doc. 65-5419; Filed, May 24, 1965; 8:46 a.m.]

Title 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

SUBCHAPTER C—DRUGS

PART 130—NEW DRUGS

Subpart A—Procedural and Interpretative Regulations

FD&C RED NO. 4; PROCEDURE FOR DISCONTINUING USE IN NEW DRUGS FOR INGESTION

The Commissioner of Food and Drugs has concluded that a statement of policy should be issued to clarify the situation regarding discontinuing the use of delisted color additive FD&C Red No. 4 in drugs for ingestion for which new-drug approvals are in effect. Therefore, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (secs. 505, 701, 52 Stat. 1052, 1055, as amended; 21 U.S.C. 355, 371) and under the authority delegated to the Commissioner by the Secretary of Health, Education, and Welfare (21 CFR 2.90), Part 130 is amended by adding the following new section to Subpart A:

§ 130.35 FD&C Red No. 4; procedure for discontinuing use in new drugs for ingestion; statement of policy.

(a) Section 8.502(d) of this chapter published December 11, 1964 (29 F.R. 16983), terminated the provisional listing of FD&C Red No. 4 for use in drugs that may be ingested and canceled the effectiveness of certificates for this color additive and mixtures containing it as of June 9, 1965 (§ 8.510(c) of this chapter), insofar as ingested drugs are concerned. The use of FD&C Red No. 4 or mixtures containing it in the manufacture of ingested drugs after that date will result in adulteration and may constitute grounds for withdrawing approval of drugs for which a new-drug approval is in effect.

(b) An approved supplemental new-drug application will not be required to provide for discontinuing the use of FD&C Red No. 4 in the manufacture of articles that are the subject of approved new-drug applications, provided that the applicant submits to the Food and Drug Administration a written notice of the date on which the change in formulation will be put into effect.

(c) It will be the policy of the Food and Drug Administration to take no action against a drug or applicant where a permitted color additive is substituted for FD&C Red No. 4 in the manufacture of a drug prior to receipt of a written notice of approval of a supplemental new-drug application, provided that the applicant submits a satisfactory supplemental application meeting all the following conditions:

(1) The applicant submits a full list of the components and a full statement of the composition of the drug.

(2) The date when the composition of the drug will be changed is stated.

(3) The applicant submits data showing that the change in composition does not interfere with any assay or other control procedures used in manufacturing the drug, or that the assay and other control procedures are revised to make them adequate.

(4) The data available to establish the stability of the revised formulation are included, and if the data are too limited to support a conclusion that the drug will retain its declared potency for a reasonable marketing period, a commitment from the applicant:

(i) To test the stability of marketed batches at reasonable intervals;

(ii) To submit the data as they become available; and

(iii) To recall from the market any batch found to fall below the approved specifications for the drug.

(d) When a supplemental application proposes the change prescribed in paragraph (c) of this section and the applicant informs the Food and Drug Administration that the changes have been put into effect, such notification will be regarded as an agreement by the applicant to an extension of the time for formal action on the supplemental application.

(e) Except as provided in paragraph (c) of this section, no provision of this statement of policy shall limit the authority of the Secretary of Health, Education, and Welfare or of the Commissioner of Food and Drugs to suspend or withdraw approval of a new-drug application as prescribed by section 505(e) of the act or to initiate any other regulatory proceedings with respect to a drug or applicant under the provisions of the act.

(Secs. 505, 701, 52 Stat. 1052, 1055, as amended; 21 U.S.C. 355, 371)

Dated: May 20, 1965.

GEO. P. LARRICK,
Commissioner of Food and Drugs.

[F.R. Doc. 65-5446; Filed, May 24, 1965; 8:49 a.m.]

PART 141a—PENICILLIN AND PENICILLIN-CONTAINING DRUGS; TESTS AND METHODS OF ASSAY

PART 146a—CERTIFICATION OF PENICILLIN AND PENICILLIN-CONTAINING DRUGS

Ampicillin Trihydrate; Changes in Moisture and Identity Tests

In the matter of amending the regulations providing for tests and methods of assay and certification of ampicillin trihydrate to effect certain changes in moisture and identity tests:

No comments were received in response to the notice of proposed rule making in the above-identified matter published in the FEDERAL REGISTER of March 27, 1965 (30 F.R. 4065). It is concluded that the amendments proposed should be adopted without change. Therefore, under the authority vested in the Secretary of Health, Education, and Welfare by the Federal Food, Drug, and Cosmetic Act (sec. 507, 59 Stat. 463 as amended; 21 U.S.C. 357), and delegated to the Commissioner of Food and Drugs by the Secretary (21 CFR 2.90), Parts 141a and 146a are amended as hereinafter indicated.

Effective date. This order shall be effective on the date of its publication in the FEDERAL REGISTER.

(Sec. 507, 59 Stat. 463 as amended; 21 U.S.C. 357)

Dated: May 18, 1965.

GEO. P. LARRICK,
Commissioner of Food and Drugs.

1. In § 141a.111, paragraphs (c) and (g) are amended to read as follows:

§ 141a.111 Ampicillin trihydrate.

* * * * * *

(c) *Moisture.* In an atmosphere of about 10 percent relative humidity, transfer about 100 milligrams of the finely powdered sample to a tared weighing bottle equipped with ground-glass top and stopper. Weigh the bottle and place it in a vacuum oven, tilting the stopper on its side so that there is no closure during the drying period. Dry at a temperature of 60° C. and a pressure of 5 millimeters of mercury or less for 3 hours. At the end of the drying period, fill the vacuum oven with air dried by passing it through a drying agent such as sulfuric acid or silica gel.

Replace the stopper and place the weighing bottle in a desiccator over a desiccating agent such as phosphorus pentoxide or silica gel, allow to cool to room temperature, and reweigh. Calculate the percent loss.

* * * * *

(g) *Identity.* The infrared spectrum of a 0.5 percent mixture in a potassium bromide pellet shows well-defined peaks, within ±0.03μ, at 2.90, 3.33, 5.65, 5.92, 6.71, and 7.94μ, with doublets at 6.25–6.35, 7.25–7.30, and 7.57–7.63μ.

2. Section 141a.112(b) is amended to read as follows:

§ 141a.112 Ampicillin trihydrate capsules.

* * * * *

(b) *Moisture.* Use the contents of four capsules and proceed as directed in § 141a.111(c).

3. Section 146a.6(a) is amended by adding thereto the following new subparagraph:

§ 146a.6 Ampicillin trihydrate.

(a) * * *

(6) It gives a positive identity test for ampicillin trihydrate.

* * * * *

[F.R. Doc. 65-5436; Filed, May 24, 1965; 8:47 a.m.]

PART 141c—BACITRACIN AND BACITRACIN-CONTAINING DRUGS; TESTS AND METHODS OF ASSAY

PART 146c—CERTIFICATION OF BACITRACIN AND BACITRACIN-CONTAINING DRUGS

PART 148p—POLYMYXIN

Certification of Bacitracin, Zinc Bacitracin, and Polymyxin B Sulfate for Prescription Compounding

In the matter of providing for certification of containers of bacitracin, zinc bacitracin, and polymyxin B sulfate intended solely for prescription compounding:

In response to the notice of proposed rule making published in the FEDERAL REGISTER of January 14, 1965 (30 F.R. 437), certain comments and objections were received, as follows:

Eight letters from hospitals, pharmaceutical associations, and government medical facilities favored the proposal, since the techniques of good pharmacy practice in compounding individual prescriptions from the bulk product would provide adequate protection of the public health and since the cost of prescriptions to the patient would be considerably reduced.

One letter requested that zinc bacitracin also be certified for prescription compounding.

Two manufacturers of antibiotic products and one pharmacist objected to the proposal on the ground that it may lead to bulk compounding and that bulk compounding of these important antibiotic drugs would amount, in effect, to small scale manufacturing and that the same controls should be applied equitably to both commercial companies and bulk compounders in order to safeguard the public health.

The Commissioner of Food and Drugs has studied the comments received and has concluded that the certification of bacitracin, zinc bacitracin, and polymyxin B sulfate for prescription compounding will not adversely affect the public health, if such drugs are manufactured and labeled in accordance with the conditions prescribed in this order. Therefore, as provided in the Federal Food, Drug, and Cosmetic Act (secs. 507(f), 701(e), 52 Stat. 1055 as amended; 59 Stat. 463 as amended; 21 U.S.C. 357(f), 371(e)), and under the authority delegated to the Commissioner of Food and Drugs by the Secretary of Health, Education, and Welfare (21 CFR 2.90), Parts 141c, 146c, and 148p are amended by adding thereto the following new sections:

§ 141c.434 Bacitracin for prescription compounding.

(a) *Potency.* Proceed as directed in § 141c.401(a).

(b) *Toxicity.* Proceed as directed in § 141c.401(d).

(c) *Moisture.* Proceed as directed in § 141a.5(a) of this chapter.

(d) *pH.* Proceed as directed in § 141a.5(b) of this chapter, using a solution containing 10,000 units of bacitracin per milliliter.

(e) *Residue on ignition.* Proceed as directed in § 141c.401(g).

§ 141c.435 Zinc bacitracin for prescription compounding.

(a) *Potency.* Proceed as directed in § 141c.418(a).

(b) *Toxicity.* Proceed as directed in § 141c.418(b).

(c) *Moisture.* Proceed as directed in § 141a.5(a) of this chapter.

(d) *pH.* Prepare a saturated aqueous solution, using approximately 100 milligrams of the sample per milliliter, and proceed as directed in § 141a.5(b) of this chapter.

(e) *Zinc content.* Proceed as directed in § 141c.418(e).

* * * * *

§ 146c.434 Bacitracin for prescription compounding.

(a) *Standards of identity, strength, quality, and purity.* Bacitracin for prescription compounding is a white to brown, neutral, water-soluble polypeptide intended for use in the extemporaneous compounding of prescriptions by practicing pharmacists. It is so purified and dried that:

(1) Its potency is not less than 40 units of bacitracin per milligram.

(2) It passes the toxicity test.

(3) Its moisture content is not more than 5.0 percent.

(4) Its pH in an aqueous solution of 10,000 units per milliliter is not less than 5.5 and not more than 7.5.

(5) Its residue on ignition is not more than 3.0 percent.

(b) *Packaging.* The immediate container shall be of colorless, transparent glass, and it shall be a tight container as defined by the U.S.P. It shall be so sealed that the contents cannot be used without destroying such seal. Each such container shall contain 5 million units of bacitracin.

(c) *Labeling.* Each package shall bear on its outside wrapper or container and on the immediate container the following:

(1) The statement "Caution: Federal law prohibits dispensing without prescription."

(2) The statement "Not sterile."

(3) The batch mark.

(4) The number of units of bacitracin activity in each milligram and the number of grams of bacitracin in the immediate container.

(5) The statement "Expiration date ----------," the blank being filled in with the date that is 12 months after the month during which the batch was certified, unless the use of a longer dating period has been approved in accordance with the provisions of § 148.3(a)(3) of this chapter.

(6) The statement, "The potency of this drug cannot be assured for longer than 60 days after the container is first opened for compounding a prescription."

(7) The statements, "For use only in extemporaneous prescription compounding. Not for manufacturing use."

(d) *Requests for certification; samples.* In addition to the requirements of § 146.2 of this chapter, each such request shall contain:

(1) Results of tests and assays on the batch for potency, toxicity, moisture, pH, and residue on ignition.

(2) Samples required: A 0.5-gram portion for each 5,000 packages in the batch, but in no case less than 10 such portions. Each such portion shall be collected at such intervals throughout the entire time of packaging the batch that the quantities packaged during the intervals are approximately equal.

(e) *Fees.* The fee for the services rendered with respect to each batch under the regulations in this part shall be:

(1) $4.00 for each container submitted in accordance with paragraph (d)(2) of this section.

(2) If the Commissioner considers that investigations other than examination of such immediate containers are necessary to determine whether or not such batch complies with the requirements of § 146.3 of this chapter for the issuance of a certificate, the cost of such investigations.

The fee prescribed by subparagraph (1) of this paragraph shall accompany the request for certification unless such fee is covered by an advance deposit maintained in accordance with § 146.8(d) of this chapter.

§ 146c.435 Zinc bacitracin for prescription compounding.

(a) *Standards of identity, strength, quality, and purity.* Zinc bacitracin for prescription compounding is the zinc salt of a kind of bacitracin or a mixture of two or more such salts intended for use in the extemporaneous compounding of prescriptions by practicing pharmacists. It is so purified and dried that:

(1) Its potency is not less than 40 units of bacitracin per milligram.

(2) It passes the toxicity test.

(3) Its moisture content is not more than 5.0 percent.

(4) Its pH in a saturated aqueous solution is not less than 6.0 and not more than 7.5.

(5) Its zinc content is not more than 10 percent by weight on a moisture-free basis.

(b) *Packaging.* The immediate container shall be of colorless, transparent glass and it shall be a tight container as defined by the U.S.P. It shall be so sealed that the contents cannot be used without destroying such seal. Each such container shall contain 5 million units of bacitracin.

(c) *Labeling.* Each package shall bear on its outside wrapper or container and on the immediate container the following:

(1) The statement "Caution: Federal law prohibits dispensing without prescription."

(2) The statement "Not sterile."

(3) The batch mark.

(4) The number of units of bacitracin activity in each milligram of the zinc bacitracin, and the number of grams of zinc bacitracin in the immediate container.

(5) The statement, "Expiration date ----------," the blank being filled in with the date that is 12 months after the month during which the batch was certified, unless use of a longer dating period has been approved in accordance with the provisions of § 148.3(a)(3) of this chapter.

(6) The statement, "The potency of this drug cannot be assured for longer than 60 days after the container is first opened for compounding a prescription."

(7) The statements, "For use only in extemporaneous prescription compounding. Not for manufacturing use."

(d) *Requests for certification; samples.* In addition to the requirements of § 146.2 of this chapter, each such request shall contain:

(1) Results of tests and assays on the batch for potency, toxicity, moisture, pH, and zinc content.

(2) Samples required: A 0.5-gram portion for each 5,000 packages in the batch, but in no case less than 10 such portions. Each such portion shall be collected at such intervals throughout the entire time of packaging the batch that the quantities packaged during the intervals are approximately equal.

(e) *Fees.* The fee for the services rendered with respect to each batch under the regulations in this part shall be:

(1) $4.00 for each container submitted in accordance with paragraph (d)(2) of this section.

(2) If the Commissioner considers that investigations, other than examination of such immediate containers, are necessary to determine whether or not such batch complies with the requirements of § 146.3 of this chapter for the issuance of a certificate, the cost of such investigations.

The fee prescribed by subparagraph (1) of this paragraph shall accompany the request for certification unless such fee is covered by an advance deposit maintained in accordance with § 146.8(d) of this chapter.

§ 148p.8 Polymyxin B sulfate for prescription compounding.

(a) *Requirements for certification—(1) Standards of identity, strength, quality, and purity.* Polymyxin B sulfate for prescription compounding is the sulfate salt of a kind of polymyxin or a mixture of two or more such salts intended for use in the extemporaneous compounding of prescriptions by practicing pharmacists. It is a white to buff-colored powder. It is so purified and dried that:

(i) Its potency is not less than 6,000 units of polymyxin B per milligram, on an anhydrous basis.

(ii) It passes the toxicity test.

(iii) Its moisture content is not more than 7.0 percent.

(iv) Its pH in an aqueous solution containing 5 milligrams per milliliter is not less than 5.0 and not more than 7.5.

(v) Its residue on ignition is not more than 5 percent.

(vi) It gives positive color identity tests for polymyxin.

(2) *Packaging.* The immediate container shall be of colorless, transparent glass and it shall be a tight container as defined by the U.S.P. It shall be so sealed that the contents cannot be used without destroying such seal. Each such container shall contain 100 million units of polymyxin B.

(3) *Labeling.* Each package shall bear on its outside wrapper or container and on the immediate container the following:

(i) The statement "Caution: Federal law prohibits dispensing without prescription."

(ii) The statement "Not sterile."

(iii) The batch mark.

(iv) The number of units of polymyxin B activity in each milligram of the polymyxin B sulfate and the number of grams of polymyxin B sulfate in the immediate container.

(v) The statement "Expiration date ----------," the blank being filled in with the date that is 12 months after the month during which the batch was certified, unless the use of a longer dating period has been approved in accordance with the provisions of § 148.3(a)(3) of this chapter.

(vi) The statement, "The potency of this drug cannot be assured for longer than 60 days after the container is first opened for compounding a prescription."

(vii) The statements, "For use only in extemporaneous prescription compounding. Not for manufacturing use."

(4) *Requests for certification; samples.* In addition to the requirements of § 146.2 of this chapter, each such request shall contain:

(i) Results of tests and assays on the batch for potency, toxicity, moisture, pH, residue on ignition, and identity.

(ii) Samples required: A 0.5-gram portion for each 5,000 packages in the batch, but in no case less than 10 such portions. Each such portion shall be collected at such intervals throughout the entire time of packaging the batch that the quantities packaged during the intervals are approximately equal.

(5) *Fees.* $4.00 for each container submitted in accordance with subparagraph (4)(ii) of this paragraph.

(b) *Tests and methods of assay—(1) Potency.* Proceed as directed in § 148p.1(b)(1).

(2) *Toxicity.* Proceed as directed in § 141a.4 of this chapter, using a test dose of 0.5 milliliter of a solution containing 1,200 units per milliliter of sterilized U.S.P. saline T.S.

(3) *Moisture.* Proceed as directed in § 141a.5(a) of this chapter.

(4) *pH.* Proceed as directed in § 141a.5(b) of this chapter, except use a solution containing 5 milligrams per milliliter.

(5) *Residue on ignition.* Proceed as directed in § 141c.401(g) of this chapter.

(6) *Identity.* Proceed as directed in § 148p.1(b)(9).

Any person who will be adversely affected by the foregoing order may at any time within 30 days following the date of its publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington, D.C., 20201, written objections thereto, preferably in quintuplicate. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing, and such objections must be supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof.

Effective date. This order shall become effective 60 days from the date of its publication in the FEDERAL REGISTER, except as to any provisions that may be stayed by the filing of proper objections. Notice of the filing of objections or lack thereof will be announced by publication in the FEDERAL REGISTER.

(Secs. 507(f), 701(e), 52 Stat. 1055 as amended; 59 Stat. 463 as amended; 21 U.S.C. 357(f), 371(e))

Dated: May 18, 1965.

GEO. P. LARRICK,
Commissioner of Food and Drugs.

[F.R. Doc. 65-5437; Filed, May 24, 1965; 8:47 a.m.]

Title 24—HOUSING AND HOUSING CREDIT

Chapter II—Federal Housing Administration, Housing and Home Finance Agency

SUBCHAPTER C—MUTUAL MORTGAGE INSURANCE AND INSURED HOME IMPROVEMENT LOANS

PART 203—MUTUAL MORTGAGE INSURANCE AND INSURED HOME IMPROVEMENT LOANS

Subpart B—Contract Rights and Obligations

TITLE OBJECTION WAIVER WITH REDUCED INSURANCE BENEFITS

In Part 203 in the Table of Contents a new section heading is added as follows:

Sec.
203.391 Title objection waiver with reduced insurance benefits.

In Part 203 a new section is added to read as follows:

§ 203.391 Title objection waiver with reduced insurance benefits.

Payment of an insurance claim will not be refused solely because the title evidence reveals a condition of title not taken into consideration in the original appraisal and not covered by the provisions of § 203.389, or not otherwise waived in writing by the Commissioner. In such instances, the claim will be paid if the mortgagee agrees to accept a reduction in insurance benefits considered adequate by the Commissioner to compensate for any anticipated loss to the Mutual Mortgage Insurance Fund as a result of the existence of the title condition at the time of claim.

(Sec. 211, 52 Stat. 23; 12 U.S.C. 1715b; interprets or applies sec. 203, 52 Stat. 10, as amended; 12 U.S.C. 1709)

Issued at Washington, D.C., May 19, 1965.

PHILIP N. BROWNSTEIN,
Federal Housing Commissioner.

[F.R. Doc. 65-5443; Filed, May 24, 1965; 8:48 a.m.]

Title 36—PARKS, FORESTS, AND MEMORIALS

Chapter II—Forest Service, Department of Agriculture

[Regulation T-10]

PART 261—TRESPASS

Revocation of Section

Section 261.12, *Settlement of civil trespass cases*, of Title 36, Code of Federal Regulations, is hereby revoked.

Done at Washington, D.C., this 19th day of May 1965.

JOHN A. BAKER,
Assistant Secretary.

[F.R. Doc. 65-5462; Filed, May 24, 1965; 8:50 a.m.]

Proposed Rule Making

DEPARTMENT OF AGRICULTURE

Consumer and Marketing Service

[7 CFR Part 905]

[Docket No. AO-85-A5]

ORANGES, GRAPEFRUIT, TANGERINES, AND TANGELOS GROWN IN FLORIDA

Notice of Hearing With Respect to Further Amendment of Marketing Agreement and Order

Pursuant to the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended; 7 U.S.C. 601-674), and in accordance with the applicable rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders (7 CFR Part 900), as amended, notice is hereby given of a public hearing to be held beginning at 10 a.m., local time, June 23, 1965, in the Auditorium, Florida Citrus Mutual Building, Lakeland, Fla., with respect to proposals to amend the marketing agreement, as amended, and order, as amended (7 CFR Part 905), regulating the handling of oranges, grapefruit, tangerines, and tangelos grown in Florida. The proposed amendments have not received the approval of the Secretary of Agriculture.

The public hearing is for the purpose of receiving evidence with respect to the economic and marketing conditions which relate to the proposals, which are hereinafter set forth, and appropriate modifications thereof.

The following amendments to the marketing agreement and order were proposed by the Growers Administrative and Shippers Advisory Committees, established pursuant to the marketing agreement and order:

1. Revise § 905.4 *Fruit* to read as follows:

§ 905.4 Fruit.

"Fruit" means any or all varieties of the following types of citrus fruits grown in the production area:

(a) Citrus sinensis, Osbeck, commonly called "oranges";
(b) Citrus Paradisi, MacFadyen, commonly called "grapefruit";
(c) Citrus nobilis deliciosa, commonly called "tangerines";
(d) Temple Oranges;
(e) Tangelos; and
(f) Murcott Honey Oranges.

2. Revise § 905.5 *Variety* to read as follows:

§ 905.5 Variety.

"Variety" or "varieties" means any one or more of the following classifications or groupings of fruit:

(a) Early and midseason oranges (including Navel and other types commonly called "round oranges"), except Valencia, Lue Gim Gong, and similar late maturing oranges of the Valencia type;
(b) Valencia, Lue Gim Gong, and similar late maturing oranges of the Valencia type;
(c) Temple Oranges;
(d) Marsh and other seedless grapefruit, excluding pink grapefruit;
(e) Duncan and other seeded grapefruit, excluding pink grapefruit;
(f) Pink seedless grapefruit;
(g) Pink seeded grapefruit;
(h) Tangelos;
(i) Dancy, Robinson, and similar type tangerines; and
(j) Murcott Honey Oranges.

3. Add a new paragraph (k) in § 905.31 *Duties of Growers Administrative Committee* to read as follows:

§ 905.31 Duties of Growers Administrative Committee.

* * * * *

(k) With the approval of the Secretary, to redefine the districts into which the production area is divided and to reapportion the representation of any district: *Provided*, That the membership shall consist of at least 8 but not more than 9 members, and any such change shall be based, so far as practicable, upon (1) the volume of fruit shipped from each district; (2) the volume of fruit produced in each district; and (3) the total number of acres of citrus in each district, and such factors shall be combined and reflected as percents, based on the immediately preceding five seasons' average. It is further provided that with the approval of the Secretary the committee shall redistrict and/or reapportion itself during the 1965-66 season, and only in each fifth year thereafter shall also consider the equitable relationship of committee membership and districts and in every instance redistricting or reapportionment shall be announced on or before March 1 of the then current fiscal period.

4. Delete paragraph (d) of § 905.50 *Marketing policy* and insert in lieu thereof the following:

§ 905.50 Marketing policy.

* * * * *

(d) The Growers Administrative Committee shall transmit a copy of each marketing policy report or revision thereof to the Secretary and to each grower and handler who files a request therefor. Copies of all such reports shall be maintained in the office of the committee where they shall be available for examination by growers and handlers.

5. Delete paragraph (c) of § 905.51 *Recommendations for regulations* and insert in lieu thereof the following:

§ 905.51 Recommendations for regulations.

* * * * *

(c) The Growers Administrative Committee shall give notice of any meeting to consider the recommendation of regulations pursuant to § 905.52 by mailing a notice of meeting to each handler who has filed his address with said committee for this purpose. The said committee shall give the same notice of any such recommendation before the time it is recommended that such regulation become effective.

6. Delete paragraphs (a)(1) and (b) of § 905.52 *Regulation by the Secretary* and insert in lieu thereof the following:

§ 905.52 Regulation by the Secretary.

(a) * * *

(1) Limit the shipment of any grade or size, or both, of any variety, in any manner as may be prescribed, and any such limitation may provide that shipments of any variety grown in Regulation Area II shall be limited to grades and sizes different from the grade and size limitations applicable to shipments of the same varieties grown in Regulation Area I: *Provided*, That whenever any such grade or size limitation restricts the shipment of a portion of a specified grade or size of a variety the quantity of such grade or size that may be shipped by a handler shall be established as a percentage of the total shipments of such variety by such handler during each week of the regulation period.

* * * * *

(b) Prior to the beginning of any such regulations, the Secretary shall notify the Growers Administrative Committee of the regulation issued by him, which committee shall notify all handlers by mailing a copy thereof to each handler who has filed his address with said committee for this purpose.

* * * * *

The Fruit and Vegetable Division, Consumer and Marketing Service has proposed that consideration be given, at the hearing, to:

7. Revising the first sentence in § 905.40 *Expenses* to read as follows:

§ 905.40 Expenses.

The Growers Administrative Committee is authorized to incur such expenses as the Secretary finds are reasonable and likely to be incurred to carry out the functions of both committees under this subpart during each fiscal period. * * *

8. Making such other changes in the marketing agreement and order as may be necessary to make the entire marketing agreement and order conform with any amendments thereto that may result from this hearing.

Copies of this notice of hearing may be obtained from M. F. Miller, Fruit and Vegetable Division, Consumer and Marketing Service, U.S. Department of Agri-

culture, Post Office Box 9, Lakeland, Fla., 33802.

Dated: May 20, 1965.

J. C. BLUM,
Acting Deputy Administrator, Regulatory Programs.

[F.R. Doc. 65-5461; Filed, May 24, 1965; 8:50 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Part 125]

OILS, FATS, AND FATTY FOODS FOR REGULATING INTAKE OF FATTY ACIDS IN DIETARY MANAGEMENT

Proposal To Require Label Statements

There was published in the FEDERAL REGISTER for December 10, 1959 (21 CFR 3.41), a statement of policy by the Food and Drug Administration concerning the status of articles offered to the general public for the control or reduction of blood cholesterol levels and for the prevention and treatment of heart and artery disease under the Federal Food, Drug, and Cosmetic Act. The policy statement expressed the view that any claim, whether direct or implied, in the labeling of fats and oils or other fatty substances offered to the general public, that such foods will prevent, mitigate, or cure heart or artery diseases is false and misleading and is considered as misbranding under the Federal law.

At the time of publication of the statement of policy the Food and Drug Administration pointed out that the policy statement does not interfere in any way with legitimate research and clinical evaluation of the possible role of unsaturated fats in the diet in lowering blood cholesterol and preventing heart disease.

In May 1964, the Food and Drug Administration reported the results of a consumer survey which showed that labeling terms such as "polyunsaturated," "unsaturated," "low in cholesterol," and similar statements mislead many people to believe that these foods will reduce blood cholesterol and thus be effective in treating or preventing heart and artery diseases. Other misleading phrases include "ask your doctor," "better for people's health," "are you concerned about saturated fats," and "better for you because it's made from 100 percent golden corn oil."

In the light of the survey results, in May 1964 the Food and Drug Administration reaffirmed its official statement of policy of December 10, 1959. The Commissioner again pointed out that the 1959 policy statement did not and does not interfere in any way with legitimate research and clinical evaluation of unsaturated fats in the diet, but does intend to prevent the promotion of foods to the lay public for their use without medical supervision in attempting to reduce blood cholesterol.

Since the release of the consumer survey report, the Food and Drug Administration has received a recommendation from clinicians working in this field of medicine that labeling statements be allowed to assist them in recommending food to their patients which would help guide the patient in selecting the kind of diet his physician has prescribed for him.

Clinicians who have made such a recommendation to the Food and Drug Administration are:

E. Cowles Andrus, M.D.
Herbert Pollack, M.D.
Frederick J. Stare, M.D.
Irvine H. Page, M.D.
Laurance W. Kinsell, M.D.
Benjamin Baker, M.D.

Also, the Food and Drug Administration has received a recommendation from the American Diabetes Association that labeling requirements be established which would provide for label statements of precise percentages of the polyunsaturated, monounsaturated, and saturated fatty acid content of edible oils and fats.

Therefore, in response to such requests, and without in any way modifying the prior statement of policy or of endorsing these proposals, and pursuant to the authority provided in the Federal Food, Drug, and Cosmetic Act (secs. 403(j), 701(e); 52 Stat. 1048, 1055, as amended; 21 U.S.C. 343(j), 371(e)) and delegated to the Commissioner by the Secretary of Health, Education, and Welfare (21 CFR 2.90) the following regulation is proposed in order to provide proponents an opportunity to support a regulation which will carry out their recommendations.

§ 125.__ Label statements relating to oils, fats, and fatty foods used as a means of regulating the intake of fatty acids in dietary management.

(a) If a food purports to be or is represented for special dietary use by man by reason of its use as a means of regulating the intake of fatty acids, its label shall bear an accurate statement of the number of grams of saturated fatty acids, the number of grams of monounsaturated acids, and the number of grams of polyunsaturated fatty acids contained in an ordinary serving, and in 100 grams of the food.

(b) Compliance with the provisions of subparagraph (a) of this section shall not be construed as relieving any food from compliance with the requirements of section 403(a) of the Federal Food, Drug, and Cosmetic Act.

Any interested person may, within 60 days from the date of publication of this notice in the FEDERAL REGISTER, file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington, D.C., 20201, written comments, preferably in quintuplicate, on this proposal. Comments may be accompanied by a memorandum or brief in support thereof.

Dated: May 18, 1965.

GEO. P. LARRICK,
Commissioner of Food and Drugs.

[F.R. Doc. 65-5438; Filed, May 24, 1965; 8:48 a.m.]

FEDERAL AVIATION AGENCY

[14 CFR Part 71]

[Airspace Docket No. 65-AL-6]

CONTROL AREA

Proposed Revocation

The Federal Aviation Agency is considering an amendment to revoke that portion of Control 1485 lying south of 68° N latitude.

Interested persons may participate in the proposed rule making by submitting such written data, views, or arguments as they may desire. Communications should identify the airspace docket number and be submitted in triplicate to the Director, Alaskan Region, Attention: Chief, Air Traffic Division, Federal Aviation Agency, 632 Sixth Avenue, Anchorage, Alaska, 99501. All communications received within 45 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. The proposal contained in this notice may be changed in the light of comments received.

An official docket will be available for examination by interested persons at the Federal Aviation Agency, Office of the General Counsel, Attention: Rules Docket, 800 Independence Avenue SW., Washington, D.C., 20553. An informal docket also will be available for examination at the office of the Regional Air Traffic Division Chief.

Control 1485 extends northward in that airspace N of Fairbanks, Alaska, from approximately 65° N to 72°00'00" N between 18,500 feet MSL and flight level 450. On March 4, 1965, the airspace above 14,500 feet MSL in that portion of Alaska revelant hereto south of 68°00'00" N, was designated as continental control area (29 F.R. 19185).

This action resulted in a dual designation of airspace within Control 1485 S of 68°00'00" N, with the continental control area extending upward from 14,500 feet MSL and having greater visibility requirements for VFR operations. This dual designation unnecessarily complicates charting of the area and may result in confusion as to the actual extent of controlled airspace or the visibility necessary for VFR flight in this airspace.

It is thereby proposed to revoke that portion of Control 1485 lying S of 68°-00'00" N. If this action is taken, the continental control area with its greater visibility requirements and lower floor would automatically apply to this airspace.

This amendment is proposed under section 307(a) of the Federal Aviation Act of 1958; 49 U.S.C. 1348.

Issued in Washington, D.C., on May 18, 1965.

DANIEL E. BARROW,
Chief, Airspace Regulations and Procedures Division.

[F.R. Doc. 65-5420; Filed, May 24, 1965; 8:46 a.m.]

[14 CFR Part 71]

[Airspace Docket No. 65-SO-42]

CONTROL ZONES, TRANSITION AREA, AND CONTROL AREA EXTENSION

Proposed Alteration, Designation, and Revocation

The Federal Aviation Agency is considering amendments to Part 71 of the Federal Aviation Regulations that would alter the controlled airspace in the Jacksonville, Fla., terminal area.

Interested persons may participate in the proposed rule making by submitting such written data, views, or arguments as they may desire. Communications should identify the airspace docket number and be submitted in triplicate to the Director, Southern Region, Attention: Chief, Air Traffic Division, Federal Aviation Agency, Post Office Box 20636, Atlanta, Ga., 30320. All communications received within 45 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendments. The proposals contained in this notice may be changed in the light of comments received.

An official docket will be available for examination by interested persons at the Federal Aviation Agency, Office of the General Counsel, Attention: Rules Docket, 800 Independence Avenue SW., Washington, D.C. An informal docket also will be available for examination at the office of the Regional Air Traffic Division Chief.

As parts of these proposals relate to the navigable airspace outside the United States, this notice is submitted in consonance with the ICAO International Standards and Recommended Practices.

Applicability of International Standards and Recommended Practices by the Air Traffic Service, FAA, in areas outside domestic airspace of the United States, is governed by Article 12 and Annex 11 to the Convention on International Civil Aviation (ICAO), which pertains to the establishment of air navigation facilities and services necessary for promoting the safe, orderly, and expeditious flow of civil air traffic. Its purpose is to insure that civil flying on international air routes is carried out under uniform conditions designed to improve the safety and efficiency of air operations.

The International Standards and Recommended Practices in Annex 11 apply in those parts of the airspace under the jurisdiction of a contracting State, derived from ICAO, wherein air traffic services are provided and also whenever a contracting State accepts the responsibility of providing air traffic services over high seas or in airspace of undetermined sovereignty. A contracting State accepting such responsibility may apply the International Standards and Recommended Practices to civil aircraft in a manner consistent with that adopted for airspace under its domestic jurisdiction.

In accordance with Article 3 of the Convention on International Civil Aviation, Chicago, 1944, State aircraft are exempt from the provisions of Annex 11 and its Standards and Recommended Practices. As a contracting State, the United States agreed by Article 3(d) that its State aircraft will be operated in international airspace with due regard for the safety of civil aircraft.

Since this action involves, in part, the designation of navigable airspace outside the United States, the Administrator has consulted with the Secretary of State and the Secretary of Defense in accordance with the provisions of Executive Order 10854.

The Federal Aviation Agency, having completed a comprehensive review of the terminal airspace structure requirements in the Jacksonville terminal area, including studies attendant to the implementation of the provisions of CAR Amendments 60-21/60-29, proposes the airspace actions hereinafter set forth.

1. Section 71.171 (29 F.R. 17581) would be amended as follows:

a. The Jacksonville, Fla. (Thomas Cole Imeson Airport), control zone would be altered to read as that airspace within a 5-mile radius of Thomas Cole Imeson Airport (latitude 30°25'15" N., longitude 81°38'15" W.); within 2 miles each side of the Jacksonville VORTAC 070° True radial, extending from the 5-mile radius zone to 8 miles E. of the VORTAC; within 2 miles each side of the 090° True bearing from the Jacksonville RBN, extending from the 5-mile radius zone to 8 miles E of the RBN; and within 2 miles each side of the Jacksonville ILS localizer SW course, extending from the 5-mile radius zone to the LOM. The portion within a 5-mile radius of NS Mayport, Mayport, Fla. (latitude 30°23'30" N., longitude 81°25'25" W.), would be excluded.

b. The Jacksonville, Fla. (NAS Jacksonville), control zone would be altered to read as that airspace within a 5-mile radius of NAS Jacksonville (latitude 30°14'10" N., longitude 81°40'40" W.); within 2 miles each side of the 086° True bearing from the Navy Cecil RBN, extending from the 5-mile radius zone to the RBN; within 2 miles each side of the Navy Cecil VOR 085° True radial, extending from the 5-mile radius zone to the VOR; and within 2 miles each side of the NAS Jacksonville TACAN 096° True radial, extending from the 5-mile radius zone to 6 miles E of the TACAN. The portion within a 5-mile radius of NAS Cecil Field (latitude 30°13'00" N., longitude 81°52'45" W.), would be excluded.

c. The Jacksonville, Fla. (NAS Cecil Field), control zone would be added as that airspace within a 5-mile radius of NAS Cecil Field (latitude 30°13'00" N., longitude 81°52'45" W.); within 2 miles each side of the Navy Cecil VOR 181° True radial, extending from the 5-mile radius zone to 12 miles S of the VOR; within 2 miles each side of the 181° True bearing from the Navy Cecil RBN, extending from the 5-mile radius zone to 12 miles S of the RBN; and within 2 miles each side of the Navy Cecil TACAN 356° True radial, extending from the 5-mile radius zone to 7 miles N of the TACAN.

d. The Mayport, Fla. (NS Mayport), control zone would be added as that airspace within a 5-mile radius of NS Mayport (latitude 30° 23'30" N., longitude 81°25'25" W.); within 2 miles each side of the Navy Mayport TACAN 038° True radial, extending from the 5-mile radius zone to 8 miles NE of the TACAN; and within 2 miles each side of the 050° True bearing from the Navy Mayport RBN, extending from the 5-mile radius zone to 8 miles NE of the RBN.

2. In § 71.181 (29 F.R. 17643) the Jacksonville, Fla., transition area would be altered to read as that airspace extending upward from 700 feet above the surface within a 7-mile radius of Thomas Cole Imeson Airport; within 2 miles each side of the Jacksonville ILS localizer SW course, extending from the LOM to 8 miles SW of the LOM; within 2 miles each side of the Jacksonville VORTAC 070° True radial, extending from the Thomas Cole Imeson 7-mile radius area to 12 miles E of the VORTAC; within a 7-mile radius of NS Mayport; within 2 miles each side of the Navy Mayport TACAN 038° True radial, extending from the NS Mayport 7-mile radius area to 12 miles NE of the TACAN; within 2 miles each side of the 050° True bearing from the Navy Mayport RBN, extending from the 7-mile radius area to 12 miles NE of the RBN; within a 1.5-mile radius of Craig Municipal Airport (latitude 30°20'10" N., longitude 81°30'50" W.); within a 7-mile radius of NAS Jacksonville; within an 8-mile radius of NAS Cecil Field; and that airspace extending upward from 1,200 feet above the surface bounded by a line beginning at the intersection of the SW boundary of V-243 W alternate and the E boundary of V-157, thence SE via the SW boundary of V-243W, to and E along latitude 30°53'00" N., to and SW along the SE boundary of V-3 E alternate, to and clockwise along the arc of a 25-mile radius circle centered on the Jacksonville VORTAC, to and E along latitude 30°17'30" N., to longitude 81°01'30" W., thence to latitude 30°09'00" N., longitude 81°02'15" W., to latitude 29°54'00" N., longitude 81°02'15" W., thence W to latitude 29°58'20" N., and the W boundary of V-267, thence S via the W boundary of V-267 to latitude 29°44'00" N., thence to latitude 29°44'00" N., longitude 82°04'45" W., to latitude 29°48'40" N., longitude 82°01'10" W., to latitude 29°56'20" N., longitude 82°15'25" W., to latitude 29°49'30" N., longitude 82°20'15" W., thence N via the E boundary of V-157 to the point of beginning; and that airspace extending upward from 2,000 feet above the surface bounded by a line beginning at latitude 30°53'00" N., and the SE boundary of V-3E, thence to latitude 30°53'00" N., longitude 80°59'55" W., to latitude 30°43'50" N., longitude 80°59'00" W., to latitude 30°17'30" N., longitude 81°01'30" W., thence W along latitude 30°17'30" N., to and counterclockwise along the arc of a 25-mile radius circle centered on the Jacksonville VORTAC, to and NE along the SE boundary of V-3E to the point of beginning; and that airspace extending upward from 3,500 feet MSL bounded by a line beginning at latitude 29°44'00" N., and the W boundary of V-267, thence S via the W boundary of V-267, to and W

along latitude 29°00'00" N., to and NW along the NE boundary of V-159 to latitude 29°29'45" N., longitude 82°15'25" W., thence to latitude 29°44'00" N., longitude 82°04'45" W., thence to the point of beginning.

3. In § 71.165 (29 F.R. 17557) the Jacksonville, Fla., control area extension would be revoked.

The control zones and extensions proposed herein are necessary to protect instrument approach procedures for the particular airports concerned.

The Jacksonville transition area is required to protect missed approach procedures, departure procedures, holding patterns, transition routes, and radar vectoring patterns.

Specific details of the changes to procedures and minimum instrument flight rules altitudes that would be required may be examined by contacting the Chief, Airspace Utilization Branch, Air Traffic Division, Southern Region, Federal Aviation Agency.

These amendments are proposed under the authority of sections 307(a) and 1110 of the Federal Aviation Act of 1958 (49 U.S.C. 1348 and 1510), and Executive Order 10854 (24 F.R. 9565).

Issued in Washington, D.C. on May 18, 1965.

DANIEL E. BARROW,
Chief, Airspace Regulations and Procedures Division.

[F.R. Doc. 65-5421; Filed, May 24, 1965; 8:46 a.m.]

[14 CFR Part 71]

[Airspace Docket No. 65-CE-44]

FEDERAL AIRWAYS

Proposed Extension and Realignment

The Federal Aviation Agency is considering amendments to Part 71 of the Federal Aviation Regulations that would alter VOR Federal airways No. 11 and 218.

Interested persons may participate in the proposed rule making by submitting such written data, views, or arguments as they may desire. Communications should identify the airspace docket number and be submitted in triplicate to the Director, Central Region, Attention: Chief, Air Traffic Division, Federal Aviation Agency, 4825 Troost Avenue, Kansas City, Mo., 64110. All communications received within 45 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendments. The proposals contained in this notice may be changed in the light of comments received.

An official docket will be available for examination by interested persons at the Federal Aviation Agency, Office of the General Counsel, Attention: Rules Docket, 800 Independence Avenue SW., Washington, D.C., 20553. An informal docket also will be available for examination at the office of the Regional Air Traffic Division Chief.

The Federal Aviation Agency proposes to extend V-11 from Salem, Mich., to the intersection of the Salem 052° and Windsor, Ontario, Canada 335° True radials and establish the floor of this airway at 1,200 feet above the surface from Scotland, Ind. to the intersection described above and referred to as Bloomer INT.

The Federal Aviation Agency also proposes to extend and realign V-218 from Pontiac, Mich., to the intersection of the Pontiac 112° and Windsor 320° True radials and establish the floor of this airway at 1,200 feet above the surface from Waukon, Iowa, to the immediately described intersection referred to as Troy INT.

The Troy INT is a clearance limit and final approach fix for aircraft operating en route over the Pontiac VOR and Salem VORTAC and landing at Detroit City Airport, Mich. The Bloomer INT is a radar handoff fix for aircraft operating to and from the Selfridge, Mich., Air Force Base. Alteration of the airways, as proposed herein, would permit better flight planning, facilitate routings to the pertinent clearance limit fix, and would reduce clearance verbiage. In applying criteria of Amendment 60-21/60-29 to these airway segments, floors of 1,200 feet above the surface are proposed since the majority of the airways are within transition areas with floors of 1,200 feet above the surface and the minimum en route altitudes are at a relatively low mean sea level altitude.

These amendments are proposed under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348).

Issued in Washington, D.C., on May 18, 1965.

DANIEL E. BARROW,
Chief, Airspace Regulations and Procedures Division.

[F.R. Doc. 65-5422; Filed, May 24, 1965; 8:46 a.m.]

[14 CFR Part 71]

[Airspace Docket No. 65-WE-15]

TRANSITION AREA

Proposed Alteration

The Federal Aviation Agency is considering an amendment to Part 71 of the Federal Aviation Regulations that would alter the transition area at Astoria, Oreg.

As parts of these proposals relate to the navigable airspace outside the United States, this notice is submitted in consonance with the ICAO International Standards and Recommended Practices.

Applicability of International Standards and Recommended Practices, by the Air Traffic Service, FAA, in areas outside domestic airspace of the United States is governed by Article 12 and Annex 11 to the Convention on International Civil Aviation (ICAO), which pertains to the establishment of air navigation facilities and services necessary to promoting the safe, orderly and expeditious flow of civil air traffic. Its purpose is to insure that civil flying on international air routes is carried out under uniform conditions designed to improve the safety and efficiency of air operations.

The International Standards and Recommended Practices in Annex 11 apply in those parts of the airspace under the jurisdiction of a contracting state, derived from ICAO, wherein air traffic services are provided and also whenever a contracting state accepts the responsibility of providing air traffic services over high seas or in airspace of undetermined sovereignty. A contracting state accepting such responsibility may apply the International Standards and Recommended Practices to civil aircraft in a manner consistent with that adopted for airspace under its domestic jurisdiction.

In accordance with Article 3 of the Convention on International Civil Aviation, Chicago, 1944, state aircraft are exempt from the provisions of Annex 11 and its Standards and Recommended Practices. As a contracting state, the United States agreed by Article 3(d) that its state aircraft will be operated in international airspace with due regard for the safety of civil aircraft.

Since this action involves, in part, the designation of navigable airspace outside the United States, the Administrator has consulted with the Secretary of State and the Secretary of Defense in accordance with the provisions of Executive Order 10854.

Interested persons may participate in the proposed rule making by submitting such written data, views, or arguments as they may desire. Communications should identify the airspace docket number and be submitted in triplicate to the Director, Western Region, Attention: Chief, Air Traffic Division, Federal Aviation Agency, 5651 West Manchester Avenue, Post Office Box 90007, Airport Station, Los Angeles, Calif., 90009. All communications received within 30 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. The proposal contained in this notice may be changed in the light of comments received.

An official docket will be available for examination by interested persons at the Federal Aviation Agency, Office of the General Counsel, Attention: Rules Docket, 800 Independence Avenue SW., Washington, D.C., 20553. An informal docket also will be available for examination at the office of the Regional Air Traffic Division Chief.

The fan marker at Fort Stevens, Oreg., is located at latitude 46°12'31" N., longitude 123°57'51" W., and is scheduled to be commissioned on or about August 19, 1965. The fan marker would provide for a proposed straight-in standard instrument approach procedure to the Clatsop County Airport runway No. 13.

In view of the foregoing, the Agency proposes to alter the Astoria transition area by redesignating it as that airspace extending upward from 700 feet above the surface within 2 miles each side of the Astoria VOR 309° True radial; extending from the arc of a 5-mile radius circle centered at Clatsop County Airport, Astoria, Oreg. (latitude 46°09'25" N., longitude 123°52'40" W.) to 8 miles NW of the Fort Stevens Fan Marker, and within 2 miles each side of the Astoria VOR 347° True radial, extending from the arc of a 5-mile radius circle centered at the Clatsop County Airport to 8 miles N of the VOR; and that airspace extending upward from 1,200 feet above the surface within 6 miles NE and 5 miles SW of the Astoria VOR 147° and 327° True radials, extending from 7 miles SE to 13 miles NW of the VOR; within 9 miles S and 2 miles N of the Astoria VOR 268° True radial, extending from the VOR to 13 miles W of the VOR, and within 5 miles NE and 8 miles SW of the Astoria VOR 309° True radial, extending from the Fort Stevens Fan Marker to 12 miles NW of the fan marker.

Alteration of the transition area, as proposed, would provide protection for the proposed and existing instrument approach procedures, departure procedures to the N, and holding pattern airspace.

This amendment is proposed under sections 307(a) and 1110 of the Federal Aviation Act of 1958 (49 U.S.C. 1348, 1510), and Executive Order 10854 (24 F.R. 9565).

Issued in Washington, D.C., on May 18, 1965.

DANIEL E. BARROW,
Chief, Airspace Regulations and Procedures Division.

[F.R. Doc. 65-5423; Filed, May 24, 1965; 8:46 a.m.]

Notices

POST OFFICE DEPARTMENT

ORGANIZATION AND ADMINISTRATION

The following revised description of the Post Office Department's organization and administration which is an excerpt from Chapter 8 of the Postal Manual is published pursuant to section 3(a)(1) of the Administrative Procedure Act (5 U.S.C. 1002(a)(1)). It supersedes Federal Register documents appearing in 23 F.R. 4010–4018, 5278–5281, 6799, 9146; 24 F.R. 2450–2451, 7424–7426, 8751–8752; 25 F.R. 6526–6545; 26 F.R. 626–627, 3726, 6863–6864, 9957–9958; 27 F.R. 2375–2378, 5408, 8962–9007, 11558–11559, 12452–12453; 28 F.R. 914, 2361, 2690, 3674, 7362, 8295–8296, 11322–11323; 29 F.R. 1661, 3444, 5840, 7946–7947, 11193–11196, and it reflects the delegations of authority and amendments thereof which have been published in the FEDERAL REGISTER as follows: 18 F.R. 1187, 2480, 8458, 8460, 8908; 19 F.R. 342, 361, 2376, 3065, 3970, 4043, 4331, 4483, 4484, 4584, 5323, 5971, 6168, 6169, 6351, 6862, 7275, 7416, 7510, 7910, 8042, 8226; 20 F.R. 98, 165, 234, 276, 567, 941, 1103, 1186, 2205, 2206, 2669, 3266, 3548, 3833, 5269, 7399, 7946, 8478, 8522; 21 F.R. 162, 613, 1075, 1189, 2896, 5335, 5462, 6096, 7809, 8778; 22 F.R. 3737, 4166, 4673, 6022, 7382, 8542; 23 F.R. 616, 805, 1798, 2754, 2816, 2817, 3740, 5021, 6215, 7676, 8162; 24 F.R. 2451, 4272, 4273, 6584, 6878, 8750, 8751; 25 F.R. 9959, 9960, 12375; 26 F.R. 2759, 2760, 3963, 6822, 10002, 10241; 27 F.R. 1463, 2811, 3936, 4310, 5821, 5995, 6436, 7461, 8323, 9007, 9463, 10374, 10912–10913; 28 F.R. 3937, 4587, 6300, 6577, 6993, 7040, 8220; 29 F.R. 3478, 4108, 4163, 4926, 5766, 6653, 9543, 12882–12884, 17852; 30 F.R. 164, 4209.

(R.S. 161, as amended; 5 U.S.C. 22, 39 U.S.C. 309, 501)

LOUIS J. DOYLE,
General Counsel.

Subchapter 810—General Principles of Organization

PART 811—RESPONSIBILITY DISTRIBUTION

811.1 Postmaster General and Deputy Postmaster General.
811.2 Bureaus and offices.
811.3 Postal field service.

PART 812—DELEGATIONS OF AUTHORITY

812.1 Authority for delegation.
812.2 Media of delegation.
812.3 Contents of delegations.
812.4 Redelegation.
812.5 Authority to effect personnel actions.
812.6 Authority to administer oaths of office.
812.7 Authority to designate certifying officers—headquarters.
812.8 Authority to designate certifying officers—field.

PART 813—RELATIONSHIPS AND CHANNELS OF COMMUNICATION

813.1 Relationships.
813.2 Channels of communication.

Subchapter 820—Organization Statements

PART 821—OFFICE OF THE POSTMASTER GENERAL AND DEPUTY POSTMASTER GENERAL

821.1 Postmaster General.
821.2 Deputy Postmaster General.
821.3 Executive Assistant to the Postmaster General.
821.4 Special Assistant to the Postmaster General (Public Information).
821.5 Judicial Officer.
821.6 Advisory Board.
821.7 Office of Regional Administration.
821.8 Executive Assistant to the Deputy Postmaster General.

PART 822—BUREAUS AND OFFICES

822.1 Bureau of the Chief Postal Inspector.
822.3 General Counsel.
822.3 Office of Research and Engineering.
822.4 Assistant Postmaster General, Bureau of Operations.
822.5 Assistant Postmaster General, Bureau of Transportation and International Services.
822.6 Assistant Postmaster General, Bureau of Finance and Administration.
822.7 Assistant Postmaster General, Bureau of Facilities.
822.8 Assistant Postmaster General, Bureau of Personnel (to be revised).

PART 823—REGIONAL DIRECTOR

823.1 Deputy Director.
823.2 Assistant to Director.
823.3 Special Assistant to Regional Director for Employee Relations.
823.4 Controller.
823.5 Personnel Division.
823.6 Postal Systems Division.
823.7 Local Services Division.
823.8 Transportation Division.
823.9 Engineering and Facilities Division.

PART 824—POSTAL DATA CENTERS

824.1 Postal Data Center Director.
824.2 Administrative Office.
824.3 Processing and Control Division.
824.4 Systems and Planning Division.
824.5 Data Operations Division.

Subchapter 810—General Principles of Organization

PART 811—RESPONSIBILITY DISTRIBUTION

811.1 *Postmaster General and Deputy Postmaster General.*

.11 All responsibilities and authorities for performance of the work of the Post Office Department are vested by law in the Postmaster General, who may redelegate them to subordinate officers. The Postmaster General operates by delegation, as provided herein, except as to any matters which he may generally or specifically reserve for his personal decision, notwithstanding formal delegations.

.12 The Deputy Postmaster General functions as full alternate to the Postmaster General with full authority to act in his stead on all matters.

811.2 *Bureaus and Offices.*

.21 The Postmaster General and the Deputy Postmaster General are assisted in the performance of their duties by five Assistant Postmasters General, the General Counsel, the Chief Postal Inspector, and the Director, Office of Research and Engineering, who are assigned to Department Headquarters. Functions of these officers, each within the area of his assigned responsibility, relate mainly to:

a. Program planning, direction, and review.

b. Establishment of policies, procedures, and standards, and other guidelines.

c. Operational determinations on matters not logically within the full jurisdiction of field officers.

.22 Each bureau and office, as affected, shall participate in the selection of key officials in the regional components of the Field Postal Establishment; shall review personnel actions warranting Headquarters action; and shall deal with employee organizations on matters within its jurisdiction.

811.3 *Postal Field Service.*

.31 The postal field service is divided into fifteen regions, each under the jurisdiction of a Regional Director, who is responsible for:

a. Efficient operation of all post offices and other postal installations (except those specifically reserved to Headquarters) within his region in accordance with official delegations and prescribed policies, procedures, and standards.

b. Referral to superior authority of matters requiring higher decision, accompanied by appropriate recommendations.

c. Reporting of performance, special problems, trends, and other operating information necessary for effective planning and action by Headquarters.

.32 Following are the official abbreviations and numerical designations of the fifteen regions of the Post Office Department. They should be used, respectively, when abbreviations or numbers are used to identify the regions. This does not permit the substitution of abbreviations or numbers in formal reports when names of regions should be used.

Region	*Abbreviation*	*Number*
Boston	BOS	1
New York	NY	2
Philadelphia	PHI	3
Cincinnati	CIN	4
Washington	WDC	5
Atlanta	ATL	6
Chicago	CHI	7
St. Louis	STL	8
Minneapolis	MIN	9
Wichita	WIC	10
Dallas	DAL	11
San Francisco	SF	12
Memphis	MEM	13
Denver	DEN	14
Seattle	SEA	15

NOTE: The official abbreviation for the word "region" is RGN.

.33 There are also six postal data centers located in the postal field service. Each center is under the jurisdiction of a Director who is responsible for:

a. Directing activities of the postal data center with responsibility for data management and processing functions for assigned postal regional area.

b. Providing leadership in developing, implementing, and operating data processing systems which integrate several areas of management interest and use several categories of equipment.

c. Accomplishing systems projects of national significance in improving information and management systems of the postal service.

d. Contributing to the Post Office Department's search for developing and implementing advanced management sciences in capturing, processing, reporting and balancing information for use of postal service managers.

e. Adjudicating tort claims in amounts less than $100. Adjudicating postmaster's claims for losses due to fire, theft, burglary, or other unavoidable casualties.

.34 Following are the official abbreviations and designations of the six postal data centers of the Post Office Department. They should be used, respectively, when abbreviations or alphabetical designations are used to identify the centers. This does not permit the substitution of abbreviations or designations in formal reports where names of centers should be used.

Postal data center	*Abbreviation*	*Alphabetical designation*
Atlanta	ATLPDC	A
Dallas	DALPDC	D
Minneapolis	MINPDC	M
New York	NYPDC	N
St. Louis	STLPDC	L
San Francisco	SFPDC	F

NOTE: The official abbreviation for postal data center is PDC.

PART 812—DELEGATIONS OF AUTHORITY

812.1 *Authority for Delegation.*

.11 The Postmaster General is vested with authority for the administration of all functions of the Post Office Department (39 U.S.C. 302) and is authorized to delegate to any officer, employee, or agency of the Department such of the functions vested by law in him or any other officer or employee of the Department as he deems appropriate (39 U.S.C. 309).

.12 The Deputy Postmaster General functions as full alternate to the Postmaster General with authority to act in his stead on all matters.

.13 Each Assistant Postmaster General, the General Counsel, the Chief Postal Inspector, and the Director, Office of Research and Engineering, are authorized to act on behalf of the Postmaster General on all matters within the area of their assigned duties. In the absence of any of these officers from duty, his functions shall be discharged by his deputy or other designated officer, next in line, who shall sign documents in his own name as Acting Assistant Postmaster General, Acting General Counsel, etc. Prior approval of the Postmaster General or Deputy Postmaster General is required before an officer of lesser rank than a Deputy Assistant Postmaster General may be designated to act as head of a bureau or office.

812.2 *Media of Delegation.*

.21 All delegations of authority shall be issued through officially established media as defined herein. Statements of delegation shall normally be prepared for inclusion in the Postal Manual or other manuals of regulations and procedures, in the style of such manuals.

.22 Chapter 8 of the Postal Manual shall serve as the general medium for conferring authority to organization units and their heads to perform the duties and responsibilities delegated to them. Other official issuance series may be used as media for conveying specific, related operating authorities when issuance in the Postal Manual is not appropriate or feasible. Individual memoranda of delegation, numbered serially for record purposes, may be issued when required.

.23 In addition to publication in suitable headquarters and field service series, delegations shall be published in the FEDERAL REGISTER when required.

.24 Headquarters or regional officials shall not orally authorize postmasters to deviate from published instructions, except in emergencies. An oral authorization shall be confirmed by a memorandum or order dated subsequent to the issuance date of the most recently published instructions on the subject. Postal inspectors shall charge as irregularities any deviations not properly authorized which are observed in the course of office inspections.

812.3 *Contents of Delegations.*

.31 Delegations shall ordinarily be made by position title rather than by individual name. The term "chief or acting chief" or any comparable term need not be used as it will be presumed that the officer acting in the absence of a principal shall have the full authority of that principal.

.32 When authority is delegated to an officer, the officers in line of command above the officer to whom authority is delegated shall have the same authority. This authority shall not extend to associates, deputies, assistant chiefs, assistants to the chief, or other aides to a principal, except on an acting basis as specified in 812.31 or unless specifically authorized.

.33 A delegation shall set forth the specific actions for which an officer has authority and limitations and special conditions for exercising the authority. Any delegation of authority shall be subject to legally prescribed conditions or criteria of execution, whether or not mentioned in the delegations. Conditions or criteria may be administratively included. A delegation may also include a requirement to make periodic reports of the exercise of the delegated authority.

812.4 *Redelegation.*

.41 The head of a bureau or office may redelegate any authority vested in him, except as otherwise provided by law or administrative regulations.

.42 Authority to commit the Post Office Department or the U.S. Government may be subdelegated by the Deputy Postmaster General or by the head of a bureau or office. Other subordinate officers may not redelegate authority to perform acts in accordance with legal requirements.

.43 An officer may redelegate responsibility for ordinary performance of duties, except as provided in 812.41.

812.5 *Authority to Effect Personnel Actions.*

.51 *Delegation.* The following officials and employees are delegated authority, to approve and sign POD Forms 50, *Notification of Personnel Action*, for appointments, changes during employment, and separations affecting employees under their jurisdiction in the postal field service, except as may be limited by other provisions of the Postal Manual or by the Regional Director:

a. *Regional Headquarters:*
Regional Director.
Deputy Regional Director.
Director, Personnel Division.
Chief, Employment and Placement Branch.

b. *Postal Data Centers:*
Director, Postal Data Center.

c. *Postal Installations:*
Postmaster.
Assistant Postmaster.
Supervisor assigned to personnel office.
Area Supply Manager and Superintendent, Supply Center.
Manager and Assistant Manager, Mail Equipment Shops.

.52 *Redelegation.* The authority to approve and sign POD Forms 50 may be redelegated by the Regional Director or Director, Postal Data Center, to officers and supervisors under his jurisdiction as considered necessary and essential.

.53 *Administrative clearances and approval.* Authority delegated herein does not preclude securing administrative clearances and approvals that may be required by instructions implementing this section issued through other media.

812.6 *Authority to Administer Oaths of Office.*

.61 *Delegation.*

The following officials are authorized to administer oaths of office in connection with employment:

a. *Regional Headquarters:*
Regional Director.
Deputy Regional Director.
Director, Personnel Division.
Regional Controller.
Chief, Employment and Placement Branch.
Employment and Placement Officers.
Personnel Assistant.
Postal Service Officer.

b. *Postal Data Centers:*
Director, Postal Data Center.
Director, Systems and Planning Division.

c. *Postal Installations:*
Postmasters.
Assistant Postmasters.
Superintendent and Administrative Assistant, Mail Bag Depository.
Superintendent, Assistant Superintendent (where authorized) and Administrative Assistant of Combined Mail Bag Depository and Mail Bag Repair Center.
Supervisor assigned to Personnel Office in postal installation.
Executive Secretary, Postal Board of Civil Service Examiners.
Area Supply Manager; Superintendent and Personnel Officer, Supply Center.
Manager, Assistant Manager, and Administrative Assistant, Mail Equipment Shops.
U.S. Postal Agent.
U.S. Stamped Envelope Agent.

d. *Inspection Service:*
Postal Inspector in Charge.
Deputy Postal Inspector in Charge.

Assistant Postal Inspector in Charge.
Postal Inspector.
Area Manager, Internal Audit Division.

.62 *Prohibition on Redelegation.*

Authority delegated to officers and supervisors specified in 812.61 CANNOT BE redelegated by them to any officials or employees under their jurisdiction.

.63 *Administration of the Oath of Office.*

.631 POD Forms 61, *Appointment Affidavit*, and 62, *Oath of Office and Appointment Affidavit*, shall be used to ascertain that the personnel action being taken conforms to the Civil Service Act and rules and applicable laws. These pertain to holding of office, pensions, suitability when there is a record of discharge or arrest, age, citizenship, and other requirements relating to employment in the Postal Service. No employee shall be assigned to duty if the form indicates he does not meet requirements. Appointing officers shall guard against impersonation and determine beyond reasonable doubt that the appointee is the same person who qualified for the appointment. It is incumbent upon officials and supervisors administering oaths of office to be familiar with those organizations listed in 637.113 in which membership, past or present, may constitute a bar to employment or retention in the Postal Service.

.632 Oath of office incident to entrance into the Postal Service (or to a conversion to career status) shall be administered without charge or fee.

812.7 *Authority To Designate Certifying Officers—Headquarters.*

.71 *Delegation.* The following officials are delegated authority to designate certifying officers at Headquarters to certify payment of items specified:

a. Chief Postal Inspector certifies (1) payments from his special deposit account; (2) disbursements for rewards based on Postmaster General Notices of Reward; (3) payments from confidential funds; (4) salary payments to office division inspectors; (5) advances of funds for confidential purposes; (6) inspection service travel, travel advances, transportation of things; and (7) payments for special analyses and services.

b. General Counsel certifies payments relating to tort claims and claims under 39 U.S.C. 2409.

c. Assistant Postmaster General, Bureau of Finance and Administration, certifies all Headquarters payments not covered by a and b.

.72 *Redelegation.* These officials are also authorized to redelegate their authority to designate certifying officers. The redelegation shall be made by letter to the Headquarters Disbursing Officer and must bear the specimen signature of the person to whom the authority is redelegated.

.73 *Designating Certifying Officers.*

.731 *Bureau of Chief Postal Inspector and the General Counsel.* Officials authorized to designate certifying officers (see 812.71) will complete Standard Form 210, *Signature Card for Certifying Officer*, in duplicate to show:

a. Name of bureau or office for which vouchers will be certified.

b. Signature of certifying officer written exactly as he will sign vouchers.

c. Class of vouchers to be certified.

d. His signature and effective date.

.732 *Other Bureaus or Offices.* Other bureaus or offices requiring certifying officers will complete SF 210 in duplicate as prescribed in 812.731, except for signature and date. Forward both copies of the form to the Assistant Postmaster General, Bureau of Finance and Administration.

.733 *Submitting SF 210 to Disbursing Officer.* The Chief Postal Inspector, General Counsel and Assistant Postmaster General, Bureau of Finance and Administration, or their designees, will forward the signed originals of SF 210 to the Headquarters disbursing officer and retain the duplicates. These will be the official designations of the employees named on the SF 210 as certifying officers.

.74 *Maintaining Designations.*

It is the responsibility of each bureau and office to maintain currently its designation of authorized certifying officers. As certifying officers die, retire, transfer or otherwise leave, bureaus and offices must inform the disbursing officer promptly so that signature cards may be removed from active files. When new or additional designations are made, follow procedures in 812.7.

812.8 *Authority To Designate Certifying Officers—Field.*

.81 *Delegation.* The following officials are delegated authority to designate certifying officers in regions, inspection service divisions and internal audit areas:

a. The Chief Postal Inspector certifies vouchers for obligations incurred by the Postal Inspection Service.

b. Postal Data Center Directors certify vouchers for obligations for all other regional functions.

c. Regional Directors and regional controllers certify vouchers for obligations for functions under their direction until the disbursing functions are transferred to the postal data centers.

.82 *Redelegation.* These officials are also authorized to redelegate their authority to designate certifying officers. The redelegation shall be made by letter to the Assistant Disbursing Officer and must bear the specimen signature of the person to whom the authority is redelegated.

.83 *Designating Certifying Officers.*

.831 *Inspectors in Charge and Internal Audit Area Managers.* These officials, who are designated certifying officers, subject to any limitations set forth by the Chief Postal Inspector, are authorized to designate certifying officers for obligations incurred by the Postal Inspection Service. They will complete Standard Form 210, Signature Card for Certifying Officer, in duplicate to show:

a. Inspection service division or internal audit area for which vouchers will be certified.

b. Signature of certifying officer written in the same manner that he will sign vouchers.

c. Class of vouchers to be certified.

d. His signature and effective date.

Inspectors in charge and internal audit area managers shall not redelegate their authority to designate authorized certifying officers.

.832 *Postal Data Center Directors.* Offices under direction of Postal Data Center Directors will complete SF 210 in duplicate as in 812.831 except for the signature and date. Forward both copies of the form to him for completion.

.833 *Submitting SF 210 to Assistant Disbursing Officer.* The inspector in charge, internal audit area manager, and Postal Data Center Director (or his designees) will forward the signed originals of SF 210 to the assistant disbursing officer and retain the duplicates. These will be the official designations of the employees named on the SF 210 as certifying officers.

.84 *Maintaining Designations.* It is the responsibility of each office under jurisdiction of the officials named in 812.8 to maintain currently its designation of authorized certifying officers. As certifying officers leave the sphere of certifying activity, notices of termination and appointment must be forwarded through the offices of the named officials to the assistant disbursing officer.

PART 813—RELATIONSHIPS AND CHANNELS OF COMMUNICATION

813.1 *Relationships.*

.11 *Between Headquarters Bureaus and Offices.*

.111 Headquarters bureaus and offices serve in a staff relationship to the Postmaster General and his Deputy.

.112 The Office of Regional Administration acts for the Postmaster General and his Deputy, in directing, in coordination with bureau and offices, the activities of the regional offices to assure that the Regional Director effectively executes the policies, procedures, regulations, and programs of the bureaus and offices.

.113 Each bureau and office performs the following functions within the scope of its functional statements and delegations: (a) develops policies and programs, (b) prepares effective procedures, (c) promulgates definitive standards and other guidelines, (d) performs the planning required to accomplish the mission of the Postal Service and to give it direction, and (e) reviews regional performance and takes action to assure that policies, procedures, and programs are effectively carried out. The bureau or office in each instance will inform the Office of Regional Administration of the action taken. These functions are performed in coordination with the appropriate bureaus and offices to eliminate possible duplication, to provide uniform guidance to the field, and to assure that policies and programs serve operating needs.

.12 *Between Headquarters, Regional Offices and Postal Data Centers.*

.121 Each Headquarters bureau and office shall provide direct functional guidance and policy interpretation to regional and postal data center officials in its area of responsibility. Bureaus and offices have direct access to their regional and postal data center counterparts for this purpose.

.122 It is essential to the smooth day-to-day operation of the postal field service that there be free, direct communication between Headquarters bureaus and offices and regional and postal data center officials in those areas where the bureaus and offices are charged with providing functional guidance and direction.

.13 *Between Regional Offices and Postal Installations.*

.131 The line of responsibility for the effective operation of postal installations is from the Regional Director to the installations within his region, except for specific matters reserved to the Postmaster General and the Deputy Postmaster General and to Headquarters bureaus and offices.

.132 The Regional Director discharges his responsibilities with the assistance, advice, and support of his staff in their areas of specialization.

813.2 *Channels of Communication.*

.21 *General.*

.211 Any communication on matters requiring discretion or policy determination shall proceed through each successive level of authority upward and downward, without bypassing any. This practice must be followed if each officer who is responsible for an area of activity is to be kept informed of what is going on. An officer who is accountable for any activity must be given an opportunity to pass judgment on matters under his jurisdiction.

.212 Nonpolicy transactions may be conducted across bureau and office lines between officials of the same level, each acting within the scope of his responsibility. This time-saving practice should be followed routinely, unless a specific transaction or a category of transactions is reserved for a higher official. Direct communication between the same lower levels is also encouraged during informal, developmental phases of interbureau or interoffice policy, program, and procedural planning. In such cases, the persons involved must not commit their principals without prior consultation.

.213 Any officer who is bypassed in accordance with principles in 813.212 must, however, be kept informed. This may be done orally or by carbon copy, as the situation may require. The information notification must be transmitted without any delay to the officer concerned.

.22 *Headquarters and Regional Offices.*

.221 The Postmaster General relies on the heads of the various bureaus and offices to formulate the directives necessary to provide functional guidance for the Regional Directors and their staffs.

.222 Policy directives will be issued over the signatures of the heads of the bureaus and offices, covering matters within their responsibility, except in cases when the Postmaster General or Deputy Postmaster General may wish to personally issue such directives. Policy directives will be coordinated with the Office of Regional Administration before issuance.

.223 Instructions and procedures not involving policy, which will include the bulk of communications, will ordinarily be issued over the signature of the bureau head having jurisdiction. In any such case, the communication will have the same effect as though it were sent to the Regional Director by the Postmaster General or his Deputy. In any event, the Regional Director shall be responsible for performance.

.224 Functional field staff officers may communicate directly with the corresponding functional bureau in Headquarters on matters within their area of jurisdiction. In addition, where specifically authorized in the Department's instructions, they may also directly contact supporting Headquarters offices, such as General Counsel, Chief Postal Inspector, Research and Engineering, and Public Information, on matters of a technical nature not requiring administrative judgment of the Regional Director.

.225 The Office of Regional Administration must be kept informed of communications from regional offices to Headquarters bureaus and offices on policy or other matters of similar importance. For correspondence this may be accomplished by sending a copy of the correspondence to the Office of Regional Administration.

.226 Operating reports ordinarily will be sent directly to the respective bureaus and offices for analysis and consideration. The Regional Director will make such additional reports as are required directly to the Director, Office of Regional Administration.

.227 There should be close liaison between the regional officials and the Inspection Service which, as an independent arm of the Postmaster General, does not come under the jurisdiction of the Regional Director. The Inspection Service may be requested to make findings of fact and give recommendations on postal matters.

.23 *Regional Offices and Postal Installations.*

.231 The regular channel of communication to the postmaster or to the head of any postal installation is through the Regional Director and his staff specialists in the areas concerned.

.232 Direct communication between Headquarters officials and the heads of postal installations will be kept to a minimum. When such communication is necessary, the Regional Director shall be fully informed by the official concerned.

.233 Communications from postal installations to Washington Headquarters shall be through the same channels in reverse.

.24 *Headquarters, Regional Offices and Post Offices With Postal Data Centers.*

.241 The Bureau of Finance and Administration formulates and issues the directives necessary to provide functional guidance to the postal data centers. The Office of Regional Administration issues administrative directives. All other Headquarters communications to and from the postal data centers will be processed through whichever of these organizations is appropriate, except there may be direct contact between the Office of the General Counsel and the postal data centers on matters relating to professional and policy guidance on claims.

.242 Regional offices and postal data centers are authorized to communicate directly with each other. Regional controllers have been designated as the coordinating point in the regions for these communications.

.243 Post offices and postal data centers are authorized to communicate directly on routine accounting matters. All other communications, including those involving remedial action based on an accumulation of routine accounting matters, will take place through the regional office.

Subchapter 820—Organization Statements

PART 821—OFFICE OF THE POSTMASTER GENERAL AND DEPUTY POSTMASTER GENERAL

821.1 *Postmaster General.*

a. Administers the Postal Service in all its branches, the appointment of its personnel, its relationships with the Congress, and the management of its finances including the disbursement of appropriations.

b. Appoints postmasters at fourth-class offices and submits nominations to the President on appointments to be made by him for other classes of offices.

c. Determines appeals from the action of the bureau and office heads, except as otherwise delegated.

d. Promulgates rules and regulations and issues all orders requiring the formal approval of the Postmaster General.

e. Performs all special duties enjoined by law upon the Postmaster General.

821.2 *Deputy Postmaster General.*

a. Executes and performs all powers, functions, and duties conferred by law upon the Postmaster General, including the modification, suspension, or recision of orders, instructions, and regulations heretofore, or hereafter, issued in the name of the Postmaster General.

b. Delegates to any officer, employee, or agency of the Post Office Department designated by him such of the foregoing powers, functions, and duties as he deems appropriate.

c. Resolves differences of opinions between bureaus and offices as to policies, programs, and areas of responsibility.

821.3 *Executive Assistant to the Postmaster General.*

Performs such duties as are assigned by the Postmaster General.

821.4 *Special Assistant to the Postmaster General (Public Information).*

a. Initiates and directs the formulation of policies and programs for the administration of public information matters throughout the Postal Establishment.

b. Directs the Post Office Department's information and public education program, providing current information on problems, policies, and programs of the Post Office Department to the public, the principal mail users, the press, and radio and TV commentators.

c. Formulates the policy for the Post Office Department's philatelic program including selection of subject matter, design, first-day sales, and promotion of U.S. postage stamps; serves as the Department's liaison with the Citizens' Stamp Advisory Committee.

d. Directs the operation of the Philatelic Exhibition Room and the Department's participation in national and international philatelic exhibits.

e. Prepares the weekly Report of the Postmaster General to the President of the United States, and special reports as required.

821.5 *Judicial Officer.*

a. An independent officer appointed by the Postmaster General, who acts for the Postmaster General in the performance of quasi-judicial functions, having delegated authority from the Postmaster General to—

(1) Execute in his own name the final decision and order in proceedings authorized by section 1717 of title 18, and by sections 4001, 4003, 4004, 4005, 4006, 4007, 4351, and 4352 of title 39, United States Code, and the Rules of Practice and Procedures of the Post Office Department.

(2) Modify, suspend, or rescind any action heretofore taken (including any order issued) or which hereafter may be taken by the Judicial Officer pursuant to the powers, functions, authority, and duties conferred upon the Postmaster General by the sections of title 39, United States Code, set forth in paragraph a(1).

(3) Preside at the reception of evidence in proceedings where expedited hearings are requested by either party or are provided in Rules of Practice. When the Judicial Officer presides at the reception of evidence he may issue a tentative decision.

(4) Revise or amend the rules governing eligibility to practice before the Post Office Department, and to revise or amend the Post Office Department Rules of Practice governing proceedings conducted under the Administrative Procedure Act (5 U.S.C. 1001–1011).

(5) Name and delegate authority to an Acting Judicial Officer.

(6) Exercise jurisdiction over the Hearing Examiners for administrative purposes only, but not to direct or participate in the initial decisions of Hearing Examiners in any proceeding.

(7) Exercise such other authority as the Postmaster General delegates him.

b. Decisions and orders of the Judicial Officer made under the delegated authority shall be the final departmental decision and orders except that the Judicial Officer may refer any proceeding to either the Postmaster General or the Deputy Postmaster General for final decision. The Judicial Officer does not determine the constitutionality of statutes nor the validity of Departmental regulations. He is responsible only to the Postmaster General and the Deputy Postmaster General. The Office of the General Counsel and the Bureau of the Chief Postal Inspector do not participate in or advise as to the decisions of the Judicial Officer in any proceeding.

.51 *Hearing Examiners.*

a. Hearing examiners are appointed and qualified as prescribed by law (5 U.S.C. 1010). They preside at administrative hearings involving alleged violations of postal laws or conflicts arising over second-class mail permits.

b. Initial decisions prepared by Hearing Examiners become final departmental decisions unless an appeal is taken to the Judicial Officer. Hearing examiners do not determine the constitutionality of statutes nor the validity of Departmental regulations.

c. The Hearing Examiners are under the jurisdiction of the Judicial Officer for administative purposes only in the same manner as are hearing examiners assigned to independent regulatory commissions.

.52 *Board of Contract Appeals.*

a. The Board of Contract Appeals is authorized to decide all disputes arising out of appeals from decisions of contracting officers for the Post Office Department. The chairman of the Board of Contract Appeals is authorized to promulgate rules of procedure for the Board of Contract Appeals. These duties shall be performed by the members of the Board of Contract Appeals in addition to their regular duties in the Department.

b. The Board of Contract Appeals for the Department is composed of the Judicial Officer of the Post Office Department who is the permanent chairman, and the Chief Hearing Examiner who shall be a permanent member. One of the Hearing Examiners of the Post Office Department appointed pursuant to the provisions of Section 11 of the Administrative Procedure Act, as amended, designated by the Judicial Officer on a rotating basis.

821.6 *Advisory Board.*

The Advisory Board for the Department consists of seven members appointed by the President, by and with the advice and consent of the Senate, representative of the public with the Postmaster General as chairman and the Deputy Postmaster General as vice chairman. The Board considers methods and policies for the improvement of the postal service, and advises and makes recommendations to the Postmaster General thereon.

821.7 *Office of Regional Administration.*

a. The Director acts for the Postmaster General in directing and coordinating with bureaus and offices the activities of the regional offices and postal data centers to assure that the Regional Director and Director, Postal Data Center effectively execute the policies, regulations, procedures, projects, and programs of the bureaus and offices.

b. Directs management appraisal of regional office and postal data center operations and performance on a regularly scheduled basis to see that regional offices and postal data centers carry out the policies and programs of the bureaus and offices; advises bureaus and offices.

c. Directs nationwide contract compliance program (Executive Order 10925 as amended by Executive Order 11114), to promote and insure equal employment opportunity for all qualified persons without regard to race, creed, color, or national origin employed or seeking employment on Government contracts. (See 857, Postal Manual.)

d. Reviews policies and programs of bureaus and offices which have a substantial effect on field management requirements, and advises them of modifications needed to reflect Department plans and objectives, to achieve uniformity of administration throughout the regions and postal data centers, and to obtain optimum results in the field.

e. Establishes standards and ceilings for determining regional and postal data center organization and complements; establishes and approves regional office and postal data center budgets and funds.

f. Develops, in cooperation with Bureau of Personnel, programs for training and indoctrination of regional and postal data center personnel; coordinates such programs with bureaus and offices.

g. Coordinates with the bureaus and offices in the selection and discipline of regional and postal data center personnel in their areas of responsibility.

821.8 *Executive Assistant to the Deputy Postmaster General.*

a. Coordinates activities of bureaus and offices in areas requiring joint planning and action.

b. Apprises the Deputy Postmaster General of the status of bureau programs and projects; identifies matters requiring his attention or action.

c. Represents the Deputy Postmaster General on manpower control matters requiring his determination.

d. Establishes policy for and directs the preparation, release and distribution of all official orders, regulations and issuances of the Department.

e. Provides policy and program direction for the Office of Headquarters Services.

f. Performs other duties as assigned by the Deputy Postmaster General.

.81 *Postal Modernization Coordinator.*

Acts as the Deputy Postmaster General's representative for coordinating all aspects of the postal modernization and mechanization program to provide an integrated, efficient system, as follows:

a. Directs studies in specific areas to obtain necessary data for policy determination and to clarify or expedite projects.

b. Initiates, in coordination with bureaus and offices, adjustments in their responsibilities for the modernization program to eliminate problem areas and expedite the flow of work.

c. Approves recommendations for new major facilities and modernization and mechanization of existing facilities; initiates action to establish priorities; and requests the Bureau of Facilities to acquire sites.

d. Approves and directs a reporting system to keep top management apprised of the status, progress, and problems in bureau programs affecting postal modernization and mechanization.

e. Approves all plans and specifications for mechanization of major facilities, prior to advertising for bids.

.82 *Executive Secretariat.*

a. Serves as Executive Secretary of the Post Office Department Advisory Board. Prepares record of proceedings and assists the Board in preparing its reports to the Postmaster General.

b. Coordinates preparation of the Weekly Highlight Report; the Quarterly Report on Goals and Programs; and the Annual Report of the Postmaster General to the President.

c. Assists the Postmaster General and the Deputy Postmaster General in coordinating replies to General Accounting Office reports.

.83 *Office of Headquarters Services.*

a. Provides plans, policies, and programs for and appraises the effectiveness of office communications and building services; graphics, printing, and distribution services; mail and messenger services; development, maintenance, and distribution of exhibits for the Postal Service; parking space and permits.

b. Directs staffs of the Operating Services Branch and Graphic Arts Branch.

c. Maintains liaison on policy and planning matters with the General Services Administration concerning headquarters building and cafeteria; and with the Government Printing Office and the Joint Committee on Printing for all printing of the Postal Establishment, except for accountable paper.

d. Serves as deputy defense coordination representative for the Office of the Postmaster General and the Deputy Postmaster General.

(1) *Operating Services Branch:*

(a) Plans, programs, and directs the Headquarters supplies, equipment, and services procurement program.

(b) Provides telephone and related services for Headquarters, Washington Region, Supply Center, City Post Office, and Mail Equipment Shops; maintains liaison with telephone company and General Services Administration on communications matters.

(c) Approves requests to, and arranges with, General Services Administration for building maintenance, repairs, and alterations.

(d) Plans and directs a program for the maintenance and repair of all office equipment.

(e) Analyzes and plans space requirements for Headquarters and negotiates with General Services Administration for space allocations.

(f) Provides automotive transportation and delivery services for Headquarters; and manages the official parking facilities.

(g) Manages and controls Headquarters property; conducts inventories, initiates surveys, and maintains property records.

(h) Plans, programs, and directs the mechanical shop and labor unit.

(i) Organizes and directs arrangement of facilities for movies, television and press conferences, and other ceremonies; handles receipt or shipment of exhibits.

(j) Plans, programs, and directs Headquarters mail and messenger operations.

(k) Administers the Headquarters records program, within the policies and guidelines established by the Forms and Records Management Branch in the Management Systems Division, Bureau of Finance and Administration.

(2) *Graphic Arts Branch:*

(a) Serves as printing technician for the Department; renders technical advisory services to all components of the Department on printing and duplicating plans and projects.

(b) Administers Headquarters reproduction plant, personnel, and facilities; determines how and when equipment may be procured, maintained, operated, and disposed of; initiates actions for acquisition, use, and maintenance of reproduction equipment.

(c) Plans, organizes, coordinates, and controls all reproduction needs for Headquarters; recommends policies affecting programs of the Branch; formulates and installs work methods and procedures.

(d) Provides technical coordination of field reproduction activities of the Department; provides technical service to bureaus and offices for field printing and duplicating needs and participates in surveys; provides technical coordination of field reproduction activities for field printing and duplicating needs.

(e) Serves as the official Post Office Department liaison with the Joint Committee on Printing, the Government Printing Office, and the General Services Administration on printing and duplicating matters, Headquarters and field, and is responsible for:

(i) Application and enforcement of Joint Committee on Printing regulations on purchase, rental, exchange, or transfer of equipment.

(ii) Coordination for the Department of all reproduction and reports required by Committee regulations.

(iii) Approving or disapproving, for the Deputy Postmaster General, the procurement of duplicating and printing (and related) equipment, and its transfer, for Headquarters and the postal field service.

(f) Provides technical visual arts services to bureaus and offices on preparation of manuscripts for printing by Government Printing Office or the Department's plant, including development of graphics, statistical drafting, art designs, and other illustrative materials, printing of budget, statistical, and tabular data.

(g) Assists in planning, coordinating, and developing the Department's visual aid program, including the design, layout, and execution of artwork for postal exhibits; assisting in determining exhibits requirements; and advising officials of graphics techniques to improve management and reporting procedures.

(3) *Library:*

(a) Maintains a law library and provides legal reference service.

(b) Maintains a technical reference library and provides assistance required by departmental and field personnel.

(c) Serves as a repository of Postal Service historical source materials for use by the Department and the general public.

(d) Provides Department-wide coordination and control in the acquisition and distribution of all nonpostal publications.

PART 822—BUREAUS AND OFFICES

822.1 *Bureau of the Chief Postal Inspector.*

a. Directs the execution of policies, regulations, and procedures governing all investigations, and operating inspections and audits for the Postal Service.

b. Advises the Postmaster General, the Deputy Postmaster General, and other principal assistants on the condition and needs of the service.

c. Acts as Security Officer and Defense Mobilization Officer for the Postal Establishment.

d. Directs the selection, training, and supervision of inspection service personnel.

e. Maintains liaison with other investigative and law enforcement agencies of the Government.

f. Administers payment of rewards for information and services.

.11 *Deputy Chief Postal Inspector.*

Advises and assists the Chief Postal Inspector and acts for him in his absence or at his direction.

.12 *Assistant Chief Postal Inspector.*

Directs those responsibilities of the Chief Postal Inspector which relate to mail loss and depredations, mail fraud investigations, financial investigations, service investigations and inspections, and identification laboratory.

.121 *Mail Loss and Depredations Division.*

a. Directs investigations of:

(1) Mail theft, loss, rifling, and damage.

(2) Armed robbery, burglary, or assaults on postal employees.

(3) Casualties, fires, natural disasters, and train and plane crashes involving the Postal Service.

(4) Alterations and forgeries of postal financial papers.

(5) Counterfeiting of stamps, money orders, or other postal paper.

b. Traces registered and other mail losses with foreign governments.

c. Maintains liaison with other Federal, State, and local law enforcement agencies.

d. Coordinates major postal criminal cases on national basis.

.122 *Fraud and Mailability Investigations Division.*

a. Directs investigations of:

(1) Mail frauds, lotteries, conspiracies.

(2) Extortions, mailing of bombs, poisons, obscene, scurrilous, libelous, or other prohibited matter.

b. Maintains liaison with Department of Justice and U.S. attorneys.

c. Examines, analyzes, and disseminates information and decisions affecting criminal investigations.

.123 *Financial Investigations Division.*

a. Directs investigations involving:

(1) Shortages and embezzlements of funds.

(2) Falsification of financial records, including timecard irregularities.

(3) Inflation of post office receipts.

(4) Loss of revenue from all classes of mail.

(5) Violations of Private Express Statutes.

(6) Motor vehicle and other accidents resulting in injuries to private persons, or damage to private or Government property.

(7) Misuse of stamped paper.

b. Determines financial responsibility in cases involving mistreatment of mail, and failure to collect or remit COD funds.

c. Initiates actions to enforce recoveries resulting from mistreatment of mail and COD funds, misappropriation of funds and other financial irregularities, revenue due the Post Office Department; determines ownership and disposition of money and property recovered by inspectors.

.124 *Service Investigations and Inspections Division.*

a. Directs special and confidential investigations.

b. Directs audit-inspections and rating of post offices, other stationary mail handling installations, mobile units, vehicle maintenance facilities and other vehicle service, and Federal and leased buildings housing postal installations.

c. Directs investigations of:

(1) Major charges resulting from inspections and those involving postal employees as requested by operating management.

(2) Malfeasance and misfeasance (coordinated, as applicable, with Department of Justice).

d. Directs other investigations requested or approved by operating management involving:

(1) Space and equipment requirements.

(2) Suitability of postmaster candidates.

(3) Installation of postmasters and acting postmasters.

(4) Establishment and discontinuance of post offices, stations, and branches.

(5) Rural route changes.

(6) Service matters.

e. Plans for and transports in inspector custody President's mail while he is traveling or is away from Washington.

.125 *Identification Laboratory.*

a. Conducts scientific examinations of handwriting, typewriting, mail tampering, inks, poison foods, bomb parcels, and burglary evidence relating to postal crimes.

b. Presents expert testimony in court action.

.13 *Assistant to the Chief Postal Inspector.*

Administers staff matters and, with the Chief Postal Inspector, provides general direction on defense coordination matters as follows:

a. Assists the Chief Postal Inspector on matters of organization, personnel administration, budget administration, management controls, methods procedures, office management, records management, and issuance of publications and instructions; on examination and selection of inspection service personnel; and on operation of Inspectors' Training School.

b. Formulates, develops, and coordinates civil defense and defense mobilization programs for the Postal Establishment; maintains liaison with the Department of Defense and the Office of Emergency Planning; and other agencies concerning these activities.

c. Maintains liaison with the Department of Defense on postal service problems and administers the Army Affiliation Program for the Postal Establishment.

.14 *Internal Audit Division.*

a. Develops and directs a comprehensive program of internal and contract auditing for the Post Office Department. The broad objectives of the audit program are to assist and advise management at all levels through independent audits and appraisals by determining that systems, methods and controls employed in the programs and operations of the Department are effective, that available resources are properly utilized and safeguarded, and that there is compliance with established policies, regulations, and procedures.

b. Provides centralized coordination on audit policy and establishes standards, principles and procedures for audits of all postal activities and organizations and contractor organizations as required for use by internal auditors, postal inspectors, finance examiners, and other postal personnel.

c. Develops nationwide coordinated audit plans and programs and conducts comprehensive internal audits of postal activities and organizations other than inspections of post offices. Conducts jointly with postal inspectors selected special studies and evaluations at post offices and other field installations.

d. Provides contract audit services to the Department's contracting and procurement officials under cost-type, advertised, and negotiated fixed price contracts by (1) analyzing and substantiating cost and price estimates and proposals of prospective contractors, (2) making on-site verifications, analyses and audits of contractor costs, progress payments, amendments, change orders, and terminations, and on-site audits of contractor records to determine allowable costs, (3) advising and assisting contract negotiators and administrators, and (4) coordinating results when Defense Department auditors conduct assist-audits of contractor records for the Post Office Department.

e. Prepares reports on results of audits outlining conditions, needs, and recommendations to bureau and office heads, regional directors and other officials; maintains follow-up controls to insure responsive consideration and action on audit recommendations.

f. Provides technical accounting and auditing assistance to postal inspectors on mail fraud cases involving complex commercial accounting systems.

g. Represents the Department in dealing with other Government agencies and industry representatives on internal and contract auditing matters, including the coordination of audit programs with General Accounting Office auditors assigned to the Post Office Department.

.15 *Personnel Security.*

a. Formulates, with the Office of the General Counsel, personnel security regulations and procedures of the Department; administers personnel and physical security programs for the Postal Establishment.

b. Maintains liaison with the Department of Justice, the Civil Service Commission, and other agencies related to security activities.

c. Assists operating officials and appointing officers in determining sensitive positions; evaluates security checks and investigations; effects clearances or recommends appropriate action; prepares charges in instances of suspension.

d. Collaborates with the Office of the General Counsel on recommendations for disposition of cases in which suspended employees have submitted statements refuting or explaining security charges against them.

e. Designates postal officials to serve on security hearing boards and arranges facilities for those boards.

822.2 *General Counsel.*

a. Serves as legal adviser to the Postmaster General, the Deputy Postmaster General, and the entire Postal Establishment with respect to (1) legal interpretations and opinions; (2) drafting or approving legal documents; (3) legal matters involved in all stages of procurement and contracting activities, including matters of compliance with Federal procurement regulations and departmental regulations and instructions; and (4) conduct of administrative hearings before regulatory agencies of the Federal Government and assists Department of Justice in court proceedings on behalf of the Department.

b. Institutes proceedings under the Administrative Procedure Act in fraud and mailability cases, and defends decisions of administrative officials involving entry of second-class mail or suspension of second-class mailing privileges. He does not advise or consult with the Judicial Officer or the Hearing Examiners with respect to their performance of the duties and functions assigned to them under 821.4 and 821.5, except in the disposition of ex parte matters as authorized by law, nor does he participate in the decision of the Judicial Officer or Hearing Examiners.

c. Executes all documents of the Department submitted to the Federal Register Division of the National Archives and Records Service for publication.

d. Acts as legislative officer for the Department by drafting bills, preparing reports on proposed legislation, and representing the Department in hearings and conferences on legislative matters.

e. Maintains liaison with other agencies of the Government on legal matters and determines questions concerning legal relations between the Department and other agencies.

f. Collaborates with the Security Officer (Chief Postal Inspector) in developing procedures and taking action required to effectuate laws, Executive orders, and instructions of the President relating to personnel security.

g. Makes rulings and advisory opinions, with authority to redelegate the function to General Counsel staff members and to regional counsel, as to mailability of matter under laws covering fraud, obscene matter, lotteries, subversive and propaganda matter, extortions and threats, and firearms.

h. Acts for the Postmaster General, with authority to redelegate the functions to General Counsel staff members and to regional counsel, in the settlement of personal injury or property damage claims of $100 to $2,500, inclusive, arising under the Federal Tort Claims Act; and formulates and administers policies and standards governing the adjudication and settlement by Regional Directors and Directors, Postal Data Centers of personal injury or property damage claims under $100 arising under the Federal Tort Claims Act and the settlement by Regional Directors or Directors, Postal Data Centers of postmasters' losses due to fire, burglary, theft, or other unavoidable casualty. Acts for the Postmaster General, with authority to redelegate the function to General Counsel staff members, in the settlement of claims for damage to or loss of personal property of employees incident to their service.

i. Acts for the Department in requesting the Department of Justice to institute or defend civil suits involving the Post Office Department or its operations.

j. Initiates and prosecutes, in his name or by his designee, mailability proceedings under laws prohibiting the mailing of fraud, lottery, obscene, subversive or propaganda, extortive, or threatening matter and firearms.

k. Initiates and prosecutes, in his name or by his designee, cases seeking the issuance of final agency "fraud," "unlawful business," and "fictitious name" orders.

l. Determines legal questions arising in the use of the frank for the transmission of mail matter.

m. Authorizes the closing of post office boxes when used in violation of law or regulation.

n. Provides experienced attorneys to serve as members of contract negotiating teams which deal with negotiated contracts over $2,500.

o. Provides professional and policy direction to regional counsels.

.21 *Deputy General Counsel.*

a. Exercises direct professional supervision over the staff of the Office of the General Counsel.

b. Provides the General Counsel with recommended interpretations, opinions, regulations, and procedures on matters requiring legal action.

c. Represents and acts for the General Counsel in his absence or at his request.

.22 *Special Assistant to the General Counsel.*

Performs such duties as are assigned by the General Counsel.

.23 *Special Associate General Counsel.*

Performs such duties as are assigned by the General Counsel.

.24 *Administrative Officer.*

Assists and, as directed, acts for the General Counsel in matters of organization, management, budget and personnel administration, and other related staff activities.

.25 *Associate General Counsel (Litigation-Claims).*

Directs those phases of the responsibilities of the General Counsel relating to proceedings before regulatory bodies and other agencies of the Government concerning transportation of mail, transportation rates and postage rates; and to fraud, damages, and claims.

.251 *Litigation Division.*

a. Prepares and tries before regulatory bodies, and other agencies of the Government, cases dealing with the transportation of mail, transportation rates paid by the Department to railroads and airlines, and postage rates.

b. Prepares and tries before hearing examiners and the Judicial Officer cases arising under statutes governing fraudulent use of the mail.

c. Assists and collaborates with the Department of Justice in the institution and defense of law suits involving the work defined in a and b above.

.252 *Claims Division.*

a. Prepares interpretations and applications of the Federal Tort Claims Act to the Post Office Department.

b. Correlates the responsibilities, rights, and respective spheres of action of Federal and State governments under motor vehicle safety responsibility laws.

c. Considers and, under authority delegated by the General Counsel, settles personal or property damage claims brought against the Department in amounts in excess of $100; maintains liaison with Regional Directors and Directors, Postal Data Centers, in the adjudication there of claims under $100.

d. Maintains liaison with other agencies of the Government and assists the Department of Justice in the defense of suits brought under the Federal Tort Claims Act.

e. Considers and, under authority delegated by the General Counsel, settles claims for damage to, or loss of, personal property of employees incident to their service.

.26 *Associate General Counsel* (Opinions)—Real Property).

Directs those phases of the responsibilities of the General Counsel which relate to opinions, contracts, personnel security, and to acquisition, disposal and leasing of real property.

Represents the Department on material to be published in the FEDERAL REGISTER and considers all questions arising under the Administrative Procedure Act.

.261 *Opinions Division.*

a. Prepares interpretations of laws, regulations, treaties, and conventions; and prepares opinions as requested.

b. Examines, approves, or drafts contracts and bonds as requested.

c. Recommends approval, as to legal acceptability, of securities offered by banks to secure postal savings deposits.

d. Recommends disposition of questions arising from application of the Private Express Statutes.

e. Assists and collaborates with the Department of Justice in the institution and defense of civil suits involving the Department, other than those handled by other divisions of the Office of the General Counsel.

f. Recommends approval of procedures and actions under laws and executive orders relating to personnel security.

g. Prepares and tries before Hearing Examiners and the Judicial Officer cases involving the denial of entry or revocation of entry of second-class mail when obscenity questions are not involved.

h. Examines, approves, or drafts contracts and bonds, as requested, between the Post Office Department and railroads and airlines.

.262 *Real Property Division.*

a. Prepares legal opinions and documents, and performs all other legal work arising from the acquisition, use, disposal, and leasing of real property or space by the Post Office Department.

b. Assists and collaborates with the Department of Justice in the institution or defense of civil suits involving the Post Office Department arising out of real property and space acquisition program.

.27 *Associate General Counsel (Legislative—Mailability).*

Directs those phases of the responsibilities of the General Counsel relating to legislation, mailability and foreign propaganda matters.

.271 *Legislative Division.*

a. Coordinates within the Department the analysis, interpretation, and preparation of reports on proposed legislation affecting the Postal Establishment.

b. Prepares and coordinates the legislative program of the Department, including the drafting of bills, maintenance of liaison with other agencies of the Government, and participation in appearances before congressional committees and the Bureau of the Budget.

.272 *Mailability Division.*

a. Prepares interpretations as to mailability of matter under statutes relating to obscenity, lotteries, subversive, extortious and threatening material, and firearms.

b. Prepares and tries before hearing examiners and the Judicial Officer cases arising under statutes covering obscene matter and lotteries, and second-class mail matters involving questions of obscenity.

c. Collaborates with the Department of Justice in the handling of court proceedings brought against the Post Office Department involving mailability matters.

d. Considers and recommends to the General Counsel the closing of post office boxes used for deceptive or immoral purposes.

822.3 *Office of Research and Engineering.*

a. Develops and administers research and engineering programs for the Postal Establishment.

b. Develops, designs, and tests postal equipment, vehicles, and supplies, and prepares specifications for their use.

c. Develops and recommends (1) methods standards for nationwide application, and (2) improved processing systems and procedures in mechanization.

d. Develops and recommends production measurement standards and manpower utilization systems.

e. Develops physical site requirements and plans, functional building design, mail handling systems layouts, and space utilization requirements in accordance with operational concepts.

f. Provides architectural and engineering policies and services for the planning and construction of all facilities, including site utilization, structures, utilities, process machinery, and other plant equipment, as well as field supervision of construction and process machinery installations.

g. Develops functional designs, systems layouts, and space utilization plans in accordance with operational concepts for alterations, or extensions to Government-owned buildings occupied by the Post Office Department.

h. Formulates and provides architectural and engineering policies and services for the modification, modernization, and mechanization of existing facilities.

i. Maintains liaison with foreign postal officials on technical matters.

.31 *Deputy Director.*

Assists the Director and acts for him in his absence or at his request.

.311 *Special Assignments.*

a. Performs special assignments for the Director and the Office.

b. Coordinates the preparation, clearance, and distribution of handbooks, manuals, technical instructions, and related publications and issuances for the Office of Research and Engineering.

c. Acts as liaison for the Office of Research and Engineering with (1) Bureau of Personnel on employee-management relations, preparation of technical training materials, engineering film reports, and related materials; (2) Special Assistant to the Postmaster General (Public Information) on preparing and clearing proposed news releases, films, speeches, and articles for outside publications as they relate to research and engineering matters; (3) Office of Headquarters Services on matters relating to office space, furniture, and equipment affecting the Office of Research and Engineering; and (4) the Bureau of the Chief Inspector on civil defense matters.

.312 *Operations Research.*

a. Conducts studies, as requested, to isolate and define multifaceted technical problems touching the responsibilities of several organizational elements.

b. Performs or conducts operations research and system studies on engineering and associated problems using the analytical techniques of the physical and behavioral sciences. Construct mathematical models for simulation and analysis.

c. Provides staff assistance and consultation to the Director or, as requested, in the application of advanced decision-making techniques to engineering management problems.

.313 *Field Engineering.*

a. Represents the Director in reviewing the quality and scope of regional engineering and furnishing technical guidance to regional engineers, including criteria and guidelines.

b. Maintains liaison with regional authorities in developing engineering information for use by bureaus and offices having primary responsibility in the establishment of priorities for all construction projects and the funding of improvement projects.

c. Coordinates the research and engineering programs of the Office of Research and Engineering with regional engineering.

d. Supervises and distributes communications, reports, and information between the Office of Research and Engineering and the regional engineering organization.

.314 *Assistant Director for Programming and Control.*

Directs those phases of responsibility of the Director, Office of Research and Engineering, which concern program planning, control and administration.

a. *Administrative Management Division:*

(1) Formulates plans, standards, criteria and procedures for the management and control of OR&E activities.

(2) Directs the development, administration, and coordination of the OR&E budgetary and fiscal management programs.

(3) Negotiates the settlement of research and engineering contracts and coordinates related matters with other interested bureaus and offices.

(4) Provides advice and assistance on administrative-management matters; conducts studies and analyses associated with management improvement programs not falling within the scope of responsibility assigned to other organizational components of the Office.

(5) Establishes and maintains a comprehensive project control system for:

(a) All OR&E projects, and

(b) All major facilities (Headquarters-wide responsibility).

b. *Program Coordination Division:*

(1) Conducts long- and short-range planning for the development of an integrated program of modernization projects, taking into consideration engineering resources and capabilities.

(2) Coordinates studies of the economics and costs of modernization programs and evaluates performance.

(3) Effects coordination of mechanization and construction programs with the activities of other bureaus and offices, and internally within, the Office of Research and Engineering, including establishment of procedures for planning and review of specific programs and projects.

(4) Establishes and maintains a system of mechanization and construction control, scheduling, and reporting.

c. *Program Management Division:*

(1) Conducts long- and short-range planning for, and develops an integrated program of, research and engineering projects.

(2) Coordinates research and engineering programs with the activities and responsibilities of other bureaus and offices.

(3) Represents and acts for the Director, in a staff capacity, on matters of organization and administration, of the Office of Research and Engineering.

(4) Conducts the negotiation, preparation, consummation and administration of research and engineering contracts; for such contracts over $2,500, furnishes a contract administrator to act as the head of the contract negotiating team and chief negotiator.

(5) Develops and makes recommendations concerning patent policies and their application to research and engineering programs.

(6) Coordinates studies of economics of research and engineering improvements and programs.

(7) Develops plans, standards, criteria, and procedures for evaluating the performance of OR&E programs in Washington and the field.

.315 *Assistant Director for Research and Development.*

Directs those phases of responsibility of the Director, Office of Research and Engineering, that concern research and development activities for the Post Office Department.

a. *Research Division:*

(1) Conducts exploratory and applied research and evaluates the advance made in research and development fields.

(2) Develops new concepts and mechanized systems applicable to postal operations.

(3) Develops and implements long- and short-range programs for overall research and development objectives.

(4) Provides consultant and advisory services to other divisions of the office and to other elements of the Department on research matters.

(5) Formulates new plans to incorporate technical advances made in science and industry to our mechanization program.

b. *Development Division:*

(1) Designs and develops new mail processing machinery, experimental systems, and equipment.

(2) Prepares specifications for newly developed and tested postal equipment.

(3) Establishes and maintains engineering standards pertaining to the mechanical and electronic design of mail processing machinery.

(4) Prepares production drawings for procurement of prototype and production equipment.

(5) Provides consultant and advisory services to other divisions of the Office and to other elements of the Department on development matters.

c. *Automotive Division:*

(1) Plans, designs, develops, and recommends experimental, new, or modified vehicles of all types, including trailers and other vehicle components and vehicle maintenance equipment; prepares technical specifications for such vehicles and equipment.

(2) Inspects factory pilot models of vehicles to assure compliance with technical specifications; prepares, and furnishes guidance for use in the quality control inspection of vehicles at manufacturers' plants at time of acceptance.

(3) Initiates action for necessary adjustments during vehicle warranty periods, and for correction of structural defects and weaknesses, or deviations from approved specifications.

(4) Provides concepts for developing experimental vehicles; selects vehicles or vehicle components from private industry and other sources for experimental use in postal operations; coordinates assignment and testing of experimental vehicles with Bureaus of Operations, Facilities, and Finance and Administration; evaluates test reports and recommends further action.

(5) Provides technical guidelines on new or modified vehicles for use by the Bureaus of Operations and Facilities.

(6) Informs Vehicle Utilization Branch, Bureau of Operations, of new vehicle developments as a basis for revision of service-type specifications.

(7) Provides spare parts requirements for newly developed vehicles pending development of permanent parts lists based on operating and maintenance experience.

(8) Provides, on request of Bureaus of Operations and Facilities, engineering consultation on vehicle utilization and maintenance problems; performs troubleshooting on such problems.

(9) With concurrence of Bureaus of Operations and Facilities, prepares and issues all vehicle modification orders authorizing changes to be made on vehicles in the postal fleet. See 674.5; 823.442 (3)c; and 823.753(1).

d. *Postal Laboratory Division:*

(1) Develops, maintains, and operates the postal laboratory for the testing of machinery, post office equipment, and supplies.

(2) Tests and evaluates new mail processing machinery and equipment.

(3) Tests and evaluates postage meters, vending equipment, and other revenue-type machines.

(4) Conducts experimentation and independent developments and consultation.

.316 *Assistant Director for Management Engineering.*

Directs those phases of responsibility of the Director, Office of Research and Engineering, that concern the most efficient use of manpower, space, and equipment.

a. *Systems Analysis Division:*

(1) Analyzes operating requirements and conditions and determines their relationship to facility needs and operational concept.

(2) Studies mail movement and handling, as required, to make recommendations on general location of new facilities.

(3) Analyzes volumes and flow data on mail processing in participation with other bureaus and offices; reviews and adjusts space estimates to assure adequacy and suitability of space in proposed mail processing facilities for the utilization of new methods, machinery, and equipment in accordance with operating concepts.

(4) Determines processing machinery and equipment requirements that will provide maximum economical and service efficiencies within established operational concept.

b. *Industrial Engineering Division:*

(1) Applies industrial work measurement techniques to develop work measurement standards; recommends programs for improving manpower utilization.

(2) Conducts engineering studies and evaluations of mailer techniques, methods, and equipment to improve service to the public in coordination with other offices and bureaus.

(3) Develops and provides technical criteria on amounts of space required for various items of equipment for use by all elements of departmental and field management.

(4) Develops and provides criteria for economic evaluations for plant, equipment, and systems.

(5) Develops and recommends criteria to insure that equipment is used in accordance with design concept.

c. *Mechanization Utilization Division:*

(1) Coordinates with postmasters, regional officials, and Headquarters personnel to clarify and resolve engineering problems arising during the phase-in of initial operations; assures that mail processing equipment is utilized in accordance with original design and planned operation.

(2) Verifies the satisfactory completion of items remaining on the acceptance "punch list," coordinating the remaining deficiencies with departmental representatives.

(3) Reviews and evaluates suggestions and proposals by local, regional, and Headquarters personnel concerning all phases of the new operation and assists in implementing any changes in procedures to improve the efficiencies of the operation of the new facility.

(4) Conducts engineering analyses of all mechanized facilities to evaluate performance, identify problem areas, and provide recommendations.

d. *Project Engineering Division:*

(1) Provides the Office of Research and Engineering project coordinators for major facility projects and programs; coordinates and serves as the focal point within the Office of Research and Engineering for information necessary to assure orderly and timely progress of such projects from inception to completion.

(2) Manages the general and overall research and engineering progress of the project, expediting and coordinating independent actions from planning and design through acceptance.

(3) Reports general and overall progress or status of assigned facility projects to other elements of the Office concerned.

.317 *Assistant Director for Construction Engineering.*

Directs those phases of responsibility of the Director, Office of Research and Engineering, that concern construction engineering activities for the Post Office Department.

a. *Architectural Division:*

(1) Prepares preliminary and schematic building plans to assist in (a) determining facility requirements, and (b) studying land utilization and site requirements; assists in site selection.

(2) Coordinates and prepares plans for the inclusion in buildings of mechanical and electrical utility equipment and mail processing machinery.

(3) Develops architectural plans and elevations of buildings, final site plans, and prepares building construction specifications and preliminary cost estimates.

(4) Develops buildings design criteria and standard construction details.

(5) Coordinates and prepares plans for postal-occupied space and facilities in multipurpose Government-owned buildings to be constructed by General Services Administration.

(6) Establishes structural standards, including design criteria for floor loads and column spacing to adequately support and provide flexibility for installing mail processing machinery and equipment.

(7) Reviews and checks the architectural and structural design of drawings submitted by bidders, lessors, and architects to insure maximum stability and economy consistent with established structural design practices.

(8) Reviews for approval and for compliance with contractual requirements preliminary, intermediate, and final working drawings and specifications prepared by bidders, lessors, and architects.

(9) Recommends to the Bureau of Facilities the selection of architectural and engineering firms and assists in negotiating contract services.

(10) Reviews and evaluates regional engineering proposals for extension, remodeling, and modernization of Government-owned buildings; prepares plans of such work and, after approval by the Bureaus of Operations and Facilities, forwards to Facilities for transmission to GSA for performance; reviews for compliance, and approves, contract drawings and specifications prepared by General Services Administration for improvement projects.

(11) Recommends to the Maintenance Division, Bureau of Facilities, technical criteria for vehicle maintenance facility planning; provides technical advice for typical and schematic plans; reviews proposals, specifications, and plans from the standpoint of technical requirements.

b. *Utilities Division:*

(1) Develops and establishes design criteria for plumbing, heating, electrical, lighting, ventilation, air conditioning, elevators, fire prevention equipment and similar mechanical features and components for all buildings and space acquired by the Post Office Department under its leasing program, and for postal space provided by General Services Administration in Government-owned buildings.

(2) Establishes and prepares mechanical criteria in building specifications requirements.

(3) Makes preliminary design layouts for heating, ventilating, lighting, electrical, and air conditioning systems to insure integration and coordination with processing machinery systems and architectural and construction requirements.

(4) Reviews, approves, and checks for compliance with contractual requirements preliminary, intermediate, and final work drawings submitted by bidders, lessors, and architects.

(5) Renders technical guidance to contract architectural engineering firms and lessors in the development of mechanical contract drawings.

(6) Establishes criteria for and designs communications systems to meet operating needs of new and modernized facilities.

(7) Develops and recommends policies and procedures for the operation and control of communication systems throughout the Postal Service, including telephone, teletype, mobile radio, intercommunication, and sound systems.

(8) Prepares specifications for and recommends heating equipment to be used in new or modified buildings and for conversion of existing systems based on fuel availability, economics, maintenance factors, and recommendation from the Bureau of Facilities.

c. *Process Machinery Division:*

(1) Designs and prepares drawings for mail processing equipment that has been developed, tested, and proved as a basis for procurement; prepares progressive modification drawings to incorporate latest advances and improvements in existing equipment.

(2) Designs and prepares drawings for processing machinery to meet operational and functional requirements in established projects.

(3) Prepares contract drawings and specifications for all types of processing machinery; reviews and approves contractors' bids and proposals; checks and approves contractors' engineering and shop drawings.

(4) Coordinates the location and installation of processing machinery and equipment with architectural and utility planning.

(5) Provides a documentation and consultation service on equipment contractors' opinions and appeals from Post Office Department decisions.

d. *Project Construction Division:*

(1) Responsible for field supervision of the departmental construction program on leased facilities including utilities and the installation of mail processing machinery.

(2) Establishes guidelines for regional engineers in supervision of delegated building construction programs.

(3) Assists with field supervision of extension and remodeling of postal space in Federal buildings.

(4) Coordinates with bureaus and offices proposed changes in construction and lease contracts, including the processing of change orders, proposals for changes in contract price, and requests for payments.

(5) Maintains liaison with contracting offices and coordinates the review of contract drawings, specifications and related materials submitted for approval by bidders, architects, and lessors for buildings, utilities, and fixed mail processing equipment after the award of contract.

(6) Prepares and reviews estimates of costs during the construction phases and evaluates construction bids and proposals for construction and contract changes.

(7) Provides a documentation and consultation service on construction contractors' opinions and appeals from Post Office Department decisions.

(8) Coordinates and makes periodic and final inspections and evaluations of building construction and equipment installation work as to adequacy, sufficiency, and timeliness, and recommends final acceptance.

822.4 *Assistant Postmaster General, Bureau of Operations.*

a. Provides functional direction for the execution of policies, programs, regulations, and procedures governing the operational activities of the Postal Establishment which involve the admissibility, classification, collection, processing, dispatch, and delivery of mail; administers the operations budget.

b. Selects, appoints, and disciplines postmasters; appraises their performance.

c. Selects and appoints rural carriers.

d. Directs the establishment, consolidation, and discontinuance of mail-handling facilities (except transfer offices, airport mail facilities, and truck terminals); recommends site locations for leased and federally constructed buildings.

e. Determines the consolidation, conversion, extension, and discontinuance of city and rural delivery services.

f. Coordinates the space, mail handling equipment, and mechanization requirements of post offices; directs the vehicle utilization program.

g. Determines staffing standards, maintains manpower and personnel complement controls, and administers control of supervisory staffing of post offices; directs the work measurement program.

h. Promotes a patron relations program to encourage customer participation in the improvement of practices involving the makeup and processing of mail; directs the customer complaint program.

i. Formulates and implements policies concerning the entry, makeup, and classification of domestic mail and application of postage rates and fees.

.41 *Executive Assistant.*

a. Provides staff assistance to the Assistant Postmaster General and his deputies in the formulation of policies, programs, regulations, and procedures regarding all matters within the jurisdiction of the Bureau of Operations.

b. Responsible for the administrative direction of the Fiscal Control Office; directs the Administrative Management Office.

.411 *Fiscal Control Office.*

a. Reviews, coordinates, and approves budget policies of the various divisions of the Bureau to assure that they conform with policy direction of the Assistant Postmaster General; prepares the Bureau's budget submission; assists in the presentation of the Bureau budget before review authorities.

b. Develops appropriated fund allocations for submission to the Assistant Postmaster General.

c. Advises the Executive Assistant and the Assistant Postmaster General and his deputies on cost trends, expenditures, and expenditure control; makes periodic and special analyses of the status of appropriation accounts.

d. Serves as consultant to Bureau officials on financial and cost aspects of programs, projects, and management and operations studies. Provides assistance to the Executive Assistant and the Assistant Postmaster General in the preparation of the Bureau's legislative program.

.412 *Administrative Management Office.*

a. Conducts a continuing review of organization and management practices, including manpower utilization and staffing, within the Bureau.

b. Reviews, coordinates, and controls the clearance of proposed regulations, manuals, and procedural issuances.

c. Coordinates the Bureau's annual work program.

d. Develops, administers, and controls the Bureau's progress and status reporting system; prepares periodic and special reports as required by Bureau and Department management, including the Bureau portion of the Postmaster General's Annual Report.

e. Directs administrative services for the Bureau, including the review and approval of travel orders, travel vouchers; approves requests for issuance of permanent travel commissions and issues temporary travel commissions.

f. Performs the Bureau personnel functions and maintains personnel ceiling control.

g. Maintains control of property within the Bureau; determines office space requirements.

h. Coordinates charity campaigns for the Bureau.

.42 *Special Assistant.*

Performs such duties as are assigned by the Assistant Postmaster General.

.43 *Deputy Assistant Postmaster General—Postmasters and Patron Relations.*

a. Advises and assists the Assistant Postmaster General and acts for him at his direction.

b. Directs the staff and activities of Postmasters and Rural Appointments Division, Customer Relations Division, and Classification and Special Services Division.

.431 *Postmasters and Rural Appointments Division.*

a. Performs functions pertaining to selection, appointment, installation, indoctrination, and training of postmasters and acting postmasters.

b. Performs functions pertaining to selection and appointment of rural carriers.

c. Establishes criteria and administers the program for appraising the conduct and performance of postmasters and acting postmasters; executes disciplinary action when warranted.

d. Maintains liaison with the Congress, the Civil Service Commission, and with other interested agencies and parties as necessary in order to perform the functions of the division.

(1) *Postmasters Branch:*

(a) Ascertains qualifications and suitability of candidates for postmaster and acting postmaster.

(b) Recommends candidates and processes the nomination, confirmation, and appointment actions.

(c) At time of appointment, arranges for ceremonies attendant to the installation of acting postmasters and postmasters, including departmental or regional representation where appropriate.

(d) After installation, issues instructions governing the indoctrination of newly appointed postmasters and acting postmasters.

(e) Conducts performance appraisal program; analyzes and evaluates reports of regional officials and inspectors (and, when required, initiates special investigations) pertaining to conduct and performance of acting postmasters and postmasters; issues commendations, reprimands, withholding of periodic salary increases, or removal notices.

(f) Performs personnel management functions for postmasters and acting postmasters.

(2) *Rural Appointments Branch:*

(a) Determines method of filling carrier vacancies; ascertains qualifications and suitability of applicants; and issues instructions for the appointment of rural carriers.

(b) Recommends policies and procedures relating to auxiliary and regular rural carrier appointments.

(c) Coordinates with the Distribution and Delivery Services Division the discontinuance or consolidation of rural carrier routes when carrier vacancies occur.

.432 *Classification and Special Services Division.*

a. Recommends policies, prescribes standards, and issues regulations for the management and control of the admissibility, classification, and application of rates and fees for domestic mail and the disposition of undeliverable mail.

b. Makes final departmental determination, subject to appeal and hearing under the Administrative Procedure Act, on sufficiency of applications for (1) entry of newspapers and other periodical publications as second-class matter, (2) acceptance into the mail of controlled circulation publications and matter for use by the blind, and (3) granting of mailing privileges of news agents.

c. Recommends policies, and prescribes regulations governing the operation of post office lockbox service and the domestic registry, insurance, COD, and certified mail services.

(1) *Mail Classification Branch:*

(a) Prescribes standards and regulations covering admissibility of matter to the mail, classification, and application of rates; addressing, preparation and packaging, and weight and size limitations for domestic mail, domestic free mail, official Government mail, use of penalty and franking privileges, and acceptance of mail for the Armed Forces.

(b) Prescribes the regulations and procedures for collection of postage by various permit methods, such as postage permit imprints and postage meter stamps, etc.; interprets the laws and regulations pertaining to refunds of postage.

(c) Performs staff work pertaining to the adequacy of applications for entry of newspapers and other periodical publications as second-class matter, acceptance into the mail of controlled circulation publications and matter for use by the blind, granting of mailing privileges to news agents, and authorization of nonprofit organizations to enter second- and bulk third-class matter at reduced postage rates.

(d) Administers provisions of law requiring filing and publication of statements of ownership, management, and circulation of second-class publications.

(e) Prescribes standards and regulations governing management and control of mail forwarding and return, disposition of undeliverable matter, exceptional dispatch of publisher's second-class mail, approval of additional mailing places for second-class publications, newspaper handling, mailing list correction, and handling of short-paid and unpaid mail.

(f) Administers the annual migratory waterfowl kill survey.

(g) Administers the annual alien address report program.

(h) Provides representation on the Inter-Agency Committee on Transportation of Radioactive Material and on the Advisory Committee formed by the Surgeon General to advise the Post Office Department regarding toxicity of materials when mailability is concerned.

(2) *Special Services Branch:*

(a) Prescribes rules for the acceptance and handling of domestic registered, insured, special delivery, certified, COD, and special handling mail, and for the application of the fees and other charges required by law or regulation. Maintains liaison with other Government agencies and the Federal Reserve Board concerning use of the special mail services.

(b) Administers the laws and prescribes regulations under which postal insurance is paid for the loss or rifling of, or damage to, domestic registered, insured, and COD mail. Maintains actuarial data and controls.

(c) Prescribes procedures and regulations governing the use of post office lockboxes.

(d) Develops and prescribes criteria for the placement in post offices of postage metering and vending equipment for stamps and other accountable stock.

(e) Prescribes standards and maintains controls over the manufacture, distribution, and use of all postage meter equipment and the use of meter advertising dies.

(f) Administers the law and prescribes regulations for the authorization, use, and disposition of special cancellation dies used to print advertising slogans on postmarked mail.

(g) Administers the application of fees for special delivery and special handling mail.

(h) Administers the law under which certificates of mailing are issued for domestic ordinary mail of any class, and for duplicate receipts for registered, insured, certified, and COD mail.

(i) Develops and prescribes procedures for the preparation and use of Parcel Post Zone Guides and the standardization of Parcel Post Zone Keys.

(j) Prescribes the regulations for treatment of dead mail and management of dead letter and dead parcel post branches.

.433 *Customer Relations Division.*

a. Plans and directs programs concerned with promoting public cooperation in accepting new and improved mailing practices designed to reduce costs, improve mail handling efficiency and provide better mail service.

b. Conducts a continuing program of study and analysis of mailing public requirements; coordinates these requirements with other divisions and offices of concern; plans and develops improved customer service programs to meet public requirements; and directs and maintains control over customer service programs in the field.

c. Administers a comprehensive customer relations program designed to reduce public complaints, eliminate service deficiencies, and promote public goodwill; develops postal educational material of interest and concern to the mailing public and coordinates the release of such information with the Special Assistant to the Postmaster General for Public Information; conducts surveys and requests investigations as required; conducts and coordinates experiments of new and improved customer services.

(1) *Customer Services Branch:*

(a) Develops and recommends policies, regulations, and procedures for all customer service functions.

(b) Develops the Bureau's program for replies, or referral of individual complaints, including followup to assure that proper corrective action is taken.

(c) Administers a continuing program to evaluate customer complaints involving mailing problems, policies and procedures; reviews and analyzes the source, cause, and pattern of complaints; and based on this pattern, refers problems or service deficiencies to the appropriate functional division for corrective action.

(d) Plans and develops technical and educational postal information to assist the mailing public in the effective and economic use of various classes of mail and special mail services.

(e) Directs a continual program of study and analysis on the availability and adequacy of mail and special mail services in relation to customer requirements; coordinates requirements with other divisions and offices; assists in obtaining customer acceptance of new and improved procedures for handling mail and special mail services.

(f) Plans and directs a program designed to promote the most economical and effective method for dispensing and using postage.

(2) *Public Cooperation Branch:*

(a) Plans and directs the Nationwide Improved Mail Service (NIMS) and Zoning Improvement Plan (ZIP) programs designed to encourage large business mailers to cycle, presort, schedule, and deposit mail in a manner that will assure expeditious and efficient handling including such major activities as:

(i) Contacts mailers and representative organizations to promote interest and acceptance of NIMS and ZIP Code.

(ii) Promulgates criteria for establishing and operating local mail users councils.

(iii) Administers merit award program and conducts public award cere-

monies to honor mail users showing outstanding cooperation.

(iv) Conducts scheduled visits to participating field installations to stimulate interest and effort in NIMS and ZIP Code.

(v) Analyzes statistical and other reports for measuring NIMS and ZIP Code progress.

(vi) Initiates corrective action as indicated.

(b) Plans and develops other diversified public cooperative programs to emphasize, encourage, and promote the mailing public's acceptance and use of such improved mailing practices as ZIP Code, presorting, "local" and "out-of-town" separation, dual-collection boxes, proper and correct addressing and packaging, mailer cooperation racks in lobbies, and other proved labor- and time-saving methods for the effective makeup and processing of mail.

(c) Represents the Department, and maintains liaison with the mailing public and representative mail users in studying, recommending, coordinating, and promoting the use of letter-mail standards, new procedures, and equipment for the efficient and economical handling of mail.

.44 *Deputy Assistant Postmaster General—Field Operations.*

a. Advises and assists the Assistant Postmaster General and acts for him at his direction.

b. Provides functional direction of post office operations and activities.

c. Directs the staff and activities of Installations Management Division, Distribution and Delivery Division, and Space and Mechanization Requirements Division.

.441 *Installations Management Division.*

a. Performs functions pertaining to the organization, management, establishment, discontinuance, and productivity of post offices and subunits thereof.

b. Establishes standards for the determination of supervisory structure, staffing, and complements of post offices; reviews recommendations for supervisory promotions.

c. Establishes and administers a work measurement system in post offices; responsible for manpower and complement control; determines proper utilization of manpower.

d. Establishes and administers a comprehensive system of management and service improvement studies in postal installations.

e. Provides functional direction for the service analysis program.

f. Promulgates criteria for the establishment and operation of military post offices.

g. Provides policy guidance for distribution of less than bulk lot shipments of accountable paper.

h. Maintains liaison with the Congress, Government agencies, employee organizations, and other Bureaus as required to carry out the assigned functions of the division.

i. Adjudicates, as the first level of appeal, all adverse action cases involving post office employees in which the Regional Director renders the initial decision.

j. Represents the Assistant Postmaster General on labor relations committees and boards and in all matters pertaining to negotiations, maintenance and interpretation of labor agreements.

(1) *Work Measurement Branch:*

(a) Develops and issues policies and procedures for the measurement of productivity of employees engaged in clerical and mail handling activities.

(b) Installs and administers, through the regions, work measurement systems and performance standards; defines areas for expansion of work measurement systems.

(c) Reviews distribution and allied work standards developed at local offices for mail handling operations, determines validity of such standards from engineering standpoint; and insures simplicity of application of standards in conformance with established policy.

(d) Initiates procedures for control of nondistribution time in mail handling operations; develops criteria for determining proper ratio of nondistribution time to total time.

(e) Initiates action through the regions to insure compliance with the work measurement system, and reviews the applicability of work standards and work volume counting; initiates special checks to determine, for example, whether nonpreferential circular mail is distributed during nonpremium pay hours.

(f) Apprises regional administration of work measurement system; initiates corrective action when necessary.

(g) Develops policies and guidelines for adjusting work standards to reflect installation of mechanized equipment, improved procedures, or changes in mail distribution patterns.

(2) *Organization and Management Branch:*

(a) Develops and issues standards governing the organization, management, staffing, and proper utilization of manpower for post offices and subunits thereof. For mobile units, airport mail facilities, transfer offices, and truck terminals, development and issuance of standards governing the organization, management, and staffing is the responsibility of the Bureau of Transportation and International Services.

(b) Determines and allocates the number and kinds of positions, including supervisory and administrative, required at postal installations. See 823.5g regarding the staffing of mobile units, airport mail facilities, transfer offices, and truck terminals.

(c) Maintains control over clerical and mail handling allocations for post offices and subunits thereof; insures proper supervisory-employee ratios.

(d) Analyzes and evaluates manpower usage in post offices; recommends corrective action when indicated.

(e) Develops and issues policies and procedures for the provision of general delivery, lockbox, and window services in post offices.

(f) Reviews regional recommendations for supervisory promotions.

(g) Establishes criteria for the general management of the military postal service, the establishment, discontinuance, and conversion of military post offices, branches, and stations, and the appointment of military postal clerks.

(h) Develops systems, procedures, and controls governing the shipment of stamp stock and other accountable paper by regional distributing post offices; recommends changes in operation, including establishment of discontinuance, of units established as accountable paper depositories and designated regional distributing post offices.

(3) *Post Office Changes Branch:*

(a) Develops standards and criteria for the establishment, consolidation, conversion, or discontinuance of post offices, stations, branches, and annexes; develops criteria for consideration of requests for name change of post offices or subunits.

(b) Evaluates requests for establishment, discontinuance, or change in status of post offices or subunits; determines Department position on request, performing coordination as required with other Headquarters organizational elements.

(c) Coordinates program designed to integrate smaller post offices with stations and branches in contiguous postal service areas so that a composite postal area or district results.

(d) Prescribes regulations governing the wording to be shown in the circular portion of postmarks at all postal facilities. Authorizes exceptions to published regulations whenever circumstances require.

(e) Directs the compilation and editing of information published in the Directory of Post Offices. Edits material for publication in Postal Bulletin relating to changes in the Directory of Post Offices.

(4) *Service Analysis Branch:*

(a) Develops and directs a continuous program of nationwide testing and analysis to determine the efficiency of mail handling systems and procedures, including collection, transportation, and delivery services; recommends areas for improvement.

(b) Directs service analysis and testing procedures to be used by regional offices; develops criteria for these procedures and evaluates the effectiveness and results of the overall test program.

(c) Provides technical assistance and information to Customer Services Branch in determining the Bureau response to customer complaints.

(d) Processes service complaints concerning delayed mail; conducts special tests for proper evaluation; recommends corrective action incident to these complaints.

(5) *Management and Service Improvement Branch:*

(a) Develops and issues policies and procedures for conducting management and service improvement studies involving all phases of postal operations within a postal installation.

(b) Plans and coordinates post office management and service improvement programs, providing technical guidance in the field to:

(i) Eliminate unnecessary expenditures of workhours in all post office functions.

(ii) Implement management and procedural techniques for improving service wherever justified, increasing production, and reducing costs.

(iii) Improve employer-employee relationships in post offices.

(c) Develops and prepares manuals, handbooks and guidelines for conducting management and service improvement studies.

(d) Conducts from time to time, in cooperation with appropriate Departmental, regional, and post office personnel as required, special management and service studies in selected postal installations. As a result of such studies, proposes revisions to policy and/or procedure for consideration of appropriate Bureaus and offices.

(e) Develops and initiates programs to encourage employee organization participation in effecting improved post office operations.

.442 *Distribution and Delivery Division.*

a. Develops and issues policies, procedures, and regulations for the collection, distribution, and delivery of mail; develops and issues standards governing the establishment, extension, conversion, curtailment, and mechanization of city and rural delivery services.

b. Develops and issues standards prescribing type, arrangement, and specifications of mail handling equipment and criteria for equipment allocation; approves vehicle design from the operational point of view, assigns new and replacement vehicles, and prescribes standards and procedures governing vehicle utilization.

c. Prescribes procedures and systems for the makeup, distribution, and dispatch of mail at post offices and stationary installations; issues guidelines and general format for city schemes.

d. Maintains liaison with the Congress, Government agencies, employee organizations, and other Bureaus to the extent required for the performance of the functions assigned to the division.

(1) *Delivery Services Branch:*

(a) Develops and provides direction for the implementation of policies, procedures, and regulations essential to uniformity, efficiency, and economy in the collection and delivery of mail.

(b) Conducts studies, performs analyses, and coordinates projects regarding collection and delivery services to determine adequacy, appropriateness, or required revision of policies, procedures, or regulations.

(c) Coordinates matters involving delivery, employee grievances, uniforms, training programs, nonmotorized equipment, and service improvement with the appropriate offices and bureaus in Headquarters and with other interested organizations and agencies as required.

(d) Provides professional guidance and renders decisions on establishment, extension, conversion, and mechanization of city and rural delivery service; coordinates rural route consolidation and curtailment cases with the Rural Appointments Branch.

(e) Approves specifications for the manufacture and installation of apartment house mail receptacles, rural mail boxes, and mail chutes and receiving boxes; authorizes manufacture of approved design models.

(f) Appraises the effectiveness of regional and field operations and recommends corrective action when required.

(2) *Distribution Procedures Branch:*

(a) Develops procedures and systems governing the makeup, distribution, and dispatch of mail at post offices and stationary installations.

(b) Develops instructions for the preparation of city schemes and prescribes methods and procedures for their correction and maintenance.

(c) Establishes city scheme examination requirements, specifying frequency and method of conducting; establishes minimum proficiency levels. Coordinates with Distribution and Routing Division, Bureau of Transportation and International Services, to insure uniformity of departmental policy.

(d) Issues criteria governing diagrams of letter cases and pouch and sack racks with emphasis on adequacy of makeup and effect on service; coordinates mail handling plans and diagrams of outgoing and transit mail with the Distribution and Routing Division, Bureau of Transportation and International Services.

(e) Develops operational data for selecting type of equipment employed in mail handling operations, for establishing standards for its allocation, and for its layout.

(f) Reviews operational procedures and utilization data for mail processing equipment; recommends changes essential to proper mail distribution, coordinating any proposed changes involving the application or utilization of installed mail processing mechanization in accordance with 858.3.

(g) Responsible for and evaluates requests for assigning, reassigning, and discontinuing ZIP Code numbers and coordinates the procedural steps involved with interested Bureaus.

(h) Coordinates matters concerning city schemes, distribution, training programs, and service improvement with appropriate offices and bureaus in Headquarters and other interested organizations and agencies as required.

(3) *Vehicle Utilization Branch:*

(a) Provides program, planning, and management guidance for the effective control and utilization of Government-owned, hire, and contract automotive vehicles; develops methods and procedures to assist regions in improving fleet operations and in establishing vehicle utilization program goals.

(b) Determines the need, assigns, reassigns, and recommends delivery schedules and priorities, and directs the allocation, by regions, of all additional and replacement automotive vehicles within the approved disposal policy; recommends acquisition of, and assigns, vehicles surplus to the needs of other agencies when such vehicles are usable in the postal service.

(c) Recommends and approves design, capacity, and quantity of vehicle requirements to assure conformance with operating requirements.

(d) Establishes standards and guidelines for, and administers, the vehicle hire program; develops criteria for comparing costs of contract and Government-owned vehicles.

(e) Administers the semiannual vehicle utilization survey; establishes reporting needs for vehicle utilization.

(f) Maintains necessary liaison on cost accounting with Bureau of Finance and Administration.

(g) Develops criteria and plans for the installation and operation of vehicle traffic control centers.

.443 *Space and Mechanization Requirements Division.*

a. Develops and promulgates policies, plans, and procedures governing the determination of space for post offices and other postal facilities; authorizes and directs operations surveys and space surveys; analyzes, coordinates, and takes final action on space reports and recommendations received from regional offices to establish a firm operational concept for major modernization projects.

b. Develops policies, procedures, and coordinates program for acquiring new facilities and the modernization of existing facilities; recommends priorities for new installations and for modification or alteration of existing facilities according to service needs.

c. Reviews and coordinates mechanization requirements, testing, and installation with operating organizations and Headquarters; participates in the evaluation of installed machines and systems.

d. Maintains liaison with the Congress, Government agencies, and other Bureaus as required in order to perform the assigned functions of the division.

(1) *Mechanization Coordinating Branch:*

(a) Serves as the central coordinating office (1) in the Bureau for operational matters involved in the mechanization of mail processing functions, and (2) for the Bureau, through the project coordinator, with other Bureaus and the regional offices for all matters involved in the mail processing mechanization program.

(b) Conducts and participates, coordinating with Bureau of Finance and Administration, in studies and analyses of performance, economy, and efficiency of installed mechanized equipment; determines the relative effectiveness and appropriateness of proposed mechanized processes as compared to current manual or mechanized processes.

(c) Approves, from an operational or service standpoint, type and quantity of proven mechanization equipment required for new and existing postal facilities.

(d) Reviews and evaluates operations analyses and preliminary proposals of the Office of Research and Engineering for machines and machine systems to determine operational practicability; prepares recommendations.

(e) Reviews and evaluates preliminary tentative mechanization drawings and systems proposals; prepares recommendations.

(f) Participates in the operational testing of prototype models of mail processing machines; reviews specifications and operational test data preliminary to the decision to enter into production.

(g) Coordinates the selection of post offices for testing new mail processing machines and mechanized systems; coordinates test programs to insure correct test data and to minimize service interference at the test site.

(h) Coordinates machine installation projects to facilitate orderly transition from existing to proposed mail handling, timely preparation of operating manuals, and proper scheduling of training of employees to operate the equipment.

(i) Serves as coordinating office in the Department for changes in the application or utilization of installed mail processing mechanization; and for experimental development projects involving mail processing machines and equipment.

(2) *Space Requirements Branch:*

(a) Develops from an operational viewpoint policies and standards governing the determination of space requirements for post offices and other postal facilities.

(b) Provides technical guidance from an operational standpoint in planning new facilities and modernization of existing Federally owned and leased buildings.

(c) Develops criteria and establishes procedures for the conduct of operations surveys and space and nonmechanized equipment surveys; reviews and initiates final action on recommendations received from the regions.

(d) Serves as the Bureau coordinating office for all matters relating to space and nonmechanized equipment needs; provides project coordinators for planning postal space requirements.

(e) Provides project coordinator to assist in determining site locations for Federal buildings and leased quarters from an operational standpoint.

(f) Develops priorities from an operational standpoint and Bureau reporting procedures relating to the postal facility modernization program.

822.5 *Assistant Postmaster General, Bureau of Transportation and International Services.*

a. Provides functional direction for the execution of policies, programs, regulations, and procedures governing the transportation activities of the Postal Establishment, which involve the distribution, routing, and dispatch of outgoing and other transit mail; administers the transportation budget.

b. Prescribes the regulations governing the selection of transportation media and the procurement of transportation from and supervision of service performance by mail carriers; appraises the administration of these regulations by regional officers.

c. Establishes the policies governing the distribution, routing, and dispatch of outgoing and other transit mail in all postal units and designates the installations at which intransit mail distribution will be performed.

d. Determines the establishment and discontinuance of railway post offices, highway post offices, airport mail facilities, transfer offices, and truck terminals and develops the regulations governing the performance of their functions; appraises the performance of these units.

e. Plans, programs, and evaluates the expenditure of all funds appropriated for transportation activities.

f. Establishes and issues standards for the organizational form and staffing of mobile units, airport mail facilities, transfer offices, and truck terminals.

g. Formulates and implements policies and programs for the exchange of mail with other countries and the territories and possessions, and with military installations outside the United States.

h. Represents the Department in dealings with other countries and international postal unions on the exchange of mail.

.51 *Executive Assistant.*

a. Advises and assists the Assistant Postmaster General and acts for him at his direction. Directs the activities of the Fiscal Control and Administrative staffs, and the Congressional liaison function.

b. Assists the Assistant Postmaster General on matters of staff coordination, planning, and reporting.

c. Provides staff assistance to the Assistant Postmaster General and his deputies in the formulation of policies, programs, regulations, and procedures regarding all matters under the jurisdiction of the Bureau of Transportation and International Services.

.511 *Administrative Officer.*

a. Provides administrative assistance to the Assistant Postmaster General and his deputies and common administrative services for all components of the Bureau; performs the Bureau personnel functions.

b. Reviews and recommends Bureau organization and management practices, including manpower utilization and staffing; maintains the personnel ceiling control.

c. Coordinates the Bureau annual work program and develops, administers, and controls the Bureau system for reporting project status and major accomplishments; prepares periodic and special reports as required by top management.

d. Coordinates legislative matters within the Bureau.

e. Develops, reviews, coordinates, and controls the clearance of proposed issuances for the Bureau.

f. Conducts the Bureau forms control and reports management program; arranges for issuance of permanent travel commissions and issues temporary commissions.

g. Maintains control of property within the Bureau; determines office space requirements.

h. Develops, coordinates, and publishes transportation civil defense plans and transportation mobilization plans.

.512 *Fiscal Control Officer.*

a. Reviews and coordinates field budget proposals for transportation of mail and mail bag equipment; prepares the Bureau budget submission and assists in its presentation before departmental and Bureau of the Budget review authorities.

b. Recommends allocations of funds for procurement of transportation services.

c. Advises the Executive Assistant, Assistant Postmaster General, his deputies, and other staff members on cost trends, expenditures, and expenditure control; makes periodic and special analyses of the status of appropriation accounts.

.52 *Deputy Assistant Postmaster General (Domestic Transportation and Distribution and Routing).*

a. Advises and assists the Assistant Postmaster General and acts for him as directed.

b. Directs the activities and staff of the Divisions of Domestic Transportation and Distribution and Routing.

c. Acts as chairman of the Mail Service Coordinating Committee and directs its activities.

.521 *Domestic Transportation Division.*

a. Provides assistance to the Assistant Postmaster General and the deputies in carrying out the transportation policies of the Bureau.

b. Directs and coordinates the activities of the Air, Highway, Railway, and Mail Equipment Transportation Branches.

(1) *Air Transportation Branch:*

(a) Recommends policies, develops procedures, and issues regulations governing transportation of domestic mail by certificated domestic and territorial air carriers, including U.S. flag carriers to and within Puerto Rico and the Virgin Islands.

(b) Reviews legislation and governmental regulations affecting transportation of mail by air carriers and recommends necessary changes in procedures. Makes administrative interpretation and determines applicability to mail service of orders issued by the Civil Aeronautics Board.

(c) Confers with air carriers for new or improved schedules to better meet postal needs.

(d) Constructs and publishes standard mileages and composite rates payable under CAB orders for domestic transportation of mail by air.

(e) Negotiates with air carriers to resolve matters of schedule deficiencies, divisions of mail, rate differences and overload situations, exercising necessary latitude as to mail to be carried, coordinating with Distribution and Routing Division for issuance of any necessary field instructions.

(f) Maintains liaison with air carriers and the industry associations concerning all operational matters pertaining to the domestic transportation of mail by air.

(g) Reviews airline schedules and prepares departmental air schedules for publication to assure prompt distribution to postal facilities concerned.

(h) Recommends policy for the equitable division of airmail and first-class-mail-by-air among domestic air carriers.

(i) Develops and recommends operating programs, in cooperation with air carriers, for improvement of performance, facilities, and equipment.

(j) Designs systems for appraising the performance of domestic air carriers and imposing penalties for irregularities or deficiencies in service rendered; reviews regional performance to assure equitable and uniform administration of the system.

(k) Develops requirements for training of field personnel engaged in supervision of the transportation of mail by domestic air carriers.

(l) Coordinates with Bureau of Finance and Administration carriers and industry associations on programs to simplify and improve procedures on common interest matters.

(m) Implements departmental policy regarding philatelic recognition of CAB authorizations for new domestic air service and prepares appropriate Postal Bulletin announcements.

(2) *Highway Transportation Branch:*

(a) Recommends policies, develops procedures and issues regulations governing transportation of mail by contract on highways, domestic water routes, and air star routes.

(b) Reviews legislation and Government regulations affecting transportation of mail by contract carriers and recommends necessary procedural changes.

(c) Maintains liaison with highway and water carriers and their associations concerning all operational matters pertinent to the transportation of mail.

(d) Develops and recommends operating programs, in cooperation with contract carriers, for improvement of performance, facilities, and equipment.

(e) Designs systems for appraising the performance of and imposing penalties on highway carriers for deficiencies in service; reviews regional performance to assure equitable and uniform administration of the system.

(f) Works closely with the Vehicle Utilization Branch of the Bureau of Operations to develop policies and to integrate mail transportation by contract motor carriers and Government-owned motor vehicles.

(g) Develops and recommends specifications for functional design and construction of highway post office vehicles.

(h) Designs systems for appraising and determining the justification and validity of contract carriers' applications for increased compensation.

(i) Develops requirements for training field personnel engaged in supervision of mail handling by highway and water carriers.

(3) *Railway Transportation Branch:*

(a) Develops and recommends policies, procedures, and regulations governing transportation of mail by railroads.

(b) Reviews proposals, negotiates, revises, prepares, and recommends appropriate action on all contracts and agreements with railroads to meet current transportation service requirements. Maintains Bureau files of all contracts and agreements.

(c) Maintains close liaison with Research and Development and Distribution and Routing Divisions in the process of entering into contracts and agreements with railroads to insure adherence to the national transportation pattern, the service requirements and long-range planning.

(d) Develops carload movements and schedules for bulk mail and coordinates rail transportation of such mail in participation with Distribution and Routing and Research and Development Divisions.

(e) Develops mail handling and transportation programs in cooperation with railroads for improvement of schedules, mail handling and mobile equipment.

(f) Designs systems for appraising performance of and imposing penalties upon rail carriers for deficiencies in the required service; reviews regional performance to assure equitable and uniform administration of the system.

(g) Maintains liaison with rail carriers and railroad associations concerning all operational matters pertaining to the transportation of mail by railroads.

(h) Reviews legislation and Government regulations affecting the transportation of mail by rail and recommends necessary procedural changes.

(i) Participates in the preparation of data and exhibits and in their presentation before regulatory bodies responsible for regulations and rates governing the operation of rail carriers.

(j) Develops and recommends specifications for functional design and construction of railway post office and storage mail cars, in collaboration with the railroads.

(k) Develops requirements for training field personnel engaged in supervision of mail handling by railroads.

(l) Provides liaison between other bureaus and the railroads for transportation of special shipments of supplies and equipment not ordinarily provided for in the regulations.

(4) *Mail Equipment Transportation Branch:*

(a) Recommends policies, designs procedures, and issues regulations governing the transportation, storage, and distribution of mail bags and locks.

(b) Prepares the annual estimates for mail bags and locks and recommends their priority of manufacture.

(c) Recommends the location and size of mail bag depositories and their establishment, discontinuance, or modification.

(d) Coordinates the activities of regional mail equipment officers to ensure adherence to national policies and procedures.

(e) Maintains liaison with carriers to develop new or improved methods for handling and transporting mail bags and locks. Negotiates with carriers for favorable rates.

(f) Develops and recommends criteria for the establishment and maintenance of mail equipment stock levels by depositories, large offices, and large private users.

(g) Prescribes criteria for the assignment of wire-tying machines for empty sacks and pouches to postal installations and exercises overall control of their location and transfer.

(h) Participates with the Bureaus of Facilities and Operations and the Office of Research and Engineering in the design, development, and testing of new or improved mail bags, locks and seals.

(i) Maintains liaison with large private users of mail bags to ensure maximum utilization of bags.

(j) Maintains contact with General Services Administration for proper processing of freight rate quotations offered to the Post Office Department by carriers.

.522 *Distribution and Routing Division.*

a. Provides assistance to the Assistant Postmaster General and the deputies in carrying out the mail transportation policies of the Bureau.

b. Directs and coordinates the activities of the Schemes and Routing, Transit Organization Control, and the Transportation Requirements Branches.

(1) *Schemes and Routing Branch:*

(a) Develops criteria and instructions for the preparation of all types of schemes (except city schemes) used in the distribution and dispatch of all classes of mail; establishes methods and procedures for correcting and maintaining schemes in current status.

(b) Authorizes distribution of interregional outgoing and transit mail of all classes in postal installations and units; approves all distribution performed in mobile units; and maintains control over changes made in the distribution pattern.

(c) Prescribes content and frequency of issuance of Regional Schedules of Mail Routes; designs format for these schedules and establishes control over material to be included therein.

(d) Provides support to the Bureau of Operations in the encouragement of large mailers in the makeup and processing of mail on the mailer's premises; advises on the dispatch and transportation of large mailings.

(e) Prescribes the distribution and routing within the United States of overseas military mail and the routing of international mail to exchange offices.

(f) Participates in the development of policies for and maintains control over the labeling of mail and the production of necessary labels and slips.

(g) Recommends the establishment or discontinuance of airport mail facilities.

(h) Develops policies and issues instructions for the handling of registered mail, including the routing and protecting in transit.

(i) Arranges for and coordinates such changes in schedules, schemes, and other instructions as are necessary to assure correct routing of mail.

(j) Establishes scheme examination requirements, including types, frequency, and method of conducting for all except city schemes; determines minimum proficiencies to be attained in qualifying under scheme examination; and coordinates these requirements with Distribution and Delivery Division, Bureau of Operations, to insure uniformity of departmental policy.

(k) Develops programs and procedures for maintaining a well qualified work force in coordination with the Bureaus of Personnel and Operations.

(l) Administers and controls programs for the preparation and issuance of schemes and related routing instructions through use of data-processing equipment.

(m) Determines the format of post route maps and other study aids.

(n) Coordinates any changes in distribution or routing which involve changes in the application or utilization of installed mail processing mechanization in accordance with 858.3.

(2) *Transportation Requirements Branch:*

(a) Recommends specific requirements for surface and air transportation.

(b) Recommends the location and service areas of mail concentration centers—sectional centers, national transportation centers, and central distribution units.

(c) Recommends the establishment, discontinuance, or major modification of the operation of railway and highway post offices and transfer offices, based on analysis of functional data, service criteria, and transportation cost.

(d) Develops and recommends operating requirements for all forms of intercity contract and common carrier mail transportation to assure the integration of individual movements with the overall transportation pattern for the most expeditious movement of all classes of mail.

(e) Participates in the development of requirements for training field personnel engaged in supervision of mail handling by carriers and issues regulations governing the performance of their functions.

(f) Maintains liaison with the Bureaus of Personnel and Operations and the Office of Research and Engineering in cases involving personnel impact caused by diversions of distribution between mobile units and post offices, and by facility planning and with the Bureau of Operations in accordance with 858.3 in cases involving changes in the application or utilization of installed mail processing mechanization.

(3) *Transit Organization Control Branch:*

(a) Develops and recommends action on the following:

(i) Policies and instructions for the general field management of RPOs, HPOs, AMFs, transfer offices, and truck terminals.

(ii) Procedures and systems for internal mail handling in RPOs, HPOs, AMFs, transfer offices, and truck terminal type installations. Coordinates with the Bureau of Operations when these units are an integral part of the local post office or when the recommended changes involve the application or utilization of installed mail processing mechanization. (See 858.3.)

(iii) Staffing requirements for the efficient management of RPOs, HPOs, AMFs, transfer offices, and truck terminals by field installations.

(iv) Standards for the supervisory organization in RPOs, HPOs, AMFs, transfer offices, and truck terminals, including determination of the number and kind of supervisory positions required.

(v) Clerical and mail handler staffing standards in RPOs, HPOs, AMFs, transfer offices and truck terminals.

(b) Obtains concurrence of Bureau of Operations on actions proposing supervisory increases in complements of mobile unit sections, airport mail facilities, transfer offices, and truck terminals.

(c) Appraises operating efficiency of RPOs, HPOs, AMFs, transfer offices, and truck terminals through periodic analysis of inspection, trip observation, mail volume, and special reports.

(d) Makes periodic analysis of delayed mail reports (Form 5339) and recommends changes to assure completion of essential distribution in mobile units.

.53 *Deputy Assistant Postmaster General (International and Research and Development).*

a. Advises and assists the Assistant Postmaster General and acts for him as directed.

b. Directs the activities and staff of the Divisions of International Service, and Research and Development.

.531 *International Service Division.*

a. Recommends policies, develops procedures, and administers regulations for exchange and transportation of all classes of international mail and U.S. military mail to bases in other countries.

b. Designates distribution points within the United States, and prescribes schemes and regulations for distribution and makeup of international and U.S. military mail; prescribes the oversea routing of all international mail and military airmail.

c. Recommends policies, develops procedures, and administers regulations relating to rates for transportation of mail between the United States and other countries.

d. Designs systems for reviewing and appraising the performance of, and imposing penalties on, U.S. international carriers for deficiencies in service; reviews regional performance to assure equitable and uniform administration of the system.

e. Interprets and implements international postal conventions and regulations.

f. Advises the Bureau of Finance and Administration concerning international mail accounting and postage rates.

g. Develops and recommends U.S. policy and position on proposals of other governments submitted to postal congresses; prepares and recommends similar U.S. proposals. When directed, negotiates and prepares separate postal agreements with other countries.

.532 *Research and Development Division.*

a. Assists the Assistant Postmaster General and deputies in carrying out the transportation policies of the Bureau.

b. Directs and coordinates the activities of the Research and Development Branches.

(1) *Research Branch:*

(a) Makes economic and statistical studies and develops operating data, cost formulas, and rate structures relating to mail transportation; applies these and other economic principles in special projects; provides information and professional guidance in transport economics and statistics required in planning for overall mail transportation programs.

(b) Develops sound methods and techniques for management review, analysis, and control of effectiveness of purchase and use of transportation services and facilities, including unit cost factors for mail transportation.

(c) Makes short- and long-range projections of mail traffic trends, in terms of priority and nonpriority movements, by type of transport, and between areas.

(d) Provides economic support for legislative matters concerning mail transportation.

(e) In cooperation with General Counsel and interested Bureaus or departmental units, develops and coordinates departmental presentations in transportation rate and route cases before regulatory agencies.

(f) Makes comprehensive studies of carrier economics, including development of trends in carrier availability and transportation potential, as well as carrier costs and operating data.

(g) Analyzes commercial transportation rates and pricing practices to provide basis for rate negotiations with carriers and development of new methods of pricing for mail transportation.

(h) Maintains necessary liaison with regulatory, rate, statistical, operational, and economic specialists in Department and other Government agencies.

(i) Gives functional guidance and professional direction to regional transportation research personnel.

(2) *Development Branch:*

(a) Develops, defines, and reviews the national postal transportation system to insure a uniform and coordinated transportation pattern; serves as the focal point for long-range transportation planning and programming.

(b) Develops new concepts of postal service, such as National Integrated Postal Service (NIPS) plan, and reviews revisions thereof.

(c) Establishes transportation needs for all major new or modernized postal facilities and their interrelationship in the national transportation pattern. Coordinates with other divisions, bureaus, offices, and regions in planning, layout, and activation of all major new or modernized postal facilities. Represents Bureau on departmental facility planning groups.

(d) Negotiates, when directed, with carriers and terminal companies for agreements on mail exchange and conveyor construction and maintenance at new or modernized postal facilities.

(e) Evaluates, in conjunction with other Bureau divisions, major proposals for mail diversions, changes in transportation media, and change in mail patterns.

(f) Negotiates, when directed, terms for contractual agreements with carriers, terminal companies, and transportation agencies for major services, for new services, and for special rates in cases which affect the national transportation pattern.

(g) Directs studies of mail flows and routings by major geographic areas to determine best service and cost routings and most effective transit distribution concentration points. Reviews suggested changes and revisions in these flows and routings. Recommends to Distribution and Routing Division points at which distribution of transit mail should be performed and the routing of such mail to and from these points.

(h) Directs studies of mailings by publishers, mail order houses, and other large mailers to determine most expeditious and economic methods of entry and transportation, in coordination with Distribution and Routing and Domestic Transportation Divisions.

(i) Develops label coding systems for improved mail routing and handling.

(j) Develops container uses for mail transportation.

(k) Conducts experimental operations in conjunction with carriers to test postal fesibility of transportation equipment and terminal systems developments.

(l) Maintains liaison with departmental and other Government bureaus and offices and with transportation industry and trade groups with regard to developments in transportation and terminal services and their applicability to the postal service.

(m) Determines need for legislative changes to improve mail transportation and makes appropriate recommendations.

822.6 *Assistant Postmaster General, Bureau of Finance and Administration.*

a. Responsible for the policies and overall development and administration of the Department's financial management program which includes the following areas:

(1) Collection, custody, and disbursement of funds and control of accountable paper.

(2) Budget formulation and execution.

(3) Accounting and costing.

(4) Cost ascertainment (determination of revenues, costs, and volumes by classes of mail and service).

(5) Postal rates and fees development.

(6) Economics.

(7) Domestic and international money order system.

(8) Postal savings system.

(9) Financial and statistical reporting (internal and external).

(10) Liaison with the Treasury Department, the Bureau of the Budget, and the General Accounting Office.

(11) Philatelic sales agency.

b. Serves as financial advisor to the Postmaster General and his staff and has primary responsibility for the development and presentation of testimony at hearings on appropriation requests and requests for actions on postal rates and other financial legislative actions.

c. Plans, develops, and recommends to the Postmaster General and Deputy Postmaster General long-range programs to improve the organization, management, and performance of the Post Office Department. Directs programs as required. Reflects effects of long-range programming on the Department's budget requests and in improved financial management. Periodically informs the Postmaster General and the Deputy Postmaster General as to the progress of departmental, financial, and other management programs.

d. Serves as advisor to the Postmaster General and the Deputy Postmaster General on the organizational structure and functional responsibilities of the bureaus and offices and the Postal Field Service. Coordinates proposed changes in headquarters with affected bureaus and offices.

e. Provides technical assistance on policies and programs affecting the management of the Postal Service.

f. Provides coordination of activities of bureaus and offices in areas involving joint planning and action.

g. Develops policy for application, operation, and administration of automatic data processing (ADP).

h. Establishes policy for and directs the preparation, release and distribution of official orders, regulations and issuances of the Department.

i. Advises on statistical and mathematical principles and techniques used in the Department; designs and develops statistical programs of the Department; provides professional staff services in developing and applying mathematical and statistical principles and techniques to the solution of financial, management, and operating problems of the Department.

.61 *Executive and Administrative Services.*

.611 *Executive Assistant to Assistant Postmaster General.*

Provides staff assistance to the Assistant Postmaster General in the formulation and implementation of policies, programs, regulations, and procedures under his jurisdiction with particular emphasis on their effect within the regions and Postal Data Centers.

.612 *Special Assistant to Assistant Postmaster General.*

Provides staff assistance to the Assistant Postmaster General in the formulation and implementation of policies, programs, regulations, and procedures under his jurisdiction; provides program direction to Administrative Services.

.613 *Administrative Services.*

a. Provides administrative assistance to the Bureau.

b. Develops the Bureau's budgetary requirements.

c. Maintains personnel ceilings and provides assistance in all areas of personnel administration for employees under the direction of the Assistant Postmaster General.

d. Handles Bureau property control, and provides common administrative services to all components of the Bureau.

e. Maintains bureau control and review of all issuances, coordinating drafts with appropriate divisions and bureaus, and coordinates bureau program on employee suggestions.

f. Serves as liaison with the Bureau of the Chief Postal Inspector on civil defense matters.

.62 *Deputy Assistant Postmaster General and Controller.*

a. Advises and assists the Assistant Postmaster General and acts for him as directed.

b. Assists the Assistant Postmaster General in developing policies for the Department's financial management program.

c. Provides technical financial assistance to the Assistant Postmaster General.

d. Directs the staff and activities of the:

(1) Assistant Controller, Budget and Reports.

(2) Assistant Controller, Accounting.

(3) Director, Office of Postal Economics.

(4) Finance Officer.

.621 *Assistant Controller for Budget and Reports.*

Directs those portions of the responsibilities of the Assistant Postmaster General which involve budget formulation and execution, and program reporting. Assists or represents the Assistant Postmaster General in the presentation of estimates before the Bureau of the Budget and the Congressional committees on appropriations and maintains liaison with these bodies.

a. *Budget Division:*

(1) Develops and recommends an overall financial plan for the Department based on the programs of the operating bureaus and the regions.

(2) Prepares, reviews, apportions, allots and adjusts the Post Office Department budget.

(3) Prepares instructions governing the formulation, execution and review of the Post Office Department budget.

(4) Forecasts obligations, maintains budgetary summaries reflecting current obligations, expenditures and trends, based on accounting reports.

b. *Program Reports Division:*

(1) Serves as central financial and program reporting organization of the Department.

(2) Analyzes, interprets and synthesizes financial program information on the Department's activities and develops necessary written and oral reporting systems.

(3) Validates all financial management information prior to release.

(4) Determines types and frequency of financial and program data needed to keep the Postmaster General and other top management officials fully advised of the status of the postal service.

(5) Develops financial reporting requirements, including content, frequency, timeliness, automatic data processing application, and methods of presentation for all levels of management in the Department and provides technical guidance to regional controllers in the preparation of financial and management reports.

(6) Maintains liaison with bureaus, offices and other organization elements of the Department to assist in the development of financial reporting adequate to their internal needs.

.622 *Assistant Controller for Accounting.*

Directs those phases of the responsibilities of the Assistant Postmaster General which relate to financial systems, procedures and accounting; maintains functional liaison with regional controller divisions.

a. *Accounting Division:*

(1) Maintains control accounts for all departmental appropriations, revenues and expenditures.

(2) Maintains general ledger control and detail accounts for Headquarters' activities and reciprocal account control with all regional offices and postal data centers.

(3) Performs reconciliations, as required, among reports submitted by regions, Federal Reserve banks, Treasury and other departments.

(4) Prepares and certifies financial statements for the Department, the Congress and other agencies of the Government.

(5) Examines, determines accounting classification and certifies for payment all headquarters supply, facilities, payroll, retirement, insurance, travel and other expense claims payable.

(6) Provides technical guidance to regions and postal data centers on claims interpretation; takes action on doubtful and difficult claims referred to Headquarters.

(7) Assists in formulation of procedures for examination, accounting and certification of payment of transportation vouchers and claims.

(8) Audits and settles postal accounts between the United States and other countries, including accounts for international money orders, international reply coupons and terminal and transit charges.

(9) Examines, makes accounting determination and certifies for payment claims and vouchers relating to international mail.

(10) Maintains liaison concerning transportation accounting matters with the Civil Aeronautics Board, the Interstate Commerce Commission and other organizations as necessary.

b. *Systems and Procedures Division:*

(1) Performs staff work required for planning and coordinating the development of programs and related systems and procedures for effective financial management and modern controllership in the Post Office Department.

(2) Maintains liaison and collaborates with other bureaus and offices and Federal agencies in developing principles and requirements for financial procedures in the Post Office Department and, in particular, with the General Accounting Office for the formulation and approval of accounting policies applicable to the Postal Service.

(3) Plans, designs and implements all types of accounting systems and procedures, including a general classification of accounts required for recording and reporting of financial transactions and for producing financial data for effective management in the Post Office Department.

(4) Reviews proposed instructions for conformance with accounting policy; assists operating personnel in installing, testing and maintaining field procedures, including use of business machines; collaborates in evaluating their effectiveness and in establishing performance standards.

(5) Gives technical guidance to regional controller offices and postal data centers in interpretation of financial instructions.

(6) Directs a program for improving financial management in post offices by providing technical and professional guidance through the regional accounting programs officer. Encourages technical training at post offices.

(7) Reviews changes in law and regulations and develop instructions to implement any changes in the financial area.

(8) Reviews and recommends financial procedures based on reports from the Chief Postal Inspector and General Accounting Office.

c. *Cost Analysis Division:*

(1) Plans and directs the development of programs, principles and techniques for cost studies and analyses of postal operations and for the coordination of these cost functions in the regions.

(2) Prepares cost analyses, studies and reports for the Post Office Department, coordinating regional and post office cost findings and determinations.

(3) Provides professional accounting and management analysis techniques and services for the various cost analysis subject areas in the program.

(4) Prepares cost data in conjunction with Bureau of Transportation and International Services for presentation to regulatory agencies in the fixing of mail transportation rates.

(5) Evaluates and reports on the cost effects of all legislative proposals affecting the postal service, conducting specific cost studies as necessary.

(6) Cooperates with the Office of Research and Engineering and the Bureaus of Operations, Transportation and International Services, and Facilities in performing cost evaluation of proposed changes to current mail transport and processing systems to determine (1) need for equipment, (2) type of equipment and (3) expected cost effect.

(7) Makes comparative cost finding studies on effect of major mechanical installations in post offices.

(8) Devises and provides methods and criteria for evaluating the cost effects of proposed new or changed post office operational policy, methods and procedures, associating the evaluated differences with anticipated costs and effects to be attained.

(9) Coordinates in the evaluation of proposed major postal complexes, providing the operating bureaus' representatives the essential cost data and workload characteristics for specific projects.

(10) Provides the Office of Research and Engineering and the Bureau of Operations with methods and procedures for regional and post office use to determine and control operational costs during phase-in periods in new major facilities.

d. *Cost Ascertainment Division:*

(1) Supervises operation of the cost ascertainment system and the development and distribution of procedures, forms and instructions pertaining to the allocation of postal revenues and costs to the specific classes of mail and services and the determination of total volumes of each class of mail and service.

(2) Conducts special or nonrecurring analyses and trend studies on revenues, costs and volumes involving specific classes and subclasses of mail and services on request from bureaus in the Department, other Government agencies, and the Congress.

(3) Provides source data for rate computations, hearings on rate proposals before the Congress and hearings before other Government agencies in matters involving rate revisions.

(4) Estimates costs and reimbursement rates for nonpostal services performed for other Government agencies.

(5) Performs studies and computations necessary to establish public service elements of costs.

(6) Controls incoming cost ascertainment reports from field installations, and handles printing and requisitions for cost ascertainment forms and reports.

e. *Data Processing Division:*

(1) Provides technical guidance to postal data centers on ADP operations.

(2) Directs the data preparation activities and computer operations at Headquarters.

(3) Monitors use of ADP equipment and prepares reports on utilization.

(4) Maintains central library of operational programs and coordinates distribution of programs to postal data centers.

(5) Reviews proposals for outside data processing services.

(6) Supervises procurement of supplies for ADP operations.

.623 *Office of Postal Economics.*

a. *Director, Office of Postal Economics:*

Directs those phases of the responsibilities of the Assistant Postmaster General which relate to postal rates, economics, market research and the preparation of economic, ecological, and demographic assumptions underlying the Department's comprehensive planning projections. Assists or represents the Postmaster General and his staff in the presentation of rate proposals before the Interstate Commerce Commission, Congressional committees, and other agencies of the Government; maintains liaison with these bodies. Coordinates the work of a Departmental Projections Committee charged with developing information for long-range planning.

b. *Postal Rates Division:*

(1) Develops and recommends rate philosophy, with related principles and programs, for establishing and maintaining a domestic and international postal rate structure for the Post Office Department.

(2) Develops and maintains a long-range rate program consistent with approved departmental ratemaking principles and policies.

(3) Develops and recommends rates and fees for domestic and international mail services to implement departmental policies, international agreements and conventions, and the expressed wishes of Congress.

(4) Provides a central research, statistical, and analytical service on all facets of domestic and international postal rate matters.

(5) Conducts research, as required, on the historic antecedents of postal rates and rate policy, public attitudes on postal rates and services, and the probable effects of proposed revisions in rates and fees.

(6) Participates in conferences within the Department or with outside groups

from which may originate proposals for changes in domestic and international postal rates and fees; furnishes representation for the Department on postal rate matters at international conferences.

(7) Coordinates and prepares for the Postmaster General the report to Congress of results and recommendations of reviews, studies, and surveys of postal rates, fees, expenditures, and services as required by 39 U.S.C. 2304 each alternate fiscal year.

c. *Economic Studies Division:*

(1) Serves as a counseling service in matters relating to the effect of economic, demographic, and ecological developments on the Department.

(2) Develops projections of postal service volume and revenues for the Department's budget estimates.

(3) Projects long-range changes in volume and geographic concentrations of mail and other postal services. Drawing on that information and on data supplied by the Department's Projections Committee, advises the Assistant Postmaster General of long-range needs of the Department.

(4) Conducts continuing studies of market conditions, competing services, and mailer habits and preferences, as a basis for anticipating significant shifts in the demand for postal service.

(5) Analyzes demographic trends, household formations, construction starts and economic developments that may portend major geographic shifts in mail flows. Maintians continuous liaison with the Department of Commerce and other agencies who have a direct interest in these developments.

(6) Projects the demand for postal services by nonprofit organizations, rural newspapers, book publishers and other preferred-rate mailers, as a basis for anticipating the Treasury funds to be earmarked as public service allowances.

(7) Conducts economic studies employing the tools of marginal analysis as a basis for predicting long-range variable costs, fixed costs and contribution margins. Collaborates with Postal Rates Division in formulating rate proposals where contribution margins are a critical factor in decisions.

(8) Plans market research studies and maintains liaison with contractor research companies in problems involving the assessment of patrons' needs and their attitudes toward existing or planned changes in postal rates and mail classification.

.624 *Finance Officer.*

Carries out those responsibilities of the Assistant Postmaster General which relate to postal funds, postal savings, money orders and philatelic sales. Determines financial responsibility of employees for loss of funds due to error or wrong payment. Directs the operations of the Money Order Audit Division, the Postal Funds Division and the Philatelic Sales Agency.

a. *Postal Funds Division:*

(1) Formulates and recommends policies and directs administration of regulations and procedures for the handling and protection of monies, stamps and accountable paper; the receipt, banking and disbursement of funds; the postal savings system; and the money order system.

(2) Receives and disburses all monies for Headquarters of the Post Office Department.

(3) Approves the issuance of duplicate checks on Treasury checking accounts of the Post Office Department when the originals have been lost, destroyed or mutiliated.

(4) Maintains liaison with Treasury Department and Federal Reserve System in matters relating to the deposit of funds in banks and the posting of collateral.

(5) Formulates and administers policies relating to the redemption of all stamped paper.

(6) Administers regulations, formulates and recommends policies and establishes procedures for those activities of the postal savings system for which the Assistant Postmaster General, Bureau of Finance and Administration, serves as the agent of the board of trustees of the system.

(7) Maintains liaison with the Treasury Department on the sale of bonds under the payroll savings plan and on the sale by post offices of U.S. savings bonds and stamps. Formulates internal procedures governing the Post Office Department sales of such bonds and stamps.

(8) Administers regulations, formulates and recommends policies and establishes procedures for the domestic and international money order systems. Provides information and advice for the negotiation of agreements with other countries related to international money orders. Determines currency conversion rates.

b. *Money Order Audit Division:*

(1) Verifies and approves claims of banks for paid postal money orders.

(2) Handles inquiries as to erroneous payment of money orders. Issues duplicates for lost money orders.

(3) Audits paid money orders vs postmasters' statements of issue accountability.

(4) Exchanges paid money orders with other countries operating on the domestic basis.

(5) Collects receivables arising from cashing of stolen, forged or raised money orders and double payments.

c. *Philatelic Sales Agency:*

Provides the Headquarters over-the-counter and mail order service for the sale of select quality stamps.

.63 *Deputy Assistant Postmaster General for Administration.*

a. Advises and assists the Assistant Postmaster General and acts for him as directed.

b. Advises and assists the Assistant Postmaster General, providing technical assistance in the development and evaluation of programs and policies for the management of the Postal Service.

c. Provides coordination of activities of bureaus and offices in areas involving joint planning and action.

d. Plans and develops long-range programs to improve the management performance of the Postal Service, such as use of statistics and ADP. Provides advice and assistance to bureaus and offices in their development of comprehensive programs for accomplishing their missions.

e. Assists the Assistant Postmaster General with respect to the preparation, release and distribution of all official orders, regulations and issuances of the Department.

f. Directs the staffs and activities of the:

(1) Director, Office of Statistical Programs.

(2) Director, ADP Management Division.

(3) Director, Management Systems Division.

.631 *Office of Statistical Programs.*

a. Directs those phases of the responsibilities of the Assistant Postmaster General which relate to the design and development of statistical programs.

b. Designs, tests and introduces new and improved ways of using statistical and mathematical principles and techniques in the Department.

c. Evaluates existing methods of collecting, summarizing and analyzing quantitative data and introduces improvements, when appropriate.

d. Provides professional leadership, guidance and consultative services in the application of statistical and mathematical techniques to financial, management and operating problems throughout the Department.

e. Formulates principles, policy and standards for collection and analysis of statistical information in the Department.

f. Develops and conducts necessary professional statistical and mathematical training programs.

g. Represents the Department at Congressional, intergovernmental and international conferences and committees on matters relating to statistical and mathematical projects.

.632 *ADP Management Division.*

a. Plans, develops and provides technical leadership for the Department's ADP program; maintains liaison with ADP equipment manufacturers and other Government agencies in order continually to improve the postal ADP program.

b. Provides an ADP consultant and advisory service for bureaus and offices, including the analysis of data problems to determine whether manual, mechanical or electronic processing is required.

c. Develops and coordinates ADP programs for bureaus, regional offices and other field units.

d. Conducts research in data processing and formulates ADP systems concepts for developing Department-wide plans using ADP technology.

e. Conducts ADP feasibility studies; approves proposals and plans to study or test new types of ADP equipment and coordinates such tests.

f. Evaluates testing criteria for new or revised systems.

g. Is responsible for evaluation and approval of ADP systems and programming documentation.

h. Evaluates the need for ADP contractual services and proposals for such services; determines optimum data processing methods.

i. Evaluates need for procurement and release of ADP equipment in headquarters, regional offices and other field units.

j. Evaluates proposals that involve major changes in data processing workload in headquarters installation or in data processing centers and designs ADP systems to accomplish such changes.

k. Recommends on technical competence of professional and supervisory ADP personnel selected for headquarters, regional offices and other field units.

l. Establishes performance standards for and evaluates the effectiveness and need for improving ADP operations.

m. Develops and advises on ADP training programs.

.633 *Management Systems Division.*

a. Recommends plans for major organization, paperwork and other management improvement studies; recommends policy and priorities for such studies.

b. Plans, coordinates and conducts required Department-wide paperwork, organization, functional, staffing and procedural studies, including the presentation of findings, preparation of reports and guidance in implementing approved recommendations and followup to resolve problems and evaluate effectiveness of changes.

c. Reviews and evaluates proposed changes in organization staffings and functions in the Department and field service; identifies potential duplication of effort, conflicts in responsibilities and deviations from policy and recommends corrective action.

d. Conducts special systems studies as required.

e. Provides advice and assistance to bureaus and offices in planning and conducting management studies.

f. Plans, develops, installs and maintains a Department-wide directives system for the promulgation of policy statements, orders, regulations, operating procedures and instructions.

g. Reviews all proposed directives to assure adequacy of staff coordination, including central editing, to achieve conformity with established policies and to avoid the issuance of incorrect or conflicting instructions; initiates remedial action, through appropriate operating officials, of policy and procedural deficiency identified through the review and coordination of issuance material.

h. Plans, develops, manages and coordinates the Post Office Department publication distribution program, including storage, issuance and disposition.

i. Develops policies, procedures and issues guidance and standards for the effective management of reports throughout the postal establishment.

j. Conducts, coordinates and provides technical assistance and direction for surveys and studies designed to evaluate reporting needs and assists in the development and installation of improved reporting systems.

k. Develops, installs, promotes and appraises the effectiveness of the postal establishment's forms and records program, including creation, processing, storage and disposal; conducts forms and records surveys and special studies as needed to meet program requirements.

l. Conducts a continuous analysis and evaluation of the development and use of forms in headquarters and the field to eliminate duplication, to reduce the number of forms and to obtain maximum utilization of forms data.

m. Maintains liaison with other Government agencies to obtain assistance in organization and paperwork surveys and to recommend improvements in these areas in the Department's programs.

n. Director supervises the staff and activities of the:

(1) Management Analysis Branch.
(2) Directive Management Branch.
(3) Reports Management Branch.
(4) Forms and Records Management Branch.

822.7 *Assistant Postmaster General, Bureau of Facilities.*

a. Formulates and administers policies, programs, and procedures governing the acquisition, management, maintenance, improvement, and disposal of real property occupied by the Post Office Department and of utilities, operating equipment, and supplies used in the Postal Service.

b. Formulates and administers policies, programs, and procedures governing the procurement, maintenance, storage, and disposal of vehicles used in the Postal Service.

c. Directs operation of the supply system; the production, repair, and storage of mail bags; the production of keys and locks; and the production, distribution, and control of bulk lot shipments of accountable paper supplies.

d. Exercises procurement authority for the Department, except for items or services specifically delegated by the Postmaster General to other bureaus.

e. Represents the Postmaster General on the joint departmental committee to administer the public buildings program outside Washington, D.C.

f. Maintains liaison with the General Services Administration, other Government agencies, and committees of Congress; handles inquiries from outside the Department and from Members of Congress regarding postal facilities, equipment, and supplies.

g. Advises and assists the Bureau of Operations in establishing building project priorities, based on financial and technical considerations; authorizes expenditure of appropriated funds for such projects.

h. Serves the civil defense program of the Department, as coordinated by the Chief Postal Inspector, for real estate, motor vehicles, and supply.

.71 *Deputy Assistant Postmaster General.*

a. Acts for the Assistant Postmaster General, Bureau of Facilities, in his absence or as directed.

b. Directs the staff and activities of the Bureau of Facilities.

.72 *Executive Assistant.*

a. Advises and assists the Assistant Postmaster General and his Deputy in the formulation of policies, regulations, and procedures regarding all matters under the jurisdiction of the Bureau of Facilities.

b. Establishes, maintains, and coordinates Bureau legislative programs; maintains relationships with the legislative branch of the Government and the public.

c. Directs the coordination, review, and clearance of administrative issuances, employee suggestions, and interdivision reports; serves as Security Officer and Property Control Officer for the Bureau.

d. Services the civil defense program of the Department as coordinated by the Chief Postal Inspector in the fields of real estate, maintenance, and supply.

.73 *Special Assistant.*

Performs such duties as are assigned by the Assistant Postmaster General.

.74 *Office of Financial Management.*

Develops, implements, and adjusts the Bureau's financial program; evaluates costs and related data against programs; evaluates effectiveness of cost control systems; assembles budget proposals; exercises financial control over the Department's capital programs and the Bureau's operating program.

.75 *Maintenance Division.*

a. Plans and administers policies and procedures governing care of the real and personal property controlled by the Post Office Department.

b. Directs the programming and expenditure of funds allocated for custodial, mechanization, and vehicle maintenance activities.

c. Establishes standards and technical requirements for maintenance organization structure, for maintenance of buildings, mechanical equipment in buildings, postal operating machinery, postage vending equipment, and motor vehicles.

d. Provides functional guidance to regional officials responsible for maintenance management program.

e. Coordinates with GSA on maintenance matters.

.751 *Buildings Branch.*

a. Develops policies, programs, methods, and standards for operating and maintaining buildings, including the use and maintenance of related equipment.

b. Appraises the effectiveness of regional offices in their administration of building maintenance standards and methods and in the use of manpower and equipment; advises on deficiencies and recommends corrective action.

c. Develops technical requirements for establishing the structure and personnel complements of building maintenance organizations, and for appraising the performance of such personnel.

d. Develops, in cordination with the Bureau of Finance and Administration, a system for determining building maintenance costs; coordinates with the Operating Equipment Branch in developing reporting requirements for maintenance organizations. Recommends changes in building specifications to promote economy in building maintenance.

e. Develops criteria governing the use of contract services in maintaining buildings and building equipment.

f. Determines training needs of building maintenance personnel; in coordination with the Bureau of Personnel, provides guidelines for training program implementation through regional offices.

g. Develops supply and equipment requirements for building maintenance functions, directs tests and develops supply and equipment items; prepares purchase descriptions or specifications and establishes criteria for their use.

h. Develops policies, programs, methods, and standards for the procurement and use of light, power, and other utilities, including conventional communications services.

i. Develops programs for modernizing existing heating plants, including determining type of fuel to be used.

j. Prepares specifications for fuels; makes technical review of proposals and approves awards for field procurement of fuel where cost exceeds $10,000 per year.

k. Administers the program for rate analysis for utilities service.

.752 *Operating Equipment Branch.*

a. Administers functions related to maintenance of postal operating equipment, including mail processing systems and machines, postage vendors, and other mechanical service appliances.

b. Develops policies, programs, methods, and standards for preventive and repair maintenance, maintenance inspection, and inventory management.

c. Appraises effectiveness of regional offices in their administration of maintenance standards and methods and use of maintenance manpower and equipment; advises on deficiencies and recommends corrective action.

d. Develops technical requirements for establishing organizational structures and personnel complements for maintenance of mail-handling systems and other operating equipment and mechanical appliances; and for appraising the performance of such personnel.

e. Formulates parts inventory levels and controls; coordinates with the Procurement Division and with the Office of Research and Engineering to provide current information to the regions on supplies, parts, and related procurement.

f. Develops, in coordination with the Bureau of Finance and Administration, a system for determining operating equipment maintenance costs; coordinates with the Building Branch in developing reporting requirements for postal plant engineers.

g. Develops criteria governing the use of contract services in maintaining operating equipment.

h. Determines training needs of operating equipment maintenance personnel; in coordination with the Bureau of Personnel, provides guidelines for training program implementation through regional offices.

.753 *Vehicles Branch.*

a. Develops and administers policies, programs, methods, and standards for vehicle preventive and repair maintenance, maintenance inspection, and inventory management.

b. Appraises the effectiveness of regional offices in their administration of vehicle maintenance standards and methods, and in the use of manpower and equipment; notes deficiencies and recommends corrective action.

c. Recommends approval of establishment of new vehicle maintenance facilities and remodeling or extension of existing facilities; establishes criteria for initial equipment requirements.

d. Develops criteria for structure and complement of maintenance organizations, including the types, qualifications, and numbers of employees.

e. Provides criteria for local purchase of garage and vehicle accessory equipment; coordinates the issuance of procedures and instructions relative to vehicle supplies, parts, and related procurement. Approves and determines types and adequacy of inventory levels of vehicle maintenance supplies.

f. Evaluates maintenance supplies, equipment, and facilities for suitability; recommends changes or modifications to maintenance facility specifications or building layouts.

g. Appraises effectiveness of methods and standards for, and the utilization of, vehicle maintenance manpower and equipment.

h. Develops and administers the vehicle disposal program.

i. Recommends to the Office of Research and Engineering changes or requirements for standard or experimental vehicles, based on maintenance experience and cost factors.

j. Initiates vehicle procurement based on requirements furnished by the Bureau of Operations.

k. Develops a program for determining training needs among field maintenance employees; provides guidelines for training program implementation through regional offices, in coordination with the Bureau of Personnel.

l. Issues criteria governing contract maintenance, and prepares specifications for contract maintenance and repair of postal vehicles.

.76 *Procurement Division.*

a. Plans and develops policies and procedures for procurement, inventory control, transportation, and distribution of equipment (except mail bag equipment), supplies, materials, and accountable paper for the entire Postal System.

b. Administers procurement programs including a program of quality assurance; develops and issues Post Office Department regulations to implement and supplement Federal Procurement Regulations.

c. Directs the production, repair, and storage of mail bags, and production of keys and locks.

d. Operates area supply centers, U.S. Stamped Envelope Agency, U.S. Postal Agency, mail equipment shops, repair centers and depositories; develops and plans the number, location, complements, inventories, services, production standards, cost reporting (in conjunction with Bureau of Finance and Administration), and operating procedures for field supply, repair, and warehouse units.

e. Directs programs of utilization and restoration of excess personal property and for disposal of unserviceable obsolete, or excess items of equipment and supplies.

f. Provides assistance to requirements bureaus and offices, and is responsible for final determination of total equipment, supply, and procurement needs, except as otherwise provided by delegations to other bureaus and offices by the Postmaster General or the Deputy Postmaster General.

g. Directs liaison with General Services Administration, Small Business Administration, other Government agencies, manufacturing companies, private contractors, common and contract carriers on supply, traffic and procurement matters; and with the Bureau of Engraving and Printing and the Government Printing Office on accountable paper.

h. Provides design and specifications of lockbox equipment, locks, and standard post office workroom furniture.

i. Initiates and conducts negotiations directly with carriers for special rates or services for moving post office property.

.761 *Procurement Policy and Management Staff.*

a. Provides staff support and assistance to the Director, Assistant Director, and Chiefs of the Inventory and Distribution, Contract, and Mail Bag Equipment Branches in evaluating and improving the administration of and operations in their respective areas of requisitioning, purchasing, receiving, inventory, accountability, distribution, transportation, utilization, and disposal of supplies and equipment.

b. Reviews policies and programs of the three branches and their field installations, which comprise the supply centers, Stamped Envelope Agency, Postal Agent, mail equipment shops, mail bag repair centers, and mail bag depositories, which have a substantial effect on procurement and supply management requirements and operations. Recommend changes necessary to achieve maximum efficiency and economy and to conform to overall departmental policies and programs.

c. Conducts management appraisal of Division-wide operations and performances, as distinguished from day-to-day operating responsibilities, to develop and refine the procurement and supply systems. Prepares findings and makes recommendations to measure and control the funding, staffing, and general effectiveness of procurement and supply operations.

d. Develops and recommends goals and prepares implementing procedures for administering the procurement and supply management policies and programs at the regional and post office levels.

e. Serves as the focal point for continuing liaison with GSA to identify and resolve supply, procurement, and warehousing problems of mutual concern, to provide a productive relationship, and to develop long range programs within established departmental policy.

f. Develops and recommends Post Office Department procurement regulations for implementing the Federal Procurement Regulations.

g. Directs the Division's programs for management assistance and control of forms, records, administrative issuances, organization, methods, and manpower.

h. Develops and recommends policies and procedures for utilizing excess per-

sonal property and disposing of unserviceable and obsolete equipment and supplies.

i. Provide liaison with Bureau of Finance and Administration in developing automatic data processing requirements and programs.

j. Acts as liaison with Bureau of Finance and Administration in matters relating to personal property management programs and procedures.

k. Coordinates the preparation of replies to internal audit reports and interagency and departmental surveys and provides followup with organizational units of the Division as to corrective action taken on approved recommendations.

l. Develops and prepares selected reports and performs special assignments, as requested. Issues material for the Division Management Guide.

.762 *Contract Branch.*

a. Effects final review and approval of invitations for bids, purchase orders, and modifications thereto, issued by the Procurement Division, including mechanization and equipment contracts under the Modernization and Improvement Program; provides for publication of proposed procurements and contract awards in the Department of Commerce "Synopsis of U.S. Government Proposed Procurement, Sales, and Contract Awards."

b. Provides a contracting officer who executes and administers all contracts awarded by the Procurement Division for supplies, services, equipment and mechanization, excluding contracts assigned to other branches.

c. Directs preaward surveys of prospective contractor's plants.

d. Administers a quality control program to assure compliance with specifications and to maintain quality of equipment, supplies, and materials; determines and establishes complement and directs staff of equipment examiners, including their training.

e. Directs testing, final inspection, and acceptance of equipment, supplies, material (except accountable paper) under contracts let by the Procurement Division.

f. Maintains liaison with contractors after award of contract; monitors progress; negotiates price adjustments; and with concurrence by the Inventory and Distribution Branch effects changes in delivery schedules.

g. Handles default and dispute cases; directs evaluation and approval of requests for progress payments; provides assistance in Departmental Contract Appeal Board cases.

h. Provides advice and assistance to bureaus and offices on negotiating contracts over $2,500 and on renegotiation for price redetermination.

i. Directs the preparation and processing of purchase documents; assures bid security; establishes validity of bids and conducts their public opening.

j. Effects compliance with the reporting requirements of the President's Committee on Equal Employment Opportunity and provides liaison with the deputy contract compliance officer on all applicable purchase orders let by the Procurement Division.

.763 *Inventory and Distribution Branch.*

a. Develops and administers policies and procedures for the procurement of all equipment, supplies, and accountable paper for the Postal Service; directs the procurement program of the Department, excluding negotiated contracts over $2,500 specifically delegated to other bureaus and offices.

b. Develops policies and procedures for distributing equipment, supplies, bulk lot accountable paper, and other materials of the Postal Establishment.

c. Directs operations of the Area Supply Centers, U.S. Stamped Envelope Agency, and the U.S. Postal Agency.

d. Develops and establishes manpower, space, equipment, and location needs of field supply and warehouse units.

e. Develops policies and procedures for use by bureaus, offices, and field installations in determining current and future requirements for equipment, supplies, and material; provides assistance to bureaus and offices on requirements matters.

f. Controls inventory levels; coordinates current and future supplies, equipment, and materials requirements; schedules procurement for direct shipment and for warehousing.

g. Maintains contact with suppliers, manufacturing firms, and contractors to ascertain market trends and technological developments and to develop sources of supply and increased competition.

h. Maintains liaison with General Services Administration and other Government agencies on specific procurement, warehousing, supply, and personal property management matters.

i. Effects utilization of excess personal property and restoration of equipment.

j. Assists in the formulation of Bureau's budget estimates; makes review of specifications and requirements for materials, equipment, and supplies; provides assistance and guidance to departmental bureaus and offices on procurement matters.

k. Administers total and partial set-aside determinations developed in cooperation with Small Business Administration.

l. Reviews, from a technical standpoint, field procurement activities, including approval or disapproval of award of contracts exceeding regional and field delegated authority; authorizes designated employees to sign procurement documents.

m. Administers transportation and traffic management functions relating to Post Office Department procurement, supply, and distribution programs.

.764 *Mail Bag Equipment Branch.*

a. Directs the manufacture, repair, storage, and availability of mail bags, pouches, locks and keys, and special mail equipment.

b. Directs operations of the Mail Equipment Shops, Mail Bag Depositories, and Mail Bag Repair Centers.

c. Develops and establishes manpower, space, machinery, materials, and technical needs of the mail bag equipment field installations.

d. Coordinates with other bureaus in developing total requirements for mail bags, postal locks and keys and special items of postal equipment. Collaborates with postal field units in requesting and filling postal equipment needs.

e. Directs and controls maintenance, parts, and material stocks, inventory procedures, improvement and replacement of mechanical equipment at the Mail Equipment Shops, Depositories, and Repair Centers.

f. Develops and maintains standards and procedures for examining and condemning mail bags and equipment and for repairing defective bags and equipment.

g. Provides designs and specifications and prepares detailed drawings of lockbox equipment and postal furniture and examines and evaluates preproduction models and production samples.

h. Develops and revises production and cost standards in conjunction with the Bureau of Finance and Administration; prepares basic budgetary estimates.

i. Maintains liaison with manufacturers, suppliers and other Government agencies, as required, on materials, equipment, and space.

j. Cooperates with the Office of Research and Engineering and the Bureau of Transportation and International Services on the conduct of research programs and activities relating to new or improved materials, equipment designs and the development of specialized equipment.

.77 *Realty Division.*

a. Plans, develops, and administers policies, programs and procedures governing the acquisition, modification, management and disposal of real property; serves as realty contracting office.

b. Directs the programming and expenditure of funds for sites; for acquiring space by lease or rental agreement; for architect and engineer services; and for alteration, remodeling, extension and modernization of Federally-owned buildings occupied by the Post Office Department.

c. Coordinates actions and requirements of the Bureau of Facilities concerning approved major modernization or new facility projects, and occupancy of space in Federal buildings.

.771 *Executive Officer.*

a. Directs the Division's program for management assistance and control with respect to forms, records, administrative issuances, printing and reproduction, organization, methods, manpower and security.

b. Performs special assignments and other related duties as assigned by the Director, Realty Division.

.772 *Assistant Director for Realty Planning.*

a. Develops and recommends realty policies and long-range programs for improvement of postal space in leased and Federal buildings; coordinates long-range plans with other Federal agencies.

b. Analyzes long-range realty requirements and recommends program priorities to meet these requirements in relation to realty economic and funding projections.

c. Analyzes national and regional economic growth patterns and changing patterns of capital investments as they may affect long-range planning for postal facilities; recommends establishment or modification of policies or programs.

d. Develops budget estimates and programs expenditures for realty programs.

e. Develops standards and criteria for use of realty operating personnel in making analyses related to the economic feasibility of modernizing or abandoning postal space in Federal buildings.

f. Assists in developing the bureau's position on proposed legislation and in drafting new legislation relating to the realty program.

g. Develops program reporting requirements and coordinates their preparation.

h. Compiles reports on Government-owned and leased real properties controlled by the Post Office Department.

i. Provides technical guidance to regional realty offices in the development of long-range plans for improvement of the postal plant.

.773 *Assistant Director for Realty Management.*

a. Provides functional guidance for regional realty programs; reviews regional rental, leasing and Federal building activities; directs appropriate corrective action as necessary.

b. Exercises realty contracting authority for the Department except for items or services specifically delegated or reserved by the Assistant Postmaster General to others or himself; administers realty funds except those relating to rental payments.

c. Develops and directs a system for providing active realty case status data from inception to completion; maintains continuing follow-up; directs responses to inquiries regarding status of active cases.

d. Provides technical assistance in developing long-range realty planning programs.

e. Directs the staff and activities devoted to leasing operations, realty review and property control.

(1) *Leasing Operations Branch:*

(a) Develops and recommends criteria, standards, methods, and procedures for the acquisition, modification, management and disposal of leased postal space.

(b) Develops and recommends criteria and procedures for guidance of approved regional realty programs and assists in their implementation; maintains continuing followup of regional lease programs and schedules.

(c) Develops and recommends annual award schedules within previously approved long-range plans; establishes regional targets.

(d) Reviews, controls and processes regional realty recommendations for completeness and forwards for analysis and decision.

(e) Coordinates realty actions with interested bureaus and offices from receipt of approved requisitions to building occupancy.

(f) Develops standards and criteria under which bidders may be declared in default; issues and maintains lists of bidders in default.

(g) Processes lessors' requests for conditional or absolute assignment of facility contracts; takes or recommends appropriate action.

(h) Develops advertising packages for major facilities; prepares leases for these facilities.

(i) Develops reports of leasing activities and of leased real properties controlled by the Post Office Department.

(j) Establishes and maintains realty files for major facility projects.

(2) *Realty Review Branch:*

(a) Analyzes proposals for acquisition, modification and disposal of postal space beyond authority delegated to regions; negotiates, if necessary, with optionors or bidders to obtain satisfactory contract conditions.

(b) Develops a realty position on realty contract proposals based on analysis, experience, and market conditions; recommends acceptance or rejection of specific proposals.

(c) Analyzes proposals for modernization or abandonment of postal space in Federal buildings; recommends appropriate action based on known and projected economic, financial, growth, and utilization factors.

(d) Reviews and analyzes regional awards to assure that awards are within delegated authority and to provide advice on future handling of regional cases.

(e) Compiles and analyzes real estate market data for determining real estate values and rentals.

(f) Provides realty personnel to coordinate major facility projects.

(3) *Property Control Branch:*

(a) Develops and recommends criteria, standards, methods and procedures for the acquisition, modification, management and disposal of postal space in federally owned buildings.

(b) Maintains continuing followup on progress of modernization projects submitted to GSA for accomplishment; maintains liaison with GSA and other Federal agencies on Federal property projects.

(c) Develops standards and criteria for the acquisition of land for postal projects by purchase, condemnation, or lease.

(d) Develops and recommends standards and criteria for assigning nonpostal space in Federal buildings operated by the Post Office Department and for the installation and operation of vending stands and vending machines on postal property; administers their application.

(e) Develops and recommends annual schedules for extension and modernization of postal space in Federal buildings and the acquisition of land for lease projects within previously approved long-range plans.

(f) Analyses specific proposals and recommends appropriate action for acquisition of land by methods other than assignable options based on known economic, budget and financial factors; maintains liaison with General Counsel on legal aspects.

(g) Provides interim management and out-leasing of Government-owned property pending development for postal use.

(h) Assists regional real estate offices as required in complex land acquisition projects and Federal property matters.

(i) Prepares required reports of Government-owned real properties controlled by the Post Office Department.

822.8 *Assistant Postmaster General, Bureau of Personnel.*

a. Represents and acts for the Postmaster General and takes final action on all personnel management matters relating to employee relations, compensation administration and employee training at professional and educational institutions.

b. Represents and acts for the Postmaster General in dealings with employee organizations; maintains liaison with the legislative and executive branches and agencies of Government on personnel matters.

c. Directs the formulation of policies, programs, regulations and procedures required for the development and maintenance of an effective personnel management program throughout the Postal Establishment.

d. Exercises the appointive powers of the Postmaster General with respect to employees in the departmental service, in accordance with the recommendations of the bureaus and offices concerned.

e. Administers the incentive awards program and authorizes awards as provided by law and regulation.

f. Provides following services concerning negotiated contracts over $2,500 (other than for mail transportation and real estate):

(1) Advises the contracting officer on all postal personnel provisions including safety, training, compensation and any other matters affecting postal employees.

(2) Provides technical assistance, as required, in the preparation and administration of negotiated contracts.

.81 *Deputy Assistant Postmaster General.*

a. Assists the Assistant Postmaster General and acts for him in his absence or at his request.

b. Exercises direct supervision over the staff of the Bureau of Personnel.

.811 *Special Assistant, Employee Relations.*

a. Serves as principal assistant on employee relations to the Assistant Postmaster General and Deputy Assistant Postmaster General.

b. Formulates and recommends policies and develops procedures on employee relations.

c. Maintains liaison with national officers of employee organizations and provides the principal point of contact between these organizations and the Department.

d. Represents the Assistant Postmaster General in contacts with other Government agencies and outside organizations on employee relations matters.

e. Reviews employee grievances and discrimination complaints, recommending departmental action to Assistant Postmaster General.

f. Develops plans for and administers employee services in the postal field service including, but not limited to, cafe-

terias, vending machines and welfare funds.

.812 *Special Assistant, Employee Information.*

a. Serves as principal assistant to the Assistant Postmaster General and the Deputy Assistant Postmaster General on employee information programs and problems.

b. Formulates and recommends policies relating to employee information programs and issuances.

c. Prepares articles for publication and for delivery as speeches on subjects related to the field of personnel management.

d. Conducts research on information needs of postal personnel and provides technical staff assistance to headquarters and regional staffs in the development of effective employee information programs.

.82 *Departmental Personnel Division.*

a. Formulates and recommends policies and develops procedures relating to personnel matters affecting departmental (headquarters) employees.

b. Provides staff guidance and technical assistance to headquarters bureaus and offices on all matters of personnel administration affecting headquarters personnel.

c. Administers the provisions of the Classification Act of 1949, the Departmental Wage Board, and section 15 of Public Law 600 (5 U.S.C. 55a); takes final action on personnel actions covered by such provisions.

d. Administers applicable policies, programs and procedures with respect to headquarters employees in recruiting; testing, placement and separations; training; performance rating; safety and health; suggestions and awards; relations with employee organizations; and employee services.

e. Maintains direct relations with the Civil Service Commission on all headquarters personnel matters except policy matters.

f. Processes formal personnel transactions, maintains central personnel records, issues personnel reports and conducts official correspondence relative to proposed, current and former headquarters employees.

g. Represents the Bureau of Personnel in civil defense planning and security control.

.83 *Employment and Placement Division.*

a. Formulates and recommends policies and develops procedures relating to recruiting, examining, employing, placing and promoting personnel in the Postal Establishment.

b. Determines the need for employee examining and testing in conjunction with affected bureaus and offices and, in collaboration with the Civil Service Commission, develops and directs the application of a program of suitable examinations and tests.

.84 *Training and Development Division.*

a. Determines general need for and plans training and development programs for the Postal Establishment in conjunction with affected bureaus and offices, including general course outlines, instructional guides and training materials.

b. Reviews and approves proposals for subsidized outside courses of study.

c. Controls the development, procurement, production and distribution of training aids, films, and auxiliary equipment.

d. Reviews the progress and effectiveness of training activities in all headquarters and field services and reports to the appropriate bureaus and offices.

e. Provides official representation of the Department with governmental, educational, and industrial groups on national training matters.

.85 *Compensation Division.*

a. Develops and maintains a system for evaluating and classifying all positions in the postal field service. Ranks authorized standard and individual positions, except those in salary levels PFS–17, –18, –19, and –20 and such other positions as the Assistant Postmaster General, Bureau of Personnel, may specify.

b. Conducts surveys and establishes procedures and guidelines for proper maintenance of position standards and adherence to approved position ranking criteria.

c. Develops and maintains procedures for hearing appeals and for conducting reviews of actions taken under the postal field service classification system.

d. Promulgates instructions and allowance tables, in accord with legal requirements, covering basic compensation, overtime, compensatory time, holiday pay, night differential, longevity pay, periodic step increases, uniform allowances, equipment maintenance allowances, heavy duty compensation and per diem allowances for mobile service personnel.

e. Develops and administers policies and procedures, except for accounting procedures, on Civil Service retirement, social security, Federal employees group life insurance, and unemployment compensation.

f. Conducts research on compensation practices and trends in private industry and Government services; submits recommendations for legislation, including fringe pay benefits; and assists in formulating departmental position on other legislative proposals affecting the compensation of postal employees or of the entire Federal service.

.86 *Safety and Health Division.*

a. Develops and maintains an effective safety and health program for the Postal Establishment, in conjunction with other bureaus and offices, covering health hazards, fire prevention and protection, transport and traffic safety, first aid and medical services, and safety aspects of property and equipment conservation and utilization.

b. Provides consulting service on safety and health matters to management officials throughout the Postal Establishment.

c. Provides official representation of the Department with other agencies of the Government and with outside organizations on safety and health matters of a national character.

d. Maintains liaison with Department of Labor on injury compensation.

.87 *Policy Review and Analysis Division.*

a. Determines need for and develops written statements covering personnel policies, regulations, operating procedures, and reports for the Postal Establishment.

b. Reviews and comments on all legislative proposals relating to personnel management, coordinating with other divisions and bureaus in developing a final position.

c. Maintains bureau control and review of all issuances, coordinating drafts with appropriate divisions and bureaus.

d. Interprets Civil Service Commission regulations, Executive orders, and legislation relating to personnel administration, utilizing the services of the Office of the General Counsel, where required.

e. Conducts studies of procedures and methods used in the administration of the personnel program and develops improvements thereto.

f. Determines personnel reports requirements and maintains liaison with the Bureau of Finance and Administration and Civil Service Commission in preparing personnel reports.

.88 *Suggestions and Awards Division.*

a. Develops procedures for an effective suggestion and incentive awards system throughout the Postal Establishment.

b. Processes employee contributions of national significance.

c. Conducts promotional campaigns to increase employee participation in the incentive awards program.

PART 823—REGIONAL DIRECTOR

a. Administers the execution of policies, regulations, and procedures governing, and takes final action within his delegated authority on, matters relating to management, operations, transportation, finance, engineering, equipment, supply, facilities, and personnel within an assigned region (except the postal inspection service, internal auditors, the mail bag equipment shops, mail bag repair centers and depositories, area supply centers, postal agency and stamped envelope agency, equipment production specialists, and other specific matters reserved to the Postmaster General and to the bureaus and offices of the national headquarters).

b. Is responsible for the efficient management, utilization, and control of manpower, allotted funds, facilities, and equipment within the authority delegated to the region.

c. Directs the conduct of management and operating surveys in post offices.

d. Provides guidance and specialized assistance to post offices on mail processing, mail movement methods, and other postal operations.

e. Exercises direct supervision over all officers and employees within the regions, except as provided in a.

f. Is responsible for the annual appraisal of performance and final rating of postmasters at first-class offices.

823.1 *Deputy Director.*

a. Assists the Regional Director in the overall management of the region.

b. Acts for the Regional Director in his absence and at his direction.

.11 *Coordinated Field Staff.*

.111 *Principal Postal Service Officer.*

Directs and coordinates the activities of the postal service officers. Initiates and conducts field studies and serves as liaison with postmasters and division directors on major programs.

.112 *Postal Service Officer.*

a. Provides liaison, on a continuing basis, between regional officers and all postmasters within an assigned geographical area.

b. Provides guidance and counsel to postmasters on postal service matters.

c. Analyzes mail distribution, dispatch schedules, and mail movement, and recommends improvements.

d. Makes the annual appraisal of performance of postmasters at first-class offices and recommends ratings.

e. Carries out special assignments for the Regional Director.

823.2 *Assistant to Director.*

a. Assists the Regional Director in liaison with the general public, principal mail users, Members of Congress, other Federal agencies, local authorities, and others.

b. Directs regional information activities and promulgation of postal instructions to the public.

823.3 *Special Assistant to Regional Director for Employee Relations.*

a. Develops and maintains sound employee-management relations throughout the region, in conformance with policy directives of the President and the Postmaster General.

b. Serves as deputy employment policy officer under Executive Order 10925.

823.4 *Controller.*

Advises and assists the Regional Director on all financial matters within the region; provides technical financial guidance to post offices; prepares the regional budget and maintains accounting records on the control of funds; develops regional targets, makes cost studies and related recommendations responsive to management needs; provides data processing services; maintains general ledger accounts; processes transportation claims and employee accounts and settles various other claims; compiles, analyzes, and interprets financial, statistical, and economic data in order to advise the Regional Director and other regional officials on regional operations.

.41 *Postal Funds (Office of Controller).*

a. Interprets and amplifies Bureau of Finance and Administration instructions and regulations on depository policies and procedures.

b. Performs regional disbursing functions.

c. Authorizes post office reserves and bank accounts up to $50,000; authorizes the increase or release of collateral pledged to secure postmasters' deposits.

d. Reviews postmasters' remittance procedures to insure compliance.

e. Makes continuing review of accounts receivable; processes difficult cases.

.42 *Financial Control Branch.*

(In some regions the budget and cost activities are not combined but are established as two separate branches—the Budget Branch, and the Cost Control and Analysis Branch.)

.421 *Budget.*

a. Develops and directs the regional budget and planning control program in accordance with established policies; advises the Regional Director and his staff on all regional budget matters.

b. Coordinates budget activities with related activities of other regional divisions.

c. Establishes budgetary controls to prevent overobligation of funds; develops effective budgetary reporting to promptly inform management on progress under approved financial plans, targets, and allotments; analyzes budgetary trends and statistics for management.

d. Provides technical supervision for budget activities in large operating installations to improve forecast of revenues, workload, and man-hours to permit operating budgets and targets to be more closely related to actual operations.

.422 *Cost Control and Analysis.*

a. Directs the application of approved policies and procedures for accumulating, analyzing, and reporting cost data, postal program progress, and cost ascertainment data, including work and volume measurement, man-hours, and production; and for controlling the release of data to other agencies and the public.

b. Collaborates with other regional offices in developing cost control programs to produce comparative statistics as management tools in measuring and regulating operating costs; evaluates operating and financial reports prepared in the Controller Division and at post offices; prepares highlights of significant changes, interpretations, and recommendations for use by management.

c. Provides technical guidance to post offices on financial and statistical functions, including accumulation of data, preparation of reports, and interpretative analysis of work measurement systems, all responsive to management needs, and implementation of mail count procedures; monitors and validates mail volume and man-hour usage reports.

d. Conducts before and after cost studies for measuring the effectiveness of new machinery, procedures, and facilities, and such other cost studies as required by management.

.43 *Accounting Branch.*

a. Maintains the general ledger for regional financial transactions.

b. Provides management with current statements of financial, operating, and statistical data.

c. Processes payrolls, maintains leave records, and prepares reports of all postal employees in the region (except inspectors); establishes controls and processes records relating to the various payroll deductions and receivables.

d. Examines postmasters' statements of accounts to assure conformity with postal laws, policies, and regulations, and Comptroller General decisions.

e. Preaudits claims and certifies for payment regional expenditures for highway, powerboat, rail, and air transportation, customs collections, indemnity claims, contract stations and clothing allowance, rents and leases, tort claims under $100, and miscellaneous disbursements including claims for utilities, fuel, supplies and services, travel, outside training, etc.

f. Establishes and maintains accounting records for control of property; interprets and monitors application of property accounting instructions; provides information and reports to meet property management requirements.

g. Provides regional data processing services.

h. Provides technical assistance and guidance to post offices on related Accounting Branch functions and internal control procedures.

i. Designates and revokes post offices as postal savings depositories, U.S. savings bond issuing agents, and U.S. savings stamp offices; establishes and discontinues international money order business at post offices, after coordinating with the Local Services Division.

823.5 *Personnel Division.*

a. Assists the Regional Director in administering the personnel management program in the region in accordance with departmental policies and procedures.

b. Renders personnel service to the regional office.

c. Maintains liaison with the Civil Service Commission.

d. Gives technical advice and assistance to postmasters, operating officials, and employees in the region on all matters involving recruitment, selection, and employment of personnel, training and development of employees, classification of positions, examinations (except proficiency examinations), disciplinary actions and grievances, health and safety, suggestions and incentive awards, pay administration, and employee benefits.

e. Cooperates with Special Assistant for Employee Relations in providing guidance to regional and installation officials and supervisors on equal employment, civil rights, and ethical conduct policies and procedures affecting postal field service personnel.

.51 *Safety (Office of Director).*

Assists installation heads in organizing and implementing safety activities and furnishing necessary technical guidance on safety and health matters.

.52 *Employment and Placement Branch.*

a. Plans, directs, and coordinates the employment and placement program throughout the region.

b. Gives technical advice and assistance to regional officials, postmasters, and other employees throughout the region on personnel matters relating to recruitment, selection, assignment, promotion, separations, leave, conduct, performance evaluation, discipline, veterans preference, personnel records, transactions, seniority, suggestions, awards, and fringe benefits.

c. Maintains liaison with Civil Service Commission on personnel management problems, examinations, and appeals.

.53 *Compensation Branch.*

a. Plans, directs, and coordinates the compensation program throughout the region.

b. Gives technical advice and assistance on the classification of positions and on all phases of pay and salary administration.

.54 *Training Branch.*

a. Plans, directs, and coordinates the training and employee development programs throughout the region.

b. Gives technical advice and assistance to postmasters, supervisors, and other employees in the region in implementing training policies and improving the quality of training services throughout the region.

c. Assists local officials in developing internal civil defense and radiological monitor training; and in developing and conducting scheme training programs.

d. Develops training plans for appropriate orientation of newly appointed postmasters and regional officials; arranges for participation by postal personnel in Federal or non-Federal training programs outside the Postal Establishment.

823.6 *Postal Systems Division.*

a. Assists the Regional Director in development, installation, and analysis of postal, administrative, and supporting procedures (including distribution procedures), methods, and work standards, utilizing industrial engineering and other analytical techniques.

b. Studies mail handling systems, production requirements, and procedures to improve equipment, work place, and process of performing any postal service in the region.

c. Installs, operates, and refines systems of work measurement and various performance standards; analyzes labor performance and causes for major variances.

d. Performs service analyses through selected test programs.

e. Directs the paperwork management program.

f. Assists Regional Director in organization and space matters concerning administration of regional office.

g. Participates in the coordinated regional staff planning of facilities and mechanization, organization and operating standards, and budgeting.

.61 *Methods Branch.*

a. Develops, installs, and analyzes post office operational methods and procedures (including distribution procedures).

b. Evaluates effectiveness of mail handling systems as related to service requirements.

c. Studies mail handling systems and mechanization requirements; identifies areas for improvement in physical environment, space layout, and equipment that will increase productive mail handling capacity. Coordinates any changes which involve changes in the application or utilization of installed mail processing mechanization in accordance with 858.3.

d. Participates in the development of methods and techniques to insure, as applicable, orderly transition from manual to mechanized mail processing.

e. Implements and conducts records management, forms management, reports management, and office methods programs throughout the region; arranges for correspondence training and conducts the correspondence management program for the region; maintains a control on issuances received and issued in the region; promotes work simplification techniques.

f. Conducts regional selected mail test and service analysis program.

.62 *Work Standards Branch.*

a. Installs and reviews prescribed work measurement systems and appraises system effectiveness.

b. Determines need for expansion of work measurement systems and promotes effective manpower utilization in post offices.

c. Establishes performance goals and monitors system effectiveness as a basis for improvement.

d. Develops controls for effective man-hour utilization.

e. Identifies areas in operations when excessive manpower is evident and recommends corrective action.

823.7 *Local Services Division.*

a. Assists the Regional Director in determining organization and manpower needs; and reviews local postal service and organization proposals.

b. Determines establishment (except airport mail facilities, transfer offices, and mobile units) needs of the Postal Service within the region; makes recommendations on opening, closing, and merging of facilities. Coordinates recommendations involving changes in the application or utilization of installed mail processing mechanization in accordance with 858.3.

c. Determines collection and delivery, patron, vehicle, and other program service requirements of post offices; furnishes guidance to postmasters on operation of these services; and appraises performance.

d. Participates in the coordinated regional staff planning of facilities and mechanization, organization and operating standards, and budgeting.

e. Makes determination of legitimate receipts and classification of post office.

f. Reviews service complaints and refers them to the appropriate division or branch for attention and reply.

g. Administers a continuing program to evaluate customer complaints involving mailing problems, policies, and procedures; reviews and analyzes the sources, causes, and pattern of complaints; and based on the complaint pattern, refers problems or service deficiencies to the appropriate functional division for corrective action.

.71 *Organization Services Branch.*

a. Determines staffing requirements and authorizes complements and man-hours based upon a continuous analysis of manpower usage related to work volume in all postal installations.

b. Provides organizational guides and service standards to postmasters; appraises effectiveness of postmasters in maintaining alinement of complements.

c. Participates in the development of timely reporting systems designed to provide data essential to evaluation and review of organization and staffing in post offices.

d. Recommends establishment, discontinuance, consolidation or merging of postal installations; regulates hours and adequacy of service to the public.

.73 *Delivery Services Branch.*

a. Establishes and adjusts patterns of delivery services.

b. Conducts studies to promote efficiency and economy in collection, delivery (including general delivery, lockbox, and carrier window service), and related patron services.

c. Authorizes the establishment, transfer, and discontinuance of routes. Approves extensions and consolidation of routes and issues criteria therefor.

d. Maintains man-hour and complement control for delivery service.

e. Promotes programs designed to elicit patron cooperation in undertaking mail separation and processing at the patron's premises and improved scheduling of mailings.

f. Directs studies to determine effects of population shifts, and changes in city and business district boundaries, for use in evaluating demands for delivery services.

g. Determines city scheme requirements and delivery zone changes; directs the examination program for city schemes.

h. Determines feasibility of mechanizing carrier routes.

.73 *Vehicle Services Branch.*

a. Responsible for the assignment, utilization, and operation of Government-owned vehicles within the region; reviews and approves contracts for vehicle hire.

b. Establishes priorities for replacement.

c. Directs a program designed to instruct post office personnel in the scheduling, assignment, and utilization of vehicles.

d. Conducts studies to determine proper size and type of vehicle for most efficient operation.

e. Makes cost comparisons of contract and Government-owned vehicles; recommends most economical vehicle service to Chief, Delivery Services Branch, for local service, and to the Chief, Highway Transportation Branch, involving star route and mail messenger service.

823.8 *Transportation Division.*

a. Assists the Regional Director in the general direction of all mail transportation activities within the region.

b. Develops and maintains an integrated regional pattern for transporting all classes of mail, coordinating the regional pattern with national plans.

c. Prepares schemes and schedules governing the distribution and dispatch of mail.

d. Maintains liaison with carriers; negotiates for the transportation of mail by railroads and highway vehicles and insures efficient utilization, citing irregularities and imposing penalties when warranted.

e. Provides policy guidance to postmasters in planning and operation of mobile units, transfer offices, airport facilities, and truck terminals; and determines the need for their establishment or discontinuance; coordinating any changes involving changes in the application or utilization of installed mail processing mechanization in accordance with 858.3.

f. Insures efficient utilization of air transportation for mail movements.

g. Represents transportation requirements in the coordinated regional staff planning of facilities and mechanization, organization and operating standards, and budgeting.

.81 *Air Transportation Officer (Office of Director).*

a. Provides functional and technical direction to airport mail facilities and post offices on the dispatch, receipt, and exchange of mail by air with and between air carriers.

b. Coordinates with other regions in the air transportation of mail to secure maximum performance, effective utilization of space and weight, and improved connections, and to assist in resolving problem areas.

c. Investigates irregularities, delinquencies, and other deficiencies in air service; appraises results of investigations and recommends penalties against air carriers when warranted.

d. Interprets Civil Aeronautics Board regulations.

.82 *Transportation Planning Branch.*

a. Directs and conducts studies to evaluate modes of transportation from standpoint of cost and effective service; recommends improvements within and between regions consistent with cost and service.

b. Makes surveys of changes in modes of transportation such as rail to highway, rail to air, etc., and develops plans for implementation.

c. Develops emergency transportation plans.

d. Provides plans and participates in necessary studies to keep regional transportation patterns integrated with national plans.

e. Studies changing mail volume and flows, and closely coordinates with other branches to assure best mode of transportation.

f. Directs mail equipment transportation program within region.

g. Recommends improvements based on service analysis.

.83 *Schemes and Routing Branch.*

a. Establishes general pattern and, except for local mail, determines what mail shall be distributed by all installations.

b. Directs manner of routing mail within region and coordinates with other regions.

c. Directs preparation of schemes (except city) and study maps; issues corrections.

d. Except for city schemes, establishes scheme knowledge requirements and directs examination program; prepares Schedule of Mail Routes and corrections thereto.

e. Issues pouch orders and dispatch instructions, with special instructions for registered mail.

f. Provides guidelines for distribution training; coordinates with Local Services Division on distribution manpower.

g. Issues instructions for proper labeling of mail. Provides technical direction to insure the quality and timeliness of production of label printing units.

h. Develops routing plans for large mailers.

i. Provides technical and functional direction to the postmaster for proper and efficient distribution in mobile units and airport mail facilities, and determines need for establishment or discontinuance of these units.

j. Coordinates in accordance with Part 858.3 any changes involving changes in the application or utilization of installed mail processing mechanization.

.84 *Railway Transportation Branch.*

a. Supervises railroad performance and prepares railroad agreements.

b. Coordinates with other regions in effecting efficient transportation of mail by rail.

c. Provides technical, functional, and policy direction to postmasters on the operation of transfer offices, and determines need for establishment or discontinuance.

d. Investigates irregularities in rail service and recommends penalties on carriers as warranted.

e. Interprets Interstate Commerce Commission regulations.

f. Maintains liaison with rail carriers concerning scheduling, railroad personnel, facilities, and protection of mail.

g. Inspects RPO cars for adequacy and conformity with standards.

h. Administers rail space-basis system, exclusive of processing of claims.

i. Observes the handling of mail by railway personnel in terminals and stations, and the operation of the transfer service, for evaluation of carrier performance and adequacy of supervision.

.85 *Highway Transportation Branch.*

a. Recommends the procurement of highway transportation service, route establishments, consolidations, discontinuances, changes, and review of schedules to provide the best service at least cost.

b. Reviews and acts on requests for compensation adjustments under Public Laws 669 and 763.

c. Examines agreements and contracts for conformity with laws and regulations; enforces adequate protection of the mail by contractors.

d. Inspect HPO vehicles for adequacy and conformity with standards.

e. Observes operation of highway routes, the handling of mail by highway carriers, and the operation of truck terminals, to evaluate carrier performance and adequacy of service. Recommends penalties against highway carriers when warranted.

f. Provides guidance to postmasters on highway operations and on planning and operation of truck terminals, and determines the need for their establishment or discontinuance.

823.9 *Engineering and Facilities Division.*

a. Assists the Regional Director in administering construction, leasing, and maintenance programs; provides supply and equipment services; and maintains program controls within delegated authority.

b. Forecasts, plans, and determines plant requirements.

c. Within delegated authority, designs Federal building extensions and improvements, and leased facilities.

d. Manages real estate program, renewing leases, obtaining site options, and negotiating lease contracts; inspects and accepts construction.

e. Provides building and equipment preventive maintenance programs for Federal and leased facilities.

f. Provides Government vehicle maintenance guidance and technical direction to post offices; assists the Training Branch in implementing and improving vehicle maintenance training programs; analyzes cost control reports; and administers the vehicle disposal program.

.91 *Engineering Branch.*

a. Makes engineering studies for space and equipment requirements, sites, locations, facilities, mechanization, plant layout, and work flow and processing methods, in connection with new and modernized facility proposals.

b. Prepares, reviews, and approves bid and construction plans, specifications, cost estimates, and evaluations involving remodeling of existing and new postal facilities.

c. Inspects and recommends acceptance or rejection of new and remodeled leased buildings. Also, conducts with GSA engineers the inspection of construction and modernization of Federal postal buildings. As delegated by Headquarters, performs resident engineer technical and administrative services in connection with construction and mechanization projects initiated by Headquarters.

d. Conducts research and development tests and evaluations of mail processing machines and systems, including design and testing of vehicles when required by Office of Research and Engineering.

e. Directs and evaluates surveys, programs, designs, installation and tests on the need, adequacy, and operation of all building equipment. Provides technical assistance and guidance to staff members and postal officials on the operation and maintenance of utilities equipment and services.

f. Makes studies and prepares reports and recommendations on the utilization and efficiency of newly developed postal equipment systems and materials.

g. Makes studies on economics of engineering programs.

h. Plans and coordinates with the responsible officials of regional staff immediate and long-range engineering and capital improvement programs and priorities.

i. Evaluates technical suggestions under the incentive awards program.

j. Coordinates in accordance with 858.4 any experimental development projects involving mail processing machines and equipment, having countrywide application.

.92 *Space Requirements Branch.*

a. Acts as regional coordinator in all matters relating to space and equipment requirements in postal installations throughout the region.

b. Analyzes requests for improved space, or for new or enlarged facilities,

received from installation heads or other sources, and recommends action.

c. Develops regional priority lists after considering (1) budgetary limitations and (2) the urgency for correcting space deficiencies to permit efficient and economical mail-handling operations.

d. Conducts or requests space surveys after coordination with interested regional divisions and the Engineering and Real Estate Branches. Issues instructions to assure compliance with approved standards in developing space and equipment requirements.

e. Furnishes analyses of space survey reports and related data to the Engineering Branch for developing refined space needs and optimum plot and building arrangements as guides in site selections.

f. For leased facilities, requests the Real Estate Branch to obtain information on (1) available existing buildings which might be modified for postal use, or (2) suitable sites. For Federal Buildings, requests the Engineering Branch to initiate action with General Services Administration to accomplish the improvement or modernization.

g. Participates with the Engineering and Real Estate Branches in site evaluations. From a service point of view, (1) approves site locations and (2) obtains concurrence of the Local Services and Transportation Divisions, and the postmaster's views as necessary, on plot plans and space and equipment arrangements.

h. Responsible for initiation of requisitions and delivery schedule and placement of furniture and equipment required for new and improved facilities, within authority delegated to the regions.

i. Directs and assists with special regional studies and surveys initiated by Headquarters.

.93 *Real Estate Branch.*

a. Formulates and develops long-range plans for coordinating regional realty programs with changing postal requirements.

b. Negotiates, commits, revises, executes, and terminates agreements for real estate facilities used by the Department under leases, rental agreements, or agreements with other Government agencies for space in Government-owned buildings.

c. Acquires control of real property through assignable options; recommends control through purchase, leases, contracts, condemnation, donation, or other means; approves option for advertising purposes, and assigns such options to the successful bidder.

d. Prepares bidding documents; assembles bid packages including plot plan, floor plan, elevations and building requirements; and submits to interested bidders for leased postal facilities.

e. Takes final action on deferred maintenance in leased or rented postal space and directs lessors to take corrective action.

f. Conducts surveys and analyses of regional land and building acquisition or rental costs, and recommends procedures whereby economy can be effected in the regional realty program.

g. Establishes and maintains realty project files.

.94 *Plant Maintenance Branch.*

a. Directs the operation and maintenance of buildings and building mechanical equipment; and the maintenance of postal operating equipment and vending machines.

b. Implements and administers policies, programs, methods, and standards for preventive maintenance, repair maintenance, maintenance inspection, and inventory management.

c. Reviews and approves estimates for annual and incidental allowances covering operation and maintenance of buildings and building mechanical equipment; and the maintenance of postal operating equipment and vending machines.

d. Recommends to Local Services Division organizational structures and complements for maintenance of postal installations.

e. Conducts periodic surveys of maintenance of buildings and equipment to determine the effectiveness of, and to improve, the maintenance program.

f. Initiates action to provide for maintenance needs at new or modernized facilities, including supplies, spare parts, and equipment.

g. Develops guidelines for use of postmasters in soliciting bids for contract maintenance; makes review of performance under approved contracts.

h. Directs regional field representatives engaged in regionwide sanitation and postal equipment maintenance.

.95 *Vehicle Maintenance Branch.*

a. Directs the maintenance and repair of Government-owned vehicles program.

b. Implements and administers policies, programs, methods, and standards for preventive maintenance, repair maintenance, vehicle inspection, and vehicle parts inventory management.

c. Reviews and approves estimates for annual and incidental allowances for supplies, automotive parts, and equipment used in maintenance of vehicles.

d. Recommends to Local Services Division organizational structures and complements for vehicle maintenance facilities.

e. Conducts periodic surveys of vehicle maintenance facilities in the region to determine effectiveness of, and to improve, the maintenance program.

f. Reviews requests for and recommends additional, new, or modernized vehicle facilities, including garage layout and equipment requirements, based on service needs.

g. Develops guidelines for use of postmasters in soliciting bids for contract maintenance; makes continuous review of performance under approved contracts.

h. Administers the vehicle disposal program; in conjunction with Local Services Division, develops annual vehicle procurement needs.

PART 824—POSTAL DATA CENTERS

824.1 *Postal Data Center Director.*

a. Administers the execution of policies, regulations, and procedures governing and takes action within his delegated authority on matters relating to management and operation of the postal data center.

b. Is responsible for the efficient management, use, and control of manpower, allotted funds, facilities, and equipment within the authority delegated funds, facilities, and equipment within the authority delegated to PDC.

c. Directs activities and exercises overall supervision of employees of the postal data center to ensure that effective performance of the activities of the postal data center is established and maintained.

d. Maintains continuous surveillance over services provided regional offices, postal installations and other customers to ensure that effective services are provided and customer relations maintained.

e. Adjudicates and settles personal or property damage claims in amounts of less than $100. Adjusts and settles postmasters' claims for losses due to fire, theft, burglary or other unavoidable casualties.

824.2 *Administrative Office.*

Provides staff assistance to the Director, Postal Data Center, relating to administrative and service functions for the postal data center.

824.3 *Processing and Control Division.*

a. Reviews and certifies all input to the data operations division; processes payrolls and maintains controls over payroll deductions and receivables; prepares and certifies for payment all disbursements for which the postal data center is responsible, including but not limited to transportation claims, contract stations, torts and indemnity claims, uniform allowances, rents and leases, travel, etc. Audits financial accounts of all postmasters served by the postal data center to assure compliance with laws, regulations and Comptroller General decisions. Maintains technical liaison with postal installations being serviced by the postal data center. When technical liaison involves responsibilities of the regional controller division, new policy items of a controversial nature will be cleared through them.

b. Maintains general ledger for the several regions being served and establishes controls for the data operations division, and reviews and approves all reports prior to release to consumers.

c. Processes input data from new applications for data processing such as transportation schemes and routing, inspection service workload data, procurement and supply transaction data, volume and performance data.

d. Signs and issues U.S. Treasury checks for all payments made by the center. Issues and accounts for all U.S. savings bonds in connection with payroll savings plan. Receives and accounts for all funds received by the PDC.

e. Acts as liaison with regional distributing post offices on accountable paper matters.

f. Establishes and maintains accounting records for control of international money order services; provides information and reports to meet international money order service requirements (New York, Dallas, San Francisco).

.31 *Data Services Branch.*

a. Processes all documented input data for data systems not handled by other branches of the division. Generally, data are of an operational nature as opposed to a financial nature.

b. Maintains liaison with regional offices and post offices in collaboration with the systems branch in the development and implementation of new programs as prescribed or authorized by the Department.

c. Reviews and approves data services branch reports produced by data operations division before they are released to the consumer.

d. Prepares special reports.

.32 *Postal Accounts Branch.*

a. Maintains general and subsidiary ledgers covering revenue, expenses, assets and liabilities.

b. Provides regional controllers with current statements of financial, operating and statistical data.

c. Examines postmasters' statements of account to assure conformity with postal laws, policies, and regulations and Comptroller General decisions.

d. Establishes and maintains accounting records for property control; interprets and monitors application of property accounting instructions; provides information and reports to meet property management requirements.

e. Designates and revokes post offices as postal savings depositories, U.S. savings bond issuing agents and U.S. savings stamp offices; establishes and discontinues international money order business at post offices, after coordinating with applicable local services division.

f. Maintains a system of cost accounts and prepares cost and statistical reports on motor vehicle operations.

g. Reviews and approves postal accounts branch reports produced by data operations division before they are released to the consumer.

h. Reviews the accounts receivable program to determine that instructions are being followed in collection attempts and recommends to the Director, Postal Data Center, that uncollectible debts be declared "uncollectible."

.33 *Accounts Payable Branch.*

a. Examines and settles claims for payment of items such as indemnity, cases of incompetent and deceased postal savings depositors, unpaid compensation for deceased postmasters or other employees and adjudicates physical losses of small tort claims.

b. Examines and settles claims for payment to railroads, airlines, contractors of vehicles, star route contractors, mail messengers and contractors at stations and branches.

c. Examines and settles accounts for rents, leases, utilities, communication, supplies and equipment and travel vouchers for postal employees.

d. Serves as authorized certifying officer.

e. Reviews and approves accounts payable branch reports produced by data operations division before they are released to the consumer.

.34 *Personnel and Performance Branch.*

a. Maintains personnel pay records.

b. Verifies payments for personal services and related expenses.

c. Maintains individual and consolidated personnel pay and accounting control records for travel costs, vehicle allowance, retirement, tax, bond deductions, service leave, and performance reports and records.

d. Certifies as proper for payment all payrolls for the regions served.

e. Establishes and maintains retirement accounts for all personnel in the regions served and answers inquiries; processes applications for service credits; and certifies records to the Civil Service Commission in separation cases.

f. Processes input data related to work performance applications as well as personnel data applications.

g. Reviews and approves personnel and performance branch reports produced by data operations division before they are relased to the consumer.

824.4 *Systems and Planning Division.*

Under technical guidance received from the Bureau of Finance and Administration directs the development, coordination and implementation of national integrated systems, plans and production schedules for the postal data center and participates in and performs data systems studies; keeps the Director, Postal Data Center informed of production against schedules and system activities of the division. Systems and planning division director acts for the Director, Postal Data Center in his absences.

.41 *Systems Branch.*

a. Develops and coordinates systems and procedures for internal operations of the postal data center.

b. Participates in and performs data systems studies.

c. Develops and provides detail specifications and analysis of problems and system components for preparation and programming data onto the computer.

d. Prepares machines flow procedures and programs for processing data onto the computer.

e. Maintains a system and programming surveillances over the effectiveness of the system processes of the PDC and recommends improvements.

f. Provides consulting services to customers on source collection and preparation of data for movement to the postal data center.

g. Maintains liaison with industry, educational institutions and other government agencies to keep the postal data center abreast with advancing management sciences in the integration of systems, techniques and equipment for collecting, verifying and processing business data.

h. Prepares replies to employee suggestions pertaining to the work of the postal data center where such suggestions have originated in regions or installations served by the postal data center. Refers suggestions worthy of adoption to Bureau of Finance and Administration with detailed recommendations as to how suggestions may be implemented.

.42 *Production Scheduling Branch.*

a. Develops, coordinates and administers production schedules for the PDC.

b. Develops and coordinates systems and production plans for new data activities to be performed by the postal data center.

c. Develops and coordinates schedules for new system applications at PDC.

824.5 *Data Operations Division.*

Operates the postal data center's automatic data processing facility and its associated equipment.

.51 *Data Preparation Branch.*

a. Maintains custody of magnetic tape reels, computer program documentation and input/output punch cards.

b. Performs all key punch operations.

.52 *Computer Operations Branch.*

a. When authorized, operates punched paper tape and communications terminal equipment.

b. Operates electronic and electromechanical data processing equipment.

[F.R. Doc. 65-5195; Filed, May 24, 1965; 8:45 a.m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[New Mexico 0556981]

NEW MEXICO

Notice of Proposed Withdrawal and Reservation of Lands

The Forest Service, U.S. Department of Agriculture, has filed an application, Serial Number New Mexico 0556981, for the withdrawal of lands described below, from all forms of appropriation including the general mining but not the mineral leasing laws. The applicant desires the land for recreational and administrative sites in the Gila and Lincoln National Forests, N. Mex.

For a period of 30 days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the undersigned officer of the Bureau of Land Management, Department of the Interior, Manager, Post Office Box 1449, Santa Fe, N. Mex., 87501.

The authorized officer of the Bureau of Land Management will undertake such investigations as are necessary to determine the existing and potential demand for the lands and their resources. He will also undertake negotiations with the applicant agency with the view of adjusting the application to reduce the area to the minimum essential to meet the applicant's needs, to provide for the maximum concurrent utilization of the lands for purposes other than the applicant's, to eliminate lands needed for purposes more essential than the applicant's, and to reach agreement on the concurrent management of the lands and their resources.

He will also prepare a report for consideration by the Secretary of the Interior who will determine whether or not the lands will be withdrawn as requested by the Forest Service.

The determination of the Secretary on the application will be published in the

FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

If circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

The lands involved in the application are:

RECREATION AREAS WITHIN GILA NATIONAL FOREST, N. MEX.

NEW MEXICO PRINCIPAL MERIDIAN, N. MEX.

Bursum Campground

T. 11 S., R. 18 W.,
Sec. 2, NE¼SW¼.

Lake Roberts Recreational Area

T. 14 S., R. 13 W.,
Sec. 35, S½NW¼, S½.
T. 15 S., R. 13 W.,
Sec. 1, Lots 1, 2, 3, 4;
Sec. 2, Lots 1, 2, SE¼SW¼.

Scorpion Corral Recreation Area

T. 12 S., R. 14 W.,
Sec. 26, NW¼NE¼, N½NW¼.

Forks Recreation Area

T. 13 S., R. 13 W.,
Sec. 8, W½NE¼, E½NE¼NW¼.

Grapevine Recreational Area

T. 13 S., R. 13 W.,
Sec. 8, N½NW¼SE¼.

East Fork Recreational Area

T. 13 S., R. 13 W.,
Sec. 8, SE¼NE¼NE¼, NE¼SE¼NE¼, N½NE¼SE¼, S½SE¼NE¼.

Black Mountain Administrative Site

T. 11 S., R. 13 W.,
Sec. 6, S½ of Lot 15.

Whitewater Forest Camp

T. 11 S., R. 19 W.,
Sec. 4, Lots 19, 20, SW¼NW¼SE¼, S½SE¼ less 3.518 acres in Mineral Patent No. 616423;
Sec. 5, Lots 13 to 20 inclusive;
Sec. 6, Lots 16 and 17.

Roadside Zone. 600 feet in width, 300 feet on each side of centerline of State Highway 527, through the following legal subdivisions.

Copperas Canyon—Cliff Dwelling Road

T. 12 S., R. 13 W.,
Sec. 32, S½SW¼.
T. 13 S., R. 13 W.,
Sec. 6, W½NE¼NW¼, S½NW¼SE¼, S½SE¼;
Sec. 10, W½SW¼;
Sec. 17, NE¼, E½SE¼;
Sec. 20, NE¼NE¼;
Sec. 21, W½;
Sec. 28, W½;
Sec. 32, SE¼SE¼;
Sec. 33, N½NW¼, SE¼NW¼, NW¼SE¼, SW¼.
T. 14 S., R. 13 W.,
Sec. 4, Lots 3, 4, S½NE¼, S½NW¼, SE¼SW¼, W½SE¼;
Sec. 5, Lot 1;
Sec. 8, E½SE¼, SW¼SE¼;
Sec. 9, N½NW¼, SW¼NW¼, NW¼SW¼;
Sec. 17, W½E½;
Sec. 20, NE¼, E½SW¼, NW¼SE¼;
Sec. 29, W½NE¼, E½NW¼, SW¼;
Sec. 32, N½NW¼NW¼.
T. 12 S., R. 14 W.,
Sec. 25, SW¼SW¼;
Sec. 26, NE¼SE¼;
Sec. 36, SE¼NE¼, NE¼NW¼.

Gila River Streamside Zones (west, middle, and east forks)

T. 12 S., R. 13 W.,
Sec. 31, NW¼NW¼;
Sec. 32, S½SW¼.
T. 13 S., R. 13 W.,
Sec. 4, E½SW¼;
Sec. 8, E½SW¼;
Sec. 17, W½NE¼, S½NW¼, SW¼;
Sec. 20, NW¼NW¼ (that portion in National Forest only).
T. 13 S., R. 14 W.,
Sec. 25, SW¼NW¼.

RECREATION AREAS IN LINCOLN NATIONAL FOREST, N. MEX.

NEW MEXICO PRINCIPAL MERIDIAN, N. MEX.

Oak Grove Picnic Ground

T. 10 S., R. 11 E. (unsurveyed),
Sec. 36, SE¼SE¼NW¼SE¼, S½NE¼SE¼, NE¼NE¼SE¼, SE¼NW¼NE¼SE¼, N½SE¼SE¼, NW¼SE¼SE¼SE¼, NE¼SW¼SE¼SE¼, E½NE¼SW¼SE¼.
T. 10 S., R. 12 E. (unsurveyed),
Sec. 35, SE¼NE¼SE¼, W½NE¼NE¼SE¼, SE¼NE¼NE¼SE¼, NW¼NE¼SE¼ SE¼.

South Fork Campground

T. 10 S., R. 11 E.,
Sec. 12, E½ of Lot 21, Lots 22, 23;
Sec. 13, NW¼NW¼NE¼, NE¼NE¼NW¼ (unsurveyed) exclusive of lands formerly owned by the City of Alamogordo, being a portion of HES 244.

Spring Cabin Administrative Site

T. 10 S., R. 11 E.,
Sec. 6, NW¼SW¼ (unsurveyed).

Elder Canyon Administrative Site

T. 9 S., R. 10 E.,
Sec. 36, NW¼NE¼NW¼, NE¼NW¼NW¼.

Ski Cloudcroft Winter Sports Area

T. 16 S., R. 12 E.,
Sec. 3, Lot 20;
Sec. 4, Lot 17.

Guadalupe Administrative Site

T. 24 S., R. 22 E.,
Sec. 23, SE¼NW¼, N½N½SW¼.

The areas described above aggregate 3290.09 acres, more or less.

MICHAEL T. SOLAN,
Manager.

[F.R. Doc. 65-5435; Filed, May 24, 1965; 8:47 a.m.]

[Serial No. LA 0155815]

CALIFORNIA

Notice of Proposed Withdrawal and Reservation of Land; Correction

MAY 17, 1965.

The notice of proposed withdrawal and reservation of land, published on page 9779 of the FEDERAL REGISTER, issued October 3, 1962 (F.R. Doc. 62-9876; Filed October 2, 1962; 8:48 a.m.), is hereby corrected by deleting that portion of the description in sec. 3, T. 2 N., R. 7 W., SBM., of paragraph 7, reading "S½ NW¼"; and replacing it with "S½NE¼".

HALL H. MCCLAIN,
Manager.

[F.R. Doc. 65-5442; Filed, May 24, 1965; 8:48 a.m.]

ALASKA

Notice of Amendment of Proposed Amendment of Public Land Orders 2323 and 2557

MAY 18, 1965.

In F.R. Doc. 65-4916 of the issue for May 11, 1965, the following changes should be made:

On page 6496 paragraph 3 should read: "The authorized officer of the Bureau of Land Management will prepare a report for consideration by the Secretary of the Interior who will determine whether or not the withdrawal will be amended as requested by the Public Health Service and the Department of the Army."

ROSS A. YOUNGBLOOD,
Manager, Fairbanks District and Land Office.

[F.R. Doc. 65-5452; Filed, May 24, 1965; 8:49 a.m.]

DEPARTMENT OF THE TREASURY

Office of the Secretary

[Antidumping—AA 643.3-r]

CRUDE SULFUR FROM CANADA

Determination of Sales At Not Less Than Fair Value

MAY 17, 1965.

On February 12, 1965, there was published in the FEDERAL REGISTER a "Notice of Tentative Determination" that crude sulfur imported from Canada is not being, nor likely to be, sold at less than fair value within the meaning of section 201(a) of the Antidumping Act, 1921, as amended (19 U.S.C. 160(a)).

The statement of reasons for the tentative determination was published in the above-mentioned notice, and interested parties were afforded until March 15, 1965, (and in response to the request of one complainant extended to April 6, 1965 as to him) to make written submissions or to request in writing an opportunity to present views in connection with the tentative determination.

After consideration of all written submissions or requests received, I hereby determine that for the reasons stated in the tentative determination crude sulfur imported from Canada is not being, nor likely to be, sold at less than fair value within the meaning of section 201(a) of the Antidumping Act, 1921, as amended (19 U.S.C. 160(a)).

(Sec. 201(c) of the Antidumping Act, 1921, as amended; 19 U.S.C. 160(c))

[SEAL] JAMES A. REED,
Assistant Secretary of the Treasury.

[F.R. Doc. 65-5433; Filed, May 24, 1965; 8:47 a.m.]

DEPARTMENT OF COMMERCE

Office of the Secretary

[Dept. Order 126; Manual of Orders, Part 1]

UNDER SECRETARY OF COMMERCE FOR TRANSPORTATION

Delegation of Authority, Duties, and Responsibilities

The following order was issued by the Secretary of Commerce on May 11, 1965. This material supersedes the material appearing at 28 F.R. 5096-5097 of May 22, 1963, and 28 F.R. 6921-6922 of July 6, 1963.

SECTION 1. Purpose:

.01 The purpose of this order is to prescribe the scope of authority and the duties and responsibilities of the Under Secretary of Commerce for Transportation.

SEC. 2. Scope of authority:

.01 The Under Secretary of Commerce for Transportation shall exercise policy direction and supervision of the Bureau of Public Roads, the Maritime Administration, and the Great Lakes Pilotage Administration. Further, the Under Secretary of Commerce for Transportation shall exercise the authority vested in the Secretary under Title XIII, Public Law 85-726 (49 U.S.C. 1531-1542), pertaining to the Aviation War Risk Insurance Program; shall exercise the authority vested in the Secretary under Public Law 87-82C, pertaining to the Aircraft Loan Guarantee Program; and shall be responsible for coordinating activities between the Department of Commerce and the Saint Lawrence Seaway Development Corporation.

SEC. 3. Duties and responsibilities:

.01 The Under Secretary of Commerce for Transportation shall serve as the principal adviser to the Secretary on all matters which involve the transportation policies of the Federal Government and on all policy matters concerning transportation responsibilities and activities of the Department of Commerce. His particular duties and responsibilities shall include:

a. Formulating, in consultation with Executive agencies concerned, overall transportation policies and programs within the Executive Branch of the Government to assure the balanced development of the Nation's transportation system;

b. Administering the Transportation Research Program;

c. Developing, in consultation with the General Counsel and other appropriate officials, the Department's views on matters under consideration by the transportation regulatory agencies as they may affect the Department's transportation responsibilities and other programs;

d. Serving as the focal point within the Department on, and representing the Department with respect to, all transportation activities of an interdepartmental nature;

e. Acting upon applications for adjustment or exception from the provisions of Transportation Order Nos. T-1 and T-2;

f. Administering the Aviation War Risk Insurance Program;

g. Administering the Aircraft Loan Guarantee Program; and

h. Carrying out the emergency transportation planning and coordination functions assigned to the Department of Commerce under Executive Order 10999 of February 16, 1962.

SEC. 4. Deputy Under Secretary for Transportation:

.01 The Deputy Under Secretary for Transportation shall assist the Under Secretary for Transportation in the formulation of policy and in the supervision of areas under his control, and shall assume full responsibilities of the Under Secretary for Transportation during the latter's absence.

SEC. 5. Office of Transportation Research:

.01 The Office of Transportation Research shall plan an overall program of research essential to advancing the Nation's transportation system and shall conduct or monitor assigned research projects in furtherance of the program. The research program shall include plans for, and the conduct of, projects that will:

a. Improve information available to the Government for the formulation and evaluation of national transportation policies and programs;

b. Provide a basis for improvement of regulatory policy over the transportation industries;

c. Increase the coordinated use of various modes of transportation;

d. Provide information on the economic and social impact occurring and anticipated from technological, service, management, and related developments and prospects affecting the transportation industry; and

e. Lead to improvements in the technology, efficiency, and service effectiveness of the transportation industry.

SEC. 6. Office of Transportation Policy Development:

.01 The Office of Transportation Policy Development shall develop overall transportation policies, plans, and programs to assure the balanced development of the Nation's transportation system. In carrying out these functions it shall:

a. Conduct reviews and analyses of proposed or existing policies within the Executive Branch affecting transportation;

b. Identify and define major transportation problems of the Nation and propose research undertakings, policy studies, program planning, or other actions needed for solutions of the problems;

c. Initiate or participate in consultation with other Federal agencies to promote coordination within the Executive Branch in planning transportation policies and programs best suited to the Nation's overall transportation needs; and

d. In consultation with the Office of the General Counsel and other interested offices of the Department, develop proposed views of the Department on matters involving overall transportation policies and problems that are under consideration by regulatory agencies.

SEC. 7. Office of Transportation Programs:

.01 The Office of Transportation Programs shall:

a. Provide staff support to the Under Secretary for Transportation and the Deputy Under Secretary for Transportation in their exercise of policy direction, supervision, and coordination of organization units of the Department enumerated in section 2, above;

b. Perform the functions required in administering the Aviation War Risk Insurance Program; and

c. Perform the functions required in administering the Aircraft Loan Guarantee Program.

SEC. 8. Office of Emergency Transportation:

.01 The Office of Emergency Transportation shall perform all functions concerning emergency transportation planning and coordination assigned the Department under Executive Order 10999 of February 12, 1962. In carrying out these functions, it shall:

a. Prepare national plans, programs, and procedures for the centralized control of all modes of transportation and for the proper allocation of the civil transportation capacity to meet civil and military needs in an emergency;

b. Develop and update long-range programs designed to meet mobilization requirements for the use of all means of national and international transportation, including air, ground, water, and pipelines;

c. Develop and maintain plans to utilize, both domestically and internationally, the civil air carrier transportation capacity in a national emergency;

d. Prepare plans to claim from Federal agencies the materials, manpower, equipment, supplies, and services needed to support coordination of transportation in an emergency, and work with such agencies in developing programs to insure availability of such resources;

e. Propose and monitor or conduct research concerned with transportation emergency preparedness problems, provide representation on ad hoc or task force study groups, and provide advice and assistance to other agencies in planning research on emergency transportation problems;

f. Initiate with other agencies the development of joint plans for coordination of the emergency transportation program, and utilize to the maximum, the capabilities of other agencies, by contractual or other arrangements, to perform emergency transportation planning; and

g. Develop and maintain program and organizational plans for exercise by the Department of its transportation responsibilities during an emergency.

SEC. 9. Saving provision:

.01 All orders, delegations of authority and other actions heretofore issued or taken by or relating to the Office of the Under Secretary of Commerce for Transportation or any official thereof shall remain in effect until specifically revoked or amended by proper authority.

Effective date. May 11, 1965.

DAVID R. BALDWIN,
Acting Assistant Secretary for Administration.

[F.R. Doc. 65-5425; Filed, May 24, 1965; 8:46 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

FROZEN CONCENTRATE FOR ARTIFICIALLY SWEETENED LEMONADE

Notice of Issuance of Temporary Permit to Market Test

Pursuant to § 10.5 of Title 21 of the Code of Federal Regulations, concerning temporary permits to facilitate market testing of foods varying from the requirement of the standards of identity promulgated pursuant to section 401 of the Federal Food, Drug, and Cosmetic Act, notice is given that a temporary permit has been issued to Topco Associates, Inc., 15 California Street, San Francisco, Calif., to cover interstate marketing tests of frozen concentrate for artificially sweetened lemonade deviating from the requirements of the standard of identity for frozen concentrate for lemonade (21 CFR 27.101), in that the nonnutritive sweeteners calcium cyclamate and saccharin will replace the nutritive sweeteners specified in § 27.101. The product is to be named "Frozen Concentrate for Artificially Sweetened Lemonade", and this name and the name of the ingredients are to be prominently and conspicuously displayed on the label. The letters in the words "artificially sweetened" are to be of the same style and size as the letters in the word "lemonade."

This permit expires May 1, 1966.

Dated: May 17, 1965.

GEO. P. LARRICK,
Commissioner of Food and Drugs.

[F.R. Doc. 65-5439; Filed, May 24, 1965; 8:48 a.m.]

ALLIED CHEMICAL CORP.

Notice of Filing of Petition for Food Additive Polybutene-1

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348 (b)(5)), notice is given that a petition (FAP 3B1304) has been filed by Allied Chemical Corp., Plastics Division, Post Office Box 365, Morristown, N.J., proposing the issuance of a regulation to provide for the safe use of polybutene-1 as an article or component or articles intended for use in contact with dry or aqueous nonfatty foods.

Dated: May 19, 1965.

MALCOLM R. STEPHENS,
Assistant Commissioner for Regulations.

[F.R. Doc. 65-5447; Filed, May 24, 1965; 8:49 a.m.]

SILICONE PRODUCTS DEPARTMENT, GENERAL ELECTRIC CO.

Notice of Filing of Petition for Food Additives Lubricants

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348 (b)(5)), notice is given that a petition (FAP 4B1345) has been filed by Silicone Products Department, General Electric Co., Waterford, N.Y., 12188, proposing an amendment to § 121.2553 *Lubricants with incidental food contact* to provide for the safe use of dimethylpolysiloxane having a viscosity greater than 300 centistokes, where its addition to food resulting from its use as a surface lubricant does not exceed 10 parts per million.

Dated: May 19, 1965.

MALCOLM R. STEPHENS,
Assistant Commissioner for Regulations.

[F.R. Doc. 65-5448; Filed, May 24, 1965; 8:49 a.m.]

ATOMIC ENERGY COMMISSION

BYPRODUCT MATERIAL, SOURCE MATERIAL, AND SPECIAL NUCLEAR MATERIAL IN QUANTITIES NOT SUFFICIENT TO FORM CRITICAL MASS

Criteria for Guidance of States and AEC in Discontinuance of AEC Regulatory Authority and Assumption Thereof by States Through Agreement

The Commission recently revised its regulations (Parts 30, 40, 50, and 70) to redefine and clarify the scope of exemptions from licensing requirements which have been granted to certain Commission contractors and subcontractors.[1] As a result of these revisions, the Commission is considering the amendment of its "Criteria for Guidance of States and AEC in Discontinuance of AEC Regulatory Authority and Assumption Thereof by States Through Agreement" to provide for substantially equivalent exemptions from State licensing and regulatory requirements. Those Criteria, which were published in the FEDERAL REGISTER on March 24, 1961 (26 F.R. 2536), were developed to implement the program, authorized by section 274 of the Atomic Energy Act of 1954, as amended, for discontinuance of Commission regulatory authority over byproduct material, source material, and special nuclear material in quantities not sufficient to form a critical mass within States with which the AEC has effected an agreement.

The Criteria provide guidance and assistance to the States in developing a regulatory program which would be compatible with that of the Commission.[2]

The amendment under consideration would add a new paragraph to the Criteria to read as follows:

28. *AEC Contractors.* The State should provide exemptions for AEC contractors which are substantially equivalent to the following exemptions:

(a) Prime contractors performing work for the AEC at U.S. Government-owned or controlled sites;

(b) Prime contractors performing research in, or development, manufacture, storage, testing or transportation of, atomic weapons or components thereof;

(c) Prime cntractors using or operating nuclear reactors or other nuclear devices in a U.S. Government-owned vehicle or vessel; and

(d) Any other prime contractor or subcontractor when the AEC determines (1) that the exemption of such contractor or subcontractor from AEC regulations is authorized by law and (ii) that, under the terms of the contract or subcontract, there is adequate assurance that the work thereunder can be accomplished without undue risk to the public health and safety.

These four categories of contractors are the same as those exempted from the Commission's licensing requirements (29 F.R. 14401). To the extent that the activities of these exempt contractors involve radiation hazards, the Commission exercises its statutory responsibilities for the public health and safety through contractual provisions and controls.

All interested persons who desire to submit written comments or suggestions should send them to the Secretary, U.S. Atomic Energy Commission, Washington, D.C., 20545, within 60 days after publication of this notice in the FEDERAL REGISTER. Comments received after that period will be considered if it is practicable to do so, but assurance of consideration cannot be given except as to comments filed within the period specified.

(Sec. 274, 73 Stat. 688; 42 U.S.C. 2021)

Dated at Washington, D.C., this 19th day of May 1965.

For the Atomic Energy Commission.

W. B. McCOOL,
Secretary.

[F.R. Doc. 65-5408; Filed, May 24, 1965; 8:45 a.m.]

CIVIL AERONAUTICS BOARD

[Order E-22185]

CHICAGO AVENUE TRANSFER, INC., ET AL.

Order Deferring Action

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 20th day of May 1965.

Applications of Chicago Avenue Transfer, Inc., Starck Van Lines, Atlas Van Lines, International Sea Van, Inc., Imperial Household Shipping Co., Inc., for domestic and international air freight forwarder authority pursuant to Parts 296 and 297 of the Board's Economic Regulations.

In the Air Freight Forwarder Authority Case, Docket 12193 (Order E-21056), the Board concluded that certain long-distance household goods movers, including Chicago Avenue Transfer, Inc. (Chicago) and Starck Van Lines (Starck), should be granted restricted air freight forwarder authority for an experimental five-year period.[1] Subsequent to the Board's decision in the foregoing case, applications for air freight forwarder authority were filed by Atlas Van Lines (Atlas), Imperial Household Shipping Co., Inc. (Imperial) and International Sea Van, Inc. (International). A review of these applications reveals that the individuals who own and/or manage Imperial, Chicago, and Starck share an equal interest in Atlas.[2] Furthermore, many of these individuals hold management positions in Atlas and the companies affiliated with Atlas,[3] as well as financial interests in other household goods movers.[4]

We have tentatively concluded as a matter of policy that a grant of more than one domestic and international air freight forwarder operating authorization to a group of related household goods movers would be contrary to the public interest.[5] Financial and interlocking relationships between companies authorized to perform the same type of air freight forwarder services could lead to discriminatory practices, and could hinder enforcement of the Board's regulations. For example, each air freight forwarder within a group of related companies could file a different tariff rate for the same service, and thus create opportunities for rate discrimination between different types of customers served by the group.

We also believe that interlocking relationships, common ownership interests, and close operational ties between household goods movers could lead to unfair competitive practices in the event more than one company in the group is granted air freight forwarder authority. Competitive decisions made by each company within the group could be influenced by the effect such decisions would have on the group, and each separate company could hold out to the public as if it were in competition with related companies, when, in fact, the managers of each company would influence the choice of services to be performed and the rates to be charged by all the companies.

The Board has retained jurisdiction over the proceeding in Docket 12193 for the purpose of reviewing at any time the approvals granted in Order E-21056, and/or imposing at any time, with or without hearing, such other conditions as the Board may find just and reasonable. In reviewing the applications for air freight forwarder authority filed by Chicago, Starck, and their affiliates, we find that the financial and interlocking relationships linking the applicants could be contrary to the public interest in the event each applicant were granted air freight forwarder authority. In accordance with the tentative conclusions expressed above, we propose to consider Atlas, Chicago, Imperial, International, and Starck as a single operational entity.[6] Consequently, we propose to grant no more than one domestic and one international air freight forwarder operating authorization to this group of household goods movers. Atlas, Chicago, Imperial, International, and Starck could conform to our tentative decision by terminating their financial and interlocking relationships, or by electing a single applicant to receive air freight forwarder authority on behalf of the group.

Before making final the foregoing tentative findings and conclusions, we shall afford all interested persons an opportunity to file comments.

Accordingly, it is ordered:

1. That Atlas, Chicago, Imperial, International and Starck, and all other interested persons, be and they hereby are, afforded fifteen days from the date of service of this Order to file comments on the aforementioned tentative findings and conclusions;[7]

2. That processing of the applications for air freight forwarder authority filed by Atlas, Chicago, Imperial, International and Starck be, and it hereby is, deferred pending consideration of the comments filed pursuant to ordering paragraph 1; and

3. That copies of this Order shall be served upon all persons listed in Appendix A,[8] and the Military Traffic Management and Terminal Service, Department of the Army.

This Order shall be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON,
Secretary.

[F.R. Doc. 65-5449; Filed, May 24, 1965; 8:49 a.m.]

[Docket No. 11083 etc.; Order E-22180]

SERVICE RATES FOR CERTAIN MILITARY MAIL

Order To Show Cause

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 19th day of May 1965 regarding Dockets 11083, 11106, 11131, 11155, 11181, 11205.

By Orders E-15182, May 4, 1960, and E-15463, June 29, 1960, the Board established service mail rates for the transportation of military ordinary mail in transatlantic and transpacific service.[1] The orders further provide that such rates shall be applied to the mail ton-miles carried each month and that the ton-miles shall be computed on the basis of the direct airport-to-airport miles between the points served, except in the case of certain west coast-Tokyo services where a standard mileage applies.

Until recently the mileages used to compute military ordinary mail compensation were the same as those used for computing airmail compensation. However, by Order E-21514 November 19, 1964, revised transatlantic and transpacific airmail rates were adopted effective October 1, 1964, along with standard mileages for computing the charges between points. Thus, since October 1, 1964, different mileage bases have applied to military ordinary mail and airmail in certain markets despite the fact that both classes of mail may be carried on the same airplane.

The Post Office has called attention to the current discrepancies in the methods of computing mileages and requests the Board to amend the military ordinary mail orders so that the rates therein specified will be applied to the same standard mileages as are used in the case of airmail. It does not appear that such a change in mileage basis would substantially affect the overall revenues earned by the carriers. On the other hand, it seems illogical for different types of mail to be paid on the basis of different mileages when carried on the same schedules. Moreover, the use of a common mileage basis for military ordinary mail and airmail would appear to be of substantial convenience both to the Post Office by simplifying its payment process, and to the carriers by simplifying their billing processes. Accordingly, the Board has decided to propose such a change in the mileage basis.

The Board, therefore, proposes to issue an order amending paragraph 1(c) of Order E-15182, May 4, 1960, to read as follows:

(c) The rates established in these proceedings will be applied to the mail ton-miles carried each month by each carrier in the class of service to which these rates are applicable. The mail ton-miles shall be computed on the basis of the standard mileages between points established pursuant to Order E-21514, November 19, 1964;

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[1] The revisions were published as effective rules in the FEDERAL REGISTER on Oct. 20, 1964 (29 F.R. 14401). They became effective on Jan. 18, 1965.

[2] A copy of the Criteria is available for inspection at the Commission's Public Document Room at 1717 H Street NW., Washington, D.C., and copies may be obtained by addressing a request to the Director of Regulations, U.S. Atomic Energy Commission, Washington, D.C., 20545.

[1] Processing of applications for air freight forwarder authority filed by Chicago and Starck has been deferred pending consideration of their applications for approval of interlocking relationships in Dockets 15857 and 15901, respectively.

[2] These individuals include Messrs. E. J. Starck, J.J. Starck, C. L. Elliott, O. H. Frisbie, T. Irwin, J. Needles, B. Fishman, R. H. Suddath, D. E. Rowe, and C. E. Joyce.

[3] Atlas affiliates include International and Atlas Van Lines of Canada.

[4] Suddath Moving and Storage Co., Starck Van Lines of Columbus, and Columbia Van Lines.

[5] This policy has been followed by the Board in approving mergers of air freight forwarders. For example, in the Airborne-Pan Maritime merger case (Docket 8694) the Board made its final approval of the control and interlocking relationships subject to the condition that one of the operating authorizations that would be duplicated by merging the two companies be tendered for cancellation (Order E-12477, dated May 8, 1958). The Board attached a similar condition to its approval of the merger of ABC Air Freight Co., Inc. and Add Airfreight Corp., Docket 13660 (Order E-19465 effective Apr. 6, 1963).

[6] This approach is consistent with the Board's view in Order E-20536, wherein American Express and its affiliates are considered as an integrated unit for purposes of granting air freight forwarder authority.

[7] Comments by applicants and interested parties shall conform to the general requirements of the Board's rules of practice in economic proceedings, and should be submitted in triplicate to the Board's Bureau of Economic Regulation. Since we are providing for the submission of comments, petitions for reconsideration of this Order will not be entertained.

[8] Filed as part of original document.

[1] Military ordinary mail consists of non-airmail personal letters and parcels addressed to or from military post offices.

and amending paragraph 1(c) of Order E–15463, June 29, 1960, to read as follows:

(c) The rates established in these proceedings will be applied to the mail ton-miles carried each month by each carrier in the class of service to which these rates are applicable. The mail ton-miles shall be computed on the basis of the standard mileages between points established pursuant to Order E–21514, November 19, 1964: *Provided, however,* That mail ton-miles between San Francisco or Seattle and Tokyo shall be computed on the basis of a standard mileage of 4,843 miles.

Pursuant to the Federal Aviation Act of 1958, and particularly sections 204 and 406 thereof,

It is ordered, That:

1. All interested persons are directed to show cause why the Board should not adopt an order in the form proposed above to be effective on and after the date of the final order herein.

2. Further procedures herein shall be in accordance with 14 CFR Part 302; and, if there is any objection to issuance of an order in the form proposed above, notice of objection shall be filed within 7 days, and, if notice is filed, written answer and supporting documents shall be filed within 15 days, after the date of service of this order.

3. If notice of objection or answer is not filed, as specified in 14 CFR Part 302 and this order, all persons shall be deemed to have waived further procedural steps herein before issuance of an order in the form proposed above.

4. If any answer is filed presenting issues for hearing, the issues involved thereafter shall be limited to those specifically raised by the answer, except insofar as other issues are raised in accordance with 14 CFR 302.307.

5. This order shall be served on Northwest Airlines, Inc., Pan American World Airways, Inc., Seaboard World Airlines, Inc., Trans World Airlines, Inc., and the Postmaster General.

6. This order shall be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON, *Secretary.*

[F.R. Doc. 65–5450; Filed, May 24, 1965; 8:49 a.m.]

FEDERAL AVIATION AGENCY

[OE Docket No. 65–CE–3]

MAY BROADCASTING CO. (KMTV), HERALD CORP. (KETV), AND MEREDITH WOW, INC. (WOW–TV)

Order Entering Final Determination of No Hazard to Air Navigation

Mr. Donald Bonacci, North Omaha Airport, Omaha, Nebr., submitted a petition for public hearing (30 F.R. 4699) pursuant to § 77.39 of the Federal Aviation Regulations, in appeal of the Determination of No Hazard to Air Navigation issued in OE Docket No. 65–CE–3 (30 F.R. 2621), for the proposed construction of three television antenna structures near Omaha, Nebr.

The case file and petition have been fully examined. It has been determined that the grounds offered in the petition as the basis for obtaining a public hearing do not constitute adequate foundation for the grant of a hearing. Therefore, pursuant to § 77.39, FAR, the petition for a public hearing is hereby denied and the Determination of No Hazard to Air Navigation issued in OE Docket No. 65–CE–3 is final as of this date.

Issued in Washington, D.C., on May 14, 1965.

N. E. HALABY, *Administrator.*

[F.R. Doc. 65–5424; Filed, May 24, 1965; 8:46 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 15882; FCC 65M–620]

CAROLINA RADIO BROADCASTING CO.

Order Cancelling Hearing and Terminating Proceeding

In re application of D. D. Foster, trading as Carolina Radio Broadcasting Co., Spartanburg, S.C., Docket No. 15882, File No. BP–16302; for construction permit.

The Chief Hearing Examiner having under consideration a petition in behalf of the applicant, filed May 10, 1965, for leave to amend his application in the above-entitled proceeding to specify a new transmitter site;

It appearing, that petitioner's purpose in amending his application is to meet the principal issue herein with regard to the 25 mv/m coverage of the principal area of the city involved during the proposed critical hours of operation;

It appearing further, that, in its opposition to the petition, the Commission's Broadcast Bureau persuasively points to the insufficiency of petitioner's showing on the question of "good cause" for the amendment, which was tendered several months after the application was designated for hearing, and retention in hearing of the amended application;

It appearing further, that the Bureau would have no objection to acceptance of the amendment subject to the condition that petitioner's application, as amended, is returned to the processing line; and that petitioner has informally communicated a willingness to go forward on this basis;

It appearing further, that, under the provisions of § 1.522(c) of the Commission's rules of practice and procedure, it would be appropriate to accept petitioner's amendment with the condition suggested by the Bureau;

It is ordered, This 19th day of May 1965, that the applicant's petition to amend his application is granted; that the amendment tendered therewith is accepted; and that petitioner's amended application is removed from hearing status and returned to the processing line; *and, it is further ordered,* That the hearing heretofore scheduled for June 7, 1965, on petitioner's original application is cancelled; and that the proceeding is terminated.

Released: May 19, 1965.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE, *Secretary.*

[F.R. Doc. 65–5454; Filed, May 24, 1965; 8:49 a.m.]

[Docket No. 15962]

WILLIAM S. HOGIN

Notice of Place of Hearing

In the matter of William S. Hogin, Phoenix, Ariz., Docket No. 15962; for renewal of General Class amateur operator and station license call sign K7DHF.

The hearing on the above-entitled matter presently scheduled for Tuesday, June 22, 1965, will be held at 10 a.m., in Conference Room, No. 3401, Federal Building, Phoenix, Ariz.

Dated: May 19, 1965.

Released: May 19, 1965.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE, *Secretary.*

[F.R. Doc. 65–5455; Filed, May 24, 1965; 8:49 a.m.]

[Docket No. 15984; FCC 65M–625]

KUNO RADIO, INC. (KUNO)

Order Continuing Prehearing Conference

In re application of Kuno Radio, Inc. (KUNO), Corpus Christi, Tex., Docket No. 15984, File No. BMP–10937; for construction permit.

It is ordered, This 19th day of May 1965, that the prehearing conference in the above-entitled proceeding previously scheduled for May 20, 1965, is continued to a date to be specified by the presiding hearing examiner.

Released: May 19, 1965.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE, *Secretary.*

[F.R. Doc. 65–5456; Filed, May 24, 1965; 8:49 a.m.]

[Docket Nos. 15812, 15813; FCC 65M–627]

NEBRASKA RURAL RADIO ASSN. (KRVN) AND TOWN & FARM CO., INC. (KMMJ)

Order Continuing Hearing

In re applications of Nebraska Rural Radio Association (KRVN), Lexington, Nebr., Docket No. 15812, File No. BP–15348; Town & Farm Co., Inc. (KMMJ), Grand Island, Nebr., Docket No. 15813, File No. BP–15354; for construction permits.

The Hearing Examiner having under consideration (1) a motion filed May 7, 1965, on behalf of Town & Farm Co., Inc. (KMMJ), requesting the Hearing Examiner to suspend the scheduled dates of the procedural steps in the above-entitled proceeding pending the filing by Town & Farm Co., Inc., of an amendment to their presently pending application, and (2) comments filed May 18, 1965, on behalf of the Chief, Broadcast Bureau; and

It appearing that there are no objections to granting the request, and good cause for granting the same having been shown;

It is ordered, This the 18th day of May 1965, that the scheduled dates for the procedural steps as per the Hearing Examiner's order dated April 23, 1965, released April 27, 1965, are suspended for a period of 30 days;

It is further ordered, That if prior to June 11, 1965, a petition for leave to amend the application of Town & Farm Co., Inc., has been received, a further prehearing conference will be held at which a new schedule for procedural dates will be promulgated;

It is further ordered, That the evidentiary hearing in this proceeding now scheduled to begin on Monday, June 14, 1965, is continued to a date to be specified in a subsequent order to be issued by the Hearing Examiner.

Released: May 19, 1965.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE, *Secretary.*

[F.R. Doc. 65–5457; Filed, May 24, 1965; 8:49 a.m.]

[Docket No. 15714; FCC 65M–626]

TRINITY BROADCASTING CO.

Order Continuing Hearing

In re application of Trinity Broadcasting Co., Fort Worth, Tex., Docket No. 15714, File No. BPCT–3172; for construction permit for new television broadcast station (Channel 20).

The Hearing Examiner having for consideration the informal request of Trinity Broadcasting Co. for a continuance of the hearing date herein, together with the informal assent of the Broadcast Bureau to a grant of the requested relief;

It is ordered, This 18th day of May 1965, that the hearing now scheduled to commence on May 24, 1965, is continued to June 1, 1965, at 9 a.m. in the offices of the Commission at Washington, D.C.

Released: May 19, 1965.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE, *Secretary.*

[F.R. Doc. 65–5458; Filed, May 24, 1965; 8:50 a.m.]

FEDERAL MARITIME COMMISSION

WALLENIUS LINE

Notice of a Petition Filed for Approval

Notice is hereby given that the following petition has been filed with the Commission for approval pursuant to section 14b of the Shipping Act, 1916, as amended (75 Stat. 762, 46 U.S.C. 814).

Interested parties may inspect a copy of the proposed contract form and of the petition at the Washington office of the Federal Maritime Commission, 1321 H Street NW., room 301; or at the offices of the District Managers, New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments with reference to the proposed contract form and the petition including a request for hearing, if desired, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C., 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. A copy of any such statement should also be forwarded to the party filing the proposed contract form and of the petition (as indicated hereinafter), and the comments should indicate that this has been done.

Notice of application to institute a dual rate system filed by:

Mr. Alan F. Wohlstetter, Denning & Wohlstetter, One Farragut Square South, Washington, D.C., 20006.

There has been filed on behalf of Wallenius Line, Stockholm, Sweden, by its attorneys, Denning & Wohlstetter, a proposed form of dual rate contract and an application for permission to institute a dual rate contract system for the carriage of automobiles, trucks and miscellaneous four-wheeled vehicles (unboxed) in the trades from U.S. North Atlantic and Great Lakes ports and ports in Canada to ports in the Le Havre/Hamburg range, and to Scandinavian and Baltic ports.

The contract form provides that (1) the merchant ship at least 80 per centum of the total units which he ships during each consecutive 12-month period in these trades in which contract and noncontract rates are offered; and (2) contract rates on the commodities covered by the contract shall be five (5) cents per cubic foot lower than the noncontract rates specified in the carrier's tariffs, but in no event shall the spread between contract and noncontract rates exceed fifteen (15) per centum of the noncontract rates, in addition to other terms and conditions which are set forth therein.

Dated: May 20, 1965.

By the Commission.

FRANCIS C. HURNEY, *Special Assistant to the Secretary.*

[F.R. Doc. 65–5459; Filed, May 24, 1965; 8:49 a.m.]

FEDERAL POWER COMMISSION

[Docket No. E–7225]

ARIZONA PUBLIC SERVICE CO.

Notice of Application

MAY 17, 1965.

Take notice that on May 10, 1965, the Arizona Public Service Co. (Applicant), Phoenix, Ariz., filed an application for authorization to export from the United States to Mexico 1,051,200 kwh of electric energy per year, at a maximum demand of 200 kw. Transmission will be at a crossing on the international border between the State of Arizona and the Republic of Mexico at a point east of the U.S. Border Station at Lukeville, Ariz., on the international boundary. Applicant also seeks authorization pursuant to Executive Order No. 10485, to construct, operate, maintain and connect facilities at the international border to accomplish such exports. Energy will be delivered to the Comision Federal De Electricidad, an agency of the Mexican Government, for the supply of the total electric requirements of the Town of Sonoyta.

Any person desiring to be heard or to make any protest with reference to said application should, on or before June 4, 1965, file with the Federal Power Commission, Washington, D.C., 20426, a petition or protest in accordance with the Commission's rules of practice and procedure. The application is on file and available for public inspection.

JOSEPH H. GUTRIDE, *Secretary.*

[F.R. Doc. 65–5420; Filed, May 24, 1965; 8:46 a.m.]

[Docket No. CP65–356]

TENNESSEE GAS TRANSMISSION CO.

Notice of Application

MAY 17, 1965.

Take notice that on May 11, 1965, Tennessee Gas Transmission Co. (Applicant), Post Office Box 2511, Houston, Tex., 77001, filed in Docket No. CP65–356 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of facilities to extend its transmission system to various offshore Louisiana fields to connect its own offshore natural gas reserves, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes to construct and operate 156.6 miles of 12-inch to 26-inch pipeline facilities and onshore dehydration, separation, and liquid storage facilities. The transmission system is to have a designed capacity of 245,000 Mcf per day at 900 p.s.i.a.

The estimated cost of the proposed facilities is $32,007,700, and will be financed initially by Applicant's $50,000,000 revolving credit arrangement and later through the issuance of first mortgage pipeline bonds or debentures or both.

Applicant states that the proven natural gas reserves available to the proposed pipeline in the offshore acreage are 484.3 billion cubic feet at 14.73 p.s.i.a. and that the probable additional reserves in the same acreage are 326.8 billion cubic feet.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C., 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (157.10) on or before June 11, 1965.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no protest or petition to intervene is filed within the time required herein, and the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a protest or petition for leave to intervene is timely filed or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 65-5430; Filed, May 24, 1965; 8:47 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 812-1778]

BLOSSMAN HYDRATANE GAS, INC.

Notice of Application for Order Declaring That Company Is Not Controlled by Registered Investment Company

MAY 17, 1965.

Notice is hereby given that Blossman Hydratane Gas, Inc. ("applicant") Post Office Box 629, Covington, La., a Louisiana corporation, has filed an application pursuant to section 2(a)(9) of the Investment Company Act of 1940 ("Act") for an order declaring that it is not controlled by The Equity Corp. ("Equity"), a closed-end, nondiversified management investment company registered under the Act or by Bell Intercontinental Corp. ("Bell"), a majority-owned subsidiary of Equity. All interested persons are referred to the application on file with the Commission for a complete statement of the applicant's representations which are summarized below.

The applicant, which was organized in 1943, is engaged, together with its subsidiaries, in (1) the sale and distribution of liquefied petroleum gas (L-P Gas), (2) the sale and installation of L-P Gas consumer storage tanks and equipment, and (3) the sale of gasoline, oil, and service station supplies. Its outstanding stock comprises 937,069 common shares, par value $1 per share, which are listed on the American Stock Exchange.

The applicant states that to its best knowledge and belief a total of 1,157 shares, or approximately 0.12 percent of its outstanding common stock, is owned by Equity, and 345,087 shares, or approximately 36.83 percent, are owned by Bell. Together, Equity and Bell own 346,244 shares, or approximately 36.95 percent of the outstanding common stock of the applicant. It is the applicant's belief that Equity acquired its shares (other than stock dividends) in the open market. With respect to the holdings by Bell, the applicant is advised that on October 17, 1962, pursuant to agreements entered into in August 1961, Bell acquired a promissory note made by American Hydratane Corp., to Harris Trust & Savings Bank of Chicago. Under the terms of the agreement, Bell surrendered the note to American Hydratane Corp. and thereupon acquired the stock in the applicant which it now holds (excluding subsequent stock dividends (which had been pledged to secure the note. Neither the applicant nor any of its officers, directors, or principal stockholders (other than American Hydratane Corp.) had any direct or indirect interest in these agreements and/or transactions.

Of the outstanding common shares of the applicant, a total of 346,461, or approximately 36.97 percent, is held directly or indirectly by members of the present board of directors and the Blossman family. In addition, the records of the applicant show that approximately 14,370 shares, or 1.53 percent, are held by employees of the applicant and its subsidiaries other than officers and directors of the applicant.

The policies of the applicant are determined by its own operating and managerial personnel. Members of this group, including the 5 executive officers of the applicant, occupy 10 of the 12 places on the board of directors of the applicant. The remaining two places are held by a representative of the underwriters of the applicant's public offering and by counsel for the applicant. Five of the directors are members of the Blossman family. Neither Equity nor Bell is represented on the present board of directors and neither is a party to the board's determinations, either formally or informally. At no time has Equity or Bell requested representation on the board, and at no time has either of them indicated any intention to present any nominee or nominees for election in opposition to the candidates of the present management. At the 1963 and 1964 annual meetings, Equity and Bell cast their votes for management's slate. The application further states that neither Equity nor Bell has sought to influence any management decisions and management has at no time solicited the advice of either with respect to any such matter.

Section 2(a)(9) of the Act provides in pertinent part that any person who owns beneficially, either directly or through one or more controlled companies, more than 25 per centum of the voting securities of a company shall be presumed to control such company. Any such presumption may be rebutted by evidence but shall continue until a determination to the contrary is made by the Commission.

Notice is further given that any interested person may, not later than June 7, 1965, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C., 20549. A copy of such request shall be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon applicant at the address stated above. Proof of such service (by affidavit or in the case of an attorney-at-law by certificate) shall be filed contemporaneously with the request. At any time after said date, as provided by Rule 0-5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the information stated in said application, unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion.

For the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 65-5426; Filed, May 24, 1965; 8:46 a.m.]

[File 7-3439]

GENERAL ANILINE & FILM CORP.

Notice of Application for Unlisted Trading Privileges and of Opportunity for Hearing

MAY 19, 1965.

In the matter of application of the Pittsburgh Stock Exchange for unlisted trading privileges in a certain security.

The above named national securities exchange has filed an application with the Securities and Exchange Commission pursuant to section 12(f)(1)(B) of the Securities Exchange Act of 1934 and Rule 12f-1 thereunder, for unlisted trading privileges in the common stock of the following company, which security is listed and registered on one or more other national securities exchanges:

General Aniline & Film Corp.; File 7-2439.

Upon receipt of a request, on or before June 4, 1965, from any interested person, the Commission will determine whether the application shall be set down for hearing. Any such request should state briefly the nature of the interest of the person making the request and the position he proposes to take at the hearing, if ordered. In addition, any interested person may submit his views or any additional facts bearing on the said application by means of a letter addressed to the Secretary, Securities and Exchange Commission, Washington 25, D.C., not later than the date specified. If no one requests a hearing, this application will be determined by order of the Commission on the basis of the facts stated therein and other information contained in the official files of the Commission pertaining thereto.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 65-5427; Filed, May 24, 1965; 8:46 a.m.]

[File Nos. 7-2437, 7-2438]

SCM CORP. AND BLACK & DECKER MANUFACTURING CO.

Notice of Applications for Unlisted Trading Privileges and of Opportunity for Hearing

MAY 19, 1965.

In the matter of applications of the Philadelphia - Baltimore - Washington Stock Exchange for unlisted trading privileges in certain securities.

The above named national securities exchange has filed applications with the Securities and Exchange Commission pursuant to section 12(f)(1)(B) of the Securities Exchange Act of 1934 and Rule 12f-1 thereunder, for unlisted trading privileges in the common stocks of the following companies, which securities are listed and registered on one or more other national securities exchanges:

SCM Corp.; File 7-2437.
The Black & Decker Manufacturing Co.; File 7-2438.

Upon receipt of a request, on or before June 4, 1965, from any interested person, the Commission will determine whether the application with respect to any of the companies named shall be set down for hearing. Any such request should state briefly the title of the security in which he is interested, the nature of the interest of the person making the request, and the position he proposes to take at the hearing, if ordered. In addition, any interested person may submit his views or any additional facts bearing on any of the said applications by means of a letter addressed to the Secretary, Securities and Exchange Commission, Washington 25, D.C., not later than the date specified. If no one requests a hearing with respect to any particular application, such application will be determined by order of the Commission on the basis of the facts stated therein and other information contained in the official files of the Commission pertaining thereto.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 65-5428; Filed, May 24, 1965; 8:46 a.m.]

SMALL BUSINESS ADMINISTRATION

[Delegation of Authority 30—Indianapolis, Ind., Midwestern Area, Disaster 1]

MANAGER DISASTER FIELD OFFICE, KOKOMO, IND.

Delegation Relating to Financial Assistance Functions

I. Pursuant to the authority delegated to the Regional Director by Delegation of authority No. 30, 30 F.R. 2252, there is hereby redelegated to the Manager of Kokomo Disaster Field Office the following authority.

A. *Financial assistance.* 1. To approve and decline disaster loans in an amount not exceeding $100,000.

2. To execute loan authorizations for Washington and Regional Office approved loans and for disaster loans approved under delegated authority, said execution to read as follows:

EUGENE P. FOLEY,
Administrator,
By ----------
JAMES N. PATTERSON,
Manager, Disaster Field Office.

3. To cancel, reinstate, modify and amend authorization for disaster loans approved under delegated authority.

4. To disburse unsecured disaster loans.

5. To extend the disbursement period on disaster loan authorizations or undisbursed portions of disaster loans.

II. The authority delegated herein may not be redelegated.

III. All authority delegated herein may be exercised by any SBA employee designated as Acting Manager of the disaster field office.

Effective date: May 11, 1965.

ROBERT V. HENSHAW,
Regional Director,
Indianapolis, Ind.

[F.R. Doc. 65-5409; Filed, May 24, 1965; 8:45 a.m.]

[Delegation of Authority 30—Minneapolis, Minn., Regional Office Disaster 1-65]

MANAGER, DISASTER FIELD OFFICE, MINNEAPOLIS, MINN.

Delegation Relating to Financial Assistance Functions

I. Pursuant to the authority delegated to the Regional Director by Delegation of Authority No. 30 (Revision 10)—Midwestern Area, Chicago, Ill., 30 F.R. 3252, there is hereby redelegated to the Manager of Minneapolis, Minn., Disaster Field Office the following authority.

A. *Financial assistance.* 1. To approve and decline disaster loans in an amount not exceeding $20,000.

2. To execute loan authorizations for Washington and Regional Office approved loans and for disaster loans approved under delegated authority, said execution to read as follows:

(Name), *Area Administrator,*
By ----------
Manager, Disaster Field Office.

3. To cancel, reinstate, modify, and amend authorization for disaster loans approved under delegated authority.

4. To disburse unsecured disaster loans.

5. To extend the disbursement period on disaster loan authorizations or undisbursed portions of disaster loans.

II. The authority delegated herein may not be redelegated.

III. All authority delegated herein may be exercised by any SBA employee designated as Acting Manager of the disaster field office.

Effective date: May 12, 1965.

HARRY A. SIEBEN,
Regional Director,
Minneapolis, Minn.

[F.R. Doc. 65-5410; Filed, May 24, 1965; 8:45 a.m.]

DEPARTMENT OF LABOR

Wage and Hour Division

CERTIFICATES AUTHORIZING EMPLOYMENT OF FULL-TIME STUDENTS WORKING OUTSIDE OF SCHOOL HOURS IN RETAIL OR SERVICE ESTABLISHMENTS AT SPECIAL MINIMUM WAGES

Notice is hereby given that pursuant to section 14 of the Fair Labor Standards Act of 1938 (52 Stat. 1060, as amended, 29 U.S.C. 201 et seq.), the regulation on employment of full-time students (29 CFR Part 519), and Administrative Order No. 579 (28 F.R. 11524), the establishments listed in this notice have been issued special certificates authorizing the employment of full-time students working outside of school hours at hourly wage rates lower than the minimum wage rates otherwise applicable under section 6 of the act. The effective and expiration dates are as indicated below. Pursuant to § 519.6(b) of the regulation, the minimum certificate rates are not less than 85 percent of the minimum applicable under section 6 of the act.

The following certificates were issued pursuant to paragraphs (c) and (g) of § 519.6 of 29 CFR Part 519, providing for an allowance not to exceed the proportion of the total number of hours worked by full-time students at rates below $1 an hour to the total number of hours worked by all employees in the establishment during the base period, or 10 percent, whichever is less, in occupations of the same general classes in which the establishment employed full-time students at wages below $1 an hour in the base period.

W. T. Grant Co., variety store; No. 706, Atlanta, Ga.; 5-1-65 to 8-31-65.

W. T. Grant Co., variety store; 2201 Highland Drive, Salt Lake City, Utah; 5-1-65 to 8-31-65.

Morgan and Lindsey, Inc., variety store; No. 3086, Pascagoula, Miss.; 5-1-65 to 4-30-66.

Neisner Brothers, Inc., variety store; No. 112, Detroit, Mich.; 4-12-65 to 4-11-66.

Wingert's IGA, food store; Fulton Street, Mayville, Mich.; 4-12-65 to 4-11-66.

The following certificates were issued to establishments coming into existence after May 1, 1960, under paragraphs (c), (d), (g), and (h) of § 519.6 of 29 CFR Part 519. The certificates permit the employment of full-time students at rates of not less than 85 percent of the minimum applicable under section 6 of the act in the classes of occupations listed, and provide for limitations on the percentage of full-time student hours of employment at rates below the applicable statutory minimum to total hours

of employment of all employees. The percentage limitations vary from month to month between the minimum and maximum figures indicated.

W. T. Grant Co., variety store; No. 142, Ballwin, Mo.; sales clerk, stock clerk, and clerical; between 4.3 and 10 percent; 5–1–65 to 4–30–66.

H.E.B. Food Store, food store; No. 98, Brenham, Tex.; package boy, bottle boy, and sack boy; 10 percent for each month; 4–9–65 to 4–8–66.

K-Mart, variety store; No. 4073, Clarksville, Ind.; sales clerk; between 1.8 and 10 percent; 4–7–65 to 4–6–66.

K-Mart, variety store; No. 4076, Evansville, Ind.; sales clerk; between 2.8 and 6.8 percent; 5–3–65 to 5–2–66.

K-Mart, variety store; No. 4080, Houston, Tex.; sales clerk; between 3.1 and 10 percent; 4–6–65 to 4–5–66.

S. S. Kresge Co., variety store; No. 170, Cedar Rapids, Iowa; sales clerk; between 4.5 and 7.9 percent; 4–26–65 to 9–2–65.

G. C. Murphy Co., variety store; No. 306, Huntsville, Ala.; sales clerk, stock clerk, clerical, and janitorial; between 9.0 and 10 percent; 4–15–65 to 4–14–66.

Nelsner Brothers, Inc., variety store; No. 135, Arcadia, Fla.; sales clerk, stock clerk, and clerical; 10 percent for each month; 4–12–65 to 4–11–66.

Wingert's IGA, food store; Howard Street, Croswell, Mich.; stock clerk and carry out; 10 percent for each month; 4–12–65 to 4–11–66.

Each certificate has been issued upon the representations of the employer which, among other things, were that employment of full-time students at special minimum rates is necessary to prevent curtailment of opportunities for employment, and the hiring of full-time students at special minimum rates will not tend to displace full-time employees. The certificates may be annulled or withdrawn, as indicated therein, in the manner provided in Part 528 of Title 29 of the Code of Federal Regulations. Any person aggrieved by the issuance of any of these certificates may seek a review or reconsideration thereof within 15 days after publication of this notice in the FEDERAL REGISTER pursuant to the provisions of 29 CFR 519.9.

Signed at Washington, D.C., this 12th day of May 1965.

ROBERT G. GRONEWALD,
Authorized Representative of the Administrator.

[F.R. Doc. 65–5431; Filed, May 24, 1965; 8:47 a.m.]

CERTIFICATES AUTHORIZING EMPLOYMENT OF LEARNERS AT SPECIAL MINIMUM RATES

Notice is hereby given that pursuant to section 14 of the Fair Labor Standards Act of 1938 (52 Stat. 1060, as amended, 29 U.S.C. 201 et seq.), and Administrative Order No. 579 (28 F.R. 11524) the firms listed in this notice have been issued special certificates authorizing the employment of learners at hourly wage rates lower than the minimum wage rates otherwise applicable under section 6 of the act. The effective and expiration dates, occupations, wage rates, number or proportion of learners and learning periods, for certificates issued under general learner regulations (29 CFR 522.1 to 522.9), and the principal product manufactured by the employer are as indicated below. Conditions provided in certificates issued under the supplemental industry regulations cited in the captions below are as established in those regulations.

Apparel Industry Learner Regulations (29 CFR 522.1 to 522.9, as amended, and 29 CFR 522.20 to 522.25, as amended).

The following learner certificates were issued authorizing the employment of 10 percent of the total number of factory production workers for normal labor turnover purposes. The effective and expiration dates are indicated.

Albany Manufacturing Corp., Albany, Ky.; effective 5–11–65 to 5–10–66 (boys' and girls' shirts).

Camp Hill Sportswear Co., Inc., Camp Hill, Ala.; effective 5–15–65 to 5–14–66. Learners may not be employed at special minimum wage rates in the manufacture of skirts (women's shirts and shorts).

Covington Industries, Inc., Opp, Ala.; effective 5–2–65 to 5–1–66 (men's coveralls, parkas, etc.).

Elder Manufacturing Co., Carl Junction, Mo.; effective 5–5–65 to 5–4–66 (boys' shirts and pajamas).

Gwen Fashions, Inc., McAlisterville, Pa.; effective 4–30–65 to 4–29–66 (dresses).

Imperial Shirt Corp., Brundidge, Ala.; effective 5–16–65 to 5–15–66 (men's dress shirts).

Imperial Shirt Corp., La Follette Division, La Follette, Tenn; effective 5–7–65 to 5–6–66 (men's dress shirts).

Johnston, Inc., Wylie, Tex.; effective 5–3–65 to 5–2–66 (infants' and children's dresses).

Lyons Manufacturing Co., Inc., Lyons, Ga.; effective 5–18–65 to 5–17–66 (men's and boys' shirts).

Metric Shirt Corp., Belton, S.C.; effective 5–3–65 to 5–2–66 (men's dress and sport shirts).

Opp Textiles, Inc., Opp, Ala.; effective 5–12–65 to 5–11–66 (hunting, camping and boating clothing, and men's shirts).

Pittston Apparel Co., West Enterprise and Market Streets, Glen Lyon, Pa.; effective 5–7–65 to 5–6–66 (brassieres and girdles).

Spartans Industries, Inc., Smithville, Tenn.; effective 4–26–65 to 4–25–66 (men's and boys' sport shirts).

Stadium Manufacturing Co., Freedom Factory, Edwards Street at Tuscan Avenue, Hattiesburg, Miss.; effective 5–15–65 to 5–14–66 (men's and boys' cotton pajamas).

Trousdale Manufacturing Co., Jones Street, Hartsville, Tenn.; effective 5–4–65 to 5–3–66 (ladies' blouses).

Wake Garment Co., Inc., 360 East Fourth Street, Wendell, N.C.; effective 5–5–65 to 5–4–66 (children's dresses).

The following learner certificates were issued for normal labor turnover purposes. The effective and expiration dates and the number of learners authorized are indicated.

Aalfs Manufacturing Co., Spencer, Iowa; effective 5–18–65 to 5–17–66; 10 learners (ladies' jeans).

Excelsior Frocks, 396 Academy Street, Archbald, Pa.; effective 4–29–65 to 4–28–66; 10 learners (ladies' dresses).

Hatfield Clothing Co., 21 East Lincoln Avenue, Hatfield, Pa.; effective 5–3–65 to 5–2–66; 10 learners (men's slac... '.

Le-Charles Shirt Co., 1607 South Main Street, Columbia, Tenn.; effective 5–10–65 to 5–9–66; 10 learners (men's sport and dress shirts, and ladies' blouses).

Monroe Garment Co., Monroe, N.C.; effective 5–14–65 to 5–13–66; 5 learners (men's work and dress shirts).

Pajama-Craft Manufacturing Co., Inc., Monarch Street, Littlestown, Pa.; effective 5–11–65 to 5–10–66; 10 learners (men's and boys' pajamas).

The following learner certificates were issued for plant expansion purposes. The effective and expiration dates and the number of learners authorized are indicated.

The Arrow Co., a division of Cluett, Peabody and Co., Inc., Carbon Hill, Ala.; effective 5–6–65 to 11–7–65; 60 learners (men's and boys' shirts).

Laurel Hill Sportswear Manufacturing Inc., Rural Delivery No. 2, Rockwood, Pa.; effective 4–30–65 to 10–29–65; 15 learners (women's car coats and ski jackets).

Levi Strauss and Co., 201 Dillard Street, Blackstone, Va.; effective 5–7–65 to 11–6–65; 35 learners (men's and boys' work pants).

M. and M. Fashions Inc., Bridge Street, Meshoppen, Pa.; effective 5–7–65 to 11–6–65; 5 learners (women's and children's dresses).

Rector Garment Co., Inc., Rector, Ark.; effective 5–7–65 to 11–6–65; 60 learners (men's trousers).

Glove Industry Learner Regulations (29 CFR 522.1 to 522.9, as amended, and 29 CFR 522.60 to 522.65, as amended).

Indianapolis Glove Co., Inc., Glenwood, Ark.; effective 5–11–65 to 5–10–66; 10 learners for normal labor turnover purposes (work gloves).

Mountain City Glove Co., Inc., Mountain City, Tenn.; effective 5–5–65 to 11–4–65; 30 learners for plant expansion purposes (work gloves).

Wells Lamont Corp., Philadelphia, Miss.; effective 5–7–65 to 5–6–66; 10 percent of the total number of machine stitchers for normal labor turnover purposes (work gloves).

Hosiery Industry Learner Regulations (29 CFR 522.1 to 522.9, as amended, and 29 CFR 522.40 to 522.43, as amended).

Elliott Hosiery Mills, Hickory, N.C.; effective 4–30–65 to 4–29–66; 5 percent of the total number of factory production workers for normal labor turnover purposes (seamless).

Knitted Wear Industry Learner Regulations (29 CFR 522.1 to 522.9, as amended, and 29 CFR 522.30 to 522.35, as amended).

The H. W. Gossard Co., Huntingburg, Ind.; effective 5–3–65 to 11–2–65; 100 learners for plant expansion purposes. Learners may not be employed at special minimum wage rates in the manufacture of robes (women's underwear and nightwear).

Louisburg Sportswear Co., Louisburg, N.C.; effective 4–26–65 to 4–27–66; 5 percent of the total number of factory production workers for normal labor turnover purposes (men's and boys' knitted sport and "T" shirts and underwear).

Sylvester Textile Corp., Sylvester, Ga.; effective 5–13–65 to 11–12–65; 10 learners for plant expansion purposes (ladies' and children's underwear of knitted fabrics).

Each learner certificate has been issued upon the representations of the employer which, among other things, were that employment of learners at special minimum rates is necessary in order to prevent curtailment of opportunities for employment, and that experienced workers for the learner occupations are not available. Any person aggrieved by the issuance of any of these certificates may seek a review or reconsideration thereof within 15 days after publication of this notice in the FEDERAL REGISTER pursuant to the provisions of 29 CFR 522.9.

The certificates may be annulled or withdrawn, as indicated therein, in the manner provided in 29 CFR Part 528.

Signed at Washington, D.C., this 14th day of May 1965.

ROBERT G. GRONEWALD,
Authorized Representative of the Administrator.

[F.R. Doc. 65–5432; Filed, May 24, 1965; 8:47 a.m.]

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATIONS FOR RELIEF

MAY 20, 1965.

Protests to the granting of an application must be prepared in accordance with Rule 1.40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 39785—*Corn to points in Minnesota.* Filed by Chicago, Rock Island, and Pacific Railroad Co. (No. 893), for itself. Rates on corn, in carloads, from CRI&P stations in Minnesota, viz.: Round Lake to Pipestone, to Minneapolis, Minn. transfer and St. Paul, Minn.

Grounds for relief—motor-truck competition.

Tariff—Supplement 53 to Chicago, Rock Island, and Pacific Railroad Co. tariff I.C.C. C–13727.

FSA No. 39786—*Asphalt to points in WTL territory.* Filed by Southwestern Freight Bureau, agent (No. B–6728), for interested rail carriers. Rates on asphalt (asphaltum), natural, byproduct or petroleum (other than paint, stain, or varnish), petroleum road oil and petroleum wax tailings, in tank carloads, from points in Oklahoma, to points in western trunkline territory on the lines of Great Northern Railway Co.

Grounds for relief—Carrier competition.

Tariff—Supplement 386 to Southwestern Freight Bureau, agent, tariff I.C.C. 4279.

By the Commission.

[SEAL] BERTHA F. ARMES,
Acting Secretary.

[F.R. Doc. 65–5444; Filed, May 24, 1965; 8:48 a.m.]

[Notice 1178]

MOTOR CARRIER TRANSFER PROCEEDINGS

MAY 20, 1965.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 179), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC–FC–67207. By order of May 17, 1965, the Transfer Board approved the transfer to Dunkley Refrigerated Transport, Inc., Salt Lake City, Utah, of Certificates in Nos. MC–117823, MC–117823 (Sub-No. 3), MC–117823 (Sub-No. 9), MC–117823 (Sub-No. 12), MC–117823 (Sub-No. 19), and MC–117823 (Sub-No. 23), thereunder, issued July 18, 1963, January 31, 1961, February 4, 1965, July 23, 1963, March 23, 1963, and December 4, 1964, respectively, to Ralph F. Dunkley, doing business as Dunkley Distributing Co., Salt Lake City, Utah; authorizing the transportation of: Frozen fruits, frozen berries, frozen vegetables, frozen fish, frozen poultry, shell nuts, eggs, fresh vegetables, frozen bakery goods, frozen meat and frozen meat products, fruit juices, juice concentrates, citrus products, and frozen foods, from, to, or between specified points in California, Utah, Idaho, Montana, Wyoming, Nevada, Colorado, Oregon, and Washington. Lon Rodney Kump, 716 Newhouse Building, Salt Lake City 11, Utah, attorney for applicants.

No. MC–FC–67449. By order of May 13, 1965, the Transfer Board approved the transfer to Materials Transport, Inc., West Columbia, S.C., of corrected Certificate No. MC–61629, issued January 7, 1963, to Benton Brothers Drayage and Storage Co., a corporation, Atlanta, Ga., authorizing the transportation over irregular routes of petroleum and petroleum products, in containers, from Savannah, Ga., to Estill, S.C.; and empty containers for petroleum and petroleum products, from Estill, S.C., to Savannah, Ga.; and building materials, starch, sugar, flour, fertilizer, foodstuffs, iron and steel products, and oil in drums, between points in South Carolina and between points in Georgia, on the one hand, and, on the other, points in South Carolina. Norman J. Bolinger, 1730 American Heritage Life Building, Jacksonville, Fla., 32202, attorney for applicants.

No. MC–FC–67807. By order of May 19, 1965, the Transfer Board approved the transfer to Brantley Trucking, Inc., Wickett, Tex., of the Certificate of Registration in No. MC–96895 (Sub-No. 1), issued November 29, 1963, to J. L. Brantley and W. H. Brantley, doing business as J. L. Brantley Trucking Co., Wickett, Tex., authorizing transportation in interstate or foreign commerce corresponding in scope to the service authorized in Certificate of Convenience and Necessity No. 8467, Docket No. S–4773, dated May 27, 1957, issued by the Railroad Commission of Texas. George Fowler, 520 North Lee Street, Odessa, Tex., 79761, attorney for applicants.

[SEAL] BERTHA F. ARMES,
Acting Secretary.

[F.R. Doc. 65–5445; Filed, May 24, 1965; 8:49 a.m.]

CUMULATIVE LIST OF CFR PARTS AFFECTED—MAY

The following numerical guide is a list of the parts of each title of the Code of Federal Regulations affected by documents published to date during May.

3 CFR

PROCLAMATIONS:
1713 (superseded in part by Proc. 3656) 6571
3172 (superseded by Proc. 3655) 6467
3399 (superseded by Proc. 3655) 6467
3655 6467
3656 6571
3657 6635
EXECUTIVE ORDER:
Apr. 19, 1892 (revoked in part by PLO 3656) 6437
823 (see EO 11220) 6425
10530 (revoked in part by EO 11222) 6469
10784 (superseded by EO 11223) 6635
10845 (superseded by EO 11223) 6635
10939 (revoked by EO 11222) 6469
11071 (superseded in part by EO 11224) 6679
11125 (revoked by EO 11222) 6469
11126 (amended by EO 11221) 6427
11219 6381
11220 6425
11221 6427
11222 6469
11223 6635
11224 6679
PRESIDENTIAL DOCUMENTS OTHER THAN PROCLAMATIONS AND EXECUTIVE ORDERS:
Memorandum of July 20, 1961 (revoked by EO 11222) 6469
Memorandum of May 2, 1963 (revoked by EO 11222) 6469

4 CFR

52 6429

5 CFR

213 6215, 6241, 6337, 6478, 6637, 6765, 6857, 6903, 6939, 6975.
332 6337
591 6511

6 CFR

73 6573

7 CFR

28 6637
29 6573
51 6711
54 6207
55 6141, 6207
56 6207
58 6637
70 6207
81 6207
210 6207, 6479
301 6243, 6245, 6770
354 6429
362 6857
707 6246
717 6144
719 6511, 6975
722 6712
724 6144, 6146, 6207
842 6338
862 6247
863 6248
864 6248
905 6638, 6770
908 6148, 6429, 6681, 6771, 6939
909 6430
910 6148, 6430, 6479, 6681, 6712, 6939, 6975
917 6903–6905
918 6431, 6858
944 6638
965 6338
970 6479
989 6905
1002 6639
1008 6975
1138 6573
1421 6338, 6511, 6681
1425 6907
1468 6383
1472 6383
1475 6909
1483 6771, 6976
1485 6910
1487 6639
1488 6249
1602 6859
PROPOSED RULES:
28 6255
31 6350
33 6782
51 6658
70 6395
777 6686
Ch. IX 6355, 6438, 6523, 6917
905 6983
930 6255
993 6782
1004 6947
1008 6659
1040 6163
1042 6163
1097 6534
1102 6534
1108 6534
1138 6538

8 CFR

214 6479, 6940
231 6776
251 6776
332a 6940
336 6940
499 6940

9 CFR

318 6731
PROPOSED RULES:
201 6360

10 CFR

30 6575

12 CFR

12 6160
204 6339
206 6731
561 6517, 6915
PROPOSED RULES:
261 6275
262 6275
563 6544

13 CFR

121 6778

14 CFR

39 6150, 6431, 6577, 6639, 6640, 6837, 6940, 6976.
61 6577
71 6150, 6215, 6241, 6384–6387, 6478, 6577–6579, 6640–6642, 6682, 6765, 6838, 6914, 6915, 6940, 6977, 6978.
73 6242, 6387, 6388, 6978
75 6150, 6241, 6242, 6432, 6642, 6915
77 6713
91 6388
95 6766
97 6151, 6329, 6714, 6839
99 6242
121 6432, 6725
127 6432
PROPOSED RULES:
1 6921
39 6188, 6274
67 6189
71 6189, 6225, 6397, 6399, 6400, 6402, 6443, 6588, 6589, 6735, 6736, 6793–6795, 6872, 6922–6924, 6984–6986.
73 6402, 6444, 6736
75 6443, 6924
91 6541, 6921
129 6541
399 6650

15 CFR

201 6748

16 CFR

PROPOSED RULES:
303 6275

17 CFR

18 6941
240 6642

18 CFR

157 6518

19 CFR

10 6149
PROPOSED RULES:
13 6686

20 CFR

601 6941

21 CFR

121 6215, 6339, 6389, 6433, 6477, 6478, 6579, 6643, 6732, 6837, 6915.
130 6979
133 6475
141a 6979
141e 6980
144 6389
146a 6979
146e 6980
148p 6980
PROPOSED RULES:
8 6490, 6733–6735
121 6588, 6589
125 6984
141a 6795

24 CFR

203 6982

25 CFR

131 6579

25 CFR—Continued

PROPOSED RULES:
1 6438
221 6523

26 CFR

1 6216, 6340, 6480
170 6769
250 6217
PROPOSED RULES:
1 6222, 6349, 6486, 6488
31 6222
301 6222

29 CFR

50 6249
604 6218
606 6218
690 6482
PROPOSED RULES:
657 6224
697 6225
1501 6397
1502 6397
1503 6397

32 CFR

1 6965
2 6967
3 6967
5 6968
7 6968
9 6968
13 6973
15 6973
102 6942
103 6161
175 6682
180 6682
516 6341
815 6343
882 6343

33 CFR

80 6433
82 6434
86 6434
86 6434
135 6434
203 6161, 6388
204 6643
205 6644
207 6161, 6644
401 6580

36 CFR

2 6682
7 6861
211 6345
261 6982
311 6161
502 6482

37 CFR

1 6391, 6644
3 6644
PROPOSED RULES:
2 6687
4 6687

38 CFR

1 6435
2 6392
3 6649
14 6392

39 CFR

4 6436
36 6436
37 6436
43 6436

41 CFR

1-3 6581
4-2 6943
4-3 6943
4-5 6943
4-16 6944
5-60 6837
9-1 6483, 6519
9-3 6683
9-4 6519
9-6 6519
9-7 6519
9-8 6585
9-9 6684

41 CFR—Continued

9-54 6684
101-5 6684
101-44 6649

42 CFR

57 6944
PROPOSED RULES:
73 6795

43 CFR

PUBLIC LAND ORDERS:
3638 6585
3655 6392
3656 6437
3657 6586

45 CFR

130 6393

46 CFR

25 6517
137 6713

47 CFR

0 6250, 6778
1 6778, 6780
2 6219, 6388
15 6250
25 6862
73 6251, 6519, 6520, 6869
83 6778
PROPOSED RULES:
2 6226
15 6541, 6689
73 6274, 6275, 6543, 6590, 6651, 6947

49 CFR

1 6485
95 6220
97 6394
141 6162

50 CFR

26 6587
33 6344, 6521, 6587, 6871
60 6149
PROPOSED RULES:
32 6224

THE UNIVERSITY OF MICHIGAN
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FEDERAL REGISTER

VOLUME 30 • NUMBER 101

Wednesday, May 26, 1965 • Washington, D.C.

Pages 7031–7087

Agencies in this issue—

The President
Agricultural Stabilization and Conservation Service
Agriculture Department
Civil Service Commission
Coast Guard
Commodity Credit Corporation
Consumer and Marketing Service
Employment Security Bureau
Federal Aviation Agency
Federal Home Loan Bank Board
Federal Power Commission
Fish and Wildlife Service
Food and Drug Administration
International Commerce Bureau
Interstate Commerce Commission
Land Management Bureau
Maritime Administration
Securities and Exchange Commission
Veterans Administration

Detailed list of Contents appears inside.



THE NATIONAL ARCHIVES OF THE UNITED STATES • 1934 •

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of the
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Contents

THE PRESIDENT

REORGANIZATION PLAN
Reorganization Plan No. 1 of 1965; Customs Bureau 7035

EXECUTIVE AGENCIES

AGRICULTURAL STABILIZATION AND CONSERVATION SERVICE

Proposed Rule Making
Export wheat marketing certificates 7043

AGRICULTURE DEPARTMENT

See also Agricultural Stabilization and Conservation Service; Commodity Credit Corporation; Consumer and Marketing Service.

Notices
Michigan and Pennsylvania; designation of areas for emergency loans 7048

CIVIL SERVICE COMMISSION

Notices
Oceanography Series; minimum educational requirements 7052

COAST GUARD

Notices
Equipment, installations, or materials; approval and termination of approvals 7047

COMMERCE DEPARTMENT

See Bureau of International Commerce; Maritime Administration.

COMMODITY CREDIT CORPORATION

Rules and Regulations
Cooperative marketing associations; eligibility requirements for price support; correction 7037

CONSUMER AND MARKETING SERVICE

Rules and Regulations
Onions grown in South Texas; shipments limitation 7037
Oranges, Valencia, grown in Arizona and California; handling limitation 7037

EMPLOYMENT SECURITY BUREAU

Rules and Regulations
Policies of U.S. Employment Service; service to minority groups 7039

FEDERAL AVIATION AGENCY

Proposed Rule Making
Control zone, transition area, and control area extension; alteration, designation, and revocation 7045

FEDERAL HOME LOAN BANK BOARD

Rules and Regulations
Federal Savings and Loan Insurance Corporation; premiums, charges, and credits regarding mortgage loans; sale of real estate owned; related items 7039
Federal Savings and Loan System; application for permission to organize Federal association 7037

FEDERAL POWER COMMISSION

Notices
Hearings, etc.:
Cleary Petroleum, Inc., et al 7052
Continental Oil Co. et al 7053
Hanley Co. et al 7054

FISH AND WILDLIFE SERVICE

Proposed Rule Making
Processed fishery products; debarment and suspension of inspection services 7042

FOOD AND DRUG ADMINISTRATION

Rules and Regulations
Drugs:
Antibiotics intended for use in milk-producing animals; labeling 7041
Penicillin; ampicillin trihydrate for oral suspension 7040

HEALTH, EDUCATION, AND WELFARE DEPARTMENT

See Food and Drug Administration.

INTERIOR DEPARTMENT

See Fish and Wildlife Service; Land Management Bureau.

INTERNATIONAL COMMERCE BUREAU

Notices
Lewo, Joseph, et al.; order temporarily denying export privileges 7051

INTERSTATE COMMERCE COMMISSION

Notices
Finance applications 7056
Fourth section applications for relief 7055
Motor carrier:
Alternate route deviation notices 7056
Applications and certain other proceedings (2 documents) 7058, 7063
Broker, water carrier, and freight forwarder applications 7065
Intrastate applications 7064
Transfer proceedings 7065

LABOR DEPARTMENT

See Employment Security Bureau.

LAND MANAGEMENT BUREAU

Notices
Wyoming; termination of proposed withdrawal and reservation of lands 7051

MARITIME ADMINISTRATION

Notices
List of free world and Polish-flag vessels arriving in Cuba since Jan. 1, 1963 7049

SECURITIES AND EXCHANGE COMMISSION

Notices
American Automation Development Fund, Inc.; proposal to terminate registration 7055

TREASURY DEPARTMENT

See Coast Guard.

VETERANS ADMINISTRATION

Rules and Regulations
Public contracts and property management; transportation factors in procurement of personal property 7041

List of CFR Parts Affected

(Codification Guide)

The following numerical guide is a list of the parts of each title of the Code of Federal Regulations affected by documents published in today's issue. A cumulative list of parts affected, covering the current month to date, appears at the end of each issue beginning with the second issue of the month.

A cumulative guide is published separately at the end of each month. The guide lists the parts and sections affected by documents published since January 1, 1965, and specifies how they are affected.

3 CFR

PRESIDENTIAL DOCUMENTS OTHER THAN PROCLAMATIONS AND EXECUTIVE ORDERS:
Reorganization Plan No. 1 of 1965 ... 7035

7 CFR

908 ... 7037
959 ... 7037
1425 ... 7037
PROPOSED RULES:
778 ... 7043

12 CFR

543 ... 7037
563 ... 7039

14 CFR

PROPOSED RULES:
71 ... 7045

20 CFR

604 ... 7039

21 CFR

141a ... 7040
146a ... 7040
148 ... 7041

41 CFR

8–1 ... 7041
8–19 ... 7041

50 CFR

PROPOSED RULES:
260 ... 7042

Presidential Documents

Title 3—THE PRESIDENT

Reorganization Plan No. 1 of 1965

Prepared by the President and transmitted to the Senate and the House of Representatives in Congress assembled, March 25, 1965, pursuant to the provisions of the Reorganization Act of 1949, 63 Stat. 203, as amended.[1]

BUREAU OF CUSTOMS

SECTION 1. *Abolition of offices.* All offices in the Bureau of Customs of the Department of the Treasury of collector of customs, comptroller of customs, surveyor of customs, and appraiser of merchandise to which appointments are required to be made by the President, by and with the advice and consent of the Senate, are abolished. The foregoing provisions shall become effective with respect to each office abolished thereby at such time, not later than December 31, 1966, as the Secretary of the Treasury shall specify, but nothing herein shall empower the Secretary to increase the term of any office beyond that provided by law for such office or affect his authority under the first paragraph under the heading "TREASURY DEPARTMENT" appearing in the Act of March 2, 1895, c. 187, 28 Stat. 844 (5 U.S.C. 252), to retain in office, prior to December 31, 1966, those persons whose offices are to be terminated under this reorganization plan.

SEC. 2. *Transfer of functions.* There are transferred to the Secretary of the Treasury the functions, if any, that have been vested by statute in officers, agencies, or employees of the Bureau of Customs of the Department of the Treasury since the effective date of Reorganization Plan No. 26 of 1950 (64 Stat. 1280).

SEC. 3. *Preservation of remedies.* The abolition of offices herein shall not prejudice any right to protest or to appeal to the United States Customs Court any action taken in the administration of the customs laws.

SEC. 4. *Incidental provisions.* Consonant with section 4 of the Reorganization Act of 1949, as amended, and this reorganization plan, the Secretary of the Treasury shall make such provisions as he shall deem necessary respecting (1) the transfer or other disposition of the records, property, personnel, and unexpended balances of appropriations, allocations, and other funds, available or to be made available, which are affected by a reorganization contained in this reorganization plan, and (2) the winding up of the affairs of any officer whose office is abolished by the provisions of this reorganization plan.

[F.R. Doc. 65-5587; Filed, May 25, 1965; 10:16 a.m.]

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[1] Effective May 25, 1965, under the provisions of section 6 of the act; published pursuant to section 11 of the act (63 Stat. 203; 5 U.S.C. 133z).

Rules and Regulations

Title 7—AGRICULTURE

Chapter IX—Consumer and Marketing Service (Marketing Agreements and Orders; Fruits, Vegetables, Tree Nuts), Department of Agriculture

[Valencia Orange Reg. 120; Amdt. 1]

PART 908—VALENCIA ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

Limitation of Handling

Findings. 1. Pursuant to the marketing agreement, as amended, and Order No. 908, as amended (7 CFR Part 908), regulating the handling of Valencia oranges grown in Arizona and designated part of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendation and information submitted by the Valencia Orange Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such Valencia oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

2. It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule making procedure, and postpone the effective date of this amendment until 30 days after publication thereof in the FEDERAL REGISTER (5 U.S.C. 1001–1011) because the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the act is insufficient, and this amendment relieves restriction on the handling of Valencia oranges grown in Arizona and designated part of California.

Order, as amended. The provisions in paragraph (b)(1) (i) and (iii) of § 908.420. (Valencia Orange Regulation 120, 30 F.R. 6681) are hereby amended to read as follows:

§ 908.420 Valencia Orange Regulation 120.

* * * * *

(b) *Order.* (1) * * *

(i) District 1: 550,000 cartons;

* * * * *

(iii) District 3: 175,000 cartons.

* * * * *

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: May 21, 1965.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 65-5473; Filed, May 26, 1965; 8:45 a.m.]

[959.305 Amdt. 2]

PART 959—ONIONS GROWN IN SOUTH TEXAS

Limitation of Shipments

Findings. (a) Pursuant to Marketing Agreement No. 143 and Order No. 959, both as amended (7 CFR Part 959), regulating the handling of onions grown in designated counties in south Texas, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and upon the basis of the recommendation and information submitted by the South Texas Onion Commitee, established pursuant to said marketing agreement and order, and upon other available information, it is hereby found that the amendment to the limitation of shipments, hereinafter set forth, will tend to effectuate the declared policy of the act.

(b) It is hereby found that it is impracticable and contrary to the public interest to give preliminary notice or engage in public rule making procedure, and that good cause exists for not postponing the effective date of this amendment until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 1003) in that (1) the 1965 marketing season for south Texas onions is currently in progress and volume shipments are now being made, (2) compliance with this amendment will not require any special preparation by handlers, (3) information regarding the Committee's recommendation has been disseminated to producers and handlers in the production area, and (4) this amendment relieves restrictions on the handling of onions grown in the production area by suspending the Sunday packaging and shipping holiday on May 23 and May 30, 1965.

Order, as amended. In § 959.305 (29 F.R. 19234, 30 F.R. 4159), amend the introductory paragraph to read as follows:

§ 959.305 Limitation of shipments.

During the period beginning May 23, 1965, through June 15, 1965, no handler may (1) package or load onions on Sundays, except on May 23 and May 30, 1965, or (2) handle any lot of onions grown in the production area, except red onions, unless such onions meet the grade requirements of paragraph (a) of this section, one of the applicable size requirements of paragraph (b) of this section, the container requirements of paragraph (c) of this section, and the inspection requirements of paragraph (f) of this section, or unless such onions are handled in accordance with the provisions of paragraphs (d) or (e) of this section.

* * * * *

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601 et seq.)

Dated: May 20, 1965 to become effective May 23, 1965.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 65-5474; Filed, May 25, 1965; 8:46 a.m.]

Chapter XIV—Commodity Credit Corporation, Department of Agriculture

SUBCHAPTER B—LOANS, PURCHASES, AND OTHER OPERATIONS

PART 1425—COOPERATIVE MARKETING ASSOCIATIONS

Subpart—Eligibility Requirements for Price Support

Correction

In F.R. Doc. 65-5365, appearing at page 6907 of the issue for Friday, May 21, 1965, the following corrections are made:

1. In § 1425.18, the closing words of paragraph (b) should read "its agreement with CCC." instead of "its President, CCC.".

2. In § 1425.20, the word "Reconstruction" should read "Reconstitution".

Title 12—BANKS AND BANKING

Chapter V—Federal Home Loan Bank Board

SUBCHAPTER C—FEDERAL SAVINGS AND LOAN SYSTEM

[No. 19,138]

PART 543—INCORPORATION, ORGANIZATION, AND CONVERSION

Application for Permission To Organize

MAY 19, 1965.

Resolved, That, notice and public procedure having been duly afforded (30 F.R. 2875) and all relevant material presented or available having been considered by it, the Federal Home Loan Bank Board, upon the basis of such consideration and of determination by it of the advisability of amendment of Part 543 of the rules and regulations for the Federal Savings and Loan System (12 CFR Part 543) to codify the procedure to be employed in the processing of applications for permission to organize a Federal savings and loan association, and for the purpose of effecting such amendment, hereby amends said Part 543 as hereinafter set forth, effective May 26, 1965.

Amend § 543.2 of the rules and regulations for the Federal Savings and Loan System to read as follows:

§ 543.2 Application for permission to organize a Federal association.

(a) *General provisions.* (1) All requests by interested persons for advice or instructions with respect to any

matter arising under this section shall be addressed to the Board's Supervisory Agent. As used in this section, the term "Supervisory Agent" means the President of the Federal home loan bank of the district in which the proposed association is to be located or any other officer or employee of such bank appointed by the Board as agent as provided by § 501.11 of the general regulations of the Federal Home Loan Bank Board (§ 501.11 of this chapter). All recommendations by Supervisory Agents and by officers and employees of the Board in connection with any application for permission to organize a Federal association shall be deemed to be privileged and confidential and subject to the provisions of §§ 505.10, 505.11, and 505.12 of the general regulations of the Federal Home Loan Bank Board (§§ 505.10, 505.11 and 505.12 of this chapter).

(2) An application for permission to organize a Federal association shall be approved or disapproved by the Board within a period not exceeding 9 months after publication of the notice required by paragraph (c) of this section, unless the Board, with respect to a particular application, extends such period.

(b) *Application form; supporting information.* An application for permission to organize a Federal association shall be in form prescribed by the Board and shall be executed by at least 7 persons residing in the community to be served by the proposed association (hereinafter referred to as the "applicants"). Such application and prescribed "Outline of Information to be Submitted in Support of an Application for Permission to Organize a Federal Association" may be obtained from the Supervisory Agent. Information shall be furnished in support of the application in accordance with such Outline designed to show: (1) The applicants are citizens of the United States of good character and responsibility; (2) there is a necessity for the proposed association in the community to be served by it; (3) there is a reasonable probability of usefulness and success of the proposed association; and (4) the proposed association can be established without undue injury to properly conducted existing local thrift and home-financing institutions. The application shall include an estimate of the annual income and expenses of the proposed association and of the annual volume of business to be transacted by it, and a statement of the personnel and office facilities to be provided for the operation of such association. An application shall be deemed to be complete when the foregoing requirements of this paragraph (b) have been met.

(c) *Filing of application.* An application for permission to organize a Federal association shall be filed with the Board by delivering two copies thereof, together with two copies of all supporting information, to the Supervisory Agent.

(d) *Amendment of application; filing of additional information.* After a complete application for permission to organize a Federal association has been filed with the Board, and prior to the date of advice by the Supervisory Agent to the applicants to publish notice of the filing of the application pursuant to paragraph (e) of this section, the applicants may file additional information in support of the application and may amend the application; after the date of such advice, the applicants may not amend the application or, unless and until a hearing on the application is ordered, file any additional supporting information unless requested by or on behalf of the Board.

(e) *Processing of application by Supervisory Agent; public notice; inspection.* (1) Upon determination by the Supervisory Agent that an application for permission to organize a Federal association is complete, the Supervisory Agent shall advise the applicants, in writing, to publish, within 15 days from the date of such advice, in a newspaper printed in the English language and having general circulation in the community to be served by the proposed Federal association, a notice of the filing of the application in the following form:

NOTICE OF FILING OF APPLICATION FOR PERMISSION TO ORGANIZE A FEDERAL SAVINGS AND LOAN ASSOCIATION

Notice is hereby given that, pursuant to the provisions of § 543.2 of the rules and regulations for the Federal Savings and Loan System, ----------

(Fill in names of applicants)

---------- have filed an application with the Federal Home Loan Bank Board for permission to organize a Federal savings and loan association to be located at, or in the immediate vicinity of ----------, ----------

(Street address) (City)

---------- The application has been delivered to the office of the Supervisory Agent of the said Board, located at the Federal Home Loan Bank of ----------

(State)

(City)

---------- ----------,

(Street address) (City)

---------- Any person may file communications in favor or in protest of said application at the aforesaid office of the Supervisory Agent within 20 days after the date of this publication. Under the said rules and regulations for the Federal Savings and Loan System, a hearing in Washington, D.C., may be held if, pursuant to this notice, any interested person expresses a written protest, which shall be filed in duplicate and supported by specific written objections, to said application and requests a hearing at which he expresses intention to appear, provided such protest and request are received at the aforesaid office of the Supervisory Agent within 20 days after the date of this publication. Any such written protest which is not coupled with a request for hearing will also be considered if received at the aforesaid office of the Supervisory Agent within 20 days of the date of this publication. The complete application, together with all communications in favor or in protest thereof, are available for inspection by interested persons at the aforesaid office of the Supervisory Agent.

(2) Within 20 days after the date of publication of said notice, any person may file, at the office of the Supervisory Agent designated in the notice, communications in favor or in protest of the application.

(3) Promptly after publication of the notice, the applicants shall transmit two copies thereof to the Supervisory Agent accompanied by two copies of a publisher's affidavit of publication.

(4) The complete application, together with all communications in favor or in protest thereof, shall be available at the office of the Supervisory Agent during regular working hours for inspection by interested persons following the date of publication of the notice as hereinabove provided. Prior to the issuance to the applicants of advice to publish a notice, the application and the fact that it has been filed shall be held as confidential.

(f) *Hearings*—(1) *General provisions.* A hearing shall be held upon an application for permission to organize a Federal association in any case in which a hearing is ordered unless it is dispensed with as provided in the order for a hearing. A copy of an order for a hearing shall be mailed to the applicants and to all persons who have filed written statements protesting approval of the application. In any case in which the Board has disapproved an application without a hearing, a hearing may be held, at the discretion of the Board, if such hearing is requested by the applicants within 30 days after receipt by them of advice that the Board has disapproved the application. Notwithstanding any other provision of this section, the Board may at any time, in its discretion and on its own motion, order a hearing on an application for permission to organize a Federal association. Any interested person may appear, in person or by attorney, at any hearing held on an application for permission to organize a Federal association and submit any evidence pertinent to the questions at issue.

(2) *Procedure.* After a hearing has been ordered, the order for such hearing, the application and supporting information, and any protest and information in support of any protest, shall be available at the office of the Secretary to the Board for inspection during regular working hours. The hearing shall be held before a hearing officer who shall be a member of the staff of the General Counsel of the Federal Home Loan Bank Board and who shall be designated by the General Counsel or a Deputy or Associate General Counsel. The hearing officer shall have complete charge of the hearing; may receive, admit, allow, exclude, and deny petitions, briefs, and evidence, including the hearing of testimony according to the rules of evidence governing civil proceedings in matters not involving trial by jury in the courts of the United States: *Provided, however,* That such rules may be relaxed by the hearing officer in order to expedite the proceedings or promote the just determination of the ultimate issue; may make rulings and note exceptions, but shall not have power to grant any motion to dismiss the proceedings or other motion that involves final determination of the ultimate issue; may hear arguments; may adjourn the said hearing from time to time, if, in his judgment, it is desirable to the orderly conduct of the said hearing or to promote the just determination of the ultimate issue; shall order the preparation of a record, including a transcript of the testimony and evidence presented; and may do all such things and have all such powers as are necessary or proper for the orderly conduct of the hearing or to promote the just determination of the ultimate issue, but shall not have power to finally determine the ultimate issue. The hearing officer shall determine whether the filing of briefs after a hearing will be permitted, and if such filing is permitted, the hearing officer shall restrict the time for filing to a postmark date not later than 30 days after the conclusion of the hearing, unless for good cause a longer period is allowed. The hearing officer shall not permit the filing of reply briefs.

(g) *Approval.* If the Board approves the application, it will establish, as conditions to be met prior to the issuance of a charter, requirements as to (1) minimum number of subscribers to the association's capital; (2) minimum amount of capital to be paid into the association's savings accounts upon issuance of a charter to it; and (3) such other requirements as it deems necessary or desirable. Approval of an application for permission to organize a Federal association will not in any manner obligate the Board to issue a charter.

(Sec. 5, 48 Stat. 132, as amended; 12 U.S.C. 1464. Reorg. Plan No. 3 of 1947, 12 F.R. 4981, 3 CFR, 1947 Supp.)

Resolved further, That the Board hereby finds that publication of the aforesaid amendment for the period specified in § 508.14 of the general regulations of the Federal Home Loan Bank Board and section 4(c) of the Administrative Procedure Act would, in the opinion of the Board, result in confusion and unnecessary expense in the filing and processing of applications for permission to organize a Federal savings and loan association prior to the effective date hereof and the Board hereby provides that the aforesaid amendment shall become effective as hereinbefore set forth.

By the Federal Home Loan Bank Board.

[SEAL] HARRY W. CAULSEN, *Secretary.*

[F.R. Doc. 65-5491; Filed, May 25, 1965; 8:47 a.m.]

SUBCHAPTER D—FEDERAL SAVINGS AND LOAN INSURANCE CORPORATION

[No. FSLIC-2,079]

PART 563—OPERATIONS

Premiums, Charges, and Credits With Respect to Mortgage Loans; Sale of Real Estate Owned; and Related Items

MAY 19, 1965.

Resolved that, notice and public procedure having been duly afforded (30 F.R. 490) and all relevant material presented or available having been considered by it, the Federal Home Loan Bank Board, upon the basis of such consideration and of determination by it of the advisability of revising § 563.23-1 of the rules and regulations for Insurance of Accounts (12 CFR 563.23-1) and for the purpose of effecting such revision, hereby revises said § 563.23-1 as follows, effective June 26, 1965:

Revise § 563.23-1 of the rules and regulations for Insurance of Accounts to read as follows:

§ 563.23-1 Premiums, charges, and credits with respect to mortgage loans; sale of real estate owned; and related items.

(a) *Purchase at a premium.* A premium paid by an insured institution in connection with the acquisition of a mortgage loan or group of mortgage loans may be charged off when paid or may be capitalized; if capitalized, a proportionate amount of the premium shall be charged to expense, at least semiannually, over the remaining term of the loan in the case of a single loan, and in the case of a group of loans, either on an individual loan basis or over a period not exceeding the average remaining term of the loans in such group.

(b) *Purchase at a discount.* If an insured institution purchases a loan at a discount, such discount shall be deferred and credited to an account descriptive of deferred discount income, and a proportionate amount of such discount shall be credited to income, at least semiannually, over a period of not less than 7 years. For the purposes of this section, a loan shall be deemed to have been purchased by an insured institution at a discount if the price paid by such institution for such loan is less than the amount of the loan balance. Any charges made by the purchaser in connection with the purchase of a loan shall be deducted from the purchase price to determine the amount of the discount.

(c) *Charges.* All acquisition charges, as hereinafter defined, in connection with the making or acquisition of a mortgage loan by an insured institution shall be charged to such institution's expense for the accounting period in which such charges are incurred and shall not be deferred beyond the end of such accounting period.

(d) *Credits deferred.* Any acquisition credits, as hereinafter defined, in connection with the making or acquisition of any mortgage loan by an insured institution shall be deferred and shall be credited to an account descriptive of deferred income, and a proportionate amount of all acquisition credits so deferred shall be credited to income, at least semiannually, over a period of not less than 7 years.

(e) *Sale of loans.* If a mortgage loan owned by an insured institution is sold without recourse at a premium, such premium shall be credited to such institution's income for the accounting period in which the loan is sold. If a mortgage loan owned by an insured institution is sold without recourse at a loss or at a discount, such loss or discount shall be charged to the balance of any acquisition credits or purchase discount applicable to such loan that remains deferred at the time of such sale; any loss or discount in excess of such balance shall be charged to such institution's expense for the accounting period in which the loan is sold or to surplus, undivided profits, or reserves.

(f) *Sale of real estate owned.* When an insured institution sells real estate owned by it, such institution's records shall disclose the book value of such real estate at the time of such sale and the price at which it is sold. If such sale results in a profit, such part of the profit as is proportionate to the part of the sale price not received by the institution in cash at the time of sale shall be deferred and credited to an account descriptive of unearned profit on real estate sold; thereafter such unearned profit shall be deemed to have been realized to no greater extent than is proportionate to the reduction of the unpaid balance of the sale contract or purchase money mortgage.

(g) *Definitions.* For the purpose of this section, (1) the term "mortgage loan" means any loan or contract (or interest therein) on the security of real estate; (2) the term "amount of the loan" means the face amount of the obligation executed by the primary obligor on a mortgage loan, except that with respect to a mortgage loan acquired by an insured institution such term means the principal balance of such loan at the time of its acquisition by such institution; (3) the term "acquisition credits" means that portion of any consideration, other than the average interest provided by the loan contract, charged or received by an insured institution for or in connection with the making of a mortgage loan or commitment that is in excess of the greater of (i) $50 or (ii) 2 percent of the amount of the loan if the loan is for the purpose of construction, or 1 percent of the amount of the loan if the loan is for any other purpose, plus for either type of loan $50 for those insured institutions utilizing employees of the institution to perform appraisal, attorney or loan closing functions: *Provided,* That the term "acquisition credits" does not include specifically itemized charges collected by an insured institution from the borrower and paid out to third parties for necessary initial charges in connection with the mortgage loan transaction; (4) the term "acquisition charges" includes finder's fee, buying commission, attorney's fee, and brokerage fee paid by an insured institution in connection with the making or acquisition of a mortgage loan or commitment, but does not include a premium paid by such institution in connection with the purchase of a mortgage loan.

(Secs. 402, 403, 48 Stat. 1256, 1257, as amended; 12 U.S.C. 1725, 1726. Reorg. Plan No. 3 of 1947, 12 F.R. 4981, 3 CFR, 1947 supp.)

By the Federal Home Loan Bank Board.

[SEAL] HARRY W. CAULSEN, *Secretary.*

[F.R. Doc. 65-5492; Filed, May 25, 1965; 8:48 a.m.]

Title 20—EMPLOYEES' BENEFITS

Chapter V—Bureau of Employment Security, Department of Labor

PART 604—POLICIES OF UNITED STATES EMPLOYMENT SERVICE

Service to Minority Groups

Pursuant to authority in section 12 of the Wagner-Peyser Act (29 U.S.C. 49k),

Reorganization Plan No. 2 of 1949 (3 CFR 1949–53 Comp., p. 998), and 29 CFR 602.21, I hereby establish new paragraphs (h) and (i) of 29 CFR 604.8 to read as set forth below.

As this amendment provides only a general statement of policy, notice of proposed rule making, public participation in its adoption, and delay in its effective date are excepted from the requirements of section 4 of the Administrative Procedure Act. As the policies hereby expressed merely make explicit those which have heretofore been intended, no need for public participation or delay appears, and this amendment shall become effective immediately.

§ 604.8 Service to minority groups.

It is the policy of the U.S. Employment Service:

* * * * *

(h) To provide and operate all employment service premises and facilities without discrimination or segregation based on race, creed, color, or national origin.

(i) To assign or outstation no personnel for the provision of employment services to individuals in any institution, agency, or establishment which excludes, segregates, or discriminates against any person because of race, creed, color, or national origin.

(48 Stat. 117, as amended; 29 U.S.C. 49k)

Signed at Washington, D.C., this 19th day of May 1965.

ROBERT C. GOODWIN,
Administrator,
Bureau of Employment Security.

[F.R. Doc. 65-5470; Filed, May 25, 1965; 8:45 a.m.]

Title 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

SUBCHAPTER C—DRUGS

PART 141a—PENICILLIN AND PENICILLIN-CONTAINING DRUGS; TESTS AND METHODS OF ASSAY

PART 146a—CERTIFICATION OF PENICILLIN AND PENICILLIN-CONTAINING DRUGS

Ampicillin Trihydrate for Oral Suspension

Under the authority provided in the Federal Food, Drug, and Cosmetic Act (sec. 507, 59 Stat. 463 as amended; 21 U.S.C. 357), and delegated by the Secretary of Health, Education, and Welfare to the Commissioner of Food and Drugs (21 CFR 2.90), Parts 141a and 146a are amended by adding thereto the following new sections:

§ 141a.122 Ampicillin trihydrate for oral suspension.

(a) *Potency.* Reconstitute the drug as directed in the labeling. Place an accurately measured aliquot (usually a single dose) in a 250-milliliter volumetric flask and dilute to volume with:

(1) 0.1*M* potassium phosphate buffer, pH 8.0. Mix well and proceed as directed in § 141a.111(a)(1); or

(2) 1 percent potassium phosphate buffer, pH 6.0. Mix well, transfer 1.0 milliliter to each of two iodine flasks, and proceed as directed in § 141a.111(a)(2).

Either of the above-assay procedures may be employed; however, the results obtained from the method in subparagraph (1) of this paragraph shall be conclusive. Its potency is satisfactory if it contains not less than 90 percent and not more than 120 percent of the number of milligrams of ampicillin that it is represented to contain.

(b) *Moisture.* Proceed as directed in § 141a.26(e).

(c) *pH.* Proceed as directed in § 141a.5(b), except use the suspension obtained after reconstituting the drug as directed in its labeling.

§ 146a.118 Ampicillin trihydrate for oral suspension.

(a) *Standards of identity, strength, quality, and purity.* Ampicillin trihydrate for oral suspension is a mixture of ampicillin trihydrate with one or more suitable and harmless colorings, flavorings, buffer substances, and preservatives. When reconstituted as directed in the labeling it contains either 25 milligrams of ampicillin or 50 milligrams of ampicillin per milliliter. Its moisture content is not more than 2.5 percent. The pH of the suspension, when reconstituted as directed in its labeling, is not less than 5.0 and not more than 7.5. The ampicillin trihydrate used conforms to the standards prescribed by § 146a.6(a). Each other substance used, if its name is recognized in the U.S.P. or N.F., conforms to the standards prescribed therefor by such official compendium.

(b) *Packaging.* In all cases the immediate container of ampicillin trihydrate for oral suspension shall be a tight container as defined in the U.S.P. The composition of the immediate container shall be such as will not cause any change in the strength, quality, or purity of the contents beyond any limits therefor in applicable standards, except that minor changes so caused that are normal and unavoidable in good packaging, storage, and distribution practice shall be disregarded.

(c) *Labeling.* In addition to the labeling requirements prescribed by § 148.3 of this chapter, each immediate container shall bear the statement "When stored at room temperature discard unused portion after 7 days; when stored in refrigerator discard unused portion after 14 days." Its expiration date is 12 months.

(d) *Request for certification; samples.* (1) In addition to complying with the requirements of § 146.2 of this chapter, a person who requests certification of a batch of ampicillin trihydrate for oral suspension shall submit with his request a statement showing the batch mark, the number of packages of each size in such batch, the date on which the latest assay of the batch was completed, the batch mark and (unless it was previously submitted) the date on which the latest assay of the ampicillin trihydrate used in making such batch was completed, and a statement that each ingredient used in making the batch conforms to the requirements prescribed therefor, if any, by this section.

(2) Except as otherwise provided in subparagraph (4) of this paragraph, such person shall submit in connection with his request results of the tests and assays listed after each of the following made by him on an accurately representative sample of:

(i) The batch: Potency, moisture, and pH.

(ii) The ampicillin trihydrate used in making the batch: Potency, toxicity, moisture, pH, ampicillin content, crystallinity, and identity.

(3) Except as otherwise provided by subparagraph (4) of this paragraph, such person shall submit in connection with his request, in the quantities hereinafter indicated, accurately representative samples of the following:

(i) The batch: One immediate container for each 5,000 immediate containers in the batch, but in no case less than 5 immediate containers collected by taking single immediate containers at such intervals throughout the entire time of packaging the batch that the quantities packaged during the intervals are approximately equal.

(ii) The ampicillin trihydrate used in making the batch: 10 packages, each containing not less than 300 milligrams, packaged in accordance with the requirements of § 146a.6(b).

(iii) In the case of an initial request for certification, each other substance used in making the batch: One package of each containing approximately 5 grams.

(4) The result referred to in subparagraph (2)(ii) of this paragraph and the sample referred to in subparagraph (3)(ii) of this paragraph are not required if such result and sample have been previously submitted.

(e) *Fees.* The fees for the services rendered with respect to each batch of ampicillin trihydrate for oral suspension under the regulations in this section shall be:

(1) $4.00 for each immediate container in the samples submitted in accordance with paragraph (d)(3)(i) and (iii) of this section; $5.00 for each package of the sample submitted in accordance with paragraph (d)(3)(ii) of this section.

(2) If the Commissioner considers that investigations other than examination of such immediate containers are necessary to determine whether or not such batch complies with the requirements of § 146.3 of this chapter for the issuance of a certificate, the cost of such investigations.

The fees prescribed by subparagraph (1) of this paragraph shall accompany the request for certification unless such fees are covered by an advance deposit maintained in accordance with § 146.3 of this chapter.

Notice and public procedure and delayed effective date are not necessary prerequisites to the promulgation of this order, and I so find, since this order will permit certification of an additional oral dosage form of an antibiotic drug presently marketed, which form has been found to be safe and efficacious for use, and a delay in its availability would not be in the public interest.

Effective date. This order shall be effective on the date of its publication in the FEDERAL REGISTER.

(Sec. 507, 59 Stat. 463 as amended; 21 U.S.C. 357)

Dated: May 20, 1965.

GEO. P. LARRICK,
Commissioner of Food and Drugs.

[F.R. Doc. 65-5468; Filed, May 25, 1965; 8:47 a.m.]

PART 148—ANTIBIOTIC DRUGS; PACKAGING AND LABELING REQUIREMENTS

Antibiotic and Antibiotic-Containing Drugs Intended for Use in Milk-Producing Animals; Labeling

Under the authority vested in the Secretary of Health, Education, and Welfare by the Federal Food, Drug, and Cosmetic Act (sec. 507, 59 Stat. 463, as amended; 21 U.S.C. 357), and delegated by him to the Commissioner of Food and Drugs (21 CFR 2.90), the regulations relating to packaging and labeling requirements for antibiotic drugs (21 CFR Part 148) are amended as follows:

Section 148.5 is amended to provide for a change in the second warning statement therein. As amended, this section reads as follows:

§ 148.5 Antibiotic and antibiotic-containing drugs intended for use in milk-producing animals; labeling.

Whenever the labeling of an antibiotic drug included in the regulations in this chapter suggests or recommends its use in milk-producing animals, the label of such drugs shall bear either the statement "Warning: Not for use in animals producing milk, since this use will result in contamination of the milk" or the statement "Warning: Milk that has been taken from animals during treatment and for __ hours (____ milkings) after the latest treatment must not be used for food", the first blank being filled in with the figure, which shall not be greater than 96, that the Commissioner has authorized the manufacturer of the drug to use, and the second figure shall be the first number divided by 12. The Commissioner shall determine what such figures shall be from information submitted by the manufacturer and which the Commissioner considers is adequate to prove that period of time after the latest treatment that the milk from treated animals will contain no residues from use of the preparation. If the Commissioner determines from the information submitted that the use of the antibiotic drug as recommended does not result in its appearance in the milk, he may exempt the drug from bearing either of the above warning statements.

Notice and public procedure are unnecessary prerequisites to the promulgation of this order, and I so find, since this amendment, which brings into agreement the labeling requirements of the regulation involved (21 CFR 148.5) with those of a food additive regulation (21 CFR 121.249), is made to effect consistency within existing regulations.

Effective date. This order shall become effective 90 days after the date of its publication in the FEDERAL REGISTER.

(Sec. 507, 59 Stat. 463, as amended; 21 U.S.C. 357)

Dated: May 20, 1965.

GEO. P. LARRICK,
Commissioner of Food and Drugs.

[F.R. Doc. 65-5469; Filed, May 25, 1965; 8:47 a.m.]

Title 41—PUBLIC CONTRACTS AND PROPERTY MANAGEMENT

Chapter 8—Veterans Administration

PART 8–1—GENERAL

PART 8–19—TRANSPORTATION

Transportation Factors in the Procurement of Personal Property

1. In Part 8–1, Subpart 8–1.13—Standard Contract Delivery Terms, is revoked.

2. A new Part 8–19 is added to read as follows:

Subpart 8–19.2—Transportation Factors in the Procurement of Personal Property

§ 8–19.202–7 Use of appropriate delivery terms.

(a) Where alternative delivery bases are provided and contracting officer uses only one of them in his invitation to bid, he shall include in the contract file, his reasons for using only one of the bases.

(b) When it is impossible to accurately predetermine the quantities required, or the specific points of delivery or use, but the supplies and equipment are the type that anticipated use is in all Veterans Administration installations in proportion to the number of hospital beds or patient workload, the following clause shall be incorporated in the invitation in lieu of the one contained in FPR 1–19.202–7(b)(1)(iv):

For the purpose of evaluating bids, and for no other purpose the f.o.b. destination price per unit will be determined by applying the following formula to f.o.b. origin bid prices which will result in an average destination price reflecting the variance in anticipated demands for each general geographic area. Multiply the guaranteed shipping weight by the freight, parcel post or express rate, whichever is proper, to each destination shown below and then multiply the resulting transportation charges by the anticipated demand factor shown for each destination. Total the resulting weighted transportation charges for all destinations and divide this total by 20 to give the nation-wide average transportation charge. This charge will be added to f.o.b. origin prices to determine the nation-wide average f.o.b. destination price per unit.

Area destination	Anticipated demand factor
Oakland, Calif.	3
Dallas, Tex.	2
Omaha, Nebr.	3
Fort Wayne, Ind.	4
Atlanta, Ga.	3
New York, N.Y.	5
Total of factors	20

(Sec. 205(c), 63 Stat. 390, as amended, 40 U.S.C. 486(c); sec. 210(c), 72 Stat. 1114, 38 U.S.C. 210(c))

These regulations are effective date of publication in the FEDERAL REGISTER.

By direction of the Administrator.

Approved: May 20, 1965.

[SEAL] A. H. MONK,
Associate Deputy Administrator.

[F.R. Doc. 65-5478; Filed, May 25, 1965; 8:46 a.m.]

Proposed Rule Making

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

[50 CFR Part 260]

PROCESSED FISHERY PRODUCTS

Debarment and Suspension of Inspection Services

Notice is hereby given that pursuant to section 203 and 205 of Title II of the Agricultural Marketing Act of 1946, 60 Stat. 1087, 1090, as amended, 7 U.S.C. sections 1622 and 1624 (1958), as transferred to the Department of the Interior by section 6(a) of the Fish and Wildlife Act of 1956, 70 Stat. 1122 (1956), 16 U.S.C. section 742e (1958), the Secretary of the Interior proposes to amend Title 50, Code of Federal Regulations by addition and deletion of sections that specifically apply to debarment and suspension of inspection services.

Subsection (h) of section 203 of the Agricultural Marketing Act of 1946 (7 U.S.C. 1622(h)) provides criminal penalties for various specified offenses relating to official shields, marks or other identifications and devices for making such marks or identifications, issued or authorized under section 203 of said Act, and certain misrepresentations concerning the inspection or grading of fishery products under said section.

The purpose of these proposed changes is to suspend or debar any person from the benefits provided under the Act when such person engages in activities which are in violation of the criminal section of the Act or which abuse or adversely interfere with the successful conduct of the inspection program.

It is the policy of the Department of the Interior, whenever practicable, to afford the public an opportunity to participate in the rulemaking process. Accordingly, interested persons may submit written comments, suggestions, or objections with respect to the proposed amendment to the Director, Bureau of Commercial Fisheries, U.S. Fish and Wildlife Service, Washington, D.C., 20240, within 30 days of the date of publication of this notice in the FEDERAL REGISTER.

The proposed addition and deletions of sections that specifically apply to debarment and suspension are as follows:

§§ 260.87, 260.89 [Deleted]

1. It is proposed that §§ 260.87 and 260.89 be deleted.

2. It is proposed that a new § 260.93 be added to read as follows:

§ 260.93 Debarment and suspension.

(a) *Debarment.* Any person may be debarred from using or benefiting from the inspection service provided under the regulations of this subchapter or under the terms of any inspection contract, and such debarment may apply to one or more plants under his control, if such person engages in one or more of the following acts or activities:

(1) Misrepresenting, misstating, or withholding any material or relevant facts or information in conjunction with any application or request for an inspection contract, inspection service, inspection appeal, lot inspection, or other service, provided for under the regulations of this subchapter.

(2) Using on a processed product any label which displays any official identification, official device, or official mark, when the label is not currently approved for use by the Director or his delegate.

(3) Using on a processed product any label which displays the words "Packed Under the Continuous Inspection of the U.S. Department of the Interior," or which displays any official mark, official device, or official identification, or which displays a facsimile of the foregoing, when such product has not been inspected under the regulations of this subchapter.

(4) Making any statement or reference to the U.S. Grade of any processed product or any inspection service provided under the regulations of this subchapter on the label or in the advertising of any processed product, when such product has not been inspected under the regulations of this subchapter.

(5) Making, using, issuing, or attempting to issue or use in conjunction with the sale, shipment, transfer, or advertisement of a processed product any certificate of loading, certificate of sampling, inspection certificate, official device, official identification, or official mark which has not been issued, approved, or authorized for use with such product by an inspector.

(6) Using any of the terms "United States," "U.S.," "Officially graded," "Officially inspected," "Government inspected," or words of similar import or meaning, or using any official device, official identification, or official mark on the label, on the shipping container, or in the advertising of any processed product, when such product has not been inspected under the regulations of this subchapter.

(7) Using or attempting to use any certificate, certificate form, design, insignia, mark, shield, device, or figure which simulates in whole or in part any official mark, official device, official identification, certificate of loading, certificate of sampling, inspection certificate, or other official certificate issued pursuant to the regulations of this subchapter.

(8) Interfering or obstructing or attempting to interfere or obstruct any inspector or sampler in the performance of his duties under the regulations of this subchapter.

(9) Violating any one or more of the terms of any inspection contract or the provisions of the regulations of this subchapter.

(10) Engaging in acts or activities which destroy or interfere with the purposes of the inspection program or which have the effect of undermining the integrity of the inspection program.

(b) *Temporary suspension.* Whenever the Director has reasonable cause to believe that any person has engaged in any act or activity described in paragraph (a) of this section, and such act or activity would, in the opinion of the Director, cause serious and irreparable injury to the inspection program and services provided under the regulation of this subchapter, the Director may, without a hearing, temporarily suspend, either before or after institution of a debarment hearing, the inspection service provided under regulations of this subchapter or under any inspection contract for one or more plants under the control of such person for a period not to exceed sixty (60) days, except as herein provided for under this subsection. Notice of suspension shall be served by registered or certified mail, return receipt requested, and the notice shall specifically state those acts or activities of such person which are the basis for the suspension. The suspension shall become effective five (5) days after receipt of the notice by such person. Objection may be taken to the suspension by the filing of a petition for reconsideration with the Director, and such petition may be accompanied by supporting and relevant evidence and affidavits. The petition for reconsideration shall be ruled upon by the Director within twenty (20) days after receipt of such petition.

(1) If a debarment hearing is instituted against any person under suspension, such suspension may, in the discretion of the Director, be extended beyond the sixty (60) day period and remain in effect until a final decision on the debarment is rendered in accordance with the regulations of this section. Failure to institute a debarment hearing during a suspension period shall not preclude the institution of such a hearing at a later date.

(2) If a debarment hearing is instituted against any person not under suspension, the Director may, in accordance with the regulations of this subsection, temporarily suspend such person, and the suspension may, in the discretion of the Director, be extended beyond the sixty (60) day period and remain in effect until a final decision on debarment is rendered in accordance with the regulations of this section.

(3) All temporary suspensions shall terminate upon the rendering of a final decision on debarment, upon the dismissal of a debarment hearing, or upon the expiration of the sixty (60) day period, unless the sixty (60) day period has been extended by the Director as herein provided for.

(c) *Hearing Examiner.* All hearings shall be held before a Hearing Examiner, appointed by the Secretary or the Director.

(d) *Hearing.* If one or more of the acts or activities described in paragraph (a) of this section have occurred, the Director may institute a hearing to determine the length of time during which the person shall be debarred and those plants to which the debarment shall apply. No person may be debarred unless there is a hearing, as prescribed in this section, and it has been determined by the Hearing Examiner, based on evidence of record, that the one or more of the activities described in paragraph (a) of this section have occurred. Any debarment or suspension must be instituted within two (2) years of the time when such acts or activities described in paragraph (a) of this section occurred.

(e) *Notice of hearing.* The Director shall notify such person of the debarment hearing by registered or certified mail, return receipt requested. The notice shall set forth the time and place of the hearing, the specific acts or activities which are the basis for the debarment hearing, the time period of debarment being sought, and those plants to which the debarment shall apply. The hearing will be set for a time not less than 30 days but not longer than 120 days after receipt of the notice of hearing.

(f) *Time and place of hearing.* The hearing shall be held at a time and place fixed by the Director: *Provided, however,* The Hearing Examiner may, upon a proper showing of inconvenience, change the time and place of the hearing. Motions for change of time or place of the hearing must be mailed to or served upon the Hearing Examiner no later than 10 days before the hearing.

(g) *Right to counsel.* In all proceedings under this section, all persons and the Department of the Interior shall have the right to be represented by counsel, in accordance with the rules and regulations set forth in Title 43, Code of Federal Regulation, Part 1.

(h) *Form, execution, and service of documents.* (1) All papers to be filed under the regulations in this section shall be clear and legible; and shall be dated, signed in ink, contain the docket description and title of the proceeding, if any, and the address of the signatory. Five copies of all papers are required to be filed. Documents filed shall be executed by (i) the person or persons filing same, (ii) by an authorized officer thereof if it be a corporation or, (iii) by an attorney or other person having authority with respect thereto.

(2) All documents, when filed, shall show that service has been made upon all parties to the proceeding. Such service shall be made by delivering one copy to each party in person or by mailing by first-class mail, properly addressed with postage prepaid. When a party has appeared by attorney or other representative, service on such attorney or other representative will be deemed service upon the party. The date of service of document shall be the day when the matter served is deposited in the U.S. mail, shown by the postmark thereon, or is delivered in person, as the case may be.

(3) A person is deemed to have appeared in a hearing by the filing with the Director a written notice of his appearance or his authority in writing to appear on behalf of one of the persons to the hearing.

(4) The original of every document filed under this section and required to be served upon all parties to a proceeding shall be accompanied by a certificate of service signed by the party making service, stating that such service has been made upon each party to the proceeding. Certificates of service may be in substantially the following form:

I hereby certify that I have this day served the foregoing document upon all parties of record in this proceeding by: (1) Mailing postage prepaid, (2) delivering in person, a copy to each party.

Dated at ---------- this ------ day of ---------- 19 ....

Signature ----------

(i) *Procedures and evidence.* (1) All parties to a hearing shall be entitled to introduce all relevant evidence on the issues as stated in the notice for hearing or as determined by the Hearing Examiner at the outset of or during the hearing.

(2) Technical rules of evidence shall not apply to hearings conducted pursuant to this section, but rules or principles designed to assure production of the most credible evidence available and to subject testimony to test by cross-examination shall be applied where reasonably necessary.

(j) *Duties of Hearing Examiner.* The Hearing Examiner shall have the authority and duty to:

(1) Take or cause depositions to be taken.

(2) Regulate the course of the hearings.

(3) Prescribe the order in which evidence shall be presented.

(4) Dispose of procedural requests or similar matters.

(5) Hear and initially rule upon all motions and petitions before him.

(6) Administer oaths and affirmations.

(7) Rule upon offers of proof and receive competent, relevant, material, reliable, and probative evidence.

(8) Control the admission of irrelevant, immaterial, incompetent, unreliable, repetitious, or cumulative evidence.

(9) Hear oral arguments if the hearing examiner determined such requirement is necessary.

(10) Fix the time for filing briefs, motions, and other documents to be filed in connection with hearings.

(11) Issue the initial decision and dispose of any other pertinent matters that normally and properly arise in the course of proceedings.

(12) Do all other things necessary for an orderly and impartial hearing.

(k) *The record.* (1) The Director will designate an official reporter for all hearings. The official transcript of testimony taken, together with any exhibits and briefs filed therewith, shall be filed with the Director. Transcripts of testimony will be available in any proceeding under the regulations of this section, at rates fixed by the contract between the United States of America and the reporter. If the reporter is an employee of the Department of the Interior, the rate will be fixed by the Director.

(2) The transcript of testimony and exhibits, together with all briefs, papers, and all rulings by the Hearing Examiner shall constitute the record. The initial decision will be predicated on the same record, as will the final decision.

(l) *Decisions.* (1) The Hearing Examiner shall render the initial decision in all debarment proceedings before him. The same Hearing Examiner who presides at the hearing shall render the initial decision except when such Examiner becomes unavailable to the Department of the Interior. In such case, another Hearing Examiner will be designated by the Secretary or Director to render the initial decision. Briefs, or other documents, to be submitted after the hearing must be received not later than twenty (20) days after the hearing, unless otherwise extended by the Hearing Examiner upon motion by a party. The initial decision shall be made within sixty (60) days after the receipt of all briefs. If no appeals from the initial decision is served upon the Director within ten (10) days of the date of the initial decision, it will become the final decision on the twentieth day following the date of the initial decision. If an appeal is received, the appeal will be transmitted to the Secretary who will render the final decision after considering the record and the appeal.

(2) All initial and final decisions shall include a statement of findings and conclusions, as well as the reasons or bases therefore, upon the material issues presented. A copy of each decision shall be served on the parties to the proceeding, and furnished to interested persons upon request.

(3) It shall be the duty of the Hearing Examiner, and the Secretary where there is an appeal, to determine whether the person has engaged in one or more of the acts or activities described in paragraph (a) of this section, and, if there is a finding that the person has engaged in such acts or activities, the length of time the person shall be debarred, and the plants to which the debarment shall apply. However, the Hearing Examiner may not terminate any temporary suspension imposed by the Director.

JOHN A. CARVER, JR.,
Under Secretary of the Interior.

MAY 21, 1965.

[F.R. Doc. 65-5490; Filed, May 25, 1965; 8:47 a.m.]

DEPARTMENT OF AGRICULTURE

Agricultural Stabilization and Conservation Service

[7 CFR Part 778]

EXPORT WHEAT MARKETING CERTIFICATES

Notice of Proposed Rule Making

Notice is hereby given pursuant to section 4a Administrative Procedure Act (60 Stat. 238, 5 U.S.C. 1003) that the

Agricultural Stabilization and Conservation Service proposes to issue Amendment 2 to the Export Wheat Marketing Certificate Regulations (29 F.R. 7867), as amended (29 F.R. 9840).

Consideration will be given to all written comments, suggestions or arguments in connection with the proposed amendment filed, in duplicate, with the Director, Procurement and Sales Division, Agricultural Stabilization and Conservation Service, U.S. Department of Agriculture, Washington, D.C., 20250, during the 15-day period after the date of filing this amendment with the FEDERAL REGISTER. All written submissions made pursuant to this notice will be made available for public inspection in the office of the Director at the above address during regular business hours (7 CFR 1.27(b)).

The proposed amendment is issued pursuant to the Agricultural Adjustment Act of 1938, as amended by the Food and Agriculture Act of 1962 and the Agricultural Act of 1964 (Secs. 379a to 379j, 52 Stat. 31, as amended by 76 Stat. 626 and 78 Stat. 178, 7 U.S.C. 1379a to 1379j). The Act provides, with certain exceptions, that during any marketing year for which a wheat marketing allocation program is in effect, all persons exporting wheat shall, prior to such export, acquire export wheat marketing certificates equivalent to the number of bushels of wheat exported. In addition to the current marketing allocation program for the year ending June 30, 1965, a marketing allocation program is also in effect for the year beginning July 1, 1965, and ending June 30, 1966. The proposed amendment provides that exporters shall, with certain exceptions, acquire and surrender certificates valued at 30 cents per bushell (25 cents per bushell for the current marketing year ending June 30, 1965) for all wheat exported on and after July 1, 1965. The amendment also provides the basis for determining rates for refunds or credits against the amount payable for certificates for the new marketing year so as to make United States wheat generally competitive in the world markets, avoid disruption of world market prices, and fulfill the international obligations of the United States.

In addition, the proposed amendment provides that if certificates are surrendered to CCC later than the 15th calendar day after the date of exportation, the exporter will pay interest at 6 percent per annum on the face value of the certificates beginning on the 16th day after the date of export rather than having such interest begin to run on the date of export as heretofore provided. Another provision of the amendment authorizes the Director, Procurement and Sales Division, ASCS, Washington, D.C., to delegate authority vested in him under the regulations.

Provision is also made for requiring exporters to acquire certificates at a face value of 30 cents per bushel for any wheat exported to Canada in bond prior to July 1, 1965, if the wheat is exported from Canada on or after that date. Refunds provided on exports of such wheat from Canada take into consideration certificate costs of 30 cents per bushel.

Other miscellaneous changes of a minor nature are also included in the proposed amendment.

The proposed amendment would read as follows:

1. Section 778.3 *Definitions* is amended to change paragraph (j) to read as follows:

§ 778.3 Definitions.

* * * * *

(j) "Director," means the Director, Procurement and Sales Division, Agricultural Stabilization and Conservation Service, U.S. Department of Agriculture, or his designee.

* * * * *

2. Section 778.4 *Wheat Marketing Certificate (Export)* is amended to change paragraph (a) to read as follows:

§ 778.4 Wheat Marketing Certificate (Export).

(a) *Description.* Wheat Marketing Certificates (Export), hereinafter called "export certificates" or "certificates," shall be represented by Form CCC–145, Wheat Marketing Certificate (Export) issued by CCC or a certificate credit established by CCC in favor of an exporter for certificates purchased from CCC pursuant to these regulations. Form CCC–145 is a serially numbered form entitled "Wheat Marketing Certificate." A valid Form CCC–145 export certificate will be identified as "export"; will show date of issuance, marketing year for which issued, bushel quantity, face value and name and address of person to whom issued; and will bear the signature of a representative of CCC authorized to sign certificates.

* * * * *

3. Section 778.5 *Requirement for export certificates*, is amended to change paragraphs (a) and (c) (1) and (2) and the first sentence of (f) to read as follows:

§ 778.5 Requirement for export certificates.

(a) *General.* Any exporter who exports wheat on or after 12:01 a.m. local time, July 1, 1964, shall acquire and surrender certificates to CCC prior to export for the wheat so exported except as provided in the following paragraphs of this section. This requirement shall apply to all wheat exported irrespective of whether the wheat was sold prior to export or was exported prior to sale. The cost of export certificates (i.e., their face value) for the marketing year beginning July 1, 1964, shall be 25 cents per bushel, and for the marketing year beginning July 1, 1965, shall be 30 cents per bushel. After exportation, the exporter may claim a refund against the amount paid by him for certificates as provided in § 778.6.

* * * * *

(c) *Undertaking to secure purchase and payment.* * * *

(1) He will acquire certificates from CCC and surrender the certificates for the wheat exported on or before the 45th calendar day after the date of exportation or such later date as may be approved by the Director for good cause shown by the exporter.

(2) If certificates are acquired and surrendered to CCC later than the 15th calendar day after the date of exportation, the cost of certificates acquired from CCC will be the face value of the certificates plus interest at the rate of six percent per annum beginning with the 16th calendar day after the date of exportation until the date of surrender of the certificates.

* * * * *

(f) *Exports to Canada in bond.* In addition to the foregoing requirements (1) any exporter who exports from Canada on and after July 1, 1964, to any destination outside the United States any wheat which had been exported from the United States to Canada in bond prior to July 1, 1964, shall acquire certificates having a face value of 25 cents per bushel for the wheat so exported and shall surrender such certificates to CCC, and (2) any exporter who exports from Canada on and after July 1, 1965, to any destination outside the United States any wheat which had been exported from the United States to Canada in bond prior to July 1, 1965, shall acquire certificates having a face value of 30 cents per bushel for the wheat so exported and shall surrender such certificates to CCC. * * *

4. Section 778.6 *Refunds or credits for export certificates*, is amended to read as follows:

§ 778.6 Refunds or credits for export certificates.

(a) *General.* CCC shall upon the exportation from the United States of wheat make refund to the exporter or allow him a credit against the amount payable by him for certificates in such amount as CCC determines will make United States wheat generally competitive in the world market, avoid disruption of world market prices and fulfill the international obligations of the United States. The provisions of GR–345 with respect to export payments shall apply in the determination of refunds and credits to be made or allowed the exporter unless the export is made under GR–261. If the amount of the export payment under GR–345 exceeds the cost of certificates for the wheat, a part of the export payment equal to the cost of such export certificates shall constitute the refund or credit. If the amount of the export payment does not exceed the cost of the certificates, the entire amount of the payment shall constitute the refund or credit. Notwithstanding the foregoing:

(1) A refund or credit in the amount of 25 cents per bushel against the amount payable for certificates shall be made or allowed to the exporter in addition to the applicable payment rate, if any, determined under GR–345 on any wheat (other than durum wheat) exported on or after July 1, 1964, pursuant to an export sale which was made April 11, 1964, or earlier, for export in such period and which had been registered for export payment under GR–345.

(2) If (i) an exportation of wheat is made pursuant to an export sale which had been registered under GR–345 and which at the time of sale provided for export prior to July 1, 1964, or in the case of durum, if exportation is made pursuant to a contract with CCC for an export payment which provided for export prior to July 1, 1964, and (ii) if the exporter establishes to the satisfaction of the Director that exportation had been delayed until on or after July 1, 1964, for causes without his fault or negligence, a refund or credit in the amount of 25 cents per bushel shall be made or allowed the exporter in addition to the applicable export payment, if any, determined under GR–345.

(3) On any wheat (other than durum wheat) exported on or after July 1, 1965, pursuant to an export sale which was made later than 3:30 p.m., e.s.t., December 16, 1964, but earlier than 3:31 p.m., e.s.t., February 8, 1965, for export in such period and which had been registered for export payment under GR–345, a refund or credit in the amount of 5 cents per bushel against the amount payable for certificates shall be made or allowed to the exporter in addition to a refund or credit which consists of a part of the export payment determined under GR–345 equivalent to 25 cents per bushel, or if the amount of the export payment does not equal at least 25 cents per bushel, the entire amount of such export payment.

(4) If (i) an exportation of wheat is made pursuant to an export sale which had been registered under GR–345 and which at the time of sale provided for export prior to July 1, 1965, or in the case of durum, if exportation is made pursuant to a contract with CCC for an export payment which provided for export prior to July 1, 1965, and (ii) if the exporter establishes to the satisfaction of the Director that exportation had been delayed until on or after July 1, 1965, for causes without his fault or negligence, a refund or credit in the amount of 5 cents per bushel against the amount payable for certificates shall be made or allowed the exporter in addition to a refund or credit which consists of a part of the export payment determined under GR–345 equivalent to 25 cents per bushel or if the amount of the export payment does not equal at least 25 cents per bushel, the entire amount of such export payment.

(b) *GR–261.* In the case of wheat acquired from CCC under GR–261, at competitive world prices, a credit to the extent of the full cost of certificates required to be surrendered to CCC will be allowed the exporter on wheat exported in fulfillment of the exporter's obligations under GR–261.

(c) *Methods of obtaining refunds or credits.* If an exporter is entitled to a refund or credit against the amount payable by him for certificates, he may (except in the case of exports pursuant to GR–261) elect any of the following:

(1) The exporter may request CCC to issue him Export Commodity Certificates (Form CCC–341) for both the refund or credit to which he is entitled and the balance of the export payment, if any, due him under GR–345 on the exportation. CCC will issue the Export Commodity Certificate (Form CCC–341) after it has received payment for the cost of certificates required to be acquired and surrendered to CCC on the wheat exported.

(2) If he does not request Export Commodity Certificates as provided in subparagraph (1) of this paragraph, the amount of refund or credit shall be offset against the amount payable by him for certificates, and the balance of the export payment due him on the exportation, if any, will be paid to him in Export Commodity Certificates under GR–345.

(3) If the certificates have already been purchased and surrendered by him and he does not request Export Commodity Certificates as provided in subparagraph (1) of this paragraph, the refund will be paid to him in cash, and the balance of the export payment due him on the exportation will be paid to him in Export Commodity Certificates under GR–345.

§ 778.7 [Amended]

5. Section 778.7, *Report of intention to export*, is amended to change the first two sentences of paragraph (a) to read as follows: "Each exporter shall make a report to the Director of all wheat which he intends to export except that in the case of wheat to be exported under GR–261 the report shall be sent to the Director, Kansas City Commodity Office. The report may be made by letter, telegraph or by telephone and shall be submitted so that it is received on or before the time of exportation unless an extension of such time is approved in writing by the Director for good cause shown by the exporter."

Signed at Washington, D.C., on May 21, 1965.

ORVILLE L. FREEMAN,
Secretary.

[F.R. Doc. 65–5494; Filed, May 25, 1965; 8:48 a.m.]

FEDERAL AVIATION AGENCY

[14 CFR Part 71]

[Airspace Docket No. 65–CE–60]

CONTROL ZONE, TRANSITION AREA, AND CONTROL AREA EXTENSION

Proposed Alteration, Designation, and Revocation

The Federal Aviation Agency is considering amendments to Part 71 of the Federal Aviation Regulations which would alter the controlled airspace in the Mason City, Iowa, terminal area.

The following controlled airspace is presently designated in the vicinity of Mason City, Iowa:

(1) The Mason City, Iowa, control zone is designated as that airspace within a 5-mile radius of Mason City Municipal Airport (latitude 43°09'30" N., longitude 93°20'05" W.) and within 2 miles either side of the Mason City VORTAC 002° and 182° radials extending from the 5-mile radius zone to 10 miles S of the VORTAC.

(2) The Mason City, Iowa, control area extension is designated as that airspace within a 15-mile radius of Mason City VORTAC, including the airspace S of Mason City within 10 miles E and 7 miles W of the Mason City VORTAC 182° radial extending from the Mason City 15-mile radius area to 26 miles S of the VORTAC.

The Federal Aviation Agency, having completed a comprehensive review of the terminal airspace structural requirements in the Mason City terminal area, including studies attendant to the implementation of the provisions of Amendments 60–21 (26 F.R. 570) and 60–29 (27 F.R. 4012) of Part 60 of the Civil Air Regulations, proposes to take the following airspace action:

(1) Revoke the Mason City, Iowa, control area extension.

(2) Alter the Mason City control zone by designating it as that airspace within a 5-mile radius of Mason City, Iowa, Municipal Airport (latitude 43°09'31" N., longitude 93°19'39" W.); and within 2 miles each side of the Mason City VOR 002° radial extending from the 5-mile radius zone to 10 miles N of the VOR.

(3) Designate a Mason City, Iowa, transition area as that airspace extending upward from 700 feet above the surface within 8 miles E and 5 miles W of the Mason City VOR 182° and 002° radials; and extending from 7 miles N to 12 miles S of the VOR and within 2 miles each side of the Mason City VOR 002° radial extending from 10 miles N to 18 miles N of the VOR; and that airspace extending upward from 1,200 feet above the surface within 5 miles E and 8 miles W of the Mason City VOR 002° radial extending from 7 miles N to 22 miles N of the VOR; and within the area bounded on the W by a line 5 miles W of and parallel to the Mason City VOR 349° radial, on the SE by a line 5 miles SE of and parallel to the Mason City VOR 038° radial and on the N by the arc of a 22-mile radius circle centered on the Mason City VOR; and within the area bounded on the NE by a line 5 miles NE of and parallel to the Mason City VOR 128° radial, on the NW by a line 5 miles NW of and parallel to the Mason City VOR 236° radial and on the S by the arc of a 12-mile radius circle centered on the Mason City VOR; and within the area bounded on the NE by a line 5 miles NE of and parallel to the Mason City VOR 152° radial, on the W by a line 5 miles W of and parallel to the Mason City VOR 182° radial and on the S by the arc of a 20-mile radius centered on the Mason City VOR.

The Mason City, Iowa, control area extension would be replaced by the Mason City, Iowa, transition area.

The proposed control zone modification would eliminate the long extension to the south and add a short extension to the north. The smaller control zone would adequately protect aircraft executing IFR approach and departure procedures at Mason City Municipal Airport during descent from 1,000 feet above the surface on approach and during climb to 700 feet above the surface on departure. Also, the modification of the control zone includes a correction of the geographic coordinates of the Mason City Municipal Airport.

The 700-foot floor transition area would provide controlled airspace protection for aircraft executing random departure procedures during climb from 700 to 1,200 feet above the surface. It would also provide controlled airspace protection for aircraft executing prescribed instrument approach procedures

during descent from 1,500 to 1,000 feet above the surface.

The 1,200-foot floor transition area would provide controlled airspace protection for aircraft executing prescribed instrument approach procedures during the portion of those procedures executed at and above 1,500 feet above the surface.

Floors of the airways which traverse the transition areas proposed herein would automatically coincide with the floors of the transition areas.

Certain revisions to the prescribed instrument approach procedures would be effected in conjunction with the actions proposed herein but operational complexity would not be increased nor would aircraft performance or present landing minimums be adversely affected.

Specific details of the changes to procedures that would be required may be examined by contacting the Chief, Airspace Branch, Air Traffic Division, Central Region, Federal Aviation Agency, 4825 Troost Avenue, Kansas City, Mo., 64110.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Director, Central Region, Attention: Chief, Air Traffic Division, Federal Aviation Agency, 4825 Troost Avenue, Kansas City, Mo., 64110. All communications received within 45 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Division Chief. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The public Docket will be available for examination by interested persons in the office of the Regional Counsel, Federal Aviation Agency, 4825 Troost Avenue, Kansas City, Mo., 64110.

This amendment is proposed under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348).

Issued at Kansas City, Mo., on May 17, 1965.

EDWARD C. MARSH,
Director, Central Region.

[F.R. Doc. 65-5463; Filed, May 25, 1965; 8:45 a.m.]

Notices

DEPARTMENT OF THE TREASURY

Coast Guard

[CGFR 65-10]

EQUIPMENT, INSTALLATIONS, OR MATERIALS

Approval and Termination of Approval Notice

1. Various items of lifesaving, firefighting, and miscellaneous equipment, installations, and materials used on merchant vessels subject to Coast Guard inspection or on certain motorboats and other pleasure craft are required by law and various regulations in 46 CFR Chapter I to be of types approved by the Commandant, United States Coast Guard. The procedures governing the granting of approvals, and the cancellation, termination or withdrawal of approvals are set forth in 46 CFR 2.75-1 to 2.75-50, inclusive. For certain types of equipment, installations, and materials, specifications have been prescribed by the Commandant and are published in 46 CFR Parts 160 to 164, inclusive (Subchapter Q—Specifications), and detailed procedures for obtaining approvals are also described therein.

2. The Commandant's approval of a specific item is intended to provide a control over its quality. Therefore, such approval applies only to the item constructed or installed in accordance with the applicable requirements and the details described in the specific approval. If a specific item when manufactured does not comply with the details in the approval, then such item is not considered to have the Commandant's approval, and the certificate of approval issued to the manufacturer does not apply to such modified item. For example, if an item is manufactured with changes in design or material not previously approved, the approval does not apply to such modified item.

3. After a manufacturer has submitted satisfactory evidence that a particular item complies with the applicable laws and regulations, a Certificate of Approval (Form CGHQ-10030) will be issued to the manufacturer certifying that the item specified complies with the applicable laws and regulations and approval is given, which will be in effect for a period of 5 years from the date given unless sooner canceled or suspended by proper authority.

4. The purpose of this document is to notify all concerned that certain approvals were granted or terminated, as described in this document, during the period from December 10, 1964, to January 18, 1965 (List Nos. 3-65 and 4-65). These actions were taken in accordance with procedures set forth in 46 CFR 2.75-1 to 2.75-50, inclusive.

5. The delegations of authority for the Coast Guard's actions with respect to approvals may be found in section 632 of Title 14, U.S. Code, and in Treasury Department Orders 120 dated July 31, 1950 (15 F.R. 6521), 167-14 dated November 26, 1954 (19 F.R. 8026), 167-15, dated January 3, 1955 (20 F.R. 940), 167-20 dated June 18, 1956 (21 F.R. 4394), CGFR 56-28, dated July 24, 1956 (21 F.R. 5659), or 167-38 dated October 26, 1959 (24 F.R. 8857), and the statutory authority may be found in R.S. 4405, as amended, 4462, as amended, 4488, as amended, 4491, as amended, secs. 1, 2, 49 Stat. 1544, as amended, sec. 17, 54 Stat. 166, as amended, sec. 3, 54 Stat. 346, as amended, sec. 3, 70 Stat. 152 (46 U.S.C. 375, 416, 481, 489, 367, 526p, 1333, 390b), sec. 4(e), 67 Stat. 462 (43 U.S.C. 1333 (e)), or sec. 3(c), 68 Stat. 675 (50 U.S.C. 198), and implementing regulations in 46 CFR Chapter I or 33 CFR Chapter I.

6. In Part I of this document are listed the approvals granted which shall be in effect for a period of 5 years from the dates granted, unless sooner canceled or suspended by proper authority.

7. In Part II of this document are listed the approvals which have been terminated. Notwithstanding this termination of approvals of the items of equipment as listed in Part II such equipment may be used so long as such equipment is in good and serviceable condition.

PART I—APPROVALS OF EQUIPMENT, INSTALLATIONS OR MATERIALS

DAVITS

Approval No. 160.032/102/1, mechanical davit, crescent sheath screw, Type C-68 (formerly Type C-65), approved for a maximum working load of 13,600 pounds per set (6,800 pounds per arm) using 2-part falls, identified by arrangement dwg. No. 2082-10, Rev. 5 dated October 18, 1954, manufactured by Welin Davit and Boat Division of Continental Copper & Steel Industries, Inc., Perth Amboy, N.J., effective January 18, 1965. (It is an extension of Approval No. 160.032/102/1 dated January 18, 1960.)

LIFEBOATS

Approval No. 160.035/286/3, 24.0' x 8.0' x 3.5' steel, oar-propelled lifeboat, 40-person capacity, identified by construction and arrangement dwg. No. 24-9, Rev. G dated December 18, 1964, manufactured by Marine Safety Equipment Corp., Foot of Paynter's Road, Farmingdale, N.J., 07727, effective January 14, 1965. (It supersedes Approval No. 160.035/286/2 dated October 23, 1964, to show change in construction.)

BUOYANT CUSHIONS, KAPOK OR FIBROUS GLASS

NOTE: Approved for use on motorboats of Classes A, 1, or 2 not carrying passengers for hire.

Approval No. 160.047/541/0, Type I, Model AE-1, adult, kapok buoyant vest, U.S.C.G. Specification Subpart 160.047, manufactured by American Pad & Textile Co., 6230 Bienvenue Street, New Orleans, La., 70117, and Fairfield, Calif., for Liberty Distributors, 2570 Devon Avenue, Des Plaines, Ill., 60016, effective January 12, 1965. (It supersedes Approval No. 160.047/541/0 dated October 31, 1962, to show change of address of manufacturer.)

Approval No. 160.047/542/0, Type I, Model CKM-1, child medium kapok buoyant vest, U.S.C.G. Specification Subpart 160.047, manufactured by American Pad & Textile Co., 6230 Bienvenue Street, New Orleans, La., 70117, and Fairfield, Calif., for Liberty Distributors, 2570 Devon Avenue, Des Plaines, Ill., 60016, effective January 12, 1965. (It supersedes Approval No. 160.047/542/0 dated October 31, 1962, to show change of address of manufacturer.)

Approval No. 160.047/543/0, Type I, Model CKS-1, child small, kapok buoyant vest, U.S.C.G. Specification Subpart 160.047, manufactured by American Pad & Textile Co., 6230 Bienvenue Street, New Orleans, La., 70117, and Fairfield, Calif., for Liberty Distributors, 2570 Devon Avenue, Des Plaines, Ill., 60016, effective January 12, 1965. (It supersedes Approval No. 160.047/543/0 dated October 31, 1962, to show change of address of manufacturer.)

BUOYANT CUSHIONS, KAPOK OR FIBROUS GLASS

Approval No. 160.048/220/0, group approval for rectangular and trapezoidal kapok buoyant cushions, U.S.C.G. Specification Subpart 160.048, sizes and weights of kapok filling to be as per Table 160.048-4(c)(1)(i), manufactured by American Pad & Textile Co., 6230 Bienvenue Street, New Orleans, La., 70117, and Fairfield, Calif., for Liberty Distributors, 2570 Devon Avenue, Des Plaines, Ill., 60016, effective January 12, 1965. (Approved for use on motorboats of Classes A, 1, or 2 not carrying passengers for hire.) (It supersedes Approval No. 160.048/220/0 dated October 31, 1962, to show change of address of manufacturer.)

BUOYANT CUSHIONS, UNICELLULAR PLASTIC FOAM

Approval No. 160.049/65/0, group approval for rectangular and trapezoidal unicellular plastic foam buoyant cushions, U.S.C.G. Specification Subpart 160.049, sizes to be as per Table 160.049-4(c)(1), manufactured by Elvin Salow Co., 273-285 Congress Street, Boston 10, Mass., effective January 6, 1965. (Approved for use on motorboats of Classes A, 1, or 2 not carrying passengers for hire.)

BUOYANT VESTS, UNICELLULAR PLASTIC FOAM, ADULT AND CHILD

Approval No. 160.052/208/0, Type II, Model No. SM603, adult unicellular plas-

tic foam buoyant vest, American Pad & Textile Co., dwg. C–28 (sheets 1 and 4) and Specifications C–28 dated March 13, 1961, manufactured by American Pad & Textile Co., 6230 Bienvenue Street, New Orleans, La., 70117, and Fairfield, Calif., for Liberty Distributors, 2570 Devon Avenue, Des Plaines, Ill., 60016, effective January 12, 1965. (Approved for use on motorboats of Classes A, 1, or 2 not carrying passengers for hire.) (It supersedes Approval No. 160.052/208/0 dated October 31, 1962, to show change of address of manufacturer.)

KITS, FIRST-AID, FOR INFLATABLE LIFE RAFTS

Approval No. 160.054/4/1, Model M–3 first aid kit for inflatable life rafts, dwg. dated December 29, 1964, manufactured by E. D. Bullard Co., 2680 Bridgeway, Sausalito, Calif., 94965, effective January 12, 1965. (It supersedes Approval No. 160.054/4/0 dated August 16, 1960, to show change in construction.)

FLASHLIGHTS, ELECTRIC, HAND

Approval No. 161.008/15/0, No. 2217 explosion-proof flashlight, Type II, size 2 (2-cell), identified by assembly drawing No. 3F–1744A dated 3–28–63, Rev. 5–19–64, manufactured by Bright Star Industries, Clifton, N.J., effective January 6, 1965. (Each flashlight shall be plainly marked with the name of the manufacturer and the above model number.)

Approval No. 161.008/16/0, No. 2224 explosion-proof flashlight, Type II, size 3(3-cell), identified by assembly drawing No. 3F–1744A dated 3–28–63, Rev. 5–19–64, manufactured by Bright Star Industries, Clifton, N.J., effective January 6, 1965. (Each flashlight shall be plainly marked with the name of the manufacturer and the above model number.)

APPLIANCES, LIQUEFIED PETROLEUM GAS CONSUMING

Approval No. 162.020/83/0, South Bend Model No. 4000 range for liquefied petroleum gas service, approved by the American Gas Association, Inc., under Certificate No. 11–(44–4.1 and –6.1).001, manufactured by The Malleable Steel Range Manufacturing Corp., South Bend 21, Ind., effective January 18, 1965. (It is an extension of Approval No. 162.020/83/0 dated January 18, 1960.)

Approval No. 162.020/84/0, South Bend Model 4002 range for liquefied petroleum gas service, approved by the American Gas Association, Inc., under Certificate No. 11–(44–4.1 and –6.1).001, manufactured by The Malleable Steel Range Manufacturing Corp., South Bend 21, Ind., effective January 18, 1965. (It is an extension of Approval No. 162.020/84/0 dated January 18, 1960.)

Approval No. 162.020/85/0, South Bend Model No. 4003 range for liquefied petroleum gas service, approved by the American Gas Association, Inc., under Certificate No. 11–(44–4.1 and –6.1).001, manufactured by The Malleable Steel Range Manufacturing Corp., South Bend 21, Ind., effective January 18, 1965. (It is an extension of Approval No. 162.020/85/0 dated January 18, 1960.)

Approval No. 162.020/86/0, South Bend Model No. 4004 range for liquefied petroleum gas service, approved by the American Gas Association, Inc., under Certificate No. 11–(44–4.1 and –6.1).001, manufactured by The Malleable Steel Range Manufacturing Corp., South Bend 21, Ind., effective January 18, 1965. (It is an extension of Approval No. 162.020/86/0 dated January 18, 1960.)

Approval No. 162.020/87/0, South Bend Model No. 4020 range for liquefied petroleum gas service, approved by the American Gas Association, Inc., under Certificate No. 11–(44–4.1 and –6.1).001, manufactured by The Malleable Steel Range Manufacturing Corp., South Bend 21, Ind., effective January 18, 1965. (It is an extension of Approval No. 162.020/87/0 dated January 18, 1960.)

Approval No. 162.020/88/0, South Bend Model No. 4022 range for liquefied petroleum gas service, approved by the American Gas Association, Inc., under Certificate No. 11–(44–4.1 and –6.1) .001, manufactured by The Malleable Steel Range Manufacturing Corp., South Bend 21, Ind., effective January 18, 1965. (It is an extension of Approval No. 162.020/88/0 dated January 18, 1960.)

Approval No. 162.020/89/0, South Bend Model No. 4023 range for liquefied petroleum gas service, approved by the American Gas Association, Inc., under Certificate No. 11–(44–4.1 and –6.1).001, manufactured by The Malleable Steel Range Manufacturing Corp., South Bend 21, Ind., effective January 18, 1965. (It is an extension of Approval No. 162.020/89/0 dated January 18, 1960.)

Approval No. 162.020/90/0, South Bend Model No. 4025 range for liquefied petroleum gas service, approved by the American Gas Association, Inc., under Certificate No. 11–(44–4.1 and –6.1).001, manufactured by The Malleable Steel Range Manufacturing Corp., South Bend 21, Ind., effective January 18, 1965. (It is an extension of Approval No. 162.020/90/0 dated January 18, 1960.)

PART II—TERMINATIONS OF APPROVAL OF EQUIPMENT, INSTALLATIONS OR MATERIALS

LIFEBOATS

Welin Davit and Boat Division of Continental Copper & Steel Industries, Inc., Perth Amboy, N.J., Approval Nos. 160.035/37/1, 160.035/185/1 and 160.035/312/0 are terminated because these approvals have expired.

BUOYANT VESTS, KAPOK OR FIBROUS GLASS, ADULT AND CHILD

NOTE: Approved for use on motorboats of Classes A, 1, or 2 not carrying passengers for hire.

Brunswick Corp., Brunswick Sports Division, Eminence, Ky., Approval Nos. 160.047/378/0, 160.047/379/0, and 160.047/380/0, for Liberty Distributors, 4300 North Fifth Street, Philadelphia 5, Pa., are terminated effective December 10, 1964, because items are no longer manufactured.

Crawford Manufacturing Co., Inc., Third and Decatur Streets, Richmond 12, Va., and 12th and Graham Streets, Emporia, Kans., for Liberty Distributors, 4300 North Fifth Street, Philadelphia 5, Pa., Approval Nos. 160.047/520/0, 160.047/521/0, and 160.047/522/0 are terminated effective December 10, 1964, because items are no longer manufactured.

BUOYANT CUSHIONS, KAPOK OR FIBROUS GLASS

NOTE: Approved for use on motorboats of Classes A, 1, or 2 not carrying passengers for hire.

Brunswick Corp., Brunswick Sports Division, Eminence, Ky., Approval No. 160.048/173/0, for Liberty Distributors, 4300 North Fifth Street, Philadelphia 5, Pa., is terminated effective December 10, 1964, because item is no longer manufactured.

Crawford Manufacturing Co., Inc., Third and Decatur Streets, Richmond 12, Va., and 12th and Graham Streets, Emporia, Kans., for Liberty Distributors, 4300 North Fifth Street, Philadelphia 5, Pa., Approval No. 160.048/210/0 is terminated effective December 10, 1964, because item is no longer manufactured.

Dated: May 13, 1965.

[SEAL] W. D. SHIELDS,
Vice Admiral, U.S. Coast Guard,
Acting Commandant.

[F.R. Doc. 65–5487; Filed, May 25, 1965; 8:47 a.m.]

DEPARTMENT OF AGRICULTURE

Office of the Secretary

MICHIGAN AND PENNSYLVANIA

Designation of Areas for Emergency Loans

For the purpose of making emergency loans pursuant to section 321 of the Consolidated Farmers Home Administration Act of 1961 (7 U.S.C. 1961), it has been determined that in the hereinafter-named counties in the States of Michigan and Pennsylvania a natural disaster has caused a need for agricultural credit not readily available from commercial banks, cooperative lending agencies, or other responsible sources.

MICHIGAN

Ogemaw.

PENNSYLVANIA

Cameron.

Pursuant to the authority set forth above, emergency loans will not be made in the above-named counties after December 31, 1965, except to applicants who previously received emergency or special livestock loan assistance and who can qualify under established policies and procedures.

Done at Washington, D.C., this 21st day of May 1965.

ORVILLE L. FREEMAN,
Secretary.

[F.R. Doc. 65–5475; Filed, May 25, 1965; 8:46 a.m.]

DEPARTMENT OF COMMERCE

Maritime Administration

[Report No. 56]

LIST OF FREE WORLD AND POLISH FLAG VESSELS ARRIVING IN CUBA SINCE JANUARY 1, 1963

SECTION 1, The Maritime Administration is making available to the appropriate Departments the following list of vessels which have arrived in Cuba since January 1, 1963, based on information received through May 17, 1965, exclusive of those vessels that called at Cuba on United States Government-approved noncommercial voyages and those listed in section 2. Pursuant to established United States Government policy, the listed vessels are ineligible to carry United States Government-financed cargoes from the United States.

FLAG OF REGISTRY AND NAME OF SHIP	Gross tonnage
Total, all flags (237 ships)	1,654,345
British (77 ships)	873,043
**Agate (trips to Cuba under ex-name Dairen—British flag).	
**Amalia (now Maltese flag).	
**Amazon River (now River—sold to Dutch breakers)	7,234
Antarctica	8,785
Arctic Ocean	8,791
Ardenode	7,086
Ardgem	6,981
Ardmore	4,664
Ardpatrick	7,054
Ardrowan	7,300
Ardsirod	7,025
Arditara	5,795
**Arlington Court (now Southgate—British flag).	
Athelcrown (Tanker)	11,149
Athelduke (Tanker)	9,069
Athelmere (Tanker)	7,524
Athelmonarch (Tanker)	11,182
Athelsultan (Tanker)	9,149
Aviafaith	7,868
Bartergate	8,813
Cheung Chau	8,566
**Chipbee (Sold for scrap)	7,371
**Cosmo Trader (trips to Cuba under ex-name, Ivy Pair—British flag).	
**Dairen (now Agate—British flag)	4,939
East Breeze	8,708
Eastfortune	8,789
Elrini	7,402
Formentor	8,424
Free Enterprise	6,807
Free Merchant	8,287
**Garthdale (now Jeb Lee—British flag)	7,843
Grosvenor Mariner	7,026
Haselmoor	7,907
Helka	2,111
Hemisphere	6,718
Ho Fung	7,121
Inchstaffa	8,255
**Ivy Pair (now Cosmo Trader—British flag)	7,901
**Jeb Lee (trip to Cuba under ex-name, Garthdale—British flag).	
Kinross	8,388

**Ships appearing on the list that have been scrapped or have had changes in name and/or flag of registry.

FLAG OF REGISTRY, NAME OF SHIP—Continued	Gross tonnage
British—Continued	
**Kirriemoor (now Jhelum—Pakistani flag)	8,923
La Hortensia	8,488
Linkmoor	8,236
Magister	8,639
Maratha Enterprise	7,166
Nancy Dee	8,597
Nebula	8,934
**Newdene (now Free Navigator—Haitian flag)	7,181
Newforest	7,185
Newgate	6,743
Newglade	7,968
Newgrove	7,172
Newheath	8,691
Newhill	7,856
Newlane	7,043
Newmeadow	8,654
Newmoat	7,151
Oceantramp	6,185
Oceantravel	10,477
Peony	9,087
Redbrook	7,385
Ruthy Ann	7,361
**St. Antonio (now Maltese flag).	
Sandsend	7,236
Santa Granda	7,229
Sea Amber	10,421
Sea Coral	10,421
Sea Empress	10,074
Shienfoon	7,127
Shun Fung	7,148
Soolyre	7,291
**Southgate (previous trips to Cuba under ex-name, Arlington Court—British flag)	8,562
Stanwear	8,108
Suva Breeze	4,970
Swift River	7,251
Thames Breeze	7,879
**Timios Stavros (now Maltese flag—Previous trips to Cuba under Greek flag).	
Venice	8,611
Vercharmian	7,365
Vergmont	7,221
West Breeze	8,718
Yungfutary	8,868
Yunglutaton	8,414
Zela M	7,227
Lebanese (60 ships)	401,184
Agia Sophia	8,108
Aioloe II	7,258
Ais Giannis	9,227
Akamas	7,385
Al Amin	7,186
Alaska	8,069
Anthas	7,044
Antonis	8,259
Ares	8,557
Areti	7,176
Aristefs	8,295
Astir	8,294
Athamas	4,729
**Carnation (Sold Spanish breakers)	4,694
**Christos (trip to Cuba under ex-name, Pamit—Greek flag).	
Claire	8,411
Cris	8,082
Dimos	7,187
**E. Myrtidiotissa (trips to Cuba under ex-name, Kalliopi D. Semos—Lebanese flag).	
Free Trader	7,057
Giannis	8,270
Giorgos Tsakiroglou	7,340
Granikos	7,222
Ilena	8,234
Ioannis Aspiotis	7,287
**Kalliopi D. Lemos (now E. Myrtidiotissa—Lebanese flag)	8,108
Katerina	9,257

FLAG OF REGISTRY, NAME OF SHIP—Continued	Gross tonnage
Lebanese—Continued	
Leftric	7,176
Malou	7,145
Mantric	7,256
Maria Despina	7,254
Maria Remee	7,208
Marichristina	7,124
Marymark	4,383
Mersinidi	6,782
Mimosa	7,314
Mousee	6,984
Nictric	7,296
Noelle	7,251
Noemi	7,070
Olga	7,199
Panagos	7,133
Parmarina	6,721
**Rasani (broken up)	7,253
Reneka	7,250
Rio	7,194
St. Anthony	5,349
St. Nicolas	7,165
San George	7,267
San John	8,172
San Spyridon	7,200
Stevo	7,066
Taxiarhis	7,349
Tertric	7,043
Theodoros Lemos	7,198
Theologos	6,529
Toula	4,551
Troyan	7,243
Vassiliki	7,192
Vastric	6,453
Vergolivada	6,339
* Yamilas	10,051
Greek (36 ships)	259,391
Agios Therapon	8,617
Akastos	7,331
Alice	7,189
**Ambassade (sold Hong Kong shipbreakers)	8,600
Americana	7,104
Anacreon	7,359
**Anatoli (now Sunrise—Cypriot flag)	7,187
**Andromachi (previous trips to Cuba under ex-name, Penelope—Greek flag)	6,712
Antonia	5,171
Apollon	9,744
Athanassios K	7,216
Barbarino	7,084
Calliopi Michalos	7,249
**Capetan Petros (now Kyramartha—Greek flag)	7,291
**Embassy (broken up)	8,418
Flora M	7,244
**Gloria (now Helen—Greek flag)	7,128
**Helen (trip to Cuba under ex-name, Gloria—Greek flag).	
Irena	7,232
Istros II	7,275
Kapetan Kostis	5,032
Kyra Hariklia	6,888
Kyramartha (previous trips to Cuba under ex-name, Capetan Petros—Greek flag).	
Maria Theresa	7,245
Marigo	7,147
Maroudio	7,369
Mastro-Stelios II	7,282
**Nicolaos F. (previous trip to Cuba under ex-name, Nicolaos Frangistas—Greek flag).	
**Nicolaos Frangistas (now Nicolaos F.—Greek flag)	7,199
**Pamit (now Christos—Lebanese flag)	8,929
Pantanassa	7,131
Paxoi	7,144
**Penelope (now Andromachi—Greek flag).	

FLAG OF REGISTRY, NAME OF SHIP—Continued

	Gross tonnage
Greek—Continued	
**Plato Trader (trip to Cuba under ex-name, Stylianos N. Vlassopulos—Greek flag).	
**Presvia (broken up)	10,820
Redestos	5,911
**Seirios (broken up)	7,239
Sophia	7,030
**Stylianos N. Vlassopulos (now Plato Trader—Greek flag)	7,244
**Timios Stavros (formerly British flag—now Maltese flag).	
Tina	7,362
Western Trader	9,268
Polish (16 ships)	112,779
Baltyk	6,963
Bialystok	7,173
Bytom	5,967
Chopin	6,987
Chorzow	7,237
Huta Florian	7,258
Huta Labedy	7,221
Huta Ostrowiec	7,175
Huta Zgoda	6,840
Kopalnia Bobrek	7,221
Kopalnia Czeladz	7,252
Kopalnia Miechowice	7,223
Kopalnia Siemianowice	7,165
Kopalnia Wujek	7,033
Piast	3,184
Transportowiec	10,880
Italian (13 ships)	104,492
Achille	6,950
Agostino Bertani	8,380
Andrea Costa (Tanker)	10,440
Aspromonte	7,154
Giuseppe Giulietti (Tanker)	17,519
Mariasusanna	2,479
Montiron	1,595
Nasareno	7,173
Nino Bixio	8,427
San Francesco	9,284
San Nicola (Tanker)	12,461
Santa Lucia	9,270
**Somalia (now Chen Chang—Nationalist Chinese flag)	3,352
Yugoslav (8 ships)	57,143
Bar	7,233
Cavtat	7,266
Cetinje	7,300
Dugi Otok	6,997
Kolasin	7,217
Mojkovac	7,125
Promina	6,960
**Trebisnjica (wrecked)	7,145
French (6 ships)	16,391
Circe	2,874
Enee	1,232
Poulaya	3,739
Mungo	4,320
Nelee	2,874
Neve	952
Moroccan (5 ships)	35,826
Atlas	10,392
Banora	3,082
Marrakech	3,214
Mauritanie	10,392
Toubkal	8,749
Finnish (4 ships)	32,861
Augusta Paulin	7,096
**Hermia (trip to Cuba under ex-name Amfred—Swedish flag).	

**Ships appearing on the list that have been scrapped or have had changes in name and/or flag of registry.

FLAG OF REGISTRY, NAME OF SHIP—Continued

	Gross tonnage
Finnish—Continued	
Margrethe Paulin	7,251
Ragni Paulin	6,823
Valny (Tanker)	11,691
Maltese (4 ships)	26,497
**Amalia (previous trips to Cuba under British flag)	7,304
Ispahan	7,156
**St. Antonio (previous trip to Cuba under British flag)	6,704
**Timios Stavros (previous trips to Cuba under British flag and Greek flag)	5,333
Swedish (2 ships)	9,318
**Amfred (now Hermia—Finnish flag)	2,828
Dagmar	6,490
Netherlands (2 ships)	999
Meike	500
Tempo	499
Norwegian (2 ships)	10,003
Olb Bratt	5,252
**Tine (now Jesreel—Panamanian flag)	4,750
Cypriot (2 ships)	14,417
Adelphos Petrakis	7,170
*Artemida	7,247
**Sunrise (trip to Cuba under ex-name Anatoli—Greek flag).	
Haitian:	
**Free Navigator (trips to Cuba under ex-name Newdene—British flag).	
Nationalist Chinese:	
**Chen Chang (trip to Cuba under ex-name, Somalia—Italian flag).	
Panamanian:	
**Jesreel (trip to Cuba under ex-name, Tine—Norwegian flag).	
Pakistani:	
**Jhelum (trip to Cuba under ex-name, Kirriemoor—British flag).	

*Added to Report No. 55, appearing in the FEDERAL REGISTER issue of May 12, 1965.

SEC. 2. In accordance with approved procedures, the vessels listed below which called at Cuba after January 1, 1963, have reacquired eligibility to carry United States Government-financed cargoes from the United States by virtue of the persons who control the vessels having given satisfactory certification and assurance:

(a) That such vessels will not, thenceforth, be employed in the Cuba trade so long as it remains the policy of the United States Government to discourage such trade; and

(b) That no other vessels under their control will thenceforth be employed in the Cuba trade, except as provided in paragraph (c); and

(c) That vessels under their control which are covered by contractual obligations, including charters, entered into prior to December 16, 1963, requiring their employment in the Cuba trade shall be withdrawn from such trade at the earliest opportunity consistent with such contractual obligations.

FLAG OF REGISTRY AND NAME OF SHIP

a. Since last report:

	Gross tonnage
British (1 ship):	
Canuk Trader (now Eliza—Liberian flag)	7,151
Swedish (1 ship):	
Atlantic Friend (now Atlantic Venture—Liberian flag)	7,815
Kuwaiti (1 ship):	
Maha	1,392

b. Previous reports:

Flag of registry (total)	Number of ships 79
British	33
Danish	1
Finnish	1
French	1
German (West)	1
Greek	24
Israeli	1
Italian	8
Japanese	1
Lebanese	1
Norwegian	4
Spanish	6

SEC. 3. The ships listed in sections 1 and 2 have made the following number of trips to Cuba since January 1, 1963, based on information received through May 17, 1965:

Flag of registry	Number of trips										
	1963	1964				1965					Total
		Jan.–Sept.	Oct.	Nov.	Dec.	Jan.	Feb.	Mar.	Apr.	May	
British	193	149	14	8	9	8	7	12	8	1	367
Lebanese	94	70	3	4	8	8	2	4	4		173
Greek	99	78	1	1		3		1	2	2	138
Italian	16	15		3	2	3	2	1	3		45
Spanish	8	14	2	1							25
Norwegian	14	8	1	1							24
Moroccan	9	11	2								22
Yugoslav	12	9			2			4			27
French	3	5	1	1	2				1		13
Swedish	3	3			1						7
Finnish	1	3	1								5
Netherlands		1	1		2				1		4
Maltese					3	1			1		4
Israeli						1	1			1	3
Kuwaiti		2									2
Cypriot		1							1		2
Danish	1										1
Germany (West)	1										1
Japanese	1										1
Sub total	370	324	25	19	25	24	12	24	15	4	844
Polish	18	13	1	1	2	2	1	1	1		39
Grand total	388	337	27	20	27	26	13	25	17	4	883

NOTE: Trip totals in this section exceed ship totals in secs. 1 and 2 because some of the ships made more than one trip to Cuba.

Dated: May 20, 1965.

By order of the Deputy Maritime Administrator.

JAMES S. DAWSON, JR.,
Secretary.

[F.R. Doc. 65-5495; Filed, May 25, 1965; 8:49 a.m.]

Bureau of International Commerce

[File No. 24(65)-4 etc.]

JOSEPH LEWO ET AL.

Order Temporarily Denying Export Privileges

In the matter of Joseph Lewo, also known as Joseph Jeuda Levos, Joseph Levo, and Joseph Liebow, 1400 Pine Avenue West, Montreal, Quebec, Canada, respondent; J. L. International, Ltd. (formerly called Jaymor Enterprises, Inc.), and Canex, Ltd., 1400 Pine Avenue West, Montreal, Quebec, Canada, related parties; File 24(65)-4 et al.

The Director, Investigations Division, Office of Export Control, Bureau of International Commerce, U.S. Department of Commerce, pursuant to the provisions of § 382.11 of the Export Regulations (title 15, chapter III, subchapter B, Code of Federal Regulations), has applied to the Compliance Commissioner for an order temporarily denying all export privileges to the above-named respondent. It was requested that the order remain in effect for a period of 60 days, pending continued investigation into the facts and transactions giving rise to the application and the commencement of such proceedings as may be deemed proper under the law against said respondent.

The Compliance Commissioner has reviewed the application and the evidence presented in support thereof and has submitted his report, together with his recommendation that the application be granted and that a temporary denial order be issued for 60 days.

The evidence and recommendation of the Compliance Commissioner have been considered. On the evidence presented, there is reasonable basis to believe that the respondent Joseph Lewo, also known as Joseph Jeuda Levos, Joseph Levo, and Joseph Liebow, is a resident of Montreal, Quebec, Canada; that he has been participating with Pierre Emile Marie Contresty in transactions involving U.S.-origin commodities; that said Contresty has been denied U.S. export privileges (29 F.R. 505, January 21, 1964); that said respondent has been participating in transactions involving U.S.-origin commodities with knowledge that violations of the Export Control Regulations are intended to occur; that said respondent is conspiring with or acting in concert with said Contresty to bring about and do acts which constitute violations of the U.S. Export Regulations; and that the purpose of the said respondent is to participate in reexportations, transshipments, and diversions of U.S.-origin commodities to Cuba in violation of the U.S. Export Regulations. Further, there is reasonable basis to believe that said respondent will continue such conduct in contravention of the Export Control Act and Regulations unless U.S. export privileges are temporarily denied. I find that an order denying export privileges to the respondent is reasonably necessary for the protection of the public interest and national security.

The evidence presented shows that the respondent is a responsible official in and has an important part in directing and controlling the activities and operations of the firms known as J. L. International, Ltd. (formerly called Jaymor Enterprises, Inc.) and Canex, Ltd., both of which are located at 1400 Pine Avenue West, Montreal, Quebec, Canada. There is reasonable basis to believe that to prevent evasion of this order it is necessary that it be made applicable to said firms. Accordingly, a determination is hereby made that within the purview of § 382.1(b) of the Export Regulations the said firms are related parties to said respondent. All of the prohibitions and restrictions of this order are applicable to said firms as though each was named as a respondent herein.

It is hereby ordered:

I. All outstanding validated export licenses in which respondent appears or participates in any manner or capacity are hereby revoked and shall be returned forthwith to the Bureau of International Commerce for cancellation.

II. The respondent, his successors or assigns, partners, representatives, agents, and employees hereby are denied all privileges of participating, directly or indirectly, in any manner or capacity, in any transaction involving commodities or technical data exported from the United States in whole or in part, or to be exported, or which are otherwise subject to the Export Regulations. Without limitation of the generality of the foregoing, participation prohibited in any such transaction, either in the United States or abroad, shall include participation, directly or indirectly, in any manner or capacity: (a) As a party or as a representative of a party to any validated export license application; (b) in the preparation or filing of any export license application or reexportation authorization, or any document to be submitted therewith; (c) in the obtaining or using of any validated or general export license or other export control document; (d) in the carrying on of negotiations with respect to, or in the receiving, ordering, buying, selling, delivering, storing, using, or disposing of any commodities or technical data in whole or in part exported or to be exported from the United States; and (e) in the financing, forwarding, transporting, or other servicing of such commodities or technical data.

III. Such denial of export privileges shall extend not only to the respondent, but also to his agents and employees and to any successor and to any person, firm, corporation, or business organization with which he now or hereafter may be related by affiliation, ownership, control, position of responsibility, or other connection in the conduct of trade or services connected therewith.

IV. This order shall take effect forthwith and shall remain in effect for a period of 60 days from the date hereof, unless it is hereafter extended, amended, modified, or vacated in accordance with the provisions of the U.S. Export Regulations.

V. No person, firm, corporation, partnership, or other business organization, whether in the United States or elsewhere, without prior disclosure to and specific authorization from the Bureau of International Commerce, shall do any of the following acts, directly or indirectly, or carry on negotiations with respect thereto, in any manner or capacity, on behalf of or in any association with the respondent or any related party, or whereby the respondent or related party may obtain any benefit therefrom or have any interest or participation therein, directly or indirectly: (a) Apply for, obtain, transfer, or use any license, Shipper's Export Declaration, bill of lading, or other export control document relating to any exportation, reexportation, transshipment, or diversion of any commodity or technical data exported or to be exported from the United States, by, to, or for any such respondent or related party denied export privileges; or (b) order, buy, receive, use, sell, deliver, store, dispose of, forward, transport, finance, or otherwise service or participate in any exportation, reexportation, transshipment, or diversion of any commodity or technical data exported or to be exported from the United States.

VI. A copy of this order shall be served upon the respondent.

VII. In accordance with the provisions of § 382.11(c) of the Export Regulations, the respondent or any related party may move at any time to vacate or modify this temporary denial order by filing an appropriate motion therefor, supported by evidence, with the Compliance Commissioner and may request an oral hearing thereon which, if requested, shall be held before the Compliance Commissioner in Washington, D.C., at the earliest convenient date.

This order shall become effective forthwith.

Dated: May 20, 1965.

FORREST D. HOCKERSMITH,
Director,
Office of Export Control.

[F.R. Doc. 65-5464; Filed, May 25, 1965; 8:45 a.m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[Wyoming 0310161]

WYOMING

Notice of Termination of Proposed Withdrawal and Reservation of Lands

MAY 19, 1965.

Notice of an application Serial No. Wyoming 0310161, for withdrawal and

reservation of lands was published as Federal Register Document No. 64-6815 on page 9402 of the issue for July 9, 1964. The applicant agency has canceled its application insofar as it involved the lands described below. Therefore, pursuant to the regulations contained in 43 CFR Part 2311, such lands will be at 10 a.m. on June 23, 1965, relieved of the segregative effect of the above-mentioned application.

The lands involved in this notice of termination are:

SIXTH PRINCIPAL MERIDIAN, WYOMING

T. 46 N., R. 64 W.,
Sec. 23, NW¼NW¼SW¼.

The area described contains 10.0 acres.

ED PIERSON,
State Director.

[F.R. Doc. 65-5471; Filed, May 25, 1965; 8:45 a.m.]

CIVIL SERVICE COMMISSION

OCEANOGRAPHY SERIES

Minimum Educational Requirements

In accordance with section 5 of the Veterans' Preference Act of 1944, as amended, the Civil Service Commission has decided that previously approved minimum educational requirements for positions in the Oceanography Series, GS-1360, should be superseded by revised requirements. Identification of the superseded requirements, the revised requirements, the duties of the positions, and the reasons for the Commission's decision that these requirements are necessary are set forth below.

THE OCEANOGRAPHY SERIES, GS-1360 (ALL POSITIONS)

Superseded requirements. The following material supersedes that previously published in 29 F.R. 12407, August 28, 1964.

Minimum educational requirements. Candidates for these positions must have successfully completed A or B below:

A. A full 4-year course of study in an accredited college or university leading to a bachelor's degree with major study of at least 24 semester hours in oceanography or a related discipline such as physics, meteorology, geophysics, mathematics, chemistry, engineering, geology, or biology plus 20 semester hours in any combination of oceanography, physics, geophysics, chemistry, mathematics, meterology, and engineering sciences.

B. Major study at least 24 semester hours in oceanography, or a related discipline such as physics, meteorology, geophysics, mathematics, chemistry, engineering, geology, or biology plus 20 semester hours in any combination of oceanography, physics, geophysics, chemistry, mathematics, meteorology, and engineering sciences, combined with additional education and/or pertinent work experience in the field of oceanography totaling 4 years of education and experience. This combination of education and experience must have provided the candidate with professional knowledge and ability comparable to that required under paragraph A.

In either A or B above: Candidates who qualify on the basis of major study in biology or geology must show at least 6 semester hours in the major directly concerned with marine science, or in oceanography; candidates who qualify on the basis of other physical sciences or engineering, must show differential and integral calculus and at least 6 semester hours in physics.

Candidates for research positions must meet the requirements prescribed in paragraph A.

Duties. Oceanographers plan and conduct scientific surveys, and examine selected ocean data at sea or on land; they collect, analyze, evaluate, coordinate, and interpret information derived both scientifically and empirically from the ocean and its surroundings. Some oceanographers plan, organize, conduct and administer basic and applied research in laboratories at sea and on land. In general, these scientists are concerned with research on and studies of tides, sea ice, currents, waves and other ocean events in terms of their temperatures, densities, circulation, motion, sound propagation, transparency, and similar characteristics. They are also concerned with the interaction and relationships between the ocean bottom, sea and atmosphere, including animal or plant life in the ocean, as these affect the particular ocean phenomena under study.

Reasons for establishing requirements. The duties of these positions cannot be performed successfully without formalized training either in oceanography or in a combination of the basic physical sciences which provide fundamental scientific knowledges applicable or adaptable to exploring, examining and understanding ocean phenomena. Oceanographers at the minimum must have a thorough knowledge of basic scientific methods and procedures which may be adapted to oceanographic work. Appointees must have the ability to apply their professional and scientific knowledge to their work in order to solve specific problems, interpret and apply the results of research (both in oceanography and in the applicable basic sciences), or do oceanographic research. These knowledges can be acquired only through the successful completion of a directed course of study in an accredited college or university which has scientific libraries, well equipped laboratories, and thoroughly trained instructors who can evaluate the progress of the professional and scientific training competently.

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] MARY V. WENZEL,
Executive Assistant to the Commissioners.

[F.R. Doc. 65-5493; Filed, May 25, 1965; 8:48 a.m.]

FEDERAL POWER COMMISSION

[Docket No. RI65-612, etc.]

CLEARY PETROLEUM, INC., ET AL.

Order Providing for Hearing on and Suspension of Proposed Changes in Rates; Effective Subject to Refund [1]

MAY 18, 1965.

The Respondents named herein have filed proposed changes in rates and charges of currently effective rate schedules for sales of natural gas under Commission jurisdiction, as set forth in Appendix A below.

The proposed changed rates and charges may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is in the public interest and consistent with the Natural Gas Act that the Commission enter upon hearings regarding the lawfulness of the proposed changes, and that the supplements herein be suspended and their use be deferred as ordered below.

The Commission orders:

(A) Under the Natural Gas Act, particularly sections 4 and 15, the regulations pertaining thereto (18 CFR, Ch. I), and the Commission's rules of practice and procedure, public hearings shall be held concerning the lawfulness of the proposed changes.

(B) Pending hearings and decisions thereon, the rate supplements herein are suspended and their use deferred until date shown in the "Date Suspended Until" column, and thereafter until made effective as prescribed by the Natural Gas Act: *Provided, however,* That the supplements to the rate schedules filed by Respondents, as set forth herein, shall become effective subject to refund on the date and in the manner herein prescribed if within 20 days from the date of the issuance of this order Respondents shall each execute and file under its above-designated docket number with the Secretary of the Commission its agreement and undertaking to comply with the refunding and reporting procedure required by the Natural Gas Act and § 154.102 of the regulations thereunder, accompanied by a certificate showing service of copies thereof upon all purchasers under the rate schedule involved. Unless Respondents are advised to the contrary within 15 days after the filing of their respective agreements and undertakings, such agreements and undertakings shall be deemed to have been accepted.

(C) Until otherwise ordered by the Commission, neither the suspended supplements, nor the rate schedules sought to be altered, shall be changed until disposition of these proceedings or expiration of the suspension period.

(D) Notices of intervention or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C., 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 and 1.37(f)) on or before July 7, 1965.

By the Commission.

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[1] Does not consolidate for hearing or dispose of the several matters herein.

APPENDIX A

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until—	Cents per Mcf: Rate in effect	Cents per Mcf: Proposed increased rate	Rate in effect subject to refund in Docket Nos.
RI65-612	Cleary Petroleum, Inc. (Operator), et al., 310 Kermac Bldg., Oklahoma City, Okla., 73102.	1	2	Cities Service Gas Co. (Knowles Gas Area, Beaver County, Okla.) (Panhandle Area).	$6,360	5-3-65	[1] 6-3-65	6-4-65	[2] 16.0	[3] 17.0	
	Cleary Petroleum, Inc. (Operator), et al.	3	1	do	5,850	5-3-65	[1] 6-3-65	[4] 6-4-65	[5] 16.0	[6] 17.0	
RI65-613	Coastal States Gas Producing Co., Post Office Box 521, Corpus Christi, Tex.	46	1	Trunkline Gas Co. (Hayes Field Area, Calcasieu and Jefferson Davis Parishes, La.) (South Louisiana).	7,061	4-28-65	[7] 5-27-65	[7] 5-28-65	[8] 15.23396	[9] 16.40953	

[1] The stated effective date is the effective date requested by Respondent.
[2] The suspension period is limited to 1 day.
[3] Periodic rate increase.
[4] Pressure base is 14.65 p.s.i.a.
[5] Includes 1.0 cent per Mcf paid by buyer to seller for gathering, dehydrating and delivering gas.
[6] Subject to a downward B.t.u. adjustment.
[7] Includes 3.0 cents per Mcf paid by buyer to seller for gathering, dehydrating and delivering gas.
[8] The stated effective date is the 1st day after expiration of the required statutory notice.
[9] Pressure base is 15.025 p.s.i.a.
[10] Initial rate.

Coastal States Gas Producing Co. (Coastal States) requests that its proposed rate increase be permitted to become effective as of May 1, 1965. Good cause has not been shown for waiving the 30-day notice requirement provided in section 4(d) of the Natural Gas Act to permit an earlier effective date for Coastal States' rate filing and such request is denied.

The contracts related to the rate filings proposed by Cleary Petroleum, Inc. (Operator), et al. (Cleary), and Coastal States were executed subsequent to September 26, 1960, the date of issuance of the Commission's Statement of General Policy No. 61-1, as amended, and the proposed increased rates are above the applicable ceiling for increased rates but do not exceed the applicable ceiling price for initial rates in the area involved. Under the circumstances, we believe that Cleary and Coastal States' rate filings should each be suspended for one day from the date shown in the effective date column of the attached Appendix A.

[F.R. Doc. 65-5467; Filed, May 25, 1965; 8:45 a.m.]

[Docket No. RI65-611]

CONTINENTAL OIL CO. ET AL.

Order Providing for Hearing on and Suspension of Proposed Change in Rate; Effective Subject To Refund

MAY 18, 1965.

Respondent named herein has filed a proposed change in rate and charge of a currently effective rate schedule for the sale of natural gas under Commission jurisdiction, as set forth in Appendix A below.

The proposed changed rate and charge may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is in the public interest and consistent with the Natural Gas Act that the Commission enter upon a hearing regarding the lawfulness of the proposed change, and that the supplement herein be suspended and its use be deferred as ordered below.

The Commission orders:

(A) Under the Natural Gas Act, particularly sections 4 and 15, the regulations pertaining thereto (18 CFR, Ch. I), and the Commission's rules of practice and procedure, a public hearing shall be held concerning the lawfulness of the proposed change.

(B) Pending hearing and decision thereon, the rate supplement herein is suspended and its use deferred until date shown in the "Date Suspended Until" column, and thereafter until made effective as prescribed by the Natural Gas Act: *Provided, however,* That the supplement to the rate schedule filed by Respondent shall become effective subject to refund on the date and in the manner herein prescribed if within 20 days from the date of the issuance of this order Respondent shall execute and file under its above-designated docket number with the Secretary of the Commission its agreement and undertaking to comply with the refunding and reporting procedure required by the Natural Gas Act and § 154.102 of the regulations thereunder, accompanied by a certificate showing service of a copy thereof upon the purchaser under the rate schedule involved. Unless Respondent is advised to the contrary within 15 days after the filing of its agreement and undertaking, such agreement and undertaking shall be deemed to have been accepted.

(C) Until otherwise ordered by the Commission, neither the suspended supplement, nor the rate schedule sought to be altered, shall be changed until disposition of this proceeding or expiration of the suspension period.

(D) Notices of intervention or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C., 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 and 1.37(f)) on or before July 7, 1965.

By the Commission.

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

APPENDIX A

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until	Cents per Mcf: Rate in effect	Cents per Mcf: Proposed increased rate	Rate in effect subject to refund in docket Nos.
RI65-611	Continental Oil Co. (Operator), et al., Post Office Box 2197, Houston, Tex., 77001, Attn: Mr. Fred T. O'Leary.	125	[1] 17	Texas Eastern Transmission Corp. (Helen Goltike Field, Victoria County, Tex.) (R.R. District No. 2).	$780	4-23-65	[2] 6-23-65	6-24-65	[3] 14.8733	[4] [5] 15.6233	RI63-313.

[1] Includes letter from buyer requesting seller to maintain delivery pressure of 1,200 p.s.i.g.
[2] The stated effective date is the 1st day after expiration of the the required statutory notice.
[3] Increase due to service charge for maintaining delivery pressure at 1,200 p.s.i.g.
[4] Pressure base is 14.65 p.s.i.a.
[5] Includes 0.5 cent per Mcf dehydration allowance paid by buyer.

The proposed increased rate filed by Continental Oil Co. (Operator), et al., exceeds the applicable area price level for increased rates in Texas Railroad District No. 2 as set forth in the Commission's Statement of General Policy No. 61–1, as amended (18 CFR, Ch. I, Pt. 2, § 2.56).

[F.R. Doc. 65–5466; Filed, May 25, 1965; 8:45 a.m.]

[Docket No. RI65–614, etc.]

HANLEY CO. ET AL.

Order Providing for Hearings on and Suspension of Proposed Changes in Rates [1]

MAY 18, 1965.

The Respondents named herein have filed proposed increased rates and charges of currently effective rate schedules for sales of natural gas under Commission jurisdiction, as set forth in Appendix A below.

The proposed changed rates and charges may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is in the public interest and consistent with the Natural Gas Act that the Commission enter upon hearings regarding the lawfulness of the proposed changes, and that the supplements herein be suspended and their use be deferred as ordered below.

The Commission orders:

(A) Under the Natural Gas Act, particularly sections 4 and 15, the regulations pertaining thereto (18 CFR, Ch. I), and the Commission's rules of practice and procedure, public hearings shall be held concerning the lawfulness of the proposed changes.

(B) Pending hearings and decisions thereon, the rate supplements herein are suspended and their use deferred until date shown in the "Date Suspended Until" column, and thereafter until made effective as prescribed by the Natural Gas Act.

(C) Until otherwise ordered by the Commission, neither the suspended supplements, nor the rate schedules sought to be altered, shall be changed until disposition of these proceedings or expiration of the suspension period.

(D) Notices of intervention or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C., 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 and 1.37(f)) on or before July 7, 1965.

By the Commission.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

APPENDIX A

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until	Cents per Mcf: Rate in effect	Cents per Mcf: Proposed increased rate	Rate in effect subject to refund in docket Nos.
RI65–614	Hanley Co. (Operator), et al., 400 Davis Bldg., Dallas, Tex., 75202, Attn.: Mr. E. B. Barry.	[2] 56	3	El Paso Natural Gas Co. (Spraberry Field, Reagan, Glasscock, Midland, and Upton Counties, Tex.) (R.R. Districts Nos. 7–c and 8) (Permian Basin Area).	------	4-26-65	[3] 5-27-65	10-27-65	------	------	
		56	4		1756	4-26-65	[3] 5-27-65	10-27-65	10.0	[4] [5] 10.216	
RI65–615	Peake Petroleum Co., Post Office Box 823, Corpus Christi, Tex., 78403, Attn.: Mr. Clinton B. Fawcett.	1	13	Consolidated Gas Supply Corp. (Boone, Raleigh, and Wyoming Counties, W. Va.).	335	4-23-65	[3] 5-24-65	10-24-65	26.97	[6] [7] 27.08	RI65–94.
	Peake Petroleum Co.	2	9	Consolidated Gas Supply Corp. (Newberry Lands, Wyoming, and Logan Counties, W. Va.).	949	4-23-65	[3] 5-24-65	10-24-65	26.97	[6] [7] 27.08	RI65–94.
RI65–616	A. L. Rhodes (Operator), et al., 107 Petroleum Bldg., Abilene, Tex.	2	3	El Paso Natural Gas Co. (Noelke Field, Crockett County, Tex.) (R.R. District No. 7–c) (Permian Basin Area).	1,875	4-26-65	[3] 5-27-65	10-27-65	14.5	[8] [9] 15.5	
RI65–617	Smith Development Co., et al., Post Office Box 2969, Amarillo, Tex.	1	3	Phillips Petroleum Co. (Hugoton Field, Sherman County, Tex.) (R.R. District No. 10).	2,796	4-26-65	[3] 5-27-65	10-27-65	[10] 13.0	[8] [10] 13.0	
	Smith Development Co., et al.	1	8	----do----	6,143	4-26-65	[3] 5-27-65	10-27-65	13.0	[8] 13.0	
RI65–618	Graham-Michaelis Drilling Co. (Operator), et al., 211 North Broadway, Wichita, Kans.	17	6	Panhandle Eastern Pipe Line Co. (Forgan South Pool, Beaver County, Okla.) (Panhandle Area).	780	5- 3-65	[6] 5- 3-65	11- 3-65	16.0	[8] 17.0	
	Graham-Michaelis Drilling Co. (Operator), et al.	23	5	----do----	780	5- 3-65	[6] 5- 3-65	11- 3-65	16.0	[8] 17.0	
	----do----	22	1	Panhandle Eastern Pipe Line Co. (Hansford Field, Hansford County, Tex.) (R.R. District No. 10).	3,038	5- 3-65	[6] 5- 3-65	11- 3-65	16.0	[8] 17.0	
	----do----	23	9	Northern Natural Gas Co. (North Perryton and Hansford Upper Morrow Fields, Ochiltree and Hansford Counties, Tex.) (R.R. District No. 10).	2,000	5- 3-65	[6] 5- 3-65	11- 3-65	[11] 16.5	[8] [11] 17.5	
	----do----	26	5	Panhandle Eastern Pipe Line Co. (Carthage Field, Texas County, Okla.) (Panhandle Area).	1031	5- 3-65	[6] 5- 3-65	11- 3-65	15.0	[8] 16.0	
RI65–619	Graham-Michaelis Drilling Co.	46	6	Northern Natural Gas Co. (McKinney Field, Clark County, Kans.).	74	5- 3-65	[6] 5- 3-65	11- 3-65	[12] 14.0	[8] [12] 15.0	RI61–310.
RI65–620	Petroleum, Inc., (Operator), et al., 349 North Broadway, Wichita, Kans.	13	2	Colorado Interstate Gas Co. (Hugoton Field, Haskell County, Kans.).	850	5- 3-65	[6] 5- 3-65	11- 3-65	[12] 12.5	[8] [12] 13.5	G–20005.
RI65–621	Continental Oil Co. (Operator), et al., Post Office Box 2197 Houston, Tex., 77001.	187	[13] 2	South Texas Natural Gas Gathering Co. (El Benadito Field, Starr County, Tex.) (R.R. District No. 4).	2,480	4-26-65	[3] 5-27-65	10-27-65	[13] [14] 14.5	[8] [14] 15.5	

See footnotes at end of table.

[1] Does not consolidate for hearing or dispose of the several matters herein.

APPENDIX A

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until	Cents per Mcf: Rate in effect	Cents per Mcf: Proposed increased rate	Rate in effect subject to refund in docket Nos.
RI65–622	Tennneco Oil Co.[15] (Operator), et al., Post Office Box 1b, Houston, Tex., 77001.	173	11	Tennessee Gas Transmission Co. (South Bonnes Field, Starr County, Tex.) (R.R. District No. 4).	3411	4-26-65	[3] 5-27-65	10-27-65	14.6	[9] 15.6	

[2] Amendment agreement. Amends the periodic pricing schedule, revises tax reimbursement clause, and establishes Jan. 1, 1980, as the termination date of contract term.
[3] The stated effective date is the effective date requested by Respondent.
[4] Renegotiated rate increase.
[5] Pressure base is 14.65 p.s.i.a.
[6] Redetermined rate increase.
[7] Pressure base is 15.325 p.s.i.a.
[8] The stated effective date is the 1st day after expiration of the required statutory notice.
[9] Periodic rate increase.
[10] Sweet gas rate (subject to a deduction of 0.4400 cent per Mcf for sour gas).
[11] Subject to a downward B.t.u. adjustment.
[12] Includes compression agreement with Coastal States Gas Producing Co., dated Aug. 20, 1962, providing for a 5.0 cents per Mcf compression charge by Coastal for compressing subject gas.
[13] Initial rate.
[14] Includes 4.0 cents per Mcf compression charge paid by Continental to Coastal.
[15] Tennneco Oil Co. is a wholly owned subsidiary of Tennessee Gas Transmission Co., the buyer.

A. L. Rhodes (Operator), et al., request that their proposed rate increase be permitted to become effective as of August 1, 1964, the contractually provided effective date; Tennneco Oil Co. (Operator), et al., request an effective date of April 1, 1965, and Graham-Michaelis Drilling Co. (Operator), et al., request effective dates of May 1, 1964, for Supplement Nos. 6 and 2 to their FPC Gas Rate Schedules Nos. 17 and 32, respectively; November 1, 1963, for Supplement No. 1 to their FPC Gas Rate Schedule No. 22; June 1, 1964, for Supplement No. 9 to their FPC Gas Rate Schedule No. 23; and December 1, 1963, for Supplement No. 5 to their FPC Gas Rate Schedule No. 25. The Graham-Michaelis Drilling Co. requests an effective date of January 1, 1964, for Supplement No. 6 to its FPC Gas Rate Schedule No. 46. Good cause has not been shown for waiving the 30-day notice requirement provided in section 4(d) of the Natural Gas Act to permit an earlier effective date for the aforementioned producers' rate filings and such requests are denied.

All of the proposed increased rates and charges exceed the applicable area price levels for increased rates as set forth in the Commission's Statement of General Policy No. 61–1, as amended (18 CFR, Ch. I, Part 2, § 2.56).

[F.R. Doc. 65–5469; Filed, May 25, 1965; 8:45 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[811–700]

AMERICAN AUTOMATION DEVELOPMENT FUND, INC.

Notice of Proposal To Terminate Registration

MAY 20, 1965.

Notice is hereby given that the Securities and Exchange Commission ("Commission") on its own motion proposes to declare by order, pursuant to section 8(f) of the Investment Company Act of 1940 ("Act"), that American Automation Development Fund, Inc. ("American Automation"), 2330 South Pierce Street, Arlington, Va., has ceased to be an investment company.

American Automation registered under section 8(a) of the Act as an open-end diversified management company by filing a notification of registration on November 28, 1955. American Automation has not filed a registration statement on Form N–8B–1 pursuant to the provisions of, and as required by, section 8(b) of the Act.

By letter to the Commission dated July 12, 1963, one of the three promoters of American Automation stated that the company did not sell any of its securities to the public and never owned any securities issued by other persons or any other assets. The State Department of Assessments and Taxation of Maryland has advised the Commission that American Automation's charter was annulled as of October 30, 1959 for failure to file reports and/or pay taxes.

Section 8(f) of the Act provides, in pertinent part, that when the Commission, on its own motion, finds that a registered investment company has ceased to be an investment company, it shall so declare by order, and that upon the taking effect of such order, the registration of such company shall cease to be in effect.

Notice is further given that any interested person may, not later than June 8, 1965, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request, and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C., 20549. A copy of such request shall be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon American Automation Development Fund, Inc., at the address set forth above. Proof of such service (by affidavit or in case of an attorney-at-law by certificate) shall be filed contemporaneously with the request. At any time after said date, as provided by Rule 0–5 of the rules and regulations promulgated under the Act, an order disposing of the matter may be issued by the Commission upon the basis of information stated in this notice, unless an order for hearing upon this matter shall be issued upon request or upon the Commission's own motion.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 65–5465; Filed, May 25, 1965; 8:45 a.m.]

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATIONS FOR RELIEF

MAY 21, 1965.

Protests to the granting of an application must be prepared in accordance with Rule 1.40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 39787—*Joint motor-rail rates—Eastern Central.* Filed by the Eastern Central Motor Carriers Association, Inc., agent (No. 333), for interested carriers. Rates on commodities moving on class and commodity rates over joint routes of applicant rail and motor carriers, between points in middle Atlantic and New England territories, on the one hand, and points in Central States, middlewest and southwestern territories, on the other.

Grounds for relief—Motor-truck competition.

Tariff—25th revised page 47–A to Eastern Central Motor Carriers Association, Inc., agent, tariff MF–I.C.C. A–230.

FSA No. 39788—*Joint motor-rail rates—Eastern Central.* Filed by the Eastern Central Motor Carriers Association, Inc., agent (No. 334), for interested carriers. Rates on commodities moving on class and commodity rates over joint routes of applicant rail and motor carriers, between points in middle Atlantic and New England territories, on the one

hand, and points in Central States, middlewest and southwestern territories, on the other.

Grounds for relief—Motor-truck competition.

Tariff—25th revised page 47–A to Eastern Central Motor Carriers Association, Inc., agent, tariff MF–I.C.C. A–230.

FSA No. 39789—*Joint motor-rail rates—Eastern Central.* Filed by the Eastern Central Motor Carriers Association, Inc., agent (No. 335), for interested carriers. Rates on commodities moving on class rates over joint routes of applicant rail and motor carriers, between points in Central States territory, on the one hand, and points in middle Atlantic and New England territories, on the other.

Grounds for relief—Motor-truck competition.

Tariff—16th revised page 118–A to Eastern Central Motor Carriers Association, Inc., agent, tariff MF–I.C.C. A–230.

FSA No. 39790—*Joint motor-rail rates—Eastern Central.* Filed by the Eastern Central Motor Carriers Association, Inc., agent (No. 336), for interested carriers. Rates on commodities moving on class rates over joint routes of applicant rail and motor carriers, between points in Central States territory, on the one hand, and points in middle Atlantic and New England territories, on the other.

Grounds for relief—Motor-truck competition.

Tariff—16th revised page 118–A to Eastern Central Motor Carriers Association, Inc., agent, tariff MF–I.C.C. A–230.

FSA No. 39791—*Joint motor-rail rates—Eastern Central.* Filed by the Eastern Central Motor Carriers Association, Inc., agent (No. 337), for interested carriers. Rates on commodities moving on class rates over joint routes of applicant rail and motor carriers, between points in Central States territory, on the one hand, and points in middle Atlantic and New England territories, on the other.

Grounds for relief—Motor-truck competition.

Tariff—16th revised page 118–A to Eastern Central Motor Carriers Association, Inc., agent, tariff MF–I.C.C. A–230.

FSA No. 39792—*Joint motor-rail rates—Eastern Central.* Filed by the Eastern Central Motor Carriers Association, Inc., agent (No. 338), for interested carriers. Rates on commodities moving on class and commodity rates over joint routes of applicant rail and motor carriers, between points in middle Atlantic and New England territories, on the one hand, and points in middlewest and southwestern territories, on the other.

Grounds for relief—Motor-truck competition.

Tariff—22d revised page 211 to Eastern Central Motor Carriers Association, Inc., agent, tariff MF–I.C.C. A–230.

FSA No. 39793—*Joint motor-rail rates—Eastern Central.* Filed by the Eastern Central Motor Carriers Association, Inc., agent (No. 339), for interested carriers. Rates on commodities moving on class and commodity rates over joint routes of applicant rail and motor carriers, between points in middle Atlantic and New England territories, on the one hand, and points in middlewest and southwestern territories, on the other.

Grounds for relief—Motor-truck competition.

Tariff—22d revised page 211 to Eastern Central Motor Carriers Association, Inc., agent, tariff MF–I.C.C. A–230.

FSA No. 39794—*Joint Motor-rail rates—Eastern Central.* Filed by the Eastern Central Motor Carriers Association, Inc., agent (No. 340), for interested carriers. Rates on commodities moving on class and commodity rates over joint routes of applicant rail and motor carriers, between points in middle Atlantic and New England territories, on the one hand, and points in middlewest and southwestern territories, on the other.

Grounds for relief—Motor-truck competition.

Tariff—14th revised page 281 to Eastern Central Motor Carriers Association, Inc., agent, tariff MF–I.C.C. A–230.

FSA No. 39795—*Joint motor-rail rates—Eastern Central.* Filed by the Eastern Central Motor Carriers Association, Inc., agent (No. 341), for interested carriers. Rates on commodities moving on class and commodity rates over joint routes of applicant rail and motor carriers, between points in Central States territory, on the one hand, and points in middle Atlantic and New England territories, on the other.

Grounds for relief—Motor-truck competition.

Tariff—26th revised page 69 to Eastern Central Motor Carriers Association, Inc., agent, tariff MF–I.C.C. A–230.

FSA No. 39796—*Soda ash to Bradenton, Fla.* Filed by O. W. South, Jr., agent (No. A4690), for interested rail carriers. Rates on soda ash, in bulk in covered hopper cars, in carloads, from Saltville, Va., to Bradenton, Fla.

Grounds for relief—Market competition.

Tariff—Supplement 6 to Southern Freight Association, agent, tariff I.C.C. S–307.

By the Commission.

[SEAL] BERTHA F. ARMES, *Acting Secretary.*

[F.R. Doc. 65–5479; Filed, May 25, 1965; 8:46 a.m.]

[Notice 29]

FINANCE APPLICATIONS

MAY 21, 1965.

The following publications are governed by the Interstate Commerce Commission's general requirements governing notice of filing of applications under sections 20a except (12) and 214 of the Interstate Commerce Act. The Commission's order of May 20, 1964, providing for such publication of notice, was published in the FEDERAL REGISTER issue of July 31, 1964 (29 F.R. 11126), and became effective October 1, 1964.

All hearings and prehearing conferences, if any, will be called at 9:30 a.m., U.S. standard time unless otherwise specified.

F.D. No. 23652—By application filed May 18, 1965, Northern Pacific Railway Co., Northern Pacific Building, St. Paul, Minn., 55101, seeks authority under section 20a of the Interstate Commerce Act to assume obligation and liability as guarantor of payment of principal and dividends upon not exceeding $5,850,000 aggregate principal amount of its equipment trust of 1965 second series serial equipment trust certificates. Applicant's attorney: Earl F. Requa, vice president and general counsel, Northern Pacific Building, St. Paul, Minn. 55101. Protests must be filed no later than 15 days from date of publication in the FEDERAL REGISTER.

By the Commission.

[SEAL] BERTHA F. ARMES, *Acting Secretary.*

[F.R. Doc. 65–5480; Filed, May 25, 1965; 8:46 a.m.]

[Notice 352]

MOTOR CARRIER ALTERNATE ROUTE DEVIATION NOTICES

MAY 21, 1965.

The following letter-notices of proposals to operate over deviation routes for operating convenience only have been filed with the Interstate Commerce Commission, under the Commission's deviation rules revised, 1957 (49 CFR 211.1(c)(8)) and notice thereof to all interested persons is hereby given as provided in such rules (49 CFR 211.1 (d)(4)).

Protests against the use of any proposed deviation route herein described may be filed with the Interstate Commerce Commission in the manner and form provided in such rules (49 CFR 211.1(e)) at any time, but will not operate to stay commencement of the proposed operations unless filed within 30 days from the date of publication.

Successively filed letter-notices of the same carrier under the Commission's deviation rules revised, 1957, will be numbered consecutively for convenience in identification and protests if any should refer to such letter-notices by number.

MOTOR CARRIERS OF PROPERTY

No. MC 8300 (Deviation No. 7), WERNER TRANSPORTATION CO., 2601 32d Avenue, South, Minneapolis, Minn., 55406, filed May 3, 1965. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: Between Milwaukee, Wis., and Racine, Wis., over Wisconsin Highway 38, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: Between Milwaukee, Wis., and Racine, Wis., over Wisconsin Highway 32.

No. MC 20207 (Deviation No. 8), CONTINENTAL TRANSPORTATION LINES, INC., Graham St., McKees Rocks, Pa., 15136, filed May 10, 1965. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From junction U.S. Highway 224 and Interstate Highway 80S over Interstate Highway 80S to junction Interstate Highway 95, thence over Interstate Highway 95 to New York, N.Y., and return over the same route for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities over pertinent service routes as follows: (1) From Akron, Ohio over Ohio Highway 18 to Youngstown, Ohio, thence over U.S. Highway 422 to Ebensburg, Pa., thence over U.S. Highway 22 to Duncansville, Pa., thence over U.S. Highway 220 to Bedford, Pa., thence over U.S. Highway 30 via Philadelphia, Pa., to junction U.S. Highway 130, thence over U.S. Highway 130 to New Brunswick, N.J. (also from Philadelphia to New Brunswick over U.S. Highway 1), and thence over U.S. Highway 1 to New York, N.Y., and (2) over the route specified above to Duncansville, Pa., thence over U.S. Highway 22 to Newark, N.J., and thence over city streets and connecting highways to New York, N.Y., and return over the same routes.

No. MC 20227 (Deviation No. 1), ERIE-PITTSBURGH MOTOR EXPRESS, INC., 859 Progress St., Pittsburgh, Pa., 15212, filed May 10, 1965. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions over deviation routes as follow: (1) Between Pittsburgh, Pa., and Erie, Pa., over Interstate Highway 79; (2) from the Ohio-Pennsylvania State line over Interstate Highway 80 to junction Pennsylvania Highway 153, near Philipsburg, Pa., thence over Pennsylvania Highway 153 to junction U.S. Highway 322; (3) from junction U.S. Highways 19, 322, and Pennsylvania Highway 98 over Pennsylvania Highway 98 to junction U.S. Highway 20, and thence over U.S. Highway 20 to Erie, Pa.; (4) from junction U.S. Highway 19 and U.S. Highway 6N over U.S. Highway 6N east to junction Pennsylvania Highway 99, thence over Pennsylvania Highway 99 to Erie, Pa.; and (5) between junction U.S. Highway 322 and U.S. Highway 19 at Meadville, Pa., and Cleveland, Ohio, over U.S. Highway 322; and return over the same routes for operating convenience only.

The notice indicates that the carrier is presently authorized to transport the same commodities over pertinent service routes as follow: (1) Between Pittsburgh, Pa., and Erie, Pa., over U.S. Highway 19; (2) from Cleveland, Ohio, over U.S. Highway 422 to Warren, Ohio, thence over Ohio Highway 82 to the Ohio-Pennsylvania State line, thence over Pennsylvania Highway 62 to Oil City, Pa., thence over Pennsylvania Highway 257 to Cranberry, Pa., and thence over U.S. Highway 322 to Philipsburg, Pa.; (3) from Conneaut Lake, Pa., over Pennsylvania Highway 18 to Albion, Pa., thence over U.S. Highway 6N to Lundys Lane, Pa., thence over Pennsylvania Highway 18 to junction U.S. Highway 20, and thence over U.S. Highway 20 to Erie, Pa.; and (4) from Cleveland, Ohio, over U.S. Highway 422 to Parkman, Ohio, thence over Ohio Highway 88 to the Ohio-Pennsylvania State line, thence over Pennsylvania Highway 18 to Hartstown, Pa., thence over U.S. Highway 322 to junction Pennsylvania Highway 18, thence over Pennsylvania Highway 18 to Conneaut, Pa., and thence over U.S. Highway 6 to Meadville, Pa., and return over the same routes.

No. MC 26739 (Deviation No. 16), CROUCH BROS., INC., Transport Building, St. Joseph, Mo., 64501, filed May 12, 1965. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: from Chicago, Ill., over Interstate Highway 55 to junction Interstate Highway 270 (east of St. Louis, Mo.), thence over Interstate Highway 270 to junction Interstate Highway 70 (west of St. Louis, Mo.), and thence over Interstate Highway 70 to Kansas City, Mo., and return over the same route for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities over pertinent service routes as follow: (1) From Chicago over U.S. Highway 66 to Springfield, Ill., thence over U.S. Highway 36 to Monroe City, Mo., and thence over U.S. Highway 24 to Kansas City, Mo., and (2) from Chicago over U.S. Highway 66 to Springfield, Ill., thence over U.S. Highway 36 to Cameron, Mo., and thence over U.S. Highway 69 to Kansas City, Mo. and return over the same routes.

No. MC 26739 (Deviation No. 17), CROUCH BROS., INC., Transport Building, St. Joseph, Mo., 64501, filed May 12, 1965. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Davenport, Iowa, over Interstate Highway 80 to junction U.S. Highway 71, thence over U.S. Highway 71 to Clarinda, Iowa, and return over the same route for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities over pertinent service routes as follows: (1) From Chicago, Ill., over U.S. Highway 66 to Junction U.S. Highway 52, thence over U.S. Highway 52 to junction U.S. Highway 51, thence over U.S. Highway 51 to Mendota, Ill., thence over Illinois Highway 92 to Moline-Rock Island, Ill., thence over the Mississippi River to junction U.S. Highway 61, thence over U.S. Highway 61 to junction Iowa Highway 92, thence over Iowa Highway 92 to Washington, Iowa, thence over Iowa Highway 1 to Fairfield, Iowa, thence over U.S. Highway 34 to Ottumwa, Iowa, thence over U.S. Highway 63 to Bloomfield, Iowa, thence over Iowa Highway 2 to Bedford, Iowa, thence over Iowa Highway 148 to Iowa-Missouri State line, thence over Missouri Highway 27 to junction U.S. Highway 71, and thence over U.S. Highway 71 to Maryville, Mo., (2) from Maryville, Mo., over U.S. Highway 71 to Clarinda, Iowa, thence over Iowa Highway 2 to Shenandoah, Iowa, thence over U.S. Highway 59 to Emerson, Iowa, thence over U.S. Highway 34 to Glenwood, Iowa, and thence over U.S. Highway 275 to Omaha, Nebr., and return over the same routes.

No. MC 26739 (Deviation No. 18), CROUCH BROS., INC., Transport Building, St. Joseph, Mo., 64501, filed May 12, 1965. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From junction U.S. Highway 66 and Interstate Highway 80 (southwest of Joliet, Ill.), thence over Interstate Highway 80 to junction Illinois Highway 88, thence over Illinois Highway 88 to junction U.S. Highway 34, thence over U.S. Highway 34 to junction U.S. Highway 61, thence over U.S. Highway 61 to junction Missouri Highway 26, thence over Missouri Highway 26 to junction U.S. Highway 136, and thence over U.S. Highway 136 to Maryville, Mo., and return over the same route for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities over pertinent service routes as follow: (1) From Chicago, Ill., over U.S. Highway 66 to Springfield, Ill., thence over U.S. Highway 36 to St. Joseph, Mo., and (2) from St. Joseph, Mo., over U.S. Highway 71 to junction Missouri Highway 27, and thence over Missouri Highway 27 to Hopkins, Mo., and (3) from Chicago, Ill. over U.S. Highway 66 to junction U.S. Highway 52, thence over U.S. Highway 52 to junction U.S. Highway 51, thence over U.S. Highway 51 to Mendota, Ill., thence over Illinois Highway 92 to Moline-Rock Island, Ill., thence across the Mississippi River to junction U.S. Highway 61, thence over U.S. Highway 61 to junction Iowa Highway 92, thence over Iowa Highway 92 to Washington, Iowa, thence over Iowa Highway 1 to Fairfield, Iowa, thence over U.S. Highway 34 to Ottumwa, Iowa, thence over U.S. Highway 63 to Bloomfield, Iowa, thence over Iowa Highway 2 to Bedford, Iowa, thence over Iowa Highway 148 to the Iowa-Missouri State line, thence over Missouri Highway 27 to junction U.S. Highway 71, and thence over U.S. Highway 71 to Maryville, Mo., and return over the same routes.

No. MC 42405 (Deviation No. 3), MISTLETOE EXPRESS SERVICE, 111 Harrison, Oklahoma City, Okla. Applicant's attorney: Max G. Morgan, 443–54 American National Building, Oklahoma City 2, Okla., filed May 10, 1965. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions over a deviation route as follows: From Wellington, Kans., over U.S. Highway 160 to junction Kansas Highway 49, thence over Kansas Highway 49 to Caldwell, Kans., and return over the same route for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: Between Wichita, Kans., and Medford, Okla., over U.S. Highway 81.

No. MC 80430 (Deviation No. 6), GATEWAY TRANSPORTATION CO., INC., La Crosse, Wis., filed May 10, 1965. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions over deviation routes as follows: (1) From Rocky Arbor, Wis., over Interstate

Highways 90 and 94 to Tomah, Wis., and thence over Interstate Highway 94 to Hudson, Wis., and return over the same route; (2) between Tomah, Wis., and La Crosse, Wis., over Interstate Highway 94 and (3) between Chicago, Ill., and junction Interstate Highway 90 at Madison, Wis., over Interstate Highway 94, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities over pertinent service routes as follows: (1) From Minneapolis, Minn., over U.S. Highway 12 to junction Wisconsin Highway 172, thence over Wisconsin Highway 172 to Eau Claire, Wis., thence over U.S. Highway 53 to junction U.S. Highway 12, and thence over U.S. Highway 12 through Madison, Wis., and Richmond, Ill., to Chicago, Ill.; (2) from Richmond, Ill., over Illinois Highway 31 to McHenry, Ill., thence over Illinois Highway 120 to junction U.S. Highway 45, and thence over U.S. Highway 45 to Chicago, Ill., (3) from Minneapolis, Minn., over city streets to St. Paul, thence over Minnesota Highway 56 to junction Minnesota Highway 55, thence over Minnesota Highway 55 to Hastings, Minn., thence over U.S. Highway 61 to La Crosse, Wis., thence over U.S. Highway 16 through West Salem, Wis., to Milwaukee, Wis., thence over Wisconsin Highway 32 (formerly Wisconsin Highway 42), to the Wisconsin-Illinois State line, thence over Illinois Highway 42 to Waukegan, Ill.

Thence over Illinois Highway 120 to junction U.S. Highway 41, and thence over U.S. Highway 41 to Chicago, Ill. (also from St. Paul over city streets to Minneapolis, Minn.), thence over U.S. Highway 65 to junction Minnesota Highway 50 (formerly U.S. Highway 65), thence over Minnesota Highway 50 to junction Minnesota Highway 3 (formerly U.S. Highway 65) at Farmington, Minn., thence over Minnesota Highway 3 to Owatonna, Minn., thence over U.S. Highway 218 to Austin, Minn., and thence over U.S. Highway 16 to La Crosse, Wis., also from West Salem over County Highway B to Bangor, Wis., thence over Wisconsin Highway 162 to junction U.S. Highway 16, and also from Waukegan over Illinois Highway 120 to junction Illinois Highway 42A, and thence over Illinois Highway 42A to Chicago, and return over the same routes.

No. MC 106859 (Deviation No. 3), CLAIRMONT TRANSFER CO., 1803 Seventh Avenue North, Escanaba, Mich., filed May 13, 1965. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: Between St. Ignace, Mich., and Sault Sainte Marie, Mich., over Interstate Highway 75, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: Between Isabella, Mich., and Sault Sainte Marie, Mich., over U.S. Highway 2.

MOTOR CARRIERS OF PASSENGERS

No. MC 1515 (Deviation No. 250) (Cancelling Deviation No. 185), GREYHOUND LINES, INC. (Western Division), Market and Fremont Streets, San Francisco, Calif., 94106. Applicant's attorney: W. T. Meinhold, 371 Market Street, San Francisco, Calif., 94106, filed May 3, 1965. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *passengers and their baggage and express and newspapers* in the same vehicle with passengers over deviation routes as follows: (1) Between junction unnumbered highway and Interstate Highway 5 (North Mount Shasta Interchange), and junction unnumbered highway (Castle Lake Junction), over Interstate Highway 5; (2) from junction unnumbered highway and Interstate Highway 5 (Dunsmuir), over Interstate Highway 5 to junction unnumbered highway (Castle Crags Junction); (3) between junction unnumbered highway and Interstate Highway 5 (North Cottonwood Junction), and junction unnumbered highway (South Cottonwood Junction), over Interstate Highway 5 for operating convenience only. The notice indicates that the carrier is presently authorized to transport passengers and the same property over a pertinent service route as follows: From the point where U.S. Highway 99 intersects the Oregon-California State line over U.S. Highway 99 to junction Interstate Highway 5 (Anderson), thence over Interstate Highway 5 to junction unnumbered highway (North Cottonwood Junction), thence over unnumbered highway to junction Interstate Highway 5 (South Cottonwood Junction), thence over Interstate Highway 5 to junction U.S. Highway 99 (North Red Bluff Interchange), thence over U.S. Highway 99 to Red Bluff, thence over U.S. Highway 99W to junction U.S. Highway 40 (South Woodland Junction), and return over the same route.

No. MC 1515 (Deviation No. 251), GREYHOUND LINES, INC. (Western Division) Market and Fremont Streets, San Francisco, Calif., 94106. Applicant's attorney: W. T. Meinhold, 371 Market Street, San Francisco, Calif., 94106, filed May 3, 1965. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *passengers and their baggage and express and newspapers* in the same vehicle with passengers over deviation routes as follows: (1) Between junction unnumbered highway and Interstate Highway 5 (North Mount Shasta Interchange), and junction unnumbered highway (Castle Lake Junction), over Interstate Highway 5; (2) from junction unnumbered highway and Interstate Highway 5 (Dunsmuir), over Interstate Highway 5 to junction unnumbered highway (Castle Crags Junction); (3) between junction unnumbered highway and Interstate Highway 5 (North Cottonwood Junction), and junction unnumbered highway (South Cottonwood Junction), over Interstate Highway 5 for operating convenience only. The notice indicates that the carrier is presently authorized to transport passengers and the same property over a pertinent service route as follows: From the point where U.S. Highway 99 intersects the Oregon-California State line over U.S. Highway 99 to junction Interstate Highway 5 (Anderson), thence over Interstate Highway 5 to junction unnumbered highway (North Cottonwood Junction), thence over unnumbered highway to junction Interstate Highway 5 (South Cottonwood Junction), thence over Interstate Highway 5 to junction U.S. Highway 99 (North Red Bluff Interchange), thence over U.S. Highway 99 to Red Bluff, thence over U.S. Highway 99W to junction U.S. Highway 40 (South Woodland Junction), and return over the same route.

No. MC 36364 (Deviation No. 1), MISSOURI, KANSAS & OKLAHOMA COACH LINES, Cincinnati at Fourth, Tulsa 3, Okla. Applicant's attorney: William A. Roberts, Continental Building, 1012 14th St. NW., Washington, D.C., 20005, filed May 7, 1965. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *passengers and their baggage* and *express and newspapers*, in the same vehicle with passengers over a deviation route as follows: Between Oklahoma City, Okla., and St. Louis, Mo., over Interstate Highway 44, for operating convenience only. The notice indicates that the carrier is presently authorized to transport passengers and the same property over a pertinent service route as follows: From St. Louis, Mo., over U.S. Highway 66 to Springfield, Mo., thence over U.S. Highway 166 to Joplin, Mo., thence over U.S. Highway 66 to Tulsa, Okla., thence over U.S. Highway 64 to Keystone, Okla., thence over Oklahoma Highway 33 to Guthrie, Okla., and thence over U.S. Highway 77 to Oklahoma City, and return over the same route.

By the Commision.

[SEAL] BERTHA P. ARMES, *Acting Secretary.*

[F.R. Doc. 65-5481; Filed, May 25, 1965; 8:46 a.m.]

[Notice 771]

MOTOR CARRIER APPLICATIONS AND CERTAIN OTHER PROCEEDINGS

MAY 21, 1965.

The following publications are governed by the new Special Rule 1.247 of the Commission's rules of practice, published in the FEDERAL REGISTER, issue of December 3, 1963, which became effective January 1, 1964.

APPLICATIONS ASSIGNED FOR ORAL HEARING AND PREHEARING CONFERENCE

MOTOR CARRIERS OF PROPERTY

No. MC 21170 (Sub-No. 72) (REPUBLICATION), filed April 2, 1965, published FEDERAL REGISTER issue April 21, 1965, and republished this issue. Applicant: BOS LINES, INC., 408 South 12th Avenue, Marshalltown, Iowa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods, prepared foods, and essence of fruits, and berries*, from points in New York on and west of a line beginning at Cape Vincent, N.Y., and extending along New York Highway 12E to Watertown, N.Y., thence along U.S. Highway 11 to the New York-Pennsylvania State line, to points in Colorado, Iowa, Missouri, Kansas, Minnesota, Nebraska, and Wisconsin, and Milan, Ill.

NOTE: The purpose of this republication is to show hearing information.

HEARING: June 9, 1965, at the Hotel Buffalo, Washington and Swan Streets, Buffalo, N.Y., before Examiner John B. Mealy.

No. MC 30844 (Sub-No. 177) (REPUBLICATION), filed April 21, 1965, published FEDERAL REGISTER May 13, 1965, and republished this issue. Applicant: KROBLIN REFRIGERATED XPRESS, INC., Post Office Box 218, Sumner, Iowa. Applicant's attorney: Truman A. Stockton, Jr., the 1650 Grant Street Building, Denver 3, Colo. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs*, canned, prepared, or preserved (other than frozen), from points in Delaware and Maryland, points in Atlantic, Burlington, Camden, Cape May, Cumberland, Gloucester, Ocean, and Salem Counties, N.J., and points in Accomack and Northampton Counties, Va., to points in Illinois, Indiana, Iowa, Kentucky, Michigan, Minnesota, Missouri, Ohio, and Wisconsin.

NOTE: The purpose of this republication is to show hearing information.

HEARING: June 16, 1965, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Edith H. Cockrill.

No. MC 52465 (Sub-No. 29) (REPUBLICATION), filed April 16, 1965, published in the FEDERAL REGISTER May 5, 1965, and republished this issue. Applicant: RICE TRUCK LINES, a corporation, 712 Central Ave. West, Great Falls, Mont. Applicant's attorney: Randall Swanberg, 314 Montana Bldg., Post Office Box 2567, Great Falls, Mont., 59401. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum and petroleum products*, in bulk, in tank vehicles, between points in Montana, North Dakota, South Dakota, and Minnesota, on the one hand, and, on the other, the ports of entry located on the International Boundary line between the United States and Canada located in Montana, North Dakota, and Minnesota.

NOTE: The purpose of this republication is to reflect the hearing date.

HEARING: June 24, 1965, at the Yellowstone County Court House, Billings, Mont., before Examiner William J. Kane.

No. MC 75185 (Sub-No. 254), filed May 11, 1965. Applicant: SERVICE TRUCKING CO., INC., Post Office Box 276, Federalsburg, Md., 21632. Applicant's attorney: James W. Lawson, 1000 16th Street NW., Washington, D.C., 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs*, canned, prepared or preserved (other than frozen), from points in Delaware and Maryland, points in Atlantic, Burlington, Camden, Cape May, Cumberland, Gloucester, Ocean, and Salem Counties, N.J., and points in Accomack and Northampton Counties, Va., to points in Illinois, Indiana, Iowa, Kentucky, Michigan, Minnesota, Missouri, Ohio, and Wisconsin.

HEARING: June 16, 1965, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Edith H. Cockrill.

No. MC 110193 (Sub-No. 93), filed May 13, 1965. Applicant: SAFEWAY TRUCK LINES, INC., 20450 Ireland Road, South Bend, Ind. Applicant's representative: Walter J. Kobos (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs and essence of fruits and berries* from points in New York on and west of U.S. Highway 11 to points in Iowa, Wisconsin, Minnesota, North Dakota, South Dakota, Nebraska, Kansas, Missouri, Colorado, and Arkansas.

HEARING: June 9, 1965, at the Hotel Buffalo, Washington and Swan Streets, Buffalo, N.Y., before Examiner John B. Mealy.

No. MC 110988 (Sub-No. 128) (REPUBLICATION), filed April 15, 1965, published FEDERAL REGISTER issue of May 13, 1965, and republished this issue. Applicant: KAMPO TRANSIT, INC., 200 West Cecil Street, Neenah, Wis. Applicant's attorney: E. Stephen Heisley, Transportation Building, Washington, D.C., 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Feed* and *feed ingredients*, in bulk and in bags, from the plant sites of Darling & Co., located at Cedar Rapids, Iowa, and at or near Alpha, Iowa, to points in Illinois, Minnesota, Missouri, Nebraska, and Wisconsin.

NOTE: The purpose of this republication is to reflect the hearing information.

HEARING: June 25, 1965, at the Midland Hotel, 172 West Adams, Chicago, Ill., before Examiner W. Elliott Neflen.

No. MC 106297 (Sub-No. 36) (REPUBLICATION), filed December 17, 1964, published FEDERAL REGISTER, issue of December 30, 1964, and republished this issue after Order of Commission. Applicant: MID-STATES TRAILER TRANSPORT, INC., Lansing, Ill. By application filed December 17, 1964, as amended, applicant seeks a certificate of public convenience and necessity authorizing operation, in interstate or foreign commerce, as a common carrier by motor vehicle, over irregular routes, of mobile homes, designed to be drawn by passenger automobiles, and equipment, furnishings, and accessories when moving as a part of and in conjunction therewith, in initial movements, from points in Adams County, Wis., and points in Logan County, Ky., to points in the United States, including Alaska, but excluding Hawaii. An Order, Operating Rights Board No. 1, dated May 10, 1965, served May 14, 1965, finds that the present and future public convenience and necessity require operation by applicant, in interstate or foreign commerce, as a *common carrier* by motor vehicle, over irregular routes, of *trailers* designed to be drawn by passenger automobiles, in initial movements, in driveaway and truckaway service, from points in Adams County, Wis., and Logan County, Ky., to points in the United States, including Alaska, but excluding Hawaii; and that because it is possible that other parties, who have relied upon the notice of the application as published, may have an interest in and would be prejudiced by the lack of proper notice of the authority described in the findings in this order, a notice of the authority actually granted will be published in the FEDERAL REGISTER and issuance of a certificate in this proceeding will be withheld for a period of 30 days from the date of such publication, during which period any proper party in interest may file an appropriate protest or other pleading.

No. MC 125293 (Sub-No. 2) (REPUBLICATION), filed February 10, 1964, published FEDERAL REGISTER, issue of March 4, 1964, and republished after Decision and Order of Commission. Applicant: ROBERT E. AHERN, doing business as INDUSTRIAL CONTRACT CARRIERS, Seattle, Wash. A Decision and Order, Operating Rights Review Board No. 2, dated May 6, 1965, served May 12, 1965, finds, among other things, that upon compliance by applicant with certain requirements, and subject to prior republication in the FEDERAL REGISTER, an appropriate permit will be issued authorizing operation by applicant, in interstate or foreign commerce, as a *contract carrier*, by motor vehicle, over irregular routes: (1) Of *aluminum sulphate; sodium sulphate; soda ash; methylene chloride; copper sulphate; carbon disulphide and carbon tetrachloride mixtures; boric acid; pentachlorophenol; metasilicates; trichloroethylene; nitric; phosphoric; acetic;* and *hydrofluoric acids; plating and buffing compounds detergents;* and *filtering agents*, all moving in drums, cartons, or bags, from points in California, to points in Oregon, Washington, and Idaho, under a continuing contract with the Great Western Chemical Co., of Richmond, Calif.; (2) of *aluminum and steel sheetmetal building materials and supplies, space heaters, furnace pipe, furnace accessories, garbage cans,* and *pails*, from Portland, Oreg., to points in Washington, Idaho, Utah, and California, under a continuing contract with General Metalcraft, Inc., of Portland, Oreg. A permit authorizing such operations will be granted subject to the following conditions: (1) Applicant shall conduct separately the for-hire transportation operations authorized herein and his other business activities and shall maintain separate books and records therefor; (2) notice of the authority granted herein will be republished in the FEDERAL REGISTER, and the issuance of a permit withheld until 30 days following such publication, to give any interested person who may have been misled by the original publication an opportunity to file an appropriate pleading.

NOTICE OF FILING OF PETITIONS

No. MC 118993 (Sub-No. 7) and No. MC 118993 (Sub-No. 8), (PETITION FOR MODIFICATION AND AMENDMENT OF CERTIFICATES), filed May 10, 1965. Petitioner: L. R. McDONALD & SONS, LTD., Cornwall, Ontario, Canada. Petitioner's attorney: Morton E. Kiel, 140 Cedar Street, New York, N.Y., 10006. Petitioner holds authority in No. MC 118993 (Sub-No. 7), to conduct operations, as a motor common carrier, over irregular routes, transporting as follows: *General commodities*, except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment. Between the port of entry located on the United States-Canada boundary line on the Cornwall-Massena International Bridge, on the one hand, and, on the other,

points in the town of Massena, N.Y., on the United States end or plaza of the Cornwall-Massena International Bridge and motor, rail, and air carrier terminals in the town of Massena, N.Y., restricted to traffic originating at or destined to points in Canada but excluding the transportation of such traffic destined to or originating at points in the Province of Ontario, Canada west of Ontario Highway 16, and in No. MC 118993 (Sub-No. 8) as follows: *Paper*, as described in Appendix XI to the report in *Descriptions in Motor Carrier Certificates 61 M.C.C. 209*, from Norfolk, N.Y., to the port of entry located on the United States-Canada boundary line on the Cornwall-Massena International Bridge; and *Waste paper*, and *commodities* used in the manufacture of paper, From the port of entry located on the United States-Canada boundary line on the Cornwall-Massena International Bridge, to Norfolk, N.Y., restricted to traffic originating at or destined to points in Canada (except those points in the Province of Ontario west of Ontario Highway 16.) By the instant petition, petitioner requests removal of the above referred-to restrictions. It states that it does not request authority to provide service in interstate commerce under its certificates. It seeks merely authority to transport in foreign commerce. It would have no objection to a limitation of the service authority in the referred-to certificates, solely in connection with shipments moving in foreign commerce to or from points in Canada. Any person or persons desiring to participate in this proceeding may, within 30 days from the date of this publication in the FEDERAL REGISTER, file an appropriate pleading, consisting of an original and six copies each.

PREHEARING CONFERENCE CASES

In accordance with Rule 68 of the Commission's general rules of practice, notice is hereby given to all parties interested that a prehearing conference in the proceedings described in the appendix attached hereto will be held on June 29, 1965, at 8:30 a.m. U.S. standard time (9:30 a.m. District of Columbia d.s.t.), at the Offices of the Interstate Commerce Commission, Washington, D.C. with Examiner Harold P. Boss presiding.

At the prehearing conference it is contemplated that the following matters will be discussed:

(1) The issues generally with a view to their clarification and simplification, for the purpose of proper notice and determination of jurisdictional assignments;

(a) By applicant defining with particularity the routes and off-route points and territories sought to be served herein as well as those with respect to which a removal in part or whole of existing restrictions also are sought.

(b) By applicant defining with particularity the type of service proposed over the routes applied for herein, or those where restrictions are to be eliminated in whole or in part, or any combination thereof.

(2) The possibility and desirability of agreeing upon special procedure to expedite and control the handling of this application including the submission of the supporting and opposing shipper testimony by verified statements;

(3) The time and place or places of such hearing or hearings as may be agreed upon;

(4) The number of witnesses to be presented and the time required for such presentation by both applicant and protestants;

(5) The practicability of both applicant and the opposing carriers submitting in written form their direct testimony with respect to:

(a) Their present operating authority,

(b) Their corporate organizations if any, ownership and control,

(c) Their fiscal data,

(d) Their equipment, terminals, and other facilities;

(6) The practicability and desirability of all parties exchanging exhibits covering the immediately above-listed matters in advance of any hearing; and

(7) Any other matters by which the hearing can be expedited or simplified or the Commission's handling thereof aided.

These applications and the authority sought MC 66562 (Sub-No. 1943) through MC 66562 (Sub-No. 1948) are as follows:

No. MC 66562 (Sub-No. 1943), filed March 27, 1963. Applicant: RAILWAY EXPRESS AGENCY, INCORPORATED, 219 East 42d Street, New York 17, N.Y. Applicant's attorney: William Q. Keenan (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, moving in express service, between West Elizabeth, Pa. and Uniontown, Pa.; from West Elizabeth over Pennsylvania Highway 51 to Uniontown, and return over the same route, serving no intermediate points, but serving the off-route point of Charleroi, Pa. Restrictions: (A) The service to be performed by applicant shall be limited to that which is auxiliary to or supplemental of express service of the Railway Express Agency. (B) Shipments transported by applicant shall be limited to those moving on through bills of lading or express receipts. (C) The authority granted herein, to the extent it authorizes the transportation of dangerous explosives, shall be limited, in point of time, to a period expiring 5 years from the date of the certificate. (D) Such further specific conditions as the Commission, in the future, may find necessary to impose in order to restrict applicant's operations to a service which is auxiliary to or supplemental of express service of the Railway Express Agency.

NOTE: Applicant states that the service proposed above will be an extension of and operated in connection with applicant's existing motor operations authorized in Certificate No. MC 66562 Sub 12, that applicant proposes to transfer shipments between the route proposed above and the existing route under applicant's Sub 12 Certificate, and that applicant requests that any restrictions in its Sub 12 Certificate be modified to the extent necessary, if any, to permit the service proposed.

No. MC 66562 (Sub-No. 1945), filed April 10, 1963. Applicant: RAILWAY EXPRESS AGENCY, INCORPORATED, 219 East 42d Street, New York 17, N.Y. Applicant's attorney: William H. Marx (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, moving in express service, (1) between Charleston, W. Va., and Parkersburg, W. Va.: (a) From Charleston over West Virginia Highway 14 to junction West Virginia Highway 4, thence over West Virginia Highway 4 to junction West Virginia Highway 36, thence over West Virginia Highway 36 to Spencer, W. Va., thence over West Virginia Highway 14 to junction U.S. Highway 21, thence over U.S. Highway 21 to Parkersburg, and return over the same route, serving the intermediate points in Clendenin and Spencer, W. Va., and the off-route point of Clay, W. Va., (b) from Charleston over West Virginia Highway 14 to junction U.S. Highway 21, thence over U.S. Highway 21 to Parkersburg, and return over the same route, serving the off-route point of Spencer, W. Va., (c) from Charleston over Interstate Highway 77 to Ripley, W. Va., thence over U.S. Highway 21 to Parkersburg, and return over the same route, serving the intermediate point of Ripley, W. Va., (d) from Charleston over U.S. Highway 21 to junction West Virginia Highway 56, thence over West Virginia Highway 56 to junction West Virginia Highway 2, thence over West Virginia Highway 2 to Parkersburg, and return over the same route, serving the intermediate points of Ravenswood and Ripley, W. Va.; (2) between Quinwood, W. Va., and Cowen, W. Va.: (a) From Quinwood over West Virginia Highway 20 to Cowen, and return over the same route, serving the off-route points of Allingdale and Richwood, W. Va., (b) from Quinwood over West Virginia Highway 20 to junction West Virginia Highway 39, thence over West Virginia Highway 39 to junction U.S. Highway 19, thence over U.S. Highway 19 to junction West Virginia Highway 41, thence over West Virginia Highway 41 to junction West Virginia Highway 20, thence over West Virginia Highway 20 to Cowen, and return over the same route, serving no intermediate points; (3) between Huntington, W. Va., and Parkersburg, W. Va.: (a) From Huntington, over U.S. Highway 52 to junction Ohio Highway 7.

Thence over Ohio Highway 7 to junction U.S. Highway 50, thence over U.S. Highway 50 to Parkersburg, and return over the same route, serving the intermediate points of Gallipolis and Pomeroy, Ohio, (b) from Huntington over West Virginia Highway 2 to junction West Virginia Highway 62, thence over West Virginia Highway 62 to junction U.S. Highway 33, thence over U.S. Highway 33 to Pomeroy, Ohio, thence return over U.S. Highway 33 to junction West Virginia Highway 2, thence over West Virginia Highway 2 to Parkersburg, and return over the same route, serving the intermediate points of New Haven and Ravenswood, W. Va., and Pomeroy, Ohio, (4) between Weston, W. Va., and Charleston, W. Va.: (a) From Weston over U.S. Highway 119 to junction West Virginia Highway 5, thence over West Virginia Highway 5 to junction West Virginia Highway 4, thence over West Virginia Highway 4 to junction West Virginia Highway 14, thence over West Virginia Highway 14 to Charleston, and return over the same route, serving the intermediate points of Clendenin, Gassaway, Sutton, Heaters, Burnsville and Glenville, W. Va., and the off-route point of Clay, W. Va., (b) from Weston over U.S. Highway 19 to junction West Virginia Highway 4, thence over West Virginia Highway 4 to junction West Virginia Highway 14, thence over West Virginia Highway 14 to Charleston, and return over the same route, serving Heaters, Sutton, Gassaway and Clendenin, W. Va., and the junction of U.S. Highway 19 and West Virginia Highway 4 as intermediate points, and Clay, W. Va., as an off-route point, (5) between Weston, W. Va., and Norton, W. Va.: from Weston over U.S. Highway 19 to junction West Virginia Highway 4, thence over West Virginia Highway 4 to Norton, and return over the same route, serving Buckhannon, W. Va., and the junction of U.S. Highway 19 and West Virginia Highway 4 as intermediate points, and Frenchton, W. Va., as an off-route point.

NOTE: Applicant states the proposed service will be an extension of and operated in connection with its existing authorized motor operations in MC 66562 Sub 12, 83, 154, 258, 529, 604, 908, 921, 953, 955, 1344, 1345, 1383, 1435, 1523, 1527, 1603, and 1812. Applicant proposes to transfer shipments between the operations proposed herein and the existing operations under said certificates. Applicant respectfully requests that the restrictions in said existing certificates be modified to the extent necessary, if any, to permit operation in the manner proposed.

No. MC 66562 (Sub-No. 1948), filed April 19, 1963. Applicant: RAILWAY EXPRESS AGENCY, INCORPORATED, 219 East 42d Street, New York 17, N.Y. Applicant's attorney: William H. Marx (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, moving in express service, between Roanoke, Va., and Waynesboro, Va.; from Roanoke over U.S. Highway 11 to junction U.S. Highway 340, and thence over U.S. Highway 340 to Waynesboro, and return over the same route, serving the intermediate and off-route points of Cloverdale, Troutville, Buchanan, Lexington, Hollins, Natural Bridge, Glasgow, Buena Vista, Vesuvius, Stuarts Draft, and Lyndhurst, Va.

NOTE: Applicant states the proposed route will be an extension of and operated in connection with its existing authorized routes in MC 66562 Subs 1412, 1435, 1614, and 1918 and the existing authorized route of applicant's subsidiary, Railway Express Agency, Inc., of Virginia in MC 1650. Applicant requests that the restrictions in said existing certificates be modified to the extent necessary, if any, to permit operation in the manner proposed.

APPLICATIONS FOR CERTIFICATES OR PERMITS WHICH ARE TO BE PROCESSED CONCURRENTLY WITH APPLICATIONS UNDER SECTION 5 GOVERNED BY SPECIAL RULE 1.240 TO THE EXTENT APPLICABLE

No. MC 2228 (Sub-No. 44) (REPUBLICATION), filed July 13, 1964, published FEDERAL REGISTER, issue of August 5, 1964, and republished this issue. Applicant: MERCHANTS FAST MOTOR LINES, INC., Abilene, Tex. This application is directly related to MC-F-8813. At the hearing it developed that in listing the 193 routes (as published in the August 5, 1964, issue of the FEDERAL REGISTER), applicant had omitted from the application one route. The route was included in MC-F-8813. The omitted route was a 280-mile segment of U.S. Highway 80 between Odessa and El Paso, Tex., serving all intermediate points. This route is applicant's only link between the primary interline point of El Paso on the west and the remainder of its extensive network of routes throughout Texas. A report and order, served May 17, 1965, recommended by G. E. Jessup, Hearing Examiner, in MC-F-8813, which report also embraces No. MC 2228 (Sub-No. 44), calls for publication of the above-route in the FEDERAL REGISTER to afford proper parties an opportunity to petition, within 30 days from the date of such publication, for further hearing or other appropriate relief.

No. MC 35628 (Sub-No. 263), filed May 13, 1965. Applicant: INTERSTATE MOTOR FREIGHT SYSTEM, a corporation, 134 Grandville SW., Grand Rapids, Mich. Applicant's attorney: Leonard D. Verdier, Jr., Michigan Trust Building, Grand Rapids, Mich., 49502. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except Classes A and B explosives, household goods as defined by the Commission, and commodities in bulk), from East St. Louis, Ill., over U.S. Highway 66 to junction U.S. Highway 50, thence over U.S. Highway 50 to Sedalia, Mo., thence over U.S. Highway 65 to junction Missouri Highway 52, thence over Missouri Highway 52 to Windsor, Mo., serving the intermediate points of St. Louis and Sedalia, Mo., and those off-route points located in that part of Henry County, Mo., north of Missouri Highway 7 and east of Missouri Highway 13.

NOTE: Applicant asks that this application be treated as a matter directly related to the section-5 transaction presented in No. MC-F 8265, Interstate Motor Freight System—Purchase—Eaton Truck Line, Inc. This application was denied by decision and order of November 16, 1964, effective February 11, 1965. A suit to set aside the order of November 16, 1964, has been filed, Civil Action 5047, U.S. District Court, Western District of Michigan, and a petition is pending with the Commission seeking to reopen the proceeding in No. MC-F 8265 for further hearing.

No. MC 84212 (Sub-No. 28) filed May 12, 1965. Applicant: DORN'S TRANSPORTATION, INC., Railroad Avenue, Extension, Albany, N.Y. Applicant's attorney: Harris J. Klein, 280 Broadway, New York 7, N.Y. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, Classes A an B explosives, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment), between points in Massachusetts.

NOTE: This is a matter directly related to MC-F-9120, published in FEDERAL REGISTER, issue of May 19, 1965.

APPLICATIONS UNDER SECTIONS 5 AND 210a(b)

The following applications are governed by the Interstate Commerce Commission's special rules governing notice of filing of applications by motor carriers of property or passengers under sections 5(a) and 210a(b) of the Interstate Commerce Act and certain other proceedings with respect thereto. (49 CFR 1.240.)

MOTOR CARRIERS OF PROPERTY

No. MC-F-9090 (D. J. McNICHOL CO.—PURCHASE—FRANCES McNICHOL), published in the April 28, 1965, issue of the FEDERAL REGISTER on page 5920. Application filed May 14, 1965, for temporary authority under section 210a(b).

No. MC-F-9121. Authority sought for control by BRINK'S EXPRESS COMPANY OF CANADA, LIMITED, 1000 Ottawa Street, Post Office Box 587, Montreal, Quebec Province, Canada, of DIRECT WINTERS TRANSPORT, LIMITED, 235 Queen's Quay West, Toronto, Ontario Province, Canada, and for acquisition by BRINK'S INCORPORATED, 234 East 24th Street, Chicago, Ill., 60616, and THE PITTSTON COMPANY, 250 Park Avenue, New York, N.Y., 10017, of control of DIRECT WINTERS TRANSPORT, LIMITED, through the acquisition by BRINK'S EXPRESS COMPANY OF CANADA, LIMITED. Applicants' attorneys: Edward K. Wheeler, 704 Southern Building, Washington, D.C., 20005, and F. D. Partlan, c/o Brink's, Inc., 234 East 24th Street, Chicago, Ill., 60616. Operating rights sought to be controlled: *General commodities*, excepting, among others, household goods and commodities in bulk, as a *common carrier*, over regular routes, between Niagara Falls, N.Y., and the port of entry on the United States-Canada boundary line located on the new Lewiston-Queenston Bridge at Lewiston, N.Y., serving no intermediate points; *general commodities*, excepting, among others, commodities in bulk, but not excepting household goods, between the boundary of the United States and Canada at Niagara Falls (Lower Arch Bridge), N.Y., and Baladell, and Akron, N.Y., serving all intermediate points; *fresh fruit*, from Holley, N.Y., to the boundary of the United States and Canada at Niagara Falls (Lower Arch Bridge), N.Y., serving intermediate and off-route points within 25 miles of Holley for pickup only; *general commodities*, excepting, among others, household goods and commodities in bulk, over irregular routes, between the boundary of the United States and Canada at Detroit, Mich., on the one hand, and, on the other, Detroit, Mich., between Wellsley Island, Jefferson County, N.Y., and the port of entry on the United States-Canada boundary line at or near the Thousand Island International Bridge, Jefferson County, N.Y. RESTRICTION: The operations authorized herein shall be restricted to traffic originating at or destined to points in Canada; between Detroit, Mich., on the one hand, and, on the other, points in Michigan within 8 miles of Detroit, between

the site of the Kelsey Hayes Co. plant located at the intersection of the North Line Road and Huron River Drive, Romulus Township, Wayne County, Mich., on the one hand, and, on the other, the United States-Canada boundary line at Detroit, Mich. BRINK'S EXPRESS COMPANY OF CANADA, LIMITED, is authorized to operate as a *contract carrier* in the State of New York. Application has not been filed for temporary authority under section 210a(b).

NOTE: Docket No. F.D. 23648 was filed concurrently.

No. MC–F–9122. Authority sought for purchase by HIRAM LEIGH, doing business as SANDERS & LEIGH, U.S. Highway 127 By-Pass, Liberty, Ky., of a portion of the operating rights of McDUFFEE MOTOR FREIGHT, INC., 332 Hood Avenue, Lebanon, Ky. Applicants' attorney: Fred F. Bradley, 202 Court Square Building, 213 St. Clair Street, Frankfort, Ky. Operating rights sought to be transferred: *General commodities*, excepting among others, household goods and commodities in bulk, as a *common carrier*, over regular routes, between the Green-Adair County, Ky., line and Columbia, Ky., serving all intermediate points and off-route points within 3 miles of the specified route, except that no freight may be transported from or to Louisville, Ky., proper, or the Louisville, Ky., gateway, between Columbia, Ky., and Wolf Creek Dam, Ky., between the Casey-Russell County, Ky., line and Wolf Creek Dam, Ky., serving no intermediate points, between the Casey-Russell County, Ky., line and Wolf Creek Dam, Ky., serving intermediate and off-route points on or within 5 miles of U.S. Highway 127 (formerly Kentucky Highway 35), between the Casey-Russell County, Ky., line and Wolf Creek Dam, one alternate route for operating convenience only; *general commodities*, with exceptions as specified above, (other than alcohol distilled spirits, neutral spirits, and alcoholic liquors), between Springfield, Ky., and Danville, Ky., and all intermediate points, and the off-route points within 3 miles of the specified route, between Brumfield, Ky., and Danville, Ky., and all intermediate points, between junction U.S. Highway 68 and Kentucky Highway 243, and Harrodsburg, Ky., and all intermediate points, and the off-route points within 3 miles of the specified route. RESTRICTION: No service to be rendered at Danville, Harrodsburg, or Perryville, Ky., on the above routes except as otherwise authorized, and except for the purpose of joinder only with carrier's other routes; between Columbia, Ky., and Russell Springs, Ky., and all intermediate points, and the off-route points within 3 miles of the specified route; one alternate route for operating convenience only. Vendee is authorized to operate as a *common carrier* in Kentucky. Application has not been filed for temporary authority under section 210a(b).

No. MC–F–9124. Authority sought for purchase by ALBERT LIVEK, doing business as LIVEK'S TRUCKING SERVICE, 808 Harrison Street, Kewanee, Ill., of the operating rights of JEANETTE M. NORQUIST, doing business as AAA Truck Lines, 321 East Central Boulevard, Kewanee, Ill. Applicants' attorney: Mack Stephenson, 42 Fox Mill Lane, Springfield, Ill. Operating rights sought to be transferred: Under Docket No. MC–99628 Sub–1, seeking a certificate of registration, covering the transportation of property, as a common carrier, in intrastate commerce, within the State of Illinois. Vendee is authorized to operate as a *common carrier* in Iowa, Wisconsin, Indiana, Missouri, Nebraska, Illinois, Alabama, Delaware, Florida, Georgia, Kentucky, Maryland, Michigan, Mississippi, North Carolina, New Jersey, New York, Ohio, Pennsylvania, South Carolina, Tennessee, Virginia, West Virginia, and the District of Columbia. Application has been filed for temporary authority under section 210a(b).

NOTE: Docket No. MC–110023 Sub-2 is a matter directly related.

No. MC–F–9126. Authority sought for purchase by W. R. RIVERS, 1427 Bell Glade, Jackson, Miss., of a portion of the operating rights of AZALEA MOTOR LINES, INC., 835 Dumaine Street, Mobile, Ala. Applicants' attorney: Dudley W. Conner, Conner Building, Hattiesburg, Miss. Operating rights sought to be transferred: *General commodities*, excepting, among others, household goods and commodities in bulk, as a *common carrier*, over regular routes, between Leakesville, Miss., and Mobile, Ala., serving the intermediate points of Lucedale, Miss., and those between Lucedale, Miss., and Mobile, Ala., between Mobile, Ala., and Lucedale, Miss., serving all intermediate points. Vendee holds no authority from this Commission. Application has not been filed for temporary authority under section 210a(b).

NOTE: Applicants propose the above transaction in lieu of the condition, in the report and order, by the Commission, Division 3, in Docket No. MC–F–8334, granted December 8, 1964, that duplicating rights to be cancelled concurrently with consummation of the transaction.

No. MC–F–9127. Authority sought for control by MATLACK, INC., 10 West Baltimore Avenue, Lansdowne, Pa., 19050, of SOUTHERN BULK HAULERS, INC., Post Office Box 278, Harleyville, S.C., and for acquisition by MATLACK CORPORATION, and in turn by DUVERNEY B. MATLACK, EDWIN L. MATLACK, E. BROOKE MATLACK, JR., and ROBERT W. MATLACK, all of Lansdowne, Pa., of control of SOUTHERN BULK HAULERS, INC., through the acquisition by MATLACK, INC. Applicants' attorneys: Beverley S. Simms, 910 17th Street NW., Washington, D.C., and Frank A. Graham, Jr., 707 Security Federal Building, Columbia, S.C. Operating rights sought to be controlled: *Cement*, as a *common carrier*, over irregular routes, from the plant site of the Giant Portland Cement Co. at Harleyville (Dorchester County), S.C., to points in Georgia and North Carolina. RESTRICTION: The authority granted herein shall be subject to the right of the Commission, which is hereby expressly reserved, to impose such terms, conditions or limitations in the future as it may find necessary in order to insure that carrier's operations shall conform to the provisions of section 210 of the act; between points in Georgia, between points in North Carolina. RESTRICTION: The operations authorized herein are restricted to shipments having an immediately prior movement by rail from Dorchester County, S.C. MATLACK, INC. is authorized to operate as a *common carrier* in Maryland, Delaware, Pennsylvania, Virginia, New Jersey, New York, Ohio, West Virginia, North Carolina, Georgia, South Carolina, Indiana, Alabama, Missouri, Tennessee, Minnesota, Arkansas, Michigan, Illinois, Wisconsin, Kansas, Kentucky, Maine, Colorado, New Hampshire, Vermont, Connecticut, Massachusetts, Rhode Island, Florida, Louisiana, Mississippi, Iowa, Nebraska, Oklahoma, Texas, and the District of Columbia. Application has not been filed for temporary authority under section 210a(b).

NOTE: See also MC–F–9018 (CALHOUN LEMON — CONTROL — COOPER MOTOR LINES, INC., ET AL.), published in the February 10, 1965, issue of the FEDERAL REGISTER on page 1903.

No. MC–F–9128. Authority sought for purchase by JOSEPH T. BRAUN, doing business as BLUE COMET EXPRESS, 1901 Torresdale Avenue, Philadelphia, Pa., of the operating rights and property of DAILY SERVICE, INC., c/o Wall Cartage, Paul and Torresdale Avenue, Philadelphia, Pa. Applicants' attorney and representative: John R. Manoney, 26 Broadway, New York, N.Y., and Arthur Lorch, 202 North Broad Street, Philadelphia, Pa. Operating rights sought to be transferred: *General commodities*, excepting, among others, household goods and commodities in bulk, as a *common carrier* over irregular routes between Philadelphia, Pa., on the one hand, and, on the other, points in Montgomery and Bucks Counties, Pa.; *general commodities*, excepting, among others, commodities in bulk, but not excepting household goods, between Yonkers, N.Y., on the one hand, and, on the other, points in that part of Connecticut, south of a line extending from New Haven, Conn., in a northwesterly direction through Ansonia, Sandy Hook, and Brookfield, Conn., to the Connecticut-New York State line, points in that part of New York south of U.S. Highway 202 and west of New York Highway 112, extending between Patchogue and Port Jefferson, L.I., N.Y., including points on the indicated portions of the highways specified. Vendee is authorized to operate as a *common carrier* in Pennsylvania, New York, New Jersey, Maryland, Delaware, and the District of Columbia. Application has not been filed for temporary authority under section 210a(b).

No. MC–F–9129. Authority sought for control by HAROLD ROLPH CORPORATION, 7100 East Broadway, Spokane, Wash., of ADAMS TRANSPORT, INC., East 12205 Empire Avenue, Spokane, Wash., and for acquisition by H. E. ROLPH, South 3023 Jefferson, Spokane, Wash., MAX GRAY, East 8523 Dalton, Spokane, Wash., and GEORGE R. MILLER, 11318 East 19th, Spokane, Wash., of control of ADAMS TRANSPORT, INC., through the acquisition by

HAROLD ROLPH CORPORATION. Applicants' attorney: Jack R. Davis, 1100 IBM Building, Seattle, Wash. Operating rights sought to be controlled: *Cement*, in bulk, as a *common carrier*, over irregular routes, from Spokane, Wash., to Moscow, Idaho, from Irvin, Wash., to Pendleton, and Umatilla, Oreg., and Missoula, Hamilton, and Kalispell, Mont.; *cement*, in bulk and in containers, from Irvin, Wash., to points in Kootenai, Bonner, Boundary, Beneway, Latah, Nez Perce, Shoshone, Lewis, Clearwater, and Idaho Counties, Idaho; *cement*, from Spokane and Irvin, Wash., to points in Flathead, Granite, Lake, Lincoln, Mineral, Missoula, Ravalli, and Sanders Counties, Mont.; between points in that part of Washington on and east of U.S. Highway 97. RESTRICTION: The authority granted herein is restricted to shipments having a prior movement by rail; *sand, gravel*, and *crushed rock* (except crushed lime rock), in bulk from Irvin, Wash., to points in Idaho north of the Southern boundary of Idaho County, and points in Montana in and west of Flathead, Missoula, Granite, and Ravalli Counties; *vermiculite*, in bulk, from Libby, Mont., to Spokane, Wash.; *concrete mix, mortar mix*, and *sand and cement mix*, in bags, from Spokane, Wash., to points in Idaho north of the southern boundary of Idaho County, points in that part of Montana in and west of Carbon, Yellowstone, Musselshell, Fergus, Chouteau, and Hill Counties, and points in Umatilla, Wallowa, Union, Morrow, Gilliam, Sherman, and Wasco Counties, Oreg.; and *concrete products*, reinforced or plain, from Spokane, Wash., to points in that part of Idaho north of the southern boundary of Idaho County, points in that part of Montana in and west of Flathead, Missoula, Granite, and Ravalli Counties, and points in Wallowa, Umatilla, and Union Counties, Oreg., from Coeur d'Alene, Idaho, to points in Washington east of the Cascade Mountains, points in that part of Montana in and west of Flathead, Missoula, Granite, and Ravalli Counties, and points in Wallowa, Umatilla, and Union Counties, Oreg. HAROLD ROLPH CORPORATION holds no authority from this Commission. However, it is affiliated with B-LINE TRANSPORT CO., INC., East 7100 Broadway Avenue, Spokane, Wash., which is authorized to operate as a *common carrier* in Washington, Montana, Idaho, and Oregon. Application has been filed for temporary authority under section 210a(b).

MOTOR CARRIERS OF PASSENGERS

No. MC–F–9123. Authority sought for merger into VALLEY TRANSIT COMPANY, INC., 219 North A Street, Harlingen, Tex., of the operating rights and property of ORANGE BALL BUS CO., INC., 219 North A Street, Harlingen, Tex. Applicants' attorney and representative: Warren Woods, 1111 E Street NW., Washington 4, D.C., and Robert G. Farris, Post Office Box 1870, Harlingen, Tex. Operating rights sought to be merged: Passengers and their baggage, and express and newspapers in the same vehicle with passengers, as a *common carrier*, over regular routes, between McAllen, Tex., and the United States-Mexico boundary line, between Mission, Tex., and the junction of Texas Farm-To-Market Roads 1016 and 1926, between the junction of Texas Farm-To-Market Road 1016 and unnumbered county road, located approximately 2 miles northwest of Granjeno, Tex., and the junction of Texas Farm-To-Market Roads 494 and 1016, located approximately 2 miles northeast of Granjeno, Tex., between the junction of unnumbered county roads, located approximately 1 mile northwest of Granjeno, Tex., and the port of entry on the United States-Mexico boundary line located at Ansalduas Dam, between McAllen, Tex., and the United States-Mexico boundary line, at the International Bridge, between McAllen, Tex., and junction U.S. Highway 281 and Texas Highway 336, located about 1 mile east of Hidalgo, Tex., between the Ports of Entry on the United States-Mexico boundary line located at or near Los Ebanos, Tex., and Mission, Tex., serving all intermediate points. VALLEY TRANSIT COMPANY, INC., holds no authority from this Commission. However, its controlling stockholders own all of the stock in PAN AMERICAN MOTOR COACHES, 219 North A Street, Harlingen, Tex., which is authorized to operate as a *common carrier* in Texas; and as a *contract carrier* in Arkansas, Colorado, Georgia, Illinois, Iowa, Indiana, Kentucky, Kansas, Michigan, Minnesota, Missouri, New Mexico, Ohio, Tennessee, Texas, and Wisconsin. Application has not been filed for temporary authority under Section 210a(b).

NOTE: VALLEY TRANSIT COMPANY, INC., controls ORANGE BALL BUS CO., INC., pursuant to authority granted March 23, 1964, in Docket No. MC–F–8616.

By the Commission.

[SEAL] BERTHA F. ARMES, *Acting Secretary.*

[F.R. Doc. 65–5482; Filed, May 25, 1965; 8:46 a.m.]

[Notice 773]

MOTOR CARRIER APPLICATIONS AND CERTAIN OTHER PROCEEDINGS

MAY 21, 1965.

The following publications are governed by the new Special Rule 1.247 of the Commission's rules of practice, published in the FEDERAL REGISTER, issue of December 3, 1963, which became effective January 1, 1964.

APPLICATIONS ASSIGNED FOR ORAL HEARING

MOTOR CARRIERS OF PROPERTY

The applications immediately following are assigned for hearing at the time and place designated in the notice of filing as here published in each proceeding. All of the proceedings are subject to the Special Rules of Procedure for Hearing outlined below:

Special rules of procedure for hearing. (1) All of the testimony to be adduced by applicant's company witnesses shall be in the form of written statements which shall be submitted at the hearing at the time and place indicated.

(2) All of the written statements by applicant's company witnesses shall be offered in evidence at the hearing in the same manner as any other type of evidence. The witnesses submitting the written statements shall be made available at the hearing for cross-examination, if such becomes necessary.

(3) The written statements by applicant's company witnesses, if received in evidence, will be accepted as exhibits. To the extent the written statements refer to attached documents such as copies of operating authority, etc., they should be referred to in written statement as numbered appendices thereto.

(4) The admissibility of the evidence contained in the written statements and the appendices thereto, will be at the time of offer, subject to the same rules as if the evidence were produced in the usual manner.

(5) Supplemental testimony by a witness to correct errors or to supply inadvertent omissions in his written statement is permissible.

No. MC 84511 (Sub-No. 23), filed May 17, 1965. Applicant: COMMERCIAL FREIGHT LINES, INC., 1700 West 9th Street, Kansas City, Mo. Applicant's attorney: John E. Jandera, 641 Harrison Street, Topeka, Kans., 66603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts, and articles distributed by meat packinghouses*, as described in sections A and C of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except commodities in bulk), from Garden City, Kans., and points within five (5) miles thereof, to points in Illinois, Iowa, Missouri, Nebraska, Wisconsin, Indiana, and Michigan.

NOTE: Common control may be involved.

HEARING: June 21, 1965, at the Pickwick Motor Inn, McGee and 10th Streets, Kansas City, Mo., before Examiner Francis A. Welch.

No. MC 117954 (Sub-No. 16), filed May 17, 1965. Applicant: H. L. HERRIN, JR., Post Office Box 456, Metairie, La. Applicant's attorney: Albert A. Andrin, 105 West Adams Street, Chicago 3, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, and meat byproducts, dairy products, and articles distributed by meat packinghouses and such commodities* as are used by meatpackers in the conduct of their business, when destined to and for use by meatpackers, as described in sections A, B, C, and D, of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk, in tank vehicles), from Garden City, Kans., and points within ten (10) miles thereof, to points in Alabama, Arkansas, Florida, Georgia, Kentucky, Louisiana, Mississippi, Missouri, Oklahoma, Tennessee, and Texas.

HEARING: June 21, 1965, at the Pickwick Motor Inn, McGee and 10th Streets, Kansas City, Mo., before Examiner Francis A. Welch.

No. MC 118159 (Sub-No. 20), filed May 17, 1965. Applicant: EVERETT LOWRANCE, Post Office Box 10216, New Orleans, La. Applicant's attorney: Albert A. Andrin, 105 West Adams Street, Chicago 3, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products*, and *meat byproducts, dairy products*, and *articles distributed by meat packinghouses, and such commodities*, as are used by meatpackers in the conduct of their business, when destined to and for use by meatpackers, as described in sections A, B, C, and D, of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk, in tank vehicles), from Garden City, Kans., and points within ten (10) miles thereof, to points in Alabama, Arkansas, Florida, Georgia, Kentucky, Louisiana, Mississippi, Missouri, Oklahoma, Tennessee, and Texas.

HEARING: June 21, 1965, at the Pickwick Motor Inn, McGee and 10th Streets, Kansas City, Mo., before Examiner Francis A. Welch.

No. MC 127204, filed April 26, 1965. Applicant: KINDSVATER, INC., Fort Dodge Road, Dodge City, Kans. Applicant's attorney: Arthur L. Claussen, 303 New England Building, Topeka, Kans. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, and meat byproducts, dairy products, and articles distributed by meat packinghouses*, as described in sections A, B, and C of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, from points within fifteen (15) miles of Garden City, Kans., to points in Arizona, Nevada, and California.

HEARING: June 21, 1965, at the Pickwick Motor Inn, McGee and 10th Streets, Kansas City, Mo., before Examiner Francis A. Welch.

By the Commission.

[SEAL] BERTHA F. ARMES, *Acting Secretary.*

[F.R. Doc. 65-5483; Filed, May 25, 1965; 8:46 a.m.]

NOTICE OF FILING OF MOTOR CARRIER INTRASTATE APPLICATIONS

MAY 21, 1965.

The following applications for motor common carrier authority to operate in intrastate commerce seek concurrent motor carrier authorization in interstate or foreign commerce within the limits of the intrastate authority sought, pursuant to section 206(a)(6) of the Interstate Commerce Act, as amended October 15, 1962. These applications are governed by Special Rule 1.245 of the Commission's rules of practice, published in the FEDERAL REGISTER, issue of April 11, 1963, page 3533, which provides, among other things, that protests and requests for information concerning the time and place of State Commission hearings or other proceedings, any subsequent changes therein, and any other related matters shall be directed to the State Commission with which the application is filed and shall not be addressed to or filed with the Interstate Commerce Commission.

State Docket No. 7906-CCT, filed April 15, 1965. Applicant: MARTIN ANDERSEN, doing business as, SENTINEL-STAR EXPRESS, 64 East Concord Street, Orlando, Fla. Applicant's attorney: George T. Eidson, Jr., 506 First National Bank Building, Orlando, Fla. Certificate of public convenience and necessity sought to operate a freight service as follows: Transportation of *Light express consisting of newspapers and packages.* (1) From, to, and between all points and places along the following route: Orlando to Lakeland, to Lake Wales, to Waverly, to Dundee, to Lake Hamilton, to Winter Haven, to Auburndale, to Lake Alfred, to Haines City, to Davenport, to Intercession City, to Kissimmee, to Orlando. Using Interstate Highway No. 4 to Lakeland, U.S. Highway No. 98 and State Highway No. 60 to Lake Wales, U.S. Highway No. 27 and Alternate No. 27 to Waverly, Dundee and Lake Hamilton, State Highways No. 540 and 542 to Winter Haven, State Highway No. 544 to Auburndale, U.S. Highway No. 92 to Lake Alfred, U.S. Highways No. 17 and 92 to Haines City, to Davenport, to Intercession City, to Kissimmee, and U.S. Highways No. 17, 92 and 441 to Orlando. Using State Highway No. 544, Interstate Highway No. 4, and county roads as alternate routes for convenience. (2) From, to, and between all points and places along the following route: Orlando to Kissimmee, to St. Cloud, to Intercession City, to Davenport, to Haines City, to Winter Haven, to Lake Wales, to Lake Hamilton, to Dundee, to Waverly, to Haines City, to Orlando. Using U.S. Highways No. 17, 92, and 441 to Kissimmee, U.S. Highways No. 192 and 441 to St. Cloud, U.S. Highways 192 and 441 to Kissimmee, U.S. Highways No. 17 and 92 to Intercession City, to Davenport, to Haines City, U.S. Highway No. 27 and State Highway No. 544 to Winter Haven, State Highway No. 542 and U.S. Highway No. 27 to Lake Wales, U.S. Alternate Highway No. 27 to Waverly, to Dundee, to Lake Hamilton, to Haines City, U.S. Highway No. 27 and Interstate Highway No. 4 to Orlando.

Using county roads as alternate routes for convenience. (3) From, to, and between all points and places along the following route: Orlando to Haines City, to Lake Hamilton, to Winter Haven, to Lakeland, to Lake Wales, to Haines City, to Orlando. Using Interstate Highway No. 4 and U.S. Highway No. 27 to Haines City and Lake Hamilton, State Highway No. 542 to Winter Haven, State Highway No. 544 and U.S. Highway No. 92 to Lakeland, U.S. Highway No. 98 and State Highway No. 60 to Lake Wales, U.S. Highway No. 27 to Haines City, U.S. Highway No. 27 and Interstate Highway No. 4 to Orlando. Using county roads as alternate routes for convenience. (4) From, to, and between all points and places along the following route: Orlando to Apopka, to Ocoee, to Winter Garden, to Orlando. Using U.S. Highway No. 441 to Apopka, State Highway No. 437 to Ocoee, to Winter Garden, State Highway No. 50 to Orlando. Using county roads as alternate routes for convenience. (5) From, to, and between all points and places along the following route: Orlando to Winter Garden, to Minneola, to Clermont, to Groveland, to Mascotte, to Okahumpka, to Leesburg, to Howey-in-the-Hills, to Clermont, to Orlando. Using State Highway No. 50 to Winter Garden, State Highway No. 50 to intersection of U.S. Highway No. 27, U.S. Highway No. 27 to Minneola, State Highway No. 561 to Clermont, State Highway No. 50 to Groveland, to Mascotte, State Highway No. 33 to Okahumpka, State Highway No. 48 and U. S. Highway No. 27 to Leesburg, U.S. Highway No. 27 and State Highways No. 48 and 19 to Howey-in-the-Hills, State Highway No. 19 and U.S. Highway No. 27 to Clermont, State Highway No. 50 to Orlando. Using county roads and Sunshine Parkway as alternate routes for convenience.

(6) From, to, and between all points and places along the following route: Orlando to Winter Garden, to Minneola, to Leesburg, to Wildwood, to Leesburg, to Apopka, to Orlando. Using State Highway No. 50 to Winter Garden, State Highway No. 50, and U.S. Highway No. 27 to Minneola, U.S. Highway No. 27 to Leesburg, State Highway No. 44 to Wildwood, State Highway No. 44 to Leesburg, U.S. Highway No. 441 to Apopka and Orlando. Using county roads and Sunshine Parkway as alternate routes for convenience. (7) From, to, and between all points and places along the following route: Orlando to Winter Garden, to Apopka, to Plymouth, to Orlando. Using State Highway No. 50 to Winter Garden, State Highway No. 437 to Apopka, U.S. Highway No. 441 to Plymouth, U.S. Highway No. 441 to Apopka and Orlando. Using county roads as alternate routes for convenience. (8) From, to, and between all points and places along the following route: Orlando to Apopka, to Plymouth, to Zellwood, to Mt. Dora, to Tavares, to Eustis, to Leesburg, to Howey-in-the-Hills, to Tavares, to Mt. Dora, to Zellwood, to Plymouth, to Apopka, to Orlando. Using U.S. Highway No. 441 to Apopka, Plymouth, Zellwood, Mt. Dora, and Tavares, State Highway No. 19 to Eustis, State Highway No. 44 and U.S. Highway No. 441 to Leesburg, U.S. Highway No. 27 and State Highway No. 48 to Howey-in-the-Hills and Tavares, U.S. Highway No. 441 to Mt. Dora, to Zellwood, to Plymouth, to Apopka, and Orlando. Using county roads as alternate routes for convenience. (9) From, to, and between all points and places along the following route: Orlando to Apopka, to Plymouth, to Zellwood, to Mt. Dora, to Tavares, to Eustis, to Leesburg, to Groveland, to Clermont, to Winter Garden, to Orlando. Using U.S. Highway No. 441 to Apopka, Plymouth, Zellwood, Mt. Dora, and Tavares, State Highway No. 19, to Eustis, State Highway No. 19 and U.S. Highway No. 441 to Leesburg, U.S. Highway No. 27 and State Highway No. 33 to Groveland, State Highway No. 50 to Clermont, Winter Garden, and Orlando. Using county roads as alternate routes for convenience. (10) From, to, and between all points and places along the following route: Orlando to Leesburg, to Belleview, to Ocala, to Belleview, to Leesburg, to Orlando. Using U.S. Highway No. 441 to Leesburg, Belleview, and Ocala and return over the same highway to Orlando. Using county roads and Interstate No. 75 as alternate routes for convenience.

(11) From, to, and between all places and points along the following route: Orlando to Sanford, to DeBary, to DeLand, to Orlando. Using U.S. Highway No. 17 and 92 to Sanford, DeBary, and DeLand and return over the same route. Using county roads and Interstate Highway No. 4 as alternate routes for convenience. (12) From, to, and between all points and places along the following route: Orlando to Samsula, to New Smyrna Beach, to Daytona, to DeLand, to Orlando. Using Interstate Highway No. 4 to intersection of State Highway No. 44, State Highway No. 44 to Samsula and New Smyrna Beach, U.S. Highway No. 1 to Daytona, U.S. Highway No. 92 to DeLand, U.S. Highways No. 17 and 92 and Interstate Highway No. 4 to Orlando. Using county roads as alternate routes for convenience. (13) From, to, and between all points and places along the following route: Orlando to Sanford, to New Smyrna Beach, to Daytona, to DeLand, to Sanford, to Orlando. Using U.S. Highways No. 17 and 92 and Interstate Highway No. 4 to Sanford, State Highways No. 415 and 44 to New Smyrna Beach, U.S. Highway No. 1 to Daytona, U.S. Highway No. 92 to DeLand, U.S. Highways Nos. 17 and 92 and Interstate Highway No. 4 to Sanford and Orlando. Using county roads as alternate routes for convenience. (14) From, to, and between all points and places along the following route: Orlando to Sanford, to New Smyrna Beach, to Daytona, to New Smyrna Beach, to Sanford, to Orlando. Using U.S. Highways Nos. 17 and 92 and Interstate Highway No. 4 to Sanford, State Highways Nos. 415 and 44 to New Smyrna Beach, U.S. Highway No. 1 to Daytona, and return over the same route. Using county roads as alternate routes for convenience. (15) From, to, and between all points and places along the following route: Orlando to Titusville, to Mims, to Geneva, to Oviedo, to Orlando. Using State Highway No. 50 to Titusville, U.S. Highway No. 1 to Mims, State Highway No. 46 to Geneva, State Highway No. 426 to Oviedo and Orlando. Using county roads as alternate routes for convenience.

(16) From, to, and between all points and places along the following route: Orlando to Titusville, to Cocoa, to Orlando. Using State Highway No. 50 to Titusville, U.S. Highway No. 1 to Cocoa, State Highways Nos. 520 and 50 to Orlando. Using county roads as alternate routes for convenience. (17) From, to, and between all points and places along the following route: Orlando to Merritt Island (known as John F. Kennedy Space Center, Fla.), to Cape Kennedy, to Port Canaveral, to Cocoa Beach, to Patrick Air Force Base, to Cocoa Beach, to Cocoa, to Orlando. Using State Highways Nos. 50 and 520 and Bennett Causeway and U.S. Highway No. A-1A to Merritt Island, Bennett Causeway, and NASA Causeway to Cape Kennedy, State Highway No. 401 to Port Canaveral, State Highway No. 401 and U.S. Highway No. A-1A to Cocoa Beach and Patrick Air Force Base, U.S. Highway No. A-1A and State Highway No. 520 to Cocoa and Orlando. Using county roads as alternate routes for convenience. (18) From, to, and between all points and places along the following route: Orlando to Cocoa, to Eau Gallie, to Melbourne, to Cocoa, to Orlando. Using State Highways Nos. 50 and 520 to Cocoa, U.S. Highway No. 1 to Eau Gallie and Melbourne, U.S. Highway No. 1 to Cocoa, State Highways Nos. 520 and 50 to Orlando. Using county roads as alternate routes for convenience. (19) From, to, and between all points and places along the following route: Orlando to Cocoa, to Merritt Island, to Cocoa Beach, to Melbourne Beach, to Melbourne, to Eau Gallie, to Cocoa, to Orlando. Using State Highways Nos. 50 and 520 to Cocoa, State Highway No. 520 and U.S. Highway No. A-1A to Melbourne Beach, U.S. Highway No. 192 to Melbourne, U.S. Highway No. 1 to Eau Gallie and Cocoa, State Highways Nos. 520 and 50 to Orlando. Using county roads as alternate routes for convenience. (20) From, to, and between all points and places along the following route: Orlando to Cocoa, to Merritt Island, to Cocoa Beach, to Patrick Air Force Base, to Cocoa, to Titusville, to Orlando. Using State Highways Nos. 50 and 520 to Cocoa, State Highway No. 520 and U.S. Highway No. A-1A to Patrick Air Force Base and Cocoa and return to Cocoa over same route; U.S. Highway No. 1 to Titusville, State Highway No. 50 to Orlando.

Using county roads as alternate routes for convenience. Applicant hereby requests extension of its service into Tampa, Bartow, Gainesville, and Vero Beach. Should the extension into Tampa and Bartow be granted, Route (1), supra, would be amended to read: (1) From, to, and between all points and places along the following route, except intermediate points and places between Lakeland and Tampa, and between Tampa and Bartow; Orlando to Lakeland to Tampa to Bartow, to Lakeland, to Winter Haven, to Orlando. Using Interstate Highway No. 4 to Lakeland, to Tampa, State Road No. 60 to Bartow, U.S. Highway No. 98 to Lakeland, U.S. Highway No. 92 and State Road No. 544 to Winter Haven, U.S. Highways Nos. 17 and 92 and State Road No. 557 and Interstate Highway No. 4 to Orlando. Should the extension into Gainesville be granted, Route (10), supra, would be amended to read: (10) From, to, and between all points and places along the following route: Orlando to Leesburg, to Belleview, to Ocala, to Gainesville, to Ocala, to Belleview, to Leesburg, to Orlando. Using U.S. Highway No. 441 to Leesburg, Belleview, Ocala, and Gainesville, and return over the same highway to Orlando. Using county roads and Interstate Highway No. 75 as alternate routes for convenience. Should the extension into Vero Beach be granted, Route (18), supra, would be amended to read: (18) From, to, and between all points and places along the following route: Orlando to Cocoa, to Eau Gallie, to Melbourne, to Vero Beach, to Melbourne, to Eau Gallie, to Cocoa, to Orlando. Using State Highways Nos. 50 and 520 to Cocoa, U.S. Highway No. 1 to Eau Gallie, Melbourne, and Vero Beach, and return to Melbourne, Eau Gallie, and Cocoa over U.S. Highway No. 1, State Highways Nos. 520 and 50 to Orlando. Using county roads and the Sunshine Parkway and Interstate Highway No. 95 as alternate routes for convenience.

HEARING: June 7, 1965, at 10 a.m. at the State Office Building, Morse Boulevard, Winter Park, Fla.

Requests for procedural information including the time for filing protests, concerning this application should be addressed to the Florida Public Utilities Commission, Tallahassee, Fla., and should not be directed to the Interstate Commere Commission.

By the Commission.

[SEAL] BERTHA F. ARMES, *Acting Secretary.*

[F.R. Doc. 65-5484; Filed, May 25, 1965; 8:47 a.m.]

[Notice 772]

MOTOR CARRIER, BROKER, WATER CARRIER, AND FREIGHT FORWARDER APPLICATIONS

MAY 21, 1965.

The following applications are governed by Special Rule 1.247[1] of the Commission's general rules of practice (49 CFR 1.247), published in the FEDERAL REGISTER, issue of December 3, 1963, effective January 1, 1964. These rules provide, among other things, that a protest to the granting of an application must be filed with the Commission within 30 days after date of notice of filing of the application is published in the FEDERAL REGISTER. Failure seasonably to file a protest will be construed as a waiver of opposition and participation in the proceeding. A protest under these rules should comply with § 1.40 of the general rules of practice which requires that it set forth specifically the grounds upon which it is made and specify with particularity the facts, matters, and things relied upon, but shall not include issues or allegations phrased generally. Protests not in reasonable compliance with the requirements of the rules may be rejected. The original and six (6) copies of the protest shall be filed with the Commission, and a copy shall be served concurrently upon applicant's representative, or applicant if no representative is named. If the protest includes a request for oral hearing, such request shall meet the requirements of § 1.247(d)(4) of the special rule. Subsequent assignment of these proceedings for oral hearing, if any, will be by Commission order which will be served on each party of record.

No. MC 117 (PETITION FOR WAIVER OF RULE 1.101(e) OF THE COM-

[1] Copies of Special Rule 1.247 can be obtained by writing to the Secretary, Interstate Commerce Commission, Washington, D.C., 20423.

MISSION'S GENERAL RULES OF PRACTICE AND FOR THE REOPENING AND CLARIFICATION OF "GRANDFATHER" AUTHORITY OR FOR FORMAL HEARING), filed April 26, 1965. Petitioner: O. K. HEILMAN, INC., Fourth Avenue and Fourteenth Street, Ford City, Pa. Petitioner's attorney: Edward M. Larkin, 901 Grant Building, Pittsburgh, Pa. Petition deals with the authority originally granted to its predecessor in No. MC 117 because the right of it to serve intermediate points on its authorized regular routes in Ohio has been questioned. As a precautionary measure, however, petitioner filed concurrently herewith a form BMC 78 application under section 207 of the Act to secure the questioned authority, which is published in today's issue of the FEDERAL REGISTER, and sets forth the routes here in question. By the instant petition, petitioner prays the Commission will: (1) Waive Rule 1.101(e) of its general rules of practice and permit the filing of the instant petition; and (2) reopen the above-entitled proceedings solely for the purpose of issuing an order incorporating appropriate language in its certificate which will permit it to serve intermediate points on its authorized regular routes in Ohio on a parity with those operations conducted by petitioner and its predecessor on, prior to, and subsequent to June 1, 1935, and in conformity with the recommendation of the District Supervisor in the "grandfather" applications of petitioner's predecessor, and (3) dismiss the form BMC 78 application filed concurrently herewith, and (4) set the instant petition for a formal hearing on a consolidated record with the application filed concurrently herewith, in the event that the Commission deems such hearing necessary. Any person or persons desiring to participate in this proceeding, may, within 30 days from the date of this publication, file an appropriate pleading, consisting of an original and six copies each.

No. MC 117 (Sub-No. 3), filed April 26, 1965. Applicant: O. K. HEILMAN, INC., 4th Avenue and 14th Street, Ford City, Pa. Applicant's attorney: Edward M. Larkin, 901 Grant Building, Pittsburgh, Pa., 15219. Auhority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, livestock, high explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading), (1) between Ford City, Pa., and Cleveland, Ohio; from Ford City over Pennsylvania Highway 66 to Kittanning, Pa., thence over U.S. Highway 422 to junction unnumbered highway (formerly U.S. Highway 422) at or near Prospect, Pa., thence over unnumbered highway through Portersville, Pa., to junction U.S. Highway 422, thence over U.S. Highway 422 to Cleveland and return over the same route, serving all intermediate points; and (2) between Youngstown, Ohio, and Cleveland, Ohio; from Youngstown over Ohio Highway 18 to Akron, Ohio, thence over Ohio Highway 8 to Cleveland and return over the same route, serving all intermediate points.

NOTE: Applicant states the purpose of this application is to seek an amended description of the applicant's operating authority in Certificate No. MC 117 so as to include the right to the applicant to serve intermediate points on its regular-route operations in Ohio in conformity with the applicant's past operations, and in conformity with the authority sought by the applicant's predecessor, O. K. Heilman, an individual, in his initial "grandfather" applications. A petition to reopen the said "grandfather" applications, so as to specifically include therein the authority to the applicant to serve intermediate points on its regular routes in Ohio, is being published concurrently herewith. Applicant seeks no change in its existing authority as to Pennsylvania points as such authority is presently described in Certificate No. MC 117, as shown below:

"Between specified Pennsylvania points, as follows: From Pittsburgh over Pennsylvania Highway 28 to Brookville, Pa.

Thence over U.S. Highway 322 to junction U.S. Highway 219, thence over U.S. Highway 219 to junction Pennsylvania Highway 830, and thence over Pennsylvania Highway 830 to Falls Creek, and return over the same route. From New Kensington over Pennsylvania Highway 56 to Shearersburg, Pa., thence over Pennsylvania Highway 356 to Leechburg, Pa., thence over Pennsylvania Highway 66 to Kittanning, Pa., thence over Pennsylvania Highway 85 to Home, Pa., and thence over U.S. Highway 119 to junction U.S. Highway 322, and return over the same route. Serving the intermediate points of Leechburg and Creighton, Pa., and those in Pennsylvania on the above-specified routes north of Leechburg and Creighton, Pa. *General commodities*, except those of unusual value, class A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, between Du Bois, Pa., and Emporium, Pa., serving all intermediate points: From Du Bois over U.S. Highway 219 via Ridgway, Pa., to Johnsonburg, Pa., thence over Pennsylvania Highway 255 to Saint Marys, Pa. (also from Du Bois over Pennsylvania Highway 255 to Saint Marys, Pa.) (also from Ridgway, Pa., over U.S. Highway 120 to Saint Marys, Pa.), and thence over U.S. Highway 120 to Emporium, and return over the same routes." If a hearing is deemed necessary, applicant requests it be held at Pittsburgh, Pa.

No. MC 730 (Sub-No. 252), filed May 10, 1965. Applicant: PACIFIC INTERMOUNTAIN EXPRESS CO., a corporation, 1417 Clay Street, Oakland, Calif. Applicant's representative: Alfred G. Krebs (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Silver bullion and silver bars*, from Chicago, Ill., to Denver, Colo.

NOTE: Applicant also intends to tack or join the authority here applied for to the existing authorities and to interline with other carriers at the termini points. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 1641 (Sub-No. 64), filed April 30, 1965. Applicant: PEAKE TRANSPORT SERVICE, INC., Box 366, Chester, Nebr. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum and petroleum products* in bulk, in tank vehicles, from Superior, Nebr., to points in Kansas.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr.

No. MC 3062 (Sub-No. 21), filed May 5, 1965. Applicant: L. A. TUCKER TRUCK LINES, INCORPORATED, Post Office Box 414, Cape Girardeau, Mo. Applicant's attorney: G. F. Gunn, Jr., Suite 1230 Boatmen's Bank Building, St. Louis, Mo., 63102. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission in 17 M.C.C. 467, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading), serving Armorel, Barfield, Huffman, and Blytheville Air Force Base, Ark., as off-route points in connection with applicant's authorized regular-route operations.

NOTE: If a hearing is deemed necessary, applicant requests it be held at St. Louis, Mo.

No. MC 6078 (Sub-No. 49), filed May 12, 1965. Applicant: D. F. BAST, INC., 1425 North Maxwell Street, Allentown, Pa. Applicant's representative: Bert Collins, 140 Cedar Street, New York 6, N.Y. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles on pole and extendable trailers*, from the plant and warehouse sites of Azco Steel Co. at Saddle Brook and Harrison, N.J., to points in Connecticut, and Massachusetts, and *rejected and damaged shipments*, on return.

NOTE: If a hearing is deemed necessary, applicant requests it be held at New York, N.Y., or Washington, D.C.

No. MC 9325 (Sub-No. 24) filed May 3, 1965. Applicant: K LINES, INC., Post Office Box 216, Lebanon, Oreg. Applicant's attorney: Norman E. Sutherland, 1200 Jackson Tower, Portland, Oreg., 97205. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lime* in bulk, from Tacoma, Wash., to points in Oregon and Lewiston, Idaho.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Portland, Oreg.

No. MC 9325 (Sub-No. 25), filed May 10, 1965. Applicant: K LINES, INC., Post Office Box 216, Lebanon, Oreg. Applicant's attorney: Norman E. Sutherland, 1200 Jackson Tower, Portland, Oreg. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Urea* and *fertilizer*, in bulk and in sacks, from St. Helens, Oreg., to points in Washington.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Portland, Oreg.

No. MC 10761 (Sub-No. 174), filed May 10, 1965. Applicant: TRANS-

AMERICAN FREIGHT LINES, INC., 1700 North Waterman Avenue, Detroit 9, Mich. Applicant's attorney: Howell Ellis, Suite 616–618 Fidelity Building, 111 Monument Circle, Indianapolis 4, Ind. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading), between Toledo, Ohio, and Grand Rapids, Mich., from junction U.S. Highways 20 and 223 at or near Toledo over U.S. Highway 223 to junction U.S. Highway 127, thence over U.S. Highway 127 to junction Interstate Highway 96, thence over Interstate Highway 96 to Grand Rapids, Mich., and return over the same route, serving no intermediate points, as an alternate route for operating convenience only, in connection with applicant's authorized regular route operations.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Detroit, Mich.

No. MC 11207 (Sub-No. 232), filed May 3, 1965. Applicant: DEATON TRUCK LINE, INC., 3409 10th Avenue North, Birmingham, Ala. Applicant's attorney: A. Alvis Layne, Pennsylvania Building, Washington, D.C., 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between points in Alabama within 65 miles of Birmingham, Ala., including Birmingham, on the one hand, and, on the other, Baton Rouge, La., and points within a radius of 20 miles of Baton Rouge, La., and Bogalusa, and Zee, La.

NOTE: Applicant states it will tack the above proposed authority with its present authority held in MC 11207, sub-203. If a hearing is deemed necessary, applicant requests it be held at Birmingham, Ala.

No. MC 13134 (Sub-No. 10), filed April 23, 1965. Applicant: PENNSYLVANIA-OHIO EXPRESS, INC., Post Office Box 266, Oak Hill, Ohio. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel, and iron and steel articles*, between Aliquippa and Pittsburgh, Pa., on the one hand, and, on the other, points in Illinois, Indiana, and the Lower Peninsula of Michigan.

NOTE: Applicant states that "it intends to tack the authority here applied for to other authority held by under MC 13134." If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 21170 (Sub-No. 83), filed May 12, 1965. Applicant: BOS LINES, INC., 408 South 12th Avenue, Marshalltown, Iowa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles* as defined by the Commission in Appendix V, 61 M.C.C. 209 and 276, from points in Livingston County, Ill., to points in Iowa, Kansas, Minnesota, Missouri, and Nebraska.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 26739 (Sub-No. 45), filed May 3, 1965. Applicant: CROUCH BROS., INC., Transport Building, St. Joseph, Mo. Applicant's attorney: Charles W. Singer, Tower Suit. 3600, 33 North La Salle Street, Chicago, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Farm implements and machinery, and contractors machinery and equipment*, from Moline, East Moline, and Rock Island, Ill., to points in that part of Missouri east of U.S. Highway 65.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 30844 (Sub-No. 179), filed May 3, 1965. Applicant: KROBLIN REFRIGERATED XPRESS, INC., Post Office Box 218, Sumner, Iowa. Applicant's attorney: Truman A. Stockton, Jr., The 1650 Grant Street Building, Denver 3, Colo. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs*, from Des Moines, Fort Dodge, and Webster City, Iowa, to points in Connecticut, Delaware, the District of Columbia, Illinois (except points on and south of U.S. Highway 36), the Lower Peninsula of Michigan, Minnesota, Maryland, Massachusetts, New Jersey, New York, Pennsylvania, Rhode Island, Virginia, and West Virginia.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 31220 (Sub-No. 22) (CORRECTION), filed March 1, 1965, published in FEDERAL REGISTER issue of May 13, 1965, and republished as corrected this issue. Applicant: DANIELS MOTOR FREIGHT, INC., Post Office Box 2037, Warren, Ohio. Applicant's attorney: Francis J. Ortman, National Press Building, Washington 4, D.C.

NOTE: The purpose of this republication is to show the correct docket number assigned applicant, MC 31220 (Sub-No. 22). This application appeared under No. *MC 312220 (Sub-No. 22)*, in error in the May 13 issue of the FEDERAL REGISTER.

No. MC 31600 (Sub-No. 589), filed May 7, 1965. Applicant: P. B. MUTRIE MOTOR TRANSPORTATION, INC., Calvary Street, Waltham, Mass., 02154. Applicant's attorney: H. C. Ames, Jr., Transportation Building, Washington, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum and petroleum products*, in bulk, in tank vehicles, from Karns City, Pa., to points in Connecticut, Massachusetts, Maine, New Hampshire, Rhode Island, and Vermont.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 38541 (Sub-No. 22), filed May 6, 1965. Applicant: WHITE MOTOR EXPRESS, INCORPORATED, 331 Benedict Street, Nashville, Tenn. Applicant's attorney: Richard D. Gleaves, Suite 211 Continental, 3415 West End Avenue, Nashville, Tenn., 37203. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment and those injurious or contaminating to other lading), between Nashville, Tenn., and Elizabethtown, Ky., over U.S. Highway 31W (also over Interstate Highway 65), serving no intermediate points.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Nashville, Tenn.

No. MC 41309 (Sub-No. 27), filed May 3, 1965. Applicant: JEFFRIES-EAVES, INC., 333 Osuna Road NW., Albuquerque, N. Mex. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles, namely, rock bolts, and wedges, nuts, washers, and expansion anchors used in connection therewith, grinding balls, grader blades, bars, and shapes*, from Minnequa and Pueblo, Colo., to points in Arizona, New Mexico, and Texas, and *rejected shipments* of the commodities specified above, on return.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Denver, Colo.

No. MC 41404 (Sub-No. 52), filed May 7, 1965. Applicant: ARGO-COLLIER TRUCK LINES CORPORATION, Post Office Box 151, Fulton Highway, Martin, Tenn. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts, dairy products, articles distributed by meat packinghouses and such commodities as are used by meatpackers in the conduct of their business* when destined to and for use by meatpackers (except commodities in bulk, in tank vehicles), as described in sections A, B, C, and D of appendix I to the report in *Descriptions in Motor Carrier Certificates* 61 M.C.C. 209 and 766, from points in Finney County, Kans., to points in Alabama, Florida, Georgia, Kentucky, Louisiana, Mississippi, North Carolina, South Carolina, and Tennessee.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Denver, Colo., or Kansas City, Kans.

No. MC 41404 (Sub-No. 53), filed May 7, 1965. Applicant: ARGO-COLLIER TRUCK LINES CORPORATION, Post Office Box 151, Fulton Highway, Martin, Tenn. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuff*, canned and preserved; *canned fruits and vegetables; canned goods; condiments, and products used in the manufacturing of condiments, and byproducts from the manufacturing of condiments*, from the plant sites and warehouse facilities of Bruces Foods Co. located at Cade, Loxes and New Iberia, La., to points in Arkansas, Kentucky, Mississippi, and Tennessee.

NOTE: Applicant states it is presently authorized to transport canned vegetables and

condiments in MC 41404, Sub 16, from points in St. Landry, St. Martin, and Iberia Parishes, La., to points in Illinois, Wisconsin, Michigan, Indiana, and Ohio. No duplication of authority is sought. If a hearing is deemed necessary, applicant requests it be held at Baton Rouge or New Orleans, La.

No. MC 41404 (Sub-No. 54), filed May 7, 1965. Applicant: ARGO-COLLIER TRUCK LINES CORPORATION, Post Office Box 151, Fulton Highway, Martin, Tenn., 38237. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from Humboldt, Tenn., to points in Illinois, Indiana, Michigan, Ohio, and Wisconsin.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 41404 (Sub-No. 55), filed May 7, 1965. Applicant: ARGO-COLLIER TRUCK LINES CORPORATION, Post Office Box 151, Fulton Highway, Martin, Tenn., 38237. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Meats, meat products, meat byproducts, and articles distributed by meat packinghouses* as described in appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except commodities in bulk, in tank vehicles), (2) *frozen foods*, (3) *canned and preserved foods*, (4) *chemicals, chemical blends and ingredients* to be used in further manufacturing processes; transportation of which does not require special equipment or bulk or tank vehicles; (5) *inedible meats, meat products, and meat byproducts, lard, tallows and oils*, (6) *agricultural products* and *those commodities* embraced in section 203(b)(6) of part II of the Interstate Commerce Act, when moving in the same vehicle with economic regulated commodities, and (7) *frozen animal and poultry foods*, from Gulfport, Miss., to points in the United States (excluding Alaska).

NOTE: If a hearing is deemed necessary, applicant requests it be held at Jackson, Miss., or New Orleans, La.

No. MC 41406 (Sub-No. 13), filed May 7, 1965. Applicant: J. ARTIM & SONS, INC., 7105 Kennedy Avenue, Hammond, Ind. Applicant's attorney: Ferdinand Born, 1019 Chamber of Commerce Building, Indianapolis, Ind., 46204. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, and except dangerous explosives, household goods as defined in *Practices of Motor Common Carriers of Household Goods*, 17 M.C.C. 467, commodities in bulk, commodities requiring special equipment (other than those requiring specialized handling or rigging because of size or weight), and those injurious or contaminating to other lading), between the plant site of the Bethlehem Steel Corp., Burns Harbor, Ind., plant, located in Porter County, Ind., on the one hand, and, on the other, points in Iowa and Wisconsin.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Indianapolis, Ind.

No. MC 42963 (Sub-No. 27), filed April 29, 1965. Applicant: DANIEL HAMM DRAYAGE COMPANY, a corporation, Second and Tyler Streets, St. Louis, Mo. Applicant's attorney: Ernest A. Brooks II, 1301–02 Ambassador Building, St. Louis, Mo. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry litharge*, in bulk, from St. Louis, Mo., to points in Colorado, Nebraska, Kansas, Oklahoma, Texas, Louisiana, Arkansas, Alabama, Mississippi, Georgia, Florida, Tennessee, Kentucky, Ohio, Indiana, Illinois, and Iowa.

NOTE: If a hearing is deemed necessary, applicant requests it be held at St. Louis, Mo.

No. MC 42963 (Sub-No. 29), filed April 29, 1965. Applicant: DANIEL HAMM DRAYAGE COMPANY, a corporation, Second and Tyler Streets, St. Louis, Mo. Applicant's attorney: Ernest A. Brooks II, 1301–02 Ambassador Building, St. Louis, Mo. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry litharge*, in bulk, from Chicago, Ill., to points in Minnesota, Wisconsin, Iowa, Missouri, Indiana, Michigan, Ohio, Kentucky, Nebraska, Pennsylvania, and West Virginia.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 49387 (Sub-No. 20) (AMENDMENT), filed March 29, 1965, published FEDERAL REGISTER issue April 14, 1965, amended May 13, 1965, and republished as amended this issue. Applicant: ORSCHELN BROS. TRUCK LINES, INC., Highway 24 East, Moberly, Mo. Applicant's attorney: G. M. Rebman, Suite 1230, Boatmen's Bank Building, St. Louis, Mo. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, and those commodities injurious or contaminating to other lading), serving the plant site of American Cyanamid Co., located at South River, Mo., near Palmyra, Mo., as an off-route point in connection with applicant's presently authorized regular route operations.

NOTE: The purpose of this republication is to show applicant desires service as shown above, rather than that as previously published. If a hearing is deemed necessary, applicant requests it be held at St. Louis, Mo.

No. MC 50002 (Sub-No. 49), filed April 29, 1965. Applicant: T. CLARENCE BRIDGE AND HENRY W. BRIDGE, a partnership, doing business as BRIDGE BROTHERS, North Santa Fe Trail, Post Office Box 929, Lamar, Colo. Applicant's attorney: C. Zimmerman, 503 Schweiter Building, Wichita, Kans. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Anhydrous ammonia*, in bulk, from the plant site of the Consumers Cooperative Association located at or near Ft. Dodge, Iowa, to points in Minnesota, North Dakota, South Dakota, Nebraska, Kansas, and Missouri, and *damaged and rejected shipments*, on return.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr.

No. MC 55236 (Sub-No. 103), filed May 6, 1965. Applicant: OLSON TRANSPORTATION COMPANY, a corporation, 1970 South Broadway, Green Bay, Wis. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Acids, chemicals, fertilizers and fertilizer ingredients*, in bulk, from East Dubuque, Ill., and points within 10 miles thereof to points in Arkansas, Illinois, Indiana, Iowa, Kansas, Kentucky, Michigan, Minnesota, Missouri, Nebraska, Ohio, Oklahoma, North Dakota, South Dakota, and Wisconsin.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 55236 (Sub-No. 104), filed May 6, 1965. Applicant: OLSON TRANSPORTATION COMPANY, a corporation, 1970 South Broadway, Green Bay, Wis. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals*, in bulk, in tank vehicles, from Carpentersville, Ill., to points in Connecticut, Delaware, District of Columbia, Maryland, Massachusetts, New Jersey, New York, Pennsylvania, Rhode Island, and West Virginia.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 59367 (Sub-No. 20), filed May 3, 1965. Applicant: DECKER TRUCK LINE, INC., Post Office Box 915, Fort Dodge, Iowa. Applicant's representative: William A. Landau, 1307 East Walnut Street, Des Moines 16, Iowa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts, and articles distributed by meat packinghouses*, as described in sections A and C of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk in tank vehicles), from points in Dakota County, Nebr., to points in Illinois, Indiana, Iowa, Kansas, Michigan, Minnesota, Missouri, Ohio, and Wisconsin.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Des Moines, Iowa.

No. MC 59570 (Sub-No. 26), filed May 7, 1965. Applicant: HECHT BROTHERS, INC., Lakewood Road, Toms River, N.J. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment), between Toms River, N.J., and points in New Jersey.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Philadelphia, Pa.

No. MC 61264 (Sub-No. 16) filed May 10, 1965. Applicant: PILOT FREIGHT CARRIERS, INC., Post Office Box 615, Winston-Salem, N.C., 27102. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk and those requiring special equipment), (1) between Charlotte, N.C., and Pensacola, Fla.; (a) from Charlotte over Interstate Highway 85 to Montgomery, Ala., thence over Interstate Highway 65 to junction Alabama Highway 21, thence over Alabama Highway 21 to the Alabama-Florida State line, thence over Florida Highway 97 to junction U.S. Highway 29, thence over U.S. Highway 29 to Pensacola and return over the same route, serving all intermediate and off-route points in North Carolina and South Carolina for joinder with applicant's existing authority and serving all intermediate and off-route points in Florida; (b) from Charlotte over Interstate Highway 85 to Atlanta, Ga., thence over U.S. Highway 29 to West Point, Ga., thence over Interstate Highway 85 to junction U.S. Highway 80, thence over U.S. Highway 80 to junction U.S. Highway 31, thence over U.S. Highway 31 to junction Alabama Highway 106 near Georgiana, Ala., thence over Alabama Highway 106 to junction Interstate Highway 65, thence over Interstate Highway 65 to junction Alabama Highway 83, thence over Alabama Highway 83 to junction U.S. Highway 31, thence over U.S. Highway 31 to junction Alabama Highway 41 at Brewton, Ala., thence over Alabama Highway 41 to the Alabama-Florida State line, thence over Florida Highway 87 to junction U.S. Highway 90, thence over U.S. Highway 90 to Pensacola and return over the same route, serving all intermediate and off-route points in North Carolina and South Carolina for joinder with applicant's existing authority and serving all intermediate and off-route points in Florida; (2) between Charlotte, N.C., and Tallahassee, Fla., (a) from Charlotte over Interstate Highway 85 to Atlanta, Ga.

Thence over Interstate Highway 75 to junction U.S. Highway 319, thence over U.S. Highway 319 to Tallahassee and return over the same route, serving all intermediate and off-route points in North Carolina and South Carolina for joinder with applicant's existing authority and serving all intermediate and off-route points in Florida; (b) from Charlotte over Interstate Highway 85 to Atlanta, Ga., thence over U.S. Highway 41 to junction Interstate Highway 75, thence over Interstate Highway 75 to junction U.S. Highway 319, thence over U.S. Highway 319 to Tallahassee and return over the same route, serving all intermediate and off-route points in North Carolina and South Carolina for joinder with applicant's existing authority and serving all intermediate and off-route points in Florida; (c) from Charlotte over U.S. Highway 21 to junction U.S. Highway 1 at Columbia, S.C., thence over U.S. Highway 1 to junction U.S. Highway 319 near Wadley, Ga., thence over U.S. Highway 319 to Tallahassee and return over the same route, serving all intermediate and off-route points in North Carolina and South Carolina for joinder with applicant's existing authority and serving all intermediate and off-route points in Florida; (3) between Charlotte, N.C., and Jacksonville, Fla.; (a) from Charlotte over U.S. Highway 21 to Columbia, S.C., thence over Interstate Highway 26 to junction Interstate Highway 95, thence over Interstate Highway 95 to Jacksonville and return over the same route, serving all intermediate and off-route points in North Carolina and South Carolina for joinder with applicant's existing authority and serving all intermediate and off-route points in Florida; (b) from Charlotte over U.S. Highway 21 to Columbia, S.C., thence over U.S. Highway 321 to Savannah, Ga., thence over U.S. Highway 17 to Jacksonville and return over the same route, serving all intermediate and off-route points in North Carolina and South Carolina for joinder with applicant's existing authority and serving all intermediate and off-route points in Florida; (c) from Charlotte over U.S. Highway 21 to Columbia, S.C., thence over U.S. Highway 321 to junction U.S. Highway 301, thence over U.S. Highway 301 to junction U.S. Highway 1.

Thence over U.S. Highway 1 to Jacksonville and return over the same route, serving all intermediate and off-route points in North Carolina and South Carolina for joinder with applicant's existing authority and serving all intermediate and off-route points in Florida; (4) between Charlotte, N.C., and Orlando, Fla.; (a) from Charlotte to Jacksonville, Fla., as described in (3) (a), (b), and (c) above, thence over U.S. Highway 17 to junction Interstate Highway 4 near Deland, Fla., thence over Interstate Highway 4 to Orlando and return over the same route, serving all intermediate and off-route points in North Carolina and South Carolina for joinder with applicant's existing authority and serving all intermediate and off-route points in Florida; (b) from Charlotte to Jacksonville, Fla., as described in (3) (a), (b), and (c) above, thence over Interstate Highway 95 to junction Interstate Highway 4 at or near Daytona Beach, Fla., thence over Interstate Highway 4 to Orlando and return over the same route, serving all intermediate and off-route points in North Carolina and South Carolina for joinder with applicant's existing authority and all intermediate and off-route points in Florida; (5) between Charlotte, N.C., and Tampa, Fla.; (a) from Charlotte to Jacksonville, Fla., as described in (3) (a), (b), and (c) above, thence over Interstate Highway 10 to junction U.S. Highway 301, thence over U.S. Highway 301 to junction Florida Highway 24 at Waldo, Fla., thence over Florida Highway 24 to junction Interstate Highway 75, thence over Interstate Highway 75 to Tampa and return over the same route, serving all intermediate and off-route points in North Carolina and South Carolina for joinder with applicant's existing authority and all intermediate and off-route points in Florida; (b) from Charlotte to Jacksonville, Fla., as described in (3) (a), (b), and (c) above, thence over Interstate Highway 10 to junction U.S. Highway 301.

Thence over U.S. Highway 301 to junction Interstate Highway 4, thence over Interstate Highway 4 to Tampa and return over the same route, serving all intermediate and off-route points in North Carolina and South Carolina for joinder with applicant's existing authority and all intermediate and off-route points in Florida; (c) from Charlotte to Orlando, Fla., as described in (4) (a) and (b) above, thence over Interstate Highway 4 to Tampa and return over the same route, serving all intermediate and off-route points in North Carolina and South Carolina for joinder with applicant's existing authority and all intermediate and off-route points in Florida; (6) between Charlotte, N.C., and Miami, Fla.; (a) from Charlotte to Jacksonville as described in (3) (a), (b), and (c) above, thence over Interstate Highway 95 to Miami and return over the same route, serving all intermediate and off-route points in North Carolina and South Carolina for joinder with applicant's existing authority and all intermediate and off-route points in Florida; (b) from Charlotte to Jacksonville as described in (3) (a), (b), and (c) above, thence over Interstate Highway 95 to junction Sunshine State Parkway at or near Fort Pierce, Fla., thence over Sunshine State Parkway to junction Interstate Highway 95, thence over Interstate Highway 95 to Miami and return over the same route, serving all intermediate and off-route points in North Carolina and South Carolina for joinder with applicant's existing authority and all intermediate and off-route points in Florida; (c) from Charlotte to Jacksonville as described in (3) (a), (b), and (c) above, thence over U.S. Highway 1 to Miami and return over the same route, serving all intermediate and off-route points in North Carolina and South Carolina for joinder with applicant's existing authority and all intermediate and off-route points in Florida; (d) from Charlotte to Jacksonville as described in (3) (a), (b), and (c) above, thence over U.S. Highway 17 to junction Interstate Highway 4 near Deland, Fla.

Thence over Interstate Highway 4 to junction Sunshine State Parkway, thence over Sunshine State Parkway to junction Interstate Highway 95, thence over Interstate Highway 95 to Miami and return over the same route, serving all intermediate and off-route points in North Carolina and South Carolina for joinder with applicant's existing authority and all intermediate and off-route points in Florida; and (7) between Charlotte, N.C., and Kissimmee, Fla.; from Charlotte to junction Interstate Highway 75 and U.S. Highway 319 as described in (2) (a) and (b) above (also from Charlotte to junction U.S. Highway 1 and 319 as described in (2) (c) above), thence over U.S. Highway 319 to Tifton, Ga., thence over Interstate Highway 75 to junction Sunshine State Parkway, thence over Sunshine State Parkway to junction U.S. Highway 17, thence over U.S. Highway 17 to Kissimmee and return over the same route, serving all intermediate and off-route points in North Carolina and

South Carolina for joinder with applicant's existing authority and serving all intermediate and off-route points in Florida.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 67733 (Sub-No. 2) filed May 6, 1965. Applicant: CHAPIN TRUCKING LINE, INC., 39111 Center Ridge Road, Elyria, Ohio. Applicant's attorney: Taylor C. Burneson, 3430 LeVeque-Lincoln Tower, 50 West Broad Street, Columbus, Ohio, 43215. Authority sought to operate as a *common carrier* by motor vehicle, over regular routes, transporting: *General commodities*, between Elyria, Ohio, and Cleveland, Ohio: (1) From Elyria over Ohio Highway 301 to its junction with Banks Road, thence over Banks Road to Indian Hollow Road and return over Banks Road to Ohio Highway 301, thence over Ohio Highway 301 via Lagrange, Ohio, to Penfield, Ohio, thence over Ohio Highway 18 to Litchfield, Ohio, thence over Ohio Highway 76 via Belden, Ohio, to its junction Ohio Highway 82, thence over Ohio Highway 82 via North Eaton, Ohio, to its junction with Ohio Highway 252 at Columbia Hills Corners, thence over Ohio Highway 252 to its junction Ohio Highway 10, and thence over Ohio Highway 10 to Cleveland, and return over the same route, serving all intermediate points, and (2) from Elyria over Ohio Highway 57 via Grafton, Ohio, to its junction with Ohio Highway 76, thence over Ohio Highway 76 to its junction with Ohio Highway 82, thence over Ohio Highway 82 to its junction with Station Road, thence over Station Road to Columbia Station and return over Station Road to Ohio Highway 82, thence over Ohio Highway 82 to Columbia Hills Corners, thence over Ohio Highway 252 to its junction with Ohio Highway 10, thence over Ohio Highway 10 to Cleveland, and return over the same route, serving all intermediate points. Restricted (a) to the transportation of shipments originating at, or destined to, the intermediate points on the aforesaid routes, and (b) against the transportation of shipments between the terminal point of Elyria, on the one hand, and, on the other, the terminal point of Cleveland.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Columbus, Ohio.

No. MC 69116 (Sub-No. 91), filed May 10, 1965. Applicant: SPECTOR FREIGHT SYSTEM, INC., 205 West Wacker Drive, Chicago, Ill. Applicant's attorney: Edward G. Baselon, 39 South La Salle Street, Chicago 3, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving East Troy, Wis., as an off-route point in connection with applicant's authorized regular route operations.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 69116 (Sub-No. 92), filed May 12, 1965. Applicant: SPECTOR FREIGHT SYSTEM, INC., 205 West Wacker Drive, Chicago, Ill., 60606. Applicant's attorney: David Axelrod, 39 South La Salle Street, Chicago 3, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving Valley Park, Minn., as an off-route point in connection with applicant's regular route operations.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Minneapolis, Minn.

No. MC 70437 (Sub-No. 8), filed April 23, 1965. Applicant: Y.E.L.P. SERVICE, INC., River Road, East Liverpool, Ohio. Applicant's attorney: Herbert Baker, 50 West Broad Street, Columbus, Ohio. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Rolling mill equipment*, from the plantsite of the Union Electric Steel Corp., located at or near Burgettstown, Pa., to points in that part of Ohio north and east of a line beginning at Bridgeport, Ohio, and extending along U.S. Highway 250 to Wooster, Ohio, thence along Ohio Highway 3 to Medina, Ohio, and thence along Ohio Highway 57 to Lorain, Ohio, and those in that part of West Virginia bounded by a line beginning at the West Virginia-Pennsylvania State line and extending along the Ohio River to Wheeling, W. Va., thence along U.S. Highway 250 to Fairmont, W. Va., thence along U.S. Highway 19 to the West Virginia-Pennsylvania State line, and thence along West Virginia-Pennsylvania State line to point of beginning, including points on the indicated portions of the highways specified, *used or scrap rolling-mill rolls*, from points in the above described Ohio and West Virginia territories to the plantsite of the Union Electric Steel Corp., at or near Burgettstown, Pa., and *used or scrap rolling-mill rolls*, from points in that part of Ohio north and east of a line beginning at Bridgeport, Ohio, and extending along U.S. Highway 250 to Wooster, Ohio, thence along Ohio Highway 3 to Medina, Ohio, and thence along Ohio Highway 57 to Lorain, Ohio, and from points in that part of West Virginia bounded by a line beginning at the West Virginia-Pennsylvania State line and extending along the Ohio River to Wheeling, W. Va., thence along U.S. Highway 250 to Fairmont, W. Va., thence along U.S. Highway 19 to West Virginia-Pennsylvania State line and thence along the West Virginia-Pennsylvania State line to point of beginning, including points on the indicated portions of the highways specified, to the plantsite of the Union Electric Steel Corp., located at or near Burgettstown, Pa.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Pittsburgh, Pa.

No. MC 77972 (Sub-No. 4), filed May 3, 1965. Applicant: MERCHANTS TRUCK LINE, INC., Post Office Box 209, New Albany, Miss. Applicant's attorney: Rubel L. Phillips, Deposit Guaranty Bank Building, Jackson, Miss. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, livestock, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading), (1) between Starkville, Miss., and Ackerman, Miss.: From Starkville over Mississippi Highway 25 to Louisville, Miss., thence over Mississippi Highway 15 to Ackerman, and return over the same route, serving Louisville, Miss., as an intermediate point; and (2) between Starkville, Miss., and Ackerman, Miss.: From Starkville over Mississippi Highway 12 to Ackerman, and return over the same route, serving no intermediate points, as an alternate route for operating convenience only, in connection with applicant's regular route operations.

NOTE: Applicant states it seeks to extend its existing operation between Memphis, Tenn., and Mississippi points as shown above. If a hearing is deemed necessary, applicant requests it be held at Jackson, Miss.

No. MC 82063 (Sub-No. 8), filed May 3, 1965. Applicant: KLIPSCH HAULING CO., a corporation, 119 East Loughboro Street, St. Louis, 11, Mo. Applicant's attorney: Ernest A. Brooks II, 1301–02 Ambassador Building, St. Louis, Mo., 63101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Hydraulic fluid*, from St. Louis, Mo., to points in Ohio, Michigan, Missouri, Wisconsin, Illinois, Indiana, Kentucky, Tennessee, and California.

NOTE: If a hearing is deemed necessary, applicant requests it be held at St. Louis, Mo.

No. MC 82492 (Sub-No. 19), filed May 3, 1965. Applicant: MICHIGAN & NEBRASKA TRANSIT CO., INC., 900 Monroe Avenue NW., Grand Rapids, Mich. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts, and articles distributed by meat packinghouses* as described in Sections A and C of Appendix I in *Descriptions of Motor Carrier Certificates*, 61 M.C.C. 209 and 766, from points in Dakota County, Nebr., and Denison, Iowa, to points in Indiana, Michigan, and Ohio.

NOTE: Applicant states the service as proposed is to be "restricted against commodities in bulk, in tank vehicles, and hides." If a hearing is deemed necessary, applicant does not specify location.

No. MC 86687 (Sub-No. 69), filed May 5, 1965. Applicant: SEABOARD AIR LINE RAILROAD COMPANY, a corporation, 3600 West Broad Street, Richmond, Va., 23213. Applicant's attorney: Wilkes C. Robinson (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, between Rich Square, N.C., and junction U.S. Highways 158 and 301; from Rich Square over North Carolina Highway 305 to junction U.S. Highway 158, thence over U.S. Highway 158 through Jackson, N.C., to junction U.S. Highway 301 near Garysburg, N.C., and return over the same route, serving no intermediate points, as an alternate route for operating convenience only in connection with applicant's authorized regular-route operations.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Raleigh, N.C.

No. MC 88980 (Sub-No. 4), filed May 4, 1965. Applicant: DOUGLAS SMITH STONE, Post Office Box 37, Montpelier, Va. Applicant's attorney: Henry E. Ketner, 1208 State Planters Bank Building, Richmond, Va., 23219. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Lumber* (except plywood and veneer), from Montpelier, Va., to points in Pennsylvania, New Jersey, Delaware, Maryland, Ohio, and points in that part of West Virginia and North Carolina located on and east of U.S. Highway 21.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Richmond, Va.

No. MC 94265 (Sub-No. 153), filed April 27, 1965. Applicant: BONNEY MOTOR EXPRESS, INC., Post Office Box 12388, Thomas Corner Station, Norfolk, Va. Applicant's attorney: Wilmer B. Hill, Transportation Building, Washington, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from Grand Rapids, Mich., to points in Connecticut, Delaware, Maryland, Massachusetts, New Jersey, New York, Pennsylvania, Rhode Island, Virginia, and the District of Columbia.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 94350 (Sub-No. 56), filed May 7, 1965. Applicant: TRANSIT HOMES, INC., 210 West McBee Avenue, Box 1628, Greenville, S.C. Applicant's attorney: Henry P. Willimon, Greenville, S.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Portable buildings* traveling on their own or removable undercarriages which are designed to be joined together to form a complete structure, excluding trailers or mobile homes designed to be drawn by passenger automobiles and oil field or industrial buildings, from points in California to points in Louisiana, and those in States west of the Mississippi River; namely, Arizona, Arkansas, California, Colorado, Idaho, Iowa, Kansas, Minnesota, Missouri, Montana, Nebraska, Nevada, New Mexico, North Dakota, Oklahoma, Oregon, South Dakota, Texas, Utah, Washington, Wyoming, and Alaska but excluding Hawaii, and *damaged and rejected shipments*, on return.

NOTE: If a hearing is deemed necessary, applicant requests it be held at San Francisco, Calif.

No. MC 94350 (Sub-No. 57), filed May 7, 1965. Applicant: TRANSIT HOMES, INC., 210 West McBee Avenue, Post Office Box 1628, Greenville, S.C. Applicant's attorney: Henry P. Willimon, Greenville, S.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Portable buildings* traveling on their own or removable undercarriages which are designed to be joined together to form a complete structure, excluding trailers or mobile homes designed to be drawn by passenger automobiles and oil field or industrial buildings, from points in Arizona to points in Louisiana and those in States west of the Mississippi River; namely, Arizona, Arkansas, California, Colorado, Idaho, Iowa, Kansas, Minnesota, Missouri, Montana, Nebraska, Nevada, New Mexico, North Dakota, Oklahoma, Oregon, South Dakota, Texas, Utah, Washington, Wyoming, and Alaska but excluding Hawaii, and *damaged or rejected shipments*, on return.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Phoenix, Ariz.

No. MC 94350 (Sub-No. 63), filed May 13, 1965. Applicant: TRANSIT HOMES, INC., 210 West McBee Avenue, Post Office Box 1628, Greenville, S.C. Applicant's attorney: Henry P. Willimon, Greenville, S.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Portable buildings* traveling on their own or removable undercarriages which are designed to be joined together to form a complete structure, excluding trailers or mobile homes designed to be drawn by passenger automobiles, and oilfield or industrial buildings, from points in Arkansas to points in the United States including Alaska but excluding Hawaii, and *damaged and rejected shipments* on return.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Little Rock, Ark.

No. MC 95540 (Sub-No. 639), filed May 12, 1965. Applicant: WATKINS MOTOR LINES, INC., Albany Highway, Thomasville, Ga. Applicant's representative: Jack M. Holloway (same address as applicant's). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts and articles distributed by meat packinghouses* (except commodities in bulk, in tank vehicles), from Phelps City, Mo., to points in Alabama, Arizona, California, Colorado, Connecticut, Delaware, Florida, Georgia, Idaho, Louisiana, Maine, Maryland, Massachusetts, Mississippi, Nevada, New Hampshire, New Jersey, New Mexico, New York, North Carolina, Oregon, Pennsylvania, Rhode Island, South Carolina, Tennessee, Utah, Vermont, Virginia, Washington, West Virginia, Wyoming, and the District of Columbia.

NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Kansas City, Mo., or Omaha, Nebr.

No. MC 101010 (Sub-No. 17), filed May 5, 1965. Applicant: ERIE-LACKAWANNA RAILROAD COMPANY, a corporation, 101 Prospect Avenue NW., Cleveland, Ohio, 44115. Applicant's attorney: J. T. Clark, 1336 Midland Building, Cleveland, Ohio, 44115. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except commodities requiring special equipment, Classes A and B explosives and household goods as defined by the Commission), (1) between Cortland, N.Y., and Syracuse, N.Y.: (a) From Cortland over U.S. Highway 11 to Syracuse and return over the same route, serving the intermediate points of Homer and Tully, N.Y., and the off-route points of Apulia, LaFayette, and Onativia, N.Y.; (b) from Cortland over New York Highway 281 to Tully, N.Y., thence over Interstate Highway 81 to Syracuse and return over the same route, serving the intermediate points of Homer, Little York, Preble, and Tully, N.Y.; (2) between Syracuse, N.Y., and Jamesville, N.Y.; from Syracuse over city streets to New York Highway 173, thence over New York Highway 173 to junction New York Highway 91, thence over New York Highway 91 to Jamesville and return over the same route, serving no intermediate points; (3) between Oswego, N.Y., and Syracuse, N.Y.; (a) from Oswego over New York Highway 48 to Syracuse and return over the same route, serving the intermediate points of Minetto, Baldwinsville, Stiles, and Solvay, N.Y.; and (b) from Oswego over New York Highway 57 to Syracuse and return over the same route, serving the intermediate point of Fulton, N.Y.

NOTE: Applicant states that the above proposed service will be "in substituted motor-for-rail service which is auxiliary to or supplemental of applicant's rail service." If a hearing is deemed necessary, applicant requests it be held at Syracuse, N.Y.

No. MC 103051 (Sub-No. 189), filed May 10, 1965. Applicant: FLEET TRANSPORT COMPANY, INC., 340 Armour Drive NE., Atlanta, Ga., 30324. Applicant's attorney: R. J. Reynolds, Jr., Suite 403–11 Healey Building, Atlanta, Ga., 30303. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting:

Commodities, in bulk, from points in Morgan County, Ala., to points in Alabama, Georgia, Illinois, Indiana, Kentucky, Mississippi, North Carolina, Ohio, South Carolina, Tennessee, and West Virginia.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Atlanta, Ga., or Washington, D.C.

No. MC 103880 (Sub-No. 338), filed May 11, 1965. Applicant: PRODUCERS TRANSPORT, INC., 215 East Waterloo, Road, Akron, Ohio, 44306. Applicant's attorney: David Axelrod, 39 South La Salle Street, Chicago 3, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals*, in bulk, in tank vehicles, from Meredosia, Ill., to points in New Mexico and California.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 104960 (Sub-No. 32) (CORRECTION), filed March 15, 1965, published in FEDERAL REGISTER issue of April 1, 1965, amended April 8, 1965, published in FEDERAL REGISTER issue of April 28, 1965, and corrected and republished this issue. Applicant: MOTOR FUEL CARRIERS, INC., 404 Elm Avenue, Post Office Box 2288, Panama City, Fla., 32402. Applicant's attorney: James S. Wilson, Jr., Wilson Building, Paris, Ky. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum and petroleum products*, as defined in appendix XIII to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, in bulk, in tank trucks, (1) from Mobile, Ala., and points within 15 miles thereof, to points in Florida west of the eastern boundary of Jefferson County, Fla.; and (2) from Jacksonville, Fla., to points in Georgia in excess of 200 miles of Jacksonville, restricted against shipments of petroleum naphtha and lubricating oils originating in Jacksonville, Fla.

NOTE: The purpose of this republication is to correctly set forth the authority sought. If a hearing is deemed necessary, applicant requests it be held at Atlanta, Ga.

No. MC 105269 (Sub-No. 40), filed May 12, 1965. Applicant: GRAFF TRUCKING COMPANY, INC., 2110 Lake, Kalamazoo, Mich. Applicant's attorney: John M. Veale, Suite 1700, One Woodward Avenue, Detroit, Mich., 48226. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Paper and paper articles*, from Chicago, Ill., to Davenport, Iowa, St. Louis, Mo., and points in Connecticut, Delaware, Illinois, Indiana, Kentucky, Maine, Maryland, Massachusetts, Michigan, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Vermont, Virginia, West Virginia, and Wisconsin and (2) *paper mill materials and supplies*, from Davenport, Iowa, St. Louis, Mo., and points in Connecticut, Delaware, Illinois, Indiana, Kentucky, Maine, Maryland, Massachusetts, Michigan, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Vermont, Virginia, West Virginia, and Wisconsin to Chicago, Ill.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 105326 (Sub-No. 5), filed May 3, 1965. Applicant: GREAT LAKES TRUCKING COMPANY, a corporation, 29 Washington Street, Monroe, Mich. Applicant's attorney: Rex Eames, 1600 Buhl Building, Detroit, Mich., 48226. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Paper, waste paper*, and *paper mill products*, from Kalamazoo, Mich., to points in Indiana, Ohio, and Illinois; and (2) *supplies, materials* and *equipment* used in the manufacture of paper, waste paper and paper mill products, from points in Indiana, Ohio, and Illinois, to Kalamazoo, Mich.

NOTE: Applicant states that the above proposed transportation will be performed under a continuing contract with Union Bag-Camp Paper Corp. If a hearing is deemed necessary, applicant requests it be held at Detroit, Mich.

No. MC 107002 (Sub-No. 254) filed May 10, 1965. Applicant: HEARIN-MILLER TRANSPORTERS, INC., Post Office Box 1123, Highway 80 West, Jackson, Miss., 39205. Applicant's attorney: Harry C. Ames, Jr., 529 Transportation Building, Washington, D.C., 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Acids and chemicals*, liquid, in bulk, in tank vehicles, from the plant site and storage facilities of Monsanto Co. located at or near Anniston, Ala., to points in the St. Louis, Mo.-East St. Louis, Ill., commercial zone as defined by the Commission.

NOTE: If a hearing is deemed necessary, applicant does not specify a location.

No. MC 107403 (Sub-No. 623), filed May 4, 1965. Applicant: MATLACK, INC., 10 West Baltimore Avenue, Lansdowne, Pa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Silica gel catalyst*, in bulk, in pressurized tank vehicles, from Cincinnati, Ohio, to Corpus Christi, Tex.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 107496 (Sub-No. 361) (AMENDMENT), filed February 23, 1965, published FEDERAL REGISTER issue March 17, 1965, amended May 8, 1965, and republished as amended this issue. Applicant: RUAN TRANSPORT CORPORATION, 303 Keosauqua Way, Des Moines, Iowa. Applicant's attorney: H. L. Fabritz, Post Office Box 855, Des Moines, Iowa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Acids, chemicals, fertilizer and fertilizer ingredients*, from East Dubuque, Ill., and points within ten (10) miles thereof, to points in Illinois, Indiana, Iowa, Kansas, Kentucky, Michigan, Minnesota, Ohio, Missouri, Nebraska, South Dakota, and Wisconsin.

NOTE: Common control may be involved. The purpose of this republication is to include additional destination States with those shown in previous publication. If a hearing is deemed necessary, applicant requests it be held at Des Moines, Iowa.

No. MC 107496 (Sub-No. 378), filed May 10, 1965. Applicant: RUAN TRANSPORT CORPORATION, Keosauqua Way and Third, Des Moines, Iowa. Applicant's attorney: H. L. Fabritz (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry fertilizer and urea*, in bulk and in bags, from Nebraska City, Nebr., to points in Iowa, Kansas, Minnesota, Missouri, North Dakota, and South Dakota.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr.

No. MC 107496 (Sub-No. 379), filed May 10, 1965. Applicant: RUAN TRANSPORT CORPORATION, Keosauqua Way at Third, Des Moines, Iowa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid feed*, in bulk, from the plant site of Feed Service Corp., located at Berks, Nebr., to points in Kansas, Colorado, Oklahoma, Texas, Arkansas, Iowa, South Dakota, North Dakota, Minnesota, Wyoming, Missouri, Illinois, Wisconsin, and New Mexico.

NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr.

No. MC 107698 (Sub-No. 39), filed May 3, 1965. Applicant: BONANZA, INC., Post Office Box 5526, Midwest City, Okla. Applicant's attorney: Wilburn L. Williamson, 443-54 American National Building, Oklahoma City 2, Okla. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foods and preparations, candy and confectionery products*, from points in California, to points in Arizona, New Mexico, Texas, and Oklahoma.

NOTE: If a hearing is deemed necessary, applicant does not specify a location.

No. MC 108053 (Sub-No. 65), filed May 3, 1965. Applicant: LITTLE AUDREY'S TRANSPORTATION COMPANY, INC., Post Office Box 709, Fremont, Nebr. Applicant's attorney: David Axelrod, 39 South La Salle Street, Chicago 3, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from Wahoo, Nebr., to points in Arizona, California, Colorado, and New Mexico.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Lincoln, Nebr.

No. MC 108207 (Sub-No. 157), filed May 6, 1965. Applicant: FROZEN FOOD EXPRESS, a corporation, 318 Cadiz Street, Dallas, Tex. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from Humboldt, Tenn., to points in Arkansas, Louisiana, Texas, Oklahoma, Michigan, Illinois, Iowa, Kansas, Nebraska, Missouri, Mississippi, Minnesota, and Wisconsin.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Memphis, Tenn.

No. MC 109478 (Sub-No. 85), filed May 3, 1965. Applicant WORSTER MOTOR LINES, INC., East Main Road, Rural Delivery No. 1, North East, Pa. Applicant's attorney: William W. Knox, 23 West 10th Street, Erie, Pa., 16501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs* (other than frozen and excluding commodities in bulk), from Fenville, Ellsworth, South Haven, and Benton Harbor, Mich., to points in Maine, New Hampshire, Massachusetts, Connecticut, Rhode Island, and Vermont.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Detroit, Mich.

No. MC 110193 (Sub-No. 90), filed April 27, 1965. Applicant: SAFEWAY TRUCK LINES, INC., 20450 Ireland Road, South Bend, Ind. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts, dairy products, and articles distributed by meat packinghouses* as described in appendix I, to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, from points in Wisconsin, to points in Iowa, Kansas, Missouri, Nebraska, and Ohio.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Milwaukee, Wis.

No. MC 110420 (Sub-No. 446), filed May 3, 1965. Applicant: QUALITY CARRIERS, INC., 100 South Calumet Street, Post Office Box 339, Burlington, Wis. Applicant's representative: Fred H. Figge, Post Office Box 339, Burlington, Wis. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Syrups, sweeteners, and blends*, in bulk, in tank vehicles, from Granite City, Ill., to points in South Dakota and the District of Columbia.

NOTE: Applicant states no duplication is sought. If a hearing is deemed necessary, applicant requests it be held at St. Louis, Mo.

No. MC 110420 (Sub-No. 447), filed May 7, 1965. Applicant: QUALITY CARRIERS, INC., Post Office Box 339, 100 South Calumet Street, Burlington, Wis. Applicant's representative: Fred H. Figge (same as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Syrups, sweeteners and blends*, in bulk, from Edinburg, Ind., to points in Alabama, Delaware, Florida, Georgia, Maryland, North Carolina, South Carolina, Virginia, and the District of Columbia.

NOTE: If a hearing is deemed necessary, applicant requests it be held at St. Louis, Mo.

No. MC 110420 (Sub-No. 448), filed May 10, 1965. Applicant: QUALITY CARRIERS, INC., 100 South Calumet Street, Burlington, Wis. Applicant's representative: Fred H. Figge (same as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid sugar*, in bulk, from Chicago and Pekin, Ill., to points in Kentucky.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 110420 (Sub-No. 449), filed May 10, 1965. Applicant: QUALITY CARRIERS, INC., 100 South Calumet Street, Burlington, Wis. Applicant's representative: Fred H. Figge, Post Office Box 339, Burlington, Wis. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Flour* in bulk from Evansville, Ind. to Chicago, Ill.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 110420 (Sub-No. 450), filed May 10, 1965. Applicant: QUALITY CARRIERS, INC., 100 South Calumet Street, Burlington, Wis. Applicant's representative: Fred H. Figge, Post Office Box 339, Burlington, Wis. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Syrups, sweeteners and blends*, in bulk, from Edinburg, Ind. to points in Arkansas, Kansas, Louisiana, Mississippi, Missouri, Nebraska, Oklahoma, and Tennessee.

NOTE: If a hearing is deemed necessary, applicant requests it be held at St. Louis, Mo.

No. MC 110420 (Sub-No. 451), filed May 10, 1965. Applicant: QUALITY CARRIERS, INC., 100 South Calumet Street, Burlington, Wis. Applicant's representative: Fred H. Figge, Post Office Box 339, Burlington, Wis. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Syrups, sweeteners and blends*, in bulk, from Edinburg, Ind. to points in California, Colorado, Nevada, New Mexico, Texas, Utah, and Wyoming.

NOTE: If a hearing is deemed necessary, applicant requests it be held at St. Louis, Mo.

No. MC 111812 (Sub-No. 285), filed April 22, 1965. Applicant: MIDWEST COAST TRANSPORT, INC., Wilson Terminal Building, Post Office Box 747, Sioux Falls, S. Dak. Applicant's attorney: Donald L. Stern, 630 City National Bank Building, Omaha, Nebr. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods, and frozen fruit juice concentrates*, (1) from points in California, Oregon, and Washington, to Burley, Caldwell, Heyburn, American Falls, Boise, Nampa, and Pocatello, Idaho, and Ontario, Oreg., for storage-in-transit and subsequent outbound movement; and (2) from destination points specified in (1) above, to points in Kansas.

NOTE: Applicant states no duplicating authority is sought. If a hearing is deemed necessary, applicant requests it be held at San Francisco, Calif.

No. MC 111812 (Sub-No. 286), filed April 28, 1965. Applicant: MIDWEST COAST TRANSPORT, INC., Wilson Terminal Building, Post Office Box 747, Sioux Falls, S. Dak. Applicant's attorney: Donald L. Stern, 630 City National Bank Building, Omaha, Nebr. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from North East, Pa., to points in Iowa, Wisconsin, Minnesota, Nebraska, Missouri, Kansas, Colorado, Arizona, and California.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Cleveland, Ohio.

No. MC 112822 (Sub-No. 53), filed May 3, 1965. Applicant: EARL BRAY, INC., Post Office Box 1191 (Linwood and North Streets), Cushing, Okla. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Advertising matter*; (2) *articles distributed by wholesale or retail suppliers, marketers or distributors of petroleum products*; and (3) *such commodities as are used by wholesale or retail suppliers, marketers, or distributors of petroleum products* in the conduct of their business, when shipped in mixed loads with petroleum products (presently authorized), from Ponca City, Okla., to points in Kansas and those in Missouri south of U.S. Highway 36 and west of a line beginning at Macon, Mo., and extending along U.S. Highway 63 to Jefferson City, Mo., thence along U.S. Highway 54 to Camdenton, Mo., thence along Missouri Highway 5 to Lebanon, Mo., thence along U.S. Highway 66 to Springfield, Mo., and thence along U.S. Highway 65 to the Missouri-Arkansas State line.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Denver, Colo.

No. MC 112963 (Sub-No. 14), filed May 5, 1965. Applicant: ROY BROS., INC., Boston Road, Pinehurst, Mass. Applicant's attorney: S. Harrison Kahn, 733 Investment Building, Washington, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lubricating oil*, in bulk, in tank vehicles, from South Braintree, Mass., to Selkirk, N.Y.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Boston, Mass.

No. MC 113325 (Sub-No. 42), filed May 10, 1965. Applicant: SLAY TRANSPORTATION CO., INC., 2001 South Seventh Street, St. Louis, Mo. Applicant's attorney: Chester A. Zyblut, 1000 Connecticut Avenue NW., Washington, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Acids and chemicals*, liquid in bulk, in tank vehicles, from the plant site of Storage Facilities of Monsanto Co., located at or near Anniston, Ala., to points in the St. Louis, Mo.-East St. Louis, Ill., commercial zone.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 113362 (Sub-No. 60) (AMENDMENT), filed February 4, 1965, published FEDERAL REGISTER issue February 25, 1965, and republished as amended this issue. Applicant: ELLSWORTH FREIGHT LINES, INC., 220 East Broadway, Eagle Grove, Iowa. Applicant's at-

torney: Donald L. Stern, 630 City National Bank Building, Omaha, Nebr. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, and meat byproducts*, and *articles distributed by meat packinghouses* (except hides and commodities in bulk, in tank vehicles), as described in sections A and C of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, from Sioux City, Iowa and points in Dakota County, Nebr. to points in Maine, New Hampshire, Vermont, Massachusetts, Connecticut, Rhode Island, New York, New Jersey, Virginia, Pennsylvania, Maryland, Delaware, West Virginia, and the District of Columbia.

NOTE: The purpose of this republication is to add the origin point of Sioux City, Iowa. If a hearing is deemed necessary, applicant requests it be held at Des Moines, Iowa or Omaha, Nebr.

No. MC 113362 (Sub-No. 70), filed April 22, 1965. Applicant: ELLSWORTH FREIGHT LINES, INC., 220 East Broadway, Eagle Grove, Iowa. Applicant's attorney: Donald L. Stern, 630 City National Bank Building, Omaha, Nebr. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts, and articles distributed by meat packinghouses*, as described in appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except commodities in bulk, in tank vehicles, and except hides), from points in Dawson County, Nebr., to points in Iowa, Minnesota, Wisconsin, Indiana, Ohio, Pennsylvania, New York, Vermont, Connecticut, Rhode Island, Massachusetts, New Hampshire, Maine, Maryland, Delaware, the District of Columbia, Virginia, West Virginia, New Jersey, and Michigan.

NOTE: If a hearing is deemed necessary, applicant does not specify a particular location.

No. MC 113495 (Sub-No. 19), filed May 4, 1965. Applicant: GREGORY HEAVY HAULERS, INC., 2 Main Street, Nashville, Tenn. Applicant's attorney: Wilmer B. Hill, Transportation Building, Washington, D.C., 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Heavy construction-type machinery and equipment* which because of size or weight require the use of special equipment, from Chicago, Ill., to points in North Carolina and Tennessee.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Washington, D.C.

No. MC 113666 (Sub-No. 20) (CORRECTION), filed April 7, 1965, published FEDERAL REGISTER issue of April 28, 1965, and republished as corrected this issue. Applicant: FREEPORT TRANSPORT, INC., 1200 Butler Road, Freeport, Pa. Applicant's attorney: James W. Hagar, Commerce Building, Harrisburg, Pa., 17108. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Binder twine and baler twine*, from points on the international boundary line between the United States and Canada located at ports of entry at Buffalo and Niagara Falls, N.Y., and Detroit, and Port Huron, Mich., to points in Connecticut, Delaware, District of Columbia, Illinois, Indiana, Iowa, Kansas, Kentucky, Maine, Maryland, Massachusetts, Michigan, Missouri, Minnesota, Nebraska, New Hampshire, New Jersey, New York, North Carolina, North Dakota, Ohio, Pennsylvania, Rhode Island, South Carolina, South Dakota, Tennessee, Vermont, Virginia, West Virginia, and Wisconsin.

NOTE: The purpose of this republication is to add the destination State of Missouri, inadvertently omitted from previous publication. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 113678 (Sub-No. 123) (AMENDMENT), filed April 5, 1965, published FEDERAL REGISTER issue April 21, 1965, amended May 7, 1965, and republished as amended this issue. Applicant: CURTIS, INC., 770 East 51st Avenue, Denver, Colo. Applicant's attorney: Duane W. Acklie, Post Office Box 2028, Lincoln, Nebr. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts, dairy products, and articles distributed by meat packinghouses*, as described in sections A, B, and C of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk, in tank vehicles), from points in Wisconsin to points in Colorado, Iowa, Kansas, Nebraska, Ohio, Missouri, and Wyoming.

NOTE: The purpose of this republication is to include Colorado and Wyoming with the destination States shown in previous publication. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 113678 (Sub-No. 135), filed April 30, 1965. Applicant: CURTIS, INC., 770 East 51st Avenue, Denver, Colo. Applicant's attorney: Truman A. Stockton, Jr., 1650 Grant, Denver, Colo. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts and articles distributed by meat packinghouses* as described in appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 (272–273), from Ft. Morgan, Sterling and Brush, Colo., to Denver and Greeley, Colo.

NOTE: Applicant states it will tack the above proposed authority with its existing authority in MC 113678. If a hearing is deemed necessary, applicant requests it be held at Denver, Colo.

No. MC 113678 (Sub-No. 137), filed May 5, 1965. Applicant: CURTIS, INC., 770 East 51st Avenue, Denver, Colo., 80216. Applicant's attorney: Duane W. Acklie, Post Office Box 2028, Lincoln, Nebr. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts and articles distributed by meat packinghouses*, as described in sections A and C of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except liquid bulk commodities, in tank vehicles, and except hides), from the plant site of Platte Valley Packing Co. located at Darr, Nebr., to points in North Carolina, South Carolina, Georgia, Alabama, and Tennessee (except Memphis, Tenn. and points in the Memphis commercial zone).

NOTE: Applicant states the above proposed operation will be restricted to traffic originating at the plant site of Platte Valley Packing Co., Darr, Nebr. If a hearing is deemed necessary, applicant requests it be held at Denver, Colo.

No. MC 113678 (Sub-No. 138), filed May 5, 1965. Applicant: CURTIS, INC., 770 East 51st Avenue, Denver, Colo., 80216. Applicant's attorney: Duane W. Acklie, Post Office Box 2028, Lincoln, Nebr. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts* and *articles distributed by meat packinghouses*, as described in sections A and C of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except liquid commodities in bulk, in tank vehicles and except hides), from Louisville, Ky., to points in Florida, Georgia, Tennessee, South Carolina, Alabama, Mississippi, Louisiana, North Carolina, and Virginia.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Louisville, Ky.

No. MC 113678 (Sub-No. 139), filed May 6, 1965. Applicant: CURTIS, INC., 770 East 51st Avenue, Denver, Colo., 80216. Applicant's attorney: Duane W. Acklie, Post Office Box 2028, Lincoln, Nebr. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts* and *articles distributed by meat packinghouses*, as described in sections A and C of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk), from Postville, Iowa, to points in Connecticut, Maryland, Massachusetts, New Jersey, New York, Pennsylvania, and the District of Columbia.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Des Moines, Iowa.

No. MC 113678 (Sub-No. 140), filed May 6, 1965. Applicant: CURTIS, INC., 770 East 51st Avenue, Denver, Colo., 80216. Applicant's attorney: Duane W. Acklie, Post Office Box 2028, Lincoln, Nebr. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts* and *articles distributed by meat packinghouses*, as described in sections A and C of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, from Lexington, Nebr., and points within 5 miles thereof and Minden, Nebr., and points within 5 miles thereof, to points in Colorado (except Denver, Colo.), Kansas, Missouri, Iowa, Minnesota, Wisconsin, Illinois (except Chicago and its commercial zone), New York, Vermont, Connecticut, Rhode Island, Massachusetts, New Hampshire, Maine, Maryland, Delaware, the District

of Columbia, Virginia, West Virginia, New Jersey, and Michigan.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr.

No. MC 113678 (Sub-No. 142), filed May 10, 1965. Applicant: CURTIS, INC., 770 East 51st Avenue, Denver, Colo., 80216. Applicant's attorney: Duane W. Acklie, Post Office Box 2028, Lincoln, Nebr. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts and articles distributed by meat packinghouses*, as described in sections A and C of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, from Lexington, Nebr., and points within 5 miles thereof, and Minden, Nebr., and points within 5 miles thereof, to points in Arizona, Arkansas, California, Idaho, Louisiana, Nevada, Oregon, Texas, Utah, and Washington.

NOTE: If a hearing is deemed necessary, applicant does not specify a place of hearing.

No. MC 113740 (Sub-No. 3), filed April 30, 1965. Applicant: FLEMING-BABCOCK, INC., Third and Branch Streets, Platte City, Mo. Applicant's attorney: Carl V. Kretsinger, Suite 510 Professional Building, Kansas City, Mo., 64106. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Rock, gavel and sand*, in bulk, in dump type vehicles, between points in Missouri, Kansas, Nebraska, and Iowa, and (2) *haydite, saturock* and *other building or construction aggregates*, in bulk, in dump type vehicles, between points in Missouri, Kansas, Nebraska, and Iowa.

NOTE: Applicant states the proposed operations in (1) above will be under a continuing contract with Waldo Concrete Co. of Kansas City, Mo., and the proposed operations in (2) above will be under a continuing contract with the Carter-Waters Corp. of Kansas City, Mo. If a hearing is deemed necessary, applicant requests it be held at Kansas City, Mo.

No. MC 113828 (Sub-No. 86), filed May 7, 1965. Applicant: O'BOYLE TANK LINES, INCORPORATED, 4848 Cordell Avenue, Washington 14, D.C. Applicant's attorney: William P. Sullivan, 1825 Jefferson Place NW., Washington, D.C., 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry tripolyphosphate*, in bulk, in pneumatic tank vehicles, from Carteret, N.J., to Catawba, S.C.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 113828 (Sub-No. 87), filed May 7, 1965. Applicant: O'BOYLE TANK LINES, INCORPORATED, 4848 Cordell Avenue NW., Washington 14, D.C. Applicant's attorney: William P. Sullivan, 1825 Jefferson Place NW., Washington, D.C., 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Vinegar*, in bulk, in tank vehicles, from Baltimore, Md., to points in Connecticut, Massachusetts, New York, and Rhode Island.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 113855 (Sub-No. 107), filed May 6, 1965. Applicant: INTERNATIONAL TRANSPORT, INC., Highway 52, South, Rochester, Minn. Applicant's attorney: Gene P. Johnson, First National Bank Building, Fargo, N. Dak. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Tractors, front end loaders, lift trucks, machinery and equipment used or useful in the lumber and logging industries*, and *attachments* and *parts* of the above named commodities, from points in the Upper Peninsula of Michigan and points in Minnesota on and north of U.S. Highway 13 to points in North Dakota, South Dakota, Montana, Wyoming, Colorado, New Mexico, Idaho, Utah, Arizona, Nevada, Washington, Oregon, and California, and ports of entry on the international boundary line between the United States and Canada located in Minnesota.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill. or Minneapolis, Minn.

No. MC 114019 (Sub-No. 137) (CORRECTION), filed May 3, 1965, published in FEDERAL REGISTER issue of May 19, 1965, and republished as corrected this issue. Applicant: MIDWEST EMERY FREIGHT SYSTEM, INC., 7000 South Pulaski Road, Chicago, Ill. Applicant's attorney: David Axelrod, 39 South La Salle Street, Chicago 3, Ill.

NOTE: The above-entitled application was published in the FEDERAL REGISTER without a docket number. The purpose of this republication is to show applicant's docket number as MC 114019 (Sub-No. 137).

No. MC 114106 (Sub-No. 47), filed April 22, 1965. Applicant: MAYBELLE TRANSPORT COMPANY, a corporation, Post Office Box 573, 1820 South Main Street, Lexington, N.C. Applicant's attorney: William P. Sullivan, 1825 Jefferson Place NW., Washington, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid corn products and blends of liquid corn products and liquid sugar*, in bulk, in tank vehicles, from points in North Carolina, to points in Alabama, Florida, Georgia, Kentucky, Maryland, North Carolina, Pennsylvania, South Carolina, Tennessee, Virginia, West Virginia, and the District of Columbia.

NOTE: Applicant states it now holds a portion of the authority as proposed above, but does not here seek duplicating rights. Applicant has contract carrier authority under MC 115176 (Sub-No. 1), therefore, dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 114239 (Sub-No. 14), filed May 3, 1965. Applicant: FARRIS TRUCK LINE, a corporation, Faucett, Mo. Applicant's attorney: Carl V. Kretsinger, 510 Professional Building, Kansas City, Mo. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Canned goods and dried fruit*, from Hollister, Corning, Los Angeles, Fullerton, Selma, Sacramento, Modesto, Sunnyvale, Antioch, Del Ray, Vacaville, Emeryville, San Jose, Stockton, Cupertion, Santa Clara, Richmond, Merced, and Gilroy, Calif., to points in the Kansas City, Mo.-Kans. commercial zone, as defined by the Commission.

NOTE: Applicant states the proposed operations will be performed under a continuing contract, or contracts, with Isis Wholesale Grocery & Produce Co., of Kansas City, Mo. If a hearing is deemed necessary, applicant requests it be held at Kansas City, Mo.

No. MC 114284 (Sub-No. 23), filed May 10, 1965. Applicant: FOX-SMYTHE TRANSPORTATION CO., a corporation, Post Office Box 82307, Stockyards Station, Oklahoma City, Okla. Applicant's attorney: Charles D. Dudley, 419 Northwest Sixth Street, Oklahoma City 3, Okla. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts, dairy products, and articles distributed by meat packinghouses*, as described in Sections A, B and C, Appendix I in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk, in tank vehicles), from Little Rock, Ark., to points in Arkansas, and *exempt commodities*, on return.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Oklahoma City, Okla.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Oklahoma City, Okla.

No. MC 114569 (Sub-No. 73), filed April 29, 1965. Applicant: SHAFFER TRUCKING, INC., Elizabethville, Pa. Applicant's attorney: James W. Hagar, Commerce Building, Harrisburg, Pa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Confectionery, candy, cocoa, coatings, compounds, and cough drops*, from Reading, Elizabethtown, and Lititz, Pa., to points in Alabama, Arkansas, Colorado, Illinois, Indiana, Iowa, Kansas, Kentucky, Michigan, Minnesota, Missouri, Nebraska, New Mexico, North Dakota, Ohio, Oklahoma, South Dakota, Tennessee, Texas, and Wisconsin.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 114718 (Sub-No. 12), filed April 30, 1965. Applicant: OHIO VALLEY MOTOR FREIGHT, INC., Moore's Junction, Marietta, Ohio. Applicant's attorney: James R. Stiverson, 50 West Broad Street, Columbus 15, Ohio. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Carbon paste*, from the plantsite of Carbon Division of Carbide Metals at or near Clarksburg, W. Va., to Marietta, Ohio.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Columbus, Ohio.

No. MC 115066 (Sub-No. 8), filed May 13, 1965. Applicant: LEE MOTOR LINES, INC., Post Office Box 728, Muncie, Ind. Applicant's attorney: Donald W. Smith, Suite 511, Fidelity Building, Indianapolis, Ind., 46204. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Glass containers*, from Mundelein, Ill., to points in Indiana, Michigan, and Ohio, and points in Missouri within 10 miles of the Mississippi River, points in Kentucky within 10 miles of the Ohio River, points in Wisconsin on and south of U.S. Highway 18, and Watertown and Clyman, Wis., and *returned shipments of glass containers, pallets, and skids*, on return.

NOTE: Applicant states the proposed operation will be under a continuing contract with Ball Bros. Co., Inc., of Muncie, Ind. If a hearing is deemed necessary, applicant requests it be held at Indianapolis, Ind.

No. MC 115322 (Sub-No. 44), filed April 19, 1965. Applicant: BLYTHE MOTOR LINES, INC., Post Office Box 489, Sanford, Fla. Applicant's attorney: Frank B. Hand, Jr., 921 17th St. NW., Washington 6, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods, commodities in bulk, and those requiring special equipment), (1) between Jacksonville, Fla., and Tampa, Fla.: (a) from Jacksonville over U.S. Highway 90 to junction U.S. Highway 301, thence over U.S. Highway 301 to junction Interstate Highway 4, thence over Interstate Highway 4 to Tampa and return over the same route, serving all intermediate points; (b) from Jacksonville over Interstate Highway 10 to junction U.S. Highway 301, thence over U.S. Highway 301 to Waldo, Fla., thence over Florida Highway 24 to junction Interstate Highway 75, thence over Interstate Highway 75 to Tampa and return over the same route, serving all intermediate points; (2) between Jacksonville, Fla. and Orlando, Fla.: (a) from Jacksonville over U.S. Highway 17 to Orlando and return over the same route, serving all intermediate points; (b) from Jacksonville over U.S. Highway 1 to junction Interstate Highway 95 at Natural Gardens, Fla., thence over Interstate Highway 95 to junction Interstate Highway 4, thence over Interstate Highway 4 to Orlando and return over the same route, serving all intermediate points; (c) from Jacksonville over Interstate Highway 10 to junction U.S. Highway 301, thence over U.S. Highway 301 to junction U.S. Highway 441.

Thence over U.S. Highway 441 to Orlando and return over the same route, serving all intermediate points; (3) between Jacksonville, Fla., and Miami, Fla.: (a) from Jacksonville over U.S. Highway 1 to Miami and return over the same route, serving all intermediate points; (b) from Jacksonville over U.S. Highway 1 to junction Florida Highway 607, thence over Florida Highway 607 to junction Sunshine State Parkway, thence over Sunshine State Parkway to junction Interstate Highway 95, thence over Interstate Highway 95 to Miami and return over the same route, serving all intermediate points; (4) between Orlando, Fla., and Miami, Fla.; (a) from Orlando over Interstate Highway 4 to junction Sunshine State Parkway, thence over Sunshine State Parkway to junction Interstate Highway 95, thence over Interstate Highway 95 to Miami and return over the same route, serving all intermediate points; (b) from Orlando over Interstate Highway 4 to junction U.S. Highway 27, thence over U.S. Highway 27 to Miami and return over the same route, serving all intermediate points; (5) between Orlando, Fla., and Tampa, Fla., over Interstate Highway 4, serving all intermediate points; (6) between Tampa, Fla., and Miami, Fla.: (a) from Tampa over Florida Highway 60 to junction Sunshine State Parkway, thence over Sunshine State Parkway to junction Interstate Highway 95, thence over Interstate Highway 95 to Miami and return over the same route, serving all intermediate points; (b) from Tampa over Florida Highway 60 to junction U.S. Highway 27, thence over U.S. Highway 27 to Miami and return over the same route, serving all intermediate points; (c) from Tampa over U.S. Highway 41 to Miami and return over the same route, serving all intermediate points; in connection with (1) through (6) above, serving those off-route points located in Florida on, east, and south of a line extending from the Georgia-Florida State line over U.S. Highway 301 to Waldo, Fla., thence over Florida Highway 24 to Cedar Key, Fla.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Miami, Fla.

No. MC 115353 (Sub-No. 6), filed May 3, 1965. Applicant: LOUIS J. KENNEDY, 242 Schuyler Avenue, Kearny, N.J. Applicant's representative: Bert Collins, 140 Cedar Street, New York 6, N.Y. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Gypsum products and related building materials* (except commodities in bulk, and commodities which because of size or weight require the use of special equipment), from the plant and warehouse sites of Kaiser Gypsum Co., Inc., located at North Shore, Jacksonville (Duval County), Fla., to points in Georgia, South Carolina, North Carolina, Alabama, and Tennessee, and *rejected and damaged shipments* on return.

NOTE: Applicant states the proposed operations will be under contract with Kaiser Gypsum Co., Inc., Jacksonville, Fla. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 115716 (Sub-No. 11), filed May 10, 1965. Applicant: DENVER-LIMON-BURLINGTON TRANSFER COMPANY, a corporation, 3650 Chestnut Place, Denver, Colo. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, commodities in bulk, commodities requiring special handling, and household goods as defined by the Commission), between Limon, Colo., and Colorado Springs, Colo.: from Limon over U.S. Highway 24 to Colorado Springs, and return over the same route, serving no intermediate points.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Denver, Colo.

No. MC 115826 (Sub-No. 62), filed May 10, 1965. Applicant: W. J. DIGBY, INC., Box 5088 Terminal Annex, Denver 17, Colo. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cooked bakery products* and *bakery products ingredients*, in vehicles equipped with mechanical refrigeration, from Beelyville, Ind., and Carrollton, Mo., to points in Kansas, Nebraska, New Mexico, Arizona, California, Colorado, Nevada, Utah, Wyoming, Idaho, Oregon, Washington, and Montana.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Kansas City, Mo.

No. MC 115841 (Sub-No. 238), filed May 4, 1965. Applicant: COLONIAL REFRIGERATED TRANSPORTATION, INC., 1215 Bankhead Highway West, Post Office Box 2169, Birmingham, Ala. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs* (except fruit, grape juice, jams, jellies, preserves, tomato juice, and fruit beverages), from North East, Pa., to points in Tennessee, Alabama, Mississippi, and Louisiana.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Pittsburgh, Pa.

No. MC 116073 (Sub-No. 18), filed April 29, 1965. Applicant: BARRETT MOBILE HOME TRANSPORT, INC., 1625 Main Avenue, Moorhead, Minn. Applicant's attorney: Donald E. Cross, Munsey Building, Washington, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *House trailers*, designed to be drawn by passenger automobiles, from Bend, Oreg., and points within five (5) miles thereof, to points in the United States, including Alaska (excluding Hawaii).

NOTE: If a hearing is deemed necessary, applicant requests it be held at Portland, Oreg.

No. MC 116175 (Sub-No. 3), filed May 4, 1965. Applicant: J. W. DAUGHERTY, 600 Leigh Avenue, Pennington Gap, Va. Applicant's attorney: Emory H. Crockett, Jonesville, Va., 24263. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Scrap paper, scrap copper, scrap aluminum, scrap lead*, and *scrap iron* from Kingsport, Tenn., to Dayton, Ohio.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Big Stone Gap, Va.

No. MC 116967 (Sub-No. 20), filed May 6, 1965. Applicant: ROBERT H. CARR AND SONS, INC., R.F.D. No. 2, Malvern, Pa. Applicant's attorney: Edward M. Alfano, 2 West 45th Street, New York 36, N.Y. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Caramel coloring, syrup, burnt sugar, liquid sugar, and blends thereof*, in bulk, in tank vehicles, from Clinton, Iowa, to points in Connecticut, Delaware, the District of Columbia, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, North Carolina, Pennsylvania, Rhode Island, Virginia, Vermont, and West Virginia, and *returned, refused, and rejected shipments* of the above commodities, on return.

NOTE: If a hearing is deemed necessary, applicant requests it be held at New York, N.Y.

No. MC 117416 (Sub-No. 15), filed May 5, 1965. Applicant: NEWMAN AND PEMBERTON CORPORATION, 2007 University Avenue NW., Knoxville, Tenn. Applicant's attorney: William P. Sullivan, 1825 Jefferson Place N.W., Washington, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Newsprint paper, groundwood paper, printing paper, and woodpulp*, from Calhoun, Tenn., to points in Florida, Georgia, and Kentucky, and *materials, equipment, and supplies* used or useful in the manufacture of paper (except in bulk), from points in the above destination States to Calhoun, Tenn.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 117872 (Sub-No. 5), filed May 3, 1965. Applicant: WM. P. JOSEPH, ERNEST B. JOSEPH AND BESSIE T. JOSEPH, a partnership, doing business as A. JOSEPH & COMPANY, 352 East Woodrow Wilson Street, Jackson, Miss. Applicant's attorney: Harold D. Miller, Jr., Suite 700 Petroleum Building, Post Office Box 1250, Jackson, Miss., 39205. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bananas*, from Freeport, Tex., to Denver, Colo., and points within 15 miles thereof and *exempt commodities*, on return.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Jackson, Miss.

No. MC 117872 (Sub-No. 6), filed May 3, 1965. Applicant: WM. P. JOSEPH, ERNEST B. JOSEPH AND BESSIE T. JOSEPH, doing business as A. JOSEPH & COMPANY, 352 East Woodrow Wilson Street, Jackson, Miss. Applicant's attorney: Harold D. Miller, Jr., Suite 700 Petroleum Building, Jackson, Miss., 39205. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bananas*, from Mobile, Ala., to Denver, Colo., and points within 15 miles thereof, and *exempt commodities* on return.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Jackson, Miss.

No. MC 117883 (Sub-No. 47), filed May 7, 1965. Applicant: SUBLER TRANSFER, INC., East Main Street, Versailles, Ohio. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from Lafayette, Ind., to points in Connecticut, Delaware, Kentucky, Maine, Maryland, Massachusetts, Michigan, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Vermont, Virginia, West Virginia, and the District of Columbia.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 118159 (Sub-No. 19), filed May 4, 1965. Applicant: EVERETT LOWRANCE, 4916 Jefferson Highway, New Orleans, La., 70121. Applicant's attorney: Harold R. Ainsworth, 2307 American Bank Building, New Orleans 12, La. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Prepared foodstuffs* moving in vehicles equipped with mechanical refrigeration, from the plant site of the Pillsbury Co. located at or near Denison, Tex., to points in Alabama, Arkansas, Florida, Louisiana, Mississippi, Missouri, and Oklahoma, restricted to traffic originating at the plant site of the Pillsbury Co.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Minneapolis, Minn.

No. MC 119475 (Sub-No. 2), filed May 5, 1965. Applicant: WENDELL BOYD, Main Street, Calumet, Province of Quebec, Canada. Applicant's attorney: W. Norman Charles, 80 Bay Street, Glen Falls, N.Y. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Lumber*, from ports of entry on the international boundary line between the United States and Canada located in New Hampshire and Vermont, to points in New Hampshire and Vermont.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Albany, N.Y.

No. MC 119531 (Sub-No. 38), filed May 10, 1965. Applicant: DIECKBRADER EXPRESS, INC., 5391 Wooster Road, Cincinnati, Ohio. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plastic articles*, between Sidney, Ohio, on the one hand, and, on the other, points in Illinois, Indiana, Kentucky, Michigan, and Pennsylvania, and *materials and supplies* used in the manufacture, sale, and distribution of plastic articles, from points in Illinois, Indiana, Kentucky, Michigan, and Pennsylvania, to Sidney, Ohio.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 119767 (Sub-No. 76), filed May 7, 1965. Applicant: BEAVER TRANSPORT CO., a corporation, 100 South Calumet Street, Burlington, Wis. Applicant's representative: Fred H. Figge, Post Office Box 339, Burlington, Wis. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Beverage preparations*, from Chilton, Wis., to Waverly, Iowa.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 119767 (Sub-No. 78), filed May 17, 1965. Applicant: BEAVER TRANSPORT CO., a corporation, 100 South Calumet Street, Post Office Box 339, Burlington, Wis. Applicant's representative: Fred H. Figge (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Prepared foodstuffs*, from Grand Forks, N. Dak., to Mankato and Duluth, Minn.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Minneapolis, Minn.

No. MC 123061 (Sub-No. 28), filed May 10, 1965. Applicant: LEATHAM BROTHERS, INC., 46 Orange Street, Salt Lake City, Utah. Applicant's attorney: Harry D. Pugsley, 600 El Paso Gas Building, Salt Lake City, Utah, 84111. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Animal and poultry mineral feed mixtures*, in packages and in mixed shipments with salt and salt products, from Lakepoint and Salt Lake City, Utah, to points in Washington, Oregon, Idaho, Montana, Wyoming, Colorado, and Nevada and *exempt commodities*, on return; and (2) *salt* and *salt products*, from Salt Lake City, Utah, to points in Washington, Oregon, Idaho, Montana, Wyoming, Colorado, and Nevada and *exempt commodities*, on return.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Salt Lake City, Utah.

No. MC 123065 (Sub-No. 2), filed May 10, 1965. Applicant: FREDERICK PHILLIPS, doing business as, SPOTSWOOD TRAIL EXPRESS, Redbone Road, Chester Springs, Pa. Applicant's representative: Bert Collins, 140 Cedar Street, New York 6, N.Y. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New furniture*, restricted to shipments moving from and to stores, warehouses, wholesale, retail, and chain outlets or other facilities of Terminal Freight Cooperative Association, from Hudson (Caldwell County), N.C., to points in Maine, Vermont, New Hampshire, Massachusetts, Connecticut, Rhode Island, New York, New Jersey, and Pennsylvania, and *returned, rejected or damaged shipments*, on return.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 123502 (Sub-No. 15), filed April 28, 1965. Applicant: FREE STATE STONE SERVICE, INC., 10 Vernon Avenue, Glen Burnie, Md. Applicant's attorney: William J. Little, Fidelity Building, Baltimore, Md., 21201. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Ferro-alloys, alloys and ores*, in bulk, from Baltimore, Md., to points in Maryland, Virginia, West Virginia, Pennsylvania, Delaware, New Jersey, New York, Connecticut, and Ohio.

NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 123846 (Sub-No. 3), filed May 3, 1965. Applicant: MYRON H. CURTIS AND BETTY L. CURTIS, a partnership, doing business as, CURTIS TRAILERS, 10177 Southeast Powell Boulevard, Portland 66, Oreg. Applicant's attorney: John M. Hickson, Fail-

ing Building, Portland, Oreg. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Travel trailers* and *pick-up coaches*, in initial movements, in truckaway service, from points in Washington County, Oreg., to points in Montana, Idaho, Utah, and points in San Francisco, San Mateo, Alameda, San Joaquin, Calaveras, Tuolumne, Alpine, Amador, Sacramento, Contra Costa, Marin, Solano, El Dorado, Placer, Sutter, Yolo, Napa, Sonoma, Mendocino, Lake, Colusa, Yuba, Nevada, Sierra, Butte, Glenn, Plumas, Tehama, Lassen, Shasta, Trinity, Humboldt, Del Norte, Siskiyou, and Modoc Counties, Calif.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Portland, Oreg.

No. MC 124123 (Sub-No. 25), filed May 7, 1965. Applicant: SCHWERMAN TRUCKING CO., OF ILL., INC., 611 South 28th Street, Milwaukee, Wis., 53246. Applicant's attorney: James R. Ziperski (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Sand*, in bulk, from Oregon, Ill., to points in Iowa (except Davenport, Clinton, and Fairfield, Iowa).

NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 124218 (Sub-No. 6), filed May 13, 1965. Applicant: UNIT TRANSPORTATION, INC., Ford Boulevard and Fifth Street, Hamilton, Ohio. Applicant's attorney: A. J. Tener, Bank of Jamestown Building, Jamestown, N.Y., 14701. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Camping trailers* and *advertising material* related thereto, in initial movements, from points in Lapeer County, Mich., to points in the United States (except Alaska and Hawaii), and (2) *returned shipments* of the above-specified commodities, in secondary movements, from points in the United States (except Alaska and Hawaii), to points in Lapeer County, Mich.

NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Buffalo, N.Y.

No. MC 124886 (Sub-No. 6) filed April 30, 1965. Applicant: PHILIP PICARIELLO, doing business as P & F CARRIERS, 21 Main Street, East Paterson, N.J. Applicant's representative: George A. Olsen, 69 Tonnele Avenue, Jersey City, N.J., 07306. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Nitrocellulose solutions*, in bulk, in tank vehicles, from the plantsite of Cellofilm Corp., Woodridge, N.J., to High Point, N.C.

NOTE: Applicant states that the proposed operation will be under continuing contract with Cellofilm Corp. of Woodridge, N.J. Applicant is also authorized to conduct operations as a common carrier in Certificate MC 26570, therefore, dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 124886 (Sub-No. 7), filed May 11, 1965. Applicant: PHILIP PICARIELLO, doing business as P & F CARRIERS, 21 Main Street, East Paterson, N.J. Applicant's representative: George A. Olsen, 69 Tonnele Avenue, Jersey City, N.J., 07306. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Nitrocellulose solutions* in drums, from the plantsite of Cellofilm Corp., located at Woodridge, N.J., to Canton and Medina, Ohio, and (2) *resins*, in drums, from the plantsite of Cellomor Corp., located at Newark, N.J., to Canton and Medina, Ohio.

NOTE: Applicant states the above proposed operations will be under a continuing contract with Cellofilm Corp., of Woodridge, N.J. Applicant is also authorized to conduct operations as a common carrier in Certificate MC 26570, therefore, dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 125708 (Sub-No. 20), filed May 10, 1965. Applicant: HUGH MAJOR, 150 Sinclair, South Roxana, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Building, paving, and roofing materials*, from Wilmington, Ill., to points in Iowa, Kansas, Nebraska, Minnesota, and Wisconsin.

NOTE: Applicant is also authorized to conduct operations as a contract carrier in Permit MC 116434 and subs thereto, therefore, dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 125777 (Sub-No. 57), filed April 27, 1965. Applicant: JACK GRAY TRANSPORT, INC., 3200 Gibson Transfer Road, Hammond, Ind. Applicant's attorney: David Axelrod, 39 South La Salle Street, Chicago, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lime and limestone products*, in bulk, in dump vehicles, from River Rouge, Mich., to points in Illinois, Indiana, Iowa, Kentucky, Missouri, New York, Ohio, Pennsylvania, West Virginia, and Wisconsin.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 125777 (Sub-No. 59), filed May 7, 1965. Applicant: JACK GRAY TRANSPORT, INC., 3200 Gibson Transfer Road, Hammond, Ind. Applicant's attorney: David Axelrod, 39 South La Salle Street, Chicago 3, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lime and limestone products* and *dolomite*, from Chicago, Ill., to points in Ohio and Wisconsin.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 125777 (Sub-No. 60), filed May 7, 1965. Applicant: JACK GRAY TRANSPORT, INC., 3200 Gibson Transfer Road., Hammond, Ind. Applicant's attorney: David Axelrod, 39 South La Salle Street, Chicago, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Salt*, in dump vehicles, from Chicago, Ill., to points in Iowa.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 125777 (Sub-No. 61), filed May 7, 1965. Applicant: JACK GRAY TRANSPORT, INC., 3200 Gibson Transfer Road, Hammond, Ind. Applicant's attorney: David Axelrod, 39 South La Salle Street, Chicago 3, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Ferrous and nonferrous scrap metal*, between points in Illinois, Iowa, and Missouri.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 125777 (Sub-No. 62), filed May 7, 1965. Applicant: JACK GRAY TRANSPORT, INC., 3200 Gibson Transfer Road, Hammond, Ind. Applicant's attorney: David Axelrod, 39 South La Salle Street, Chicago 3, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Ferro manganese*, in dump vehicles, from Kingwood, W. Va., to points in Indiana and Illinois.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 125777 (Sub-No. 63), filed May 10, 1965. Applicant: JACK GRAY TRANSPORT, INC., 3200 Gibson Transfer Road, Hammond, Ind. Applicant's attorney: David Axelrod, 39 South La Salle Street, Chicago, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Pig iron*, in dump vehicles, from Louisville, Ky., to points in Illinois, Indiana, and Ohio.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 125871 (Sub-No. 2), filed May 3, 1965. Applicant: CHESTER FRY AND MARIE E. FRY, a partnership, doing business as FRY TRUCKING, Wilton Junction, Iowa. Applicant's representative: William A. Landau, 1307 East Walnut Street, Des Moines 16, Iowa. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Animal and poultry feed concentrates, mineral feed supplements, mixtures of trace minerals, livestock insecticides, livestock medicines, and disinfectants*, from Cedar Rapids, Iowa, to points in Arkansas, Colorado, Oklahoma, and Texas, and (2) *ingredients*, used in the manufacture of animal and poultry feed concentrates, mineral feed supplements, mixtures of trace minerals, livestock insecticides, livestock medicines, and farm disinfectants, from points in Arkansas, Colorado, Oklahoma, and Texas, to Cedar Rapids, Iowa.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Des Moines, Iowa.

No. MC 125882 (Sub-No. 2), filed May 7, 1965. Applicant: WESTERN HAULERS, INC., 1125 West 46th Avenue, Denver, Colo. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Customer's trailers*, loaded with customer's general commodities (except those of unusual value, Classes A and B explosives and household goods as defined by the Commission), between points in Colorado, Washington, Oregon, California, Idaho, Nevada, Montana, Wyoming, Utah, Arizona, New Mexico, North Dakota, South Dakota, Nebraska, Kansas, Oklahoma, Texas, Minnesota, Iowa, Missouri, Arkansas, Louisiana, Wisconsin, and Illinois.

NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Denver, Colo.

No. MC 126091 (Sub-No. 1), filed April 22, 1965. Applicant: K. J. FRALEY AND E. W. SCHILLING, a partnership, doing business as FRALEY AND SCHILLING, Rural Route No. 1, Rushville, Ind. Applicant's attorney: Donald W. Smith, Suite 511, Fidelity Building, Indianapolis, Ind. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Metals and metal alloys, refractories, gravel and crushed rock, ores, and lime, and chemicals in containers*, or in bulk, in dump trucks, from points in Delaware, Illinois, Indiana, Maryland, Michigan, New Jersey, New York, Ohio, Pennsylvania, Virginia, West Virginia, and Wisconsin, to the plantsites of Vanadium Corp. of America located near Mingo Junction and Byesville, Ohio, and Graham, W. Va., (2) *metals and metal alloys*, from the plantsites of Vanadium Corp. of America located near Mingo Junction, Ohio, and Graham, W. Va., to points in Maryland, Delaware, New Jersey, New York, Pennsylvania, Virginia, Michigan, Indiana, Illinois, Ohio, West Virginia, and Wisconsin, and (3) *metals and metal alloys, and chemicals in containers*, from the plantsite of Vanadium Corp. of America located near Byesville, Ohio, to points in Maryland, Delaware, New Jersey, New York, Pennsylvania, Virginia, Michigan, Indiana, Illinois, Ohio, West Virginia, and Wisconsin.

NOTE: Applicant states the operations as proposed are "limited to a transportation service to be performed under a continuing contract or contracts with the Vanadium Corp. of America, New York, N.Y." If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 126305 (Sub-No. 4), filed May 6, 1965. Applicant: BOYD BROTHERS TRANSPORTATION CO., INC., Route 1, Clayton, Ala. Applicant's representative: Robert E. Tate, 2031 Ninth Avenue South, Birmingham, Ala. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber and pallets*, from points in Alabama on and south of U.S. Highway 78 (except Houston, Montgomery, and Baldwin Counties); points in Jackson County, Fla., and Randolph County, Ga., to points in Connecticut, Delaware, Maryland, Massachusetts, New Jersey, New York, Pennsylvania, Rhode Island, and Virginia, and *exempt commodities* on return.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Mobile, Ala.

No. MC 126594 (Sub-No. 1), filed May 10, 1965. Applicant: CUSTOMERS TRUCK SERVICE, a corporation, 1820 West Allard Avenue, Eureka, Calif. Applicant's attorney: Melvin S. Johnson, Eureka City Hall, Post Office Box 176, Eureka, Calif., 95503. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Bulk cement* in hopper-type vehicles, from Eureka, Calif., to points in Curry and Josephine Counties, Oreg., and (2) *return shipments of cement*, from points in Curry and Josephine Counties, Oreg., to points in Humboldt County, Calif.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Eureka, Calif.

No. MC 126736 (Sub-No. 42), filed May 12, 1965. Applicant: PETROLEUM CARRIER CORPORATION OF FLORIDA, 369 Margaret Street, Jacksonville, Fla. Applicant's attorney: Martin Sack, Jr., Atlantic National Bank Building, Jacksonville, Fla., 32202. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Phosphate rock, phosphate, phosphate products, and phosphate byproducts*, in bulk, from points in Florida to points in Florida, Alabama, and Georgia.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Atlanta, Ga.

No. MC 127110 (Sub-No. 1), filed May 5, 1965. Applicant: FEATURE FILM SERVICE, INC., 511 Fidelity Building, Indianapolis, Ind. Applicant's attorney: Donald W. Smith, Suite 511 Fidelity Building, Indianapolis, Ind., 46204. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Motion picture films, supplies, accessories*, and *advertising materials* used in motion picture theaters, between Indianapolis, Ind., on the one hand, and, on the other, Louisville, Ky., and points in Jefferson County, Ky.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Louisville, Ky.

No. MC 127139EX filed April 1, 1965. Applicant: YOLANDA CRISCUOLO, doing business as NEW YORK EXPRESS, 135 Jefferson Street, Franklin Square, New York, N.Y. Applicant's attorney: George J. Gross, 37–53 82d Street, Jackson Heights, N.Y. A certificate of exemption is sought under Section 204(a)(4a), Part II, in the conduct of operations as a *contract carrier*, by motor vehicle (trucks) over irregular routes, transporting: *Aircraft parts and equipment*, from New York, N.Y., airports to various airports and aircraft hangars, in New York.

No. MC 127153 (Sub-No. 1), filed May 12, 1965. Applicant: WARREN B. FOSTER, 19 Broad Street, Woodstown, N.J. Applicant's attorney: M. J. Greenblatt, 614 Landis Avenue, Vineland, N.J. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Lime, fertilizer, and fertilizer ingredients*, from Baltimore, Md., Philadelphia, Plymouth Meeting, and Bristol, Pa., to Woodstown, N.J.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Philadelphia, Pa.

No. MC 127187 (Sub-No. 1), filed May 6, 1965. Applicant: FLOYD DUENOW, 1412 North Cleveland, Fergus Falls, Minn. Applicant's attorney: Gene P. Johnson, First National Bank Building, Fargo, N. Dak. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Animal and poultry feed and feed ingredients*, from Weeping Water, Nebr., to points in North Dakota, South Dakota, and Minnesota.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Minneapolis, Minn.

No. MC 127201 (Sub-No. 1), filed May 10, 1965. Applicant: STEVENS VAN LINES, INC., 121 South Niagara Street, Saginaw, Mich. Applicant's attorney: Alan F. Wohlstetter, One Farragut Square South, Washington, D.C., 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in Michigan, restricted to shipments having a prior or subsequent movement beyond the State of Michigan.

NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Saginaw, Mich.

No. MC 127211, filed April 23, 1965. Applicant: UNITED MOVING AND STORAGE, INC., OF DAYTON, 1728 Troy Street, Dayton, Ohio. Applicant's attorney: Earl N. Merwin, 85 East Gay Street, Columbus 15, Ohio. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in Allen, Auglaize, Adams, Brown, Butler, Clermont, Champaign, Clinton, Clark, Darke, Fayette, Greene, Hamilton, Hardin, Highland, Logan, Montgomery, Madison, Miami, Mercer, Marion, Pike, Preble, Pickaway, Ross, Shelby, Scioto, Union, Van Wert, and Warren Counties, Ohio.

NOTE: Applicant states the service as proposed to be "restricted to shipments having a prior or subsequent movement beyond said counties, in containers, and further restricted to pick up and delivery service incidental to and in connection with packing, crating, and containerization or unpacking, uncrating and decontainerization of such shipments." If a hearing is deemed necessary, applicant requests it be held at Columbus, Ohio.

No. MC 127219, filed April 26, 1965. Applicant: STEPHEN R. KEREK, doing business as KEREK'S AIR FREIGHT SERVICE, 1651 Espenshade Road, Lancaster, Pa. Applicant's attorney: Christian V. Graf, 407 North Front Street, Harrisburg, Pa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except Classes A and B explosives, commodities in bulk, commodities requiring special equipment and those injurious or contaminating to other lading and household goods as defined by the Commission), having a prior or subsequent movement by air, between the Philadelphia International Airport located in the city and county of Philadelphia, Pa., the Lancaster Airport located in Manheim Township, Lancaster County, Pa., and the Harrisburg-York State Airport located in the township of Fairview, York County, Pa., on the one

hand, and, on the other, points in Lancaster, York, Dauphin, Cumberland, Franklin, and Lebanon Counties, Pa.

NOTE: Applicant states it believes that the foregoing is exempt under section 203(b)(7)(a) of part II of the Interstate Commerce Act, but this application is filed by reason of the decision of the U.S. District Court, Eastern District of Pennsylvania, in *Air Dispatch, Inc.* v. *United States of America and Interstate Commerce Commission* (16 F.C.C. 81,703). (If a hearing is deemed necessary, applicant requests it be held at Harrisburg, Pa.

No. MC 127234, filed May 6, 1965. Applicant: EDWARD BROWN, doing business as EDDIE'S TRUCKING SERVICE, 321 Malcolm Avenue, Garfield, N.J. Applicant's attorney: Alvin Altman, 1776 Broadway, New York 19, N.Y. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Artist's supplies and materials, including children's art supplies*, in shipments not exceeding 800 pounds each, from New York, N.Y., to points in Bergen, Essex, Hudson, Middlesex, Morris, Passaic, Somerset, and Union Counties, N.J., and *damaged, returned, refused or rejected shipments* of the above commodities, on return.

NOTE: If a hearing is deemed necessary, applicant requests it be held in New York, N.Y.

No. MC 127236, filed May 4, 1965. Applicant: IMPERIAL VAN AND STORAGE, a corporation, 1500 West Eighth Street, Long Beach, Calif. Applicant's attorney: Joseph P. Mullins, Jr., One Farragut Square South, Washington, D.C., 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in California, restricted to shipments having a prior or subsequent movement beyond said State, and further restricted to pickup and delivery services incidental to, and in connection with, packing, crating, and containerization or unpacking, uncrating, and decontainerization of such shipments.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Long Beach, Calif.

No. MC 127237, filed May 3, 1965. Applicant: MODERN TRANSPORTATION, INC., Post Office Box 111, Broken Bow, Nebr. Applicant's attorney: Richard A. Peterson, 605 South 14th Street, Box 2028, Lincoln, Nebr., 68501. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products* and *meat byproducts, dairy products, articles distributed by meat packinghouses* and *such commodities* as are used by meatpackers in the conduct of their business when destined to and for use by meatpackers, as described in sections A, B, C, and D of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk, in tank vehicles), from points in Dakota County, Nebr., to points in the United States, including ports of entry located on the international boundary line between the United States and Canada (except points in Connecticut, Delaware, District of Columbia, Hawaii, Illinois, Indiana, Maine, Maryland, Massachusetts, Michigan, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Vermont, Virginia, West Virginia, and Wisconsin).

NOTE: Applicant states that the above proposed operation will be conducted under a continuing contract with Iowa Beef Packers, Inc., or its subsidiaries. If a hearing is deemed necessary, applicant does not specify place of hearing.

No. MC 127239, filed May 7, 1965. Applicant: UNIVERSAL BOW TRANSPORT INCORPORATED, Concord Industrial Park, Concord, N.H. mailing address: Post Office Box 276, Concord, N.H. Applicant's attorney: Francis E. Barrett, Jr., 182 Forbes Building, Forbes Road, Braintree, Mass., 02184. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Packaging and paperboard cartons*, knocked-down, from Bow, N.H., to points in Maryland, Virginia, North Carolina, South Carolina, Georgia, Alabama, Texas, Michigan, Ohio, Wisconsin, Illinois, Iowa, Mississippi, Minnesota, Missouri, Arkansas, Indiana, Nebraska, Colorado, Oklahoma, California, Washington, Arizona, Florida, Idaho, Kansas, Kentucky, Louisiana, Montana, Nevada, Oregon, New Mexico, North Dakota, South Dakota, Tennessee, Utah, West Virginia, and Wyoming.

NOTE: Applicant states the above proposed operation will be under a continuing contract with Universal Packaging Corp., Bow, N.H. If a hearing is deemed necessary, applicant requests it be held at Concord, N.H.

No. MC 127246, filed May 7, 1965. Applicant: MANUFACTURERS CARTAGE COMPANY, a corporation, 2927 South Broadway, St. Louis, Mo., 63118. Applicant's attorney: James M. Henderson, Investment Building, Washington, D.C., 20005. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Glass containers*, from the plant site of Lincoln Container Co., located at Lincoln, Ill., and the plant site of Owens-Illinois Glass Co., located at Alton, Ill., to the plant site of Anheuser-Busch, Inc., located at St. Louis, Mo.

NOTE: Applicant is a wholly owned subsidiary of Manufacturers Railway Co. If a hearing is deemed necessary, applicant requests it be held at St. Louis, Mo.

No. MC 127250, filed May 3, 1965. Applicant: TONY R. CRABTREE, Saffell, Ark. Applicant's attorney: Caldwell T. Bennett, Barnett Building, Batesville, Ark. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Rough lumber*, from points in Independence County, Ark., to points in Missouri, Mississippi, and Tennessee.

NOTE: Applicant states "ordinarily the truck will deadhead on return trip. However there will be occasions when there may be hauled some raw agricultural products or other exempt items." If a hearing is deemed necessary, applicant does not specify place of hearing.

No. MC 127251, filed April 30, 1965. Applicant: C. T. MONTGOMERY, Post Office Box 241, Sunflower, Miss. Applicant's attorney: Harold D. Miller, Jr., Suite 700, Petroleum Building, Post Office Box 1250, Jackson, Miss. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Agricultural chemicals*, in packages, from the plant site of American Cyanamid Co., near Indianola, Miss., to points in Alabama, Arkansas, Louisiana, Oklahoma, Tennessee, and Texas.

NOTE: The proposed service is to be under a continuing contract with American Cyanamid Co. If a hearing is deemed necessary, applicant requests it be held at Jackson, Miss.

No. MC 127252, filed April 30, 1965. Applicant: WAYNE TARVIN AND RICHARD TARVIN, a partnership, doing business as TARVIN TRUCKING CO., Dewey, Ill. Applicant's attorney: Mack Stephenson, 42 Fox Mill Lane, Springfield, Ill., and Allen Overtaker, Chrisman, Ill. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Machinery*, and *equipment*, and *parts thereof* (except those commodities which because of size or weight requires special equipment), between points in Iowa, Michigan, and Wisconsin, on the one hand, and on the other, Gibson City, Ill.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Springfield, Ill.

No. MC 127253, filed May 10, 1965. Applicant: GRACE LEE CORBETT, doing business as R. A. CORBETT TRANSPORT, Post Office Box 86, Lufkin, Tex. Applicant's attorney: Ewell H. Muse, Jr., Suite 415, Perry Brooks Building, Austin, Tex., 78701. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Creosote oil*, in bulk, having a prior movement by water, from points in Louisiana to points in Louisiana.

NOTE: If a hearing is deemed necessary, applicant requests it be held at New Orleans, La.

No. MC 127254, filed May 10, 1965. Applicant: HAROLD P. CARTEE, 2717 Poly Drive, Billings, Mont. Applicant's attorney: J. P. Meglen, 204–205 Behner Building, 2822 Third Avenue North, Billings, Mont. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Lumber* and *lumber products, including plywood*, from points in Montana, to points in Wyoming.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Billings, Mont.

No. MC 127255, filed May 10, 1965. Applicant: STEVENS VAN LINES–BAY CITY, INC., 1220 North Sheridan Street, Bay City, Mich. Applicant's attorney: Alan F. Wohlstetter, One Farragut Square South, Washington, D.C., 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, (a) between points in Bay, Huron, Tuscola, Saginaw, Gratiot, Midland, Isabella, Clare, Gladwin, Arenac, Ogemaw, Iosco, Oscoda, Alcona, and Alpena Counties, Mich., and (b) between points in the above counties, on the one hand, and, on the other, points in Michigan, restricted to shipments having a prior or subsequent movement beyond said counties.

NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Saginaw, Mich.

No. MC 127256, filed May 10, 1965. Applicant: MUSSO TRUCKING CO., INC., Harding Highway, Richland, N.J. Applicant's representative: George A. Olsen, 69 Tonnele Avenue, Jersey City, N.J., 07306. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Wearing apparel and supplies*, between Gastonia, N.C., on the one hand, and, on the other, New York, N.Y., Paramus and Newark, N.J.

NOTE: Applicant states that the proposed service will be under continuing contract with Kay Karen, Inc., of New York, N.Y. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 127260, filed May 12, 1965. Applicant: READING AUCTION TRANSPORTATION CORP., 157 B Grant Avenue, Islip, N.Y. Applicant's attorney: Samuel O. Kufik, 253 Broadway, New York 7, N.Y. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Used motor vehicles*, between New York, N.Y., and points in Nassau and Suffolk Counties, N.Y., on the one hand, and, on the other, Caldwell and Bordentown, N.J., and Reading and Manheim, Pa.

NOTE: If a hearing is deemed necessary, applicant requests it be held at New York City, N.Y.

MOTOR CARRIERS OF PASSENGERS

No. MC 46492 (Sub-No. 1), filed May 10, 1965. Applicant: BEE LINE, INC., Nassau Street, Rockville Centre, N.Y. Applicant's attorney: James P. Conway, 51 Front Street, Rockville Centre, N.Y. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage*, in the same vehicle with passengers, beginning and ending at points in Nassau County, N.Y., and extending to points in Connecticut, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Virginia, and the District of Columbia.

NOTE: If a hearing is deemed necessary, applicant requests it be held at New York City, N.Y.

No. MC 107078 (Sub-No. 4), filed May 10, 1965. Applicant: S M T (EASTERN) LIMITED, 58 King Street, St. John, New Brunswick, Canada. Applicant's attorney: Francis E. Barrett, Jr., 182 Forbes Building, Forbes Road, Braintree, Mass., 02184. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage* in the same vehicle with passengers, in round trip charter operations, beginning and ending at ports of entry on the international boundary line between the United States and Canada located in Maine, New Hampshire, Vermont, New York, and Michigan, and extending to points in the United States (except Alaska and Hawaii).

NOTE: If a hearing is deemed necessary, applicant requests it be held at Portland, Maine.

No. MC 107583 (Sub-No. 32), filed May 3, 1965. Applicant: SALEM TRANSPORTATION CO., INC., 113 West 42d Street, Suite 1004, New York, N.Y., 10036. Applicant's attorney: George H. Rosen, 291 Broadway, New York 7, N.Y. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Express, newspapers, and mail*, in the same vehicle with passengers, (1) between Fort Dix, McGuire Air Force Base and Wrightstown, N.J., and points in the townships of New Hanover, North Hanover, Chesterfield, Bordentown, Mansfield, Springfield, and Pemberton, in Burlington County, N.J., on the one hand, and, on the other, Philadelphia International Airport, Philadelphia, Pa., La Guardia Airport, John F. Kennedy International Airport (formerly Idlewild), Fort Hamilton, and Manhattan Beach Air Force Base, New York, N.Y.; (2) between New York, N.Y., and Philadelphia, Pa., on the one hand, and, on the other, Atlantic City, N.J.; (3) between Atlantic City, N.J., on the one hand, and, on the other, Wilmington, Del., Baltimore, Md., and Washington, D.C.; (4) between Philadelphia, Pa., and John F. Kennedy International Airport (formerly Idlewild), New York, N.Y.; and (5) between Atlantic City, N.J., on the one hand, and, on the other, points in Westchester County, N.Y.

NOTE: Applicant states it now holds authority to transport passengers between the points aforesaid. The purpose of this application is to secure authority to transport express, newspapers, and mail in the same vehicle with passengers. Duplicating authority is not sought. If a hearing is deemed necessary, applicant requests it be held at Philadelphia, Pa.

No. MC 124372 (Sub-No. 9), filed April 30, 1965. Applicant: BROWN'S CONNECTICUT AIRPORT SERVICE, INC., Eastbound Railroad Station, Stamford, Conn. Applicant's representative: Charles H. Trayford, 220 East 42d Street, New York 17, N.Y. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage*, and *pets*, limited to the transportation of not more than 11 passengers in any one vehicle, not including the driver thereof, in special operations, beginning and ending at East Haven and Milford, Conn. and extending to La Guardia Airport and Kennedy International Airport, located at New York, N.Y.

NOTE: If a hearing is deemed necessary, applicant requests it be held at New York, N.Y.

APPLICATIONS FOR BROKERAGE LICENSES

MOTOR CARRIERS OF PASSENGERS

No. MC 12954, filed May 3, 1965. Applicant: ROGER L. TROMPH, doing business as, TROMP TOURS, 19 Coolidge Park, Wakefield, Mass. Applicant's attorney: Jeanne M. Hession, 5 Potosi Street, Dorchester, Mass. For a license (BMC 5) to engage in operations as a *broker* at Wakefield, Mass., in arranging for the transportation in interstate or foreign commerce, of *passengers and their baggage*, in special and charter operations, between points in Maine, New Hampshire, Vermont, Massachusetts, Rhode Island, Connecticut, New York, New Jersey, Pennsylvania, Ohio, Maryland, Virginia, West Virginia, North Carolina, South Carolina, Georgia, Florida, Tennessee, Kentucky, Indiana, Illinois, Michigan, District of Columbia, and the ports of entry located on the international boundary line between the United States and Canada.

WATER CARRIERS OF PROPERTY

No. W–78 (Sub-No. 8) (MISSISSIPPI VALLEY BARGE LINE COMPANY—EXTENSION—ARKANSAS RIVER), filed May 12, 1965. Applicant: MISSISSIPPI VALLEY BARGE LINE COMPANY, a corporation, 411 North 7th Street, St. Louis, Mo., 63101. Applicant's attorney: Harry C. Ames, Transportation Building, Washington, D.C., 20006. Application of Mississippi Valley Barge Line Co. filed May 12, 1965, for a revised certificate authorizing extension of its operations to include operation as a common carrier by water in interstate or foreign commerce, by non-self-propelled vessels with the use of separate towing vessels in the transportation of general commodities, and by towing vessels in the performance of general towage (a) between ports, and points along the Verdigris River and the Arkansas River from Catoosa, Okla. to the confluence of the Arkansas River with the Mississippi River, and (b) between ports and points specified in (a) above, on the one hand, and, on the other, ports and points on other waterways it is authorized to serve pursuant to its certificate of public convenience and necessity issued November 4, 1957, in Docket No. W–78, as amended.

No. W–552 (Sub-No. 13) (AMERICAN COMMERICAL LINES, INC. EXTENSION—ARKANSAS RIVER), filed May 13, 1965. Applicant: AMERICAN COMMERICAL LINES, INC., 1030 East Market Street, Jeffersonville, Ind. Application of American Commercial Lines, Inc., filed May 13, 1965, for a revised certificate authorizing extension of its operations to include operation as a common carrier by water in interstate or foreign commerce, by non-self-propelled vessels with the use of separate towing vessels in the transportation of general commodities, and by towing vessels in the performance of general towage, (a) between ports and points on the Arkansas and Verdigris Rivers, from Catoosa, Okla., to the confluence of the Arkansas River with the Mississippi River, including the Arkansas Post Canal, and (b) between ports and points specified in (a) above, on the one hand, and, on the other, ports and points on the following rivers, including the ports named; Allegheny River below East Brady, Pa.; Cumberland River below Old Hickory, Tenn.; Green River; Illinois Waterway; Kanawha River below Gauley Bridge, W. Va.; Minnesota River below Shakopee, Minn.; Monongahela River below Fairmont, W. Va.; Ohio River; St.

Croix River below Stillwater, Minn.; Tennessee River and its tributaries, and White River, below Newport, Ark.

NOTE: Applicant states the proposed operations will be seasonable between March 1st and December 15th inclusive.

APPLICATIONS IN WHICH HANDLING WITHOUT ORAL HEARING HAS BEEN REQUESTED

MOTOR CARRIERS OF PROPERTY

No. MC 29130 (Sub-No. 98), filed May 10, 1965. Applicant: THE ROCK ISLAND MOTOR TRANSIT COMPANY, a corporation, 2744 Southeast Market Street, Des Moines, Iowa. Applicant's attorney: James E. Sykes, 139 West Van Buren Street, Chicago, Ill., 60605. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except nitroglycerin, commodities of unusual value, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading), between the junction U.S. Highway 6 and Iowa Highway 76 and Nichols, Iowa over Iowa Highway 76, serving no intermediate points, but serving the junction of Iowa Highways 22 and 76 and junction U.S. Highway 6 and Iowa Highway 76 for the purpose of joinder only.

No. MC 69275 (Sub-No. 37), filed February 25, 1965. Applicant: M & M TRANSPORTATION COMPANY, a corporation, 250 Mystic Avenue, Somerville, Mass. Applicant's attorney: Herbert Burstein, 160 Broadway, New York, N.Y., 10038. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: (A) *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading), (1) between Worcester and Ashburnham, Mass. over Massachusetts Highway 12, serving all intermediate points, (2) between Fitchburg and Lunenburg, Mass. over Massachusetts Highway 2A, serving all intermediate points, (3) between Worcester and Gardner, Mass., from Worcester over Massachusetts Highway 122A to junction Massachusetts Highway 68, thence over Massachusetts Highway 68 to Gardner, serving all intermediate points, (4) between Worcester and Erving, Mass., from Worcester over Massachusetts Highway 12 to West Boylston, thence over Massachusetts Highway 140 to Westminster, thence over Massachusetts Highways 2A and 2 to Erving, serving all intermediate points, (5) between Worcester and Orange, Mass. over Massachusetts Highway 122, serving all intermediate points, (6) between Worcester and Ware, Mass. over Massachusetts Highway 9, serving all intermediate points, (7) between West Brookfield, and West Warren, Mass. over Massachusetts Highway 67, serving all intermediate points, (8) between Springfield and Palmer, Mass. over Massachusetts Highway 20, serving all intermediate points, (9) between Monson and Three Rivers, Mass., from Monson over Massachusetts Highway 32 to Palmer Center, thence over unnumbered highway to Three Rivers, serving all intermediate points, (10) between Springfield and South Hadley, Mass., from Springfield over Massachusetts Highway 33 to junction Massachusetts Highway 116.

Thence over Massachusetts Highway 116 to South Hadley, serving all intermediate points, (11) between Springfield and Turners Falls, Mass., from Springfield over U.S. Highway 5 to Greenfield, thence over Massachusetts Highways 2 and 2A to Turners Falls, serving all intermediate points, (12) between Easthampton, Mass., and the junction U.S. Highway 5 and Massachusetts Highway 116, from Easthampton over Massachusetts Highway 10 to junction Massachusetts Highway 9, thence over Massachusetts Highway 9 to junction Massachusetts Highway 116, thence over Massachusetts Highway 116 to junction U.S. Highway 5, serving all intermediate points, (13) between Easthampton and Mt. Tom, Mass. over unnumbered highway, serving all intermediate points, (14) between Springfield and Southwick, Mass., from Springfield over U.S. Highway 20 to junction Massachusetts Highway 147, thence over Massachusetts Highway 147 to junction Massachusetts Highway 57, thence over Massachusetts Highway 57 to Southwick, serving all intermediate points, (15) between Southwick and South Hadley, Mass., from Southwick over U.S. Highway 202 to junction Massachusetts Highway 116, thence over Massachusetts Highway 116 to South Hadley, serving all intermediate points, (16) between Springfield and Russell, Mass. over U.S. Highway 20, serving all intermediate points, (17) between Springfield and Williamstown, Mass., from Springfield over U.S. Highway 5 to junction Massachusetts Turnpike, thence over Massachusetts Turnpike to junction U.S. Highway 20 near Lee, thence over U.S. Highway 20 to Pittsfield, thence over Massachusetts Highway 9 to junction Massachusetts Highway 8, thence over Massachusetts Highway 8 to North Adams, thence over Massachusetts Highway 2 to Williamstown, serving all intermediate points, (18) between Pittsfield and Dalton, Mass. over Massachusetts Highway 9, serving all intermediate points.

NOTE: Applicant states service is proposed from or to off-route points within 5 miles of the above-specified routes. Service is proposed over the above-specified routes in both directions.

B—*General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading), 1(a) between New Haven and Hartford, Conn., over U.S. Highway 5, (b) between New Haven and Hartford, Conn.: From New Haven over Connecticut Highway 17 to Middletown, thence over Connecticut Highway 9 to Hartford, (2) between Bristol, Conn., and junction U.S. Highway 5 and Connecticut Highway 72 (near Berlin) over Connecticut Highway 72, (3) (a) between New Haven and Pawcatuck, Conn., over U.S. Highway 1, (b) between New Haven and Pawcatuck, Conn., from New Haven over Interstate Highway 95 to junction U.S. Highway 1, at or near Old Saybrook, thence over U.S. Highway 1 to Pawcatuck, (4) (a) between New Haven and Taftville, Conn., from New Haven over Interstate Highway 95 to junction Connecticut Highway 32, thence over Connecticut Highway 32 to junction Connecticut Highway 169, thence over Connecticut Highway 169 to Taftville, (b) from New Haven over U.S. Highway 1 to junction Interstate Highway 95 near Old Saybrook, thence over Interstate Highway 95 to junction Connecticut Highway 32, thence over Connecticut Highway 32 to junction Connecticut Highway 169, thence over Connecticut Highway 169 to Taftville, (5) (a) between New London and Norwich, Conn., over Connecticut Highway 32, (b) between New London and Norwich, Conn., from New London over U.S. Highway 1 to junction Connecticut Highway 12, thence over Connecticut Highway 12 to Norwich, (6) between New Haven and Torrington, Conn., from New Haven over Connecticut Highway 34 to junction Connecticut Highway 8, thence over Connecticut Highway 8 to Torrington, (7) between New Haven and Greenwich, Conn., over U.S. Highway 1 (also over Interstate Highway 95).

NOTE: Serving all intermediate points on the above-specified routes and off-route points within 5 miles of the above specified routes, restricted to traffic moving from, to, or via New Haven, Conn.

Service is proposed over the above-specified routes in both directions. C—*General commodities* (except those of unusual value, Classes A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, bakery goods and containers, and metal office furniture and equipment), (1) between New York, N.Y., and York, Pa., from New York by Holland Tunnel to U.S. Highway 1 at Jersey City, N.J., thence over U.S. Highway 1 to Philadelphia, Pa., thence over U.S. Highway 30 to York, (2) between New York, N.Y., and York, Pa., from New York by Holland Tunnel to U.S. Highway 1 at Jersey City, N.J., thence over U.S. Highway 1 to Newark, thence over U.S. Highway 22 to junction Pennsylvania Highway 100, thence over Pennsylvania Highway 100 to junction U.S. Highway 222, thence over U.S. Highway 222 to junction U.S. Highway 30, thence over U.S. Highway 30 to York, (3) between New York, N.Y., and Scranton, Pa., from New York by Holland Tunnel to U.S. Highway 1 at Jersey City, N.J., thence over U.S. Highway 1 to Newark, thence over U.S. Highway 22 to junction New Jersey Highway 69, thence over New Jersey Highway 69 to Buttzville, N.J., thence over U.S. Highway 46 to junction U.S. Highway 611, thence over U.S. Highway 611 to junction Pennsylvania Highway 307, thence over Pennsylvania Highway 307 to Scranton, (4) between Scranton and Philadelphia, Pa., from Scranton over U.S. Highway 11 to junction Pennsylvania Turnpike, Northeast Extension, thence over Pennsylvania Turnpike, Northeast Extension, to junction Pennsylvania Turnpike, thence over Pennsylvania Turnpike to

junction U.S. Highway 422, thence over U.S. Highway 422, to Philadelphia, serving the off-route point of Allentown, Pa., (5) between New York, N.Y., and York, Pa., from New York by Holland Tunnel to U.S. Highway 1 at Jersey City, N.J., thence over U.S. Highway 1 to Newark, thence over U.S. Highway 22 to Harrisburg, Pa.

Thence over Interstate Highway 83 to York, (6) between New York, N.Y., and Harrisburg, Pa., from New York by George Washington Bridge to U.S. Highway 46, thence over U.S. Highway 46 to junction New Jersey Turnpike, thence over New Jersey Turnpike to junction Pennsylvania connection of the New Jersey Turnpike, thence over Pennsylvania connection with New Jersey Turnpike to Pennsylvania Turnpike, thence over Pennsylvania Turnpike to Harrisburg, (7) between New York, N.Y., and Scranton, Pa., from New York by George Washington Bridge to U.S. Highway 46, thence over U.S. Highway 46 to junction U.S. Highway 611, thence over U.S. Highway 611 to junction Pennsylvania Highway 307, thence over Pennsylvania Highway 307 to Scranton, (8) between New York, N.Y., and junction U.S. Highway 1 and New Jersey Highway 3, by Lincoln Tunnel.

NOTE: Service is proposed from or to all intermediate points in New Jersey on the above-specified routes, from or to all intermediate points in Pennsylvania on the above-specified routes and from or to all points in Pennsylvania within 5 miles of the above-specified routes.

Service is proposed in both directions on the above-specified routes, (9) between Allentown, Pa., and Hackettstown, N.J., from Allentown over U.S. Highway 22 to junction New Jersey Highway 24, thence over New Jersey Highway 24 to Hackettstown, (10) between Allentown, Pa., and Flemington, N.J., from Allentown over U.S. Highway 22 to junction New Jersey Highway 69, thence over New Jersey Highway 69 to Flemington, (11) between Allentown and Stroudsburg, Pa., from Allentown over U.S. Highway 22 to junction U.S. Highway 611, thence over U.S. Highway 611 to junction U.S. Alternate Highway 611, thence over U.S. Alternate Highway 611 to Stroudsburg, (12) between Allentown and Pen Argyl, Pa., from Allentown over U.S. Highway 22 to junction Pennsylvania Highway 512, thence over Pennsylvania Highway 512 to junction Pennsylvania Highway 115, thence over Pennsylvania Highway 115 to Wind Gap.

Thence over unnumbered highway to Pen Argyl, (13) between Allentown and Hazleton, Pa., from Allentown over U.S. Highway 22 to junction U.S. Highway 309, thence over U.S. Highway 309 to Hazleton, (14) between Allentown and Tamaqua, Pa., from Allentown over Pennsylvania Highway 145 to junction Pennsylvania Highway 45, thence over Pennsylvania Highway 45 to junction U.S. Highway 209, thence over U.S. Highway 209 to Tamaqua, (15) between Allentown and Kutztown, Pa., over U.S. Highway 222, (16) between Allentown and Doylestown, Pa., from Allentown over city streets to Bethlehem, thence over Pennsylvania Highway 412 to junction U.S. Highway 611, thence over U.S. Highway 611 to Doylestown, (17) between Allentown and Lansdale, Pa., over U.S. Highway 309, (18) between Allentown and Spring City, Pa., from Allentown over U.S. Highway 309 to junction Pennsylvania Highway 29, thence over Pennsylvania Highway 29 to junction Pennsylvania Highway 113, thence over Pennsylvania Highway 113 to Trappe, thence over unnumbered highway by Royersford to Spring City, (19) between Allentown and Boyertown, Pa., from Allentown over U.S. Highway 309 to junction Pennsylvania Highway 29, thence over Pennsylvania Highway 29 to junction Pennsylvania Highway 100, thence over Pennsylvania Highway 100 to Boyertown, (20) between Scranton and Honesdale, Pa., over U.S. Highway 6, (21) between Scranton and Tobyhanna, Pa., from Scranton over Pennsylvania Highway 307 to junction U.S. Highway 611, thence over U.S. Highway 611 to Tobyhanna, (22) between Scranton and Danville, Pa., over U.S. Highway 11 (23) between Scranton and Daleville, Pa., from Scranton over U.S. Highway 11 to junction Pennsylvania Highway 502, thence over Pennsylvania Highway 502 to Daleville, (24) between Scranton and Wilkes-Barre, Pa., from Scranton over U.S. Highway 11 to junction Pennsylvania Highway 315, thence over Pennsylvania Highway 315 to Wilkes-Barre, (25) between Wilkes-Barre and Blakeslee, Pa., over Pennsylvania Highway 115, (26) between Wilkes-Barre and West Nanticoke, Pa., from Wilkes-Barre over unnumbered highway to junction U.S. Highway 11.

Thence over U.S. Highway 11 to West Nanticoke, (27) between Wilkes Barre and Hazleton, Pa., over U.S. Highway 309 (also from Wilkes Barre over U.S. Highway 309 to junction Pennsylvania Highway 437, thence over Pennsylvania Highway 437 to junction Pennsylvania Highway 940, thence over Pennsylvania Highway 940 to Hazleton), (28) between Hazleton and Shickshinny, Pa., over Pennsylvania Highway 29, (29) between Reading and Sunbury, Pa., over Pennsylvania Highway 61, (30) between Pottsville and Minersville, Pa., from Pottsville over U.S. Highway 209 to junction Pennsylvania Highway 901, thence over Pennsylvania Highway 901 to Minersville, (31) between Reading and Phoenixville, Pa., from Reading over Pennsylvania Highway 10 to junction Pennsylvania Highway 724, thence over Pennsylvania Highway 724 to junction Pennsylvania Highway 23, thence over Pennsylvania Highway 23 to Phoenixville, (32) between Reading and West Chester, Pa., from Reading over Pennsylvania Highway 10 to junction U.S. Highway 322, thence over U.S. Highway 322 to West Chester, (33) between Kennett Square, Pa., and junction Pennsylvania Highway 82 and U.S. Highway 322, over Pennsylvania Highway 82, (34) between Reading and Lancaster, Pa., over U.S. Highway 222, (35) between Lancaster and Morgantown, Pa., over Pennsylvania Highway 23, (36) between Lititz and Brownstown, Pa., over Pennsylvania Highway 772, (37) between Reading and Lebanon, Pa., over U.S. Highway 422, (38) between York and Harrisburg, Pa., over Interstate Highway 83, (39) between York and York Haven, Pa., from York over Interstate Highway 83 to junction Pennsylvania Highway 181, thence over Pennsylvania Highway 181 to York Haven, (40) between York and Harrisburg, Pa., from York over U.S. Highway 30 to junction Pennsylvania Highway 441, thence over Pennsylvania Highway 441 to junction Pennsylvania Highway 743, thence over Pennsylvania Highway 743 to junction U.S. Highway 230, thence over U.S. Highway 230 to Harrisburg, (41) between Elizabethtown and Annville, Pa., from Elizabethtown over Pennsylvania Highway 743 to junction U.S. Highway 422, thence over U.S. Highway 422 to Annville, (42) between Marietta and Manheim, Pa., from Marietta over Pennsylvania Highway 141 to Mt. Joy.

Thence over unnumbered highway to Manheim, (43) between York and Dillsburg, Pa., over Pennsylvania Highway 74, (44) between York and Gettysburg, Pa., over U.S. Highway 30, (45) between York and Littlestown, Pa., from York over U.S. Highway 30 to junction Pennsylvania Highway 116, thence over Pennsylvania Highway 116 to junction Pennsylvania Highway 194, thence over Pennsylvania Highway 194 to Littlestown, (46) between Hanover and Gettysburg, Pa., over Pennsylvania Highway 116, (47) between Hanover and York Springs, Pa., over Pennsylvania Highway 94, (48) between Hanover and East Berlin, Pa., over Pennsylvania Highway 194, (49) between Gettysburg and Dillsburg, Pa., from Gettysburg over U.S. Alternate Highway 15 to junction U.S. Highway 15, thence over U.S. Highway 15 to Dillsburg, (50) between Hanover and Spring Grove, Pa., from Hanover over Pennsylvania Highway 216 to junction Pennsylvania Highway 516, thence over Pennsylvania Highway 516 to Spring Grove, (51) between York and New Freedom, Pa., from York over Interstate Highway 83 to junction Pennsylvania Highway 851, thence over Pennsylvania Highway 851 to junction Pennsylvania Highway 516, thence over Pennsylvania Highway 516 to New Freedom, (52) between York and Railroad, Pa., from York over U.S. Highway 30 to junction Pennsylvania Highway 616, thence over Pennsylvania Highway 616 to Railroad, (53) between York and Delta, Pa., from York over Pennsylvania Highway 74 to junction Pennsylvania Highway 851, thence over unnumbered highway to Delta.

NOTE: Service is proposed from or to all intermediate points and off-route points within 5 miles of the routes specified above. Service is proposed in both directions on the above-specified routes. This application is filed pursuant to MC-C-4366, effective May 1, 1964, which provides the special rules for conversion of irregular route to regular motor carriers operations.

SPECIAL NOTE: Protests to this application may be filed within 45 days instead of 30 days.

No. MC 103993 (Sub-No. 199) (AMENDMENT), filed February 2, 1965, published in FEDERAL REGISTER issue of February 25, 1965, and republished as amended this issue. Applicant: MORGAN DRIVE AWAY, INC., 2800 Lexington Avenue, Elkhart, Ind. Applicant's

attorney: John E. Lesow, 3737 North Meridian Street, Indianapolis, Ind., 46208. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Trailers*, designed to be drawn by passenger automobiles, in initial movements, in truckaway service, and *component parts thereof* when shipped therewith, and *portable buildings* and *campers and camp coaches*, from all points in Virginia (except Fairfax County, and except the points of South Hill, and points within 15 miles thereof, Strasburg, Alexandria, Norfolk, and Petersburg, Va.), to all points in the United States (except Alaska and Hawaii).

NOTE: The purpose of this republication is to more clearly set forth the proposed operation.

No. MC 109515 (Sub-No. 7), filed May 10, 1965. Applicant: OZELLA KIMBROUGH HARRINGTON, doing business as KIMBROUGH TRUCKING COMPANY, Post Office Box 604, Benson, Ariz. Applicant's attorney: Earl H. Carroll, 363 North First Avenue, Phoenix, Ariz., 85003. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *High explosives* and *nitro carbo nitrates, blasting supplies*, and *accessories*, from Curtiss, Ariz., to the Ozark Lead Co.'s underground mines located approximately 20 miles northwest of Ellington, Mo.

NOTE: Applicant states it will perform the above-proposed service for the Apache Powder Co., Curtiss, Ariz.

No. MC 119018 (Sub-No. 2), filed May 3, 1965. Applicant: MICHAEL TIANO, 1003 Laings Avenue, West Bristol, Pa. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Such merchandise* as is dealt in by retail department stores, and *returned or damaged merchandise*, between points in Willingboro and Burlington Counties, N.J., on the one hand, and, on the other, points in Bucks, Montgomery, and Philadelphia Counties, Pa.

No. MC 123061 (Sub-No. 27), filed May 7, 1965. Applicant: LEATHAM BROTHERS, INC., 46 Orange Street, Salt Lake City, Utah. Applicant's attorney: Harry D. Pugsley, 600 El Paso Gas Building, Salt Lake City 11, Utah. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Animal and poultry byproducts* (such as blood meal, feather meal, bone meal, green hides, and meat meal), in bulk and in containers, in open trailers, (1) from Butte, Great Falls, and Billings, Mont., to points in Idaho and Utah, (2) from Butte, Great Falls, and Billings, Mont., points in Idaho and points in Cache, Boxelder, Weber, and Davis Counties, Utah, to points in Washington, Oregon, and California, and *exempt commodities* on return.

No. MC 123805 (Sub-No. 2), filed April 30, 1965. Applicant: G. H. LOMAX, Rural Route No. 1, Hannibal, Mo. Applicant's attorney: Thomas P. Rose, Jefferson Building, Jefferson City, Mo. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lime*, dry, in bulk, from points in Adams County, Ill., to Kansas City, Mo.

No. MC 124070 (Sub-No. 10), filed May 7, 1965. Applicant: CHEMICAL HAULERS, INC., 5723 Kennedy Avenue, Hammond, Ind. Applicant's attorney: Howell Ellis, Suite 616–618 Fidelity Building, 111 Monument Circle, Indianapolis, Ind. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fluorocarbons* and *hydrocarbons*, in shipper-owned equipment, from Michigan City, Ind., to points in Illinois, and *empty trailers* used for transporting the commodities specified above, on return.

No. MC 125422 (Sub-No. 3), filed February 26, 1965. Applicant: BI-STATE EXPRESS, INC., Old Fairfield Road, Mt. Vernon, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined in *Practices of Motor Common Carriers of Household Goods*, 17 M.C.C. 467, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading), (1) between St. Louis, Mo., and McLeansboro, Ill., from St. Louis, Mo., over U.S. Highway 50 to junction Illinois Highway 161, thence over Illinois Highway 161 to junction Illinois Highway 15, thence over Illinois Highway 15 to junction U.S. Highway 460, thence over U.S. Highway 460 to McLeansboro and return over the same route, serving all intermediate points and the off-route points of Damiansville, Woodlawn and Thackery, (2) between St. Louis, Mo., and Mt. Carmel, Ill., from St. Louis, Mo., over U.S. Highway 50 to junction Illinois Highway 130, thence over Illinois Highway 130 to junction Illinois Highway 15, thence over Illinois Highway 15 to Mt. Carmel and return over the same route, serving all intermediate points and the off-route points of Shiloh, Ferrin, Iuka, Xenia, Camp Travis, Calhoun, West Salem, and Bone Gap, (3) between St. Louis, Mo., and Nashville, Ill., from St. Louis, Mo., over U.S. Highway 50 to junction Illinois Highway 127.

Thence over Illinois Highway 127 to Nashville, and return over the same route, serving all intermediate points, (4) between St. Louis, Mo., and Carmi, Ill., from St. Louis, Mo., over U.S. Highway 50 to junction U.S. Highway 45, thence over U.S. Highway 45 to junction U.S. Highway 460, thence over U.S. Highway 460 to Carmi and return over the same route, serving all intermediate points and the off-route points of Bungay, Liberty, Barnhill, Enterprise, and Rinard, (5) between Albion, Ill., and St. Louis, Mo., from Albion over Illinois Highway 15 to junction U.S. Highway 45, thence over U.S. Highway 45 to junction unnumbered highway, thence over unnumbered highway to junction Illinois Highway 37 where unnumbered highway becomes Illinois Highway 161, thence over Illinois Highway 161 to junction U.S. Highway 50, thence over U.S. Highway 50 to St. Louis, and return over the same route, serving all intermediate points and the off-route points of Ellery, Goldengate, Walnut Hill, and Scott Air Force Base, (6) between Mt. Carmel and Mt. Vernon, Ill., from Mt. Carmel over Illinois Highway 1 to junction U.S. Highway 460, thence over U.S. Highway 460 to junction Illinois Highway 142, thence over Illinois Highway 142 to junction Illinois Highway 15, thence over Illinois Highway 15 to Mt. Vernon and return over the same route, serving all intermediate points and the off-route points of Phillipstown, Garrison, Belle Prairie, Bluford, and Keenville, (7) between Fairfield, Ill., and St. Louis, Mo., from Fairfield, Ill., over Illinois Highway 15 to junction Illinois Highway 37, thence over Illinois Highway 37 to junction U.S. Highway 50, thence over U.S. Highway 50 to St. Louis, and return over the same route, serving the intermediate point of Rome, and the off-route points of Sims and Kell, (8) between Mt. Vernon, Ill., and St. Louis, Mo., from Mt. Vernon over Illinois Highway 15 to junction U.S. Highway 460.

Thence over U.S. Highway 460 to junction U.S. Highway 51, thence over U.S. Highway 51 to junction U.S. Highway 50, thence over U.S. Highway 50 to St. Louis, and return over the same route, serving the intermediate points of Richview, Centralia and Central City, Ill., (9) between Okawville and Central City, Ill., from Okawville over Illinois Highway 177 to junction U.S. Highway 51, thence over U.S. Highway 51 to Central City and return over the same route, serving all intermediate points, (10) between Olney and Mt. Carmel, Ill., from Olney, Ill., over U.S. Highway 50 to junction Illinois Highway 1, thence over Illinois Highway 1 to Mt. Carmel and return over the same route, serving all intermediate points and the off-route points of Claremont, Sumner, Bridgeport, State Line, and St. Francisville, (11) between Sandoval and Salem, Ill., from Sandoval over U.S. Highway 51 to Vernon, thence over unnumbered highway to junction Illinois Highway 37, thence over Illinois Highway 37 to junction U.S. Highway 50 and return over the same route, serving all intermediate points and the off-route points of Boulder, Brubaker, Omega and Kinmundy, (12) between Albion and Grayville, Ill., over Illinois Highway 130, serving all intermediate points.

NOTE: This application is filed pursuant to MC–C–4366, effective May 1, 1964, which provides the special rules for conversion of irregular route to regular motor carrier operations.

SPECIAL NOTE: Protests to this application may be filed within 45 days instead of 30 days.

MOTOR CARRIERS OF PASSENGERS

No. MC 126380 (Sub-No. 1), filed May 7, 1965. Applicant: SALTER'S EXPRESS COMPANY, INCORPORATED, West Street, Simsbury, Conn. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Migrant workers*, as defined in section 203(a)(23) of the Interstate Commerce Act, for the account of Culbro Tobacco Division of General Cigar Co., Inc., beginning and ending at Granby, Simsbury, and West Hartford, Conn., and extending to points in Hampden County, Mass., and Suffield, Conn.

NOTE: Applicant states that the proposed operation will be seasonal between June 15 and September 15, both inclusive. Applicant is also authorized to conduct operations as a common carrier of freight under Certificate No. MC 88650 and subs thereunder.

By the Commission.

[SEAL] BERTHA F. ARMES, *Acting Secretary.*

[F.R. Doc. 65–5485; Filed, May 25, 1965; 8:47 a.m.]

[Notice 1179]

MOTOR CARRIER TRANSFER PROCEEDINGS

MAY 21, 1965.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 179), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC–FC–67621. By order of May 20, 1965, the Transfer Board approved the transfer to Venti's Boston & Quincy Express Co., Inc., 113 Shaw Street, Braintree, Mass., of the Certificate of Registration in No. MC–49088 (Sub-No. 1), issued December 11, 1963, to Donato Venti, doing business as Venti's Express, and transferred by order entered July 28, 1964, in No. MC–FC–67088, to Patsy Delforno and Arthur Durante, a partnership, doing business as Venti's Boston & Quincy Express, 113 Shaw Street, Braintree, Mass., authorizing transportation in interstate or foreign commerce corresponding to the grant of authority in common carrier certificate No. 3303, dated May 29, 1939, issued by the Department of Public Utilities of the Commonwealth of Massachusetts.

No. MC–FC–67743. By order of May 20, 1965, the Transfer Board approved the transfer to Shropshire Trucking, Inc., 415 Westwood Avenue, Lindsay, Calif., of the operating rights in Certificate No. MC–73037 issued January 30, 1950, to Jim B. Shropshire, 415 Westwood Avenue, Lindsay, Calif., authorizing the transportation, over regular routes, of citrus fruits, and olives, in containers, and canned goods, between specified points and areas in California.

No. MC–FC–67778. By order of May 20, 1965, the Transfer Board approved the transfer to Alvin D. Frey, Inc., Hanover, Pa., of the operating rights issued by the Commission October 10, 1942, May 16, 1947, April 5, 1949, August 2, 1951, and January 25, 1965, under Permits Nos. MC–77874, MC–77874 (Sub-No. 1), MC–77874 (Sub-No. 3), MC–77874 (Sub-No. 4), and MC–77874 (Sub-No. 6), respectively, to Alvin D. Frey, Hanover, Pa., authorizing the transportation of canned goods, over regular routes, from Hanover, Pa., to New York, N.Y.; from Hanover, Pa., to Wilmington, Del.; canned fruits and vegetables, from Hanover, Pa., to points in New York, except New York City, and points in seven counties in New York, and Ohio; and rejected shipments of the above-specified commodities, from the above-specified destination points to Hanover, Pa.; sauerkraut, in barrels, and fresh vegetables, from points in New York, except New York City, and points in seven counties in New York, to Hanover, Pa.; canned fruits and vegetables, over irregular routes, from Hanover, Pa., to points in New Jersey, Massachusetts, Connecticut, Rhode Island, Vermont, New Hampshire, Maryland, Virginia, West Virginia, North Carolina, Kentucky, District of Columbia, and points in seven counties in New York; canned fruits and vegetables, over irregular routes, from Oak Hall and Mt. Holly Springs, Pa., to points in Massachusetts, Connecticut, Rhode Island, Vermont, New Hampshire, Maryland, Delaware, Virginia, West Virginia, North Carolina, Ohio, Kentucky, and the District of Columbia; empty cans, over irregular routes, from Baltimore, Md., to Oak Hall and Hanover, Pa.; edible and nonedible groceries, in containers, and household supplies both as are dealt in by wholesale, retail, chain grocery and food business houses, from points in Penn Township, York County, Pa., to points in New York (except New York City), New Jersey, south of New Jersey Highway 33, Massachusetts, Connecticut, Rhode Island, Maryland, Virginia, Ohio, Wilmington, Del., and the District of Columbia. Norman T. Petow, 43 North Duke Street, York, Pa., attorney for applicants.

No. MC–FC–67847. By order of May 20, 1965, the Transfer Board approved the transfer to Veterans Transportation Co., Inc., Valley Stream, N.Y., of the operating rights issued by the Commission July 10, 1963, under Certificate No. MC–40815, to Ridgeway Bus Co., Inc., Glendale, N.Y., authorizing the transportation, over irregular routes, of passengers and their baggage, restricted to traffic originating at the point indicated, in charter operations, from New York, N.Y., to points in New York, New Jersey, Connecticut, and Pennsylvania and return. Sidney J. Leshin, 55 Liberty Street, New York, N.Y., attorney for transferor.

No. MC–FC–67850. By order of May 20, 1965, the Transfer Board approved the transfer to Jose Maria Martinez, doing business as J. Martinez Trucking Co., 1820 Marion, Laredo, Tex., of the operating rights issued by the Commission July 2, 1958, under Certificate No. MC–109709 (Sub-No. 2) to International Trucking Co., Inc., 1820 Marion, Laredo, Tex., authorizing the transportation, over irregular routes, of general commodities, except household goods, and other specified commodities, between Laredo, Tex., and points within 5 miles of Laredo, on the one hand, and, on the other, the boundary of the United States and Mexico at Laredo, Tex.

[SEAL] BERTHA F. ARMES, *Acting Secretary.*

[F.R. Doc. 65–5486; Filed, May 25, 1965; 8:47 a.m.]

CUMULATIVE LIST OF CFR PARTS AFFECTED—MAY

The following numerical guide is a list of the parts of each title of the Code of Federal Regulations affected by documents published to date during May.

3 CFR

Page

PROCLAMATIONS:
- 1713 (superseded in part by Proc. 3656) ... 6571
- 3172 (superseded by Proc. 3655) ... 6467
- 3399 (superseded by Proc. 3655) ... 6467
- 3655 ... 6467
- 3656 ... 6571
- 3657 ... 6835

EXECUTIVE ORDER:
- Apr. 19, 1892 (revoked in part by PLO 3656) ... 6437
- 823 (see EO 11220) ... 6425
- 10530 (revoked in part by EO 11222) ... 6469
- 10784 (superseded by EO 11223) ... 6635
- 10845 (superseded by EO 11223) ... 6635
- 10939 (revoked by EO 11222) ... 6469
- 11071 (superseded in part by EO 11224) ... 6679
- 11125 (revoked by EO 11222) ... 6469
- 11126 (amended by EO 11221) ... 6427
- 11219 ... 6381
- 11220 ... 6425
- 11221 ... 6427
- 11222 ... 6469
- 11223 ... 6635
- 11224 ... 6679

PRESIDENTIAL DOCUMENTS OTHER THAN PROCLAMATIONS AND EXECUTIVE ORDERS:
- Memorandum of July 20, 1961 (revoked by EO 11222) ... 6469
- Memorandum of May 2, 1963 (revoked by EO 11222) ... 6469
- Reorganization Plan No. 1 of 1965 ... 7035

4 CFR

- 52 ... 6429

5 CFR

- 213 ... 6215, 6241, 6337, 6478, 6637, 6765, 6857, 6903, 6939, 6975.
- 332 ... 6337
- 591 ... 6511

6 CFR

- 73 ... 6573

7 CFR

- 28 ... 6637
- 29 ... 6573
- 51 ... 6711
- 54 ... 6207
- 55 ... 6141, 6207
- 56 ... 6207
- 58 ... 6637
- 70 ... 6207
- 81 ... 6207
- 210 ... 6207, 6479
- 301 ... 6243, 6245, 6770
- 354 ... 6429
- 362 ... 6857
- 707 ... 6246
- 717 ... 6144
- 719 ... 6511, 6975
- 722 ... 6712
- 724 ... 6144, 6146, 6207
- 842 ... 6338

7 CFR—Continued

Page

- 862 ... 6247
- 863 ... 6248
- 864 ... 6248
- 905 ... 6638, 6770
- 908 ... 6148, 6429, 6681, 6771, 6939, 7037
- 909 ... 6430
- 910 ... 6148, 6430, 6479, 6681, 6712, 6939, 6975
- 917 ... 6903–6905
- 918 ... 6431, 6858
- 944 ... 6638
- 959 ... 7037
- 965 ... 6338
- 970 ... 6479
- 989 ... 6905
- 1002 ... 6639
- 1008 ... 6975
- 1138 ... 6573
- 1421 ... 6338, 6511, 6681
- 1425 ... 6907, 7037
- 1468 ... 6383
- 1472 ... 6383
- 1475 ... 6909
- 1483 ... 6771, 6976
- 1485 ... 6910
- 1487 ... 6639
- 1488 ... 6249
- 1602 ... 6859

PROPOSED RULES:
- 28 ... 6255
- 31 ... 6360
- 33 ... 6782
- 51 ... 6658
- 70 ... 6395
- 777 ... 6686
- 778 ... 7043
- Ch. IX ... 6355, 6438, 6523, 6917
- 905 ... 6983
- 930 ... 6255
- 993 ... 6782
- 1004 ... 6947
- 1008 ... 6659
- 1040 ... 6163
- 1042 ... 6163
- 1097 ... 6534
- 1102 ... 6534
- 1108 ... 6534
- 1138 ... 6538

8 CFR

- 214 ... 6479, 6940
- 231 ... 6776
- 251 ... 6776
- 332a ... 6940
- 336 ... 6940
- 499 ... 6940

9 CFR

- 318 ... 6731

PROPOSED RULES:
- 201 ... 6360

10 CFR

- 30 ... 6575

12 CFR

- 12 ... 6160
- 204 ... 6339
- 206 ... 6731
- 543 ... 7037
- 561 ... 6517, 6915
- 563 ... 7039

PROPOSED RULES:
- 261 ... 6275

12 CFR—Continued

Page

PROPOSED RULES—Continued
- 262 ... 6275
- 563 ... 6544

13 CFR

- 121 ... 6778

14 CFR

- 39 ... 6150, 6431, 6577, 6639, 6640, 6837, 6940, 6976.
- 61 ... 6577
- 71 ... 6150, 6215, 6241, 6384–6387, 6478, 6577–6579, 6640–6642, 6682, 6765, 6838, 6914, 6915, 6940, 6977, 6978.
- 73 ... 6242, 6387, 6388, 6978
- 75 ... 6150, 6241, 6242, 6432, 6642, 6915
- 77 ... 6713
- 91 ... 6388
- 95 ... 6766
- 97 ... 6151, 6329, 6714, 6839
- 99 ... 6242
- 121 ... 6432, 6725
- 127 ... 6432

PROPOSED RULES:
- 1 ... 6921
- 39 ... 6186, 6274
- 67 ... 6188
- 71 ... 6189, 6225, 6397, 6399, 6400, 6402, 6443, 6588, 6589, 6735, 6736, 6793–6795, 6872, 6922–6924, 6984–6986, 7045
- 73 ... 6402, 6444, 6736
- 75 ... 6443, 6924
- 91 ... 6541, 6921
- 129 ... 6541
- 399 ... 6650

15 CFR

- 201 ... 6748

16 CFR

PROPOSED RULES:
- 303 ... 6275

17 CFR

- 18 ... 6941
- 240 ... 6642

18 CFR

- 157 ... 6518

19 CFR

- 10 ... 6149

PROPOSED RULES:
- 13 ... 6686

20 CFR

- 601 ... 6941
- 604 ... 7039

21 CFR

- 121 ... 6215, 6339, 6389, 6433, 6477, 6478, 6579, 6643, 6732, 6837, 6915.
- 130 ... 6979
- 133 ... 6475
- 141a ... 6979, 7040
- 141c ... 6980
- 144 ... 6389
- 146a ... 6979, 7040
- 146c ... 6980
- 148 ... 7041
- 148p ... 6980

21 CFR—Continued

Page

PROPOSED RULES:
- 8 ... 6490, 6733–6735
- 121 ... 6588, 6689
- 125 ... 6984
- 141a ... 6795

24 CFR

- 203 ... 6982

25 CFR

- 131 ... 6579

PROPOSED RULES:
- 1 ... 6438
- 221 ... 6523

26 CFR

- 1 ... 6216, 6340, 6480
- 170 ... 6769
- 250 ... 6217

PROPOSED RULES:
- 1 ... 6222, 6349, 6486, 6488
- 31 ... 6222
- 301 ... 6222

29 CFR

- 50 ... 6249
- 604 ... 6218
- 606 ... 6218
- 690 ... 6482

PROPOSED RULES:
- 657 ... 6224
- 697 ... 6225
- 1501 ... 6397
- 1502 ... 6397
- 1503 ... 6397

32 CFR

- 1 ... 6985
- 2 ... 6967
- 3 ... 6967
- 5 ... 6968
- 7 ... 6968
- 9 ... 6968
- 13 ... 6968
- 15 ... 6973
- 102 ... 6973
- 163 ... 6942
- 175 ... 6161
- 180 ... 6682
- 516 ... 6682
- 815 ... 6341
- 882 ... 6343

33 CFR

Page

- 80 ... 6433
- 82 ... 6434
- 86 ... 6434
- 95 ... 6434
- 135 ... 6434
- 203 ... 6161, 6388
- 204 ... 6643
- 205 ... 6644
- 207 ... 6161, 6644
- 401 ... 6580

36 CFR

- 2 ... 6682
- 7 ... 6861
- 211 ... 6345
- 261 ... 6982
- 311 ... 6161
- 502 ... 6482

37 CFR

- 1 ... 6391, 6644
- 3 ... 6644

PROPOSED RULES:
- 2 ... 6687
- 4 ... 6687

38 CFR

- 1 ... 6435
- 2 ... 6392
- 3 ... 6649
- 14 ... 6392

39 CFR

- 4 ... 6436
- 36 ... 6436
- 37 ... 6436
- 43 ... 6436

41 CFR

- 1–3 ... 6581
- 4–2 ... 6943
- 4–3 ... 6943
- 4–8 ... 6943
- 4–16 ... 6944
- 5–60 ... 6837
- 8–1 ... 7041
- 8–10 ... 7041
- 9–1 ... 6483, 6519
- 9–3 ... 6683
- 9–4 ... 6519
- 9–6 ... 6519
- 9–7 ... 6519

41 CFR—Continued

Page

- 9–8 ... 6585
- 9–9 ... 6684
- 9–54 ... 6684
- 101–5 ... 6684
- 101–44 ... 6649

42 CFR

- 57 ... 6944

PROPOSED RULES:
- 73 ... 6795

43 CFR

PUBLIC LAND ORDERS:
- 3638 ... 6585
- 3655 ... 6392
- 3656 ... 6437
- 3657 ... 6586

45 CFR

- 130 ... 6393

46 CFR

- 25 ... 6517
- 137 ... 6713

47 CFR

- 0 ... 6250, 6778
- 1 ... 6778, 6780
- 2 ... 6219, 6388
- 15 ... 6250
- 25 ... 6862
- 73 ... 6251, 6519, 6520, 6869
- 83 ... 6778

PROPOSED RULES:
- 2 ... 6226
- 15 ... 6541, 6689
- 73 ... 6274, 6275, 6543, 6590, 6651, 6947

49 CFR

- 1 ... 6485
- 95 ... 6220
- 97 ... 6394
- 141 ... 6162

50 CFR

- 26 ... 6587
- 33 ... 6344, 6521, 6587, 6871
- 60 ... 6149

PROPOSED RULES:
- 32 ... 6224
- 260 ... 7042

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FEDERAL REGISTER

VOLUME 30 • NUMBER 102

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Pages 7089–7148

PART I

(Part II begins on page 7137)

Agencies in this issue—

The President
Agricultural Stabilization and Conservation Service
Atomic Energy Commission
Civil Aeronautics Board
Commodity Credit Corporation
Consumer and Marketing Service
Customs Bureau
Federal Aviation Agency
Federal Communications Commission
Federal Housing Administration
Federal Maritime Commission
Federal Power Commission
Fish and Wildlife Service
Indian Affairs Bureau
Interior Department
Interstate Commerce Commission
Land Management Bureau
National Park Service

Detailed list of Contents appears inside.



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Contents

THE PRESIDENT

EXECUTIVE ORDER

Designating the International Coffee Organization as a public international organization entitled to enjoy certain privileges, exemptions, and immunities ... 7093

DETERMINATION

Determination pursuant to the International Coffee Agreement Act of 1965 ... 7095

EXECUTIVE AGENCIES

AGRICULTURAL STABILIZATION AND CONSERVATION SERVICE

Rules and Regulations

Wheat, farm acreage allotments, small farm bases, normal yields, 1964 and subsequent crop years; miscellaneous amendments ... 7097

AGRICULTURE DEPARTMENT

See Agricultural Stabilization and Conservation Service; Commodity Credit Corporation; Consumer and Marketing Service.

ATOMIC ENERGY COMMISSION

Notices

Deutsch, Alexander T.; application for just compensation ... 7118
General Dynamics Corp.:
Issuance of facility license amendment ... 7117
Proposed issuance of construction permit ... 7120
Nuclear Engineering Co., Inc.; issuance of amendment of by-product source and special nuclear material license ... 7118

CIVIL AERONAUTICS BOARD

Notices

Hearings, etc.:
Air New Zealand Ltd ... 7121
Wheeler Airlines Ltd ... 7121

COMMODITY CREDIT CORPORATION

Rules and Regulations

Honey; price support regulations ... 7097

CONSUMER AND MARKETING SERVICE

Notices

B and H Sales Stable and Bemidji Sales Barn, Inc.; proposed posting of stockyards ... 7117

CUSTOMS BUREAU

Proposed Rule Making

Fluorspar imported in railroad cars; change in method of sampling for analysis ... 7108

FEDERAL AVIATION AGENCY

Rules and Regulations

Airworthiness directives; Lockheed Models 18, PV–1, and PV–2 Series aircraft ... 7098
Alterations:
Restricted area (2 documents) ... 7100
Transition area ... 7099
Control zone and transition area; alteration of designation ... 7098
Designations:
Federal airway ... 7099
Jet route (2 documents) ... 7100
Federal airway; revocation (2 documents) ... 7099
Jet route and control area; establishment and designation ... 7099

Proposed Rule Making

Control zone and transition area, alteration of proposed designation ... 7111
Control zone and transition area; proposed designation ... 7111
Control zone and transition areas; proposed designation and revocations ... 7110
Federal airway; withdrawal of proposed alteration ... 7112
Jet route; withdrawal of proposed designation ... 7112

Notices

Coral Television Corp.; petition for public hearing ... 7121

FEDERAL COMMUNICATIONS COMMISSION

Rules and Regulations

Designation of frequency for use by survival craft stations and by equipment used for survival purposes ... 7105
Frequency allocations and radio treaty matters; miscellaneous amendments ... 7102
Government aeronautical radionavigation operations in certain band; removal of limitations ... 7105
Television broadcast station, Casper, Wyo.; table of assignments ... 7106

Proposed Rule Making

Competition and responsibility in network television broadcasting; extension of time for filing comments ... 7113

Notices

Hearings, etc.:
Fidelity Radio, Inc., et al ... 7124
Greater Erie Broadcasting Co., Inc., and James D. Brownyard ... 7125
Integrated Communication Systems, Inc., of Massachusetts and United Artists Broadcasting, Inc ... 7125
Lebanon Valley Radio et al ... 7121
Missouri-Illinois Broadcasting Co. and KGMO Radio-Television, Inc. (KGMO) ... 7125
Missouri-Illinois Broadcasting Co. (KZYM) and KGMO Radio-Television, Inc. (KGMO) ... 7122
Sleighter, Dennis A., et al ... 7126
Triple C Broadcasting Corp. (WLOR) ... 7123
United Artists Broadcasting, Inc ... 7126
United Artists Broadcasting, Inc., and Ohio Radio, Inc ... 7126
Webster County Broadcasting Co. and Holmes County Broadcasting Co. (WXTN) ... 7126
WMOZ, Inc. (2 documents) ... 7127
WTCN Television, Inc. (WTCN–TV), et al ... 7124

FEDERAL HOUSING ADMINISTRATION

Rules and Regulations

Urban renewal mortgage insurance and insured improvement loans; development of property ... 7102

FEDERAL MARITIME COMMISSION

Rules and Regulations

Common carriers by water in the foreign commerce of United States and by conferences of such carriers; filing of tariffs ... 7138
Self-policing systems; reporting requirements ... 7102

Notices

Agreements filed for approval:
Australia/U.S. Gulf, Atlantic and Great Lakes Conference ... 7127
Pistorino & Co., Inc., et al ... 7128
U.S. Atlantic and Gulf Ports/Bermuda Rate Agreement ... 7129
Norwegian Asia Line et al ... 7128
Effects on foreign commerce of United States; hearing ... 7127
MAS International Corp.; application for freight forwarding license; discontinuance of proceeding ... 7127

FEDERAL POWER COMMISSION

Notices

Hearings, etc.:
Ashland Oil & Refining Co. et al ... 7131
City of Pikeville, Tennessee ... 7129
Interstate Power Co ... 7130
Michigan Wisconsin Pipe Line Co ... 7130

FISH AND WILDLIFE SERVICE

Rules and Regulations

Salt Plains National Wildlife Refuge, Oklahoma; public access, use, and recreation ... 7106

HOUSING AND HOME FINANCE AGENCY

See Federal Housing Administration.

(Continued on next page)

CONTENTS

INDIAN AFFAIRS BUREAU

Rules and Regulations

Flathead Indian Irrigation Project, Montana; operation and maintenance charges 7101

INTERIOR DEPARTMENT

See also Fish and Wildlife Service; Indian Affairs Bureau; Land Management Bureau; National Park Service.

Notices

Under Secretary and certain other officials; delegations of authority issued in Departmental Manual 7116

INTERSTATE COMMERCE COMMISSION

Notices

Fourth section applications for relief 7132

Investigation of adequacy of railroad freight car ownership, car utilization, distribution, rules and practices; amended service list 7132

Motor carrier transfer proceedings (2 documents) 7133, 7134

Railroads serving Illinois et al.; rerouting or diversion of traffic 7132

LAND MANAGEMENT BUREAU

Rules and Regulations

Public land orders:

Colorado 7101

Idaho 7101

Utah 7101

Notices

Arizona; termination of proposed withdrawal and reservation of lands (2 documents) 7114

Proposed withdrawal and reservation of lands:

Arizona 7115

Idaho 7115

Montana 7115

NATIONAL PARK SERVICE

Proposed Rule Making

Everglades National Park, Florida; special regulations 7108

TREASURY DEPARTMENT

See Customs Bureau.

List of CFR Parts Affected

(Codification Guide)

The following numerical guide is a list of the parts of each title of the Code of Federal Regulations affected by documents published in today's issue. A cumulative list of parts affected, covering the current month to date, appears at the end of each issue beginning with the second issue of the month.

A cumulative guide is published separately at the end of each month. The guide lists the parts and sections affected by documents published since January 1, 1965, and specifies how they are affected.

3 CFR

EXECUTIVE ORDERS:

March 23, 1912 (revoked in part by PLO 3659) 7101

June 13, 1925 (revoked in part by PLO 3658) 7101

11225 7093

PRESIDENTIAL DOCUMENTS OTHER THAN PROCLAMATIONS AND EXECUTIVE ORDERS:

Determination of May 22, 1965 7095

7 CFR

728 7097

1434 7097

14 CFR

39 7098

71 (6 documents) 7098, 7099

73 (2 documents) 7100

75 (3 documents) 7099, 7100

PROPOSED RULES:

71 (4 documents) 7110–7112

75 7112

19 CFR

PROPOSED RULES:

Ch. I 7108

24 CFR

220 7102

25 CFR

221 7101

36 CFR

PROPOSED RULES:

7 7108

43 CFR

PUBLIC LAND ORDERS:

3658 7101

3659 7101

3660 7101

46 CFR

528 7102

536 7138

47 CFR

2 (3 documents) 7102, 7105

73 7106

87 7105

PROPOSED RULES:

73 7113

50 CFR

28 7106

Presidential Documents

Title 3—THE PRESIDENT

Executive Order 11225

DESIGNATING THE INTERNATIONAL COFFEE ORGANIZATION AS A PUBLIC INTERNATIONAL ORGANIZATION ENTITLED TO ENJOY CERTAIN PRIVILEGES, EXEMPTIONS, AND IMMUNITIES

By virtue of the authority vested in me by Section 1 of the International Organizations Immunities Act (59 Stat. 669; 22 U.S.C. 288), and having found that the United States participates in the International Coffee Organization pursuant to the International Coffee Agreement, 1962 (14 UST 1911; TIAS 5055), I hereby designate the International Coffee Organization as a public international organization entitled to enjoy the privileges, exemptions, and immunities conferred by the International Organizations Immunities Act.

This designation is not intended to abridge in any respect privileges, exemptions, and immunities which the International Coffee Organization may have acquired or may acquire by treaty or congressional action.

LYNDON B. JOHNSON

THE WHITE HOUSE,
May 22, 1965.

[F.R. Doc. 65–5624; Filed, May 26, 1965; 9:09 a.m.]

Determination of May 22, 1965

DETERMINATION PURSUANT TO THE INTERNATIONAL COFFEE AGREEMENT ACT OF 1965

Pursuant to section 8 of the International Coffee Agreement Act of 1965 and on the basis of the facts, technical analysis and counsel available to me I hereby determine that, in my judgment, this Act, which provides the implementing authority for the International Coffee Agreement, 1962, will not result in an unwarranted increase in coffee prices to United States consumers. Under the International Coffee Agreement, 1962, importing nations have sufficient voting power on the International Coffee Council, the governing board of the Agreement, to prevent any actions which might lead to an unwarranted increase in the price of coffee to consumers.

In my judgment, the Agreement furnishes a forum for the adjustment of the interests of both producers and consumers. This will serve to encourage stability of coffee prices over the long run.

The Secretary of State is requested to communicate this determination and the reasons therefor to the Congress.

This determination shall be published in the FEDERAL REGISTER.

LYNDON B. JOHNSON

MAY 22, 1965.

[F.R. Doc. 65-5623; Filed, May 26, 1965; 9:08 a.m.]

Rules and Regulations

Title 7—AGRICULTURE

Chapter VII—Agricultural Stabilization and Conservation Service (Agricultural Adjustment), Department of Agriculture

SUBCHAPTER B—FARM MARKETING QUOTAS AND ACREAGE ALLOTMENTS

[Amdt. 7]

PART 728—WHEAT

Subpart—Regulations Pertaining to Farm Acreage Allotments, Small Farm Bases and Normal Yields for 1964 and Subsequent Crop Years

MISCELLANEOUS AMENDMENTS

Basis and purpose. The amendments herein are issued pursuant to and in accordance with the Agricultural Adjustment Act of 1938, as amended, and are issued for the purposes of (1) amending the dates for the disposal of excess wheat acreage for certain counties and areas in the States of California, Nevada, Texas, and Washington, (2) eliminating adjustment provision number (5) contained in § 728.15a(d) for the 1966 and subsequent crops of wheat, which is adequately covered by § 728.29, (3) revising the definition of wheat cover crop in § 728.10(n) for 1965 when certification of acreage is provided for in Part 718 of this chapter.

The regulations are amended as follows:

1. Section 728.10(q) is amended so as to change the disposal dates for Butte, Colusa, Glenn, Sacramento, Sutter, Yolo, and Yuba Counties in the State of California from May 1 to May 15; Pershing County in the State of Nevada from June 30 to July 15; Armstrong, Carson, Dallam, Deaf Smith, Gray, Hansford, Hartley, Hemphill, Hutchinson, Lipscomb, Moore, Oldham, Ochiltree, Potter, Randall, Roberts, and Sherman Counties in the State of Texas from May 1 to May 15; and in the State of Washington, Stevens County, winter wheat from August 1 to July 15, spring wheat from August 20 to August 15, Lincoln County, North Lincoln, winter wheat from July 10 to July 25, South Lincoln, winter wheat from June 30 to July 10.

Section 728.10(q) is further amended by (1) striking out three areas now designated for Klickitat County, Wash., and inserting in lieu thereof the following two areas:

Area 1. That part of Klickitat County west of a line starting at the Columbia River on the township line between ranges 17 and 18, thence north to the township line between townships 3 and 4, then east 5 miles, north 6 miles, east 19 miles to the township line between ranges 21 and 22, thence north to the county line.

Area 2. That part of the county east of the described Area 1.; and (2) showing as disposal dates for Area 1, winter wheat June 30, spring wheat July 15 and for Area 2, winter wheat June 20, spring wheat July 5.

2. Section 728.10(n) is amended by deleting the period at the end of the sentence, inserting a comma in lieu thereof, and adding the following language: "or as applied to the 1965 crop of wheat, when certification by the producer of the acreage of wheat may be accepted in lieu of a farm inspection under Part 718 of this chapter, as amended, not later than the disposal date specified in paragraph (q) of this section or the date of the final wheat acreage reported on Form ASCS–477 for wheat as certified by the producer, whichever is earlier."

3. Section 728.15a(d) is amended by deleting subparagraph (5).

Since the determination of 1965 wheat acreages is now being made, it is important that State and county committees be notified of the amendments herein as soon as possible so that producers with 1965 excess wheat acreage may be notified of the final date for utilization of such excess acreage as wheat cover crop. In addition, 1966 farm allotments are now being determined and information contained in this amendment is necessary with respect to the determination of such allotments. Accordingly, it is hereby found that compliance with the public notice, procedure and 30-day effective date provisions of section 4 of the Administrative Procedure Act is impracticable and contrary to the public interest. Therefore, the amendment shall become effective upon its filing with the Director, Office of the Federal Register.

(Secs. 301, 334, 339, 375, 379b, 52 Stat. 38, as amended, 53, as amended, 76 Stat. 622, as amended, 52 Stat. 66, as amended, 76 Stat. 626, sec. 1, 55 Stat. 203, as amended; 7 U.S.C. 1301, 1334, 1339, 1340, 1375, 1379b)

Effective date. Upon filing with the Director, Office of the Federal Register.

Signed at Washington, D.C., on May 24, 1965.

H. D. GODFREY,
Administrator, Agricultural Stabilization and Conservation Service.

[F.R. Doc. 65–5570; Filed, May 26, 1965; 8:50 a.m.]

Chapter XIV—Commodity Credit Corporation, Department of Agriculture

SUBCHAPTER B—LOANS, PURCHASES, AND OTHER OPERATIONS

[CCC Honey Price Support Reg. Amdt. 2]

PART 1434—HONEY

Subpart—Honey Price Support Regulations

MISCELLANEOUS AMENDMENTS

The regulations issued by the Commodity Credit Corporation, published in 29 F.R. 5307 and containing requirements of the honey price support program are hereby amended as follows:

1. Paragraph (a) of § 1434.52 is amended to provide that cooperative marketing associations desiring to qualify for price support must meet the provisions of the Cooperative Marketing Associations Regulations in Part 1425 of this chapter, to delete the reference to § 1434.56 and to read as follows:

§ 1434.52 Eligible producers.

(a) *Producer.* An eligible producer shall be an individual, partnership, corporation, estate, trust, or other legal entity, who extracts honey produced by bees owned by him, or a cooperative marketing association which meets the requirements of Cooperative Marketing Associations Regulations, Part 1425 of this chapter, and any amendments thereto, and meets the requirements for eligibility for price support contained in this subpart.

* * * * *

2. Paragraph (b) of § 1434.53 is amended to provide that cooperative marketing associations desiring to qualify for price support must meet the provisions of the Cooperative Marketing Associations Regulations in Part 1425 of this chapter, to delete the reference to § 1434.56 and to read as follows:

§ 1434.53 Eligibility requirements.

* * * * *

(b) *Beneficial interest.* To be eligible for price support, the beneficial interest in the honey must be in the producer tendering it as security for a loan or for purchase and must always have been in him, or in him and a former producer whom he succeeded as owner of the bees before the honey was extracted. In the case of a cooperative marketing association, the beneficial interest in the honey must have been in the producer-members who delivered the honey to the association or to member associations or must always have been in them and former producers whom they succeeded before the honey was extracted. Honey acquired by an association shall not be eligible for price support if the producer-members who delivered the honey to the association or member associations do not retain the right to share proportionately in the proceeds from the marketing of the honey as provided in the Cooperative Marketing Associations Regulations, Part 1425 of this chapter and any amendments thereto.

* * * * *

3. Paragraph (b) of § 1434.55 is amended to extend the period for filing an application for price support and to read as follows:

§ 1434.55 Availability, disbursement, and maturity of loans.

* * * * *

(b) *Availability date.* Producers desiring price support for 1965 and subse-

quent crops of honey must file an application therefor no later than April 30 of the year following the year in which the honey was produced and extracted.

* * * * *

§ 1434.56 [Deleted]

4. Section 1434.56 is amended to delete the entire section which contained eligibility requirements for cooperative marketing associations.

5. Paragraph (a) of § 1434.57 is amended to extend the area of availability of price support to all of the United States by deleting the word "continental" appearing before the words "United States" and to read as follows:

§ 1434.57 Eligible honey.

* * * * *

(a) *Production.* The honey must have been produced and extracted in the United States by an eligible producer during the calendar year for which application is made for price support.

* * * * *

6. Section 1434.77 is amended to set forth the support rate for the quality of 1965-crop honey placed under loan or acquired under loan or by purchase, to add the designation (a) to the introductory paragraph thereof, to change designations of existing paragraphs from (a) to (b) and (b) to (c) and to read as follows:

§ 1434.77 Support rates.

(a) *1965 crop.* The support rate for the quality of 1965-crop honey placed under loan or acquired under loan or purchase shall be the rate for the respective class and color set forth below. An amendment to this section shall be issued for each year for which a honey price support program is authorized to set forth the support rate for the then current crop of honey.

Class and color	For Montana, Wyoming, Colorado, New Mexico and States west thereof	All States east of Montana, Wyoming, Colorado and New Mexico
	Cents per pound	*Cents per pound*
Table honey:		
1. White and lighter	11.0	12.0
2. Extra light amber	11.0	11.9
3. Light amber	9.5	10.4
4. Other table honey	7.5	8.4
Nontable honey	7.5	8.4

(b) *Table honey.* Table honey means honey having a good flavor of the predominant floral source which can be readily marketed for table use in all parts of the country. Such sources include Alfalfa, Bird's-foot Trefoil, Blackberry, Brazil Brush, Cataclaw, Clover, Cotton, Firewood, Gallberry, Huajillo, Lima Bean, Mesquite, Orange, Raspberry, Sage, Saw Palmetto, Sourwood, Star Thistel, Sweetclover, Tupelo, Vetch, Western Wild Buckwheat, Wild Alfalfa, and similar mild-flavors, or blends of mild-flavored honeys, as determined by the Director, Farmer Programs Division, ASCS.

(c) *Nontable honey.* Nontable honey means honey having a predominant flavor of limited acceptability for table use but considered to be suitable for table use in areas in which it is produced. Such honeys include those with a predominant flavor of Aster, Avocado, Buckwheat (except Western Wild Buckwheat), Cabbage Palmetto, Dandelion, Eucalyptus, Goldenrod, Heartsease (Smartweed), Horsemint, Mangrove, Manzanita, Mint, Partridge Pea, Rattan Vine, Safflower, Salt Cedar (Tamarix Gallica), Spanish Needle, Spikeweed, Titi-Toyon (Christmas Berry), Tulip-Poplar, Wild Cherry, and similarly flavored honey, or blends of such honeys, as determined by the Director, Farmer Programs Division, ASCS.

7. Section 1434.80 is amended to change the reference to the regulations defining the person or persons entitled to payment in case of death, incompetency or disappearance of a producer due a sum under a loan or purchase, to make minor revisions of language and to read as follows:

§ 1434.80 Death, incompetency, or disappearance.

In the case of the death, incompetency, or disappearance of any producer who is entitled to the payment of any sum under a loan or purchase, payment of such sum upon proper application to the office of the county committee which made the loan, shall be made to the person or persons who would be entitled to such producer's payment under the regulations contained in Chapter VII, Agricultural Stabilization and Conservation Service (Agricultural Adjustment), Department of Agriculture, §§ 707.1 to 707.7 of this title (Payments Due Persons Who Have Died, Disappeared or Have Been Declared Incompetent) (30 F.R. 6246, May 5, 1965).

(Sec. 4, 62 Stat. 1070, as amended; 15 U.S.C. 714b. Interpret or apply sec. 5, 62 Stat. 1072, secs. 201, 401, 63 Stat. 1052, 1054; 15 U.S.C. 714c, 7 U.S.C. 1446, 1421)

Effective date. Upon publication in the FEDERAL REGISTER.

Signed at Washington, D.C., on May 24, 1965.

H. D. GODFREY,
Executive Vice President,
Commodity Credit Corporation.

[F.R. Doc. 65-5571; Filed, May 26, 1965; 8:50 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Agency

[Docket No. 6501; Amdt. 39-73]

PART 39—AIRWORTHINESS DIRECTIVES

Lockheed Models 18, PV-1 and PV-2 Series Aircraft

A proposal to amend Part 39 of the Federal Aviation Regulations to revise Amendment 34 (24 F.R. 6581), AD 59-16-3, as amended by Amendment 50 (24 F.R. 8928), Lockheed Models 18, PV-1 and PV-2 Series aircraft, by amending the applicability provision of the AD to include the Model B-34 Series aircraft and to delete the Model PV-2 Series aircraft was published in 30 F.R. 2718.

Interested persons have been afforded an opportunity to participate in the making of the amendment. No objections were received.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (25 F.R. 6489), § 39.13 of Part 39 of the Federal Aviation Regulations, Amendment 34 (24 F.R. 6581), AD 59-16-3, as amended by Amendment 50 (24 F.R. 8928), is further amended by changing the applicability statement to read:

Applies to Models 18, PV-1 and B-34 Series aircraft except those incorporating spar reinforcement as covered in Lockheed Aircraft Service Bulletin 18/SB-112.

This amendment becomes effective June 26, 1965.

(Secs. 313(a), 601, and 603 of the Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421, 1423))

Issued in Washington, D.C., on May 20, 1965.

C. W. WALKER,
Acting Director,
Flight Standards Service.

[F.R. Doc. 65-5498; Filed, May 26, 1965; 8:45 a.m.]

[Airspace Docket No. 64-AL-6]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Control Zone and Transition Area Designation; Alteration of Amendments

On April 6, 1965, Federal Register Document 65-3497 was published in the FEDERAL REGISTER (30 F.R. 4391) amending Part 71 of the Federal Aviation Regulations by designating a control zone and transition area at Dillingham, Alaska.

Subsequent to this publication, there has been a delay in establishing the communications link between Dillingham and the King Salmon, Alaska, Flight Service Station. Also, from April through September, weather observations will be available only from 0700 to 1800 hours daily instead of from 0600 to 2200 hours daily as stated in the present rule. Therefore, action is taken herein to alter Airspace Docket No. 64-AL-6, by postponing the effective date until July 22, 1965, and amending the effective time of the control zone to 0700 to 1800 hours, local time, daily, April through September. The effective time from October through March will remain the same.

Since the postponement of the effective date is procedural in nature and the effective hours of operation are less restrictive upon the public, notice and public procedure hereon are unnecessary.

In consideration of the foregoing, effective immediately, Federal Register Document 65-3497 is amended as hereinafter set forth.

1. The effective date of the amendments set forth in Federal Register Document 65-3497 as altered herein is changed from 0001 e.s.t., May 27, 1965, to 0001 e.s.t., July 22, 1965.

2. In the text of the control zone description "effective from 0600 to 2200 hours, local time, daily, April through September" is deleted and "effective from 0700 to 1800 hours, local time, daily, April through September" is substituted therefor.

(Sec. 307(a) of the Federal Aviation Act of 1958; 49 U.S.C. 1348)

Issued in Washington, D.C., on May 21, 1965.

DANIEL E. BARROW,
Chief, Airspace Regulations
and Procedures Division.

[F.R. Doc. 65-5499; Filed, May 26, 1965; 8:45 a.m.]

[Airspace Docket No. 65-CE-6]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Designation of Federal Airway

On March 23, 1965, a notice of proposed rule making was published in the FEDERAL REGISTER (30 F.R. 3785) stating that the Federal Aviation Agency was considering the designation of a segment of Victor 171 from Bemidji, Minn., to Baudette, Minn.

Interested persons were afforded an opportunity to participate in the rule making through the submission of comments. All comments received were favorable.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0001 e.s.t., July 22, 1965, as hereinafter set forth.

§ 71.123 (29 F.R. 17509) is amended as follows:

In V-171 "to Alexandria, Minn." is deleted and "to Alexandria, Minn. From Bemidji, Minn., 12 AG via the INT of Bemidji 027° and Baudette, Minn., 178° radials; to Baudette. The portion within R-4304, and the portion outside the United States are excluded." is substituted therefor.

(Sec. 307(a) of the Federal Aviation Act of 1958; 49 U.S.C. 1348)

Issued in Washington, D.C., on May 21, 1965.

DANIEL E. BARROW,
Chief, Airspace Regulations
and Procedures Division.

[F.R. Doc. 65-5500; Filed, May 26, 1965; 8:45 a.m.]

[Airspace Docket No. 65-EA-5]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Revocation of Federal Airway

On March 9, 1965, a notice of proposed rule making was published in the FEDERAL REGISTER (30 F.R. 3224) stating that the Federal Aviation Agency was considering an amendment to Part 71 of the Federal Aviation Regulations that would revoke VOR Federal airway No. 261.

Interested persons were afforded an opportunity to participate in the proposed rule making through the submission of comments. All comments received were favorable.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0001 e.s.t., August 19, 1965, as hereinafter set forth.

In § 71.123 (29 F.R. 17509), V-261 is revoked.

(Sec. 307(a) of the Federal Aviation Act of 1958; 49 U.S.C. 1348)

Issued in Washington, D.C., on May 21, 1965.

DANIEL E. BARROW,
Chief, Airspace Regulations
and Procedure Division.

[F.R. Doc. 65-5501; Filed, May 26, 1965; 8:45 a.m.]

[Airspace Docket No. 65-SW-121]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Revocation of Federal Airway

On February 11, 1964, a notice of proposed rule making was published in the FEDERAL REGISTER (29 F.R. 2352) stating that the Federal Aviation Agency was considering an amendment to Part 71 of the Federal Aviation Regulations that would revoke the north alternate of V-76 between San Angelo, Tex., and Austin, Tex., via Llano, Tex.

Interested persons were afforded an opportunity to participate in the proposed rule making through the submission of comments. Due consideration was given to all revelant matter presented.

The Air Transport Association of America requested that V-76N not be revoked until a route with controlled airspace for the Trans-Texas Airways operation between Austin and Abilene, Tex., was designated. Controlled airspace to protect this operation will become effective 0001 e.s.t., June 24, 1965, as provided in Airspace Docket No. 63-SW-90.

Rule making on the action proposed herein was held in abeyance at the request of the Southwest Region until such time as controlled airspace could be provided for the Trans-Texas Airways operation. Since the latest FAA peak day IFR airway traffic survey showed only one recent aircraft movement for the segment for V-76N and controlled airspace has been provided for the Trans-Texas Airways operation, retention of V-76N as assignment of controlled airspace is unjustified.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0001 e.s.t., July 22, 1965, as hereinafter set forth.

In § 71.123 (29 F.R. 17509), V-76 is amended by deleting everything after "Austin, Tex.," and substituting therefor "including a south alternate via INT of Llano 129° and Austin 357° radials; Houston, Tex.; to Galveston, Tex. The airspace within R-6310 is excluded."

(Sec. 307(a) of the Federal Aviation Act of 1958; 49 U.S.C. 1348)

Issued in Washington, D.C., on May 21, 1965.

DANIEL E. BARROW,
Chief, Airspace Regulations
and Procedures Division.

[F.R. Doc. 65-5502; Filed, May 26, 1965; 8:45 a.m.]

[Airspace Docket No. 64-WA-35]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

PART 75—ESTABLISHMENT OF JET ROUTES

Establishment of Jet Route and Designation of Control Area

On March 17, 1965, a notice of proposed rule making was published in the FEDERAL REGISTER (30 F.R. 3549) stating that the Federal Aviation Agency was considering amendments to Part 71 and Part 75 of the Federal Aviation Regulations that would designate a jet route from the Oakland, Calif., VORTAC, via the Ukiah, Calif., VORTAC; the Fortuna, Calif., VOR; the North Bend, Oreg., VOR; the Newport, Oreg., VOR; the Hoquiam, Wash., VOR; to the Seattle, Wash., VORTAC. It was further stated in the notice that this jet route would be listed under § 71.161 of the Federal Aviation Regulations for the purpose of providing sufficient controlled airspace along portions of the route that would lie outside the continental control area.

Interested persons were afforded an opportunity to participate in the proposed rule making through the submission of comments. All comments received were favorable.

In consideration of the foregoing, Parts 71 and 75 of the Federal Aviation Regulations are amended, effective 0001 e.s.t., July 22, 1965, as hereinafter set forth.

1. In § 75.100 (29 F.R. 17776), the following is added:

Jet Route No. 19 (Oakland, Calif., to Seattle, Wash.) From Oakland, Calif., via Ukiah, Calif.; Fortuna, Calif.; North Bend, Oreg.; Newport, Oreg.; Hoquiam, Wash.; to Seattle, Wash.

2. In § 71.161 (29 F.R. 17552), the following is added:

Jet Route No. 19 from Fortuna, Calif., to Hoquiam, Wash.

(Secs. 307(a) and 1110 of the Federal Aviation Act of 1958; 49 U.S.C. 1348, 1510, and Executive Order 10854; 24 F.R. 9565)

Issued in Washington, D.C., on May 21, 1965.

DANIEL E. BARROW,
Chief, Airspace Regulations
and Procedures Division.

[F.R. Doc. 65-5503; Filed, May 26, 1965; 8:45 a.m.]

[Airspace Docket No. 65-WE-52]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Transition Area

The purpose of this amendment to Part 71 of the Federal Aviation Regula-

tions is to alter the description of the Blythe, Calif., transition area.

The Blythe, Calif., transition area is presently designated, in part, with reference to the Blythe radio beacon which will be converted to an SABH facility on May 27, 1965. The instrument approach procedure predicated on the radio beacon will be canceled and the converted beacon will be classified as a VFR aid. Therefore, action is taken herein to revoke the transition area based on the Blythe radio beacon and redescribe the transition area based on the Blythe VORTAC.

Since the change effected by this amendment is less restrictive in nature than present requirements, notice and public procedure hereon are unnecessary.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0001 e.s.t., May 27, 1965, as hereinafter set forth.

In § 71.181 (29 F.R. 17649), the Blythe, Calif., transition area is amended to read:

BLYTHE, CALIF.

That airspace extending upward from 700 feet above the surface within 2 miles each side of the Blythe VORTAC 227° radial, extending from the arc of a 5-mile radius circle centered on the Blythe Airport (latitude 33°37'15" N., longitude 114°43'00" W.) to 8 miles SW of the VORTAC; and that airspace extending upward from 1,200 feet above the surface bounded on the N by latitude 33°43'00" N., on the E by longitude 114°30'-00" W., on the S by the arc of an 18-mile radius circle centered on the Blythe Airport, and on the W by longitude 115°00'00" W.

(Sec. 307(a) of the Federal Aviation Act of 1958, as amended; 72 Stat. 749; 49 U.S.C. 1348)

Issued in Los Angeles, Calif., on May 20, 1965.

JOSEPH H. TIPPETS,
Director, Western Region.

[F.R. Doc. 65-5504; Filed, May 26, 1965; 8:46 a.m.]

[Airspace Docket No. 65-WA-36]

PART 73—SPECIAL USE AIRSPACE

Alteration of Restricted Area

The purpose of this amendment to Part 73 of the Federal Aviation Regulations is to change the Using Agency of Restricted Area R-4810 at Desert Mountains, Nev.

The Department of the Navy has informed the Federal Aviation Agency that responsibility for the facilities and activities at this restricted area has been assumed by the Commander, Fleet Air, Alameda, Calif. For this reason, the U.S. Navy has requested an amendment to R-4810.

Since this amendment is editorial in nature, notice and public procedure hereon are unnecessary and this amendment may be made effective on less than 30 days' notice.

In consideration of the foregoing, Part 73 of the Federal Aviation Regulations is amended, effective immediately, as hereinafter set forth.

In § 73.48 (29 F.R. 17754), Restricted Area R-4810 is amended by deleting from the text "Using agency. Commander, Naval Air Bases, 12th Naval District, Alameda, Calif." and substituting therefor "Using agency, Commander, Fleet Air, Alameda, Calif."

(Sec. 307(a) of the Federal Aviation Act of 1958; 49 U.S.C. 1348)

Issued in Washington, D.C., on May 20, 1965.

CLIFFORD P. BURTON,
Acting Director,
Air Traffic Service.

[F.R. Doc. 65-5505; Filed, May 26, 1965; 8:46 a.m.]

[Airspace Docket No. 65-WE-47]

PART 73—SPECIAL USE AIRSPACE

Alteration of Restricted Areas

The purpose of these amendments to Part 73 of the Federal Aviation Regulations is to change the using agency of Restricted Areas R-5701, R-6701, R-6705, R-6707, R-6708, and R-6713.

The Department of the Navy has informed the Federal Aviation Agency that responsibility for the facilities and activities at the above restricted areas has been assumed by the Commander Fleet Air Whidbey, NAS Whidbey Island, Wash. For this reason, the U.S. Navy has requested appropriate amendments to R-5701, R-6701, R-6705, R-6707, R-6708, and R-6713.

Since these amendments are editorial in nature, notice and public procedure hereon are unnecessary and the amendments may be made effective on less than 30 days' notice.

In consideration of the foregoing, Part 73 of the Federal Aviation Regulations is amended, effective immediately, as hereinafter set forth.

1. In § 73.57 (29 F.R. 17764), Restricted Area R-5701 is amended by deleting from the text "Using agency. Commanding Officer, NAS Whidbey Island, Wash." and substituting therefor "Using agency. Commander Fleet Air Whidbey, NAS Whidbey Island, Wash."

2. In § 73.67 (29 F.R. 17771), Restricted Areas R-6701, R-6705, R-6707, R-6708 and R-6713 are amended by deleting from the respective texts "Using agency. Commanding Officer, NAS Whidbey Island, Wash." and substituting therefor "Using agency. Commander Fleet Air Whidbey, NAS Whidbey Island, Wash."

(Sec. 307(a) of the Federal Aviation Act of 1958; 49 U.S.C. 1348)

Issued in Washington, D.C., on May 20, 1965.

CLIFFORD P. BURTON,
Acting Director,
Air Traffic Service.

[F.R. Doc. 65-5506; Filed, May 26, 1965; 8:46 a.m.]

[Airspace Docket No. 65-WA-13]

PART 75—ESTABLISHMENT OF JET ROUTES

Designation of Jet Route

On March 6, 1965, a notice of proposed rule making was published in the FEDERAL REGISTER (30 F.R. 2953) stating that the Federal Aviation Agency was considering an amendment to Part 75 of the Federal Aviation Regulations that would designate a jet route segment between Fort Dodge, Iowa and Mason City, Iowa.

Interested persons were afforded an opportunity to participate in the proposed rule making through the submission of comments. All comments received were favorable.

In consideration of the foregoing, Part 75 of the Federal Aviation Regulations is amended, effective 0001 e.s.t., July 22, 1965, as hereinafter set forth.

In § 75.100 (29 F.R. 17776), the following jet route is added:

Jet Route No. 132 (Fort Dodge, Iowa, to Mason City, Iowa). From Fort Dodge, Iowa, to Mason City, Iowa.

(Sec. 307(a) of the Federal Aviation Act of 1958; 49 U.S.C. 1348)

Issued in Washington, D.C., on May 21, 1965.

DANIEL E. BARROW,
Chief, Airspace Regulations
and Procedures Division.

[F.R. Doc. 65-5507; Filed, May 26, 1965; 8:46 a.m.]

[Airspace Docket No. 64-WA-76]

PART 75—ESTABLISHMENT OF JET ROUTES

Designation of Jet Route

On November 20, 1964, a notice of proposed rule making was published in the FEDERAL REGISTER (29 F.R. 15583) stating that the Federal Aviation Agency was considering an amendment to Part 75 of the Federal Aviation Regulations that would designate a jet route from the Memphis, Tenn., VORTAC to the Northbrook, Ill., VORTAC, via the Centralia, Ill., VOR. On March 19, 1965, a supplementary notice of proposed rule making was published in the FEDERAL REGISTER (30 F.R. 3666), altering the proposal so that the jet route would extend from Memphis via the intersection of the Memphis 353° and the Centralia 196° True radials; Centralia; to Northbrook.

Interested persons were afforded an opportunity to participate in the proposed rule making through the submission of comments. All comments received on the proposal, as altered in the supplementary notice of proposed rule making, were favorable.

In consideration of the foregoing, Part 75 of the Federal Aviation Regulations is amended, effective 0001 e.s.t., July 22, 1965, as hereinafter set forth.

In § 75.100 (29 F.R. 17776), the following jet route is added:

Jet Route No. 71 (Memphis, Tenn., to Northbrook, Ill.). From Memphis, Tenn., via INT of Memphis 353° and the Centralia, Ill., 196° radials; Centralia; to Northbrook, Ill.

(Sec. 307(a) of the Federal Aviation Act of 1958; 49 U.S.C. 1348)

Issued in Washington, D.C., on May 21, 1965.

DANIEL E. BARROW,
Chief, Airspace Regulations
and Procedures Division.

[F.R. Doc. 65-5508; Filed, May 26, 1965; 8:46 a.m.]

Title 25—INDIANS

Chapter I—Bureau of Indian Affairs, Department of the Interior

SUBCHAPTER T—OPERATION AND MAINTENANCE

PART 221—OPERATION AND MAINTENANCE CHARGES

Flathead Indian Irrigation Project, Montana

On page 5708 of the FEDERAL REGISTER of April 22, 1965, there was published a notice of intention to amend §§ 221.16 and 221.17 of Title 25, Code of Federal Regulations, dealing with the irrigable lands of the Flathead Indian Irrigation Project, Montana, that are not subject to the jurisdiction of the several irrigation districts. The purpose of the amendments is to establish the assessment rate for non-district lands of the Flathead Indian Irrigation Project for 1965 and thereafter until further notice.

Interested persons were given 30 days within which to submit written comments, suggestions, or objections with respect to the proposed amendments. No comments, suggestions, or objections have been received, and the proposed amendments are hereby adopted without change as set forth below.

Section 221.16 is amended to read as follows:

§ 221.16 Charges, Jocko Division.

(a) An annual minimum charge of $2.96 per acre, for the season of 1965 and thereafter until further notice, shall be made against all assessable irrigable land in the Jocko Division that is not included in an irrigation district organization, regardless of whether water is used.

(b) The minimum charge when paid shall be credited on the delivery of the pro rata per acre share of the available water up to one and one-half acre feet per acre for the entire assessable area of the farm unit, allotment or tract. Additional water, if available, will be delivered at the rate of one dollar and ninety-six cents ($1.96) per acre foot or fraction thereof.

Section 221.17 is amended to read as follows:

§ 221.17 Charges, Mission Valley and Camas Divisions.

(a) (1) An annual minimum charge of $3.27 per acre, for the season 1965 and thereafter until further notice, shall be made against all assessable irrigable land in the Mission Valley Division that is not included in an irrigation district organization regardless of whether water is used.

(2) The minimum charge when paid shall be credited on the delivery of the pro rata per acre share of the available water up to one and one-half acre feet per acre for the entire assessable area of the farm unit, allotment or tract. Additional water, if available, will be delivered at the rate of two dollars and twenty-seven cents ($2.27) per acre foot or fraction thereof.

(b) (1) An annual minimum charge of $4.34 per acre, for the season of 1965 and thereafter until further notice, shall be made against all assessable irrigable land in the Camas Division that is not included in an irrigation district organization regardless of whether water is used.

(2) The minimum charge when paid shall be credited on the delivery of the pro rata per acre share of the available water up to one and one-half acre feet per acre for the entire assessable area of the farm unit, allotment or tract. Additional water, if available, will be delivered at the rate of three dollars and thirty-four cents ($3.34) per acre foot or fraction thereof.

NED O. THOMPSON,
Acting Area Director.

[F.R. Doc. 65-5518; Filed, May 26, 1965; 8:46 a.m.]

Title 43—PUBLIC LANDS: INTERIOR

Chapter II—Bureau of Land Management, Department of the Interior

APPENDIX—PUBLIC LAND ORDERS

[Public Land Order 3658]

[Utah 0140874]

UTAH

Partial Revocation of Public Water Reserve

By virtue of the authority vested in the President by section 1 of the Act of June 25, 1910 (36 Stat. 847; 43 U.S.C. 141) and pursuant to Executive Order No. 10355 of May 26, 1952 (17 F.R. 4831), it is ordered as follows:

The Executive order of June 13, 1925, which established Public Water Reserve No. 91, is hereby revoked so far as it affects the following described land:

SALT LAKE MERIDIAN

T. 36 S., R. 26 E.,
Sec. 28, SE¼SW¼.

The area described contains approximately 40 acres, in San Juan County. The land is nonpublic land.

JOHN A. CARVER, JR.,
Under Secretary of the Interior.

MAY 20, 1965.

[F.R. Doc. 65-5520; Filed, May 26, 1965; 8:46 a.m.]

[Public Land Order 3659]

[Colorado 0124331]

COLORADO

Powersite Restoration No. 628; Powersite Cancellation No. 218; Partial Revocation of Powersite Reserve No. 253; and Powersite Classification No. 89

By virtue of the authority vested in the President by section 1 of the Act of June 25, 1910 (36 Stat. 847; 43 U.S.C. 141), and pursuant to Executive Order No. 10355 of May 26, 1952 (17 F.R. 4831), and by virtue of the authority contained in the Act of March 3, 1879 (20 Stat. 394; 43 U.S.C. 31), and in section 24 of the Act of June 10, 1920 (41 Stat. 1075; 16 U.S.C. 818), as amended, and pursuant to the determination of the Federal Power Commission in DA-456-Colorado, it is ordered as follows:

1. The Executive Order of March 23, 1912, creating Powersite Reserve No. 253, as conformed to survey by Interpretation No. 340 of April 13, 1945, and the Departmental order of February 24, 1925, creating Powersite Classification No. 89, as conformed to survey by Interpretation No. 338 of January 17, 1945, are hereby revoked so far as they affect the following-described lands:

SIXTH PRINCIPAL MERIDIAN

T. 5 S., R. 81 W.,
Sec. 22, lot 1;
Sec. 23, lots 5, 9 and 10.

Containing 171.58 acres in Eagle County.

The lands are situated on a moderate to steep slope that drains into the Eagle River, about one mile downstream from and due north of the Town of Minturn.

2. Until 10 a.m. on November 18, 1965, the State of Colorado shall have a preferred right of application to select the lands as provided by R.S. 2276, as amended (43 U.S.C. 852). At 10 a.m. on November 18, 1965, the lands shall be open to the operation of the public land laws generally subject to existing valid rights, the provisions of existing withdrawals, and the requirements of applicable law. All valid applications received at or prior to 10 a.m. on November 18, 1965, shall be considered as simultaneously filed at that time. Those filed thereafter will be considered in the order of filing.

The lands have been open to applications and offers under the mineral leasing laws, and to location under the United States mining laws.

Inquiries concerning the lands should be addressed to the Manager, Land Office, Bureau of Land Management, Denver, Colo.

JOHN A. CARVER, JR.,
Under Secretary of the Interior.

MAY 20, 1965.

[F.R. Doc. 65-5521; Filed, May 26, 1965; 8:46 a.m.]

[Public Land Order 3660]

[Idaho 015697]

IDAHO

Partial Revocation of Reclamation Withdrawal (Mountain Home Division, Snake River Project)

By virtue of the authority contained in section 3 of the Act of June 17, 1902 (32 Stat. 388; 43 U.S.C. 416), as amended and supplemented, it is ordered as follows:

1. The departmental order of April 30, 1951, which withdrew lands for reclamation purposes is hereby revoked so far as it affects the following-described lands:

BOISE MERIDIAN

T. 2 N., R. 2 E.,
Sec. 30, W½SE¼.

Containing 80 acres in Ada County.

The land lies on a plateau south of Ten Mile Creek, about nine miles south of

Boise. Topography is rolling. No surface water is available.

2. Until 10 a.m. on November 18, 1965, the State of Idaho shall have a preferred right of application to select the lands as provided by R.S. 2276, as amended (43 U.S.C. 852). After that date and hour the lands shall become subject to operation of the public land laws generally, subject to valid existing rights, the provisions of existing withdrawals, and the requirements of applicable law. All valid applications received at or prior to 10 a.m. on June 25, 1965, shall be considered as simultaneously filed at that time. Those filed thereafter shall be considered in the order of filing.

3. The lands have been open to applications and offers under the mineral leasing laws. They will be open to location under the United States mining laws after 10 a.m. on November 18, 1965.

Inquiries concerning the lands should be addressed to the Manager, Land Office, Bureau of Land Management, Boise, Idaho.

JOHN A. CARVER, Jr.,
Under Secretary of the Interior.

MAY 20, 1965.

[F.R. Doc. 65-5522; Filed, May 26, 1965; 8:46 a.m.]

Title 24—HOUSING AND HOUSING CREDIT

Chapter II—Federal Housing Administration, Housing and Home Finance Agency

SUBCHAPTER F—URBAN RENEWAL HOUSING INSURANCE AND INSURED IMPROVEMENT LOANS

PART 220—URBAN RENEWAL MORTGAGE INSURANCE AND INSURED IMPROVEMENT LOANS

Subpart C—Eligibility Requirements—Projects

DEVELOPMENT OF PROPERTY

In § 220.506 paragraph (b) is amended to read as follows:

§ 220.506 Development of property.

* * * * *

(b) *Minimum number of units.* The project shall consist of not less than two rental dwelling units on one site and may be detached, semidetached, or row houses, or a multifamily structure. The site may consist of two or more noncontiguous parcels of land whenever the Commissioner shall have determined that the parcels are (1) so situated as to comprise a readily marketable real estate entity, and (2) within an area small enough to allow convenient and efficient management.

* * * * *

(Sec. 211, 52 Stat. 23; 12 U.S.C. 1715b. Interprets or applies sec. 220, 68 Stat. 596, as amended; 12 U.S.C. 1715k)

Issued at Washington, D.C., May 21, 1965.

PHILIP N. BROWNSTEIN,
Federal Housing Commissioner.

[F.R. Doc. 65-5540; Filed, May 26, 1965; 8:47 a.m.]

Title 46—SHIPPING

Chapter IV—Federal Maritime Commission

SUBCHAPTER B—REGULATIONS AFFECTING MARITIME CARRIERS AND RELATED ACTIVITIES

[General Order 7; Amdt. 2]

PART 528—SELF-POLICING SYSTEMS

Reporting Requirements

Take notice that the Federal Maritime Commission has amended its Part 528 of Title 46, CFR, to provide that in the event that no complaints were received by the conferences and carriers subject to the provisions of the part, or by any person to whom they have delegated the self-policing authority, during the six-month reporting period, or no actions were taken on complaints received in the previous six-month period, a negative report so stating must be filed. While most of the conferences and carriers subject to the reporting requirement have filed negative reports, inquiries have been received by the Commission from some conferences and carriers, subject to the self-policing requirements, as to whether negative reports are required. Thus the purpose of this minor amendment is to clarify the confusion on the part of some of the conferences and parties to other rate-fixing agreements as to the requirements for the filing of negative reports, in the above instances, so that the Commission will be fully advised of the self-policing activities of the parties subject to the reporting requirements. For these reasons the Commission is of the opinion that the procedure under which interested parties may comment on proposed rules is unnecessary for the purposes of this minor amendment and that the provisions of section 4(b) of the Administrative Procedure Act (5 U.S.C. 1003(b)) should be waived;

Therefore, pursuant to sections 15, 21 and 43 of the Shipping Act, 1916 (46 U.S.C. 814, 820 and 841a), § 528.3 *Reporting requirements*, 46 CFR is hereby amended by the addition of the following sentence: "In the event that no complaints were received during the six-month period, or no actions were taken on complaints received in the previous six-month period, a negative report so stating must be filed."

Effective date. This amendment shall become effective 30 days after publication in the FEDERAL REGISTER.

By the Commission,

FRANCIS C. HURNEY,
Special Assistant to the Secretary.

[F.R. Doc. 65-5546; Filed, May 26, 1965; 8:48 a.m.]

[Docket No. 964; General Order 13]

PART 536—FILING OF TARIFFS BY COMMON CARRIERS BY WATER IN THE FOREIGN COMMERCE OF THE UNITED STATES AND BY CONFERENCES OF SUCH CARRIERS

CROSS REFERENCE: For addition of new Part 536 to Chapter IV of Title 46 of the Code of Federal Regulations, see Part II of this issue of the FEDERAL REGISTER.

Title 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

PART 2—FREQUENCY ALLOCATIONS AND RADIO TREATY MATTERS; GENERAL RULES AND REGULATIONS

Miscellaneous Amendments

The Commission having under consideration the desirability of making certain editorial changes in Part 2, Subpart G of its rules and regulations; and

It appearing, that the amendments adopted herein are editorial in nature, and, therefore, prior publication of Notice of Proposed Rule Making under the provisions of section 4 of the Administrative Procedure Act is unnecessary, and the amendments may become effective immediately; and

It further appearing, that the amendments adopted herein are issued pursuant to authority contained in sections 4(i), (5) (d) (1) and 303(r) of the Communications Act of 1934, as amended, and § 0.261(a) of the Commission's rules;

It is ordered, This 21st day of May 1965, that effective June 1, 1965, Part 2, Subpart G is amended as set forth below.

Released: May 21, 1965.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

1. Section 2.601 is amended to read as follows:

§ 2.601 General.

This subpart is corrected to June 1, 1965. The Commission does not distribute copies of these documents. Inquiry may be made to the U.S. Government Printing Office concerning availability for purchase.

2. In § 2.603, paragraphs (a) and (b) are amended to read as set forth below, the text of paragraph (c) is deleted and the word "[Reserved]" is inserted in lieu thereof.

§ 2.603 Treaties and other international agreements relating to radio.

(a) The applicable treaties and other international agreements in force relating to radio and to which the United States of America is a party are listed below:

Date	Subject	Citations
1926	US-UK (also for Canada and Newfoundland) Bilateral Arrangements providing for the Prevention of Interference by Ships off the Coasts of those Countries with Radio Broadcasting. Effected by exchange of notes September and October 1926. Entered into force Oct. 1, 1926.	IV Treaties 4246, 4250 and 4251. TS 784-A.
1928 and 1929	US-Canada Agreement governing Radio Communications between Private Experimental Stations. Effected by exchange of notes at Washington, Oct. 2 and Dec. 29, 1928, and Jan. 12, 1929. Entered into force Jan. 1, 1929. This arrangement is continued by the arrangement contained in EAS 62.	1929 For. Rel., vol. II, p. 114. TS 767-A.
1929	US-Canada (for Newfoundland) Arrangement relating to the Operation by Citizens of Either Country of Certain Radio Equipment or Stations in the Other Country. Signed at Ottawa Feb. 6, 1929. Entered into force May 15, 1933.	IV Treaties 4787. TS 777-A.
1934	Radio Agreement concerning the Control of Electromagnetic Radiations. Exchange of notes at Havana Dec. 19 and 28, 1931. Entered into force Dec. 28, 1931.	49 Stat. 3479. EAS 62.
1934	US-Cuba Arrangement regarding Radio Communications between Amateur Stations on Behalf of Third Parties. Effected by exchange of notes at Havana Sept. 17, 1931, and Feb. 27, 1932. Entered into force Feb. 27, 1932.	2 UST (2) 2892. TIAS 2630.
1934	US-Canada Agreement relating to the Assignment of Television Frequency Channels along the United States-Canadian Border. Effected by exchange of notes at Ottawa Apr. 29 and June 25, 1952. Entered into force June 29, 1952.	2 UST (3) 4443. TIAS 2994.
1934	US-Chile Arrangement regarding Radio Communications between Amateur Stations on Behalf of Third Parties. Effected by exchange of notes at Santiago Aug. 2 and 17, 1934. Entered into force Aug. 17, 1934.	3 UST (1) 1025. TIAS 2608.
1937	Inter-American Radio Communications Convention between the United States and Other Powers. Signed at Havana Dec. 13, 1937. (First Inter-American Radio Conference.) Entered into force for the United States July 21, 1938 for Parts I, III, and IV; Apr. 17, 1939 for Part II. Part II of the Convention (Inter-American Radio Office) terminated for all parties Dec. 30, 1958 (TIAS 4070).	2 UST (4) 2140. TIAS 2702.
1938	Regional Radio Convention between the United States on behalf of the Canal Zone) and Other Powers. Signed as Guatemala City Dec. 8, 1938. Entered into force Oct. 8, 1939.	5 UST (3) 2640. TIAS 3128.
1938	US-Canada Agreement regarding Radio Communications between Amateur Stations on Behalf of Third Parties. Effected by exchange of notes at Washington and Ottawa, May 1 and 2, 1938. Entered into force May 2, 1938.	7 UST 2179. TIAS 3617.
1939	US-Canada Arrangement governing the Use of Radio by Civil Aeronautical Services. Effected by exchange of notes at Washington Feb. 20, 1939. Entered into force Feb. 20, 1939.	7 UST 2830. TIAS 3668.
1940	US-Mexico Agreement relating to Radio Broadcasting. Effected by exchange of notes at Mexico City Aug. 24 and 26, 1940. Entered into force Mar. 26, 1941.	7 UST 3159. TIAS 3694.
1946	US-USSR Agreement on Organization of Commercial Radio Telegraph Communication Channels. Signed at Moscow May 24, 1946. Entered into force May 24, 1946.	12 UST 794. TIAS 4777.
1947	US-UK Agreement regarding Standardization of Distance Measuring Equipment. Signed at Washington Oct. 15, 1947. Entered into force Oct. 15, 1947.	9 UST 1087. TIAS 4070.
1947	US-UN Agreement relative to Headquarters of the United Nations. Signed at Lake Success June 26, 1947. Entered into force Nov. 21, 1947, by an exchange of notes between the United States Representative to the United Nations and the Secretary General of the UN.	61 Stat. (4) 3416. TIAS 1676.
1947	US-Canada Agreement providing for Frequency Modulation Broadcasting in Channels in the Radio Frequency Band 88-108 Mcs. Effected by exchange of notes at Washington Jan. 8 and Oct. 15, 1947. Entered into force Oct. 15, 1947.	61 Stat. (4) 3800. TIAS 1799.
1948	Intergovernmental Maritime Consultative Organization (IMCO) Convention. Signed at Geneva Mar. 6, 1948. Entered into force Mar. 17, 1958.	9 UST 621 TIAS 4044.
1949	London Telecommunications Agreement between the United States and Certain British Commonwealth Governments. Signed at London Aug. 12, 1949. Entered into force Feb. 24, 1950. This agreement was amended by TIAS 2705 which was signed Oct. 1, 1959.	3 UST (2) 2699. TIAS 2693.
1949 and 1960	Inter-American Radio Agreement between the United States and Canada and Other American Republics. Signed at Washington July 9, 1949. (Fourth Inter-American Radio Conference.) Entered into force Apr. 13, 1952, subject to the provisions of Article 13.	3 UST 3001
1950	US-Ecuador Arrangement regarding Radio Communications between Amateur Stations on Behalf of Third Parties. Effected by exchange of notes at Quito Mar. 16 and 17, 1950. Entered into force Mar. 17, 1950.	3 UST (2) 2672. TIAS 2483.
1950	US-Honduras Agreement regarding Radio Communications between Amateur Stations on Behalf of Third Parties. Effected by exchange of notes at Tegucigalpa Oct. 26, 1949, and Feb. 17, 1950, and related note of Feb. 16, 1950. Entered into force Mar. 17, 1950.	3 UST 3019. TIAS 2494.
1950	US-Venezuela Arrangement regarding Radio Communications between Amateur Stations on Behalf of Third Parties. Effected by exchange of notes at Caracas Nov. 12, 1949. Entered into force Dec. 12, 1950.	11 UST 257. TIAS 4442.
1959 and 1960	Telegraph Regulations (Geneva Revision, 1958) Annexed to the International Telecommunication Convention, 1956. Signed at Geneva Nov. 29, 1958. Entered into force Jan. 1, 1960.	10 UST 2495. TIAS 4893.
1960	US-Mexico Arrangement regarding Radio Communications between Amateur Stations on Behalf of Third Parties. Effected by exchange of notes at Mexico July 21, 1959. Entered into force Aug. 30, 1960.	10 UST 1449. TIAS 4285.
1960 and 1961	Radio Regulations (Geneva Revision, 1959) Annexed to the International Telecommunication Convention, 1956. Signed at Geneva Dec. 21, 1959. Entered into force Jan. 1, 1961. Additionally, a Contract on the Exchange of American and European Broadcasting Frequencies between the Fun at Washington Dec. 20, 1957. Entered into force Jan. 1, 1958.	9 UST 1091 TIAS 4066.
1961	US-Mexico Agreement regarding Allocation of Ultra High Frequency Channels to Land Border Television Stations. Effected by exchange of notes at Mexico July 10, 1962. Entered into force July 16, 1962.	10 UST 2423. TIAS 4360.
1961	US-Mexico Arrangement regarding Radio Broadcasting in the Standard Broadcast Band. Signed at Mexico Jan. 29, 1957. Entered into force Mar. 1, 1957.	9 UST 1087. TIAS 4070.
1962	Multilateral Declaration between the United States and Other Powers terminating Part II (Inter-American Radio Office) of the Inter-American Radio Communications Convention of Dec. 13, 1937 (TS-889). Signed at Washington Dec. 20, 1957. Entered into force Dec. 20, 1957. Additionally, a Contract on the Exchange of American and European Broadcasting Frequencies between the Fun at Washington Dec. 20, 1957. Entered into force Jan. 1, 1958.	9 UST 1091 TIAS 4066.
1962	US-Mexico Agreement regarding Allocation of Ultra High Frequency Channels to Land Border Television Stations. Effected by exchange of notes at Mexico July 10, 1962. Entered into force July 16, 1962.	10 UST 2423. TIAS 4360.
1963	Telegraph Regulations (Geneva Revision, 1958) Annexed to the International Telecommunication Convention, 1956. Signed at Geneva Nov. 29, 1958. Entered into force Jan. 1, 1960.	10 UST 1449. TIAS 4285.
1966	US-Mexico Arrangement regarding Radio Communications between Amateur Stations on Behalf of Third Parties. Effected by exchange of notes at Mexico July 21, 1959. Entered into force Aug. 30, 1960.	10 UST 1449. TIAS 4285.
1966	US-Honduras Agreement regarding Radio Communications between Amateur Stations on Behalf of Third Parties. Effected by exchange of notes at Tegucigalpa Oct. 26, 1949, and Feb. 17, 1950, and related note of Feb. 16, 1950. Entered into force Mar. 17, 1950.	3 UST 3019. TIAS 2494.
1966	US-Venezuela Arrangement regarding Radio Communications between Amateur Stations on Behalf of Third Parties. Effected by exchange of notes at Caracas Nov. 12, 1949. Entered into force Dec. 12, 1950.	11 UST 257. TIAS 4442.
1966	Telegraph Regulations (Geneva Revision, 1958) Annexed to the International Telecommunication Convention, 1956. Signed at Geneva Nov. 29, 1958. Entered into force Jan. 1, 1960.	10 UST 2495. TIAS 4893.
1966	US-Mexico Arrangement regarding Radio Communications between Amateur Stations on Behalf of Third Parties. Effected by exchange of notes at Mexico July 21, 1959. Entered into force Aug. 30, 1960.	10 UST 1449. TIAS 4285.
1966	US-Honduras Agreement regarding Radio Communications between Amateur Stations on Behalf of Third Parties. Effected by exchange of notes at Tegucigalpa Oct. 26, 1949, and Feb. 17, 1950, and related note of Feb. 16, 1950. Entered into force Mar. 17, 1950.	3 UST 3019. TIAS 2494.
1966	US-Venezuela Arrangement regarding Radio Communications between Amateur Stations on Behalf of Third Parties. Effected by exchange of notes at Caracas Nov. 12, 1949. Entered into force Dec. 12, 1950.	11 UST 257. TIAS 4442.

ing countries other than the United States did not become a party to subsequent treaties and agreements. These include the following:

Date	Citations	Subject
1912	38 Stat. 1672. TS 581.	International Radiotelegraph Convention. Signed at London July 5 1912. Entered into force July 1, 1913. Superseded by the International Radiotelegraph Convention and General Regulations, Washington, 1927 (TS 767).
1927	45 Stat. 2760. TS 767.	International Radiotelegraph Convention and General Regulations. Signed at Washington Nov. 25, 1927. Entered into force Jan. 1, 1929. Superseded by the International Telecommunication Convention and General Radio Regulations, Madrid, 1932 (TS 867).
1932	49 Stat. 2391. TS 867.	International Telecommunication Convention and General Radio Regulations. Signed at Madrid Dec. 9, 1932. Entered into force for the United States at the latest of the dates on which the Conventions were replaced by the General Radio Regulations, Cairo Revision, 1938 (TS 949). The Convention was superseded by the International Telecommunication Convention, Atlantic City, 1947 (TIAS 1901).
1937	54 Stat. 2614. EAS 200.	Inter-American Arrangement concerning Radiocommunications and Annex. Signed at Havana Dec. 13, 1937. (Final Act, Inter-American Radio Conference.) Entered into force for the United States July 13, 1938. This arrangement was replaced by the Inter-American Agreement concerning Radiocommunications, Santiago, 1940 (EAS 231).
1938	54 Stat. 1417. TS 948.	General Radio Regulations (Cairo Revision, 1938) Annexed to the International Telecommunication Convention, Madrid, 1932. Signed at Cairo Apr. 8, 1938. Entered into force July 1, 1939. Superseded by the Radio Regulations, Atlantic City, 1947 (TIAS 1901).
1940	55 Stat. 1462. EAS 231.	Inter-American Radiocommunications Agreement between the United States, Canada and Other American Republics. Signed at Santiago, Chile, Sept. 3, 1940. (Final Act, Inter-American Radio Conference.) Entered into force with respect to the United States Sept. 26, 1941. Replaced by the Inter-American Radio Agreement, Washington, 1946 (TIAS 1489).
1947	62 Stat. (2) 1399. TIAS 1902.	International Telecommunication Convention and Radio Regulations. Signed at Atlantic City Oct. 2, 1947. Entered into force January 1, 1949. The Convention was superseded by the International Telecommunication Convention, Buenos Aires, 1952 (TIAS 2489). The Radio Regulations were superseded by the International Radio Regulations, Geneva, 1959 (TIAS 4893).
1948	3 UST (3) 3450. TIAS 2608.	International Convention for the Safety of Life at Sea and Annexed Regulations. Signed at London June 10, 1948. Entered into force March 19, 1952. Superseded by the International Convention for the Safety of Life at Sea and Annexed Regulations, London, 1960 (TIAS 4780).
1949	2 UST (1) 17. TIAS 2171.	Telegraph Regulations (Paris Revision, 1949) Annexed to the International Telecommunication Convention. Signed at Paris Aug. 5, 1949. Entered into force with respect to the United States Sept. 26, 1950. Revised by the Telegraph Regulations, Geneva Revision, 1958 (TIAS 4390).
1952	6 UST 1213. TIAS 3057.	International Telecommunication Convention. Signed at Buenos Aires Dec. 22, 1952. Entered into force with respect to the United States June 27, 1956. Superseded by the International Telecommunication Convention, Geneva, 1959 (TIAS 4892).

(c) [Reserved]

(Sec. 4, 48 Stat. 1066, as amended; 47 U.S.C. 154. Interpret or apply sec. 303, 48 Stat. 1082, as amended; sec. 5, 66 Stat. 713; 47 U.S.C. 305, 155)

[F.R. Doc. 65-5550; Filed, May 26, 1965; 8:45 a.m.]

Date	Citations	Subject
1959	12 UST 1761. TIAS 4892.	International Telecommunication Convention. Signed at Geneva Dec. 21, 1959. Entered into force with respect to the United States Dec. 31, 1961.
1959	12 UST 2377. TIAS 4893.	International Radio Regulations Annexed to the International Telecommunication Convention. Signed at Geneva Dec. 21, 1959. Entered into force with respect to the United States Oct. 22, 1961. Revised by the Partial Revision of the Radio Regulations, Geneva, 1959, signed at Geneva Nov. 8, 1963 (TIAS 5603).
1960	11 UST 1. TIAS 4389.	US-Haiti Agreement regarding Radio Communications between Amateur Stations on Behalf of Third Parties. Effected by exchange of notes at Port-au-Prince Jan. 4 and 6, 1960. Entered into force Feb. 5, 1960.
1960	TIAS 4790.	International Convention for the Safety of Life at Sea and Annexed Regulations. Signed at London June 17, 1960. Entered into force July 26, 1965.
1960	11 UST 2229. TIAS 4598.	US-Peru Arrangement regarding Radio Communications between Amateur Stations on Behalf of Third Parties. Effected by exchange of notes at Asuncion Aug. 31 and Oct. 6, 1960. Entered into force Nov. 5, 1960.
1961	12 UST 1093. TIAS 4698.	US-Bolivia Agreement regarding Radio Communications between Amateur Stations on Behalf of Third Parties. Effected by exchange of notes at La Paz Oct. 25, 1961. Entered into force Nov. 22, 1961.
1962	13 UST 997. TIAS 5043.	US-Mexico Agreement relating to the Assignment of VHF Television Channels along United States-Mexican Border. Effected by exchange of notes at Mexico Apr. 18, 1962. Entered into force Apr. 18, 1962.
1962	13 UST 411. TIAS 5001.	US-El Salvador Arrangement regarding Radio Communications between Amateur Stations on Behalf of Third Parties. Effected by exchange of notes at San Salvador Apr. 4, 1962. Entered into force May 3, 1962.
1962	13 UST 2416. TIAS 5085.	US-Canada Agreement relating to the Coordination and Use of Radio Frequencies above 30 Mc/s. Effected by exchange of notes at Ottawa Oct. 24, 1962. Entered into force Oct. 24, 1962.
1963	14 UST 817. TIAS 5350.	US-Dominican Republic Agreement regarding Radio Communications between Amateur Stations on Behalf of Third Parties. Effected by exchange of notes at Santo Domingo Apr. 18 and 22, 1963. Entered into force May 22, 1963.
1963	15 UST 697. TIAS 5603.	Partial Revision of the Radio Regulations, Geneva, 1959. Signed at Geneva Nov. 8, 1963. Entered into force Jan. 1, 1965.
1963	14 UST 1754. TIAS 5462.	US-Colombia Agreement regarding Radio Communications between Amateur Stations on Behalf of Third Parties. Effected by exchange of notes at Bogota Nov. 16 and 29, 1963. Entered into force Dec. 29, 1963.
1964	TIAS 5640.	US-Costa Rica Agreement regarding Alien Amateur Radio Operators. Effected by exchange of notes at San Jose Aug. 17 and 24, 1964. Entered into force Aug. 24, 1964.
1964	TIAS 5646.	US-Other Governments Agreement establishing Interim Arrangements for a Global Commercial Communications Satellite System and Special Agreement. Done at Washington Aug. 20, 1964. Entered into force Aug. 20, 1964.
1965	TIAS 5700.	US-Dominican Republic Agreement regarding Alien Amateur Radio Operators. Effected by exchange of notes at Santo Domingo Jan. 29 and Feb. 2, 1965. Entered into force Feb. 2, 1965.
1965	TIAS 5777.	US-Bolivia Agreement regarding Alien Amateur Radio Operators. Effected by exchange of notes at La Paz Mar. 16, 1965. Entered into force Apr. 15, 1965.
1965	TIAS 5779.	US-Ecuador Agreement regarding Alien Amateur Radio Operators. Effected by exchange of notes at Quito Mar. 16, 1965. Entered into force Mar. 26, 1965.

(b) With respect to its relations with several countries, the United States is bound by certain superseded treaties and agreements because some of the contracting countries other than the United States did not become a party to subsequent treaties and agreements. These include the following:

[Docket No. 15696; FCC 65-418]

PART 2—FREQUENCY ALLOCATIONS AND RADIO TREATY MATTERS; GENERAL RULES AND REGULATIONS

Government Aeronautical Radionavigation Operations

1. Notice of proposed rule making in the above entitled matter was adopted by the Commission on November 12, 1964, and was published in the FEDERAL REGISTER on November 18, 1964 (FCC 64-1038, 29 F.R. 15445). Comments on the proposal contained therein were due on December 22, 1964 and reply comments were due on January 4, 1965. Comments were timely filed by Hastings-Raydist, Inc. and by Offshore-Raydist, Inc., and no requests for extension of filing times were received.

2. In the notice, it was proposed to remove the limitation on the band 1605–1715 kc/s imposed by the present footnote US79 insofar as it pertains to Government aeronautical radionavigation stations, while retaining the limitation insofar as it applies to non-Government aeronautical radionavigation operations. Footnote US79 presently reads:

US79 The aeronautical radionavigation service may be authorized the use of the frequencies 1638 kc/s and 1708 kc/s only.

3. In the existing national Table, the band 1605–1715 kc/s is allocated on a co-equal basis to the aeronautical radionavigation, fixed, land mobile, maritime mobile and radiolocation services. This basic allocation is then modified by footnote US79, which says that the aeronautical radionavigation service may use only 1638 and 1708 kc/s. In accordance with footnote NG18 the non-Government radiolocation service is then afforded only secondary status insofar as aeronautical radionavigation on 1638 and 1708 kc/s is concerned. By changing US79 to an NG footnote, while leaving NG18 unchanged, we would find the non-Government radiolocation service secondary to Government aeronautical radionavigation throughout the band, with no similar constraints applied to Government radiolocation operations.

4. Both Hastings and Offshore pointed out the recent increase in the number and diverse radiolocation operations which they are conducting, the large investment in equipment involved, and the necessary harmonic relationship of frequencies assigned for the operations. Consequently, it was argued, correcting a situation should interference arise could generate considerable hardship to the radiolocation operation. It was recommended by Hastings that the Commission review all applications for licensing in the band to minimize potential interference to the radiolocation service. A similar recommendation was made by Offshore except that it was also suggested that an agreement be made whereby Government aeronautical radionavigation use of the 1605–1715 kc/s band be minimized or confined to separate frequencies below 1620 kc/s.

5. Discussions with the Office of Director, Telecommunications Management (ODTM) concerning the proposal indicate that the primary requirement for the proposed action is not for widespread implementation, but for marker beacons operating in generally well-defined locations for limited time periods only and for special purposes with which civil aviation will not be concerned.

6. On the basis of the above considerations the matter has been re-negotiated with the ODTM to meet the original objectives but in a fashion designed to afford more equitable treatment to non-Government licensees in the band. To achieve that end, footnotes US79 and NG18 are deleted and a new footnote US97 is added. The net result, as shown in detail in the attachment, will afford protection to all aeronautical radionavigation operations on 1638 and 1708 kc/s from both Government and non-Government radiolocation operations; whereas the expanded Government aeronautical radionavigation service will be accommodated throughout the remainder of the band 1605–1715 kc/s on a co-equal basis with the other services to which the band is allocated.

7. In view of the foregoing, it is the Commission's opinion that the public interest will be served by adoption of the changes as set forth below. *Accordingly, it is ordered*, This 19th day of May 1965, that pursuant to authority contained in section 4(i) and 303 of the Communications Act as 1934, as amended, Part 2 of the Commission's rules is amended as set forth below effective July 1, 1965, and the proceeding in Docket No. 15696 is hereby terminated.

Released: May 21, 1965.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

In § 2.106, the Table of Frequency Allocations is amended as shown in columns 7 and 8 for the frequency band 1605–1715 kc/s; footnotes US79 and NG 18 are deleted; and footnote US97 is added in appropriate numerical sequence, as follows:

§ 2.106 Table of frequency allocations.

* * * * * * *

FEDERAL COMMUNICATIONS COMMISSION

Band (kc/s) (7)	Service (8)
* * *	* * *
1605–1715 (US97)	AERONAUTICAL RADIO-NAVIGATION. FIXED. LAND MOBILE. MARITIME MOBILE. RADIOLOCATION.
* * *	* * *

US97 The use of the band 1605–1715 kc/s by non-Government stations in the aeronautical radionavigation service is limited to the frequencies 1638 and 1708 kc/s. Stations in the radiolocation service shall not cause harmful interference to stations in the aeronautical radionavigation service operating on 1638 or 1708 kc/s.

(Sec. 4, 48 Stat. 1066, as amended; 47 U.S.C. 154. Interprets or applies sec. 303, 48 Stat. 1082, as amended; 47 U.S.C. 303)

[F.R. Doc. 65-5581; Filed, May 26, 1965; 8:47 a.m.]

[FCC 65-419; RM-754]

PART 2—FREQUENCY ALLOCATIONS AND RADIO TREATY MATTERS; GENERAL RULES AND REGULATIONS

PART 87—AVIATION SERVICES

Frequency for Use By Survival Craft Stations and By Equipment Used for Survival Purposes

ORDER

At a session of the Federal Communications Commission held at its offices in Washington, D.C., on the 19th day of May 1965;

The Commission, having before it for consideration the desirability of making certain changes to the Table of Frequency Allocations, § 2.106, and to the service rules and regulations affected thereby; and

It appearing, that the Office of the Director of Telecommunications Management and the Commission are in agreement on the desirability of common availability of frequencies for use by survival craft stations and equipment used for survival purposes; and

It further appearing, that Article 5, Footnote 309, and Article 26, paragraph 909 of the international Radio Regulations (Geneva 1959) presently provide for such operation on a worldwide basis; and

It further appearing, that paragraph 2.1.1(d) of Part II Annex 10 to the International Civil Aviation Organization Convention provides for the use by aviation of 243 Mc/s by survival radio equipment on a worldwide basis; and

It further appearing, that the frequency 243 Mc/s is in the band 225–328.6 Mc/s which is allocated to Government services only; that the only services which would be affected thereby are Government services; and that the Government agencies concerned have concurred in making the frequency available for this purpose; accordingly, public notice, as required by section 4 of the Administrative Procedures Act, is neither necessary nor appropriate; and

It further appearing, that the requirement that survival craft equipment authorized the use of 243 Mc/s must also be equipped to transmit on 121.5 Mc/s is based on the United States Position to the Seventh Session of the ICAO Communication Division, the recommendations of the Radio Technical Commission for Aeronautics and the Aircraft Owners and Pilots Association's petition for rule making (RM–754); and

It further appearing, that this order grants the petition for rule making (RM–754) filed by Aircraft Owners and Pilots Association during the time this matter was receiving consideration and interagency coordination and is dispositive of all issues raised therein; and

It further appearing, that the amendments adopted herein are issued pursuant to authority contained in sections 4(i) and 303 (c) and (r) of the Communications Act of 1934, as amended;

It is ordered, That the petition for rule making (RM–754) filed by Aircraft Owners and Pilots Association is granted

and that effective July 1, 1965, Parts 2 and 87 of the Commission's rules and regulations are amended as set forth below.

Released: May 21, 1965.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

1. In § 2.106, the Table of Frequency Allocations, columns 5 and 6 are amended with respect to the frequency band 225–328.6 Mc/s; footnote (309) is deleted; and a new footnote US98 is added in appropriate numerical sequence to read as follows:

§ 2.106 Table of frequency allocations.

* * * * * * *

UNITED STATES

Band (Mc/s) (5)	Allocation (6)
...	...
[illegible] (310) (US17) (US98)	G.

* * * * * * *

US98 The frequency 243 Mc/s is the frequency in this band for use by Government and non-Government survival craft stations and equipment used for survival purposes.

2. Section 87.65(a)(6) is amended to read as follows:

§ 87.65 Frequency stability.

(a) * * *

(6) Band 136 to 470 Mc/s:

Fixed stations:	
Power 50 w or less	[4] 0.005
Power above 50 w	[4] .002
Land stations	[5] .005
Mobile stations:	
Survival craft stations	.01
Land Mobile stations with power above 50 w	[5] .002
Aircraft and all other mobile stations	[5] .005
Radionavigation stations	[4] .005

* * * * * * *

3. In § 87.183, paragraph (l) is deleted and new paragraphs (l) and (aa) are added to read as follows:

§ 87.183 Frequencies available.

* * * * * * *

(l) 243 Mc/s: This is an emergency and distress frequency available for use by survival craft stations and equipment used for survival purposes which are also equipped to transmit on the frequency 121.5 Mc/s. Use of 243 Mc/s shall be limited to transmission of signals and communications for survival purposes. Types A_2 and A_3 emission may be employed.

* * * * * * *

(aa) In addition to the frequencies specifically designated in this part, a licensee, when operating an aircraft station outside the United States as defined in the Communications Act of 1934, as amended, may use such frequencies as may be required to maintain communications by the authority having jurisdiction over the ground stations with which it is desired to maintain communication.

(Sec. 4, 48 Stat. 1066, as amended; 47 U.S.C. 154. Interprets or applies sec. 303, 48 Stat. 1082, as amended; 47 U.S.C. 303)

[F.R. Doc. 65-5532; Filed, May 26, 1965; 8:47 a.m.]

[Docket No. 15772, RM-656; FCC 65-451]

PART 73—RADIO BROADCAST SERVICES

Table of Assignments, Television Broadcast Stations, Casper, Wyoming

1. The Commission has before it for consideration the Notice of Proposed Rule Making in this proceeding,[1] which asked for comment on a proposal to reserve Channel 6+, already assigned to Casper, Wyo., as a noncommercial educational channel. No comments were received, although letters from the Governor of Wyoming and the National Association of Educational Broadcasters have been received endorsing the proposal.

2. The petition was submitted by the Natrona County High School District and Natrona School District Number Two of Casper. These public elementary and secondary schools in Casper (located in Natrona County) have been using television for classroom instructional purposes for the past five years, using the facilities of Station KTWO–TV, Channel 2+ at Casper, and also the local CATV system to bring in Denver's ETV Station KRMA–TV. The ETV programs broadcast over KTWO–TV are also used by other school systems within the station's service area, and these schools have formed the "Greater Wyoming Instructional Council" to help defray the expense of the educational programming on KTWO–TV. An educational station at Casper is felt to be a normal outgrowth of existing activities, which would permit ETV programming to fit the needs of Wyoming schools without the limitations of the present arrangement, i.e., the need for relying on material produced for the Denver school system and the difficulty of clearing time on the local commercial station. Such a station, it is stated, would provide assistance to all schools throughout the station's service area and in particular make available specialized instruction and educational techniques otherwise unavailable to the individual schools.

3. The public interest would be served by the reservation of Channel 6+ at Casper as a noncommercial channel, inasmuch as substantial benefits would flow from the operation. Petitioners state that they have already commenced work on the overall plan for such an ETV operation and the apparent intention is to finance the operation through the Television Council, State and local agencies and the Federal matching-fund program. Financing would be facilitated by our presently making the reservation. If demand for an additional commercial TV station at Casper arises, it can be met by use of a UHF channel assigned there, or, if it appears appropriate, an additional VHF assignment possibly could be made.

4. In view of the foregoing; *It is ordered*, That effective July 1, 1965, the Television Table of Assignments (§ 73.606(b) of the Commission's rules and regulations) is amended, to read as follows:

§ 73.606 Table of frequency assignments.

* * * * * * *

(b) * * *

City	*Channel No.*
Casper, Wyo	2+, [6]6+

* * * * * * *

(Sec. 4, 48 Stat. 1066, as amended; 47 U.S.C. 154. Interprets or applies sec. 303, 48 Stat. 1082, as amended; 47 U.S.C. 303)

Adopted: May 19, 1965.

Released: May 21, 1965.

FEDERAL COMMUNICATIONS COMMISSION,[2]
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 65-5533; Filed, May 26, 1965; 8:47 a.m.]

[1] Adopted Dec. 23, 1964, released Dec. 28, 1964 (FCC 64-1204; 29 F.R. 19262).

[2] Commissioner Bartley by dissenting and Commissioner Wadsworth absent.

Title 50—WILDLIFE AND FISHERIES

Chapter I—Bureau of Sport Fisheries and Wildlife, Fish and Wildlife Service, Department of the Interior

PART 28—PUBLIC ACCESS, USE, AND RECREATION

Salt Plains National Wildlife Refuge, Oklahoma

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER.

§ 28.28 Special regulations; public access, use, and recreation; for individual wildlife refuge areas.

OKLAHOMA

SALT PLAINS NATIONAL WILDLIFE REFUGE

Portions of the Salt Plains National Wildlife Refuge, Jet, Okla., are open to public access, use, and recreation, subject to the provisions of Title 50, Code of Federal Regulations, and the public use area is designated on maps available at the refuge office and from the Regional Director, Bureau of Sport Fisheries and Wildlife, Post Office Box 1306, Albuquerque, N. Mex., 87103, and subject to the following special conditions:

(1) The public is permitted to enter upon the Great Salt Plains from the west along designated routes of travel to collect gypsum (selenite) crystals. Vehicles will be allowed only along such travel lanes and parking areas as are posted for such activity.

(2) Each individual may collect for his personal use up to a maximum of 10 pounds plus one crystal or crystal cluster per day.

(3) Digging for crystals will be confined to areas posted for such activity.

(4) The period of use shall be on Saturdays, Sundays and holidays from May 30 through October 10, 1965, inclusive. Gates will be opened to the collecting area at 7 a.m. and closed at 5:30 p.m.

The provisions of this special regulation supplement the regulations which govern public access, use, and recreation on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 28, and are effective through October 10, 1965.

WILLIAM T. KRUMMES,
Acting Regional Director,
Albuquerque, N. Mex.

MAY 21, 1965.

[F.R. Doc. 65-5539; Filed, May 26, 1965; 8:47 a.m.]

Proposed Rule Making

DEPARTMENT OF THE TREASURY

Bureau of Customs

[19 CFR Ch. I]

[327.1]

FLUORSPAR IMPORTED IN RAILROAD CARS

Change in Method of Sampling for Analysis

A notice of a proposal to change the method of sampling certain fluorspar for customs analysis purposes was published in the FEDERAL REGISTER on March 6, 1965 (30 F.R. 2952). It has come to the attention of the Bureau that the phrase "Change in Method of Analyzing" used in the heading of the notice may possibly be misconstrued to mean that it is proposed to change the method presently in use for chemically analyzing the fluorspar. The proposal is not intended to change the method of chemical analysis of the samples but to provide for combining assay samples taken from each railroad car of a multiple car shipment for the purpose of obtaining a composite sample which will be representative of the contents of all the cars. In addition, the phrase "on the basis of the dry weights of the fluorspar in the cars," has been eliminated as unnecessarily restrictive, since samples may be accurately composited on either the wet or dry basis without affecting the final assay result, which is always given on the dry basis. This notice is given to clarify in these two respects the proposal published on March 6, 1965.

When a consignment of fluorspar, consisting of multiple cars in a railroad train, is shipped from one supplier to one consignee, the method of sampling employed by the Bureau of Customs has been to take a test sample from each car and to classify the contents of each car for customs purposes on the basis of the laboratory test of the sample taken from each car.

It has been determined that, under the circumstances described, assays of samples of each individual railroad car are not required for tariff classification or other customs purposes. Therefore, notice is hereby given that under the authority of general headnote 12 of the Tariff Schedules of the United States (19 U.S.C. 1202), it is proposed to continue to take samples from each car of a multiple car shipment of fluorspar from one consignor to one consignee, and to composite such samples to arrive at a final sample the chemical composition of which, as determined by laboratory tests, will be used to classify the contents of the cars in the multiple car shipment under the provisions of the Tariff Schedules of the United States.

This notice is published pursuant to section 4 of the Administrative Procedure Act (5 U.S.C. 1003). Prior to final action on the proposal, consideration will be given to any data, views, or arguments pertaining thereto which are submitted in writing to the Commissioner of Customs, Washington, D.C., and received within a period of 30 days from the date of the publication of this notice in the FEDERAL REGISTER.

[SEAL] LESTER D. JOHNSON,
Acting Commissioner of Customs.

Approved: May 20, 1965.

JAMES A. REED,
Assistant Secretary of the Treasury.

[F.R. Doc. 65-5553; Filed, May 26, 1965; 8:49 a.m.]

DEPARTMENT OF THE INTERIOR

National Park Service

[36 CFR Part 7]

SPECIAL REGULATIONS RELATING TO PARKS AND MONUMENTS

Everglades National Park, Florida

Notice is hereby given that pursuant to the authority contained in section 3 of the act of August 25, 1916 (39 Stat. 535; 16 U.S.C. 3), 245 DM-I (28 F.R. 915), National Park Service Order No. 14 (19 F.R. 8824), Regional Director, Southeast Region Order No. 3 (21 F.R. 1493) as amended, it is proposed to amend § 7.45 of Title 36, Code of Federal Regulations, as is set forth below. The purpose of this amendment is to re-word and re-group the existing regulations for clarity; and to add new paragraphs which will facilitate management of the area, conserve the natural resources, and preserve the wilderness values.

It is the policy of the Department of the Interior, whenever practicable, to afford the public an opportunity to participate in the rule making process. Accordingly, interested persons may submit written comments, suggestions, or objections with respect to the proposed amendments to the Superintendent, Everglades National Park, Post Office Box 279, Homestead, Fla., within 30 days of the date of publication of this notice in the FEDERAL REGISTER.

Section 7.45 is deleted in its entirety and a new § 7.45 is added to read as follows:

§ 7.45 Everglades National Park.

(a) *Mining*—(1) *Scope.* The regulations in this section are made, prescribed, and published to govern the exploration, development, extraction and removal of oil, gas, or other minerals on lands acquired for Everglades National Park subject to the reservation of the oil, gas or mineral rights therein as authorized pursuant to the acts of October 10, 1949 (63 Stat. 733) and of July 2, 1958 (72 Stat. 280), which are hereinafter referred to as "the acts of 1949 and 1958."

(2) *Coordination of activities.* The paramount purpose of the Government in creating national parks and acquiring lands therefor is to conserve the scenery and the natural and historic objects and the wildlife therein and to provide for the enjoyment of the same in such manner and by such means as will leave them unimpaired for the enjoyment of future generations. The acts of 1949 and 1958 provide in part that the mineral rights reserved pursuant to those acts in lands acquired for Everglades National Park shall be exercised by the owners subject to reasonable rules and regulations which the Secretary of the Interior may prescribe for the protection of the Park; and further provide that all operations in the exercise of such rights shall be carried on under such regulations as the Secretary may prescribe to protect the lands and areas for Park purposes. Accordingly, all parties in interest under mineral reservations are required to conform to, and be governed by, the regulations in this section pertaining to mineral operations and to all other regulations applicable to Everglades National Park: *Provided*, That such regulations shall not prevent the parties in interest from exercising their right to explore for, develop, extract, and remove the oil, gas and other minerals from the Park area in accordance with sound conservation practices.

(3) *Operator.* As used in this section, an operator shall mean anyone having the right (whether as owner of a reserved mineral interest, lessee, holder of operating rights, or otherwise) to prospect or explore for, develop, produce, or remove oil, gas, or other minerals under a mineral reservation pursuant to the acts of 1949 and 1958.

(4) *Registration.* Before entering the Park for the purpose of conducting any operations under a reserved mineral interest, the operator shall register with the Superintendent. Such registration shall show the operator's name and address, the name and address of operator's local agent in charge of operations, the approximate location where operations are to be conducted, a brief description of the proposed operations and the type of equipment to be used, and reference or citation to the lease, operating agreement or other instrument upon which the operator's right to conduct operations is based.

(5) *Surface use restrictions.* The surface use of land within the Park shall be restricted to purposes of mineral exploration, development and production. The operator shall take such reasonable steps as may be needed to prevent operations from unnecessarily causing or contributing to damage to any vegetation or tree growth or pollution of the waters of the park; and, to the extent not inconsistent with the terms of the reserved mineral interest, shall conduct operations in such manner as to safeguard and protect the wildlife, scenic features, and recreational values and improvements. The operator shall secure approval of the Superintendent as to the location and purpose of any surface structures or buildings to be erected. The operator shall take such reasonable steps as may be needed to prevent and suppress forest, brush, or grass fires. Upon termination of operations, or at any time prior thereto as required by the Superintendent as to unneeded facilities, the operator shall fill any sump holes, ditches, and other excavations, remove structures and debris or cover same so as to restore the surface of the land to its former condition in a manner satisfactory to the Superintendent. The right to explore for or extract gas, oil, or other minerals from lands upon which there are mineral reservations shall be exercised in such manner that surface operations therefor will at no time come within 500 feet of any structure, road, or facility used for Park purposes.

(6) *Access ways.* Access ways by water, or for roads, vehicle trails, or pipelines, shall be over routes approved by the Superintendent and subject to such reasonable restrictions as may be imposed by the Superintendent for protection of the Park. Each application for an access way shall be accompanied by a map showing the location of the property to be served and the location of the proposed water route, road, vehicle trail, or pipeline.

(7) *Lessee under a mining lease.* A lessee under a mining lease which was granted by the State of Florida prior to the enactment of the acts of 1949 and 1958, and which is still in force, being an operator having the right to prospect or explore for, develop, produce, or remove oil, gas, or other minerals, shall comply with the requirements of the regulations in this paragraph.

(b) *Use of Park roads.* The use of federally owned roads within Everglades National Park by trucks and other conveyances for hauling out of the Park for commercial purposes, fish, bait, aquatic life, or other edible products from the Park waters is prohibited.

(c) *Prohibited conveyances.* (1) Vehicles designed to operate cross-country, commonly referred to as "glades buggies", are prohibited.

(2) Amphibious wheeled vehicles shall be operated only on roadways and water areas open to public travel and use. Operation of this type vehicle on any beach or other land area is prohibited.

(3) Vessels or other conveyances with underwater propellers or jets shall not be operated in the grass area of the 'glades.

(4) Vessels equipped with a propeller above the water line, commonly referred to as an "airboat" are prohibited.

(d) *Applicability of other laws.* Except as otherwise provided in this section and by Part 1 of this chapter, all fishing, boating, and other related activities in Everglades National Park shall be done in accordance with the laws of the State of Florida, and other applicable federal laws.

(e) *Special protection of aquatic life.* (1) The killing, wounding, capturing, molesting, removing, or disturbing in any manner of any aquatic vegetation or wildlife, including but not limited to sponges, sea fans, sea whips, other gorgonias, coral, sea turtle, terrapin, porpoise, manatee, whale, alligator, crocodile, and eggs or nests thereof, is prohibited: Except, That this will not apply to fish wherever fishing is permitted in accordance with applicable provisions of this chapter. The unauthorized possession within the Park of any vegetation or of the dead body of any wildlife, or any part thereof, or of the eggs of any wildlife, shall be prima facie evidence that persons having the same are guilty of violating the provisions of this regulation.

(f) *Closed areas.* When necessary to protect nesting or roosting birds, or nesting crocodiles or sea turtles, the Superintendent may close any area upon the posting of appropriate signs.

(g) *Fishing.* The regulations apply to all waters within the boundaries of Everglades National Park as described in the act of July 2, 1958 (72 Stat. 280).

(1) All persons taking fish from any of the waters of the Park by any method and not using such fish because of size, edible quality, or other reasons, shall immediately release and return such fish alive to the waters from which taken. No such fish may be left on any bank, shore, beach, dock, fish cleaning table, or at any other place out of water.

(2) The placing or depositing of fish eggs, fish roe, food, or other substance in any inland lake, bay, canal, river or other inland body of water, for the purpose of attracting, collecting, or feeding fish is prohibited.

(3) Persons engaged in commercial fishing in the waters of the Park open for this purpose must possess a commercial fishing license as provided by Florida laws.

(4) The Superintendent may require all persons fishing commercially within the Park, on waters open for this purpose, to obtain an annual commercial fishing permit.

(5) Seahorses, starfish, tropical fish, and non-game fresh water fish shall not be taken for commercial purposes.

(6) The taking of oysters or clams from the waters of the Park for sale or commercial use is prohibited, provided, that visitors may gather only by hand or rake, a reasonable amount of oysters or clams for personal use only.

(7) The taking of crawfish by any method for commercial purposes is prohibited. Crawfish may be taken by hand or bully net during the open season prescribed by the State of Florida.

(8) Bully nets may have a spread of not more than 3 feet and a pocket of not more than 3 feet measured from rim to tip.

(9) Cast nets shall be of the type thrown by hand by one person and are not to exceed 18 feet in diameter of spread.

(10) Traps for the purpose of taking crabs shall be used only by holders of non-transferable annual permits issued by the Superintendent and otherwise regulated in accordance with the following:

(i) Crab traps permits for over 5 traps and for a maximum of 200 traps will be issued only to applicants who possessed crab trap permits in the Park prior to January 1, 1964. Permittees shall service their own traps.

(ii) Crab traps shall be made of wood lath with one rectangular opening not to exceed 16 square inches in area and the longer dimension shall not exceed 5 inches. Crab traps shall be buoyed; the buoys shall be of an approved type and color and shall have the permit number painted on in at least two-inch numerals. Only male blue and stone crabs may be taken. The claws of stone crabs must be 4 inches in overall length and remain attached to the body of the crab while in the Park. The equipment or material used in crab trapping shall be permitted in the Park only during the Florida stone crab open season.

(iii) Bait traps shall not be more than two feet by two feet by one foot, built of ¼" to ½" wire mesh containing not more than two openings, two and one-half inches by one inch or smaller. Bait traps must be buoyed and shall be identified by painting the boat registration number on the buoy. Not more than three bait traps per boat shall be permitted. Bait traps shall be used for the taking of minnows only. A minnow shall be defined for the purposes of this paragraph as being a small non-game fish under six inches in length of a species commonly used as bait, but does not include silver mullet or other fish protected by other federal or Florida laws. Bait fish shall not be taken commercially.

(iv) Bait and crab traps shall be used only in the following described waters of the Park:

Blackwater Sound, Buttonwood Sound, and that portion of Florida Bay south of a line drawn from the southern tip of Boggy Key to the northern tip of Waleback Key, to the southeastern tips of South Nest Key, North Butternut Key, and Bottle Key, and thence southwesterly following the southside of a series of banks to the southern tip of Low Key, Stake Key, and Manatee Key, thence westerly to a small unnamed key north of Jimmies Channel, thence south following shoal waters to Captains Key, thence westerly following shoal waters touching a series of unnamed keys to Panhandle Key, thence southerly past Gopher Keys, thence following Twin Key Banks to Twin Keys, thence southerly to North Peterson Key, thence westerly along shoal waters to the south tip of Buchanan Keys and continuing westerly to the southernmost Lower Arsniker Key, thence northwesterly following the west bank of Nine Mile Bank to Blue Bank and continuing northwesterly to Sandy Key, thence to the Intracoastal Waterway Marker No. 2 south of East Cape Sable and in addition the area south and west of a line connecting points from said marker to points one mile offshore from East Cape, Middle Cape, Northwest Cape, Shark Light, Sharx Point, Highland Point, Porpoise Point, Seminole Point, Mormon Key, Pavilion Key, Rabbit Key, Indian Key Light, to the Park boundary corner at approximately 25°50' N. latitude, 80°30' W. longitude.

Traps shall not be placed closer than 200 feet to any key or marked waterway.

(11) Bait nets shall not be more than 100 feet in length, nor more than four feet in depth and shall be used for the taking of minnows for noncommercial bait purposes only.

(12) Gill nets shall not exceed 400 yards in length and shall have a stretch mesh of not less than two and one-half inches measured from knot to knot after being shrunk. Twine used in gill nets shall be only 9/20 cotton, 16/3 linen, or number 139 nylon. Only one lead line and one cork line shall be permitted and neither lead nor cork line shall be more than ¼ inch in diameter. No purses, pockets, trammels, or special devices for entrapping or catching fish shall be used on gill nets, except for commercial pompano fishing as provided in subparagraph 13. Gill nets shall not be tarred or contain hoops. Gill nets may be tied together and used in groups of not more than three provided that the nearest net or groups of nets shall be at least 1,000 yards from any other gill net. Gill nets shall not be dragged and shall be taken in by hand only.

(13) Trammel nets may be used for taking pompano only. Trammel nets shall be made of number 9 twine having a stretch mesh of not less than 14 inches, on gill nets of not less than 4⅜-inch stretch mesh, made with 139 nylon, 9/20 cotton, or 16/3 linen twine only, and shall not exceed 1,200 yards in length. Only one cork line and one lead line may be used, each line being ¼ inch in diameter. Trammel nets shall not be dragged and shall be taken in by hand only. When used at night such nets shall be marked by lighted buoys. Trammel nets shall not be used within the Florida Bay area of the Park.

(14) Dip nets having a spread of not more than three feet and a pocket of not more than three feet measured from rim to tip may be used for taking shrimp for personal use only.

(15) Stopnetting is prohibited in the waters of the Park. Stopnetting is hereby defined as the placing, setting, or using of nets in any manner that closes the mouths of rivers, lakes, streams, bays, passes or bayous, or used on any bank, flat, or water bottom in a manner that causes fish to become suffocated because of the lowering tides and prevents their passage to deep water. Possession of fish with mud in their gills shall be prima-facie evidence of stopnetting.

(16) Possession of gill nets, trammel nets, crab traps or other commercial fishing equipment while in closed waters as provided by this section shall be prima-facie evidence of engaging in prohibited commercial fishing activities in said areas.

(17) No other net, seine, trap, spear, explosive or other device for entrapping, catching, killing, or taking fish, bait or other similar edible products of the water may be used or may be in possession of any person within the Park except hook and line or a pole and line, held in the hand.

(18) No person shall leave unattended for more than five (5) days any fish net, bait trap, crab trap, or other device used in catching products of the sea.

(19) The following areas in the vicinity of Royal Palm Visitor Center are closed to all fishing: Township 58 South, Range 37 East, Sections 10 through 15, inclusive.

(20) The following area bordering the Shark Valley Loop Road from Tamiami Trail south is closed to all fishing: Sections 19, 30, 31, Township 54 South, Range 36 East. Sections 6, 7, 18, 19, and 30; Township 55 South, Range 36 East.

(21) The following described areas are closed to fishing with nets, seines, or any other method of taking fish or other products of the sea for sale, and for the use of nets or seines for non-commercial purposes:

(i) All inland bays, bights, canals, lakes, rivers, or other bodies of water lying inland from the shores of Florida Bay and in addition the area north of a line drawn from Christian Point to Shark Point to Mosquito Point, including Otter Key, thence to Crocodile Point to Terrapin Point to Madeira Point and then following the mainland shoreline so as to include Little Madeira Bay, Mud Bay, Joe Bay and Snag Bay, to Rocky Creek, thence along the south shore of Long Sound, to Manatee Creek, so as to include Long Sound.

(ii) All inland bays, lakes, canals, rivers and other bodies of water lying inland from the nearest recognizable mainland shoreline from Flamingo to East Cape Sable and north to the mouth of the Turner River and then north along that part of Chokoloskee Bay which is within the Park. For the purpose of this paragraph, the mainland shoreline shall be considered to be that area where the west coast rivers flow into the Gulf of Mexico.

(22) West Lake Pond, Coot Bay Pond, and other small ponds bordering the Park Road within one mile of Coot Bay Pond shall be closed to fishing during those periods as determined by the Superintendent that such action is necessary to protect feeding and roosting birds. Notice of closing shall be given by the posting of appropriate signs at these areas.

(23) Only the passes known as Indian Key Pass, Rabbit Key Pass, and Chokoloskee Pass in the vicinity of Everglades and Chokoloskee Island may be used to bring in or take out nets, products of the sea, and gear which is legal in State waters, but illegal in Park waters.

(h) *Boating.* (1) Cuthbert Lake shall be closed to motorboats; *Provided, however,* That when bird rookery conditions make it administratively desirable to do so, sightseeing boats operated by the authorized Park concessioner may be permitted on Cuthbert Lake.

(2) West Lake Pond, West Lake, Long Lake, The Lungs, and all connecting creeks inland from the shoreline of Garfield Bight shall be closed to all vessels during those periods, as determined by the Superintendent, that these areas are being used by feeding birds. At all other times, these areas shall be open only to hand-propelled vessels or Class A motorboats powered by motors not to exceed 5½ horsepower that can be launched by hand. Notice of closing will be given by the posting of appropriate signs at these areas.

(3) Except to effect a rescue or unless otherwise specifically authorized, no person shall land on the keys or beaches of Florida Bay except those marked by signs denoting the area open.

(4) Motorboats are prohibited in the following inland fresh water areas: Long Pine Key Lake, Pine Glade Lake, Sisal Pond, Big Fiscus Pond, Sweetbay Pond, Paurotis Pond, Nine Mile Pond, Royal Palm Pond, Pine Island Pond, and Parachute Key Ponds.

(5) Areas closed to motorboats of more than 5½ horsepower are as follows: Bear Lake, Fox Lakes, Gator Lake, Mud Lake, Homestead Canal, the flooded Cape Sable Flats, The Lungs, Alligator Creek and Little Sable Creek.

(6) Waterborne vessels primarily designed for living quarters or used for that purpose, commonly referred to as a "houseboat," shall not be placed in or operated in the waters of the Park for more than 14 days without first obtaining a permit issued by the Superintendent, Said permit will prescribe anchorage location, length of stay, sanitary requirements, and such other conditions as considered necessary.

(7) Boat races, regattas, pageants, and other spectacular types of water recreation are prohibited within the Park.

(8) No person shall tamper with or enter, start, move or cause to be moved, a moored or docked boat not lawfully under his control. This restriction shall not apply to employees of the National Park Service or other employees of the Federal Government or duly authorized officials in connection with their official duties.

(9) Except where different speed limits are indicated by posted signs or markers, speed of boats shall not exceed 40 miles per hour in the waters of the Park.

(10) The following area bordering the Shark Valley Loop Road from Tamiami Trail south is closed to all boating: Sections 19, 30, and 31, Township 54 South, Range 36 East; Sections 6, 7, 18, 19, and 30, Township 55 South, Range 36 East.

STANLEY C. JOSEPH,
Superintendent,
Everglades National Park.

[F.R. Doc. 65-5519; Filed, May 26, 1965; 8:46 a.m.]

FEDERAL AVIATION AGENCY

[14 CFR Part 71]

[Airspace Docket No. 65-WE-9]

CONTROL ZONE, TRANSITION AREAS, AND CONTROL AREA EXTENSION

Proposed Designation and Revocation

The Federal Aviation Agency is considering amendments to Part 71 of the Federal Aviation Regulations which would alter the controlled airspace in the Montague, Calif., terminal area.

The Federal Aviation Agency has completed a comprehensive review of the terminal airspace structure requirements in the Montague, Calif., terminal area, including studies attendant to the implementation of the provisions of CAR amendments 60-21/60-29, and is considering the following airspace actions:

1. Designate the Montague control zone as that airspace within a 5-mile radius of Siskiyou County Airport, Montague, Calif. (latitude 41°46'55" N., longitude 122°28'00" W.), and within 2 miles each side of the Siskiyou TACAN 194° radial, extending from the 5-mile radius zone to 7-miles SW of the TACAN, excluding the airspace within a 1-mile radius of Montague-Yreka Airport (latitude 41°43'50" N., longitude 122°32'45" W.).

2. Revoke the presently designated Montague control area extension.

3. Designate the Montague transition area as that airspace extending upward from 700 feet above the surface within a 7-mile radius of Siskiyou County Airport, Montague, Calif. (latitude 41°46'-55" N., longitude 122°28'00" W.); that airspace extending upward from 1,200 feet above the surface bounded on the S by latitude 41°25'00" N., on the W by V-23, on the NW by a line extending from latitude 41°55'00" N., longitude 122°45'00" W., to latitude 42°04'00" N., longitude 122°38'00" W., on the N by latitude 42°04'00" N., on the E by the arc of a 40-mile radius circle centered on the Klamath Falls, Oreg., VORTAC, and on the SE by a line extending from latitude 41°41'30" N., longitude 122°10'00" W., to latitude 41°25'00" N., longitude 122°20'00" W.

4. Designate the Fort Jones, Calif., transition area as that airspace extending upward from 9,500 feet MSL bounded on the NE by V-23 and V-23W, on the S by latitude 41°19'00" N., and on the W by longitude 122°31'00" W.

The controlled airspace proposed for designation herein will provide protection for aircraft executing prescribed instrument approach, departure, radar vectoring, and holding procedures within the Siskiyou County terminal area. Control tower service will be furnished by the U.S. Air Force. Weather reporting service will be furnished by the FAA's Flight Service Station at Montague, Calif.

The designation of a transition area with a floor of 9,500 feet m.s.l. at Fort Jones would provide protection for aircraft executing holding procedures prescribed for the Fort Jones VOR.

At a future date, after adjacent terminal areas have been examined, it is planned that the floors of the airways adjacent to Siskiyou County Airport will be raised to 1,200 feet or more above the surface.

Interested persons may submit such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Director, Western Region, Attention: Chief, Air Traffic Division, Federal Aviation Agency, 5651 West Manchester Avenue, Post Office Box 90007, Airport Station, Los Angeles, Calif., 90009. All communications received within 45 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Division Chief. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

A public Docket will be available for examination by interested persons in the office of the Regional Counsel, Federal Aviation Agency, 5651 West Manchester Avenue, Los Angeles, Calif., 90045.

This amendment is proposed under the authority of section 307(a) of the Federal Aviation Act of 1958, as amended (72 Stat. 749; 49 U.S.C. 1348).

Issued in Los Angeles, Calif., on May 20, 1965.

WM. SLADE HARDER,
Acting Director, Western Region.

[F.R. Doc. 65-5509; Filed, May 26, 1965; 8:46 a.m.]

[14 CFR Part 71]

[Airspace Docket No. 65-WE-33]

CONTROL ZONE AND TRANSITION AREA

Proposed Designation

The Federal Aviation Agency is considering amendments to Part 71 of the Federal Aviation Regulations which would designate a part-time control zone and a transition area at Libby AAF, Fort Huachuca, Ariz.

The Federal Aviation Agency has completed a comprehensive review of the terminal airspace structure requirements in the Fort Huachuca area, including studies attendant to the implementation of the provisions of CAR Amendments 60-21/60-29, and proposes the following airspace actions:

1. Designate the Fort Huachuca control zone as that airspace within a 5-mile radius of Libby AAF, Fort Huachuca, Ariz. (latitude 31°35'00" N., longitude 110°20'30" W.), and within 2 miles each side of the 114° bearing from the Libby AAF RBN, extending from the 5-mile radius zone to 14 miles SE of the RBN. This control zone shall be effective from 0600 to 2000 hours, local time, Monday through Friday, and from 0600 to 1800 hours, local time, Saturday and Sunday, excluding Federal legal holidays.

2. Designate the Fort Huachuca transition area as that airspace extending upward from 700 feet above the surface within a 6-mile radius of Libby AAF, Fort Huachuca, Ariz. (latitude 31°35'00" N., longitude 110°20'30" W.), and within 2 miles each side of the 114° bearing from the Libby AAF RBN, extending from the 6-mile radius area to 14 miles SE of the RBN; that airspace extending upward from 1,200 feet above the surface bounded on the E by longitude 110°00'00" W., on the S by latitude 31°25'00" N., on the W by longitude 110°30'00" W., on the N by the Tucson, Ariz., transition area, and on the NE by V-88.

The controlled airspace proposed for designation herein will provide protection for aircraft executing prescribed instrument approach, departure, radar vectoring, and holding procedures within the Libby AAF terminal area. Approval from appropriate authority would be required before using those portions of controlled airspace proposed for designation within R-2303A and R-2303B.

The control zone will be in effect from 0600 to 2000 hours, local time, Monday through Friday, and from 0600 to 1800 hours, local time, Saturday and Sunday, excluding Federal legal holidays, the hours during which the Libby AAF control tower is in operation.

Interested persons may submit such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Director, Western Region, Attention: Chief, Air Traffic Division, Federal Aviation Agency, 5651 West Manchester Avenue, Post Office Box 90007, Airport Station, Los Angeles, Calif., 90009. All communications received within 45 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Division Chief. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

A public Docket will be available for examination by interested persons in the office of the Regional Counsel, Federal Aviation Agency, 5651 West Manchester Avenue, Los Angeles, Calif., 90045.

This amendment is proposed under the authority of Section 307(a) of the Federal Aviation Act of 1958, as amended (72 Stat. 749; 49 U.S.C. 1348).

Issued in Los Angeles, Calif., on May 19, 1965.

LEE E. WARREN,
Acting Director, Western Region.

[F.R. Doc. 65-5510; Filed, May 26, 1965; 8:46 a.m.]

[14 CFR Part 71]

[Airspace Docket No. 65-SO-25]

CONTROL ZONE AND TRANSITION AREA

Alteration of Proposed Redesignation

In a notice of proposed rule making published in the FEDERAL REGISTER on May 7, 1965 (30 F.R. 6399) it was stated, in part, that the Federal Aviation Agency proposed to redesignate the transition area at Memphis, Tenn.

The proposed redesignated portion of the Memphis transition area extending upward from 700 feet above the surface was described as follows: That airspace extending upward from 700 feet above the surface within a 7-mile radius of the Memphis Metropolitan Airport (latitude 35°03'00" N., longitude 89°58'15" W.); within 2 miles each side of the Memphis Runway 9 ILS localizer W course, extending from the 7-mile radius area to 8 miles W of the OM; within 2 miles each side of the Memphis Runway 9 ILS localizer E course, extending from the 7-mile radius area to 16 miles E of the airport; within 2 miles each side of the Memphis Runway 35 ILS localizer S

course, extending from the 7-mile radius area to 8 miles S of the OM; within an 8-mile radius of the West Memphis Airport (latitude 35°08'24" N., longitude 90°14'00" W.); within an 8-mile radius of the Twinkle Town Airport (latitude 34°55'45" N., longitude 90°10'05" W.).

Subsequent to the issuance of the notice of proposed rule making an accurate plotting of the Twinkle Town Airport revealed that a 700-foot transition area extension, extending from the 8-mile radius area at Twinkle Town Airport to the Memphis VORTAC, is required for the protection of the proposed VOR approach procedure to Twinkle Town Airport.

Also, the proposed redesignated 700-foot transition area would not provide protection for a proposed new VOR approach to the Memphis Metropolitan Airport. In order to provide adequate controlled airspace for this approach an extension to the 700-foot transition area would be required along the Memphis VORTAC 354° True radial beyond the Memphis Metropolitan Airport 7-mile radius area to 8 miles north of a 058° bearing from the Brooks radio beacon.

In order to incorporate the two aforementioned 700-foot transition area extensions in the proposal to redesignate the Memphis transition area, the Federal Aviation Agency hereby alter the proposal by redescribing the portion of the proposed Memphis transition area extending upward from 700 feet above the surface as follows: That airspace extending upward from 700 feet above the surface within a 7-mile radius of the Memphis Metropolitan Airport (latitude 35°03'00" N., longitude 89°58'15" W.); within 2 miles each side of the Memphis Runway 9 ILS localizer W course, extending from the 7-mile radius area to 8 miles W of the OM; within 2 miles each side of the Memphis Runway 9 ILS localizer E course, extending from the 7-mile radius area to 16 miles E of the airport; within 2 miles each side of the Memphis Runway 35 ILS localizer S course, extending from the 7-mile radius area to 8 miles S of the OM; within 2 miles each side of the Memphis VORTAC 354° radial, extending from the 7-mile radius area to 8 miles N of a 058° bearing from the Brooks RBN; within an 8-mile radius of the West Memphis Airport (latitude 35°08'24" N., longitude 90°14'00" W.); within an 8-mile radius of the Twinkle Town Airport (latitude 34°55'45" N., longitude 90°10'05" W.); within 2 miles each side of the Memphis VORTAC 266° radial, extending from the 8-mile radius area to the VORTAC.

The proposals to redesignate the Memphis control zone, Memphis transition area extending upward from 1,200 feet above the surface, and the transition area at Tupelo, Miss., are not affected by this supplemental notice of proposed rule making.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in duplicate to the Director, Southern Region, Attention: Chief, Air Traffic Division, Federal Aviation Agency, Post Office Box 20636, Atlanta, Ga., 30320. All communications received within 30 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Chief, Air Traffic Division. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Southern Regional Office, Federal Aviation Agency, Room 724, 3400 Whipple Street, East Point, Ga.

This amendment is proposed under section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348(a)).

Issued in East Point, Ga., on May 19, 1965.

ARVIN O. BASNIGHT,
Director, Southern Region.

[F.R. Doc. 65-5511; Filed, May 26, 1965; 8:46 a.m.]

[14 CFR Part 71]

[Airspace Docket No. 65-SW-4]

FEDERAL AIRWAY

Withdrawal of Proposed Alteration

On March 6, 1965, Federal Register Document 65-2344 was published in the FEDERAL REGISTER (30 F.R. 2952), and stated that the Federal Aviation Agency was considering an amendment to Part 71 of the Federal Aviation Regulations that would realign VOR Federal airway No. 83, in part, from Santa Fe, N. Mex., direct to Alamosa, Colo.

Subsequent to the publication of the notice, an additional analysis of the proposal was executed, precipitated, in part, by public comments and it was determined that the proposed realignment of V-83 would have an adverse effect on aviation operations in the Taos, N. Mex. area.

In consideration of the foregoing, Airspace Docket No. 65-SW-4, published as Federal Register Document 65-2344, and the proposal set forth therein are hereby withdrawn.

This withdrawal of notice of proposed rule making is made under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348).

Issued in Washington, D.C., on May 21, 1965.

DANIEL E. BARROW,
Chief, Airspace Regulations and Procedures Division.

[F.R. Doc. 65-5512; Filed, May 26, 1965; 8:46 a.m.]

[14 CFR Part 75]

[Airspace Docket No. 65-WA-15]

JET ROUTE

Withdrawal of Proposed Designation

On March 9, 1965, Federal Register Document No. 65-2405 was published in the FEDERAL REGISTER (30 F.R. 3225), and stated that the Federal Aviation Agency was considering an amendment to Part 75 of the Federal Aviation Regulations that would designate a jet route from Oakland, Calif., via Jet Route No. 80, to Wilson Creek, Nev.; Hanksville, Utah; Gunnison, Colo.; thence via Jet Route No. 10 to Denver, Colo. The purpose of the proposal was to provide an alternate Denver-Oakland route in the event unfavorable meteorological conditions were encountered on the primary route, and to relieve air traffic congestion over Grand Junction, Colo.

Recently, a change was made to the Denver-Salt Lake City-Los Angeles ARTC Centers boundaries in the vicinity of Hanksville, Utah. The change was made to facilitate inter-Center coordination so that the heavy air traffic on J-80/J-60 could proceed between the Denver-Salt Lake City Centers or Denver-Los Angeles Centers, as appropriate, without entering the area of a third center. Prior to the recent boundary change, traffic on J-60 had to traverse a comparatively short segment of the Salt Lake City Center area between areas of the Denver and Los Angeles Centers. As a result of the boundary change, designation of the proposed jet route would create an intolerable air traffic congestion point at Hanksville. Hanksville is within the Denver area and is located approximately four minutes from the Salt Lake City Center area, via the proposed route, and approximately three minutes from the Los Angeles Center area via J-60. As a result, northeastbound traffic via these two routes converging on Hanksville near the Center boundary could compromise the air traffic service provided in this area.

The air traffic congestion problem over Grand Junction, referred to in the notice, is insignificant when compared with the one which would be created at Hanksville. The proximity of the proposed route to J-80 would result in no material variation in meteorological conditions over the two routes.

In consideration of the foregoing, Federal Register Document No. 65-2405 (30 F.R. 3225) is hereby withdrawn.

This withdrawal of the notice of proposed rule making is made under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348).

Issued in Washington, D.C., on May 20, 1965.

DANIEL E. BARROW,
Chief, Airspace Regulations and Procedures Division.

[F.R. Doc. 65-5513; Filed, May 26, 1965; 8:46 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 73]

[Docket No. 12782; FCC 65-424]

COMPETITION AND RESPONSIBILITY IN NETWORK TELEVISION BROADCASTING

Order Extending Time for Filing Comments

1. The Commission has before it petition of Columbia Broadcasting System, Inc., for Procedural Relief, petition of CBS Television Affiliates Association, petition of National Broadcasting Company, Inc., for Procedural Relief and statement by ABC in support of the CBS petition.

2. The petitioners assert that they intend to file comments in the proceeding and that the time presently allowed for that purpose is inadequate. They request that (1) the Commission publish Part II of the Second Interim Report of the Office of Network Study[1] and (2) extend the time for filing comments in the notice until 180 days after the Commission has acted on those requests, with reply comments to be filed 60 days thereafter.

3. The factual bases for the Commission's rule making are identified in the notice and for the most part are contained in the public record of the Commission's Program Inquiry (Docket No. 12782). Where such is not the case, sources are clearly indicated in the notice of proposed rule making.

4. The Commission's transmittal letter to Chairman Harris of the House Committee on Interstate and Foreign Commerce dated February 4, 1963, stated that the proposed Part II of the staff report at that time had not been submitted to the Commission. Such is still the case but it is anticipated that Part II will be completed and submitted to the Commission within the reasonably near future and will be made public shortly thereafter.

5. The entire public record of the Program Inquiry has been continuously available as the Inquiry progressed. The last public proceedings were held early in 1962. Additional information is identified as to source in the notice. However, the Commission wishes to be entirely sure that it affords all parties including, of course, television networks, reasonable opportunity to give the important matters posed in the Commission's notice thorough and careful consideration before making comments. The petitioners have represented that they will be unable to give this matter adequate study, necessary analysis and consideration within the time presently allowed.

6. *Accordingly, it is ordered*, That the time for filing comments in this proceeding be extended from June 21, 1965, to October 21, 1965, and reply comments from July 21, 1965, to December 1, 1965.

Adopted: May 19, 1965.

Released: May 24, 1965.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 65-5559; Filed, May 26, 1965; 8:49 a.m.]

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[1] Request was also made in the petition for disclosure of "sources of other data" (i.e., directed to footnotes 23 and 30). No useful purpose would be served by further disclosure of the sources of these matters. They are inferences based on record evidence or "estimates" used to indicate a "trend" in the economics of program production. In both instances, the information as to their correctness is peculiarly within the knowledge of the network managers, who can, of course, submit any appropriate showing in these respects.

Notices

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[Arizona 031306]

ARIZONA

Notice of Termination of Proposed Withdrawal and Reservation of Lands

Notice of an application Serial No. Arizona 031306 for withdrawal and reservation of lands was published as Federal Register Document No. 62–3794 on page 3771 of the issue for April 19, 1962. The applicant agency has canceled its application insofar as it involved the lands described below. Therefore, pursuant to the regulations contained in 43 CFR Part 2311, such lands will be at 10 a.m. on June 11, 1965, relieved of the segregative effect of the above-mentioned application.

The lands involved in this notice of termination are:

GILA AND SALT RIVER MERIDIAN, ARIZONA

T. 5 N., R. 1 E.,
Sec. 21, NW¼ and E½SW¼;
Sec. 23, S½;
Sec. 25, W½NE¼, NW¼, and S½;
Sec. 26;
Sec. 28, E½NW¼ and SW¼.
T. 4 N., R. 3 E.,
Sec. 10, NE¼.
T. 4 N., R. 4 E.,
Sec. 35, lots 3 and 4.
T. 4 N., R. 5 E.,
Sec. 31, NE¼SW¼ and N½SE¼.
T. 1 N., R. 8 E.,
Sec. 31, lot 1, E½NW¼, NE¼, N½SE¼, and SE¼SE¼.
T. 5 N., R. 1 W.,
Sec. 23;
Sec. 24, W½ and W½E½;
Sec. 29, SW¼SE¼;
Sec. 30, lots 3, 3, and 4, E½W½ and E½;
Sec. 31, lots 1, 2, 3, 4, 5, 6, and 7, NE¼, E½NW¼, NE¼SW¼, and N½SE¼.
T. 5 N., R. 2 W.,
Sec. 34, lots 1, 2, 3, and 4, N½S½ and N½;
Sec. 35, lots 1, 2, 3, and 4, N½S½ and N½.
T. 4 N., R. 3 W.,
Sec. 15, S½;
Sec. 19, lots 1, 2, 3, and 4, and E½E½;
Sec. 21, N½ and N½SE¼;
Sec. 23, NW¼;
Sec. 24.
T. 3 N., R. 5 W.,
Sec. 2, lots 1 and 2, S½NE¼ and S½;
Sec. 10;
Sec. 11, W½;
Sec. 14, NW¼, SW¼, and W½SE¼;
Secs. 15 and 16.
T. 3 N., R. 11 W.,
Sec. 19, lots 1 and 2, E½NW¼ and NE¼.
T. 4 S., R. 9 E.,
Sec. 31, NE¼, E½NW¼, and NE¼SE¼;
Sec. 32, N½ and N½S½;
Sec. 33, W½NE¼, NW¼, and N½SW¼;
Sec. 28, N½.

The area described aggregates 12,645.54 acres.

RAYMOND C. CLEGHORN,
Acting State Director.

MAY 12, 1965.

[F.R. Doc. 65–5523; Filed, May 26, 1965; 8:46 a.m.]

[Arizona 031307]

ARIZONA

Notice of Termination of Proposed Withdrawal and Reservation of Lands

Notice of an application Serial No. Arizona 031307 for withdrawal and reservation of lands was published as Federal Register Document No. 62–9138 on page 9111 of the issue for September 13, 1962. The applicant agency has canceled its application insofar as it involved the lands described below. Therefore, pursuant to the regulations contained in 43 CFR Part 2311, such lands will be at 10 a.m. on June 11, 1965 relieved of the segregative effect of the above-mentioned application.

The lands involved in this notice of termination are:

GILA AND SALT RIVER MERIDIAN, ARIZONA

T. 5 N., R. 1 E.,
Sec. 27;
Sec. 28, E½.
T. 1 N., R. 7 E.,
Sec. 17, W½NW¼ and SE¼NW¼;
Sec. 18, NE¼ and E½NW¼.
T. 5 N., R. 1 W.,
Sec. 21, S½;
Sec. 22, SW¼, E½NE¼, SW¼NE¼, and S½NW¼;
Sec. 24, lots 1 and 2;
Sec. 28;
Sec. 29, NE¼, N½SE¼, and SE¼SE¼.
T. 3 N., R. 4 W.,
Sec. 6, lots 1 and 2, NE¼ and E½NW¼.
T. 4 N., R. 4 W.,
Sec. 14, N½ and SW¼;
Sec. 22, N½NE¼, SW¼NE¼, and NW¼;
Sec. 23, SE¼;
Sec. 24;
Sec. 25, N½;
Sec. 26;
Sec. 27, S½;
Sec. 28;
Sec. 31, lots 1, 2, 3, and 4, E½W½ and E½;
Sec. 32;
Sec. 33, N½.
T. 3 N., R. 5 W.,
Sec. 14, NE¼ and E½SE¼;
Sec. 17;
Sec. 18, lots 3 and 4, E½SW¼ and E½;
Sec. 19, lots 1, 2, 3, and 4, E½W½ and E½;
Sec. 20, N½;
Sec. 21, N½;
Sec. 22, N½.
T. 3 N., R. 6 W.,
Sec. 14, SE¼;
Sec. 15, N½;
Sec. 16, N½;
Sec. 17, N½;
Sec. 18, lots 1, 2, 3, and 4, E½W½ and NE¼;
Sec. 20, SE¼;
Sec. 23, SW¼;
Sec. 30, lots 3 and 4, and E½SW¼.
T. 3 N., R. 7 W.,
Sec. 22;
Sec. 23, N½ and SW¼;
Sec. 24, N½;
Sec. 25, SE¼;
Sec. 27, SE¼;
Sec. 28, N½ and SW¼;
Sec. 29;
Sec. 31, lots 1 and 2, E½NW¼ and NE¼.
T. 2 N., R. 8 W.,
Sec. 3, lots 1, 2, 3, and 4, and S½N½;
Sec. 4, lots 1 and 2, and S½NE¼;
Sec. 6, lots 1, 2, 3, 4, and 5, S½NE¼ and SE¼NW¼;
Sec. 10, S½.
T. 3 N., R. 8 W., partially surveyed,
Sec. 30, N½;
Sec. 31, NE¼;
Sec. 32, NE¼.
T. 3 N., R. 9 W.,
Sec. 19, lots 1 and 2, E½NW¼ and NE¼;
Sec. 20, N½;
Sec. 21, N½;
Sec. 22, N½SW¼;
Sec. 23, NE¼, N½NW¼, SE¼NW¼, SE½;
Sec. 24;
Sec. 29, S½;
Sec. 30, E½NW¼ and SE¼.
T. 3 N., R. 10 W.,
Sec. 24, E½.
T. 3 N., R. 11 W.,
Sec. 7, lots 1, 2, 3, and 4, E½W½ and E½.
T. 3 N., R. 13 W.,
Secs. 11, 12, and 14;
Sec. 27, W½;
Sec. 32, S½.
T. 3 N., R. 13 W., partially surveyed,
Secs. 7, 19, and 20;
Sec. 24, S½;
Sec. 30.
T. 3 N., R. 14 W.,
Sec. 1, lots 1, 2, 3, and 4, S½N½ and SE¼;
Sec. 3, lots 3 and 4, S½ and S½NW¼;
Sec. 4, lots 1, 2, 3, and 4, and S½N½;
Sec. 5, lots 1 and 2, and S½NE¼;
Sec. 10;
Sec. 11, NW¼ and S½;
Sec. 13, W½;
Secs. 14 and 24.
T. 4 N., R. 14 W.,
Sec. 5, lots 1, 2, 3, and 4, S½N½, and S½;
Sec. 8, N½ and SE¼;
Sec. 9, W½;
Sec. 15, S½;
Sec. 18, lots 1, 2, 3, and 4, E½W½ and NE¼;
Sec. 19, lots 3 and 4, E½ and E½SW¼;
Sec. 20, W½;
Sec. 21, NE¼;
Sec. 22, NE¼;
Sec. 23, S½;
Secs. 25 and 26;
Sec. 27, NE¼;
Sec. 28, SW¼;
Sec. 29;
Sec. 32, NE¼SW¼;
Secs. 33, 35, and 36.
T. 5 N., R. 14 W.,
Sec. 19, lots 1 and 2, E½W½ and E½;
Sec. 29, N½ and SE¼;
Sec. 30, NE¼ and E½NW¼;
Secs. 32 and 33.
T. 5 N., R. 15 W.,
Sec. 2, lots 1, 2, 3, and 4, S½N½ and S½;
Sec. 11, N½ and SE¼;
Secs. 12 and 13;
Sec. 24, E½.
T. 6 N., R. 15 W.,
Sec. 3, lots 1, 2, 3, and 4, S½N½ and S½;
Secs. 10, 15, and 22;
Sec. 26, W½;
Sec. 27, N½ and SE¼;
Sec. 34, E½;
Sec. 35.
T. 7 N., R. 15 W.,
Sec. 6, lots 1, 2, 3, 4, 5, 6, and 7, S½NE¼, SE¼NW¼, E½SW¼, and SE¼;
Sec. 10, lots 3 and 4, E½SW¼ and SE¼;
Sec. 22, S½;
Sec. 26, W½;
Secs. 27 and 34;
Sec. 35, W½.
T. 8 N., R. 15 W., partially surveyed,
Secs. 19, 30, and 31.
T. 7 N., R. 16 W., partially surveyed,
Sec. 1, lots 1, 2, 3, and 4, S½N½ and S½;
Sec. 2, lots 1, 2, 3, and 4, S½N½, SW¼, W½SE¼, and NE¼SE¼;
Sec. 3, E½;
Sec. 5;
Sec. 6, E½;
Sec. 8;
Sec. 10, E½;
Secs 11 and 13;
Sec. 14, NE¼.
T. 8 N., R. 16 W., partially surveyed,
Sec. 1, lots 1, 2, 3, and 4, S½N½ and S½;
Sec. 2, S½NE¼ and SE¼;
Secs. 3 to 6, inclusive, and secs. 9 to 15, inclusive;
Sec. 19, W½ and SE¼;
Secs. 22 to 26, inclusive;
Sec. 27, E½;
Secs. 30 and 31;
Sec. 34, E½;
Secs. 35 and 36.
T. 9 N. R. 16 W., partially surveyed,
Secs. 17, 18, 19, 20, 21, 28, 29, 30, 31, and 33;
Sec. 34, W½.
T. 8 N., R. 17 W., partially surveyed,
Secs. 3 and 4;
Sec. 9, N½;
Secs. 10, 11, 13, 14, 23, 24, and 25.
T. 9 N., R. 17 W., partially surveyed,
Sec. 3;
Sec. 8, W½ and SE¼;
Sec. 10, E½ and NW¼;
Sec. 11;
Sec. 12, S½;
Sec. 13;
Sec. 14, E½ and NW¼;
Sec. 16, W½ and SE¼;
Secs. 21 and 24;
Sec. 27, W½ and SE¼;
Sec. 28;
Sec. 32, E½;
Secs. 33 and 34.
T. 10 N., R. 17 W.,
Sec. 2, lots 3, 4, and 5, S½NW¼, NW¼SW¼, and E½SW¼;
Sec. 3, lots 1, 2, and 3, part lot 4, lots 5, 6, and 7, S½NE¼, SE¼NW¼, E½SW¼ NW¼, and SW¼;
Sec. 9, E½SE¼;
Sec. 10, lots 1, 2, 3, 4, and 5, W½ and SW¼SE¼;
Sec. 11, lots 1, 2, 3, 4, and 5, E½ and E½SW¼;
Sec. 14, W½;
Sec. 15;
Sec. 16, E½;
Sec. 21, N½ and SE¼;
Sec. 29, E½.
T. 11 N., R. 17 W.,
Sec. 20, SW¼.
T. 2 S., R. 8 E.,
Sec. 15, W½NE¼ and NW¼.
T. 4 S., R. 8 E.,
Sec. 13, NW¼NE¼, S½NE¼, and NE¼SE¼.
T. 4 S., R. 9 E.,
Sec. 18, lots 3 and 4, and E½SW¼;
Sec. 25, N½NW¼;
Sec. 26, SW¼NE¼ and S½NW¼;
Sec. 27, S½NE¼.
T. 4 S., R. 10 E.,
Sec. 17, SW¼NE¼ and S½NW¼;
Sec. 19, lot 2 and SE¼NW¼.

The area described aggregates 99,213.78 acres.

RAYMOND C. CLEGHORN,
Acting State Director.

MAY 12, 1965.

[F.R. Doc. 65–5524; Filed, May 26, 1965; 8:46 a.m.]

[Arizona 035025]

ARIZONA

Notice of Proposed Withdrawal and Reservation of Lands

The Forest Service, United States Department of Agriculture, has filed an application, Serial Number Arizona 035025 for the withdrawal of the lands described below, from mineral location and entry under the General Mining Laws, subject to valid existing claims.

The Forest Service desires the lands to protect the government's planned investment in the administrative site and the three archeological ruins. The ruins are important historical sites, which are to be used for study, research and public use.

For a period of 30 days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal, may present their views in writing to the undersigned officer of the Bureau of Land Management, Department of the Interior, 3022 Federal Building, Phoenix, Ariz., 85025.

If circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

The lands involved in the application are:

GILA AND SALT RIVER MERIDIAN, ARIZ.

COCONINO NATIONAL FOREST

Clear Creek Ruin

T. 13 N., R. 5 E.,
Sec. 11, lots 3 and 4.
80.20 acres.

Winona Archeological Ruin

T. 21 N., R. 9 E.,
Sec. 11, SE¼SW¼SE¼ and S½SE¼SE¼;
Sec. 12, SW¼SW¼SW¼;
Sec. 13, W½NW¼NW¼ and NW¼SW¼NW¼;
Sec. 14, NE¼NE¼, E½NW¼NE¼, NE¼SW¼NE¼, and N½SE¼NE¼.
160.00 acres.

Chaves Pass Ruin

T. 16 N., R. 11 E.,
Sec. 12, SW¼SE¼SW¼;
Sec. 13, S½N½NW¼NW¼, S½NW¼NW¼, N½NE¼SW¼NW¼, N½NW¼SE¼NW¼, and W½NE¼NW¼.
70.00 acres.

The areas described in the Coconino National Forest aggregate approximately 310.20 acres.

APACHE NATIONAL FOREST

Administrative Site

T. 5 N., R. 30 E.,
Sec. 14, N½SE¼.
80.00 acres.

The area described in the Apache National Forest aggregates approximately 80.00 acres.

The total acreage in this withdrawal aggregates approximately 390.20 acres.

FRED J. WEILER,
State Director.

MAY 21, 1965.

[F.R. Doc. 65–5525; Filed, May 26, 1965; 8:47 a.m.]

[Idaho 016408]

IDAHO

Notice of Proposed Withdrawal and Reservation of Lands

MAY 20, 1965.

The Bureau of Sport Fisheries and Wildlife has filed an application Serial Number Idaho 016408 for the withdrawal of the lands described below, from all forms of appropriation under the public land laws including the mining and mineral leasing laws and the disposal of materials under the Act of July 31, 1947 (61 Stat. 681; 30 U.S.C. 601–604), as amended. The applicant desires the land for a fish hatchery site.

For a period of 30 days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the undersigned officer of the Bureau of Land Management, Department of the Interior, Post Office Box 2237, Boise, Idaho, 83701.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

If circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

The lands involved in the application are:

BOISE MERIDIAN, IDAHO

T. 32 N., R. 4 E.,
Sec. 10, lots 1, 2 and S½NW¼.

The area described aggregates 129.37 acres in Idaho County, Idaho.

EUGENE E. BABIN,
Acting Land Office Manager.

[F.R. Doc. 65–5526; Filed, May 26, 1965; 8:47 a.m.]

[Montana 070206]

MONTANA

Notice of Proposed Withdrawal and Reservation of Lands

MAY 20, 1965.

On May 14, 1965 the Department of Agriculture filed an application, Serial Number Montana 070206, for the withdrawal of the lands described below, from location and entry under the mining laws, subject to existing valid claims in accordance with Executive Order 10355 of May 26, 1952 (17 F.R. 4831). The applicant desires the land in connection with

a recreation activities program for campground, packer camp, administrative site, summer home area, resort, and airport.

For a period of 30 days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the undersigned officer of the Bureau of Land Management, Department of the Interior, 316 North 26th Street, Billings, Mont., 59101.

The authorized officer of the Bureau of Land Management will undertake such investigations as are necessary to determine the existing and potential demand for the lands and their resources.

He will also prepare a report for consideration by the Secretary of the Interior who will determine whether or not the lands will be withdrawn as requested by the Department of Agriculture.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

If circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

The lands involved in the application are:

PRINCIPAL MERIDIAN, MONTANA

LEWIS AND CLARK NATIONAL FOREST

Benchmark Public Service Site and Recreation Area

T. 20 N., R. 10 W., unsurveyed but which probably will be when surveyed,
Sec. 9, SE¼SW¼NW¼, SW¼NE¼SW¼, E½NW¼SW¼, and S½SW¼;
Sec. 15, W½SW¼SW¼
Sec. 16, SW¼NW¼NE¼, W½SW¼NE¼, SE¼SW¼NE¼, E½NW¼, N½NW¼NW¼, SE¼NW¼NW¼, NW¼NE¼SE¼, S½NE¼SE¼, N½NW¼SE¼, SE¼NW¼SE¼, NE¼SW¼SE¼, N½SE¼SE¼, and SE¼SE¼SE¼;
Sec. 22, S½SW¼NE¼, S½SE¼NE¼, SW¼NE¼NW¼, NW¼NW¼, E½SW¼NW¼, SE¼NW¼, NE¼SW¼, NW¼NE¼SE¼, and NW¼SE¼.

Total area 630 acres.

R. PAUL RICTRUP,
Manager, Land Office.

[F.R. Doc. 65-5527; Filed, May 26, 1965; 8:47 a.m.]

Office of the Secretary

UNDER SECRETARY AND CERTAIN OTHER OFFICIALS

Department Manual; Delegations of Authority

General provisions for delegation and redelegation of authority issued in the Departmental Manual under Part 200, and published in the FEDERAL REGISTER (24 F.R. 1348; 25 F.R. 324; 25 F.R. 325) have been revised and are republished as set forth below. Chapter 1 (Introduction) and Chapter 2 (Limitations) have been combined into Chapter 1 (Delegations of Authority), and Chapter 3 (Redelegations of Authority) has been renumbered Chapter 2. Part 210 (Office of the Secretary) published in the FEDERAL REGISTER (24 F.R. 1348) has been revised in part to restate the authority of the Under Secretary (210 DM 1.1), and correct reference statements.

The following material is a portion of the Departmental Manual and the numbering system is that of the Manual.

PART 200—GENERAL PROVISIONS

CHAPTER 1—DELEGATION OF AUTHORITY

200.1.1 *Scope.* A. The formal delegations of authority by the Secretary are set forth in the Delegation Series of the Departmental Manual. Delegations of authority made in Secretary's orders and other documents are being incorporated into Manual issuances as soon as it is feasible to do so.

B. Part 205, General Delegations, sets forth the delegations of authority that are made on a functional basis generally to heads of bureaus and certain other designated officials.

C. Part 210 sets forth the delegations of authority to the Secretarial Officers and the Solicitor.

D. Parts 211 to 299 set forth the delegations of authority that are made on an organizational basis.

E. The authority delegated in Part 205 and Parts 211 to 299 does not include any authority to perform the legal work related to the functions delegated. The authority of the Secretary respecting the legal work of the Department is delegated to the Solicitor in 210 DM 2.

F. The authority delegated in Parts 211–299 on an organizational basis does not include authority delegated in Part 205 on a functional basis.

.2 *Exercise of authority.* An officer or employee who is delegated or redelegated authority must exercise it in conformity with any requirements which the person making the delegation would be called upon to observe. Such requirements may be found in provisions of this Manual, statutes, regulations issued by other agencies—for example, the Civil Service Commission and GSA—or Executive orders. Delegated authority must be exercised in accordance with relevant policies, standards, programs, organization and budgetary limitations, and administrative instructions prescribed by officials of the Office of the Secretary or bureau. While failure to comply with administrative instructions not issued as limitations on authority will not impair the legality of an action as far as the public is concerned, it may be grounds for appropriate disciplinary measures.

.3 *Effect of delegation.* An officer who delegates or redelegates authority does not divest himself of the power to exercise that authority nor does the delegation or redelegation relieve him of the responsibility for action taken pursuant to the delegation.

.4 *Authority of the Secretary to delegate.* The Secretary of the Interior has broad power to delegate his authority. However, nothing in this Delegation Series empowers any officer or employee of the Department to exercise authority which the Secretary by the terms of the legislation, Executive Order or other source of authority may not redelegate. Thus, authority given to the President by law and delegated to the Secretary by Executive Order cannot be redelegated except as provided in the Executive Order. If the Executive Order confines redelegation to specified officers (as in Executive Orders 10355 and 10732), these specific positions and authorities must be referred to in the redelegation. These, however, are rare exceptions and generally apply to redelegations to Secretarial Officers.

.5 *General limitation—Code of Federal Regulation documents.* Delegations of authority in the Delegation Series do not include authority to issue documents which are amendments of or additions to the material in the Code of Federal Regulations initiated by the Department of the Interior unless such authority is specifically mentioned in the delegation.

PART 210—OFFICE OF THE SECRETARY

CHAPTER 1—SECRETARIAL OFFICERS

210.1.1 *Under Secretary.* A. The Under Secretary is authorized, subject to the limitation in 200 DM 1.4, to exercise the authority of the Secretary, including:

(1) The authority to issue amendments of and additions to the material in the Code of Federal Regulations.

(2) The authority delegated to the Secretary by section 1 of Executive Order 10250, as amended.

(3) The authority delegated to the Secretary by Executive Order 10355, relating to the withdrawal or reservation of certain lands by the issuance of public land orders.

(4) The administration of the oath of office or any oath required by law in connection with employment.

B. The Under Secretary may not redelegate the authority delegated to him in 210 DM 1.1 (2) and (3) above.

.2 *Assistant Secretaries.* The term Assistant Secretaries, as used in the Delegation Series, includes the Assistant Secretary, Mineral Resources; the Assistant Secretary, Public Land Management; and the Assistant Secretary, Water and Power Development; but does not include the Assistant Secretary for Fish and Wildlife and the Assistant Secretary for Administration.

A. The Assistant Secretaries severally are authorized to:

(1) Exercise the authority of the Secretary except for the limitations contained in 200 DM 1.4 and 1.5.

(2) Exercise the authority delegated to the Secretary by Executive Order 10355, relating to the withdrawal or reservation of certain lands by the issuance of public land orders.

(3) Administer the oath of office or any oath required by law in connection with employment.

B. The Assistant Secretaries may not redelegate the authority delegated to them in subpar. A.

.3 *Assistant Secretary for Fish and Wildlife.* A. The Assistant Secretary for Fish and Wildlife is authorized to:

(1) Exercise the authority of the Secretary with respect to any matter relating to fish and wildlife, except for the limitations contained in 200 DM 1.4 and 1.5.

(2) Administer the oath of office or any oath required by law in connection with employment.

(3) Exercise the authority delegated to the Secretary by section 2 of Executive Order 10857 relating to the transfer and conveyance to the State of Alaska of certain property owned or held by the United States. This authority shall be exercised with regard to personal property in accordance with such policies, conditions, and procedures as may be prescribed by the Secretary of the Interior (see 418 DM 3).

B. The Assistant Secretary for Fish and Wildlife may not redelegate the authority delegated to him in subpar. A, except that he may, in writing, authorize officers or employees of the Department to sign on behalf of the United States, fisheries loan authorizations the provisions of which he has approved.

.4 *Assistant Secretary for Administration.* A. The Assistant Secretary for Administration is authorized to:

(1) Exercise the authority of the Secretary except for the limitations contained in 200 DM 1.4 and 1.5.

(2) Administer the oath of office or any oath required by law in connection with employment.

B. The Assistant Secretary for Administration may, in writing, redelegate or authorize written redelegation of that portion of the authority delegated to him in subpar. A, which relates to functions assigned to him in 110 DM 2.7, including authority to execute, modify, or terminate contracts for supplies and services, to lease space, and to dispose of surplus property.

The Assistant Secretary for Administration has redelegated to the head of each division under his supervision, authority relating to functions assigned to the division in 110 DM 2. (AMR Reg. 2, 24 F.R. 1349.)

.5 *Deputy Secretarial Officer.* As used here, the title deputy applies to the principal assistant to the Secretarial officers listed in 210 DM 1.1 through 1.4: the Under Secretary, Assistant Secretary, Water and Power Development; Assistant Secretary, Public Land Management; Assistant Secretary, Mineral Resources; Assistant Secretary for Fish and Wildlife; and the Assistant Secretary for Administration. The titles shall be as follows: Deputy Under Secretary; Deputy Assistant Secretary, Water and Power Development; Deputy Assistant Secretary, Public Land Management; Deputy Assistant Secretary, Mineral Resources; Deputy Assistant Secretary for Fish and Wildlife; and Deputy Assistant Secretary for Administration. A deputy provides primary staff assistance to the Secretarial officer which includes acting for him under certain specified circumstances.

A. In the absence of the Secretarial officer, or under certain circumstances specified by him, a deputy is authorized to exercise the authority of the Secretarial officer except for the limitations contained in 200 DM 1.4 and 200 DM 1.5, and others which the Secretarial officer may specify. The purpose of this delegation of authority is to relieve the Secretarial officer of burdensome routine correspondence and actions, and to prevent delays in signature mail when he is absent.

B. A deputy may not redelegate this authority.

STEWART L. UDALL,
Secretary of the Interior.

MAY 20, 1965.

[F.R. Doc. 65-5528; Filed, May 26, 1965; 8:47 a.m.]

DEPARTMENT OF AGRICULTURE

Consumer and Marketing Service

B AND H SALES STABLE AND BEMIDJI SALES BARN, INC.

Proposed Posting of Stockyards

The Acting Chief, Rates and Registrations Branch, Packers and Stockyards Division, Consumer and Marketing Service, United States Department of Agriculture, has information that the livestock markets named below are stockyards as defined in section 302 of the Packers and Stockyards Act, 1921, as amended (7 U.S.C. 202), and should be made subject to the provisions of the Act.

B & H Sales Stable, Keedysville, Md.
Bemidji Sales Barn, Inc., Bemidji, Minn.

Notice is hereby given, therefore, that the said Acting Chief, pursuant to authority delegated under the Packers and Stockyards Act, 1921, as amended (7 U.S.C. 181 et seq.), proposes to issue a rule designating the stockyards named above as posted stockyards subject to the provisions of the Act, as provided in section 302 thereof.

Any person who wishes to submit written data, views, or arguments concerning the proposed rule may do so by filing them with the Acting Chief, Rates and Stockyards Division, Consumer and Marketing Service, United States Department of Agriculture, Washington 25, D.C., within 15 days after publication hereof in the FEDERAL REGISTER.

All written submissions made pursuant to this notice will be made available for public inspection at such time and places in a manner convenient to the public business (7 CFR 1.27(b)).

Done at Washington, D.C., this 24th day of May 1965.

K. A. POTTER,
Acting Chief, Rates and Registrations Branch, Packers and Stockyards Division, Consumer and Marketing Service.

[F.R. Doc. 65-5588; Filed, May 26, 1965; 8:47 a.m.]

ATOMIC ENERGY COMMISSION

[Docket No. 50-163]

GENERAL DYNAMICS CORP.

Notice of Issuance of Facility License Amendment

Please take notice that the Atomic Energy Commission has issued, effective as of the date of issuance, Amendment No. 16, set forth below, to Facility License No. R-67. The license authorizes General Dynamics Corp. to operate the TRIGA Mark F nuclear reactor located at Torrey Pines Mesa, Calif. The amendment authorizes operation of the reactor optionally without poison disks contained in fuel elements, as described in the licensee's application for license amendment dated February 8, 1965, and teletype supplement thereto dated May 4, 1965.

The Commission has found that:

(1) The application for amendment complies with the requirements of the Atomic Energy Act of 1954, as amended, and the Commission's regulations set forth in Title 10, Chapter I, CFR;

(2) The issuance of the amendment will not be inimical to the common defense and security or to the health and safety of the public;

(3) Prior public notice of proposed issuance of this amendment is not required since the amendment does not involve significant hazards considerations different from those previously evaluated.

Within fifteen (15) days from the date of publication of this notice in the FEDERAL REGISTER, the licensee may file a request for a hearing and any person whose interest may be affected by this proceeding may file a petition for leave to intervene. Requests for a hearing and petitions to intervene shall be filed in accordance with the provisions of the Commission's rules of practice (10 CFR Part 2). If a request for a hearing or a petition for leave to intervene is filed within the time prescribed in this notice, the Commission will issue a notice of hearing or an appropriate order.

For further details with respect to this amendment, see (1) the licensee's application for license amendment dated February 8, 1965, and teletype supplement thereto dated May 4, 1965, and (2) the Safety Evaluation prepared by the Test and Power Reactor Safety Branch of the Division of Reactor Licensing, all of which are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. A copy of item (2) may be obtained at the Commission's Public Document Room or upon request addressed to the Atomic Energy Commission, Washington, D.C., 20545, Attention: Director, Division of Reactor Licensing.

Dated at Bethesda, Md., this 18th day of May 1965.

For the Atomic Energy Commission.

SAUL LEVINE,
Chief, Test and Power Reactor Safety Branch, Division of Reactor Licensing.

AMENDMENT TO FACILITY LICENSE

[License No. R-67, Amdt. 16]

License No. R-67, as amended, issued to General Dynamics Corp. is hereby amended in the following respects:

In addition to the activities previously authorized by the Commission in License No. R-67, as amended, General Dynamics Corp. is authorized to operate the TRIGA Mark F nuclear reactor located at Torrey Pines Mesa, Calif., optionally without poison disks contained in fuel elements, as described in its application for license amendment dated February 8, 1965, and teletype supplement thereto dated May 4, 1965.

This amendment is effective as of the date of issuance.

Date of issuance: May 18, 1965.

For the Atomic Energy Commission.

SAUL LEVINE,
Chief, Test and Power Reactor Safety Branch, Division of Reactor Licensing.

[F.R. Doc. 65-5496; Filed, May 20, 1965; 8:45 a.m.]

[Docket No. 37]

ALEXANDER T. DEUTSCH

Notice of Application

Notice is hereby given that Alexander T. Deutsch, Washington, D.C., has filed an application for just compensation on May 13, 1965, based on U.S. Patent Application S.N. 112,833, "Radioactive Products."

The application of Mr. Deutsch is on file with the Patent Compensation Board. Any person other than the applicant desiring to be heard with reference to the application should file with the Patent Compensation Board, United States Atomic Energy Commission, Washington, D.C., 20545, within 30 days from the date of publication of this notice, a statement of facts concerning the nature of his interest.

MARGARET H. MELIN,
Acting Clerk.

[F.R. Doc. 65-5497; Filed, May 26, 1965; 8:45 a.m.]

[Docket No. 27-10]

NUCLEAR ENGINEERING CO., INC.

Notice of Issuance of Amendment of Byproduct, Source and Special Nuclear Material License

Please take notice that the Atomic Energy Commission has issued Amendment No. 22 to License No. 4-3766-1 which amends the license in its entirety and renews the license for a period of 3 years.

The license amendment provides authority for certain operations not previously authorized.

1. Burial of gaseous waste material at the licensee's facility near Beatty, Nevada.

2. Burial of unpackaged sealed sources at the licensee's facility near Beatty, Nevada.

3. Provides that shipments of special nuclear material shall be buried either (a) with a minimum of 8 inches of earth separating each shipment, or (b) with a minimum distance of 12 feet separating each shipment in a burial trench.

4. Sealing or placement in undamaged containers of packages received by the licensee which may have lost their integrity during transportation. Authority has not been granted for opening of packages and removal of the waste material therein.

The license amendment contains the following restriction not previously required. The maximum concentration of liquid radioactive waste which may be solidified and repackaged is 10^{-2} microcuries per milliliter.

The license amendment does not authorize the following operations requested in the application.

1. The solidification and repackaging of liquids with concentrations greater than 10^{-2} microcuries per milliliter.

2. Opening of any packages containing solid waste material for purposes of processing and repackaging.

The license amendment deletes authorization for burial of wastes in the Atlantic Ocean.

The Atomic Energy Commission has found that:

A. The applicant's equipment, facilities, and procedures are adequate to protect health and minimize danger to life or property;

B. The applicant is qualified by training and experience to use the material in such a manner as to protect health and minimize danger to life or property;

C. The application complies with the requirements of the Atomic Energy Act of 1954, as amended, and Title 10, Code of Federal Regulations, Chapter 1, and is for a purpose authorized by that act; and

D. Prior public notice of proposed issuance of this amendment is not required since the amendment does not involve significant hazard considerations different from those previously evaluated.

Within fifteen (15) days from the date of publication of this notice in the FEDERAL REGISTER, the applicant may file a request for a hearing, and any person whose interest may be affected by this proceeding may file a petition for leave to intervene. Requests for a hearing and petitions for leave to intervene shall be filed in accordance with the provisions of the Commission's regulations (10 CFR Part 2). If a request for a hearing or a petition for leave to intervene is filed within the time prescribed in this notice, the Secretary will issue a notice of hearing or an appropriate order.

For further details with respect to this issuance see: (1) the application and amendments thereto and (2) the related memorandum prepared by the Division of Materials Licensing, all of which are available for public inspection at the Commission's Public Document Room 1717 H Street NW., Washington, D.C. A copy of Item 2 above may be obtained at the Commission's Public Document Room, or upon request to the Atomic Energy Commission, Washington, D.C., 20545, Attention: Director, Division of Materials Licensing.

Dated at Bethesda, Md., May 20, 1965.

The text of this amendment is set forth below.

For the Atomic Energy Commission.

LYALL JOHNSON,
Acting Director,
Division of Materials Licensing.

[License No. 4-3766-1; Amdt. 22]

Byproduct, Source and Special Nuclear Material License

In accordance with application dated July 8, 1964, and amendment thereto dated January 27, 1965, License No. 4-3766-1 is hereby amended in its entirety to read as follows:

Pursuant to the Atomic Energy Act of 1954, as amended; 10 CFR 30, "Licensing of Byproduct Material"; 10 CFR 40, "Licensing of Source Material"; 10 CFR 70, "Special Nuclear Material"; and in reliance upon the statements and representations contained in the application dated July 8, 1964, and amendment thereto dated January 27, 1965, Nuclear Engineering Co., Inc., Box 594, Walnut Creek, Calif., is hereby authorized to receive, process, package, store, and dispose of byproduct, source, and special nuclear material.

This license shall be deemed to contain the conditions specified in section 183 of the Atomic Energy Act of 1954, as amended, and is subject to the provisions of 10 CFR 20, "Standards for Protection Against Radiation," all other applicable rules, regulations, orders of the Atomic Energy Commission now or hereafter in effect, and to the following conditions:

1. The licensee shall not possess at any one time at its facility near Beatty, Nev., more than:

A. 50,000 curies of byproduct material.

B. 25,000 pounds of source material.

C. (a) 500 grams of Uranium 235, 300 grams of Uranium 233 and 300 grams of Plutonium provided that the sum of the ratios of the quantity of each special nuclear material to the quantities specified herein does not exceed unity. Unity shall be determined by the following formula:

$$\frac{\text{grams contained U 235}}{500}+\frac{\text{grams contained U 233}}{300}+\frac{\text{grams contained Pu}}{300}=1$$

(b) No single package shall contain more than 100 grams of Uranium 235 or 60 grams of Uranium 233 or 60 grams of Plutonium or any combination thereof such that the sum of the ratios of the quantity of each special nuclear material to the quantities specified herein does not exceed unity. Unity shall be determined by the following formula:

$$\frac{\text{grams contained U 235}}{100}+\frac{\text{grams contained U 233}}{60}+\frac{\text{grams contained Pu}}{60}=1$$

(c) No single package shall contain more than 15 grams of any combined Uranium 235, Uranium 233, and Plutonium per cubic foot of total volume.

2. The licensee shall not possess at any one time at its facility in Cowell, Calif., more than:

A. 500 grams of Uranium 235, 300 grams of Uranium 233, and 300 grams of Plutonium provided that the sum of the ratios of the quantity of each special nuclear material to the quantities specified herein does not exceed unity. Unity shall be determined by the following formula:

$$\frac{\text{grams contained U 235}}{500}+\frac{\text{grams contained U 233}}{300}+\frac{\text{grams contained Pu}}{300}=1$$

B. No single package shall contain more than 100 grams of Uranium 235 or 60 grams of Uranium 233 or 60 grams of Plutonium or any combination thereof such that the sum of the ratios of the quantity of each special nuclear material to the quantities specified herein does not exceed unity. Unity shall be determined by the following formula.

$$\frac{\text{grams contained U 235}}{100}+\frac{\text{grams contained U 233}}{60}+\frac{\text{grams contained Pu}}{60}=1$$

C. No single package shall contain more than 15 grams of any combined Uranium 235, Uranium 233 and Plutonium per cubic foot of total volume.

3. Operations authorized in this license shall be conducted by individuals designated by the Nuclear Engineering Co., Inc., Radiation Safety Committee. The Radiation Safety Committee shall consist of J. S. Corbett, J. L. Harvey, and A. L. Johnson. Each individual authorized to conduct operations shall have completed the Radiation Training Program described in Attachment 1-C of the application dated July 8, 1964, and shall have completed on-the-job training as specified in Section D, Attachment 5 of the application dated July 8, 1964.

4. The transportation of AEC-licensed material to and from the processing facility shall be subject to the applicable regulations of the Interstate Commerce Commission, United States Coast Guard and other agencies of the United States having appropriate jurisdiction, and where such regulations are not applicable shall be in accordance with the following requirements except as specifically provided by the Atomic Energy Commission:

A. *Outside shipping containers.* (1) Except for wastes prepared for ocean disposal as provided in Condition 8 of this license, the containers shall meet any one of the following specifications described in Appendix A attached hereto:

a. 15A, 15B, 12B, 6A, 6B, 6C, 17C, 17H, 19A, or 19B for the containment of radioactivity in amounts not in excess of 2.7 curies; except polonium, 2 curies, and hydrogen 3, 5 curies.

b. Specification 55 for containment of solid cobalt 60, cesium 137, iridium 192, or gold 198 in amounts not in excess of 300 curies.

(2) There shall be no radioactive contamination on any exterior surface of the container in excess of 500 d/m/100 sq. cm. alpha and 0.1 mrep/hr beta-gamma radiation.

(3) The smallest dimension of the container shall not be less than 4 inches.

(4) The radiation level at any accessible surface of the container shall not exceed 200 mrem/hr.

(5) At one meter from any point on the radioactive source the radiation level shall not exceed 10 mrem/hr.

(6) Containers which contain radioactive material emitting only alpha and/or beta radiation shall contain sufficient shielding to prevent the escape of primary corpuscular radiation to the exterior surface and to reduce the secondary radiation at the surface of the container to at least 10 mrem/24 hours at any time during transportation.

B. *Inside containers.* (1) Solid and gaseous radioactive materials shall be packed in suitable inside containers designed to prevent rupture and leakage under conditions incident to transportation.

(2) Liquid radioactive materials must be packed in sealed glass, earthenware, or other suitable containers. The container must be surrounded on all sides by an absorbent material sufficient to absorb the entire liquid contents and be of such nature that its efficiency will not be impaired by chemical reactions with the contents. Where shielding is required the absorbent material must be placed within the shield. If the inside container meets the Specification 2R in Appendix A, the absorbent material is not required.

(3) Materials containing radioisotopes of plutonium, americium, polonium, or curium, or the isotope strontium 90, in quantities in excess of 100 microcuries, must be packed in containers which meet Specification 2R in Appendix A.

C. *Shielding.* Inside containers must be completely surrounded with sufficient shielding to meet the requirements of subparagraphs A(4), A(5), and A(6) of this condition. The shield must be so designed that it will not open or break under normal conditions incident to transportation.

D. *Labeling.* Each outside container label required under Section 20.206(f) of 10 CFR 20 shall bear the following information:

(1) Total activity in millicuries, or in the case of source and special nuclear material, the total weight;

(2) principal radioisotope;

(3) radiation level at the surface of the container and at one meter from source; and

(4) the name and address of the licensee.

E. Each vehicle in which licensed material is transported shall be marked or placarded on each side and the rear with lettering at least 3 inches high as follows: "DANGEROUS—RADIOACTIVE MATERIAL."

F. *Accidents.* In the event of an accident involving any vehicle transporting licensed material, immediate steps shall be taken to prevent radiation exposure of persons and to control contamination.

G. *Exemptions.* Specific approval must be obtained from the Atomic Energy Commission for modification of, or exemption from, the requirements of this license condition. Requests for such approval should be directed to the Chief, Isotopes Branch, Division of Materials Licensing, Atomic Energy Commission, and should contain sufficient information to support such a request.

5. In those cases in which the regulations of the Interstate Commerce Commission, United States Coast Guard, or other agency of the United States having jurisdiction over the transportation of radioactive material are not applicable, transportation of radioactive material may also be carried out in accordance with the following:

A. Interstate Commerce Commission Special Permit No. 2301.

B. Bureau of Explosives Permit No. 686.

C. Bureau of Explosives Permit No. 612.

6. Byproduct, source, and special nuclear material may be disposed of by:

A. Burial in the soil at a site located in the NW¼ of the NE¼ of Section 35, Township 13 South, Range 47 East, Mount Diablo Baseline and Meridian, Nev.

B. Burial at a minimum depth of 1,000 fathoms in the Pacific Ocean.

(1) Within an area bounded by points designated as 37°38' N., 123°18' W.; 37°38' N., 123°30' W.; 37°48' N., 123°24' W.; and 37°48' N., 123°30' W.

(2) Within 5 miles of a point designated as 37°40' N., 124°50' W.

(3) Other locations in the Pacific Ocean when approved by the Atomic Energy Commission.

7. A. The licensee shall load containers of special nuclear material waste aboard vessels for transportation to the ocean disposal sites only at locations and under the conditions provided in this license.

B. The licensee may load containers of special nuclear material waste at Fulton's Shipyard near Antioch, Calif., for transport to the disposal site in the Pacific Ocean, under the following conditions:

1. Licensee shall load special nuclear material waste aboard its barge, the Harbor Industries No. 1, or aboard any suitable barge or ship, at the Fulton's Shipyard, only at such time as the City of Antioch is not pumping water from the San Joaquin River and in a manner assuring an interval of time between the period of loading and resumption of river pumping, as herein set forth.

2. Loading operations shall be coordinated between the Department of Public Works of the City of Antioch, City Hall, Antioch, Calif., and the licensee. Communications shall be specifically addressed as follows:

B. H. Maynard, Director of Public Works, City Hall, Antioch, Calif.,

and

J. S. Corbett, Chief Radiation Protection Officer, Nuclear Engineering Co., Inc., Box 594, Walnut Creek, Calif.

3. A designated representative of the City of Antioch shall notify a designated representative of the licensee at least 48 hours in advance of the resumption or cessation of pumping operations. Notification shall be by a telephone call with confirmation in writing. In the event of emergency shutdown of pumping operations by the city, the licensee shall be advised of the probable duration of the shutdown. For the purpose of this provision, representatives of the City of Antioch are:

B. H. Maynard, Director of Public Works, telephone, Plateau 7-3333.
Martin Tillman, Utilities Superintendent, telephone, Plateau 7-0515.
Leo S. Fancey, City Manager, telephone, Plateau 7-3333.

Representatives of the licensee are:

J. Stewart Corbett, Chief, Radiation Protection Officer, telephone, 686-6042.
Alfred L. Johnson, Supervisor, Operations, telephone, 686-6042.

The licensee will require eight hours to complete a barge loading operation. Upon receipt of said notice of intention to resume pumping, the licensee agrees to take the following action with sufficient promptness to comply with condition (d) below.

a. Cease loading special nuclear material waste for transport from Cowell to Antioch and halt departure of trucks from Cowell to Antioch;

b. Remove all special nuclear material waste from the wharf at Fulton's Shipyard by placing it on a sea transport positioned for ocean disposal.

c. Remove any loaded or partially loaded barge or ship from the vicinity of the Antioch water intake. This provision contemplates prompt removal of ships or barges loaded or partially loaded with radioactive wastes, to an ocean disposal site, weather and sea conditions permitting. A bona fide and good faith exercise of the opinion of the master of the transporting vessel to the effect that such prompt removal would be hazardous from the standpoint of the prevailing weather and sea conditions, shall operate to excuse a violation of this provision until such time as the said weather and sea conditions are no longer deemed hazardous in the said opinion of said master.

d. Conditions (a) to (c) inclusive hereof, shall be fully complied with not later than sixteen (16) hours prior to the time designated for the resumption of pumping.

4. The licensee shall utilize all necessary cargo handling procedures and equipment to prevent dropping of packaged special nuclear material waste during the loading operation.

5. The licensee shall maintain careful supervision of special nuclear material waste throughout the period in which it is present at Fulton's Shipyard or in the vicinity thereof. This supervision shall require the presence of one of the individuals authorized by this license at all times when special nuclear material waste containers are being handled. One individual shall be designated by the licensee to be responsible for the safety of the operation during periods when the special nuclear material waste is present but not undergoing active handling. All special nuclear material shall be secured in such a manner as to prevent access to it by other than authorized personnel of the licensee. In the event of an accident or any occurrence that might or does involve any possibility of radioactive contamination of the river or adjacent areas, regardless of the degree or amount thereof, the licensee's supervising representative shall immediately notify one of the city of Antioch representatives listed in Paragraph 3 above, as well as the Atomic Energy Commission, and shall immediately cease all loading activities until given au-

thority to proceed by representatives of said Commission.

8. For disposal by burial at sea, byproduct, source and special nuclear material shall be packaged only in 55-gallon drums prepared in accordance with procedures described in applications dated August 3, 1960 and October 28, 1960, and encased in concrete as described in application dated March 31, 1961.

9. The licensee shall notify the Chief, Isotopes Branch, Division of Materials Licensing, Atomic Energy Commission, Washington, D.C., and the Director, Region V, Division of Compliance, Atomic Energy Commission, 2111 Bancroft Way, Berkeley, Calif., at least 20 days prior to each sea disposal or series of sea disposals by letter deposited in the United States mail properly stamped and addressed, of the proposed date and location for disposal. Information regarding the total number of containers, the total activity of byproduct material in curies, the total amount of source material in pounds, the total amount of special nuclear material in grams contained in each sea disposal shipment shall be supplied to the Director, Division of Compliance, specified above, in such a manner that the information is received by the Director, Division of Compliance, one working day prior to the loading of the vessel for each sea disposal trip. Information regarding the quantities of byproduct, source and special nuclear material disposed of, the actual date of disposal and the disposal location in latitude and longitude shall be supplied to the Chief, Isotopes Branch, Division of Materials Licensing, Atomic Energy Commission, within thirty (30) days after the date of disposal.

10. The licensee shall not remove solid radioactive wastes from shipping containers except as follows:

A. Any inner container with not more than 500 curies of byproduct material or not more than the quantity of special nuclear material specified in Condition 1.C.(b) of this license may be removed from a shipping cask. Immediately upon removal of an inner container from a shipping cask, the inner container shall be buried without any interim storage or processing. The licensee shall provide written instructions to employees for each operation in which an inner container is removed from a shipping cask. The operations authorized in this condition shall be carried out in accordance with the procedures and limitations contained in letters dated January 29, 1964; February 13, 1964; and Attachment 8-A of the application dated July 8, 1964.

B. Any sealed sources with not more than 50 curies of Cobalt 60 or the equivalent of 50 curies of Cobalt 60 in terms of radiation may be removed from shipping casks and disposed of in accordance with the procedures and limitations contained in the application dated July 8, 1964, and the amendment thereto dated January 27, 1965.

11. Packages containing gaseous wastes shall be disposed of by burial in accordance with procedures in section 4, attachment 8 of the application dated July 8, 1964.

12. The licensee may bury any package received from another person at its facility near Beatty, Nev., regardless of the levels of radiation emanating from the package, provided that:

A. The package contains only solid radioactive materials.

B. Radiation levels at accessible approaches to a burial trench do not exceed 100 mr/hr except during the placement of containers.

13. Soil samples shall be obtained on a semiannual basis at the surface and at random 30- to 50-foot depths along the south side of each burial trench (complete or incomplete). The licensee will record the result of the measurement of each soil sample taken.

14. In lieu of the control device requirements of section 20.208(c)(2), 10 CFR 20, the entrance to each facility in which waste is stored shall be locked when authorized personnel are not present so as to make each facility inaccessible to unauthorized personnel when radiation levels exist therein which could cause an individual to receive a dose in excess of 100 millirem in any one hour.

15. Notwithstanding the record keeping requirements of 10 CFR Parts 20, 30, 40, and 70, the licensee shall maintain:

A. Records of the following items of information regarding each container of waste received from customers:

(1) Name and address of customer.
(2) Principal radioisotope.
(3) Total amount of byproduct material in millicuries, the amount of source material in pounds and the amount of special nuclear material in grams.
(4) Radiation level at the surface of the container and at 1 meter.
(5) Level of removable radioactive contamination on the container surface.
(6) Date received.

B. Records of the following items of information regarding each container of waste packaged for sea disposal.

(1) Total amount of byproduct material in millicuries, the amount of source material in pounds and the amount of special nuclear material in grams.
(2) Radiation level at the surface of the container and at 1 meter.
(3) Level of removable radioactive contamination on the container surface.
(4) Most hazardous radioisotope.
(5) Date of packaging.
(6) Weight and volume of final container, if prepared for disposal at sea.
(7) Disposal location and date of disposal.

16. The licensee may seal or place in undamaged containers such packages received by the licensee which may have lost their integrity during transportation. Packages which may have lost their integrity shall not be opened.

17. Except as specifically provided otherwise in this license, the licensee shall receive, process, package, and dispose of byproduct, source and special nuclear material in accordance with the conditions, limitations, and procedures contained in the application dated July 8, 1964, and amendment thereto dated January 27, 1965.

A. All waste byproduct, source and special nuclear material shall be disposed of by burial in the soil within 6 months from the date of receipt by Nuclear Engineering Co., Inc.

B. Upon completion of burial operations in a burial trench, the licensee will backfill the trench so that there is a minimum of 3 feet of earth, consisting of both fine and coarse materials, between the last layer of packages and the surface of the ground. The licensee will mound earth, including fine and coarse materials, over the trench to a minimum height of 3 feet at the center of the mound in such a manner as to drain runoff water away from the trench over which the earth is mounded and away from any other trench in the process of being filled.

C. Upon completion of burial operations in a trench, concrete markers shall be installed at each end of the filled trench. These markers shall contain the following information:

(1) Date of start and completion of burial operations.
(2) Dimensions of the boundaries of the trench.
(3) Total millicuries of byproduct material contained.
(4) Grams of special nuclear material contained.
(5) Pounds of source material contained.

D. No package containing liquid wastes shall be opened and the contents solidified and repackaged if the concentration of the liquid exceeds 10^{-4} microcuries per milliliter. Certification of the concentration shall be obtained by the licensee for all packages containing liquid waste and records maintained thereof.

E. The licensee shall not dispose of any uncontained waste byproduct, source and special nuclear material.

F. Packages containing special nuclear material placed in a burial trench shall have a minimum of 8 inches of earth or 12 feet of space separating each shipment in all directions.

G. Vegetation samples shall be obtained on a semiannual basis in the vicinity of the burial trenches. The licensee will record the result of the measurement of each vegetation sample taken.

H. A water sample shall be taken from the licensee's test well not less than once a month and analyzed for gross alpha- and beta-gamma radioactivity. Should any water sample obtained from the test well reveal an increase in the concentration of radioactive material in the aquifer greater than the concentration of radioactive material determined prior to commencement of burial operations, the licensee shall perform further surveys to determine whether or not the increase is due to land burial operations. Should the radioactivity be determined to originate in the burial ground, the licensee shall notify the Director, Division of Materials Licensing within thirty (30) days of such findings.

This license shall be effective on the date issued and shall expire 3 years from the last day of the month in which this license is issued.

Dated at Bethesda, Md., May 20, 1965.

For the Atomic Energy Commission.

LYALL JOHNSON,
Acting Director,
Division of Materials Licensing.

[F.R. Doc. 65-5554; Filed, May 26, 1965; 8:49 a.m.]

[Docket No. 50-227]

GENERAL DYNAMICS CORP.

Notice of Proposed Issuance of Construction Permit

Please take notice that the Atomic Energy Commission proposes to issue to the General Dynamics Corp. a construction permit substantially in the form set forth below which would authorize the construction of a Thermionic Research TRIGA nuclear reactor on the corporation's laboratory site at Torrey Pines Mesa, Calif.

The Atomic Energy Commission has found that:

A. The application complies with the requirements of the Atomic Energy Act of 1954, as amended, and the Commission's regulations set forth in Title 10, Chapter I, CFR;

B. The reactor will be a utilization facility as defined in the Commission's regulations contained in Title 10, Chapter I, CFR, Part 50, "Licensing of Production and Utilization Facilities";

C. The reactor will be used in the conduct of research and development activities of the types specified in section 31 of the Atomic Energy Act of 1954, as amended (hereinafter referred to as "the Act");

D. General Dynamics Corp. is financially qualified to construct the reactor in accordance with the regulations contained in Title 10, Chapter I, CFR, to assume financial responsibility for the payment of Commission charges for special nuclear material and to undertake and carry out the proposed use of such material for a reasonable period of time;

E. General Dynamics Corp. is technically qualified to design and construct the reactor;

F. General Dynamics Corp. has submitted sufficient technical information concerning the proposed facility to provide reasonable assurance that the proposed facility can be constructed and operated at the proposed location without endangering the health and safety of the public;

G. The issuance of a construction permit to General Dynamics Corp. will not be inimical to the common defense and security or to the health and safety of the public.

Within fifteen (15) days from the date of publication of this notice in the FEDERAL REGISTER, the applicant may file a request for a hearing, and any person whose interest may be affected by the issuance of this construction permit may file a petition for leave to intervene. A request for a hearing and petitions to intervene shall be filed in accordance with the provisions of the Commission's rules of practice, 10 CFR Part 2. If a request for a hearing or a petition for leave to intervene is filed within the time prescribed in this notice, a notice of hearing or an appropriate order will be issued.

For further details with respect to this proposed issuance, see (1) the application and amendments thereto, and (2) the related safety evaluation prepared by the Test and Power Reactor Safety Branch of the Division of Reactor Licensing, all of which are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. A copy of item (2) above may be obtained at the Commission's Public Document Room, or upon request addressed to the Atomic Energy Commission, Washington, D.C., 20545, Attention: Director, Division of Reactor Licensing.

Dated at Bethesda, Md., this 21st day of May 1965.

For the Atomic Energy Commission.

SAUL LEVINE,
Chief, Test and Power Reactor Safety Branch, Division of Reactor Licensing.

PROPOSED CONSTRUCTION PERMIT

1. By application dated July 2, 1964, and amendments thereto dated November 30, 1964, and February 26, 1965 (hereinafter referred to as "the application"), General Dynamics Corp. requested a Class 104 license authorizing construction and operation on the applicant's site at Torrey Pines Mesa, Calif., of a Thermionic Research TRIGA nuclear reactor (hereinafter referred to as "the reactor").

2. Pursuant to the act and Title 10, CFR, Part 50, "Licensing of Production and Utilization Facilities", the Commission hereby issued a construction permit to General Dynamics Corp. to construct the reactor in accordance with the application. This permit shall be deemed to contain and be subject to the conditions specified in §§ 50.54 and 50.55 of said regulations; is subject to all applicable provisions of the act and rules, regulations and orders of the Commission now or

hereafter in effect, and is subject to the additional conditions specified below:

A. The earliest completion date of the facility is June 15, 1965. The latest completion date of the facility is October 15, 1965. The term "completion date", as used herein, means the date on which construction of the facility is completed except for the introduction of the fuel material.

B. The reactor shall be constructed and located at the location near Torrey Pines Mesa, Calif., specified in the application.

3. Upon completion of the construction of the reactor in accordance with the terms and conditions of this permit, upon finding that the facility authorized has been constructed and will operate in conformity with the application and the provisions of the act and of the rules and regulations of the Commission, upon filing of proof of financial protection and execution of an indemnity agreement as required by section 170 of the act, and in the absence of any good cause being shown to the Commission why the granting of a license would not be in accordance with the provisions of the act, the Commission will issue a Class 104 license to General Dynamics Corp. pursuant to section 104c of the act which license shall expire 10 years after the date of this construction permit.

Date:

For the Atomic Energy Commission.

SAUL LEVINE,
Chief, Test and Power Reactor Safety Branch, Division of Reactor Licensing.

[F.R. Doc. 65-5555; Filed, May 26, 1965; 8:49 a.m.]

CIVIL AERONAUTICS BOARD

[Docket No. 16164]

AIR NEW ZEALAND LTD.

Notice of Prehearing Conference

Application for amendment of its foreign air carrier permit to authorize transportation as follows: Between a point or points in New Zealand, the intermediate points New Caledonia, the Fiji Islands, American Samoa, the Cook Islands, and Honolulu (Hawaii) and the terminal point Los Angeles (California).

Notice is hereby given that a prehearing conference on the above-entitled application is assigned to be held on June 7, 1965, at 10 a.m., e.d.s.t., in Room 911, Universal Building, Connecticut and Florida Avenues NW., Washington, D.C., before Examiner James S. Keith.

Dated at Washington, D.C., May 21, 1965.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F.R. Doc. 65-5556; Filed, May 26, 1965; 8:49 a.m.]

[Docket No. 16176]

WHEELER AIRLINES LTD.

Notice of Hearing

Application for a foreign air carrier permit, issued pursuant to section 402 of the Federal Aviation Act of 1958, as amended, to perform operations of a casual, occasional, or infrequent nature, in common carriage, into the United States.

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that a hearing on the above-entitled application is assigned to be held on June 2, 1965, at 10 a.m., e.d.s.t., in Room 911, Universal Building, Connecticut and Florida Avenues NW., Washington, D.C., before Examiner Joseph L. Fitzmaurice.

Dated at Washington, D.C., May 21, 1965.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F.R. Doc. 65-5557; Filed, May 26, 1965; 8:49 a.m.]

FEDERAL AVIATION AGENCY

[OE Docket No. 65-SO-5]

CORAL TELEVISION CORP.

Notice of Petition for Public Hearing

The Coral Television Corp., Miami, Fla., has filed a petition for public hearing pursuant to § 77.37 (30 F.R. 1637), Part 77, Federal Aviation Regulations, in appeal of Determination of Hazard to Air Navigation issued in OE Docket No. 65-SO-5 (30 F.R. 5306), for the proposed construction of a television antenna structure near Key Biscayne, Fla. Therefore, the determination issued in OE Docket No. 65-SO-5 is not and will not be a final determination pending final disposition of the petition.

Issued in Washington, D.C., on May 20, 1965.

JOSEPH VIVARI,
Acting Chief,
Obstruction Evaluation Branch.

[F.R. Doc. 65-5514; Filed, May 26, 1965; 8:46 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 15835; FCC 65 M-632]

LEBANON VALLEY RADIO ET AL.

Order Continuing Hearing

In re applications of Joe Zimmermann, Arthur K. Greiner, Glenn W. Winter, William W. Rakow, Robert M. Lesher doing business as Lebanon Valley Radio, Lebanon, Pa., Docket No. 15835, File No. BP-16098; John E. Hewitt, Thomas A. Ehrgood, Clifford A. Minnich and Fitzgerald C. Smith doing business as Cedar Broadcasters, Lebanon, Pa., Docket No. 15836, File No. BP-16103; Catonsville Broadcasting Co., Catonsville, Md., Docket No. 15838, File No. BP-16105; Radio Catonsville, Inc., Catonsville, Md., Docket No. 15839, File No. BP-16106; Commercial Radio Institute, Inc., Catonsville, Md., Docket No. 15840, File No. BP-16107; for construction permits.

It is ordered, This 20th day of May 1965, because of the illness of the presiding Hearing Examiner, that the hearing heretofore scheduled to be convened June 1, 1965, in the above-entitled proceeding, is continued to a date to be

specified by subsequent order; and, *it is further ordered*, That the motion of Cedar Broadcasters, filed May 19, 1965, for brief continuance of hearing, is dismissed.

Released: May 20, 1965.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 65-5534; Filed, May 26, 1965; 8:47 a.m.]

[Docket Nos. 16017, 16019; FCC 65-437]

MISSOURI-ILLINOIS BROADCASTING CO. (KZYM) AND KGMO-RADIO-TELEVISION INC. (KGMO)

Memorandum Opinion and Order Designating Applications for Consolidated Hearing on Stated Issues

In re applications of Jerome B. Zimmer and Lionel D. Speidel doing business as Missouri-Illinois Broadcasting Co. (KZYM), Cape Girardeau, Mo., Docket No. 16017, File No. BP-15057; has CP: 1220 kc, 250 w, Day, Class II; for construction permit. KGMO Radio-Television, Inc. (KGMO), Cape Girardeau, Mo., Docket No. 16019, File No. BR-2704; has license: 1550 kc, 5 kw, DA-D, Class II; for renewal of license.

1. The Commission has before it for consideration (a) the decision in the case of KGMO Radio-Television, Inc. v. F.C.C. 336 F. 2d 920, 2 R.R. 2d 2057, decided May 22, 1964 by the U.S. Court of Appeals for the District of Columbia Circuit remanding the Missouri-Illinois Broadcasting Co. case, 1 R.R. 2d 1 (1963) to the Commission for further proceedings; (b) the Commission's action, on remand, in the Missouri-Illinois Broadcasting Co. case, F.C.C. 64-748, 3 R.R. 2d 232, adopted July 29, 1964, affording KGMO Radio-Television, Inc., licensee of Station KGMO, Cape Girardeau, Mo., an opportunity to amend and amplify its petition for reconsideration, filed on April 12, 1963 (this latter petition, also before the Commission, is directed against the Commission's action of March 13, 1963, in granting, without a hearing, the application, File No. BP-15057); (c) the "Amendment to and Amplification of Petition for Reconsideration," filed on October 5, 1964, by KGMO; (d) the "Response to the Amendment to and Amplification of Petition for Reconsideration," filed on December 7, 1964, by Missouri-Illinois Broadcasting Co. (KZYM); and (e) the "Reply to Response of KZYM," filed on January 4, 1965, by KGMO. The Commission also has before it for consideration: (a) the above-captioned and described renewal application of Station KGMO, Cape Girardeau, Mo.; (b) the "Petition to Designate for Hearing and for Other Relief," filed on December 29, 1964, by KZYM; and (c) the "Opposition to Petition to Designate for Hearing and for Other Relief," filed on January 11, 1965, by KGMO.

2. KGMO Radio Television, Inc., licensee of standard broadcast station KGMO, Cape Girardeau, Mo., appealed from the Commission's decision in the Missouri-Illinois Broadcasting Co. case, 1 R.R. 2d 1 (1963) in which the Commission denied, without a hearing, its petition for reconsideration of the Commission's action in granting, also without a hearing, a construction permit to Missouri-Illinois Broadcasting Co. KGMO's petition for reconsideration was based on the grounds that the economic effect of another station in the area would be detrimental to the public interest. The Court of Appeals for the District of Columbia Circuit, in the case of KGMO Radio-Television, Inc. v. F.C.C. 336 F. 2d 920, 2 R.R. 2d 2057 (1964), affirmed the principle set forth in the case of Carroll Broadcasting Company v. F.C.C. 258 F. 2d 440, 17 R.R. 2066 (1958) to the extent that the Commission may inquire into the question of whether the economic effect of another broadcast station in the area would be to damage or destroy service to an extent inconsistent with the public interest. However, the Court of Appeals remanded the Missouri-Illinois Broadcasting Co. case, supra, to the Commission with instructions to give KGMO an opportunity to amend and amplify its allegations in support of its request for a Carroll issue, on the grounds that KGMO did not have notice of the new pleading requirements which were set forth in the Commission's decision as necessary to support a Carroll issue. The Commission's action on the remand is contained in the Missouri-Illinois Broadcasting Co. case, FCC 64-748, 3 R.R. 2d 232 (1964). In the latter case, the Commission afforded KGMO an opportunity to amend its petition for reconsideration and also set forth the questions that had to be answered to enable it to determine whether KGMO has raised substantial and material questions of fact that would require an evidentiary hearing on the Carroll issue. The Commission now has before it the additional information submitted by KGMO in support of its request for a Carroll issue and other related pleadings filed by KGMO and KZYM.

3. The Commission has considered the contentions of the parties and is of the opinion that KGMO has met the burden of pleading to the extent required by Missouri-Illinois Broadcasting Co. 3 R.R. 2d 232 (1964), and, therefore, the Carroll issue will be specified. In its detailed response to the Commission inquiries, KGMO alleged specific facts and drew conclusions which were reasonably related to these factual allegations. In sum, KGMO has offered to prove that the economic effect of a new station in Cape Girardeau would be detrimental to the public interest because it would result in a diminution of the existing quantity and quality of standard broadcast service to the area. Although the burden of proof on KGMO is heavy, it was not required to prove its case prior to hearing. The Commission is of the view that KGMO has raised substantial and material questions of fact concerning the ability of the Cape Girardeau market to support another broadcast station without net loss or degradation of service to the community. These questions can only be resolved in an evidentiary hearing. The burden of proof and proceeding with the introduction of evidence will be placed on KGMO.

4. KZYM, in its petition to designate for hearing, contends that, should a hearing be required on the Carroll issue, the KGMO renewal application should be designated for hearing in a consolidated proceeding with the KZYM application. KZYM alleges that it has standing on the grounds that, in the event that it is determined that the revenues are not adequate to support another station without a net loss or degradation of service, a grant of the KGMO renewal application would be tantamount to a denial of the KZYM application without a full and fair hearing. KGMO, in its opposition, contests KZYM's standing to file a petition directed against its renewal application. KGMO alleges that such consolidation is not required or called for under the Commission's procedures. It further alleges that such consolidation would violate the Court's decision in the KGMO Radio-Television, Inc. v. F.C.C. case, supra, since no such proceeding was contemplated therein. The Commission has held that, in the event it is determined that a community can not economically support another station, the losing applicant can file at the existing licensee's next renewal period and then it will be entitled to comparative consideration with the existing licensee in order to determine which party would better serve the public interest. John Self 24 R.R. 1177 (1963); Bigbee Broadcasting Co. 25 R.R. 88 (1963); see also William L. Ross 25 R.R. 360 (1963). In these cases the Commission refused to advance the existing licensee's dates for filing their applications. However, it did indicate that the Commission would permit the applicant for the new station to file its application at the termination of the existing station's normal licensing period in order to receive comparative consideration with such licensee. Here, KGMO's normal licensing period has lapsed and since its renewal application is pending, KGMO is presently operating its station pursuant to section 9(b) of the Administrative Procedure Act and section 307(b) of the Communications Act of 1934, as amended. The purpose of the economic issue is "not * * * to protect a licensee against competition but to protect the public." F.C.C. v. Sanders Brothers Radio Station 309 U.S. 470, 475 (1940). If it should be found that this area cannot support another licensee without a net loss of service to the public, it is important that the Commission determine that the limited broadcasting facilities available are being operated by the party who will better serve the public interest. Having alleged that Cape Girardeau cannot support another station, and assuming that it can successfully establish this at hearing, KGMO will not be heard to object to the Commission fulfilling its obligation to the public by making the further determination in a comparative hearing of whether KGMO or KZYM would better serve the public interest. Accordingly, the KGMO renewal application will be designated for hearing in a consolidated proceeding with the KZYM application, specifying a contingent comparative issue,[1] so that a full comparison of the parties can be made in the record in the event that the record shows that the public would suffer if both were authorized to operate at Cape Girardeau. In remanding the case to the Commission, the Court of Appeals indicated that the Commission could in its discretion consider and act upon any of its rules. The Court in no way precluded the Commission from pursuing its present course of action. The Commission is of the opinion that the public interest will best be served by the action taken herein.

5. Except as indicated by the issues specified below, KGMO Radio-Television, Inc. (KGMO) is legally, technically, financially and otherwise qualified to operate as proposed and Missouri-Illinois Broadcasting Co. (KZYM) is legally, technically, financially and otherwise qualified to construct and operate as proposed. However, the Commission is unable to make the statutory finding that a grant of the applications would serve the public interest, convenience and necessity, and is of the opinion that the applications must be designated for hearing in a consolidated proceeding on the issues set forth below.

It is ordered, That the grant of the above-captioned application of the Missouri-Illinois Broadcasting Co. (BP-15057) is set aside.

It is further ordered, That, pursuant to section 309(e) of the Communications Act of 1934, as amended, the subject applications are designated for hearing in a consolidated proceeding, at a time and place to be specified in a subsequent order, upon the following issues:

1. To determine whether there are adequate revenues to support more than two standard broadcast stations in the area proposed to be served by the Missouri-Illinois Broadcasting Co. (BP-15057) proposal without loss or degradation of standard broadcast service to such area.

2. In the event that Issue No. 1 is answered in the negative, to determine the areas and populations which would receive primary service from each of the applicants and the availability of other primary service to such areas and populations.

3. In the event that Issue No. 1 is answered in the negative to determine, on a comparative basis, which of the proposals would better serve the public interest, convenience, and necessity in light of the evidence adduced pursuant to the foregoing issues and the record made with respect to the significant differences between the applicants as to:

(a) The background and experience of each having a bearing on the applicant's ability to own and operate its proposed station.

(b) The proposals of each of the applicants with respect to the management and operation of the proposed station.

(c) The programing service proposed in each of the said applications.

4. To determine, in the light of the evidence adduced pursuant to the foregoing issues which, if either, of the applications should be granted.

It is further ordered, That the Petition for Reconsideration, filed by KGMO Radio-Television, Inc. is granted.

It is further ordered, That the Petition to Designate for Hearing and for Other Relief, filed by Missouri-Illinois Broadcasting Co. (KZYM) is granted to the extent indicated above.

It is further ordered, That the burden of proceeding with the introduction of evidence and the burden of proof with respect to Issue No. 1 are hereby placed on KGMO Radio-Television, Inc.

It is further ordered, That, to avail themselves of the opportunity to be heard, the applicants herein, pursuant to § 1.221(c) of the Commission's rules, in person or by attorney, shall, within 20 days of the mailing of this order, file with the Commission in triplicate a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this order.

It is further ordered, That the applicants herein shall, pursuant to section 311(a)(2) of the Communications Act of 1934, as amended, and § 1.594 of the Commission's rules, give notice of the hearing either individually or, if feasible, and consistent with the rules, jointly, within the time and in the manner prescribed in such rule, and shall advise the Commission of the publication of such notice as required by § 1.594(g) of the rules.

Adopted: May 19, 1965.

Released: May 21, 1965.

FEDERAL COMMUNICATIONS COMMISSION,[2]
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 65-5535; Filed, May 26, 1965; 8:47 a.m.]

[Docket No. 14760; FCC 65-426]

TRIPLE C BROADCASTING CORP. (WLOR)

Memorandum Opinion and Order Remanding Application

In re application of Triple C Broadcasting Corp. (WLOR), Thomasville, Ga., Docket No. 14760, File No. BP-14988; for construction permit.

1. Before us for consideration is the opinion of April 1, 1965, of the United States Court of Appeals for the District of Columbia circuit in Deep South Broadcasting Co. v. Federal Communications Commission, ____ U.S. App. D.C. ____, ____ F. 2d ____, 4 Pike & Fischer, R.R. 2d 2018 (Case No. 18,507), remanding this case for further proceedings. The Court of Appeals' action resulted from an appeal by Deep South from the final Decision in this proceeding, in which the Review Board, acting pursuant to delegated authority, granted the application of Triple C Broadcasting Corporation (hereinafter WLOR)[1] for an increase in power. In its Decision (35 F.C.C. 525, released October 16, 1963), the Review Board noted that a showing concerning the impact of WLOR's application upon other efficient use of the frequency spectrum would have been desirable as an additional factor to be considered in connection with WLOR's request for waiver of § 73.28(d)(3) of our rules. The Review Board then proceeded to make an independent evaluation of the effect of WLOR's proposal upon possible future use of other frequencies and indicated that upon timely request any party would be afforded an opportunity to show the contrary.

2. The Court of Appeals held in its Opinion that the Review Board's Decision, by raising a new issue after the record was closed and by resolving it with facts only partially reflected in the record, had significantly prejudiced Deep South's rights in this proceeding. The Court of Appeals stated that there was no burden of proof upon Deep South to establish that WLOR's application should be denied. The Court of Appeals also indicated that Deep South had not been accorded a full hearing since the Review Board's action had deprived Deep South of the opportunity to test the Review Board's independent evaluation by cross-examination or to counter it by evidence of its own. The Court of Appeals then concluded that Deep South was entitled to request that WLOR's application be remanded to the Hearing Examiner so that WLOR could seek to sustain its burden of proof on the record.

3. In compliance with and consistent with the Court of Appeals' opinion, we are reopening the record and remanding this proceeding to the Hearing Examiner who presided originally, for further hearings to permit WLOR to adduce evidence concerning the impact of its application upon other efficient use of the frequency spectrum. As indicated above, Deep South may subject WLOR's showing to cross-examination or may counter it by the adduction of relevant evidence. Thereafter, the Hearing Examiner shall issue a Supplemental Initial Decision with findings of fact and conclusions of law reflecting the effect of the further hearing upon the issues as designated in this proceeding.

Accordingly, it is ordered, This 19th day of May 1965, that the record in this proceeding is reopened, and that this proceeding is remanded to the Hearing Examiner for the adduction of additional evidence and the issuance of a Supplemental Initial Decision consistent with this Memorandum Opinion and Order.

Released: May 20, 1965.

FEDERAL COMMUNICATIONS COMMISSION,[3]
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 65-5536; Filed, May 26, 1965; 8:47 a.m.]

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[1] In view of the substantial difference in operating powers, a contingent comparative coverage issue will also be specified.

[2] Commissioner Bartley not participating.

[1] WKTG, the call sign formerly assigned to this standard broadcast station, was changed to WLOR as of June 7, 1964, pursuant to the licensee's request.

[3] Commissioner Cox not participating.

[Docket Nos. 15841—15843; FCC 65M-619]

WTCN TELEVISION, INC. (WTCN-TV), ET AL.

Order Regarding Procedural Dates

In re applications of WTCN Television, Inc. (WTCN-TV), Minneapolis, Minn., Docket No. 15841, File No. BPCT-2850; Midwest Radio-Television, Inc. (WCCO-TV), Minneapolis, Minn., Docket No. 15842, File No. BPCT-3292; United Television, Inc. (KMSP-TV), Minneapolis, Minn., Docket No. 15843, File No. BPCT-3293; for construction permits.

The Hearing Examiner having under consideration a joint petition filed on May 13, 1965, on behalf of the three applicants herein requesting the revision of certain procedural dates;

It appearing, that good cause exists why said petition should be granted and there is no objection thereto;

Accordingly, it is ordered, This 17th day of May 1965, that the Hearing Examiner's Order of April 25, 1965 (FCC 65M-527), is revised to the following extent:

1. That the exchange of the applicants' affirmative exhibits shall be on or before May 25, 1965;

2. That respondents' replies or negative exhibits shall be exchanged on or before June 23, 1965; and,

3. That the notification of witnesses desired for cross-examination shall be accomplished on or before July 1, 1965;

It is further ordered, That the hearing herein shall commence on July 19, 1965, 10 a.m., in the Commission's Offices, Washington, D.C.

Released: May 18, 1965.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 65-5537; Filed, May 26, 1965; 8:47 a.m.]

[Docket Nos. 16020-16022; FCC 65-453]

FIDELITY RADIO, INC., ET AL.

Order Designating Applications for Consolidated Hearing on Stated Issues

In re applications of Fidelity Radio, Inc., Louisville, Ky., Docket No. 16020, File No. BPH-3981; requests: 97.5 mc, #248; 35 kw; 343.75 ft.; Producers, Inc., Louisville, Ky., Docket No. 16021, File No. BPH-4396; requests: 97.5 mc, #248; 11.5 kw(H); 11.5 kw(V); 900 ft.; WHAS, Inc., Louisville, Ky., Docket No. 16022, File No. BPH-4630; requests: 97.5 mc, #248; 100 kw; 496 ft.; for construction permits.

At a session of the Federal Communications Commission held at its offices in Washington, D.C., on the 21st day of May 1965;

The Commission having under consideration the above-captioned and described applications;

It appearing, that, except as indicated by the issues specified below, each of the applicants is legally, technically, and otherwise qualified to construct and operate as proposed; that Producers, Inc., and WHAS, Inc., are financially qualified, but that the financial information submitted by Fidelity Radio, Inc., was filed in 1962 and that, in the absence of current financial information, it cannot be determined that Fidelity Radio, Inc., is financially qualified; and

It further appearing, that the applications are mutually exclusive in that operation by the applicants as proposed would result in mutually destructive interference; and

It further appearing, that the areas for which the applicants propose to provide FM broadcast service are significantly different in size and that, for the purposes of comparison, the areas and population within the respective 1 mv/m contours together with the availability of other FM services (at least 1 mv/m) within such areas will be considered in the hearing ordered below for the purpose of determing whether a comparative preference should accure to any of the applicants; and

It further appearing, that Fidelity Radio, Inc., proposes to operate from a transmitter site formerly used by Fidelity in the operation of former FM broadcast Station WLIL, the license of which was surrendered in 1961; that the site proposed does not meet the minimum mileage-separation requirements of § 73.207 of the Commission's rules in that said site is located 133.6 miles from the site of FM Station WROY, Carmi, Ill. (Channel No. 247) and 102.5 miles from FM Station WOXR, Oxford, Ohio (Channel No. 249); that § 73.207 of the rules requires separations of 135 and 105 miles, respectively, between the proposed Louisville site and Stations WROY and WOXR; that Fidelity Radio, Inc., has requested a waiver of the requirements of § 73.207 of the rules to permit the use of the site specified in its application; and

It further appearing, that the sites specified by Producers, Inc., and WHAS, Inc., are in compliance with the requirements of § 73.207; that therefore the request of Fidelity Radio, Inc., will be denied; but that, since the application was filed December 21, 1962, prior to the effective date of the Commission's Order of December 17, 1962, temporarily suspending the acceptance and grant of applications for new FM broadcast stations, the Commission will provide a period of forty-five (45) days from the release of this order to afford Fidelity Radio, Inc., an opportunity to amend its application to specify a site which complies with § 73.207 of the rules; and that, in the absence of such an amendment, the application of Fidelity Radio, Inc., will be dismissed; and

It further appearing, that Producers, Inc., proposes to duplicate the programing of its AM station for 12 hours per day, which after the October 15, 1965, effective date would not be in compliance with the provisions of § 73.242 of the rules which limits such duplication to 50 percent of the weekly hours broadcast; that under these circumstances, Producers, Inc. will be afforded 30 days within which to amend its application to achieve compliance with the above rule or in the alternative, to request an exemption from its provisions; and

It further appearing, that, in view of the foregoing, the Commission is unable to make the statutory finding that a grant of any of the applications would serve the public interest, convenience, and necessity and is of the opinion that the applications must be designated for hearing in a consolidated proceeding on the issues set forth below;

It is ordered, That, pursuant to section 309(e) of the Communications Act of 1934, as amended, the applications are designated for hearing in a consolidated proceeding, at a time and place to be specified in a subsequent order, upon the following issues:

1. To determine the areas and populations within each of the proposed 1 mv/m contours and the availability of other FM services (at least 1 mv/m) to such areas and populations.

2. To determine whether Fidelity Radio, Inc., is financially qualified to construct and operate its proposed station.

3. To determine, on a comparative basis, which of the proposals would better serve the public interest, convenience, and necessity in the light of the evidence adduced pursuant to the foregoing issues and the record made with respect to the significant differences between the applicants as to:

(a) The background and experience of each having a bearing on the applicant's ability to own and operate the FM station as proposed.

(b) The proposals of each of the applicants with respect to the management and operation of the FM broadcast station as proposed.

(c) The programing service proposed in each of the above-captioned applications.

4. To determine, in the light of the evidence adduced pursuant to the foregoing issues, which of the applications should be granted.

It is further ordered, That the request of Fidelity Radio, Inc., for a waiver of § 73.207 of the Rules is hereby denied.

It is further ordered, That Fidelity Radio, Inc., shall, within forty-five (45) days of the release of this order, amend its application to specify a transmitter site which shall comply with § 73.207 of the rules and that, in the absence of such an amendment within the time specified, the application of Fidelity Radio, Inc., shall be dismissed with prejudice.

It is further ordered, That in the event Producers, Inc., does not amend its programing proposal to achieve compliance with the requirements of § 73.242 of the rules but instead requests an exemption from these provisions, the examiner is hereby authorized to add an issue to determine whether circumstances exist which would warrant an exemption from its provisions.

It is further ordered, That, to avail themselves of the opportunity to be heard, the applicants herein, pursuant to § 1.221(c) of the Commission's rules, in person or by attorney, shall, within twenty (20) days of the mailing of this order, file with the Commission in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this order.

It is further ordered, That the applicants herein shall, pursuant to section 311(a)(2) of the Communications Act of 1934, as amended, and § 1.594 of the Commission's rules, give notice of the hearing, either individually or, if feasible and consistent with the rules, jointly, within the time and in the manner prescribed in such rule, and shall advise the Commission of the publication of such notice as required by § 1.594(g) of the rules.

It is further ordered, That the issues with respect to the applications of Producers, Inc., and WHAS, Inc., may be enlarged by the examiner, on his own motion or on petition properly filed by a party to the proceeding, and upon sufficient allegations of fact in support thereof, by the addition of the following issue: To determine whether the funds available to the applicant will give reasonable assurance that the proposals set forth in the application will be effectuated.

Released: May 24, 1965.

FEDERAL COMMUNICATIONS COMMISSION,[1]
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 65-5560; Filed, May 26, 1965; 8:49 a.m.]

[Docket Nos. 16023, 16024; FCC 65-445]

GREATER ERIE BROADCASTING CO., INC., AND JAMES D. BROWNYARD

Order Designating Applications for Consolidated Hearing on Stated Issues

In re applications of Greater Erie Broadcasting Co., Inc., Lawrence Park, Pa., Docket No. 16023, File No. BP-14945; requests: 1530 kc, 250 w, D, Class II; James D. Brownyard, North East, Pa., Docket No. 16024, File No. BP-15547; requests: 1530 kc, 1 kw, 250 w (CH), D, Class II; for construction permits.

At a session of the Federal Communications Commission held at its offices in Washington, D.C., on the 19th day of May 1965;

The Commission having under consideration the above-captioned and described applications;

It appearing, that, except as indicated by the issues specified below, each of the applicants is legally, technically, financially, and otherwise qualified to construct and operate as proposed; and

It further appearing that the following matters are to be considered in connection with the aforementioned issues specified below:

1. The instant proposals are mutually exclusive in that operation by the applicants as proposed would result in mutually destructive interference.

2. Regarding the application of Greater Erie Broadcasting Co., Inc., it appears that Lawrence Park, Pa., adjoins Erie, Pa. In determining which proposal would better provide a fair, efficient and equitable distribution of radio service, a determination will be made under Issue No. 2 specified below as to whether the proposal should be regarded as providing a new service for its nominal community, Lawrence Park, or whether it should be treated as an application for the principal city, Erie.

It further appearing, that, in view of the foregoing, the Commission is unable to make the statutory finding that a grant of the subject applications would serve the public interest, convenience, and necessity, and is of the opinion that the applications must be designated for hearing in a consolidated proceeding on the issues set forth below:

It is ordered, That, pursuant to section 309(e) of the Communications Act of 1934, as amended, the applications are designated for hearing in a consolidated proceeding, at a time and place to be specified in a subsequent order, upon the following issues:

1. To determine the areas and populations which would receive primary service from the respective proposals of Greater Erie Broadcasting Co., Inc., and James D. Brownyard and the availability of other primary service to such areas and populations.

2. To determine, in the light of section 307(b) of the Communications Act of 1934, as amended, which of the proposals would better provide a fair, efficient and equitable distribution of radio service.

3. To determine, in the light of the evidence adduced pursuant to the foregoing issues which, if either, of the applications should be granted.

It is further ordered, That, in view of the decision of the United States Court of Appeals for the District of Columbia Circuit in the case of Kessler v. F.C.C., 1 RR 2d 2061 (1963) and the Commission's subsequent acceptance of his application for filing (Commission Order FCC 64-433, released May 14, 1964), the "Petition for Reconsideration of Return of Application", filed on November 13, 1962, by James D. Brownyard is dismissed as moot.

It is further ordered, That in view of the hearing in a consolidated proceeding ordered above, the "Petition to Deny" filed on November 13, 1962, by James D. Brownyard, requesting that the Commission designate for hearing in a consolidated proceeding the above-captioned applications is hereby granted.

It is further ordered, That in the event of a grant of either of the above-captioned applications, the construction permit shall contain the following condition: Pending a final decision in Docket No. 14419 with respect to pre-sunrise operation with daytime facilities, the present provisions of § 73.87 of the Commission's rules are not extended to this authorization, and such operation is precluded.

It is further ordered, That, to avail themselves of the opportunity to be heard, the applicants herein, pursuant to § 1.221(c) of the Commission rules, in person or by attorney, shall, within 20 days of the mailing of this order, file with the Commission in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this order.

It is further ordered, That the applicants herein shall, pursuant to section 311(a)(2) of the Communications Act of 1934, as amended, and § 1.594 of the Commission's rules, give notice of the hearing, either individually or, if feasible and consistent with the rules, jointly, within the time and in the manner prescribed in such rule, and shall advise the Commission of the publication of such notice as required by § 1.594(g) of the rules.

It is further ordered, That, the issues in the above-captioned proceeding may be enlarged by the Examiner, on his own motion or on petition properly filed by a party to the proceeding, and upon sufficient allegations of fact in support thereof, by the addition of the following issue: To determine whether the funds available to the applicant will give reasonable assurance that the proposals set forth in the application will be effectuated.

Released: May 24, 1965.

FEDERAL COMMUNICATIONS COMMISSION,[1]
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 65-5561; Filed, May 26, 1965; 8:49 a.m.]

[Docket Nos. 15323, 15324; FCC 65M-640]

INTEGRATED COMMUNICATION SYSTEMS, INC., OF MASSACHUSETTS, AND UNITED ARTISTS BROADCASTING, INC.

Order Scheduling Hearing

In re applications of Integrated Communication Systems, Inc., of Massachusetts, Boston, Mass., Docket No. 15323, File No. BPCT-3167; United Artists Broadcasting, Inc., Boston, Mass., Docket No. 15324, File No. BPCT-3169; for construction permit for new television broadcast station.

It is ordered, This 21st day of May 1965, that Charles J. Frederick in lieu of Sol Schildhause shall serve as presiding officer in the above-entitled proceeding, concerning which the hearing is scheduled to be convened on June 15, 1965, in the Offices of the Commission, Washington, D.C.

Released: May 21, 1965.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 65-5562; Filed, May 26, 1965; 8:50 a.m.]

[Docket Nos. 16017, 16019; FCC 65M-644]

MISSOURI-ILLINOIS BROADCASTING CO. AND KGMO RADIO-TELEVISION, INC. (KGMO)

Order Scheduling Hearing

In re applications of Jerome B. Zimmer and Lionel D. Speidel doing business as

[1] Commissioner Lee absent.

[1] Commissioner Wadsworth absent.

Missouri-Illinois Broadcasting Co., Cape Girardeau, Mo., Docket No. 16017, File No. BP-15057; for construction permit. KGMO Radio-Television, Inc. (KGMO), Cape Girardeau, Mo., Docket No. 16019, File No. BR-2704; for renewal of license.

It is ordered, This 21st day of May 1965, that Thomas H. Donahue shall serve as presiding officer in the above-entitled proceeding; that the hearing therein is hereby scheduled to commence at 10 a.m., July 20, 1965, at Cape Girardeau, Mo.; and that the initial prehearing conference in the proceeding shall be convened by the presiding officer at 9 a.m., June 15, 1965, in the Offices of the Commission, Washington, D.C.; *And, it is further ordered*, That counsel for parties to the proceeding, at the time of their appearance at the initial prehearing conference, shall be prepared to discuss to the fullest extent applicable, in light of the governing issues, all of the pertinent points enumerated in § 1.251 of the Commission's rules of practice and procedure.

Released: May 21, 1965.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 65-5563; Filed, May 26, 1965; 8:50 a.m.]

[Docket Nos. 15942, 15943; FCC 65M-637]

DENNIS A. AND WILLARD D. SLEIGHTER (WWDS) AND BEACON BROADCASTING CONCERN

Order Regarding Procedural Dates

In re applications of Dennis A. Sleighter and Willard D. Sleighter (WWDS), Everett, Pa., Docket No. 15942, File No. BP-16325; Kenneth W. Ferry trading as Beacon Broadcasting Concern, Martinsburg, Pa., Docket No. 15943, File No. BP-16523; for construction permits.

To formalize the agreements and rulings made on the record at a prehearing conference held on May 20, 1965, in the above-entitled matter concerning the future conduct of this proceeding;

It is ordered, This 21st day of May 1965, that:

Preliminary exchange of engineering exhibits is scheduled for June 18, 1965;

Exchange of lay exhibits is scheduled for June 22, 1965;

Final exchange of engineering exhibits is scheduled for June 24, 1965;

Notification of witnesses is scheduled for June 25, 1965; and

Hearing presently scheduled for June 10, 1965, is continued to June 29, 1965.

Released: May 21, 1965.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 65-5564; Filed, May 26, 1965; 8:50 a.m.]

[Docket Nos. 15248, 15626; FCC 65M-630]

UNITED ARTISTS BROADCASTING, INC., AND OHIO RADIO, INC.

Order Scheduling Hearing

In re applications of United Artists Broadcasting, Inc., Lorain, Ohio, Docket No. 15248, File No. BPCT-3168; Ohio Radio, Inc., Lorain, Ohio, Docket No. 15626, File No. BPCT-3348; for construction permit for new television broadcast station.

It is ordered, This 21st day of May 1965, that Charles J. Frederick in lieu of Sol Schildhause shall serve as presiding officer in the above-entitled proceeding, concerning which the hearing is scheduled to be convened on June 15, 1965, in the Offices of the Commission, Washington, D.C.

Released: May 21, 1965.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 65-5565; Filed, May 26, 1965; 8:50 a.m.]

[Docket No. 15213; FCC 65M-642]

UNITED ARTISTS BROADCASTING, INC.

Order Scheduling Hearing

In re application of United Artists Broadcasting, Inc., Houston, Tex., Docket No. 15213, File No. BPCT-3166; for construction permit for new television broadcast station.

It is ordered, This 21st day of May 1965, that Charles J. Frederick in lieu of Sol Schildhause shall serve as presiding officer in the above-entitled proceeding, concerning which the hearing is scheduled to be convened on June 15, 1965, in the Offices of the Commission, Washington, D.C.

Released: May 21, 1965.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 65-5566; Filed, May 26, 1965; 8:50 a.m.]

[Docket Nos. 16025, 16026; FCC 65-446]

WEBSTER COUNTY BROADCASTING CO. AND HOLMES COUNTY BROADCASTING CO. (WXTN)

Order Designating Applications for Consolidated Hearing on Stated Issues

In re applications of William E. Hardy and James E. Myers, doing business as Webster County Broadcasting Co., Eupora, Miss., Docket No. 16025, File No. BP-16372; requests: 1000 kc, 1 kw, Day, Class II; Marvin L. Mathis, Robin H. Mathis, Ralph C. Mathis, and John B. Skelton, Jr., doing business as Holmes County Broadcasting Co. (WXTN), Lexington, Miss., Docket No. 16026, File No. BP-16601; has: 1150 kc, 500 w, Day, Class III; requests: 1000 kc, 5 kw, Day, Class II; for construction permits.

At a session of the Federal Communications Commission held at its offices in Washington, D.C., on the 19th day of May 1965;

The Commission having under consideration the above-captioned and described applications;

It appearing, that, except as indicated by the issues specified below, each of the applicants is legally, technically, and otherwise qualified to construct and operate as proposed; that Holmes County Broadcasting Co. is financially qualified but that Webster County Broadcasting Company may not be financially qualified; and

It further appearing that the following matters are to be considered in connection with the aforementioned issues specified below:

1. The above proposals are mutually exclusive in that concurrent operation would result in prohibited overlap of contours as defined by § 73.37(a) of the Commission's rules.

2. Examination of the Webster County application indicates that a total of approximately $16,200 will be needed to construct the station and to operate it, without revenues, for a period of 3 months. This amount is to be financed by capital contributions from the two equal partners. However, their balance sheets fail to show adequate cash and/or liquid assets available in sufficient amount to meet their commitments. Thus, the Commission cannot now determine that they are financially qualified.

It further appearing, that, in view of the foregoing, the Commission is unable to make the statutory finding that a grant of the subject applications would serve the public interest, convenience, and necessity, and is of the opinion that the applications must be designated for hearing in a consolidated proceeding on the issues set forth below:

It is ordered, That, pursuant to section 309(e) of the Communications Act of 1934, as amended, the applications are designated for hearing in a consolidated proceeding, at a time and place to be specified in a subsequent order, upon the following issues:

1. To determine the areas and populations which would receive primary service from the proposed operation of Webster County Broadcasting Co. and the availability of other primary service to such areas and populations.

2. To determine the areas and populations which may be expected to gain or lose primary service from the proposed operation of Station WXTN and the availability of other primary service to such areas and populations.

3. To determine whether Webster County Broadcasting Co. is financially qualified to construct and operate its proposed station.

4. To determine, in the light of section 307(b) of the Communications Act of 1934, as amended, which of the proposals would better provide a fair, efficient and equitable distribution of radio service.

5. To determine, in the light of the evidence adduced pursuant to the foregoing issues which, if either, of the applications should be granted.

It is further ordered, That, in the event of a grant of either of the applications herein, the construction permit shall contain the following condition: Pending a final decision in Docket No. 14419 with respect to pre-sunrise operation with daytime facilities, the present provisions of § 73.87 of the Commission rules are not extended to this authorization, and such operation is precluded.

It is further ordered, That, to avail themselves of the opportunity to be heard, the applicants herein, pursuant to § 1.221(c) of the Commission rules, in person or by attorney, shall, within 20 days of the mailing of this order, file with the Commission in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this order.

It is further ordered, That the applicants herein shall, pursuant to section 311(a)(2) of the Communications Act of 1934, as amended, and § 1.594 of the Commission's rules, give notice of the hearing, either individually or, if feasible and consistent with the rules, jointly, within the time and in the manner prescribed in such rule, and shall advise the Commission of the publication of such notice as required by § 1.594(g) of the rules.

It is further ordered, That, except with respect to the application of Webster County Broadcasting Co., the issues in the above-captioned proceeding may be enlarged by the Examiner, on his own motion or on petition properly filed by a party to the proceeding, and upon sufficient allegations of fact in support thereof, by the addition of the following issue: To determine whether the funds available to the applicant will give reasonable assurance that the proposals set forth in the application will be effectuated.

Released: May 24, 1965.

FEDERAL COMMUNICATIONS COMMISSION,[1]
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 65-5567; Filed, May 26, 1965; 8:50 a.m.]

[Docket Nos. 14208, 14228; FCC 65M-646]

WMOZ, INC., AND EDWIN H. ESTES

Order Continuing Hearing

In re application of WMOZ, Inc., Mobile, Ala., Docket No. 14208, File No. BR-2797; for renewal of license of station WMOZ, Mobile, Ala.; revocation of license of Edwin H. Estes for standard broadcast station WPFA, Pensacola, Fla., Docket No. 14228.

It is ordered, This 21st day of May 1965, that the hearing is rescheduled from June 1 to Wednesday, June 2, 1965, in Mobile, Ala., at 10 a.m.

Released: May 24, 1965.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 65-5568; Filed, May 26, 1965; 8:50 a.m.]

[Docket Nos. 14208, 14228]

WMOZ, INC., AND EDWIN H. ESTES

Notice of Place of Hearing

In the matter of WMOZ, Inc., Mobile, Ala., Docket No. 14208, File No. BR-2797; for renewal of license of station WMOZ, Mobile, Ala.; revocation of license of Edwin H. Estes for standard broadcast station WPFA, Pensacola, Fla., Docket No. 14228.

The hearing on the above-entitled matter presently scheduled for Wednesday, June 2, 1965, will be held at 10 a.m., in Room 301, U.S. Court and Custom House, Corner St. Louis and St. Joseph Streets, Mobile, Ala.

Dated: May 21, 1965.

Released: May 24, 1965.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 65-5569; Filed, May 26, 1965; 8:50 a.m.]

FEDERAL MARITIME COMMISSION

[Fact Finding Investigation 6]

EFFECTS ON FOREIGN COMMERCE OF UNITED STATES

Notice of Hearing

MAY 21, 1965.

A further hearing in this proceeding will commence at 10 a.m. on June 14, 1965, in Room 605, 1321 H Street NW., Washington, D.C. The hearing will be open to the public.

RALPH P. DICKSON,
Investigative Officer.

[F.R. Doc. 65-5547; Filed, May 26, 1965; 8:48 a.m.]

[Docket No. 1302]

MAS INTERNATIONAL CORP.

Application for Freight Forwarding License; Discontinuance of Proceeding

On June 19, 1964, Mas International Corp. (MAS) was notified by the Managing Director that the Commission intended to deny its application for a license as an independent freight forwarder because of its activities as an exporter of shipments to foreign countries. The applicant requested the opportunity to show at a hearing that denial of the application would not be warranted. Therefore, the Commission, by order dated September 4, 1964, instituted a proceeding to determine whether the applicant was qualified for an independent ocean freight forwarder's license within the meaning of section 44 of the Shipping Act, 1916 (46 U.S.C. 821, 841(b)).

Subsequent to the institution of this proceeding, the applicant submitted a divestiture plan that proposed to sever all relationships, other than that of freight forwarder-client, with all exporters, shippers, and sellers of shipments to foreign countries. The divestiture plan was approved by the Commission on March 9, 1965.

On April 2, 1965, Hearing Counsel moved for the dismissal of this proceeding on grounds that "all present questions pertaining thereto are now moot."

By letter dated April 29, 1965, respondent advised the Commission that the divestiture plan as approved by the Commission had been accomplished.

Now, therefore, it is ordered, That the proceeding is hereby discontinued.

It is further ordered, That a copy of this order shall be served upon the respondent herein, and that this order be published in the FEDERAL REGISTER.

By the Commission.

[SEAL] THOMAS LISI,
Secretary.

[F.R. Doc. 65-5548; Filed, May 26, 1965; 8:48 a.m.]

AUSTRALIA/U.S. GULF, ATLANTIC, AND GREAT LAKES CONFERENCE

Notice of Agreement Filed for Approval

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1321 H Street NW., Room 301; or may inspect agreement at the offices of the District Managers, New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments with reference to an agreement including a request for hearing, if desired, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C., 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the comments should indicate that this has been done.

Notice of agreement filed for approval by:

Elmer C. Maddy, Esq., Kirlin, Campbell & Keating, 120 Broadway, New York, N.Y., 10005.

Agreement 9450, between MANZ Line Joint Service (as one member only), Blue Star Line Ltd., United States Lines Co., A/B Atlanttrafik Columbus Line, covers the establishment of a steamship conference entitled the "Australia/U.S. Gulf, Atlantic and Great Lakes Conference" which will operate in the trade from the Commonwealth of Australia

[1] Commissioner Wadsworth absent.

and Pacific Islands to all ports of the United States of America (excluding Pacific Coast ports, Alaska, and Hawaii), Puerto Rico, the Virgin Islands and inland points in the United States, under terms and conditions set forth in said agreement.

Dated: May 24, 1965.

By order of the Federal Maritime Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 65-5549; Filed, May 26, 1965; 8:48 a.m.]

NORWEGIAN ASIA LINE AND FERN-VILLE LINES

Notice of Agreement Filed for Approval

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1321 H Street NW., Room 301; or may inspect agreement at the offices of the District Managers, New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments with reference to an agreement including a request for hearing, if desired, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C., 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the comments should indicate that this has been done.

Notice of agreement filed for approval by:

Mr. Arthur G. Smith, Treasurer, Fearnley & Eger, Inc., 39 Broadway, New York 6, N.Y.

Agreement 9453, between Norwegian Asia Line and Fern-Ville Lines—Fearnley & Eger and A. F. Klaveness & Co. A/S, covers the transportation of general cargo on through bills of lading from loading ports of Norwegian Asia Line in Sabah and Sarawak to ports of call of Fern-Ville Lines—Fearnley & Eger and A. F. Klaveness & Co. A/S on Canadian and United States Pacific Coast with transhipment at Hong Kong, under terms and conditions set forth in said agreement.

Dated: May 21, 1965.

By order of the Federal Maritime Commission.

FRANCIS C. HURNEY,
Special Assistant to the Secretary.

[F.R. Doc. 65-5550; Filed, May 26, 1965; 8:48 a.m.]

PISTORINO & CO., INC., ET AL.

Notice of Agreements Filed for Approval

Notice is hereby given that the following freight forwarder cooperative working agreements have been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreements at the Washington office of the Federal Maritime Commission, 1321 H Street NW., Room 301. Comments with reference to an agreement including a request for hearing, if desired, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C., 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. A copy of any such statement or request for a hearing should also be forwarded to each of the parties to the agreement (as indicated hereinafter), and the comments should indicate that this has been done.

Unless otherwise indicated, these agreements are non-exclusive, cooperative working arrangements under which the parties may perform freight forwarding services for each other. Forwarding and service fees are to be agreed upon on each transaction. Ocean freight compensation is to be divided as agreed between the parties.

Pistorino & Co., Inc., Boston, Mass., Seaboard Forwarding Co., Inc., New York, N.Y. FF-1966
Fillette, Green & Co., of Tampa, Tampa, Fla., Gotham Shipping Co., Inc., New York, N.Y. FF-1972
C. J. Hanlon Co., Inc., New York, N.Y., The Hipage Co., Inc., Norfolk, Va. FF-1973
I. C. Harris & Co., Detroit, Mich., J. S. Lipinski Co., Toledo, Ohio ... FF-1976
I. C. Harris & Co., Detroit, Mich., W. Heimann, Inc., New York, N.Y. ... FF-1987
Carmichael Forwarding Service, Los Angeles, Calif., Dunnington & Arnold, Inc., New York, N.Y. FF-1993
Triangle Forwarding Corp., New York, N.Y., John V. Carr & Son, Inc., Detroit, Mich. FF-1994
Leyden Shipping Corp., New York, N.Y., Wall Shipping Co., Inc., Baltimore, Md. FF-1995
Baker, Irons & Dockstader, Inc., New York, N.Y., International Shipping Corp., Miami, Fla. FF-1996
Francesco Parisi Midwest, Inc., Chicago, Ill., F. X. Coughlin Co., Detroit, Mich. FF-1997
Wilfred Schade & Co., Inc., Newport News, Va., Trans-World Shipping Service, Inc., Toledo, Ohio. FF-1998
Heidl's, Inc., New York, N.Y., Air-Sea Forwarders, Inc., Los Angeles, Calif. FF-2000
Dumont Shipping Co., Inc., New York, N.Y., Morris Friedman & Co., Philadelphia, Pa. FF-2001
John S. James, Savannah, Ga., Schaefer & Krebs, Inc., New York, N.Y. FF-2003
Markland Thakar, New York, N.Y., The F. H. Shallus Co., Baltimore, Md. FF-2012
Hudson Shipping Co., Inc., New York, N.Y., Albury & Co., Miami, Fla. FF-2019
E. F. Downing & Co., Inc., New York, N.Y., Carson M. Simon & Co., Phila., Pa. FF-2032
J. B. Wood Shipping Co., Inc., New York, N.Y., Stone & Downer Co., Boston, Mass. FF-2040

P. L. Kraemer & Co., New York, N.Y., is party to the following agreements, the terms of which are identical. The other parties are:

Leading Forwarders of Rochester, Inc., Rochester, N.Y. FF-1985
John A. Steer Co., Phila., Pa. FF-1990

Chas. Kurz Co., Philadelphia, Pa., is party to the following agreements, the terms of which are identical. The other parties are:

Charleston Overseas Forwarders, Inc., Charleston, S.C. FF-1967
H. & H. Shipping Co., Inc., New York, N.Y. FF-2014
Reney Forwarding Co., Inc., New York, N.Y. FF-2021

C. S. Greene & Co., Inc., Chicago, Ill., is party to the following agreements, the terms of which are identical. The other parties are:

Ira Furman & Co., Inc., New York, N.Y. FF-2022
Forwarding Services, Inc., New York, N.Y. FF-2023

Forwarding and service fees are $.50 for passing Shipper's Export Declaration only, additional services such as Tracing, Issuing Dock Receipts, etc. as agreed. Forwarding and service fees to non-consular countries $7.50. Ocean freight brokerage to be divided on the basis of fifty percent (50 percent) to Ira Furman & Co., Inc. and fifty percent (50 percent) to C. S. Greene & Co. The same terms apply to Forwarding Services, Inc.

Coastal Forwarders, Charleston, S.C., is party to the following agreements, the terms of which are identical. The other parties are:

Hudson Shipping Co., Inc., New York, N.Y. FF-1986
H. W. Ebert Co., New York, N.Y. FF-2027

John H. Faunce, Inc., Philadelphia, Pa., is party to the following agreements, the terms of which are identical. The other parties are:

Mercal International, Inc., New York, N.Y. FF-1992
W. M. Stone & Co., Inc., Norfolk, Va. FF-2004

Nordstrom Freighting Corp., New York, N.Y., is party to the following agreements, the terms of which are identical. The other parties are:

H. E. Schurig & Co., Houston, Tex. ... FF-2018
Bevon International, Inc., Charleston, S.C. FF-2026

Paul Sustek Co., Phila., Pa., is party to the following agreements, the terms of which are identical. The other parties are:

United Forwarders Service, Inc., New York, N.Y. FF-2008
Almac Shipping Co., Inc., New York, N.Y. FF-2025

Express Forwarding & Storage Co., Inc., New York, N.Y., is party to the following agreements, the terms of which are identical. The other parties are:

T. J. Hanson, Inc., Beaumont, Tex. FF-1980
Charleston Overseas Forwarding, Inc., Charleston, S.C. FF-1989
Cavalier Shipping Co., Inc., Norfolk, Va. FF-1991
Stone Forwarding Co., Inc., Corpus Christi, Tex. (Also Galveston & Houston, Tex.) FF-1999
Geo. S. Bush & Co., Inc., Portland, Oreg. FF-2030

Argus Shipping Co., Inc., New York, N.Y., is party to the following agreements, the terms of which are identical. The other parties are:

Wilfred Schade & Co., Inc., Newport News, Va. FF-2006
Paul Sustek Co., Philadelphia, Pa. ... FF-2007
William H. Masson, Inc., Baltimore, Md. FF-2011
Coastal Forwarders, Charleston, S.C. FF-2030
General Foreign Freight Forwarders, Norfolk, Va. FF-2034

Gallagher & Ascher Co., Chicago, Ill., is party to the following agreements, the terms of which are identical. The other parties are:

H. W. Ebert Co., New York, N.Y. FF-2028
W. J. Byrnes & Co., San Francisco, Calif. FF-2029
Inge & Co., Inc., New York, N.Y. FF-2042
Dumont Shipping Co., Inc., New York, N.Y. FF-1984

Skyline Shipping Corp., New York, N.Y., is party to the following agreements, the terms of which are identical. The other parties are:

Coastal Forwarders, Charleston, S.C. FF-2009
Norton & Ellis, Inc., Norfolk, Va. ... FF-2010
Morris Friedman & Co., Philadelphia, Pa. FF-2017
J. G. R. Williams, Inc., New Orleans, La. FF-2031

Maron Shipping Agency, Inc., New York, N.Y., is party to the following agreements, the terms of which are identical. The other parties are:

General Foreign Freight Forwarders, Norfolk, Va. FF-2005
George W. Wise, Jr., Savannah, Ga. ... FF-2006

Silvey Shipping Co., Inc., New York, N.Y., is party to the following agreements, the terms of which are identical. The other parties are:

Seaway Forwarding Co., Cleveland, Ohio FF-2033
Gerry Schmitt & Co., Detroit, Mich. FF-2034
Stevens Shipping Co., Savannah, Ga FF-2035
Waters Shipping Co., Wilmington, N.C FF-2036
Fillette, Green & Co. of Tampa, Tampa, Fla. FF-2037
Albury & Co., Miami, Fla. FF-2038
The Cottman Co., Baltimore, Md. ... FF-2039

International Expediters, Inc., New York, N.Y., is party to the following agreements, the terms which are identical. The other parties are:

Joseph K. Ebberwein, Savannah, Ga FF-1969
J. R. Michels, Inc., Brownsville, Tex FF-1970
William R. Neal, Port Huron, Mich. FF-1971
A. L. Rankin, Corpus Christi, Tex. ... FF-1974
Ralph Valls, Corpus Christi, Tex. ... FF-1976
Palmetto Shipping Co., Charleston, S.C FF-1977
John S. Connor, Inc., Baltimore, Md FF-1978
Universal Transcontinental Corp., New York, N.Y. FF-1979
Fred E. Gignoux, Inc., Portland, Maine FF-1988
Hasler & Co., Newport News, Va. ... FF-2041

Agreement FF-2013 between Peter A. Bernacki, Inc., Philadelphia, Pa., and Manhattan Shipping Co., New York, N.Y., is a cooperative working arrangement whereunder ocean freight brokerage is to be divided between the parties as agreed.

This division of brokerage will be restricted to those shipments handled on behalf of each other. Where only papers are presented on behalf of another forwarder, no brokerage will be divided. Forwarding and service fees are subject to negotiation on each transaction.

Agreement FF-1981 between Atlas Forwarding Co., Inc., New York, N.Y., and Charleston Overseas Forwarders, Inc., Charleston, S.C., is a cooperative working arrangement whereunder compensation received from ocean carriers in the form of freight brokerage shall not be shared by the parties. All compensation of this nature will be received only by Atlas Forwarding Co., Inc. Forwarding and service fees are subject to negotiation on each transaction.

Sunshine Forwarders, Inc., Jacksonville, Fla., is party to the following agreements, the terms of which are identical. The other parties are:

Frederic Henjes, Jr., Inc., New York, N.Y. FF-2015
Dumont Shipping Co., Inc., New York, N.Y. FF-2016

Forwarding and service fees are to be as follows:

Bermuda and Nassau $2.50
All other countries:
To pass completed declarations 1.25
To pass completed bills of lading ... 1.25
To prepare or complete and pass export declarations 2.50
To prepare or complete and pass bills of lading 2.50
Preparation of Consul documents ... 5.00
Consular documents (at cost).
Telephone calls, teletypes or telegrams (at cost).
Ocean freight brokerage is to be divided equally on a 50/50 basis between both parties.

NOTICE OF AGREEMENTS SUBJECT TO CANCELLATION

Notice is hereby given that the following independent ocean freight forwarder cooperative working agreements approved by the Commission pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814) are scheduled for cancellation inasmuch as in accordance with the terms therein the parties to the agreements have requested in writing that the agreements be terminated.

Coastal Forwarders, Charleston, S.C., Major Forwarding Co., Inc., New York, N.Y. FF-263
Heidl's, New York, N.Y., John L. Westland & Son, Inc., Los Angeles, Calif. FF-349

Dated: May 24, 1965.

THOMAS LISI,
Secretary.

[F.R. Doc. 65-5551; Filed, May 26, 1965; 8:49 a.m.]

U.S. ATLANTIC AND GULF PORTS/BERMUDA RATE AGREEMENT

Notice of Agreement Filed for Approval

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1321 H Street NW., Room 301; or may inspect agreements at the offices of the District Managers, New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments with reference to an agreement including a request for hearing, if desired, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C., 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the comments should indicate that this has been done.

Notice of agreement filed for approval by:

Mr. Elmer C. Maddy, Kirlin, Campbell, and Keating, 120 Broadway, New York, N.Y., 10005.

Agreement 9449, between Cargo Carriers Ltd. and Furness, Withy & Co., Ltd. operating cargo services between U.S. Atlantic and Gulf ports and Bermuda, provides that the parties will confer and discuss with each other the rates, charges, classifications, and related tariff matters to be charged or observed by them in the above trade in order to promote the commerce and stability of such trade in accordance with the terms and conditions set forth in the agreement.

Dated: May 24, 1965.

By order of the Federal Maritime Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 65-5552; Filed, May 26, 1965; 8:49 a.m.]

FEDERAL POWER COMMISSION

[Docket No. CP65-364]

CITY OF PIKEVILLE, TENN.

Notice of Application

MAY 20, 1965.

Take notice that on May 14, 1965, the city of Pikeville, Tenn. (Applicant), filed in Docket No. CP65-364 an application pursuant to section 7(a) of the Natural Gas Act for an order of the Commission directing East Tennessee Natural Gas Co. (East Tennessee), to sell to Applicant its third year peak-day requirements of 605 Mcf per day of natural gas and to deliver such gas to the city of Dunlap, Tenn., for Applicant's account, all as more fully set forth in the application on file with the Commission and open to public inspection.

The application states that the lateral line of the city of Dunlap was constructed pursuant to the order of the Commission issued on May 6, 1965, in Docket No. CP65-212. Applicant and Dunlap have entered into an arrangement under which Dunlap will transport gas from the connection between it and East Tennessee and deliver the gas to Applicant at a point on the north side of Dunlap.

Dunlap will charge $500 per year for this transportation service.

Applicant proposes to serve all potential customers north of the delivery point, including those within Applicant's city limits.

Applicant proposes to construct approximately 20 miles of intermediate pressure mains and approximately 12 miles of low-pressure distribution mains. The total cost of the proposed distribution system is estimated to be $315,000, which is to be financed from the sale of gas revenue bonds.

Applicant anticipates the annual and peak-day requirements of natural gas for the first 3 years of operations to be as follows:

	First year	Second year	Third year
Annual (Mcf)	40,308	61,615	74,551
Peak day (Mcf)	203	423	506

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C., 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before June 18, 1965.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 65-5515; Filed, May 26, 1965; 8:46 a.m.]

[Docket No. CP65-360]

INTERSTATE POWER CO.

Notice of Application

MAY 19, 1965.

Take notice that on May 14, 1965, Interstate Power Co. (Applicant), 1000 Main Street, Dubuque, Iowa, 52003, filed in Docket No. CP65-360 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of a natural gas pipeline extending from a point near Hooppole, Ill., to the Rock River near Prophetstown, Ill., and a river crossing, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes to construct and operate approximately 10.0 miles of 12-inch pipeline from Hooppole to the Rock River and 1.5 miles of 8-inch pipeline river crossing. The stated reason for the proposal is to provide for Applicant's normal system growth. Applicant states that with only current facilities it will not have any reserve pipeline system capacity available to provide normal system load growth past the current heating season.

Applicant states that the estimated cost of construction of the proposed facilities is $423,350, which is to be financed from a portion of the funds to be raised from the sale of common and preferred stock and first mortgage bonds.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C., 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (157.10) on or before June 18, 1965.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no protest or petition to intervene is filed within the time required herein, and the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a protest or petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 65-5516; Filed, May 26, 1965; 8:46 a.m.]

[Docket Nos. CP65-357—CP65-359]

MICHIGAN WISCONSIN PIPE LINE CO.

Notice of Applications

MAY 20, 1965.

Take notice that on May 12, 1965, Michigan Wisconsin Pipe Line Co. (Applicant), 1 Woodward Avenue, Detroit, Mich., 48226, filed in Docket No. CP65-358 an application pursuant to section 3 of the Natural Gas Act requesting an order of the Commission authorizing Applicant to export natural gas from the United States to the Dominion of Canada (Canada). On the same date Applicant filed in Docket No. CP65-357 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of facilities for the interstate transportation of natural gas in the States of Wisconsin, Illinois, Indiana, and Michigan. Applicant filed a third application, on the same day, in Docket No. CP65-359 for a permit pursuant to Executive Order No. 10485, dated September 3, 1953, authorizing the construction, operation, maintenance, and connection of facilities at the international boundary between the United States and Canada for the exportation of natural gas to Canada. The proposal involved is more fully set forth in the applications submitted in the above-docket numbers, and these applications are on file with the Commission and open to public inspection.

The applications incorporate a proposal by Applicant to receive up to 600.4 million cubic feet per day of natural gas from Midwestern Gas Transmission Co. (Midwestern), at the existing point of interconnection of the systems of Midwestern and Applicant near Marshfield, Wis., and to redeliver equivalent volumes to Trans-Canada Pipe Lines Ltd. (Trans-Canada), at points on the international boundary near Sault Ste. Marie and Sarnia, Ontario. The proposal is complementary to that set forth by Midwestern in its applications filed with the Commission in Docket Nos. CP65-349, CP65-350, and CP65-351. Midwestern proposes to import natural gas from Trans-Canada from a point on the international boundary near Emerson, Manitoba, and transport the gas to the interconnection with Applicant near Marshfield, Wis. The proposals by Applicant and Midwestern allegedly are competitive and mutually exclusive with the project proposed by Great Lakes Transportation Co., in its applications filed with the Commission in Docket Nos. CP65-171, CP65-172, and CP65-173.

Specifically, Applicant requests authorization to construct and operate the following facilities:

(a) 217.4 miles of 30-inch loop line in Wisconsin, Illinois, and Michigan;

(b) 55.5 miles of 26-inch loop line in Wisconsin;

(c) 168.0 miles of 30-inch line and 228.0 miles of 10-inch line in Michigan;

(d) 100,850 horsepower at three new and seven existing compressor stations in Wisconsin, Michigan, and Indiana.

Applicant proposes to construct the facilities over a 4-year period and estimates the cost to be $79,600,000, which is to be financed through the sale of $40,000,000 principal amount of bonds, $8,000,000 of common stock and the balance in short-term bank loans.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C., 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (157.10) on or before June 17, 1965.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no protest or petition to intervene is filed within the time required herein, and the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a protest or petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 65-5517; Filed, May 26, 1965; 8:46 a.m.]

[Docket No. G-3912, etc.]

ASHLAND OIL & REFINING CO. ET AL.

Notice of Applications for Certificates, Abandonment of Service and Petitions To Amend Certificates [1]

MAY 18, 1965.

Take notice that each of the Applicants listed herein has filed an application or petition pursuant to section 7 of the Natural Gas Act for authorization to sell natural gas in interstate commerce or to abandon service heretofore authorized as described herein, all as more fully described in the respective applications and amendments which are on file with the Commission and open to public inspection.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C., 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before June 9, 1965.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on all applications in which no protest or petition to intervene is filed within the time required herein, if the Commission on it own review of the matter believes that a grant of the certificates or the authorization for the proposed abandonment is required by the public convenience and necessity. Where a protest or petition for leave to intervene is timely filed, or where the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given: Provided, however, that pursuant to § 2.56, Part 2, Statement of General Policy and Interpretations, Chapter I of Title 18 of the Code of Federal Regulations, as amended, all permanent certificates of public convenience and necessity granting applications, filed after April 15, 1965, without further notice, will contain a condition precluding any filing of an increased rate at a price in excess of that designated for the particular area of production for the period prescribed therein unless at the time of filing such certificate application, or within the time fixed herein for the filing of protests or petitions to intervene the Applicant indicates in writing that it is unwilling to accept such a condition. In the event Applicant is unwilling to accept such condition the application will be set for formal hearing.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

JOSEPH H. GUTRIDE,
Secretary.

[1] This notice does not provide for consolidation for hearing of the several matters covered herein, nor should it be so construed.

Docket No. and date filed	Applicant	Purchaser, field and location	Price per Mcf	Pressure base
G-3912 D 5-6-65	Ashland Oil & Refining Co., Post Office Box 1503, Houston, Tex., 77001.	Cities Service Gas Co., Hugoton Field, Grant County, Kans.	(1)	-------
G-9644 E 5-12-65	CRA, Inc. (successor to Roy R. Gardner), Post Office Box 7305, Kansas City, Mo., 64116.	Tennessee Gas Transmission Co., North Tidehaven Field, Matagorda County, Tex.	[2] 16.1694?	14.65
G-9720 E 5-3-65	Jenkins and Archer, partnership (successor to Oliver Jenkins, Trustee), c/o Margaret J. Wells, agent, Box 869, Paintsville, Ky.	Kentucky-West Virginia Gas Co., Middle Creek Field, Floyd County, Ky.	15.0	14.6
G-11189 D 5-6-65	The Pure Oil Co., 200 East Golf Rd., Palatine, Ill., 60067.	Transcontinental Gas Pipe Line Corp., Gueydon Field, Vermilion Parish, La.	Assigned	-------
G-11564 E 10-2-61	Pan American Petroleum Corp., Operator (successor to Honolulu Oil Corp. (Operator), et al.), Post Office Box 591, Tulsa, Okla., 74102.	Northern Natural Gas Co., Prentice Gasoline Plant, Yoakum County, Tex.	10.0	14.65
G-14950 C 5-28-62	Gulf Oil Corp., Post Office Box 1589, Tulsa, Okla., 74102.	Transwestern Pipeline Co., Waha and Worsham Fields, Reeves County, Tex.	16.0	14.65
C160-645 E 4-19-65	CRA, Inc. (successor to Cyprus Oil Co., et al.), Post Office Box 7305, Kansas City, Mo., 64116.	Tennessee Gas Transmission Co., Grosse Isle Field, Vermilion Parish, La.	20.0	15.025
C161-1273 D 5-3-65	Tennco Oil Co., Post Office Box 2511, Houston, Tex., 77001 (partial abandonment).	United Gas Pipe Line Co., Bethany Field, Panola County, Tex.	(3)	-------
C162-325 [4] E 5-4-65	Rutter and Co., Ltd., et al. (successor to Bartesas Oil Corp.), 500 North Big Spring, Midland, Tex.	El Paso Natural Gas Co., Spraberry Trend Field, Reagan County, Tex.	17.2286	14.65
C163-1040 C 5-7-65	R. J. Caraway (Operator), et al., Mercantile Bank Bldg., Dallas, Tex.	Arkansas Louisiana Gas Co., Manziel Field, Wood County, Tex.	12.90628	14.65
C165-703 A 1-14-65 [5] 3-18-65 [7]	Mill Creek Gas & Oil Co.,[6] 517 Main St., Clarion, Pa., 16214.	Pennsylvania Gas Co., Barnes Field, Sheffield Township, Warren County, Pa.	27.0	15.025
C165-1152 [8] F 4-26-65 5-10-65 [9]	Frank H. Walsh (successor to Shell Oil Co.), Post Office Box 30, Sterling, Colo.	Kansas-Nebraska Natural Gas Co., Inc., Elm Grove and Key Fields, Logan County, Colo.	4.0	16.4
C165-1154 F 5-3-65	CRA, Inc. (successor to W. A. Prueit, et al.), Post Office Box 7305, Kansas City, Mo., 64116.	Florida Gas Transmission Co., Jones Creek Field, Wharton County, Tex.	17.5	14.65
C165-1171 F 5-6-65	O. P. Leonard and The Fort Worth National Bank, Trustee (successor to J. M. Leonard), c/o Charles B. Harris, attorney Thompson, Walker, Smith, and Shannon, 1915 Continental National Bank Bldg., Fort Worth, Tex., 76102.	El Paso Natural Gas Co., Ignacio-Blanco Field, La Plata County, Colo.	[11] 13.0	15.025
C165-1172 A 5-7-65	Kerr-McGee Oil Industries, Inc., Kerr-McGee Bldg., Oklahoma City, Okla., 73102.	Mountain Fuel Supply Co., Federal Four Mile Creek Unit, Moffat County, Colo.	15.0	15.025
C165-1173 A 5-7-65	Walter Stegmeir, Post Office Box 642, Nashville, Tenn.	Cumberland Natural Gas Co., Nortonville Field, Hopkins County, Ky.	15.0	15.025
C165-1174 A 5-7-65	Sinclair Oil & Gas Co. (Operator), et al., Post Office Box 521, Tulsa, Okla., 74102.	Lone Star Gas Co., Ralph R. Fort Unit, Stephens County, Okla.	15.0	14.65
C165-1175 F 5-7-65	James R. Helland, Operator (successor to Sun Oil Co. and Sunray DX Oil Co.), 2111 Alamo National Bldg., San Antonio, Tex., 78205.	United Gas Pipe Line Co., South Wecsatche Field, Goliad County, Tex.	14.0	14.65
C165-1176 A 5-7-65	Maxwell Herring Drilling Corp., Operator 619 Citizens First National Bank Bldg., Tyler, Tex.	Lone Star Gas Co., Henderson Field, Rusk County, Tex.	16.56	14.65
C165-1177 B 5-3-65	Sinclair Oil & Gas Co., Post Office Box 521, Tulsa, Okla., 74102.	United Gas Pipe Line Co., Lisbon Field, Claiborne Parish, La.	Depleted	
C165-1178 A 5-7-65	Calvin Michelson, c/o Frank Kinnie, Esq., Post Office Box 6027, San Antonio, Tex., 78200.	Almos Gas Gathering Co., Silva South West Field, Bee County, Tex.	10.5	14.65
C165-1179 A 5-7-65	do	Almos Gas Gathering Co., Silva South West Field, Live Oak County, Tex.	10.5	14.65
C165-1180 A 5-7-65	Western Oil Development Co., c/o Frank Kinnie, Esq., Post Office Box 6027, San Antonio, Tex., 78209.	Almos Gas Gathering Co., Lenke Field, Bee County, Tex.	12.0	14.65
C165-1182 [12] F 5-5-65 5-10-65 [13]	Frank H. Walsh (successor to Shell Oil Co.), Post Office, Box 30, Sterling, Colo.	Kansas-Nebraska Natural Gas Co., Inc., Yenter Field, Logan County, Colo.	4.0	16.4
C165-1183 B 5-11-65	Edmund J. Ford, Jr. and Harry W. Hamilton, 1517 Wilson Tower, Corpus Christi, Tex.	Valley Gas Transmission, Inc., Bell Field, Live Oak County, Tex.	(10)	
C165-1184 A 5-10-65	Sherman A. Woodard, 1044 Stanford Dr., NE., Albuquerque, N. Mex.	El Paso Natural Gas Co., Huerfano Dakota Unit, San Juan County, N. Mex.	12.0	15.025
C165-1185 F 5-10-65	Continental Oil Co. (successor to Delhi-Taylor Oil Corp.), Post Office Box 2197, Houston, Tex., 77001.	Florida Gas Transmission Co., McGill Ranch Field, Kenedy County, Tex.	17.5	14.65
C165-1186 A 5-10-65	Frio Production Co., c/o Frank Kinnie, Esq., Post Office Box 6027, San Antonio, Tex., 78209.	Almos Gas Gathering Co., East Tynan Field, Bee County, Tex.	11.0	14.65
C165-1187 A 5-10-65	Rusnak Oil Co., c/o Frank Kinnie, Esq., Post Office Box 6027, San Antonio, Tex., 78209.	Almos Gas Gathering Co., Cornelius Field, Live Oak County, Tex.	10.5	14.65
C165-1188 A 5-10-65	Chambers & Kennedy, c/o Frank Kinnie, Esq., Post Office Box 6027, San Antonio, Tex., 78209.	Almos Gas Gathering Co., Linke Field, Bee County, Tex.	11.0	14.65

Filing code: A—Initial service.
B—Abandonment.
C—Amendment to add acreage.
D—Amendment to delete acreage.
E—Succession.
F—Partial succession.

See footnotes at end of table.

Docket No. and Date Filed	Applicant	Purchaser, Field and Location	Price Per Mcf	Pressure Base
CI65-1180..... A 5-10-65	Sunray DX Oil Co., Post Office Box 2039, Tulsa, Okla., 74102.	Arkansas Louisiana Gas Co., Arpelar Field, Pittsburg County, Okla.	15.0	14.65
CI65-1190..... A 5-10-65	Continental Oil Co., Post Office Box 2197, Houston, Tex., 77001.	Michigan Wisconsin Pipe Line Co., Woodward Area, Woodward County, Okla.	19.5	14.65
CI65-1191..... B 4-12-65	Barbara Oil Co., 33 South Clark St., Chicago, Ill., 60603.	Cities Service Gas Co., Rhodes Field, Barber County, Kans.	(10)	
CI65-1192..... A 5-11-65	MAPCO Production Co., 800 Oil Center Bldg., Tulsa, Okla., 74119.	Mississippi River Transmission Corp., Woodlawn Field, Harrison County, Tex.	15.0	14.65
CI65-1193..... A 5-12-65	Texas Gas Exploration Corp., 1111 First City National Bank Bldg., Houston, Tex., 77052.	Texas Gas Transmission Corp., Midland Field, Muhlenberg County, Ky.	15.0	15.025
CI65-1194..... B 5-11-65	Engeo Oil & Gas Co., Operator, c/o Bradford Ross, Esq., Ross, Marsh, and Foster, 725 15th St. NW., Washington, D.C., 20005.	Engeo Gathering Co., Midway Field, San Patricio County, Tex.	Depleted	
CI65-1195..... B 5-11-65	Burdette Graham, Operator, c/o Bradford Ross, Esq., Ross, Marsh, and Foster, 725 15th St. NW., Washington, D.C., 20005.	East White Point Gathering Co., Midway Field, San Patricio County, Tex.	Depleted	
CI65-1196..... A 5-12-65	Joseph E. Seagram & Sons, Inc., dba "Texas Pacific Oil Co.," Post Office Box 747, Dallas, Tex., 75221.	Michigan Wisconsin Pipe Line Co., SE Decorna and Decorna Fields, Woods and Alfalfa Counties, Okla.	19.5	14.65

[1] Purchaser has not taken the contracted annual minimum volume of gas from Seller and has elected not to pay for the deficiency, and Seller has exercised its right to remove a portion of the subject acreage from dedication under contract.
[2] Rate in effect subject to refund in Docket No. G-17363.
[3] Abandons service insofar as Midyett Gulley and Marvin Gulley No. 2 wells, from which all economic production has ceased.
[4] Application erroneously assigned Docket No. CI65-1185 and noticed as a partial succession May 11, 1965 in Docket Nos. G-6077, et al.
[5] Rate in effect subject to refund in Docket No. RI62-187.
[6] Application previously noticed Jan. 25, 1965, in Docket Nos. G-3009, et al. at rates of 32.0 cents and 28.0 cents per Mcf at 14.73 p.s.i.a.
[7] Amendment to application filed to reflect a total initial rate of 27.0 cents per Mcf in lieu of the original proposed rates.
[8] By letter dated May 5, 1965, applicant agreed to accept permanent certificate at 27.0 cents per Mcf at 15.025 p.s.i.a.
[9] Application previously noticed May 11, 1965, in Docket Nos. G-6077, et al. at a total initial price of 7.0 cents per Mcf.
[10] Amendment to application filed to reflect a total initial price of 4.0 cents per Mcf in lieu of the original proposed price of 7.0 cents per Mcf.
[11] Rate of 14.0 cents per Mcf presently being collected subject to refund in Docket No. RI65-32.
[12] Application erroneously noticed as a complete succession in Docket No. G-6077 on May 11, 1965, and at a total initial price of 7.0 cents per Mcf.
[13] Amendment to application filed to reflect a total initial price of 4.0 cents per Mcf in lieu of the original price of 7.0 cents per Mcf.
[14] Production ceased due to encroachment of salt water.
[15] Gas wells were drowned out as a result of a water flood program.
[16] Applicant states its willingness to accept permanent certificate conditioned at a total initial price of 15.0 cents per Mcf.

[F.R. Doc. 65-5466; Filed, May 26, 1965; 8:45 a.m.]

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATIONS FOR RELIEF

MAY 24, 1965.

Protests to the granting of an application must be prepared in accordance with Rule 1.40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 39797—*Liquid caustic soda and liquefied chlorine gas to Georgetown, S.C.* Filed by O. W. South, Jr., agent (No. A4691), for interested rail carriers. Rates on liquid caustic soda, in tank carloads, and liquefied chlorine gas, in tank carloads, in single carloads or straight or mixed multiple carload shipments of not less than eight tank carloads, from Saltville, Va., to Georgetown, S.C.

Grounds for relief—Market competition.

Tariff—Supplement 7 to Southern Freight Association, agent, tariff I.C.C. S-517.

FSA No. 39798—*Soda ash to Asheville and Skyland, N.C.* Filed by O. W. South, Jr., agent (No. A4692), for interested rail carriers. Rates on soda ash, in bulk in covered hopper cars, in carloads, from Baton Rouge and North Baton Rouge, La., to Asheville and Skyland, N.C.

Grounds for relief—Market competition.

Tariff—Supplement 58 to Southern Freight Association, agent, tariff I.C.C. S-397.

FSA No. 39799—*Rosin sizing to Zee, La.* Filed by O. W. South, Jr., agent (No. A4693), for interested rail carriers. Rates on liquid rosin sizing, in tank carloads, from Shamrock, Fla., to Zee, La.

Grounds for relief—Market competition.

Tariff—Supplement 10 to Southern Freight Association, agent, tariff I.C.C. S-475.

By the Commission.

[SEAL] BERTHA F. ARMES,
Acting Secretary.

[F.R. Doc. 65-5541; Filed, May 26, 1965; 8:47 a.m.]

[Rev. S.O. 562; Pfahler's I.C.C. Order No. 186, Amdt. 1]

RAILROADS SERVING ILLINOIS ET AL.

Rerouting or Diversion of Traffic

Upon further consideration of Pfahler's I.C.C. Order No. 186 and good cause appearing therefor:

It is ordered, That:

Pfahler's I.C.C. Order No. 186 be, and it is hereby, amended by substituting the following paragraph (g) for paragraph (g) thereof:

(g) Expiration date: This order shall expire at 11:59 p.m., June 1, 1965, unless otherwise modified, changed, suspended or annulled.

It is further ordered, That this amendment shall become effective at 11:59 p.m., May 21, 1965, and that this order shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and per diem agreement under the terms of that agreement, and by filing it with the Director, Office of the Federal Register.

Issued at Washington, D.C., May 21, 1965.

INTERSTATE COMMERCE COMMISSION,
R. D. PFAHLER,
Agent.

[F.R. Doc. 65-5542; Filed, May 26, 1965; 8:47 a.m.]

[Ex Parte 241]

INVESTIGATION OF ADEQUACY OF RAILROAD FREIGHT CAR OWNERSHIP, CAR UTILIZATION, DISTRIBUTION, RULES AND PRACTICES

Amended Service List

The order herein dated March 24, 1965, contained in appendix showing identities of all persons upon whom service of the verified statements and other pleadings must be served. The order also provided that any respondent not listed and desiring to be listed in that appendix should notify the Secretary to that effect prior to May 3, 1965. Several respondents have indicated their wish to be added to the service list. Set forth below is an amended consolidated service list which contains the names of all persons upon whom service of verified statements and other pleadings must be served.

It is ordered, That a copy of this order be served upon each respondent; upon each person listed in the attached service list; and upon the Public Utility Commissions or Boards or similar regulatory bodies of each State; that a copy be posted in the office of the Secretary of this Commission; and that a copy be delivered to the Director, Division of Federal Register, for publication in the FEDERAL REGISTER.

Dated at Washington, D.C., this 17th day of May A.D. 1965.

By the Commission, Commissioner Murphy.

[SEAL] BERTHA F. ARMES,
Acting Secretary.

AMENDED SERVICE LIST

NAMES AND ADDRESSES OF PERSONS REPRESENTING RESPONDENTS

John C. Ashton, Jr., General Attorney, St. Louis-San Francisco Railway Co., 906 Olive Street, St. Louis 1, Mo.
James A. Bistline, General Solicitor, Southern Railway System, Box 1808, Washington 13, D.C.

Richard R. Bongartz, General Attorney, The Pennsylvania Railroad Co., 1138 Transportation Center, 6 Penn Center Plaza, Philadelphia, Pa., 19104.
S. B. Brittingham, Jr., The A.T. & S.F. Railway Co., 80 East Jackson Boulevard, Chicago, Ill., 60604.
Robert D. Brooks, General Solicitor, 466 Lexington Avenue, New York, N.Y., 10017.
Charles W. Burkett, General Solicitor, Southern Pacific Co., San Francisco, Calif., 94105.
J. T. Clark, General Attorney, Law Department, Erie Lackawanna Railroad Co., Midland Building, Cleveland, Ohio, 44115.
Charles H. Clay, General Attorney, Soo Line Railroad Co., 804 Soo Line Building, Minneapolis, Minn., 55440.
James I. Collier, Jr., General Counsel, The American Short Line Railroad Association, 2000 Massachusetts Avenue NW., Washington, D.C., 20036.
Clifford T. Coomes, Assistant General Solicitor, Louisville & Nashville Railroad Co., 908 West Broadway, Louisville, Ky., 40201.
John C. Danielson, General Attorney, Chicago & North Western Railway Co., 400 West Madison Street, Chicago 6, Ill.
William E. Davis, Vice President and General Counsel, The Kansas City Southern Railway Co., 114 West 11th Street, Kansas City, Mo., 64105.
Samuel P. Delisi, Delisi, Wick, and Vuono, 1515 Park Building, Pittsburgh, Pa., 15222.
Kemper A. Dobbins, General Attorney, Law Department, Norfolk & Western Railway Co., 8 North Jefferson Street, Roanoke, Va., 24011.
J. H. Durkin, General Solicitor, 646 Chicago Road, Chicago Heights, Ill.
Frank S. Farrell, General Solicitor, Northern Pacific Railway Co., 1018 Northern Pacific Building, St. Paul, Minn., 55101.
James A. Gillen, General Attorney and Commerce Counsel,, 547 West Jackson Boulevard, Chicago, Ill., 60606.
J. W. Grady, General Commerce Counsel, The N.Y., N.H. & H. Railroad Co. (Richard Joyce Smith, William J. Kirk, and Harry W. Dorigan, Trustees), New Haven, Conn.
John W. Hanifin, Assistant General Counsel, The Chesapeake & Ohio Railway Co., 3100 Terminal Tower, Cleveland, Ohio, 44101.
H. D. Koontz, General Attorney, Illinois Central Railroad, 135 East 11th Place, Chicago, Ill., 60606.
Eldon Martin, Vice President and General Counsel, 547 West Jackson Boulevard, Chicago, Ill., 60606.
M. E. Mayes, Assistant Comptroller, Norfolk & Western Railway Co., Pittsburgh, Pa.
P. J. Melia, Vice President and Western General Counsel, Union Pacific Railroad Co., 1416 Dodge Street, Omaha, Nebr., 68102.
Thormund A. Miller, General Attorney, Southern Pacific Co., 205 Transportation Building, Washington, D.C., 20006.
P. C. Mullen, 646 Chicago Road, Chicago Heights, Ill.
Joseph J. Nagle, General Attorney and Commerce Counsel, Chicago, Milwaukee, St. Paul & Pacific Railroad Co., 988 Union Station, Chicago 6, Ill.
Carl E. Newton, Donovan, Leisure, Newton, and Irvine, 2 Wall Street, New York, N.Y., 10005.
George M. Onken, General Counsel, Long Island Railroad Co., Jamaica Station, Jamaica, N.Y., 11435.
Ernest Porter, General Attorney and Commerce Counsel, The Denver & Rio Grande Western Railroad Co., Post Office Box 5482, Denver, Colo., 80217.
Rowland Posey, Solicitor, Western Maryland Railway Co., 300 St. Paul Place, Baltimore, Md., 21202.
Leo Pou, General Solicitor, Gulf, Mobile & Ohio Railroad Co., Post Office Box 881, Mobile, Ala., 36601.
Earl F. Requa, Vice President and General Counsel, Northern Pacific Railway Co., 1018 Northern Pacific Building, St. Paul, Minn., 55101.
Albert B. Russ, Jr., Attorney, Law Department, Atlantic Coast Line Railroad Co., 500 Water Street, Jacksonville, Fla.
T. J. Slattery, Assistant General Counsel, Great Northern Railway Co., 175 East Fourth Street, St. Paul, Minn., 55101.
Richard D. Stokes, General Attorney, The Long Island Railroad Co., Jamaica Station, Jamaica, N.Y., 11435.
Elmer B. Trousdale, Attorney, Great Northern Railway Co., 176 East Fourth Street, St. Paul, Minn., 55101.
E. L. Van Dellen, Vice President and General Counsel, The Western Pacific Railroad Co., 526 Mission Street, San Francisco, Calif., 94105.
Granville Whittlesey, Jr., Donovan, Leisures, Newton, and Irvine, 2 Wall Street, New York, N.Y., 10005.
R. W. Yost, General Attorney, 210 North 13th Street, St. Louis, Mo., 63103.
J. C. Mixon, President-General Manager, Atlanta & West Point Railroad Co., et al., Atlanta, Ga., 30303.

NAMES AND ADDRESSES OF INTERESTED PARTIES

John M. Cleary, Pope, Ballard, and Loos, Brawner Building, Washington, D.C., 20006.
Avery M. Cloninger, National Association of Shippers Advisory Boards, 523 Fifth Avenue, New York, N.Y., 10036.
Wilton C. Cole, Georgia-Pacific Corporation, Post Office Box 311, Portland, Oreg.
Noel Coleman, Acting Secretary, Public Utilities Commission—State of California, California State Building, San Francisco, Calif., 94102.
John F. Donelan, Pope, Ballard, and Loos, Brawner Building, 888 17th Street NW., Washington, D.C., 20006.
Gerald D. Finney, Association of American Railroads, Transportation Building, Washington, D.C., 20006.
Charles F. Forge, Attorney and Assistant General Transportation Manager, Morton Salt Co., 110 North Wacker Drive, Chicago, Ill., 60606.
Patsy Fortinberry, Attorney, Bureau of Inquiry and Compliance, Washington, D.C.
Byron M. Gray, Gray, Freidberg, and Davis, Suite 700 KPL Tower, Topeka, Kans.
Donald A. Haakenson, Chief, Service and Investigation, Public Utilities Commission of Oregon, Room 206, Public Service Building, Salem, Oreg., 97310.
Jonel C. Hill, Public Utilities Commission of Oregon, Room 206, Public Service Building, Salem, Oreg., 97301.
E. W. Hilton, Jr., Transportation Manager, American Plywood Association, 1119 A Street, Tacoma, Wash., 98401.
A. K. Hinckle, Western Paper Traffic Conference, Potlatch Forests, Inc., Post Office Box 600, Lewiston, Idaho.
R. F. Hogan, Transportation Manager, Warner Co., 1721 Arch Street, Philadelphia 3, Pa.
Dwight L. Koerber, The Coal Traffic Bureau, 1011 Oliver Building, Pittsburgh, Pa., 15222.
L. D. Mangan, Manager, Freight Rates, Northwestern Steel & Wire Co., Sterling, Ill.
James G. Manning, Transportation Manager, Western Wood Products Association, 700 Yeon Building, Portland, Oreg., 97204.
William M. Moloney, Association of American Railroads, Transportation Building, Washington, D.C., 20006.
Herman P. Mueller, Attorney, Bureau of Inquiry and Compliance, Washington, D.C.
W. C. Newman, Director of Traffic, Minneapolis Grain Exchange Traffic, 104 Grain Exchange Building, Minneapolis, Minn., 55415.
Donald G. Olson, Western Paper Traffic Conference, Post Office Box 600, Lewiston, Idaho.
W. H. Ott, General Transportation Manager, Kraft Foods, Division of National Dairy Products Corp., 500 Peshtigo Court, Chicago, Ill., 60690.
Allen E. Penttila, Evans Products Co., 1121 Southwest Salmon Street, Portland, Oreg., 97208.
Warren Price, Jr., Attorney, 1000 Vermont Avenue NW., Washington 5, D.C.
National Coal Association, Attention: Myles E. Robinson, Director, Economics and Transportation, Washington, D.C., 20036.
James E. Singleton, Director of Transportation, Public Utilities Commission of Oregon, Room 206, Public Service Building, Salem, Oreg., 97310.
William B. Thomas, Jr., Assistant to Traffic Manager, Gifford Hill & Co., Inc., Post Office Box 683, Dallas, Tex.
J. N. Zarves, Assistant to Vice President Transportation, Continental Grain Co., 2 Broadway, New York, N.Y., 10004.

[F.R. Doc. 65-5543; Filed, May 26, 1965; 8:47 a.m.]

[Notice 1180]

MOTOR CARRIER TRANSFER PROCEEDINGS

MAY 24, 1965.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 179), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC-67631. By order of May 21, 1965, the Transfer Board approved, on reconsideration, the transfer to Brooklyn Waverly Auto Express Co., Inc., Brooklyn, N.Y., of a portion of the operating rights in Certificate No. MC-30766, issued March 21, 1942, to Alco Motor Trucking Corp., New York, N.Y., authorizing the transportation, over irregular routes, of: Paper and paper products, between points in the New York, N.Y., commercial zone, as defined by the Commission, on the one hand, and, on the other, points in specified counties in New Jersey. George A.

Olsen, 69 Tonnele Avenue, Jersey City, N.J., representative for transferor. Herman B. J. Weckstein, 1060 Broad Street, Newark, N.J., 07102, attorney for transferee.

No. MC-FC-67751. By order of May 21, 1965, the Transfer Board, on reconsideration, approved the transfer to Warren Delivery Service, Inc., Union, N.J., of the operating rights in Certificate No. MC-105822 (Sub-No. 1) issued October 26, 1948, in the name of Charles N. Ged and Joseph C. Homcy, a partnership, doing business as G&H Motor Transportation Co., Paterson, N.J., approved for transfer to Kay-Len Trans., Inc., Paterson, N.J., by order of the Commission, the Transfer Board entered December 16, 1964, in the proceeding No. MC-FC-67407, authorizing the transportation, over irregular routes, of: General commodities, with the usual exceptions, between points and places in Essex, Union, Morris, Passaic, Bergen, Monmouth, and Middlesex Counties, N.J., on the one hand, and, on the other, New York, N.Y., and tile and tile products between points and places in Hudson and Essex Counties, N.J. George A. Olsen, 69 Tonnele Avenue, Jersey City, N.J., 07306, practitioner for applicants.

No. MC-FC-67763. By order of May 21, 1965, the Transfer Board approved the transfer to Wedron Transport Co., a corporation, Chicago, Ill., of the operating rights in Permits Nos. MC-95212 (Sub-No. 28) and MC-95212 (Sub-No. 32), issued May 5, 1959, and April 2, 1962, respectively, to Helen R. Henderson, doing business as H. R. Henderson, Seneca, Ill., authorizing the transportation, over irregular routes, of sand, in bulk, from Wedron, Ill., to points in Indiana, Kentucky, Michigan, Iowa, Minnesota, Missouri, Ohio, and Wisconsin, and of sand, in bags, from points in La Salle County, Ill., to points in Iowa, Missouri, Ohio, Indiana, and Wisconsin. Joseph M. Scanlan, 111 West Washington, Chicago 2, Ill., attorney for applicants.

No. MC-FC-67796. By order of May 21, 1965, the Transfer Board approved the transfer to Fred C. Wight, Inc., Alexandria, Va., of the operating rights in Permit No. MC-20427, issued July 11, 1941, to J. Vernon Smith, Arlington, Va., authorizing the transportation, over irregular routes, of concrete products, from Alexandria, Va., to Washington, D.C., and points in Maryland within 75 miles of Washington. Ronald E. Madsen, Southern Building, Washington 5, D.C., attorney for applicants.

No. MC-FC-67810. By order of May 20, 1965, the Transfer Board approved the transfer to Harold L. Fisher, doing business as Fisher's Moving & Storage, Blytheville, Ark., of the certificate in No. MC-79531, issued June 5, 1961, to Gladys Montague, doing business as Jonesboro Transfer & Storage Co., Jonesboro, Ark., authorizing the transportation of: Household goods, between Jonesboro, Ark., and points in Arkansas within 50 miles of Jonesboro, on the one hand, and, on the other, points in Alabama, Tennessee, Illinois, Iowa, Kansas, Mississippi, Missouri, Oklahoma, and those specified in Kentucky, Louisiana, and Texas. Louis Tarlowski, 914 Pyramid Life Building, Little Rock, Ark., attorney for applicants.

[SEAL] BERTHA F. ARMES, *Acting Secretary.*

[F.R. Doc. 65-5544; Filed, May 26, 1965; 8:48 a.m.]

[Notice 1180-A]

MOTOR CARRIER TRANSFER PROCEEDINGS

MAY 24, 1965.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 179), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC-67881. By order of May 24, 1965, the Transfer Board approved the transfer to Norman C. Clemmer and Earl Mininger, a partnership, doing business as Clemmer Moving & Storage, Souderton, Pa., of Certificate No. MC-119121 issued March 7, 1960, to Norman H. Clemmer, Souderton, Pa., authorizing the transportation of household goods, over irregular routes, between Souderton, Pa., and points in Pennsylvania within 10 miles of Souderton, on the one hand, and, on the other, points in New Jersey and New York. Irwin S. Rubin, 17 Washington Avenue, Souderton, Pa., attorney for applicants.

[SEAL] BERTHA F. ARMES, *Acting Secretary.*

[F.R. Doc. 65-5545; Filed, May 26, 1965; 8:48 a.m.]

CUMULATIVE LIST OF CFR PARTS AFFECTED—MAY

The following numerical guide is a list of the parts of each title of the Code of Federal Regulations affected by documents published to date during May.

3 CFR

	Page
PROCLAMATIONS:	
1713 (superseded in part by Proc. 3656)	6571
3172 (superseded by Proc. 3655)	6467
3399 (superseded by Proc. 3655)	6467
3655	6467
3656	6571
3657	6835
EXECUTIVE ORDER:	
Apr. 19, 1892 (revoked in part by PLO 3656)	6437
March 23, 1912 (revoked in part by PLO 3659)	7101
June 13, 1925 (revoked in part by PLO 3658)	7101
823 (see EO 11220)	6425
10530 (revoked in part by EO 11222)	6469
10784 (superseded by EO 11223)	6635
10845 (superseded by EO 11223)	6635
10939 (revoked by EO 11222)	6469
11071 (superseded in part by EO 11224)	6679
11125 (revoked by EO 11222)	6469
11126 (amended by EO 11221)	6427
11219	6381
11220	6425
11221	6427
11222	6469
11223	6635
11224	6679
11225	7093
PRESIDENTIAL DOCUMENTS OTHER THAN PROCLAMATIONS AND EXECUTIVE ORDERS:	
Memorandum of July 20, 1961 (revoked by EO 11222)	6469
Memorandum of May 2, 1963 (revoked by EO 11222)	6469
Reorganization Plan No. 1 of 1965	7035
Determination of May 22, 1965	7095

4 CFR

52	6429

5 CFR

213	6215, 6241, 6337, 6478, 6637, 6765, 6857, 6903, 6939, 6975.
332	6337
591	6511

6 CFR

73	6573

7 CFR

28	6637
29	6573
51	6711
54	6207
55	6141, 6207
56	6207
58	6637
70	6207
81	6207
210	6207, 6479
301	6243, 6245, 6770
354	6429
362	6857
707	6246
717	6144
719	6511, 6975
722	6712
724	6144, 6146, 6207
726	7097
842	6338
863	6247
863	6248
864	6248
905	6638, 6770
906	6148, 6429, 6681, 6771, 6939, 7037
909	6430
910	6148, 6430, 6479, 6681, 6712, 6939, 6975
917	6903–6905
918	6431, 6858
944	6638
959	7037
965	6338
970	6479
989	6905
1002	6639
1008	6975
1138	6573
1421	6338, 6511, 6681
1425	6907, 7037
1434	7097
1468	6383
1472	6383
1475	6909
1483	6771, 6976
1485	6910
1487	6639
1488	6249
1602	6859
PROPOSED RULES:	
28	6255
31	6350
33	6782
51	6658
70	6395
777	6686
778	7043
Ch. IX	6355, 6438, 6523, 6917
905	6983
930	6255
993	6782
1004	6947
1008	6659
1040	6163
1042	6163
1097	6534
1102	6534
1108	6534
1138	6538

8 CFR

214	6479, 6940
231	6776
251	6776
332a	6940
336	6940
499	6940

9 CFR

318	6731
PROPOSED RULES:	
201	6360

10 CFR

30	6575

12 CFR

12	6160
204	6339
206	6731
545	7037
561	6517, 6915
563	7039
PROPOSED RULES:	
261	6275
262	6275
563	6544

13 CFR

121	6775

14 CFR

39	6150, 6431, 6577, 6639, 6640, 6837, 6940, 6976, 7098.
61	6577
71	6150, 6215, 6241, 6384–6387, 6478, 6577–6579, 6640–6642, 6682, 6765, 6838, 6914, 6915, 6940, 6977, 6978, 7098, 7099.
73	6242, 6387, 6388, 6976, 7100
75	6150, 6241, 6242, 6432, 6642, 6915, 7099, 7100.
77	6713
91	6388
95	6766
97	6151, 6329, 6714, 6839
99	6242
121	6432, 6725
127	6432
PROPOSED RULES:	
1	6921
39	6188, 6274
67	6188
71	6189, 6225, 6397, 6399, 6400, 6402, 6443, 6588, 6589, 6735, 6736, 6793–6795, 6872, 6922–6924, 6984–6986, 7045, 7110–7112.
73	6402, 6444, 6736
75	6443, 6924, 7112
91	6541, 6921
129	6541
399	6650

15 CFR

201	6748

16 CFR

PROPOSED RULES:	
303	6275

17 CFR

18	6941
240	6542

18 CFR

157	6518

19 CFR

10	6149
PROPOSED RULES:	
Ch. I	7105
13	6688

20 CFR

601	6941
604	7039

21 CFR

	Page
121	6215, 6339, 6389, 6433, 6477, 6478, 6579, 6643, 6732, 6837, 6915.
130	6979
133	6475
141a	6979, 7040
141e	6980
144	6389
146a	6979, 7040
146e	6980
148	7041
148p	6980
PROPOSED RULES:	
8	6490, 6733–6735
121	6588, 6689
125	6984
141a	6795

24 CFR

203	6982
220	7102

25 CFR

131	6579
221	7101
PROPOSED RULES:	
1	6438
221	6523

26 CFR

1	6216, 6340, 6480
170	6769
250	6217
PROPOSED RULES:	
1	6222, 6349, 6486, 6488
31	6222
301	6222

29 CFR

50	6249
604	6218
606	6218
690	6482
PROPOSED RULES:	
657	6224
697	6225
1501	6397
1502	6397
1503	6397

32 CFR

1	6965
2	6967
3	6967
5	6968
7	6968
9	6968
13	6973
15	6973
102	6942

32 CFR—Continued

	Page
163	6161
175	6682
180	6682
516	6341
815	6343
882	6343

33 CFR

	Page
80	6433
82	6434
86	6434
95	6434
135	6434
203	6161, 6388
204	6643
205	6644
207	6161, 6644
401	6580

36 CFR

2	6682
7	6861
211	6345
261	6982
311	6161
502	6482
PROPOSED RULES:	
7	7108

37 CFR

1	6391, 6644
3	6644
PROPOSED RULES:	
2	6687
4	6687

38 CFR

1	6435
2	6392
3	6649
14	6392

39 CFR

4	6436
36	6436
37	6436
43	6436

41 CFR

1–3	6581
4–2	6943
4–3	6943
4–5	6943
4–16	6944
5–60	6837
8–1	7041
8–19	7041
9–1	6483, 6519
9–3	6683
9–4	6519

41 CFR—Continued

	Page
9–6	6519
9–7	6519
9–8	6585
9–9	6684
9–54	6684
101–5	6684
101–44	6649

42 CFR

57	6944
PROPOSED RULES:	
73	6795

43 CFR

PUBLIC LAND ORDERS:	
3638	6585
3655	6392
3656	6437
3657	6586
3658	7101
3659	7101
3660	7101

45 CFR

130	6393

46 CFR

25	6517
137	6713
528	7102
536	7138

47 CFR

0	6250, 6778
1	6778, 6780
2	6219, 6388, 7102, 7105
15	6250
25	6862
73	6251, 6519, 6520, 6869, 7106
83	6778
87	7105
PROPOSED RULES:	
2	6226
15	6541, 6689
73	6274, 6275, 6543, 6590, 6651, 6947, 7113

49 CFR

1	6485
95	6220
97	6394
141	6162

50 CFR

26	6587
28	7106
33	6344, 6521, 6587, 6871
60	6149
PROPOSED RULES:	
32	6224
260	7042

FEDERAL REGISTER

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Thursday, May 27, 1965 • Washington, D.C.

PART II

Federal Maritime Commission

Filing of Tariffs by Common Carriers by Water in the Foreign Commerce of the United States and by Conferences of Such Carriers



THE NATIONAL ARCHIVES OF THE UNITED STATES • 1934 •

Title 46—SHIPPING

Chapter IV—Federal Maritime Commission

SUBCHAPTER B—REGULATIONS AFFECTING MARITIME CARRIERS AND RELATED ACTIVITIES

[Docket No. 964; General Order 18]

PART 536—FILING OF TARIFFS BY COMMON CARRIERS BY WATER IN THE FOREIGN COMMERCE OF THE UNITED STATES AND BY CONFERENCES OF SUCH CARRIERS

Section 18(b) of the Shipping Act, 1916, requires every common carrier by water in foreign commerce and every conference of such carriers to file with the Federal Maritime Commission, and keep open to public inspection, tariffs showing all the rates and charges of such carrier or conference for transportation to and from United States ports and foreign ports between points on its own route and on any through route which is established. It is further required that such tariffs shall plainly show the places between which freight will be carried, and shall contain the classification of freight in force, and shall also state separately such terminal or other charge, privilege, or facility under the control of the carrier or conference which is granted or allowed, and any rules or regulations which in anywise change, affect, or determine any part or the aggregate of such aforesaid rates, or charges, and shall include specimens of any bill of lading, contract of affreightment, or other document evidencing the transportation agreement. Copies of such tariffs shall be made available to any person, and a reasonable charge may be made therefor.

On December 23, 1961, proposed tariff filing rules governing the form and manner of filing tariffs by common carriers by water in the foreign commerce of the United States and conferences of such carriers were published in the FEDERAL REGISTER. The comments received which were generally critical that the rules were too complicated and in many ways not properly adapted to the practical problems of common carriers by water operating in the United States foreign trade were carefully reviewed and, to the extent possible under the Commission's authority, the rules were simplified, revised and republished in the FEDERAL REGISTER on May 4, 1963, again as proposed rules. The comments received after the publication of the revision were generally repetitive of those comments received after the initial publication. Some suggested changes involving language and technical requirements have been accepted and are reflected in the final rules. In addition, while the comments received after the second publication were under review, the Commission undertook a study to determine the feasibility of requiring carriers and conferences to publish in their tariffs, on forms specified in the rules, commodity code numbers as indicated in the commodity indexes of the Standard International Trade Classification, Revised, Volumes 1 and 2, published by the Department of Economics and Social Affairs of the United Nations. Such commodity code numbers would enable the Commission to undertake a system of Automatic Data Processing of freight rates. The results of the study indicated that it would not be possible for the Commission to code freight rates applicable to commodities moving in the foreign commerce of the United States without a requirement in the tariff rules that freight rates be filed in a uniform manner on forms prescribed by the Commission and that the aforementioned commodity code numbers be shown alongside the commodity descriptions in the tariff. There would be no mandatory requirement that commodity descriptions published in tariffs would have to conform to descriptions published in the S.I.T.C. Carriers and conferences could continue to publish commodity descriptions currently in use. Adherence to the rate forms prescribed, and the use of commodity code numbers would enable the Commission to build and establish an internal commodity coding file which would lend itself to an Automatic Data Processing system of freight rates.

The Commission must undertake studies of and analyses of freight rates applicable to commodities moving in the foreign commerce of the United States in the performance of its statutory responsibilities. It must be in a position to retrieve freight rates and information related thereto as promptly as possible from the tariff files. An Automatic Data Processing system would permit the Commission to expeditiously carry out its statutory mandates.

On April 21, 1964, there was published in the FEDERAL REGISTER a notice stating that the Commission was considering a codification requirement and a further requirement that carriers and conferences would have to adhere to a specific format in the filing of rate pages. Comments of interested parties concerning this proposal were invited and reviewed. The written comments concerning this proposal were divided into two categories. Category I relates to the objections raised concerning the prescribed forms and the other technical requirements. Category II relates to objections raised concerning codification of tariffs through the use of commodity numbers published in the Standard International Trade Classification.

CATEGORY I

Objection: Blanket uniformity does not consider characteristics of various trades.

Reply: The characteristics of the various trades are not so unique that standardized requirements would create severe problems. The Commission has taken into account all trades in considering the rules.

Objection: Complexity creates confusion. Too much information required on one page.

Reply: Other than commodity code numbers, the Commission will not require that much additional information be shown on tariff pages.

Objection: Repetition increases chance of error.

Reply: The Commission cannot see how the rules are the cause of repetition. There are no repetitive requirements.

Objection: Enormous and prohibitive costs are involved which would have to be borne by subscribers.

Reply: Carriers and conferences are required by law to file their tariffs with the Commission. No part of this cost should be passed on to subscribers. Tariffs will be enlarged to some extent by the requirements of the rules but the Commission doubts if the enlargement will be as great as that envisioned by carriers and conferences.

Objection: Overly verbose tariffs will result from the rules requirements.

Reply: The rules were not constructed to create wordage. The rules were constructed to provide for statutory requirements, Commission requirements, to see that tariffs are clear and unambiguous, implicit, uniform, and of benefit to users and subscribers. A tariff complete in all respects need not be verbose.

Objection: Contract and noncontract rates should not be required to be shown on each rate page.

Reply: Reference to mathematical formulas, various rate charts, etc., to obtain a rate would completely frustrate the Commission's efforts to timely place codified information into a machine system. Further the Commission believes that tariff users and subscribers are entitled to see a published rate rather than resort to mathematical computation or thumb through a tariff looking for the companion rate where contract systems are employed.

Objection: Ports should not be required to be shown on each page.

Reply: This should present no difficulty to any carrier or conference. Many carriers now show such information on each rate page including some of the carriers and conferences objecting to the requirement. For codification and machine purposes the Commission would need such information without resorting to various pages where the information might be published.

Objection: Rate basis should not be required to be shown on each page.

Reply: This requirement will be beneficial to all tariff users and subscribers and even to carriers and conferences. Additionally the rate basis must appear on each page for internal Commission purposes in codifying and machining rates efficiently.

Objection: No requirement should restrict left-hand page supplements.

Reply: With but few exceptions left-hand supplements are not used. Permissive supplementing would destroy uniformity of tariffs, tends to be confusing, and would present difficulty to all concerned in a codified system.

Objection: Rules will require complete revision of tariffs.

Reply: Any useful rules issued by the Commission would require complete revision of tariffs. This appears to be a comment for the sake of commenting.

Objection: New revisions revoke sub silentio concessions previously granted.

Reply: The Commission does not agree. Concessions are still to be gained by carriers and conferences. The format requirement is not a complete revocation of previously granted concessions.

CATEGORY II

Carriers, conferences and an independent data processing corporation (employed by certain conferences) all commented on the use of the Standard International Trade Classification both generally and specifically with reference to unsuitability, inconsistency, ambiguity, inadequacy, impracticability, lack of equivalency of definitions, and unacceptability as a standard to which ocean freight tariffs could conform. The Commission does not believe that the Standard International Trade Classification is such a totally unacceptable document to use for codification purposes. The Commission is prepared to work closely with carriers and conferences in any area in which a problem might arise. However, recognizing that some problems would be present under any circumstance regardless of the code employed, and further to relieve carriers of the burden of selecting code numbers and to insure uniformity from the beginning, the Commission has decided that it will now assume the burden and responsibility of coding all initial filings. (End of Category II.)

The rules have again been revised. The Commission has changed the format requirements of rate pages, and certain rules now give carriers and conferences an option in respect to the manner in which rates may be filed, e.g., contract and noncontract rates may be shown along side each other rather than one over the other, class rates need not be filed as required by the Commission's prior proposal, carriers and conferences may increase or decrease the width of certain required columns on rate pages, permanent filings need not be made in instances in which temporary filings have been rejected, and partial rejection of a tariff filing in lieu of complete rejection have all been incorporated in the rules. These considerations were all requested by carriers and conferences.

It has been indicated that coding will be done within the Commission. However, a carrier or conference will be permitted to assign code numbers upon request and with written approval of the Commission, subject to such terms and conditions as may be prescribed by the Commission. The staff after coding tariffs will return a copy of each filing to carriers and conferences and thereafter when filing revised tariff matter it will only be necessary for the carriers and conferences to insert thereon the code numbers previously furnished to them. At no time will a carrier or conference be obligated to make reference to any publication to determine a code number. The Commission will undertake this function in its entirety, provided it does not receive requests from carriers or conferences to do their own coding.

Detailed study, review, and analysis has been made by the Commission in all areas of tariff filing. The comments of interested parties have all been carefully considered and where possible and if consistent with the needs of a coding system concessions have been made. The Commission, if it is to fulfill its statutory obligations, must be in a position to expeditiously retrieve rate data from tariffs. The final rules will enable the Commission to store rate data promptly and retrieve it with maximum dispatch, thereby enabling the Commission to make valid rate comparisons, and to review and analyze rates as required for any lawful purpose. The Commission believes that the rules can be implemented by carriers and conferences without creating a hardship upon them and without imposing an unreasonable burden.

The new rules will become effective July 1, 1965, and it should be noted that § 536.13 requires all tariffs to be in conformity with the rules within 6 months after that date. Only new complete tariffs or completely reissued tariffs would have to meet the format requirements of the rules after July 1 and up to January 1, 1966. Tariff amendments may continue to be made in the same format used in a tariff lawfully filed prior to July 1 but only up to January 1, 1966.

These rules are not applicable to cargo loaded and carried in bulk without mark or count, nor to cargo which is lumber. As used here, "the term 'lumber' means lumber not further manufactured than passing lengthwise through a standard planing machine and crosscut to length, logs, poles, piling, and ties, including such articles preservatively treated, or bored, or framed, but not including plywood or finished articles knocked down or setup." 77 Stat. 129.

A common carrier by water in foreign commerce may comply with the tariff filing requirements of section 18(b) of the Shipping Act, 1916, and with these rules, by filing its own individual tariffs, or by participating in a conference tariff filed pursuant to authorization contained in an agreement approved by the Commission pursuant to section 15 of the Shipping Act, 1916.

Therefore, pursuant to the authority of section 4 of the Administrative Procedure Act (5 U.S.C. 1003) and sections 14b, 18(b), and 43 of the Shipping Act, 1916 (46 U.S.C. 813a, 817(b), and 841a), 46 CFR is hereby amended by the addition of a new Part 536 as follows:

Sec.

536.1 Definitions.
536.2 Filing of tariffs; general.
536.3 Form and preparation of tariffs.
536.4 Contents of tariffs.
536.5 Statement of rates.
536.6 Amendments to tariffs.
536.7 Supplements.
536.8 Application for special permission.
536.9 Statement of terminal or other charges.
536.10 Other governing publications.
536.11 Transfer of operations; changes in name and control; changes in conference membership.
536.12 Delegation of authority to file tariffs.
536.13 Effective date of this part and time limit within which tariff format must comply therewith.

AUTHORITY: The provisions of this Part 536 issued under secs. 14b, 18(b), 43 of the Shipping Act, 1916, 46 U.S.C. 813a, 817(b), 841a.

§ 536.1 Definitions.

The following definitions of terms used in this tariff circular shall apply unless the context indicates otherwise.

(a) *Person.* The term "person" includes individuals, firms, partnerships, corporations, companies, associations, joint stock associations, trustees, receivers, assignees, or personal representatives.

(b) *Carrier.* The term "carrier" means a common carrier by water in foreign commerce of the United States as defined in section 1 of the Shipping Act, 1916.

(c) *Conference.* For the purposes of this tariff circular only, the term "conference" means any association of common carriers by water, in the foreign commerce of the United States, which is permitted, pursuant to an agreement approved by the Commission under section 15 of the Shipping Act, 1916, to file a tariff, for the common carriers who are members of the approved conference.

(d) *Local rates.* The term "local rates" means rates or charges for transportation over the route of an individual water carrier (or participating carrier in conference tariffs) which is not conditioned upon any prior or subsequent movement of the cargo, or the point of origin or ultimate destination thereof.

(e) *Class rate.* The term "class rate" means rates applicable to all articles which have been grouped according to class ratings set forth in a classification tariff or a classification section of a commodity tariff.

(f) *Proportional rates.* The term "proportional rates" means rates or charges for water transportation which are conditioned upon a prior or subsequent movement of the cargo, or upon the point of origin or ultimate destination thereof.

(g) *Commodity rates.* The term "commodity rates" means rates applying on a commodity or on commodities specifically named or described in the tariff in which the rate or rates are published.

(h) *Open rate.* The term "open rate" applies when a conference relinquishes or suspends rate making authority, in whole or in part, over a specified commodity or commodities, thereby permitting each individual carrier member of the conference to fix its own rates on such commodity or commodities.

(i) *Dual rates.* The term "dual rates" means the two rates offered by a carrier or conference of such carriers in the foreign commerce of the United States, the lower rate applicable to a shipper or consignee who agrees to give all or any fixed portion of his patronage to such carrier or conference, and the higher rate applicable to shippers or consignees who have not so agreed.

(j) *Tariff.* The term "tariff" means a publication containing the actual rates, charges, classifications, rules, regulations, and practices of a carrier or conference of carriers for transportation by water. For the purposes of this tariff circular, the term "practices" refers to those usages, customs or modes of operation which in anywise affect, determine or change a transportation rate, charge or service provided by the carrier and, in the case of conferences, must be restricted to those practices authorized by the basic conference agreement.

(k) *Tariff filing.* The term "tariff filing" means any tariff, or modification thereto, which is received by the Commission as filed pursuant to these rules.

(l) *Commission.* The term "Commission" means the Federal Maritime Commission.

(m) *Open for public inspection.* The term "open for public inspection" means that each carrier shall maintain a complete and current set of the tariffs issued by it or to which it is a party in each of its offices and those of its agents in any city where it transacts business involving such tariffs.

(n) *Act.* The term "Act" means the Shipping Act, 1916.

§ 536.2 Filing of tariffs; general.

(a) Where used in this part, the words "filing," "filed," or "file" when

used with respect to time of filing with the Commission shall mean actual receipt by the Federal Maritime Commission at its offices in Washington, D.C., United States of America.

(b) All tariffs shall be published and filed by an officer or employee of the carrier, or if a conference tariff, by an officer or employee of the conference. In the alternative, publication and filing may be accomplished through an agent authorized to act for such carrier or conference as provided in § 536.12.

(c) No carrier or conference shall publish and file any tariff or modification thereto which duplicates or conflicts with any other tariff on file with the Commission to which such carrier is a party whether filed by such carrier or by an authorized agent.

(d) All tariffs published in a foreign language shall be accompanied, when submitted for filing with the Commission, by three true copies translated into the English language.

(e) All tariffs filed with the Commission, except temporary filings as permitted hereafter in § 536.6(c)(1) shall be accompanied by a letter of transmittal in duplicate which shall clearly identify the tariff and pages involved. The duplicate letter of transmittal will be stamped with the date of receipt by the Commission and returned to the sender.

(f) All tariffs, except as hereafter provided, shall be filed in triplicate. Temporary filings made by mail, as permitted in § 536.6(c)(1) shall be filed in triplicate. Temporary filings made by telegraph or cable, as hereafter provided in § 536.6(c)(1) are not subject to the triplicate filing requirements of this section.

(g) Tariffs sent for filing shall be addressed to:

Bureau of Foreign Regulation, Federal Maritime Commission, Washington, D.C., 20573.

and will not be accepted unless delivered to the Commission free from all charges, including claims for postage.

(h) Each carrier shall keep open for public inspection all tariffs published by it or to which it is a party in the foreign commerce of the United States.

(i) Where carriers are participants in a conference tariff this does not relieve such individual carriers from the necessity of complying with the Commission's regulations and the requirements of section 18(b) of the Act with regard to keeping tariffs open for public inspection.

(j) The obligation of a common carrier to file tariffs pursuant to section 18(b) of the Act, and this part must be carried out by each such carrier filing its own tariff or tariffs or by being a participating carrier in a conference as defined in this part. No carrier or conference may be shown as a participant in a tariff filed by another carrier or conference where such participation has not been approved by the Commission pursuant to section 15 of the Act.

(k) Any tariff submitted for filing, which fails to conform with section 18(b) of the Act or with the provisions of this part, is subject to rejection by the Commission and, upon rejection will be void and its use unlawful. Rejection will be accomplished as hereafter set forth in § 536.6(d)(1).

(l) Copies of all tariffs, subsequent revisions and changes thereto on file with the Commission and in effect, shall be made available by carriers and conferences to any person, and a reasonable charge may be made therefor.

(m) Any new or initial tariffs shall be published and filed with the Commission to become effective not earlier than 30 days after such publication and filing with the Commission, unless special permission to become effective on less than said 30 days has been granted by the Commission pursuant to § 536.9.

§ 536.3 Form and preparation of tariffs.

(a) All tariffs which are filed and kept open to public inspection shall be clear and legible and shall be plainly printed, mimeographed, multilithed, or prepared by other similar permanent process on durable paper of good quality.

(b) No alteration in writing or erasure shall be made in any tariff publication.

(c) Sufficient marginal space of not less than three-fourths of an inch shall be allowed at the left side of each tariff page to permit insertion in tariff binders. In addition, a margin of not less than one-half inch shall be allowed at the bottom of each tariff page for insertion by the Commission of its receipt stamp.

(d) Tariffs shall be in looseleaf form and shall be on pages approximately 8½ by 11 inches. If other than a looseleaf tariff is to be filed, application for permission to make such filing shall be made to the Commission. If permission to file other than a looseleaf tariff is granted by the Commission, such permission will set forth the form and manner of filing the tariff and any amendments or supplements thereto.

(e) Tariff pages shall be printed on one side only, and each page after the title page shall be numbered in the upper right-hand corner. Each page must show the name of the carrier or conference for whose account the tariff is issued, the effective date, the page number, the FMC number of the tariff, etc., as prescribed in Exhibit No. 1.

§ 536.4 Contents of tariffs.

(a) The first page of every tariff shall be a title page and should be printed on paper heavier than that used in the body of the tariff. The title page shall contain the following information:

(1) The name of the carrier or conference for whose account such tariff is issued.

(2) An FMC tariff number assigned by the carrier or conference. For example:

Smith Line Tariff FMC–1.

Each tariff issued by a carrier or conference shall be assigned the next, open, consecutive, FMC Number not previously used. In the case of an initial tariff filed pursuant to section 18(b) of the Act the first tariff shall be assigned tariff number FMC–1. Each other tariff thereafter issued by the carrier or conference shall be assigned a different FMC number in consecutive order. Under the FMC tariff number shall be shown the FMC tariff number or numbers of any tariff or tariffs canceled by the issuance of such tariff. For example:

Smith Line Tariff FMC–14 cancels Smith Line Tariff FMC–8 and Smith Line Tariff FMC–9

or

Smith Line Tariff FMC–14 cancels Smith Line Tariff FMC–12.

It shall not be necessary for a carrier or conference to reissue a tariff, or any portion thereof, immediately on the effective date of this part solely for the purpose of assigning the proper FMC number of such tariff as required by this section. It will be sufficient for each carrier and conference to file with the Commission an amendment to the title page of each tariff or file with the Commission assigning to such tariff the new FMC number. Thereafter, each modification filed to such tariff shall bear the proper FMC number on each page. However, within 1 year after the effective date of this part, all tariffs on file with the Commission must have been properly reissued with the FMC number required by this part.

(3) When an individual carrier, partnership or joint service operates under a trade name, the individual name or names shall be shown as well as the trade name, or reference may be made to an internal tariff page where this information is shown.

(4) (i) A list of the ports covered by the tariff, or reference to an internal tariff page where such ports are listed. In lieu of such listing of ports, a statement of the range of ports served will be accepted, provided any exclusion of any port within the range and any restriction applying at any port within the range are specifically stated.

(ii) Whenever tariff application is shown by identification of a range of ports in lieu of listing of ports, such range of ports must be within a geographical area generally served by the carrier or carriers participating in the tariff.

(5) A statement showing the type of rates contained in the tariff. For example: Local, proportional, class, commodity, etc. Where a carrier or conference tariff includes contract rates, as described in § 536.5(m), the title page shall state that such rates are included.

(6) A reference to other publications which in any manner govern the tariff, or reference may be made on the title page to an internal tariff page identifying such governing publications.

(7) The date on which the tariff will become effective. Every tariff in which any provision is to become effective upon a date different from the general effective date of such tariff, shall so indicate in substantially the following form:

Effective: ---------- (except as otherwise herein provided) or (except as provided in Item) or (except as provided on Page).

(8) The name, title and address of the person issuing the tariff, or if the carrier or conference has authorized an agent other than an official thereof to file a tariff with the Commission as authorized in § 536.13, the name, title and address of such filing agent.

(9) An expiration date, if the entire tariff publication is to expire on a specified date.

(10) The name of all participating carriers in the tariff, if more than one such carrier participates, or reference may be made to an internal page on which are listed the names of all participating carriers.

(b) All pages after the title page shall be numbered beginning with "Original Page 1", "Original Page 2", etc. Each page as thereafter revised shall be a consecutively numbered revision of the same page. For example:

The 7th page in a tariff as originally filed would be titled "Original Page 7." The first revision of this page 7 would be titled "First Revised Page 7," cancels original page 7. See § 536.6(b)(3).

The body of the tariff shall contain the following:

(1) The full corporate name of each participating carrier with address of the principal office, if not shown on the title page.

(2) The trade name, if any, and the carrier or carriers, if not shown on the title page.

(3) A list of the ports or range of ports to and from which the tariff rates apply, if not shown on the title page. See § 536.4(a)(4).

(4) A statement indicating the extent of any limitation or restriction, if the application of any of the rates, charges, rules, or regulations stated in the tariff are restricted to any particular port, pier, etc., or otherwise limited.

(5) A single, complete index alphabetically arranged for commodities for which rates in the tariff are named, together with a reference to each item or page where a particular article is shown. Class rate tariffs and tariffs containing both class and commodity rates shall contain, in addition to item or page reference where applicable, the ratings of commodities to which class rates apply (see Exhibit No. 6). Such index may be omitted where rates on less than 25 commodities are included in the tariff. All articles generic to different species of the same commodity should be grouped together. For example:

Paper, building: paper, printing; paper, wrapping.

(6) A full explanation of any symbols, reference marks or abbreviations used in the tariff. If such explanation does not appear on the page where the reference marks or symbols are used, such page shall refer to the page in the tariff where the explanation is given. The symbols shown in § 536.6(b)(2) shall be used only for the purpose indicated therein.

(7) If governed in any manner by other publications, as may be permitted herein, a reference thereto substantially in the following form:

This tariff is governed, except as otherwise provided herein, by Bill of Lading Tariff FMC No. (or by Rules Tariff FMC No. ----), etc.

Where such reference is fully made on the title page, reference in the tariff elsewhere is unnecessary. Governing publications must be on file with the Federal Maritime Commission.

(8) All rates applicable to the transportation of the articles or classes of articles on which rates are named in the tariff. Rates shall be set forth as required by § 536.5.

(9) Rules and regulations which in anywise affect the application of the tariff. Rules and regulations shall be governed by the following requirements:

(i) The rules shall include specimens of any bill of lading, contract of affreightment or other document evidencing the transportation agreement, unless a separate bill of lading tariff is on file with the Commission as permitted in § 536.10(a).

(ii) Where a rule affects only a particular item or rate, such item or rate must specifically refer to such rule.

(iii) Each rule or regulation shall be numbered.

(iv) No rate tariff shall require reference to any other rate tariff for determination of any applicable rate.

(v) Where a carrier or conference uses a contract rate system the tariff shall fully and clearly explain the application of the contract rate system, and shall include a true copy of the approved contract.

(vi) Where a conference opens rates as permitted in § 536.5 (n) and (o) the tariff shall fully and clearly explain the extent to which rates have been opened. Any restriction or limitation on the right of participating carriers to fix their own rates on open rate items, and the extent to which applicable rules and regulations of the conference tariff will continue to govern the rates filed by each individual line, shall be stated.

(vii) Where it is not desirable or practicable to include the governing rules or regulations, or specimens of the bill of lading or other contract of affreightment in a rate tariff, such rules and regulations or bill of lading may be published and filed in separate tariffs, provided special reference is made in the rate tariff to such separate governing publication as required in § 536.10(a).

(viii) Tariffs which contain rates for the transport of explosives, inflammables, corrosive material, or other dangerous articles, shall contain the rules and regulations of the carrier or conference governing the transportation of such articles, or shall bear reference to a separate publication which contains such rates and regulations.

(ix) Tariffs shall clearly state all of the services provided to the shipper and included in the transportation rates set forth therein.

§ 536.5 Statement of rates.

(a) The application of all rates shall be clear and definite and explicitly stated per 100 pounds, per cubic foot, per ton of 2,000 pounds, per ton of 2,240 pounds, or some clearly defined unit.

(b) Commodities and commodity groupings on which rates are stated shall be listed in alphabetical order and item numbers shown if published in the index. All rates shall be stated in a simple and systematic manner.

(c) The Commission shall assign commodity code numbers to tariffs and tariff filings as rapidly as possible. As commodity code numbers are assigned, a coded triplicate copy of a tariff or tariff filing initially filed pursuant to these rules will be returned to the carrier and/or conference. Thereafter upon amendment each coded tariff or tariff filing shall contain the assigned code number. Whenever a tariff page is revised and contains an item previously coded by the Commission but published on a different page the assigned code number shall be shown on such revised page. Code numbers shall not be assigned by carriers or conferences upon initial filings made pursuant to these rules nor shall code numbers be assigned by carriers or conferences to any commodity not previously published in a tariff; provided, however, a carrier or conference may assign code numbers upon request and written approval of the Commission, subject to such terms and conditions as may be prescribed by the Commission.

(d) Where rates are stated in amounts per package, the type of package must be described. Method of packing with specifications showing size, measurement or weight of the packages on which such rates applies shall be shown.

(e) Where rates vary depending upon whether cargo is packed, crated, palletized, bundled, strapped, loose, or otherwise prepared or delivered for shipment, there shall be a statement clearly and specifically governing the application of such rates. (See Exhibit No. 2.)

(f) Where rates from or to designated ports are determined by the addition or deduction of arbitraries or differentials to or from rates applicable at other ports, such application shall be clearly shown.

(g) A commodity item may, by use of a generic term, provide rates on a number of articles without naming such articles, provided such term contains reference to an item in the tariff which clearly defines the type of commodities contained in such generic term or which contains a complete list of such articles, or contains reference to the FMC number of a separate tariff of the same carrier or conference containing such definition or list of such articles.

Example: Packinghouse products, as described in Item ... or packinghouse products, as described under heading "Packinghouse products" in FMC No. ..., or successive issues thereof.

(h) A separate tariff, not containing rates, may be filed by a carrier or conference showing a list of the commodities on which rates published by reference to generic terms will apply, and rate tariffs shall be made subject thereto as provided above.

(i) When commodity rates are established, the description of the commodity must be specific. Rates may not be applied to analogous articles.

(j) The rate section of a tariff may contain a rate applicable to all commodities, or all commodities of a class, on which specific commodity rates are not stated in the tariff, to be called cargo, n.o.s. (not otherwise specified), general cargo, or other identifying name, or by broad generic heading such as chemicals, n.o.s.

(k) A separate tariff naming rates on a group of related commodities may be

published, provided however, that such tariff shall contain all of the rates applicable to such commodities which are published by the same carrier or conference to or from the same ports. When such tariffs are published, reference shall be made thereto in the tariff of general application for the same carrier or conference, to or from the same ports.

(l) Publication of rates which duplicate or conflict with the rates published in the same or any other tariff is not permissible, and, except as otherwise authorized in this part, the publication of a statement in a tariff to the effect that the rates published therein take precedence over the rates published in some other tariff, or that the rates published in some other tariff take precedence over or alternate with the rates published therein, is prohibited, provided however, that where a carrier or conference publishes both commodity and class rates a statement shall be published in the tariff clearly indicating which of the two rates shall apply on the commodity or commodities on which both class rates and commodity rates are published.

(m) Where a conference or carrier uses a dual rate system approved by the Commission and states in its tariff two rates pursuant to such system, each commodity item in the tariff subject to dual rates shall indicate such "Contract Rates" and "Noncontract Rates" as prescribed in Exhibits Nos. 3 through 7.

(n) Where a conference opens any or all rates, each tariff item so opened shall be amended to indicate the word "open" in place of the previously stated rate, and shall indicate a reference to a published rule in the tariff clearly defining the word "open" as used in such tariff.

(o) Where a conference opens rates pursuant to paragraph (n) in this section, for an individual conference member to then charge rates on such an item, there must be on file with the Commission the individual member's proper tariff rate covering such item as required by these rules. This may be accomplished by each individual carrier filing a complete tariff pursuant to this part, or by the official or tariff agent of the conference, or the carrier, filing as a separate supplement at the end of the conference tariff a page or pages indicating the rates which will be charged by each individual carrier, and the governing rules and provisions of the conference tariff which will apply to each carrier. Separate open rate tariffs may be published by an official or tariff agent of a conference.

(p) If only a portion of particular rates or other provisions will expire with a specified date, a notation to that effect shall clearly be shown in connection with such item, as indicated in Exhibit No. 2.

(q) Temporary or special or emergency rates or rates conditioned upon an expiration date or other factor shall be shown under the same commodity or generic heading or class in the same place in the tariff as the ordinarily applicable rates. See Exhibit No. 5.

(r) All rate pages shall be filed in the form and manner as prescribed in Exhibits Nos. 1 through 7. Where space permits, contract and noncontract rates, properly identified, may be shown in column form (side-by-side) rather than the manner shown in Exhibit No. 3.

(s) The number of rate columns may be varied as required to state rates to one or more ports, groupings or ranges of ports. The width of all columns in the rate block section of tariff rate pages may be varied as required, provided, however, that the width of the commodity code column is not less than 1 inch.

§ 536.6 Amendments to tariffs.

(a) *General tariff amendments.* (1) All changes in, additions to, or deletions from a tariff shall be known as amendments. All amendments to tariffs shall be in permanent form as set forth hereafter.

(2) Amendments which provide for new or initial rates, or amendments which provide for changes in rates, charges, rules, or other provisions resulting in an increase in cost to the shipper shall be published and filed with the Commission to become effective not earlier than 30 days after the date of publication and filing with the Commission, unless special permission to become effective on less than said 30 days notice has been granted by the Commission pursuant to § 536.8.

(3) Amendments which provide for changes in rates, charges, rules, regulations, or other provisions resulting in a decrease in cost to the shipper, or amendments which result in no change in cost to the shipper may become effective upon the publication and filing with the Commission.

(4) An amendment containing a rate on a specific commodity not previously named in a tariff is a reduction or no change in cost to the shipper and may become effective upon publication and filing with the Commission, provided that the tariff contains a cargo, n.o.s. rate or similar general cargo rate, which rate would otherwise be applicable to the specific commodity, and further provided that the specific commodity rate is equal to or lower than the previously applicable cargo, n.o.s. rate or general cargo rate.

(5) An amendment which provides for the elimination of a specific commodity and rate applicable thereto from a tariff, thereby resulting in the application of a higher cargo, n.o.s. rate, or general cargo rate, is a rate increase and shall be published and filed with the Commission to become effective not earlier than 30 days after the date of publication and filing with the Commission in the absence of special permission for an earlier effective date pursuant to § 536.8.

(b) *Permanent tariff amendments.* (1) Amendments to looseleaf tariffs shall be made by reprinting the page upon which such amendments are made. Such page shall be designated in the upper right-hand corner as a revised page. For example:

First revised page 1

or

Fifth revised page 21

See Exhibits Nos. 1 through 7.

(2) The revised page filed to accomplish a tariff amendment shall reprint the page to be replaced in its entirety, changing only the matter on the page which is modified. Changes made in existing rates, charges, classifications, rule, or other provisions shall be indicated by the following uniform symbols:

(R) To denote reduction.
(A) To denote increase.
(C) To denote changes in wording which result in neither increase nor reduction in charges.
(D) To denote deletion.
(E) To denote an exception to a general change.
(M) To denote reissued matter.
(I) New or initial matter.

An explanation of such symbols shall be set forth in the tariff as required by § 536.4(b)(6).

(3) Each revised page filed to accomplish a tariff amendment shall cancel the previously issued page of that number upon which the change is made. Immediately under the designation of the new revised page number shall be indicated the previous page which is being canceled. For example:

First revised page 1 cancels original page 1

or

Fifth revised page 21 cancels fourth revised page 21

All matter on the page to be canceled which is not being changed shall be reissued on the revised page as it was in the page being canceled. See Exhibits Nos. 1 through 7.

(4) Each revised page to accomplish a tariff modification shall, in the upper right-hand corner of the page, state the effective date of the changes made on that page. Such effective date shall be subject to the requirements of section 18(b) of the Act and of this section. Revised pages may, if desired, also show an issue date.

(5) When a revised page canceling a previous page deletes any matter contained in the previous page, the deletion shall be indicated by the symbol (D) and the appropriate symbol in subparagraph (2) of this paragraph further indicating the effect of the deletion on rates or charges.

(6) Every tariff amendment which accomplishes a change in the tariff upon less than statutory notice pursuant to special permission granted by the Commission, shall show in connection with such change a notation as provided for in § 536.8.

(7) Increased rates brought forward without change, prior to becoming effective, from a tariff page which has not been in effect 30 days shall be designated "reissued", and shall show the original effective date.

(8) If, on account of expansion of matter on any page, it becomes necessary to add an additional page in order to take care of the additional matter, such additional page (except when it follows the final page) shall be given the same number as the previous page with a letter suffix unless all subsequent pages are reissued and renumbered. For example:

Original Page 4–A, Original Page 4–B, etc.

If it is necessary to change matter on Original Page 4–A, it may be done by issuing First Revised Page 4–A, which shall indicate the cancellation of Original Page 4–A.

(9) When a revised page is issued which deletes rates, rules, or other provisions previously published on the page which it cancels, and such rates, rules, or provisions are published on a different page, the revised page shall make specific reference to the page on which the rates, rules or provisions will be found, and the page to which reference is made shall contain the following notation in connection with such rates, rules or other provisions, etc.

For (here insert rates, rules, other provisions, etc., as case may be) in effect prior to the effective date hereof see page —.

Subsequently revised pages of the same number shall omit this notation insofar as this particular matter is concerned.

(10) The following method shall be used in identifying and checking revised pages filed for the purpose of amending tariffs:

(i) When the original tariff is filed, the page following the title page shall be designated a "check sheet".

(ii) The check sheet shall contain correction numbers which shall be in consecutive numerical order beginning with the number one (1), with a blank space provided with each correction number. A correction number shall be placed in the upper right-hand corner of each revised page. This procedure will provide a cross reference and a permanent record of all corrections made to the tariff.

(c) *Temporary tariff amendments.* In order to facilitate the filing of rate changes as quickly as possible, without the delay necessitated by preparation and filing of permanent revised pages as required above, temporary filings will be permitted subject to the following conditions:

(1) Temporary filings may be made by telegram or cable, or by mailing to the Commission letters, rate advices, rate circulars, rate advances, etc. Such temporary filings must contain the following information:

(i) The identification of the carrier or conference.

(ii) Identification of the tariff being amended.

(iii) Any code number previously assigned by the Commission.

(iv) An exact description of the commodity on which a rate is being changed.

(v) The previously issued page upon which the item being changed is contained.

(vi) The new rate to be filed.

(vii) The effective date of the rate change.

(viii) A statement that this is a rate increase, decrease, or a new or initial filing.

(2) If the temporary filing is pursuant to special permission authority which has been granted, reference must be made to the special permission number.

(3) Temporary amendments received by the Commission for filing cannot be withdrawn or rescinded in any manner.

(4) Any carrier or conference making a temporary filing shall at the same time furnish all subscribers to the tariff all the information furnished to the Commission as required in subparagraph (1) of this paragraph.

(5) All temporary filings permitted by this section must be followed by the permanent filing of a revised page to accomplish tariff changes as required by this section. Such permanent modifications to take the place of the temporary filing must be received by the Commission within 15 days after receipt of the temporary filing for carriers or conferences making such filing from within the continental United States, and within 30 days after receipt of such temporary filing when the carrier or conference is located outside the continental United States.

(6) A permanent filing need not be made where a temporary filing is rejected by the Commission. However, all tariff subscribers must be notified that the temporary filing has been rejected.

(7) In the event a carrier or conference which has filed a rate change by temporary filing as permitted by this section should fail to properly file the permanent tariff modification to take the place of such temporary filing in the form and within the time limit above provided, a warning letter or collect telegram shall be sent to such carrier or conference. Immediate steps shall be taken by the carrier or conference to properly file the followup permanent filing. If a carrier or conference fails to correct such delinquent permanent filing after one warning, or if a carrier or conference after correction of one such delinquent filing, should fail a second time to file a permanent tariff modification to take the place of a temporary filing within the time limits provided, the Commission shall notify such carrier or conference that it no longer has the privilege of making rate changes by temporary filing as permitted in this section and thereafter, until further notice from the Commission, such carrier or conference may make tariff amendments only by filing of permanent tariff modifications as set forth in this section.

(d) *Rejection of tariff amendments or other tariff publications.* (1) Any amendment or other tariff publication submitted for filing which fails in all respects to conform with section 18(b) of the Act or with the provisions of this part, is subject to rejection. When an amendment or other tariff publication is rejected, the Commission, acting through a designated administrative officer, will inform the carrier, conferences, or agent tendering such amendment or other tariff publication for filing, by telegram, cablegram, or letter, of such rejection.

(i) Upon receipt of notice of a rejection, the carrier, conference, or agent shall immediately remove such rejected tariff amendment or other publication from the effective tariff, and shall immediately notify all subscribers to such tariff that the rejected amendment or other tariff publication is void.

(ii) The number assigned to an amendment or other tariff publication which has been rejected may not again be used. The rejected amendment or other tariff publication may not be referred to in any subsequent amendment or other tariff publication in any manner whatsoever, except that a notation shall appear on the new amendment or other tariff publication issued to replace that which has been rejected, reading substantially in accordance with the following example:

6th revised page No. 8 (issued in lieu of 5th revised page No. 8 rejected by the Federal Maritime Commission) cancels fourth revised page No. 8.

(2) Any amendment or other tariff publication submitted for filing containing more than one change, one or more but not all of which fails to conform with section 18(b) of the Act or with the provisions of this part is subject to partial rejection. When an amendment or other tariff publication is partially rejected, the Commission, acting through a designated administrative officer, will inform the carrier, conference, or agent tendering such amendment or other tariff publication for filing, by telegram, cablegram, or letter, of such partial rejection.

(i) Upon receipt of notice of a partial rejection, the carrier, conference, or agent shall immediately notify all subscribers to the tariff of the partial rejection. The carrier, conference or agent shall then resubmit a revised amendment or other tariff publication to the Commission deleting the partially rejected matter or otherwise conforming such matter to section 18(b) of the Act or with the provisions of this part.

(ii) The number assigned to an amendment or other tariff publication which has been rejected in part may not be used again. Resubmission of the revised amendment or other tariff publication shall be accomplished as prescribed in subparagraph (1) of this paragraph.

§ 536.7 Supplements.

(a) Supplements to tariffs may be filed to accomplish the following:

(1) To cancel a tariff in whole or in part.

(2) To provide for a general rate decrease applicable to all, or substantially all, of the commodities listed in a tariff.

(3) To provide for a general rate increase applicable to all, or substantially all, of the commodities listed in a tariff.

(4) To indicate seasonal discontinuance or temporary suspension or reinstitution of service covered by a tariff.

(5) To provide for change in name of carrier or agent.

When supplements are filed as provided for in subparagraphs (2) and (3) of this paragraph and the rate increase or decrease is not applicable to all commodities, a notation shall appear on the supplement in one of the following forms:

The general rate increase (decrease) provided for on this page applies to all commodities stated herein except the following: (Here list the excepted commodities or commodity item numbers) or the general rate increase (decrease) provided for on this page applies to all commodities stated herein except those noted on page —.

(b) Additional supplements to other than looseleaf tariffs shall be filed as set forth in any special permission granted by the Commission pursuant to §§ 536.3 (d) and 536.8.

(c) Supplements shall be numbered consecutively on the upper right-hand corner of each page as follows:

Supplement No. 1 to FMC Tariff No. —.

§ 536.8 Application for special permission.

(a) Section 18(b) of the Act authorizes the Commission, in its discretion and for good cause shown, to permit increases in rates or issuance of new or initial rates on less than statutory notice. The Commission may also in its discretion and for good cause shown permit departure from the regulations in this part. The Commission will grant such permissions only in cases where real merit is shown. Where correction of clerical or typographical errors results in a rate increase, section 18(b) of the Act requires such correction to become effective not earlier than 30 days after filing with the Commission. Clerical or typographical errors will be considered to constitute good cause for the exercise of this authority, but every application based thereon must plainly specify the error, together with a full statement of the attending circumstances and must be presented with reasonable promptness after issuance of the defective tariff publication.

(b) Application for special permission to establish increase in rates on less than statutory notice, or for waiver of the provisions of this tariff circular must be made by the carrier, conference, or agent that holds authorization to file the proposed publication.

(c) Application for special permission shall be made by cable, telegram, or letter. In an emergency situation special permission applications may be made by telephone provided that such application is promptly followed by cable, telegram, or letter.

(d) If the authority granted by special permission is used, it must be used in its entirety and in the manner set forth in such special permission. If it is not desired to use all of the authority granted and less or more extensive or different authority is desired, a new application complying with the requirements of this part in all respects and referring to the previous permission must be filed.

(e) Application for special permission shall contain the following information:

(1) The name of the conference or carrier in whose name the special permission is requested.

(2) Identification of the specific tariff involved.

(3) The rate, commodity, code number if previously assigned by the Commission, rules, etc. (related to the application), and the special circumstances which the applicant believes to constitute good cause to make a tariff change on less than the statutory period required in section 18(b) of the Act.

(f) Every tariff filed pursuant to a special permission granted by the Commission shall contain a notation to such effect in the following form:

Issued under authority of the Federal Maritime Commission Special Permission No. F (here fill in assigned number).

§ 536.9 Statement of terminal or other charges.

(a) Every tariff filed pursuant to this part shall state separately any terminal or other charge, privilege, or facility under the control of the carrier or conference which is granted or allowed.

(b) Wherever a tariff includes charges for terminal services, canal tolls or other additional charges not under the control of the carrier or conference, which merely acts as a collection agent for the charges, and the agency making such charges to the carrier increases the charges without notice to the carrier or conference, such charges may be increased in the carrier or conference tariff without being subject to the 30-day advanced filing requirement of this part whether included in the through rate or separately stated on the bill of lading.

§ 536.10 Other governing tariffs.

(a) If it is not desirable or practicable to include governing rules of a tariff, as required by § 536.4(b)(9), or bills of lading or contracts of affreightment as required by § 536.4(b)(9)(i), in the general rate tariff, these may be separately filed and published in a rules tariff and/or bill of lading tariff. When rules, regulations, bills of lading, or other governing provisions are thus separately published, rate tariffs shall be made subject thereto by specific FMC reference in the rate tariff as follows:

Governed, except as otherwise provided herein by (rules or regulations) (bills of lading) shown in tariff FMC No. ——.

(b) Tariffs naming rates for the transportation of explosives, inflammables, or corrosive material, or other dangerous articles, shall contain as required by § 536.4(b)(9)(viii), the rules and regulations issued by the carrier or conferences governing the transportation of such articles, or shall if possible, bear reference to a separate publication where such regulations are available to the general public.

§ 536.11 Transfer of operations; changes in name and control; changes in conference membership.

(a) Whenever the name of a common carrier having an individual tariff on file with the Federal Maritime Commission is changed, or its operating control is transferred to another common carrier, the carrier which will thereafter operate the service shall make appropriate tariff filings to indicate the change in name. Subsequent filings to such tariff shall indicate the new name of the carrier involved.

(b) Wherever the name of a carrier who participates in a conference is changed, the conference shall file an appropriate amendment to the tariff to indicate the change in name to the new carrier.

(c) Whenever a new carrier becomes a participant in a conference tariff and the rates published in the conference tariff are equal to or lower than the new carrier's previously filed rates, cancellation of the new carrier's tariff and publication of a revised participating carrier's page in the conference tariff may become effective upon filing with the Commission. However, where such participation of a new carrier in a conference tariff results in higher rates being charged by the new carrier than previously stated in its individual tariff such participation and cancellation of the previous individual tariff shall not become effective earlier than 30 days after the date of filing with the Commission unless special permission is granted to file on less than such period of time pursuant to § 536.8.

§ 536.12 Delegation of authority to file tariffs.

(a) A carrier or conference may grant authority to a person, not an official or employee of such carrier or conference, as agent to act for such carrier or conference in the issuance of all its tariffs, or any particular tariff.

(b) Whenever there is such delegation of authority by a carrier or conference, there shall be filed with the Commission a statement indicating the appointment of such agent and setting forth the exact limits of the authority of such appointed agent.

§ 536.13 Effective date of this part and time limit within which tariff format must comply therewith.

This part shall become effective on July 1, 1965. Any completely new tariff or completely reissued tariff made on or after said date must comply in all respects with this part. Any tariff amendment made on or after July 1, 1965, to a tariff lawfully on file with the Commission prior to that date may be filed in the same format as used in such lawfully filed tariff; provided however, that such tariffs and amendments thereto must on or after July 1, 1968, include required matter otherwise prescribed in this part. Within 6 months from said effective date all tariffs and amendments thereto must be made to conform in all respects with this part.

EXHIBIT No. 1

Name of Carrier or Conference and Tariff Number				Orig./Rev.	Page
				Cancels	Page
From: (Range or ports)	To: (Range or ports)			Effective date	
				Correction	
Except as otherwise provided herein, rates apply per ton of —— or —— cubic ——, whichever produces the greater revenue.		Type*	Rate basis	1	2	Item*
Commodity code	Commodity description and packaging					
	Explanation for use of this exhibit: All tariff pages, except the title page, shall be filed in the form and manner as prescribed above the rate block on this page.					

*As applicable.

EXHIBIT No. 2

Name of Carrier or Conference and Tariff Number			Orig./Rev.	Page
			Cancels	Page
From: (Range or ports)	To: (Range or ports)		Effective date	
			Correction	
Except as otherwise provided herein, rates apply per ton of (2,000 lbs.) or (40) cubic (feet) whichever produces the greater revenue.		Rate basis	1	2	Item*
Commodity code	Commodity description and packaging				
	Fans, electric	W/M	78.00		
	Glasses, sun	M	62.75		
	Lime, hydrated, packed	W	59.25		
	Tractors:				
	Unpacked	W/M	48.00		
	Packed	W/M	40.00		
	Zinc, VIZ:				
	Bars, circles, ingots, pigs, plates, sheets, shot, slabs	2240 or 40 CF	26.00		
	Ingots:				
	Special rate effective Apr. 1, 196-, expiring May 1, 196-	2240	27.00		
	Ingots:				
	Special rate effective May 1, 196-, expiring June 1, 196-	2240	28.00		
	(Broken Line Not To Be Used)				
	Explanation for use of this exhibit: Conference or Carrier: Single level or rates; one port or the same rate to several ports, or range of ports; temporary rates.				

*Optional column.

EXHIBIT No. 3

Name of Carrier or Conference and Tariff Number	Orig./Rev.	Page
	Cancels	Page
From: (Range or ports) To: (Range or ports)	Effective date	
	Correction	

Except as otherwise provided herein, rates apply per ton of (2,240 lbs.) or (40) cubic (feet) whichever produces the greater revenue.		Type**	Rate basis	(Ports or range)	(Ports or range)	Item**
Commodity code	Commodity description and packaging					
	Alcohols (effective May 10, 6-)* (I)***	C	100#	2.30	2.55	
		NC		3.88	4.17	
	Canned goods:					
	Fish	C	100#	2.15	2.15	
		NC		2.65	2.65	
	Vegetables:					
	42/9 oz. tins	C	Case	.92	.92	
		NC		1.01	1.01	
	42/7 oz. tins	C	Case	.70	.75	
		NC		.75	.99	
	24/16 oz. tins	C	Case	1.17	1.25	
		NC		1.24	1.25	
	(Broken Line Not To Be Used)					
	Explanation for use of this exhibit: Conference or Carrier: Dual-rate system; two ranges of destination ports; rates per case or per 100 lbs.					

*Issued under authority of the FMC Special Permission No. —.
**As applicable.
***Change symbols must be shown in the commodity description column either to the left or right of the commodity

EXHIBIT No. 4

Name of Carrier or Conference and Tariff Number	Orig./Rev.	Page
	Cancels	Page
From: (Range or ports) To: (Range or ports)	Effective date	
	Correction	

Except as otherwise provided herein, rates apply per ton of (2,240 lbs.) or (40) cubic (feet) whichever produces the greater revenue.		Type*	Rate basis	1	2	Item*
Commodity code	Commodity description and packaging					
	Fans, electric	C	W/M	68.75		
		NC		70.75		
	Glasses, sun (I)**	C	M	62.75		
		NC		70.75		
	Lime, hydrated, packed	C	W	52.75		
		NC		36.50		
	Liquors		M	Open		
				36.00		
	Transferred to medicines, patent preparations (D)(R)**	Min				
	Transferred to liquors (D)(I)**					
	(Broken Line Not To be Used)					
	Explanation for use of this exhibit: Conference or Carrier: Dual-rate system: One range of ports; deletion of rates showing reduction and increase in rates due to deletion.					

*As applicable.
**Change symbols must be shown in the commodity description column either to the left or right of the commodity.

EXHIBIT No. 5

Name of Carrier or Conference and Tariff Number	Orig./Rev.	Page
	Cancels	Page
From: (Range or ports) To: (Range or ports)	Effective date	
	Correction	

Except as otherwise provided herein, rates apply per ton of (2,240 lbs.) or (40) cubic (feet) whichever produces the greater revenue.		Type*	Rate basis	(Ports or range)	(Ports or range)	Item*
Commodity code	Commodity description and packaging					
	Iron and steel: Turnbuckles	C		29.50	32.50	
		NC		33.25	35.50	
	Emergency / Temporary / Special Rate effective June 1, 6- to July 31, 6- (R)**	C		26.00	28.50	
		NC		28.50	31.25	
	Medicines, patent preparations:					
	Value not exceeding $500.00 per 40 cubic feet	C		34.00	37.50	
		NC		37.25	41.00	
	Value exceeding $500.00 but not exceeding $1,000.00 per 40 cubic feet	C		52.75	58.00	
		NC		57.75	63.50	
	Value exceeding $1,000.00 per 40 cubic feet	C		67.70	74.50	
		NC		74.25	81.50	
	(Broken Line Not To Be Used)					
	Explanation for use of this exhibit? Conference or Carrier: Dual-rate system: Valuation rates and special, emergency or temporary rates.					

*As applicable.
**Change symbols must be shown in the commodity description column either to the left or right of the commodity.

EXHIBIT No. 6

Name of Carrier or Conference and Tariff Number	Orig./Rev.	Page
	Cancels	Page
From: (Range or ports) To: (Range or ports)	Effective date	
	Correction	

Commodity index

Commodity code	Commodity	Class or item No.*	Commodity code	Commodity	Class or item No.*
	Abrasive	2		Iron or steel articles, viz:	
	Absorbent cotton	[illegible]		Anchors	1
	Ale, ginger	[illegible] M		Balls, grinding	365
	Ammonia, anhydrous	[illegible]		Forgings	365
	Animal feed supplements	[illegible]		Horseshoes	2 W
	(Broken line not to be used)				
	Explanation for use of this exhibit: Conference or Carrier: Single level or dual-rate system; class or class and commodity tariff. Commodity code numbers on index pages will be assigned by the Commission only for class-rated commodities.				

*Where tariff publishes both class and commodity rates, as above, the first nine (9) digits should be reserved for class ratings.

EXHIBIT No. 7

Name of Carrier or Conference and Tariff Number	Orig./Rev.	Page
	Cancels	Page
From: (Range or ports) To: (Range or ports)	Effective date	
	Correction	

Class rates

Except as otherwise provided herein, rates apply per ton of (2,240 lbs.) or (40) cubic (feet) whichever produces the greater revenue.	Class			
Ports to Which Rates Apply	1	2	3	
Ports A, B, C:*				
Contract	$100.00	$70.00	$31.00	
Noncontract	115.00	80.50	34.50	
Ports D, E, F*	80.00	65.00	25.00	

*As applicable to dual rate or single level rate tariffs.

By the Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 65-5572; Filed, May 26, 1965; 8:50 a.m.]

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Agencies in this issue—

Agricultural Stabilization and Conservation Service
Air Force Department
Atomic Energy Commission
Civil Aeronautics Board
Civil Service Commission
Commodity Credit Corporation
Consumer and Marketing Service
Customs Bureau
Federal Aviation Agency
Federal Communications Commission
Federal Maritime Commission
Federal Power Commission
Federal Reserve System
Food and Drug Administration
General Services Administration
Interior Department
Interstate Commerce Commission
National Bureau of Standards
Patent Office
Securities and Exchange Commission
Treasury Department
Utilization and Disposal Service
Veterans Administration

Detailed list of Contents appears inside.



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Contents

AGRICULTURAL STABILIZATION AND CONSERVATION SERVICE
Rules and Regulations
Cotton, upland, 1964 and succeeding crops; acreage allotments; correction 7185
Sugarcane, Hawaii, 1965 crop; fair and reasonable prices 7186

AGRICULTURE DEPARTMENT
See Agricultural Stabilization and Conservation Service; Commodity Credit Corporation; Consumer and Marketing Service.

AIR FORCE DEPARTMENT
Rules and Regulations
National defense; miscellaneous amendments 7188

ATOMIC ENERGY COMMISSION
Notices
General Electric Co. and Southwest Atomic Energy Associates; hearing on application for provisional construction permit 7199

CIVIL AERONAUTICS BOARD
Notices
IATA agreements:
Rate matters 7200
Specific commodity rates 7200

CIVIL SERVICE COMMISSION
Rules and Regulations
Excepted service; entire executive civil service 7153

COMMERCE DEPARTMENT
See National Bureau of Standards; Patent Office.

COMMODITY CREDIT CORPORATION
Notices
Price support programs, 1964 and subsequent crops; interest rate 7198

CONSUMER AND MARKETING SERVICE
Proposed Rule Making
Milk in Delaware Valley marketing area; public meeting on termination 7195
Prunes, dried, produced in California; extension of time for comments on recommended decision 7195

CUSTOMS BUREAU
Rules and Regulations
Appraisement; antidumping; azobisformamide from Japan 7187

DEFENSE DEPARTMENT
See Air Force Department.

FEDERAL AVIATION AGENCY
Rules and Regulations
Airworthiness directives:
General Dynamics Models 340 and 440 Series aircraft 7182
Mooney Model M20E aircraft 7182
Control zone; alteration 7183
Control zone and transition area; alteration 7182
Control zone, transition area, and control area extension; alteration, designation, and revocation 7182
Transition areas:
Alteration 7183
Designations (2 documents) 7183
Modification 7184
Wake Island Code; miscellaneous amendments 7184
Proposed Rule Making
Control zone and transition area; designation and alteration 7196
Transition areas; alterations (2 documents) 7196

FEDERAL COMMUNICATIONS COMMISSION
Rules and Regulations
Domestic public radio services, other than maritime mobile, and satellite communications; miscellaneous amendments 7170
Frequency allocations and radio treaty matters; miscellaneous amendments 7153
Proposed Rule Making
FM broadcast stations; table of assignments 7197
Subscription television service; extension of time for comments 7197
Notices
Canadian broadcast stations; changes, proposed changes, and corrections in assignments 7201
Hearings, etc.:
Dixie Broadcasting Co., Inc., and Tupelo Broadcasting Co., Inc. 7200
Regional Broadcasting Corp. and Evergreen Enterprises, Inc. 7201

FEDERAL MARITIME COMMISSION
Notices
Agreements filed for approval:
Delta Steamship Lines, Inc., and Lykes Bros. Steamship Co., Inc. 7201
Moore-McCormack Lines, Inc., and Farrell Lines, Inc. 7201

FEDERAL POWER COMMISSION
Notices
Hearings, etc.:
Colorado River Water Conservation District 7202
Donnell Co. 7202
Montana Power Co. 7202
Northern Natural Gas Co. 7203
Transwestern Pipeline Co. 7203

FEDERAL RESERVE SYSTEM
Notices
Bank of Wood County Co.; approval of bank merger 7203

FOOD AND DRUG ADMINISTRATION
Notices
Drugs used in animal feeds and in treatment of food-producing animals; request for data 7199

GENERAL SERVICES ADMINISTRATION
See also Utilization and Disposal Service.
Rules and Regulations
Public contracts and property management; Federal procurement; miscellaneous amendments 7192

HEALTH, EDUCATION, AND WELFARE DEPARTMENT
See Food and Drug Administration.

INTERIOR DEPARTMENT
Notices
Commissioner of Indian Affairs; authority delegation 7198

INTERSTATE COMMERCE COMMISSION
Notices
Fourth section applications for relief 7204
Motor carrier probability sampling studies 7205
Motor carrier transfer proceedings 7205

NATIONAL BUREAU OF STANDARDS
Notices
NBS radio stations; standard frequency and time broadcasts 7199

PATENT OFFICE
Proposed Rule Making
Patent cases; accessibility of assignment records 7195

(Continued on next page)

CONTENTS

SECURITIES AND EXCHANGE COMMISSION

Notices

Automation Investments Co.; proposal to terminate registration 7204

TREASURY DEPARTMENT

See also Customs Bureau.

Notices

Welded wire mesh from Belgium; tentative determination 7198

UTILIZATION AND DISPOSAL SERVICE

Notices

Portion of National Guard Training Area, Cadet Point, Biloxi, Miss.; transfer to Interior Department 7203

VETERANS ADMINISTRATION

Notices

Organization statement; miscellaneous amendments 7204

List of CFR Parts Affected

(Codification Guide)

The following numerical guide is a list of the parts of each title of the Code of Federal Regulations affected by documents published in today's issue. A cumulative list of parts affected, covering the current month to date, appears at the end of each issue beginning with the second issue of the month.

A cumulative guide is published separately at the end of each month. The guide lists the parts and sections affected by documents published since January 1, 1965, and specifies how they are affected.

5 CFR

213 7153

7 CFR

722 7185
876 7186
PROPOSED RULES:
993 7195
1004 7195

14 CFR

39 (2 documents) 7182
71 (7 documents) 7182–7184
165 7184
PROPOSED RULES:
71 (3 documents) 7196

19 CFR

14 7187

32 CFR

903 7188
1001 7188
1003 7189
1004 7190
1005 7190
1006 7190
1007 7191
1010 7191
1013 7191
1016 7191
1030 7191
1053 7192
1054 7192

37 CFR

PROPOSED RULES:
1 7195

41 CFR

1–12 7193
1–16 7194

47 CFR

2 7153
21 7170
25 7170
PROPOSED RULES:
73 (2 documents) 7197

Rules and Regulations

Title 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 213—EXCEPTED SERVICE

Entire Executive Civil Service

Section 213.3102(v) is broadened to provide a single Schedule A exception for all Federal agencies to use in appointing boys and girls under the Youth Opportunity Campaign recently announced by the President. Effective on publication in the FEDERAL REGISTER, paragraph (v) of § 213.3102 is amended as set out below.

§ 213.3102 Entire executive civil service.

* * * * *

(v) Between June 1, 1965, and September 30, 1965, temporary summer trainee positions whose pay is fixed at the equivalent of the minimum wage established by the Fair Labor Standards Amendments of 1961 (currently $1.25 an hour) and whose duties involve laboring or other work of a routine nature requiring no specific knowledges or skills, when filled by persons appointed in furtherance of the President's Youth Opportunity Campaign. A person may not be appointed under this authority (1) unless he has reached his 16th but not his 22d birthday; or (2) for more than 700 hours.

(R.S. 1753, sec. 2, 22 Stat. 403, as amended; 5 U.S.C. 631, 633; E.O. 10577, 19 F.R. 7521, 3 CFR, 1954–1958 Comp., p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] MARY V. WENZEL,
Executive Assistant to the Commissioners.

[F.R. Doc. 65-5609; Filed, May 27, 1965; 8:48 a.m.]

Title 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

[Docket No. 15722; FCC 65-416]

PART 2—FREQUENCY ALLOCATIONS AND RADIO TREATY MATTERS; GENERAL RULES AND REGULATIONS

Miscellaneous Amendments

In the matter of amendment of Part 2 of the Commission's rules to conform, to the extent practicable, with the Geneva (1959) Radio Regulations, as revised by the Space EARC, Geneva, 1963; Docket No. 15722.

1. The Commission adopted a notice of proposed rule making in the above-entitled matter on December 2, 1964, which was published in the FEDERAL REGISTER on December 16, 1964 (29 F.R. 17824). Interested parties were invited to file comments on or before January 15, 1965, and reply comments on or before January 25, 1965. The time for filing reply comments was subsequently extended to February 4, 1965, and was further extended to February 15, 1965. The Orders extending the reply comment period were published in the FEDERAL REGISTER on January 30, 1965 (30 F.R. 1009), and February 10, 1965 (30 F.R. 1878), respectively.

2. Comments were filed by the Committee on Radio Frequency Requirements for Scientific Research of the National Academy of Sciences (NAS), Hawaiian Telephone Co. (Hawaiian), Communications Satellite Corp. (Comsat), American Telephone & Telegraph Co. (A.T. & T.), and jointly by Aeronautical Radio, Inc. (ARINC) and Air Transport Association of America (ATA). Reply comments were filed by A.T. & T. and by Comsat, each with respect to the initial comments of the other.

3. NAS endorsed the proposals as set forth in the Commission's Notice. ARINC/ATA comments support the Commission's proposals, insofar as they are applicable to the aeronautical mobile (R) service and urge their adoption. ARINC/ATA also note the developmental work being done by the aviation industry to demonstrate the feasibility of using satellite relaying for two-way air-ground communication on long over-water flights. Prompt Commission action is requested to amend Part 87 of its rules to provide for the use of space techniques in the aeronautical mobile (R) service. The Commission is mindful of this development and plans to initiate appropriate proceedings in the near future. Additionally, ARINC/ATA invite the Commission's attention to their collective comments in Docket No. 15735, relating to the ownership and operation of earth stations in the communication-satellite service. That matter, however, is beyond the scope of this proceeding and will be resolved in due course in Docket No. 15735.

4. Hawaiian, the only communication common carrier providing regular public telephone service on and between the principal islands of the State of Hawaii, operates a number of radio-relay stations in the band 5925–6425 Mc/s but none in the band 3700–4200 Mc/s. Hawaiian, as stated in earlier filings with the Commission and repeated in this proceeding, expects to cooperate with the space communication system in the sharing of frequencies. It is now engaged in a coordinated effort with Comsat searching for a suitable earth station site in Hawaii. This search is complicated by the limited land areas available, and the degree to which the band 5925–6425 Mc/s is used by Hawaiian. Hawaiian states that any prospective earth station site in Hawaii would necessarily be within 27 miles of fixed stations now licensed to or applied for by Hawaiian. By 1972, if planned expansions are carried out to meet growing inter- and intra-island requirements, this distance will be reduced to 23 miles. Additionally, sample "coordination distance" calculations made by Hawaiian indicate that if an earth station is located at either end of the six-island Hawaiian chain, coordination would be required for all common carrier microwave stations presently located in Hawaii. Hawaiian also states that it is unaware of any usable earth station site on the Island of Oahu and believes that an attempt to operate such a station would result in interference to all of its existing and prospective facilities on that Island.

5. In dealing with the problems raised by Hawaiian, our flexibility is limited by the fact that the global communication-satellite system being considered must be operated in the internationally allocated bands 3700–4200 and 5925–6425 Mc/s. If Hawaii were to have no earth station, the global system could be implemented without fear of mutual interference resulting from Hawaiian's point-to-point microwave operations in the band 5925–6425 Mc/s. However, operations in Hawaii must be conformed to the global communication-satellite system, rather than the converse, if Hawaii is to have a terminal in the system. In light of Hawaiian's comments, this can be done only by providing an alternate band for many of its existing and future point-to-point microwave operations which otherwise would be in the band 5925–6425 Mc/s. It would not ease the problem to move them to the band 3700–4200 Mc/s since the earth station, trying to receive from the space station, would then be subjected to interference from Hawaiian's terrestrial system. The band 10,700–11,700 Mc/s is also available for common carrier fixed service use but Hawaiian states that it has limited applicability in Hawaii because of the distances to be traversed. Hawaiian, recognizing these problems, suggests that it will be necessary for the Commission to make special frequency allocation concessions in Hawaii to meet its unique needs. The Commission is taking no action at this time to resolve the problem before it. However, if and when an earth station site is mutually agreed, and the magnitude of the problem is more clearly defined, the Commission will give sympathetic consideration to the needs of Hawaiian and the earth station applicant.

6. Comsat limited its comments to a discussion of issues involving the communication-satellite service and, more specifically, to the content of the proposed footnote to the Table of Frequency Allocations, US91, reading as follows:

US91 The ultimate disposition of this band in the communication-satellite service, as between Government and non-Government, is deferred. In the meanwhile the non-Government may exploit the 4 and 6

Gc/s bands and the Government may exploit the 7 and 8 Gc/s bands for communication-satellite service systems intended to become operational. Any modification of this policy will be discussed and agreed in the FCC/DTM (IRAC) mechanism prior to the filing of applications with the IRAC for frequency assignments which are not in accordance with the foregoing.

In the Commission's notice it was proposed that the note be applied to the four bands 3700–4200, 5925–6425, 7250–7750, and 7900–8400 Mc/s, recognizing that the two lower bands would remain available only to non-Government users and the two higher bands would remain available only to Government users, insofar as nonspace activities were concerned. Comsat agreed with the Commission's proposal in that premature exclusion of non-Government usage of the 7 and 8 Gc/s bands would be avoided, but expressed concern over "the absence of provisions which will assure optimal utilization of these four bands for Communications-Satellite operations." Additionally, Comsat expressed concern over the last sentence of proposed footnote US91 on the ground that it would "require explicit modification by the IRAC [Interdepartment Radio Advisory Committee] before a non-Government application for a frequency assignment in the 7 and 8 Gc/s bands could be filed with the IRAC." This concern was based on the position that so long as a final decision has not been taken on the allocation, there must be provisions protecting non-Government's contingent rights to use the 7 and 8 Gc/s bands, otherwise future non-Government use of the bands could be foreclosed even though such use might be more beneficial to the national interest than the Government usage.

7. In light of the above Comsat proposes that the last sentence of footnote US91 be deleted and that two new sentences be added so that footnote US91, as modified, would read:

US91 The ultimate disposition of this band in the communication-satellite service, as between Government and non-Government, is deferred. In the meanwhile the non-Government may exploit the 4 and 6 Gc/s bands and the Government may exploit the 7 and 8 Gc/s bands for communication-satellite service systems intended to become operational. If required in the national interest, frequency assignments to a non-Government or Government communication-satellite service system which are contrary to this temporary allocation policy may be authorized by the FCC/DTM (IRAC) mechanism. FCC/DTM (IRAC) approval of each application for a frequency assignment within these bands to a communication-satellite service operation, whether consistent or inconsistent with this temporary allocation policy, shall be conditioned upon, among other considerations, its finding that the proposed frequency usage assures optimal utilization of these bands in the national interest.

8. A.T. & T. expresses agreement with the bulk of the Commission's proposals but it too centers its attention on the content of proposed footnote US91. Unlike Comsat, however, A.T. & T. favors immediate action to allocate 3700–4200 and 5925–6425 Mc/s exclusively to non-Government users and 7250–7750 and 7900–8400 Mc/s exclusively to Government users. In support of its position, A.T. & T. argues that "* * * Almost without exception, experience has shown that the most effective utilization of the frequency spectrum can be realized when sharing is between like users. This division of frequencies is particularly necessary between Government and non-Government users." This incompatibility is purportedly due to the differences in the way frequencies are assigned, their use regulated, and the use to which they are put.

9. Additionally, A.T. & T. interprets footnote US91 to mean that the 4 and 6 Gc/s bands could now be made available for Government communication-satellite service systems so long as they were not intended to become operational. In their view, the note also provides for assignments through the IRAC mechanism which do not conform to the interim division between Government and non-Government users. To forestall these possibilities, pending rule making to finalize definitive division of the communication-satellite service bands between Government and non-Government users, A.T. & T. proposes that US91 be amended to read as follows:

US91 The ultimate disposition of this band in the communication-satellite service, as between Government and non-Government, is deferred. In the meanwhile the non-Government may exploit the 4 and 6 Gc/s bands and the Government may exploit the 7 and 8 Gc/s bands for communication-satellite service systems.

10. A.T. & T. filed reply comments in rebuttal to Comsat's proposed treatment of US91. A.T. & T. argues that Comsat is attempting to ensure that protection of non-Government contingency rights to the use of the 7 and 8 Gc/s bands for communication-satellite service use but is ignoring the corollary which would afford the same contingency rights to Government users in the bands at 4 and 6 Gc/s. This would foster an admixture of Government/non-Government space operations with non-Government and Government terrestrial operations which would not be conducive to efficient spectrum utilization. A.T. & T. also argues that Comsat has directed its comments only to the matter of frequency sharing between Government and non-Government communication-satellite service operations and has ignored the added complexities arising from sharing between non-Government terrestrial systems and Government communication-satellite service operations. A.T. & T. reiterates its earlier proposal for the modification of US91.

11. Comsat's reply comments are directed mainly to the initial comments of A.T. & T. and the latter's proposed treatment of footnote US91. Comsat is opposed to the A.T. & T. modification except with respect to the deletion of the phrase "intended to become operational" now appearing at the end of the second sentence of US91 in the Commission's Notice. Comsat too favors deletion of the phrase, which otherwise appears to permit the use of the 4 and 6 Gc/s bands on a permanent basis for Government communication-satellites not intended for "operational" purposes. Comsat argues that the remainder of the A.T. & T. proposal would result in a premature and permanent restriction of non-Government to the 4 and 6 Gc/s bands and thus inhibit Comsat's ability to continue to develop a global system. In its view, since the Space Conference in Geneva, 1963, allocated only two-thirds the amount of space the United States had proposed for the communication-satellite service, frequency shortages are likely to develop. Therefore, Comsat takes the position that "until such time as the needs of Government and non-Government communication-satellite systems have been fully determined, the public interest will best be served by the adoption of the Corporation's proposal which attempts to preserve for the non-Government communication-satellite service the availability and usability of the 7 and 8 Gc/s bands".

12. The Commission is not persuaded that either A.T. & T. or Comsat has presented arguments sufficiently compelling to warrant a change in footnote US91 at this time. We do agree with Comsat that adoption of the A.T. & T. proposal would impose premature constraints on the communication-satellite service from a frequency availability standpoint. We do not agree with either Comsat or A.T. & T. that deletion of the phrase "intended to become operational" is desirable or necessary, nor do we agree with the interpretation they choose to place upon it. It is intended in the positive sense, i.e., that the development of an operational commercial system should go forward in the 4 and 6 Gc/s bands and that an operational Government system, if it is to be developed, should be developed in the 7 and 8 Gc/s bands. While the phrase does not preclude the use of either pair of bands for experimental systems, for example, neither is it intended as an open invitation for nonoperational systems. Each case must be judged on its merits, consistent with the allocation policy set forth in the footnote, until such time as a change appears warranted and is agreed in the FCC/DTM (IRAC) mechanism.

13. The remaining comment filed by A.T. & T. in response to the Commission's Notice is directed to proposed footnote US90 which contains the essence of the international footnote 356A, tailored to meet our national needs. As proposed by the Commission, US90 would read as follows:

US90 The band 2110–2120 Mc/s may be used by Government and non-Government stations for space telecommand at specific locations in conjunction with spacecraft engaged in deep space research, subject to such conditions as may be applied on a case-by-case basis.

A.T. & T. recommends that the footnote be amended by deleting the phrase "subject to such conditions as may be applied on a case-by-case basis," and substituting therefor the following:

subject to choice of sites and frequencies specified in § 25.203, to the coordination procedures outlined in Part 25 and to such other conditions as may be applied on a case-by-case basis.

A.T. & T. states that "this band represents one-fourth of the frequency space available to common carriers in this area of the spectrum. The unavailability of this band because of its use for telecommand purposes would also reduce the usefulness of the associated band 2160–2180 Mc/s used for duplex operation. Since, in the international allocation, this is the only frequency band footnoted to permit deep space research telecommand operations, it appears this same limited access to this band is necessary in the United States. However, to avoid interference between common carrier operations and space research operations, coordination is required. In order for coordination procedures to be effective, it is obvious that coordination must be between all types of users of a particular frequency or frequency band. In a case such as this, where a proposal to make use of the band is likely to come from a Government entity which is not subject to normal FCC rules and regulations, the only opportunity for calling attention to necessary limitations and coordination procedures is through appropriate footnotes in the allocation table."

14. While appreciating the concern of A.T. & T. in this matter, the Commission is not adopting the proposed change to footnote US90. With or without the change, the Commission is in a position to maintain administrative control over the conditions applicable to the use of the band for deep space telecommand. The terms of any US footnote to the Table of Frequency Allocations are a matter of agreement between the Commission and the Director of Telecommunications Management (Interdepartment Radio Advisory Committee), DTM (IRAC), and are applicable equally to both Government and non-Government users. In this case, neither the DTM (IRAC) nor the Commission would authorize an additional deep space telecommand station without the concurrence of the other with respect to site, frequency, power, emission and operating conditions vis-a-vis other stations operating in the band. Additionally, as a matter of practice, we refrain from making reference to specific Commission Rules in US footnotes since the Commission could, through oversight, change the agreement represented by the US footnote merely by changing the terms of a specific rule which, generally, would not be subject to the concurrence of DTM (IRAC). As a practical matter, there is presently but one deep space telecommand station in the United States in this band and it is unlikely that a requirement for more will arise. That station is the Deep Space Instrumentation Facility at Goldstone, Calif., to which reference was made on December 5, 1962 in the Commission's Report and Order in Docket No. 14712. It is the station responsible for the commands to the Mariner flight now on its way to Mars and has been operating up to 9 hours per day since the launch of Mariner IV with no reports of interference to terrestrial systems in the band. There is on file with the Commission a "coordination distance contour" map for a virtually identical station at Goldstone to be operated in the band 2100–2110 Mc/s in Project Apollo that is applicable equally to the DSIF in the band 2110–2120 Mc/s.

15. Subsequent to the closing of the comment period, the National Academy of Sciences requested protection to radio astronomy observations of the OH complex in the band 1660–1670 Mc/s. Pursuant to Commission action taken in the Report and Order, Docket No. 14475, adopted September 11, 1963, published in the FEDERAL REGISTER on September 19, 1963 (28 F.R. 10261), the radio astronomy service was afforded allocation status in the band 1664.4–1668.4 Mc/s on a secondary basis. Although the two most pronounced OH spectral lines (whose laboratory frequencies are 1665.4 and 1667.4 Mc/s) are contained therein, the band is not wide enough to include the entire line profiles near the galactic center where doppler shifts, caused by unexpectedly high velocities, extend the lines beyond the allocated band. Other services contained within the 1660–1670 Mc/s band include meteorological aids (radiosonde) and meteorological satellites—services which appear capable of sharing, to a limited degree, with radio astronomy.

16. The bands 1660–1664.4 Mc/s and 1668.4–1670 Mc/s, as proposed in the notice in this proceeding, are allocated to both Government and non-Government services. After detailed consideration of the proposal, the DTM (IRAC) has concluded it is desirable to afford the radio astronomy service a measure of immediate relief by affording it allocation status in the 1660–1670 Mc/s band on a coequal, primary basis with the meteorological aids and meteorological-satellite services, and with the imposition of two additional US footnotes to the Table of Frequency Allocations. These footnotes, designated US99 and US101, would read as follows:

US99 In the band 1660–1700 Mc/s, the meteorological aids service (radiosonde) will to the maximum extent practicable confine its operations above the frequency 1670 Mc/s. Whenever it is necessary to operate radiosondes in the band 1660–1670 Mc/s within the United States, the radio astronomers will be notified in a timely manner.

US101 In the band 1660–1670 Mc/s, the radio astronomy service must accept such interference as may be received from the meteorological-satellite service.

17. The Commission concurs in the conclusion of the ODTM. Since there are no non-Government licensees in the band, the addition of the two US notes and the resultant amendment to the Table of Frequency Allocations affect Government services only and public notice pursuant to section 4 of the Administrative Procedure Act is not necessary or appropriate. Accordingly, these amendments are being consolidated with this proceeding.

18. Except for minor editorial corrections, therefore, but with the above addition, the Commission finds that the public interest would be served by adopting the rules set forth in its notice of proposed rule making in this proceeding. Authority for the changes is contained in section 4(i) and 303(r) of the Communications Act of 1934, as amended.

19. *Therefore, it is ordered,* That Part 2 of the Commission's rules is amended as set forth in the Appendix below, effective July 1, 1965; *And it is further ordered,* That the proceedings in Docket No. 15722 are terminated herewith.

(Sec. 4, 48 Stat. 1066, as amended; 47 U.S.C. 154. Interprets or applies sec. 303, 48 Stat. 1082, as amended; 47 U.S.C. 303)

Adopted: May 19, 1965.

Released: May 20, 1965.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

Part 2 is amended as follows:

§ 2.1 [Amended]

1. Section 2.1 is amended as follows:

a. The definition of *"Earth-space service"* is deleted.

b. The following definitions are amended to read as set forth below:

Aeronautical station. A land station in the aeronautical mobile service. In certain instances an aeronautical station may be placed on board a ship or an earth satellite.

Aircraft station. A mobile station in the aeronautical mobile service on board an aircraft or an air-space vehicle.

Earth station. A station in the space service located either on the earth's surface, including on board a ship, or on board an aircraft.

Space service. A radiocommunication service:

—between earth stations and space stations,
—or between space stations,
—or between earth stations when the signals are re-transmitted by space stations, or transmitted by reflection from objects in space, excluding reflection or scattering by the ionosphere or within the earth's atmosphere.

Space station. A station in the space service located on an object which is beyond, is intended to go beyond, or has been beyond, the major portion of the earth's atmosphere.

c. The following new definitions are added in proper alphabetical sequence:

Active satellite. An earth satellite carrying a station intended to transmit or re-transmit radiocommunication signals.

Communication-satellite earth station. An earth station in the communication-satellite service.

Communication-satellite service. A space service:

—between earth stations, when using active or passive satellites for the exchange of communications of the fixed or mobile service, or
—between an earth station and stations on active satellites for the exchange of communications of the mobile service, with a view to their re-transmis-

sion to or from stations in the mobile service.

Communication-satellite space station. A space station in the communication-satellite service, on an earth satellite.

Deep space. Space at distances from the earth equal to or greater than the distance between the earth and the moon.

Fixed earth station. An earth station intended to be used at a specified fixed point.

Meteorological-satellite earth station. An earth station in the meteorological-satellite service.

Meteorological-satellite service. A space service in which the results of meteorological observations, made by instruments on earth satellites, are transmitted to earth stations by space stations on these satellites.

Meteorological-satellite space station. A space station in the meteorological-satellite service, on an earth satellite.

Mobile earth station. An earth station intended to be used while in motion or during halts at unspecified points.

Passive satellite. An earth satellite intended to transmit radiocommunication signals by reflection.

Radio astronomy station. A station in the radio astronomy service.

Radionavigation-satellite earth station. An earth station in the radionavigation-satellite service.

Radionavigation-satellite service. A service using space stations on earth satellites for the purpose of radionavigation, including, in certain cases, transmission or re-transmission of supplementary information necessary for the operation of the radionavigation system.

Radionavigation-satellite space station. A space station in the radionavigation-satellite service, on an earth satellite.

Spacecraft. Any type of space vehicle including an earth satellite or a deep-space probe, whether manned or unmanned.

Space research earth station. An earth station in the space research service.

Space research service. A space service in which spacecraft or other objects in space are used for scientific or technological research purposes.

Space research space station. A space station in the space research service.

Space telecommand. The use of radiocommunication for the transmission of signals to a space station to initiate, modify or terminate functions of the equipment on a space object, including the space station.

Space telemetering. The use of telemetering for the transmission from a space station of results of measurements made in a spacecraft, including those relating to the functioning of the spacecraft.

Space tracking. Determination of the orbit, velocity or instantaneous position of an object in space by means of radio determination, excluding primary radar, for the purpose of following the movement of the object.

Stationary satellite. A satellite, the circular orbit of which lies in the plane of the earth's equator and which turns about the polar axis of the earth in the same direction and with the same period as those of the earth's rotation.

Terrestrial service. Any radio service defined in this Part, other than a space service or the radio astronomy service.

Terrestrial station. A station in a terrestrial service.

2. Section 2.100 is amended to read as follows:

§ 2.100 International regulations in force.

The Radio Regulations (Geneva, 1959), which became effective internationally on May 1, 1961, were incorporated to the extent practicable in Subparts A and B of this part and became effective nationally on December 1, 1961. The Radio Regulations were subsequently revised, in part, by the Extraordinary Administrative Radio Conference (Geneva, 1963) which specified January 1, 1965 as the effective date of the revision. The partial revision has also been incorporated to the extent practicable in Subparts A and B of this part and is applicable nationally, effective July 1, 1965.

3. In § 2.102, paragraphs (a), (b) (4), (5), and (6) are amended to read:

§ 2.102 Assignment of frequencies.

(a) Except as otherwise provided in this section, the assignment of frequencies and bands of frequencies to all stations and classes of stations and the licensing and authorizing of the use of all such frequencies between 10 kc/s and 90 Gc/s, and the actual use of such frequencies for radiocommunication or for any other purpose, including the transfer of energy by radio, shall be in accordance with the Table of Frequency Allocations in § 2.106.

(b) • • •

(4) Experimental stations engaged solely in ionospheric sounding by means of the technique of sweeping a band of frequencies may be authorized the use of any band or bands or frequencies not allocated, on an exclusive or shared basis, to the radio astronomy service.

(5) Experimental stations to be operated pursuant to a contractual agreement with the United States Government and intended for the sole and express purpose of developing equipment or a technique to be employed by stations belonging to and operated by the United States may be authorized the use of any frequency which is not in a band allocated, on an exclusive or shared basis, to the radio astronomy service.

(6) Experimental stations intended for the sole and express purpose of developing equipment or a technique to be employed by stations under the jurisdiction of a foreign government may be authorized the use of any frequency which is not in a band allocated to the amateur service or the radio astronomy service.

• • • • •

4. Section 2.104 is revised to read as follows:

§ 2.104 Radio astronomy station notification.

(a) Pursuant to No. 639AC, Article 9A and Section F of Appendix 1A to the international Radio Regulations (as revised, Geneva, 1963), operators of radio astronomy stations desiring international recognition of their use of specific radio astronomy frequencies or bands of frequencies for reception, should file the following information with the Commission for inclusion in the Master International Frequency Register:

(1) The center of the frequency band observed, in kc/s up to 30,000 kc/s inclusive, and in Mc/s above 30,000 kc/s.

(2) Date of putting into use (actual or foreseen, as appropriate).

(3) Name and location of the station, including geographical co-ordinates in degrees and minutes.

(4) Width of frequency band observed by the station.

(5) Antenna type and dimensions, effective area and angular coverage in azimuth and elevation.

(6) Maximum hours of reception (G.M.T.) of the frequency band shown in subparagraph (1) of this paragraph.

(7) Overall receiving system noise temperature (°K).

(8) Class of observations to be taken on the frequency band shown in subparagraph (1) of this paragraph. Class A observations are those in which the sensitivity of the equipment is not a primary factor. Class B observations are those of such a nature that they can be made only with advanced low-noise receivers using the best techniques.

(b) Observations being conducted on frequencies or frequency bands not allocated to the radio astronomy service should be reported as in paragraph (a) of this section for information purposes. Information in this category will not be submitted for entry in the Master International Frequency Register and protection from interference will not be afforded such operations by stations in other services.

5. In § 2.105, paragraph (h)(1) is amended to read as follows:

§ 2.105 Application and format of the Table of Frequency Allocations.

• • • • •

(h) • • •

(1) Any footnote consisting of three digits or three digits and a one or two letter suffix, e.g., (170) or (215A), denotes a paragraph in the Geneva (1959) Radio Regulations as amended by the Space Conference (Geneva, 1963). Where such a footnote is applicable, without modification, to the national Table of Frequency Allocations, the symbol appears in the national table as well as in Column 1, 2, 3 or 4.

• • • • •

§ 2.106 [Amended]

6. Section 2.106 is amended as follows:

a. The table is amended, in part, to read as follows:

§ 2.106 Table of Frequency Allocations.

Federal Communications Commission											
Band (kc/s)	Service	Class of station	Frequency (kc/s)	Nature of services (of stations)							
7	8	9	10	11							
2495–2505 (USE6)	STANDARD FREQUENCY. Radio astronomy. (USE4)	Radio astronomy. Standard frequency.	2500	RADIO ASTRONOMY. Standard frequency.							
4995–5005 (USE6)	STANDARD FREQUENCY. Radio astronomy. (USE4)	Radio astronomy. Standard frequency.	5000	RADIO ASTRONOMY. Standard frequency.							
9995–10005 (21S) (USE6)	STANDARD FREQUENCY. Radio astronomy. (USE4)	Radio astronomy. Standard frequency.	10000	RADIO ASTRONOMY. Standard frequency.							
14990–15010 (USE6)	STANDARD FREQUENCY. Radio astronomy. (USE4)	Radio astronomy. Standard frequency.	15000	RADIO ASTRONOMY. Standard frequency.							
15450–16460	FIXED.	Fixed.		AERONAUTICAL FIXED. INTERNATIONAL FIXED PUBLIC.							
18030–19990	FIXED.	Fixed.		AERONAUTICAL FIXED. INTERNATIONAL FIXED PUBLIC.							
19990–20000 (USE6)	STANDARD FREQUENCY. Radio astronomy. (USE4)	Radio astronomy. Standard frequency.									
20000–20010 (USE4)	STANDARD FREQUENCY. Space research.	Earth. Space. Standard frequency.	20000	Standard frequency.							

Region 2				United States		Worldwide	
Band (kc/s)	Service	Band (kc/s)	Allocation	Band (kc/s)	Service	Band (kc/s)	Service
1	2	3	4	5	6	7	8
2495–2505 (203) (204)	STANDARD FREQUENCY.					2495–2505	
						4995–5005	STANDARD FREQUENCY. (204) (210)
						9995–10005 (215)	STANDARD FREQUENCY. (204) (214) (216)
						14990–15010	STANDARD FREQUENCY. (204) (215)
					(US100)	15450–15762	FIXED.
						15762–15768	FIXED. Space Research. (215A)
						15768–16460	FIXED.
					(US100)	18030–18036	FIXED. Space Research. (215A)
						18036–19990	FIXED.
						19990–20010	STANDARD FREQUENCY. (204) (220) (221) (221A)

Worldwide		Region 2		United States		Federal Communications Commission				
Band (Mc/s)	Service	Band (Mc/s)	Service	Band (Mc/s)	Allocation	Band (Mc/s)	Service	Class of station	Frequency (Mc/s)	Nature of services
1	2	3	4	5	6	7	8	9	10	11
29.7–30.005	FIXED. (228) (229) (231) (232) MOBILE.			29.7–29.89	NG.	29.7–29.8	LAND MOBILE.	Base. Land mobile.		INDUSTRIAL.
						29.8–29.89	FIXED. (NG)	Fixed.	29.81–29.88 (NG31)	AERONAUTICAL FIXED. INTERNATIONAL FIXED PUBLIC.
				29.89–29.91 (232)	G.					
				29.91–30	NG.	29.91–30	FIXED. (232)	Fixed.	29.92–29.99 (NG31)	AERONAUTICAL FIXED. INTERNATIONAL FIXED PUBLIC.
30.005–30.01	FIXED. (228) (229) (231) MOBILE. SPACE RESEARCH. SPACE (Satellite identification).			30–30.56	G. (US94)					
30.01–37.75	FIXED. (228) (229) (230) (231) MOBILE.			30.56–32	NG.	30.56–32	LAND MOBILE.	Base. Land mobile.		INDUSTRIAL LAND TRANSPORTATION. PUBLIC SAFETY.
				32–33 (231)	G.					
				33–34	NG.	33–33.01	LAND MOBILE.	Base. Land mobile.		LAND TRANSPORTATION.
						33.01–33.11	LAND MOBILE.	Base. Land mobile.		PUBLIC SAFETY.
						33.11–33.4	LAND MOBILE.	Base. Land mobile.		INDUSTRIAL.
						33.4–34	LAND MOBILE.	Base. Land mobile.		PUBLIC SAFETY.
				34–35 (231)	G.					
				35–36	NG.	35–35.2	LAND MOBILE.	Base. Land mobile.		INDUSTRIAL.
						35.2–35.66	LAND MOBILE.	Base. Land mobile.		DOMESTIC PUBLIC.
						35.66–36	LAND MOBILE.	Base. Land mobile.		INDUSTRIAL.
				36–37 (231)	G.					
				37–38	NG.	37–37.01	LAND MOBILE.	Base. Land mobile.		INDUSTRIAL.
						37.01–37.42	LAND MOBILE.	Base. Land mobile.		PUBLIC SAFETY.
						37.42–37.66	LAND MOBILE.	Base. Land mobile.		INDUSTRIAL.
						37.66–38	LAND MOBILE.	Base. Land mobile.		PUBLIC SAFETY.
37.75–38.25	FIXED. (228) (229) (231) MOBILE. Radio astronomy.									
38.25–41 (235) (236)	FIXED. (228) (229) (230) (231) MOBILE.			38–39	G. (US81)					

Worldwide		Region 2		United States		Federal Communications Commission				
Band (Mc/s)	Service	Band (Mc/s)	Service	Band (Mc/s)	Allocation	Band (Mc/s)	Service	Class of station	Frequency (Mc/s)	Nature of services
1	2	3	4	5	6	7	8	9	10	11
				39–40	NG. (US94)	39–40	LAND MOBILE.	Base. Land mobile.		PUBLIC SAFETY.
				40–42 (236)	G. (US94)				40.66	Industrial, scientific and medical equipment.
68–72.0		68–72.0	FIXED. MOBILE. BROADCASTING.							
				72–73 (US20)	NG.	72–73	FIXED. (NG1) (NG3)	Operational fixed.	72.02–72.98 (NG33)	Operational fixed.
73–74.6		73–74.6	RADIO ASTRONOMY. (253A) (253B)	73–74.6	G, NG. (US21) (US100)	73–74.6	RADIO ASTRONOMY. (US74)	Radio astronomy.		RADIO ASTRONOMY.
117.975–123	AERONAUTICAL MOBILE (R). (273) (273A)			117.975–121.975 (273) (US26) (US27) (US28) (US85)	G, NG.	117.975–121.975	AERONAUTICAL MOBILE (R).	Aeronautical. Aircraft.	118–121.4 (NG34)	Airdrome control.
									121.5	AERONAUTICAL MOBILE.
									121.6	Aeronautical search and rescue mobile; aeronautical utility land; aeronautical utility mobile.
									121.65–121.95 (NG34)	Aeronautical utility land; aeronautical utility mobile.
				121.975–123.075 (US29) (US30) (US31) (US80) (US85)	NG.	121.975–123.075	AERONAUTICAL MOBILE.	Aeronautical. Aircraft.	122.0–123.05 (NG34)	Private aircraft.
				123.075–123.575 (US32) (US33)	G, NG.	123.075–123.575	AERONAUTICAL MOBILE.	Aeronautical. Aircraft.	123.1 123.15 123.2 123.25 123.3 123.35 123.4 123.45 123.5 123.55	Flight test; flying school. Flight test. Do. Do. Flight test; flying school. Flight test. Do. Do. Flight test; flying school. Flight test.
				123.575–128.825 (US34) (US85)	G, NG.	123.575–128.825	AERONAUTICAL MOBILE (R).	Aeronautical. Aircraft.	123.6–128.8 (NG34)	AERONAUTICAL MOBILE.
				128.825–132 (US2) (US85)	NG.	128.825–132	AERONAUTICAL MOBILE (R).	Aeronautical. Aircraft.	128.85–132 (NG34)	AERONAUTICAL MOBILE.
132–136		132–136	FIXED. MOBILE. (273A) (276)	132–136 (US2) (US26) (US85)	G, NG. (US3)	132–136	AERONAUTICAL MOBILE (R).	Aeronautical. Aircraft.	132.05–135.95 (NG34)	AERONAUTICAL MOBILE.
136–137		136–137 (281A) (281B)	SPACE RESEARCH (Telemetering and tracking).	136–137	G, NG. (US100)	136–137	SPACE RESEARCH.	Space.		Telemetering; tracking

Worldwide		Region 2		United States		Federal Communications Commission				
Band (Mc/s)	Service	Band (Mc/s)	Service	Band (Mc/s)	Allocation	Band (Mc/s)	Service	Class of station	Frequency (Mc/s)	Nature of stations / OF SERVICES
1	2	3	4	5	6	7	8	9	10	11
137–138 (381E)	METEOROLOGICAL-SATELLITE. SPACE RESEARCH (Telemetering and tracking). (381F) SPACE (Telemetering and tracking).			137–138	G, NG. (US100)	137–138	METEOROLOGICAL-SATELLITE. SPACE (Telemetering and tracking).	Space.		METEOROLOGICAL-SATELLITE. SPACE.
138–143.6		138–143.6	FIXED. MOBILE. *Radiolocation.*	138–144 (US10)	G.					
143.6–143.65		143.6–143.65	FIXED. MOBILE. SPACE RESEARCH (Telemetering and tracking). *Radiolocation.*							
143.65–144		143.65–144	FIXED. MOBILE. *Radiolocation.*						143.91	Civil air patrol land; civil air patrol mobile.
144–146	AMATEUR. (284A)			144–148	AMATEUR. (284A) (US1)	144–148	AMATEUR.	Amateur.		AMATEUR.
146–148		146–148	AMATEUR.							
148–149.9 (285A)		148–149.9 (285A)	FIXED. MOBILE.	148–149.9 (US10) (US86)	G.				148.14 148.25	Civil air patrol land; civil air patrol mobile. Earth (telecommand).
149.9–150.05 (285B)	RADIONAVIGATION-SATELLITE.			149.9–150.05	G, NG. (US100)	149.9–150.05	RADIONAVIGATION-SATELLITE.	Space.		RADIONAVIGATION-SATELLITE.
150.05–174		150.05–174	FIXED. MOBILE.	150.05–150.8	G.					
				150.8–162	NG.					
(284A)		(285A)		(US86)		153.7325–154.46	LAND MOBILE.	Base. Land mobile.	154.2	PUBLIC SAFETY. (NG26) Earth (telecommand).
225–235		225–235	FIXED. MOBILE.	225–328.6 (310) (US17) (US99)	G.					
235–267 (309)	FIXED. MOBILE.									
267–272	FIXED. MOBILE. Space (telemetering). (309A) (309B)								243	Survival craft and equipment.
272–273	FIXED. MOBILE. SPACE (Telemetering). (309A)									

Worldwide		Region 2		United States		Federal Communications Commission				
Band (Mc/s)	Service	Band (Mc/s)	Service	Band (Mc/s)	Allocation	Band (Mc/s)	Service	Class of station	Frequency (Mc/s)	Nature of stations / OF SERVICES
1	2	3	4	5	6	7	8	9	10	11
278–328.6 (310)	FIXED. MOBILE.									
328.6–399.9	FIXED. MOBILE.			328.6–399.9	G.					
399.9–400.05	RADIONAVIGATION-SATELLITE (311A)			399.9–400.05	G, NG. (US100)	399.9–400.05	RADIONAVIGATION-SATELLITE.	Space.		RADIONAVIGATION-SATELLITE.
400.05–401	METEOROLOGICAL AIDS. METEOROLOGICAL-SATELLITE. (Maintenance telemetering). SPACE RESEARCH (Telemetering and tracking).			400.05–401	G, NG.	400.05–401	METEOROLOGICAL AIDS. (US70) SPACE RESEARCH (Telemetering and tracking).	Radiosonde.		Radiosonde. Space.
401–402	METEOROLOGICAL AIDS. SPACE (Telemetering). (315A) Fixed. Mobile except aeronautical mobile.			401–402	G, NG.	401–402	METEOROLOGICAL AIDS. (US70) SPACE (Telemetering). (315A)	Radiosonde. Space.		Radiosonde. Space.
402–406 (317)	METEOROLOGICAL AIDS. Fixed. Mobile except aeronautical mobile.			402–404	G, NG.	402–404	METEOROLOGICAL AIDS. (US70)	Radiosonde.		Radiosonde.
				404–406	G, NG.	404–406	METEOROLOGICAL AIDS. (US70) Radio astronomy. (US74)	Radio astronomy. Radiosonde.		RADIO ASTRONOMY. Radiosonde.
420–450		420–450 (315) (319A)	RADIOLOCATION. Amateur.	420–450 (US6) (US35) (US87)	G, NG.	420–450	Amateur. (US7)	Amateur.		AMATEUR.
450–460 (318) (319A)	FIXED. MOBILE.			450–470 (US6) (US87)	NG.	450–451	LAND MOBILE.	Base. Land mobile.		Remote pickup broadcast base; remote pickup broadcast mobile.
460–470	FIXED. MOBILE. Meteorological-Satellite. (318A)				(US100)	450–462.525				
470–890		470–890 (332)	BROADCASTING.	470–806 (NG30) (NG43) (US88)	NG. (US100)	470–890	BROADCASTING.	Television broadcasting.		
890–942		890–942 (339A) (340)	FIXED. RADIOLOCATION.	890–942 (340)	G. (US30)				915	Industrial, scientific and medical equipment.
942–960		942–960 (339A)	FIXED.	942–960	NG.					

Worldwide		Region 2		United States		Federal Communications Commission				
Band (Mc/s)	Service	Band (Mc/s)	Service	Band (Mc/s)	Allocation	Band (Mc/s)	Service	Class of station	Frequency (Mc/s)	Nature of services
1	2	3	4	5	6	7	8	9	10	11
1427–1429	FIXED. MOBILE except aeronautical mobile. SPACE (Telecommand).			1427–1429	G, NG. (US60)	1427–1429	SPACE.	Earth.		Earth (telecommand).
1429–1435		1429–1435	FIXED. MOBILE.	1429–1435	G.					
1435–1525		1435–1525	MOBILE. Fixed.	1435–1525	G, NG. (US78)	1435–1525	MOBILE.	Aeronautical telemetering.		AVIATION.
1525–1535		1525–1535	SPACE. (Telemetering.) (350A) Fixed. Mobile. (350D)	1525–1535	G, NG. (350A) (US89) (US100)	1525–1535	MOBILE. SPACE.	Aeronautical telemetering. Space.		AVIATION. Space (telemetering).
1535–1540	SPACE. (Telemetering). (350A)			1535–1540 (350A)	G, NG.	1535–1540	SPACE. (Telemetering).	Space.		Space (telemetering).
1540–1660	AERONAUTICAL RADIONAVIGATION. (352A) (352B)			1540–1660	G, NG. (352A) (352B) (US39)	1540–1660	AERONAUTICAL RADIONAVIGATION.			
1660–1664.4 (354A)	METEOROLOGICAL AIDS. METEOROLOGICAL-SATELLITE. (324A)			1660–1670	G, NG. (324A) (US74) (US99) (US100) (US101)	1660–1670	METEOROLOGICAL AIDS. METEOROLOGICAL-SATELLITE. RADIO ASTRONOMY	Radio astronomy. Radiosonde. Space.		
1664.4–1668.4 (353A) (354A)	METEOROLOGICAL AIDS. METEOROLOGICAL-SATELLITE. (324A) Radio astronomy.									
1668.4–1670 (354A)	METEOROLOGICAL AIDS. METEOROLOGICAL-SATELLITE. (324A)									
•	•	•	•	•	•	•	•	•	•	•
1690–1700 (354A)		1690–1700	METEOROLOGICAL AIDS. METEOROLOGICAL-SATELLITE. (324A)	1690–1700	G, NG. (324A) (US99)	1690–1700	METEOROLOGICAL AIDS. METEOROLOGICAL-SATELLITE.	Radiosonde. Space.		
1700–1710		1700–1710 (355A)	SPACE RESEARCH (Telemetering and tracking).	1700–1710	G, NG. (US100)	1700–1710	SPACE RESEARCH (Telemetering and tracking).	Space.		Space (telemetering and tracking).

Worldwide		Region 2		United States		Federal Communications Commission				
Band (Mc/s)	Service	Band (Mc/s)	Service	Band (Mc/s)	Allocation	Band (Mc/s)	Service	Class of station	Frequency (Mc/s)	Nature of services
1	2	3	4	5	6	7	8	9	10	11
1710–1770		1710–1770	FIXED. MOBILE.	1710–1850	G. (US100)					
1770–1790		1770–1790	FIXED. MOBILE. Meteorological-Satellite. (356AA)							
1790–2290		1790–2290 (356A)	FIXED. MOBILE.	1850–2200	NG.	2110–2130 (NG10) (NG23) (US90)	FIXED.	Domestic fixed public.		
				2200–2290	G.					
2290–2300		2290–2300 (356B)	SPACE RESEARCH (Telemetering and tracking in deep space).	2290–2300	G, NG. (US100)	2290–2300	SPACE RESEARCH (Telemetering and tracking in deep space).	Space.		Space (telemetering and tracking in deep space).
2690–2700 (354A) (355)	RADIO ASTRONOMY.			2690–2700	G, NG. (US74) (US100)	2690–2700	RADIO ASTRONOMY.	Radio astronomy.		
•	•	•	•	•	•	•	•	•	•	•
3300–3400		3300–3400	RADIOLOCATION. Amateur.	3300–3500	G, N.G. (US61)					
3400–3500		3400–3500	RADIOLOCATION. COMMUNICATION-SATELLITE (satellite to earth). (374A) Amateur.							
3500–3700		3500–3700	FIXED. MOBILE. RADIOLOCATION. COMMUNICATION-SATELLITE (satellite to earth). (374A)	3500–3700	G.					
3700–4200		3700–4200	FIXED. MOBILE. COMMUNICATION-SATELLITE (satellite to earth). (374A)	3700–4200	----------	3700–4200	COMMUNICATION-SATELLITE. (374A) (US91) FIXED. (NG)	Common carrier fixed. Space.		COMMUNICATION-SATELLITE. DOMESTIC PUBLIC. (NG41)
4200–4400 (352A)	AERONAUTICAL RADIONAVIGATION.			4200–4400	G, N.G. (352A) (US47)	4200–4400	AERONAUTICAL RADIONAVIGATION.	Altimeter.		

Worldwide		Region 2		United States		Federal Communications Commission				
Band (Mc/s)	Service	Band (Mc/s)	Service	Band (Mc/s)	Allocation	Band (Mc/s)	Service	Class of station	Frequency (Mc/s)	Nature of stations / OF SERVICES
1	2	3	4	5	6	7	8	9	10	11
4400-4700	FIXED. MOBILE. COMMUNICATION-SATELLITE (earth to satellite). (392A)			4400-4990	G.					
4700-4990 (368)	FIXED. MOBILE.									
4990-5000		4990-5000 (383A)	RADIO ASTRONOMY.	4990-5000	G, NG. (US74) (US100)	4990-5000	RADIO ASTRONOMY.	Radio astronomy.		
5000-5250 (352A) (352B)	AERONAUTICAL RADIONAVIGATION.			5000-5250	G, NG. (352A) (352B)	5000-5250	AERONAUTICAL RADIONAVIGATION.			
5250-5255	RADIOLOCATION. Space research.			5250-5350	G.					
5255-5350	RADIOLOCATION.									
•	•	•	•	•	•	•	•	•	•	•
5650-5670	RADIOLOCATION. Amateur.			5650-5925 (391)	G, NG (US12) (US100)	5650-5925	Amateur.	Amateur.	5800	Industrial scientific & medical equipment.
5670-5725 (399A)	RADIOLOCATION. Amateur. Space research (deep space).									
5725-5925		5725-5925 (391)	RADIOLOCATION. Amateur.							
5925-6425	FIXED. MOBILE. COMMUNICATION-SATELLITE (earth to satellite). (392A)			5925-6425	---------- (392A)	5925-6425	COMMUNICATION-SATELLITE. (US91) FIXED. (NG)	Common carrier fixed. Fixed earth.		COMMUNICATION-SATELLITE. DOMESTIC PUBLIC. (NG41)
6425-7250 (392F) (392A)	FIXED. MOBILE.			6425-71[illegible]	NG.	6425-6525 (NG46)	MOBILE.	Common carrier land. Common carrier mobile.		
•	•	•	•	•	•	•	•	•	•	•
				7125-7250	G.					
7250-7300 (374A) (392C) (392D) (392G)	COMMUNICATION-SATELLITE (satellite to earth).			7250-7300	---------- (374A) (392D) (US100)	7250-7300	COMMUNICATION-SATELLITE (US91).	Space.		COMMUNICATION-SATELLITE.
7300-7750 (392F)	FIXED. MOBILE. COMMUNICATION-SATELLITE (satellite to earth). (374A) (392D)			7300-7750	---------- (374A) (392D)	7300-7750	COMMUNICATION-SATELLITE (US91). METEOROLOGICAL-SATELLITE (G/NG). (US92)	Space.		COMMUNICATION-SATELLITE. METEOROLOGICAL-SATELLITE.

Worldwide		Region 2		United States		Federal Communications Commission				
Band (Mc/s)	Service	Band (Mc/s)	Service	Band (Mc/s)	Allocation	Band (Mc/s)	Service	Class of station	Frequency (Mc/s)	Nature of stations / OF SERVICES
1	2	3	4	5	6	7	8	9	10	11
7750-7900	FIXED. MOBILE.			7750-7900	G.					
7900-7975	FIXED. MOBILE. COMMUNICATION-SATELLITE (earth to satellite). (392A)			7900-7975	---------- (392A)	7900-7975	COMMUNICATION-SATELLITE. (US91). [FIXED (G). MOBILE (G)].	Earth.		COMMUNICATION-SATELLITE.
7975-8025 (392A) (392C) (392H)	COMMUNICATION-SATELLITE (earth to satellite).			7975-8025	---------- (392A) (US100)	7975-8025	COMMUNICATION-SATELLITE. (US91)	Earth.		COMMUNICATION-SATELLITE.
8025-8400	FIXED. MOBILE. COMMUNICATION-SATELLITE (earth to satellite). (392A)			8025-8400	---------- (392A)	8025-8400	COMMUNICATION-SATELLITE. (US91) [FIXED (G). MOBILE (G)].	Earth.		COMMUNICATION-SATELLITE.
8400-8500		8400-8500	SPACE RESEARCH. (394C)	8400-8500	G, NG. (US62) (US100)	8400-8500	SPACE RESEARCH. Fixed. Mobile.	Fixed. Mobile. Space.		
•	•	•	•	•	•	•	•	•	•	•
8500-9000	RADIOLOCATION.									
9000-10000 (401A)	RADIOLOCATION. Fixed.			9000-10000	G. (401A)					
10000-10600 (401A)	RADIOLOCATION. Amateur.			10000-10600	G, NG. (401A) (US88)					

Worldwide		Region 2		United States		Federal Communications Commission				
Band (Gc/s)	Service	Band (Gc/s)	Service	Band (Gc/s)	Allocation	Band (Gc/s)	Service	Class of station	Frequency (Gc/s)	Nature of stations / OF SERVICES
1	2	3	4	5	6	7	8	9	10	11
10.5-10.55		10.5-10.55	RADIOLOCATION. (404)	10.5-10.55	G, NG. (US89)	10.5-10.55	RADIOLOCATION.	Radiolocation land. Radiolocation mobile.		RADIOLOCATION.
10.55-10.68	FIXED. MOBILE. Radiolocation.			10.55-10.68	NG.	10.55-10.68 (NG46)	MOBILE.	Operational land. Operational mobile.		
10.68-10.7 (405B)	RADIO ASTRONOMY.			10.68-10.7	G, NG. (US74) (US100)	10.68-10.7	RADIO ASTRONOMY.			
10.7-11.7	FIXED. MOBILE.			10.7-11.7	NG.	10.7-11.7	FIXED.	Common carrier fixed.		DOMESTIC PUBLIC. (NG41)

Worldwide		Region 2		United States		Federal Communications Commission				
Band (Gc/s)	Service	Band (Gc/s)	Service	Band (Gc/s)	Allocation	Band (Gc/s)	Service	Class of station	Frequency (Gc/s)	Nature of services (of stations)
1	2	3	4	5	6	7	8	9	10	11
11.7–12.7	FIXED. MOBILE except aeronautical mobile. BROADCASTING.			11.7–13.25	NG.	11.7–12.2	MOBILE.	Common carrier land. Common carrier mobile (except aeronautical mobile).		
12.7–13.25	FIXED. MOBILE.					12.2–12.7 (NG6)	FIXED.	International control. Operational fixed.		
						12.7–13.2 (NG11)	FIXED. MOBILE.	Television pickup. Television STL.		
						13.2–13.25	FIXED. MOBILE.			
13.25–13.4	AERONAUTICAL RADIONAVIGATION. (406)			13.25–13.4	G, NG.	13.25–13.4	AERONAUTICAL RADIONAVIGATION. (406)			Airborne doppler radar.
13.4–14.0	RADIOLOCATION.			13.4–14.0	G.					
14.0–14.3	RADIONAVIGATION.			14.0–14.3	G, NG.	14.0–14.3	RADIONAVIGATION.			
14.3–14.4	RADIONAVIGATION-SATELLITE.			14.3–14.4	G, NG.	14.3–14.4	RADIONAVIGATION-SATELLITE.	Earth. Space.		RADIONAVIGATION-SATELLITE.
14.4–15.25	FIXED. MOBILE.			14.4–15.25	G.					
15.25–15.35 (409A)	SPACE RESEARCH.			15.25–15.35	G, NG. (US100).	15.25–15.35	SPACE RESEARCH.	Space.		
15.35–15.4 (409C)	RADIO ASTRONOMY.			15.35–15.4	G, NG. (US74) (US100).	15.35–15.4	RADIO ASTRONOMY.			
15.4–15.7	AERONAUTICAL RADIONAVIGATION (352A) (352B)			15.4–15.7	G, NG. (352A) (352B)	15.4–15.7	AERONAUTICAL RADIONAVIGATION.			
15.7–17.7	RADIOLOCATION.			15.7–17.7	G.					
17.7–19.3	FIXED. MOBILE.			17.7–19.3	NG.	17.7–19.3	FIXED. MOBILE.			
19.3–19.4 (409D)	RADIO ASTRONOMY.			19.3–19.4	G, NG. (US74) (US100)	19.3–19.4	RADIO ASTRONOMY.			
19.4–21.0	FIXED. MOBILE.			19.4–19.7	NG.	19.4–19.7	FIXED. MOBILE.			
				19.7–21.0	G.					
21.0–22.0	AMATEUR.			21.0–22.0	AMATEUR.	21.0–22.0	AMATEUR.	Amateur.		AMATEUR.
22.0–23.0 (410)	FIXED. MOBILE.			22.0–23.0	G. (410)				22.125	Industrial, scientific and medical equipment.
23.0–24.25	RADIOLOCATION.			23.0–24.25	G.					
24.25–25.25	RADIONAVIGATION. (411)			24.25–25.25	G, NG. (US72)	24.25–25.25	RADIONAVIGATION. (411)			
25.25–31.0	FIXED. MOBILE.			25.25–27.825	G.					
31.0–31.3 (412H)	FIXED. MOBILE. Space research.			27.825–31.3	NG. (US100)	27.825–31.3	FIXED. MOBILE.			

Worldwide		Region 2		United States		Federal Communications Commission				
Band (Gc/s)	Service	Band (Gc/s)	Service	Band (Gc/s)	Allocation	Band (Gc/s)	Service	Class of station	Frequency (Gc/s)	Nature of services (of stations)
1	2	3	4	5	6	7	8	9	10	11
31.3–31.5 (412A)	RADIO ASTRONOMY.			31.3–31.5	G, NG. (US74) (US100)	31.3–31.5	RADIO ASTRONOMY.			
31.5–31.8		31.5–31.8 (405C)	SPACE RESEARCH.	31.5–31.8	G, NG. (US100)	31.5–31.8	SPACE RESEARCH.			
31.8–32.3 (412B)	RADIONAVIGATION. Space research.			31.8–32.4	G, NG. (US100)	31.8–32.4	RADIONAVIGATION. (US69)			
32.3–33.0	RADIONAVIGATION.									
33.0–33.4		33.0–33.4	RADIONAVIGATION. (412F)							
33.4–34.2 (412G)	RADIOLOCATION.			33.4–36.6	G. (US100)					
34.2–35.2 (412C) (412D)	RADIOLOCATION. Space research.									
35.2–36.0	RADIOLOCATION.									
36.0–40.0 (412E)	FIXED. MOBILE.			36.6–40.0	NG.	36.6–40.0	FIXED. MOBILE.			
Above 40.0	Not allocated.			40.0–88.0	G, NG.	40.0–88.0		Amateur. Experimental.		
				88.0–90.0	G, NG. (US74)	88.0–90.0	RADIO ASTRONOMY.			
				Above 90.0	G, NG.	Above 90.0		Amateur. Experimental.		

b. In the list of footnotes immediately following the Table in § 2.106, Geneva footnote numbers (234), (253), (280), (281), and (405) are deleted.

c. The following Geneva footnotes to the Table in § 2.106 are amended to read:

(215) The band 10003–10005 kc/s is also allocated, on a secondary basis, to the space research service.

(221) The band 19990–20010 kc/s is also allocated, on a secondary basis, to the space research service.

(235) The band 39.986–40.002 Mc/s is also allocated, on a secondary basis, to the space research service.

(294) The band 163.1–164.1 Mc/s is also allocated, on a secondary basis, to the space research service.

(317) The band 404–410 Mc/s in Region 2 and the band 406–410 Mc/s in Regions 1 and 3 are also allocated to the radio astronomy service. An appropriate continuous band within these limits shall be designated on a national or area basis. In making assignments to stations of other services to which these bands are allocated, administrations are urged to take all practicable steps to protect radio astronomy observations from harmful interference.

(341) The band 960–1215 Mc/s is reserved on a world-wide basis for the use and development of airborne electronic aids to air navigation and any directly associated ground-based facilities.

(365) In making assignments to stations in the fixed and mobile services, administrations are urged to take all practicable steps to protect radio astronomy observations from harmful interference.

d. The following new Geneva footnotes are added to the Table in § 2.106 in proper numerical sequence:

(215A) In Bulgaria, Cuba, Hungary, Poland, Roumania, Czechoslovakia and the U.S.S.R., the space research service is a primary service in the bands 15762–15768 kc/s and 18030–18036 kc/s.

(221A) The frequency 20007 kc/s may also be used, in emergency, in the search for, and rescue of, astronauts and space vehicles. Emissions must be confined in a band of ± 3 kc/s about this frequency.

(253A) In Region 2, fixed, mobile and broadcasting service operations previously authorized in the band 73–74.6 Mc/s may continue to operate on a non-interference basis to the radio astronomy service.

(253B) In Cuba, the band 73–74.6 Mc/s is also allocated to the fixed, mobile and broadcasting services.

(273A) In the band 117.975–132 Mc/s and in the band 132–136 Mc/s where the aeronautical mobile (R) service is authorized, the use and development, for this service, of systems using space communication techniques may be authorized but limited initially to satellite relay stations of the aeronautical mobile (R) service. Such use and development shall be subject to co-ordination between administrations concerned and those having services operating in accordance with the Table, which may be affected.

(281A) For the use of the band 136–137 Mc/s, see Recommendation No. 7A.

(281B) In Region 2, the band 136–137 Mc/s is also allocated to the fixed and mobile services until 1 January 1969. Thereafter, in Cuba, the band will continue to be allocated also to the fixed and mobile services.

(281E) In Regions 2 and 3, the band 137–138 Mc/s is also allocated to the fixed and mobile services until 1 January 1969. Thereafter, in Cuba, Malaysia, Pakistan and the Philippines, the band 137–138 Mc/s will continue to be allocated also to the fixed and mobile services.

(281F) The band 137–138 Mc/s will be used mainly for research concerning the establishment, technical improvement, and maintenance of operational space systems.

(284A) In the band 144–146 Mc/s, artificial satellites may be used by the amateur service.

(285A) The frequencies 148.25±15 kc/s and 154.2±15 kc/s may be used for space telecommand, subject to agreement among the administrations concerned and those having services operating in accordance with the Table, which may be affected.

(285B) Stations operating in the fixed and mobile services may continue to use this band until 1 January 1969. This cessation date shall not apply in Austria, Bulgaria, Cuba, Hungary, Iran, Kuwait, Morocco, Pakistan, the Netherlands, Poland, the United Arab Republic, Yugoslavia and Roumania where the fixed and mobile services will continue to have equal primary status with the radionavigation-satellite service. (See Recommendation No. 6A.)

(309A) Space stations employing frequencies in the band 267–273 Mc/s for telemetering purposes may also transmit tracking signals in the band.

(309B) In the band 267–272 Mc/s individual administrations may use space telemetering in their countries on a primary basis, subject to the agreement of the administrations concerned and those having services operating in accordance with the Table, which may be affected.

(311A) Stations operating in the fixed and mobile services may continue to use this band until 1 January 1969. This cessation date shall not apply in Bulgaria, Cuba, Greece, Hungary, Iran, Kuwait, Lebanon, Morocco, the United Arab Republic and Yugoslavia where the fixed and mobile services will continue to have equal status with the radionavigation-satellite service. (See Recommendation No. 6A.)

(315A) Space stations employing frequencies between 401–402 Mc/s for telemetering purposes may also transmit tracking signals in this band.

(318A) In Bulgaria, Cuba, Hungary, Poland, Roumania, Czechoslovakia and the U.S.S.R., the band 460–470 Mc/s may be used, on a primary basis, by the meteorological-satellite service subject to agreement among administrations concerned and those having services, or intending to introduce services, operating in accordance with the Table, which may be affected.

(319A) The band 449.75–450.25 Mc/s may be used for space telecommand, subject to agreement among the administrations concerned and those having services operating in accordance with the Table, which may be affected.

(324A) It is intended that meteorological-satellite space stations operating in this band shall transmit to selected earth stations. The location of such earth stations is subject to agreement among administrations concerned and those having services operating in accordance with the Table, which may be affected.

(332) In Region 1, except the African Broadcasting Area, the band 606–614 Mc/s, and in Region 3, the band 610–614 Mc/s may be used by the radio astronomy service. Administrations shall avoid using the band concerned for the broadcasting service as long as possible, and thereafter, as far as practicable, shall avoid the use of such effective radiated powers as will cause harmful interference to radio astronomy observations.

In Region 2, the band 608–614 Mc/s is reserved exclusively for the radio astronomy service until the first Administrative Radio Conference after 1 January 1974 which is competent to review this provision; however, this provision does not apply to Cuba.

(339A) Specific portions of the frequency band 900–960 Mc/s may also be used, on a secondary basis, for experimental purposes in connection with space research.

(350A) Space stations employing frequencies in the band 1525–1540 Mc/s for telemetering purposes may also transmit tracking signals in the band.

(350D) In Cuba, the band 1525–1535 Mc/s is also allocated, on a primary basis, to the mobile service.

(352A) The bands 1540–1660 Mc/s, 4200–4400 Mc/s, 5000–5250 Mc/s and 15.4–15.7 Gc/s are reserved, on a world-wide basis, for the use and development of airborne electronic aids to air navigation and any directly associated ground-based or satellite-borne facilities.

(352B) The bands 1540–1660 Mc/s, 5000–5250 Mc/s and 15.4–15.7 Gc/s are also allocated to the aeronautical mobile (R) service for the use and development of systems using space communication techniques. Such use and development is subject to agreement and co-ordination between administrations concerned and those having services operating in accordance with the Table, which may be affected.

(353A) In view of the successful detection of two spectral lines in the region of 1665 Mc/s and 1667 Mc/s by astronomers, administrations are urged to give all practicable protection in the band 1664.4–1668.4 Mc/s for future research in radio astronomy.

(354A) In Algeria, Bulgaria, Cuba, Hungary, Kuwait, Lebanon, Morocco, Pakistan, Poland, the United Arab Republic, Yugoslavia, Roumania, Czechoslovakia and the U.S.S.R., the bands 1660–1670 Mc/s and 1690–1700 Mc/s are also allocated to the fixed service and the mobile, except aeronautical mobile, service.

(355A) In Cuba, the band 1700–1710 Mc/s is also allocated to the fixed and mobile services.

(356AA) In Bulgaria, Cuba, Hungary, Poland, Roumania, Czechoslovakia, and the U.S.S.R., the meteorological-satellite service, in the band 1770–1790 Mc/s, shall be on a primary basis, subject to co-ordination with the administrations concerned and those having services operating in accordance with the Table, which may be affected by the siting of earth stations.

(356A) The band 2110–2120 Mc/s may be used for telecommand in conjunction with spacecraft engaged in deep space research, subject to agreement between the administrations concerned and those having services operating in accordance with the Table, which may be affected.

(356B) In Cuba, the band 2290–2300 Mc/s is also allocated to the fixed and mobile services.

(364A) In Algeria, Bulgaria, Cuba, Hungary, India, Israel, Kuwait, Lebanon, Morocco, Pakistan, the Philippines, Poland, the United Arab Republic, Yugoslavia, Roumania, Czechoslovakia and the U.S.S.R., the band 2690–2700 Mc/s is also allocated to the fixed and mobile services.

(374A) This band may also be used for the transmission of tracking and telemetering signals associated with communication-satellite space stations operating in the same band.

(383A) In Cuba, the band 4990–5000 Mc/s is also allocated to the fixed and mobile services, and the provisions of No. 365 apply.

(389A) In Bulgaria, Cuba, Hungary, Poland, Roumania, Czechoslovakia and the U.S.S.R., the space research service is a primary service in the band 5670–5725 Mc/s.

(392A) This band may also be used for the transmission of telecommand signals associated with communication-satellite earth stations operating in the same band.

(392C) Stations of the fixed and mobile services, previously authorized in the bands 7250–7300 Mc/s and 7975–8025 Mc/s, may continue to operate until 1 January 1969. This provision does not apply to the countries listed in Nos. 392G and 392H.

(392D) As an exception, passive communication-satellite systems also may be accommodated in the band 7250–7750 Mc/s, subject to:

(a) Agreement between administrations concerned and those whose services, operating in accordance with the Table, may be affected;

(b) The co-ordination procedure laid down in Articles 9 and 9A.

Such systems shall not cause any more interference at active earth station receivers than would be caused by fixed or mobile services. Power-flux density limitations at the earth's surface after reflection from the passive communication-satellites shall not exceed those prescribed in these Regulations for active communication-satellite systems.

The maximum effective power radiated in any direction in the horizontal plane by earth stations of passive satellite systems shall not exceed +55 dbW, not taking the site shielding factor into account. If the distance between a transmitting station of a passive system and the territory of another administration exceeds 400 km, this limitation may be increased in that direction by 2 db for each 100 km in excess of 400 km up to a maximum of 65 dbW.

(392F) In the bands 7200–7250 Mc/s and 7300–7750 Mc/s, the meteorological-satellite service may use a band up to 100 Mc/s in width on a primary basis. These bands may also be used for the transmission of tracking and telemetering signals associated with meteorological-satellite space stations operating in the same band.

(392G) In Algeria, Austria, Bulgaria, Cyprus, Cuba, Ethiopia, Finland, Hungary, Japan, Kuwait, Lebanon, Liberia, Malaysia, Morocco, the Philippines, Poland, the United Arab Republic, Yugoslavia, Roumania, Sweden, Switzerland, Czechoslovakia, and the U.S.S.R., the band 7250–7300 Mc/s is also allocated to the fixed and mobile services.

(392H) In Algeria, Bulgaria, Cuba, Ethiopia, Finland, Hungary, Japan, Kuwait, Lebanon, Morocco, Poland, the United Arab Republic, Yugoslavia, Roumania, Sweden, Switzerland, Czechoslovakia, and the U.S.S.R., the band 7975–8025 Mc/s is also allocated to the fixed and mobile services.

(393A) The band 7130–7130 Mc/s may be used for telecommand in association with space services, subject to agreement between the administrations concerned and those having services operating in accordance with the Table, which may be affected.

(394C) In Cuba, the band 8400–8500 Mc/s is also allocated to the fixed and mobile services.

(401A) The band 9975–10025 Mc/s may be used by weather radar on meteorological-satellites.

(405B) In Algeria, Bulgaria, Cuba, Hungary, Japan, Kuwait, Lebanon, Pakistan, Poland, the United Arab Republic, Yugoslavia, Roumania, Czechoslovakia, and the U.S.S.R., the band 10.68–10.7 Gc/s is also allocated to the fixed and mobile services.

(409A) In Algeria, Bulgaria, Cuba, Hungary, Kuwait, Lebanon, Morocco, Pakistan, Poland, the United Arab Republic, Yugoslavia, Roumania, Czechoslovakia, and the U.S.S.R., the band 15.25–15.35 Gc/s is also allocated to the fixed and mobile services.

(409C) In Algeria, Bulgaria, Cuba, Hungary, Kuwait, Lebanon, Morocco, Pakistan, Poland, the United Arab Republic, Yugoslavia, Roumania, Czechoslovakia, and the U.S.S.R., the band 15.35–15.4 Gc/s is also allocated to the fixed and mobile services.

(409D) In Bulgaria, Cuba, Hungary, Kuwait, Lebanon, Poland, the United Arab Republic, Roumania, Czechoslovakia, and the U.S.S.R., the band 19.3–19.4 Gc/s is also allocated to the fixed and mobile services.

(412A) In Bulgaria, Cuba, Hungary, Poland, the United Arab Republic, Roumania, Czechoslovakia, and the U.S.S.R., the band 31.3–31.5 Gc/s is also allocated to the fixed and mobile services.

(412B) In Bulgaria, Cuba, Hungary, Poland, Yugoslavia, Roumania, Czechoslovakia, and the U.S.S.R., the space research service is a primary service in the band 31.8–32.3 Gc/s.

(412C) In Bulgaria, Cuba, Hungary, Poland, Roumania, Czechoslovakia, and the U.S.S.R., the space research service is a primary service in the band 34.2–35.2 Gc/s.

(412D) The band 34.4–34.5 Gc/s may be used by weather radar devices on meteorological satellites for the detection of cloud.

(412E) In Bulgaria, Cuba, Hungary, Poland, Yugoslavia, Roumania, Czechoslovakia, and the U.S.S.R., the band 36.5–37.5 Gc/s is also allocated to the radio astronomy service.

(412F) In Cuba and India, the band 33–33.4 Gc/s is also allocated to the radio astronomy service.

(412G) In Bulgaria, Cuba, Hungary, Poland, Yugoslavia, Roumania, Czechoslovakia and the U.S.S.R., the band 33.4–34 Gc/s is also allocated to the radio astronomy service.

(412H) In Bulgaria, Cuba, Hungary, Poland, Roumania, Czechoslovakia, and the U.S.S.R., the space research service is a primary service in the band 31–31.3 Gc/s.

e. Footnote NG48 is deleted from the NG footnotes following the Table of Frequency Allocations in § 2.106.

f. Footnote NG41 is amended to read as follows:

NG41 Frequencies in the bands 3700–4200 Mc/s, 5925–6426 Mc/s, and 10.7–11.7 Gc/s may also be assigned to stations in the international fixed public and international control services located in U.S. Possessions in the Caribbean area.

g. Footnotes US22, US63, US64, US73, US75, and US76 are deleted from the US footnotes following the Table of Frequency Allocations in § 2.106.

h. The following US footnotes (introductory text only for US7) to the Table in § 2.106 are amended to read:

US7 In the band 420–450 Mc/s and within the following areas, the DC plate power input to the final stage of a transmitter employed in the amateur service shall not exceed 50 watts, unless expressly authorized by the Commission after mutual agreement, on a case-by-case basis, between the Federal Communications Commission Engineer in Charge at the applicable District Office and the Military Area Frequency Coordinator at the applicable military base:

• • • • •

US21 Existing Government operations and non-Government stations authorized in this band as of December 1, 1961, may continue and shall not be required to afford protection to radio astronomy observatories within the United States and its possessions. However, by international agreement, such stations must afford protection to the observatories of other countries.

US26 The bands 117.975–121.425 Mc/s, 123.575–128.825 Mc/s and 132.026–136 Mc/s are for air traffic control communications.

US35 Except as provided by footnotes US6 and US87, the only non-Government service permitted in the band 420–450 Mc/s is the amateur service. The amateur service shall not cause harmful interference to the radiolocation service.

US83 In view of the fact that the band 13.25–13.4 Gc/s is allocated exclusively to doppler navigation aids, Government and non-Government airborne doppler radars in the aeronautical radio-navigation service are permitted in the band 8750–8850 Mc/s only on the condition that they must accept any interference which may be experienced from stations in the radiolocation service in the band 8500–10000 Mc/s.

US85 In the bands 117.975–123.075 and 123.575–136 Mc/s, the use and development, for the aeronautical mobile (R) service, of systems using space communication techniques may be authorized but limited initially to satellite relay stations of the aeronautical mobile (R) service.

US86 The frequencies 148.25 Mc/s ±15 kc/s and 154.2±15 kc/s may be used by Government and non-Government stations for space telecommand at specific locations, subject to such conditions as may be imposed on a case-by-case basis. With respect to 154.2 Mc/s, the commands are to be limited to short duration of the order of three seconds ("Address and execute" commands). Further, on a case-by-case basis and solely to avoid harmful interference to non-Government stations in the land mobile service, a comparable replacement frequency assignment will be made available below 150.8 Mc/s, if required.

US87 The frequency 450 Mc/s, with maximum emission bandwidth of 500 kc/s, may be used by Government and non-Government stations for space telecommand at specific locations, subject to such conditions as may be applied on a case-by-case basis.

US88 Stations in the broadcasting service will not be authorized in the band 608–614 Mc/s prior to January 1, 1974. In the interim the band is available for use by the radio astronomy service. The radio astronomy service shall be protected from extra-band radiation only to the extent that such radiation exceeds the level which would be present if the offending station were operating in compliance with the technical standards or criteria applicable to the service in which it operates.

US89 The aeronautical telemetering frequencies in the band 1525–1535 Mc/s will be assigned primarily for the flight testing of unmanned aircraft and missiles or major components thereof. Included as permissible usage for aeronautical telemetering stations in the band 1525–1535 Mc/s is telemetry associated with launching and re-entry into the earth's atmosphere, as well as any incidental orbiting prior to re-entry, of manned or unmanned objects undergoing flight tests.

US90 The band 2110–2120 Mc/s may be used by Government and non-Government stations for space telecommand at specific locations in conjunction with spacecraft engaged in deep space research, subject to such conditions as may be applied on a case-by-case basis.

US91 The ultimate disposition of this band in the communication-satellite service, as between Government and non-Government, is deferred. In the meanwhile the non-Government may exploit the 4 and 6 Gc/s bands and the Government may exploit the 7 and 8 Gc/s bands for communication-satellite service systems intended to become operational. Any modification of this policy will be discussed and agreed in the FCC/DTM(IRAC) mechanism prior to the filing of applications with the IRAC for frequency assignments which are not in accordance with the foregoing.

US92 In the band 7300–7750 Mc/s, the meteorological-satellite service may use a band up to 100 Mc/s in width. This 100 Mc/s band may also be used for the transmission of tracking and telemetering signals associated with meteorological-satellite space stations operating in the same band.

US94 The bands 30.005–30.015 Mc/s and 39.986–40.02 Mc/s are also allocated, on a secondary basis, to the space research service for space station-to-earth station transmissions only.

US96 The frequency 243 Mc/s is the frequency in this band for use by Government and non-Government survival craft stations and equipment used for survival purposes.

US99 In the band 1660–1700 Mc/s, the meteorological aids service (radiosonde) will

US68 In the band 10,000–10,500 Mc/s, pulsed emissions are prohibited, except for weather radars on board meteorological satellites in the band 10,000–10,025 Mc/s. The amateur service and the non-Government radiolocation service, which shall not cause harmful interference to the Government radiolocation service, are the only non-Government services permitted in this band. The non-Government radiolocation service is limited to survey operations using transmitters with a power not to exceed one watt into the antenna.

US69 The use of this band by non-Government services is limited to the space (telecommand) service.

US82 The use of this band by Government services is limited to the space research service.

US69 In the band 31.8–33.4 Gc/s, ground-based radionavigation aids are not permitted except where they operate in co-operation with airborne or shipborne radionavigation devices.

US70 The meteorological aids service allocation in the band 400.05–406 Mc/s does not preclude the operation therein of associated ground transmitters.

US72 In the band 24.25–25.25 Gc/s, Government radiolocation devices (ASDE) are permitted between 24.25–24.47 Gc/s on a shared basis.

US74 The radio astronomy service shall be protected from extra-band radiation only to the extent that such radiation exceeds the level which would be present if the offending station were operating in compliance with the technical standards or criteria applicable to the service in which it operates.

US78 In the band 1435–1525 Mc/s, the frequencies between 1435 and 1485 Mc/s will be assigned primarily for the flight testing of manned aircraft, or major components thereof; the frequencies between 1485 and 1525 Mc/s will be assigned primarily for the flight testing of unmanned aircraft and missiles or major components thereof. Included as permissible usage for aeronautical telemetering stations in the band 1435–1525 Mc/s is telemetry associated with launching and re-entry into the earth's atmosphere, as well as any incidental orbiting prior to re-entry, of manned or unmanned objects undergoing flight tests.

US81 The band 38–38.16 Mc/s may be used by both Government and non-Government radio astronomy observatories. No new assignments are to be made and Government stations in the band 38–38.16 Mc/s will be moved to other bands on a case-by-case basis, as required, to protect radio astronomy observations from harmful interference. As an exception, however, low-powered military transportable and mobile stations used for tactical and training purposes will continue to use the band. To the extent practicable, the latter operations will be adjusted to relieve such interference as may be caused to radio astronomy observations. In the event of harmful interference from such local operations, radio astronomy observatories may contact local military commands directly, with a view to effecting relief. A list of military commands, areas of coordination, and points of contact for purposes of relieving interference may be obtained upon request from the Office of Chief Engineer, Federal Communications Commission, Washington, D.C., 20554.

i. The following new US footnotes are added to the Table in § 2.106 in proper numerical sequence:

US83 Non-Government use of this band is limited to the following: 9995–10003 kc/s, radio astronomy service; 10003–10005 kc/s, radio astronomy and space research services.

US84 The non-Government use of this band is limited to the space research service.

to the maximum extent practicable confine its operations above the frequency 1670 Mc/s. Whenever it is necessary to operate radiosondes in the band 1660–1670 Mc/s within the United States, the radio astronomers will be notified in a timely manner.

US100 In the Additional Protocol to the Final Acts of the Space EARC, Geneva, 1963, a declaration on behalf of the USA states that the USA cannot accept any obligation to observe the exceptions claimed by Cuba in those footnotes to the Table of Frequency Allocations which were adopted by the EARC and which specifically name Cuba.

US101 In the band 1660–1670 Mc/s, the radio astronomy service must accept such interference as may be received from the meteorological-satellite service.

[F.R. Doc. 65-5529; Filed, May 27, 1965; 8:45 a.m.]

[Docket 15723; FCC 65-417]

PART 21—DOMESTIC PUBLIC RADIO SERVICES (OTHER THAN MARITIME MOBILE)

PART 25—SATELLITE COMMUNICATIONS

Shared Use of Certain Frequency Bands

Shared Use of Certain Frequency Bands Mobile and Communication-Satellite Services

1. The Commission adopted a Notice of Proposed Rule Making in the above-entitled matter on December 2, 1964, which was published in the FEDERAL REGISTER on December 16, 1964 (29 F.R. 17840). Interested parties were invited to file comments on or before January 15, 1965, and reply comments on or before January 25, 1965. The time for filing reply comments was subsequently extended to February 4, and was then further extended to February 15, 1965. The orders extending the reply comment period were published in the FEDERAL REGISTER on January 28, 1965 (30 F.R. 892), and February 10, 1965 (30 F.R. 1878), respectively.

2. Comments were filed by American Telephone & Telegraph Co. (A.T. & T.), Communications Satellite Corp. (COMSAT), Hawaiian Telephone Co. (Hawaiian), ITT Federal Laboratories (ITT), and Western Union Telegraph Co. (Western Union). Reply comments subsequently were filed by A.T. & T., COMSAT, and Hawaiian.

3. A.T. & T. favored strict sharing criteria and technical limitations that would protect the operations of terrestrial systems. COMSAT opposed any limitations upon space service operations more restrictive than those posed by the Final Acts of the Space Conference, Geneva, 1963, on the grounds that they would inhibit flexibility in the communication-satellite service. Hawaiian favored generally the Commission's proposal but suggested several detailed changes with respect to coordination between the sharing services. ITT limited its comments to suggested changes in the application of propagation curves intended for the calculation of coordination distances. Substantive comments by Western Union were directed only to the desirability of early coordination between space system planners and terrestrial system planners, up to 2 years in advance of the planned usage.

4. Among other things, the Commission's Notice solicited comments specifically with respect to two possible departures from technical limits set forth in the International Radio Regulations, insofar as they apply to the frequency band 5925–6425 Mc/s. First, it was suggested that 5° rather than the internationally agreed 3° might be adopted nationally as the minimum permissible antenna elevation angle for transmissions from earth stations. Second, it was suggested that +45dbW per 4 kc/s might be adopted nationally as the maximum effective radiated power in the horizontal plane from an earth station, rather than the internationally agreed +55dbW/4 kc/s. Comments were submitted on each of these points by all but ITT. Western Union expressed the view that some angle greater than 3° and some value less than +55dbW would be desirable but, absent supporting experimental data, was not prepared to recommend 5° or +45dbW or any other specific figures.

5. A.T. & T. contends that adoption of a 5° minimum angle of elevation, in both the 3700–4200 and 5925–6425 Mc/s bands, is realistic inasmuch as it will reduce the required coordination distance between earth stations and terrestrial stations without restricting unduly the operation of a communication-satellite system. A.T. & T. concedes that it would be desirable to specify as low an angle as possible, from a satellite system operational standpoint, but points out that the practical minimum angle is a function of the quality and reliability of transmission from the satellite to the earth station. Since a common antenna is generally used for both transmitting and receiving at an earth station, the minimum angle for reception might be said to dictate the minimum angle for transmission also. Additionally, however, A.T. & T. states that the lowest usable angle from a transmission standpoint depends upon the atmospheric noise introduced into the system and the signal fading that occurs at low angles of propagation through the atmosphere. Test results at the earth station site at Andover, Maine were cited in support of this argument wherein it was stated that a 50° K noise temperature was obtained between 5° and 6° for a 360° azimuthal scan of the antenna. A sharp increase in noise temperature (from 70° K to 225° K) was noted between 3.8 and 3.0° for a 360° scan of the antenna. Another test at Andover was stated to indicate that reliable transmission via Telstar was not obtained until an elevation angle of about 4.5° was reached and that severe signal fading was experienced at angles below that value. It was also argued by A.T. & T. that the higher minimum angle could reduce the coordination distance by as much as 25 percent and the area encompassed by the coordination distance contour by as much as 72 percent.

6. Comsat opposed the imposition of a 5° minimum angle, both in its comments and in its reply comments, for a number of reasons. As an example, their calculations indicate that a minimum of 5° as opposed to 3° would increase outage time by 35 percent for a given number of satellites in a medium altitude random system, or, alternately, would require the usage of 15 percent more satellites to maintain a given minimum outage time. Additionally, Comsat argues, such an increase might affect adversely the earth station's ability to establish long link communication, to communicate with countries using small earth station facilities or having monsoon rain conditions, and to use satellites which have drifted from their optimal position. With respect to reported A.T. & T. test results at Andover, Comsat expressed the opinion that the topography was such as to preclude efficient operation below 4° but that such a limitation is not inherent to all earth stations. Cited as locations where such limitations do not apply were Goonhilly Downs (England), Point Mugu (Calif.), and Raisting (Germany), where elevation angles of less than 3° are usable. Comsat makes reference to a report of November 1962, on Goonhilly Downs, for example, which indicated that no interference was detected when the antenna was rotated through 360° at 2° elevation and which indicated further that "• • • once the beacon signal has been firmly acquired, usually by the time that satellite elevation is some 1½°, the communication channel is effective and tests or demonstrations can proceed."

7. The reply comments of A.T. & T. agree with Comsat's analysis of the outage time of a random orbit satellite system as a function of minimum elevation angle, but contend that the cost of providing the extra margins in the system to ensure reliable operation at 3° might be of such magnitude as to offset any possible operational advantages.

8. Hawaiian states that there is insufficient information available to specify the minimum angle of operation, particularly without specifying the limits of side lobe radiation. Hawaiian sees no merit in limiting the elevation angle when the earth station antenna is directed seaward and away from land areas since this could decrease unnecessarily the usable time-in-view of non-synchronous satellites and could, in some instances, unnecessarily prevent communication between a given earth station and a synchronous satellite. To cope with these matters, Hawaiian would amend Parts 21 and 25 as appropriate to provide additionally: (1) That the minimum permissible angle of elevation be determined by tests to verify theoretical calculations and that such angles be specified on the earth station license as a function of azimuth; and (2) that applicants in an area wherein coordination might be necessary be required to submit antenna radiation patterns with their applications.

9. Hawaiian offered no comment on the choice of +45dbW in lieu of +55dbW in any 4 kc/s band as an upper limit on permissible mean ERP in the horizontal plane. It is implicit in Hawaiian's comments that they are less concerned with this factor than with a workable sharing arrangement between terrestrial systems in Hawaii and a communication-satellite system. Because of the limited available land mass in the island complex, it is probable that a reduction in permissible ERP as proposed would do little, if anything, to ease the sharing problem. Hawaiian has indicated it might be necessary to request special allocation relief in Hawaii under Part 2 and consequential changes in Part 21 to accommodate some of its existing and planned operations that would otherwise operate in the band 5925–6425 Mc/s. A determination of its needs in this regard can not be made until a site for a communication-satellite earth station has been decided upon in Hawaii.

10. A.T. & T. would prefer a permissible level of maximum ERP of something less than even the +45dbW suggested as a possible limit in the Commission's Notice, in order to minimize the total area within the coordination distance contour about an earth station site, but nonetheless, supports +45dbW as a compromise limit. A.T. & T. argues that areas that are unnecessarily large can prove expensive to both of the sharing services. If common carriers in the terrestrial service must avoid large areas to avoid interference to or from earth stations, other facilities must be made available to render service to the public within those areas at a cost which may exceed that of radio relay facilities. On the other hand, earth stations may find it necessary to establish in uneconomical locations to avoid existing radio relay stations. If so, construction and operating costs could be increased appreciably by the need for service facilities such as access roads, power and housing.

11. Comsat opposes reducing the maximum permissible ERP in the 6 Gc/s band from +55dbW to 45dbW/4 kc/s on the grounds that it would restrict space planning flexibility but would not lessen the possibility of interference to existing licensees or reduce substantially the coordination area. Comsat agrees that the reduction would facilitate the coordination process but states that "• • • the minimum coordination area is determined by the coordination area for the 4 Gc/s receiving band which is calculated on the basis of 55dbW, the maximum permissible ERP for terrestrial services (from CCIR Rec. 400)." Therefore, in their view, there is no justification for reducing earth station ERP below a value which would result in a coordination area corresponding to that for the 4 Gc/s band. Appendix 1 to Comsat's comments constituted the contribution of its representatives in the work of the U.S. Committee for CCIR Study Groups IV and IX, preparatory to the recently concluded International Interim Meeting of those groups in Monaco. That document, as interpreted by Comsat, demonstrated "that in light of the present state of the art, effective satellite-communications could require a maximum ERP of at least 52dbW/4 kc/s in order to permit reasonable flexibility. In future years, new satellite techniques and unique traffic requirements could require even a higher maximum ERP."

12. The reply comments of A.T. & T. directed to Comsat's initial comments on the 45 versus 55dbW question point out that: (1) Appendix 1 referred to above was not adopted by the U.S. Study Groups IV and IX; (2) the terrestrial transmitter power limit of 55dbW recommended by CCIR and adopted by the Space EARC is intended to protect satellite-borne receivers from harmful interference from terrestrial stations sharing in the earth-to-satellite bands; (3) there is no power limitation with respect to terrestrial transmitting stations in the satellite-to-earth bands (e.g., 3700–4200 Mc/s); and (4) in general, the coordination distance from a transmitting earth station exceeds that from its associated receiving earth station. A.T. & T. noted that as the permissible radiation in the horizontal plane increases, the coordination distance for such an earth station also increases. A.T. & T. also noted that the internationally agreed limit of +55dbW in the horizontal plane for transmitting earth stations was predicated largely on the decisions of the CCIR and the Space EARC to set a limit that would not inhibit unduly the use of earth stations operating in a "passive" communication-satellite system, where power requirements are appreciably higher than for an "active" system.

13. In addition to the specific points covered above, A.T. & T. suggested a number of changes to the Commission's proposed rules. Section 21.706(c) sets forth the showing to be made by the applicant for a terrestrial station to operate within the coordinstion distance contour of an existing earth station. The Commission has proposed that all such coordination distance contour maps be on file for public inspection, in the offices of the Commission's Common Carrier Bureau in Washington. A.T. & T. is of the view that such limited availability of information relating to areas involved in the coordination process will place an unnecessary burden on all applicants filing under Part 21. On the assumption that the total number of earth stations in the communication-satellite service will be small, A.T. & T. suggests that Part 21 contain a general description of the earth station sites, including a radius equal to the maximum coordination distance involved, so that a prospective applicant under Part 21 may determine readily whether a coordination problem exists. Should it appear that the applicant's proposed operation may lie within the contour, the rules should provide means by which he could have access to copies of the actual contour maps for detailed analysis of the problem. In A.T. & T.'s view, the earth station operator, if required to furnish such copies on request, will thus become aware of additional terrestrial systems to be considered for coordination purposes if there are plans for future expansion of the earth station facility. A.T. & T. would also amend the rules to state explicitly what must be done if the coordination process indicates that inter-service interference is likely to occur. In any event, they propose that arrangements be made for direct negotiations between operators of existing and planned stations.

14. The reply comments of Hawaiian support the above views of A.T. & T. insofar as they are concerned with a more positive coordination procedure. In particular, Hawaiian believes that where a new station is proposed within coordination distance of an existing station, the new station applicant should send notification directly to existing frequency-sharing licensees who are involved.

15. Comsat supported the Commission's coordination procedures as proposed and did not agree that the changes suggested by A.T. & T. are required or desired. Comsat objected specifically to the inclusion in Part 21 of a general description of the coordination areas of existing earth stations. It objected also to any requirement that maps be furnished to terrestrial station applicants by the Commission or the earth station licensee, on request. These objections are based on Comsat's belief that: (1) Commission-proposed procedures are adequate; (2) Part 21 would need amendment with the addition of each new earth station in the 4 and 6 Gc/s bands; and (3) an economic burden would be imposed upon the Commission or existing earth station licensees if required to make available an appreciable number of coordination distance contour charts. Comsat also took the position that the Commission's proposed rules in Parts 21 and 25 are detailed adequately to resolve potential interference problems arising during the coordination process. They did not agree that direct negotiations should be encouraged between existing and proposed licensees in the opposing services on the grounds that such an arrangement would place the administration of the Commission's rules in the hands of interested parties rather than those of the Commission.

16. Of the several interested parties commenting in this proceeding, only A.T. & T. made mention of the band 2110–2120 Mc/s which basically is part of a common carrier fixed band, but which, by virtue of a footnote to the Table of Frequency Allocations, is also available for deep space research. A.T. & T. recommended that normal users of the band be made aware of this shared use by an appropriate amendment to § 21.701(g) and also that § 21.706 be amended to reflect the need for coordination in the band 2110–2120 Mc/s.

17. A.T. & T. comments also invited attention to paragraph 14 of the Commission's Notice of Proposed Rule Making in Docket No. 15722, wherein it was stated that frequency bands allocated specifically to the "space service" are available to all space radiocommunication services, i.e., communication-satellite service, meteorological-satellite service, radio-navigation-satellite service and space research service. In keeping with that philosophy, A.T. & T. recommended that § 25.202 (b), (c) and (d) be modified as appropriate to show the availability of 1427–1429 Mc/s for space telecommand and 1525–1540 Mc/s for space telemetering and tracking.

18. A.T. & T. noted also that provision had not been made in the Commission's Notice for dealing with conflicting applications filed by prospective users. Appropriate hearing procedures would appear necessary, both in the case of conflicting prospective earth station applicants under Part 25 and in the case

of conflict between prospective applicants under Part 21 and Part 25. In this same vein, A.T. & T., Hawaiian and Western Union support a philosophy within the coordination process whereby recognition would be given to systems in the planning stage as well as to systems in being or for which construction was imminent. In support of this argument, A.T. & T. contends that in many cases the economies of a microwave system or an earth station can be realized fully only if the system or station can be exploited to its full capacity. In other words, a large percentage of the initial cost of either goes toward development of the initial station locations, buildings, antenna structures and power facilities. Expansion can be effected in most instances by merely adding relatively inexpensive radio equipment. It was argued, therefore, that an applicant should have some reasonable amount of assurance that future necessary expansion will not be precluded by the unavailability of frequency space. A.T. & T. states this could be accomplished, in part, by permitting under Part 25, as is now permitted under Part 21, an opportunity for interested parties to raise objections to proposals which may cause interference or which for other reasons would not appear to be in the public interest.

19. Comsat did not subscribe to recognition, in the coordination process, of systems which were purely in the planning stage. They expressed the view that it was sufficient to take into account only existing facilities and those for which construction permits had been granted.

20. As a follow-on to its earlier arguments for expanded or modified coordination procedures, A.T. & T. also suggested adoption of a common method for computing potential interference between competing services which would include the possibility of (a) propagation by forward scatter via both the main beam and the horizontal component and (b) propagation by diffraction, as well as direct line-of-sight propagation. Also in this regard, A.T. & T. suggests that even with a maximum permissible ERP of 45dbW/4 kc/s in the horizontal plane and a minimum antenna elevation angle of 5°, limits should be placed on the total power radiated by the earth station's main beam. They stated that their studies showed that interference from the main beam could be the controlling source of interference to terrestrial systems. A.T. & T. suggested a total effective power of one million kilowatts, or 90dbW, as a value "which is more than adequate for the economical operation of any reasonable satellite system yet proposed." This would be effected by adding to § 25.204 (a) a limitation specifying that the mean ERP in the main beam of the earth station antenna shall not exceed 71dbW in any 4 kc/s band. These overall views derive from the following quotation from the A.T. & T. comments.

> A study of the Space EARC (Geneva, 1963) method of computing coordination distance (paragraph 25.251) indicates that the basic transmission loss via the path in the horizontal plane may not always be the controlling criterion for determining the coordination distance between an earth station and a terrestrial station. In fact, it appears that it is the propagation path between the main beam of the two antennas at low elevation angles of the earth station antenna that will usually determine the coordination distance for earth station configurations most likely to be encountered. It is concluded from this study that Section 25.204 paragraph (a) does not adequately specify or limit earth station power for coordination purposes. We recommend that the limit on power radiated from an earth station be specified in terms of (1) power in the horizontal plane, and (2) power in the main beam to provide a more meaningful calculation of the coordination distance.

21. The remaining A.T. & T. comments were devoted to:

(1) Showing that with a narrow beam antenna with its beam elevated above the horizon, the controlling transmission path may be via the common volume occupied by the two antenna beams rather than by the horizon ray; and

(2) The consequential additions and changes considered necessary to § 25.251, if one accepted the premise in (1) above, including the internationally agreed tables and charts associated therewith.

22. The comments of ITT were directed solely to this same § 25.251. These questioned the validity of using the curves contained in the Commission's proposal and suggested changes in their application to the calculation of coordination distances.

23. Comsat's reply comments relative to A.T. & T.'s proposal to impose a ceiling of +90dbW on the total ERP in the main beam of an earth station antenna did not support the proposal. Comsat pointed out: (1) The +90dbW limit is less than the powers of existing earth stations which will participate in the HS-303 experimental/commercial communication-satellite system now contemplated or the powers necessary for systems of various types proposed for use in a global system; (2) the problem of main beam interference can be resolved only through analysis of data from a series of measurement programs; (3) it is questionable whether the CCIR propagation data cited by A.T. & T. from Report 244 of Vol. II of the Xth Plenary Assembly, Geneva, 1963, is applicable to an elevated beam situation; (4) the CCIR has not adopted a coordination procedure based on elevated main beam considerations; and (5) the 19db spreading factor (90—71=19db) considered in the A.T. & T. proposal relates only to a specific FDM-FM system occupying a band of approximately 300 kc/s, which may not be adequate for other modulation methods.

24. The Commission's conclusions with respect to the several arguments presented above are contained in the ensuing paragraphs, in the same order in which they were presented earlier. Before proceeding to specific items, however, it appears necessary to re-emphasize two general premises upon which our conclusions are based. First, coordination distance contours define not the areas within which destructive interference will necessarily be caused or experienced but rather the areas within which some existing licensees might cause or experience interference and within which all prospective licensees should exercise particular caution in the engineering of new stations or systems. Second, the Space EARC (Geneva, 1963) adopted a number of amendments and additions to the International Radio Regulations previously adopted by the Administrative Radio Conference (Geneva, 1959). Among these was No. 492A, which is quoted in part, as follows:

> 492A § 3A. (1) Before an administration notifies to the Board, or brings into use any frequency assignment to a station in the fixed or mobile service, whether for transmitting or receiving, in a particular band allocated with equal rights to the space service and the fixed or mobile service in the frequency spectrum between one and ten Gc/s, it shall effect coordination of the assignment with any other administration which has previously effected coordination under the provisions of No. 639AD, for the establishment of an earth station, if the proposed station in the fixed or mobile service is to be located within the coordination distance of the earth station, and the necessary bandwidths of emission of the station concerned in the space service on the one hand, and the station concerned in the fixed or mobile service on the other, are separated by less than six Mc/s • • •

The Commission's proposals in this proceeding deliberately omitted reference to a minimum separation (such as the six Mc/s above) between the bandwidths of emission of stations involved in the coordination process. Proposed § 21.706 states in part, for example:

> • • • If the proposed station is to be operated in the band 3700–4200 Mc/s, and lies within the coordination distance contour of a receiving earth station, the application shall be accompanied by a statement showing • • • Conversely, if the proposed station is to be operated in the band 5925–6425 Mc/s, and lies within the coordination distance contour of a transmitting earth station • • •

Similarly, § 25.203(c) speaks of "the frequency band in question", meaning 3700–4200 Mc/s or 5925–6425 Mc/s as appropriate.

25. In the Commission's opinion, it would not be in the public interest, for example, to permit the establishment of an earth station in the communication-satellite service in an area where frequency congestion due to existing terrestrial systems in the same band was such that little more than the initial frequency requirements of such an earth station could be accommodated. Similarly, it would not appear to be in the public interest to permit terrestrial systems to be installed in the same band in the same area as an existing earth station without evaluating carefully the possible future requirements of each, as well as the initial potential mutual interference problem. In other words, the Commission intends to proceed cautiously in the implementation of frequency sharing between space systems and terrestrial systems until a better appreciation of the overall subject can be attained through experience.

Minimum Angle of Elevation

26. There is considerable merit to many of the comments from each of the parties relating to the minimum angle of elevation. The problem becomes one of weighing all the arguments and arriving at an equitable arrangement for each of the sharing services. Because of the relatively high density of terrestrial systems throughout the United States in both the 3700–4200 and 5925–6425 Mc/s bands, it is important to limit the size of areas within coordination distance of earth stations as much as possible, consistent with the need to maintain flexibility in the establishment of a communication-satellite system. This end can be achieved by adoption of a variation on the Commission's proposal to set 5° as a minimum permissible elevation angle instead of the internationally-agreed 3°. If the comments of Comsat referred to in paragraph 6 above are considered out of context, such a move might appear particularly damaging to the communication-satellite service. However, those figures relate only to a given orbital configuration and a given number of satellites and the 35 percent increase in outage time represents the difference between an outage probability of 0.0026 for a 3° minimum angle and an outage probability of 0.0035 for a 5° minimum angle. This increase of 0.0009 in outage time must be evaluated in the light of a reduction in the coordination area on the order of 72 percent, as referred to by A.T. & T. in paragraph 5. As pointed out by Comsat and Hawaiian, however, there is no merit in imposing elevation limits on paths which are directed seaward and away from land masses. This situation can be treated by adopting, in part, the suggestions made by Hawaiian wherein the minimum angle can be specified as a function of azimuth on the earth station license. Also in response to Hawaiian's suggestion, the rules will be amended to require that applications filed for earth station licenses be accompanied by appropriate earth station antenna patterns. With respect to the angle of elevation, 5° is being adopted as the normal minimum angle. However, upon special showing of need by the applicant, the Commission will give consideration to the use of angles between 3 and 5 degrees for over-land paths, and to lower angles for over-water paths, as a function of azimuth in each case.

Effective Radiated Power in the Horizontal Plane

27. As in the case of the minimum angle of elevation, we are concerned with the problem of minimizing the area of potential interference about an earth station, consistent with the need to maintain flexibility in the establishment of a communication-satellite system. On the basis of its own calculations, the arguments of A.T. & T. in paragraphs 10 and 12 above, and the absence of persuasive arguments to the contrary by Comsat, the Commission has concluded it would be in the public interest to specify in the rules that the mean effective radiated power employed by an earth station in the band 5925–6425 Mc/s shall not exceed +45dbW per 4 kc/s of bandwidth in the horizontal plane.

Availability of Coordination Distance Information

28. The Commission is persuaded that its proposal to maintain a file of earth station coordination distance contour maps in Washington, D.C., is not adequate, in and of itself, to meet the planning needs of terrestrial system operators whose home offices are well removed from Washington, D.C. Accordingly, future public notices of earth station applications accepted for filing will contain sufficient detailed information to permit interested parties to make at least preliminary determinations as to the probability of harmful interference. This information, however, will be helpful only to licensees of systems in being or prospective applicants well advanced in their planning. Therefore, for the benefit of future licensees, Part 21 will be amended to list general information relative to earth stations in the bands 3700–4200 and 5925–6425 Mc/s. Additionally, upon request, the Commission will undertake to supply licensees or prospective licensees of point-to-point microwave stations with detailed information relative to existing or proposed earth stations if, in the Commission's opinion, such terrestrial stations lie within coordination distance of the earth station in question.

29. The Commission recognizes that there is frequently much to be gained by direct negotiation between interested parties and does not agree with Comsat that such negotiations would place administration of the Commission's rules in the hands of such parties rather than with the Commission. However, such negotiations should be permissive rather than mandatory and as such need not be dealt with in the rules. Adequate procedures will be specified in the rules for the resolution of inter-service interference problems.

Coordination in the Band 2110–2120 Mc/s

30. The Commission believes the public interest would be served by adopting the suggestion of A.T. & T. set forth in paragraph 16 above and § 21.701(g) is being amended to indicate that frequencies in the band 2110–2120 Mc/s may be made available on a case-by-case basis for telecommand transmissions by space research earth stations engaged in deep space research. Additionally, § 21.706 is being amended to reflect the need for coordination in that band.

Frequency Bands for Telecommand, Telemetering and Tracking

31. Although the Commission is not aware of any plans by non-Government entities to use the band 1427–1429 Mc/s for space telecommand or the band 1525–1540 Mc/s for space telemetering and tracking in the communication-satellite service, the bands are available internationally for those purposes. The Commission agrees with A.T. & T. that their availability should be reflected in the rules and § 25.202 (b), (c), and (d) have been modified accordingly.

Hearing Procedures for Conflicting Applications

32. As reflected in paragraph 18 above, the Commission's proposal in this proceeding did not specify hearing procedures for conflicting applications within Part 25 for the reason that the policy and procedures relating to earth station ownership and operation are under consideration by the Commission in a separate proceeding, to wit: Notice of Proposed Rule Making or Formulation of General Policy, Docket 15735. Therefore procedures for hearings and the filing of applications will be the subject of separate proceedings and are not treated in this docket. However, Part 21 has been amended to ensure inclusion of the inter-service problem since that Part is written in very specific terms with respect to hearing procedures. Additionally, because of the long lead-time involved in the planning, design and construction of earth station facilities and the requirement for close coordination in developing a workable pattern of inter-service sharing, the Commission will give consideration to long-range planning by the contestants in resolving inter-service conflicts. Part 21 has been amended to reflect this point also. Additionally, as stated in the amended § 21.26(b) herein, the Commission will observe a policy of giving consideration to planned expansion of existing stations under Parts 21 and 25 in the shared bands 3700–4200 and 5925–6425 Mc/s.

Calculation of Coordination Distance

33. Paragraphs 20, 21, and 22 set forth proposals by A.T. & T. and ITT for substantive changes in the method of calculating coordination distance and, on the part of A.T. & T., a proposal to impose limits on the total effective radiated power in the main beam of earth station antennas. Without going into the merits of the suggestions for changing the method of calculating coordination distances we are rejecting them at this time for the practical reason that the United States is committed internationally through its treaty obligations to calculating coordination distance in the manner set forth in § 25.251. Admittedly, we could adopt different procedures for purely national application but in any instance where an earth station was within coordination distance of a national border, as calculated by internationally-agreed criteria, we would be duty bound to comply with the international procedure. We are not persuaded that there is merit to adopting two differing sets of criteria in this instance. Additionally, the coordination distance calculation procedure is the joint work of experts in the space and terrestrial microwave fields participating in the work of the International Radio Consultative Committee (CCIR) of the International Telecommunication Union (ITU) which adopted the procedure at its Xth Plenary Assembly, Geneva, 1963 in Report 209 and Recommendation 359. The procedure was adopted subsequently for inclusion in the International Radio

Regulations by the Space EARC, Geneva, October-November 1963. The U.S. Committee for Study Group IV, made up of Government and industry representatives, re-examined the content of Report 209 and Recommendation 359 in preparing for the Interim Meeting of CCIR Study Group IV and Study Group IX recently concluded (February-March) in Monaco and recommended no change in the procedure. To our knowledge, no experimental data have been collected which would warrant a change.

34. For the reason cited, and in light of the arguments by COMSAT in paragraph 23 above, we are rejecting the proposals to modify the method of calculating coordination distance and the proposal to impose a ceiling on the total ERP in the main beam of earth station antennas. These matters will be reviewed in the future in the light of experimental and operational data not now available to determine if changes are warranted.

35. In view of the foregoing: *It is ordered*, Pursuant to the authority contained in sections 4(i) and 303 of the Communications Act of 1934, as amended, that effective July 1, 1965, Parts 21 and 25 of the Commission's Rules are amended as set forth in the Appendices hereto.

36. *It is further ordered*, That the proceedings in Docket No. 15723 are hereby terminated.

(Sec. 4, 48 Stat. 1066, as amended; 47 U.S.C. 154. Interprets or applies sec. 303, 48 Stat. 1082, as amended; 47 U.S.C. 303)

Adopted: May 19, 1965.

Released: May 20, 1965.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

Part 21 of the Commission's rules is amended as follows:

1. Section 21.1 is amended by adding the following new definitions in the proper alphabetical sequence:

§ 21.1 Definitions.

* * * * *

Coordination distance. For the purpose of this Part, the expression "coordination distance" means the distance from an earth station, within which there is a possibility of the use of a given transmitting frequency at this earth station causing harmful interference to stations in the fixed or mobile service, sharing the same band, or of the use of a given frequency for reception at this earth station receiving harmful interference from such stations in the fixed or mobile service.

* * * * *

Earth station. A station in the space service located either on the earth's surface, including on board a ship, or on board an aircraft.

* * * * *

Fixed earth station. An earth station intended to be used at a specified fixed point.

* * * * *

Mobile earth station. An earth station intended to be used while in motion or during halts at unspecified points.

* * * * *

2. Section 21.26(b) is amended to read as follows:

§ 21.26 Grants without a hearing.

* * * * *

(b) In making its determinations pursuant to the provisions of paragraph (a) of this section, the Commission will not consider any other application, or any other application amended so as to constitute a major change therein (as defined in § 21.33), as being mutually exclusive with the application under consideration unless such other application was substantially complete and filed with the Commission by the close of business one business day preceding the day on which the Commission takes action with respect to the application under consideration. An application filed after the date specified herein will be disposed of in accordance with the provisions of § 21.24(d). As an exception, however, in dealing with the frequency bands 3700–4200 and 5925–6425 Mc/s, which are shared on a co-equal, primary basis by the Point-to-Point Microwave Radio Service under this part and the Communication-Satellite Service under Part 25, the Commission may consider planned future expansion of existing communication-satellite earth stations as being mutually exclusive with the application under consideration if brought to the attention of the Commission by the close of business one business day preceding the day on which the Commission takes action with respect to the application under consideration. To qualify for such mutual consideration the earth station must lie within coordination distance of the site of the point-to-point station in question and the earth station licensee must be able to document his planned expansion to the satisfaction of the Commission. Reciprocal treatment shall be afforded stations in the Point-to-Point Microwave Radio Service in Part 25 of this chapter.

* * * * *

3. Section 21.107(b) is amended to read as follows:

§ 21.107 Transmitter power.

* * * * *

(b) The rated power output of a transmitter employed in these radio services shall not exceed the values shown in the following tabulation:

Frequency range:	Rated power output
Below 30 Mc/s	50 watts.
30 to 50 Mc/s	250 watts.
50 to 76 Mc/s	50 watts.
76 to 500 Mc/s	250 watts.
500 to 10,000 Mc/s	100 watts.[1]
Above 10,000 Mc/s	Unlimited.

[1] As an exception, in the band 5925–6425 Mc/s, the power delivered by a transmitter to the antenna of a station in the fixed service shall not exceed 10 watts. Additionally, in this band, the maximum effective radiated power of the transmitter and associated antenna of a station in the fixed service shall not exceed +55 dbw. These limitations are necessary to minimize the probability of harmful interference to reception in this band on board communication-satellite space stations.

* * * * *

4. In § 21.204, the Note is revised to read as follows:

§ 21.204 FCC publications required for reference.

* * * * *

NOTE: It is suggested that the following additional documents be obtained from the Government Printing Office and maintained for reference:

(1) Communications Act of 1934, as amended.

(2) Part 1 of this chapter, Practice and Procedure.

(3) Part 2 of this chapter, Frequency Allocations and Radio Treaty Matters; General Rules and Regulations.

(4) Part 13 of this chapter, Commercial Radio Operators.

(5) Part 17 of this chapter, Construction, Marking, and Lighting of Antenna Structures.

(6) Part 25 of this chapter, Satellite Communications.

(7) Part 42 of this chapter, Preservation of Records of Communication Common Carriers.

(8) Part 61 of this chapter, Tariffs.

(9) Part 63 of this chapter, Extension of Lines and Discontinuance of Service by Carriers.

5. Section 21.701(a) and 21.701(g) are amended to read as follows:

§ 21.701 Frequencies.

(a) (1) The following frequency bands are available for assignment to radio stations in this service on a shared basis with stations in the Communication-Satellite Service and the Local Television Transmission Service:

3700–4200 Mc/s
5925–6425 Mc/s [1]

[1] This band is not available for assignment to mobile earth stations.

(2) The following frequency band is available for assignment to radio stations in this service on a shared basis with the Local Television Transmission Service:

10700–11700 Mc/s

* * * * *

(g) On a shared basis with other common carrier fixed, international control and operational fixed radio services, frequencies in the band 2110–2200 Mc/s are available for radio stations in this service. Television transmission in this band is not authorized. Additionally, frequencies in the band 2110–2120 Mc/s may be authorized on a case-by-case basis to Government or non-Government space research earth stations for telecommand purposes in connection with deep space research.

* * * * *

6. Sections 21.706 (c) and (d) are added to read as follows:

§ 21.706 Supplementary showing required with applications.

* * * * *

(c) Part 25 of this chapter sets forth the procedure for calculating "coordination distance" in the bands shared on an equal basis by this service and the Communication-Satellite Service. This is the distance: (1) Within which an earth station transmitter might cause harmful interference to stations in this service; and (2) within which stations in this service might cause harmful interference to reception at earth stations. By international agreement, if the transmitting or receiving coordination distance contours drawn about a proposed earth station of one country overlap the boundary of another country, the first country is required to provide the second with maps showing the transmitting and receiving contours to determine if harmful interference might be caused by or to the proposed earth station. Once agreement is reached, neither country will alter its station assignment pattern in the area concerned, in a manner capable of degrading the agreed usage of the other country without further consultation with that country. Similarly, pursuant to Part 25, licensees of earth stations in the Communication-Satellite Service are required to file with the Commission, characteristics of the antenna(s) to be used, and maps showing coordination distance contours for such earth stations for both the earth-to-satellite and satellite-to-earth bands. All such antenna characteristics and contour maps shall be kept on file for public inspection in the offices of the Commission's Common Carrier Bureau in Washington, D.C. Additionally, for purposes of determining the probability of interference, copies of these maps will be made available, upon request, to licensees or prospective licensees of terrestrial stations within coordination distance of an earth station for which general details are set forth in § 21.706(d). Therefore, each applicant filing pursuant to paragraph (a) of this section shall ascertain in advance of such filing if the location of the proposed station lies within the pertinent coordination distance contour of an earth station on file with the Commission. Since earth stations will be receiving only in the band 3700–4200 Mc/s and transmitting only in the bands 2110–2120 and 5925–6425 Mc/s, applicants will be guided accordingly. If the proposed station is to be operated in the band 3700–4200 Mc/s, and lies within the coordination distance contour of a receiving earth station, the application shall be accompanied by a statement showing that antenna directivity, power, terrain shielding and/or other mitigating factors are such that harmful interference will not be caused to reception at the earth station, on the basis of criteria set forth in Subpart C of Part 25. Conversely, if the proposed station is to be operated in the band 2110–2120 or 5925–6425 Mc/s, and lies within the coordination distance contour of a transmitting earth station, the application shall be accompanied by a similar statement showing that harmful interference will not be caused to reception at the applicant's station in this service.

(d) Earth stations listed herein operate in frequency bands which also are

available to the Point-to-Point Microwave Radio Service. The figure shown in column 4 represents the maximum coordination distance calculated along any radial from the earth station, on an over-land path. It does not reflect the effects of possible terrain shielding along other radials nor the greater distance resulting from calculation for an over-water path or a mixed path. Used as the radius of a circle centered on the earth station, it will permit preliminary determination of the need for coordination in compliance with § 21.706(c). Proposed stations within the circle, and in the same frequency band, may be within coordination distance of the earth station. Applicants for such stations, upon request, will be supplied with copies of coordination distance contour maps and other pertinent technical data, to permit a detailed analysis of the interference potential.

(1) Transmitting earth stations—

Station location (1)	Geographical coordinates (2)	Band (Mc/s) (3)	Maximum coordinates district (station miles) (4)
Andover, Maine	44°37'59" N., 70°41'52" W	5925–6425	180
Goldstone, Calif	35°22'20" N., 116°50'53" W	2110–2120	375
Mill Village, Nova Scotia, Canada	44°11'34" N., 64°40'00" W	5925–6425	100

(2) Receiving earth stations—

Station location (1)	Geographical coordinates (2)	Band (Mc/s) (3)	Maximum coordinates district (station miles) (4)
Andover, Maine	44°37'59" N., 70°41'52" W	3700–4200	120

7. Section 21.708(a)(7) is added to read as follows:

§ 21.708 Notification of station operation at temporary fixed locations.

(a) * * *

(7) A notification of operations to be conducted within the coordination distance contours of a fixed earth station shall include compliance with the provisions of § 21.706(c).

* * * * *

8. Section 21.801(f) is amended to read as follows:

§ 21.801 Frequencies.

* * * * *

(f) (1) Frequencies in the following bands are available for assignment to television STL stations in this service on a shared basis with stations in the Communication-Satellite Service and the Point-to-Point Microwave Radio Service:

3700–4200 Mc/s
5925–6425 Mc/s

(2) The following frequency band is available for assignment to television STL stations in this service on a shared basis with stations in the Point-to-Point Microwave Radio Service:

10700–11700 Mc/s

9. Section 21.807(a)(5) is added to read as follows:

§ 21.807 Stations at temporary fixed locations.

(a) * * *

(5) Applications for such stations shall comply with the provisions of § 21.706(c).

* * * * *

10. A new § 21.809 is added, to read as follows:

§ 21.809 Stations affected by co-ordination distance procedures.

Each application for initial installation of a radio station in this service, or for installation of additional transmitters, or for authority to communicate with new points, shall comply with the provisions of § 21.706(c).

Part 25 of the Commission's rules is amended by adding new Subpart C, as follows:

Subpart C—Technical Standards

Sec.
25.201 Definitions.
25.202 Frequencies.
25.203 Choice of sites and frequencies.
25.204 Power limits.
25.205 Minimum angle of antenna elevation.
25.206 Station identification.
25.207 Cessation of emissions.
25.208 Power flux density limits.
25.251 Procedure for calculating coordination distance.

AUTHORITY: The provisions of this Subpart C issued under sec. 4, 48 Stat. 1066, as amended; 47 U.S.C. 154. Interprets or applies sec. 303, 48 Stat. 1082, as amended; 47 U.S.C. 303.

Subpart C—Technical Standards

§ 25.201 Definitions.

Active satellite. An earth satellite carrying a station intended to transmit or re-transmit radiocommunication signals.

Communication-satellite earth station. An earth station in the communication-satellite service.

Communication-satellite service. A space service:

—between earth stations, when using active or passive satellites for the exchange of communications of the fixed or mobile service, or

—between an earth station and stations on active satellites for the exchange of communications of the mobile service, with a view to their re-transmission to or from stations in the mobile service.

Communication-satellite space station. A space station in the communication-satellite service, on an earth satellite.

Coordination distance. For the purposes of this Part, the expression "coordination distance" means the distance from an earth station, within which there is a possibility of the use of a given transmitting frequency at this earth station causing harmful interference to stations in the fixed or mobile service, sharing the same band, or of the use of a given frequency for reception at this earth station receiving harmful interference from such stations in the fixed or mobile service.

Earth station. A station in the space service located either on the earth's surface, including on board a ship, or on board an aircraft.

Fixed earth station. An earth station intended to be used at a specified fixed point.

Mobile earth station. An earth station intended to be used while in motion or during halts at unspecified points.

Passive satellite. An earth satellite intended to transmit radio communication signals by reflection.

Space service. A radiocommunication service:

—between earth stations and space stations,
—or between space stations,
—or between earth stations when the signals are re-transmitted by space stations, or transmitted by reflection from objects in space excluding reflection or scattering by the ionosphere or within the earth's atmosphere.

Space station. A station in the space service located on an object which is beyond, is intended to go beyond, or has been beyond, the major portion of the earth's atmosphere.

Space telecommand. The use of radiocommunication for the transmission of signals to a space station to initiate, modify or terminate function of the equipment on a space object, including the space station.

Space telemetering. The use of telemetering for the transmission from a space station of results of measurements made in a spacecraft, including those relating to the functioning of the spacecraft.

Space tracking. Determination of the orbit, velocity or instantaneous position of an object in space by means of radiodetermination, excluding primary radar, for the purpose of following the movement of the object.

Stationary satellite. A satellite, the circular orbit of which lies in the plane of the earth's equator and which turns about the polar axis of the Earth in the same direction and with the same period as those of the earth's rotation.

Terrestrial service. Any radio service defined in this Chapter, other than a space service or the radio astronomy service.

Terrestrial station. A station in a terrestrial service.

§ 25.202 Frequencies.

(a) The following frequency bands are available for use by the communication-satellite service on a shared basis with terrestrial radio services. Precise frequencies and bandwidths of emission will be assigned on a case-by-case basis.

Satellite-to-earth	*Earth-to-satellite*
37–4200 Mc/s[1 2]	5925–6425 Mc/s[2 4]
7250–7750 Mc/s[1 2]	7900–8400 Mc/s[1 2]

[1] The ultimate disposition of these bands as between Government and non-Government services for space radiocommunication will be the subject of separate rule-making.

[2] This band may also be used for the transmission of tracking and telemetering signals associated with communication-satellite space stations operating in the same band.

[3] This band may also be used for the transmission of telecommand signals associated with communication-satellite earth stations operating in the same band.

[4] This band is not available for assignment to mobile earth stations.

(b) The following frequencies or bands of frequencies are available for space telecommand functions in conjunction with the communication-satellite service. Unless specified, precise frequencies and associated bandwidths of emission will be assigned on a case-by-case basis.

148.35 Mc/s—maximum occupied bandwidth not to exceed 30 kc/s.
154.2 Mc/s—maximum occupied bandwidth not to exceed 30 kc/s.
450.0 Mc/s—maximum occupied bandwidth not to exceed 0.5 Mc/s.
1427–1429 Mc/s.

(c) The following frequency bands are available for telemetering from communication-satellite space stations. Precise frequencies and associated bandwidths of emission will be assigned on a case-by-case basis.

136–137 Mc/s[1]
137–138 Mc/s
400.05–401 Mc/s[1]
401–402 Mc/s
1525–1540 Mc/s

[1] This band is basically a space research band and is not intended for use by operational communication-satellite systems once the desired spacecraft orbit is established.

(d) The following frequency bands are available for transmission from spacecraft for the tracking of communication-satellite space stations. Precise frequencies and associated bandwidths of emission will be assigned on a case-by-case basis.

136–137 Mc/s[1]
137–138 Mc/s
400.05–401 Mc/s[1]
1525–1540 Mc/s

[1] This band is basically a space research band and is not intended for use by operational communication-satellite systems once the desired spacecraft orbit is established.

§ 25.203 Choice of sites and frequencies.

(a) Sites and frequencies for earth stations, operating in frequency bands shared with equal rights between terrestrial and space services, shall be selected, to the extent practicable, in areas where the surrounding terrain and existing frequency usage are such as to minimize the possibility of harmful interference between the sharing services.

(b) An applicant for an earth station authorization shall calculate the coordination distance for the proposed station in accordance with the procedures set forth in § 25.251, and submit with his application a map drawn to appropriate scale indicating the location of the earth station and the coordination distances from the earth station, for both transmission and reception by the earth station, as a function of azimuth. The coordination distance for earth station reception shall be based on a power range of 0 to 55 dbW in increments of not more than 10 db. The applicant shall also submit the mechanical and electrical characteristics of the earth station antenna(s) upon which the coordination distance calculations are based.

(c) An applicant for an earth station authorization shall also make a showing, accompanied by supporting data and calculations, that existing stations operating within the frequency band in question and those for which construction permits have been issued, and located within the pertinent calculated coordination distance contours of the proposed earth station, will not be subjected to harmful interference from earth station transmissions and will not cause harmful interference to reception at the earth station.

§ 25.204 Power limits.

(a) Within the band 5925–6425 Mc/s the mean effective radiated power transmitted in any direction in the horizontal plane by a communication-satellite earth station shall not exceed +45 dbW in any 4 kc/s band.

(b) Within the band 7900–8400 Mc/s, in order to provide a capability for both active and passive communication-satellite systems, the mean effective radiated power transmitted in any direction in the horizontal plane by a communication-satellite earth station shall not exceed +55 dbW in any 4 kc/s band except upon a showing of need for greater power, in which case a maximum of +65 dbW may be authorized, consistent with the provisions of paragraphs (c) and (d) of this section.

(c) In any direction where the distance from a communication-satellite earth station operating in the band 7900–8400 Mc/s to the boundary of the territory of another administration exceeds 400 km, the limit of +55 dbW in any 4 kc/s band in paragraph (b) of this section may be increased in that direction by 2 db for each 100 km in excess of 400 km up to a maximum of +65 dbW.

(d) If, in any direction from a proposed communication-satellite earth station, the distance to the boundary of the territory of another administration is less than the coordination distance as calculated in § 25.251, the Commission will initiate discussions in the technical aspects of the proposed operation.

NOTE: For the purposes of this part, the effective radiated power transmitted in the horizontal plane shall be taken to mean the ERP actually transmitted toward the horizon, reduced by the site shielding factor that may be applicable. The value of site shielding factor shall be determined as indicated in § 25.251(e).

§ 25.205 Minimum angle of antenna elevation.

(a) Within the band 5925–6425 Mc/s, earth station antennas shall not normally be authorized for transmission at elevation angles less than 5°, measured from the horizontal plane to the central axis of the main lobe. However, upon a showing that the transmission path will be seaward and away from land masses or upon special showing of need for lower angles by the applicant, the Commission will consider authorizing transmissions at angles between 3° and 5° in the pertinent directions. In certain instances it may be necessary to specify minimum angles greater than 5° because of interference considerations.

(b) Within the band 7900–8400 Mc/s, earth station antennas shall not be employed for transmission at elevation angles less than 3°, measured from the horizontal plane to the central axis of the main lobe.

§ 25.206 Station identification.

(a) The requirement for transmission of station identification is waived for communication-satellite earth stations and for stations the sole function of which is to transmit telecommand signals to communication-satellite space stations.

(b) The requirement for transmission of station identification is waived for communication-satellite space stations but applicants therefor shall file ephemeris data and descriptions of transmission characteristics to be used in lieu of identifying call signs.

§ 25.207 Cessation of emissions.

Space stations shall be made capable of ceasing radio emissions by the use of appropriate devices (battery life, timing devices, ground command, etc.) that will ensure definite cessation of emissions.

§ 25.208 Power flux density limits.

(a) The total power flux density at the earth's surface, produced by an emission from a communication-satellite space station, where wide-deviation frequency (or phase) modulation is used, shall in no case exceed −130 dbW/m² for all angles of arrival. In addition, such signals shall if necessary be continuously modulated by a suitable waveform, so that the power flux density shall in no case exceed −149 dbW/m² in any 4 kc/s band for all angles of arrival.

(b) The power flux density at the earth's surface, produced by an emission from a communication-satellite space station, where modulation other than wide-deviation frequency (or phase) modulation is used, shall in no case exceed −152 dbW/m² in any 4 kc/s band for all angles of arrival.

(c) The power flux density limits specified in paragraphs (a) and (b) of this section are applicable to the frequency bands 3700–4200 Mc/s and 7250–7750 Mc/s. Systems brought into use after January 1, 1969, shall not be limited in the frequency band 7250–7300 Mc/s.

(d) Passive communication-satellite systems may be authorized in the frequency band 7250–7750 Mc/s. The power flux density produced at the earth's surface as the result of reflection from a passive communication satellite shall not exceed the limits set forth in paragraphs (a) and (b) of this section for active systems.

§ 25.251 Procedure for calculating coordination distance.

(a) *Requirements for coordination.* Coordination is required when earth stations and terrestrial stations operate in shared frequency bands with equal rights. The coordination area around an earth station is determined by ascertaining the coordination distance measured in the various azimuths from that station.

(1) For the calculation of coordination distance, two separate cases must be considered:

(i) Interference from an earth station transmitter to terrestrial station receivers; and

(ii) Interference from terrestrial station transmitters to communication-satellite, meteorological-satellite or space research earth station receivers.

(iii) In the case of subparagraph (1) (i) of this paragraph, it has been assumed for the purpose of calculation, that the terrestrial receiving station is a line-of-sight radio-relay station designed according to C.C.I.R. Recommendations. In the case of subparagraph (1) (ii) of this paragraph, it has been assumed for all applications that the earth station forms a part of a communication-satellite system. Further, in order to ensure that a safe value of coordination distance shall be obtained, it has been assumed that the receiving station antenna in each case is of typically high gain. For the same reason, appropriately low-noise sensitive receivers are assumed in all cases.

(b) *Minimum permissible basic transmission loss (L_b).* (1) The general formula for calculating the required minimum permissible basic transmission loss is:

[formula 1]

$$L_b = (P_t + G_t) - F_s - (P_r - G_r)$$

where P_t is the power in dbW supplied by the interfering transmitter to the transmission line input,

G_t is the isotropic gain in db of the transmitting antenna of the interfering station effective in the direction of the receiving station liable to interference, including the effect of all feeder losses, and losses due to any artificial screens,

F_s is the earth station site-shielding factor in db (see § 25.251(e)),

P_r is the maximum permissible interference level in dbW at the receiver input of the receiving station, and

G_r is the isotropic gain in db of the antenna of the receiving station effective in the direction of the interfering transmitter, less feeder loss and polarization discrimination if applicable.

(2) When considering interference to telephone transmission systems, particularly in the case of systems using frequency modulation, it is convenient to operate in terms of the power densities in any 4 kc/s bandwidth. Therefore, in the case of interference from an earth station transmitter to terrestrial radio-relay systems, P_t is taken as the maximum power density in any 4 kc/s bandwidth supplied by the earth station transmitter to the transmission line input, and similarly P_r is the maximum permissible power density for any 4 kc/s bandwidth at the receiver input.

(3) When considering interference from a terrestrial transmitter to an earth station receiver, it is more convenient to consider P_t and P_r of formula (1) as total powers rather than power densities.

(4) It is assumed in calculating coordination distances for both cases in § 25.251(a) that the communication-satellite system is employing carrier energy dispersal techniques when lightly loaded.

(c) *Calculation of minimum permissible basic transmission loss.* In any direction from the transmitting station, the required minimum value of permissible basic transmission loss (L_b) is obtained from the following tables 1 and 2.

TABLE 1.—Interference from a Communication-Satellite Earth Station Transmitter to a Terrestrial Line-of-Sight Radio-Relay System

	Percentage of time	Values to be assumed for coordination
Permissible total interference in any telephone channel	0.01	−40 dbm0
Permissible interference from one earth station to one radio-relay system receiver, assuming four such non-simultaneous interference entries	0.0025	−40 dbm0
Receiver transfer characteristic assuming carrier energy dispersion to distribute interference uniformly over at least 300 kc/s bandwidth		1 db[1] (light loading worst case).
Hence, maximum value of unwanted-to-wanted signal ratio at the receiver input	0.0025	−39 db
Minimum level of wanted signal at receiver input		−74 dbW[1]
Hence, permissible level of unwanted signal at receiver input, assuming carrier energy dispersion as above	0.0025	−113 dbW
Factor for conversion of interference bandwidth to 4 kc/s from 300 kc/s		−19 db
Hence, permissible level of unwanted signal at receiver input in any 4 kc/s bandwidth	0.0025	−132 dbW (per 4 kc/s).
Isotropic gain of radio-relay station antenna less feeder losses[2]		42 db
Isotropic gain of earth station antenna effective in the horizontal plane less feeder and polarization losses[3]	2.5	G_{earth} db
Power supplied by earth station transmitter to the transmission line input per 4 kc/s bandwidth		P_{earth} dbW
Earth station site-shielding factor if applicable		F_s db
Minimum permissible basic transmission loss, L_b (in decibels)	0.1	$P_{earth}+G_{earth}-F_s+174$.

[1] These figures are taken from an example of a 960-channel line-of-sight radio-relay system but the maximum permissible unwanted signal level of −113 dbW is almost independent of the number of channels carried.

[2] The value of 42 db given in table 1 should be used unless it is known that the terrestrial station receiving antenna gain is greater than 42 db, in which case the higher value should be used.

[3] For simplicity, the appropriate value of G_{earth} to be used shall be the maximum value obtained in the horizontal plane in the pertinent azimuthal direction rather than the value exceeded for 2.5 percent of the time. However, when site-shielding is allowed, the value to be used shall be that maximum value obtaining at the angle of elevation of the screening obstacle.

TABLE 2.—Interference from a Terrestrial Line-of-Sight Radio-Relay Transmitter to a Communication-Satellite Earth Station Receiver

	Percentage of time	Values to be assumed for coordination
Permissible total interference in any telephone channel	0.01	−38 dbmO
Permissible interference from one terrestrial station to one earth station, assuming four such nonsimultaneous interference entries	0.005	−38 dbmO
Receiver transfer characteristic assuming carrier energy dispersion of the wanted signal		10 db [1]
Hence, maximum value of unwanted-to-wanted signal ratio at the receiver input	0.005	−28 db
Minimum level of wanted signal at the receiver input		−117 dbW [1]
Hence, permissible level of unwanted signal at the receiver input	0.005	−146 dbW
Isotropic gain of earth station antenna effective in the horizontal plane [2]	5	G_{earth} db
Isotropic gain of radio-relay station antenna less feeder loss		$G_{terr.}$ db
Earth station site-shielding factor if applicable		F_s db
Power supplied by terrestrial station transmitter to the transmission line input		$P_{terr.}$ dbW
Minimum permissible basic transmission loss, L_b (in decibels) [3]	0.1	$P_{terr.}+G_{terr.}+G_{earth}-F_s+145$

[1] These figures are taken from an example of a 1200-channel communication-satellite system but the maximum permissible unwanted signal level of −145 dbW is almost independent of the numbers of channels carried.

[2] For simplicity, the appropriate value of G_{earth} to be used shall be that maximum value obtained in the horizontal plane in the pertinent azimuthal direction rather than the value exceeded for 5 percent of the time. However, when site-shielding is allowed, the value to be used shall be that maximum value obtaining at the angle of elevation of the screening obstacle.

[3] The application of coordination procedures for frequency sharing of this type involves the preparation, by the entity desiring to set up an earth station, of equal-power contours of coordination distance in the various azimuthal directions for several discrete levels of radiated power from the terrestrial station.

(d) *Summary.* The formulas giving the required basic transmission loss in db (L_b) not to be exceeded for 0.1 percent of the time are summarized as follows:

(1) For coordination between an earth transmitting station and terrestrial receiving stations:

$$L_b = P_{earth} + G_{earth} - F_s + 174$$

NOTE: For the value of G_{earth}, see footnote 3 to Table 1 in paragraph (c).

(2) For coordination between terrestrial transmitting stations and a communication-satellite, meteorological-satellite or space research earth receiving station:

$$L_b = P_{terr.} + G_{terr.} - F_s + G_{earth} + 145$$

NOTE: For the value of G_{earth}, see footnote 2 to Table 2 in paragraph (c).

(e) *Site-Shielding Factor.* (1) In cases where earth stations are sited below the level of surrounding or nearby terrain it is necessary to adopt the following procedure. Thus, if in a given azimuthal direction, an obstacle provides an angle of elevation, θ, to the earth station then—for that azimuthal direction—it is necessary, in calculating coordination distance, to employ the maximum earth station antenna gain at the angle of elevation, θ, rather than the maximum gain along the horizontal.

NOTE: Compliance with this condition may lead to an incongruity when the elevation angle of the main beam coincides with or is approximately the same as θ, in that the calculated coordination distance with site shielding may exceed the calculated coordination distance along the same radial when site shielding is disregarded. In such cases, the smaller calculated coordination distance shall apply.

(2) As previously discussed, where site-shielding applies, the value of required basic transmission loss, L_b, may be reduced by a site-shielding factor, F_s, expressed in decibels. The following values of site-shielding factor shall apply when the obstacle limiting the angle of elevation is situated more than 5 kilometers away from the earth station.

Minimum angle of elevation, θ, of obstacle, as seen from earth station	Allowable value of site-shielding factor, F_s, in decibels
Below 1°	0
Between 1° and 2°	5
Between 2° and 3°	8
Between 3° and 4°	11
Between 4° and 5°	13
More than 5°	15

NOTE 1: In the case of nearer obstacles the values of site-shielding factor which apply may be obtained by multiplying the tabulated values by the fraction d/5, where d is the distance from the earth station to the obstacle in kilometers.

NOTE 2: The values of site-shielding factor shall be used with caution where terrestrial stations may be located, within coordination distance, at sites which are substantially above the horizontal plane passing through the earth station.

(f) *Equivalent Basic Transmission Loss at 4 Gc/s (L_b').* The propagation data considered in paragraph (g) of this section relates to the frequency of 4 Gc/s and it is therefore in general necessary to convert the minimum permissible basic transmission loss (L_b) into an equivalent loss at 4 Gc/s (L_b') before using these data to find the coordination distance. The equivalent loss in decibels at 4 Gc/s is given by:

$$L_b' = L_b + 13 - 21.8 \log_{10} f$$

where f is the assigned frequency in Gc/s. This relationship is shown in Figure 1 of paragraph (h) of this section.

(g) *World Radio-Climatic Conditions and Propagation Data.* (1) The propagation curves of Figure 2 are labelled Zone A, Zone B, and Zone C, and correspond to the various basic radio-climatic regions of the world as follows:

Zone A: Land
Zone B: Sea, at latitudes greater than 23.5° N. and 23.5° S.
Zone C: Sea, at latitudes between 23.5° N. and 23.5° S. inclusive.

(2) In any direction from the earth station the required coordination distance is found as follows:

(i) If the equivalent basic transmission loss L_b' is such that the coordination distance in the given direction lies wholly within one of the zones, the coordination distance may be obtained directly from Figure 2 using the appropriate curve;

(ii) If the coordination distance lies partly in one zone and partly in another, the curves for mixed paths, Figures 3, 4 and 5 should be used. These curves show the loss L_b' as a function of the path length in each of the two zones separately. Thus, if the path length in one zone and the required loss are known, the path length in the other zone can be determined. The path length in the first zone is the known distance from the earth station to the zone boundary in the direction concerned, hence the further length in the second zone can be found. The total path length, or coordination distance, is the sum of the two path lengths. Figures 3, 4 and 5 cover all cases of mixed paths in two zones as follows:

Figure 3: Zones A and B.
Figure 4: Zones A and C.
Figure 5: Zones B and C.

An example of the coordination distance calculation for a mixed path is worked out in paragraph (h) of this section.

(3) In certain geographical areas where propagation losses are known to be less than the values given by the pertinent zonal propagation curves, coordination distances should be calculated on the basis of the known propagation data.

(h) *Example of Coordination Distance Calculation for a Mixed Path.* (1) The procedure to be followed in the case of a mixed path is illustrated by the following example, in which it is assumed that a basic transmission loss of 190 db is required to avoid interference from an earth station to terrestrial services in a given direction.

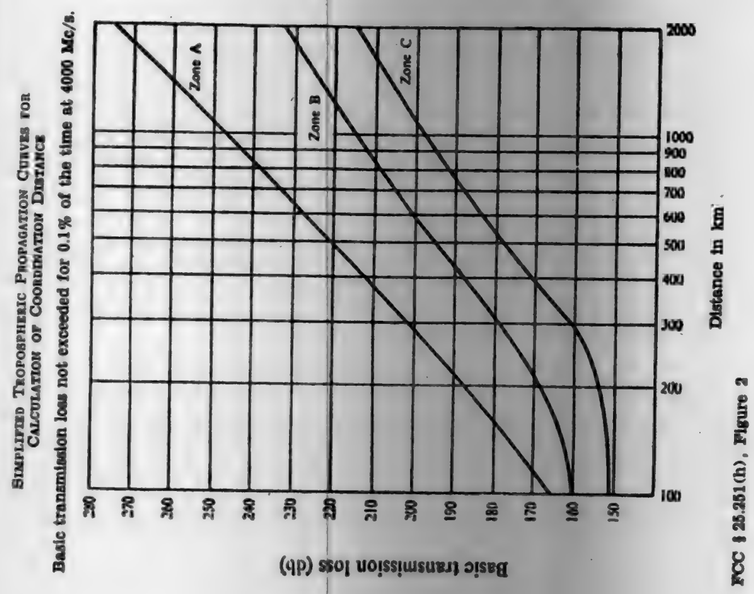
(2) As shown in the diagram in Figure 6, the earth station is situated 50 km. from the coast and there is an oversea path of 150 km. before the coastline of neighboring country is reached. It is required to find the coordination distance from the earth station in the given direction using the mixed paths propagation chart in Figure 6. The procedure is as follows:

(i) Starting from the origin, the distance of 50 km. from the earth station to the coastline is set off along the A axis of the chart as indicated by the point A_1.

(ii) The oversea path length of 150 km. is then set off parallel to the B axis of the chart as indicated by the point B_1.

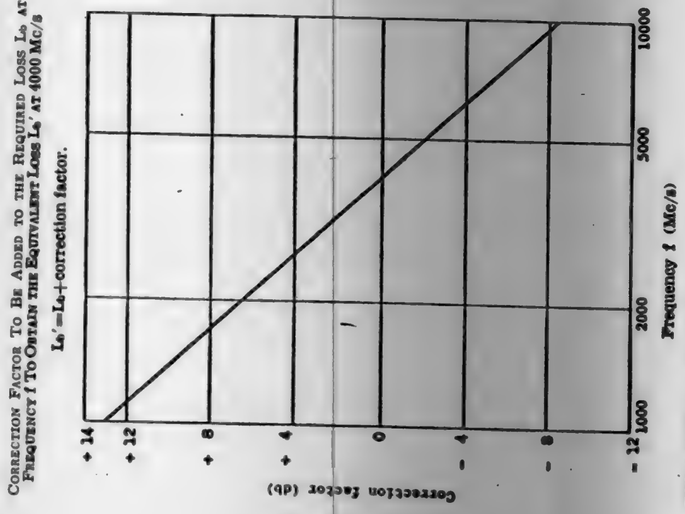
(iii) The further overland distance required is then measured parallel to the A axis from the point B_1 to the point of intersection with the 190 db curve, as indicated by X. This distance is found to be 90 km.

(iv) The coordination distance is the sum of the A and B coordinates of the point X and is equal to 50+150+90=290 km.



SIMPLIFIED TROPOSPHERIC PROPAGATION CURVES FOR CALCULATION OF COORDINATION DISTANCE
Basic transmission loss not exceeded for 0.1% of the time at 4000 Mc/s.

FCC § 25.251(h), Figure 2

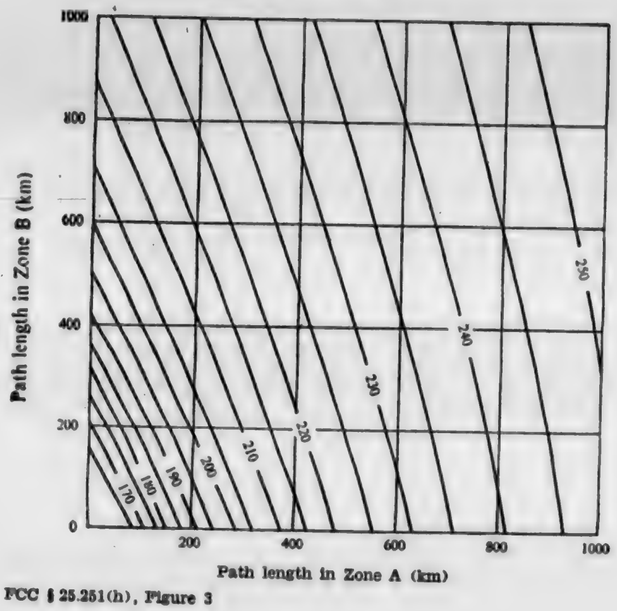


CORRECTION FACTOR TO BE ADDED TO THE REQUIRED LOSS L_b AT FREQUENCY f TO OBTAIN THE EQUIVALENT LOSS L_b' AT 4000 Mc/s
$L_b' = L_b$ + correction factor.

FCC § 25.251(h), Figure 1

CHART FOR COORDINATION DISTANCE CALCULATIONS
MIXED PATHS IN ZONES A & B

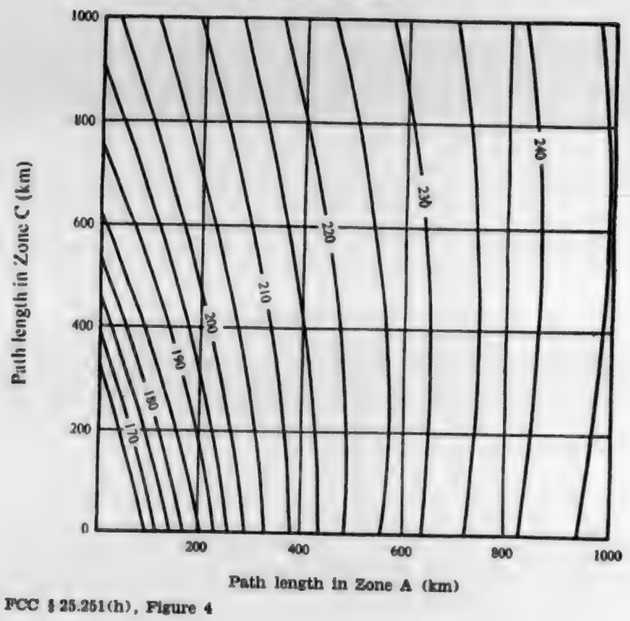
Basic transmission loss not exceeded for 0.1% of the time at 4000 Mc/s L_b' (db)



FCC § 25.251(h), Figure 3

CHART FOR COORDINATION DISTANCE CALCULATIONS
MIXED PATHS IN ZONES A & C

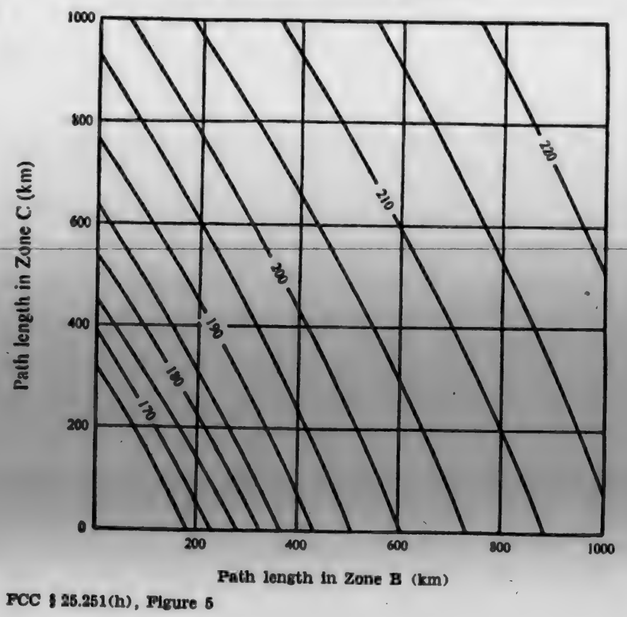
Basic transmission loss not exceeded for 0.1% of the time at 4000 Mc/s L_b' (db)



FCC § 25.251(h), Figure 4

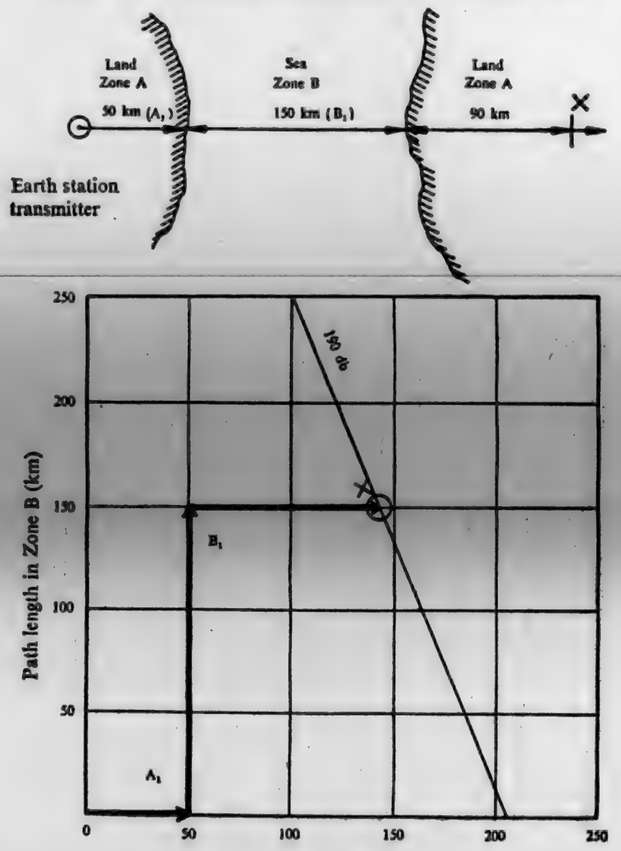
CHART FOR COORDINATION DISTANCE CALCULATIONS
MIXED PATHS IN ZONES B & C

Basic transmission loss not exceeded



FCC § 25.251(h), Figure 5

EXAMPLE OF COORDINATION DISTANCE CALCULATION FOR MIXED PATHS



FCC § 25.251(h), Figure 6

[F.R. Doc. 65-5530; Filed, May 27, 1965; 8:45 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Agency

[Docket No. 5029; Amdt. 39-75]

PART 39—AIRWORTHINESS DIRECTIVES

General Dynamics Models 340 and 440 Series Aircraft

A proposal to amend Part 507 of the Regulations of the Administrator to include an airworthiness directive requiring inspection of the main landing gear gland nut to assure that the gland nut is properly installed on General Dynamics Models 340 and 440 Series aircraft was published in 29 F.R. 5959. Since the publication of that proposal, Part 507 has been recodified into Part 39 of the Federal Aviation Regulations, effective November 20, 1964; therefore, this amendment is being made to Part 39.

Interested persons have been afforded an opportunity to participate in the making of the amendment. Objection was raised to the issuance of an AD on the grounds that it was considered to be a maintenance matter. The Agency has determined that the gland nut assembly is designed so that the set screws and lock screws can be easily interchanged, since their threads are the same size and their lengths are nearly the same. A set screw installed in the tapped hole intended for the lock screw will not protrude into the milled slot in the cylinder, resulting in the gland nut's not being secured to the cylinder. Because of this design feature, proper installation of the gland nut can be ensured only by mandatory inspections. Another comment suggested that it is not necessary to remove the gland nut and reinstall it to assure proper installation. The AD does not require removal of the gland nut, but merely specifies a procedure that will assure proper installation of the nut.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (25 F.R. 6489), § 39.13 of Part 39 (14 CFR Part 39), is hereby amended by adding the following new airworthiness directive:

GENERAL DYNAMICS. Applies to Models 340 and 440 Series aircraft.

Compliance required within the next 500 hours' time in service after the effective date of this AD unless already accomplished, and thereafter each time the main landing gear gland nut is reinstalled.

To prevent the loss of a main landing gear piston and axle assembly due to an improperly installed gland nut, inspect the main landing gear gland nut installation to assure that the gland nut is installed as follows:

(a) Screw the gland nut, P/N 528062, on to the main landing gear outer cylinder, P/N 528402, until it is tight.

(b) Unscrew the gland nut until the first tapped hole is opposite one of the milled slots in the cylinder.

(c) Screw lock screw, P/N AN501A416-8, into the tapped hole so that the screw protrudes into the milled slot in the cylinder.

(d) Screw set screw, P/N 500305-4, into an adjacent tapped hole in the gland nut and safety the lock screw and set screw with a lockwire.

(General Dynamics/Convair Models 340 and 440 Maintenance Manuals cover this same subject.)

This amendment becomes effective June 27, 1965.

(Secs. 313(a), 601, and 603, Federal Aviation Act of 1958; 49 U.S.C. 1354(a), 1421, 1423)

Issued in Washington, D.C., on May 24, 1965.

G. S. MOORE,
Director,
Flight Standards Service.

[F.R. Doc. 65-5574; Filed, May 27, 1965; 8:45 a.m.]

[Docket No. 6661; Amdt. 39-74]

PART 39—AIRWORTHINESS DIRECTIVES

Mooney Model M20E Aircraft

There have been failures of the propeller blade tip on Mooney Model M20E aircraft. Since this condition is likely to exist or develop in other aircraft of the same type design, an airworthiness directive is being issued to require the addition of an operating limitation to the Airplane Flight Manual restricting operation of the aircraft's engine between 2,100 and 2,350 RPM, and the marking of the tachometer with a red arc in this RPM range.

As a situation exists which demands immediate adoption of this regulation, it is found that notice and public procedure hereon are impracticable and good cause exists for making this amendment effective in less than 30 days.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (25 F.R. 6489), § 39.13 of Part 39 of the Federal Aviation Regulations is amended by adding the following new airworthiness directive:

MOONEY. Applies to Model M20E aircraft, Serial Numbers 101 through 722, equipped with Hartzell propeller, HC-C2YK/7666-2 or CHC-C2YK/7666-2.

Compliance required within the next 25 hours' time in service after the effective date of this AD unless already accomplished.

To avoid continuous propeller operation in the speed range where vibration stresses are high, accomplish the following:

(a) Add the following operating limitation to the Airplane Flight Manual:

"Avoid continuous operation between 2,100 and 2,350 RPM."

(b) Mark engine tachometer with a red arc from 2,100 to 2,350 RPM or install Mooney decal, P/N 150010-65, on tachometer bezel glass in accordance with Mooney Service Letter No. 20-127, dated April 15, 1966.

This amendment becomes effective May 28, 1965.

(Secs. 313(a), 601 and 603, Federal Aviation Act of 1958; 490 U.S.C. 1354(a), 1421, and 1423)

Issued in Washington, D.C., on May 24, 1965.

C. W. WALKER,
Acting Director,
Flight Standards Service.

[F.R. Doc. 65-5575; Filed, May 27, 1965; 8:45 a.m.]

[Airspace Docket No. 65-CE-9]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Control Zone and Transition Area

February 27, 1965, a notice of proposed rule making was published in the FEDERAL REGISTER (30 F.R. 2606) stating that the Federal Aviation Agency proposed to alter the controlled airspace in the International Falls, Minn., terminal area.

Interested persons were afforded an opportunity to participate in the rule making through the submission of comments. All comments received were favorable.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended effective 0001 e.s.t., July 22, 1965, as hereinafter set forth:

(1) In § 71.171 (29 F.R. 17581) the International Falls, Minn., control zone is amended to read:

INTERNATIONAL FALLS, MINN.

Within a 5-mile radius of Falls International Airport, International Falls, Minn. (latitude 48°33'58" N., longitude 93°24'07" W.); and within 2 miles each side of the International Falls VOR 129° radial extending from the 5-mile radius zone to 8 miles SE of the VOR; and within 2 miles each side of the International Falls VOR 320° radial extending from the 5-mile radius zone to 8 miles NW of the VOR; and within 2 miles each side of the 325° bearing from radio station CFOB extending from the 5-mile radius zone to 8 miles NW of the radio station excluding the portion outside of the United States.

(2) In § 71.181 (29 F.R. 17643) the International Falls, Minn., transition area is amended to read:

INTERNATIONAL FALLS, MINN.

That airspace extending upward from 700 feet above the surface within 8 miles NE and 5 miles SW of the International Falls VOR 129° and 309° radials extending from 4 miles NW to 14 miles SE of the VOR; and within 8 miles SW and 5 miles NE of the International Falls VOR 320° radial extending from the VOR to 12 miles NW of the VOR; and that airspace extending upward from 1,200 feet above the surface within 8 miles SW and 5 miles NE of the 325° bearing from radio station CFOB extending from the radio station to 12 miles NW of the radio station excluding the portions outside of the United States.

(Sec. 307(a), Federal Aviation Act of 1958; 49 U.S.C. 1348)

Issued in Kansas City, Mo., on May 20, 1965.

EDWARD C. MARSH,
Director, Central Region.

[F.R. Doc. 65-5576; Filed, May 27, 1965; 8:45 a.m.]

[Airspace Docket No. 64-CE-97]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Control Zone, Designation of Transition Area and Revocation of Control Area Extension

On January 8, 1965, a notice of proposed rule making was published in the

FEDERAL REGISTER (30 F.R. 227) stating that the Federal Aviation Agency proposed to alter the controlled airspace in the Garden City, Kans., terminal area. On March 25, 1965, a supplemental notice of proposed rule making was published in the FEDERAL REGISTER (30 F.R. 3884) stating that the Federal Aviation Agency proposed to provide additional controlled airspace, and therefore realter the controlled airspace in the Garden City, Kans., terminal area.

Interested persons were afforded an opportunity to participate in the rule making through submission of comments. Two comments were received as a result of circularizing the subject notice of proposed rule making. The Air Transport Association endorsed the proposed action. A letter of objection was received from the Chairman, Airspace Committee, Soaring Society of America, Inc. This objection was based on their opinion that insufficient traffic exists at Garden City for continued designation of a control zone. Since Garden City meets all criteria for the establishment of a control zone, we find the objection without merit.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0001 e.s.t., July 22, 1965, as hereinafter set forth.

1. Section 71.165 (29 F.R. 17557) is amended as follows: The Garden City, Kans., control area extension is revoked in its entirety.

2. In § 71.171 (29 F.R. 17581) the Garden City, Kans., control zone is amended to read:

GARDEN CITY, KANS.

Within a 5-mile radius of the Garden City Airport (latitude 37°56'09" N., longitude 100°43'47" W.), and within 2 miles each side of the 144° bearing from the Garden City RBN, extending from the 5-mile radius zone NW to the RBN, and within 2 miles each side of the Garden City VORTAC 004° and 171° radials, extending from the 5-mile radius zone to 8 miles N and S of the VORTAC.

3. § 71.181 (29 F.R. 17643) the following transition area is added:

GARDEN CITY, KANS.

That airspace extending upward from 700 feet above the surface within a 6-mile radius of the Garden City Airport (latitude 37°56'09" N., longitude 100°43'47" W.), within 8 miles E and 8 miles W of the Garden City VORTAC 004° and 184° radials, extending from 7 miles S to 13 miles N of the VORTAC, and within 2 miles each side of the Garden City VORTAC 171° radial, extending from the 6-mile radius area to 9 miles S of the VORTAC; and that airspace extending upward from 1,200 feet above the surface within a 15-mile radius of the Garden City VORTAC and within 5 miles NE and 8 miles SW of the 324° bearing from the Garden City RBN, extending from the 15-mile radius area to 13 miles NW of the RBN.

(Sec. 307(a), Federal Aviation Act of 1958; 49 U.S.C. 1348)

Issued in Kansas City, Mo., on May 14, 1965.

EDWARD C. MARSH,
Director, Central Region.

[F.R. Doc. 65-5577; Filed, May 27, 1965; 8:45 a.m.]

[Airspace Docket No. 65-WE-56]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Control Zone

The purpose of this amendment to Part 71 of the Federal Aviation Regulations is to alter the description of the Denver, Colo., control zone.

The Denver, Colo., control zone is presently designated, in part, with reference to the Denver radio beacon which will be decommissioned on August 19, 1965. Therefore, action is taken herein to revoke the control zone extension based on the radio beacon. Controlled airspace requirements in the Denver area will be reviewed at a later date under the CAR Amendments 60-21/60-29 implementation program.

Since the change effected by this amendment is less restrictive in nature than present requirements, notice and public procedure hereon are unnecessary.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0001 e.s.t., August 19, 1965, as hereinafter set forth.

In § 71.171 (29 F.R. 17594), the Denver, Colo., control zone is amended to read:

Within a 10-mile radius of Stapleton International Airport (latitude 39°45'35" N., longitude 104°52'40" W.), within 2 miles each side of the Stapleton ILS localizer E course extending from the 10-mile radius zone to 11.5 miles E of Stapleton International Airport, and within 2 miles each side of the Denver VORTAC 045° radial extending from the 10-mile radius zone to 5 miles NE of the VORTAC.

(Sec. 307(a), Federal Aviation Act of 1958, as amended; 72 Stat. 749; 49 U.S.C. 1348)

Issued in Los Angeles, Calif., on May 20, 1965.

WM. SLADE HARDEE,
Acting Director,
Western Region.

[F.R. Doc. 65-5578; Filed, May 27, 1965; 8:45 a.m.]

[Airspace Docket No. 63-SO-74]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Designation of Transition Area

On April 23, 1965, Federal Register Document No. 65-4238 was published in the FEDERAL REGISTER (30 F.R. 5731) amending Part 71 of the Federal Aviation Regulations. In the amendment, beginning on the 26th line of the description of the Orlando, Fla., transition area, it was stated "• • • thence clockwise along this 35-mile radius arc to the NE boundary of V-159. • • •" This portion of the description is ambiguous inasmuch as V-159 extends both SE and NW of the Orlando VOR. To remove this ambiguity it is necessary to insert the phrase "NW of Orlando" immediately following "V-159."

Since this amendment is editorial in nature and imposes no additional burden on any person, notice and public procedure hereon are unnecessary.

In consideration of the foregoing, effective immediately, Federal Register Document No. 65-4238 is altered as follows:

In the 28th line of the description of the Orlando, Fla., transition area, "NW of Orlando" is inserted immediately following "• • • V-159."

(Sec. 307(a), Federal Aviation Act of 1958; 49 U.S.C. 1348(a))

Issued in East Point, Ga., on May 20, 1965.

CHESTER W. WELLS,
Acting Director,
Southern Region.

[F.R. Doc. 65-5579; Filed, May 27, 1965; 8:45 a.m.]

[Airspace Docket No. 65-CE-10]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Designation of Transition Area

On February 27, 1965, a notice of proposed rule making was published in the FEDERAL REGISTER (30 F.R. 2612) stating that the Federal Aviation Agency proposed to designate controlled airspace in the vicinity of Baudette, Minn.

Interested persons were afforded an opportunity to participate in the rule making through submission of comments. All comments received were favorable, including those of the Air Transport Association.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended effective 0001 e.s.t., July 22, 1965, as hereinafter set forth:

In § 71.181 (29 F.R. 17643) the following transition area is added:

BAUDETTE, MINN.

That airspace extending upward from 700 feet above the surface within a 5-mile radius of Baudette International Airport, Baudette, Minn. (latitude 48°43'25" N., longitude 94°-36'24" W.) and within 2 miles each side of the 111° bearing from Baudette International Airport extending from the 5-mile radius area to 8 miles E of the airport; and that airspace extending upward from 1,200 feet above the surface within 5 miles S and 8 miles N of the 111° and 291° bearings from Baudette International Airport extending from 7 miles W to 13 miles E of the airport, excluding the portion outside of the United States.

(Sec. 307(a), Federal Aviation Act of 1958; 49 U.S.C. 1348)

Issued in Kansas City, Mo., on May 20, 1965.

EDWARD C. MARSH,
Director, Central Region.

[F.R. Doc. 65-5580; Filed, May 27, 1965; 8:46 a.m.]

[Airspace Docket No. 65-CE-34]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Transition Area

On March 24, 1965, a notice of proposed rule making was published in the FEDERAL REGISTER (30 F.R. 3821) stating

that the Federal Aviation Agency proposed to alter controlled airspace in the Aberdeen, S. Dak., terminal area.

Interested persons were afforded an opportunity to participate in the rule making through submission of comments. All comments received were favorable.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0001 e.s.t., August 19, 1965, as hereinafter set forth:

In § 71.181 (29 F.R. 17643) the Aberdeen, S. Dak., transition area is amended to read:

ABERDEEN, S. DAK.

That airspace extending upward from 700 feet above the surface within 8 miles NE and 5 miles SW of the Aberdeen VORTAC 131° and 311° radials extending from 13 miles SE to 5 miles NW of the VORTAC, and within 2 miles each side of the Aberdeen VORTAC 312° radial extending from 7 miles NW to 17 miles NW of the VORTAC; and that airspace extending upward from 1,200 feet above the surface within a 21-mile radius of the Aberdeen VORTAC extending clockwise from a line 5 miles SE of and parallel to the Aberdeen VORTAC 232° radial to a line 5 miles E of and parallel to the Aberdeen VORTAC 355° radial, within 8 miles SW and 5 miles NE of the Aberdeen VORTAC 312° radial extending from the 21-mile radius area to 21 miles NW of the VORTAC, and within 5 miles E and 8 miles W of the Aberdeen VORTAC 172° radial extending from the VORTAC to 13 miles S of the VORTAC.

(Sec. 307(a), Federal Aviation Act of 1958; 49 U.S.C. 1348)

Issued in Kansas City, Mo., on May 19, 1965.

EDWARD C. MARSH,
Director, Central Region.

[F.R. Doc. 65-5581; Filed, May 27, 1965; 8:46 a.m.]

[Airspace Docket No. 65-CE-58]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Modification of Transition Area

The purpose of this amendment to Part 71 of the Federal Aviation Regulations is to alter the Detroit, Mich., transition area.

The Federal Aviation Agency is planning to decommission the Ford, Mich., radio beacon on July 22, 1965. Since the Detroit, Mich., transition area is presently designated, in part, with reference to the Ford radio beacon, this amendment is necessary to substitute a new reference point for the presently designated Ford radio beacon. This amendment will not affect the airspace encompassed in the presently designated Detroit, Mich., transition area.

Since this amendment is editorial in nature and imposes no additional burden on any person, notice and public procedure hereon are unnecessary.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0001 e.s.t., July 22, 1965, as hereinafter set forth.

In § 71.181 (29 F.R. 17643) the Detroit, Mich., transition area is amended to read:

DETROIT, MICH.

That airspace extending upward from 700 feet above the surface within an 8-mile radius of Detroit Metropolitan Wayne County Airport (latitude 42°13'05" N., longitude 83°21'00" W.), and within an 8-mile radius of Willow Run Airport (latitude 42°14'05" N., longitude 83°31'45" W.), and within 2 miles each side of the Metropolitan Wayne County Airport ILS localizer SW course, extending from the 8-mile radius area to 8 miles SW of the OM, and within 2 miles each side of the Willow Run VOR 047° radial, extending from the 8-mile radius area to 10 miles NE of the intersection of the Willow Run Airport ILS localizer NE course and the Salem, Mich., VOR 140° radial, and within 2 miles each side of the Windsor, Ontario, ILS localizer SW course extending from the Detroit Metropolitan Wayne County Airport 8-mile radius to the United States/Canadian Border, excluding the portion within the Grosse Ile, Mich., control zone; and that airspace extending upward from 1,200 feet above the surface bounded on the W by longitude 84°05'00" W., on the N by latitude 42°46'00" N., on the E by the E boundary of V-42 E alternate and the United States/Canadian Border, and on the S by a line from latitude 41°45'05" N., longitude 84°05'00" W., to latitude 41°45'30" N., longitude 83°19'45" W., to latitude 41°50'39" N., longitude 83°08'47" W., to latitude 41°45'-30" N., longitude 83°03'30" W., to the United States/Canadian Border at latitude 41°45'-30" N., longitude 82°51'00" W.

(Sec. 307(a), Federal Aviation Act of 1958; 49 U.S.C. 1348)

Issued in Kansas City, Mo., on May 19, 1965.

EDWARD C. MARSH,
Director, Central Region.

[F.R. Doc. 65-5582; Filed, May 27, 1965; 8:46 a.m.]

[Docket No. 6313; Amdt. 165-2]

PART 165—WAKE ISLAND CODE

Miscellaneous Amendments

The purpose of this amendment is to reflect new delegations of authority to fix certain fees and charges to the Regional Director, Pacific Region; to reflect the new titles of the Regional Director and Area Manager; to make changes designed to improve the administration of the area; to add a prohibition against providing or transferring gambling facilities; to authorize the Area Manager to issue citations for petty offenses; to describe the boundaries of the Wake Island Airport; and to limit the kinds of cases in which an accused may forfeit bail without permission and thereby terminate proceedings.

This amendment is based on notice of proposed rule making 64-49 that was published in the FEDERAL REGISTER on November 17, 1964 (29 F.R. 15378). The notice also was posted on the FAA official bulletin board in the Terminal Building at Wake Island and copies were distributed to Tenant Agencies on Wake Island following announcement that they were available. Only three comments were received. They did not express any objections. All relevant matters presented have been fully considered and it is concluded that the amendment should be adopted as proposed, except for correction of the address stated in § 165.5.

In consideration of the foregoing, effective June 27, 1965, Part 165 is amended as hereinafter set forth.

(Sec. 10, International Aviation Facilities Act (49 U.S.C. 1150); sec. 46, Hawaii Omnibus Act of July 12, 1960 (74 Stat. 424); Executive Order 11048 (3 CFR 1962 Supp., p. 241); agreement between FAA and the Department of the Interior of February 5, 1962 (27 F.R. 8387))

Issued in Washington, D.C., on May 21, 1965.

N. E. HALABY,
Administrator.

1. Part 165 is amended by striking out the words "Island Manager" and "Assistant Administrator" wherever they appear and inserting the words "Area Manager" and "Regional Director", respectively, in place thereof.

2. Part 165 is amended by striking out the heading of Subpart P and inserting a new heading in place thereof, to read as follows:

Subpart P—Medical, Dental and Hospital Services

3. Section 165.1 is amended by adding the following new paragraph at the end thereof:

§ 165.1 Applicability.

* * * * * *

(c) For the purposes of this part, the Wake Island Airport consists of the area shown on a map entitled "Wake Island Airport Boundary," File No. PC-A-1623, dated May 4, 1963, that has been filed with the Office of the Federal Register and is also available for inspection and copying at the offices of the Regional Director and the Area Manager. The boundaries of the airport are described in Appendix A to this part.

4. Subpart A is amended by adding the following new section at the end thereof:

§ 165.5 Publication of rates and charges for supplies and services fixed by the Regional Director.

Whenever this part provides that the FAA Regional Director for the Pacific Region (Regional Director) fixes charges for supplies or services, the orders prescribing these charges are on file, and may be inspected, at the FAA Regional Office, 1833 Kalakaua Avenue, Honolulu, Hawaii. Copies of the orders are on file, and may be inspected, at the office of the Area Manager. Lists of all charges in effect are posted at the office of the Area Manager. In addition, charges for utility services are posted at each office where inquiry about billing may be made and charges for medical, dental and hospital services are posted in a prominent place in each Island Dispensary.

5. Paragraph (a) of § 165.15 is amended to read as follows:

§ 165.15 Authorized functions, powers, and duties.

* * * * * *

(a) Issue citations for violations of Subpart E (Petty Offenses) and Subpart I (Motor Vehicle Code) of this part.

* * * * * *

§ 165.17 [Amended]

6. Section 165.17 is amended by striking out the word "major".

7. Section 165.41 is amended by adding the following new paragraph at the end thereof:

§ 165.41 General criminal offenses.

* * * * * *

(kk) Transfer or provide to any person any facilities, equipment, or device for the purpose of organized gambling, or any interest in a game of chance, without permission from the Area Manager. Organized gambling means gambling arranged for by a person or persons who intend to derive a profit, by participation in the gambling or otherwise, from making such arrangements.

8. Paragraph (b) of § 165.85 is amended to read as follows:

§ 165.85 Bail.

* * * * * *

(b) When an offense has been charged by a citation issued by a peace officer or the Area Manager, bail shall be set in the amount prescribed by the senior judge for the violation. The bail shall be paid in cash to the Clerk of the Court. The bail may be forfeited by the accused and the proceedings thereby terminated in the case of a violation of Subpart I of this part that does not involve a moving vehicle or collision, or with permission of the Court in the case of any other offense charged by a citation.

§ 165.89 [Amended]

9. The second sentence of paragraph (a) of § 165.89 is amended to read as follows: "However, if the offense is one for which issue of a citation is authorized by this part and a citation for the offense has been issued, the citation serves as an information."

10. The first sentence of § 165.129 is amended to read as follows:

§ 165.129 Citation in place of arrest.

In any case in which a peace officer may make an arrest without a warrant, he may, under such limitations as the Area Manager may impose, issue and serve a citation, or serve a citation issued by the Area Manager, on a person in place of arresting him if the officer considers that the public interest does not require an arrest * * *.

11. Paragraph (c) of § 165.151 is amended to read as follows:

§ 165.151 Motor vehicle maintenance and equipment.

* * * * * *

(c) No person may operate a motor vehicle on Wake Island unless it is equipped with an adequate and properly functioning—

(1) Horn;
(2) Wiper, for any windshield;
(3) Rear vision mirror;
(4) Headlights and taillights;
(5) Muffler; and
(6) Spark or ignition noise suppressors.

* * * * * *

§ 165.245 [Amended]

12. Section 165.245 is amended by adding the ZIP Code number "96812" after the word "Hawaii."

§§ 165.255, 165.257 [Deleted]

13. Sections 165.255 and 165.257 are deleted.

14. Section 165.259 is amended to read as follows:

§ 165.259 Charges for utility services.

The Regional Director fixes the charges for electric power, water, sewerage disposal, and telephone service.

15. Paragraph (b) of § 165.261 is amended to read as follows:

§ 165.261 Rates of payment: measurement, adjustment, and billing.

* * * * * *

(b) If charges for utility services are increased, each user shall be notified at least 30 days before the increase takes effect.

16. Section 165.271 is amended to read as follows:

§ 165.271 Applicability.

This subpart prescribes the conditions under which the Administrator provides medical and dental services and supplies and hospitalization at Wake Island.

§ 165.273 [Deleted]

17. Section 165.273 is deleted.

18. The section heading and the introductory paragraph and subparagraph (3) of paragraph (a) of § 165.277 are amended to read as follows:

§ 165.277 Persons eligible for treatment.

(a) Subject to applicable charges as prescribed under § 165.283, general treatment for injury or disease is provided for—

* * * * * *

(3) Employees of a non-United States agency who are at an Island location under temporary or permanent assignment;

§§ 165.279, 165.281 [Deleted]

* * * * * *

19. Sections 165.279 and 165.281 are deleted.

20. Section 165.283 is amended to read as follows:

§ 165.283 Charges for medical services.

(a) Except as provided in paragraphs (b)-(d) of this section, the Regional Director fixes the charges for medical services; medical supplies; dental services; and hospitalization.

(b) No charge is made for treatment of civilian employees of the United States who are under the jurisdiction of the Bureau of Employees' Compensation for injury incurred while performing their duties or for disease proximately caused by the conditions of their employment.

(c) No charge is made for immunizations or physical examinations required in connection with employment by the United States.

(d) Individuals are not charged for services or supplies paid for by another Government agency or other third person under an agreement with FAA.

21. The following Appendix is added at the end of the part:

APPENDIX A

BOUNDARY DESCRIPTION—WAKE ISLAND AIRPORT

The boundaries of the Wake Island Airport are as follows: Beginning at a point located southwest of the southwest corner of the intersection of Gull Street and Samoa Avenue at a distance of ten feet from the southerly edge of Gull Street and five feet from the westerly edge of Samoa Avenue; thence in a general south and easterly direction on a line five feet west of the west edge of Samoa Avenue to the northeast corner of building T-162; thence in a southwesterly direction to the northwest corner of building T-182; thence in a southeasterly direction to the southwest corner of building T-162; thence in a northeasterly direction to the southeast corner of building T-182; thence in a general south and easterly direction on a line five feet west of the west edge of Samoa Avenue to a point ten feet west of the west edge of Wake Avenue; thence in a general south and easterly direction as a line ten feet west of the west edge of Wake Avenue past the Terminal Building and around the runway overrun to a point ten feet north where Wake Avenue and Elrod Drive join; thence in a general westerly direction on a line ten feet north of the north edge of the pavement of Elrod Drive to a point 400 feet west of the end of the runway and ten feet north of the north edge of Elrod Drive; thence in a general northerly direction for a distance of 790 feet on a line perpendicular to the center of the runway; thence in a general easterly direction for a distance of 900 feet on a line parallel to and 100 feet north of the north edge of the taxiway; thence in a general northerly direction for a distance of approximately 650 feet on a line perpendicular to the runway centerline to the high water mark of the lagoon designated by a 4" x 4" concrete marker; thence in a general easterly and northerly direction along a line corresponding to the high water mark of the lagoon to a 4" x 4" concrete marker 300 feet west of the point where Taxiway "B" joins the aircraft parking area located on the west side of Taxiway "B"; thence in a general north and westerly direction along a line paralleling and located 400 feet west of the Taxiway "B" to the point of intersection of this line with a line paralleling and located 100 feet west of the west edge of the maintenance ramp; thence in a general northerly direction along this line 100 feet west of the west edge of the maintenance ramp to the point where this line meets a point ten feet south of the south edge of Gull Street; thence in a general easterly direction on a line ten feet south of the south edge of Gull Street to the point located ten feet south of Gull Street and five feet west of Samoa Avenue, southwest of the southwest corner of the intersection of Gull Street and Samoa Avenue.

[F.R. Doc. 65-5583; Filed, May 27, 1965; 8:46 a.m.]

Title 7—AGRICULTURE

Chapter VII—Agricultural Stabilization and Conservation Service (Agricultural Adjustment), Department of Agriculture

[Amdt. 17]

PART 722—COTTON

Subpart—Acreage Allotment Regulations for the 1964 and Succeeding Crops of Upland Cotton

ERRONEOUS NOTICES AND TRANSFER OF COTTON ACREAGE AFFECTED BY NATURAL DISASTER

Correction

In F.R. Doc. 65-5222, appearing at page 6712 of the issue for Tuesday, May 18, 1965, the name "Dyer" should appear in the list of counties under Tennessee, in § 722.226(i).

Chapter VIII—Agricultural Stabilization and Conservation Service (Sugar), Department of Agriculture

SUBCHAPTER I—DETERMINATION OF PRICES

[Sugar Determination 876.17]

PART 876—SUGARCANE: HAWAII

Fair and Reasonable Prices for 1965 Crop

Pursuant to the provisions of section 301(c)(2) of the Sugar Act of 1948, as amended (herein referred to as "act"), after investigation and due consideration of the evidence obtained at the public hearing held in Hilo, Hawaii on December 4, 1965, the following determination is hereby issued:

§ 876.17 Fair and reasonable prices for the 1965 crop of Hawaiian sugarcane.

A producer of sugarcane in Hawaii who is also a processor of sugarcane (herein referred to as "processor") shall have paid, or contracted to pay, for sugarcane of the 1965 crop grown by other producers and processed by him, or shall have processed sugarcane of other producers under a toll agreement, in accordance with the following requirements:

(a) *Toll agreements.* (1) The rate for processing sugarcane under a toll agreement at Olokele Sugar Co., Ltd., and Kekaha Sugar Co., Ltd., shall be not more than the rate provided in the agreement between the producer and the processor applicable to the prior crop.

(2) (i) The rate for processing sugarcane delivered by a producer under a toll agreement to those processors listed below shall be not more than that established for each such processor.

Processor	Rate for processing (percentage of gross proceeds from sugar and molasses)	Delivery point for sugarcane
Puna Sugar Co., Ltd.	38	Mill.
Kohala Sugar Co.	33	Do.
Laupahoehoe Sugar Co.	45	Loaded in trucks.
Hilo Sugar Co., Ltd.	45	Do.
Onomea Sugar Co.	45	Do.
Pepeekeo Sugar Co.	45	Do.
Pasuhau Sugar Co., Ltd.	45	Do.
Hawaiian Agricultural Co.	45	Do.
Hutchinson Sugar Co., Ltd.	45	Do.

(ii) The gross proceeds from sugar and molasses shall be determined in accordance with the Standard Sugar Marketing Contract and the Standard Molasses Marketing Contract entered into by the producer, or his agent, with the California and Hawaiian Sugar Refining Corp., Ltd. (a cooperative agricultural marketing association herein referred to as C & H): *Provided*, That the gross proceeds so determined to be applicable to the sugar and molasses recovered from the sugarcane of the producer shall be converted to dollars per hundredweight of sugar, raw value basis, for the purpose of applying the rate for processing.

(iii) The applicable rate for processing established in this subparagraph for sugarcane of the producer shall cover (a) all transporting, handling, and processing costs applicable to the producers' sugarcane from the delivery point specified herein until the raw sugar and molasses recovered therefrom leaves the bulk sugar bin or the molasses tank of the processor, except those costs incurred for insuring such raw sugar and molasses while stored therein; (b) the cost of insuring such sugarcane against loss by fire to the same extent that sugarcane of the processor is insured; (c) the costs of weighing, sampling, and taring such sugarcane; (d) the cost of general weed and rodent control other than in the sugarcane fields of producers and alongside the roads adjacent thereto; and (e) the cost of all research and experimental work applicable to the production and processing of such sugarcane.

(iv) The sugarcane received from producers shall be handled and processed by the processor in a manner which is no less favorable than the handling and processing of the sugarcane of the processor. The processor, in acting as agent for the producer, shall handle and deliver to C & H the raw sugar and molasses recovered from the sugarcane of the producer in a manner which is no less favorable than the handling and delivery to C & H of the raw sugar and molasses recovered from the sugarcane of the processor. The processor shall promptly transmit to the producer the amount of gross proceeds received for the sugar and molasses recovered from the sugarcane of the producer, less the applicable processing rate, and less the expenses paid by the processor, as agent for the producer, pursuant to the toll agreement. Handling and delivery expenses shall be limited to those direct expenses paid by the processor as agent for the producer, but shall not include overhead charges of the processor.

(b) *Purchase agreements.* (1) The price for sugarcane under adherent planter agreements shall be not less than the price determined in accordance with the agreement between the processor and the producer applicable to the prior crop.

(2) The price for the producers' share of sugarcane under cultivation contracts at Laupahoahoe Sugar Co. shall be not less than the price determined in accordance with the agreement between the processor and the producer applicable to the prior crop.

(3) The price for sugarcane under independent grower purchase agreements shall be not less than the price determined in accordance with the agreement between the processor and the producer applicable to the prior crop: *Provided*, That the items of expense which may be deducted in computing net returns for the 1965 crop shall be limited to the same items as for the 1964 crop, except that if the processor incurs handling and delivery expenses otherwise allowable under the agreement and which are incurred under abnormal conditions which the "State Executive Director" (i.e., the person employed to be responsible for the day-to-day operations of the Hawaii Agricultural Stabilization and Conservation Service State Office, or any employee in such office acting on behalf of such person), determines justify the incurrence of such expenses, such expenses also may be deducted.

(c) *Sugarcane weight and quality determination.* The determination of the net weight and quality of the sugarcane received from the producer, and the allocation of sugar and molasses recoveries to the producer shall be made in accordance with the methods customarily used by the processor; methods which have been approved by the Experiment Station of the Hawaiian Sugar Planters Association; or methods agreed upon between the processor and the producer, which will reflect the true weight and quality of sugarcane and the quantities of sugar and molasses recovered from the sugarcane of the producer.

(d) *Overhead charges for services furnished to producers.* If the processor, at the producer's request, furnishes labor, materials, or services used in producing, harvesting, or transporting the producer's sugarcane, or transports the producer's sugar or molasses from the mill to the port in the processor's own equipment, the processor may charge in addition to the direct costs of such labor, materials, or services, the applicable overhead expenses. If equipment is charged at standard or budgeted rates which include repair and maintenance charges, and such rates are applied equally to both the processor's and producer's producing, harvesting, and transporting operations, such rates shall be considered as the direct costs for use of equipment. Charges for applicable overhead expenses shall be based on estimated current budgets and adjusted after the end of the calendar year so as not to exceed the actual costs for such year. In addition, the processor may also charge a profit not to exceed 5 percent of the sum of the direct and overhead charges for such labor, materials, or services. Overhead expenses shall be limited to those which are properly apportionable under generally accepted accounting principles, as approved by the "State Executive Director."

(e) *Reporting requirements.* The processor shall submit to the "State Executive Director" a certified statement of the gross proceeds and handling and delivery expenses paid under (1) purchase agreements providing for payment for sugarcane based upon net returns from sugar and molasses, and (2) toll and agency agreements providing for the deduction of handling and delivery expenses on sugar and molasses from the gross proceeds obtained therefrom.

(f) *Subterfuge.* The processor shall not reduce returns to the producer below those determined in accordance with the requirements herein through any subterfuge or device whatsoever.

STATEMENT OF BASES AND CONSIDERATIONS

1. *General.* The foregoing determination establishes the fair and reasonable rate requirements which must be met, as one of the conditions for payment under the act, by a producer who processes sugarcane of the 1965 crop grown by other producers.

2. *Requirements of the act.* Section 301(c)(2) of the act provides, as a condition for payment, that the producer on the farm who is also, directly or indirectly a processor of sugarcane, as may be determined by the Secretary, shall have paid, or contracted to pay under either purchase or toll agreements, for any sugarcane grown by other producers and processed by him at rates not less than those that may be determined by the Secretary to be fair and reasonable after investigation and due notice and opportunity for public hearing.

3. *Public hearing—Puna Sugar Co.* The representative of this company recommended a processing rate of not less than 38 percent and continuation of the profit charge allowed on services furnished to producers. He stated that of the five processing rates developed from five-year moving average cost ratios since 1956, the highest rate was 38.83 percent, the lowest rate 37.39 percent, and the median 38.18 percent. The witness said that yields of sugar per acre had declined for the 1964 crop as compared with the 1963 crop but were still over 10 percent higher than for the 1961 and earlier crops; that because of improved machinery and methods in the mill and in the harvesting and hauling operations, the company has been able to stabilize service charges to producers even under adverse weather conditions; and that 1964 crop net receipts per acre to producers, before cultivation costs, will be the third highest since the conversion to mechanical harvesting in 1956.

The representative of independent producers at Puna recommended a processing rate of 30 percent for the 1965 crop, the disallowance of the 5 percent profit charge on services furnished to producers by the plantation, and a change in the delivery point from "mill" to "loaded in trucks." The witness stated that producers made a profit on 1963 crop operations of $15.65 per ton of sugar, but suffered a loss on the 1964 crop of $5.53 per ton which was due to a decline in the price of sugar, increases in cultivation costs, increases in company charges for services, and a reduction in sugar yield from 8.73 tons per acre for the 1963 crop to 8.48 tons for the 1964 crop.

Kohala Sugar Co. The representative of Kohala recommended a processing rate of 35 percent for the 1965 crop, and continuation of other provisions of the 1964 determination. The witness stated that 1964 crop yields continued to reflect the drought conditions of 1962 and 1963, but started to improve in October as the result of better moisture conditions; and that operating costs had increased substantially during the past 2 years due principally to increased wage rates, and the higher costs of returning the drought affected fields to production.

A representative of producers at Kohala recommended a processing rate of 30 percent for the 1965 crop. The witness stated that the number of independent producers at Kohala continued to decrease because of increases in the rate for processing and in wage rates.

C. Brewer and Co. (Representing Hilo, Onomea, Pepeekeo, Pasuhau, Hawaiian Agricultural, and Hutchinson.) The representative of these sugar companies recommended a processing rate of 47 percent for the 1965 crop, and continuation of the profit charge on services furnished producers. The witness stated that the core sampler was used at Hilo throughout the 1964 crop with no operational difficulties and to the apparent satisfaction of independent producers; and that yields of sugar per acre for independent producers had increased during the past 3 years. He said that producing and processing costs for the 5-year period 1960–64 indicated a processing rate of 47.45 percent, and for 1964 only, a rate of 47.64 percent. In a supplemental brief it was recommended that the 1965 crop determination include a provision that direct costs of equipment be based on budgeted costs and applied equally to the operations of producers and processors.

A representative of producers at the Hawaiian Agricultural Co. stated that 1964 was the first full crop for producers under the processing and agency contract and that producers incurred a loss of $2.43 per ton of sugar. In a supplemental brief the witness presented cost data indicating a processing rate of 44 percent for the 1965 crop.

The representative of producers at Hilo, Onomea, and Pepeekeo sugar companies recommended that the 5-percent profit charge allowed on services furnished to producers by the companies be discontinued. He stated that producers are not satisfied with the core sampling method for determining sugar and molasses credits at Hilo and would like to have separate grinding of their sugarcane. In a supplemental brief, corrected producer cost data were submitted indicating a loss of $12.47 per ton of sugar for the 1964 crop. A processing rate of 37 percent was recommended.

Laupahoehoe Sugar Co. The representative of this company recommended a processing rate of 50 percent for the 1965 crop; and that approval of the other types of agreements at Laupahoehoe be extended to 1965, since there were no changes in these agreements. He submitted preliminary cost data for 1964 and stated that cost ratio data submitted at previous hearings indicated processing rates ranging from 49 percent in 1960 to 51 percent in 1963. The witness further stated that the 5-year average 1960–64 cost ratio indicated a processing rate of 50 percent.

4. *1965 price determination.* This determination continues the provisions of the 1964 determination and provides that a processor may charge budgeted rates as direct costs for equipment services furnished producers where such rates are applied equally to producers and processors producing, harvesting, and transporting operations.

Consideration has been given to the recommendations and information submitted in connection with the hearing; to the returns, costs, and profits of producing and processing, sugarcane obtained by a recent field study and recast in terms of prospective price and production conditions for the 1965 crop; and to other pertinent factors.

The recommendations of producers and processors for changes in the processing rates applicable to several of the companies have been considered. Processors recommended that the processing rate be based on the most recent 5-year average cost ratios for which data are available. Producers objected to this proposal and have pointed out that a 5-year average would include some years in which costs were not normal or were not yet stabilized. In determining processing rates the department has considered the costs of prior crops projected to the present on the basis of normal crop conditions. This analyses indicates very little change in the cost sharing relationships, and therefore the processing rates provided in this determination are deemed to be equitable.

The recommendations for changes in the profit charge on services furnished to producers and for changes in the delivery point for sugarcane have again been reviewed. It is believed that the applicable provisions of the prior determination continue to be equitable under the circumstances and therefore the recommendations have not been adopted.

The representatives of one processor recommended that the determination include a provision under which the direct charges for equipment furnished producers would be based on budgeted rates including repair and maintenance charge-out rates. The witness explained that equipment services budgeted costs, including repairs and maintenance, are based on experience rates involving man-hours, material usage, dollar expenditures, and quantities of work performed, and are adjusted from time to time to recognize changed physical and economic conditions. The witness stated such rates are posted and furnished to producers and are applied equally in processors and producers operations. The recommendation of this processor has been adopted.

After consideration of all pertinent factors this determination is considered to be fair and reasonable. Accordingly, I hereby find and conclude that the foregoing determination will effectuate the price provisions of the Sugar Act of 1948, as amended.

(Sec. 403, 91 Stat. 932; 7 U.S.C. Sup. 1153. Interprets or applies sec. 301, 61 Stat. 929; 7 U.S.C. Sup. 1131, as amended)

Effective date. This determination shall become effective on May 25, 1965, and is applicable to the 1965 crop of Hawaiian sugarcane.

Signed at Washington, D.C., on May 25, 1965.

CHARLES S. MURPHY,
Acting Secretary.

[F.R. Doc. 65-5618; Filed, May 27, 1965; 8:49 a.m.]

Title 19—CUSTOMS DUTIES

Chapter I—Bureau of Customs, Department of the Treasury

[T.D. 56414]

PART 14—APPRAISEMENT

Antidumping; Azobisformamide From Japan

MAY 20, 1965.

Section 201(a) of the Antidumping Act, 1921, as amended (19 U.S.C. 160(a)),

gives the Secretary of the Treasury responsibility for determination of sales at less than fair value. Pursuant to such authority the Secretary of the Treasury has determined that azobisformamide from Japan is being, or is likely to be, sold at less than fair value within the meaning of section 201(a) of the Antidumping Act, 1921, as amended.

Section 201(a) of the Antidumping Act, 1921, as amended (19 U.S.C. 160(a)), gives the United States Tariff Commission responsibility for determination of injury or likelihood of injury. The United States Tariff Commission has determined, and on April 27, 1965, it notified the Secrtary of the Treasury that an industry in the United States is being injured by reason of the importation of azobisformamide from Japan, sold at less than fair value within the meaning of the Antidumping Act, 1921, as amended.

On behalf of the Secretary of the Treasury, I hereby make public these determinations, which constitute a finding of dumping with respect to azobisformamide from Japan.

Section 14.13(b) of the Customs Regulations is amended by adding the following to the list of findings of dumping currently in effect:

Merchandise	Country	T.D.
Azobisformamide	Japan	55114

(Secs. 201, 407, 42 Stat. 11, as amended, 18; 19 U.S.C. 160, 173)

[SEAL] JAMES A. REED,
Assistant Secretary of the Treasury.

[F.R. Doc. 65-5601; Filed, May 27, 1965; 8:47 a.m.]

Title 32—NATIONAL DEFENSE

Chapter VII—Department of the Air Force

MISCELLANEOUS AMENDMENTS TO CHAPTER

Chapter VII is amended as follows:

SUBCHAPTER K—MILITARY TRAINING AND SCHOOLS

PART 903—AVIATION CADET TRAINING; NAVIGATOR

In Subchapter K, Part 903 is deleted and reserved.

SUBCHAPTER W—AIR FORCE PROCUREMENT INSTRUCTION

Subchapter W is amended as follows:

PART 1001—GENERAL PROVISIONS

Subpart A—Introduction

1. Section 1001.109–2 is revised to read as follows:

§ 1001.109–2 ASPR deviations affecting one contract or transaction.

(a) Deviations which do not require action by the Secretary and which affect a specific contract or procurement may be made by (1) The Director or Deputy Director of Procurement Policy, DCS/S&L, Hq USAF; or (2) by either the Chief of the Division or Office at Hq USAF designated as the Responsible Office (RO) for the section, subpart or part of Subchapter A, Chapter I of this title from which the deviation is requested; or (3) subject to the limitations contained in paragraph (c)(2)(ii) of this section, by the AFLC and AFSC Procurement Committees. Coordination as to form and legality will be effected prior to approval of a deviation.

(b) Requests for deviations will include complete justification and be forwarded through channels in sufficient copies so that two copies will be available to Hq USAF.

(1) Requests by AFSC activities and by the Office of Aerospace Research will be sent to AFSC (SCK–3).

(2) Requests by AFLC activities and other major commands, except those in subparagraph (1) of this paragraph, will be sent to AFLC (MCPC).

(c) Procurement Committees will: (1) Serially number each request for deviation as received and will forward one copy to Hq USAF (AFSPP–S). To maintain uniformity, the numbering will consist of the letters "ASPR," the designation of the procurement committee of receipt, fiscal year, and a serial number of the request for deviation received that fiscal year. (Example: ASPR–MCPC–65–1, 2, 3, etc.)

(2) Accomplish a review and evaluation of the requested deviation:

(i) If sufficient justification for the deviation does not exist, deny the request. A copy of the letter of denial will be furnished to Hq USAF (AFSPP–S).

(ii) If the request for deviation is concurred with and time is not of the essence the request for deviation with the Procurement Committee recommendations will be submitted to Hq USAF (AFSPP–S) for action.

(iii) If the request for deviation is concurred with and the exigency of the situation requires immediate action, the deviation will be approved after coordination with the Procurement Committee of the Command which has primary responsibility (OPR) for the section, subpart or part of Subchapter A, Chapter I of this title from which the deviation is being considered. A copy of the letter approving the deviation together with complete data and justification developed during the review and evaluation process will be submitted to Hq USAF (AFSPP–S).

(d) Written notice of deviation to the Assistant Secretary of Defense (I&L) and to the other military departments and Defense Supply Agency will be made by the Directorate of Procurement Policy, Hq USAF.

2. In § 1001.109–51 a reference is inserted in the first sentence of paragraph (a) and in the first sentence of the introductory portion of paragraph (d). As amended these portions read as follows:

§ 1001.109–51 Deviations, contract clauses.

(a) Deviations from clauses prescribed in Subchapter A, Chapter I of this title and this subchapter will be held to a minimum and will not be made unless approved as required by § 1001.109–2, § 1001.109–3, or § 1001.109–50(a). Deviations from §§ 1004.2002(a) and 1007.-3603, Part I(c) of this subchapter may be approved only at Secretarial level of the Air Force.

• • • • •

(d) Administrative approval: All proposed contract clause deviations will be submitted for approval as set forth in § 1001.109–2, § 1001.109–3, or § 1001.109–50(a) before submitting the contract to the contractor for signature. Requests for approval will be in writing and will include:

• • • • •

Subpart D—Procurement Responsibility and Authority

1. In § 1001.453(m) the references in subparagraph (7) are amended. The subparagraph now reads as follows:

§ 1001.453 Delegations of authority.

• • • • •

(m) • • •

(7) Blanket Purchase agreements as set forth in § 3.605 of this title and § 1003.605 of this subchapter.

• • • • •

2. In § 1001.454(d), subparagraph (1) and its subdivisions (i) and (iii), and subdivision (iii) of subparagraph (2) are amended to read as follows:

§ 1001.454 Authority to designate contracting officers and their representatives.

• • • • •

(d) Heads of procuring activities (Commanders, AFLC and AFSC).

(1) The authority of the Commander, AFLC, as set forth in § 1.401 of this title and this section, has been delegated to the Director, Deputy Director and the Assistant to the Director of the Directorate of Procurement and Production, Hq AFLC, with power of redelegation, who may also designate persons assigned to any AFLC activity as contracting officers and representatives thereof. Further redelegation has been made to the officials listed in the following subdivisions. Except as specified, exercise of the authority is limited to the designation of persons under the jurisdiction of the designating authority.

(i) Commanders and vice commanders of major air commands with power of redelegation limited to the level of a staff officer responsible for procurement within command headquarters and within the headquarters of the first echelon of command immediately subordinate to a major command. These personnel are also authorized to appoint contracting officers (but not representatives of contracting officers) in organizations of a Unified or Specified Command when their subordinate organization of the major air command has logistic support responsibilities for such units, and the commanders exercising this authority have command jurisdiction over the individuals so appointed.

• • • • •

(iii) Commanders and deputy commanders of air procurement regions

(APRE and APRFE), who may also designate persons under the jurisdiction of other AF commands as representatives of contracting officers (but not as contracting officers).

• • • • •

(2) • • •

(iii) Commanders and deputy commanders, contract management regions/AF contract management division, who may also designate persons not under the jurisdiction of the designating authority, including persons under the jurisdiction of other AF commands, as representatives of contracting officers. The authority to designate property administrators and plant clearance officers as representatives of administrative contracting officers on property matters and disposition of contractor inventory, respectively, may be further redelegated to chiefs, contract management districts, test site offices, and AF plant representatives without power of further redelegation.

• • • • •

Subpart I—Responsible Prospective Contractors

1. In § 1001.902–2(a) subparagraph (7) is amended by changing "made" to "make," and subparagraph (8) is revised. These subparagraphs now read as follows:

§ 1001.902–2 Exemptions.

(a) • • •

(7) Contracts written under authority of Public Law 85–804 which make formal/informal commitments, amend without consideration, or correct mistakes.

(8) The procurement is for Research (614), Exploratory Development (624), or Advanced Development (634); however, if a fixed-price type of contract is contemplated, a financial clearance will be obtained. Should any purchase action (new contract or supplemental agreement) represent an extension of work previously performed satisfactorily, this financial clearance may be waived if:

(i) The dollar value of the proposed procurement action when added to the sum of all preceding actions extending the work does not in the aggregate exceed the total of the basic contract.

(ii) Not more than one year has expired since award of the basic contract.

• • • • •

2. In § 1001.902–3 the symbols have been amended and the last two sentences have been deleted. Section 1001.902–3 now reads as follows:

§ 1001.902–3 Financial clearance.

Financial clearance is required prior to award of a contract described in § 1001.902–2(b)(5). If a complete FCR is not obtained for any reason, financial clearance is required prior to award of any contract if the prospective contractor requests advance payments or unusual progress payments. (See Part 163, Subchapter E, Chapter I of this title.) No further financial clearance is required for any contractor on the approved "Prior Financial Clearance List," within the limits outlined in the list, unless (a) the prospective contractor has requested advance payments or unusual progress payments or, (b) if, in the opinion of the FCR activity, or the contracting officer, as indicated in his request for an FCR, the proposed contract might impose a serious burden on the contractor's ability to perform. (See E–212.52, § 1030.5 of this subchapter.) Contracting officers may request financial clearance from the FCR activity having contract administration jurisdiction or from AFSC (SCKPF), whichever is nearer. To obtain financial clearance, indicate on the request for FCR "Financial Clearance Only" and include answers to items 6 through 13 of AFPI Form 63. Items 14 through 20 will be marked "N/A" (not applicable) if such is the case. If the clearance is granted by other than SCKPF, the activity granting the clearance will furnish a completed AFPI Form 63C, FCR Financial Action Summary, to SCKPF. AFPI Form 63C is required for every FCR except when financial clearance is given pursuant to the authority of the "Prior Financial Clearance List." See question two under § 1001.905–2(a).

PART 1003—PROCUREMENT BY NEGOTIATION

Subpart A—Use of Negotiation

§ 1003.101–50 [Amended]

1. Section 1003.101–50 is amended by the deletion of all of paragraph (c).

§§ 1003.110, 1003.112 [Deleted]

2. Sections 1003.110 and 1003.112 are deleted.

Subpart E—Solicitations of Proposals and Quotations

Section 1003.501(b) (4) through (16) is amended to read as follows:

§ 1003.501 Preparation of request for proposals or request for quotations.

• • • • •

(b) • • •

(4) For competitive procurements estimated to exceed $2,500 the procedures in § 2.202–1 of this title will be followed in establishing closing dates except for the following cases:

(i) Items or services where solicitation is to be made to the prime contractor and/or known sources which have satisfactorily furnished the items or services, the contracting officer may allow less than 30 days (i.e., what is reasonable for that particular procurement) for submission of proposals.

(ii) Central procurement solicitations of spare parts to prime contractors or known sources which previously have satisfactorily furnished the parts. Contracting officers may determine a reasonable period.

(iii) APRE and APRFE chiefs of procurement are authorized to approve shorter closing dates.

(iv) For procurements where both technical and cost proposals are requested, the contracting officer may set the closing date for receipt of the cost proposal later than the technical proposal, normally 10 days.

(5) to (9) No implementation.

(10) to (12) [Reserved]

(13) to (16) No implementation.

• • • • •

Subpart F—Small Purchases

§§ 1003.602–1003.609 [Deleted]

1. Sections 1003.602 through 1003.609 are deleted.

2. New §§ 1003.605 through 1003.608–8 are added as follows:

§ 1003.605 Blanket purchase agreement (BPA).

§ 1003.605–2 Limitation on use.

(a) When BPAs are used for procurements from Government established sources on indefinite delivery contracts as authorized by § 3.603–1(a) of this title, each call is not limited to $2,500.

(b) BPAs against indefinite delivery contracts will not exceed the period of subject contract.

§ 1003.605–3 Establishment of blanket purchase agreements.

(a) No implementation.

(b) The "General Provisions of Purchase Order" will not be applicable to BPAs issued against indefinite delivery contracts.

(c) The accounting and finance office will be furnished information on obligation of funds by one of the following methods:

(1) A copy of the call register showing the totals of the appropriations obligated and signed by the contracting officer will be furnished at the end of each month. When calls are placed by the requiring activity (paragraph (f)(5) of this section), a copy of the register will be furnished to the contracting officer for this purpose unless a different method is specified in Part 1004 of this subchapter.

(2) Where the procurement office uses DD Form 250, DD Form 1155, or informal correspondence as a call document a copy of the document may be signed by the contracting officer and furnished daily or periodically during the month.

(d) The annotation is not required for BPAs issued against indefinite delivery contracts.

(e) Terms and conditions: Where BPAs are issued against indefinite delivery contracts, a statement will be placed on the BPA that the terms and conditions of the basic contract apply. Accordingly, the terms and conditions required by § 3.605–3(f) (1) through (8) of this title may be modified or omitted if in conflict with the basic contract.

(1) through (4) No implementation.

(5) Individuals assigned to requiring activities not under the direct supervision of a contracting officer will only be authorized to place calls when the BPA is issued against a basic indefinite delivery contract and only for supplies or services that do not lend themselves to normal requisitioning procedure (e.g., the quantity of supplies or services are unable to be determined until shortly before or at the time of delivery), and scheduling of deliveries are required on a daily, weekly, etc., basis. Placing of calls by the requiring activity is limited to:

(i) Products listed on DSSC Brand Name Contracts.
(ii) Commissary requirements not listed in DSSC Brand Name Contracts.
(iii) All services of a recurring nature.

§ 1003.607 Use of Department of Defense or departmental procurement forms.

§ 1003.607–2 Establishment of imprest funds.

(a) (1) If the imprest fund cashier is authorized to make purchases, the fund will be under the jurisdiction of the base (or activity) procurement officer. Exceptions are:
(i) Isolated activities.
(ii) Base hospital when needed to make immediate purchases.
(iii) Deployed tactical organizations under emergency conditions.
(iv) Research laboratories or highly technical functions subject to prior written approval of the major air command of the host base.
(2) If the imprest fund cashier is not authorized to make purchases, the fund may be established at a convenient location on the base for payment of vendors or carriers (e.g., base supply receiving).
(3) Written approval will be obtained from Hq AFLC (MCPPL), through command channels, prior to establishment of imprest funds other than authorized in subparagraphs (1) and (2) of this paragraph.
(b) No implementation.
(c) (1) No implementation.
(2) Requests for appointment will be processed by the procurement office responsible for procurement support of the unit to which the imprest fund cashier is assigned. The request will be forwarded through the disbursing office to the installation commander for approval.
(i) and (ii) No implementation.
(iii) Authority to make purchases, if necessary.
(iv) and (v) No implementation.
(vi) The number of the position bond need not be shown when an AF position schedule bond applies. A statement will be included that the position is covered by an AF position schedule bond.
(vii) The alphabetic suffix assigned, if any (see § 1003.607–4(f)(2)).
(d) Safeguarding imprest funds: Imprest funds will be kept in a fire resistant safe or file cabinet with a 3 position, dial-type combination lock.

§ 1003.607–3 Conditions for use.

(a) and (b) No implementation.
(c) (1) No implementation.
(2) Requests for quotation from sources outside the metropolitan area will be requested f.o.b. destination so that vendor is responsible for payment of transportation charges to the common carrier.

§ 1003.607–4 Procedures.

(a) The total amount of material or services ordered will not exceed the available balance of cash on hand.
(b) and (c) No implementation.
(d) AF Form 763, Interim Receipt for Cash, may be used.
(e) When a DD Form 1155 or Standard Form 1165 is used, the wording in the space provided for cash receipt need not be changed, nor should a stamp be used.
(f) (1) No implementation.
(2) The subvoucher number will consist of the last two numbers of the fiscal year in which prepared, followed by the letter which identifies the cash account (A, B, etc.) followed by a dash and serial number for the fiscal year (e.g., 65A–1, 65A–2, etc.). The number may be assigned at the time the order is placed with the vendor to provide proper identification for followup, receiving, and payment. Subvouchers will be registered on AFPI Form 3E. Imprest fund cashiers outside the procurement office will furnish a copy of the register to the base procurement officer of the support base to arrive by the third work day of each month.

§ 1003.608–2 Order for supplies or services (DD Forms 1155, 1155r, 1155c, 1155c–1, and 1155s).

(a) to (c) No implementation.
(d) (1) No implementation.
(2) Purchase and delivery orders will be numbered according to § 1053.201 of this subchapter.

§ 1003.608–4 Use of DD Form 1155e with the DD Form 1155.

(a) No implementation.
(b) DD Forms 1319 and 1320 will be used to modify purchase and delivery orders.

§ 1003.608–6 Use of DD Form 1155 as a delivery order.

(a) Under call procurement arrangements (§ 1003.409–50) and basic ordering agreements (§ 3.410–2 of this title).

§ 1003.608–8 Order-invoice-voucher method.

(a) to (c) No implementation.
(d) AF activities will use DD Form 1155 as an order-invoice-voucher in lieu of Standard Form 44 except that individuals or teams operating in remote locations may use Standard Form 44.

PART 1004—SPECIAL TYPES AND METHODS OF PROCUREMENT

Subpart X—Contract Vehicle Maintenance

In § 1004.2402 paragraphs (a) and (e) (1) are revised to read as follows:

§ 1004.2402 Contracts for vehicle maintenance.

(a) *General.* The contracting officer will select the type of contract which will afford maximum competition from qualified sources. Blanket purchase agreements will be issued according to § 1003.605–3(f)(5) of this subchapter when indefinite delivery type contracts are used.

* * * * * * *

(e) *Scheduling work.* (1) The vehicle maintenance activity will maintain a separate Contract Vehicle Maintenance Work Order Control Register, AFPI Form 36, for each vehicle maintenance contract or accounting classification to be used thereunder. Each monthly register will be identified with the contract number and the BPA number issued by the contracting officer. This activity will, at the same time, maintain a running balance on funds certified on the contract (if indefinite quantity type) or BPA.

* * * * * * *

Subpart Y—Packing and Crating

Former § 1004.2502 is deleted and the following is inserted as follows:

§ 1004.2502 Placement of calls against basic contract.

The procedures established herein provide for placement of calls by an individual located in the base procurement office, a person designated by a BPA under § 1003.605–3(f)(5) of this subchapter, or a contracting officer located in the transportation office against a BPA established by the contracting officer (base procurement) for a specified period in an estimated amount.
(a) to (c) No implementation.
(c) Calls will be numbered according to § 1003.605–3(c) of this subchapter.

Subpart XX—Nonappropriated Fund Contracts

In § 1004.5002–2 paragraph (a) is revised to read as follows:

§ 1004.5002–2 Construction or architect-engineer contracts funded with a combination of appropriated and nonappropriated funds.

(a) These contracts will be accomplished in the same manner as an appropriated fund procurement except contracting officers and accounting and finance officers will be furnished written documentation stating that the appropriate AF level welfare board or fund has approved the use of the nonappropriated funds and assuring that such funds will be made available when required for payments under the contract. Documentation showing administrative approval to expend the funds will be furnished by the activity authorized to administratively approve the expenditure according to Table 3 in AFR 176–1 (General Policies and Operating Principles). Documentation assuring availability of funds will be signed by the Custodian of the particular Fund which is providing the funds.

* * * * * * *

PART 1005—INTERDEPARTMENTAL AND COORDINATED PROCUREMENT

The heading of Part 1005 is amended to read as shown.

Subpart A—Procurement Under Federal Supply Schedule Contracts

§ 1005.106 [Amended]

In § 1005.106(a)(4) "General Accounting Office" has been amended to read "AFAFC (SAA)."

PART 1006—FOREIGN PURCHASES

Subpart T—Offshore Procurement

In § 1006.2005 the introductory portion of paragraph (c) is amended as follows, and subparagraph (3) is deleted:

§ 1006.2005 Prohibitions.

* * * * * * *

(c) *Purchases from sources in the continental United States.* With the exception of the procurement activities listed in subparagraph (1) of this paragraph, contracting officers in oversea commands, including United States possessions, will not normally effect base procurement of supply items from sources within the continental United States. However, urgent requirements, including Medical Supplies, which are readily available from CONUS sources may be procured, provided these procurements are consistent with the Department of Defense balance of payments program. When supplies are not available for base procurement from sources in the oversea area, and the purchase is not for an urgent requirement procured from a CONUS source the procedures contained in paragraph 26, Chapter 8, Part One, Volume I, AFM 67–1 will be followed.

* * * * * * *

(3) [Deleted]

* * * * * * *

PART 1007—CONTRACT CLAUSES

Subpart Y, Clauses and Arrangements for Letter Contracts, is deleted and reserved.

Subpart NN—Special Clauses

1. In § 1007.4028(a), clause paragraph (c)(3) is revised to read as follows:

§ 1007.4028 Estimated requirements.

(a) * * *

ESTIMATED REQUIREMENTS (JANUARY 1963)

* * * * * * *

(c) * * *

(3) When it is contemplated that a BPA will be used to place requirements against the contract, the third sentence of Paragraph (b) may be changed to "Delivery orders or blanket purchase agreements for supplies or services shall be issued by the Contracting Officer in writing, dated and numbered." Subparagraph (ii) will be deleted.

* * * * * * *

§ 1007.4046 [Deleted]

2. Section 1007.4046 is deleted.
3. In § 1007.4048 the reference to AFR 86–6 in clause paragraph (b) is deleted. This paragraph now reads as follows:

§ 1007.4048 Safety precautions for all types of dangerous materials.

* * * * * * *

SAFETY PRECAUTIONS FOR DANGEROUS MATERIALS (NOVEMBER 1964)

* * * * * * *

(b) The Contractor shall comply with the intent of applicable portions of AF Technical Orders 11C–1–6, 42B1–1–6, 00–110N–3; AF Manuals 160–39, 127–100, 71–4, 75–2; and Manufacturing Chemists' Association, Inc., Manual L–1, entitled "Warning Labels," in addition to applicable local, state and federal ordinances, laws, and codes, including latest changes, revisions and/or supplements thereto, in effect on the date of this contract, in the development, testing, storage, manufacture, packaging, transportation, handling, disposal, or use of dangerous materials, which may affect the performance of this contract, whether such performance is on premises controlled by the Government or otherwise. The Contractor shall comply with the requirement for shippers certificate in accordance with AFM 71–4 if shipment of dangerous materials is to be made by military air or to an aerial port of embarkation. The Contractor shall also comply with any additional safety measures required by the Contracting Officer with regard to such dangerous materials; provided, that if compliance with such additional safety measures results in a material increase in the cost or time of performance of the contract, an equitable adjustment will be made in accordance with the clause hereof entitled "Changes."

* * * * * * *

PART 1010—BONDS AND INSURANCE

Subpart G, Special Casualty Insurance Rating Plans, is deleted and reserved.

PART 1013—GOVERNMENT PROPERTY

Subpart A—General

§§ 1013.103, 1013.103–50 [Deleted]

Sections 1013.103 and 1013.103–50 are deleted.

PART 1016—PROCUREMENT FORMS

Subpart C, Purchase and Delivery Order Forms, is deleted and reserved.

Subpart E—Special Contract and Order Forms

§ 1016.502–1 [Deleted]

Section 1016.502–1 is deleted.

PART 1030—APPENDIXES TO AIR FORCE PROCUREMENT INSTRUCTION

In § 1030.2 Item B–206 in Part II is revised and in Item B–304.1 in Part III paragraph (d) (5) and (6) is amended and a new paragraph (e) is added to read as follows:

§ 1030.2 Appendix B—Manual for control of Government property in possession of contractors.

* * * * * * *

Part II—General Provisions

* * * * * * *

B–206 *Segregation or commingling of Government property and contractor's property.* (a) No implementation.
(b) Approval will be granted by the property administrator on a case by case basis where it can be demonstrated through the exercise of inventory controls, including the equitable apportionment of inventory losses that such action is advantageous to the GOVERNMENT.
(c) No implementation.
(d) Criteria for approval will be that set forth in paragraph (b) above.

* * * * * * *

Part III—Records To Be Maintained

* * * * * * *

B–304.1 *Records of material.* * * *
(d) * * *
(5) Items (such as maintenance and repair parts to plant equipment) which are produced for direct charge to a contract, procured and issued for installation upon receipt, and involve no spoilage.
(6) Items issued from contractor's inventory directly to production, maintenance, etc.
(e) Multicontract cost and material control: (1) No implementation.
(2) Authorization. Requests for approval to use multicontract cost and material control systems will be processed through intermediate command echelons to AFLC (MOPKF) or AFSC (SCKAP), as appropriate, on a case by case basis. Documentation in support of requests will substantiate that contractor's proposed system meets criteria for approval as set forth in Part 30, § 30.2, item 304.1(e)(1)(iii) of this title.

* * * * * * *

In § 1030.5 the following amendments to Part II—Basic Policies are made:

§ 1030.5 Appendix E—Contract Financing.

1. In item E–212.52, paragraph (b) has been amended and now reads as follows:

E–212.52 *Procedures.* * * *
(b) If any of the conditions in paragraph (a) of this section exist, procurement and/or contract management personnel will submit the matter through normal procurement channels to AFSC (SCKPF), OAR, or Hq USAF as appropriate. SCKPF or OAR, as appropriate, will determine whether approval may be granted directly, or is required either by a general officer at Hq AFSC or by Hq USAF according to Part 163, Subchapter E, Chapter I of this title, particularly § 163.86, § 163.74, § 163.56, or Subpart C, Part 163, Subchapter E, Chapter I of this title. If coordination with Army and Navy is required, SCKPF or OAR, will obtain it. If prior approval by higher authority at Hq USAF is required and is recommended, SCKPF or OAR will submit the matter with a proposed memorandum of approval on Secretary of the Air Force letterhead outlining the pertinent facts and approving the action requested, to Hq USAF (AFSPP). In the case of a small business concern, see § 163.48, Subchapter E, Chapter I of this title and § 1.705–4, Chapter I of this title.

2. In E–213.50 paragraph (b) is amended to read as follows:

E–213.50 *Responsibilities* * * *
(b) Buyers, price analysts, or others will not request financial data from contractors or prospective contractors other than cost data for use in pricing contracts. Requirements for such information or analysis will be requested from AFSC (SCKPF) or the cognizant CMD/AFPRO, whichever is nearer.

* * * * * * *

3. In E–213.51 paragraph (a) is amended to delete the word "quarterly" and subparagraph (4) of paragraph (b) is revised, as follows:

E–213.51 *Obtaining financial data.* (a) When possible make arrangements for automatic forwarding of information without necessity for periodic requests. Normally, regularly published financial statements will suffice. In exceedingly weak cases, monthly financial statements may be required. With unusually strong companies, semiannual or annual statements may be sufficient.
(b) * * *
(4) In any case where bank support is a major factor in a financial clearance a written statement should be obtained from the bank setting forth its willingness to finance the contract if awarded to its customer, the basis upon which the loan will be approved, and the general terms and conditions which would be required. A bank cannot be expected to furnish such a commitment unless it has first been adequately briefed as to the terms of the proposed contract and the financial needs of the contractor. This briefing preferably should be by the customer of the bank although there is no objection if assistance is given by the

financial analyst if requested. The statement does not require a commitment fee. Refusal by a bank to set forth in writing the information required will result in no reliance being placed on bank support in evaluating financial capability. In such cases a favorable financial clearance should be given only after a determination has been made that the Air Force would be willing to accept the responsibility for financing the contractor through the medium of V-loans, progress or advance payments.

* * * * *

4. Items E–214.53 and E–214.54 are amended to read as follows:

E–214.53 *Financial files.* SCKPF will maintain complete financial files on AF contractors.

E–214.54 *Bureau of Budget clearance.* Bureau of Budget Clearance No. 21–R033 has been assigned to requests for financial data within the scope of this Part II.

Item E–314.1 in *Part III—Guaranteed Loans* is amended to read as follows:

E–314.1 *Certificate of eligibility.* The Deputy Chief of Staff, Systems and Logistics, Hq USAF, has delegated his authority to issue Certificates of Eligibility, to the Commander, Air Force Systems Command, with power of redelegation not below the level of the Chief or Deputy Chief, Pricing and Financial Division (SCKPF), Hq AFSC. Redelegation has been made.

PART 1053—CONTRACTS; GENERAL

Subpart D—Administrative Requirements

In § 1053.404–6:

a. In paragraph (a) (2), Michigan and the Canadian Provinces have been deleted.

b. In paragraph (b) subparagraph (7) is deleted and reserved.

c. In paragraph (d) a new subparagraph (2) is added. As amended § 1053.404–6 now reads as follows:

§ 1053.404–6 Geographical areas and DOD cognizant plants.

(a) *CMRs*—* * *

(2) *Central Contract Management Region (CCMR).* North Dakota, South Dakota, Minnesota, Iowa, Nebraska, Kansas, Oklahoma, Texas, Missouri, Arkansas, Louisiana, Tennessee, Kentucky, Illinois, Indiana, Ohio, Wisconsin and Mexico.

* * * * *

(b) *CMDs*—* * *

(7) [Reserved]

* * * * *

(d) *DSA*—* * *

(2) *DCASR—Detroit.* The State of Michigan and the Canadian Provinces.

PART 1054—CONTRACT ADMINISTRATION

Subpart DD—Administration of Base Procurement Contracts

§ 1054.3004 [Amended]

In § 1054.3004(a)(3) the parenthetical phrase at the end of subdivision (iii) is deleted.

(Sec. 8012, 70A Stat. 488, secs. 2301–2314, 70A Stat. 127–133; 10 U.S.C. 8012, 2301–2314)

[APPI Rev. Nos. 50, Jan. 29, 1965; 51, Feb. 26, 1965; 52, Mar. 31, 1965; AFPC Nos. 10, Apr. 2, 1965; 11, Apr. 7, 1965; 12, Apr. 12, 1965; 13, Apr. 15, 1965]

By order of the Secretary of the Air Force.

FREDERICK A. RYKER,
Lieutenant Colonel, U.S. Air Force, Chief, Special Activities Group, Office of The Judge Advocate General.

[F.R. Doc. 65–5596; Filed, May 27, 1965; 8:47 a.m.]

Title 41—PUBLIC CONTRACTS AND PROPERTY MANAGEMENT

Chapter 1—Federal Procurement Regulations

MISCELLANEOUS AMENDMENTS TO CHAPTER

These amendments are designed to revise the Federal Procurement Regulations to reflect the fringe benefits amendment of the Davis-Bacon Act (Public Law 88–349), and the related revisions of the regulations of the Department of Labor (29 F.R. 13462).

PART 1–12—LABOR

Subpart 1–12.4—Labor Standards in Construction Contracts

1. Section 1–12.401–1 is amended to reflect the amendment of the Davis-Bacon Act approved July 2, 1964 (Public Law 88–349). As amended, the section reads as follows:

§ 1–12.401–1 Davis-Bacon Act.

The Davis-Bacon Act (Act of Mar. 3, 1931, as amended; 40 U.S.C. 276a), provides that certain contracts over $2,000 entered into by any executive agency for construction, alteration, or repair (including painting and decorating) of public buildings or public works shall contain a provision (see § 1–12.403) to the effect that no laborer or mechanic employed directly upon the site of the work contemplated by the contract shall receive less than the prevailing rates of wages as determined by the Secretary of Labor. The term "wages" as used in the Davis-Bacon Act includes the basic hourly rate of pay, the rate of contribution irrevocably made pursuant to a fund, plan, or program for, and the rate of costs to the employer which may be reasonably anticipated in providing, certain bona fide fringe benefits.

2. Section 1–12.401–4 is amended to incorporate a FEDERAL REGISTER citation to the latest amendments of the regulations of the Department of Labor. As amended, the section reads as follows:

§ 1–12.401–4 Department of Labor regulations.

Pursuant to the foregoing statutes and Reorganization Plan No. 14 of 1950 (3 CFR, 1949–53 Comp., p. 1007), the Secretary of Labor has issued Regulations Parts 3 and 5, Title 29, Subtitle A, Code of Federal Regulations (29 F.R. 97 and 13462), providing for the administration and enforcement of the foregoing statutes in construction contracts.

3. Section 1–12.403–1 is amended so as to conform the contract clauses prescribed therein with the amended Davis-Bacon Act and regulations of the Department of Labor. The revised clauses have been approved by the Department of Labor. As amended, the section reads as follows:

§ 1–12.403–1 Clauses for general use.

* * * * *

(a) *Davis-Bacon Act (40 U.S.C. 276a–a(7)).*

DAVIS-BACON ACT (40 U.S.C. 276a-a(7))

(a) All mechanics and laborers employed or working directly upon the site of the work shall be paid unconditionally and not less often than once a week, and without subsequent deduction or rebate on any account (except such payroll deductions as are permitted by the Copeland Regulations (29 CFR Part 3)), the full amounts due at time of payment computed at wage rates not less than the aggregate of the basic hourly rates and the rates of payments, contributions, or costs for any fringe benefits contained in the wage determination decision of the Secretary of Labor which is attached hereto and made a part hereof, regardless of any contractual relationship which may be alleged to exist between the Contractor or subcontractor and such laborers and mechanics. A copy of such wage determination decision shall be kept posted by the Contractor at the site of the work in a prominent place where it can be easily seen by the workers.

(b) The Contractor may discharge his obligation under this clause to workers in any classification for which the wage determination decision contains:

(1) Only a basic hourly rate of pay, by making payment at not less than such basic hourly rate, except as otherwise provided in the Copeland Regulations (29 CFR Part 3); or

(2) Both a basic hourly rate of pay and fringe benefits payments, by making payment in cash, by irrevocably making contributions pursuant to a fund, plan, or program for, and/or by assuming an enforceable commitment to bear the cost of, bona fide fringe benefits contemplated by the Davis-Bacon Act, or by any combination thereof. Contributions made, or costs assumed, on other than a weekly basis shall be considered as having been constructively made or assumed during a weekly period to the extent that they apply to such period. Where a fringe benefit is expressed in a wage determination in any manner other than as an hourly rate and the Contractor pays a cash equivalent or provides an alternative fringe benefit, he shall furnish information with his payrolls showing how he determined that the cost incurred to make the cash payment or to provide the alternative fringe benefit is equal to the cost of the wage determination fringe benefit. In any case where the Contractor provides a fringe benefit different from any contained in the wage determination, he shall similarly show how he arrived at the hourly rate shown therefor. In the event of disagreement between or among the interested parties as to an equivalent of any fringe benefit, the Contracting Officer shall submit the question, together with his recommendation, to the Secretary of Labor for final determination.

(c) The assumption of an enforceable commitment to bear the cost of fringe benefits, or the provision of any fringe benefits not expressly listed in section 1(b)(2) of the Davis-Bacon Act or in the wage determination decision forming a part of the contract, may be considered as payment of wages only with the approval of the Secretary of Labor pursuant to a written request by the Contractor. The Secretary of Labor may require the Contractor to set aside assets, in a separate account, to meet his obligations under any unfunded plan or program.

(d) The Contracting Officer shall require that any class of laborers or mechanics which is not listed in the wage determination decision and which is to be employed under the contract shall be classified or reclassified conformably to the wage determination decision, and shall report the action taken to the Secretary of Labor. If the interested parties cannot agree on the proper classification or reclassification of a particular class of laborers or mechanics to be used, the Contracting Officer shall submit the question, together with his recommendation, to the Secretary of Labor for final determination.

(e) In the event it is found by the Contracting Officer that any laborer or mechanic employed by the Contractor or any subcontractor directly on the site of the work covered by this contract has been or is being paid at a rate of wages less than the rate of wages required by paragraph (a) of this clause, the Contracting Officer may (1) by written notice to the Government Prime Contractor terminate his right to proceed with the work, or such part of the work as to which there has been a failure to pay said required wages, and (2) prosecute the work to completion by contract or otherwise, whereupon such Contractor and his sureties shall be liable to the Government for any excess costs occasioned the Government thereby.

(f) Paragraphs (a) through (e) of the clause shall apply to this contract to the extent that it is (1) a prime contract with the Government subject to the Davis-Bacon Act, or (2) a subcontract also subject to the Davis-Bacon Act under such prime contract.

(b) *Contract Work Hours Standards Act—overtime compensation.*

CONTRACT WORK HOURS STANDARDS ACT—OVERTIME COMPENSATION (40 U.S.C. 327–330)

(a) The Contractor shall not require or permit any laborer or mechanic in any workweek in which he is employed on any work under this contract to work in excess of eight hours in any calendar day or in excess of forty hours in such workweek on work subject to the provisions of the Contract Work Hours Standards Act unless such laborer or mechanic receives compensation at a rate not less than one and one-half times his basic rate of pay for all such hours worked in excess of eight hours in any calendar day or in excess of forty hours in such workweek, whichever is the greater number of overtime hours. The "basic rate of pay," as used in this clause, shall be the amount paid per hour, exclusive of the contractor's contribution or cost for fringe benefits and any cash payment made in lieu of providing fringe benefits, or the basic hourly rate contained in the wage determination, whichever is greater.

(b) In the event of any violation of the provisions of paragraph (a), the Contractor shall be liable to any affected employee for any amounts due, and to the United States for liquidated damages. Such liquidated damages shall be computed with respect to each individual laborer or mechanic employed in violation of the provisions of paragraph (a) in the sum of $10 for each calendar day on which such employee was required or permitted to be employed on such work in excess of eight hours or in excess of the standard workweek of forty hours without payment of the overtime wages required by paragraph (a).

(c) *Apprentices.*

APPRENTICES

(a) Apprentices shall be permitted to work as such only when they are registered, individually, under a bona fide apprenticeship program registered with a State apprenticeship agency which is recognized by the Bureau of Apprenticeship and Training, United States Department of Labor; or, if no such recognized agency exists in a State, under a program registered with the aforesaid Bureau of Apprenticeship and Training. The allowable ratio of apprentices to journeymen in any craft classification shall be not greater than the ratio permitted to the Contractor as to his entire work force under the registered program. Any employee listed on a payroll at an apprentice wage rate, who is not registered as above, shall be paid the wage rate determined by the Secretary of Labor for the classification of work he actually performed.

(b) The Contractor shall furnish written evidence of the registration of his program and apprentices as well as of the ratios allowed and the wage rates required to be paid thereunder for the area of construction, prior to using any apprentices in the contract work.

(d) *Payrolls and basic records.*

PAYROLLS AND BASIC RECORDS

(a) The Contractor shall maintain payrolls and basic records relating thereto during the course of the work and shall preserve them for a period of three years thereafter for all laborers and mechanics working at the site of the work. Such records shall contain the name and address of each such employee, his correct classification, rate of pay (including rates of contributions for, or costs assumed to provide, fringe benefits), daily and weekly number of hours worked, deductions made and actual wages paid. Whenever the Contractor has obtained approval from the Secretary of Labor as provided in paragraph (c) of the clause entitled "Davis-Bacon Act," he shall maintain records which show the commitment, its approval, written communication of the plan or program to the laborers or mechanics affected, and the costs anticipated or incurred under the plan or program.

(b) The Contractor shall submit weekly a copy of all payrolls to the Contracting Officer. The Government Prime Contractor shall be responsible for the submission of copies of payrolls of all subcontractors. The copy shall be accompanied by a statement signed by the Contractor indicating that the payrolls are correct and complete, that the wage rates contained therein are not less than those determined by the Secretary of Labor, and that the classifications set forth for each laborer or mechanic conform with the work he performed. Submission of the "Weekly Statement of Compliance" required under this contract and the Copeland Regulations of the Secretary of Labor (29 CFR, Part 3) shall satisfy the requirement for submission of the above statement. The Contractor shall submit also a copy of any approval by the Secretary of Labor with respect to fringe benefits which is required by paragraph (c) of the clause entitled "Davis-Bacon Act."

(c) The Contractor shall make the records required under this clause available for inspection by authorized representatives of the Contracting Officer and the Department of Labor, and shall permit such representatives to interview employees during working hours on the job.

* * * * *

(g) *Subcontracts.*

SUBCONTRACTS

The Contractor agrees to insert the clauses hereof entitled "Davis-Bacon Act," "Contract Work Hours Standards Act—Overtime Compensation," "Apprentices," "Payrolls and Basic Records," "Compliance with Copeland Regulations," "Withholding of Funds," "Subcontracts," and "Contract Termination—Debarment" in all subcontracts. The term "Contractor" as used in such clauses in any subcontract shall be deemed to refer to the subcontractor except in the phrase "Government Prime Contractor."

(h) *Contract termination—debarment.*

CONTRACT TERMINATION—DEBARMENT

A breach of the clauses hereof entitled "Davis-Bacon Act," "Contract Work Hours Standards Act—Overtime Compensation," "Apprentices," "Payrolls and Basic Records," "Compliance with Copeland Regulations," "Withholding of Funds," and "Subcontracts" may be grounds for termination of the contract, and for debarment as provided in 29 CFR 5.6.

4. Section 1–12.403–2 is amended to correct the reference to Subpart 1–12.3. As amended, the section reads as follows:

§ 1–12.403–2 Overseas contracts.

Every construction contract in excess of $2,000 for work outside the United States, but which is nevertheless subject to the Contract Work Hours Standards Act as set forth in § 1–12.302(d), shall include the clause in § 1–12.303. Standard Form 19A should not be used in such contracts (see § 1–16.402).

5. Section 1–12.404–2(e) is amended to reflect the changed rule with respect to modifications of wage determinations. As amended, the section reads as follows:

§ 1–12.404–2 Wage determinations.

* * * * *

(e) *Modifications.* Modifications by the Secretary of Labor of a wage determination shall be made part of the proposed contract if received prior to the award of the contract; provided that, in procurement by formal advertising or by small business restricted advertising, any modification received by the executive agency concerned less than 10 calendar days before the opening of bids shall be disregarded unless it is determined that such modifications reasonably can be furnished to bidders by means of an amendment of the invitation for bids in time to be considered in the preparation of their bids. Copies of modifications received by an agency should be time-date stamped to show the date of receipt by the agency.

* * * * *

6. Section 1–12.404–3 is amended to conform to paragraph (d) of the clause set forth in § 1–12.403–1(a). As amended, the section reads as follows:

§ 1–12.404–3 Additional classifications.

As provided in paragraph (d) of the clause set forth in § 1–12.403–1(a), the contracting officer shall require that any class of laborers or mechanics which is not listed in the wage determination forming a part of the contract, and which is to be employed on the contract work, shall be classified or reclassified conformably to such wage determination, and shall report the action taken to the Secretary of Labor. In the event of disagreement between or among the interested parties as to the proper classification or reclassification, the contracting officer shall submit the question, together with his recommendation, to the Secretary of Labor for final determination.

7. Section 1–12.404–4 is amended to conform to the change made in the clause set forth in § 1–12.403–1(c). As amended, the section reads as follows:

§ 1–12.404–4 Apprentices.

As provided in paragraph (b) of the clause set forth in § 1–12.403–1(c), the contractor or subcontractor is required to furnish written evidence of registration of his program and apprentices, as well as of the ratios allowed and the wage rates required to be paid thereunder for the area of construction before using any apprentices on the contract work.

8. Section 1–12.404–10 is amended to provide that agencies may "request" rather than "order" restitution of nonwillful wage underpayments. As amended, the section reads as follows:

§ 1–12.404–10 Restitution.

The contractor or subcontractor may make restitution of amounts due workers at any time. Where wage underpayments are found, the agency shall request that the contractor make, or cause to be made, restitution to employees or to plans, funds, or programs for any type of fringe benefit listed in the applicable wage determination.

PART 1–16—PROCUREMENT FORMS

Subpart 1–16.4—Forms for Advertised Construction Contracts

1. Section 1–16.401(b) is amended to prescribe the April 1965 edition of Standard Form 19–A. As amended, the section reads as follows:

§ 1–16.401 Forms prescribed.

* * * * *

(b) Labor Standards Provisions—Applicable to Contracts in Excess of $2,000 (Standard Form 19–A, April 1965 edition).

* * * * *

2. Section 1–16.402 is amended to reflect the waiver in § 1–12.403–2 of the requirement for use of Standard Form 19–A. As amended, the section reads as follows:

§ 1–16.402 Required use.

Except as provided in § 1–12.403–2, the forms prescribed by § 1–16.401 shall be used for fixed price contracts, entered into pursuant to formal advertising, for construction (including alteration or repair) of public buildings or works, except for: Contracts for the construction, alteration, or repair of vessels; and contracts for construction, alteration, or repair work in foreign countries. Determination as to the form or forms to be used in each instance shall be made in accordance with this §1–16.402.

Subpart 1–16.9—Illustration of Forms

Section 1–16.901–19–A is amended to include a specimen copy of the latest edition of Standard Form 19–A.

§ 1–16.901–19–A Standard Form 19–A: Labor Standards Provisions Applicable to Contracts in Excess of $2,000.

STANDARD FORM 19–A
APRIL 1965 EDITION
GENERAL SERVICES ADMINISTRATION

LABOR STANDARDS PROVISIONS

APPLICABLE TO CONTRACTS IN EXCESS OF $2,000

1. DAVIS-BACON ACT (40 U.S.C. 276a–276a–7)

(a) All mechanics and laborers employed or working directly upon the site of the work shall be paid unconditionally and not less often than once a week, and without subsequent deduction or rebate on any account (except such payroll deductions as are permitted by the Copeland Regulations (29 CFR, Part 3)), the full amount due at time of payment computed at wage rates not less than the rates appearing in the final hourly rates and the terms of payment, contributions, or costs for any, fringe benefits contained in the wage determination decision of the Secretary of Labor which is attached hereto and made a part hereof, regardless of any contractual relationship which may be alleged to exist between the Contractor or subcontractor and such laborers and mechanics. A copy of such wage determination decision shall be kept posted by the Contractor during the time that the work is in progress at a place where it can be easily seen by the workmen.

(b) The Contractor may discharge his obligation under this clause to workers in any classification for which the wage determination decision contains a conformance

(i) Only a basic hourly rate of pay, by making payment at not less than such basic hourly rate, except as otherwise provided in the Copeland Regulations (29 CFR, Part 3); or

(ii) Both a basic hourly rate of pay and fringe benefits payments, by making payments in cash, but not exclusively making contributions payments to a fund, plans, or program for, and/or by assuming an enforceable commitment to bear the cost of, bona fide fringe benefits contemplated by the Davis-Bacon Act, or by any combination thereof. Contributions made, or costs assumed, on other than a weekly basis shall be considered as having been constructively made or assumed during a weekly period to the extent that they apply to such period. Where a fringe benefit payment is in excess of the amount required to be paid under this clause, the Contractor pays a cash equivalent or provides an alternative fringe benefit, he shall furnish information with his payrolls showing how he determined that the cost thereof was sufficient to enable him to provide the alternative fringe benefit in such case when the Contractor provides a fringe benefit different from any listed in the wage determination fringe benefit, he shall furnish information with his payrolls showing how he determined that the cost thereof was sufficient to enable him to provide the fringe benefit in such case. Where the Contractor provides a fringe benefit different from any listed in the wage determination fringe benefit, he shall furnish information with his payrolls showing how he determined that the cost thereof was sufficient to enable him to provide the alternative fringe benefit in such case when the Contractor provides a fringe benefit different from any listed in the wage determination fringe benefit, he shall furnish information with his payrolls showing how he determined that the cost thereof was sufficient to enable him to provide the alternative fringe benefit in such case. Where

FEDERAL AVIATION AGENCY

[14 CFR Part 71]

[Airspace Docket No. 65-CE-30]

CONTROL ZONE AND TRANSITION AREA

Proposed Designation and Alteration; Supplemental Notice

The Federal Aviation Agency is considering a revised proposal with respect to the alteration of controlled airspace in the Marion, Ill., terminal area.

In the notice of proposed rule making published in the FEDERAL REGISTER on April 10, 1965 (30 F.R. 4680), the Federal Aviation Agency proposed, in part, to redesignate the Marion, Ill., transition area as:

That airspace extending upward from 700 feet above the surface bounded by a line beginning E of Marion, Ill., at latitude 37°-43'00" N., longitude 88°52'00" W., thence SW to latitude 37°32'50" N., longitude 88°-59'00" W., thence NW to latitude 37°43'00" N., longitude 89°22'25" W., thence N to latitude 37°54'10" N., longitude 89°26'20" W., thence E to latitude 37°58'45" N., longitude 89°13'10" W., thence E to latitude 37°54'30" N., longitude 88°52'00" W., thence S to the beginning.

Subsequent to the publication of the notice of proposed rule making, it has been determined that it is necessary to change the procedure turn for the proposed TerVOR-20 approach procedure from the W side to the E side of the final approach course. This change will permit the realignment of the ADF approach to Carbondale which will provide straight-in approach minimums to Runway 18.

Accordingly, the notice is amended to propose that the Marion, Ill., transition area be redesignated as:

That airspace extending upward from 700 feet above the surface bounded by a line beginning NE of Marion, Ill., at latitude 37°-53'40" N., longitude 88°48'35" W., thence W to latitude 37°56'25" N., longitude 89°02'40" W., thence W to latitude 37°58'45" N., longitude 89°20'25" W., thence S to latitude 37°48'30" N., longitude 89°23'50" W., thence S along longitude 89°23'50" W., to latitude 37°43'30" N., thence SE to latitude 37°32'50" N., longitude 88°59'05" W., thence NE to latitude 37°42'35" N., longitude 88°52'15" W., thence N to the point of beginning.

Interested persons may submit such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Director, Central Region, Attention: Chief, Air Traffic Division, Federal Aviation Agency, 4825 Troost Avenue, Kansas City, Mo., 64110. All communications received within 45 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Division Chief. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The public docket will be available for examination by interested persons in the office of the Regional Counsel, Federal Aviation Agency, 4825 Troost Avenue, Kansas City, Mo., 64110.

This amendment is proposed under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348).

Issued at Kansas City, Mo., on May 18, 1965.

EDWARD C. MARSH,
Director, Central Region.

[F.R. Doc. 65-5584; Filed, May 27, 1965; 8:46 a.m.]

[14 CFR Part 71]

[Airspace Docket No. 65-WE-30]

TRANSITION AREA

Proposed Alteration

The Federal Aviation Agency is considering an amendment to Part 71 of the Federal Aviation Regulations which would alter the Riverside, Calif., transition area.

Instrument departure procedures have recently been developed for Hemet-Ryan Airport, Hemet, Calif., and that portion of the Riverside, Calif., transition area with a floor of 700 feet above the surface does not provide adequate controlled airspace for aircraft operating at Hemet-Ryan Airport.

To provide protection for aircraft executing prescribed instrument procedures at Hemet-Ryan Airport, the Federal Aviation Agency proposes to alter the Riverside, Calif., transition area to encompass the Hemet-Ryan Airport.

If the action proposed herein is taken, the Riverside, Calif., transition area would be amended as follows:

That airspace extending upward from 700 feet above the surface bounded by a line beginning at latitude 34°10'00" N., longitude 117°59'00" W., to latitude 34°10'00" N., longitude 117°01'00" W., to latitude 33°-50'00" N., longitude 117°01'00" W., to latitude 33°42'30" N., longitude 116°56'30" W., to latitude 33°38'00" N., longitude 117°08'-00" W., to latitude 33°56'00" N., longitude 117°30'00" W., to latitude 33°56'00" N., longitude 117°59'00" W.; thence to point of beginning; and that airspace extending upward from 1,200 feet above the surface, bounded by a line beginning at latitude 34°-30'00" N., longitude 117°45'00" W., thence E along latitude 34°30'00" N., to the SE boundary of V-21, thence along the SE boundary of V-21 to longitude 116°30'00" W., thence direct to latitude 34°40'30" N., longitude 116°29'40" W., to latitude 34°-30'00" N., longitude 116°26'30" W., to latitude 34°16'00" N., longitude 116°18'00" W., to latitude 33°30'00" N., longitude 116°18'-00" W., to latitude 33°30'00" N., longitude 117°30'00" W., to latitude 33°39'00" N., longitude 117°30'00" W., to latitude 33°46'00" N., longitude 117°45'00" W., to latitude 33°-56'00" N., longitude 117°53'00" W., to latitude 33°56'00" N., longitude 117°59'00" W., to latitude 34°10'00" N., longitude 117°59'00" W., to latitude 34°10'00" N., longitude 117°-43'00" W., thence to point of beginning.

Interested persons may submit such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Director, Western Region, Attention: Chief, Air Traffic Division, Federal Aviation Agency, 5651 West Manchester Avenue, Post Office Box 90007, Airport Station, Los Angeles, Calif., 90009. All communications received within 45 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Division Chief. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

A public docket will be available for examination by interested persons in the office of the Regional Counsel, Federal Aviation Agency, 5651 West Manchester Avenue, Los Angeles, Calif., 90045.

This amendment is proposed under the authority of section 307(a) of the Federal Aviation Act of 1958, as amended (72 Stat. 749; 49 U.S.C. 1348).

Issued in Los Angeles, Calif., on May 20, 1965.

WM. SLADE HARDER,
Acting Director, Western Region.

[F.R. Doc. 65-5585; Filed, May 27, 1965; 8:46 a.m.]

[14 CFR Part 71]

[Airspace Docket No. 65-CE-64]

TRANSITION AREA

Proposed Alteration

The Federal Aviation Agency is considering an amendment to Part 71 of the Federal Aviation Regulations to alter controlled airspace in the Missoula, Mont., terminal area.

The Missoula, Mont., transition area is presently designated as that airspace extending upward from 700 feet above the surface within 2 miles each side of the Missoula VOR 308° radial extending from 4 miles NW to 12 miles NW of the VOR and within 2 miles each side of the Missoula VOR 298° radial extending from 4 miles NW to 9 miles NW of the VOR; and that airspace extending upward from 1,200 feet above the surface within a 30-mile radius of the Missoula VOR, bounded on the SW by the SW boundary of V-2, and on the E by the E boundary of V-231; within 10 miles SW and 7 miles NE of the Missoula VOR 298° and 118° radials, extending from 9 miles SE to 20 miles NW of the VOR, and within 5 miles each side of the Missoula VOR 180° radial, extending from the VOR to 12 miles S of the VOR.

The Federal Aviation Agency, having completed a comprehensive review of the terminal airspace structural requirements in the Missoula, Mont., terminal area, as a result of the recent cancellation of the jet penetration procedure for the Missoula County Airport, proposes the following airspace action:

Redesignate the Missoula, Mont., transition area to comprise that airspace extending upward from 700 feet above the surface within 5 miles NE and 8 miles SW of the Missoula VOR 302° and 122° radials, extending from 5 miles SE to 19 miles NW of the VOR; and that airspace extending upward from 1,200 feet above the surface within 8 miles SW and 9 miles NE of the Missoula VOR 298° and 118° radials, extending from 7 miles SE to 16 miles NW of the VOR.

The floors of the airways that would traverse the transition area proposed herein would automatically coincide with the floors of the transition area.

The proposed transition area will provide protection for aircraft executing prescribed instrument approach and departure procedures at the Missoula County Airport. It will also provide controlled airspace protection for aircraft holding at the Missoula VOR and radio beacon. The proposed action requires no changes or revisions to prescribed instrument procedures presently in effect.

Interested persons may submit such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Director, Central Region, Attention: Chief, Air Traffic Division, Federal Aviation Agency, 4825 Troost Avenue, Kansas City, Mo., 64110. All communications received within 45 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Division Chief. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The public Docket will be available for examination by interested persons in the office of the Regional Counsel, Federal Aviation Agency, 4825 Troost Avenue, Kansas City, Mo., 64110.

This amendment is proposed under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348).

Issued at Kansas City, Mo., on May 19, 1965.

EDWARD C. MARSH,
Director, Central Region.

[F.R. Doc. 65-5586; Filed, May 27, 1965; 8:47 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 73]

[Docket No. 15987]

FM BROADCAST STATIONS

Table of Assignments; Notice Extending Time To File Comments

1. On April 30, 1965, the Commission issued a notice of proposed rule making in the above-entitled matter which specified that comments were to be filed on or before May 28, 1965, and reply comments on or before June 11, 1965. Central Virginia Broadcasting Co., licensee of Station WMNA-FM, Gretna, Va., and a party affected by the proposed amendment of the FM Table of Assignments, has requested an extension of time for the filing of comments from May 28, 1965, to August 27, 1965, and for filing reply comments from June 11, 1965, to September 10, 1965. Central states that it plans to make engineering studies with respect to possible FM assignments in the Gretna and Danville areas and to present detailed data showing the need of Station WMNA-FM for broad area coverage. It further states that the additional time is needed for the studies in depth which it plans to file.

2. The Commission is of the view that an extension of time is warranted in this case. It believes, however, that 2 months should be sufficient time in which to prepare the studies suggested by petitioner, rather than the 3 months requested. Accordingly, notice is hereby given that the time for filing comments in this proceeding is extended to July 26, 1965, and for reply comments to August 27, 1965.

3. This action is taken pursuant to the authority contained in sections 4(i), 5(d)(1) and 303(r) of the Communications Act of 1934, as amended, and § 0.281(d)(8) of the Commission's rules and regulations.

Adopted: May 24, 1965.

Released: May 25, 1965.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 65-5610; Filed, May 27, 1965; 8:48 a.m.]

[47 CFR Part 73]

[Docket No. 11279; FCC 65M-668]

SUBSCRIPTION TELEVISION SERVICE

Order Extending Time for Filing Responses to Joint Petition for Further Rule Making

Zenith Radio Corp. and Teco, Inc., participants in the Hartford trial subscription television operation, filed a joint petition for further rule making in the above-captioned proceeding on March 10, 1965. Under § 1.405 of the rules, the time for filing statements responsive to the petition would normally have been April 26, 1965, but in response to petitions requesting extensions of time filed by the Joint Committee on Toll TV and the International Telemeter Corp., the date was extended to May 26, 1965, and the date for filing replies was extended from May 11 to June 10, 1965.

The National Association of Broadcasters (NAB) on May 14, 1965, filed a petition asking that the dates be further extended from May 26 to July 14, 1965, and from June 10 to July 29, 1965, respectively. As reason therefor, it is stressed that the proposals in the joint petition are of great importance to the broadcasting industry, that the Board of Directors of the NAB wishes to make a thorough study of the problems involved and will discuss the matter at its semi-annual meeting on June 23-26, 1965, and that the results of its evaluation will be beneficial to the Commission in its treatment of the subject.

Zenith and Teco on May 17, 1965, filed an opposition to the NAB petition. They urge, among other things, that good cause has not been shown for granting an extension, that to grant an extension would only serve to delay the administrative process, and that the NAB will have ample opportunity to file comments after a notice of further rule making is issued.

We believe that, considering the nature and complexity of the problems involved, comments of the NAB would prove helpful at this stage of the proceeding, and an extension should be granted.

Accordingly, on this 25th day of May 1965: *It is ordered*, That the "Petition for Further Extension of Time for Filing Responses to Joint Petition for Further Rule Making" filed by the National Association of Broadcasters on May 14, 1965, is granted; and that the time in which to file statements responsive to the "Joint Petition of Zenith Radio Corp. and Teco, Inc. for Further Rule Making to Authorize Nationwide Subscription Television" is extended from May 26, 1965, to and including July 14, 1965, and the time for filing replies is extended from June 10, 1965, to and including July 29, 1965.

Released: May 25, 1965.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 65-5611; Filed, May 27, 1965; 8:48 a.m.]

Notices

DEPARTMENT OF THE TREASURY

Office of the Secretary

[Antidumping—AA 643.3-m]

WELDED WIRE MESH FROM BELGIUM

Notice of Tentative Determination

MAY 20, 1965.

Information was received on July 13, 1964, that welded wire mesh for concrete reinforcement imported from Belgium was being sold at less than fair value within the meaning of the Antidumping Act, 1921, as amended.

I hereby make a tentative determination that welded wire mesh for concrete reinforcement imported from Belgium is not being, nor likely to be, sold at less than fair value within the meaning of section 201(a) of the Antidumping Act, 1921, as amended (19 U.S.C. 160(a)).

Statement of reasons on which this tentative determination is based. The principal Belgian exporters of the welded wire mesh for concrete reinforcement were included in the inquiry made covering the period under consideration. Sales for exportation to the United States were in some instances made to firms not related to the seller within the meaning of section 207 of the Antidumping Act. In other instances such a relationship existed. Sales in the home market were sufficient in quantity to afford a proper basis of comparison. Purchase price or exporter's sales price, as applicable, were therefore compared for fair value purposes with adjusted home market price of the welded wire mesh for concrete reinforcement similar to the welded wire mesh for concrete reinforcement sold for exportation to the United States.

Purchase price was calculated on the basis of the manufacturers' ex-mill selling prices for exportation to the United States. Exporter's sales price with respect to the one manufacturer to whom this basis applied, was based on the resale price in the United States which was the same as the ex-mill price including an export selling commission, since all costs and charges accruing from the Belgian mill to the ultimate customers in the United States are to the account of the ultimate purchaser in the United States. The selling commission applicable to all sales to related parties was deducted from the selling price to the related importer in the United States in calculating exporter's sales price. In those instances where sales for exportation to the United States were made on an f.o.b. port of export basis, the included inland freight and loading charges were deducted from such sales prices.

In all cases, sales for home consumption were made on a delivered customer's premises basis. The included delivery charges accruing from the mill to the customer's premises were deducted, therefore, from the home market selling prices to reduce such prices to an ex-mill basis.

In one instance, sales for home consumption were to a consumer category of purchaser whereas those made for exportation to the United States were to a reseller level of sale. A reasonable reduction from home market price was made in this instance to compare the home market price with the price at the commensurate export sales level. Selling expenses were deducted from the home market sales price in an amount not to exceed the amount of the selling commission deducted in computing exporter's sales price. A cash discount applying to one exporter's home market transactions was deducted from the involved home market sales price.

Almost all home market sales comprise many varieties of welded wire mesh panels and mats which incur greater production costs than the two sizes of rolled welded wire mesh exported to the United States. Due allowance was made, therefore, to reduce home market price for this production cost differential.

It was found that there had been some sales at less than adjusted home market price during the early part of the period under consideration. Subsequent changes in market prices since that time have eliminated this condition indicating no likelihood of further sales at less than fair value. The quantities thus sold and the differences in price were deemed to be not more than insignificant.

The complaint was withdrawn as of April 9, 1965.

Such written submissions as interested parties may care to make with respect to the contemplated action will be given appropriate consideration by the Secretary of the Treasury.

If any person believes that any information obtained by the Bureau of Customs in the course of this antidumping proceeding is inaccurate or that for any other reason the tentative determination is in error, he may request in writing that the Secretary of the Treasury afford him an opportunity to present his views in this regard.

Any such written submissions or requests should be addressed to the Commissioner of Customs, 2100 K Street NW., Washington, D.C., 20226, in time to be received by his office not later than 30 days from the date of publication of this notice in the FEDERAL REGISTER.

This tentative determination and the statement of reasons therefor are published pursuant to § 14.8(a) of the Customs Regulations (19 CFR 14.8(a)).

[SEAL] JAMES A. REED,
Assistant Secretary of the Treasury.

[F.R. Doc. 65-5602; Filed, May 27, 1965; 8:48 a.m.]

DEPARTMENT OF THE INTERIOR

Office of the Secretary

[Order 2508; Amdt. 66]

COMMISSIONER OF INDIAN AFFAIRS

Delegation of Authority

MAY 20, 1965.

Section 13y of Order No. 2508 is amended to read as follows:

SEC. 13. *Lands and Minerals.* The Commissioner may exercise the authority of the Secretary in relation to the following classes of matters:

* * * * *

(y) The approval of orders to change designation of homestead and approval of instruments vesting title, pursuant to the provisions of 25 CFR Part 127; and approval of deeds executed pursuant to orders of the courts of the State of Oklahoma in actions instituted under section 3 of the Act of April 18, 1912 (37 Stat. 86), as supplemented by section 5 of the Act of March 2, 1929 (45 Stat. 1478).

STEWART L. UDALL,
Secretary of the Interior.

[F.R. Doc. 65-5596; Filed, May 27, 1965; 8:47 a.m.]

DEPARTMENT OF AGRICULTURE

Commodity Credit Corporation

[Amdt. 2]

PRICE SUPPORT PROGRAMS

1964 and Subsequent Crops; Announcement of Interest Rate

The announcement issued by the Commodity Credit Corporation published in 29 F.R. 4109, as amended at 29 F.R. 11133, of the rate of interest applicable to price support programs on 1964 and subsequent crops or production, is hereby further amended effective with respect to price support programs on 1965 and subsequent crops or production to include in section (1) thereof Form A loans on cotton.

Section (1) is amended to read as follows:

(1) Loans on barley, corn, dry edible beans, flaxseed, grain sorghums, honey, oats, farm-stored peanuts, rice, rye, soybeans, tung oil, and wheat, and Form A loans on cotton shall bear interest at the rate of 30 cents per $100.00 (fractions disregarded) for each calendar month or fraction thereof that the loan is outstanding, excluding the calendar month of repayment.

Signed at Washington, D.C., on May 25, 1965.

H. D. GODFREY,
Executive Vice President, Commodity Credit Corporation.

[F.R. Doc. 65-5620; Filed, May 27, 1965; 8:49 a.m.]

DEPARTMENT OF COMMERCE

National Bureau of Standards

NBS RADIO STATIONS

Notice of U.S. Standard Frequency and Time Broadcasts

In accordance with National Bureau of Standards policy of giving monthly notices regarding changes in phases of seconds pulses, notice is hereby given that an adjustment will be made in the phase of time signals from radio station WMVB, Fort Collins, Colo. On 1 July 1965, the clock at the station will be retarded by 200 ms at 00h00m UT (7:00 p.m., e.s.t., of 30 June). The successive time pulses emitted from station WMVB are one second apart. The carrier frequency of WMVB is 60 kHz, and is broadcast without offset.

An adjustment in the phases of time signals emitted from radio stations WMV, Greenbelt, Md., and WWVH, Maui, Hawaii, is also announced by the National Bureau of Standards. On 1 July 1965, the pulses from these stations will be retarded by 100 ms at 00h00m UT (7:00 p.m., e.s.t., of 30 June) in accordance with an announcement made by the Bureau International de l'Heure (BIH). These pulses at present occur at intervals which are longer than one second by 150 parts of 10^{10}, due to the offset maintained in carrier frequencies, as coordinated by the BIH.

The phase adjustments ensure that the emitted pulses from all stations will remain within about 100 ms of the UT2 scale. They are made necessary because of changes in the speed of rotation of the earth with which the UT2 scale is associated. Daily UT2 information is obtained from weekly forecasts of UT2 provided by the U.S. Naval Observatory in accordance with the close cooperation maintained between the two agencies.

A. V. ASTIN,
Director.

[F.R. Doc. 65-5600; Filed, May 27, 1965; 8:47 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

DRUGS USED IN ANIMAL FEEDS AND IN TREATMENT OF FOOD-PRODUCING ANIMALS

Request for Residue Data and Other Data To Clarify Status Under Section 409 of the Federal Food, Drug, and Cosmetic Act

The Food and Drug Administration is reviewing all drugs now being administered to food-producing animals in accordance with sanctions granted prior to enactment of the food additives amendments to the Federal Food, Drug, and Cosmetic Act. Such prior sanctions were based in part on the condition that no residues of the additives or their metabolites would be found in the edible tissues or products of animals treated with such additives. This review is part of the continuing assessment of earlier decisions to insure that more recent scientific developments and knowledge do not necessitate modifications in the status of any substance subject to the act.

The Commissioner of Food and Drugs desires to be sure that the reevaluation is based on all scientific evidence that has been accumulated about these drugs as used in food-producing animal products. In addition to data available to or being obtained by the Food and Drug Administration, there may be a substantial amount of pertinent data not previously submitted to the Commissioner.

Therefore, manufacturers of such drugs and other interested parties are invited to submit any scientific data not previously submitted concerning tissue residue studies and methods of determining such residues. The drugs currently under study are as follows, either used alone or in combination with antibiotic drugs listed in §§ 144.25 and 144.26.

2-Amino-5-nitrothiazole.
Cadmium anthranilate.
Cadmium oxide.
Di-n-butyltin dilaurate.
2,2' - Dihydroxy - 5-5' - dichlorodiphenylmethane.
Furazolidone, in poultry.
Nitrofurasone, in poultry and swine.
Nitrophenide, in poultry.
Piperazine dihydrochloride.
Piperazine monohydrochloride.
Piperazine phosphate monohydrate.
Piperazine sulfate.
Sulfaquinoxaline.

Since the public interest requires that a decision in this matter be made at an early date, any person having data of the kind requested is invited to submit them promptly, and in any case within a period of 90 days from the date of the publication of this notice in the FEDERAL REGISTER. Written data, comments, suggestions, or inquiries should be submitted, preferably in quintuplicate, to the Petitions Control Branch, Bureau of Scientific Standards and Evaluation, Food and Drug Administration, Washington, D.C., 20204.

(Sec. 701(a), 52 Stat. 1055; 21 U.S.C. 371(a))

Dated: May 24, 1965.

GEO. P. LARRICK,
Commissioner of Food and Drugs.

[F.R. Doc. 65-5608; Filed, May 27, 1965; 8:48 a.m.]

ATOMIC ENERGY COMMISSION

[Docket No. 50-231]

GENERAL ELECTRIC CO. AND SOUTHWEST ATOMIC ENERGY ASSOCIATES

Notice of Hearing on Application for Provisional Construction Permit

Pursuant to Atomic Energy Act of 1954, as amended, and the regulations in Title 10, CFR, Part 50, "Licensing of Production and Utilization Facilities", and Part 2, "Rules of Practice", notice is hereby given that a hearing will be held on June 29, 1965, at 10 a.m., local time, in the Washington County Courthouse, College and Center Avenues, Fayetteville, Ark., to consider the application filed under section 104(b) of the Act by General Electric Co., 175 Curtner Avenue, San Jose, Calif., and Southwest Atomic Energy Associates, 306 Pyramid Building, Little Rock, Ark., for a provisional construction permit for a fast oxide reactor designed to operate at 20 megawatts (thermal) to be located at Cove Creek, Washington County, Ark.

The hearing will be conducted by the atomic safety and licensing board designated by the Atomic Energy Commission, consisting of Dr. Thomas H. Pigford, Berkeley, Calif.; Dr. Dixon Callihan, Oak Ridge, Tenn.; and Mr. J. D. Bond, Chairman, Washington, D.C.

The following issues will be considered at the hearing:

1. Whether in accordance with the provisions of 10 CFR 50.35(a)—

(1) The applicants have described the proposed design of the facility, including, but not limited to, the principal architectural and engineering criteria for the design, and have identified the major features or components on which further technical information is required;

(2) The omitted technical information will be supplied;

(3) The applicants have proposed, and there will be conducted, a research and development program reasonably designed to resolve the safety questions, if any, with respect to those features or components which require research and development; and

(4) On the basis of the foregoing, there is a reasonable assurance that (i) such safety questions will be satisfactorily resolved at or before the latest date stated in the application for completion of construction of the proposed facility and (ii) taking into consideration the site criteria contained in Part 100, the proposed facility can be constructed and operated at the proposed location without undue risk to the health and safety of the public.

2. Whether the applicants collectively are technically qualified to design and construct the proposed facility;

3. Whether the applicants are financially qualified to design and construct the proposed facility;

4. Whether the issuance of a permit for the construction of the facility will be inimical to the common defense and security or to the health and safety of the public.

The application and the report of the Commission's Advisory Committee on Reactor Safeguards (ACRS) are available for public inspection in the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. Copies of the ACRS report may be obtained by request to the Director of the Division of Reactor Licensing, U.S. Atomic Energy Commission, Washington, D.C., 20545.

Petitions for leave to intervene, pursuant to the provisions of § 2.714 of the Commission's "Rules of Practice", must be received in the Office of the Secretary, U.S. Atomic Energy Commission, Germantown, Md., or in the Commission's Public Document Room, 1717 H Street NW., Washington, D.C., not later than

June 14, 1965, or in the event of a postponement of the specified hearing date, at such time as the Board may specify.

Any person who wishes to make an oral or written statement setting forth his position on the issues specified, but who does not wish to file a petition to intervene, may request permission to make a limited appearance pursuant to the provisions of § 2.715 of the Commission's "Rules of Practice". Limited appearances will be permitted at the time of the hearing in the discretion of the Board, within such limits and on such conditions as may be fixed by the Board. Persons desiring to make a limited appearance are requested to inform the Secretary, U.S. Atomic Energy Commission, Washington, D.C., 20545, by June 14, 1965.

Answers to this notice, pursuant to the provisions of § 2.705 of the Commission's "Rules of Practice", must be filed by the applicants on or before June 14, 1965.

Papers required to be filed in this proceeding may be filed by mail or telegram addressed to the Secretary, U.S. Atomic Energy Commission, Washington, D.C., 20545, or may be filed by delivery to the Office of the Secretary, U.S. Atomic Energy Commission, Germantown, Md., or the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. Pending further order of the Board, parties are required to file, pursuant to the provisions of § 2.708 of the Commission's "Rules of Practice", an original and 20 conformed copies of each such paper with the Commission.

Dated at Washington, D.C., this 26th day of May 1965.

UNITED STATES ATOMIC ENERGY COMMISSION,
W. B. McCOOL,
Secretary to the Commission.

[F.R. Doc. 65-5646; Filed, May 27, 1965; 8:49 a.m.]

CIVIL AERONAUTICS BOARD

[Docket No. 16353; Order E-22209]

INTERNATIONAL AIR TRANSPORT ASSOCIATION

Order Relating to Specific Commodity Rates

Issued under delegated authority May 24, 1965.

Agreement adopted by Joint Conference 3-1 of the International Air Transport Association relating to specific commodity rates, Docket 16353; Agreement C.A.B. 18169, R-14.

There has been filed with the Board, pursuant to section 412(a) of the Federal Aviation Act of 1958 (the Act) and Part 261 of the Board's Economic Regulations, an agreement between various air carriers, foreign air carriers, and other carriers, embodied in the resolutions of Joint Conference 3-1, of the International Air Transport Association (IATA), and adopted pursuant to the provisions of Resolution 590 dealing with specific commodity rates.

The agreement, adopted pursuant to unprotected notices to the carriers and promulgated in IATA Status Report No. 18, names a rate under a new specific commodity description as set forth below.

Item 0640—Poultry or Game, 34 cents per kg., minimum weight 500 kgs., West Coast to Papeete.

Pursuant to authority duly delegated by the Board in the Board's regulations, 14 CFR 385.14, it is not found that the subject agreement is adverse to the public interest or in violation of the Act, provided that approval thereof is conditioned as hereinafter ordered.

Accordingly, it is ordered:

That Agreement CAB 18169, R-14, be approved, provided that such approval shall not constitute approval of the specific commodity description contained therein for purposes of tariff publication.

Persons entitled to petition the Board for review of this Order, pursuant to the Board's regulations, 14 CFR 385.50, may file such petitions within ten days after the date of service of this Order.

This order shall be effective and become the action of the Civil Aeronautics Board upon expiration of the above period unless within such period a petition for review thereof is filed, or the Board gives notice that it will review this order on its own motion.

This order will be published in the FEDERAL REGISTER.

[SEAL] HAROLD R. SANDERSON,
Secretary.

[F.R. Doc. 65-5621; Filed, May 27, 1965; 8:49 a.m.]

[Docket No. 18353; Order E-22212]

INTERNATIONAL AIR TRANSPORT ASSOCIATION

Order Relating to Rate Matters

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 25th day of May 1965.

Agreement adopted by Traffic Conference 2 and Joint Conferences 1-2, 2-3, and 3-1 of the International Air Transport Association relating to rate matters; Docket 18353, Agreement CAB 18329.

There has been filed with the Board, pursuant to section 412(a) of the Federal Aviation Act of 1958 (the Act) and Part 261 of the Board's Economic Regulations, an agreement between various air carriers, foreign air carriers, and other carriers, embodied in the resolutions of Traffic Conference 2 and Joint Conferences 1-2, 2-3, and 3-1 of the International Air Transport Association (IATA), and adopted by mail vote. The agreement has been assigned the above-designated CAB Agreement number.

The agreement amends Resolutions 552, 554a, 554b, 554c, 555, and 590, so as to common rate both general and specific commodity rates to and from Billund, Odense, and Sonderborg with rates to and from Copenhagen.

The Board, acting pursuant to sections 102, 204(a), and 412 of the Act, makes the following findings:

1. The Board does not find the following resolutions, which are incorporated in the above-described agreement, to be adverse to the public interest or in violation of the Act:

200(Mail 528)552.
JT23(Mail 136)555.
JT12(Mail 398)554a.
JT12(Mail 398)554b.
JT12(Mail 398)554c.
JT12(Mail 398)590.
JT23(Mail 136)590.
JT31(Mail 102)590.
JT123(Mail 398)590.

2. The Board finds that, based on facts presently known, Resolution 200(Mail 528)590 incorporated in the above-described agreement does not affect air transportation within the meaning of the Act.

Accordingly, it is ordered, That:

1. That portion of Agreement CAB 18329 as set forth in finding paragraph 1 is approved; and

2. Jurisdiction is disclaimed with respect to that portion of Agreement CAB 18329 as set forth in finding paragraph 2.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON,
Secretary.

[F.R. Doc. 65-5622; Filed, May 27, 1965; 8:49 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket Nos. 15973, 15974; FCC 65M-650]

DIXIE BROADCASTING CO., INC., AND TUPELO BROADCASTING CO., INC.

Order Following Prehearing Conference

In re applications of Dixie Broadcasting Co., Inc., Tupelo, Miss., Docket No. 15973, File No. BPH-4423; Tupelo Broadcasting Co., Inc., Tupelo, Miss., Docket No. 15974, File No. BPH-4461; for construction permits.

It appearing that at a prehearing conference held this date procedural arrangements were made which should be formalized by issuance of an appropriate order:

Accordingly, it is ordered, This 24th day of May 1965, as follows:

(1) The direct cases of the applicants should be presented in the form of sworn written exhibits;

(2) There will be a preliminary exchange of applicants' proposed exhibits relating to Issue 1 (engineering) by July 9, 1965;

(3) There will be a final exchange of applicants' proposed exhibits re Issue 1 by July 23, 1965;

(4) The proposed exhibits bearing on the standard comparative issue shall be exchanged by July 23, 1965;

(5) Notification as to witnesses required to be present at the hearing for cross-examination shall be given by August 10, 1965; and

(6) The hearing heretofore scheduled for June 29, 1965 is postponed to September 8, 1965, at 10 a.m., in the offices of the Commission at Washington, D.C.

Released: May 24, 1965.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 65-5613; Filed, May 27, 1965; 8:49 a.m.]

[Docket Nos. 15975, 15976; FCC 65M-652]

REGIONAL BROADCASTING CORP. AND EVERGREEN ENTERPRISES, INC.

Order Continuing Prehearing Conference

In re applications of Regional Broadcasting Corp., Loveland, Colo., Docket No. 15975, File No. BPH-4706; Evergreen Enterprises, Inc., Loveland, Colo., Docket No. 15976, File No. BPH-4779; for construction permits.

It is ordered, This 24th day of May 1965, because of the illness of the presiding Hearing Examiner, that the prehearing conference in the above-entitled proceeding which heretofore was scheduled to commence May 26, 1965, is continued to June 4, 1965, at 9 a.m., in the offices of the Commission, Washington, D.C.

Released: May 24, 1965.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 65-5614; Filed, May 27, 1965; 8:49 a.m.]

[Canadian List 200]

CANADIAN BROADCAST STATIONS

List of Changes, Proposed Changes, and Corrections

MAY 18, 1965.

Notification under the provisions of Part III, section 2 of the North American Regional Broadcasting Agreement.

List of changes, proposed changes and corrections in assignments of Canadian Broadcast Stations modifying appendix containing assignments of Canadian Broadcast Stations (Mimeograph No. 47214-3) attached to the recommendations of the North American Regional Broadcasting Agreement Engineering Meeting.

Call letters	Location	Power kw	Antenna	Schedule	Class	Expected date of commencement of operation
CHOT (assignment of call letters).	Edmonton, Alberta	*1110 kilocycles* 10 kw	DA-N	U	II	
CJAV (now in operation with increased daytime power).	Port Alberni, British Columbia.	*1240 kilocycles* 1 kwD/0.25 kwN.	ND	U	IV	
CKSL (delete assignment—vide 1410 kilocycles).	London, Ontario	*1280 kilocycles* 5 kw	DA-1	U	III	
New	London, Ontario	*1280 kilocycles* 5 kw	DA-1	U	III	EIO. 5-15-66.
CKOX (now in operation with increased daytime power).	Woodstock, Ontario	*1340 kilocycles* 1 kwD/0.25 kwN.	DA-D ND-N	U	IV	
CKSL (now in operation on new frequency with increased power).	London, Ontario	*1410 kilocycles* 10 kw	DA-2	U	III	

[SEAL] FEDERAL COMMUNICATIONS COMMISSION,
BEN F. WAPLE,
Secretary.

[F.R. Doc. 65-5612; Filed, May 27, 1965; 8:48 a.m.]

FEDERAL MARITIME COMMISSION

DELTA STEAMSHIP LINES, INC., AND LYKES BROS. STEAMSHIP CO., INC.

Notice of Agreement Filed for Approval

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1321 H Street NW., Room 301; or may inspect the agreement at the offices of the District Managers, New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments with reference to an agreement including a request for hearing, if desired, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C., 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the comments should indicate that this has been done.

Notice of agreement filed for approval by:

Mr. W. J. Amoss, Jr., Vice President, Traffic, Lykes Bros. Steamship Co., Inc., New Orleans, La.

Agreement 9452, between Delta Steamship Lines, Inc., and Lykes Bros. Steamship Co., Inc., provides that "Delta" appoints "Lykes" as its agent at certain U.S. Gulf ports, which appointment "Lykes" accepts. "Lykes" will perform all acts and functions designated in the agreement at the rates of compensation named therein.

Dated: May 21, 1965.

By order of the Federal Maritime Commission.

FRANCIS C. HURNEY,
Special Assistant to the Secretary.

[F.R. Doc. 65-5606; Filed, May 27, 1965; 8:48 a.m.]

MOORE-McCORMACK LINES, INC., AND FARRELL LINES, INC.

Notice of Agreement Filed for Approval

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1321 H Street NW., Room 301; or may inspect the agreement at the offices of the District Managers, New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments with reference to an agreement including a request for hearing, if desired, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C., 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the comments should indicate that this has been done.

Notice of agreement filed for approval by:

Mr. J. D. Straton, Jr., Moore-McCormack Lines, Inc., 2 Broadway, New York, N.Y., 10004.

Agreement 9454 between Moore-McCormack Lines, Inc., and Farrell Lines, Inc., establishes a through billing arrangement in the trade from U.S. Atlantic Coast ports to ports in Tanzania and Kenya, East Africa, with tranship-

ment at Portuguese East African and Republic of South African ports, in accordance with terms and conditions set forth in the agreement.

Dated: May 21, 1965.

By order of the Federal Maritime Commission.

FRANCIS C. HURNEY,
Special Assistant to the Secretary.

[F.R. Doc. 65-5607; Filed, May 27, 1965; 8:48 a.m.]

FEDERAL POWER COMMISSION

[Project No. 2511]

COLORADO RIVER WATER CONSERVATION DISTRICT

Notice of Application for Preliminary Permit for Proposed Project

MAY 21, 1965.

Public notice is hereby given that application has been filed under the Federal Power Act (16 U.S.C. 791a-825r) by The Colorado River Water Conservation District (correspondence to: Philip P. Smith, Secretary-Engineer, The Colorado River Water Conservation District, Post Office Box 239, Glenwood Springs, Colo.), for a preliminary permit for proposed Project No. 2511, to be known as the Red Cliff Project, to be located on the Eagle River and its tributaries, Homestake Creek, Peterson Creek, and Fall Creek in Eagle County, Colo., near the towns of Red Cliff and Gilman, and affecting lands of the United States within White River National Forest.

The proposed project would be a combination water storage and hydroelectric development and, as described in the application, would consist of: (1) An earth and rockfill dam (about 1,000 feet long and 190 feet high) located on Homestake Creek which dam would create; (2) a reservoir about 750 acres in area with a capacity of 53,000 acre-feet; (3) a feeder canal some 9,000 feet long to convey water from a headgate on the Eagle River to said reservoir; (4) a power conduit 6 feet in diameter extending about 19,000 feet to; (5) a penstock 13,500 feet long leading to; (6) a powerplant with proposed installed capacity of 16,000 kw; (7) feeder conduits to convey water to the power conduit from intake structures on Peterson Creek and Fall Creek; (8) a reregulating reservoir with a capacity of about 3,000 acre-feet; and (9) appurtenant facilities.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C., 20426, in accordance with the Rules of Practice and Procedure of the Commission (18 CFR 1.8 or 1.10). The last day upon which protests or petitions may be filed is July 19, 1965. The application is on file with the Commission for public inspection.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 65-5589; Filed, May 27, 1965; 8:47 a.m.]

[Docket No. CP65-361]

DONNELL CO.

Notice of Application

MAY 21, 1965.

Take notice that on May 13, 1965, The Donnell Co. (Applicant), Post Office Box 235, Denham Springs, La., filed in Docket No. CP65-361 an application pursuant to section 7(a) of the Natural Gas Act for an order of the Commission directing Tennessee Gas Transmission Co. to establish physical connection of its natural gas transmission facilities with the facilities proposed to be constructed by Applicant, and to sell and deliver natural gas to Applicant for resale and distribution in the unincorporated communities of Pearlington, Lakeshore, Clermont Harbor, Belle Isle, and Oak Harbor, Hancock County, Miss., all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes to construct a distribution system to serve the communities with natural gas. The facilities to be constructed by Applicant are estimated to cost $245,000, which will be financed from the sale of bonds.

Applicant estimates its annual and peak day requirements for natural gas for the initial 3-year period of proposed operations to be as follows:

	First year	Second year	Third year
Annual (Mcf)	21,000	34,500	39,250
Peak day (Mcf)	100	330	364

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C., 20426, in accordance with the Rules of Practice and Procedure (18 CFR 1.8 or 1.10) on or before June 18, 1965.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 65-5590; Filed, May 27, 1965; 8:47 a.m.]

[Project No. 5]

MONTANA POWER CO.

Order Permitting Intervention and Extending Time for Filing Evidence and Time for Hearing

MAY 21, 1965.

The Commission's order of March 29, 1965, fixed July 20, 1965, as date for a public hearing on the application of the Confederated Salish and Kootenai Tribes of the Flathead Reservation, Mont. (Confederated Tribes) for readjustment of annual charges for use of Indian lands by Project No. 5 of The Montana Power Co. on the Flathead River in Montana.

On April 30, 1965, the Secretary of the Interior (Interior) filed a petition to intervene in these proceedings, and a motion for an extension of time for 2 months within which to prepare and file testimony and exhibits and the time for the hearing.

The Confederated Tribes, on May 5, 1965, filed a response, supporting Interior's petition to intervene, and joining the motion for a two month extension of time.

Interior proposes by this intervention to show that the annual charges for use of Indian lands for operation and maintenance of Project No. 5 by The Montana Power Co. should be readjusted; that such charges should be substantially increased; and that such readjustment should be in accordance with the provisions of section 10(e) of the Federal Power Act, as amended.

The Commission finds:

(1) The participation of the Secretary of the Interior in this proceeding is in the public interest.

(2) It will not be inconsistent with the public interest to extend the time for the filing of evidence and the time for the hearing as hereinafter provided.

The Commission orders:

(A) The Secretary of the Interior is hereby permitted to intervene in the above-entitled proceeding subject to the rules and regulations of the Commission: *Provided*, That the participation of such intervener shall be limited to matters affecting asserted rights and interests as specifically set forth in the petition to intervene; *Provided, further*, That the admission of the Petitioner shall not be construed as recognition by the Commission that the intervener might be aggrieved because of any order or orders of the Commission entered in this proceeding.

(B) The Commission's order of March 29, 1965, fixing this matter for hearing is modified to conform to the following schedule:

(1) The Confederated Tribes and The Montana Power Co. and Interior shall file by July 26, 1965, with the Secretary of the Commission an original and 10 copies of all their testimony including qualifications of witness, and exhibits to be presented in their direct cases;

(2) The Commission Staff shall file by August 23, 1965, with the Secretary, an original and 10 copies of all of its direct testimony and exhibits, including qualifications of witnesses;

(3) All motions to strike shall be filed with the Presiding Examiner by September 7, 1965, with replies to such motions to be filed by September 13, 1965;

(4) The hearing shall commence on September 21, 1965, at 10 a.m., e.d.s.t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D.C., 20426, at which time all parties shall be prepared to proceed with cross-examination on direct with rebuttal, if any, to follow immediately thereafter.

By the Commission.

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 65-5591; Filed, May 27, 1965; 8:47 a.m.]

[Docket No. CP65-363]

NORTHERN NATURAL GAS CO.

Notice of Application

MAY 21, 1965.

Take notice that on May 14, 1965, Northern Natural Gas Co. (Applicant), 2223 Dodge Street, Omaha, Nebr., filed in Docket No. CP65-363 an application pursuant to section 7(b) of the Natural Gas Act for permission and approval to abandon certain natural gas facilities, all as more fully set forth in the application on file with the Commission and open to public inspection.

Applicant seeks to abandon a measuring and regulating station in Dakota County, Minn., presently serving, through Applicant's Peoples Natural Gas Division (Peoples), the Joint Independent School District No. 191 (School District). Applicant states that Peoples has entered into a sales agreement with Minneapolis Gas Co. (Minneapolis) transferring certain natural gas distribution equipment and associated property, and assigning Peoples' gas service contract with School District to Minneapolis. The application states that the facilities which are the subject of the application will no longer be useful to serve School District since Minneapolis proposes to construct a new measuring and regulating station for that purpose.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C., 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (157.10) on or before June 18, 1965.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no protest or petition to intervene is filed within the time required herein, and the Commission on its own review of the matter finds that permission and approval for the proposed abandonment are required by the public convenience and necessity. If a protest or petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 65-5592; Filed, May 27, 1965; 8:47 a.m.]

TRANSWESTERN PIPELINE CO.

[Docket No. CP65-362]

Notice of Application

MAY 21, 1965.

Take notice that on May 17, 1965, Transwestern Pipeline Co. (Applicant), Post Office Box 1502, Houston, Tex., 77001, filed in Docket No. CP65-362 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of natural gas facilities and the sale of up to 25,000 Mcf per day of natural gas to Panhandle Eastern Pipe Line Co. (Panhandle), all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Specifically, Applicant seeks authorization to construct and operate a 6-inch tap valve and appurtenant facilities at the delivery point to Panhandle which is to be located at a point where Applicant's 10-inch Cactus lateral crosses Panhandle's existing Sunray line in Sherman County, Tex. The estimated cost of the facilities is $1,740, which is to be financed from funds on hand.

Applicant requests the authorization to sell up to 25,000 Mcf per day to Panhandle until December 31, 1965, or until Applicant commences deliveries to Natural Gas Pipeline Co. of America pursuant to the exchange program for which authorization is being requested in Docket No. CP65-320, whichever is earlier.

The stated reason for the proposed sale of gas is that Applicant's present deliveries from its Panhandle system are barely sufficient to avoid causing its Panhandle producers to be compelled either to suffer physical drainage, flare casinghead residue gas or suffer loss of leases.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C., 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (157.10) on or before June 18, 1965.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no protest or petition to intervene is filed within the time required herein, and the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a protest or petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 65-5593; Filed, May 27, 1965; 8:47 a.m.]

FEDERAL RESERVE SYSTEM

BANK OF WOOD COUNTY CO.

Order Approving Merger of Banks

In the matter of the application of The Bank of Wood County Company for approval of merger with The First National Bank of North Baltimore.

There has come before the Board of Governors, pursuant to the Bank Merger Act of 1960 (12 U.S.C. 1828(c)), an application by The Bank of Wood County Co., Bowling Green, Ohio, a State member bank of the Federal Reserve System, for the Board's prior approval of the merger of that bank and The First National Bank of North Baltimore, North Baltimore, Ohio, under the charter and title of The Bank of Wood County Co. As an incident to the merger, the sole office of The First National Bank of North Baltimore would become a branch of the resulting bank. Notice of the proposed merger, in form approved by the Board, has been published pursuant to said Act.

Upon consideration of all relevant material in the light of the factors set forth in said Act, including reports furnished by the Comptroller of the Currency, the Federal Deposit Insurance Corporation, and the Attorney General on the competitive factors involved in the proposed merger,

It is hereby ordered, For the reasons set forth in the Board's Statement[1] of this date, that said application be and hereby is approved, provided that said merger shall not be consummated (a) within seven calendar days after the date of this Order or (b) later than three months after said date.

Dated at Washington, D.C., this 21st day of May, 1965.

By order of the Board of Governors.[2]

[SEAL] MERRITT SHERMAN,
Secretary.

[F.R. Doc. 65-5573; Filed, May 27, 1965; 8:45 a.m.]

GENERAL SERVICES ADMINISTRATION

Utilization and Disposal Service

[Wildlife Order 75]

PORTION OF NATIONAL GUARD TRAINING AREA, CADET POINT, BILOXI, MISS.

Transfer to Department of the Interior

Pursuant to section 2 of Public Law 537, Eightieth Congress, approved May 19, 1943 (16 U.S.C. 667a), notice is hereby given that:

1. By letter from the General Services Administration, Atlanta Regional Office, dated April 30, 1965, the property comprising 6.10 acres of upland and 16.80 acres under water, identified as a portion of the National Guard Training Area (Cadet Point), Biloxi, Miss., and more

[1] Filed as part of the original document. Copies available upon request to the Board of Governors of the Federal Reserve System, Washington, D.C., 20551, or to the Federal Reserve Bank of Cleveland.

[2] Voting for this action: Chairman Martin, and Governors Balderston, Robertson, and Maisel. Absent and not voting: Governors Shepardson, Mitchell, and Daane.

particularly described in said letter has been transferred effective April 30, 1965, to the Department of the Interior.

2. The above identified property was transferred to the Department of the Interior for wildlife conservation purposes in accordance with the provisions of section 1 of the said Public Law 537 (16 U.S.C. 667b).

Dated: May 21, 1965.

WALTER C. MORELAND,
Assistant Commissioner for Real Property, Utilization and Disposal Service.

[F.R. Doc. 65-5594; Filed, May 27, 1965; 8:47 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[811-711]

AUTOMATION INVESTMENTS CO.

Notice of Proposal To Terminate Registration

MAY 21, 1965.

Notice is hereby given that the Securities and Exchange Commission ("Commission") on its own motion proposes to declare by order, pursuant to section 8(f) of the Investment Company Act of 1940 ("Act"), that Automation Investments Co. ("Automation"), 821 Fifteenth Street NW., Washington 5, D.C., a Delaware corporation, has ceased to be an investment company.

Automation registered as a management closed-end diversified investment company under section 8(a) of the Act by filing a notification of registration on Form N-8A on February 13, 1956. At that time, Automation's name was Automation Industries Corporation. Information in our files indicates that monies deposited by subscribing stockholders have been returned. The Secretary of State of Delaware has informed the Commission that Automation was dissolved on March 10, 1958.

Section 8(f) of the Act provides, in pertinent part, that when the Commission, on its own motion, finds that a registered investment company has ceased to be an investment company, it shall so declare by order, and that upon the taking effect of such order the registration of such company shall cease to be in effect.

Notice is further given that any interested person may, not later than June 11, 1965, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C., 20549. A copy of such request shall be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon Automation Investments Co. at the address set forth above. Proof of such service (by affidavit, or in case of an attorney-at-law, by certificate) shall be filed contemporaneously with the request. At any time after said date, as provided by Rule 0-5 of the rules and regulations promulgated under the Act, an order disposing of the matter may be issued by the Commission upon the basis of the information stated in this notice, unless an order for hearing upon this matter shall be issued upon request or upon the Commission's own motion.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 65-5596; Filed, May 27, 1965; 8:47 a.m.]

VETERANS ADMINISTRATION

STATEMENT OF ORGANIZATION

Miscellaneous Amendments

The Veterans Administration statement of organization (29 F.R. 6969) is amended as follows:

For California, VA Office, San Diego: Before "2131 Third Ave." insert "Wusnaw Medical Bldg."

For District of Columbia, Hospital, Washington: Delete "20007—2650 Wisconsin Ave. NW." and insert "20422—50 Irving St. NW."

For Hawaii, Regional Office, Honolulu: Before "P.O. Box 3196," insert "680 Ala Moana Blvd."

For Indiana, Hospital, Indianapolis: Delete "Veterans Administration Hospital" and insert: "1481 West 10th St."

For Maine, VA Office, Portland: Delete "171 Middle St." and insert "76 Pearl St."

For Ohio, Regional Office, Cincinnati 45202 through Regional Office, Cleveland 44114: Delete in its entirety and insert:

Regional Office, Cincinnati 45202—Federal Office Bldg., 550 Main St.
VA Office, Columbus 43215—Bryson Bldg., 700 Bryden Rd.
Regional Office, Cleveland 44114—Cuyahoga Bldg., 216 Superior Ave.

Hospital, Cleveland 44130: Delete "7300 York Rd." and insert "10701 East Blvd."

For Pennsylvania, Insurance Center, Philadelphia 19101 through Regional Office, Pittsburgh 15222—107 Sixth St.: Delete in its entirety and insert:

Center (Regional Office and Insurance) (5000 Wissahickon Ave.), Mail: P.O. Box 8079, Remittances: P.O. 7787.
Regional Office, Pittsburgh 15222—1000 Liberty Ave.

For Philippines, Republic of the, Regional Office: Delete in its entirety and insert "Regional Office, Manila—APO 96528, San Francisco, Calif."

For Rhode Island, Regional Office, Providence: Delete "Exchange Pl." and insert "Kennedy Plaza."

For Utah, Regional Office, Salt Lake City: Delete "1255" and insert "125."

By direction of the Administrator.

[SEAL] A. H. MONK,
Acting Deputy Administrator.

[F.R. Doc. 65-5597; Filed, May 27, 1965; 8:47 a.m.]

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATIONS FOR RELIEF

MAY 25, 1965.

Protests to the granting of an application must be prepared in accordance with Rule 1.40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 39800—*Barytes to New Orleans, La.* Filed by O. W. South, Jr., agent (No. A4698), for interested rail carriers. Rates on crude or ground barytes, in carloads, from Athens, Tenn., to New Orleans, La.

Grounds for relief—Market competition.

Tariff—Supplement 16 to Southern Freight Association, agent, tariff I.C.C. S-417.

FSA No. 39801—*Grain and grain products from Oklahoma points.* Filed by Chicago, Rock Island & Pacific Railroad Co. (No. 899), for itself and interested rail carriers. Rates on grain, also soybeans, wheat flour, and bulgur, in carloads, from Goodwell, Guymon, and Texhoma, Okla., to Texas and Louisiana Gulf ports (for export).

Grounds for relief—Rate relationship.

Tariff—Supplements 17 and 20 to Chicago, Rock Island & Pacific Railroad Co. tariff I.C.C. C-13743.

FSA No. 39802—*Liquid caustic soda to Griffin, Ga.* Filed by O. W. South, Jr., agent (No. A4695), for interested rail carriers. Rates on liquid caustic soda, in tank carloads, from Memphis, Tenn., to Griffin, Ga.

Grounds for relief—Market competition.

Tariff—Supplement 32 to Southern Freight Association, agent, tariff I.C.C. S-484.

FSA No. 39803—*Chlorine from Acme, N.C.* Filed by O. W. South, Jr., agent (No. A4696), for interested rail carriers. Rates on chlorine, in tank carloads, subject to minimum shipment of 550,000 pounds, from Acme, N.C., to Charleston and Institute, W. Va.

Grounds for relief—Market competition.

Tariff—Supplement 8 to Southern Freight Association, agent, tariff I.C.C. S-517.

By the Commission.

[SEAL] BERTHA F. ARMES,
Acting Secretary.

[F.R. Doc. 65-5603; Filed, May 27, 1965; 8:48 a.m.]

[Docket 34540]

MOTOR CARRIER PROBABILITY SAMPLING STUDIES

MAY 21, 1965.

Notice to all Class I and Class II common carriers of general freight having gross revenues over $500,000 with 75 percent or more of such revenues being derived from general commodities.

The Commission, by Division 2, upon consideration of the representations and requests set forth in communications received from motor carriers and other interested parties to notice of April 23, 1965, issued in docket No. 34540, 30 F.R. 5951, has authorized an extension of 90 days beyond the original filing date for submission of comments on the matter of Motor Carrier Probability Sampling. Accordingly, responses, in triplicate, should reach this office not later than August 11, 1965.

[SEAL] BERTHA F. ARMES,
Acting Secretary.

[F.R. Doc. 65-5604; Filed, May 27, 1965; 8:48 a.m.]

[Notice 1181]

MOTOR CARRIER TRANSFER PROCEEDINGS

MAY 25, 1965.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 179), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC-67823. By order of May 20, 1965, the Transfer Board approved the transfer to Ruth Jobe Nester, doing business as Nester Transfer, Welch, W. Va., of the operating rights in Certificate No. MC-495 issued August 29, 1940, to Paul De Mario, Welch, W. Va., authorizing the transportation, over irregular routes, of: Household goods, between Welch, W. Va., and points and places in West Virginia within 15 miles of Welch, W. Va., on the one hand, and, on the other, points and places in Virginia and Kentucky. Albert A. Barley, First National Bank Building, Welch, W. Va., attorney for applicants.

No. MC-FC-67836. By order of May 20, 1965, the Transfer Board approved the transfer to Rowan Transport, Inc., Jamestown, N.Y., of Certificates Nos. MC-112474, MC-112474 (Sub-No. 3), MC-112474 (Sub-No. 4), MC-112474 (Sub-No. 5), and MC-112474 (Sub-No. 7), issued to Walter Rowan, Jamestown, N.Y., September 14, 1956, July 11, 1961, October 10, 1960, January 30, 1963, and November 20, 1964, respectively, authorizing the transportation over irregular routes of salt, in bulk, in dump vehicles, from points in Livingston County, N.Y., to points in Erie, Crawford, Mercer, Venango, Warren, McKean, and Potter Counties, Pa.; such roadbuilding and construction materials as may be transported in dump trucks, in bulk, from points in Chautauqua County, N.Y., to points in Erie, Crawford, Warren, McKean, Potter, Venango, Forest, Elk, and Clarion Counties, Pa.; such bulk commodities as are susceptible of being unloaded by dumping, in dump trucks, from points in Erie, Crawford, Warren, McKean, Potter, Venango, Forest, Elk, and Clarion Counties, Pa., to points in Chautauqua County, N.Y.; salt, from Ludlowville and Watkins Glen, N.Y. to points in Erie, McKean, Potter, and Warren Counties, Pa.; salt, in containers, from Retsof, Livingston County, N.Y., to points in Erie, Crawford, Mercer, Venango, Warren, McKean, and Potter Counties, Pa.; salt, from Watkins Glen and Retsof, N.Y., to points in Potter, Crawford, McKean, Warren, and Erie Counties, Pa.; and pepper, in packages, from Watkins Glen, N.Y., to points in Potter, Crawford, McKean, Warren, and Erie Counties, Pa. Kenneth T. Johnson, Bank of Jamestown Building, Jamestown, N.Y., attorney for applicants.

No. MC-FC-67838. By order of May 21, 1965, the Transfer Board approved the transfer to Zip Transfer, Inc., McCook, Nebr., of the operating rights in Certificate No. MC-115742, issued February 28, 1964, to Schultz Trucking Service, Inc., St. Francis, Kans., authorizing the transportation, over regular routes, of general commodities, excluding household goods, and other specified commodities, between Denver, Colo., and Saint Francis, Kans., and over irregular routes, of general commodities, excluding household goods and other specified commodities, between points in that part of Colorado east of the Continental Divide, on the one hand, and, on the other, points in Cheyenne County, Kans., and livestock, grain, livestock feed, seeds, salt, building materials, contractor's tools and equipment, agricultural machinery and tools, coal, wood, fencing materials and posts, scrap metals and junk, between points in Cheyenne, Rawlins, and Sherman Counties, Kans., Yuma County, Colo., and Dundy County, Nebr., on the one hand, and, on the other, Denver, Colo., between points in Cheyenne, Rawlins, and Sherman Counties, Kans., and Yuma County, Colo., on the one hand, and, on the other, points in Dundy County, Nebr., between points in Cheyenne, Rawlins, and Sherman Counties, Kans., on the one hand, and, on the other, points in Yuma County, Colo. Einar Viren, 904 City National Bank Building, Omaha, Nebr., 68102, attorney for applicants.

No. MC-FC-67844. By orders of May 20, 1965, the Transfer Board approved the transfer to Seaboard Van Lines, Inc., 6255 Livingston Road, Oxon Hill, Md., of the operating rights in Certificate No. MC-109856 (Sub-No. 1) issued October 22, 1962, to Ralph DeCosta Shaw, doing business as Seaboard Van Lines, Washington, D.C. (Mail address—6255 Livingston Road, Oxon Hill, Md., 20021), authorizing the transportation, over irregular routes, of: Household goods, as defined by the Commission, between Washington, D.C., on the one hand, and, on the other, points in Maryland, Delaware, New Jersey, Pennsylvania, West Virginia, Ohio, Indiana, Illinois, Wisconsin, Michigan, Virginia, Kentucky, North Carolina, South Carolina, Georgia, New York, Connecticut, Rhode Island, and Massachusetts. Between Washington, D.C., on the one hand, and, on the other, points in Maryland and Virginia within 40 miles of Washington, D.C.

No. MC-FC-67846. By order of May 21, 1965, the Transfer Board approved the transfer to Warren Russell, doing business as Russell Transportation, Shambaugh, Iowa, of the operating rights in Certificate No. MC-22509 issued December 3, 1942, to E. I. Maranville, Clarinda, Iowa, authorizing the transportation, over regular routes, of livestock, feed, seed, scrap metal, and junk, and farm implements, between specified points and areas in Iowa, Missouri, and Nebraska, and household goods and emigrant movables, between Clarinda, Iowa, and 20 miles thereof, in a radial movement, to specified points in Missouri and Nebraska. Einar Viren, 904 City National Bank Building, Omaha, Nebr., attorney for applicants.

No. MC-FC-67892. By order of May 20, 1965, the Transfer Board approved the transfer to Erdine L. Sykes, doing business as Sykes Van Lines, Jacksonville, Fla., of the operating rights in Certificate No. MC-109856 (Sub-No. 2) issued April 23, 1954, to Ralph DeCosta Shaw, doing business as Seaboard Van Lines, Washington, D.C., authorizing the transportation, over irregular routes, of: Household goods, as defined by the Commission, between Pontiac, Ill., and points within 35 miles thereof, on the one hand, and, on the other points in Wisconsin, Minnesota, Michigan, Iowa, Nebraska, Colorado, Missouri, Kansas, Kentucky, Indiana, Ohio, and Pennsylvania. Richard B. Austin, 616 Atlantic National Bank Building, Jacksonville, Fla., 32202, attorney for applicants.

[SEAL] BERTHA F. ARMES,
Acting Secretary.

[F.R. Doc. 65-5605; Filed, May 27, 1965; 8:48 a.m.]

CUMULATIVE LIST OF CFR PARTS AFFECTED—MAY

The following numerical guide is a list of the parts of each title of the Code of Federal Regulations affected by documents published to date during May.

3 CFR

Page

PROCLAMATIONS:
- 1713 (superseded in part by Proc. 3656) 6571
- 3172 (superseded by Proc. 3655) 6467
- 3399 (superseded by Proc. 3655) 6467
- 3655 6467
- 3656 6571
- 3657 6835

EXECUTIVE ORDER:
- Apr. 19, 1892 (revoked in part by PLO 3656) 6437
- March 23, 1912 (revoked in part by PLO 3659) 7101
- June 13, 1925 (revoked in part by PLO 3658) 7101
- 823 (see EO 11220) 6425
- 10530 (revoked in part by EO 11222) 6469
- 10784 (superseded by EO 11223) 6635
- 10845 (superseded by EO 11223) 6635
- 10939 (revoked by EO 11222) 6469
- 11071 (superseded in part by EO 11224) 6679
- 11125 (revoked by EO 11222) 6469
- 11126 (amended by EO 11221) 6427
- 11219 6381
- 11220 6425
- 11221 6427
- 11222 6469
- 11223 6635
- 11224 6679
- 11225 7093

PRESIDENTIAL DOCUMENTS OTHER THAN PROCLAMATIONS AND EXECUTIVE ORDERS:
- Memorandum of July 20, 1961 (revoked by EO 11222) 6469
- Memorandum of May 2, 1963 (revoked by EO 11222) 6469
- Reorganization Plan No. 1 of 1965 7035
- Determination of May 22, 1965 7095

4 CFR

- 52 6429

5 CFR

- 213 6215, 6241, 6337, 6478, 6637, 6765, 6857, 6903, 6939, 6975, 7153.
- 332 6337
- 591 6511

6 CFR

- 73 6573

7 CFR

- 28 6637
- 29 6573
- 51 6711
- 54 6207
- 55 6141, 6207
- 56 6207
- 58 6637
- 70 6207
- 81 6207
- 210 6207, 6479
- 301 6243, 6245, 6770
- 354 6429
- 362 6857
- 707 6246
- 717 6144
- 719 6511, 6975
- 722 6712, 7185
- 724 6144, 6146, 6207
- 728 7097
- 842 6338
- 862 6247
- 863 6248
- 864 6248
- 876 7186
- 905 6638, 6770
- 908 6146, 6429, 6681, 6771, 6939, 7037
- 909 6430
- 910 6146, 6430, 6479, 6681, 6712, 6939, 6975
- 917 6903–6905
- 918 6431, 6858
- 944 6638
- 959 7037
- 965 6338
- 970 6479
- 989 6905
- 1002 6639
- 1008 6975
- 1138 6573
- 1421 6338, 6511, 6681
- 1425 6907, 7037
- 1434 7097
- 1468 6383
- 1472 6383
- 1475 6909
- 1483 6771, 6976
- 1485 6910
- 1487 6639
- 1488 6249
- 1602 6859

PROPOSED RULES:
- 28 6255
- 31 6350
- 33 6782
- 51 6658
- 70 6395
- 777 6686
- 778 7043
- Ch. IX 6355, 6436, 6523, 6917
- 905 6983
- 930 6255
- 993 6782, 7195
- 1004 6947, 7195
- 1008 6659
- 1040 6163
- 1042 6163
- 1097 6534
- 1102 6534
- 1108 6534
- 1138 6538

8 CFR

- 214 6479, 6940
- 231 6776
- 251 6776
- 332a 6940
- 336 6940
- 499 6940

9 CFR

- 318 6731

9 CFR—Continued

Page

PROPOSED RULES:
- 201 6360

10 CFR

- 30 6575

12 CFR

- 12 6160
- 204 6339
- 206 6731
- 543 7037
- 561 6517, 6915
- 563 7039

PROPOSED RULES:
- 261 6275
- 262 6275
- 563 6544

13 CFR

- 121 6778

14 CFR

- 39 6150, 6431, 6577, 6639, 6640, 6837, 6940, 6976, 7098, 7182.
- 61 6577
- 71 6150, 6215, 6241, 6384–6387, 6478, 6577–6579, 6640–6642, 6682, 6765, 6838, 6914, 6915, 6940, 6977, 6978, 7099, 7099, 7182–7184.
- 73 6242, 6387, 6388, 6978, 7100
- 75 6150, 6241, 6242, 6432, 6642, 6915, 7099, 7100.
- 77 6713
- 91 6388
- 95 6766
- 97 6151, 6329, 6714, 6839
- 99 6242
- 121 6432, 6725
- 127 6432
- 165 7184

PROPOSED RULES:
- 1 6921
- 39 6188, 6274
- 67 6188
- 71 6189, 6225, 6397, 6399, 6400, 6402, 6443, 6588, 6589, 6735, 6736, 6793–6795, 6872, 6922–6924, 6984–6986, 7045, 7110–7112, 7196.
- 73 6402, 6444, 6736
- 75 6443, 6924, 7112
- 91 6541, 6921
- 129 6541
- 399 6650

15 CFR

- 201 6748

16 CFR

PROPOSED RULES:
- 303 6275

17 CFR

- 18 6941
- 240 6642

18 CFR

- 157 6518

19 CFR

Page

- 10 6149
- 14 7167

PROPOSED RULES:
- Ch. I 7108
- 13 6686

20 CFR

- 601 6941
- 604 7039

21 CFR

- 121 6215, 6339, 6389, 6433, 6477, 6478, 6579, 6643, 6732, 6837, 6915.
- 130 6979
- 133 6475
- 141a 6979, 7040
- 141c 6980
- 144 6389
- 146a 6979, 7040
- 146c 6980
- 148 7041
- 148p 6980

PROPOSED RULES:
- 8 6490, 6733–6735
- 121 6588, 6689
- 125 6984
- 141a 6795

24 CFR

- 203 6982
- 220 7102

25 CFR

- 131 6579
- 221 7101

PROPOSED RULES:
- 1 6438
- 221 6523

26 CFR

- 1 6216, 6340, 6480
- 170 6769
- 250 6217

PROPOSED RULES:
- 1 6222, 6349, 6486, 6488
- 31 6222
- 301 6222

29 CFR

- 50 6249
- 604 6218
- 606 6218
- 690 6482

PROPOSED RULES:
- 657 6224
- 697 6225
- 1501 6397
- 1502 6397
- 1503 6397

32 CFR

- 1 6965
- 2 6967
- 3 6967
- 5 6968
- 7 6968
- 9 6968
- 13 6973
- 15 6973

32 CFR—Continued

Page

- 102 6942
- 163 6161
- 175 6682
- 180 6682
- 516 6341
- 815 6343
- 882 6343
- 903 7188
- 1001 7188
- 1003 7189
- 1004 7190
- 1005 7190
- 1006 7190
- 1007 7191
- 1010 7191
- 1013 7191
- 1016 7191
- 1030 7191
- 1053 7192
- 1054 7192

33 CFR

- 80 6433
- 82 6434
- 86 6434
- 95 6434
- 135 6434
- 203 6161, 6388
- 204 6643
- 205 6644
- 207 6161, 6644
- 401 6580

36 CFR

- 2 6682
- 7 6861
- 211 6345
- 261 6982
- 311 6161
- 502 6482

PROPOSED RULES:
- 7 7108

37 CFR

- 1 6391, 6644
- 3 6644

PROPOSED RULES:
- 1 7195
- 2 6687
- 4 6687

38 CFR

- 1 6435
- 2 6392
- 3 6649
- 14 6392

39 CFR

- 4 6436
- 36 6436
- 37 6436
- 43 6436

41 CFR

- 1–3 6581
- 1–12 7192
- 1–16 7194
- 4–2 6943
- 4–3 6943
- 4–5 6943

41 CFR—Continued

Page

- 4–16 6944
- 5–60 6837
- 8–1 7041
- 8–19 7041
- 9–1 6483, 6519
- 9–3 6683
- 9–4 6519
- 9–6 6519
- 9–7 6519
- 9–8 6585
- 9–9 6684
- 9–54 6684
- 101–5 6684
- 101–44 6649

42 CFR

- 57 6944

PROPOSED RULES:
- 73 6795

43 CFR

PUBLIC LAND ORDERS:
- 3638 6585
- 3655 6392
- 3656 6437
- 3657 6586
- 3658 7101
- 3659 7101
- 3660 7101

45 CFR

- 130 6393

46 CFR

- 25 6517
- 137 6713
- 528 7102
- 536 7138

47 CFR

- 0 6250, 6778
- 1 6778, 6780
- 2 6219, 6388, 7102, 7105, 7153
- 15 6250
- 21 7170
- 25 6862, 7170
- 73 6251, 6519, 6520, 6869, 7106
- 83 6778
- 87 7105

PROPOSED RULES:
- 2 6226
- 15 6541, 6689
- 73 6274, 6275, 6543, 6590, 6651, 6947, 7113, 7197.

49 CFR

- 1 6485
- 95 6220
- 97 6394
- 141 6162

50 CFR

- 26 6587
- 28 7106
- 33 6344, 6521, 6587, 6871
- 60 6149

PROPOSED RULES:
- 32 6224
- 260 7042

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FEDERAL REGISTER

VOLUME 30 • NUMBER 104

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Pages 7209–7266

Agencies in this issue—

The President
Agriculture Department
Atomic Energy Commission
Civil Aeronautics Board
Civil Service Commission
Commerce Department
Consumer and Marketing Service
Federal Aviation Agency
Federal Communications Commission
Federal Power Commission
Fish and Wildlife Service
Food and Drug Administration
General Services Administration
Interior Department
Interstate Commerce Commission
Justice Department
Land Management Bureau
Maritime Administration
Securities and Exchange Commission
Small Business Administration
State Department

Detailed list of Contents appears inside.



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Contents

THE PRESIDENT

EXECUTIVE ORDER

Amending Executive Order No. 10358, relating to the observance of holidays by Government Agencies 7213

EXECUTIVE AGENCIES

AGRICULTURE DEPARTMENT

See also Consumer and Marketing Service.

Notices

Designation of areas for emergency loans:
Illinois 7257
Washington 7257

ATOMIC ENERGY COMMISSION

Notices

Canrad Precision Industries, Inc.; notice of filing of amended petition for rule making 7258
Southwest Experimental Fast Oxide Reactor; order and notice of prehearing conference 7258

CIVIL AERONAUTICS BOARD

Proposed Rule Making

Uniform system of accounts and reports for certified air carriers; reporting of nonscheduled operations 7251

Notices

Airlift renewal proceeding; notice of prehearing conference 7259

CIVIL SERVICE COMMISSION

Rules and Regulations

Commerce Department; excepted service 7245

COMMERCE DEPARTMENT

See also Maritime Administration.

Rules and Regulations

Certifying, searching, and copying services; establishment of charges 7245

CONSUMER AND MARKETING SERVICE

Rules and Regulations

Avocados; import prohibitions 7244
Cotton; revised standards for fiber fineness and maturity 7239
Handling limitations:
Lemons grown in California and Arizona 7240
Valencia oranges grown in Arizona and designated part of California 7240
Poultry soups; further postponement of effective date of certain amendments 7239
Shipment limitations:
Avocados grown in south Florida 7240
Nectarines grown in California (4 documents) 7242, 7243

Proposed Rule Making

Milk in Delaware Valley marketing area; proposed termination of order; correction 7249

FEDERAL AVIATION AGENCY

Rules and Regulations

Enforcement procedures; amendments of hearing procedure 7222
Restricted area; modification 7225
Standard instrument approach procedures; miscellaneous amendments 7225
VOR Federal airway:
Designation 7224
Redesignation and revocation 7224
VOR Federal airway and reporting point; revocation and alteration 7224

Proposed Rule Making

Restricted area; proposed designation 7251

FEDERAL COMMUNICATIONS COMMISSION

Notices

Hearings, etc.:
Greater Erie Broadcasting Co., Inc., and James D. Brownyard 7259
Hicks, Ralph and Southwestern Bell Telephone Co 7259
Morgan Broadcasting Co., and Dick Broadcasting Co., Inc., of Tennessee 7259
Webster County Broadcasting Co., and Holmes County Broadcasting Co. (WXTN) 7259
WHOO Radio, Inc. (WHOO) 7259

FEDERAL POWER COMMISSION

Notices

Hearings, etc.:
Calvert Corp 7259
Eastern Shore Natural Gas Co 7260
Green Mountain Power Corp 7260
Michigan Wisconsin Pipe Line Co. (3 documents) 7260, 7261
Montana Power Co 7261

FISH AND WILDLIFE SERVICE

Proposed Rule Making

Washita National Wildlife Refuge; Oklahoma; addition to list of authorized hunting areas 7249

FOOD AND DRUG ADMINISTRATION

Rules and Regulations

Food additives; nylon resins 7238

Proposed Rule Making

Aldrin and dieldrin; proposed amendment of tolerances 7249

Notices

Enriched bread deviating from identity standards; issuance of temporary permit to cover marketing tests 7257
Rohm and Haas Co.; petition filed regarding food additives 7258
Shell Chemical Co.; petition filed regarding pesticide chemicals 7258

GENERAL SERVICES ADMINISTRATION

Rules and Regulations

Termination of contracts for default 7246

HEALTH, EDUCATION, AND WELFARE DEPARTMENT

See Food and Drug Administration.

INTERIOR DEPARTMENT

See also Fish and Wildlife Service; Land Management Bureau.

Notices

Hrubesky, George F.; report of appointment and statement of financial interests 7257

INTERSTATE COMMERCE COMMISSION

Rules and Regulations

Washington, D.C.; commercial zone 7248

Proposed Rule Making

Transportation of household goods; pooling by motor common carriers 7252

Notices

California Western Railroad et al., reduced rates; extension of expiration date 7264
Fourth section applications for relief 7263
Motor carrier transfer proceedings 7264

JUSTICE DEPARTMENT

Rules and Regulations

Organization; certain compromise and closing authority; authorization of redelegation 7245

LAND MANAGEMENT BUREAU

Notices

Oregon; Assistant District Managers et al.; redelegation of materials contracting authority (other than forest products) 7257

MARITIME ADMINISTRATION

Rules and Regulations

Construction reserve funds; establishment 7215

(Continued on next page)

CONTENTS

SECURITIES AND EXCHANGE COMMISSION

Proposed Rule Making

Brokers and dealers not members of a registered national securities association, and their associated persons; qualifications requirements and initial assessment 7253

Notices

Hearings, etc.:
Kingsport Power Co 7261
Research Capital Corp 7262

SMALL BUSINESS ADMINISTRATION

Notices

Cleveland Regional Area; delegation of authority to conduct program activities 7262
South Dakota; declaration of disaster area 7263

STATE DEPARTMENT

Rules and Regulations

Miscellaneous amendments to chapter 7246

List of CFR Parts Affected

(Codification Guide)

The following numerical guide is a list of the parts of each title of the Code of Federal Regulations affected by documents published in today's issue. A cumulative list of parts affected, covering the current month to date, appears at the end of each issue beginning with the second issue of the month.

A cumulative guide is published separately at the end of each month. The guide lists the parts and sections affected by documents published since January 1, 1965, and specifies how they are affected.

3 CFR

EXECUTIVE ORDERS:
10358 (amended by EO 11226) 7213
11226 7213

5 CFR

213 7245

7 CFR

27 7239
28 7239
81 7239
908 7240
910 7240
915 7240
916 (4 documents) 7242, 7243
944 7244
PROPOSED RULES:
1004 7249

14 CFR

13 7222
71 (3 documents) 7224
73 7225
97 7225
PROPOSED RULES:
73 7251
241 7251

15 CFR

4 7245

17 CFR

PROPOSED RULES:
240 7253
249 7253

21 CFR

121 7238
PROPOSED RULES:
120 7249

28 CFR

0 7245

41 CFR

5–8 7246
5–53 7246
6–1 7246
6–2 7247
6–3 7247

46 CFR

287 7215

49 CFR

170 7240
PROPOSED RULES:
176 7252

50 CFR

PROPOSED RULES:
32 7249

Presidential Documents

Title 3—THE PRESIDENT

Executive Order 11226

AMENDING EXECUTIVE ORDER NO. 10358, RELATING TO THE OBSERVANCE OF HOLIDAYS BY GOVERNMENT AGENCIES

By virtue of the authority vested in me as President of the United States, it is hereby ordered as follows:

SECTION 1. Executive Order 10358 of June 9, 1952, entitled "Observance of Holidays by Government Agencies,"[1] is hereby amended

(1) by changing section 7 to read as follows:

"SEC. 7. In administering the provisions of law relating to pay and leave of absence, the workdays referred to in sections 4, 5, 6, and 9 shall be treated as holidays in lieu of the corresponding calendar holidays."

(2) by adding a new section 9 as follows:

"SEC. 9. The holiday for a full-time employee for whom the head of a department has established the first 40 hours of duty performed within a period of not more than six days of the administrative workweek as his basic workweek because of the impracticability of prescribing a regular schedule of definite hours of duty for each workday, shall be determined as follows:

"(a) If a holiday occurs on Sunday, the head of the department shall designate in advance either Sunday or Monday as the employee's holiday and the employee's basic 40-hour tour of duty shall be deemed to include 8 hours on the day designated as the employee's holiday.

"(b) If a holiday occurs on Saturday, the head of the department shall designate in advance either the Saturday or the preceding Friday as the employee's holiday and the employee's basic 40-hour tour of duty shall be deemed to include 8 hours on the day designated as the employee's holiday.

"(c) If a holiday occurs on any other day of the week, that day shall be the employee's holiday, and the employee's basic 40-hour tour of duty shall be deemed to include 8 hours on that day.

"(d) When a holiday is less than a full day, proportionate credit will be given under paragraph (a), (b), or (c) of this section."

SEC. 2. The amendment to Executive Order 10358 ordered by section 1 of this order, shall be effective upon issuance of this order.

LYNDON B. JOHNSON

THE WHITE HOUSE,
May 27, 1965.

[F.R. Doc. 65–5772; Filed, May 28, 1965; 11:40 a.m.]

[1] 3 CFR, 1949–1953 Comp., p. 875; 17 F.R. 5269.

Rules and Regulations

Title 46—SHIPPING

Chapter II—Maritime Administration, Department of Commerce

SUBCHAPTER C—REGULATIONS AFFECTING SUBSIDIZED VESSELS AND OPERATORS

[General Order 38, 2d Rev.]

PART 287—ESTABLISHMENT OF CONSTRUCTION RESERVE FUNDS

In the FEDERAL REGISTER of April 29, 1965 (30 F.R. 6030), the Internal Revenue Service, Department of the Treasury, in conjunction with the Maritime Administration, published regulations (T.D. 6820) pursuant to section 511, Merchant Marine Act of 1936, as amended, codified as Part 2 of Title 26 of the Code of Federal Regulations, entitled "Maritime Construction Reserve Fund."

This revision of Part 287 of Title 46 is a recodification of 26 CFR Part 2. In this revision § 287.4 incorporates the form of application referred to in 26 CFR 2.1–4. Since the form of application is incorporated herein, General Order 55, heretofore assigned to said form of application, is hereby cancelled.

Sec.

287.1 Definitions.
287.2 Scope of section 511 of the Act and the regulations in this part.
287.3 Requirements as to vessel operations.
287.4 Application to establish fund.
287.5 Tentative authorization to establish fund.
287.6 Establishment of fund.
287.7 Circumstances permitting reimbursement from a construction reserve fund.
287.8 Investment of funds in securities.
287.9 Valuation of securities in fund.
287.10 Withdrawals from fund.
287.11 Time deposits.
287.12 Election as to nonrecognition of gain.
287.13 Deposit of proceeds of sales or indemnities.
287.14 Deposit of earnings and receipts.
287.15 Time for making deposits.
287.16 Tax liability as to earnings deposited.
287.17 Basis of new vessel.
287.18 Allocation of gain for tax purposes.
287.19 Requirements as to new vessels.
287.20 Obligation of deposits.
287.21 Period for construction of certain vessels.
287.22 Time extensions for expenditure or obligation.
287.23 Noncompliance with requirements.
287.24 Extent of tax liability.
287.25 Assessment and collection of deficiencies.
287.26 Reports by taxpayers.
287.27 Controlled corporation.
287.28 Administrative jurisdiction.

AUTHORITY: The provisions of this Part 287 issued under secs. 204, 511, 49 Stat. 1987, as amended, 54 Stat. 1106, as amended; 46 U.S.C. 1114, 1161.

§ 287.1 Definitions.

(a) As used in the regulations in this part, except as otherwise expressly provided—

(1) "Act" means the Merchant Marine Act, 1936, as amended (46 U.S.C., ch. 27).

(2) "Section" means one of the sections of the regulations in this part.

(3) "Administration" means the Maritime Administration of the Department of Commerce as created by Reorganization Plan No. 21 of 1950 (46 U.S.C. 1111 note).

(4) "Citizen" means a person who, if an individual, was born or naturalized as a citizen of the United States or, if other than an individual, meets the requirements of section 905(c) of the Act and section 2 of the Shipping Act, 1916, as amended (46 U.S.C. 802).

(5) "Taxpayer" means a citizen who has established or seeks to establish a construction reserve fund under the provisions of section 511 of the Act and the regulations in this part, and may include a partnership.

(6) "Corporation" includes associations, joint-stock companies and insurance companies.

(7) "Stock" includes the shares in an association, joint-stock company, or insurance company.

(8) "Affiliate" or "associate" means a person directly or indirectly controlling, controlled by, or under common control with, another person.

(9) "Control", as used in subparagraph (8) of this paragraph, means the possession of the power to direct in any manner the management and policies of a person, and the terms "controlling" and "controlled" shall have the meanings correlative to the foregoing.

(10) "Person" means an individual, a corporation, a partnership, an association, an estate, a trust, or a company.

(11) "Partnership" includes a syndicate, group, pool, joint venture, or other unincorporated organization.

(12) "Construction", if so determined by the Administration, shall include reconstruction and reconditioning.

(13) "Reconstruction and reconditioning" shall include the reconstruction, reconditioning, or modernization of a vessel for exclusive use on the Great Lakes, including the Saint Lawrence River and Gulf, if the Administration determines that the objectives of the Act will be promoted by such reconstruction, reconditioning, or modernization, and, notwithstanding any other provisions of law, such vessel shall be deemed to be a "new vessel" within the meaning of section 511 of the Act for such reconstruction, reconditioning, or modernization.

(14) "Purchase-money indebtedness" means any indebtedness, or evidence thereof, created as the result of the purchase of a vessel by the taxpayer.

(15) "Contract", "contract for the construction", and "construction contract" shall include, if so determined by the Administration, a contract for reconstruction or reconditioning and shall include, in the case of a taxpayer who constructs a new vessel in a shipyard owned by such taxpayer, an agreement, between such taxpayer and the Administration with respect to such construction, and containing provisions deemed necessary or advisable by the Administration to carry out the purposes and policy of section 511 of the Act.

(b) Insofar as the computation and collection of taxes are concerned, other terms used in the regulations in this part, except as otherwise provided, have the same meaning as in the Internal Revenue Code and the regulations thereunder.

§ 287.2 Scope of section 511 of the Act and the regulations in this part.

(a) *Applicability of regulations.* The regulations prescribed in this part—

(1) Apply to gain realized from the sale or loss of vessels, earnings from the operation of vessels, and interest (or otherwise) with respect to amounts previously deposited in the construction reserve fund, for a taxable year beginning after December 31, 1964, and

(2) Apply to the expenditure, obligation, or withdrawal, during a taxable year beginning after December 31, 1964, of any deposits of gain, earnings, and interest (or otherwise) of the character referred to in subparagraph (1) of this paragraph without regard to the taxable year in which the deposits were made.

(b) *Nonrecognition and accumulation.* Section 511 of the Act provides, under conditions specified, for the nonrecognition, for income and excess-profits tax purposes, of the gain realized from the sale or indemnification for loss of certain vessels including certain vessels in the course of construction, or shares therein. It also permits the accumulation of the proceeds of such sales or indemnification and of certain earnings without liability under part I (section 531 and following), subchapter G, chapter 1 of the Internal Revenue Code of 1954, and the regulations thereunder (26 CFR §§ 1.531 through 1.537–1 (Income Tax Regulations)).

(c) *Availability of benefits.* The benefits of section 511 of the Act are available to any citizen as defined in paragraph (a)(4) of § 287.1, who, during any taxable year owns, in whole or in part, a vessel or vessels within the scope of § 287.3. A citizen operating such a vessel or vessels owned by any other person or persons can derive no benefit from the provisions relating to the nonrecognition of gain from the sale or loss of such vessel or vessels so owned, but may establish a construction reserve fund in which he may deposit earnings from the operation of such vessel or vessels.

(d) *Applicability of section 511.* Section 511 of the Act applies only with respect to sales or losses of vessels within the scope of § 287.3 or in respect of earnings derived from the operation of such

vessels. A loss to be within section 511 of the Act must be an actual or constructive total loss. Whether there is a total loss, actual or constructive, will be determined by the Administration.

§ 287.3 Requirements as to vessel operations.

Section 511 of the Act applies with respect to vessels operated in the foreign or domestic commerce of the United States or in the fisheries of the United States and vessels acquired or being constructed for the purpose of such operation. The foreign commerce of the United States includes commerce or trade between the United States (including the District of Columbia), the territories and possessions which are embraced within the coastwise laws, and a foreign country or other territories and possessions of the United States. The domestic commerce of the United States includes commerce or trade between ports of the United States and its territories and possessions, embraced within the coastwise laws and on inland rivers. The fisheries include the fisheries of the United States and its territories and possessions. Section 511 of the Act does not apply to vessels operated in the foreign commerce or fisheries of any country other than the United States.

§ 287.4 Application to establish fund.

(a) Any person claiming to be entitled to the benefits of section 511 of the Act may make application, in writing, to the Administration for permission to establish a construction reserve fund. The original application shall be executed and verified by the taxpayer, or if the taxpayer is a corporation, by one of its principal officers, in triplicate, and shall be accompanied by eight conformed copies when filed with the Administration.

(b) Form of application:

APPLICATION FOR PERMISSION TO ESTABLISH A CONSTRUCTION RESERVE FUND UNDER SEC. 511, MERCHANT MARINE ACT, 1936, AS AMENDED

The undersigned applicant, _____, hereby applies, under section 511, Merchant Marine Act, 1936, as amended, and the regulations prescribed by the Secretary of Commerce, acting by and through the Maritime Administrator (hereinafter referred to as "Administrator") (46 CFR Part 287) and the Secretary of the Treasury, Internal Revenue Service (26 CFR Part 3) for permission to establish a construction reserve fund to be used for the construction or acquisition of a new vessel or vessels as defined by subsection (a) of said section 511, and submits in support of its application the following information:

A. Identity and nationality of applicant.

1. Exact name.

2. Status (individual, partnership, corporation, etc.).

3. Give the place of incorporation—whether under the laws of the United States, or of a State, Territory, District, or possession thereof.

4. Address of principal executive offices.

5. A statement, if applicant is an individual or a partnership, should be attached to the application in affidavit form, containing information that applicant is a citizen of the United States by virtue of birth in the United States, naturalization, etc.; give place and date of birth and/or naturalization; if derivative U.S. citizenship is alleged through naturalization of parent while a minor, the number, date and place of issue of the certificate of derivative citizenship of applicant should be cited together with any other pertinent details relative thereto.

6. (a) The name, office, and nationality of each officer and director of the applicant owning shares of stock in the corporation should be submitted together with the number and class of capital shares owned.

(b) In order that the U.S. citizenship status of a corporation applicant may be determined by the Administration, an affidavit as set forth in 32A CFR AGE–2 shall be furnished together with a current copy of the Articles or Certificate of Incorporation certified by the Secretary of the State where incorporated (or appropriate officer, if other than a State, as provided in "A.3" above), and a copy of the current By-Laws certified by the Secretary of the Corporation.

7. The name, address and nationality of, and number and class of capital shares owned by, each person not named in answer to Item 6, owning of record, or beneficially if known, 5 percent or more of the outstanding capital shares of any class of the applicant. (The applicant shall be required, upon request, to furnish such additional data as may be deemed necessary to establish the U.S. citizenship of the applicant pursuant to section 2, Shipping Act, 1916, or section 905(c), Merchant Marine Act, 1936, as amended.)

8. A brief statement of the general effect of each voting agreement, voting trust, or other arrangement whereby the voting rights in any shares of the applicant are owned, controlled or exercised, or whereby the control of the applicant is in any way held or exercised by any person not the holder of legal title to such shares. Give the name, address, nationality, and business of any such person, and, if not an individual, the form of organization.

B. Business of the applicant and proposed use of the new vessel.

9. A brief description of (a) the shipping business, or (b) the fishing business, and (c) any other business activities of the applicant.

10. If engaged in the domestic or foreign commerce of the United States, full details concerning the services, routes, or lines on which vessels owned or chartered by the applicant are or have been operated.

11. If applicant is engaged in the fisheries of the United States, full details concerning the location of the fishing operations and the method employed.

C. Proceeds to be deposited.

12. If applicant proposes to deposit the proceeds from the sale of a vessel, a description of the transaction from which the funds were obtained, including the name of the vessel sold, name of purchaser, selling price, date and terms of sale, consideration received by the applicant, amount and description of any mortgage or other lien on the vessel at the time of sale, whether such mortgage or lien was satisfied from the proceeds of sale, brief description of vessel as to size, speed, tonnage, etc., age of vessel at the time of sale, and value and accrued depreciation for income tax purposes at time of sale.

13. If applicant proposes to deposit proceeds of indemnity from loss of a vessel, the name of the vessel, date and description of the loss, amount of indemnity and date received, name of underwriter, amount and description of any mortgage or other lien on the vessel at time of loss, whether such mortgage or lien was satisfied from the proceeds of the indemnity, age of vessel at time of loss, brief description of vessel as to size, speed, tonnage, etc., and value and accrued depreciation for income tax purposes at time of loss.

14. If applicant proposes to deposit earnings from the operation of vessels, a statement of the amount of such earnings to be deposited, the period during which earned, and their source, including the vessels, services, routes, or lines involved.

D. The new vessel.

15. Statement whether applicant proposes: (a) To have a new vessel built to specifications, or (b) to acquire a vessel already constructed or under construction. If the former, and a contract for construction has been entered into at the time of the making of this application, state the date said contract was entered into, the parties thereto, the terms thereof, and date of delivery thereunder. If the latter, give name of vessel, builder, from whom purchased, or to be purchased, date when construction commenced, and date when delivered, or if vessel is still under construction, anticipated date of delivery.

16. The general characteristics of the proposed new vessel, including (a) principal dimensions; (b) gross, net and deadweight tonnage; (c) bale and grain capacities of all cargo holds; (d) capacities of all tanks, storage spaces, refrigerator cargo spaces and separately chilled cargo spaces; (e) number and classes of passenger accommodations; (f) type and power, and in case of steam machinery, the gauge pressure, total temperature, and vacuum expected of propulsive machinery; (g) kind of fuel to be burned; and (h) sustained sea speed at designed load draft.

17. If the proposed new vessel is to operate in the domestic or foreign commerce of the United States, a statement of how it will meet the needs of the service, route or line for which it is intended, with emphasis on the following factors: (a) Cargo accommodations—cargo space and fittings and appliances for handling and stowing cargo; (b) passenger accommodations; (c) construction and design; and (d) accommodations for officers and crews.

18. If the proposed new vessel is to be operated in the fisheries of the United States, a description of the vessel, and a statement of how the vessel will meet the needs of such operations.

19. If the proposed new vessel is intended to replace a vessel or vessels requisitioned or purchased by the United States, a statement of how the proposed replacement vessel will meet the needs of the service, route, line, or use for which it is intended.

20. If the proposed new vessel is less than 2,000 gross tons or of less speed than 12 knots, a description of the features which would make it desirable for use by the United States in case of war or national emergency.

E. The construction reserve fund.

21. A description of the deposit or deposits which the applicant proposes to make in the construction reserve fund, including the amounts to be deposited in cash, notes, mortgages or other evidences of indebtedness, irrevocable commitments, or securities, giving reference to the source as described in items C–12, C–13, or C–14.

22. Name and address of proposed depository or depositories for the construction reserve fund.

F. Taxable year of applicant.

23. Whether applicant files its Federal income tax return on a calendar year or fiscal year basis and if on the latter, the beginning of its fiscal year.

G. Exhibits to be furnished.

24. The following documents shall be filed as exhibits attached to the application:

Exhibit I—If available at the time this application is filed, an authenticated copy of any irrevocable commitment to finance the construction or acquisition of the new vessel proposed to be deposited in the construction reserve fund pursuant to the provisions of 46 CFR § 287.13(d).

Exhibit II—If the applicant is a corporation, a copy of each contract or agreement presently in effect, referred to in answer to Item 8.

H. Covenants of the applicant.

25. The applicant hereby agrees as follows:

(a) That the construction reserve fund shall be subject to the provisions of section 511, Merchant Marine Act, 1936, as amended, to the regulations prescribed by the Administrator, and the Secretary of the Treasury with respect to the establishment, maintenance, expenditure, and use of such fund, and to such resolutions as may be adopted by the Administrator with respect to such fund;

(b) That it will furnish copies of any contracts entered into for the construction or acquisition of new vessels which the Administrator may require;

(c) That it will furnish hull plans and specifications, machinery plans and specifications, and data with respect to communication facilities if and to the extent required by the Administrator; and

(d) If no contract for the construction of a new vessel as set forth in Paragraph D, sub-division 15(a) hereof, has been entered into at the time of making of this application, it will, upon entering into said contract, furnish to the Administrator the date thereof, the parties thereto, the terms thereof and date of delivery thereunder.

Name of applicant:

_____

_____

(Date)

By _____
(Name, typed)

_____
(Title)

_____
(Signature)

I, _____, certify that I am the _____ of _____
(Title of office) (Exact name of applicant)

the applicant on whose behalf I am authorized to execute the foregoing application and agreements; that the applicant is a citizen of the United States, in accordance with the requirements of the Merchant Marine Act, 1936, as amended; that this application is made for the purpose of inducing the Secretary of Commerce, represented by the Maritime Administrator to grant to the applicant, pursuant to the provisions of section 511 of the Merchant Marine Act, 1936, as amended, and the regulations promulgated by the Secretary of the Treasury and the Maritime Administrator thereunder, with all of which I am familiar, permission to establish a construction reserve fund; that I have carefully examined the application and all documents submitted in connection therewith and, to the best of my knowledge, information and belief, the statements and representations contained in said application and related documents are full, complete, accurate, and true.

Date:

_____
(Name)

_____
(Title)

_____
(Signature)

Attention: A false statement in this application is punishable by law (18 U.S.C. 1001).

INSTRUCTIONS AS TO PREPARATION OF APPLICATION

1. Applications shall be prepared in the form provided according to the lettered items and serially numbered paragraphs. They must be signed and sworn to as provided. Eleven copies of the applications shall be filed with the Maritime Administrator, at least one copy of which shall be signed.

2. Each application shall be complete. Items or part of items which are inapplicable may, however, be omitted. The information required by Article 25 need be furnished only as stated in that item. The applicant may incorporate by specific reference information previously furnished the Maritime Administrator provided that such information so incorporated shall have been furnished at least in triplicate.

3. If any information called for by an applicable item is not furnished, an explanation of the omission shall be given. The applicant may furnish such relevant information as it may desire, in addition to that specified in the form.

4. Any additional information called for by the Maritime Administrator from time to time shall be furnished as an amendment or amendments to the application. The original and 11 copies of each amendment shall be filed, shall refer to the application, and shall be identified as an amendment and dated. Without any specific request from the Maritime Administrator the applicant shall file from time to time as amendments any information necessary to keep the information contained therein or furnished in connection therewith current and correct while the application is pending.

§ 287.5 Tentative authorization to establish fund.

Where the time between the receipt by the Administration of the application for permission to establish a construction reserve fund and the date prior to which an amount received from the sale or loss of a vessel must be deposited to come within the scope of section 511 of the Act is insufficient to permit a determination of the eligibility of the applicant, the Administration may tentatively authorize the establishment of a construction reserve fund and the deposit of such amount therein. Such tentative authorization shall be subject to rescission by the Administration if subsequently it is determined that the applicant is not entitled to the benefits of section 511 of the Act, or has not complied with the statutory requirements. For example, a tentative authorization will be rescinded if the Administration ascertains that the applicant is not a citizen. Upon such determination, the fund shall be closed and all amounts on deposit therein shall be withdrawn.

§ 287.6 Establishment of fund.

(a) *Authorization by the Administration.* If the application is approved by the Administration, the Administration will adopt Orders authorizing the establishment of a construction reserve fund with the depository or depositories designated by the taxpayer and approved by the Administration. The Orders will provide for joint control by the Administration and the taxpayer over such fund, will set forth the conditions governing the establishment and maintenance of the fund and the making of deposits therein and withdrawals therefrom, and will designate the representatives authorized to execute instruments of withdrawal on behalf of the Administration.

(b) *Resolution or agreement of the taxpayer.* A certified copy of the Orders of the Administration will be furnished the taxpayer. If the taxpayer is a corporation, it shall promptly adopt, through its board of directors, a resolution satisfactory in form and substance to the Administration, authorizing the establishment and maintenance of the fund in conformity with the action of the Administration. If the taxpayer is not a corporation, it shall promptly execute an agreement with the depository satisfactory in form and substance to the Administration to conform to the action of the Administration as set forth in the Orders. Certified copies of the Orders of the Administration and of the resolution of the taxpayer (if it is a corporation) will be furnished to the depository by the Administration and the taxpayer, respectively, for its guidance in maintaining the fund and honoring instruments of withdrawal. The taxpayer, if a corporation, shall also furnish the Administration with a certified copy of its resolution, or if not a corporation, a duplicate original of its agreement with the depository.

NOTE: The resolutions referred to in this section shall be retained two years after a final release or settlement agreement is completed between the Maritime Administration/Federal Maritime Board and the operator.

(c) *Constructive action not recognized.* Constructive deposits, substitutions or withdrawals will not be recognized by the Administration in the establishment and maintenance of the fund.

(d) *Failure to make deposits as basis for termination of fund.* In the event no deposit is made into the fund for more than five years, any amounts remaining in the fund shall be removed from the fund at the discretion of the Administration and, if so removed, the fund shall be terminated. In the event of such termination, see § 287.23 for recognition of gain.

§ 287.7 Circumstances permitting reimbursement from a construction reserve fund.

(a) *Payments prior to establishment of fund.* If, prior to the establishment of a construction reserve fund under the regulations in this part, a taxpayer has made necessary payments under a contract which satisfies the provisions of the regulations in this part and section 511 of the Act for the construction or acquisition of which I new vessel, such taxpayer may, if subsequently authorized to establish a construction reserve fund under the regulations in this part, draw against such fund as reimbursement for the amount, if any, of other funds which, with the approval or ratification of the Administration, the taxpayer used for making such necessary payments prior to the establishment of the fund.

(b) *Payments subsequent to establishment of fund.* If, subsequent to the establishment of a construction reserve fund under the regulations in this part, the taxpayer has made necessary payments under a contract which satisfies the provisions of the regulations in this part and section 511 of the Act for the construction or acquisition of a new vessel, such taxpayer may draw against such fund as reimbursement for the amount, if any, of other funds which, with the approval or ratification of the Administration, the taxpayer had used for the purpose of making such necessary payments.

§ 287.8 Investment of funds in securities.

(a) *Obligations of or guaranteed by the United States.* Interest-bearing di-

rect obligations of the United States, or obligations fully guaranteed as to principal and interest by the United States may be deposited in the construction reserve fund in lieu of cash, may be purchased with cash on deposit in the fund, or may be substituted for securities or commitment to finance in the fund, subject to the provisions of paragraph (b) of this section.

(b) *Other securities.* In cases where the taxpayer desires to deposit any securities in the fund in lieu of cash other than those of or guaranteed by the United States or to purchase such other securities with cash on deposit in the fund, or to substitute such other securities for securities or commitment to finance in the fund, the taxpayer shall make written application to the Administration and shall not consummate the transaction until the written consent of the Administration shall have been received. The application shall describe the securities fully. Every approval by the Administration of such application shall be conditioned upon agreement by the taxpayer forthwith to dispose of such securities upon subsequent request by the Administration. Immediately upon the purchase of any securities for deposit in the fund, the taxpayer shall advise the Administration, giving the date of purchase, a description of the securities, and the price paid therefor (net, brokerage and other charges, and gross). Ordinarily, the Administration will not approve the deposit in the fund in lieu of cash, or the purchase with cash on deposit in the fund or the substitution for securities in the fund of securities not actively traded in on exchanges registered under the Securities Exchange Act of 1934 (15 U.S.C. ch. 2B), or securities which are not legal for investment of trust funds. Whenever the Administration approves the substitution of other securities for securities in the fund, such substitution shall be effected only upon or after the deposit of the substituted securities into the fund.

(c) *Cash.* Cash may be substituted for amounts which are on deposit in the fund in any other form.

(d) *Devalued securities.* In the event the Administration determines that the market value at any date of any securities in the fund has decreased to a figure which is less than 90 percent of the market value at the time of deposit into the fund, then within 60 days after the taxpayer receives notice of such determination the taxpayer shall (except as otherwise provided in this paragraph) deposit into the fund cash or securities in an amount equal to the difference between the current market value of the devalued securities and the market value of such securities at the time of their original deposit. However, if any securities in the fund are valued at the time of their deposit at less than the market value of such securities at the time of their deposit the taxpayer shall be required to deposit only an amount equal to that portion of the difference between the current market value of the devalued securities and the market value of such securities at the time of their original deposit which bears the same ratio to such total difference as the amount at which the securities were valued at the time of their deposit bears to the market value at the time of such deposit.

§ 287.9 Valuation of securities in fund.

(a) *Equivalent values.* In cases where securities are deposited in the fund in lieu of cash, or are purchased with cash on deposit in the fund, or are substituted for securities in the fund, the value of such securities must not be less than the amount of cash in lieu of which they are so deposited or with which they are so purchased, or the value at the time of deposit of the securities for which they were so substituted. If the securities on deposit in the fund are replaced by cash from the general funds of the taxpayer, the amount of cash to be deposited in the fund in lieu thereof shall be not less than the amount at which such securities were valued at the time of their deposit in the fund.

(b) *Determination of value.* (1) For the purpose of determining the amount in the fund, the value of securities shall be their "market value" (which shall be the basis for determining value, unless otherwise agreed to by the administration) and shall be determined in the following manner:

(i) In instances where no actual purchase is involved, such as the initial deposit of securities in the fund in lieu of cash, the last sales price thereof on the principal exchange on the day the deposit was made shall be deemed to be the "market value" thereof, or, if no such sales were made, the "market value" thereof will be determined by the Administration on such basis as it may deem to be fair and reasonable in each case.

(ii) In instances where the purchase of securities with cash on deposit in the fund is involved, "market value" shall be the gross price paid (adjusted for accrued interest); *Provided*, That if such securities are purchased otherwise than upon a registered exchange the price shall be within the range of transactions on the exchange on the date of such purchase, or, if there were no such transactions, then the "market value" thereof will be determined by the Administration on such basis as it may deem to be fair and reasonable in each case.

(2) Purchase-money obligations secured by mortgages on vessels sold or irrevocable commitments to finance the construction or acquisition of new vessels which are deposited in the construction reserve fund as provided in § 287.13 ordinarily will be considered as equivalent to their face value.

§ 287.10 Withdrawals from fund.

(a) *Withdrawals for obligations or liquidation.* (1) Checks, drafts, or other instruments of withdrawal to meet obligations under a contract for the construction or acquisition of new vessel or vessels or for the liquidation of existing or subsequently incurred purchase-money indebtedness, after having been executed by the taxpayer, shall be forwarded to the Administration in Washington, D.C., with appropriate explanation of the purpose of the proposed withdrawal, including properly certified invoices or other supporting papers. Such instruments of withdrawal, if payable to the Administration, will be deposited by the Administration for collection, and the proceeds thereof, upon collection, will be credited to the appropriate contract with the Administration; but if drawn to the order of payees other than the Administration, after countersignature on behalf of the Administration, will ordinarily be forwarded to the payees.

(2) An amount obligated under a contract for the construction or acquisition of a new vessel or vessels or for the liquidation of existing or subsequently incurred purchase-money indebtedness, whether the obligor has the entire or a partial interest therein within the scope of section 511 of the Act, may not, so long as the contract or indebtedness continues in full force and effect, be withdrawn except to meet payments due or to become due under such contract or for such liquidation.

(b) *Other withdrawals.* Checks, drafts, or other instruments of withdrawal executed by the taxpayer for purposes other than to meet obligations under a contract for the construction or acquisition of a new vessel or vessels or for the liquidation of existing or subsequently incurred purchase-money indebtedness, whether the taxpayer has the entire or a partial interest therein, shall be drawn by the taxpayer to its own order and forwarded to the Administration in Washington, D.C., with appropriate explanation of the purpose of the proposed withdrawal. Such withdrawals may occur by reason of a determination by the Administration that the taxpayer is not entitled to the benefits of section 511 of the Act (see § 287.5), or that a particular deposit has been improperly made (see § 287.13), or by reason of the election of the taxpayer to make such withdrawals. Upon receipt of such checks, drafts, or other instruments of withdrawal, the Administration will give notice thereof to the Commissioner of Internal Revenue. The Commissioner will advise the Administration of the receipt of the notice and the date it was received. The Administration shall not countersign such checks, drafts, or other instruments of withdrawal or transmit them to the taxpayer until the expiration of 30 days from the date of receipt of the notice by the Commissioner, unless the Commissioner or such official of the Internal Revenue Service as he may designate for the purpose consents in writing to earlier countersignature by the Administration and transmittal to the taxpayer. Upon the expiration of such 30-day period, or prior thereto if the aforesaid consent of the Commissioner has been obtained, the Administration will countersign the check, draft, or other instrument of withdrawal and forward it to the taxpayer.

(c) *Inapplicability to certain transactions.* The provisions of this section shall not be applicable to transactions deemed to be withdrawals by reason of the sale of securities held in the fund for an amount less than the market value thereof at the time of their deposit (see § 287.23), nor to the cancellation of an irrevocable commitment deposited in the fund, upon proof satisfactory to the Administration that the terms of such commitment have been fully satisfied.

§ 287.11 Time deposits.

Deposits in the construction reserve fund not invested in securities may be placed in time deposits when, in the judgment of the taxpayer, it is desirable and feasible so to do. The taxpayer shall promptly advise the Administration of any time deposit arrangements made with the depository. The Administration reserves the right at any time to require the termination or modification of any such arrangements. With prior approval of the Administration a time deposit may be made in a depository other than the one with which the construction reserve fund is established.

§ 287.12 Election as to nonrecognition of gain.

(a) *Election requirements.* As a prerequisite to the nonrecognition of gain on the sale or loss of a vessel (or of a part interest therein) for Federal income tax purposes, the taxpayer, after establishing a construction reserve fund, must make an election with respect to such vessel or interest in the manner set forth in this paragraph.

(1) *In general.* Except as provided in subparagraph (2) of this paragraph, the election must be made in the taxpayer's Federal income tax return (or, in the case of a partnership, in the partnership return of income) for the taxable year in which the gain with respect to the sale or loss of the vessel is realized. The election as to the nonrecognition of gain shall be shown by a statement to that effect, submitted as a part of, and attached to, the return. The statement, which need not be on any prescribed form, shall set forth a computation of the amount of the realized gain, the identity of the vessel, the nature and extent of the taxpayer's interest therein, whether such vessel was sold or lost and the date of sale or loss, the full sale price or full amount of indemnity, and the amount and date of each payment thereof, the basis of tax purposes and any other data affecting the determination of the realized gain.

(2) *Certain Government payments.* In case a vessel is purchased or requisitioned by the United States, or is lost, in any taxable year and the taxpayer receives payment for the vessel so purchased or requisitioned, or receives from the United States indemnity on account of such loss, subsequent to the end of such taxable year, the taxpayer shall make his election by filing notice thereof with the Commissioner of Internal Revenue, Washington, D.C., 20224, prior to the expiration of 60 days after receipt of the payment or indemnity. The taxpayer shall file a copy of the notice with the Secretary, Maritime Administration, Washington, D.C., 20235. The form of the notice of election shall be prepared by the taxpayer and shall be substantially as follows:

ELECTION RELATIVE TO NONRECOGNITION OF GAIN UNDER SECTION 511(c)(2), MERCHANT MARINE ACT, 1936

Pursuant to the provisions of section 511 (c)(2) of the Merchant Marine Act, 1936, as amended, notice is hereby given that the undersigned taxpayer elects that gain in respect of the sale to the United States, or indemnification received from the United States on account of the loss, of the vessel named below or share therein shall not be recognized. The circumstances involved in the computation of such gain are as follows:

Name and other identification of vessel _____

Nature and extent of the taxpayer's interest in the vessel _____

Nature of disposition, i.e., sale or loss _____

Date of disposition _____

Full sale price or full amount of indemnity received by taxpayer _____

Amount and date of each payment of sale price or indemnity received by taxpayer _____

Amount and date of each previous deposit of such payments in construction reserve fund _____

Identification of each check or other instrument by which payment made to taxpayer _____

Tax basis of taxpayer's interest in vessel _____

Any other data affecting the determination of the realized gain _____

Amount of gain (submit computation) _____

_____
(Name of taxpayer)

By _____

_____
(Date of execution)

§ 287.13 Deposit of proceeds of sales or indemnities.

(a) *Manner of deposit.* The deposit required by section 511 of the Act must be made in a construction reserve fund established with a depository or depositories approved by the Administration and subject to the joint control of the Administration and the taxpayer. It is not necessary to establish a separate fund with respect to each vessel or share in a vessel sold or lost.

(b) *Amount of deposit.* With respect to any vessel sold or lost, or a share therein, the deposit must be in an amount equal to the "net proceeds" of the sale, or the "net indemnity" for the loss. By "net proceeds" and "net indemnity" is meant (1) the depositor's interest in the adjusted basis of the vessel plus (2) the amount of gain which would be recognized for tax purposes in the absence of section 511 of the Act. In determining "net proceeds", the amount necessarily paid or incurred for brokers' commissions is to be deducted from the gross amount of the sales price. In the event the taxpayer is an affiliate or associate of the buyer, the amount of the sales price shall not exceed the fair market value of the vessel or vessels sold as determined by the Administration. In such case the taxpayer shall furnish evidence sufficient, in the opinion of the Administration, to establish that the sales price is not in excess of the fair market value. In determining "net indemnity", the amount necessarily paid or incurred purely for collection, or rate of exchange discounts on the payment, of the indemnity is to be deducted from the gross amount of collectible indemnity. In case of the sale or loss of several vessels or share therein, a deposit of the "net proceeds" or "net indemnity" with respect to one or more of the vessels or shares is permissible. Where several vessels or shares are sold for a lump sum, the "net proceeds" allocated to each vessel or share shall be determined in accordance with any reasonable rule satisfactory to the Commissioner of Internal Revenue. The taxpayer must deposit the full amount of each payment (including cash, notes, or other evidences of indebtedness) as a single deposit in the construction reserve fund. A payment divided between two or more depositories will be regarded as a single deposit. Amounts received by the taxpayer prior to the date of consummation of the sale of the vessel shall be considered as having been received by the taxpayer at the time the sale is consummated.

(c) *Purchase-money obligations.* Where the proceeds from the sale of a vessel include purchase-money obligations, such obligations together with the entire collateral therefor, or, in the case of deposit of the proceeds of a share in the vessel, a proportionate part of the obligations and collateral as determined by the Administration, shall be deposited, with the remainder of the proceeds, in the construction reserve fund as a part of the "net proceeds". The depository shall receive payment of all amounts due on such purchase-money obligations and such amounts shall be placed in the fund in substitution for the portion of the obligations paid. All installments of purchase-money obligations shall be paid directly into the fund by the obligor. In the event any such installment is not so deposited, the Administration, at any time after the due date, may require the taxpayer to deposit an amount equal to such installment. If the taxpayer so desires, he may deposit in the construction reserve fund cash or approved securities in an amount equal to the face value of any purchase-money obligations in lieu of depositing such obligations.

(d) *Vessel subject to mortgage at time of sale or loss.* Where a vessel is subject to a mortgage or other encumbrance at the time of its sale or loss and the taxpayer actually receives only an amount representing the equity therein or a share in such equity corresponding to his share in the vessel, he shall deposit in the construction reserve fund such amount and concurrently therewith other funds in an amount equal to the difference between the amount received and the "net proceeds" or "net indemnity". Such other funds may be in the form of cash, or, subject to the approval of the Administration, (1) interest-bearing securities, or (2) an irrevocable and unconditional commitment to finance the construction or acquisition of a new vessel in whole or in part by an obligor approved by the Administration in an amount equal to the amount by which the "net proceeds" exceed the cash or securities deposited in the fund.

(e) *Unauthorized deposits.* A deposit which is not provided for by section 511 of the Act shall, without unreasonable delay, be withdrawn from the fund and tax liability will be determined as though such deposit had not been made. (See §§ 287.10 and 287.24.)

§ 287.14 Deposit of earnings and receipts.

(a) *Earnings.* A citizen may deposit all or any part of earnings derived from the operation, within the scope of § 287.3, of a vessel or vessels owned either by himself or any other person, if such earnings are intended for construction or acquisition of new vessels. Such earnings may include payments received by an owner, as compensation for use of his vessel, from other persons by whom it is so operated. Earnings from other sources may not be deposited. The earnings from operation of vessels which are eligible for deposit are the net earnings determined without regard to any deduction for depreciation, obsolescence, or amortization with respect to such vessels.

(b) *Receipts.* Receipts from deposited funds, in the form of interest or otherwise, may be deposited.

§ 287.15 Time for making deposits.

(a) *Proceeds of sale or indemnification.* Deposits of amounts representing proceeds of the sale or indemnification for loss of a vessel or share therein must be made within 60 days after receipt by the taxpayer.

(b) *Earnings and receipts.* Earnings and receipts for the taxable year may be deposited at any time. (See § 287.14.)

§ 287.16 Tax liability as to earnings deposited.

Deposit in the construction reserve fund of earnings from the operation of a vessel or vessels, or receipts, in the form of interest or otherwise, with respect to amounts previously deposited does not exempt the taxpayer from tax liability with respect thereto nor postpone the time such earnings or receipts are includible in gross income. Earnings and receipts deposited in a construction reserve fund established in accordance with the provisions of section 511 of the Act and the regulations in this part will be deemed to have been accumulated for the reasonable needs of the business within the meaning of part 1 (section 531 and following), subchapter G, chapter 1 of the Internal Revenue Code of 1954, so long as the requirements of section 511 of the Act and the regulations in this part are satisfied relative to the use of the fund in the construction, reconstruction, reconditioning, or acquisition of new vessels, or for the liquidation of purchase-money indebtedness on such vessels. For incurrence of tax liability due to noncompliance with the requirements of section 511 of the Act and the regulations in this part with respect to deposits in the construction reserve fund, see the provisions of § 287.23.

§ 287.17 Basis of new vessel.

The basis for determining gain or loss and for depreciation for the purpose of the Federal income tax with respect to a new vessel constructed, reconstructed, reconditioned, or acquired by the taxpayer, or with respect to which purchase-money indebtedness is liquidated as provided in section 511(g) of the Act, with funds deposited in the construction reserve fund, is reduced by the amount of the unrecognized gain represented in the funds allocated under the provisions of the regulations in this part to the cost of such vessel. (See § 287.18.)

§ 287.18 Allocation of gain for tax purposes.

(a) *General rules of allocation.* As provided in § 287.17, if amounts on deposit in a construction reserve fund are expended, obligated, or withdrawn for construction, reconstruction, reconditioning, or acquisition of new vessels, or for the liquidation of purchase-money indebtedness of such vessels, the portion thereof which represents gain shall be applied in reduction of the basis of such new vessels. The rules set forth below in this paragraph shall apply in allocating the unrecognized gain to the amounts so expended, obligated, or withdrawn:

(1) If the "net proceeds" of a sale or "net indemnity" in respect of a loss are deposited in more than one deposit, the portion thereof representing unrecognized gain shall be considered as having been deposited first.

(2) Amounts expended, obligated, or withdrawn from the construction reserve fund shall be applied against amounts deposited in the order of deposit.

(3) If any deposit consists in part of gain not recognized under section 511(c) of the Act, then any expenditure, obligation, or withdrawal applied against such deposit shall be considered to consist of gain in the same proportion that the part of the deposit which constitutes gain bears to the total amount of the deposit.

(b) *Date of obligation.* The date funds are obligated under a contract for the construction, reconstruction, reconditioning, or acquisition of new vessels, or for the liquidation of purchase-money indebtedness on such vessels, rather than the date of payment from the fund, will determine the order of application against the deposits in the fund. When a contract for the construction, reconstruction, reconditioning, or acquisition of new vessels, or for the liquidation of purchase-money indebtedness on such vessels is entered into, amounts on deposit in the construction reserve fund will be deemed to be obligated to the extent of the amount of the taxpayer's liability under the contract. Deposits will be deemed to be so obligated in the order of deposit, each new contract obligating the earliest deposit not previously expended, obligated, or withdrawn. If the liability under the contract exceeds the amount in the construction reserve fund, the contract will be deemed to obligate, to the extent of that part of such excess not otherwise satisfied, the earliest deposit or deposits thereafter made.

(c) *Illustration.* The foregoing rules are illustrated in the following example:

Example. (1) A taxpayer who makes his returns on the calendar year basis sells a vessel in 1963 for $1,000,000, realizing a gain of $400,000. Payment of $100,000 is received in March 1963 when the contract is signed, and the balance of $900,000 is received in June 1963 on delivery of the vessel. The $1,000,000 is deposited in a construction reserve fund in July 1963. In December 1963, the taxpayer also deposits $150,000, representing earnings of that year. In 1964, he sells another vessel for $1,000,000, realizing a gain of $250,000. The sale price of $1,000,000 is received on delivery of the vessel in February 1964, and deposited in the construction reserve fund in March 1964. In September 1964, the taxpayer purchases for cash out of the construction reserve fund a new vessel for $1,750,000. To the cost of this vessel must be allocated the 1963 deposits of $1,150,000 and $600,000 of the March 1964 deposit. This leaves in the fund $400,000 of the March 1964 deposit. The amount of the unrecognized gain to be applied against the basis of the new vessel is $550,000, computed as follows: Gain of $400,000 represented in the 1963 deposits, plus the same proportion of the $250,000 gain represented in the March 1964 deposit ($1,000,000) which the amount ($600,000) allocated to the vessel is of the amount of the deposit, i.e., $400,000 plus 600,000/1,000,000 of $250,000 or $150,000, a total of $550,000. This reduces the basis of the new vessel to $1,200,000 ($1,750,000 less $550,000).

(2) In 1965, the taxpayer sells a third vessel for $3,000,000, realizing a gain of $900,000. The $3,000,000 is received and deposited in the construction reserve fund in June 1965, making a total in the fund of $3,400,000. In December 1965, the taxpayer contracts for the construction of a second new vessel to cost a maximum of $3,200,000, thereby obligating that amount of the fund, and in June 1966, receives permission to withdraw the unobligated balance amounting to $200,000. To the cost of the second new vessel must be allocated the $400,000 balance of the March 1964 deposit and $2,800,000 of the June 1965 deposit. The unrecognized gain to be applied against the basis of such new vessel is that proportion of the gain represented in each deposit which the portion of the deposit allocated to the vessel bears to the amount of such deposit, i.e., 400,000/1,000,000 of $250,000, or $100,000 plus 2,800,000/3,000,000 of $900,000, or $840,000 making a total of $940,000. The $200,000 withdrawal is applied against the June 1965 deposit and the portion thereof which represents gain will be recognized as income for 1965, the year in which realized. The computation of the recognized gain is as follows: 200,000/3,000,000 of $900,000, or $60,000.

§ 287.19 Requirements as to new vessels.

(a) *Requirements.* For the purposes of section 511 of the Act and the regulations in this part, the new vessel must be—

(1) Documented under the laws of the United States when it is acquired by the taxpayer, or the taxpayer must agree that when acquired it will be documented under the laws of the United States;

(2) (i) Constructed in the United States after December 31, 1939, or (ii) its construction has been financed under Title V or Title VII of the Act, or (iii) its construction has been aided by a mortgage insured under Title XI of the Act; and

(3) Either (i) of such type, size, and speed as the Administration determines to be suitable for use on the high seas or Great Lakes in carrying out the purposes of the Act, but of not less than 2,000 gross tons or of less speed than 12 knots, except that a particular vessel may be of lesser tonnage or speed if the Administration determines and certifies that the particular vessel is desirable for use by the United States in case of war or national emergency, or (ii) constructed to replace a vessel or vessels requisitioned or purchased by the United States, in which event it must be of such type, size, and speed as to constitute a suitable replacement for the vessel requisitioned or purchased, but if a vessel already built is acquired to replace a vessel or vessels requisitioned or purchased by the United States, such vessel must meet the requirements set forth in subdivision (i) of this subparagraph. Ordinarily, under subdivision (i) of this subparagraph, a vessel constructed more than five years before the date on which deposits in a construction reserve fund are to be expended or obligated for acquisition of such vessel will not be considered suitable for use in carrying out the purpose of the Act, except that the five-year age limitation provided above in this sentence shall not apply to a vessel to be reconstructed before being placed in operation by the taxpayer.

(b) *Time of construction.* A vessel will be deemed to be constructed after December 31, 1939, only if construction was commenced after that date. Subject to the provisions of this section, a new vessel may be newly built for the taxpayer, or may be acquired after it is built.

(c) *Replacement of vessels.* It is not necessary that vessels shall be replaced vessels for vessel. The new vessels may be more or less in number than the replaced vessels, provided the other requirements of this section are met.

§ 287.20 Obligation of deposits.

(a) *Time for obligation.* Within three years from the date of any deposit in a construction reserve fund, unless extension is granted as provided in § 287.22, such deposit must be obligated under a contract for the construction or acquisition of a new vessel or vessels (or in the discretion of the Administration for a share therein), with not less than 12½ percent of the construction or contract price of the entire vessel or vessels actually paid or irrevocably committed on account thereof or must be expended or obligated for the liquidation of existing or subsequently incurred purchase-money indebtedness to persons other than a parent company of, or a company affiliated or associated with, the mortgagor on a new vessel or vessels. Amounts on deposit in a construction reserve fund will be deemed to be obligated for expenditure when a binding contract of construction or acquisition has been entered into or when purchase-money indebtedness has been incurred and, if obligated under a contract of construction or acquisition, will be deemed to be irrevocably committed when due and payable in accordance with the terms of the contract of construction or acquisition.

(b) *Requirements for obligation.* Unless otherwise authorized by the Administration, contracts for the construction of new vessels must be for a fixed price, or provide for a base price that may be adjusted for changes in labor and material costs not exceeding 15 percent of the base price. The fixed or base price, as the case may be, shall be fair and reasonable as determined by the Maritime Administration. Any financial or other interests between the taxpayer and the contractor shall be disclosed to the Administration by the taxpayer. Plans and specifications for the new vessel or vessels must be approved by the Administration to the extent it deems necessary. A deposit in a construction reserve fund may be expended or obligated for expenditure for procurement under an acquisition or construction contract of a part interest in a new vessel or vessels only after obtaining the written consent of the Administration. The granting of such consent shall be entirely in the discretion of the Administration and it may impose such conditions with respect thereto as it may deem necessary or advisable for the purpose of carrying out the provisions of section 511 of the Act. Applications for such consent shall be executed in triplicate, and, together with eight conformed copies thereof, filed with the Administration.

§ 287.21 Period for construction of certain vessels.

A new vessel constructed otherwise than under the provisions of Title V of the Act, and not purchased from the Administration must, within six months from the date of the construction contract, or within the period of any extension, be completed to the extent of not less than 5 percent as estimated by the Administration and certified by it to the Secretary of the Treasury. In case of a contract covering more than one vessel it will be sufficient if one of the vessels is 5 percent completed within the six months' period from the date of the contract or within the period of any extension, and so certified. All construction must be completed with reasonable dispatch as determined by the Administration. If, for causes within the control of the taxpayer, the entire construction is not completed with reasonable dispatch, the Administration will so certify to the Secretary of the Treasury. For the effect of such certification, see § 287.23.

§ 287.22 Time extensions for expenditure or obligation.

(a) *Extensions.* The Administration, upon application and a showing of proper circumstances, (1) may allow an extension of time within which deposits shall be expended or obligated, not to exceed one year, and upon a second application received before the expiration of the first extension, may allow an additional extension not to exceed one year, and (2) may allow an extension or extensions of time within which five percent of the construction shall have been completed as provided in § 287.21 not to exceed one year in the aggregate, and (3) may allow any other extensions that may be provided by amendment to the Act.

(b) *Application required.* A taxpayer seeking an extension of time shall make application therefor, and transmit it with an appropriate statement of the circumstances, including the reasons justifying the requested extension or extensions, and appropriate documents in substantiation of the statement, to the Administration. The Administration will notify the Commissioner of Internal Revenue of any extension granted. In case an application for extension is denied, the taxpayer will be liable for delay as though no application had been made.

§ 287.23 Noncompliance with requirements.

(a) *Noncompliance.* The amount of the gain which is that portion of the construction reserve fund otherwise constituting taxable income under the law applicable to the taxable year in which such gain was realized shall be included in the taxpayer's gross income for such taxable year for income or excess-profits tax purposes, if—

(1) A portion of such fund is withdrawn for purposes other than—

(i) The construction, reconstruction, reconditioning, or acquisition of a new vessel; or

(ii) The liquidation of existing or subsequently incurred purchase-money indebtedness to persons other than a parent company of, or a company affiliated or associated with, the mortgagor on a new vessel or vessels; or

(2) The taxpayer fails to comply with the requirements of section 511 of the Act or the regulations in this part relating to the utilization of construction reserve funds in the construction, reconstruction, reconditioning, or acquisition of a new vessel, or the liquidation of purchase-money indebtedness on such a vessel.

If securities on deposit in a construction reserve fund are sold and the amount placed in the fund in lieu thereof is less than the value of the securities at the time of their deposit, the difference between such market value and the amount placed in the fund in lieu of the securities will be deemed to have been withdrawn. With respect to the substitution of new financing in the case of an irrevocable commitment, see paragraph (d) of § 287.13.

(b) *Amount recognized.* In the event of noncompliance with the prescribed conditions relative to any contract for construction, reconstruction, reconditioning, or acquisition of new vessels, or for the liquidation of purchase-money indebtedness on such vessels, recognition will extend to the entire amount of the gain represented in that portion of the construction reserve fund obligated under such contract. Thus, if the Administration determines and certifies to the Secretary of the Treasury that for causes within the control of the taxpayer construction under a contract is not completed with reasonable dispatch, the entire amount of the gain represented in

the portion of the construction reserve fund obligated under the contract will be recognized even though all other conditions have been satisfied. In case of noncompliance with the requirements of section 511 of the Act or the regulations in this part, see the provisions of § 287.18 as to the allocation of gain.

(c) *Unreasonable accumulation.* Noncompliance with the provisions of section 511 of the Act or the regulations in this part relative to the utilization of the deposited amounts may also, inasmuch as the provision of section 511(f) of the Act is then inapplicable, warrant an examination to ascertain whether such amounts constitute an unreasonable accumulation of earnings and profits within the meaning of part I (section 531 and following), subchapter G, chapter 1 of the Internal Revenue Code of 1954, or corresponding provisions of prior law. If amounts are deposited and the fund maintained in good faith for the purpose of construction, reconstruction, reconditioning, and acquisition of new vessels, or for the liquidation of purchase-money indebtedness on such vessels, such amounts will be deemed to have been accumulated for the reasonable needs of the business.

§ 287.24 Extent of tax liability.

(a) *Declared value excess-profits tax.* Gain which is includible in gross income under § 287.23 shall be included in gross income for all income and excess-profits tax purposes, but not for the purposes of the declared value excess-profits tax and the capital stock tax as provided in section 511(i) of the Act. In lieu of any adjustment with respect to such declared value excess-profits tax, there is imposed for any taxable year ending on or before June 30, 1945, in which the gain is realized an additional tax of 1.1 percent of the amount of the gain. No additional capital stock tax liability is incurred.

(b) *Improper deposits.* In the case of deposits in the construction reserve fund of amounts derived from sources other than those specified in section 511 of the Act, or in the case of failure to deposit an amount equal to the "net proceeds" or "net indemnity" within the period prescribed in section 511(c) of the Act and § 287.15, the taxpayer obtains no suspension or postponement of any tax liability and the tax is collectible without regard to the provisions of section 511(c) of the Act.

(c) *Time for filing claim subsequent to election under section 511(c)(2).* If an election is made under section 511 (c)(2) of the Act, and paragraph (a)(2) of § 287.12, and if computation or recomputation in accordance therewith is otherwise allowable but is prevented, on the date of filing of notice of such election, or within six months thereafter, by any statute of limitation, such computation or recomputation nevertheless shall be made notwithstanding such statute if a claim therefor is filed within six months after the date of making such election. If as the result of such computation or recomputation an overpayment is disclosed, a claim for refund on Form 843 should also be filed within such six months' period.

§ 287.25 Assessment and collection of deficiencies.

Any additional tax, including the 1.1 percent amount imposed by section 511(i) of the Act, due on account of withdrawal from a construction reserve fund, or failure to comply with section 511 of the Act or the regulations in this part, is collectible as a deficiency. Interest upon such deficiency will run from the date the withdrawal or noncompliance occurs. The amount of any deficiency, including interest and additions to the tax, determined as a result of such withdrawal or noncompliance, may be assessed, or a proceeding in court for the collection thereof may be begun without assessment, at any time and without regard to any period of limitations or any other provisions of law or rule of law, including the doctrine of res judicata.

§ 287.26 Reports by taxpayers.

(a) *Information required.* With each income tax return filed for a taxable year during any part of which a construction reserve fund is in existence the taxpayer shall submit a statement setting forth a detailed analysis of such fund. The statement, which need not be on any prescribed form, shall include the following information with respect to the construction reserve fund:

(1) The actual balance in the fund at the beginning and end of the taxable year;

(2) The date, amount, and source of each deposit during the taxable year;

(3) If any deposit referred to in subparagraph (2) of this paragraph consists of proceeds from the sale, or indemnification of loss, of a vessel or share thereof, the amounts of the unrecognized gain;

(4) The date, amount, and purpose of each expenditure or withdrawal from the fund; and

(5) The date and amount of each contract, under which deposited funds are deemed to be obligated during the taxable year, for the construction, reconstruction, reconditioning, or acquisition of new vessels, or for the liquidation of purchase-money indebtedness on such vessels, and the identification of such vessels.

(b) *Records required.* Taxpayers shall keep such records and make such additional reports as the Commissioner of Internal Revenue or the Administration may require.

NOTE: The records referred to in this section shall be retained for a period of six months beyond the termination or closing out of the reserve fund.

§ 287.27 Controlled corporation.

For the purpose of section 511 of the Act and the regulations in this part a new vessel is considered as constructed, reconstructed, reconditioned, or acquired by the taxpayer if constructed, reconstructed, reconditioned, or acquired by a corporation at a time when the taxpayer owns not less than 95 percent of the total number of shares of each class of stock of the corporation.

§ 287.28 Administrative jurisdiction.

Sections 287.3 to 287.11, inclusive, §§ 287.13 to 287.15, inclusive, and §§ 287.19 to 287.22, inclusive, deal primarily with matters under the jurisdiction of the Administration. Sections 287.12, 287.16 to 287.18, inclusive, and §§ 287.23 to 287.27, inclusive, deal primarily with matters under the jurisdiction of the Commissioner of Internal Revenue. Generally, matters relating to the establishment, maintenance, expenditure, and use of construction reserve funds and the construction, reconstruction, reconditioning, or acquisition of new vessels are under the jurisdiction of the Administration; and matters relating to the determination, assessment, and collection of taxes are under the jurisdiction of the Commissioner of Internal Revenue. Correspondence should be addressed to the particular authority having jurisdiction in the matter.

NOTE: The reporting requirement in § 287.4 have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

By order of the Assistant Deputy Maritime Administrator.

Dated: May 25, 1965.

JAMES S. DAWSON, JR.,
Secretary.

[F.R. Doc. 65-5643; Filed, May 28, 1965; 8:47 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Agency

[Docket No. 6320; Amdt. 13-2]

PART 13—ENFORCEMENT PROCEDURES

Hearing Procedure

The purpose of this amendment is to effect improvements and clarifications in the hearing procedure, available at the option of respondents under section 13.19 (c)(4) of Part 13 (14 CFR 13.19). It is based on Notice of Proposed Rule Making 64-50, 29 F.R. 15580.

The amendments proposed for sections 13.45, 13.65, and 13.67 will not be adopted. These proposals would have provided authority for amending the Notice of Proposed Certificate Action to conform the allegations to the proof and to propose more severe action and would have broadened the subsidiary applicability of the Federal Rules of Civil Procedure. Upon further consideration and in light of the adverse comments received it was concluded that the procedural advantages expected from these proposals would be overbalanced by burdens and other disadvantages.

The proposed new section 13.37(b) is being adopted. It states expressly that Hearing Officers may exercise the Administrator's power under sections 313 (c) and 1004(i) of the Act to compel testimony in the face of a valid claim of the privilege against self-incrimination, by conferring immunity.

Section 1004(i) of the Federal Aviation Act (49 U.S.C. 1484) is the version of immunity statute which confers immunity on an individual compelled to testify or produce evidence "after having claimed his privilege against self-incrimination". This form of immunity statute is valid, Smith v. United States, 337 U.S. 137 (1949). Section 313(c) (49 U.S.C. 1354) expressly confers the powers of section 1004 on the Administrator. Those comments on proposed § 13.37(d) which attack the constitutionality, form, or propriety of section 1004, or the conferring of these powers upon the Administrator, are therefore not germane to the issues open for decision by the Administrator in this rule making proceeding.

Some comments asserted that § 13.37 (d) is unnecessary since the Hearing Officers already have this power. While this may legally be so, it is considered preferable for clarity and certainty to insert a provision expressly delegating to the Hearing Officers the exercise of this power which the statute in terms confers on "the Administrator". There is no basis for the apprehension expressed in some comments that this provision would affect the scope of "the statutory guaranty" or express a policy in favor of frequent use of the power to compel testimony in exchange for immunity. This power in its nature is one to be used sparingly and only upon careful balancing of the public interest considerations. However, contrary to the view expressed in one of the comments, compelling a witness to testify under section 1004(i) confers immunity only on that witness and not on the respondent in the proceeding.

One comment objected to § 37.37(d) unless it was accompanied by a ruling on whether the immunity conferred by section 1004(i) extends to certificate action under section 609 of the Act (49 U.S.C. 1429) and to the imposition of civil penalties under section 901 (49 U.S.C. 1471). Since this issue involves an interpretation of the Constitution and of statutory standards not applicable to this Agency alone, it is considered appropriate to determine the issue in an actual case, on a full record and subject to judicial review rather than in the abstract by an interpretative rule.

The insertion of the "stale complaint" provision in § 13.49 was opposed by only one comment on the patently erroneous ground that it would impose a burden on the certificate holder. The language deviation from the corresponding § 301.27 (c) of the Civil Aeronautics Board rules (14 CFR 301.27(c)) with respect to the event that tolls the running of the 6-month period—"mailing or other service of the Notice of Proposed Certificate Action" in proposed § 13.49(b) against "the Administrator's advising respondent" in the Board rule—is considered desirable because it removes uncertainty as to when the event happened. Whether the language in § 13.49(b) is inconsistent with that in § 301.27(c) is a matter of interpretation of the latter. On principle it is found that there should be no substantive differences between the Board and FAA rule. The proposed rule follows the Board's rule as closely as adherence to the drafting principles governing the Federal Aviation Regulations permits.

The proposed amendment to § 13.61, making submission of written proposed findings and conclusions, and supporting reasons, discretionary with the Hearing Officer, is being adopted. It was opposed by only one of the comments on the ground that the parties may make these submittals as a matter of right. This is not so since these proceedings are not governed by section 8 of the Administrative Procedure Act.

Since the proposed amendment to § 13.45 is not being adopted, the reference thereto in § 13.67(a) is likewise omitted. However, the proposed rewording of this paragraph is adopted otherwise. The language is mandatory on the Hearing Officer, and does not absolve the Hearing Officer from responsibility for lack of clarity which would make his order insufficient for use as a complaint under § 301.26 of the Board's regulations.

In addition to the amendments proposed in the Notice, the following three amendments are made:

Section 13.41(b) as now written requires that the certificate holder's answer must be responsive to the allegations in the Notice of Proposed Certificate Action. Under this provision a general denial is not sufficient. It has been decided to ease the burden of pleading on respondents by permitting a general denial of those allegations of the Notice which go beyond identifying an airman or aircraft or describing airman or aircraft certificates, and § 13.41(b) is being amended accordingly.

Second, § 13.59(a), relating to evidence, is amended to make inadmissible in proceedings against a certificate holder who is a natural person any reports of accidents or incidents that this holder himself had to make to the Civil Aeronautics Board or this Agency. Reports required under Part 320 of the Safety Investigation Regulations of the Civil Aeronautics Board, or under §§ 91.3(c) and 91.75 (c) and (d) of the Federal Aviation Regulations, fall under this new provision. This amendment codifies existing FAA practice.

Last, § 13.65 is deleted. It provided for subsidiary applicability of the Federal Rules of Civil Procedure. Instead, Part 13 will be amended from time to time as the need for procedural rules not now expressly provided may appear.

These three amendments may be made without notice of rule making since they are procedural in nature. They do not impose a burden on any person but relax existing requirements.

All relevant matter presented in this proceeding has been fully considered.

This rule making action is taken under the authority of section 303(d), 313 (a), (c), 609, 1001, 1002, 1004, and 1005 of the Federal Aviation Act of 1958 (49 U.S.C. 1344, 1354, 1429, 1481, 1482, 1484, and 1485).

In consideration of the foregoing, Part 13 of the Federal Aviation Regulations (14 CFR Part 13) is hereby amended, effective June 27, 1965, as follows:

1. By redesignating paragraphs (d) through (j) of § 13.37 as (e) through (k), respectively, and inserting a new paragraph (d) reading as follows:

§ 13.37 Hearing Officer's powers.

* * * * *

(d) Rule on claims of privilege against self-incrimination and compel testimony by conferring immunity under section 1004(i) of the Federal Aviation Act of 1958 (49 U.S.C. 1484);

§ 13.41 [Amended]

* * * * *

2. By adding the following new sentence at the end of § 13.41(b): "However, allegations other than those identifying an airman, stating the number and type of his certificate and ratings, or identifying an aircraft, its number and type, may be answered by a general denial."

3. By amending § 13.49 as follows:

(a) By amending the heading of paragraph (a) to read "(a) *Motion to dismiss for insufficiency*";

(b) By redesignating present paragraphs (b) through (g) as (c) through (h), respectively; and

(c) By inserting a new paragraph (b) reading as follows:

§ 13.49 Motions.

* * * * *

(b) *Motion to strike stale allegations.* If the Notice of Proposed Certificate Action contains an allegation of a violation that occurred more than 6 months before the date of mailing or other service of the Notice, the respondent may move to strike that allegation in any of the following cases:

(1) In any case in which the Notice does not allege lack of qualification of the certificate holder, Agency counsel is required to show by answer filed within seven days of service of the motion that good cause existed for the delay, or that if the allegations are proved, the imposition of a sanction is warranted in the public interest notwithstanding the delay or the reasons therefor. The respondent may file a reply to the answer within the time fixed by the Hearing Officer. The Hearing Officer may require Agency counsel to make his factual allegations of good cause more definite, certain or detailed. A hearing on the issue of good cause is held only if the respondent raises a genuine, pertinent, and substantial issue of fact. If the Hearing Officer does not find that good cause for the delay existed or that the public interest requires imposition of sanctions, notwithstanding the delay, if the allegations are proved, he orders the stale allegations stricken and proceeds to adjudicate only the remaining portions, if any, of the Notice.

(2) In any case in which the Notice alleges lack of qualification of the certificate holder the Hearing Officer determines first whether an issue of lack of qualification is presented if the stale allegations, standing alone or together with the timely allegations, are true. If the Hearing Officer finds that the issue is not presented, he orders the stale allegations stricken and proceeds to adjudicate the remaining portions, if any, of the Notice. If he finds a qualification issue presented, he proceeds to hearing, advising the respondent that he is to defend against the allegation of lack of

qualification to hold his certificate and not only against a proposed remedial sanction.

A motion to strike under this paragraph may be combined with a motion to dismiss any remaining parts of the Notice under paragraph (a) of this section.

* * * * *

§ 13.59 [Amended]

4. By adding the following new sentence at the end of § 13.59(a): "In a proceeding against a certificate holder who is a natural person, any report filed by that holder as required by the Civil Aeronautics Board or the FAA is not admissible in evidence. However, such a report may be used to impeach the testimony of the certificate holder."

§ 13.61 [Amended]

5. By amending the last sentence of § 13.61 to read as follows: "At the end of the hearing the Hearing Officer may, in his discretion, allow each party to submit written proposed findings and conclusions and supporting reasons for them."

§ 13.65 [Deleted]

6. By deleting § 13.65.

7. By amending § 13.67(a) to read as follows:

§ 13.67 Final order of Hearing Officer.

(a) If the final order of the Hearing Officer makes a decision on the merits it contains a statement of his findings and conclusions on all material issues of fact and law. If the Hearing Officer determines that safety in air commerce or air transportation and the public interest so require, he may issue a reprimand or an order amending, suspending, or revoking the respondent's certificate. However, the certificate action imposed may not be more severe than that proposed in the Notice of Proposed Certificate Action. If the Hearing Officer finds that the allegations of the notice have not been proved or that no sanction is required, he orders the notice dismissed. If the Hearing Officer finds it to be equitable and in the public interest, he may order the proceeding terminated upon payment by the respondent of a civil penalty in an amount agreed upon by the parties.

Issued in Washington, D.C., on May 21, 1965.

N. E. HALABY,
Administrator.

[F.R. Doc. 65-5627; Filed, May 26, 1965; 8:45 a.m.]

[Airspace Docket No. 65-CE-11]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Revocation of VOR Federal Airway and Alteration of Reporting Point

On March 9, 1965, a Notice of Proposed Rule Making was published in the FEDERAL REGISTER (30 F.R. 3225) stating that the Federal Aviation Agency was considering amendments to Part 71 of the Federal Aviation Regulations that would revoke VOR Federal airway No. 124 and alter the Shelbyville, Ind., domestic low-altitude reporting point.

Interested persons were afforded an opportunity to participate in the proposed rule making through the submission of comments. All comments received were favorable.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0001 e.s.t., July 22, 1965, as hereinafter set forth.

1. In § 71.123 (29 F.R. 17509), V-124 is revoked.

2. In § 71.203 (29 F.R. 17711), the Shelbyville, Ind., domestic low-altitude reporting point is amended to read as follows:

Shelbyville, Ind.: V-12, V-51, V-97, V-97W, V-819.

(Sec. 307(a) of the Federal Aviation Act of 1958; 49 U.S.C. 1348)

Issued in Washington, D.C., on May 24, 1965.

H. B. HELSTROM,
Acting Chief, Airspace Regulations and Procedures Division.

[F.R. Doc. 65-5628; Filed, May 26, 1965; 8:45 a.m.]

[Airspace Docket No. 64-PC-8]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Redesignation and Revocation of VOR Federal Airway

On March 13, 1965, a Notice of Proposed Rule Making was published in the FEDERAL REGISTER (30 F.R. 3390), stating that the Federal Aviation Agency was considering amendments to Part 71 of the Federal Aviation Regulations that would alter the VOR Federal airway structure in the vicinity of Kahoolawe, Hawaii Restricted Area R-3104.

Interested persons were afforded an opportunity to participate in the proposed rule making through the submission of comments, but no comments were received.

In the present description of Hawaiian VOR Federal airway No. 2, W-320 is specifically excluded from the pertinent controlled airspace. This exclusion is no longer valid since the lateral limits of this airway, as it is presently aligned, and as amended herein, does not overlie this warning area. Therefore, action is taken herein to delete references to the exclusion of W-320 from the description of V-2 Hawaii. Since this change is editorial in nature, notice and public procedure thereon are unnecessary.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0001 e.s.t., July 22, 1965, as hereinafter set forth.

In § 71.127 (29 F.R. 17548, 30 F.R. 4122), the following amendments are made:

1. V-1 Hawaii is amended to read as follows:

V-1 Hawaii From INT of Upolu Point, Hawaii, 093° and Hilo, Hawaii, 334° radials via INT of Upolu Point, 093° and Hilo, 034° radials; to Hilo. The airspace below 1,200 feet AGL is excluded.

2. In V-2 Hawaii "Upolu Point, Hawaii, 306°" is deleted and "Upolu Point, Hawaii, 305°" is substituted therefor; and "The airspace within R-3104 and W-320 is excluded" is deleted and "The airspace within R-3104 is excluded" is substituted therefor.

3. In V-5 Hawaii "From the INT of Lanai, Hawaii, 118° and Maui, Hawaii, 179° radials," is deleted and "From INT of Upolu Point, Hawaii, 305° and Maui, Hawaii, 179° radials," is substituted therefor.

(Secs. 307(a) and 1110 of the Federal Aviation Act of 1958; 49 U.S.C. 1348, 1510, and Executive Order 10854; 24 F.R. 9565)

Issued in Washington, D.C. on May 24, 1965.

H. B. HELSTROM,
Acting Chief, Airspace Regulations and Procedures Division.

[F.R. Doc. 65-5629; Filed, May 26, 1965; 8:45 a.m.]

[Airspace Docket No. 65-WA-10]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Designation of VOR Federal Airway

On April 21, 1965, a notice of proposed rule making was published in the FEDERAL REGISTER (30 F.R. 5643) stating that the Federal Aviation Agency was considering an amendment to Part 71 of the Federal Aviation Regulations that would designate a VOR Federal airway from the intersection of the Sherbrooke, Quebec 150° and the Augusta, Maine, 285° True radials to Sherbrooke, excluding the portion that would lie within Canada.

Interested persons were afforded an opportunity to participate in the proposed rule making through the submission of comments. All comments received were favorable.

Subsequent to the publication of the notice, it was determined by a flight check that utilization of the Montpelier, Vt., 069° True radial, in lieu of the proposed Augusta, Maine, 285° True radial, would provide better angular divergence at the starting point of this airway. Accordingly, action is taken herein to utilize the Montpelier 069° True radial. Since this change is minor in nature and essentially procedural, notice and public procedure hereon are unnecessary.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0001 e.s.t., July 22, 1965, as hereinafter set forth.

Section 71.123 (29 F.R. 17509) is amended by adding V-311 as follows:

V-311 From the INT of Sherbrooke, Quebec, 150° and Montpelier, Vt., 069° radials; to Sherbrooke. The airspace within Canada is excluded.

(Sec. 307(a) of the Federal Aviation Act of 1958; 49 U.S.C. 1348)

Issued in Washington, D.C., on May 24, 1965.

H. B. HELSTROM,
Acting Chief, Airspace Regulations and Procedures Division.

[F.R. Doc. 65-5630; Filed, May 26, 1965; 8:46 a.m.]

[Airspace Docket No. 65-WE-31]

PART 73—SPECIAL USE AIRSPACE

Modification of Restricted Area

The purpose of this amendment to Part 73 of the Federal Aviation Regulations is to reduce the size of Restricted Area R-6713 at Whidbey Island, Wash.

The Department of the Navy has informed the Federal Aviation Agency that R-6713 can be reduced in size to permit a wider passage between Whidbey Island, R-6713, and Smith Island, Wash. Therefore, action is taken herein to revoke that portion of R-6713 as presently designated east of longitude 122°-50'30" W.

Since this amendment is less restrictive in nature to the public, notice and public procedure hereon are unnecessary.

In consideration of the foregoing, Part 73 of the Federal Aviation Regulations is amended, effective 0001 e.s.t., July 22, 1965, as hereinafter set forth.

In § 73.67 (29 F.R. 17771), R-6713 is amended by altering the geographic boundaries to read as follows:

Boundaries. Beginning at latitude 48°-25'00" N., longitude 123°05'00" W.; to latitude 48°23'00" N., longitude 123°06'00" W.; to latitude 48°16'30" N., longitude 123°03'00" W.; to latitude 48°16'30" N., longitude 122°55'30" W.; to latitude 48°16'20" N., longitude 122°50'30" W.; to latitude 48°22'45" N., longitude 122°50'30" W.; to latitude 48°25'00" N., longitude 122°53'30" W.; to the point of beginning.

(Sec. 307(a) of the Federal Aviation Act of 1958; 49 U.S.C. 1348)

Issued in Washington, D.C., on May 24, 1965.

CHARLES W. CARMODY,
Acting Director, Air Traffic Service.

[F.R. Doc. 65-5631; Filed, May 28, 1965; 8:46 a.m.]

[Reg. Docket No. 6621; Amdt. 428]

PART 97—STANDARD INSTRUMENT APPROACH PROCEDURES

Miscellaneous Amendments

The amendments to the standard instrument approach procedures contained herein are adopted to become effective when indicated in order to promote safety. The amended procedures supersede the existing procedures of the same classification now in effect for the airports specified therein. For the convenience of the users, the complete procedure is republished in this amendment indicating the changes to the existing procedures.

As a situation exists which demands immediate action in the interests of safety in air commerce, I find that compliance with the notice and procedure provisions of the Administrative Procedure Act is impracticable and that good cause exists for making this amendment effective within less than 30 days from publication.

In view of the foregoing and pursuant to the authority delegated to me by the Administrator (24 F.R. 5662), Part 97 (14 CFR Part 97) is amended as follows:

1. By amending the following low or medium frequency range procedures prescribed in § 97.11(a) to read:

LFR STANDARD INSTRUMENT APPROACH PROCEDURES

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.
If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

From—	To—	Course and distance	Minimum altitude (feet)	Ceiling and visibility minimums: Condition	2-engine or less: 55 knots or less	2-engine or less: More than 55 knots	More than 2-engine, more than 55 knots
PROCEDURE CANCELLED, EFFECTIVE 8 JUNE 1965.							
City, Red Bluff; State, Calif.; Airport name, Bidwell Field; Elev., 354'; Fac. Class., SBRAZ; Ident., RBL; Procedure No. 1, Amdt. 6; Eff. date, 11 Oct. 58; Sup. Amdt. No. 5; Dated, 31 Dec. 63			
PROCEDURE CANCELLED, EFFECTIVE 8 JUNE 1965.							
City, Seattle; State, Wash.; Airport name, Seattle-Tacoma International; Elev., 426'; Fac. Class., SABRAZ; Ident., SJ; Procedure No. 1, Amdt. 19; Eff. date, 4 Apr. 64; Sup. Amdt. No. 18; Dated, 20 Feb. 64							

2. By amending the following automatic direction finding procedures prescribed in § 97.11(b) to read:

ADF STANDARD INSTRUMENT APPROACH PROCEDURES

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.
If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

From—	To—	Course and distance	Minimum altitude (feet)	Ceiling and visibility minimums: Condition	2-engine or less: 55 knots or less	2-engine or less: More than 55 knots	More than 2-engine, more than 55 knots
AC LFR	AN LOM	Direct	1600	T-dn	200-1	200-1	200-1½
Delta Island Int	AN LOM	Direct	1600	C-dn	800-1	800-1	800-1¼
				S-dn-6	800-1	800-1	800-1
				A-dn	800-2	800-2	800-2

Radar vectoring authorized in accordance with approved patterns.
Procedure turn S side of W crs, 264° Outbnd, 084° Inbnd, 1500' within 10 miles of AN LOM.
Minimum altitude over facility on final approach crs, 1500'.
Crs and distance, facility to airport, 084°—4.4 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.4 miles after passing AN LOM, turn right, climb to 1500' on SW crs, AC LFR within 15 miles or, when directed by ATC, climb to 1500' on 244° bearing within 15 miles of AN LOM.
CAUTION: Terrain, 575'—1.6 miles SW of airport and 1.6 miles S of approach to Runway 6, 309'—0.8 mile SSW MM and 230'—1.0 mile SSW MM.
MEA within 25 miles of facility: 000°-090°—9600'; 090°-180°—7800'; 180°-270°—6000'; 270°-360°—6400'.
City, Anchorage; State, Alaska; Airport name, Anchorage International; Elev., 124'; Fac. Class., LOM; Ident., AN; Procedure No. 1, Amdt. 16; Eff. date, 5 June 65; Sup. Amdt. No. 15; Dated, 1 May 65

ADF STANDARD INSTRUMENT APPROACH PROCEDURES—Continued

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
Boston VOR	BE LOM	Direct	3000	T–dn	300–1	800–1	300–1½
Manchester VOR	BE LOM	Direct	2000	C–dn	500–1	600–1	600–1½
Framingham Int	BE LOM	Direct	2000	S–dn–11	500–1	500–1	500–1
Holtis Int	BE LOM	Direct	2000	A–dn	900–2	900–2	900–2
Millbury Int	BE LOM	Direct	2500				
Lawrence VOR	BE LOM	Direct	2000				
Lawrence RBn	BE LOM	Direct	3000				

Radar vectoring is authorized in accordance with approved patterns by BOS APC.
Procedure turn N side of crs, 292° Outbnd, 1600′ within 10 miles.
Minimum altitude over facility on final approach crs, 1300′.
Crs and distance, facility to airport, 112°—4.0 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.0 miles after passing BE LOM, make left-climbing turn to 2000′ direct to LWM RBn. Hold SW of LWM RBn, 051° Inbnd, 1-minute right turns, or when directed by ATC, climb straight ahead to 500′, make right-climbing turn to 1600′ direct to BE LOM. Hold W of BE LOM, 112° Inbnd, 1-minute left turns.
CAUTION: 570′ tower, 3 miles NE of airport, 388′ stack SE side of airport. 388′ antenna (0.9 mile SE of airport).
MSA within 25 miles of facility: 000°–090°—2000′; 090°–180°—2500′; 180°–270°—3000′; 270°–360°—3500′.

City, Bedford; State, Mass.; Airport name, Hanscom Field; Elev., 133′; Fac. Class., HW (LOM); Ident., BE; Procedure No. 1, Amdt. 3; Eff. date, 5 June 65; Sup. Amdt. No. 2; Dated, 5 Oct. 63

Cotulla VOR	Cotulla RBn	Direct	1900	T–dn	300–1	300–1	300–1½
				C–dn	800–1	800–1	800–1½
				A–dn	1000–2	1000–2	1000–2

Procedure turn S side of crs, 310° Outbnd, 130° Inbnd, 1800′ within 10 miles.
Minimum altitude over facility on final approach crs, 1271′.
Facility on airport.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0.0 mile of COT RBn, climb to 1900′ on crs of 130° within 20 miles.
CAUTION: 560′ unlighted water tower, 0.9 mile WSW, 980′ tower, 5.5 miles ESE of airport, 709′ tower, 4.5 miles N.
MSA within 25 miles of facility: 000°–090°—3000′; 090°–180°—1700′; 180°–360°—1900′.

City, Cotulla; State, Tex.; Airport name, Municipal; Elev., 471′; Fac. Class., BMH; Ident., COT; Procedure No. 1, Amdt. 4; Eff. date, 5 June 65; Sup. Amdt. No. 3; Dated, 12 May 62

DAL VOR	DDA RBn	Direct	1000	T–dn	300–1	300–1	300–1½
ADS VOR	DDA RBn	Direct	1000	C–dn	400–1	500–1	500–1½
Trinity Fork Int	DDA RBn	Direct	2000	S–dn–31R	400–1	400–1	400–1
Fair Park Int	DDA RBn	Direct	3000	A–dn	800–2	800–2	800–2
Fair Park Int	Ross Ave Int (final)	Direct	1600				
Ross Ave Int	DDA RBn (final)	Direct	1100				

Radar vectoring authorized in accordance with approved patterns.
Procedure turn S side of crs, 127° Outbnd, 307° Inbnd, 2000′ within 10 miles.
Minimum altitude over facility on final approach crs, 1600′. If Ross Ave Int received, cross DDA RBn at 1000′.
Crs and distance, facility to airport, 307°—1.5 miles; Ross Ave Int to airport, 307°—3.2 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 1.5 miles after passing Tank RBn, climb to 2200′ on crs, 307° within 20 miles.
NOTE: Dual VOR and ADF equipment required for this approach.
CAUTION: 1049′ building, 4.2 miles SSE, 626′ water tank, 1.5 miles SE of airport.
MSA within 25 miles of facility: 000°–090°—2000′; 090°–180°—2100′; 180°–270°—3400′; 270°–360°—2200′.

City, Dallas; State, Tex.; Airport name, Dallas Love Field; Elev., 485′; Fac. Class., MHW; Ident., DDA; Procedure No. 3, Amdt. 3; Eff. date, 5 June 65; Sup. Amdt. No. 2; Dated, 30 May 64

Dallas VOR	LOM	Direct	2000	T–dn	300–1	300–1	300–1½
Ross Avenue Int	LOM	Direct	2000	C–dn	400–1	800–1	500–1½
Lakeside Int	LOM	Direct	2000	S–dn–13R	400–1	400–1	400–1
				A–dn	800–2	800–2	800–2

Radar vectoring authorized in accordance with approved patterns.
Procedure turn N side of crs, 307° Outbnd, 127° Inbnd, 2000′ within 10 miles. Beyond 10 miles not authorized.
Minimum altitude over facility on final approach crs, 1500′.
Crs and distance, facility to airport, 126°—4.2 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.2 miles after passing LOM, climb to 2000′ on track of 127° from LOM within 20 miles or, when directed by ATC, turn left, proceed to DAL VOR, climbing to 2000′.
CAUTION: Procedure turn maneuvering must be completed N of final approach crs of 127°–307°. Standard clearance not provided over 1221′ tower, 5.6 miles WNW of LOM; 605′ tank, 1.7 miles SE Runway 31R.
MSA within 25 miles of facility: 000°–090°—2100′; 090°–180°—3400′; 180°–270°—2700′; 270°–360°—2200′.

City, Dallas; State, Tex.; Airport name, Dallas Love Field; Elev., 485′; Fac. Class., LOM; Ident., DA; Procedure No. 4, Amdt. 1; Eff. date, 5 June 65; Sup. Amdt. No. Orig.; Dated, 27 Feb. 65

Broomfield Int	EGW RBn	Direct	8200	T–dn§	300–1	300–1	200–½
Denver VOR	EGW RBn	Direct	8200	C–dn*	500–1	500–1	500–1½
Watkins Int	EGW RBn	Direct	8200	S–dn–35*	500–1	500–1	500–1
Silo Int	EGW RBn	Direct	8200	A–dn	800–2	800–2	800–2
Franktown Int	EGW RBn	Direct	8200				
Larkspur Int	Sedalia Int	Direct	8200				
Sedalia Int	EGW RBn	Direct	10,000				
		Direct	8200				

Radar vectoring authorized in accordance with approved patterns.
Procedure turn E side of S crs, 169° Outbnd, 349° Inbnd, 8200′ within 10 miles.
Minimum altitude over facility on final approach crs, 7400′; over OM, 6200′.
Crs and distance, facility to airport, 349°—9.1 miles; OM to airport, 349°—5.0 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 9.1 miles after passing EGW RBn, climb to 7000′ on 349° bearing from EGW RBn within 20 miles or, when directed by ATC, climb to 7000′ direct to DEN VOR.
*If OM is not received, 900–2 minimums apply.
§Westbound (193° thru 336°) IFR departures must comply with published Denver SID's or with radar vectors.

City, Denver; State, Colo.; Airport name, Stapleton International; Elev., 5331′; Fac. Class., MHW; Ident., EGW; Procedure No. 2, Amdt. 2; Eff. date, 5 June 65; Sup. Amdt. No. 1; Dated, 15 Aug. 64

ADF STANDARD INSTRUMENT APPROACH PROCEDURES—Continued

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	

PROCEDURE CANCELLED, EFFECTIVE 5 JUNE 1965 OR UPON DECOMMISSIONING OF THE FWA RBN.

City, Fort Wayne; State, Ind.; Airport name, Baer Field; Elev., 801′; Fac. Class., SBH; Ident., FA; Procedure No. 2, Amdt. 1; Eff. date, 11 Apr. 64; Sup. Amdt. No. Orig.; Dated, 6 Feb. 64

Jackson VOR	Jackson RBn	Direct	1900	T–dn	300–1	300–1	300–1½
				C–dn	800–1	800–1	500–1½
				A–dn	900–2	800–2	800–2

Radar vectoring authorized in accordance with approved patterns.
Procedure turn N side of crs, 002° Outbnd, 182° Inbnd, 1900′ within 10 miles.
Minimum altitude over facility on final approach crs, 1460′.
Crs and distance, facility to airport, 182°—2.3 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 2.3 miles after passing JAN RBn, climb to 2000′ on crs, 182° from JAN RBn within 20 miles.
NOTE: Aircraft executing missed approach may, after being reidentified, be radar controlled.
CAUTION: Tower, 1049′ located 3.5 miles SW of airport.
MSA within 25 miles of facility: 000°–090°—1700′; 090°–180°—1800′; 180°–270°—3000′; 270°–360°—1700′.

City, Jackson; State, Miss.; Airport name, Hawkins Field; Elev., 349′; Fac. Class., SBE; Ident., JAN; Procedure No. 2, Amdt. 3; Eff. date, 5 June 65; Sup. Amdt. No. 2; Dated, 20 June 64

LCH VOR	LOM	Direct	1400	T–dn	300–1	300–1	200–½
LCH RBn	LOM	Direct	1500	C–dn	400–1	500–1	500–1½
				S–22–15	400–1	400–1	400–1
				A–dn	800–2	800–2	800–2

Procedure turn W side of crs, 326° Outbnd, 146° Inbnd, 1500′ within 10 miles.
Minimum altitude over facility on final approach crs, 1200′.
Crs and distance, facility to airport, 146°—4.3 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.3 miles after passing LOM, climb to 1500′ on 146° bearing from LCH LOM within 20 miles, or when directed by ATC, make immediate right turn, climbing to 1500′ on the LCH VOR R–210 within 20 miles.
MSA within 25 miles of facility: 000°–360°—1500′.

City, Lake Charles; State, La.; Airport name, Lake Charles Municipal; Elev., 16′; Fac. Class., LOM; Ident., LC; Procedure No. 1, Amdt. 8; Eff. date, 5 June 65; Sup. Amdt. No. 7; Dated, 7 Nov. 64

				T–dn	300–1	300–1	300–1
				C–dn	500–1	500–1	500–1½
				S–dn–9	500–1	500–1	500–1
				A–dn	NA	NA	NA

Procedure turn S side of crs, 275° Outbnd, 095° Inbnd, 1900′ within 10 miles.
Minimum altitude over facility on final approach crs, 1800′.
Crs and distance, facility to airport, 095°—2.4 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 2.4 miles after passing Manistee "H", make climbing right turn and return to Manistee "H" at 1900′.
NOTES: (1) 800–2 alternate minimums authorized for air carrier with approved weather service. (2) No weather available. (3) Close flight plan by radio with Traverse City FSS or if unable, via public telephone immediately upon landing. (4) Final approach from holding pattern not authorized. Procedure turn required.
MSA within 25 miles of facility: 000°–180°—3100′; 180°–360°—1900′.

City, Manistee; State, Mich.; Airport name, Manistee County-Blacker; Elev., 612′; Fac. Class., HW; Ident., MBL; Procedure No. 1, Amdt. 2; Eff. date, 5 June 65; Sup. Amdt. No. 1; Dated, 15 May 65

OSI VOR	LOM	Direct	4000	T–dn*	300–1	300–1	200–½
SFO VOR	LOM	Direct	2500	C–dn§	800–1	500–1	500–1½
OAK VOR	LOM	Direct	2000	S–dn–28L/R	400–1	400–1	400–1
Decoto Int	LOM (final)	Direct	1700	A–dn	800–2	800–2	800–2
SJC VOR	LOM (final)	Direct	1700				

Radar vectoring authorized in accordance with approved patterns.
Procedure turn not authorized. All maneuvering and descent shall be accomplished in the LOM holding pattern, 281° Inbnd, 1-minute pattern, left turns, minimum altitude, 2500′. Descent to 1700′ authorized to cross the LOM on final approach crs Inbnd.
Minimum altitude over facility on final approach crs, 1700′.
Final approach crs, 281° Inbnd.
Crs and distance, LOM to Runway 28R, 281°–5.7 miles; LOM to Runway 28L, 280°—5.3 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 5.7 miles after passing LOM, climb to 3000′ on 281° crs from LOM within 15 miles.
CAUTION: Execute missed approach with best climb on 281° crs. Standard obstruction clearance not provided over terrain, 1000′—4 miles W of airport.
*700–1 required for takeoff on Runways 19L/R, and left turn must be started as soon as practicable. Terrain over 1000′—3 miles S of airport. Sliding scale not authorized.
§IFR Departures must comply with published San Francisco SID's, or be radar vectored.
#1000′ ceiling required for circling approaches to Runways 1R/L.
MSA within 25 miles of facility: 000°–090°—4900′; 090°–180°—4400′; 180°–270°—3800′; 270°–360°—2200′.

City San Francisco; State, Calif.; Airport name, San Francisco International; Elev., 12′; Fac. Class., LOM; Ident., SF; Procedure No. 1, Amdt. 16; Eff. date, 5 June 65; Sup. Amdt. No. 15; Dated, 10 Mar. 62

SEA VOR	SE LOM	Direct	5000	T–dn	300–1	300–1	300–1½
Milton VHF Int	SE LOM (final)	Direct	1600	C–dn	500–1	500–1	500–1½
Fairgrounds VHF Int*	SE LOM	Direct	3600	S–dn–34	400–1	400–1	400–1
Burton VHF Int	SE LOM	Direct	3500	A–dn	800–2	800–2	800–2

Radar vectoring authorized in accordance with approved patterns.
Procedure turn E side of crs, 158° Outbnd, 338° Inbnd, 1700′ within 10 miles.
Minimum altitude over facility on final approach crs, 1600′.
Crs and distance, facility to airport, 338°—4.0 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.0 miles after passing SE LOM, climb to 3000′ direct to SZ LOM or, when directed by ATC, turn left, climb to 2000′ on R–225 SEA VOR within 10 miles.
CAUTION: Terrain and trees to 591′ located immediately N and NE of airport.
Other change: Deletes transition from SJ LFR.
*Transition to Fairgrounds VHF Int authorized from McChord AFB RBn on 020° crs, 3000′.
MSA within 25 miles of facility: 000°–090°—5500′; 090°–180°—6300′; 180°–270°—3100′; 270°–360°—2800′.

City, Seattle; State, Wash.; Airport name, Seattle-Tacoma International; Elev., 426′; Fac. Class., LOM; Ident., SE; Procedure No. 1, Amdt. 23; Eff. date, 5 June 65; Sup. Amdt. No. 24; Dated, 25 July 64

ADF STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

Transition From—	Transition To—	Course and distance	Minimum altitude (feet)	Ceiling and visibility minimums: Condition	2-engine or less: 65 knots or less	2-engine or less: More than 65 knots	More than 2-engine, more than 65 knots
SEA VOR	SZ LOM	Direct	3000	T–dn	900–1	900–1	900–1½
PAE VOR	SZ LOM	Direct	3000	C–dn	900–1	900–1	900–1½
Burton Int	SZ LOM	Direct	2000	A–dn	900–2	900–2	900–2
Lofall Int	SZ LOM	Direct	2000				

Radar vectoring authorized in accordance with approved patterns.
Procedure turn W side of crs, 338° Outbnd, 158° Inbnd, 2000′ within 10 miles.
Minimum altitude over facility on final approach crs, 1700′.
Crs and distance, facility to airport, 158°—4.1 miles.*
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.1 miles after passing SZ LOM, climb to 2000′ direct to SE LOM or, when directed by ATC, turn right, climb direct to SEA VOR, thence turn right, continue climb to 2000′ on R–225 within 10 miles SEA VOR.
CAUTION: Terrain and trees to 501′ located immediately N and NE of airport.
Other change: Deletes transitions from Bainbridge Int and SJ LFR.
*Distance indicated is to the displaced threshold.
MSA within 25 miles of facility: 000°–090°—8400′; 090°–180°—8000′; 180°–270°—3000′; 270°–360°—3000′.

City, Seattle; State, Wash.; Airport name, Seattle-Tacoma International; Elev., 429′; Fac. Class., LOM; Ident., SZ; Procedure No. 2, Amdt. 4; Eff. date, 5 June 65; Sup. Amdt. No. 3; Dated, 4 Apr. 64

3. By amending the following very high frequency omnirange (VOR) procedures prescribed in § 97.11(c) to read:

VOR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.
If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition From—	Transition To—	Course and distance	Minimum altitude (feet)	Ceiling and visibility minimums: Condition	2-engine or less: 65 knots or less	2-engine or less: More than 65 knots	More than 2-engine, more than 65 knots
OOD VOR	PNE VOR	Via radar vectors	1400	T–d	200–1	NA	NA
PNE VOR	Bristol Int (final)	080	1000	C–d	1000–1½	NA	NA
				A–d	NA	NA	NA
				If Bristol Int received, the following minimums apply:			
				C–d	700–1½	NA	NA

Radar vectors to PNE VOR required. Radar vectors authorized in accordance with approved PHL radar patterns.
Procedure turn not authorized.
Minimum altitude over facility on final approach crs, 2400′; over Bristol Int, 1000′.
Crs and distance, facility to airport, 080°—3.0 miles; Bristol Int to airport, 080°—2.1 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 3.0 miles after passing PNE VOR, or 2.1 miles after passing Bristol Int, climb on R–080 to 1500′ within 5 miles, then make left-climbing turn to 2400′. Proceed direct to PNE VOR. Hold W 1-minute right turns, Inbnd crs, 080°.
CAUTION: Bridge tower, 268′—1.2 miles SE of airport.
Other change: Deletes transitions from high-line VHF Int and Admore VHF Int.
MSA within 25 miles of the facility: 000°–180°—1500′; 180°–360°—2400′.

City, Bristol; State, Pa.; Airport name, 3–M; Elev., 36′; Fac. Class., T–VOR; Ident., PNE; Procedure No. 1, Amdt. 1; Eff. date, 5 June 65; Sup. Amdt. No. Orig. Dated, 5 Sept. 64

				T–dn	900–1	900–1	900–1
				C–d	800–1	800–1	800–1½
				C–n	800–2	800–2	800–2
				S–d–14	800–1	800–1	800–1
				S–n–14	800–2	800–2	800–2
				A–dn	800–2	800–2	800–2

Procedure turn W side of crs, 330° Outbnd, 150° Inbnd, 4100′ within 10 miles.
Minimum altitude over facility on final approach crs, 4100′.
Crs and distance, facility to airport, 150°—5.3 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 5.3 miles after passing DDC VOR, make left turn, climbing to 4100′ on R–330 within 10 miles, make left turn and return to DDC VOR.
MSA within 25 miles of facility: 000°–090°—3800′; 090°–180°—3800′; 180°–270°—4500′; 270°–360°—3800′.

City, Dodge City; State, Kans.; Airport name, Dodge City Municipal; Elev., 2594′; Fac. Class., BVOR; Ident., DDC; Procedure No. 1, Amdt. 8; Eff. date, 5 June 65; Sup. Amdt. No. 7; Dated, 7 Jan. 61

				T–dn	800–1	800–1	800–1½
				C–dn	800–1	800–1	800–1½
				A–dn	800–2	800–2	800–2

Procedure turn S side of crs, 286° Outbnd, 106° Inbnd, 4000′ within 10 miles.
Minimum altitude over facility on final approach crs, 3800′.
Crs and distance, facility to airport, 106°—5.7 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 5.7 miles after passing GAG VOR, climb to 4100′ on R–107 within 20 miles.
MSA within 25 miles of facility: 000°–090°—3800′; 090°–180°—3000′; 180°–270°—4200′; 270°–360°—3000′.

City, Gage; State, Okla.; Airport name, Municipal; Elev., 2223′; Fac. Class., BVORTAC; Ident., GAG; Procedure No. 1, Amdt. 3; Eff. date, 5 June 65; Sup. Amdt. No. 2; Dated, 31 Aug. 63

VOR STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

Transition From—	Transition To—	Course and distance	Minimum altitude (feet)	Ceiling and visibility minimums: Condition	2-engine or less: 65 knots or less	2-engine or less: More than 65 knots	More than 2-engine, more than 65 knots
LCH VORTAC 10-mile DME Fix R–057	LCH VORTAC (final)	Direct	1500	T–dn	300–1	300–1	300–1½
				C–dn	400–1	400–1	400–1½
				A–dn	500–2	500–2	500–2

Procedure turn S side of crs, 072° Outbnd, 252° Inbnd, 1500′ within 10 miles.
Minimum altitude over facility on final approach crs, 1500′.
Crs and distance, facility to airport, 252°—6.3 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 6.3 miles after passing VOR, climb to 1500′ on the LCH VOR R–240 within 20 miles.
MSA within 25 miles of facility: 000°–360°—1500′.

City, Lake Charles; State, La.; Airport name, Lake Charles Municipal; Elev., 10′; Fac. Class., H–BVORTAC; Ident., LCH; Procedure No. 1, Amdt. 5; Eff. date, 5 June 65; Sup. Amdt. No. 4; Dated, 7 Nov. 64

PROCEDURE CANCELLED, EFFECTIVE 5 JUNE 1965.

City, Lubbock; State, Tex.; Airport name, Municipal; Elev., 3220′; Fac. Class., BVORTAC; Ident., LBB; Procedure No. 1, Amdt. 8; Eff. date, 16 Dec. 61; Sup. Amdt. No. 4; Dated, 26 Feb. 61

Isla Verde Int/10.2-miles DME Fix, 6-mile DME/Radar Fix	6-mile DME/Radar Fix (final)	Direct	800	T–dn	300–1	300–1	300–1½
	SJU VOR (final)	Direct	800	C–dn	800–1	800–1	800–1½
				A–dn	800–2	800–2	800–2

Radar vectoring authorized in accordance with approved patterns.
Procedure turn not authorized.
Minimum altitude over facility on final approach crs, 800′, over 6-mile DME/Radar Fix, 600′, over Isla Verde Int/10.2-miles DME Fix, 1800′.
Crs and distance, 6-mile DME/Radar Fix, to airport, 278°—6 miles, Isla Verde Int/DME Fix, 278°—10.2 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0.0 mile VOR, turn right, climb to 2000′ on R–360 within 20 miles or, when directed by ATC, turn right, climb to 1500′ on R–095 within 20 miles of SJU VOR.
NOTE: When authorized by ATC, DME may be used within 6–11 miles clockwise, R–304 to R–095 at 1300′ to position aircraft for straight-in approach.
MSA within 25 miles of facility: 000°–100°—1200′; 100°–180°—4500′; 180°–290°—4100′; 290°–360°—1000′.

City, San Juan; State, P.R.; Airport name, Puerto Rico International; Elev., 9′; Fac. Class., BVORTAC; Ident., SJU; Procedure No. 1, Amdt. 7; Eff. date, 5 June 65; Sup. Amdt. No. 6; Dated, 21 Mar. 64

				T–dn	300–1	300–1	NA
				C–d	1000–1	1000–1	NA
				C–n	1000–2	1000–2	NA
				A–dn	NA	NA	NA

Radar vectoring authorized in accordance with approved patterns by Boston approach control.
Procedure turn E side of crs, 022° Outbnd, 202° Inbnd, 2000′ within 10 miles.
Minimum altitude over facility on final approach crs, 2000′.
Crs and distance, facility to airport, 202°—11.5 miles.
Minimum altitude within 6.0 miles after passing HTM VOR, 1040′.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 6.0 miles after passing HTM VOR, make right-climbing turn to 2000′ return to HTM VOR, hold SW on R–240, 1 minute right turns, 060° crs Inbnd.
MSA within 25 miles of facility: 090°–270°—1800′; 270°–090°—2000′.

City, Taunton; State, Mass.; Airport name, Taunton Municipal; Elev., 40′; Fac. Class., BVOR; Ident., HTM; Procedure No. 1, Amdt. 1; Eff. date, 5 June 65; Sup. Amdt. No. Orig.; Dated, 14 Sept. 63

4. By amending the following terminal very high frequency omnirange (TerVOR) procedures prescribed in § 97.13 to read:

TERMINAL VOR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.
If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition From—	Transition To—	Course and distance	Minimum altitude (feet)	Ceiling and visibility minimums: Condition	2-engine or less: 65 knots or less	2-engine or less: More than 65 knots	More than 2-engine, more than 65 knots
COS VOR	PEF VOR	Direct	8200	T–dn%	300–1	300–1	300–1½
COS VOR	Wasson Int	Direct	8200	C–dn	600–1	600–1	600–1½
Creek Int	Antelope Int	Direct	8000	S–dn–30	500–1	500–1	500–1
Antelope Int	Wasson Int (final)	Direct	7500	A–dn	500–2	500–2	500–2

Radar vectoring authorized in accordance with approved patterns.
Procedure turn N side of crs, 096° Outbnd, 276° Inbnd, 9000′ within 10 miles of Wasson Int.
Minimum altitude over Wasson Int on final approach crs, 7500′.
Crs and distance, Wasson Int to VOR, 276°—5.0 miles.
Crs and distance, breakoff point to approach end of runway, 301°—1.0 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0.0 mile, make left-climbing turn, climb to 9000′ on R–075 PEF VOR within 20 miles.
NOTES: Dual VOR equipment required for this procedure.
CAUTION: Sharply rising terrain W of airport; 7160′ tower, 5.0 miles N of airport; 7625′ tower, 14 miles N of airport.
Minor change: Deleted note regarding procedure required for final approach.
%Westbound (210° thru 315°) IFR departures climb on PEF VOR R–075 and V–19 to Peyton Int, then climb between Peyton Int and COS VORTAC to cross COS VORTAC westbound at or above 14,100′; or comply with radar vectors.
MSA within 25 miles of facility: 180°–270°—16,100′; 270°–360°—14,400′; 360°–090°—9400′; 090°–180°—8800′.

City, Colorado Springs; State, Colo.; Airport name, Peterson Field; Elev., 6172′; Fac. Class., L–VORW; Ident., PEF; Procedure No. TerVOR–30, Amdt. 3; Eff. date, 5 June 65; Sup. Amdt. No. 2; Dated, 13 Mar. 65

TERMINAL VOR STANDARD INSTRUMENT APPROACH PROCEDURES—Continued

Transition From—	Transition To—	Course and distance	Minimum altitude (feet)	Ceiling and visibility minimums: Condition	2-engine or less: 65 knots or less	2-engine or less: More than 65 knots	More than 2-engine, more than 65 knots
Britton VOR	Golf Int	Direct	3000	T-dn	800-1	800-1	200-½
				C-dn	400-1	700-1	500-1½
				S-dn-36	400-1	400-1	400-1
				A-dn	800-2	800-2	800-2

Procedure turn E side of crs, 178° Outbnd, 358° Inbnd, 2600' within 10 miles of River Int. Beyond 10 miles not authorized.
Minimum altitude over Golf Int on final approach crs, 1600'; over River Int, 1000'.
Crs and distance, Golf Int to airport, 358°—4.1 miles; River Int to airport, 358°—2.0 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 2 miles after passing River Int, proceed direct to Addison VOR, climbing to 2000' or, when directed by ATC, turn right, proceed direct to Dallas VOR, climbing to 2000'.
NOTES: (1) Radar vectoring authorized in accordance with approved patterns. (2) Authorized only for aircraft equipped with dual VOR receivers.
MSA within 25 miles of facility: 000°–180°—2100'; 180°–270°—3400'; 270°–360°—2200'.

City, Dallas; State, Tex.; Airport name, Dallas Love Field; Elev., 485'; Fac. Class., T-BVOR; Ident., ADS; Procedure No. TerVOR-36, Amdt. 1; Eff. date, 5 June 65; Sup. Amdt. No. Orig.; Dated, 8 May 65

				T-dn	300-1	300-1	200-½
				C-dn	600-1	600-1	500-1½
				S-dn-4	600-1	600-1	600-1
				A-dn	800-2	800-2	800-2
				For aircraft equipped with VOR and DME and Beacon DME Fix or Radar Fix in lieu of Beacon DME Fix identified, the following minimums apply:*			
				C-dn	400-1	500-1	500-1½
				S-dn-4**	400-1	400-1	400-1

Radar vectoring authorized in accordance with approved patterns. Aircraft will be released for final approach without procedure turn Inbnd on final approach crs, 7 miles from VOR.
Procedure turn S side of crs, 229° Outbnd, 049° Inbnd, 2000' within 10 miles.
*Minimum altitude over facility on final approach crs, 1400'.
Facility on airport.
Crs and distance, breakoff point to approach end of Runway 4, 044°—0.9 mile; Beacon DME Fix to FWA VOR, 049°—3.4 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0.0 mile, climb to 2600' northeastbound on R-068 and proceed to New Haven Int or, when directed by ATC, make right-climbing turn to 2100' and proceed direct to FW LOM.
NOTES: (1) Aircraft executing missed approach may be radar controlled after radar identification. (2) When authorized by ATC, 10-mile DME are at 2600' may be used between FWA VOR R-068 clockwise to R-311 to position aircraft for straight-in approach with elimination of procedure turn.
**400-¾ authorized, except for 4-engine turbojet aircraft, with operative high-intensity runway lights.
MSA within 25 miles of facility: 000°–090°—2700'; 090°–360°—2200'.

City, Fort Wayne; State, Ind.; Airport name, Baer Field; Elev., 801'; Fac. Class., BVORTAC; Ident., FWA; Procedure No. TerVOR-4, Amdt. 7; Eff. date, 5 June 65 or upon decommissioning of FWA RBn; Sup. Amdt. No. 6; Dated, 17 Oct. 64

				T-dn	300-1	300-1	200-½
				C-dn	800-1	800-1	800-1½
				S-dn-9	800-1	800-1	800-1
				A-dn	800-2	800-2	800-2
				For aircraft equipped with VOR and DME and Robin DME Fix identified or Radar Fix obtained in lieu of Robin DME Fix minimums are:*			
				C-dn	400-1	500-1	500-1½
				S-dn-9	400-1	400-1	400-1

Radar vectoring authorized in accordance with approved patterns. Aircraft will be released for final approach without procedure turn Inbnd on final approach crs, 7 miles from VOR.
Procedure turn S side of crs, 265° Outbnd, 085° Inbnd, 2200' within 10 miles.
*Minimum altitude over facility on final approach crs, 1600'.
Facility on airport.
Crs and distance, breakoff point to approach end of Runway 9, 090°—1.25 miles; Robin DME Fix to VOR 3.9 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0.0 mile, climb to 2600' northeastbound on R-068 and proceed to New Haven Int or, when directed by ATC, make right-climbing turn to 2100' and proceed direct to FW LOM.
NOTES: (1) Aircraft executing missed approach may be radar controlled after radar identification. (2) When authorized by ATC, 10-mile DME are at 2200' may be used between FWA R-148 clockwise to R-329 to position aircraft for straight-in approach with elimination of procedure turn.
MSA within 25 miles of facility: 000°–090°—2700'; 090°–360°—2200'.

City, Fort Wayne; State, Ind.; Airport name, Baer Field; Elev., 801'; Fac. Class., BVORTAC; Ident., FWA; Procedure No. TerVOR-9, Amdt. 4; Eff. date, 5 June 65 or upon decommissioning of FWA RBn; Sup. Amdt. No. 3; Dated, 23 May 64

				T-dn	300-1	300-1	200-½
				C-dn	600-1	600-1	600-1½
				S-dn-13	600-1	600-1	600-1
				A-dn	800-2	800-2	800-2
				Aircraft equipped with VOR or DME and Wayne DME Fix identified or Radar Fix obtained in lieu of Wayne DME Fix minimums are:*			
				C-dn	400-1	500-1	500-1½
				S-dn-13**	400-1	400-1	400-1

Radar vectoring authorized in accordance with approved patterns. Aircraft will be released for final approach without procedure turn Inbnd on final approach crs, 7 miles from VOR.
Procedure turn W side of crs, 320° Outbnd, 140° Inbnd, 2200' within 10 miles.
*Minimum altitude over facility on final approach crs, 1400'.
Facility on airport.
Crs and distance, breakoff point to approach end of Runway 13, 135°—0.8 mile; Wayne DME Fix to VOR, 140°—3.4 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0.0 mile, climb to 2600' southwestbound on R-218 and proceed to Rock Creek Int or, when directed by ATC, climb to 2100' and proceed direct to FW LOM.
NOTE: (1) Aircraft executing missed approach may be radar controlled after radar identification. (2) When authorized by ATC, 10-mile DME are at 2600' may be used between FWA VOR R-223 clockwise to R-068 to position aircraft for straight-in approach with elimination of procedure turn.
**400-¾ authorized, except for 4-engine turbojet aircraft, with operative high-intensity runway lights.
MSA within 25 miles of facility: 000°–090°—2700'; 090°–360°—2200'.

City, Fort Wayne; State, Ind.; Airport name, Baer Field; Elev., 801'; Fac. Class., BVORTAC; Ident., FWA; Procedure No. TerVOR-13, Amdt. 6; Eff. date, 5 June 65 or upon decommissioning of FWA RBn; Sup. Amdt. No. 5; Dated, 17 Oct. 64

TERMINAL VOR STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

Transition From—	Transition To—	Course and distance	Minimum altitude (feet)	Ceiling and visibility minimums: Condition	2-engine or less: 65 knots or less	2-engine or less: More than 65 knots	More than 2-engine, more than 65 knots
				T-d	500-1	500-1	500-1
				T-n	500-2	500-2	500-2
				C-d	700-1	700-1	700-1½
				C-n	700-2	700-2	700-2
				S-dn-12	700-1	700-1	700-1
				A-dn	1000-2	1000-2	1000-2
				The following minimums authorized during the hours control zone not in effect:			
				C-d	800-1	800-1	800-1½
				C-n	800-2	800-2	800-2
				S-dn-12	800-1	800-1	800-1
				A-dn*	NA	NA	NA

Procedure turn S side of crs, 301° Outbnd, 121° Inbnd, 2400' within 10 miles.
Minimum altitude over facility on final approach crs, 1200'.
Facility on airport. Crs and distance, breakoff point to Runway 12, 116°—0.9 mile.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0.0 mile after passing JEF VOR, climb to 2400' on the JEF VOR R-112 within 10 miles, make right turn and return to JEF VOR.
NOTE: Altimeter setting from CBI FSS during hours control zone not in effect.
CAUTION: 985' tower located 1.8 miles W of airport; 1000' tower located 2.7 miles SE of airport; 1151' tower located 3.9 miles NE of airport; 1784' tower located 6.2 miles NE of airport.
*Alternate minimums of 1000-2 authorized for air carriers with approved weather reporting service.
MSA within 25 miles of facility: 000°–090°—2800'; 090°–180°—2900'; 180°–270°—2200'; 270°–360°—2800'.

City, Jefferson City; State, Mo.; Airport name, Jefferson City Memorial; Elev., 547'; Fac. Class., T-BVOR; Ident., JEF; Procedure No. TerVOR-12, Amdt. Orig.; Eff. date, 5 June 65

				T-d	500-1	500-1	500-1
				T-n	500-2	500-2	500-2
				C-d	800-1	800-1	800-1½
				C-n	800-2	800-2	800-2
				S-dn-30	800-1	800-1	800-1
				A-dn	1000-2	1000-2	1000-2
				The following minimums authorized during the hours control zone not in effect:			
				C-d	900-1	900-1	900-1½
				C-n	900-2	900-2	900-2
				S-dn-30	900-1	900-1	900-1
				A-dn*	NA	NA	NA

Procedure turn S side of crs, 112° Outbnd, 292° Inbnd, 2000' within 10 miles.
Minimum altitude over facility on final approach crs, 1300'.
Facility on airport. Crs and distance, breakoff point to Runway 30, 289°—0.9 mile.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0.0 mile after passing JEF VOR, climb to 2400' on the JEF VOR R-301 within 10 miles, make left turn and return to JEF VOR.
NOTE: Altimeter setting from CBI FSS during hours control zone not in effect.
CAUTION: 985' tower located 1.8 miles W of airport; 1000' tower located 2.7 miles SE of airport; 1151' tower located 2.9 miles NE of airport; and 1784' tower located 6.2 miles NE of airport.
MSA within 25 miles of facility: 000°–090°—2800'; 090°–180°—2900'; 180°–270°—2200'; 270°–360°—2600'.
*Alternate minimums of 1000-2 authorized for air carriers with approved weather reporting service.

City, Jefferson City; State, Mo.; Airport name, Jefferson City Memorial; Elev., 547'; Fac. Class., T-BVOR; Ident., JEF; Procedure No. TerVOR-30, Amdt. Orig.; Eff. date, 5 June 65

OAK VOR	SFO VOR	Direct	2500	T-dn*	300-1	300-1	200-½
SFO VOR	Westlake Int	Direct	5000	C-dn	1000-1	1000-1	1000-1½
				A-dn	1000-2	1000-2	1000-2

Radar vectoring authorized in accordance with approved patterns.
Procedure turn S side of crs, 281° Outbnd, 101° Inbnd, 2500' within 10 miles of Westlake Int.
Minimum altitude over Westlake Int on final approach crs, 1700'; over Skyline Int, 1000'; over facility, 1000'.
Crs and distance, Westlake Int to VOR, 101°—5.7 miles; Skyline Int to VOR, 101°—3.7 miles.
Facility on airport. Final approach crs parallel to and between Runways 10L/R.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0.0 mile after passing SFO VOR, climb to 2500' on SFO R-101 within 10 miles.
NOTE: Radar identification of Skyline Int authorized.
*700-1 required for takeoff on Runways 19L/R, and left turn must be started as soon as practicable. Terrain over 1000'—3 miles S of airport. Sliding scale not authorized.
†IFR departures must comply with published San Francisco SID's, or be radar vectored.
MSA within 25 miles of facility: 000°–090°—3300'; 090°–180°—3900'; 180°–270°—3000'; 270°–360°—2700'.

City, San Francisco; State, Calif.; Airport name, San Francisco International; Elev., 12'; Fac. Class., L-VOR; Ident., SFO; Procedure No. VOR-10L/R, Amdt. 1; Eff. date, 5 June 65; Sup. Amdt. No. Orig.; Dated, 20 June 64

OAK VOR	Oyster Int/DME Fix	Direct	1000	T-dn*	300-1	300-1	200-½
Oyster Int/DME Fix	SFO VOR (final)	Direct	400	C-dn‡	500-1	500-1	500-1½
				S-dn-19L§	400-1	400-1	400-1
				A-dn	800-2	800-2	800-2

Radar vectoring authorized in accordance with approved patterns.
Procedure turn not authorized. Aircraft must proceed from OAK VOR or be radar vectored to final approach crs.
Minimum altitude over Oyster Int on final approach crs, 1000'; over facility, 400'.
Crs and distance Oyster Int to VOR, 194°—4.2 miles; Oyster Int to breakoff point, 194°—3.2 miles; breakoff point to Runway, 190°—3.4 miles.
Facility on airport.
Final approach crs, 194° Inbnd.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0.0 mile after passing VOR, turn left, climb to 2500' on SFO R-101 within 10 miles.
*700-1 required for takeoff on Runways 19L/R, and left turn must be started as soon as practicable. Terrain over 1000'—3 miles S of airport. Sliding scale not authorized.
†IFR departures must comply with published San Francisco SID's, or be radar vectored.
‡1000' ceiling required for circling approaches to Runways 1R/L.
§400-½ authorized, except for 4-engine turbojet aircraft, with operative high-intensity runway lights.
MSA within 25 miles of facility: 000°–090°—3300'; 090°–180°—3900'; 180°–270°—3000'; 270°–360°—2700'.

City, San Francisco; State, Calif.; Airport name, San Francisco International; Elev., 12'; Fac. Class., L-VOR; Ident., SFO; Procedure No. VOR-19L, Amdt. 8; Eff. date, 5 June 65; Sup. Amdt. No. 7; Dated, 10 Mar. 62

TERMINAL VOR STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 55 knots
					55 knots or less	More than 55 knots	
OSI VOR	SFO LOM	Direct	4000	T–dn*	300–1	300–1	300–1
SFO VOR	SFO LOM	Direct	2500	C–dn#	500–1	500–1	500–1
OAK VOR	SFO LOM	Direct	2500	S–dn–28L/R§	400–1	400–1	400–1
Decoto Int	SFO LOM (final)	Direct	1700	A–dn	800–2	800–2	800–2
SJC VOR	SFO LOM (final)	Direct	1700				

Radar vectoring authorized in accordance with approved patterns.
Procedure turn not authorized. All maneuvering and descent shall be accomplished in the LOM holding pattern, 281° Inbnd, 1-minute pattern, left turns, minimum altitude 2500'. Descent to 1700' authorized to cross LOM when established on final approach crs, Inbnd.
Minimum altitude over LOM on final approach crs, 1700'; over facility, 400'.
Facility on airport. Final approach crs parallel to and between Runways 28L/R. Final approach crs, 281°.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0.0 mile after passing VOR, climb to 3000' on SFO VOR R–281 within 15 miles.
CAUTION: Execute missed approach with best climb on R–281. Standard obstruction clearance not provided over terrain, 1000'—4 miles W of airport.
NOTE: VOR and ADF equipment required for this procedure.
*700–1 required for takeoff on Runways 19L/R, and left turn must be started as soon as practicable. Terrain over 1000'—3 miles S of airport. Sliding scale not authorized.
*IFR departures must comply with published San Francisco SID's, or be radar vectored.
#1000' ceiling required for circling approaches to Runways 1R/L.
§400–½ authorized, except for 4-engine turbojet aircraft, with operative high-intensity runway lights.
§400–1½ authorized, except for 4-engine turbojet aircraft, with operative ALS.
MSA within 25 miles of facility: 000°–090°—4300'; 090°–180°—3900'; 180°–270°—3000'; 270°–360°—3700'.

City, San Francisco; State, Calif.; Airport name, San Francisco International; Elev., 12'; Fac. Class., L–VOR; Ident., SFO; Procedure No. VOR–28L/R, Amdt. 6; Eff. date, 5 June 65; Sup. Amdt. No. 5; Dated, 10 Mar. 62

SJP RBn	SJU VOR	Direct	1500	T–dn	300–1	300–1	300–1
SJU RBn	SJU VOR	Direct	1400	C–dn	800–1	800–1	800–1½
				S–dn–25*	400–1	400–1	400–1
				A–dn	800–2	800–2	800–2

Radar vectoring authorized in accordance with approved patterns.
Procedure turn N side of crs, 066° Outbnd, 246° Inbnd, 1100' within 9 miles.
Facility on airport.
Minimum altitude over facility on final approach crs, 400'.
Crs and distance, breakoff point to Runway 25, 255°—0.8 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0.0 mile of VOR, turn right, climb to 2000' on R–359 within 20 miles of SJU VOR.
NOTES: (1) Procedure turn distance restricted to 9 miles of VOR due to warning area N of procedure turn area. (2) When authorized by ATC, DME may be used within 8–11 miles clockwise, R–304 to R–095 at 1100' to position aircraft for straight-in approach with the elimination of procedure turn.
*400–½ authorized, except for 4-engine turbojet aircraft, with operative high-tensity runway lights.
MSA within 25 miles of facility: 000°–100°—1200'; 100°–190°—4600'; 190°–280°—4100'; 280°–360°—1800'.

City, San Juan; State, P.R.; Airport name, Puerto Rico International; Elev., 9'; Fac. Class., BVORTAC; Ident., SJU; Procedure No. TerVOR–25, Amdt. 5; Eff. date, 5 June 65; Sup. Amdt. No. 4; Dated, 21 Mar. 64

5. By amending the following very high frequency omnirange-distance measuring equipment (VOR/DME) procedures prescribed in § 97.15 to read:

VOR/DME STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.
If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 55 knots
					55 knots or less	More than 55 knots	
				T–dn	300–1	300–1	300–1
				C–dn*	900–1¼	900–1¼	900–1¼
				A–dn*	1100–2	1100–2	1100–2
				If 4.3-mile DME Fix R–245 received, the following minimums apply:*			
				C–dn	800–1¼	800–1¼	800–1¼
				A–dn	800–2	800–2	800–2

Radar transitions authorized in accordance with approved radar patterns of Kennedy ASR.
Procedure turn N side of crs, 065° Outbnd, 245° Inbnd, 1800' within 10 miles.
Minimum altitude over facility on final approach crs, 1800', over 4.2-mile DME Fix R–245, 1000'.
*Maintain 1000' until passing 4.2-mile DME Fix R–245.
Crs and distance, facility to airport, 245°—6.2 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 6.2 miles after passing Deer Park VOR, make a right-climbing turn to 1800', proceed direct to Deer Park VOR. Hold NE on R–065, 1-minute right turns.
NOTE: This approach authorized only during the hours that the control tower is in operation.
MSA within 25 miles of facility: 000°–360°—1700'.

City, Farmingdale; State, N.Y.; Airport name, Republic Aviation Corp.; Elev., 82'; Fac. Class., BVORTAC; Ident., DPK; Procedure No. VOR/DME No. 1, Amdt. 1; Eff. date, 5 June 65; Sup. Amdt. No. Orig.; Dated, 8 May 65

VOR/DME STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 55 knots
					55 knots or less	More than 55 knots	
Southgate Int§§	10-mile DME Fix R–258	12/15 arc	2200	T–dn	300–1	300–1	300–1
Brenkers Int	10-mile DME Fix R–258	Direct	2200	C–dn**	600–1	600–1	600–1½
10-mile DME Fix R–258	1.1-mile DME Fix R–258 or LOM	Direct	2200	S–dn–8#	500–1	500–1	500–1
1.1-mile DME Fix R–258 or LOM	HNL VOR	Direct	1700	A–dn	800–2	800–2	800–2

Radar vectoring authorized in accordance with approved patterns.
Procedure turn S side of crs, 258° Outbnd, 078° Inbnd, 3600' within 10 miles.
Minimum altitude at 1.1-mile DME Fix R–258 or LOM, 2200'*; minimum altitude over facility, 1700'.#
Crs and distance, facility to airport, 078°—4.8 miles; 1.1-mile DME Fix R–258 or LOM to airport, 078°—5.9 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.8 miles after passing HNL VOR or at 4.8-mi DME Fix R–078, make right turn, climb to 2000' and proceed to Southgate Int via R–168 HNL VOR.
CAUTION: Terrain rises sharply on N side final approach crs; within 2.2 miles, 1000'; 4.1 miles, 2500'; 5.4 miles, 3000'.
*Do not descend below 2200' until over the 1.1-mile DME (LOM) Inbnd due NAS Barber's Point, 1500' jet traffic pattern.
**Circling N of airport not authorized because of terrain, 2057'—1.5 miles N and 924'—2 miles NE.
#Unless aircraft receives 1.1-mile DME Fix or LOM, maintain 2200' to VOR and straight-in minimums not authorized.

City, Honolulu; State, Hawaii; Airport name, Honolulu International; Elev., 13'; Fac. Class., BVORTAC; Ident., HNL; Procedure No. VOR/DME No. 1, Amdt. 2; Eff. date, 5 June 65; Sup. Amdt. No. 1; Dated, 8 May 65

PROCEDURE CANCELLED, EFFECTIVE 5 JUNE 1965.

City, Lubbock; State, Tex.; Airport name, Municipal; Elev., 3256'; Fac. Class., H–BVORTAC; Ident., LBB; Procedure No. VOR/DME No. 1, Amdt. Orig.; Eff. date, 20 Dec. 62

				T–dn	300–1	300–1	NA
				C–d	1000–1	1000–1	NA
				C–s%	1000–2	1000–2	NA
				S–dn	NA	NA	NA
				A–dn	NA	NA	NA

Procedure turn S side of crs, 285° Outbnd, 105° Inbnd, 1700' within 10 miles.
Minimum altitude over facility on final approach crs, 1000'.
Crs and distance, facility to airport, 105°—18.5 miles.#
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished at Forbes Int, climb straight ahead, 1700', return to SBY VORTAC on R–105. Hold W on 285, 1-minute right turns.
NOTE: Sliding scale not authorized.
%Runway lights on dusk-dawn during summer season; on request during winter.
*CAUTION: Procedure turn underlies restricted area R–4006 beginning at 3500' m.s.l.
#Proceed VFR from Forbes Int to the airport.
MSA within 25 miles of facility: 090°–180°—1300'; 180°–090°—1700'.

City, Ocean City; State, Md.; Airport name, Ocean City; Elev., 12'; Fac. Class., SBY; Ident., LBVORTAC; Procedure No. VOR/DME No. 1, Amdt. Orig.; Eff. date, 5 June 65

6. By amending the following instrument landing system procedures prescribed in § 97.17 to read:

ILS STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.
If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 55 knots
					55 knots or less	More than 55 knots	
Boston VOR	BE LOM	Direct	2000	T–dn	300–1	300–1	300–1
Manchester VOR	BE LOM	Direct	2000	C–dn	600–1	600–1	600–1½
Framingham Int	BE LOM	Direct	2000	S–dn–11*	300–¾	300–¾	300–¾
Millbury Int	BE LOM	Direct	2500	A–dn	800–2	800–2	800–2
Hollis Int	BE LOM (final)*	Direct	2000	Glide slope inoperative:			
Lawrence VOR	BE LOM	Direct	3000	S–dn–11	600–1	600–1	600–1
Lawrence RBn	BE LOM	Direct	2000				

Radar vectoring by BOS APC is authorized in accordance with approved patterns.
Procedure turn N side of crs, 262° Outbnd, 122° Inbnd, 1600' within 10 miles.
Minimum altitude at glide slope interception, Inbnd, 1600'.
Altitude of glide slope and distance to approach end of runway at OM, 1455'—4.0 miles at MM, 257'—0.6 mile.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished, make left-climbing turn to 2000' direct to LWM VOR. Hold SW of LWM VWM VOR, 026° Inbnd, 1-minute right turns, or when directed by ATC, climb straight ahead to 800', make right-climbing turn to 1600' direct to BE RBn. Hold W of BE RBn, 112° Inbnd, 1-minute left turns.
CAUTION: 570' tower, 3 miles NE of airport; 269' stack, SE side of airport; 269' antenna (0.9 mile SE of airport).
*After interception of localizer crs Inbnd, descent on glide slope to cross the outer marker at 1455' on final approach is authorized.

City, Bedford; State, Mass.; Airport name, Hanscom Field; Elev., 133' Fac. Class., ILS; Ident., I–BED; Procedure No. ILS–11, Amdt. 5; Eff. date, 5 June 65; Sup. Amdt. No. 4; Dated, 26 Oct. 63

ILS STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

Transition: From—	Transition: To—	Transition: Course and distance	Transition: Minimum altitude (feet)	Ceiling and visibility minimums: Condition	Ceiling and visibility minimums: 2-engine or less: 65 knots or less	Ceiling and visibility minimums: 2-engine or less: More than 65 knots	Ceiling and visibility minimums: More than 2-engine, more than 65 knots
DEN VOR	Standley DME Fix	266°—17 miles (direct).	8400	T-dn%¢	300-1	300-1	300-1½
Standley DME Fix	Edgewater DME Fix	Via 17 miles DME CCW orbit.	8400	C-dn¢	400-1	500-1	500-1½
Edgewater DME Fix	Capitol Int (final)	Direct	8200	S-dn-8E@	400-1	400-1	400-1
				A-dn	800-2	800-2	800-2

Radar vectoring authorized in accordance with approved patterns.¢
Procedure turn not authorized.
Minimum altitude over Capitol Int on final approach crs, 6200'. Crs and distance, Capitol Int to airport, 076°—3.9 miles.
No glide slope, no outer marker, no middle marker, or approach lights.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 3.9 miles after passing Capitol Int, climb to 7000' direct to DE OM or, when directed by ATC, climb and intercept E-200 DEN VOR, proceed to DEN VOR at 7000'.
NOTE: DME and simultaneous LOC/VOR reception required unless radar vectoring to localizer and radar Fix of Capitol Int are provided.
CAUTION: Terrain 8000' and rising sharply 25 miles W of DEN VOR.
%500-1 required for circling S of airport due to 5570' tank, 0.8 mile SE and 5521' tower, 1.5 miles S of airport.
¢400-¾ authorized, except for 4-engine turbojet aircraft, with operative high-intensity runway lights.
@Westbound (198° thru 320°) IFR departures must comply with published Denver SID's or with radar vectors.
¢Lost communications procedure: If no transmissions received for 30 seconds on westerly radar vector W of DEN VORTAC 160/340 radials, turn and proceed direct to ILS-20L LOM at last assigned altitude.

City, Denver; State, Colo.; Airport name, Stapleton International; Elev., 5331'; Fac. Class., ILS; Ident., I-DEN; Procedure No. ILS-8R (back crs) Amdt. 3; Eff. date, 5 June 65; Sup. Amdt. No. 2; Dated, 2 Jan. 65

Superior Int	Broomfield Int	Direct	10,000	T-dn¢	300-1	300-1	300-1½
Broomfield Int	Derby Int	Direct	8600	C-dn	%400-1	500-1	500-1½
Denver VOR	Derby Int	Direct	8600	S-dn-17*	400-1	400-1	400-1
EGW RBn	Derby Int	Direct	7000	A-dn	800-2	800-2	800-2
Brighton Int	Henderson Int	Direct	6800				
Henderson Int	Derby Int (final)	Direct	6200				

Radar vectoring authorized in accordance with approved patterns.
Procedure turn W side of crs, 340° Outbnd, 160° Inbnd, 6600' within 10 miles of Derby Int.
No glide slope—descent to airport minimums after passing Derby Int.
Minimum altitude over Derby Int, 6200'.
Crs and distance, Derby Int to airport, 160°—4.7 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.7 miles after passing Derby Int, climb straight ahead to 8200' on S crs of SPO ILS to EGW RBn@ or, when directed by ATC, make left-climbing turn, and proceed direct to DEN VOR at 7000'.
Major change: Deleted departure procedure for J-20.
%500-1 required for circling S of airport due to 5570' tank, 0.8 mile SE of airport; 5521' tower, 1.5 miles S of airport.
*400-¾ authorized, except for 4-engine turbojet aircraft, with operative high-intensity runway lights.
@Westbound (198° thru 320°) IFR departures must comply with published Denver SID's or with radar vectors.

City, Denver; State, Colo.; Airport name, Stapleton International; Elev., 5331'; Fac. Class., ILS; Ident., I-SPO; Procedure No. ILS-17 (bank crs), Amdt. 3; Eff. date, 5 June 65; Sup. Amdt. No. 2; Dated, 2 Jan. 65

Denver VOR	EGW RBn	Direct	8400	T-dn@¢	300-1	300-1	300-1
Sedalia Int	EGW RBn/DME Fix (final)	Direct	8200	C-dn	*400-1	500-1	500-1½
Sllo Int	EGW RBn	Direct	8200	S-dn-35¢	200-½	200-1	200-½
Franktown Int	EGW RBn	Direct	8200	A-dn	800-2	800-2	800-2
Broomfield Int	EGW RBn	Direct	8200				
Larkspur Int	Sedalia Int	Direct	10,000				

Radar vectoring authorized in accordance with approved patterns.
Procedure turn E side of S crs, 169° Outbnd, 349° Inbnd, 8200' within 10 miles of EGW RBn.
Minimum altitude at glide slope interception, 8200'.
Altitude and distance to approach end of runway at EGW RBn, 8200'—9.1 miles; at OM, 6917'—5.0 miles; at LMM, 5522'—0.6 mile.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished, climb to 7000' on N crs, SPO ILS to Derby Int, hold N right turns, or when directed by ATC, make right-climbing turn to 7000', proceed direct to DEN VOR at 7000'.
Other change: Deletes departure instructions for J-20.
*500-1 required for circling S of airport due to 5521' tower, 1.5 miles S of airport.
¢500-1 required when glide slope not utilized. When both glide slope and OM not received, straight-in, circling and alternate minimums become 900-2.
@Westbound (198° thru 320°) IFR departures must comply with published Denver SID's or with radar vectors.
¢Runway visual range, 2400', also authorized for takeoff on Runway 35 in lieu of 200-½ when 200-½ is authorized, provided high-intensity runway lights and runway center-line lights are operational.
%Runway visual range, 2400', also authorized for landing on Runway 35, provided all components of the ILS, high-intensity runway lights, approach lights, condenser discharge flashers, Englewood RBn, and all related airborne equipment are operating satisfactorily. Descent below 5531' shall not be made unless visual contact with the approach lights has been established or the aircraft is clear of clouds.

City, Denver; State, Colo.; Airport name, Stapleton International; Elev., 5331'; Fac. Class., ILS; Ident., I-SPO; Procedure No. ILS-35, Amdt. 4; Eff. date, 5 June 65; Sup. Amdt. No. 3; Dated, 15 Aug. 64

Int FSM R-215 and E crs FSM ILS	LOM	Via E crs FSM ILS.	2700	T-dn*	300-1	300-1	300-1½
				C-dn	600-1	600-1	600-1½
Ft. Smith VOR	LOM	Direct	3700	S-dn-26¢	300-1½	300-1½	300-1½
Ft. Smith RBn	LOM	Direct	3000	A-dn@#	900-2	900-2	900-2

Procedure turn N side of crs, 073° Outbnd, 253° Inbnd, 2700' within 10 miles.
Minimum altitude at glide slope interception Inbnd, 2700'.
Altitude of glide slope and distance to approach end of runway at OM, 2689'—6.9 miles; at MM, 954'—0.6 mile.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished, climb to 1200' on 253° bearing from LOM, turn right, continue climb to 3000', proceeding direct to Ft. Smith RBn or, when directed by ATC, turn left to heading, 180° until intercepting FSM VOR R-194 (Outbnd), climbing to 3600' within 20 miles.
NOTE: No reduction in takeoff or landing minimums authorized.
CAUTION: All maneuvering must be completed N of the localizer crs. Standard distance not applied between localizer crs and restricted area R-2402.
*Aircraft departing Runway 26 shall maintain runway heading until reaching 1200' prior to starting right turn.
¢600-¾ required when glide slope not utilized.
#All installed components of the ILS must be operating, otherwise alternate minimums of 800-2 apply.

City, Fort Smith; State, Ark.; Airport name, Fort Smith Municipal; Elev., 469'; Fac. Class., ILS; Ident., I-FSM; Procedure No. ILS-25, Amdt. 7; Eff. date, 5 June 65; Sup. Amdt. No. 6; Dated, 20 Feb. 65

ILS STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

Transition: From—	Transition: To—	Transition: Course and distance	Transition: Minimum altitude (feet)	Ceiling and visibility minimums: Condition	Ceiling and visibility minimums: 2-engine or less: 65 knots or less	Ceiling and visibility minimums: 2-engine or less: More than 65 knots	Ceiling and visibility minimums: More than 2-engine, more than 65 knots
				T-dn	300-1	300-1	300-1½
				C-dn	400-1	500-1	500-1½
				S-dn-13¢	400-1	400-1	400-1
				A-dn	800-2	800-2	800-2

Radar transition to final approach crs required in accordance with approved patterns.
No procedure turn. Aircraft will be released for final approach over 5-mile Radar Fix at 2200'.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 5.0 miles after passing Radar Fix, climb to 2100' on SE crs, ILS and proceed to LOM, or when directed by ATC, make right-climbing turn to 2000' and proceed to Rock Creek Int via R-218 FWA VOR.
Other change: Deletes transitions. Deletes Ellis Int.
¢400-¾ authorized, except for 4-engine turbojet aircraft, with operative high-intensity runway lights.

City, Fort Wayne; State, Ind.; Airport name, Baer Field; Elev., 801'; Fac. Class., ILS; Ident., I-FWA; Procedure No. ILS-13 (back crs), Amdt. 3; Eff. date, 5 June 65 or upon decommissioning of FWA RBn; Sup. Amdt. No. 2; Dated, 17 Oct. 64

Lake Charles VOR	Brown Int	Direct	1400	T-dn	300-1	300-1	300-1½
Lake Charles RBn	Brown Int	Direct	1500	C-dn*	400-1	500-1	500-1½
				S-dn-33*¢	400-1	400-1	400-1
				A-dn*	800-2	800-2	800-2

Procedure turn W side of crs, 148° Outbnd, 328° Inbnd, 1500' within 10 miles.
Minimum altitude over Brown Int on final approach crs, 1500'.
Crs and distance, Brown Int to airport, 328°—5.7 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 5.7 miles after passing Brown Int, climb to 1800' on the NW crs of the ILS within 20 miles.
*If Brown Int not received, descent below 1500' not authorized.
¢400-½ authorized, except for 4-engine turbojet aircraft, with operative hi-intensity runway lights.

City, Lake Charles; State, La.; Airport name, Lake Charles Municipal; Elev., 16'; Fac. Class., ILS; Ident., I-LCH; Procedure No. ILS-3 (back crs) Amdt. 4; Eff. date, 5 June 65; Sup. Amdt. No. 4; Dated, 5 Sept. 64

Cordova VOR	Green River Int	Direct	2800	T-dn	300-1	300-1	300-1½
Moline VOR	Green River Int	Direct	2300	C-dn	600-1	600-1	600-1½
Cable Int	Green River Int	Direct	2800	S-dn-27	500-1	500-1	500-1
Polo VOR	Donna Int	Via PLL VOR R-307, Direct	2800	A-dn	800-2	800-2	800-2
Donna Int	Green River Int (final)	Direct	2800				

Radar vectoring to final approach crs authorized in accordance with approved patterns.
Procedure turn N side of crs, 086° Outbnd, 266° Inbnd, 2300' within 10 miles of Green River Int.
Minimum altitude over Green River Int on final approach crs, 2300'.
Crs and distance, Green River Int to airport, 266°—5.5 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 5.5 miles after passing Green River Int, make left turn, climbing to 2300' and proceed to MLI VOR, or when directed by ATC, climb to 1900' on MLI localizer W crs and proceed to ML LOM.
NOTE: Aircraft executing missed approach may be radar controlled after radar identification.
Minimum radar altitudes from Green River Int: 0 to 10 miles clockwise, 045° to 135°—2500'; 10 to 25 miles clockwise, 045° to 135°—2500'; 0 to 25 miles clockwise, 135° to 205°—2500'; 0 to 25 miles clockwise, 205° to 290°—2300'; and 0 to 25 miles clockwise, 290° to 045°—2600'.

City, Moline; State, Ill.; Airport name, Quad-City; Elev., 590'; Fac. Class., ILS; Ident., I-MLI; Procedure No. ILS-27 (back crs), Amdt. 7; Eff. date, 5 June 65; Sup. Amdt. No. 6; Dated, 28 Nov. 64

OAK VOR	SFO VOR	Direct	2800	T-dn*	300-1	300-1	200-½
SFO VOR	Westlake Int via W crs localizer	Direct	2500	C-dn	1000-1	1000-1	1000-1½
				A-dn	1000-2	1000-2	1000-2

Radar vectoring authorized in accordance with approved patterns.
Procedure turn S side of crs, 281° Outbnd, 101° Inbnd, 2500' within 10 miles of Westlake Int.
Minimum altitude over Westlake Int on final approach crs, 1700'; over Skyline Int, 1000'.
Crs and distance, Westlake Int to airport, 101°—4.7 miles; Skyline Int to airport, 101°—2.7 miles.
No glide slope.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.7 miles after passing Westlake Int, climb to 2500' on E crs of SFO ILS localizer within 10 miles.
NOTE: Radar identification of Skyline Int authorized.
*700-1 required for takeoff on Runways 19L/R, and left turn must be started as soon as practicable. Terrain over 1000'—3 miles S of airport. Sliding scale not authorized.
¢IFR departures must comply with published San Francisco SID's, or be radar vectored.

City, San Francisco; State, Calif.; Airport name, San Francisco International; Elev., 12'; Fac. Class., ILS; Ident., I-SFO; Procedure No. ILS-10L (back crs), Amdt. 1; Eff. Date, 5 June 65; Sup. Amdt. No. ILS-10L/R, Orig.; Dated, 20 June 64

OSI VOR	LOM	Direct	4000	T-dn*	300-1	300-1	200-½
SFO VOR	LOM	Direct	2500	C-dn¢	500-1	500-1	500-1½
OAK VOR	LOM	Direct	2500	S-dn-28R%	200-½	200-½	200-½
SJC VOR	LOM (final)	Direct	1700	S-dn-28L	400-1	400-1	400-1
Decoto Int	LOM (final)	Direct	1700	A-dn	800-2	800-2	800-2

Radar vectoring authorized in accordance with approved patterns.
Procedure turn not authorized. All maneuvering and descent shall be accomplished in the LOM holding pattern, 261° Inbnd, 1-minute pattern, left turns, minimum altitude, 2500'. Descent to 1700' authorized to intercept glide slope when established Inbnd, on final approach crs.
Minimum altitude at glide slope interception Inbnd, 1700'.
Altitude of glide slope and distance to approach end of runway at OM, 1720'—6.7 miles; at MM, 949'—0.6 mile.
Crs and distance, OM to Runway 28L, 280°—5.3 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished, climb on the W crs of SFO ILS localizer to 3000' within 15 miles.
CAUTION: Execute missed approach with best climb on ILS W crs. Standard obstruction clearance not provided over terrain, 1000'—4 miles W of airport.
*700-1 required for takeoff on Runways 19L/R, and left turn must be started as soon as practicable. Terrain over 1000'—3 miles S of airport. Sliding scale not authorized.
¢IFR departures must comply with published San Francisco SID's or be radar vectored.
%Runway visual range, 2400', also authorized for takeoff on Runway 28R in lieu of 200-½ when 200-½ authorized, providing high-intensity runway lights are operational.
#1000' ceiling required for circling approaches to Runways 1R/L.
@400-¾ required when glide slope not utilized.
%Runway visual range, 2400', also authorized for landing on Runway 28R; provided that all components of the ILS, high-intensity runway lights, approach lights, condenser discharge flashers, outer compass locator and all related airborne equipment are operating satisfactorily. Descent below the authorized landing minimum altitude of 212' shall not be made unless visual contact with the approach lights has been established or the aircraft is clear of clouds.

City, San Francisco; State, Calif.; Airport name, San Francisco International; Elev., 12'; Fac. Class., ILS; Ident., I-SFO; Procedure No. ILS-28R, Amdt. 19; Eff. Date, 5 June 65; Sup. Amdt. No. ILS-28L/R, 18; Dated, 21 Mar. 64

ILS STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
SEA VOR	SZ LOM	Direct	2000	T–dn	300–1	300–1	200–½
PAE VOR	SZ LOM	Direct	2000	C–dn	500–1	500–1	500–1½
Burton VHF Int	SZ LOM	Direct	2000	S–dn–16/%	200–½	200–½	200–½
Lofall VHF Int	SZ LOM	Direct	2000	A–dn	600–2	600–2	600–2

Radar vectoring authorized in accordance with approved patterns.
Procedure turn W side of crs, 338° Outbnd, 158° Inbnd, 2000′ within 10 miles.
Final approach from holding pattern at SZ LOM not authorized, procedure turn required.
Minimum altitude at glide slope intercept Inbnd, 1700′.
Altitude of glide slope and distance to approach end of runway at OM, 1672′—4.1 miles;* at MM, 632′—0.6 mile.*
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished, climb to 1700′ direct to SE LOM or, when directed by ATC, turn right climb to 2000′ on R–225 SEA VOR to Burton Int.
CAUTION: Terrain and trees to 501′ located immediately N and NE of airport.
Other change: Deletes transitions from Bainbridge LF Int and SJ LFR.
%400–1 required when glide slope not utilized. 400–¾ authorized, except for 4-engine turbojet aircraft, with operative high-intensity runway lights. 400–½ authorized, except for 4-engine turbojet aircraft, with operative ALS.
*Distance indicated is to the displaced threshold.

City, Seattle; State, Wash.; Airport name, Seattle-Tacoma International; Elev., 428′; Fac. Class., ILS; Ident., I–SZI; Procedure No. ILS–16, Amdt. 5; Eff. date, 5 June 65; Sup. Amdt. No. 4; Dated, 26 Sept. 64

SEA VOR	SE LOM	Direct	2000	T–dn#	300–1	300–1	200–½
Milton VHF Int	SE LOM (final)	Direct	1000	C–dn	500–1	500–1	500–1½
Fairgrounds VHF Int*	SE LOM	Direct	2000	S–dn–34/%	300–½	300–½	300–½
Burton VHF Int	SE LOM	Direct	2000	A–dn	600–2	600–2	600–2

Radar vectoring authorized in accordance with approved patterns.
Procedure turn E side of crs, 158° Outbnd, 338° Inbnd, 1700′ within 10 miles.
Minimum altitude at glide slope intercept Inbnd, 1600′.
Altitude of glide slope and distance to approach end of runway at OM, 1585′—4.0 miles; at MM, 560′—0.6 mile.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished, climb to 2000′ direct to SZ LOM or, when directed by ATC, turn left, climb to 2000′ on R–225 SEA VOR to Burton Int.
CAUTION: Terrain and trees to 501′ located immediately N and NE of airport.
Other change: Deletes transition from SJ LFR.
*Transition to Fairgrounds Int authorized from McChord AFB RBn on crs, 020°—2000′.
%400–1 required when glide slope not utilized. 400–¾ authorized, except for 4-engine turbojet aircraft, with operative high-intensity runway lights. 400–½ authorized, except for 4-engine turbojet aircraft, with operative ALS.
#Runway visual range (RVR), 2400′, also authorized for landing on Runway 34, provided that all components of the ILS, high-intensity runway lights, approach lights, condenser discharge flashers, outer compass locator, and all related airborne equipment are in satisfactory operating condition. Descent below 628′ shall not be made unless visual contact with the approach lights has been established or the aircraft is clear of clouds.
Runway visual range, 2400′, also authorized for takeoff on Runway 34 in lieu of 200–½ when 200–½ authorized, providing high-intensity runway lights are operational.

City, Seattle; State, Wash.; Airport name, Seattle-Tacoma International; Elev., 428′; Fac. Class., ILS; Ident., I–SEA; Procedure No. ILS–34, Amdt. 26; Eff. date, 5 June 65; Sup. Amdt. No. 25; Dated, 26 Sept. 64

7. By amending the following radar procedures prescribed in § 97.19 to read:

RADAR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet, MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.
If a radar instrument approach is conducted at the below named airport, it shall be in accordance with the following instrument procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitude(s) shall correspond with those established for en route operation in the particular area or as set forth below. Positive identification must be established with the radar controller. From initial contact with radar to final authorized landing minimums, the instructions of the radar controller are mandatory except when (A) visual contact is established on final approach at or before descent to the authorized landing minimums, or (B) at pilot's discretion if it appears desirable to discontinue the approach, except when the radar controller may direct otherwise prior to final approach, a missed approach shall be executed as provided below when (A) communication on final approach is lost for more than 5 seconds during a precision approach, or for more than 30 seconds during a surveillance approach; (B) directed by radar controller; (C) visual contact is not established upon descent to authorized landing minimums; or (D) if landing is not accomplished.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
000°	360°	20 miles	2000	Precision approach			
				T–dn	300–1	300–1	200–½
				C–dn	600–1	600–1	600–1½
				S–dn–11	300–¾	300–¾	300–¾
				A–dn	800–2	800–2	800–2

If visual contact not established upon descent to authorized landing minimums or if landing not accomplished, make left-climbing turn to 2000′ direct to LWM VOR. Hold SW of LWM VOR, 068° Inbnd, 1-minute right turns, or when directed by ATC, climb straight ahead to 500′, make right-climbing turn to 1600′ direct to BE RBn. Hold W of BE RBn, 112° Inbnd, 1-minute left turns.
CAUTION: 570′ tower, 3.0 miles NE of airport; 398′ antenna, 0.9 mile SE of airport; 398′ stack, SE side of airport.
NOTES: (1) This procedure premised on the use of USAF GCA. Consult appropriate publications for hours of operation. (2) Standard clearance of 1000′ from 0–3 miles must be provided over the 1349′ antennae, 10.0 miles SE of airport.

City, Bedford; State, Mass.; Airport name, Hanscom; Elev., 133′; Fac. Class. and Ident., Hanscom Radar; Procedure No. 1, Amdt. 2; Eff. date, 5 June 65; Sup. Amdt. No. 1; Dated, 4 Jan. 64

RADAR STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
000°	360°	Within 30 miles	2000	Surveillance approach			
				T–dn	300–1	300–1	200–½
				C–dn	400–1	500–1	500–1½
				S–dn 5R, 9, 27, 16R, 36L 23L.#**	400–1	400–1	400–1
				A–dn	800–2	800–2	800–2

If visual contact not established upon descent to authorized landing minimums or if landing not accomplished, Runways 5R, 36L, 9: Make left-climbing turn to 3000′, intercept and proceed Outbnd on Strongsville VOR R–345 to Crib Int. Hold SE, 1-minute right turns, 345° Inbnd. Runways 23L, 27, 18R: Climb to 3000′ on runway heading, upon reaching proceed to Cleveland VOR. Hold W, 1-minute right turns, 008° Inbnd.
CAUTION: 1971′ towers approximately 6 miles ESE of airport.
#400–¾ authorized, except for 4-engine turbojet aircraft, with operative high-intensity runway lights on Runways 5R, 23L, 9 and 27.
%400–½ authorized, except for 4-engine turbojet aircraft, with operative ALS on Runways 5R and 27.
**On approach to Runway 23L, maintain at least 1600′ until within 4 miles of runway.

City, Cleveland; State, Ohio; Airport name, Cleveland-Hopkins; Elev., 782′; Fac. Class., Cleveland; Ident., Radar; Procedure No. 1, Amdt. 14; Eff. date, 5 June 65; Sup. Amdt. No. 13; Dated, 13 Feb. 65

000°	360°	6–10 miles	1900	Precision approach			
360°	015°	10–30 miles	1000				
015°	035°	10–50 miles	2600	T–dn	300–1	300–1	200–½
035°	200°	10–50 miles	1900	C–dn	400–1	400–1	500–1½
200°	265°	10–15 mi es.	2100	S–dn–6R/24L	300–½	300–½	200–½
200°	265°	15–50 miles	2300	A–dn	600–2	600–2	600–2
265°	360°	10–50 miles	1000	Surveillance approach			
				T–dn	300–1	300–1	300–1
				C–dn	600–2	600–2	600–2
				S–dn–6R/24L	600–2	600–2	600–2
				A–dn	800–2	800–2	800–2

All bearings are from radar site with sector azimuths progressing clockwise.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished for Runway 6, climb on 065° heading to 2000′; contact Guam approach control. For Runway 24, climb on 275° heading to 2000′; contact Guam approach control.
NOTES: (1) Turbulence may be expected on final approach to Runway 24. (2) PAR glide slope, 2.98°. (3) Prior approval required from commander, Andersen AFB for civil aircraft.
AIR CARRIER NOTE: Sliding scale not authorized.
Other change: Deletes takeoff note "400–1 if PAR and ILS inoperative."

City, Guam; State, Mariana Island; Airport name, Andersen Air Force Base; Elev., 609′; Fac. Class., Andersen; Ident., Radar; Procedure No. 1, Amdt. 1; Eff. date, 5 June 65; Sup. Amdt. No. Orig.; Dated, 29 Aug. 64

All directions	Radar site	Within 25 miles	*1000	Surveillance approach			
				T–dn	300–1	300–1	200–½
				C–dn 10, 23, 28	400–1	500–1	500–1½
				C–dn–19	700–1	700–1	700–1½
				C–dn 1, 5	500–1	500–1	500–1½
				S–dn 10, 23, 28/%	400–1	400–1	400–1
				S–dn 1, 5	500–1	500–1	500–1
				S–dn–19	700–1	700–1	700–1
				A–dn	800–2	800–2	800–2

If visual contact not established upon descent to authorized landing minimums or if landing not accomplished, climb to 1500′ straight ahead, then proceed to New Orleans VOR or proceed to New Orleans H–8AB (LOM).
CAUTION: 409′ radio tower, 2.8 miles N of airport and 452′ electric transmission towers, 4.3 miles SE of airport.
*Radar control must provide 3-miles lateral or 1000′ vertical separation from 1049′ radio tower located 12 miles ESE of airport and from 1040′ TV tower, 16 miles E of airport.
%400–¾ authorized, except for 4-engine turbojet aircraft, with operative high-intensity runway lights.
%400–½ authorized, except for 4-engine turbojet aircraft, with operative ALS.

City, New Orleans; State, La.; Airport name, New Orleans International (Moisant); Elev., 3′; Fac. Class., New Orleans; Ident., Radar; Procedure No. 1, Amdt. 4; Eff. date, 5 June 65; Sup. Amdt. No. 3; Dated, 10 Apr. 65

000°	360°	Within: 0–10 miles	3000	Surveillance approach			
000°	360°	10–20 miles	4500	T–dn*	300–1	300–1	200–½
000°	360°	20–40 miles	4500	C–dn#	500–1	500–1	500–1½
				S–dn–19L/R%	400–1	400–1	400–1
				S–dn–28L/R	400–1	400–1	400–1
				A–dn%¢	800–2	800–2	800–2
				Precision approach			
				S–dn–28R$	200–½	200–½	200–½
				A–dn	600–2	600–2	600–2

If visual contact not established upon descent to authorized landing minimums or if landing not accomplished, Runways 19L/R; Turn left, climb to 2500′ on SFO VOR R–101, or E crs of SFO ILS localizer within 10 miles. Runways 28L/R: Climb to 3000′ on SFO VOR R–281, or W crs of SFO ILS localizer within 15 miles. Runways 10L/R: Climb to 2500′ on SFO VOR R–101, or E crs of SFO ILS localizer within 10 miles.
CAUTION: Execute missed approach with best climb on ILS W crs, or R–281. Standard clearance not provided over terrain, 1000′—4 miles W of airport.
*700–1 required for takeoff on Runways 19L/R and left turn must be started as soon as practicable. Terrain over 1000′—3 miles S of airport. Sliding scale not authorized.
#IFR departures must comply with published San Francisco SID's or be radar vectored.
*Runway visual range, 2400′, also authorized for takeoff on Runway 28R in lieu of 200–½ when 200–½ authorized; providing high-intensity runway lights are operational.
$1000′ ceiling required for circling approaches to runways 12R/L.
%400–¾ authorized, except for 4-engine turbojet aircraft, with operative high-intensity runway lights.
¢400–½ authorized, except for 4-engine turbojet aircraft, with operative ALS.
&Runway visual range, 2400′, also authorized for landing on Runway 28R; provided that all components of the PAR, high-intensity runway lights, approach lights, condenser discharge flashers, outer compass locator, and all related airborne equipment are operating satisfactorily. Descent below the authorized landing minimum altitude of 212′ shall not be made unless visual contact with the approach lights has been established or the aircraft is clear of clouds.

City, San Francisco; State, Calif.; Airport name, San Francisco International; Elev., 12′; Fac. Class., San Francisco; Ident., Radar; Procedure No. 1, Amdt. 7; Eff. date, 5 June 65; Sup. Amdt. No. 6; Dated, 18 Nov. 61

RADAR STANDARD INSTRUMENT APPROACH PROCEDURES—Continued

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 55 knots
					55 knots or less	More than 55 knots	
		Within:		Precision approach			
000°-----	360°-----	10 miles-----	2500				
000°-----	360°-----	20 miles-----	5500	T-dn#-----	300-1	300-1	200-½
				C-dn-----	300-1	300-1	500-1½
				S-dn-16/34##----	200-½	200-½	200-½
				A-dn-----	600-2	600-2	600-2
				Surveillance approach			
				T-dn-----	300-1	300-1	200-½
				C-dn-----	500-1	500-1	500-1½
				S-dn-34§-----	400-1	400-1	400-1
				A-dn-----	800-2	800-2	800-2

If visual contact not established upon descent to authorized landing minimums or if landing not accomplished, Runway 34: Climb to 2000' direct to SZ LOM or, when directed by ATC, turn left, climb to 2000', intercept R-225 of Seattle VOR, thence to Burton Int.

Runway 2: Left turn, climb to 2000' direct to SZ LOM or, when directed by ATC, turn left, climb to 2000', intercept R-225 of Seattle VOR, thence to Burton Int. Runway 16: Climb to 2000' direct to SE LOM or, when directed by ATC, turn right, climb to 2000', intercept R-225, thence to Burton Int. Runway 20: Left turn, climb to 2000' direct to SE LOM or, when directed by ATC, turn right, climb to 2000', intercept R-225, thence to Burton Int.

CAUTION: Terrain and trees to 591' located immediately N and NE of airport.

Runway visual range, 2400', also authorized for takeoff on Runway 34 in lieu of 200-½, when 200-½ is authorized, provided high-intensity lights are operational.

Runway visual range (RVR), 2400', also authorized for landing on Runway 34, provided that all components of the PAR, high-intensity runway lights, approach lights, condenser discharge flashers, and all related airborne equipment are in satisfactory operating condition. Descent below 625' shall not be made unless visual contact with the approach lights has been established or the aircraft is clear of clouds.

§400-¾ authorized, except for 4-engine turbojet aircraft, with operative high-intensity runway lights. 400-½ authorized, except for 4-engine turbojet aircraft, with operative ALS.

City, Seattle; State, Wash.; Airport name, Seattle-Tacoma International; Elev., 429'; Fac. Class., Seattle-Tacoma; Ident., Radar; Procedure No. 1, Amdt. 11; Eff. date, 5 June 65; Sup. Amdt. No. 10; Dated, 25 Sept. 64

		Within:		Precision approach			
All directions-----	Radar site-----	8 miles-----	2000				
All directions-----	Radar site-----	20 miles-----	2900	T-dn#-----	300-1	300-1	200-½
All directions-----	Radar site-----	25 miles-----	3400	C-dn-----	500-1	500-1	500-1½
All directions-----	Radar site-----	35 miles-----	5000	S-dn-01R*-----	200-½	200-½	200-½
				A-dn-----	600-2	600-2	600-2
				Surveillance approach			
				T-dn-----	300-1	300-1	200-½
				C-dn-----	500-1	500-1	500-1½
				S-dn-20-----	600-1	600-1	600-1
				S-dn 1R, 1L12, 19R, 19L.**-----	400-1	400-1	400-1
				A-dn-----	800-2	800-2	800-2

If visual contact not established upon descent to authorized landing minimums or if landing not accomplished, proceed direct to Poolesville RBn, cross Poolesville RBn at 2000', continue climb to 2300' in holding pattern. Hold N, 006° bearing, 186° Inbnd, 1-minute right turns.

Runway visual range, 2000', also authorized for takeoff on Runway 01R in lieu of 200-½, when 200-½ is authorized, provided high-intensity runway lights are operational.

* Runway visual range, 2000', also authorized for landing on Runway 01R, provided all components of the PAR, high-intensity runway lights, approach lights, condenser discharge flashers, outer compass locator, and all related airborne equipment are operating satisfactorily. Descent below 513' shall not be made unless visual contact with approach lights has been established or the aircraft is clear of the clouds.

**600-¾ authorized, except for 4-engine turbojet aircraft, with operative high-intensity runway lights.

**400-½ authorized, except for 4-engine turbojet aircraft, with operative ALS for Runways 1R and 19R.

City, Washington; State, D.C.; Airport name, Dulles International; Elev., 313'; Fac. Class., Dulles; Ident., Radar; Procedure No. 1, Amdt. 3; Eff. date, 5 June 65; Sup. Amdt. No. 2; Dated, 11 May 63

These procedures shall become effective on the dates specified therein.

(Secs. 307(c), 313(a), 601, Federal Aviation Act of 1958; 49 U.S.C. 1348(c), 1354(a), 1421; 72 Stat. 749, 752, 775)

Issued in Washington, D.C., on April 29, 1965.

C. W. WALKER,
Acting Director, Flight Standards Service.

[F.R. Doc. 65-4714; Filed, May 28, 1965; 8:45 a.m.]

Title 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

SUBCHAPTER B—FOOD AND FOOD PRODUCTS

PART 121—FOOD ADDITIVES

Subpart F—Food Additives Resulting From Contact With Containers or Equipment and Food Additives Otherwise Affecting Food

NYLON RESINS

The Commissioner of Food and Drugs, having evaluated the data in a petition (FAP 5B1621) filed by American Can Co., 11th Avenue and St. Charles Road, Maywood, Ill., 60154, and other relevant material, has concluded that the food additive regulations should be amended to provide for the use of certain nylon 11 resins in side-seam cements for articles that are intended for one-time use in contact with food and that are in compliance with § 121.2514. Therefore, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1)), and under the authority delegated to the Commissioner by the Secretary of Health, Education, and Welfare (21 CFR 2.90), § 121.2502(b) is amended by changing the text in the first column of item 5.2 in the table to read as follows:

§ 121.2502 Nylon resins.

* * * * * *

5.2 Nylon 11 resins for use only:	
a. In articles intended for repeated use in contact with food.	
b. In side-seam cements for articles intended for one-time use in contact with food and which are in compliance with § 121.2514.	

Any person who will be adversely affected by the foregoing order may at any time within 30 days from the date of its publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington, D.C., 20201, written objections thereto, preferably in quintuplicate. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof.

Effective date. This order shall be effective on the date of its publication in the FEDERAL REGISTER.

(Sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1))

Dated: May 25, 1965.

GEO. P. LARRICK,
Commissioner of Food and Drugs.

[F.R. Doc. 65-5673; Filed, May 28, 1965; 8:48 a.m.]

Title 7—AGRICULTURE

Chapter I—Consumer and Marketing Service (Standards, Inspections, Marketing Practices), Department of Agriculture

PART 27—COTTON CLASSIFICATION UNDER COTTON FUTURES LEGISLATION

Subpart B—Official Cotton Standards of the United States for Fiber Fineness and Maturity

PART 28—COTTON CLASSING, TESTING, AND STANDARDS

Subpart C—Standards

REVISED STANDARDS FOR FIBER FINENESS AND MATURITY

On March 27, 1965, a notice of proposed rule making was published in the FEDERAL REGISTER (30 F.R. 4064) regarding a proposed revision of the Official Cotton Standards of the United States for Fiber Fineness and Maturity (7 CFR 27.210–27.213), pursuant to authority contained in sections 6 and 10 of the United States Cotton Standards Act, as amended (42 Stat. 1518, 1519; 7 U.S.C. 56, 61), and in section 4854 of the Internal Revenue Code of 1954 (68A Stat. 580; 26 U.S.C. 4854), and for the purpose of both of said Acts.

Statement of considerations leading to amendment. The purpose of revising these standards is twofold: (1) to incorporate developments since 1956 in the air flow instruments and testing procedures into the standards; and (2) to make the standards available for general use without restrictions.

All segments of the cotton industry generally agree that micronaire readings of fiber fineness and maturity are now an important quality factor in the merchandising and processing of cotton.

Practically all views and comments filed with the Hearing Clerk of the Department by cotton producers, ginners, manufacturers, and exchanges were favorable to the proposed revision of the standards. Cotton shippers expressed opposition to the proposal.

After due consideration of all relevant matters, Parts 27 and 28, Chapter I, Subtitle B, Title 7, Code of Federal Regulations, are amended by deleting Subpart B of said Part 27 and by adding, in lieu thereof, the following heading and sections to Subpart C of said Part 28:

OFFICIAL COTTON STANDARDS OF THE UNITED STATES FOR FIBER FINENESS AND MATURITY

§ 28.601 Official cotton standards for fiber fineness and maturity.

The official cotton standards of the United States for fiber fineness and maturity shall be the measure of such qualities, in combination, provided by air flow instrument tests in terms of micronaire readings in accordance with the procedure specified in § 28.603.

§ 28.602 Terms of designations.

The fiber fineness and maturity of any cotton shall be designated by the micronaire reading obtained from an air flow instrument test for a specimen of the cotton as determined under § 28.603, e.g., 4.1, 4.2, 4.3, etc. To simplify recording, the decimal point may be omitted, and the micronaire reading recorded as 41, 42, 43, etc.

§ 28.603 Procedures for air flow tests of micronaire reading.

In determining in terms of micronaire readings, the fiber fineness and maturity, in combination, of cotton, the following procedures shall apply:

(a) Facilities and equipment shall include:

(1) Air flow instrument complete with accessories to measure the fineness and maturity, in combination, of cotton in terms of micronaire reading on the curvilinear scale adopted in September 1950 by the Department of Agriculture, or its equivalent.

(2) A suitable supply of compressed air filtered to remove moisture and other impurities.

(3) Balance or scales suitable for accurately weighing the specimens required for the particular instrument.

(4) International Calibration Cotton Standards with established micronaire reading values for calibration of the air flow instrument.

(b) The instrument shall be calibrated each day before routine testing begins, as follows:

(1) The air shall be allowed to flow through the instrument until the indicator stabilizes.

(2) Specimens from at least two of the calibration cottons shall be tested to insure proper calibration of the instrument. The instrument shall be considered in calibration if the values obtained on the test specimens agree with the established values of the calibration cottons within 0.1 micronaire reading.

(c) Testing of the cotton specimen shall be performed as follows:

(1) Approximately the same amount of cotton shall be taken from each side of the sample for a test specimen. The weight of the test specimen shall be that weight prescribed for the air flow instrument being used.

(2) The weighed specimen shall be tested in a properly calibrated instrument.

(3) The specimen shall be inserted into the specimen holder of the instrument so that the mass of fibers is well distributed within the specimen holder.

(4) The air shall then be allowed to flow through the specimen in accordance with the method of operation of the instrument.

(5) The position of the instrument indicator shall be determined to the nearest 0.1 micronaire reading when it becomes stable.

(d) The accuracy of the instrument shall be checked at least every 2 hours during operation by testing appropriate calibration cottons. If the value obtained on a specimen from the calibration cotton is outside the established limits of 0.1 micronaire reading, or when successive readings show the results to be within the established limits, but consistently high or low, the instrument and technique shall be thoroughly checked to remedy the discrepancies. Additional tests using calibration cottons shall be made until acceptable results are obtained before routine testing is resumed.

(Secs. 6 and 10, 42 Stat. 1518, as amended, 1519, 7 U.S.C. 56, 61; Sec. 4854, 68A Stat. 580, 26 U.S.C. 4854)

Effective date. The foregoing amendment shall become effective on June 1, 1966.

Dated: May 27, 1965.

G. R. GRANGE,
Deputy Administrator, Marketing Services.

[F.R. Doc. 65-5725; Filed, May 28, 1965; 8:50 a.m.]

PART 81—INSPECTION OF POULTRY AND POULTRY PRODUCTS

Poultry Soups; Further Postponement of Effective Date of Certain Amendments

The effective date of the provisions of §§ 81.134 and 81.208 of the regulations under the Poultry Products Inspection Act, as amended (21 U.S.C. 451 et seq.), as set forth in the amendments of the regulations published on July 7, 1964 (29 F.R. 8456), insofar as such provisions relate to soups (whether dehydrated, canned or otherwise prepared) containing poultry ingredients, is hereby postponed until July 1, 1965, pursuant to the authority of said Act. During such period of postponement, the provisions of § 81.208 (a) and (b) of the regulations, as published August 15, 1962 (27 F.R. 8098, 7 CFR 81.208 (Supp. 1963)), shall be in effect with respect to such soups.

This action is necessary in order to afford equitable treatment to all poultry soup processors in view of the issuance of a preliminary injunction on behalf of one processor of dehydrated soups in an action which is pending in the U.S. District Court for the District of New Jersey. In order to accomplish its purpose, this action must be made effective on June

1, 1965, when a prior order (30 F.R. 6064) of postponement of effective date expires. Therefore, under section 4 of the Administrative Procedure Act (5 U.S.C. 1003), it is found for good cause that notice of rule-making and other public procedure with respect to this action are impracticable and good cause is found for making it effective less than 30 days after publication hereof in the FEDERAL REGISTER.

(Sec. 14, 71 Stat. 447, 21 U.S.C. 463; 29 F.R. 16210, as amended; 30 F.R. 1260, as amended; 30 F.R. 2160)

This action shall become effective on June 1, 1965.

Done at Washington, D.C., this 25th day of May 1965.

S. R. SMITH,
Administrator,
Consumer and Marketing Service.

[F.R. Doc. 65-5617; Filed, May 28, 1965; 8:45 a.m.]

Chapter IX—Consumer and Marketing Service (Marketing Agreements and Orders; Fruits, Vegetables, Tree Nuts), Department of Agriculture

[Valencia Orange Reg. 122]

PART 908—VALENCIA ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

Limitation of Handling

§ 908.422 Valencia Orange Regulation 122.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 908, as amended (7 CFR Part 908), regulating the handling of Valencia oranges grown in Arizona and designated part of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations and information submitted by the Valencia Orange Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such Valencia oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 1001–1011) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for Valencia oranges and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such Valencia oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on May 27, 1965.

(b) *Order.* (1) The respective quantities of Valencia oranges grown in Arizona and designated part of California which may be handled during the period beginning at 12:01 a.m., P.s.t., May 30, 1965, and ending at 12:01 a.m., P.s.t., June 6, 1965, are hereby fixed as follows:

(i) District 1: 500,000 cartons;

(ii) District 2: 361,060 cartons;

(iii) District 3: 150,000 cartons.

(2) As used in this section, "handled," "handler," "District 1," "District 2," "District 3," and "carton" have the same meaning as when used in said amended marketing agreement and order.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: May 28, 1965.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 65-5770; Filed, May 28, 1965; 11:15 a.m.]

[Lemon Reg. 163]

PART 910—LEMONS GROWN IN CALIFORNIA AND ARIZONA

Limitation of Handling

§ 910.463 Lemon Regulation 163.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 910, as amended (7 CFR Part 910), regulating the handling of lemons grown in California and Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such lemons, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 1001–1011) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for lemons and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such lemons; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on May 25, 1965.

(b) *Order.* (1) The respective quantities of lemons grown in California and Arizona which may be handled during the period beginning at 12:01 a.m., P.s.t., May 30, 1965, and ending at 12:01 a.m., P.s.t., June 6, 1965, are hereby fixed as follows:

(i) District 1: Unlimited movement;

(ii) District 2: 372,000 cartons;

(iii) District 3: Unlimited movement.

(2) As used in this section, "handled," "District 1," "District 2," "District 3," and "carton" have the same meaning as when used in the said amended marketing agreement and order.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: May 26, 1965.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 65-5693; Filed, May 28, 1965; 8:49 a.m.]

[Avocado Order 7]

PART 915—AVOCADOS GROWN IN SOUTH FLORIDA

Limitation of Shipments

§ 915.307 Avocado Order 7.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 915, as amended (7 CFR Part 915), regulating the handling of avocados grown in south Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations of the Avocado Administrative Committee, established under the aforesaid marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of avocados, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable, unnecessary, and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (5 U.S.C. 1001–1011) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective not later than May 31, 1965. This section establishes grade and maturity requirements designed to prevent the shipment of avocados which are immature or otherwise of poor quality; it is necessary that such requirements be made effective at the time and for the periods specified herein in order to effectuate the declared policy of the act; and compliance with this section will not require of handlers any preparation therefor which cannot be completed by the effective time hereof.

(b) *Order.* (1) During the period beginning at 12:01 a.m., e.s.t., May 31, 1965, and ending at 12:01 a.m., e.s.t., April 30, 1966, no handler shall handle any avocados unless such avocados grade at least U.S. No. 2 grade;

(2) After the effective time of this regulation, except as otherwise provided in subparagraphs 9 and 10 of this paragraph, no avocados of the varieties listed in Column 1 of the following Table I shall be handled prior to 12:01 a.m., e.s.t., of the date listed for the respective variety in Column 2 of such table, except that avocados of the Arue variety which weigh at least 17 ounces may be handled prior to the date so listed, and thereafter each such variety shall be handled only in conformance with subparagraphs (3), (4), (5), and (6) of this paragraph.

TABLE I

Variety (1)	Date (2)	Minimum weight or diameter (3)	Date (4)	Minimum weight or diameter (5)	Date (6)	Minimum weight or diameter (7)	Date (8)
Arue	7- 5-65	14 oz. (3 3/16 in.)	8-15-65				
Fuchs	7- 5-65	12 oz. (3 9/16 in.)	7-30-66	10 oz. (2 15/16 in.)	8- 0-66		
Dr. DuPuis	7- 5-65	12 oz. (3 5/16 in.)	8-25-65				
Hardee	7-12-65	13 oz. (3 9/16 in.)	8- 0-66				
Pollock	7-19-65	18 oz. (3 15/16 in.)	8- 2-65	16 oz. (3 5/16 in.)	8-16-65		
Simmonds	7-19-65	16 oz. (3 5/16 in.)	8- 2-66	14 oz. (3 5/16 in.)	8-16-65		
Nadir	7-19-65	14 oz. (3 5/16 in.)	8-15-65	9 oz. (2 15/16 in.)	8-25-66		
Katherine	7-19-66	12 oz.	8- 0-66				
Trapp	8-16-65	12 oz. (3 1/16 in.)	9-13-65				
Waldin	8-16-65	16 oz. (3 9/16 in.)	9-30-65	14 oz. (3 5/16 in.)	9-12-65	12 oz. (3 1/16 in.)	9-27-65
Petersen	8-23-65	10 oz. (3 5/16 in.)	9- 5-66	8 oz. (2 15/16 in.)	9-30-66		
Pinelli	8-30-65	16 oz. (3 15/16 in.)	9-20-65				
Tonnage	8-30-65	14 oz. (3 1/16 in.)	9- 6-65	12 oz. (3 9/16 in.)	9-13-65	10 oz. (2 15/16 in.)	9-20-65
Booth 8	9-13-65	16 oz. (3 9/16 in.)	9-27-65	15 oz. (3 7/16 in.)	10-11-65	13 oz. (3 1/16 in.)	10-25-65
Fairchild	9-13-65	16 oz. (3 15/16 in.)	9-20-66	14 oz. (3 5/16 in.)	10- 4-65	12 oz. (3 5/16 in.)	10-18-65
Nirody	9-21-65	18 oz. (3 15/16 in.)	10- 4-65	15 oz. (3 11/16 in.)	10-18-66	12 oz. (3 5/16 in.)	11- 1-65
Black Prince	10- 4-65	16 oz. (3 5/16 in.)	10-25-65				
Blair	10- 4-65	14 oz. (3 5/16 in.)	10-25-65				
Collinson	10- 4-65	16 oz. (3 15/16 in.)	11- 1-65				
Monroe	10- 4-65	26 oz. (4 5/16 in.)	10-18-65	24 oz. (4 1/16 in.)	11-22-65		
Rue	10- 4-65	20 oz. (3 9/16 in.)	10-11-65	24 oz. (3 15/16 in.)	10-29-65	18 oz. (3 9/16 in.)	11- 8-65
Booth 5	10-11-65	16 oz. (3 15/16 in.)	11- 1-65				
Hickson	10-11-65	15 oz. (3 9/16 in.)	11- 1-65				
Simpson	10-11-65	15 oz. (3 9/16 in.)	11- 1-65				
Yuca	10-11-65	16 oz. (3 5/16 in.)	11- 1-65				
Sherman	10-11-65	18 oz.	10-25-65	14 oz.	11- 8-65	10 oz.	11-29-65
Marcus	10-11-65	32 oz.	11-22-65				
Booth 10	10-18-65	16 oz. (3 15/16 in.)	11-15-65				
Booth 7	10-18-65	16 oz. (3 15/16 in.)	11- 1-65	14 oz. (3 5/16 in.)	11-15-65		
Avon	10-19-65	15 oz. (3 1/16 in.)	11- 8-65				
Booth 11	10-18-65	16 oz. (3 5/16 in.)	11- 1-65				
Leona	10-19-65	14 oz.	11- 8-65				
Winslowson	10-18-65	18 oz. (3 1/16 in.)	11- 8-65				
Nelson	10-18-65	14 oz. (3 5/16 in.)	11- 1-65	13 oz. (3 5/16 in.)	11-15-65	10 oz. (3 1/16 in.)	12- 6-65
Catalina	10-25-65	18 oz.	11-15-65				
Hall	10-25-65	20 oz. (3 9/16 in.)	11- 8-65				
Lula	10-25-65	18 oz. (3 1/16 in.)	11- 8-65	14 oz. (3 5/16 in.)	11-22-65		
Choquette	10-25-65	24 oz. (4 1/16 in.)	11-22-65				
Herman	10-25-65	16 oz. (3 5/16 in.)	11- 8-65	14 oz. (3 5/16 in.)	11-22-65		
Chica	10-25-65	15 oz.	11- 8-65	13 oz.	11-22-65	10 oz.	12-13-65
Murphy	10-25-65	16 oz.	11- 8-65	14 oz.	11-29-65	11 oz.	12-13-65
Ajax (B-72)	11- 1-65	18 oz. (3 1/16 in.)	11-22-65				
Booth 1	11- 1-65	16 oz. (3 1/16 in.)	11-22-65				
Booth 3	11- 1-65	16 oz. (3 1/16 in.)	11-22-65				
Taylor	11- 1-65	14 oz. (3 5/16 in.)	11-22-65				
Dunedin	11-15-65	16 oz. (3 1/16 in.)	11-29-65	14 oz. (3 5/16 in.)	12-13-65	10 oz. (3 1/16 in.)	1- 3-66
Byars	11-22-65	16 oz. (3 1/16 in.)	12-13-65				
Linda	11-22-65	18 oz. (3 1/16 in.)	12-13-65				
Nabal	11-22-65	14 oz. (3 1/16 in.)	12-13-65				
Wagner	12-13-65	12 oz. (3 1/16 in.)	1- 3-66				
Schmidt	1-04-66						
Itzamna	2-21-66						

(3) During the period from 12:01 a.m., e.s.t., of the date listed for the respective variety in Column 2 of Table I and 12:01 a.m., e.s.t., of the date listed for the respective variety in Column 4 of such table, no handler shall handle any avocados of such variety unless the individual fruit weighs at least the ounces specified for the respective variety in Column 3 of such table or is of at least the diameter specified for such variety in said Column 3;

(4) During the period from 12:01 a.m., e.s.t., of the date listed for the respective variety in Column 4 of Table I and 12:01 a.m., e.s.t., of the date listed for the respective variety in Column 6 of such table, no handler shall handle any avocados of such variety unless the individual fruit weighs at least the ounces specified for the respective variety in Column 5 of such table or is of at least the diameter specified for such variety in said Column 5;

(5) During the period from 12:01 a.m., e.s.t., of the date listed for the respective variety in Column 6 of Table I and 12:01 a.m., e.s.t., of the date listed for the respective variety in Column 8 of such table, no handler shall handle any avocados of such variety unless the individual fruit weighs at least the ounces specified for the respective variety in Column 7 of such table or is of at least the diameter specified for such variety in said Column 7;

(6) During the period beginning at 12:01 a.m., e.s.t., October 25, 1965, and ending at 12:01 a.m., e.s.t., November 15, 1965, no handler shall handle any avocados of the Booth 8 variety unless the individual fruit in each lot of such avocados weighs at least 11 ounces or is at least 3 3/16 inches in diameter;

(7) Except as otherwise provided in subparagraphs (9) and (10) of this paragraph, varieties of the West Indian type of avocados not listed in Table I shall not be handled except in accordance with the following terms and conditions:

(i) Such avocados shall not be handled prior to 12:01 a.m., e.s.t., July 5, 1965.

(ii) During the period beginning at 12:01 a.m., e.s.t., July 5, 1965, and ending at 12:01 am., e.s.t., July 12, 1965, the individual fruit in each lot of such avocados shall weigh at least 16 ounces.

(iii) During the period beginning at 12:01 a.m., e.s.t., July 12, 1965, and ending at 12:01 a.m., e.s.t., August 2, 1965, the individual fruit in each lot of such avocados shall weigh at least 14 ounces.

(iv) During the period beginning at 12:01 a.m., e.s.t., August 2, 1965, and ending at 12:01 a.m., e.s.t., September 20, 1965, the individual fruit in each lot of such avocados shall weigh at least 12 ounces.

(8) Except as otherwise provided in subparagraphs (9) and (10) of this paragraph, varieties of avocados not covered by subparagraphs (2) through (7) of this paragraph shall not be handled except in accordance with the following terms and conditions:

(i) Such avocados shall not be handled prior to 12:01 a.m., e.s.t., September 20, 1965.

(ii) During the period beginning at 12:01 a.m., e.s.t., September 20, 1965, and ending at 12:01 a.m., e.s.t., October 18, 1965, the individual fruit in each lot of such avocados shall weigh at least 15 ounces.

(iii) During the period beginning at 12:01 a.m., e.s.t., October 18, 1965, and ending at 12:01 a.m., e.s.t., December 20, 1965, the individual fruit in each lot of such avocados shall weigh at least 13 ounces.

(9) Notwithstanding the provisions of subparagraphs (2) through (8) of this paragraph regarding the minimum weight or diameter for individual fruit, up to 10 percent, by count, of the individual fruit contained in each lot may weigh less than the minimum specified weight and be less than the minimum specified diameter: *Provided*, That such avocados weigh not more than two ounces less than the applicable specified weight for the particular variety as prescribed in Columns 3, 5, or 7 of Table I or in subparagraphs (7) and (8) of this paragraph. Such tolerances shall be on a lot basis, but not to exceed double such tolerances shall be permitted for an individual container in a lot.

(10) The provisions of subparagraphs (2) through (9) of this paragraph shall not apply to any variety, except the Linda variety, of avocados which, when mature, normally change color to any shade of red or purple and any portion of the skin of the individual fruit has changed to the color for that fruit when mature.

(c) Terms used in the amended marketing agreement and order, when used herein, have the same meaning as is given to the respective term in said marketing agreement and order; the term "diameter" shall mean the greatest dimension measured at right angles to a line from the stem to the blossom end of the fruit; and the term "U.S. No. 2" shall have the same meaning as set forth in the United States Standards for Florida Avocados (§§ 51.3050–51.3069 of this title).

(d) The provisions of this regulation shall become effective at 12:01 a.m., e.s.t., May 31, 1965.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: May 26, 1965.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 65-5665; Filed, May 28, 1965; 8:47 a.m.]

[Nectarine Order 1]

PART 916—NECTARINES GROWN IN CALIFORNIA

Limitation of Shipments

§ 916.319 Nectarine Order 1.

(a) *Findings.* (1) Pursuant to the marketing agreement and Order No. 916 (7 CFR Part 916) regulating the handling of nectarines grown in the State of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations of the Nectarine Administrative Committee, established under the aforesaid marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of nectarines, as hereinafter set forth, and in the manner herein provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable, unnecessary, and contrary to the public interest to give preliminary notice, engage in public rulemaking procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (5 U.S.C. 1001–1011) in that, as hereinafter set forth, the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective not later than the date hereinafter specified. A reasonable determination as to the supply of, and the demand for, such nectarines must await the development of the crop thereof, and adequate information thereon was not available to the Nectarine Administrative Committee until the date hereinafter set forth on which an open meeting was held, after giving due notice thereof, to consider the need for, and the extent of, regulation of shipments of such nectarines. Interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; shipments of the current crop of such nectarines are expected to begin on or about the effective date hereof; this section should be applicable to all such shipments in order to effectuate the declared policy of the act; the provisions of this section are identical with the aforesaid recommendation of the committee; information concerning such provisions and effective time has been disseminated among handlers of such nectarines; and compliance with the provisions of this section will not require of handlers any preparation therefor which cannot be completed by the effective time hereof. Such committee meeting was held on May 19, 1965.

(b) *Order.* (1) During the period beginning at 12:01 a.m., P.s.t., May 30, 1965, and ending at 12:01 a.m., P.s.t., November 1, 1965, no handler shall handle any package or container of any variety of nectarines unless such nectarines grade at least U.S. No. 1.

(2) When used in this section, "U.S. No. 1" shall have the same meaning as set forth in the United States Standards for Nectarines (§§ 51.3145–51.3159 of this title) and all other terms shall have the same meaning as when used in the marketing agreement and order.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: May 26, 1965.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 65-5666; Filed, May 28, 1965; 8:47 a.m.]

[Nectarine Order 2]

PART 916—NECTARINES GROWN IN CALIFORNIA

Limitation of Shipments

§ 916.320 Nectarine Order 2.

(a) *Findings.* (1) Pursuant to the marketing agreement and Order No. 916 (7 CFR Part 916) regulating the handling of nectarines grown in the State of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations of the Nectarine Administrative Committee, established under the aforesaid marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of nectarines of the variety hereinafter set forth, and in the manner herein provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable, unnecessary, and contrary to the public interest to give preliminary notice, engage in public rulemaking procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (5 U.S.C. 1001–1011) in that, as hereinafter set forth, the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective not later than the date hereinafter specified. A reasonable determination as to the supply of, and the demand for, such nectarines must await the development of the crop thereof, and adequate information thereon was not available to the Nectarine Administrative Committee until the date hereinafter set forth on which an open meeting was held, after giving due notice thereof, to consider the need for, and the extent of, regulation of shipments of such nectarines. Interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; shipments of the current crop of such nectarines are expected to begin on or about the effective date hereof; this section should be applicable to all such shipments in order to effectuate the declared policy of the act; the provisions of this section are identical with the aforesaid recommendation of the committee; information concerning such provisions and effective time has been disseminated among handlers of such nectarines; and compliance with the provisions of this section will not require of handlers any preparation therefor which cannot be completed by the effective time hereof. Such committee meeting was held on May 19, 1965.

(b) *Order.* (1) During the period beginning at 12:01 a.m., P.s.t., May 30, 1965, and ending at 12:01 a.m., P.s.t., November 1, 1965, no handler shall handle any package or container of Grand River, June Grand, Red June, or June Belle nectarines unless:

(i) Such nectarines, when packed in a standard basket, are of a size not smaller than a size that will pack a 3 x 4 x 5 standard pack; or

(ii) Such nectarines, when packed in any container other than the container specified in subdivision (i) of this subparagraph, measure not less than one and fourteen-sixteenth ($1\frac{14}{16}$) inches in diameter: *Provided*, That not to exceed ten (10) percent, by count, of the nectarines in any such container may fail to meet such diameter requirement.

(2) When used in this section, "diameter" and "standard pack" shall have the same meaning as set forth in the United States Standards for Nectarines (§§ 51.3145–51.3159 of this title); "standard basket" shall mean the standard basket set forth in paragraph 1 of section 828.1 of the Agricultural Code of California; and all other terms shall have the same meaning as when used in the marketing agreement and order.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: May 26, 1965.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 65-5667; Filed, May 28, 1965; 8:47 a.m.]

[Nectarine Order 4]

PART 916—NECTARINES GROWN IN CALIFORNIA

Limitation of Shipments

§ 916.321 Nectarine Order 4.

(a) *Findings.* (1) Pursuant to the marketing agreement and Order No. 916 (7 CFR Part 916) regulating the handling of nectarines grown in the State of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations of the Nectarine Administrative Committee, established under the aforesaid marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of nectarines of the varieties hereinafter set forth, and in the manner herein provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable, unnecessary, and contrary to the public interest to give preliminary notice, engage in public rulemaking procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (5 U.S.C. 1001–1011) in that, as hereinafter set forth, the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective not later than the date hereinafter specified. A reasonable determination as to the supply of, and the demand for, such nectarines must await the development of the crop thereof, and adequate information thereon was not available to the Nectarine Administrative Committee until the date hereinafter set forth on which an open meeting was held, after giving due notice thereof, to consider the need for, and the extent of, regulation of shipments of such nectarines. Interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; shipments of the current crop of such nectarines are expected to begin on or about the effective date hereof; this section should be applicable to all such shipments in order to effectuate the declared policy of the act; the provisions of this section are identical with the aforesaid recommendation of the committee; information concerning such provisions and effective time has been disseminated among handlers of such nectarines; and compliance with the provisions of this section will not require of handlers any preparation therefor which cannot be completed by the effective time hereof. Such committee meeting was held on May 19, 1965.

(b) *Order.* (1) During the period beginning at 12:01 a.m., P.s.t., May 30, 1965, and ending at 12:01 a.m., P.s.t., November 1, 1965, no handler shall handle any package or container of Sunrise, John River, Early River, Grand Haven, or Panamint nectarines unless:

(i) Such nectarines, when packed in a standard basket, are of a size not smaller than a size that will pack a 4 x 4 standard pack;

(ii) Such nectarines, when packed in a No. 26 standard lug box, or in a No. 27 standard lug box, are of a size that will pack, in accordance with the requirements of a standard pack, not more than 108 nectarines in the respective lug box; or

(iii) Such nectarines, when packed in any container other than the containers specified in subdivisions (i) and (ii) of this subparagraph, measure not less than two (2) inches in diameter: *Provided*, That not to exceed ten (10) percent, by count, of the nectarines in any such container may fail to meet such diameter requirement.

(2) When used in this section, "diameter" and "standard pack" shall have the same meaning as set forth in the United States Standards for Nectarines (§§ 51.3145 to 51.3159 of this title); "standard basket" shall mean the standard basket set forth in paragraph 1 of section 828.1 of the Agricultural Code of California; "No. 26 standard lug box" and "No. 27 standard lug box," respectively, shall have the same meaning as set forth in section 828.4 of the Agricultural Code of California, and all other terms shall have the same meaning as when used in the marketing agreement and order.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: May 26, 1965.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 65-5668; Filed, May 28, 1965; 8:47 a.m.]

[Nectarine Order 5]

PART 916—NECTARINES GROWN IN CALIFORNIA

Limitation of Shipments

§ 916.322 Nectarine Order 5.

(a) *Findings.* (1) Pursuant to the marketing agreement and Order No. 916 (7 CFR Part 916) regulating the handling of nectarines grown in the State of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations of the Nectarine Administrative Committee, established under the aforesaid marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of nectarines of the varieties hereinafter set forth, and in the manner herein provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable, unnecessary, and contrary to the public interest to give preliminary notice, engage in public rule making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (5 U.S.C. 1001–1011) in that, as hereinafter set forth, the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective not later than the date hereinafter specified. A reasonable determination as to the supply of, and the demand for, such nectarines must await the development of the crop thereof, and adequate information thereon was not available to the Nectarine Ad-

ministrative Committee until the date hereinafter set forth on which an open meeting was held, after giving due notice thereof, to consider the need for, and the extent of, regulation of shipments of such nectarines. Interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; shipments of the current crop of such nectarines are expected to begin on or about the effective date hereof; this section should be applicable to all such shipments in order to effectuate the declared policy of the act; the provisions of this section are identical with the aforesaid recommendation of the committee; and information concerning such provisions and effective time has been disseminated among handlers of such nectarines and compliance with the provisions of this section will not require of handlers any preparation therefor which cannot be completed by the effective time hereof. Such committee meeting was held on May 19, 1965.

(b) *Order.* (1) During the period beginning at 12:01 a.m., P.s.t., June 6, 1965, and ending at 12:01 a.m., P.s.t., November 1, 1965, no handler shall handle any package or container of Princess, Quette, Rose, Early Sun Grand, Sun Grand, Star Grand I, Star Grand II, Red King, Sun Flame, or Grandandy nectarines unless:

(i) Such nectarines, when packed in a No. 26 standard lug box, or in a No. 27 standard lug box, are of a size that will pack, in accordance with the requirements of a standard pack, not more than 96 nectarines in the respective lug box; or

(ii) Such nectarines, when packed in any container other than in a No. 26 standard lug box, or in a No. 27 standard lug box, measure not less than two and one-eighth (2⅛) inches in diameter: *Provided*, That not to exceed ten (10) percent, by count, of the nectarines in any such container may fail to meet such diameter requirement.

(2) When used in this section, "diameter" and "standard pack" shall have the same meaning as set forth in the United States Standards for Nectarines (§§ 51.3145–51.3159 of this title); "standard basket" shall mean the standard basket set forth in paragraph 1 of section 828.1 of the Agricultural Code of California; "No. 26 standard lug box" and "No. 27 standard lug box," respectively, shall have the same meaning as set forth in section 828.4 of the Agricultural Code of California, and all other terms shall have the same meaning as when used in the marketing agreement and order.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: May 26, 1965.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 65–5669; Filed, May 28, 1965; 8:48 a.m.]

[Avocado Regulation 13]

PART 944—FRUIT; IMPORT REGULATIONS

Avocados

§ 944.5 Avocado Regulation 13.

(a) On and after the effective time of this section, the importation into the United States of any avocados is prohibited unless such avocados are inspected and meet the following requirements:

(1) All avocados imported during the period beginning at 12:01 a.m., e.s.t., June 5, 1965, and ending at 12:01 a.m., e.s.t., April 30, 1966, shall grade not less than U.S. No. 2.

(2) Avocados of the Pollock variety shall not be imported (i) prior to 12:01 a.m., e.s.t., July 19, 1965; (ii) during the period beginning at 12:01 a.m., e.s.t., July 19, 1965, and ending at 12:01 a.m., e.s.t., August 2, 1965, unless the individual fruit in each lot of such avocados weighs at least 18 ounces or measures at least 3 19/16 inches in diameter; and (iii) during the period beginning at 12:01 a.m., e.s.t., August 2, 1965, and ending at 12:01 a.m., e.s.t., August 16, 1965, unless the individual fruit in each lot of such avocados weighs at least 16 ounces or measures at least 3 7/16 inches in diameter;

(3) Avocados of the Catalina variety shall not be imported (i) prior to 12:01 a.m., e.s.t., October 25, 1965; and (ii) during the period beginning at 12:01 a.m., e.s.t., October 25, 1965, and ending at 12:01 a.m., e.s.t., November 15, 1965, unless the individual fruit in each lot of such avocados weighs at least 18 ounces;

(4) Avocados of the Trapp variety shall not be imported (i) prior to 12:01 a.m., e.s.t., August 16, 1965; and (ii) during the period beginning at 12:01 a.m., e.s.t., August 16, 1965, and ending at 12:01 a.m., e.s.t., September 13, 1965, unless the individual fruit in each lot of such avocados weighs at least 12 ounces or measures at least 3 7/16 inches in diameter;

(5) Avocados of any variety other than Pollock, Catalina, and Trapp shall not be imported (i) prior to 12:01 a.m., e.s.t., July 5, 1965; (ii) during the period beginning at 12:01 a.m., e.s.t., July 5, 1965, and ending at 12:01 a.m., e.s.t., July 12, 1965, unless the individual fruit in each lot of such avocados weighs at least 16 ounces; (iii) during the period beginning at 12:01 a.m., e.s.t., July 12, 1965, and ending at 12:01 a.m., e.s.t., August 2, 1965, unless the individual fruit in each lot of such avocados weighs at least 14 ounces; and (iv) during the period beginning at 12:01 a.m., e.s.t., August 2, 1965, and ending at 12:01 a.m., e.s.t., September 20, 1965, unless the individual fruit in each lot of such avocados weighs at least 12 ounces: *Provided*, That any lot of such avocados may be imported without regard to the minimum weight requirements of this paragraph if such avocados, when mature, normally change color to any shade of red or purple and any portion of the skin of the individual fruit has changed to the color normal for that fruit when mature.

(6) Notwithstanding the provisions of subparagraphs (2) through (5) of this paragraph regarding the minimum weight or diameter for individual fruit, not to exceed 10 percent, by count, of the individual fruit contained in each lot may weigh less than the minimum specified and be less than the minimum specified diameter: *Provided*, That such avocados weigh not more than 2 ounces less than the applicable specified weight for the particular variety specified in such subparagraphs. Such tolerances shall be on a lot basis, but not to exceed double such tolerances shall be permitted for an individual container in a lot.

(b) The Federal or Federal-State Inspection Service, Fruit and Vegetable Division, Consumer and Marketing Service, United States Department of Agriculture, is hereby designated as the governmental inspection service for the purpose of certifying the grade, size, quality, and maturity of avocados that are imported into the United States. Inspection by the Federal or Federal-State Inspection Service with appropriate evidence thereof in the form of an official inspection certificate, issued by the respective service applicable to the particular shipment of avocados, is required on all imports of avocados. Such inspection and certification services will be available upon application in accordance with the rules and regulations governing inspection and certification of fresh fruits, vegetables, and other products (Part 51 this title) but, since inspectors are not located in the immediate vicinity of some of the small ports of entry, such as those in southern California, importers of avocados should make arrangements for inspection, through the applicable one of the following offices, at least the specified number of days prior to the time when the avocados will be imported:

Ports	Office	Advance notice
All Texas points.	W. T. McNabb, 222 McClendon Bldg., Harlingen, Tex., 78551 (Phone—Garfield 3-5644), or	1 day.
	James L. Williams, Room 516 U.S. Courthouse, El Paso, Tex., 79901 (Phone—533-9351, Ext. 5340).	Do.
All New York points.	Edward J. Beller, 346 Broadway, Room 306, New York, N.Y., 10013 (Phone—Rector 2-8000, Ext. 7607).	Do.
All Arizona points.	R. H. Bertelson, 136 Grand Ave., Post Office Box 1646, Nogales, Ariz., 85612 (Phone—Atwater 7-2002).	Do.
All Florida points.	Hubert S. Flynt, 775 Warner St., Post Office Box 6697, Orlando, Fla., 32803 (Phone—841-2141), or	Do.
	Lloyd W. Bonsey, 1350 NW. 12th Ave., Room 536, Miami, Fla., 33136 (Phone—371-2617).	Do.
All California points.	Carley D. Williams, 784 South Central Ave., Room 294, Los Angeles, Calif., 90021 (Phone—622-8780).	3 days.
All other points.	D. S. Matheson, Fruit and Vegetable Division, C & MS, Washington, D.C., 20250 (Phone—Dudley 8-5870 and 4360).	Do.

(c) Inspection certificates shall cover only the quantity of avocados that is being imported at a particular port of entry by a particular importer.

(d) The inspection performed, and certificates issued, by the Federal or Federal-State Inspection Service shall be in accordance with the rules and regulations of the Department governing the inspection and certification of fresh fruits, vegetables, and other products (Part 51 of this title). The cost of any inspection and certification shall be borne by the applicant therefor.

(e) Each inspection certificate issued with respect to any avocados to be imported into the United States shall set forth, among other things:

(1) The date and place of inspection;

(2) The name of the shipper, or applicant;

(3) The commodity inspected;

(4) The quantity of the commodity covered by the certificate;

(5) The principal identifying marks on the container;

(6) The railroad car initials and number, the truck and the trailer license number, the name of the vessel, or other identification of the shipments; and

(7) The following statement, if the facts warrant: Meets U.S. import requirements under section 8e of the Agricultral Marketing Agreement Act of 1937, as amended.

(f) Notwithstanding any other provisions of this section, any importation of avocados which, in the aggregate, does not exceed 55 pounds may be imported without regard to the restrictions specified herein.

(g) It is hereby determined, on the basis of the information currently available, that the maturity requirements set forth in this section are comparable to the maturity regulations applicable, during the effective time hereof, to shipments of avocados grown in south Florida.

(h) No provisions of this section shall supersede the restrictions or prohibitions on avocados under the Plant Quarantine Act of 1912.

(i) Nothing contained in this section shall be deemed to preclude any importer from reconditioning prior to importation any shipment of avocados for the purpose of making it eligible for importation.

(j) The terms relating to grade and diameter, as used herein, shall have the same meaning as when used in the United States Standards for Florida Avocados (§§ 51.3050–51.3069 of this title). Importation means release from custody of the United States Bureau of Customs.

It is hereby found that it is impracticable, unnecessary, and contrary to the public interest to give preliminary notice, engage in public rule making procedure, and postpone the effective time of this section beyond that hereinafter specified (5 U.S.C. 1001–1011) in that (a) the requirements of this import regulation are imposed pursuant to section 8e of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), which makes such regulation mandatory; (b) such regulation imposes the same grade and comparable maturity requirements on imports of avocados as are being made applicable to the shipment of avocados grown in Florida under Avocado Regulation 7 which becomes effective May 31, 1965; (c) such domestic and import restrictions should become effective at as near the same time as is reasonably practicable; (d) compliance with this import regulation will not require any special preparation which cannot be completed by the effective time hereof; (e) notice hereof in excess of three days, the minimum prescribed by said section 8e, is given with respect to this import regulation; and (f) such notice is hereby determined, under the circumstances, to be reasonable.

Dated: May 26, 1965, to become effective June 5, 1965.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 65–5670; Filed, May 28, 1965; 8:48 a.m.]

Title 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 213—EXCEPTED SERVICE

Department of Commerce

Section 213.3314 is amended to show the exception under Schedule C of the position of Director, Office of Appalachian Assistance. Effective on publication in the FEDERAL REGISTER, subparagraph (33) is added to paragraph (a) of § 213.3314 as set out below.

§ 213.3314 Department of Commerce.

(a) *Office of the Secretary.* • • •

(33) Director, Office of Appalachian Assistance.

• • • • • •

(R.S. 1753, sec. 2, 22 Stat. 403, as amended; 5 U.S.C. 631, 633; E.O. 10577, 19 F.R. 7521, 3 CFR, 1954–1958 Comp., p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] MARY V. WENZEL,
Executive Assistant to the Commissioners.

[F.R. Doc. 65–5677; Filed, May 28, 1965; 8:49 a.m.]

Title 15—COMMERCE AND FOREIGN TRADE

Subtitle A—Office of the Secretary

PART 4—ESTABLISHMENT OF CHARGES FOR CERTIFYING, SEARCHING, AND COPYING SERVICES

Charges for Services Performed by Office of the Secretary

Part 4 of Subtitle A of Title 15 of the Code of Federal Regulations is amended to add the following.

§ 4.3 Charges for searching records and for copying records and documents performed by the Office of the Secretary of Commerce.

The charges for searching and for copying services performed by the Office of the Secretary of Commerce are established as follows:

(a) The charge for searching records and documents shall be $2.50 per half hour or fraction thereof, at the administrative convenience of the Department.

(b) The charges for copying records and documents shall be:

1. Photocopy prints (photostat, etc.)	
12" x 18" or smaller (each)	$1.00
18" x 24" (each)	2.00
2. Xerox copies (maximum size)	
9" x 14" (each)	0.25

(56 Stat. 1067, 5 U.S.C. 606)

Effective date: May 31, 1965.

Dated: May 25, 1965.

DAVID R. BALDWIN,
Acting Assistant Secretary for Administration.

[F.R. Doc. 65–5655; Filed, May 28, 1965; 8:47 a.m.]

Title 28—JUDICIAL ADMINISTRATION

Chapter I—Department of Justice

[Order 339–65]

PART 0—ORGANIZATION OF THE DEPARTMENT OF JUSTICE

Subpart W—Authority To Compromise and Close Civil Claims

REDELEGATION BY ASSISTANT ATTORNEY GENERAL IN CHARGE OF TAX DIVISION OF CERTAIN COMPROMISE AND CLOSING AUTHORITY

Under and by virtue of the authority vested in me by section 161 of the Revised Statutes (5 U.S.C. 22) and section 2 of Reorganization Plan No. 2 of 1950 (64 Stat. 1261), § 0.171 of Part 0 of Title 28 of the Code of Federal Regulations (Order No. 271–62) is hereby amended to read as follows:

§ 0.171 Redelegation by Assistant Attorney General in charge of Tax Division.

The Assistant Attorney General in charge of the Tax Division is authorized to redelegate, to such extent and subject to such limitations as he may deem advisable, to the First Assistant, to the Second Assistant, to the Assistant for Civil Trials, and to the Chief of the Review Section in the Tax Division, and to U.S. Attorneys the authority delegated to him by §§ 0.160, 0.162, and 0.164.

The amendment made by this order shall be effective upon the publication of this order in the FEDERAL REGISTER.

Dated: May 26, 1965.

NICHOLAS DEB. KATZENBACH,
Attorney General.

[F.R. Doc. 65–5678; Filed, May 28, 1965; 8:49 a.m.]

Title 41—PUBLIC CONTRACTS AND PROPERTY MANAGEMENT

Chapter 5—General Services Administration

PART 5–8—TERMINATION OF CONTRACTS

PART 5–53—CONTRACT ADMINISTRATION

Termination of Contracts for Default

Chapter 5 of Title 41 is amended as set forth below:

1. The table of parts is amended to include new Part 5–8, as follows:

Part
5–8 Termination of contracts.

2. Part 5–8 is added, to read as follows:

PART 5–8—TERMINATION OF CONTRACTS

Subpart 5–8.6—Termination for Default

Sec.
5–8.601 General.
5–8.602 Default termination of fixed-price supply contracts.
5–8.602–3 Procedure in case of default.
5–8.603 Default termination of fixed-price construction contracts.
5–8.603–1 Termination of the contractor's right to proceed.
5–8.603–3 Procedure in case of default.

AUTHORITY: The provisions of this Part 5–8 issued under sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c).

Subpart 5–8.6—Termination for Default

§ 5–8.601 General.

(a) Action to terminate a contractor's right to proceed with the performance of a contract shall be taken by the contracting officer or, when specifically vested with such authority, another individual or ordering office. Such action should be initiated and conducted only on advice of legal counsel.

(b) No contract shall be terminated for failure to comply with the equal opportunity provisions of a contract except as provided in §§ 1–12.805–8 of this title and 5–12.805–8 of this chapter.

(c) The timely procurement of materials required for the performance of a contract is the responsibility of a prime contractor, and he is responsible for obtaining and submitting data to justify delays caused by subcontractors and suppliers.

§ 5–8.602 Default termination of fixed-price supply contracts.

§ 5–8.602–3 Procedure in case of default.

(a) In addition to the requirements of § 1–8.602–3(d) of this title, the notice of termination shall be specific with respect to the following:

(1) Instructions regarding the safeguarding and disposition of any Government property in the possession of the contractor;

(2) Where applicable, a statement that the defaulting contractor and his surety will be liable for liquidated damages at the rate specified until such reasonable time as may be required to complete the work or secure delivery, as the case may be, in addition to any excess costs involved in obtaining performance elsewhere; and

(3) Instructions regarding the acquisition by the Government of any completed supplies or manufacturing materials.

(b) Language suggesting cancellation of the contract shall be avoided in issuing the notice of termination.

(c) The termination notice shall be signed by the contracting officer or other person properly vested with such authority.

(d) In order to assure that the contractor receives the termination notice, the contracting officer shall forward such notice via certified mail, return receipt requested, or other appropriate means which will assure a signed receipt for the notice.

(e) With respect to the distribution of the termination notice, see § 1–8.602–3(e) of this title. In addition to internal distribution within the service or staff office involved, copies of termination notices shall be furnished to the Office of Regional Data and Financial Management and to the Compliance Division. A copy of the notice shall also be furnished to any assignee of the contractor for the particular contract involved.

§ 5–8.603 Default termination of fixed-price construction contracts.

§ 5–8.603–1 Termination of the contractor's right to proceed.

In addition to being subject to the Termination for Default-Damages for Delay-Time Extensions clause contained in a contract, the contractor's right to proceed may also be terminated for violation of paragraph 1, Standard Form 19–A, Labor Standards Provisions—Applicable to Contracts in Excess of $2,000 (illustrated at § 1–16.901–19–A of this title).

§ 5–8.603–3 Procedure in case of default.

(a) In addition to the requirements of § 1–8.603–3(c) of this title, the notice of termination shall be specific with respect to the following:

(1) Instructions regarding the safeguarding and disposition of any Government property in the possession of the contractor;

(2) Where applicable, a statement that the defaulting contractor and his surety will be liable for liquidated damages at the rate specified until such reasonable time as may be required to complete the work; and

(3) Instructions regarding the acquisition by the Government of such materials, appliances, and plant as may be on the site of the construction work and necessary therefor.

(b) Language suggesting cancellation of the contract shall be avoided in issuing the notice of termination.

(c) The termination notice shall be signed by the contracting officer or other person properly vested with such authority.

(d) In order to assure that the contractor receives the termination notice, the contracting officer shall forward such notice via certified mail, return receipt requested, or other appropriate means which will assure a signed receipt for the notice.

(e) With respect to the distribution of the termination notice, see § 1–8.602–3 (e) of this title. In addition to internal distribution within the service or staff office involved, copies of termination notices shall be furnished to the Office of Regional Data and Financial Management and to the Compliance Division. A copy of the notice shall also be furnished to any assignee of the contractor for the particular contract involved.

3. In Part 5–53—Contract Administration, Subpart 5–53.4—Contract Performance:

a. Section 5–53.402(c) is revised to change a citation, to read as follows:

§ 5–53.402 Contractor performance under supply or service contracts.

* * * * *

(c) If it becomes apparent that the contractor cannot, or will not, perform in accordance with the terms of the contract, the contracting officer, as indicated in § 5–53.401(c), shall take appropriate action as provided in subpart 1–8.6 of Part 1–8 of this title and subpart 5–8.6 of Part 5–8 of this chapter.

b. Subpart 5–53.5 is deleted and the material heretofore contained therein is transferred, to the extent necessary, to new subpart 5–8.6 of Part 5–8 of this chapter.

Effective date. These regulations are effective immediately.

(Sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c))

Dated: May 24, 1965.

LAWSON B. KNOTT, Jr.,
Acting Administrator of General Services.

[F.R. Doc. 65–5657; Filed, May 28, 1965; 8:47 a.m.]

Chapter 6—Department of State

[Dept. Reg. 108.519]

MISCELLANEOUS AMENDMENTS TO CHAPTER

By virtue of the authority vested in the Secretary of State by the Act of May 26, 1949 (63 Stat. 111; 5 U.S.C. 151c and 22 U.S.C. 811), as amended, 41 CFR Ch. 6 is amended as follows:

PART 6–1—GENERAL

Subpart 6–1.3—General Policies

1. Section 6–1.307 is revised to read as follows:

§ 6–1.307 General requirements.

Many services needed by the Government could be obtained by means of either personal service or nonpersonal service contracts. The distinction between the two is always one that rests on balancing all the factors in any individual case. Examples of the kinds of determinations that must be made to distinguish a personal service from a nonpersonal service contract are found in current personnel regulations. In a personal service contract, the contractor is always an agent of the Government and never an independent contractor. However, it is sometimes true that in a nonpersonal service contract the contractor is an agent of the Government rather than an independent contractor. It is imperative that the services to be procured by means of nonpersonal service contracts be clearly and accurately described.

2. Section 6–1.350 is revised to read as follows:

§ 6–1.350 Procurement by Posts within the United States.

(a) Posts are authorized to make direct procurement from both commercial and governmental sources within the United States. Procurement from contracts of Government agencies (such as Federal Supply Schedules and Supply Schedules of the Department of State) may be made without dollar limitation except for any maximum order limitation which may be included in the contract or schedule. Purchases may be made direct from commercial sources within the United States when the aggregate amount of a single transaction (including cost of item, packing, freight and related costs) does not exceed $2,500.

(b) Procurements under paragraph (a) of this section are subject to the limitations of Part 6–5—Special and Directed Sources of Supply, of this chapter.

3. Sections 6–1.351—6–1.351–4 are revised to read as follows:

§ 6–1.351 Numbering contracts.

§ 6–1.351–1 Policy.

Expenditure and sales contracts required to be numbered are:

(a) Formally advertised contracts.

(b) Negotiated contracts in excess of $2,500.

(c) Construction contracts.

(d) All other contracts involving more than one payment or collection regardless of amount.

§ 6–1.351–2 Contract register.

Registers of numbered contracts will be established and maintained by contract number, contractor, commodity and period of time on a continuing basis.

§ 6–1.351–3 Numbering.

(a) *Post series.* The post series shall contain all written contracts except those contracts described in paragraphs (b) and (d) of this section. The post series shall be numbered in the following manner:

(1) The capital letter S, signifying the Department of State;

(2) The contract symbol number of the post making the procurement;

(3) The small letters fa preceded by a dash, signifying foreign administration; and

(4) A number preceded by a dash to be assigned to each contract in the post series.

(5) When contracting for another post, the post making the contract shall use their own symbol and series number plus the name of the post for whom procurement is made. For example, the third contract in the post series for Accra would be numbered S 424–fa–3.

(b) *FBO series.* The FBO series shall contain all post issued written contracts utilizing Office of Foreign Buildings funds including real estate leases utilizing Foreign Buildings funds or other funds. Contracts in the FBO series shall be numbered in the same manner as for the post series except that the letters "FBO" shall be used in lieu of the letters "fa". For example, the third contract in the FBO series for Accra would be numbered S424–FBO–3.

(c) *Department's Washington series.* The Department's Washington series shall contain all written contracts for procurement awarded by the Department from an office located within the United States except those contracts prepared for another agency under paragraph (d) of this section. The contract number shall consist of the letters "SCC" followed by a dash and the number assigned to the contract from the Washington series. For example, the third contract in the Department's Washington series would be numbered SCC–3.

(d) *Contracts for other Federal agencies.* Contracts prepared for other Federal agencies may be numbered in the post series for, if requested by the agency being served, in accordance with their request.

(e) *Reopening of post.* If a post is closed and subsequently reopened, the same contract symbol shall be used and the contract number shall start with the next consecutive number following the last number used before the post was closed.

(f) *Amendments.* Contract changes and modifications will be assigned the same number as the related contract followed by the words "Amendment No. _____" with the amendments numbered consecutively beginning with number "1" for each contract.

§ 6–1.351–4 Contract file.

Upon execution of a numbered contract, a contract file shall be established which shall contain a copy of the signed contract together with all supporting documents, a copy of each rejected bid or proposal together with all supporting documents, an abstract of bids showing items accepted or rejected and the reasons therefor and any other documents pertinent to the award and administration of the contract.

4. Section 6–1.352 is revised to read as follows:

§ 6–1.352 Distribution of numbered contracts.

(a) *Post series.* The signed original together with the original SF–1036 shall be forwarded to the Department with an operations memorandum, Subject: Finance. A signed copy of the contract with related SF–1036 shall be placed in the contract file (§ 6–1.351–4) and, if feasible, a signed copy furnished the contractor.

(b) *FBO series.* The signed original and one signed copy of both the contract and the SF–1036 shall be forwarded to the Department with an operations memorandum, Subject: Buildings. The memorandum shall specify the appropriation against which the contract will be paid and shall refer to the Departmental authority, if any, under which the contract was consummated. A signed copy of the contract with a SF–1036 shall be placed in the contract file and, if feasible, a signed copy furnished the contractor.

(c) Where the law of a foreign country requires that the original of a contract be retained in the country, a signed copy shall be forwarded to the Department in lieu of the original.

(d) *Department's Washington series.* The signed original together with the original SF–1036 if required shall be forwarded to the Department's Office of Finance. One signed copy shall be retained in the contract file and, if feasible, one copy shall be furnished to the contractor.

PART 6–2—PROCUREMENT BY FORMAL ADVERTISING

5. A new Subpart 6–2.1 is added to read as follows:

Subpart 6–2.1—Use of Formal Advertising

§ 6–2.102 Policy.

The policy set forth in FPR 1–2.102 that procurement shall be made by formal advertising whenever such method is feasible and practicable shall apply to procurement made within the United States.

6. A new Part 6–3 is added to read as follows:

PART 6–3—PROCUREMENT BY NEGOTIATION

Sec.
6–3.000 Scope of part.

Subpart 6–3.1—Use of Negotiation

6–3.101 General requirements for negotiation outside the United States.

Subpart 6–3.2—Circumstances Permitting Negotiation

6–3.210 Impracticable to secure competition by formal advertising.

Subpart 6–3.4—Types of Purchases

6–3.405–3 Letter Contract.

Subpart 6–3.6—Small Purchases

6–3.604 Imprest funds (petty cash) method.
6–3.604–3 Agency responsibilities.
6–3.605 Order-Invoice-Voucher.
6–3.605–1 Standard Form 44.
6–3.605–2 Standard Forms 147 and 148.
6–3.605–50 Foreign Service Forms 455 and 455a.
6–3.606 Blanket purchase arrangements.
6–3.606–5 Agency implementation.

AUTHORITY: The provisions of this Part 6–3 issued under 63 Stat. 111; 5 U.S.C. 151c; 22 U.S.C. 811.

§ 6–3.000 Scope of part.

(a) This part prescribes the policies and procedures applicable to procurement by negotiation by the Department both in and outside the limits of the United States and its possessions.

Subpart 6–3.1—Use of Negotiation

§ 6–3.101 General requirements for negotiation outside the United States.

(a) Procurement by negotiation may be effected under any of authorities and circumstances permitting negotiation in FPR 1–3.2.

(b) Formal advertising may be employed if its use is considered feasible and practicable under the conditions and circumstances of the procurement.

(c) Competitive solicitation shall be used to the maximum extent consistent with the procurement in accordance with FPR 1–3.101 (c) and (d).

(d) The authority to be cited on the Standard Form 1036 (Statement and Certificate of Award), or other document, in all negotiated procurement shall be the applicable section of FPR 1–3.2 except that all such procurement not in excess of $2,500 shall cite the authority of FPR 1–3.203 and procurement under FPR 1–3.215 (otherwise authorized by law) shall cite as authority the applicable law authorizing negotiation.

Subpart 6–3.2—Circumstances Permitting Negotiation

§ 6–3.210 Impracticable to secure competition by formal advertising.

(a) *Application.* (1) Section 321 of the Transportation Act of 1940 (49 U.S.C. 65) is not applicable to procurement outside the United States except to the U.S. portion of a shipment made to an oversea destination and to shipments between two points in the United States that pass through a foreign country.

(2) It is the policy of the Department not to require formal advertising in connection with procurement outside the United States, when competition by formal advertising is contrary to the locally accepted method of doing business.

Subpart 6–3.4—Types of Purchases

§ 6–3.405–3 Letter contract.

(a) Prior to the execution of a letter contract (FPR 1–3.405–3), the Chief, Division of Supply and Transportation Management, or, in the case of oversea posts, the Principal Officer of the post, shall determine in writing that no other type of contract is suitable. The determination shall establish the limit of effectiveness of the letter contract; i.e., the date by which the definitive contract will be entered into. This date shall not be more than 90 days from the date of the letter contract or the completion of 25 percent of the production of the supplies or the performance of the work called for under the contract, whichever occurs first.

(b) The maximum liability under a letter contract shall not exceed 50 percent of the total estimated contract price.

Subpart 6–3.6—Small Purchases

§ 6–3.604 Imprest funds (petty cash) method.

§ 6–3.604–3 Agency responsibilities.

Regulations of the Department regarding accounting for imprest funds (operating cash advances) by posts abroad are contained in 4 FAM.

§ 6–3.605 Order-Invoice-Voucher.

§ 6–3.605–1 Standard Form 44.

Standard Form 44 (Purchase-Invoice-Voucher) shall not be used for procurement by the posts.

§ 6–3.605–2 Standard Forms 147 and 148.

Standard Form 147 (Order-Invoice-Voucher) and Standard Form 148 (Order-Invoice-Voucher, Continuation Sheet) shall not be used for procurement by the posts.

§ 6–3.605–50 Foreign Service Forms 455 and 455a.

(a) *Prescribed forms.* Foreign Service Form 455 (Purchase Order, Receiving Report and Voucher) and Foreign Service Form 455a (Purchase Order, Receiving Report and Voucher, Continuation Sheet), provide in one set of forms a purchase or delivery order, receiving report, and public voucher, with requisite space for purchase data, and budget, accounting, and voucher payment data. These forms are prescribed for use by posts outside the United States:

(1) As a purchase order for small purchases.

(2) As a purchase order or delivery order against an established contract.

(3) As a delivery order against a blanket purchase order in accordance with section 1–3.606.

(4) As a voucher for small purchases from imprest funds when a voucher is required under regulations of the Department.

(b) *Procedure.* Foreign Service Forms 455 and 455a shall be prepared as prescribed thereon whenever applicable to the procurement involved. The description of the articles of services shall comply with section 1–1.307. Regulations of the Department regarding the receiving report and public voucher portions are contained in 4 FAM 400.

§ 6–3.606 Blanket purchase arrangements.

§ 6–3.606–5 Agency implementation under FPR 1–3.606–5.

(a) Blanket purchase arrangements for open market transactions shall not exceed 6 months and the total amount shall not exceed $2,500.

(b) Blanket purchase arrangements made under existing contracts may be made for the period of the contract and are not restricted as to dollar amount except that they may not exceed any dollar limitations contained in the contract.

(c) Contracting Officers may delegate authority to subordinates and to other individuals and offices to obtain supplies and services under blanket purchase arrangements. Such delegations will be in writing and will define the scope and limitations of the authority. The designated individual or office will be instructed on the use of the blanket purchase arrangement including the method and procedures to be following in obtaining, paying and accounting for supplies. The vendor shall be informed of the individuals or offices authorized to obtain supplies or services.

For the Secretary of State.

W. T. M. BEALE,
Acting Assistant Secretary for Administration.

MAY 17, 1965.

[F.R. Doc. 65–5615; Filed, May 26, 1965; 8:45 a.m.]

Title 49—TRANSPORTATION

Chapter I—Interstate Commerce Commission

SUBCHAPTER B—CARRIERS BY MOTOR VEHICLE

[Ex Parte No. MC–7]

PART 170—COMMERCIAL ZONES Washington, D.C.

At a session of the Interstate Commerce Commission, Division 1, acting as an Appellate Division, held at its office in Washington, D.C., on the 18th day of May A.D. 1965.

Upon consideration of the record in the above-entitled proceeding, and of:

(1) Petition of Pool's Drayage Co., intervener, filed March 10, 1965, for reconsideration, or, in the alternative, oral hearing, embracing motion for denial of exemption;

(2) Joint petition of B & P Motor Express, Inc., Tidewater Express Lines, Inc., W. T. Cowan, Inc., Davidson Transfer & Storage Co., Branch Motor Express Co., Wooleyhan Transport Co., and Accelerated Transport-Pony Express, Inc., interveners, filed March 17, 1965, for reconsideration, or, in the alternative, oral hearing;

(3) Petition of The Local & Short Haul Carriers National Conference, intervener, for reconsideration;

(4) Joint petition of petitioners in the entitled proceeding, filed March 19, 1965, for reconsideration and modification;

(5) Joint reply to petitions in (1) through (3) above by petitioners in the entitled proceeding, filed April 14, 1965;

and good cause appearing therefor:

It is ordered, That the petitions and the motions be, and they are hereby, denied, and overruled, respectively, for the reason that the findings of Operating Rights Review Board Number 1 in its second report on petition of February 5, 1965, are in accordance with the evidence and the applicable law; and that no sufficient or proper cause appears for reopening the proceeding for reconsideration or for oral hearing, or for granting any of the other relief sought;

It is further ordered, That the order of February 5, 1965 (30 F.R. 2401, 2712), as indefinitely postponed pursuant to section 17(8) of the Interstate Commerce Act, be, and it is hereby, reinstated, and the effective date is fixed as July 6, 1965.

By the Commission, Division 1, acting as an Appellate Division.

[SEAL] BERTHA F. ARMES,
Acting Secretary.

[F.R. Doc. 65–5640; Filed, May 26, 1965; 8:47 a.m.]

Proposed Rule Making

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

[50 CFR Part 32]

WASHITA NATIONAL WILDLIFE REFUGE, OKLAHOMA

Proposed Addition to Hunting List

Notice is hereby given that pursuant to the authority vested in the Secretary of the Interior by the Migratory Bird Conservation Act of February 18, 1929, as amended (45 Stat. 1222; 16 U.S.C. 715), and the Fish and Wildlife Coordination Act, as amended (48 Stat. 401, 16 U.S.C. 661), it is proposed to amend 50 CFR 32.21 by the addition of the Washita National Wildlife Refuge, Okla., to the list of wildlife refuges open to the hunting of upland game, as legislatively permitted.

It has been determined that regulated hunting of upland game may be permitted as designated on the Washita National Wildlife Refuge without detriment to the objectives for which the area was established.

It is the policy of the Department of the Interior, whenever practicable, to afford the public an opportunity to participate in the rule making process. Accordingly, interested persons may submit written comments, suggestions, or objections, with respect to this proposed amendment, to the Director, Bureau of Sport Fisheries and Wildlife, Washington, D.C., 20240, within 30 days of the date of publication of this notice in the FEDERAL REGISTER.

1. Section 32.21 is amended by the addition of the following area as one where hunting of upland game is authorized.

§ 32.21 List of open areas; upland game.

* * * * *

OKLAHOMA

Washita National Wildlife Refuge.

JOHN A. CARVER, Jr.,
Under Secretary of the Interior.

MAY 25, 1965.

[F.R. Doc. 65–5642; Filed, May 26, 1965; 8:47 a.m.]

DEPARTMENT OF AGRICULTURE

Consumer and Marketing Service

[7 CFR Part 1004]

MILK IN DELAWARE VALLEY MARKETING AREA

Notice of Proposed Termination of Order

Correction

In Federal Register Document 65–5383, published in the issue of May 22, 1965, 30 F.R. 6947, the word "pursuant", in the last sentence of the third paragraph, should read "pursued".

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Part 120]

PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

Aldrin and Dieldrin; Notice of Proposal To Amend Tolerances

The Food and Drug Administration, under its program of continuous review and reevaluation of the safety of pesticide residue tolerances on raw agricultural commodities, reached a conclusion in March 1963 that there was a question about the adequacy of the toxicity data for aldrin and dieldrin in the light of evolving criteria with respect to safety requirements and of new scientific studies. It was decided to refer the question to a scientific advisory committee for advice whether the safety basis for the tolerances was adequate. Accordingly, the Commissioner of Food and Drugs appointed a committee of experts from a panel nominated by the National Academy of Sciences—National Research Council to advise him on this matter. The report rendered by this Advisory Committee on March 25, 1965, is available for review in the office of the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington, D.C.

Aldrin and dieldrin have been used in agriculture to combat pests on food crops for a number of years. On the basis of evidence presented at the 1950 spray residue hearings, on March 11, 1955 (20 F.R. 1473), a tolerance of 0.1 part per million was established for residues of aldrin on potatoes and sweetpotatoes, and a tolerance of 0.1 part per million for residues of dieldrin on apricots, nectarines, onions, and peaches. On the basis of petitions submitted by Shell Chemical Co., New York, N.Y., tolerances were subsequently established for these pesticides on additional crops.

Tolerances were added for aldrin on 39 fruits and vegetables at 0.25 part per million and on 22 fruits and vegetables at 0.1 part per million. Tolerances for aldrin were also established on 5 grains at 0.1 part per million, with tolerances on the straw of these grains at 0.75 part per million.

Tolerances were added for dieldrin on 32 fruits and vegetables at 0.25 part per million and on 18 fruits and vegetables at 0.1 part per million. Tolerances for dieldrin were also established on 5 grains at 0.1 part per million, with tolerances on the straw of these grains at 0.75 part per million.

Zero tolerances were established for aldrin on 17 crops and for dieldrin on 21 crops.

Safety data presented in these petitions in conjunction with toxicity studies by the Food and Drug Administration were deemed adequate at the time for establishing these tolerances. After a comprehensive review, the Advisory Committee concluded that presently available data on these pesticides do not justify maintaining tolerances at their present levels indefinitely. The Committee recommends:

(1) Reduction of exposures whenever possible, particularly reduction of excessive exposures from environmental sources, this to be accomplished primarily by the dissemination of pertinent information;

(2) Discontinuance of the tolerance of 0.25 part per million for the raw agricultural commodities having this tolerance, with resubmission of evidence requesting a tolerance of 0.1 part per million where use can be modified to meet this level;

(3) Continuation of existing tolerances at 0.1 part per million;

(4) Reevaluation of existing and reduced tolerances within 3 years by another committee.

(5) In the expectation that there will be continued use of aldrin and dieldrin indefinitely, from which food contamination would occur and for which tolerances are therefore needed, the Committee recommends that additional studies be conducted. These studies may include: (a) Definitive investigations of carcinogenicity in two animal species; (b) establishment of no-effect levels in two animal species; (c) study of the metabolic fate of aldrin and of dieldrin in the human as well as in experimental animals; (d) epidemiological studies in man, including groups occupationally exposed to the pesticides, with correlations of exposures and fat storage; (e) further attempts to estimate the maximal predicted human exposure.

In assessing total human exposure to aldrin and dieldrin, the Committee cited studies (1961–1964) by the Food and Drug Administration which reported residues in ready-to-eat total diets and constituent categories. The Committee estimated the average dietary intake of aldrin plus dieldrin to be approximately 0.01 part per million.

The Advisory Committee report is silent with respect to transfer of residues of aldrin and dieldrin from treated animal feed and forage crops to milk and meat. However, data before the Commissioner, including a recent study by the Food and Drug Administration in cooperation with the U.S. Department of Agriculture (Journal of the Association of Official Agricultural Chemists, volume 47, page 1124, 1964), show that residues of aldrin and dieldrin in feed will transfer as dieldrin to milk and meat. These data indicate that residues of aldrin at the tolerance level in sugarbeet tops and of aldrin and dieldrin at the tolerance level in grains and in straw will result in residues of dieldrin in milk and meat when these items are consumed by livestock. The residues in sugarbeets (roots) and citrus would be expected to persist

at least in part in beet pulp and dried citrus pulp and to transfer from these feeds to milk and meat. There are no tolerances for residues of aldrin or dieldrin in milk or meat, and the data available do not support establishing such tolerances.

After consideration of the findings and recommendations of the Advisory Committee, and other available data, the Commissioner concludes that there would be no undue hazard to the public health in continuing for 3 years, at the level of 0.1 part per million, tolerances for residues of aldrin and dieldrin on the crops presently listed at 0.25 part per million (with the exception of citrus) and also on the crops presently listed at 0.1 part per million (with the exception of sugarbeets, including tops, and grains and straw). Tolerances of 0.1 part per million for aldrin and dieldrin would be established for citrus and restored for aldrin for sugarbeets (roots) only on a showing that the residues within the tolerance would not transfer to the by-product feeds made from these crops in amounts which would result in residues in milk and meat. Except as noted above, the tolerances presently established at 0.25, and now being reduced to zero may be reestablished at 0.1 part per million, provided data are presented to show that usage can be modified to meet this reduced level and the Secretary of Agriculture can certify usefulness under usage modifications necessary to meet such reduced level. The Commissioner further concludes that there should be a reconsideration of these tolerances in 3 years, or earlier if the results of the recommended scientific studies are available.

Therefore, by virtue of the authority vested in the Secretary of Health, Education, and Welfare by the Federal Food, Drug, and Cosmetic Act (sec. 408(b), (e), 68 Stat. 511, 514; 21 U.S.C. 346a(b), (e)) and delegated by him to the Commissioner of Food and Drugs (21 CFR 2.90), it is proposed by the Commissioner on his initiative that:

1. That § 120.135 be amended by deleting and discontinuing finite tolerances and substituting a tolerance of zero for each of the following: Apples, apricots, barley grain, barley straw, beets (garden), garden beet tops, beets (sugar) or sugarbeet tops, broccoli, brussels sprouts, cabbage, carrots, cauliflower, collards, cucumbers, endive (escarole), garlic, grapefruit, horseradish, kale, kohlrabi, leeks, lemons, lettuce, limes, mustard greens, oat grain, oat straw, onions, oranges, parsnips, peanuts, pears, quinces, radishes, rice grain, rice straw, rutabagas, rye grain, rye straw, salsify tops, salsify root, shallots, spinach, summer squash, Swiss chard, tangerines, turnips, turnip tops, wheat grain, wheat straw.

2. That § 120.137 be amended by deleting and discontinuing finite tolerances and substituting a tolerance of zero for each of the following: Apples, bananas, barley grain, barley straw, beets (garden), garden beet tops, broccoli, brussels sprouts, cabbage, cauliflower, celery, cherries, collards, cucumbers, endive (escarole), grapefruit, kale, kohlrabi, lemons, lettuce, limes, mustard greens, oat grain, oat straw, oranges, pears, peas, pea hay, popcorn, quinces, radishes, rice grain, rice straw, rutabagas, rye grain, rye straw, salsify tops, shallots, soybeans, soybean hay, spinach, summer squash, Swiss chard, tangerines, turnips, turnip tops, wheat grain, wheat straw.

As amended, § 120.135 would read as follows:

§ 120.135 Aldrin; tolerances for residues.

Tolerances for residues of the insecticide aldrin in or on raw agricultural commodities are established as follows:

0.1 part per million in or on asparagus, cantaloup, celery, cherries, cranberries, eggplant, grapes, mangoes, muskmelons, nectarines, peaches, peppers, pimentos, pineapple, plums (fresh prunes), potatoes, pumpkins, strawberries, sweetpotatoes, tomatoes, watermelon, winter squash.

Zero in or on alfalfa, apples, apricots, barley grain, barley straw, beans, beets (garden), garden beet tops, beets (sugar), sugarbeet tops, black-eyed peas, broccoli, brussels sprouts, cabbage, carrots, cauliflower, clover, collards, corn forage, corn grain, cowpeas, cowpea hay, cucumbers, endive (escarole), garlic, grain sorghum, grain sorghum forage, grapefruit, horseradish, kale, kohlrabi, leeks, lemons, lespedeza, lettuce, limes, mustard greens, oat grain, oat straw, onions, oranges, parsnips, peanuts, peanut hay, pears, peas, pea hay, popcorn, quinces, radishes, rice grain, rice straw, rutabagas, rye grain, rye straw, salsify roots, salsify tops, shallots, soybeans, soybean hay, spinach, summer squash, Swiss chard, tangerines, turnips, turnip tops, wheat grain, wheat straw.

As amended, § 120.137 would read as follows:

§ 120.137 Dieldrin; tolerances for residues.

Tolerances for residues of the insecticide dieldrin in or on raw agricultural commodities are established as follows:

0.1 part per million in or on apricots, asparagus, carrots, cranberries, eggplant, grapes, horseradish, mangoes, nectarines, onions, parsnips, peaches, peppers, pimentos, plums (fresh prunes), potatoes, radishes, radish tops, salsify roots, strawberries, sweetpotatoes, tomatoes.

Zero in or on alfalfa, apples, bananas, barley grain, barley straw, beans, beets (garden), garden beet tops, black-eyed peas, broccoli, brussels sprouts, cabbage, cauliflower, cantaloup, celery, cherries, clover, collards, corn forage, corn grain, cowpeas, cowpea hay, cucumbers, endive (escarole), grain sorghum, grain sorghum forage, grapefruit, kale, kohlrabi, lemons, lespedeza, lettuce, limes, muskmelons, mustard greens, oat grain, oat straw, oranges, pears, peas, pea hay, pineapple, popcorn, pumpkins, quinces, rice grain, rice straw, rutabagas, rye grain, rye straw, salsify tops, spinach, soybeans, soybean hay, summer squash, Swiss chard, tangerines, turnips, turnip tops, watermelons, wheat grain, wheat straw, winter squash.

After reviewing the Committee report, the Shell Chemical Co. informed the Food and Drug Administration that several of the recommended toxicity studies are already in process and others are planned. They also advised that they were assembling data to support reestablishment of certain of the 0.25 part per million tolerances at the reduced level of 0.1 part per million. Petitions presenting some of these data were submitted on April 23, 1965, and are currently under study. To the extent possible the final order on this proposal will reflect the results of consideration of the Shell Chemical Co. petitions.

The newly established tolerances for aldrin and dieldrin shall become effective upon the date of publication of a final order, with the following exception:

The Commissioner recognizes that aldrin and dieldrin have already been used this season on the production of certain growing crops. Presumably they have been used in accordance with their labeled directions for use registered with the U.S. Department of Agriculture. Such uses may result in residue levels in or on the raw agricultural commodities in excess of the proposed newly established tolerances.

In the light of the findings and conclusions of the Advisory Committee and of the Food and Drug Administration's current findings in its continuing total diet studies that the total dietary intake of aldrin and dieldrin is well below the 0.01 part per million estimate of the Committee, it is concluded that an orderly transition to the new tolerances can be made without undue hazard to public health.

Accordingly, the Food and Drug Administration will not proceed against a raw agricultural commodity containing a residue level of aldrin or dieldrin in excess of a newly established tolerance but within an old established tolerance if there is evidence available to the Food and Drug Administration to support a conclusion that such level resulted from the application of the aldrin or dieldrin prior to the effective date of the final order and that such application was in accordance with its registered directions for use.

Any person who has registered or who has submitted an application for the registration of an economic poison under the Federal Insecticide, Fungicide, and Rodenticide Act containing aldrin or dieldrin may request, within 30 days from the publication of this proposal in the FEDERAL REGISTER, that the proposal be referred to an advisory committee in accordance with section 408(e) of the Federal Food, Drug, and Cosmetic Act.

Any interested person may, within 30 days from the date of publication of this notice in the FEDERAL REGISTER, file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington, D.C., 20201, written comments on the proposal, preferably in quintuplicate. Comments may be accompanied by a memorandum or brief in support thereof.

Dated: May 19, 1965.

GEO. P. LARRICK,
Commissioner of Food and Drugs.

[F.R. Doc. 65-5700; Filed, May 26, 1965; 8:49 a.m.]

CIVIL AERONAUTICS BOARD

[14 CFR Part 241]

[Docket No. 16186]

UNIFORM SYSTEM OF ACCOUNTS AND REPORTS FOR CERTIFICATED AIR CARRIERS

Reporting of Nonscheduled Operations

MAY 25, 1965.

Notice is hereby given that the Civil Aeronautics Board has under consideration a proposed amendment of Part 241 of the Economic Regulations (14 CFR Part 241) which would have the effect of establishing requirements for the reporting by route air carriers of the charter and special service revenue aircraft miles flown, to be submitted annually in a new Schedule T-41 of the CAB Form 41 report.

The principal features of the proposed amendment are described in the attached Explanatory Statement and the proposed amendment is set forth below. The revised regulation is proposed under authority of sections 204(a) and 407(a) of the Federal Aviation Act of 1958, as amended (72 Stat. 743, 766; 49 U.S.C. 1324, 1377).

Interested persons may participate in the proposed rule making through submission of ten (10) copies of written data, views, or arguments pertaining thereto, addressed to the Docket Section, Civil Aeronautics Board, Washington, D.C., 20428. All relevant material received on or before June 28, 1965, will be considered by the Board before taking final action on the proposed rule. Copies of such communications will be available for examination by interested persons in the Docket Section of the Board, Room 710 Universal Building, 1825 Connecticut Avenue NW., Washington, D.C., upon receipt thereof.

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON,
Secretary.

Explanatory statement. In view of the enactment of Public Law 87-528, which authorizes the certificating of the supplemental air carriers as charter operators and grants to the all-cargo air carriers the right to engage in passenger charters subject to Board regulation, more information is needed concerning the overall nature of the charter market than is now provided by the operations reports presently submitted by the route carriers in CAB Form 41. Specifically, the Board desires the data necessary to compute the number of revenue aircraft miles flown by the carriers in charter and special services, both on-route and off-route. In each case, it needs to know the respective mileages flown in the transportation of passengers, of cargo, and of passengers and cargo jointly. In view of the important position of military charters in this market, the Board is particularly interested in learning the number of revenue aircraft miles flown for the defense establishment and for others in each of these categories.

The supplemental air carriers already supply most of the above information in their Form 41 reports (Schedule T-3.1). While the route carriers presently report the number of revenue aircraft miles flown in irregular and charter operations (Schedule T-1), and in domestic, territorial, and international nonscheduled services (Schedule T-1(a)) and breakdown nonscheduled aircraft miles into charter and other irregular services (Schedule T-3), they are not required to show how much of these services are for the military and how much are for others, nor do their reports indicate the respective revenue aircraft mileage flown in their passenger, cargo, or combination charter and special service operations. They report the total number of off-route miles flown, but without any breakdown into the above categories.

The submission by the route carriers of the data above described would not only aid the Board in the areas mentioned, but would provide necessary information to police the limitations upon the amount of charter services permitted the route carriers under the provisions of Part 207, as recently revised (ER-419, effective Oct. 26, 1964).

The proposed rule set forth below would achieve the foregoing objectives with minimum burden to the carriers affected, by the establishment of a new reporting schedule, designated as Scheduled T-41 of CAB Form 41, to be submitted annually by route air carriers only. A proposed Schedule T-41 is attached.[1]

Accordingly, it is proposed to amend Part 241 of the Economic Regulations (14 CFR Part 241), effective January 1, 1965, as follows:

1. By amending Section 22—"General Reporting Instructions" by inserting in the listing of schedules, between "T-7 Domestic Deferred Airfreight" and "G-41 Persons Holding More than 5 per centum of Respondent's Capital Stock or Capital" the following:

T-41 Charter and Special Service Revenue Aircraft Miles Flown, Annually, 90.

2. By amending Section 25 "Traffic and Capacity Elements" by inserting after "Schedule T-7 Domestic Deferred Airfreight" the following:

Schedule T-41 Charter and Special Service Revenue Aircraft Miles Flown.

(a) This schedule shall be filed by each route air carrier.

(b) A complete report shall be made on this schedule for the overall or system operations conducted by the air carrier during the calendar year.

(c) Total charter and special service revenue aircraft miles flown by the reporting air carrier during the calendar year shall be reflected in this schedule by combination carriers and all-cargo carriers in the sections provided therefor, respectively. Such data shall be broken down to reflect revenue aircraft miles flown for the Department of Defense and for all other customers.

(d) The revenue aircraft miles flown for the Department of Defense and for all other customers shall be further broken down to reflect operations between certificated points and operations not between certificated points. (Include under these headings charters performed under exemption authority.) Within each of these categories the reported data shall reflect the number of miles flown in planeload transportation of (1) passengers exclusively; (2) cargo exclusively; and (3) passengers and cargo jointly. In the case of charters performed by all-cargo carriers for the Department of Defense between certificated points, the passenger legs of trips on which the legs in the other direction involved transportation of cargo shall be shown separately as a subtotal. Also, in the case of all-cargo carriers, cargo charter revenue aircraft miles flown which are not between certificated points shall be broken down to reflect those within and those outside of the carrier's area of operations as defined in § 207.6. In the event special services are performed by any reporting carrier the mileage in such services shall be separately identified.

[F.R. Doc. 65-5658; Filed, May 28, 1965; 8:47 a.m.]

[1] Filed as part of the original document.

FEDERAL AVIATION AGENCY

[14 CFR Part 73]

[Airspace Docket No. 65-SO-16]

RESTRICTED AREA

Proposed Designation

The Federal Aviation Agency is considering an amendment to Part 73 of the Federal Aviation Regulations that would designate a restricted area near Gainesville, Miss.

Interested persons may participate in the proposed rule making by submitting such written data, views, or arguments as they may desire. Communications should identify the airspace docket number and be submitted in triplicate to the Director, Southern Region, Attention: Chief, Air Traffic Division, Federal Aviation Agency, Post Office Box 20636, Atlanta, Ga., 30320. All communications received within 45 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. The proposal contained in this notice may be changed in the light of comments received.

An official docket will be available for examination by interested persons at the Federal Aviation Agency, Office of the General Counsel, Attention: Rules Docket, 800 Independence Avenue, SW., Washington, D.C., 20553. An informal docket also will be available for examination at the office of the Regional Air Traffic Division Chief.

The proposed restricted area, requested by the National Aeronautics and Space Administration (NASA), would be described as follows:

Boundaries. Beginning at latitude 30°-21'02" N., longitude 89°36'53" W.; to latitude 30°22'33" N., longitude 89°36'53" W.; to latitude 30°22'34" N., longitude 89°34'05" W.; to latitude 30°21'03" N., longitude 89°-34'04" W.; to the point of beginning.

Altitudes. From the surface to 5,000 feet m.s.l.

Time of Use. Continuous.

Using Agency. Manager, Mississippi Test Operations, National Aeronautics and Space Administration, Bay St. Louis, Miss.

Controlling Agency. Federal Aviation Agency, Houston ARTC Center.

NASA is requesting the joint use restricted area to protect aircraft from possible explosion hazards which could occur in the static testing of large space vehicle stages. The boundaries and altitude of the area are necessary to encompass fragmentation resulting from accidental fires and explosions.

To protect persons on the ground, NASA has informed the FAA that ground access to all areas surrounding the test complexes is controlled by NASA so that unauthorized personnel are cleared from hazardous areas during operations which result in potential danger.

This amendment is proposed under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348).

Issued in Washington, D.C., on May 24, 1965.

H. B. HELSTROM,
Acting Chief, Airspace Regulations and Procedures Division.

[F.R. Doc. 65-5632; Filed, May 28, 1965; 8:46 a.m.]

INTERSTATE COMMERCE COMMISSION

[49 CFR Part 176]

[Ex Parte No. MC-51]

POOLING BY MOTOR COMMON CARRIERS OF HOUSEHOLD GOODS

Notice of Proposed Rule Making

At a general session of the Interstate Commerce Commission, held at its office in Washington, D.C., on the 29th day of April A.D. 1965.

It appearing, that this proceeding was instituted by an order of the Commission, Division 3, entered June 18, 1958, 23 F.R. 5133, pursuant to section 4(a) of the Administrative Procedure Act and sections 5(1), 12(1), and 204(a) (1) and (6) of the Interstate Commerce Act, for purposes therein stated in lettered paragraphs (a) through (e), inclusive;

It further appearing, that in the FEDERAL REGISTER of October 18, 1961, 26 F.R. 9786, in connection with paragraph (e) of the order, there were published tentative rules proposed by the Bureau of Finance of the Commission;

It further appearing, that thereafter the Commission decided to recommend legislation to exempt motor carriers of household goods from the provisions of section 5(1); that no affirmative action was taken on the aforesaid tentative rules; and that by order of the Commission, dated December 7, 1962, 28 F.R. 40, this proceeding was discontinued;

It further appearing, that in the 77th and 78th Annual Reports to the Congress, the Commission recommended that section 5(1) be amended to exempt contracts, agreements, or combinations affecting the transportation of household goods to which common carriers by motor vehicle in interstate or foreign commerce may be parties for the pooling or division of traffic, service, or earnings; and that a bill was introduced in the 88th Congress and another bill has been introduced in the 89th Congress to implement the Commission's recommendation;

It further appearing, that the Commission is concerned with the situation prior to the enactment of such legislation, and so long as legislation has not been enacted, has caused to be prepared proposed rules and regulations set forth below; and

It further appearing, that consideration should be given to the issuance of an order approving certain pooling actions by household goods carriers and therein permitting pooling arrangements, within the scope of such order, by individual agreements between carriers, copies of such agreements being filed with the Commission; and to consider in connection with such an order the areas wherein pooling by household goods carriers will be in the interest of better service to the public and economy of operation without undue restraint of competition; therefore:

It is ordered, That this proceeding be, and it is hereby, reopened for consideration of the proposed rules and regulations, or such other rules and regulations as may be found to be reasonable.

It is further ordered, That this proceeding be, and it is hereby, referred to Division 3 for administrative handling.

It is further ordered, That interested persons may file on or before June 30, 1965, with the Commission, written statements containing data, views, and arguments concerning the proposed rules and regulations, and may request oral hearing or oral argument thereon, in accordance with the Commission's general rules of practice; and

It is further ordered, That notice of this order and the proposed rules and regulations shall be given to the general public by depositing a copy of this order and attached appendix in the Office of the Secretary of the Commission and by filing a copy with the Director, Office of the Federal Register.

By the Commission.

[SEAL] BERTHA F. ARMES,
Acting Secretary.

Rules and regulations proposed for adoption by the Commission to govern pooling by motor common carriers of household goods.

It is proposed that 49 CFR Part 176, Transportation of Household Goods in Interstate or Foreign Commerce, be amended by adding new rules numbered §§ 176.50 through 176.55 to read as follows:

Sec.
176.50 Applicability.
176.51 Definitions.
176.52 Pooling plans.
176.53 Grounds for dismissal.
176.54 Disclaimer of pooling.
176.55 Relief from antitrust laws.

§ 176.50 Applicability.

Sections 176.50 to 176.55 apply (a) to pooling or division of traffic service, or earnings, (b) where the parties are common carriers by motor vehicle subject to part II of the Interstate Commerce Act (c) insofar as the property transported consists of household goods, and (d) to the extent section 5(1) of the act is applicable.

§ 176.51 Definitions.

As used in §§ 176.50 to 176.55, the term "agreement" shall be construed to mean an agreement or substantially similar agreements between a principal and other carriers, or between principals, containing or referring to a pooling plan; the term "pooling plan" shall mean the detailed arrangements by the carriers involved in the agreement or agreements for the pooling or division of traffic, service, earnings, or any portion thereof; and the term "principal" shall mean the carrier filing an agreement or agreements under this rule with the assent of other carriers involved. If the parties to an agreement are equal and independent carriers, no one of which is considered the principal, the carrier parties to the agreement may file the agreement with the assent of each other, and all will be deemed principals of the pooling plan.

§ 176.52 Pooling plans.

(a) *Filing.* A principal or principals may file the original and five copies of any agreement and pooling plan, either within 120 days after the effective date of §§ 176.50 to 176.55 with respect to a pooling plan or an arrangement which might be construed to be a pooling plan now in existence, or at any time with respect to a proposed pooling plan not in existence, at the office of the Interstate Commerce Commission in Washington, D.C., together with a short statement by the principal(s) giving facts and reasons to support a finding that the pooling plan will be in the interest of better service to the public by the carrier parties, or will be in the interest of economy in operations by the carrier parties, and will not unduly restrain competition for the transportation of household goods. The filing should designate one counsel for the principal(s), or designate one of the principals, as the party upon whom complaints or orders should be served relating to the filing, and show the address of the principal(s).

(b) *Effectiveness.* Any agreement so filed will, effective 30 days following the date it is filed, be lawful under section 5(1) of the Interstate Commerce Act, unless the Commission shall, upon complaint or upon its own initiative, elect to issue an order setting the matter for further proceedings to determine whether the pooling plan is in the interest of better service to the public or economy in operations, and will not unduly restrain competition. If such order for further proceedings is issued, the agreement will not become lawful except by further order of the Commission.

(c) *Complaints.* No complaint will form the basis for further proceedings unless it specifies valid respects in which the agreement or its embraced pooling plan is not in the interest of better service to the public or of economy in operation, or will unduly restrain competition.

(d) *Parties.* (1) Upon notice to the Commission at any time, with the assent of the principal, other carriers who or which are parties or propose to become parties to the same or a substantially similar agreement may become parties to the pooling plan without making an application under section 5(1). Unless all carriers involved have assented generally in advance to other carriers becoming parties, the principal shall notify such carriers of each proposed additional party by depositing a notice in the United States mail addressed to the last known address of each such carrier. If no objection is made within not less than 10 days, upon notice to the Commission, the proposed additional carrier shall become a party to the pooling plan.

(2) Any carrier may be or become a party to more than one pooling plan with the assent of the principal of each such plan.

(3) Any carrier may withdraw from a pooling plan upon notice to the Commission and to the principal.

(4) Upon revocation or transfer of the rights of any carrier to transport household goods, or upon the principal giving notice in writing to a carrier and to the Commission of the termination of an agreement between the principal and such carrier as therein provided, the participation of such carrier in the pooling plan shall be deemed to have been terminated.

(5) If the rights and privileges under an agreement filed under this rule are transferable, the transferee of the operating rights of such carrier will be deemed to have become a party to the pooling plan upon consummation of the transfer unless the Commission is notified otherwise. An agreement will be presumed to be transferable unless otherwise specified. If the agreement is not transferable, the transferee of the operating rights may become a party as provided in subparagraph (1) of this paragraph.

(6) Approval and authorization of the Commission and the assent of all the carriers involved shall be required to substitute a new principal of a pooling plan.

(e) *Records.* (1) The Commission will assign to each pooling plan a docket number. The same agreement filed by more than one carrier will be assigned the same docket number.

(2) If the plan involves more than one agreement and more than two carriers, the principal shall number the agreements, amendments, and parties in an appropriate manner.

(3) The principal shall require and preserve written assents, dated and manually signed, by each carrier involved in the pooling plan.

(4) After the docket number is assigned, the principal shall file a list of the carriers who or which have assented to the pooling plan.

(5) The docket number and appropriate numbers assigned by the principal shall be shown on the first page of each document thereafter filed with the Commission relating to the pooling plan.

(6) The principal and each carrier party to a pooling plan shall preserve and keep open to inspection by a special agent or examiner of the Commission, as provided in § 177.1 of this chapter, at its principal office, a copy of each agreement entered into under §§ 176.50 to 176.55.

(7) The principal shall prepare and keep a roster of parties to the pooling plan, showing the names, addresses, and lead certificate docket numbers of all the carriers involved, and shall file a copy of the current roster with the Commission annually.

§ 176.53 Grounds for dismissal.

Failure of the principal to comply within a reasonable time, not less than 30 days, to be fixed by the Commission, with an order of the Commission commanding obedience to §§ 176.50 to 176.55 or to the terms and conditions of an agreement filed hereunder, shall be grounds for dismissal of the pooling plan.

§ 176.54 Disclaimer of pooling.

If the existence of pooling is open to reasonable doubt, the principal or any other party to an agreement filed under §§ 176.50 to 176.55 may disclaim the existence of pooling and any admission thereof from the filing of such agreement or assent thereto; in such case, however, the principal or other party shall state the material facts pertinent to the possible existence of pooling or division. A disclaimer will be recorded but not processed unless accompanied by a motion to dismiss. Unless and until a dismissal order is entered, each carrier shall comply with §§ 176.50 to 176.55 as if no such disclaimer had been filed.

§ 176.55 Relief from antitrust laws.

Parties to an agreement lawful under §§ 176.50 to 176.55, their officers and employees, and any other persons participating in such agreement in conformity with §§ 176.50 to 176.55 are relieved from the operation of antitrust laws with respect to the making of such agreement and with respect to the carrying out of such agreement in conformity with its provisions and in conformity with §§ 176.50 to 176.55.

[F.R. Doc. 65-5650; Filed, May 28, 1965; 8:47 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[17 CFR Parts 240, 249]

[Release No. 34-7603]

BROKERS AND DEALERS NOT MEMBERS OF REGISTERED NATIONAL SECURITIES ASSOCIATION

Qualifications Requirements and Initial Assessments

Notice is hereby given that the Securities and Exchange Commission has under consideration a proposal to adopt Rule 15b8-1 (17 CFR 240.15b8-1), and related reporting forms, under section 15(b)(8) of the Securities Exchange Act of 1934 ("Exchange Act") establishing qualifications requirements for registered brokers and dealers who do an over-the-counter business and who are not members of a national securities association[1] and their principals, salesmen, and other associated persons. The proposed rule would be adopted pursuant to provisions of the Securities Exchange Act of 1934, and particularly those provisions of the Securities Acts Amendments of 1964, Public Law 88-467, enacted on August 20, 1964, authorizing the Commission to adopt rules and regulations requiring registered brokers and dealers that are not members of a registered national securities association, and persons associated with such brokers or dealers, to meet prescribed standards of training, experience, and other qualifications.

1. *Examination requirement.* Section 15(b)(8) gives the Commission authority to "appropriately classify brokers and dealers and persons associated with brokers and dealers (taking into account relevant matters, including types of business done and nature of securities sold)" and to "require persons in any such class to pass examinations." It also authorizes the Commission to "prescribe by rules and regulations reasonable fees and charges to defray its costs" in carrying out the section, "including, but not limited to, fees for any examination administered by it, or under its direction."

The importance of a qualifications examination for persons engaging in the sale and solicitation of securities was emphasized by the Special Study of Securities Markets, which the Commission transmitted to the Congress in 1963. The Special Study noted the inadequacy of controls over entry into the securities business by unqualified persons,[2] and it recognized that a qualifications examination is a "basic regulatory control in respect to competence." In a recent opinion, the Commission referred to the "vital importance of examinations in the program of upgrading the level of competence in the securities business."[3]

At the present time, most authorities with regulatory responsibility over the securities industry require successful completion of a general securities examination as a prerequisite for entry by salesmen and others into the business. An examination requirement is imposed by the major stock exchanges, the NASD, and 30 States.[4] Currently, however, many persons associated with brokers and dealers that are not members of a registered national securities association may enter the business with no qualification test of any kind.

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[1] At present the National Association of Securities Dealers, Inc. ("NASD") is the only such association.

[2] See Report of Special Study of Securities Markets, Pt. 1, pp. 47-159.

[3] In the Matter of Hugh M. Casper, SEA Rel. No. 7479 (Dec. 7, 1964).

[4] Of 30 States requiring applicants to pass an examination of a general securities nature, 22 use the State Securities Sales Examination developed by the New York Stock Exchange. Four States use a general securities examination prepared by the individual State, and three States use the NASD examination. In addition to a general securities examination, 20 States also require applicants to pass a written examination covering State securities laws.

Proposed Rule 15b8–1 (17 CFR 240.-15b8–1) would prohibit any nonmember broker or dealer as defined by the rule, from effecting any transactions over the counter unless every "associated person" [6] within certain defined categories has successfully completed a general securities examination. This is consistent with the Special Study recommendation that a standard examination be taken by salesmen, supervisors and principals, which would cover a "core of basic subjects."

Associated persons would be subject to the examination requirement if any part of their securities activities is in sales, trading, research, or investment advice, advertising, public relations, hiring or recruitment of salesmen, training of salesmen, underwriting and private placements, or management and administration. The grade or grades for successful completion shall be as determined by the Commission.

A person who became associated with a registered broker or dealer prior to July 1, 1963, would be exempted from the examination requirement if he has been associated continuously with any registered broker or dealer since that date; and, since that date, has not had any disciplinary sanction imposed on him, has not been found to have wilfully violated any of the Federal securities laws, or has not been found to be a cause of any disciplinary action, by any Federal or State agency or self-regulatory organization. Other persons subject to the examination requirement on the effective date of the proposed rule would be given 6 months to complete the examination successfully.

The general securities examination will cover the following subjects: Characteristics of corporate structure, legal obligations of the corporation to its stockholders, financial statements and corporate accounting theory, types of securities; differences between various kinds of open-end and closed-end investment companies, characteristics of contractual plans, evaluation of investment company securities in the light of investment objectives of different customers, pertinent provisions of the Investment Company Act of 1940, and rules adopted thereunder and the Commission's Statement of Policy; provisions of the Securities Exchange Act of 1934 pertaining to the conduct of brokers and dealers and persons associated with them and rules adopted thereunder; methods used for the underwriting and distribution of securities, prospectus and registration requirements of the Securities Act of 1933 and rules adopted thereunder; regulation of exchanges, exchange members, and issuers whose securities are registered under the Securities Exchange Act of 1934 and rules adopted thereunder; trading methods; and types of securities traded on the exchanges and over-the-counter markets.

An applicant who fails the examination on his first attempt would be required to wait at least 30 days before he could retake the examination. After a second failure, he would have to wait 60 days before retaking the examination, and after a third or subsequent failure, the required waiting period would be 90 days.

An associated person may also fulfill the examination requirement by successful completion of one of the following examinations: the State Securities Sales Examination; the Examination for Principals or the Examination for Qualification as a Registered Representative of the National Association of Securities Dealers, Inc.; the Standard Examination for Registered Representatives, the Branch Office Manager Examination, the Allied Member Examination, the Floor Member Examination, the Registered Traders Examination or the Supervisory Analyst Examination of the New York Stock Exchange; the Examination for Qualification as a Registered Representative, the Examination for Branch Office Managers of Member Firms, the Examination for Office Partners of Member Firms, the Examination for Floor Partners of Member Firms, the Supervisory Analyst Examination, or the Registered Traders Examination of the American Stock Exchange. These examinations are comparable to the general securities examination proposed to be given by the Commission, and the Commission proposes to accept these examinations in satisfaction of the examination requirement to avoid duplication of effort and excessive burden and cost to the industry. Several States already use one or more of these examinations for qualifications purposes. When the Commission adopts rules of conduct under section 15(b)(10) of the Exchange Act for nonmembers of a registered securities association, associated persons choosing to fulfill the examination requirement by passing an examination given by another regulatory authority may also be required to take an additional examination testing their knowledge and understanding of these rules.

The Commission expects to coordinate closely its examination program with those of the NASD, the exchanges and the State administrators with the goal of having a uniform securities examination covering a core of basic subjects to be used by all regulatory and self-regulatory agencies. Such a standard examination could be supplemented as any particular agency might desire for its own purposes.

The Commission is now exploring methods of administering the examination requirement, including the possibility of using the facilities of the NASD or of a Federal Government agency engaged in the administration of examinations. It is anticipated that the fee will not be in excess of the fee charged by the NASD for administration of its examination.

A reasonable amount of time before the general securities examination is given for the first time, the Commission expects to issue further information concerning the examination, including study materials, standards of grading, examination fees, and time and location for taking the examination.

2. *Personnel form.* Proposed Rule 15b8–1 (17 CFR 240.15b8–1) would require that every broker-dealer subject to the rule file with the Commission a personnel form (designated Form SECO–2) (17 CFR 249.502) for every associated person. This information would be maintained by the Commission in a nonpublic file. This requirement would correspond to the registration requirements for registered representatives of the NASD and the major stock exchanges. The requirement has two major purposes: To give the Commission information concerning persons associated with broker-dealers in order to assist in formulating standards of qualifications and conduct; and to insure that the requirements under section 15(b)(8) are complied with.

Every nonmember broker-dealer must file Form SECO–2 (17 CFR 249.502) for each associated person before he begins to act in that capacity, with the exception that filing for persons who are associated persons on the effective date of the Rule 15b8–1 (17 CFR 240.15b8–1) must be made within 60 days for those who are not subject to the examination requirement, and within 6 months for those who are subject to it.

Proposed Form SECO–2 (17 CFR 249.502) consists of two parts. The first, to be completed by the associated person, requires information concerning the person's educational background, his business associations for the preceding 10 years, and the States in which he is licensed to engage in the securities business. In addition, the first part asks for information concerning arrests, convictions, court proceedings, indictments and disciplinary proceedings involving such person and former employers with whom he was associated in any capacity when such action or proceeding occurred.

The second part of Form SECO–2 (17 CFR 249.502), to be completed by the broker-dealer, contains a certification that due and diligent inquiry has been made of the background of the associated person; that the broker-dealer has reason to believe that he is of good character and reputation and qualified to perform his functions and duties; and, if applicable, that he has fulfilled the examination requirements of Rule 15b8–1 (17 CFR 240.15b8–1).

3. *Fee schedule.* Under sections 15(b)(8) and 15(b)(9) of the Exchange Act, the Commission is authorized to assess broker-dealers subject to these sections reasonable fees to defray the costs of regulation. In view of the limited costs incurred between August 20, 1964, the date of the enactment of the Securities Act Amendments of 1964, and the end of the current fiscal year, the Commission proposes to adopt a temporary fee schedule. These fees would defray the Commission's costs in inaugurating a program for establishing and enforcing qualification standards for nonmember broker-dealers and associated persons. Within a short time, the Commission expects to publish for comment a proposed permanent fee schedule under sections 15(b)(8) and 15(b)(9), for 1966 and subsequent fiscal years. The Commission wishes to emphasize that the proposed fee schedule for the fiscal year ending June 30, 1965, does not constitute a precedent for future fee schedules, either in the level or structure of fees.

Under Rule 15b8–1 (17 CFR 240.-15b8–1) every broker or dealer subject to the proposed rule who is registered with the Commission on June 30, 1965, would pay a fee of $100, plus $2 for each associated person as of June 30, 1965, up to a limit of 100 persons and $1 for each additional person. This fee would thus be based upon the number of principals and employees (other than those with solely clerical or ministerial functions) of a broker-dealer, not merely those subject to the examination requirement of Rule 15b8–1 (17 CFR 240.15b8–1). All broker-dealers subject to the rule would be required to file Form SECO–3 (17 CFR 249.503) (an assessment form) and pay the fee on or before July 31, 1965.

4. *Exemption.* Among the broker-dealers that are not members of a registered national securities association are several specialists and other floor members of national securities exchanges, some of whom introduce accounts to other members. The over-the-counter business of these broker-dealers may be limited to receipt of a portion of the commissions paid on occasional over-the-counter transactions in these introduced accounts, and to certain other transactions incidental to their activities as specialists. In most cases, the income derived from these activities is nominal.

Under the proposed rule, any broker-dealer who is a member of a national securities exchange would be exempted from the rule if it does not carry customers' accounts and if its annual gross income derived from its over-the-counter business is no more than $1,000. Should a broker-dealer's over-the-counter income exceed these limits for any accounting year, such broker-dealer and all persons associated with it would become subject to the requirements of Rule 15b8–1 (17 CFR 240.15b8–1).

The text of the proposed rule would be substantially as follows:

§ 240.15b8–1 Qualifications requirements and initial assessment of brokers and dealers not members of a registered national securities association, and their associated persons.

(a) No nonmember broker or dealer shall effect any transaction in, or induce the purchase or sale of, any security (otherwise than on a national securities exchange) unless such nonmember broker or dealer meets all of the following conditions:

(1)(i) Every associated person any part of whose securities activities is in (*a*) sales; (*b*) trading; (*c*) research or investment advice; (*d*) advertising; (*e*) public relations; (*f*) hiring or recruitment of salesmen; (*g*) training of salesmen; (*h*) underwriting and private placements; or (*i*) management and administration, has successfully completed one of the following examinations: A general securities examination described in subdivision (ii) of this subparagraph; the State Securities Sales Examination; the Examination for Principals or the Examination for Qualification as a Registered Representative of the National Association of Securities Dealers, Inc.; the Standard Examination for Registered Representatives, the Branch Office Manager Examination, the Allied Member Examination, the Floor Member Examination, the Registered Traders Examination or the Supervisory Analyst Examination of the New York Stock Exchange; the Examination for Qualification as a Registered Representative, the Examination for Branch Office Managers of Member Firms, the Examination for Office Partners of Member Firms, the Examination for Floor Partners of Member Firms, the Supervisory Analyst Examination, or the Registered Traders Examination of the American Stock Exchange: *Provided, however,* That a person, including a sole proprietor broker-dealer, shall be exempted from such examination requirement if such person became registered as a broker or dealer, or associated with a registered broker or dealer, prior to July 1, 1963; such person has been continuously registered as a broker or dealer or associated with any registered broker or dealer since that date; and such person, since that date, has not had any disciplinary sanction imposed on him, has not been found to have wilfully violated any provision of the federal securities laws, or has not been found to be a cause of any disciplinary action: *And provided, further,* That, any other person who is an associated person when this section becomes effective may continue in that capacity for a period of 6 months after this section becomes effective, the examination requirement of this section notwithstanding.

(ii)(*a*) The general securities examination referred to in subdivision (i) of this subparagraph shall be prescribed by the Commisison and shall cover the following subject matter:

(*1*) Corporate and Government securities: Characteristics of corporate structure, legal obligations of the corporation to its stockholders, financial statements and corporate accounting theory, and types of securities.

(*2*) Investment companies: Differences between various kinds of open-end and closed-end investment companies, characteristics of contractual plans, evaluation of investment company securities in the light of investment objectives of different customers, pertinent provisions of the Investment Company Act of 1940 and rules and regulations adopted thereunder and the Commission's Statement of Policy.

(*3*) Brokers and dealers and their associated personnel: Provisions of the Securities Exchange Act of 1934 pertaining to the conduct of brokers and dealers and persons associated with them, and rules and regulations adopted thereunder.

(*4*) Distribution of securities: Methods used for the underwriting and distribution of securities, prospectus and registration requirements of the Securities Act of 1933 and rules and regulations adopted thereunder.

(*5*) Stock exchanges and over-the-counter markets: Regulation of exchanges, exchange members, and issuers whose securities are registered under the Securities Exchange Act of 1934 and rules and regulations adopted thereunder, trading methods, and types of securities traded on the exchanges and over-the-counter markets.

(*b*) The general securities examination or examinations shall be given in examination centers designated by the Commission. The grade or grades for successful completion shall be as determined by the Commission. Persons taking the examination or examinations may be required to pay a reasonable fee established by the Commission to defray the costs of its administration.

(*c*) An associated person who fails to complete the general securities examination successfully may not take the examination again until 30 days after initially taking it. After a second such failure, such person may not take the examination again until 60 days after taking the second examination. After a third and any subsequent such failure, such person may not take the examination again until 90 days after the third and any subsequent examinations.

(2) Such nonmember broker or dealer shall have filed with the Commission a Form SECO–2 (§ 249.502 of this chapter) with respect to each associated person before such person performs any services on behalf of such nonmember broker or dealer: *Provided, however,* That such nonmember broker or dealer shall file a Form SECO–2 (§ 249.502 of this chapter) with respect to each person who is an associated person on the date that this section becomes effective, as follows:

(i) With respect to each associated person to whom the examination requirement of subparagraph (1) of this paragraph is applicable, not later than 6 months after this section becomes effective;

(ii) With respect to each associated person to whom such examination requirement is not applicable, not later than 60 days after this section becomes effective.

(iii) Information submitted on Form SECO–2 (§ 249.502 of this chapter) shall be maintained in a nonpublic file; *Provided, however,* That it shall be available, for official use, to any official or employee of the United States or any State; and to any other person to whom the Commission authorizes disclosure in the public interest.

(3) Such nonmember broker or dealer, if registered with the Commission on June 30, 1965, shall, on or before July 31, 1965, file Form SECO–3 (§ 249.503 of this chapter) and pay to the Commission a fee to defray the costs of regulation pursuant to sections 15(b)(8) and 15(b)(9) for the fiscal year ending June 30, 1965. Such fee shall be in an amount of one hundred dollars, plus two dollars for each person who is an associated person on June 30, 1965, up to a limit of one hundred such persons, and one

[6] The term "associated person" is defined in Rule 15b8–1 (17 C.F.R. § 240.15b8–1) to mean any partner, officer, director, or branch manager of a nonmember broker or dealer (or any person occupying a similar status or performing similar functions), or any natural person directly or indirectly controlling or controlled by such nonmember broker or dealer, and shall include any employee of such nonmember broker or dealer (other than employees whose functions are clerical or ministerial) and any nonmember broker or dealer conducting business as a sole proprietor.

dollar for each such person in excess of one hundred such persons.

(b) Any nonmember broker or dealer who is a member of a national securities exchange shall be exempt from this section if (1) it carries no accounts of customers, and (2) its annual gross income derived from purchases and sales of securities otherwise than on a national securities exchange is in an amount no greater than $1,000.

(c) For purposes of this section:

(1) The term "nonmember broker or dealer" shall mean any broker or dealer, including a sole proprietor, registered under section 15 of the Act, that is not a member of a national securities association registered with the Commission under section 15A of the Act.

(2) The term "associated person" shall mean any partner, officer, director, or branch manager of a nonmember broker or dealer (or any person occupying a similar status or performing similar functions), or any natural person directly or indirectly controlling or controlled by such nonmember broker or dealer, and shall include any employee of such nonmember broker or dealer (other than employees whose functions are clerical or ministerial) and any nonmember broker or dealer conducting business as a sole proprietor.

(Secs. 15(b)(8) and 23(a), 78 Stat. 572–3, 48 Stat. 901, as amended, 15 U.S.C. 78o, 78w.)

In connection with proposed Rule 15b8–1 (17 CFR 240.15b8–1), it is proposed that Subpart F of Part 249 of Chapter II of Title 17 of the Code of Federal Regulations be amended by adding § 249.502 and § 249.503, as follows:

§ 249.502 Form SECO–2, Personnel form, to be filed by registered brokers and dealers not members of a registered national securities association, for associated persons of such brokers and dealers.

(Copies of this form can be obtained from the Securities and Exchange Commission, Washington, D.C., 20549.)

§ 249.503 Form SECO–3, Assessment and information form for registered brokers and dealers not members of a registered national securities association.

(Copies of this form can be obtained from the Securities and Exchange Commission, Washington, D.C., 20549.)

All interested persons are invited to submit their views and comments on the above proposal, in writing, to the Securities and Exchange Commission, Washington, D.C., 20549, on or before June 14, 1965. Except where it is requested that such communications not be disclosed, they will be considered available for public inspection.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

MAY 18, 1965.

[F.R. Doc. 65–5676; Filed, May 28, 1965; 8:49 a.m.]

Notices

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

OREGON

Redelegation of Materials Sale Contracting Authority (Other Than Forest Products)

Pursuant to the authority contained in section 1.1(a) of Bureau Order 701, dated July 28, 1964, the following officials are authorized to take all actions of the State Director relating to any sale or contract for the sale of materials other than forest products, or the free use of materials other than forest products, under 43 CFR 3610:

Assistant District Managers, District Offices at Burns, Coos Bay, Eugene, Medford, Roseburg, Salem and Vale, Oreg.;
Officer-in-charge, Tillamook suboffice, Tillamook, Oreg.

This authority shall not include the approval of any transaction in which the materials are valued in excess of $2,000.

GARTH H. RUDD, *Acting State Director.*

Approved: May 21, 1965.

H. R. HOCHMUTH, *Acting Director.*

[F.R. Doc. 65–5645; Filed, May 28, 1965; 8:47 a.m.]

Office of the Secretary

GEORGE F. HRUBESKY

Report of Appointment and Statement of Financial Interests

MAY 26, 1965.

Pursuant to section 302(a) of Executive Order 10647, the following information on a WOC appointee in the Department of the Interior is furnished for publication in the FEDERAL REGISTER:

Name of appointee: Mr. George F. Hrubesky.
Name of employing agency: Department of the Interior, Office of Assistant Secretary for Water and Power Development.
The title of the appointee's position: Deputy Director, Defense Electric Power Area 9.
The name of the appointee's private employer or employers: Wisconsin Public Service Corp., Green Bay, Wis.

The statement of "financial interests" for the above appointee is set forth below.

STEWART L. UDALL, *Secretary of the Interior.*

APPOINTEE'S STATEMENT OF FINANCIAL INTERESTS

In accordance with the requirements of section 302(b) of Executive Order 10647, I am filing the following statement for publication in the FEDERAL REGISTER:

(1) Names of any corporations of which I am, or had been within 60 days preceding my appointment, on April 14, 1965, as Deputy Area Director, Defense Electric Power Administration, Area No. 9, an officer or director:

None.

(2) Names of any corporations in which I own, or did own within 60 days preceding my appointment, any stocks, bonds, or other financial interests:

Wisconsin Public Service Corp.
Baldwin Lima Hamilton Corp.
The Proctor & Gamble Co.
Seaboard Finance Co.
General American Oil Co.
Consolidated Edison Co.
George Banta Publishing Co.
Contenental Mortgage Ins. Co.
Outboard Marine Co.
Emerson Radio Co.
Textron Corp.

(3) Names of any partnerships in which I am associated, or had been associated within 60 days preceding my appointment:

None.

(4) Names of any other businesses which I own, or owned within 60 days preceding my appointment:

None.

Dated: May 18, 1965.

GEORGE F. HRUBESKY.

[F.R. Doc. 65–5647; Filed, May 28, 1965; 8:47 a.m.]

DEPARTMENT OF AGRICULTURE

Office of the Secretary

ILLINOIS

Designation of Areas for Emergency Loans

For the purpose of making emergency loans pursuant to section 321 of the Consolidated Farmers Home Administration Act of 1961 (7 U.S.C. 1961), it has been determined that in the hereinafter-named counties in the State of Illinois a natural disaster has caused a need for agricultural credit not readily available from commercial banks, cooperative lending agencies, or other responsible sources.

ILLINOIS

Adams. Whiteside.
Henderson.

Pursuant to the authority set forth above, emergency loans will not be made in the above-named counties after December 31, 1966, except to applicants who previously received emergency or special livestock loan assistance and who can qualify under established policies and procedures.

Done at Washington, D.C., this 26th day of May 1965.

ORVILLE L. FREEMAN, *Secretary.*

[F.R. Doc. 65–5671; Filed, May 28, 1965; 8:48 a.m.]

WASHINGTON

Designation of Areas for Emergency Loans

For the purpose of making emergency loans pursuant to section 321 of the Consolidated Farmers Home Administration Act of 1961 (7 U.S.C. 1961), it has been determined that in the hereinafter-named counties in the State of Washington natural disasters have caused a need for agricultural credit not readily available from commercial banks, cooperative lending agencies, or other responsible sources.

WASHINGTON

Benton. Yakima.

Pursuant to the authority set forth above, emergency loans will not be made in the above-named counties after December 31, 1966, except to applicants who previously received emergency or special livestock loan assistance and who can qualify under established policies and procedures.

Done at Washington, D.C., this 26th day of May 1965.

ORVILLE L. FREEMAN, *Secretary.*

[F.R. Doc. 65–5672; Filed, May 28, 1965; 8:48 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

ENRICHED BREAD DEVIATING FROM IDENTITY STANDARDS

Notice of Issuance of Temporary Permit To Cover Marketing Tests

Pursuant to § 10.5(j) of Title 21, Code of Federal Regulations, concerning temporary permits to facilitate market testing of foods varying from the requirements of standards of identity promulgated pursuant to section 401 of the Federal Food, Drug, and Cosmetic Act, notice is given that a temporary permit has been issued to Fischer Baking Co., Newark, N.J., to cover interstate marketing tests of enriched bread deviating from the requirements of the standard of identity for such food (21 CFR 17.2). The product will deviate from the standard in that it will contain alpha-amylase derived from *Bacillus subtilis*. The labels will state "alpha-amylase derived from *B. subtilis* added to retard firming."

This permit expires May 15, 1966.

Dated: May 24, 1965.

GEO. P. LARRICK, *Commissioner of Food and Drugs.*

[F.R. Doc. 65–5674; Filed, May 28, 1965; 8:48 a.m.]

ROHM & HAAS CO.

Notice of Filing of Petition for Food Additives Acrylic Modifiers

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348(b)(5)), notice is given that a petition (FAP 5B1757) has been filed by Rohm & Hass Co., Washington Square, Philadelphia, Pa., 19105, proposing the issuance of a regulation to provide for the safe use of acrylic modifiers for semirigid and rigid polyvinyl chloride plastics intended for use in contact with food.

Dated: May 25, 1965.

MALCOLM R. STEPHENS,
Assistant Commissioner for Regulations.

[F.R. Doc. 65-5675; Filed, May 26, 1965; 8:49 a.m.]

SHELL CHEMICAL CO.

Notice of Filing of Petitions Regarding Pesticide Chemicals Aldrin and Dieldrin

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(d)(1), 68 Stat. 512; 21 U.S.C. 346a(d)(1)), notice is given that two petitions have been filed by Shell Chemical Co., 110 West 51st Street, New York 20, N.Y., the first, Pesticide Petition 5F0449, proposing decreases from 0.75 part per million or 0.25 part per million to 0.1 part per million for tolerances for residues of the insecticide aldrin in or on barley straw, broccoli, brussels sprouts, cabbage, cauliflower, cucumbers, garden beets, garden beet tops, grapefruit, lemons, lettuce, limes, oat straw, oranges, rice straw, rutabagas, rye straw, summer squash, tangerines, turnips, turnip tops, wheat straw; and the second, Pesticide Petition 5F0450, proposing decreases from 0.75 part per million or 0.25 part per million to 0.1 part per million for tolerances for residues of the insecticide dieldrin in or on apples, bananas, barley straw, broccoli, brussels sprouts, cabbage, cauliflower, cherries, cucumbers, garden beets, garden beet tops, grapefruit, lemons, lettuce, limes, oat straw, oranges, pears, pineapples, quinces, rutabagas, rye straw, summer squash, tangerines, wheat straw.

The analytical method proposed in the petitions for determining residues of aldrin and dieldrin is based on gas-liquid chromatography with an electron affinity detector.

Dated: May 19, 1965.

MALCOLM R. STEPHENS,
Assistant Commissioner for Regulations.

[F.R. Doc. 65-5701; Filed, May 26, 1965; 8:50 a.m.]

ATOMIC ENERGY COMMISSION

[Docket No. PRM-30-18]

CANRAD PRECISION INDUSTRIES, INC.

Notice of Filing of Amended Petition for Rule Making

Please take notice that Canrad Precision Industries, Inc., New York, N.Y., by letter dated May 13, 1965, has filed with the Commission an amendment to petition for rule making PRM-30-18 in which Canrad had requested amendment of the Commission's regulation, licensing of byproduct material, 10 CFR Part 30, so as to exempt from licensing certain devices and items containing tritium-luminous material. A notice of filing of petition for rule making was published in the FEDERAL REGISTER on January 29, 1965 (30 F.R. 957).

The amendment to PRM-30-18 narrows the scope of the petition for rule making and requests that the following tritium-luminous items be exempted from specific licensing: thermostats; transistor radio dials, and pointers; automobile shift quadrants; and marine compasses.

A copy of the petition for rule making, as amended, is available for public inspection in the Commission's Public Document Room at 1717 H Street NW., Washington, D.C.

Dated at Washington, D.C., this 25th day of May 1965.

For the Atomic Energy Commission.

W. B. McCOOL,
Secretary.

[F.R. Doc. 65-5656; Filed, May 28, 1965; 8:47 a.m.]

[Docket No. 50-231]

SOUTHWEST EXPERIMENTAL FAST OXIDE REACTOR

Order and Notice of Prehearing Conference

In the matter of General Electric Co., Southwest Atomic Energy Associates, Southwest Experimental Fast Oxide Reactor, Docket No. 50-231; application for Provisional construction permit.

In Fayetteville, Ark., on June 29, 1965, a hearing upon stated issues concerning the above application will be commenced. The notice of hearing which was published at 30 F.R. 7199 (May 28, 1965), described and identified certain hearing procedures and information concerning public participation therein. The Commission's rules of practice (10 CFR Part 2) and its duly published policy statements contemplate additional useful procedural steps which are now invoked.

Proceedings before Atomic Safety and Licensing Boards were discussed in the Commission's Statement of Considerations, published on December 8, 1962, at 27 F.R. 12184. Attention is invited to the discussions therein of prehearing procedures, including the prehearing conference, a step authorized by 10 CFR § 2.752. This Board finds that: A prehearing conference is appropriate to the accomplishment of the purposes of this proceeding; such a conference should be publicly conducted, upon notice and near the location of the proposed facility; a transcript record of the conference should be made[1]; and the parties should then be prepared to focus attention on the important questions involved in this proceeding so as to assist the Board members in developing that understanding of the proposed facility's technical design features which is essential to making informed judgments upon the safety issues under inquiry. Counsel for the applicants has informally expressed consent to the time and place for the prehearing conference. Accordingly,

It is ordered, This 28th day of May 1965, pursuant to 10 CFR §§ 2.721 and 2.752 that the parties or their counsel shall appear at a prehearing conference to be convened at 10 a.m. local time on Tuesday, June 8, 1965, in the Courtroom of the Washington County Courthouse, College and Center Avenues, Fayetteville, Ark., to consider:

(a) Simplification, clarification and meaningful definitions of the issues, including but not limited to a delineation of the scope of the inquiry to be made and the nature of the evidence to be offered under the several parts of Issue No. 1;

(b) Procedures to govern the prior notification and submission in evidence of written testimony and exhibits;

(c) The order and methods of presenting hearing evidence and statements on behalf of the parties and of other participants, if any;

(d) Schedules for the submission of posthearing pleadings; and

(e) Such other matters as may aid in the orderly disposition of the proceeding.

It is further ordered, That this order and notice of prehearing conference be promptly published in the FEDERAL REGISTER.

Issued: May 28, 1965, Germantown, Md.

ATOMIC SAFETY AND LICENSING BOARD,
J. D. BOND,
Chairman.

[F.R. Doc. 65-5735; Filed, May 28, 1965; 9:26 a.m.]

[1] It is emphasized that informal and off-the-record discussions are not proscribed. On the contrary, as pointed out in 10 CFR § 2.756, that method of exchanging information and achieving better understanding is expected to be employed as extensively as needed, but with a mutually shared obligation upon all participants to see that the transcript record includes statements or summaries of such nonrecord discussions as may be of procedural or substantive significance in the adjudicatory process, of which the conference is a part.

CIVIL AERONAUTICS BOARD

[Docket No. 11749]

AIRLIFT RENEWAL PROCEEDING

Notice of Prehearing Conference

Notice is hereby given that a prehearing conference on the above-entitled application is assigned to be held on June 14, 1965, at 10 a.m., e.d.s.t., in Room 911, Universal Building, Connecticut and Florida Avenues NW., Washington, D.C., before Associate Chief Examiner Thomas L. Wrenn.

Dated at Washington, D.C., May 25, 1965.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F.R. Doc. 65-5659; Filed, May 28, 1965; 8:47 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket Nos. 16023, 16024; FCC 65M-658]

GREATER ERIE BROADCASTING CO., INC., AND JAMES D. BROWNYARD

Order Scheduling Hearing

In re applications of Greater Erie Broadcasting Co., Inc., Lawrence Park, Pa., Docket No. 16023, File No. BP-14945; James D. Brownyard, North East, Pa., Docket No. 16024, File No. BP-15547; for construction permits.

It is ordered, This 24th day of May 1965, that James D. Cunningham shall serve as the presiding officer in the above-entitled proceeding; that the hearings therein shall commence at 10 a.m. on July 15, 1965; and that a prehearing conference shall be convened at 9 a.m. on June 16, 1965; *And it is further ordered*, That all proceedings shall be held in the Offices of the Commission, Washington, D.C.

Released: May 25, 1965.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 65-5660; Filed, May 28, 1965; 8:47 a.m.]

[Docket No. 15957; FCC 65M-662]

RALPH HICKS AND SOUTHWESTERN BELL TELEPHONE CO.

Order Continuing Prehearing Conference

In the matter of Ralph Hicks, complainant, v. Southwestern Bell Telephone Co., defendant, Docket No. 15957.

The Hearing Examiner having under consideration a pleading filed May 18, 1965, on behalf of National Mobile Radio System (NMRS), Intervenor, requesting an extension of time for filing opposition to the Motion to Dismiss filed May 13, 1965, by Southwestern Bell Telephone Co., Defendant, and a continuance of the prehearing conference from June 11, 1965, until July 7, 1965, and, additionally, a request for extension of time filed May 24, 1965, on behalf of the Commission's Common Carrier Bureau requesting time in which to file an opposition to Defendant's "Motion to Dismiss" and supporting said pleading filed by NMRS, and

It appearing, that good cause exists why said requests should be granted and there are no oppositions thereto,

Accordingly, it is ordered, This 24th day of May 1965, that the requests of both National Mobile Radio System and the Chief, Common Carrier Bureau, are granted and that the time for filing oppositions to the Motion to Dismiss filed by Southwestern Bell Telephone Co. on May 13, 1965, be, and the same is, extended to and including June 15, 1965, and

It is further ordered, That the prehearing conference now scheduled for June 11, 1965, be, and the same is, hereby rescheduled for July 7, 1965, at 10 a.m. in the Commission's Offices, Washington, D.C.

Released: May 25, 1965.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 65-5661; Filed, May 28, 1965; 8:47 a.m.]

[Docket Nos. 15977, 15978; FCC 65M-659]

MORGAN BROADCASTING CO. AND DICK BROADCASTING CO., INC., OF TENNESSEE

Order Continuing Hearing

In re applications of Harry J. Morgan trading as Morgan Broadcasting Co., Knoxville, Tenn., Docket No. 15977, File No. BPH-4503; Dick Broadcasting Co., Inc., of Tennessee, Knoxville, Tenn., Docket No. 15978, File No. BPH-4650; for construction permits.

It is ordered, This 24th day of May 1965, that, as a result of agreements reached on the record of a prehearing conference held this date in the above-entitled matter:

1. Exhibits shall be exchanged June 25, 1965,

2. Notification of witnesses shall occur June 30, 1965, and

3. The hearing now scheduled for June 30, 1965, is rescheduled to commence at 10 a.m., July 7, 1965, in the Commission's offices in Washington, D.C.

Released: May 25, 1965.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 65-5662; Filed, May 28, 1965; 8:47 a.m.]

[Docket Nos. 16025, 16026; FCC 65M-657]

WEBSTER COUNTY BROADCASTING CO. AND HOLMES COUNTY BROADCASTING CO. (WXTN)

Order Scheduling Hearing

In re applications of William E. Hardy and James E. Myers doing business as Webster County Broadcasting Co., Eupora, Miss., Docket No. 16025, File No. BP-16372; Marvin L. Mathis, Robin H. Mathis, Ralph C. Mathis and John B. Skelton, Jr., doing business as Holmes County Broadcasting Co. (WXTN), Lexington, Miss., Docket No. 16026, File No. BP-16601; for construction permits.

It is ordered, This 24th day of May 1965, that Millard F. French shall serve as the presiding officer in the above-entitled proceeding; that the hearings therein shall commence at 10 a.m. on July 19, 1965; and that a prehearing conference shall be convened at 9 a.m. on June 17, 1965; *and it is further ordered* That all proceedings shall be held in the Offices of the Commission, Washington, D.C.

Released: May 25, 1965.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 65-5663; Filed, May 28, 1965; 8:47 a.m.]

[Docket No. 15985; FCC 65M-663]

WHOO RADIO, INC. (WHOO)

Order Continuing Hearing

In re application of Whoo Radio, Inc. (WHOO), Orlando, Fla., Docket No. 15985, File No. BP-13708; for construction permit.

Pursuant to agreements reached at the prehearing conference held on May 24, 1965, the evidentiary hearing in the above-entitled proceeding is continued from June 23, 1965, to July 26, 1965, beginning at 10 a.m. in the offices of the Commission, Washington, D.C.

It is so ordered This the 24th day of May 1965.

Released: May 25, 1965.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 65-5664; Filed, May 28, 1965; 8:47 a.m.]

FEDERAL POWER COMMISSION

[Project No. 1880]

CALVERT CORP.

Notice of Application for Surrender of License for Earthquake Damaged Project

MAY 24, 1965.

Public notice is hereby given that application has been filed under the Federal Power Act (16 U.S.C. 791a-825r) by Calvert Corp. (correspondence to: William Calvert, Treasurer, 411 Seneca Street, Seattle 1, Wash.), for surrender of the license for Project No. 1880, known as the Hanley Lake Project, located on Hanley Lake and Hanley Creek, tributary to McClure Bay, in the District of Valdes, Alaska, and situated wholly within the Chugach National Forest.

The application for surrender states that due to the extensive damage to the

project properties during the March 27, 1964, earthquake, the Calvert Corp., licensee, has decided to abandon the project completely.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C., 20426, in accordance with the rules of practice and procedure of the Commission (18 CFR 1.8 or 1.10). The last day upon which protests or petitions may be filed is July 15, 1965. The application is on file with the Commission for public inspection.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 65-5635; Filed, May 28, 1965; 8:46 a.m.]

[Docket No. CP66-365]

EASTERN SHORE NATURAL GAS CO.

Notice of Application

MAY 24, 1965.

Take notice that on May 17, 1965, Eastern Shore Natural Gas Co. (Applicant), Post Office Box 615, Dover, Del., filed in Docket No. CP65-365 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of certain natural gas facilities for the sale of natural gas to O.A. Newton & Son Co. (Newton), all as more fully set forth in the application on file with the Commission and open to public inspection.

Specifically, Applicant proposes to tap its existing 6-inch transmission line and construct approximately 1,600 feet of 2-inch lateral to the plant of Newton. Newton will use the gas to dry grain and to produce steam for feed manufacturing.

Applicant estimates that the peak day and annual sales of gas to be sold to Newton will be 336 Mcf and 17,611 Mcf, respectively. The application states that this interruptible service will be utilized primarily in the summer and fall periods of relatively low demand for gas.

The cost of the facilities to be constructed by Applicant is estimated to be $7,000.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C., 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (157.10) on or before June 21, 1965.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no protest or petition to intervene is filed within the time required herein, and the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a protest or petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 65-5636; Filed, May 28, 1965; 8:46 a.m.]

[Project No. 2513]

GREEN MOUNTAIN POWER CORP.

Notice of Application for License for Constructed Project

MAY 24, 1965.

Public notice is hereby given that application has been filed under the Federal Power Act (16 U.S.C. 791a-825r) by Green Mountain Power Corp. (correspondence to: G. M. McKibben, President, Green Mountain Power Corp., 1 Main Street, Burlington, Vt.) for a license for constructed Project No. 2513, known as the Essex Project, located on the Winooski River, in Chittenden County, Vt., between the Towns of Essex and Williston.

The existing project consists of: (1) A concrete gravity type dam, overall length 494 feet, average height 46 feet (topped with 5-foot flashboards except for an 84-foot tip section with 6 foot 6 inch boards), and containing a 345-foot spillway section; (2) a 352 acre reservoir at elevation 275 feet; (3) headworks consisting of a 36-foot high headwall with two wing walls, and verticle sliding wood gates; (4) a 400-foot steel penstock system; (5) a powerhouse housing four turbines having a combined capacity of 8,530 hp connected to four generators having a combined capacity of 5,400 kw (equipment to be modified in 1965 will increase total turbine capacity to 11,920 hp and generating capacity to 7,200 kw); (6) an outdoor substation with a 7,500/9,375 kva transformer and about 300 feet of 34,500 volt transmission line; and (7) appurtenant electrical and mechanical facilities.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C., 20426, in accordance with the rules of practice and procedure of the Commission (18 CFR 1.8 or 1.10). The last day upon which protests or petitions may be filed is July 12, 1965. The application is on file with the Commission for public inspection.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 65-5637; Filed, May 28, 1965; 8:46 a.m.]

[Docket No. CP66-366]

MICHIGAN WISCONSIN PIPE LINE CO.

Notice of Application

MAY 24, 1965.

Take notice that on May 18, 1965, Michigan Wisconsin Pipe Line Co. (Applicant), 1 Woodward Avenue, Detroit, Mich., 48226, filed in Docket No. CP65-366 a "budget-type" application pursuant to section 7(c) of the Natural Gas Act, as implemented by § 157.7(b) of the regulations under the Act, for a certificate of public convenience and necessity authorizing the construction and operation of certain natural gas facilities, all as more fully set forth in the application on file with the Commission and open to public inspection.

Specifically, Applicant seeks authorization to construct during the 12-month period commencing July 13, 1965, and operate routine gas purchase facilities necessary to enable it to take into its certificated main pipeline system natural gas which is or will become available in the general supply area.

The application states that the facilities for which authorization is sought are required in order to maintain an adequate gas supply and to acquire gas at the most reasonable prices.

The total estimated cost of Applicant's proposed construction is not to exceed $3,000,000, with no single project expenditure to exceed $500,000, which will be financed from funds generated from operations.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C., 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (157.10) on or before June 21, 1965.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no protest or petition to intervene is filed within the time required herein, and the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a protest or petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 65-5638; Filed, May 28, 1965; 8:46 a.m.]

[Docket No. CP65-367]

MICHIGAN WISCONSIN PIPE LINE CO.

Notice of Application

MAY 24, 1965.

Take notice that on May 19, 1965, Michigan Wisconsin Pipe Line Co. (Applicant), 1 Woodward Avenue, Detroit, Mich. 48226, filed in Docket No. CP65-367 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of certain natural gas facilities, all as more fully set forth in the application on file with the Commission and open to public inspection.

Specifically, Applicant proposes to construct a 20-inch gas supply line extending from the existing terminus of its main transmission line at the Edgar G. Hill Compressor Station in Hansford County, Tex., 93 miles in a southeasterly direction to the Gageby Creek Field in Wheeler County, Tex. A gathering system, meter stations and dehydration equipment are also proposed as part of the construction program.

The application states that Applicant has entered into contracts for the purchase of all the natural gas reserves in the Gageby Creek Field, which will result in extending the deliverability life and life index of its reserves.

Applicant estimates the total cost of construction to be $5,740,000, which is to be financed from the proceeds of bank loans after the utilization of available treasury funds.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C., 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (157.10) on or before June 21, 1965.

Take further notice that pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no protest or petition to intervene is filed within the time required herein, and the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a protest or petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 65-5639; Filed, May 28, 1965; 8:46 a.m.]

[Docket No. CP65-191]

MICHIGAN WISCONSIN PIPE LINE CO.

Notice of Petition To Amend

MAY 24, 1965.

Take notice that on May 19, 1965, Michigan Wisconsin Pipe Line Co. (Petitioner), 1 Woodward Avenue, Detroit, Mich., 48226, filed in Docket No. CP65-191 a petition to amend the order of the Commission issued in said docket on March 30, 1965, which order authorized petitioner to construct and operate certain natural gas facilities in order to expand its pipeline system by approximately 75,000 Mcf per day.

By the instant filing, Petitioner seeks amendment of said order to reflect changes which have arisen, since the preparation of the application, in the maximum daily quantity of natural gas to be delivered by Petitioner to five of its customers commencing on September 1, 1965. The proposed variations from the volumes which were shown in Exhibit I of the original application are as follows:

	Mcf		
	Exhibit I	Revised	Increased or (decreased)
American Gas Co.	1,900	2,880	1,880
Keokuk Gas Service Co.	10,400	10,100	(300)
Michigan Gas & Electric Co.	50,500	51,800	1,300
North Central Public Service Co.	17,096	18,000	1,904
Wapello Light Co.	965	1,019	384

The net increase in the maximum daily quantity is 4,868 Mcf. American Gas Co. has also requested service under Petitioner's Rate Schedule SGS-1, in lieu of Rate Schedule ACQ-1 under which it now receives such service.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C., 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (157.1) on or before June 21, 1965.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 65-5640; Filed, May 28, 1965; 8:47 a.m.]

[Docket Nos. G-17370, G-17371]

MONTANA POWER CO.

Order Fixing Dates for Prehearing Conference and Formal Hearing

MAY 24, 1965.

On February 10, 1965, a notice of application by The Montana Power Co. (Applicant) was issued herein.

The notice recited the fact that on January 25, 1965, The Montana Power Co. (Applicant), Butte, Mont., filed in Docket No. G-17371 an application to amend the order of the Commission issued in said docket August 5, 1960, and amended November 20, 1961, which order and amendment authorized Applicant to import natural gas from Canada at an average daily rate of 30,000 Mcf. On the same date, Applicant filed in Docket No. G-17370 an application to amend the Presidential Permit issued in said docket August 5, 1960, and amended November 20, 1961, which permit authorized the construction, operation, maintenance, and connection of facilities at the international boundary between the United States and Canada for the importation of natural gas authorized in Docket No. G-17371.

In the present application, Applicant seeks further amendment of the order issued August 5, 1960, in Docket No. G-17371 by requesting authorization to import natural gas at an average rate of 20,000 Mcf per day in addition to the average daily rate of 30,000 Mcf presently authorized. Applicant proposes to import the additional gas at an average rate of 10,000 Mcf per day commencing on or about November 1, 1966, and another 10,000 Mcf per day on November 1, 1967.

Applicant also seeks amendment of the Presidential Permit issued in Docket No. G-17370 by requesting authorization to maintain and operate the facilities authorized therein for the importation of the additional volumes of natural gas described above.

A petition to intervene was filed on March 8, 1965, by the Independent Petroleum Association of America.

On April 6, 1965, counsel for the Applicant addressed a letter to the Secretary of the Commission requesting that a prehearing conference be called pursuant to § 1.18 of the Commission's rules of practice and procedure in order to expedite the hearing.

The Commission orders:

(A) A public hearing on the issues presented by the application in the above-entitled cases will be held in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D.C., commencing at 10 a.m., e.d.s.t., on July 12, 1965.

(B) Persons who intend to present evidence, including the applicant, intervener, and the Commission's staff, shall file with the Commission and serve on all parties and the staff on or before June 18, 1965, the proposed evidence comprising their cases in chief, including prepared testimony of witnesses and exhibits. Dates for filing further testimony and exhibits will be fixed by the examiner. The Applicant need not duplicate exhibits filed with its application, but such exhibits should be brought up to date and corrected by supplements.

(C) A prehearing conference shall be held on June 28, 1965, before a hearing examiner of the Commission to be designated by the Chief Examiner in order to consider the means by which the conduct of the hearing may be facilitated and in order to determine further procedures.

By the Commission.

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 65-5641; Filed, May 28, 1965; 8:47 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 70-4279]

KINGSPORT POWER CO.

Notice of Proposed Issuance of Notes to Banks

MAY 25, 1965.

Notice is hereby given that Kingsport Power Co. ("Kingsport"), 40 Franklin Road, Roanoke, Va., a Virginia corporation and a public-utility subsidiary company of American Electric Power Co., Inc., a registered holding company, has filed a declaration with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating sections 6(a) and 7 thereof as applicable to the proposed transactions. All interested persons are referred to the

declaration, on file at the office of the Commission, for a statement of the transactions therein proposed which are summarized below.

Pursuant to a bank loan agreement entered into by Kingsport with two commercial banks, Kingsport proposes to borrow an aggregate of $7,000,000, to be evidenced by its unsecured notes. The notes will be issued and sold to Manufacturers Hanover Trust Co., New York, N.Y., and Morgan Guaranty Trust Co. of New York in the principal amounts of $4,900,000 and $2,100,000, respectively; will mature on July 1, 1972; and will bear interest at an annual rate equal to the prime commercial loan rate (presently 4½ percent) in effect from time to time during the life of the notes, plus ¼ of 1 percent; provided, that the effective interest rate on the notes shall at no time exceed 5¼ percent or be less than 4¼ percent per annum. The notes may be prepaid at any time without premium, exceed that if prepaid from the proceeds of borrowings from banking institutions at a rate of interest equal to or less than the then applicable rate of interest on the notes to be prepaid, a premium of ¼ of 1 percent per annum of the principal amount of notes prepaid, from the date of prepayment to and including July 1, 1972, shall be payable. The loan agreement provides that, so long as any of the proposed notes are outstanding, Kingsport will not create or permit to exist any mortgage upon its property, or incur any other indebtedness for borrowed money, if, after application of the proceeds, its total indebtedness for borrowed money shall exceed the lesser of (a) 65 percent of Kingsport's total capitalization and surplus or (b) $11,000,000.

Kingsport will use the proceeds from the sale of the notes (a) to pay at maturity (July 1, 1965) its presently outstanding $5,000,000 principal amount of long-term notes held by said banks; (b) to prepay its short-term notes, also held by said banks, presently outstanding in the amount of $1,600,000; and (c) to provide funds to finance, in part, its 1965 construction program, estimated to cost approximately $1,300,000.

Fees and expenses to be incurred in connection with the proposed transactions are estimated not to exceed $500. The filing states that the proposed transactions will be expressly authorized by the Tennessee Public Service Commission, in which State Kingsport is doing business, and that a copy of the order of that commission will be filed by amendment. It is further stated that no other State commission, and no Federal commission other than this Commission, has jurisdiction over the proposed transactions.

Notice is further given that any interested person may, not later than June 18, 1965, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said declaration which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C., 20549. A copy of such request should be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon the declarant at the above-stated address, and proof of service (by affidavit or, in the case of an attorney at law, by certificate) should be filed contemporaneously with the request. At any time after said date the declaration, as filed or as it may be amended, may be permitted to become effective as provided in Rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 65-5633; Filed, May 26, 1965; 8:46 a.m.]

[File No. 811-1233]

RESEARCH CAPITAL CORP.

Notice of Application for Order Declaring That Company Has Ceased To Be an Investment Company

MAY 25, 1965.

Notice is hereby given that an application has been filed pursuant to section 8(f) of the Investment Company Act of 1940 ("Act") for an order of the Commission declaring that Research Capital Corp. ("applicant"), 2909 Bay To Bay, Tampa, Fla., a Florida corporation and a registered closed-end nondiversified management investment company, has ceased to be an investment company by reason of the exception contained in section 3(c)(1) of the Act. All interested persons are referred to the application on file with the Commission for a complete statement of applicant's representations, which are summarized below.

On September 3, 1963, applicant filed a registration statement on Form N-5 and proposed to make a public offering of its stock. Because of the applicant's inability to register properly its stock within the time prescribed by the proposed underwriters, the underwriters have declined to underwrite the offering. In view of this fact and the present circumstances of the applicant, the applicant represents that it does not presently propose to make a public offering of its securities. Applicant's outstanding securities are beneficially owned by not more than 25 individuals.

Notice is further given that any interested person may, not later than June 21, 1965, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C., 20549. A copy of such request shall be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon applicant. Proof of such service (by affidavit or in case of an attorney-at-law by certificate) shall be filed contemporaneously with the request. At any time after said date, as provided by Rule 0-5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the showing contained in said application, unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 65-5634; Filed, May 26, 1965; 8:46 a.m.]

SMALL BUSINESS ADMINISTRATION

[Delegation of Authority No. 30 (Cleveland, Ohio) Region]

CLEVELAND REGIONAL AREA

Delegation of Authority To Conduct Program Activities

I. Pursuant to the authority delegated to the Regional Director by Delegation of Authority No. 30, Cleveland, Ohio, 30 F.R. 3254, the following authority is hereby redelegated to the specific positions as indicated herein:

A. Size determinations (delegated to the positions as indicated below): To make initial size determinations in all cases within the meaning of the Small Business size standards regulations, as amended, and further, to make product classification decisions for financial assistance purposes only. Product classification decisions for procurement purposes are made by contracting officers.

B. Eligibility determinations (delegated to the positions as indicated below): To determine eligibility of applicants for assistance under any program of the Agency in accordance with Small Business Administration standards and policies.

C. Chief, Financial Assistance Division (and Assistant Chief, if assigned):

1. Item I.A. (size determinations for financial assistance only).

2. Item I.B. (eligibility determinations for financial assistance only).

3. To approve the following:

a. Business and disaster loans not exceeding $350,000 (SBA share).

b. Section 502 loans—direct $50,000 and participation loans where the bank's share is 10 percent or more—$100,000.

4. Decline loan applications in the categories described in Item I.C.3.b., above.

5. To decline business and disaster loans of any amount.

6. To disburse unsecured disaster loans.

7. To enter into business and disaster loan participation agreements with banks.

8. To execute loan authorizations for Washington approved loans and loans approved under delegated authority, said execution to read as follows:

(Name), *Administrator.*
By ----------
(Name)
(Title of person signing)

9. To cancel, reinstate, modify and amend authorizations for business or disaster loans.

10. To extend the disbursement period on all loan authorizations or undisbursed portions of loans.

11. To approve, when requested, in advance of disbursement, conformed copies of notes and other closing documents; and certify to the participating bank that such documents are in compliance with the participation authorization.

12. To approve service charges by participating bank not to exceed 2 percent per annum on the outstanding balance on construction loans and loans involving accounts receivable and inventory financing.

13. To take all necessary actions in connection with the administration, servicing, collection, and liquidation of all loans and other obligations or assets, including collateral purchased; and to do and to perform and to assent to the doing and performance of, all and every act and thing requisite and proper to effectuate the granted powers, including without limiting the generality of the foregoing:

a. The assignment, endorsement, transfer and delivery (but in all cases without representation, recourse or warranty) of notes, claims, bonds, debentures, mortgages, deeds of trust, contracts, patents, and applications therefor, licenses, certificates of stock and of deposit, and any other liens, powers, rights, charges on, and interest in or to property of any kind, legal and equitable, now or hereafter held by the Small Business Administration or its Administrator;

b. The execution and delivery of contracts of sale or of lease or sublease, quitclaim, bargain and sale or special warranty deeds, bills of sale, leases, subleases, assignments, subordinations, releases (in whole or in part) of liens, satisfaction pieces, affidavits, proofs of claim in bankruptcy, or other estates and such other instruments in writing as may be appropriate and necessary to effectuate the foregoing;

c. The approval of bank applications for use of liquidity privilege under the loan guaranty plan.

D. Chief, Loan Processing and Administration Section:

1. To approve amendments and modifications of loan conditions for loans that have been fully disbursed.

2. Items I.C. 3. and 4.

3. To decline business and disaster loans of any amount.

4. Items I.C. 7. and 11.

5. Item I.C.13.—only the authority for servicing, administration, and collection, including subitems a. and b.

6. Item I.A. (size determinations for financial assistance only.)

7. Item I.B. (eligibility determinations for financial assistance only).

E. Chief, Loan Liquidation Section: Item I.C.13.—only the authority for liquidation, including collateral purchased, and subitems a. and b.

F. [Reserved]

G. [Reserved]

H. Chief, Procurement and Management Assistance:

1. Item I.A. (size determinations on PMA activities only).

2. Item I.B. (eligibility determinations on PMA activities only).

I. Regional Counsel: To disburse approved loans.

J. Administrative Assistant:

1. To purchase reproductions of loan documents, chargeable to the revolving fund, requested by U.S. Attorney in foreclosure cases.

2. To (a) purchase all office supplies and expendable equipment, including all desk-top items, and regular office equipment; (b) contract for repair and maintenance of equipment and furnishings; (c) contract for services required in setting up and dismantling and moving SBA exhibits and (d) issue Government bills of lading.

3. In connection with the establishment of Disaster Loan Offices, to (a) obligate Small Business Administration to reimburse General Services Administration for the rental of office space; (b) rent office equipment; and (3) procure (without dollar limitation) emergency supplies and materials.

4. To rent motor vehicles from the General Services Administration and to rent garage space for the storage of such vehicles when not furnished by this Administration.

II. The authority delegated herein cannot be redelegated.

III. The authority delegated herein to a specific position may be exercised by any SBA employee designated as acting in that position.

IV. All previously delegated authority is hereby rescinded without prejudice to actions taken under such delegations of authority prior to the date hereof.

Effective date: April 14, 1965.

HENRY P. KOSLING, *Regional Director, Cleveland, Ohio.*

[F.R. Doc. 65-5625; Filed, May 28, 1965; 8:45 a.m.]

[Declaration of Disaster Area 529]

SOUTH DAKOTA

Declaration of Disaster Area

Whereas, it has been reported that during the month of May 1965, because of the effects of certain disasters, damage resulted to residences and business property located in Lawrence and Meade Counties in the State of South Dakota;

Whereas, the Small Business Administration has investigated and has received other reports of investigations of conditions in the areas affected;

Whereas, after reading and evaluating reports of such conditions, I find that the conditions in such areas constitute a catastrophe within the purview of the Small Business Act, as amended.

Now, therefore, as Executive Administrator of the Small Business Administration, I hereby determine that:

1. Applications for disaster loans under the provisions of section 7(b)(1) of the Small Business Act, as amended, may be received and considered by the Offices below indicated from persons or firms whose property, situated in the aforesaid Counties and areas adjacent thereto, suffered damage or destruction resulting from floods and accompanying conditions occurring on or about May 14, 1965.

Office—Small Business Administration Regional Office, 109½ North Main Avenue, Sioux Falls, S. Dak., 57102.

2. Temporary offices will be established as are necessary, addresses to be announced locally.

3. Applications for disaster loans under the authority of this Declaration will not be accepted subsequent to November 30, 1965.

Dated: May 17, 1965.

ROSS D. DAVIS, *Executive Administrator.*

[F.R. Doc. 65-5626; Filed, May 28, 1965; 8:45 a.m.]

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATIONS FOR RELIEF

MAY 26, 1965.

Protests to the granting of an application must be prepared in accordance with Rule 1.40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 39804—*Joint motor-rail rates—Eastern Central.* Filed by The Eastern Central Motor Carriers Association, Inc., agent (No. 342), for interested carriers. Rates on commodities moving on class and commodity rates over joint routes of applicant rail and motor carriers, between points in southwestern territory, on the one hand, and points in middle Atlantic and New England territories, on the other.

Grounds for relief—Motor-truck competition.

Tariff—17th revised page 118-A to Eastern Central Motor Carriers Association, Inc., agent, tariff MF-I.C.C. A-230.

FSA No. 39805—*Joint motor-rail rates—Central States.* Filed by Central States Motor Freight Bureau, Inc., agent (No. 92), for interested carriers. Rates on commodities moving on class and commodity rates over joint routes of applicant rail and motor carriers, between points in Central States territory.

Grounds for relief—Motor-truck competition.

Tariff—Supplement 4 to Central States Motor Freight Bureau, Inc., agent, tariff MF-I.C.C. 1120.

FSA No. 39806—*Liquid caustic soda to Louisville, Ky., and Jeffersonville, Ind.* Filed by O. W. South, Jr., agent (No. A4697), for interested rail carriers. Rates on liquid caustic soda, in tank carloads, from Redstone Arsenal, Ala., Calvert, Ky., and Memphis, Tenn., to Louisville, Ky., also to Jeffersonville, Ind., from Calvert, Ky.

Grounds for relief—Market competition.

Tariffs—Supplements 191 and 32 to Southern Freight Association, agent, tariffs I.C.C. S–194 and S–484, respectively.

By the Commission.

[SEAL] BERTHA F. ARMES, *Acting Secretary.*

[F.R. Doc. 65–5651; Filed, May 28, 1965; 8:47 a.m.]

[Disaster Order 9; Amdt. 6]

CALIFORNIA WESTERN RAILROAD ET AL.

Reduced Rates; Extension of Expiration Date

In the matter of relief under section 22 of the Interstate Commerce Act.

The California Western Railroad, the Northwestern Pacific Railroad Co. and the Southern Pacific Co., by separate letters, each dated May 20, 1965, request that the expiration date in Disaster Order No. 9, and in Amendments Nos. 1, 2, 3, and 4 thereto, entered January 21 and 28, February 11 and 12, and March 3, 1965, respectively, which was extended to May 31, 1965 by Amendment No. 5 dated April 8, 1965, to Disaster Order No. 9, issued under authority of section 22 of the Interstate Commerce Act, be further extended to June 16, 1965, and good cause appearing:

It is ordered, That the expiration date of April 21, 1965, appearing in Disaster Order No. 9, and Amendments Nos. 1, 2, 3, and 4, thereto, which was extended to and including May 31, 1965 by Amendment No. 5, be, and it is hereby further postponed to June 16, 1965.

It is further ordered, That carriers and their agents who have published tariff provisions under authority of Disaster Order No. 9 and as amended, which are subject to the expiration date of May 31, 1965, be, and they are hereby authorized to extend such expiration date to June 16, 1965, effective upon not less than one day's notice.

It is further ordered, That in all other respects, Disaster Order No. 9, as amended, shall remain in full force and effect.

And it is further ordered, That notice to the affected railroads and the general public shall be given by depositing a copy of this order in the Office of the Secretary of the Commission and by filing one copy with the Director, Office of the Federal Register; and that copies be mailed to the Chairman of the Traffic Executive Association-Eastern Railroads, New York, N.Y., the Chairman of the Southern Freight Association, Atlanta, Ga., the Chairman of the Executive Committee, Western Railroad Traffic Association, Chicago, Ill., the Vice-President and Director, Bureau of Railway Economics, Association of American Railroads, Washington, D.C., and to the President of the American Short Line Association, Washington, D.C.

Dated at Washington, D.C., this 25th day of May A.D. 1965.

By the Commission, Chairman Webb.

[SEAL] BERTHA F. ARMES, *Acting Secretary.*

[F.R. Doc. 65–5652; Filed, May 28, 1965; 8:47 a.m.]

[Notice 1162]

MOTOR CARRIER TRANSFER PROCEEDINGS

MAY 26, 1965.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 179), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC–FC–67674. By order of May 21, 1965, the Transfer Board approved the transfer to Alva Dean Banks, doing business as Banks Moving & Storage, 984 West Morgan, Marshall, Mo., of the operating rights in Certificates Nos. MC–61664 and MC–61664 (Sub-No. 1), issued February 27, 1941, and August 3, 1951, respectively, to Earl J. Banks, 251 South Davis, Marshall, Mo., authorizing the transportation, over regular routes, of livestock, between Marshall, Mo., and East St. Louis, Ill., and between Marshall, Mo., and Kansas City, Kans., and over irregular routes, of household goods, between Marshall, Mo., and points within 30 miles of Marshall, on the one hand, and, on the other, points in Arkansas, Oklahoma, Kansas, Nebraska, Iowa, and Illinois within 300 miles of Marshall.

No. MC–FC–67843. By order of May 21, 1965, the Transfer Board approved the transfer to Okanogan-Seattle Transport Co., Inc., Okanogan, Wash., of the operating rights in Certificate No. MC–70903 issued March 1, 1954 to R. N. Jaquish, doing business as Okanogan-Seattle Transport, Okanogan, Wash., authorizing the transportation, over regular and irregular routes, of: General commodities, with the usual exceptions, between points in Washington, and household goods, as defined by the Commission, between points in Washington, and mine ores and concentrates, between specified points in Washington and Idaho.

No. MC–FC–67845. By order of May 21, 1965, the Transfer Board approved the transfer to M. L. Stephenson, doing business as M. L. Stephenson Trucking, Cleveland, Tenn., of the operating rights in Permits Nos. MC–126031 (Sub-No. 1) and MC–126031 (Sub-No. 2) issued by the Commission January 22, 1965 and November 17, 1964, respectively, to Hubert L. Murray, Ooltewah, Tenn., authorizing the transportation, over irregular routes, of: Animal and poultry feeds, dry fertilizer, creosoted posts, between specified points and areas in Georgia, Tennessee, and Alabama. Robert E. Born, 1600 First National Bank Building, Atlanta, Ga., 30303, attorney for applicants.

[SEAL] BERTHA F. ARMES, *Acting Secretary.*

[F.R. Doc. 65–5653; Filed, May 28, 1965; 8:47 a.m.]

CUMULATIVE LIST OF CFR PARTS AFFECTED—MAY

The following numerical guide is a list of the parts of each title of the Code of Federal Regulations affected by documents published to date during May.

3 CFR — Page

PROCLAMATIONS:
1713 (superseded in part by Proc. 3656) 6571
3172 (superseded by Proc. 3655) 6467
3399 (superseded by Proc. 3655) 6467
3655 6467
3656 6571
3657 6835
EXECUTIVE ORDER:
Apr. 19, 1892 (revoked in part by PLO 3656) 6437
March 23, 1912 (revoked in part by PLO 3659) 7101
June 13, 1925 (revoked in part by PLO 3658) 7101
823 (see EO 11220) 6425
10358 (amended by EO 11226) 7213
10530 (revoked in part by EO 11222) 6469
10784 (superseded by EO 11223) 6635
10845 (superseded by EO 11223) 6635
10939 (revoked by EO 11222) 6469
11071 (superseded in part by EO 11224) 6679
11125 (revoked by EO 11222) 6469
11126 (amended by EO 11221) 6427
11219 6381
11220 6425
11221 6427
11222 6469
11223 6635
11224 6679
11225 7093
11226 7213
PRESIDENTIAL DOCUMENTS OTHER THAN PROCLAMATIONS AND EXECUTIVE ORDERS:
Memorandum of July 20, 1961 (revoked by EO 11222) 6469
Memorandum of May 2, 1963 (revoked by EO 11222) 6469
Reorganization Plan No. 1 of 1965 7035
Determination of May 22, 1965 7095

4 CFR
52 6429

5 CFR
213 6215, 6241, 6337, 6478, 6637, 6765, 6857, 6903, 6939, 6975, 7153, 7245.
332 6337
591 6511

6 CFR
73 6573

7 CFR
27 7239
28 6637, 7239
29 6573
51 6711
54 6207
55 6141, 6207
56 6207
58 6637
70 6207
81 6207, 7239
210 6207, 6479
301 6243, 6245, 6770
354 6429
362 6857
707 6246
717 6144
719 6511, 6975
722 6712, 7185
724 6144, 6146, 6207
728 7097
842 6338
862 6247
863 6248
864 6248
876 7186
905 6638, 6770
908 6148, 6429, 6681, 6771, 6939, 7037, 7240
909 6430
910 6148, 6430, 6479, 6681, 6712, 6939, 6975, 7240.
915 7240
916 7242, 7243
917 6903–6905
918 6431, 6858
944 6638, 7244
959 7037
965 6338
970 6479
989 6905
1002 6639
1008 6976
1138 6573
1421 6338, 6511, 6681
1425 6907, 7037
1434 7097
1468 6383
1472 6383
1475 6999
1483 6771, 6976
1485 6910
1487 6639
1488 6249
1602 6859
PROPOSED RULES:
28 6255
31 6350
33 6782
51 6658
70 6395
777 6686
778 7043
Ch. IX 6355, 6438, 6523, 6917
905 6983
930 6255
993 6782, 7195
1004 6947, 7195, 7249
1008 6659
1040 6163
1042 6163
1097 6534
1102 6534
1108 6534
1138 6538

8 CFR
214 6479, 6940
231 6776
251 6778
332a 6940
336 6940
499 6940

9 CFR
318 6731
PROPOSED RULES:
201 6360

10 CFR
30 6575

12 CFR
12 6160
204 6339
206 6731
543 7037
561 6517, 6915
563 7039
PROPOSED RULES:
261 6275
262 6275
563 6544

13 CFR
121 6778

14 CFR
13 7222
39 6150, 6431, 6577, 6639, 6640, 6837, 6940, 6976, 7098, 7182.
61 6577
71 6150, 6215, 6241, 6384–6387, 6478, 6577–6579, 6640–6642, 6682, 6765, 6838, 6914, 6915, 6940, 6977, 6978, 7098, 7099, 7182–7184, 7224.
73 6242, 6387, 6388, 6978, 7100, 7225
75 6150, 6241, 6242, 6432, 6642, 6915, 7099, 7100.
77 6713
91 6388
95 6766
97 6151, 6329, 6714, 6839, 7225
99 6242
121 6432, 6725
127 6432
165 7184
PROPOSED RULES:
1 6921
39 6188, 6274
67 6188
71 6189, 6225, 6397, 6399, 6400, 6402, 6443, 6588, 6589, 6735, 6736, 6793–6795, 6872, 6922–6924, 6984–6986, 7045, 7110–7112, 7196.
73 6402, 6444, 6736, 7251
75 6443, 6924, 7112
91 6541, 6921
129 6541
241 7251
399 6650

15 CFR
4 7245
201 6748

16 CFR
PROPOSED RULES:
303 6275

17 CFR — Page

18 — 6941
240 — 6642
PROPOSED RULES:
240 — 7253
249 — 7253

18 CFR

157 — 6518

19 CFR

10 — 6149
14 — 7187
PROPOSED RULES:
Ch. I — 7108
13 — 6686

20 CFR

601 — 6941
604 — 7039

21 CFR

121 — 6215, 6339, 6389, 6433, 6477, 6478, 6579, 6643, 6732, 6837, 6915, 7238.
130 — 6979
133 — 6475
141a — 6979, 7040
141c — 6980
144 — 6389
146a — 6979, 7040
146c — 6980
148 — 7041
148p — 6980
PROPOSED RULES:
8 — 6490, 6733–6735
120 — 7249
121 — 6588, 6689
125 — 6984
141a — 6795

24 CFR

203 — 6982
220 — 7102

25 CFR

131 — 6579
221 — 7101
PROPOSED RULES:
1 — 6438
221 — 6523

26 CFR

1 — 6216, 6340, 6480
170 — 6769
250 — 6217
PROPOSED RULES:
1 — 6222, 6349, 6486, 6488
31 — 6222
301 — 6222

28 CFR

0 — 7245

29 CFR

50 — 6249
604 — 6218
606 — 6218
690 — 6482
PROPOSED RULES:
657 — 6224
697 — 6225
1501 — 6397
1502 — 6397
1503 — 6397

32 CFR

1 — 6965
2 — 6967

32 CFR—Continued — Page

3 — 6967
5 — 6968
7 — 6968
9 — 6968
13 — 6973
15 — 6973
102 — 6942
163 — 6161
175 — 6682
180 — 6682
516 — 6341
815 — 6343
882 — 6343
903 — 7188
1001 — 7188
1003 — 7189
1004 — 7190
1005 — 7190
1006 — 7190
1007 — 7191
1010 — 7191
1013 — 7191
1016 — 7191
1030 — 7191
1053 — 7192
1054 — 7192

33 CFR

80 — 6433
82 — 6434
86 — 6434
95 — 6434
135 — 6434
203 — 6161, 6388
204 — 6643
205 — 6644
207 — 6161, 6644
401 — 6580

36 CFR

2 — 6682
7 — 6861
211 — 6345
261 — 6982
311 — 6161
502 — 6482
PROPOSED RULES:
7 — 7108

37 CFR

1 — 6391, 6644
3 — 6644
PROPOSED RULES:
1 — 7195
2 — 6687
4 — 6687

38 CFR

1 — 6435
2 — 6392
3 — 6649
14 — 6392

39 CFR

4 — 6436
36 — 6436
37 — 6436
43 — 6436

41 CFR

1–3 — 6581
1–12 — 7192
1–16 — 7194
4–2 — 6943
4–3 — 6943
4–5 — 6943
4–16 — 6944

41 CFR—Continued — Page

5–8 — 7246
5–53 — 7246
5–60 — 6837
6–1 — 7246
6–2 — 7247
6–3 — 7247
8–1 — 7041
8–19 — 7041
9–1 — 6483, 6519
9–3 — 6683
9–4 — 6519
9–6 — 6519
9–7 — 6519
9–8 — 6585
9–9 — 6684
9–54 — 6684
101–5 — 6684
101–44 — 6649

42 CFR

57 — 6944
PROPOSED RULES:
73 — 6795

43 CFR

PUBLIC LAND ORDERS:
3638 — 6585
3655 — 6392
3656 — 6437
3657 — 6586
3658 — 7101
3659 — 7101
3660 — 7101

45 CFR

130 — 6393

46 CFR

25 — 6517
137 — 6713
287 — 7215
528 — 7102
536 — 7138

47 CFR

0 — 6250, 6778
1 — 6778, 6780
2 — 6219, 6388, 7102, 7105, 7153
15 — 6250
21 — 7170
25 — 6862, 7170
73 — 6251, 6519, 6520, 6869, 7106
83 — 6778
87 — 7105
PROPOSED RULES:
2 — 6226
15 — 6541, 6689
73 — 6274, 6275, 6543, 6590, 6651, 6947, 7113, 7197.

49 CFR

1 — 6485
95 — 6220
97 — 6394
141 — 6162
170 — 7248
PROPOSED RULES:
176 — 7252

50 CFR

26 — 6587
28 — 7106
33 — 6344, 6521, 6587, 6871
60 — 6149
PROPOSED RULES:
32 — 6224, 7249
260 — 7042

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JUN 11 1965
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VOLUME 30 • NUMBERS 1–104

List of CFR Sections Affected

(Codification Guide)



January–May
1965

Includes U.S.C.-CFR
Table of Authorities (see last page)

36-000—65——1

LIST OF CFR SECTIONS AFFECTED

(The Codification Guide)

The List of CFR Sections Affected is published monthly on a cumulative basis. It lists by number the titles, parts, and sections of the Code of *Federal Regulations* amended or otherwise affected by documents published in the *Federal Register* since January 1, 1965. Entries indicate the nature of changes effected. Proposed rules are listed at the end of appropriate titles.

Daily numerical guides listing parts affected are carried following the Contents of each issue of the *Federal Register*, and within-the-month cumulations appear at the end of each issue.

A subject Index to the daily *Federal Register* is published separately, covering the contents of the *Federal Register* as follows: Monthly for the months of January, February, April, May, July, August, October, November, and December; quarterly for the quarters ending in March, June, and September; and annually for the calendar year.

LIST OF CFR SECTIONS AFFECTED

(Cumulative Codification Guide)

1 CFR — Page

Chapter I:
Appendix B amended ... 1727
Appendix A revised ... 3102

2 CFR

U.S.C.-CFR parallel table (see last page of this list).

3 CFR

Proclamations:
1713
Superseded in part by Proc. 3656 ... 6572
3172
Superseded by Proc. 3655 ... 6467
3298
Amended by Proc. 3637 ... 1973
3399
Superseded by Proc. 3655 ... 6467
3423
Corrected by PLO 3576 ... 4476
3633 ... 431
3634 ... 1105
3635 ... 1107
3636 ... 1109
3637 ... 1973
3638 ... 2839
3639 ... 2841
3640 ... 2843
3641 ... 2759
3642 ... 2919
3643 ... 3509
3644 ... 3511
3645 ... 3739
3646 ... 4045
3647 ... 4047
3648 ... 4049
3649 ... 4307
3650 ... 4309
3651 ... 4525
3652 ... 5415
3653 ... 5417
3654 ... 6109
3655 ... 6467
3656 ... 6571
3657 ... 6835

Executive orders:
Dec. 9, 1852
Revoked in part by PLO 3544 ... 2215
March 3, 1854
Revoked in part by PLO 3630 ... 5482
April 19, 1892
Revoked in part by PLO 3656 ... 6437
May 4, 1907
Revoked in part by PLO 3594 ... 4542
July 2, 1910
Revoked in part by PLO 3528 ... 885
Revoked in part by PLO 3616 ... 5378
Dec. 19, 1910
Modified by PLO 3596 ... 4542
Aug. 30, 1911
Revoked in part by PLO 3540 ... 2214
March 23, 1912
Revoked in part by PLO 3659 ... 7101
Jan. 24, 1914
Revoked in part by PLO 3569 ... 4253
Mar. 21, 1914
Revoked in part by PLO 3535 ... 2213
May 4, 1914
Revoked in part by PLO 3599 ... 4678
Nov. 24, 1916
Revoked in part by PLO 3528 ... 885
Feb. 6, 1917
Revoked in part by PLO 3545 ... 2261

3 CFR—Continued — Page

Executive orders—Continued
May 17, 1917
Modified by PLO 3596 ... 4542
July 10, 1919
Revoked in part by PLO 3535 ... 2213
Jan. 26, 1920
Revoked in part by PLO 3535 ... 2213
May 3, 1922
Revoked in part by PLO 3535 ... 2213
June 13, 1925
Revoked in part by PLO 3658 ... 7101
April 17, 1926
Revoked in part by PLO 3535 ... 2213
Revoked in part by PLO 3591 ... 4541
Revoked in part by PLO 3599 ... 4678
Revoked in part by PLO 3604 ... 4717
June 17, 1935
Revoked by PLO 3623 ... 5480
823
See EO 11220 ... 6425
1747
Revoked by PLO 3539 ... 2214
1956
Revoked by PLO 3542 ... 2215
2216
Revoked in part by PLO 3532 ... 1288
2347
Revoked by PLO 3572 ... 4254
3406
Revoked in part by PLO 3590 ... 4541
4710
Revoked by PLO 3602 ... 4679
5182
Revoked in part by PLO 3601 ... 4679
5289
Revoked in part by PLO 3571 ... 4254
5327
See PLO 3573 ... 4254
5352
Revoked by PLO 3602 ... 4679
5447
Revoked by PLO 3519 ... 7
5786
Revoked by EO 11199 ... 2579
6039
Revoked in part by PLO 3592 ... 4541
6143
Revoked in part by PLO 3599 ... 4541
7425
Revoked in part by PLO 3657 ... 6586
8647
Revoked in part by PLO 3522 ... 443
8977
Revoked by EO 11215 ... 4662
10358
Amended by EO 11226 ... 7213
10530
Superseded in part by EO 11196 ... 1171
Revoked in part by EO 11222 ... 6473
10573
Superseded by EO 11196 ... 1171
10729
Revoked by EO 11205 ... 3513
10784
Superseded by EO 11223 ... 6636
10845
Superseded by EO 11223 ... 6636
10852
Superseded by EO 11196 ... 1171
10939
Revoked by EO 11222 ... 6473
11017
Amended by EO 11218 ... 5831

3 CFR—Continued — Page

Executive orders—Continued
11052
Amended by EO 11214 ... 4527
11071
Superseded in part by EO 11224 ... 6680
11112
Revoked by EO 11208 ... 3927
11124
Revoked by EO 11208 ... 3927
11125
Revoked by EO 11222 ... 6473
11126
Amended by EO 11221 ... 6427
11175
See EO 11198 ... 1929
11176
Superseded by EO 11213 ... 4389
11184
Superseded in part by EO 11196 ... 1171
11186
Revoked by EO 11209 ... 3930
11189
Amended by EO 11195 ... 1169
11191 ... 29
11192 ... 521
11193 ... 821
11194 ... 877
11195 ... 1169
11196 ... 1171
11197 ... 1721
11198 ... 1929
11199 ... 2579
11200 ... 2645
11201 ... 2921
11202 ... 3185
11203 ... 3417
11204 ... 3419
11205 ... 3513
11206 ... 3741
11207 ... 3743
11208 ... 3927
11209 ... 3929
11210 ... 4051
11211 ... 4385
11212 ... 4387
11213 ... 4389
11214 ... 4527
11215 ... 4661
11216 ... 5817
11217 ... 5819
11218 ... 5821
11219 ... 6381
11220 ... 6425
11221 ... 6427
11222 ... 6469
11223 ... 6635
11224 ... 6679
11225 ... 7093
11226 ... 7213

Presidential documents other than Proclamations and Executive orders:
Memorandum of July 20, 1961
Revoked by EO 11222 ... 6473
Memorandum of May 2, 1963
Revoked by EO 11222 ... 6473
Notice of Oct. 21, 1963
Supplemented by Notice of Feb. 18, 1965 ... 2301
Memorandum of Feb. 1, 1965 ... 1725

3 CFR—Continued — Page

Presidential documents other than Proclamations and Executive orders—Continued
- Memorandum of Feb. 16, 1965 — 2517
- Statement of Feb. 16, 1965 — 2519
- Notice of Feb. 18, 1965 — 2301
- Reorganization Plan No. 1 of 1965 — 7035
- Determination of May 22, 1965 — 7095

4 CFR

Chapter I:
- 52.26b
  - Added — 6429

5 CFR

Chapter I:
- 213.3101
  - (b) revised — 1029
- 213.3102
  - (j) revoked — 3593
  - (q) revised — 5701
  - (t) revised — 6237
  - (v) added — 6765
  - (v) revised — 7153
- 213.3107
  - (l) revised — 4663
- 213.3108
  - (a)(7) added — 739
  - (a)(8) added — 4410
  - (e) revised — 5825
- 213.3109
  - (c) revoked — 2851
- 213.3113
  - (e)(5) added — 585
  - (a)(1) revised; (f) amended — 4057
  - (f)(2) revised — 4745
- 213.3116
  - (g) revised — 4663
  - (c)(2) revoked — 5619
- 213.3122
  - Revoked — 6903
- 213.3126
  - Added — 6975
- 213.3132
  - (c) added — 643
  - (d) added — 5701
- 213.3152
  - Added — 6939
- 213.3154
  - (b) revoked — 31
- 213.3163
  - Revoked — 1247
- 213.3164
  - (a) revised; (b) revoked — 4711
- 213.3174
  - Added — 3809
- 213.3202
  - Added — 3349
- 213.3205
  - (d) added — 3593
- 213.3206
  - (a)(2) revised — 1111
  - (a)(2) revised — 5897
- 213.3215
  - Revised — 3245
- 213.3216
  - (a)(2) added — 5503
- 213.3273
  - (b) through (e) added — 1029
  - (e) revised — 1931
- 213.3304
  - (a)(16) and (18) revised; (a)(20) added — 6241, 6478
- 213.3305
  - (a) (1), (3), (6) through (9), (12), and (15) revised — 5
  - (a)(15) corrected — 1247
  - (c)(2) revoked — 2397

5 CFR—Continued — Page

Chapter I—Continued
- 213.3305—Continued
  - (a)(15) revoked — 4410
  - (a)(7) revoked — 6111
  - (a)(18) added — 6637
- 213.3306
  - (a)(24) and (e) revoked — 2303
- 213.3310
  - (m)(2) revoked; (m)(3) revised; (n)(2) revoked — 2851
- 213.3311
  - (h)(3) revised — 2649
  - (h) (1) and (4) revised — 5503
  - (h)(4) corrected — 5787
- 213.3312
  - (a) (27) and (28) added — 1029
  - (a)(29) added — 4663
- 213.3313
  - (a)(17) revised — 701
  - (m) amended — 4057
  - Heading of (o), and (o) (1), (2), (3), and (4) revised — 4311
- 213.3314
  - (a)(33) added — 7245
- 213.3315
  - (a) (20) and (21) added — 3263
  - (a)(22) and (23) added — 6241
- 213.3316
  - (f)(1) revised; (f)(6) added — 3745
  - (a)(11) revoked; (a)(23) added — 4311
  - (c) (4), (5), and (6) added — 5471
  - (a)(24) added — 6857
- 213.3322
  - (c) added — 351
- 213.3323
  - (b) revised — 6215
- 213.3326
  - (b)(2) added — 2701
  - (j)(2) added — 3263
  - (l) amended — 6975
- 213.3332
  - (bb) added — 205
  - (cc) added — 2649
  - (r) revised — 6857
- 213.3333
  - (f) revoked — 5619
- 213.3340
  - (j) revoked — 3263
- 213.3344
  - (b)(15) revised — 31
  - (a)(35) and (36) revoked — 6903
- 213.3354
  - (a), (d), (h), and (l) revoked — 31
  - (g) revised; (o) added — 2649
- 213.3356
  - (b) revised — 1247
- 213.3360
  - (z) added — 2195
- 213.3373
  - Added — 1029
  - (a)(9) and (10) added — 3263
- 213.3375
  - Added — 4663
- 302.101
  - (d)(6) and (7) revised; (d)(8) added — 3349
- 316.801
  - (a) and (b) revised — 3931, 4349
- 330
  - Subpart C revised — 3931
- 330.301—330.303
  - Subpart C revised — 3931
- 332.103
  - Revised — 6337
- 338.202
  - Revised — 1029
- 351.506
  - Added — 2397

5 CFR—Continued — Page

Chapter I—Continued
- 351.608
  - Revised — 1173
- 351.803
  - Revised — 1173
- 351.804
  - Revised — 1173
- 351.805
  - Revised — 1173
- 410.401
  - (a) revoked — 5503
- 410.506
  - (c)(1) revised — 3349
- 511.201
  - (b) amended — 343
  - (b) amended — 4410
  - (b) amended — 5619
- 531.512
  - (a) revised — 2588
- 534.202
  - (b) amended — 343
  - (b) amended — 4410
  - (b) amended — 5619
- 539.203
  - (d) revised — 2588
- 550.504
  - Introductory text revised — 4663
- 550.505
  - (d) and (e) added — 4609
  - Introductory text revised; (f) added — 4663
  - (g) added — 4745
- 591.202
  - Revised — 6511
- 733
  - Revised — 1931
- 771.206
  - (c) revoked — 1727
- 771.227, 771.228
  - Redesignated as 771.229 and 771.230 — 1727
- 771.227, 771.228
  - Center heading and sections added — 1727
- 771.229, 771.230
  - Redesignated from 771.227 and 771.228 — 1727
- 930.209
  - Revised — 2548

Chapter II:
- 1201.100
  - Introductory text of (a) revised; (a)(13) added — 2548

6 CFR

Chapter I:
- 4.2
  - Revised — 6111
- 50.163
  - (e) revised — 915
- 73.2
  - Revised — 6573

Chapter III:
- 300
  - Revised — 3745
- 310.2
  - Revised — 565

Chapter V:
- Heading revised — 2129
- 540
  - Applicability — 2651

7 CFR

Subtitle A:
- 5.1
  - (a) revised — 2521
- 5.2
  - Amended — 2923

7 CFR—Continued — Page

Subtitle A—Continued
- 5.4
  - Amended — 2923
- 5.5
  - (b) revised — 2521
- 7.11
  - Revised — 3809
- 7.12
  - (a) revised; (c) added — 3809, 4157
- 7.13
  - Revised — 3809
- 7.14
  - (e) deleted — 3810
- 7.15
  - (j) revised; (k) redesignated as (m); new (k) and (l) added — 3810
  - (e) and (f) revised — 5759, 5787
- 7.16
  - (c) and (d) revised — 5759
- 7.18
  - Revised — 3810
- 7.19
  - Revised — 3810
- 7.20
  - (b) revised — 5759
- 7.24
  - Revised — 3810
- 7.25
  - (b) revised — 5759
- 7.28
  - (a) and (c) revised — 5759
- 7.29
  - (a), (b), and (c) revised — 5760
- 11.7
  - (b)(3) revised — 4240
- 11.8
  - (d)(8) revised — 4240
- 16.2
  - (h) and (j) revised — 251
- 16.8
  - Revised — 251

Subtitle B:

Chapter I:
- Heading revised — 2129
- 26.127
  - (a) revised — 2851
- 26.501—26.504
  - Recodified as 26.501—26.514; revised — 4605
- 26.501—26.514
  - Recodified from 26.501—26.504; revised — 4605
- 26.508
  - Corrected — 5760
- 27
  - Subpart B deleted; recodified as Subpart C of Part 28 — 7239
- 27.210—27.213
  - Subpart B deleted; recodified as 28.601—28.603, revised — 7239
- 28
  - Subpart C added; recodified from Subpart B of Part 27 — 7239
- 28.2
  - (e), (f), and (g) amended — 6637
- 28.107
  - Revised — 6637
- 28.123
  - Amended — 6637
- 28.124
  - Amended — 6637
- 28.151
  - Amended — 6637
- 28.601—28.603
  - Subpart C added; recodified from 27.210—27.213 — 7239
- 29.1162
  - Amended — 6573

7 CFR—Continued — Page

Chapter I—Continued
- 29.1163
  - Amended — 6573
- 29.1165
  - Amended — 6573
- 29.1167
  - Amended — 6573
- 29.1181
  - Amended — 6573
- 41.6
  - Redesignated as 41.6–1; section heading and center heading revised — 479
- 41.6–1
  - Redesignated from 41.6; section heading and center heading revised — 479
- 41.6–2
  - Added — 479
- 41.11
  - Revised — 479
- 41.19
  - Revised — 479
- 51
  - Subpart added — 3371
  - Subpart added — 6063
  - Subpart added — 6711
- 51.1154
  - Revised — 3633
- 51.1154a
  - Added — 3633
- 51.3115–51.3124
  - Subpart added — 6711
- 51.3585–51.3601
  - Subpart added — 6063
- 51.3610–51.3624
  - Subpart added — 3371
- 52.1281
  - Revised — 205
- 53.1
  - (j) and (k) amended; (n) revised; (p), (q), and (s) amended; (t) (1) revised; (t) (2) and (u) amended; (v) revised; (x) amended; (ll) added — 4157
- 53.2
  - (a) amended — 4157
- 53.3
  - Revised — 4157
- 53.4
  - Revised — 4157
- 53.5
  - Revised — 4157
- 53.8
  - (a) revised and (c)(1) amended — 4157
- 53.12
  - Amended — 4157
- 53.13
  - (a)(2) and (b) amended — 4157
  - (a)(1) revised — 4158
- 53.14
  - Amended — 4157
- 53.15
  - (a) amended — 4157
- 53.16
  - (a) and (c) amended — 4157
- 53.17
  - Amended — 4157
- 53.102
  - Revised — 4456
- 53.103
  - Deleted — 4459
- 53.103
  - Added — 4459
- 53.104
  - Revised — 4459

7 CFR—Continued — Page

Chapter I—Continued
- 54.1
  - Amended — 6207
- 54.3
  - Amended — 6207
- 54.20
  - (c) and (d) amended — 6207
- 54.100
  - (b) amended — 6207
- 54.107
  - Amended — 6207
- 54.108
  - Amended — 6207
- 55.2
  - (b) and (bb) amended — 6207
- 55.10
  - (b) amended — 6207
- 55.11
  - Amended — 6207
- 55.35
  - Amended — 6142
- 55.40
  - Revised — 6142
- 55.60
  - (b) amended — 6207
- 55.66
  - (a) revised — 6142
- 55.68
  - Amended — 6207
- 55.70
  - (b) revised — 6142
- 55.77
  - (c) and (p) added — 6142
- 55.85
  - (b) and (d) revised; (e) and (f) amended; (g)(1) revised; (l) deleted — 6143
- 55.88
  - (b) revised — 6143
- 55.92
  - (b), introductory text of (e), and (g) revised — 6143
- 55.101
  - (b) revised; (c) added — 6143
- 55.102
  - (a)(2) and (3) revised; (b)(3) deleted — 6143
- 55.103
  - Added — 6143
- 55.126
  - Amended — 6207
- 56.1
  - (b) and (m) amended; (o) deleted; (p) through (y) redesignated as (o) through (w); newly redesignated (x) amended — 6207
- 56.10
  - (b) amended — 6207
- 56.11
  - Amended — 6207
- 56.45
  - (b) amended — 6207
- 56.52
  - Amended — 6207
- 58.2
  - (b), (o), and (z) amended — 6638
- 58.50
  - (d) amended — 6638
- 58.147
  - Amended — 6638
- 58.189
  - (b) amended — 6638
- 58.201
  - Amended — 6638
- 58.2532
  - (a) amended — 6638
- 58.2558
  - Amended — 6638

7 CFR—Continued — Page

Chapter I—Continued
- 58.2559
  - Amended — 6638
- 58.2560
  - Amended — 6638
- 58.2561
  - Amended — 6638
- 58.2562
  - Amended — 6638
- 58.2563
  - Amended — 6638
- 58.2564
  - Amended — 6638
-

7 CFR—Continued Page

Chapter I—Continued
58.2605
(a) (1) amended 6638
58.2656
(a) amended 6638
58.2678
Amended 6638
58.2704
(a) (3) and (b) amended 6638
58.2707
(a) amended 6638
58.2726
(b) amended 6638
58.2756
Amended 6638
70.1
Amended 6207
70.3
Amended 6207
70.30
(c) amended 6207
70.130
(b) amended 6207
70.138
Amended 6207
70.141
Amended 6207
70.251
Amended 6207
70.252
Amended 6207
70.253
Amended 6207
70.254
Amended 6207
70.256
Amended 6207
70.257
Amended 6207
70.258
Amended 6207
81.1
Amended 6207
81.134
Effective date of revision partly postponed 981
Effective date of revision partly postponed 2588
Effective date of revision partly postponed 4053
Effective date of revision partly postponed 6064
Effective date of revision partly postponed 7239
81.161
(b) amended 6207
81.174
Amended 6207
81.203
Amended 6207
81.208
Effective date of revision partly postponed 981
Effective date of revision partly postponed 2588
Effective date of revision partly postponed 4053
Effective date of revision partly postponed 6064
Effective date of revision partly postponed 7239
81.302
Amended 6207
Chapter II:
Heading revised 2129
210
Appendix revised 6207
Appendix corrected 6479

7 CFR—Continued Page

Chapter III:
301
Subpart recodified and revised 6243
301.48–2a
Revised 4311
301.52–2a
Revised 5760
301.64a
Revised 2650
301.64–2a
Amended 2761
301.64–6
(a) (2) revised 2649
301.72–2a
Revised 3693
301.76–2a
Revised 2095
Revised 5761
301.77—301.77–9
Subpart recodified from 301.77—301.77–10; revised 6243
301.77—301.77–10
Subpart recodified as 301.77—301.77–9; revised 6243
301.77a
Revised 6245
301.77–2a
Revised 6770
301.80–2a
Revised 2095
318.13–2
(b) amended 5619
318.58
(a) and (b) revised 748
318.58–3
(c) revised 748
319.27–24b
Added 4099
319.56–2e
(a) (2) (i) revised 4745
354.2
Amended 4746
Amended 6429
362.105
Revised 6857
362.116
Revoked 1728
Chapter IV:
401.1
Appendix amended 81 (2 docs.), 915 (3 docs.), 2761, 2762, 3748, 4240 (2 docs.), 6111.
401.3
(a) amended 565
401.11
Amended 2303
401.20
Heading and introductory text revised 3698
401.43
Added 565
401.44
Added 3698
404.1
Introductory text amended 2303
404.6
Heading revised; text amended 2303
407
Added 566
407.1
Appendix amended 915
408
Added 2303
408.1
Appendix added 2521
408.6
Corrected 2701

7 CFR—Continued Page

Chapter VII:
707
Revised 6246
717
Authority citation revised 6144
717.5
Amended 2521
Amended 6144
717.15
Added 2589
717.16
Added 6144
718.10
(d) added 1281
719.3
(d) (3) revised 3855
(b) (7) added 6975
719.7
(a) and (b) (2) revised 3855
719.8
(j) added 5701
719.10
(a) (3) revised 3855
719.11
(f) (4) amended 6511
722.213
(b) (3) through (7) and (c) deleted; (b) (3) through (9) added 2017
722.214
(a) (3) added 777
722.225
(b) deleted 6712
722.226
(g) revised 2017
(i) added 6712
(l) corrected 7185
722.228
(f) (4) added 643
(e) revised 4606
722.263
Added 531
722.313
(b) (3) through (7) and (c) deleted; (b) (3) through (9) added 2018
722.314
(a) (3) added 777
722.355
Added 532
723
Subpart added 981
Subpart added 4313
723.1, 723.2
Subpart added 981
723.3, 723.4
Subpart added 4313
724
Subpart added 982
Subparts added 983
Subpart added 984
Subpart added 4313
Subpart added 6144
Subpart added 6207
724.34b, 724.34c
Subpart added 982
724.34d, 724.34e
Subpart added 983
724.34f—724.34h
Subpart added 983
724.34i—724.34m
Subpart added 984
724.34n
Added 643
724.34o—724.34q
Subpart added 4313
724.34r, 724.34s
Subpart added 6144

7 CFR—Continued Page

Chapter VII—Continued
724.34t, 724.34u
Subpart added 6207
724.57
Amended 823
724.60
Added 6147
728
Subpart added 6467
728.10
(m) amended 823
(q) amended 7097
(n) amended 7097
728.15a
(d) (5) deleted 7097
728.64
Revised 749
728.74
Amended 750
728.105
(b) amended 568
728.301—728.303
Subpart added 5467
729.1415
Revised 2589
729.1435
(a) and (b) amended 2589
729.1605
Added 4100
730
Subpart added 206
730.1511
Introductory text and (g) (1) amended; (h) (4) and (5) revised 5620
730.1516
(c) amended 5620
730.1527
(c) amended 5620
730.1531
Amended 5620
730.1532
Amended 5620
730.1567
(b) (1) amended 5502
730.1605—730.1607
Subpart added 206
730.1609
Added 2397
751.62
Heading and (a) amended; (f) added 2852
751.63
(c) amended 2852
775.327
(b) revised 5334
777.14
(c) amended 5358
Chapter VIII:
811.33
(c) (1) and (d) revised 2206
(c) (2) revised 2397
(c) (3) added 4314
813.4
Added 439
814.3
Added 209
(a) revised 1030
(a) revised 2701
(a) revised 2783
Revised 4749
815.5
(a) revised 31
815.6
Added 212
842.9
Added 3624
(a) amended 6638

7 CFR—Continued Page

Chapter VIII—Continued
849.2
(e) revised 2129
849.8
Added 5825
851.1
(e) deleted; (j) (2) (ii) and (iii) revised 3961
862.5
Added 3810
(f) added 6247
863.16
(f) added 6248
864.11
(f) added 6248
865.17
Added 251
876.17
Added 7186
877.17
Added 3699
878.17
Added 253
Chapter IX:
Heading revised 2129
900.15
(a) amended 254
905.444
Added 254
905.445
Added 255
905.446
Added 256
905.447
Added 256
905.448
Added 750
905.449
Added 751
905.450
Added 751
905.451
Added 752
905.452
Added 879
905.453
Added 879
905.454
Added 986
(b) (2) (iv) and (v) revised 3961
Terminated by 905.465 6771
905.455
Added 987
Terminated by 905.462 5359
905.456
Added 1281
905.457
Added 2019
905.458
Added 2589
Terminated by 905.459 3311
905.459
Added 3311
Terminated by 905.460 3962
905.460
Added 3961
905.461
Added 4663
Terminated by 905.462 5359
905.462
Added 5358
Terminated by 905.463 6665
905.463
Added 6665
Terminated by 905.464 6638
905.464
Added 6638

7 CFR—Continued Page

Chapter IX—Continued
905.465
Added 6770
907.203
Added 824
907.359
Terminated 752
907.363
(b) (1) revised 752
907.367
Added 5
907.368
Added 257
Corrected 568
(b) (1) (i) and (ii) revised 644
907.369
Added 568
907.370
Added 752
907.371
Added 987
907.372
Added 1262
(b) (1) (i) and (ii) revised 2207
907.373
Added 2019
(d) (1) (i) and (ii) revised 2441
907.374
Added 2305
907.375
Added 2590
907.376
Added 2923
907.377
Added 3372
(b) (1) (i) and (ii) revised 4159
907.378
Added 3703
907.379
Added 4053
907.380
Added 4349
(b) (1) (i) and (ii) revised 4749
907.381
Added 4664
(b) (1) (i) revised 5620
907.382
Added 5503
907.383
Added 5787
908.204
Added 5788
908.404
Added 2019
908.405
Added 2245
908.406
Added 2306
908.407
Added 3590
908.408
Added 2923
908.409
Added 3372
908.410
Added 3703
908.411
Added 4053
908.412
Added 4054
908.413
Added 4349
(b) (1) (i) and (iii) revised 4750
908.414
Added 4665
908.415
Added 4665
(b) (1) (iii) revised 5620

7 CFR—Continued Page

Chapter IX—Continued
908.416
Added 5504
908.417
Added 5788
908.418
Added 6148
908.419
Added 6429
(b)(1)(i) and (iii) revised 6771
908.420
Added 6681
(b)(1)(i) and (iii) revised 7037
908.421
Added 6939
908.422
Added 7240
909.322
Added 753
909.323
Added 2020
909.324
Added 2591
909.325
Added 4054
909.326
Added 5788
909.327
Added 6430
910.203
Added 777
910.445
Added 5
(b)(1)(i) and (ii) revised 344
910.446
Added 988
910.447
Added 1282
910.448
Added 2021
910.449
Added 2306
(b)(1)(i) and (ii) revised 2650
910.450
Added 2591
(b)(1)(i) and (ii) revised 3187
910.451
Added 2924
(b)(1)(i) and (ii) revised 3421
910.452
Added 3373
(b)(1)(i) and (ii) revised 3748
910.453
Added 3704
910.454
Added 4055
910.455
Added 4350
910.456
Added 4665
(b)(1)(ii) revised 5573
910.457
Added 5504
(b)(1)(ii) revised 5826
910.458
Added 5789
(b)(1)(ii) revised 6148
910.459
Added 6148
(b)(1)(ii) revised 6479
910.460
Added 6430
(b)(1)(ii) revised 6712
910.461
Added 6681
(b)(1)(ii) revised 6975
910.462
Added 6939

7 CFR—Continued Page

Chapter IX—Continued
910.463
Added 7240
911.20
Amended 916
911.310
(b)(1)(iii) redesignated as (b)(1)(iv); new (b)(1)(iii) added 2522
911.317
Added 700
911.318
Added 2207
Terminated by 911.319 3373
911.319
Added 3373
911.320
Added 5620
912.204
Added 8
912.323
Added 754
912.324
Added 988
912.325
Added 1282
912.326
Added 3592
(b)(1) revised 3263
915.20
Amended 917
915.305
(b)(1)(viii) revised 4666
915.307
Added 7240
916.319
Added 7242
916.320
Added 7242
916.321
Added 7243
916.322
Added 7243
917.203
(a) revised 4711
917.353
Added 6903
917.354
Added 6903
917.355
Added 6904
917.356
Added 6905
918.64
Temporarily suspended in part by 918.306 6431
918.204
Added 8858
918.306
Added 6431
918.400
Temporarily suspended in part by 918.306 6431
927.204
Added 1283
944.5
Added 7244
944.103
(a) revised 257
(a) revised 754
(a) revised 4055
(a) revised 5359
(a) revised 5965
(a) revised 6636
944.201
(a) revised 3374
(a) revised 5621
959.205
Added 2784

7 CFR—Continued Page

Chapter IX—Continued
959.305
(e) revised 4160
Introductory text revised 7037
965.207
Added 6338
965.307
Added 4350
970.305
Introductory text and (a) and (b) revised 258
Introductory text, (a), (b), and (j) revised 644
Revision of introductory text of (a) and (b) canceled 778
Introductory text and (a) through (d) revised 880
Introductory text and (b) revised 1728
Introductory text and (b) revised 6479
971.307
(a) deleted 3264
980.103
Introductory text and (a) revised; (b) republished; (h) revised 881
980.202
Revised 5505
989.159
(g)(2) revised 6906
989.160
Revised 6906
989.173
(b)(6), (c)(2), and (d)(2) revised 6906
Chapter X:
Heading revised 2129
1002.304
Amended 6639
1003.16
(a) and (d) revised 4101
1003.63
Introductory text revised; (a) amended; (e) added 4101
1003.64
Revised 4101
1004.50
(a)(4) suspended in part 3311
1005.4
Revised 6112
1005.51
(a) revised 6112
1005.71
(a)(5) added 6112
1005.72
(c) revised 6112
1005.80
(a) revised 6112
1005.89
Added 6112
1008.9
Suspended in part 6975
1013.11
(a) revised 3748
1013.44
(a)(2) amended 3749
1013.46
(a)(3) revised; (a)(3-a) added; (a)(4) and (8)(i) revised 3749
1013.50
Revised 3749
1013.70
(d) amended 3749
1013.72
Amended 3749
1013.86
(a)(2) amended 3749

7 CFR—Continued Page

Chapter X—Continued
1030
Terminated in part 3187
Revised 4241
1031
Revised 3188
1031.51
Determination 4160
Termination of determination 4314
1032.51
Determination 4160
Termination of determination 4314
1036
Revised 4101
1038.51
Determination 4160
Termination of determination 4314
1039.51
Determination 4160
Termination of determination 4314
1044.22
(i)(1) amended 313
1044.50
Revised 313
1044.51
Revised 213
1044.63
Amended 213
1048.12
(a)(1) suspended in part 5789
1051.51
Determination 4160
Termination of determination 4314
1061
Revised 4161
1062.51
Determination 4160
Termination of determination 4314
1063.50
Determination 4160
Termination of determination 4314
1064
Revised 4170
1065
Revised 2522
1070.50
Determination 4160
Termination of determination 4314
1072
Vacated; recodified in Part 1076 4111
1076
Revised 4111
1078.50
Determination 4160
Termination of determination 4314
1079.50
Determination 4160
Termination of determination 4314
1098.6
Revised 824
1098.8
(c) revised 824
1098.13
Revised 824
1098.15
Revised 824
1098.30
Introductory text amended 825
1098.31
Introductory text of (a) revised 825
1098.32
Revised 825
1098.35
Amended 825
1098.41
(a)(1)(ii) and (b)(3) revised; (b)(3-a) added 825

7 CFR—Continued Page

Chapter X—Continued
1098.44
Introductory text of (a) amended 825
1098.46
(a)(4)(i)(b) and (9) amended 825
1098.70
Introductory text amended 825
1098.81
(a) revised 825
1098.82
(c) revised; (d) revoked 825
1098.83
(a) revised 825
1098.85
Revised 825
1099.5
Revised 3750
1099.6
Revised 3750
1099.8
Revised 3750
1099.9
(c) amended 3751
1099.10
(c)(1) revised 3751
1099.11
Revised 3751
1099.13
Revised 3751
1099.14
Revised 3751
1099.16
Revised 3751
1099.17
Added 3751
1099.18
Added 3751
1099.30
Introductory text amended 3751
1099.41
(b)(4)(i) revised 3751
1099.43
(c)(3)(i) and (ii) amended 3751
1099.45
(a)(2) revised 3751
1099.50
Revised 3751
1099.51
Revised 3751
1099.61
Revised 3751
1099.62
(b)(1) amended 3752
1099.71
(b) revised 3752
1099.86
Revised 3752
1099.88
Revised 3752
1100
Redesignated from Part 1103 4181
1103
Redesignated as Part 1100 4181
1103
Added 4181
1104.4
Revised 2246
1104.6
Revised 2246
1104.13
Revised 2246
1104.41
(a)(1)(i) and (b) revised 2246
1104.42
(b) amended 2246
1104.43
(b) revised 2246

7 CFR—Continued Page

Chapter X—Continued
1104.46
(a)(1) amended 2246
1104.50
(a) amended 2246
1104.52
(a) revised 2246
1104.61
Revised 2247
1104.63
(a) amended 2247
1104.66
Revised 2247
1104.74
Revised 2247
1105
Vacated; recodified in new Part 1103 4181
1131.46
(a)(4)(i)(a) and (ii) revised 4251
1131.51
(a) revised 4251
1131.62
(a)(1)(i) and (b)(4) amended 4251
1131.71
(f) revised; (g) through (k) added 4251
1131.73
(b) amended 4251
1131.82
(b)(2) amended 4251
1135.51
(a) amended 917
1137.51
(a) amended 918
1138.7
(b)(4) revised 6574
1138.9
(c) added 6574
1138.30
Revised 6574
1138.41
(b)(7) revised 6574
1138.43
(c) added 6574
1138.70
Introductory text revised 6575
1138.80
Introductory text revised; (c) added 6575
1138.84
(a) revised 6575
Chapter XI:
Heading revised 2247
1201.300
Revised 5826
Chapter XIV:
1421
Subpart added 1247
Subpart added 2852
Subpart added 3196
Subpart revised 4193
Subpart added 4529
Subpart added 6338
Subpart added 6511
1421.54
(b) revised 4750
1421.62
(a) revised 4750
1421.68
(c) revised 4750
1421.2133
(e) amended 4666
1421.2231
(f) amended 4607
(f) corrected 5702
(f) amended 6682
1421.2429
Revised 5762

36-000—65—2

7 CFR—Continued Page

Chapter XIV—Continued
1421.2640—1421.2649
Subpart added 3196
1421.2740—1421.2754
Subpart added 4529
1421.2820
(c) amended 4667
1421.2825—1421.2834
Subpart added 6511
1421.3029
Revised 918
1421.3030
(c) amended 4608
1421.3103, 1421.3104
Subpart added 6338
1421.3481—1421.3491
Subpart added 2852
1421.3755—1421.3772
Subpart added 1247
1421.5551—1421.5560
Subpart revised 4193
1425
Added 6907
1425.18
(b) corrected 7037
1425.20
Corrected 7037
1427
Subpart added 2592
1427.1850
Revised 4410
1427.1853
Revised 4410
1427.1857
(b) revised 4410
1427.2001—1427.2025
Subpart added 2592
1430.270
Added 4351
1434.52
(a) revised 7097
1434.53
(b) revised 7097
1434.55
(b) revised 7097
1434.56
Deleted 7098
1434.57
(a) revised 7098
1434.77
Revised 7098
1434.80
Revised 7098
1438
Subpart added 5573
1438.1601—1438.1610
Subpart added 5573
1464.1651, 1464.1652
Added 3651
1468.205
(d) added 4056
1468.209
(a) amended 6383
1468.214
(a) and (b) revised; (c) deleted 6383
1468.220
Deleted 6383
1468.221
Deleted 6383
1468.222
Deleted 6383
1468.223
Deleted 6383
1468.229
(a) and (b) amended 6383
1472.1045
(a) and (b) revised; (c) deleted 6383

7 CFR—Continued Page

Chapter XIV—Continued
1472.1051
Deleted 6383
1472.1052
Deleted 6383
1472.1053
Deleted 6383
1472.1054
Deleted 6383
1472.1060
Revised 6383
1472.1105
(d) added 4056
1472.1121
(d) added 4056
1472.1145
(a) and (b) revised; (c) deleted 6384
1472.1147
Amended 1250
1472.1151
Deleted 6384
1472.1152
Deleted 6384
1472.1153
Deleted 6384
1472.1154
Deleted 6384
1472.1160
(a) and (b) amended 6384
1475.203
(q) revised 6909
1475.207
Revised 6909
1475.208
(d) revised 6909
1475.209
(b) (2) revised; (b) (4) added 6909
1475.210
(c) amended 6909
1475.211
(c) (3) and (4) revised 2854
(b) amended 6909
1475.212
Revised 6910
1475.213
Revised 6910
1475.214
(a) revised 6910
1481
Subpart recodified, revised 778
1481.101—1481.158
Subpart recodified as 1481.101—1481.159; revised 778
1481.101—1481.159
Subpart recodified from 1481.101—1481.158; revised 778
1483.101
Revised 532
1483.103
Added 4531
1483.105
(j) added 532
(e) amended 4531
1483.121
(d) amended 4531
1483.125
(a) (5) amended 4532
1483.127
(b) (6) revised 4532
1483.141
(b) revised 532
1483.145
Center heading and section revised 532
1483.146
Revised 533

7 CFR—Continued Page

Chapter XIV—Continued
1483.155
Center heading and section revised 533
1483.158
(a) revised 533
1483.174
Revised 4532
1483.178
Revised 533
Amended 4532
1483.185
Added 533
1483.203
Added 6771
1483.205
(d) amended; (i) added 6771
1483.221
(e) amended 6772
1483.222
(a) revised 6772
1483.225
(a) (5) amended 6772
1483.227
(b) (1) (vi) and (ix) revised 6772
1483.241
(b) revised 6772
1483.246
(a) (7) revised 6772
1483.260—1483.270
Center heading and sections added 6772
1483.268
(a) (1) corrected 6976
1483.274
Added 6776
1483.278
Revised 6776
1484
Revised 2784
1484.105
Corrected 3515
1484.106
Corrected 3515
1484.155
Corrected 3515
1485
Subpart added 6910
1485.201—1485.220
Subpart added 6910
1485.261
(a) revised 4314
1486
Added 1178
Amended 4532
1486.157
Revised 4532
1486.174
Revised 4532
1486.176
(b) revised 4532
1486.190
Redesignated as 1486.191 4532
1486.190
Redesignated from 1486.191 4532
1486.191
Redesignated as 1486.190 4532
1486.191
Redesignated from 1486.190 4532
1487
Added 844
Amended 6639
1487.5
(c) added 6639
1488
Added 2129
Amended 4056
1488.2
(i) revised 6249

7 CFR—Continued Page

Chapter XIV—Continued
1488.3
(b) (6) revised 4056
1488.7
Introductory text revised 6249
1488.13
(c) added 6249
Chapter XVI:
Heading revised 2247
Applicability 2651
1600
Revised 4316
1601
Effective date 258
Revised 4316
1602
Added 569
Revised 6859
Proposed Rules:
26 1116
27 4064
28 6255
29 4861
31 6350
33 6782
51 156, 345, 756, 842, 843, 952, 3716, 3719, 5382, 5850, 6658.
52 3444, 4486
55 3450
70 6395
201 1945
319 1119, 2106
362 2033, 3542, 4201
718 5708
724 5641
728 3601
729 224, 757, 3601
730 2402
777 6686
778 7043
814 845
Ch. IX 1884, 3658, 6355, 6438, 6523, 6917
905 6983
907 273
908 4635
910 156
915 3883
917 3542
927 710
930 5514, 6355
959 1945, 3662
965 4761
980 4416
989 4361
991 3268
993 2601, 6782, 7196
1003 2402, 3765
1004 91, 6947, 7196, 7249
1005 584, 4761, 5904
1008 6659
1012 3263
1013 1048, 2670
1030 625
1031 3224
1032 3224
1036 2279, 3768
1038 3224
1039 3224
1040 6163
1042 6163
1048 4764
1051 3224
1061 2317, 2604, 3965
1062 3224
1063 3224, 5603, 5907
1064 2317, 2604, 3965
1065 1887

7 CFR—Continued Page

Proposed Rules—Continued
1067 3224
1070 3224, 5603, 5907
1072 38, 953, 2805
1076 38, 953, 2805
1078 3224, 5603, 5907
1079 3224, 5603, 5907
1097 6534
1099 273, 2672
1102 6534
1103 2058, 3470
1104 53, 1289
1105 2058, 3470
1108 6534
1125 3603
1127 1119, 2604
1131 3386, 4201
1133 3606
1135 537, 1802
1136 3723
1137 538, 1802
1138 3781, 5851, 6538
1201 4321
Ch. XIV 2805

8 CFR
Chapter I:
103.1
(e) (15) revised 5471
103.7
(c) amended 918
(e) amended 1030
204.2
(a) and (b) redesignated as (b) and (c); new (a) added 572
205.3
(a) amended 572
(a) amended 3200
205.9
Added 3200
212.1
(c) revised 1031
212.2
Amended 3200
212.5
(a) amended 4411
214.1
(a) revised 1031
214.2
(c) (1) and (h) (2) (ii) amended 533
(h) (2) (iii) amended 572
(k) revoked 1031
(c) (1) amended 3855
(f) (1) amended 4351
(f) (3) amended 4532
(c) (1) amended 6940
214.3
Revised 918
(c) revised 6479
231.1
Revised 6777
231.2
Revised 6777
237.2
Revised 4411
242.23
(d) revised 2021
251.1
Revised 6777
251.3
Revised 6777
251.4
Revised 6777
264.1
(a) and (b) amended; (c) revised 1031
299.1
Amended 1032

8 CFR—Continued Page

332a.2
Amended 6940
336.13
(a) amended 6940
336.16a
Revised 534
341
Revised 5472
341.2
(d) corrected 5621
499.1
Amended 6940
Chapter II:
505.10
Revoked 825
505.11
Revoked 825
505.12
Revoked 825
505.13
Revoked 825
505.14
Revoked 825
505.15
Revoked 825
Proposed Rules:
231 4135
251 4135

9 CFR
Chapter I:
Subchapters A, J, and K recodified as Subchapters A, C, and D, respectively, of Chapter III 4195
1–40
Recodified as Parts 301–349 of Chapter III 4195
9.20
Added 826
40.2
(j) added 258
40.3
(d) added 258
72.5
(g) revised 2702
74.2
(a) (1) revised; (a) (6) added 701
(a) (1) revised 4750
74.3
(a) (6) added 701
(a) (2) deleted 4750
74.9
Introductory text revised 4751
75.3
Revised 5790
76.2
(f) revised 1975
78.13
Revised 2207
Revised 3757
78.15
(b) revised 3312
97.2
Amended 4609
101.1
(ff) revised; (mm) and (oo) added 920
102.77
Revised 920
112.1
(b) revised 920
112.26
Revised 920
112.27
Revised 920
114.2
(b) amended 920

9 CFR—Continued

Chapter I—Continued
114.5
Revised ... 920
Revised ... 4751
116
Revised ... 920
117
Revised ... 921
118
Revised ... 923
119
Revised ... 925
121
Revised ... 930
155
Recodified as Part 355 of Chapter III ... 4195
171
Recodified as Part 371 of Chapter III ... 4195
180, 181
Recodified as Parts 380 and 381 of Ch. III ... 4195
Chapter II:
Heading revised ... 2247
201.43
(c) added ... 2208
Chapter III:
Added; Subchapters A through D recodified from Ch. I ... 4195
301–340
Recodified from Parts 1–40 of Chapter I ... 4195
301.1
(d), (e), (f), and (bb) amended ... 4195
317.9
Heading revised; (f) added ... 5702
318.4
Heading revised; (c) added ... 5702
318.7
(b)(4) amended ... 5702
318.19
Added; designated incorrectly as 318.18 ... 5702
Designated correctly as 318.19 ... 6731
340.2
(b) amended ... 4195
355
Recodified from Part 155 of Chapter I ... 4195
355.2
(b) amended ... 4195
371
Recodified from Part 171 of Chapter I ... 4195
371.1
Amended ... 4195
371.3
Amended ... 4195
380, 381
Recodified from Parts 180 and 181 of Ch. I ... 4195
380.1
(b) amended ... 4195
Proposed Rules:
16 ... 844, 998
17 ... 844, 3272
18 ... 844, 998, 3272, 3273
30 ... 625
91 ... 1945
101 ... 5514
103 ... 5514
131 ... 1816
201 ... 4486, 4487, 6360
316 ... 5708
317 ... 5708
318 ... 5708

10 CFR

Chapter I:
1
Subpart G added ... 3704
1.270, 1.271
Subpart G added ... 3704
30.9
(a) revised; (d) added ... 4352
30.12
Revised ... 3375
30.21
(c)(4) (i), (iii), and (v) revised ... 129
(d)(1), (3), and (4) revised; (d)(5) added ... 3375
30.34
(f)(4) added ... 129
(j)(1)(ii)(a), (c), and (d), (iii), (iv)(a) and (b), introductory text of (v)(a), (v)(f), (vi), and (j)(2)(i) and (ii)(b) revised; (j)(2)(ii)(c) added; (j)(2)(iii) and (3), (m)(1)(ii)(a), (c), and (e), (iii), (iv)(a) and (b), (v)(e), and (m)(2) and (3) revised ... 3375
(k) added ... 6576
30.39
Added ... 6576
30.52
(f) deleted ... 4352
140
Interim decision ... 1186
150.20
(b)(2) revised ... 4352
Proposed Rules:
Ch. I ... 445
2 ... 2821
30 ... 4764, 6118

12 CFR

Chapter I:
1.158
Revised ... 3856
1.163
Added ... 2651
5.2
Revised ... 5742
5.4
Revised ... 4462
Revised ... 5742
5.6
Revised ... 5742
5.8
Added ... 4462
Revised ... 5742
11.15
(c) amended ... 2308
12.7
Added ... 6160
12.8
Added ... 6160
12.9
Added ... 6160
12.10
Added ... 6160
12.11
Added ... 6160
12.12
Added ... 6160
13.1
Revised ... 130
Chapter II:
204.56
Added ... 6339
206
Added ... 362
206.101
Added ... 6731

12 CFR—Continued

Chapter II—Continued
208.116
Added ... 3525
212.4
(g) added ... 2854
217.140
Added ... 5574
220.4
(c)(3) revised ... 5626
221.115
Added ... 3812
Chapter III:
335
Added ... 396
Chapter V:
530.1
Revised ... 3264
541.9
Text designated as (a); (b) added ... 479
543.2
Revised ... 7037
545.1–1
(a) revised ... 31
(b), (c), and (d) amended ... 130
545.6–1
(b) and (d) revised ... 214
545.6–5
Revised ... 214
545.6–6
Revised ... 827
545.6–7
Revised ... 215
Revised ... 5473
545.6–14
(a) revised ... 2854
545.6–17
Added ... 479
545.6–18
Added ... 5473
545.9–2
Added ... 5474
555.4
(a) deleted; (b) redesignated as (a) and revised; (c) redesignated as (b) ... 480
555.10
Revised ... 3264
561.15
Revised ... 480
Revised ... 6517
561.16
(e) revised ... 1032
561.22
Added ... 827
563.9
(a) revised ... 827
563.13
Policy statement ... 4251
563.23–1
Revised ... 7039
570.1
Revised ... 3264
570.7
Added ... 15
Proposed Rules:
11 ... 222
12 ... 3764
17 ... 6074
261 ... 6275
262 ... 6275
541 ... 892
543 ... 2875
544 ... 2876
545 ... 447, 760, 761, 892–894, 2222, 2876, 5861
561 ... 3274
563 ... 490, 846, 2876, 6544

13 CFR

Chapter I:
101.3
Revised ... 1635
107.102
Revised ... 3635
107.103
Deleted ... 3635
107.103
Redesignated from 107.104; revised ... 3636
107.104
Redesignated as 107.103; revised ... 3636
107.104
Added ... 3637
107.105
Deleted ... 3637
107.106
Deleted ... 3637
107.107
Deleted ... 3637
107.201
Revised ... 3637
107.202
Deleted ... 3637
107.203
Redesignated from 107.203; revised ... 3637
107.203
Redesignated as 107.202; revised ... 3637
107.203
Added ... 3637
107.204
Deleted ... 3637
107.205
Revised ... 2652
107.402
Revised ... 2653
107.504
Revised ... 2654
107.704
(a) through (c) deleted; (d) redesignated as (g); (a) through (f) added ... 2652
107.716
Revised ... 534
107.750
Added ... 1187
107.751
Added ... 1187
107.801
(f) added ... 3656
107.802
(b), (d), (f), (g), and (i) revised ... 3656
111
Revised ... 4016
112
Added ... 298
121
Revised ... 2247
Schedule B amended ... 6778
121.3–8
(c) amended ... 4252
Effective date of amendment of (c) corrected ... 5703
124.8–16
(b) revised ... 883
Proposed Rules:
107 ... 762, 2405, 2613, 2683
111 ... 2890
121 ... 2614, 3273

14 CFR

Chapter I:
Special Civil Air Regulations revoked ... 535
1.1
Effective date of amendment ... 535
Amended ... 3638

14 CFR—Continued

Chapter I—Continued
13.37
(d) through (j) redesignated as (e) through (k) respectively; new (d) added ... 7223
13.41
(b) amended ... 7223
13.49
(a) amended; (b) through (g) redesignated as (c) through (h) respectively; new (b) added ... 7223
13.59
(a) amended ... 7224
13.61
Amended ... 7224
13.65
Deleted ... 7224
13.67
(a) revised ... 7224
23.365
(d) corrected ... 258
23.427
Corrected ... 258
25
Appendix D added ... 6067
25.771
(c) deleted; (f) redesignated as (g) ... 6113
25.803
(c) revoked ... 3204
25.809
(f) revised ... 3203
25.811
Revised ... 3204
25.812
Revised ... 3204
25.1457
(a), (b), (c)(3) and (4), and (g) revised ... 3932
25.1523
Closing sentence added ... 6067
31.25
(c) amended ... 3377
31.45
Amended ... 3377
31.47
(c) through (f) added ... 3377
31.49
(d) and (e) added ... 3377
31.55
Revised ... 3377
31.61
Added ... 3377
31.63
Added ... 3377
31.65
Added ... 3377
31.85
Added ... 3377
33
Effective date ... 535
35
Effective date ... 535
39.13
Amended ... 81, 82 (2 docs.), 572–573 (3 docs.), 826 (2 docs.), 861, 1032 (2 docs.), 1188, 1239, 1975, 2103, 2133–2134 (5 docs.), 2256, 2438 (2 docs.), 2655, 2761, 2855, 2924, 3349, 3350, 3377, 3421, 3518, 3759, 4240, 4319, 4533, 4609, 5506, 5622 (2 docs.), 5827, 5897 (2 docs.), 6068, 6150, 6431, 6577, 6639, 6640, 6837, 6838, 6940, 6976 (2 docs.), 6977, 7098, 7182 (2 docs.).
43.9
Heading, (a), (b), and (c) amended ... 3638

14 CFR—Continued

Chapter I—Continued
47.69
(d)(2) revised; (d)(3) deleted ... 1263
61
Subpart G deleted ... 2927
61.1
(f) deleted ... 2925
61.5
(c) amended; (f) revised ... 2925
61.9
(c) and (g) revised ... 2925
61.15
(g) redesignated as (i) and amended; (e) and (f) redesignated as (g) and (h); (d) redesignated as (f) and amended; new (d) and (e) added ... 2925
61.17
Section heading and (a) amended; (i) deleted; (f), (g), and (h) redesignated as (h), (j), and (k), respectively; new (f), (g), and (i) added; newly redesignated (j)(1)(ii) amended ... 2925
(b) revised ... 2927
61.20
Added ... 2196
61.21
Closing paragraph revised ... 4869
61.23
(d) revised ... 2925
61.25
(b) amended ... 2925
61.27
(a) and (b) amended; introductory text of (f) revised; (g) revised ... 2925
(d)(2) revised ... 6577
61.31
(a)(1) amended ... 2925
(a)(3) and (b)(1) and (3) amended ... 2926
61.39
(a)(2)(iv) revised; (f) amended ... 2926
61.43
(a)(3), (b)(2), and (c) revised ... 2926
61.48
Added ... 2196
61.49
Revised ... 2926
61.53
(a)(2)(i) amended; closing paragraph of (a) deleted ... 788
61.65
Introductory text of (b) amended; (b)(5) amended; (b)(7) added; closing paragraph added ... 789
61.71
(a) amended ... 2926
61.81
(a) amended ... 2926
61.97
Section heading and text amended ... 2926
61.99
Section heading and text amended ... 2926
61.111
(a) revised; (b) amended; (c) revised; (d) redesignated as (f); new (d) and (e) added ... 2926
61.113
Introductory text of (a) revised; (a)(2)(ii) and (b) amended; (c) added ... 2926
61.127
Section heading and text amended ... 2926

14 CFR—Continued

Chapter I—Continued

61.128
Added ... 2926
61.129
Section heading and text amended ... 2926
61.130
Added ... 2926
61.131
(d) revised ... 2927
61.181, 61.183
Subpart G deleted ... 2927
63.18
Added ... 2196
63.20
Added ... 2196
65.18
Added ... 2196
65.20
Added ... 2196
65.95
(a) (1) amended ... 3638
67.20
Added ... 2197
71.5
(c) revised ... 3932
71.107
Amended ... 2762
71.109
Amended ... 200
71.123
Amended ... 82, 434 (2 docs.), 606, 789, 1033 (2 docs.), 1035, 1036, 1112–1113 (5 docs.), 1189–1190 (3 docs.), 1836 (2 docs.), 2440, 2655, 2762–2763 (3 docs.), 2928 (3docs.), 3422.
Corrected ... 3516
Amended ... 3640, 4121, 4196, 4463, 4533, 4534, 4670, 4752, 5506, 5831.
Effective date amended ... 6113
Amended ... 6150, 6241, 6385 (2 docs.), 6479, 6915, 6978 (2 docs.), 7099 (3 docs.), 7224, (2 docs.).
71.125
Amended ... 6385
71.127
Amended ... 4122, 7224
71.151
Amended ... 435, 4534, 5625
71.161
Amended ... 6150, 7099
71.163
Amended ... 434, 826, 2763, 3516, 6068, 6682
71.165
Amended ... 83 (2 docs.), 201–202 (4 docs.), 433, 739, 789, 1033–1034 (4 docs.), 1036, 1188, 1189, 1836, 1976–1977 (4 docs.), 2197, 2596, 2855–2856 (3 docs.), 3351–3352 (3 docs.), 3422, 3639–3640 (3 docs.), 3813, 3814, 3858–3859 (3 docs.), 4121, 4196, 4463, 4751, 4752, 5506.
Corrected ... 5623
Amended ... 5623–5625 (3 docs.), 5731, 5828–5830 (3 docs.), 5898 (2 docs.), 6384 (2 docs.), 6386, 6578, 6977, 7183.
71.171
Amended ... 83 (2 docs.), 201–204 (10 docs.), 433 (2 docs.), 480 (2 docs.), 606, 647, 739, 789
Corrected ... 829

14 CFR—Continued

Chapter I—Continued

71.171—Continued
Amended ... 881, 882, 1033–1035 (5 docs.), 1111 (2 docs.), 1113, 1188–1189 (3 docs.), 1239, 1284, 1975–1977 (5 docs.), 2197–2198 (4 docs.), 2257, 2439 (4 docs.), 2596, 2655, 2702, 2764, 2855 (2 docs.), 2927, 2928, 3350–3352 (6 docs.).
Effective date of amendment postponed ... 3378
Amended ... 3422, 3515, 3516, 3639–3641 (6 docs.), 3814–3815 (4 docs.), 3857–3859 (5 docs.), 4120–4122 (5 docs.), 4196, 4319, 4391 (2 docs.), 4462, 4463, 4533, 4669 (2 docs.), 4670, 4751, 5506, 5575 (2 docs.), 5623 (2 docs.), 5624, 5731 (2 docs.), 5827–5830 (4 docs.), 5898 (2 docs.), 5899.
Corrected ... 5899
Amended ... 6068
Corrected ... 6069
Effective date amended (4 docs.) ... 6113
Amended ... 6216, 6384, 6386 (2 docs.), 6387, 6578 (3 docs.), 6579, 6640 (2 docs.), 6641 (3 docs.), 6682, 6765 (2 docs.), 6766, 6838 (2 docs), 6914 (2 docs.), 6941, 6977 (2 docs.), 7098, 7099, 7182, 7183 (2 docs.)
71.181
Amended ... 82–84 (7 docs.), 201–204 (8 docs.), 433–435 (4 docs.), 480, 481, 606, 647, 739 (2 docs.), 789 (2 docs.).
Corrected ... 829
Amended ... 882–883 (4 docs.), 1033–1035 (6 docs.)
Corrected ... 1035 (2 docs.)
Amended ... 1036, 1111 (2 docs.)
Corrected ... 1112
Amended ... 1113, (2 docs.), 1188–1190 (4 docs.), 1239, 1836, 1837, 1976–1978 (6 docs.), 2197–2198 (4 docs.), 2596–2597 (3 docs.), 2764 (2 docs.), 2855–2856 (4 docs.).
Corrected ... 2856
Amended ... 3351–3353 (7 docs.)
Corrected ... 3378
Amended ... 3422, 3516, 3639–3641 (6 docs.), 3813–3815 (4 docs.), 3857–3860 (10 docs.), 4121–4122 (4 docs.), 4196–4197 (4 docs.), 4319 (2 docs.), 4391 (2 docs.), 4462–4464 (3 docs.), 4534, 4610 (2 docs.), 4670 (3 docs.), 4751, 5359.
Corrected ... 5506
Amended ... 5507, 5575 (2 docs.), 5623–5624 (2 docs.), 5703, 5731.
Corrected ... 5790
Amended ... 5828–5830 (4 docs.), 5898–5899 (4 docs.), 6068–6069 (4 docs.).
Effective date amended ... 6113
Amended ... 6384–6387 (7 docs.), 6577–6579 (4 docs.), 6641 (2 docs.), 6642, 6682, 6765, 6838.
Corrected ... 6838
Amended ... 6914, 6915, 6941, 6977, 6978 (2 docs.)

14 CFR—Continued

Chapter I—Continued

71.181—Continued
Effective date of amendment postponed ... 7098
Amended ... 7100, 7182–7184 (6 docs.)
71.193
Amended ... 204
Revised ... 1836
71.203
Amended ... 435, 1036, 2655, 2763, 3759, 3815, 4533, 6242, 7224.
71.207
Amended ... 1190, 3759
71.209
Amended ... 1112, 3759, 4391, 4463
71.211
Amended ... 1977, 6385
71.213
Corrected ... 829
73
Amended ... 6388
73.21
Amended ... 205
73.22
Amended ... 4464
73.23
Amended ... 85, 6979
73.24
Amended ... 1036
73.25
Amended ... 481, 606, 1036, 2764, 4464, 5625, 6070
73.28
Amended ... 6388
73.29
Amended ... 606
73.38
Amended ... 5831
73.39
Amended ... 3759
73.40
Amended ... 1035
73.43
Amended ... 3705, 4752
Corrected ... 6069
73.44
Amended ... 5831
73.48
Amended ... 435, 6070, 7100
73.49
Amended ... 4197
73.50
Amended ... 1189, 6242
73.53
Amended ... 1037
73.57
Amended ... 205, 7100
73.63
Amended ... 5831
73.64
Amended ... 4392, 4534
73.66
Amended ... 3422
73.67
Amended ... 7100, 7225
73.69
Amended ... 1239
75.100
Amended ... 606, 930, 1036, 1113 (2 docs.), 1190–1191 (3 docs.), 2440.
Corrected ... 2440
Amended ... 2440, 2928, 3378 (2 docs.), 3516, 4464
Corrected ... 4464

14 CFR—Continued

Chapter I—Continued

75.100—Continued
Amended ... 5790, 5831, 6150 (2 docs.), 6242 (2 docs.), 6642, 6915 (2 docs.), 7099, 7100 (2 docs.).
75.200
Amended ... 1036
Revised ... 2440
Amended ... 6432
75.300
Amended ... 6432
77
Revised ... 1839
77.19
Closing paragraph revised ... 6713
77.28
(b) (1) amended ... 6713
91
SFAR 16 ... 3707
91.23
Revised ... 6070
91.27
(a) revised ... 3638
91.39
(d) redesignated as (e); (c) redesignated as (d) and amended; (b) redesignated as (c) and revised; (a) redesignated as (b); new (a) added ... 2532
91.47
(c) added ... 3204
91.49
Added ... 3638
91.83
(a) (2) revised; (b) redesignated as (c) and revised; new (b) added ... 6070
91.87
(g) amended ... 3638
91.89
Revised ... 5507
91.103
Revised ... 3638
91.104
Added ... 4123
91.117
(h) (1) amended ... 3638
91.127
(c) revised ... 3706
91.161
(b) revised ... 3638
93
Subpart E revised ... 5576
93.71—93.75
Subpart E revised ... 5576
95
Amended ... 197
Corrected ... 343
Amended ... 989, 2532, 3759, 5576, 6766
97.11—97.19
Subpart B amended ... 189, 335, 607, 689, 740, 1240, 1791, 2199, 2765, 2772, 3517, 3933, 3966, 4302, 5360, 5455, 5732, 5831, 6151, 6329, 6714, 6839, 7225.
99.47
Revised ... 4242
121
Corrected ... 130
Appendixes A, B, and C published ... 256
Appendix C corrected ... 461
Appendix D added ... 3206
Subparts N, O, P, Q, R, and S amended ... 3639
Subpart N revised; Appendix E added ... 6727

14 CFR—Continued

Chapter I—Continued

121.1
(a) (5) amended; (d) deleted ... 3638
121.3
(c) and (f) amended ... 3638
121.23
(a) (1) amended ... 3638
121.175
Corrected ... 130
121.175
Published as correction to Part 121 ... 130
121.289
(d) added ... 3638
121.291
Added ... 3204
121.309
(f), (g), and (h) revised ... 3204
121.310
Added ... 3205
121.313
(f) revised ... 6113
121.321
Amended ... 3638
121.349
(c) (4) amended ... 992
121.365
(b) amended ... 3639
121.387
Revised ... 6067
121.391
Revised ... 3206
121.393
Revoked ... 3206
121.396
Revoked ... 3206
121.397
Revised ... 3206
(c) deleted ... 6727
121.410—121.425
Subpart N amended ... 3639
Subpart N revised ... 6727
121.425
(d) amended ... 3639
121.431—121.453
Subpart O amended ... 3639
121.433
(a) amended ... 6726
121.439
Revised ... 6726
121.441
Introductory text of (b) amended; (b) (23) revised; (d) deleted; (e) redesignated as (d) ... 6726
121.442
Added ... 6726
121.443
(a) amended ... 6726
121.449
Revised ... 6726
121.461—121.465
Subpart P amended ... 3639
121.463
(a) amended ... 6727
121.470, 121.471
Subpart Q amended ... 3639
121.471
(a) (1) amended ... 3639
121.480—121.498
Subpart R amended ... 3639
121.500–121.525
Subpart S amended ... 3639
121.571
Revised ... 3206
121.573
Revised ... 3206
121.597
(b) amended ... 3639

14 CFR—Continued

Chapter I—Continued

121.653
(d) amended ... 3639
121.709
(d) added ... 6432
127.319
(d) added ... 6432
133.45
(a) revised ... 883
135.1
(a) (1) amended; (a) (2) redesignated as (3); new (a) (2) added ... 4352
143.16
Added ... 2197
143.20
Added ... 2197
159.11
Revised ... 1637
159.171
(a) revised ... 1637
165
Amended; heading of Subpart F revised ... 7184
Appendix A added ... 7185
165.1
(c) added ... 7184
165.5
Added ... 7184
165.15
(a) revised ... 7184
165.17
Amended ... 7184
165.41
(kk) added ... 7185
165.55
(b) revised ... 7185
165.89
(a) amended ... 7185
165.129
Amended ... 7185
165.151
(c) revised ... 7185
165.245
Amended ... 7185
165.255
Deleted ... 7185
165.257
Deleted ... 7185
165.259
Revised ... 7185
165.262
(b) revised ... 7185
165.271
Revised ... 7185
165.273
Deleted ... 7185
165.277
Heading revised; introductory text of (a) and (a) (3) revised ... 7185
165.279
Deleted ... 7185
165.281
Deleted ... 7185
165.283
Revised ... 7185
Special Federal Aviation Regulations:
16 ... 3707
Chapter II:
207.1
Amended ... 2655
224
Revised ... 3861
241
Amended ... 745
Amended ... 1191
242
Added ... 2857

14 CFR—Continued

Chapter II—Continued

288
Revised — 3869
285.7
(b) amended — 931
295.2
(l) revised — 2656
295.14
(c)(1)(i) revised; (c)(2) amended — 3353
298.21
(b) revised — 2781
302.1106
Revised — 5900
302.1107
Revised — 5900
399.16
Revised — 3878
399.19
Added — 5626
399.38
Added — 3878
Chapter V:
1204.500
Revised — 3378
1204.507
Added — 3378
1209
Subpart 1 recodified, revised — 535
1209.100—1209.103
Subpart 1 recodified from 1209.100—1209.104; revised — 535
1209.100—1209.104
Subpart 1 recodified as 1209.100—1209.103; revised — 535
1245
Subpart 3 added — 1844
1245.300—1245.304
Subpart 3 added — 1844
1250
Added — 301

Proposed Rules:

1 — 6074, 6921
4b — 953
10 — 953
21 — 953
23 — 6074
25 — 2468, 5798, 6074
27 — 6074
29 — 6074
37 — 2468, 4206, 6074
39 — 93, 845, 1297, 2469, 2470, 2682, 2718, 3224, 3782, 3783, 4137, 5532, 5643, 5907, 6188, 6274.
40 — 953
41 — 953
42 — 953
61 — 94, 6074
63 — 1196
67 — 6188
71 — 94–98, 224–234, 445, 487–489, 539, 587–589, 709, 710, 759, 760, 801–803, 886–892, 1052–1057, 1120–1126, 1200–1202, 1257, 1258, 1297–1301, 1816, 1817, 1873–1877, 1951, 1993–2000, 2106–2111, 2157, 2221, 2285, 2470, 2556–2558, 2606–2612, 2682, 2821, 2822, 2874, 2952, 2953, 3224, 3225, 3356, 3390, 3391, 3452–3455, 3549, 3664, 3665, 3713, 3783–3785, 3820, 3821, 3884, 3885, 4137–4140, 4206, 4207, 4321, 4489–4491, 4553, 4554, 4638, 4680, 4681, 4723, 4766–4768, 5383, 5384, 5604–5606, 5843, 5854–5857, 5908, 6074–6077, 6119, 6120, 6189, 6225, 6397–6402, 6443, 6588, 6589, 6735, 6736, 6793–6795, 6872, 6922–6924, 6984–6986, 7045, 7110–7112, 7196.

14 CFR—Continued

Proposed rules—Continued

73 — 446, 1057, 1126, 1877, 2000, 2111, 2157, 3391, 3549, 3885, 6121, 6402, 6444, 6736, 7251.
75 — 1876, 2471, 2558, 2953, 3225, 3391, 3549, 3666, 3714, 3785, 6074, 6443, 6924, 7112.
91 — 953, 3990, 6074, 6541, 6921
93 — 446, 3550
95 — 6074
97 — 6074
99 — 3550
121 — 2468, 3990
129 — 6541
135 — 6074
207 — 3662, 5483
241 — 757, 7251
249 — 2713
288 — 998, 2558
294 — 59
295 — 92
298 — 4636
302 — 2156
378 — 281, 6119
399 — 998, 2558, 6650

15 CFR

Subtitle A:
4.3
Added — 7245
6
Optional and mandatory effective dates — 1250
8
Added — 305
Appendix corrected — 616
8.4
(b)(1)(vi) corrected — 616
8.5
(b)(4)(iv) corrected — 616

Subtitle B:
Chapter I:
30.37
(a)(4) added — 2442
30.53
(e) added — 2442
Chapter II:
Subchapter B revised — 5552
201
Revised — 6748
202
Revised — 5686
204
Revised — 215
206
Revised — 4237
208.601
Revised — 2021
230
Revised — 5552
Chapter III:
Subchapter B revised — 1402
368
Revised — 1402
368.1
(b)(1), (2), and (3) revised — 4485
370
Revised — 1402
370.2
(a) revised — 4485
370.10
Revised — 4466
371
Revised — 1402
371.8
Corrected — 616
371.10
(b) deleted — 4466

15 CFR—Continued

Chapter III—Continued

372
Revised — 1402
372.12
(c)(2) revised — 5627
372.16
(a) revised — 4466
373
Revised — 1402
373.4
(i) (1) and (2) revised — 5627
373.18
Deleted — 4466
373.62
Revised — 4466
373.65
(e)(4) added — 5628
374
Revised — 1402
374.2
Revised — 4466
375
Revised — 1402
376
Revised — 1402
377
Revised — 1402
377.2
Revised — 4466
379
Revised — 1402
379.3
(c)(3) revised; (e)(3) and (6) deleted — 4466
379.10
(c)(1) amended — 4466
380
Revised — 1402
380.2
(f)(3) (vii) and (viii) deleted — 4467
381
Revised — 1402
382
Revised — 1402
383
Revised — 1402
384
Revised — 1402
384.6
Added — 4467
385
Revised — 1402
Revised — 4467
398
Revised — 1402
399
Revised — 1402
399.1
Revised — 5102
Chapter V:
503.1
(a)(5) corrected — 746

Proposed Rules:

9 — 5795

16 CFR

Chapter I:
13.5
8585 — 2929
C–880 — 4123
7946 — 4125
13.10
C–877 — 3879
8603 o — 4252
13.30
C–873 — 2398
C–876 — 2858
C–877 — 3879
C–802 — 3880
13.45
C–877 — 3879

16 CFR—Continued

Chapter I—Continued

13.70
8645 — 1250
C–870 — 1934
C–869 — 2308
13.73
C–873 — 2398
C–876 — 2858
C–877 — 3879
13.95
C–870 — 1934
13.125
8645 — 1250
C–869 — 2308
13.135
8645 — 1250
C–863 — 1251
C–870 — 1934
13.140
C–863 — 1251
13.155
8645 — 1250
8634 — 1934
C–869 — 2308
13.170
C–864 — 1252
13.180
8645 — 1250
13.195
8603 o — 4252
13.235
8645 — 1250
C–802 — 3880
13.345
8309 o — 1284
13.358
C–881 — 4713
8623 — 4714
13.385
C–881 — 4713
8623 — 4714
13.388
8618 — 1114
13.395
8618 — 1114
8638 — 1115
C–881 — 4713
8623 — 4714
13.407
C–881 — 4713
8623 — 4714
13.410
8638 — 1115
13.430
8618 — 1114
8309 o — 1284
13.431
8618 — 1114
13.455
8638 — 1115
13.470
8638 — 1115
C–881 — 4713
8623 — 4714
13.573
8638 — 1115
13.820
8564 o — 4712
13.824
8513 — 4711
8491 o–8508 — 4712
C–882 — 4712
13.825
8625 — 3878
8513 — 4711
8491 o–8508 — 4712
C–882 — 4712

16 CFR—Continued

Chapter I—Continued

13.930
C–881 — 4713
8623 — 4714
13.1053
C–862 — 1115
C–866 — 1252
C–868 — 1778
C–872 — 1778
13.1055
8645 — 1250
C–863 — 1251
C–869 — 2308
8593 o — 2398
6792 o — 3762
C–802 — 3880
8603 o — 4252
13.1060
C–871 — 1779
C–878 — 4125
13.1080
C–881 — 4713
8623 — 4714
13.1105
C–862 — 1115
C–865 — 1251
8610 — 1778
C–873 — 2398
C–876 — 2858
13.1185
C–861 — 1113
C–865 — 1251
C–866 — 1252
C–867 — 1777
C–868 — 1778
8610 — 1778
C–875 — 2858
C–876 — 2858
C–874 — 2859
C–877 — 3879
C–879 — 4127
C–883 — 4712
13.1200
C–877 — 3879
13.1212
C–861 — 1113
C–876 — 2858
C–877 — 3879
C–879 — 4127
C–883 — 4712
13.1230
5811 o — 3879
13.1255
C–872 — 1778
13.1265
5811 o — 3879
13.1605
5811 o — 3879
8603 o — 4252
13.1647
C–870 — 1934
13.1655
C–870 — 1934
C–869 — 2308
5811 o — 3879
13.1685
C–870 — 1934
C–869 — 2308
13.1695
5811 o — 3879
13.1720
8645 — 1250
13.1745
8645 — 1250
13.1779
8634 — 1934
13.1805
8593 o — 2398

16 CFR—Continued

Chapter I—Continued

13.1811
8593 o — 2398
13.1825
C–869 — 2306
13.1845
C–861 — 1113
C–868 — 1778
C–879 — 2398
C–876 — 2858
8603 o — 4252
13.1850
5811 o — 3879
13.1852
C–861 — 1113
C–862 — 1115
C–865 — 1251
C–866 — 1252
C–867 — 1777
C–868 — 1778
8610 — 1778
C–873 — 2398
C–875 — 2858
C–876 — 2858
C–874 — 2859
C–883 — 4712
13.1855
5811 o — 3879
13.1865
C–873 — 2398
13.1880
C–863 — 1251
6792 o — 3762
5811 o — 3879
13.1890
8603 o — 4252
13.2010
C–870 — 1934
13.2275
8603 o — 4252
13.2280
C–861 — 1113
C–868 — 1778
C–875 — 2858
C–876 — 2858
C–877 — 3879
13.2300
6792 o — 3762
5811 o — 3879
13.2320
6792 o — 3762
5811 o — 3879
21.4
Rescinded — 790
74
Added — 5331
300.25
Heading revised, (c) added — 2257
Effective date of (c) postponed — 5742
406
Effective date extended — 32

Proposed Rules:

214 — 5532
302 — 625
303 — 1058, 6275

17 CFR

Chapter I:
1.42
Revised — 2258
15.02
Amended — 1192
18.05
Revised — 6941
19.00
Revised — 1192
19.04
Redesignated as 19.10 — 1191

17 CFR—Continued

Chapter I—Continued

19.04
Added ... 1191
19.10
Redesignated from 19.04 ... 1191
(b) revised ... 1192
Chapter II:
200.30–6
(a)(1)(iv) added ... 3860
230.133
Amended ... 2022
230.151
Amended ... 2022
230.152
Amended ... 2022
230.152a
Amended ... 2022
Revised ... 2657
230.154
Amended ... 2022
230.155
Amended ... 2022
230.156
Amended ... 2022
239.24
Added ... 3312
240.0–6
Redesignated from 240.6; (a) revised ... 2022
240.3a11–1
Added ... 6114
240.6
Redesignated as 240.0–6; (a) revised ... 2022
240.12b–1
Center heading and section revised ... 2022
240.12b–2
Introductory text, (m), and (p) revised; (p–1) added ... 2022
240.12b–6
Added ... 482
240.12b–10
Revised ... 2022
240.12b–11
Revised ... 2022
240.12b–12
Revised ... 2022
240.12b–13
Revised ... 2023
240.12b–14
Revised ... 2023
240.12b–15
Revised ... 2023
240.12b–20
Revised ... 2023
240.12b–23
Revised ... 2023
240.12b–32
(a) revised ... 2023
240.12b–36
Revised ... 2023
240.12f–4
Revised ... 482
240.12g5–1
Added ... 483
240.12g5–2
Added ... 483
240.12h–1
Added ... 4320
240.12h–2
Added ... 6114
240.12h–3
Added ... 6643
240.13a–1
Center heading and section revised ... 2023
240.13a–2
Revised ... 2023

17 CFR—Continued

Chapter II—Continued

240.13a–3
Revised ... 2023
240.13a–10
(a) and (b) revised ... 2024
240.13a–13
(a) and (b) revised ... 2024
240.13a–15
(a) revised ... 2024
Revised ... 5629
240.14a–1
Center heading revised ... 4753
240.14a–2
Introductory text revised ... 4753
240.14a–3
(b) revised ... 702
240.14a–6
(c) revised ... 4753
240.15d–1
Center heading and section revised ... 2024
240.15d–12
(a) revised ... 2024
240.15d–15
(a) revised ... 2024
Revised ... 5629
240.16a–1
(b) revised ... 2024
240.16a–2
Revised ... 2024
240.16a–4
(a), (b), and (c) revised ... 2025
240.16a–6
(c) and (f) revised ... 2025
240.16b–3
Revised ... 4128
240.16b–10
Added ... 3526
240.16d–1
Redesignated as 240.16e–1 and revised ... 2025
240.16e–1
Redesignated from 240.16d–1 and revised ... 2025
240.24b–2
(g) and (i) revised ... 704
Introductory text, (a), (b), (d), (f), (h), and (j) revised ... 2025
249.208a
Revised ... 702
249.210
Revised ... 3423
249.212
Added ... 4057
249.310
Revised ... 3430
249.312
Added ... 4059
249.330
Revised ... 3312
249.332
Added ... 3312
249.441
Revised ... 3312
249.447
Added ... 3312
250.103
(d) revised ... 4129
270.0–1
(a)(4) revised ... 829
274.5
Redesignated as 274.105; revised ... 2312
274.5
Added ... 3312
274.101
Revised ... 2136
Amended ... 3312

17 CFR—Continued

Chapter II—Continued

274.105
Redesignated from 274.5; revised ... 3312
275.01
Redesignated as 275.0–1 ... 4129
275.02
Redesignated as 275.0–2 ... 4129
275.0–1
Redesignated from 275.01 ... 4129
275.0–2
Redesignated from 275.02 ... 4129
275.0–3
Added ... 4129
Proposed Rules:
230 ... 1010
239 ... 1010
240 ... 589, 711, 717, 895, 1010, 3457, 3551, 5908, 7253.
249 ... 157, 346, 349, 590, 592, 4688, 4690, 7253
270 ... 2111
274 ... 1010

18 CFR

Chapter I:

2.56
(d) and table added ... 4671
4.41
Amended ... 523
101
Ordering clause amended ... 484
104
Ordering clause amended ... 484
141
Forms 1–F and 1–M amended ... 605
Form 1 amended ... 3707, 5703
141.2
(c) amended ... 605
141.7
(c) amended ... 605
157.18
(g) added ... 4130
157.23
Amended ... 6518
157.30
(a) revised ... 6518
201
Ordering clause amended ... 484
260
Form 2–A amended ... 605
260.2
(c) amended ... 605
Chapter II:
302
Added ... 311
Proposed Rules:
10 ... 4769
11 ... 4259
154 ... 3715, 5861
157 ... 3715, 5861
260 ... 447

19 CFR

Chapter I:

1.1
(c) amended ... 344
(c) amended ... 4411
2.45
(i) revised ... 3593
2.46
(h) revised ... 3593
2.49
(c) amended ... 6116
2.64
Revised ... 5419
3.30
(a) amended ... 573

19 CFR—Continued

Chapter I—Continued

3.53
(b) revised ... 574
4.90
(a) amended ... 574
6.13
Amended ... 3598
8.59
(g) amended ... 3598
10.53
(e) and authority citation revised ... 6149
11.15
(a) amended ... 5580
11.16
Amended ... 5580
11.19
(a) (1) and (2) amended ... 5580
14.13
(b) amended ... 7188
16.4
Conversion of Luxembourg franc ... 574
16.24
(f) amended ... 2399
18.4
(e) amended ... 1845
19.2
(a) amended ... 5580
24.12
(a)(1)(i) and (iii) and (4) amended ... 5580
(c) revised ... 5900
24.72
Revised ... 4671
Proposed Rules:
Ch. I ... 2952, 7108
11 ... 2317
13 ... 3385, 6686
19 ... 2317
20 ... 1196
24 ... 2317

20 CFR

Chapter II:

208.7
(c) revised ... 4061
210.11
Revised ... 4061
237.808
Revised ... 270
237.809
Added ... 4061
237.810
Added ... 4061
Chapter III:
404.1280–404.1287
Added ... 2703
404.1286
(a) corrected ... 3207
404.1290
Added ... 2703
Chapter V:
601.5
Revised ... 6942
602.10
(d) amended ... 1935
604.8
(h) and (i) added ... 7040

21 CFR

Chapter I:

1.322
(c) and (d) revised ... 5507
2.101
Amended ... 1252
3.8
Revised ... 1845

21 CFR—Continued

Chapter I—Continued

3.15
Added ... 6790
(a)(1)(iii) and introductory text of (b) corrected ... 6071
3.36
Revised ... 2104
3.501
(b), (c), and (g) amended ... 4535
15.1
Effective date of revision of introductory text of (a) and addition of (c)(4) confirmed ... 131
15.40
Effective date of revision confirmed ... 131
15.75
Effective date stayed ... 6
15.80
Effective date of revision of (a) confirmed ... 131
15.506
(a) revised ... 746
Effective date of revision of (a) ... 4130
19.500
Effective date of revision of (c)(3) ... 992
(d) revised ... 1253
Effective date of revision of (d) ... 4061
19.505
(d) revised ... 1253
Effective date of revision of (d) ... 4061
19.510
(d) revised ... 1253
Effective date of revision of (d) ... 4061
19.535
(d) revised ... 1253
Effective date of revision of (d) ... 4061
19.540
(d) revised ... 1253
Effective date of revision of (d) ... 4061
19.543
(d) revised ... 1253
Effective date of revision of (d) ... 4061
19.545
(d) revised ... 1253
Effective date of revision of (d) ... 4061
19.550
(d) revised ... 1253
Effective date of revision of (d) ... 4061
19.555
(d) revised ... 1253
Effective date of revision of (d) ... 4061
19.580
(d) revised ... 1253
Effective date of revision of (d) ... 4061
19.590
(d) revised ... 1253
Effective date of revision of (d) ... 4061
19.591
(d) revised ... 1253
Effective date of revision of (d) ... 4061
19.595
(d) revised ... 1254
Effective date of revision of (d) ... 4061
19.600
Effective date postponed ... 5508
19.601
Effective date postponed ... 5508
19.605
Effective date postponed ... 4130
19.606
Effective date postponed ... 4130
19.610
(d) revised ... 1254
Effective date of revision of (d) ... 4061

21 CFR—Continued

Chapter I—Continued

19.615
(d) revised ... 1254
Effective date of revision of (d) ... 4061
19.650
(d) revised ... 1254
Effective date of revision of (d) ... 4061
19.655
(d) revised ... 1254
Effective date of revision of (d) ... 4061
19.660
(d) revised ... 1254
Effective date of revision of (d) ... 4061
19.670
(d) revised ... 1254
Effective date of revision of (d) ... 4061
19.680
(d) revised ... 1254
Effective date of revision of (d) ... 4061
19.787
(e)(8) and (f)(9) added ... 3528
25.2
(c)(1) revised ... 5831
27.109
(f) added ... 4535
36.30
Revised ... 2863
36.31
Revised ... 2864
42.20
Effective date of revision ... 1779
42.60
Effective date of revision ... 1779
51.990
(b) amended; (c)(3)(i) and introductory text of (c)(6) revised; (c)(6)(v) added; (c)(8) revised; (c)(9) deleted; (c)(10), (11), and (12) redesignated as (c)(9), (10), and (11); closing sentence added ... 131
(f)(9), (10), and (11) revised ... 132
Effective date of amendment confirmed ... 3429
120.2
(a) revised ... 2397
120.33
(a) through (h) amended ... 3704
120.122
Revised ... 4412
120.123
Amended ... 2104
120.176
Amended ... 4197
120.185
Added ... 218
120.188
Added ... 2258
120.1001
(c) amended ... 5508
121.90
(a) amended ... 1935
121.91
(a) amended ... 1936
(a) amended ... 4672
121.205
(d)(2) amended ... 3708
121.207
(d)(2) amended ... 3708
(c) amended ... 6389
121.208
(c)(2) amended ... 3708
(d) amended ... 4062
(d) amended ... 6390
121.210
(d)(2) amended ... 3708

21 CFR—Continued — Page

Chapter I—Continued
121.210—Continued
(c) amended — 6390
(c) amended; (e) added — 6732
121.213
(e) (2) amended — 3708
(d) amended — 6390
121.225
(w) revised — 3708
121.232
(d) amended — 6390
121.233
(d) amended — 6390
121.237
(b) amended — 883
Revised — 4536
121.242
Amended — 2258
121.246
Heading, introductory text, (a), and (c) revised — 6477
121.251
(d) amended — 6390
121.253
(c) amended — 6390
(c) amended; (e) added — 6732
121.256
(d) amended — 6390
121.258
(c) amended; (e) added — 3641
121.260
(c) amended — 2026
121.262
(c) amended — 3594
121.263
(b) amended — 3594
121.264
(b) amended — 3434
(b) amended — 3594
121.265
(c) (3) revised — 6433
121.266
Added — 2429
(a) corrected — 2704
121.267
Added — 2945
121.268
Added — 5630
121.269
Added — 3434
121.1009
Introductory text of (c) (8) revised — 4130
121.1017
(b) (1) amended — 6916
121.1030
Introductory text of (c) (8) revised — 4130
121.1031
(f) amended — 6837
121.1039
Revised — 6
121.1051
Revised — 5630
121.1057
(c) (3) added — 3353
121.1059
(a) amended — 747
121.1066
(d) revised — 1254
121.1067
(a) and (c) revised — 1254
121.1068
(d) revised — 1255
121.1069
(a) and (c) revised — 1255
121.1076
Revised — 6215

21 CFR—Continued — Page

Chapter I—Continued
121.1103
Revised — 4537
121.1122
Amended — 2258
121.1139
(a) revised; (b) amended — 6579
121.1146
(c) amended — 5474
121.1148
(a) (12) added; (b) revised — 32
121.1154
(c) amended — 3435
121.1163
Added — 992
(b) amended — 3816
121.1164
(b) amended — 2259
121.1167
Revised — 3642
121.1170
Effective date of addition — 992
121.1172
Added — 2212
121.1173
Added — 2429
121.1174
Added — 2430
121.1175
Added — 5630
121.1176
Added — 3528
121.1177
Added — 3434
121.2502
(b) amended — 7238
121.2504
Added — 2312
121.2507
(c) amended — 884
121.2509
(b) amended — 1255
121.2514
(b) (3) (xxxiii) amended — 85
(b) (3) (xxxiv) revised — 747
(b) (3) (xxxi) (b) amended — 4535
Introductory text of (b) (3) (vii) revised; (b) (3) (vii(d) added — 5508
(b) (3) (xxxd) amended — 6478
(b) (3) (viii) (b) amended — 6643
121.2517
Revoked — 2431
121.2519
(b) revised — 2431
(d) (3) amended — 6478
121.2520
(c) (5) amended — 747
(c) (5) amended — 4714
(c) (5) amended — 5509
(c) (5) amended — 5791
(c) (5) amended — 6339
121.2521
Revoked — 2431
121.2522
(a) (4) amended — 5475
121.2526
Revised — 2431
(c) corrected — 2657
(a) (5) amended — 6115
121.2532
Revoked — 2436
121.2536
(d) amended — 4061
121.2541
(c) amended — 6339
121.2542
(c) added — 3354
121.2553
(a) (3) amended — 5791

21 CFR—Continued — Page

Chapter I—Continued
121.2557
(d) (3) amended; (e) (2) revised — 2436
(d) (3) amended — 4536
121.2562
(c) (4) (iii) amended — 1937
(c) (4) (ii) (b) and (iii) amended — 3207
(c) (4) (i) amended — 5509
121.2564
Revoked — 2436
121.2569
(b) (3) (i) amended — 748
(b) (3) amended — 5509
(b) (3) amended — 5510
121.2571
Introductory text and (b) revised — 2436
121.2573
Revoked — 2437
121.2582
Added — 4714
121.2585
(b) amended — 4672
121.2589
Introductory text of (b) (1) revised — 5475
121.2593
Added — 5510
121.3002
(b) amended — 3354
121.3004
(a) and (b) revised; (d) added — 5631
121.3005
(b) amended — 3354
130
Subpart C added — 2315
130.4
(c) amended — 993
130.9
(d) through (g) added — 993
130.36
Added — 6979
130.201
Subpart C added — 2315
133.1
(c) added — 6475
133.3
Introductory text of (a) revised; (b) revised — 932
133.6
Revised — 932
133.8
(d) revised — 932
133.11
(h) added — 933
133.100—133.110
Added — 6475
141.2
(e) (2) revised — 1779
141a.104
(h) revised — 1780
141a.111
Heading revised — 2437
(c) and (g) revised — 6979
141a.112
Heading revised; (a) amended — 2437
(b) revised — 6980
141a.115
(b) revised — 1780
141a.118
Added — 2597
(f) corrected — 2865
141a.119
Added — 2598
141a.120
Added — 2598

21 CFR—Continued — Page

Chapter I—Continued
141a.121
Added — 1786
Introductory text of (a) revised — 5115
141a.122
Added — 7040
141a.123
Added — 2865
141c.227
(b) revised — 1780
141c.242
(b) amended — 1780
141e.430
(c) (1) and (3) revised — 1780
141e.434
Added — 6980
141e.435
Added — 6980
144.26
(b) (60) added — 4537
(b) (21) (i) amended — 5792
(a) (3) and (5), (b) (1) (iv) and (v), and (b) (20) revised — 6071
(b) (59) revised — 5391
145.3
(a) (1) (x) and (b) (1) (ix) added — 2598
145.4
(b) (36) added — 2598
146.8
(b) revised — 2705
146a.2
(d) (2) and (3) and (e) (1) revised — 1780
146a.6
Heading and introductory text of (a) revised — 2437
(a) (6) added — 6980
146a.7
Heading, (a), (b), and (d) (1), (2) (ii), and (3) (ii) revised — 2437
146a.8
(d) (3) (i) and (e) (1) revised — 1780
146a.12
(d) (2) (ii) and (e) (1) revised — 1780
(c) (3) revised — 3642
146a.13
(c) (1) and (d) (2) (i) (a) and (3) (i) (a) (2) revised — 3642
146a.25
(d) (3) (i) (b) revised — 1780
146a.41
(d) (3) (i) (b) revised — 1781
146a.43
(d) (3) (i) (b) revised — 1781
146a.45
(d) (3) (i) (b) revised — 1781
146a.52
(a) (3) amended — 1781
146a.65
(d) (3) (i) (b) revised — 1781
146a.67
(d) (3) (i) (b) revised — 1781
146a.82
(d) (3) (i) (b) revised — 1781
146a.84
(d) (3) (i) (b) revised — 1781
146a.86
(c) revised — 2600
146a.101
(a) (4) (ii) revised — 1781
146a.102
(a) (3) amended — 1781
146a.114
Added — 2598
(c) (3) revised — 6071
146a.115
Added — 2599
(c) revised — 6071

21 CFR—Continued — Page

Chapter I—Continued
146a.116
Added — 2599
146a.117
Added — 1786
146a.118
Added — 7040
146a.119
Added — 2865
146b.104
(a) revised — 5630
146b.108
(a) revised — 5630
146b.116
(d) (3) (ii) revised — 1781
146c.205
(f) (5) (ix) added — 4062
146c.252
(c) (1) revised — 1255
146c.266
Revised — 3945
146e.434
Added — 6980
146e.435
Added — 6980
147.1
(b) (11) added; (c) (3) and (d) amended; introductory text of (e) (1) revised — 270
(c) (3) and (d) amended — 5792
147.2
(a) (28) added — 5792
148.5
Revised — 7041
148b.2
(a) (3) (ii) (b) (2), (a) (4), and (b) (2) revised — 1781
148c.2
(a) (3) (ii) (c) (2), (a) (4), and (b) (3) revised — 1781
148c.4
(a) (3) (ii) (b), (a) (4), and (b) (2) revised — 1781
148c.5
(a) (3) (ii) (b) (2), (a) (4), and (b) (2) revised — 1781
148e.3
(a) (4) (ii) (a) (2) and (b) (2), (a) (5), and (b) (2) revised — 1782
148e.7
(a) (3) (ii) (b), (a) (4), and (b) (2) revised — 1782
148e.9
(a) (3) (ii) (b) (2), (a) (4), and (b) (2) revised — 1782
148e.18
(a) (3) (ii) (b) (2), (a) (4), and (b) (2) revised — 1782
148e.25
(a) (3) (ii) (b) (2), (a) (4), and (b) (2) revised — 1782
148h.1
(a) (3) (ii) (b), (a) (4), and (b) (2) revised — 1782
148h.2
(a) (1) revised — 1256
(a) (3) (ii) (b) (2), (a) (4), and (b) (2) revised — 1782
148l.1
(a) (4) (ii) (a) (2) and (b) (2), (a) (5), and (b) (2) revised — 1783
148l.6
(a) (3) (ii) (b) (2), (a) (4), and (b) (2) revised — 1783
148l.9
(a) (3) (ii) (b) (2), (a) (4), and (b) (2) revised — 1783
148l.15
(a) (3) (ii) (c) (2), (a) (4), and (b) (2) revised — 1783

21 CFR—Continued — Page

Chapter I—Continued
148l.20
(a) (3) (ii) (d) (2), (a) (4), and (b) (2) revised — 1783
148l.22
(a) (3) (ii) (c) (2), (a) (4), and (b) (2) revised — 1783
148l.24
(a) (3) (ii) (c) (2), (a) (4), and (b) (2) revised — 1783
148l.35
(a) (3) (ii) (b) (2), (a) (4), and (b) (2) revised — 1783
148l.39
(a) (3) (ii) (b) (2), (a) (4), and (b) (2) revised — 1784
148j.1
(a) (3) (ii) (b), (a) (4), and (b) (2) revised — 1784
148j.6
(a) (3) (ii) (b) (2) and (a) (4) revised — 1784
148m.1
(a) (4) (ii) (a) (2) and (b) (2), (a) (5), and (b) (2) revised — 1784
148n.1
(a) (3) (ii) (b), (a) (4), and (b) (2) revised — 1784
148n.2
(a) (3) (ii) (b) and (a) (4) revised — 1784
148n.5
(a) (3) (ii) (b) (2), (a) (4), and (b) (2) revised — 1784
148n.11
(a) (3) (ii) (b) (2), (a) (4), and (b) (2) revised — 1784
148n.17
(a) (3) (ii) (b) (2), (a) (4), and (b) (2) revised — 1785
148p.1
(a) (4) (ii) (a) (2) and (b) (2), (a) (5), and (b) (2) revised — 1785
148p.4
(a) (3) (ii) (b) (2), (a) (4), and (b) (2) revised — 1785
148p.8
Added — 6981
148s.1
(a) (4) (ii) (a) (2) and (b) (2), (a) (5), and (b) (2) revised — 1785
148t.1
(a) (4) (ii) (a) (2) and (b) (2), (a) (5), and (b) (2) revised — 1785
148w.1
(a) (4) (ii) (a) (1) and (b) (3) revised — 4131
191.63
(a) (25) added — 1787
(a) (26) added — 4062
191.110
Added — 32
191.272
(c) and (d) revised — 5507
281.19
(a) revised — 2438
Proposed Rules:
5 — 2604
8 — 5797, 6490, 6733–6735
10 — 2604
15 — 5643
17 — 1257
25 — 757
27 — 1296, 5798
51 — 651
120 — 2605, 7249
121 — 998, 2034, 2605, 6688, 6689
125 — 6984
141a — 4065, 6795

21 CFR—Continued

Proposed Rules—Continued

	Page
141c	4205
141e	487
146a	4065
146e	487
148n	4205
148p	487

22 CFR

Chapter I:

51.102
Added — 2309
61.5
(c) revised — 3265
72.3
(a) revised — 4412
141
Added — 314
Chapter II:
209
Added — 317
Chapter IV:
401
Revised — 3379
Chapter V:
501
Revised — 5832
Proposed Rules:
Ch. II — 2552, 4321

24 CFR

Subtitle A:
3
Revised — 439
3.104
(e)(1), (g), and (i) revised — 4715
Subtitle B:
Chapter II:
200.84
Revised — 2657
200.84f
Added — 2657
200.85
(a) revised — 2657
200.87
(a) revised — 6116
200.98
Revised — 6116
203.12
(a)(1)(i) revised — 5900
203.367
(b) revised — 5371
203.388
Revoked — 2657
203.389
(b) and (l) revised; (m) added — 2657
(n) added — 5371
203.390
Revised — 933
203.391
Added — 6982
207.253
(c)(10) added — 1727
213.12
Revised — 933
213.262
(b)(12) added — 1728
220.506
(b) revised — 7102
220.755
(a)(2) revised — 218
220.760
(a)(1)(ii) revised — 218
220.765
(b)(1) revised — 218
221.514
(c) revised — 933
221.762
(a)(2) revised — 218

24 CFR—Continued

Chapter II—Continued

232.80
Revised — 933
233.755
(a)(1)(ii) revised — 219
234.13
(a)(1) revised — 5900
808.253
(c)(9) added — 1728
Chapter III:
1500.7
Added — 132

25 CFR

Chapter I:

88.6
(e) revised — 5742
221.16
Revised — 7101
221.17
Revised — 7101
221.32
Revised — 536
Proposed Rules:
1 — 6438
41 — 229
42 — 223
163 — 5849
221 — 5708, 6074, 6523
251 — 3598

26 CFR

Chapter I:

1
Determination — 2442
1.2
Amended — 524
1.2–2
(a) revised — 524
1.3
Revised — 524
1.4
Amended — 529
1.4–3
Revised — 529
1.37
Amended — 85
1.37–1
Revised — 86
1.37–2
(a) and (d)(1) revised — 87
1.37–3
(a)(1) revised — 87
1.37–4
(a) and (b) revised; (d) amended — 88
1.37–5
Amended — 88
1.62
Amended — 1037
1.62–1
(c)(10) revised; (c)(11) added — 1037
1.78
Added — 3208
1.78–1
Added — 3208
1.141
Revised — 530
1.141–1
Revised — 530
1.142–1
(b) revised — 531
1.144
Amended — 531
1.144–2
Heading and (a) revised; (d) added — 531
1.162
Amended — 5880

26 CFR—Continued

Chapter I—Continued

1.162–15
Revised — 5580
1.162–20
Added — 5581
1.163
Amended — 6216
1.163–1
(b) revised — 6216
1.166–6
(d) added — 4472
1.182—1.182–6
Added — 790
1.211–1
Revised — 1037
1.217
Redesignated as 1.218 and revised — 1037
1.217, 1.217–1
Added — 1038
1.218
Redesignated from 1.217 and revised — 1037
1.262–1
(b)(5) revised; (c)(10) added — 1041
1.263(a)
Amended — 792
1.263(a)–1
(c) revised — 792
1.263(a)–3
(b) revised — 792
1.333–1
(a) revised — 2850
1.337–1
Revised — 2850
1.341
Amended — 2843
1.341–1
Revised — 2850
1.341–6
Added — 2845
1.402(a)
Amended — 6340
1.402(a)–1
(a)(1)(ii) and (6)(i) revised; (c) added — 6340
1.446–1
Liberalization of provision — 5372
1.453
Amended — 2841
1.453–2
(c) and (d)(2)(ii) revised; (d)(4) amended; introductory text of (d)(5) and (d)(6)(v) revised — 2841
1.535
Amended — 3209
1.535–2
(a)(2) revised — 3209
1.542–2
Amended — 934
1.545
Amended — 3209
1.545–2
(a)(3) revised — 3209
1.555–1
Amended — 934
1.562–1
(a) revised — 934
1.595
Added — 4473
1.595–1
Added — 4473
1.691(a)–1
(a) revised — 3435
1.691(a)–5
(a) revised — 3435

26 CFR—Continued

Chapter I—Continued

1.691(e)
Redesignated as 1.691(f); revised — 3435
1.691(e)
Added — 3436
1.691(e)–1
Redesignated as 1.691(f)–1; revised — 3436
1.691(e)–1
Added — 3436
1.691(f)
Redesignated from 1.691(e); revised — 3435
1.691(f)–1
Redesignated from 1.691(e)–1; revised — 3436
1.871–7
(b)(3)(i) revised — 6341
1.901
Amended — 934
Amended — 3209
1.901–1
(a)(2) revised — 934
1.902
Revised — 3209
1.902–1
Heading amended; (f) added — 3210
1.902–2
Heading revised; (d) added — 3210
1.902–3
Added — 3210
1.902–4
Added — 3213
1.902–5
Added — 3214
1.951—1.951–3
Added — 934
1.952—1.952–2
Added — 938
1.955–1
(b)(2)(ii)(b) revised — 942
1.956–1
(b)(2)(i) and (ii) revised — 942
1.957
Amended — 942
1.957–2
Added — 942
1.959—1.959–4
Added — 943
1.964
Amended — 6480
1.964–3
Added — 6480
1.964–4
Added — 6481
1.970–1
(c)(2)(ii)(a) revised, (b) deleted, (c) redesignated as (b) — 947
1.1016
Amended — 948
1.1016–5
(q) and (r) added — 948
1.1055
Redesignated as 1.1056 and amended — 6216
1.1055—1.1055–4
Added — 6216
1.1056
Redesignated from 1.1055 and amended — 6216
1.1247—1.1247–5
Added — 1173
1.1502–31
(b)(3) and (21)(i) and (ii) revised — 4412
1.6012–1
(a)(5) revised — 4537

26 CFR—Continued

Chapter I—Continued

1.6014
Amended — 531
1.6014–1
(d) added — 531
1.6015(a)–1
(f) revised — 4537
1.6091–4
(a) revised — 704
2
Added — 6030
32
Superseded by Part 2 — 6030
47.4352–1
(b) revised — 3437
47.4352–2
Added — 3427
147.4–1
(a) and (c)(1) revised; (d) added — 4413
147.9–1—147.9–3
Added — 1937
147.9–4
Added — 2399
170
Subpart B recodified and revised — 4132
170.21—170.24
Subpart B recodified from 170.21—170.26; revised — 4132
170.21—170.26
Subpart B recodified as 170.21—170.24; revised — 4132
172.26
(b) revised — 4197
172.42
Revised — 4198
250.112
(a), (b), and (c) revised — 6217
250.113
(c), (d), and (e) revised — 6217
250.126
Revised — 6218
250.128
Revised — 6218
275
Subpart F heading revised — 2658
275.1
Revised — 2658
275.45
Deleted — 2658
275.46
Deleted — 2658
275.47
Deleted — 2658
275.48
Deleted — 2658
275.49
Deleted — 2658
275.50
Revised — 2658
275.81—275.91
Subpart F heading revised — 2658
275.85
Center heading and heading revised — 2658
275.85a
Added — 2658
275.110
Revised — 2658
296
Subpart D recodified and revised — 4132
296.91–296.94
Subpart D recodified from 296.91—296.96; revised — 4132
296.91—296.96
Subpart D recodified as 296.91—296.94; revised — 4132

26 CFR—Continued

Chapter I—Continued

301.6103(a)
Amended — 3762
301.6103(a)–1
(a)(2) and (3)(i), (c)(1)(i), and (d)(3) revised — 3762
301.6103(a)–107
Revised — 4414
301.7516–1
Revised — 33
301.7701–1
(c) revised — 1116
301.7701–2
Heading revised; (a)(5) added; (g) amended; (h) added — 1116
Proposed Rules:
1 — 37, 91, 143, 1048, 2031, 2106, 2450, 2663, 2669, 3764, 3765, 4133, 4256, 4482, 4548, 4619, 4635, 4718, 5584, 5595, 5841, 6222, 6349, 6486, 6488
31 — 6222
301 — 6222

27 CFR

Chapter I:

5.21
(i)(1) revised — 1846
5.51
(d)(3) revised — 1846

28 CFR

Chapter I:

0
Subpart O appendix added — 1800
0.6
(b–1) added — 2588
(b–1) superseded — 5704
0.50
(a) revised — 5832
0.53
Added — 5703
0.55
(i) revised — 2316
(n) revised — 5832
0.75—0.83
Subpart O appendix added — 1800
0.86
Amended — 2316
0.130a
Added — 485
0.171
Revised — 7245
2.49
Added — 219
3
Revised — 2316
3.6
Revised — 5510
50.2
Added — 5510

29 CFR

Subtitle A:
2.10
Revised — 616
40.27
Revised — 3526
41
Added — 2945
50.22
(g) amended — 6249
50.32
(a) revised; (c) added — 6249
Subtitle B:
Chapter V:
545.13
Schedules A and B revised — 5466
601.2
Revised — 1938

29 CFR—Continued

Chapter V—Continued

604.2
Revised — 6218
606.2
Revised — 6219
610.2
Revised — 219
612.2
Revised — 33
Corrected — 133
614.2
Revised — 220
670.2
Revised — 2792
673.2
Revised — 3529
675.2
Revised — 2792
677.2
Revised — 3709
678.2
Revised — 3709
683
Heading revised — 6116
683.1
Revised — 6116
683.2
Revised — 6117
690.2
Revised — 6482
720.3
Revised — 2536
778
Revised — 1076
Proposed Rules:
545 — 2954
602 — 3883
603 — 3883
604 — 586
606 — 586
657 — 6224
683 — 586
690 — 586
697 — 6225
1501 — 6397
1502 — 6397
1503 — 6397

30 CFR

Chapter I:

11.3
Revised — 3753
12.4
(c) revised — 3753
13.5
(c) revised — 3753
14
Revised — 616
14.6
Revised — 3754
14a.5
(d) revised — 3754
18.3
Revised — 3754
19.2
Revised — 3754
20.4
Revised — 3755
21.3
Revised — 3755
22.3
Revised — 3755
23.4
Revised — 3755
24.1
Revised — 3755
25.4
Revised — 3755
26.6
Revised — 3756

30 CFR—Continued

Chapter I—Continued

27.7
Revised — 3756
31.3
(c) revised — 3756
32.3
(c) revised — 3756
33.5
(a) and (b) revised — 3757
34.5
Revised — 3757
35.5
(d) revised — 3757
36.7
(a) revised — 3757
Chapter II:
222.9
Text rescinded — 1041
222.15
Revoked — 1041
229
Redesignated from Part 301, revised — 2866
Chapter III:
Revoked — 2866
301
Redesignated as Part 229, revised — 2866
Proposed Rules:
11 — 1989
12 — 1989
13 — 1989
14 — 1989
14a — 1989
18 — 1989
19 — 1989
20 — 1989
21 — 1989
22 — 1989
23 — 1989
24 — 1989
25 — 1989
26 — 1989
27 — 1989
31 — 1989
32 — 1989
33 — 1989
34 — 1989
35 — 1989
36 — 1989

31 CFR

Chapter II:

203.7
(n) revised — 3150
(p) added — 3400
270.3
(a) and (b) amended — 1192
306.47
Corrected — 4716
316.6
(c) corrected — 4716
316.8
(a)(4) corrected — 4716
316.14
Corrected — 4716
332
Corrected — 4716
332.10
Corrected — 4716
Chapter V:
505.10
Revised — 1284
Proposed Rules:
270 — 16

32 CFR

Chapter I:

1.102
Revised — 6965

32 CFR—Continued

Chapter I—Continued

1.103–5
Revised — 1729
1.104
Revised — 5959
Text designated as (a); (b) added — 6965
1.106–1
Introductory text revised — 6965
1.106–2
(d) added — 5959
1.106–3
Added — 6965
1.107
Revised — 5959
Revised — 6965
1.111–1
Revised — 5959
1.111–2
Revised — 5959
1.111–3
Added — 5959
1.111–4
Added — 5959
1.113
Revised — 5960
1.113–1
Revised — 5960
1.113–2
(b) revised — 5960
1.115
Revised — 5960
1.201–5
Revised — 5960
1.201–14
Revised — 5960
1.201–15
Revised — 5960
1.201–21
Revised — 5960
1.302–1
Revised — 1729
1.304
Revised — 6965
1.308
(d) revised — 5961
1.310
(a) revised — 5961
1.315
(a), (b), and (c) revised — 1729
1.322–3
(d) revised — 1729
1.324–2
(c) revised — 6965
1.324–6
(a) amended — 6965
1.325
Added — 6965
1.506—1.506–1
Redesignated as 1.506—1.506–2; revised — 5961
1.506—1.506–2
Redesignated from 1.506—1.506–1; revised — 5961
1.507—1.507–2
Redesignated as 1.507—1.507–3; revised — 5961
1.507—1.507–3
Redesignated from 1.507—1.507–2; revised — 5961
1.508—1.508–2
Redesignated as 1.508—1.508–4; revised — 5963
1.508–1.508–4
Redesignated from 1.508—1.508–2; revised — 5963
1.509
Revised — 5962
1.600
Revised — 5962

32 CFR—Continued

Chapter I—Continued

1.601–1.601–4
Revised — 5962
1.601–5
Added — 5962
1.601–6
Added — 5962
1.602
Revoked — 5963
1.603
Revised — 5963
1.604
Revised — 5963
1.604–1
Revised — 5963
1.604–2
(a) revised — 5963
1.604–3
Revised — 5963
1.605
Revised — 5963
1.605–1
Revised — 5963
1.605–3
Revised — 5963
1.605–4
Revoked; recodified in 1.605–3 — 5963
1.606
Revised — 5964
1.607
Revised — 5964
1.608—1.608–3
Added — 5964
1.609—1.609–9
Revised — 5965
1.610
Revised — 5965
1.701–1
(d) revised — 5966
1.703
Revised — 5966
1.704–3
(b)(3) revised — 5966
1.705–4
Introductory text of (b) revised — 5967
1.706–1
(a) revised — 1729
1.706–5
Introductory text of (c) revised — 5967
1.706–6
(c) revised; (d) amended; (a)(1) revised — 1730
Introductory text of (c) revised — 5967
1.804–2
(b) and (c) amended; (d)(1) revised — 1731
1.1002–1
Revised — 5967
1.1003–1
(a) revised — 6966
1.1003–3
Revised — 6966
1.1003–6
(b) revised — 6966
1.1003–9
(a)(2) revised; (b)(9) amended — 6966
1.1004
Revised — 6966
1.1005–1
(b)(1) revised — 6966
1.1006
Redesignated as 1.1006–1; revised — 6966
1.1006
Added — 6966
1.1006–1
Redesignated from 1.1006; revised — 6966

32 CFR—Continued

Chapter I—Continued

1.1006–2
Added — 6966
1.1107–1
Revised — 5967
1.1107–2
Revised — 5967
1.1108
Revised — 5967
1.1109
Revised — 5967
1.1201
(b) revised — 5968
1.1203—1.1203–3
Redesignated from 1.1203; revised — 5967
1.1203
Redesignated as 1.1203—1.1203–3; revised — 5967
1.1204
Revised — 5967
1.1208
(a) and (d) revised — 5967
1.1602
(c) revised — 6966
1.1604
(b) and (c) revised — 1732
Revised — 6966
2.201
(a)(13) and (14) revised — 1732
(a) (15), (20), and (25) revised; (a)(28) added; (a)(31), (33), and (35), (b)(6), and (c) revised — 5969
(b)(2) revised — 6967
2.202–1
Revised — 5970
2.202–5
(g) revised — 5970
2.205–1
(b) revised — 1732
2.205–4
Revised — 1732
2.210
(a) revised — 5970
2.403
(b) revoked — 1732
2.407–7
(a)(2) revised — 5970
2.408–1
Revised — 5970
2.503–1
(e) revised — 1732
3
Subpart F recodified and revised — 5972
3.101
(s) revised — 1733
(h) revised — 5971
3.108
(a) revised — 5971
3.200
Revised — 5971
3.202–2
Introductory text revised — 5971
3.203–3
Revised — 5971
3.210–2
(p) revised — 1733
3.212–3
Revised — 5971
3.216–2
(c) revised — 5971
3.218—3.218–3
Revoked — 5971
3.402
(b)(1) revised — 6967
3.406–5
(c)(1) revised — 1733

32 CFR—Continued

Chapter I—Continued

3.408
(c) revised — 5971
3.409
(b)(1) and (c)(1) revised — 5971
3.410–1
(a) revised; (b) (5) through (10) added — 5971
3.501
(b) (11) and (12) revised — 1733
(b) (14), (28), (36), (37), and (38) revised; (b)(49) revoked — 5971
(b)(25) revised — 6967
3.506–1
Amended — 6968
3.600—3.608–8
Subpart F recodified from 3.600—3.610–3; revised — 5972
3.600—3.610–3
Subpart F recodified as 3.600—3.608–8; revised — 5972
3.807–2—3.807–4
Revised — 5972
3.808–1—3.808–6
Revised — 5972
3.808–7
Revoked — 5972
3.903–2
(c) revised — 1733
3.903–5
Heading and (c) revised — 1733
4
Subpart H added — 1734
Subpart A revoked — 5985
4.100—4.107
Subpart A revoked — 5985
4.201
Introductory text of (a), and (a) (5) and (6), and (c) revised — 1733
4.205–1
(a) and (e) revised — 1733
4.205–2
(a) revised; (d) and (e) added — 1733
4.205–4
(c) revised — 5985
4.211
Revised — 5985
4.214–1
Revised — 1734
4.214–3
Revised — 1734
4.214–4
(c)(1) and (d) revised — 1734
4.800—4.806
Subpart H added — 1734
5.104–1
Revised — 5985
5.207
Revised — 5985
5.701
(b) revised — 5985
5.1101
Revised — 6968
5.1106–3
Revised — 5985
5.1203
Amended — 5985
6.102–2
(b) revised — 1735
6.102–3
Revised — 5986
7
Subpart J added — 1737
Subpart F heading revised — 5987
7.103–4
Revised — 6968
7.103–16
Revised — 5986

32 CFR—Continued

Chapter I—Continued

7.103–18 Revised 5986
7.104–1 Revised 5986
7.104–9 Revised 5986
7.104–12 Introductory text of (a) revised 5986
7.104–24 Revised 1735
7.104–25 Revised 1735
7.104–29 Introductory text of (a) revised 1735
Introductory text of (a) revised 6968
7.104–41 Introductory text of (c) revised 6968
7.104–42 Introductory text of (a) revised 5986
Introductory text of (a) revised 6968
7.104–44 Revised 1735
7.104–45 Revised 1735
7.104–52 Added 1735
7.104–53 Added 1735
7.104–54 Added 6968
7.108–1 Amended 5987
7.108–2 Amended 5987
7.203–2 Revised 1735
7.203–16 Revised 5987
7.203–18 Revised 5987
7.203–21 Revised 1735
7.203–30 Revised 1735
7.204–1 Revised 5987
7.204–9 Revised 5987
7.204–32 Revised 1735
7.204–38 Added 1735
7.302–16 Revised 1736
7.302–17 Revised 1736
7.302–23 Revised 6968
7.302–24 Revised 5987
7.303–1 Revised 1736
Revised 5987
7.303–7 Revised 1736
7.303–31 Revised 1736
7.303–32 Revised 1736
7.303–37 Added 1736
7.303–38 Added 1736
7.402–16 Revised 5987
7.402–17 Revised 5987
7.402–22 Revised 6968
7.402–23 Revised 6968
7.402–25 Revised 1736
7.402–31 Revised 1736
7.403–1 Revised 1736
Revised 5987
7.403–27 Revised 1736
7.403–28 Revised 1736
7.403–33 Added 1736
7.404–1 Amended 1736
7.504–4 Added 1737
7.600 Added 5987
7.601—7.604–4 Subpart F heading revised 5987
7.601 Revised 5987
7.602 Revised 5987
7.602–1 Amended 5987
7.602–2 Amended 5987
7.602–3 Amended 5987
7.602–4 Revised 5988
7.602–6 (a) amended 5988
7.602–7 Revised 5988
7.602–8 Amended 5988
7.602–9 Amended 5988
7.602–11 Amended 5988
7.602–12 Amended 5988
7.602–13 Amended 5988
7.602–14 Amended 5988
7.602–15 Amended 5988
7.602–16 Amended 5988
7.602–18 Revised 5988
7.602–19 Amended 5988
7.602–20 Revised 5988
7.602–22 Revised 1737
7.602–23 Revised 1737
Revised 5988
7.602–26 Revised 5988
7.602–32—7.602–37 Added 5988
7.602–39—7.602–46 Added 5988
7.603, 7.603–1 Revised 5990
7.603–5 Revoked 5990
7.603–9 Revised 5990
7.603–12, 7.603–13 Revised 5990
7.603–15 Revised 5990
7.603–22—7.603–26 Revised 5990
7.603–22 Added 1737
7.603–24 Added 1737
7.603–25 Added 1737
7.603–26 Added 1737
7.603–27—7.603–41 Added 5992
7.604, 7.604–1 Revised 5994
7.604–3, 7.604–4 Revoked 5994
7.605—7.605–39 Added 5994
7.606—7.606–13 Added 5996
7.607—7.607–26 Added 5996
7.702–46 Revised 5997
7.703–38 Revised 5997
7.704–30 Revised 5997
7.705–5 Revised 5997
7.901–4 Amended 1737
7.901–5 Revised 5997
7.901–11 Revised 5997
7.901–13 Revised 5997
7.902–16 Revised 6968
7.902–18—7.902–20 Added 6968
7.1000—7.1004–3 Subpart J added 1737
8.101–15 Revised 5998
8.101–22 Revised 1742
8.101–23 Revised 1742
8.101–24 Revised 1742
8.101–25 Revised 1742
8.101–26 Revised 1742
8.101–27 Added 1742
8.202 (d) revised; (e) added 1742
8.205 (c) (14) added 1742
8.208–4 (a) (1) (ii) revised 5998
8.404–8 (a) revised 1742
8.407 Revised 5998
8.503–2 (a) revised 5998
8.503–4 Revised 5998
8.505–1 (c) revised 5998
8.505–3 Revised 5998
8.510 Revised 1742
8.602–3 (b) and (c) revised 5999
8.602–4 (a) revised 5999
8.603—8.603–6 Revoked 5999
8.701 Introductory text of (a) revised; (c) and (d) added 5999
8.702 Existing text designated as (a); (b) and (c) added 5999
8.703 Revoked 5999
8.705–2 Revised 6000
8.705–3 Added 6000
8.707 Revised 6000
8.708 Revised 6000
8.709 Revised 6000
8.711 Added 6000
8.801–1 Revised 6000
8.801–2 Amended 1743
Introductory text of (a) revised; (b) and (c) added 6000
9.103–1 (a) amended 1743
9.104 Revised 6003
9.107–3 (d) revised 6003
9.107–4 (c) (1) revised 6003
9.107–5 (a) amended 1743
9.200—9.202–3 Revised 6968
9.202–4—9.202–6 Revoked 6968
9.203 Revised 6970
9.203–1—9.203–4 Revoked 6970
9.204–1 Revised 6970
9.207–2 Revised 6970
10.303 Revised 1743
10.305 Revised 1743
10.401 (c) revised 1743
10.402 Revised 1743
10.404 (a) amended 1743
10.503 Revised 1743
10.504 (a) amended; (b) revised 1743
11.401–4 (b) and (c) revised 1744
12 Subpart I revoked; Subpart J recodified as Subpart I and revised 6012
12.101–1 Revised 6003
12.101–2 (d) added 6003
12.101–3—12.101–6 Added 6003
12.102–4 Introductory text of (a) revised 6005
12.102–6 Revised 6005
12.103—12.103–2 Redesignated from 12.103; revised 6005
12.103 Redesignated as 12.103—12.103–2; revised 6005
12.104 Revised 6005
12.106 Added 6005
12.300 Revised 6006
12.301 Revised 6006
12.302 Introductory text and (f) revised 6006
12.303–1 Revised 6006
12.304 Added 6006
12.401 (c), (d) and (e) revised 6006
12.403–1 Revised 6006
12.403–2 Revoked 6006
12.403–3—12.403–5 Revised 6006
12.404–1 Revised 6006
12.404–2 (b) revised 6006
12.602–3 Revised 6008
12.604 Revised 6008
12.606 Added 6008
12.607 Added 6008
12.802 Revised 6008
12.803 (a) (1) through (5) revised; (a) (8) added 6008
12.804 Revised 6010
12.805 Revised 6010
12.806–1—12.806–8 Revised 6010
12.808–1 (a) revised 6012
12.808–2 Revised 6012
12.809 (b) revoked; (c) redesignated as (b) and revised 6012
12.901—12.903 Subpart I revoked 6012
12.901 Subpart I redesignated from Subpart J and recodified from 12.1001; revised 6012
12.1001 Subpart J redesignated as Subpart I and recodified as 12.901; revised 6012
13 Revised 1744
13.702 (a) amended 6013
13.704 Amended 6013
13.705 Amended 6013
13.709 Amended 6973
15 Subpart D heading revised 6974
15.105 Revised 6973
15.205–5 (b) revised 6013
15.205–9 Revised 6973
15.205–25 Revoked 6013
15.205–25 Added 6973
15.205–40 Revised 6973
15.400—15.402–5 Subpart D heading revised 6974
15.401–1 Revised 6974
15.401–2 Revised 6974
16 Subpart D recodified and revised 6014
16.101–2 (c) revoked 6013
16.102–2 (c) revoked 6013
16.201–2 Revised 6013
16.202 (d) revised 1764
(b) (2) (xiii) added; (c) revised 6013
16.203–2 (d) revised 6013
16.204—16.204–2 Redesignated from 16.204; revised 6014
16.204 Redesignated as 16.204—16.204–2; revised 6014
16.301 Revised 6014
16.302 Revised 6014
16.303 Revised 6014
16.303–1, 16.303–2 Revoked 6014
16.304 Revised 6014
16.400—16.401–4 Subpart D recodified as 16.400—16.405–3; revised 6014
16.400—16.405–3 Subpart D recodified from 16.400—16.401–4; revised 6014
16.502—16.502–3 Revoked 1764
16.802 Revised 6019

32 CFR—Continued Page

Chapter I—Continued
16.803–1
(c) (2) revoked; (c) (3) redesignated as (c) (2) and revised 6019
16.807
Added 6019
16.814—16.814–2
Revoked 6019
16.815–1
(c) added 6019
17.206
(f) and (h) revised 6019
17.207–1
(a) revised 6019
18
Added 6019
30.2
Amended 1764
30.6
Added 1764
102
Added 6942
110
Revised 5792
125
Revised; Appendix C added 1284
163.43
Revised 6161
163.58
(c) revised 1978
163.79–1
Amended 1978
163.79–2
Amended 6161
163.94–2
Revised 1978
163.94–3
Revised 1978
163.94–5
(b) revised 1978
175
Deleted 6682
180
Deleted 6682
220
Added 4753
300.10
(a) corrected 133
Chapter V:
516.1
Revised 6341
516.2
Revised 6341
564.5
Revised 948
(g) and (h) revised 5704
Chapter VI:
725.102
Revised 5704
725.218
(c) (3) and (8) revised 5704
725.227
Revised 5704
725.305
(a) revised 5705
725.309
Revised 5705
725.310
Revised 5705
725.311
Revised 5705
725.401
Revised 5705
725.436
Revised 5706
725.510
Revised 5706

32 CFR—Continued Page

Chapter VI—Continued
725.511
Introductory text of (a) revised 5706
725.707
(c) revised 5706
725.901
(c) revised 5706
725.903
Revised 5706
725.907
Revised 5706
Chapter VII:
605
Added 3321
815.20
Heading, introductory text of (a), and (a) (7) revised 6343
815.41
(a) amended; (b) revised 6344
815.72a
Added 6344
815.73
Heading and introductory texts of (a) and (b) revised 6344
815.108
Amended 6344
823.1
(a) revised; (j) amended 1938
(a) (4) revised 4353
833
Added 829
834
Added 1041
835
Added 3689
860
Added 1978
882
Subpart G added 1043
Subparts B and C recodified and revised; Subpart D revised; Subpart E recodified and revised 2581
882.3
(a) amended 705
882.6
(b) (1) (iv) and (2) revised; (d) (4) (i) amended; (f) (2) (iii) added; (f) (3) revised; (g) (7) added 705
882.9
(a) and (b) amended 706
882.10
Introductory text amended 706
882.13
(b) (2) amended 706
882.14
(c) amended 706
882.18
(a) amended 706
882.19
(b) revised 706
882.23
Amended 706
882.26
(a) revised; (b) amended 706
882.27
(b) amended 707
882.28
(b) amended 707
(b) amended 6344
882.100—882.109
Subpart B recodified from 882.100—882.115; revised 2581
882.100—882.115
Subpart B recodified as 882.100—882.109; revised 2581

32 CFR—Continued Page

Chapter VII—Continued
882.200—882.219
Subpart C recodified as 882.200—882.220; revised 2581
882.200—882.220
Subpart C recodified from 882.200—882.219; revised 2581
882.212
(b) (2) revised 6344
882.300, 882.301
Subpart D revised 2581
882.400
Subpart E recodified from 882.400—882.406; revised 2581
882.400—882.406
Subpart E recodified as 882.400; revised 2581
882.600—882.605
Subpart G added 1043
887
Added 1938
888
Added 2309
889
Added 4353
900
Rescinded 4353
902.6
(b) (2) revised 4353
902.15
(b) (4) revised 4353
902.25
Deleted 4353
903
Deleted 7188
920.7
Revised 574
Corrected 1044
920.12
(a) (4) (i) amended 575
920.13
(a) (1) (i) and (b) (2) (ii) (d) revised 575
932
Added 830
1001.109–2
Revised 7188
1001.109–51
(a) and introductory text of (d) revised 7188
1001.201–18
Deleted 3595
1001.201–58
Heading revised 792
1001.201–62
Revised 3595
1001.201–64
Revised 792
1001.352
Revised 793
1001.366
(b) revised 1775
1001.453
(m) (7) revised 7188
1001.454
(d) (1), (d) (1) (i) and (iii) and (d) (2) (iii) revised 7188
1001.459
Revised 1775
1001.460
(a) amended; (c) revised 1775
1001.461
(a) (2) and (b) (2) revised 1775
(b) (2) corrected 2313
1001.465
(a) amended 1775
1001.902–2
(a) (7) and (8) revised 7189

32 CFR—Continued Page

Chapter VII—Continued
1001.902–3
Revised 7189
1001.1002–51
(a) (2) and (3) deleted; (a) (4) redesignated as (a) (2); (a) (5) deleted 1775
1001.1003–9
Revised 1775
1001.1005–3
Revised 1775
1001.1005–5
(a) revised 1775
1002
Subpart E revised 1776
Subpart V deleted 3595
1002.403
(b) (9) (iii) deleted 793
1002.404–1
(b) (9) (iii) deleted 1776
Deletion of (b) (9) (iii) canceled 2313
1002.404–3
Added 1776
1002.500—1002.503–50
Subpart E revised 1776
1002.2200—1002.2203–4
Subpart V deleted 3595
1003.101–50
(c) deleted 7189
1003.110
Deleted 7189
1003.112
Deleted 7189
1003.207–2
(a) revised 793
1003.208–3
Revoked 793
1003.501
(b) (4) through (16) revised 7189
1003.602—1003.609
Deleted 7189
1003.605—1003.608–8
Added 7189
1003.801–2
Amended 1776
1003.802–2
Revised 1776
1003.807–6
Revised 1776
1003.809
(c) (1) revised 793
1003.850–2
(c) (3) revised 793
1003.850–3
(a) amended 793
1003.850–6
Amended 1776
1003.903–3
(c) amended 1776
1003.903–54
(b) (2) revised 794
1004.101–53
(b) amended 794
1004.101–55
Added 794
Deleted 3595
1004.104
Deleted 794
1004.104–1
Deleted 794
1004.107
Revised 3595
1004.150–4
(a) revised 3595
1004.2402
(h) and (e) (1) revised 7190

32 CFR—Continued Page

Chapter VII—Continued
1004.2502
Revised 7190
1004.5002–2
(a) revised 7190
1005
Heading revised 7190
1005.106
(a) (4) amended 7190
1006.2005
Introductory text of (c) revised; (c) (3) deleted 7190
1007
Subparts AA and BB deleted 794
Subpart ZZ deleted 3595
Subpart Y deleted 7191
1007.105–51
Added 3595
1007.105–52
Added 3595
1007.2500—1007.2507–6
Subpart Y deleted 7191
1007.2700—1007.2705–50
Subpart AA deleted 794
1007.2801—1007.2804–4
Subpart BB deleted 794
1007.3303–16
Deleted 1777
1007.4006
Deleted 1777
1007.4013
Deleted 3595
1007.4028
(a) amended 7191
1007.4029
Deleted 794
1007.4030
Deleted 3595
1007.4041
Deleted 794
1007.4044
Deleted 794
1007.4046
Deleted 7191
1007.4048
(a) amended 794
Amended 7191
1007.4069
Deleted 3595
1007.5200—1007.5306
Subpart ZZ deleted 3595
1008.202–53
Revised 794
1010
Subpart G deleted 7191
1010.703
Subpart G deleted 7191
1013.103
Deleted 7191
1013.103–50
Deleted 7191
1016
Subpart C deleted 7191
1016.301—1016.350–1
Subpart C deleted 7191
1016.501–2
(a), (b), introductory text of (c), and (c) (8) revised; (c) (9) added 3596
1016.502
Deleted 3596
Deleted 4353
1016.502–1
Deleted 7191
1030.2
Amended 7191
1030.5
Amended 7191

32 CFR—Continued Page

Chapter VII—Continued
1053.404–6
(b) (11) revised; (b) (15) deleted; (b) (17) revised; (d) added 794
Heading and (a) (3) revised; (c) deleted 3596
(a) (2) amended; (b) (7) deleted; (d) (2) added 7192
1054.3004
(a) (3) (iii) amended 7192
1059.601
Revised 3596
1059.602
(b) (1) and (2) revised 795
Chapter XIV:
1453.7
(d) revised 2313
1456.3
(b) (3) amended; (b) (6) deleted 4672
1458.2
(d) added 5475
1470.3
(c) and (e) amended 3643
(d) (3) amended 5476
(d) (3) corrected 5631
1470.90
Center heading, section added 3643
1470.91
Revised 3643
1470.92
Added 3643
Chapter XVI:
1606.52
(a) (1) and (2) revised 2150
Chapter XVII:
1710.8
(e) revised; (f) redesignated as (g); new (f) added 1777
Chapter XVIII:
1811
Added 5372

32A CFR

OEP (Chapter I):
OEP Reg. 5
Added 321
OEP Circular 9700.1
Canceled; superseded by DMO 9700.1 1939
DMO 9700.1
Added, superseding OEP Circular 9700.1 1939
OIA (Chapter X):
OI Reg. 1
Amended 2212
Amended 4415
NSA (Chapter XVIII):
INS–1
Amended 3881
OPR–4
Revised 2793

33 CFR

Chapter I:
1.25–25
(b) revised 1192
1.25–35
(b) revised 1192
1.25–40
Revised 1192
1.25–45
Revised 1192
1.25–50
Revised 1192
1.25–55
Revised 1193

33 CFR—Continued Page

Chapter I—Continued
1.25–60
Revised 1193
1.25–65
Revised 1193
8.1403
(b) and (c) redesignated as (c) and (d); new (b) added 4415
19.06
Revised 89
62.35–1
Revised 1044
62.35–5
Revised 1044
62.35–10
Revised 1044
74.20–1
Amended 1193
80
Authority citation revised 6433
80.03
(a)(2) amended 6433
80.16a
(b) revised 6434
80.33
(d) revised 6434
80.40
Added 6434
82
Authority citation revised 6434
82.1
Amended 6434
82.35
Revised 6434
82.120
Amended 6434
82.122
Added 6434
82.230
Amended 6434
86.01–5
Amended 6434
95
Authority citation revised 6434
95.29
(a) revised 6434
95.75
Added 6434
135
Authority citation revised 6434
135.05
Revised 6434
135.10
(a) revised 6435
135.25
(a), (e), (f), and (g) amended; authority citation revised 6435
135.35
(a) amended 6435
135.40
(a) amended; authority citation revised 6435
135.45
(a) amended; authority citation revised 6435
135.50
(b), (c), and (d) amended 6435
Chapter II:
202.100
Introductory text of (b) revised; (b)(3) revoked 2761
202.145
(a)(2–a)(iii) and (iv) redesignated as (iv) and (v); (a)(2–a)(iii) added 3710
202.157
(c) revised 3902

33 CFR—Continued Page

Chapter II—Continued
202.224
(a)(9) revised; (a)(16) revoked; (g)(2), (12)(i), and (13)(i) revised 4756
202.250
Revised 3596
203.5a
Added 4253
203.95
(b) revised 2259
203.225
(f)(8–a) added 4756
203.237a
Redesignated as 203.237b 575
203.237a
Added 575
203.237b
Redesignated from 203.237a 575
203.245
(f)(16–a), (16–b), and (16–c) added 220
(f)(5–a) added 795
(h)(25) revoked 5762
(f)(13) revised 6161
203.260
Revoked 220
203.408
Added 4756
203.431a
Revised 6388
203.436
Heading and (a) revised 575
203.436a
Added 5762
203.716
(f) revised 2259
203.740
(a)(1) revised 2259
203.810
(f)(1) revised 795
204.19
Revoked 3763
204.34
Revoked 220
204.100
(a) and (b)(3) revised 684
204.162
(a)(2) and (b) revised 1193
204.202
Heading and (b)(2), (3), (5), (6) and (7) revised 6642
205.80
(b)(9), (10), (12), and (13) and (c)(5) revised 6644
207.100
(i) revised 3265
207.116
Heading, (a), and (b)(1) and (3) revised 5631
207.125
Revised 4198
207.128
(b)(1), (2), and (7) revised 220
207.175a
Redesignated as 207.175b 6161
207.175a
Added 6161
207.175b
Redesignated as 207.175c 6161
207.175b
Redesignated from 207.175a 6161
207.175c
Redesignated from 207.175b 6161
207.500
Revised 3382
(l)(4)(i) corrected 3881

33 CFR—Continued Page

Chapter II—Continued
207.612
(a)(1)(ii) revised 2104
207.612a
Redesignated as 207.612b 4756
207.612a
Added 4756
207.612b
Redesignated from 207.612a 4756
207.615
Revised 2260
207.750
(h)(1) revised; (h)(2)(iv) redesignated as (v) and revised; new (h)(2)(iv) added 6644
208.24
Added 3530
211.81
(s) added 4475
Chapter IV:
401.102–4
Revised 6580
401.102–8
Revised 6580
401.102–14
Revised 6580
401.102–20
Added 6580
401.103–2
Revised 6580
401.104–8
Revised 6580
401.104–16
Deleted 6580
401.104–30
Revised 6580
401.104–48
Added 6580
401.106–8
Deleted 6581
401.106–10
Revised 6581
Proposed Rules:
80 832
82 832
95 832
401 4557

36 CFR
Chapter I:
1.61
(b) redesignated as (c); new (b) added 4757
2.3
(a) revised 6683
6.11
(a) revised 707
7.3
(a)(8) revised; (a)(8) and (9) added; (b)(1) and (c)(2) revised; (c)(4) added 2951
(j) added 6861
Chapter II:
211
211.1—211.5 designated as Subpart A; Subpart B added 6345
211.1—211.5
Designated as Subpart A 6345
211.2
Revoked 6345
211.20—211.37
Subpart B added 6345
212.1
Revised 5476
212.2
Revised 5476
212.3
Revised 5476

36 CFR—Continued Page

Chapter I—Continued
212.7
Revised 5476
212.8
Revised 5477
212.9
Revised 5477
(c) corrected 5762
212.10
Revised 5477
212.11
Revised 5478
212.12
Added 5479
251.20
Applicability to Wilderness Act continued 5631
251.21
Applicability to Wilderness Act continued 5631
251.21a
Applicability to Wilderness Act continued 5631
251.22
Applicability to Wilderness Act continued 5631
251.25a
Added 5707
261.12
Revoked 6982
Chapter III:
311.1
Amended 4475
Amended 6161
311.6
(b) amended 6161
313
Added 4610
Chapter V:
502
Added 6493
Proposed Rules:
1 1857
7 3712, 7108
25 3658

37 CFR
Chapter I:
1.21
(a), (g), (h), (l), (n), and (q) revised 6391
1.203
(a) and (b) revised 6645
1.205
(a) revised 6645
1.206
Revised 6645
1.207
Revised 6645
1.209
Cancelled 6645
1.211
Revised 6645
1.215
Revised 6645
1.216
Revised 6646
1.218
Revised 6646
1.221
Cancelled 6646
1.223
(a) and (c) revised 6646
1.224
Revised 6646
1.225
Revised 6646
1.226
Revised 6646

37 CFR—Continued Page

Chapter I—Continued
1.227
Revised 6646
1.228
Revised 6646
1.231
Revised 6647
1.232—1.236
Cancelled 6647
1.237
Revised 6647
1.241
Cancelled 6647
1.242
Revised 6647
1.244
(d) revised 6647
1.246
Cancelled 6647
1.247
Revised 6647
1.248
Revised 6648
1.251
(b) revised; (d) added 6648
1.253
(a), (d), and (f) revised 6648
1.254
Revised 6648
1.258
(a) and (b) revised 6648
1.261
Revised 6648
1.272
(c) revised 6648
1.282
(b) revised 6648
1.341
(c) and (d) revised 6391
1.44
Revised 6648
Proposed Rules:
1 2552, 7195
2 2556, 6687
3 2552
4 6687

38 CFR
Chapter I:
Continued effectiveness 221
1.10
(a)(1)(i) revised 647
1.514
Revised 6435
1.515
Revised 6435
1.517
Revised 6435
2.75
Added 6392
3.109
(a)(1) revised 133
3.150
(d) revoked 133
3.152
(c)(1) revised; (c)(4) added 133
3.325
Revoked 3881
3.357
(b) revised 3881
3.651
(a) revised 133
3.656
(a) revised 6649
3.660
Revised 3354
3.661
Revised 3354
3.1902
(b)(10) revised 2104

38 CFR—Continued Page

Chapter I—Continued
3.1906
(c) revised 2105
5.0
(b)(4), (d), and (e) added 3643
5.2
(c) added 3644
5.3
Revised 3644
5.5
Revised 3645
5.8
(e) added 3645
5.22
(a) revised; (c) and (d) redesignated as (d) and (e) and revised; (c) added 3645
5.24
Revised 3646
5.26
(a) revised 3646
5.27
Revised 3646
5.29
Revised 3647
5.30
Revised 3648
5.32
Revised 3648
5.33
Revised 3648
5.34
Revised 3648
5.35
Revised 3648
5.36
Revised 3648
5.40
Revised 3648
5.41
(a) and (b) revised 3649
5.64
Revised 3650
5.66
Revised 3650
5.76
Revised 3650
5.77
(a)(4) and (5) revised 3650
5.78
Revised 3651
5.79
Heading and introductory text revised 3651
5.80a
Revised 3651
5.81
Added 3651
5.81a
Added 3651
5.85
(c) revised 3652
5.88
Revised 3652
5.99
Heading and introductory text 3652
5.99a
Heading and introductory text revised 3652
5.99b
Redesignated as 5.99c; revised 3652
5.99b
Added 3652
5.99c
Redesignated from 5.99b; revised 3652
5.102
Revised 3653
5.103
Revised 3653

38 CFR—Continued

Page

Chapter I—Continued

5.108
Introductory text revised; (r) through (v) added; note deleted 3654
5.111
Revised 3654
5.112
(b) revised 3654
5.112a
Added 3655
5.112b
Added 3655
14.664—14.669
Added 6392
17
Appendices A and B added 2536
17.30
(e), (l), and (o) revised; (q) added 1787
17.36
(b) (2) revised 1787
17.47
Heading and introductory text revised; (e) added 1787
17.48
(b) (1) revised 1787
17.49
Introductory text of (c) revised 1788
17.50
Introductory text and (b), (c), (d), (f), and (h) revised 1788
(j) added 3215
17.60
(a) (7) (iii) added; (b) revised 1789
(c) added 2705
17.66
Center heading revised; (a) and (b) revised 1789
17.75
Center heading and section revised 1789
17.100
Introductory text of (a) amended; (a) (2), (e), and (f) (1) and (5) revised; introductory text of (g) amended; (g) (2) revised 1789
17.115
(a) (1) and (2) revised; (a) (5) added; (b) revised; (c) added 707
17.120
(d) and (f) revised 1789
17.123
(f) revised 1790
17.129
Revised 1790
17.140
(b) revised 1790
17.165
Center head and section revised 221
17.166
Added 221
17.167
Added 221
17.170—17.176
Center heading and sections added 2536
21.103
(b) (1), (2), and (3) revised 884
21.130
(d) (9) revised 885
21.252
(a) (3) (i) (b) revised 2705
21.253
(a) (1) revised 2705

39 CFR

Page

Chapter I:

4.2
Amended 3438
4.4
(d) revised 6436
5.2
Revised 1846
13.5
(e) revised 2195
13.8
(a) and (b) amended 3438
16.7
Revised 1940
Corrected 2105
17
Revised 2659
22.1
(a) (1) amended; (b) revised 576
(b) (1) (ii) (b) corrected 1193
22.3
Extension of effectiveness of revision of (c) (3) 88
(c) (3) revised 2150
(c) (4) revised 3763
23.1
Amended 576
24.1
(b) (1) and (2) amended 576
24.4
(b) (4) and (6) revised 1846
24.5
(b) (3) revised 2313
27.1
(b) revised; (c) amended 89
27.3
(d) (5) revised 89
27.7
Redesignated as 27.8; amended 89
27.7
Added 89
27.8
Redesignated from 27.7; amended 89
27.8
Redesignated as 27.9 89
27.9
Redesignated from 27.8 89
31.5
(c) and (d) revised 4198
36.1
Amended 6436
36.2
(a) (4) revised; (b) amended; (d) revised 6436
36.3
Amended 6436
37.1
(a) (6) revised 6436
43.6
(e) (1) revised 2314
(h) (1) revised 6436
45.6
(f) revised 2314
54.4
(e) amended 2761
61.2
(i) revised 2869
92.5
(b) (2) amended; (b) (4) revised; (b) (5) and (6) amended; (c) (2) revised; (e) (3) (ii), (e), (f) (2) (i), and (g) amended; (i) (1) revised; (i) (2) amended; (i) (3) and (4) revised; (i) (5) amended 4354
92.6
(a) (1) (i) and (ii), (b) (3), and (d) (1) (ii) amended 4354

39 CFR—Continued

Page

Chapter I—Continued

92.7
(a) (3) (vii) amended; (a) (3) (xvi) revised; (h) (1) (ii), (iii), and (iv) and (2) (i) and (ii) amended 4354
92.8
(c) (4) (i) and (iv) amended; (d) (2) (ii) (b) and (4) (iii) and (g) (5) revised 4354
(i) (3) and (4) (i) (a) and (e) revised 4355
92.9
(a) (2) and (d) (3) revised 4355
92.10
(c) (2) (iv) and (3) (i) and (ii) amended 4354
92.12
(a) (1) and (2) and (b) (3), (4), (6) (i) and (iii) (a), and (7) amended; (c) (1) (i) and (iv) revised; (d), (e), and (h) (5) amended 4355
(c) (4) (iv) and (5) revised 4356
(c) (6) revised; (g) (1) (ii) and (iii) amended 4357
98.1
(f) added 3216
98.7
Added 3216
111.3
(a) (10) revised 2549
(b) (5) (ii) (b) revised 3216
112.5
(a) (2) revised 3216
112.7
(g) (2) revised 2549
121.2
(c) (1) revised 2549
121.5
(a) (2) revised 2549
121.5
(b) (2) (i) (a) revised 3216
132.6
(a) (1) amended 576
137.5
(a) and (b) revised 576
141.3
(b) (3) and (c) revised 3216
142.1
(a) amended; (b) revised 647
142.2
Revised 647
142.3
(e) (1) amended 648
143.1
Amended 648
143.3
(b) amended 648
151.6
Revised 576
152
Revised 577
161.3
Revised 3217
161.4
(a) amended; (c) revised 3217
161.5
Revised 3217
162.2
(e) revised; (f) amended 3218
163.2
Revised 3218
168.5
Amended 2549
Amended 3438
Corrected 3710
Amended 4537

39 CFR—Continued

Page

Proposed Rules:

13 2152, 2221
16 2152, 2153, 3820
24 2152, 2153, 3820
31 1872
45 2155
96 625, 2552, 4064
111 92
114 3444
123 3444

41 CFR

Chapter 1:

1-2.201
(a) (23), (25), and (26) deleted; (a) (28) revised; (b) (13) deleted 2208
1-3.807-2
Revised 6581
1-3.807-3
Revised 6581
1-3.807-4
Revised 6581
1-3.814—1-3.814-3
Revised 6582
1-12.401-1
Revised 7192
1-12.401-4
Revised 7192
1-12.403-1
Amended 7192
1-12.403-2
Revised 7193
1-12.404-2
(e) revised 7193
1-12.404-3
Revised 7193
1-12.404-4
Revised 7194
1-12.404-10
Revised 7194
1-16.101
Revised 2208
1-16.102
Revised 2208
1-16.105
Revised 2208
1-16.106
Revised 2208
1-16.401
(b) revised 7194
1-16.402
Revised 7194
1-16.901-19-A
Revised 7194
1-16.901-30
Deleted 2208
1-16.901-31
Deleted 2208
1-16.901-33
Revised 2209
(b) corrected 2803
1-16.901-33A
Added 2210
Chapter 3:
3-1
Subpart 3-1.6 added 3218
3-1.600—3-1.606
Subpart 3-1.6 added 3218
3-60
Added 1847
Chapter 4:
4-2.205-1
Added 6943
4-3.604-5
Revised 6943
4-3.604-6
Deleted 6943

41 CFR—Continued

Page

Chapter 4—Continued

4-5.5301-3
(l) added 6943
4-16.804
Revised 6944
Chapter 5:
5-3.852
(c) revised 1045
5-7.101-18
Deleted 1045
5-8
Added 7246
5-12
Subpart 5-12.50 deleted 1045
Subpart 5-12.8 added 1045
5-12.800—5-12.812
Subpart 5-12.8 added 1045
5-12.5001—5-12.5006
Subpart 5-12.50 deleted 1045
5-16.857
Deleted 1047
5-16.858
Revised 1047
5-16.859
Deleted 1047
5-16.860
Deleted 1047
5-19
Added 2211
5-53
Subpart 5-53.7 deleted 1047
5-53.402
(c) revised 7246
5-53.501-5
(b) revised 1047
5-53.701—5-53.709-5
Subpart 5-53.7 deleted 1047
5-60.204-1
Revised 6827
Chapter 6:
6-1.307
Revised 7246
6-1.350
Revised 7247
6-1.351—6-1.351-4
Revised 7247
6-1.352
Revised 7247
6-2
Subpart 6-2.1 added 7247
6-2.102
Subpart 6-2.1 added 7247
6-3
Added 7247
Chapter 8:
8-1
Subpart 8-1.2 added 34
Subpart 8-1.6 recodified and revised; Subpart 8-1.7 added 4673
Subpart 8-1.13 revoked 7041
8-1.250, 8-1.251
Subpart 8-1.2 added 34
8-1.310-5
Revoked 4672
8-1.318
Added 4672
8-1.350—8-1.350-3
Added 34
8-1.1351—8-1.1357-1
Subpart 8-1.13 revoked 7041
8-1.600—8-1.606
Subpart 8-1.6 recodified from 8-1.601—8-1.606; revised 4673
8-1.601—8-1.606
Subpart 8-1.6 recodified as 8-1.600—8-1.606; revised 4673
8-1.708-3
Subpart 8-1.7 added 4673

41 CFR—Continued

Page

Chapter 8—Continued

8-2.104-3
Revised 4674
8-2.201
(e) and (f) revised 4674
8-2.305
Revoked 4674
8-2.404-2
(a) and introductory text of (b) revised 4674
8-2.404-3
Added 4674
8-2.406-3
(b) revised 4674
8-2.406-4
(b) revised 4674
8-2
Subpart 8-3.9 added 4674
8-3.402
Redesignated as 8-3.403; revised 4674
8-3.403
Redesignated from 8-3.402; revised 4674
8-3.404
Revoked 4674
8-3.404-3
Redesignated as 8-3.405-5; revised 4674
8-3.405-3
Redesignated as 8-3.408; revised 4674
8-3.405-5
Redesignated from 8-3.404-3; revised 4674
8-3.408
Redesignated from 8-3.405-3; revised 4674
8-3.605
Heading revised 4674
8-3.605-1
Heading revised 4674
8-3.605-2
Redesignated as 8-3.605-50; revised 4674
8-3.605-50
Redesignated from 8-3.605-2; revised 4674
8-3.903-2
Subpart 8-3.9 added 4674
8-4
Subpart 8-4.51 revoked 2212
8-4.5101
Subpart 8-4.51 revoked 2212
8-6
Subpart 8-6.1 added; Subpart 8-6.2 recodified and revised 4675
Subpart 8-6.50 revoked 4676
8-6.104-3—8-6.105
Subpart 8-6.1 added 4675
8-6.202-1—8-6.204
Subpart 8-6.2 recodified from 8-6.203—8-6.250; revised 4675
8-6.203—8-6.250
Subpart 8-6.2 recodified as 8-6.202-1—8-6.204; revised 4675
8-6.5000—8-6.5004
Subpart 8-6.50 revoked 4676
8-7.150-16
Added 5376
8-10
Subpart 8-10.1 recodified and revised; Subparts 8-10.2 and 8-10.4 added; Subpart 8-10.50 heading revised 4676
8-10.102—8-10.102-50
Subpart 8-10.1 recodified as 8-10.103—8-10.104-1; revised 4676

41 CFR—Continued

Chapter 8—Continued
8–10.103—8–10.104–1
Subpart 8–10.1 recodified from 8–10.102—8–10.102–50; revised 4676
8–10.204–1, 8–10.204–2
Subpart 8–10.2 added 4676
8–10.450
Subpart 8–10.4 added 4676
8–10.5000
Revoked 4676
8–10.5001
Revoked 4676
8–10.5002
Heading of Subpart 8–10.50 revised 4676
8–11
Subpart 8–11.2 recodified and revised; Subpart 8–11.3 revoked; Subpart 8–11.5 added 4676
8–11.000
Added 4676
8–11.203
Subpart 8–11.2 recodified from 8–11.205, 8–11.206; revised 4676
8–11.205, 8–11.206
Subpart 8–11.2 recodified as 8–11.203; revised 4676
8–11.302
Subpart 8–11.3 revoked 4676
8–11.502–1
Subpart 8–11.5 added 4676
8–12
Added 2314
8–16
Subpart 8–16.50 revoked 4677
8–16.5000, 8–16.5001
Subpart 8–16.50 revoked 4677
8–18
Revoked; recodified as Part 8–30 4677
8–19
Added 7041
8–30
Added; recodified from Part 8–18 4677
8–52
Subpart 8–52.2 added 4677
8–52.101
Revised 4677
8–52.104
Added 4677
8–52.107
Revoked 4677
8–52.201—8–52.203
Subpart 8–52.2 added 4677
8–75.201–11
Added 2212
Chapter 9:
9–1
Subpart 9–1.52 added 6483
9–1.104
(b) deleted; new (b) and (c) added 6483
9–1.256
Deleted 6483
9–1.257
Deleted 6483
9–1.305–1
Revised 6483
9–1.310–1
Revised 6483
9–1.353
Deleted 6483
9–1.356
Added 6519
9–1.702
(b) (3) amended 6483
9–1.709
(b) (5) deleted; (b) (6) redesignated as (b) (5) 6519
9–1.802
Deleted 6483
9–1.901
Revised 6483
9–1.1101
Amended 6483
9–1.1150
Amended 6483
9–1.5001
Revised 6483
9–1.5002
(b) deleted 6483
9–1.5200—9–1.5203
Subpart 9–1.52 added 6483
9–2.201
Revised 1288
9–3.000
Revised 6683
9–3.000–50
Added 6683
9–3.103
(d) revised 6683
9–3.301
Deleted 6683
9–3.301
Added 6683
9–3.302
Added 6683
9–3.303
Added 6683
9–3.403–2
Redesignated as 9–3.404–3 6683
9–3.403–50
Redesignated as 9–3.404–50 6683
9–3.403–51
Redesignated as 9–3.404–51 6683
9–3.403–52
Deleted 6683
9–3.404–3
Redesignated as 9–3.405–5; (b) amended 6683
9–3.404–3
Redesignated from 9–3.403–2 6683
9–3.404–5
Added 6683
9–3.404–7
Added 6683
9–3.404–50
Redesignated from 9–3.403–50 6683
9–3.404–51
Redesignated from 9–3.403–51 6683
9–3.405–1
Redesignated as 9–3.406–1 6683
9–3.405–3
Redesignated as 9–3.408 6683
9–3.405–5
Redesignated from 9–3.404–3; (b) amended 6683
9–3.406–1
Redesignated from 9–3.405–1 6683
9–3.408
Redesignated from 9–3.406–3 6683
9–3.600
Amended 6683
9–3.800–50
(b) deleted 6683
9–3.903–2
Added 6683
9–4.000
Added 6519
9–4.000–50
Added 6519
9–6.000–50
Added 6519
9–6.100
Revised 6519
9–6.103
Redesignated as 9–6.103–2; revised 6519
9–6.103–2
Redesignated as 9–6.103–3; revised 6519
9–6.103–2
Redesignated from 9–6.103; revised 6519
9–6.103–3
Redesignated from 9–6.103–2; revised 6519
9–6.202
Revised 6519
9–6.202–1
(b) amended 6519
9–7.5006–9
Amended 3323
9–7.5006–10
Amended 3323
9–7.5006–12
Amended 3323
9–8
Added 622
9–8.000–50
Added 6585
9–8.507–50
Corrected 831
9–8.507–51
Corrected 831
9–9.5000–50
Added 6684
9–9.5005
(a) amended 6684
9–9.5008–2
Amended 6684
9–9.5103
(d) (1) amended 6684
9–15.5010–17
Added 3219
9–16.5002–8
Amended 4357, 4358
9–54.000
Revised 6684
9–54.000–50
Added 6684
9–54.004
(a) and (b) revised 6684
Chapter 10:
10–1
Added 950
Chapter 18:
18–54.000
Revised 133
18–54.101
Revised 133
18–54.102
Revised 133
18–54.103
Revised 133
18–54.111
Revised 133
18–54.116
Revised 133
18–54.120
Revised 133
18–54.122
Revised 133
Chapter 39:
39–1
Subpart 39–1.3 added 5793
39–1.305–3, 39–1.306–1
Subpart 39–1.3 added 5793

41 CFR—Continued

Chapter 101:
Temporary Reg. No. A–2 added 577
Temporary Reg. No. A–2 corrected 754
101–5
Added 4199
Subparts 101–5.2 and 101–5.49 added 4358
Subpart 101–5.3 added 6684
101–5.200—101–5.204–3
Subpart 101–5.2 added 4358
101–5.300—101–5.307
Subpart 101–5.3 added 6684
101–5.4900—101–5.4903
Subpart 101–5.49 added 4358
101–6.102
Revised 1256
101–10.206–1
Revised 4359
101–10.206–2
Revised 4359
101–11.102–2
(d) added 4757
101–15.102–6
Revised 1256
101–15.105
(h) revised 1256
101–20.902—101–20.902–3
Added 1790
101–20.4902–1807, 101–20.4902–1807A
Added 1790
101–25.104
Added 4757
Corrected 5479
101–25.104–1
Added 5479
101–25.104–2
Added 4757
101–25.105
Added 4757
101–25.302
(a) revised 4757
101–25.302–1
Revised 4758
101–25.404–1
Added 4758
101–26.301
(g) deleted 4200
101–26.301–1
Added 2442
101–26.306
Revised 4200
101–26.308—101.26.308–2
Added 4758
101–26.308
Corrected 5480
101–26.401
Text added from 101–26.401–1 and revised 4758
101–26.401–1
Heading deleted; text transferred to 101–26.401 and revised 4758
101–26.401–1
Redesignated from 101–26.401–2; revised 4758
101–26.401–2
Redesignated as 101–26.401–1; revised 4758
101–26.401–2
Redesignated from 101–26.401–3; revised 4759
101–26.401–3
Redesignated as 101–26.401–2; revised 4759
101–26.401–3
Added 4759

41 CFR—Continued

Chapter 101—Continued
101–26.401–4
(g) deleted 4758
101–26.408
Added 648
101–26.409—101–26.409–4
Added 649
101–38
Subpart 101–38.10 added 4131
101–38.504–1
Amended 4131
101–38.1000—101–38.1003
Subpart 101–38.10 added 4131
101–43.4901
Revised 5823
101–44.310
Added 4716
101–44.319
Added 5649
101–45
Revised 2930
101–45.4910
Corrected 3384
101–47.307–6
Revised 755
Proposed Rules:
50–203 801
50–204 5483
Ch. 101 797

42 CFR

Chapter I:
22.1
(l) added 2151
32.6
(a) (12) added 2151
32.57
Center heading and section added 2151
54.113
Revised 2443
54.210
Revised 2443
57
Subpart E added 6944
57.401—57.409
Subpart E added 6944
61.9
(e) revised; (f) added 6072
63.5
(c) revised; (e) added 6072
Proposed Rules:
73 6795

43 CFR

Subtitle A:
10
Added 3265
18.4
(c) revised 5632
Chapter I:
416
Revised 4538
Chapter II:
1610.4
Added 34
1821.2–1
(a) revised 755
2033.2–4
(a) revised 4759
2033.2–5
(a) revised 4759
2033.2–7
(b) (2) revised 4759
2033.2–9
(e) revised 4759
2211.07
Revised 3857
2212.0–3
(c) revoked 3710

43 CFR—Continued

Chapter II—Continued
2212.0–7
(b) revoked 3710
2212.9—2212.9–5
Revised 3710
2235.1–1
(d) revised 5707
2242.6–4
Added 5707
2244.5–6
(b) (2) revised 3438
2244.5–7
Added 3438
2244.5–8
Added 3439
3162.6
Revised 4760
4111.4–1
Redesignated as 4111.4–2 2260
4111.4–2
Redesignated as 4111.4–3 2260
4111.4–2
Redesignated from 4111.4–1 2260
4111.4–3
Redesignated from 4111.4–2 2260
Public land orders:
5
Revoked in part by PLO 3549 2262
284
See PLO 3549 2262
509
Revoked in part by PLO 3541 2214
559
Revoked in part by PLO 3522 443
726
See PLO 3562 3440
802
Revoked in part by PLO 3577 4476
823
Revoked by PLO 3563 3440
839
Revoked in part by PLO 3568 3963
891
Revoked by PLO 3576 4476
1009
Revoked in part by PLO 3582 4478
1034
See PLO 3583 4478
1044
Revoked in part by PLO 3519 7
1212
Revoked in part by PLO 3568 3963
1233
Revoked in part by PLO 3623 5480
1254
Revoked by PLO 3628 5380
1301
Revoked by PLO 3572 4254
1394
Revoked in part by PLO 3568 3963
1457
Revoked in part by PLO 3617 5379
1489
Revoked in part by PLO 3568 3963
1502
See PLO 3617 5379
1507
Revoked in part by PLO 3546 2261
1524
Revoked in part by PLO 3568 3963
1546
Revoked in part by PLO 3642 5636
1570
Revoked in part by PLO 3568 3963
1621
See PLO 3521 271
1632
Revoked by PLO 3593 4542

43 CFR—Continued

Public land orders—Continued

1695
Modified by PLO 3570 ... 4253
1726
Modified by PLO 3596 ... 4542
1785
See PLO 3651 ... 5639
1843
Revoked in part by PLO 3587 ... 4540
1993
Revoked by PLO 3613 ... 5378
2588
Revoked in part by PLO 3558 ... 3267
Revoked in part by PLO 3562 ... 3440
2659
Revoked in part by PLO 3562 ... 3440
2676
See PLO 3549 ... 2262
2932
Revoked by PLO 3593 ... 4542
3152
Amended by PLO 3584 ... 4478
3276
Revoked in part by PLO 3551 ... 2661
3349
Vacated in part by PLO 3583 ... 4478
3406
Vacated in part by PLO 3587 ... 4540
3407
Revoked by PLO 3625 ... 5481
3473
See PLO 3575 ... 4476
3480
Amended by PLO 3631 ... 5482
3491
Corrected ... 755
3500
Amended and revoked in part by PLO 3581 ... 4478
3501
Revoked in part by PLO 3574 ... 4254
3510
Amended by PLO 3533 ... 1194
3518 ... 7
3519 ... 7
3520 ... 271
3521 ... 271
3522 ... 443
Amended by PLO 3527 ... 755
3523 ... 623
3524 ... 624
3525 ... 624
3526 ... 624
3527 ... 755
3528 ... 885
3529 ... 951
3530 ... 1193
3531 ... 1194
3532 ... 1288
3533 ... 1194
3534 ... 1194
3535 ... 2213
3536 ... 2213
3537 ... 2213
3538 ... 2260
3539 ... 2214
3540 ... 2214
3541 ... 2214
3542 ... 2215
3543 ... 2215
3544 ... 2215
3545 ... 2261
3546 ... 2261
3547 ... 2261
3548 ... 2261
3549 ... 2262
3550 ... 2262
3551 ... 2661
3552 ... 2661
3553 ... 2661
3554 ... 2661
3555 ... 2661
3556 ... 2662
3557 ... 2662
3558 ... 3267
3559 ... 3439
3560 ... 3439
3561 ... 3440
3562 ... 3440
3563 ... 3440
3564 ... 3441
3565 ... 3441
3566 ... 3441
3567 ... 3963
3568 ... 3963
3569 ... 4253
3570 ... 4253
3571 ... 4253
3572 ... 4254
3573 ... 4254
3574 ... 4254
3575 ... 4475
3576 ... 4476
3577 ... 4476
3578 ... 4476
3579 ... 4477
3580 ... 4477
3581 ... 4477
3582 ... 4478
3583 ... 4478
3584 ... 4478
3585 ... 4539
3586 ... 4540
3587 ... 4540
3588 ... 4540
3589 ... 4541
3590 ... 4541
3591 ... 4541
3592 ... 4541
3593 ... 4542
3594 ... 4542
3595 ... 4542
3596 ... 4542
3597 ... 4678
3598 ... 4678
3599 ... 4678
3600 ... 4678
3601 ... 4679
3602 ... 4679
3603 ... 4716
3604 ... 4717
3605 ... 5376
3606 ... 5376
3607 ... 5376
3608 ... 5377
3609 ... 5377
3610 ... 5377
3611 ... 5377
3612 ... 5377
3613 ... 5378
3614 ... 5378
3615 ... 5378
3616 ... 5378
3617 ... 5379
3618 ... 5379
3619 ... 5480
3620 ... 5379
3621 ... 5380
3622 ... 5480
3623 ... 5480
3624 ... 5481
3625 ... 5481
3626 ... 5481
3627 ... 5380
3628 ... 5380
3629 ... 5481
3630 ... 5481
3631 ... 5482
3632 ... 5482
3633 ... 5380
3634 ... 5632
3635 ... 5635
3636 ... 5635
3637 ... 5635
3638 ... 5635
Corrected ... 6585
3639 ... 5635
3640 ... 5636
3641 ... 5636
3642 ... 5636
3643 ... 5636
3644 ... 5637
3645 ... 5637
3646 ... 5637
3647 ... 5637
3648 ... 5638
3649 ... 5638
3650 ... 5638
3651 ... 5639
3652 ... 6072
3653 ... 6072
3654 ... 6072
3655 ... 6392
3656 ... 6437
3657 ... 6586
3658 ... 7101
3659 ... 7101
3660 ... 7101

Proposed Rules:

1720 ... 2384
2240 ... 2263, 2384
2410 ... 2384
3610 ... 952

44 CFR

Chapter VII:
702
Heading revised; 702.1—702.17 designated as Subpart A; Subpart B added ... 5511
702.1—702.17
Designated as Subpart A ... 5511
702.1
Introductory text, (g), and (j) revised ... 5511
702.3
(a) revised ... 5511
702.15
Revised ... 5511
702.30—702.38
Subpart B added ... 5511

45 CFR

Chapter X added ... 325
Subtitle A:
13.5
(a), (c), and (d) revised ... 2443
13.7
(a) amended ... 2444
13.9
(d) through (f) redesignated as (e) through (g); new (d) added ... 2444
(f) revised ... 5633
13.10
Revised ... 2444
14
Amended ... 2445
14.9
(c) revised ... 2445
80
Appendix A amended ... 35
Subtitle B:
Chapter I:
114.29c
Added ... 3763

45 CFR—Continued

Chapter I—Continued
130.1
(k) added ... 6393
130.8
(b) revised; (c) added ... 6393
130.16
Heading and (c) revised ... 6394
130.17
(b) revised ... 6394
141
Revised ... 7
142
Revised ... 994
143
Revised ... 134
166
Added ... 3531
170
Subpart C added ... 35
170.41—170.45
Subpart C added ... 35
180
Added ... 4359
Chapter III:
301.24
Revised ... 5794
Chapter IV:
401.49
Revised ... 840
Chapter X:
Added ... 325
1010
Added ... 325
1030
Added ... 3881

46 CFR

Chapter I:
1.01
(b)(1)(ii) revised; (b)(2) and (3) added ... 3441
1.05
(a)(1) revised; (a)(2) added ... 3442
2.50–1
(b) revised ... 2799
2.50–10
(b) revised ... 2799
2.50–20
(a), (c), and (d) revised ... 2799
10.02–5
(c)(10) amended ... 2026
10.20–11
Amended ... 3027
14
Authority citation revised ... 2027
14.05–1
Amended ... 2027
14.05–10
(a) amended ... 2027
14.05–20
(c) amended ... 2027
25.30–20
(a) revised ... 6517
25.40–1
Revised ... 6518
31.15–5
Revised ... 3220
31.15–6
Added ... 3220
32.63–1
Revised ... 3220
35.01–45
(a) revised ... 3221
35.01–50
Added ... 3220
35.01–55
Added ... 3221
35.30–1
(d) and (e) added ... 3221

46 CFR—Continued

Chapter I—Continued
35.35–1
Revised ... 3221
40.05–26
Deleted; superseded by 35.01–55 ... 3221
51.01–60
(a) amended ... 2027
51.07–1
Amended ... 2027
52.05–10
Amended ... 2027
52.22–10
(a) amended ... 2027
52.50–1
(e) amended ... 2027
52.70–10
(a) amended ... 2027
53.03–35
(b) amended ... 2027
53.03–55
(g) deleted ... 2027
54.01–10
Amended ... 2027
54.03–15
(a) amended ... 2027
54.03–20
(c)(5) amended ... 2027
54.07–5
(a) amended ... 2027
55.01–10
Amended ... 2027
55.07–1
Amended ... 2027
55.07–5
(a)(1) amended ... 2027
55.10–20
(b) amended ... 2027
56.01–45
(b) amended ... 2028
56.05–5
(a)(2) and (c) amended ... 2028
57.10–10
(b) amended ... 2028
61.01–1
Amended ... 2028
61.10–1
(a) amended ... 2028
61.45–1
Amended ... 2028
61.45–15
Amended ... 2028
Added ... 3222
94.10–40
Amended ... 2028
98.03–1
(b) added ... 3222
98.03–35
Added ... 3222
98.03–40
Added ... 3222
98.03–45
Added ... 3222
98.25–60
(d)(1) revised ... 2028
111.05–5
(b)(3) amended ... 2028
111.50–1
(a) amended ... 2028
111.50–15
(e)(3) amended ... 2028
137.30–15
Revised ... 6713
154.06
Revised ... 89
167.10–75
(a) amended ... 2028
Chapter I—Continued
164.013–4
(j) deleted ... 2028
164.013–5
Revised ... 2028
171.10–20
(d) and (e) revised ... 650
Chapter II:
244
Revoked ... 5794
272.6
(e) revised; (f) and (g) deleted; (h) and (i) redesignated as (f) and (g); (j) deleted ... 1983
272.7
(a) and (b) revised ... 1983
287
Revised ... 7215
355.2
(c)(4) revised ... 5901
Chapter III:
402.320
(a)(1) revised; (a)(5) added ... 5512
Chapter IV:
502.211
Revoked ... 3267
506.4
Effective date postponed ... 35
510.21
Effective date of (f), (i), (j), and (l) ... 3355
Effective date of (f), (i), (j), and (l) postponed ... 4360
510.22
(c) revised ... 1849
Effective date of (a) ... 3355
Effective date of (a) postponed ... 4360
510.23
Effective date of (j) ... 3355
Effective date of (j) postponed ... 4360
510.24
Effective date of (e), (g), and (h) ... 3355
Effective date of (e), (g), and (h) postponed ... 4360
510.25
Effective date of (a) ... 3355
Effective date of (a) postponed ... 4360
526.2
Revoked ... 3267
526.3
Amended ... 7102
536
Added ... 7139

Proposed Rules:

10 ... 832
12 ... 2219
25 ... 832, 2219
32 ... 832
33 ... 832
34 ... 832
35 ... 2219
40 ... 832, 2219
51 ... 2030
52 ... 832, 2030
53 ... 2030, 5607
54 ... 2030
55 ... 832, 2030
61 ... 832, 2030
72 ... 832
75 ... 832
76 ... 832
94 ... 832
95 ... 832
98 ... 832, 2030, 2219
110 ... 832
111 ... 832
112 ... 832

46 CFR—Continued

Proposed Rules—Continued

	Page
113	832
144	832
146	832
160	832
162	832, 2030
164	832
187	832
202	345
221	4416
251	2681, 3548
525	4081, 5908
527	285, 3392
537	4557, 5908

47 CFR

Chapter I:

	Page
0.15 Revised	6250
0.16 Revised	6250
0.332 (i) added	2706
Introductory text of (b) revised; (b)(5) deleted	6779
0.371 (a) revised	3223
0.417 (a)(5) amended	4546
0.445 (c) amended	4612
1.106 Amended	4479
1.525 (b)(2) revised	6780
1.526 Added	4546
1.580 (f)(10) added	4547
(c) and introductory text of (d) revised	6781
1.594 (d)(5) added	4547
(a) and introductory text of (b) revised	6781
1.615 (f) added	4547
1.911 (e) added	2706
1.922 Amended	2446
Amended	2706
Amended	6779
1.926 (b)(9) revised	3446
1.927 (a) revised	6779
1.928 (b) revised	6779
1.929 Revised	6779
1.962 (a)(8) deleted	4479
1.973 (d) revised	3223
2.1 Amended	7155
2.100 Revised	7156
2.102 (a), (b)(4), (5), and (6) revised	7156
2.104 Revised	7156
2.105 (h)(1) revised	7156
2.106 Amended	343
Provisions waived in part	343

47 CFR—Continued

Chapter I—Continued

	Page
2.106—Continued Amended	1851
Amended	4480
Amended	6220
Amended	6388
Amended	7105
Amended	7106
Amended	7156
2.601 Revised	7102
2.603 (a) and (b) revised; (c) deleted	7102
13.5 (a) revised	3597
15.63 (c) revised	6250
15.75 (b)(1), (2), and (3) revised	578
21.1 Amended	7174
21.15 Introductory text of (l) revised	2448
21.26 (b) revised	7174
21.107 (b) revised	7174
21.204 Note revised	7174
21.516 Revised	2448
21.701 (a) and (g) revised	7174
21.706 (c) and (d) added	7174
21.708 (a)(7) added	7175
21.710 Added	6060
21.712 Added	6060
21.714 Added	6060
21.716 Added	6060
21.801 (f) revised	7175
21.807 (a)(5) added	7175
21.809 Added	7175
25 Subpart C added	7175
25.103 (d), (e), and (f) added	6869
25.201—25.251 Subpart C added	7175
43.43 (e) revised	3223
73.37 Amended	3541
73.93 (a) and introductory text of (b) revised	6520
73.120 (d) amended	4547
73.201 Amended	4480
73.202 Amended	15
Amended	1047
Amended (4 documents)	1853–1856
Amended	3817
Amended	3819
Amended	4481
Amended	5836
Amended	5903
Amended	6063

47 CFR—Continued

Chapter I—Continued

	Page
73.202—Continued Corrected	6117
Amended	6254
Amended	6521
73.242 Extension of time for filing requests for exemptions	996
(a) revised	3541
73.265 (a) and introductory text of (b) revised	6520
73.290 (d) amended	4547
73.565 (a) and introductory text of (b) revised	6520
73.590 (d) amended	4547
73.606 Amended	6870
(b) amended	7106
73.636 Amended	578
73.657 (d) amended	4547
73.661 Revised	6520
73.682 (a)(15) revised	3443
74.602 (a) amended	1851
81.304 (a)(2) and (3) amended	650
81.306 (a)(2) amended	650
83.2 (a) and (p) revised	6779
83.6 Deleted	6779
83.33 Revised	2446
83.36 (a) revised	2446
83.49 (a) revised	6779
83.351 (a)(2) and (3) amended	650
83.355 (a)(1) amended	650
83.441 (a) revised	6779
83.442 Revised	6779
83.443 Revised	6780
83.446 (a)(7) revised	6780
83.453 (b) revised	6780
83.486 Revised	6780
83.491 (a) revised	6780
83.538 Revised	6780
83.557 (b)(1) and (c)(2) amended	6780
87.5 Amended	2800
87.65 (a) amended	2800
(a) amended	7106
87.67 (b)(1) amended	2800
87.73 (f) and (g) added	2800
87.77 (d)(6) added	2800

47 CFR—Continued

Chapter I—Continued

	Page
87.81 Revised	2800
87.183 (l) revised; (aa) added	7106
87.461 Revised	2801
87.463 Heading revised; (a) and (b) amended	2801
87.465 Added	2802
89 Subpart D added	4614
89.221–89.231 Subpart D added	4614
91 Subpart N added	4615
91.557 Added	6061
91.559 Added	6061
91.561 Added	6061
91.651—91.656 Subpart N added	4615
93 Subpart G added	4617
93.301—93.306 Subpart G added	4617
95.41 (e) revised	3443
95.83 (a)(1) amended	2712
97 Subpart G added	2706
Appendix 1 amended	4618
97.9 (d)(1) revised	1944
97.27 (a) revised	1944
97.35 (c) revised	1944
97.301—97.313 Subpart G added	2706
Proposed Rules:	
1	3822
2	1009, 1878, 4322, 4492, 6226
15	2558, 6541, 6689
17	803
21	155, 892, 1878, 2471, 4322, 6078
25	589, 892, 1878
31	2472, 5858
33	2472
42	5858
73	98, 346, 490, 651, 803, 846, 1057, 2472, 2473, 3455, 3826, 4065, 4493–4495, 4554, 5798, 5860, 6122, 6274, 6275, 6543, 6590, 6651, 6947, 7113, 7197
74	2473, 3457, 4322, 6078
83	806
87	4492
91	4322, 6078
97	4496

48 CFR

Chapter I:

	Page
162 Added	2400

Chapter II:

	Page
201.2 (a) revised	648
211.4 (d) revised	648

49 CFR

Chapter I:

	Page
1.92 Revised	6485

49 CFR—Continued

Chapter I—Continued

	Page
1.93 Revised	6485
1.94 Revised	6485
10 Amended	2662
72.5 (a) amended	5743
73 Note 1 cancelled	5743
73.28 (l) added	5743
73.31 (d)(8) amended	5743
73.34 (d)(7) added; introductory text of (e)(10) and (13) revised; (l)(6) and (7) revised	5743
73.51 (q) revised	5744
73.115 Heading revised; (c) added	5744
73.119 Introductory text of (a) revised	5744
73.132 (a)(3) added	5744
73.134 Revised	5744
73.139 (a)(4) added	5744
73.145 (a)(7) revised	5744
73.149 Added	5744
73.176 (e)(2) revised	5744
73.206 Heading revised; introductory text of (a) revised; (a)(9) added	5745
73.214 (c)(3) added	5745
73.222 (a)(5) added	5745
73.230 (a)(4) added	5745
73.239a Added	5745
73.249 (a)(12) added	5745
73.252 (e) revised; (g)(2) added	5745
73.257 (b) revised	5745
73.263 (a)(27) added	5745
73.264 (a)(19) added; (b)(1) revised	5746
73.268 (f)(7) added	5746
73.269 (a)(5) added	5746
73.272 (f)(10) added	5746
73.276 (a)(7) added	5746
73.281 (a)(1) revised; (a)(2) added	5746
73.283 (a)(1) revised; (a)(2) added	5746
73.284 (a)(1) revised; (a)(2) added; (b) cancelled	5746
73.285 (a)(1) and (2) revised	5746
73.286 (b)(1) revised	5746

49 CFR—Continued

Chapter I—Continued

	Page
73.304 (a)(1) revised; (a)(2) amended	5746
73.314 (c) amended	5747
73.367 (a)(5) revised	5747
73.369 (a)(16) added	5747
73.392 (f) revised	5747
74.529 (b)(1) added	5747
74.530 (a)(1) added; (b) revised	5747
74.532 (b)(2) and (3) added	5747
74.538 (a) amended	5747
77 Note 1 cancelled	5748
77.837 (c) revised; (d) added	5748
77.848 (a) amended	5748
78.14–2 (b) added	5748
78.14–3 Revised	5748
78.14–4 Revised	5748
78.14–6 (b)(4) added; (d) amended	5748
78.21–3 (c)(4) added	5748
78.24–3 (b) added	5748
78.24–6 Cancelled	5748
78.24–7 Introductory text of (a) revised	5748
78.27–4 (a)(3) added	5749
78.35–5 (a)(4) added	5749
78.36–20 (a)(2) revised	5749
78.37–20 (a)(2) revised	5749
78.38–20 (a)(2) revised	5749
78.39–19 (a)(2) revised	5749
78.40–20 (a)(2) revised	5749
78.41–19 (a)(2) revised	5749
78.43–20 (a)(2) revised	5750
78.44–23 (a)(2) revised	5750
78.48–19 (a)(2) revised	5750
78.49–19 (a)(2) revised	5750
78.50–19 (a)(2) revised	5750
78.51–19 (b) revised; (c)(5) redesignated as (c)(6); new (c)(5) added	5750
78.51–20 (a) amended	5750
78.52–19 (a)(2) revised	5750
78.53–18 (a)(2) revised	5750
78.54–20 (a)(2) revised	5751

49 CFR—Continued

Chapter I—Continued

78.55–20
(a) (2) revised ... 5751
78.56–19
(b) revised ... 5751
78.56–20
(a) amended ... 5751
78.57–14
Heading revised ... 5751
78.57–20
(a) (3) revised ... 5751
78.57–22
(a) amended ... 5751
78.58–10
(a) revised ... 5751
78.58–21
(a) (2) revised ... 5751
78.59–18
(a) (2) revised ... 5751
78.60–4
(a) amended ... 5752
78.60–22
(a) (2) revised ... 5752
78.68–13
(d) revised ... 5752
78.68–19
(a) (2) revised ... 5752
78.80–11
(a) (2) revised ... 5752
78.80–13
Introductory text of (a) and (a) (3) revised ... 5752
78.80–14
Revised ... 5752
78.81–11
(a) (2) revised ... 5752
78.81–13
Introductory text of (a) revised ... 5752
78.82–11
(a) (2) revised ... 5752
78.82–13
Introductory text of (a) revised ... 5752
78.82–14
Revised ... 5752
78.83–11
(a) (2) revised ... 5752
78.83–13
Introductory text of (a) and (a) (3) revised ... 5752
78.84–11
(a) (2) revised ... 5753
78.84–13
Introductory text of (a) and (a) (3) revised ... 5753
78.84–14
Revised ... 5753
78.85–10
(a) (2) revised ... 5753
78.85–12
Introductory text of (a) revised ... 5753
78.87–11
(a) (2) revised ... 5753
78.87–13
Introductory text of (a) revised ... 5753
78.88–10
(a) (2) revised ... 5753
78.88–12
Introductory text of (a) and (a) (3) revised ... 5753
78.89–9
(a) (2) revised ... 5753
78.89–11
Introductory text of (a) revised ... 5753
78.90–10
(a) (2) revised ... 5753
78.90–12
Introductory text of (a) and (a) (3) revised ... 5753
78.91–11
(a) (2) revised ... 5754
78.91–13
Introductory text of (a) revised ... 5754
78.97–9
(a) (2) revised ... 5754
78.97–11
Introductory text of (a) revised ... 5754
78.97–12
Revised ... 5754
78.98–9
(a) (2) revised ... 5754
78.98–11
Introductory text of (a) revised ... 5754
78.98–12
Revised ... 5754
78.99–9
(a) (2) revised ... 5754
78.99–11
Introductory text of (a) revised ... 5754
78.99–12
Revised ... 5754
78.100–9
(a) (2) revised ... 5754
78.100–11
Introductory text of (a) revised ... 5754
78.101–9
(a) (2) revised ... 5754
78.101–11
Introductory text of (a) revised ... 5754
78.101–12
Revised ... 5754
78.102–4
(a) (2) revised ... 5755
78.107–11
Introductory text of (a) revised ... 5755
78.108–11
Introductory text of (a) revised ... 5755
78.109–11
Introductory text of (a) revised ... 5755
78.110–10
Introductory text of (a) revised ... 5755
78.110–11
Revised ... 5755
78.111–10
Introductory text of (a) revised ... 5755
78.115–10
(a) (2) revised ... 5755
78.115–12
Introductory text of (a) revised ... 5755
78.115–13
Revised ... 5755
78.116–10
(a) (2) revised ... 5755
78.116–12
Introductory text of (a) revised ... 5755
78.117–11
(a) (2) revised ... 5755
78.117–13
Introductory text of (a) revised ... 5755
78.118–10
(a) (2) revised ... 5756
78.118–12
Introductory text of (a) revised ... 5756
78.119–10
(a) (2) revised ... 5756
78.119–12
Introductory text of (a) revised ... 5756
78.130–8
(a) (2) revised ... 5756
78.130–10
Introductory text of (a) revised ... 5756
78.131–9
(a) (3) revised ... 5756
78.131–11
Introductory text of (a) revised ... 5756
78.132–9
(a) (3) revised ... 5756
78.132–11
Introductory text of (a) revised ... 5756
78.133–9
(a) (2) revised ... 5756
78.133–11
Introductory text of (a) revised ... 5756
78.134–4
(a) (2) revised ... 5756
78.136–11
Introductory text of (a) revised ... 5756
78.140–8
Revised ... 5756
78.141–8
(c) revised ... 5756
78.150–3
Revised ... 5757
78.150–4
Revised ... 5757
78.150–5
Revised ... 5757
78.150–6
(b) revised ... 5757
78.150–7
(a) (2) and (3) revised ... 5757
78.209–8
(a) (4) revised ... 5757
78.209–15
Introductory text of (b) revised ... 5757
78.212—78.212–8
Added ... 5757
78.236–2
(a) (2) amended ... 5758
78.237–2
(a) (2) amended ... 5758
78.238–2
(a) (2) amended ... 5758
78.238–3
(a) amended ... 5758
78.239–2
(a) (2) amended ... 5758
78.247—78.247–7
Added ... 5758
78.337—78.337–18
Added ... 579
95.935
Revised ... 5220
95.947
Revised ... 6220
95.958
Added ... 2712
95.959
Added ... 4255
95.960
Added ... 5419
97.562
Revised ... 6394
120.11
Revised ... 1983
120.12
Revised ... 705
120.14
Revised ... 648
120.21
Revised ... 885
120.61
Revised ... 583
121.0
Introductory text revised ... 140
121.01
Revised ... 140
121.02
Revised ... 140
121.04
Revised ... 140
121.1
Revised ... 140
121.2
(b) (1) revised ... 140
121.9
Revised ... 140
121.10
Revised ... 140
121.13
Revised ... 140
121.17
Revised ... 140
121.18
Revised ... 140
121.20
Revised ... 140
121.24
Revised ... 140
121.33
Revised ... 140
121.34
Revised ... 140
121.35
Vacated ... 140
121.36
Revised ... 140
121.37
Revised ... 140
121.42
Revised ... 140
121.43
Revised ... 140
121.44
Revised ... 140
121.45
Revised ... 140
121.46
Revised ... 140
121.49
Revised ... 140
121.51
Revised ... 140
121.54
Revised ... 140
121.56
Revised ... 140
121.58
Vacated ... 140
121.59
Revised ... 140

36-000—65——6

49 CFR—Continued

Chapter I—Continued

121.65
Revised ... 140
121.66
Revised ... 140
123.6
Revised ... 485
123.28
Revised ... 485
123.44
Revised ... 485
124.1
Revised ... 831
126.1
(a) revised ... 831
132.12
Interpretations ... 4063
141.200
(a) revised ... 6162
170.3
Revised ... 796
170.4
Revised ... 2401
Corrected ... 2712
Effective date of revision ... 7248
176.1
Effective date of revision further postponed ... 3597
Effective date of revision further postponed ... 3964
Effective date of revision further postponed ... 6117
176.4
(a) revised ... 3711
182
Revised ... 5420
193.70
(f) revised ... 4481
206.7
Revised ... 485
240
Added ... 5836
301.10
Revised ... 997
301.20
Revised ... 951

49 CFR—Continued

Proposed Rules:

71–78 ... 448, 3225
72 ... 1301, 4681
73 ... 1301, 4681
74 ... 1301, 4681
77 ... 1301, 4681
78 ... 1301, 4681
79 ... 4681
91 ... 3226
132 ... 763
136 ... 2405
170 ... 16, 1127, 1878
176 ... 7252
188 ... 5709
211 ... 5384
450 ... 2719

50 CFR

Chapter I:

28.28
Revised ... 6587
28.28a
Added ... 6587
28.25
Amended ... 997
28.28
Amended ... 3323
Amended ... 7106
32.22
Amended ... 3711, 3752
33.5
Amended ... 272, 708 (3 docs.), 997, 2215, 2448, 2549–2551 (7 docs.), 2802–2803 (5 docs.), 3267, 3752, 3882, 5380, 5381, 5707, 6073, 6344, 6521, 6587 (2 docs.), 6871 (4 docs.).
60.11
Amended ... 6149

Proposed Rules:

10 ... 5640
13 ... 4721
32 ... 6224, 7249
253 ... 5382
255 ... 6119
256 ... 4761
260 ... 7042
262 ... 3598

PARALLEL TABLE OF STATUTORY AUTHORITIES AND RULES

(Additions to 2 CFR; January–May 1965)

This table lists the sections of the U.S. Code which were added to 2 CFR as a result of new citations of authority carried in the *Federal Register* during January–May 1965. Recent legislation not yet assigned within the U.S. Code is carried by public law number at the end of the list.

In order to determine the *Federal Register* page numbers of the parallel CFR citations, users should consult the List of CFR Sections Affected, above.

5 U.S.C.:	CFR
150	41 Part 101–5
151c	22 Part 141; 41 Part 6–3
1002	6 Part 300
1003	36 Part 6
7 U.S.C.:	
192	9 Part 201
208	9 Part 201
213	9 Part 201
221	9 Part 201
450	7 Part 319
1011	36 Part 211
1132	7 Parts 862, 868
1339	7 Part 707
1348	7 Part 1427
1379d	7 Part 1483
1379j	7 Part 707
1385	7 Part 707
1421	7 Parts 1425, 1438
1427	7 Parts 1486, 1488
1441	7 Part 1425
1444	7 Part 1425
1446d	7 Part 1425
1447	7 Part 1425
1506	7 Parts 407, 408
1516	7 Parts 407, 408
1622	7 Part 51
1624	7 Part 51
1783	7 Part 707
1809	7 Part 707
1851	7 Part 1486
2013	7 Parts 1600–1602
2053	29 Parts 40, 41
10 U.S.C.:	
271–272	32 Part 125
1006	32 Part 102
2001	32 Part 102
2110	32 Part 110
2202	32 Part 18
2301–2314	32 Part 18
8012	32 Parts 805, 833–835, 860, 887–889, 932
9411	32 Part 902
12 U.S.C.:	
1701c	44 Part 702
14 U.S.C.:	
633	46 Part 1
15 U.S.C.:	
13	16 Part 74
46	16 Part 74
78l	12 Parts 206, 335; 17 Part 249
78m	12 Parts 206, 335; 17 Part 274
78n	12 Parts 206, 335; 17 Part 249
78o	17 Part 274
78p	12 Parts 206, 335
78w	12 Part 206; 17 Part 274
79n	17 Part 274

15 U.S.C.—Continued	CFR
79o	17 Part 274
79w	17 Part 274
80a–30	17 Part 274
80a–44	17 Part 274
255	7 Part 41
714b–714c	7 Parts 1425, 1486, 1487
714b	7 Part 707
714c	7 Part 1488
16 U.S.C.:	
460d	36 Part 313
460k–3	50 Part 26
460*l*–5	36 Part 251; 43 Part 18
532–538	36 Part 212
590h	7 Part 707
590p	7 Part 707
831–831dd	18 Part 302
1131–1136	36 Part 251
19 U.S.C.:	
1306	9 Parts 317, 318
21 U.S.C.:	
71–91	9 Part 9
89	9 Parts 317, 318
134b	9 Part 75
341	21 Part 121
348	21 Part 19
357	21 Part 148w
371	21 Part 144
22 U.S.C.:	
811	41 Part 6–3
1442	22 Part 501
2402	22 Part 209
26 U.S.C. (1954 I.R.C.):	
3303–3304	20 Part 601
29 U.S.C.:	
32–33	45 Part 401
32 U.S.C.:	
502	32 Part 102
33 U.S.C.:	
157a	33 Parts 80, 95
1052	33 Part 135
1073	33 Part 135
37 U.S.C.:	
209	32 Part 110
38 U.S.C.:	
210	41 Parts 8–12, 8–19, 8–30, 8–75
612	38 Part 17
39 U.S.C.:	
712	39 Part 54
2403	39 Part 54
40 U.S.C.:	
193r	36 Part 502
304*l*	41 Part 101–45
462	44 Part 702
486	41 Parts 5–8, 5–19, 8–12, 8–19, 8–30, 8–75, 9–8, 10–1, 39–1, 101–5.

42 U.S.C.:	CFR
242f	42 Parts 61, 63
296–296c	42 Part 57
1465	24 Part 3
2000c	45 Part 180
2000c–3	45 Part 180
2000c–4	45 Part 180
2000d–1	13 Part 112; 14 Part 1250; 15 Part 8; 18 Part 302; 22 Parts 141, 209; 32A Ch. I, OEP Reg. 5; 45 Part 1010.
2201	41 Part 9–8
2717	5 Part 733
2788	45 Part 1030
2841–2854	6 Part 300
2942	6 Part 300; 45 Parts 166, 1010
2946	6 Part 300
46 U.S.C.:	
2	19 Part 2
527e	46 Part 2
672	46 Part 14
813a	46 Part 536
817	46 Part 536
841a	46 Part 536
1114	46 Part 287
1161	26 Part 2
47 U.S.C.:	
155	47 Part 2
220	47 Part 43
352	47 Part 1
383	47 Part 1
49 U.S.C.:	
66	4 Part 52
304	49 Part 240
310a	49 Part 240
317–318	49 Part 240
916	49 Part 1
1017	49 Part 1
1304	14 Part 77
1324	14 Part 242
1341–1355	14 Part 224
1354	14 Parts 33, 35, 121
1371	14 Part 298
1373	14 Part 399
1377	14 Part 242
1421	14 Parts 33, 35, 133
1422	14 Parts 63, 65, 67, 143
1423	14 Parts 33, 35
1424	14 Part 121
1425	14 Part 121
1431	14 Part 77
1482	14 Part 399
1501	14 Part 77
50 U.S.C. App.:	
456	32 Part 110
2017*l*	13 Part 121
2251–2297	32 Part 220
Public Laws:	
Pub. Law 89–12	7 Parts 717, 724

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The Index to the daily *Federal Register* is published separately, covering the contents of the *Federal Register* as follows: Monthly for the months of January, February, April, May, July, August, October, November, and December; quarterly for the quarters ending in March, June, and September; and annually for the calendar year.

Entries in the Index are carried primarily under the names of the issuing agencies, with the most significant entries additionally carried in appropriate alphabetical position.

A List of CFR Sections Affected (cumulative codification guide), keyed to the *Code of Federal Regulations*, is also published monthly. It lists titles, parts, and sections, and indicates the nature of changes effected by *Federal Register* documents published to date in the calendar year. Proposed rules are listed at the end of pertinent titles.

Additives, Color and Food: Page
See Food and Drug Administration.

Advisers, Consultants, and Other Special Government Employees:
ETHICAL STANDARDS OF CONDUCT (Executive Order 11222) 6469

Advisory Council on the Status of Women, Citizens':
MEMBERSHIP (Executive Order 11221) 6427

Agriculture Department:
ANIMALS:
See also Meat and meat products; Packers and Stockyards Division.
Humane slaughter of livestock; identification of carcasses 6496
APPLES, export restrictions, proposed rules 6782
AUTHORITY DELEGATION:
See also Organization, functions, authority delegations, *below*.
By Director, Procurement and Sales Division, Agricultural Stabilization and Conservation Service, to Director or Acting Director, Kansas City ASCS Commodity Office; approval of plants or division of plant 6795
AVOCADOS:
Import restrictions 7244
Marketing:
Florida, 7240.
BARLEY; loan and purchase program:
1964 crop, 6681.
CARROTS, marketing:
Texas, 6479.
CHERRIES, red tart, marketing; certain States 6255
COMMODITY EXCHANGE AUTHORITY; reports by traders, maintenance of books and records 6941
CONSERVATION PROGRAMS; agricultural, payments due persons who have died, disappeared, or have been declared incompetent, applicability, etc 6246
COOPERATIVE MARKETING ASSOCIATIONS, eligibility requirements for price support 6907, 7037
COTTON:
Marketing quotas, acreage allotments, etc.:
Upland cotton, 1965 crop, 6712, 7185.
Price-support program:
1965 and subsequent crops, 7198.
Standards:
Agricultural Marketing Service changed to Consumer and Marketing Service 6637
American upland, proposed rules 6255
Fiber fineness and maturity 7239
Transfer of certain functions from Washington, D.C., to Memphis, Tenn 6637
DAIRY PRODUCTS:
See also Milk and milk products.
Export payment-in-kind program; terms and conditions 6910
Grading, inspection, and standards; Agricultural Marketing Service changed to Consumer and Marketing Service 6637
DISASTER AREAS; need for agricultural credit:
Illinois, 7257.
Michigan, 6191, 7048.
Pennsylvania, 7048.
Utah, 6927.
Washington, 7257.
Wisconsin, 6927.
EGGS AND EGG PRODUCTS:
Agricultural Marketing Service changed to Consumer and Marketing Service 6207
Egg whites; pasteurization, heat-treatment, and analysis for Salmonella 6141
EXPORTS:
Dairy products, payment-in-kind; terms and conditions 6910
Export credit sales program (GSM-3) 6249
Flour, wheat; cash payment (GR-346) 6771, 6976
Plants and plant products; travel time 6429
Restrictions; proposed rules:
Apples, 6782.
Pears, 6782.
Tobacco, export commodity certificates, redemption 6639

Agriculture Department—Continued Page
FARMS, reconstitution; allotments, history, and soil bank base acreages 6511, 6975
FEED, livestock; emergency program 6909
FLAXSEED; purchase program, Texas crops:
1965 crop, 6338.
FLOUR, wheat; export program, cash payment (GR-346), terms and conditions 6771, 6976
FOOD STAMP PROGRAM:
Pilot Program, supersedure in Independence County, Ark.; effective date 6280
Retail food stores, wholesale food concerns, and banks, participation of 6859
FOREST SERVICE. *See main heading* Forest Service.
GRAPEFRUIT:
Import restrictions 6638
Marketing:
Arizona and California, 6430.
Florida, 6638, 6917, 6983.
HONEY; price-support program 7097
HUMANE SLAUGHTER of livestock; identification of carcasses 6496
IMPORTS:
Plants and plant products; travel time 6429
Restrictions:
Avocados, 7244.
Grapefruit, 6638.
INSECTICIDES, PESTICIDES, etc., enforcement of Federal Insecticide, Fungicide, and Rodenticide Act; economic poisons, directions for use 6857
LEMONS, marketing:
Arizona and California, 6148, 6430, 6479, 6681, 6712, 6939, 6975, 7240.
LIVESTOCK:
See also Meat and meat products; Packers and Stockyards Division.
Humane slaughter of livestock; identification of carcasses 6496
MARKETING QUOTAS, farm acreage allotments, etc.:
See also specific commodities.
Reconstitution of farms, allotments, and history, and soil bank base acreages 6511, 6975
Referenda 6144
MEAT AND MEAT PRODUCTS:
See also Packers and Stockyards Division.
Humane slaughter of livestock; identification of carcasses 6496
Reinspection and preparation of products; gamma radiation, redesignation 6731
MILK AND MILK PRODUCTS:
Export payment-in-kind program, dairy products, terms and conditions 6910
Marketing in various areas, orders proposed or adopted:
Arkansas:
Central, 6534.
Fort Smith, 6534.
Memphis, Tenn., 6534.
Colorado:
Rio Grande Valley, 6538, 6573.
Delaware:
Delaware Valley, 6947, 7195, 7249.
Michigan:
Muskegon, 6163.
Southern, 6163.
Mississippi:
Memphis, Tenn., 6534.
New Jersey:
Delaware Valley, 6947, 7195, 7249.
New York-New Jersey, 6639.
New Mexico:
Rio Grande Valley, 6538, 6573.
New York:
New York-New Jersey, 6639.
Ohio:
Greater Wheeling, W. Va., 6659, 6975.
Pennsylvania:
Delaware Valley, 6947, 7195, 7249.
Tennessee:
Memphis, 6534.
Texas:
Rio Grande Valley, 6538, 6573.
West Virginia:
Greater Wheeling, 6659, 6975.

Agriculture Department—Continued Page

MOHAIR, payment program 6383
NECTARINES, marketing:
California, 7243, 7248.
OKRA, standards for processing; proposed rules 6658
OLIVES, marketing:
California, 6438.
ONIONS, marketing:
Texas, 7037.
ORANGES, marketing:
Arizona and California, Valencia oranges, 6148, 6420, 6661, 6771, 6939, 7037, 7240.
Florida, 6770, 6983.
ORGANIZATION, FUNCTIONS, AUTHORITY DELEGATIONS:
See also Authority delegation, *above*.
Consumer and Marketing Service 6697
Information Division 6597
Name established 6597
Transportation and Warehouse Division 6597
Cooperative State Research Service 6228
OVERTIME SERVICES; imports and exports; plants and plant products, travel time 6429
PACKERS AND STOCKYARDS DIVISION:
Posted stockyards, designation or removal 6597, 6798, 7117
Regulations; market agency and dealer bonds, proposed rules 6360
PEACHES, fresh; marketing:
Georgia, 6431, 6856.
PEANUTS; marketing agreement, quality regulation, proposed rules 6523
PEARS:
Export restrictions, proposed rules 6782
Marketing, fresh Bartlett:
Oregon and Washington, 6355.
PESTICIDES. *See* Insecticides.
PILOT FOOD STAMP PROGRAM. *See* Food stamp program.
PLANT QUARANTINE:
Domestic; European chafer 6243, 6245, 6770
Overtime services, imports and exports; travel time 6429
PLUMS, marketing:
California, 6903, 6904, 6906.
POULTRY AND POULTRY PRODUCTS:
Agricultural Marketing Service changed to Consumer and Marketing Service 6207
Inspection, soups; effective date postponed 7239
Standards and grades, establishment of tolerances; proposed rules 6395
PRICE-SUPPORT PROGRAMS. *See under main heading* Commodity Credit Corporation.
PROCUREMENT REGULATIONS:
Advertising, formal 6943
Forms 6943
Negotiation 6943
Supply, sources of; special and directed 6943
PRUNES, dried; marketing:
California, 6782, 7195.
RABBITS, grading and inspection; Agricultural Marketing Service changed to Consumer and Marketing Service 6207
RADIATION, gamma; reinspection and preparation of meat products 6731
RAISINS, marketing:
California, 6905.
RYE; loan and purchase program:
1965 crop, 6511.
SCHOOL LUNCH PROGRAM, apportionment of assistance funds 6207, 6479
STRAWBERRIES, standards for grades 6711
SUGAR:
Normal yields and eligibility for abandonment and crop deficiency payments:
Beet sugar area, 1963 crop; 6336.
Prices, sugarcane; 1965 crop:
Florida, 6191.
Hawaii, 7196.
Wage rates; 1965 crop:
Sugarbeets, 6247.
Sugarcane:
Florida, 6191, 6248.
Louisiana, 6248.

Agriculture Department—Continued Page

TANGELOS, marketing:
Florida, 6983.
TANGERINES, marketing:
Florida, 6983.
TOBACCO:
Export commodity certificates, redemption 6639
Inspection and price-support services; applications for additional sale and proposed new market, hearings 6740
Marketing quotas, farm acreage allotments, etc.; flue-cured:
1965 marketing year 6144, 6146, 6207
1965–67 marketing years 6191
Standards; flue-cured 6573
TOMATOES, marketing:
Texas, 6338.
WHEAT:
Export program; flour, cash payment (GR–346) 6771, 6976
Marketing certificate program; 1964–66, proposed rules:
Exporters 7043
Processors 6886
Marketing quotas, farm acreage allotments, etc.; 1965 crop 7097
WOOL:
Payment program 6383
Standards, wool and wool tops; proposed rules 6350

Air Carriers:
See Aircraft and air carriers.

Air Force Department:
See also Defense Department.
AVIATION CADET TRAINING, navigator; deleted 7188
DECORATIONS AND AWARDS, Joint Service Commendation Medal and Armed Forces Expeditionary Medal 6344
MEDICAL CARE, persons authorized; senior ROTC members, Job Corps and VISTA personnel, et al 6343, 6344
PROCUREMENT:
Appendixes B and E 7191
Bonds and insurance, special casualty insurance rating plans; deleted 7191
Contracts:
Administration of base procurement contracts 7192
Clauses 7191
General, geographical areas and DOD cognizant plants 7192
Foreign purchases, prohibitions 7191
Forms 7191
General provisions 7188
Government property 7191
Interdepartmental and coordinated; Federal Supply Schedules with multiple source provisions 7190
Negotiation 7189
Special types and methods 7190

Aircraft and Air Carriers:
CIVIL AIRCRAFT. *See* Air Force Department; Civil Aeronautics Board; Federal Aviation Agency.
FEDERAL AIRWAYS, control areas, etc. *See* Federal Aviation Agency.

Airports:
REGULATIONS. *See* Federal Aviation Agency.

Alaska:
GOVERNMENT EMPLOYEES, allowances and differentials payable 6511
PUBLIC LANDS, withdrawals. *See under* Land Management Bureau.

Alcoholic Beverages:
EXCISE TAXES. *See* Internal Revenue Service.

Alien Property Office:
RETURN OF VESTED PROPERTY:
Keller, Irene Doris, 6361.
Schauer, Rosel, et al., 6361.
Wien-Film Gesellschaft m.b.H. et al., 6926.

Aliens:
IMMIGRATION REGULATIONS. *See* Immigration and Naturalization Service.

Aliens—Continued Page

INCOME TAX REGULATIONS 6340
VESTED PROPERTY, return of. *See* Alien Property Office.

American Samoa:
MINIMUM WAGES, investigation 6225

Anchorage Regulations:
See Engineers Corps.

Animals:
See Livestock; Wildlife refuges.

Antenna Structures:
RADIO AND TELEVISION antenna structures, construction; aeronautical studies. *See* Federal Aviation Agency.

Antidumping Act:
DETERMINATIONS. *See* Customs Bureau; Treasury Department.
INVESTIGATIONS. *See* Tariff Commission.

Apples:
EXPORT RESTRICTIONS, proposed rules 6782

Armed Forces Day:
PROCLAMATION 3655 6467

Armed Services:
See also Defense Department *and specific services.*
PROCUREMENT. *See* Air Force Department; Defense Department.

Army Department:
See also Defense Department.
ENGINEERS CORPS regulations. *See main heading* Engineers Corps.
LITIGATION:
Defense of legal proceedings 6343
General; scope, representation of Department, etc. 6341

Atomic Energy Commission:
BYPRODUCT MATERIAL; licenses:
Licensing, general:
Medical use of certain byproduct material 6575
Tritium-luminous material 7258
Waste disposal, radioactive material:
Nuclear Engineering Co., Inc., 7116.
PATENT; application for just compensation by Alexander T. Deutsch 7118
PROCUREMENT REGULATIONS:
Contracts:
Clauses 6519
Reporting 6684
Termination 6585
Foreign purchases, Buy American Act 6519
General 6483, 6519
Negotiation 6683
Patents and copyrights 6684
Special types and methods 6519
REACTORS AND CRITICAL EXPERIMENT FACILITIES; construction and/or operation, licenses, or permits to listed companies, etc.:
Colorado State University, 6446.
Columbia University Trustees, 6405.
First Atomic Ship Transport, Inc., 6283, 6446.
General Dynamics Corp., 6406, 6497, 7117, 7120.
General Electric Co., 6405, 7199.
Lockheed Aircraft Corp., 6446.
Los Angeles, Calif., Water and Power Department, 6799.
Massachusetts Institute of Technology, 6283.
Northrop Corp., 6446.
Oregon State University, 6696.
Power Reactor Development Co., 6229.
Saxton Nuclear Experimental Corp., 6447.
Southwest Atomic Energy Associates, 7199.
Southwest Experimental Fast Oxide Reactor, 7258.
REGULATORY AUTHORITY OF AEC, assumption of; agreement with States:
Criteria for guidance 7020
New York, memorandum of understanding 6883

Authority Delegations by the President:
See Delegations of authority by the President.

Autos:
See Motor vehicles.

Avocados:
IMPORT RESTRICTIONS 7244
MARKETING, Florida 7240

B

Banks:
COOPERATIVES, banks for. *See* Farm Credit Administration.
FEDERAL RESERVE BANKS. *See* Federal Reserve System.
FOOD STAMP PROGRAM, participation in 6859
HOME LOAN BANK BOARD regulations. *See* Federal Home Loan Bank Board.
INSURED BANKS. *See* Federal Deposit Insurance Corporation.
NATIONAL BANKS. *See* Comptroller of Currency; Federal Reserve System.

Barley:
LOAN AND PURCHASE PROGRAM, 1964 crop 6681

Boats:
See Vessels.

Bonds:
REGULATIONS of various agencies. *See specific agencies.*
TREASURY BONDS. *See* Treasury Department.

Bread:
STANDARDS OF IDENTITY, temporary permit 7257

Bridges:
REGULATIONS. *See* Engineers Corps.

Bureau of Standards:
See National Bureau of Standards.

Buy American Act:
PROCUREMENT REGULATIONS, Atomic Energy Commission 6519

C

Canada:
ANTIDUMPING ACT determinations. *See* Customs Bureau; Treasury Department.
BROADCAST STATIONS 6491, 6493, 7201
MOTOR VEHICLES and parts from, determination respecting suspected bounty or grant 6958

Carrots:
MARKETING, Texas 6479

Cherries, Red Tart:
MARKETING, certain States 6255

Citizens' Advisory Council on the Status of Women:
MEMBERSHIP (Executive Order 11221) 6427

Civil Aeronautics Board:
ECONOMIC REGULATIONS:
Accounts, uniform system; reporting of nonscheduled operations, proposed rule 7251
Agreements, filing:
Air Traffic Conference of America; travel agents 6884
International Air Transport Association:
Fares 6229
Rate matters 7200
Specific commodity rates 6196, 6363, 6407, 6799, 6384, 7200
HEARINGS, INVESTIGATIONS, etc. *See list at end of this agency.*
POLICY STATEMENT, foreign carrier affiliates and system relationships of air carriers, passing off of; proposed rule 6650
HEARINGS, INVESTIGATIONS, ETC.:
Air New Zealand, Ltd., 7121.
Airlift renewal proceeding, 7259.
Atlas Van Lines, 7020.
Bader Bros. Arrow Van Lines, Inc., 6447.

Civil Aeronautics Board—Continued

HEARINGS, INVESTIGATIONS, ETC.—Continued

Bader Bros. Transfer and Storage Corp., 6447.
Baggage liability rules case, 6949.
Chicago Avenue Transfer, Inc., 7020.
Delta Air Lines, Inc., 6406.
Eastern Air Lines, Inc. et al., 6408, 6662.
Engel Brothers, Inc. et al., 6740.
Entertainment, visual in-flight, 6284.
Imperial Household Shipping Co., Inc., 7020.
Inflight Motion Pictures, Inc., 6284.
International Sea Van, Inc., 7020.
Military mail, service rates, 7021.
Mohawk Airlines, Inc., 6448.
Northeast Airlines, Inc., 6280.
Pan American World Airways, Inc., 6284.
Sony Corporation of America, 6284.
Southern Airways, Inc., 6597.
Starck Van Lines, 7020.
Trans World Airlines, Inc., 6284, 6364, 6406.
United States-Caribbean-South America investigation, 6231.
Van Lines and Bader Bros. Warehouses, Inc., 6447.
West Coast Airlines, Inc., 6407.
Westbound specific commodity rates, 6284, 6949.
Wheeler Airlines, Ltd., 7121.

Civil Rights:

See Nondiscrimination.

Civil Service Commission:

ALLOWANCES AND DIFFERENTIALS payable in non-foreign areas; Alaska, Puerto Rico, Hawaii, and Virgin Islands 6511
EDUCATIONAL REQUIREMENTS for oceanography series 7052
ETHICAL STANDARDS OF CONDUCT for Government officers and employees, regulations (Executive Order 11222) 6469
EXCEPTED SERVICE, agencies with positions added, amended, or revoked:
Schedule A:
Emergency Planning Office, 6975.
Entire executive civil service:
Mentally retarded persons, 6837.
President's Youth Opportunity Campaign, 7153.
Temporary positions, to encourage youth to resume or continue education, 6765.
Interstate Commerce Commission, 6903.
Saint Lawrence Seaway Development Corporation, 6939.
Schedule C:
Commerce Department, 7245.
Emergency Planning Office, 6975.
General Accounting Office, 6215.
Health, Education, and Welfare Department, 6857.
Housing and Home Finance Agency, 6909.
Labor Department, 6241.
Small Business Administration, 6957.
State Department, 6241, 6478.
Treasury Department, 6637.
FOREIGN SERVICE, regulations on appointment in competitive service of certain present and former officers and employees (Executive Order 11219) 6381
MANPOWER SHORTAGES; appointees to food technologist position, payment of travel and transportation expenses 6662
RECRUITMENT AND SELECTION, competitive examination; general provisions, filling certain postmaster positions 6337
TRAVEL AND TRANSPORTATION EXPENSES, appointees to food technologist position; manpower shortage 6662

Coast Guard:

EQUIPMENT, INSTALLATIONS, OR MATERIALS; approval and termination of approval 7047
LIGHTS:
Coast Guard vessels of special construction 6434
Navigation requirements, vessels on inland waters and Western rivers 6433
NAVIGATION REQUIREMENTS, lights:
Inland waters 6433
Western rivers 6434

Coast Guard—Continued

NAVIGATION RESTRICTIONS:
James River:
U.S.S. *Enterprise*, firing of catapults 6277
U.S.S. *George C. Marshall*, launching 6738
U.S.S. *John F. Kennedy*, launching 6660
New London Harbor; U.S.S. *James K. Polk*, launching 6926
SUSPENSION AND REVOCATION PROCEEDINGS, appeals; temporary documents 6713
UNINSPECTED VESSELS; motorboats:
Fire extinguishers 6517
Ventilation requirements 6517

Coffee Agreement Act, International:

COFFEE PRICES, effect on (Determination of May 22, 1965) 7095

Coffee Organization, International:

PUBLIC INTERNATIONAL ORGANIZATION entitled to certain privileges, exemptions, and immunities, designation as (Executive Order 11225) 7093

Color Additives:

See Food and Drug Administration.

Commerce Department:

See International Commerce Bureau.
Maritime Administration.
National Bureau of Standards.
Patent Office.
APPOINTMENTS WITHOUT COMPENSATION and statements of business interests under Defense Production Act of 1950 ..... 6229, 6799
CHARGES for certifying, searching, and copying services 7245
NONDISCRIMINATION in programs and activities 6281, 6503
ORGANIZATION AND FUNCTIONS:
Domestic and International Business, Office of Administration for 6280
Under Secretary of Commerce for Transportation 7018
PROCUREMENT AUTHORITY, organization units 6548

Committees, Boards, etc.:

CIVIL AERONAUTICS BOARD. *See main heading* Civil Aeronautics Board.
GENERAL SERVICES ADMINISTRATION, standing interagency committees chaired by, during 1964 and 1965 6888
NATIONAL POWER SURVEY Industry Advisory Committee on Underground Transmission; establishment and practices 6667

Committees, Boards, etc., Presidential:

STATUS OF WOMEN, CITIZENS' ADVISORY COUNCIL ON; membership (Executive Order 11221) 6427
STATUS OF WOMEN, COMMITTEE ON; membership (Executive Order 11221) 6427

Commodity Credit Corporation:

COOPERATIVE MARKETING ASSOCIATIONS, eligibility requirements for price support 6907, 7037
EXPORT COMMODITY CERTIFICATES, tobacco, redemption 6639
EXPORTS:
Dairy products, payment-in-kind; terms and conditions 6910
Export credit sales program (GSM-3) 6249
Flour, wheat, cash payment (GR-346) 6771, 6976
Tobacco, export commodity certificates, redemption 6639
FEED, livestock; emergency program 6909
LOAN AND PURCHASE PROGRAMS:
1964 crop:
Barley, 6681.
1965 crop:
Rye, 6511.
PAYMENT PROGRAMS:
Mohair, 6383.
Wool, 6383.
PRICE-SUPPORT PROGRAMS:
Sales of certain commodities acquired through price-support operations; monthly sales list for May 6693
Various commodities:
Cotton, 7198.
Honey, 7097.

Commodity Credit Corporation—Con.

PURCHASE PROGRAMS:
Flaxseed, Texas:
1965 crop, 6838.

Commodity Exchange Authority:

TRADERS, REPORTS BY; maintenance of books and records 6941

Comptroller of Currency:

CAPITAL STOCK, ownership reports; scope and application 6180
INSURED BANKS, joint call for report of condition 6227

Conduct Standards:

GOVERNMENT OFFICERS AND EMPLOYEES, ethical standards of conduct (Executive Order 11222) 6469
WITHOUT COMPENSATION EMPLOYEES, statements of financial interests. *See* Commerce Department; Interior Department.

Conflict of Interest:

See Conduct standards.

Conservation Programs, Agricultural:

See Agriculture Department.

Consultants, Advisers, and Other Special Government Employees:

ETHICAL STANDARDS OF CONDUCT (Executive Order 11222) 6469

Continental Shelf, Outer:

TEXAS, sulphur leasing 6496

Contracts, Government:

See also Procurement.
FOREIGN ASSISTANCE ACT OF 1961, contracts made under (Executive Order 11223) 6635

Cotton:

MARKETING QUOTAS, acreage allotments; upland cotton, 1965 crop 6712, 7185
PRICE SUPPORT PROGRAM, 1965 and subsequent crops 7198
STANDARDS. *See* Agriculture Department.

Cuba:

VESSELS, free world and Polish flag, arriving since January 1, 1963; list 6845, 7049

Customs Bureau:

ANTIDUMPING ACT, 1921:
Commissioner's determinations; various imports:
Azobisformamide from Japan, 7197.
Steel jacks from Canada, 6445.
Titanium dioxide from West Germany, 6196.
Secretary of Treasury determinations. *See main heading* Treasury Department.
ARTICLES CONDITIONALLY FREE, subject to reduced rate, etc.; antiques, ports of entry 6149
CANADA:
Antidumping Act determination, steel jacks 6445
Motor vehicles and parts from, determination respecting suspected bounty or grant 6958
EXAMINATION, MEASUREMENT, TESTING; importations in bulk; proposed rules:
Fluorspar imported in railroad cars, method of analyzing 7108
Petroleum and petroleum products; extension of time 6686
PHILIPPINE PESO, rates of exchange 6196
REORGANIZATION PLAN NO. 1 OF 1965, abolition of certain offices and transfer of functions 7035

D

Dairy Products:

See Agriculture Department.

Danger and Restricted Areas:

AIRCRAFT, restricted areas over military installations. *See* Federal Aviation Agency.
VESSELS, danger zones. *See* Engineers Corps.

Defense Department:

See Air Force Department.
Army Department.
DEFENSE CONTRACT FINANCING:
Guaranteed loans, amount and maturity of 6161
Progress payments, direct labor and materials cost clause (November 1964) 6161
PROCUREMENT REGULATIONS:
Advertising, formal; preparation of invitation for bids 6967
Clauses:
Contract 6968
Cost principles and procedures 6973
General provisions 6965
Government property, furnished "as is", clause for 6973
Interdepartmental and coordinated; application of procurement assignment 6968
Negotiation 6967
Patents, data, and copyrights 6968
RESERVE FORCES, uniform training categories and pay groups within 6942
TRANSPORTATION by Military Air Transport Service or other aircraft, regulations deleted 6682

Delaware River Basin Commission:

COMPREHENSIVE PLAN, hearing respecting Marsh Creek Reservoir project and West Chester water supply 6365

Delegations of Authority by the President:

AGENCY AND DEPARTMENT HEADS, ethical standards of conduct (Executive Order 11222) 6469
CIVIL SERVICE COMMISSION (Executive Order 11222) 6469

Disaster Areas:

FEDERAL ASSISTANCE. *See* Agriculture Department; Small Business Administration.

Discrimination:

See Nondiscrimination.

Drugs:

CERTIFICATION AND TESTS, etc. *See* Food and Drug Administration.

Dumping Grounds:

See Engineers Corps.

E

Education and Educational Facilities:

See also Education Office.
CIVIL SERVICE, educational requirements for appointment to certain positions. *See* Civil Service Commission.
ELECTROMAGNETIC PROPAGATION COURSE at Boulder, Colo 6698
NONIMMIGRANT CLASSES, approval of schools 6479
SCHOOL LUNCH PROGRAM, second apportionment of food assistance funds 6207, 6479
SCHOOLS:
Nonimmigrant classes, approval of schools 6479
Public lands reserved for. *See* Land Management Bureau.

Education Office:

LIBRARY CONSTRUCTION; approval of construction of part, and requirement for nondiscrimination-in-employment clause in construction contract 6293
TELEVISION BROADCAST FACILITIES, noncommercial educational, application for Federal financial assistance 6928

Eggs and Egg Products:

AGRICULTURAL MARKETING SERVICE changed to Consumer and Marketing Service 6207
GRADING AND INSPECTION of products, pasteurization 6141

Ellis Island:

ADDITION to Statue of Liberty National Monument (Proclamation 3856) 6571

Employment Security Bureau: Page
ADMINISTRATIVE PROCEDURE, withholding payments and certifications 6941
UNITED STATES EMPLOYMENT SERVICE, policies; service to minority groups, nondiscrimination 7039

Engineers Corps, Army Department:
BRIDGE REGULATIONS:
Florida:
Black Creek, 6386.
Maryland:
Marshyhope Creek, 6161.
DANGER ZONE REGULATIONS:
California:
Pacific Ocean, Air Force Western Test Range, 6643.
DUMPING GROUND REGULATIONS; Gulf of Mexico:
Louisiana:
Calcasieu Pass, 6644.
Louisiana coast, 6644.
Texas:
Galveston entrance, 6644.
Sabine Pass, 6644.
Texas coast, 6644.
NAVIGATION REGULATIONS:
Florida:
Withlacoochee River, 6161.
Washington:
Puget Sound area, 6644.
RESERVOIR AREAS, public use; areas covered:
Kansas:
Elk City Reservoir Area, Elk River, 6161.
South Dakota:
Big Bend Dam (Lake Sharpe), Missouri River, 6161.
Cold Brook Reservoir Area, Cold Brook, 6161.

Ethical Standards of Conduct:
See Conduct standards.

Executive Orders:
See Presidential documents.

Export Control:
See International Commerce Bureau.

Exports:
See Imports and exports.

F

Farm Credit Administration:
BANKS FOR COOPERATIVES consolidated debentures; Custodian and Acting Custodian 6573

Federal Aviation Agency:
AIR CARRIERS and commercial operators of large aircraft:
Aircraft dispatcher qualifications 6727
Airworthiness release or aircraft log entry 6432
Crewmember and aircraft dispatcher training program; applicability, etc 6727
Emergency evacuation, crewmember training program, deletion 6727
Flight simulator, use 6726
Pilot qualifications; recent experience, proficiency checks, second in command, and other pilots, etc 6726
AIR TRAFFIC AND GENERAL OPERATING RULES:
General operating and flight rules:
Clearances, compliance with ATC; proposed rule 6922
Flight plan and fuel requirements pertaining to alternate airports; correction 6388
Foreign civil aircraft, special rules; distance measuring equipment, proposed rule, time extension 6541
Security control of air traffic; Alaskan DEWIZ 6242
AIRMEN:
Medical standards and certification; special medical certificate, medical flight, practical test, or medical evaluation, proposed rule 6188
Pilots and flight instructors, certifications; airline transport pilot, flight test, retesting after failure 6577

Federal Aviation Agency—Continued Page
AIRPORTS:
Alternate airports, flight plan and fuel requirements; correction 6388
Wake Island Airport, boundaries 7184
AIRSPACE:
See also Federal airways, etc.; Jet routes.
Construction proposed; notices, hearings, etc.:
Hotel 6286
Radio and television antennas and towers 6284, 6285, 6286, 6287, 6408, 7022, 7121
Navigable airspace, objects affecting:
Notice of construction or alteration, acknowledgment of 6713
Obstruction standards, military airport imaginary surfaces 6713
Restricted areas. *See* Restricted areas, *below*.
AIRWORTHINESS DIRECTIVES:
Beech, 6837, 6976.
Boeing, 6150, 6274.
Canadair, 6639.
Curtiss-Wright, 6188.
Fairchild, 6491, 6577.
General Dynamics, 7182.
Lockheed, 6837, 7098.
Mooney, 7182.
Piper, 6640.
Sikorsky, 6940.
CERTIFICATION AND OPERATIONS. *See* Air carriers; Airmen; Helicopters.
DEFINITIONS; "air traffic control" and "air traffic control clearance", proposed rule 6921
FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS; alterations:
Control areas and control area extensions:
Additional control areas 6682, 6984
Control areas associated with jet routes outside continental control area 6150, 7099
Extension of control areas 6384, 6386, 6397, 6400, 6577, 6641, 6793, 6872, 6977, 6985, 7045, 7110, 7182
Control zones 6189, 6215, 6384, 6385, 6386, 6387, 6397, 6399, 6400, 6577, 6578, 6579, 6588, 6589, 6640, 6641, 6682, 6765, 6793, 6838, 6872, 6914, 6922, 6940, 6977, 6985, 7045, 7098, 7110, 7111, 7182, 7183, 7196
Reporting points:
Alaska; low altitude 6384
Domestic:
High altitude 6443
Low altitude 6241, 7224
Transition areas 6189, 6225, 6384, 6385, 6386, 6387, 6397, 6399, 6400, 6402, 6577, 6578, 6579, 6588, 6589, 6641, 6642, 6682, 6736, 6765, 6793, 6795, 6838, 6872, 6914, 6915, 6922, 6924, 6940, 6977, 6978, 6985, 6986, 7045, 7098, 7099, 7110, 7111, 7182, 7183, 7184, 7196
VOR Federal airways:
Alaska 6384
Domestic 6150, 6241, 6385, 6400, 6443, 6478, 6735, 6794, 6915, 6923, 6978, 6986, 7099, 7112, 7224
Hawaii 7224
FOREIGN AIR CARRIERS, operations; radio and distance measuring equipment, proposed rule, time extension 6541
HELICOPTERS, certification and operation; airworthiness release or helicopter log entries 6432
INSTRUMENT FLIGHT RULES:
Altitudes, minimum en route IFR:
Changeover points; VOR Federal airways 6769
Particular routes and intersections:
Colored Federal airways (amber, blue, green, red) 6766
Direct routes 6766
Jet routes 6769
VOR Federal airways 6766
Hawaii 6768
Approach procedures, takeoff and landing, alterations:
Landing system 6158, 6334, 6721, 6851, 7233
Radar 6159, 6336, 6723, 6855, 7236
Radio 6151, 6329, 6714, 6839, 7225

Federal Aviation Agency—Continued Page
JET ROUTES, alterations:
Jet advisory areas:
Enroute 6432
Terminal 6432
Jet routes 6150, 6241, 6242, 6443, 6642, 6915, 6924, 7099, 7100, 7112
OPERATING RULES. *See* Air traffic and general operating rules.
PROCEDURAL RULES, enforcement procedures; hearings in certificate proceedings 7222
RESTRICTED AREAS over military installations, etc.:
Military climb corridors; maintenance of certain flight levels 6387
Various States; alterations:
Arizona, 6736, 6979.
Delaware, 6388.
Florida, 6402.
Kansas, 6444.
Mississippi, 7251.
Nevada, 7100.
New Jersey, 6242.
Washington, 7100, 7226.
ROTORCRAFT. *See* Helicopters.
SCHEDULED AIR CARRIERS. *See* Air carriers.
SPECIAL USE AIRSPACE. *See* Restricted areas.
SUPPLEMENTAL AIR CARRIERS. *See* Air carriers.
WAKE ISLAND CODE; applicability, Island Manager, Justice Court, motor vehicle maintenance and equipment, dental services, etc 7184

Federal Communications Commission:
AVIATION SERVICES, airborne stations; frequency for use by survival craft stations 7105
CANADIAN BROADCAST STATIONS 6491, 6493, 7201
DOMESTIC PUBLIC RADIO SERVICES:
Applications and licenses, grants without hearing 7174
Definitions 7174
Technical operation, FCC publications for reference 7174
Technical standards, transmitter power 7174
Various services:
Local TV transmission service 7175
Point-to-point microwave service, bands shared with Communication-Satellite Service 7174
FREQUENCY ALLOCATIONS:
Allocation, assignment, and use of radio frequencies 7156
International regulations in force 7156
Table of frequency allocations:
59–61 kc/s, 6219.
1605–1715 kc/s, 7105.
173.2–178.4 Mc/s, 6388.
249 Mc/s, 7105.
Definitions 7155
Fixed service utilizing tropospheric scatter techniques; proposed rules, proceedings terminated 6226
Treaties and other international agreements 7102
HEARINGS, ORDERS, etc.; companies and stations. *See list at end of this agency.*
MARITIME SERVICES, shipboard stations:
Application for exemption 6779
Compulsory shipboard equipment, survival craft portable radio equipment 6780
Definitions; safety convention and safety convention certificates 6779
Radiotelegraph stations 6779
Radiotelephone stations:
Communications Act or Safety Convention 6780
Great Lakes Radio Agreement 6780
ORGANIZATION AND FUNCTIONS:
Data Processing Division 6250
Manpower Utilization and Survey Division 6250
Safety and Special Radio Services Bureau, Chief 6779
PRACTICE AND PROCEDURE:
Broadcast applications and proceedings:
Agreements between parties for amendment or dismissal of applications 6780
Local notice of filing and of designation for hearing 6781
Safety and special services applications and proceedings 6779

Federal Communications Commission—Con. Page
RADIO BROADCAST SERVICES:
Educational FM stations, operator requirements 6520
FM stations:
Channel assignments, various States:
Alabama, 6947.
Arizona, 6544.
California, 6947.
Florida, 6252, 6544.
Georgia, 6543.
Indiana, 6520, 6543, 6947.
Iowa, 6947.
Louisiana, 6947.
Maine, 6947.
Maryland, 6543.
Minnesota, 6252, 6947.
Mississippi, 6251, 6947.
Missouri, 6253, 6947.
Nebraska, 6947.
Nevada, 6354.
New Jersey, 6543.
New York, 6251.
North Carolina, 6253.
Ohio, 6543, 6947.
Oregon, 6275.
South Carolina, 6543.
Tennessee, 6543, 6947.
Texas, 6947.
Virginia, 6253, 6274, 6947, 7197.
Washington, 6275.
West Virginia, 6543.
Engineering charts, field strength curves; proposed rules 6651
Operator requirements 6520
Standard broadcast stations:
Applications ready and available for processing 6491
Logs, program, operating, maintenance; proposed rules 6590
Operator requirements 6520
Television broadcast stations:
Canadian television assignments; changes, additions 6491, 6493
Channel assignments, various States:
Alabama, 6870.
Connecticut, 6870.
Delaware, 6870.
Georgia, 6870.
Michigan, 6870.
New Jersey, 6870.
New York, 6870.
Ohio, 6870.
Pennsylvania, 6870.
Tennessee, 6870.
Wyoming, 7106.
Monitoring equipment, engineering charts; field strength curves, proposed rules 6651
Network broadcasting, competition, and responsibility; proposed rules, extension of time 7113
Operator requirements 6520
Subscription television service; proposed rules, extension of time 7197
RADIO FREQUENCY DEVICES:
Intruder alarms, proposed rules 6541, 6689
Radiation interference limits; television broadcast receivers, temporary increase 6250
SATELLITE COMMUNICATIONS:
Definitions; ownership and operation of earth stations 6862
Technical standards 7175
HEARINGS, ORDERS, ETC.:
American Radio-Telephone Service, Inc., 6389, 6409.
American Telephone and Telegraph Co., 6492, 6493, 6799, 6885.
Associated Television Corp., 6391.
Beard, Sam E., 6949.
Birmingham Broadcasting Co., 6741.
Brownyard, James D., 7125, 7259.
Capitol City Television Co., 6261.
Carolina Radio Broadcasting Co., 7022.
Cascade Broadcasting Co., 6601.
Central Broadcasting Corp., 6949.

36-000—65——2

Federal Communications Commission—Con.

HEARINGS, ORDERS, ETC.—Continued
Chicago Federation of Labor and Industrial Union Council, 6197, 6450, 6549.
Chicagoland TV Co., 6197, 6450, 6849.
Chronicle Publishing Co. (KRON–TV), 6197.
Continental Broadcasting of California, Inc. (KDAY), 6549, 6662.
Dawson County Broadcasting Corp., 6450.
Dick Broadcasting Co., Inc., of Tennessee, 6288, 6289, 7259.
Dixie Broadcasting Co., Inc., 6197, 6287, 7200.
Effingham Broadcasting Co., 6950.
Emerald Broadcasting Corp. (KPIR), et al., 6699, 6741.
Estes, Edwin H., 6232.
Evergreen Enterprises, Inc., 6197, 6292, 7201.
Fidelity Radio, Inc. et al., 7124.
5 KW, Inc., 6950.
Flower City Television Corp. et al., 6800.
Greater Erie Broadcasting Co., Inc., 7125, 7259.
Hall County Broadcasting Co., 6950.
Hicks, Ralph, 6741, 7259.
Hogin, William S., 6231, 6287, 6597, 6662, 7022.
Holmes County Broadcasting Co. (WXTN), 7126, 7259.
Integrated Communication Systems, Inc., of Massachusetts, 7125.
Jet Broadcasting Co., Inc., 6492.
KGMO Radio–Television, Inc. (KGMO), 7122, 7125.
KUNO Radio, Inc. (KUNO), 6365, 6409, 7023.
Kent-Sussex Broadcasting Co., 6662, 6741.
Kentown Speedway and Hobbies, 6288.
Lampasas Broadcasting Corp. (KCYL), 6551, 6663.
Lebanon Valley Radio, et al., 7121.
Marietta Broadcasting Co., 6950.
Missouri-Illinois Broadcasting Co., 7122, 7125.
Morgan Broadcasting Co., 6288, 6289, 7259.
Naugatuck Valley Service, Inc. (WOWW), 6332.
Nebraska Rural Radio Association (KRVN), 7023.
Newman, Dorsey Eugene, 6741.
Ocean County Radio Broadcasting Co. et al., 6351.
Petersburg Broadcasting Co., Inc., 6888.
Radio Phone Communications, Inc., 6289, 6409.
Regional Broadcasting Corp., 6197, 6292, 7201.
Selma Television Inc. (WSLA–TV), 6292.
Sleighter, Dennis A., et al., 7123.
Smiles of Virginia, Inc., 6888.
Southeastern Broadcasting Co., Inc. (WKLF–FM), 6949.
Southern Broadcasting Co., 6950.
Southington Broadcasters, 6601.
Southwestern Bell Telephone Co., 6741, 7259.
Standard Broadcast Station WPFA, 6232.
Sunset Broadcasting Co. (KNDX–FM), 6601.
Television Broadcasters, Inc. (KBMT), 6598, 6663.
Texas Goldcoast Television, Inc. (KPAC–TV), 6598, 6663.
Town & Farm Co., Inc. (KMMJ), 7022.
Traxler, John N. et al., 6801.
Tri-Cities Broadcasting Co., 6450.
Trinity Broadcasting Co., 7023.
Triple C Broadcasting Corp. (WLOB), 7123.
Tupelo Broadcasting Co., Inc., 6197, 6287, 7200.
Tuscarawas Broadcasting Co., 6950.
Twelve Seventy, Inc., 6409.
United Artists Broadcasting, Inc.:
Boston, Mass., 6232, 7125.
Houston, Tex., 6232, 7126.
Lorain, Ohio, 6232, 7126.
United Broadcasting Co., Inc., 6492.
WCRB, Inc., 6949.
WEPA–TV, Inc. (WEPA–TV), 6492.
WHOO Radio, Inc. (WHOO), 6492, 6552, 7259.
WMOZ, Inc., 6232, 7127.
WTCN Television, Inc. (WTCN–TV), et al., 6198, 7124.
Webster County Broadcasting Co., 7126, 7259.
Ypsilanti Broadcasting Co. (WYSI), 6601, 6663.

Federal Deposit Insurance Corporation:

APPLICATION FOR EXEMPTION from certain requirements of Securities Exchange Act of 1934 6411
INSURED BANKS, joint call for report of condition 6227

Federal Employees:

See Government employees.

Federal Home Loan Bank Board:

FEDERAL SAVINGS AND LOAN INSURANCE CORPORATION:
Definition, scheduled items 6517, 6915

Federal Home Loan Bank Board—Continued

FEDERAL SAVINGS AND LOAN INSURANCE CORPORATION—Continued
Operations:
Premiums, charges, and credits concerning mortgage loans, sale of real estate owned, and related items 7039
Required amounts and maintenance of Federal insurance reserve; proposed rule 6544
FEDERAL SAVINGS AND LOAN SYSTEM, organization; application for permission to organize Federal association 7037

Federal Housing Administration:

MUTUAL MORTGAGE INSURANCE and insured home improvement loans, contract rights and obligations; title objection waiver with reduced insurance benefits 6982
URBAN RENEWAL mortgage insurance and insured improvement loans, eligibility requirements, projects; development of property 7102

Federal Maritime Commission:

FREIGHT FORWARDERS, independent, ocean:
Agreements under section 15 of Act:
Boulo, Paul A., Dyson Shipping Co., Inc.; subject to cancellation, 6200.
Gogarty, H. A., Inc. et al., 6411.
Pistorino & Co., Inc. et al., 7128.
Sea-Lanes Shipping Co., Inc. et al., 6602.
Smith, J. D., Inter-Ocean, Inc. et al., 6199.
Applications for licenses:
Gonzales-Colon, Jenario Emilio, et al., 6866.
Mas International Corp.; proceeding discontinued, 7127.
MARITIME CARRIERS:
See also Freight forwarders, *above*.
Conference agreements, hearing relating to effects on foreign commerce 7127
Filing of tariffs by common carriers by water in foreign commerce 7138
New York Harbor, inbound cargo; free time and demurrage practices, investigation, hearing, etc 6701
Self-policing systems; reporting requirements 7102
Transshipment and apportionment agreements from Indonesian ports to U.S. Atlantic and Gulf ports; investigation 6928
NEW YORK HARBOR, inbound cargo, free time and demurrage practices; investigation, hearing, etc 6701
RATES on U.S. Government cargoes; investigation and hearing 6552
TERMINAL PRACTICES, South Atlantic and Gulf Ports (from, but excluding, Hampton Roads, Va., to Brownsville, Tex.); hearing 6552
TRANSPORTATION AGREEMENTS, terminal agreements, etc.:
Exclusive patronage (dual rate) contracts under Public Law 87–346:
Far East Conference, 6929.
Wallenius Line, 7023.
Section 15 agreements:
American Export Isbrandtsen Lines, Inc., 6198, 6866.
American Mail Line Ltd., 6929.
Australia, New Zealand and South Sea Islands Pacific Coast Conference, 6866.
Australia/U.S. Gulf, Atlantic, and Great Lakes Conference, 7127.
Compania Internacional de Vapores, Ltda. et al.; proposed cancellation, 6702.
Cunard Steam Ship Co., Ltd. et al., 6199.
Terminal agreement, 6929.
Delta Steamship Lines, Inc., 7201.
Farrell Lines, Inc., 7201.
Fern-Ville Lines, 7128.
First Atomic Ship Transport, Inc., 6866.
Grace Line, Inc., 6412, 6413.
Indonesian ports to U.S. Atlantic and Gulf ports, 6926.
International Movers' Rate Agreement, 6503.
Italy, France, Spain and Portugal/North Pacific Freight Pool, 6866.
Los Angeles, city of; terminal agreement, 6552.
Lykes Bros. Steamship Co., Inc., 6552, 7201.
Matson Navigation Co., 6412.
Mediterranean/North Pacific Coast Freight Conference, 6866.
Moore-McCormack Lines, Inc., 6552, 7201.

Federal Maritime Commission—Continued

TRANSPORTATION AGREEMENTS, terminal agreements, etc.—Continued
Section 15 agreements—Continued
National Metal and Sheet Corp.; terminal agreement, 6552.
New York, city of; terminal agreement, 6929.
North Atlantic Baltic Freight Conference, et al., 6951.
Norwegian Asia Line, 7128.
Oceanic Steamship Co., 6412, 6413.
Pacific Coast-Australasian Tariff Bureau, 6198.
Seatrain Lines, Inc., 6196.
States Marine Lines Joint Service, 6929.
Trans-Atlantic Associated Freight Conferences; proposed cancellation, 6951.
Transatlantic Shipping Corp. et al., 6703.
U.S. Atlantic and Gulf ports/Bermuda rate agreement, 7129.
United States Lines Co., 6413.

Federal Power Commission:

HEARINGS. *See list at end of this agency.*
NATIONAL POWER SURVEY Industry Advisory Committee on Underground Transmission; establishment and practices 6567
NATURAL GAS ACT, regulations; certificates of public convenience and necessity under section 7:
Abandonment of service 6518
Independent producers, applications by 6518
HEARINGS, ETC.:
Algonquin Gas Transmission Co., 6292.
Amerada Petroluem Corp. et al., 6296.
American Petrofina Co. of Texas, et al., 6668.
Arizona Public Service Co., 7023.
Ashland Oil & Refining Co. et al., 7131.
Atlantic Seaboard Corp. et al., 6679, 6951.
Barbara Oil Co. et al., 6602.
CRA, Inc. et al., 6296.
Callery, F. A., Inc. et al., 6665.
Calvert Corp., 7259.
Carnegie Natural Gas Co., 6294.
Central Maine Power Co., 6668.
Cities Service Gas Co. et al., 6294, 6553.
Cleary Petroleum, Inc. et al., 7062.
Coastal States Gas Producing Co. et al., 6664.
Colorado Interstate Gas Co., 6367.
Colorado River Water Conservation District, 7202.
Columbia Gulf Transmission Co. et al., 6951.
Confederated Salish and Kootenai Tribes of Flathead Reservation, Mont., 6802.
Continental Oil Co. et al., 6192, 7053.
Cross Plains Natural Gas Utility District, 6665.
Donnell Co., 7202.
Eastern Shore Natural Gas Co., 6554, 7260.
El Paso Natural Gas Co. et al., 6233, 6295.
Escondido, Calif., city of, 6501.
Escondido Mutual Water Co., 6501.
Eugene, Oreg., city of, 6233, 6450.
Fluor Corp., Ltd., 6191.
Forest Oil Corp., 6367.
Green Mountain Power Corp., 7260.
Gulf Oil Corp. et al., 6295, 6496.
Hanley Co. et al., 7054.
Haun, W. G., & Lee Drilling Co. et al., 6674.
Humble Gas Transmission Co., 6742.
Husky Oil Co., 6803.
Illinois Power Co., 6555.
Interstate Power Co., 7130.
Iowa Public Service Co., 6502.
Louisiana Nevada Transit Co., 6296.
Marathon Oil Co., 6554.
Michigan Gas and Electric Co., 6502.
Michigan Wisconsin Pipe Line Co., 7130, 7260, 7261.
Midwestern Gas Transmission Co., 6667, 6742.
Montana Power Co., 6802, 7202, 7261.
Mountain Fuel Supply Co., 6665.
Natural Gas Pipeline Co. of America, 6296, 6667.
Nekoosa-Edwards Paper Co., 6952.
Northern Natural Gas Co., 6296, 6554, 6666, 6803, 7203.
Northern States Power Co., 6503.
Northern Virginia Power Co., 6233.
Ohio Fuel Gas Co., 6666.
Pacific Gas & Electric Co., 6742.
Pacific Power & Light Co., 6233.
Pikeville, Tenn., city of, 7129.
Potomac Light and Power Co., 6555, 6667.

Federal Power Commission—Continued

HEARINGS, ETC.—Continued
Public Service Co. of New Hampshire, et al., 6952.
Rocky Mountain Power Co., 6743.
Schlachter, David A. et al., 6234.
Socony Mobil Oil Co., Inc. et al., 6450.
Southwest Gas Corp., 6297.
Sumiton, Ala., town of, 6550.
Sun Oil Co., 6603, 6604.
Sunset International Petroleum Corp., 6502.
Tennessee Gas Transmission Co., 6367, 6743, 7023.
Texas Eastern Transmission Corp., 6297.
Trahan, J. C., Drilling Contractor, Inc. et al., 6368.
Transwestern Pipeline Co., 6297, 7203.
United Gas Pipe Line Co., 6297.
Virginia Electric & Power Co., 6604.
Walsh, Frank H. et al., 6873.
Western Gas Service Co., 6744.

Federal Property Management:

REGULATIONS. *See* General Services Administration.

Federal Radiation Council:

RADIATION PROTECTION GUIDANCE for Federal agencies, memorandum for President 6953

Federal Register:

CFR CHECKLIST 6141

Federal Reserve System, Board of Governors:

BANK HOLDING COMPANY, application by BancOhio Corporation 6368
INFORMATION, unpublished, not disclosed, rules regarding; proposed rule 6275
INSURED BANKS, joint call for report of condition 6227
MERGERS OF BANKS, consolidations, etc.; applications by listed banks, approvals:
Bank of Wood County Co., 7203.
United California Bank, 6804.
Wachovia Bank and Trust Co., 6368.
PROCEDURES, rules of; bank holding company and merger applications, proposed rule 6275
RESERVES OF MEMBER BANKS, Toledo, Ohio, termination of designation as reserve city 6339
SECURITIES of member state banks; interpretation of definition, "officer" 6731
UNLISTED TRADING PRIVILEGES, capital stock of Chase Manhattan Bank; applications 6555

Federal Trade Commission:

TEXTILE FIBER PRODUCTS IDENTIFICATION ACT; generic names and definitions for manufactured fibers, proposed rule, hearing 6275

Feed Grains:

EMERGENCY PROGRAM 6909

Fiscal Service:

See Treasury Department.

Fish and Wildlife Service:

AUTHORITY DELEGATION by Director, Sport Fisheries Bureau, to game, refuge, and wildlife management agents, U.S. deputy game wardens; wildlife matters, enforcement of laws and regulations 6548
PROCESSED FISHERY PRODUCTS; debarment and suspension of inspection services, proposed rule 7042
WILDLIFE REFUGES, NATIONAL:
Areas open to hunting or sport fishing:
Louisiana; hunting:
Lacassine; proposed deletion, 6224.
Maryland; sport fishing:
Patuxent, 6149.
Minnesota; sport fishing:
Rice Lake, 6597.
Tamarac, 6597.
Montana; sport fishing:
Medicine Lake, 6871.
Ninepipe, 6871.
Pablo, 6871.
Russell, Charles M., 6871.
New York; sport fishing:
Elizabeth Alexandra Morton, 6944.

Fish and Wildlife Service—Continued Page

WILDLIFE REFUGES, NATIONAL—Continued
Areas open to hunting or sport fishing—Continued
North Dakota; sport fishing:
Arrowwood, 6521.
Lake Ilo, 6521.
Lower Souris, 6521.
Tewaukon, 6521.
Upper Souris, 6522.
Oklahoma; hunting, proposed rule:
Washita, 7249.
Wisconsin; sport fishing:
Horicon, 6587.
Necedah, 6587.
Public recreation, access, and use; proposed rule:
Oklahoma, Salt Plains, 7106.
Restricted or prohibited acts; removal of antiquity and valued objects 6587

Fishing:
EVERGLADES NATIONAL PARK, proposed rules 7108
WILDLIFE REFUGES, sport fishing in. *See* Fish and Wildlife Service.

Flaxseed:
PURCHASE PROGRAM, 1965, Texas flaxseed 6338

Flour:
EXPORT PROGRAM, cash payment 6771, 6976

Food Additives:
See Food and Drug Administration.

Food and Drug Administration:
ADDITIVES. *See* Color additives; Food additives.
ANTIBIOTIC DRUGS:
See also Drugs.
Exemptions from labeling and certification requirements:
Animal feeds containing drugs; inquiry 7199
Chicken feed, medicated 6391
Labeling requirements; antibiotic and antibiotic-containing drugs intended for use in milk-producing animals 7041
Specific antibiotics; rules proposed or adopted:
Bacitracin and bacitracin-containing drugs:
Certification, 6980.
Tests and methods of assay, 6980.
Penicillin and penicillin-containing drugs:
Certification, 6980, 7040.
Tests and methods of assay, 6795, 6979, 7040.
Polymyxin B sulfate for prescription compounding, 6981.
BREAD, enriched, deviating from identity standards; alpha-amylase derived from *B. subtilis* added, temporary permit for market testing 7257
COLOR ADDITIVES; proposed rules:
Cosmetic use subject to certification, lakes of color additives, listing and specifications 6490
Drug use subject to certification, lakes of color additives, listing and specifications 6490
Food use:
Exempt from certification:
Fruit juice 6735
Paprika and paprika oleoresin 6733
Saffron 6734
Turmeric and turmeric oleoresin 6733, 6734
Vegetable juice 6735
Subject to certification; lakes of color additives, listing and specifications 6490
DIETARY MANAGEMENT, oils, fats, and fatty foods, label statements; proposed rule 6984
DRUGS:
See also Antibiotic drugs.
Animal feeds containing; inquiry 7199
Good manufacturing practice, current; medicated feeds 6475
New drugs:
Approvals for distribution, list 6497, 6662
FD&C Red No. 4, procedure for discontinuing use in new drugs for ingestion; policy statement 6979
Withdrawal of approval of applications; hearing:
Potassium chloride, etc., 6445, 6799.
FOOD ADDITIVES in animal feed, food for human consumption, packaging materials, etc.:
Animal feeds containing drugs; inquiry 7199

Food and Drug Administration—Continued Page

FOOD ADDITIVES in animal feed, food for human consumption, packaging materials, etc.—Continued
Exemption from requirement of tolerance, adjuvants for pesticide chemicals; proposed rule 6568
Specific additives, proposed or adopted:
Acrylic modifiers, 7256.
Adhesives, 6339, 6496, 6596.
Amprolium, 6390, 6732.
Arsonilic acid, 6590, 6732.
Bacitracin, 6390.
Calcium disodium EDTA, 6916.
Chlortetracycline, 6590, 6696.
Defoaming agents, 6478.
Diammonium phosphate, 6432.
3,5-Dinitrobenzamide, 6696.
Emulsifiers and/or surface-active agents, 6339.
Ethylene-methyl acrylate copolymer resins, 6869.
Food starch-modified, 6837.
Glutamic acid fermentation product, condensed, extracted, 6282.
Hygromycin B, 6390.
Lubricants, 7020.
Mineral oil, 6477.
4-Nitrophenylarsonic acid, 6283.
Nylon resins, 7236.
Polybutene-1, 7020.
Polyvinylpyrrolidone, 6579.
Procaine penicillin, 6391.
Propylene oxide, 6216.
Resinous and polymeric coatings, 6478, 6643.
Sodium polyacrylate, 6740.
Zoalene, 6386.
LEMONADE, ARTIFICIALLY SWEETENED, frozen concentrate for, deviation from identity standards; temporary permit for market testing 7020
OILS, FATS, AND FATTY FOODS for regulating intake of fatty acids in dietary management; label statements, proposed rule 6984
PESTICIDE CHEMICALS in or on raw agricultural commodities:
Specific tolerances; rules proposed or adopted:
Aldrin, 7249, 7258.
Dieldrin, 7249, 7258.
Temporary tolerances for experimental use:
Phosphamidon, 6282.
Toluene-alpha, alpha-dithiol bis (*O,O*-dimethyl phosphorodithioate, 6282.

Food Stamp Program:
PILOT PROGRAM, supersedure in Independence County, Ark 6280
RETAIL FOOD STORES, wholesale food concerns, and banks, participation 6859

Foreign Assets Control:
See Treasury Department.

Foreign Assistance Act of 1961:
FUNCTIONS (Executive Order 11223) 6635

Foreign Currency:
INCOME TAXES, payment in nonconvertible foreign currency 6222
PHILIPPINE PESO, rates of exchange for customs purposes 6196

Foreign Duty Personnel:
FOREIGN SERVICE, appointment in competitive service of certain present and former officers and employees (Executive Order 11219) 6361

Foreign Service:
PRESENT AND FORMER OFFICERS AND EMPLOYEES, appointment in competitive service (Executive Order 11219) 6361

Foreign-Trade Zones Board:
CALIFORNIA, San Francisco, zone No. 3; extension of time to occupy sites 6596
MICHIGAN, Bay County; hearing 6451

Forest Service:
ADMINISTRATION:
Appeals from administrative decisions, National forests or other lands 6345
Private and State agencies, cooperation 6345

Forest Service—Continued Page

AUTHORITY DELEGATION by Deputy Chief to Director, Division of Land Adjustments; accept options and execute deeds 6549
TRESPASS; settlement of civil trespass cases, revocation 6963

Forests, National:
See National forests, parks, monuments, etc.

G

Gas Companies:
See Federal Power Commission.

General Accounting Office:
TRANSPORTATION, carriers' bills for services 6429

General Services Administration:
See Federal Register.
Utilization and Disposal Service.
COMMITTEES, standing, interagency, chaired by GSA during 1964 and 1965 6888
FEDERAL PROPERTY MANAGEMENT REGULATION:
Centralized services in Federal buildings, health services 6684
Donation of surplus electronic property for educational, public health, and civil defense purposes 6649
PROCUREMENT REGULATIONS:
Federal:
Forms for advertised construction contracts 7194
Labor standards in construction contracts 7192
Negotiation policies and techniques 6561
GSA:
Contract Appeals Board 6837
Contracts:
Administration, contractor performance under supply or service contracts 7246
Termination for default 7246

Geological Survey:
AUTHORITY DELEGATION from Secretary of Interior; approval of unitization, pooling, and drilling agreements 6363
PHOSPHATE AND NONPHOSPHATE LAND classification orders, Idaho 6404, 6445, 6948

Government Employees:
CIVIL SERVICE REGULATIONS. *See* Civil Service Commission.
ETHICAL STANDARDS OF CONDUCT for Government officers and employees (Executive Order 11222) 6469
FOREIGN SERVICE, appointment in competitive service of certain present and former officers and employees (Executive Order 11219) 6381
HEALTH SERVICES, centralized services in Federal buildings 6684
HOLIDAYS, observance by Government agencies (Executive Order 11226) 7213
WITHOUT-COMPENSATION EMPLOYEES. *See* Commerce Department; Interior Department.

Grains:
See specific grains.

Grants:
NURSE TRAINING FACILITIES 6944

Grapefruit:
IMPORT RESTRICTIONS 6638
MARKETING. *See* Agriculture Department.

H

Hawaii:
DISASTER AREA, financial assistance to small business 6805
GOVERNMENT EMPLOYEES, allowances and differentials payable 6511

Health, Education, and Welfare Department:
See Education Office.
Food and Drug Administration.
Public Health Service.

Holidays:
GOVERNMENT AGENCIES, observance by (Executive Order 11226) 7213

Honey:
PRICE SUPPORT PROGRAM 7097

Housing and Home Finance Agency:
See Federal Housing Administration.
Public Housing Administration.
AUTHORITY DELEGATIONS:
By Administrator to listed officials:
Acting Regional Director, Community Facilities, Region III (Atlanta):
Designation and ratification 6804
Ratification of certain acts 6804
Regional Administrators:
All regions:
Loans, housing for elderly or handicapped 6555
Slum clearance and urban renewal program, urban renewal demonstration program, and urban planning grant program 6703
Region III (Atlanta); urban planning grant program, Project No. Ind. P-28, within portion of Louisville metropolitan area, Indiana 6589
Urban Renewal Commissioner; slum clearance and urban renewal program, urban renewal demonstration program, and urban planning grant program 6703
By Regional Administrators to listed officials:
Region I (New York), Regional Director, Community Facilities; advances for public works planning (first, second, and third programs) 6604
Region III (Atlanta), Regional Director, Community Facilities; advances for public works planning (first, second, and third programs) 6605
Region IV (Chicago), Regional Director, Community Facilities; advances for public works planning (first, second, and third programs) 6605, 6606
Region V (Fort Worth), Regional Director, Community Facilities; advances for public works planning (first, second, and third programs) 6606
Region VI:
(San Francisco), Regional Director, Community Facilities; advances for public works planning (first, second, and third programs) 6606, 6607
(Seattle, Wash.), Director, Northwest Operations; community facilities programs 6607
Region VII (Puerto Rico and Virgin Islands), Regional Director, Community Facilities; public facility loans programs and accelerated public works program, ratification 6360

Humane Slaughter:
LIVESTOCK, identification of carcasses 6496

Hunting:
WILDLIFE REFUGES. *See* Fish and Wildlife Service.

I

Immigration and Naturalization Service:
IMMIGRATION REGULATIONS:
Manifests and lists, arrival and arrival-departure, supporting documents 6777, 6778
Nonimmigrant classes:
Schools, petitions for approval 6479
Special requirements for admission, extension, and maintenance of status; transits, without visas 6940
NATIONALITY REGULATIONS:
Forms, prescribed 6940
Naturalization court, proceedings before, preparation of lists and orders of court for presentation at final hearing 6940
ORGANIZATION, field service:
Border patrol sector No. 12—El Centro, Calif 6926
Suboffices, port of entry for aliens arriving by aircraft, No. 7, Buffalo, N.Y.; Malone, N.Y., Malone-Dufort Airport, deleted 6797

Imports and Exports:
AGRICULTURAL COMMODITIES. *See* Agriculture Department.
ANTIDUMPING ACT of 1921, investigations and determinations. *See* Customs Bureau; Tariff Commission; Treasury Department.
EXPORT CONTROL. *See* International Commerce Bureau.
INVESTIGATION of certain imports. *See* Tariff Commission.

Income Tax Regulations: Page
See Internal Revenue Service.

Indian Affairs Bureau:
AUTHORITY DELEGATIONS:
By Deputy Commissioner to Area Directors; mineral leases and permits, approval of agreements for settlement of claims for damage to Indian lands... 6660
From Secretary of Interior; homestead designations, approval of certain deeds, etc. 7198
IRRIGATION PROJECT, Flathead, Montana; operation and maintenance charges 7101
Lump sum assessment, proposed rules 6523
LEASING AND PERMITTING; correction of CFR supplement, January 1, 1965 6579
PRACTICE AND PROCEDURE, applicability of rules of Bureau; Indian property, state and local regulation, proposed rule 6438

Insecticides:
FEDERAL INSECTICIDE, FUNGICIDE, AND RODENTICIDE ACT; economic poisons, directions for use 6657
TOLERANCES for residues. *See* Food and Drug Administration.

Insurance:
BANK DEPOSITS. *See* Federal Deposit Insurance Corporation.
HOME LOAN BANKS. *See* Federal Home Loan Bank Board.
HOUSING INSURANCE. *See* Federal Housing Administration.

Interest Equalization Tax:
FOREIGN COUNTRIES, designation as economically less developed for purposes of tax (Executive Order 11224) 6679

Interior Department:
See Fish and Wildlife Service.
Geological Survey.
Indian Affairs Bureau.
Land Management Bureau.
National Park Service.
APPOINTMENTS WITHOUT COMPENSATION and statements of business interests under Defense Production Act of 1950 6548, 6549, 6739, 6740, 6948, 7257
AUTHORITY DELEGATIONS by Secretary to various officials:
Geological Survey Director; approval of unitization, pooling, and drilling agreements 6363
Indian Affairs Bureau, Commissioner; homestead designations, approval of certain deeds, etc. 7198
Under Secretary, Assistant Secretaries, et al.; certain authority of Secretary 7116
JOB CORPS CONSERVATION CENTER COORDINATION, approvals 6739
OIL, GAS, and POTASH LEASING, potash area, Eddy and Lea Counties, N. Mex. 6692

Internal Revenue Service:
EMPLOYMENT TAXES, returns under FICA; wages paid in nonconvertible foreign currency, proposed rules 6222
EXCISE TAXES; Puerto Rico:
Liquors and articles from 6217
Redemption of stamps in, correction of CFR supplement 6769
INCOME TAXES:
Aliens, nonresident, taxability of income from certain employees' trust funds, etc. 6341
Deductions, interest; redeemable ground rents 6216
Deferred compensation, pension, profit-sharing, etc.; aliens, nonresident, tax treatment 6340
Exempt organizations, farmer's cooperative marketing and purchasing associations; proposed rule 6350
Foreign corporations, controlled:
Records and accounts of United States shareholders 6480
Stock ownership, rules for determining; proposed rules 6486
Gross income defined, allocations by cooperative associations; per unit retain certificates, proposed rules 6349

Internal Revenue Service—Continued Page
INCOME TAXES—Continued
Property disposition, gain or loss on; redeemable ground rents 6216
Returns; proposed rules:
Information returns, dividend and interest payments 6488
Place for filing, returns to be filed with Director of International Operations; tax to be paid in foreign currency 6222
PROCEDURE AND ADMINISTRATION, collection; payment of tax in foreign currency, proposed rules 6222

International Coffee Agreement Act:
COFFEE PRICES, effect on (Determination of May 22, 1965) 7095

International Coffee Organization:
PUBLIC INTERNATIONAL ORGANIZATION entitled to certain privileges, exemptions, and immunities, designation as (Executive Order 11225) 7093

International Commerce Bureau:
SUSPENSION OF EXPORT PRIVILEGES:
Canex, Ltd., 7051.
Ching, Chiu Ming, 6228.
Chow, Li Siu, 6228.
J. L. International, Ltd., 7051.
Jaymor Enterprises, Inc., 7051.
Jih Hsin Trading Co., 6228.
Kokkonen, Ilmari, 6961.
Levo, Joseph, 7051.
Levos, Joseph Jeuda, 7051.
Lewo, Joseph, 7051.
Liebow, Joseph, 7051.
Ng, N. G., 6228.
Tetalon, 6961.
Wu, N. G., 6228.

International Joint Commission — United States and Canada:
PEMBINA RIVER DEVELOPMENT, hearing 6607

International Organizations, Privileged:
INTERNATIONAL COFFEE ORGANIZATION (Executive Order 11225) 7093

Interstate Commerce Commission:
FINANCE APPLICATIONS, lists... 6417, 6458, 6669, 6958, 7056
MOTOR CARRIERS:
Agreement under section 5a, application for approval by National Automobile Transporters Association 6458
Applications for certificates, permits, and licenses:
Brokers, passenger; lists of applicants... 6621, 6826, 7081
Operating authority; lists of applicants:
Intrastate carriers 6321, 6564, 6805, 7064
Passenger carriers 6313, 6375, 6563, 6621, 6825, 6895, 7063, 7081, 7084
Property carriers 6301, 6313, 6373, 6374, 6460, 6559, 6562, 6609, 6621, 6806, 6826, 6892, 6893, 6958, 7058, 7061, 7063, 7065, 7082
Transfer proceedings 6201, 6235, 6321, 6322, 6417, 6418, 6459, 6504, 6505, 6563, 6670, 6704, 6744, 6826, 6890, 6931, 7027, 7085, 7133, 7134, 7205, 7264.
Commercial zone, Washington, D.C., redefinition; effective date 7248
Household goods, transportation in interstate or foreign commerce; pooling by carriers, proposed rules 7252
Probability sampling studies, Classes I and II common carriers of general freight; extension of time... 7205
Routes, alternate; deviation notices 6369, 6556, 7056
PRACTICE, general rules; briefs 6485
RAILROADS:
Agreement under section 5a, application for approval by Association of American Railroads 6322
Car service:
Appointment of embargo agents 6220
Freight cars:
Adequacy of ownership, utilization, distribution, rules and practices; investigation, amended service list 7132
Movement, railroad operating regulations 6220

Interstate Commerce Commission—Con. Page
RAILROADS—Continued
Damage to property and disruption of rail transportation facilities due to floods; reduced rates, certain railroads:
California Western Railroad, et al., 7264.
Routing of traffic, rerouting:
Appointment of agents 6394
Authority to divert certain traffic:
Illinois, Iowa, Minnesota, Missouri, and Wisconsin, railroads serving, 6628, 7132.
Tariffs and schedules:
Freight schedules; alternation of through rates with aggregate of intermediate rates 6162
Long-and-short haul charges. *See* Tariffs and schedules, *below.*
TARIFFS AND SCHEDULES:
Freight schedules; alternation of through rates with aggregate of intermediate rates 6162
Long-and-short haul charges; fourth section applications for relief 6201, 6235, 6322, 6417, 6458, 6504, 6557, 6628, 6671, 6703, 6744, 6827, 6895, 6931, 6957, 7027, 7055, 7132, 7204, 7263
WATER CARRIERS, applications for certificates, permits, and licenses; property carriers 6313, 7081

J

Job Corps:
CONSERVATION CENTER COORDINATION, approvals 6739
ENROLLEES, administration of oaths of office by postmasters and assistant postmasters 6738
MEDICAL CARE, Air Force regulations 6344

Justice Department:
See Alien Property Office.
Immigration and Naturalization Service.
ORGANIZATION AND FUNCTIONS; Assistant Attorney General in charge of Tax Division, redelegation of certain compromise and closing authority 7245

L

Labor Department:
See Employment Security Bureau.
Labor Standards Bureau.
Wage and Hour Division.
NEIGHBORHOOD YOUTH CORPS PROJECTS for unemployed youth; standards for project, and limitations on Federal assistance 6249

Labor Standards Bureau:
SHIP REPAIRING, shipbuilding, shipbreaking, safety and health regulations; threshold limit values, proposed rules 6397

Land Management Bureau:
ALASKA; withdrawals of lands for use of Federal agencies, etc. *See* Withdrawals, *below.*
AUTHORITY DELEGATION by State Director, Oregon, to Assistant District Managers, et al.; sale or free use of materials other than forest products 7257
CONTINENTAL SHELF, Texas, sulphur leasing; call for nominations of areas 6496
HOMESTEADS, lands opened to entry:
California, 6595.
Colorado, 7101.
Idaho, 7101.
Wyoming, 6586.
MINERAL LANDS:
See also Oil and gas leases.
Continental shelf, Texas, sulphur leasing; call for nominations of areas 6496
Various States, lands opened to mineral entry:
California, Mount Diablo Meridian, 6595.
Idaho, Ada County, 7101.
Wyoming, Natrona and Carbon Counties, 6586.
NATIONAL FOREST LANDS:
Michigan, Hiawatha National Forest; proposed addition 6927
Montana, Lewis and Clark National Forest; survey plat filed 6362

Land Management Bureau—Continued Page
NATIONAL FOREST LANDS—Continued
New Mexico, Cibola National Forest; proposed addition 6881
OIL AND GAS LEASES, protraction diagrams:
Nevada, 6362, 6881.
Washington, 6593.
ORGANIZATION; Denver, Colorado, Land Office, change of location 6404
POWER SITES, etc., Colorado, restoration of lands:
Power site classification No. 89 (PLO 3659), 7101.
Power site reserve No. 253, Executive order of March 23, 1912, revoked in part (PLO 3659), 7101.
SCHOOL PURPOSES:
Alaska, 6279, 6593.
Colorado, 7101.
Idaho, 7101.
Wyoming, 6586.
SURVEY PLATS:
California, San Bernardino Meridian, 6595.
Florida, Escambia County, 6361.
Montana, Lewis and Clark National Forest, 6362.
Wisconsin, Outagamie County, 6404.
WATER RESERVE, PUBLIC, No. 91, Utah; Executive order of June 13, 1925, revoked in part (PLO 3658) 7101
WILDLIFE REFUGE, Wyoming, Pathfinder National Wildlife Refuge; lands added and deleted, Executive order 7425 revoked in part (PLO 3657) 6586
WITHDRAWALS of lands for specified uses of Federal agencies, etc.:
Alaska:
Anchorage Townsite, interagency motor pool, General Services Administration; proposed withdrawal terminated 6927
Barrow:
Hospital site, Public Health Service; proposed amendment of PLO 2557 6498, 7018
National Guard armory site, Army Department; proposed amendment of PLO 2323 6496, 7018
Weather station, Weather Bureau; proposed amendment of PLO 1600 6227, 6881
Bethel, administrative site, Indian Affairs Bureau; proposed withdrawal 6798
Copper River Meridian, power site classification No. 452, Geological Survey; proposed withdrawal terminated 6797
New Koliganek, school reserve, Indian Affairs Bureau; proposed withdrawal 6279
Prince of Wales Island, Maybeso Experimental Forest, Forest Service; proposed withdrawal 6797
Tuluksak, school reserve, Indian Affairs Bureau; proposed withdrawal 6593
Wonder Lake, protective area, Land Management Bureau; proposed withdrawal 6593
Arizona; proposed withdrawals:
Apache National Forest, Administrative site, Forest Service 7115
Coconino National Forest, archeological ruins, Forest Service 7115
Coronado National Forest, aircraft control site, Engineers Corps; terminated 6738
Gila and Salt River Meridian, Granite Reef and Salt-Gila Aqueducts, Reclamation Bureau; terminated 7114
California, San Bernardino Meridian, administrative sites and recreation areas, Forest Service; proposed withdrawal corrected 7018
Colorado, Sixth Principal Meridian; proposed withdrawals:
Colorado River Storage Project, Reclamation Bureau; terminated, correction 6361
Rifle Gap Dam and Reservoir, Reclamation Bureau 6362
Idaho:
Ada County:
Recreation area, Lucky Peak Reservoir, Engineers Corps; proposed withdrawal 6362
Snake River Project; prior order revoked in part (PLO 3660) 7101
Boise National Forest, campground, Agriculture Department; proposed withdrawal 6797
Caribou National Forest, administrative site, Agriculture Department; proposed withdrawal 6797

Land Management Bureau—Continued Page

WITHDRAWALS of lands for specified uses of Federal agencies, etc.—Continued
- Idaho—Continued
  - Cassia County, Idahome Substation, Bonneville Power Administration; proposed withdrawal 6596
  - Idaho County, fish hatchery site, Fish and Wildlife Service; proposed withdrawal 7115
  - Payette National Forest, campground, Agriculture Department; proposed withdrawal 6797
  - Washington County, Spangler Dam and Reservoir (PLO 3655) 6392
- Michigan:
  - Hiawatha National Forest; addition, Forest Service; proposed withdrawal 6927
  - Keweenaw County, lighthouse purposes; Executive order of April 19, 1892, revoked in part (PLO 3656) 6437
- Montana, Lewis and Clark National Forest, campground and recreation area, Agriculture Department; proposed withdrawal 7115
- New Mexico; Forest Service, proposed withdrawals:
  - Cibola National Forest:
    - Addition to 6881
    - Bernalillo Watershed, protection 6882
  - Gila National Forest, recreation areas 7017
  - Lincoln National Forest, recreation areas 7017
- Oregon; proposed withdrawals:
  - Rouge River National Forest, roadside zone, Forest Service 6883
  - Siskiyou National Forest, recreation area, Forest Service 6882
  - Sugarloaf Mountain, hardrock site for logging roads, Land Management Bureau 6661
  - Umatilla National Forest, campgrounds, Forest Service 6882
  - Wallowa-Whitman National Forest, roadside zone 6883
  - Willamette Meridian, recreation areas, Land Management Bureau 6279
  - Willamette National Forest, recreation areas, Forest Service; terminated 6362
- South Dakota, Black Hills National Forest, streamside zone, Agriculture Department; proposed withdrawal terminated 6363
- Utah:
  - Ashley National Forest, Central Utah Reclamation Project, Reclamation Bureau; revoked in part (PLO 3638), correction 6585
  - San Juan County, water reserve No. 91; Executive order of June 13, 1925, revoked in part (PLO 3658) 7101
  - Uintah National Forest, Central Utah Reclamation Project, Reclamation Bureau; revoked in part (PLO 3638), correction 6585
- Wyoming, Sixth Principal Meridian; proposed withdrawals terminated:
  - Missouri River Basin Project, Reclamation Bureau 7051
  - National Guard rifle range 6227

Lemonade:
FROZEN CONCENTRATE, artificially sweetened; permit for market testing 7020

Lemons:
MARKETING. *See* Agriculture Department.

Libraries, Public:
FEDERAL ASSISTANCE 6393

Liquor:
EXCISE TAXES. *See* Internal Revenue Service.

Livestock:
EMERGENCY FEED PROGRAM 6909
FOOD ADDITIVES in feed and drinking water. *See* Food and Drug Administration.
HUMANE SLAUGHTER, identification of carcasses 6496
STOCKYARDS, posting, deposting. *See* Agriculture Department.

Loans:
AGRICULTURAL COMMODITIES, various loan programs. *See* Commodity Credit Corporation.
DISASTER AREAS, emergency loans. *See* Agriculture Department; Small Business Administration.
HOUSING LOANS. *See* Federal Housing Administration.

M

Maritime Administration: Page
CONSTRUCTION RESERVE FUNDS, establishment 7215
CUBA, free world and Polish flag vessels arriving in, since January 1, 1963; list 6546, 7040
SUBSIDIZED VESSELS AND OPERATORS, operating-differential subsidies; applications under Merchant Marine Act, 1936:
- Delta Steamship Lines, Inc., 6405.
- Moore-McCormack Lines, Inc., 6663, 6627.

Maritime Commission, Federal:
See Federal Maritime Commission.

Meat and Meat Products:
INSPECTION, gamma radiation for treatment 6731

Medical Care:
AIR FORCE REGULATIONS 6343

Medicines:
DRUGS. *See* Food and Drug Administration.

Memorial Day, 1965:
PRAYER FOR PEACE (Proclamation 3657) 6835

Migratory Birds:
HUNTING, POSSESSION, etc. *See* Fish and Wildlife Service.

Milk:
DAIRY PRODUCTS EXPORT PAYMENT-IN-KIND PROGRAM 6910
MARKETING ORDERS. *See* Agriculture Department.

Mineral Lands and Minerals:
PHOSPHATE LAND CLASSIFICATION. *See* Geological Survey.
POTASH LEASING, New Mexico 6692
PUBLIC LANDS, mineral entry. *See* Land Management Bureau.

Mint Bureau:
DIRECTOR, et al.; order of succession 6692

Mohair:
PAYMENT PROGRAM 6383

Motor Carriers:
REGULATIONS, NOTICES, etc. *See* Interstate Commerce Commission.

Motor Vehicles:
PARKING, Smithsonian Institution 6482
WAKE ISLAND, vehicle maintenance and equipment 7185

N

National Bureau of Standards:
ELECTROMAGNETIC PROPAGATION, course at Boulder, Colo 6698
RADIO STATIONS, frequency and time broadcast; WMV, WMVB, and WWVH 6191, 7199
TEST FEE SCHEDULES, electricity 6748

National Forests, Parks, Monuments, etc.:
OKANOGAN NATIONAL FOREST, transfer of lands from (Executive Order 11220) 6425
REGULATIONS. *See* Forest Service; National Park Service.
STATUE OF LIBERTY NATIONAL MONUMENT, addition of Ellis Island (Proclamation 3656) 6571
WENATCHEE NATIONAL FOREST, transfer of lands to (Executive Order 11220) 6425
WITHDRAWALS for specific use of Federal agencies, etc. *See* Land Management Bureau.

National Park Service:
AUTHORITY DELEGATIONS:
- By Regional Director, National Capital Region, to various officials:
  - Associate Regional Director, Assistant Regional Director (Administration), contracts 6738
  - Associate Regional Director, Assistant Regional Directors, and certain Superintendents; exercise authority of Regional Director 6738

National Park Service—Continued Page

AUTHORITY DELEGATIONS—Continued
- By Superintendents of certain Parks to various officials:
  - Catoctin Mountain Park, Job Corps Conservation Center Director and Administrative Officer; purchase orders 6883
  - San Juan National Historic Site, Construction and Maintenance Representative; contracts 6739

NATIONAL PARKS, monuments, historic sites, etc.:
- Coulee Dam National Recreation Area; camping restriction 6682
- Everglades National Park; boating, fishing, mining, etc., proposed rules 7106
- Glacier National Park; eating, drinking and lodging establishments on private lands 6861
- Mammoth Cave National Park; jurisdiction over certain lands 6404

NATIONAL RECREATION AREA, Coulee Dam; camping restriction 6682

Navigation Regulations:
AIRWAYS. *See* Federal Aviation Agency.
WATERWAYS. *See* Coast Guard; Engineers Corps.

Nectarines:
MARKETING, California 7242, 7243

Nondiscrimination:
COMMERCE DEPARTMENT PROGRAMS AND ACTIVITIES 6281, 6603
CONSTRUCTION GRANTS for nurse training facilities 6945
LIBRARY CONSTRUCTION with Federal funds, nondiscrimination-in-employment clause in contract 6393
UNITED STATES EMPLOYMENT SERVICE, policies; service to minority groups 7039

Nurses:
TRAINING FACILITIES, grants for 6944

Nuts:
See Peanuts.

O

Oil and Gas:
BULK PETROLEUM IMPORTS, proposed Customs regulations, extension of time 6686
LEASES on public lands. *See* Land Management Bureau.
LEASING within potash area in New Mexico 6692

Okanogan National Forest:
TRANSFER OF LANDS to Wenatchee National Forest (Executive Order 11220) 6425

Okra:
STANDARDS for grades, okra for processing; proposed rules 6658

Olives:
MARKETING, California 6438

Onions:
MARKETING, Texas 7037

Oranges:
MARKETING. *See* Agriculture Department.

Organizations, Privileged, International:
INTERNATIONAL COFFEE ORGANIZATION (Executive Order 11225) 7093

P

Patent Office:
PATENT CASES:
- Assignment records, accessibility; proposed rule 7195
- Fees and charges 6391
- Interferences:
  - Forms, preliminary statement of domestic inventor 6648
  - Practice rules 6644

TRADEMARK CASES, rules of practice, and forms; proposed rules 6687

Patents: Page
See also Patent Office.
AEC PATENT COMPENSATION BOARD, application for just compensation 7118
PROCUREMENT REGULATIONS:
- Atomic Energy Commission 6684
- Defense Department 6968

Pay, Allowances, Etc.:
See also Wages.
MINIMUM WAGES. *See* Wage and Hour Division.
OVERTIME SERVICES relating to imports and exports of plants and plant products 6429

Peaches:
MARKETING, Georgia 6431, 6858

Peanuts:
MARKETING AGREEMENT, quality regulation; proposed rules 6523

Pears:
EXPORT RESTRICTIONS, proposed rules 6782
MARKETING, fresh Bartlett pears, Oregon and Washington 6355

Pesticides:
FEDERAL INSECTICIDE, FUNGICIDE, AND RODENTICIDE ACT; economic poisons, directions for use 6857
TOLERANCES for residues. *See* Food and Drug Administration.

Petroleum and Petroleum Products:
See Oil and gas.

Plant Quarantine:
See Agriculture Department.

Plums:
MARKETING, California 6903, 6904, 6905

Post Office Department:
AUTHORITY DELEGATION:
See also Organization and administration.
- By Deputy Postmaster General to Postmasters and Assistant Postmasters; administer oaths of office to Job Corps enrollees 6738

DOMESTIC SERVICES:
- Collection and delivery, mail chutes and receiving boxes 6436
- Information on postal matters; available records 6436
- Postage:
  - Prepayments and refunds; postage payment 6436
  - Special cancellations 6436

ORGANIZATION AND ADMINISTRATION 6988

Poultry and Poultry Products:
AGRICULTURAL MARKETING SERVICE changed to Consumer and Marketing Service 6207
GRADING AND INSPECTION, proposed rules 6395
SOUPS, minimum meat content; postponement of effective date 7239

Power Commission:
See Federal Power Commission.

Prayer for Peace:
MEMORIAL DAY, 1965 (Proclamation 3657) 6835

President, The:
DELEGATIONS OF AUTHORITY. *See* Delegations of authority by the President.
EXECUTIVE ORDERS, proclamations, etc. *See* Presidential documents.
RADIATION PROTECTION GUIDANCE for Federal agencies, memorandum for President 6953
REPORTS TO:
- Status of Women, Committee on (Executive Order 11221) 6427
- Tariff Commission, respecting imports of safety pins 6891

Presidential Documents:
ARMED FORCES DAY (Proc. 3655) 6467
CITIZENS' ADVISORY COUNCIL ON THE STATUS OF WOMEN, membership (EO 11221) 6427
COFFEE PRICES, effect of International Coffee Agreement Act (Determination of May 22, 1965) 7095

36-000—65——3

Presidential Documents—Continued — Page

COMMITTEE ON THE STATUS OF WOMEN, membership (EO 11221) — 6427
CUSTOMS BUREAU, abolition of certain offices and transfer of functions (Reorganization Plan No. 1 of 1965) — 7035
ELLIS ISLAND, addition to Statue of Liberty National Monument (Proc. 3656) — 6571
ETHICAL STANDARDS OF CONDUCT for Government officers and employees (EO 11222) — 6469
FOREIGN ASSISTANCE ACT OF 1961, functions (EO 11223) — 6635
FOREIGN COUNTRIES, designation of certain countries as economically less developed for purposes of interest equalization tax (EO 11224) — 6679
FOREIGN SERVICE, appointment in competitive service of certain present and former officers and employees (EO 11219) — 6381
HOLIDAYS, observance by Government agencies (EO 11226) — 7213
INTERNATIONAL COFFEE ORGANIZATION, designation as public international organization entitled to certain privileges, exemptions, and immunities (EO 11225) — 7093
OKANOGAN NATIONAL FOREST, transfer of lands to Wenatchee National Forest (EO 11220) — 6425
PRAYER FOR PEACE, MEMORIAL DAY, 1965 (Proc. 3657) — 6835

Privileged International Organizations:
See International organizations, privileged.

Procurement:
ARMED SERVICES. *See* Air Force Department; Defense Department.
AUTHORITY DELEGATIONS respecting procurement functions. *See specific agencies.*
FEDERAL PROCUREMENT REGULATIONS. *See* General Services Administration.
REGULATIONS of various agences. *See specific agencies.*

Property Management, Federal:
REGULATIONS. *See* General Services Administration.

Prunes, Dried:
MARKETING, California — 6782, 7195

Public Health Service:
BIOLOGICAL PRODUCTS, additional standards, immune serum globulin (human); proposed rules — 6795
GRANTS; nurse training facilities, construction — 6944

Public Housing Administration:
ORGANIZATION AND FUNCTIONS, delegation of final authority, Assistant Directors for Management and Assistant Directors for Programs — 6929

Puerto Rico:
GOVERNMENT EMPLOYEES, allowances and differentials payable — 6511
LIQUOR FROM, excise taxes — 6217
TOBACCO INDUSTRY, minimum wages — 6224
WAGE ORDERS, etc., various industries. *See* Wage and Hour Division.

Q

Quarantine Regulations:
PLANT QUARANTINE. *See* Agriculture Department.

R

Rabbits:
GRADING AND INSPECTION, Agricultural Marketing Service changed to Consumer and Marketing Service — 6207

Radiation:
FOOD TREATMENT, gamma radiation — 6731
REACTORS, construction, operation, etc. *See* Atomic Energy Commission.
TELEVISION BROADCAST RECEIVERS, interference limits; temporary increase — 6250

Radiation Council, Federal:
RADIATION PROTECTION GUIDANCE for Federal agencies, memorandum for President — 6953

Radio Communications:
See Federal Communications Commission; National Bureau of Standards.

Railroads:
REGULATIONS, notices, etc. *See* Interstate Commerce Commission.

Raisins:
MARKETING, California — 6905

Records:
AVAILABILITY for research, retention, fees for reproduction, etc. *See specific agencies.*

Reorganization Plans of 1965:
NO. 1, Customs Bureau, abolition of certain offices and transfer of functions — 7035

Reservoir Areas:
PUBLIC USE. *See* Engineers Corps.

Restricted Areas:
AIRCRAFT restricted areas over military installations. *See* Federal Aviation Agency.
VESSELS, navigation danger areas. *See* Engineers Corps.

Rye:
LOAN AND PURCHASE PROGRAM, 1965 crop — 6511

S

Saint Lawrence Seaway Development Corporation:
SEAWAY RULES:
Condition of vessels — 6580
Radio communications — 6580
Toll assessment and collection — 6580
Transit instructions — 6580

Satellite Communications:
EARTH STATIONS, initial, ownership and operation of — 6862
TECHNICAL STANDARDS — 7175

School Lunch Program:
FOOD ASSISTANCE FUNDS, second apportionment — 6207, 6479

Schools:
See Education and educational facilities.

Securities and Exchange Commission:
HEARINGS. *See list at end of this agency.*
SECURITIES EXCHANGE ACT, 1934:
Forms, registration of brokers and dealers transacting business on over-the-counter markets; proposed rules:
SECO–2 — 7253
SECO–3 — 7253
Insider trading profits, exemption of certain transactions — 6642
Registration of brokers and dealers; qualifications requirements and initial assessment, nonmembers of registered national securities association, etc., proposed rule — 7253

HEARINGS, ETC.:
American Automation Development Fund, Inc., 7055.
American Natural Gas Co., 6608.
Auditron Radio Corp., 6300.
Automation Investments Co., 7204.
Black & Decker Manufacturing Co., 7025.
Blossman Hydratane Gas, Inc., 7024.
Boston Safe Deposit & Trust Co., 6930.
Consolidated Gas Supply Corp. et al., 6955.
Continental Vending Machine Corp., 6556, 6889.
Dow Theory Investment Fund, Inc., 6368.
ERT Corp., 6556.
Elizabeth Securities, Inc., 6415.
Fontana Union Water Co., 6930.
General Aniline & Film Corp., 6703, 7024.
General Public Utilities Corp., 6369, 6889.
Gibco, Inc., 6956.
Insurance Co. of North America, 6703.
Investors Accumulation Plan, Inc., 6413.
Investors Diversified Services, Inc., 6413.

Securities and Exchange Commission—Con. — Page

HEARINGS, ETC.—Continued
Investors Inter-Continental Fund, Ltd., 6804.
Kingsport Power Co., 7261.
Maser-Optics, Inc., 6369.
Massachusetts Electric Co., 6805.
Menominee Common Stock and Voting Trust Trustees, 6300.
Menominee Enterprises, Inc., 6300.
Michigan Consolidated Gas Co., 6414, 6606.
New England Electric System, 6805.
Overland Corp., 6669.
Pennsylvania Electric Co., 6414.
Pittsburgh, Youngstown, and Ashtabula Railway Co. et al., 6556.
Public Service Co. of Oklahoma, 6890.
Registered Exchange Fund, Inc., 6301.
Research Capital Corp., 7262.
Roosevelt Field, Inc., 6498.
SCM Corp., 7025.
Savant Instruments, Inc., 6415.
Security Trust Associates, 6557.
Webb & Knapp, Inc., 6498.
Wellington Fund, Inc., 6957.

Security:
AIR TRAFFIC SECURITY CONTROL — 6341

Ships:
See Vessels.

Small Business Administration:
AUTHORITY DELEGATIONS:
By Deputy Administrator for Financial Assistance to Assistant Deputy Administrators:
Business Loans Assistance — 6608
Economic Development Assistance — 6609
By Regional Directors to various officials:
Chiefs, Financial Assistance Divisions, et al.:
Middle Atlantic Area:
Baltimore, Md., 6453.
Cleveland, Ohio, 7262.
Columbus, Ohio, 6454.
Newark, N.J., 6453.
Philadelphia, Pa., 6453.
Pittsburgh, Pa., 6455.
Richmond, Va., 6456.
Washington, D.C., 6457.
Northeastern Area:
Augusta, Maine, 6453.
Southwestern Area:
San Antonio, Tex., 6301.
Managers, Disaster Field Offices:
Illinois:
Crystal Lake, 6457.
Rock Island, 6669.
Indiana:
Kokomo, 7025.
Minnesota:
Minneapolis, 7025.
Ohio:
Findlay, 6300.
Toledo, 6300.
Wisconsin:
La Crosse, 6691.
Prairie du Chien, 6891.
DISASTER AREAS requiring Federal assistance:
Alabama, 6300.
Hawaii, 6805.
Illinois, 6503.
Minnesota, 6890.
Missouri, 6890.
Nebraska, 6891.
North Dakota, 6300.
South Dakota, 7263.
Tennessee, 6300.
Washington, 6669.
Wisconsin, 6452.
SMALL BUSINESS ACT regulations, size standards; definition of small business for purpose of Government procurement of artificial leather, oilcloth, etc — 6778
SMALL BUSINESS INVESTMENT COMPANY, license suspension; Southern Equities, Inc — 6606

Smithsonian Institution:
VEHICLE PARKING — 6482

Standards:
AGRICULTURAL COMMODITIES. *See specific commodities.*
FOODS, canned, processed, etc. *See* Food and Drug Administration.
TECHNICAL STANDARDS for equipment, materials, operations, etc. *See specific agencies.*

Standards Bureau:
See National Bureau of Standards.

Standards of Conduct:
See Conduct standards.

State Department:
FOREIGN SERVICE, appointment in competitive service of certain present and former officers and employees (Executive Order 11219) — 6381
PROCUREMENT REGULATIONS:
Advertising, formal; policy — 7247
General — 7246
Negotiation — 7247

Statue of Liberty National Monument:
ADDITION of Ellis Island (Proclamation 3656) — 6571

Status of Women, Citizens' Advisory Council on:
MEMBERSHIP (Executive Order 11221) — 6427

Status of Women, Committee on:
MEMBERSHIP (Executive Order 11221) — 6427

Strawberries:
STANDARDS for grades — 6711

Students:
See Education and educational facilities.

Sugar:
PRODUCTION, MARKETING. *See* Agriculture Department.

Surplus Property and Commodities:
AGRICULTURAL COMMODITIES:
Export credit sales program — 6249
Sale of commodities acquired through price support program — 6693
ELECTRONIC PROPERTY for education, public health, civil defense, etc.; screening — 6649

T

Tangelos and Tangerines:
MARKETING, Florida — 6983

Tariff Commission:
INVESTIGATION OF IMPORTS; safety pins, report to President — 6891

Taxes:
EXCISE, INCOME. *See* Internal Revenue Service.
INTEREST EQUALIZATION TAX, designation of certain countries as economically less developed for purposes of (Executive Order 11224) — 6679

Television Stations:
BROADCAST FACILITIES, regulations. *See* Federal Communications Commission.
EDUCATIONAL FACILITIES, noncommercial, application accepted for filing — 6928

Textile Fiber Products:
IDENTIFICATION, generic names; proposed rules, hearing — 6275

Tobacco:
EXPORT COMMODITY CERTIFICATES — 6639
INSPECTION AND PRICE SUPPORT SERVICES, hearings on applications — 6740
MARKETING QUOTAS, acreage allotments, flue-cured tobacco — 6144, 6146, 6191, 6207
PUERTO RICO, minimum wages, tobacco industry — 6224
STANDARDS, flue-cured tobacco — 6573

Tomatoes: Page
MARKETING, Texas ---- 6338

Trade Commission:
See Federal Trade Commission.

Trade Practices:
See Federal Trade Commission.

Trademarks:
RULES OF PRACTICE, proposed ---- 6687

Training:
See Education and educational facilities; Education Office.

Trains:
REGULATIONS, tariffs, etc. *See* Interstate Commerce Commission.

Travel and Transportation Expenses:
APPOINTEES to position where there is manpower shortage ---- 6662

Treasury Department:
See Coast Guard.
Comptroller of Currency.
Customs Bureau.
Internal Revenue Service.
ACCOUNTS BUREAU, authority delegation by Accounts Commissioner to Assistant Accounts Commissioner, et al.; order of succession ---- 6361
ANTIDUMPING ACT, 1921:
Customs Commissioner's determinations. *See main heading* Customs Bureau.
Fair value determinations by Secretary:
Bicycles from Poland, 6660.
Crude sulfur from Canada, 7018.
Galvanized ware from Canada, 6548.
Titanium dioxide from France, 6692.
Welded wire mesh from Belgium, 7196.
AUTHORITY DELEGATION by Commissioner of Accounts to Assistant Commissioner of Accounts, et al.; order of succession ---- 6361
BONDS, Treasury. *See* Public Debt Bureau.
FISCAL SERVICE. *See* Accounts Bureau; Public Debt Bureau.
FOREIGN ASSETS CONTROL, importation of kumquats, canned or bottled, directly from Japan; available certification ---- 6660
INTEREST EQUALIZATION TAX, designation of certain countries as economically less developed for purposes of, regulations (Executive Order 11224) ---- 6679
MINT BUREAU, Director, et al.; order of succession ---- 6692
NOTES, Treasury. *See* Public Debt Bureau.
PUBLIC DEBT BUREAU:
Bonds, Treasury, offering:
1974, 4¼ percent, 6278.
Notes, Treasury, offering:
Series A–1966, 4 percent, 6277.

U

United States Employment Service:
POLICIES; service to minority groups, nondiscrimination ---- 7039

Utilization and Disposal Service:
WILDLIFE CONSERVATION PURPOSES, transfer of portion of National Guard Training Area, Cadet Point, Biloxi, Miss., to Interior Department ---- 7203

V

Vehicles:
See Motor vehicles.

Vessels:
COAST GUARD regulations. *See* Coast Guard.
CUBA, list of free world and Polish flag vessels arriving since January 1, 1963 ---- 6546, 7049
DANGER ZONE regulations. *See* Engineers Corps.
MARITIME CARRIERS, regulations affecting. *See* Federal Maritime Commission; Maritime Administration.

Vessels—Continued Page
MEASUREMENT of vessels. *See* Customs Bureau.
NAVIGATION REGULATIONS. *See* Coast Guard; Engineers Corps.
SAFETY AND HEALTH REGULATIONS, ship repairing, shipbuilding, etc ---- 6397

Veterans Administration:
ADJUDICATION. *See* Pension, compensation.
AUTHORITY DELEGATION:
See also Organization.
By Administrator to General Counsel, etc.; payment of certain claims on personal property ---- 6392
INFORMATION, release of:
Educational institutions cooperating with VA ---- 6435
Private physicians and hospitals other than VA ---- 6435
State soldiers' homes, commanding officers ---- 6435
LEGAL SERVICES, GENERAL COUNSEL; authority for payment of certain claims on personal property ---- 6392
ORGANIZATION:
See also Authority delegation.
Field stations and areas of jurisdictions ---- 7204
PENSION, COMPENSATION; adjustment and resumptions, disappearance of veteran ---- 6649
PROCUREMENT REGULATIONS:
General ---- 7041
Transportation ---- 7041

Virgin Islands:
GOVERNMENT EMPLOYEES, allowances and differentials payable ---- 6511

W

Wage and Hour Division, Labor Department:
AMERICAN SAMOA, appointment of Special Industry Committee No. 6; hearing ---- 6225
LEARNERS, employment at below minimum wages; certificates, special, to various industries ---- 6323, 6671, 7026
PUERTO RICO; minimum wage orders:
Appointment of tobacco industry committee; hearing ---- 6224
Various industries:
Electrical, instrument, and related products, 6219.
Metal, machinery, transportation equipment, and allied products, 6216.
Plastic products, fabricated, 6483.
RETAIL OR SERVICE ESTABLISHMENTS; certificates authorizing employment of full-time students at special minimum wages ---- 7025

Wages:
See also Pay, allowances.
MINIMUM WAGES, certain industries. *See* Wage and Hour Division.
SUGAR PRODUCTION, wage rates. *See* Agriculture Department.

Water Carriers:
See Federal Maritime Commission; Interstate Commerce Commission; Maritime Administration.

Wenatchee National Forest:
TRANSFER OF LANDS from Okanogan National Forest (Executive Order 11220) ---- 6425

Wheat:
FLOUR EXPORT PROGRAM, cash payment ---- 6771, 6976
MARKETING CERTIFICATE PROGRAMS; proposed rules:
Exporters ---- 7043
Processors wheat ---- 6686
MARKETING QUOTAS, farm acreage allotments, 1965 crop ---- 7097

Wildlife Conservation:
REFUGES:
Hunting, sport fishing. *See* Fish and Wildlife Service.
Lands withdrawn. *See* Land Management Bureau.
TRANSFER OF LANDS at Biloxi, Miss., to Interior Department ---- 7203

Without-Compensation Employees: Page
APPOINTMENTS and statements of financial interests. *See* Commerce Department; Interior Department.

Women:
CITIZENS' ADVISORY COUNCIL ON THE STATUS OF WOMEN, membership (Executive Order 11221) ---- 6427
COMMITTEE ON STATUS OF WOMEN, membership (Executive Order 11221) ---- 6427

Wool: Page
PAYMENT PROGRAM ---- 6383
STANDARDS for grades, proposed rules ---- 6350

Y

Youth Corps Projects:
NEIGHBORHOOD PROJECTS for unemployed youths ---- 6249

U.S. GOVERNMENT PRINTING OFFICE : 1965

J
83
.H2

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Agencies in this issue—

Agricultural Research Service
Agricultural Stabilization and Conservation Service
Civil Aeronautics Board
Civil Service Commission
Comptroller of the Currency
Consumer and Marketing Service
Customs Bureau
Federal Aviation Agency
Federal Communications Commission
Federal Power Commission
Federal Register Administrative Committee
Fish and Wildlife Service
Food and Drug Administration
Health, Education, and Welfare Department
Housing and Home Finance Agency
Internal Revenue Service
Labor-Management and Welfare-Pension Reports Office
Land Management Bureau
Maritime Administration
Securities and Exchange Commission
Tariff Commission

Detailed list of Contents appears inside.



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J
83
.A2

Volume 78

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[88th Cong., 2d Sess.]

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Contents

AGRICULTURAL RESEARCH SERVICE
Rules and Regulations
Scabies in sheep; interstate movement 7274

AGRICULTURAL STABILIZATION AND CONSERVATION SERVICE
Rules and Regulations
Cotton, extra long staple, 1964 and succeeding crops; acreage allotments; miscellaneous amendments 7271
Rice, 1965 crop; determination of county normal yields 7272
Sugar, cane, mainland area; approved local areas for 1964 crop 7273

AGRICULTURE DEPARTMENT
See Agricultural Research Service; Agricultural Stabilization and Conservation Service; Consumer and Marketing Service.

CIVIL AERONAUTICS BOARD
Notices
Hearings, etc.:
Kingston Flying Club 7296
Mohawk Golden Age tariff 7296

CIVIL SERVICE COMMISSION
Rules and Regulations
Excepted service:
Appalachian Regional Commission 7271
Commission on Civil Rights 7271

COMMERCE DEPARTMENT
See Maritime Administration.

COMPTROLLER OF THE CURRENCY
Rules and Regulations
Required notification to nominate bank directors 7275

CONSUMER AND MARKETING SERVICE
Rules and Regulations
Carrots grown in South Texas; shipments limitation 7274
Grapefruit grown in Arizona and California; shipments limitation 7273
Packers and stockyards; miscellaneous amendments 7275
Proposed Rule Making
Milk in certain marketing areas; recommended decisions:
Inland Empire 7284
Rio Grande Valley 7288
Nectarines grown in California; size limitation for specified varieties 7284

Notices
Authority delegations:
Chief, Warehouse Service Branch, et al 7295
Officers in charge, National Field Offices, Kansas City and New Orleans 7295

CUSTOMS BUREAU
Notices
Shoes; antidumping; withholding of appraisement notice:
Czechoslovakia 7293
Rumania 7293

FEDERAL AVIATION AGENCY
Rules and Regulations
Airworthiness directives; Morrisey Models 2150 and 2150A aircraft 7275
Control zone; alteration 7276
Proposed Rule Making
Prerequisites to written exams; withdrawal of proposal 7292

FEDERAL COMMUNICATIONS COMMISSION
Notices
Hearings, etc.:
American Colonial Broadcasting Corp 7296
Farragut Television Corp. and Peoples Broadcasting Corp 7296
Fidelity Radio, Inc., et al 7296
KXYZ Television, Inc., and Crest Broadcasting Co 7296
Lampasas Broadcasting Corp. (KCYL) 7297
Naugatuck Valley Service, Inc. (WOWW) 7297
Parish Broadcasting Co. and Clinton Broadcasting Co 7297
Radio Phone Communications, Inc., and American Radio-Telephone Service, Inc 7297
Selma Television, Inc. (WSLA-TV) 7297
Traxler, John N., et al 7298
Waynesboro Broadcasting Corp. and WANV, Inc 7300

FEDERAL POWER COMMISSION
Rules and Regulations
Natural gas pipeline companies; budget applications; direct sales 7280
Notices
Hearings, etc.:
Coastal States Gas Producing Co. et al 7300
Pacific Gas Transmission Co 7303
Union Carbide Corp 7300

FEDERAL REGISTER ADMINISTRATIVE COMMITTEE
CFR Checklist 7271

FISH AND WILDLIFE SERVICE
Rules and Regulations
Fishery products; miscellaneous amendments 7282
Sport fishing in wildlife refuge areas:
Modoc, California 7282
Union Slough, Iowa 7282

FOOD AND DRUG ADMINISTRATION
Rules and Regulations
Food additives and pesticide chemicals; inorganic bromides 7280
Frozen desserts; postponement of effective date of certain labeling requirements 7280
Proposed Rule Making
Ice cream; standard of identity 7292

HEALTH, EDUCATION, AND WELFARE DEPARTMENT
See also Food and Drug Administration.
Notices
Public Health Service; organization and delegations of authority 7296

HOUSING AND HOME FINANCE AGENCY
Notices
Acting Regional Director of Urban Renewal, Region I, New York; designation 7304

INTERIOR DEPARTMENT
See Fish and Wildlife Service; Land Management Bureau.

INTERNAL REVENUE SERVICE
Rules and Regulations
Income taxes; gain attributable to amortization deduction 7281

LABOR DEPARTMENT
See Labor-Management and Welfare-Pension Reports Office.

LABOR-MANAGEMENT AND WELFARE-PENSION REPORTS OFFICE
Notices
Reporting form D-2; amendment 7306

LAND MANAGEMENT BUREAU
Notices
California; filing of plats of survey and order for opening of public lands 7293
Wyoming; proposed withdrawal and reservation of lands 7294

(Continued on next page)

CONTENTS

MARITIME ADMINISTRATION

Proposed Rule Making

Interpretation of Merchant Marine Act, 1936, as amended 7291

SECURITIES AND EXCHANGE COMMISSION

Rules and Regulations

Net capital requirements for brokers and dealers 7276

Notices

Hearings, etc.:

Columbia Gas System, Inc. 7304

Continental Vending Machine Corp. 7305

KLM Royal Dutch Airlines 7305

TARIFF COMMISSION

Notices

Clinical thermometers; report to the President 7306

TREASURY DEPARTMENT

See Comptroller of the Currency; Customs Bureau; Internal Revenue Service.

List of CFR Parts Affected

(Codification Guide)

The following numerical guide is a list of the parts of each title of the Code of Federal Regulations affected by documents published in today's issue. A cumulative list of parts affected, covering the current month to date, appears at the end of each issue beginning with the second issue of the month.

A cumulative guide is published separately at the end of each month. The guide lists the parts and sections affected by documents published since January 1, 1965, and specifies how they are affected.

5 CFR

213 (2 documents) 7271

7 CFR

722 7271
730 7272
845 7273
909 7273
970 7274
PROPOSED RULES:
916 7284
1133 7284
1138 7288

9 CFR

74 7274
201 7275

12 CFR

17 7275

14 CFR

39 7275
71 7276
PROPOSED RULES:
61 7292

17 CFR

240 7276

18 CFR

157 7280

21 CFR

20 7280
120 7280
121 7280
PROPOSED RULES:
20 7292

26 CFR

1 7281

46 CFR

PROPOSED RULES:
Ch. II 7291

50 CFR

33 (2 documents) 7282
260 7282
266 7282

Rules and Regulations

Title 1—GENERAL PROVISIONS

Chapter I—Administrative Committee of the Federal Register

CFR CHECKLIST

1965 Issuances

This checklist, prepared by the Office of the Federal Register, is published in the first issue of each month. It is arranged in the order of CFR titles, and shows the issuance date and price of revised volumes and supplements of the Code of Federal Regulations issued to date during 1965. New units issued during the month are announced on the inside cover of the daily FEDERAL REGISTER as they become available.

Order from Superintendent of Documents, Government Printing Office, Washington, D.C., 20402.

CFR Unit (as of Jan. 1, 1965):	Price
3 1964 Supp.	$1.00
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7 Parts:	
1–50 (Supp.)	1.00
51–52 (Supp.)	1.00
53–209 (Supp.)	1.00
210–399 (Supp.)	.65
900–944 (Rev.)	1.00
945–980 (Rev.)	.65
981–999 (Rev.)	.55
1000–1029 (Rev.)	1.00
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9 (Rev.)	1.25
10–11 (Supp.)	.50
12 (Supp.)	.65
13 (Supp.)	.50
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1–39 (Rev.)	1.25
40–199 (Rev.)	1.25
200–1199 (Rev.)	1.25
1200–end (Rev.)	.35
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16 (Supp.)	1.00
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21 Parts:	
1–129 (Rev.)	1.75
130–end (Rev.)	2.25
22 (Rev.)	1.00
23 (Rev.)	.25
25 (Supp.)	.70
26 Parts:	
1 (§§ 1.01–1.400) (Supp.)	1.00
1 (§§ 1.401–1.860) (Supp.)	1.25
1 (§§ 1.861–end) to Part 19 (Supp.)	1.50
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40–169 (Supp.)	1.00
170–299 (Supp.)	.75
300–499 (Supp.)	.50
500–599 (Supp.)	.30
600–end (Supp.)	.40

CFR Unit (as of Jan. 1, 1965)—Continued	Price
27 (Supp.)	$0.30
28 (Rev.)	.55
29 (Rev.)	3.00
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32 Parts:	
1–39 (Rev.)	2.25
40–399 (Supp.)	.60
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33–34 (Supp.)	.65
35 (Supp.)	.40
36 (Supp.)	.50
38 (Rev.)	2.50
39 (Supp.)	1.25
41 Chapters:	
1 (Rev.)	2.00
2–4 (Rev.)	.70
18–100 (Rev.)	2.25
101–end (Rev.)	1.25
42 (Supp.)	1.00
43 (Rev.)	2.50
44 (Supp.)	.35
45 (Supp.)	1.00
46 Parts:	
1–145 (Supp.)	.50
146–149 (Rev.)	2.75
150–199 (Rev.)	1.25
200–end (Rev.)	1.75
47 Parts:	
0–19 (Rev.)	1.00
20–69 (Rev.)	1.50
70–79 (Rev.)	1.00
80–end (Rev.)	1.50
48 (Rev.)	.45
49 Parts:	
0–70 (Supp.)	.40
71–90 (Rev.)	2.00
91–164 (Supp.)	.60
165–end (Supp.)	.40
50 (Supp.)	.60

Title 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 213—EXCEPTED SERVICE

Appalachian Regional Commission

1. Section 213.3276 is added to show the exception under Schedule B of two positions of Program Coordinator in the Appalachian Regional Commission. Effective on publication in the FEDERAL REGISTER, § 213.3276 is added as set out below.

§ 213.3276 Appalachian Regional Commission.

(a) Two Program Coordinators.

2. Section 213.3376 is added to show the exception under Schedule C of the positions of Special Assistant and Private Secretary to the Federal Cochairman and of Special Assistant and Private Secretary to his Alternate in the Appalachian Regional Commission. Effective on publication in the FEDERAL REGISTER, § 213.3376 is added as set out below.

§ 213.3376 Appalachian Regional Commission.

(a) One Special Assistant to the Federal Cochairman and one Special Assistant to his Alternate.

(b) One Private Secretary to the Federal Cochairman and one Private Secretary to his Alternate.

(R.S. 1753, sec. 2, 22 Stat. 403, as amended; 5 U.S.C. 631, 633; E.O. 10577, 19 F.R. 7521, 3 CFR, 1954–1958 Comp., p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] MARY V. WENZEL,
Executive Assistant to the Commissioners.

[F.R. Doc. 65-5703; Filed, June 1, 1965; 8:47 a.m.]

PART 213—EXCEPTED SERVICE

Commission on Civil Rights

Section 213.3356 is amended to show the exception under Schedule C of the position of Special Assistant for Public Affairs. Effective on publication in the FEDERAL REGISTER, paragraph (e) is added to § 213.3356 as set out below.

§ 213.3356 Commission on Civil Rights.

• • • • • •

(e) One Special Assistant for Public Affairs.

(R.S. 1753, sec. 2, 22 Stat. 403, as amended; 5 U.S.C. 631, 633; E.O. 10577, 19 F.R. 7521, 3 CFR, 1954–1958 Comp., p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] MARY V. WENZEL,
Executive Assistant to the Commissioners.

[F.R. Doc. 65-5704; Filed, June 1, 1965; 8:47 a.m.]

Title 7—AGRICULTURE

Chapter VII—Agricultural Stabilization and Conservation Service (Agricultural Adjustment), Department of Agriculture

SUBCHAPTER B—FARM MARKETING QUOTAS AND ACREAGE ALLOTMENTS

[Amdt. 6]

PART 722—COTTON

Subpart—Acreage Allotment Regulations for the 1964 and Succeeding Crops of Extra Long Staple Cotton

MISCELLANEOUS AMENDMENTS

(a) This amendment is issued pursuant to the Agricultural Adjustment Act of 1938, as amended (52 Stat. 31, as amended; 7 U.S.C. 1281 et seq.). This amendment clarifies the proviso in § 722.313(b)(5) to make clear that the

prohibition on reapportionment of allotment released from a farm covered by a conservation program contract is not applicable where such contract does not or will not provide for any change in land use on the farm, and this amendment also deletes the provisions relating to erroneous notices of planted acreage which are covered by Part 718 of this chapter.

(b) In order to make clear that allotments released for the current crop from a farm covered by a conservation program contract which does not provide for any change in land use may properly be reapportioned for the current crop, it is essential that this amendment be made effective as soon as possible. Accordingly, it is hereby determined and found that compliance with the notice, public procedure and 30-day effective date requirements of section 4 of the Administrative Procedure Act (60 Stat. 238; 5 U.S.C. 1003) is impracticable and contrary to the public interest and this amendment shall be effective upon filing this document with the Director, Office of the Federal Register.

The Acreage Allotment Regulations for the 1964 and Succeeding Crops of Extra Long Staple Cotton (28 F.R. 11034, as amended) are amended as follows:

1. Section 722.313(b)(5) of the regulations is amended to read as follows:

* * * * *

§ 722.313 Release and reapportionment of ELS Cotton allotments.

(b) *Allotments which may be released and reapportioned.* * * *

(5) *Reapportionment by county committee.* Released allotments shall be reapportioned by the county committee not later than the applicable closing date to other farms receiving farm allotments in the same county for which timely application is filed in amounts determined by the county committee to be fair and reasonable pursuant to the applicable standards and guidelines under subparagraph (4) of this paragraph: *Provided*, That any allotment released from a farm which is covered in whole or in part by a contract under the conservation programs or for which an application for such contract is pending, shall not be reapportioned by the county committee to any other farm or surrendered to the State committee for reapportionment to other counties, unless such contract does not or will not provide for any change in land use on the farm.

* * * * *

§ 722.324 [Amended]

2. Section 722 324 of the regulations is amended by deleting paragraph (b) thereof.

(Secs. 344, 375, 63 Stat. 670, as amended, 52 Stat. 66, as amended; 7 U.S.C. 1344, 1375)

Effective date: Date of filing this document with the Director, Office of the Federal Register.

Signed at Washington, D.C., on May 27, 1965.

H. D. GODFREY,
Administrator, Agricultural Stabilization and Conservation Service.

[F.R. Doc. 65-5726; Filed, June 1, 1965; 8:49 a.m.]

PART 730—RICE

Subpart—1965–66 Marketing Year

DETERMINATION OF COUNTY NORMAL YIELDS FOR 1965 CROP

The regulations contained in § 730.1608 are issued pursuant to and in conformity with the rice marketing quota provisions of the Agricultural Adjustment Act of 1938, as amended. Section 301(b)(13), subparagraphs (D) and (F), of the Act provide definitions for county normal yields as follows:

(D) "Normal yield" for any county, in the case of rice * * *, shall be the average yield per acre of rice * * *, for the county during the 5 calendar years immediately preceding the year for which such normal yield is determined * * *, adjusted for abnormal weather conditions and for trends in yields. If for any such year data are not available, or there is no actual yield, an appraised yield for such year, determined in accordance with regulations issued by the Secretary, taking into consideration the yields obtained in surrounding counties during such year and the yield in years for which data are available, shall be used as the actual yield for such year.

* * * * *

(F) In applying subparagraphs (D) and (E), if on account of drought, flood, insect pests, plant disease, or other uncontrollable natural cause, the yield for any year of such 5-year period is less than 75 per centum of the average, 75 per centum of such average shall be substituted therefor in calculating the normal yield per acre. If, on account of abnormally favorable weather conditions, the yield for any year of such 5-year period is in excess of 125 per centum of the average, 125 per centum of such average shall be substituted therefor in calculating the normal yield per acre.

Prior to the issuance of the regulations for determining county normal yields for 1965 and the determination of county normal yields thereunder, public notice (29 F.R. 13273) was given in accordance with the provisions of the Administrative Procedure Act (5 U.S.C. 1003). No data, views, or recommendations pertaining thereto were submited pursuant to such notice. Since farmers will be harvesting rice in areas prior to the date that county normal yields would ordinarily become effective (30 days after publication in the FEDERAL REGISTER), it is hereby found that the proclamations and determinations herein shall become effective upon the date of the filing of this document with the Director, Office of the Federal Register.

Section 730.1608 is issued to provide the regulations for determining county normal yields and to proclaim the yields for the 1965 crop of rice determined thereunder.

§ 730.1608 County normal yields for 1965 crop rice.

(a) *Regulations.* County normal yields for 1965 crop rice shall be determined by computing the average yield per harvested acre of rice for each county producing rice during the years 1960 through 1964, adjusted for abnormal weather conditions and other uncontrollable natural causes and for trends in yields. Where data for any year are not available, or there was no actual yield, an appraised yield for such year shall be determined on the basis of the yields obtained in surrounding counties during such year and the yield in years for which data are available. Adjustments for abnormal weather conditions and other uncontrollable natural causes shall be as follows: For any annual yield, including an appraised yield, which is less than 75 per centum of the 5-year (1960–64) average yield, 75 per centum of such average shall be substituted therefor; and for any annual yield, including an appraised yield, which is in excess of 125 per centum of the 5-year (1960–64) average yield, 125 per centum of such average shall be substituted therefor. The adjustment for trends in yields shall be made by adopting as the county normal yield the simple average of (1) the 1960–64 average yield per harvested acre of rice for the county, adjusted for abnormal weather conditions and other uncontrollable natural causes as provided in the preceding sentence, and (2) the 1963–64 average yield per harvested acre of rice for the county, similarly adjusted, except that no trend adjustment shall be made unless the 2-year adjusted average is higher than the 5-year adjusted average. Notwithstanding the adjustments as indicated above, no county normal yield shall be less than the unadjusted 5-year (1960–64) average yield.

(b) *Statistical data.* Section 301(c) of the Agricultural Adjustment Act of 1938, as amended, provides that "The latest available statistics of the Federal Government shall be used by the Secretary in making the determinations required to be made by the Secretary under this act." In accordance therewith, the annual yields of rice for counties in the States of Arkansas, California, Louisiana, Mississippi, Missouri, and Texas used in the determination of county normal yields in this section shall be the latest official yields determined by the Statistical Reporting Service of the Department, on the basis of its estimate of harvested acres and production of rice in applicable counties of those States during each of the years 1960 through 1964, except that if such a yield for any year is not available an appraised yield shall be used for such year. In the minor rice-producing States of Florida, Illinois, North Carolina, Oklahoma, South Carolina, and Tennessee where no official estimates of rice yields were available, the annual rice yields for the years 1960 through 1964 used in determining the county normal yields in this section for the applicable counties in these States shall be those obtained by special surveys covering all farms producing rice in any of the calendar years 1960 through 1964.

(c) *Proclamation of county normal yields.* County normal yields for 1965 crop rice, determined in accordance with paragraphs (a) and (b) of this section, are as follows:

ARKANSAS

County	Normal yield per harvested acre (pounds)	County	Normal yield per harvested acre (pounds)
Arkansas	4,256	Conway	4,010
Ashley	3,818	Craighead	4,362
Chicot	4,066	Crittenden	3,898
Clark	3,327	Cross	4,104
Clay	4,042	Dallas	3,065
Desha	3,975	Lonoke	4,132
Drew	3,757	Miller	3,060
Faulkner	3,652	Mississippi	3,918
Grant	3,065	Monroe	4,037
Greene	4,061	Perry	3,097
Hot Spring	3,678	Phillips	3,608
Independence	3,996	Poinsett	4,330
Jackson	4,044	Prairie	4,227
Jefferson	3,993	Pulaski	3,466
Lafayette	3,060	Randolph	3,860
Lawrence	4,052	St. Francis	3,780
Lee	3,716	White	3,836
Lincoln	4,002	Woodruff	3,926
Little River	3,613	State	4,004

CALIFORNIA

County	Normal yield per harvested acre (pounds)	County	Normal yield per harvested acre (pounds)
Butte	4,952	Riverside	4,295
Colusa	4,802	Sacramento	4,872
Fresno	3,626	San Joaquin	4,314
Glenn	4,950	Stanislaus	4,144
Imperial	4,245	Sutter	5,038
Kern	3,314	Tulare	3,564
Kings	2,382	Yolo	4,870
Madera	4,012	Yuba	4,475
Merced	4,096	State	4,770
Placer	3,404		

FLORIDA

Hendry	1,984
Palm Beach	1,067
State	1,182

ILLINOIS

Adams	3,000

LOUISIANA

County	Normal yield per harvested acre (pounds)	County	Normal yield per harvested acre (pounds)
Acadia	3,207	Morehouse	3,515
Allen	3,173	Pointe Coupee	3,500
Ascension	3,090	Rapides	3,598
Assumption	2,963	Richland	2,272
Avoyelles	3,320	St. Charles	2,355
Beauregard	2,665	St. James	3,084
Bossier	3,000	St. John the Baptist	3,154
Calcasieu	2,796	St. Landry	3,490
Cameron	3,136	St. Martin	3,086
Concordia	3,515	St. Mary	2,968
East Carroll	3,591	St. Tammany	2,080
Evangeline	3,416	Tensas	3,550
Grant	2,886	Terrebonne	2,790
Iberia	3,214	Vermilion	3,254
Iberville	3,380	West Baton Rouge	3,570
Jefferson Davis	3,260	West Carroll	3,426
LaFayette	3,855	State	3,200
Lafourche	1,915		
Madison	3,320		

MISSISSIPPI

County	Normal yield per harvested acre (pounds)	County	Normal yield per harvested acre (pounds)
Bolivar	3,602	Quitman	3,212
Coahoma	3,596	Sharkey	3,490
De Soto	3,523	Sunflower	3,694
Hancock	2,500	Tallahatchie	3,358
Humphreys	3,554	Tate	3,546
Issaquena	2,950	Tunica	3,454
Leflore	3,300	Washington	3,755
Panola	3,474	State	3,616

MISSOURI

County	Normal yield per harvested acre (pounds)	County	Normal yield per harvested acre (pounds)
Butler	4,224	Pemiscot	3,823
Lewis	2,785	Ripley	3,819
Lincoln	2,882	St. Charles	3,510
Marion	3,544	Scott	3,662
Mississippi	3,090	Stoddard	4,026
New Madrid	3,956	State	3,955

NORTH CAROLINA

Brunswick	1,549
Hyde	1,740
State	1,695

OKLAHOMA

McCurtain	3,777

SOUTH CAROLINA

County	Normal yield per harvested acre (pounds)	County	Normal yield per harvested acre (pounds)
Berkeley	1,803	Horry	1,520
Charleston	1,356	Jasper	2,002
Colleton	926	Kershaw	1,162
Georgetown	1,000	State	1,496

TENNESSEE

County	Normal yield per harvested acre (pounds)
Dyer	3,917
Fayette	2,370
Lauderdale	3,502
State	3,738

TEXAS

County	Normal yield per harvested acre (pounds)	County	Normal yield per harvested acre (pounds)
Austin	4,105	Lavaca	4,122
Bowie	3,848	Liberty	3,458
Brazoria	3,741	Matagorda	4,286
Calhoun	3,988	Newton	3,192
Chambers	3,678	Orange	3,095
Colorado	4,218	Polk	2,725
Fort Bend	4,100	Travis	3,100
Galveston	3,740	Victoria	4,184
Hardin	3,458	Walker	2,615
Harris	3,912	Waller	4,115
Jackson	4,272	Washington	3,100
Jasper	3,181	Wharton	4,284
Jefferson	3,282	State	3,882

(Secs. 301, 375, 52 Stat. 38, as amended by 70 Stat. 212, 52 Stat. 66, as amended; 7 U.S.C. 1301, 1375)

Effective date: Upon filing with the Director, Office of the Federal Register.

Signed at Washington, D.C., on May 27, 1965.

H. D. GODFREY,
Administrator, Agricultural Stabilization and Conservation Service.

[F.R. Doc. 65-5727; Filed, June 1, 1965; 8:49 a.m.]

Chapter VIII—Agricultural Stabilization and Conservation Service (Sugar), Department of Agriculture

SUBCHAPTER F—DETERMINATION OF NORMAL YIELDS AND ELIGIBILITY FOR ABANDONMENT AND CROP DEFICIENCY PAYMENTS

[Sugar Determination 845.2—Supp. 41]

PART 845—MAINLAND CANE SUGAR AREA

Approved Local Areas for 1964 Crop

§ 845.6 Approved local areas for the 1964 crop.

For purposes of considering eligibility of farms for abandonment and crop deficiency payments on 1964-crop sugarcane pursuant to paragraph (c) of § 845.2, as amended, the local ASC parish committees in Louisiana and the ASC Glades County Committee in Florida have determined that the extent of crop damage, as specified and provided in subparagraph (1)(iii) of paragraph (c) of § 845.2, has occurred in the following parishes and local producing area:

LOUISIANA

Parishes approved in their entirety.

Ascension.
Assumption.
East Baton Rouge.
Iberia.
Iberville.
Lafourche.
St. Charles.
St. James.
St. John.
St. Mary.
Terrebonne.
West Baton Rouge.
West Feliciana.

FLORIDA

All of Florida.

Statement of bases and considerations. This supplement provides public notice of the parishes in Louisiana and the local producing area in Florida where due to drought, flood, storm, freeze, disease, or insects, the 1964 sugarcane crop has been damaged to the extent that farms located in whole or in part therein will be considered (as to location) for abandonment or deficiency payments. Producers on these farms who have not filed applications for Sugar Act payments with respect to acreage abandonment or crop deficiencies for which they may otherwise be eligible should apply for such payments before December 31, 1966, as provided in 7 C.F.R. 892.1 (29 F.R. 9426).

(Sec. 403, 61 Stat. 923; 7 U.S.C. 1153. Secs. 301, 302, 61 Stat. 929, 930, as amended; 7 U.S.C. 1131, 1132)

Effective date: Date of publication.

Signed at Washington, D.C., on May 26, 1965.

CHAS. M. COX,
Acting Deputy Administrator, State and County Operations.

[F.R. Doc. 65-5728; Filed, June 1, 1965; 8:49 a.m.]

Chapter IX—Consumer and Marketing Service (Marketing Agreements and Orders; Fruits, Vegetables, Tree Nuts), Department of Agriculture

[Grapefruit Reg. 28]

PART 909—GRAPEFRUIT GROWN IN ARIZONA; IN IMPERIAL COUNTY, CALIF.; AND IN THAT PART OF RIVERSIDE COUNTY, CALIF., SITUATED SOUTH AND EAST OF WHITE WATER, CALIF.

Limitation of Shipments

§ 909.328 Grapefruit Regulation 28.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and this part (Order No. 909 as amended), regulating the handling of grapefruit grown in the State of Arizona; in Imperial County, California; and in that part of Riverside County, California, situated south and east of White Water, California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations of the Administrative Committee (established under the aforesaid amended marketing agreement and order), and upon other available information, it is hereby found that the limitation of shipments of grapefruit, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (5 U.S.C. 1001–1011) because the time intervening

between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and this section relieves restrictions on the handling of grapefruit in that it permits the handling of grapefruit which are not now permitted to be handled; information regarding the provisions of the regulation recommended by the committee has been disseminated to shippers of grapefruit, grown as aforesaid, and this section, including the effective time thereof, is identical with the recommendation of the committee; and compliance with this section will not require any special preparation on the part of persons subject thereto which cannot be completed on or before the effective date hereof.

(b) *Order.* (1) Grapefruit Regulation 27 (§ 909.327; 30 F.R. 6430) is hereby terminated at 12:01 a.m., P.s.t., June 3, 1965.

(2) Except as otherwise provided in subparagraph (3) of this paragraph, during the period beginning at 12:01 a.m., P.s.t., June 3, 1965, and ending at 12:01 a.m., P.s.t., August 1, 1965, no handler shall handle from the State of California or the State of Arizona to any point outside thereof:

(i) Any grapefruit which do not meet the requirements of the U.S. No. 2 grade and which are not free from peel that is more than one inch in thickness at the stem end (measured from the flesh to the highest point of the peel): *Provided,* That grapefruit having any amount of light or fairly light colored scarring may be handled if they otherwise grade at least U.S. No. 2: *Provided further,* That the tolerance prescribed for the U.S. No. 2 grade shall be the tolerances applicable to the requirements of this subparagraph except that not more than 5 percent shall be allowed for grapefruit having peel more than one inch in thickness at the stem end; or

(ii) Any grapefruit which measure less than 3 9/16 inches in diameter, except that a tolerance of 5 percent, by count, for grapefruit smaller than 3 9/16 inches shall be permitted, which tolerance shall be applied in accordance with the provisions for the application of tolerances specified in the revised United States Standards for Grapefruit (California and Arizona), §§ 51.925–51.955 of this title: *Provided,* That in determining the percentage of grapefruit in any lot which are smaller than 3 9/16 inches in diameter, such percentage shall be based only on grapefruit in such lot which are of a size 3 15/16 inches in diameter and smaller.

(3) Subject to the requirements of subparagraph (2) (i) of this paragraph, any handler may, but only as the initial handler thereof, handle grapefruit smaller than 3 9/16 inches in diameter directly to a destination in Zone 3 or Zone 4.

(4) As used herein, "handler," "variety," "grapefruit," "handle," "Zone 1," "Zone 2," "Zone 3," and "Zone 4" shall have the same meaning as when used in said amended marketing agreement and order; the term "U.S. No. 2" shall have the same meaning as when used in the aforesaid revised United States Standards for Grapefruit; and "diameter" shall mean the greatest dimension measured at right angles to a line from the stem to blossom end of the fruit.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: June 1, 1965.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 65–5817; Filed, June 1, 1965; 11:15 a.m.]

[970.305 Amdt. 7]

PART 970—CARROTS GROWN IN SOUTH TEXAS

Limitation of Shipments

Findings. (a) Pursuant to Marketing Agreement No. 142 and Order No. 970, both as amended (7 CFR Part 970), regulating the handling of carrots grown in designated counties in South Texas, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601 et seq.), and upon the basis of the recommendation and information submitted by the South Texas Carrot Committee, established pursuant to said marketing agreement and order, and upon other available information, it is hereby found that the amendment to the limitation of shipments hereinafter set forth will tend to effectuate the declared policy of the act and is warranted, and will maintain orderly marketing conditions tending to increase returns to carrot growers in the production area.

(b) It is hereby found that it is impracticable and contrary to the public interest to give preliminary notice, or engage in public rule making procedure, and that good cause exists for not postponing the effective date of this amendment until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 1003) in that (1) the 1964–65 marketing season for South Texas carrots has only about 5 weeks remaining, (2) to maximize benefits to growers, this amendment should apply to as many shipments of carrots as possible during the remainder of the 1964–65 season, (3) compliance with this amendment will not require any special preparation on the part of handlers which cannot be completed by the time this amendment becomes effective, (4) information regarding the Committee's recommendation has been disseminated to producers and handlers in the production area, and (5) this amendment relieves restrictions on the handling of carrots grown in the production area.

Order, as amended. In § 970.305 (29 F.R. 15018, 30 F.R. 305, 644, 777, 880, 1728, 6479) amend the introductory paragraph and paragraph (b) to read as follows:

§ 970.305 Limitation of shipments.

During the period from May 27, 1965, through June 30, 1965, no handler shall (1) package or load carrots on Sundays, or (2) handle any lots of carrots grown in the production area unless such carrots meet the grade requirements of paragraph (a), and one of the size designations of paragraph (b), and meet the container and pack requirements of paragraphs (c) and (d), or unless such carrots are handled in accordance with provisions of paragraphs (e), (f), (g), and (h) of this section.

* * * * * *

(b) *Sizing requirements.*—(1) *Medium-to-large.* ¾ inch minimum diameter to 1½ inches maximum diameter, 5½ inches minimum length.

(2) *Jumbos.* 1 inch minimum diameter to 2 inches maximum diameter and 6 inches minimum length.

* * * * * *

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601 et seq.)

Dated: May 26, 1965, to become effective May 27, 1965.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 65–5694; Filed, June 1, 1965; 8:46 a.m.]

Title 9—ANIMALS AND ANIMAL PRODUCTS

Chapter I—Agricultural Research Service, Department of Agriculture

SUBCHAPTER C—INTERSTATE TRANSPORTATION OF ANIMALS AND POULTRY

PART 74—SCABIES IN SHEEP

Interstate Movement

Pursuant to the provisions of sections 4 through 7 of the Act of May 29, 1884, as amended, sections 1 and 2 of the Act of February 2, 1903, as amended, and sections 1 through 4 of the Act of March 3, 1905, as amended (21 U.S.C. 111–113, 115, 117, 120, 121, 123–126), §§ 74.2 and 74.3 of Part 74, Subchapter C, Chapter I, Title 9, Code of Federal Regulations, as amended (29 F.R. 14053, 15077, 15943; 30 F.R. 701, 4750), are hereby further amended in the following respects:

1. Subparagraph (1) of § 74.2(a) is hereby amended to read:

§ 74.2 Designation of free and infected areas.

(a) * * *

(1) Alabama, Alaska, Arizona, Arkansas, California, Colorado, Connecticut, Delaware, District of Columbia, Florida, Georgia, Hawaii, Idaho, Illinois, Indiana, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Montana, Nebraska, Nevada, New Hampshire, New Jersey, New Mexico, New York, North Carolina, North Dakota, Ohio, Oklahoma, Oregon, Pennsylvania, Puerto Rico, Rhode Island, South Carolina, South Dakota, Utah, Vermont, Virginia, Virgin Islands of the United States, Washington, West Virginia, Wisconsin, and Wyoming;

* * * * * *

2. Subparagraph (1) of § 74.3(a) is hereby amended to read as follows and subparagraphs (5) and (6) are hereby deleted.

§ 74.3 Designation of eradication areas.

(a) * * *

(1) Iowa and Tennessee;

* * * * * *

(Secs. 4–7, 23 Stat. 32, as amended, secs. 1, 2, 32 Stat. 791–792, as amended, secs. 1–4, 33 Stat. 1264, as amended, 1265, as amended; 21 U.S.C. 111–113, 115, 117, 120, 121, 123–126; 19 F.R. 74, as amended)

Effective date. The foregoing amendment shall become effective upon issuance.

The amendment adds one county in the State of Ohio, 73 counties in the State of Nebraska, and the entire States of Indiana and West Virginia to the list of free areas and deletes such counties and States from the list of infected and eradication areas as sheep scabies is no longer known to exist therein. In addition to Indiana and West Virginia, the entire States of Ohio and Nebraska are now designated as free areas. Hereafter, the restrictions pertaining to the interstate movement of sheep from or into infected and eradication areas, as contained in 9 CFR Part 74, as amended, will not apply to Indiana, Nebraska, Ohio, or West Virginia. However, the restrictions in said Part 74 pertaining to the interstate movement of sheep from or into free areas will apply to such States.

The amendment relieves certain restrictions presently imposed and must be made effective immediately to be of maximum benefit to persons subject to the restrictions which are relieved. Accordingly, under section 4 of the Administrative Procedure Act (5 U.S.C. 1003), it is found upon good cause that notice and other public procedure with respect to the amendment are impracticable and contrary to the public interest, and good cause is found for making the amendment effective less than 30 days after publication in the FEDERAL REGISTER.

Done at Washington, D.C., this 27th day of May 1965.

R. J. ANDERSON,
Acting Administrator, Agricultural Research Service.

[F.R. Doc. 65–5729; Filed, June 1, 1965; 8:49 a.m.]

Chapter II—Consumer and Marketing Service (Packers and Stockyards Division), Department of Agriculture

PART 201—REGULATIONS UNDER THE PACKERS AND STOCKYARDS ACT

Miscellaneous Amendments

Effective upon publication in the FEDERAL REGISTER, §§ 201.2 and 201.34, Part 201, Chapter II, Title 9 of the Code of Federal Regulations, and the heading of said Chapter are hereby amended as follows:

1. The heading of Chapter II of Title 9 is amended to read as set forth above.

2. Section 201.2(d) is amended to read:

§ 201.2 Terms defined.

* * * * *

(d) "Service" means the Consumer and Marketing Service of the Department.

* * * * *

3. Section 201.34 is amended by changing the words "Agricultural Marketing Service" to read "Consumer and Marketing Service."

This amendment reflects a change in the name of the Agricultural Marketing Service (30 F.R. 2160). In view of the fact that no changes of a substantial nature are being made, it is found under section 4 of the Administrative Procedure Act (5 U.S.C. 1003) that notice and public procedure regarding the amendment are unnecessary and impracticable, and good cause is found for making the amendment effective in less than 30 days after the publication thereof in the FEDERAL REGISTER.

(Sec. 407(a), 42 Stat. 169, 72 Stat. 1750; 7 U.S.C. 228)

Done at Washington, D.C., this 26th day of May 1965.

CLARENCE H. GIRARD,
Deputy Administrator, Regulatory Programs.

[F.R. Doc. 65–5730; Filed, June 1, 1965; 8:49 a.m.]

Title 12—BANKS AND BANKING

Chapter I—Bureau of the Comptroller of the Currency, Department of the Treasury

PART 17—REQUIRED NOTIFICATION TO NOMINATE BANK DIRECTORS

Amendment of Articles of Association or Bylaws

This part, issued pursuant to the authority contained in the National Banking Laws (R.S. 324 et seq., as amended; 12 U.S.C. 1 et seq.), relates to the requirement that advance notice be given of the nomination of a national bank director. Notice of the proposed part was published in the FEDERAL REGISTER on April 29, 1965 (30 F.R. 6074). All comments and suggested revisions received have been considered and some have resulted in changes which have been incorporated into this regulation.

The new Part 17 will become effective on June 1, 1965.

Chapter 1, Title 12, of the Code of Federal Regulations is hereby amended by an addition of a new Part 17 as follows:

§ 17.1 Amendment of articles of association or bylaws.

Any national bank may provide in its articles of association or bylaws, or both, for a requirement that any shareholder who intends to nominate or to cause to have nominated any candidate for election to the board of directors (other than any candidate proposed by the bank's present management) shall notify the bank and the Comptroller of the Currency. Such bylaw or amendment may provide that the notification shall be made in writing and delivered or mailed to the President of the bank and to the Comptroller of the Currency not less than 14 days nor more than 50 days prior to any meeting of stockholders called for the election of directors, provided however, that if less than 21 days' notice of the meeting is given to shareholders, such nomination shall be delivered or mailed to the President of the bank and to the Comptroller not later than the close of the seventh day following the day on which the notice of meeting was mailed. Such notification shall contain the following information to the extent known to the notifying shareholders;

(a) The names and addresses of the proposed nominee;

(b) The principal occupation of each proposed nominee;

(c) The total number of shares that to the knowledge of the notifying shareholders will be voted for each of the proposed nominees;

(d) The name and residence address of the notifying shareholder; and

(e) The number of shares owned by the notifying shareholder.

If a national bank duly adopts the foregoing notice requirements, any nomination for director not made in accordance therewith, may be disregarded by the chairman of the meeting and votes cast for each such nominee may be disregarded by the vote tellers. In the event the same person is nominated by more than one shareholder, the nomination shall be honored and all shares shall be counted if at least one nomination for that person complies with this part.

(R.S. 324 et seq., as amended; 12 U.S.C. 1 et seq.)

Dated: May 27, 1965.

[SEAL] JAMES J. SAXON,
Comptroller of the Currency.

[F.R. Doc. 65–5723; Filed, June 1, 1965; 8:49 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Agency

[Docket No. 6666; Amdt. 39–76]

PART 39—AIRWORTHINESS DIRECTIVES

Morrisey Models 2150 and 2150A Aircraft

There have been cracks in the elevator horn of Morrisey Models 2150 and 2150A aircraft that have been attributed to a fabrication defect. Since this condition is likely to exist or develop in other products of the same type design, an airworthiness directive is being issued to require repetitive inspections of the elevator horn until installation of a modified horn.

As a situation exists which demands immediate adoption of this regulation, it is found that notice and public procedure hereon are impracticable and good cause exists for making this amendment effective in less than 30 days.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (25 F.R. 6489), § 39.13 of Part 39 of the Federal Aviation Regulations is amended by adding the following new airworthiness directive:

MORRISEY. Applies to Models 2150 and 2150A aircraft.

Compliance required as indicated.

To prevent further elevator horn cracks as a result of improper fabrication, accomplish the following:

(a) Visually inspect the 180° bend of the elevator horn, P/N 6000-9, for cracks within the next 25 hours' time in service after the effective date of this AD, and thereafter at intervals not to exceed 100 hours' time in service from the last inspection.

(b) If cracks are found, replace the elevator horn before further flight with a new horn, P/N 6000-9, manufactured after February 1, 1965, or an equivalent approved by the Chief, Aircraft Engineering Division, FAA Western Region.

(c) The repetitive inspections required by paragraph (a) may be discontinued when the elevator horn is replaced in accordance with paragraph (b).

NOTE: Elevator horn, P/N 6000-9, may be obtained from Shinn Engineering, Inc., 320 Dyer Road, Santa Ana, Calif.

This amendment becomes effective June 2, 1965.

(Secs. 313(a), 601, 603, Federal Aviation Act of 1958; 49 U.S.C. 1354(a), 1421, 1423)

Issued in Washington, D.C., on May 25, 1965.

C. W. WALKER,
Acting Director,
Flight Standards Service.

[F.R. Doc. 65-5679; Filed, June 1, 1965; 8:45 a.m.]

[Airspace Docket No. 65-SW-17]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Control Zone

The purpose of this amendment to Part 71 of the Federal Aviation Regulations is to alter the time of designation of the Lawton, Okla., control zone.

This control zone is presently designated on a full-time basis. The Department of the Army has advised that weather reporting service will now be available only from 0630 to 2230 hours, local time, daily. Action is taken herein to alter the time of designation of the Lawton control zone to coincide with the hours during which weather and communication services are provided.

Since the change effected by this amendment is less restrictive in nature than present requirements, notice and public procedures hereon are unnecessary and the rule may be made effective upon the date of publication in the FEDERAL REGISTER.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective upon the date of publication of this amendment in the FEDERAL REGISTER, as hereinafter set forth.

In § 71.171 (29 F.R. 17611), the Lawton, Okla., control zone is amended to add the following:

This control zone is effective from 0630 to 2230 hours, local time, daily.

(Sec. 307(a), Federal Aviation Act of 1958; 49 U.S.C. 1348)

Issued in Fort Worth, Tex., on May 24, 1965.

A. L. COULTER,
Acting Director, Southwest Region.

[F.R. Doc. 65-5680; Filed, June 1, 1965; 8:45 a.m.]

Title 17—COMMODITY AND SECURITIES EXCHANGES

Chapter II—Securities and Exchange Commission

[Release No. 34-7611]

PART 240—GENERAL RULES AND REGULATIONS, SECURITIES EXCHANGE ACT OF 1934

Capital Net Requirements for Brokers and Dealers

On January 15, 1965, in Securities Exchange Act Release No. 7507, and in the FEDERAL REGISTER of January 22, 1965, 30 F.R. 717, the Securities and Exchange Commission published its proposal to amend Rule 15c3-1 (17 CFR 240.15c3-1) under the Securities Exchange Act of 1934. This rule imposes specified financial responsibility requirements on brokers and dealers. The proposed amendments related to the imposition of minimum net capital requirements, the maintenance of reserves for customers' commodity accounts, modification of the exemptions available, and clarification and modification of other provisions, including the definition of "satisfactory subordination agreement." The Commission has considered the comments and suggestions received and has adopted the amendments in the form stated below.

A. Minimum net capital requirements. The amendment of paragraph (a) of the rule requires broker-dealers engaged in the general securities business to have and maintain a minimum net capital of $5,000. This is in addition to the provision that a broker-dealer shall not permit his "aggregate indebtedness" to exceed 2,000 per centum of his "net capital" as these terms are defined in the rule. Paragraph (a) also provides, however, that the minimum net capital requirement shall be $2,500 for a broker-dealer who does not hold customers' funds or securities and whose business is limited to the sale and redemption of redeemable shares of registered investment companies (mutual funds), the sale of securities for a customer to obtain funds for immediate reinvestment in mutual funds, and the solicitation of accounts for certain insured savings and loan associations. In this connection, the rule provides that such a broker-dealer transacting business as a sole proprietor may also effect occasional transactions in other securities for his own account with or through another registered broker-dealer. This additional provision is intended to make it possible for a sole proprietor-broker-dealer to effect occasional transactions under the conditions stated without being required to maintain minimum net capital of more than $2,500 if his activities are otherwise limited as provided in the proviso clause of subparagraph (a)(2) of the rule. Such a sole proprietor-broker-dealer should be aware, however, that all such transactions, whether the broker-dealer considers them to be part of his business or for his personal account, must be reflected in his books and records, and that securities so held will be treated for net capital purposes as otherwise provided in the rule.

The Report of the Special Study of Securities Markets recommended a minimum net capital requirement as an essential qualification for brokers and dealers entering the securities business, and the amendment of paragraph (a) of the rule implements this recommendation.[1] Among the reasons cited by the Study for the recommendation were the following: First, the securities business involves dealing with other people's funds, and no firm handling or having custody of customers' funds and securities should have such a small amount of its own resources in the business that customers' assets may, in fact, become the principal working capital of the firm. Second, the smooth and speedy functioning of market mechanisms requires members of the financial community to have confidence in each other's stability and responsibility, and this in turn requires each of such persons to have sufficient capital to have adequate personnel, resources and equipment so that each may rely upon the other's ability to do business responsibly. Third, if the liability to customers resulting from violations of state and federal law is to be a deterrent to improper conduct by broker-dealers they should not be judgment proof, but rather should have a substantial financial stake in their business. Finally, a fundamental consideration underlying all of the above reasons is that those entering the securities business should have such a sense of commitment and obligation to their business as to produce responsible, reliable operations.

The Study noted that while net capital ratio rules are desirable and necessary, the existing minimum capital and bonding requirements imposed by various exchanges and the States,[2] and the experience of the Commission, all point to the conclusion that these ratio rules are not sufficient in themselves. For example, the Study observed that a disproportionately large number of violations of Commission rules has occurred among broker-dealers with limited capital; that firms with low capital were involved in a high proportion of revocation proceedings and that firms with

[1] See Report of Special Study of Securities Markets, Pt. 1, pp. 83-93, 152-153, 160-162.

[2] Many States have imposed capital or bonding requirements on broker-dealers and adoption of a minimum capital requirement by the Commission would in no way supplant these requirements.

net capital smaller than $5,000 may have a significantly higher chance of falling into net capital difficulties under the Commission's ratio rule than those with a greater amount.

B. Reserve requirements for customers' commodity accounts. Subparagraph (c)(2) of the rule, which defines the term "net capital", provides that it shall mean the net worth of a broker or dealer (that is, the excess of total assets over total liabilities) subject to certain adjustments provided for in subsequent clauses. A new subdivision (vi) has been added to provide that in computing net capital there shall be deducted from net worth an amount equal to 1½ percent of the market values of the total long or total short futures contracts in each commodity, whichever is greater, carried for all customers.

Prior to this amendment Rule 15c3-1 (17 CFR 240.15c3-1) provided that in computing "net capital" there should be deducted from net worth 30 percent of the market value of all long and all short future commodity contracts carried in the capital and proprietary accounts of the broker-dealer, but it did not contain special provisions to afford protection against the risks incurred by brokers who buy and sell commodity futures contracts for customers. As evidenced by the Ira Haupt & Co. case, there appear to be situations in which, either because of the nature of trading in commodities futures or the limited amount of margin required to be obtained from customers under the rules of various commodity exchanges, brokers who effect futures commodities transactions for customers may incur liabilities which create additional risks for the funds and securities of securities customers. The New York Stock Exchange and other national securities exchanges whose members handle the vast majority of commodities futures transactions have imposed, as a result of the insolvency of Ira Haupt & Co., additional capital requirements on those members who conduct such a business. The new amendment of Rule 15c3-1 (17 CFR 240.15c3-1) will require broker-dealers not subject to such exchange rules to make appropriate adjustment in computing net capital if they carry future commodities contracts for customers.

C. Subordinated debt and subordination agreements. Subdivisions (c)(1)(ix) and (c)(2)(vii) of the rule contain provisions which have the effect of excluding from "aggregate indebtedness" and including as a part of "net capital" subordinated loans made to the broker-dealer pursuant to a "satisfactory subordination agreement" as that term is defined in subparagraph (c)(7) of the rule. The provisions of amended subparagraph (c)(7) make it clear that to be a "satisfactory subordination agreement" the loan must be for a period of not less than 1 year; that the subordination must continue until the loan is properly repaid; that the loan may not be repaid if the repayment would reduce the net capital of the broker or dealer below the amount required by the rule; and that the agreement may not be terminated, rescinded or modified by mutual consent or otherwise if the effect thereof would be to make it inconsistent with the conditions of the rule or to reduce the net capital of the broker-dealer below the amount required by the rule.

In addition, in order to facilitate enforcement of these provisions, subparagraph (c)(7) also now provides that two copies of the subordination agreement, and of any notes or written instruments evidencing the indebtedness, must be filed, within 10 days after the agreement is entered into, with the Regional Office of the Commission for the region in which the broker or dealer maintains his principal place of business, together with a statement of the name and address of the lender, the business relationship of the lender to the broker or dealer, and information as to whether the broker or dealer carried funds or securities for the lender at or about the time the agreement was entered into. The rule would provide, however, that if each copy of the agreement is bound separately and marked "Non-Public", it will be maintained in a nonpublic file.

D. Exemptions from the rule. 1. Prior to the amendments, subparagraph (b)(1) of the rule exempted a *broker* whose securities business was limited to acting as agent for an issuer in soliciting subscriptions for securities of the issuer, who promptly transmitted all funds and promptly delivered all securities received in connection therewith, and who did not otherwise hold funds or securities for or owe money or securities to customers. As amended, this exemption will be more limited than it was before: it will be available only to a *broker* also licensed as an insurance agent, whose securities business is limited to selling variable annuity contracts as agent for the issuer, who promptly transmits all funds and delivers all variable annuity contracts, and who does not otherwise hold funds or securities for or owe money or securities to customers, and only if the issuer files with the Commission a satisfactory undertaking that it assumes responsibility for all valid claims arising out of the activities of the agent.

General agents who sell variable annuities, even though they are independent contractors, are generally subject to certain supervision and control by the issuer. Funds received by the general agent in connection with his distribution of variable annuities are generally required to be held by him as a fiduciary and must be immediately paid over to the issuer without deduction and without commingling with his own funds, and the agents are also generally forbidden from receiving funds even on behalf of the company at any time, except as the initial premium. In addition to all the above, the availability of the exemption is conditioned upon the issuer filing with the Commission a satisfactory undertaking that it will assume responsibility for all valid claims arising out of the activities of the agent, and this undertaking would afford variable annuities customers of a particular broker additional protection. As in the case of subparagraph (a)(2) of the rule, subparagraph (b)(1) would provide that the exemption would not be unavailable to a broker conducting this limited type of business as a sole proprietor simply because he effects occasional transactions in other securities for his own account with or through another registered broker-dealer.

2. Subparagraph (b)(2) of the rule, which provides an exemption for members of specified exchanges, has been amended to make the exemption available only to members who are subject to specific capital requirements under the rules of the particular exchange, and only when they are members in good standing.

The Commission has reviewed the rules, settled practices and applicable regulatory procedures of the American, Boston, Midwest, New York, Pacific Coast, Philadelphia - Baltimore - Washington, and Pittsburgh Stock Exchanges and deems them to impose requirements more comprehensive than the provisions of Rule 15c3-1 (17 CFR 240.15c3-1). Consequently, subparagraph (b)(2) of the rule continues to provide an exemption for those members of each of such exchanges who are subject to specific capital requirements under the rules of the particular exchange while they remain members in good standing. A suspended member of any such exchange would immediately become subject to Rule 15c3-1 (17 CFR 240.15c3-1) and have to be in compliance therewith.

3. There is also a new subparagraph (b)(3) which provides that the Commission may, upon written application, exempt from Rule 15c3-1 (17 CFR 240.15c 3-1), either unconditionally or on specified terms and conditions, a broker or dealer who satisfies the Commission that because of the special nature of his business, his financial position, and the safeguards he has established for the protection of customers' funds and securities, it is not necessary in the public interest or for the protection of investors to subject the particular broker or dealer to the provisions of the rule. It should be noted, however, that this exemptive provision will be strictly construed. It is not intended to afford an exemption to all persons who were exempt under the former provisions of subparagraph (b)(1), nor to any other class or category of brokers or dealers. Only those broker-dealers who have substantial net worth and who, because of the special nature of their business, have safeguards for the protection of customers' funds and securities, should apply for exemption from the provisions of the rule; and any application for exemption should contain detailed information of all material facts so that the matter may ordinarily be considered on the basis of the information contained in the application.

When the amendments become effective. The effectiveness of the amendment of paragraph (a) of the rule has been postponed until December 1, 1965, in order that broker-dealers who do not now have the required minimum net capital will have additional time to bring themselves into compliance with the rule. After the minimum net capital requirements have been in effect for a reasonable period the adequacy of such requirements will be given further study to determine whether it is necessary for the protection of investors to modify such requirements and if so, to what extent.

Appropriate notice will, of course, be given before any such action is taken, and brokers, dealers and other interested persons will again have an opportunity to comment before any further action is taken.

Because most broker-dealers exempted under the former provisions of subparagraph (b)(1) will have to comply with the rule, the amendment to subparagraph (b)(1) has not been made effective until September 1, 1965. This means that such broker-dealers will not be subject to any part of Rule 15c3–1 (17 CFR 240.15c3–1) until September 1, 1965; that between September 1 and December 1, 1965, they will be subject to the provisions of subparagraph (a)(1) of the rule, which provides that their aggregate indebtedness shall not exceed 2,000 per centum of their net capital; and that after December 1, 1965, they will be subject to all provisions of the rule, including the minimum net capital requirements of subparagraph (a)(2).

All other amendments of the rule become effective July 1, 1965.

Statutory basis. The Securities and Exchange Commission, acting pursuant to the provisions of the Securities Exchange Act of 1934, and particularly sections 15(c)(3) and 23(a) thereof, deeming such action necessary and appropriate in the public interest and for the protection of investors and necessary to provide safeguards with respect to the financial responsibility of brokers and dealers, and also deeming such action necessary for the execution of the functions vested in the Commission by the Act, hereby amends Rule 15c3–1 (17 CFR 240.15c3–1) as stated below, effective July 1, 1965: *Provided, however,* That the amendment of subparagraph (b)(1) shall not become effective until September 1, 1965, and the amendment of paragraph (a) shall not become effective until December 1, 1965.

The action of the Commission follows:

Section 240.15c3–1 of Part 240, Chapter II of Title 17 of the Code of Federal Regulations is amended to read as follows:

§ 240.15c3–1 Net capital requirements for brokers and dealers.

(a) Every broker or dealer shall have the net capital necessary to comply with all the following conditions:

(1) His aggregate indebtedness to all other persons shall not exceed 2,000 per centum of his net capital; and

(2) He shall have and maintain net capital of not less than $5,000; except that the minimum net capital to be maintained by a broker or dealer meeting all of the following conditions shall be $2,500:

(i) His dealer transactions (as principal for his own account) are limited to the purchase, sale and redemption of redeemable shares of registered investment companies; except that a broker or dealer transacting business as a sole proprietor may also effect occasional transactions in other securities for his own account with or through another registered broker-dealer;

(ii) His transactions as broker (agent) are limited to: (a) the sale and redemption of redeemable securities of registered investment companies; (b) the solicitation of share accounts for savings and loan associations insured by an instrumentality of the United States; and (c) the sale of securities for the account of a customer to obtain funds for immediate reinvestment in redeemable securities of registered investment companies; and

(iii) He promptly transmits all funds and delivers all securities received in connection with his activities as a broker or dealer, and does not otherwise hold funds or securities for, or owe money or securities to, customers.

(b) *Exemptions:* (1) The provisions of this section shall not apply to any broker who is also a licensed insurance agent under the laws of any State or the District of Columbia, whose securities business is limited to effecting transactions in variable annuity contracts as general agent for the issuer, who promptly transmits all funds and delivers all variable annuity contracts received in connection therewith, and who does not otherwise hold funds or securities for or owe money or securities to customers, if the issuer files with the Commission an undertaking satisfactory to it that the issuer will assume responsibility for all valid claims arising out of all activities of such agent in effecting transactions in such variable annuity contracts: *Provided, however,* That a broker transacting business as a sole proprietor who meets all other conditions of this subparagraph (b)(1) may also effect occasional transactions in other securities for his own account with or through another registered broker-dealer.

(2) The provisions of this section shall not apply to any member in good standing and subject to the capital rules of the American Stock Exchange, the Boston Stock Exchange, the Midwest Stock Exchange, the New York Stock Exchange, the Pacific Coast Stock Exchange, the Philadelphia-Baltimore-Washington Stock Exchange, or the Pittsburgh Stock Exchange, whose rules, settled practices and applicable regulatory procedures are deemed by the Commission to impose requirements more comprehensive than the requirements of this section: *Provided, however,* That the exemption as to the members of any exchange may be suspended or withdrawn by the Commission at any time, by sending ten (10) days written notice to such exchange, if it appears to the Commission to be necessary or appropriate in the public interest or for the protection of investors so to do.

(3) The Commission may, upon written application, exempt from the provisions of this section, either unconditionally or on specified terms and conditions, any broker or dealer who satisfies the Commission that, because of the special nature of his business, his financial position, and the safeguards he has established for the protection of customers' funds and securities, it is not necessary in the public interest or for the protection of investors to subject the particular broker or dealer to the provisions of this section.

(c) Definitions: For the purpose of this section:

(1) The term "aggregate indebtedness" shall be deemed to mean the total money liabilities of a broker or dealer arising in connection with any transaction whatsoever, including, among other things: money borrowed; money payable against securities loaned and securities "failed to receive"; the market value of securities borrowed (except for delivery against customers' sales) to the extent to which no equivalent value is paid or credited; customers' free credit balances; credit balances in customers' accounts having short positions in securities; and equities in customers' commodities futures accounts; but excluding

(i) Indebtedness adequately collateralized, as hereinafter defined, by securities or spot commodities owned by the broker or dealer;

(ii) Indebtedness to other brokers or dealers adequately collateralized, as hereinafter defined, by securities or spot commodities owned by the broker or dealers;

(iii) Amounts payable against securities loaned which securities are owned by the broker or dealer;

(iv) Amounts payable against securities failed to receive which securities were purchased for the account of, and have not been sold by, the broker or dealer;

(v) Indebtedness adequately collateralized, as hereinafter defined, by exempted securities;

(vi) Amounts segregated in accordance with the Commodity Exchange Act and the rules and regulations thereunder;

(vii) Fixed liabilities adequately secured by real estate or any other asset which is not included in the computation of "net capital" under this section;

(viii) Liabilities on open contractual commitments; and

(ix) Indebtedness subordinated to the claims of general creditors pursuant to a satisfactory subordination agreement, as hereinafter defined.

(2) The term "net capital" shall be deemed to mean the net worth of a broker or dealer (that is, the excess of total assets over total liabilities), adjusted by

(i) Adding unrealized profits (or deducting unrealized losses) in the accounts of the broker or dealer and, if such broker or dealer is a partnership, adding equities (or deducting deficits) in accounts of partners, as hereinafter defined;

(ii) Deducting fixed assets and assets which cannot be readily converted into cash (less any indebtedness secured thereby) including, among other things, real estate; furniture and fixtures; exchange memberships; prepaid rent, insurance and expenses; good will; organization expenses; all unsecured advances and loans; customers' unsecured notes and accounts; and deficits in customers' accounts, except in bona fide cash accounts within the meaning of section 4(c) of Regulation T of the Board of Governors of the Federal Reserve System;

(iii) Deducting the percentages specified below of the market value of all securities, long and short (except exempted securities) in the capital, proprietary and other accounts of the broker or dealer, including securities loaned to the broker or dealer pursuant to a satisfactory subordination agreement, as hereinafter defined, and if such broker or dealer is a partnership, in the accounts of partners, as hereinafter defined:

(a) In the case of nonconvertible debt securities having a fixed interest rate and a fixed maturity date which are not in default, if the market value is not more than 5 percent below the face value, the deduction shall be 5 percent of such market value; if the market value is more than 5 percent but not more than 30 percent below the face value, the deduction shall be a percentage of market value, equal to the percentage by which the market value is below the face value; and if the market value is 30 percent or more below the face value, such deduction shall be 30 percent;

(b) In the case of cumulative, nonconvertible preferred stock ranking prior to all other classes of stock of the same issuer, which is not in arrears as to dividends, the deduction shall be 20 percent;

(c) On all other securities, the deduction shall be 30 percent;

Provided, however, That such deduction need not be made in the case of (1) a security which is convertible into or exchangeable for other securities within a period of 30 days, subject to no conditions other than the payment of money, and the other securities into which such security is convertible, or for which it is exchangeable, are short in the accounts of such broker or dealer or partner, or (2) a security which has been called for redemption and which is redeemable within 90 days.

(iv) Deducting 30 percent of the market value of all "long" and all "short" future commodity contracts (other than those contracts representing spreads or straddles in the same commodity and those contracts offsetting or hedging any "spot" commodity positions) carried in the capital, proprietary or other accounts of the broker or dealer and, if such broker or dealer is a partnership, in the accounts of partners as hereinafter defined;

(v) Deducting, in the case of a broker or dealer who has open contractual commitments, the respective percentages specified in subdivision (iii) of this subparagraph of the value (which shall be the market value whenever there is a market) of each net long and each net short position contemplated by any existing contractual commitment in the capital, proprietary and other accounts of the broker or dealer and, if such broker or dealer is a partnership, in accounts of partners, as hereinafter defined: *Provided, however,* That this deduction shall not apply to exempted securities, and that the deduction with respect to any individual commitment

shall be reduced by the unrealized profit, in an amount not greater than the percentage deduction provided for in subdivision (iii) of this subparagraph (or increased by the unrealized loss) in such commitment; and that in no event shall an unrealized profit on any closed transactions operate to increase net capital;

(vi) Deducting an amount equal to 1½ percent of the market values of the total long or total short futures contracts in each commodity, whichever is greater, carried for all customers;

(vii) Excluding liabilities of the broker or dealer which are subordinated to the claims of general creditors pursuant to a satisfactory subordination agreement, as hereinafter defined; and

(viii) Deducting, in the case of a broker or dealer who is a sole proprietor, the excess of (a) liabilities which have not been incurred in the course of business as a broker or dealer over (b) assets not used in the business.

(3) The term "exempted securities" shall mean those securities specifically defined as exempted securities in section 3(a) of the Act.

(4) The term "accounts of partners", where the broker or dealer is a partnership, shall mean accounts of partners who have agreed in writing that the equity in such accounts maintained with such partnership shall be included as partnership property.

(5) The term "contractual commitments" shall include underwriting, when-issued, when-distributed and delayed delivery contracts, endorsement of puts and calls, commitments in foreign currencies, and spot (cash) commodities contracts, but shall not include uncleared regular way purchases and sales of securities and contracts in commodities futures; a series of contracts of purchase or sale of the same security conditioned, if at all, only upon issuance may be treated as an individual commitment.

(6) Indebtedness shall be deemed to be "adequately collateralized" within the meaning of this section, when the difference between the amount of the indebtedness and the market value of the collateral is sufficient to make the loan acceptable as a fully secured loan to banks regularly making comparable loans to brokers or dealers in the community.

(7) The term "satisfactory subordination agreement" shall mean a written agreement duly executed by the broker or dealer and the lender, which agreement is binding and enforceable in accordance with its terms upon the lender, his creditors, heirs, executors, administrators, and assigns, and which agreement satisfies all of the following conditions:

(i) It effectively subordinates any right of the lender to demand or receive payment or return of the cash or securities loaned to the claims of all present and future creditors of the broker or dealer;

(ii) The cash or securities are loaned for a term of not less than one year;

(iii) It provides that the agreement shall not be subject to cancellation by either party, and that the loan shall not be repaid and the agreement shall not be terminated, rescinded or modified by mutual consent or otherwise if the effect thereof would be to make the agreement inconsistent with the conditions of this section or to reduce the net capital of the broker or dealer below the amount required by this section;

(iv) It provides that no default in the payment of interest or in the performance of any covenant or condition by the broker or dealer shall have the effect of accelerating the maturity of the indebtedness;

(v) It provides that any notes or other written instruments evidencing the indebtedness shall bear on their face an appropriate legend stating that such notes or instruments are issued subject to the provisions of a subordination agreement which shall be adequately referred to and incorporated by reference;

(vi) It provides that any securities or other property loaned to the broker or dealer pursuant to its provisions may be used and dealt with by the broker or dealer as part of his capital and shall be subject to the risks of the business; and

(vii) Two copies of such agreement, and of any notes or written instruments evidencing the indebtedness, are filed, within 10 days after such agreement is entered into, with the Regional Office of the Commission for the region in which the broker or dealer maintains his principal place of business, together with a statement of the full name and address of the lender, the business relationship of the lender to the broker or dealer, and whether the broker or dealer carried funds or securities for the lender at or about the time the agreement was entered into. If each copy of such agreement is bound separately and clearly marked "Non-Public" such agreements shall be maintained in a nonpublic file: *Provided, however,* That they shall be available, for official use, to any official or employee of the United States or any State; to any national securities exchange and any registered national securities association of which the broker or dealer filing such agreements is a member; and to any other person to whom the Commission authorizes disclosure in the public interest.

(8) The term "customer" shall mean every person except the broker or dealer: *Provided, however,* That partners who maintain "accounts of partners" as herein defined shall not be deemed to be customers insofar as such accounts are concerned.

(Secs. 15(c)(3), 23(a), 48 Stat. 895, 901, as amended; 15 U.S.C. 78o, 78w)

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

MAY 26, 1965.

[F.R. Doc. 65–5681; Filed, June 1, 1965; 8:45 a.m.]

Title 18—CONSERVATION OF POWER AND WATER RESOURCES

Chapter I—Federal Power Commission

SUBCHAPTER B—REGULATIONS UNDER THE NATURAL GAS ACT

[Docket No. R-275; Order 296]

PART 157—APPLICATIONS FOR CERTIFICATES OF PUBLIC CONVENIENCE AND NECESSITY AND FOR ORDERS PERMITTING AND APPROVING ABANDONMENT UNDER SECTION 7 OF THE NATURAL GAS ACT

Natural Gas Pipeline Companies; Budget Applications, Direct Sales

MAY 25, 1965.

Section 157.7(c)(1)(ii) of the regulations allows a pipeline company to request budget-type certificate authority to make direct sales of natural gas to consumers, located outside of local distributors' franchise areas, who will use the gas solely for certain specifically designated purposes. Recent applications under this section indicate that there are other purposes for which such relatively minor direct sales are made. There is no apparent reason why they, too, should not be permitted in a budget-type certificate, provided such sales are within the cost, time, volume, end-use and other limitations set out in the other portions of paragraph (c) of the section. We are, therefore, amending the rule to effect this change.

The Commission finds:

(1) The amendment adopted herein is necessary and appropriate for the purposes of the administration of the Natural Gas Act.

(2) Since this amendment imposes no new requirement on the persons affected thereby but, rather, relaxes existing requirements; and in view of the fact that the comments on the provision being amended herein (submitted by distributing companies during the proceeding in Docket No. R-254 which culminated in the rule now being amended) were not concerned with the purposes for which direct sales were made so long as their existing franchise was protected, it is unnecessary to comply with the notice, hearing, and effective date requirements of section 4 of the Administrative Procedure Act.

The Commission, acting pursuant to the authority granted by the Natural Gas Act, as amended, particularly sections 7 and 16 thereof (52 Stat. 825, 830; 56 Stat. 83; 15 U.S.C. 717f, 717o) orders:

(A) Effective upon the issuance of this order, subdivision (ii) of § 157.7(c)(1) of regulations under the Natural Gas Act, Subchapter E, Chapter I of Title 18 of the Code of Federal Regulations, is amended to read as follows:

§ 157.7 Abbreviated applications.

* * * * *

(c) *Gas-sales or transportation facilities—budget-type application.* * * *

(1) * * *

(ii) Direct sales of natural gas to consumers located in areas outside the franchise area of any local distributor.

* * * * *

(Secs. 7, 16, 52 Stat. 825, 830, 56 Stat. 83; 15 U.S.C. 717f, 717o)

(B) The Secretary shall cause prompt publication of this order to be made in the FEDERAL REGISTER.

By the Commission.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F.R. Doc. 65-5685; Filed, June 1, 1965; 8:45 a.m.]

Title 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

SUBCHAPTER B—FOOD AND FOOD PRODUCTS

PART 20—FROZEN DESSERTS

Order Postponing Effective Date of Certain Labeling Requirements in Standards of Identity for Ice Cream, Fruit Sherbet, and Water Ices

By order published December 22, 1964 (29 F.R. 18123), the standards of identity for ice cream, fruit sherbert, and water ices were amended to permit the use of additional optional ingredients and to modify the labeling requirements for these foods. The order set the effective date for these amendments at 180 days following publication (June 20, 1965).

No objections were filed to the substantive provisions of the amendments; however, the International Association of Ice Cream Manufacturers, several producers of frozen desserts, and others concerned with supplying carton to frozen-dessert producers submitted requests for extension of the effective date. None of these statements requested postponement of the amendments covering the use of additional optional ingredients. All the statements were concerned with the need for an extension of time for printing cartons to comply with the labeling requirements of the frozen dessert standards, as amended. Showings were made that if the labeling requirements should become effective June 20, 1965, this would result in substantial economic losses from cartons rendered obsolete. Showings were also made that the number that will be required exceeds the capacity of the carton manufacturers to supply by June 20, 1965. Another factor that has been taken into account in considering the requests for postponement of the effective date for the labeling requirements is the petition filed by the International Association of Ice Cream Manufacturers. This petition proposes that amendments be made in the labeling requirements for ice cream as set out in § 20.1(g).

It is concluded that reasonable grounds have been furnished to support the issuance of an order extending the effective date for the labeling requirements for frozen desserts until December 31, 1965. Accordingly, pursuant to the authority provided in the Federal Food, Drug, and Cosmetic Act (secs. 401, 701, 52 Stat. 1046, 1055, as amended; 21 U.S.C. 341, 371) and delegated to the Commissioner of Food and Drugs by the Secretary of Health, Education, and Welfare (21 CFR 2.90): *It is ordered*, That the effective date be and hereby is postponed for the labeling requirements set out in paragraph (g) of the standard for ice cream (§ 20.1), in paragraph (g) of the standard for fruit sherbet (§ 20.4), and in paragraph (f) of the standard for water ices (§ 20.5). These paragraphs of the regulations shall become effective December 31, 1965.

(Secs. 401, 701, 52 Stat. 1046, 1055, as amended; 21 U.S.C. 341, 371)

Dated: May 25, 1965.

GEO. P. LARRICK, *Commissioner of Food and Drugs.*

[F.R. Doc. 65-5720; Filed, June 1, 1965; 8:48 a.m.]

PART 120—TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

PART 121—FOOD ADDITIVES

Subpart C—Food Additives Permitted in Animal Feed and Drinking Water of Animals or for the Treatment of Food-Producing Animals

TOLERANCES FOR RESIDUES OF INORGANIC BROMIDES (CALCULATED AS BR) FROM SOIL TREATMENT WITH 1,2-DIBROMO-3-CHLOROPROPANE

1. A petition (PP 4F0417) was filed with Food and Drug Administration by Shell Chemical Co., Division of Shell Oil Co., 110 West Fifty-first Street, New York 20, N.Y., and Dow Chemical Co., Midland, Mich., requesting an increase from 5 parts per million to 20 parts per million in the established tolerance for residues of inorganic bromides (calculated as Br) in or on citrus fruits resulting from soil treatment with the nematocide 1,2-bromo-3-chloropropane.

The Secretary of Agriculture has certified that this pesticide chemical is useful for the purpose for which a tolerance is being established.

After consideration of the data submitted in the petition and other relevant material which show that the tolerance established in this order will protect the public health, and by virtue of the authority vested in the Secretary of Health, Education, and Welfare by the Federal Food, Drug, and Cosmetic Act (sec. 408(d)(2), 68 Stat. 512 as amended; 21 U.S.C. 346a(d)(2)) and delegated to the Commissioner of Food and Drugs by the Secretary (21 CFR 2.90), the regulations for tolerances for pesticide chemicals in or on raw agricultural commodities (21 CFR 120.197) are amended by deleting "citrus" from the item "5 parts per million * * *," and inserting after the item "25 parts per million" a new item reading "20 parts per million in or on citrus fruits." As amended, the affected portions of the section read as follows:

§ 120.197 Inorganic bromides resulting from soil treatment with 1,2-dibromo-3-chloropropane; tolerances for residues.

* * * * *

20 parts per million in or on citrus fruits.

* * * * *

5 parts per million in or on apricots, nectarines, peaches.

(Sec. 408(d)(2); 68 Stat. 512 as amended; 21 U.S.C. 346a(d)(2))

2. The Commissioner of Food and Drugs, having evaluated the data submitted in a petition (FAP 4H1400) filed jointly by Shell Chemical Co., Division of Shell Oil Co., 110 West Fifty-first Street, New York 20, N.Y., and Dow Chemical Co., Midland, Mich., and other relevant material, has concluded that the following regulation should issue in conformance with section 409 of the Federal Food, Drug, and Cosmetic Act with respect to residues of the nematocide 1,2-dibromo-3-chloropropane in or on dehydrated citrus pulp for cattle feed. Such residues have been shown to occur from application of the pesticide chemical to the growing agricultural crop under pesticidal uses provided for by a concurrent regulation under section 408 of the act. Therefore, pursuant to the provisions of the act (sec. 409(c)(4), 72 Stat. 1786; 21 U.S.C. 348(c)(4)), and under the authority delegated to the Commissioner by the Secretary of Health, Education, and Welfare (21 CFR 2.90), the food additive regulations are amended by the addition to Subpart C of a new section, as follows:

§ 121.270 Inorganic bromides.

A tolerance of 90 parts per million is established for residues of inorganic bromide (calculated as Br) in or on dehydrated citrus pulp for cattle feed resulting from carryover and concentration of residues in this feed item, when present therein as a result of soil treatment with the nematocide 1,2-dibromo-3-chloropropane in the production of citrus fruits.

(Sec. 409(c)(4), 72 Stat. 1786; 21 U.S.C. 348(c)(4))

Any person who will be adversely affected by the foregoing order may at any time within 30 days from the date of its publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington, D.C., 20201, written objections thereto, preferably in quintuplicate. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof.

Effective date. This order shall be effective on the date of its publication in the FEDERAL REGISTER.

(Secs. 408, 409, 68 Stat. 512 as amended; 72 Stat. 1786; 21 U.S.C. 346a, 348)

Dated: May 25, 1965.

GEO. P. LARRICK, *Commissioner of Food and Drugs.*

[F.R. Doc. 65-5721; Filed, June 1, 1965; 8:48 a.m.]

Title 26—INTERNAL REVENUE

Chapter I—Internal Revenue Service, Department of the Treasury

SUBCHAPTER A—INCOME TAX

[T.D. 6825]

PART 1—INCOME TAX; TAXABLE YEARS BEGINNING AFTER DECEMBER 31, 1953

Gain Attributable to Amortization Deduction

On January 6, 1965, notice of proposed rule making, with respect to the amendment of the Income Tax Regulations (26 CFR Part 1) under section 1238 of the Internal Revenue Code of 1954 and the provision that rules similar to those in such regulations are to be followed in the case of taxable years to which Regulations 111 and 118 (26 CFR (1939) Parts 29 and 39) apply, was published in the FEDERAL REGISTER (30 F.R. 91). After consideration of all such relevant matter as was presented by interested persons regarding the rules proposed, the amendments of the regulations as proposed are hereby adopted.

[SEAL] SHELDON S. COHEN, *Commissioner of Internal Revenue.*

Approved: May 24, 1965.

STANLEY S. SURREY, *Assistant Secretary of the Treasury.*

In order to correct examples contained in the Income Tax Regulations (26 CFR Part 1) under section 1238 of the Internal Revenue Code of 1954, relating to amortization in excess of depreciation, so that they conform to the longstanding principles which are stated in Revenue Ruling 62-92, C.B. 1962-1, 29, and illustrated by the decision in Bertrand W. Cohn, et al. v. United States, 259 F. 2d 371 (6th Cir. 1958) and in order to provide that rules similar to those in such regulations are to be followed in the case of taxable years to which Regulations 111 and 118 (26 CFR (1939) Parts 29 and 39) apply, such regulations are amended as follows:

PARAGRAPH 1. Examples (1) and (2) of paragraph (a) of § 1.1238-1 are amended to read as follows:

§ 1.1238-1 Amortization in excess of depreciation.

(a) *In general.* * * *

Example (1). On December 31, 1954, a taxpayer making his income tax returns on a calendar year basis acquires at a cost of $20,000 an emergency facility (used in his business) 50 percent of the adjusted basis of which has been certified under section 168(e). The facility would normally have a useful life of 20 years and a salvage value of $2,000 allocable equally between the certified and uncertified portions. Under section 168 the taxpayer elects to begin the 60-month amortization period on January 1, 1955. He takes amortization deductions with respect to the certified portion in the amount of $4,000 for the years 1955 and 1956 (24 months). On December 31, 1956, he sells the facility for a price of $19,000 which is allocable equally between the certified and uncertified portions. The adjusted basis of the certified portion on that date is $6,000 ($10,000 cost, less $4,000 amortization). With respect to the uncertified portion, the straight line method of depreciation is used and a deduction for depreciation in the amount of $450 is claimed and allowed for the year 1955. The adjusted basis of the uncertified portion on January 1, 1956, is $9,550 ($10,000 cost, less $450 depreciation). The depreciation allowance for the uncertified portion for the year 1956 would be limited to $50, the amount by which the adjusted basis of such portion at the beginning of the year exceeded its aliquot portion of the sales price. Thus, on December 31, 1956, the adjusted basis of the uncertified portion would be $9,500. Without regard to section 168, and using the rate and method the taxpayer properly applied to the uncertified portion of the facility, the adjusted basis of the certified portion on December 31, 1956, would be $9,500, computed in the same manner as the adjusted basis of the uncertified portion. The difference between the facility's actual adjusted basis ($15,500) and its adjusted basis determined without regard to section 168 ($19,000), is $3,500. Accordingly, the entire $3,500 gain on the sale of the facility ($19,000 sale price, less $15,500 adjusted basis) is treated as ordinary income.

Example (2). Assume that the entire facility in example (1) had been certified under section 168(e) and that, therefore, the adjusted basis of the facility on December 31, 1956, is $12,000. Assume further that the taxpayer adopts straight line depreciation as a proper method of depreciation for determining the adjusted basis of the facility without regard to section 168. Thus, the adjusted basis, without regard to section 168, would be $19,000. This amount is $7,000 more than the $12,000 adjusted basis under section 168. Hence, the entire $7,000 gain on the sale of the facility ($19,000 sale price less $12,000 adjusted basis) is treated as ordinary income.

* * * * *

PAR. 2. The amendments of examples (1) and (2) of paragraph (a) of § 1.1238-1 of the Income Tax Regulations, covering taxable years beginning after December 31, 1953, and ending after August 16, 1954, as set fourth in paragraph 1 of this Treasury decision, are hereby made applicable to the taxable years covered by Regulations 111 and 118 (26 CFR (1939) Parts 29 and 39).

(Sec. 7805 of the Internal Revenue Code of 1954; 68A Stat. 917; 26 U.S.C. 7805, and sec. 3791 of the Internal Revenue Code of 1939; 53 Stat. 467; 26 U.S.C. (1952 ed.) 3791)

[F.R. Doc. 65-5648; Filed, June 1, 1965; 8:45 a.m.]

Title 50—WILDLIFE AND FISHERIES

Chapter I—Bureau of Sport Fisheries and Wildlife, Fish and Wildlife Service, Department of the Interior

PART 33—SPORT FISHING

Union Slough National Wildlife Refuge, Iowa

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER.

§ 33.5 Special regulations; sport fishing; for individual wildlife refuge areas.

IOWA

UNION SLOUGH NATIONAL WILDLIFE REFUGE

Sport fishing on the Union Slough National Wildlife Refuge, Iowa, is permitted only on the area designated by signs as open to fishing. This open area is delineated on a map available at refuge headquarters and from the office of the Regional Director, Bureau of Sport Fisheries and Wildlife, 1006 West Lake Street, Minneapolis, Minn., 55408. Sport fishing shall be in accordance with all applicable State regulations subject to the following special condition:

(1) The open season for sport fishing on the refuge extends from May 29, 1965, through September 30, 1965, during daylight hours only.

(2) The use of boats is not permitted.

(3) The use of minnows or fish, or parts thereof, for bait is not permitted.

The provisions of this special regulation supplement the regulations which govern fishing on wildlife refuge areas generally which are set forth in Title 50, Part 33, and are effective through September 30, 1965.

Dated: May 24, 1965.

URBAN C. NELSON,
Acting Regional Director, Bureau of Sport Fisheries and Wildlife.

[F.R. Doc. 65-5691; Filed, June 1, 1965; 8:46 a.m.]

PART 33—SPORT FISHING

Modoc National Wildlife Refuge, California

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER.

§ 33.5 Special regulations; sport fishing; for individual wildlife refuge areas.

CALIFORNIA

MODOC NATIONAL WILDLIFE REFUGE

Sport fishing on the Modoc National Wildlife Refuge, Calif., is permitted only on the area designated by signs as open to fishing. This open area, comprising 600 acres, is delineated on maps available at the refuge headquarters and from the office of the Regional Director, Bureau of Sport Fisheries and Wildlife, 1002 Northeast Holladay Street, Portland, Oreg., 97208. Sport fishing shall be in accordance with all applicable State regulations, subject to the following special conditions:

(1) Sport fishing will be permitted the entire year except closed during migratory waterfowl hunting season.

(2) The use of boats, with or without motors, may be used for fishing.

The provisions of this special regulation supplement the regulations which govern fishing on wildlife refuge areas generally, which are set forth in Title 50, Code of Federal Regulations, Part 33, and are effective to March 1, 1966.

PAUL T. QUICK,
Regional Director, Bureau of Sport Fisheries and Wildlife.

MAY 20, 1965.

[F.R. Doc. 65-5708; Filed, June 1, 1965; 8:47 a.m.]

Chapter II—Bureau of Commercial Fisheries, Fish and Wildlife Service, Department of the Interior

SUBCHAPTER G—PROCESSED FISHERY PRODUCTS, PROCESSED PRODUCTS THEREOF, AND CERTAIN OTHER PROCESSED FOOD PRODUCTS

PART 260—INSPECTION AND CERTIFICATION

PART 266—UNITED STATES STANDARDS FOR GRADES OF FROZEN RAW BREADED FISH PORTIONS

Miscellaneous Amendments

Notice is hereby given that pursuant to the authority vested in the Secretary of the Interior by sections 203 and 205 of Title II of the Agricultural Marketing Act of 1946, as amended, and of the authority transferred to the Department of the Interior by section 6(a) of the Fish and Wildlife Act of 1956, as amended, it is proposed to adopt amendments to Part 260—Inspection and Certification, and Part 266—U.S. Standards for Grades of Frozen Raw Breaded Fish Portions as set forth below. The features of these amendments are to delete the words sirup, sirup density, and viner refuse, where they appear in Part 260; to add the letters "U.S." to an approved inspection mark illustrated as Figure 5 in Part 260; and to substitute the words "uniformly shaped" for the word "rectangular-shaped" in Part 266.

Inasmuch as these amendments involve minor technical changes in Title 50, notice and public procedure thereon have been deemed unnecessary and the amendments shall become effective upon publication in the FEDERAL REGISTER.

In Part 260—Inspection and Certification:

1. In § 260.6, item (b)(1) of *Inspection service* is amended to read as follows:

§ 260.6 Terms defined.

* * * * * * *

Inspection service. * * *

(b) * * *

(1) Essential characteristics such as style, type, size, or identity of any processed product which differentiates between major groups of the same kind;

* * * * * * *

2. Section 260.23 is amended to read as follows:

§ 260.23 Postponing inspection service.

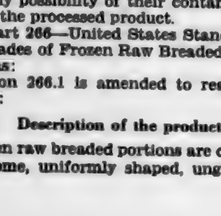
If the inspector determines that it is not possible to accurately ascertain the quality or condition of a processed product immediately after processing because the product has not reached equilibrium in color, or drained weight, or for any other substantial reason, he may postpone inspection service for such period as may be necessary.

3. In § 260.86, paragraph (b), figure 5 is amended as set forth below:

§ 260.86 Approved identification.

* * * * * * *

(b) *Inspection marks.* * * *



Statement enclosed within a shield.

FIGURE 5.

* * * * * * *

4. Section 260.98(b) is amended to read as follows:

§ 260.98 Premises.

* * * * * * *

(b) Litter, waste, and refuse (e.g. garbage, offal, and damaged containers) within the immediate vicinity of the plant, buildings, or structures;

* * * * * * *

5. Section 260.99(g) is amended to read as set forth below:

§ 260.99 Buildings and structures.

* * * * * * *

(g) Every practical precaution shall be taken to exclude dogs, cats, and vermin (including, but not being limited to, rodents and insects) from the rooms from which processed products are being prepared or handled and from any rooms from which ingredients (including, but not being limited to salt, sugar, spices, flour, and fishery products) are handled or stored. Screens, or other devices, adequate to prevent the passage of insects shall, where practical, be provided for all outside doors and openings. The use of poisonous cleaning agents, insecticides, bactericides, or rodent poisons shall not be permitted except under such precautions and restrictions as will prevent any possibility of their contamination of the processed product.

In Part 266—United States Standards For Grades of Frozen Raw Breaded Fish Portions:

Section 266.1 is amended to read as follows:

§ 266.1 Description of the product.

Frozen raw breaded portions are clean, wholesome, uniformly shaped, unglazed masses of cohering pieces (not ground) of fish flesh coated with breading. The portions are cut from frozen fish blocks; are coated with a suitable, wholesome batter and breading; and are packaged and frozen in accordance with good commercial practice. They are maintained at temperatures necessary for the preservation of the product. Frozen raw breaded fish portions weigh more than 1½ ounces, and are at least ⅝-inch thick. Frozen raw breaded fish portions contain not less than 75 percent, by weight, of fish flesh. All portions in an individual package are prepared from the flesh of one species of fish.

These regulations shall become effective upon publication in the FEDERAL REGISTER.

(Sec. 6, 70 Stat. 1122; 16 U.S.C. 742e; secs. 203, 205, 60 Stat. 1087, 1090, as amended; 7 U.S.C. 1622, 1624)

JOHN A. CARVER, JR.,
Under Secretary of the Interior.

MAY 26, 1965.

[F.R. Doc. 65-5692; Filed, June 1, 1965; 8:46 a.m.]

Proposed Rule Making

DEPARTMENT OF AGRICULTURE

Consumer and Marketing Service

[7 CFR Part 916]

HANDLING OF NECTARINES GROWN IN CALIFORNIA

Proposed Size Limitation for Specified Varieties

Consideration is being given to the proposal submitted by the Nectarine Administrative Committee, established under the marketing agreement and Order No. 916, regulating the handling of nectarines grown in California issued under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), that the sizes of the Early Le Grand, Grand Prize, Granderli, Royal Grand, Freedom, Grandeur, Le Grand, Late Le Grand, Golden Grand, Gold King, Red Grand, Marigold, September Grand or Regal Grand varieties of nectarines be limited as follows:

(1) During the period beginning at 12:01 a.m., P.s.t., June 27, 1965, and ending at 12:01 a.m., P.s.t., November 1, 1965, no handler shall handle any package or container of Early Le Grand, Grand Prize, Granderli, Royal Grand, Freedom, Grandeur, Le Grand, Late Le Grand, Golden Grand, Gold King, Red Grand, Marigold, September Grand, or Regal Grand nectarines unless:

(i) Such nectarines, when packed in a No. 26 standard lug box, or in a No. 27 standard lug box, are of a size that will pack, in accordance with the requirements of a standard pack, not more than 88 nectarines in the respective lug box; or

(ii) Such nectarines, when packed in any container other than in a No. 26 standard lug box, or in a No. 27 standard lug box, measure not less than two and one-quarter (2¼) inches in diameter: *Provided,* That not to exceed ten (10) percent, by count, of the nectarines in any such container may fail to meet such diameter requirement.

(2) When used herein, "diameter" and "standard pack" shall have the same meaning as set forth in the U.S. Standards for Nectarines (7 CFR 51.3145–51.3159); "No. 26 standard lug box" and "No. 27 standard lug box," respectively, shall have the same meaning as set forth in § 828.4 of the Agricultural Code of California, and all other terms shall have the same meaning as when used in the marketing agreement and order.

All persons who desire to submit written data, views, or arguments in connection with the aforesaid proposal should file same in quadruplicate with the Hearing Clerk, U.S. Department of Agriculture, Room 112, Administration Building, Washington, D.C. 20250, not later than the 10th day after publication of this notice in the FEDERAL REGISTER. All written submissions made pursuant to this notice will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

Dated: May 26, 1965.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 65-5695; Filed, June 1, 1965; 8:46 a.m.]

[7 CFR Part 1133]

[Docket No. AO-378-A11]

MILK IN INLAND EMPIRE MARKETING AREA

Notice of Recommended Decision and Opportunity To File Written Exceptions on Proposed Amendments to Tentative Marketing Agreement and Order

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of the filing with the Hearing Clerk of this recommended decision with respect to proposed amendments to the tentative marketing agreement and order regulating the handling of milk in the Inland Empire marketing area. Interested parties may file written exceptions to this decision with the Hearing Clerk, U.S. Department of Agriculture, Washington, D.C., 20250, by the 7th day after publication of this decision in the FEDERAL REGISTER. The exceptions should be filed in quadruplicate. All written submissions made pursuant to this notice will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

Preliminary statement. The hearing on the record of which the proposed amendments, as hereinafter set forth, to the tentative marketing agreement and to the order as amended, were formulated, was conducted at Spokane, Wash., on April 14, 1965, pursuant to notice thereof which was issued March 15, 1965 (30 F.R. 3606).

The material issues on the record of the hearing relate to:

1. Marketing area;
2. Diversion of producer milk;
3. Accounting for receipts of other source milk; and
4. Class I price supply-demand adjuster.

Findings and conclusions. The following findings and conclusions on the material issues are based on evidence presented at the hearing and the record thereof:

1. *Marketing area.* The villages of Juliaetta and Kendrick in Latah County, Idaho, should continue to be included in the Inland Empire marketing area.

These villages are located about 4 miles apart in the very southern-most portion of the defined marketing area. Their combined population at the time of the 1960 U.S. census was 811. Fluid milk products are distributed in the two villages by the operator of a partially-regulated distributing plant and by two fully regulated handlers.

The operator of the partially-regulated distributing plant proposed that Juliaetta and Kendrick be deleted from the defined marketing area. The adoption of this proposal was desired so that the handler no longer would be required to make what were described by a witness as "penalty payments" to the producer-settlement fund with respect to the in-area fluid milk sales in these villages. It was contended that by eliminating such payments the farmers supplying the handler with milk would be relieved of the burden of these payments which they themselves had mutually agreed to bear.

Proponent's Class I sales in the marketing area are not sufficient to cause his plant to be fully regulated under the order. As a "fringe area" handler, however, he is subject to regulation with respect to those fluid milk sales which he makes in the marketing area. The decision of the Assistant Secretary issued June 19, 1964 (29 F.R. 9214), concerning proposed amendments to this order sets forth in considerable detail the need and basis for the pricing of fluid milk distributed in the marketing area from a plant not regulated under the order. Such amendments became effective August 1, 1964 (29 F.R. 10990).

Proponent has three options with respect to his obligations under the order on his in-area sales. He may elect to pay to the producer-settlement fund any amount by which the classified use value of his total milk receipts exceeds his actual payments to dairy farmers. Under this option, it is necessary for the handler to submit to the market administrator sufficient information concerning his processing and distribution operations so that his obligation may be computed as though the plant were a pool plant. This option, often referred to by the industry as the "Wichita option", is advantageous to an unregulated handler who pays his farmers the equivalent of the order class prices. Under a second option, proponent may elect to pay to the producer-settlement fund the difference between the order Class I price and weighted average price of all producer milk in the market, each applicable at the location of the handler's plant, with respect to each hundredweight of Class I milk he distributes within the marketing area. If he desires not to obligate himself for this type of pool payment, he may, under the third

option, offset his in-area sales by purchasing Class I milk from pool plants or plants regulated under other orders.

Proponent has been meeting his order obligation on his in-area sales by paying to the producer-settlement fund the difference between the order Class I price and weighted average price of all producer milk. The handler's payments to the farmers supplying him milk are sufficiently high, however, that if he were to elect the Wichita option his obligation under the order would be limited merely to administrative assessments. The handler is aware of the opportunity to reduce his pool obligations by use of the Wichita option.

The order provides proponent with a means through which relief from the obligations of which there is complaint may be obtained. There is no indication that the conditions under which it was found appropriate to include these villages in the marketing area have changed in a manner which warrants changing the marketing area boundaries for proponent's purpose. Accordingly, the proposal is denied.

2. *Diversion of producer milk.* The present diversion provisions should be changed to allow limited diversions of producer milk to nonpool plants in all months of the year. Such limits should be based on a certain percentage of the combined deliveries of milk by producers to all pool plants, including eligible diversions. The order should provide also that two or more cooperative associations may have their allowable diversions computed on the basis of the combined deliveries of milk by their producer members.

Presently, producer milk may not be diverted to a nonpool plant during any of the months of July through November. In the other months of the year, producer milk may be diverted without limit to a nonpool plant by either a cooperative association or a proprietary handler. However, a producer whose milk is so diverted must have delivered milk to a pool plant during some portion of the immediately preceding period of July through November.

A cooperative association proposed that diversion of producer milk to nonpool plants be allowed during any month but on a limited basis. In the case of a cooperative association, diversions would be limited to 25 percent in each of the months of December through August, and 15 percent in each of the other months, of the total producer milk received at all pool plants during the month from the association's members. Similar limitations would be applicable in the case of a proprietary handler except that the limits would relate to milk of producers who are not members of a cooperative association. Under the proposal, diversions in excess of such percentages would not be producer milk and the diverting handler would specify the dairy farmers whose milk is ineligible as such. In addition, milk of a producer must be delivered to a pool distributing plant on at least three days during the month if any of his milk is diverted during the months of September through November. The association further proposed that two or more cooperative associations be allowed to compute their allowable diversions on a combined basis. The proposal was supported by the other cooperative association in the market.

The proposal as published in the hearing notice was modified at the hearing by proponent in two respects. In its original form the proposal would have priced diverted milk at the location of the plant to which it was diverted rather than at the location of the plant from which diverted as the order now provides. Also, the proposal would have excluded from producer status a farmer whose milk was diverted to a nonpool plant where it would be classified and priced under another Federal order. Proponent abandoned both provisions. Inasmuch as these provisions were not supported by proponent or other persons, they are not considered herein.

Diversion provisions similar to those proposed and supported at the hearing should be adopted. The present order provisions concerning the diversion of producer milk to nonpool plants do not facilitate the orderly and economical disposal of milk which is in excess of the fluid needs of the market. The problems of handling excessive producer milk supplies have been such that in 1962 and 1963 it was necessary to suspend for the months of July and August the order provision which prohibits any diversion of producer milk in those months. Similar suspension action was again necessary in 1964, but in this case for the months of July through November. Thus, in 1964 unlimited diversion was, in effect, allowed throughout the entire year.

Annual receipts of producer milk in the market have increased steadily since 1961 without a corresponding increase in the Class I utilization of such milk. Between 1961 and 1964 producer receipts increased 13.9 percent while producer milk in Class I increased only 6.5 percent. For the period of July through November, when diversion of producer milk to nonpool plants is not allowed, producer receipts increased 18.8 percent between 1961 and 1964. The use of producer milk in Class I in this 5-month period increased only 4.2 percent.

It has been necessary to channel the increasing supplies of milk in excess of the fluid needs of the market into manufactured products. Plants pooled under the Inland Empire order have only limited manufacturing facilities. Consequently, such milk must be moved to nonpool plants where the milk can be handled. During those months when diversions are not allowed, however, extra plant handling and transportation is required in disposing of the milk. Such milk must be moved first from the farm to a pool plant and then be transferred to a nonpool plant where it can be manufactured. This arrangement for handling excess milk is uneconomical.

In view of the increased milk supplies, particularly during the fall months, and the limited manufacturing facilities at pool plants, it is therefore appropriate to provide under the order that milk may be diverted to nonpool plants during any month of the year. Accordingly, the order should provide that a cooperative association may divert to a nonpool plant during each of the months of September through November up to 15 percent of the total milk of its producer members. For each of the remaining months of December through August the diversion limitation should be 25 percent. The operator of a pool plant should have the same diversion privileges as a cooperative association. The diversion limitation in this case, though, should apply to the percentage of milk received (or diverted) from producers who are not members of a cooperative association exercising its diversion privilege.

While allowing diversions in all months is desirable, it is necessary that limits be applied. This will assure that producer milk which is being pooled is associated with the fluid market. The absence of diversion limitations for all months of the year would encourage the procurement of additional milk for manufacturing use without regard for the fluid requirements of the market.

The level of the percentage limits stated above will accommodate the amount of milk which the proponent association must divert. The association assumes the responsibility of handling and disposing of its member milk which is in excess of the fluid needs of the market. During the months of seasonally high production, this burden becomes greater as handlers being supplied in part by the association rely to a greater extent, or even entirely, on milk from nonmembers for their fluid requirements. In 1964, the association diverted to nonpool plants 16.8 percent of its total member milk. In July of that year the association diverted 23.6 percent of its member milk to a nonpool plant.

The higher percentage limit for the months of December through August relative to the limit for the remaining months recognizes the seasonally greater production of milk and the consequent need for diverting a larger proportion of the total producer milk supply. The present order provisions already reflect this in that no diversion limits exist for the December through June period. Evidence indicates that the months of July and August should be included in the period for which more liberal diversion limits are provided. In 1964, both cooperative associations in the market diverted more member milk during these 2 months than during any of the remaining months of the year.

The diversion provisions proposed herein will provide handlers with the opportunity to reduce the hauling distances now involved in moving excess milk to nonpool plants during the fall months. The manufacturing plants to which surplus milk is normally moved are located at Moses Lake, Wash., and Sandpoint, Idaho. In 1964, milk was moved also to a more distant plant at Ellensburg, Wash., because of the inability of the Moses Lake plant to handle a sufficient amount of the surplus milk. All three plants are located a considerable distance from the pool plants at which producer milk is normally received for processing and packaging. Such pool plants are located

in either the Spokane, Wash., area or in Coeur d'Alene, Idaho. Under the method of computing diversion limits on the basis of the combined deliveries of producers, handlers may take advantage of the relative location of producers' farms and the plants to which milk must be moved. The milk of producers whose farms are located near pool plants may be moved on a regular basis to such plants while milk of more-distant producers may be moved to the more-distant nonpool plants.

One cooperative association moves regularly to the Moses Lake plant on an every-other-day basis about 50,000 pounds of producer milk from farms located in the vicinity of Pullman, Wash., and Moscow, and Cottonwood, Idaho. The other cooperative association has farm bulk tank pick-up routes in the Bonners Ferry and Sandpoint, Idaho, areas and diverts this producer milk to the Sandpoint manufacturing plant. In these situations, it is not practical to require the milk to be moved first to pool plants and then to the distant nonpool plants for manufacturing. More than 50 miles of hauling may be saved, for example, in the direct movement of milk from farms to the Moses Lake plant. Even greater transportation savings are possible with respect to milk diverted to Sandpoint.

Evidence indicates that member milk of a cooperative association is commingled with nonmember milk when moved by a plant operator from certain farms to his plant. The order should provide, therefore, that the operator of a pool plant may divert the milk of producer members of a cooperative association which is commingled on a tank truck at the time of delivery from the farm with milk of nonmembers who are shipping to the handler's plant. Under this arrangement the member milk involved should be included with the handler's nonmember milk in determining the handler's diversion limits. The total amount of the cooperative association's member milk on which the association's diversion limits are based should be reduced by the amount of member milk involved. The plant operator and the association should notify the market administrator of an agreement to such an arrangement. With such a provision, plant operators will not be limited in maximizing the benefits of the diversion allowances.

Two or more cooperative associations should be allowed to have the amount of their allowable diversions computed on the basis of the combined deliveries of milk by their member producers. This arrangement should not be effective unless each association involved has filed such a request with the market administrator, however. Under this provision cooperative associations would be provided the opportunity to mutually arrange the handling of excess milk in a manner which could minimize the cost of moving producer milk to nonpool manufacturing plants.

As indicated previously, some limit on diversions is necessary to assure that a producer whose milk is diverted has demonstrated a reasonable association with the Class I market. A limitation computed on a percentage basis, however, could result in a producer's milk never being received at a pool plant. The order therefore should require minimum deliveries of his milk to pool plants. If any of his milk is diverted during the months of September, October, or November, milk of the producer should be delivered to a pool plant on at least 6 days (3 days in the case of every-other-day delivery) during the month. A producer who begins supplying the market any time during the period of December through August should be required to have his milk received at a pool plant on at least 1 day before any of his milk is diverted to a nonpool plant.

It is necessary that the order provide for the treatment of milk which is diverted in excess of the limits proposed herein. Such milk should not be considered as producer milk. The diverting handler should be required to specify the producers whose milk is to be considered ineligible as such. In the absence of any designation, producer milk status should be forfeited with respect to all milk diverted by the handler. When excessive diversions occur under the circumstance where two cooperative associations are computing their allowable diversions on a combined basis, the association whose diversions have exceeded the limits when computed on an individual association basis should be the handler accountable for designating the excessive diversions.

3. *Accounting for receipts of other source milk.* The manner in which nonfluid milk products utilized by a handler are now accounted for under the order should be modified.

The order now provides that a handler must report as a receipt of other source milk all nonfluid milk products obtained from any source (including those processed at his plant) which are reprocessed or converted to another product in the plant during the month. This would be the case regardless of the classification of the product in which such receipts are used. All receipts and utilization of nonfluid milk products are required to be reported on a skim milk equivalent basis. A handler is not accountable under the order for any disappearance of nonfluid milk products not so reprocessed.

A cooperative association which operates a pool plant proposed that nonfluid milk products which are used to produce a Class II or Class III product not be included in a handler's report of receipts and utilization. The association proposed, however, that receipts of nonfluid milk products which a handler cannot account for as having been utilized be included in his receipts of other source milk to be accounted for under the order. Under the proposal a reasonable shrinkage allowance would be provided. The association further proposed that a handler be required to submit a monthly reconciliation of all nonfluid milk products handled at his plant during the month.

The witness for the proponent association contended that adoption of the proposal would simplify the compilation and auditing of handlers' monthly reports of receipts and utilization which are submitted to the market administrator. It was further contended that market statistics would reflect more realistically the receipts and utilization of milk if those nonfluid milk products which are used to produce manufactured products were not required to be reported and accounted for on a skim milk equivalent basis.

The order should be changed so that handlers would not be required to include in their reports of receipts and utilization nonfluid milk products which are used to produce Class II and Class III products. Handlers should report, however, any disappearance of nonfluid milk products not otherwise accounted for. Such products would be reported and accounted for on a skim milk equivalent basis.

Handlers presently are required to differentiate on their monthly reports of utilization the manufactured milk products in which nonfluid milk products, such as nonfat dry milk and condensed skim milk, are used. Nonfluid milk products used to produce manufactured milk products are classified as Class III milk regardless of the classification of the resulting manufactured product. Under the Inland Empire order, most of the manufactured products in which nonfluid milk products are used are those for which utilization of fluid milk products is classified as Class II milk. It is thus necessary that the skim milk and butterfat used to produce ice cream, ice cream mix, frozen deserts, cocoa mixes and cottage, pot and bakers' cheeses be distinguished between that in fluid milk products and that in nonfluid milk products, since classification of milk in these uses is determined on the basis of source.

The principal advantage of skim milk equivalent accounting is that all receipts are thereby accounted for on a common basis, which facilitates assignment of receipts from various sources to the total classified use of a handler's plant or plants. Under the Inland Empire order, however, nonfluid milk products used in the production of other manufactured products are classified in the class (Class III) to which they are first assigned in the allocation sequence. Therefore, accounting for such products as other source milk on a skim milk equivalent basis merely results in an offset in the same class between identical quantities reported as used to produce and reported as a receipt of other source milk. If both items are omitted from the report, returns to producers will in no way be affected.

It is concluded that the other source milk definition with respect to nonfluid milk products reprocessed or converted to another product in the plant during the month should be restricted to those reprocessed in connection with or converted to a fluid milk product. As a conforming change the classification provision (§ 1133.41(c)(7)) for Class III classification of nonfluid milk products used to produce certain designated manufactured products is eliminated.

To assure that the effectiveness of the classification and pricing of producer milk is not weakened, the amount of any disappearance of such products, for which utilization or disposition cannot be established by the records handlers are now required to keep, should be included in handlers' receipts of other source milk. No special shrinkage allowance with respect to the disappearance of nonfluid milk products should be provided. No need for such an allowance was established on the record.

4. *Class I price supply-demand adjuster.* The standard utilization percentages, or "norms", which are used in computing the supply-demand adjustment of the Class I price should be revised to reflect a different seasonal pattern.

The present order contains a formula for automatically adjusting the Class I price as supply and demand conditions in the market change in relation to a predetermined "normal" market situation. Under this formula a current "Class I utilization percentage", indicating the relationship of producer supplies to Class I milk sales during the second and third months preceding the month for which the Class I price is being determined, is computed. This ratio is then compared with the standard considered as normal for the corresponding months of the year. The norm for each month is expressed as a range of 4-percentage points. This range allows minor aberrations in the supply-sales relationship without an adjustment of the Class I price.

The order provides that the monetary rate of adjustment for each percentage point of deviation of the current Class I utilization percentage from the norm shall be 1 cent per hundredweight. The amount of total adjustment is increased if deviations from the norms of like direction and of equal or lesser amounts were computed for one or both of the preceding 2 months. Under this arrangement the amount of monetary adjustment for variations in the supply-demand relationship from the standards adopted are nominal when such variations first appear. The adjustment increases progressively, however, as a variation of like direction and amount persists.

A cooperative association proposed that the range of the percentage norms now set forth in the order be widened so that there may be a greater fluctuation than at present in the supply-sales relationship without any adjustment in the Class I price. Under the proposal, the seasonal variation of the percentage norms also would be changed. The association further proposed that the monetary adjustment per percentage point of deviation of the supply-sales relationship from the norms be reduced to one-half of the present rate. The witness for the association contended that the present supply-demand adjuster is too "sensitive". It was contended that because of the relatively small volumes of Class I milk and producer supplies in this market, minor changes in either of these quantities can result in undue adjustments of the Class I price.

The standard utilization percentages should be revised only for the purpose of changing their seasonal variation. The attached proposed order reflects the new percentage norms which should be used in computing supply-demand adjustments. While the seasonal variation of the norms is changed, the annual relationship of producer receipts used in Class I milk is maintained at 73 percent, the level presently reflected in the order. No change should be made in the present one-cent rate of monetary adjustment per point of deviation. The change in the percentage norms proposed herein should not change the annual level of the Class I price.

The percentage norms in the order should reflect the seasonal variation in the market of the relationship of producer milk supplies to Class I sales. The norms set forth in the attached proposed order are based on the supply-sales relationship experienced in this market since February 1962. Data indicate that the seasonal variation of the norms for the pricing months of March, April, May, June, and December should reflect a somewhat higher level of producer milk used in Class I than is presently reflected. The percentage norms for the pricing months of July through November, on the other hand, should be lowered.

Revision of the seasonal variation of the norms in this manner will cause any adjustments of the Class I price to be based on a more realistic measurement of the deviation of the current supply-sales relationship from the pattern recently prevailing in the market. The Class I price thus will reflect more accurately the relative need for producer milk to meet the fluid milk requirements of the market.

Evidence does not indicate that widening the range of the norms to seven percentage points and decreasing by one-half the rate of adjustment per point of deviation, as proponent suggests, is warranted. The purpose of the supply-demand adjuster is to reflect automatically in the Class I price significant changes in the relationship of producer supplies to Class I sales. The modification proponent suggests would lessen considerably the responsive and timely measurement of such changes. Other than some failure to reflect accurately seasonal changes in utilization, adjustments of the Class I price have been appropriate to conditions in the market.

In support of the proposal, the association's witness described the depressing effect upon the Class I price of the influx of additional milk from new producers with relatively large herds. Such milk supplies newly added to the market cannot be considered in this case, however, as a temporary change in the total milk supply for the market. The change in the supply situation should be reflected in the Class I price to the extent the change is a deviation from the "normal" supply-demand relationship.

Any change in the supply-demand adjustment mechanism which would result in increasing the level of the Class I price is not appropriate under the present circumstance of increasing producer milk supplies in this market relative to Class I sales as described earlier herein. Proponent's suggested modifications would have increased the Class I price about 3.5 cents per hundredweight had they been in effect during a recent 3-year period. Such a price increase would encourage the production of additional supplies of milk not presently needed for fluid use.

Rulings on proposed findings and conclusions. Briefs and proposed findings and conclusions were filed on behalf of certain interested parties. These briefs, proposed findings and conclusions and the evidence in the record were considered in making the findings and conclusions set forth above. To the extent that the suggested findings and conclusions filed by interested parties are inconsistent with the findings and conclusions set forth herein, the requests to make such findings or reach such conclusions are denied for the reasons previously stated in this decision.

General findings. The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) The tentative marketing agreement and the order, as hereby proposed to be amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(b) The parity prices of milk as determined pursuant to section 2 of the Act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the marketing area, and the minimum prices specified in the proposed marketing agreement and the order, as hereby proposed to be amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(c) The tentative marketing agreement and the order, as hereby proposed to be amended, will regulate the handling of milk in the same manner as, and will be applicable only to persons in the respective classes of industrial and commercial activity specified in, a marketing agreement upon which a hearing has been held.

Recommended marketing agreement and order amending the order. The following order amending the order as amended regulating the handling of milk in the Inland Empire marketing area is recommended as the detailed and appropriate means by which the foregoing conclusions may be carried out. The recommended marketing agreement is not included in this decision because the regulatory provisions thereof would be the same as those contained in the order, as hereby proposed to be amended:

1. In § 1133.12, paragraph (c) is revised to read as follows:

§ 1133.12 Producer milk.

* * * * * *

(c) With respect to diversions to nonpool plants:

(1) A cooperative association may divert for its account, pursuant to paragraph (b)(1) of this section, the milk of any member producer eligible for diversion. The total quantity of milk so diverted, however, may not exceed 15 percent in the months of September, October, and November, or 25 percent in other months, of its total member milk received at all pool plants and diverted therefrom during the month. Two or more cooperative associations may have their allowable diversions computed on the basis of the combined deliveries of milk by their member producers if each association has filed in writing with the market administrator a request for such computation;

(2) A handler operating a pool plant may divert for his account, pursuant to paragraph (a)(2) of this section, milk of any producer eligible for diversion, other than a member of a cooperative association which diverts milk pursuant to subparagraph (1) of this paragraph. The total quantity of milk so diverted, however, may not exceed 15 percent in the months of September, October, and November, or 25 percent in other months, of the milk received at and diverted from such pool plant during the month from producers who are not members of a cooperative association which diverts milk pursuant to subparagraph (1) of this paragraph;

(3) The operator of a pool plant may divert the milk of any producer member of a cooperative association which is commingled on a tank truck at the time of delivery from the farm with milk of nonmember producers if the association and the plant operator each has filed in writing with the market administrator prior to any such diversion an agreement to such an arrangement designating the producer(s) involved. In such case, the total quantity of milk deliveries on which the diversion limits for the association are based shall be reduced by the total deliveries and diversions of member producers whose milk is diverted by the plant operator and the diversion limits for the plant operator shall be increased by a like amount;

(4) Milk diverted in excess of the limits specified shall not be considered as producer milk, and the diverting handler shall specify the producers whose milk is ineligible as producer milk. If a handler fails to designate such producers, producer milk status shall be forfeited with respect to all milk diverted by the handler;

(5) Producers eligible for diversion are those whose milk has been received at the pool plant prior to diversion from such plant (but not necessarily in the current month). Producers eligible for diversion in the months of September, October, or November must in addition have their milk received at a pool plant on at least 6 days (3 days in the case of every-other-day delivery) during the current month; and

(6) For the purpose of location adjustments pursuant to §§ 1133.53 and 1133.81, diverted milk shall be considered to have been received at the location of the plant from which diverted.

2. In § 1133.13, paragraph (b) is revised to read as follows:

§ 1133.13 Other source milk.

* * * * * * *

(b) Products, other than fluid milk products, from any source (including those processed at the plant) which are reprocessed in connection with, or converted to, a fluid milk product in the plant during the month, and any disappearance during the month of nonfluid milk products not otherwise accounted for.

3. In § 1133.15(c), subparagraph (1) is revised to read as follows:

§ 1133.15 Handler.

* * * * * * *

(c) * * *

(1) From a pool plant to a nonpool plant; and

* * * * * * *

§ 1133.41 [Amended]

4. In § 1133.41(c), subparagraph (7) is revoked.

§ 1133.44 [Amended]

5. In § 1133.44(a), the reference "paragraph (d)" is revised to read "paragraph (b)".

6. In § 1133.51(d), the table at the end of subparagraph (4) is revised to read as follows:

§ 1133.51 Class prices.

* * * * * * *

(d) * * *

(4) * * *

Month for which price applies	Months used in computation	Standard utilization percentage	
		Minimum	Maximum
January	October–November	79	83
February	November–December	76	79
March	December–January	74	77
April	January–February	73	76
May	February–March	74	77
June	March–April	72	75
July	April–May	67	70
August	May–June	62	65
September	June–July	62	65
October	July–August	67	70
November	August–September	72	74
December	September–October	76	81

* * * * * * *

§ 1133.82 [Amended]

7. In § 1133.82, the reference "§ 1133.80(a)" is revised to read "§ 1133.80(b)".

§ 1133.87 [Amended]

8. In § 1133.87, the reference "§ 1133.80(a)" wherever it appears is revised to read "§ 1133.80(b)".

§ 1133.88 [Amended]

9. In § 1133.88, the reference "§ 1133.44(d)" is revised to read "§ 1133.44(b)".

Signed at Washington, D.C., on May 26, 1965.

CLARENCE H. GIRARD,
Deputy Administrator,
Regulatory Programs.

[F.R. Doc. 65-5696; Filed, June 1, 1965; 8:47 a.m.]

[7 CFR Part 1138]

[Docket No. AO-335-A4]

MILK IN RIO GRANDE VALLEY MARKETING AREA

Notice of Recommended Decision and Opportunity To File Written Exceptions on Proposed Amendments to Tentative Marketing Agreement and to Order

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of the filing with the Hearing Clerk of this recommended decision with respect to proposed amendments to the tentative marketing agreement and order regulating the handling of milk in the Rio Grande Valley marketing area. Interested parties may file written exceptions to this decision with the Hearing Clerk, U.S. Department of Agriculture, Washington, D.C., 20250, by the 10th day after publication of this decision in the FEDERAL REGISTER. The exceptions should be filed in quadruplicate. All written submissions made pursuant to this notice will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

Preliminary statement. The hearing, on the record of which the proposed amendments, as hereinafter set forth, to the tentative marketing agreement and to the order, as amended were formulated, was conducted at Albuquerque, N. Mex., on March 31 and April 1, 1965, pursuant to notice thereof which was issued March 18, 1965 (30 F.R. 3781).

The material issues on the record of the hearing relate to:

1. Pricing of diverted milk;
2. A cooperative association as a handler of milk delivered in farm bulk tanks to pool plants;
3. The Class I price and location differentials;
4. A fall incentive or "Louisville" plan of payments to producers;
5. Payments to producers on a base and excess plan; and
6. Miscellaneous and conforming changes.

This decision is concerned with issues No. 3 through No. 6. Issues No. 1 and No. 2 were dealt with in an earlier decision. No evidence was received pertaining to proposals in the hearing notice to revise the producer butterfat differentials and modify the method of classifying inventory. Therefore, no further action on these matters will be taken.

Findings and conclusions. The following findings and conclusions pertaining to issues No. 3 through No. 6 are based on evidence presented at the hearing and the record thereof.

3. *The Class I price and location differentials.* The seasonal Class I price differentials in the Rio Grande Valley order through February 1967 should be

at the rate of $2.25 during the months of July through February and $1.95 during the months of March through June. Three pricing zones should be provided within the marketing area. The Class I differentials stated above would be applicable in Zone I which includes 20 New Mexico counties and El Paso County, Tex., in which the cities of Albuquerque, Alamogordo, Las Cruces, Santa Fe, and El Paso are located. The Class I differentials in each of the remaining zones should be 15 cents less than those for Zone I. The Class I price should be adjusted during this period by a supply-demand adjustor equal to the simple average of the supply-demand adjustments effective for the same month under the orders for the Wichita, Oklahoma Metropolitan, North Texas, Central Arizona, Great Basin, and Eastern Colorado marketing areas. The Class I milk price should be reduced 15 cents at pool plants located outside the marketing area more than 100 miles from the nearest of the county courthouses in Bernalillo and Santa Fe Counties, N. Mex., and El Paso, Tex. The present rate of 1 cent for each 10 miles, or fraction thereof, beyond 110 miles should be retained.

The Class I differentials above the basic formula price are currently $2.35 for the months of July through February and $2.05 March through June at Albuquerque and Santa Fe and 10 cents higher at El Paso, Tex. The Class I milk price at a plant located more than 100 miles from each of the county courthouses in Albuquerque and Santa Fe, N. Mex., or El Paso, Tex., is reduced 15 cents, plus 1 cent for each 10 miles, or fraction thereof, that such plant is more than 110 miles from the nearest of the respective courthouses. Location differentials are computed from Albuquerque or Santa Fe, N. Mex., except that if the resulting Class I milk price is greater, location adjustments are computed from El Paso. The Class I price at present is further adjusted by the simple average of the supply-demand adjustments effective for the same month in the North Texas, Oklahoma Metropolitan and Wichita milk orders.

Testimony was received on several proposals affecting the Class I milk price and location adjustments to handlers and producers. Proposals with respect to the Class I milk price were (1) to extend the present pricing scheme indefinitely; (2) provide a uniform monthly differential of $2.25 above the basic formula price; (3) increase the price at El Paso by 22 cents per hundredweight; and (4) further adjust the Class I milk price by using the simple average of supply-demand adjustments in six markets (Lubbock-Plainview, Texas Panhandle, and Central Arizona in addition to the three markets now used). Proposals affecting location adjustments provided for eliminating all minus adjustments to the east and south of Albuquerque or merely to review present adjustments to handlers and producers at each pool plant location to determine their continued feasibility.

Producer milk classified as Class I (including inventory reclassified) approximated 264 million pounds of milk during 1963 and was about 265 million pounds in 1964. Total receipts from all producers were 310 million pounds in 1963 and 320 million pounds in 1964. Producers located in the marketing area produced from 85 to 90 percent of this milk while producers located outside the marketing area in the States of Arizona, Colorado, Kansas, and Utah produced from 10 to 15 percent of the producer milk supply for the Rio Grande Valley market. (Official notice is taken of the June 1964 issue of the Market Administrator Bulletin showing producer milk production by area.)

Receipts of other source fluid milk were about 36 million pounds each year during 1963–1964. Approximately 31 million pounds of this other source milk was allocated to Class I milk. The total amount of milk diverted or transferred to nonpool plants for surplus disposal also was 31 million pounds each year.

On the basis of the facts found hereafter, it is concluded that prices at pool plants within the Rio Grande Valley marketing area should be determined by pricing zones rather than by mileages from central points as presently provided. Zone I should include 20 New Mexico counties and El Paso County, Tex., in which are located the principal cities of Albuquerque, Santa Fe, and El Paso. Zone II should include San Juan County, N. Mex., and the three Colorado counties in the marketing area. Zone III should include the seven New Mexico counties of Chaves, Curry, De Baca, Eddy, Lea, Quay, and Roosevelt. While identical price treatment is provided herein for Zones II and III, these zones are separated by Zone I; Zone II lies northwest of Zone I while Zone III lies east of Zone I.

The population of Zone I is approximately 1 million. The principal centers of population are Santa Fe, Albuquerque, Alamogordo, Las Cruces, and El Paso. Consumers in Zone I are served by 12 handlers, 5 of which are located in El Paso, 4 in Albuquerque and 1 each in Alamogordo, Las Cruces, and Santa Fe. The Class I price at these plants is presently 10 cents per hundredweight higher than at plants located in Albuquerque and Santa Fe. It is at pool plants located in Zone I that milk directly from farms located outside the marketing area in the States of Arizona, Colorado, Kansas, and Utah has been received. The milk from Colorado farms was no longer being received at pool plants at the time of the hearing. Bulk milk from Waterloo, Iowa, 1,250 miles distance from El Paso, Tex., is received regularly at a pool plant in El Paso. It is at pool plants in this zone where almost all of the 31 million pounds of other source fluid milk is received and from which 21 million pounds of producer milk were diverted or transferred long distances to nonpool plants.

The population of Zone II is about 90 thousand. Pool plants are located at Aztec and Farmington, N. Mex., and Durango, Colo., from 180 to 220 miles northwest of Albuquerque and Santa Fe. From these three plants approximately five million pounds of milk were diverted and/or transferred to nonpool plants. Packaged fluid milk products from a plant regulated under the Great Basin Federal milk order are distributed in this zone. Location differentials at these plants now range from 23 to 26 cents per hundredweight.

Zone III has a population of 226 thousand with the principal centers located at Artesia, Carlsbad, Clovis, Hobbs, Lovington, Portales, Roswell, and Tucumcari, N. Mex. There are four pool plants located in this zone. Location adjustments at these pool plants are presently a minus 15 cents at Roswell, 22 cents at Tucumcari and 26 cents at the two plants in Clovis. These plants are located 170 to 200 miles from Albuquerque and Santa Fe. The two plants in Clovis are 300 miles and the plant in Roswell is 200 miles from El Paso. It is approximately 100 miles from Clovis to plants regulated by other Federal milk orders in Amarillo and Lubbock, Tex. Packaged fluid milk products move extensively in and out of Zone III. A pool distributing plant in Santa Fe (Zone I) maintains distribution points in Hobbs and Roswell.

A new pool distributing plant was established at Clovis in May 1963 from which fluid milk products are now distributed in Albuquerque, N. Mex., and El Paso, Tex., in Zone I. Distribution also is made from this plant in Amarillo, Lubbock, and as far east as Midland, Tex. Handlers located in Amarillo and Lubbock also distribute fluid milk products in Zone III. Dairy farmers located in Roosevelt County, N. Mex., directly south of Clovis, are a source of supply for plants regulated by this order as well as for plants regulated by the Texas Panhandle and Lubbock-Plainview Federal milk orders. Approximately the same amount of milk as in Zone II, five million pounds, has been moved from plants located in Zone III to nonpool plants, although the total volume of milk produced in Zone III is three times that in Zone II.

Since the establishment in May 1963 of a new distributing plant at Clovis, N. Mex., very little, if any, milk from farms in Roosevelt County has been shipped to pool plants in El Paso. This record also discloses that the pool plant located at Roswell does not move either in bulk or packaged form into El Paso but does have route disposition throughout most of Zone III. The plant at Roswell is now associated both from the standpoint of supply and sales area with other plants in Zone III. It is for this reason that Chaves County, in which the city of Roswell is located, is included as a part of Zone III.

Thus, even though local production of milk was only about 90 percent of the Class I sales of the market in 1964, more than 10 percent of locally produced milk was moved to distant manufacturing plants while producer milk and other source milk from distant points were being received in the market. It is at the principal population centers of Albuquerque, Santa Fe, and El Paso (Zone I) that nearby production is least adequate for Class I needs, but these are also the areas from which more than two-thirds of diversions for manufacturing use oc-

cur and at which nearly all the distant supplies are received for fluid use. It is obvious that these are extensive uneconomic movements of milk with respect to the supply of the Rio Grande Valley market.

While the record does not establish the fact that the uneconomic movements of milk are a direct result of improper Class I pricing, it is important under present circumstances that order pricing be such as not to price locally produced milk out of the Class I market, thus causing its uneconomic movement to manufacturing while more distant supplies are acquired by handlers in replacement. Since such movements have been associated with the supply for Zone I plants, it is in the pricing for this area that price reductions are indicated.

A decrease of 10 cents per hundredweight in the Class I price at plants located in Albuquerque, Santa Fe, and Roswell and 20 cents at plants located at Alamogordo, Las Cruces, and El Paso, with only minor changes in Class I prices at plant locations in Zones II and III, will provide an alignment of prices at various plants both within and outside the marketing area which should be conducive to the maximum use of local supplies of milk for Class I use. With these price adjustments, it is possible that the utilization of producer milk in Class I can be increased to a level that will provide returns to producers at the uniform prices producers have been receiving during the past 2 years. Producer returns would then be increased by savings in the excessive transportation costs now incurred with respect to their milk.

There are no significant changes in the Class I prices for plants located in Zones II and III, except for that already noted for Roswell. The annual average Class I differential for the four pool plants in these two zones is $1.99. As provided herein, the average annual Class I differential for all plants located in Zones II and III would be $2.00. The alignment of prices with nearby Federal orders makes it necessary to maintain about the present price level for plants in Zones II and III. Class I and blend prices at Clovis, N. Mex., are in close alignment with the Class I and blend prices under the Texas Panhandle order. While some greater variations are shown in comparison with Class I and blend prices under the Lubbock-Plainview order, prices at Clovis, N. Mex., are presently in reasonable alignment with such prices.

Seasonal pricing should be retained. Substantial supplies of milk are received at pool plants from two different sources with seasonal price variations amounting to 45 cents per hundredweight, as compared to 30 cents in this market. In order that local milk may be competitive the Class I price should continue to be adjusted downward during the four months of March through June. Moreover, it is provided that another look should be taken at the level of the Class I price, as well as seasonal and supply-demand adjustments, sometime before March 1, 1967. This period of time should provide sufficient basic data by late 1966 for a hearing to determine any necessary adjustments to the price to be effective March 1, 1967.

The Class I price should continue to be adjusted by the supply-demand adjustments in the Wichita, Kansas, North Texas, and Oklahoma Metropolitan milk orders. These three markets continue either directly or indirectly to influence both the supply of milk and the competitive sales conditions in the Rio Grande Valley market. It is appropriate, however, to include, in addition, the supply-demand adjustments of the Great Basin, Eastern Colorado, and Central Arizona milk orders. Milk produced in the supply areas of each of these markets has recently been received as producer milk under the Rio Grande Valley order. Also, packaged fluid milk products priced under the Great Basin order are distributed in the Rio Grande Valley marketing area. Producer price changes in these markets affect the availability of supplies for the Rio Grande Valley market. It is expected that the influence of the simple average of the supply-demand adjustments in these six markets will tend to level out any large adjustment that might occur in any one market and thus provide a reasonable but effective adjustment to the Class I price for this market. On the basis of adjustments effective for the past 2 years, future supply-demand adjustments to the Class I price in the Rio Grande Valley market should be somewhat more appropriate. The proposal to use supply-demand adjustments of the Texas Panhandle and Lubbock-Plainview orders is not practical because the Panhandle order does not have a supply-demand factor and such adjustment of the Lubbock-Plainview price is already considered in this order through use of the North Texas order adjustment.

Conditions that so far have prevailed in the Rio Grande Valley market have been such that local supply-demand relationships have not provided a sufficiently accurate basis for adjustment of future prices. For that reason, the Rio Grande Valley price should continue to be adjusted on the basis of price adjustments in other markets which influence the availability of supplies of milk and competitive sales conditions in the Rio Grande Valley market.

Location differentials applying to plants located outside the marketing area and more than 100 miles from the nearest of the county courthouses in Bernalillo and Santa Fe Counties, N. Mex., and El Paso, Tex., should be 15 cents per hundredweight. The present rate of 1 cent for every 10 miles, or fraction thereof, beyond 110 miles should be retained. This rate represents the approximate cost of hauling milk over long distances. On the basis of the facts previously stated, the proposals to eliminate all minus location differentials to the east and south of Albuquerque and Santa Fe and to increase the Class I price at El Paso by 22 cents per hundredweight are denied.

Location adjustments to producers for milk received at pool plants located in Zones II and III or at pool plants located outside the marketing area and more than 110 miles from the three basing points of Albuquerque, Santa Fe, and El Paso should be at the same rate as those provided for handlers.

4. *A fall incentive or "Louisville" plan of payments to producers.* A fall incentive (or "Louisville") plan of payment to producers should not be adopted at this time.

A handler who proposed that the Class I differential of the order should be the same in all months of the year also proposed that under this system payments to producers be varied seasonally by a fall incentive payment plan. The uniform price to producers would be reduced 20 cents per hundredweight March through June. This money would be withheld and the funds thus accumulated would be distributed to producers in the uniform prices for the months of September through December.

Producer groups generally opposed the adoption of such a payment plan for producers and requested that if consideration should be given to the adoption of such a proposal that it should be deferred until at least March 1, 1966.

Since it has already been concluded in this decision under the findings with respect to Class I prices that seasonal pricing should be maintained, it is concluded that a "take-out" and "pay-back" plan for paying producers is not necessary to provide additional seasonality of returns to producers at this time.

5. *Payments to producers on a base and excess plan.* A system of paying producers on a base and excess plan should not be adopted.

A proposal for use of a base-excess plan was made by one cooperative association. Support for the proposal was offered by another association on condition that satisfactory arrangements could be negotiated with respect to matters not connected with the plan.

Due to substantial changes in producer members and the groups of producers supplying the market, it is impossible to determine the extent to which seasonal variation in production per farm has affected market supplies of milk. Evidence was presented to show that a group of producers, representative of those who had supplied the market continuously since 1962, had varied seasonal patterns of production. These data, however, may not be representative of all producers now supplying the market. Neither were the data extensive enough to determine the provisions appropriate for a base-excess plan for this market.

Further consideration of a base-excess plan should be deferred until more complete data concerning seasonal patterns of production are available and producer acceptance of such a plan is more clear-cut.

Rulings on proposed findings and conclusions. Briefs and proposed findings and conclusions were filed on behalf of certain interested parties. These briefs, proposed findings and conclusions and the evidence in the record were considered in making the findings and conclusions set forth above. To the extent that the suggested findings and conclusions filed by interested parties are inconsistent with the findings and conclusions set forth herein, the requests to make such findings or reach such conclusions are denied for the reasons previously stated in this decision.

General findings. The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) The tentative marketing agreement and the order, as hereby proposed to be amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(b) The parity prices of milk as determined pursuant to section 2 of the Act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the marketing area, and the minimum prices specified in the proposed marketing agreement and the order, as hereby proposed to be amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(c) The tentative marketing agreement and the order, as hereby proposed to be amended, will regulate the handling of milk in the same manner as, and will be applicable only to persons in the respective classes of industrial and commercial activity specified in, a marketing agreement upon which a hearing has been held.

Recommended marketing agreement and order amending the order. The following order amending the order as amended regulating the handling of milk in the Rio Grande Valley marketing area is recommended as the detailed and appropriate means by which the foregoing conclusions may be carried out. The recommended marketing agreement is not included in this decision because the regulatory provisions thereof would be the same as those contained in the order, as hereby proposed to be amended:

1. In § 1138.51, paragraph (a) is revised to read as follows:

§ 1138.51 Class prices.

* * * * *

(a) *Class I milk.* During the period from the effective date of this order until March 1, 1967, the price for Class I milk at plants located in Zone I (comprising all the counties in the marketing area except those specified in § 1138.52 as comprising Zones II and III) shall be the basic formula price for the preceding month plus $2.25 during each of the months July through February and plus $1.95 during each of the months March through June. This price shall be increased or decreased by a supply-demand adjustment equal to the simple average of the supply-demand adjustments effective for the same month pursuant to the provisions of the Wichita, Kans. (Part 1073 of this chapter); Oklahoma Metropolitan (Part 1106 of this chapter); North Texas (Part 1126 of this chapter); Central Arizona (Part 1131 of this chapter); Great Basin (Part 1136 of this chapter); and Eastern Colorado (Part 1137 of this chapter) milk marketing orders. If the supply-demand adjustment in any of these markets is limited in its effect by another provision of the respective order, the supply-demand adjustment to be used in this computation shall be the net adjustment which determines the Class I price in such market.

2. Section 1138.52 is revised to read as follows:

§ 1138.52 Location ajustments to handlers.

(a) For milk received from producers at a pool plant located in Zone II (comprising the counties of Archuleta, La Plata, and Montezuma, Colo., and San Juan, N. Mex.) and in Zone III (comprising the counties of Eddy, Chaves, Curry, De Baca, Lea, Quay, and Roosevelt, N. Mex.) which is classified as Class I milk or assigned Class I location adjustment credit pursuant to paragraph (c) of this section, and for other source milk to which a location adjustment is applicable, the price computed pursuant to § 1138.51(a) shall be reduced by 15 cents;

(b) For milk received from producers at a pool plant located outside the marketing area and more than 100 miles by the shortest highway distance, as determined by the market administrator, from the nearest of the county courthouses in Bernalillo or Santa Fe Counties, N. Mex., or El Paso, Tex., and which is classified as Class I milk or assigned Class I location adjustment credit pursuant to paragraph (c) of this section and for other source milk to which a location adjustment is applicable, the price computed pursuant to § 1138.51(a) shall be reduced by 15 cents and by an additional cent for each 10 miles or fraction thereof, that such distance calculated from the Bernalillo, Santa Fe or El Paso County Courthouse, whichever is nearer, exceeds 110 miles;

(c) For purposes of calculating such adjustment, bulk transfers of fluid milk products between pool plants shall be assigned Class I disposition at the transferee plant, in excess of the sum of receipts at such plant from producers and the pounds assigned as Class I to receipts from other order plants and unregulated supply plants. Such assignment is to be made first to transferor plants at which no location adjustment credit is applicable and then in sequence beginning with the plant at which the least location adjustment would apply.

3. Section 1138.81 is revised to read as follows:

§ 1138.81 Location differentials to producers and on nonpool milk.

(a) For producer milk received at pool plants located in Zones II and III or at pool plants located outside the marketing area and more than 100 miles, as determined by the market administrator, from the nearest of the county courthouses in El Paso County, Tex., or Bernalillo, or Santa Fe Counties, N. Mex., there shall be deducted an adjustment for each such plant for all milk at the rates specified in pursuant to § 1138.52;

(b) For purposes of computations pursuant to §§ 1138.84 and 1138.85, the uniform price shall be adjusted at the rates set forth in § 1138.52 applicable at the location of the nonpool plant from which the milk was received.

Signed at Washington, D.C., on May 28, 1965.

CLARENCE H. GIRARD,
Deputy Administrator,
Regulatory Programs.

[F.R. Doc. 65-5736; Filed, June 1, 1965; 8:50 a.m.]

DEPARTMENT OF COMMERCE

Maritime Administration

[46 CFR Ch. II]

INTERPRETATION OF MERCHANT MARINE ACT, 1936, AS AMENDED

Notice of Proposed Rule Making

Pursuant to section 204(b) Merchant Marine Act, 1936, as amended (46 U.S.C. 1114) and in accordance with the provisions of section 3(a)(3) of the Administrative Procedure Act (5 U.S.C. 1002(a)(3)), notice is hereby given that the Maritime Subsidy Board is contemplating the promulgation of an interpretative regulation concerning section 605(c), Merchant Marine Act, 1936, as amended. While the subsidy program is exempt from the requirements of section 4, Administrative Procedure Act, the Board invites interested parties to submit by the close of business on July 16, 1965, to the Secretary, Maritime Subsidy Board, in triplicate, any written data or views on the contemplated interpretation which they may want considered. Upon final adoption by the Board of an interpretation of section 605(c), the Board will publish its interpretation and thereafter apply the criteria adopted to the question of whether additional subsidized sailings are required to provide adequate service by U.S.-flag vessels. It is proposed that the following new Part 248—Interpretations be added to this chapter.

PART 248—INTERPRETATIONS

INTERPRETATION OF MERCHANT MARINE ACT, 1936, AS AMENDED

§ 248.1 Interpretation of section 605 (c).

(a) "Service already provided by vessels of United States registry" is "inadequate" if the existing U.S.-flag services carry less than 50 percent of the commercial cargoes practically attainable by U.S.-flag vessels (exclusive of military and cargo preference cargoes) moving on a service, route or line.

(b) Where "inadequacy", as defined in paragraph (a) of this section is found, additional U.S.-flag service is in accomplishment of the "purpose and policy" of the Act, as expressed in section 101, that "a substantial portion of the waterborne export and import foreign commerce of the United States" be carried

by the United States Merchant Marine. The Board will determine administratively which applicant or applicants, if any, is or are best qualified to provide the additional services required.

(c) Where "inadequacy", as defined in paragraph (a) of this section, is determined, the Board will find, in accordance with the provisions of section 101, that additional service should be provided by a qualified applicant even though such action may be "to give undue advantage or be unduly prejudicial, as between citizens of the United States, in the operation of vessels in competitive services".

Dated: May 28, 1965.

By order of the Maritime Subsidy Board/Maritime Administration.

JAMES S. DAWSON, Jr.,
Secretary.

[F.R. Doc. 65-5793; Filed, June 1, 1965; 10:00 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Part 20]

ICE CREAM

Notice of Proposal To Amend Standard of Identity

Notice is given that the International Association of Ice Cream Manufacturers, 910 17th Street NW., Washington, D.C., has petitioned for amendment of the labeling requirements in the standards of identity for ice cream, as follows:

1. It is proposed that § 20.1(g) of the standard for ice cream be amended with reference to the placement of labeling showing the characterizing flavoring ingredients used. Instead of requiring this labeling to be shown, as the regulations now provide, wherever the name of the food appears so conspicuously as to be easily seen under the customary conditions of purchase, it is proposed that the labeling showing the characterizing flavoring ingredients be required to be displayed wherever the name of the food appears conspicuously on the principal display panel or panels of containers.

2. It is proposed that § 20.1(g)(5)(i) in the standard for ice cream be amended to read:

(5) An artificial flavor simulating the characterizing flavor shall be deemed to predominate:

(i) In the case of vanilla beans or vanilla extract used in combination with vanillin, if the amount of vanillin used is greater than 1 ounce per unit of vanilla constituent, as that term is defined in § 22.1(c) of this chapter.

As presently worded, subparagraph (5)(i) states that when the artificial flavoring vanillin is used in combination with vanilla beans or vanilla extract the artificial flavoring is deemed to predominate if the amount of vanillin used is greater than 1 ounce per 13.35 ounces of vanilla beans or 1 unit of vanilla constituent as that term is defined in § 22.1(c) of the regulations. (The definition for "unit of vanilla constituent" is based on 13.35 ounces of vanilla beans containing not more than 25 percent moisture or that weight of vanilla beans of higher moisture content equivalent in moisture-free solids to 13.35 ounces of vanilla beans containing 25 percent moisture.)

3. It is proposed that § 20.1(g)(5)(iv) of the ice cream standard be amended to provide that the words "artificially flavored" or "flavored" need appear only once in names; for example, the designation "artificially flavored banana and artificially flavored almond ice cream" may be shortened to "artificially flavored banana-almond ice cream."

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (secs. 401, 701, 52 Stat. 1046, 1055, as amended 70 Stat. 919, 72 Stat. 948; 21 U.S.C. 341, 371) and in accordance with the authority delegated to the Commissioner of Food and Drugs by the Secretary of Health, Education, and Welfare (21 CFR 2.90; 29 F.R. 471), all interested persons are invited to submit their views in writing regarding the proposal published herein. Such views and comments should be submitted in quintuplicate, addressed to the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington, D.C., 20201, within 30 days following the date of publication of this notice in the FEDERAL REGISTER.

Dated: May 25, 1965.

GEO. P. LARRICK,
Commissioner of Food and Drugs.

[F.R. Doc. 65-5722; Filed, June 1, 1965; 8:46 a.m.]

FEDERAL AVIATION AGENCY

[14 CFR Part 61]

[Docket No. 1807]

PREREQUISITES TO WRITTEN EXAMINATIONS

Withdrawal of Notice of Proposed Rule Making

The Federal Aviation Agency has had under consideration a proposal to amend Part 61 of the Federal Aviation Regulations to prescribe prerequisites for the taking of written examinations for private and commercial pilot and flight instructor certificates and ratings. The reasons for the proposal were set forth in the explanatory statement of a notice of proposed rule making that was published in the FEDERAL REGISTER (28 F.R. 6657) on June 27, 1963, and circulated to the public as Notice 63-24. Interested persons were afforded an opportunity to participate in the proposed rule making through submission of comments.

The proposed amendment was offered to limit admission to the examinations to bona fide applicants who have had some flight experience or completed an acceptable ground school course, and to preclude persons from taking the examinations for the purpose of disclosing the contents to others rather than fulfilling the requirements for a certificate. Amendment 13 to Part 61, "Cheating on Tests and Other Irregularities," was issued February 11, 1965, and made effective March 20, 1965 (30 F.R. 2195). This provision should do much to attain the objective of the proposed amendment, that is, to preserve the integrity of the written examinations. Also, after giving due consideration to all relevant matter presented in response to Notice 63-24, including arguments both for and against the proposed rule, the Agency has concluded, first, that the adoption of the proposed prerequisites for written examinations would not seriously handicap the operations of persons engaged in the preparation and role of "keys" or materially reduce the use of such materials, and, second, that the benefits that the proposed rule would provide would be considerably outweighed by the adverse effect from the standpoint of promotion of aviation.

In consideration of the foregoing, the notice of proposed rule making entitled "Prerequisites to Written Examinations" and circulated as Notice 63-24 is hereby withdrawn.

This withdrawal shall become effective on publication in the FEDERAL REGISTER.

This withdrawal is made under the authority of sections 313(a), 601, and 602 of the Federal Aviation Act of 1958 (49 U.S.C. 1354, 1421, 1422).

Issued in Washington, D.C., on May 26, 1965.

C. W. WALKER,
Acting Director,
Flight Standards Service.

[F.R. Doc. 65-5706; Filed, June 1, 1965; 8:47 a.m.]

Notices

DEPARTMENT OF THE TREASURY

Bureau of Customs

[Antidumping—AA643.3-b]

SHOES FROM CZECHOSLOVAKIA

Withholding of Appraisement Notice

MAY 25, 1965.

Pursuant to section 201(b) of the Antidumping Act, 1921, as amended (19 U.S.C. 160(b)), notice is hereby given that there are reasonable grounds to believe or suspect, from information presented to me, that the purchase price is less or likely to be less than the constructed value of shoes, leather, men's and boys', imported from Czechoslovakia as defined by sections 203 and 206, respectively, of the Antidumping Act, 1921, as amended (19 U.S.C. 162 and 165).

Customs officers are being directed to withhold appraisement of shoes, leather, men's and boys' imported from Czechoslovakia in accordance with the provisions of § 14.9(a) of the Customs Regulations (19 CFR 14.9(a)).

The information alleging that the merchandise under consideration was being sold at less than fair value within the meaning of the Antidumping Act was received in proper form on August 12, 1964. The complaint was initiated within the Customs Service.

This notice is published pursuant to § 14.6(e) of the Customs Regulations (19 CFR 14.6(e)).

[SEAL] LAWRENCE FLEISHMAN,
Acting Commissioner of Customs.

[F.R. Doc. 65-5698; Filed, June 1, 1965; 8:47 a.m.]

[Antidumping—AA 643.3-b]

SHOES FROM RUMANIA

Withholding of Appraisement Notice

MAY 25, 1965.

Pursuant to section 201(b) of the Antidumping Act, 1921, as amended (19 U.S.C. 160(b)), notice is hereby given that there are reasonable grounds to believe or suspect, from information presented to me, that the purchase price is less or likely to be less than the constructed value of shoes, leather, men's and boys', welt construction, imported from Rumania as defined by sections 203 and 206, respectively, of the Antidumping Act, 1921, as amended (19 U.S.C. 162 and 165).

Customs officers are being directed to withhold appraisement of shoes, leather, men's and boys', welt construction, imported from Rumania in accordance with the provisions of § 14.9(a) of the Customs Regulations (19 CFR 14.9(a)).

The information alleging that the merchandise under consideration was being sold at less than fair value within the meaning of the Antidumping Act was received in proper form on October 15, 1964. The complaint was received from Truitt Brothers, Inc., Belfast, Maine, through Senator Edmund S. Muskie.

This notice is published pursuant to § 14.6(e) of the Customs Regulations (19 CFR 14.6(e)).

[SEAL] LAWRENCE FLEISHMAN,
Acting Commissioner of Customs.

[F.R. Doc. 65-5699; Filed, June 1, 1965; 8:47 a.m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[Group 419]

CALIFORNIA

Notice of Filing of Plat of Survey and Order Providing for the Opening of Public Lands

MAY 24, 1965.

1. Plat of survey for the following described lands will be officially filed in the District and Land Office, Riverside, Calif., effective 10 a.m. on June 28, 1965:

SAN BERNARDINO MERIDIAN, CALIF.

T. 15 S., R. 21 E.,
Sec. 14: W½;
Sec. 15: All;
Sec. 16: Lots 1, 2, 3, 4, and 5, E½NE¼, NW¼NE¼, N½NW¼, SW¼NW¼, NW¼SW¼, SE¼SW¼, and SE¼.

The area described aggregates 1,567.52 acres. Plat of survey accepted March 25, 1965.

2. Except for and subject to valid existing rights, it is presumed that title to the following described lands passed to the State of California upon acceptance of the plat of survey:

SAN BERNARDINO MERIDIAN, CALIF.

T. 15 S., R. 21 E.,
Sec. 16: Lots 1, 2, 3, 4, and 5, E½NE¼, NW¼NE¼, N½NW¼, SW¼NW¼, NW¼SW¼, SE¼SW¼, and SE¼.

The area described aggregates 607.52 acres.

3. The following described lands are open to application, location, selection, and petition as outlined in paragraph 5 below. No application for these lands will be allowed under the homestead, desert land, small tract, or any other nonmineral public land law, unless the lands have already been classified upon consideration of an application. Any application that is filed will be considered on its merits. The lands will not be subject to occupancy or disposition until they have been classified:

SAN BERNARDINO MERIDIAN, CALIF.

T. 15 S., R. 21 E.,
Sec. 14: W½;
Sec. 15: All.

The area described aggregates 960.00 acres.

4. Land Use Characteristics: The lands described in paragraph 3 above are located in the Cargo Muchacho Mountains approximately 6 miles northeast of Ogilby, Calif., and approximately 11 miles northwest of Yuma, Ariz. The land is partially accessible by unimproved dirt roads which run on the north and east of the above-described lands. Elevations range from 1,500 to 2,000 feet above mean sea level. The climate in the area is extremely arid and vegetation is sparse and of no economic significance.

5. Subject to any existing valid rights and the requirements of applicable law, the lands described in paragraph 3 are hereby opened to filing applications, selections, and locations in accordance with the following:

a. Applications and selections under the nonmineral public land laws and applications and offers under the mineral leasing laws may be presented to the Manager mentioned below, beginning on the date of this order. Such applications, selections, and offers will be considered as filed on the hour and respective dates shown for the various classes enumerated in the following paragraphs:

(1) Applications by persons having prior existing valid settlement rights, preference rights conferred by existing laws, or equitable claims subject to allowance and confirmation will be adjudicated on the facts presented in support of each claim or right. All applications presented by persons other than those referred to in this paragraph will be subject to the applications and claims mentioned in this paragraph.

(2) All valid applications and selections under the nonmineral public land laws and applications and offers under the mineral leasing laws presented prior to 10 a.m. on June 28, 1965, will be considered as simultaneously filed at that hour. Rights under such applications and selections and offers filed after that hour will be governed by the time of filing.

b. Persons claiming preference rights based upon valid settlement, statutory preference, or equitable claims must enclose properly corroborated statements in support of their applications, setting forth all facts relevant to their claims. Detailed rules and regulations governing applications which may be filed pursuant to this notice can be found in Title 43 of the Code of Federal Regulations.

6. Inquiries concerning these lands should be addressed to the Manager, District and Land Office, Bureau of Land Management, 1414 Eighth Street, Post Office Box 723, Riverside, Calif., 92502.

HALL H. MCCLAIN,
Manager.

[F.R. Doc. 65-5689; Filed, June 1, 1965; 8:46 a.m.]

[Wyoming 0316699]

WYOMING

Notice of Proposed Withdrawal and Reservation of Lands

The Forest Service, U.S. Department of Agriculture, has filed application, serial number Wyoming 0316699, for the withdrawal of lands described below, from location and entry under the general mining laws, but not the mineral leasing laws, subject to valid existing rights.

The applicant wishes to assure tenure of the described lands which contain valuable recreational improvements.

For a period of 30 days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the undersigned officer of the Bureau of Land Management, Department of the Interior, 2120 Capitol Avenue, Cheyenne, Wyo., 82001.

The Department's regulations, 43 CFR 2311.1-3(c), provide that the authorized officer of the Bureau of Land Management will undertake such investigations as are necessary to determine the existing and potential demand for the lands and their resources. He will also undertake negotiations with the applicant agency with the view of adjusting the application to reduce the area to the minimum essential to meet the applicant's needs, to provide for the maximum concurrent utilization of the lands for purposes other than the applicant's, to eliminate lands needed for purposes more essential than the applicant's, and to reach agreement on the concurrent management of the lands and their resources.

The authorized officer will also prepare a report for consideration by the Secretary of the Interior who will determine whether or not the lands will be withdrawn as requested by the applicant agency.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

If circumstances warrant, a public hearing will be held at a convenient time and place, which will be announced.

The lands involved in the application are:

SIXTH PRINCIPAL MERIDIAN, WYOMING

SHOSHONE NATIONAL FOREST

Sinks Canyon Winter Sports Area

T. 32 N., R. 100 W.,
Sec. 19, lots 2 and 3.

Louis Beach Picnic Ground

T. 30 N., R. 101 W.,
Sec. 1, lots 8 and 9;
Sec. 12, lot 1.

Louis Lake Campground

T. 30 N., R. 101 W.,
Sec. 12, lots 3, 4, and 5.

Louis Lake Boat Site

T. 30 N., R. 101 W.,
Sec. 12, lot 6.

Blue Ridge Lookout Observation

T. 31 N., R. 101 W.,
Sec. 23, SW¼SW¼NW¼.

Sinks Canyon Winter Sports Area

T. 32 N., R. 101 W.,
Sec. 24, E½E½NE¼ and E½NE¼SE¼.

Camp Edwin B. Branson

T. 32 N., R. 101 W.,
Sec. 24, E½SW¼NE¼, W½SE¼NE¼, S½SE¼NW¼NE¼, and S½SW¼NE¼NE¼.

Worthen Meadow Recreation Area

T. 32 N., R. 101 W.,
Sec. 32, SW¼, S½NW¼, and SW¼NE¼.

Fremont County Youth Camp

T. 32 N., R. 101 W.,
Sec. 33, NE¼SW¼SE¼, NW¼SE¼SE¼, W½NE¼SE¼SE¼, S½S½SW¼NE¼SE¼, and S½S½SE¼NW¼SE¼.

Brown Mountain Campground

T. 46 N., R. 103 W.,
Sec. 23, NE¼SW¼SE¼, NW¼SE¼SE¼, S½SE¼NW¼SE¼, and S½SW¼NE¼SE¼.

East Fork Campground

T. 43 N., R. 104 W.,
Sec. 8, W½SE¼SE¼ and E½SW¼SE¼.

Dead Indian Hill Observation

T. 55 N., R. 104 W.,
Sec. 16, S½NE¼SE¼.

Frank Hammitt Memorial

T. 56 N., R. 104 W.,
Sec. 30, S½SW¼SW¼SW¼;
Sec. 31, N½NW¼NW¼NW¼.

East Entrance Observation

T. 58 N., R. 104 W.,
Sec. 15, NW¼SW¼SE¼.

Twin Lakes Observation

T. 58 N., R. 104 W.,
Sec. 21, E½NW¼SE¼SE¼ and W½NE¼SE¼SE¼.

East Summit Observation

T. 58 N., R. 104 W.,
Sec. 28, S½NE¼NW¼SE¼ and N½SE¼NW¼SE¼.

Gardner Headwall Observation

T. 58 N., R. 104 W.,
Sec. 29, NE¼SE¼SW¼.

West Summit Observation

T. 58 N., R. 104 W.,
Sec. 31, SE¼SE¼NE¼NW¼, SW¼SW¼NW¼NE¼, NW¼NW¼SW¼NE¼, and NE¼NE¼SE¼NW¼.

Ridgetop Observation

T. 58 N., R. 104 W.,
Sec. 31, E½SW¼SW¼SW¼NW¼, W½SW¼SE¼SW¼NW¼, NE¼NW¼NW¼SW¼, E½NW¼NW¼NW¼SW¼, W½NW¼NE¼NW¼SW¼, and SE¼SW¼SW¼NW¼.

Reef Creek Campground

T. 56 N., R. 105 W.,
Sec. 7, N½NW¼SW¼, not to include HES 90.

Island Lake Campground

T. 57 N., R. 105 W.,
Sec. 3, SE¼SW¼SW¼;
Sec. 10, NW¼NE¼NW¼, S½NE¼NW¼, and NW¼NW¼.

Long Lake Observation

T. 57 N., R. 105 W.,
Sec. 11, SE¼NE¼NE¼.

Horse Creek Campground

T. 43 N., R. 106 W.,
Sec. 30, W½NW¼NW¼.

Double Cabin Administrative Site and Recreation Area

T. 44 N., R. 106 W.,
Sec. 3, E½NW¼NW¼, NE¼NW¼, E½SW¼NW¼, SE¼NW¼, E½NW¼SW¼, NE¼SW¼, NW¼, SE¼, and W½NE¼.

Clearwater Picnic Ground

T. 53 N., R. 106 W.,
Sec. 19, NE¼SW¼, N½NW¼SE¼, and S½S½SW¼NE¼.

Elk Fork Campground

T. 53 N., R. 106 W.,
Sec. 21, N½NE¼SW¼, S½SE¼NW¼, S½NW¼SE¼NW¼, and E½NE¼NW¼SW¼.

Wapiti Campground

T. 53 N., R. 106 W.,
Sec. 21, NW¼SW¼NE¼, S½SW¼NW¼NE¼, NE¼SE¼NW¼, S½SE¼NE¼NW¼, NE¼NW¼SE¼NW¼, SE¼SW¼NE¼NW¼, NE¼SW¼NE¼NW¼, and NW¼SE¼NE¼NW¼.

Big Game Campground

T. 53 N., R. 106 W.,
Sec. 22, S½SE¼NW¼, N½NE¼SW¼, NW¼NW¼SE¼, SW¼SW¼NE¼ except that area withdrawn as the Wapiti Administrative Site.

Horse Creek Picnic Ground

T. 53 N., R. 106 W.,
Sec. 23, N½SE¼NW¼, S½S½NE¼NW¼, and NW¼SW¼NE¼.

Hanging Rock Campground

T. 53 N., R. 106 W.,
Sec. 24, N½SE¼SW¼ and N½S½SE¼SW¼.

Slipper Rock

T. 53 N., R. 106 W.,
Sec. 24, SE¼NW¼SW¼, E½SW¼NW¼SW¼, and W½SW¼NE¼SW¼.

Clay Butte Lookout

T. 57 N., R. 106 W.,
Sec. 1, SW¼SW¼;
Sec. 11, NE¼NE¼;
Sec. 12, NW¼NW¼.

Beartooth Butte Observation

T. 57 N., R. 106 W.,
Sec. 7, S½NE¼NE¼NW¼ and N½SE¼NE¼NW¼.

Beartooth Falls Observation

T. 57 N., R. 106 W.,
Sec. 7, NE¼SW¼NW¼.

Lake Creek Observation

T. 57 N., R. 106 W.,
Sec. 8, SW¼SE¼SW¼.

North Absaroka Observation

T. 57 N., R. 106 W.,
Sec. 11, E½NE¼SE¼SW¼ and W½NW¼SW¼SE¼.

Pilot Peak Observation

T. 57 N., R. 106 W.,
Sec. 14, E½NE¼SW¼NE¼ and W½NW¼SE¼NE¼.

Clarks Fork Overlook

T. 57 N., R. 106 W.,
Sec. 17, SE¼SE¼NW¼NE¼, SW¼SW¼NE¼NE¼, NE¼NE¼SW¼NE¼, and NW¼NW¼SE¼NE¼.

Lake Creek Campground

T. 57 N., R. 106 W.,
Sec. 17, E½SW¼NW¼.

Hunter Peak Campground

T. 57 N., R. 106 W.,
Sec. 27, E½SW¼SE¼;
Sec. 34, NE¼NW¼NE¼, not to include HES 96.

Horse Creek Campground

T. 43 N., R. 107 W.,
Sec. 25, E½NE¼NE¼.

Henry Ford Observation

T. 52 N., R. 107 W.,
Sec. 20, N½NE¼SW¼SW¼ and S½SE¼NW¼SW¼.

Rex Hale Campground

T. 52 N., R. 107 W.,
Sec. 21, NW¼NE¼SE¼ and NE¼NW¼SE¼.

Fire Fighters Memorial

T. 52 N., R. 107 W.,
Sec. 21, W½NE¼SE¼SW¼ and E½NW¼SE¼SW¼.

Mummy Cave Archeological Area

T. 52 N., R. 107 W.,
Sec. 21, E½NE¼SE¼;
Sec. 22, W½NW¼SW¼.

Newton Creek Campground and Picnic Site

T. 52 N., R. 107 W.,
Sec. 28, NW¼SW¼NW¼ and SW¼NW¼NW¼;
Sec. 29, N½SE¼NE¼ and S½NE¼NE¼.

Crazy Creek Campground

T. 57 N., R. 107 W.,
Sec. 10, NE¼NE¼NE¼ and S½NE¼NE¼.

Fox Creek Campground

T. 57 N., R. 107 W.,
Sec. 30, NW¼SW¼NE¼, S½SW¼NE¼, SW¼SE¼NE¼, N½NW¼SE¼, NE¼SE¼, and NE¼SE¼SE¼.

Eagle Creek Campground

T. 52 N., R. 108 W.,
Sec. 17, SE¼SW¼, S½SW¼SE¼, and NW¼SW¼SE¼.

Buffalo Bill Scout Camp

T. 52 N., R. 108 W.,
Sec. 22, S½SW¼SE¼ and S½N½SW¼SE¼;
Sec. 27, N½NW¼NE¼.

Chimney Rock Observation

T. 52 N., R. 108 W.,
Sec. 25, NW¼NW¼NW¼.

Falls Campground

T. 43 N., R. 109 W.,
Sec. 7, E½NE¼NE¼, SE¼NE¼, and NE¼SE¼;
Sec. 8, W½W½NW¼, N½NE¼SW¼, and S½NW¼SW¼.

Falls Observation

T. 43 N., R. 109 W.,
Sec. 8, S½NE¼SW¼ and N½SE¼SW¼.

Tie Hack Memorial

T. 43 N., R. 109 W.,
Sec. 34, W½SW¼SE¼NW¼ and E½SE¼SW¼NW¼.

Pahaska Campground

T. 52 N., R. 109 W.,
Sec. 2, S½SW¼SW¼;
Sec. 3, S½SE¼ and SE¼SE¼SW¼;
Sec. 10, N½NE¼NE¼;
Sec. 11, N½S½NW¼ and N½NW¼.

Cody Peak Observation

T. 52 N., R. 109 W.,
Sec. 11, SW¼NW¼NE¼.

Sleeping Giant Winter Sports Area

T. 53 N., R. 109 W.,
Sec. 11, W½SE¼, W½SE¼SE¼, SW¼NE¼SE¼, and S½SW¼NE¼.

Sleeping Giant Campground

T. 53 N., R. 109 W.,
Sec. 12, SE¼SW¼NW¼, W½SW¼SE¼NW¼, and N½N½NW¼SW¼.

Wind River Turnout

T. 43 N., R. 110 W.,
Sec. 1, S½SE¼NW¼SW¼, S½SW¼NE¼SW¼, N½NW¼SE¼SW, and N½NE¼SW¼SW¼.

Brooks Lake Recreation Area

T. 44 N., R. 110 W.,
Sec. 24, S½SE¼;
Sec. 25, NE¼, W½NW¼, N½NE¼NW¼, S½SE¼NW¼, N½SW¼, and N½S½SW¼.

Togwotee Pass Observation

T. 44 N., R. 110 W.,
Sec. 28, NW¼NW¼. This withdrawal is limited to that portion of Sec. 28, NW¼NW¼, located south of the Shoshone-Teton National Forest boundaries.

Wind River Lake Picnic Ground

T. 44 N., R. 110 W.,
Sec. 28, NE¼SE¼ and N½SE¼SE¼.

The areas described aggregate 3,504.48 acres.

ED PIERSON,
State Director.

[F.R. Doc. 65-5690; Filed, June 1, 1965; 8:46 a.m.]

DEPARTMENT OF AGRICULTURE

Consumer and Marketing Service

CHIEF OF WAREHOUSE SERVICES BRANCH ET AL.

Delegation of Authority

Pursuant to authority delegated to the Director of the Transportation and Warehouse Division (30 F.R. 1260, as amended by 30 F.R. 6597), it is hereby ordered as follows:

1. The Chief of the Warehouse Service Branch is authorized to perform all the duties and exercise all the functions and powers in connection with (a) the warehouse examination function with respect to warehouses storing commodities pursuant to contracts or agreements with the Commodity Credit Corporation, and (b) the administration of the U.S. Warehouse Act (7 U.S.C. 241-273) except the issuance and amendment of rules and regulations, the suspension of licenses temporarily without hearing under sections 25 or 9 of the act (7 U.S.C. 246, 248), and the performance of functions reserved to the Judicial Officer of the Department of Agriculture in section 111b, 30 F.R. 6897.

2. The Chief of the Transportation Services Branch is authorized to take all actions necessary in connection with proceedings under section 201 of the Agricultural Adjustment Act of 1938 (7 U.S.C. 1291) and section 203(j) of the Agricultural Marketing Act of 1946 (7 U.S.C. 1622(j)) when participation therein on behalf of the Secretary is authorized by the Director, and otherwise to perform all the duties and to exercise all the functions and powers in connection with the administration of said sections.

3. The Chief of the Defense Programs Branch is authorized to perform all the duties and exercise all the functions in directing and coordinating and planning activities and operations assigned to the Director with respect to civil defense and defense mobilization.

Each of said Chiefs may redelegate any authority conferred upon him hereby to such officers or employees of the respective Branch as he deems appropriate. No delegation made herein shall preclude the Director from performing any of the duties or exercising any of the functions or powers delegated hereby. The delegations made hereby are subject at all times to withdrawal or amendment by the Director.

This delegation shall be effective June 7, 1965, and supersedes the delegation of authority issued by the Director, Special Services Division, on October 30, 1956 (21 F.R. 8544).

Done at Washington, D.C., this 27th day of May 1965.

GEORGE A. DICE,
Director, Transportation and Warehouse Division.

[F.R. Doc. 65-5731; Filed, June 1, 1965; 8:50 a.m.]

OFFICERS IN CHARGE, NATIONAL GRAIN AND COTTON FIELD OFFICES

Delegation of Authority

Pursuant to authority delegated to me by order of the Director, Transportation and Warehouse Division, Consumer and Marketing Service, dated May 27, 1965, functions vested in me are hereby redelegated with respect to grain, dry bean, broomcorn, sirup, wool, canned food, cold-pack fruit, and seeds warehouses to the Officer in Charge, National Grain Field Office, Kansas City, Mo., and with respect to cotton, cottonseed, tobacco, and nuts warehouses to the Officer in Charge, National Cotton Field Office, New Orleans, La., as follows:

1. The issuance of licenses authorized under sections 4, 9, and 11 of the U.S. Warehouse Act (7 U.S.C. 244, 248, and 252),

2. The modification or extension of licenses authorized by section 5 of the U.S. Warehouse Act (7 U.S.C. 245),

3. Upon written request and a satisfactory statement of reasons therefor, submitted by a licensee, the suspension, revocation or cancellation of the license held by the licensee as authorized in applicable regulations.

No delegation made herein shall preclude the Chief, Warehouse Service Branch, from performing any of the duties or exercising any of the functions or powers delegated hereby. The delegations made hereby are subject at all times to withdrawal or amendment by the Branch Chief.

This delegation shall be effective June 7, 1965.

Done at Washington, D.C., this 27th day of May 1965.

CARL J. MILLER,
Chief,
Warehouse Service Branch.

[F.R. Doc. 65-5732; Filed, June 1, 1965; 8:50 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of the Secretary

PUBLIC HEALTH SERVICE

Statement of Organization and Delegations of Authority

The Statement of Organization and Delegations of Authority of the Department of Health, Education, and Welfare (22 F.R. 1245 as amended by 28 F.R. 10433, 10688, 11647, and 13374, and 29 F.R. 12482 and 13182), is hereby amended as follows:

Section 4.20, paragraph (b), is amended by adding new subparagraphs 17 and 18 as follows:

(17) The functions under section 202 (a), subject to the limitations of section 223, and other provisions of the Appalachian Regional Development Act of 1965, P.L. 89-4, 79 Stat. 5, relating to the making of grants for health facilities.

(18) The functions under section 212 (a) of the Appalachian Regional Development Act of 1965, P.L. 89-4, 79 Stat. 5, subject to the limitations of section 223, and other provisions of that Act and to general policy guidance from the Office of the Secretary, relating to making of grants for the construction of sewage treatment works.

[SEAL] ANTHONY J. CELEBREZZE,
Secretary, Department of Health, Education, and Welfare.

MAY 25, 1965.

[F.R. Doc. 65-5724; Filed, June 1, 1965; 8:49 a.m.]

CIVIL AERONAUTICS BOARD

[Docket No. 16191]

KINGSTON FLYING CLUB

Notice of Hearing

Application for a foreign air carrier permit, issued pursuant to section 402 of the Federal Aviation Act of 1958, as amended, to perform operations of a casual, occasional or infrequent nature, in common carriage, into the United States.

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that a hearing on the above-entitled application is assigned to be held on June 22, 1965, at 10 a.m., e.d.s.t., in Room 701, Universal Building, Connecticut and Florida Avenues NW., Washington, D.C., before Examiner Joseph L. Fitzmaurice.

Dated at Washington, D.C., May 26, 1965.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F.R. Doc. 65-5733; Filed, June 1, 1965; 8:50 a.m.]

[Docket No. 12732]

MOHAWK GOLDEN AGE TARIFF

Notice of Prehearing Conference

Notice is hereby given that a prehearing conference on the above-entitled application is assigned to be held on June 9, 1965, at 10 a.m., e.d.s.t., in Room 911, Universal Building, Connecticut and Florida Avenues NW., Washington, D.C., before Examiner Edward T. Stodola.

Dated at Washington, D.C., May 26, 1965.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F.R. Doc. 65-5734; Filed, June 1, 1965; 8:50 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket Nos. 15271, 15451; FCC 65M-653]

AMERICAN COLONIAL BROADCASTING CORP.

Order Continuing Hearing

In re applications of American Colonial Broadcasting Corp., Ponce, P.R., Docket No. 15271, File No. BPCT-3104; for construction permit to change transmitter site and antenna height above average terrain of Station WSUR-TV, Channel 9, Ponce, P.R.; American Colonial Broadcasting Corp., Caguas, P.R., Docket No. 15451, File No. BPCT-3300; for construction permit to increase power of Station WKBM-TV, Channel 11, Caguas, P.R.

It is ordered, This 24th day of May 1965, because of the illness of the presiding Hearing Examiner, that hearing in the above-entitled proceeding, which heretofore was scheduled to commence June 1, 1965, is continued to a date in the near future to be specified by the presiding Hearing Examiner.

Released: May 24, 1965.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 65-5709; Filed, June 1, 1965; 8:47 a.m.]

[Docket Nos. 15619, 15620; FCC 65M-651]

FARRAGUT TELEVISION CORP. AND PEOPLES BROADCASTING CORP.

Order Continuing Hearing

In re applications of Farragut Television Corp., Columbus, Ohio, Docket No. 15619, File No. BPCT-3319; Peoples Broadcasting Corp., Columbus, Ohio, Docket No. 15620, File No. BPCT-3333; for construction permit for new television broadcast station.

It is ordered, This 24th day of May 1965, because of the illness of the presiding Hearing Examiner, that hearing in the above-entitled proceeding, which heretofore was scheduled to commence June 2, 1965, is continued to a date in the near future to be specified by the presiding Hearing Examiner.

Released: May 24, 1965.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 65-5710; Filed, June 1, 1965; 8:47 a.m.]

[Docket Nos. 16020-16023; FCC 65M-668]

FIDELITY RADIO, INC., ET AL.

Order Scheduling Hearing

In re applications of Fidelity Radio, Inc., Louisville, Ky., Docket No. 16020, File No. BPH-3981; Producers, Inc., Louisville, Ky., Docket No. 16021, File No. BPH-4396; WHAS, Inc., Louisville, Ky., Docket No. 16022, File No. BPH-4630; for construction permits.

It is ordered, This 24th day of May 1965, that Elizabeth C. Smith shall serve as the presiding officer in the above-entitled proceeding; that the hearings therein shall commence at 10 a.m., on July 16, 1965; and that a prehearing conference shall be convened at 9 a.m., on June 17, 1965; *and it is further ordered,* That all proceedings shall be held in the Offices of the Commission, Washington, D.C.

Released: May 26, 1965.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 65-5711; Filed, June 1, 1965; 8:47 a.m.]

[Docket Nos. 15826, 15827; FCC 65M-679]

KXYZ TELEVISION, INC., AND CREST BROADCASTING CO.

Order Regarding Procedural Dates

In re applications of KXYZ, Television, Inc., Houston, Tex., Docket No. 15826, File No. BPCT-3220; Crest Broadcasting Co., Houston, Tex., Docket No. 15827, File No. BPCT-3302; for construction permit for new television broadcast station (Channel 29).

Certain procedural dates having been agreed upon during the course of a hearing session on May 26, 1965;

It is ordered, This 26th day of May 1965, that:

(1) On or before June 14, 1965, each applicant shall identify the individuals it proposes to call for oral testimony in support of its direct case;

(2) On or before June 21, 1965, each party shall give notice of any additional individuals it wishes to have produced for cross-examination; and,

It is further ordered, That hearing shall resume on June 28, 1965, at 10 a.m., in the offices of the Commission at Washington, D.C.

Released: May 27, 1965.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 65-5712; Filed, June 1, 1965; 8:47 a.m.]

[Docket No. 15997; FCC 65M-674]

LAMPASAS BROADCASTING CORP. (KCYL)

Order Continuing Prehearing Conference

In re application of Lampasas Broadcasting Corp. (KCYL), Lampasas, Tex., Docket No. 15997, File No. BP-16383; for construction permit.

The Hearing Examiner having under consideration a Petition for Continuance of Prehearing Conference filed by Lampasas Broadcasting Corp. on May 21, 1965, requesting that the prehearing conference presently scheduled for June 2, 1965, at 9 a.m., be continued to June 14, 1965;

It appearing, that good cause has been shown for a grant of the request and that the other parties to the proceeding have consented to a grant thereof;

It is ordered, This 25th day of May 1965, that the Petition for Continuance of Prehearing Conference filed by Lampasas Broadcasting Corp. on May 21, 1965, be, and the same is hereby granted; and that the prehearing conference presently scheduled for June 2, 1965, at 9 a.m., be, and the same is, hereby rescheduled for June 14, 1965, at 9 a.m.

Released: May 26, 1965.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 65-5713; Filed, June 1, 1965; 8:48 a.m.]

[Docket No. 15997; FCC 65M-676]

PARISH BROADCASTING CO. AND CLINTON BROADCASTING CO.

Order Continuing Hearing

In re applications of James A. Gatewood trading as Parish Broadcasting Co., Franklinton, La., Docket No. 15965, File No. BP-16360; William E. Hardy and James E. Myers doing business as Clinton Broadcasting Co., Clinton, Miss., Docket No. 15966, File No. BP-16425; for construction permits.

A prehearing conference having been held on May 26, 1965, and it appearing from the record made therein that certain agreements were reached and certain rulings made which should be formalized by order;

It is ordered, This 26th day of May 1965, that:

(1) The direct case of Parish Broadcasting Co. shall be presented entirely in the form of sworn written exhibits; [1]

(2) Copies of the Parish exhibits shall be exchanged on or before June 16, 1965;

(3) In the event the Broadcast Bureau wishes to call for cross-examination any witness sponsoring any of the Parish exhibits, notification thereof shall be given on or before June 23, 1965; and,

It is further ordered, That hearing herein shall commence on July 6, 1965, at 9 a.m. in the offices of the Commission at Washington, D.C.

Released: May 26, 1965.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 65-5715; Filed, June 1, 1965; 8:48 a.m.]

[Docket No. 15997; FCC 65M-675]

NAUGATUCK VALLEY SERVICE, INC. (WOWW)

Order Continuing Hearing

In re application of Naugatuck Valley Service, Inc. (WOWW), Naugatuck, Conn., Docket No. 15658, File No. BP-14829; for construction permit.

It is ordered, This 25th day of May 1965, on the Examiner's own motion, that the hearing in the above-entitled proceeding now scheduled for 10 a.m., May 27, 1965, is continued to 10 a.m., June 9, 1965.

Released: May 26, 1965.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 65-5714; Filed, June 1, 1965; 8:48 a.m.]

[Docket Nos. 15981, 15982; FCC 65M-671]

RADIO PHONE COMMUNICATIONS, INC. AND AMERICAN RADIO-TELEPHONE SERVICE, INC.

Order Continuing Hearing

In re applications of Radio Phone Communications, Inc., Docket No. 15981, File No. 269-C2-P-64; for a construction permit to establish new facilities in the Domestic Public Land Mobile Radio Service at Falls Church, Va.; American Radio-Telephone Service, Inc., Docket No. 15982, File No. 1134-C2-P-64; for a construction permit to modify the facilities of station KGA248 in the Domestic Public Land Mobile Radio Service at Washington, D.C.

The Hearing Examiner having under consideration a motion filed on May 24, 1965, by Radio Phone Communications, Inc., requesting that the prehearing conference in the above-entitled proceeding, presently scheduled for May 27, 1965, be continued for a period of approximately 30 days; and

It appearing, that negotiations are under way looking toward possibilities of resolving the conflict between the applicants without the necessity of a hearing, so as to permit the immediate rendition of service to the area; and that additional time will be necessary to work out a meaningful solution to present to the Commission and to prepare the necessary documents; and

It further appearing, that all other counsel have consented to an immediate consideration of this motion; that counsel for the other applicant supports the motion in its entirety; and that counsel for the Bureau has given his consent to a continuation until June 15, 1965, at least, and has further indicated that he will not oppose a further extension up to 30 days if the Examiner should make such a grant;

It is ordered, This 25th day of May 1965, that the motion for continuance of the prehearing conference be and it is hereby granted to the extent that the prehearing conference presently scheduled for May 27, 1965, is hereby continued to June 24, 1965, at 10 a.m.; and it is accordingly further ordered that the hearing presently scheduled for June 17, 1965, be and it is hereby continued to a date to be fixed at the prehearing conference.

Released: May 26, 1965.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 65-5716; Filed, June 1, 1965; 8:48 a.m.]

[Docket No. 15888; FCC 65M-678]

SELMA TELEVISION, INC. (WSLA-TV)

Memorandum Opinion and Order Amending Issues

In re application of Selma Television, Inc. (WSLA-TV), Selma, Ala., Docket No. 15888, File No. BPCT-2827; for construction permit.

1. The Hearing Examiner has under consideration the petition to enlarge issues filed on April 12, 1965, by WCOV, Inc., the comments of the Broadcast Bureau and response of Montgomery Independent Telecasters, Inc. supporting the petition and the opposition to the petition filed by Selma Television, Inc. Enlargement of the issues is sought to include the following: To determine whether the funds available to the applicant will give reasonable assurance that the proposals set forth in the application will be effectuated.

2. The petition is based on allegations conforming with those considered by the Commission as noted in the order of designation for hearing with reference to which the Commission stated that "There is nothing in the application or pleadings which will explain these apparent discrepancies. We think, however, that these are questions which may be considered by the Hearing Examiner, if properly brought before him on motion

[1] The application of Clinton Broadcasting Co. is not being actively prosecuted, and action on a request to dismiss the said application is awaiting compliance with the governing rules.

for an 'Evansville' issue." The discrepancies to which the Commission made reference were the failures of applicant to change its estimated cost of operation for the first year and estimated revenues for the first year (Section III, Part 1 of application) despite substantive changes in its proposed programing, staff and number of commercial announcements as reflected in amendments to the application filed February 11, and July 2, 1964. Other allegations are that applicant has made no allocation for the cost of preparing the application and prosecuting it through hearing,[2] for construction costs, or the additional staffing required. Petitioner further alleges that additional studio facilities and equipment will be required in view of the substantial increase in staff, in film programing and live programs and accordingly the application response "On hand" cannot be accepted as adequate.

3. The Broadcast Bureau supports the petition on the ground that a hearing is warranted because of the failure to change the estimated annual operating expenses in view of the other changes made and of the failure to allocate funds for construction costs. The response of Montgomery Independent Telecasters, Inc. adopts the position of petitioner.

4. By its opposition Selma Television points out that in some respects petitioner appears to be urging that a showing that the facilities can be maintained for a full year without revenues from station operations is here required. This arises from the inclusion in the petition of payments of principal and interest on the equipment contract for a 12 month period. If such is the position of petitioner the doctrine of Ultravision Broadcasting Co. 4 R.R. 2d 655 with respect to new UHF television stations going into three station VHF markets here has no applicability and the standard test of adequate resources to construct the station and put it into operation will be applied. In substance the balance of the opposition urges generally that adequate funds would be available even if annual operating expenses have been underestimated as an excess of $69,694 would be available over the cash requirements shown in the application, as amended.

5. Under the circumstances present the petition for enlargement of issues must be granted. There is no showing of preoperational expenses. There is no showing of salary costs for the initial 90-day period of operation. There is no showing of processing costs or whether they are to be met from the showing of funds available in the application or by other means. There is no showing whether construction costs have been included. Such detailed information is admittedly not required by the application form. When the sufficiency of funds allocated is questioned, however, it becomes incumbent upon an applicant to make such showings unless the available funds are of such substance as to make their sufficiency self-evident. That is not here present.

Accordingly, it is ordered, This 26th day of May 1965, that the said petition for enlargement of issues is granted and the issues are enlarged to include the following: To determine whether the funds available to Selma Television, Inc. will give reasonable assurance that the proposals set forth in its application will be effectuated.

Released: May 27, 1965.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 65-5717; Filed, June 1, 1965; 8:48 a.m.]

[Docket Nos. 15803—15806; FCC 65R-191]

JOHN N. TRAXLER ET AL.

Memorandum Opinion and Order Amending Issues

In re applications of John N. Traxler and Alvera M. Traxler, Husband and Wife, Delray Beach, Fla., Docket No. 15803, File No. BPH-3485; Sunshine Broadcasting Co., Delray Beach, Fla., Docket No. 15804, File No. BPH-4174; WLOD, Inc., Pompano Beach, Fla., Docket No. 15805, File No. BPH-4253; Boca Broadcasters, Inc., Pompano Beach, Fla., Docket No. 15806, File No. BPH-4605; for construction permits.

1. Boca Broadcasters, Inc., requests the addition of several issues against John N. Traxler and Alvera M. Traxler, hereinafter referred to as the Traxlers.[1]

FINANCIAL QUALIFICATIONS ISSUE

2. The petitioner's first request is for the addition of a financial qualifications issue against the Traxlers. As is so frequently the case in pleadings relating to a request for a financial qualifications issue, the allegations made by the parties are fragmentary and inaccurate. The application, as amended on April 16, 1962, and again on April 15, 1965 (see the Hearing Examiner's Order released Apr. 15, 1965, FCC 65M-464), shows estimated construction costs of $40,749.[2] According to the April 16, 1962, amendment, first year operating costs are estimated at $33,514.74; hence, a total of $8,378.65 is needed to operate Traxler's proposed station for 3 months. The total construction and initial operating costs thus amount to $49,127.65. In their application, as amended, the Traxlers claim that they have available the following assets to finance their proposal: (a) A $14,000 loan from George I. Etling and Elizabeth Etling; (b) a loan commitment in the sum of $7,000 from the Boca Raton National Bank, of Boca Raton, Fla.; (c) equipment credit, in the amount of $22,100 from Collins Radio Co.; (d) a lease arrangement for land worth $5,100, with an option to purchase the land; and (e) $7,291 to be furnished by the Traxlers. If all of these figures could be accepted at their face value, the Traxlers have $55,491 available in the form of cash and credit to finance their construction and initial operating costs of $49,127.65.

3. The bank letter from the Boca Raton National Bank provides that its $7,000 loan shall be secured by a first mortgage on the land and improvements thereon. Hence, the Traxlers cannot claim as a credit the $5,100 worth of land which they would lease with an option to buy. Thus, if, on the one hand, they do not own the land, the bank loan would not be available; if, on the other hand, they purchase the land, they can no longer claim $5,100 in credit for land acquisition. The $7,291.00 which the Traxlers propose to furnish in the way of capital cannot be accepted at face value. Their balance sheet, which was submitted with the amendment which was accepted by the Examiner on April 15, 1965, shows cash in the amount of $950; equity in stock, listed on major exchanges, in the amount of $738.86; equity, in "automobiles" valued at $1,739.00; an equity of $1,909.64 in business machinery; and household and office furnishings valued at $3,500. Of these items, only the $950.00 in cash and $738.86 in stock are clearly allowable, a total of $1,688.86. This sum, when added to the two loans (which in the aggregate total $21,000) and the $22,100.00 in equipment credit, leaves the Traxlers with a total of $44,788.86, against cash requirements of $49,127.65, or a total of $4,340.79 less than is required. It cannot be assumed that nonliquid assets (the equity in automobiles, business machines, and household and business furnishings) which the Traxlers themselves value at no more than $7,148.64, will yield as much as $4,340.79.[3] The only alleged asset not considered in the above analysis is $3,000 held in escrow by the Chapman Company; however, the Traxlers have not shown that this sum is available to finance their proposed operation, and hence it cannot be relied upon as a source of funds.

4. In view of the factual analysis made above, an issue will be added to determine whether the Traxlers are financially qualified to construct their proposed station and operate it for a reasonable period of time without revenue.

SITE AVAILABILITY

5. With their application, the Traxlers submitted a "lease with Option to Purchase" their proposed transmitter site. This agreement was entered into by the Traxlers with Herbert L. Turner and his wife Florence A. Turner. Because this agreement has expired, the petitioner requests a site availability issue. In their opposition to this requested issue, the Traxlers state that "Mrs. Turner, who holds title to the land proposed by Traxler as transmitter site, is still ill following the sudden death of her husband", but that Mrs. Turner has notified the Traxlers by telephone that the site is still available. The Traxlers contend that it is not essential that a new agreement be filed, and that the petitioner has the burden of suppgrting its request for a site availability issue with a statement from the owner of the land that the site is no longer available.

6. It is not necessary that an applicant have a binding agreement with the owner of a proposed site in order to establish its availability for the purposes proposed. See Suburban Broadcasting, Inc., FCC 60-169, 19 R.R. 956a; Beacon Broadcasting System, Inc., FCC 61-684, 21 R.R. 727; Eastside Broadcasting Co., FCC 63R-528, 1 R.R. 2d 763. However, the death of Herbert L. Turner presents questions which cannot readily be resolved by a mere statement that his widow owns the property and is willing to make it available to the Traxlers upon the terms originally agreed upon. Thus, apparently Mr. Turner died in February of 1965, and no information has been presented as to whether the administration of his estate has been completed. Under the circumstances, it is the Board's view that the assertion that Mrs. Turner now holds title to the property must be supported by something more than the Traxlers' statement to that effect. Accordingly, a site availability issue will be added.

SUBURBAN ISSUE

7. The Traxlers' original application specified Boca Raton, Fla., as the station location. They subsequently amended their application to specify Delray Beach as the station location, but did not make any corresponding amendment to their programing proposal. For this reason, the petitioner requests the addition of a Suburban issue. The Broadcast Bureau supports petitioner's request for this issue.

8. The Traxlers oppose the addition of a Suburban issue. They state that Boca Raton and Delray Beach are less than 10 miles apart, that the proposed signal would encompass both communities, that it was always their intention to serve the entire south Palm Beach County area, that the transmitter site is nearer to Delray Beach than to Boca Raton, and that John Traxler is familiar with the Delray Beach area. In support of this last contention, the Traxlers submit a letter from the executive editor of Palm Beach newspapers stating that John Traxler, as a free-lance writer, has written "many articles" for these newspapers concerning "various Palm Beach County areas and activities" since 1963, that these articles include "articles covering Delray Beach and the surrounding south county area", and that his articles have shown "a good understanding and concern for that area and its people." Also submitted is a letter from an associate county agricultural agent to the effect that he has had contact with John Traxler "on several occasions regarding news articles concerning the agriculture industry in and around Delray Beach area." Also attached to the opposition is an affidavit by John Traxler in which he states that (a) he and his wife have been residents of the south Palm Beach County area since 1963; (b) they "studied" Delray Beach and the surrounding area "closely"; (c) since 1961, when they began searching for a location for a radio station, they began "familiarizing" themselves with "Delray Beach and Boca Raton and their general area that has a great deal in common as an important agricultural center"; (d) they have had children enrolled in Boca Raton high school and now have a child enrolled in a high school in Delray Beach; (e) they live within 6 miles of Delray Beach; (f) John Traxler's work as a writer brought him into close association with "officials having responsibility in the area", e.g., County Agricultural Agent's Office, Sheriff's Department, Florida Highway Patrol, the Central and Southern Flood Control District, and "individual business owners." Traxler concludes his affidavit by stating that "previous study and constant attention to Delray Beach, county areas, plans and goals for the new schools coming into being gave him sound basis for his proposed programing and verified it even more strongly for Delray Beach," which in 1964 had a population of 15,200 and a trade area with a population of 50,000 persons.

9. In Lindsay Broadcasting Co., 61-1497, 22 R.R. 805, the Commission stated that identity of programing proposals for different communities raises a substantial question as to "whether, or the extent to which programing proposals have been tailored to meet the needs of an area proposed to be served." In essence, it appears to be the Traxlers' position that they are familiar with Delray Beach and the area they propose to serve. They have not, however, alleged that the specific needs of Delray Beach would be met by appropriate changes in the content of any of the specific programs which they proposed in their application for Boca Raton. In this connection, see Community Services Broadcasters, Inc., FCC 62-15, 22 R.R. 814. Nor have the Traxlers made an adequate showing to support their generalized assertion that the communities of Delray Beach and Boca Raton are similar communities, so that identical programing would adequately meet the needs of either community. In the absence of such a showing, together with the fact that at the time the program proposals were originally filed the station location was Boca Raton and not Delray Beach,[4] it is, in the Board's judgment, necessary to add a Suburban issue.

STAFF ISSUE

10. The petitioner requests the addition of an issue to determine the adequacy of the Traxlers' staffing proposal. In support of this request, petitioner alleges that the Traxlers propose approximately 12 percent live programing, and propose a staff of only four persons. The Bureau supports the request. In opposition, the Traxlers indicate that in addition to the two staff members, they would likewise participate in the operation of the station. They also state that in presenting live programing, they will utilize the contacts made by them during their residency in the Delray Beach area.

11. The requested staff issue will be added. The Traxlers propose to broadcast 105 hours per week, of which 12 percent will be live programing. This raises serious questions as to the ability of the Traxlers to effectuate their programing proposal. See John E. Grant, FCC 62-409, 23 R.R. 461.

Accordingly, it is ordered, This 26th day of May 1965, That the petition to enlarge issues, filed February 17, 1965, by Boca Broadcasters, Inc., is granted, and that the issues in this proceeding are enlarged by the addition of the following issues:

1. To determine whether the applicant, John N. Traxler and Alvera M. Traxler, is financially qualified to construct and operate its proposed station for a reasonable period of time without revenue;

2. To determine whether the applicant, John N. Traxler and Alvera M. Traxler, has reasonable assurance of beng able to secure its proposed transmitter site;

3. To determine what efforts have been made by the applicant, John N. Traxler and Alvera M. Traxler, to determine the programing needs of the community and area it proposes to serve and the manner in which it proposes to meet such needs.

4. To determine whether the staff proposed by John N. Traxler and Alvera M. Traxler would be adequate to

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[1] As noted in Publix Television Corp., et al. (FCC 60D-113, Mimeo No. 93495) and in Nelson Broadcasting Co., et al. (FCC 65D-11, Mimeo No. 65545) Section III of FCC Form 301 does not call for an estimate of processing costs and applications are processed both where such estimates are reflected in the application and where they are not included. In Publix Television Corp., supra, one applicant allocated a specific sum for such costs, the other applicants did not. The financial qualifications of all applicants were in issue. The Commission by decision of Apr. 29, 1964, granted the application of Coral Television Corp., one of the applicants which did not reflect in its application an estimate for processing costs as these costs were being met by advances from stockholders. Publix Television Corp., 2 R.R. 2d 481.

[1] Before the Review Board for consideration are: (1) A petition to enlarge issues, filed Feb. 17, 1965; (2) comments of the Broadcast Bureau, filed Mar. 3, 1965; and (3) an opposition to the petition, filed Mar. 22, 1965, by John N. Traxler and Alvera M. Traxler.

[2] The application, as amended, states that the total construction costs amount to $39,450.00. This is in error; the following construction costs are listed in the Apr. 16, 1962, amendment: Transmitter and tubes, $12,950.00; antenna system, $9,190.00; frequency and modulation monitors, $1,649.00; studio technical equipment, $3,360.00; land acquisition, $5,100.00; buildings, $7,000; other items, $1,500. These figures total $40,749. The applicant's total for these figures in its Apr. 16, 1962, amendment was $39,450.

[3] Only when the value of nonliquid assets is several times greater than the cash they are relied upon to yield may such assets be taken into account in determining, in connection with a petition to enlarge issues, an applicant's financial qualifications. See Martin Karig, 30 FCC 537, 21 R.R. 439 (1961); KWEN Broadcasting Company, FCC 64R-37; Massillon Broadcasting Co., Inc., FCC 61-1164, 22 R.R. 218; Springfield Television Corp., FCC 64R-243, 2 R.R. 2d 849.

[4] The factual allegations before us in this proceeding are substantially different from those made in Bootheel Broadcasting Co., 62R-47, 24 R.R. 292. In Bootheel, substantially the same programing was proposed as had previously been proposed for another community. However, the programing proposals in Bootheel were made upon the basis of area familiarity and contacts in the community, and the applicant concluded that the community needs would be met by programing like that proposed in the earlier application for another community. In the instant proceeding, however, it appears that the programing proposed for Delray Beach was not decided upon after a careful weighing of Delray Beach's needs, but was, instead, carried over to Delray Beach when the application was amended to specify Delray Beach as the principal community.

operate their station as proposed in their application.

Released: May 27, 1965.

FEDERAL COMMUNICATIONS COMMISSION,[5]
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 65-5718; Filed, June 1, 1965; 8:48 a.m.]

[Docket Nos. 15967, 15968; FCC 65M-673]

WAYNESBORO BROADCASTING CORP. AND WANV, INC.

Order Continuing Hearing

In re applications of Waynesboro Broadcasting Corp., Waynesboro, Va., Docket No. 15967, File No. BPH-4533; WANV, Inc., Waynesboro, Va., Docket No. 15968, File No. BPH-4613; for construction permits.

It is ordered, This 25th day of May 1965, that the hearing in the above-styled proceeding presently scheduled to commence on June 11, 1965, is hereby continued to a date to be fixed at the further session of the prehearing conference now scheduled for July 20, 1965, at 10 a.m.

Released: May 26, 1965.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 65-5719; Filed, June 1, 1965; 8:48 a.m.]

FEDERAL POWER COMMISSION

[Project No. 2512]

UNION CARBIDE CORP.

Notice of Application for License for Constructed Project

MAY 25, 1965.

Public notice is hereby given that application has been filed under the Federal Power Act (16 U.S.C. 791a–825r) by Union Carbide Corp. (correspondence to: Mr. John F. Shanklin, Secretary, Union Carbide Corp., 270 Park Avenue, New York, N.Y., 10017), for a license for constructed Project No. 2512, known as the Hawks Nest Development located near the town of Gauley Bridge, and the Glen Ferris Development at the town of Glen Ferris both in Fayette County, W. Va.

This application involves an overall project consisting of two developments which has already been constructed but not licensed pursuant to the Federal Power Act. The existing Hawks Nest Development consists of: (1) A dam with an overall length of 948 feet containing a main spillway section, a trash spillway, and abutment structures; (2) the main ogee spillway containing 14 crest gates 25 feet high and 50 feet wide; (3) a reservoir about 570 feet wide and 3.65 miles long operated between elevations 820 and 815 feet; (4) a gated intake; (5) a circular tunnel 16,240 feet long leading to an intermediate surge tank, a steel differential surge tank, and a penstock system; (6) a powerhouse containing four turbines, with a total capacity of 140,000 hp, directly connected to four generators, with a total capacity of 102,000 kw; (7) a substation; and (8) appurtenant electrical and mechanical facilities. The existing Glen Ferris Development consists of: (1) A concrete dam about 3 to 12 feet high and approximately 2,850 feet long containing a wooden stop log section, three wooden removable trash spillway stop log sections, and two wooden stop log sluices in the base of the dam; (2) a reservoir of approximately 397 acres; (3) a trash boom 910 feet long; (4) two intakes; (5) two open flumes; (6) an "old" west powerhouse equipped with six turbines connected to six generators and a "new" east powerhouse equipped with two turbines connected to two generators (both powerhouses having a combined capacity of 5,450 kw.); (7) a substation; (8) a converter house containing a frequency changer; and (9) appurtenant electrical and mechanical facilities.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C., 20426, in accordance with the rules of practice and procedure of the Commission (18 CFR 1.8 or 1.10). The last day upon which protests or petitions may be filed is July 19, 1965. The application is on file with the Commission for public inspection.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 65-5688; Filed, June 1, 1965; 8:46 a.m.]

[Docket Nos. G-2557 etc.]

COASTAL STATES GAS PRODUCING CO. ET AL.

Findings and Order

MAY 21, 1965.

Coastal States Gas Producing Co. (successor to Orange Grove Gas Gathering Co.) and other applicants listed herein, Docket Nos. G-2557, et al.; findings and order after statutory hearing issuing certificates of public convenience and necessity, amending certificates, permitting and approving abandonment of service, terminating certificates, substituting respondent, making successors corespondents, redesignating proceedings, accepting agreements and undertakings for filing, requiring filing of agreements and undertakings, accepting related rate schedules and supplements for filing.

Each of the Applicants listed herein has filed an application pursuant to section 7 of the Natural Gas Act for a certificate or public convenience and necessity authorizing the sale and delivery of natural gas in interstate commerce, for permission and approval to abandon service, or a petition to amend an existing certificate authorization, all as more fully described in the respective applications and petitions (and any supplements or amendments thereto) which are on file with the Commission.

The Applicants herein have filed related FPC Gas Rate Schedules and propose to initiate or abandon, add or delete natural gas service in interstate commerce as indicated by the tabulation herein. All sales certificated herein are either equal to or below the ceiling prices established by the Commission's Statement of Policy 61–1, as amended or involve sales for which permanent certificates have been previously issued.

Coastal States Gas Producing Co., Applicant in Docket No. G-2557, proposes to continue the sale of natural gas heretofore authorized in said docket and made pursuant to Orange Grove Gas Gathering Co. FPC Gas Rate Schedule No. 1. The presently effective rate under said rate schedule is in effect subject to refund in Docket No. G-19936[1]. Applicant has filed a motion to be substituted as respondent in said proceeding together with an agreement and undertaking to assure the refund of any amount collected in excess of the amount determined to be just and reasonable in said proceeding. Accordingly, Applicant will be substituted in lieu of Orange Grove as respondent, the proceeding will be redesignated, and the agreement and undertaking will be accepted for filing.

Pan American Petroleum Corp. its agent for Irving D. Isko has filed an application in Docket No. G-11564 to amend the certificate issued in said docket to Prentice Development Corp., among others, by substituting Irving D. Isko in lieu of Prentice as a certificate holder. Pan American also requests that Prentice's FPC Gas Rate Schedule No. 1 be redesignated as that of Isko. The effective rate under said rate schedule at the time of the assignment, June 1, 1961, was in effect subject to refund in Docket No. G-17059[2]. Pan American has requested that Isko be made a corespondent in said proceeding, and Isko has submitted an agreement and undertaking to assure the refund of any amounts collected by him in excess of the amounts determined to be just and reasonable in said proceeding. Accordingly, Isko will be made a corespondent in the proceeding pending in Docket No. G-17059, and the agreement and undertaking will be accepted for filing.

James W. Harris (Operator), et al., Applicant in Docket No. CI65-807, proposes to continue in part sales of natural gas authorized in, inter alia, Docket Nos. G-6170 and G-6274 and made pursuant to Superior Oil Co. FPC Gas Rate Schedule No. 20 and Tidewater Oil Co. FPC Gas Rate Schedule No. 68, respectively. Applicant has filed his predecessors' contracts as his own rate schedules. The presently effective rates under said rate schedules are in effect subject to refund in Docket Nos. G-14106 (Superior) and RI64-762 (Tidewater). Accordingly, applicant will be made corespondent in each of said proceedings, said proceedings will be redesignated, and Applicant will be required to file agreements and undertakings to assure the refund of any amounts collected by him in excess of the amounts determined to be just and reasonable in said proceedings.

After due notice, no petitions to intervene, notices of intervention, or protests to the granting of any of the respective applications or petitions in this order have been received.

At a hearing held on May 20, 1965, the Commission on its own motion received and made a part of the record in these proceedings all evidence including the applications, amendments and exhibits thereto, submitted in support of the respective authorizations sought herein, and upon consideration of the record.

The Commission finds:

(1) Each Applicant herein is a "natural-gas company" within the meaning of the Natural Gas Act as heretofore found by the Commission or will be engaged in the sale of natural gas in interstate commerce for resale for ultimate public consumption, subject to the jurisdiction of the Commission, and will, therefore, be a "natural-gas company" within the meaning of said Act upon the commencement of the service under the respective authorizations granted hereinafter.

(2) The sales of natural gas hereinbefore described, as more fully described in the respective applications, amendments and/or supplements herein, will be made in interstate commerce, subject to the jurisdiction of the Commission, and such sales by the respective Applicants, together with the construction and operation of any facilities subject to the jurisdiction of the Commission necessary therefor, are subject to the requirements of subsections (c) and (e) of section 7 of the Natural Gas Act.

(3) The sales of natural gas by the respective Applicants, together with the construction and operation of any facilities subject to the jurisdiction of the Commission necessary therefor, are required by the public convenience and necessity and certificates therefor should be issued as hereinafter ordered and conditioned.

(4) The respective Applicants are able and willing properly to do the acts and to perform the services proposed and to conform to the provisions of the Natural Gas Act and the requirements, rules and regulations of the Commission thereunder.

(5) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act and the public convenience and necessity require that the certificate authorizations heretofore issued by the Commission in Docket Nos. G-2557, G-3105, G-3146, G-6170, G-6274, G-7177, CI61-1281, CI62-358, CI62-880, CI63-555, CI64-516, and CI64-1506 should be amended as hereinafter ordered.

(6) That any rate adjustment made in Docket No. CI65-991 based upon the processing of the subject gas for removal of helium or nitrogen, Applicant should be required to make a rate change filing pursuant to section 4(d) of the Natural Gas Act.

(7) The sales of natural gas proposed to be abandoned by the respective Applicants, as hereinbefore described, all as more fully described in the tabulation herein and in the resepective applications, are subject to the requirements of subsection (b) of section 7 of the Natural Gas Act, and such abandonments should be permitted and approved as hereinafter ordered.

(8) The certificates of public convenience and necessity heretofore issued to the respective Applicants herein relating to the abandonments hereinafter permitted and approved should be terminated.

(9) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act that Coastal States Gas Producing Co. should be substituted in lieu of Orange Grove Gas Gathering Co. as respondent in the proceeding pending in Docket No. G-19936, that said proceeding should be redesignated accordingly, and that the agreement and undertaking submitted by Coastal States should be accepted for filing.

(10) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act that Irving D. Isko should be made a corespondent in the proceeding pending in Docket No. G-17059, and that the agreement and undertaking submitted by him in said proceeding should be accepted for filing.

(11) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act that James W. Harris (Operator), et al., should be made corespondent in the proceeding pending in Docket Nos. G-14106 and RI64-762, that said proceedings should be redesignated accordingly, and that Harris should be required to file agreements and undertakings.

(12) The respective related rate schedules and supplements as designated or redesignated in the tabulation herein should be accepted for filing as hereinafter ordered.

The Commission orders:

(A) Certificates of public convenience and necessity be and the same are hereby issued, upon the terms and conditions of this order, authorizing the sales by the respective Applicants herein of natural gas in interstate commerce for resale, together with the construction and operation of any facilities subject to the jurisdiction of the Commission necessary for such sales, all as hereinbefore described and as more fully described in the respective applications, amendments supplements and exhibits in this proceeding.

(B) The certificates granted in paragraph (A) above are not transferable and shall be effective only so long as Applicants continue the acts or operations hereby authorized in accordance with the provisions of the Natural Gas Act and the applicable rules, regulations and orders of the Commission.

(C) The grant of the certificates issued in paragraph (A) above shall not be construed as a waiver of the requirements of section 4 of the Natural Gas Act or of Part 154 or Part 157 of the Commission's regulations thereunder, and is without prejudice to any findings or orders which have been or may hereafter be made by the Commission in any proceeding now pending or hereafter instituted by or against the respective Applicants. Further, our action in this proceeding shall not foreclose nor prejudice any future proceedings or objections relating to the operation of any price or related provisions in the gas purchase contracts herein involved. Nor shall the grants of the certificates aforesaid for service to the particular customers involved imply approval of all of the terms of the respective contracts, particularly as to the cessation of service upon termination of said contracts, as provided by section 7(b) of the Natural Gas Act. Nor shall the grant of the certificates aforesaid be construed to preclude the imposition of any sanctions pursuant to the provisions of the Natural Gas Act for the unauthorized commencement of any sales of natural gas subject to said certificates.

(D) Applicant in Docket No. CI65-988 is hereby required to submit an estimated billing statement for the first month of service.

(E) The certificate authorizations heretofore issued to the respective Applicants in Docket Nos. CI61-1281, CI64-516, and CI64-1506 are hereby amended by adding thereto authorization to sell natural gas to the same purchasers and in the same areas as covered by the original authorizations, pursuant to the rate schedule supplements as indicated in the tabulation herein.

(F) The authorization granted in paragraph (E) above in Docket No. CI-61-1281 is subject to the conditions set forth in paragraphs (C), (D), and (E) of the order accompanying Opinion No. 353 (27 FPC 449).

(G) The authorization granted in paragraph (E) above in Docket No. CI-64-516 is subject to the conditions set forth in paragraphs (E), (F), and (G) of the order accompanying Opinion No. 350 (27 FPC 35).

(H) The certificates heretofore issued in Docket Nos. G-3105, G-3146, G-6170, and G-6274 are hereby amended by deleting therefrom authorization granted herein in Docket No. CI65-807.

(I) The certificates heretofore issued in Docket Nos. G-7177, CI62-358 and CI63-555 are hereby amended by deleting therefrom authorization granted herein in Docket Nos. CI65-808, CI65-988, and CI65-883.

(J) The certificates heretofore issued in Docket Nos. G-2557 and CI62-880 are hereby amended by changing the certificate holders to the respective successors in interest as indicated in the tabulation herein.

(K) Permission for and approval of the abandonment of service by the respective Applicants, as hereinbefore described and as more fully described in the respective applications herein are hereby granted.

(L) The certificates heretofore issued in Docket Nos. G-10231, G-12906, G-17489, CI61-86, CI61-611, and CI63-1170 are hereby terminated.

(M) Coastal States Gas Producing Co. be and it is hereby substituted in lieu of Orange Grove Gas Gathering Co. as

[5] Board Members Nelson and Kessler abstaining.

[1] Consolidated with Docket No. AR64-2, et al.

[2] Consolidated with Docket No. AR61-1, et al.

respondent in the proceeding pending in Docket No. G–19936, said proceeding is redesignated accordingly,[6] and the agreement and undertaking submitted by Coastal States is accepted for filing.

(N) Irving D. Isko be and he is hereby made a corespondent in the proceeding pending in Docket No. G–17059, said proceeding is redesignated accordingly,[4] and the agreement and undertaking submitted by him in said proceeding is accepted for filing.

(O) James W. Harris (Operator), et al., be and is hereby made a corespondent in the proceedings pending in Docket Nos. G–14106 and RI64–762, and said proceedings are redesignated accordingly.[5]

(P) Within 30 days from the issuance of this order James W. Harris (Operator), et al., shall execute, in the form set out below,[6] and shall file with the Secretary of the Commission acceptable agreements and undertakings in Docket Nos. G–14106 and RI64–762 to assure the refunds of any amounts, together with interest at the rates of 6 (Docket No. G–14106) and 7 (Docket No. RI64–762) percent per annum, collected by him for sales of natural gas authorized in Docket No. CI65–807 from properties acquired from The Superior Oil Co. (Operator), et al., and Tidewater Oil Co., in excess of the amounts determined to be just and reasonable in said proceedings. Unless notified to the contrary by the Secretary of the Commission within 30 days from the date of submission, such agreements and undertakings shall be deemed to have been accepted for filing.

(Q) Parties herein made respondents in the proceedings pending in Docket Nos. G–14106, G–17059, G–19936, and RI64–762 shall comply with the refunding and reporting procedure required by the Natural Gas Act and § 154.102 of the regulations thereunder, and the agreements and undertakings filed in said dockets by said respondents shall remain in full force and effect until discharged by the Commission.

(R) The respective related rate schedules and supplements as indicated in the tabulation herein, are hereby accepted for filing; further, the rate schedules relating to the successions herein are hereby redesignated and accepted, subject to the applicable Commission regulations under the Natural Gas Act to be effective on the dates indicated in the tabulation herein.

By the Commission.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[2] Coastal States Gas Producing Co.

[3] Due to the large number of respondents the proceeding pending in Docket No. G–17059 will contine to be referred to as Pan American Petroleum Corp. (Operator), although the records of the Commission will be changed to reflect the addition of Irving D. Isko as a respondent.

[4] Docket No. G–14106, The Superior Oil Co. (Operator), et al. and James W. Harris (Operator), et al.; Docket No. RI64–762, Tidewater Oil Co. and James W. Harris (Operator), et al.

[5] Form filed as part of original document.

Docket No. and date filed	Applicant	Purchaser, field, and location	FPC rate schedule to be accepted: Description and date of document	No.	Supp.
G–2557 F 5–24–65	Coastal States Gas Producing Co. (successor to Orange Grove Gas Gathering Co.).	Natural Gas Pipeline Co. of America, Orange Grove Field, Jim Wells County, Tex.	Orange Grove Gas Gathering Co., FPC GRS No. 1.	55	
			Supplement Nos. 1–12.	55	1–12
			Notice of succession 5–24–65.	55	13
			Article of dissolution 5–28–62.[1]		
			Effective date: 6–28–62.		
G–3105 D 5–1–65	Humble Oil & Refining Co. (Operator), et al.	Southern Natural Gas Co., Gwinville Field, Jefferson Davis, and Simpson Counties, Miss.	Assignment 1–15–65.[2]	136	5
G–6170 D 4–1–65	The Superior Oil Co.	Southern Natural Gas Co., Gwinville Field, Jefferson Davis County, Miss.	Assignment 1–11–65.[3]	11	7
G–11864 E 12–26–62	Pan American Petroleum Corp. (Operator)[4] Irving D. Isko (successor to Prentice Development Corp.).	Northern Natural Gas Co., Prentice Gasoline Plant, Yoakum County, Tex.	Prentice Development Corp., FPC GRS No. 1.	1	
			Supplement No. 1.	1	1
			Notice of succession 12–21–62.[4]		
			Assignment 6–6–61.[5]	1	[8]
CI61–1281 C 4–7–65	Socony Mobil Oil Co., Inc. (Operator), et al.	Michigan Wisconsin Pipe Line Co., Cedardale Field, Woodward County, Okla.	Amendatory agreement: 2–17–65.[6][7]	[8]	[8]
CI62–980 E 5–3–65	A. R. Jackson, et al., d.b.a. Chlories Bennett, et al., No. 1 (successor to John R. Robinson, et al., d.b.a. Chlories Bennett, et al., No. 1).	Consolidated Gas Supply Corp., DeKalb district, Gilmer County, W. Va.	John R. Robinson, et al., d.b.a. Chlories Bennett, et al., No. 1, FPC GRS No. 1.	8	
			Notice of succession 5–5–65.		
			Supplemental agreement 5–12–64.[10]	8	1
			Effective date: 5–15–64.		
CI64–66 A 7–15–65	H. J. Mosser	The Altex Corp., Tom Graham Field, Jim Wells County, Tex.	Contract 4–11–62.	7	
			Amendment 4–9–65.[9][11]	7	1
CI64–516 C 3–25–65	Tenneco Oil Co.[12]	Panhandle Eastern Pipe Line Co., Northeast Trail Field, Dewey County, Okla.	Amendatory agreement: 3–23–65.	24	3
A CI64–1219 (G–13623)[13] F 5–1–64	Lollie-Smith Production Co.	United Gas Pipe Line Co., Pistol Ridge Field, Forrest County, Miss.	Contract 6–29–54.[14]	1	
			Assignment 1–15–64.[15]	1	1
CI64–1508 C 4–6–65	Pan American Petroleum Corp. (Operator), et al.	El Paso Natural Gas Co., Gallup Field, San Juan County, N. Mex.	Effective date: 1–16–64.		
			Supplemental agreement 3–8–65.[16]	207	1
A CI65–807 (G–3105) F 1–25–65 3–15–65[17]	James W. Harris (Operator), et al.	Southern Natural Gas Co., Gwinville Field, Jefferson Davis County, Miss.	Contract 7–22–57.[18]	1	[8]
			Amendment 3–14–60.	1	[8]
			Amendment 7–1–64.[19]	1	[8]
			Assignment 1–15–65.[20]	1	[8]
CI65–807 (G–6274)			Contract 11–12–57.[21]	[8]	1
			Notice of change 11–12–57.	[8]	[8]
			Amendment 6–3–60.	[8]	[8]
			Letter agreement 6–3–60.	[8]	[8]
			Notice of change 5–3–65.[22]	[8]	[8]
			Notice of change 5–5–65.[23]	[8]	[8]
			Assignment 12–30–64.[24]	[8]	6
CI65–807 (G–6170)			Contract 4–12–46.[25]	[8]	[8]
			Amendment 5–17–48.	[8]	[8]
			Notice of change 11–5–57.	[8]	[8]
			Assignment 1–11–65.[26]	[8]	3
CI65–807 (G–3140)			Contract 11–7–57.[27]	[8]	[8]
			Amendment 2–23–60.	[8]	[8]
			Letter agreement 8–22–61.	[8]	[8]
			Letter agreement 8–26–64.	[8]	[8]
			Notice of change 2–25–64.	[8]	[8]
			Assignment 1–18–65.[28]	[8]	[8]
A CI65–808 (G–7177) F 5–18–65	James W. Harris (Operator), et al.	United Gas Pipe Line Co., Gwinville Field, Jefferson Davis County, Miss.	Contract 1–4–65.[29]	[8]	[8]
			Assignment 5–25–64.[30]	[8]	1
A CI65–863 (CI62–551) F 5–5–65	Forest Oil Corp.	Texas Eastern Transmission Corp., Dallas Rusky Field, Goliad County, Tex.	Contract 10–16–62.[31]	24	[8]
			Assignment 5–19–64.[32]	24	[8]
			Assignment 5–20–64.[33]	24	[8]
			Assignment 5–21–64.[34]	24	[8]
			Assignment 5–22–64.[35]	24	[8]
			Assignment 11–12–64.[36]	24	5
			Assignment 11–12–64.[37]	24	6
			Assignment 11–12–64.[38]	24	7
			Assignment 11–12–64.[39]	24	8
			Assignment 12–28–64.[40]	24	9
			Assignment 12–30–64.[41]	24	10
			Effective date: 10–1–64.		

Filing code: A—Initial service.
B—Abandonment.
C—Amendment to add acreage.
D—Amendment to delete acreage.
E—Succession.
F—Partial succession.

Footnotes at end of table.

[6] Amends contract pricing provisions in compliance with temporary certificate to conform with Order No. 242.

[7] By letter filed Apr. 23, 1965, applicant advised willingness to accept authorization for the additional acreage only to the certificates listed in Opinion No. 350.

[8] Undetermined. Has amended filing to reflect the deletion of the subject acreage. The certificate issued to Union Producing will exclude the subject acreage.

[9] Contract executed by Union Producing Co. and United; on file as Union Producing Co. FPC GRS No. 32.

[10] Conveys acreage from Union Producing to LaRue-Smith Production Co.

[11] Adds acreage and quality provision that gas be free from objectionable liquids and contain less than 7 No. H_2O per Applicant filed.

[12] Filed amendment to the application to delete request for authorization to render sales to United Gas Pipe Line Co.

[13] Basic contract between Southern and Humble Oil & Refining Co., Assignor (Docket No. G–6170).

[14] Humble's interest in production for the interval from 13,100 feet down to a depth of 13,700 feet.

[15] Basic contract between Southern and Tide Water Oil Co., Assignor (Docket No. G–6274).

[16] Pursuant to Order issued June 15, 1963, approving Contract dated Nov. 12, 1962 (Docket No. G–13210, et al.).

[17] Effective subject to refund in Docket No. RI64–762. Applicant has not filed Bond or Motion to be made co-respondent.

[18] From Tidewater's interest in production below the Fahrny Formation (encountered at 10,681 feet), but not below 14,000 feet.

[19] Basic contract between Southern and The Superior Oil Co., Assignor (Docket No. G–6170).

[20] Assigns Superior's interest in production from Rodessa Formation (between depths of 13,100 and 13,700 feet) and Bilgo Formation (between depths of 14,086 and 14,290 feet).

[21] Basic contract between Southern & Texas Gulf Producing Co., predecessor in interest to Assignor, Sinclair Oil & Gas Co. (Docket No. G–3156).

[22] Assigns Sinclair's interest in production from Rodessa Formation (between depths of 13,100 and 13,700 feet) and Bilgo Formation (between depths of 14,086 and 14,290 feet).

[23] Provides for newly-dedicated acreage and incorporates by reference acreage assigned by Gulf Oil Corp.

[24] Assigns Gulf's interest in production from Rodessa Formation (between depths of 13,100 and 13,700 feet) and Bilgo Formation (between depths of 14,086 and 14,290 feet).

[25] Conveys acreage from Carl O. Gilbert, et al., and Tyne Sisters.

[26] Conveys acreage from et al. parties to Coastal States Gas Producing Co.

[27] Conveys acreage from Coastal States to W. Earl Rowe; Alamo Bank; Trinity University, Trustee; and Northrup (Supp. No. 2–4, respectively).

[28] Conveys all interest in acreage to Samuel L. Fly.

[29] Conveys acreage from W. Earl Rowe, et al. to Samuel L. Fly.

[30] No certificate or rate schedule filed by Forest Oil Corp.

[31] Between Western Drilling Co., Inc. and El Paso.

[32] Notification that favored-nations clause had been triggered resulting in an increased rate of 13.5¢ cents per Mcf for the interval from 13,100 feet to 13,700 feet.

[33] Eliminates favored-nations clause and provides for 17.0 cents per Mcf from January 1, 1960 to August 1, 1964, with 1.0 cent per Mcf escalations at 5-year intervals thereafter and price redetermination at 5-year intervals beginning August 1, 1969.

[34] From Kay Kimball, et al., and Western Drilling Co. to John M. Clark (covers only part of original contract dedication).

[35] Addn'l. parties.

[36] Production of gas no longer economically feasible.

[37] Source of gas depleted.

[38] Contract between E. H. Adair, et al. and Northern; on file as the estate of E. H. Adair d.b.a. E. H. Adair Oil Co. FPC GRS No. 2.

[39] Conveys acreage from Adair to Petroleum, Inc.

[40] Conveys acreage from Petroleum, Inc., to co-owners.

[41] Conveys acreage from Petroleum, Inc., to co-owners.

[F.R. Doc. 65–5568; Filed, June 1, 1965; 8:45 a.m.]

Docket No. and date filed	Applicant	Purchaser, field, and location	FPC rate schedule to be accepted: Description and date of document	No.	Supp.
A CI65–865 F 5–24–65[1]	Chase Petroleum Co. (Operator), Agent for John M. Clark, et al.	El Paso Natural Gas Co., Spraberry Trend Area Field, Upton County, Tex.	Contract 8–13–57.[2]	[3]	[3]
			Letter 8–5–60.[4]	[3]	[3]
			Supplemental agreement 10–26–60.[5]	[3]	[3]
			Assignment 1–18–64.[6]	[3]	[3]
			Assignment 1–18–64.[7]	[3]	[3]
			Effective date: 2–18–64.		
CI65–870 A 4–2–65	Rincon Oil & Gas Corp.	El Paso Natural Gas Co., Dakota Field, Rio Arriba County, N. Mex.	Contract 11–8–64.[8]	13	[9]
CI65–872 A 5–30–65	Willard E. Ferrell, Agent for Optimistic Gas Co.	Equitable Gas Co., Troy District, Gilmer County, W. Va.	Contract 2–11–65.	65	1
CI65–877 A 4–6–65	J. M. Huber Corp.	Panhandle Eastern Pipe Line Co., Interstate Seward County, Kans.	Letter agreement 11–15–65.	65	1
CI65–878 (G–13600) E 4–2–65	Tennsco Oil Co. (formerly Delhi-Taylor Oil Corp.).	Natural Gas Pipeline Co. of America, North Knobs Field, Nueces County, Tex.	Notice of cancellation 3–29–65.[10]	18	1
CI65–882 A 4–7–65	George W. Moses, Agent.	Equitable Gas Co., West Union and Central Districts, Doddridge County, W. Va.	Contract 2–5–65.[11]	10	[9]
CI65–885 (CI62–1170) B 4–7–65	Skelly Oil Co.	Arkansas Louisiana Gas Co., Richland Parish, La.	Notice of cancellation (undated).[12]	154	3
CI65–886 (G–12031) E 4–6–65	do	Kansas-Nebraska Natural Gas Co., Inc., Grayson-Hugoton Field, Texas County, Okla.	do	103	1
CI65–887 (CI61–611) B 4–6–65	D. F. Cox	Consolidated Gas Supply Corp., Murphy District, Ritchie County, W. Va.	Notice of cancellation 4–2–65.[13]	1	1
A CI65–888 (CI62–355) F 4–6–65	Petroleum, Inc. (Operator), et al.	Northern Natural Gas Co., Big Bow Field, Clark County, Kans.	Contract 7–6–61.[14]	24	1
			Amendment agreement 1–1–64.	24	1
			Assignment 12–31–64.[15]	24	2
			Effective date: 1–1–65.		
CI65–890 A 4–7–65	The Hefner Production Co. (Operator), et al.	Northern Natural Gas Co., Beaver Area, Beaver County, Okla.	Assignment 1–1–65.[16]	24	3
			Contract 2–8–65.	6	[9]
CI65–891 A 4–7–65	Mesa Petroleum Co. (Operator), et al.	Natural Gas Pipeline Co. of America, West Panhandle Field, Carson County, Tex.	Contract 1–4–65.[17]	4	[9]
CI65–893 (G–17469) E 4–2–65	Sunray DX Oil Co.	United Gas Pipe Line Co., East Cabeza Creek, Goliad County, Tex.	Notice of cancellation 4–1–65.[18]	172	4
CI65–894 (CI61–88) B 4–6–65	Tidewater Oil Co.	Arkansas Louisiana Gas Co., Bonanza Field, Garfield County, Okla.	Notice of cancellation (undated).[18]	101	4
CI65–896 A 4–6–65	James W. Hershberger	Michigan Wisconsin Pipe Line Co., Soden Field, Stanford County, Kans.	Contract 3–9–65.[19]	2	[9]

[1] Conveys all assets and property to Orange Grove's sole shareholder Coastal States Gas Producing Co.

[2] Conveys interest to James W. Harris in Docket No. CI65–807.

[3] Effective date: Date of this order.

[4] Adds acreage in Docket No. CI65–807, interest in production from Rodessa Formation (between depths of 13,100 and 13,700 feet) in Opinion No. 350, and Bilgo Formation (between depths of 14,086 and 14,290 feet).

[5] Certificate issued to Honolulu Oil Corp. et al. Docket No. CI65–214 (Pan American Petroleum Corp. (Operator), et al.) authorizes sale of gas from this acreage. Said certificate issued Oct. 18, 1961, to Pan American Petroleum Corp. (Operator), to continue service authorized by temporary certificate issued in Docket No. CP65–215 which is covered by this certificate. The rate schedule is being redesignated in the name of Irving D. Isko.

[6] Filed as "Motion to redesignate Prentice Development Corp. FPC GRS No. 1".

[7] Applicant is willing to accept authorization for the additional acreage same as its original certificate issued in Opinion No. 350.

[8] Effective date: Date of initial delivery.

[9] Establishes A. R. Jackson as the party responsible for this filing in place of John R. Robinson (Jackson was one of the et al. parties covered by Robinson's original filing).

[10] Amends contract pricing provisions in compliance with temporary certificate to conform with Order No. 242.

[11] By letter filed Apr. 23, 1965, applicant advised willingness to accept authorization for the additional acreage only to the certificates issued in Opinion No. 350.

[12] Undetermined. Has amended filing to reflect the deletion of the subject acreage. The certificate issued to Union Producing will exclude the subject acreage.

[13] Contract executed by Union Producing Co. and United; on file as Union Producing Co. FPC GRS No. 32.

[14] Conveys acreage from Union Producing to LaRue-Smith Production Co.

[15] Adds acreage and quality provision that gas be free from objectionable liquids and contain less than 7 No. H_2O per Applicant filed.

[16] Filed amendment to the application to delete request for authorization to render sales to United Gas Pipe Line Co.

[17] Basic contract between Southern and Humble Oil & Refining Co., Assignor (Docket No. G–6170).

[18] Humble's interest in production for the interval from 13,100 feet down to a depth of 13,700 feet.

[19] Basic contract between Southern and Tide Water Oil Co., Assignor (Docket No. G–6274).

[20] Pursuant to Order issued June 15, 1963, approving Contract dated Nov. 12, 1962 (Docket No. G–13210, et al.).

[21] Effective subject to refund in Docket No. RI64–762. Applicant has not filed Bond or Motion to be made co-respondent.

[22] From Tidewater's interest in production below the Fahrny Formation (encountered at 10,681 feet), but not below 14,000 feet.

[23] Basic contract between Southern and The Superior Oil Co., Assignor (Docket No. G–6170).

[24] Assigns Superior's interest in production from Rodessa Formation (between depths of 13,100 and 13,700 feet) and Bilgo Formation (between depths of 14,086 and 14,290 feet).

[25] Basic contract between Southern & Texas Gulf Producing Co., predecessor in interest to Assignor, Sinclair Oil & Gas Co. (Docket No. G–3156).

[26] Assigns Sinclair's interest in production from Rodessa Formation (between depths of 13,100 and 13,700 feet) and Bilgo Formation (between depths of 14,086 and 14,290 feet).

[27] Provides for newly-dedicated acreage and incorporates by reference acreage assigned by Gulf Oil Corp.

[28] Assigns Gulf's interest in production from Rodessa Formation (between depths of 13,100 and 13,700 feet) and Bilgo Formation (between depths of 14,086 and 14,290 feet).

[29] Conveys acreage from Carl O. Gilbert, et al., and Tyne Sisters.

[30] Conveys acreage from et al. parties to Coastal States Gas Producing Co.

[31] Conveys acreage from Coastal States to W. Earl Rowe; Alamo Bank; Trinity University, Trustee; and Northrup (Supp. No. 2–4, respectively).

[32] Conveys all interest in acreage to Samuel L. Fly.

[33] Conveys acreage from W. Earl Rowe, et al. to Samuel L. Fly.

[34] No certificate or rate schedule filed by Forest Oil Corp.

[35] Between Western Drilling Co., Inc. and El Paso.

[36] Notification that favored-nations clause had been triggered resulting in an increased rate of 13.5¢ cents per Mcf for the interval from 13,100 feet to 13,700 feet.

[37] Eliminates favored-nations clause and provides for 17.0 cents per Mcf from January 1, 1960 to August 1, 1964, with 1.0 cent per Mcf escalations at 5-year intervals thereafter and price redetermination at 5-year intervals beginning August 1, 1969.

[38] From Kay Kimball, et al., and Western Drilling Co. to John M. Clark (covers only part of original contract dedication).

[39] Addn'l. parties.

[40] Production of gas no longer economically feasible.

[41] Source of gas depleted.

[42] Contract between E. H. Adair, et al. and Northern; on file as the estate of E. H. Adair d.b.a. E. H. Adair Oil Co. FPC GRS No. 2.

[43] Conveys acreage from Adair to Petroleum, Inc.

[44] Conveys acreage from Petroleum, Inc., to co-owners.

[F.R. Doc. 65–5568; Filed, June 1, 1965; 8:45 a.m.]

PACIFIC GAS TRANSMISSION CO.

Order Granting Interventions and Fixing Dates for Filing of Exhibits and for Prehearing Conference

May 25, 1965.

On January 12, 1965, Pacific Gas Transmission Co. (Pacific Transmission) of San Francisco, Calif., filed an application as amended on March 31, 1965, in Docket No. CP65–215 pursuant to section 3 of the Natural Gas Act requesting an order of the Commission authorizing it to import additional volumes of natural gas from the Dominion of Canada (Canada). On the respective dates noted above, Pacific Transmission filed an application and amendments in Docket No. CP65–213 pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of facilities for the interstate transportation and sale of these additional volumes of natural gas. Concurrently with these applications, Pacific Transmission filed an application in Docket No. CP65–214 for a permit pursuant to Executive Order No. 10485 authorizing the construction, operation, maintenance, and connection of facilities at the international boundary between the United States and Canada for the importation of additional volumes of natural gas from Canada.

Through the above filings Pacific Transmission seeks authorization to acquire an additional volume of approximately 200,000 Mcf of natural gas from Canada and to transport this gas to California. Pacific Transmission also seeks authorization to sell this gas at the Oregon-California border to Pacific Gas and Electric Co. (P. G. and E.) and the latter company intends to resell and distribute this gas to its customers in northern and central California. The natural gas proposed to be imported will be purchased from producers in Alberta by Alberta and Southern Gas Co., Ltd. (Alberta and Southern) and transported by Alberta Gas Trunk Line Co., Ltd. to a designated point in Alberta near the Alberta-British Columbia boundary. At this point the gas will be delivered to Alberta Natural Gas Co. The latter company will then transport the gas to a specified location on the international boundary between the United States and Canada in the vicinity of Kingsgate, British Columbia, where it will be purchased by Pacific Transmission from Alberta and Southern. Pacific Transmission upon receipt of the gas will transport it to the Oregon-California border for resale to P. G. and E.

Pacific Transmission is currently purchasing approximately 400,000 Mcf of natural gas per day from Alberta and Southern. The proposed additional volume herein consists of approximately an additional 200,000 Mcf per day, with deliveries of 100,000 Mcf to commence on or about November 1, 1966, and deliveries of the full 200,000 Mcf to commence on or about November 1, 1967.

In order to carry out the above proposals, Pacific Transmission seeks authorization to construct, install, and operate: (1) 8,250 additional horsepower of compression at its compressor station No. 4 near Sandpoint, Idaho; (2) a new 10,000 installed horsepower compressor station No. 6 near Rosalia, Wash.; (3) a new 10,000 installed horsepower compressor station No. 9, near Ione, Oreg.; (4) a new 16,000 installed compressor station, No. 11, near Madras, Oreg.; (5) a new 8,000 installed horsepower compressor station, No. 14, near Bonanza, Oreg.; (6) additional metering facilities at the existing meter station on the Oregon-California border; (7) a maintenance base near Condon, Oreg.; (8) a gas control computer in its office building in Spokane, Wash.; and (9) a change of impellers at its stations Nos. 6 and 13, near Walla Walla, Wash., and Diamond Junction, Oreg., respectively.

The estimated cost of Pacific Transmission's proposed construction is $13,857,000, and will be financed with cash currently on hand and cash to be generated from operations in the years 1964 through 1967.

Petitions seeking leave to intervene in these proceedings were filed as follows:

Petitioner	Date of filing
El Paso Natural Gas Co.	Feb. 15, 1965
Texas Independent Producers and Royalty Owners Association	Do.
Permian Basin Petroleum Association	Do.
West Central Texas Oil and Gas Association	Do.
California Gas Producers Association	Feb. 15, 1965
Jade Oil and Gas Co.	Do.
Independent Petroleum Association of America	Feb. 16, 1965

Notices of intervention were filed in these proceedings by the People of the State of California and the Public Utilities Commission of the State of California on March 1, 1965, and May 3, 1965, respectively. The Washington Utilities and Transportation Commission on February 15, 1965; The Idaho Public Utilities Commission on May 7, 1965, and the Public Utility Commission of Oregon on May 3, 1965.

It appears appropriate from the above facts that these proceedings should be set for formal hearing and that they should be consolidated for purposes of such hearing.

In order to assure that the issues and related matters framed by the filings to the aforementioned proceedings are expeditiously heard, the Commission will require that the Applicant, Pacific Transmission, serve its prepared testimony on all the parties to these proceedings on or before June 21, 1965. In the event that any intervener or the Commission's staff desires to file answering testimony to Pacific Transmission's direct presentation, they shall serve such testimony upon all of the parties on or before July 15, 1965.

The Commission is of the opinion that a prehearing conference held before the formal hearing will prove beneficial to all the parties and tend to expedite the hearing phase of these proceedings once it has commenced. The Commission will therefore require a prehearing conference be held with respect to the aforementioned proceedings on July 22, 1965.

The Commission finds:

(1) It appears that the participation in these proceedings by each of the above-named petitioners seeking intervention may be in the public interest.

(2) It appears that the scheduling of a prehearing conference prior to the formal hearing may be in the public interest.

The Commission orders:

(A) Each of the above-mentioned petitioners is hereby permitted to intervene in these proceedings subject to the rules and regulations of the Commission: *Provided, however,* That the participation of such interveners shall be limited to matters affecting asserted rights and interests specifically set forth in the petitions to intervene: and, *Provided, further,* That the admission of such interveners shall not be construed as recognition by the Commission that they or any of them might be aggrieved by any order or orders entered in these proceedings.

(B) A prehearing conference be convened in the proceedings entitled Pacific Gas Transmission Co., et al., Docket Nos. CP65-213, et al. in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D.C., on July 22, 1965, at 10 a.m. e.d.s.t. The Chief Examiner will designate an appropriate officer of the Commission to preside at the prehearing conference and at the formal hearing of these matters, pursuant to the Commission's rules of practice and procedure.

(C) The direct testimony to be presented by Pacific Gas Transmission Co. be served upon all of the parties to these proceedings by June 21, 1965. Any party desiring to file answering testimony to Pacific Gas Transmission Co.'s direct presentation shall serve such answering testimony upon all of the parties on or before July 15, 1965.

By the Commission.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F.R. Doc. 65-5687; Filed, June 1, 1965; 8:46 a.m.]

HOUSING AND HOME FINANCE AGENCY

Office of the Administrator

ACTING REGIONAL DIRECTOR OF URBAN RENEWAL, REGION I (NEW YORK)

Designation

The officers named below or appointed to the following listed positions in Region I (New York) are hereby designated to serve as Acting Regional Director of Urban Renewal, Region I, during the absence of the Regional Director of Urban Renewal, with all the powers, functions, and duties redelegated or assigned to the Regional Director of Urban Renewal, provided that no officer is authorized to serve as Acting Regional Director of Urban Renewal unless all other officers whose name or titles precede his in this designation are unable to act by reason of absence:

1. Deputy Regional Director of Urban Renewal.
2. Robert LaPlante, Assistant Chief, Operations Branch.
3. Chief, Fiscal Management Branch.
4. Assistant Regional Director for Special Programs.

This designation supersedes the designation effective October 26, 1964 (29 F.R. 15271, November 13, 1964).

(Housing and Home Finance Administrator's delegation effective May 4, 1962 (27 F.R. 4319, May 4, 1962))

Effective as of the 19th day of May 1965.

[SEAL] LESTER EISNER, Jr., *Regional Administrator, Region I.*

[F.R. Doc. 65-5707; Filed, June 1, 1965; 8:47 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 70-4261]

COLUMBIA GAS SYSTEM, INC.

Notice of Proposed Issuance of Short-Term Notes to Banks

MAY 26, 1965.

Notice is hereby given that The Columbia Gas System, Inc. ("Columbia"), 120 East 41st St., New York, N.Y., 10017, a registered holding company, has filed a declaration with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("Act") designating sections 6(a) and 7 thereof as applicable to the proposed transactions. All interested persons are referred to the declaration, on file at the office of the Commission, for a statement of the transactions therein proposed which are summarized below.

To provide funds for five of its subsidiary companies to purchase inventory gas for storage, Columbia proposes to issue from time to time on or before October 15, 1965, unsecured short-term notes to a group of commercial banks, for whom Morgan Guaranty Trust Co. of New York will act as clearing agent, in an aggregate face amount not to exceed $80,000,000. A proposal to make open account advances to said five subsidiary companies for inventory gas is the subject of a separate filing with this Commission (See File No. 70-4261). Columbia's notes are to mature as follows: $25,000,000 on February 28, 1966, $25,000,000 on March 31, 1966, and $30,000,000 on April 29, 1966. The notes will be dated as of the date of issuance, are to bear interest at the current prime rate of 4½ percent per annum, and may be prepaid, on 5 days notice, in whole or in part in order of maturity, without penalty, except that prepayments cannot be made with funds borrowed from banks at a lower interest rate. Each borrowing is to be apportioned among all banks in accordance with the participation of each in the total credit. The names of the banks and the maximum participation of each bank are indicated below:

Bankers Trust Co., New York City	$3,900,000
Brown Brothers, Harriman & Co., New York City	750,000
Central National Bank of Cleveland, Cleveland, Ohio	200,000
Chemical Bank New York Trust Co., New York City	10,140,000
City National Bank and Trust Co., Columbus, Ohio	1,000,000
First-City National Bank of Binghamton, Binghamton, N.Y.	120,000
First & Merchants National Bank of Richmond, Richmond, Va.	450,000
First National Bank of Mansfield, Mansfield, Ohio	200,000
First Security National Bank and Trust Co., Lexington, Ky.	450,000
Glen National Bank, Watkins Glen, N.Y.	50,000
Huntington National Bank of Columbus, Columbus, Ohio	1,600,000
Irving Trust Co., New York City	3,900,000
Manufacturers Hanover Trust Co., New York City	5,900,000
Mellon National Bank and Trust Co., Pittsburgh, Pa.	7,400,000
Morgan Guaranty Trust Co. of New York, New York City	27,580,000
Pittsburgh National Bank, Pittsburgh, Pa.	2,200,000
The Charleston National Bank, Charleston, W. Va.	1,000,000
The Cleveland Trust Co., Cleveland, Ohio	1,800,000
The First Huntington National Bank, Huntington, W. Va.	800,000
The First National City Bank of New York, New York City	5,900,000
The National Bank of Toledo, Toledo, Ohio	$300,000
The National City Bank of Cleveland, Cleveland, Ohio	400,000
The Ohio Citizens Trust Co., Toledo, Ohio	300,000
The Ohio National Bank of Columbus, Columbus, Ohio	2,100,000
The Richland Trust Co., Mansfield, Ohio	200,000
The Toledo Trust Co., Toledo, Ohio	1,300,000
The Union National Bank, Pittsburgh, Pa.	750,000
Western Pennsylvania National Bank, Pittsburgh, Pa.	210,000
Total	80,000,000

The application states that Columbia's expenses incident to the proposed issuance of notes are estimated at $400 and that no State commission and no Federal commission, other than this Commission, has jurisdiction over the proposed transactions.

Notice is further given that any interested person may, not later than June 17, 1965, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said declaration which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C., 20549. A copy of such request should be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon the declarant at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed contemporaneously with the request. At any time after said date, the declaration, as filed or as it may be amended, may be permitted to become effective as provided in Rule 23 of the General Rules and Regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 65-5682; Filed, June 1, 1965; 8:45 a.m.]

[File No. 1-3421]

CONTINENTAL VENDING MACHINE CORP.

Order Suspending Trading

MAY 26, 1965.

The common stock, 10 cents par value, of Continental Vending Machine Corp., being listed and registered on the American Stock Exchange and having unlisted trading privileges on the Philadelphia-Baltimore-Washington Stock Exchange, and the 6 percent convertible subordinated debentures due September 1, 1976 being listed and registered on the American Stock Exchange, pursuant to provisions of the Securities Exchange Act of 1934; and

It appearing to the Securities and Exchange Commission that the summary suspension of trading in such securities on such Exchanges and otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to sections 15(c)(5) and 19(a)(4) of the Securities Exchange Act of 1934, that trading in such securities on the American Stock Exchange, the Philadelphia-Baltimore-Washington Stock Exchange and otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period May 27, 1965, through June 5, 1965, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 65-5683; Filed, June 1, 1965; 8:45 a.m.]

[File No. 7-2440]

KLM ROYAL DUTCH AIRLINES

Notice of Application for Unlisted Trading Privileges and of Opportunity for Hearing

MAY 26, 1965.

In the matter of application of the Philadelphia-Baltimore-Washington Stock Exchange for unlisted trading privileges in a certain security; Securities Exchange Act of 1934.

The above named national securities exchange has filed an application with the Securities and Exchange Commission pursuant to section 12(f)(1)(B) of the Securities Exchange Act of 1934 and Rule 12f-1 thereunder, for unlisted trading privileges in the common stock of the following company, which security is listed and registered on one or more other national securities exchanges: KLM Royal Dutch Airlines, File 7-2440.

Upon receipt of a request, on or before June 11, 1965 from any interested person, the Commission will determine whether the application shall be set down for hearing. Any such request should state briefly the nature of the interest of the person making the request and the position he proposes to take at the hearing, if ordered. In addition, any interested person may submit his views or any additional facts bearing on the said application by means of a letter addressed to the Secretary, Securities and Exchange Commission, Washington 25, D.C., not later than the date specified. If no one requests a hearing, this application will be determined by order of the Commission on the basis of the facts stated therein and other information contained in the official files of the Commission pertaining thereto.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 65-5684; Filed, June 1, 1965; 8:45 a.m.]

TARIFF COMMISSION

CLINICAL THERMOMETERS

Report to the President

MAY 27, 1965.

The Tariff Commission today reported to the President that the reduction of duties on clinical thermometers by the restoration of the trade-agreement rate "would not likely have a material effect on most of the larger domestic producers." The Commission observed, however, that most of the smaller producers would be adversely affected because they have been unable to mechanize their operations and because they cannot afford large sales forces or national advertising and hence are forced to sell in highly competitive local markets.

The Commission's statements were made as the result of an investigation requested by the President to assist him in determining whether or not to reduce or terminate an increased duty imposed on thermometers in 1958 under the escape-clause procedure.

In its report, the Commission pointed out that the larger domestic producers, those that account for about three-fourths of U.S. output, "are in a stronger position than before to meet import competition, and they sell the major share of their output to the retail trade, which has not been subject to great pressure from imports."

The report concludes an investigation (No. TEA-IA-7) instituted by the Commission, upon request of the President, under section 351(d)(2) of the Trade Expansion Act of 1962. Under that act, the Commission's advice is to be taken into account by the President before he determines whether or not to reduce or terminate an increase in duty imposed under the escape-clause procedure. A reduction in duty on clinical thermometers from 85 percent to 42½ percent ad valorem was made in 1951 pursuant to a concession granted by the United States in the General Agreement on Tariffs and Trade. The preconcession rate of 85 percent was restored in 1958 under the escape-clause provisions of the Trade Agreements Extension Act of 1951.

Certain portions of the report to the President may not be made public since they contain information that would reveal the operations of individual concerns. The Commission, therefore, is releasing the report to the public with those portions omitted.

Copies of the public report (the release of which was authorized by the President) are available upon request as long as the limited supply lasts. Address requests to the Secretary, U.S. Tariff Commission, Eighth and E Streets NW., Washington, D.C., 20436.

By direction of the Commission.

[SEAL] DONN N. BENT,
Secretary.

[F.R. Doc. 65-5702; Filed, June 1, 1965; 8:47 a.m.]

DEPARTMENT OF LABOR

Office of Labor-Management and Welfare-Pension Reports

REPORTING FORM D-2

Proposed Changes

Section 7 of the Welfare and Pension Plans Disclosure Act (sec. 7, 72 Stat. 1000, 76 Stat. 36, 37; 29 U.S.C. 306), requires annual financial reports from covered employee welfare and pension benefit plans. Reporting is required on Form D-2, "Employee Welfare or Pension Benefit Plan Annual Report Form", as prescribed in 29 CFR 460.4. In order, however, to provide for more comprehensive and meaningful disclosure, and to accommodate the Form to 1962 amendments to the Act, it is proposed herewith to issue an amended Form D-2.

Interested persons are offered 45 days from the date of publication of this notice in the FEDERAL REGISTER to offer comments concerning the proposed amended form. Comments should be addressed to:

Labor-Management Services Administrator, U.S. Department of Labor, 14th and Constitution Avenue NW., Washington, D.C., 20210.

Copies of the proposed amended form may be obtained upon request to:

Director, Office of Labor-Management and Welfare Pension Reports, U.S. Department of Labor, 14th and Constitution Avenue NW., Washington, D.C., 20210.

or any of the following offices of the Office of Labor-Management and Welfare-Pension Reports:

CALIFORNIA—Room 7731, Federal Building, 300 North Los Angeles Street, Los Angeles, 90012; 450 Golden Gate Avenue, San Francisco, 94102.
COLORADO—321 17th Street, Denver, 80202.
DISTRICT OF COLUMBIA—1111 20th Street NW., Washington, 20210.
FLORIDA—51 Southwest First Avenue, Miami, 33130.
GEORGIA—1365 Peachtree Street NE., Atlanta, 30309.
HAWAII—680 Ala Moana Boulevard, Honolulu, 96813.
ILLINOIS—219 South Dearborn Street, Chicago, 60604.
LOUISIANA—423 Canal Street, New Orleans, 70130.
MASSACHUSETTS—338 Washington Street, Boston, 02108.
MICHIGAN—234 State Street, Detroit, 48226.
MINNESOTA—110 South Fourth Street, Minneapolis, 55401.
MISSOURI—1520 Market Street, St. Louis, 63103; 911 Walnut Street, Kansas City, 64106.
NEW JERSEY—1060 Broad Street, Newark, 07102.
NEW YORK—121 Ellicott Street, Buffalo, 14203; 233 West 49th Street, New York, 10019.
OHIO—1365 Ontario Street, Cleveland, 44114.
PENNSYLVANIA—Ninth and Market Streets, Philadelphia, 19107; 1000 Liberty Avenue, Pittsburgh, 15222.
PUERTO RICO—1200 Ponce de Leon Avenue, Santurce, 00907.
TENNESSEE—801 Broad Street, Nashville, 37203.
TEXAS—1416 Commerce Street, Dallas, 75201.
WASHINGTON—506 Second Avenue, Seattle, 98104.

This proposed amendment to Form D-2 is issued under the authority of sections 5 and 7 of the Welfare and Pension Plans Disclosure Act (72 Stat. 999, 1000; 76 Stat. 36, 37; 29 U.S.C. 304, 306), Secretary's Order No. 24-63 (28 F.R. 9172), and Secretary's Order No. 25-63 (28 F.R. 9173).

Signed at Washington, D.C., this 27th day of May 1965.

JAMES J. REYNOLDS,
Labor-Management Services Administrator.

[F.R. Doc. 65-5607; Filed, June 1, 1965; 8:47 a.m.]

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FEDERAL REGISTER

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Pages 7307–7364

Agencies in this issue—

Agricultural Stabilization and Conservation Service
Atomic Energy Commission
Civil Service Commission
Coast Guard
Consumer and Marketing Service
Federal Aviation Agency
Federal Communications Commission
Federal Home Loan Bank Board
Federal Maritime Commission
Federal Power Commission
Fish and Wildlife Service
Immigration and Naturalization Service
Interstate Commerce Commission
Land Management Bureau
Securities and Exchange Commission
Small Business Administration

Detailed list of Contents appears inside.



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Contents

AGRICULTURAL STABILIZATION AND CONSERVATION SERVICE

Rules and Regulations

Soil bank; designation and use of conservation reserve (2 documents) ---- 7311

AGRICULTURE DEPARTMENT

See Agricultural Stabilization and Conservation Service; Consumer and Marketing Service.

ATOMIC ENERGY COMMISSION

Notices

General Dynamics Corp.; issuance of facility license ---- 7320
Northrop Corp.; issuance of facility license amendment ---- 7320
Pacific Gas and Electric Co.; issuance of amendment to provisional operating license ---- 7320
State of Tennessee; proposed agreement for assumption of certain AEC regulatory authority ---- 7318

CIVIL SERVICE COMMISSION

Rules and Regulations

Excepted service:
Federal Aviation Agency ---- 7311
Housing and Home Finance Agency ---- 7311

COAST GUARD

Rules and Regulations

Control over movement of vessels; advance notice of time of arrival of vessels ---- 7314

CONSUMER AND MARKETING SERVICE

Rules and Regulations

Valencia oranges grown in Arizona and designated part of California; handling limitations ---- 7311

Notices

Food stamp program; pilot program, effective date of supersedure ---- 7322

FEDERAL AVIATION AGENCY

Rules and Regulations

Federal airways; alteration (2 documents) ---- 7312
VOR Federal airways; realignment and alteration ---- 7312

Proposed Rule Making

Federal airways; proposed revocation and designation ---- 7316
Transition area; proposed designation ---- 7316

FEDERAL COMMUNICATIONS COMMISSION

Rules and Regulations

FM broadcast station, Corinth, Miss.; table of assignments ---- 7314

Notices

Hearings, etc.:
Ocean County Radio Broadcasting Co. et al ---- 7322
Jobbins, Charles W., et al ---- 7322
Radio Station WKEU and Teleрad, Inc ---- 7322

FEDERAL HOME LOAN BANK BOARD

Proposed Rule Making

Federal savings and loan systems; savings accounts ---- 7316

FEDERAL MARITIME COMMISSION

Notices

Agreements filed for approval:
Farrell Lines Inc., and Black Star Line Ltd. (2 documents) ---- 7327
Farrell Lines Inc., and Compagnie Maritime Des Chargeurs Reunis ---- 7328
Farrell Lines Inc., and Zim Israel Navigation Co., Ltd. (2 documents) ---- 7327, 7328
Nippon Yusen Kaisha and Union of Burma Five Star Line Corp. ---- 7328
Rederiaktiebolaget Disa et al ---- 7328

FEDERAL POWER COMMISSION

Rules and Regulations

Publicizing license conditions relating to recreational opportunities ---- 7313

Notices

Hearings, etc.:
Alabama-Tennessee Natural Gas Co ---- 7331
Cities Service Gas Co. et al ---- 7331
City of Petersburg, Alaska ---- 7331
Cumberland and Allegheny Gas Co ---- 7331
Kewanee Oil Co. et al ---- 7329
Natural Gas Pipeline Company of America ---- 7332
Panhandle Eastern Pipe Line Co ---- 7332
Transcontinental Gas Pipe Line Corp ---- 7332
Washington Fish & Oyster Co. and Chatham Strait Fish Co ---- 7333

FISH AND WILDLIFE SERVICE

Rules and Regulations

Nondiscrimination; contracts, permits, and use of facilities ---- 7315

IMMIGRATION AND NATURALIZATION SERVICE

Rules and Regulations

Registration and fingerprinting of aliens in United States; interrogation under oath ---- 7312

INTERIOR DEPARTMENT

See Fish and Wildlife Service; Land Management Bureau.

INTERSTATE COMMERCE COMMISSION

Notices

Eastern central motor carriers; application for approval of amendments to agreement ---- 7357
Fourth section applications for relief ---- 7363
Motor carrier alternate route deviation notices ---- 7358
Motor carrier applications and certain other proceedings (2 documents) ---- 7359, 7362
Motor carrier, broker, water carrier and freight forwarder applications ---- 7335
Motor Carriers Council of St. Louis, Inc.; modified procedure in handling proceeding ---- 7357
Motor carrier intrastate applications; filing ---- 7362
Motor carrier transfer proceedings ---- 7357
Payment of rates and charges of motor carriers; credit regulations, household goods ---- 7363

JUSTICE DEPARTMENT

See Immigration and Naturalization Service.

LAND MANAGEMENT BUREAU

Notices

California; proposed withdrawal and reservation of lands ---- 7320

SECURITIES AND EXCHANGE COMMISSION

Notices

Hearings, etc.:
Municipal Investment Trust Fund, Series E ---- 7333
UBS Fund of Canada, Ltd ---- 7334

SMALL BUSINESS ADMINISTRATION

Notices

St. Louis, Mo., regional area; delegation of authority to conduct program activities ---- 7334

TREASURY DEPARTMENT

See Coast Guard.

List of CFR Parts Affected

(Codification Guide)

The following numerical guide is a list of the parts of each title of the Code of Federal Regulations affected by documents published in today's issue. A cumulative list of parts affected, covering the current month to date, appears at the end of each issue beginning with the second issue of the month.

A cumulative guide is published separately at the end of each month. The guide lists the parts and sections affected by documents published since January 1, 1965, and specifies how they are affected.

5 CFR
213 (2 documents) 7311

7 CFR
750 (2 documents) 7311
908 7311

8 CFR
264 7312

12 CFR
PROPOSED RULES:
545 7316

14 CFR
71 (3 documents) 7312
PROPOSED RULES:
71 (2 documents) 7316

18 CFR
8 7313

33 CFR
124 7314

47 CFR
73 7314

50 CFR
3 7315

Rules and Regulations

Title 7—AGRICULTURE

Chapter VII—Agricultural Stabilization and Conservation Service (Agricultural Adjustment), Department of Agriculture

SUBCHAPTER C—SPECIAL PROGRAMS

[Amdt. 62]

PART 750—SOIL BANK

Subpart—Conservation Reserve Program for 1956 Through 1959

DESIGNATION AND USE OF CONSERVATION RESERVE

Section 750.157(1)(2) of the regulations governing the Conservation Reserve Program for 1956 through 1959, 21 F.R. 6289, as amended, is hereby amended by adding at the end thereof the following: "Notwithstanding any other provision of this paragraph, the Deputy Administrator may authorize grazing of the conservation reserve to eradicate Kudzu where such action is recommended by the county and State committees based on their findings that the infestation cannot be practically controlled by other means: *Provided*, That where such grazing is authorized, the contract signers will be responsible for reestablishing the approved cover where such cover is destroyed by the grazing and failure to reestablish the approved conservation cover will constitute a contract violation. Grazing authorized under the foregoing sentence shall be limited to the area of infestation and for the time needed for the eradication of Kudzu."

(Sec. 124, 70 Stat. 198; U.S.C. 1812)

Effective date. Date of signature.

Signed at Washington, D.C., on May 28, 1965.

H. D. GODFREY,
Administrator, Agricultural Stabilization and Conservation Service.

[F.R. Doc. 65-5788; Filed, June 2, 1965; 8:49 a.m.]

[Amdt. 27]

PART 750—SOIL BANK

Subpart—Conservation Reserve Program for 1960

DESIGNATION AND USE OF CONSERVATION RESERVE

Section 750.513(1)(2) of the regulations governing the Conservation Reserve Program for 1960, 24 F.R. 7987, as amended, is hereby amended by adding at the end thereof the following: "Notwithstanding any other provision of this paragraph, the Deputy Administrator may authorize grazing of the conservation reserve to eradicate Kudzu where such action is recommended by the county and State committees based on their findings that the infestation cannot be practically controlled by other means: *Provided*, That where such grazing is authorized, the contract signers will be responsible for reestablishing the approved cover where such cover is destroyed by the grazing and failure to reestablish the approved conservation cover will constitute a contract violation. Grazing authorized under the foregoing sentence shall be limited to the area of infestation and for the time needed for the eradication of Kudzu."

(Sec. 124, 70 Stat. 198; U.S.C. 1812)

Effective date. Date of signature.

Signed at Washington, D.C., on May 28, 1965.

H. D. GODFREY,
Administrator, Agricultural Stabilization and Conservation Service.

[F.R. Doc. 65-5787; Filed, June 2, 1965; 8:49 a.m.]

Chapter IX—Consumer and Marketing Service (Marketing Agreements and Orders; Fruits, Vegetables, Tree Nuts), Department of Agriculture

[Valencia Orange Reg. 121, Amdt. 1]

PART 908—VALENCIA ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

Limitation of Handling

Findings. 1. Pursuant to the marketing agreement, as amended, and this part (Order No. 908, as amended), regulating the handling of Valencia oranges grown in Arizona and designated part of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendation and information submitted by the Valencia Orange Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such Valencia oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

2. It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule making procedure, and postpone the effective date of this amendment until 30 days after publication thereof in the FEDERAL REGISTER (5 U.S.C. 1001–1011) because the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the act is insufficient, and this amendment relieves restriction on the handling of Valencia oranges grown in Arizona and designated part of California.

Order, as amended. The provisions in paragraph (b)(1)(i) of § 908.421 (Valencia Orange Regulation 121, 30 F.R. 6989) are hereby amended to read as follows:

§ 908.421 Valencia Orange Regulation 121.

* * * * * *

(b) *Order.* (1) * * *

(i) District 1: 600,000 cartons.

* * * * * *

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: May 28, 1965.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 65-5771; Filed, June 2, 1965; 8:47 a.m.]

Title 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 213—EXCEPTED SERVICE

Housing and Home Finance Agency

Section 213.3344 is amended to show the exception under Schedule C of the position of Special Counsel and Assistant to the Deputy Administrator. Effective on publication in the FEDERAL REGISTER, subparagraph (46) is added to paragraph (a) of § 213.3344 as set out below.

§ 213.3344 Housing and Home Finance Agency.

(a) *Office of the Administrator.* * * *

(46) One Special Counsel and Assistant to the Deputy Administrator.

* * * * * *

(R.S. 1753, sec. 2, 22 Stat. 403, as amended; 5 U.S.C. 631, 633; E.O. 10577, 19 F.R. 7521, 3 CFR, 1954–1958 Comp., p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] MARY V. WENZEL,
Executive Assistant to the Commissioners.

[F.R. Doc. 65-5785; Filed, June 2, 1965; 8:49 a.m.]

PART 213—EXCEPTED SERVICE

Federal Aviation Agency

Section 213.3357 is amended to show the exception under Schedule C of the position of Assistant Administrator for Congressional Liaison. Effective on publication in the FEDERAL REGISTER, paragraph (j) is added to § 213.3357 as set out below.

§ 213.3357 Federal Aviation Agency.

* * * * * *

(j) Assistant Administrator for Congressional Liaison.

(R.S. 1753, sec. 2, 22 Stat. 403, as amended; 5 U.S.C. 631, 633; E.O. 10577, 19 F.R. 7521, 3 CFR, 1954–1958 Comp., p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] MARY V. WENZEL,
Executive Assistant to the Commissioners.

[F.R. Doc. 65–5784; Filed, June 2, 1965; 8:48 a.m.]

Title 8—ALIENS AND NATIONALITY

Chapter I—Immigration and Naturalization Service, Department of Justice

PART 264—REGISTRATION AND FINGERPRINTING OF ALIENS IN THE UNITED STATES

Replacement of Registration; Interrogation Under Oath

The following amendment to Chapter I of Title 8 of the Code of Federal Regulations is hereby prescribed:

The seventh sentence of paragraph (c) *Replacement of registration* of § 264.1 *Registration and fingerprinting* is amended to read as follows: "An alien who files application Form I–90 may be required, as a matter of discretion, to appear in person before an immigration officer prior to adjudication of the application and be interrogated under oath concerning his eligibility for issuance of Form I–151 as evidence of his registration."

(Sec. 103, 66 Stat. 173; 8 U.S.C. 1103)

This order shall be effective on the date of its publication in the FEDERAL REGISTER. Compliance with the provisions of section 4 of the Administrative Procedure Act (60 Stat. 238; 5 U.S.C. 1003) as to notice of proposed rule making and delayed effective date is unnecessary in this instance because the rule prescribed by the order confers a benefit upon persons affected thereby.

Dated: May 27, 1965.

RAYMOND F. FARRELL,
Commissioner of Immigration and Naturalization.

[F.R. Doc. 65–5769; Filed, June 2, 1965; 8:47 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Agency

[Airspace Docket No. 65–CE–24]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Federal Airway

On March 19, 1965, a Notice of Proposed Rule Making was published in the FEDERAL REGISTER (30 F.R. 3665) stating that the Federal Aviation Agency was considering an amendment to Part 71 of the Federal Aviation Regulations that would realign the segment of VOR Federal airway No. 161 from Rochester, Minn., to Minneapolis, Minn., via the intersection of the Rochester 356° and the Minneapolis 116° True radials.

Interested persons were afforded an opportunity to participate in the proposed rule making through the submission of comments. All comments received were favorable.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0001 e.s.t., August 19, 1965, as hereinafter set forth.

In § 71.123 (29 F.R. 17509, 30 F.R. 789), V–161 is amended by deleting "INT of Farmington, Minn., 077° and Minneapolis, Minn., 131° radials;" and substituting "INT of Rochester 356° and Minneapolis, Minn., 116° radials;" therefor.

(Sec. 307(a) of the Federal Aviation Act of 1958; 49 U.S.C. 1348)

Issued in Washington, D.C., on May 26, 1965.

DANIEL E. BARROW,
Chief, Airspace Regulations and Procedures Division.

[F.R. Doc. 65–5741; Filed, June 2, 1965; 8:45 a.m.]

[Airspace Docket No. 64–EA–63]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Realignment and Alteration of VOR Federal Airways

On January 16, 1965, a Notice of Proposed Rule Making was published in the FEDERAL REGISTER (30 F.R. 588) stating that the Federal Aviation Agency was considering amendments to Part 71 of the Federal Aviation Regulations that would realign VOR Federal airways Nos. 44, 123, 268, and 433 and that would redesignate the reduced-width segments of VOR Federal airways Nos. 16 and 837 as normal, full-width segments.

Interested persons were afforded an opportunity to participate in the proposed rule making through the submission of comments. Due consideration was given to all relevant matter presented.

The U.S. Air Force expressed concern that the realignment of the pertinent airways will derogate the overall northeast departure operations when the Nottingham VOR approach procedures are being conducted. However, aircraft departing Washington National Airport to the northeast are currently routed via the pertinent airway alignments, designated herein, and adequate procedures have been developed and are currently utilized to provide for simultaneous traffic flow into, and out of, both Washington National Airport and Andrews Air Force Base.

Subsequent to the publication of the Notice, it has been determined that use of the Kenton, Md., 262° True radial for the alignment of the segments of V–44, V–123, V–268 and V–433 would provide additional lateral separation between the airway segments and the radar vectoring area used for aircraft when conducting approaches for a south landing at Andrews AFB. In addition, it has been determined that use of the Baltimore, Md., 094° True radial, in lieu of 095° True radial, in the alignment of V–44 and V–268 segments would provide a better intersection with V–123 and V–433 east of Baltimore. Accordingly, action is taken herein to reflect these changes.

Since these changes to the proposed amendments are very minor in nature and do not affect anyone adversely, notice and public procedure thereon are unnecessary.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0001 e.s.t., July 22, 1965, as hereinafter set forth.

In § 71.123 (29 F.R. 17505, 30 F.R. 1189), the following airspace actions are taken:

a. In V–44 "INT of Baltimore 097° radial and Nottingham, Md., direct radial to Kenton, Del.;" is deleted and "INT of Baltimore 094° and Kenton, Del., 262° radials;" is substituted therefor, and "The portion which lies within R–4001 is excluded." is added to the end of the text.

b. In V–123, everything before and including "Woodstown, N.J.;" is deleted and "From Washington, D.C., via INT of Baltimore, Md., 223° and Kenton, Del., 262° radials; INT of Kenton 262° and Woodstown, N.J., 230° radials; Woodstown;" is substituted therefor.

c. In V–268 "INT of Baltimore 097° and Kenton, Del., 242° radials;" is deleted and "INT of Baltimore 094° and Kenton, Del., 262° radials;" is substituted therefor, and "The portion which lies within R–4001 is excluded." is added to the end of the text.

d. In V–433 everything before "Yardley, Pa.;" is deleted and "From Washington, D.C., via INT of Baltimore, Md., 223° and Kenton, Del., 262° radials; INT of Kenton 262° and New Castle, Del., 222° radials; New Castle;" is substituted therefor, and "The portion which lies within R–4001 is excluded." is added at the end of the text.

(Sec. 307(a) of the Federal Aviation Act of 1958; 49 U.S.C. 1348)

Issued in Washington, D.C., on May 26, 1965.

DANIEL E. BARROW,
Chief, Airspace Regulations and Procedures Division.

[F. R. Doc. 65–5742; Filed, June 2, 1965; 8:45 a.m.]

[Airspace Docket No. 64–EA–71]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Federal Airways

On February 4, 1965, a Notice of Proposed Rule Making was published in the FEDERAL REGISTER (30 F.R. 1200) stating that the Federal Aviation Agency was considering amendments to Part 71 of the Federal Aviation Regulations that would alter VOR Federal airways Nos. 140, 157, 265, and 476 in the vicinity of Washington, D.C.

Interested persons were afforded an opportunity to participate in the proposed rule making through the submission of comments. Due consideration was given to all relevant matters.

The Department of the Air Force expressed concern that the airway changes will result in an increase in civil air traffic in the areas north and west of Andrews AFB, and that with south operations at Andrews AFB separation could be maintained only with the use of radar. The action taken herein merely aligns the pertinent airways via the routes employed with existing procedures and should not increase civil traffic. Use of V–157 and V–476 northeast of Washington for Washington National Airport departures is dependent upon radar separation when south operations are being employed by Andrews AFB. However, the airspace actions, executed herein, do not alter this situation. Further, adequate procedures have been developed to provide for simultaneous traffic flow into, and out of, Washington National Airport and Andrews AFB.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0001 e.s.t., July 22, 1965, as hereinafter set forth.

Section 71.123 (29 F.R. 17509, 30 F.R. 4121, 4533) is amended as follows:

1. In V–140 all after "Casanova, Va.;" is deleted and "Herndon, Va.; INT Herndon 061° and West Chester, Pa., 234° radials; to West Chester." is substituted therefor.

2. In V–157 "(6 miles wide Washington to Baltimore); INT of Baltimore 035°" and "The airspace within R–6602" are deleted and "INT Baltimore 038°" and "The airspace within R–4401, R–6602" are substituted, respectively, therefor.

3. In V–265 "From INT Baltimore, Md., 224°" is deleted and "From INT Nottingham, Md., 271°" is substituted therefor.

4. In V–476 "(6 miles wide from Washington to Baltimore)" is deleted.

(Sec. 307(a) of the Federal Aviation Act of 1958; 49 U.S.C. 1348)

Issued in Washington, D.C., on May 26, 1965.

DANIEL E. BARROW,
Chief, Airspace Regulations and Procedures Division.

[F.R. Doc. 65–5743; Filed, June 2, 1965; 8:46 a.m.]

Title 18—CONSERVATION OF POWER AND WATER RESOURCES

Chapter I—Federal Power Commission

[Docket No. R–255; Order No. 299]

PART 8—PUBLICIZING LICENSE CONDITIONS RELATING TO RECREATIONAL OPPORTUNITIES

MAY 27, 1965.

On January 30, 1964, the Commission gave notice by publication in the FEDERAL REGISTER (29 F.R. 1589) that it proposed to require licensees under the Federal Power Act to publicize license conditions of general public interest relating to the recreational aspects of project operations. Comments were invited from interested persons, particularly State recreation agencies and existing licensees, to be submitted by March 31, 1964. In response to this notice and invitation, the Commission has received a number of comments[1] with regard to the proposed requirement, and has taken them into consideration in preparing the text of the rule which is herein promulgated.

The comments disclosed a general accord with the objectives of the proposed rule, but some doubts were expressed as to its effectiveness. The rule has been amended to express more clearly the strong conviction of the Commission that where a licensed project contains recreational resources, it becomes the duty of the licensee to furnish adequate publicity of such resources.

The several types of notice required by the rule are intended to serve two important, but not all-encompassing purposes: to put prospective purchasers of land in the vicinity of the project on notice of the fact of public access, as implemented by a recreation plan, and the impact on recreational suitability of the necessary operations of the project; and to inform members of the public in search of recreational facilities in the neighborhood of the project of the location and terms of use of such facilities within the project. The proposed rule has been modified to accomplish these purposes more effectively. In the provisions enumerating the contents of the signs to be posted, the emphasis has been changed to make the signs more directly an invitation to use the facilities. We have also revised the proposal so as to avoid the posting of signs at unnecessary places.

The few adverse comments either resulted from the belief that existing publicity through cooperation with State and local agencies is adequate, or that the rule should be amended simply to require notice to such agencies. Interested State agencies already receive notice of license applications with opportunities for comment, and future applicants will be cooperating with these agencies to develop recreational plans. The requirements contemplated by this rule, which is overwhelmingly supported by the State recreational agencies, are not in conflict with, but rather complement, the activities of licensees and State and local agencies.

The Commission further finds:

(1) In view of the foregoing, and upon consideration of all relevant matters presented, this amendment is necessary and appropriate for the purposes of the Federal Power Act.

The Commission, acting pursuant to the Federal Power Act, as amended, particularly sections 4, 10, and 309 thereof (41 Stat. 1065, 1068; 16 U.S.C. 797, 803, 825h), orders:

(A) Subchapter B, Regulations Under the Federal Power Act, Chapter I, Title 18, of the Code of Federal Regulations, is amended by inserting new Part 8, to read as follows:

Sec.
8.1 Publicizing license conditions relating to recreational opportunities.
8.2 Posting of project lands as to recreational use and availability of information.

AUTHORITY: The provisions of this Part 8 issued under secs. 4, 10, 309, 41 Stat. 1065, 1068; 49 Stat. 839, 842, 858; 16 U.S.C. 797, 803, 825h.

§ 8.1 Publication of license conditions relating to recreation.

Following the issuance or amendment of a license, the licensee shall make reasonable efforts to keep the public informed of the availability of project lands and waters for recreational purposes, and of the license conditions of interest to persons who may be interested in the recreational aspects of the project or who may wish to acquire lands in its vicinity. Such efforts shall include but not be limited to: the publication of notice in a local newspaper once each week for 4 weeks of the project's license conditions which relate to public access to and the use of the project waters and lands for recreational purposes, recreational plans, installation of recreation and fish and wildlife facilities, reservoir water surface elevations, minimum water releases or rates of change of water releases and such other conditions of general public interest as the Commission may designate in the order issuing or amending the license.

§ 8.2 Posting of project lands as to recreational use and availability of information.

(a) Following the issuance or amendment of a license, the licensee shall post and shall maintain at all points of public access which are required by the license (or at such access points as are specifically designated for this purpose by the licensee) and at such other points as are subsequently prescribed by the Commission on its own motion or upon the recommendation of a public recreation agency operating in the area in which the project is located, a conspicuous sign giving the name of the project and the owner of the project, a statement that it is licensed by the Commission and the project number, directions to the areas of the project which are available for public recreational use, permissible times and activities, and other regulations regarding such use, and advising that further information may be obtained at local offices of the licensee in the vicinity of the project.

(b) The licensee shall make available for inspection at its local offices in the vicinity of the project the recreation plan approved by the Commission and the entire license instrument, properly indexed for easy reference to the license conditions designated for publications in § 8.1.

(B) This amendment herein adopted shall become effective July 1, 1965.

(C) The caption of this proceeding is amended to read as set forth above.

[1] Comments were received from one public power association, one public utility (also a licensee), 11 other licensees and 18 State recreation agencies.

(D) The Secretary shall cause prompt publication of this order to be made in the FEDERAL REGISTER.

By the Commission.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F.R. Doc. 65-5748; Filed, June 2, 1965; 8:46 a.m.]

Title 33—NAVIGATION AND NAVIGABLE WATERS

Chapter I—Coast Guard, Department of the Treasury

SUBCHAPTER K—SECURITY OF VESSELS

[CGFR 65-25]

PART 124—CONTROL OVER MOVEMENT OF VESSELS

Advance Notice of Time of Arrival of Vessels

By Executive Order 10173, as amended by Executive Orders 10277 and 10352, the President found that the security of the United States is endangered by reason of subversive activities and prescribed certain regulations relating to the safeguarding against destruction, loss, or injury from sabotage or other subversive acts, accidents, or other causes of similar nature to vessels, ports, and waterfront facilities in the United States and all territory and waters, continental or insular, subject to the jurisdiction of the United States exclusive of the Canal Zone.

Pursuant to the authority of 33 CFR 6.04-8 in Executive Order 10173 (15 F.R. 7007; 3 CFR, 1950 Supp.), as amended by Executive Orders 10277 and 10352, the Captain of the Port may supervise and control the movement of any vessel and shall take full or partial possession or control of any vessel or any part thereof when within the territorial waters of the United States under his jurisdiction whenever it appears to him that such action is necessary in order to secure such vessel from damage or injury to any waterfront facility or waters of the United States or to secure the observance of rights and obligations of the United States.

The provisions of 33 CFR 124.10 set forth the requirements regarding the advance notice of vessel's estimated time of arrival to be furnished to the Captain of the Port. The purpose for amending this section is to clarify requirements concerning which vessels are required to submit an advance notice of arrival report, especially at ports in the Florida area.

Because of the national emergency declared by the President, it is found that compliance with the Administrative Procedure Act (requiring notice of proposed rule making, public rule making procedures thereon, and effective date requirements thereof) is impracticable and contrary to the public interest.

By virtue of the authority vested in me as Commandant, United States Coast Guard, by Executive Order 10173 as amended by Executive Orders 10277 and 10352, I hereby prescribe the following amendment to § 124.10 revising paragraph (a)(7), which shall become effective upon the date of publication of this document in the FEDERAL REGISTER:

§ 124.10 Advance notice of vessel's time of arrival to Captain of the Port.

(a) • • •

(7) For that vessel which is engaged in operations in and out of the same port to sea and return without entering any other port, or on coastwise voyages between ports in the same Coast Guard District, or on voyages between ports in the First, Ninth, Thirteenth, or Seventeenth Coast Guard Districts and adjacent Canadian ports, or between ports of the Commonwealth of Puerto Rico and ports in the Lesser Antilles, or between ports in the Lesser Antilles, or between ports on the east coast of Florida and the Bahama Islands, the Coast Guard District Commander having jurisdiction may, when no reason exists which renders such action prejudicial to the rights and interests of the United States, prescribe conditions under which such vessels may be considered by the Captains of the Port as being in constructive compliance with the requirements of this section.

• • • • •

(Sec. 1, 40 Stat. 220, as amended; 50 U.S.C. 191; E.O. 10173, 15 F.R. 7005, 3 CFR, 1950 Supp. E.O. 10277, 16 F.R. 7537, 3 CFR, 1951 Supp., E.O. 10352, 17 F.R. 4607, 3 CFR, 1952 Supp.)

Dated: May 27, 1965.

[SEAL] W. D. SHIELDS, *Vice Admiral, U.S. Coast Guard, Acting Commandant.*

[F.R. Doc. 65-5786; Filed, June 2, 1965; 8:49 a.m.]

Title 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

[Docket No. 15938; FCC 65-473]

PART 73—RADIO BROADCAST SERVICES

Table of Assignments, FM Broadcast Stations

In the matter of amendment of § 73.302, Table of Assignments, FM Broadcast Stations (Corinth, Miss.), Docket No. 15938, RM-733.

Report and order. 1. The Commission has before it for consideration its notice of proposed rule making (FCC 65-281) issued on April 2, 1965, in response to a petition for rule making filed on February 23, 1965, by Roy Davis, trading as Brownsville Broadcasting Co., licensee of Station WBHT, Brownsville, Tenn., and applicant (BPH-4703) for a construction permit for a new FM broadcast station on Channel 237A in that community. Petitioner requested the substitution of Channel 232A at Corinth, Miss., for Channel 237A. No oppositions have been filed to the proposal.

2. Channel 237A is presently assigned to both Ripley, Tenn., and Corinth, Miss., the former having been assigned in the Third Report and Order in Docket No. 14815 (FCC 63-735) and the latter in a Memorandum Opinion and Order in Docket 15256 (FCC 64-1116). On November 16, 1964, Davis' application for the use of Channel 237A (the Ripley assignment) at Brownsville, Tenn., was filed under the "25 mile rule" (§ 73.203 (b) of the rules); and on February 15, 1965, an amendment to an application (BPH-4714) was filed for the use of this channel at Corinth, Miss. As indicated in our notice of proposed rule making in this proceeding, since the sites specified by the parties do not conform to the required 65 mile cochannel separation, the applications are in conflict and cannot be granted.

3. In his petition, Davis urged that if 237A is deleted from Corinth and 232A assigned, any pending application for 237A at Corinth could be brought to conformity merely by filing amendment to change channels, and that both the Corinth application and Davis' application could then be granted, thus assuring the Commission of the early utilization of these FM frequencies in Corinth and Brownsville.

4. Since this substitution can be made without adversely affecting any other assignment, is in full conformance with the rules and would expedite the processing of the pending applications, we are of the view that the proposed amendment would serve the public interest and should be adopted.

5. Authority for the adoption of the amendment herein is contained in sections 4(i), 303, and 307(b) of the Communications Act of 1934, as amended.

6. In view of the foregoing, *it is ordered*, that effective July 6, 1965, the FM Table of Assignments, § 73.202 of the rules and regulations, is amended, insofar as the community named is concerned, to read as follows:

City	*Channel No.*
Corinth, Miss.	232A

7. *It is further ordered*, That this proceeding is terminated.

(Sec. 4, 48 Stat. 1066, as amended; 47 U.S.C. 154. Interpret or apply secs. 303, 307, 48 Stat. 1082, 1083; 47 U.S.C. 303, 307)

Adopted: May 26, 1965.

Released: May 27, 1965.

FEDERAL COMMUNICATIONS COMMISSION,[1]

[SEAL] BEN F. WAPLE, *Secretary.*

[F.R. Doc. 65-5780; Filed, June 2, 1965; 8:48 a.m.]

[1] Commissioners Hyde and Loevinger absent.

Title 50—WILDLIFE AND FISHERIES

Chapter I—Bureau of Sport Fisheries and Wildlife, Fish and Wildlife Service, Department of the Interior

SUBCHAPTER A—GENERAL PROVISIONS

PART 3—NONDISCRIMINATION—CONTRACTS, PERMITS, AND USE OF FACILITIES

Pursuant to the authority vested in the Secretary of the Interior by R.S. 161, 5 U.S.C. 22, Chapter I of Title 50, Code of Federal Regulations, is amended as set forth below. The purpose of this amendment is to make clear that discrimination on account of race, color, creed, or national origin shall not occur in connection with any program or activity, or in the use of any facility or accommodation of the Bureau of Sport Fisheries and Wildlife.

In order to assure timely execution of the Bureau's functions under the Civil Rights Act of 1964 and other Federal laws relating to civil rights, and the achievement of equal opportunity for all persons, notice and public procedure on this amendment have been deemed impracticable. The amendment shall be effective upon publication in the FEDERAL REGISTER.

Chapter I of 50 CFR is amended by adding a new Part 3, reading as follows:

Sec.
3.1 Discrimination prohibited.
3.2 Federal financial assistance.
3.3 Discrimination by contractors and permittees prohibited.

AUTHORITY: The provisions of this Part 3 issued under R.S. 161, 5 U.S.C. 22. Interpret or apply sec. 602, 78 Stat. 241, E.O. 10925, E.O. 11114; 26 F.R. 1977, 28 F.R. 6485, 41 CFR Part 60, 43 CFR Part 17.

§ 3.1 Discrimination prohibited.

No person shall, on the ground of race, color, creed, or national origin, be excluded from participation in, be denied the benefits of, or be otherwise subjected to any form of discrimination or segregation under any program or activity, or in the use of any facility or accommodation of the Bureau.

§ 3.2 Federal financial assistance.

The provisions of 43 CFR Part 17, which implements Title VI of the Civil Rights Act of 1964, are applicable to any program or activity for which Federal financial assistance is provided under any law administered by the Bureau, including the programs and activities that are federally assisted under the laws listed in Appendix A of 43 CFR Part 17.

§ 3.3 Discrimination by contractors and permittees prohibited.

The provisions of Part III of Executive Order 10925 and the provisions of Executive Order 11114, as they may be amended, and the regulations of the President's Council on Equal Opportunity, the President's Committee on Equal Employment Opportunity, contained in 41 CFR Part 60, and the Equal Employment Opportunity Commission are applicable to all agreements, or modifications thereof, between the Bureau and any person for supplies, services or facilities, or for the use of any Government property, services or facilities.

(a) Any person who provides public accommodations, facilities, services, or privileges upon any land under the control or administration of the Bureau through a permit, contract, concession contract, or other form of agreement with the Bureau is prohibited from discriminating by segregation or otherwise against any person because of race, color, creed, or national origin in the furnishing or refusing to furnish such person any accommodation, facility, service, or privilege which is offered to or enjoyed by the general public, and will agree to abide by the prohibitions against discrimination contained in the permit, contract, or agreement.

(b) Any person who uses, occupies, or possesses any land under the administration or control of the Bureau through a permit, contract, concession contract, or other form of agreement with the Bureau is prohibited, in conjunction with the acts or activities authorized or permitted by such permit, contract, or agreement, from discriminating against any employee or applicant for employment or maintaining any employment practice which discriminates in any manner because of race, color, creed, or national origin, and will agree to abide by the prohibitions against discrimination contained in the permit, contract, or agreement.

STEWART L. UDALL, *Secretary of the Interior.*

MAY 26, 1965.

[F.R. Doc. 65-5766; Filed, June 2, 1965; 8:47 a.m.]

Proposed Rule Making

FEDERAL AVIATION AGENCY

[14 CFR Part 71]

[Airspace Docket No. 65-SO-27]

FEDERAL AIRWAYS

Proposed Revocation and Designation

The Federal Aviation Agency is considering amendments to Part 71 of the Federal Aviation Regulations that would revoke the VOR Federal airway No. 7 east alternate segment between Birmingham, Ala., and Graham, Tenn., designate east and west alternate segments to V-7 between Birmingham and Muscle Shoals, Ala., and that would redesignate a segment of VOR Federal airway No. 57 from Birmingham via Decatur, Ala., to Graham.

Interested persons may participate in the proposed rule making by submitting such written data, views, or arguments as they may desire. Communications should identify the airspace docket number and be submitted in triplicate to the Director, Southern Region, Attention: Chief, Air Traffic Division, Federal Aviation Agency, Post Office Box 20636, Atlanta, Ga., 30320. All communications received within 45 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendments. The proposals contained in this notice may be changed in the light of comments received.

An official docket will be available for examination by interested persons at the Federal Aviation Agency, Office of the General Counsel, Attention: Rules Docket, 800 Independence Avenue SW., Washington, D.C., 20553. An informal docket also will be available for examination at the Office of the Regional Air Traffic Division Chief.

If the amendments set forth above are adopted, the following airspace actions would be taken:

1. VOR Federal airway No. 7 east alternate, presently designated from Birmingham, Ala., to Graham, Tenn., via the intersection of the Huntsville, Ala., 264° and the Graham 158° True radials, would be revoked.

2. V-7 east alternate segment from Birmingham to Muscle Shoals, Ala., via the intersection of the Birmingham 358° and the Muscle Shoals 133° True radials would be designated.

3. V-7 west alternate segment from Birmingham to Muscle Shoals via the intersection of the Birmingham 313° and the Muscle Shoals 178° True radials would be designated.

4. The segment of VOR Federal airway No. 57 would be redesignated from Birmingham, Ala., via Decatur, Ala., to Graham, Tenn.

A terminal traffic problem presently exists at Muscle Shoals, Ala. Lack of radar coverage below 7,000 feet and the location of the airport in relation to airway alignment and the final approach area often result in delays to arriving and departing aircraft which are operating between Muscle Shoals and Birmingham, Ala. Designation of V-7E and V-7W, as proposed, would provide a means of expediting arriving and departing traffic at Muscle Shoals. Redesignation of V-57, as proposed, would provide a route between Birmingham and Graham, bypassing the Muscle Shoals terminal area.

These amendments are proposed under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348).

Issued in Washington, D.C., on May 26, 1965.

DANIEL E. BARROW,
Chief, Airspace Regulations and Procedures Division.

[F.R. Doc. 65-5744; Filed, June 2, 1965; 8:46 a.m.]

[14 CFR Part 71]

[Airspace Docket No. 64-WA-67]

TRANSITION AREA

Proposed Designation

The Federal Aviation Agency is considering an amendment to Part 71 of the Federal Aviation Regulations that would designate a transition area between the Municipal Airports near Alliance, Nebr., and Chadron, Nebr., respectively.

Interested persons may participate in the proposed rule making by submitting such written data, views, or arguments as they may desire. Communications should identify the airspace docket number and be submitted in triplicate to the Federal Aviation Agency, Office of the General Counsel, Attention: Rules Docket, 800 Independence Avenue SW., Washington, D.C., 20553. All communications received within 45 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. The proposal contained in the notice may be changed in the light of comments received. All comments submitted will be available in the Rules Docket for examination by interested persons, both before and after the closing date for comments.

The airspace between these airports is generally uncontrolled. Frontier Airlines conducts regularly scheduled operations between these airports, however, the navigational facilities serving these airports are not an integral part of the National Airspace System. Therefore, it is proposed to designate a transition area to provide controlled airspace for the movement of scheduled air carrier aircraft between these airports.

The proposed transition area would include that airspace extending upward from 1,200 feet above the surface within four nautical miles each side of a line extending from the Alliance Municipal Airport (latitude 42°02'50" N., longitude 102°48'30" W.) to the Chadron Municipal Airport (latitude 42°50'10" N., longitude 103°05'50" W.).

This amendment is proposed under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348).

Issued in Washington, D.C., on May 26, 1965.

DANIEL E. BARROW,
Chief, Airspace Regulations and Procedures Division.

[F.R. Doc. 65-5745; Filed June 2, 1965; 8:46 a.m.]

FEDERAL HOME LOAN BANK BOARD

[12 CFR Part 545]

[No. 19,156]

FEDERAL SAVINGS AND LOAN SYSTEM

Savings Accounts

MAY 27, 1965.

Resolved that, pursuant to Part 508 of the general regulations of the Federal Home Loan Bank Board (12 CFR Part 508) and § 542.1 of the rules and regulations for the Federal Savings and Loan System (12 CFR 542.1), it is hereby proposed that § 545.1 of the rules and regulations for the Federal Savings and Loan System (12 CFR 545.1) be revised to read as follows:

§ 545.1 Savings accounts.

(a) *General.* The capital of a Federal association may be raised through payments on its savings accounts in the form of cash, or of property in which such Federal association is authorized to invest, and, in the absence of actual fraud in the transaction, the value of such property, as determined by the board of directors of such Federal association, shall be conclusive. The savings accounts of a Federal association that has a Charter E or a Charter K and which amends such charter to read in the form of Charter N or Charter K (rev.) shall continue to have the same rights and privileges and to be subject to the same duties and liabilities as were provided in the charter in effect at the time such savings accounts were created, until exchanged for a savings account issued under the provisions of Charter N or Charter K (rev.).

(b) *Sales commission.* No Federal association shall pay any sales commission contrary to the terms of § 563.25 of the rules and regulations for Insurance of Accounts (§ 563.25 of this chapter) or do any act prohibited by the terms of said section.

(c) *Membership fee.* Except to the extent expressly authorized by Charter E, or paragraph (d) of this section, no Federal association shall directly or indirectly charge any membership, admission, repurchase, withdrawal or any other fee or sum of money for the privilege of becoming, remaining, or ceasing to be a holder of a savings account of such Federal association.

(d) *Service charge.* A Federal association which has a charter in the form of Charter N or Charter K (rev.) may make a service charge of not more than one dollar ($1.00) in any calendar year against any savings account if at the time any such charge is made:

(1) The association is not required to distribute earnings on such account;

(2) No payment has been made and no earnings have been distributed on such account for a period of at least 36 months next preceding the date on which such charge is made; and

(3) Thirty days prior to making the first service charge, the association has mailed to the holder of such account, at his last known address, a notice that service charges will be made in accordance with this paragraph (d).

(Sec. 5, 48 Stat. 132, as amended; 12 U.S.C. 1464. Reorg. Plan No. 3 of 1947, 12 F.R. 4981, 3 CFR, 1947 Supp.)

Resolved further that all interested persons are hereby given the opportunity to submit written data, views, or arguments on the following subjects and issues: (1) Whether said proposed amendment should be adopted as proposed; (2) whether said proposed amendment should be modified and adopted as modified; (3) whether said proposed amendment should be rejected. All such written data, views, or arguments must be received through the mail or otherwise at the Office of the Secretary, Federal Home Loan Bank Board, Federal Home Loan Bank Board Building, 101 Indiana Avenue NW., Washington, D.C., 20552, not later than July 2, 1965, to be entitled to be considered, but any received later may be considered in the discretion of the Federal Home Loan Bank Board.

By the Federal Home Loan Bank Board.

[SEAL] HARRY W. CAULSEN,
Secretary.

[F.R. Doc. 65-5773; Filed, June 2, 1965; 8:47 a.m.]

Notices

ATOMIC ENERGY COMMISSION

STATE OF TENNESSEE

Proposed Agreement for Assumption of Certain AEC Regulatory Authority

Notice is hereby given that the U.S. Atomic Energy Commission is publishing for public comment, prior to action thereon, a proposed agreement received from the Governor of the State of Tennessee for the assumption of certain of the Commission's regulatory authority pursuant to section 274 of the Atomic Energy Act of 1954, as amended.

A resume, prepared by the State of Tennessee and summarizing the State's proposed program, was also submitted to the Commission and is set forth below as an appendix to this notice. Attachments referenced in the appendix are included in the complete text of the program. A copy of the program, including proposed Tennessee regulations, is available for public inspection in the Commission's Public Document Room, 1717 H Street NW., Washington, D.C., or may be obtained by writing to the Director, Division of State and Licensee Relations, United States Atomic Energy Commission, Washington, D.C., 20545. All interested persons desiring to submit comments and suggestions for the consideration of the Commission in connection with the proposed agreement should send them, in triplicate, to the Secretary, U.S. Atomic Energy Commission, Washington, D.C., 20545, within 30 days after initial publication in the FEDERAL REGISTER.

Exemptions from the Commission's regulatory authority which would implement this proposed agreement, as well as other agreements which may be entered into under section 274 of the Atomic Energy Act, as amended, were published as Part 150 of the Commission's regulations in FEDERAL REGISTER issuance of February 14, 1962; 27 F.R. 1351. In reviewing this proposed agreement, interested persons should also consider the aforementioned exemptions.

Dated at Washington, D.C., this 28th day of May 1965.

For the Atomic Energy Commission.

W. B. McCOOL,
Secretary.

PROPOSED AGREEMENT BETWEEN THE UNITED STATES ATOMIC ENERGY COMMISSION AND THE STATE OF TENNESSEE FOR DISCONTINUANCE OF CERTAIN COMMISSION REGULATORY AUTHORITY AND RESPONSIBILITY WITHIN THE STATE PURSUANT TO SECTION 274 OF THE ATOMIC ENERGY ACT OF 1954, AS AMENDED

Whereas, the United States Atomic Energy Commission (hereinafter referred to as the Commission) is authorized under section 274 of the Atomic Energy Act of 1954, as amended (hereinafter referred to as the Act) to enter into agreements with the Governor of any state providing for discontinuance of

the regulatory authority of the Commission within the State under chapters 6, 7, and 8, and section 161 of the Act with respect to byproduct materials, source materials, and special nuclear materials in quantities not sufficient to form a critical mass; and

Whereas, the Governor of the State of Tennessee is authorized under section 53-3103 of the Tennessee Code Annotated to enter into this Agreement with the Commission; and

Whereas, the Governor of the State of Tennessee certified on May 1, 1965, that the State of Tennessee (hereinafter referred to as the State) has a program for the control of radiation hazards adequate to protect the public health and safety with respect to the materials within the State covered by this Agreement, and that the State desires to assume regulatory responsibility for such materials; and

Whereas, the Commission found on ---------- 1965, that the program of the State for the regulation of the materials covered by this Agreement is compatible with the Commission's program for the regulation of such materials and is adequate to protect the public health and safety; and

Whereas, the State and the Commission recognize the desirability and importance of cooperation between the Commission and the State in the formulation of standards for protection against hazards of radiation and in assuring that State and Commission programs for protection against hazards of radiation will be coordinated and compatible; and

Whereas, the Commission and the State recognize the desirability of reciprocal recognition of licenses and exemption from licensing of those materials subject to this Agreement; and

Whereas, this Agreement is entered into pursuant to the provisions of the Atomic Energy Act of 1954, as amended;

Now, therefore, it is hereby agreed between the Commission and the Governor of the State, acting in behalf of the State, as follows:

ARTICLE I

Subject to the exceptions provided in articles II, III, and IV, the Commission shall discontinue, as of the effective date of this Agreement, the regulatory authority of the Commission in the State under chapters 6, 7, and 8, and section 161 of the Act with respect to the following materials:

A. Byproduct materials;

B. Source materials; and

C. Special nuclear materials in quantities not sufficient to form a critical mass.

ARTICLE II

This Agreement does not provide for discontinuance of any authority and the Commission shall retain authority and responsibility with respect to the regulation of:

A. The construction and operation of any production or utilization facility;

B. The export from or import into the United States of byproduct, source, or special nuclear material, or of any production or utilization facility.

C. The disposal into the ocean or sea of byproduct, source, or special nuclear waste materials as defined in regulations or orders of the Commission;

D. The disposal of such other byproduct, source, or special nuclear materials as the Commission from time to time determines by regulation or order should, because of the hazards or potential hazards thereof, not be so disposed of without a license from the Commission.

ARTICLE III

Notwithstanding this Agreement, the Commission may from time to time by rule, regulation, or order, require that the manufacturer, processor, or producer of any equipment, device, commodity, or other product containing source, byproduct, or special nuclear materials shall not transfer possession or control of such product except pursuant to a license or an exemption from licensing issued by the Commission.

ARTICLE IV

This Agreement shall not affect the authority of the Commission under subsection 161 b or i of the Act to issue rules, regulations, or orders to protect the common defense and security, to protect restricted data or to guard against the loss or diversion of special nuclear material.

ARTICLE V

The Commission will use its best efforts to cooperate with the State and other agreement States in the formulation of standards and regulatory programs of the State and the Commission for protection against hazards of radiation and to assure that State and Commission programs for protection against hazards of radiation will be coordinated and compatible. The State will use its best efforts to cooperate with the Commission and other agreement States in the formulation of standards and regulatory programs of the State and the Commission for protection against hazards of radiation and to assure that the State's program will continue to be compatible with the program of the Commission for the regulation of like materials. The State and the Commission will use their best efforts to keep each other informed of proposed changes in their respective rules and regulations and licensing, inspection and enforcement policies and criteria, and to obtain the comments and assistance of the other party thereon.

ARTICLE VI

The Commission and the State agree that it is desirable to provide for reciprocal recognition of licenses for the materials listed in article I licensed by the other party or by any agreement State. Accordingly, the Commission and the State agree to use their best efforts to develop appropriate rules, regulations, and procedures by which such reciprocity will be accorded.

ARTICLE VII

The Commission, upon its own initiative after reasonable notice and opportunity for hearing to the State, or upon request of the Governor of the State, may terminate or suspend this Agreement and reassert the licensing and regulatory authority vested in it under the Act if the Commission finds that such termination or suspension is required to protect the public health and safety.

ARTICLE VIII

This Agreement shall become effective on September 1, 1965, and shall remain in effect unless, and until such time as it is terminated pursuant to article VII.

POLICIES AND PROCEDURES FOR THE LICENSING AND REGULATION OF RADIOACTIVE MATERIALS

FOREWORD

These documents present a brief description of the practices, capabilities, and proposed activities of the Radiological Health Service, Tennessee Department of Public

Health, insofar as they would relate to assumption of certain regulatory functions of the U.S. Atomic Energy Commission.

Under section 274 of the Atomic Energy Act of 1954 as amended, the Atomic Energy Commission is authorized to enter into agreement with the Governor of a State, whereby it may transfer certain licensing and regulatory control of byproduct, source, and special nuclear materials, in quantities not sufficient to form a critical mass, to a State. Relinquishment of such authority by the Atomic Energy Commission and subsequent assumption by the State is made when the Atomic Energy Commission has evaluated and accepted the competency of the State to administer such licensing and regulatory authority; and certain authorities are reserved to the Atomic Energy Commission.

The Tennessee Act of 1957 entitled Atomic Energy and Nuclear Materials, as amended in 1961, authorizes the Governor of Tennessee to enter an agreement with the Atomic Energy Commission relating to the regulation of byproduct, source, and special nuclear material and to appoint a radiation advisory group. The Radiological Health Service Act of 1959 and as amended in 1961 and in 1963 designates the Tennessee Department of Public Health as the department responsible for the control of ionising radiation; makes mandatory the registration of all sources of radiation except those which are licensed or exempted under the rules and regulations of the Tennessee Department of Public Health. Further the Radiological Health Service Act authorizes the department to formulate rules and regulations necessary for the control of ionising radiation.

To this narrative are attached the Radiological Health Service Act, the Atomic Energy and Nuclear Materials Act, and the various resumes, regulations, and outlines of proposed practices and activities to be undertaken by the Radiological Health Service, Tennessee Department of Public Health, pursuant to an agreement between the Atomic Energy Commission and the Governor of Tennessee.

History. The first attention given to problems created by ionising radiation in Tennessee came in 1945 with the passage of the State Industrial Hygiene Service Act. Consideration was then given to industrial radiation exposures along with other problems of occupational health. This included problems of radiation exposures in the work areas from radiographic testing and exposures from X-ray machines as used in industrial clinics.

The next year, the U.S. Atomic Energy Act of 1946 was passed and with it came the civilian use of radioactive byproduct material. From the time the U.S. Atomic Energy Commission began to inspect the users of these materials, the State was interested, and when the Commission began to invite State officials along on inspection tours, State health personnel took advantage of the opportunity to see these installations and the uses to which radioisotopes were being applied.

To keep abreast of this newly developing field, members of the Industrial Hygiene Service attended various radiation courses offered by the U.S. Public Health Service. These courses varied from basic training in radiological health to more advanced courses in management of nuclear emergencies.

In 1951, a regulation was adopted to control the use of shoe fitting fluoroscopes. As a result, many users voluntarily chose to discontinue their use when advised of the potential hazard of excessive radiation exposure presented by these devices. By close surveillance, those remaining in service were brought into compliance with the regulation. This means of controlling the use of shoe fluoroscopes was considered appropriate at the time.

Recently, however, the Health Department was successful in having a law enacted making the display or use of these machines illegal.

As time progressed, various attempts were made by the State Health Department to draft legislative bills which would provide specifically for control of all radiation sources.

A bill was passed by the General Assembly in 1957, but it did not provide for regulatory activities essential to a comprehensive State radiation control program.

This Act of 1957 was important in other ways, as it was primarily a declaration of State policy in support of peaceful uses of atomic energy. It provided for an advisory committee on atomic energy which would keep the Governor of the State informed on and encourage activity in, the various associated fields such as workmen's compensation, insurance, nuclear industry, nuclear education and health and safety. This Act was amended in 1961 to authorize the Governor to enter, at his discretion, an agreement with the U.S. Atomic Energy Commission.

At the next meeting of the General Assembly, 2 years later, the Health Department presented a bill which would provide for a comprehensive radiation control program. It would create within the Tennessee Department of Public Health, the Radiological Health Service. This bill was passed and contained, among others, the following provisions:

1. Created an agency whose sole function was radiation control activities.

2. Gave the Commissioner of Public Health authority to adopt rules and regulations which would have the effect of law and provided for inspection.

3. Required the registration of all owners and possessors of radiation sources.

4. As later amended, authorized the adoption of rules and regulations which would provide for licensing of radioactive materials and exempted them from registration.

Since enactment of this legislation, the Radiological Health Service has registered all known sources of radiation in the State, has inspected most of the radiation producing machines registered and made recommendations for correction where necessary. Follow-up programs were also conducted to determine compliance.

The scope of these activities can be illustrated by a consideration of the accelerated dental and medical X-ray survey programs which were followed during the summer months of 1961 through 1963. During that period, 1,100 dental X-ray units and approximately 1,500 medical X-ray units were inspected.

The Radiological Health Service has a well equipped radiological laboratory and is presently establishing calibration for the various instruments and will as soon as possible institute the various monitoring programs which are necessary to keep abreast of radiation in the environment.

PROGRAM DESCRIPTION

The Radiation Control Program will be conducted by the Radiological Health Service, Tennessee Department of Public Health.

Licensing and registration. The State Program will control all sources of ionizing radiation. Provisions have been made for the issuance of both specific and general licenses. The specific license will be issued to authorize possession of radioactive materials not exempted or generally licensed by the Department. Requirements for the possession of byproduct, source, and special nuclear materials will be comparable to those of the U.S. Atomic Energy Commission. In addition, regulations provide that the Department will require radioactive materials licenses for naturally occurring radioactive materials such as radium and accelerator-produced isotopes of nonexempt quantities. All other sources of radiation such as medical and dental X-ray machines will be registered.

The licensing program will be essentially identical to that presently employed by the U.S. Atomic Energy Commission, and will cover post-licensing inspections. Prelicensing evaluations will be made when necessary. With respect to human use of radioactive materials, a committee of not less than three qualified physicians will be available for consultation and recommendations concerning license applications.

Inspection. The Tennessee Department of Public Health, Radiological Health Service, proposes to conduct future inspectional activities to determine compliance with State regulations and to determine adequacy of the licensee's radiation protection program. Inspections will be comparable to the type now undertaken by the Division of Compliance of the U.S. Atomic Energy Commission. Inspections will be performed by personnel qualified in radiological health. Competency in this field of work has been developed through joint participation of State health personnel with Atomic Energy Commission inspectors. It is estimated that the Tennessee Department of Public Health has been represented in 75 percent of all Atomic Energy Commission inspections made in Tennessee during the last 5 years.

The following frequency for the inspection of Tennessee licenses is planned but may be either increased or decreased depending upon individual circumstances:

Industrial Radiographers—once each 6 months.

Operations involving waste disposal—once each 6 months.

Industrial, Special Licenses—once each 6 months.

Industrial, Broad Licenses—once each 12 months.

Academic—once each 24 months.

Medical and Hospital—once each 24 months.

Others—Based on hazards associated with the program.

Before the termination of each inspection, the inspector will confer with the licensee to discuss the results of his inspection, presenting tentative oral recommendations or suggestions. During this meeting he will answer questions on the regulatory program.

The inspector will submit in writing comprehensive reports to the Director of the Radiological Health Service relating facts and circumstances observed during the inspection. The report will enumerate violations, if any, and include recommendations. Recommendations made by field personnel will be subject to the critical review of senior members of the Radiological Health Service.

Licensees will be informed of the results of all inspections, orally at the time of inspection or by letter or notice from the department.

It is expected that most licensed activities will be inspected at least once in each 2 years. Most of the inspections will be scheduled visits, but a significant number may be on an unannounced basis.

Compliance. If only minor items of noncompliance, such as improper signs, failure to label, etc., are involved which the licensee agrees in writing to correct at the time of the inspection, no further action will be taken by the department, except that corrective action will be reviewed during the next inspection.

If the inspection reveals noncompliance of a more serious nature, the licensee will be required to correct such items within a time period to be specified by the department based upon the degree of hazard involved. The licensee will be required to inform the department in writing within 30 days, or less if specified, as to corrective action taken and the date completed. The department will then conduct a follow-up inspection or the matter will be reviewed during the next reg-

ular inspection to assure that corrective action has in fact been accomplished. The legal recourses which may be taken by the Radiological Health Service are cited within the Tennessee Code Annotated.

Enforcement. When in the judgment of the Radiological Health Service a person is engaged or about to engage in acts or practices constituting a violation of the Act, rules, regulations or orders, the State's Attorney General may, at the request of the department, make application for a court order to enjoin such acts or practices or direct compliance.

Should the Radiological Health Service determine that an emergency exists, it shall have the authority to impound or to order the impounding of any source whether licensed or not in the possession of any person who is not equipped to observe or fails to observe the provisions of the Tennessee Act on Radiological Health or any rules and regulations issued thereunder. In the case of violation, section 53-3312 of the Tennessee Code Annotated provides for appropriate penalties by fine or imprisonment or both.

The full legal procedures normally will be employed only in those instances where there is continued noncompliance after notice, willful negligence on the part of the licensee, or where a serious potential hazard exists.

Of special importance is the provision under section 53-3307, Tennessee Code Annotated, which empowers the Commissioner of Public Health or his duly authorized representatives to enter upon any premises in the line of duty.

Staffing. The Radiological Health Service Act of 1959 gives the Commissioner of Public Health the responsibility for administering the Act.

Curtis P. McCammon, M.D., has been appointed by the Commissioner as Director of Radiological Health and Industrial Hygiene Services. Functionally the Service Director has been named by the Commissioner of Public Health to serve as the State's Radiation Control Officer. Administratively, the Director is responsible to Cecil B. Tucker, M.D., Director of the Division of Preventable Diseases.

Mr. J. A. Bill Graham, Assistant Director of Radiological Health and a Radiological Physicist, has technical and administrative supervision of the broad Radiation Control Program. Mr. Graham also is in charge of the licensing program and supervises the review and evaluation of applications for licenses.

Mr. Charles P. West, Radiological Physicist, with the assistance of Mr. Graham will conduct inspections and generally administer on site aspects of the licensing and regulatory program.

Assisting with the inspection of industrial licensees and registrants will be Industrial Hygiene Engineers of the Industrial Hygiene Service, their chief function being the inspection of specifically licensed industrial firms.

As new radiological physicists are employed, they will assume duties in licensee inspection after receiving training in the broad aspects of the Radiation Control Program. Present plans provide for the hiring of two additional radiological physicists and one radiological chemist. The chemist will be engaged not only in sample preparation and counting, but also in the collection of environmental samples.

When replacement of present personnel is necessary or new personnel are employed, these will be required to have equivalent capabilities in radiological health now demonstrated by incumbent personnel.

Reciprocity. Regulations of the department provide for the recognition of licenses issued by the U.S. Atomic Energy Commission or other agreement states.

Hearings. Section 53-3306 of the Radiological Health Service Act provides for public participation, where appropriate, in the issuance of rules or regulations. Section 53-3307 of the Act provides that a recipient of a notice of violation of the Act or rules and regulations under the Act may request and receive a hearing by the Commissioner of Health.

Section 53-3307 further authorizes the issuance of an order which shall be effective immediately in those instances where the Radiological Health Service finds that immediate action is necessary to protect persons or property from radiation hazards. Emergency orders shall be complied with immediately upon receipt thereof; but the person affected may within 30 days after service of such an emergency order request and receive a hearing.

Any person aggrieved by an order issued under this section, after hearing, is entitled to judicial review thereof by a writ of certiorari as provided for by Tennessee law.

In any action by the department in granting, suspending or revoking a license, the Commissioner of Health will provide an opportunity for a hearing to any person whose interest may be affected.

[F.R. Doc. 65-5790; Filed, June 2, 1965; 8:49 a.m.]

[Docket No. 50-234]

GENERAL DYNAMICS CORP.

Notice of Issuance of Facility License

Please take notice that no request for a formal hearing having been filed following publication of the notice of proposed action in the FEDERAL REGISTER, the Atomic Energy Commission has issued Facility License No. CX-23 to General Dynamics Corp. authorizing operation of its Tungsten Nuclear Rocket Critical Facility at a maximum steady state power level of 200 watts (thermal) at the corporation's site at Torrey Pines Mesa in San Diego, Calif.

The license, as issued, is substantially as set forth in the Notice of Proposed Issuance of Facility License published in the FEDERAL REGISTER on May 7, 1965, 30 F.R. 6406, except that subparagraph 2.C. has been modified to include authority for the licensee to receive, possess and use a polonium-beryllium neutron source and a deuteron-tritium pulsed neutron generator in connection with operation of the facility.

Dated at Bethesda, Md., this 25th day of May 1965.

For the Atomic Energy Commission.

ROGER S. BOYD,
Chief, Research and Power Reactor Safety Branch, Division of Reactor Licensing.

[F.R. Doc. 65-5737; Filed, June 2, 1965; 8:45 a.m.]

[Docket No. 50-187]

NORTHROP CORP.

Notice of Issuance of Facility License Amendment

Please take notice that, no request for a formal hearing having been filed following publication of the notice of proposed action in the FEDERAL REGISTER, the Atomic Energy Commission has issued, effective as of the date of issuance, Amendment No. 5 to Facility License No. R-90, as amended, authorizing operation of the corporation's TRIGA Mark F nuclear reactor located at Hawthorne, Calif., for short periods of time at power levels up to and including one megawatt thermal, such operation being subject to the operating limitations described in the licensee's application, as amended.

The amendment, as issued, was set forth in the Notice of Proposed Issuance of Facility License Amendment published in the FEDERAL REGISTER May 8, 1965, 30 F.R. 6446.

Dated at Bethesda, Md., this 25th day of May 1965.

For the Atomic Energy Commission.

SAUL LEVINE,
Chief, Test and Power Reactor Safety Branch, Division of Reactor Licensing.

[F.R. Doc. 65-5736; Filed, June 2, 1965; 8:45 a.m.]

[Docket No. 50-133]

PACIFIC GAS AND ELECTRIC CO.

Notice of Issuance of Amendment to Provisional Operating License

Please take notice that no request for a formal hearing having been filed following publication of the notice of proposed action in the FEDERAL REGISTER, the Atomic Energy Commission has issued, effective as of the date of issuance, Amendment No. 8 to Provisional Operating License No. DPR-7. The license authorizes the Pacific Gas and Electric Co. ("the licensee") to operate its Humboldt Bay Power Plant Unit No. 3 ("the reactor") located in Humboldt County, Calif., at steady state power levels up to 165 megawatts (thermal). The amendment authorizes the licensee to increase the steady state operating power level to 240 megawatts (thermal), in accordance with the application for license amendment dated December 17, 1964.

The amendment as issued is as set forth in the Notice of Proposed Issuance of Amendment to Provisional Operating License published in the FEDERAL REGISTER, 30 F.R. 5802, April 24, 1965.

Dated at Bethesda, Md., this 25th day of May 1965.

For the Atomic Energy Commission.

R. L. DOAN,
Director, Division of Reactor Licensing.

[F.R. Doc. 65-5739; Filed, June 2, 1965; 8:45 a.m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

CALIFORNIA

Notice of Proposed Withdrawal and Reservation of Lands

MAY 21, 1965.

The Forest Service, U.S. Department of Agriculture, has filed an application, Serial No. Sacramento 079492, for the withdrawal of lands described below,

from prospecting, location, entry, and purchase under the mining laws, subject to valid existing claims.

The applicant desires the land for campgrounds, picnic and recreational sites, administrative sites, a tree seed production area, and a roadside zone located in the Klamath, Lassen, Plumas, Shasta-Trinity, Six Rivers, and Tahoe National Forests.

For a period of 30 days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the undersigned officer of the Bureau of Land Management, Department of the Interior, Room 4201, U.S. Courthouse and Federal Building, 650 Capitol Mall, Sacramento, Calif., 95814.

The Department's regulations (43 CFR 2311.1-3(c), provide that the authorized officer of the Bureau of Land Management will undertake such investigations as are necessary to determine the existing and potential demand for the lands and their resources. He will also undertake negotiations with the applicant agency with the view of adjusting the application to reduce the area to the minimum essential to meet the applicant's needs, to provide for the maximum concurrent utilization of the lands for purposes other than the applicant's, and to eliminate lands needed for purposes more essential than the applicant's, and to reach agreement on the concurrent management of the lands and their resources.

The authorized officer will also prepare a report for consideration by the Secretary of the Interior who will determine whether or not the lands will be withdrawn as requested by the applicant agency.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

If circumstances warrant, a public hearing will be held at a convenient time and place, which will be announced.

The lands involved in the application are:

CALIFORNIA

LASSEN NATIONAL FOREST

Butte Meadows Campground

T. 26 N., R. 4 E., MD Mer.,
Sec. 30, S½S½SE¼NE¼.

TAHOE NATIONAL FOREST

Alaska Peak Administrative Site

T. 18 N., R. 9 E., MD Mer.,
Sec. 6, SE¼SE¼SW¼SE¼.

American Hill Administrative Site

T. 19 N., R. 11 E., MD Mer.,
Sec. 20, SW¼SW¼NE¼SW¼.

Woodcamp Administrative Site

T. 19 N., R. 13 E., MD Mer.,
Sec. 30, lots 3 and 4, and E½SW¼.

Castle Valley Recreation Area

T. 17 N., R. 14 E., MD Mer.,
Sec. 12, SE¼, SW¼NE¼, E½SW¼, E½NW¼SW¼, W½NW¼, SE¼NW¼, W½NE¼NW¼, and SE¼NE¼NW¼.

PLUMAS NATIONAL FOREST

Lee Summit Seed Production Area

T. 23 N., R. 11 E., MD Mer.,
Sec. 6, NE¼NE¼, and S½NE¼ (excepting por. in wdl. PLO 2971 for roadside zone);
Sec. 9, W½NW¼ (excepting por. in wdl. PLO 2971 for roadside zone).

SHASTA-TRINITY NATIONAL FOREST

Eagle Flat Campground & Picnic Area

T. 36 N., R. 7 W., MD Mer.,
Sec. 8, N½SE¼, and N½SE¼SE¼.

Eagle Creek Campground

T. 38 N., R. 7 W., MD Mer.,
Sec. 16, E½SE¼NE¼, NE¼SE¼, and S½SE¼.

Roadside—Sitzemiddle Zone

A strip of land 200 feet northeasterly from Eagle Creek Road No. 38N27, and the area between Eagle Creek Road No. 38N27 and Eagle Creek, and a strip of land 200 feet southwesterly from Eagle Creek through:

T. 38 N., R. 7 W., MD Mer.,
Sec. 16, NW¼NE¼, S½NE¼, and NE¼NW¼.

Trinity River Campground

T. 38 N., R. 7 W., MD Mer.,
Sec. 22, W½SW¼NW¼.

Hyampom Administrative Site

T. 3 N., R. 6 E., HUM Mer.,
Sec. 22, SE¼NE¼.

Forest Glen Recreation Area

T. 1 S., R. 7 E., HUM Mer.,
Sec. 13, SE¼SE¼SE¼, N½SE¼SE¼, and S½NE¼SE¼.
T. 1 S., R. 8 E., HUM Mer.,
Sec. 18, SW¼ of lot 4 and S½NW¼ of lot 4 less H.E. Survey 264;
Sec. 19, NW¼ of lot 1, E½ of lot 1, NE¼NW¼ less H.E. Survey 264 and NW¼NE¼.

KLAMATH NATIONAL FOREST

Scott Mountain Recreation Area

T. 39 N., R. 7 W., MD Mer.,
Sec. 5, lots 3 and 4.

Kangaroo-Lilypad Lakes Recreation Area

T. 40 N., R. 7 W., MD Mer.,
Sec. 14, N½N½.

Boulder Creek Recreation Area

T. 40 N., R. 9 W., MD Mer.,
Sec. 25, lot 1.

Beaver Mouth Campground

T. 46 N., R. 8 W., MD Mer.,
Sec. 6, lot 1.

Trail Creek Recreation Area

T. 39 N., R. 10 W., MD Mer.,
Sec. 23, N½N½SE¼, and S½S½NE¼;
Sec. 24, SW¼SW¼NW¼.

Seiad Administrative Site

T. 46 N., R. 12 W., MD Mer.,
Sec. 13, por. of tract 55; beginning at point 5 of tract 55, thence N. 89°55' W., 546.10 feet; thence S. 02°00'30" E., 620.21 feet; thence S. 89°55' E., 546.10 feet; thence N. 02°00'30" W., 620.21 feet to point of beginning, containing 7.27 acres, more or less.

Oak Bottom Guard Station and Campground

T. 11 N., R. 6 E., HUM. Mer.,
Sec. 2, NE¼SE¼ (less that part of I.A. Survey No. 280).

Ukonom Ranger Station Administrative Site

T. 12 N., R. 6 E., HUM. Mer.,
Sec. 33, S½SE¼NE¼, NE¼SE¼, and SE¼SE¼.
Sec. 34, NW¼NW¼NW¼, S½SW¼NW¼, NW¼SW¼, and SW¼SW¼.

Ti Bar Administrative Site

T. 13 N., R. 6 E., HUM. Mer.,
Sec. 8, SW¼NE¼SW¼, and NW¼SE¼SW¼.

Johnson's Bar Campground (Proposed)

T. 13 N., R. 6 E., HUM. Mer.,
Sec. 32, SE¼SE¼, W½E½NE¼SE¼, E½SW¼NE¼SE¼, and SE¼NW¼NE¼SE¼.

SIX RIVERS NATIONAL FOREST

Big Flat Administrative Site

T. 15 N., R. 2 E., HUM. Mer.,
Sec. 28, E½NW¼NE¼, and W½NE¼NE¼.

Dry Lake Campground

T. 16 N., R. 3 E., HUM. Mer.,
Sec. 31, S½NW¼NE¼, and N½SW¼NE¼.

East Fork Campground

T. 6 N., R. 4 E., HUM. Mer.,
Sec. 15, W½NE¼.

Fish Lake Campground

T. 10 N., R. 4 E., HUM. Mer.,
Sec. 14, NE¼NE¼.

Boise Creek Campground

T. 7 N., R. 5 E., HUM. Mer.,
Sec. 30, E½SE¼SW¼, and W½SW¼SE¼.

Big Bar Campground

T. 10 N., R. 5 E., HUM. Mer.,
Sec. 17, por. of lots 1, 2, and 39 within S½SW¼SW¼, SE¼SW¼, and SW¼SE¼;
Sec. 20, por. of lots 1, 2, and 39 within N½N½NW¼.

Gephart Campground

T. 10 N., R. 5 E., HUM. Mer.,
Sec. 19, S½ lot 4 and lot 5.

Aikens Campground

T. 10 N., R. 5 E., HUM. Mer.,
Sec. 30, lot 7, NE¼SW¼, E½NW¼SW¼, and E½W½NW¼SW¼.

Bluff Creek Campground

T. 10 N., R. 5 E., HUM. Mer.,
Sec. 30, W½ lot 1, W½ lot 5, lot 6, and E½SW¼SW¼NW¼.

Bonda Mine Campground

T. 11 N., R. 6 E., HUM. Mer.,
Sec. 20, W½E½W½NE¼NW¼, W½W½NE¼NW¼, N½SW¼NW¼, and NW¼NW¼.

Pearch Creek Campground

T. 11 N., R. 6 E., HUM. Mer.,
Sec. 32, SE¼NE¼NW¼, S½NE¼NE¼NW¼, and NW¼NE¼NE¼NW¼.

South Fork Campground

T. 15 N., R. 2 E., HUM. Mer.,
Sec. 18, NW¼NW¼NE¼, E½W½NE¼, E½NW¼SE¼, and W½NE¼SE¼.

Twelvemile Campground

T. 17 N., R. 3 E., HUM. Mer.,
Sec. 8, E½NE¼SE¼, and NE¼SE¼SE¼;
Sec. 9, NW¼SW¼SW¼.

Madrona Campground

T. 17 N., R. 2 E, HUM. Mer.,
Sec. 24, E½NE¼NE¼.
T. 17 N., R. 3 E., HUM. Mer.,
Sec. 19, S½ lot 5 and N½ lot 6.

Patricks Creek Campground

T. 17 N., R. 3 E., HUM. Mer.,
Sec. 16, SW¼NE¼NW¼, S½NW¼NW¼, N½SW¼NW¼, and NW¼SW¼NW¼.

Mad River Campground

T. 1 S., R. 6 E., HUM. Mer.,
Sec. 2, E½NE¼SW¼, E½W½NE¼SW¼, and W½SW¼NE¼SW¼.

Bailey Canyon & Fir Cove Campgrounds

T. 1 S., R. 7 E., HUM. Mer.,
Sec. 29, SE¼SE¼;
Sec. 33, N½NW¼NW¼, and SW¼NW¼NW¼.

The areas described aggregate approximately 2,945 acres.

The applicant agency has cancelled its application insofar as it involved the lands described below. Therefore, pursuant to the regulations contained in 43 CFR Subpart 2311, such lands will be at 10 a.m., on June 28, 1965, relieved of the segregative effect of the above mentioned application.

The lands terminated are:

HUMBOLDT MERIDIAN

Six Rivers National Forest

T. 11 N., R. 6 E.,
Sec. 29, E½E½W½NE¼NW¼.

The area described to be eliminated aggregates approximately 5 acres.

JOHN E. CLUTE,
Acting Manager,
Sacramento Land Office.

[F.R. Doc. 65-5788; Filed, June 2, 1965; 8:47 a.m.]

DEPARTMENT OF AGRICULTURE

Consumer and Marketing Service

FOOD STAMP PROGRAM

Pilot Program; Notice of Effective Date of Supersedure

Notice is hereby given that effective June 1, 1965, the Food Stamp Program (7 CFR Ch. XVI) shall supersede the Pilot Food Stamp Program (6 CFR Part 540) in the following geographical area: City of Detroit.

ROY W. LENNARTSON,
Associate Administrator.

Approved: May 25, 1965.

GEORGE L. MEHREN,
Assistant Secretary.

[F.R. Doc. 65-5789; Filed, June 2, 1965; 8:49 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket Nos. 15944—15948; FCC 65M-683]

OCEAN COUNTY RADIO BROADCASTING CO. ET AL.

Order Continuing Hearing

In re applications of Ocean County Radio Broadcasting Co., Toms River, N.J., Docket No. 15944, File No. BPH-4078; Seashore Broadcasting Corp., Toms River, N.J., Docket No. 15945, File No. BPH-4632; Beach Broadcasting Corp., Toms River, N.J., Docket No. 15946, File No. BPH-4638; for construction permits.

A prehearing conference in the above-entitled matter having been held on May 25, 1965, and it appearing from the record made therein that certain agreements were reached which should be formalized by order;

It is ordered, This 26th day of May 1965 that:

(1) The direct cases of the parties shall be in writing with the right reserved to clarify, correct or supplement such cases by oral testimony, the written testimony and exhibits, however, to be placed in evidence through the sponsoring witnesses;

(2) All testimony and exhibits to be offered in evidence in the presentation of the direct affirmative cases shall be exchanged among the parties and copies thereof supplied the Hearing Examiner on July 26, 1965;

It is further ordered, That the hearing herein presently scheduled to commence on June 28, 1965, is continued to September 13, 1965, commencing at 10 a.m. in the offices of the Commission at Washington, D.C.

Released: May 27, 1965.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 65-5782; Filed, June 2, 1965; 8:48 a.m.]

[Docket Nos. 15849, 15850; FCC 65M-682]

RADIO STATION WKEU AND TELERAD, INC.

Order Continuing Hearing

In re applications of Radio Station WKEU, Griffin, Ga., Docket No. 15849, File No. BPH-4663; Telerad, Inc., Griffin, Ga., Docket No. 15850, File No. BPH-4664; for construction permits.

The Hearing Examiner having under consideration the informal request filed herein on May 25, 1965 by Radio Station WKEU for continuance of procedural dates;

It appearing, that all parties have consented to immediate consideration and grant of said request and good cause is present for a grant thereof in that there is presently pending a petition for approval of agreement looking toward termination of the proceeding without hearing;

It is ordered, This 26th day of May 1965 that the said request is granted and the exchange of exhibits, notification of witnesses to be called for cross-examination, and hearing herein as scheduled by order released April 26, 1965, are continued without date.

Released: May 27, 1965.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 65-5783; Filed, June 2, 1965; 8:48 a.m.]

[Docket No. 15752 etc.; FCC 65R-185]

CHARLES W. JOBBINS

Memorandum Opinion and Order Amending Issues

In re applications of Charles W. Jobbins, Costa Mesa-Newport Beach, Calif., Docket No. 15752, File No. BP-16157; et al., Docket Nos. 15753, 15754, 15755, 15756, 15757, 15758, 15759, 15760, 15761, 15762, 15763, 15764, 15765, 15766; for construction permits.

1. The Review Board has before it for consideration two petitions to enlarge issues, both filed on January 22, 1965, one by California Regional Broadcasting Corp. (Regional)[1] and the other by Storer Broadcasting Co. (Storer).[2] Regional requests addition of ten issues which fall into four categories: (1) A 10-percent Rule issue as to the proposals of Orange Radio, Inc. (Orange) and Pacific Fine Music, Inc. (Pacific); (2) 2 and 25 mv/m overlap issues as to Pacific and Western Broadcasting Corp. (Western);[3] (3) issues as to whether Topanga is a "community" pursuant to Rule 73.30(a) and whether Topanga-Malibu Broadcasting Co.'s (Topanga's) proposal would constitute an efficient use of the channel; and (4) issues concerning Storer's legal qualifications, its compliance with the multiple ownership rules and a Section 307(b) issue as to the "broadcast needs of Los Angeles vis-a-vis Pasadena".[4] The Review Board will consider the requested issues in order. The above-captioned applications were designated for comparative hearing by Commission Order, FCC 64-1195, released December 31, 1964.

2. Separate Community and 10 Percent Rule Issues: Regional requests the addition of the following issues as to Orange and Pacific:

To determine whether the application of Orange Radio, Inc. [and/or Pacific Fine Music, Inc.] should be considered as a Fullerton [or Whittier] proposal or as a Los Angeles or Pasadena proposal for the purpose of applying § 73.28(d) (3) of the Commission's rules;

[1] Pleadings before the Board include: Petition to enlarge issues, filed January 22, 1965, by Regional; opposition, filed February 12, 1965, by Pacific; partial opposition, filed February 12, 1965, by the Broadcast Bureau; partial opposition, filed February 15, 1965, by Orange; opposition, filed February 15, 1965, by Topanga; opposition, filed February 15, 1965, by Storer; opposition, filed February 15, 1965, by Western; reply, filed March 1, 1965, by Regional; request for leave to file comments and comments, filed March 1, 1965, by Orange; and opposition to Orange's request to file comments and to comments, filed March 12, 1965, by Regional.

[2] Pleadings filed in connection with the petition to enlarge issues filed by Storer are: Opposition, filed February 12, 1965, by Pacific; comments in support, filed February 12, 1965, by Broadcast Bureau; and opposition, filed February 15, 1965, by Western.

[3] These issues are also requested by Storer. See paragraph 13, infra.

[4] References to specific sections of the Commission's Rules are to the Rules as in force prior to the adoption of the amended Rules in the Commission's Report and Order, adopted July 1, 1964 (FCC 64-609). See FCC 64-473, released August 6, 1964.

To determine, in the event it is determined pursuant to the foregoing issues that the proposal of Orange Radio, Inc. [and/or Pacific Fine Music, Inc.] should be treated as a Los Angeles or Pasadena proposal, whether the interference which would be received by such proposal would affect more than ten percent of the population within its normally-protected primary service area in contravention of § 73.28(d) (3) of the Commission's rules, and, if so, whether circumstances exist which would warrant a waiver of said section.

Regional contends that while the applications of Orange and Pacific specify Fullerton and Whittier, Calif., as the respective principal communities to be served, both proposals would provide primary service to virtually the entire Los Angeles urbanized area (including the cities of Los Angeles and Pasadena). In light of this fact, petitioner requests an issue to determine whether these proposals should be treated as proposals for the specified communities or as proposals for Los Angeles and its urbanized area for purpose of applying § 73.28(d) (3) of the Commission's rules (10 percent Rule). In support of its request petitioner states that in Northern Indiana Broadcasters, Inc., FCC 64R-407, 3 R.R. 2d 266, the Board added such an issue in a similar factual situation. If this separate community issue is added, petitioner requests a second issue to determine whether the interference received by the Orange and Pacific proposals would affect more than 10 percent of the population within their normally-protected primary service areas in contravention of § 73.28(d) (3). In support of its second request, Regional states that the Orange and Pacific proposals will receive nighttime interference affecting 16 percent and 23.5 percent, respectively, of the populations within their normally-protected (2.5 mv/m) contours. The Broadcast Bureau supports the petitioner's request for both issues.

3. Orange and Pacific oppose Regional's request. Pacific contends that Northern Indiana Broadcasters, Inc., supra, is not dispositive because in that case there was "testimony in the record by a principal of the applicant that he was primarily interested in coverage of the nearby larger city,"[5] whereas Pacific is primarily interested in serving Whittier, as reflected in the nonentertainment portion of its program proposal. Pacific argues that the Commission's statement in the Order of designation (FCC 64-1195, released December 31, 1964), that the non-Pasadena applications "* * * represent applications for a first local AM station in each of such communities * * *," is controlling,[6] and that Pacific's proposal accordingly meets the first local nighttime transmission facility exception to the 10 percent Rule. Orange's opposition is predicated on the following: Fullerton, Orange's specified principal community, is located in the Anaheim-Santa Ana-Garden Grove standard metropolitan statistical area (SMSA), which was newly formed in 1963; since Fullerton is not in the Los Angeles SMSA, it cannot be part of the Los Angeles urbanized area; Orange's application for Fullerton cannot therefore be treated as a proposal for Los Angeles; and Northern Indiana Broadcasters, Inc., supra, is inapposite. Orange also asks that the following facts be considered: the population of Orange County, within which Fullerton is situated, increased 225.6 percent during the 1950–1960 census period to 704,000 and is presently over 1 million; and only two standard broadcast stations are presently located within Orange County.

4. Regional makes the following arguments in reply: The urbanized area, not the SMSA, is the criterion used to determine the existence of a separate community for purposes of applying § 73.28(d) (3) and Fullerton is part of the Los Angeles urbanized area regardless of whether or not it is within the Los Angeles SMSA; and even if the SMSA is determinative, an issue should be added in view of the primary service which Orange's proposal will give both Anaheim and Santa Ana, each of which has a standard broadcast station of its own.

5. Orange Radio (the Fullerton applicant) must, as Regional contends, be considered as specifying a city within the Los Angeles urbanized area as its principal community. "Urbanized areas" are designated by the Census Bureau every 10 years on the basis of the latest Census; the current designations were based on the 1960 Census. The urbanized area designations are not adjusted during the interim period between censuses. Therefore, Orange County and the city of Fullerton must be considered at this time as part of the Los Angeles urbanized area. SMSA's are delineated by the Bureau of the Budget as they become necessary, and are drawn along county lines automatically including all communities located within the county. Fullerton is within Orange County which is the central county of the Anaheim-Santa Ana-Garden Grove SMSA. Although central cities of an SMSA have been determined by the Bureau of the Budget to have "integrated economic and social system(s)," no such judgment has been made as to the noncentral communities located within the central county of an SMSA,[7] the more pertinent statement that "this waiver * * * does not constitute a prejudgment on their merits of any of the issues specified as to any of the applications." The Commission indicated that the sec. 307(b) inquiry will probably not be conclusive and for comparative purposes the applicants will be treated as proposals for the central city, Los Angeles.

Thus, Fullerton cannot claim the benefit of a determination made for a central city. Moreover, neither the SMSA nor the urbanized area concept is in itself determinative of the realistic relationship of the communities for purposes of applying this Commission's rules or policies. At best, these concepts merely indicate the need for further evidence of the realistic relationship.

6. The Orange and Pacific proposals specifying Fullerton and Whittier will concededly receive nighttime interference affecting in excess of 10 percent of the populations within their nighttime normally protected contours. In waiving the AM "freeze" (Memorandum Opinion and Order, FCC 64-763, released August 6, 1964) the Commission specifically stated that § 73.28(d) (3), as it was applied to applications accepted for filing prior to July 13, 1964, would govern this proceeding. Thus, proposals for first local transmission services may claim the advantage of an exception to the 10 percent Rule only if it is first determined that their specified principal communities are "separate communities" for purposes of § 73.28(d) (3).

7. Proposals which are realistically designed to provide multiple services to a large community while ostensibly providing a first local transmission service to a nearby suburb or smaller community have been of long standing concern to the Commission and the Board.[8] Applicants for such proposals have sought to gain a competitive advantage under section 307(b)[9] and to claim the benefit of the "first local transmission" exception to the 10 percent Rule.[10] The Commission's consistent aim has been "to encourage new stations which will provide a genuine local service to growing suburban communities", and "to discourage new suburban facilities which are merely substandard big city stations." Notice of Proposed Rulemaking, note 7, supra. The Commission has endeavored to implement the policy articulated in the notice of proposed rulemaking on a case to case basis. See Report and Order, FCC 64-609, 2 R.R. 2d 1658.

8. In Huntington Broadcasting Co., supra., the Commission indicated that every proposal must be considered in the context of the type of operation proposed; the frequency requested; the position of the smaller city in relation to the larger city; and the nature of the programing proposed. Later, in Radio Crawfordsville, supra, the Commission made it clear that:

> The so-called "separate community" question is not whether the suburban community is politically, geographically, economically, or culturally independent from another city. Rather, it is whether in view of the proposal before us—with particular concern for its

[5] To no extent did the Board rely on this "testimony" (later withdrawn) in enlarging the issues in Northern Indiana.

[6] Contrary to the position of Orange and Pacific, the Commission has not made a final determination that these applications propose a first local service transmission for sec. 73.28(d) (3) purposes. In the designation Order, supra, where the Commission referred to the non-Pasadena applicants as applicants for a first local transmission for purposes of waiving the AM "freeze", it made

[7] U.S. Department of Commerce, Technical Studies, Series P-23, No. 19 (Dec. 5, 1963). Jefferson Standard Broadcasting Company, FCC 62-1011, 24 R.R. 819.

[8] Notice of Proposed Rulemaking, FCC 63-468, 25 R.R. 1615. See Radio Crawfordsville, FCC 63-480, 25 R.R. 533; Huntington Broadcasting Co. v. FCC, 192 F. 2d 33, 7 R.R. 2030; Huntington Broadcasting Co., 5 R.R. 721 (1950); Northern Indiana Broadcasters, Inc., FCC 64R-407, 3 R.R. 2d 266.

[9] See e.g., Monroeville Broadcasting Co., 35 FCC 687, 1 R.R. 2d 607 (1963).

[10] See e.g., Denver Area Broadcasters, 38 FCC 588 (1965).

class, frequency, power, and coverage—the needs of the suburban community are to be considered apart from those of its nearby principal city or the urbanized area as a whole.

In Speidel Broadcasting Corp. of Ohio, 35 FCC 74, 25 R.R. 723; aff'd per curiam July 3, 1963, Case No. 18318 (D.C. Cir.), an applicant whose proposal would have provided 100 percent coverage of the central city and only 60 percent coverage of the specified principal community was not given section 307(b) advantage over a mutually exclusive applicant for a different specified community. In Monroeville Broadcasting Co., 35 FCC 657, 1 R.R. 2d 607 (1963), the Commission used the same criteria to decide a "separate community" issue; the Commission asks "• • • Is the particular proposal realistically one to serve the smaller suburb or one to serve the metropolitan complex?" See also Massillon Broadcasting Co., 36 FCC 809, 2 R.R. 2d 409 (1964). The Review Board, in Pinellas Radio Co., 36 FCC 1099, 2 R.R. 2d 155 (1964), held that a realistic evaluation of the particular proposal presented required that the needs of the suburban community be considered apart from those of the urbanized area which would also receive the applicant's signal. Recently, in Jupiter Associates, Inc., 38 FCC 321 (1965), the Board held that where the population of the specified city was substantially in excess of 50,000 and where there were no allegations that the applicant's proposal was engineered to secure maximum coverage of the larger city or that the proposed programing was geared to the needs and interests of the larger city, the Board would not question the "separateness" of the specified principal community. In each of the above cited cases, the decision was based upon a realistic interpretation of the particular facts in the record. The extent of the evidentiary showing varied from case to case depending upon the complexity of the circumstances involved.

9. Considerations leading to determination of "separate community" issues for section 307(b) and § 73.28(d)(3) purposes are generally the same. In the instant case Regional's major thesis is that because the proposals of Orange and Pacific contemplate coverage of a major portion of the Los Angeles urbanized area, "separate community" and 10 percent Rule issues should be added. The bare allegation of substantial coverage of a larger city or urbanized area is not determinative of whether a proposal is realistically one to serve the larger community. This question must be decided on the basis of all the evidence presented by the parties in hearing; although a properly documented, uncontroverted allegation of coverage can be sufficient to raise an issue. Considerations of class, frequency, power and coverage are, of course, relevant, but they do not constitute the only factors to be weighed. The inquiry to determine realistically which community an applicant intends to serve is a complex one. Relevant to this determination are factors which are realistically considered by an applicant in applying for a station license. A relevant factor in the determination of the "separate community" question is the likely source of the proposed station's revenue. Other relevant considerations are the size and nature of the communities, the relationship of the economic, geographic, cultural, and governmental functions of the specified principal community to those of the larger community. This determines whether the specified principal community represents needs and interests separate from the needs and interests of the nearby larger city or urban area to which the applicant's proposal will also provide a primary signal. Once the unique needs and interests of the specified principal community are shown to exist, the second aspect of the inquiry is to determine whether the applicant's proposal is realistically geared to serve these unique needs and interests. To this end all aspects of an applicant's proposal as they relate to the area itself and the needs and interests of the area are relevant subjects of evidentiary presentation. It can be readily seen from the above that "separate community" is a term of art which, at the very least, does not refer to the geographic separateness or mere existence of a station location to which § 73.30(a) is directed; rather, it is a broad term directed toward the determination of an applicant's intent to realistically serve a given city or area, and the applicant's proposed programming as it relates to the needs and interests of the community sought to be served.

10. In view of the broad scope of inquiry permitted under a "separate community" issue, such an issue should be added only upon a convincing threshold showing of decisional significance. In the instant case both applicants propose Class II operations at 50 kilowatts day and 10 kilowatts night power and virtually the same coverage of nearly the entire Los Angeles Urbanized Area. Under these facts the Board can not now conclude that the proposals of Orange and Pacific qualify for the "first local transmission" exception to the 10 percent Rule, "Separate community" and 10 percent Rule issues will accordingly be added against Orange and Pacific to permit full development of the evidence pertaining to these questions in hearing.

11. 2 and 25 mv/m Overlap: Regional and Storer request the addition of an issue to determine whether the 2 mv/m contour of Station KSDO, San Diego, Calif., and the proposed 25 mv/m contours of Western and Pacific will overlap in violation of § 73.37. Regional states that an overlap issue has been designated against all other applicants in this proceeding. As to three of these applicants, whose applications did not show overlap, the Commission said that the measurement data available as to the location of KSDO's 2 mv/m contour are insufficient to insure that no overlap would occur and directed the applicants to take additional field intensity measurements on KSDO's contour and from the applicants' proposed sites. Regional asserts that although the applications of Western and Pacific purport to show no such overlap, it is possible that the additional measurements taken by Regional and the other applicants will show that Western and Pacific have incorrectly placed the KSDO 2 mv/m contour. In addition to its request for an overlap issue, Regional asks that Western and Pacific be directed to take field intensity measurements from their proposed sites to determine the location of their 25 mv/m contours. In the opinion of the Broadcast Bureau, Regional has not made a proper showing, either through engineering data or affidavit, to support its requests.

12. Western and Pacific oppose the instant request as not warranted at this time. In support of its opposition, Western has submitted rechecked data supported by an affidavit of its engineers affirming a minimum separation of 4½ miles between the contours in question and a 3½-mile minimum separation using Western's MEOV's. Pacific contends that the information relied upon by Regional in seeking to add an overlap issue was before the Commission at the time the issue was designated against the other applicants in this proceeding. The addition of overlap issues against Western and Pacific on the basis of Regional's allegations is not warranted. Regional has presented only a bare request with no supporting affidavits or engineering statements as required by Rule 1.229.

13. Storer's petition is accompanied by an engineering statement, which quotes the following portion of paragraph 15–I–C(5) of the designation Order herein, concerning the application of California Regional Broadcasting Corp.:

> According to the applicant's showing, the proposed 25 mv/m contour is separated from the 2 mv/m contour of KSDO by approximately 2 miles. It appears that some measurement data is available on KSDO in connection with KSDO's proof of performance. However, these measurements are not sufficient to definitely establish the extent of KSDO's 2 mv/m contour. Accordingly, additional field intensity measurements made on KSDO and from the proposed site [are] required to insure that no overlap of these contours would occur in contravention of § 73.37 of the Rules,

and states that a comparable KSDO overlap situation exists for Pacific and for Western. Storer notes that Figure 12–C of the Pacific application depicts the separation between Pacific's proposed 25 mv/m (MEOV) contour and the KSDO 2 mv/m contour at the closest point as being 1 mile, and compares this to the 2 mile separation noted for the California Regional application in the above quoted paragraph.[12] Pacific opposes addition of the issue; the Broadcast Bureau supports Storer's petition. The Pacific application has been examined in conjunction with a reading of paragraph 15–I–C(5), which clearly states that the measurement data relied upon by California Regional were not sufficient to establish the location of the KSDO 2 mv/m contour. Although there are other differences between the applications which may have entered into the judgments upon which the designation Order is based," the closeness of the Pacific 25 mv/m and KSDO 2 mv/m contours as depicted on Figure 12–C of the engineering exhibit to Pacific's application, File No. BP–16161, raises questions as to the separation of those contours which should be considered in the hearing in this proceeding. Therefore, an issue will be added to determine whether Pacific's 25 mv/m contour overlaps the 2 mv/m contour of Station KSDO. Storer also would add a similar issue as to Western, alleging that the location of the KSDO 2 mv/m contour is not correctly depicted on Western's Exhibit No. E–17, File No. BP–16173, and that the depiction of Western's 25 mv/m contour does not take into account the maximum expected operating values (MEOV's) of radiation shown on the Western daytime horizontal pattern. Storer notes that Western shows approximately a 5-mile separation between the Western 25 mv/m contour and the 2 mv/m contour of KSDO. Western opposes addition of the issue. The Broadcast Bureau, in a pleading filed prior to receipt of Western's opposition, supports Storer's petition. Western's opposition includes an engineering showing which, as noted above, establishes that, using MEOV values, the minimum separation between its 25 mv/m contour and the 2 mv/m contour of KSDO is approximately 3½ miles. Western's engineering affidavit also states that calculations of the location of Western's 25 mv/m contour using MEOV's of radiation and a conductivity of 15 mmhos/m for the entire path still does not show overlap with the KSDO 2 mv/m contour (Figure M–3 shows about half the path as having a conductivity of 8 mmhos/m, the balance being shown as 15 mmhos/m). Since the available data does not support Storer's contention, the requested issue will not be added as to Western at this time. Western's engineering data, using its MEOV's, reflects a minimum separation of the contours in question of 3½ miles; this figure is substantially greater than the minimum separation claimed by petitioners for their proposals. To the extent that petitioners have requested the addition of an issue on the basis of data which may become available at some future time (KSDO measurement data), the request must be denied. For the foregoing reasons, the Board can find no merit in petitioners' request at this juncture.

14. Requested Issues Against Topanga: In its application Topanga-Malibu Broadcasting Co. has specified Topanga as its principal community. Regional requests enlargement of the issues to determine: (1) Whether Topanga is a "particular city, town, political subdivision or community" within the meaning of § 73.30(a) of the rules and for purposes of section 307(b) of the Act and § 73.28(d)(3) of the rules; (2) if it is not deemed a "community", whether the Topanga proposal would violate the 10 percent rule and if so whether circumstances exist which warrant a waiver of § 73.28(d)(3) of the rules; and (3) if Topanga is found to be a "community", whether it "would suffer interference to such an extent that its service would be reduced to an unsatisfactory degree" in violation of § 73.24(b) of the rules and if so whether circumstances exist which warrant a waiver thereof. To support its request Regional makes the following allegations: the 1960 Census does not list "Topanga", "Malibu", or "Topanga-Malibu" as a community; the Topanga applicant has inadequately defined the "Topanga Community" as the area served by the Topanga Post Office; and the only indication of Topanga's population is a statement by the Postmaster at the Topanga Post Office that the population is approximately 4,000 persons. Regional further asserts that by virtue of interference received the Topanga proposal would not serve 66.6 percent of the population within its normally-protected contour; it would not serve any white or gray area; and the proposal is violative of § 73.24(b) of the rules, which is a basic, not a comparative, consideration. The Broadcast Bureau states that Regional has presented no facts which were not before the Commission at the time of designation pertaining to § 73.30(a) or § 73.28(d)(3). The Bureau does, however, support the addition of a § 73.24(b) issue.

15. Topanga opposes each of the three requested issues.[13] With respect to the existence of the "Topanga Community" the applicant asserts that Regional's request is deficient in that it does not allege that the location or population claimed as that of "Topanga" is an integral part of or more logically associated with some other location; it has had a second-class post office of its own since 1908; and it possesses many of the attributes normally associated with communities, e.g., a Chamber of Commerce, 5 churches, 7 real estate concerns, 2 weekly newspapers, and 12 civic associations. As to the requested 10 percent Rule issue Topanga states that 97 percent of the Topanga community is wholly outside the Los Angeles-Long Beach Urbanized Area; its 500 watt proposal will not provide primary service to either Los Angeles or Pasadena; Topanga's proposal would serve less than 16 percent of the Los Angeles urbanized area daytime and less than 2 percent nighttime; service would be directed toward the "underserved area northwest of Los Angeles"; and the coverage factors relied upon by the Board in Northern Indiana Broadcasters, Inc., supra, are not present in Topanga's proposal. Opposition to a § 73.24(b) issue is predicated on the following: the Commission considered a petition filed by Western raising the same question concerning Topanga's compliance with § 73.24(b) and did not designate such an issue; and problems underlying alleged inefficiency in the use of a frequency are part of the over-all section 307(b) determination and the Commission has said that they would be so considered (citing Kent-Ravenna Broadcasting Co., FCC 61–1350, 22 RR 605).

16. Regional contends that Topanga's opposition claims have not been submitted under oath, as required by § 1.229 of the rules. Petitioner also presents an affidavit by Stanley L. Hahn, a California attorney, stating that Topanga relies upon Los Angeles County for police protection and "other public services" and is a part of the Los Angeles Unified School District. With respect to the requested 10 percent Rule issue, the petitioner argues that if Topanga is not a community for purposes of § 73.30(a), then the Topanga applicant cannot claim the first local transmission service exception to the 10 percent Rule. Finally, Regional asserts that in Burlington Broadcasting Co., 34 FCC 1135, 25 R.R. 633, reconsideration denied 35 FCC 456, 1 R.R. 2d 297 (1963), a comparative 307(b) case, the Commission recognized that § 73.24(b) is a matter of basic rather than comparative qualification:

> Before turning to the 307(b) and standard comparative issues, one further question of basic qualification remains. . . . (whether), by virtue of the extreme nighttime interference to be suffered by these proposals [the applicants], would satisfy the requirements of section 3.24(b) [now 73.24(b)] of the rules.

17. The fact that a station location is an unincorporated place and is not listed by the Census Bureau does not require specification of an issue as to compliance with § 73.30(a) of the Rules. Topanga has met even the rigid test the Commission applied in Five Cities Broadcasting Co., Inc., 35 FCC 501, 1 R.R. 2d 279 (1963), as to whether the population grouping or land area claimed for the specified community is more logically associated with another location, which the Commission abandoned in Seven Locks Broadcasting Co., 37 FCC 82, 3 R.R. 2d 177 (1964). In the absence of allegations sustaining at least the Five Cities test the Board will not add a § 73.30(a) issue.

18. Regional's request for "separate community" and 10 percent Rule issues is premised on the assertion that if Topanga is not a community for § 73.30(a) purposes, the Topanga applicant could not claim the benefit of the first local transmission exception of the 10 percent Rule. In view of our denial of the requested § 73.30(a) issue and in the absence of any pertinent allegations the request for "separate community" and 10 percent Rule issues will also be denied.

19. Under existing Commission policy a proposal which comes within an exception to the 10 percent Rule (providing a first nighttime transmission service) may, under certain circumstances,

[12] Pacific's Figure 12–A depicts the separation of the same contours as approximately 2 miles at the closest point.

[13] Among other things, California Regional locates the KSDO contour closer to the seacoast (and to KSDO) than does Pacific, and California Regional's 25 mv/m contour is located closer to the seacoast than is Pacific's 25 mv/m contour.

[14] Orange has filed an additional pleading in response to Topanga's opposition alleging that by virtue of facts alleged therein Orange will be "seriously aggrieved." Under § 1.45 Orange's pleading is unauthorized in the absence of a request by the Board or a request granted by the Board. Those portions of Topanga's opposition pleading which refer to Orange are not germane and will be disregarded. Accordingly, the Board will strike Orange's comments as unauthorized and Regional's opposition thereto will be dismissed as moot.

still be evaluated in light of § 73.24(b)."[14] By virtue of received interference the Topanga applicant would not serve 86.6 percent of the population within its normally protected contour. An applicant who must rely upon an exception to the 10 percent Rule "may be granted only if the populations affected by the received interference are not so large that his service would be 'reduced to an unsatisfactory degree'." Strafford Broadcasting Corp. (WWNH), 34 FCC 142, 24 RR 835 (1963). On the basis of the facts presented by the parties an issue to determine whether Topanga's proposal would comply with § 73.24(b) of the rules will be added.[15] See Trans America Broadcasting Corp., 37 FCC 183, 2 RR 2d 1053 (1964); 1360 Broadcasting Co., Inc., 36 FCC 1478, 2 RR 2d 824 (1964); North Atlanta Broadcasting Co., 36 FCC 1513, 2 RR 2d 769 (1964).

20. Legal Qualifications Issue: Regional's request for this issue is based on the contention that on the basis of the information on file it is not possible to ascertain whether holders of 1 percent or more of Storer's stock meet the Commission's legal requirements with respect to: citizenship; anti-trust proceedings; outstanding judgments; and the extent of other broadcast interests. In the absence of such information, Regional asserts, it cannot be concluded that Storer is legally qualified to be a licensee of the Commission. Petitioner reports that information on file indicates that approximately 50 percent of Storer's stock is held by persons owning less than 1 percent of the outstanding stock and no evidence as to their citizenship has been offered; that the beneficial owners of 2.88 percent (63,126 shares) of Storer's stock have not been revealed and the legal title to these shares resides in three "street names" (brokerage houses); that 8.14 percent of Storer's stock is legally held by four other "street names" for the benefit of four mutual funds; and that there has been no information filed relating to ownership of other broadcast stock by these mutual funds.

21. Storer's opposition is predicated upon the following: Storer has consistently submitted fully detailed ownership reports as called for by the Commission's Rules; FCC Form 323 does not require disclosure of information concerning stockholders owning less than 1 percent, even where they collectively own approximately 50 percent; and its transfer agent, National Bank of Detroit, has submitted an affidavit showing that by actual count all holders of Storer Class B common stock are United States citizens and that only 0.6 percent (7,630 shares) of Storer's common stock is held by noncitizens.

22. Regional in its reply pleading asserts that Storer has not satisfactorily answered questions pertaining to the percent of alien ownership because, in addition to the 7,630 shares owned by aliens, the beneficial ownership of 63,126 shares (2.88 percent) held in "street names" is still undisclosed.

23. Petitioner has not presented allegations sufficient to add a legal qualifications issue. Regional's conclusion that Storer's failure to disclose all beneficial owners of its stock makes it impossible to determine Storer's compliance with section 310(a)(4) of the Communications Act is erroneous. Even assuming that all of the undisclosed beneficial owners are aliens, the percentage of aliens holding Storer stock would represent only 3 percent of Storer's outstanding stock;[16] this figure is far below the 20 percent permitted by section 310(a)(4). Regional questions the lack of information regarding only shareholders of less than 3 percent; under the rules, Storer is under no obligation to supply information concerning anti-trust proceedings or outstanding judgments as to shareholders of less than 3 percent. The only showing Storer must make concerning persons holding individually less than 1 percent of its stock is that of citizenship; this showing has been satisfactorily made. However, as to persons legally or beneficially holding in excess of 1 percent and less than 3 percent of its stock, Storer must supply names and addresses and proof of citizenship, and disclose all other broadcast interests of such persons in excess of 1 percent. The last of these requirements will be discussed in paragraph 25, infra. Storer has failed to submit the names and addresses of the beneficial owners of stock held by three "nominees". Accordingly, the Board will add an issue to ascertain the identity of the beneficial owners of Storer stock held by three "nominees", Invesco and Co., Incfund and Co., and Goldman and Sachs and Co.

24. Multiple Ownership Issue: Regional's request for this issue is based on a two-fold argument: first, under the facts alleged in paragraph 20, supra, we cannot determine whether the mutual funds, each holding in excess of 1 percent of Storer's outstanding stock, hold stock in any other broadcast facilities, thus, whether Storer complies with § 73.35(b) of the Commission's rules; second, petitioner argues that Storer is presently the licensee of seven standard broadcast stations and that four of these stations, including the Los Angeles station, are 50 kilowatt stations. Regional contends that a grant of Storer's application in the instant proceeding in which Storer seeks to change its Los Angeles station to 1110 kc in Pasadena, would "tend to solidify its concentration of control of the limited number of major market 50 kw full-time facilities" in violation of § 73.35(b). Moreover, the petitioner suggests that the Review Board explore the advisability of extending the Commission's "top fifty" VHF television policy to 50 kw standard broadcast proceedings, in view of their economic equivalence. The Bureau supports petitioner's request. Storer did not direct its opposition to the above arguments, but discussed one particular "street name" which has divested itself of Storer stock in excess of 1 percent.

25. The failure of Storer to submit information relating to other broadcast interests in excess of 1 percent held by or for various mutual funds, bank "nominees" and "street names" holding in excess of 1 percent of Storer stock requires the addition of an issue to determine whether Storer complies with § 73.35(b). See TVue Associates, Inc., FCC 64R–89, 2 R.R. 2d 1. However, the fact that Storer is presently the licensee of seven standard broadcast stations does not result in a violation of § 73.35(b) since a grant in this proceeding would not increase Storer's total number of stations. In Public Notice No. 60894, FCC 64–1171, released December 18, 1964, the Commission stated that the "top fifty" concept is an interim policy for VHF "pending the formulation of more comprehensive proposals" concerning the entire problem of concentration of control. Therefore, petitioner's suggestion that the Board extend this interim VHF policy to 50 kw standard broadcast stations is inappropriate. However, Storer's other broadcast interests can be considered under the standard comparative issue, as they relate to the factor of diversification of media of mass communication.

26. Needs of Los Angeles v. Pasadena: The third issue Regional requests against Storer is:

To determine the comparative needs for broadcast service of the areas now served by Station KGBS, including the City of Los Angeles, Calif., and the areas to be served by Station KGBS operating as proposed, including Pasadena, Calif., and, in view thereof, whether a grant of the KGBS application would be in accordance with Section 307(b) of the Communications Act of 1934, as amended.

In support thereof Regional asserts that such an issue was included by the Commission with respect to KFOX, Inc. (KFOX), sought to move from Long Beach to Pasadena[17] and Storer's proposal to move KGBS from Los Angeles to Pasadena should be similarly explored. The exploration, petitioner argues, is particularly relevant because if an application other than Storer's is granted Los Angeles "need not be denied any local service". Storer does not oppose the addition of this issue, but the Bureau argues that it is unnecessary as these considerations are already encompassed within the section 307(b) issue.

27. Storer's situation is quite different from that of KFOX, which proposed to leave Long Beach if its application for 1110 kc were approved. While the Commission designated an issue similar to the one requested here against the KFOX application, grant of that application would have deprived Long Beach of one of its two services; grant of the Storer application, on the other hand, would deprive the city of Los Angeles of one of 12 standard broadcast transmission services. Accordingly, the Commission's action in designating such an issue against KFOX was entirely consistent with its determination not to include such an issue as to Storer's proposal and will not now be disturbed by the addition of the requested issue.

Accordingly, it is ordered, This 21st day of May 1965, That the petition to enlarge issues, filed on January 22, 1965, by California Regional Broadcasting Corp. is granted to the extent indicated below and is denied in all other respects; and that the issues in this proceeding are enlarged by addition of the following:

To determine, in light of the nature of the communities specified, whether Fullerton and/or Whittier, Calif., are "separate communities" for purposes of applying § 73.28 (d)(3) of the Commission's rules;

To determine, in light of the evidence adduced pursuant to the foregoing issue and the coverage characteristics of each proposal, economic base of operation, programming and other relevant factors, whether the proposals of Orange Radio, Inc., and/or Pacific Fine Music, Inc., are realistically proposals to serve Fullerton and Whittier, Calif., respectively.

To determine, in the event it is determined pursuant to the foregoing issue that the proposal of Orange Radio, Inc., or the proposal of Pacific Fine Music, Inc., should be treated as an application for a community already having a first local transmission service, whether the interference which would be received by such proposal would affect more than ten percent of the population within its normally protected primary service area in contravention of § 73.28(d)(3) of the Commission's rules, and if so, whether circumstances exist which would warrant a waiver thereof;

To determine whether, because of interference received, the proposal of Topanga-Malibu Broadcasting Co. would be consistent with the requirements of § 73.24(b) of the Commission's rules;

To determine the names and addresses of the legal and/or beneficial holders in excess of 1 percent and less than 3 percent of the stock of Storer Broadcasting Co., as required by Form 323;

To determine whether a grant of the application of Storer Broadcasting Co. would be consistent with the provisions of § 73.35 (b) of the Commission's rules;

And it is further ordered, That the petition to enlarge issues, filed on January 22, 1965, by Storer Broadcasting Co., is granted to the extent indicated below, and is denied in all other respects; and that Issue No. 13 herein is modified to be made applicable to the application of Pacific Fine Music, Inc., by the addition of the following notations to that issue:

File No.	*Applicant*
BP–16161	Pacific Fine Music, Inc.

And it is further ordered, That the request for leave to file comments and comments in response to Topanga-Malibu Broadcasting Co.'s opposition to petition to enlarge issues, filed on March 1, 1965, by Orange Radio, Inc., is stricken and the pleadings related thereto are dismissed as moot.

Released: May 24, 1965.

FEDERAL COMMUNICATIONS COMMISSION,
BEN F. WAPLE,
Secretary.

[F.R. Doc. 65–5781; Filed, June 2, 1965; 8:48 a.m.]

[14] Rule 73.24(b) authorizes assignment of a new standard broadcast station only if "the proposed station will not suffer interference to such an extent that its service would be reduced to an unsatisfactory degree."

[15] Topanga's contention that the Commission refused substantially the same request in the designation order, supra, in response to a petition for reconsideration filed on Sept. 8, 1964, by Western Broadcasting Corp. is erroneous. The Commission in dismissing Western's petition did not reach this question.

[16] Assuming all of the undisclosed holders of Storer's stock are aliens, a total of 70,756 shares would be alien-owned (63,126 shares held by undisclosed holders plus 7,630 shares held by known aliens). Of the 2,512,400 shares of Storer stock issued, 2,035,200 are outstanding. If all 70,756 shares are held by aliens the percentage of Storer stock held by aliens would equal approximately 3 percent.

[17] KFOX's application has been dismissed by the Hearing Examiner's order, FCC 65M–506, released May 12, 1965.

FEDERAL MARITIME COMMISSION

FARRELL LINES, INC., AND BLACK STAR LINE, LTD.

Notice of Agreements Filed for Approval

Notice is hereby given that the following agreements have been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement(s) at the Washington office of the Federal Maritime Commission, 1321 H Street NW., Room 301; or may inspect agreements at the offices of the District Managers, New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments with reference to an agreement including a request for hearing, if desired, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C., 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the comments should indicate that this has been done.

Notice of Agreement Filed for Approval by:

Mr. J. Gerald Shea, Farrell Lines, Inc., One Whitehall Street, New York, N.Y., 10004.

Agreement 9458, between Farrell Lines, Inc., and Black Star Line, Ltd., cancels approved Agreement 9318 and reinstitutes a through billing arrangement in the trade between Harbel, Buchanan, Sinoe and Cape Palmas, Liberia and U.S. Great Lakes ports, with transhipment at Monrovia, Liberia, under terms and conditions set forth in the agreement.

Dated: May 27, 1965.

By order of the Federal Maritime Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 65–5760; Filed, June 2, 1965; 8:47 a.m.]

FARRELL LINES, INC., AND ZIM ISRAEL NAVIGATION CO., LTD.

Notice of Agreements Filed for Approval

Notice is hereby given that the following agreements have been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement(s) at the Washington office of the Federal Maritime Commission, 1321 H Street NW., Room 301; or may inspect agreements at the offices of the District Managers, New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments with reference to an agreement including a request for hearing, if desired, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C., 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the comments should indicate that this has been done.

Notice of Agreement Filed for Approval by:

Mr. J. Gerald Shea, Farrell Lines, Inc., One Whitehall Street, New York, N.Y., 10004.

Agreement 9459, between Farrell Lines, Inc., and Zim Israel Navigation Co., Ltd., Haifa, cancels approved Agreement 9317 and reinstitutes a through billing arrangement in the trade between Harbel, Buchanan, Sinoe and Cape Palmas, Liberia and U.S. Great Lakes ports, with transhipment at Monrovia, Liberia, under terms and conditions set forth in the agreement.

Dated: May 27, 1965.

By order of the Federal Maritime Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 65–5759; Filed, June 2, 1965; 8:47 a.m.]

FARRELL LINES, INC., AND BLACK STAR LINE, LTD.

Notice of Agreements Filed for Approval

Notice is hereby given that the following agreements have been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement(s) at the Washington office of the Federal Maritime Commission, 1321 H Street NW., Room 301; or may inspect agreements at the offices of the District Managers, New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments with reference to an agreement including a request for hearing, if desired, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C., 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the comments should indicate that this has been done.

Notice of Agreement Filed for Approval by:

Mr. J. Gerald Shea, Farrell Lines, Inc., One Whitehall Street, New York, N.Y., 10004.

Agreement 9460, between Farrell Lines, Inc., and Black Star Line, Ltd., cancels

[18] Board Member Nelson absent.

approved Agreement 8867 and reinstitutes a through billing arrangement in the trade between Harbel, Buchanan, Sinoe and Cape Palmas, Liberia and U.S. Atlantic and Gulf ports, with transhipment at Monrovia, Liberia, under terms and conditions set forth in the agreement.

Dated: May 27, 1965.

By order of the Federal Maritime Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 65-5761; Filed, June 2, 1965; 8:47 a.m.]

NIPPON YUSEN KAISHA AND UNION OF BURMA FIVE STAR LINE CORP.

Notice of Agreements Filed for Approval

Notice is hereby given that the following agreements have been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763; 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement(s) at the Washington office of the Federal Maritime Commission, 1321 H Street NW., Room 301; or may inspect agreements at the offices of the District Managers, New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments with reference to an agreement including a request for hearing, if desired, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C., 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the comments should indicate that this has been done.

Notice of Agreement Filed for Approval by:

Mr. Charles F. Warren, Graham James & Rolph, 1725 DeSales Street NW., Washington, D.C., 20036.

Agreement 9455, between Nippon Yusen Kaisha (NYK) and Union of Burma Five Star Line Corp., establishes a through billing arrangement in the trade from U.S. ports of call of NYK to Burma with transshipment at Yokohama, Kobe, or Osaka, Japan, in accordance with terms and conditions set forth in the agreement.

Dated: May 27, 1965.

By order of the Federal Maritime Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 65-5762; Filed, June 2, 1965; 8:47 a.m.]

REDERIAKTIEBOLAGET DISA ET AL.

Notice of Agreements Filed for Approval

Notice is hereby given that the following agreements have been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement(s) at the Washington office of the Federal Maritime Commission, 1321 H Street NW., Room 301; or may inspect agreements at the offices of the District Managers, New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments with reference to an agreement including a request for hearing, if desired, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C., 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the comments should indicate that this has been done.

Notice of Agreement Filed for Approval by:

Mr. Edwin Longcope, Hill, Betts, Yamaoka Freehill & Longcope, 26 Broadway, New York, N.Y., 10004.

Agreement 7592-4, between Rederiaktiebolaget Disa; Rederiaktiebolaget Poseidon; and Jade Co., Inc., amends the basic agreement, as modified to add the Jade Co., Inc., as a participant in the "Brodin Line" joint service, under terms and conditions set forth in the agreement.

Dated: May 27, 1965.

By order of the Federal Maritime Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 65-5763; Filed, June 2, 1965; 8:47 a.m.]

FARRELL LINES, INC., AND COMPAGNIE MARITIME DES CHARGEURS REUNIS

Notice of Agreements Filed for Approval

Notice is hereby given that the following agreements have been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement(s) at the Washington office of the Federal Maritime Commission, 1321 H Street NW., Room 301; or may inspect agreements at the offices of the District Managers, New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments with reference to an agreement including a request for hearing, if desired, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C., 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the comments should indicate that this has been done.

Notice of Agreement Filed for Approval by:

Mr. J. Gerald Shea, Farrell Lines, Inc., One Whitehall Street, New York, N.Y., 10004.

Agreement 9457, between Farrell Lines, Inc., and Compagnie Maritime Des Chargeurs Reunis, cancels approved Agreement 8462 and reinstitutes a through billing arrangement in the trade between Harbel, Buchanan, Sinoe and Cape Palmas, Liberia and U.S. Atlantic ports with transhipment at Monrovia, Liberia, under terms and conditions set forth in the agreement.

Dated: May 28, 1965.

By order of the Federal Maritime Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 65-5791; Filed June 2, 1965; 8:49 a.m.]

FARRELL LINES, INC., AND ZIM ISRAEL NAVIGATION CO., LTD.

Notice of Agreements Filed for Approval

Notice is hereby given that the following agreements have been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement(s) at the Washington office of the Federal Maritime Commission, 1321 H Street NW., Room 301; or may inspect agreements at the offices of the District Managers, New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments with reference to an agreement including a request for hearing, if desired, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C., 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the comments should indicate that this has been done.

Notice of Agreement Filed for Approval by:

Mr. J. Gerald Shea, Farrell Lines, Inc., One Whitehall Street, New York, N.Y., 10004.

Agreement 9456, between Farrell Lines, Inc., and Zim Israel Navigation Co., Ltd., Haifa, cancels approved Agreement 8448 and reinstitutes a through billing arrangement in the trade between Harbel, Buchanan, Sinoe and Cape Palmas, Liberia and U.S. Atlantic and Gulf ports, with transhipment at Monrovia, Liberia, under terms and conditions set forth in the agreement.

Dated: May 28, 1965.

By order of the Federal Maritime Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 65-5792; Filed, June 2, 1965; 8:49 a.m.]

FEDERAL POWER COMMISSION

[Docket No. G-7954, etc.]

KEWANEE OIL CO. ET AL.

Notice of Applications for Certificates, Abandonment of Service and Petitions To Amend Certificates [1]

MAY 26, 1965.

Take notice that each of the Applicants listed herein has filed an application or petition pursuant to section 7 of the Natural Gas Act for authorization to sell natural gas in interstate commerce or to abandon service heretofore authorized as described herein, all as more fully described in the respective applications and amendments which are on file with the Commission and open to public inspection.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C., 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before June 17, 1965.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on all applications in which no protest or petition to intervene is filed within the time required herein, if the Commission on its own review of the matter believes that a grant of the certificates or the authorization for the proposed abandonment is required by the public convenience and necessity. Where a protest or petition for leave to intervene is timely filed, or where the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given: *Provided, however,* That pursuant to § 2.56, Part 2, Statement of General Policy and Interpretations, Chapter I of Title 18 of the Code of Federal Regulations, as amended, all permanent certificates of public convenience and necessity granting applications, filed after April 15, 1965, without further notice, will contain a condition precluding any filing of an increased rate at a price in excess of that designated for the particular area of production for the period prescribed therein unless at the time of filing such certificate application, or within the time fixed herein for the filing of protests or petitions to intervene the Applicant indicates in writing that it is unwilling to accept such a condition. In the event Applicant is unwilling to accept such condition the application will be set for formal hearing.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

JOSEPH H. GUTRIDE,
Secretary.

[1] This notice does not provide for consolidation for hearing of the several matters covered herein, nor should it be so construed.

Docket No. and date filed	Applicant	Purchaser, field, and location	Price per Mcf	Pressure base
G-7954 E 5-10-65	Kewanee Oil Co. (successor to McCall Drilling Co., Inc.), Post Office Box 2258, Tulsa, Okla., 74101.	Carnegie Natural Gas Co., Clay District, Ritchie County, W. Va.	20.0	14.325
G-7955 E 5-10-65	Kewanee Oil Co. (successor to McCall Drilling Co., Inc.).	Carnegie Natural Gas Co., Glenville District, Gilmer County, W. Va.	20.0	14.325
G-7956 E 5-10-65	do	Carnegie Natural Gas Co., DeKalb District, Gilmer County, W. Va.	20.0	14.325
G-7958 E 5-10-65	do	Cumberland and Allegheny Gas Co., Hackers Creek District, Lewis County, W. Va.	20.0	14.325
G-7959 E 5-10-65	do	do	20.0	14.325
G-7960 E 5-10-65	do	Equitable Gas Co., Freemans Creek and Troy Districts, Lewis and Gilmer Counties, W. Va.	20.0	15.325
G-7961 E 5-10-65	do	Equitable Gas Co., Freemans Creek and Glenville Districts, Lewis and Gilmer Counties, W. Va.	20.0	15.325
G-7962 E 5-10-65	do	Equitable Gas Co., Union District, Ritchie County, W. Va.	25.0	15.325
G-7963 E 5-10-65	do	Equitable Gas Co., Troy and Freemans Creek Districts, Gilmer and Lewis Counties, W. Va.	25.0	15.325
G-7964 E 5-10-65	do	Equitable Gas Co., Freemans Creek District, Lewis County, W. Va.	25.0	14.325
G-7965 E 5-10-65	do	Equitable Gas Co., Freemans Creek and Troy Districts, Lewis and Gilmer Counties, W. Va.	20.0	15.325
G-7966 E 5-10-65	do	Equitable Gas Co., DeKalb District, Gilmer County, W. Va.	20.0	15.325
G-7969 E 5-10-65	do	Equitable Gas Co., Skin Creek District, Lewis County, W. Va.	20.0	15.325
G-7971 E 5-10-65	do	Consolidated Gas Supply Corp.,[1] Center District, Gilmer County, W. Va.	20.0	14.325
G-7972 E 5-10-65	do	do [1]	20.0	15.325
G-7973 E 5-10-65	do	do [1]	20.0	15.325
G-7975 E 5-10-65	do	Consolidated Gas Supply Corp.,[1] DeKalb District, Gilmer County, W. Va.	20.0	15.325
G-7977 E 5-10-65	do	Consolidated Gas Supply Corp.,[1] Glenville District, Gilmer County, W. Va.	20.0	14.325
G-7979 E 5-10-65	do	do [1]	20.0	15.325
G-7980 E 5-10-65	do	Consolidated Gas Supply Corp.,[1] Sherman District, Calhoun County, W. Va.	20.0	15.325
G-7981 E 5-10-65	do	do [1]	20.0	15.325
G-7982 E 5-10-65	do	Consolidated Gas Supply Corp.,[1] Union District, Ritchie County, W. Va.	20.0	14.325
G-7983 E 5-10-65	do	do [1]	20.0	15.325
G-7984 E 5-10-65	do	Consolidated Gas Supply Corp.,[1] Center District, Gilmer County, W. Va.	20.0	14.325
G-7985 E 5-10-65	do	Consolidated Gas Supply Corp.,[1] Elk District, Barbour County, W. Va.	20.0	15.325
G-7986 E 5-10-65	do	do [1]	20.0	15.325
G-7987 E 5-10-65	do	Consolidated Gas Supply Corp.,[1] Union District, Barbour County, W. Va.	20.0	15.325
G-7991 E 5-10-65	do	Consolidated Gas Supply Corp.,[1] Sherman District, Calhoun County, W. Va.	20.0	15.325
G-7992 E 5-10-65	do	do [1]	20.0	15.325
G-7993 E 5-10-65	do	The Manufacturers Light and Heat Co Aleppo Township, Greene County, Pa.	21.5	15.325
G-7994 E 5-10-65	do	Pennzoil Co., Troy District, Gilmer County, W. Va.	12.0	15.325
G-7995 E 5-10-65	do	Pennzoil Co., DeKalb District, Gilmer County, W. Va.	12.0	15.325
G-8009 E 5-10-65	do	Consolidated Gas Supply Corp.,[1] Murphy District, Ritchie County, W. Va.	20.0	15.325
G-8090 D 5-10-65 [2]	Skelly Oil Co., Post Office Box 1650, Tulsa, Okla., 74112 (partial abandonment).	El Paso Natural Gas Co., Jicarilla "C" Lease, Rio Arriba County, N. Mex.	Declined in pressure.	------
G-10806 E 5-17-65	South States Oil & Gas Co. (successor to F. O. Penn, et al.), 946 Milam Bldg., San Antonio, Tex., 78205.	Tennessee Gas Transmission Co., North Ross (2400') Field, Starr County, Tex.	[3] 15.24647	14.65
G-11288 E 5-10-65	Kewanee Oil Co. (successor to McCall Drilling Co., Inc.).	Consolidated Gas Supply Corp.,[1] Murphy District, Ritchie County, W. Va.	20.0	15.325
G-14307 C 5-26-65 [4]	Humble Oil & Refining Co. (agent for Robert Mosbacher, et al.), Post Office Box 2180, Houston, Tex., 77001.	Transcontinental Gas Pipe Line Corp., Rossman Field, La-Fourche Parish, La.	25.025 [5]	15.025

Filing Code: A—Initial service.
B—Abandonment.
C—Amendment to add acreage.
D—Amendment to delete acreage.
E—Succession.
F—Partial succession.

See footnotes at end of table.

Docket No. and date filed	Applicant	Purchaser, field, and location	Price per Mcf	Pressure base
CI-65-1197 D 5-14-65	Tex Oil Co., et al., Continental National Bank Bldg., Fort Worth, Tex., 76102.	El Paso Natural Gas Co., Eumont Field, Lea County, N. Mex.	(1)	.....
CI65-1198 C 5-19-65 2	Johnie L. West, c/o Frank Kemp, Esq., Post Office Box 597, San Antonio, Tex., 78239.	Almos Gas Gathering Co., Links Field, Bee County, Tex.	12.0	14.65
CI65-1199 A 5-13-65	Continental Oil Co., Post Office Box 2197, Houston, Tex., 77001.	Montana-Dakota Utilities Co., Alkali Creek Field, Fremont County, Wyo.	15.364	15.025
CI65-1200 B 5-12-65	Atlantic Refining Co., Lamar Field, Blanco Oil Co. (Operator), et al., Post Office Box 2841, San Antonio, Tex., 78206.	United Fuel Gas Co., Lamar Field, Tennessee Gas Transmission Co. system Field, Duval County, Tex.	(3)	.....
CI65-1201 B 5-13-65	Slade, Inc., Post Office Box 960, Orange, Tex.	United Gas Pipe Line Co., Cabiza Creek Field, Goliad County, Tex.	(3)	.....
CI65-1202 A 5-12-65	Cosden Petroleum Corp., et al., c/o Sherman S. Poland, Attorney, Bos, Marsh, & Foster, 725 15th St. NW., Washington, D.C., 20005.	Tennessee Gas Transmission Co., Dalbo Hunky Field, Goliad County, Tex.	Depleted	14.65
CI65-1203 A 5-14-65	Shell Oil Co. (Operator), et al., 50 West 50th St., New York, N.Y., 10020.	Michigan Wisconsin Pipe Line Co., Woodward Area, Woodward County, Okla.	18.6723	14.65
CI65-1204 A 5-14-65	Cities Service Oil Co., Cities Service Bldg., Bartlesville, Okla.	Panhandle Eastern Pipe Line Co., Northwest Oakdale Area, Woods County, Okla.	17.0	14.65
CI65-1205 A 5-17-65	Anschutz Oil Co., Inc., c/o Thomas M. Burns, Attorney, 501 Denver Club Bldg., Denver, Colo., 80202.	Cities Service Gas Co., Northeast Forest City Field, Harper County, Kans.	14.0	14.65
CI65-1206 C 5-19-65	Miles Kimball Co., 1000 First City National Bank Bldg., Houston, Tex., 77002.	United Gas Pipe Line Co., Monroe Gas Field, Ouachita Parish, La.	11.0	15.025
CI65-1207 C 4-19-65	Macdonald Oil Corp., 8333 Ralph E. National Bank Bldg., Houston, Tex., 77002.	Northern Natural Gas Co., acreage in Crockett County, Tex.	16.0	14.65
CI65-1208 A 5-14-65	Anschutz Oil Co., Inc., c/o Thomas M. Burns, Attorney, 501 Denver Club Bldg., Denver, Colo., 80202.	Kansas-Nebraska Natural Gas Co., Inc., Dike Field, Ericsson, Morgan County, Colo.	Depleted	.....
CI65-1209 B 5-17-65	Arkansas Louisiana Gas Co., c/o Fitzhugh, Lee, Duncan & Strasburger, 1200 Mercantile Dallas Bldg., Dallas, Tex., 75201.	Berquette Gas Co., a Division of Cabot Oil & Gas Corp., Sentell and Odem Field Area, San Patricio County, Tex.	9.0	14.65
CI65-1210 A 5-17-65	Arkansas Louisiana Gas Co., Inc., c/o Fitzhugh, Lee, Duncan & Strasburger, 1200 Mercantile Dallas Bldg., Dallas, Tex., 75201.	Arkansas Louisiana Gas Co., Bisinger Field, Bienville and Webster Parishes, La.	13.4333	15.025
CI65-1211 A 5-17-65	Cosden Petroleum Corp., et al., Post Office Box 2399, Big Spring, Tex., 79720.	Panhandle Eastern Pipe Line Co., NW. Mendota and Farrell Areas, Hemphill and Roberts Counties, Tex.	13.7	14.65
CI65-1212 A 5-17-65	Cosden Petroleum Corp., Post Office Box 591, Tulsa, Okla., 74102.	Beta Gas Gathering System, Inc., Greenwood and Midway Fields, Hemphill County, Tex.	14.0	14.65
CI65-1213 A 5-17-65	Anerada Petroleum Corp., Post Office Box 2040, Tulsa, Okla., 74102.	Cities Service Gas Co., Lovedale Field, Harper County, Okla.	17.0	14.65
CI65-1214 A 5-17-65	Ann-Son Corp., 2616 North Santa Fe, Oklahoma City, Okla., 73118.	Northern Natural Gas Co., Southeast Hooker Field, Texas County, Okla.	17.0	14.65
CI65-1215 A 5-19-65	Graham-Michaelis Drilling Co., 111 North Broadway, Wichita, Kans., 67202.	Northern Natural Gas Co., Orona Field, Crockett County, Tex.	16.0	14.65
CI65-1216 A 5-10-65	Humble Oil & Refining Co., Post Office Box 2180, Houston, Tex., 77001.	Mountain Fuel Supply Co., West Side Canal, Carbon County, Wyo.	15.0	15.025
CI65-1217 A 5-19-65	Kirby Petroleum, Inc., Post Office Box 1745, Houston, Tex.	Tennessee Gas Transmission Co., El Campo West (Frio 4000) Field, Wharton County, Tex.	Depleted	.....
CI65-1218 B 5-20-65	J. S. Cullinan, II (Operator), et al., 1009 Bank of the Southwest Bldg., Houston, Tex., 77002.	Equitable Gas Co., Glenville District, Lewis County, W. Va.	17.0	14.65
CI65-1219 A 5-19-65	Jack Smith, Operator, c/o Sherman S. Poland, Attorney, Bos, Marsh and Foster, 725 15th St. NW., Washington, D.C., 20005.	Consolidated Gas Supply Corp., Lee District, Calhoun County, W. Va.	17.0	14.65
CI65-1220 A 5-20-65	Cosden Petroleum Inc., c/o Cosden Petroleum Corp., Post Office Box 6227, San Antonio, Tex., 78209.	Almos Gas Gathering Co., Crane Field, Bee County, Tex.	10.5	14.65

Docket No. and date filed	Applicant	Purchaser, field, and location	Price per Mcf	Pressure base
G-5709 E 5-10-65	Kewanee Oil Co. (successor to McCall Drilling Co., Inc.).	Equitable Gas Co., Freemans Creek District, Lewis County, W. Va.	15.0	14.65
G-10812 C 5-19-65 2	Shelly Oil Co., Post Office Box 1589, Tulsa, Okla., 74112.	El Paso Natural Gas Co., Jicarilla N. Mex., Basin, Rio Arriba County, N. Mex.	12.0465	14.65
G-10920 E 5-10-65	Kewanee Oil Co. (successor to McCall Drilling Co., Inc.).	Equitable Gas Co., Freemans Creek District, Lewis County, W. Va.	15.0	15.025
CI60-513 E 5-10-65	do	do	15.0	15.025
CI61-1040 B 5-26-65 2	Ben H. Schnapp (Operator), et al., 412 San Jacinto Bldg., Houston, Tex., 77002.	Tennessee Gas Transmission Co., Petlas Field, Chambers County, Tex.	(3)	.....
CI60-946 E 4-30-65	Magnet Cove Barium Corp. (successor to Fairway Oil Co., Inc.), c/o B. H. Hayes, Comr., Box 642, Alice, Tex.	El Paso Natural Gas Co., acreage in San Juan County, N. Mex.	13.0	15.025
CI61-524 C 5-13-65	Shell Oil Co. (Operator), et al., 50 West 50th St., New York, N.Y., 10020.	Michigan Wisconsin Pipe Line Co., Woodward Area, Woodward County, Okla.	17.0	14.65
CI62-151 E 5-10-65	Kewanee Oil Co. (successor to McCall Drilling Co., Inc.).	Kansas-Nebraska Natural Gas Co., Eustace Field, Lewis County, W. Va.	15.0	15.025
CI62-597 D 2-1-65	Dorn & Miller Co., c/o Robert L. Donelson, Attorney, 1300 National Bank of Commerce Bldg., San Antonio, Tex., 78205.	Transcontinental Gas Pipe Line Corp., Block 129, Vermilion Area, Offshore La.	Assigned	.....
CI62-807 C 4-19-65	do	Transcontinental Gas Pipe Line Corp., Block 130, Vermilion Area, Offshore La.	10 13.5	15.025
CI62-808 C 2-1-65 11	Forest Oil Corp., c/o Robert L. Donelson, Attorney, 1300 National Bank of Commerce Bldg., San Antonio, Tex., 78205.	Transcontinental Gas Pipe Line Corp., Block 129, Vermilion Area, Offshore La.	10 21.4	15.025
CI62-809 C 4-19-65	do	Transcontinental Gas Pipe Line Corp., Block 129, Vermilion Area, Offshore La.	21.4	15.025
CI62-1209 E 5-17-65	Anadarko Production Co. (successor to Panhandle Development Co., Inc., et al.), Post Office Box 351, Liberal, Kans.	Panhandle Eastern Pipe Line Co., Greenough Pool, Beaver County, Okla.	17.0	14.65
CI62-518 C 5-4-65	Frank A. Schultz, et al., 730 First National Bank Bldg., Main and Pacific Sts., Dallas, Tex., 75201.	El Paso Natural Gas Co., Basin Dakota Pool, San Juan County, N. Mex.	13.0	15.025
CI62-813 C 4-19-65	do	do	13.0	15.025
CI62-1207 D 5-17-65	George R. Brown (Operator), et al., c/o Bracewell & Patterson, 1201 San Jacinto Bldg., Houston, Tex., 77002.	Transcontinental Gas Pipe Line Corp., Live Oak Field, Vermilion Parish, La.	Assigned	.....
CI62-782 C 5-14-65	Pan American Petroleum Corp., Post Office Box 591, Tulsa, Okla., 74102.	Arkansas Louisiana Gas Co., Chalkley Field, Ouachita Parish, La.	10 13.33	15.025
CI62-830 E 5-10-65	Kewanee Oil Co. (successor to McCall Drilling Co., Inc.).	Consolidated Gas Supply Corp., DeKalb District, Gilmer County, W. Va.	25.0	15.325
CI64-187 C 5-14-65	Shelly Oil Co., Post Office Box 1589, Tulsa, Okla., 74112.	Kansas-Nebraska Natural Gas Co., Inc., Lyman Hickle Lease, Hamilton County, Kans.	13.5	14.65
CI64-382 C 5-14-65	Shell Oil Co., 50 West 50th St., New York, N.Y., 10020.	Northern Natural Gas Co., Neuhoff Unit, Beaver County, Okla.	17.0	14.65
CI64-686 E 5-10-65	Kewanee Oil Co. (successor to McCall Drilling Co., Inc.).	Consolidated Gas Supply Corp., Skin Creek District, Lewis County, W. Va.	25.0	15.325
CI64-931 E 5-10-65	do	Equitable Gas Co., Glenville District, Lewis County, W. Va.	25.0	15.325
CI64-1533 E 5-10-65	do	Consolidated Gas Supply Corp., Lee District, Calhoun County, W. Va.	25.0	15.325
CI65-323 E 5-10-65	do	Consolidated Gas Supply Corp., Skin Creek, Lewis County, W. Va.	25.0	15.325
CI65-456 E 5-10-65	do	Consolidated Gas Supply Corp., Sherman District, Calhoun County, W. Va.	25.0	15.325

See footnotes at end of table.

Docket No. and date filed	Applicant	Purchaser, field, and location	Price per Mcf	Pressure base
CI65-1221 A 5-20-65	Franks Petroleum (Operator), et al., 1007 Petroleum Tower, Shreveport, La.	Texas Gas Transmission Corp., Sugar Creek Field, Claiborne Parish, La.	16.38	15.025

1 Formerly Hope Natural Gas Co.
2 Deletes from contract Well No. 26 on subject lease (to be added to contract under Docket No. G-15912, which provides for low-pressure gas), from which well delivery pressure has declined to the extent that well can no longer deliver gas at desired quantity.
3 Rate in effect subject to refund in Docket No. RI62-26.
4 Subject to 2.0 cents deduction for compression and dehydration.
5 Adds acreage of nonoperating joint owners, Robert Mosbacher, et al.
6 Adds to contract Well No. 26 on subject lease, which was previously covered under certificate in Docket No. G-9396.
7 Original application in Docket No. CI60-942, filed May 23, 1960, sought certificate of public convenience and necessity. Applicant now proposes to abandon the subject service previously commenced pursuant to temporary authorization. (Presently consolidated in Docket Nos. G-10677, et al.)
8 Gas no longer being sold in interstate commerce.
9 Applicant states its willingness to accept same conditions as the original certificate issued by Opinion No. 338.
10 Conditioned rate as provided in order granting permanent certificate (Opinion No. 436).
11 Adds acreage acquired from Dorn & Miller Co., Docket No. CI62-897.
12 Applicant applied for authorization to sell gas from the additional acreage at a total initial rate of 18.5 cents per Mcf. In its motion filed Feb. 23, 1965, in Docket No. RI65-217 to make the suspended increased rate of 21.4 cents per Mcf effective subject to refund, Applicant states that it intends the increased rate to apply to the subject acreage. The increased rate was made effective subject to refund as of Mar. 1, 1965. Applicant's predecessor in interest had filed an identical increased rate which was suspended.
13 Includes 1.33 cents per Mcf tax reimbursement.
14 Well has ceased producing gas and has been reclassified as an oil well.
15 Well is no longer capable of producing gas.
16 Exhaustion of gas reserves.
17 Includes 1.7 cents price adjustment for estimated heating content of 1,100 B.t.u.

[F.R. Doc. 65-5686; Filed, June 2, 1965; 8:45 a.m.]

[Docket No. RP65-58]

ALABAMA-TENNESSEE NATURAL GAS CO.

Notice of Proposed Changes in Rates and Charges

MAY 27, 1965.

Take notice that on May 21, 1965, Alabama-Tennessee Natural Gas Co., pursuant to § 1.18(c) of the Commission's rules of practice and procedure, tendered a proposal to reduce its rates and charges set out in its presently effective tariff. The proposal would reduce Alabama-Tennessee's jurisdictional rates by 0.95 cent per Mcf, or approximately $107,000 annually based upon estimated volumes for the test year 1964. Such reduction would be made effective as of the first of the month in which the proposal is accepted and approved by the Commission. The reduction would be made applicable to Alabama-Tennessee's commodity charge.

Copies of the proposal have been served by Alabama-Tennessee on its customers. Comments may be filed with the Commission on or before June 15, 1965.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 65-5749; Filed, June 2, 1965; 8:46 a.m.]

[Docket No. RP64-9 etc.]

CITIES SERVICE GAS CO. ET AL.

Notice of Further Extension of Time

MAY 25, 1965.

In the matter of Cities Service Gas Co., Docket No. RP64-9, Columbian Fuel Corp., RI61-319, RI61-518, RI62-49, Cities Service Oil Co., RI63-485, RI65-269.

Upon consideration of the motion filed by Staff Counsel on May 19, 1965, for an extension of time within which to file its direct testimony and exhibits in the above-designated matter;

Notice is hereby given that the time is further extended to and including June 18, 1965, within which Staff Counsel shall serve its testimony and exhibits on all parties; and to and including July 2, 1965 within which intervenors proposing to present evidence on the affiliated purchased gas cost issue shall serve their testimony and exhibits upon all parties.

Further, notice is hereby given that the prehearing conference presently scheduled to commence on June 15, 1965, is postponed to July 13, 1965, at 10 a.m. in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D.C.

By direction of the Commission.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 65-5750; Filed, June 2, 1965; 8:46 a.m.]

[Project No. 2521]

CITY OF PETERSBURG, ALASKA

Notice of Application for Preliminary Permit for Proposed Project

MAY 25, 1965.

Public notice is hereby given that application has been filed under the Federal Power Act (16 U.S.C. 791a–825r) by the City of Petersburg, Alaska (correspondence to: City of Petersburg, Alaska, Attention: Mr. K. L. Dotts, City Manager; also Stearns-Roger Corp., 660 Bannock Street, Denver, Colo.), for a preliminary permit for proposed Project No. 2521 to be known as Thomas Bay Project, to be located in Swan Lake-Falls Lake drainage basin, in the First Judicial Division, about 16 miles northeast of Petersburg, Alaska, and affecting lands of the United States within the Tongass National Forest.

As described in the application, the proposed Thomas Bay Project would be constructed in four stages as follows: Stage I—(1) water flow control structures at the outlets of Swan Lake and Falls Lake; (2) power water conduit from Falls Lake to slope above Thomas Bay; (3) penstock to powerhouse at tidewater on Thomas Bay; (4) powerhouse structure housing initial stage equipment comprised of: (5) Two 5,000 kw generating units; (6) transmission line, sized for ultimate project capacity, from the plant to Petersburg; and (7) appurtenances. Stage II—(1) a dam at the outlet works of Swan Lake, increasing that reservoir to its ultimate capacity; (2) another penstock from the conduit to the powerhouse on Thomas Bay; (3) additional powerhouse structure for States II and III units; (4) one 10,000 kw unit; and (5) appurtenances. Stage III—(1) another penstock from the conduit to the powerhouse; (2) one 10,000 kw unit; and (3) appurtenances. Stage IV—Power development of about 280 feet of head between Swan Lake and Falls Lake (justification to be resolved in remote future) by means of: (1) The completion of regulatory facilities at Swan Lake; (2) an intake and power tunnel to (3) a powerhouse on Falls Lake housing (4) a ultimate installation of about 8,000 kw; and (5) appurtenances.

Power generated by the proposed project would be used in the City of Petersburg's present municipal distribution system and to meet the needs of an anticipated growth of new timber industries.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C., 20426, in accordance with the rules of practice and procedure of the Commission (18 CFR 1.8 or 1.10). The last day upon which protests or petitions may be filed is July 14, 1965. The application is on file with the Commission for public inspection.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 65-5751; Filed, June 2, 1965; 8:46 a.m.]

[Docket No. CP65-372]

CUMBERLAND AND ALLEGHENY GAS CO.

Notice of Application

MAY 27, 1965.

Take notice that on May 24, 1965, Cumberland and Allegheny Gas Co. (Applicant), 800 Union Trust Building, Pittsburgh, Pa., 15219, filed in Docket No. CP65-372 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of approximately 0.98 mile of 8-inch gas transmission pipeline and necessary regulating and measuring facilities for the sale and delivery of natural gas for industrial service to West Virginia Pulp and Paper Co. (West Virginia Pulp), as more fully set forth in the application on file with the Commission and open to public inspection.

The proposed service to West Virginia Pulp is to be rendered in the Community of Beryl, Piedmont District, Mineral County, W. Va. The application states that the requirements of West Virginia Pulp are estimated to be 1,353,000 Mcf during 1969 and 3,500 Mcf on the maximum day of the 1968–69 winter. West Virginia Pulp has requested the proposed natural gas service for its new lime reburning kiln to be constructed at Beryl.

The estimated cost of the facilities to be constructed is $69,000, which will be financed from funds on hand.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C., 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (157.10) on or before June 25, 1965.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no protest or petition to intervene is filed within the time required herein, and the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a protest or petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 65–5752; Filed, June 2, 1965; 8:46 a.m.]

[Docket No. CP65–371]

NATURAL GAS PIPELINE COMPANY OF AMERICA

Notice of Application

MAY 27, 1965.

Take notice that on May 24, 1965, Natural Gas Pipeline Company of America (Applicant), 122 South Michigan Avenue, Chicago, Ill., 60603, filed in Docket No. CP65–371 an application pursuant to sections 7(b) and 7(c) of the Natural Gas Act for permission and approval to abandon an existing meter station used to receive gas purchased from Humble Oil & Refining Co. (Humble) and for a certificate of public convenience and necessity authorizing the acquisition, construction and operation of facilities for the receipt of natural gas purchased from Humble at a new point of delivery in Duval County, Tex., all as more fully set forth in the application on file with the Commission and open to public inspection.

Applicant states that it proposes to abandon and relocate its existing gas purchase meter station, to acquire from Humble approximately 6 miles of 6⅝-inch O.D. lateral supply pipeline and to construct and operate a 6-inch side tap, all in Duval County, Tex.

The application states that the gas purchase contract between Applicant and Humble has been amended to provide for the new point of delivery.

The total estimated net cost of the construction for which authority is sought is $10,100, which will be financed from funds on hand.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C., 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (157.10) on or before June 24, 1965.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no protest or petition to intervene is filed within the time required herein, and the Commission on its own review of the matter finds that a grant of the certificate and permission and approval for the proposed abandonment are required by the public convenience and necessity. If a protest or petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 65–5753; Filed, June 2, 1965; 8:46 a.m.]

[Docket No. CP65–370]

PANHANDLE EASTERN PIPE LINE CO.

Notice of Application

MAY 27, 1965.

Take notice that on May 20, 1965, Panhandle Eastern Pipe Line Co. (Applicant), Post Office Box 1348, Kansas City 41, Mo., filed in Docket No. CP65–370 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of a measuring station and appurtenances to be located in Sherman County, Tex., all as more fully set forth in the application on file with the Commission and open to public inspection.

Applicant requests authorization to construct the facilities at the point where its existing facilities intersect with the line of Transwestern Pipe Line Co. (Transwestern). Transwestern has filed an application in Docket No. CP65–362 requesting authorization to construct and operate certain facilities and to sell up to 25,000 Mcf per day of natural gas to Applicant until December 31, 1965, or until Transwestern commences deliveries to Natural Gas Pipeline Company of America pursuant to the exchange program for which authorization is being requested in Docket No. CP65–320, whichever is earlier.

Applicant estimates the cost of the facilities proposed by the instant filing to be $8,000, which will be financed from funds on hand.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C., 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (157.10) on or before June 21, 1965.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no protest or petition to intervene is filed within the time required herein, and the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a protest or petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 65–5754; Filed, June 2, 1965; 8:46 a.m.]

[Docket No. CP65–369]

TRANSCONTINENTAL GAS PIPE LINE CORP.

Notice of Application

MAY 27, 1965.

Take notice that on May 20, 1965, Transcontinental Gas Pipe Line Corp. (Applicant), Post Office Box 1396, Houston, Tex., 77001, filed in Docket No. CP65–369 an application pursuant to section 7(b) of the Natural Gas Act for permission and approval to abandon certain natural gas service all as more fully set forth in the application on file with the Commission and open to public inspection.

Applicant requests permission and approval to abandon the transportation of natural gas pursuant to the terms of the agreement between Applicant and Trunkline Gas Co. (Trunkline) dated May 9, 1961, filed as Applicant's Rate Schedule X–33, and authorized by the Commission in Docket No. CP61–300 by a temporary certificate issued on July 17, 1961, and a permanent certificate issued on September 8, 1961 (26 FPC 475).

The transportation arrangement provided for the receipt of gas by Applicant from North Central Oil Co. (Operator), et al., (North Central) into Applicant's existing Block 10 lateral in the Sabine Pass Area, Jefferson County, Tex., and the delivery of such gas by Applicant through its supply lateral and main line facilities to an interconnection with Trunkline's facilities in Beauregard Parish, La., where delivery to Trunkline was made. The application states that the sales contract under which Trunkline purchased the gas from North Central has been terminated conditioned upon Commission approval. No abandonment of facilities is involved.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C., 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (157.10) on or before June 21, 1965.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no protest or petition to intervene is filed within the time required herein, and the Commission on its own review of the matter finds that permission and approval for the proposed abandonment are required by the public convenience and necessity. If a protest or petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 65–5755; Filed, June 2, 1965; 8:47 a.m.]

[Project No. 2013]

WASHINGTON FISH & OYSTER CO. AND CHATHAM STRAIT FISH CO.

Notice of Application for Surrender of License for Constructed Project

MAY 26, 1965.

Public notice is hereby given that application has been filed under the Federal Power Act (16 U.S.C. 791a–825r) by Washington Fish & Oyster Co., Pier 54, Seattle, Wash., on behalf of Chatham Strait Fish Co., licensee of record for Project No. 2013, for surrender of the license for the project, located on an unnamed tributary of Crab Bay on Evans Island, Alaska, and affecting lands of the United States within the Chugach National Forest.

The constructed project consists of: A timber-crib dam 4 feet high and 25 feet long forming a pond 100 feet long; a wood-stave pipe line about one-half mile long; an 8 horsepower water wheel and a 5-kilowatt generator; and appurtenant facilities.

According to the application for surrender, Washington Fish & Oyster Co. has purchased the Chatham Strait Fish Co. cannery and the project works comprising Project No. 2013, and, effective as of January 1, 1963, Washington Fish & Oyster Co. intends to obtain a special use permit from the U.S. Forest Service for the continued occupancy by the project of the lands of the United States affected.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C., 20426, in accordance with the rules of practice and procedure of the Commission (18 CFR 1.8 or 1.10). The last day upon which protests or petitions may be filed is July 12, 1965. The application is on file with the Commission for public inspection.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 65–5756; Filed, June 2, 1965; 8:47 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[812–1791]

MUNICIPAL INVESTMENT TRUST FUND, SERIES E

Notice of Application for Order of Exemption

MAY 27, 1965.

Notice is hereby given that Municipal Investment Trust Fund, Series E ("applicant") 45 Wall Street, New York, N.Y., a unit investment trust registered under the Investment Company Act of 1940 ("Act"), has filed an application pursuant to section 6(c) of the Act for an order of the Commission exempting applicant from compliance with the provisions of section 14(a) of the Act. In substance, section 14(a) of the Act provides that no registered investment company shall make a public offering of securities of which it is the issuer unless it has a net worth of at least $100,000. All interested persons are referred to the application on file with the Commission for a full statement of the representations which are summarized below.

Applicant has filed a registration statement under the Securities Act of 1933 under which there will be offered for sale to the public 12,500 units of undivided interest in a portfolio of municipal bonds. This registration statement has not yet become effective. Applicant is one of a series of seven similar funds named "Municipal Investment Trust Fund" and will be governed by a Trust Agreement under which Goodbody & Co. and Bache & Co. Inc. will act as Sponsors and United States Trust Company of New York will act as Trustee. Applicant states that the Sponsors, acting as managers for the underwriters, will deposit with the Trustee $12,500,000 principal amount of bonds and will receive from the Trustee simultaneously with such deposit registered certificates for 12,500 units. No additional bonds are to be deposited during the life of the trust and no additional units will be issued. The Trust Agreement provides that bonds may from time to time be sold under certain circumstances, or may be redeemed or may mature in accordance with their terms, and the proceeds from such dispositions will be distributed to unitholders.

Units will remain outstanding until redeemed or until the termination of the Trust, which may be terminated by 100 percent agreement of the unitholders of the applicant, or, in the event that the value of the bonds shall fall below $4 million, upon direction of the Sponsors to the Trustee. In connection with the requested exemption the Sponsors have agreed to refund the sales load to purchasers of units, if within 90 days after the registration statement becomes effective, the net worth of the Trust shall be reduced to less than $100,000 or if the Trust is terminated. The Sponsors will instruct the Trustee on the date the bonds are deposited that if the Trust shall at any time have a net worth of less than $4 million as a result of redemption by any of the underwriters of units constituting a part of the unsold allotments of such underwriters, the Trustee shall terminate the Trust in the manner provided in the Trust Agreement and distribute any bonds or other assets deposited with the Trustee pursuant to the Trust Agreement as provided therein. The Sponsors have agreed on behalf of the underwriters and such dealers to refund any sales load to any purchaser of units on demand and without any deduction in the event of such termination. Applicant further represents that at the present time the Sponsors maintain a market for the units of other Municipal Investment Trust Funds with which they are similarly connected, and continually offer to purchase such units at prices which exceed the redemption price for such units by amounts which depend upon general market conditions and that as of the date of this application, partly as a result of these activities, no unit of any of the previous Municipal Investment Trust Funds have ever been redeemed. It is the Sponsors' intention to maintain a market for the units of the applicant and to continuously offer to purchase such units at prices in excess of the redemption price as set forth in the Trust Agreement, although the Sponsors are not obligated to do so.

Notice is further given that any interested person may, not later than June 18, 1965, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C., 20549. A copy of such request shall be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon applicant at the address stated above. Proof of such service (by affidavit or in the case of an attorney-at-law by certificate) shall be filed contemporaneously with the request. At any time after such date, as provided by Rule 0–5 of the Rules and Regulations promulgated under the Act, an order disposing of the application

herein may be issued by the Commission upon the basis of the information stated in said application, unless an order for hearing upon said application shall be issued upon request or upon the Commissgated authority).

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 65-5746; Filed, June 2, 1965; 8:46 a.m.]

[811-938]

UBS FUND OF CANADA, LTD.

Notice of Application for Order Declaring That Company Has Ceased To Be an Investment Company

MAY 27, 1965.

Notice is hereby given that UBS Fund of Canada, Ltd. ("applicant"), 1245 Sherbrooke Street, West Montreal 25, Quebec, Canada, a Canadian corporation and a management, open-end, diversified Investment company registered under the Investment Company Act of 1940 ("Act"), has filed an application pursuant to section 8(f) of the Act for an order declaring that applicant has ceased to be an investment company as defined in the Act. All interested persons are referred to the application and exhibits thereto on file with the Commission for a complete statement of the representations contained therein.

Applicant represents that it has been liquidated in accordance with a Plan of Reorganization and Liquidation which has been approved by its shareholders. Pursuant to such plan applicant sold all of its assets, other than $166,757.96 in cash, to Canada General Fund Inc. ("General"), a registered investment company, in return for shares of that company.

The shares of General have been distributed to applicant's shareholders, and the $166,757.96 in cash which applicant retained has been utilized to discharge all of its liabilities.

Section 8(f) of the Act provides in pertinent part, that when the Commission, on application, finds that a registered investment company has ceased to be an investment company, it shall so declare by order and upon the taking effect of such order, the registration of such company shall cease to be in effect.

Notice is further given that any interested person may, not later than June 24, 1965 at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C., 20549. A copy of such request shall be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon applicant. Proof of such service (by affidavit or in case of an attorney-at-law by certificate) shall be filed contemporaneously with the request. At any time after said date, as provided by Rule 0-5 of the Rules and Regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the showing made in said application, unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 65-5747; Filed, June 2, 1965; 8:46 a.m.]

SMALL BUSINESS ADMINISTRATION

[Delegation of Authority 30; St. Louis, Mo., Region]

ST. LOUIS, MO., REGIONAL AREA

Delegation of Authority To Conduct Program Activities

I. Pursuant to the authority delegated to the Regional Director by Delegation of Authority No. 30, Midwestern Area (Chicago), 30 F.R. 3252, the following authority is hereby redelegated to the specific positions as indicated herein:

A. *Size determinations* (delegated to the positions as indicated below). To make initial size determinations in all cases within the meaning of the Small Business Size Standards Regulations, as amended, and further, to make product classification decisions for financial assistance purposes only. Product classification decisions for procurement purposes are made by contracting officers.

B. *Eligibility determinations* (delegated to the positions as indicated below). To determine eligibility of applicants for assistance under any program of the Agency in accordance with Small Business Administration standards and policies.

C. *Chief, Financial Assistance Division* (and Assistant Chief, if assigned). 1. Item I.A. (Size Determinations for Financial Assistance only).

2. Item I.B. (Eligibility Determinations for Financial Assistance only).

3. To approve the following:

a. Direct loans not exceeding $100,000.

b. Participation loans not exceeding $250,000 (SBA share).

c. Simplified bank participation loans not exceeding $350,000 (SBA share).

d. Simplified early maturities participation loans not exceeding $350,000 (SBA share).

e. Direct disaster loans not exceeding $350,000.

f. Participation disaster loans not exceeding $350,000 (SBA share).

4. To decline as follows:

a. Business loans not exceeding $250,000 (SBA share).

b. Disaster loans not exceeding $350,000 (SBA share).

5. To disburse unsecured disaster loans.

6. To enter into business and disaster loan participation agreements with banks.

7. To execute loan authorizations for Washington approved loans and for loans approved under delegated authority, said execution to read as follows:

(Name), *Administrator,*
By ----------
(Name)
Chief, Financial Assistance Division.

8. To cancel, reinstate, modify and amend authorizations for business or disaster loans.

9. To extend the disbursement period on all loan authorizations or undisbursed portions of loans.

10. To approve, when requested, in advance of disbursement, conformed copies of notes and other closing documents; and to certify to the participating bank that such documents are in compliance with the participation authorization.

11. To approve service charges by participating bank not to exceed 2 percent per annum on the outstanding balance on construction loans and loans involving account receivable and inventory financing.

12. To take all necessary actions in connection with the administration, servicing, and collection of all loans and other obligations or assets, and to do and perform and to assent to the doing and performance of, all and every act and thing requisite and proper to effectuate the granted powers, including without limiting the generality of the foregoing:

a. The assignment, endorsement, transfer, and delivery (but in all cases without representation, recourse or warranty) of notes, claims, bonds, debentures, mortgages, deeds of trust, contracts, patents, and applications therefor, licenses, certificates of stock and of deposit, and any other liens, powers, rights, charges on and interest in or to property of any kind, legal and equitable, now or hereafter held by the Small Business Administration or its Administrator;

b. The execution and delivery of contracts of sale or of lease or sublease, quit-claim, bargain and sale or special warranty deeds, bills of sale, leases, subleases, assignments, subordinations, releases (in whole or in part) of liens, satisfaction pieces, affidavits, proofs of claim in bankruptcy or other estates and such other instruments in writing as may be appropriate and necessary to effectuate the foregoing.

c. The approval of bank applications for use of liquidity privilege under the loan guaranty plan.

D. Reserved.
E. Reserved.
F. Reserved.
G. Reserved.
H. Reserved.

I. *Regional Counsel.* To disburse approved loans.

J. *Administrative Assistant.* 1. To (a) make emergency purchases chargeable to the Administrative Expense Fund, not in excess of $25 in any one object class in any one instance but not more than $50 in any 1 month for total purchased in all object classes; (b) make purchases not in excess of $10 in any one instance for "one-time use items" not carried in stock subject to the total limitations set forth in (a) of this paragraph; (c) to contract for the repair and maintenance of equipment and furnishings in an amount not to exceed $25 in any one instance; and (d) purchase printing from the General Services Administration where centralized reproduction facilities have been established by General Services Administration.

2. In connection with the establishment of Disaster Loan Offices, to (a) obligate Small Business Administration to reimburse General Services Administration for rental of office space; (b) rent office equipment; (c) procure (without dollar limitation) emergency supplies and materials.

3. To rent motor vehicles from the General Services Administration and to rent garage space for the storage of such vehicles when not furnished by this administration.

II. The authority delegated herein cannot be redelegated.

III. The authority delegated herein to a specific position may be exercised by any SBA employee designated as Acting in that position.

IV. All previously delegated authority is hereby rescinded without prejudice to actions taken under such Delegations of Authority prior to the date hereof.

Effective date. February 1, 1965.

JOHN P. PFEFFER,
Regional Director, St. Louis, Mo.

[F.R. Doc. 65-5740; Filed, June 2, 1965; 8:45 a.m.]

INTERSTATE COMMERCE COMMISSION

[Notice 775]

MOTOR CARRIER, BROKER, WATER CARRIER, AND FREIGHT FORWARDER APPLICATIONS

MAY 28, 1965.

The following applications are governed by Special Rule 1.247[1] of the Commission's general rules of practice (49 CFR 1.247), published in the FEDERAL REGISTER, issue of December 3, 1963, effective January 1, 1964. These rules provide, among other things, that a protest to the granting of an application must be filed with the Commission within 30 days after date of notice of filing of the application is published in the FEDERAL REGISTER. Failure seasonably to file a protest will be construed as a waiver of opposition and participation in the proceeding. A protest under these rules should comply with § 1.40 of the general rules of practice which requires that it set forth specifically the grounds upon which it is made and specify with particularity the facts, matters, and things relied upon, but shall not include issues or allegations phrased generally. Protests not in reasonable compliance with the requirements of the rules may be rejected. The original and six (6) copies of the protest shall be filed with the Commission, and a copy shall be served concurrently upon applicant's representative, or applicant if no representative is named. If the protest includes a request for oral hearing, such request shall meet the requirements of § 1.247(d)(4) of the special rule. Subsequent assignment of these proceedings for oral hearing, if any, will be by Commission order which will be served on each party of record.

No. MC 730 (Sub-No. 253), filed May 14, 1965. Applicant: PACIFIC INTERMOUNTAIN EXPRESS CO., a corporation, 1417 Clay Street, Oakland, Calif. Applicant's representative: Alfred G. Krebs (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except livestock, household goods as defined by the Commission, Classes A and B explosives, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading), between Spokane, Wash., and Scottsbluff, Nebr.; from Spokane over U.S. Highway 10 to Billings, Mont., thence over U.S. Highway 87 to Casper, Wyo., thence over U.S. Highway 26 to Scottsbluff and return over the same route, serving no intermediate points, as an alternate route for operating convenience only in connection with applicant's authorized regular-route operations and serving the termini for purposes of joinder only.

NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Denver, Colo.

No. MC 1124 (Sub-No. 204), filed May 10, 1965. Applicant: HERRIN TRANSPORTATION COMPANY, a corporation, 2301 McKinney Avenue, Houston, Tex. Applicant's attorney: Ralph W. Pulley, Jr., First National Bank Building, Dallas 2, Tex. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, household goods, as defined by the Commission, commodities in bulk, and those requiring special equipment), serving the dam and lock sites being or to be constructed along the Arkansas River between Little Rock, Ark., and the junction of the Arkansas and Mississippi Rivers, as off-route points in connection with carrier's authorized regular-route operations to and from Little Rock, Ark., as described in MC 1124 and subs thereunder.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Little Rock, Ark.

No. MC 1124 (Sub-No. 205), filed May 10, 1965. Applicant: HERRIN TRANSPORTATION COMPANY, a corporation, 2301 McKinney Avenue, Houston, Tex. Applicant's attorney: Ralph W. Pulley, Jr., First National Bank Building, Dallas 2, Tex. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except Classes A and B explosives, those of unusual value, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), (1) between Thomasville, Ga., and Homersville, Ga.; from Thomasville over Georgia Highway 122 to junction Georgia Highway 37, thence over Georgia Highway 37 to Homersville and return over the same route, serving no intermediate points; and (2) between Tallahassee, Fla., and Valdosta, Ga.; from Tallahassee over U.S. Highway 90 to Madison, Fla., thence over Florida Highway 145 to the Florida-Georgia State line, thence over Georgia Highway 31 to Valdosta and return over the same route, serving no intermediate points, as alternate routes for operating convenience only in connection with applicant's authorized regular-route operations.

NOTE: If a hearing is deemed necessary, applicant requests it be held at New Orleans, La.

No. MC 2229 (Sub-No. 132), filed May 17, 1965. Applicant: RED BALL MOTOR FREIGHT, INC., 3177 Irving Boulevard, Post Office Box 10037, Dallas, Tex., 75207. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, including *Classes A and B explosives* (except commodities in bulk, household goods as defined by the Commission, and commodities requiring special equipment), (1) between Atlanta, Ga., and Texarkana, Ark.; from Atlanta over U.S. Highway 78 to Birmingham, Ala., thence over U.S. Highway 11 to junction U.S. Highway 82, thence over U.S. Highway 82 to Texarkana and return over the same route, serving the intermediate points of Birmingham, Ala., Greenville, Miss., and those on U.S. Highway 82 within the State of Arkansas; (2) between Jackson, Miss., and Atlanta, Ga.; from Jackson over U.S. Highway 80 to junction U.S. Highway 29, thence over U.S. Highway 29 to Atlanta and return over the same route, serving no intermediate points; and (3) between Meridian, Miss., and Tuscaloosa, Ala., over U.S. Highway 11, serving no intermediate points and serving Meridian, Miss., and Tuscaloosa, Ala., for purposes of joinder only.

NOTE: Applicant states that it intends to tack the above-proposed authority to its existing authority, and that no duplicating authority is sought. If a hearing is deemed necessary, applicant requests it be held at Jackson, Miss.

No. MC 3560 (Sub-No. 21), filed May 17, 1965. Applicant: GENERAL EXPRESSWAYS, INC., 1205 South Platte River Drive, Denver, Colo., 80223. Applicant's attorney: Ken Wolford, 1205 South Platte River Drive, Denver, Colo., 80223. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving East Troy, Wis., as an off-route point

[1] Copies of Special Rule 1.247 can be obtained by writing to the Secretary, Interstate Commerce Commission, Washington, D.C., 20423.

in connection with applicant's regular-route operations.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Milwaukee, Wis., or Chicago, Ill.

No. MC 4964 (Sub-No. 33), filed May 10, 1965. Applicant: ROY L. JONES, INC., 915 McCarty Avenue, Post Office Box 24128, Houston, Tex. Applicant's attorney: Austin L. Hatchell, Suite 1102, Perry-Brooks Building, Austin 1, Tex. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Contractors equipment, materials, machinery*, and *supplies* (excluding oilfield commodities as described in Mercer-Extension-Oilfield Commodities, 46 M.C.C. 845), and (2) *Commodities*, the transportation of which, because of size, weight, or other physical characteristics, require the use of special equipment, rigging, or handling, together with *parts* and *attachments* thereto when moving in connection therewith, between points in Texas, Louisiana, and Mississippi.

NOTE: Applicant states no duplicating authority is sought. It proposes to tack the authority sought with its present authority in MC 4964 and subs. If a hearing is deemed necessary, applicant requests it be held at Houston, Tex.

No. MC 8948 (Sub-No. 59), filed May 14, 1965. Applicant: WESTERN GILLETTE, INC., 2550 East 26th Street, Los Angeles, Calif. Applicant's representative: Lloyd R. Guerra (address same as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except Classes A and B explosives (other than explosives, incendiary, gas, smoke, or tear-producing ammunition), and except livestock, articles of unusual value, household goods as defined by the Commission, bulk commodities, and commodities requiring special equipment), between junction U.S. Highways 80 and 290 (10 miles east of Kent, Tex.) and Houston, Tex., from junction U.S. Highway 80 and 290 over U.S. Highway 290 to junction Texas Highway 27, thence over Texas Highway 27 to Comfort, thence over U.S. Highway 87 to San Antonio, thence over U.S. Highway 90 and Interstate Highway 10 to Houston, and return over the same route, serving no intermediate points, as an alternate route for operating convenience only in connection with applicant's authorized regular-route operations.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Dallas, Tex.

No. MC 8958 (Sub-No. 14), filed May 11, 1965. Applicant: THE YOUNGSTOWN CARTAGE CO., a corporation, 825 West Federal Street, Youngstown, Ohio, 44501. Applicant's representative: William D. Traub, 10 East 40th Street, New York 16, N.Y. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron* and *steel* and *iron and steel articles*, between Braddock, Clairton, Donora, Duquesne, Ellwood City, Homestead, Irwin, McKeesport, McKees Rocks, Munhall, and Vandergrift, Pa., and points in the Cleveland, Ohio, commercial zone, and Lorain and McDonald, Ohio, on the one hand, and, on the other, points in Illinois, Indiana, and the southern peninsula of Michigan.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 10173 (Sub-No. 5), filed May 10, 1965. Applicant: MARVIN HAYES LINES, INC., Hayes Circle, Clarksville, Tenn. Applicant's attorney: Charles H. Hudson, Jr., 417 Stahlman Building, Nashville, Tenn. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), (1) between Clarksville, Tenn., and Paducah, Ky.: From Clarksville over U.S. Highway 79 to junction Tennessee Highway 119 (at Tennessee River), thence over Tennessee Highway 119 to Tennessee-Kentucky State line, thence over Kentucky Highway 121 through Murray, Ky., and Mayfield, Ky., to junction U.S. Highway 45 north of Mayfield, thence over U.S. Highway 45 to Paducah, and return over the same route, serving Murray and Mayfield, Ky., as intermediate points; (2) between Murray and Benton, Ky., over U.S. Highway 641, serving no intermediate points; and (3) serving Cadiz, Ky., as an off-route point to said routes. All of the above-described routes and the off-route point are to be utilized in connection with applicant's presently certificated routes.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Nashville, Tenn., or Paducah, Ky.

No. MC 11220 (Sub-No. 94), filed April 29, 1965. Applicant: GORDONS TRANSPORTS, INC., 185 West McLemore Avenue, Memphis, Tenn. Applicant's attorney: James W. Wrape, 2111 Sterick Building, Memphis, Tenn. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), (1) between Atlanta, Ga., and New Orleans, La., from Atlanta over U.S. Highway 78 to Birmingham, Ala. (also from Atlanta over Interstate Highway 20 to Birmingham), thence over U.S. Highway 11 to New Orleans (also from Birmingham over Interstate Highway 59 to New Orleans), and return over the same route, serving the intermediate point of Birmingham, Ala., restricted against service on traffic moving between Atlanta and Birmingham; (2) between Atlanta, Ga., and Baton Rouge, La., from Atlanta over U.S. Highway 78 to Birmingham, Ala. (also from Atlanta over Interstate Highway 20 to Birmingham), thence over U.S. Highway 11 to Poplarville, Miss. (also from Birmingham over Interstate Highway 59 to junction Mississippi Highway 26 near Poplarville, Miss.), thence over Mississippi Highway 26 to the Mississippi-Louisiana State line, thence over Louisiana Highway 10 to Bogalusa, La., thence over Louisiana Highway 21 to Covington, La., and thence over U.S. Highway 190 to Baton Rouge, and return over the same route, serving all intermediate points in Alabama and Georgia, restricted to traffic moving from, through, or to Baton Rouge, La.

NOTE: Applicant states the above-proposed operations will be tacked with its presently held authority at Birmingham, Ala., Baton Rouge and New Orleans, La. If a hearing is deemed necessary, applicant requests it be held at Baton Rouge, La.

No. MC 21170 (Sub-No. 78) (AMENDMENT), filed April 5, 1965, published FEDERAL REGISTER issue of April 21, 1965, amended May 21, 1965, and republished as amended this issue. Applicant: BOS LINES, INC., 408 South 12th Avenue, Marshalltown, Iowa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bakery products and bakery product ingredients*, from Carrollton, Mo., and Seelyville, Ind., to points in Colorado, Illinois, Iowa, Kansas, Minnesota, Missouri, Nebraska, and Wisconsin.

NOTE: The purpose of this republication is to add the State of Illinois as a destination State. If a hearing is deemed necessary, applicant requests it be held at Boise, Idaho.

No. MC 21170 (Sub-No. 84), filed May 12, 1965. Applicant: BOS LINES, INC., 408 South 12th Avenue, Marshalltown, Iowa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plastic tile, accessories, and supplies*, incidental to, and moving in conjunction therewith, from points in Franklin County, Ohio, to points in Iowa, Minnesota, the upper peninsula of Michigan, and Wisconsin.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Minneapolis, Minn.

No. MC 21170 (Sub-No. 85), filed May 20, 1965. Applicant: BOS LINES, INC., 408 South 12th Avenue, Marshalltown, Iowa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts, and articles distributed by meat packinghouses*, as described in Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk), from Postville, Iowa, to points in Connecticut, Maryland, Massachusetts, New Jersey, New York, Pennsylvania, and the District of Columbia.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Des Moines, Iowa.

No. MC 21170 (Sub-No. 89), filed May 24, 1965. Applicant: BOS LINES, INC., 408 South 12th Avenue, Marshalltown, Iowa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Food, food preparations, and foodstuffs*, from St. Louis, Mo., to points in Iowa, Kansas, and Nebraska.

NOTE: If a hearing is deemed necessary, applicant requests it be held at St. Louis, Mo.

No. MC 21170 (Sub-No. 90), filed May 24, 1965. Applicant: BOS LINES, INC., 408 South 12th Avenue, Marshalltown, Iowa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts, dairy products, and articles distributed by meat packinghouses*, as described in sections A, B, and C, Appendix I in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, from points in Colorado on and east of U.S. Highway 87 and on and north of U.S. Highway 40, to points in Connecticut, Delaware, Maryland, Massachusetts, Michigan, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Virginia, West Virginia, and the District of Columbia.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Kansas City, Mo.

No. MC 21170 (Sub-No. 91), filed May 24, 1965. Applicant: BOS LINES, INC., 408 South 12th Avenue, Marshalltown, Iowa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Food products*, from Columbus, Ohio, to points in Arkansas, Kansas, and Kansas City, Mo.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Columbus, Ohio.

No. MC 21170 (Sub-No. 92), filed May 24, 1965. Applicant: BOS LINES, INC., 408 South 12th Avenue, Marshalltown, Iowa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from Lafayette, Ind., to points in Illinois (except Chicago and its commercial zone), Ohio, and St. Louis, Mo.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 25869 (Sub-No. 32) (AMENDMENT), filed February 18, 1965, published in FEDERAL REGISTER issue of March 10, 1965, amended May 19, 1965, and republished as amended this issue. Applicant: NOLTE BROS. TRUCK LINE, INC., South Omaha, Nebr. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts*, and *articles distributed by meat packinghouses*, as described in sections A, B, and C, Appendix I, in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except commodities in bulk, in tank vehicles), from points in Dakota County, Nebr., and Sioux City, Iowa, to points in Colorado, Illinois, Indiana, Iowa, Michigan, Missouri, Ohio, and Wisconsin.

NOTE: The purpose of this republication is to add Sioux City, Iowa, as origin point. If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr., or Des Moines, Iowa.

No. MC 28517 (Sub-No. 3), filed May 10, 1965. Applicant: LEWIS R. WINKLER AND ALBERT T. CARLSON, a partnership, doing business as FARNY TRUCK SERVICE, 1419 Northwest Overton, Portland, Oreg., 97210. Applicant's attorney: William B. Adams, Pacific Building, Portland, Oreg., 97204. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission and commodities in bulk), between Longview, Wash., and Wauna, Oreg.; from Longview over the Longview Bridge to U.S. Highway 30, thence over U.S. Highway 30 to Wauna and return over the same route, serving all intermediate points and those off-route points within 10 miles of Clatskanie and Wauna, Oreg.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Portland, Oreg.

No. MC 29079 (Sub-No. 21), filed May 10, 1965. Applicant: BRADA MILLER FREIGHT SYSTEM, INC., 1200 South Home Avenue, Kokomo, Ind. Applicant's attorney: David Axelrod, 39 South La Salle Street, Chicago 3, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Pig iron*, in dump vehicles, from Louisville, Ky., to points in Illinois, Indiana, and Ohio.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 30844 (Sub-No. 170) (AMENDMENT), filed February 8, 1965, published FEDERAL REGISTER issue February 25, 1965, and republished as amended this issue. Applicant: KROBLIN REFRIGERATED EXPRESS, INC., Post Office Box 218, Sumner, Iowa. Applicant's attorney: Truman A. Stockton, Jr., The 1650 Grant Street Building, Denver 3, Colo. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts*, and *articles distributed by meat packinghouses*, as described in sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except commodities in bulk, in tank vehicles, and hides), from Sioux City, Iowa, and points in Dakota County, Nebr., to points in Colorado, Connecticut, Delaware, the District of Columbia, Illinois, Indiana, Iowa, Kansas, Maine, Maryland, Massachusetts, Michigan, Minnesota, Missouri, New Hampshire, New Jersey, New York, Ohio, Oklahoma, Pennsylvania, Rhode Island, Vermont, Virginia, West Virginia, and Wisconsin.

NOTE: The purpose of this republication is to add the origin point of Sioux City, Iowa. If a hearing is deemed necessary, applicant requests it be held at Des Moines, Iowa, or Omaha, Nebr.

No. MC 30844 (Sub-No. 180), filed May 14, 1965. Applicant: KROBLIN REFRIGERATED EXPRESS, INC., Post Office Box 218, Sumner, Iowa. Applicant's attorney: Truman A. Stockton, Jr., The 1650 Grant Street Building, Denver 3, Colo. Authority sought to operate as a *common carrier*, by motor vehicle over irregular routes, transporting: *Soil conditioner*, in bags, from Owl Canyon, Colo., to points in Iowa, Kansas, Minnesota, Missouri, Nebraska, and Oklahoma.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Denver, Colo.

No. MC 32523 (Sub-No. 31) (AMENDMENT), filed March 18, 1965, published in FEDERAL REGISTER issue of April 8, 1965, and republished as amended this issue. Applicant: CECIL E. VALLEE, E. H. VALLEE, EFFIE VALLEE, ALBAUGH AND HELEN VALLEE WITHERS, a partnership, doing business as UNION CITY TRANSFER, 1295 Railroad Avenue, Beaumont, Tex. Applicant's attorney: John H. Benckenstein, 1350 Petroleum Building, Post Office Box 551, Beaumont, Tex. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Contractors equipment, materials, machinery and supplies* (excluding oilfield commodities as described in Mercer-Extension-Oilfield Commodities 46 M.C.C. 845) and (2) *commodities*, the transportation of which, because of size, weight, or other physical characteristics, require the use of special equipment, rigging, or handling, together *with parts and attachments* thereto when moving in connection therewith, between points in Texas, Louisiana, and Mississippi.

NOTE: Applicant proposes to tack with its present authority MC 32523 and subs thereunder. No duplicating authority is requested. The purpose of this republication is to more clearly set forth the commodity description. If a hearing is deemed necessary, applicant requests it be held at Houston, Tex.

No. MC 42963 (Sub-No. 30), filed May 10, 1965. Applicant: DANIEL HAMM DRAYAGE COMPANY, a corporation, Second and Tyler Streets, St. Louis, Mo. Applicant's attorney: Ernest A. Brooks, II, 1301–02 Ambassador Building, St. Louis, Mo. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals*, in bulk, from East Dubuque, Ill., and points in Illinois within ten (10) miles thereof, to points in Illinois, Indiana, Wisconsin, Iowa, Missouri, Kansas, Nebraska, South Dakota, and Minnesota.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 42963 (Sub-No. 31), filed May 10, 1965. Applicant: DANIEL HAMM DRAYAGE COMPANY, a corporation, Second and Tyler Streets, St. Louis, Mo. Applicant's attorney: Ernest A. Brooks II, 1301–02 Ambassador Building, St. Louis, Mo. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Acids and chemicals*, in bulk, in tank vehicles, from Tri-City Regional Port District Complex in Madison County, Ill., to points in Arkansas, Indiana, Illinois, Iowa, Kansas, Kentucky, Missouri, Nebraska, and Tennessee.

NOTE: If a hearing is deemed necessary, applicant requests it be held at St. Louis, Mo.

No. MC 42963 (Sub-No. 32), filed May 12, 1965. Applicant: DANIEL HAMM DRAYAGE COMPANY, a corporation, Second and Tyler Streets, St. Louis, Mo. Applicant's attorney: Ernest A. Brooks II, 1301–02 Ambassador Building, St. Louis, Mo., 63101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, Classes A and B ex-

plosives, household goods as defined by the Commission and those injurious or contaminating to other lading), between points in that part of Missouri located on and within a line beginning at the Mississippi River and extending westerly along U.S. Highway 24 to the junction of U.S. Highway 61, thence south along U.S. Highways 24 and 61 to junction U.S. Highway 36, thence east along U.S. Highway 36 to the Mississippi River, on the one hand, and, on the other, points in Illinois, Iowa, and Missouri.

NOTE: If a hearing is deemed necessary, applicant requests it be held at St. Louis, Mo.

No. MC 44443 (Sub-No. 3) (CLARIFICATION), filed March 8, 1965, published in FEDERAL REGISTER issue of April 1, 1965, and republished as clarified this issue. Applicant: PACKAGE DELIVERY COMPANY, a corporation, 410 East 12th Street, Sioux Falls, S. Dak., 57104. Applicant's attorney: Mead Bailey, 509 South Dakota Avenue, Sioux Falls, S. Dak., 57101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except Classes A and B explosives, commodities in bulk, those requiring special equipment and those injurious or contaminating to other lading), subject to the following restrictions: (a) Each package shall be considered a separate and distinct shipment; (b) no service shall be provided for the transportation of any package weighing more than 65 pounds or exceeding 130 inches in length and girth combined, except, however, for the transportation of glass or motor vehicle parts or accessories and for such transportation the package shall not weigh more than 100 pounds and there shall be no length and girth restriction; (c) no service shall be provided for the transportation of packages weighing in the aggregate more than 150 pounds from any one consignor to any one consignee on any one day; and (d) no service shall be provided for the transportation of any item for any person or entity who or which has entered into a contract with Package Delivery Co. and who are served by it pursuant to its Permit No. MC 23299 and subs thereunder; between points in that part of South Dakota located on and east of the Missouri River and points in that part of Minnesota located on and south and west of the Minnesota River between Ortonville and Mankato and on and west of Minnesota Highway 22 from Mankato to the Minnesota-Iowa State line, including Ortonville, Montevideo, Morton, Mankato, and North Mankato, Minn., and points in that part of Iowa located on and west of Interstate Highway 35 and on and north of U.S. Highway 30.

NOTE: The purpose of this republication is to more clearly set forth the territorial description. Applicant is also authorized to conduct operations as a contract carrier in Permit No. MC 23299 and subs thereunder. If a hearing is deemed necessary, applicant requests it be held at Sioux Falls, S. Dak.

No. MC 45656 (Sub-No. 9), filed May 12, 1965. Applicant: ANDERSON TRUCK LINE, INC., 115 Powell Avenue, Lenoir, N.C. Applicant's attorney: Francis J. Ortman, National Press Building, Washington, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New furniture and furniture parts*, from points in Rutherford County, N.C., to points in South Carolina, Virginia, Tennessee, Maryland, the District of Columbia, and points in that part of Georgia on and north of U.S. Highway 280, and *rejected, damaged, refused, and returned shipments* of the commodities specified above, on return.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Charlotte, N.C.

No. MC 49387 (Sub-No. 22), filed May 14, 1965. Applicant: ORSCHELN BROS. TRUCK LINES, INC., Highway 24 East, Moberly, Mo. Applicant's attorney: G. M. Rebman, Suite 1230, Boatmen's Bank Building, St. Louis, Mo., 63102. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, and those injurious or contaminating to other lading), serving the plant site of the Dundee Cement Co. near Clarksville, Mo., as an off-route point in connection with applicant's regular-route operations.

NOTE: If a hearing is deemed necessary, applicant requests it be held at St. Louis, Mo.

No. MC 50069 (Sub-No. 323), filed May 17, 1965. Applicant: REFINERS TRANSPORT & TERMINAL CORPORATION, 111 West Jackson Boulevard, Chicago, Ill., 60604. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals* (except petrochemicals), in bulk, in tank vehicles, from Swanton, Ohio, to points in Florida, Georgia, North Carolina, and South Carolina.

NOTE: If a hearing is deemed necessary, applicant requests it be held at New York City, N.Y.

No. MC 55236 (Sub-No. 105), filed May 14, 1965. Applicant: OLSON TRANSPORTATION COMPANY, a corporation, 1970 South Broadway, Green Bay, Wis. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Pipeline interface*, in bulk, from Green Bay, Wis., to the Amboy Petroleum Products Terminal near Amboy, Ill.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Kansas City, Mo.

No. MC 58964 (Sub-No. 5), filed May 14, 1965. Applicant: CHESTER TRANSFER, INC., Chester, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading), (1) between Ellis Grove and Prairie Du Rocher, Ill., over unnumbered highway, serving no intermediate points, as an alternate route for operating convenience only, in connection with applicant's authorized regular-route operations, (2) between East St. Louis, Ill., and junction U.S. Highway 460 and Illinois Highway 13, over U.S. Highway 460, serving no intermediate points, as an alternate route for operating convenience only in connection with applicant's authorized regular-route operations, and (3) between Chester, Ill., and junction Illinois Highways 43 and 150, over Illinois Highway 150, serving no intermediate points, as an alternate route for operating convenience only, in connection with applicant's authorized regular-route operations.

NOTE: If a hearing is deemed necessary, applicant requests it be held at St. Louis, Mo.

No. MC 59570 (Sub-No. 26), filed May 17, 1965. Applicant: HECHT BROTHERS, INC., Lakewood Road, Toms River, N.J. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Prestressed and precast concrete* and *prestressed and precast concrete products*, from points in Howell and Wall Townships (Monmouth County), N.J., and New Brunswick, N.J., to points in Connecticut, Delaware, Maryland, New York, and Pennsylvania.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Philadelphia, Pa.

No. MC 61264 (Sub-No. 17), filed May 17, 1965. Applicant: PILOT FREIGHT CARRIERS, INC., Post Office Box 615, Winston-Salem, N.C., 27102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk and those requiring special equipment), between Columbus, Ga., and points in Russell County, Ala.

NOTE: Applicant states that it proposes to tack points in Russell County, Ala., with its existing operations from and to Columbus, Ga., and points within its commercial zone. Applicant also states that the above-proposed operation will be restricted to traffic destined to or originating at points presently served by applicant. If a hearing is deemed necessary, applicant requests it be held at Columbus, Ga.

No. MC 61484 (Sub-No. 15), filed May 12, 1965. Applicant: BUSH MOTOR FREIGHT, INC., Lenoir, N.C. Applicant's attorney: Francis J. Ortman, National Press Building, Washington 4, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New furniture* and *furniture parts*, from points in Rutherford County, N.C., to points in Virginia, Maryland, Pennsylvania, New Jersey, Delaware, New York, N.Y., and points in New York within 15 miles of Columbus Circle, N.Y.; the District of Columbia; Spartanburg, Greenville, Anderson, and Columbia, S.C.; Charles Town, Clarksburg, and Morgantown, W. Va.; Knoxville and Chattanooga, Tenn., and *rejected, damaged, refused, and returned shipments*, on return.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Charlotte, N.C.

No. MC 61592 (Sub-No. 36), filed May 6, 1965. Applicant: JENKINS TRUCK LINE, INC., 3708 Elm Street, Bettendorf, Iowa, 52722. Applicant's attorney: Val M. Higgins, 1000 First National Bank Building, Minneapolis, Minn., 55402. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Irrigation machinery, agricultural machinery, and parts thereof*, from points in Lee County, Ill., to points in Alabama, Arkansas, Georgia, Illinois, Indiana, Kentucky, Louisiana, Michigan, Mississippi, Missouri, on and east of U.S. Highway 65, Ohio, Oklahoma, Pennsylvania, Tennessee, Texas, Virginia, West Virginia, and Wisconsin, and (2) *material, equipment, and supplies* used in the manufacture and distribution of the above-specified commodities, on return (except any of the above-described commodities because of size or weight requires the use of special equipment). RESTRICTION: Authority above is restricted against tacking or joining with any authority held by applicant for the purpose of performing a through transportation service.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 61592 (Sub-No. 37), filed May 12, 1965. Applicant: JENKINS TRUCK LINE, INC., 3708 Elm Street, Bettendorf, Iowa, 52722. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Concrete tile, concrete pipe*, and *concrete slab manufacturing machinery*; and (2) *machinery, attachments, parts, and accessories* used in the manufacture of items in (1) above, including, but not limited to, boilers, stripping yokes, jib cranes, concrete mixers, lift and offbearing trucks, wire rollers, bulk cement and aggregate equipment, offbearing carts, hoists (electric and air), and water meters, from Nashua, Iowa, to points in the continental United States.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 61592 (Sub-No. 38), filed May 14, 1965. Applicant: JENKINS TRUCK LINE, INC., 3708 Elm Street, Bettendorf, Iowa, 52722. Applicant's attorney: Val M. Higgins, 1000 First National Bank Building, Minneapolis, Minn., 55402. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Agricultural implements and parts for agricultural implements*, from Owatonna, Minn., and points within 3 miles thereof, to points in the United States (except Alaska and Hawaii).

NOTE: If a hearing is deemed necessary, applicant requests it be held at Minneapolis, Minn., or Chicago, Ill.

No. MC 64832 (Sub-No. 2), filed May 14, 1965. Applicant: MAGNOLIA TRUCK LINE, INC., 854 Heiskell, Memphis, Tenn. Applicant's attorney: Edward G. Grogan, Suite 2020, First National Bank Building, Memphis, Tenn., 38103. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value and except livestock, high explosives, commodities in bulk, commodities requiring special equipment and those injurious to other lading), between Hernando, Miss., and Memphis, Tenn.: From Hernando over U.S. Highway 51 to Memphis, and return over the same route, serving all intermediate and off-route points in DeSoto County, Miss.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Memphis, Tenn.

No. MC 64932 (Sub-No. 375), filed May 13, 1965. Applicant: ROGERS CARTAGE CO., a corporation, 1439 West 103d Street, Chicago, Ill. Applicant's attorney: David Axelrod, 39 South La Salle Street, Chicago 3, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals* (except petrochemicals), in bulk, in tank vehicles, from Swanton, Ohio, to points in Florida, Georgia, South Carolina, and North Carolina.

NOTE: If a hearing is deemed necessary, applicant requests it be held at New York, N.Y.

No. MC 64932 (Sub-No. 376), filed May 17, 1965. Applicant: ROGERS CARTAGE CO., a corporation, 1439 West 103d Street, Chicago, Ill., 60643. Applicant's attorney: David Axelrod, 39 South La Salle Street, Chicago 3, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Silica gel catalyst* and *processed clay*, in bulk, in tank vehicles, from Chicago, Ill., to points in North Dakota, Montana, Wyoming, and Colorado, and (2) *spent and reprocessed silica gel catalyst or processed clay*, in bulk, in tank vehicles, from points in North Dakota, Montana, Wyoming, and Colorado to Chicago, Ill.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 64994 (Sub-No. 58), filed May 10, 1965. Applicant: HENNIS FREIGHT LINES, INC., Post Office Box 612, Winston-Salem, N.C., 27102. Applicant's representative: Frank C. Philips, Post Office Box 612, Winston-Salem, N.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Paper* and *paper articles*, from points in Russell County, Ala., to points in Indiana, Ohio, those points in Michigan on and south of Michigan Highway 21, and points in the Chicago, Ill. commercial zone.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Raleigh, N.C.

No. MC 64994 (Sub-No. 59), filed May 10, 1965. Applicant: HENNIS FREIGHT LINES, INC., Post Office Box 612, Winston-Salem, N.C., 27102. Applicant's representative: Frank C. Philips (same address as applicant.) Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods, commodities in bulk and those requiring special equipment), between points in Russell County, Ala., and Columbus, Ga.

NOTE: Applicant states that it proposes to join the above-proposed operation with its existing operations from and to Columbus, Ga., and points within its commercial zone. Applicant also states that the above-proposed operation will be restricted to traffic originating at or destined to points presently served by applicant and to be further restricted against movement of any traffic to or from points in Illinois, Indiana, Michigan, or Ohio that applicant is presently authorized to serve. If a hearing is deemed necessary, applicant requests it be held at Atlanta, Ga., or Montgomery, Ala.

No. MC 69834 (Sub-No. 8), filed May 17, 1965. Applicant: ANDREW J. PRICE, doing business as PRICE TRUCK LINE, 1640 North Mead, Wichita, Kans. Applicant's attorney: William C. Farmer, 729 Beacon Building, Wichita, Kans., 67202. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, between Wichita, Kans., and Strother Field, Kans.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Winfield, Kans.

No. MC 71096 (Sub-No. 53), filed May 10, 1965. Applicant: NORWALK TRUCK LINES, 180 Milan Avenue, Norwalk, Ohio. Applicant's representative: Marion M. Emery, 6055 Flanders Road, Sylvania, Ohio. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, livestock, automobiles, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between Chenoa, Ill., and Fort Wayne, Ind., over U.S. Highway 24 serving no intermediate points, as an alternate route for operating convenience only, in connection with carrier's regular-route operations.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 91306 (Sub-No. 11), filed May 4, 1965. Applicant: JOHNSON BROTHERS TRUCKERS, INC., Post Office Box 530, Elkin, N.C. Applicant's attorney: Francis J. Ortman, National Press Building, Washington 4, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New furniture* and *furniture parts*, from points in Rutherford County, N.C., to points in Delaware, New Jersey, New York, Pennsylvania, the District of Columbia, points in that part of Virginia on and east of U.S. Highway 220 starting at the North Carolina-Virginia State line to Roanoke and that part of Virginia on and east of U.S. Highway 11 to the Virginia-West Virginia State line, points in West Virginia on and east of U.S. Highway 11, and points in Maryland on and east of the U.S. Highway 11, and *rejected, damaged, refused, and returned shipments*, on return.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Charlotte, N.C.

No. MC 92983 (Sub-No. 470), filed May 10, 1965. Applicant: ELDON MILLER,

INC., Post Office Drawer 617, Kansas City, Mo., 64141. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fats and oils, including blends and products* thereof, in bulk, from points in Oregon and Washington to points in Minnesota, North Dakota, and South Dakota.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Kansas City, Mo.

No. MC 94350 (Sub-No. 59), filed May 10, 1965. Applicant: TRANSIT HOMES, INC., 210 West McBee Avenue, Box 1628, Greenville, S.C. Applicant's attorney: Henry P. Willimon, Greenville, S.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Portable buildings* traveling on their own or *removable undercarriages* which are designed to be joined together to form a complete structure, excluding trailers or mobile homes designed to be drawn by passenger automobiles and oilfield or industrial buildings, from points in Utah, to points in Louisiana and points in those States west of the Mississippi River, namely, Washington, Oregon, California, Arizona, Nevada, Idaho, Utah, New Mexico, Colorado, Wyoming, Montana, North Dakota, South Dakota, Nebraska, Kansas, Oklahoma, Texas, Arkansas, Missouri, Iowa, Minnesota, and Alaska, but excluding Hawaii, and *damaged or rejected shipments*, on return.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Salt Lake City, Utah.

No. MC 94350 (Sub-No. 60), filed May 10, 1965. Applicant: TRANSIT HOMES, INC., 210 West McBee Avenue, Post Office Box 1628, Greenville, S.C. Applicant's attorney: Henry P. Willimon, Greenville, S.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Portable buildings* traveling on their own or *removable undercarriages* which are designed to be joined together to form a complete structure, excluding trailers or mobile homes designed to be drawn by passenger automobiles and oilfield or industrial buildings, from points in Oregon to points in Louisiana and those in States west of the Mississippi River, namely, Arizona, Arkansas, California, Colorado, Idaho, Iowa, Kansas, Minnesota, Missouri, Montana, Nebraska, Nevada, New Mexico, North Dakota, Oklahoma, Oregon, South Dakota, Texas, Utah, Washington, Wyoming, and Alaska, but excluding Hawaii, and *damaged or rejected shipments*, on return.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Salem, Oreg.

No. MC 94350 (Sub-No. 61), filed May 10, 1965. Applicant: TRANSIT HOMES, INC., 210 West McBee Avenue, Post Office Box 1628, Greenville, S.C. Applicant's attorney: Henry P. Willimon, Greenville, S.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Portable buildings* traveling on their own or *removable undercarriages* which are designed to be joined together to form a complete structure, excluding trailers or mobile homes designed to be drawn by passenger automobiles and oilfield or industrial buildings, from points in Washington to points in Louisiana and those in States west of the Mississippi River, namely, Arizona, Arkansas, California, Colorado, Idaho, Iowa, Kansas, Minnesota, Missouri, Montana, Nebraska, Nevada, New Mexico, North Dakota, Oklahoma, Oregon, South Dakota, Texas, Utah, Washington, Wyoming, and Alaska, but excluding Hawaii, and *damaged or rejected shipments*, on return.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Seattle, Wash.

No. MC 94350 (Sub-No. 62), filed May 12, 1965. Applicant: TRANSIT HOMES, INC., 210 West McBee Avenue, Post Office Box 1628, Greenville, S.C. Applicant's attorney: Henry P. Willimon, Greenville, S.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Portable buildings* traveling on their own or *removable undercarriages* which are designed to be joined together to form a complete structure, excluding trailers or mobile homes designed to be drawn by passenger automobiles and oilfield or industrial buildings, from points in Florida to points in Louisiana and those in States east of the Mississippi River, namely, Alabama, Connecticut, Delaware, District of Columbia, Florida, Georgia, Illinois, Indiana, Kentucky, Maine, Maryland, Massachusetts, Michigan, Ohio, Mississippi, New Hampshire, New Jersey, New York, North Carolina, Pennsylvania, Rhode Island, South Carolina, Tennessee, Vermont, Virginia, West Virginia, and Wisconsin, and *damaged or rejected shipments*, on return.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Tallahassee, Fla.

No. MC 94350 (Sub-No. 64), filed May 13, 1965. Applicant: TRANSIT HOMES, INC., 210 West McBee Avenue, Post Office Box 1628, Greenville, S.C. Applicant's attorney: Henry P. Willimon, Greenville, S.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Portable buildings* traveling on their own or *removable undercarriages* which are designed to be joined together to form a complete structure, excluding trailers or mobile homes designed to be drawn by passenger automobiles and oilfield or industrial buildings, from points in Louisiana and those in States east of the Mississippi River, namely, Alabama, Connecticut, Delaware, District of Columbia, Florida, Georgia, Illinois, Indiana, Kentucky, Maine, Maryland, Massachusetts, Michigan, Mississippi, New Hampshire, New Jersey, New York, North Carolina, Pennsylvania, Rhode Island, South Carolina, Tennessee, Vermont, Virginia, West Virginia, and Wisconsin, and *damaged or rejected shipments*, on return.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Columbia, S.C.

No. MC 94350 (Sub-No. 65), filed May 13, 1965. Applicant: TRANSIT HOMES, INC., 210 West McBee Avenue, Post Office Box 1628, Greenville, S.C. Applicant's attorney: Henry P. Willimon, Greenville, S.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Portable buildings* traveling on their own or *removable undercarriages* which are designed to be joined together to form a complete structure, excluding trailers or mobile homes designed to be drawn by passenger automobiles, and oilfield or industrial buildings, from points in Michigan, to points in the United States, including Alaska, but excluding Hawaii, and *damaged or rejected shipments*, on return.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Lansing, Mich.

No. MC 94350 (Sub-No. 66), filed May 11, 1965. Applicant: TRANSIT HOMES, INC., 210 West McBee Avenue, Post Office Box 1075, Greenville, S.C. Applicant's attorney: Henry P. Willimon, Post Office Box 1075, Greenville, S.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Portable buildings* traveling on their own or *removable undercarriages* which are designed to be joined together to form a complete structure, excluding trailers or mobile homes designed to be drawn by passenger automobiles and oilfield or industrial buildings, from points in Georgia to points in Louisiana and those in States east of the Mississippi River, namely, Alabama, Connecticut, Delaware, the District of Columbia, Florida, Georgia, Illinois, Indiana, Kentucky, Maine, Maryland, Massachusetts, Michigan, Mississippi, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Vermont, Virginia, West Virginia, and Wisconsin, and *damaged or rejected shipments*, on return.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Atlanta, Ga.

No. MC 94350 (Sub-No. 67), filed May 14, 1965. Applicant: TRANSIT HOMES, INC., 210 West McBee Avenue, Post Office Box 1628, Greenville, S.C. Applicant's attorney: Henry P. Willimon, Box 1075, Greenville, S.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Portable buildings* traveling on their own or *removable undercarriages* which are designed to be joined together to form a complete structure, excluding trailers or mobile homes designed to be drawn by passenger automobiles and oilfield or industrial buildings, from points in Kansas, to points in the continental United States, and *damaged and rejected shipments*, on return.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Topeka, Kans.

No. MC 95876 (Sub-No. 44), filed May 12, 1965. Applicant: ANDERSON TRUCKING SERVICE, INC., 203 Cooper Avenue, North, St. Cloud, Minn. Applicant's attorney: Val M. Higgins, 1000 First National Bank Building, Minneapolis, Minn., 55402. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wood shavings*, in bales and *by-products thereof*, in bundles, bales, and bags, from points in Hubbard, Wadena, Becker, and Otter Tail Counties, Minn., to points in Illinois, Indiana, Iowa, Kansas, Michigan, Minnesota, Missouri, Nebraska, North Dakota, South Dakota, and Wisconsin.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Minneapolis, Minn.

No. MC 99234 (Sub-No. 2), filed April 26, 1965. Applicant: WESTWAY MOTOR FREIGHT, INC., 4350 Kendrick Street, Golden, Colo. Applicant's attorney: Marion F. Jones, 420 Denver Club Building, Denver, Colo., 80202. Authority sought to operate as a *common carrier*, by motor vehicle, over regular and irregular routes, transporting: *General commodities; REGULAR ROUTES:* Between Denver, Colo., and Golden, Colo.; (1) from Denver over West 44th Avenue to Golden and return over the same route, serving all intermediate points; (2) from Denver over West 48th Avenue to Golden and return over the same route, serving all intermediate points; (3) from Denver over West 38th Avenue to junction Wadsworth Boulevard, thence north over Wadsworth Boulevard to junction West 44th Avenue, thence over West 44th Avenue to Golden and return over the same route, serving all intermediate points; (4) from Denver west over 32d Avenue to Golden and return over the same route, serving all intermediate points; (5) from Denver west over 26th Avenue to Golden and return over the same route, serving all intermediate points; (6) from Denver west over Colfax Avenue to Golden and return over the same route, serving all intermediate points; (7) from Denver west over U.S. Highway 6 to Golden and return over the same route, serving all intermediate points; (8) from Denver west over U.S. Highway 40 to junction U.S. Highway 6, thence over U.S. Highway 6 to Golden and return over the same route, serving all intermediate points; (9) from Denver west over Colorado Highway 58 to Golden and return over the same route, serving all intermediate points; and (10) from Denver over Interstate Highway 70 to Golden and return over the same route, serving all intermediate points; *IRREGULAR ROUTES:* (1) From and to all points within a radius of 15 miles of Golden, Colo., including Golden, Colo.; (2) from and to all points within said radius, to and from all points in Colorado, provided, however, that all shipments shall originate or terminate west of the west boundary of the City and County of Denver, Colo.; and (3) between Denver and points within an area extending along U.S. Highway 36 to Watkins, Colo., including points 2 miles south of said highway and 3 miles north of said highway (excepting the City of Aurora).

NOTE: If a hearing is deemed necessary, applicant requests it be held at Denver, Colo.

No. MC 99780 (Sub-No. 2) (AMENDMENT), filed March 26, 1965, published FEDERAL REGISTER issue, April 14, 1965, and republished as amended this issue. Applicant: CHIPPER CARTAGE COMPANY, INC., 1327 Northeast Bond Street, Peoria, Ill., 61604. Applicant's representative: George S. Mullins, 4704 West Irving Park Road, Chicago, Ill., 60641. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, and meat byproducts*, as described in section A of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except commodities in bulk, in tank vehicles), (1) from Peoria, Ill., to points in Iowa and Wisconsin; (2) from Des Moines, Dubuque, Ottumwa, and Waterloo, Iowa, Omaha, Nebr., and St. Joseph, Mo., to points in Illinois and points in Lake, Porter, Jasper, La Porte, Newton, Pulaski, Starke, St. Joseph, Elkhart, and Marshall Counties, Ind.; and (3) from Cedar Rapids, Iowa, to points in St. Joseph, Elkhart, and Marshall Counties, Ind., and *empty containers or other articles* used in transporting the above commodities, on return.

NOTE: Applicant states if the above authority is granted it will not be tacked or joined for the purpose of performing a through service. Applicant further states no transportation service shall be performed by carrier in interline service with other carriers. The purpose of this republication is to add the origin points of Des Moines, Iowa, and St. Joseph, Mo., in (2) above. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 103435 (Sub-No. 169), filed May 14, 1965. Applicant: UNITED-BUCKINGHAM FREIGHT LINES, a corporation, East 915 Springfield Avenue, Spokane, Wash. Applicant's attorney: George LaBissoniere, 533 Central Building, Seattle, Wash. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except liquid petroleum products, in bulk, in tank vehicles), serving Havre Air Force Station Radar Site, Mont., approximately 15 miles north of Havre, Mont., as an off-route point in connection with applicant's authorized regular-route operations to and from Havre, Mont.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Great Falls, Mont.

No. MC 103993 (Sub-No. 203), filed May 17, 1965. Applicant: MORGAN DRIVE AWAY, INC., 2800 Lexington Avenue, Elkhart, Ind. Applicant's attorney: John E. Lesow, 3737 North Meridian Street, Indianapolis, Ind. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Trailers*, designed to be drawn by passenger automobiles, and *component parts* thereof when shipped therewith, in initial movements, in truckaway service, from points in Hart County, Ky., to points in the continental United States.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Louisville, Ky.

No. MC 103993 (Sub-No. 204), filed May 17, 1965. Applicant: MORGAN DRIVE AWAY, INC., 2800 Lexington Avenue, Elkhart, Ind. Applicant's attorney: John E. Lesow, 3737 North Meridian Street, Indianapolis 8, Ind. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Trailers*, designed to be drawn by passenger automobiles, and *component parts thereof* when shipped therewith, in initial movements, in truckaway service, from points in Greenville County, S.C., to points in the United States, including points in Alaska (but excluding points in Hawaii).

NOTE: If a hearing is deemed necessary, applicant does not specify any particular area.

No. MC 104523 (Sub-No. 33), filed May 12, 1965. Applicant: WILLIAM HAROLD HUSTON, doing business as HUSTON TRUCK LINE, Friend, Nebr. Applicant's attorney: James E. Ryan, 214 Sharp Building, Lincoln, Nebr. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry animal and poultry feeds, dry animal and poultry mineral feed mixtures, and insecticides*, from Quincy, Ill., to points in Cheyenne, and Sherman Counties, Kans., and points in Boulder, Grand, Park, Larimer, and Jefferson Counties, Colo.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr.

No. MC 105275 (Sub-No. 34), filed May 7, 1965. Applicant: W. T. BYRNS MOTOR EXPRESS, INC., 646 Coffeen Street, Watertown, N.Y. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Paper* and *paper products*, from points in Jefferson, Lewis, and St. Lawrence Counties, N.Y., to points in New Jersey on and north of New Jersey Highway 33; (2) *paper*, from Pulaski, N.Y., to New York, N.Y., and points in New Jersey on and north of New Jersey Highway 33; and (3) *equipment, materials*, and *supplies* used in the manufacture of paper and paper products, from points in New Jersey on and north of New Jersey Highway 33, to points in Jefferson, Lewis, and St. Lawrence Counties, N.Y.

NOTE: Common control may be involved. Applicant states that no duplicating authority is sought. If a hearing is deemed necessary, applicant requests it be held at Syracuse, N.Y.

No. MC 107107 (Sub-No. 347), filed April 30, 1965. Applicant: ALTERMAN TRANSPORT LINES, INC., Post Office Box 458, Allapattah Station, Miami, Fla. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foods, food ingredients and advertising and promotional materials, when related to and moving with shipments of foods and food ingredients*, from points in Massachusetts on and east of Massachusetts Highway 12, to points in Texas and Georgia.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Boston, Mass.

No. MC 107376 (Sub-No. 12), filed May 12, 1965. Applicant: TELISCHAK TRUCKING, INC., 12300 Farmington Road, Livonia, Mich. Applicant's attorney: Rex Eames, 1800 Buhl Building, Detroit, Mich., 48226. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Precast concrete slabs and beams*, of such size and weight as to require the use of special equipment, and *accessories* and *materials* incidental to the installation thereof, from Livonia, Mich, to points in Ohio and Indiana.

NOTE: Applicant states it presently holds contract carrier authority to transport the above commodities from Livonia, Mich., to 18 Ohio counties, which it will tender for cancellation if this application is granted. If a hearing is deemed necessary, applicant requests it be held at Lansing, or Detroit, Mich.

No. MC 107515 (Sub-No. 512), filed May 11, 1965. Applicant: REFRIGERATED TRANSPORT CO., INC., 290 University Avenue SW., Atlanta, Ga. Applicant's attorney: Paul M. Daniell, Suite 1600, First Federal Building, Atlanta, Ga. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from Humboldt, Tenn., to points in Alabama, North Carolina, South Carolina, Missouri, Kansas, Iowa, Nebraska, Illinois, Mississippi, Arkansas, Louisiana, Texas, and Oklahoma.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 108006 (Sub-No. 13), filed May 12, 1965. Applicant: MAISLIN BROS. TRANSPORT LIMITED, 7401 Newman Boulevard, LaSalle, Quebec, Canada. Applicant's representative: William D. Traub, 10 East 40th Street, New York 16, N.Y. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: ~~*Silver bullion*~~, between points in the New York, N.Y. commercial zone as defined by the Commission, Rochester and West Point, N.Y., and Carteret and Perth Amboy, N.J., on the one hand, and, on the other, the ports of entry on the International boundary line between the United States and Canada at or near Rouses Point and Buffalo, N.Y. RESTRICTION: The proposed service will be limited to traffic having origins or destinations in Canada.

NOTE: If a hearing is deemed necessary, applicant requests it be held at New York, N.Y.

No. MC 109124 (Sub-No. 10) (AMENDMENT), filed March 22, 1965, published in FEDERAL REGISTER, issue of April 8, 1965, amended May 21, 1965, and republished as amended this issue. Applicant: SENTLE TRUCKING CORPORATION, 210 Alexis Road, Toledo, Ohio. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel and iron and steel articles*, between the plant site of the Bethlehem Steel Corp., Burns Harbor, Porter County, Ind., on the one hand, and, on the other, points in Ohio, West Virginia, Illinois, Pennsylvania, Wisconsin, Minnesota, Iowa, Missouri, and the Lower Peninsula of Michigan.

NOTE: The purpose of this republication is to add four additional States, Wisconsin, Minnesota, Iowa, and Missouri. If a hearing is deemed necessary, applicant requests it be held at Indianapolis, Ind.

No. MC 109497 (Sub-No. 12), filed May 12, 1965. Applicant: A. F. COMER TRANSPORT SERVICE, INC., Post Office Box 711, Rocky Mount, N.C. Applicant's attorney: Louis Resnek, 5009 Keokuk Street, Washington, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer and fertilizer materials*, in bulk, in tank- and hopper-type vehicles, from Greensboro, N.C., to points in Virginia and West Virginia.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 109521 (Sub-No. 3), filed May 10, 1965. Applicant: WALTER E. COY, doing business as COY BROS., Box 416, Canfield, Ohio. Applicant's attorney: Paul F. Beery, 44 East Broad Street, Columbus 15, Ohio. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Clay and clay products*, in bulk, from East Liverpool, Ohio, to points in Pennsylvania, Ohio, and West Virginia.

NOTE: Applicant is also authorized to conduct operations as a contract carrier in Permit No. MC 110103 and Subs thereunder, therefore, dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Columbus, Ohio.

No. MC 109637 (Sub-No. 280), filed May 14, 1965. Applicant: SOUTHERN TANK LINES, INC., 4107 Bells Lane, Louisville, Ky., 40211. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum products* and *chemicals*, in bulk, in tank vehicle, from Metropolis, Ill., to points in Kentucky and Jeffersonville, Ind.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Louisville, Ky.

No, MC 110098 (Sub-No. 56), filed May 20, 1965. Applicant: ZERO REFRIGERATED LINES, a corporation, 815 Merida Street, Box 7249, Station A, San Antonio, Tex. Applicant's attorney: Donald L. Stern, 630 City National Bank Building, Omaha 2, Nebr. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts* and *articles distributed by meat packinghouses* (except hides and commodities in bulk in tank vehicles), from points in Dakota County, Nebr., to points in Arkansas, Louisiana, New Mexico, Oklahoma, and Texas.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr., or Des Moines, Iowa.

No. MC 110193 (Sub-No. 92), filed May 10, 1965. Applicant: SAFEWAY TRUCK LINES, INC., 20450 Ireland Road, South Bend, Ind. Applicant's representative: Walter J. Kobos (same address as applicant's). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Edible animal fats, animal oils, vegetable oils, including products and blends thereof, with or without emulsifiers, preservatives, coloring*, or *additives*, in packages and *oleomargarine*, in packages, from the site of the refinery plant of the Shortening and Edible Oil Division of Armour & Co., at or near Bradley, Ill., to Erie, Pa.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 110193 (Sub-No. 94), filed May 11, 1965. Applicant: SAFEWAY TRUCK LINES, INC., 20450 Ireland Road, South Bend, Ind. Applicant's representative: Walter J. Kobos (same address as applicant's). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts and articles distributed by meat packinghouses*, as described in sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk in tank vehicles), from the plant site and cold storage facilities of Missouri Beef Packers, Inc., located in Atchison County, Mo., to points in Maine, Vermont, New Hampshire, New York, New Jersey, Pennsylvania, Delaware, Maryland, and the District of Columbia, Massachusetts, Connecticut, and Rhode Island.

NOTE: Applicant states the authority sought above will be restricted against tacking or interlining at point of origin. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Kansas City, Mo.

No. MC 110193 (Sub-No. 97), filed May 19, 1965. Applicant: SAFEWAY TRUCK LINES, INC., 20450 Ireland Road, South Bend, Ind. Applicant's representative: Walter J. Kobos (same address as applicant's). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs*, from Champaign, Ill., to points in Indiana, Ohio, the Lower Peninsula of Michigan on and south of Michigan Highway 55 extending from Manistee to Tawas City, Mich., and points in Missouri and Nebraska.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 110193 (Sub-No. 98), filed May 19, 1965. Applicant: SAFEWAY TRUCK LINES, INC., 20450 Ireland Road, South Bend, Ind. Applicant's representative: Walter J. Kobos (same address as applicant's). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts, and articles distributed by meat packinghouses*, as described in Appendix I, to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk, in tank vehicles), from Lexington, Nebr., and points within five (5) miles thereof, to points in Maine, New Hampshire, Vermont, Massachusetts, Connecticut, Rhode Island, New York, New Jersey, Pennsylvania, Delaware, Maryland, Ohio, and the District of Columbia.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Denver, Colo., or Omaha, Nebr.

No. MC 110193 (Sub-No. 99), filed May 21, 1965. Applicant: SAFEWAY TRUCK LINES, INC., 20450 Ireland Road, South Bend, Ind. Applicant's representative: Walter J. Kobos (same address as applicant's). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from Braddock, Saltsburg, and Lake City, Pa., to points in Indiana, Illinois, Missouri, Iowa, Wisconsin, Minnesota, South Dakota, and Fargo, N. Dak.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Pittsburgh, Pa.

No. MC 110193 (Sub-No. 100), filed May 21, 1965. Applicant: SAFEWAY TRUCK LINES, INC., 20450 Ireland Road, South Bend, Ind. Applicant's representative: Walter J. Kobos (same as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel and iron and steel articles*, (1) between Aliquippa, Braddock, Clairton, Duquesne, Homestead, Irwin, Pittsburgh, Vandergrift, Donora, Ellwood City, McKeesport, McKees Rocks, and Munhall, Pa., on the one hand, and, on the other, points in Illinois, Indiana, and the Lower Peninsula of Michigan, and (2) between Cleveland, Lorain, and McDonald, Ohio, on the one hand, and, on the other, points in Illinois (except Chicago, Ill. commercial zone), Indiana, and the Lower Peninsula of Michigan.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Pittsburgh, Pa.

No. MC 111545 (Sub-No. 76), filed May 14, 1965. Applicant: HOME TRANSPORTATION COMPANY, INC., 1425 Franklin Road SE., Post Office Box 6426, Station A, Marietta, Ga. Applicant's attorney: Paul M. Daniell, Suite 1600, First Federal Building, Atlanta, Ga. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (A) *Cast iron pipe, fittings, and accessories*, from Chattanooga, Tenn., to points in Connecticut, Massachusetts, New Hampshire, Vermont, Maine, New York, New Jersey, Maryland, Pennsylvania east of U.S. Highway 219, West Virginia east of U.S. Highway 219, Kansas, Nebraska, South Dakota, and North Dakota, and (B) (1) *cast iron pipe, fittings, and accessories*, (2) *plastic pipe, fittings, and accessories*, when moving in mixed shipments with commodities specified in (B) (1) above, and (3) *cast iron meter boxes and parts, manhole frames and covers, and culverts*, from Anniston and Gadsden, Ala., to points in Delaware, New Jersey, Connecticut, Rhode Island, Massachusetts, New Hampshire, Vermont, Maine, New York, Pennsylvania, West Virginia, Maryland, Ohio, Michigan, Indiana, Illinois, Wisconsin, Minnesota, Iowa, Missouri, Kansas, Nebraska, South Dakota, and North Dakota.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington; D.C.

No. MC 110420 (Sub-No. 418) (AMENDMENT), filed February 18, 1965, published in FEDERAL REGISTER issue of March 10, 1965, amended March 22, 1965, and republished as amended April 1, 1965, and further amended May 18, 1965, and republished as further amended this issue. Applicant: QUALITY CARRIERS, INC., Post Office Box 339, 100 South Calumet Street, Burlington, Wis. Applicant's representative: Fred H. Figge (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Acids, chemicals, fertilizer*, and *fertilizer ingredients*, in bulk, in tank vehicles, from East Dubuque, Ill., and points in Illinois within ten (10) miles thereof, to points in Indiana, Illinois, Wisconsin, Minnesota, Iowa, Missouri, Kansas, Kentucky, Nebraska, and South Dakota.

NOTE: The purpose of this republication is to add Kentucky to the destination States. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 111309 (Sub-No. 3) (AMENDMENT), filed April 2, 1965, published in FEDERAL REGISTER issue of April 21, 1965, amended May 24, 1965, and republished as amended this issue. Applicant: RELAY TRANSPORT, INC., 9 Chelsea Place, Great Neck, N.Y. Applicant's attorney: Edward F. Bowes, 1060 Broad Street, Newark, N.J. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Syrup*, in bulk, in tank vehicles, from Long Island City, N.Y., to points in Atlantic County, N.J., and points in Fairfield and Hartford Counties, Conn., and Wilmington, Del.; (2) *carbonated beverages*, in containers, from Long Island City, N.Y., to points in Atlantic, Bergen, Middlesex, and Monmouth Counties, N.J., and points in Fairfield County, Conn., and Philadelphia, Pa.; and (3) *liquid sugar, invert sugar, corn syrup, and blends thereof*, in bulk, in tank vehicles, from Long Island City, N.Y., to points in Atlantic, Bergen, Burlington, Camden, Cape May, Cumberland, Gloucester, Mercer, Middlesex, Monmouth, Morris, Passaic, and Union Counties, N.J., Philadelphia, Pa., Wilmington, Del., and points in Fairfield, Hartford, New Haven, and New London Counties, Conn., and Springfield, Mass. RESTRICTION: Transportation is restricted to that performed under contract with the Pepsi Cola Co. The purpose of this republication is to add Burlington and Cape May Counties to the destination territory in paragraph (3).

NOTE: If a hearing is deemed necessary, applicant requests it be held at New York, N.Y.

No. MC 111540 (Sub-No. 4), filed May 14, 1965. Applicant: WILLIAM E. LOYD AND DARRELL L. LOYD, a partnership, doing business as LOYD BROS. TRUCK LINE, Orrick, Mo. Applicant's attorney: Carl V. Kretsinger, Suite 510, Professional Building, Kansas City, Mo. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Metal culvert pipe*, coated and uncoated, from points in the Kansas City, Mo.-Kansas commercial zone, as defined by the Commission to points in Oklahoma and Arkansas.

NOTE: Applicant states the proposed service to be under continuing contracts with Kaiser Aluminum & Chemical, Inc., of Kansas City, Kans., and Wheeling Corrugating Co., of North Kansas City, Mo. If a hearing is deemed necessary, applicant requests it be held at Kansas City, Mo.

No. MC 111545 (Sub-No. 77), filed May 14, 1965. Applicant: HOME TRANSPORTATION COMPANY, INC., 1425 Franklin Road SE., Post Office Box 6426, Station A, Marietta, Ga. Applicant's attorney: Paul M. Daniell, Suite 1600, First Federal Building, Atlanta, Ga. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Trucks*, in initial movements, in truckaway service, from Decatur, Ill., to points in North Carolina, South Carolina, Georgia, Florida, and Alabama, and (2) *parts, attachments, and accessories* for the commodities specified in (1) above, from Decatur, Morton, and Joliet, Ill., to points in North Carolina, South Carolina, Georgia, Florida, and Alabama.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Washington, D.C.

No. MC 111729 (Sub-No. 79), filed May 14, 1965. Applicant: ARMORED CARRIER CORPORATION, 222–17 Northern Boulevard, Bayside, N.Y. Applicant's attorney: Russell S. Bernhard, Commonwealth Building, 1625 K Street NW., Washington, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Business papers, records, and audit and accounting media* (except cash letters), (a) between Sandusky, Ohio, on the one hand, and, on the other, Lexington, Ky., and Fort Wayne, Ind., and (b) between Cleveland, Ohio, on the one hand, and, on the other, Johnstown, Pa., and Flint, Kalamazoo, and Lansing, Mich.; (2) *exposed film and prints* (excluding motion picture film used primarily for commercial theater and television exhibition), from Anderson, Indianapolis, Lawrenceburg, Muncie, Richmond, and Shelbyville, Ind., and Carrollton, Corbin, Covington, Cynthiana, Georgetown, Harrodsburg, Lexington, London, Louisville, Mount Sterling, Newport, Richmond, Shelbyville, Somerset, South Fort Mitchell, and Williamsburg, Ky., to Cincinnati, Ohio; (3) *processed film and prints, complimentary replacement film, labels, envelopes and packaging materials*, and *advertising literature moving therewith* (excluding motion picture film used primarily for commercial theater and television exhibition), from Cincinnati, Ohio to the origin points mentioned in (2) above; (4) *whole human blood and blood derivatives*, (a) between Louisville, Ky., on the one hand, and, on the other, Cincinnati, Ohio, and points in Daviess, Decatur, Dubois, Gibson, Johnson, Knox, Marion, Morgan, and Shelby Counties, Ind.

(b) Between Columbus, Ohio, on the one hand, and, on the other, Fort Wayne and Indianapolis, Ind., and Louisville, Ky.; (c) between Huntington, W. Va., on the one hand, and, on the other, Ashland, Covington, Flemingsburg, Fort Thomas, Frenchburg, Lexington, Louisa, Louisville, Martin, Maysville, McDowell, Morehead, Mount Sterling, Paintsville, Pikeville, Prestonburg, Russell, South Williamson, West Liberty, and Winchester, Ky., and Cincinnati, Columbus, Cleveland, Gallipolis, Georgetown, Ironton, Marietta, Oak Hill, Pomeroy, Portsmouth, Toledo, Waverly, and West Union, Ohio; (5) *ophthalmic goods and commercial papers* (except cash letters); (a) between Cleveland, Ohio, on the one hand, and, on the other Pittsburgh, Pa.; (b) between Cincinnati, Ohio, on the one hand, and, on the other Anderson, Evansville, Indianapolis, Jeffersonville, Kokomo, Lafayette, Marion, Muncie, Richmond, Terre Haute, and Vincennes, Ind.; Danville, Lexington, Louisville, Maysville, and Pikeville, Ky., and Beckley, Bluefield, Charleston, Huntington, and Parkersburg, W. Va.; (c) between Cleveland, Ohio, on the one hand, and, on the other, points in Allegheny, Armstrong, Beaver, Bedford, Blair, Butler, Cambria, Clarion, Clearfield, Crawford, Elk, Erie, Fayette, Forest, Greene, Indiana, Jefferson, Lawrence, McKean, Mercer, Somerset, Venango, Warren, Washington, and Westmoreland Counties, Pa., points in Adams, Allen, Blackford, Carroll, Cass, DeKalb, Delaware, Elkhart, Fulton, Grant, Howard, Huntington, Jay, Kosciusko, LaGrange, La Porte, Madison, Marshall, Miami, Nobell, Pulaski, Randolph, St. Joseph, Starke, Steuben, Tipton, Wabash, Wells, White, and Whitley Counties, Ind., points in Allegany, Chautauqua, Cattaraugus, Erie, Genesee, Monroe, Orleans, and Wyoming Counties, N.Y., and points in Harrison, Marion, Monongalia, Pleasants, Preston, Taylor, Wetzel, and Wood Counties, W. Va.

NOTE: Applicant states no service shall be performed under the authority requested for any bank or banking institution, namely, any national bank, State bank, Federal Reserve bank, savings and loan association, or savings bank. Applicant is also authorized to conduct operations as a contract carrier in Permit MC 112750 and subs thereunder, therefore, dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Cleveland, Ohio.

No. MC 111729 (Sub-No. 80), filed May 14, 1965. Applicant: ARMORED CARRIER CORPORATION, 222–17 Northern Boulevard, Bayside, N.Y. Applicant's attorney: Russell S. Bernhard, 1625 K Street NW., Washington, D.C., 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Checks, business papers, records, payroll checks,* and *audit and accounting media* (except cash letters), (1) between Hartford, Conn., on the one hand, and, on the other, points in Putnam, Rockland, and Westchester Counties, N.Y., (2) between New York, N.Y., on the one hand, and, on the other, New Haven, Conn., and Worcester, Mass., (3) between Boston, Mass., on the one hand, and, on the other, Philadelphia, Pa., and (4) between points in Passaic County, N.J., on the one hand, and, on the other, points in Philadelphia and Montgomery Counties, Pa.

NOTE: The proposed operations will be subject to the following restriction: No service shall be performed under the authority granted herein for any bank or banking institution, namely, any national bank, State bank, Federal Reserve bank, savings and loan association, or savings bank. Applicant is also authorized to conduct operations as a contract carrier in Permit No. MC 112750 and subs, therefore, dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at New York, N.Y.

No. MC 112750 (Sub-No. 213), filed May 14, 1965. Applicant: ARMORED CARRIER CORPORATION, 222–17 Northern Boulevard, Bayside, N.Y. Applicant's attorney: Russell S. Bernhard, 1625 K Street NW., Washington, D.C., 20006. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Commercial papers, documents,* and *written instruments*, including originals and copies of checks, drafts, notes, money orders, travelers' checks, and cancelled bonds, and accounting papers relating thereto, including originals and copies of cash letters, letters of transmittal, summary sheets, adding machine tapes, deposit records, withdrawal slips, and debit and credit records (except coin, currency, bullion, and negotiable securities), under continuing contracts with banks and banking institutions only; namely, national banks, State banks, Federal Reserve banks, savings and loan associations, and savings banks, (1) between Dayton, Ohio, on the one hand, and, on the other, Detroit, Mich.; Buffalo, N.Y.; Pittsburgh, Pa.; Chicago, Ill., and Indianapolis, Richmond, and Fort Wayne, Ind.; (2) between Columbus, Ohio, on the one hand, and, on the other, Detroit, Mich.; Indianapolis, Ind., and Chicago, Ill.; (3) between Springfield, Ohio, on the one hand, and, on the other, Chicago, Ill.; Indianapolis, Ind.; Detroit, Mich.; Pittsburgh, Pa.; and Louisville, Ky.; (4) between Detroit, Mich., on the one hand, and, on the other, Pittsburgh, Pa., Cincinnati, Ohio, and Indianapolis, Muncie, Marion, Portland, Kokomo, Fort Wayne, and Gary, Ind.; and (5) between La Crosse, Wis., on the one hand, and, on the other, Rochester, Minn.

NOTE: Applicant also has applications pending for common carrier authority in MC 111729 and subs thereunder. If a hearing is deemed necessary, applicant requests it be held at Detroit, Mich.

No. MC 112801 (Sub-No. 25), filed May 17, 1965. Applicant: TRANSPORT SERVICE CO., a corporation, 5100 West 41st Street, Chicago, Ill. Applicant's attorney: Robert H. Levy, 105 West Adams Street, Chicago 3, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals*, in bulk, from Cordova, Ill., to points in Iowa.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 112846 (Sub-No. 41), filed May 12, 1965. Applicant: PENNLAND TANKERS, INC., Post Office Box 273, Oil City, Pa. Applicant's attorney: Harold G. Hernly, 711 14th Street NW., Washington 5, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum and petroleum products* (except petroleum chemicals as described in Appendix XIII to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209), in bulk, in tank vehicles, from Petrolia and Karns City (Butler County), Pa., to points in Delaware, New Jersey, and New York.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 113083 (Sub-No. 2), filed May 13, 1965. Applicant: JOHN F. MAHR, doing business as MAHR BROS. TRANSPORTATION CO., Route 83, Post Office Box 328, Rockville, Conn. Applicant's attorney: William P. Sullivan, 1825 Jefferson Place NW., Washington, D.C., 20036. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Expanded polystyrene* (except in bulk), from Royersford, Pa., to Ledyard, Conn.

NOTE: Applicant states the above operation will be under a continuing contract or contracts with the Dow Chemical Co., of Gales Ferry, Conn. If a hearing is deemed necessary, applicant requests it be held at Hartford Conn. or Washington, D.C.

No. MC 113678 (Sub-No. 107) (AMENDMENT), filed February 11, 1965, published FEDERAL REGISTER issue March 3, 1965, and republished as amended this issue. Applicant: CURTIS, INC., 770 East 51st Avenue, Denver, Colo., 80216. Applicant's attorney: Duane W. Acklie, Post Office Box 2028, Lincoln, Nebr. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts,* and *articles distributed by meat packinghouses* as described in Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, from Sioux City, Iowa, and points in Dakota County, Nebr., to points in Alabama, Arizona, California, Colorado, Connecticut, Delaware, the District of Columbia, Florida, Georgia, Idaho, Illinois, Indiana, Iowa, Maryland, Massachusetts, Michigan, Nevada, New Jersey, New York, North Carolina, Ohio, Oregon, Pennsylvania, Rhode Island, South Carolina, Utah, Virginia, and Washington.

NOTE: The purpose of this republication is to add the origin point of Sioux City, Iowa. If a hearing is deemed necessary, applicant requests it be held at Des Moines, Iowa, or Omaha, Nebr.

No. MC 113843 (Sub-No. 87), filed May 13, 1965. Applicant: REFRIGERATED FOOD EXPRESS, INC., 316 Summer Street, Boston, Mass. Applicant's attorney: Frank J. Weiner, 182 Forbes Building, Forbes Road, Braintree, Mass., 02184. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Sheet steel cans*, from Peabody, Mass., to points in that part of New York on and north of U.S. Highway 6.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Boston, Mass.

No. MC 113908 (Sub-No. 161), filed May 14, 1965. Applicant: ERICKSON TRANSPORT CORPORATION, 706 West Tampa, Post Office Box 3180, Springfield, Mo. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid animal feed ingredients* (not produced from animal fats or vegetable oils), in bulk, in tank vehicles, from Crete, Nebr., to points in Colorado, Oklahoma, Texas, Arkansas, North Dakota, Minnesota, Wyoming, New Mexico, Iowa (except that portion west of U.S. Highway 169 and south of U.S. Highway 30), Kansas (except on and east of U.S. Highway 81), South Dakota (except on and east of the Missouri River), and Wisconsin (except south of Wisconsin Highway 33 and east of U.S. Highway 51).

NOTE: If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr.

No. MC 113974 (Sub-No. 14), filed May 14, 1965. Applicant: PITTSBURGH & NEW ENGLAND TRUCKING CO., a corporation, 211 Washington Avenue, Dravosburg, Pa. Applicant's attorney: Henry M. Wick, Jr., 1515 Park Building, Pittsburgh, Pa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel* and *iron and steel articles*, as described in Appendix V to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, 276–279, (1) between Aliquippa, Donora, Ellwood City, Pittsburgh, and Vandergrift, Pa., on the one hand, and, on the other, points in Indiana and Illinois, and (2) between Aliquippa and Ellwood City, Pa., on the one hand, and, on the other, points in the Lower Peninsula of Michigan.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Pittsburgh, Pa.

No. MC 114004 (Sub-No. 57), filed May 11, 1965. Applicant: CHANDLER TRAILER CONVOY, INC., 8828 New Benton Highway, Little Rock, Ark. Authority sought to operate as a *common carrier*, over irregular routes, transporting: *Trailers*, designed to be drawn by passenger automobiles, in initial movements, in truckaway service, from points in Nash County, N.C., to points in the United States, including Alaska, but excluding Hawaii.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Raleigh, N.C.

No. MC 114004 (Sub-No. 58), filed May 11, 1965. Applicant: CHANDLER TRAILER CONVOY, INC., 8828 New Benton Highway, Little Rock, Ark. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Boats and boat accessories*, from points in Orange County, N.Y., to points in the United States, including points in Alaska, but excluding points in Hawaii.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Albany, N.Y.

No. MC 114019 (Sub-No. 138), filed May 14, 1965. Applicant: MIDWEST EMERY FREIGHT SYSTEM, INC., 7000 South Pulaski Road, Chicago, Ill. Applicant's attorney: David Axelrod, 39 South La Salle Street, Chicago 3, Ill. Authority sought to operate as a *common carrier* by motor vehicle, over irregular routes, transporting: *Meats, meat products, and meat byproducts, and articles distributed by meat packinghouses*, as described in sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, from Duluth, Minn., to points in Connecticut, Delaware, Maine, Maryland, Massachusetts, Michigan, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Vermont, Virginia, West Virginia, Wisconsin, Illinois, Indiana, and Washington, D.C.

NOTE: If a hearing is deemed necessary, applicant did not specify any particular area.

No. MC 114194 (Sub-No. 102), filed May 10, 1965. Applicant: KREIDER TRUCK SERVICE, INC., 8003 Collinsville Road, East St. Louis, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer*, from East St. Louis, Ill., to points in Indiana, Missouri, Iowa, Kentucky, Tennessee, Arkansas, and Illinois.

NOTE: If a hearing is deemed necessary, applicant requests it be held at St. Louis, Mo.

No. MC 115162 (Sub-No. 114), filed May 14, 1965. Applicant: WALTER POOLE, doing business as POOLE TRUCK LINE, Post Office Box 310, Evergreen, Ala. Applicant's representative: Robert E. Tate, 2031 Ninth Avenue, South, Birmingham, Ala. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plywood, molding,* and *trim*, and *advertising and display materials* and *paint stains*, when moving in the same shipment with plywood, molding, and trim, from the plant site of the Pascagoula Veneer Co., located at Pascagoula, Miss., to points in New Mexico, Oklahoma, and Louisiana.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Mobile, Ala.

No. MC 115215 (Sub-No. 5), filed May 10, 1965. Applicant: NEW TRUCK LINES, INC., 500 West Hampton Springs Avenue, Perry, Fla. Applicant's attorney: Sol. H. Proctor, 1730 American Heritage Life Building, Jacksonville, Fla., 32202. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bottle carrying crates*, from Perry, Fla., to points in Alabama, Arkansas, Florida, and Mississippi.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Jacksonville, Fla.

No. MC 115215 (Sub-No. 6), filed May 10, 1965. Applicant: NEW TRUCK LINES, INC., 500 West Hampton Springs Avenue, Perry, Fla. Applicant's attorney: Sol H. Proctor, 1730 American Heritage Life Building, Jacksonville, Fla., 32202. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Roof panels*, on flatbed equipment, from Archer, Fla., to points in Alabama, Florida, Georgia, Kentucky, Louisiana, Mississippi, North Carolina, South Carolina, and Virginia.

No. MC 115491 (Sub-No. 69), filed May 12, 1965. Applicant: COMMERCIAL CARRIER CORPORATION, 502 East Bridgers Avenue, Auburndale, Fla. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from Humboldt, Tenn., to points in Connecticut, Delaware, District of Columbia, Illinois, Indiana, Kentucky, Maine, Maryland, Massachusetts, Michigan, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Vermont, Virginia, West Virginia, and Wisconsin.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Nashville, Tenn.

No. MC 115793 (Sub-No. 3), filed May 12, 1965. Applicant: CALDWELL FREIGHT LINES, INC., Post Office Box 672, Lenoir, N.C. Applicant's attorney: Francis J. Ortman, National Press Building, Washington 4, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New furniture* and *furniture parts*, from points in Rutherford County, N.C., to points in Tennessee and points in Washington, Scott, Lee, Russell, Wise, and Dickenson Counties, Va., and *rejected, damaged, refused, and returned shipments*, on return.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Charlotte, N.C.

No. MC 115826 (Sub-No. 48) (AMENDMENT), filed March 1, 1965, published in FEDERAL REGISTER issue of March 25, 1965, amended May 21, 1965, and republished as amended this issue. Applicant: W. J. DIGBY, INC., Post Office Box 5088, Terminal Annex, Denver, Colo., 80217. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts,* and *dairy products* and *articles distributed by meat packinghouses* (except in bulk, in tank vehicles), from points in El Paso and Hudspeth Counties, Tex., to points in Alabama, Florida, Georgia, North Carolina, South Carolina, and Tennessee (except Memphis).

NOTE: The purpose of this republication is to broaden the origin territory. If a hearing is deemed necessary, applicant requests it be held at San Antonio, Tex.

No. MC 115826 (Sub-No. 61), filed May 10, 1965. Applicant: W. J. DIGBY, INC., Post Office Box 5088 T. A., Denver, Colo. Applicant's representative: John F. DeCock, 1960 31st Street, Post Office Box 5088, Terminal Annex, Denver 17, Colo. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from Russellville, Ark., to points in Arizona, California, Colorado, Illinois, Iowa, Kansas, Missouri, Nebraska, Nevada, Oklahoma, and Texas.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Little Rock, Ark., or Washington, D.C.

No. MC 115840 (Sub-No. 17), filed May 4, 1965. Applicant: COLONIAL FAST

FREIGHT LINES, INC., 1215 Bankhead Highway West, Post Office Box 2169, Birmingham, Ala. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Insulating materials, mineral wool*, loose or in packages, from Birmingham, Ala., (1) to points in Louisiana east of the Mississippi River and points in Louisiana on and south of U.S. Highway 190, and (2) points in Mississippi on and south of U.S. Highway 80.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Birmingham, Ala.

No. MC 116063 (Sub-No. 68), filed May 10, 1965. Applicant: WESTERN-COMMERCIAL TRANSPORT, INC., 2400 Cold Springs Road, Post Office Box 270, Fort Worth, Tex. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Sugars, syrups, and blends thereof, and vegetable oils*, in bulk, from points in Louisiana, to points in Alabama, Arkansas, Florida, Georgia, Mississippi, Tennessee, and Texas.

NOTE: If a hearing is deemed necessary, applicant requests it be held at New Orleans, La.

No. MC 116063 (Sub-No. 69), filed May 14, 1965. Applicant: WESTERN-COMMERCIAL TRANSPORT, INC., 2400 Cold Springs Road, Post Office Box 270, Fort Worth, Tex. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Vegetable oils* and *animal fats*, in bulk, from points in California to points in Texas.

NOTE: If a hearing is deemed necessary, applicant requests it be held at San Francisco, Calif.

No. MC 116077 (Sub-No. 181) (AMENDMENT), filed May 3, 1965, published in FEDERAL REGISTER issue of May 19, 1965, amended May 20, 1965, and republished as amended this issue. Applicant: ROBERTSON TANK LINES, INC., Post Office Box 9527, 5700 Polk Avenue, Houston, Tex., 77011. Applicant's attorney: Mert Starnes, 721 Brown Building, Austin, Tex., 78701. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Commodities*, in bulk, having prior or subsequent movement by rail, water, or pipeline, between points in the United States (except Alaska and Hawaii).

NOTE: The purpose of this republication is to more clearly set forth the commodity description. Applicant states that it seeks no duplicating authority. If a hearing is deemed necessary, applicant requests it be held at Houston, Tex.

No. MC 117313 (Sub-No. 2), filed May 17, 1965. Applicant: TRYON TRUCKING, INC., Post Office Box 68, Fairless Hills, Pa. Applicant's attorney: A. Charles Tell, 100 East Broad Street, Columbus, Ohio, 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles*, between Burns Harbor, Porter County, Ind., on the one hand, and, on the other, points in Ohio, West Virginia, Pennsylvania, New York, Maryland, and New Jersey.

NOTE: Applicant does not specify place of hearing, if one is deemed necessary.

No. MC 117344 (Sub-No. 146), filed May 14, 1965. Applicant: THE MAXWELL CO., 10380 Evendale Drive, Cincinnati 15, Ohio. Applicant's attorney: James R. Stiverson, 50 West Broad Street, Columbus 15, Ohio. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Anhydrous ammonia, nitrogen fertilizer solutions, ammoniating solutions and aqua ammonia*, in bulk, in tank vehicles, from the plant site of Southern Nitrogen Co., Inc., located at or near Columbia Park (Finney), Hamilton County, Ohio, to points in Kentucky.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Columbus, Ohio.

No. MC 117344 (Sub-No. 147), filed May 17, 1965. Applicant: THE MAXWELL CO., 10380 Evendale Drive, Cincinnati 15, Ohio. Applicant's attorney: James R. Stiverson, 50 West Broad Street, Columbus 15, Ohio. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cement and mortar*, between points in Indiana, Kentucky, and Ohio. Restricted to movements having a prior or subsequent movement by water or rail.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Columbus, Ohio.

No. MC 117686 (Sub-No. 54), filed May 10, 1965. Applicant: HIRSCHBACH MOTOR LINES, INC., Highway 75 North, Sioux City, Iowa. Applicant's attorney: Jesse E. Marshall, Badgerow Building, Sioux City, Iowa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bananas*, from Freeport, Tex., to points in Iowa, Nebraska, Minnesota, Kansas, Missouri, South Dakota, and Rock Island and Peoria, Ill.

NOTE: Applicant states the proposed operations will be "restricted against tacking and interlining at origin and destination." If a hearing is deemed necessary, applicant requests it be held at New Orleans, La.

No. MC 117765 (Sub-No. 21), filed May 17, 1965. Applicant: HAHN TRUCK LINE, INC., 5800 North Eastern Avenue, Oklahoma City, Okla. Applicant's attorney: Rufus H. Lawson, 106 Bixler Building, 2400 Northwest 23d Street, Oklahoma City 7, Okla. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Advertising matter*; (2) *articles distributed by wholesale or retail suppliers, marketers or distributors of petroleum products*, and (3) *such commodities as are used by wholesale or retail suppliers, marketers, or distributors of petroleum products* in the conduct of their businesses, when shipped in mixed loads with petroleum products (presently authorized), (1) from Enid, Okla., and points within 5 miles thereof, to points in Minnesota, North Dakota, and South Dakota; (2) from Ponca City, Okla., and points within 5 miles thereof, to points in Minnesota, North Dakota, and Wisconsin and (3) from Oklahoma City, Okla., to Stuttgart, Jonesboro, Manila, and Newport, Ark.; Burlington, Stonington, Walsh, Campo, and Edler, Colo., and points in Kansas, Nebraska, North Dakota, South Dakota, and Minnesota, and *exempt commodities*, on return.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Denver, Colo.

No. MC 117823 (Sub-No. 27), filed May 17, 1965. Applicant: RALPH F. DUNKLEY, doing business as DUNKLEY DISTRIBUTING COMPANY, 240 West California Avenue, Salt Lake City 15, Utah. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from Sparks, Nev. to points in Oregon, Washington, and Montana.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Salt Lake City, Utah.

No. MC 117954 (Sub-No. 17), filed May 17, 1965. Applicant: H. L. HERRIN, JR., Post Office Box 456, Metairie, La. Applicant's attorney: Albert A. Andrin, 105 West Adams Street, Chicago 3, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from Russellville, Ark. and points within five (5) miles thereof to points in Kansas, Louisiana, Mississippi, Missouri, Oklahoma, Tennessee, and Texas.

NOTE: If a hearing is deemed necessary, applicant does not specify place of hearing.

No. MC 117954 (Sub-No. 18), filed May 17, 1965. Applicant: H. L. HERRIN, JR., Post Office Box 456, Metairie, La. Applicant's attorney: Albert A. Andrin, 105 West Adams Street, Chicago 3, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products and meat byproducts, dairy products*, and *articles distributed by meat packinghouses, and such commodities as are used by meatpackers in the conduct of their business*, when destined to and for use by meatpackers, as described in sections A, B, C, and D, of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk, in tank vehicles), from points in Dakota County, Nebr., to points in Alabama, Arkansas, Florida, Georgia, Iowa, Kansas, Kentucky, Louisiana, Mississippi, Missouri, Oklahoma, Tennessee, and Texas.

NOTE: If a hearing is deemed necessary, applicant does not specify place of hearing.

No. MC 118130 (Sub-No. 14), filed May 18, 1965. Applicant: BEN HAMRICK, INC., 2000 Chelsea Drive West, Fort Worth, Tex. Applicant's attorney: M. Ward Bailey, 24th Floor, Continental Life Building, Fort Worth, Tex., 76102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Baby foods, cereal foods preparations, bakery goods*, and *baby supplies*, from the plant and warehouse sites of Gerber Products Co., located at Fort Smith, Ark., to points in Arizona, California, Colorado, Idaho, Kansas, Louisiana, Mississippi, Missouri, Montana, Nebraska, Nevada, New Mexico, North Dakota, Oklahoma, Oregon, South Dakota, Tennessee, Texas, Utah, Washington, and Wyoming, and *exempt commodities*, on return.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Albuquerque, N. Mex.

No. MC 118159 (Sub-No. 21), filed May 17, 1965. Applicant: EVERETT LOWRANCE, Post Office Box 10216, New Orleans, La. Applicant's attorney: Albert A. Andrin, 105 West Adams Street, Chicago 3, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products, and meat byproducts, dairy products, and articles distributed by meat packinghouses, and such commodities as are used by meatpackers in the conduct of their business*, when destined to and for use by meatpackers, as described in sections A, B, C, and D of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk, in tank vehicles), from points in Dakota County, Nebr., to points in Alabama, Arkansas, Florida, Georgia, Iowa, Kansas, Kentucky, Louisiana, Mississippi, Missouri, Oklahoma, Tennessee, and Texas.

NOTE: If a hearing is deemed necessary, applicant did not specify any particular area.

No. MC 118159 (Sub-No. 22), filed May 17, 1965. Applicant: EVERETT LOWRANCE, Post Office Box 10216, New Orleans, La. Applicant's attorney: Albert A. Andrin, 105 West Adams Street, Chicago, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from Russellville, Ark., and points within five (5) miles thereof, to points in Kansas, Louisiana, Mississippi, Missouri, Oklahoma, Tennessee, and Texas.

NOTE: If a hearing is deemed necessary, applicant did not specify any particular area.

No. MC 119531 (Sub-No. 39), filed May 13, 1965. Applicant: DIECKBRADER EXPRESS, INC., 5391 Wooster Road, Cincinnati, Ohio. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Paper shipping containers*, between Louisville, Ky., on the one hand, and, on the other, points in Illinois, Indiana, Michigan, Ohio, and West Virginia, and (2) *materials and supplies used in the manufacture, sale, and distribution of paper shipping containers*, from points in Illinois, Indiana, Michigan, Ohio, and West Virginia, to Louisville, Ky.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 119767 (Sub-No. 77), filed May 10, 1965. Applicant: BEAVER TRANSPORT CO., a corporation, 100 South Calumet Street, Burlington, Wis. Applicant's representative: Fred H. Figge (same as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuff*, from Belvidere, Ill., and Niles, Mich., to points in Minnesota.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 119767 (Sub-No. 79), filed May 17, 1965. Applicant: BEAVER TRANSPORT CO., a corporation, 100 South Calumet Street, Burlington, Wis. Applicant's representative: Fred H. Figge, Post Office Box 339, Burlington, Wis. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Glass containers*, and (2) *closures, caps and/or covers* for glass containers, and *fiberboard boxes*, when moving in mixed loads with glass containers, from Winchester, Ind. to points in Wisconsin.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 119767 (Sub-No. 80), filed May 17, 1965. Applicant: BEAVER TRANSPORT CO., a corporation, 100 South Calumet Street, Burlington, Wis. Applicant's representative: Fred H. Figge, Post Office Box 339, Burlington, Wis. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Glass containers*, and (2) *closures, caps and/or covers* for glass containers, and *fiberboard boxes*, when moving in mixed loads with glass containers, from Plainfield, Ill., to points in Minnesota, North Dakota, South Dakota, and Wisconsin.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 123048 (Sub-No. 61), filed May 12, 1965. Applicant: DIAMOND TRANSPORTATION SYSTEM, INC., 1919 Hamilton Avenue, Racine, Wis. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Agricultural machinery and implements* (other than hand), as defined in Appendix XII 1.(B), in *Descriptions in Motor Carrier Certificates* 61 M.C.C. 209 and *parts thereof when moving with such machinery and implements*, from Memphis, Tenn., to points in Indiana, Michigan, Ohio, points in Missouri on and east of U.S. Highway 65, and those points in Wisconsin on and north of U.S. Highway 10, and *rejected shipments* of the commodities specified above, on return.

NOTE: Applicant states the proposed service to be restricted to (1) traffic originating at Memphis, Tenn., and (2) against tacking or joining with its present authority for the purpose of performing any through transportation service. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Madison, Wis.

No. MC 123640 (Sub-No. 1), filed May 13, 1965. Applicant: SUMMIT CITY ENTERPRISES, INC., 3200 Maumee Avenue, Fort Wayne, Ind. Applicant's attorney: Irving Klein, 280 Broadway, New York, N.Y., 10007. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Such commodities as are dealt in and sold by department stores*, from St. Louis, Mo., points in the Dubuque, Iowa commercial zone as defined by the Commission, points in Milwaukee County, Wis., St. Louis and St. Charles Counties, Mo., and Jefferson County, Ky., points in Illinois, Indiana, Ohio, West Virginia, the Lower Peninsula of Michigan, points in that part of Pennsylvania on and west of U.S. Highway 219, points in that part of Iowa on and south of a line extending along U.S. Highway 20 from the Mississippi River at Dubuque, Iowa, to Waterloo, Iowa, and on and east of a line extending along U.S. Highway 63 from Waterloo to the Iowa-Missouri State line and points in that part of New York on, south and west of a line beginning at Lewiston, N.Y., and extending easterly along U.S. Highway 104 to junction New York Highway 78 at Wrights Corners, N.Y., thence southerly along New York Highway 78 to junction New York Highway 16, thence southerly along New York Highway 16 to the New York-Pennsylvania State line, to Fort Wayne, Ind.

NOTE: Applicant states that the above-proposed operation will be under continuing and exclusive contract with W. T. Grant Co., New York, N.Y. If a hearing is deemed necessary, applicant requests it be held at New York, N.Y.

No. MC 123670 (Sub-No. 7), filed May 13, 1965. Applicant: EARL R. CROWEL AND KENNETH L. CROWEL, a partnership, doing business as CROWEL TRUCKING, 701 West St. Clair, Almont, Mich. Applicant's attorney: Eugene C. Ewald, Suite 1700, 1 Woodward Avenue, Detroit, Mich. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Canned and processed vegetables and mixes thereof*, from Imlay City, Memphis, Detroit, Bridgeport, and Saginaw, Mich., to points in Indiana and Ohio.

NOTE: Applicant states the proposed service to be "under continuing contract with Vlasic Food Products Co." If a hearing is deemed necessary, applicant requests it be held at Lansing, Mich.

No. MC 123670 (Sub-No. 8), filed May 13, 1965. Applicant: EARL R. CROWEL AND KENNETH L. CROWEL, a partnership, doing business as CROWEL TRUCKING, 701 West St. Clair, Almont, Mich. Applicant's attorney: Eugene C. Ewald, Suite 1700, 1 Woodward Avenue, Detroit, Mich. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Canned and processed vegetables and mixes thereof*, from Imlay City, Memphis, Detroit, Bridgeport, and Saginaw, Mich., to points in Illinois.

NOTE: Applicant states the proposed service to be "under continuing contract with Vlasic Food Products Co." If a hearing is deemed necessary, applicant requests it be held at Lansing, Mich.

No. MC 123778 (Sub-No. 4), filed May 11, 1965. Applicant: JOSEPH BAIO, doing business as UNITED NEWSPAPER DELIVERY SERVICE, 75 Cutters Lane, Woodbridge, N.J. Applicant's attorney: Morton E. Kiel, 140 Cedar Street, New York 6, N.Y. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Magazines, magazine racks*, and *advertising matter* shipped with magazines, from Washington, D.C., to points in Con-

necticut and New Jersey, points in that part of Pennsylvania on and east of U.S. Highway 15, and points in that part of New York on and south of New York Highway 5 between Syracuse and Schenectady and New York Highway 7 between Schenectady and the New York-Vermont State line and on and east of U.S. Highway 11 between Syracuse and the New York-Pennsylvania State line.

NOTE: Applicant states that the above-proposed operation will be limited to a transportation service to be performed under a continuing contract, or contracts, with Time, Inc. If a hearing his deemed necessary, applicant requests it be held at New York, N.Y.

No. MC 124004 (Sub-No. 5), filed May 11, 1965. Applicant: RICHARD DAHN, INC., West Mountain Road, Sparta, N.J. Applicant's attorney: Charles J. Williams, 1060 Broad Street, Newark, N.J. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat and bone scrap and bone meal*, in bulk, from points in the New York, N.Y. commercial zone, as defined by the Commission, to points in Connecticut, and points in Rockingham, Merrimack, and Hillsboro Counties, N.H.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Newark, N.J., or New York, N.Y.

No. MC 124004 (Sub-No. 6), filed May 11, 1965. Applicant: RICHARD DAHN, INC., West Mountain Road, Sparta, N.J. Applicant's attorney: Charles J. Williams, 1060 Broad Street, Newark, N.J. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer and fertilizer ingredients*, in bulk, from Middletown, N.Y., to Sussex, N.J.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Newark, N.J., or New York, N.Y.

No. MC 124004 (Sub-No. 7), filed May 11, 1965. Applicant: RICHARD DAHN, INC., West Mountain Road, Sparta, N.J. Applicant's attorney: Charles J. Williams, 1060 Broad Street, Newark, N.J. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Magnetite ore*, in bulk, from Mt. Hope, N.J., to points in Massachusetts and Maryland.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Newark, N.J., or New York, N.Y.

No. MC 124078 (Sub-No. 139), filed May 17, 1965. Applicant: SCHWERMAN TRUCKING CO., a corporation, 611 South 28 Street, Milwaukee, Wis. Applicant's attorney: James R. Ziperski (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Acids, chemicals, fertilizers, and fertilizer ingredients*, in bulk, between points in Illinois, Indiana, Wisconsin, Minnesota, Iowa, Missouri, Kansas, Nebraska, and South Dakota.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or St. Louis, Mo.

No. MC 124123 (Sub-No. 26), filed May 14, 1965. Applicant: SCHWERMAN TRUCKING CO., OF ILL., INC., 611 South 28 Street, Milwaukee, Wis. Applicant's attorney: James R. Ziperski (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Sand*, in bulk, in tank- and hopper-type vehicles, from Troy Grove, Ill., to points in Iowa.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 124211 (Sub-No. 33) (AMENDMENT), filed April 7, 1965, published FEDERAL REGISTER issue of April 21, 1965, amended May 21, 1965, and republished as amended this issue. Applicant: HILT TRUCK LINE, INC., 1813 Yolande, Post Office Box 824, Lincoln, Nebr. Applicant's attorney: David D. Tews, Box 4843, State House Station, Lincoln, Nebr., 68509. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts*, and *articles distributed by meat packinghouses*, as described in Appendix I, to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except liquids in bulk, in tank vehicles and hides), from points in Dakota County, Nebr., and Sioux City, Iowa, to points in Colorado, Illinois, Indiana, Iowa, Kansas, Kentucky, Michigan, Minnesota, Missouri, Ohio, South Dakota, and Wisconsin and *exempt commodities* on return.

NOTE: The purpose of this republication is to add Sioux City, Iowa, as an origin point. Applicant does not specify place of hearing if one is deemed necessary.

No. MC 124628 (Sub-No. 11), filed May 11, 1965. Applicant: SAM FALLICK TRUCKING, INC., 345 Butler Street, Brooklyn, N.Y. Applicant's representative: George A. Olsen, 69 Tonnele Avenue, Jersey City, N.J. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Paint and materials used in the manufacture of paint, and adhesives* (except in bulk in tank vehicles), (1) from St. Louis, Mo., Lyons and Rockford, Ill., to Baltimore, Md., Philadelphia, Pa., points in New York, N.Y., commercial zone as defined by the Commission, Somerset, Pa., Stowe, Ohio, Elkton, Md., and Saugerties, N.Y., and (2) from Fords, Sayerville, and Trenton, N.J., Palmerton and Henderson Station, Pa., to Rockford and Lyons, Ill., and St. Louis, Mo.

NOTE: Applicant states the proposed service to be under continuing contract with Valspar Corp. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 124774 (Sub-No. 11) (AMENDMENT), filed February 15, 1965, published FEDERAL REGISTER issue March 17, 1965, and republished as amended this issue. Applicant: CARAVELLE EXPRESS, INC., Post Office Box 4843, State House Station, Lincoln, Nebr. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts, and articles distributed by meat packinghouses*, as described in Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except liquids in bulk, in tank vehicles, and except hides), from Sioux City, Iowa and points in Dakota County, Nebr., to points in Colorado, Florida, Illinois, Indiana, Iowa, Kansas, Kentucky, Michigan, Minnesota, Missouri, Ohio, South Dakota, and Wisconsin, and *exempt commodities*, on return.

NOTE: The purpose of this republication is to add the origin point of Sioux City, Iowa. If a hearing is deemed necessary, applicant requests it be held at Des Moines, Iowa, or Omaha, Nebr.

No. MC 124774 (Sub-No. 16), filed May 10, 1965. Applicant: CARAVELLE EXPRESS, INC., Post Office Box 384, Norfolk, Nebr. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products, meat byproducts* and *articles distributed by meat packinghouses* as defined by the Commission, from points in Dawson County, Nebr., and Minden, Nebr., and points within 5 miles thereof, to points in Montana and Wyoming and *exempt commodities*, on return.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Cheyenne, Wyo.

No. MC 124774 (Sub-No. 17), filed May 10, 1965. Applicant: CARAVELLE EXPRESS, INC., Post Office Box 384, Norfolk, Nebr. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts and articles distributed by meat packinghouses* as defined by the Commission, from Gordon and Norfolk, Nebr., to points in Wyoming and Montana.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Cheyenne, Wyo.

No. MC 124813 (Sub-No. 21), filed May 12, 1965. Applicant: UMTHUN TRUCKING CO., a corporation, 910 South Jackson Street, Eagle Grove, Iowa. Applicant's representative: William A. Landau, 1307 East Walnut Street, Des Moines 16, Iowa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer*, from Eagle Grove, Iowa, to points in Nebraska.

NOTE: Applicant is also authorized to conduct operations as a contract carrier in Permit MC 118468, therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Des Moines, Iowa.

No. MC 125799 (Sub-No. 1), filed May 17, 1965. Applicant: BLAIRSVILLE TRANSPORT, INC., Rural Delivery No. 3, Blairsville, Pa. Applicant's attorney: John A. Vuono, 1515 Park Building, Pittsburgh, Pa., 15222. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Refractory products* and *refractory materials*, (1) from points in Killbuck Township, Holmes County, Ohio, to points in Maryland, Michigan, New York, and Pennsylvania, and (2) from Glenmont, Ohio, to points in Maryland.

NOTE: Applicant states that the proposed operation will be restricted to a service to be performed under a continuing contract or contracts with Nicholl McBride Stone Co. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 125799 (Sub-No. 2), filed May 17, 1965. Applicant: BLAIRSVILLE TRANSPORT, INC., Rural Delivery No. 3, Blairsville, Pa. Applicant's attorney: John V. Vuono, 1515 Park Building, Pittsburgh, Pa., 15222. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Lumber and lumber materials and supplies*, between Murrysville, Altoona, and Pittsburgh, Pa., on the one hand, and, on the other, points in Maryland, Ohio, and West Virginia.

NOTE: Applicant states that the proposed operation will be restricted to service to be performed under a continuing contract or contracts with Weyerhaeuser Co. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 125918 (Sub-No. 2), filed May 14, 1965. Applicant: JOHN A. DI MEGLIO, Whitehorse Pike, Ancora, N.J. Applicant's representative: George A. Olsen, 69 Tonnele Avenue, Jersey City, N.J. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Brick*, on vehicles equipped with mechanical loading and unloading devices, from Winslow, N.J., to points in Pennsylvania, Massachusetts, New York, Maryland, Connecticut, Rhode Island, and Washington, D.C.

NOTE: Applicant states the proposed service to be under continuing contract with The Alliance Clay Products Co. If a hearing is deemed necessary, applicant requests it be held at Philadelphia, Pa.

No. MC 126553 (Sub-No. 1), filed May 7, 1965. Applicant: ERICH KEDSCH, doing business as U. P. CLAY FARM EQUIPMENT, Rural Route No. 2, Daggett, Mich. Applicant's attorney: Kenneth O. Doyle, First National Bank Building, Menominee, Mich. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Poles, structural lumber, wood siding, galvanized sheets, aluminum sheets, sliding door hardware, nails* and *bolts*, for pole structures (except articles which because of size, shape, or weight, require the use of special equipment), from Gladstone and Wallace, Mich., to points in Wisconsin, Illinois, and Michigan; (2) *posts, rails*, and *manufactured sections or panels*, for wooden fencing (except articles which because of size, shape, or weight, require the use of special equipment), from Gladstone and Wallace, Mich., to points in Michigan, Wisconsin, Indiana, Ohio, Illinois, Tennessee, Alabama, Missouri, Kentucky, Oklahoma, Texas, and Georgia; and (3) *materials* used in the manufacture of the above-described commodities, from points in the above-described destination States, to Gladstone and Wallace, Mich.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Escanaba, Mich., or Green Bay, Wis.

No. MC 126746 (Sub-No. 2), filed May 17, 1965. Applicant: CLARENCE HURD, Box 32, Viola, Del. Applicant's attorney: L. Agnew Myers, Jr., Warner Building, Washington, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Concrete* and *glazed concreted masonry building blocks*, from points in Kent County, Del., to points in Connecticut, New Jersey, points in that part of Maryland east of the Chesapeake Bay and Susquehanna River, points in that part of Virginia east of the Chesapeake Bay, points in Bronx, Delaware, Dutchess, Kings (Brooklyn), Nassau, New York (Manhattan), Orange, Putnam, Queens, Richmond, Suffolk, Sullivan, Ulster, and Westchester Counties, N.Y., and points in that part of Pennsylvania east of the Susquehanna River.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 127023 (Sub-No. 3), filed May 17, 1965. Applicant: R. M. E. TRANSPORT, INC., Post Office Box 418, Streator, Ill. Applicant's attorney: Robert H. Levy, 105 West Adams Street, Chicago, Ill., 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Glassware, glass bottles*, and *glass jars, glass jar and bottle caps* and *covers and cartons for glass bottles and glass jars*, in mixed and straight loads, from Mundelein and Plainfield, Ill., to points in Indiana, Iowa, Michigan, Minnesota, Ohio, and Wisconsin and points in that part of Missouri on and east of U.S. Highway 63 and points in that part of Kentucky on and west of U.S. Highway 27 and *rejected shipments*, on return.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 127099 (Sub-No. 2), filed May 13, 1965. Applicant: ROBERT NEFF & SONS, INC., 132 Shawnee Avenue, Zanesville, Ohio. Applicant's attorney: Herbert Baker, 50 West Broad Street, Columbus 15, Ohio. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Millwork*, including but not limited to *insulated glass, aluminum moulding*, and *metal*, from Malta and Zanesville, Ohio, to points in the United States on and east of U.S. Highway 85, and (2) *material* used in the production of the above items, from points in the United States on and east of U.S. Highway 85 to Malta and Zanesville, Ohio.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Columbus, Ohio.

No. MC 127105 (Sub-No. 1), filed May 12, 1965. Applicant: B. L. KINNEY, doing business as KINNEY TRANSFER, Lower Main Street, Woodstock, New Brunswick, Canada. Applicant's attorney: Francis E. Barrett, Jr., 182 Forbes Building, Forbes Road, Braintree, Mass. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wood chips*, in bulk, in dump vehicles, from ports of entry on the international boundary line between the United States and Canada located at or near Houlton, Maine, to Houlton, Lincoln, and Brewer, Maine.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Portland, Maine.

No. MC 127202 (Sub-No. 1), filed May 10, 1965. Applicant: STEVENS VAN LINES-PONTIAC, INC., 3565 Elizabeth Lake Road, Pontiac, Mich. Applicant's attorney: Alan F. Wohlstetter, 1 Farragut Square, South, Washington, D.C., 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods* as defined by the Commission, (1) between points in Oakland, Wayne, McComb, Washtenaw, Livingston, Shiawassee, Genesee, Lapeer, Sanilac, and St. Clair Counties, Mich., and (2) between points in the above counties, on the one hand, and, on the other, points in Michigan, restricted to shipments having a prior or subsequent movement beyond said counties.

NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Saginaw, Mich.

No. MC 127244, filed May 7, 1965. Applicant: JACK R. SHARKEY, doing business as SHARKEY SHIPPERS SERVICE, No. 4 Valley View Drive, Burlington, Iowa. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Paper*, wrapping, printed and not printed, oiled, waxed and not oiled or waxed; *cellulose film*, printed, for wrapping purposes; *cloth, paper* and *cellulose film* laminated and waxed; *cellulose film*, not printed in sheets cut to size; and *interfolded aluminum foil* without paper backing, from Fort Madison, Iowa, to Chicago, Ill., and points in its commercial zone, and Elk Grove Village, Ill., and *returned shipments* and *empty skids* and *pallets* used in the transportation of the commodities in (1) on return, and (2) *wrapping paper* and *spiral tubes, chipboard, fibreboard* and *pulpboard*, from Joliet, Ill., Appleton, De Pere, Kaukauna, Mosinee, Port Edwards, Rhinelander, Shawano, and Wisconsin Rapids, Wis., to Fort Madison, Iowa, and *returned shipments*, and *empty skids* and *pallets* used in the transportation of the commodities in (2) on return.

NOTE: Applicant states the proposed operations will be under a continuing contract with Mid-West Wax Paper Co., of Fort Madison, Iowa. If a hearing is deemed necessary, applicant requests it be held at Des Moines, Iowa.

No. MC 127247 (Sub-No. 1), filed May 17, 1965. Applicant: LELAND R. HAWTHORNE & SON, INC., Maple Street, Hazardville (Enfield), Conn. Applicant's attorney: Reubin Kaminsky, Suite 223, 410 Asylum Street, Hartford, Conn. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Wood cable shipping reels, empty*, from Hazardville, Conn., to Rome and Chester, N.Y., points in the New York, N.Y., commercial zone, points in Westchester County, N.Y., points in the Philadelphia, Pa., commercial zone, and points in Massachusetts, Rhode Island, and New Jersey; and (2) *materials* and *supplies* used in the manufacture of wood cable shipping reels, from points in New

Hampshire, Massachusetts, Rhode Island, and points in the New York, N.Y., commercial zone, to Hazardville, Conn.

NOTE: Applicant states that the above-proposed operations will be under continuing contract with The Bridge Manufacturing Co., of Hazardville, Conn. If a hearing is deemed necessary, applicant requests it be held at Hartford, Conn.

No. MC 127249, filed April 30, 1965. Applicant: ATLAS FREIGHT LINES, INC., Box 12, Rittman, Ohio. Applicant's attorney: Clarence D. Todd, 1825 Jefferson Place NW., Washington, D.C., 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Paper products*, from Rittman, Ohio, to Detroit, Mich., and points within 10 miles of Detroit, points in that part of New York on and west of a line beginning at Rochester and extending along New York Highway 96 to Owego, thence across the Susquehanna River to junction unnumbered highway, and thence along unnumbered highway via South Owego to the New York-Pennsylvania State line, those in that part of Pennsylvania on and west of U.S. Highway 219, and those in that part of West Virginia on and north of U.S. Highway 50; (2) *waste paper*, from Detroit, Mich., points in that part of New York on and west of a line beginning at Rochester and extending along New York Highway 96 to Owego, thence across the Susquehanna River to junction unnumbered highway, and thence along unnumbered highway via South Owego to the New York-Pennsylvania State line, those in that part of Pennsylvania on and west of U.S. Highway 219, and those in that part of West Virginia on and north of U.S. Highway 50, to Rittman, Ohio; (3) *pulpboard, paper boxes, corrugated paper products*, and *machinery* used in the manufacture of such commodities, from Pittsburgh, Pa., to points in Ohio, West Virginia, and those in that part of New York on and west of a line beginning at Rochester and extending along U.S. Highway 15 to the New York-Pennsylvania State line; (4) *paper, paper articles, waste paper*, and *such machinery, articles and supplies* as are used in the manufacture of paper and paper articles, between Rittman, Ohio, on the one hand, and, on the other, points in that part of New York east of a line beginning at Rochester and extending along New York Highway 96 to Owego.

Thence across the Susquehanna River to junction unnumbered highway, and thence along said unnumbered highway via South Owego to the New York-Pennsylvania State line, points in that part of Pennsylvania east of U.S. Highway 219, points in that part of West Virginia south of U.S. Highway 50, points in Michigan except Detroit, Mich., and points within 10 miles of Detroit, and points in Massachusetts, Rhode Island, Connecticut, New Jersey, Maryland, Delaware, Virginia, Indiana, Kentucky, Tennessee, Wisconsin, Illinois, Missouri, and the District of Columbia; (5) *scrap paper*, from points in Connecticut, Delaware, Illinois, Indiana, Kentucky, Maryland, Massachusetts, Michigan, Missouri, New Jersey, New York, Pennsylvania, Rhode Island, West Virginia, and the District of Columbia, to Akron and Cleveland, Ohio; and (6) *pallets, skids*, and *containers*, in which scrap paper is shipped, from Akron and Cleveland, Ohio, to points in the origin States specified in (5) above.

NOTE: Applicant presently holds the above-proposed authority as contract-carrier authority under Permit No. MC 113768 and Subs thereunder and by this application, seeks to convert it to common-carrier authority. If a hearing is deemed necessary, applicant requests it be held at Columbus, Ohio.

No. MC 127257, filed April 26, 1965. Applicant: CENTEX MATERIALS, INC., 600 Pine Street, Beaumont, Tex. Applicant's attorney: John H. Benckenstein, Post Office Box 551, Beaumont, Tex. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Sand, gravel, shell, crushed limestone, crushed marble*, and *aggregate*, in bulk, in hoppers or dump trucks and trailers, between points in Acadia, Allen, Beauregard, Calcasieu, Cameron, Evangeline, Grant, Jefferson Davis, Lafayette, Natchitoches, Rapides, Sabine, St. Landry, Vermilion, and Vernon Parishes, La., and Angelina, Chambers, Galveston, Hardin, Harris, Jasper, Jefferson, Liberty, Nacogdoches, Newton, Orange, Polk, Sabine, San Jacinto, Shelby, San Augustine, and Tyler Counties, Tex.

NOTE: If a hearing is deemed necessary, applicant requests it be held at New Orleans, La.

No. MC 127258, filed May 10, 1965. Applicant: HAROLD WAGGONER & COMPANY, a corporation, 103 Westminister, Collinsville, Ill. Applicant's attorney: Delmar O. Koebel, 107 West St. Louis Street, Lebanon, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Acids and chemicals*, in bulk, in tank vehicles, between Tri-City Regional Port District, in Madison County, Ill., and points in the United States (except points in Alaska and Hawaii).

NOTE: Applicant has contract carrier authority under MC 115573 and Subs 5 and 6 thereunder, therefore, dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at St. Louis, Mo.

No. MC 127262, filed May 13, 1965. Applicant: ERNEST RAYMOND FRAME, 7716 Rock Hill Road, St. Louis, Mo. Applicant's attorney: Joseph R. Nacy, 117 West High Street, Jefferson City, Mo. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (A) *Shipper-owned empty semitrailers*, (1) from St. Louis, Mo. to points in Illinois, and (2) from East St. Louis, Ill., to points in Missouri, and (B) *scrap iron and scrap metal in shipper-owned semitrailers*, (1) from points in Illinois to St. Louis, Mo., and (2) from points in Missouri to East St. Louis, Ill.

NOTE: If a hearing is deemed necessary, applicant requests it be held at St. Louis, Mo.

No. MC 127269, filed May 13, 1965. Applicant: MERLIN MARTIN, doing business as MERLIN MARTIN MOVING & STORAGE, Wadena, Minn. Applicant's attorney: Val M. Higgins, 1000 First National Bank Building, Minneapolis, Minn., 55402. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wood shavings* in bales, and *by-products thereof*, in bundles, bales, and bags, from Wadena, Osage, Menagha, and Park Rapids, Minn., and points within 20 miles of Park Rapids, Minn., to points in Illinois, Indiana, Iowa, Michigan, Minnesota, Missouri, Nebraska, North Dakota, South Dakota, and Wisconsin.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Minneapolis, Minn.

No. MC 127271, filed April 29, 1965. Applicant: GILFORD MARINA, INC., Route 11-B, Gilford, N.H. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Boats*, between points in New Hampshire, Massachusetts, Maine, Vermont, Rhode Island, Connecticut, New York, New Jersey, Pennsylvania, Delaware, and Maryland.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Concord, N.H.

No. MC 127274, filed May 14, 1965. Applicant: SHERWOOD TRUCKING, INC., 1517 Hoyt Avenue, Post Office Box 2189, Muncie, Ind. Applicant's attorney: Howell Ellis, 616-618 Fidelity Building, 111 Monument Circle, Indianapolis, Ind., 46204. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Soap, toilet preparations, and related articles* as produced and distributed by the Colgate-Palmolive Co. at Jeffersonville and Clarksville, Ind., (1) from Jeffersonville and Clarksville, Ind., to Birmingham, Ala.; and (2) from Birmingham, Ala., to New Orleans, La.

NOTE: Applicant states that it intends to "drop off a partial load at Birmingham and deliver the remainder of the load at New Orleans." If a hearing is deemed necessary, applicant requests it be held at Louisville, Ky., or Washington, D.C.

No. MC 127275, filed May 17, 1965. Applicant: BORIS GNESDILOW, doing business as B G TRANSPORT, 6 Brook Street, Willimantic, Conn. Applicant's attorney: Reubin Kaminsky, Suite 223, 410 Asylum Street, Hartford, Conn. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Feed additives and fats*, from Columbia and Plainfield, Conn., to Boston, Mass., points in the New York, N.Y., commercial zone, Allentown, Pa., Camden, N.J., and points in Rhode Island; and (2) *materials* and *supplies* used in the manufacture of feed additives and fats, from points in Massachusetts, New Hampshire, Rhode Island, and Vermont, Augusta, Maine, Albany, and Troy, N.Y., and points in the New York, N.Y., commercial zone, to Columbia and Plainfield, Conn.

NOTE: Applicant states that the above-proposed operations will be under continuing contracts with Connecticut Bi-Products, Inc. If a hearing is deemed necessary applicant requests it be held at Harford, Conn.

No. MC 127277, filed May 17, 1965. Applicant: LEONARD DOUGHERTY, 3140 John R, Rochester, Mich. Applicant's attorney: William B. Elmer, 22644 Gratiot Avenue, East Detroit, Mich., 48021. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Die sets, assembled and unassembled* and *materials and supplies* used in the manufacture thereof, from Cleveland, Dayton, and Canton, Ohio, and Chicago, Ill., to Detroit, Mich., and *damaged and rejected shipments*, on return.

NOTE: Applicant states that the above-proposed operation will be under a continuing contract or contracts with Die Supply Corp. of Detroit, Mich. If a hearing is deemed necessary, applicant requests it be held at Lansing, Mich.

MOTOR CARRIERS OF PASSENGERS

No. MC 34752 (Sub-No. 3), filed May 12, 1965. Applicant: LINCOLN COACH CO., INC., 32 Main Street, Dobbs Ferry, N.Y. Applicant's attorney: Sidney J. Leshin, 55 Liberty Street, New York 5, N.Y. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers and their baggage*, in the same vehicle with passengers (1) from the Railroad Station in Stamford, Conn., east over South State Street to junction Guernsey Street, thence north over Guernsey Street to junction North State Street; thence west over North State Street to junction Connecticut Turnpike (Interstate Highway 95); thence west over Connecticut Turnpike (Interstate Highway 95) to junction Cross Westchester Expressway (Interstate Highway 287); thence northwest over Cross Westchester Expressway (Interstate Highway 287) to junction North Broadway (New York Highway 22) in White Plains, N.Y., thence south over North Broadway (New York Highway 22) to junction Hamilton Avenue; thence west over Hamilton Avenue to the White Plains Bus Terminal located on Bronx Street between Hamilton Avenue and Main Street; thence west over Hamilton Avenue to junction Central Avenue, thence north over Central Avenue to junction Tarrytown-White Plains Road (New York Highway 119) in White Plains, thence west over Tarrytown-White Plains Road (New York Highway 119) to junction Cross Westchester Expressway in White Plains.

Thence west over the Cross Westchester Expressway (Interstate Highway 287) to junction Tarrytown-White Plains Road (New York Highway 119) in the village of Tarrytown, thence west over Tarrytown-White Plains Road (New York Highway 119) to junction Benedict Avenue, thence over Benedict Avenue to junction South Broadway (New York Highway 9), thence north over South Broadway to junction Franklin Street, thence west over Franklin Street to junction Orchard Street, thence north over Orchard Street to junction Main Street, thence west over Main Street to the Tarrytown Railroad Station, thence east over Main Street to junction North Broadway (New York Highway 9), thence north over New York Highway 9 to junction Croton Point Avenue in the village of Harmon, N.Y., thence west over Croton Point Avenue to the Harmon, N.Y. Railroad Station, serving the intermediate points of Tarrytown and White Plains, N.Y.; (2) from the Railroad Station in Harmon, N.Y. east over Croton Point Avenue, to junction New York Highway 9, thence south over New York Highway 9 to junction Main Street in the village of Tarrytown, N.Y., thence west over Main Street to the Tarrytown Railroad Station, thence east over Main Street to junction Orchard Street, thence south over Orchard Street to junction Franklin Street, thence east over Franklin Street to junction South Broadway (New York Highway 9), thence south over South Broadway to junction Benedict Avenue, thence over Benedict Avenue to junction Tarrytown-White Plains Road in the village of Tarrytown, thence east over Tarrytown-White Plains Road to junction Cross Westchester Expressway (Interstate Highway 287), thence east over Cross Westchester Expressway (Interstate Highway 287) to junction Tarrytown-White Plains Road, in White Plains, thence east over Tarrytown-White Plains Road to junction Central Avenue, thence south over Central Avenue, to junction Main Street, thence east over Main Street to the White Plains Bus Terminal located on Bronx Street between Main Street and Hamilton Avenue, thence east over Main Street to junction North Broadway.

Thence south over North Broadway to junction Armory Place, thence east over Armory Place to junction Westchester Avenue, thence over Westchester Avenue to junction Cross Westchester Expressway, thence east and south over the Cross Westchester Expressway to junction Connecticut Turnpike (Interstate Highway 95), thence over Connecticut Turnpike to Exit No. 7 in Stamford, Conn., thence east at Exit No. 7 to junction South State Street, thence east over South State Street to the Stamford, Conn., Railroad Station serving the intermediate points of Tarrytown and White Plains, N.Y.; (3) from the Bus Terminal, White Plains, N.Y., over Hamilton Avenue, to junction Central Avenue, thence north over Central Avenue to junction Tarrytown-White Plains Road (New York Highway 119), thence west over Tarrytown-White Plains Road to junction New York Highway 100 in White Plains, N.Y., thence north over New York Highway 100 to junction New York Highway 9A, thence north and east over New York Highway 9A to junction New York Highway 9, thence north over New York Highway 9 to junction Croton Point Avenue in the village of Harmon, N.Y., and return over the same route, serving no intermediate points, as an alternate route for operating convenience only in connection with above-proposed regular-route operations.

NOTE: If a hearing is deemed necessary, applicant requests it be held at White Plains, N.Y., or New York, N.Y.

No. MC 96318 (Sub-No. 11), filed May 14, 1965. Applicant: YELLOW COACH LINES, INC., 19 Center Street, Pittsfield, Mass. Applicant's attorney: Andrew T. Campoli, 7 North Street, Pittsfield, Mass. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers and their baggage and effects*, between Danbury and New Milford, Conn., over U.S. Highway 7, serving all intermediate points.

NOTE: Applicant states it "proposes to combine this authority with its regular route between Pittsfield, Mass., and Danbury, Conn., contained in MC 96318 Sub No. 6." If a hearing is deemed necessary, applicant requests it be held at Hartford, Conn.

No. MC 124651 (Sub-No. 2), filed May 12, 1965. Applicant: GEORGE LANICH, PAUL LANICH, AND MARY LANICH, doing business as LANICH BUS LINES, Box 57, Kent, Pa. Applicant's attorney: Philip M. Browning, Jr., 1515 Park Building, Pittsburgh, Pa., 15222. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers and their baggage*, and *newspapers* and *express*, in the same vehicle with passengers (1) between Indiana and Blairsville, Pa., from Indiana over U.S. Highway 119 to junction unnumbered highway, thence over unnumbered highway to Josephine, thence return over unnumbered highway to junction U.S. Highway 119, thence over U.S. Highway 119 to junction U.S. Highway 22, thence over U.S. Highway 22 to junction Pennsylvania Highway 217, thence over Pennsylvania Highway 217 to Blairsville, and return over the same route, serving all intermediate points, and (2) between Elders Ridge and Indiana, Pa., from Elders Ridge over Pennsylvania Highway 574 to junction Pennsylvania Highway 286 by Iselin, thence over Pennsylvania Highway 286 to Jacksonville, thence over Pennsylvania Legislative Highway 32033 to McIntyre, thence over Pennsylvania Legislative Highway 32118 to Coal Run, and return over the same route to Jacksonville, thence over Pennsylvania Highway 286 to Indiana, and return over the same route, serving all intermediate points.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Pittsburgh, Pa.

No. MC 127229, filed May 6, 1965. Applicant: AERO TRANSPORTATION CORP., 29 Venna Avenue, North Haledon, N.J. Applicant's attorney: Sidney J. Leshin, 55 Liberty Street, New York 5, N.Y. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers and their baggage*, between Paterson, N.J., and La Guardia Airport and Kennedy International Airport, N.Y., from Paterson over Market Street to Madison Avenue, thence north over Madison Avenue to Park Avenue, thence east over Park Avenue to East 33d Street, thence north over East 33d Street to Broadway, thence east over Broadway to New Jersey Highway 4, thence east over New Jersey Highway 4 to the George Washington Bridge, thence crossing the New Jersey-New York State line to Interstate Highway 95, thence east over Interstate Highway 95 (Cross Bronx Expressway) to Bruckner Boulevard, thence north over Bruckner Boulevard to the service road

of the Hutchinson River Parkway, thence east over said service road to the Whitestone Bridge, and thence over the Whitestone Bridge to the Whitestone Parkway, thence south over the Whitestone Parkway to: (A) the Van Wyck Expressway and thence south over the Van Wyck Expressway to the Kennedy International Airport; or (B) west over Northern Boulevard to Astoria Boulevard and thence west over Astoria Boulevard to Ditmars Boulevard, thence north and west over Ditmars Boulevard to 94th Street, thence north over 94th Street to La Guardia Airport; departing from La Guardia Airport at 94th Street, thence south over 94th Street to Ditmars Boulevard, thence east and south over Ditmars Boulevard to Astoria Boulevard, to Northern Boulevard, thence east over Northern Boulevard to Van Wyck Expressway, thence south over Van Wyck Expressway to Kennedy International Airport, and return over the same routes, serving no intermediate points.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Newark, N.J.

APPLICATIONS OF WATER CARRIERS

No. W-353 (Sub-No. 1) (Ingram Corp.—Extension—Nashville), filed May 18, 1965. Applicant: INGRAM CORPORATION, 4304 Harding Road, Nashville, Tenn. Applicant's attorney: Donald MacLeay, 1625 K Street NW., Washington 6, D.C. Authority sought to operate as a *contract carrier* under Part III of the Interstate Commerce Act, in interstate or foreign commerce at Nashville, Tenn., in the furnishing for compensation (under charter, lease, or other agreement) of towing vessels and nonself-propelled barges, without crews, owned by the said Ingram Corp., to persons other than carriers subject to the Interstate Commerce Act, to be used by them in the transportation of their own property.

NOTE: Applicant states the proposed operation is sought in place of Cairo, Ill., as shown in part (1) of 4th amended permit issued May 6, 1965; part (2) of said permit remains as published.

No. W-1214 (William L. Tedford, doing business as Arkansas Marine—Common Carrier Application—filed May 19, 1965. Applicant: WILLIAM L. TEDFORD, doing business as ARKANSAS MARINE, 5000 Country Club Boulevard, Little Rock, Ark. Authority sought to operate as a *common carrier* by water, covering a new operation in interstate or foreign commerce in the transportation of *general commodities*, in yearround operation, (1) between all points on the Arkansas River from Little Rock to the mouth, to all points on the Mississippi River from St. Louis to New Orleans, and (2) between all points on the Mississippi River from St. Louis to New Orleans, to all points on the Arkansas River from its mouth to Little Rock.

APPLICATIONS IN WHICH HANDLING WITHOUT ORAL HEARING HAS BEEN REQUESTED

MOTOR CARRIERS OF PROPERTY

No. MC 2245 (Sub-No. 4) (AMENDMENT), filed February 19, 1965, published FEDERAL REGISTER issue of May 13, 1965, amended May 19, 1965, and republished as amended this issue. Applicant: THE O. K. TRUCKING COMPANY, a corporation, 1810 South Street, Cincinnati, Ohio, 45204. Applicant's attorneys: James E. Wilson, Perpetual Building, 1111 E Street NW., Washington, D.C., and Jack B. Josselson, Atlas Bank Building, Cincinnati, Ohio, 45202.

NOTE: The purpose of this republication is to also show Jack B. Josselson, as the applicant's attorney.

No. MC 4963 (Sub-No. 18), filed March 1, 1965. Applicant: JONES MOTOR CO., INC., Bridge Street and Schuylkill Road, Spring City, Pa. Applicant's attorney: John C. Bradley, Suite 618 Perpetual Building, 1111 E Street NW., Washington, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: (A) *General commodities* (except those of unusual value, livestock, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading), (1) between Roanoke, Va. and Scranton, Pa., over U.S. Highway 11, (2) between Roanoke, Va. and Spring City, Pa., (a) from Roanoke over U.S. Highway 11 to Harrisburg, Pa., thence over U.S. Highway 422 to Pottstown, Pa., thence over Pennsylvania Highway 100 to junction Pennsylvania Highway 724, and thence over Pennsylvania Highway 724 to Spring City, and return over the same route, (b) from Roanoke over U.S. Highway 11 to Stephens City, Va., thence over Virginia Highway 277 to Double Toll Gate, Va., thence over U.S. Highway 340 to Frederick, Md., thence over Interstate Highway 70 to junction Maryland Highway 194, thence over Maryland Highway 194 to the Maryland-Pennsylvania State line, thence over Pennsylvania Highway 194 to Hanover, Pa., thence over Pennsylvania Highway 116 to junction U.S. Highway 30, thence over U.S. Highway 30 to Lancaster, Pa., thence over Pennsylvania Highway 23 to junction unnumbered highway (Bridge Street Extension), thence over unnumbered highway to Spring City, and return over the same route, (3) between Roanoke, Va. and Bluefield, Va., from Roanoke over U.S. Highway 11 to Dublin, Va.

Thence over Virginia Highway 100 to Pearisburg, Va., and thence over U.S. Highway 460 to Bluefield, and return over the same route. Applicant proposes in connection with each of the above routes to serve all intermediate points in Virginia and Pennsylvania, and off-route points in that part of Pennsylvania east of U.S. Highway 220 and south of a line extending from Towanda, Pa., along U.S. Highway 6 to Wyalusing, Pa., thence along U.S. Highway 106 to Carbondale, Pa., and thence along U.S. Highway 6 to the Pennsylvania-New Jersey State line, including points on the indicated portions of said highways, points in that part of Virginia west of a line extending from the Virginia-North Carolina State line along U.S. Highway 15 to Warrenton, Va., and thence along U.S. Highway 211 to the District of Columbia-Virginia line, including points on the indicated portions of the highways specified, and the intermediate or off-route points of Amcelle, Brunswick, Frederick, Hagerstown, and Williamsport, Md. Also, applicant states that the service proposed above will be restricted to the transportation of shipments which move from, to or through Roanoke, Va. (4) Between Charlotte, N.C. and Bluefield, Va., from Charlotte over U.S. Highway 29 to junction U.S. Highway 601, thence over U.S. Highway 601 to Mount Airy, N.C., thence over U.S. Highway 52 to Hillsville, Va., thence over U.S. Highway 221 to junction Virginia Highway 100, thence over Virginia Highway 100 to Pearisburg, Va., thence over U.S. Highway 460 to Bluefield, and return over the same route, serving all intermediate points in Virgina and North Carolina, and the off-route points of Bristol and Pulaski, Va. and High Point, N.C.

Also applicant states the service proposed in (4) above will be restricted to the transportation of shipments which move from, to or through points in North Carolina. (B) *General commodities* (except Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment and those injurious or contaminating to other lading), (5) between Wilmington, Del. and Baltimore, Md., from Wilmington over U.S. Highway 13 to junction U.S. Highway 40, and thence over U.S. Highway 40 to Baltimore, and return over the same route; (6) between Wilmington, Del., and Harrisburg, Pa., from Wilmington over Delaware Highway 48 to junction Delaware Highway 41, thence over Delaware Highway 41 to the Delaware-Pennsylvania State line, thence over Pennsylvania Highway 41 to junction U.S. Highway 30 at or near Gap, Pa., thence over U.S. Highway 30 to junction U.S. Highway 230, and thence over U.S. Highway 230 to Harrisburg, and return over the same route. Applicant states that in connection with routes (5) and (6) above it proposes to serve all intermediate points, off-route points in New Castle County, Del. and off-route points located in that portion of Pennsylvania east of a line beginning at Harrisburg, Pa., and extending along an unnumbered highway (formerly U.S. Highway 111) to junction U.S. Highway 111, thence along U.S. Highway 111 to junction unnumbered highway (formerly U.S. Highway 111) at or near Strinestown, Pa., thence along unnumbered highway to Zionsview, Pa., thence along Interstate Highway 83 (formerly U.S. Highway 111) through Jacobus, Loganville, and Shrewsbury, Pa., to the Pennsylvania-Maryland State line and south of a line beginning at Harrisburg, Pa., and extending along U.S. Highway 22 to junction Pennsylvania Highway 39 (formerly U.S. Highway 22).

Thence over Pennsylvania Highway 39 to Manada Hill, Pa., thence along unnumbered highway (formerly U.S. Highway 22) through Shellsville, Grantville, East Hanover, Ono, and Jonestown, Pa. to junction U.S. Highway 22, thence along U.S. Highway 22 to junction unnumbered highway (formerly U.S. Highway 22), thence along unnumbered highway through Allentown, Butztown, West Easton, and Easton, Pa. to the Delaware River, including points on the indicated portions of the highways specified, and off-route points located in that part of Maryland east of a line beginning at the Maryland-Pennsylvania State line and extending along Maryland Highway 45 (formerly U.S. Highway 111) to junction U.S. Highway 111 near Cockeysville, Md., thence along U.S. Highway 111 to Baltimore, Md., and north of the southern boundary of Kent County, Md., also, applicant states the service proposed above in (5) and (6) will be restricted to the transportation of shipments either picked up or delivered at a point in New Castle County, Del., or moved through New Castle County, Del., by tacking with other operating authorities. (C) *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading), (7) (a) between Wilmington, Del., and Salisbury, Md., over U.S. Highway 13; (b) between Wilmington, Del., and Cambridge, Md., from Wilmington over U.S. Highway 13 to junction U.S. Highway 301S at or near State Road, Del.

Thence over U.S. Highway 301S to junction U.S. Highway 301N, thence over U.S. Highway 301 to junction U.S. Highway 213, thence over U.S. Highway 213 to junction U.S. Highway 50 near Wye Mills, Md., thence over U.S. Highway 50 to junction Maryland Highway 343, and thence over Maryland Highway 343 to Cambridge, and return over the same route; (c) between Wilmington, Del., and Berlin, Md., from Wilmington over U.S. Highway 13 to junction U.S. Highway 113 at or near Dover, Del., and thence over U.S. Highway 113 to Berlin, and return over the same route. Applicant states that in connection with routes (7) (a), (b), and (c) it proposes to serve all intermediate points, those off-route points in Delaware, and those off-route points in that part of Pennsylvania on and east of a line beginning at the Maryland-Pennsylvania State line and extending along U.S. Highway 1 (formerly U.S. Highway 122) to junction Pennsylvania Highway 10 (formerly U.S. Highway 122), thence along Pennsylvania Highway 10 to junction U.S. Highway 30, and on and south of a line beginning at junction U.S. Highway 30 and Pennsylvania Highway 10 (formerly U.S. Highway 122), and extending along U.S. Highway 30 to junction unnumbered highway (formerly U.S. Highway 30), thence along unnumbered highway through Coatesville, Pa., to junction U.S. Highway 30 near Downingtown, Pa., and thence along U.S. Highway 30 to the Pennsylvania-New Jersey State line (including Philadelphia, Pa.), and the off-route points of Aberdeen and Havre de Grace, Md., east of the Susquehanna River and the Chesapeake Bay. Applicant further states that the service proposed above will be restricted to the transportation of shipments which move from, to or through Wilmington, Del.

NOTE 1: The authority sought over routes (1), (2) (a) and (b), and (3) above is based upon the existing route authority now held in Docket No. MC-4963 Sub 16.

If this application is granted *in full*, applicant is willing to have canceled that portion of the authority indicated by the words italicised hereinafter: IRREGULAR ROUTES: *General commodities* (except those of unusual value, livestock, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading), between Roanoke, Va., on the one hand, and, on the other, La France, South Carolina, *Amcelle, Brunswick, Frederick, Hagerstown, and Williamsport, Md.*, Alpha, Beverly, and Burlington, New Jersey, points in Bergen, Essex, Hudson, Middlesex, Morris, Passaic, Somerset, Sussex, and Union Counties, N.J., not including Paterson, N.J., *and those in that part of Pennsylvania east of U.S. Highway 220 and south of a line extending from Towanda, Pennsylvania, along U.S. Highway 6 to Wyalusing, Pa., thence along U.S. Highway 106 to Carbondale, Pa., and thence along U.S. Highway 6 to the Pennsylvania-New Jersey State line, including points on the indicated portions of the highways specified, not including Allentown, Pa. Between Roanoke, Va., on the one hand, and, on the other, points in that part of Virginia west of a line extending from the Virginia-North Carolina State line along U.S. Highway 15 to Warrenton, Va., and thence along U.S. Highway 211 to the District of Columbia-Virginia line, including points on the indicated portions of the highways specified.*

NOTE 2: The authority sought over route (4) above is based upon the existing irregular route authority now held in Docket No. MC-4963 Sub 16.

Since applicant seeks only a single route and the existing irregular route authority includes the entire State of North Carolina, no cancellation is proposed. Instead, it is believed that a "no-duplication" restriction is appropriate.

NOTE 3: The authority sought over routes (5) and (6) above is based upon the existing irregular route authority now held in Docket No. MC-4963, Sub 16.

If this application in granted *in full*, applicant is willing to have canceled all of the following authority: *General commodities* (except Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading), between points in New Castle County, Del., on the one hand, and, on the other, Baltimore, Md., and points in that part of Maryland, east of a line beginning at the Maryland-Pennsylvania State line and extending along Maryland Highway 45 (formerly U.S. Highway 111) to junction U.S. Highway 111 near Cockeysville, Md., thence along U.S. Highway 111 to Baltimore, Md., and north of the southern boundary of Kent County, Md.; points in Pennsylvania east of a line beginning at Harrisburg, Pa., and extending along an unnumbered highway (formerly U.S. Highway 111) to junction U.S. Highway 111, thence along U.S. Highway 111 to junction unnumbered highway (formerly U.S. Highway 111) at or near Strinestown, Pa., thence along unnumbered highway to Zionsview, Pa., thence along Interstate Highway 83 (formerly U.S. Highway 111) to York, Pa., thence along unnumbered highway (formerly U.S. Highway 111) via Jacobus, Loganville, and Shrewsbury, Pa., to the Pennsylvania-Maryland State line, and south of a line beginning at Harrisburg, Pa., and extending along U.S. Highway 22 to junction Pennsylvania Highway 39 (formerly U.S. Highway 22), thence along unnumbered highway (formerly U.S. Highway 22) via Shellsville, Grantville, East Hanover, Ono, and Jonestown, Pa., to junction U.S. Highway 22, thence along U.S. Highway 22 to junction unnumbered highway (formerly U.S. Highway 22), thence along unnumbered highway through Allentown, Butztown, West Easton, and Easton, Pa., to the Delaware River, including points on the indicated portions of the highways specified. If the Commission is of the opinion that the off-route point territory sought is not appropriate in this instance, applicant does not desire any cancellation of authority and believes that the "no duplication" restriction is adequate.

NOTE 4: The authority sought over routes (7) (a), (b), and (c) above is based upon the existing irregular authority now held in Docket No. MC 4963, Sub 17.

If this application is granted *in full*, applicant is willing to have canceled all of the following authority: IRREGULAR ROUTES: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading), between points in Delaware, those in that part of Pennsylvania on and east of a line beginning at the Maryland-Pennsylvania State line and extending along U.S. Highway 1 (formerly U.S. Highway 122) to junction Pennsylvania Highway 10 (formerly U.S. Highway 122), thence along Pennsylvania Highway 10 to junction U.S. Highway 30, and on and south of a line beginning at junction U.S. Highway 30 and Pennsylvania Highway 10 (formerly U.S. Highway 122), and extending along U.S. Highway 30 to junction unnumbered highway (formerly U.S. Highway—30), thence along unnumbered highway through Coatesville, Pa., to junction U.S. Highway 30 near Downingtown, Pa., and thence along U.S. Highway 30 to the Pennsylvania-New Jersey State line (including Philadelphia, Pa.), and Aberdeen and Havre de Grace, Md., and points in that part of Maryland east of the Susquehanna River and Chesapeake Bay

(except between points which regular service is authorized above). RESTRICTION: The service authorized hereinabove is restricted to the transportation of shipments on the above-described regular and irregular route operations which move from, to or through Wilmington, Del. This application is filed pursuant to MC-C-4366, effective May 1, 1964, which provides the special rules for conversion of irregular-route to regular-route motor carrier operations.

SPECIAL NOTE: Protests to this application may be filed within 45 days instead of 30 days.

No. MC 5470 (Sub-No. 16), filed May 14, 1965. Applicant: ERSKINE & SONS, INC., Post Office Box 146, Rural Delivery No. 5, Mercer, Pa. Applicant's attorney: Donald E. Cross, Munsey Building, Washington, D.C., 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Coal tar pitch*, in bulk, from Youngstown, Ohio, to Bethlehem, Pa.

No. MC 31919 (Sub-No. 4), filed February 25, 1965. Applicant: CROWE & CO., INC., 28 East Main Street, Rockville, Conn. Applicant's attorney: James E. Wilson, Perpetual Building, 1111 E Street NW., Washington, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value and except dangerous explosives, household goods as defined by the Commission in *Practices of Motor Common Carriers of Household Goods*, 17 M.C.C. 467, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading), (1) between Waterbury, Conn., and New York, N.Y.: From Waterbury over Connecticut Highway 8 to Bridgeport, Conn., thence over Interstate Highway 95 to New York and return over the same route serving all intermediate points and all off-route points in Westchester County, N.Y., those on Long Island, N.Y., west of New York Highway 112; those in Bergen, Passaic, Essex, Hudson, Union, and Middlesex Counties, N.J., and all intermediate and off-route points in Connecticut. RESTRICTION: Service is not proposed between any two points in Connecticut; between any two points in Westchester County and Long Island, N.Y., and between any two points in the above-named counties in New Jersey, except as otherwise proposed herein; (2) between Schenectady, N.Y. and New Haven, Conn.: (a) From Schenectady over New York Highway 7 to Troy, N.Y., thence over New York and Massachusetts Highway 2 to Greenfield, Mass., thence over U.S. Highway 5 to Hartford, Conn., thence over Connecticut Highway 71 to Meriden, Conn., and return over the same route; thence over U.S. Highway 5 to New Haven, (b) from Schenectady over New York Highway 5 to Albany.

Thence over U.S. Highway 20 to Lee, Mass., thence over Interstate Highway 90 to Chicopee, Mass., thence over Interstate Highway 91 to Hartford, thence over U.S. Highway 5 to New Haven and return over the same route; (c) from Schenectady as described above to Pittsfield, Mass., thence over U.S. Highway 7 to Norwalk, Conn., thence over U.S. Highway 1 to New Haven and return over the same route; (3) between Schenectady, N.Y., and Norwich, Conn.: From Schenectady as described above to Lee, Mass., thence over U.S. Highway 20 to junction Massachusetts Highway 8, thence over Massachusetts and Connecticut Highway 8 to Winsted, Conn., thence over U.S. Highway 44 to East Hartford, Conn., thence over Connecticut Highway 2 to Norwich and return over the same route. Service is proposed to and from all intermediate and authorized off-route points in New York and all intermediate and off-route points in Connecticut and all authorized intermediate and off-route points in Massachusetts. RESTRICTION: Service is not proposed between any two points in New York, between any two points in Massachusetts; between any two points in Connecticut, except as otherwise proposed herein. (4) Between Albany, N.Y., and Hartford, Conn.: From Albany over Interstate Highway 87 to junction Interstate Highway 90, thence over Interstate Highway 90 to Lee, Mass., and thence over the above-described routes to Hartford and return over the same route; (5) between Bridgeport, Conn., and Watervliet, N.Y.: From Bridgeport over Interstate Highway 95 to Rye, N.Y., thence over Interstate Highway 287 to Suffern, N.Y., thence over Interstate Highway 87 to Albany, N.Y., thence over New York Highway 32 to Watervliet and return over the same route; (6) between Waterbury, Conn., and Worcester, Mass.: From Waterbury over Interstate Highway 84 to Southington, Conn., thence over Connecticut Highway 10 to junction U.S. Highway 6, thence over U.S. Highway 6 to Hartford, thence over Connecticut and Massachusetts Highway 15 to Sturbridge, Mass., thence over U.S. Highway 20 to West Auburn, thence over Massachusetts Highway 12 to Worcester and return over the same route; (7) between Waterbury, Conn., and Fall River, Mass.: (a) From Waterbury over Connecticut Highway 69 to New Haven, Conn.

Thence over Interstate Highway 95 to New London, Conn., thence over U.S. Highway 1 to Pawcatuck, Conn., thence over U.S. Highway 1 to Westerly, R.I., thence over Rhode Island Highway 3 to junction Interstate Highway 95, thence over Interstate Highway 95 to junction Rhode Island Highway 2, thence over Rhode Island Highway 2 to junction Interstate Highway 195, thence over Interstate Highway 195 to Swansea, Mass., thence over U.S. Highway 6 to Fall River, Mass., and return over the same route; (b) from Waterbury, Conn., as specified above to New Haven, Conn., thence over Connecticut Turnpike to South Killingly, Conn., thence over U.S. Highway 6 to Providence, R.I., and thence as described above to Fall River, Mass., and return over the same route; (c) from Waterbury, Conn., over U.S. Highway 6A to Willimantic, thence over U.S. Highway 6 to South Killingly and thence as described above to Fall River, Mass., and return over the same route. Service is proposed to and from all intermediate and off-route points in Connecticut and all authorized off-route points in Massachusetts except that no service is proposed between any two points in Connecticut or Massachusetts except as otherwise proposed herein. (8) Between Norwich, Conn., and Worcester, Mass.: From Norwich over Connecticut and Massachusetts Highway 2 to Worcester, and return over the same route. Service is proposed to and from all intermediate and off-route points in Connecticut and all authorized off-route points in Massachusetts, except that no service is proposed between any two points in Connecticut or Massachusetts except as otherwise proposed herein.

NOTE: This application is filed pursuant to MC-C-4366, effective May 1, 1964, which provides the special rules for conversion of irregular to regular motor carrier operations.

SPECIAL NOTE: Protests to this application may be filed within 45 days instead of 30 days.

No. MC 46280 (Sub-No. 54) (CORRECTION), filed March 1, 1965, published FEDERAL REGISTER issue of April 28, 1965, and republished as corrected this issue. Applicant: DARLING FREIGHT, INC., 4000 South Division Avenue, Grand Rapids, Mich. Applicant's attorney: Rex Eames, 1800 Buhl Building, Detroit, Mich., 48226. The following restriction will be applicable to previously published regular-routes 1 through 42: All of the foregoing authority is subject to the restriction, that service is only authorized between the described Michigan points and area, on the one hand, and, on the other, the described points and areas in Indiana, Illinois, Wisconsin, Minnesota, Iowa, Nebraska, Missouri, and Kentucky.

NOTE: The purpose of this republication is to add the restriction which was inadvertently omitted from the previous publication.

No. MC 60186 (Sub-No. 24), filed February 25, 1965. Applicant: NELSON FREIGHTWAYS, INC., 26 East Main Street, Rockville, Conn. Applicant's attorney: James E. Wilson, Perpetual Building, 1111 E Street NW., Washington, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except explosives, poles, canned goods, and commodities used in canning or processing food), (1) between New York, N.Y., and Philadelphia, Pa.: (a) From New York City over the George Washington Bridge, thence over U.S. Highway 1 to Philadelphia and return over the same route; and (b) from New York City through the Lincoln Tunnel, thence over New Jersey Highway 3 to North Bergen, thence over U.S. Highway 1 to Morrisville, Pa., thence over U.S. Highway 13 to Philadelphia and return over the same route; (2) between New York, N.Y., and Camden, N.J.: (a) From New York City over the George Washington Bridge, thence over U.S. Highway 46 to Ridgefield Park, thence over the New Jersey Turnpike to exit 4, Fellowship, N.J., thence over New Jersey Highway 73 to junction New Jersey Highway 38, thence over New Jersey Highway 38 to Camden and return over the same route; and (b) from New York City through the Holland Tunnel over

the New Jersey Turnpike to exit 9, near New Brunswick, N.J., thence over New Jersey Highway 18 to junction U.S. Highway 1, thence over U.S. Highway 1 to Milltown, N.J., thence over U.S. Highway 130 to Camden, and return over the same route; (3) in a circuitous manner, from New York, N.Y., over routes herein described to Newark, N.J., thence over U.S. Highway 22 through Phillipsburg, N.J., to Somerville, N.J., thence over Interstate Highway 287 to Metuchen, N.J.

Thence over routes herein described to New York City; (4) in a circuitous manner, from New York, N.Y., over routes herein described to Fort Lee, N.J., thence over New Jersey Highway 17 to West Mahwah, N.J., thence over U.S. Highway 202 to Mountain View, thence over New Jersey Highway 23 to Newark, thence over routes herein described to New York City; (5) in a circuitous manner, from New York, N.Y., over routes herein described to Jersey City, thence over New Jersey and New York Highway 440 to Perth Amboy, N.J., thence over New Jersey Highway 35 to Rahway, N.J., thence over New Jersey Highway 27 to Newark, N.J., thence over routes herein described to New York City; (6) in a circuitous manner, from New York, N.Y., over routes herein described to Ridgefield Park, N.J., thence over U.S. Highway 46 to Clifton, N.J., thence over New Jersey Highway 3 to North Bergen, N.J., thence over routes herein described to New York City; (7) in a circuitous manner, from New York, N.Y., over routes herein described to Newark, N.J., thence over New Jersey Highway 24 to Morristown, thence over U.S. Highway 202 to Littleton, N.J., thence over New Jersey Highway 10 to Newark, N.J., thence over routes herein described to New York City; (8) between New York, N.Y., and Camden, N.J.: (a) From New York, N.Y., over routes herein described to Camden, N.J., thence over U.S. Highway 30 to Atlantic City, thence over U.S. Highway 322 to Williamstown, thence over New Jersey Highway 42 to Camden and return over the same route; and (b) between New York, N.Y., and Atlantic City, N.J.: From New York, N.Y., over U.S. Highway 9 to junction U.S. Highway 30, thence over U.S. Highway 30 to Atlantic City and return over the same route; (9) between New York, N.Y., and Camden, N.J.: From New York, N.Y., over routes herein described to Camden, N.J., thence over New Jersey Highway 168 to Runnemede, thence over New Jersey Highway 41 to Pitman, thence over New Jersey Highway 47 to Millville, N.J., thence over New Jersey Highway 49 to Bridgeton, N.J., thence over New Jersey Highway 77 to Seabrook, N.J., thence return to Bridgeton, N.J., thence over New Jersey Highway 49 to Salem, thence over New Jersey Highway 45 to Brooklawn, N.J.

Thence over New Jersey Secondary Highway 551 to Camden and return over the same route; (10) between New York, N.Y., and Camden, N.J.: From New York, N.Y., over routes herein described to Camden, thence over New Jersey Secondary Highway 537 to Freehold, N.J., thence over U.S. Highway 9 to junction south of Lakewood, N.J., thence over New Jersey Highway 70 to Camden and return over the same route; (11) between New York, N.Y., and Camden, N.J.: (a) From New York, N.Y., over routes herein described to Camden, thence over U.S. Highway 30 to Philadelphia, Pa., thence over U.S. Highway 13 to Chester, Pa., thence over U.S. Highway 322 to Concordville, Pa., thence over U.S. Highway 1 to Philadelphia, Pa., and thence to Camden over routes herein described and return over the same route; and between New York, N.Y., and Camden, N.J.; (b) from New York over routes herein described to Camden, thence over the Walt Whitman Bridge to Philadelphia, Pa., thence over Pennsylvania Highway 291 to Chester, Pa., thence over the Chester-Bridgeport Ferry to Bridgeport, N.J., thence over U.S. Highway 130 to Camden and return over the same route; (12) between New York, N.Y., and Philadelphia, Pa.: From New York, N.Y., over routes herein described to Philadelphia and thence over U.S. Highway 422 to Pottstown, Pa., thence over Pennsylvania Highway 100 to Buckstown, Pa., thence over Pennsylvania Highway 23 to King of Prussia, Pa., thence over Interstate Highway 808 to Philadelphia, and return over the same route; (13) between New York, N.Y., and Camden, N.J.: From New York, N.Y., over routes herein described to Camden, N.J.

Thence over New Jersey Secondary Highway 543 to Palmyra, N.J., thence over Tacony Palmyra Bridge to Philadelphia, Pa., thence over U.S. Highway 611 to Doylestown, Pa., thence over U.S. Highway 202 to Lansdale, Pa., thence over U.S. Highway 309 to Philadelphia, Pa., thence over routes herein described to Camden and return over the same route; (14) between New York, N.Y., and King of Prussia, Pa.: From New York, N.Y., over routes herein described to exit 6, New Jersey Turnpike, thence over the Pennsylvania Turnpike extension and thence over the Pennsylvania Turnpike to exit 24 to King of Prussia and return over the same route. Service is proposed to and from all intermediate points on the above-described routes and all off-route points in New Jersey and those in Pennsylvania within 25 miles of Philadelphia. RESTRICTION: No service is proposed between any two points in New Jersey or between any two points within 25 miles of Philadelphia not including points in the New York commercial zone or the Philadelphia commercial zone or from points in Pennsylvania within 25 miles of Philadelphia, including Philadelphia to points in New Jersey not including those in the New York commercial zone; (15) from New York, N.Y., to Washington, D.C., (a) over routes herein described to exit 4 New Jersey Turnpike, at Fellowship, N.J., thence over New Jersey Turnpike to Deepwater, N.J., thence over the Delaware Memorial Bridge, thence over Interstate Highway 95 to Baltimore, thence over the Baltimore-Washington Expressway to junction Maryland Highway 175 to junction U.S. Highway 1, thence over U.S. Highway 1 to Washington and return with no transportation for compensation except as otherwise authorized herein, (b) over routes described herein to Camden, N.J.

Thence over U.S. Highway 130 to Deepwater, N.J., thence over the Delaware Memorial Bridge to Delaware, thence over U.S. Highway 40 to Baltimore, thence over U.S. Highway 1 to Washington and return over the same route, and (c) over routes herein described to Camden, N.J., thence over the Walt Whitman Bridge to Philadelphia, thence over Pennsylvania Highway 291 to Chester, Pa., thence over U.S. Highway 13 to Odessa, Del., thence over U.S. Highway 301 to Queenstown, Md., thence over U.S. Highway 50 to Washington and return over the same route. Service is proposed from all intermediate and off-route points in New Jersey to all intermediate and off-route points in Delaware north of U.S. Highway 40; those points in Maryland east of U.S. Highway 1 and north of U.S. Highway 50 and those points in Maryland and Virginia within 25 miles of the District of Columbia including the District of Columbia.

NOTE: This application is filed pursuant to MC-C-4366, effective May 1, 1964, which provides the special rules for conversion of irregular-route to regular-route motor carrier operations.

SPECIAL NOTE: Protests to this application may be filed within 45 days instead of 30 days.

No. MC 85561 (Sub-No. 9) (AMENDMENT), filed February 26, 1965, published FEDERAL REGISTER issue of April 28, 1965, amended May 21, 1965, and republished as amended this issue. Applicant: M & M TRUCKING CO., a corporation, Emmitt Road, Akron, Ohio. Applicant's attorney: Paul F. Beery, 100 East Broad Street, Columbus, Ohio.

NOTE: Applicant states all service to and from intermediate, off-route and terminal points is to be limited to traffic received, delivered, or interchanged at Cincinnati, Akron, Scio, Summitville, Marietta, Belpre, and Bridgeport, Ohio. No service is proposed to and from any Michigan, Indiana, West Virginia, Kentucky, or Pennsylvania point within the Cincinnati, Marietta, Conneaut, Mingo Junction, Toledo, Belpre, or Bridgeport commercial zones. No duplicating authority is sought. This application is filed pursuant to MC-C-4366, effective May 1, 1964, which provides the special rules for conversion of irregular-route to regular-route motor carrier operations.

SPECIAL NOTE: Protests to this application may be filed within 45 days instead of 30 days. The purpose of this republication is to clearly set forth the restriction.

No. MC 106051 (Sub-No. 34), filed March 1, 1965. Applicant: OLD COLONY TRANSPORTATION CO., INC., 56 Prospect Street, New Bedford, Mass. Applicant's attorney: Francis E. Barrett, Professional Building, 25 Bryant Avenue, East Milton (Boston), Mass. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, automobiles, household goods, as defined by the Commission, commodities in bulk, articles contaminating or injurious to other lading, and commodities requiring special equipment or special handling for the transportation thereof), (1) between Pittsfield and Williamstown, Mass., (a) from Pittsfield over Massachusetts Highway 8 to North Adams, thence over Massachusetts Highway 2 to Williamstown, and (b) from Pittsfield over U.S. Highway 7 to

Williamstown, (2) between Lee, Mass., and Williamstown, N.Y., [illegible] Highway 3 to junction Massachusetts

Williamstown, (2) between Lee, Mass., and Millerton, N.Y., from Lee over U.S. Highway 20 to junction Massachusetts Highway 102, thence over Massachusetts Highway 102 to junction U.S. Highway 7, thence over U.S. Highway 7 to junction Massachusetts Highway 23, thence over Massachusetts Highway 23 to the Massachusetts-New York State line, thence over New York Highway 23 to junction New York Highway 22, thence over New York Highway 22 to Millerton, (3) between Lee, Mass., and Hudson, N.Y., from Lee, over U.S. Highway 20, to junction Massachusetts Highway 102, thence over Massachusetts Highway 102 to junction U.S. Highway 7, thence over U.S. Highway 7 to junction Massachusetts Highway 23, thence over Massachusetts Highway 23, to the Massachusetts-New York State line.

Thence over New York Highway 23 to junction New York Highway 23B, thence over New York Highway 23B to Hudson, (4) between Lee, Mass., and Torrington, Conn., (a) from Lee over U.S. Highway 20 to junction Massachusetts Highway 102, thence over Massachusetts Highway 102 to junction U.S. Highway 7, thence over U.S. Highway 7 to junction Massachusetts Highway 23, thence over Massachusetts Highway 23 to junction Massachusetts Highway 41, thence over Massachusetts Highway 41 to the Massachusetts-Connecticut State line, thence over Connecticut Highway 41 to junction U.S. Highway 44, thence over U.S. Highway 44 to junction Connecticut Highway 8, thence over Connecticut Highway 8 to Torrington, Conn., and (b) from Lee over U.S. Highway 20 to junction Massachusetts Highway 102, thence over Massachusetts Highway 102 to junction U.S. Highway 7, thence over U.S. Highway 7 to junction U.S. Highway 44, thence over U.S. Highway 44 to Winsted, thence over Connecticut Highway 8 to Torrington, (5) between Millerton, N.Y., and Torrington, Conn.; from Millerton over U.S. Highway 44 to junction Connecticut Highway 8, thence over Connecticut Highway 8 to Torrington, (6) between Fitchburg, Mass., and junction U.S. Highway 20 and Massachusetts Highway 128, (a) from Fitchburg, over Massachusetts Highway 2A to junction Massachusetts Highway 110, thence over Massachusetts Highway 110 to Lawrence, thence over Interstate Highway 93 to junction Massachusetts Highway 128, thence over Massachusetts Highway 128 to junction U.S. Highway 20, (b) from Fitchburg to Lawrence as specified in (a) above, thence over Massachusetts Highway 114 to Beverly, thence over Massachusetts Highway 128 to junction U.S. Highway 20, (c) from Fitchburg, to Lawrence, as specified in (a) and (b) above, thence over Massachusetts Highway 110 to junction Massachusetts Highway 1A, thence over Massachusetts Highway 1A to junction Massachusetts Highway 133, thence over Massachusetts Highway 133 to Gloucester.

Thence over Massachusetts Highway 128 to junction U.S. Highway 20, (d) from Fitchburg, over Massachusetts Highway 2A to junction Massachusetts Highway 110, thence over Massachusetts Highway 110 to Lowell, thence over U.S. Highway 3 to junction Massachusetts Highway 128, thence over Massachusetts Highway 128 to junction U.S. Highway 20, and return over the same routes, serving all intermediate points and off-route points within five (5) miles of said specified routes (1) through (6) above, and (7) between Springfield, Mass., and Greenwich, Conn., (a) from Springfield, over Interstate Highway 91 (also over U.S. Highway 5 and U.S. Highway 5A), to Hartford, Conn., thence over U.S. Highway 5 to New Haven, thence over U.S. Highway 1 to Greenwich, (b) from Springfield to Hartford, Conn., as specified in (a) above, thence over Connecticut Highway 17 to New Haven, Conn., thence to Greenwich as specified in (a) above, and return over the same routes, serving all intermediate points and the off-route points of New Britain, Waterbury, Meriden, Naugatuck, Danbury, Rockville, Ansonia, Derby, and Shelton, Conn.

NOTE: This application is filed pursuant to MC-C-4966, effective May 1, 1964, which provides the special rules, for conversion of irregular-route to regular-route motor carrier operations.

SPECIAL NOTE: Protests to this application may be filed within 45 days instead of 30 days.

No. MC 109533 (Sub-No. 21), filed February 25, 1965. Applicant: OVERNITE TRANSPORTATION COMPANY, a corporation, 1100 Commerce Road, Post Office Box 1216, Richmond, Va. Applicant's attorney: W. T. Croft, Federal Bar Building, 1815 H Street NW., Washington 6, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, livestock, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment), (1) between Greensboro and Wilmington, N.C.; from Greensboro over U.S. Highway 421 to Sanford, N.C., thence over North Carolina Highway 87 to junction U.S. Highway 76, and thence U.S. Highway 76 to Wilmington, and return over the same route, serving all intermediate points, (2) between Raleigh and Wilmington, N.C.; from Raleigh over North Carolina Highway 50 to junction U.S. Highway 701, thence over U.S. Highway 701 to Clinton, N.C., and thence over U.S. Highway 421 to Wilmington, N.C., and return over the same route, serving all intermediate points, (3) between Raleigh and Granger, N.C.; from Raleigh over U.S. Highway 70 to Kinston, N.C., and thence over North Carolina Highway 11 to Granger, and return over the same route, serving all intermediate points, (4) between Raleigh and Charlotte, N.C.; from Raleigh over U.S. Highway 64 to Asheboro, N.C., and thence over North Carolina Highway 49 to Charlotte and return over the same route, serving all intermediate points, (5) between Charlotte and Wilmington, N.C.; from Charlotte over U.S. Highway 74 to the junction U.S. Highway 301, thence over U.S. Highway 301 to Lumberton, N.C., thence over North Carolina Highway 211 to Bolton, N.C., and thence over U.S. Highway 74 to Wilmington and return over the same route, serving all intermediate points, (6) between Concord and Wadesboro, N.C.; from Concord over North Carolina Highway 73 to Albermarle, N.C., and thence over U.S. Highway 52 to Wadesboro, and return over the same route, serving all intermediate points, (7) between Raleigh and Fayetteville, N.C.; over U.S. Highway 401, serving all intermediate points, (8) between Sanford and Clinton, N.C.; over U.S. Highway 421, serving all intermediate points, (9) between Monroe, N.C., and Nashville, Tenn.; (a) from Monroe, N.C., over U.S. Highway 74 to Asheville.

Thence over U.S. Highway 70 to Nashville, Tenn., and return over the same route, serving the intermediate point of Knoxville, Tenn., restricted against the pickup or delivery at Knoxville of shipments moving to or from Nashville or points beyond and further against the tacking at Knoxville of this route and applicant's route(s) (acquired from Rutherford Freight Lines) between Chattanooga and Bristol, Tenn., over U.S. Highways 11, 11E, and 11W, in the performance of service to or from Nashville or points beyond, and (b) from Monroe, N.C., over U.S. Highway 74 to Charlotte, thence over North Carolina Highway 16 to junction U.S. Highway 70, thence over U.S. Highway 70 to Nashville, Tenn., and return over the same route, serving the intermediate point of Knoxville, Tenn., restricted against the pickup or delivery at Knoxville of shipments moving to or from Nashville or points beyond and further against the tacking at Knoxville of the route and applicant's route(s) (acquired from Rutherford Freight Lines) between Chattanooga and Bristol, Tenn., over U.S. Highways 11, 11E, and 11W, in the performance of service to or from Nashville or points beyond.

NOTE: Service is proposed at all off-route points within 10 miles of the regular routes sought. Applicant states it will not object to the cancellation of its irregular-route authority between points on the regular routes sought herein or to the imposition of a provision to the effect that the regular-route authority herein sought and the presently held irregular-route authority between the same points shall be considered as a single operating right. This application is filed pursuant to MC-C-4966, effective May 1, 1964, which provides the special rules for conversion of irregular-route to regular-route motor carrier operations.

SPECIAL NOTE: Protests to this application may be filed within 45 days instead of 90 days.

No. MC 117058 (Sub-No. 9) (AMENDMENT), filed January 18, 1965, published FEDERAL REGISTER issue of February 3, 1965, and republished as amended this issue. Applicant: B. S. REYNOLDS COMPANY, INCORPORATED, 471 H Street NW., Washington 1, D.C. Applicant's attorney: Samuel W. Earnshaw, 833 Washington Building, Washington, D.C., 20005. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Pictures* and *picture frames*, loose and paper-wrapped, between Baltimore, Md., and Washington, D.C., for the account of the Chesaler Co.; (2) *photographic film* and *photographic materials including prints*, between Rockville, Md., Fairfax, Va., and points in the Washington, D.C., commercial zone as defined by the Commission, for the account of Kodak Processing Laboratory, Inc.

NOTE: The purpose of this republication is to clearly set forth the authority sought in (1) and (2) above, and also to delete (3) from previous publication.

No. MC 124251 (Sub-No. 12), filed May 11, 1965. Applicant: JACK JORDAN, INC., Post Office Box 244, Dalton, Ga. Applicant's attorney: Ariel V. Conlin, Suite 626, Fulton National Bank Building, Atlanta, Ga. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Latex and latex compounds*, from points in Whitfield County, Ga., to points in Kentucky.

By the Commission.

[SEAL] BERTHA F. ARMES,
Acting Secretary.

[F.R. Doc. 65-5779; Filed, June 2, 1965; 8:45 a.m.]

[Section 5a, Application No. 46; Amdt. 5]

EASTERN CENTRAL MOTOR CARRIERS

Application for Approval of Amendments to Agreement

MAY 27, 1965.

The Commission is in receipt of an application in the above-entitled and numbered proceeding for approval of amendments to the agreement therein approved under the provisions of section 5a of the Interstate Commerce Act.

Filed May 17, 1965, by Henry A. Fahl, attorney-in-fact for applicants, 2545 Bailey Road, Cuyahoga Falls, Ohio.

Amendments involved: Change the bylaws of the Association so as to (1) redesignate the General Manager as the Executive Vice President, (2) provide that the Chairman of the Board of Trustees shall serve as president of the Association, (3) eliminate position of Chief of Tariff Bureau, (4) fix membership of the board at 11 local members, rather than by association membership ratio, (5) permit board to select time and place of annual meetings and clearly provide that only members may vote by proxy, (6) eliminate provisions for expulsion for failure to pay dues and permit the Executive Vice President to suspend participants, subject to approval of the board, (7) provide clearly that objections by carriers to recommendations of the standing rate committee may be made only by motor common carriers, (8) provide that where objections to a recommendation of the standing rate committee are received in 5 days, the proposal be referred to the General Committee for disposition, (9) provide that proposals approved by the General Committee be published for all participants except those advising to the contrary in 5 days, (10) eliminate specific provision for publication in tariffs of proposals approved by the standing rate committee to which no objection is received, (11) include a description of the Association's docket service, (12) add provisions for consideration of section 22 quotations, (13) clarify privilege of concurrence of carriers of other modes, and (14) eliminate unnecessary language and make editorial changes.

The application may be inspected at the office of the Commission in Washington, D.C.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 20 days from the date of this notice. As provided by the general rules of practice of the Commission, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing.

By the Commission, Division 2.

[SEAL] BERTHA F. ARMES,
Acting Secretary.

[F.R. Doc. 65-5765; Filed, June 2, 1965; 8:47 a.m.]

[Section 5a Application No. 68]

MOTOR CARRIERS COUNCIL OF ST. LOUIS, INC.

Modified Procedure in Handling Proceeding

Upon consideration of the application filed April 7, 1965, by members of the Motor Carriers Council of St. Louis, Inc., relating to joint consideration, initiation, or establishment of rates, fares, classifications, divisions, allowances, or charges governing the transportation of property under drayage or cartage contracts for the performance of pickup and delivery services in the St. Louis, Mo.-East St. Louis, Ill., commercial zone in connection with their line-haul operations; the protest thereto of the National Industrial Traffic League; and for good cause:

It is ordered, That this proceeding be handled under modified procedure; that the parties or their representatives comply with the provisions of §§ 1.45 to 1.54, inclusive, of the Commission's general rules of practice, the filing and service of pleadings as follows: (a) Opening statement of facts and argument by applicants and any party supporting applicants on or before June 21, 1965; (b) 30 days after that date, statement of facts and argument by protestants and any supporting parties; and (c) reply by applicants and any supporting parties 10 days thereafter.

It is further ordered, That the protestants shall timely advise applicants and this Commission of the identity, including addresses, of the individuals composing the protestants' defense committee, if any, together with an indication of the number of copies of applicants' statement which are desired, and to whom the copies are to be sent.

And it is further ordered, That a copy of this order be filed with the Director, Division of the Federal Register.

Dated at Washington, D.C., this 21st day of May A.D. 1965.

By the Commission, Commissioner Freas.

[SEAL] BERTHA F. ARMES,
Acting Secretary.

REPRESENTATIVES OF THE PARTIES

Mitchell P. Campbell (Applicant), Executive Secretary, Motor Carriers Council of St. Louis, Inc., 707 Market Street, St. Louis, Mo. 63101.

G. M. Rahman (attorney for Applicants), 314 North Broadway, St. Louis, Mo. 63102.

John A. Whitney (attorney for the National Industrial Traffic League) (Protestant), Pope Ballard and Loos, Brawner Building, 888 17th Street NW., Washington, D.C. 20006.

Charles E. Hughes (interested party), Executive Secretary, Local Cartage Association, Inc., of Greater St. Louis, 823-24 Buder Building, St. Louis 1, Mo.

Chester A. Zyblut (attorney for Local Cartage Association, Inc., of Greater St. Louis), 1000 Connecticut Avenue NW., Washington, D.C. 20036.

[F.R. Doc. 65-5766; Filed, June 2, 1965; 8:47 a.m.]

[Notice 1183]

MOTOR CARRIER TRANSFER PROCEEDINGS

MAY 27, 1965.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 179), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC-67692. By order of May 25, 1965, the Transfer Board approved the transfer to Texas Film Service, Inc., San Antonio, Tex., of the Certificate of Registration No. MC-67485 (Sub-No. 2) issued April 6, 1965, to Texas Film Service, Inc., San Antonio, Tex. (name changed to Caraway Film Service, Inc.), evidencing a right to engage in interstate or foreign commerce, in the transportation of: Films, supplies, newspapers, magazines, flowers and plants, within the State of Texas. Herbert D. Kelleher, 1500 Alamo National Building, San Antonio, Tex., 78205, attorney for applicants.

No. MC-FC-67693. By order of May 25, 1965, the Transfer Board approved the transfer to Valley Film Service, Inc., San Antonio, Tex., of Certificate of Registration No. MC-67691 (Sub-No. 2) issued November 27, 1964, to Tom Caraway, doing business as Valley Film Service, San Antonio, Tex., evidencing a right to engage in interstate or foreign commerce, in the transportation of: Motion picture films and accessories, within the

State of Texas. Herbert D. Kelleher, 1500 Alamo National Building, San Antonio, Tex., 87205, attorney for applicants.

No. MC-FC-67780. By order of May 25, 1965, the Transfer Board approved the transfer to and substitution of Service Express, Inc., Tuscaloosa, Ala., by the compliance order entered February 24, 1965, in No. MC-120910 (Sub-No. 2), conditionally authorizing a Certificate of Registration corresponding in scope to the Alabama State Certificates of Public Convenience and Necessity Nos. 752, issued prior to October 15, 1962, and 2605, issued February 10, 1961, and restrictively amended December 14, 1964, by the Alabama Public Service Commission. J. Douglas Harris, 410-411 Bell Building, Montgomery, Ala., 36104, attorney for transferor. James M. Wright, 2509 27th Street, Tuscaloosa, Ala., attorney for transferee.

No. MC-FC-67839. By order of May 25, 1965, the Transfer Board approved the transfer to Van Meter Trucking Co., Inc., Indianapolis, Ind., of the operating rights in Permits Nos. MC-115782, MC-115782 (Sub-No. 3), and MC-115782 (Sub-No.5), issued May 20, 1957, February 26, 1959, and December 21, 1959, respectively, to Clyde H. Van Meter and Naomi Van Meter, a partnership, doing business as Van Meter Trucking Co., Indianapolis, Ind., authorizing the transportation, over irregular routes, of meats, meat products, and meat byproducts, as described in section A of Appendix 1 to the report in Descriptions in Motor Carrier Certificates, from Indianapolis, Ind., to various specified points in Indiana. Donald W. Smith, 511 Fidelity Building, Indianapolis, Ind., 46204, attorney for applicants.

No. MC-FC-67840. By order of May 25, 1965, the Transfer Board approved the transfer to Sandusky Truck and Trailer Company, a corporation, Sandusky, Ohio, of the operating rights in Certificates Nos. MC-114145 (Sub-No. 1) and MC-114145 (Sub-No. 2), issued November 7, 1961, and June 25, 1962, respectively, to Cecilia Lamicella, doing business as Grand Transportation Co., New York (Bronx), N.Y., authorizing the transportation, over irregular routes, of bananas, from points in the New York, N.Y., commercial zone, as defined, to points in New York, a described portion of Pennsylvania, and to Akron, Cleveland, and Youngstown, Ohio, Fort Wayne, Ind., Grand Rapids, Mich., and Chicago, Ill., and of pottery from Sebring, Carrollton, Cambridge, Scio, East Liverpool, Wellsville, and Zanesville, Ohio, to New York, N.Y. Earl J. Thomas, 5844-5866 North High Street, Worthington, Ohio, 43085, representative for applicants.

No. MC-FC-67858. By order of May 25, 1965, the Transfer Board approved the transfer to Nurseryman Supply, Inc., doing business as Sub-Tropic Express, Miami, Fla., of the operating rights issued by the Commission November 16, 1960, October 31, 1960, and December 24, 1964, under Certificates Nos. MC-118282, MC-118282 (Sub-No. 1) and MC-118282 (Sub-No. 3) to Theodore V. Fall, doing business as Ted Fall Trucking, Lake City, Pa., authorizing the transportation of frozen fruits, frozen berries and frozen vegetables between points in Erie and Crawford Counties, Pa., on the one hand, and, on the other points in New York, the Lower Peninsula of Michigan, Ohio and Atlantic County, N.J.; between Frederick County, Va., Baltimore and Landover, Md., and Washington, D.C., on the one hand, and, on the other points in Pennsylvania; from points in Erie and Crawford Counties, Pa., to Jersey City, N.J., and points in Florida and Texas; from Pittsburgh, Pa., to Richmond, Ind., and Sandusky, Ohio; from Cleveland, Ohio, to Washington, D.C., Baltimore and Landover, Md., frozen fruit and berry pies, from Lake City, Pa., to points in New York, Ohio, West Virginia, New Jersey, Virginia, South Carolina, North Carolina, Georgia, Tennessee, Kentucky, Illinois, Indiana, Wisconsin, Michigan, Massachusetts, Connecticut, Arkansas, Missouri, Texas, Florida, Louisiana, Alabama, and the District of Columbia; frozen vegetable baby foods, from Linesville, Pa., to points in New York, Ohio, West Virginia, New Jersey, Maryland, Delaware, Virginia, South Carolina, North Carolina, Georgia, Tennessee, Kentucky, Indiana, Illinois, Wisconsin, Michigan, Massachusetts, Connecticut, Rhode Island, Arkansas, Missouri, Texas, Florida, Louisiana, Alabama, and the District of Columbia; and frozen bakery goods from Lake City, Pa., to points in Alabama, Illinois, Indiana, Kentucky, Michigan, Missouri, North Carolina, Ohio, Tennessee, and Wisconsin. Monty Schumacher, 1375 Peachtree Street NE., Atlanta, Ga., attorney for applicants.

No. MC-FC-67862. By order of May 25, 1965, the Transfer Board approved the transfer to Russell Transportation, Inc., Shambaugh, Iowa, of the Certificate in No. MC-64151, issued December 14, 1964, to Southwest Iowa Transfer Company, a corporation, Corning, Iowa, authorizing the transportation of: General commodities, excluding household goods, commodities in bulk, and other specified commodities, between Brooks, Iowa, and Omaha, Nebr., serving the intermediate and off-route points within 15 miles of Brooks. Einar Viren, 904 City National Bank Building, Omaha, Nebr., attorney for applicants.

No. MC-FC-67864. By order of May 25, 1965, the Transfer Board approved the transfer to Fergus Bus Service, Inc., Rural Route 1, Fergus Falls, Minn., of the certificate in No. MC-114206, issued June 22, 1964, to Doyle E. Tomhave, doing business as Fergus Bus Company, Rural Route 1, Fergus Falls, Minn., authorizing the transportation of: Passengers and their baggage, and express and newspapers in the same vehicle, between Wadena, Minn., and Wahpeton, N. Dak., serving intermediate points on the highways specified.

No. MC-FC-67879. By order of May 25, 1965, the Transfer Board approved the transfer to Helen S. Waddell, doing business as Waddell Transfer, Marion, Va., 24354, of permit No. MC-119435 (Sub-No. 1), issued March 29, 1963, to Ellis M. Waddell, doing business as Waddell Transfer, Marion, Va., 24354, authorizing the transportation of clay and clay products, concrete and concrete products, shale and shale products, and mortar mixes, over irregular routes, from Groseclose, Va., to points in Kentucky, North Carolina, Tennessee, and West Virginia. Harry E. Dixon, Jr., Post Office Box 211, Roanoke, Va., 24002, practitioner for applicants.

No. MC-FC-67882. By order of May 25, 1965, the Transfer Board approved the transfer to Sam Van Galder, Inc., Janesville, Wis., of Certificate No. MC-112422 issued April 4, 1952, to Sam Van Galder, Janesville, Wis., authorizing the transportation of passengers and their baggage, in round-trip charter operations over irregular routes, beginning and ending at points in Rock County, Wis., and extending to points in Illinois on and north of a line commencing at Chicago, Ill., and extending along U.S. Highway 20 through Elgin, Starke, Marengo, Belvedere, and Rockford, Ill., to Freeport, Ill., and on and east of a line commencing at Freeport and extending along Illinois Highway 26 through Cedarville and Orangeville to the Illinois-Wisconsin State line. Louis D. Gage, Jr., 58 South Main Street, Janesville, Wis., 53546, attorney for applicants.

[SEAL] BERTHA P. ARMES, *Acting Secretary.*

[F.R. Doc. 65-5767; Filed, June 2, 1965; 8:47 a.m.]

[Notice 353]

MOTOR CARRIER ALTERNATE ROUTE DEVIATION NOTICES

MAY 28, 1965.

The following letter-notices of proposals to operate over deviation routes for operating convenience only have been filed with the Interstate Commerce Commission, under the Commission's Deviation Rules Revised, 1957 (49 CFR 211.1 (c)(8)) and notice thereof to all interested persons is hereby given as provided in such rules (49 CFR 211.1(d)(4)).

Protests against the use of any proposed deviation route herein described may be filed with the Interstate Commerce Commission in the manner and form provided in such rules (49 CFR 211.1(e)) at any time, but will not operate to stay commencement of the proposed operations unless filed within 30 days from the date of publication.

Successively filed letter-notices of the same carrier under the Commission's Deviation Rules Revised, 1957, will be numbered consecutively for convenience in identification and protests if any should refer to such letter-notices by number.

MOTOR CARRIERS OF PROPERTY

No. MC 629 (Deviation No. 15), HELM'S EXPRESS, INC., Post Office Box 268, Pittsburgh 30, Pa. Applicant's attorney: Richard J. Smith, 1515 Park Building, Pittsburgh, Pa., 15222, filed May 21, 1965. Carrier proposes to operate as a *common carrier* by motor vehicle, of *general commodities*, with certain exceptions over a deviation route as follows: From Akron, Ohio, over Interstate Highway 80S to junction Interstate Highway 80, thence over Interstate Highway 80 to junction Interstate Highway 95, and thence over Interstate Highway 95 to New York, N.Y., and return over the same route for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: From Akron, Ohio, over Ohio Highway 18 to Youngstown, Ohio, thence over U.S. Highway 422 to Ebensburg, Pa., thence over U.S. Highway 22 to New York, N.Y., and return over the same route.

No. MC 10761 (Deviation No. 41), TRANSAMERICAN FREIGHT LINES, INC., 1700 North Waterman Avenue, Detroit, Mich., 48209, filed May 21, 1965. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions over a deviation route as follows: From Indianapolis, Ind., over U.S. Highway 421 to junction Indiana Highway 29, thence over Indiana Highway 29 to junction Indiana Highway 25 at Loganasport, Ind., thence over Indiana Highway 25 to Rochester, Ind., and return over the same route for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: Between South Bend, Ind., and Indianapolis, Ind., over U.S. Highway 31.

No. MC 42487 (Deviation No. 39), CONSOLIDATED FREIGHTWAYS CORPORATION OF DELAWARE, 175 Linfield Drive, Menlo Park, Calif., filed May 20, 1965. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions over a deviation route as follows: From junction U.S. Highway 12 and Interstate Highway 494 and 694 over Interstate Highway 494 (also over Interstate Highway 694) to junction Interstate Highway 94, thence over Interstate Highway 94 to junction U.S. Highway 52, and return over the same route for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities over pertinent service routes as follows: (1) * * * thence over U.S. Highway 10 to Fargo, N. Dak., and thence over U.S. Highway 52 to St. Paul, Minn.; (2) from Rice Lake, Wis., over U.S. Highway 53 to junction U.S. Highway 8, thence over U.S. Highway 8 to Minneapolis-St. Paul, Minn.; (3) from Minneapolis, Minn. over U.S. Highway 12 to junction Wisconsin Highway 172 * * *; (4) * * * from Madison, Wis., over U.S. Highway 12 via Tomah, Wis., to St. Paul, Minn. (also from Tomah over U.S. Highway 16 to La Crosse, Wis., thence over U.S. Highway 61 to St. Paul), and thence over U.S. Highway 12 to Minneapolis; (5) * * * from Farmington, Minn., over Minnesota Highway 50 (formerly portion U.S. Highway 65) via Lakeville, Minn., to junction U.S. Highway 65, thence over U.S. Highway 65 to Minneapolis; and (6) from Davenport, Iowa, over U.S. Highway 6 to Des Moines, Iowa, thence over U.S. Highway 65 to Owatonna, Minn., thence over U.S. Highway 14 to Mankato, Minn., and thence over U.S. Highway 169 to Minneapolis, and return over the same routes.

No. MC 59488 (Deviation No. 5), SOUTHWESTERN TRANSPORTATION COMPANY, 1517 Front Street, Tyler, Tex., 75702. Applicant's attorney: Lloyd M. Roach, same address as applicant's, filed May 21, 1965. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions over a deviation route as follows: Between junction U.S. Highway 80 and Interstate Highway 20 (near Mesquite, Tex.), and junction Texas Highway 64 (near Myrtle Springs, Tex.), over Interstate Highway 20, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: From Dallas, Tex., over U.S. Highway 80 to Wills Point, Tex., thence over Texas Highway 64 to Tyler, Tex., and thence over U.S. Highway 271 to Mount Pleasant, Tex., and return over the same route.

By the Commission.

[SEAL] BERTHA P. ARMES, *Acting Secretary.*

[F.R. Doc. 65-5774; Filed, June 2, 1965; 8:48 a.m.]

[Notice 774]

MOTOR CARRIER APPLICATIONS AND CERTAIN OTHER PROCEEDINGS

MAY 28, 1965.

The following publications are governed by the new Special Rule 1.247 of the Commission's rules of practice, published in the FEDERAL REGISTER, issue of December 3, 1963, which became effective January 1, 1964.

APPLICATIONS ASSIGNED FOR ORAL HEARING

MOTOR CARRIERS OF PROPERTY

No. MC 531 (Sub-No. 169) (AMENDMENT), filed October 26, 1964, published FEDERAL REGISTER issue of November 11, 1964, under MC 52709 (Sub-No. 259), Ringsby Truck Lines, Inc., amended March 2, 1965, and republished as amended this issue. Applicant: YOUNGER BROTHERS, INC., Post Office Box 14048, Houston, Tex., 77021. Applicant's attorney: Ewell H. Muse, Jr., Suite 415, Perry Brooks Building, Austin, Tex., 78701. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Acids* and *chemicals* (except cryogenic liquids, vegetable and animal oils and fats), *plastics, resins, cleaning compounds*, and *lubricating oils* (other than petroleum), in bulk, in tank vehicles, from Charleston, W. Va., and points within 20 miles thereof, and the plant site of Union Carbide at or near Sistersville, W. Va., to points in California, Arizona, Colorado, Idaho, Montana, Nevada, New Mexico, Oregon, Utah, Wyoming, and Washington, restricted against tacking or joining with any other authority presently held.

NOTE: The above application was substituted for MC 52709 (Sub-No. 259), Ringsby Truck Lines, Inc. The purpose of this republication is to more clearly set forth the commodity and territorial descriptions and to show hearing information.

HEARING: July 29, 1965, at the Federal Building, 312 North Spring Street, Los Angeles, Calif., before Examiner David Waters.

No. MC 21170 (Sub-No. 70), (AMENDMENT) filed April 5, 1965, published in FEDERAL REGISTER issue of April 28, 1965, amended May 21, 1965, and republished as amended this issue. Applicant: BOS LINES, INC., 408 South 12th Avenue, Marshalltown, Iowa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs*, canned, prepared or preserved, from points in Delaware and Maryland, points in Accomack and Northampton Counties, Va., and points in Atlantic, Burlington, Camden, Cape May, Cumberland, Gloucester, Ocean, and Salem Counties, N.J., to points in Illinois, Indiana, Iowa, Kentucky, Michigan, Minnesota, Missouri, Ohio, and Wisconsin.

NOTE: The purpose of this republication is to add points in Accomack and Northampton Counties, Va., to the origin points.

HEARING: June 16, 1965, at the offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Edith H. Cockrill.

No. MC 64932 (Sub-No. 374) (REPUBLICATION), filed May 10, 1965, published FEDERAL REGISTER issue May 20, 1965, and republished this issue. Applicant: ROGERS CARTAGE CO., a corporation, 1439 West 103d Street, Chicago, Ill. Applicant's attorney: David Axelrod, 39 South La Salle, Chicago, Ill., 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals*, dry, in bulk, in tank and hopper-type vehicles, from points in Mason County, W. Va., to points in the United States, excluding Alaska and Hawaii.

NOTE: The purpose of this republication is to show hearing information as set forth below.

HEARING: June 14, 1965, at the offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Theodore M. Tahan.

No. MC 110698 (Sub-No. 301) (REPUBLICATION), filed April 7, 1965, published FEDERAL REGISTER issues April 28, and May 20, 1965, and further republished this issue. Applicant: RYDER TANK LINE, INC., Post Office Box 8418, Greensboro, N.C. Applicant's attorney: Francis W. McInerny, 1000 16th Street NW., Washington, D.C., 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry chemicals*, in bulk, from points in Mason County, W. Va., to points in the United States (except Alaska and Hawaii).

NOTE: Common control may be involved. The purpose of this republication is to show hearing information as set forth below.

HEARING: June 14, 1965, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Theodore M. Tahan.

No. MC 124078 (Sub-No. 138) (REPUBLICATION), filed May 7, 1965, published FEDERAL REGISTER issue May 19, 1965, and republished this issue. Applicant: SCHWERMAN TRUCKING CO., a corporation, 611 South 28th Street, Milwaukee, Wis., 53246. Applicant's attorney: James R. Ziperski (same address

as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals*, in bulk, in tank or hopper-type vehicles, from points in Mason County, W. Va., to points in the United States (except Alaska and Hawaii).

NOTE: The purpose of this republication is to show hearing information.

HEARING: June 14, 1965, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Theodore M. Tahan.

No. MC 103880 (Sub-No. 326) (REPUBLICATION), filed November 2, 1964, published FEDERAL REGISTER, issue of November 18, 1964, and republished this issue after order of Commission. Applicant: PRODUCERS TRANSPORT, INC., Akron, Ohio. By application filed November 2, 1964, as amended, applicant seeks a certificate of public convenience and necessity authorizing operation, in interstate or foreign commerce, as a common carrier by motor vehicle, over irregular routes, of phosphates, in bulk, in compartmented trailers, from the plant site of the Monsanto Company, located at Trenton, Mich., to Akron, Ohio, restricted to transportation only when two or more grades of phosphates are transported. An order, Operating Rights Board No. 1, dated April 29, 1965, served May 6, 1965, finds that the present and future public convenience and necessity require operation by applicant, in interstate or foreign commerce, as a *common carrier* by motor vehicle, over irregular routes, of *Sodium tripoly phosphate* and *tetra sodium pyro phosphate*, in bulk, from the plant site of the Monsanto Company, located at Trenton, Mich., to Akron, Ohio; and that because it is possible that other parties may have an interest in and would be prejudiced by the lack of proper notice of the authority described in the findings in this order, a notice of the authority actually granted will be published in the FEDERAL REGISTER, and issuance of a certificate in this proceeding will be withheld for a period of 30 days from the date of such publication, during which period any proper party in interest may file an appropriate protest or other pleading.

NOTICE OF FILING OF PETITIONS

No. MC 936 (PETITION FOR MODIFICATION OF CERTIFICATE), filed May 3, 1965. Petitioner: VALLEY MOTOR LINES, INC., 1220 West Washington Boulevard, Montebello, Calif. Petitioners' attorney: Robert R. Hollis, 1121 Commonwealth Building, Portland, Oreg., 97204. Petitioner holds authority to transport general commodities, in MC 936 and various related subnumbers, operating, in general, from Portland, Oreg., on the north, to principal southern California points, on the south. Under the Sub 29 Certificate, petitioner operates between Weed, Calif., and Goshen, Oreg., serving no intermediate points, from Weed over U.S. Highway 97 to junction Oregon Highway 62 (north of Modoc Point, Oreg.), thence over Oregon Highway 62 to junction Oregon Highway 232 (south of Klamath, Oreg.), thence over Oregon Highway 232 to junction U.S. Highway 97 (north of Lenz, Oreg.), thence over U.S. Highway 97 to junction Oregon Highway 58, thence over Oregon Highway 58 to Goshen, and return over the same route. By the instant petition, petitioner seeks the elimination of the intermediate point restriction contained in the described certificate so as to permit full utilization of its operations both in southbound and northbound operations. Petitioner also proposes to serve such intermediate points in conjunction with its authorized operations and in connection with any interline operations with other carriers. Any person or persons desiring to participate in this proceeding, may, within 30 days from the date of this publication in the FEDERAL REGISTER, file an appropriate pleading, consisting of an original and six copies each.

No. MC 87720 (Subs 8, 13, and 19) (PETITION FOR MODIFICATION AND AMENDMENT OF PERMITS TO CHANGE NAME OF CONTRACTING SHIPPER AND FOR SUBSTITUTION OF SHIPPER IN PENDING PROCEEDING), filed May 14, 1965. Petitioner: BASS TRANSPORTATION CO., INC., Flemington, N.J. Petitioner's representative: Bert Collins, 140 Cedar Street, New York, N.Y., 10006. Petitioner requests modification of the permits in MC 87720 Sub 8 and Sub 13, respectively, solely for the purpose of changing the name of the shipper as served as a contract carrier under said permits. Petitioner also requests that the name of the new contracting shipper be substituted in any grant of authority in Sub 19 which is now pending before the Commission, on exceptions. Petitioner states that the grants of authority as referred to in this petition carry the following restriction: "The operations authorized herein are limited to a transportation service to be performed under a continuing contract or contracts with Cary Chemicals, Inc., East Brunswick, N.J." The proposed modification of the permits will result in authority as shown below: No. MC 87720 (Sub-No. 8), Irregular routes: *Synthetic gum resin*, dry, in bulk, in tank vehicles, from the site of the plants of Tenneco Plastics Division of Tenneco Manufacturing Company, at or near Flemington, N.J., and Edgewater Park, N.J., to Sanford, Maine, points in New York, Connecticut, Rhode Island, Massachusetts, and those in New Hampshire on and south of U.S. Highway 4, with no transportation for compensation on return except as otherwise authorized. Restriction: The operations authorized herein are limited to a transportation service to be performed under a continuing contract, or contracts, with Tenneco Plastics Division of Tenneco Manufacturing Company, of East Brunswick, N.J. No. MC 87720 Sub 13, Irregular routes: *Synthetic gum resin*, dry, in bulk, in tank vehicles, from the plant site of Tenneco Plastics Division of Tenneco Manufacturing Company, at or near Flemington and Burlington, N.J., to points in Pennsylvania, Delaware, Maryland, Virginia, West Virgina, Ohio, and the District of Columbia, with no transportation for compensation on return except as otherwise authorized.

Restriction: The operations authorized herein are limited to a transportation service to be performed under a continuing contract, or contracts, with Tenneco Plastics Division of Tenneco Manufacturing Company, of East Brunswick, N.J. With respect to the Sub 19 proceeding, the matter is now before the Commission on exceptions. Therein, the finding was made restrictive to a service for Cary Chemicals, Inc. By the instant petition petitioner requests that Permits MC 87720 Sub 8 and Permit MC 87720 Sub 13 be modified by deleting therefrom as the shipper for whom services are to be performed under a continuing contract or contracts, Cary Chemicals, Inc., of East Brunswick, N.J., and substituting therefor Tenneco Plastics Division of Tenneco Manufacturing Company of East Brunswick, N.J.; also, to substitute in MC 87720 Sub 19 as the name of the contracting party—Tenneco Plastics Division of Tenneco Manufacturing Company, in lieu of Cary Chemicals, Inc. Any person or persons desiring to participate in this proceeding, may, within 30 days from the date of this publication in the FEDERAL REGISTER, file an appropriate pleading, consisting of an original and six copies each.

APPLICATIONS FOR CERTIFICATES OR PERMITS WHICH ARE TO BE PROCESSED CONCURRENTLY WITH APPLICATIONS UNDER SECTION 5 GOVERNED BY SPECIAL RULE 1.240 TO THE EXTENT APPLICABLE

No. MC 110923 (Sub-No. 2) filed May 17, 1965. Applicant: ALBERT LIVEK, doing business as AL LIVEK'S TRUCKING SERVICE, 808 Harrison Street, Kewanee, Ill. Applicant's attorney: Mack Stephenson, 42 Fox Mill Lane, Springfield, Ill., 62707. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, between points within fifty (50) miles of Kewanee, Ill., and, between said area on the one hand, and, on the other, points in Illinois.

NOTE: This is a matter directly related to MC-F-9124, published in FEDERAL REGISTER issue of May 26, 1965.

APPLICATIONS UNDER SECTIONS 5 AND 210a(b)

The following applications are governed by the Interstate Commerce Commission's special rules governing notice of filing of applications by motor carriers of property or passengers under sections 5(a) and 210a(b) of the Interstate Commerce Act and certain other proceedings with respect thereto (49 CFR 1.240).

MOTOR CARRIERS OF PROPERTY

No. MC-F-9130. Authority sought for purchase by GUIGNARD FREIGHT LINES, INC., 646 Atando Avenue, Charlotte, N.C., 28206, of the operating rights of CHURCH TRUCKING COMPANY, INC., North Wilkesboro, N.C., and for acquisition by LEWIS B. GUIGNARD, 7208 Marley Circle, Charlotte, N.C., of control of such rights through the purchase. Applicants' attorney: Vaughan S. Winborne, 1108 Capital Club Building, Raleigh, N.C. Operating rights sought to be transferred: *Hardware, plumbing supplies*, and *building materials*, as a *common carrier*, over irregular routes, from points in the New York,-N.Y., commercial zone, as defined by the Commission, Baltimore and Sparrows Point, Md., Cincinnati, Dover, and Cleveland, Ohio, Uniontown, Johnstown, Elwood City, Philadelphia, Ambler, and Monaca, Pa., Barba, Newark, Camden, Metuchen, and Millington, N.J., Edgemore, Del., Atlanta, Ga., Anniston, Ala., and Alcoa, Tenn., to points in Wilkes County, N.C.; *lumber* (except plywood and veneers) and *wooden products* (except plywood, veneers, and new furniture), from points in Caldwell and Wilkes Counties, N.C., to points in West Virginia, Virginia, Ohio, Indiana, Michigan, Pennsylvania, New Jersey, Delaware, South Carolina, Georgia, Florida, Alabama, Tennessee, New York, and Kentucky. Vendee is authorized to operate as a *common carrier* in North Carolina, South Carolina, Virginia, Illinois, Maryland, Pennsylvania, Ohio, New York, Michigan, Tennessee, Kentucky, West Virginia, Georgia, Alabama, Florida, Indiana, New Jersey, and the District of Columbia. Application has been filed for temporary authority under section 210a(b).

No. MC-F-9131. Authority sought for control by SIGNAL TRUCKING SERVICE, LTD., 4455 Fruitland Avenue, Los Angeles, Calif., 90058, of PAXTON TRUCKING COMPANY, 1500 South Greenwood Avenue, Montebello, Calif., 90640, and for acquisition by ESTATE OF JOHN E. CARROLL, SR. (BANK OF AMERICA NATIONAL TRUST AND SAVINGS ASSOCIATION, EXECUTOR), 650 South Spring Street, Los Angeles, Calif., of control of PAXTON TRUCKING COMPANY, through the acquisition by SIGNAL TRUCKING SERVICE, LTD. Applicants' attorneys: Arthur H. Glanz, 639 South Spring Street, Los Angeles, Calif., and Edward M. Berol, 100 Bush Street, San Francisco, Calif., 94104. Operating rights sought to be controlled: *Livestock, heavy machinery, steel*, and *pipe*, as a *common carrier*, over regular routes, from the boundary of the United States and Mexico, near Calexico, Calif., to Los Angeles, Calif., serving the intermediate point of San Diego, Calif., and certain off-route points; *heavy machinery, steel*, and *pipe*, from Los Angeles, Calif., to the boundary of the United States and Mexico, near Calexico, Calif., serving the intermediate point of San Diego, Calif., and certain off-route points; *general commodities*, except commodities dealt in by retail and wholesale food, apparel, and drugstores, and except commodities requiring refrigeration or tank equipment, those of unusual value, livestock, liquors, cigarettes, cotton, household goods as defined by the Commission, and commodities injurious or contaminating to other lading, over irregular routes, between Los Angeles Harbor, and Long Beach Harbor, Calif., on the one hand, and, on the other, points in the Los Angeles, Calif., commercial zone, as defined by the Commission in 3 M.C.C. 248 (not including Pasadena, South Pasadena, Glendale, Burbank, San Fernando, Beverly Hills, Culver City, and Santa Monica, Calif.); *cotton*, and *machinery, materials, supplies, and equipment* incidental to, or used in, the construction, development, operation, and maintenance of facilities for the discovery, development, and production of petroleum, between certain points in California; and under a certificate of registration in Docket No. MC-13522 Sub 10, covering the transportation of general commodities, as a common carrier, in intrastate commerce, within the State of California. SIGNAL TRUCKING SERVICE, LTD. is authorized to operate as a *common carrier* in the State of California. Application has not been filed for temporary authority under section 210a(b).

No. MC-F-9132. Authority sought for control and merger by INTER-CITY TRUCKING SERVICE, INC., 14333 Goddard Street, Detroit, Mich., 48212, of the operating rights and property of JOHN WAHL CARTAGE, INC., 14333 Goddard Street, Detroit, Mich., 48212, and for acquisition by the ESTATE OF PHILIP B. GENGER (ROBERT E. PLUNKETT, SPECIAL ADMINISTRATOR AND EXECUTOR), 1621 Dime Building, Detroit, Mich., and GLADYS WRIGHT CRAIG, also of 14333 Goddard Street, Detroit, Mich., of control of such rights and property through the transaction. Applicants' attorney: Walter N. Bieneman, Suite 1700, One Woodward Avenue, Detroit, Mich. Operating rights sought to be controlled and merged: *General commodities*, excepting, among others, household goods and commodities in bulk, as a *common carrier*, over regular routes, between Detroit, Mich., and Bay City, Mich., serving all intermediate and certain off-route points; *general commodities*, excepting, among others, household goods, but not excepting commodities in bulk, between certain points in Michigan, serving certain intermediate points, numerous alternate routes for operating convenience only; and under a certificate of registration, in Docket No. MC-28552 (Sub-No. 4), covering the transportation of freight, as a *common carrier*, in intrastate commerce, within the State of Michigan. INTER-CITY TRUCKING SERVICE, INC., is authorized to operate as a *common carrier* in the State of Michigan. Application has not been filed for temporary authority under section 210a(b).

No. MC-F-9133. Authority sought for purchase by MIDDLE ATLANTIC TRANSPORTATION CO., INC., 976 West Main Street, New Britain, Conn., of the operating rights of LEON ELLERY BALL, doing business as LEON E. BALL EXPRESS (FLORENCE G. BALL, EXECUTRIX), 64 South Main Street, Mansfield, Mass., and for acquisition by FRANCIS G. PALMER, 718 Middlesex, Grosse Pointe Park 30, Detroit, 24, Mich., of control of such rights through the purchase. Applicants' attorneys and representative: William Biederman, 280 Broadway, New York, N.Y., Arthur E. Somers, 976 West Main Street, New Britain, Conn., and E. L. White, Jr., 102 North Main Street, Mansfield, Mass. Operating rights sought to be transferred: *Commodities generally*, except those of unusual value, and except livestock, commodities in bulk, explosives (not including small-arms ammunition), commodities requiring refrigeration, and those injurious or contaminating to other lading, as a *common carrier* over (a) the regular routes, between the fixed termini, and to and from the intermediate and off-route points specified below, between Mansfield, Mass., and Boston, Mass., serving all intermediate points and the off route points of Sharon and Canton, Mass., and over (b) irregular routes, between Boston, Foxboro, and Mansfield, Mass., on the one hand, and Pawtucket, Providence, and Woonsocket, R.I., and points in Massachusetts, on the other. Vendee is authorized to operate as a *common carrier* in New York, Michigan, Pennsylvania, Ohio, New Jersey, Massachusetts, and Connecticut. Application has been filed for temporary authority under section 210a(b).

NOTE: See also MC-F-8641 (INTERCITY TRANSPORTATION CO. — PURCHASE — LEON ELLERY BALL (FLORENCE G. BALL, EXECUTRIX), granted April 5, 1965.

No. MC-F-9134. Authority sought for control and merger by SCHWERMAN TRUCKING CO., 611 South 28 Street, Milwaukee, Wis., 53246, of the operating rights and property of REFINERS TRANSPORT, INC., 1300 51st Avenue, North, Nashville, Tenn., 37202, and for acquisition by FRED J. SCHWERMAN, CARL L. SCHWERMAN, and ESTATE OF FRED SCHWERMAN, SR. (FRED J. SCHWERMAN, RICHARD D. SCHWERMAN AND GEORGE LAIKIN, COEXECUTORS), and FRED J. SCHWERMAN, CARL L. SCHWERMAN, AND GEORGE LAIKIN, TRUSTEES (GRANDCHILDREN AND SPECIAL TRUSTS), all of Milwaukee, Wis., of control of such rights and property through the transaction. Applicants' attorneys: James R. Ziperski, 611 South 28 Street, Milwaukee, Wis., 53246, Clyde Herring, 640 Shoreham Building, Washington, D.C., and Clarence Evans, Third National Bank Building, Nashville, Tenn., 37203. Operating rights sought to be controlled and merged: *Petroleum products*, in bulk, in tank vehicles, as a *common carrier* over irregular routes, from Nashville, Tenn., and points within 3 miles of Nashville to certain points in Alabama, from points in Davidson County, Tenn., except Nashville and points within 3 miles thereof, to certain points in Alabama, from points in Davidson County, Tenn., to points in Alabama on and north of U.S. Highway 78, with exceptions, from points in Davidson County, Tenn., to points in Walker County, Ala., south of U.S. Highway 78, from certain points in Alabama, to points in Tennessee, from points in Colbert County, Ala., to points in Mississippi on and north of U.S. Highway 80; *molasses*, in bulk, in tank vehicles, from Nashville and Knoxville, Tenn., to points in Kentucky, from Chattanooga, Tenn., to points in Georgia on and north of U.S. Highway 78, points in North Carolina on and west of U.S. Highway 221, and to Greenville and Spartanburg, S.C., from Knoxville, Tenn., to points in North Carolina on and west of U.S. Highway 221, and points in Virginia on and west of U.S. Highway 21; *petroleum and petroleum products*, in bulk, in tank vehicles, from Cairo, Ill., and Paducah, Ky., to certain points in Tenn., from certain points in Kentucky, to Nashville,

Tenn., and points within 3 miles thereof, between Nashville, Tenn., and points within 10 miles of Nashville, on the one hand, and, on the other, certain points in Kentucky.

Petroleum products, in bulk, in tank trucks, from Nashville, Tenn., and points within 3 miles of Nashville, to certain points in Kentucky; *distillate residue*, in bulk, in tank vehicles, from Portland, Tenn., to Gabe, Ky.; *petroleum and petroleum products*, in bulk, in tank vehicles, as described in appendix XIII to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, from Owensboro, Ky., and points within 5 miles of Owensboro to certain points in Tennessee; *petroleum and petroleum products*, as described in appendix XIII to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, 294, in bulk, in tank vehicles, from Louisville, Ky., to certain points in Tennessee; *vegetable and animal oils and fats* and *blends thereof*, in bulk, in tank vehicles, between Chicago, Ill., Columbus and Cincinnati, Ohio, and Louisville, Ky., on the one hand, and, on the other, points in Tennessee, except Memphis, Tenn. (with exceptions), from points in Tennessee (except Memphis), to certain points in New Jersey; *coal tar products*, as described in appendix XIV to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, and *liquid chemicals*, in bulk, in tank vehicles, from the plant sites of the Tennessee Products & Chemical Corp., located at or near Lyles and Chattanooga, Tenn., to points in Alabama (except Bay Minette, Ala.), Florida, Georgia, Illinois, Indiana, Kentucky, Michigan, Minnesota, Mississippi, Missouri, New Jersey, North Carolina, Ohio, Rhode Island, Virginia, and Wisconsin (except liquid sulphate of alumina, from Chattanooga, Tenn., to Coosa Pines, Ala.); *benzoic acid esters, aromatic chlorides, benzyl alcohol*, and *benzonitrile*, in bulk, in tank vehicles, from Chattanooga, Tenn., to points in Illinois, Indiana, Kentucky, Michigan, Minnesota, Mississippi, Missouri, Ohio, and Wisconsin; *lard*, in bulk, in tank vehicles, from Nashville, Tenn., to points in Kentucky and Virginia.

Commodities in bulk (except liquid chemicals and coal tar products), between the site of the terminal of Kentucky Asphalt Terminal, Inc., near Louisville, Ky., and Louisville, Ky. RESTRICTION: The authority granted herein shall not be tacked or combined with any other authority held by carrier in order to perform through transportation; and *petroleum products* (except asphalt and asphalt compounds), in bulk, in tank vehicles, from Nashville, Tenn., to points in Kentucky (with exceptions). SCHWERMAN TRUCKING CO. is authorized to operate as a *common carrier* in Kentucky, Tennessee, Iowa, Illinois, Wisconsin, Minnesota, Missouri, Indiana, Georgia, Alabama, South Carolina, Florida, North Carolina, Mississippi, Arkansas, West Virginia, Nebraska, North Dakota, Oklahoma, Texas, Kansas, Ohio, Michigan, South Dakota, Louisiana, Pennsylvania, Maryland, and Virginia. Application has not been filed for temporary authority under section 210a(b).

By the Commission.

[SEAL] BERTHA F. ARMES, *Acting Secretary.*

[F.R. Doc. 65-5775; Filed, June 2, 1965; 8:46 a.m.]

[Notice 776]

MOTOR CARRIER APPLICATIONS AND CERTAIN OTHER PROCEEDINGS

MAY 26, 1965.

The following publications are governed by the new Special Rule 1.247 of the Commission's rules of practice, published in the FEDERAL REGISTER, issue of December 3, 1963, which became effective January 1, 1964.

APPLICATIONS ASSIGNED FOR ORAL HEARING

MOTOR CARRIERS OF PROPERTY

The applications immediately following are assigned for hearing at the time and place designated in the notice of filing as here published in each proceeding. All of the proceedings are subject to the Special Rules of Procedure for Hearing outlined below:

SPECIAL RULES OF PROCEDURE FOR HEARING

(1) All of the testimony to be adduced by applicant's company witnesses shall be in the form of written statements which shall be submitted at the hearing at the time and place indicated.

(2) All of the written statements by applicant's company witnesses shall be offered in evidence at the hearing in the same manner as any other type of evidence. The witnesses submitting the written statements shall be made available at the hearing for cross-examination, if such becomes necessary.

(3) The written statements by applicant's company witnesses, if received in evidence, will be accepted as exhibits. To the extent the written statements refer to attached documents such as copies of operating authority, etc., they should be referred to in written statement as numbered appendices thereto.

(4) The admissibility of the evidence contained in the written statements and the appendices thereto, will be at the time of offer, subject to the same rules as if the evidence were produced in the usual manner.

(5) Supplemental testimony by a witness to correct errors or to supply inadvertent omissions in his written statement is permissible.

No. MC 906 (Sub-No. 45), filed May 25, 1965. Applicant: CONSOLIDATED FORWARDING CO., INC., 300 North 10th Street, St. Louis, Mo., 63106. Applicant's attorney: Thomas F. Kilroy, 1815 H Street NW., Washington, D.C., 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts* and *articles distributed by meat packinghouses*, as described in sections A and C of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, from the plant site of Producers Packing Co., located at or near Garden City, Kans., to points in Texas, Oklahoma, Kansas, Missouri, Illinois, Indiana, Wisconsin, and Ohio.

HEARING: June 21, 1965, at the Pickwick Motor Inn, McGee and 10th Street, Kansas City, Mo., before Examiner Francis A. Welch.

No. MC 110098 (Sub-No. 55), filed May 20, 1965. Applicant: ZERO REFRIGERATED LINES, a corporation, 815 Merida Street, Box 7249, Station A, San Antonio, Tex. Applicant's attorney: Donald L. Stern, 630 City National Bank Building, Omaha 2, Nebr. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts, articles distributed by meat packinghouses*, and *such commodities* as are used by meatpackers in the conduct of their business when destined to and for use by meatpackers, as described in sections A, C, and D of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk in tank vehicles), from Garden City, Kans., and points within 10 miles thereof to points in Oregon, Washington, California, Arizona, New Mexico, Nevada, Utah, Idaho, Texas, Oklahoma, Arkansas, Louisiana, Mississippi, Alabama, Tennessee, Georgia, Florida, North Carolina, and South Carolina.

HEARING: June 21, 1965, at the Pickwick Motor Inn, McGee and 10th Streets, Kansas City, Mo., before Examiner Francis A. Welch.

No. MC 111401 (Sub-No. 173), filed May 17, 1965. Applicant: GROENDYKE TRANSPORT, INC., 2501 Rock Island Boulevard, Post Office Box 632, Enid, Okla. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts, dairy products*, and *articles distributed by meat packinghouses*, from Garden City, Kans., and points within ten (10) miles thereof to points in Alabama, Arizona, Arkansas, California, Colorado, Florida, Georgia, Idaho, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Michigan, Minnesota, Mississippi, Missouri, Montana, Nebraska, Nevada, New Mexico, North Carolina, North Dakota, Ohio, Oklahoma, Oregon, South Carolina, South Dakota, Tennessee, Texas, Utah, Washington, Wisconsin, and Wyoming.

HEARING: June 21, 1965, at the Pickwick Motor Inn, McGee and 10th Streets, Kansas City, Mo., before Examiner Francis A. Welch.

By the Commission.

[SEAL] BERTHA F. ARMES, *Acting Secretary.*

[F.R. Doc. 65-5776; Filed, June 2, 1965; 8:46 a.m.]

NOTICE OF FILING OF MOTOR CARRIER INTRASTATE APPLICATIONS

MAY 28, 1965.

The following applications for motor common carrier authority to operate in intrastate commerce seek concurrent motor carrier authorization in interstate or foreign commerce within the limits of the intrastate authority sought, pursuant to section 206(a)(6) of the Interstate Commerce Act, as amended October 15, 1962. These applications are governed by Special Rule 1.245 of the Commission's rules of practice, published in the FEDERAL REGISTER, issue of April 11, 1963, page 3533, which provides, among other things, that protests and requests for information concerning the time and place of State Commission hearings or other proceedings, any subsequent changes therein, and any other related matters shall be directed to the State Commission with which the application is filed and shall not be addressed to or filed with the Interstate Commerce Commission.

MOTOR CARRIERS OF PROPERTY

State Docket No. assigned MC 4719, filed May 5, 1965. Applicant: S & W FREIGHT LINE, INC., 710 Third National Bank Building, Nashville, Tenn. Applicant's attorney: Clarence Evans (same address as applicant's). Certificate of public convenience and necessity sought to operate a freight service as follows: Transportation of: *General commodities* (except used household goods and explosives and commodities in bulk), between all points in Metropolitan Nashville and Davidson County and Woodbury, Tenn., via U.S. Highway 70S, and also between Woodbury and Auburntown via Tennessee Highway 146, and between Auburntown and Murfreesboro via Tennessee Highway 96 with all of said route segments being used in conjunction with each other, and serving all intermediate points, including Sewart AFB, operating both in interstate and intrastate commerce.

HEARING: June 22, 1965, at 9:30 a.m., Commission's Court Room, C-1 Cordell Hull Building, Nashville, Tenn. Requests for procedural information including the time for filing protests, concerning this application should be addressed to the Tennessee Public Service Commission, Cordell Hull Building, Nashville, Tenn., 37219, and should *not* be directed to the Interstate Commerce Commission.

State Docket No. assigned 21178-Ext., filed May 18, 1965. Applicant: L. S. BOWERS, R. L. BOWERS, AND R. E. ROBINSON, doing business as BOWERS & SON, 2030 Blake Street, Denver, Colo. Applicant's attorney: Alvin J. Meikeljohn, Jr., 420 Denver Club Building, Denver, Colo., 80202. Certificate of public convenience and necessity sought to operate a freight service as follows: Transportation of: *General commodities*, between points within a 5-mile radius of Niwot, Colo., including Niwot, in interstate and foreign commerce and Colorado intrastate commerce.

HEARING: June 25, 1965, at 10 a.m., Commission Hearing Room, 532 State Services Building, 1525 Sherman Street, Denver, Colo. Requests for procedural information including the time for filing protests, concerning this application should be addressed to the Colorado Public Utilities Commission, 506 State Services Building, Denver, Colo., 80202, and should *not* be directed to the Interstate Commerce Commission.

By the Commission.

[SEAL] BERTHA F. ARMES, *Acting Secretary.*

[F.R. Doc. 65-5777; Filed, June 2, 1965; 8:48 a.m.]

[Ex Parte No. MC-1 (Sub-No. 1)]

PAYMENT OF RATES AND CHARGES OF MOTOR CARRIERS

Credit Regulations; Household Goods

MAY 24, 1965.

At the request of respondents, the dates for persons to notify the Commission of their intention to participate; the filing of verified statements by all parties; the filing of reply statements; and the request for a hearing for the purpose of cross-examination in the above-entitled proceeding are postponed as follows:

(1) The date for all persons to notify the Commission of their intention to actively participate in this proceeding and to file and/or receive copies of pleadings is postponed from May 17 to June 15, 1965;

(2) As soon as practicable after June 15, 1965, the Commission will serve a list of the names and addresses of all persons upon whom service of all verified statements, replies, or other pleadings must be made;

(3) The date for filing verified statements by all parties is postponed from June 21 to October 21, 1965;

(4) The date for filing reply statements is postponed from July 19 to November 19, 1965;

(5) The date for requesting a hearing for the purpose of cross-examining any witness submitting a verified statement is postponed from August 2 to December 2, 1965;

(6) In the event a hearing for the purpose of cross-examination is not requested the date for all parties to file a brief is postponed from August 30, 1965, to January 17, 1966;

(7) The Commission's order of March 31, 1965, in the above-entitled proceeding, except as modified herein, remains in full force and effect in all other respects.

By the Commission.

[SEAL] BERTHA F. ARMES, *Acting Secretary.*

[F.R. Doc. 65-5778; Filed, June 2, 1965; 8:48 a.m.]

FOURTH SECTION APPLICATIONS FOR RELIEF

MAY 28, 1965.

Protests to the granting of an application must be prepared in accordance with Rule 1.40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 39807—*Substituted service—T&P for Strickland Transportation Co., Inc.* Filed by J. D. Hughett, agent (No. 73), for interested carriers. Rates on property loaded in trailers and transported on railroad flatcars, between Shreveport, La., and New Orleans, La., on traffic originating at or destined to such points or points beyond as described in the application.

Grounds for relief—Motor-truck competition.

Tariff—Supplement 1 to J. D. Hughett, agent, tariff MF-I.C.C. 403.

FSA No. 39808—*Substituted service—MP & T&P for Strickland Transportation Co., Inc.* Filed by J. D. Hughett, agent (No. 71), for interested carriers. Rates on property loaded in trailers and transported on railroad flatcars, between Little Rock, Ark., and Dallas, Tex., also between Little Rock, Ark., and Memphis, Tenn., on the one hand, and Beaumont, Tex., on the other, on traffic originating at or destined to such points or points beyond as described in the application.

Grounds for relief—Motor-truck competition.

Tariff—Supplement 1 to J. D. Hughett, agent, tariff MF-I.C.C. 403.

FSA No. 39809—*Substituted service—T&P for Strickland Transportation Co., Inc.* Filed by J. D. Hughett, agent (No. 72), for interested carriers. Rates on property loaded in trailers and transported on railroad flatcars, between Texarkana, Ark., and New Orleans, La., on traffic originating at or destined to such points or points beyond as described in the application.

Grounds for relief—Motor-truck competition.

Tariff—Supplement 1 to J. D. Hughett, agent, tariff MF-I.C.C. 403.

FSA No. 39810—*Substituted service—MP & T&P for Strickland Transportation Co., Inc.* Filed by J. D. Hughett, agent (No. 74), for interested carriers. Rates on property loaded in trailers and transported on railroad flatcars, between Texarkana, Ark.-Tex., Little Rock, Ark., Dallas, Tex., on the one hand, and Little Rock, Ark., Dallas, Houston, and San Antonio, Tex., and Memphis, Tenn., on the other, on traffic originating at or destined to such points or points beyond as described in the application.

Grounds for relief—Motor-truck competition.

Tariff—Supplement 1 to J. D. Hughett, agent, tariff MF-I.C.C. 403.

By the Commission.

[SEAL] BERTHA F. ARMES, *Acting Secretary.*

[F.R. Doc. 65-5764; Filed, June 2, 1965; 8:47 a.m.]

CUMULATIVE LIST OF CFR PARTS AFFECTED—JUNE

The following numerical guide is a list of the parts of each title of the Code of Federal Regulations affected by documents published to date during June.

5 CFR — Page

213 ... 7271, 7311

7 CFR

722 ... 7271
730 ... 7272
750 ... 7311
845 ... 7273
908 ... 7311
909 ... 7273
970 ... 7274
PROPOSED RULES:
916 ... 7284
1133 ... 7284
1138 ... 7288

8 CFR

264 ... 7312

9 CFR

74 ... 7274
201 ... 7275

12 CFR — Page

17 ... 7275
PROPOSED RULES:
545 ... 7316

14 CFR

39 ... 7275
71 ... 7276, 7312
PROPOSED RULES:
61 ... 7292
71 ... 7316

17 CFR

240 ... 7276

18 CFR

8 ... 7313
157 ... 7280

21 CFR

20 ... 7280
120 ... 7280
121 ... 7280

21 CFR—Continued — Page

PROPOSED RULES:
20 ... 7292

26 CFR

1 ... 7281

33 CFR

124 ... 7314

46 CFR

PROPOSED RULES:
Ch. II ... 7291

47 CFR

73 ... 7314

50 CFR

3 ... 7315
33 ... 7282
260 ... 7282
266 ... 7282

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FEDERAL REGISTER

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Pages 7365–7413



Agencies in this issue—

The President
Agency for International Development
Agricultural Stabilization and Conservation Service
Air Force Department
Civil Aeronautics Board
Comptroller of the Currency
Consumer and Marketing Service
Federal Aviation Agency
Federal Communications Commission
Federal Power Commission
Federal Reserve System
Food and Drug Administration
Health, Education, and Welfare Department
Interior Department
Interstate Commerce Commission
Justice Department
Land Management Bureau
Post Office Department
Public Health Service
Small Business Administration
Treasury Department
United States-Puerto Rico Commission on the Status of Puerto Rico
Veterans Administration

Detailed list of Contents appears inside.

THE NATIONAL ARCHIVES OF THE UNITED STATES • 1934 •

Just Released

CODE OF FEDERAL REGULATIONS

(As of January 1, 1965)

Title 24—Housing and Housing Credit

(Revised)

$1.25

Title 32—National Defense (Parts 400–589)

(Pocket Supplement)

$0.55

Title 41—Public Contracts and Property Management
(Chapters 5–17)

(Revised)

$2.00

A cumulative checklist of CFR issuances for 1965 appears in the first issue of each month under Title 1.

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Contents

THE PRESIDENT

EXECUTIVE ORDER

Interim Communications Satellite Committee; designation as a public international organization entitled to enjoy certain privileges, exemptions, and immunities 7369

EXECUTIVE AGENCIES

AGENCY FOR INTERNATIONAL DEVELOPMENT

Notices

Assistant to Director, Capital Projects, Turkey 7398
Signing of amendments to loan agreements; delegation of authority 7398

AGRICULTURAL STABILIZATION AND CONSERVATION SERVICE

Rules and Regulations

Cotton, upland, 1964 and succeeding crops; acreage allotments; miscellaneous amendments 7385

AGRICULTURE DEPARTMENT

See Agricultural Stabilization and Conservation Service; Consumer and Marketing Service.

AIR FORCE DEPARTMENT

Rules and Regulations

Procurement; financial clearance; correction 7389

CIVIL AERONAUTICS BOARD

Notices

Hearings, etc.:

Air Traffic Conference of America 7403
Central Airlines, Inc 7404
International Export Packers, Inc., et al 7406
Massachusetts Helicopter Airlines, Inc 7406
United Arab Airlines 7406

COMPTROLLER OF THE CURRENCY

Rules and Regulations

Investment securities; Federal National Mortgage Association Participation Certificates 7371

CONSUMER AND MARKETING SERVICE

Rules and Regulations

Standards, inspections, and marketing practices; change of agency name 7385

Proposed Rule Making

U.S. standards for grades; extension of time:

Nectarines 7396
Plums and prunes 7396

Notices

Certain humanely slaughtered livestock; identification of carcasses; changes in lists of establishments 7402

DEFENSE DEPARTMENT

See Air Force Department.

FEDERAL AVIATION AGENCY

Rules and Regulations

Airworthiness directives:

Hughes helicopters, certain models 7371
Vickers Viscount Models 745D and 810 Series aircraft 7372
Control area extensions; alterations of revocations (2 documents) 7373
Control zones and transition areas:
Alterations, revocation, and designation 7372
Designation 7372
Standard instrument approach procedures; miscellaneous amendments 7374
Transition area; designation 7373

Proposed Rule Making

Control zone and transition area; alteration 7396
Transition area; designation 7396

FEDERAL COMMUNICATIONS COMMISSION

Notices

Hearings, etc.:

Century Broadcasting Corp. (KSHE) and Apollo Radio Corp 7407
Selma Television, Inc. (WSLA-TV) 7407
Trinity Broadcasting Co 7407

FEDERAL POWER COMMISSION

Notices

Ashland Oil & Refining Co. et al.; hearing 7408

FEDERAL RESERVE SYSTEM

Notices

Denver U.S. Bancorporation, Inc.; approval of application 7409

FOOD AND DRUG ADMINISTRATION

Rules and Regulations

Food additives:

Adhesives 7386
Release agents 7386
Pesticide chemicals in or on raw agricultural commodities; chloropicrin et al 7385

Notices

Lemonade, artificially sweetened, frozen concentrate; extension of temporary permit to cover market testing 7403
Margarine deviating from identity standard; issuance of temporary permit for market testing 7403
Phosphamidon; establishment of temporary tolerance 7403

HEALTH, EDUCATION, AND WELFARE DEPARTMENT

See also Food and Drug Administration; Public Health Service.

Rules and Regulations

Federal financial assistance for noncommercial educational television broadcast facilities; amount of Federal grant 7371

INTERIOR DEPARTMENT

See also Land Management Bureau.

Rules and Regulations

Recreation fees; group camping and picnic sites 7394

Notices

Assistant Secretary for Fish and Wildlife and Parks; authority delegation; amendment 7402

INTERSTATE COMMERCE COMMISSION

Notices

Fourth section applications for relief 7412
General rate increase, within Southern Territory 7410
Motor carrier transfer proceedings 7410

JUSTICE DEPARTMENT

Rules and Regulations

Equal employment opportunity under Government contracts; policy and procedure 7386

LAND MANAGEMENT BUREAU

Notices

Oregon; filing of plat of survey 7401
Proposed withdrawal and reservation of lands:

Alaska 7402
California 7398
Idaho (2 documents) 7398, 7399
Montana 7401
Washington (2 documents) 7401

POST OFFICE DEPARTMENT

Rules and Regulations

Apartment house mail receptacles 7392
Matter mailable under special rules, and second class bulk mailings 7390
Mail chutes and receiving boxes 7392
Rural mail boxes 7394
Second, third, and fourth class mail, and controlled circulation publications 7391

(Continued on next page)

PUBLIC HEALTH SERVICE

Rules and Regulations

Grants:
- Construction of nursing facilities; correction 7395
- Loans to students of optometry; technical changes 7394

SMALL BUSINESS ADMINISTRATION

Notices

Managers of disaster field offices; authority delegations:
- Crystal Lake, Ill 7409
- Rock Island, Ill 7409

Texas; declaration of disaster area 7409

STATE DEPARTMENT

See Agency for International Development.

TREASURY DEPARTMENT

See also Comptroller of the Currency.

Notices

United Fire & Casualty Co.; expiration of authority to qualify as surety on Federal bonds 7402

UNITED STATES-PUERTO RICO COMMISSION ON THE STATUS OF PUERTO RICO

Notices

Social and cultural matters; hearing 7409

VETERANS ADMINISTRATION

Rules and Regulations

Adjudication; waiver of overpayments 7390

Copies of records and papers; fees 7389

Release of information 7389

List of CFR Parts Affected

(Codification Guide)

The following numerical guide is a list of the parts of each title of the Code of Federal Regulations affected by documents published in today's issue. A cumulative list of parts affected, covering the current month to date, appears at the end of each issue beginning with the second issue of the month.

A cumulative guide is published separately at the end of each month. The guide lists the parts and sections affected by documents published since January 1, 1965, and specifies how they are affected.

3 CFR

EXECUTIVE ORDERS:
- 11227 7369

7 CFR
- 29 7385
- 30 7385
- 34 7385
- 160 7385
- 722 7385

PROPOSED RULES:
- 51 (2 documents) 7396

12 CFR
- 1 7371

14 CFR
- 39 (2 documents) 7371, 7372
- 71 (5 documents) 7372, 7373
- 97 7374

PROPOSED RULES:
- 71 (2 documents) 7396

21 CFR
- 120 7385
- 121 (2 documents) 7386

28 CFR
- 42 7386

32 CFR
- 1001 7389

38 CFR
- 1 (2 documents) 7389
- 3 7390

39 CFR
- 15 7390
- 16 7390
- 22 7391
- 23 7391
- 24 7391
- 25 7391
- 43 7392
- 45 7392
- 46 7394

42 CFR
- 57 (2 documents) 7394, 7395

43 CFR
- 18 7394

45 CFR
- 60 7371

Presidential Documents

Title 3—THE PRESIDENT

Executive Order 11227

DESIGNATING THE INTERIM COMMUNICATIONS SATELLITE COMMITTEE AS A PUBLIC INTERNATIONAL ORGANIZATION ENTITLED TO ENJOY CERTAIN PRIVILEGES, EXEMPTIONS, AND IMMUNITIES

By virtue of the authority vested in me by Section 1 of the International Organizations Immunities Act (59 Stat. 669; 22 U.S.C. 288), and having found that the United States participates in the Interim Communications Satellite Committee pursuant to the authority of the Communications Satellite Act of 1962 (76 Stat. 419; 47 U.S.C. 701–744) and the Agreement Establishing Interim Arrangements for a Global Commercial Communications System, August 20, 1964, TIAS 5646, I hereby designate the Interim Communications Satellite Committee as a public international organization entitled to enjoy the privileges, exemptions, and immunities conferred by the International Organizations Immunities Act, with the following exceptions:

1. The Interim Committee shall not enjoy the privileges, exemptions, and immunities conferred pursuant to Sections 2(b), 2(c), and 6 of that Act.

2. The officers and employees of the Interim Committee shall not enjoy the privileges, exemptions, and immunities conferred pursuant to Section 7(b) of that Act, but representatives to the Interim Committee and their alternates shall enjoy the privileges, exemptions, and immunities conferred pursuant to said Section 7(b).

The designation of the Interim Communications Satellite Committee as a public international organization within the meaning of the International Organizations Immunities Act is not intended to abridge in any respect privileges, exemptions, or immunities which such organization may have acquired or may acquire by treaty or Congressional action.

LYNDON B. JOHNSON

THE WHITE HOUSE,
June 2, 1965.

[F. R. Doc. 65-5902; Filed, June 2, 1965; 5:25 p.m.]

Rules and Regulations

Title 45—PUBLIC WELFARE

Subtitle A—Department of Health, Education, and Welfare, General Administration

PART 60—FEDERAL FINANCIAL ASSISTANCE FOR NONCOMMERCIAL EDUCATIONAL TELEVISION BROADCAST FACILITIES

Amount of Federal Grant

The following amendment is hereby made to 45 CFR Part 60 (28 F.R. 5424, June 1, 1963), issued pursuant to Part 4 of Title III of the Communications Act of 1934, as amended by Public Law 87-447 (76 Stat. 64, 47 U.S.C. 390):

In order to clarify the intent of subparagraph (3) of § 60.14(c) such subparagraph is amended by substituting for the phrase "the value of any transmission apparatus to the extent acquired or installed by donation from the United States, or with Federal funds", the following: "the value of any transmission apparatus which was acquired or installed, in whole or in part, by donation from the United States or with Federal financial participation". Such subparagraph as so amended reads as follows:

§ 60.14 Amount of Federal grant.

* * * * * * *

(c) * * *

(3) The value of transmission apparatus which was acquired or installed, in whole or in part, by donation from the United States or with Federal financial participation pursuant to the provisions of this part or any other provision of law.

* * * * * * *

(Sec. 390, 76 Stat. 76, 47 U.S.C. 396)

Dated: May 27, 1965.

ANTHONY J. CELEBREZZE,
Secretary of Health, Education, and Welfare.

[F.R. Doc. 65-5853; Filed, June 3, 1965; 8:50 a.m.]

Title 12—BANKS AND BANKING

Chapter I—Bureau of the Comptroller of the Currency, Department of the Treasury

PART 1—INVESTMENT SECURITIES REGULATION

Federal National Mortgage Association Participation Certificates

§ 1.164 Federal National Mortgage Association Participation Certificates.

(a) *Request.* The Comptroller of the Currency has been requested to rule that all participation certificates issued by the Federal National Mortgage Association in a fiduciary capacity are eligible for dealing in, underwriting, and unlimited holding by national banks pursuant to the provisions of paragraph Seventh of 12 U.S.C. 24.

(b) *Opinion.* As was noted in our ruling of October 2, 1964 (12 CFR 1.155), the Federal National Mortgage Association is authorized to act in a fiduciary and representative capacity and, in accord with a related trust indenture, to issue participations or other instruments as might be appropriate for financing purposes. The Association is also authorized, in its corporate capacity, to obligate itself for the timely payment of interest and principal by means of a guaranty of such participations or other instruments as it may issue in a fiduciary capacity. Paragraph Seventh of 12 U.S.C. 24 provides that the limitations and restrictions contained therein as to dealing in, underwriting and purchasing for its own account investment securities by a national bank shall not apply to "obligations, participations, or other instruments of or issued by the Federal National Mortgage Association."

(c) *Ruling.* It is the conclusion of this Office that all certificates of participation issued by the Federal National Mortgage Association in a fiduciary capacity in accord with a related trust indenture are "public securities" as defined in § 1.3(c) of this part and are therefore eligible for dealing in, underwriting, and unlimited holding by National Banks under paragraph Seventh of 12 U.S.C. 24.

Dated: May 26, 1965.

[SEAL] JAMES J. SAXON,
Comptroller of the Currency.

[F.R. Doc. 65-5834; Filed, June 3, 1965; 8:47 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Agency

[Docket No. 6676; Amdt. 39-77]

PART 39—AIRWORTHINESS DIRECTIVES

Hughes Models 269A, 269A-1, and 269B Helicopters

There have been failures of the belt drive idler pulley clutch assembly on Hughes Models 269A, 269A-1, and 269B helicopters that resulted in a sudden loss of power to the main and tail rotors. Since this condition is likely to exist or develop in other products of the same type design, an airworthiness directive is being issued to require repetitive inspections of the belt drive idler pulley clutch assembly and to establish a 200-hour service life limit for idler pulley bearings.

As a situation exists which demands immediate adoption of this regulation, it is found that notice and public procedure hereon are impracticable and good cause exists for making this amendment effective in less than 30 days.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (25 F.R. 6489), § 39.13 of Part 39 of the Federal Aviation Regulations is amended by adding the following new airworthiness directive:

HUGHES. Applies to Models 269A, 269A-1 and 269B helicopters.

Compliance required as indicated.

To prevent further belt drive idler pulley clutch assembly failures, accomplish the following:

(a) For helicopters having belt drive idler pulley bearings with 190 or more hours' time in service on the effective date of this AD—

(1) Replace idler pulley bearings with new bearings, P/N 5050-13 or 5050-53, within the next 10 hours' time in service and thereafter at intervals not to exceed 200 hours' time in service since the last replacement; and

(2) Comply with paragraph (c) within the next 10 hours' time in service after replacement in accordance with subparagraph (a)(1) and thereafter at intervals not to exceed 10 hours' time in service from the last inspection.

(b) For helicopters having belt drive idler pulley bearings with less than 190 hours' time in service on the effective date of this AD—

(1) Replace idler pulley bearings with new bearings, P/N 5050-13 or 5050-53, prior to the accumulation of 200 hours' time in service and thereafter at intervals not to exceed 200 hours' time in service since the last replacement; and

(2) Comply with paragraph (c) within the next 10 hours' time in service after the effective date of this AD and thereafter at intervals not to exceed 10 hours' time in service from the last inspection.

(c) Inspect the belt drive idler pulley clutch assembly and replace clutch assembly parts where necessary as follows:

(1) Disengage the belt drive clutch.

(2) Check for noisy, rough, or frosen idler pulley bearings while rotating the idler pulley back and forth, applying light pressure on the face and edge of pulley.

(3) Replace noisy, rough, or frosen bearings with new bearings, P/N 5050-13 or 5050-53, before further flight.

(4) When replacing bearings in accordance with subparagraph (c)(3), inspect each part of the belt drive idler pulley clutch assembly, P/N 5515, for evidence of overheating, galling, scoring, or excessive wear. Replace before further flight parts with evidence of overheating, galling, scoring or excessive wear.

This amendment becomes effective June 4, 1965.

(Secs. 313(a), 601, 603, Federal Aviation Act of 1958; 49 U.S.C. 1354(a), 1421, 1423)

Issued in Washington, D.C., on May 27, 1965.

C. W. WALKER,
Acting Director, Flight Standards Service.

[F.R. Doc. 65-5798; Filed, June 3, 1965; 8:45 a.m.]

[Docket No. 6679; Amdt. 39-78]

PART 39—AIRWORTHINESS DIRECTIVES

Vickers Viscount Models 745D and 810 Series Aircraft

Amendment 340 (26 F.R. 8935), AD 61-20-4, as amended by Amendments 360 (26 F.R. 10274), 492 (27 F.R. 9842), and 642 (28 F.R. 12057), specifies fuselage fatigue life and associated inspections and modifications for Vickers Viscount Models 745D and 810 Series aircraft. Subsequent to the issuance of Amendment 642, the manufacturer issued revisions to Preliminary Technical Leaflets Nos. 221 and 94 that delete the fuselage skin seam joint corrosion inspection requirements and the requirements for the removal of certain rivets during fuselage skin seam joint inspections. The Agency has determined that AD 61-20-4 as amended may be further amended to provide that the fuselage skin seam joints may be inspected in accordance with the latest revision to the manufacturer's Preliminary Technical Leaflets without adversely affecting safety. Accordingly, AD 61-20-4 is revised to reflect the latest revision to the manufacturer's Technical Leaflet.

Since this amendment relieves a restriction and imposes no additional burden on any person, notice and public procedure hereon are unnecessary and good cause exists for making the amendment effective in less than 30 days.

In consideration of the foregoing and pursuant to the authority delegated to me by the Administrator (25 F.R. 6489), § 39.13 of Part 39 of the Federal Aviation Regulations, Amendment 340 (26 F.R. 8935), AD 61-20-4, as amended by Amendments 360 (26 F.R. 10274), 492 (27 F.R. 9842), and 642 (28 F.R. 12057), is further amended by striking out the words "PTL's No. 221, Issue 3, and Corrigendum issued February 12, 1962 (700 Series), and No. 94, Issue 3, and Corrigendum issued February 28, 1962 (800/810 Series)" in subparagraph (f) (1) and inserting the words "PTL's No. 221, Issue 4, issued April 29, 1964 (700 Series), and No. 94, Issue 4, issued April 29, 1964 (800/810 Series)" in place thereof.

This amendment becomes effective June 4, 1965.

(Secs. 313(a), 601, 603, Federal Aviation Act of 1958; 49 U.S.C. 1354(a), 1421, 1423)

Issued in Washington, D.C., on May 28, 1965.

C. W. WALKER,
Acting Director,
Flight Standards Service.

[F.R. Doc. 65-5799; Filed, June 3, 1965; 8:45 a.m.]

[Airspace Docket No. 65-CE-23]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Designation of Control Zone and Transition Area

In a notice of proposed rule making published in the FEDERAL REGISTER on March 16, 1965 (30 F.R. 3454), it was stated that the Federal Aviation Agency proposed to designate controlled airspace in the Thief River Falls, Minn., terminal area.

Interested persons were afforded an opportunity to participate in the rule making through submission of comments. Due consideration was given to all relevant matter presented. The Air Transport Association endorsed the proposed airspace designation. Objections were received from the Soaring Society of America, Inc., the gist of which indicate insufficient traffic for the designation of a control zone, the lack of local control of air traffic, the weather reporting will favor North Central Airlines, and the operational restrictions imposed on VFR traffic because of the control zone. The Minnesota Department of Aeronautics concurs in the designation of the control zone, provided more definite hours can be provided for its operation.

The Federal Aviation Agency has determined that the Thief River Falls Municipal Airport meets the established criteria for the designation of a control zone. IFR traffic in the control zone will be controlled by the Minneapolis Air Route Traffic Control Center, through the Grand Forks, N. Dak., Flight Service Station which has radio communications capability down to and including the surface of the Thief River Falls Municipal Airport. Whether observations will be made by duly certificated personnel of North Central Airlines, and will be available through the United States Weather Bureau and included on the FAA Service "A" teletype system hourly reports. Pilots can obtain the Thief River Falls weather by radio from the Grand Forks Flight Service Station. Initially, weather service will be provided from 0700 to 2030 hours, local time daily, and the control zone will be effective during these hours. Normally 30 days' advance notice will be given for any change in the effective times for the control zone. The hours of operation of the control zone will be designated by a Notice to Airmen and continuously published in the Airman's Information Manual. The control zone will provide protection for aircraft executing departure and instrument approach procedures, and few, if any, restrictions to local VFR traffic are anticipated.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0001 e.s.t., July 22, 1965.

(1) In § 71.171 (29 F.R. 17581) the following control zone is added:

THIEF RIVER FALLS, MINN.

Within a 5-mile radius of Thief River Falls, Minn., Municipal Airport (latitude 48°03'58" N., longitude 96°11'06" W.), within 2 miles each side of the 138° bearing from Thief River Falls Municipal Airport extending from the 5-mile radius zone to 8 miles SE of the airport, and within 2 miles each side of the 305° bearing from Thief River Falls Municipal Airport extending from the 5-mile radius zone to 8 miles NW of the airport. This control zone will be effective during the times designated by a Notice to Airmen and continuously published in the Airman's Information Manual.

(2) In § 71.181 (29 F.R. 17643) the following transition area is added:

THIEF RIVER FALLS, MINN.

That airspace extending upward from 700 feet above the surface within a 5-mile radius of Thief River Falls, Minn., Municipal Airport (latitude 48°03'58" N., longitude 96°11'06" W.), within 2 miles each side of the 138° bearing from Thief River Falls Municipal Airport extending from the 5-mile radius area to 8 miles SE of the airport, and within 2 miles each side of the 305° bearing from Thief River Falls Municipal Airport extending from the 5-mile radius area to 8 miles NW of the airport; and that airspace extending upward from 1,200 feet above the surface within 8 miles NE and 5 miles SW of the 138° bearing from Thief River Falls Municipal Airport extending from the airport to 12 miles SE of the airport, and within 5 miles NE and 8 miles SW of the 305° bearing from Thief River Falls Municipal Airport extending from the airport to 12 miles NW of the airport.

(Sec. 307(a), Federal Aviation Act of 1958; 49 U.S.C. 1348)

Issued in Kansas City, Mo., on May 21, 1965.

EDWARD C. MARSH,
Director, Central Region.

[F.R. Doc. 65-5800; Filed, June 3, 1965; 8:45 a.m.]

[Airspace Docket No. 65-SO-99]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Control Zones and Revocation, Alteration and Designation of Transition Areas

On April 20, 1965, a notice of proposed rule making was published in the FEDERAL REGISTER (30 F.R. 5606) stating that the Federal Aviation Agency proposed to alter the control zones at New Bern, Jacksonville, and Wilmington, N.C.; revoke the transition area at Camp LeJeune, N.C.; alter the transition area at Jacksonville, N.C.; and designate a transition area at Wilmington, N.C.

Interested persons were afforded an opportunity to participate in the rule making through submission of comments. All comments received were favorable.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective August 19, 1965, as hereinafter set forth.

1. In § 71.171 (29 F.R. 17581) the following control zones are amended to read:

NEW BERN, N.C.

Within a 5-mile radius of the Simmons-Nott Airport (latitude 35°04'20" N., longitude 77°02'35" W.); within 2 miles each side of the New Bern VOR 221° radial, extending from the 5-mile radius zone to 8 miles SW of the VOR; within 2 miles each side of a 221° bearing from the New Bern radio beacon, extending from the 5-mile radius zone to 8 miles SW of the radio beacon.

JACKSONVILLE, N.C.

Within a 5-mile radius of the New River MCAF (latitude 34°42'35" N., longitude 77°26'35" W.); within 2 miles each side of a 046° bearing from the New River radio beacon, extending from the 5-mile radius zone to 8 miles NE of the radio beacon; within 2 miles each side of a 226° bearing from the New River radio beacon, extending from the 5-mile radius zone to 8 miles SW of the radio beacon; excluding that portion which coincides with R-5306C.

WILMINGTON, N.C.

Within a 5-mile radius of the New Hanover County Airport (latitude 34°16'15" N., longitude 77°54'05" W.); within 2 miles each side of the Wilmington VORTAC 197° radial, extending from the 5-mile radius zone to the VORTAC.

2. In § 71.181 (29 F.R. 11643) the Camp LeJeune, N.C., transition area is revoked.

3. In § 71.181 (29 F.R. 17643) the New River MCAF, N.C., transition area is amended to read:

JACKSONVILLE, N.C.

That airspace extending upward from 700 feet above the surface within 2 miles each side of the New River TACAN 236° radial, extending from the 5-mile radius control zone to 8 miles SW of the TACAN; within 2 miles each side of the New River TACAN 035° radial, extending from the 5-mile radius control zone to 8 miles NE of the TACAN.

4. Section 71.181 (29 F.R. 17643) is amended by adding the following:

WILMINGTON, N.C.

That airspace extending upward from 700 feet above the surface within a 6-mile radius of the New Hanover County Airport (latitude 34°16'15" N., longitude 77°54'05" W.); within 2 miles each side of the ILS localiser SE course, extending from the 6-mile radius area to 8 miles SE of the LOM; within 2 miles each side of the Wilmington VOR 017° radial, extending from the 6-mile radius area to 8 miles NE of the VOR; and that airspace extending upward from 1,200 feet above the surface bounded by a line extending S along the E boundary of V-229 from the arc of a 55-mile radius circle centered at latitude 36°57'44" N., longitude 76°24'44" W. to the arc of a 60-mile radius circle centered at latitude 34°54'30" N., longitude 76°58'00" W., thence clockwise along this arc to the W boundary of the Cherry Point, N.C., transition area, thence SW and counterclockwise along the boundaries of the Cherry Point transition area, R-5306A, R-5306B, R-5306C, and R-5306B to a point 3 nautical miles from the shoreline, thence SW 3 nautical miles equidistant from the shoreline to a line extending through latitude 33°56'30" N., longitude 77°51'00" W., and latitude 33°58'30" N., longitude 78°10'45" W., thence W along this line to latitude 33°58'30" N., longitude 78°10'45" W., thence NW via a line extending through latitude 33°58'30" N., longitude 78°10'45" W. and the intersection of a line 5 miles S of and parallel to the Wilmington, N.C., VORTAC 272° radial to a line 4 nautical miles E of and parallel to the direct radials between the Myrtle Beach, S.C., and Kinston, N.C., VORs, thence NE 4 nautical miles E of and parallel to the direct radials between the Myrtle Beach, S.C., and Kinston, N.C., VORs, counterclockwise along the arc of a 15-mile circle centered at the Kinston, N.C., VOR, 4 nautical miles E of and parallel to the direct radials between the Kinston and Cofield, N.C., VORTACs, to and counterclockwise along the arc of a 55-mile radius circle centered at latitude 36°57'44" N., longitude 76°24'44" W. to the point of beginning.

(Sec. 307(a), Federal Aviation Act of 1958; 49 U.S.C. 1348(a))

Issued in East Point, Ga., on May 26, 1965.

ARVIN O. BASNIGHT,
Director, Southern Region.

[F.R. Doc. 65-5801; Filed, June 3, 1965; 8:45 a.m.]

[Airspace Docket No. 63-SW-98]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Revocation of Control Area Extensions; Alteration

On April 27, 1965, Federal Register Document 65-4339 was published in the FEDERAL REGISTER (30 F.R. 5830) which, in part, revoked the Abilene, Tex., Fort Worth, Tex., and Altus, Okla., control area extensions, effective June 24, 1965.

Subsequent to the issuance of this rule, it has been determined that revocation of these control area extensions must be withheld due to delays encountered in rule action on the Dallas-Fort Worth, Tex., terminal area, as proposed in Airspace Docket No. 63-SW-82, and the Waco, Tex., terminal area, as proposed in Airspace Docket No. 63-SW-50. Action was taken in 30 F.R. 6577 to revoke the Fort Worth and Altus control area extensions, effective July 22, 1965. The Abilene control area extension will be revoked at a later date. Accordingly, action is taken herein to delete paragraphs 3, 4, and 5 of Federal Register Document 65-4339 revoking these control area extensions.

Since this amendment will impose no additional burden on any person, notice and public procedures hereon are unnecessary and the effective date of the final rule may be retained as initially adopted.

In consideration of the foregoing, Federal Register Document No. 65-4339 is amended, effective immediately, to delete paragraphs numbered 3, 4, and 5 revoking the Abilene, Tex., Fort Worth, Tex., and Altus, Okla., control area extensions.

(Sec. 307(a), Federal Aviation Act of 1958; 49 U.S.C. 1348)

Issued in Fort Worth, Tex., on May 26, 1965.

A. L. COULTER,
Acting Director,
Southwest Region.

[F.R. Doc. 65-5802; Filed, June 3, 1965; 8:45 a.m.]

[Airspace Docket No. 63-SW-115]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Revocation of Control Area Extension; Alteration

On March 25, 1965, Federal Register Document 65-3031 was published in the FEDERAL REGISTER (30 F.R. 3858) which, in part, revoked the Sherman, Tex., control area extension, effective 0001 e.s.t., May 27, 1965.

Subsequent to the issuance of this rule, it has been determined that revocation of the Sherman control area extension must be withheld due to the delay encountered in rule action on the Dallas-Fort Worth, Tex., transition area, as proposed in Airspace Docket No. 63-SW-82. Accordingly, Federal Register Document 65-3031 is amended herein. Consideration will be given to revoking the Sherman control area extension after the effective date of the Dallas-Fort Worth transition area, designated in Airspace Docket No. 63-SW-82 to be effective July 22, 1965.

Since this amendment will impose no additional burden on any person, notice and public procedures hereon are unnecessary and the effective date of the final rule may be retained as initially adopted.

In consideration of the foregoing, Federal Register Document No. 65-3031 is amended, effective immediately, to delete paragraph number 2 revoking the Sherman, Tex., control area extension.

(Sec. 307(a), Federal Aviation Act of 1958; 49 U.S.C. 1348)

Issued in Fort Worth, Tex., on May 26, 1965.

A. L. COULTER,
Acting Director,
Southwest Region.

[F.R. Doc. 65-5803; Filed, June 3, 1965; 8:46 a.m.]

[Airspace Docket No. 65-CE-22]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Designation of Transition Area

On March 12, 1965, a notice of proposed rule making was published in the FEDERAL REGISTER (30 F.R. 3356) stating that the Federal Aviation Agency proposed to alter the controlled airspace in the vicinity of Park Rapids, Minn.

Interested persons were afforded an opportunity to participate in the rule making through the submission of comments. Due consideration was given to all relevant matters presented. The Soaring Society of America offered no objection to the airspace designation as proposed. A request was received from Mr. W. K. Blewett of Sky Manor Aero Estates Airport, that the boundary of the transition area be altered so that the 1200 foot floor portion of the transition area would not extend in such close proximity to his airport. On reconsideration, it was determined that the transition area could be altered to exclude that area north of Latitude 47°00'00" N. without impairing safety. Mr. Blewett indicated that such action would be satisfactory to him.

Since the change to the final rule is minor in nature and imposes no additional burden on any person, notice and public procedure hereon are unnecessary.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended effective 0001 e.s.t., July 22, 1965, as hereinafter set forth:

In § 71.181 (29 F.R. 17643) the following transition area is added:

PARK RAPIDS, MINN.

That airspace extending upward from 700 feet above the surface within a 5-mile radius

of Park Rapids, Minn., Municipal Airport (latitude 46°53'54" N., longitude 95°04'18" W.); and within 2 miles each side of the 132° bearing from Park Rapids Municipal Airport extending from the 5-mile radius area to 8 miles SE of the airport; and that airspace extending upward from 1,200 feet above the surface within 8 miles SW and 8 miles NE of the 312° and 132° bearings from Park Rapids Municipal Airport extending from 7 miles NW to 14 miles SE of the airport excluding the area N of latitude 47°00'00" N.

(Sec. 307(a), Federal Aviation Act of 1958; 49 U.S.C. 1348)

Issued in Kansas City, Mo., on May 21, 1965.

EDWARD C. MARSH,
Director, Central Region.

[F.R. Doc. 65-5804; Filed, June 3, 1965; 8:46 a.m.]

[Reg. Docket No. 6626; Amdt. 429]

PART 97—STANDARD INSTRUMENT APPROACH PROCEDURES

Miscellaneous Amendments

The amendments to the standard instrument approach procedures contained herein are adopted to become effective when indicated in order to promote safety. The amended procedures supersede the existing procedures of the same classification now in effect for the airports specified therein. For the convenience of the users, the complete procedure is republished in this amendment indicating the changes to the existing procedures.

As a situation exists which demands immediate action in the interests of safety in air commerce, I find that compliance with the notice and procedure provisions of the Administrative Procedure Act is impracticable and that good cause exists for making this amendment effective within less than 30 days from publication.

In view of the foregoing and pursuant to the authority delegated to me by the Administrator (24 F.R. 5662), Part 97 (14 CFR Part 97) is amended as follows:

1. By amending the following automatic direction finding procedures prescribed in § 97.11(b) to read:

ADF STANDARD INSTRUMENT APPROACH PROCEDURES

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 55 knots
					55 knots or less	More than 55 knots	
Eagle FM	LOM	Direct	4300	T-dn%	300-1	300-1	300-1½
Boise VOR	LOM	Direct	4300	C-dn	400-1	400-1	400-1½
Farms Int	LOM (final)	Direct	4000	S-dn-10 R-L	400-1	400-1	400-1
Reynolds Int	LOM	Direct	5000	A-dn	800-2	800-2	800-2

Procedure turn S side of crs, 276° Outbnd, 096° Inbnd, 4300' within 10 miles.
Minimum altitude over facility on final approach crs 4000'.
Crs and distance, facility to airport, 096°—3.8 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 3.8 miles after passing LOM, climb to 5500' on crs of 111° from Boise LOM within 10 miles, all turns S.
%Takeoff all runways: Shuttle climb on the 212° radial of BOI VORTAC within 20 miles to minimum crossing altitude required for direction of flight.
Direction of flight: N V253, MCA 6,500; E 096° radial, MCA 5,000.
MSA within 25 miles of facility: 000°-090°—10,200'; 090°-180°—8700'; 180°-270°—8300'; 270°-360°—9600'.

City, Boise; State, Idaho; Airport name, Boise Air Terminal; Elev., 2858'; Fac. Class., LOM; Ident., BO; Procedure No. 1, Amdt. 14; Eff. date, 12 June 65; Sup. Amdt. No. 13; Dated, 15 Aug. 64

CPR VOR	LOM	Direct	8000	T-dn%	300-1	300-1	300-1½
Alcova Int	LOM	Direct	8000	C-dn	400-1	400-1	400-1½
Glenrock Int	LOM	Direct	8000	S-dn-7	400-1	400-1	400-1
Henning Int	LOM	Direct	8000	A-dn	800-2	800-2	800-2
Airport Int	LOM	Direct	8000				
Lockett Int	LOM	Direct	8000				
Evansville Int	LOM	Direct	8000				
Oil Field Int	LOM	Direct	8000				

Procedure turn N side of crs, 254° Outbnd, 074° Inbnd, 8000' within 10 miles. Beyond 10 miles not authorized.*
Minimum altitude over facility on final approach crs, 6500'.
Crs and distance, facility to airport, 074°—3.9 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 3.9 miles after passing CP LOM, turn left, return to LOM, climb to 8000' on 254° bearing within 10 miles or, when directed by ATC, turn left, proceed direct to the CPR VOR, climbing to 7500'.
*Final approach from holding pattern not authorized. Procedure turn required.
%Southeastbound (134° thru 155°) IFR departures: On V-19 cross Deer Creek Int at or above 9,000'; on V-65 cross Mountain Int at or above 10,000'.
MSA within 25 miles of facility: 000°-090°—8100'; 090°-180°—10,300'; 180°-270°—9400'; 270°-360°—8700'.

City, Casper; State, Wyo.; Airport name, Casper Air Terminal; Elev., 5347'; Fac. Class., LOM; Ident., CP; Procedure No. 1, Amdt. 3; Eff. date, 12 June 65; Sup. Amdt. No. 2; Dated, 26 Dec. 64

EUG VOR	LOM	Direct	7100	T-dn	300-1	300-1	300-1½
				C-dn	400-1	400-1	500-1½
				S-dn-16	400-1	400-1	400-1
				A-dn	800-2	800-2	800-2

Procedure turn E side of crs, 330° Outbnd, 150° Inbnd, 2100' within 10 miles. (Final approach from holding pattern at EU LOM not authorized, procedure turn required.)
Minimum altitude over facility on final approach crs, 1500'.
Crs and distance, facility to airport, 150°—3.7 miles.
NOTE: All turns to be made on the E side of the crs; high terrain to W.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 3.7 miles after passing EU LOM, turn right and climb direct to EU LOM, thence continue to 2100' on crs, 330° Outbnd, 150° Inbnd within 10 miles of EU LOM, or when directed by ATC, turn right, climb to 3100' on R-250.
EUG VOR within 10 miles.
CAUTION: High terrain, E and W.
Other change: Deletes transition from EO LFR.
MSA within 25 miles of facility: 000°-090°—4500'; 090°-180°—4200'; 180°-270°—4500'; 270°-360°—5100'.

City, Eugene; State, Oreg.; Airport name, Mahlon Sweet Field; Elev., 365'; Fac. Class., LOM; Ident., EU; Procedure No. 1, Amdt. 15; Eff. date, 12 June 65; Sup. Amdt. No. 14; Dated, 1 May 65

ADF STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 55 knots
					55 knots or less	More than 55 knots	
Huntington RBn	HT LOM	Direct	2600	T-dn	300-1	300-1	200-½
Wayne Int	HT LOM	Direct	2600	C-dn	500-1	500-1	500-1½
Crown City Int	HT LOM	Direct	2600	S-dn-11	500-1	500-1	500-1
ECB VOR	Naples Int	Direct	2600	A-dn	800-2	800-2	800-2
YRK VOR	Naples Int	Direct	2600				
Naples Int	HT LOM (final)	Direct	2600				
		Direct	2200				

Procedure turn S side of crs, 294° Outbnd, 114° Inbnd, 2600' within 10 miles.
Minimum altitude over facility on final approach crs, 2200'.
Crs and distance, facility to airport, 114°—4.6 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.6 miles after passing HT LOM make a right-climbing turn to 2600' on crs, 294° to HT LOM, hold W 1-minute right turn, 114° Inbnd, or when directed by ATC, make a right-climbing turn to 2800' on crs, 180° intercept R-080 ECB VOR, proceed to ECB VOR. Hold W 1-minute right turns, 094° Inbnd.
MSA within 25 miles of facility: 000°-090°—3100'; 090°-360°—2400'.

City, Huntington; State, W. Va.; Airport name, Tri-State (Walker-Long Field); Elev., 828'; Fac. Class., LOM; Ident., H-T; Procedure No. 1, Amdt. 4; Eff. date, 12 June 65; Sup. Amdt. No. 3; Dated, 27 June 63

Morey Int	LOM	Direct	2700	T-dn	300-1	300-1	200-½
Marshall Int	LOM	Direct	2600	C-dn	600-1	600-1	600-1½
Albany Int	LOM	Direct	2600	S-dn-36	500-1	500-1	500-1
				A-dn	800-2	800-2	800-2

Radar terminal area transition altitudes all sectors within 17 miles of Truax Field, 2700'.
Radar vectoring to final approach crs authorized in accordance with approved patterns.
Procedure turn E side of crs, 170° Outbnd, 350° Inbnd, 2600' within 10 miles.
Minimum altitude over facility on final approach crs, 2000'.
Crs and distance, facility to airport, 350°—3.9 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 3.9 miles after passing LOM, climb to 2600' on 350° bearing from LOM within 15 miles.
NOTES: (1) Final approach from holding pattern at LOM not authorized. Procedure turn required. (2) When weather is below 1500-2, aircraft departing southwestbound, inbound approach may be radar controlled after radar identification.
#Night takeoffs and landings not authorized Runways 8/26.
e3-mile lateral separation required from 2158' tower, 8 miles SW of airport and 2227' tower, 9 miles SW of airport.
MSA within 25 miles of facility: 000°-180°—2400'; 180°-360°—3300'.

City, Madison; State, Wis.; Airport name, Truax Field; Elev., 859'; Fac. Class., MHW; Ident., MSN; Procedure No. 1, Amdt. 11; Eff. date, 12 June 65; Sup. Amdt. No. 10; Dated, 27 June 64

Racine Int	LOM	Direct	2100	T-dn	300-1	300-1	200-½
MKE VOR	LOM	Direct	2500	C-dn	500-1	500-1	500-1½
Cardinal Int	LOM	Direct	2700	S-dn-1	500-1	500-1	500-1
Wind Lake Int	LOM	Direct	2300	A-dn	800-2	800-2	800-2
Horlick Int	LOM	Direct	2300				
Big Bend Int	LOM	Direct	2300				
Oakwood Int	LOM (final)	Direct	1800				

Radar transitions to final approach crs authorized in accordance with approved patterns.
Procedure turn E side of crs, 186° Outbnd, 006° Inbnd, 2100' within 10 miles.
Minimum altitude over facility on final approach crs, 1800'.
Crs and distance, facility to airport, 006°—5.6 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 3.6 miles after passing LOM, climb to 2700' on 006° bearing from LOM, proceed direct to Cardinal Int. or, when directed by ATC, climb to 2600' and proceed to MKE VOR via MKE R-110.
NOTE: Aircraft on missed approach may be radar controlled after radar identification.
Other change: Deletes transition from MKE RBn.
MSA within 25 miles of facility: 090°-270°—2200'; 270°-090°—2900'.

City, Milwaukee; State, Wis.; Airport name, General Mitchell Field; Elev., 723'; Fac. Class., LOM; Ident., MK; Procedure No. 1, Amdt. 20; Eff. date, 12 June 65; Sup. Amdt. No. 19; Dated, 22 Aug. 64

Hartness Int	SFD RBn	Direct	6300	T-d	1700-2	1700-2	NA
				T-t	NA	NA	NA
				C-d	1700-2	1700-2	NA
				C-t	NA	NA	NA
				S-dn	NA	NA	NA
				A-dn	NA	NA	NA

Minimum safe altitude 6300' within 25 miles.
Procedure turn E side of crs, 200° Outbnd, 020° Inbnd, 3500' within 10 miles.
Minimum altitude over facility on final approach crs, 2300'.
Crs and distance, facility to airport, 020°—2.6 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 9.0 mile of SFD RBn, make right-climbing turn to 3500' direct to SFD RBn. Hold SW of SFD RBn, 020° Inbnd, right turns, 1 minute.
IFR departure procedure: To assure vertical clearance over Mount Ascutney, 3160' peak 9.0 miles NNE of Springfield MHW, pilots will be cleared to climb in the Springfield MHW holding pattern to 3500' before proceeding northeastbound. V-151W Lebanon, MEA 5000'.
NOTES: (1) Beacon must be monitored aurally during this approach. (2) Approach out of a holding pattern not authorized. Procedure turn required.
CAUTION: 2080' mountain range 3 miles NW of airport. Mount Ascutney, 3160' mountain peak 7 miles NE of airport.
MSA within 25 miles of facility: 000°-090°—4500'; 090°-180°—4000'; 180°-270°—5000'; 270°-360°—5500'.

City, Springfield; State, Vt.; Airport name, Hartness Municipal; Elev., 575'; Fac. Class., MHWZ; Ident., SFD; Procedure No. 1, Amdt. 2; Eff. date, 12 June 65; Sup. Amdt. No. 1; Dated, 2 Mar. 65

2. By amending the following very high frequency omnirange (VOR) procedures prescribed in § 97.11(c) to read:

2. By amending the following very high frequency omnirange (VOR) procedures prescribed in § 97.11(c) to read:

VOR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
Mayfield Int	BOI VOR	Direct	7000	T-dn%	800-1	800-1	800-1¼
Willow Creek Int	BOI VOR	Direct	7500	C-dn	400-1	800-1	800-1½
				S-dn-10R#	400-1	400-1	400-1
				A-dn	900-2	900-2	900-2

Radar vectoring authorized in accordance with approved patterns.
Procedure turn S side of crs, 286° Outbnd, 106° Inbnd, 4500' within 10 miles.
Minimum altitude over Meridian Int or 3.5 miles DME Fix on final approach, 3700'.
Crs and distance, Meridian Int or 3.5 miles DME Fix to airport, 106°—3.5 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0.6 mile after passing BOI VOR, climb to 5500' on R-111 within 10 miles. All turns S.
NOTE: ADF or DME equipment required for descent below 3700'.
Other change: Deletes transition from BOI RBn.
#400-¾ authorized, except for 4-engine turbojet aircraft, with operative high-intensity runway lights.
%Takeoff all runways: Shuttle climb on the 212° radial of BOI VORTAC within 20 miles to minimum crossing altitude required for direction of flight.
Direction of flight: N V-253, MCA 6,500; E 096° radial, MCA 5,000.
MSA within 25 miles of facility: 000°–090°—8600'; 090°–180°—7700'; 180°–270°—6700'; 270°–360°—8200'.

City, Boise; State, Idaho; Airport name, Boise Air Terminal; Elev., 2858'; Fac. Class., BVORTAC; Ident., BOI; Procedure No. 1, Amdt. 7; Eff. date, 12 June 65; Sup. Amdt. No. 6; Dated, 19 Sept. 64

				T-dn	300-1	300-1	NA
				C-d	700-1	700-1	NA
				C-n	700-2	700-2	NA
				A-dn	NA	NA	NA

Procedure turn W side of crs, 332° Outbnd, 152° Inbnd, 2700' within 10 miles.
Minimum altitude over facility on final approach crs, 2700'.
Crs and distance, facility to airport, 152°—8.5 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 8.5 miles after passing PLL VORTAC, make left-climbing turn to 2700' and return to the PLL VORTAC and hold E, 265° Inbnd with right turns.
NOTE: When authorized by ATC, PLL DME may be used to position aircraft for straight-in approach at 2700' between R-265 clockwise to R-085 via 6-mile DME arc with the elimination of procedure turn.
MSA within 25 miles of facility: 000°–090°—2600'; 090°–180°—2500'; 180°–270°—2100'; 270°–360°—2300'.

City, Dixon; State, Ill.; Airport name, Charles R. Walgreen Field; Elev., 786'; Fac. Class., BVORTAC; Ident., PLL; Procedure No. 1, Amdt. Orig.; Eff. date, 12 June 65

PROCEDURE CANCELLED, EFFECTIVE 12 JUNE 1965.

City, Dublin; State, Va.; Airport name, New River Valley; Elev., 2103'; Fac. Class., BVOR; Ident., PSK; Procedure No. 1, Amdt. 5; Eff. date, 21 Mar. 64; Sup. Amdt. No. 4; Dated, 24 Nov. 62

				T-dn	800-1	800-1	800-1¼
				C-d	700-1	700-1	700-1½
				C-n	700-2	700-2	700-2
				A-dn	800-2	800-2	800-2
				Following minimums apply after passing the Merrifield Int:			
				C-dn#	400-1	400-1	400-1½

Radar terminal area transition altitudes, all sectors within 25 miles, 2500'.
Radar vectoring to final approach crs authorized in accordance with approved patterns.
Procedure turn E side of crs, 126° Outbnd, 314° Inbnd, 2400' within 10 miles.
Minimum altitude over facility on final approach crs, 2400'; over Merrifield Int, 1800'.
Crs and distance, facility to airport, 314°—0.7 miles; Merrifield Int to airport, 314°—4.4 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 9.7 miles after passing GFK VOR, make left-climbing turn to 2400' and proceed to the GFK VOR, and hold SE, 314° Inbnd with right turns.
NOTE: Aircraft on missed approach may be radar controlled after radar identification.
#Authorized only for aircraft with dual omni receivers operating simultaneously or Merrifield Int identified by radar.
MSA within 25 miles of facility: 000°–090°—2300'; 090°–180°—4100'; 180°–270°—4100'; 270°–360°—2300'.

City, Grand Forks; State, N. Dak.; Airport name, Grand Forks International; Elev., 842'; Fac. Class., BVOR; Ident., GFK; Procedure No. 1, Amdt. 2; Eff. date, 12 June 65; Sup. Amdt. No. 1; Dated, 7 Mar. 64

GFK VOR	RDR VOR	Direct	2200	T-dn	300-1	300-1	300-1¼
				C-dn	400-1	400-1	400-1½
				A-dn	800-2	800-2	800-2

Radar terminal area transition altitudes all sectors within 25 miles 2800'.
Radar vectoring to final approach crs, authorized in accordance with approved patterns.
Procedure turn S side of crs, 219° Outbnd, 039° Inbnd, 2300' within 10 miles.
Minimum altitude over facility on final approach crs, 2000'; over Wilson Int, 1900'.
Crs and distances, facility to airport, 039°—11.9 miles; Wilson Int to airport, 039°—4.3 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.3 miles after passing Wilson Int, make right-climbing turn to 2400' and proceed to the GFK VOR and hold SE 314° Inbnd with the right turns or, when directed by ATC, make right-climbing turn to 2300' and proceed to the RDR VOR.
NOTES: (1) Aircraft on missed approach may be radar controlled after radar identification. (2) Procedure authorized only for aircraft with dual omni receivers operating simultaneously or Wilson Int. identified by radar.
MSA within 25 miles of facility: 090°–180°—3300'; 180°–090°—2600'.

City, Grand Forks; State, N. Dak.; Airport name, Grand Forks International; Elev., 842'; Fac. Class., VOR; Ident., RDR; Procedure No. 2, Amdt. 1; Eff. date, 12 June 65; Sup. Amdt. No. Orig.; Dated, 27 June 64

VOR STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
				T-dn	800-1	800-1	800-1
				C-d	700-1	700-1	700-1½
				C-dn	700-1½	700-1½	800-2
				A-dn	1000-2	1000-2	1000-2

Procedure turn E side of crs, 219° Outbnd, 039° Inbnd, 2800' within 10 miles.
Minimum altitude over facility on final approach crs, 2000'.
Crs and distance, facility to airport, 039°—4.9 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.9 miles after passing HUL VOR, make left-climbing turn to HUL VOR at 2300'. Hold SW of HUL VOR on R-224, 1-minute right turns, 044° Inbnd.
AIR CARRIER NOTE: Night operation on Runway 5-23 only.
CAUTION: 915' antenna, 0.6 mile SSE of airport.
MSA within 25 miles of facility: 000°–090°—2800'; 090°–270°—3500'; 270°–360°—3400'.

City, Houlton; State, Maine; Airport name, Houlton International; Elev., 493'; Fac. Class., BVOR; Ident., HUL; Procedure No. 1, Amdt. 4; Eff. date, 12 June 65; Sup. Amdt. No. 3; Dated, 14 Apr. 62

				T-dn*	500-1	500-1	500-1
				C-d	600-1½	600-1½	600-1¼
				C-n	700-2	700-2	700-2
				A-dn	1000-2	1000-2	1000-2

Procedure turn E side of crs 030° Outbnd, 210° Inbnd, 2200' within 10 miles.
Minimum altitude over Kapaa Int on final approach crs, 700' (800', night).
Crs and distance, facility to airport, 230°—0.8 mile.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished at Kapaa Int, make left turn, climb to 3000' on R-030 within 20 miles, reverse crs and climb to 4000' over LIH VOR.
AIR CARRIER NOTE: Sliding scale not authorized.
CAUTION: Terrain, 725' high, 1.3 miles NW, and 780'—1.75 miles S of airport.
NOTE: Visual flight required from Kapaa Int to airport.
#Circling to W not authorized.
*Takeoff on Runway 21 restricted to 600-2, day, 700-2, night.
*Aircraft departing Runway 21 must cross airport under visual conditions prior to departing on crs. All IFR departures, climb between radials 080° and 135° to assigned altitude.
MSA within 25 miles of facility: 000°–090°—2000'; 090°–180°—2000'; 180°–270°—3400'; 270°–360°—8200'.

City, Lihue; State, Hawaii; Airport name, Lihue; Elev., 147'; Fac. Class., BVOR; Ident., LIH; Procedure No. 1, Amdt. 7; Eff. date, 12 June 65; Sup. Amdt. No. 6; Dated, 12 Jan. 65

15 miles NW Breakers Int	High Tide Int	Via V-2	2000	T-dn*	500-1	500-1	500-1
High Tide Int	Lihue VOR (final)	Direct	700**	C-d#	600-1½	600-1½	600-1½
				C-n#	700-2	700-2	700-2
				A-dn	1000-2	1000-2	1000-2

Procedure turn N side of crs, 119° Outbnd, 299° Inbnd, 2500' within 10 miles. Procedure turn not required when cleared for straight-in approach to airport via Hightide Int.
Minimum altitude over facility on final approach crs, 700'.**
Crs and distance, facility to airport, 330°—0.8 mile.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 6.0 mile, make right turn, climb to 3000' on R-030 within 20 miles, reverse crs, climbing to 4000' over LIH VOR.
CAUTION: Terrain, 725' high, 1.3 miles NW, and 780'—1.8 miles S of airport.
AIR CARRIER NOTE: Sliding scale not authorized.
Other change: Deletes transition from Seaweed Int to Hightide.
*T. O. Runway 21, 600-2, day, 700-2, night. Aircraft departing from Runway 21 must cross airport under visual conditions prior to departing on crs. All IFR departures, climb between radials 080° and 135° to assigned altitude.
**800, night.
#Circling to W not authorized.
MSA within 25 miles of facility: 000°–090°—2600'; 090°–180°—2600'; 180°–270°—5400'; 270°–360°—6200'.

City, Lihue; State, Hawaii; Airport name, Lihue; Elev., 147'; Fac. Class., BVOR; Ident., LIH; Procedure No. 2, Amdt. 2; Eff. date, 12 June 65; Sup. Amdt. No. 1; Dated, 4 May 63

				T-dn	800-1	405-1	400-1
				C-dn	700-1	700-1	700-1¼
				A-dn	800-2	800-2	800-2

Procedure turn E side of crs, 128° Outbnd, 318° Inbnd, 2200' within 10 miles.
Minimum altitude over the facility on final approach crs, 1100'.
Crs and distance, facility to airport, 318°—7.8 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 7.8 miles after passing MLT VORTAC, make a right-climbing turn to MLT VORTAC at 2200'. Hold SE of MLT VORTAC on R-128, 1 minute right turns, 318° Inbnd.
CAUTION: 600' stacks, 0.3 mile WSW of airport.
MSA within 25 miles of facility: 000°–090°—4500'; 090°–180°—2000'; 180°–270°—4000'; 270°–360°—6300'.

City, Millinocket; State, Maine; Airport name, Millinocket Municipal; Elev., 403'; Fac. Class., H-BVORTAC; Ident., MLT; Procedure No. 1, Amdt. 2; Eff. date, 12 June 65; Sup. Amdt. No. 1; Dated, 5 Nov. 60

3. By amending the following terminal very high frequency omnirange (TerVOR) procedures prescribed in § 97.13 to read:

TERMINAL VOR STANDARD INSTRUMENT APPROACH PROCEDURES

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
Du Page VOR	Glen Int	Direct	3000	T-dn*	300-1	300-1	300-1½
Naperville VOR	Glen Int	Direct	2500	C-dn	500-1	500-1	500-1½
Warren Int	Glen Int	Via API R-288 and ORD R-223.	2500	S-dn-4	500-1	500-1	500-1
				A-dn	800-2	800-2	800-2
Glen Int	Benson Int (final)	Direct	1800				

Procedure turn not authorized.
Radar transition to final approach crs authorized. Aircraft will be released for final approach without procedure turn 3 miles from Benson Int.
Minimum altitude over Benson Int on final approach crs, 1800'.
Crs and distance, Benson Int to Runway 4, 042°—3.6 miles.
Crs and distance, breakoff point to approach end of Runway 4, 226°—0.5 mile.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0.0 mile of ORD VOR, make left turn, climb to 2500', proceed to OBK VOR via OBK R-170.
NOTE: Aircraft must be equipped with dual VOR receivers, or VOR and DME receivers or position be identified over Benson Int by O'Hare radar.
*CAUTION: Takeoffs on Runway 27 when weather is below 2000-3, will intercept ORD VOR R-250 and climb to 2000' before proceeding westbound. Takeoffs on Runway 32L, when weather is below 2000-3, will intercept ORD VOR R-308 and climb to 2000' before proceeding westbound.
MSA within 25 miles of facility: 000°–090°—2000'; 090°–180°—2000'; 180°–270°—2600'; 270°–360°—2300'.

City, Chicago; State, Ill.; Airport name, Chicago-O'Hare International; Elev., 667'; Fac. Class., BVORTAC; Ident., ORD; Procedure No. TerVOR-4, Amdt. 2; Eff. date, 12 June 65; Sup. Amdt. No. 1; Dated, 18 Jan. 64

Fayetteville VOR	Simmons VOR	Direct	2000	T-dn	300-1	300-1	300-1½
Pope VOR	Simmons VOR	Direct	2000	C-dn	400-1	500-1	500-1½
Pope HW	Simmons VOR	Direct	2000	S-dn-27	400-1	400-1	400-1
				A-dn	800-2	800-2	800-2

Radar terminal transition altitude, 2500' within 15 miles of Simmons AAF. (Raleigh approach control.)
Procedure turn N side of crs, 089° Outbnd, 269° Inbnd, 1700' within 10 miles.
Minimum altitude over facility on final approach crs, 600'.
Crs and distance, facility to airport, 269°—0.6 mile (considered on airport).
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0.0 mile of FBG VOR, turn left, climb to 2000' and proceed direct to FAY VOR.
NOTE: Authorized for military use only, except by prior arrangement.
MSA within 25 miles of facility: 000°–180°—1500'; 180°–270°—1700'; 270°–360°—1800'.

City, Fort Bragg; State, N.C.; Airport name, Simmons AAF; Elev., 234'; Fac. Class., VOR; Ident., FBG; Procedure No. TerVOR-27, Amdt. 2; Eff. date, 12 June 65; Sup. Amdt. No. 1; Dated, 27 Mar. 65

Morey Int	TAX VOR	Direct	2600	T-dn*	300-1	300-1	300-1½
Marshall Int	TAX VOR	Direct	2600	C-dn*	700-1	700-1	700-1½
MSN LOM	TAX VOR	Direct	2600	S-dn-13	700-1	700-1	700-1
				A-dn	800-2	800-2	800-2

Radar terminal area transition altitudes all sectors within 17 miles of Truax Field, 2700'.
Radar vectoring to final approach crs authorized in accordance with approved patterns.
Procedure turn W side of crs, 317° Outbnd, 137° Inbnd, 2300' within 10 miles.
Facility on airport.
Minimum altitude over facility on final approach crs, 1600'.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0.0 mile after passing TAX VOR, climb to 2600' on R-137 within 10 miles.
NOTES: (1) When weather is below 1500-2, aircraft departing southwestbound, flight below 2700' beyond 4 miles from airport is prohibited between radials 201° and 247°, inclusive, of the TAX VOR due to 2227' tower, 9 miles SW of airport. (2) Aircraft on missed approach may be radar controlled after radar identification.
*Night takeoffs and landings not authorized Runways 8/26.
‡3-mile lateral separation required from 2158' tower, 8 miles SW of airport and 2227' tower, 9 miles SW of airport.
MSA within 25 miles of facility: 000°–180°—2400'; 180°–360°—3300'.

City, Madison; State, Wis.; Airport name, Truax Field; Elev., 860'; Fac. Class., BVOR; Ident., TAX; Procedure No. Ter VOR-13, Amdt. 3; Eff. date, 12 June 65; Sup. Amdt. No. 2; Dated, 27 June 64

Morey Int	TAX VOR	Direct	2600	T-dn*	300-1	300-1	300-1½
Marshall Int	TAX VOR	Direct	2600	C-dn*	600-1	600-1	600-1½
Madison LOM	TAX VOR	Direct	2600	A-dn	800-2	800-2	800-2

Radar terminal area transition altitudes all sectors within 17 miles of Truax Field, 2700'.
Radar vectoring to final approach crs authorized in accordance with approved patterns.
Procedure turn W side of crs, 356° Outbnd, 176° Inbnd, 2600' within 10 miles.
Minimum altitude over facility on final approach crs, 1800'.
Facility on airport.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0.0 mile after passing TAX VOR, climb to 2600' on R-176 within 10 miles.
NOTE: Aircraft on missed approach may be radar controlled after radar identification.
Other change: Deletes breakoff crs, and distance information. Radar Fix and lower minimums after the Fix deleted.
*When weather is below 1500-2, aircraft departing southwestbound, flight below 2700' beyond 4 miles from airport is prohibited between radials 201° and 247°, inclusive of the TAX VOR due to 2227' tower, 9 miles SW of airport.
‡Night takeoffs and landings not authorized Runways 8/26.
‡3-mile lateral separation required from 2158' tower, 8 miles SW of airport and 2227' tower, 9 miles SW of airport.
MSA within 25 miles of facility: 000°–180°—2400'; 180°–360°—3300'.

City, Madison; State, Wis.; Airport name, Truax Field; Elev., 860'; Fac. Class., BVOR; Ident., TAX; Procedure No. Ter VOR-13, Amdt. 1; Eff. date, 12 June 65; Sup. Amdt. No. Orig.; Dated, 27 June 64

TERMINAL VOR STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
Morey Int	TAX VOR	Direct	2600	T-dn*	300-1	300-1	300-1½
Marshall Int	TAX VOR	Direct	2600	C-dn*	600-1	600-1	600-1½
MSN LOM	TAX VOR	Direct	2600	S-dn-31	600-1	600-1	600-1
				A-dn	800-2	800-2	800-2
				Following minimums apply, if College Int received:			
				S-dn-31	600-1	600-1	600-1

Radar terminal area transition altitudes all sectors within 17 miles of Truax Field, 2700'.
Radar vectoring to final approach crs authorized in accordance with approved patterns.
Procedure turn E side of crs, 131° Outbnd, 311° Inbnd, 2300' within 10 miles.
Facility on airport.
Minimum altitude over facility on final approach crs, 1300'.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0.0 mile after passing TAX VOR, climb to 2700' on R-311 within 10 miles.
NOTES: (1) When weather is below 1500-2, aircraft departing southwestbound, flight below 2700' beyond 4 miles from airport is prohibited between radials 201° and 247°, inclusive, of the TAX VOR due to 2227' tower 9 miles SW of airport. (2) Aircraft on missed approach may be radar controlled after radar identification.
*Night takeoffs and landings not authorized Runways 8/26.
‡3-mile lateral separation required from 2158' tower, 8 miles SW of airport and 2227' tower, 9 miles SW of airport.
MSA within 25 miles of facility: 000°–180°—2400'; 180°–360°—3300'.

City, Mad son; State, Wis.; Airport name, Truax Field; Elev., 880'; Fac. Class., BVOR; Ident., TAX; Procedure No. TerVOR-31, Amdt. 4; Eff. date, 12 June 64; Sup. Amdt. No. 3; Dated, 27 June 64

Lafayette Int	PV LOM or Greenwich Int or R-226, 5.7-DME Fix (final).	Direct	1601	T-dn	300-1	300-1	300-1½
				C-dn	800-1	800-1	800-1½
				A-dn	800-2	800-2	800-2
				After passing PV LOM or Greenwich Int or R-226, 5.7-DME Fix, the following minimums are authorized:‡			
				C-dn	600-1	600-1	600-1½
				S-dn-5L and R.	600-1	600-1	600-1
				After passing the R-226, 2.5-DME Fix, the following minimums apply:			
				S-dn-5L and R.	400-1	400-1	400-1

Radar vectoring by Quonset Point RATCC authorized in accordance with approved patterns.
Procedure* turn W side of crs, 226° Outbnd, 046° Inbnd, 1700' within 12 miles. Beyond 12 miles not authorized.
Minimum altitude over facility on final approach crs, 856'.‡
Crs and distance, PV LOM or Greenwich Int* to airport, 046°—5.4 miles.
VOR on airport. No centerline intercept provided to allow use of dual runways.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 5.4 miles after passing the PV LOM or Greenwich Int, or at the 1.0-mile. DME Fix, make left-climbing turn to 2300' to Foster Int. Hold SW on R-057 ORW VOR, 1-minute left turns, or when directed by ATC, make a climbing left turn and return to the PV LOM or Greenwich Int at 1700'. Hold SW, 046° Inbnd, 1-minute left turns.
NOTE: Procedure turn conducted W to provide separation from traffic at NAS, Quonset Point, R.I.
CAUTION: 849' antenna, 4.8 miles N o. airport.
*Inbnd crs from procedure turn should be intercepted prior to the PV LOM or Greenwich Int.
400-¾ authorized in lieu of 400-1, except for 4-engine turbojet aircraft, with operative high-intensity runway lights.
400-½ authorized in lieu of 400-1, except for 4-engine turbojet aircraft, with operative ALS.
MSA within 25 miles of facility: 000°–140°—2000'; 090°–270°—1500'; 270°–360°—2000'.

City, Providence; State, R.I.; Airport name, Theodore Francis Green; Elev., 56'; Fac. Class., BVORTAC; Ident., PVD; Procedure No. TerVOR-5L/R, Amdt. 5; Eff. date, 12 June 65; Sup. Amdt. No. 4; Dated, 14 Mar. 64

Geneseo VOR	Scottsville Int	Direct	2600	T-dn	300-1	300-1	300-1½
Linwood Int	Scottsville Int	Direct	2600	C-dn	800-1	800-1	800-1½
Scottsville Int	Rochester VOR (final)	Direct	1601	A-dn	800-2	800-2	800-2
				If 5-mile Radar Fix is received, the following minimums apply:			
				C-dn	700-1	700-1	700-1½

Radar transitions and vectoring authorized in accordance with approved patterns.
Procedure turn E side of crs, 223° Outbnd, 043° Inbnd, 2400' within 10 miles.
Minimum altitude over facility on final approach crs, 1405'; 1200' if 5-mile radar Fix is received.
Facility on Airport; Breakoff point to runway, 040°—0.26 mile.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0.0 mile of the Rochester VOR, make left-climbing turn to 3000', intercept R-298 of Rochester VOR, proceed to Spencerport Int. Hold W, 1-minute left turns, 118° Inbnd.
CAUTION: Tower, 946'—2.5 miles SW, Tower, 860'—2.3 miles N of airport.
AIR CARRIER NOTE: Takeoff on Runway 12 and landing on Runway 30 not authorized.
MSA within 25 miles of facility: 000°–090°—2100'; 090°–180°—3000'; 180°–270°—3100'; 270°–360°—2000'.

City, Rochester; State, N.Y.; Airport name, Rochester-Monroe County; Elev., 560'; Fac. Class., BVOR; Ident., ROC; Procedure No. TerVOR-4, Amdt. 1; Eff. date, 12 June 65; Sup. Amdt. No. Orig.; Dated, 13 Mar. 65

Potomac Int	DCA VOR	Direct	3000	T-dn	300-1	300-1	300-1½
Herndon VOR	DCA VOR	Direct	2000	C-dn	700-1	700-1	700-1½
Andrews LFR	DCA VOR	Direct	2000	S-dn-15	700-1	700-1	700-1
Nottingham VOR	DCA VOR	Direct	2000	A-dn	800-2	800-2	800-2

Radar transitions and vectoring authorized in accordance with approved patterns.
Procedure turn S side, 320° Outbnd, 140° Inbnd, 2000' within 10 miles of Georgetown MHW.
Minimum altitude abeam* GTN RBn on final approach crs, 1600'. Descend to landing minimums after passing abeam GTN RBn on crs, 140°.
Crs and distance abeam GTN RBn to breakoff point, 140°—5.0 miles; breakoff point to runway, 140°—0.6 mile.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0.0 mile after passing DCA VOR, climb to 1000' on crs 140°, make a right turn and proceed to Washington RBn at 1500', climbing to 1800' in holding pattern, 181° Outbnd, 001° Inbnd, 1-minute left turns.
CAUTION: Washington Monument, 556'—1.6 miles N of airport. Antenna on top of building, 400'—2.8 miles NW of airport.
*Maintain 1600' until abeam GTN RBn. If position abeam GTN RBn not identified, descent below 1800' not authorized.
MSA within 25 miles of facility: 000°–270°—1700'; 270°–090°—2100'.

City, Washington, D.C.; Airport name, Washington National; Elev., 15'; Fac. Class., BVOR; Ident., DCA; Procedure No. TerVOR-18, Amdt. 12; Eff. date, 12 June 65; Sup. Amdt. No. 11; Dated, 3 Oct. 64

TERMINAL VOR STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

From—	To—	Course and distance	Minimum altitude (feet)	Condition	Ceiling and visibility minimums: 2-engine or less: 65 knots or less	2-engine or less: More than 65 knots	More than 2-engine, more than 65 knots
Potomac Int	DCA VOR	Direct	3000	T–dn	300–1	300–1	300–1½
Herndon VOR	DCA VOR	Direct	3000	C–dn 18, 18, 21, 3	700–1	700–1	700–1½
Andrews LFR	DCA VOR	Direct	1600				
Nottingham VOR	DCA VOR	Direct	1600	C–dn–33§	800–1	800–1	800–1½
				S–dn–36	800–1	800–1	800–1½
				A–dn	800–2	800–2	800–2

Radar transitions and vectoring authorized in accordance with approved patterns.
Procedure turn W side of crs, 186° Outbnd, 006° Inbnd, 1500' within 10 miles of Washington RBn. Nonstandard due to traffic.
Minimum altitude over facility on final approach crs, 500'. Maintain 1400' until passing Alexandria Int.*
Crs and distance, breakoff point to approach end of Runway 36, 006°—0.5 mile; Alexandria Int to approach end of Runway 36, 006°—4.6 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 6 mile, make a left-climbing turn as soon as practical, climb to 2000' on R-320 DCA VOR and proceed to Potomac Int. Hold NW on DCA VOR R-320, 1-minute left turns.
CAUTION: Washington Monument, 555'—1.6 miles N of airport; 199' stack, 1.3 miles SW of airport; 316' stack, 1.6 miles E of airport.
*Descend to landing minimums after passing Alexandria Int.
§Circling to Runway 33 not authorized beyond the DCA VOR R-157.
MSA within 25 miles of facility: 090°–270°—1700'; 270°–090°—2100'.

City, Washington, D.C.; Airport name, Washington National; Elev., 15'; Fac. Class., BVOR; Ident., DCA; Procedure No. TerVOR-36, Amdt. 10; Eff. date, 12 June 65; Sup. Amdt. No. 9; Dated, 3 Oct. 64

4. By amending the following very high frequency omnirange-distance measuring equipment (VOR/DME) procedures prescribed in § 97.15 to read:

VOR/DME STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.
If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

From—	To—	Course and distance	Minimum altitude (feet)	Condition	Ceiling and visibility minimums: 2-engine or less: 65 knots or less	2-engine or less: More than 65 knots	More than 2-engine, more than 65 knots
25-mile DME Fix R–286	15-mile DME Fix R–286	Direct	5500	T–dn%	300–1	300–1	200–½
15-mile DME Fix R–286	7-mile DME Fix R–286	Direct	4100	C–dn	400–1	400–1	400–1½
7-mile DME Fix R–286	3.5-mile DME Fix R–286	Direct	3700	S–dn–10L and R§	400–1	400–1	400–1
3.5-mile DME Fix R–286	BOI VOR	Direct	3300	A–dn	800–2	800–2	800–2

Radar vectoring authorized in accordance with approved patterns.
Procedure turn S side of crs, 286° Outbnd, 106° Inbnd, 4500' within 10 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0.6 mile, climb to 5500' on R–111 within 10 miles. All turns S.
NOTE: When authorized by ATC, DME may be used within 20 miles at 9000' between R–302 clockwise to R–110 and 7500' between R–111 clockwise to R–301 to position aircraft for final approach with the elimination of procedure turn.
§400–¾ authorized, except for 4-engine turbojet aircraft, with operative high-intensity runway lights.
%Takeoff all runways: Shuttle climb on the 212° radial of the BOI VORTAC within 20 miles to minimum crossing altitude required for direction of flight.
MSA within 25 miles of facility: 000°–090°—8600'; 090°–180°—7700'; 180°–270°—6700'; 270°–360°—8200'.
Direction of flight: N V283, MCA 6500; E 096° radial, MCA 5000.

City, Boise; State, Idaho; Airport name, Boise Air Terminal; Elev., 2858'; Fac. Class., BVORTAC; Ident., BOI; Procedure No. VOR/DME No. 1, Amdt. 2; Eff. date, 12 June 65; Sup. Amdt. No. 1; Dated, 19 Sept. 64

From—	To—	Course and distance	Minimum altitude (feet)	Condition	Ceiling and visibility minimums: 2-engine or less: 65 knots or less	2-engine or less: More than 65 knots	More than 2-engine, more than 65 knots
25-mile DME Fix R–111	15-mile DME Fix R–111	Direct	7500	T–dn%	300–1	300–1	200–½
15-mile DME Fix R–111	7.0-mile DME Fix R–111	Direct	5500	C–dn	700–1	700–1	700–1½
7.0-mile DME Fix R–111	3.0-mile DME Fix R–111	Direct	4000	A–dn	800–2	800–2	800–2
3.0-mile DME Fix R–111	1.5-mile DME Fix R–111	Direct	3600				

Radar vectoring authorized in accordance with approved patterns.
Procedure turn S side of crs, 111° Outbnd, 291° Inbnd, 6000' between 5 miles and 15 miles. High terrain N.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished at 1.5-mile DME Fix R–111, climb to 4200' on R–286 within 10 miles.
NOTE: When authorized by ATC, DME may be used within 20 miles at 9000' between R–302 clockwise to R–110 and 7500' between R–111 clockwise to R–301 to position aircraft for final approach with the elimination of procedure turn.
%Takeoff all runways: Shuttle climb on the 212° radial of BOI VORTAC within 20 miles to minimum crossing altitude required for direction of flight.
MSA within 25 miles of facility: 000°–090°—8600'; 090°–180°—7700'; 180°–270°—6700'; 270°–360°—8200'.
Direction of flight: N V–283, MCA 6500; E 096° radial, MCA 5000.

City, Boise; State, Idaho; Airport name, Boise Air Terminal; Elev., 2858'; Fac. Class., BVORTAC; Ident., BOI; Procedure No. VOR/DME, Amdt. 2; Eff. date, 12 June 65; Sup. Amdt. No. 1; Dated, 19 Sept. 64

PROCEDURE CANCELLED, EFFECTIVE 12 JUNE 1965.

City, Dublin, State, Va.; Airport name, New River Valley; Elev., 2108'; Fac. Class., BVORTAC; Ident., PSK, Procedure No. 1, Amdt. 1; Eff. date, 12 Dec. 64; Sup. Amdt. No. Orig.; Dated, 21 Nov. 64

VOR/DME STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

From—	To—	Course and distance	Minimum altitude (feet)	Condition	Ceiling and visibility minimums: 2-engine or less: 65 knots or less	2-engine or less: More than 65 knots	More than 2-engine, more than 65 knots
Gardena Int	PDT VOR	Direct	5500	T–dn%	300–1	300–1	200–½
Pilot Rock Int	PDT VOR	Direct	4500	C–dn	500–1	500–1	500–1½
Echo Int	PDT VOR	Direct	3500	S–dn–7R	400–1	400–1	400–1
Cold Springs Int	PDT VOR	Direct	3500	A–dn	800–2	800–2	800–2
Mission Int	PDT VOR	Direct	3500				

Procedure turn N side of crs, 253° Outbnd, 073° Inbnd, 3500' within 10 miles.
Minimum altitude over facility on final approach crs, 2600'.
Crs and distance, facility to airport, 073°—3.6 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 3.6 miles after passing PDT VOR, make left-climbing turn direct to PDT VOR, continue climb to 4000' on R–253 within 10 miles of PDT VOR.
NOTE: When authorized by ATC, DME may be used within 8 miles at 3500' to position aircraft for straight-in approach with elimination of the procedure turn.
§400–¾ authorized, except for 4-engine turbojet aircraft, with operative high-intensity runway lights.
%Takeoffs all runways: Climb direct to PDT VORTAC, thence continue climb on R–224 PDT VORTAC within 15 miles so as to cross PDT VORTAC at or above southeastbound V–4, 2500'; southeastbound V–288, 2500'; southwestbound V–231, 2800'. LF departure: Climb on the W crs PN LFR within 10 miles so as to cross PN LFR at or above 2700' on any crs from 050° clockwise to 230°. All maneuvering N of R–234 of PDT VOR or N side of the W crs PN LFR.
MSA within 25 miles of facility: 000°–090°—6100'; 090°–180°—6400'; 180°–270°—5100'; 270°–360°—2800'.

City, Pendleton; State, Oreg.; Airport name, Pendleton Municipal; Elev., 1498'; Fac. Class., H–BVORTAC; Ident., PDT; Procedure No. VOR/DME No. 1, Amdt. 5; Eff. date, 12 June 65; Sup. Amdt. No. 4; Dated, 27 Feb. 65

12-mile DME Fix R–047	8-mile DME Fix R–047 (final)	Direct	2000	T–dn	300–1	300–1	200–½
8-mile DME Fix R–047	8-mile DME Fix R–047 (final)	Direct	1200	C–dn	600–1	600–1	600–1½
				S–dn–22L and R	800–1	800–1	800–1
				A–dn	800–2	800–2	800–2

Radar vectoring by Quonset Pt RATCC authorized in accordance with approved patterns.
Procedure turn N side of crs, 047° Outbnd, 227° Inbnd, 2000' within 12 miles. Beyond 12 miles not authorized.
Inbnd crs from procedure turn must be intercepted prior to 8-mile DME Fix R–047. Descent below 2000' not authorized before passing 8-mile DME Fix on final.
Minimum altitude over 8-mile DME Fix R–047 on final approach crs, 2000', over 5-mile Fix, 1200'; over facility 556'.
Facility on airport. No runway centerline provided to allow use of dual runways.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished at the 0.5-mile DME Fix R–047, make right-climbing turn to 2300', proceeding to Foster Int. Hold SW on ORW VOR R–057, 1-minute left turns, 057° Inbnd.
NOTE: When authorized by ATC, DME may be used within 12 miles at 2000' between R–031 and R–089 to position aircraft for a straight-in approach with the elimination of the procedure turn.
CAUTION: 849' tower, 4.8 miles N of airport.
MSA within 25 miles of facility: 000°–090°—2000'; 090°–270°—1800'; 270°–360°—2000'.

City, Providence; State, R.I.; Airport name, Theodore Francis Green; Elev., 56'; Fac. Class., BVORTAC; Ident., PVD; Procedure No. VOR/DME No. 1, Amdt. 1; Eff. date, 12 June 65; Sup. Amdt. No. Orig.; Dated, 2 Nov. 63

5. By amending the following instrument landing system procedures prescribed in § 97.17 to read:

ILS STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.
If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

From—	To—	Course and distance	Minimum altitude (feet)	Condition	Ceiling and visibility minimums: 2-engine or less: 65 knots or less	2-engine or less: More than 65 knots	More than 2-engine, more than 65 knots
Parma Int*	LOM (final)	Direct	4000	T–dn%	300–1	300–1	200–½
Eagle FM	LOM	Direct	4500	C–dn	400–1	400–1	400–1½
BOI VOR	LOM	Direct	4300	S–dn–10L	200–½	200–½	200–½
15-miles DME Fix, R–347 BOI VOR	15-mile arc	Via 15-mile arc	10000	A–dn	600–2	600–2	600–2
Nampa DME Int*	LOM (final)	Direct	4000				
Reynolds Int	LOM	Direct	5000				

Procedure turn S side of crs, 276° Outbnd, 096° Inbnd, 4300' within 10 miles.
Minimum altitude over facility on final approach crs, 3900'.
Minimum altitude at glide slope interception Inbnd, 3900'.
Altitude of glide slope and distance to approach end of runway at OM, 3900'—2.8 miles; at MM, 3055'—0.6 mile.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished, climb to 5500' on R–111 BOI VOR within 20 miles or, when directed by ATC, turn right, and climb to 7500' on R–212 BOI VOR within 20 miles or right-climbing turn direct to BO LOM, shuttle climb W of BO LOM to 4300' on W crs of BOI ILS within 10 miles.
NOTE: When authorized by ATC, DME may be used from 20 miles to 12 miles at 6500' between radial 210° clockwise to radial 325° BOI VOR to position aircraft over Nampa Int for final approach with the elimination of procedure turn.
*Maintain 4000' until intercepted glide slope. Descend on glide slope to cross LOM at 3900'.
%Takeoff all runways: Shuttle climb on the 212° radial of the BOI VORTAC within 20 miles to minimum crossing altitude required for direction of flight.
Direction of flight: N V283, MCA 6,500; E 096° radial, MCA 5,000.

City, Boise; State, Idaho; Airport name, Boise Air Terminal; Elev., 2858'; Fac. Class., ILS; Ident., I–BOI; Procedure No. ILS–10L, Amdt. 15; Eff. date, 12 June 65; Sup. Amdt. No. 14; Dated, 15 Aug. 64

ILS STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
CPR VOR	LOM	Direct	8000	T-dn%	300-1	300-1	300-½
Henning Int	LOM	Direct	8000	C-dn	400-1	500-1	500-1½
Alcova Int	LOM	Direct	8000	S-dn-7	300-1½	300-1½	300-½
Glenrock Int	Evansville Int	Direct	8000	A-dn	600-2	600-2	600-2
Evansville Int	LOM	Direct	8000				
Airport Int	LOM	Direct	8000				
Oil Field Int	LOM	Direct	8000				
Lockett Int	LOM	Direct	8000				
Pipeline VHF/DME Int $	LOM (final)	Direct	6700				

Procedure° turn N side of W crs, 284° Outbnd, 074° Inbnd, 8000′ within 10 miles.
Minimum altitude at glide slope interception Inbnd, 6700′.
Altitude of glide slope and distance to approach end of runway at OM, 6980′—3.9 miles; at MM, 5648′—0.6 mile.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished, climb to 7800′ on E crs of ILS within 20 miles of LMM or, when directed by ATC, turn left, proceed direct to CPR VOR, climbing to 7600′.
NOTES: (1) Glide slope unusable beyond 1 mile W of LOM and above 7000′ due to moderate-to-severe roughness. (2) When authorized by ATC, DME may be used from 22 miles to 26 miles at 7700′ between CPR radial, 291° clockwise to radial, 270° to position aircraft over Pipeline DME Fix for final approach with elimination of procedure turn.
#Maintain 7000′ until interception of glide slope. Descend on glide slope to cross LOM at 6700′.
°Final approach from holding pattern not authorized. Procedure turn required.
%Southeastbound, 134° thru 156° IFR departures: On V-19 cross Deer Creek Int at or above 9,000′; on V-85 cross Mountain Int at or above 10,000′.
$Aircraft eastbound on localizer determine Pipeline by int of localizer W crs and CZI radial, 175°.

City, Casper; State, Wyo.; Airport name, Casper Air Terminal; Elev., 5348′; Fac. Class., ILS; Ident., I-CPR; Procedure No. ILS-7, Amdt. 11; Eff. date, 12 June 65; Sup. Amdt. No. 10; Dated, 26 Dec. 64

Gordonsville VOR	AOM RBn	Direct	3400	T-dn°	300-1	300-1	NA
Rochelle Int	AOM RBn	Direct	3400	C-d	500-1	500-1	NA
Rockfish Int	AOM RBn	Direct	3000	C-n	500-1½	500-1¾	NA
				S-dn-3	400-1	400-1	NA
				A-dn	800-2	800-2	NA

Procedure turn E side of crs, 207° Outbnd, 027° Inbnd, 3400′ within 10 miles of AOM RBn.
Minimum altitude over AOM RBn on final approach crs, 2300′; over OM, 1334′.
Crs and distance, AOM RBn to airport, 027°—7.9 miles; OM, 027°—3.9 miles.
No glide slope.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 8.9 miles after passing AOM RBn, or 1.9 miles after passing the OM, make immediate left-climbing turn to 3400′, direct to AOM RBn. Hold SW, 027° Inbnd, 1-minute right turns.
CAUTION: 1164′ obstruction, 2.5 miles NE of Runway 21.
°Runway 3 takeoffs: Make immediate left-climbing turn direct to AOM RBn, climb to 3400′ in 1-minute right turns, NE shuttle, 207° bearing Inbnd, then proceed as cleared.
°Runway 21 takeoffs: Climb direct to AOM RBn, climb to 3400′ in 1-minute right turn, NE shuttle, 207° bearing Inbnd, then proceed as cleared.

City, Charlottesville; State, Va.; Airport name, Charlottesville-Albemarle; Elev., 694′; Fac. Class., ILS; Ident., I-CHO; Procedure No. ILS-3, Amdt. Orig.; Eff. date, 12 June 65

Lofall Int	PAE LOM	Direct	3000	T-dn#	300-1	300-1	300-½
Bainbridge LF Int	PAE LOM	Direct	3000	C-dn	500-2	500-2	500-2
PAE VOR	PAE LOM	Direct	3000	S-dn-16°	300-1½	300-1½	300-½
				A-dn	500-2	500-2	500-2

Radar vectoring authorized utilizing Seattle center radar in accordance with approved patterns.
Procedure turn E side of crs, 336° Outbnd, 156° Inbnd, 3000′ within 10 miles of PAE LOM.
Minimum altitude at glide slope interception Inbnd, 2700′.
Altitude of glide slope and distance to approach end of runway at OM, 2884′—7.9 miles; at MM, 821′—0.6 mile.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished, turn right, climb to 3000′ on R-275 of PAE VOR within 10 miles, or when directed by ATC, turn right, climb to 3000′, direct PAE LOM.
NOTE: Localizer useable only 60° on either side of front crs. False crs indications possible in other areas.
CAUTION: Numerous jet aircraft activities from airport and in immediate surrounding area.
Other change: Deletes portion of straight-in minimums footnote.
#Takeoff minimums 200-½ authorised only for Runways 16 and 34.
°400-1 required when glide slope not used. 400-½ authorised, except for 4-engine turbojet aircraft, with operative high-intensity runway lights. 400-¼ authorized, except for 4-engine turbojet aircraft, with operative ALS.

City, Everett; State, Wash.; Airport name, Paine Field; Elev., 609′; Fac. Class., ILS; Ident., I-PAE; Procedure No. ILS-16, Amdt. 4; Eff. date, 12 June 65; Sup. Amdt. No. 3; Dated, 20 Mar. 65

Huntington RBn	HT LOM	Direct	3000	T-dn	300-1	300-1	300-½
Wayne Int	HT LOM	Direct	3000	C-dn	500-1	500-1	500-1½
Crown City Int	HT LOM	Direct	3000	S-dn-11°	400-1	400-1	400-1
ECB VOR	Naples Int	Direct	2800	A-dn	800-2	800-2	800-2
YRK VOR	Naples Int	Direct	2800				
Naples Int	HT LOM (final)	Direct	2200				

Procedure turn S side of crs, 294° Outbnd, 114° Inbnd, 2800′ within 10 miles.
Minimum altitude over LOM on final approach crs, 2200′.
Crs and distance, LOM to airport, 114°—4.6 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished, make a right-climbing turn to 2800′ on crs, 294°, return to LOM. Hold W, 1-minute right turns, 114° Inbnd, or when directed by ATC, make a right-climbing turn to 2800′ on crs, 180°, intercept R-080 ECB VOR, proceed to ECB VOR. Hold W, 1-minute right turns, 084° Inbnd.
NOTE: No glide slope.
#400-¼ authorised, except for 4-engine turbojet aircraft, with operative high-intensity runway lights.
¢400-½ authorised, except for 4-engine turbojet aircraft, with operative ALS.

City, Huntington; State, W. Va.; Airport name, Tri-State (Walker-Long Field); Elev., 828′; Fac. Class., ILS; Ident., I-HTS; Procedure No. ILS-11, Amdt. 5; Eff. date, 12 June 65; Sup. Amdt. No. 4; Dated, 27 July 63

ILS STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
Morey Int	LOM	Direct	2700	T-dn#	300-1	300-1	300-½
Brooklyn Int	LOM (final)	Direct	2100	C-dn#	600-1	600-1	600-1½
Marshall Int	LOM	Direct	2000	S-dn-36°¶	300-1½	300-1½	300-½
				A-dn	600-2	600-2	600-2

Radar terminal area transition altitudes all sectors within 17 miles of Truax Field, 2700′.
Radar vectoring to final approach crs authorized in accordance with approved patterns.
Procedure turn E side of crs, 176° Outbnd, 356° Inbnd, 2600′ within 10 miles.
Minimum altitude at glide slope interception Inbnd, 2100′.
Altitude of glide slope and distance to approach end of runway at OM, 1919′—3.9 miles; at MM, 1089′—0.6 mile.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished, climb to 2000′ on 359° bearing from LOM within 10 miles or, when directed by ATC, make right-climbing turn to 2600′ and proceed direct to Madison LOM.
NOTES: (1) Final approach from holding pattern at LOM not authorized. Procedure turn required. (2) When weather is below 1400-2, aircraft departing southwestbound, flight below 2700′ beyond 4 miles from airport is prohibited between radials, 201° and 267°, inclusive, of the TAX VOR due to 2227′ tower, 9 miles SW of airport. (3) Aircraft on missed approach may be radar controlled after radar identification.
#Night takeoffs and landings not authorized Runways 8/26.
°°400-1 required when glide slope not utilized.
$400-¾ authorized, except for 4-engine turbojet aircraft, with operative high-intensity runway lights.
¢400-½ authorized, except for 4-engine turbojet aircraft, with operative ALS.
¶3-mile lateral separation required from 2189′ tower, 8 miles SW of airport and 2227′ tower, 9 miles SW of airport.

City, Madison; State, Wis.; Airport name, Truax Field; Elev., 859′; Fac. Class., ILS; Ident., I-MSN; Procedure No. ILS-36, Amdt. 11; Eff. date, 12 June 65; Sup. Amdt. No. 10; Dated, 27 June 64

MKE VOR	LOM	Direct	2800	T-dn°°	300-1	300-1	300-½
Big Bend Int	LOM	Direct	2200	C-dn	500-1	500-1	500-1½
Racine Int	LOM	Direct	2100	S-dn-1°¶	300-1½	300-1½	300-½
Cardinal Int	LOM	Direct	2700	A-dn	600-2	600-2	600-2
Wind Lake Int	LOM	Direct	2300				
Horlick Int	LOM	Direct	2300				
Oakwood Int	LOM (final)	Direct	2000				

Radar transitions to final approach crs authorized in accordance with approved patterns.
Procedure turn E side S crs, 188° Outbnd, 008° Inbnd, 2100′ within 10 miles.
Minimum altitude at glide slope interception Inbnd, 2000′.
Altitude of glide slope and distance to approach end of runway at OM, 1877′—3.6 miles; at MM, 929′—0.6 mile.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished, climb to 2700′ on 008° bearing from LOM and proceed direct to the Cardinal Int or, when directed by ATC, climb to 2600′ and intercept R-110 MKE VOR and proceed to MKE VOR.
NOTE: Aircraft on missed approach may be radar controlled after radar identification.
°Runway visual range, 2400′ is also authorized for landing on Runway 1; provided, that all components of the ILS, high-intensity runway lights, approach lights, condenser discharge flashers, outer compass locator, and all related airborne equipment are operating satisfactorily. Descent below 902′ shall not be made unless visual contact with the approach lights has been established or the aircraft is clear of clouds.
°°Runway visual range, 2400′ also authorized for takeoff on Runway 1 in lieu of 300-½ when 300-1½ authorised, providing high-intensity runway lights are operational.
$400-1 required when glide slope not utilized.
¢400-¾ authorized, except for 4-engine turbojet aircraft, with operative high-intensity runway lights.
¢400-½ authorised, except for 4-engine turbojet aircraft, with operative ALS.

City, Milwaukee; State, Wis.; Airport name, General Mitchell Field; Elev., 723′; Fac. Class., ILS; Ident., I-MKE; Procedure No. ILS-1, Amdt. 21; Eff. date, 12 June 65; Sup. Amdt. No. 20; Dated, 22 Aug. 64

MKE VOR	Lake Park Int	Direct	2700	T-dn	300-1	300-1	300-½
MK LOM	Lake Park Int	Direct	2700	C-dn	500-1	500-1	500-1½
MWC VOR	Lake Park Int	Direct	2700	S-dn-10¢	400-1	400-1	400-1
Cardinal Int	Lake Park Int (final)	Direct	2400	A-dn	800-2	800-2	800-2

Radar transitions to final approach crs authorized according to approved patterns.
Procedure turn W side of crs, 006° Outbnd, 186° Inbnd, 2700′ within 10 miles of Lake Park Int.
No glide slope, outer or middle marker, and no approach lights.
Minimum altitude over Lake Park Int on final approach crs, 2400′; over Harbor Int, 1900′.
Crs and distance, Lake Park Int to airport, 186°—7.3 miles; Harbor Int to airport, 186°—4.1 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.1 miles after passing Harbor Int, climb to 2100′ on S crs ILS within 10 miles of MK LOM.
NOTES: (1) Aircraft on missed approach may be radar controlled after radar identification. (2) This procedure authorized only for aircraft equipped to receive VOR and ILS simultaneously, unless radar controller advises passing Lake Park Int and Harbor Int.
Other change: Deletes transition from MKE RBn. Deletes reference to aircraft to be released for final approach without procedure turn.
¢400-¼ authorized, except for 4-engine turbojet aircraft, with operative high-intensity runway lights.

City, Milwaukee; State, Wis.; Airport name, General Mitchell Field; Elev., 723′; Fac. Class., ILS; Ident., I-MKE; Procedure No. ILS-19 (back crs), Amdt. 2; Eff. date, 12 June 65; Sup. Amdt. No. 1; Dated, 22 Aug. 64

MIP VOR	Picture Rocks RBn/Int	Direct	3700	T-dn	800-1	800-1	800-1
IPT VOR	Picture Rocks RBn/Int	Direct	3700	C-dn#	900-1¼	900-1¼	900-1¼
Int MIP R-008 and IPT R-088	Picture Rocks RBn (final)	Direct	3600	S-dn-27°	800-1¼	800-1¼	800-1¼
				A-d	1500-2	1500-2	1500-2
				A-n	1500-3	1500-3	1500-3

Procedure turn S side of crs, 080° Outbnd, 260° Inbnd, 3700′ within 10 miles of Picture Rocks RBn or Int.
Nonstandard due to higher terrain N of ILS crs.
Minimum altitude over Picture Rocks RBn or Int on final approach crs, 3600′.
Altitude at glide slope and distance to approach end of runway at OM, 1812′—3.6 miles; at MM, 769′—0.6 mile.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 3.8 miles after passing outer marker or 9.4 miles after passing Picture Rocks RBn or Int, make immediate right (N) climbing turn to 3700′, proceed to Picture Rocks RBn. Hold E, 1-minute left turns, Inbnd crs, 260° or, when directed by ATC, make a right (NW) climbing turn to 4000′ to intercept the MIP VOR R-324, proceed to Trout Run Int. Hold W Trout Run Int, 1-minute right turns, Inbnd crs, 110°.
#CAUTION: 2000′ ridge approximately 2.0 miles S of airport. All circling approaches are prohibited in the area S of Runway 9-27.
NOTE: Procedure restricted to aircraft capable of receiving ILS and VOR simultaneously when Picture Rocks RBn inoperative.
AIR CARRIER NOTE: Sliding scale not authorized for takeoffs and landings. Runways 15-33 closed to air carrier operations.
°If glide slope inoperative, maintain 2000′ until past OM; circling minimums apply.

City, Williamsport; State, Pa.; Airport name, Williamsport-Lycoming County; Elev., 823′; Fac. Class., ILS; Ident., I-IPT; Procedure No. ILS-27, Amdt. 5; Eff. date, 12 June 65; Sup. Amdt. No. 4; Dated, 29 Aug. 64

6. By amending the following radar procedures prescribed in § 97.19 to read:

RADAR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet, MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If a radar instrument approach is conducted at the below named airport, it shall be in accordance with the following instrument procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitude(s) shall correspond with those established for en route operation in the particular area or as set forth below. Positive identification must be established with the radar controller. From initial contact with radar to final authorized landing minimums, the instructions of the radar controller are mandatory except when (A) visual contact is established on final approach at or before descent to the authorized landing minimums, or (B) at pilot's discretion if it appears desirable to discontinue the approach, except when the radar controller may direct otherwise prior to final approach, a missed approach shall be executed as provided below when (A) communication on final approach is lost for more than 5 seconds during a precision approach, or for more than 30 seconds during a surveillance approach; (B) directed by radar controller; or (C) visual contact is not established upon descent to authorized landing minimums; or (D) if landing is not accomplished.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less: 65 knots or less	2-engine or less: More than 65 knots	More than 2-engine, more than 65 knots
				Surveillance approach			
All sectors	Radar Site	Within: 7 miles	**1300	T–dn	300–1	300–1	200–½
All sectors	Radar Site	10–25 miles	2800	C–dn	300–1	300–1	300–1½
All sectors	Radar Site	7–10 miles	**2400	S–dn–19½	400–1	400–1	400–1
All sectors	Radar Site	7–14 miles	#2000	S–dn–7R	300–1	400–1	400–1
				S–dn–12, 19	300–1	300–1	300–1
				S–dn–25L and 31	300–1	300–1	300–1
160° CW to 200°	Radar Site			A–dn	300–2	300–2	300–2

If visual contact not established upon descent to authorized landing minimums or if landing not accomplished, Runway 1: Climb to 2700' on 008° bearing from MK LOM within 20 miles to the Cardinal Int. Runway 19: Climb to 2100' on S crs ILS within 10 miles of MK LOM. Runways 7R–13: Right turn, climb to 2100' and proceed to LOM. Runways 25L–31: Left turn, climb to 2100' and proceed to LOM.

%Do not descend below 1200' on approach to Runway 1 until controller advises passing the AC spark plug tower.

*3-mile lateral separation required from 1720' tower, 7.8 miles N of airport; 1735' tower, 9.2 miles N of airport; and 1349' tower, 11 miles NW of airport.

**3-mile lateral separation required from 1281' tower, 4.8 miles N of airport; 1175' tower, 6.1 miles NW of airport; 1050' tower, 3.6 miles W of airport; 1269' towers, 7 miles W of airport; 1141' stack, 6.0 miles SSE of airport; 1720' tower, 7.8 miles N of airport; 1735' tower, 9.2 miles N of airport; and 1091' tower, 8 miles SW of airport.

#3-mile lateral separation required from 1141' stack, 6.0 miles SSE of airport.

$400–¾ authorized, except for 4-engine turbojet aircraft, with operative high-intensity runway lights.

$400–1 authorized, except for 4-engine turbojet aircraft, with operative ALS.

City, Milwaukee; State, Wis.; Airport name, General Mitchell Field; Elev., 723'; Fac. Class. and Ident., Milwaukee Radar; Procedure No. 1, Amdt. 12; Eff. date, 12 June 65; Sup. Amdt. No. 11; Dated, 22 Aug. 64

000°–200° / 200°–000°	Within:	Minimum altitude (feet)	Condition	2-engine or less: 65 knots or less	2-engine or less: More than 65 knots	More than 2-engine, more than 65 knots
			Surveillance approaches			
	30 miles	8000	T–dn%**	300–1	300–1	200–½
	20 miles	4000	C–dn#	300–1	300–1	300–1½
			S–dn–29–11#	400–1	400–1	400–1
			A–dn	600–2	600–2	600–2
			Precision approach			
			S–dn–29*	200–½	200–½	200–½
			A–dn	600–2	600–2	600–2

$400–½ authorized, except for 4-engine turbojet aircraft, with operative high-intensity runway lights.

$400–½ authorized, except for 4-engine turbojet aircraft, with operative ALS.

Runway 29: Climb to 1000' on heading, 293°, then turn right to intercept OAK VOR R–313, climbing to 3000' to Richmond Int.

Runway 11: Proceed direct to the IN LOM, climbing to 2600' in a 1-minute holding pattern NW of LOM (130° Inbnd), left turns.

Alternate missed approach for:

Runway 29: Turn left, proceed direct to IN LOM, climbing to 2600' in a 1-minute holding pattern NW of LOM (130° Inbnd), left turns.

Runway 11: Turn left to intercept the OAK VOR R–313 climbing to 3000' to Richmond Int.

Other changes: Deletes surveillance approaches and missed approach procedures for Runways 27R and 9L.

%300–1 required Runway 33.

*Runway visual range, 2000', also authorized for landing on Runway 29; providing all components of the PAR, high-intensity runway lights, approach lights, condenser discharge flasher, touchdown zone and runway centerline lights, outer compass locator, and all related airborne equipment are operating satisfactorily. Descent below the authorized landing minimum altitude of 200' shall not be made unless visual contact with the approach lights has been established or the aircraft is clear of clouds.

**Runway visual range, 2000', also authorized for takeoff on Runway 29 in lieu of 200–½ when 200–½ is authorized, providing high-intensity runway lights and runway centerline lights are operational.

City, Oakland; State, Calif.; Airport name, Metropolitan Oakland International; Elev., 6'; Fac. Class. and Ident., Oakland Radar; Procedure No. 1, Amdt. 12; Eff. date, 12 June 65; Sup. Amdt. No. 11 (Panel No. 2); Dated, 17 Oct. 64

These procedures shall become effective on the dates specified therein.

(Secs. 307(c), 313(a), 601, Federal Aviation Act of 1958; 49 U.S.C. 1348(c), 1354(a), 1421; 72 Stat. 749, 752, 775)

Issued in Washington, D.C., May 7, 1965.

G. S. MOORE,
Director, Flight Standards Service.

[F.R. Doc. 65–5026; Filed, June 3, 1965; 8:45 a.m.]

Title 7—AGRICULTURE

Chapter I—Consumer and Marketing Service (Standards, Inspections, Marketing Practices), Department of Agriculture

PART 29—TOBACCO INSPECTION

PART 30—TOBACCO STOCKS AND STANDARDS

PART 34—TOBACCO SEED AND PLANT EXPORTATION ACT

PART 160—REGULATIONS AND STANDARDS FOR NAVAL STORES

Change in Agency Name

Pursuant to the order of the Secretary dated February 8, 1965 (30 F.R. 2160), changing the name of Agricultural Marketing Service to Consumer and Marketing Service, 7 CFR Parts 29, 30, 34, and 160 are hereby amended by changing the terms "Agricultural Marketing Service" and "AMS" to read "Consumer and Marketing Service" and "C&MS," respectively, wherever they appear in the following sections:

PART 29
29.3(h)
29.16
29.17
29.51
29.1116
29.2963
29.2626
29.3112

PART 30
30.38 (b), (c) (1), and (c) (10)
30.42(a)
30.60

PART 34	
34.1 (b) and (c)	34.11

PART 160	
160.1(c)	160.302

Done at Washington, D.C., this 28th day of May 1965.

S. R. SMITH,
Administrator.

[F.R. Doc. 65–5818; Filed, June 3, 1965; 8:47 a.m.]

Chapter VII—Agricultural Stabilization and Conservation Service (Agricultural Adjustment), Department of Agriculture

[Amdt. 18]

PART 722—COTTON

Subpart—Acreage Allotment Regulations for the 1964 and Succeeding Crops of Upland Cotton

MISCELLANEOUS AMENDMENTS

(a) This amendment is issued pursuant to the Agricultural Adjustment Act of 1938, as amended (52 Stat. 31, as amended; 7 U.S.C. 1281 et seq.). This amendment clarifies the proviso in § 722.213(b)(5) to make clear that the prohibition on reapportionment of allotment released from a farm covered by a conservation program contract is not applicable where such contract does not or will not provide for any change in land use on the farm, and authorizes the State committee to extend the date for furnishing proof of exportation of export cotton.

(b) In order to make clear that allotments released for the current crop from a farm covered by a conservation program contract which does not provide for any change in land use may properly be reapportioned for the current crop, and because exporters are currently furnishing proof of exportation of 1964 export cotton to the county ASC committee, it is essential that this amendment be made effective as soon as possible. Accordingly, it is hereby determined and found that compliance with the notice, public procedure and 30-day effective date requirements of section 4 of the Administrative Procedure Act (60 Stat. 238; 5 U.S.C. 1003) is impracticable and contrary to the public interest and this amendment shall be effective upon filing this document with the Director, Office of the Federal Register.

The Acreage Allotment Regulations for the 1964 and Succeeding Crops of Upland Cotton (28 F.R. 11041, as amended) are amended as follows:

1. Section 722.213(b)(5) of the regulations is amended to read as follows:

§ 722.213 Release and reapportionment of cotton allotments.

* * * * *

(b) *Allotments which may be released and reapportioned.* * * *

(5) *Reapportionment by county committee.* Released allotments shall be reapportioned by the county committee not later than the applicable closing date to other farms receiving farm allotments in the same county for which timely application is filed in amounts determined by the county committee to be fair and reasonable pursuant to the applicable standards and guidelines under subparagraph (4) of this paragraph: *Provided*, That any allotment released from a farm which is covered in whole or in part by a contract under the conservation programs or for which an application for such contract is pending, shall not be reapportioned by the county committee to any other farm or surrendered to the State committee for reapportionment to other counties, unless such contract does not or will not provide for any change in land use on the farm.

* * * * *

2. The last sentence of § 722.228(e) of the regulations is amended to read as follows:

§ 722.228 Exportation of cotton produced on export market acreage of the 1964 crop.

* * * * *

(e) *Time limit for export.* * * * Liability for liquidated damages shall accrue unless evidence of exportation within the time limit specified in this paragraph is furnished to the county committee within 60 days after such exportation or within such extended period as may be approved by the State committee upon a showing of good cause.

* * * * *

(Secs. 344, 349, 375, 63 Stat. 670, as amended; 78 Stat. 173, 52 Stat. 66, as amended; 7 U.S.C. 1344, 1349, 1375)

Effective date: Date of filing this document with the Director, Office of the Federal Register.

Signed at Washington, D.C., on June 1, 1965.

H. D. GODFREY,
Administrator, Agricultural Stabilization and Conservation Service.

[F.R. Doc. 65–5856; Filed, June 3, 1965; 8:50 a.m.]

Title 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

SUBCHAPTER B—FOOD AND FOOD PRODUCTS

PART 120—TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

Chloropicrin, Methyl Bromide, and Propargyl Bromide

Two petitions were filed (PP 5F0426, 5F0427) with the Food and Drug Administration by the Dow Chemical Co., Post Office Box 512, Midland, Mich., 48641, proposing the establishment of tolerances for residues of inorganic bromides (calculated as Br) in or on raw agricultural commodities grown in soil fumigated with combinations of chloropicrin, methyl bromide, and propargyl bromide. After these petitions were filed, the petitioner amended the levels requested on certain crops. No tolerances are requested for chloropicrin, methyl bromide, or propargyl bromide on the basis of a showing that no residues of these chemicals per se carry over to crops from the treated soil. Since residues of inorganic bromide resulting from the use of methyl bromide are indistinguishable from residues of inorganic bromide resulting from the use of propargyl bromide, a single tolerance for their total bromide residues on specified crops is established as indicated below.

The Secretary of Agriculture has certified that combinations of these pesticide chemicals are useful for the purposes for which tolerances are being established.

After consideration of the data submitted in these petitions and other relevant material which show that the tolerances established in this order will protect the public health, and by virtue of the authority vested in the Secretary of Health, Education, and Welfare by the Federal Food, Drug, and Cosmetic Act (sec. 408(d)(2), 68 Stat. 512; 21 U.S.C. 346a(d)(2)), and delegated to the Commissioner of Food and Drugs by the Secretary (21 CFR 2.90), Part 120 is

amended by adding to Subpart C the following new section:

§ 120.199 Inorganic bromides resulting from soil treatment with combinations of chloropicrin, methyl bromide, and propargyl bromide; tolerances for residues.

Tolerances for residues of inorganic bromides (calculated as Br) in or on raw agricultural commodities grown in soil fumigated with combinations of chloropicrin, methyl bromide, and propargyl bromide are established as follows:

60 parts per million in or on eggplants.

40 parts per million in or on muskmelons, tomatoes.

25 parts per million in or on broccoli, cauliflower, peppers, pineapples, strawberries.

No tolerances are established for chloropicrin since it has been established that no residue of this substance remains in the raw agricultural commodity.

Any person who will be adversely affected by the foregoing order may at any time within 30 days from the date of its publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington, D.C., 20201, written objections thereto, preferably in quintuplicate. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof.

Effective date. This order shall be effective on the date of its publication in the FEDERAL REGISTER.

(Sec. 408(d)(2), 68 Stat. 512; 21 U.S.C. 346a(d)(2))

Dated: May 27, 1965.

GEO. P. LARRICK,
Commissioner of Food and Drugs.

[F.R. Doc. 65-5846; Filed, June 3, 1965; 8:49 a.m.]

PART 121—FOOD ADDITIVES

Subpart F—Food Additives Resulting From Contact With Containers or Equipment and Food Additives Otherwise Affecting Food

RELEASE AGENTS

The Commissioner of Food and Drugs, having evaluated the data in a petition (FAP 5B1556) filed by Humble Oil & Refining Co., Post Office Box 2180, Houston 1, Tex., and other relevant material, has concluded that § 121.2509 of the food additive regulations should be amended to permit the substances identified in that section to be used as release agents in petroleum wax intended for use as a component of food-contact articles. Therefore, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1)), and under the authority delegated to the Commissioner by the Secretary of Health, Education, and Welfare (21 CFR 2.90), the introduction to § 121.2509 is amended to read as follows:

§ 121.2509 Release agents.

Substances listed in paragraph (b) of this section may be safely used as release agents in petroleum wax complying with § 121.2586 and in polymeric resins that contact food, subject to the provisions of this section.

* * * * *

Any person who will be adversely affected by the foregoing order may at any time within 30 days from the date of its publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington, D.C., 20201, written objections thereto, preferably in quintuplicate. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof.

Effective date. This order shall be effective on the date of its publication in the FEDERAL REGISTER.

(Sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1))

Dated: May 27, 1965.

GEO. P. LARRICK,
Commissioner of Food and Drugs.

[F.R. Doc. 65-5848; Filed, June 3, 1965; 8:49 a.m.]

PART 121—FOOD ADDITIVES

Subpart F—Food Additives Resulting From Contact With Containers or Equipment and Food Additives Otherwise Affecting Food

ADHESIVES

The Commissioner of Food and Drugs, having evaluated the data in petitions (FAP 5B1726 through 5B1731) filed by Monsanto Co., 800 North Lindbergh Boulevard, St. Louis, Mo., 63166, and other relevant material, has concluded that the food additive regulations should be amended to provide for the use of additional substances in the production of food-packaging adhesives. Therefore, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1)), and under the authority delegated to the Commissioner by the Secretary of Health, Education, and Welfare (21 CFR 2.90), § 121.2520(c)(5) is amended by inserting alphabetically in the list "Components of Adhesives" the following new items:

§ 121.2520 Adhesives.

* * * * *

(c) * * *

(5) * * *

Components of Adhesives	Substances and Limitations
* * * * *	
1,3 - Bis(2 - benzothiazolylmercaptomethyl) urea.	
* * * * *	
Carbon disulfide–1,1'-methylenedipiperidine reaction product.	
* * * * *	
N,N-Dimethylcyclohexylamine dibutyldithiocarbamate.	
* * * * *	
4,6-Dinonyl-o-cresol.	
* * * * *	
1,3-Diphenyl-2-thiourea.	
* * * * *	
4,4'-Dithiodimorpholine.	
* * * * *	

Any person who will be adversely affected by the foregoing order may at any time within 30 days from the date of its publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington, D.C., 20201, written objections thereto, preferably in quintuplicate. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof.

Effective date. This order shall be effective on the date of its publication in the FEDERAL REGISTER.

(Sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1))

Dated: May 27, 1965.

GEO. P. LARRICK,
Commissioner of Food and Drugs.

[F.R. Doc. 65-5847; Filed, June 3, 1965; 8:49 a.m.]

Title 28—JUDICIAL ADMINISTRATION

Chapter I—Department of Justice

[Order No. 342-65]

PART 42—EQUAL EMPLOYMENT OPPORTUNITY; POLICY AND PROCEDURE

Subpart B—Equal Employment Opportunity Under Government Contracts

By virtue of the authority vested in me by Part III of Executive Order No. 10925 of March 6, 1961, as amended by Executive Order No. 11114 of June 22, 1963, and by Section 161 of the Revised Statutes (5 U.S.C. 22), and Section 2 of Reorganization Plan No. 2 of 1950, it is hereby ordered as follows:

SECTION 1. Part 42 of Title 28 of the Code of Federal Regulations (Order No. 265–62) is hereby amended by designating the existing provisions of that part as "Subpart A—Equal Employment Opportunity Within the Department of Justice" and by adding at the end thereof a new Subpart B to read as follows:

Subpart B—Equal Employment Opportunity Under Government Contracts

Sec.
42.50 Purposes.
42.51 Applicability.
42.52 Administration.
42.53 Compliance reports.
42.54 Compliance reviews.
42.55 Complaints.
42.56 Processing of complaints.
42.57 Sanctions.
42.58 Hearings.
42.59 General provisions.

AUTHORITY: The provisions of this Subpart B issued under sec. 161, Rev. Statz.; 5 U.S.C. 22; sec. 2, Reorg. Plan No. 2 of 1950, 15 F.R. 3173; E.O. 10925 of March 6, 1961, 3 CFR, 26 F.R. 1977, as amended by E.O. 11114 of June 22, 1963, 3 CFR, 28 F.R. 6485.

§ 42.50 Purposes

In order to accomplish the purposes of Part III of Executive Order No. 10925, as amended, Executive Order No. 11114, and the rules and regulations of the President's Committee on Equal Employment Opportunity (41 CFR Ch. 60), and to promote and insure equal employment opportunity for all qualified persons without regard to race, color, creed, or national origin, the policies and procedures set forth in this subpart shall be observed by all contracting officers of the Department of Justice.

§ 42.51 Applicability.

(a) Except as provided in paragraph (b) of this section, every contract or subcontract entered into by, or on behalf of, this Department shall contain the equal opportunity clause (sometimes referred to as the "Nondiscrimination Clause") prescribed by Executive Order No. 10925, as amended by Executive Order No. 11114, and by the rules and regulations of the President's Committee.

(b) The folowing-described classes of contracts and subcontracts are exempt from the requirement of paragraph (a) of this section—

(1) Contracts and subcontracts involving the expenditure of $10,000 or less, other than Government bills of lading;

(2) Contracts and subcontracts involving expenditures of $100,000 or less for standard commercial supplies or raw materials, subject to such exceptions as the Executive Vice Chairman of the President's Committee may specify;

(3) Contracts to be performed outside the United States if no recruitment of workers within the United States is involved;

(4) Contracts for the sale of Government real or personal property which involve no appreciable amount of work;

(5) Contracts and subcontracts which are to be effective for no more than 1 year and which involve an indefinite quantity if the expenditure thereunder is not reasonably expected to exceed (i) $100,000 for standard commercial supplies and raw materials, or (ii) $10,000 in other cases; and

(6) Contracts specified by the Executive Vice Chairman of the President's Committee.

§ 42.52 Administration.

(a) The head of each organizational unit of this Department who, pursuant to Part 0 of Title 28 of this Code, has been assigned the function of handling contracts for his unit shall be responsible for obtaining compliance by contractors with the equal opportunity clause prescribed by § 42.51(a), and section 301 of Executive Order No. 10925, as amended.

(b) The nondiscrimination policies and procedures set forth in this subpart shall be publicized and brought to the attention of all prospective bidders and contractors.

(c) Contracting officers shall furnish each contractor with copies of nondiscrimination posters which the contractor shall post in conspicuous places available to employees and job applicants.

(d) The Assistant Attorney General for Administration serves as the Principal Compliance Officer pursuant to section 307 of Executive Order No. 10925, as amended, and is authorized to designate Deputy Compliance Officers (see 28 CFR 0.83).

§ 42.53 Compliance reports.

(a) Contracting officers shall require each nonexempt contractor having a contract subject to the provisions of section 301 of Executive Order No. 10925, as amended, to file, and shall require each nonexempt contractor to require each of his first-tier subcontractors not exempted under the provisions of § 42.51 to file, compliance reports in accordance with instructions attached to the official compliance report form (Standard Form 40 or Standard Form 41 (for construction contracts)). Subsequent reporting shall be accomplished as indicated in those instructions. Whenever a contractor or subcontractor is currently engaged in the performance of any part or all of another contract or subcontract subject to an equal opportunity clause with any Government agency, and has filed, within a current reporting period, a compliance report covering the plants, facilities, and activities that will be involved in the performance of the new contract, this requirement shall be satisfied by the filing, with the contracting officer, of a certificate of submission of current compliance report (Standard Form 40A).

(b) Contracting officers shall furnish the contractor enough report forms (Standard Forms 40, 40A, or 41) to satisfy the requirements of paragraph (a) of this section.

(c) The designated time for filing compliance reports may be extended with the approval of the Executive Vice Chairman. Requests by contractors or subcontractors for such an extension should be directed to the contracting officer who shall forward them to the Executive Vice Chairman in accordance with the procedures set forth in this subpart.

(d) Contracting officers shall require bidders, prospective contractors, and their proposed subcontractors, to state as an initial part of the bid on, or negotiations of, any contract whether they have participated in any previous contract subject to the provisions of section 301 of Executive Order No. 10925, and, if so, whether they have filed with the President's Committee, or the agency involved, all compliance reports due under applicable instructions. In any case in which any such bidder, prospective contractor, or proposed subcontractor who shall have participated in the performance of a contract or subcontract that was subject to the provisions of Executive Order No. 10925 shall have failed to file a compliance report due under applicable instructions, he shall be required to submit a compliance report under this subpart prior to the award of the proposed contract or subcontract. In addition, if requested by the Executive Vice Chairman, the contracting officer shall require the submission of a compliance report by any bidder, prospective contractor, or proposed subcontractor prior to the award of a contract upon which the contractor has bid.

(e) Whenever requested by the Executive Vice Chairman or the head of the organizational unit concerned, the contracting officer shall, as a part of the bid on, or negotiation of, a contract, direct a bidder, prospective contractor, or proposed subcontractor to file a statement in writing (signed by an authorized officer or agent of any labor union or other workers' representative with which the bidder or prospective contractor or subcontractor deals or has reason to believe he will deal in connection with performance of the proposed contract), together with supporting information, to the effect that the practices and policies of the labor union or other workers' representative do not discriminate on the grounds of race, color, creed, or national origin, and that the labor union or other workers' representative either will affirmatively cooperate, within the limits of its legal and contractual authority, in the implementation of the policy and provisions of the Executive orders, or that it consents and agrees that recruitment, employment, and the terms and conditions of employment under the proposed contract shall be in accordance with the purposes and provisions of the Executive order. If the union or other workers' representative fails or refuses to execute such a statement, the bidder or proposed contractor or subcontractor shall so certify, and describe the efforts which have been made to obtain such a statement. Upon receipt of such a certification, the Executive Vice Chairman shall be notified in accordance with the procedures set forth in this subpart.

§ 42.54 Compliance reviews.

(a) Both routine and special compliance reviews shall be conducted to ascertain the extent to which contractors and subcontractors are complying with the provisions of the equal opportunity clause (§ 42.51(a)), and to furnish educational data in connection with this nondiscrimination program.

(b) A routine compliance review shall consist of a general review of the practices of the contractor or subcontractor to ascertain his compliance with the requirements of the clause. This type of review shall include a verification that notices are appropriately posted and that the clause is included in subcontracts whenever required. Routine compliance reviews shall be considered a normal part of contract administration.

(c) A special compliance review shall consist of a comprehensive review of the employment practices of the contractor or subcontractor with respect to the requirements of the clause. In addition to discussions with management, personnel conducting special compliance reviews should, whenever appropriate, obtain information concerning the contractor's or subcontractor's employment practices from employment sources, minority groups, and interested civic groups. Special compliance reviews shall be conducted (1) from time to time, (2) whenever special circumstances (including receipt of complaints which are processed under § 42.55) warrant, and (3) whenever requested by proper authority. Results of special compliance reviews shall be reported to the Executive Vice Chairman in accordance with the procedures set forth in this subpart.

§ 42.55 Complaints.

(a) Complaints may be submitted in writing to the President's Committee, to the head of the organizational unit involved, or to the Attorney General. The head of the organizational unit concerned shall cause each complaint based upon alleged noncompliance with the provisions of the equal opportunity clause to be investigated promptly. Whenever a complaint is filed directly with the Department, it shall be forwarded to the Deputy Compliance Officer concerned, who shall transmit a copy of the complaint directly to the Executive Vice Chairman within 10 days after receipt thereof. The organizational unit shall proceed with a prompt investigation of the complaint: *Provided*, That the complaint is submitted within 90 days after the date of the alleged discrimination. The time for filing may be extended by the Department or the Executive Vice Chairman for good cause shown.

(b) Complaints shall be signed by the complainant and shall contain the following-listed information:

(1) Name and address (including telephone number) of the complainant;

(2) Name and address of the contractor or subcontractor who is alleged to have committed a discriminatory act cognizable under these regulations;

(3) A description of the alleged discriminatory act or acts; and

(4) Other pertinent information that will assist in the investigation and resolution of the complaint.

(c) Whenever a complaint contains incomplete or inadequate information, the organizational unit concerned shall request the complainant to provide the needed information. In the event such information is not furnished within 60 days of the date of such request, the case may be closed.

§ 42.56 Processing of complaints.

Complaints submitted or referred to an organizational unit and determined to involve a Government contract or subcontract, shall be processed in accordance with procedures that will assure—

(1) Prompt investigation of the statements and allegations contained in the complaint. Such investigation should include, whenever necessary, (i) a review of the pertinent personnel practice and policies of the contractor or subcontractor concerned, (ii) the circumstances under which the discriminatory action is alleged to have taken place, and (iii) other factors which may determine whether the contractor or subcontractor in the particular case complies with the provisions of the equal opportunity clause set forth in the contract or subcontract concerned.

(2) Resolution of complaints by conciliatory means whenever possible.

(3) The preparation and submission of the case record and a summary report to the Executive Vice Chairman in conformity with § 60–1.24(c) of the regulations of the President's Committee (41 CFR 60–1.24(c)).

(4) Prompt notification to the appropriate contractor, or subcontractor, of the closing of the case in those instances in which the investigative findings by the organizational unit concerned, upon review and concurrence by the Executive Vice Chairman, show no violation of the equal opportunity clause.

§ 42.57 Sanctions.

(a) In every case in which an investigation indicates the existence of an apparent violation of the provisions of the clause, the matter should be resolved by informal means whenever possible. This shall include, whenever appropriate, establishing a program for future compliance approved by the head of the organizational unit concerned. If a contractor or subcontractor, without a hearing, has complied with the recommendations or orders of an organizational unit and believes such orders or recommendations to be incorrect, he shall, upon request, be accorded a hearing and review of the alleged incorrect action.

(b) No contract or subcontract will be terminated in whole or in part for failure to comply with the provisions of the equal opportunity clause, without the approval of the head of the organizational unit concerned. Whenever it is proposed to terminate a contract or a subcontract, the contractor or subcontractor shall be notified in writing of such proposed action and given 10 days (or such longer period as the head of the organizational unit, with the approval of the Executive Vice Chairman, may consider appropriate) from the receipt of that notice either to comply with the provisions of the contract or to submit a request for a hearing.

(c) No contractor or subcontractor shall be debarred or suspended from receiving departmental contracts for failure to comply with the provisions of the clause except upon the recommendation of the head of the organizational unit concerned and the approval of the Executive Vice Chairman. In every case in which debarment or suspension is being proposed, the contractor or subcontractor shall be notified by the head of the organizational unit concerned, in writing, of the proposed recommendation and given 10 days from the receipt of such notice in which to submit a request for a hearing.

(d) The head of an organizational unit, with the approval of the Executive Vice Chairman, may recommend to the Attorney General that, in cases in which there is substantial or material violation of the equal opportunity clause, appropriate proceedings be brought to enforce those provisions, including the enjoining, within the limitations of applicable law, of organizations, individuals, or groups which prevent, directly or indirectly, compliance with those provisions. No such case shall be so referred until 10 days shall have elapsed since a notice of such proposed referral by the unit head shall have been mailed to the contractor or subcontractor involved, affording him an opportunity to comply with the provisions of the equal opportunity clause.

(e) The head of an organizational unit may also recommend that criminal proceedings be brought for the furnishing of false information.

§ 42.58 Hearings.

Whenever informal means fail to resolve alleged violations and a hearing is requested pursuant to § 42.57, the Compliance Officer or the Deputy Compliance Officer for the organizational unit involved shall schedule a hearing and notify the contractor of the place, time, and date thereof. In addition, a hearing may be scheduled by the Compliance Officer or the Deputy Compliance Officer upon his own motion (41 CFR 1.24(b)(3)). Notice of the hearing shall be given in accordance with the requirements of § 60–1.27 of the regulations of the President's Committee (41 CFR 60–1.27) and such hearing shall be conducted in conformity with the requirements of that section. The hearing may be conducted by any officer or employee designated by the head of the organizational unit concerned and such hearing officer shall at the end thereof make written findings of fact and recommendations as to the action that should be taken, and submit them to the unit head. The unit head shall mail to the contractor a notice of the proposed Departmental action, but no contract shall be terminated during the 10 days following the mailing of such notice in order that the contractor may have an opportunity to comply with the provisions of Executive Orders Nos. 10925 and 11114, the regulations of the Committee, and the regulations prescribed in this subpart.

§ 42.59 General provisions.

(a) Each organizational unit shall be responsible for preparing and issuing to its contracting officers such additional instructions as may be necessary to carry out the purposes of this subpart.

(b) This subpart, and all instructions issued pursuant thereto, shall be construed as supplementing and incorporating by reference the provisions of Executive Orders Nos. 10925 and 11114 and the rules and regulations of the President's Committee on Equal Employment Opportunity as to Government contracts. Terms used in this subpart shall be deemed to have the same meaning as identical or comparable terms used in those Executive orders and those regulations unless the context indicates a contrary intent.

§§ 42.3, 42.5, 42.11, 42.17 [Amended]

SEC. 2. Sections 42.3, 42.5 (a) and (c), 42.11, and 42.17 of Part 42 of Title 28 of the Code of Federal Regulations are amended by striking the word "part" and inserting in lieu thereof the word "subpart".

The amendments made by this order shall be effective upon the publication of this order in the FEDERAL REGISTER.

Dated: June 1, 1965.

NICHOLAS DEB. KATZENBACH,
Attorney General.

[F.R. Doc. 65–5914; Filed, June 3, 1965; 11:05 a.m.]

Title 32—NATIONAL DEFENSE

Chapter VII—Department of the Air Force

PART 1001—GENERAL PROVISIONS

Financial Clearance

Correction

In F.R. Doc. 65–5595, appearing at page 7188 of the issue for Friday, May 28, 1965, the reference in the last sentence of § 1001.902–3 should read "§ 1001.905–1(a)" instead of "§ 1001.905–2(a)".

Title 38—PENSIONS, BONUSES, AND VETERANS' RELIEF

Chapter I—Veterans Administration

PART 1—GENERAL PROVISIONS

Release of Information

In § 1.525, paragraphs (a)(1) and (b)(1), (2), and (3) are amended to read as follows:

§ 1.525 Inspection of records by or disclosure of information to recognized representatives of organizations.

(a)(1) The accredited representatives of any of the organizations recognized under 38 U.S.C. 3402 holding appropriate power of attorney may, subject to the restrictions imposed by subparagraph (2) of this paragraph, inspect the claims and allied folders of any claimant upon the condition that only such information contained therein as may be properly disclosed under §§ 1.500 through 1.526 will be disclosed by him to the claimant or, if the claimant is incompetent, to his legally constituted fiduciary. All other information in the file shall be treated as confidential and will be used only in determining the status of the cases inspected or in connection with the presentation to officials of the Veterans Administration of the claim of the claimant. The heads of field stations and the directors of the services concerned in Central Office will each designate a responsible officer to whom requests for all files must be made, except that managers of centers with insurance activities will designate two responsible officials, recommended by the division chiefs concerned, one responsible for claims and allied folders and the other for insurance files.

* * * * *

(b) (1) Inspection of folders by accredited representatives shall be in space assigned for such inspection; however, where space or other local problems make it impractical to assign space for this purpose, the director of service concerned in Central Office or the station head at the particular office affected may permit inspection of folders at the desks of the accredited representatives in the office(s) which they regularly occupy. Station heads and directors of the services concerned in Central Office will designate and assign, in or near the space occupied by accredited representatives, one or more employees to whom the folders will be charged and who will at all times know and have a record of the location of such folders during the time they are made available for inspection by the accredited representatives.

(2) When it is necessary that folders which are being inspected by the accredited representatives be carried elsewhere within the installation for purposes of official discussion or presentation of claims, such folders shall be carried by Veterans Administration employees; however, where it is not feasible to use Veterans Administration employees for these purposes, the station head or the director of the service concerned in Central Office may permit the folders to be carried by the accredited representatives, provided the designated Veterans Administration employee to whom the folders are charged is at all times kept informed of their location.

(3) No person other than a Veterans Administration employee in the performance of his official duties may inspect an insurance file or receive information therefrom except:

(i) An authorized representative of the insured, or, after maturity of the insurance by death of the insured, of the beneficiary, shall, if holding valid power of attorney, be permitted to inspect the claims file containing the basic papers concerning the insurance for the purpose of assisting the insured or beneficiary in perfecting a claim for any benefit under the policy.

(ii) An accredited representative of any of the organizations recognized under 38 U.S.C. 3402 holding an appropriate power of attorney from the insured may, notwithstanding the absence of a claim for benefits under the insurance policy, receive such information from the insurance records as the insured would be entitled to receive. If the accredited representative does not have an appropriate power of attorney, information from the insurance record as to premium status may be released where in the opinion of the Insurance Officers, Veterans Administration Centers, St. Paul, Minn., and Philadelphia, Pa., the release is justified to prevent lapse of the insurance. In such cases, a written report of the circumstances which justified the release of the information and the information which was released will be made a matter of record in the insurance file. The accredited representative receiving information under the provisions of this subdivision will not be permitted to inspect the file. In any case where there is an unrevoked power of attorney, no person or organization other than the one named in the power of attorney shall be given information from the file.

(iii) Except as provided in subdivision (ii) of this subparagraph, the insured or, after the maturity of the insurance by death of the insured, the beneficiary, may, notwithstanding the absence of a claim for benefits under an insurance policy, authorize the release to a third person of such insurance information as the insured or the beneficiary would be entitled to receive, provided there is submitted to the Veterans Administration a specific authorization in writing for this purpose.

(iv) Unless otherwise authorized by the insured or the beneficiary, as the case may be, such authorized representative or accredited representative shall not release information as to the designated beneficiary to anyone other than the insured or to the beneficiary after death of the insured. Otherwise, information in the insurance file shall be subject to the provisions of §§ 1.500 through 1.526.

* * * * *

(72 Stat. 1114; 38 U.S.C. 210)

This VA Regulation is effective the date of approval.

Approved: May 28, 1965.

By direction of the Administrator.

[SEAL] CYRIL F. BRICKFIELD,
Deputy Administrator.

[F.R. Doc. 65–5827; Filed, June 3, 1965; 8:47 a.m.]

PART 1—GENERAL PROVISIONS

Copies of Records and Papers

In § 1.526, paragraphs (1) and (l) are amended to read as follows:

§ 1.526 Copies of records and papers.

* * * * *

(i) Schedule of fees:

(1) Typewritten pages, each page or fraction thereof	$1.50
(2) Photocopy reproductions from all types of copying processes. Each reproduced page (minimum charge, per request $1.00)	.25
(3) Certification	.25
Seal, including certification	.50
(4) Unsuccessful searching, per hour (minimum charge 1 hour)	2.50
(5) Reproduction, X-ray films (each)	5.00
(6) Abstracts or copies of medical and dental records which are furnished by Veterans Administration hospitals and outpatient clinics to insurance companies. Per request	3.00

* * * * *

(l) Station heads are authorized to designate employees to certify copies of records and papers furnished under the provisions of paragraph (a) of this section.

(72 Stat. 1114; 38 U.S.C. 210)

This VA Regulation is effective the date of approval.

Approved: May 28, 1965.

By direction of the Administrator.

[SEAL] CYRIL F. BRICKFIELD, *Deputy Administrator.*

[F.R. Doc. 65-5826; Filed, June 3, 1965; 8:47 a.m.]

PART 3—ADJUDICATION

Subpart D—Waiver of Overpayments

MISCELLANEOUS AMENDMENTS

1. Sections 3.1900 and 3.1901 are revised to read as follows:

§ 3.1900 Jurisdiction; Central Office.

Except as provided in § 3.1908, the Director, Compensation, Pension, and Education Service, is authorized to determine whether there shall be a waiver of overpayment and to designate personnel to make such determinations within the scope of their assigned duties (see § 3.100 (b)) where:

(a) The amount involved is $2,500 or more;

(b) An overpayment of insurance benefits, regardless of amount, has been made to an insured and such overpayment is not secured by a United States Government Life Insurance or National Service Life Insurance contract; or

(c) Jurisdiction is otherwise provided or assumed.

§ 3.1901 Jurisdiction; Regional Offices.

(a) Except as provided in § 3.1900(b), Chairmen and Section Chairmen, Committees on Waivers, are authorized to determine whether an overpayment involving amounts of less than $2,500 shall be waived. Whenever a committee is unable to reach a unanimous decision, the decision will be rendered by Central Office.

(b) Where the amount involved is $2,500 or more or an insurance overpayment to an insured is not secured by a United States Government Life Insurance or National Service Life Insurance contract, the Committee on Waivers is authorized to prepare a tentative decision, which will be subject to approval by Central Office.

2. In § 3.1902, paragraph (b)(5) is amended to read as follows:

§ 3.1902 Overpayments.

* * * * *

(b) * * *

(5) Overpayments of an insurance benefit to an insured which are secured by a United States Government Life Insurance or National Service Life Insurance contract may not be waived as to moneys that become payable on account of such contract; however, in appropriate cases, the collection of such an overpayment from benefits other than insurance may be waived (see § 3.1905).

* * * * *

(72 Stat. 1114, 38 U.S.C. 210)

These VA Regulations are effective the date of approval.

Approved: May 28, 1965.

By direction of the Administrator.

[SEAL] CYRIL F. BRICKFIELD, *Deputy Administrator.*

[F.R. Doc. 65-5828; Filed, June 3, 1965; 8:48 a.m.]

Title 39—POSTAL SERVICE

Chapter I—Post Office Department

PART 15—MATTER MAILABLE UNDER SPECIAL RULES

PART 16—SECOND-CLASS BULK MAILINGS

Miscellaneous Amendments

The regulations of the Post Office Department are hereby amended for clarification and to specify that a customs declaration tag is not necessary on certain packages addressed to the Panama Canal Zone. Additionally, regulations are prescribed for preparation of sectional center sacks by mailers who voluntarily make additional separations to sectional centers.

Part 15:

§ 15.5 [Amended]

1. In § 15.5 *Concealable firearms*, the last two sentences in paragraph (b) *Filing affidavits*, are amended to read as follows: "If satisfied with the mailer's statement, the postmaster shall accept the parcel for mailing. No affidavit or certificate need be filed by the mailer when the parcel is addressed to the Federal Bureau of Investigation, Washington, D.C., 20535, or the Director thereof; or to the scientific laboratory or crime detection bureau of any enforcement agency covered by paragraph (f) of this section."

NOTE: The corresponding Postal Manual section is 125.52.

2. In § 15.6 *Switchblade knives*, paragraph (d) is amended to read as follows:

§ 15.6 Switchblade knives.

* * * * *

(d) *Explanation of Mailing.* When the postmaster is in doubt as to the mailability of a proposed shipment of switchblade knives, he may require the mailer to furnish a written statement explaining how the mailing complies with this section. If the explanation is not satisfactory to the postmaster, he shall forward it to the Mailability Division, Office of General Counsel, for a ruling.

NOTE: The corresponding Postal Manual section is 125.74.

3. In § 15.7 *Identification and marking*, paragraph (d) is amended to read as follows:

§ 15.7 Identification and marking.

* * * * *

(d) *Customs declaration tag for Canal Zone.* Any package of merchandise weighing 16 ounces or more addressed to the Canal Zone shall have attached a customs declaration tag, Form 2966, except when addressed to a Government agency, to units of the Panama Canal Company, or to the Canal Zone Government. It is not sufficient to state on the customs tag that a parcel contains merchandise or a gift. The contents must be itemized and the value shown.

NOTE: The corresponding Postal Manual section is 125.74.

In Part 16:

§§ 16.3, 16.4 [Amended]

1. In the illustrations of labels found in the following sections the last three numbers on the lower line are deleted: 16.3(d) (3), (4), and (5) and (e) (3) and (4); 16.4(b) (1) and (2).

2. In § 16.3(d) *Copies for the same post office or state*, subparagraphs (4) through (8) are hereby redesignated (5) through (9) and a new subparagraph (4) is added to read as follows:

(4) *Preparation of sectional center sacks by those mailers who voluntarily made additional separations to sectional centers.* When there are sufficient packages and bundles for post offices within a single sectional center area to fill a sack approximately one-third full, they should be placed in a sectional center sack, or sacks, for that sectional center. Sectional center sacks shall be labeled in the following form:

SCF SEATTLE WA	980
Fr Star Spokane WA	

NOTE: The corresponding Postal Manual section is 126.344.

3. In § 16.3(e) *Copies for military post offices overseas*, the label in subparagraph (3) is amended by deleting "APO 165" and inserting in lieu thereof "APO 96360."

NOTE: The corresponding Postal Manual section is 126.353.

4. In § 16.3(f) *Exceptional dispatch*, subparagraphs (1) and (2) are amended to read as follows:

(f) *Exceptional dispatch*—(1) *Applications.* Postmasters at the office of original or additional second-class entry where the postage is paid on the copies which are transported at the publisher's expense and risk will approve or disapprove applications filed under § 22.3(c) (4) of this chapter for exceptional dispatch on the basis of whether such dispatch will improve service. They will notify other post offices concerned and the Regional Director of approved arrangements and include a list showing how the sacks or outside bundles are to be labeled and the approximate number of copies.

(2) *Delivery to other post offices.* Only after notification by the postmaster at the entry office where the postage is paid shall copies be accepted at another office directly from the publisher. At least once each 6 months the accepting postmaster shall verify the number of copies received directly from the publisher. Any significant increase noted at time of verification or at any other time shall be reported promptly to the entry office where the postage is paid.

NOTE: The corresponding Postal Manual sections are 126.361 and 126.362.

5. In § 16.4 *Newspaper treatment*, paragraph (c) is amended to read as follows:

§ 16.4 Newspaper treatment.

* * * * *

(c) *Dispatching.* Newspapers will be dispatched in pouches with first-class mail when the quantity is not sufficient to make up separate sacks. Newspapers for dispatch to railway post offices, highway post offices, terminals, sectional centers or first-class offices will not be mixed in sacks with any class of mail other than first-class. Sacks labeled "Newspapers" will be dispatched with first-class mail.

* * * * *

NOTE: The corresponding Postal Manual section is 126.43.

§ 16.5 [Amended]

6. In § 16.5 *Statement and copy filed with mailings*, paragraph (a) is amended to read as follows:

(a) *Copy marked to show advertising.* (1) The publisher must file with the postmaster a copy of each issue. Advertisements in the copy must be marked by the publisher in such manner that they may be verified when necessary.

(2) If additional entries are authorized, the publisher must file with the postmaster at the original entry office a copy of each issue or edition to be mailed at the original entry office and at all additional entry offices. The publisher is not required to furnish copies to the additional entry offices. The postmaster at the original entry office shall promptly furnish to the postmaster at each additional entry office a statement of the verified weight and reported advertising portion of each issue or edition accepted for mailing at the additional entry office. When the statements are not promptly received by the postmaster at the additional entry office, he should request the postmaster at the original entry office by memorandum to furnish them. Continued failure by the original entry office promptly to furnish the statements should be made the subject of a report to the Director, Classification and Special Services Division, Bureau of Operations.

NOTE: The corresponding Postal Manual section is 126.51.

7. In § 16.5, *Statement and copy filed with mailings*, the first sentence of paragraph (b) is amended to read as follows:

(b) *Definition of advertisements.* The term "advertisements" includes display, classified, and all other forms of advertisements; the term also includes editorial or other reading matter for the publication of which money or other valuable consideration is paid, accepted, or promised. * * *

NOTE: The corresponding Postal Manual section is 126.52.

8. In § 16.5, *Statement and copy filed with mailings*, the first sentence of paragraph (c) is amended to read as follows:

(c) *Statement showing number of copies mailed.* When postage is to be computed on the bulk weight of one issue as provided for by § 16.6(a), the publisher must file with the first mailing of each issue a statement on Form 3542, "Statement Showing Number of Copies of Second-Class or Controlled Circulation Publication Mailed", showing the number of copies included in each zone or other separation necessary for computing the postage, and the average weight per copy as determined in the manner prescribed by § 16.6(b). * * *

NOTE: The corresponding Postal Manual section is 126.53.

9. In § 16.5, *Statement and copy filed with mailings*, the title of Form 3541 referred to in paragraph (b) is amended to read as follows: "Computation of Second-Class or Controlled Circulation Postage".

NOTE: The corresponding Postal Manual section is 126.56.

(R.S. 161, as amended; 5 U.S.C. 22; 18 U.S.C. 1715, 1716, 1734; 39 U.S.C. 501, 4001, 4051, 4052, 4058, 4358, 4359, 4363, 4364, 4367, 4370, 4421, 4422, 4551–4553)

LOUIS J. DOYLE, *General Counsel.*

[F.R. Doc. 65-5829; Filed, June 3, 1965; 8:48 a.m.]

PART 22—SECOND CLASS

PART 23—CONTROLLED CIRCULATION PUBLICATIONS

PART 24—THIRD CLASS

PART 25—FOURTH CLASS

Miscellaneous Amendments

The regulations of the Post Office Department are hereby amended for clarification and to show that the regulations for second-class publications regarding addressing, preparation for mailing, and collection of postage also apply to controlled circulation publications. Additionally, regulations have been revised to specify what items may be enclosed with books and catalogs mailed at bulk rates; other third-class matter; and books at special fourth-class and library rate. The amendments to be effective upon publication in the FEDERAL REGISTER are as follows:

In Part 22:

§ 22.1 [Amended]

I. In § 22.1 *Rates*, as amended by 30 F.R. 575–576 make the following amendments:

1. In paragraph (a)(1) the tabular rate data is amended to read as follows:

	Cents
(i) Rate per pound or fraction of a pound	1¼
(ii) Minimum charge per piece	⅝

2. In subdivision (ii) of paragraph (b)(1) strike out the words "Minimum per piece charge" and insert in lieu thereof "Minimum charges per piece."

3. Subdivision (iii) of paragraph (b)(1) is amended to read as follows:

(iii) If the total postage computed at the pound rates does not amount to the appropriate minimum charge per piece or more, postage must be computed at the minimum charge per piece. (See paragraph (g) of this section.)

4. Paragraph (b)(3) is amended to read as follows:

(3) *Classroom publications.* Religious, educational, or scientific publications designed specifically for use in school classroom or in religious instruction classes: 60 percent of the postage computed either at the pound rates in subparagraph (1)(i) of this paragraph or at the minimum charges per piece in subparagraph (1)(ii) of this paragraph, whichever is applicable.

5. Paragraph (g) is amended to read as follows:

(g) *Minimum charges per piece.* The minimum charges per piece are computed on individually addressed copies or pieces. Bundles of unaddressed copies to which the minimum charges per piece will not apply should be declared on separate Form 3542, "Statement Showing Number of Copies of Second-Class or Controlled Circulation Publication Mailed."

NOTE: The corresponding Postal Manual section is 132.1.

II. In § 22.4 *What may be mailed at second-class rates*, the first two sentences of paragraph (h) are amended to read as follows:

§ 22.4 What may be mailed at second-class rates.

* * * * *

(h) *Advertisements.* All advertisements in periodicals must be permanently attached. Pagination is not required in periodicals, but some or all pages of periodicals may be paginated or allowed for, or both, in any manner which indicates that pages containing advertisements are an integral part of the periodical, or of its separate editions, rather than an independent publication. * * *

* * * * *

NOTE: The corresponding Postal Manual section is 132.48.

In Part 23, *Controlled circulation publications*, add a new § 23.6 to read as follows:

§ 23.6 Addressing, preparation for mailing and collection of postage.

Controlled circulation publications are accepted for mailing in the manner prescribed for second-class publications (See § 16.8 of this chapter). See § 13.7 of this chapter for addressing requirements.

NOTE: The corresponding Postal Manual section is 133.6.

In Part 24:

§ 24.4 [Amended]

I. In § 24.4(b) *Bulk mailings*, as amended by 30 F.R. 1846, make the following amendments:

1. In subparagraph (6) *Preparation for dispatch*, the last three numbers on the lower line in each of the illustrations of labels is deleted.

2. In subparagraph (6) *Preparation for dispatch*, subdivision (ii) through (vi) are hereby redesignated (iii) through (vii) and a new subdivision (ii) is added to read as follows:

(ii) *Preparation of sectional center sacks by those mailers who voluntarily make additional separations to sectional centers.* When there are sufficient direct packages for the several post offices within a single sectional center area to fill a sack approximately one-third full, they should be placed in a sectional center sack, or sacks, for that sectional center. Sectional center sacks should be labeled in the following manner:

```
SCF LAFAYETTE LA                    705
  CIRCS        DIRECTS
Pr L.M. Mailers, New Orleans, La
```

NOTE: The corresponding Postal Manual section is 134.42.

II. § 24.7 *Enclosures*, is amended to read as follows:

§ 24.7 Enclosures.

(a) *Books and catalogs mailed at bulk rates provided by § 24.1(b)(1).* The following specifically named items and no others may be enclosed loose provided they relate exclusively to the book or catalog they accompany:

(1) Single reply envelope or reply post card, or both.

(2) Single order form.

(3) Printed circular. Circulars fastened securely along the entire bound edge by means of paste, stitches, or staples are not loose enclosures.

(4) If no circular is enclosed, a printed price list listing only articles featured in the catalog and showing only the same prices and discounts as the catalog.

(5) An invoice. (See § 25.5(b)(2) of this chapter.)

(6) Samples of merchandise attached to pages.

(b) *All other third-class matter.* The following are permissible enclosures:

(1) An invoice (see § 25.5(b)(2) of this chapter).

(2) Manuscripts accompanying related proof sheets (see § 25.5(b)(1)(vi)(b) of this chapter).

NOTE: The corresponding Postal Manual section is 134.7.

In Part 25:

In 25.6 *Enclosures*, paragraph (b)(1) is amended to read as follows:

§ 25.6 Enclosures.

* * * * *

(b) *Special fourth-class and library rate—(1) Books.* The following may be enclosed with books:

(i) Incidental announcements of books, appearing in book pages or as loose enclosures. This includes an addressed envelope or post card, a single order form, and a printed circular, each of which must relate exclusively to books.

(ii) An invoice (see § 25.5(b)(2) of this chapter).

* * * * *

NOTE: The corresponding Postal Manual section is 135.621.

(R.S. 161, as amended; 5 U.S.C. 22, 18 U.S.C. 1733, 1734; 39 U.S.C. 501, 2202, 4058, 4351–4370, 4421, 4422, 4451–4453, 4551–4555, 6008)

LOUIS J. DOYLE,
General Counsel.

[F.R. Doc. 65-5830; Filed, June 3, 1965; 8:48 a.m.]

PART 43—MAIL DEPOSIT AND COLLECTION

Mail Chutes and Receiving Boxes

A notice of proposed revision in § 43.6 of Title 39, Code of Federal Regulations, was published in the FEDERAL REGISTER of February 17, 1965 (30 F.R. 2154) concerning the following amendments:

1. To require that mail chutes installed in pairs must be constructed with a divider and dual receiving boxes to permit segregation of "Local" and "Out-of-town" mail.

2. To specify that receiving boxes must be placed near the main entrance of the building or loading-unloading area.

Interested persons were given 30 days in which to submit written comments with respect to the proposal.

After consideration of all comments received, the Department has reached the conclusion to adopt the proposal as published subject to minor editorial changes. The amendments to be effective upon publication are as follows:

In § 43.6 *Mail chutes and receiving boxes*, make the following changes:

Paragraphs (c)(4) and (5)(ii) and (iii) and (d)(5) are amended to read as follows:

§ 43.6 Mail chutes and receiving boxes.

* * * * *

(c) *Specifications for construction of chutes.* * * *

(4) *Locking devices.* The chute must be provided with a suitable locking device and keys so it may be conveniently opened and closed by postal authorities but not by other persons. The lock must be so constructed that the key cannot be removed until the chute is properly locked. Postmasters must retain possession of all mail chute keys. When new equipment is installed, prompt action must be taken to obtain such keys before the equipment is placed in use.

(5) *Location and arrangement.* * * *

(ii) Mail chutes installed in pairs must be constructed with a divider and dual receiving boxes to permit the segregation of "Local" and "Out-of-Town" mail. In addition they must be so erected that service could be discontinued on any part of either chute leaving the other available for service.

(iii) The chute must be so constructed that it can be easily opened and closed without the use of tools and without injury to structure or finish, and all portions of its interior must be easily reached. If panels are not set entirely inside channels, adequate intermediate fastenings controlled by official key must be provided.

(d) *Specifications for construction of receiving boxes.* * * *

(5) *Location.* To promote an efficient collection operation, receiving boxes must be placed near the main entrance of the building, or the loading-unloading area if used by the post office for mail collection purposes. Receiving boxes must not be located more than 100 feet from the entrance used by collectors, based upon the shortest line of travel. The location will be approved by the postmasters only after a careful examination of the tentative building plans, and after a determination that it will be impracticable to place receiving boxes closer to collector entrance because of structural conditions. Receiving boxes must be placed on the floor level used by collectors to enter the building.

* * * * *

NOTE: The corresponding Postal Manual section is 153.6.

(R.S. 161, as amended; 5 U.S.C. 22, 39 U.S.C. 501, 6003)

LOUIS J. DOYLE,
General Counsel.

[F.R. Doc. 65-5831; Filed, June 3, 1965; 8:48 a.m.]

PART 45—CITY DELIVERY

Apartment House Mail Receptacles

A notice of proposed revision in § 45.6 of Title 39, Code of Federal Regulations, was published in the FEDERAL REGISTER of February 17, 1965 (30 F.R. 2155), concerning the following amendments:

1. To require that when buildings are remodeled to provide additional apartments, they will be equipped with approved receptacles with full-length doors on vertical-type installations and a capacity as specified in § 45.6(b)(2). (§ 45.6(a)(2)).

2. To require that the master lock will be attached to the group of receptacles by the postmaster's representative, who will see that it is securely attached. (§ 45.6(b)(4)(ii))

3. To require vertical-type receptacles to be numbered or lettered in sequence from left to right, and horizontal-type receptacles to be numbered or lettered in sequence from top to bottom. (§ 45.6(b)(7)(i).)

4. To restrict the height of the center of the barrel of the master lock of the upper tier of vertical-type boxes to no more than 56 inches from the floor instead of 5½ feet. (§ 45.6(c)(1)(i).)

5. To require a complete directory of all persons receiving mail in all apartment houses where there are 15 or more receptacles. (§ 45.6(d)(1).)

6. To provide that where mail rooms are used the directory should be removable for the convenience of the carrier. (§ 45.6(d)(3).)

Interested persons were given 30 days in which to submit written comments with respect to the proposal.

After consideration of all comments received, the Department has reached the conclusion to adopt the proposal as published subject to minor editorial changes. Additionally, one further amendment is included to permit the use of pressure sensitive labels to show the patron's name on horizontal-type mail receptacles. The amendments to be effective upon publication in the FEDERAL REGISTER are as follows:

In 45.6 *Apartment house receptacles*, make the following changes:

Paragraph (a)(2), the last sentence of (b)(3)(ii), paragraph (b)(4) and (7), paragraph (c)(1) and (3)(i), and paragraph (d)(1) and (3) are amended to read as follows:

§ 45.6 Apartment house receptacles.

(a) *Conditions requiring installation of receptacles.* * * *

(2) Owners and managers of apartment houses, family hotels, and flats, equipped with old-type apartment house mail receptacles are urged to install up-to-date and approved receptacles to assure more adequate protection to the mail of occupants. When these buildings are remodeled to provide additional apartments or when a material change in the location of boxes is made, they shall be equipped with approved receptacles, with full-length doors on vertical-type installations, and a capacity as specified in paragraph (b)(2) of this section.

NOTE: The corresponding Postal Manual section is 155.612.

* * * * *

(b) *Specifications for construction of receptacles.* * * *

(3) *Individual doors and locks.* * * *

(ii) * * * The record of combinations to the keyless locks must be kept until the combination is changed, when it may be destroyed.

NOTE: The corresponding Postal Manual section is 155.623b.

* * * * *

(4) *Master doors and locks.* (i) Each group of front-loading receptacles must be equipped with a master door which, when open, makes the entire group of boxes accessible for the deposit of mail by the carrier. The master door shall be machined to accommodate an inside Arrow lock furnished by the local postmaster for use so long as mail is delivered by letter carriers and the key shall be in the custody of postal employees. Master doors for horizontal-type receptacles shall be hinged on the side only and shall be no wider than 30 inches.

(ii) The master lock will be attached to the group of receptacles by the postmaster's representative who will see that it is securely attached. The plate to which the master lock will be fastened should be riveted to the face of the box. A metal plate is not required between the Arrow lock and door of a horizontal-type installation with wood master doors.

NOTE: The corresponding Postal Manual section is 155.624.

* * * * *

(7) *Numbers and name cards.* (i) Vertical-type receptacles must be satisfactorily numbered or lettered in numerical or alphabetical sequence from left to right; horizontal-type receptacles must be numbered or lettered in sequence from top to bottom, so as to enable the carrier to expeditiously deliver the mail.

(ii) Each receptacle must be equipped with a clasp or holder to accommodate a name card for identifying the patron or patrons using that box. Preferably, this holder or clasp should be on the frame above each receptacle, but it may be located inside at the rear of the box where the patron's name will be easily visible to the carrier when the master door is open. The holder must be large enough to take a name card at least ¾ x 2½ inches in vertical-type installations; and in horizontal-type installations, as large as space permits. In the latter case pressure sensitive labels may be used.

NOTE: The corresponding Postal Manual section is 155.627.

(c) *Installation—(1) Location and arrangement.* (i) Receptacles in apartment houses should be located at points reasonably near the entrance in vestibules, halls, or lobbies. The carriers must be able to serve the boxes without interference from swinging or opening doors. The area must be adequately lighted so as to afford the best protection to the mail and enable carriers to read addresses on mail and names on boxes without undue strain on their eyes.

(ii) In mild climate zones the installation of standard, approved apartment receptacles in exterior walls of buildings may be authorized provided they are not installed directly on the street or public sidewalk. Wherever possible, at least 15 feet should be kept between the boxes and the street or sidewalk, and the location should be clearly visible from one or more apartment windows. A canopy must be provided, designed and located to afford maximum protection from the weather, including driving rains. In addition, adequate night lighting must be installed.

(iii) In vertical-type installations:

(a) Receptacles must be placed so that the center of the barrel of the master lock of the upper tier will be no more than 56 inches from the floor. The center of the barrel of the master lock of the lower tier will be no less than 30 inches from the floor.

(b) No more than two tiers may be installed. They should be arranged so as to permit the installation of the largest number of boxes with the smallest number of master locks. The minimum number of boxes to which one master lock may be attached is three.

(c) Boxes must be arranged in groups, as many in each group as is consistent with safety, but normally never less than eight. Where the number of apartments is less than eight or where telephone units are installed with the receptacles, a lesser number may be grouped.

(iv) In horizontal-type installations, the distance from the finished floor to the tenant locks on the top tier of boxes should be no more than 66 inches; and to the bottom of the lowest tier of boxes no less than 30 inches.

NOTE: The corresponding Postal Manual section is 155.631.

* * * * *

(3) *Installation with telephone units.* (i) When necessary or desirable to install mail receptacles in conjunction with a standard size telephone unit, vertical-type receptacles may be placed in 2 tiers, or they may be installed in groups or batteries of less than 8 if required for the proper arrangement of the groups in the 2 tiers. This does not apply where the telephone unit is installed independently of mail receptacles. Although there is no objection to combining these two services, the mail receptacles must be separated from the telephone or electrical unit. Electric pushbuttons may be placed in the frame of the installation, connecting with wires outside the mail receptables, provided the pushbuttons can be removed from the outside and the wire connection with such pushbuttons can be repaired without removing the receptacles.

NOTE: The corresponding Postal Manual section is 155.633.

* * * * *

(d) *Directories.* (1) In all apartment houses having 15 or more receptacles, a complete directory of all persons receiving mail must be maintained. When an apartment house is divided into units with separate entrances and 15 or more receptacles are installed to the unit, a separate directory must be provided for each unit. In addition, if mail is not generally addressed to specific units, a directory must be kept at the main unit of the building, listing all persons receiving mail in the various units.

* * * * *

(3) The directory must be of legible type, in a suitable frame for protection purpose, and attached to the wall immediately above or to the side of the mail receptacles where it can be easily read. Where mailrooms are used, the directory should be removable for the convenience of the carrier. If an attendant, such as telephone operator, doorman, or elevator conductor, is on duty between the hours of 7 a.m. and 11 p.m. and mail is delivered either to apartment house receptacles or in bulk for distribution by employees of the building, the directory may be kept in the custody of the employee on duty

in the building so that it may be available to the carrier or special delivery messenger on request.

* * * * *

NOTE: The corresponding Postal Manual sections are 155.641 and 155.643.

(R.S. 161, as amended, 5 U.S.C. 22, 39 U.S.C. 501, 6003)

LOUIS J. DOYLE,
General Counsel.

[F.R. Doc. 65-5832; Filed, June 3, 1965; 8:48 a.m.]

PART 46—RURAL SERVICE

Rural Boxes

The regulations of the Post Office Department are hereby revised to clarify specifications of the approved sizes and styles of rural boxes, and to show that these specifications may be obtained from the Department. The amendment is as follows:

In § 46.5 *Rural boxes*, subparagraph (4) of paragraph (a) is hereby redesignated subparagraph (5), and subparagraphs (1) through (3) of paragraph (a) are recodified and revised as subparagraphs (1) through (4) of paragraph (a), as follows:

§ 46.5 Rural boxes.

(a) *Specifications*—(1) *Introduction.* There are three approved standard sizes and two styles of mailboxes for use on rural routes.

(2) *General requirements*—(i) *Dimensions.* (Approximately)

Size	Length	Width	Height
	Inches	*Inches*	*Inches*
1	19	6½	8½
1–A	19	8	[1] 10½
2	23¼	11½	13½

[1] Optional letter slot.

(ii) *Design.* Boxes are available in both traditional and contemporary styles.

(iii) *Deviations.* In general, boxes may be constructed in any size between the maximum and minimum outside dimensions specified on the drawings provided the height, width, and length proportions and the general shape are maintained.

(iv) *Drawings.* Construction standards and drawings for guidance in the manufacture of rural mailboxes may be obtained by writing the Assistant Postmaster General, Bureau of Operations, Washington, D.C., 20260.

(3) *Approval requirements.* To secure approval of rural boxes, the following must be submitted to the Bureau of Operations.

(i) Not less than two complete boxes of each style made of the exact materials, construction, coatings, paint, etc., to be identical in every way with the boxes intended to be marketed. (Two boxes will be damaged during testing.)

(ii) The identification of all parts of the box, by material, alloy, heat treatment, and (for non-metallic parts) physical properties.

(iii) The complete composition, formula, and trade name and designation, of all paints and nonmetallics.

(iv) A sample showing the marking required by subparagraph (4) of this paragraph.

(v) A copy of the instructions required by section .52k of the standards.

(vi) Color samples showing all color schemes expected to be used.

(vii) The boxes must be wrapped in the packaging proposed for shipping them.

Written notification of approval or disapproval, including reasons for disapproval, will be issued. All boxes submitted will be returned, including those damaged during testing; unless the Department is authorized, in writing, to retain them.

(4) *Marking.* All boxes shall have the following inscription legibly embossed into the door of the box (after approval of the box): "U.S. Mail" and "Approved by the Postmaster General". The name of the supplier and the month and year of manufacture shall also be noted on the box, either by embossing in small letters on the rear of the box, or by a permanent conspicuous marking on one inside wall of the box. This marking may be accomplished by embossing, stencilling, stamping, or a permanent-type decal. The address of the supplier may be included, if desired.

* * * * *

NOTE: The corresponding Postal Manual section is 155.51.

(R.S. 161, as amended; 5 U.S.C. 22, 39 U.S.C. 501, 6005, 6009)

LOUIS J. DOYLE,
General Counsel.

[F.R. Doc. 65-5833; Filed, June 3, 1965; 8:49 a.m.]

Title 43—PUBLIC LANDS: INTERIOR

Subtitle A—Office of the Secretary of the Interior

PART 18—RECREATION FEES

Group Camping and Picnic Sites

Regulations providing criteria and fee schedules to be used in establishment of fees pursuant to Land and Water Conservation Fund Act of 1965:

Pursuant to the authority vested in the President by the Land and Water Conservation Fund Act of 1965, 78 Stat. 897 (1964), and delegated to the Secretary of the Interior in section 6(b)(2) of Executive Order 11200, § 18.6(b), Title 43 of the Code of Federal Regulations (F.R. Doc. 65-2304, March 10, 1965), is hereby amended as follows:

The "Range of User Fees" item in § 18.6(b) contains a schedule of user fees for "Sites", "Facilities", "Equipment", and "Services." In the "Sites" schedule, after the "Picnic sites" fee, insert the following:

	Persons in group	Fee range per group per day [1]
Group camping and picnicking sites	Up to 80	$6.00 to $10.00
	80 to 100	10.00 to 20.00
	101 to 200	20.00 to 40.00
	201 to 300	30.00 to 60.00
	301 to 400	40.00 to 80.00
	401 to 500	50.00 to 100.00

[1] Any fee within the range may be charged the group if the number of persons 16 years of age and older falls within the relevant group size limits set for that fee. The exact fee within the range is to be established at a rate in accord with the criteria set forth in § 18.4. This fee may be selected in lieu of the above "Camp and trailer sites" fee or the above "Picnic sites" fee, or both.

Dated: May 28, 1965.

STEWART L. UDALL,
Secretary of the Interior.

[F.R. Doc. 65-5871; Filed, June 3, 1965; 8:50 a.m.]

Title 42—PUBLIC HEALTH

Chapter I—Public Health Service, Department of Health, Education, and Welfare

SUBCHAPTER D—GRANTS

PART 57—GRANTS FOR CONSTRUCTION OF HEALTH RESEARCH FACILITIES (INCLUDING MENTAL RETARDATION RESEARCH FACILITIES), TEACHING FACILITIES AND STUDENT LOANS

Loans to Students of Optometry; Technical Changes

Notice of proposed rule making, public rule making procedures and postponement of effective date have been omitted as unnecessary in the issuance of the following amendments to this part which relate solely to student loans and construction grants. The purpose of these amendments is to implement the provisions of Public Law 88-654, which amended the Public Health Service Act to provide for loans to students of optometry, and to revise the headings of Subpart B (Grants for Construction of Teaching Facilities) and Subpart C (Student Loans) to exclude expressly from those subparts nurse training facilities and nursing student loans since those facilities and loans are now covered by Subparts D and E.

These amendments shall be effective on the date of publication in the FEDERAL REGISTER.

Part 57 of Chapter 1 of Title 42 of the Code of Federal Regulations is amended as follows:

1. The heading of Subpart B is amended to read as follows:

Subpart B—Grants for Construction of Teaching Facilities (Excluding Nurse Training Facilities)

2. The heading of Subpart C is amended to read as follows:

Subpart C—Student Loans (Excluding Nursing Student Loans)

3. Section 57.201 is amended to read as follows:

§ 57.201 Policy and purpose of the Health Professions Student Loan Program.

Part C of Title VII of the Public Health Service Act, as amended, authorizes the Health Professions Student Loan Program. Under this program, Health Professions Student Loan Funds will be established at participating schools of medicine, dentistry, osteopathy, and optometry in a State. The purpose of these funds is to make long-term, low interest loans to qualified students who are in need of such financial assistance in order to pursue a full-time course of study leading to the degree of doctor of medicine, doctor of dental surgery or an equivalent degree, doctor of osteopathy, or doctor of optometry or an equivalent degree.

4. Subparagraph (1) of paragraph (d), paragraph (f), and subparagraphs (1) and (3) of paragraph (n) of § 57.202 are amended to read as follows:

§ 57.202 Definitions.

* * * * *

(d) *School of medicine, dentistry, osteopathy, and optometry.* (1) The terms "school of medicine," "school of dentistry," "school of osteopathy," and "school of optometry" mean a school which provides training leading respectively to a degree of doctor of medicine, doctor of dental surgery or equivalent degree, doctor of osteopathy, or doctor of optometry or equivalent degree, and which is accredited by a recognized body or bodies approved for such purpose by the Commissioner, except that a new school which (by reason of no, or an insufficient, period of operation) is not, at the time of entering into an agreement for Federal Capital Contributions, eligible for accreditation by such a recognized body or bodies, shall be deemed accredited for the purposes of such agreement if the Commissioner finds, after consultation with the appropriate accreditation body or bodies, that there is reasonable assurance that the school will be accredited on or prior to the time of completion of its course of study by the first students who receive loans under the program. Where a university has more than one such school, each is eligible to participate individually, and may only participate individually, in the Health Professions Student Loan Program.

* * * * *

(f) *Institution.* The term "institution" means a school of medicine, school of dentistry, school of osteopathy, or school of optometry as defined in this section. Where two or more such schools exist in a university, each such school is regarded as a separate institution for the purposes of these regulations.

* * * * *

(n) *Course of study; full-time course of study.* (1) "Course of study" means the curriculum offered by a school of medicine, dentistry, osteopathy, or optometry, satisfactory completion of which entitles a student to receive a degree of doctor of medicine, doctor of dental surgery or equivalent degree, doctor of osteopathy, or doctor of optometry or equivalent degree, or, where a school offers only two years or other portion of such curriculum, the term applies to the portion of the curriculum offered by such school.

* * * * *

(3) These terms do not include that preprofessional training which is prerequisite to acceptance for enrollment in a school of medicine, dentistry, osteopathy, or optometry nor do they include internship or residency training.

* * * * *

(Rev. Stat. § 161, 5 U.S.C. 22; interpret or apply §§ 740-745 of the Public Health Service Act as amended, 42 U.S.C. 294-294e)

Dated: May 13, 1965.

[SEAL] DAVID E. PRICE,
Acting Surgeon General.

Approved: May 27, 1965.

ANTHONY J. CELEBREZZE,
Secretary.

[F.R. Doc. 65-5852; Filed, June 3, 1965; 8:50 a.m.]

PART 57—GRANTS FOR CONSTRUCTION OF HEALTH RESEARCH FACILITIES (INCLUDING MENTAL RETARDATION RESEARCH FACILITIES), TEACHING FACILITIES AND STUDENT LOANS

Subpart E—Grants for Construction of Nurse Training Facilities

Correction

In F.R. Doc. 65-5389, appearing at page 6944 of the issue for Saturday, May 22, 1965, the phrase reading "or by 12 students" in the second sentence of § 57.404(a) should read "or by 20 students".

Proposed Rule Making

DEPARTMENT OF AGRICULTURE

Consumer and Marketing Service

[7 CFR Part 51]

NECTARINES

U.S. Standards for Grades; Extension of Time

A proposal for revision of the U.S. Standards for Grades of Nectarines (7 CFR 51.3145–51.3159 was set forth in the notice which was published in the FEDERAL REGISTER on March 20, 1965 (30 F.R. 3719).

In consideration of comments and suggestions received indicating the need for further study of the proposal, the time within which written data, views, and arguments may be submitted by interested parties for consideration in connection with the aforesaid proposal is hereby extended until December 1, 1965.

All persons who desire to submit written data, views or arguments for consideration in connection with the proposal should file the same in duplicate, not later than December 1, 1965, with the Hearing Clerk, U.S. Department of Agriculture, Room 112, Administration Building, Washington, D.C., 20250, where they will be available for public inspection during official hours of business (paragraph (b) of § 1.27, as amended at 29 F.R. 7311).

(Secs. 203, 205, 60 Stat. 1087, as amended, 1090 as amended; 7 U.S.C. 1622, 1624)

Dated: May 28, 1965.

G. R. GRANGE,
Deputy Administrator,
Marketing Services.

[F.R. Doc. 65-5820; Filed, June 3, 1965; 8:47 a.m.]

[7 CFR Part 51]

FRESH PLUMS AND PRUNES

U.S. Standards for Grades; Extension of Time

A proposal for revision of the U.S. Standards for Grades of Fresh Plums and Prunes (7 CFR 51.1520–51.1537) was set forth in the notice which was published in the FEDERAL REGISTER on March 20, 1965 (30 F.R. 3716).

In consideration of comments and suggestions received indicating the need for further study of the proposal, the time within which written data, views, and arguments may be submitted by interested parties for consideration in connection with the aforesaid proposal is hereby extended until December 1, 1965.

All persons who desire to submit written data, views or arguments for consideration in connection with the proposal should file the same in duplicate, not later than December 1, 1965, with the Hearing Clerk, U.S. Department of Agriculture, Room 112, Administration Building, Washington, D.C., 20250, where they will be available for public inspection during official hours of business (paragraph (b) of § 1.27, as amended at 29 F.R. 7311).

(Secs. 203, 205, 60 Stat. 1087, as amended, 1090 as amended; 7 U.S.C. 1622, 1624)

Dated: May 28, 1965.

G. R. GRANGE,
Deputy Administrator,
Marketing Services.

[F.R. Doc. 65-5819; Filed, June 3, 1965; 8:47 a.m.]

FEDERAL AVIATION AGENCY

[14 CFR Part 71]

[Airspace Docket No. 64-AL-21]

CONTROL ZONE AND TRANSITION AREA

Proposed Alteration

The Federal Aviation Agency is considering amendments to Part 71 of the Federal Aviation Regulations which would alter the control zone and transition area at Aniak, Alaska.

The Aniak, Alaska, control zone is presently described as that area within a 5-mile radius of Aniak Airport and within 2 miles either side of the Aniak RR SW course extending from the 5-mile radius zone to 12 miles SW of the RR.

The Aniak, Alaska, transition area is presently described as that airspace extending upward from 1,200 feet above the surface within 10 miles SE and 7 miles NW of the 050° and 230° bearings from the Aniak RR, extending from 9 miles NE to 20 miles SW of the RR.

The Federal Aviation Agency, having completed a comprehensive review of the terminal airspace structure requirements in the Aniak, Alaska, terminal area, including studies relevant to the implementation of the provisions of CAR Amendment 60-21/60-29, and the addition of a special approach procedure, proposes the following airspace action.

1. Alter the Aniak, Alaska, control zone by redesignating it to comprise that airspace within a 5-mile radius of the Aniak Airport (latitude 61°35' N., longitude 159°32' W.), and within 2 miles each side of the Aniak RR SW and SE courses, extending from the 5-mile radius zone to 17.5 miles SW and 14 miles SE of the RR.

2. Alter the Aniak, Alaska, transition area by redesignating it to comprise that airspace extending upward from 700 feet above the surface within 5 miles NW and 8 miles SE of the 050° and 230° bearings from the Aniak RR extending from 8 miles SW to 18 miles SW of the RR; and that airspace extending upward from 1,200 feet above the surface within 7 miles NE and 8 miles SW of the 140° and 320° bearings from the Aniak RR extending from 7 miles NW to 18 miles SE of the RR.

The floors of the airways which traverse the proposed transition area would automatically coincide with the floors of the transition area.

The action proposed herein would add a control zone extension on the SE course to provide protection for aircraft executing the prescribed instrument approach procedure. The control zone extension on the SW course would be increased and redescribed to provide protective airspace for a special air carrier instrument procedure. The proposed transition area would provide protection for aircraft executing prescribed arrival, departure, missed approach, and holding procedures beyond the limits of the control zone.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Chief, Air Traffic Division, Alaskan Region, Federal Aviation Agency, 632 Sixth Avenue, Anchorage, Alaska, 99501. All communications received within 45 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendments. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Chief, Air Traffic Division. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The public docket will be available for examination by interested persons at the Office of the Regional Counsel, Federal Aviation Agency, 632 Sixth Avenue, Anchorage, Alaska, 99501.

This amendment is proposed under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348).

Issued in Anchorage, Alaska, on May 25, 1965.

JAMES G. ROGERS,
Director, Alaskan Region.

[F.R. Doc. 65-5806; Filed, June 3, 1965; 8:46 a.m.]

[14 CFR Part 71]

[Airspace Docket No. 65-CE-66]

TRANSITION AREA

Proposed Designation

The Federal Aviation Agency is considering an amendment to Part 71 of the Federal Aviation Regulations which would establish controlled airspace in the Land O'Lakes, Wis., terminal area.

At the present time there is no controlled airspace designated in the Land O'Lakes, Wis., terminal area.

The Federal Aviation Agency, having completed a comprehensive review of the terminal airspace structural requirements in the Land O'Lakes terminal area, including studies attendant to the implementation of the provisions of Amendments 60-21 (26 F.R. 570) and 60-29 (27 F.R. 4012) of Part 60 of the Civil Air Regulations, proposed to take the following airspace action:

Designate a transition area at Land O'Lakes, Wis., to comprise that airspace extending upward from 700 feet above the surface within a 5-mile radius of the Land O'Lakes Municipal Airport (latitude 46°09'15" N., longitude 89°12'40" W.); and within 8 miles SW and 5 miles NE of the 311° bearing from the Land O'Lakes Airport, extending from the airport to 12 miles NW of the airport; and that airspace extending upward from 1,200 feet above the surface within 4 n.m. each side of the Rhinelander, Wis., VOR 018° radial, extending from the arc of a 12-mile radius circle centered on the Rhinelander VOR to the Land O'Lakes Airport.

At the present time, plans are being made to publish a public use instrument approach procedure at Land O'Lakes, Wis. The portion of the proposed transition area which would extend upward from 700 feet above the surface would provide protection for aircraft executing prescribed arrival, departure and holding procedures at the Land O'Lakes Airport. The proposed extension to the NW will encompass the procedure turn portion of the instrument approach procedure as well as the holding pattern. The transition area extending upward from 1,200 feet above the surface will provide controlled airspace protection for aircraft operating to and from the Land O'Lakes Airport.

This will be the initial publication of the approach procedure and specific details concerning the procedure may be obtained from the Chief, Airspace Branch, Air Traffic Division, Central Region, Federal Aviation Agency, 4825 Troost Avenue, Kansas City, Mo., 64110.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Director, Central Region, Attention: Chief, Air Traffic Division, Federal Aviation Agency, 4825 Troost Avenue, Kansas City, Mo., 64110. All communications received within 45 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Division Chief. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The public docket will be available for examination by interested persons in the Office of the Regional Counsel, Federal Aviation Agency, 4825 Troost Avenue, Kansas City, Mo., 64110.

This amendment is proposed under the authority of section 307(a) of the Federal Aviation Act of 1958; 49 U.S.C. 1348.

Issued at Kansas City, Mo., on May 21, 1965.

EDWARD C. MARSH,
Director, Central Region.

[F.R. Doc. 65-5807; Filed, June 3, 1965; 8:46 a.m.]

Notices

DEPARTMENT OF STATE

Agency for International Development

ASSISTANT TO THE DIRECTOR, CAPITAL PROJECTS, TURKEY

Redelegation of Authority

Pursuant to the authority delegated to me by Delegation of Authority No. 5 dated December 29, 1961, I hereby redelegate, to the officer listed above, authority to extend the terminal date for fulfillment of conditions precedent and to extend the terminal date for requests for letters of commitment and for disbursements under loans authorized by the Board of Directors of the Corporate Development Loan Fund and by the Foreign Assistance Act of 1961, as amended.

This Redelegation of Authority is effective immediately.

The Redelegation of Authority dated July 16, 1963, redelegating the above authority to the Mission Directors and Deputy Mission Directors in India, Pakistan, and Turkey, and to the Assistant Director for Program and Finance in India, shall continue in full force and effect.

Dated: April 29, 1965.

WILLIAM B. MACOMBER, JR.,
Assistant Administrator, Bureau for Near East and South Asia.

[F.R. Doc. 65-5808; Filed, June 3, 1965; 8:46 a.m.]

SIGNING OF AMENDMENTS TO LOAN AGREEMENTS

Revised Delegation of Authority

Pursuant to the Foreign Assistance Act of 1961, as amended, and delegations of authority issued thereunder, including Delegation of Authority No. 5, as amended, and pursuant to the Agricultural Trade Development and Assistance Act of 1954, as amended, and delegations of authority issued thereunder, including Delegation of Authority No. 23, as amended, I hereby delegate to the U.S. Ambassador at Ankara, Turkey, and to the Director of the U.S. A.I.D. Mission at Ankara, Turkey, and to any person acting in the capacity of either of them, authority on behalf of the Agency for International Development (A.I.D.) to sign the following instruments:

(a) An amendment or amendments to D.L.F. Loan Agreement No. 169 (A.I.D. No. 277-A-020) dated January 9, 1961, as amended, between Eregli Demir ve Celik Fabrikalari, T.A.S. and A.I.D., as successor to the Development Loan Fund, providing among other things for the capitalizing of certain interest payments payable under said Loan Agreement No. 169, as amended, and for the relaxation of the restriction contained therein on certain short term indebtedness to allow an amount of such indebtedness of up to one hundred million Turkish Lira (TL100,000,000), all on the terms and conditions and as more specifically referred to in the Action Memorandum dated January 13, 1965, and approved by me on January 19, 1965, and the Action Memorandum of March 4, 1965, approved by me on March 5, 1965, and

(b) An amendment to A.I.D. Cooley Loan Agreement No. 277-E-047 dated April 2, 1964, between Eregli Demir ve Celik Fabrikalari, T.A.S. and the United States of America, providing among other things for an additional loan up to fifty million Turkish Lira (TL50,000,000) on the terms and conditions and as more specifically referred to in the Action Memorandum dated January 13, 1965, and approved by me on January 19, 1965.

This delegation of authority supersedes my delegation of authority of January 19, 1965, copy attached.[1]

Dated: March 10, 1965.

WILLIAM B. MACOMBER, JR.,
Assistant Administrator, Bureau for Near East and South Asia.

[F.R. Doc. 65-5809; Filed, June 3, 1965; 8:46 a.m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

CALIFORNIA

Notice of Proposed Withdrawal and Reservation of Lands

The Forest Service, U.S. Department of Agriculture, has filed an application, Serial No. Sacramento 079493, for the withdrawal of lands described below, from prospecting, location, entry, and purchase under the mining laws, subject to valid existing claims.

The applicant desires the land for recreation areas in the El Dorado National Forest.

For a period of 30 days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the undersigned officer of the Bureau of Land Management, Department of the Interior, Room 4201, U.S. Courthouse and Federal Building, 650 Capitol Mall, Sacramento, Calif., 95814.

The Department's regulations (43 CFR 2311.1-3(c)) provide that the authorized officer of the Bureau of Land Management will undertake such investigations as are necessary to determine the existing and potential demand for the lands and their resources. He will also undertake negotiations with the applicant agency with the view of adjusting the application to reduce the area to the minimum essential to meet the applicant's needs, to provide for the maximum concurrent utilization of the lands for purposes other than the applicant's, to eliminate lands needed for purposes more essential than the applicant's, and to reach agreement on the concurrent management of the lands and their resources.

The authorized officer will also prepare a report for consideration by the Secretary of the Interior who will determine whether or not the lands will be withdrawn as requested by the applicant agency.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

If circumstances warrant, a public hearing will be held at a convenient time and place, which will be announced.

The lands involved in the application are:

CALIFORNIA

MOUNT DIABLO MERIDIAN

El Dorado National Forest

Pope-Baldwin Recreation Area

T. 12 N., R. 17 E.,
Sec. 1, lots 2, 3, 4, 5, and 6, N½NE¼, E½SE¼;
Sec. 2, lots 1, 2, 3, and 4, W½, N½NE¼, SW¼NE¼, and NW¼SE¼;
Sec. 3, E½NE¼, unsurveyed W½NE¼, and SE¼;
Sec. 10, NE¼;
Sec. 11, lots 1, 2, and 3, NE¼NW¼, NW¼NW¼;
Sec. 12, lots 2, 3, 4, and 7, SE¼NE¼, and N½SE¼.
T. 12 N., R. 18 E.,
Sec. 5, lot 4;
Sec. 6, lots 1 through 21 inclusive, E½SW¼, and SE¼.
T. 13 N., R. 17 E.,
Sec. 25, lots 1, 2, 3, 4, and 5;
Sec. 26, lots 1 and 2, and S½SW¼;
Sec. 27, SE¼SE¼;
Sec. 34, SE¼NE¼, and SE¼;
Sec. 35;
Sec. 36.

The areas described aggregate approximately 4,882 acres.

JOHN E. CLUTE,
Acting Manager, Sacramento Land Office.

[F.R. Doc. 65-5810; Filed, June 3, 1965; 8:46 a.m.]

[Idaho 016413, 016414]

IDAHO

Notice of Proposed Withdrawal and Reservation of Lands

MAY 27, 1965.

The Department of Agriculture has filed two applications Serial Numbers Idaho 016413 and Idaho 016414 for the withdrawal of the lands described below, from all forms of appropriation under the public land laws, including the mining laws.

The applicant desires the land for a youth conservation camp and two existing camping sites.

For a period of 30 days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the undersigned officer of the Bureau of Land Management, Department of the Interior, Post Office Box 2237, Boise, Idaho, 83701.

The authorized officer of the Bureau of Land Management will undertake such investigations as are necessary to determine the existing and potential demand for the land and their resources. He will also undertake negotiations with the applicant agency with the view of adjusting the application to reduce the area to the minimum essential to meet the applicant's needs, to provide for the maximum concurrent utilization of the lands for purposes other than the applicant's, to eliminate lands needed for purposes more essential than the applicant's, and to reach agreement on the concurrent management of the land and their resources.

He will also prepare a report for consideration by the Secretary of the Interior who will determine whether or not the lands will be withdrawn as requested by the Department of Agriculture.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

If circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

The lands involved in the application are:

BOISE MERIDIAN, IDAHO

NEZPERCE NATIONAL FOREST

Youth Conservation Corps O'Hara Camp

T. 32 N., R. 7 E.,
Sec. 23, lot 4, W½NW¼NW¼SE¼, S½NW¼SE¼ and W½W½SE¼SE¼.

Totaling 67.80 acres.

COEUR D'ALENE NATIONAL FOREST

Beauty Bay Camp

T. 49 N., R. 3 W.,
Sec. 12, lot 3, NE¼NE¼NE¼SW¼, NE¼NW¼SE¼, N½NW¼NW¼SE¼ and SE¼NW¼NW¼SE¼.

Totaling 41.39 acres.

Mokins Bay Camp

T. 51 N., R. 3 W.,
Sec. 11, lots 1 and 5.

Totaling 62.30 acres.

The areas described aggregate 171.49 acres in Idaho and Kootenai Counties, Idaho.

ORVAL G. HADLEY,
Manager, Land Office.

[F.R. Doc. 65-5811; Filed, June 3, 1965; 8:46 a.m.]

[Idaho 08278]

IDAHO

Amendment of and Partial Termination of Proposed Withdrawal and Reservation of Lands

1. Notice of an application of the Department of Agriculture, Serial No. Idaho 05278, for withdrawal and reservation of lands, was published as Federal Register Document No. 58-5832 on pages 5794-5802 of the issue for July 31, 1958. The applicant has cancelled its application so far as it involves the hereinafter described lands which were relieved of the segregative effect of the application on February 27, 1959.

The lands involved in this notice of termination are described as follows (all of Boise Meridian):

PUBLIC SERVICE SITES

Warm Lake Public Service Site

T. 15 N., R. 6 E.,
Sec. 11, E½, E½NW¼, SW¼NW¼, SW¼;
Sec. 14, N½, W½SW¼;
Sec. 23, S½NE¼NE¼, S½NE¼, NW¼NE¼, NW¼;
Sec. 24, S½N½.
T. 15 N., R. 7 E.,
Sec. 6, E½SE¼;
Sec. 7, W½W½;
Sec. 18, E½;
Sec. 19, N½.

Totaling 2,337 acres.

Swanholm Creek Public Service Site

T. 6 N., R. 9 E.,
Sec. 26, E½NE¼SW¼, SE¼SE¼NW¼.

Totaling 30 acres.

Bull Trout Lake Public Service Site

Unsurveyed but when surveyed will probably be:
T. 11 N., R. 10 E.,
Sec. 9, SW¼NW¼NE¼, W½W½SW¼NE¼, SE¼NE¼NW¼, E½SE¼NW¼, W½NE¼SE¼.

Totaling 70 acres.

Atlanta Public Service Site

T. 6 N., R. 11 E.,
Sec. 35, lots 8, 10, and 11.

Totaling 60.54 acres.

RECREATION AREAS

Bogus Basin Recreation Area

T. 6 N., R. 3 E.,
Sec. 17, SE¼SE¼.

Totaling 40 acres.

Trail Creek Recreation Area

T. 11 N., R. 5 E.,
Sec. 21, NW¼SW¼NW¼.

Totaling 10 acres.

Porcupine Flat Recreation Area

T. 18 N., R. 5 E.,
Sec. 27, W½W½NE¼NE¼, SE¼NW¼NE¼.

Totaling 30 acres.

Fir Springs Recreation Area

T. 12 N., R. 7 E.,
Sec. 21, W½SW¼NW¼, SE¼SW¼NW¼.

Totaling 30 acres.

Granite Springs Recreation Area

T. 12 N., R. 7 E.,
Sec. 29, SW¼SW¼SE¼, SE¼SE¼SW¼.

Totaling 20 acres.

Summit Camp Recreation Area

T. 15 N., R. 7 E.,
Sec. 10, SW¼NE¼SE¼, S½NW¼SE¼, E½SW¼SE¼, E½SE¼SE¼, SW¼SE¼SE¼.

Totaling 60 acres.

Trout Creek Recreation Area

T. 16 N., R. 7 E.,
Sec. 1, NE¼SE¼SW¼, S½SE¼SW¼.

Totaling 30 acres.

Alpine Camp Recreation Area

T. 15 N., R. 6 E.,
Sec. 13, SW¼NE¼NE¼, NW¼SE¼NE¼.

Totaling 20 acres.

Penn Basin Recreation Area

T. 15 N., R. 8 E.,
Sec. 19, S½SE¼NE¼NE¼, E½SE¼NE¼;
Sec. 20, SW¼SW¼NW¼NW¼, W½W½SW¼NW¼.

Totaling 37.5 acres.

Green Springs Recreation Area

T. 15 N., R. 9 E.,
Sec. 18, lot 3.

Totaling 37.36 acres.

Yellow Pine Recreation Area

T. 19 N., R. 8 E.,
Sec. 28, W½NW¼SW¼;
Sec. 29, SW¼SW¼SE¼NE¼, NW¼NE¼SE¼.

Totaling 32.5 acres.

Bear Valley Recreation Area

T. 13 N., R. 9 E.,
Sec. 34, E½SWSE¼, W½SE¼SE¼.

Totaling 40 acres.

ADMINISTRATIVE SITES

Third Fork Administrative Site

T. 12 N., R. 1 E.,
Sec. 14, S½S½NE¼SW¼.

Totaling 10 acres.

Wilson Corral Administrative Site

T. 13 N., R. 2 E.,
Sec. 22, SE¼NE¼NE¼, NE¼SE¼NE¼;
Sec. 23, W½NW¼NW¼.

Totaling 40 acres.

Rammage Meadow Administrative Site

T. 13 N., R. 2 E.,
Sec. 34, NE¼SW¼, W½SE¼SW¼, W½NW¼SE¼.

Totaling 80 acres.

Tripod Lookout Administrative Site

T. 10 N., R. 3 E.,
Sec. 17, N½NW¼SW¼;
Sec. 18, E½E½NE¼, NE¼NE¼SE¼.

Totaling 70 acres.

Grass Valley Administrative Site

T. 12 N., R. 3 E.,
Sec. 10, W½NE¼NE¼, E½NW¼NE¼.

Totaling 40 acres.

Scriver Administrative Site

T. 10 N., R. 4 E.,
Sec. 9, NE¼NW¼, E½SW¼NW¼, W½SE¼NW¼, NE¼NW¼SW¼, W½NW¼SW¼, NW¼SW¼SW¼.

Totaling 120 acres.

Bear Wallow Lookout Administrative Site

T. 11 N., R. 4 E.,
Sec. 35, S½NW¼NW¼, N½SW¼NW¼.

Totaling 40 acres.

Ditch Creek Administrative Site

T. 12 N., R. 4 E.,
Sec. 2, lots 1, 2.

Totaling 86.68 acres.

Pyle Creek Lookout Administrative Site

T. 9 N., R. 5 E.,
Sec. 4, lot 4.

Totaling 17.21 acres.

Poorman Administrative Site

T. 9 N., R. 5 E.,
Sec. 29, SW¼SE¼.

Totaling 40 acres.

[1] Filed as part of original document.

Rattlesnake Lookout Administrative Site

T. 9 N., R. 5 E.,
Sec. 4, lot 4.

Totaling 17.21 acres.

Barber Flats Administrative Site

T. 9 N., R. 5 E.,
Sec. 29, SW¼SE¼.

Totaling 40 acres.

Grove Peak Administrative Site

T. 9 N., R. 5 E.,
Sec. 29, SW¼SE¼.

Totaling 40 acres.

Rattlesnake Lookout Administrative Site

T. 11 N., R. 5 E.,
Sec. 12, S½NE¼SE¼, N½SE¼SE¼.

Totaling 40 acres.

Boiling Springs Administrative Site

T. 12 N., R. 5 E.,
Sec. 22, W½NE¼, E½NW¼, SE¼NW¼NW¼, E½SW¼NW¼.

Totaling 190 acres.

Clear Creek Administrative Site

T. 13 N., R. 5 E.,
Sec. 3, N½SW¼SW¼, SW¼SW¼SW¼, E½SE¼SW¼.

Totaling 50 acres.

Bald Mountain Administrative Site

T. 5 N., R. 6 E.,
Sec. 26, W½NE, W½NW, SE¼NW¼.

Totaling 300 acres.

Pilot Peak Lookout Administrative Site

T. 7 N., R. 6 E.,
Sec. 12, SW¼NE¼NE¼, SE¼NW¼NE¼, NE¼SW¼NE¼, NW¼SE¼NE¼.

Totaling 40 acres.

Middlefork Administrative Site

T. 14 N., R. 6 E.,
Sec. 19, S½SW¼NE¼, NW¼SE¼, N½SW¼SE¼.

Totaling 80 acres.

Danskin Mountain Lookout Administrative Site

T. 1 N., R. 7 E.,
Sec. 18, E½SE¼SE¼, NW¼SE¼SE¼.

Totaling 30 acres.

Lava Mountain Administrative Site

T. 3 N., R. 7 E.,
Sec. 24, S½SE¼SE¼;
Sec. 25, N½NE¼NE¼, SW¼NE¼NE¼, E½W½NW¼NE¼, E½NW¼NE¼.
T. 3 N., R. 8 E.,
Sec. 19, lot 4;
Sec. 30, lot 1.

Totaling 144.76 acres.

Sunset Mountain Lookout Administrative Site

T. 7 N., R. 7 E.,
Sec. 32, SE¼SE¼NE¼;
Sec. 33, SW¼SW¼NW¼.

Totaling 20 acres.

Stevens Point Lookout Administrative Site

T. 10 N., R. 7 E.,
Sec. 33, NW¼SE¼.

Totaling 40 acres.

Upper Deadwood Administrative Site

T. 13 N., R. 7 E.,
Sec. 23, SW¼SE¼SW¼;
Sec. 24, N½NE¼NE¼, SE¼NE¼NW¼.

Totaling 40 acres.

Thunderbolt Administrative Site

T. 16 N., R. 7 E.,
Sec. 8, S½SW¼SW¼;
Sec. 17, N½NW¼NW¼.

Totaling 40 acres.

House Mountain Lookout Administrative Site

T. 1 N., R. 8 E.,
Sec. 10, E½SE¼, N½NW¼SE¼, N½S½NW¼SE¼, S½SW¼SE¼, S½N½SW¼SE¼.

Totaling 140 acres.

Barber Flats Administrative Site

T. 6 N., R. 8 E.,
Sec. 32, E½E½NE¼SW¼, E½SE¼SW¼, SW¼SW¼SE¼.

Totaling 40 acres.

Pistol Pass Administrative Site

T. 15 N., R. 8 E.,
Sec. 11, SE¼SE¼SE¼;
Sec. 13, NW¼NE¼, NW¼SW¼NE¼, N½NW¼, N½S½NW¼;
Sec. 14, E½NE¼NE¼.

Totaling 200 acres.

Landmark Landing Field Administrative Site

T. 15 N., R. 8 E.,
Sec. 18, lots 3, 4, S½N½NE¼SW¼, S½NE¼SW¼, SE¼SW¼.

Totaling 144.19 acres.

Johnson Creek Administrative Site

T. 16 N., R. 8 E.,
Sec. 4, SW¼SE¼;
Sec. 9, W½NE¼.

Totaling 120 acres.

Trinity Mountain Lookout Administrative Site

T. 3 N., R. 9 E.,
Sec. 18, E½NW¼NE¼, NW¼NW¼NE¼.

Totaling 30 acres.

Jackson Peak Lookout Administrative Site

T. 9 N., R. 9 E.,
Sec. 32, SE¼NW¼NE¼, NE¼SW¼NE¼, NW¼SE¼NE¼.

Totaling 30 acres.

Red Mountain Lookout Administrative Site

T. 11 N., R. 9 E., Unsurveyed,
Sec. 29, E½SE¼SW¼, W½SW¼SE¼;
Sec. 32, W½NW¼NE¼, E½NE¼NW¼.

Totaling 80 acres.

Morehead Lookout Administrative Site

T. 14 N., R. 9 E.,
Sec. 10, NW¼SW¼.

Totaling 40 acres.

Forty-Four Administrative Site

T. 16 N., R. 9 E.,
Sec. 24, S½SW¼SW¼;
Sec. 25, NW¼NW¼NW¼.

Totaling 30 acres.

Graham Administrative Site

T. 7 N., R. 10 E.,
Sec. 9, S½SW¼NE¼, S½NW¼SW¼NE¼, SE¼SE¼NW¼, S½NE¼SE¼NW¼, E½NE¼SW¼, SW¼NE¼SW¼, SE¼SW¼, N½NW¼SE¼, SW¼NW¼SE¼;
Sec. 16, N½NE¼, N½NW¼NE¼.

Totaling 200 acres.

Shrapnel Creek Administrative Site

T. 15 N., R. 10 E.,
Sec. 4, N½SW¼, SE¼SW¼.

Totaling 120 acres.

Artillery Dome Administrative Site

T. 15 N., R. 10 E.,
Sec. 3, W½NW¼SW¼;
Sec. 4, E½NE¼SE¼.

Totaling 40 acres.

Big Baldy Lookout Administrative Site

T. 17 N., R. 10 E.,
Sec. 26, N½SW¼;
Sec. 27, N½SE¼.

Totaling 160 acres.

Grays Peak Administrative Site

T. 17 N., R. 11 E.,
Sec. 12, SE¼NE¼NW¼.

Totaling 10 acres.

Mahoney Lookout Administrative Site

T. 17 N., R. 12 E.,
Sec. 35, SE¼SW¼SE¼.

Totaling 10 acres.

Norton Ridge Lookout Administrative Site

T. 16 N., R. 12 E.,
Sec. 36, E½NE¼NE¼, SE¼NE¼.

Totaling 60 acres.

Ramey Lookout Administrative Site

T. 17 N., R. 13 E.,
Sec. 10, S½NE¼NW¼, N½SE¼NW¼.

Totaling 40 acres.

The areas described aggregate 5,857.74 acres.

2. The applicant has filed an amendment to its application Idaho 05278, requesting the withdrawal from appropriation under the general mining laws, of the hereinafter described additional lands, for recreation purposes.

For a period of 30 days from the date of publication of this notice, all persons who wish to submit comments, suggestions or objections in connection with the amendment to the proposed withdrawal may present their views in writing to the Manager, Land Office, Bureau of Land Management, Boise, Idaho.

If circumstances warrant it, a public hearing will be held at a convenient time and place which will be announced.

The determination of the Secretary of the Interior on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

The additional lands applied for are (all of Boise Meridian):

ADMINISTRATIVE SITES

Pilot Peak Lookout Administrative Site

T. 7 N., R. 6 E.,
Sec. 12, SE¼NE¼NE¼, NE¼SE¼NE¼.

Totaling 20 acres.

Thunderbolt Administrative Site

T. 16 N., R. 7 E.,
Sec. 8, NE¼SW¼SW¼.

Totaling 10 acres.

Landmark Landing Field Administrative Site

T. 15 N., R. 8 E.,
Sec. 7, E½SE¼SW¼, E½NE¼SW¼, NW¼NE¼SW¼, S½SE¼NW¼;
Sec. 18, E½NE¼NW¼, N½N½NE¼SW¼.

Totaling 100 acres.

Pistol Pass Administrative Site

T. 15 N., R. 8 E.,
Sec. 14, NE¼NW¼NE¼.

Totaling 10 acres.

Red Mountain Lookout Administrative Site

T. 11 N., R. 9 E., Unsurveyed,
Sec. 29, SE¼SW¼SE¼.

Totaling 10 acres.

Big Baldy Lookout Administrative Site

T. 17 N., R. 10 E.,
Sec. 26, NW¼SW¼NW¼, E½SW¼SW¼NW¼;
Sec. 27, NE¼SE¼NE¼, W½SE¼SE¼NE¼.

Totaling 30 acres.

RECREATION AREAS

Yellow Pine Recreation Area

T. 19 N., R. 6 E.,
Sec. 29, E½NW¼SE¼NE¼, NE¼SW¼SE¼NE¼.

Totaling 12.5 acres.

Bear Valley Recreation Area

T. 13 N., R. 9 E.,
Sec. 34, E½SE¼SW¼, NW¼SE¼SW¼.

Totaling 30 acres.

The areas described aggregate 222.50 acres.

IRVING SENEEL,
Acting Assistant Director, Bureau of Land Management.

MAY 27, 1965.

[F.R. Doc. 65-5812; Filed, June 3, 1965; 8:46 a.m.]

[Montana 070204]

MONTANA

Notice of Proposed Withdrawal and Reservation of Lands

MAY 28, 1965.

The Bureau of Reclamation, Department of the Interior, has filed an application, serial number Montana 070204, for the withdrawal of the lands described below from all forms of appropriation except mineral leasing laws.

The applicant desires the land for right of way of Kennison Reservoir diversion works and the Willow Creek Canal.

For a period of 30 days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the undersigned officer of the Bureau of Land Management, Department of the Interior, 316 North 26th Street, Billings, Mont., 59101.

The Department's regulations (43 CFR 2311.1–3(c)) provide that the authorized officer of the Bureau of Land Management will undertake such investigations as are necessary to determine the existing and potential demand for the lands and their resources. He will also undertake negotiations with the applicant agency with the view of adjusting the application to reduce the area to the minimum essential to meet the applicant's needs, to provide for the minimum concurrent utilization of the lands for purposes other than the applicant's, to eliminate lands needed for purposes more essential than the applicant's, and to reach agreement on the concurrent management of the lands and their resources.

The authorized officer will also prepare a report for consideration by the Secretary of the Interior who will determine whether or not the lands will be withdrawn as requested by the Bureau of Reclamation.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

If circumstances warrant, a public hearing will be held at a convenient time and place, which will be announced.

The lands involved in the application are:

PRINCIPAL MERIDIAN, MONTANA

KENNISON RESERVOIR

T. 6 S., R. 9 W.,
Sec. 7, NE¼;
Sec. 8, SW¼NE¼, SW¼, NW¼SE¼;
Sec. 17, NW¼NW¼;
Sec. 18, N½NE¼.

WILLOW CREEK CANAL AND DIVERSION WORKS

T. 4 S., R. 10 W.,
Sec. 18, SW¼SE¼;
Sec. 19, W½NE¼, N½SE¼, SE¼SE¼;
Sec. 20, SW¼SW¼;
Sec. 29, NW¼NW¼, N½SW¼, SE¼SW¼;
Sec. 30, NE¼, E½NW¼, NE¼SW¼, N½SE¼;
Sec. 32, W½E½ and E½W½.
T. 5 S., R. 10 W.,
Sec. 5, Lots 1 and 2, and SW¼NE¼.

The areas described aggregate 1,762.14 acres.

R. PAUL RIGTRUP,
Manager, Land Office.

[F.R. Doc. 65-5813; Filed, June 3, 1965; 8:47 a.m.]

OREGON

Notice of Filing of Plat of Survey

MAY 26, 1965.

1. Plat of survey of the lands described below will be officially filed in the Land Office, Portland, Oreg., effective at 10 a.m., on June 21, 1965.

WILLAMETTE MERIDIAN

T. 27½ S., R. 8 W.,
Sec. 32, Lots 1 through 4;
Sec. 33, Lots 1 through 4;
Sec. 34, Lots 1 through 4.

The areas described aggregate 45.95 acres, all of which are owned by the United States.

2. 25.15 acres are public domain lands, 20.80 acres are revested Oregon and California lands.

3. The public domain lands described in secs. 32 and 34 in this notice are in a proposed withdrawal, Oregon 012693, which segregates them from appropriation under most of the nonmineral public land laws. Except for applications for disposal of materials under the act of July 31, 1947 (61 Stat. 681; 30 U.S.C. 601–604), as amended; leases, permits, or easements under the act of September 3, 1954 (62 Stat. 1146; 43 U.S.C. 931 c and d); or under the right-of-way laws, no nonmineral application for these lands will be allowed unless the land has first been classified for the intended use.

4. The lands described in section 33 in this notice are revested Oregon and California grant lands and by this order are opened to such forms of disposition as may by law be made of such land.

5. Inquiries concerning these lands should be addressed to the Manager, Oregon Land Office, 710 Northeast Holladay Street, Portland, Oreg., 97232.

DOUGLAS E. HENRIQUES,
Manager, Oregon Land Office.

[F.R. Doc. 65-5814; Filed, June 3, 1965; 8:47 a.m.]

WASHINGTON

Notice of Proposed Withdrawal and Reservation of Lands

The Forest Service, U.S. Department of Agriculture, has filed an application, Washington 05804, for the withdrawal of the lands described below, from all forms of appropriation under the public land laws, including the general mining laws. The applicant desires the land for administrative sites.

For a period of 30 days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the undersigned officer of the Bureau of Land Management, Department of the Interior, 680 Bon Marche Building, Spokane, Wash.

The Department's regulations (43 CFR 2311.1–3c) provide that the authorized officer of the Bureau of Land Management will undertake such investigations as are necessary to determine the existing and potential demand for the lands and their resources. He will also undertake negotiations with the applicant agency with the view of adjusting the application to reduce the area to the minimum essential to meet the applicant's needs, to provide for the maximum concurrent utilization of the lands for purposes other than the applicant's, to eliminate lands needed for purposes more essential than the applicant's, and to reach agreement on the concurrent management of the lands and their resources.

The authorized officer will also prepare a report for consideration by the Secretary of the Interior who will determine whether or not the lands will be withdrawn as requested by the applicant agency.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

If circumstances warrant, a public hearing will be held at a convenient time and place which will be announced.

The lands affected are:

WILLAMETTE MERIDIAN

OLYMPIC NATIONAL FOREST

Snider Ranger Station Administrative Site

T. 30 N., R. 11 W.,
Sec. 28, Lots 2, 3, SE¼SW¼NE¼, NE¼NW¼SE¼.

WENATCHEE NATIONAL FOREST

Steliko Work Center Administrative Site

T. 26 N., R. 20 E.,
Sec. 20, Lots 1, 2, 3, NE¼NW¼.

The areas described aggregate approximately 200.64 acres.

JOHN E. BURT, Jr.,
Officer in Charge.

[F.R. Doc. 65-5815; Filed, June 3, 1965; 8:47 a.m.]

WASHINGTON

Notice of Proposed Withdrawal and Reservation of Lands

The Forest Service, U.S. Department of Agriculture, has filed an application,

Washington 05805, for the withdrawal of the lands described below, from all forms of appropriation under the public land laws, including the general mining laws. The applicant desires the land to facilitate the State of Washington Highway Department road improvement project on the Blewett Pass Highway.

For a period of 30 days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the undersigned officer of the Bureau of Land Management, Department of the Interior, 680 Bon Marche Building, Spokane, Wash.

The Department's regulations (43 CFR 2311.1–3c) provide that the authorized officer of the Bureau of Land Management will undertake such investigations as are necessary to determine the existing and potential demand for the lands and their resources. He will also undertake negotiations with the applicant agency with the view of adjusting the application to reduce the area to the minimum essential to meet the applicant's needs, to provide for the maximum concurrent utilization of the lands for purposes other than the applicant's, to eliminate lands needed for purposes more essential than the applicant's, and to reach agreement on the concurrent management of the lands and their resources.

The authorized officer will also prepare a report for consideration by the Secretary of the Interior who will determine whether or not the lands will be withdrawn as requested by the applicant agency.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

If circumstances warrant, a public hearing will be held at a convenient time and place which will be announced.

The lands affected are:

WILLAMETTE MERIDIAN

WENATCHEE NATIONAL FOREST

A strip of land 200 feet on each side of surveyed centerline of U.S. Highway 97 through the following legal subdivisions:

T. 20 N., R. 17 E.,
Sec. 3, Lot 2, SW¼NE¼, W½SE¼;
Sec. 10, W½NE¼.
T. 21 N., R. 17 E.,
Sec. 15, W½NE¼, E½SW¼, NW¼SE¼;
Sec. 22, N½NW¼, SW¼NW¼, NW¼SW¼, N½SE¼SW¼, SE¼SE¼SW¼;
Sec. 27, E½SW¼, E½NE¼NW¼, SE¼NW¼;
Sec. 34, Lot 3, E½NW¼, NE¼SW¼; excepting patented HES–160.

The areas described aggregate approximately 250 acres.

JOHN E. BURT, Jr.,
Officer in Charge.

[F.R. Doc. 65–5816; Filed, June 3, 1965; 8:47 a.m.]

ALASKA

Notice of Proposed Withdrawal and Reservation of Lands

MAY 27, 1965.

The U.S. Forest Service, Department of Agriculture, has filed an application serial number Anchorage 062448 for the withdrawal of the lands described below from all forms of appropriation under the mining laws.

The applicant desires the lands for use as recreation, picnic and campground areas.

For a period of 30 days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the undersigned officer of the Bureau of Land Management, Department of the Interior, Anchorage District and Land Office, 555 Cordova Street, Anchorage, Alaska, 99501.

If circumstances warrant it, a public hearing will be held at a convenient time and place which will be announced.

The determination of the Secretary of the Interior on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

The lands affected are in the Tongass National Forest near Ketchikan, Alaska and are described as:

WARD COVE RECREATION AREA

Beginning at corner number seven of the Ketchikan Townsite Elimination Survey Number 1761, on the shore of Ward Creek at the head of Ward Cove, with a north latitude of 55°24'28" and a west longitude of 131°42'-34". Designated corner number one of this survey an iron post in a pile of rocks marked C7–ESE 1761; thence S. 43° E., 40.00 chains along National Forest boundary to corner number two; thence N. 53° E., 45.00 chains to a large creek flowing northerly to Ward Lake, designated corner number three; thence due north, 56.00 chains to a point designated corner number four; thence N. 67° W., approximately 37.57 chains to the Ketchikan Pulp Co. aqueduct right-of-way, designated corner five; thence in a southwesterly direction following the Ketchikan Pulp Co. right-of-way approximately 22.42 chains to a point designated corner number six; thence S. 28°30' W., approximately 43.93 chains to a point designated corner number seven, identical with corner number eight of Ketchikan Townsite Elimination an iron post in a mound of rocks marked C8–ESE N61 near the head of Ward Cove; thence along Forest boundary S. 18°40' E., 13.00 chains to point of beginning, containing 440 acres, more or less.

JAMES W. SCOTT,
Manager, Anchorage District and Land Office.

[F.R. Doc. 65–5823; Filed, June 3, 1965; 8:47 a.m.]

Office of the Secretary

ASSISTANT SECRETARY FOR FISH AND WILDLIFE AND PARKS

Delegation of Authority; Amendment

The delegations of authority published in the FEDERAL REGISTER on May 27, 1965 (30 F.R. 7116), are amended as follows: Wherever it appears the title of the Assistant Secretary for Fish and Wildlife is changed to the Assistant Secretary for Fish and Wildlife and Parks (210 DM 1.2, 210 DM 1.3, 210 DM 1.3A, 210 DM 1.3A(1), 210 DM 1.3(B), 210 DM 1.5). Paragraph 210 DM 1.3A(1) is amended as set forth below. The following material is a portion of the Departmental Manual and the numbering system is that of the Manual.

PART 210—OFFICE OF THE SECRETARY

CHAPTER 1—SECRETARIAL OFFICERS

210 DM 1.3A(1) Exercise the authority of the Secretary with respect to any matter relating to fish, wildlife and parks, except for the limitations contained in 200 DM 1.4 and 1.5.

STEWART L. UDALL,
Secretary of the Interior.

JUNE 3, 1965.

[F.R. Doc. 65–5915; Filed, June 3, 1965; 10:53 a.m.]

DEPARTMENT OF THE TREASURY

Office of the Secretary

[Dept. Circ. 570, 1964 Rev. Supp. 19]

UNITED FIRE & CASUALTY CO.

Expiration of Authority To Qualify as Surety on Federal Bonds

JUNE 1, 1965.

Notice is hereby given that the Certificate of Authority issued by the Secretary of the Treasury to the United Fire & Casualty Company, Cedar Rapids, Iowa, under the provisions of the Act of Congress, approved July 30, 1947 (6 U.S.C. 6–13), to qualify as sole surety on recognizances, stipulations, bonds, and undertakings permitted or required by the laws of the United States expired on May 31, 1965, and will not be renewed.

Bond-approving officers of the Government should, in instances where such action is necessary, secure new bonds with acceptable sureties in lieu of bonds executed by the United Fire & Casualty Company.

[SEAL] JOHN K. CARLOCK,
Fiscal Assistant Secretary.

[F.R. Doc. 65–5823; Filed, June 3, 1965; 8:47 a.m.]

DEPARTMENT OF AGRICULTURE

Consumer and Marketing Service

CERTAIN HUMANELY SLAUGHTERED LIVESTOCK

Identification of Carcasses; Changes in Lists of Establishments

Pursuant to section 4 of the Act of August 27, 1958 (7 U.S.C. 1904), and the statement of policy thereunder in 9 CFR 381.1, the lists (30 F.R. 100, 1204, 3228, 4501, and 6498) of establishments which are operated under Federal inspection pursuant to the Meat Inspection Act (21 U.S.C. 71 et seq.) and which use humane methods of slaughter and incidental handling of livestock are hereby amended as indicated in the following table.

The following table lists species at additional establishments and additional species at previously listed establishments that have been reported as being slaughtered and handled humanely.

Establishments slaughtering humanely	Date of listing			Report No.		Page of	
Name of establishment	Establishment No.	Cattle	Calves	Sheep	Goats	Swine	Horses
Platte Valley Packing Co.	203					X	
Floyd Valley Packing Co.	512	X					
Long Creek Meat Co.	870	X					
New establishments reporting: 3.							
Animal Husbandry Department, Texas Technological College	236		X				
City Packing Co.	891			X		X	
Meats Inc.	899			X			
Species added: 4.							

Done at Washington, D.C., this 28th day of May 1965.

R. K. SOMERS,
Acting Deputy Administrator, Consumer and Marketing Service.

[F.R. Doc. 65–5821; Filed, June 3, 1965; 8:47 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

FROZEN CONCENTRATE FOR ARTIFICIALLY SWEETENED LEMONADE

Extension of Temporary Permit To Cover Market Testing

Pursuant to § 10.5(j) of Title 21, Code of Federal Regulations, concerning temporary permits to facilitate market testing of foods deviating from the requirements of standards of identity established under authority of section 401 of the Federal Food, Drug and Cosmetic Act, notice is given that the temporary permit held by the ReaLemon Co., Chicago, Ill., a division of The Borden Co., New York, N.Y., to cover interstate marketing tests of frozen concentrate for artificially sweetened lemonade deviating from the requirements of the standard of identity for frozen concentrate for lemonade (21 CFR 27.101) is extended. Nonnutritive artificial sweeteners calcium cyclamate and calcium saccharin and a nonnutritive thickener propylene glycol alginate will replace the nutritive sweeteners specified in 21 CFR 27.101. The frozen concentrate for artificially sweetened lemonade containing these nonnutritive ingredients is labeled to show that it is artificially sweetened by including in the name the words "artificially sweetened," displayed in the same style and size of type as the letters in the word "lemonade." The label names all the ingredients of the product.

This extension of permit expires May 1, 1966.

Dated: May 27, 1965.

GEO. P. LARRICK,
Commissioner of Food and Drugs.

[F.R. Doc. 65–5949; Filed, June 3, 1965; 8:50 a.m.]

PHOSPHAMIDON

Notice of Establishment of Temporary Tolerance

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(j), 68 Stat. 516; 21 U.S.C. 346a (j)), and under the authority delegated to the Commissioner of Food and Drugs by the Secretary of Health, Education, and Welfare (21 CFR 2.90), notice is given that at the request of the California Chemical Co., Richmond, Calif., the temporary tolerance of 1 p.p.m. established for residues of the insecticide phosphamidon on grapefruit, lemons, and oranges as published in the FEDERAL REGISTER May 5, 1965 (30 F.R. 6282), is expanded to include tangerines.

The conditions under which the temporary tolerance for tangerines is established and expiration date are the same as those included in the Notice of Establishment of Temporary Tolerance for phosphamidon published in the FEDERAL REGISTER of May 5, 1965 (30 F.R. 6282).

Dated: May 27, 1965.

GEO. P. LARRICK,
Commissioner of Food and Drugs.

[F.R. Doc. 65–5850; Filed, June 3, 1965; 8:50 a.m.]

MARGARINE DEVIATING FROM IDENTITY STANDARD

Notice of Issuance of Temporary Permit for Market Testing

Pursuant to § 10.5(j), Title 21, Code of Federal Regulations, concerning temporary permits to facilitate market testing of foods varying from the requirements of standards of identity promulgated pursuant to section 401 of the Federal Food, Drug, and Cosmetic Act, notice is given that a temporary permit has been issued to Fricks' Foods, Inc., Cedartown, Ga., to cover interstate marketing tests of liquid margarine deviating from the requirements of the standard of identity for such food (21 CFR 45.1). The margarine to be market tested is in liquid form, whereas the standard of identity provides that margarine is a plastic food. The label names the food as "Liquid Vegetable Margarine," lists all the ingredients, and includes directions to keep the product refrigerated.

This permit expires May 1, 1966.

Dated: May 27, 1965.

GEO. P. LARRICK,
Commissioner of Food and Drugs.

[F.R. Doc. 65–5851; Filed, June 3, 1965; 8:50 a.m.]

CIVIL AERONAUTICS BOARD

[Docket Nos. 16142, 16143; Order E–22224]

AIR TRAFFIC CONFERENCE OF AMERICA

Order Conditioning Approval

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 27th day of May 1965.

On May 5, 1965, American Airlines, Inc., filed a letter requesting that the Board condition its approval of Air Traffic Conference of America Standard Interline Passenger Procedures (SIPP) Resolution 115.15, concerning the free baggage allowance. American requests this action so that it would be clear that the resolution as approved by the Board does not prohibit any carrier from adopting a free baggage allowance based upon the piece method. American also alleges that since the baggage resolution is not a separate resolution, but part of SIPP, withdrawal from the baggage resolution would require withdrawal from the entire SIPP.

Western Air Lines, Inc., filed a petition on May 6, 1965, requesting that the Board modify its approval of Resolution 115.15 to the extent that it otherwise prevents Western or any other carrier from granting a free baggage allowance of 50 pounds, plus whatever reasonable baggage can be placed under the passenger's seat.

Both carriers indicate that there is widespread air carrier support of a liberalized free baggage allowance, but that the carriers were not able to reach unanimous agreement at recent ATC meetings and discussions on the subject.[1] It is alleged that in the absence of Board action, no carrier could initiate a liberalized free baggage allowance prior to January 1966, and that it is in the public interest to permit individual carrier withdrawal from baggage Resolution 115.15 without making it necessary to withdraw from all of SIPP. Western contends that

[1] See Orders E–21310, Sept. 22, 1964; E–21564, Dec. 7, 1964; E–21666, Jan. 12, 1965; and E–21970, Mar. 30, 1965. See also Order E–21824, Feb. 23, 1965.

it is no longer in the public interest for

it is no longer in the public interest for the carriers to be restricted to a free baggage allowance established in the mid-1930's. American states that in the event the Board takes the requested action, it will file tariff amendments providing for the new baggage rule and Western filed its liberalized tariff rule on May 10, 1965.[3]

These requests were served upon all certificated domestic trunkline and local service carriers. On May 17, 1965, Trans World Airlines, Inc. filed an answer opposing the American request on the merits of its proposal and essentially supporting the substance of the Western proposal. As hereinafter discussed, our action here does not involve the substance or the merits of the baggage rule changes advanced by American and Western, but relates only to the question of whether the Board should condition its approval of the ATC baggage resolution to permit individual carriers to liberalize their tariff rules governing the free baggage allowance at this time.

The Board believes that it is in the public interest to permit carriers to liberalize their baggage rules. As alleged by American and Western, it appears that withdrawal from one SIPP resolution may require a carrier to withdraw from all of SIPP. While the Board recognizes the public interest aspects of uniformity in conditions of carriage,[4] particularly with respect to facilitating the movement of interline passengers, we are concerned with the reasonableness of the existing free baggage allowance and excess baggage charge rules. The present potential for early implementation of more favorable conditions resulting from unilateral tariff action makes it clear that we should not, by continuing our unconditioned approval of Resolution 115.15, prevent the carriers from proposing more liberal baggage rules than those presently in effect. On the other hand, there are many other resolutions in SIPP which are in the public interest and which we believe should be maintained on a uniform basis.

To the extent, therefore, that Resolution 115.15 would preclude any carrier from adopting a more liberal free baggage allowance, we find that such a restriction would be adverse to the public interest. Under these circumstances, we will condition our approval of the baggage provisions of SIPP to provide that air carriers may liberalize their baggage provisions without withdrawing from any other provision of the Standard Interline Passenger Procedures resolution.

Our action herein does not reflect our views on the merits of the liberalized baggage proposals of American or Western, nor on the merits of American's proposal to increase fares, and we will reserve consideration of the substance of these proposals until such time as we review the tariffs which may be filed as a result of this order.

Accordingly, pursuant to the Federal Aviation Act of 1958, and particularly sections 102, 204(a), 412 and 1002(c) thereof,

It is ordered, That:

1. Approval of Resolution 115.15 of Air Traffic Conference of America Standard Interline Passenger Procedures, Agreement C.A.B. 11914, as amended, is hereby conditioned to provide that no provision of this resolution or agreement, shall be construed as prohibiting any participating air carrier from withdrawing from Resolution 115.15 without withdrawing from the balance of the Standard Interline Passenger Procedures resolution in order to increase the free weight allowance, reduce excess baggage charges, or both, or otherwise to liberalize the free baggage allowance;

2. Any air carrier party to the agreement, or any interested person, may, within 15 days from the date of service of this order, submit statements in writing containing reasons deemed appropriate, together with supporting data, in support of or in opposition to the Board's action herein. An original and 19 copies of the statements should be filed with the Board's docket section. The Board may, upon consideration of any such statement filed, modify or rescind its action herein by subsequent order; and

3. Copies of this order shall be served upon all domestic trunkline, local service and helicopter air carriers, and shall be placed in Dockets 14274 and 15556.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON,
Secretary.

[F.R. Doc. 65-5880; Filed, June 3, 1965; 8:49 a.m.]

[Docket No. 16196 etc.; Order E-22227]

CENTRAL AIRLINES, INC.

Order Granting Consolidation in Part, Expedited Hearing and Instituting Investigation

Adopted by the Civil Aeronautics Board at its office in Washington, D.C. on the 28th day of May 1965.

In Docket 12713, and in Dockets 15120, 15125, 15127, and 15128, Central Airlines, Inc. (Central), has filed a series of applications for the amendment of its certificate of public convenience and necessity for route 81.[1] In Dockets 15121, 15122, 15123, 15124, 15126, and 15129, Central has filed a series of petitions seeking the termination or suspension of Continental Air Lines, Inc. (Continental), at Lawton-Ft. Sill, Okla; of Braniff Airways, Inc. (Braniff), at Ft. Smith and Little Rock, Ark.; of Delta Air Lines, Inc. (Delta), at Hot Springs, Ark., and Springfield, Mo.; and of Trans World Airlines, Inc. (TWA), at Amarillo, Tex. On March 27, 1964, Central filed a motion for consolidation and expedited hearing of these applications and petitions, as amended. In sum, Central has proposed a major restructuring of route 81.

Answers to the motion for consolidation and expedited hearing have been filed by various carriers and civic parties.[2] Most of these oppose Central's motion. Some support it. In addition, various other parties have filed petitions for intervention.[3]

Generally, in support of its motion, Central avers that its applications and petitions are responsive to the "highest priorities fixed by the Board for local service proceedings"; that their grant

[1] Central seeks extension of route 81 from Little Rock, Ark., to Memphis, Tenn., in Docket 12713; the consolidation of its existing 10 route segments into 4 route segments; the deletion of Lamar, Colo., and Paris, Tex.; the provision of service to Garden City, Kans., at Dodge City, Kans.; and the provision of service to Guymon, Okla., at Liberal, Kans., in Docket 15120; authorization over a new route segment between Kansas City, Mo., and Memphis, Tenn., via Springfield, Mo., and Little Rock, Ark., in Docket 15125; the extension of its route from Kansas City to St. Louis, Mo., in Docket 15127; and the extension of its route from Amarillo, Tex., to Albuquerque, N. Mex., in Docket 15128.

[2] Answers to various applications and motions have been filed by the city of Paris, Tex., and the Lamar County Chamber of Commerce; the city of Amarillo, Tex., and the Amarillo Chamber of Commerce; Continental Air Lines, Inc.; Ozark Air Lines, Inc.; Trans-Texas Airways, Inc.; Trans-World Airlines, Inc.; and Braniff Airways, Inc.

[3] Petitions for intervention have been filed by Fort Smith, Ark., and the Fort Smith Chamber of Commerce; the city of Amarillo, Tex., and the Amarillo Chamber of Commerce; the city of Little Rock, Ark., the Little Rock Municipal Airport Commission, and the Little Rock Chamber of Commerce; the city of Garden City, Kans., and the Garden City Area Chamber of Commerce; the city of Hot Springs, Ark., and the chamber of commerce of Hot Springs National Park; the city of Oklahoma City, Okla., and the Oklahoma City Chamber of Commerce; Trans-Texas Airways, Inc.; the city of Fayetteville, Ark., and the Fayetteville Chamber of Commerce; the city of Stillwater, Okla., and the Stillwater Chamber of Commerce; the city and chamber of Liberal, Kans.; the city of Memphis, Tenn., and the Memphis Chamber of Commerce; the Denver, Colo., Chamber of Commerce; the city of Guymon, Okla., and the Guymon Chamber of Commerce; the city of Wichita, Kans., and the Wichita Chamber of Commerce; the city of Duncan, Okla., and the Duncan Chamber of Commerce; the city of Topeka, Kans., and the Topeka Chamber of Commerce; the city of Salina, Kans., and the Salina Chamber of Commerce; the city of Manhattan, Kans., and the Manhattan Chamber of Commerce; and Ozark Air Lines, Inc.

[3] American would propose a free allowance of two checked bags and one or more carry-on bag without regard to weight, but subject to size limitations; there would be charges for excess based upon the fare and an overall fare increase which would average 30 cents per passenger for American. The proposal filed by Western to be effective August 1, 1965, simply increases the free allowance from 40 pounds, to 50 pounds and would allow carryon baggage subject to specific cubic restrictions designed to permit the carriage of such carryon baggage under the seat. Western does not propose a fare increase.

[4] The answer of Trans World also points out the benefits derived from uniform baggage rules. While we agree in principle, we note that the carriers have been unable to agree to uniform liberalized rules in this respect and we do not believe that the traveling public should be penalized uniformly because of the carriers' inability to resolve their differences on an acceptable industry-wide basis.

would achieve a substantial reduction of subsidy to Central,[4] and would eliminate unnecessary and expensive competition between the local service carrier and one or more trunkline carriers in certain of the markets involved; and that all of the applications and petitions are so interrelated as to warrant their simultaneous consideration. Central accompanies its motion with two volumes of exhibits comprising detailed economic analyses of its proposals.

In general, the arguments raised against the motion for consolidation and expedited hearing are that the proceeding which the motion contemplates would be too unwieldy in terms of the numbers of parties and issues; that the Board's priorities of hearing program does not contemplate expedited consideration of all of the matters which Central seeks to consolidate; that Central's estimate of subsidy reduction is overstated; and that the various communities at which Central proposes the deletion of trunkline service should not be deprived of service by trunkline carriers.

We have carefully reviewed all of the filings, particularly including the two volumes of exhibits which Central submitted with its motion. In addition, incident to our administration of the "use it or lose it" doctrine, we have reviewed Central's systemwide performance in the light of the appropriate standards.

The total picture presented warrants our most careful consideration. For the year ending December 31, 1964, Central ranked last among local service carriers in terms of average passenger load. It ranked last among all local service carriers in terms of passengers carried, next to last in terms of revenue passenger miles flown; last in terms of total revenue-ton miles flown; and 10th in terms of average flight stage length. On the basis of information from the most recent annual period available, about 34 percent of the points served by the carrier either are below the minimum "use it or lose it" standard, or may be below.[5] And about 40 percent of the segments either are below "use it or lose it", or are on the borderline.[6] In addition, segment 3 is totally duplicative of segment 1. And segment 2, between Tulsa and Ft. Worth, has two substandard "use it or lose it" points, Muskogee, and McAlester, which, if deleted in this proceeding, would render that portion of segment 2 largely unnecessary. In 14 of its markets, Central is competing with from one to four trunkline carriers.[7] Its subsidy requirements are continually and substantially increasing.[8]

It would appear that this situation in which Central finds itself stems largely from the considerations that the carrier's system has many weak traffic generating points; and that, in many of its better markets, it is in competition with trunkline carriers. And, it would appear—particularly given these last two considerations—that merely taking Central out of weak traffic generating points under "use it or lose it" would not provide the overall route strengthening, and concomitant eventual subsidy reduction, which the carrier needs.

Accordingly, we have decided to grant Central's motion in large part, and to institute a broad-scale investigation on the carrier, one which will comprehend not only "use it or lose it" issues relative to certain points and segments, but also will undertake the exploration of ways and means, including the possibilities of trunkline suspensions, route extensions and route realignment to strengthen Central, and to turn it in the direction of subsidy reduction. Specifically we shall put in issue whether the public convenience and necessity require extension of Central's route 81 from Little Rock to Memphis; the consolidation of its existing 10 route segments into four route segments; the deletion of Lamar, Colo., and Paris, Tex.; the provision of service to Garden City and Dodge City, Kans., or at one of these points; the provision of service to Duncan and Lawton, Okla., or at one of these points; the provision of service to Guymon, Okla., and Liberal, Kans., or at one of these points; the carrier's authorization over a new route segment between Kansas City, Mo., and Memphis, via Springfield, Mo., and Little Rock; the suspension or termination of Braniff at Fort Smith and Little Rock, of Continental at Lawton-Ft. Sill, of Delta at Hot Springs and Springfield; and the realignment of Central's route structure.

We have announced our intention to set for hearing a route realignment case involving Central, and to include "use it or lose it" issues therein.[9] We also stated our intention to include in that proceeding such service expansion issues as:

> • • • may appropriately and economically round out the pattern of local service provided by the carrier involved, if such expansion can be provided without significant increase in competitive impact and without significant subsidy requirement.

Our analysis of Central's submission satisfied us that the matters which we propose to include meet these tests.

It is to be noted that we do not propose to grant consolidation with respect to Dockets 15127, 15128, and 15129. In Docket 15127, Central seeks nonstop authority between Kansas City and St. Louis, Mo. Central since has modified its application in this regard so as also to request authority for multistop service. As to nonstop service, there are 11 nonstop flights daily in the market. These would appear sufficient. As to multistop service, the pattern proposed would duplicate the service now offered by Ozark Air Lines, Inc. (Ozark). There is insufficient traffic in the market to warrant competition by two local service carriers.[10] And the question of whether service should be provided separately at each point between the terminals currently is under investigation in Docket 15567.[11] In Dockets 15128 and 15129 Central seeks, respectively, an extension of its route from Amarillo to Albuquerque, N. Mex., and the suspension or deletion of TWA at Amarillo. The granting of the first assumes the granting of the second. We cannot agree that a 279-mile "stub-end" extension of Central's route to Albuquerque would inure to Central's benefit even if TWA were suspended at Amarillo. There would be no intermediate points to lend traffic support. The situation would pose significant equipment routing problems. And the deletion of TWA at Amarillo would deprive significant traffic from that community of single-plane, long-haul service.[12]

Accordingly, it is ordered:

1. That the motion of Central Airlines, Inc., for the consolidation and expeditious hearing of its applications and petitions, as amended, in Docket 12713 and Dockets 15120 through 15126, be and it hereby is granted;

2. That the consolidated proceeding ordered by ordering paragraph 1 hereof be and it hereby is entitled the Central Airlines, Inc., Route 81 Investigation, in Docket 16196 et al.

3. That such Investigation also shall include the issues of whether:

a. Under "use it or lose it", Central's authority should be continued: (1) At Lamar, Colo.; Dodge City and Garden City, Kans.; Guymon, McAlester and Muskogee, Okla.; and Paris, Tex.; (2) between Tulsa and Oklahoma City and Wichita; segment 3 between Oklahoma City and Tulsa; and segment 10 between Kansas City and Oklahoma City or Tulsa. See Appendix B filed as part of original document.

[4] Central estimates that its total package would produce an annual subsidy reduction of approximately $365,000 annually.

[5] Dodge City, Garden City, Guymon, McAlester, Lamar, Muskogee and Paris. Doubt exists in some instances because of the points being on two segments, e.g., Bartlesville, Okla., on segments 2 and 10; Enid, Okla., on segments 1 and 3. See Appendix A filed as part of original document. Although boardings at Borger and Fort Worth, Tex., are slightly below "use it or lose it", we shall not consider the deletion of these points in this proceeding. Boardings at Borger average 4.31 daily. Borger's traffic has only recently declined below 5 a day; and its passengers' average journey over the system is more than 50-percent higher than the average Central passenger. Fort Worth is a terminal point on the carrier's system. In addition, the consolidation of service to Dallas and Fort Worth is under consideration in the Dallas-Fort Worth Regional Airport Investigation, Docket 13959.

[6] Segment 2 between Tulsa, Okla., and Fort Worth, Tex.; segment 3 between Oklahoma City and Wichita; segment 4 between Oklahoma City and Tulsa; and segment 10 between Kansas City and Oklahoma City or Tulsa. See Appendix B filed as part of original document.

[7] Central competes with 2 or more trunklines in 12 of these 14 markets. Its average market share of all of these markets is 10.2 percent.

[8] Between 1960 and 1964, Central's break-even need has risen from about $3 million to about $3.9 million, or about 30 percent.

[9] CAB Priorities of Hearing, Nov. 27, 1964, p. 2.

[10] Central proposes service via Columbia and Jefferson City, Mo. For the 12 months ending Sept. 30, 1964, Ozark carried 15,302 passengers in both directions between St. Louis, on the one hand, and Columbia and Jefferson City, on the other, and 16,122 passengers between Kansas City, on the one hand, and the two intermediate points, on the other.

[11] Columbia and Jefferson City, Missouri, Area Airline Service Airport Investigation, Docket 15567. Briefs in this matter are to be submitted to the Examiner on June 7, 1965.

[12] Thus, in excess of 20 passengers per day between Amarillo and Los Angeles, and between Amarillo and Chicago. Competition Among Domestic Air Carriers.

Muskogee, Okla.; and Paris, Tex.; and (2) over segment 2 between Tulsa, Okla., and Ft. Worth, Tex., and over segment 3 between Oklahoma City, Okla., and Witchita, Kans.; and

b. The public convenience and necessity require the provision of service: (1) At Duncan and Lawton, Okla., or at both through one of them; (2) at Guymon, Okla., and Liberal, Kans., or at both through one of them; and (3) at Garden City and Dodge City, Kans., or at both through one of them;

4. That the petitions for leave to intervene filed by Fort Smith, Ark., and the Fort Smith Chamber of Commerce; the city of Amarillo, Tex., and the Amarillo Chamber of Commerce; the city of Little Rock, Ark., the Little Rock Municipal Airport Commission, and the Little Rock Chamber of Commerce; the city of Garden City, Kans., and the Garden City Area Chamber of Commerce; the city of Hot Springs, Ark., and the chamber of commerce of Hot Springs National Park; the city of Oklahoma City, Okla., and the Oklahoma City Chamber of Commerce; Trans-Texas Airways, Inc.; the city of Fayetteville, Ark., and the Fayetteville Chamber of Commerce; the city of Stillwater, Okla., and the Stillwater Chamber of Commerce; the city and chamber of commerce of Liberal, Kans., the city of Memphis, Tenn., and the Memphis Chamber of Commerce; the Denver, Colo., Chamber of Commerce; the city of Guymon, Okla., and the Guymon Chamber of Commerce; the city of Wichita, Kans., and the Wichita Chamber of Commerce; the city of Duncan, Okla., and the Duncan Chamber of Commerce; the city of Topeka, Kans., and the Topeka Chamber of Commerce; the city of Salina, Kans., and the Salina Chamber of Commerce; the city of Manhattan, Kans., and the Manhattan Chamber of Commerce; and Ozark Air Lines, Inc., be and they hereby are granted;

5. That Braniff Airways, Inc.; Continental Air Lines, Inc.; Delta Air Lines, Inc.; the city of Lamar, Colo.; the city of Dodge City, Kans.; the city of Muskogee, Okla.; the city of McAlester, Okla.; the city of Guymon, Okla.; the city of Garden City, Kans.; the city of Duncan, Okla.; and the city of Paris, Tex., be and they hereby are made parties to this proceeding;

6. That copies of this Order shall be served on each of the parties listed in ordering paragraphs 4 and 5 of this Order;

7. That the motions of Trans-Texas Airways, Inc., for leave to file an answer and to file an unauthorized document be and they hereby are granted;

8. That the motions of Braniff Airways, Inc., for leave to file an answer be and they hereby are granted;

9. That the motions of Central for leave to file a reply be and they hereby are granted;

10. That the motion of Central for leave to amend its application in Docket 15127 be and it hereby is granted;

11. That Central submit, within fifteen (15) days from the date of service of this Order, passenger origination data, identified by flight and segment numbers, for each of the following multi-segment cities, for the most recent 12-month period available:

a. Bartlesville, Okla.—segments 2 and 10;
b. Enid, Okla.—segments 1 and 3;
c. Ponca City, Okla.—segments 1 and 3;
d. Wichita, Kans.—segments 1, 2, 3, and 9;
e. Colorado Springs, Colo.—segments 1 and 9;

12. That this Order shall be published in the FEDERAL REGISTER; and

13. That, to the extent not granted herein, all applications, motions and petitions be and they hereby are denied.

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON, *Secretary.*

[F.R. Doc. 65-5840; Filed, June 3, 1965; 8:49 a.m.]

[Docket No. 15924]

MASSACHUSETTS HELICOPTER AIRLINES, INC.

Notice of Prehearing Conference

Notice is hereby given that a prehearing conference on the above-entitled application is assigned to be held on June 16, 1965, at 10 a.m., e.d.s.t., in Room 607, Universal Building, Connecticut and Florida Avenues NW., Washington, D.C., before Examiner Walter Bryan.

Dated at Washington, D.C., May 27, 1965.

[SEAL] FRANCIS W. BROWN, *Chief Examiner.*

[F.R. Doc. 65-5841; Filed, June 3, 1965; 8:49 a.m.]

[Docket No. 16175]

UNITED ARAB AIRLINES

Notice of Prehearing Conference

Notice is hereby given that a prehearing conference on the above-entitled application is assigned to be held on June 15, 1965, at 10 a.m., e.d.s.t., in Room 607, Universal Building, Connecticut and Florida Avenues NW., Washington, D.C., before Examiner Leslie G. Donahue.

Dated at Washington, D.C., May 27, 1965.

[SEAL] FRANCIS W. BROWN, *Chief Examiner.*

[F.R. Doc. 65-5842; Filed, June 3, 1965; 8:49 a.m.]

INTERNATIONAL EXPORT PACKERS, INC., ET AL.

Notice of Proposed Approval

Application of International Export Packers, Inc., et al. for approval of control and interlocking relationships under sections 408 and 409 of the Federal Aviation Act of 1958, as amended, Docket 15741.

Notice is hereby given, pursuant to the statutory requirements of section 408(b), that the undersigned intends to issue the attached order under delegated authority. Interested parties are hereby afforded a period of fifteen days from the date of service within which to file comments or request a hearing with respect to the action proposed in the order.

Dated at Washington, D.C., June 1, 1965.

[SEAL] J. W. ROSENTHAL, *Chief, Routes and Agreements Division, Bureau of Economic Regulation.*

ORDER APPROVING CONTROL AND INTERLOCKING RELATIONSHIPS

By application filed December 11, 1964, as amended May 14, 1965, International Export Packers, Inc. (Packers), Melvin A. Kuit, Jack Kagan, and Conrad M. Trenback request the Board to approve under section 408 of the Federal Aviation Act of 1958, as amended (the Act), control relationships resulting from Mr. Kuit's 50 percent ownership of Packers and his 100 percent ownership of Republic Van and Storage of Virginia, Inc. (Republic), Safety Storage and Transfer Co., Inc. (Safety), and Global Van and Storage, Inc. (Global).

The application also requests approval of the interlocking relationships of Messrs. Kuit, Kagan (who owns the remaining 50 percent of Packers), and Trenback, as shown below. Each individual is also a director of those companies with which he is affiliated as an officer.

Individual	Packers	Republic	Safety	Global
M. A. Kuit	Vice-president	President	President	President.
J. Kagan	President	Vice-president.		
C. M. Trenback	Secretary-treasurer	Secretary-treasurer	Secretary-treasurer	Secretary-treasurer.

Packers is a surface forwarder of household goods and an applicant for interstate and international air freight forwarder authority restricted to the movement of used household goods.[1] Republic, Safety and Global perform packing, terminal services and drayage within the District of Columbia commercial zone. In addition, Safety has been issued a common carrier certificate by the State of Virginia authorizing carriage of household goods between points in Virginia, and Republic has been approved as a cargo agent by the International Air Transport Association.

Applicants state that it would be in the interest of the public and various government agencies for them to be able to offer their experience and facilities for air transportation as well as surface movement of household and personal effects.

Notice of intent to dispose of the application without a hearing has been published in the FEDERAL REGISTER, and a copy of such notice has been furnished by the Board to the Attorney General not later than the day following the date of such publication, both in accordance with the requirements of section 408(b) of the Act.

Upon consideration of the application, it is concluded that Republic, Safety, and Global are common carriers within the meaning of section 408 of the Act and that the common control of Packers and the above companies by Mr. Kuit is subject to section 408. However, it has been further concluded that such control relationships do not affect the control of an air carrier directly engaged in the operation of aircraft in air transportation, do not result in creating a monopoly and do not tend to restrain competition. Furthermore, no person disclosing a substantial interest in this proceeding is currently requesting a hearing, and it is found that the public interest does not require a hearing. It therefore appears that approval of the control relationships without hearing would not be inconsistent with the public interest.

[1] For the purpose of this proceeding Packers is considered to be an air carrier.

It is also concluded that interlocking relationships within the scope of section 409(a) of the Act will exist between the companies as a result of the holding by Messrs. Kuit, Kagan, and Trenback of the positions described herein. However, it is further concluded that the parties have made a due showing in the form and manner prescribed that such interlocking relationships will not adversely affect the public interest.

Pursuant to authority duly delegated by the Board in the Board's Regulations, 14 CFR 385.19, it is found that the foregoing control relationships should be approved under section 408(b) of the Act without a hearing and that the interlocking relationships should be approved under section 409.

Accordingly, it is ordered:

1. That the common control by Mr. Kuit of Packers, Republic, Safety and Global be and it hereby is approved; and

2. That, subject to Part 251 of the Board's Economic Regulations, as now in effect or hereafter amended, the interlocking relationship existing by reason of the holding by Messrs. Kuit, Kagan, and Trenback of the positions set forth herein be and they hereby are approved.

Persons entitled to petition the Board for review of this order pursuant to the Board's Regulations, 14 CFR 385.50, may file such petitions within five days from the date of service of this order.

This order shall be effective and become the action of the Civil Aeronautics Board upon expiration of the above period unless within such period a petition for review thereof is filed, or the Board gives notice that it will review this order on its own motion.

By: J. W. ROSENTHAL, *Chief, Routes and Agreements Division, Bureau of Economic Regulation.*

[SEAL] HAROLD R. SANDERSON, *Secretary.*

[F.R. Doc. 65-5856; Filed, June 3, 1965; 8:50 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket Nos. 15503, 15504; FCC 65-466]

CENTURY BROADCASTING CORP. (KSHE) AND APOLLO RADIO CORP.

Order Designating Applications for Consolidated Hearing on Stated Issues

In re applications of Century Broadcasting Corp. (KSHE), St. Louis, Mo., Docket No. 15503, File No. BPH-4246; has: 94.7 mc, #234; 25.5 kw; 240 ft. (Crestwood, Mo.); requests: 107.7 mc, #299; 100 kw; 501 ft. (St. Louis, Mo.); Apollo Radio Corp., St. Louis Mo., Docket No. 15504, File No. BPH-4283; requests: 107.7 mc, #299; 81.6 kw; 382 ft.; for construction permits.

At a session of the Federal Communications Commission held at its offices in Washington, D.C., on the 26th day of May 1965;

The Commission having under consideration the above-captioned and described applications;

It appearing that the above-captioned applications are mutually exclusive in that operation by the applicants as proposed would result in mutually destructive interference; and

It further appearing that Station KSHE is the only aural transmission service licensed in Crestwood while there are six FM broadcast stations and eight standard broadcast stations serving St. Louis, and it cannot be determined on the basis of the information on file that the removal of KSHE from Crestwood, as proposed, would serve the public interest; and

It further appearing that upon due consideration of the above-captioned applications, the Commission finds that pursuant to section 309(e) of the Communications Act of 1934, as amended, a hearing is necessary; that each of the applicants is legally, financially, technically and otherwise qualified to construct, own and operate the FM broadcast facilities proposed;

It is ordered, That, pursuant to section 309(e) of the Communications Act of 1934, as amended, the above-captioned applications are designated for hearing in a consolidated proceeding, at a time and place to be specified in a subsequent Order, upon the following issues:

1. To determine the areas and populations which may be expected to gain or lose FM service (at least 1 mv/m) from the operation of Station KSHE(FM) as proposed and the availability of other FM service (at least 1 mv/m) to such areas and populations.

2. To determine whether the removal of Station KSHE from Crestwood, Mo., to St. Louis, Mo., would provide a fair, efficient and equitable distribution of radio service as required by section 307(b) of the Communications Act of 1934, as amended.

3. To determine, in the event that a choice between the applications should not be based solely on considerations relating to section 307(b), which of the proposals would better serve the public interest, convenience, and necessity in light of the evidence adduced pursuant to the foregoing issues and the record made with respect to the significant differences between the applicants as to:

(a) The background and experience of each having a bearing on the applicant's ability to own and operate its proposed station.

(b) The proposals of each of the applicants with respect to the management and operation of the proposed station.

(c) The programing service proposed in each of the said applications.

4. To determine, in the light of the evidence adduced pursuant to the foregoing issues which of the applications should be granted.

It is further ordered, That to avail themselves of the opportunity to be heard, the applicants herein, pursuant to § 1.221(c) of the Commission rules, in person or by attorney, shall, within 20 days of the mailing of this order, file with the Commission in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this order.

It is further ordered, That the applicants herein shall, pursuant to section 311(a)(2) of the Communications Act of 1934, as amended, and § 1.594 of the Commission's rules, give notice of the hearing, either individually or, if feasible and consistent with the rules, jointly, within the time and in the manner prescribed in such rule, and shall advise the Commission of the publication of such notice as required by § 1.594(g) of the rules.

It is further ordered, That, the issues in the above-captioned proceeding may be enlarged by the Examiner, on his own motion or on petition properly filed by a party to the proceeding, and upon sufficient allegations of fact in support thereof, by the addition of the following issue:

To determine whether the funds available to the applicant will give reasonable assurance that the proposals set forth in the application will be effectuated.

Released: June 1, 1965.

FEDERAL COMMUNICATIONS COMMISSION,[1]

[SEAL] BEN F. WAPLE, *Secretary.*

[F.R. Doc. 65-5843; Filed, June 3, 1965; 8:49 a.m.]

[Docket No. 15714; FCC 65M-687]

TRINITY BROADCASTING CO.

Order Continuing Hearing

In re application of Trinity Broadcasting Co., Fort Worth, Tex., Docket No. 15714, File No. BPCT-3172; for construction permit for new television broadcast station (Channel 20).

The Hearing Examiner having for consideration the informal request of Trinity Broadcasting Co. for a continuance of the hearing date herein, together with the informal assent of the Broadcast Bureau to a grant of the requested relief;

It is ordered, This 28th day of May 1965, that the hearing now scheduled to commence on June 1, 1965, is continued to June 15, 1965, at 9 a.m. in the offices of the Commission at Washington, D.C.

Released: June 1, 1965.

FEDERAL COMMUNICATIONS COMMISSION,

[SEAL] BEN F. WAPLE, *Secretary.*

[F.R. Doc. 65-5844; Filed, June 3, 1965; 8:49 a.m.]

[Docket No. 15888; FCC 65M-686]

SELMA TELEVISION, INC. (WSLA-TV)

Order Continuing Hearing

In re application of Selma Television, Inc. (WSLA-TV), Selma, Ala., Docket

[1] Commissioners Hyde and Loevinger absent.

No. 15888, File No. BPCT-2827; for construction permit.

The Hearing Examiner having under consideration the motions for continuance of procedural dates filed on May 19, 1965, and May 20, 1965, respectively, by WCOV, Inc., and by Birmingham Television Corp.;

It appearing, that the present procedural dates provide for the exchange of preliminary drafts of the technical engineering exhibits on May 26, 1965; for the exchange of all exhibits to be offered in evidence in the presentation of the direct affirmative cases with one exception on June 21, 1965; and for commencement of hearing on June 28, 1965;

It further appearing, that there was filed by Selma Television, Inc., on May 21, 1965, a petition for leave to amend to make specified changes in the directional antenna pattern under the alternate directional operation proposed by applicant, action on which may substantially affect the engineering exhibits of the parties, and as a consequence continuance of the procedural dates previously established is requested such continuance to be to a reasonable time following action on the said petition to amend;

It further appearing, that counsel for Selma Television, Inc., and for the Broadcast Bureau have orally consented to immediate consideration and grant of the said motions and under the aforestated circumstances a grant will tend toward orderly disposition of the proceeding;

It is ordered, This 27th day of May 1965, that the said motions are granted and the date for exchange of preliminary drafts of the engineering exhibits, for the final exchange of all exhibits, and for commencement of hearing are continued to dates to be subsequently specified.

Released: May 28, 1965.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 65-5845; Filed, June 3, 1965; 8:49 a.m.]

FEDERAL POWER COMMISSION

[Docket Nos. RI65-623, etc.]

ASHLAND OIL & REFINING CO. ET AL.

Order Providing for Hearings on and Suspension of Proposed Changes in Rates [1]

MAY 26, 1965.

The respondents named herein have filed proposed increased rates and charges of currently effective rate schedules for sales of natural gas under Commission jurisdiction, as set forth in Appendix A below.

The proposed changed rates and charges may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is in the public interest and consistent with the Natural Gas Act that the Commission enter upon hearings regarding the lawfulness of the proposed changes, and that the supplements herein be suspended and their use be deferred as ordered below.

The Commission orders: (A) Under the Natural Gas Act, particularly sections 4 and 15, the regulations pertaining thereto (18 CFR Ch. I), and the Commission's rules of practice and procedure, public hearings shall be held concerning the lawfulness of the proposed changes.

(B) Pending hearings and decisions thereon, the rate supplements herein are suspended and their use deferred until date shown in the "Date Suspended Until" column, and thereafter until made effective as prescribed by the Natural Gas Act.

(C) Until otherwise ordered by the Commission, neither the suspended supplements, nor the rate schedules sought to be altered, shall be changed until disposition of these proceedings or expiration of the suspension period.

(D) Notices of intervention or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C., 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 and 1.37(f)) on or before July 14, 1965.

By the Commission.

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

APPENDIX A

Docket No.	Respondent	Rate sched. No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until—	Cents per Mcf: Rate in effect	Cents per Mcf: Proposed increased rate	Rate in effect subject to refund in docket Nos.
RI65-623	Ashland Oil & Refining Co., Post Office Box 1503, Houston, Tex.	108	[3] 5	Panhandle Eastern Pipe Line Co. (Keyes Field, Beaver and Cimarron Counties, Okla.) (Panhandle Area).	$4,080	5-10-65	[4] 5-15-65	11-15-65	[5] 16.0	[6] [7] 17.0	RI60-226.
	do	109	[3] 8	Panhandle Eastern Pipe Line Co. (Various Fields, Meade, Morton, and Seward Counties, Kans.).	1,262	5-10-65	[3] 6-15-65	11-15-65	[8] 17.44	[6] [9] [10] 18.52	RI60-230.
	do	110	[3] 8	Panhandle Eastern Pipe Line Co. (Keyes Field, Beaver and Cimarron Counties, Okla.) (Panhandle Area).	15,000	5-10-65	[3] 6-15-65	11-15-65	[5] 16.0	[6] [7] 17.0	RI60-226.
	do	121	[3] 7	Panhandle Eastern Pipe Line Co. (Hugoton Field, Meade, Morton, and Seward Counties, Kans.).	5,000	5-10-65	[3] 5-15-65	11-15-65	[5] 16.0	[6] [7] 17.0	RI60-229.
RI65-624	Tamarack Petroleum Co., Inc., agent (Operator), et al., 413 First Savings & Loan Bldg., Midland, Tex.	1	1	Northern Natural Gas Co. (North Hansford Field, Hansford County, Tex.) (R.R. District No. 10).	1,800	5- 5-65	[3] 6- 5-65	11- 5-65	[11] 16.5	[6] [10] [11] 17.5	
RI65-625	Marathon Oil Co. (Operator), et al., 539 South Main St., Findlay, Ohio, 45840.	36	8	United Gas Pipe Line Co. (Theall Field, Vermilion Parish, La.).	161,144	5- 7-65	[3] 6- 7-65	11- 7-65	[12] [13] [14] 20.0	[12] [13] [14] 22.75	

[2] The stated effective date is the effective date requested by Respondent.
[3] Renegotiated rate increase.
[4] Pressure base is 14.65 p.s.i.a.
[5] Subject to upward and downward B.t.u. adjustment.
[6] Includes base rate of 17.0 cents per Mcf plus upward B.t.u. adjustment.
[7] Includes base rate of 16.0 cents per Mcf plus upward B.t.u. adjustment.
[8] Includes amendment dated Mar. 5, 1965, which provides for increased rate.
[9] The stated effective date is the first day after expiration of the required statutory notice.
[10] Periodic rate increase.
[11] Subject to a downward B.t.u. adjustment.
[12] Two-step periodic rate increase.
[13] Pressure base is 15.025 p.s.i.a.
[14] Includes 1.75 cents per Mcf tax reimbursement.
[15] Settlement rate approved by the Commission's order issued June 20, 1962, Docket Nos. RI60-92, et al. Moratorium period expired Jan. 1, 1964.

Tamarack Petroleum Co., Inc., agent (Operator), et al., request waiver of the statutory notice period in order to permit their proposed rate increase to become effective as of May 5, 1965. Marathon Oil Co. (Operator), et al., request an effective date of June 5, 1965, for their proposed rate increase. Good cause has not been shown for waiving the 30-day notice requirement provided in section 4(d) of the Natural Gas Act to permit an earlier effective date for the aforementioned producers' rate filings and such requests are denied.

All of the proposed increased rates and charges exceed the applicable area price levels for increased rates as set forth in the Commission's Statement of General Policy No. 61-1, as amended (18 CFR Ch. I, Pt. 9, § 2.56).

[1] Does not consolidate for hearing or dispose of the several matters herein.

[F.R. Doc. 65-5787; Filed, June 3, 1965; 8:45 a.m.]

FEDERAL RESERVE SYSTEM

DENVER U.S. BANCORPORATION, INC.

Order Approving Application Under Bank Holding Company Act

In the matter of the application of Denver U.S. Bancorporation, Inc., Denver, Colo., for approval of the acquisition of voting shares of Weld County Bank, Greeley, Colo.

There has come before the Board of Governors, pursuant to section 3(a)(2) of the Bank Holding Company Act of 1956 (12 U.S.C. 1842(a)(2)) and § 222.4 (a)(2) of Federal Reserve Regulation Y (12 CFR 222.4(a)(2)), an application by Denver U.S. Bancorporation, Inc., Denver, Colo., a registered bank holding company, for the Board's prior approval of the acquisition of at least 50 percent of the voting shares of Weld County Bank, Greeley, Colo.

As required by section 3(b) of the act, the Board notified the State Bank Commissioner of Colorado of receipt of the application and requested his views and recommendation. The Commissioner expressed the opinion on behalf of the Colorado Banking Board and the Banking Department that the proposed acquisition "would be beneficial to the bank", and that neither the Banking Board nor the Banking Department opposed the proposed acquisition.

Notice of receipt of the application was published in the FEDERAL REGISTER of February 5, 1965 (30 F.R. 1271), providing an opportunity for interested persons to submit comments and views with respect to the proposed acquisition. The time for filing such comments and views has expired, and all those received have been considered by the Board.

It is hereby ordered, For the reasons set forth in the Board's Statement [1] of this date, that said application be and hereby is approved, provided tht the acquisition so approved shall not be consummated (a) within calendar days after the date of this Order or (b) later than 3 months after said date.

Dated at Washington, D.C., this 26th day of May 1965.

By order of the Board of Governors.[2]

[SEAL] MERRITT SHERMAN,
Secretary.

[F.R. Doc. 65-5794; Filed, June 3, 1965; 8:45 a.m.]

[1] Filed as part of the original document. Copies available upon request to the Board of Governors of the Federal Reserve System, Washington, D.C., 20551, or to the Federal Reserve Bank of Kansas City. Concurring Statement of Governor Robertson also filed as part of the original document and available upon request.

[2] Voting for this action: Chairman Martin, and Governors Balderston, Robertson, Shepardson, Mitchell, and Daane. Governor Maisel did not participate in this action.

SMALL BUSINESS ADMINISTRATION

[Del. Auth. 30, Chicago Regional Office; Disaster 1-65, Amdt. 1]

MANAGER, DISASTER FIELD OFFICE, CRYSTAL LAKE, ILL.

Delegation Relating to Financial Assistance Functions

Delegation of Authority No. 30, Chicago Regional Office, Disaster No. 1-65, 30 F.R. 6457 is amended by deletion of subsection I.A.2 and substituting the following in lieu thereof:

To execute loan authorizations for Washington and Regional Office approved loans and for disaster loans approved under delegated authority, said execution to read as follows:

(Name), *Administrator,*
By ----------
Manager, Disaster Field Office.

Effective date. May 21, 1965.

THOMAS E. GAUBE,
Regional Director,
Chicago, Ill.

[F.R. Doc. 65-5795; Filed, June 3, 1965; 8:45 a.m.]

[Del. Auth. 30, Chicago Regional Office; Disaster 2-65, Amdt. 1]

MANAGER, DISASTER FIELD OFFICE, ROCK ISLAND, ILL.

Delegation Relating to Financial Assistance Functions

Delegation of Authority No. 30, Chicago Regional Office, Disaster No. 2-65, 30 F.R. 6869 is amended by deletion of subsection I.A. 2 and substituting the following in lieu thereof:

To execute loan authorizations for Washington and Regional Office approved loans and for disaster loans approved under delegated authority, said execution to read as follows:

(Name), *Administrator,*
By ----------
Manager, Disaster Field Office.

Effective date. May 21, 1965.

THOMAS E. GAUBE,
Regional Director,
Chicago, Ill.

[F.R. Doc. 65-5796; Filed, June 3, 1965; 8:45 a.m.]

[Declaration of Disaster Area 830]

TEXAS

Declaration of Disaster Area

Whereas, it has been reported that during the month of May 1965, because of the effects of certain disasters, damage resulted to residences and business property located in Bexar County in the State of Texas;

Whereas, the Small Business Administration has investigated and has received other reports of investigations of conditions in the area affected;

Whereas, after reading and evaluating reports of such conditions, I find that the conditions in such area constitute a catastrophe within the purview of the Small Business Act, as amended.

Now, therefore, as Administrator of the Small Business Administration, I hereby determine that:

1. Applications for disaster loans under the provisions of section 7(b)(1) of the Small Business Act, as amended, may be received and considered by the Office below indicated from persons or firms whose property, situated in the aforesaid County and areas adjacent thereto, suffered damage or destruction resulting from floods and accompanying conditions occurring on or about May 17, 1965.

OFFICE

Small Business Administration, Regional Office, 434 South Main Avenue, San Antonio, Tex., 78204.

2. Applications for disaster loans under the authority of this Declaration will not be accepted subsequent to November 30, 1965.

Dated: May 21, 1965.

EUGENE P. FOLEY,
Administrator.

[F.R. Doc. 65-5797; Filed, June 3, 1965; 8:45 a.m.]

UNITED STATES-PUERTO RICO COMMISSION ON THE STATUS OF PUERTO RICO

SOCIAL AND CULTURAL MATTERS

Notice of Public Hearings

The United States-Puerto Rico Commission on the Status of Puerto Rico will hold its second public hearings during the last week of July, 1965, in San Juan. In accordance with the Commission's previously announced plans for holding hearings on specific subjects, these hearings will be devoted exclusively to testimony on social and cultural matters bearing upon the relationship between the United States and Puerto Rico. The law establishing the Commission requires it to "study all factors bearing upon the present and future relationship between the United States and Puerto Rico." Falling within the scope of these hearings would be the (1) culture of Puerto Rico; (2) traditions and values; (3) historical factors; (4) demographic factors; (5) social structure and social change; (6) language; (7) education; and (8) migration.

The purpose of these hearings, as previously stated, it to permit the people of Puerto Rico to participate directly in the work of the Commission and to

inform the members of the Commission. The Commission wishes to hear representatives of all points of view so that it will be fully aware of the views of the people of Puerto Rico. In order to insure maximum participation and expeditious proceedings, the Commission has adopted the following procedure.

All persons desiring to testify should file a written prehearing statement with the Commission. The final date for filing the prehearing statement is July 7, 1965, and no person shall testify orally who has not filed by this date.

These statements should contain the following:

(1) Person's name and address;

(2) The organization, if any, he represents;

(3) The particular aspects of the social-cultural field on which he will testify;

(4) A brief statement, no longer than one page, of the major points of the testimony to be presented;

(5) The approximate length of the testimony.

Each person who files a prehearing statement should, if requested, make himself available for a conference with the Commission staff to make any needed clarification of his prehearing statement and arrange the details of presentation. Persons testifying may be asked subsequently to file a complete written statement of their testimony.

Submissions made pursuant to this notice shall be sent to the United States-Puerto Rico Commission on the Status of Puerto Rico at either of the following addresses:

1634 Eye Street NW., Fifth Floor, Washington, D.C., 20006.

Condominio San Alberto, Stop 17, Post Office Box 9561, Santurce, Puerto Rico.

All submissions shall be in duplicate and may be presented in either English or Spanish.

The Commission will notify each person of the exact time and place where he will testify, the amount of time allotted for his testimony and such additional information as may be necessary.

BEN S. STEPHANSKY,
Executive Secretary.

JUNE 2, 1965.

[F.R. Doc. 65-5823; Filed, June 3, 1965; 8:47 a.m.]

INTERSTATE COMMERCE COMMISSION

[Notice 1184]

MOTOR CARRIER TRANSFER PROCEEDINGS

JUNE 1, 1965.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 179), appear below:

As provided in the Commission's special rules of practice, any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC-67767. By order of May 28, 1965, the Transfer Board approved the transfer to Edward D. Finch, Olean, N.Y., of the operating rights in Permit No. MC-36447, issued August 7, 1943, to Frank Mozak, doing business as Frank Mozak Trucking, Olean, N.Y., authorizing the transportation, over irregular routes, with persons (as defined in section 203(a) of the Interstate Commerce Act) who operate retail department stores, the business of which is the sale of general merchandise, of the commodities indicated and in the manner specified as follows: Such commodities as are dealt in or used by wholesale or retail department stores, between Olean, N.Y., on the one hand, and, on the other, points in McKean, Cameron, and Potter Counties, Pa. Robert E. Murrin, 618 Exchange National Bank Building, Olean, N.Y., 14760, attorney for applicants.

No. MC-FC-67837. By order of May 26, 1965, the Transfer Board approved the transfer to Edith R. Allen, doing business as S. P. Rutherford Transfer & Storage, 1034 Fifth Street, Bristol, Tenn., of the operating rights in Certificates Nos. MC-53269 and MC-53269 (Sub-No. 2), issued July 1, 1949, and November 15, 1949, respectively, in the name of S. P. Rutherford, doing business as S. P. Rutherford Transfer, 1034 Fifth Street, Bristol, Tenn., 37622, authorizing the transportation, over irregular routes, of heavy machinery, and household goods, between Bristol, Tenn., and Bristol, Va., and points within 10 miles of each, on the one hand, and, on the other, points in Virginia, Tennessee, North Carolina, South Carolina, Georgia, Kentucky, West Virginia, Maryland, and New Jersey, traversing Delaware, Pennsylvania, and the District of Columbia, groceries, hardware, automobile tires and tubes, building materials, fertilizer, agricultural commodities, and livestock, in truckload lots only, between Bristol, Tenn., and Bristol, Va., on the one hand, and, on the other, points within 125 miles of Bristol, Tenn., and those within 125 miles of Bristol, Va., and household goods, between Bristol, Tenn., and Bristol, Va., and points within 10 miles of each, on the one hand, and, on the other, points in the District of Columbia, Pennsylvania, New York, Ohio, Michigan, Indiana, Alabama, and Florida.

No. MC-FC-67860. By order of May 26, 1965, the Transfer Board approved the transfer to Garret Johnson, doing business as Jim Hilton Trucking, Imperial, Calif., of certificate in Nos. MC-116291 (Sub-No. 1) and MC-116291 (Sub-No. 4), issued April 29, 1959, and October 20, 1960, to James Robert Hilton, Imperial, Calif., authorizing the transportation of: Cottonseed cake, flake, and meal, in bulk, from the ports of entry on the United States-Mexico boundary line at or near Calexico and Tecate, Calif., to points in Imperial, Riverside, San Bernardino, and San Diego Counties, Calif; and livestock feed, from the port of entry at or near Calexico, Calif., on the United States-Mexico boundary line, to points in Yuma, Maricopa, Pinal, and Pima Counties, Ariz., and Imperial and Riverside Counties, Calif. Russell Yeager, 895 Broadway, El Centro, Calif., attorney for applicants.

No. MC-FC-67866. By order of May 26, 1965, the Transfer Board approved the transfer to Dennis Truck Lines, Inc., Highway 23, Helena, Ga., of the operating rights in Certificate No. MC-124282 (Sub-No. 1) issued September 26, 1963, to Willis Dennis, doing business as Dennis Truck Line, Highway 23, Helena, Ga., authorizing the transportation, over irregular routes, of: Lumber (except plywood and veneer), from points in Telfair County, Ga., to points in Alabama, Delaware, Florida, Maryland, New Jersey, New York, North Carolina, Pennsylvania, South Carolina, Tennessee (except Memphis and points in the Memphis, Tenn., commercial zone, as defined by the Commission), and Virginia, with no transportation for compensation on return except as otherwise authorized. Wooden pallets, from Leesburg, Fla., to points in Georgia and South Carolina, with no transportation for compensation on return except as otherwise authorized.

No. MC-FC-67870. By order of May 28, 1965, the Transfer Board approved the transfer to R. J. M. Express, Inc., Garfield, N.J., of that portion of the operating rights in Corrected Certificate No. MC-115021, issued March 4, 1963, to Gerard D. Dooley, doing business as Dooley's Express Co., Perth Amboy, N.J., authorizing the transportation, over irregular routes, of general commodities, excluding household goods, commodities in bulk, and other specified commodities, between points in Morris County, N.J., on the one hand, and, on the other, New York. Robert B. Pepper, 297 Academy Street, Jersey City, N.J., 07306, representative for applicants.

[SEAL] BERTHA F. ARMES,
Acting Secretary.

[F.R. Doc. 65-5838; Filed, June 3, 1965; 8:49 a.m.]

[Docket No. M-10543]

GENERAL RATE INCREASE, WITHIN SOUTHERN TERRITORY

Investigation and Suspension

It appearing, that by order dated May 4, 1965, in the above-entitled proceeding, the Board of Suspension instituted an investigation into and concerning the lawfulness of the rates, charges, and regulations contained in certain schedules described therein;

It further appearing that under section 216(g) of the Interstate Commerce Act respondents have the burden of proof to show that the proposed changed rates, charges, and regulations are just and reasonable;

And it further appearing that in order that consideration be given to all factors which may bear upon a proper determination of the issues, including the

question whether the resulting revenues would be just and reasonable, it is deemed appropriate in the public interest and pursuant to section 216(i) of the act that the information specified below be included in the record to be developed in this proceeding;

And good cause appearing therefor:

It is ordered, That respondents be, and they are hereby, notified and required to submit information and supporting data which shall include, among other things, actual cost and revenue data (including anticipated revenue to show the effect of the proposed increase) and operating ratios specifically related to the traffic and territories involved, overall operating ratios, detailed data to establish the representative nature of the carriers used, and detailed data to disclose carrier-affiliate financial and operating relationships and transactions, as generally indicated by the admonitions in General Increase—Middle Atlantic and New England Territories, 319 I.C.C. 168, and in General Increases—Transcontinental, 319 I.C.C. 792, and in addition all pertinent evidence and supporting data for the individual representative carriers regarding, but not limited to, the following as they relate to their overall operations and to those specifically relating to the traffic and territories involved:

(1) Ratios of net income before and after income taxes to net worth (assets minus liabilities),

(2) Ratio of net carrier operating income to total carrier operating revenues,

(3) Ratios of net income before and after income taxes to total carrier operating revenues,

(4) Ratio of net carrier operating income to net book value of carrier operating property plus net working capital (current assets minus current liabilities),

(5) Ratios of net income before and after income taxes to net book value of carrier operating property plus net working capital (current assets minus current liabilities);

It is further ordered, That the detailed data required to be submitted by respondents regarding carrier-affiliate financial and operating relationships and transactions shall be limited to those respondents who are Class I and Class II carriers which, during the calendar year 1964, individually had transactions with their respective subsidiaries or affiliates which, separately or in the aggregate, amounted to $2,500 or more, and shall include, with respect to any and all individuals, partnerships, and corporations affiliated with such respondents, the following information:

1. Name of each affiliate from which respondent, during the year 1963, acquired, leased or purchased lands, buildings, equipment, materials, supplies, parts, tires, tubes, gasoline, oil, or other property or services used by respondent in its operations as a motor common carrier.

2. Kinds of property or service which each affiliate supplied to respondent.

3. Basis of charges for property or services supplied by affiliate to respondent, including the base and rate for rental charges.

4. Total charges by each affiliate to respondent during year 1963 for:

a. Lease of vehicles.

b. Lease of terminals.

c. Lease of other property.

d. Pickup and delivery of shipments.

e. Repair and servicing of vehicles.

f. Management, accounting, financial, legal, purchasing, or traffic solicitation services.

g. Property sold by affiliate to respondent.

5. If the affiliate derives revenue from the sale or lease of property or from services through transactions with persons other than respondent, indicate the percentage of the revenue of such business to the total revenue of the affiliate in the year 1963.

6. A copy of the income statements of each affiliate for the year 1963 and the latest period of 1964 for which an income statement is available.

7. A statement listing the amounts of wages, salaries, bonuses, and other compensation paid by the affiliate in 1963 to any individual who is also a respondent or an officer, director or substantial stockholder of a respondent; or the wife or close relative of a respondent or officer, director or substantial stockholder of a respondent.

8. The term "affiliate" as used in this order means;

a. Any individual who is also a respondent; an officer, director, or substantial stockholder of a respondent; or the wife or close relative either of a respondent, or of an officer, director, or substantial stockholder of a respondent.

b. Any partnership in which one of the partners is a respondent; an officer, director, or substantial stockholder of a respondent; or the wife or close relative either of a respondent or of an officer, director, or substantial stockholder of a respondent.

c. Any corporation whose stock is wholly or partly owned by a respondent; by an officer, director, or substantial stockholder of a respondent; or by the wife or close relative either of a respondent or of an officer, director, or substantial stockholder of a respondent.

d. Any corporation which exercises control over the operations or finances of respondent.

It is further ordered, That the traffic studies to be submitted shall be based upon actual operations conducted during identical periods of time for each carrier, and the actual cost studies shall be based upon the operations of the same carriers as used in the traffic studies; and that the periods of time selected for, as well as the motor carriers used in, such cost and traffic studies shall be shown to be representative and their selection statistically sound;

It is further ordered, That all of the required data specified in this order shall be based upon and reflect at least the most recent annual reporting period;

It is further ordered, That the detailed information called for by this order with respect to carrier-affiliates shall be in writing and shall be verified by a person or persons having knowledge thereof, and a verified original and two additional copies, shall be mailed to the Secretary, Interstate Commerce Commission, Washington, D.C., 20423, in sufficient time to reach the Commission on or before July 19, 1965; and, in addition, that this information is to be introduced into evidence by respondents but may be in summary form, if so desired, cf. Surcharge on Small Shipments Within Central States, 63 M.C.C. 157;

It is further ordered, That:

(1) The respondents and interveners in support thereof shall serve on the parties of record on or before July 19, 1965, their direct evidence in the form of verified statements (with appendices, if any); and that they also, at the same time, shall mail two copies to this Commission, together with certificates of service in accordance with rule 1.22(a) of the general rules of practice; and the original shall be tendered at the hearing;

(2) The protestants and interveners in support thereof shall serve on the parties of record on or before August 23, 1965, their evidence in the form of verified statements (with appendices, if any); and that they shall comply also with the provisions in the preceding paragraph regarding the mailing and service of statements;

(3) This proceeding be, and it is hereby, referred to Examiner C. W. Bennett for hearing on September 21, 1965, at 9:30 o'clock a.m. U.S. standard time (9:30 o'clock a.m., l.d.s.t., if that time is observed), at the Biltmore Hotel, 817 West Peachtree Street NE., Atlanta, Ga., for the purpose of receipt in evidence of the verified statements, cross-examination thereon if requested, and the introduction of rebuttal evidence, and to permit the examiner to close the record;

(4) Parties desiring to cross-examine witnesses who have submitted verified statements must give notice, in writing, of such request to affiant and his counsel, if any, on or before September 7, 1965, a copy of such notice to be filed simultaneously with this Commission. Failure of any witness whose attendance is requested to appear at the hearing for cross-examination shall be considered good cause for the rejection of his verified statement (with appendices, if any);

(5) All underlying data used in the preparation of evidence set forth in the verified statements (with appendices, if any) shall be made available in the office of the party serving such verified matter during usual office hours for inspection by any party of record desiring to do so; and that underlying data shall be made available also at the hearing, but only if and to the extent specifically requested in writing and required by any party for the purpose of cross-examination;

(6) Anyone desiring to become a party of record and to participate in the hearing, and receive and/or serve copies of the evidence to be filed in accordance with the procedure set forth above, must notify the Commission and all the then known parties of record, in writing, on or before July 6, 1965. Attached hereto as appendix A is a list of the presently known interested persons.

(7) Evidence presented which fails to conform to the above outlined procedure will not become a part of the record in this proceeding.

It is further ordered, That a copy of this order be delivered to the Director, Division of Federal Register, for publication in the FEDERAL REGISTER as notice to all interested persons.

And it is further ordered, That, to avoid future unnecessary service upon those respondents who, although participating carriers in the tariff schedules which are the subject of investigation herein, are not actively interested in the outcome of such investigation, subsequent service on respondents herein of notices and orders of the Commission will be limited to those respondents who:

(1) Have been identified by name in the order or orders of investigation herein,

(2) Specifically make written request to the Secretary of the Commission to be included on the service list, or

(3) Have appeared at a hearing.

Dated at Washington, D.C., this 25th day of May A.D. 1965.

By the Commission, Commissioner Freas.

[SEAL] BERTHA F. ARMES, *Acting Secretary.*

APPENDIX A

John M. Akers, President, Akers Motor Lines, Inc., Post Office Box 79, Gastonia, N.C.
C. G. Beam, President, Carolina Freight Carriers Corp., Post Office Box 697, Cherryville, N.C.
Nuel D. Belnap, Attorney, Belnap, Spencer, Hardy & Freeman, One North La Salle Street, Chicago, Ill.
Walter K. Cabot, Chairman, Common Carrier by Motor Vehicle Committee, Care of Johnson & Johnson, New Brunswick, N.J.
John M. Cleary, Attorney, 700 Brawner Building, 888 17th Street NW., Washington, D.C., 20006.
James H. Cochrane, President, Overnite Transportation Co., 1100 Ninth Street Road, Richmond, Va.
E. N. Conaway, President, Deaton Truck Line, Inc., 1409 Tenth Avenue North, Birmingham, Ala.
Richard H. Crocker, Traffic Manager, Blackman Uhler Chemical Co., Spartanburg, S.C.
A. B. Culbreth, C.T.B., Southern Motor Carriers Rate Conference, Agent, Post Office Box 7347, Station C, Atlanta, Ga.
Paul P. Davis, President, McLean Trucking Co., Post Office Box 213, Winston-Salem, N.C.
John F. Donelan, Attorney, 700 Brawner Building, 888 17th Street NW., Washington, D.C., 20006.
Lester J. Dorr, Executive Secretary, The National Industrial Traffic League, 711 14th Street NW., Washington, D.C.
John M. Dunn, Jr., General Traffic Manager, The New Dixie Lines, Inc., Post Office Box 103, Charlotte, N.C.
F. W. Edwards, President, Eagle Motor Lines, Inc., 830 North 33d Street, Birmingham, Ala.
Ronald Eisenberg, President, Trans-Continental Traffic Service Bureau, Inc., 8368 Northeast 2d Avenue, Miami, Fla., 33138.
Myron Engelaher, Traffic Manager, Allied Stores Corp., 401 Fifth Avenue, New York, N.Y.
W. N. Finch, Assistant Commissioner, Memphis Freight Bureau, 701 McCall Building, Memphis 3, Tenn.
J. T. Fitzpatrick, F. S. Royster Guano Co., Post Office Drawer 1940, Norfolk, Va.
Greater Miami Traffic Association, Suite 877, Alfred I. DuPont Building, 169 East Flagler Street, Miami, Fla.
Dwight Green, The National Small Shipments Traffic Conference, Inc., The Palm Beach County Freight Traffic Bureau, Post Office Box 9235, West Palm Beach, Fla.
Thomas E. Haile, Secretary-Traffic Manager, Growers and Shippers League of Florida et al., 621 North Kirkman Road, Post Office Box 15219, Orlando, Fla., 32808.
Frank J. Hathaway, Vice President, Transportation Service Bureau, Inc., 8363 Northeast Second Avenue, Miami, Fla., 33138.
R. J. Healey, Broward County Traffic Association, Post Office Box 13143, Port Everglades Station, Fort Lauderdale, Fla., 33316.
R. J. Helm, General Traffic Manager, Hunt Foods & Industries, Inc., 1645 West Valencia Drive, Fullerton, Calif.
James Iwema, Kraft Foods, Division of National Dairy Products Corp., 500 Peshtigo Court, Chicago, Ill., 60690.
John B. Johnson, Chattanooga Freight Bureau, Inc., 617 Broad Street, Chattanooga, Tenn., 37402.
Martin Johnson, President, Thompkins Motor Lines, Inc., 636 Langley Place, Decatur, Ga.
James M. Jones, Jr., Attorney, North Carolina Textile Manufacturer Association, Inc., 22 Marietta Street, Suite 810–817, Atlanta, Ga., 30303.
W. H. Joubert, General Traffic Manager, Bowaters Southern Paper Corp., Calhoun, Tenn.
L. O. Kimberly, Jr., Attorney, Manager—Traffic Department, The Southern Traffic League, Inc., 22 Marietta Street, Suite 810–817, Atlanta, Ga., 30303.
E. William King, President, The Mason & Dixon Lines, Inc., Post Office Box 969, Kingsport, Tenn.
C. E. Knowlton, Director, Corporate Traffic, Champion Papers, Inc., Knightsbridge, Hamilton 11, Ohio.
Edward S. Krusdic, South Carolina Textile Manufacturers Association, Inc., 22 Marietta Street, Suite 810–817, Atlanta, Ga., 30303.
Donald P. Lynott, National Paint, Varnish and Lacquer Association, 1500 Rhode Island Avenue NW., Washington, D.C., 20005.
John J. C. Martin, The National Small Shipments Traffic Conference, Inc., Drug and Toilet Preparation Traffic Conference, 685 Third Avenue, New York, N.Y., 10017.
W. W. Miller, Jr., President, Miller Motor Express, Inc., Post Office Box 10217, Charlotte, N.C.
William J. Morgan, National Traffic Manager, Frito-Lay, Inc., Exchange Bank Building, Post Office Box 35034, Dallas, Tex., 75235.
Motor Carriers Traffic Association, Inc., B. F. Moffitt, Post Office Box 1500, Greensboro, N.C.
Clarke J. Munn, Jr., Swift & Co., 115 West Jackson Boulevard, Chicago, Ill., 60604.
E. B. McKinney, New Orleans Traffic and Transportation Bureau, 611 Gravier Street, New Orleans, La.
W. L. Nahrgang, President, Johnson Motor Lines System, Post Office Box 10677, Charlotte, N.C.
J. D. Patterson, Vice President, Union Bag-Camp Paper Corp., 233 Broadway, New York, N.Y.
H. I. Power, Traffic Manager, Atlanta Freight Bureau, Walco Building, 41 Pryor Street NE., Post Office Box 1736, Atlanta, Ga., 30301.
Charles W. Priddy & Co., I. F. Womble, Post Office Box 900, Norfolk, Va., 23501.
B. S. Reid, President, Georgia-Florida Motor Express, Inc., 2500 Laura Street, Jacksonville, Fla.
B. S. Reid, President, R. C. Motor Lines, Inc., Post Office Box 2501, Jacksonville, Fla.
Royce W. Robinson, Wix Corp., Post Office Box 1967, Gastonia, N.C.
J. C. Sanford, Assistant Traffic Manager, Savannah Sugar Refining Corp., Savannah Bank & Trust Co. Building, Post Office Box 339, Savannah, Ga., 31402.
W. E. Shealy, President, Huckabee Transport Corp., Highway 48, West Columbia, S.C.
Roland A. Smith, Greater Miami Traffic Association, Post Office Box 2468, Miami, Fla., 33101.
W. D. Snavely, Vice President and Traffitc Manager, Standard Trucking Co., Post Office 1107, Charlotte 1, N.C.
J. Steeneck, American Cyanamid Co., Berdan Avenue, Wayne, N.J.
R. A. Stephens, Traffic Manager, Fredrickson Motor Express Corp., Atando Station, Post Office Box 98, Charlotte, N.C.
Daniel J. Sweeney, Attorney, Belnap, Spencer, Hardy & Freeman, One North La Salle Street, Chicago 2, Ill.
Winton Teagle, President, Refrigerated Transport Co., Inc., 290 University Avenue SW., Atlanta 10, Ga.
W. T. Trowbridge, Executive Secretary and Treasurer, North Carolina Traffic League, Inc., Piedmont Freight Bureau, Inc., Post Office Box 985, Charlotte, N.C., 28201.
C. H. Wagner, President, The National Industrial Traffic League, 711 14th Street NW., Washington, D.C., 20005.
C. E. Walker, Attorney, Royal Crown Cola Co., et al., Post Office Box 1085, Columbus, Ga.
Bill Watkins, President, Watkins Motor Lines, Inc., Thomasville, Ga.
Paul P. Watkins, Traffic Manager, Georgia-Alabama Textile Traffic Association, Inc., 740 Bank of Georgia Building, Atlanta, Ga., 30303.
O. H. Weaver, Pomona Products Co., et al., Griffin, Ga.
M. W. Wells, Attorney, Maguire, Voorhis & Wells, 135 Wall Street, Post Office Box 633, Orlando, Fla.
J. C. Youngblood, President, Youngblood Truck Lines, Inc., Fletcher, N.C.
E. J. Haut, General Traffic Manager, Ryder Truck Lines, Inc., Post Office Box 2408, Jacksonville, Fla., 32203.
James R. Holt, General Traffic Manager, ET&WNC Transportation Co., General Offices, 132 Legion Street, Johnson City, Tenn.
Guy H. Postell, Attorney, Southern Motor Carriers Rate Conference, 1307 Peachtree Street NE., Post Office Box 7347, Station C, Atlanta, Ga., 30309.

[F.R. Doc. 65–5837; Filed, June 3, 1965; 8:49 a.m.]

FOURTH SECTION APPLICATION FOR RELIEF

JUNE 1, 1965.

Protests to the granting of an application must be prepared in accordance with Rule 1.40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 39811—*Anhydrous ammonia from Texas City, Tex.* Filed by Southwestern Freight Bureau, agent (No. B–8731), for interested rail carriers. Rates on anhydrous ammonia, in tank carloads, from Texas City, Tex., to specified points in Florida.

Grounds for relief—Market competition and rate relationship.

Tariff—Supplement 129 to Southwestern Freight Bureau, agent, tariff I.C.C. 4422.

By the Commission.

[SEAL] BERTHA F. ARMES, *Acting Secretary.*

[F.R. Doc. 65–5836; Filed, June 3, 1965; 8:49 a.m.]

CUMULATIVE LIST OF CFR PARTS AFFECTED—JUNE

The following numerical guide is a list of the parts of each title of the Code of Federal Regulations affected by documents published to date during June.

3 CFR — Page
EXECUTIVE ORDERS:
11227 — 7369

5 CFR
213 — 7271, 7311

7 CFR
29 — 7385
30 — 7385
34 — 7385
160 — 7385
722 — 7271, 7385
730 — 7272
750 — 7311
845 — 7273
908 — 7311
909 — 7273
970 — 7274
PROPOSED RULES:
51 — 7396
916 — 7284
1133 — 7284
1138 — 7288

8 CFR
264 — 7312

9 CFR
74 — 7274
201 — 7275

12 CFR
1 — 7371
17 — 7275

12 CFR—Continued — Page
PROPOSED RULES:
545 — 7316

14 CFR
39 — 7275, 7371, 7372
71 — 7276, 7312, 7372, 7373
97 — 7374
PROPOSED RULES:
61 — 7292
71 — 7316, 7396

17 CFR
240 — 7276

18 CFR
8 — 7313
157 — 7280

21 CFR
20 — 7280
120 — 7280, 7385
121 — 7280, 7386
PROPOSED RULES:
20 — 7292

26 CFR
1 — 7281

28 CFR
42 — 7386

32 CFR
1001 — 7389

33 CFR
124 — 7314

38 CFR — Page
1 — 7389
3 — 7390

39 CFR
15 — 7390
16 — 7390
22 — 7391
23 — 7391
24 — 7391
25 — 7391
43 — 7392
45 — 7392
46 — 7394

42 CFR
57 — 7394, 7395

43 CFR
18 — 7394

45 CFR
60 — 7371

46 CFR
PROPOSED RULES:
248 — 7291

47 CFR
73 — 7314

50 CFR
3 — 7315
33 — 7282
260 — 7282
266 — 7282

(

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Pages 7415–7467

Agencies in this issue—

Agricultural Research Service
Agricultural Stabilization and Conservation Service
Agriculture Department
Atomic Energy Commission
Civil Aeronautics Board
Civil Service Commission
Coast Guard
Consumer and Marketing Service
Federal Communications Commission
Federal Maritime Commission
Federal Power Commission
Fish and Wildlife Service
General Services Administration
Interstate Commerce Commission
Land Management Bureau
Securities and Exchange Commission
Treasury Department
Veterans Administration

Detailed list of Contents appears inside.



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Contents

AGRICULTURAL RESEARCH SERVICE

Proposed Rule Making

Rinderpest or foot-and-mouth disease; amendment of list of countries:
Fiji Islands 7445
Sweden 7445

AGRICULTURAL STABILIZATION AND CONSERVATION SERVICE

Rules and Regulations

Farm marketing quotas and acreage allotments; determination of acreage and compliance 7427
Wheat; diversion program for 1964 and 1965; miscellaneous amendments 7434

AGRICULTURE DEPARTMENT

See also Agricultural Research Service; Agricultural Stabilization and Conservation Service; Consumer and Marketing Service.

Rules and Regulations

Milk indemnity payment program; miscellaneous amendments 7426

ATOMIC ENERGY COMMISSION

Proposed Rule Making

Computation of quantities of special nuclear material in agreement States for purposes of exemption 7445

Notices

Veterans Administration Hospital; issuance of facility license amendment 7456

CIVIL AERONAUTICS BOARD

Notices

Flying Tiger Line Inc.; order denying petition for modification of regulation 7456

CIVIL SERVICE COMMISSION

Rules and Regulations

Excepted service:
Equal Employment Opportunity Commission 7426
Federal Home Loan Bank Board 7426
Small Business Administration 7425
State Department 7425

COAST GUARD

Rules and Regulations

Explosives or other dangerous articles or substances, and combustible liquids on board vessels; transportation and storage 7437

CONSUMER AND MARKETING SERVICE

Rules and Regulations

Avocados grown in South Florida; shipment limitations; correction 7436
Avocados; import regulations; correction 7436
Cotton classing, testing, and standards; revision of micronaire reading fees 7426
Handling limitations:
Lemons grown in California and Arizona 7435
Valencia oranges grown in Arizona and designated part of California 7435

FEDERAL COMMUNICATIONS COMMISSION

Rules and Regulations

Height of radio and television antenna towers; policy statement 7419

Proposed Rule Making

Antenna farm areas:
Proposed establishment 7446
Termination of proceeding 7446

Notices

Hearings, etc.:
Abacoa Radio Corp. (WRAI) and Mid-Ocean Broadcasting Corp 7457
Century Broadcasting Corp. (KSHE) and Apollo Radio Corp 7457
Chicagoland TV Co., and Chicago Federation of Labor and Industrial Union Council 7457
Erway Television Corp., and Chesapeake Engineering Placement Service, Inc 7458
Jobbins, Charles W., et al 7458
Kent-Sussex Broadcasting Co 7460
Regional Broadcasting Corp., and Evergreen Enterprises, Inc 7461
Traxler, John N., et al 7461
Vanda, Charles, et al 7461
United Artists Broadcasting, Inc., et al 7461
Ypsilanti Broadcasting Co. (WYSI) 7461

FEDERAL MARITIME COMMISSION

Notices

Salonika (Yugoslav Cargo)/United States Atlantic Rate Agreement; filed for approval 7461

FEDERAL POWER COMMISSION

Notices

Hearings, etc.:
Alabama Electric Cooperative, Inc., and Alabama Power Co 7462
United Gas Pipe Line Co 7462

FISH AND WILDLIFE SERVICE

Rules and Regulations

Frozen raw breaded shrimp; U.S. standards for grades; definitions and methods of analysis 7444

GENERAL SERVICES ADMINISTRATION

Rules and Regulations

Procurement by formal advertising; solicitation of bids; miscellaneous amendments 7436

INTERIOR DEPARTMENT

See Fish and Wildlife Service; Land Management Bureau.

INTERSTATE COMMERCE COMMISSION

Rules and Regulations

Explosives and other dangerous articles; miscellaneous amendments 7419

Notices

Fourth section applications for relief 7466
Middle Atlantic and New England territory; detention of motor vehicles 7465
Motor carrier transfer proceedings 7464

LAND MANAGEMENT BUREAU

Notices

Alaska; small tract classification 7456

SECURITIES AND EXCHANGE COMMISSION

Notices

Hearings, etc.:
Baldwin Securities Corp 7463
International Resources Fund, Inc., and Investment Company of America 7463
Metropolitan Edison Co 7464

TREASURY DEPARTMENT

See also Coast Guard.

Notices

Companies holding certificates of authority as acceptable sureties on Federal bonds and as acceptable reinsuring companies 7449

VETERANS ADMINISTRATION

Rules and Regulations

Procurement by formal advertising; miscellaneous amendments 7437

List of CFR Parts Affected

(Codification Guide)

The following numerical guide is a list of the parts of each title of the Code of Federal Regulations affected by documents published in today's issue. A cumulative list of parts affected, covering the current month to date, appears at the end of each issue beginning with the second issue of the month.

A cumulative guide is published separately at the end of each month. The guide lists the parts and sections affected by documents published since January 1, 1965, and specifies how they are affected.

5 CFR
213 (4 documents) 7425, 7426

7 CFR
16 7426
28 7426
718 7427
728 7434
908 7435
910 7435
915 7436
944 7436

9 CFR
PROPOSED RULES:
94 (2 documents) 7445

10 CFR
PROPOSED RULES:
150 7445

41 CFR
5B–2 7436
8–1 7437
8–2 7437

46 CFR
146 7437

47 CFR
1 7419
PROPOSED RULES:
1 (2 documents) 7446
17 (2 documents) 7446
73 7446

49 CFR
72 7420
73 7420
74 7421
77 7422
78 7423
79 7423

50 CFR
262 7444

Rules and Regulations

Title 47—TELECOMMUNICATION

[FCC 65-455]

Chapter I—Federal Communications Commission

PART 1—PRACTICE AND PROCEDURE

Policy Statement Concerning the Height of Radio and Television Antenna Towers

JUNE 1, 1965.

Considerable concern has recently been evidenced over the steady trend to taller and taller television and FM radio antenna towers, and the impact of this trend on the safety of air navigation. This concern is illustrated by the fact that in 1955 congressional hearings were held on a resolution (H.J. Res. 138, 84th Cong.) designed, in effect, to halt the proliferation of antenna towers with heights of more than 1,000 feet above ground. Today there is under consideration a virtually identical resolution (H.J. Res. 261, 89th Cong.) except that it is now concerned with towers over 2,000 feet. We note also that there is now pending before Congress a bill which would prohibit the Commission from accepting for filing any application proposing an antenna more than 2,000 feet above ground (H.R. 7428, 89th Cong.).

Antenna towers of adequate height are necessary to attain maximum use of radio in the public interest. However, it is essential that use of such towers be compatible with the requirements of public safety in air transportation.

The Commission believes that the public interest in both broadcast service and air safety can and must be accommodated. Over the years, this goal has been substantially accomplished through close cooperation between the Commission and the Federal Aviation Agency and its predecessor agencies, and we are confident that continuing joint efforts will bring the goal closer to full realization. For example, we have today issued a notice of proposed rule making (Docket No. 16030) looking toward the adoption of procedures for the establishment of antenna farm areas. Such areas are designed to group, insofar as possible and consistent with the public interest, antenna towers of broadcast stations serving the same community.

In addition to the steps already being taken, we believe special consideration should be given to the question of antenna tower heights. The needs of the television and FM radio services for antenna towers of adequate height, particularly with respect to the growing number of UHF television stations, can and should be realized within the limits of a realistic general height limitation on antenna towers.

We have concluded that this objective can best be achieved by adopting the following policy: Applications for antenna towers higher than 2,000 feet above ground will be presumed to be inconsistent with the public interest, and the applicant will have a burden of overcoming that strong presumption. The applicant must accompany its application with a detailed showing directed to meeting this burden. Only in the exceptional case, where the Commission concludes that a clear and compelling showing has been made that there are public interest reasons requiring a tower higher than 2,000 feet above ground, and after the parties have complied with applicable FAA procedures, and full Commission coordination with FAA on the question of menace to air navigation, will a grant be made. Applicants and parties in interest will, of course, be afforded their statutory hearing rights.

Adoption of this policy should result in several benefits. First, it should effectively arrest the steady increase in the height of towers, an increase which has not been controlled by a strictly case-by-case consideration of antenna tower applications. Second, spelling out the Commission's policy should assist prospective applicants in making realistic antenna tower plans, thus hopefully avoiding many lengthy and costly administrative proceedings before both the Federal Aviation Agency and the Commission. Finally, the policy provides sufficient flexibility, by recognizing that there may be compelling public interest reasons in an exceptional case for an antenna tower higher than 2,000 feet above ground.

We recognize that there are arguments against any specific ceiling on antenna heights. An antenna tower of any height may constitute a menace to air navigation, depending on its proximity to airports and busy airways as well as other factors. However, the public interest in broadcast service may in some instances call for an antenna tower higher than any particular maximum imposed. We are nevertheless convinced that the public interest requires a specific ceiling to halt the upward trend in antenna tower heights, and that 2,000 feet above ground is both realistic and appropriate.

We believe that, in general, antenna heights over 2,000 feet are not necessary to provide adequate broadcast service. In this connection, we note that our rules have long provided that any television broadcast station with an antenna exceeding 2,000 feet above average terrain must operate with less than maximum power.[1] Moreover, there is currently but one antenna tower over 2,000 feet above ground which is in operation, and construction permits are outstanding for only two additional such towers. Thus, the 2,000 feet height accords, in general, with the current maximum antenna tower height, and minimizes any question of competitive advantage resulting from higher towers already authorized.

We wish to emphasize that the policy we are adopting is applicable solely to towers over 2,000 feet above ground. It indicates no intention to grant all applications proposing towers of less than 2,000 feet above ground. Such applications will continue to be examined on a case-by-case basic in accordance with established procedures and criteria to determine whether a proposed tower constitutes a menace to air navigation.

The Commission has coordinated this public notice with the Federal Aviation Agency, and that agency is in full accord with its issuance.

Adopted: May 26, 1965.

FEDERAL COMMUNICATIONS COMMISSION,[2]
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 65-5893; Filed, June 4, 1965; 8:49 a.m.]

Title 49—TRANSPORTATION

Chapter I—Interstate Commerce Commission

SUBCHAPTER A—GENERAL RULES AND REGULATIONS

[Docket No. 3666; Order No. 67]

PARTS 71–79—EXPLOSIVES AND OTHER DANGEROUS ARTICLES

Miscellaneous Amendments

At a session of the Interstate Commerce Commission, Safety and Service Board No. 2—Explosives and Other Dangerous Articles Board, held at Washington, D.C. on the 25th day of May 1965.

The matter of certain regulations governing the transportation of explosives and other dangerous articles, formulated and published by the Commission, being under consideration, and

It appearing, that Notice No. 67, dated March 26, 1965, setting forth certain proposed amendments to the said regulations, and the reasons therefor, and stating that consideration was to be given thereto, was published in the FEDERAL

[1] Television broadcast stations in Zone I on Channels 2–13 must use less than maximum power if they employ antennas exceeding 1,000 feet above average terrain.

[2] Commissioner Hyde absent.

REGISTER on April 10, 1965 (30 F.R. 4681), pursuant to the provisions of section 4 of the Administrative Procedure Act; that pursuant to said Notice interested parties were given an opportunity to be heard with respect to said proposed amendments; that written views or arguments were submitted to the Commission with respect to the proposed amendments;

And it further appearing, that said views and arguments with respect to the proposed amendments are such as to warrant revision at this time of certain of the proposed amendments, and that in all other respects the proposed amendments set forth in the above referred-to Notice No. 67 are deemed justified and necessary;

It is ordered, That the aforesaid regulations governing the transportation of explosives and other dangerous articles be, and they are hereby, amended in the manner and to the extent set forth in Notice No. 67, dated March 26, 1965, as revised by the specific deletion set forth as follows:

In § 73.300 delete the proposed amendment of paragraph (g).

It is further ordered, That this order shall become effective August 22, 1965, and shall remain in effect until further order of the Commission;

It is further ordered, That compliance with the herein prescribed and amended regulations is hereby authorized on and after the date of service of this order;

And it is further ordered, That copies of this order be served upon all parties of record herein, and that notice shall be given to the general public by depositing a copy in the Office of the Secretary of the Commission at Washington, D.C., and by filing a copy thereof with the Director, Office of the Federal Register.

By the Commission, Safety and Service Board No. 2—Explosives and Other Dangerous Articles Board.

[SEAL] BERTHA P. ARMES, *Acting Secretary.*

PART 72—COMMODITY LIST OF EXPLOSIVES AND OTHER DANGEROUS ARTICLES CONTAINING THE SHIPPING NAME OR DESCRIPTION OF ALL ARTICLES SUBJECT TO PARTS 71–79 OF THIS CHAPTER

Amend § 72.5(a) Commodity List (29 F.R. 18654, 18655, 18658, 18661, 18664, 18665, 18666, Dec. 29, 1964) as follows:

§ 72.5 List of explosives and other dangerous articles.

(a) • • •

Article	Classed as—	Exemptions and packing (see sec.)	Label required if not exempt	Maximum quantity in 1 outside container by rail express
Change				
Aldrin	Pois. B	73.364, 73.376	Poison	200 pounds.
Automobiles, motorcycles, tractors or other self-propelled vehicles.	See §§ 73.120, 73.306.			
Matches, block. See Matches, strike anywhere.				
Trailer or truck body with refrigerating or heating equipment on flat cars.	See §§ 73.120 (c), 73.306.			
Add				
*Beryllium compounds, n.o.s.	Pois. B	73.364, 73.365	do	Du.
Dichloroisocyanuric acid, dry, containing more than 39% available chlorine.	Oxy. M	73.183, 73.217	Yellow	100 pounds.
Potassium dichloroisocyanurate, dry, containing more than 39% available chlorine.	do	73.183, 73.217	do	Do.
Sodium dichloroisocyanurate, dry, containing more than 39% available chlorine.	do	73.183, 73.217	do	Do.
Trichloroisocyanuric acid, dry, containing more than 39% available chlorine.	do	73.183, 73.217	do	Do.
Cancel				
Beryllium metal powder	Pois. B	No exemption, 73.376	Poison	25 pounds.
Methyl bromide mixture, liquid (*containing no class A poison*).	do	No exemption, 73.353	do	55 gallons.

PART 73—SHIPPERS

Subpart A—Preparation of Articles for Transportation by Carriers by Rail Freight, Rail Express, Highway, or Water

In § 73.31 amend (a) (2) Note 6; amend Footnote n to paragraph (c) (10) (29 F.R. 18674, 18675, Dec. 29, 1964) to read as follows:

§ 73.31 Qualification, maintenance, and use of tank cars.

(a) • • •

(2) • • •

Note 6: The test pressures of tanks built in the United States prior to January 1, 1956, may be increased to comply with current spec. ICC–107A except that tanks built prior to 1941 are not so authorized. Original and revised test pressure must be indicated and may be shown on a plate attached to the bulkhead of the car.

• • • • • •

(c) • • •

(10) • • •

[n] If the alternate safety relief valve start-to-discharge pressure setting is used, the start-to-discharge pressure of safety relief valves shall be in accordance with the provisions of § 79.109–11 of this chapter.

• • • • • •

In § 73.33 amend paragraph (m) (7) (29 F.R. 18679, Dec. 29, 1964) to read as follows:

§ 73.33 Qualification, maintenance, and use of cargo tanks.

• • • • • •

(m) • • •

(7) Liquid pumps or gas compressors, wherever used, must be of suitable design, adequately protected against breakage by collisions, and kept in good condition. They may be driven by motor vehicle power take-off or other mechanical electrical, or hydraulic means. Unless they are of the centrifugal type, they shall be equipped with suitable pressure actuated by-pass valves permitting flow from discharge to suction or to the tank.

• • • • • •

Subpart C—Flammable Liquids; Definition and Preparation

In § 73.115 amend paragraph (a) (29 F.R. 18700, Dec. 29, 1964) to read as follows:

§ 73.115 Flammable liquids; definitions.

(a) A flammable liquid for the purpose of Parts 71–79 of this chapter is any liquid which gives off flammable vapors (as determined by flash point from Tagliabue's open-cup tester,[1] as used for test of burning oils) at or below a temperature of 80° F.

• • • • • •

In § 73.116 amend the introductory text of paragraph (g) (29 F.R. 18701, Dec. 29, 1964) to read as follows:

§ 73.116 Outage.

• • • • • •

(g) Outage chart for flammable liquids loaded in uninsulated tank cars:

(No change in chart and remainder of paragraph (g).)

• • • • • •

In § 73.132 add paragraph (b) (29 F.R. 18707, Dec. 29, 1964) to read as follows:

§ 73.132 Cement, liquid, n.o.s., container cement, linoleum cement, pyroxylin cement, rubber cement, tile cement, wallboard cement, and coating solution.

• • • • • •

(b) Cements, except cements containing carbon bisulfide, in glass or earthenware containers of not over 1 quart capacity each, or metal containers of not over 5 gallons capacity each, packed in strong outside containers are exempt from specification packaging, marking, and labeling requirements when offered for transportation by rail freight, highway, or water except when offered for transportation by carrier by water, name of contents must be marked on outside container. Shipments for transportation by highway carriers are exempt also from Part 77 of this chapter, except § 77.817, and Part 197 of this chapter. When offered for transportation by rail express, such shipments are exempt from specification packaging; marking, and labeling requirements, except that packages having inside containers of over 1 quart capacity each must be marked with name of contents and bear the red label as prescribed in § 73.405. When fiberboard box is used for such shipments by rail freight, rail express, highway, or water, gross weight must not exceed 65 pounds.

In § 73.144 add paragraph (b) (29 F.R. 18709, Dec. 29, 1964) to read as follows:

§ 73.144 Inks.

• • • • • •

(b) Ink in glass or earthenware containers of not over 1 quart capacity each, or metal containers of not over 5 gallons capacity each, packed in strong outside containers are exempt from specification packaging, marking, and labeling requirements when offered for transportation by rail freight, highway, or water except when offered for transportation by carrier by water, name of contents must be marked on outside container. Shipments for transportation by highway carriers are exempt also from Part 77 of this chapter, except § 77.817, and Part 197 of this chapter. When offered for transportation by rail express, such shipments are exempt from specification packaging, marking and labeling requirements, except that packages having inside containers of over 1 quart capacity each must be marked with name of contents and bear the red label as prescribed in § 73.405. When fiberboard box is used for such shipments by rail freight, rail express, highway, or water, gross weight must not exceed 65 pounds.

Subpart D—Flammable Solids and Oxidizing Materials; Definition and Preparation

In § 73.157 amend paragraph (a) (4) (29 F.R. 18711, Dec. 29, 1964) to read as follows:

§ 73.157 Benzoyl peroxide, chlorobenzoyl peroxide (pars), cyclohexanone peroxide, dimethylhexane dihydroperoxide, lauroyl peroxide, or succinic acid peroxide, wet.

(a) • • •

(4) Spec. 21C (§ 78.224 of this chapter). Fiber drums. Authorized only for cyclohexanone peroxide over 50 percent concentration but not exceeding 85 percent concentration, benzoyl peroxide wet with at least 30 percent water, and dimethylhexane dihydroperoxide, which materials must be packed in a plastic inside container, securely closed, and formed of polyethylene film sheets having minimum thickness of 0.002 inch except for benzoyl peroxide wet with at least 30 percent water, which shall require a minimum thickness of 0.004 inch. Authorized net weight in one outside container shall not exceed 50 pounds for cyclohexanone peroxide, 100 pounds for dimethylhexane dihydroperoxide, and 225 pounds for benzoyl peroxide.

In § 73.204 amend paragraph (a) (6) (29 F.R. 18719, Dec. 29, 1964) to read as follows:

§ 73.204 Sodium hydrosulfite.

(a) • • •

(6) Spec. 21C (§ 78.224 of this chapter). Fiber drums. Authorized net weight of product not over 250 pounds; drums must have a metal foil (laminated between two sheets of kraft paper with thermoplastic adhesive) moisture and water barrier wound into the sidewall of the drum and located not more than 2 plies from the interior of drum but not to be wound as the first ply; a metal foil moisture and water barrier must also be present in the fiber or wood heading; exterior of drum sidewall must be protected with a water resistant coating; in addition to the tests prescribed by § 78.224–2 (a), (b), and (c) of this chapter, a drum having been given a 4-foot diagonal bottom chime drop must, after being emptied, withstand complete immersion of the bottom in 6 inches of water for 4 hours without leakage to the interior; drums must not be offered for transportation by carriers by water.

• • • • • •

In § 73.206 add paragraph (a) (10); cancel paragraph (c) (4) (29 F.R. 18719, Dec. 29, 1964) to read as follows:

§ 73.206 Sodium or potassium, metallic, sodium amide, sodium potassium alloys, sodium aluminum hydride, lithium metal, lithium silicon, lithium ferro silicon, lithium hydride, and lithium aluminum hydride.

(a) • • •

(10) Stainless steel tubes having welded end caps containing not over 50 grams of metallic sodium, metallic lithium, metallic potassium, or sodium potassium alloy liquid, each. Each tube must be inserted in an aluminum carrier tube. Containers must be approved by the Bureau of Explosives. Authorized only for metallic sodium, metallic lithium, metallic potassium, and sodium potassium alloy, liquid.

• • • • • •

(c) • • •

(4) [Cancelled]

• • • • • •

In § 73.217 amend the heading and introductory text of paragraph (a); add paragraph (a) (4); amend paragraph (b) (29 F.R. 18721, Dec. 29, 1964) to read as follows:

§ 73.217 Calcium hypochlorite compounds, dry, lithium hypochlorite compounds, dry, dichloroisocyanuric acid, dry, potassium dichloroisocyanurate, dry, sodium dichloroisocyanurate, dry, and trichloroisocyanuric acid, dry.

(a) Calcium hypochlorite compounds, dry, lithium hypochlorite compounds, dry, dichloroisocyanuric acid, dry, potassium dichloroisocyanurate, dry, sodium dichloroisocyanurate, dry, and trichloroisocyanuric acid, dry, each containing more than 39 percent available chlorine must be packed in specification containers as follows:

• • • • • •

(4) Spec. 21C (§ 78.224 of this chapter). Fiber drums with commodity packed in a securely closed polyethylene bag liner constructed of polyethylene film not less than 0.004 inch thickness. Not authorized for calcium hypochlorite compounds and lithium hypochlorite compounds, dry.

(b) Strong outside wooden or fiberboard packages with inside containers of glass not over five pounds capacity each, or with metal containers or plastic bottles not over ten pounds capacity each, are exempt from specification packaging, marking and labeling when offered for transportation by rail freight, rail express or highway. When for transportation by water, strong wooden or fiberboard containers with inside containers of glass not over five pounds capacity each, or with metal containers or plastic bottles not over ten pounds capacity each, are exempt from specification packaging only. Shipments for transportation by highway carriers are exempt also from Part 77 of this chapter, except § 77.817, and Part 197 of this chapter.

Subpart E—Acids and Other Corrosive Liquids; Definition and Preparation

In § 73.256 amend paragraph (a) (5) (29 F.R. 18729, Dec. 29, 1964) to read as follows:

§ 73.256 Compounds, cleaning, liquid.

(a) • • •

(5) Spec. 6D or 21C (§ 78.102 or 78.224 of this chapter). Cylindrical steel overpacks or fiber drums with inside spec. 2U (§ 78.24 of this chapter) polyethylene container not over 15 gallons capacity. (See § 78.224–1(a) (2) of this chapter.)

In § 73.263 amend the introductory text of paragraph (a); amend paragraphs (a) (10) and (12) (29 F.R. 18731, 18732, Dec. 29, 1964) to read as follows:

§ 73.263 Hydrochloric (muriatic) acid, hydrochloric (muriatic) acid mixtures, hydrochloric (muriatic) acid solution, inhibited, sodium chlorite solution, and cleaning compounds, liquid, containing hydrochloric (muriatic) acid.

(a) Hydrochloric (muriatic) acid, hydrochloric (muriatic) acid mixtures, hydrochloric (muriatic) acid solution, inhibited, sodium chlorite solution not exceeding 42 percent sodium chlorite, and cleaning compounds, liquid, containing hydrochloric (muriatic) acid must be packed in specification containers as follows:

• • • • • •

(10) Specs. MC 310 and MC 311 (§§ 78.330 and 78.331 of this chapter). Tank motor vehicles lined with rubber or equally acid-resistant material of equivalent strength and durability. Unlined spec. MC 311 tank motor vehicles made from type 304L stainless steel authorized for sodium chlorite solution not exceeding 42 percent sodium chlorite only.

• • • • • •

(12) Spec. 103C–W (§§ 79.200 and 79.201 of this chapter). Tank cars having tanks of type 304L stainless steel. Authorized for sodium chlorite solution not exceeding 42 percent sodium chlorite only.

• • • • • •

[1] American Society for Testing and Materials standard method of test for flash point of volatile flammable materials by tag open-cup apparatus (D 1310–63).

In § 73.281 amend paragraph (a)(2) (29 F.R. 18740, Dec. 29, 1964) to read as follows:

§ 73.281 Benzyl bromide (bromotoluene, alpha).

(a) • • •

(2) Spec. 5K or 5M (§ 78.88 or 78.90 of this chapter). Nickel or monel barrels or drums. Spec. 5M drums shall not be over 10 gallons capacity.

Subpart F—Compressed Gases; Definition and Preparation

In § 73.302 add paragraph (a)(3); amend the introductory text of paragraph (c) (29 F.R. 18744, Dec. 29, 1964) to read as follows:

§ 73.302 Charging of cylinders with nonliquefied compressed gases.

(a) • • •

(3) Spec. 3AX or 3AAX (§ 78.36 or 78.37 of this chapter) are authorized for the following nonliquefied gases: air, argon, helium, hydrogen, nitrogen, and oxygen.

• • • • •

(c) *Special filling limits for specs. 3A, 3AA, 3AX and 3AAX cylinders.* Specs. 3A, 3AA, 3AX and 3AAX (§§ 78.36 and 78.37 of this chapter) cylinders may be charged with compressed gases, other than liquefied, dissolved, poisonous, or flammable gases to a pressure 10 percent in excess of their marked service pressure, provided:

• • • • •

In § 73.314 amend paragraph (c) Table (29 F.R. 18748, 18749, Dec. 29, 1964) as follows:

§ 73.314 Requirements for compressed gases in tank cars.

• • • • •

(c) • • •

Kind of gas	Maximum permitted filling density, Note 1	Required tank car (see § 73.31(a)(2) and (3))
Change	*Percent*	
Anhydrous ammonia.	80	ICC–106A500–X, Note 7.
	57	ICC–105A300–W.
	67	ICC–112A400–F, 112A340–W, 114A340–W, Note 18.
	55.8	ICC–112A400–F, 112A340–W, 114A340–W, Note 18.
• •	•	• •
Butadiene (pressure not exceeding 256 pounds per square inch at 115° F.), inhibited.	Notes 18 and 21.	ICC–112A340–W, 114A340–W, Notes 4 and 20.
• •	•	• •

• • • • •

In § 73.315 amend paragraph (a)(1) Table in its entirety; in Note 11 thereto amend only the first sentence (29 F.R. 18751, Dec. 29, 1964) to read as follows:

§ 73.315 Compressed gases in cargo tanks and portable tank containers.

(a) • • •

(1) • • •

Kind of gas	Maximum permitted filling density		Specification container required (10)	
	Percent by weight (see Note 1)	Percent by volume (see par. (f) of this section)	Type (see Note 2)	Minimum design pressure (psig)
Anhydrous ammonia	56	82; see Note 5.	ICC–51, MC–330, MC–331; see Note 12.	265.
Anhydrous dimethylamine	59	See Note 7	ICC–51, MC–330, MC–331.	160.
Anhydrous monomethylamine	60	do	do	150.
Anhydrous trimethylamine	57	do	do	100.
Aqua ammonia solution containing anhydrous ammonia.	See par. (c) of this section.	do	MC–330, MC–331; see Note 12.	109; see par. (c)(1) of this section.
Butadiene, inhibited	See par. (b) of this section.	See par. (b) of this section.	ICC–51, MC–330, MC–331.	100.
Carbon dioxide, liquefied	See par. (c) of this section.	95	do	200; see Note 3.
Chlorine	125	See Note 7	MC–330, MC–331	225; see Notes 4 and 8.
Dichlorodifluoromethane (see Note 9).	119	do	ICC–51, MC–330, MC–331.	150.
Dichlorodifluoromethane and difluoroethane mixture (constant boiling mixture) (see Note 9).	See par. (c) of this section.	do	MC–330, MC–331	250.
Dichlorodifluoromethane-dichlorotetrafluoroethane mixture (see Note 9).	119	do	ICC–51, MC–330, MC–331.	150.
Dichlorodifluoromethane-monofluorotrichloromethane mixture (see Note 9).	See par. (c) of this section.	do	do	150.
Difluoroethane	79	do	MC–330, MC–331	150.
Hexafluoropropylene	110	do	do	250.
Liquefied petroleum gas	See par. (b) of this section.	See par. (b) of this section.	ICC–51, MC–330, MC–331.	See par. (c) (1) of this section.
Methyl chloride	94	86.5	do	150.
Methyl chloride (optional portable tank 2,000 pounds water capacity, fusible plug).	94	See Note 6	ICC–51	225.
Methylmercaptan	80	90	ICC–51, MC–330, MC–331.	100.
Monochlorodifluoromethane (see Note 9).	105	See Note 7	do	250.
Nitrous oxide	See par. (c) of this section.	95	do	200; see Note 3.
Sulfur dioxide (tanks not over 1,200 gallons water capacity).	125	87.5	do	150; see Note 4.
Sulfur dioxide (tanks over 1,200 gallons water capacity).	125	87.5	do	125; see Note 4.
Sulfur dioxide (optional portable tank 1,000–2,000 pounds water capacity, fusible plug).	125	See Note 6	ICC–51	225.
Vinyl chloride	84 (see Note 15)	See Note 7	MC–330, MC–331	150.
Vinyl fluoride, inhibited	66	do	do	250; see Note 11.

• • • • •

Note 11: Before an MC–330 or MC–331 (§ 78.336 or 78.337 of this chapter) cargo tank may be used for the transportation of vinyl fluoride, inhibited, the following requirements must be met: Tanks must be designed for a service temperature of minus 100° F. or below and comply with the requirements for "Low Temperature Operation of the A.S.M.E. Boiler and Pressure Vessel Code, Section VIII, Unfired Pressure Vessels."

(No change in remainder of Note 11.)

• • • • •

Subpart G—Poisonous Articles; Definition and Preparation

In § 73.346 amend paragraph (a)(26) (29 F.R. 18757, Dec. 29, 1964) to read as follows:

§ 73.346 Poisonous liquids not specifically provided for.

(a) • • •

(26) Spec. 12B or 12A (§ 78.205 or 78.210 of this chapter). Fiberboard boxes with inside polyethylene bottles having a minimum wall thickness of 0.015 inch and provided with screw-cap closures, not over 1-gallon capacity each. Except for polyethylene bottles having a minimum wall thickness exceeding 0.015 inch, each bottle shall be enclosed in a box constructed of at least 200-pound test (Mullen or Cady) corrugated fiberboard and not more than four such boxes shall be packed in one outside specification shipping container. When spec. 12A boxes are used, shipper must have established that completed package meets test requirements prescribed by § 78.210–10 of this chapter.

In § 73.353 amend paragraph (d) (29 F.R. 18759, Dec. 29, 1964) to read as follows:

§ 73.353 Methyl bromide, liquid (bromomethane), mixtures of methyl bromide and ethylene dibromide, liquid, mixtures of methyl bromide and chlorpicrin, liquid, or methyl bromide and nonflammable, nonliquefied compressed gas mixtures, liquid.

• • • • •

(d) Spec. 17C (§ 78.115 of this chapter). Metal drums (single-trip) not over 5¼ gallons marked capacity each and having no opening exceeding 2.3 inches in diameter. Authorized only for mixtures of methyl bromide and ethylene dibromide, liquid containing not over 40 percent by weight of methyl bromide.

• • • • •

In § 73.364 amend the introductory text of paragraph (a) (29 F.R. 18761, Dec. 29, 1964) to read as follows:

§ 73.364 Exemptions for poisonous solids, class B.

(a) Poisonous solids, class B, except cyanides (other than as specified in § 73.370 (b) and (d)), cyanogen bromide

hexaethyl tetraphosphate mixtures, methyl parathion mixtures, organic phosphate compound mixtures, n.o.s., parathion mixtures, tetraethyl dithio pyrophosphate mixtures, and tetraethyl pyrophosphate mixtures (other than as specified in § 73.377(f)) in tightly closed inside containers, securely cushioned when necessary to prevent breakage and packed as follows, are exempt from specification packaging, marking, and labeling requirements except that marking name of contents on outside container is required for shipments via carrier by water. Shipments for transportation by highway carriers are exempt also from Part 77 of this chapter, except § 77.817, and Part 197 of this chapter.

• • • • •

In § 73.365 add paragraph (a)(17) (29 F.R. 18762, Dec. 29, 1964) to read as follows:

§ 73.365 Poisonous solids not specifically provided for.

(a) • • •

(17) Spec. 37P (§ 78.133 of this chapter). Steel drums with polyethylene liner (nonreusable container), not over 15-gallons capacity.

In § 73.370 amend paragraph (b)(1) (29 F.R. 18764, Dec. 29, 1964) to read as follows:

§ 73.370 Cyanides, or cyanide mixtures, except cyanide of calcium and mixtures thereof.

• • • • •

(b) • • •

(1) Cyanides, or cyanide mixtures, in tightly closed glass, earthenware, metal, or polyethylene inside containers, not over 1 pound each, securely cushioned and packed in outside wooden or fiberboard boxes, or in wooden barrels. Net weight of cyanides or cyanide mixtures in any outside container, not over 25 pounds.

• • • • •

In § 73.376 amend the Heading and introductory text of paragraph (a) (29 F.R. 18764, Dec. 29, 1964) to read as follows:

§ 73.376 Aldrin and aldrin mixtures, dry, with more than 65 percent aldrin.

(a) Aldrin and aldrin mixtures, dry, with more than 65 percent aldrin, must be packed in specification containers as follows:

• • • • •

In § 73.377 add paragraph (i) (29 F.R. 18765, Dec. 29, 1964) to read as follows:

§ 73.377 Hexaethyl tetraphosphate mixtures, methyl parathion mixtures, organic phosphate compound mixtures, n.o.s., parathion mixtures, tetraethyl dithio pyrophosphate mixtures, and tetraethyl pyrophosphate mixtures, dry.

• • • • •

(i) Dry mixtures containing more than 2 percent but not exceeding 12 percent by weight of hexaethyl tetraphosphate, methyl parathion, organic phosphate compound mixtures, n.o.s., parathion, tetraethyl dithio pyrophosphate, or tetraethyl pyrophosphate, and in which the liquid is absorbed in an inert material, in addition to containers prescribed in paragraphs (a), (b), and (g) of this section, may be packed in specification containers as follows:

(1) Spec. 44D (§ 78.238 of this chapter). Multiwall paper bags not over 50 pounds net weight each. Outer ply to be not less than 60 pounds basis weight.

Cancel entire § 73.378 (29 F.R. 18765, Dec. 29, 1964).

In § 73.395 amend entire paragraph (a) (29 F.R. 18767, Dec. 29, 1964) to read as follows:

§ 73.395 Cleaning cars and vehicles.

(a) Any railroad car or motor vehicle which, after use for the transportation of radioactive materials in carload or truckload lots, is contaminated with such materials to the extent that a survey of the interior surface shows that the beta-gamma radiation is greater than 10 millironentgens physical equivalent in 24 hours or that the average alpha contamination is greater than 500 disintegrations per minute per 100 square centimeters shall be thoroughly cleaned in such a manner that a resurvey of the interior surface shows the contamination to be below these levels. A certificate to that effect must be furnished to the local agent of the carrier or to the driver of the motor vehicle.

(1) Railroad cars and motor vehicles which are used solely for the transportation of radioactive materials are exempt from the requirements of this section provided that the words "FOR RADIOACTIVE MATERIALS USE ONLY" are stenciled in 3-inch lettering in a conspicuous place on the exterior of the car or vehicle.

Subpart H—Marking and Labeling Explosives and Other Dangerous Articles

In § 73.402 amend paragraph (a) (10) (29 F.R. 18768, Dec. 29, 1964) to read as follows:

§ 73.402 Labeling dangerous articles.

(a) • • •

(10) "Radioactive materials" label as described in § 73.414(d) on bundles, boxes, barrels or crates of magnesium-thorium alloys, and on packages of uranium, normal or depleted, in solid form as provided for by § 73.392 (e) and (f) respectively.

• • • • •

PART 74—CARRIERS BY RAIL FREIGHT

In § 74.502 amend paragraph (a)(8) (29 F.R. 18774, Dec. 29, 1964) to read as follows:

§ 74.502 Forbidden explosives.

(a) • • •

(8) New explosives except as provided in § 73.86 of this chapter.

• • • • •

Subpart D—Unloading From Cars

In § 74.566 amend paragraph (d); add paragraph (d)(1) (29 F.R. 18786, Dec. 29, 1964) to read as follows:

§ 74.566 Cleaning cars.

• • • • •

(d) Any railroad car which, after use for the transportation of radioactive materials in carload lots, is contaminated with such materials to the extent that a survey of the interior surface shows that the beta-gamma radiation is greater than 10 millironentgens physical equivalent in 24 hours or that the average alpha contamination is greater than 500 disintegrations per minute per 100 square centimeters shall be thoroughly cleaned in such a manner that a resurvey of the interior surface shows the contamination to be below these levels. A certificate to that effect must be furnished to the local agent of the carrier.

(1) Railroad cars which are used solely for the transportation of radioactive materials are exempt from the requirements of this section provided that the words "FOR RADIOACTIVE MATERIALS USE ONLY" are stenciled in 3-inch lettering in a conspicuous place on the exterior of the car.

PART 77—SHIPMENTS MADE BY WAY OF COMMON, CONTRACT, OR PRIVATE CARRIERS BY PUBLIC HIGHWAY

Subpart D—Vehicles and Shipments in Transit; Accidents

In § 77.860 amend paragraph (d); add paragraph (d)(1) (29 F.R. 18809, Dec. 29, 1964) to read as follows:

§ 77.860 Accidents; poisons.

• • • • •

(d) *Cleaning vehicles.* Any motor vehicle which after use for the transportation of radioactive materials in truckload lots, is contaminated with such materials to the extent that a survey of the interior surface shows that the beta-gamma radiation is greater than 10 millironentgens physical equivalent in 24 hours or that the average alpha contamination is greater than 500 disintegrations per minute per 100 square centimeters shall be thoroughly cleaned in such a manner that a resurvey of the interior surface shows the contamination to be below these levels. A certificate to that effect must be furnished the carrier or to the driver of the motor vehicle.

(1) Motor vehicles which are used solely for the transportation of radioactive materials are exempt from the requirements of this section provided that the words "FOR RADIOACTIVE MATERIALS USE ONLY" are stenciled in 3-inch lettering in a conspicuous place on the exterior of the motor vehicle.

PART 78—SHIPPING CONTAINER SPECIFICATIONS

Subpart C—Specifications for Cylinders

In § 78.36 amend the heading; in § 78.36–2 amend paragraphs (a) and (b); in § 78.36–13 amend paragraph (a); in

§ 78.36–20 amend entire section (29 F.R. 18826, 18827, 18828, Dec. 29, 1964) to read as follows:

§ 78.36 Specification 3A; seamless steel cylinders or 3AX; seamless steel cylinders of capacity over 1,000 pounds water volume.

§ 78.36–2 Type, size and service pressure.[1]

(a) ICC–3A; seamless, not over 1,000 pounds water capacity (nominal) and service pressure at least 150 pounds per square inch.

(b) ICC–3AX; seamless, not less than 1,000 pounds water capacity and service pressure at least 500 pounds per square inch. Cylinders shall meet the following additional conditions:

(1) Assuming the cylinder to be supported horizontally at its two ends only and to be uniformly loaded over its entire length consisting of the weight per unit of length of the straight cylindrical portion filled with water and compressed to the specified test pressure; the sum of two times the maximum tensile stress in the bottom fibers due to bending (Note 1), plus that in the same fibers (longitudinal stress) (Note 2), due to hydrostatic test shall not exceed 80 percent of the minimum yield strength of the steel at such maximum stress. Wall thickness shall be increased when necessary to meet the requirement.

NOTE 1: To calculate the maximum tensile stress due to bending, the following formula shall be used:

$$S=\frac{Mc}{I}$$

NOTE 2: To calculate the maximum longitudinal tensile stress due to hydrostatic test pressure, the following formula shall be used:

$$S=\frac{A_1P}{A_2}$$

where:
S = tensile stress—p.s.i.;
M = bending moment—inch pounds $\frac{(wl^2)}{8}$;
w = weight per inch of cylinder filled with water;
l = length of cylinder—inches;
c = radius $\frac{(D)}{(2)}$ of cylinder—inches;
I = moment of inertia—0.0490 (D^4—d^4) inches fourth;
D = outside diameter—inches;
d = inside diameter—inches;
A_1 = internal area in cross section of cylinder—square inches;
A_2 = area of metal in cross section of cylinder—square inches;
P = hydrostatic test pressure—p.s.i.

§ 78.36–13 Safety devices and protection for valves, safety devices, and other connections, if applied.

(a) Must be as required by the Interstate Commerce Commission's regulations that apply (see §§ 73.34(d) and 73.301(g) of this chapter).

§ 78.36–20 Marking.

(a) Marking on each cylinder by stamping plainly and permanently on shoulder, top head, or neck as follows:

(1) When cylinders are constructed to § 78.36–2(a), they shall be marked ICC–3A followed by the service pressure (for example, ICC–3A1800, etc.).

(2) When cylinders are constructed to § 78.36–2(b), they shall be marked ICC–3AX followed by the service pressure (for example, ICC–3AX1800, etc.).

(3) A serial[1] number and an identifying symbol (letters); location[2] of number to be just below or immediately following the ICC mark; location[2] of symbol to just below or immediately following the number. The symbol and numbers must be those of purchaser, user, or maker. The symbol must be registered with the Bureau of Explosives; duplications unauthorized. Examples:

ICC–3A1800
1234
XY

ICC–3A1800–1234–XY

(4) Inspector's official mark near serial number; date of test (such as 5–50 for May 1950), so placed that dates of subsequent tests can be easily added; and word "SPUN" or "PLUG" near ICC mark when an end closure in the finished cylinder has been welded by the spinning process, or effected by plugging.

In § 78.37 amend the heading; in § 78.37–2 amend paragraphs (a) and (b); in § 78.37–13 amend paragraph (a); in § 78.37–20 amend entire section (29 F.R. 18829, 18830, 18837, Dec. 29, 1964) to read as follows:

§ 78.37 Specification 3AA; seamless steel cylinders made of definitely prescribed steels or 3AAX; seamless steel cylinders made of definitely prescribed steels of capacity over 1,000 pounds water volume.

§ 78.37–2 Type, size and service pressure.[1]

(a) ICC–3AA; seamless, not over 1,000 pounds water capacity (nominal) and service pressure at least 150 pounds per square inch.

(b) ICC–3AAX; seamless, not less than 1,000 pounds water capacity and service pressure at least 500 pounds per square inch. Cylinders shall meet the following additional conditions:

(1) Assuming the cylinder to be supported horizontally at its two ends only and to be uniformly loaded over its entire length consisting of the weight per unit of length of the straight cylindrical portion filled with water and compressed to the specified test pressure; the sum of two times the maximum tensile stress in the bottom fibers due to bending (Note 1), plus that in the same fibers (longitudinal stress) (Note 2), due to hydrostatic test shall not exceed 80 percent of the minimum yield strength of the steel at such maximum stress. Wall thickness shall be increased when necessary to meet the requirement.

NOTE 1: To calculate the maximum tensile stress due to bending, the following formula shall be used:

$$S=\frac{Mc}{I}$$

NOTE 2: To calculate the maximum longitudinal tensile stress due to hydrostatic test pressure, the following formula shall be used:

$$S=\frac{A_1P}{A_2}$$

where:
S = tensile stress—p.s.i.;
M = bending moment—inch pounds $\frac{(wl^2)}{8}$;
w = weight per inch of cylinder filled with water;
l = length of cylinder—inches;
c = radius $\frac{(D)}{(2)}$ of cylinder—inches;
I = moment of inertia—0.0490 (D^4—d^4) inches fourth;
D = outside diameter—inches;
d = inside diameter—inches;
A_1 = internal area in cross section of cylinder—square inches;
A_2 = area of metal in cross section of cylinder—square inches;
P = hydrostatic test pressure—p.s.i.

§ 78.37–13 Safety devices and protection for valves, safety devices and other connections, if applied.

(a) Must be as required by the Interstate Commerce Commission's regulations that apply (see §§ 73.34(d) and 73.301(g) of this chapter).

§ 78.37–20 Marking.

(a) Marking on each cylinder by stamping plainly and permanently on shoulder, top head, or neck as follows:

(1) When cylinders are constructed to § 78.37–2(a), they shall be marked ICC–3AA followed by the service pressure (for example, ICC–3AA1800, etc.).

(2) When cylinders are constructed to § 78.37–2(b), they shall be marked ICC–3AAX followed by the service pressure (for example, ICC–3AAX1800, etc.).

(3) A serial[1] number and an identifying symbol (letters); location[2] of number to be just below or immediately following the ICC mark; location[2] of symbol to be just below or immediately following the number. The symbol and numbers must be those of purchaser, user, or maker. The symbol must be registered with the Bureau of Explosives; duplications unauthorized. Examples:

ICC–3AA1800
1234
XY

ICC–3AA1800–1234–XY

(4) Inspector's official mark near serial number; date of test (such as 5–50 for May 1950), so placed that dates of subsequent tests can be easily added; and word "SPUN" or "PLUG" near ICC mark when an end closure in the finished cylinder has been welded by the spinning process, or effected by plugging.

In § 78.42–11 amend paragraph (a)(3) (29 F.R. 18841, Dec. 29, 1964) to read as follows:

§ 78.42 Specification 3E; seamless steel cylinders.

§ 78.42–11 Hydrostatic test.

(a) • • •

(3) Other cylinders must be examined under pressure of at least 3,000 pounds per square inch and not to exceed 4,500 pounds per square inch and show no defect. Cylinders tested at a pressure in excess of 3,600 pounds per square inch shall burst at a pressure higher than 7,500 pounds per square inch when tested as specified in paragraph (a)(2) of this section. The pressure must be maintained for at least 30 seconds and sufficiently longer to insure complete examination.

(No change in footnote 1.)

(No change in footnotes 1 and 2.)

Subpart D—Specifications for Metal Barrels, Drums, Kegs, Cases, Trunks and Boxes

In § 78.82–9 amend paragraphs (b) and (c) (29 F.R. 18896, Dec. 29, 1964) to read as follows:

§ 78.82 Specification 5B; steel barrels or drums.

§ 78.82–9 Closures.

• • • • • •

(b) Closing part (plug, cap, plate, etc., see Note 1) must be of metal (see paragraph (c) of this section) as thick as prescribed for head of container; this not required for containers of 12 gallons or less when the opening to be closed is not over 2.7 inches in diameter. If unthreaded cap is used it must be provided with outside sealing devices which cannot be removed without destroying the cap or sealing device.

(No change in Note 1.)

(c) For closure with threaded plug or cap, the seat (flange, etc.) for plug, or cap, must have 3 or more complete threads; two drainage holes of not over 1/16 inch diameter are allowed. Plug, or cap, must have sufficient length of thread to engage 3 threads when screwed home with gasket in place. Closures of screw-thread type or closed by other positive means, of any material or design, may be authorized by the Bureau of Explosives for use, upon satisfactory proof of efficiency.

• • • • • •

In § 78.115–8 add paragraph (c)(1) (29 F.R. 18916, Dec. 29, 1964) to read as follows:

§ 78.115 Specification 17C; steel drums.

§ 78.115–8 Closures.

• • • • • •

(c) • • •

(1) Closures of screw-thread type or closed by other positive means, of any material or design, may be authorized by the Bureau of Explosives for use, upon satisfactory proof of efficiency.

• • • • • •

In § 78.118–8 add paragraph (c)(1) (29 F.R. 18919, Dec. 29, 1964) to read as follows:

§ 78.118 Specification 17H; steel drums.

§ 78.118–8 Closures.

• • • • • •

(c) • • •

(1) Closures of screw-thread type or closed by other positive means, of any material or design, may be authorized by the Bureau of Explosives for use, upon satisfactory proof of efficiency.

Subpart F—Specifications for Fiberboard Boxes, Drums, and Mailing Tubes

In § 78.205–14 amend paragraph (a); in § 78.205–15 amend the heading (29 F.R. 18953, Dec. 29, 1964) to read as follows:

§ 78.205 Specification 12B; fiberboard boxes.

§ 78.205–14 Flap closures.

(a) Fill-in pieces, of the same type fiberboard as used in construction of the container, are required where it is necessary to prevent an opening between the inner flaps, unless otherwise provided by paragraphs (b) and (c) of this section or by Part 73 of this chapter.

• • • • • •

§ 78.205–15 Linings (when prescribed by § 78.205–16).

• • • • • •

In § 78.211–3 add paragraph (a)(1)(v) (29 F.R. 18961, Dec. 29, 1964) to read as follows:

§ 78.211 Specification 12P; fiberboard boxes. Nonreusable containers for one inside plastic container greater than 1-gallon capacity, as prescribed in Part 73 of this chapter.

§ 78.211–3 Design limitations.

(a) • • •

(1) • • •

(v) Other perforated or die cut areas of a size and location as authorized in writing by the Bureau of Explosives or Board of Transport Commissioners for Canada.

• • • • • •

In § 78.224–1 paragraph (a)(2) Table center column, change the third figure "225" to read "250"; in § 78.224–2 paragraph (c) Table first column, change the fifth figure "225" to read "250" (29 F.R. 18965, Dec. 29, 1964).

Subpart G—Specifications for Bags, Cloth, Burlap or Paper

In § 78.238–3(a) amend Note 1 (29 F.R. 18970, Dec. 29, 1964) to read as follows:

§ 78.238 Specification 44D; multiwall paper bags.

§ 78.238–3 Construction.

(a) • • •

NOTE 1: Exceptions to these construction requirements are authorized in §§ 73.367(a)(4) and 73.377(i) of this chapter.

PART 79—SPECIFICATIONS FOR TANK CARS

Subpart C—Specifications for Pressure Tank Car Tanks (Classes ICC–105A, 109A–W, 112A–W and 114A–W)

In § 79.101–1(a) Table, third column headed "105A200–F", delete the special reference "79.102–6" (29 F.R. 18998, Dec. 29, 1964).

(63 Stat. 736, 74 Stat. 808; 18 U.S.C. 834)

[F.R. Doc. 65–5835; Filed, June 4, 1965; 8:45 a.m.]

Title 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 213—EXCEPTED SERVICE

Department of State

Section 213.3104 is amended to show the exception under Schedule A of one additional Review Appraiser position; two additional Realty Specialist positions; and five additional Realty Assistant positions for the duration of the Chamizal Project. Effective on publication in the FEDERAL REGISTER, subparagraph (2) of paragraph (c) of § 213.3104 is amended as set out below.

§ 213.3104 Department of State.

• • • • • •

(c) *International Boundary and Water Commission, United States and Mexico.* • • •

(2) Not to exceed 27 Realty Officers, Appraisers, Negotiators, Specialists, and Assistants, GS–5 through 14. Not to exceed five Interviewers (Interpreter), GS–5 through 11. Appointment under this authority may not extend beyond four years from the date of authorization of the Chamizal Project.

• • • • • •

(R.S. 1753, sec. 2, 22 Stat. 403, as amended; 5 U.S.C. 631, 633; E.O. 10577, 19 F.R. 7521, 3 CFR, 1954–1958 Comp., p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] MARY V. WENZEL,
Executive Assistant to the Commissioners.

[F.R. Doc. 65–5868; Filed, June 4, 1965; 8:46 a.m.]

PART 213—EXCEPTED SERVICE

Small Business Administration

Section 213.3132 is amended by the addition of a new paragraph to show the exception under Schedule A of temporary positions involving the making and administering of loans in a disaster area identified by the President or the Secretary of Agriculture. To bring the section up to date and to reflect the general coverage of the new exception, four specific exceptions approved earlier are revoked. Effective when published in the FEDERAL REGISTER, paragraphs (a), (b), (c), and (d) of § 213.3132 are revoked, and paragraph (e) is added as set out below.

§ 213.3132 Small Business Administration.

• • • • • •

(e) When the President under 42 U.S.C. 1855–1855g, or the Secretary of Agriculture under 7 U.S.C. 1961, declares an area to be a disaster area, positions filled by temporary appointment of employees to make and administer disaster loans in that area under the Small Business Act, as amended, for the duration

of the disaster. Original appointments may not exceed 6 months, and no employee appointed under this exception may work in any one disaster area for more than 6 months without prior approval of the Commission.

(R.S. 1753, sec. 2, 22 Stat. 403, as amended; 5 U.S.C. 631, 633; E.O. 10577, 19 F.R. 7521, 3 CFR, 1954–1958 Comp., p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] MARY V. WENZEL,
Executive Assistant to the Commissioners.

[F.R. Doc. 65-5867; Filed, June 4, 1965; 8:46 a.m.]

PART 213—EXCEPTED SERVICE

Equal Employment Opportunity Commission

Section 213.3277 is added to show the exception under Schedule B until August 1, 1966, of technical positions above the clerical level engaged in carrying out the Equal Employment Opportunity Commission's substantive program under Title VII of the Civil Rights Act. Effective on publication in the FEDERAL REGISTER, § 213.3277 is added as set out below.

§ 213.3277 Equal Employment Opportunity Commission.

(a) Until August 1, 1966, technical positions above the clerical level engaged in the substantive program of the Equal Employment Opportunity Commission under Title VII of the Civil Rights Act of 1964.

(R.S. 1753, sec. 2, 22 Stat. 403, as amended; 5 U.S.C. 631, 633; E.O. 10577, 19 F.R. 7521, 3 CFR, 1954–1958 Comp., p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] MARY V. WENZEL,
Executive Assistant to the Commissioners.

[F.R. Doc. 65-5877; Filed, June 4, 1965; 8:47 a.m.]

PART 213—EXCEPTED SERVICE

Federal Home Loan Bank Board

Section 213.3354 is amended to show that the position of Director of Public Affairs is no longer excepted under Schedule C. Effective on publication in the FEDERAL REGISTER, paragraph (l) of § 213.3354 is revoked.

(R.S. 1753, sec. 2, 22 Stat. 403, as amended; 5 U.S.C. 631, 633; E.O. 10577, 19 F.R. 7521, 3 CFR, 1954–1958 Comp., p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] MARY V. WENZEL,
Executive Assistant to the Commissioners.

[F.R. Doc. 65-5866; Filed, June 4, 1965; 8:45 a.m.]

Title 7—AGRICULTURE

Subtitle A—Office of the Secretary of Agriculture

[Amdt. 2]

PART 16—MILK INDEMNITY PAYMENT PROGRAM

Subpart—Regulations Governing Milk Indemnity Payments

DEFINITIONS AND APPLICATION FOR PAYMENT

The regulations issued by the Department of Agriculture, which set forth the terms and conditions under which the indemnity payments will be made to eligible dairy farmers whose milk is removed from the market because of pesticide residue content, 29 F.R. 14837; 30 F.R. 251, are amended, as follows:

1. Section 16.2 (h) and (j) is amended to read as follows:

§ 16.2 Definitions.

* * * * *

(h) "Eligible farmer" means a person who produces milk which is removed from the commercial market anytime from January 1, 1964, through June 30, 1965, pursuant to direction of a public agency or a milk handler because of detection of pesticide residue in such milk by tests made by a public agency or under a milk testing program deemed adequate for the purpose by a public agency.

* * * * *

(j) "Application period" means any period with respect to which application for payment is made beginning not earlier than January 1, 1964, and ending not later than June 30, 1965, during which an eligible farmer's milk is removed from the commercial market pursuant to direction of a public agency or milk handler for reason specified in paragraph (h) of this section.

* * * * *

2. Section 16.8 is amended to read as follows:

§ 16.8 Application for payment.

Application for payment shall be made, on a form prescribed therefor by the Deputy Administrator, by the eligible farmer or his legal representative, as set forth in § 16.12, who must sign and file the form with ASCS county office for the county where the farm headquarters are located no later than August 31, 1965. However, applications may be accepted after such date if the State Committee determines that the eligible dairy farmer was prevented from filing by such date because of illness, or other reasons beyond his control. Applications for payment shall cover application periods of at least 28 days, except that, if the entire application period or the last application period, is shorter than 28 days, applications for payment may be filed for such shorter period.

(Sec. 331, Economic Opportunity Act of 1964; 78 Stat. 525)

Effective date. Date of publication.

Signed at Washington, D.C., on May 26, 1965.

CHARLES S. MURPHY,
Acting Secretary.

[F.R. Doc. 65-5870; Filed, June 4, 1965; 8:46 a.m.]

Chapter I—Consumer and Marketing Service (Standards, Inspections, Marketing Practices), Department of Agriculture

PART 28—COTTON CLASSING, TESTING, AND STANDARDS

Subpart E—Cotton Fiber and Processing Tests

REVISION IN MICRONAIRE READING FEES

Statement of considerations leading to amendment. The purposes of these amendments to the Regulations for Cotton Fiber and Processing Tests are to: (1) Reduce the fee from 6 cents to 5 cents per sample for micronaire readings on samples submitted for Smith-Doxey classification under approved applications; (2) reduce the fee from 10 cents to 8 cents per sample for micronaire readings on samples (all samples in a lot) submitted for classification pursuant to the Regulations under the U.S. Cotton Standards Act, including samples for Commodity Credit Corporation sales programs; and (3) to change the agency name given in these regulations from Agricultural Marketing Service to Consumer and Marketing Service.

These reductions in fees have been made possible by the increased volume of micronaire readings being made on a fee basis and more efficient operation of micronaire reading equipment.

Pursuant to authority contained in section 3c of the Cotton Statistics and Estimate Act (sec. 3c, 50 Stat. 62; 7 U.S.C. 473c) the Regulations for Cotton Fiber and Processing Tests are amended as follows:

1. In paragraphs (b), (c), and (d) of § 28.950, the name "Agricultural Marketing Service" is changed to read "Consumer and Marketing Service".

2. Items 36 and 37 of § 28.956 are deleted and the following substituted therefor:

36. Micronaire (mike) readings on cotton samples submitted for classification pursuant to §§ 28.901–28.917. These mike readings will be made available upon written application from the manager or other officer of the cotton gin which gins the cotton or from other sampling agents authorized to sample cotton pursuant to § 28.906. Such applications will provide that a mike reading will be made on each sample submitted for classification and that the applicant will be responsible for the payment of the test fee. Application forms for this service will be furnished by the Cotton Division.

Per sample..... $0.05

37. Micronaire (mike) readings on all samples included in a lot of cotton samples submitted for classification pursuant to §§ 28.1–28.126, including samples submitted for reclassification pursuant to CCC sales programs.

Per sample..... $0.08

3. In the last sentence of § 28.959, the name "Agricultural Marketing Service" is changed to read "Consumer and Marketing Service".

(Sec. 3c, 50 Stat. 62; 7 U.S.C. 473c)

These amendments concern matters of agency organization and the revision of fees for micronaire readings. The revision of such fees depends upon facts within the knowledge of the Consumer and Marketing Service. The reduced fees require no preparation on the part of users of the service and it will benefit such users for the reduced fees to be effective at the earliest practicable date. Accordingly, pursuant to the provisions of section 4 of the Administrative Procedure Act (5 U.S.C. 1003), it is found upon good cause that notice and public procedure are impracticable, unnecessary, and contrary to the public interest and good cause is found for making these amendments effective less than 30 days after publication in the FEDERAL REGISTER.

Effective date. These amendments shall become effective on June 15, 1965.

Dated: June 1, 1965.

G. R. GRANGE,
Deputy Administrator, Marketing Services.

[F.R. Doc. 65-5869; Filed, June 4, 1965; 8:46 a.m.]

Chapter VII—Agricultural Stabilization and Conservation Service (Agricultural Adjustment), Department of Agriculture

SUBCHAPTER B—FARM MARKETING QUOTAS AND ACREAGE ALLOTMENTS

PART 718—DETERMINATION OF ACREAGE AND COMPLIANCE

Sec.
718.1 Basis, purpose, and applicability.
718.2 Definitions.
718.3 Functions of county committee, State committee, Director, and Deputy Administrator.
718.4 Identification of farms (excluding sugar.)
718.5 Determination of crop and land use acreages.
718.6 Equipment and materials.
718.7 Farm inspection and determination of compliance.
718.8 Report of acreage.
718.9 Computation of acreage.
718.10 Notice to farm operators.
718.11 Spot checks.
718.12 Cost of measurement.
718.13 Redetermination of acreages.
718.14 Adjustment of acreage.
718.15 State committee option.

AUTHORITY: The provisions of this Part 718 issued under secs. 301, 313, 314, 317, 334, 335, 353, 354, 355, 358, 374, 375, 52 Stat. 38 as amended, 47, as amended, 48, as amended, 53, as amended, 54, as amended, 57, as amended, 58, as amended, 61, as amended, 66, as amended, 66, as amended, 55 Stat. 88, as amended, secs. 101, 105(c), 401, 68 Stat. 1051, as amended, 1054, as amended, 75 Stat. 6, as amended, sec. 403, 61 Stat. 932, sec. 124, 70 Stat. 198, secs. 16(e), 16(g), 76 Stat. 606, 612, 79 Stat. 66, 7 U.S.C. 1301, 1313, 1314, 1317, 1335, 1344, 1345, 1359, 1354, 1355, 1358, 1374, 1375, 1441, 1441 note, 1421, 1133, 1813, 16 U.S.C. 590(p).

§ 718.1 Basis, purpose, and applicability.

(a) *Basis and purpose.* The regulations set forth in this part are reissued pursuant to the Agricultural Adjustment Act of 1938, as amended (7 U.S.C. 1301 et seq.), the Agricultural Act of 1949, as amended (7 U.S.C. 1441 et seq.), the Sugar Act of 1948, as amended (7 U.S.C. 1100 et seq.), the Soil Bank Act (7 U.S.C. 1801 et seq.), the Food and Agriculture Act of 1962 (Public Law 87-703, approved September 27, 1962, and Public Law 87-801, approved October 11, 1962), the Feed Grain Act of 1963 (Public Law 88-26, approved May 20, 1963), and the Agricultural Act of 1964 (Public Law 88-297, approved April 11, 1964), for the purpose of prescribing the provisions governing the determination of acreages and compliance under the marketing quota, acreage allotment, sugar, soil bank, wheat diversion, feed grain, and related program administered by the Agricultural Stabilization and Conservation Service. This reissuance includes existing regulations (28 F.R. 8117, 10899, 14309, 29 F.R. 5273, 7311, 7863, 12507, 30 F.R. 1281), and prescribes changes and additions required to implement the Agricultural Act of 1964. This reissuance also sets forth the provisions for determining acreages for wheat, feed grains, and sugar crops by certification of the farm operator in lieu of a farm visit to measure such acreages in certain experimental counties. The counties which were selected to participate in this experiment were approved by the Deputy Administrator, based on recommendations of the State committee after due consideration to the age and condition of aerial photography, extent of change in topographic features since the current photography was flown, and the number of official acreages which are available.

(b) *Applicability.* This part shall apply to the determination of acreage and compliance for 1965 and subsequent years.

§ 718.2 Definitions.

As used in this Part 718, and in all instructions, forms and documents issued in connection therewith, the words and phrases defined in this section shall have the meanings assigned to them unless the text or subject matter otherwise requires.

(a) The term, words, or phrases "allotment," "committees," "county," "county office manager," "cropland," "department," "deputy administrator," "farm," "farm number," "operator," "person," "producer," "reconstitution," "representative of the State committee," "secretary," "soil bank contract," and "State executive director" shall have the same meanings as are assigned to them in Part 719 of this chapter (29 F.R. 13370), or as may be hereafter amended.

(b) "Allotment crop" means any crop for which an acreage allotment or proportionate share is established pursuant to the Agricultural Adjustment Act of 1938, as amended, the Agricultural Act of 1949, as amended, or the Sugar Act of 1948, as amended.

(c) "County compliance supervisor" means the person delegated responsibility for the day-to-day field operators in connection with the compliance work in the county.

(d) "Cutout" means a portion of a photograph showing one farm or a part of a farm.

(e) "Director" means the Director, or Acting Director, Farmer Programs Division.

(f) "Field" means a part of a farm which is separated from the balance of the farm by permanent boundaries such as fences, farm boundaries, woodlines, or other similar features.

(g) "Normal row width" means the distance between rows of crops in the field provided such distance is 4 links or more.

(h) "Reporter" means the person employed by the county office manager to secure the necessary information and measurements to determine the acreage of crops for which measurements are required.

(i) "Sketch" means an approximate map of a farm, field, or other area drawn from observations.

(j) "State compliance specialist" means the person responsible for operations of the compliance work in the State.

(k) "State supervisor" means a person employed to assist the State compliance specialist in carrying out the compliance work in the State.

(l) "Subdivision" means a part of a field which is separated from the balance of the field by a temporary boundary such as a cropline, other boundary which could be easily moved or which could disappear.

§ 718.3 Functions of county committee, State committee, Director, and Deputy Administrator.

The county committee shall provide for the determination of compliance under the regulations of this part. The State committee, through the State executive director, shall be responsible for furnishing guidance and direction as necessary to insure uniform understanding and application of the provisions of the regulations in this part. The Director shall direct the preparation of operating procedures and forms necessary for applying the regulations in this part. The forms and procedures so prepared shall be approved and issued by the Deputy Administrator.

§ 718.4 Identification of farms (excluding sugar).

All records pertaining to the measurement and determination of acreages for purposes of this Part 718 shall be identified by the farm number assigned to the land area pursuant to Part 719 of this chapter.

§ 718.5 Determination of crop and land use acreages.

(a) *Use of aerial photographs.* Aerial photographs shall be used for acreage determinations when available and where practical.

(b) *Use of ground measurements.* Acreage determinations shall be made by ground measurements when aerial photo-

graphs are not available, or where their use is not practical.

(c) *Official acreages.* Acreages determined in previous years for any area delineated by a reporter in the field on photography currently in use may be recognized as the official acreage for the area as delineated. The acreage determined for any area designated under the conservation reserve program shall be considered as official for the period of the contract and the period of extended protection pursuant to Public Laws 86-793 and 87-703 irrespective of the use of new photography for other acreage determinations on the farm, unless the boundaries of the designated area are changed or the original acreage determination is found to be in error.

(d) *Reliance on previously determined acreage.* If a producer proves to the satisfaction of the county committee that for planting and program purposes he has relied in good faith on an acreage for an identical area previously determined and recorded by ASCS personnel and the acreage for such area is found to be incorrect, the acreage on which he relied shall stand for that program year.

(e) *Acreage devoted to a crop or land use*—(1) *General.* The acreage of a crop or land use shall be the acreage devoted to the crop or land use except as otherwise provided in subparagraphs (2), (3), and (4) of this paragraph (e) and paragraphs (f) and (g) of this section. In determining the acreage of any row crop, measurements shall extend beyond the planted area to a point equal to one-half the distance between the rows or 2 links, whichever is larger. Deviations from prescribed width requirements which are attributable to variations which are normal to the operation of mechanical equipment shall not serve to disqualify a planting pattern or a deductible strip.

(2) *Row crops other than tobacco and peanuts*—(i) *Alternate rows with row widths less than 4 links.* When the row crop being measured is planted in alternate rows with a different row crop and the distance between the rows of the crops is less than 4 links, the entire area shall be considered as devoted to that crop.

(ii) *Alternate rows with row width 4 links through 8 links.* When the crop being measured is planted in alternate rows with a different row crop and the distance between the rows of crops is at least 4 links but not more than 8 links, each crop shall be considered as occupying one-half of the area except that when the alternating crop does not have a season of growth substantially the same as the crop being measured or is not cared for in a workmanlike manner, the entire area shall be considered as devoted to the crop being measured.

(iii) *Wide rows (excluding crops for which a row width greater than 8 links is normal).* When the row crop (other than tobacco) being measured is planted in unusually wide rows or in alternate rows with a different crop and the distance between the rows of the crops is greater than 8 links, each row of the crop being measured shall be considered as 8 links and only that portion of the area shall be considered as devoted to the crop being measured.

(3) *Tobacco*—(i) *Flue Cured and Fire Cured (Type 21)*—(a) *Less than four rows.* When tobacco is planted in strips of less than four rows (including one row plantings) with alternating strips of idle or fallow land or another crop, the acreage shall be determined as follows:

(*1*) The entire area shall be considered as devoted to tobacco if the distance between the strips or rows of tobacco (measured from plant to plant) is not greater than 8 links.

(*2*) Measurements shall extend 4 links beyond the planted area on each side of the strips or rows of tobacco if the distance between the strips or rows of tobacco is greater than 8 links.

(*b*) *Four rows or more.* Where tobacco is planted in strips of 4 rows or more, measurements shall extend beyond the planted area of each strip to a point equal to one-half the distance between the rows of tobacco or 2 links, whichever is greater. Measurement under this provision shall include strips of less than four rows of tobacco on the sides of the field provided there are at least two rows on one side.

(ii) *All other types of tobacco.* Where tobacco is planted in a skip-row pattern with idle or fallow land or another crop, the entire area shall be considered as devoted to tobacco unless the strips planted to tobacco contain four or more rows and the strips of idle or fallow land or other crop are at least four normal rows in width, except, that one strip on one side of the field may contain less than four rows. If the strips of tobacco and strips of idle or fallow land or other crop conform to at least the four row requirement, only the area actually devoted to tobacco shall be considered as the acreage of tobacco.

(4) *Peanuts*—(i) *Intertilled planting.* When peanuts are planted in alternate rows or in strips of two or more rows with another allotment row crop or a competitive row crop, the acreage shall be considered as intertilled. A "competitive crop" is a crop which is planted at approximately the same time in alternate rows or strips with another row crop both of which will mature at approximately the same time and will compete equally for air, sunlight, moisture, and plant food during the entire growing season. Acreages shall be determined as follows:

(*a*) *Alternate rows*—(*1*) *Normal rows.* If the distance between the rows of the crops is not less than the normal row width for peanuts, only the land actually devoted to peanuts shall be considered as planted to peanuts.

(*2*) *Less than normal rows.* If the distance between the rows of the crops is less than the normal row widths for peanuts, the entire intertilled area shall be considered as planted to peanuts.

(*b*) *Alternate strips*—(*1*) *Less than one normal row.* If the distance between the strips of peanuts is less than one normal row width, the entire area shall be considered as planted to peanuts.

(*2*) *Less than four normal rows.* If the distance between the strips of peanuts is as wide as one but less than four normal rows of peanuts, the acreage of peanuts shall be the total acreage in the area less the acreage actually occupied by any competitive crop.

(*3*) *Four normal rows or more.* If the distance between the strips of peanuts is at least as wide as four normal rows of peanuts, only the area occupied by the peanuts shall be considered as planted to peanuts.

(ii) *Fallow-stripped planting.* When peanuts are planted in alternate rows or strips with noncompetitive crops or in alternate rows or strips with idle land or fallow land, the acreage shall be considered as fallow-stripped. A "noncompetitive crop" is a crop planted in alternate rows or strips with another crop which does not compete equally for air, sunlight, moisture, and plant foods during the entire growing season because of later planting or earlier maturity. Acreages shall be determined as follows:

(*a*) *Less than four normal rows.* If the strips of idle land, fallow land, noncompetitive crops, or a combination therof are not as wide as four normal rows of peanuts, the entire area shall be considered as planted to peanuts.

(*b*) *Four normal rows or more.* If the strips of idle land, fallow land, noncompetitive crops, or a combination thereof are at least as wide as four normal rows of peanuts, only the land actually occupied by the peanuts shall be considered as planted to peanuts. Individual strips which are not as wide as four normal rows shall be considered as planted to peanuts.

(f) *Deductions.* In determining initial acreage of any field or subdivision, any continuous area which is not devoted to the crop or land use being measured is eligible for deduction if it meets the minimum area and width requirements prescribed in this paragraph (f) or as increased under the provisions of § 718.15, whichever is applicable. Notwithstanding the provisions of this subparagraph (f), any area which is not considered as devoted to the crop or land use under the provisions of paragraph (e) (2), (3), and (4) of this section is eligible for deduction.

(1) *Minimum area requirements*—(i) *Sugar crops in Puerto Rico, Virgin Islands, and Hawaii.* Three-hundredths (0.03) acre.

(ii) *Tobacco.* Three-hundredths (0.03) acre except that a minimum of one-hundredth (0.01) acre will apply to turn rows and to noncropland areas which could not be planted to tobacco. Terraces, permanent irrigation, and drainage ditches, and sod waterways which meet the minimum width requirements of subparagraph (2) of this paragraph (f) may be combined to meet the 0.03-acre minimum area requirement.

(iii) *All other crops and land uses.* One-tenth (0.1) acre. Terraces, permanent irrigation, and drainage ditches, and sod waterways which meet the minimum width requirements of subparagraph (2) of this paragraph (f) and contain 0.1 acre or more may be combined to meet the minimum area requirement in those States which have increased the minimum area for deduction under § 718.15.

(2) *Minimum width requirements.* Four links.

(g) *Adjustment credit*—(1) *General.* Any area which is not eligible for deduction under the provisions of paragraph (f) of this section is not eligible for adjustment credit except that areas ineligible because of size may be enlarged to meet the minimum adjustment requirements. Otherwise, adjustment credit may be permitted as provided in subparagraph (2) of this paragraph (g) subject to such further limitations as may be imposed under § 718.15.

(2) *Crops and land uses.* Adjustment credit shall be given for any area in which the crop or land use is adjusted in accordance with program provisions, provided the area is 4 links or more in width and contains at least one-tenth (0.1) acre for crops other than tobacco and at least three-hundredths (0.03) acre for tobacco. If a crop is disposed of in an alternating pattern where single rows of the crop are left standing within the adjusted area, adjustment credit shall not exceed the acreage reduction obtained by recomputing the standing crop acreage of the adjusted area under the rules governing initial acreage determinations. Notwithstanding the area and width requirements otherwise prescribed in this paragraph (g) adjustment of an entire field or subdivision will be allowed. Also an area smaller than the minimum area requirement will be allowed if such area constitutes the total excess or deficient acreage of the crop or land use for the farm or is the remaining area required for adjustment after adjusting entire fields or subdivisions.

(h) *Measurement services*—(1) *Staking and referencing*—(i) *Cotton.* The county committee shall provide a staking and referencing service for cotton when the farm operator requests such service and pays the cost. Rates to be charged shall be recommended by the county committee and approved by the State committee. The staking and referencing shall be performed prior to the beginning of the regular compliance check on the farm. The acreage staked and referenced shall not exceed the farm cotton allotment. If the entire farm allotment is staked and referenced and all the cotton on the farm is within the staked area, the farm shall be considered to be in compliance with the farm acreage allotment.

(ii) *Other crops and land uses.* A staking and referencing service may be made available for other crops and land uses subject to the same conditions as are applicable under subdivision (i) of this subparagraph (1).

(2) *Other measurement services.* Other types of measurement service may be made available for any ASCS program purpose when the operator requests the service and pays the cost as recommended by the county committee and approved by the State committee. Any acreage measured under this provision will be considered as official acreage. Compliance with the allotments, the permitted acreage or the acreage limitation for any other program shall not be guaranteed unless staking and referencing is requested and performed for the entire program acreage limitation under the provisions of subparagraph (1) of this paragraph (h).

(i) *Unusual cases.* Notwithstanding the provisions of this § 718.5, if the State committee is unable to make an equitable determination of acreage under such provisions, the Deputy Administrator shall determine the method to be used in determining such acreage in the following cases:

(1) *Reliance on erroneous advice.* The farm operator has acted in good faith in reliance upon advice, not in accordance with the provisions of this § 718.5, given by a representative of the county or State Agricultural Stabilization and Conservation Committee authorized to furnish information concerning the determination of acreage.

(2) *Practices which defeat program intent.* The method of planting the crop or method of adjusting the crop or land use acreage has the effect of defeating program provisions or is contrary to the intent of such provisions.

§ 718.6 Equipment and materials.

Equipment and materials to be used by reporters in making measurements and recording acreage data shall be prescribed by the Deputy Administrator. Any basic equipment and materials not so prescribed shall not be used.

§ 718.7 Farm inspection and determination of compliance.

(a) *General.* Each farm for which an acreage limitation for a program or an allotment for a crop subject to marketing quotas has been established and any other farm on which there is reason to believe an allotment crop subject to marketing quotas has been planted or will be harvested shall be visited for the purpose of obtaining a report of acreage. This report of acreage shall be obtained by a reporter or other authorized employee of the Department who shall enter on the farm if such entry will facilitate measurement or ascertainment of the acreage of the crop or land use for which a report is required. If requested to do so by any producer interested in the farm, the reporter shall present a written certification from the county office manager authorizing him to secure measurements and other compliance data applicable to that farm. The farm operator, his representative, or a producer on the farm shall be responsible for designating all fields and crops on the farm for which inspection or measurement is required and for assisting the reporter in required measurements.

(b) *Refusal to permit measurement.* If a farm operator refuses to permit acreage measurements for any crop or program for which measurements are required, the county office manager shall immediately notify the farm operator in writing that (1) unless the acreage is measured he will be denied program benefits, and no marketing card will be issued for the farm in the case of cotton or rice, and a 100 percent excess penalty card will be issued for the farm in the case of peanuts or tobacco (except flue-cured tobacco), and in the case of flue-cured tobacco no marketing card showing the tobacco is eligible for price support will be issued if marketing quotas on an acreage-poundage basis are in effect, and (2) he will have 14 days from the date of the written notice to notify the county office he is willing to permit measurement and to pay the cost of making such measurements. If measurements are not permitted within the prescribed time, cases involving crops subject to marketing quotas, shall be referred to the State committee for further referral to the Regional Attorney for appropriate action.

§ 718.8 Report of acreage.

(a) *Obtained by a farm visit.* When a farm inspection, measurement of acreage, or other compliance determination is required under the provisions of § 718.7, the farm operator or his representative shall file a report of acreage with the county committee, or a representative of the county committee, on the form provided for that purpose. A report of acreage shall not be considered complete unless signed by the farm operator or his representative.

(b) *Obtained by certification*—(1) *General.* Notwithstanding other provisions of these regulations requiring farm inspection and measurement, a certification of the acreage and land use made on a form prescribed for such use and signed by the farm operator may be accepted in lieu of such farm inspection and measurement under the conditions prescribed in subparagraphs (2), (3), (5), and (6) of this paragraph (b). A separate certification may be required for each allotment crop and for each conservation reserve contract, except as otherwise provided in subparagraph (4) of this paragraph (b). When a certification in lieu of inspection and measurement is accepted, the farm shall be subject to the following provisions:

(i) Visits to selected farms to determine acreage and compliance at any time during the program year.

(ii) If, at the time of the farm visit, the acreage certified to by the operator and the acreage, as determined by measurement do not agree, the acreage as determined by measurement will be the official acreage unless changed by a remeasurement requested under § 718.13.

(2) *For cotton, rice, peanuts, and tobacco.* When the farm operator certifies that an acreage of cotton, rice, peanuts, and tobacco has not been planted on the farm or, in case of peanuts, that none of the peanuts planted on the farm will be dug.

(3) *For conservation reserve farms.* When a conservation reserve contract is in effect on the farm and the farm operator certifies that:

(i) No soil bank base crops have been or will be planted on the farm during the current year, or an acreage of soil bank base crops has been or will be planted on the farm during the current year but an examination of the contract reveals that the soil bank base established for the farm is equal to the total land in the farm, and

(ii) No soil bank base crops planted or to be planted are or will be located on the designated reserve area on the farm.

(4) *"Whole farm" conservation reserve contracts.* The acceptance of a certification in lieu of a farm visit pursuant to

subparagraph (3) of this paragraph may be considered as meeting the conditions prescribed under subparagraph (2) of this paragraph when a "whole farm" conservation reserve contract is in effect on the farm.

(5) *For areas staked and referenced, or for which official acreages have been established.* The farm operator reports all of the areas devoted to a crop or land use for the farm and official acreages have been established or a staking and referencing service has been performed in the current year for each area devoted to the crop or land use.

(6) *For wheat, sugar crops, and feed grain under the conditions specified below for counties listed in subdivision (x) of this subparagraph (6).* (i) The farm operator reports (*a*) the total acreage of wheat on the farm and (*b*) the total acres diverted from wheat not later than 21 days prior to the wheat disposition date, except that if the farm is also diverting from feed grains the acres diverted from wheat may be reported not later than the latest feed grain disposition date:

(ii) The farm operator reports (*a*) the total acreage of each feed grain crop on the farm not later than 21 days prior to the feed grain crop disposition date and (*b*) the total acres diverted from feed grain not later than 21 days prior to the latest feed grain disposition date.

(iii) The farm operator reports the total acres of sugar crops on the farm (*a*) for sugar beets, not later than 30 days after normal completion of planting or such later date approved by the State committee, or (*b*) for sugar cane, not later than 45 days prior to the earliest harvest date or such earlier date approved by the State committee.

(iv) When an acreage reported by the farm operator is in excess of that permitted for a crop or, in the case of diverted acreage, is deficient, or the farm is enrolled in both the wheat and feed grain programs and is eligible for substitution, a notice of acreage shall be furnished to the farm operator in accordance with 718.10(a). The notice shall inform the farm operator that if he elects to adjust an acreage, such acreage must be adjusted and an amended report of acreage filed not later than the final disposition date for the crop, or in the case of diverted acreage not later than (*a*) the wheat disposition date for farms diverting from wheat only or (*b*) the latest feed grain disposition date for farms diverting from feed grains or from wheat and feed grains.

(v) Notwithstanding the provisions of subdivisions (i) through (iv) of this subparagraph (6), crops and land uses for which the farm operator's report of acreage was accepted will be measured on the number of farms as determined by the Deputy Administrator.

(vi) If the reported crop or land use acreage and the acreage determined by measurement do not agree, a notice of acreage shall be mailed to the farm operator in accordance with § 718.10(a).

(vii) Notwithstanding any other provisions in these regulations for adjustment of acreages, adjustment of acreages shall not apply when acreage is determined under subdivision (vi) of this subparagraph (6) except that (*a*) adjustment of sugar crop acreages shall be in accordance with Parts 850 and 855 of this chapter VII, and (*b*) additional eligible land may be designated as diverted acreage, provided that disposition of a crop to make the acreage eligible for diverted acreage shall not be permitted.

(viii) The county committee may accept a report of acreage after the dates specified in subdivisions (i) through (iv) of this subparagraph (6) upon receipt of satisfactory proof that the producer was prevented from reporting the acreage by the date specified because of reasons beyond his control.

(ix) Notwithstanding the provisions of this subparagraph (6) of this paragraph (b), compliance with the wheat, sugar and feed grain programs on farms with a conservation reserve contract shall be determined by a farm visit.

(x) Designated counties.

ALABAMA

Feed Grain—Bibb.
Wheat and Feed Grain—Baldwin, Blount, Calhoun, Chambers, Cherokee, Chilton, Clarke, Clay, Cleburne, Colbert, Coosa, Dale, Escambia, Franklin, Henry, Jefferson, Lamar, Lauderdale, Mobile, Montgomery, Perry, St. Clair, Tallapoosa, Walker, Washington, and Winston.

CALIFORNIA

Wheat and Feed Grain—Alameda, Butte, Colusa, Fresno, Glenn, Kern, Kings, Lassen, Los Angeles, Madera, Marin, Mendocino, Merced, Modoc, Monterey, Napa, Placer, Riverside, Sacramento, San Diego, San Joaquin, San Luis Obispo, Santa Barbara, Santa Clara, Shasta, Sierra, Solano, Sonoma, Stanislaus, Sutter, Tehama, Tulare, Yolo, and Yuba.

COLORADO

Wheat and Feed Grain—Costilla, Dolores, Douglas, Elbert, El Paso, Fremont, Garfield, Jefferson, La Plata, Moffat, Montezuma, and Rio Blanco.
Wheat, Feed Grain and Sugar—Adams, Alamosa, Baca, Conejos, Crowley, Kit Carson, Las Animas, Mesa, Montrose, Morgan, Phillips, Prowers, Pueblo, Rio Grande, Saguache, and Weld.
Feed Grain and Sugar—Bent.
Feed Grain—Kiowa.

DELAWARE

Wheat and Feed Grains—Kent.

FLORIDA

Wheat and Feed Grains—Escambia.

GEORGIA

Wheat and Feed Grains—Habersham, Hall, Forsyth, Union, and Whitfield.

IDAHO

Wheat and Feed Grains—Camas, Kootenai, Lewis, Madison, Minidoka, Nez Perce, Oneida, Owyhee, Payette, Power, and Teton.

ILLINOIS

Wheat and Feed Grains—Adams, Bureau, Cass, Champaign, Clark, Clinton, Coles, Edgar, Fayette, Ford, Gallatin, Greene, Hancock, Henry, Kane, Kendall, La Salle, Livingston, Menard, Monroe, Montgomery, Moultrie, Peoria, Piatt, Pike, Randolph, Scott, Shelby, Stark, Washington, and White.

INDIANA

Wheat and Feed Grains—Adams, Benton, Blackford, Boone, Carroll, Cass, Daviess, Dubois, Fayette, Fulton, Henry, Jasper, Jay, Jennings, Orange, Parke, Pulaski, Ripley, Rush, Tipton, Union, Warren, Wells, and White.

IOWA

Wheat and Feed Grains—Adair, Adams, Appanoose, Audubon, Buena Vista, Carroll, Cass, Cedar, Cherokee, Clarke, Clay, Clinton, Crawford, Dallas, Davis, Decatur, Des Moines, Dickinson, Fremont, Guthrie, Henry, Ida, Iowa, Jasper, Jefferson, Johnson, Keokuk, Lee, Louisa, Lucas, Lyon, Madison, Mahaska, Marion, Mills, Monona, Monroe, Montgomery, Muscatine, O'Brien, Osceola, Page, Plymouth, Polk, Pottawattamie, Poweshiek, Ringgold, Sac, Scott, Shelby, Sioux, Tama, Taylor, Union, Van Buren, Wapello, Warren, Washington, Wayne, and Woodbury.
Wheat, Feed Grains and Sugar—Monona.

KANSAS

Wheat and Feed Grain—Barton, Clay, Dickinson, Logan, Nemaha, Seward, Stevens, and Wabaunsee.
Wheat, Feed Grain and Sugar—Cheyenne, Finney, Kearney, Morton, Stanton, Wallace, and Wichita.
Feed Grain and Sugar—Grant, Greeley, Hamilton, Haskell, and Sherman.
Feed Grain—All remaining counties in the State.

KENTUCKY

Wheat and Feed Grain—Crittenden and Union.

LOUISIANA

Sugar and Feed Grain—Ascension, Assumption, Iberville, Lafourche, St. Charles, St. James, St. John, St. Mary, Terrebonne, and West Baton Rouge.

MARYLAND

Wheat and Feed Grain—Queen Annes.
Feed Grain—Kent.

MICHIGAN

Wheat and Feed Grain—Allegan, Barry, Bay, Berrien, Branch, Calhoun, Cass, Eaton, Gratiot, Hillsdale, Ionia, Kalamazoo, Kent, Lenawee, Monroe, Montcalm, Ogemaw, Ottawa, Saginaw, St. Joseph, Sanilac, Shiawassee, Tuscola, Van Buren, and Washtenaw.

MINNESOTA

Wheat and Feed Grain—Benton, Blue Earth, Cottonwood, Jackson, Lyon, Morrison, Mower, Murray, Nobles, West Ottertail, East Ottertail, Rock, Sherburne, Todd, Winona, and Wright.
Wheat, Feed Grain and Sugar—Brown, Carver, Chippewa, Faribault, Freeborn, Kandiyohi, Lac qui Parle, Martin, Meeker, Redwood, Renville, Swift, Watonwan, and Yellow Medicine.

MISSOURI

Wheat and Feed Grain—Andrew, Atchison, Audrain, Barry, Buchanan, Caldwell, Carroll, Cedar, Christian, Clark, Clay, Dade, Greene, Grundy, Harrison, Howell, Knox, Lafayette, Lawrence, Lewis, Linn, Mercer, Montgomery, Nodaway, Perry, Pettis, Phelps, Platte, Polk, Putnam, Ray, Ripley, St. Charles, Saline, Schuyler, Scott, and Shelby.

MONTANA

Wheat and Feed Grain—Blaine, Carbon, Cascade, Chouteau, Custer, Daniels, Dawson, Fergus, Flathead Glacier, Hill, Judith Basin, Liberty, Phillips, Pondera, Sheridan, Stillwater, Teton, Toole, Treasure, Valley, and Yellowstone.

NEBRASKA

Wheat and Feed Grain—Adams, Banner, Boone, Box Butte, Buffalo, Butler, Cheyenne, Clay, Dawes, Dawson, Deuel, Fillmore, Franklin, Furnas, Garden, Gosper, Greeley, Hall, Hamilton, Harlan, Jefferson, Kearney, Kimball, Merrick, Morrill, Nance, Nuckolls, Phelps, Polk, Saline, Scotts Bluff, Sheridan, Sioux, Thayer, Valley, Webster, and York.

NEW JERSEY

Wheat and Feed Grain—Morris.

NEW MEXICO

Wheat and Feed Grain—Colfax, Quay, and Union.
Sugar and Feed Grain—Curry.

NEW YORK

Wheat and Feed Grain—Albany, Cayuga, Clinton, Dutchess, Erie, Essex, Franklin, Fulton, Genesee, Jefferson, Lewis, Livingston, Monroe, Montgomery, Niagara, Onondaga, Ontario, Orleans, Otsego, Rensselaer, St. Lawrence, Saratoga, Schoharie, Schenectady, Seneca, Washington, Wayne, Wyoming, and Yates.

NORTH DAKOTA

Wheat and Feed Grain—Barnes, Burke, Golden Valley, Nelson, Ransom, and Sioux.

OHIO

Wheat and Feed Grain—Allen, Ashland, Auglaize, Butler, Champaign, Clark, Clermont, Clinton, Crawford, Darke, Defiance, Delaware, Erie, Fairfield, Fayette, Franklin, Fulton, Greene, Hamilton, Hancock, Hardin, Henry, Highland, Huron, Knox, Licking, Logan, Lorain, Lucas, Madison, Marion, Mercer, Miami, Montgomery, Morrow, Ottawa, Paulding, Pickaway, Preble, Putnam, Rickland, Ross, Sandusky, Seneca, Shelby, Union, Van Wert, Warren, Williams, Wood, and Wyandot.

OKLAHOMA

Wheat and Feed Grain—Alfalfa, Beaver, Cimarron, Craig, Garfield, Grant, Kay, Kingfisher, Logan, Ottawa, and Texas.

OREGON

Wheat and Feed Grain—Baker, Clackamas, Gilliam, Jefferson, Klamath, Lake, Linn, Malheur, Marion, Morrow, Polk, Sherman, Umatilla, Union, Wallowa, Wasco, Washington, Wheeler, and Yamhill.

PENNSYLVANIA

Wheat and Feed Grain—Armstrong, Bedford, Bucks, Butler, Cambria, Carbon, Centre, Clarion, Columbia, Crawford, Dauphin, Erie, Fayette, Forest, Franklin, Fulton, Huntingdon, Indiana, Juniata, Lawrence, Lehigh, Lycoming, Mercer, Monroe, Montgomery, Montour, Northampton, Northumberland, Perry, Schuylkill, Snyder, Somerset, Union, Venango, Washington, and Westmoreland.

SOUTH DAKOTA

Wheat and Feed Grain—Bennett, Butte, Clay, Corson, Custer, Dewey, Haakon, Harding, Hughes, Jackson, Jones, Lincoln, Meade, Mellette, Minnehaha, Pennington, Perkins, Potter, Shannon, Stanley, Sully, Todd, Tripp, Union, Washabaugh, and Ziebach.

TENNESSEE

Wheat and Feed Grain—Coffee, Dickson, Franklin, Gibson, Hickman, Humphreys, Lewis, Marshall, Perry, and Trousdale.

TEXAS

Wheat and Feed Grain—Armstrong, Carson, Dallam, Gray, Hansford, Hartley, Hemphill, Hutchinson, Lipscomb, Moore, Ochiltree, Oldham, Potter, Randall, Roberts, and Sherman.

Wheat, Feed Grain and Sugar—Deaf Smith.
Sugar—Castro and Parmer.

UTAH

Wheat and Feed Grain—Kane, Millard, Rich, San Juan, Wasatch, Washington, and Wayne.
Wheat, Feed Grain and Sugar—Box Elder, Cache, Davis, Iron, Juab, Salt Lake, Sanpete, Sevier, Utah, and Weber.

VIRGINIA

Wheat and Feed Grain—Accomack, Alleghany, Augusta, Bath, Botetourt, Caroline, Charles City, Clarke, Culpeper, Essex, Fairfax, Fauquier, Frederick, Gloucester, Greene, Hanover, Henrico, Highland, James City, King George, King and Queen, King William, Lancaster, Loudoun, Madison, Mathews, Middlesex, New Kent, Northampton, Northumberland, Orange, Page, Prince William, Rappahannock, Richmond, Rockbridge, Rockingham, Shenandoah, Spotsylvania, Stafford, Warren, Westmoreland, and York.

WASHINGTON

Wheat and Feed Grain—Asotin, Klickitat, Lewis, Lincoln, Spokane, and Stevens.
Wheat, Feed Grain and Sugar—Franklin, Grant, and Walla Walla.

WEST VIRGINIA

Wheat and Feed Grain—Berkeley, Jefferson, and Morgan.

WISCONSIN

Wheat and Feed Grain—Barron, Brown, Burnett, Calumet, Chippewa, Columbia, Crawford, Dane, Door, Grant, Green, Iowa, Jefferson, Kenosha, Kewaunee, La Crosse, Lafayette, Manitowoc, Milwaukee, Portage, Racine, Richland, Sauk, Sheboygan, Vernon, Walworth, Waukesha, and Wood.

WYOMING

Wheat and Feed Grain—Crook.
Wheat, Feed Grain and Sugar—Fremont.

(c) *Obtained from rice or sugar companies*—(1) *General.* Notwithstanding other provisions in these regulations requiring farm inspection and measurement, acreage measurements made by the water or irrigation company furnishing water for the production of rice on the farm or by the company contracting for the processing of sugar cane or sugar beets on the farm may be accepted in lieu of farm inspection and measurement subject to the provisions of § 718.13 provided:

(i) Substantially all of the rice or sugar acreage in the county will be determined by the company.

(ii) The county committee is willing to accept such measurements, and

(iii) Farm visits are made in accordance with subparagraph (2) of this paragraph.

(2) *Farm visit requirements.* When the use of company measurements has been authorized, visits to a representative number of farms shall be made to determine the acceptability of the company measurements. If the difference between the acreage determined by county office personnel and that determined by company representatives for any farm does not exceed 2 percent or five-tenths (0.5) acre, whichever is larger, the acreage determination made by the company shall be considered acceptable. When the difference exceeds this variance, the acreage determination made by county office personnel shall be used. If the county committee determines, as a result of the farm visits that the company's measurements are not acceptable, the acreage for each farm shall be determined by county office personnel.

(3) *Exceptions.* The rice or sugar crop acreage for any farm on which a conservation reserve contract is in effect and the rice acreage on any farm on which the company shares in the rice crop shall be determined by county office personnel irrespective of the acceptance of company measurements on other farms in the area.

§ 718.9 Computation of acreage.

(a) *General.* Acreages shall be determined by personnel of the county office from data secured by the reporter. The rule of fractions and extent of calculations prescribed in this section govern the computation of acreages.

(b) *Rule of fractions*—(1) *Tobacco.* Each field or subdivision computed will be recorded in acres and hundredths of acres, dropping all thousandths, except where the field or subdivision being measured is less than one-hundredth (0.01) acre in which case the computations shall be carried to five decimal places and the acreage recorded in acres and thousandths. The total farm acreage of each kind of tobacco shall be the sum of the field and subdivision acreages of each kind of tobacco and shall be recorded in acres and hundredths of acres, dropping all thousandths.

(2) *Sugar crops in Puerto Rico, Virgin Islands, and Hawaii.* Each field or subdivision computed will be recorded in acres and hundredths of acres, dropping thousandths. The total farm acreage shall be the sum of the field and subdivision acreages recorded in acres and hundredths of acres.

(3) *Other crops and land uses.* Compute field and subdivision acreages in acres and hundredths, dropping all thousandths. Record net acreage for each field and subdivision in acres and tenths, dropping hundredths. Where a field or subdivision devoted to a crop is less than one-tenth (0.1) acre, record the net acreage in hundredths of acres. The total farm acreage for a crop or land use shall be the sum of the field and subdivision acreages of such crop or land use recorded in acres and tenths.

§ 718.10 Notice to farm operator.

(a) *General.* After the determination of acreages for the farm which are relevant in determining compliance with the allotment for an allotment crop or compliance with respect to any program, a written notice of such acreages shall be furnished to the farm operator. The notice shall be on a form prescribed by the Deputy Administrator and the furnishing of the notice to the farm operator shall constitute notice to all producers on the farm.

(b) *Erroneous notice.* If, under applicable regulations, a farm is determined to be out of compliance for marketing quota, price support, or soil bank purposes, the farm nevertheless shall be deemed in compliance with the acreage allotment for marketing quota and price support purposes and not in violation of the conservation reserve contract with

respect to the farm (unless the crop involved in the excess is located on the conservation reserve area) if the county committee, with the approval of the State executive director, determines that lack of compliance was caused by all of the following:

(1) Reliance in good faith by the farm operator on an erroneous notice of acreage issued hereunder; and

(2) The incorrect notice was the result of an error made by an employee of the county or State office in reporting, computing, or recording an acreage for the farm; and

(3) Neither the farm operator nor any producer on the farm was in any way responsible for the error; and

(4) The extent of the error in the erroneous notice was such that the farm operator would not reasonably be expected to question the acreage of which he was erroneously notified.

(c) *Erroneous excess notice.* If the erroneous notice of acreage shows excess acreage which is not adjusted in accordance with applicable regulations the farm will not be deemed in compliance, but if the provisions of paragraph (b) (1) through (4) of this section are met with respect to additional excess acreage not shown on the notice, the acreage entered on the notice will be used for program purposes.

(d) *Special designation.* The Administrator, Agricultural Stabilization and Conservation Service, may designate an employee of the Department of Agriculture to exercise the function of approving determinations of the county committee under paragraphs (b) and (c) of this section and if an employee is so designated no determination of the county committee thereunder shall be effective unless approved by the designated employee.

§ 718.11 Spot checks.

The State or county committee or the Deputy Administrator may at any time require a visit to spot check the acceptability of the work performed on any farm by any reporter. If requested to do so by any producer interested in the farm, the person authorized to make the spot check shall present his written authorization to spot check the work on that farm.

§ 718.12 Cost of measurement.

The cost of initially determining the acreage of a crop or land use for which measurements are required shall be paid from administrative funds. Additional determinations shall be made in accordance with §§ 718.13 and 718.14.

§ 718.13 Redetermination of acreage.

(a) *General*—(1) *Authorized by ASCS.* The State or county committee or the Deputy Administrator may require a redetermination of the acreage and compliance at any time with respect to any program for any farm.

(2) *Requested by producer.* If the farm operator or other producer interested in the crop requests a remeasurement of an acreage which he believes to be in error, such acreage shall be remeasured provided the producer deposits the cost of remeasurement with the county office and files a request for remeasurement within 15 days from the date of the notice of acreage or the disposition date for the crop, whichever is earlier, for all crops except tobacco, and in the case of tobacco within 10 days from the date of the notice of acreage. For flue-cured tobacco, the State committee may provide for the reduction of such time to 7 days. The rates to be charged for the remeasurement service shall be recommended by the county committee and approved by the State committee.

(3) *Methods authorized.* Remeasurement may be accomplished by use of a transit, alidade, or other precision instrument or by any other method authorized by this part. Acreages determined or redetermined by authorization of ASCS shall rule over any acreage determination made by an unauthorized person.

(4) *Notifying producer.* After the remeasurement of any acreage, the county office manager shall notify the farm operator of the acreage as determined by remeasurement.

(b) *Late-filed requests.* If the farm operator or any producer interested in the acreage planted to a crop on the farm applies for a remeasurement within a reasonable length of time after the prescribed period, and establishes to the satisfaction of the county office manager that failure to request remeasurement within the prescribed period was due to conditions beyond the control of the producers on the farm, the county office manager shall grant the request for remeasurement.

(c) *Conditions governing refund of deposit.* The deposit made for the expense of the remeasurement of the initially determined acreage or of the adjusted acreage shall be refunded when because of an error made in the determination of such acreage:

(1) The acreage as redetermined is considered to be within the allotment, permitted, or intended acreage, whichever is applicable, or

(2) The redetermination of the acreage involved in the remeasurement results in a change in the corresponding previously determined acreage of as much as three percent or five-tenths (0.5) acre, whichever is larger.

(d) Subsequent remeasurement at the request of the producer shall be made only upon approval of the State committee.

§ 718.14 Adjustment of acreage.

(a) *General.* If the farm operator or other producer on the farm elects to adjust the acreage of a crop or land use in accordance with applicable regulations, the farm shall be revisited for the purpose of determining the adjusted acreage under the conditions prescribed in this section. Disposition of excess tobacco must be witnessed by a representative of the county committee unless disposition is made before any tobacco on the farm has matured sufficiently for harvest. Unless the requirements for the measurement of an adjusted acreage are met, the acreage as determined prior to such adjustment shall be considered as the acreage for the farm in determining whether the applicable farm allotment has been exceeded or whether the applicable acreage requirements for any other program have been met. When the producer must pay the cost of determining the adjusted acreage, the rates to be charged shall be recommended by the county committee and approved by the State committee.

(b) *Timing requirements*—(1) *Notification of adjustment.* If the farm operator or other producer on the farm elects to adjust an acreage, he shall notify the county office manager by the applicable date specified in subdivisions (i) through (viii) of this paragraph (b) (1) that he has adjusted the acreage or that he intends to adjust the acreage in case of tobacco or peanuts. Notification is not required if the final acreage of the crop will be determined at ASCS expense under the conditions prescribed in paragraph (c) (1) of this section.

(i) *For crops and land uses where a disposition date has been established.* By the established disposition date or 15 days from the date of the notice of acreage, whichever is later.

(ii) *For cotton where a disposition date has not been established.* Fifteen days from the date of the notice of acreage.

(iii) *For tobacco*—(a) To be eligible for price support, 10 days from the date of the notice of acreage, except in States where a 7-day period has been established for flue-cured tobacco.

(b) To avoid a marketing quota penalty, before any marketing.

(iv) *For peanuts.* Before any marketing, except for green peanuts before any peanuts of the same type are picked or threshed.

(v) *For deficient diverted acreage*—(a) *Acreage is diverted under the wheat diversion program only.* Fifteen days from the date of notice or the established disposition date for wheat, whichever is later.

(b) *Acreage is diverted under feed grain program only.* When barley is the only feed grain crop planted on the farm, the established disposition date for barley or 15 days from date of the notice, whichever is later. When feed grain crops in addition to barley will be planted, the latest disposition date for feed grains or 15 days from the date of the notice, whichever is later.

(c) *Acreage diverted under both wheat and feed grain programs.* Fifteen days from the date of the notice or the latest disposition date, whichever is later.

(vi) *For crop disposition to meet the conserving base requirement.* The established disposition date or 15 days from the date of the notice, whichever is later. Where an established disposition date is not applicable, 15 days from the date of the notice.

(2) *Substitution of diverted acreage.* The latest disposition date for feed grain, except that the disposition date for wheat will apply when the farm is enrolled in the wheat program only.

(c) *Responsibility for cost of revisits to farms*—(1) *Adjustment of acreage.* If the farm operator or other producer on the farm elects to adjust an acreage, the cost of revisiting the farm shall be paid by the producer, except that the visit will be made at ASCS expense when:

(i) The revisit is to determine the disposition or classification of an estimated acreage of a crop when the measured acreage of such crop was within the allotment or other acreage limitation.

(ii) The revisit is to determine the classification of an acreage of a grain mixture.

(iii) The entire excess for peanuts is caused by an acreage initially reported for hogging and the revisit is the first revisit made for the purpose of determining the disposition of such acreage.

(iv) The revisit is for the purpose of determining the classification of a crop which may be classified as a soil bank base crop on the basis of the use made of the crop.

(v) The revisit is for the purpose of verifying or determining the classification of an approved cover crop on diverted acreage.

(vi) The entire acreage of a crop is abandoned because of the destruction or failure of the crop caused by reasons beyond the control of the producer.

(2) *Release of diverted or conservation reserve acreage in designated emergency areas.* If a farm visit which would not otherwise be required is necessary in a designated emergency area for the purpose of determining an acreage of designated conservation reserve or diverted acreage which has been released for grazing or for the harvesting of a crop of hay, the cost of the visit shall be paid by the producer.

(3) *Substitution of diverted acreage.* If a farm visit which would not otherwise be required is necessary to obtain a report of acreage diverted in lieu of an acreage previously designated, the cost of the visit shall be paid by the producer.

(d) *Measurement of acreage prior to adjustment.* The county committee may provide for the measurement of acreage prior to adjustment, and for verification of the disposition in case of excess, if the producer files a request and pays the cost of the service.

(e) *Extension of time for adjustment of acreage.* If producers on a farm are unable to adjust an acreage within the time limit specified on the notice of acreage, any producer having an interest in the crop or program involved may request the county office manager to grant an extension of time. The request shall be in writing and shall state why the producers are unable to adjust the acreage within the time limit specified. If the county office manager determines from the facts stated that the producers were prevented by reasons beyond their control from adjusting the acreage within the time specified, the date for adjustment may be extended to grant an additional period of time equal to that provided by the latest notice of acreage but not to exceed 15 days.

(f) *Further adjustment after remeasurement or initial adjustment.* If the determination made as a result of the remeasurement of an acreage or after an initial adjustment reveals that the acreage is still in excess or is deficient in case of diverted acreage, a revised notice of acreage may be furnished to the farm operator providing for acreage adjustment within 7 days from the date of such notice or the applicable disposition date, whichever is later, or in the case of cotton, when no disposition date has been established within 7 days from the date of such notice. Notwithstanding the provisions of this paragraph (f), for tobacco and peanuts, the revised notice of acreage shall provide for disposition in accordance with applicable program provisions.

(g) *No adjustment after harvest.* No adjustment shall be made in the planted acreage of any crop by disposition of excess acreage after any of the crop has been harvested from such acreage, except that adjustment of the farm peanut acreage or the acreage of any kind of tobacco shall be made in accordance with applicable regulations.

(h) *Failure to notify county office of intent or completion of adjustment of acreage*—(1) *Notice of disposition.* If the farm operator or other producer on the farm failed to notify the county office of intent or completion of disposition of excess acreage in accordance with the provisions of paragraph (b) of this section, credit for disposition may be given for crops other than tobacco if the producer pays the cost of determining the acreage and establishes to the satisfaction of the county committee that the crop on the excess acreage was in fact disposed of prior to the disposition date: *Provided, however,* That if a notice of farm marketing excess for cotton or rice has been issued on the basis of such excess acreage, no credit for disposition of such excess acreage prior to the disposition date can be given unless application, in writing, to so establish such disposition, is filed with the county committee within 15 days after the mailing date of the farm marketing excess notice. The determination of the county committee, with respect to the application shall be evidenced by the issuance and mailing of a revised notice of farm marketing excess. In case of tobacco, the county committee may accept a notice of intention filed after the date specified on the notice of acreage upon receipt of satisfactory proof that the producer was prevented from notifying the county office by the date specified because of conditions beyond his control.

(2) *Failure to notify county office of adjustment of deficient diverted acreage.* If all program requirements relating to eligibility for diversion payment are met except for timely notifying the county office of the adjustment of deficient diverted acreage, additional eligible acreage may be designated if the county committee determines that the producer failed to make timely notification of the adjustment of acreage due to a misunderstanding of his responsibility under the program regulations.

§ 718.15 State committee options.

(a) If general cultural practices in the area warrant such action, the State committee, upon approval of the Deputy Administrator, may establish a minimum row width for specific crops of less than 4 links prescribed in § 718.2(g), may increase the minimum area and width requirement for deductible area under § 718.5(f), may increase the minimum area and width requirements for adjustment credit under § 718.5(g)(2), may provide for computing acreages for fields and subdivisions under § 718.9(b)(3) in acres and tenths, dropping all hundredths, and may decrease the five-tenths (0.5) acre minimum error requirement under § 718.13(c)(2) to not less than one-tenth (0.1) acre.

(b) The State committee determinations prescribed in this paragraph (b) deviate from the standards otherwise prescribed in this part, are effective for 1965, and will remain effective for subsequent years unless and until amended:

TABLE OF SECTIONS AFFECTED BY STATE COMMITTEE DETERMINATIONS PURSUANT TO § 718.15(b)

State	Sec. 718.2(g) Normal Row Width	Sec. 718.5(f) Deduction Credit	Sec. 718.5(g)(2) Adjustment Credit	Sec. 718.9(b)(3) Acreage Computations	Sec. 718.13(c)(2) Remeasurement Refund
Alabama	14 inches for peanuts. 30 inches for cotton.	Minimum width within the planted area, (1) 4 rows for all row crops except cotton; (2) 20 links for close-sown crops.	Minimum width, (1) 4 rows for all row crops except cotton; (2) 20 links for close-sown crops.	Acres and tenths.	0.25 acre. 0.2 acre.
California					
Colorado					
Connecticut					
Delaware					
Florida	18 inches for peanuts. 16 inches for peanuts.	Minimum width, (1) Turn rows, 31 links; (2) Other unplanted areas, 6 links.		Acres and tenths.	
Georgia					
Idaho		Minimum width, 36 inches.	Minimum width, 36 inches.	Acres and tenths.	0.1 acre.
Illinois		Minimum area, 0.1 acre for tobacco.	do.	do.	
Indiana		Minimum width, 36 inches, except 75 inches for terraces and sod waterways. Minimum width, 8 links except 16 links for terraces, permanent irrigation and and drainage ditches, and sod waterways.	Minimum area, 0.5 acre for all crops and land uses except tobacco. Minimum width, 8 links.	do.	0.1 acre for tobacco.

TABLE OF SECTIONS AFFECTED BY STATE COMMITTEE DETERMINATIONS PURSUANT TO § 718.15(a)—Continued

State	Sec. 718.2(g) Normal Row Width	Sec. 718.5(f) Deduction Credit	Sec. 718.6(g)(3) Adjustment Credit	Sec. 718.9(b)(3) Acreage Computations	Sec. 718.12(c)(2) Remeasurement Refund
Iowa		Minimum width, 7 links	Minimum width, 7 links		
Kansas	30 inches for sugarbeets.		Minimum area, 0.5 acre for all crops and land uses except tobacco and sugarbeets.	Acres and tenths	
Kentucky			Minimum width for tobacco: (1) Inside planted area and along end boundaries, the smaller of 10 links or 3 rows; (2) Along boundaries parallel to the rows in the field, one row.		
Louisiana		Unplanted contour levees within rice field are not eligible for deduction.	Minimum area 1.0 acre. Minimum width 0.5 chain, except for cotton, peanuts, corn, grain sorghums and barley.		
Maryland					
Michigan				Acres and tenths	
Minnesota	30 inches for sugarbeets.	Minimum area, 0.1 acre for tobacco and sugarbeets; 0.3 acre for all other crops and land uses. Minimum width, 10 links.	Minimum area, 0.1 acre for tobacco and sugarbeets; 0.3 acre for all other crops and land uses. Minimum width, 10 links.	do	
Mississippi		Minimum width, (1) For terraces, 36 inches; (2) For irrigation and drainage ditches and sod waterways, 0.1 chain; (3) For deduction around the perimeter of the field, 2 rows (72 inches) for row crops; 0.1 chain for close-sown crops; (4) For deductions within the planted area, 4 rows (144 inches) for row crops when an intertilled or fallow-strip planting patterns is not involved; 0.2 chain for close-sown crops.	Minimum area, 0.3 acre except for cotton destroyed by installation of an irrigation system. Minimum width 0.1 chain.	do	
Missouri			Minimum area, 1.0 acre for diverted acres, except that areas of less than 1.0 acre may be accepted if they are stripe of not less than 4 normal rows in width in skip-row planting patterns.		0.1 acre for tobacco.
Montana	22 inches for sugarbeets.			Acres and tenths	
Nebraska	do	Minimum area, 0.5 acre for all crops and land uses except sugarbeets. For terraces, permanent irrigation and drainage ditches, and sod waterways each area must meet the minimum requirements.	Minimum area, 1.0 acre for all crops and land uses except sugarbeets.	do	
New Jersey					
New Mexico				do	
New York				do	
North Carolina	18 inches for peanuts; 30 inches for corn.			do	0.3 acre.
North Dakota	20 inches for sugarbeets.				
Ohio	28 inches for sugar beets and horticultural crops.	Minimum area within the planted area, 0.3 acre for all crops except tobacco. Minimum width, (1) Areas along the perimeter of a field, 9 links; (2) Areas within the planted area, 18 links for all crops except tobacco. For tobacco, 9 links.	Minimum area, 0.3 acre for all crops except tobacco. Minimum widths: (1) For tobacco, (a) within the planted area, 6 links; (b) along side(s) of a field, one row; (c) on end(s) of a field, 9 links. For all other crops, (a) within the planted area; 12 links; (b) along field boundaries, 9 links.	Acres and tenths	0.1 acre for tobacco.
Oklahoma					
Oregon	30 inches for sugarbeets.	Minimum width, for close-sown crops within the planted area, 6 feet.		do	
Pennsylvania				do	
South Dakota		Minimum area, 0.5 acre for all crops except sugar beets.	Minimum area, 0.5 acre for all crops and land uses except sugar beets.	do	
Tennessee			Minimum widths: (1) For row crops other than tobacco, 4 rows; (2) For tobacco, (a) along field boundary, one row; (b) within planted area, 2 rows.	do	For tobacco, 0.1 acre.
Texas	18 inches for vegetable crops; 30 inches for sugar beets.	Minimum width, 9 links.			
Utah	22 inches.				
Virginia				Acres and tenths	For areas of less than 5 acres, 10 percent or 0.1 acre, whichever is larger.
Washington	22 inches for sugar beets and beans.				
West Virginia					
Wisconsin	33 inches for tobacco.	Minimum width, (1) For all crops except tobacco, 6 links; (2) For terraces, permanent irrigation and drainage ditches, and sod waterways, 73 inches.	Minimum width for diverted acreage, 6 links.	Acres and tenths	0.1 acre for tobacco.
Wyoming	20 inches for sugar beets.			do	
				do	

Effective date. Since the determination of acreage and compliance for the 1965 program year is now in progress, it is imperative that these regulations be issued as soon as possible. Accordingly, it is hereby determined that compliance with the notice, public procedure, and effective date provisions of the Administrative Procedure Act (5 U.S.C. 1003) is impracticable and contrary to the public interest and that the provisions of this part shall become effective upon publication in the FEDERAL REGISTER.

Signed at Washington, D.C., on May 28, 1965.

H. D. GODFREY,
Administrator, Agricultural Stabilization and Conservation Service.

[F.R. Doc. 65-5655; Filed, June 4, 1965; 8:45 a.m.]

[Amdt. 5]

PART 728—WHEAT

Subpart—Wheat Diversion Program for 1964 and 1965

MISCELLANEOUS AMENDMENTS

The regulations governing the Wheat Diversion Program for 1964 and 1965, 28 F.R. 5133, as amended, are hereby amended as follows:

§ 728.51 [Amended]

1. Section 728.51(b)(6) is amended by inserting the words "or land in a National wildlife refuge" immediately after the word "possession" in the last sentence thereof.

2. Section 728.51(c)(2)(ii) is amended by inserting immediately following the second sentence thereof the follow new sentence: "For purposes of this subdivision (ii), all persons or entities in each category listed below shall be considered as one producer and fully responsible for the actions of any person or entity in that category: (*a*) A partnership and any member of the partnership; (*b*) a corporation and the majority stockholder of such corporation; (*c*) an estate and an heir of the estate with over a 50 percent interest in the estate; (*d*) a trust and a beneficiary of the trust with over a 50 percent interest in the trust; (*e*) minor children and the parent, guardian, or other person legally responsible for the minor; and (*f*) husband and wife, except the husband and wife may be considered as separate producers if they do not occupy the same household, managerial control of the noncomplying farm is not shared by the spouse, and there have been no changes in the operations or managerial control of the noncomplying farm which would tend to defeat the purpose of the provisions of this subparagraph (ii)."

3. Section 728.52(e) is amended to read as follows:

§ 728.52 Designation, use, and care of diverted acreage.

* * * * *

(e) *Diverted acreage devoted to designated crops planted for harvest in lieu of conservation uses.* For 1964, diverted acreage devoted to castor beans, guar, sunflower, safflower, or sesame may be harvested. For 1965, only that part of the diverted acreage in excess of the minimum required diverted acreage devoted to castor beans, guar, sunflower, safflower, sesame, or flax may be harvested.

* * * * *

4. Section 728.57(b) is amended to read as follows:

§ 728.57 Determination of payment rates.

* * * * *

(b) Notwithstanding any other provision of this section, the rates of payment for land devoted to substitute crops shall be as provided in this paragraph. The rates of payment under the 1964 program shall be (1) 50 percent of the payment rate per acre otherwise applicable to the farm in the case of diverted acreage devoted to guar, castor beans, and sesame, and (2) 30 percent of the payment rate per acre otherwise applicable to the farm in the case of diverted acreage devoted to sunflower. No diversion payment shall be made with respect to diverted acreage devoted to safflower. The rates of payment under the 1965 program for diverted acreage devoted to approved substitute crops shall be a percentage of the average per acre farm diversion payment for wheat and feed grains for which the farm would have qualified had there been no substitute crop. The percentages are 30 percent for sunflower and 50 percent for castor beans, guar, and sesame. No diversion payment shall be made with respect to diverted acreage devoted to flax or safflower.

* * * * *

§ 728.61 [Amended]

5. Section 728.61(c) is amended by changing the period at the end thereof to a comma and adding the following: "and (2) a producer may revise a previously filed Form ASCS-477 (Wheat) at any time prior to the closing date established by the Administrator, ASCS, for filing Form ASCS-477 (Wheat) for spring-seeded wheat except that no Form ASCS-477 (Wheat) filed during the period for filing Form ASCS-477 (Wheat) for fall-seeded wheat may be revised after the close of such period to elect to produce excess wheat as provided in § 728.107 of the regulations governing the Farm Wheat Certificate Program.".

Effective date. Upon publication in the FEDERAL REGISTER.

Signed at Washington, D.C., on May 28, 1965.

E. A. JAENKE,
Acting Administrator, Agricultural Stabilization and Conservation Service.

[F.R. Doc. 65-5695; Filed, June 4, 1965; 8:48 a.m.]

Chapter IX—Consumer and Marketing Service (Marketing Agreements and Orders; Fruits, Vegetables, Tree Nuts), Department of Agriculture

[Valencia Orange Reg. 129]

PART 908—VALENCIA ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

Limitation of Handling

§ 908.423 Valencia Orange Regulation 123.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 908, as amended (7 CFR Part 908), regulating the handling of Valencia oranges grown in Arizona and designated part of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations and information submitted by the Valencia Orange Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such Valencia oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 1001–1011) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for Valencia oranges and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such Valencia oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on June 3, 1965.

(b) *Order.* (1) The respective quantities of Valencia oranges grown in Arizona and designated part of California which may be handled during the period beginning at 12:01 a.m., P.s.t., June 6, 1965, and ending at 12:01 a.m., P.s.t., June 13, 1965, are hereby fixed as follows:

(i) District 1: 400,000 cartons;

(ii) District 2: 450,000 cartons;

(iii) District 3: Unlimited movement.

(2) As used in this section, "handled," "handler," "District 1," "District 2," and "District 3," and "carton" have the same meaning as when used in said amended marketing agreement and order.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: June 4, 1965.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 65-5866; Filed, June 4, 1965; 11:30 a.m.]

[Lemon Reg. 164]

PART 910—LEMONS GROWN IN CALIFORNIA AND ARIZONA

Limitation of Handling

§ 910.464 Lemon Regulation 164.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 910, as amended (7 CFR Part 910), regulating the handling of lemons grown in California and Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recom-

mendations and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such lemons, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 1001–1011) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for lemons and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such lemons; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on June 2, 1965.

(b) *Order.* (1) The respective quantities of lemons grown in California and Arizona which may be handled during the period beginning at 12:01 a.m., P.s.t., June 6, 1965, and ending at 12:01 a.m., P.s.t., June 13, 1965, are hereby fixed as follows:

(i) District 1: Unlimited movement;

(ii) District 2: 372,000 cartons;

(iii) District 3: Unlimited movement.

(2) As used in this section, "handled," "District 1," "District 2," "District 3," and "carton" have the same meaning as when used in the said amended marketing agreement and order.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: June 3, 1965.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 65–5946; Filed, June 4, 1965; 8:49 a.m.]

[Avocado Order 7]

PART 915—AVOCADOS GROWN IN SOUTH FLORIDA

Limitation of Shipments

Correction

In F.R. Doc. 65–5665 appearing at page 7240 in the issue for Saturday, May 29, 1965, the following change should be made: In the first column of Table I of § 915.307, the entry reading "Ajax (B–72)" should read "Ajax (B–7B)".

[Avocado Reg. 13]

PART 944—FRUIT; IMPORT REGULATIONS

Avocados

Correction

In F.R. Doc. 65–5670 appearing at page 7244 in the issue for Saturday, May 29, 1965, the following change should be made: In the eighth line of § 944.5(a) (6) which now reads "specified and be less than the minimum", the word "weight" should be inserted so that the line will read "specified weight and be less than the minimum".

Title 41—PUBLIC CONTRACTS AND PROPERTY MANAGEMENT

Chapter 5B—Public Buildings Service, General Services Administration

PART 5B–2—PROCUREMENT BY FORMAL ADVERTISING

Subpart 5B–2.2—Solicitation of Bids

MISCELLANEOUS AMENDMENTS

The criteria for determining the construction and alteration projects on which bidders shall be required to submit a listing of subcontractors are changed; and the 48-hour interval after the time set for submission of bids, during which the subcontractor listing could be submitted, is eliminated.

Subpart 5B–2.2 (29 F.R. 15026; Nov. 6, 1964) is amended by revising § 5B–2.202–70 "Listing of subcontractors" as follows:

§ 5B–2.202–70 Listing of subcontractors.

(a) Invitations for bids on new construction contracts estimated to cost in excess of $150,000 and on alteration contracts estimated to cost in excess of $500,000 shall require the bidder to name the principal subcontractors (or his own firm when it will perform the work).

(b) Contracting officers shall determine the work categories for which subcontractors' names are to be submitted. The listing of the categories of work shall include plumbing, heating, airconditioning and ventilation, electrical, elevators, and all other general construction categories the value of which is estimated to be at least 3½ percent of the estimated cost of the entire contract. The list of categories of work will be included as part of the Bid Form.

(c) The requirement to list subcontractors may be excluded when it would be clearly inappropriate. Determinations to exempt from the requirement shall be documented and retained in the contract file.

(d) The following clause shall be included in the Special Conditions:

LISTING OF SUBCONTRACTORS

a. For each of the categories of work contained in the list included as part of the Bid Form, the bidder shall submit the name and address of the firm to whom he proposes to subcontract the work. The list may be submitted with the bid or separately by telegraph, mail, or otherwise. If sent seperately, the envelope must be sealed, identified as to content, and addressed in the same manner as prescribed for submission of bids. Failure to submit the list by the time set for bid opening shall cause the bid to be considered nonresponsive except in accordance with Instruction No. 7 of the Instructions to Bidders (Standard Form 22). Except as otherwise provided herein, the successful bidder agrees that he will not have any of the listed categories of work involved in the performance of this contract performed by any subcontractor other than the subcontractor named for the performance of such work.

b. The term "subcontractor" for the purpose of this requirement shall mean the individual or firm with whom the bidder proposes to enter into a subcontract for a listed category of work or material. If subcontracts are to be made with more than one subcontractor for a category of work or material, each proposed subcontractor shall be listed with a statement of the service to be furnished by each.

c. The bidder shall list himself if it is his intention to perform one or more of the listed categories of work. In this case, all personnel performing such work at the site shall be carried on his own payroll. If equipment is leased with operators, the operators need not be carried on bidder's payroll.

d. Nothing contained in the clause shall be construed as changing the percentage requirement in the General Conditions for the contractor to perform work with his own forces.

e. The Contractor shall be responsible for all work performed by subcontractors.

f. No substitutions for the firms named will be permitted except in unusual situations and then only upon the submission in writing to the Contracting Officer of a complete justification therefor and receipt of the Contracting Officer's written approval.

g. Notwithstanding any of the provisions of this clause, the contracting officer shall have authority to disapprove or reject the employment of any subcontractor he has determined nonresponsible; he shall have the right to require any information concerning the cost of performance of this contract by any subcontractor listed or proposed as a substitute for a listed subcontractor, as well as the right to require any other information he deems necessary concerning any listed subcontractor or subcontractor proposed as a substitute. Imposition of any requirements under this subparagraph shall not give rise to any cause of action against the Government by the successful bidder or by any subcontractor engaged or proposed to be engaged hereunder.

h. Nothing contained in this clause shall in itself be construed to create any contract or property rights in the successful bidder or any subcontractor.

i. In the event the bidder fails in connection with this bid either (1) to identify the subcontractors as required by subparagraph a., or (2) to comply with subparagraph e. the bid will be rejected as nonresponsive to the invitation.

j. In order to effectively implement the objectives of the foregoing provisions and to assure the timely receipt of accurate bids, the bidder is requested to urge all subcontractors intending to submit a proposal for work involved in the project to submit to all bidders to whom they intend to bid, a written proposal (or written abstract) with or without price, outlining in detail the specific sections of the specifications to be included in their work as well as any exceptions or exclusions therefrom. It is suggested that such written proposal be submitted to the bidder at least 48 hours in advance of the bid opening.

(e) Contracting officers shall treat separate submissions of lists of subcontractors in the same manner as submissions of bids with respect to timeliness of receipt, modification, or withdrawal. Bids, modifications, or withdrawals received after time set for opening of bids are late and may be considered only if their late receipt may be waived under instruction No. 7 of Instructions to Bidders (Standard Form 22).

(Sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c))

Effective date. This regulation is effective June 2, 1965, but may be observed sooner in the preparation of invitations to bid for contracts covered by these provisions.

Dated: June 2, 1965.

WILLIAM A. SCHMIDT,
Acting Commissioner, Public Buildings Service.

[F.R. Doc. 65–5875; Filed, June 4, 1965; 8:47 a.m.]

Chapter 8—Veterans Administration

PART 8–1—GENERAL

PART 8–2—PROCUREMENT BY FORMAL ADVERTISING

Miscellaneous Amendments

1. In § 8–1.602–1, paragraph (c) is added to read as follows:

§ 8–1.602–1 Bases for entry on the debarred, suspended, and ineligible list.

* * * * *

(c) Any contractor convicted of a criminal offense in connection with obtaining a Government contract, or in the performance of such contract, shall be debarred by the Veterans Administration and his name shall be entered on the debarred list. The General Counsel, upon receipt of a notice of conviction, shall transmit such information to the Director, Supply Management Service, for necessary action.

2. A new § 8–2.205–2 is added to read as follows:

§ 8–2.205–2 Removal of names from bidders mailing lists.

(a) Except as provided for in FPR 1–2.205–2, no Veterans Administration Contracting Officer shall remove from the bidders mailing list the name of any prospective bidder.

(b) If in the opinion of the Contracting Officer the performance of a contractor is so unsatisfactory as to warrant a recommendation for debarment, he shall document the evidence and submit it to the appropriate official, in accordance with § 8–1.606.

(Sec. 205(c), 63 Stat. 390, as amended, 40 U.S.C. 486(c); sec. 210(e), 79 Stat. 1114, 88 U.S.C. 210(c))

These regulations are effective immediately.

Approved: June 1, 1965.

By direction of the Administrator.

[SEAL] A. H. MONK,
Associate Deputy Administrator.

[F.R. Doc. 65–5872; Filed, June 4, 1965; 8:46 a.m.]

Title 46—SHIPPING

Chapter I—Coast Guard, Department of the Treasury

SUBCHAPTER N—DANGEROUS CARGOES

[CGFR 65–17]

PART 146—TRANSPORTATION OR STORAGE OF EXPLOSIVES OR OTHER DANGEROUS ARTICLES OR SUBSTANCES, AND COMBUSTIBLE LIQUIDS ON BOARD VESSELS

Miscellaneous Amendments

Pursuant to the notice of proposed rule making published in the FEDERAL REGISTER of January 27, 1965 (30 F.R. 832–842), and the Merchant Marine Council Public Hearing Agenda dated March 22, 1965 (CG–249), the Merchant Marine Council held a Public Hearing on March 22, 1965, for the purpose of receiving comments, views and data. The proposals considered were identified as Items I to XI, inclusive. Item IX contained proposals regarding dangerous cargoes (CG–249, IX, pages 71 to 93, inclusive). This document is the fourth of a series regarding proposals considered by the Merchant Marine Council. The proposals in Item IX, as revised, are adopted and set forth in this document.

The oral and written comments received were considered and changes based thereon were made in the proposals designated 46 CFR 146.03–19, 146.07–5 (d) and 146.05–11(a). The proposed amendment to 46 CFR 146.05–11 extends certification requirements to shippers of Class C explosives. The Agenda noted that at the present time there is no certification required for such explosives and the Interstate Commerce Commission does not require such certification. Several accidents and near misses attributed to improper description have occurred with Class C explosives. The most recent serious explosion occurred February 25, 1965, on the 39th Street Pier, New York, N.Y., when a truck carrying materials manifested as "toy fire works" and "practical joke articles" exploded killing one man and injuring seven others, two critically. No warning markings were applied to the containers and the material was not properly packaged.

The 1960 Safety of Life at Sea Convention, which became effective May 26, 1965, requires that all dangerous cargoes carried aboard ship shall be certificated or declared as "properly packaged, marked and labeled and in proper condition."

For the above reasons, the proposed amendment to 46 CFR 146.05–11 regarding certificates is approved as set forth in the Agenda and is deemed necessary in order to provide for proper handling on board merchant vessels subject to the Dangerous Cargo Act (46 U.S.C. 170).

Attention is also invited to the fact that the present Dangerous Cargo Regulations require an importer to advise the foreign shipper of all the U.S. requirements governing transportation of specific dangerous cargoes, including the obligation of certifying shipments of explosives. The amendment to 46 CFR 146.05–11(a) in this document will remove the exception for Class C explosives so that in the future the certifications will be a standard practice for the shipment of all explosives.

The provisions of R.S. 4472, as amended (46 U.S.C. 170), require that the land and water regulations governing the transportation of dangerous articles or substances shall be as nearly parallel as practical. The provisions in 46 CFR 146.02–18 and 146.02–19 make the Dangerous Cargo Regulations applicable to all shipments of dangerous cargoes by vessels. The Interstate Commerce Commission in Order Nos. 60, 62, and 66 has made changes in the ICC regulations with respect to definitions, descriptive names, classifications, specifications of containers, packing, marking, labeling, and certification for certain dangerous cargoes, which are now in effect for land transportation. Various amendments to the Dangerous Cargo Regulations in 46 CFR Part 146 have been included in this Document in order that these regulations governing water transportation of certain dangerous cargoes will be as nearly parallel as practicable with the regulations of the Interstate Commerce Commission which govern the land transportation of the same commodities. For those changes in 46 CFR Part 146, which involved changes other than shippers' requirements, the proposed amendments were considered at the Merchant Marine Council Public Hearing held on March 22, 1965.

The amendments to 46 CFR Part 146, which were not described in the FEDERAL REGISTER of January 27, 1965 (30 F.R. 836, 837), are considered to be interpretations of law, or revised requirements to agree with existing ICC regulations, or changes which are editorial in nature, and it is hereby found that compliance with the Administrative Procedure Act (respecting notice of proposed rule making, public rule making procedure thereon, and effective date requirements thereof) is unnecessary with respect to such changes.

By virtue of the authority vested in me as Commandant, U.S. Coast Guard, by section 632 of Title 14, U.S. Code, and Treasury Department Orders 120, dated July 31, 1950 (15 F.R. 6521), and 167–14, dated November 26, 1954 (19 F.R. 8026), to promulgate regulations in accordance with the laws cited with the regulations below, the following amendments are prescribed and shall be effective on July 1, 1965; however, the regulations in this document may be complied with in lieu of existing requirements prior to that date.

Subpart 146.03—Definitions of Words and Terms Contained Within the Regulations in This Subchapter

1. Section 146.03–19 is amended by changing paragraph (a) to read as follows:

§ 146.03–19 Inside containers.

(a) The following abbreviations when used in the tables indicate that the substance is packed in "Inside Containers" of the following descriptions:

"WIC" means With Inside Containers, which may be glass, earthenware, metal, polyethylene or other authorized materials.
"WIL" means With Inside Liners, which include coatings resistant to the lading, applied to the inside of a container so as to prevent reaction with the construction material of a container.
"WIMC" means With Inside Metal Containers.
"WIML" means With Inside Metal Liners.
"WPL" means With Inside Paper Liners.

* * * * *

Subpart 146.04—List of Explosives or Other Dangerous Articles Containing the Shipping Name or Description of Articles Subject to the Regulations in This Subchapter

§ 146.04–5 [Amended]

2. Section 146.04–5 *List of explosives and other dangerous articles and combustible liquids,* is amended by adding certain items as follows:

Article	Classed as	Label required [1]
Items added		
* * *	* * *	* * *
Adhesives, n.o.s. (see "Cement, leather").	Inf. L.	Red.
* * *	* * *	* * *
Alkyl aluminum halides (see "Pyroforic liquids, n.o.s.").		
* * *	* * *	* * *
Aluminum alkyls (see "Pyroforic liquids, n.o.s.").		
* * *	* * *	* * *
Aluminum trihalyl (see "Pyroforic liquids, n.o.s.").		
* * *	* * *	* * *
1-Aziridinyl phosphine oxide (tris) (see "Tris-(1-Aziridinyl) phosphine oxide).	Cor. L.	White.
* * *	* * *	* * *
Diethyl magnesium (see "Pyroforic liquids, n.o.s.").		
* * *	* * *	* * *
Dimethyl magnesium (see "Pyroforic liquids, n.o.s.").		
* * *	* * *	* * *
Dimethyl zinc (see "Pyroforic liquids, n.o.s.").		
* * *	* * *	* * *
Etching acid liquid, n.o.s.	Cor. L.	White.
* * *	* * *	* * *
Hexachloroethane	Has	
* * *	* * *	* * *
Pyroforic liquids, n.o.s.	Inf. L.	Red.
* * *	* * *	* * *
Sulfuryl fluoride	Nonlnf. G.	Green gas.
* * *	* * *	* * *
Tris-(1-Aziridinyl) phosphine oxide.	Cor. L.	White.
* * *	* * *	* * *
Items changed		
* * *	* * *	* * *
Aluminum triethyl (see "Pyroforic liquids, n.o.s.").		
Aluminum trimethyl (see "Pyroforic liquids, n.o.s.").		
* * *	* * *	* * *
Diethyl aluminum chloride (see "Pyroforic liquids, n.o.s.").		
* * *	* * *	* * *
Ethyl aluminum dichloride (see "Pyroforic liquids, n.o.s.").		
* * *	* * *	* * *
Ethyl aluminum sesquichloride (see "Pyroforic liquids, n.o.s.").		
* * *	* * *	* * *
Methyl aluminum sesquichloride (see "Pyroforic liquids, n.o.s.").		
Methyl aluminum sesquichloride (see "Pyroforic liquids, n.o.s.").		
* * *	* * *	* * *
Methyl magnesium bromide in ethyl ether in concentrations not over 40 percent.	Inf. L.	Red.
* * *	* * *	* * *
Pyroforic fuel (see "Pyroforic liquids, n.o.s.").		
Pyroforic solutions (see "Pyroforic liquids, n.o.s.").		
* * *	* * *	* * *
Trisobutyl aluminum (see "Pyroforic liquids, n.o.s.").		
* * *	* * *	* * *
Zinc ethyl (see "Pyroforic liquids, n.o.s.").		

[1] Unless otherwise exempt by the provisions of the detailed regulations.

Subpart 146.05—Shipper's Requirements Re: Packing, Marking, Labeling, and Shipping Papers

4. Section 146.05–5 is amended by adding paragraphs (l) and (m) as follows:

§ 146.05–5 I.C.C. specification containers.

* * * * *

(l) Where the regulations specify use of metal drums that may be constructed with full removable head, the opening size into the drum shall be restricted to the diameter size specified by the ICC regulations for the dangerous article concerned.

(m) Containers used for shipments of etching acid liquid, n.o.s. must not be reused for shipment of any commodity.

5. Section 146.05–11 is amended by changing paragraph (a) to read as follows:

§ 146.05–11 Certification.

(a) The shipper offering for transportation by vessels subject to the regulations in this part any Class A, Class B, or Class C explosive, and any inflammable liquid, inflammable solid, oxidising material, corrosive liquid, compressed gas, or poison requiring labels, shall show the following certificate in the lower lefthand corner of the originating shipping paper over the written or stamped facsimile signature of the shipper or of his duly authorized agent:

This is to certify that the above articles are properly described by name, and are packed and marked and are in proper condition for transportation according to the regulations prescribed by the Interstate Commerce Commission.

* * * * *

Subpart 146.06—Vessel's Requirements, Re: Acceptance, Handling, Stowage, etc.

6. Section 146.06–20 is amended by changing paragraph (a) to read as follows:

§ 146.06–20 Manifest; storage vessels.

(a) Magazine vessels used for the storage of explosives and other vessels used only for the storage of other dangerous articles or substances shall be subject to the provisions of §§ 146.06–12(a) and 146.06–12(c) applying to "Dangerous Cargo Manifest" or "Dangerous Cargo List."

* * * * *

Subpart 146.07—Railroad Vehicles, Highway Vehicles, Vans, or Portable Containers Loaded With Explosives or Other Dangerous Articles and Transported on Board Ocean Vessels

7. Section 146.07–5 is amended by changing paragraph (d) to read as follows:

§ 146.07–5 Permitted shipments.

* * * * *

(d) Railroad vehicles, highway vehicles, vans, and portable containers equipped with refrigerating or heating equipment using an inflammable (flammable) liquid or gas as fuel, and having such fuel in the fuel tank shall be transported only "On deck". Such equipment may be operated on board the vessel when the "On deck" stowage is provided. Equipment stowed on deck may be refueled under supervision of a qualified officer of the vessel assigned for such duty who shall ensure that adequate safety precautions are observed. Railroad vehicles, highway vehicles, vans, and portable containers having refrigerating or heating equipment operated by internal combustion engines using fuel other than an inflammable liquid or gas may be stowed and operated below deck provided the concentration of carbon monoxide does not exceed 100 parts per million as determined by a carbon monoxide detector. When necessary, a mechanical ventilation system of adequate capacity shall be utilized. The stowage shall be in accordance with the requirements of this part for the particular commodity. If the equipment is secured, and the fuel tank completely drained, the railroad vehicle, van, or portable container may be stowed in accordance with the requirements of this part and subpart without any further restrictions.

* * * * *

Subpart 146.09—Cargo Handling and Stowage Devices, U.S. Coast Guard Container Specifications

8. Section 146.09–1 is amended by changing paragraph (d) to read as follows:

§ 146.09–1 Magazines, location of.

* * * * *

(d) Construction and location of magazines for stowage of explosives other than as provided in this subpart or as provided in § 146.20–16 shall be authorized by the Commandant of the Coast Guard.

9. Section 146.09–6 is amended by changing paragraph (f) to read as follows:

§ 146.09–6 Portable magazines for stowage of explosives.

* * * * *

(f) Portable magazines shall be stowed in the square of a tween deck hatch except when other stowage is authorized by § 146.20–16.

* * * * *

Subpart 146.20—Detailed Regulations Governing Explosives

10. Section 146.20–3 is amended by changing paragraph (q) to read as follows:

§ 146.20–3 Prohibited or not permitted explosives.

* * * * *

(q) New explosives except samples for laboratory examination and military explosives approved by the U.S. Army Materiel Command; Chief, Bureau of Naval Weapons, Department of the Navy; or Commander, Air Force Systems Command and Commander, Air Force Logistics Command, Department of the Air Force. All other new explosives must be approved for transportation by the Interstate Commerce Commission.

* * * * *

11. Section 146.20–23 is amended by changing paragraphs (b) and (g) to read as follows:

§ 146.20–23 Stowage of explosives with other dangerous articles.

* * * * *

(b) Class A or Class B explosives shall not be stowed in a hold or compartment immediately below an "On deck" stowage of 1 ton or less of inflammable liquids.

* * * * *

(g) Dynamite, commercial boosters and/or other nonpriming noninitiating types of explosives which are compatible with dynamite may be stowed with ammonium nitrate or nitro carbo nitrate as follows if the aggregate is considered Class A explosives:

(1) Stowage of these explosives in the same or adjacent holds or compartments to ammonium nitrate or nitro carbo nitrate is permitted provided the ammonium nitrate or nitro carbo nitrate is packaged in strong metal cans, metal, or fiber drums, barrels, kegs, or wooden or fiberboard boxes with noncombustible inside containers.

(2) These explosives and ammonium nitrate or nitro carbo nitrate in nonrigid combustible containers may be stowed in proximity if the two are separated by a steel deck or bulkhead or a fire retardant wooden bulkhead built to the specifications of § 146.09–2 sheathed on the oxidizing materials stowage side with 1-inch asbestos board. The oxidizing materials must be stowed in accordance with § 146.22–30(f).

* * * * *

Subpart 146.21—Detailed Regulations Governing Inflammable Liquids

12. Section 146.21–55 is amended by changing paragraph (a) to read as follows:

§ 146.21–55 Smoking prohibited, warning signs.

(a) Smoking is prohibited in the vicinity of inflammable liquid cargo stowed "On deck" and in holds in which such cargo is stowed or in the vicinity of ventilators from such holds.

* * * * *

§ 146.21–100 [Amended]

13. Section 146.21–100 *Table D—Classification: Inflammable liquids* is amended as follows:

A. Amend "Aluminum triethyl, etc." as follows:

(1) In columns 1 through 7, delete all text.

B. Amend "Ethylene imine, inhibited, etc." as follows:

(1) In column 4, add the following:

Authorized only for ethylene imine, inhibited, stowage "On deck" and "First deck below":
Tank cars complying with ICC regulations (trainships only).

C. Amend "Inflammable liquids, n.o.s., etc." as follows:

(1) In column 4, delete "Outside containers" and all subsequent text and insert in lieu thereof:

Outside containers:
(a) Flammable liquids with flashpoint 20° F. or below and having vapor pressure (Reid test) not over 16 p.s.i.a. at 100° F.:
Steel barrels or drums:
(ICC–5, 5A, 5B, 5C, 5G) not over 110 gal. cap.
(ICC–5M) not over 55 gal. cap.
(ICC–6D) WIC ICC–2S, not over 55 gal. cap.
(ICC–17C) STC not over 55 gal. cap.
(ICC–17E) STC not over 55 gal. cap.
(ICC–17H, 37A) WIC of glass not over 9 pts. cap. each, not over 480 lbs. gr. wt.
(ICC–17H) not over 55 gal. cap.
(ICC–37P) NBC not over 5 gal. cap.
(ICC–6D, 37M) NBC, WIC ICC–2SL, not over 55 gal. cap.
Aluminum barrels or drums (ICC–42B, 42C) not over 110 gal. cap. (ICC–42H) not over 55 gal. cap.
Wooden barrels or kegs:
(ICC–10A, 10B) not over 50 gal. cap.
(ICC–11A, 11B) WIC not over 16 gal. cap.
Wooden boxes (ICC–15A, 15B, 16A, 19A, 19B) WIC not over 10 gal. total cap.
Fiberboard boxes:
(ICC–12A, 12B) WIC not over 65 lb. gr. wt.
(ICC–12E) WIMC not over 65 lb. gr. wt.
Fiber or plywood drums:
(ICC–21C, 22A, 22B) WIC not over 1 gal. cap.
(ICC–21C) WIC ICC–2S, 2SL not over 30 gal. cap.
Cylinders as prescribed for any compressed gas except acetylene.
Authorized for stowage "On deck in open" only:
Portable tanks (ICC–51) not over 20,000 lbs. gr. wt.
Authorized for stowage "On deck" and "First deck below":
Motor vehicle tank trucks complying with ICC regulations (trailerships and trainships only).
Tank cars complying with ICC regulations (trainships only).
Authorized only for export shipments:
Steel barrels or drums (ICC–17X) STC not over 55 gal. cap.
Wooden boxes (ICC–15X) WIMC not over 10 gal. cap.

(2) In column 4, add the following:

(c) Inflammable liquids the vapor pressure of which exceeds 16 lbs. p.s.i.a. at 100° F.; but does not exceed 27 lbs. p.s.i.a. at 100° F.:
Steel barrels or drums:
(ICC–5, 5A, 5B, 5C, 5G) not over 110 gal. cap.
(ICC–5M) not over 55 gal. cap.
(ICC–17C) STC not over 55 gal. cap.
Wooden barrels or kegs:
(ICC–11A, 11B) WIC not over 16 gal. cap.
Fiberboard boxes:
(ICC–12B) WIC not over 65 lbs. gr. wt.
Wooden boxes:
(ICC–15A, 15B, 15C, 16A, 19A, 19B) WIC not over 10 gal. total cap.
Fiber or plywood drums:
(ICC–21C, 22A, 22B) WIC not over 1 gal. cap.
Aluminum barrels or drums:
(ICC–42B, 42C) not over 110 gal. cap.
(ICC–42H) not over 55 gal. cap.
Cylinders as prescribed for any compressed gas except acetylene.
Authorized for stowage "On deck in open" only:
Portable tanks (ICC–51) not over 20,000 lbs. gr. wt.
Authorized for stowage "On deck" and "First deck below":
Motor vehicle tank trucks complying with ICC regulations (trailerships and trainships only).
Tank cars complying with ICC regulations (trainships only).

(b) Flammable liquids with flashpoint above 20° F. to 80° F. and having vapor

(3) In column 4, add the following:

(d) Inflammable liquids the vapor pressure of which exceeds 27 lbs. p.s.i.a., at 100° F., but does not exceed 40 lbs. p.s.i.a., at 100° F.:

Steel barrels or drums:
(ICC–5, 5A) not over 110 gal. cap.
(ICC–5P) lagged, not over 61 gal. cap.
Cylinders as prescribed for any compressed gas except acetylene.
Authorized for stowage "On deck in open" only:
Portable tanks (ICC–51) not over 20,000 lbs. gr. wt.
Authorized for stowage "On deck" and "First deck below":
Motor vehicle tank trucks complying with ICC regulations (trailerships and trainships only).
Tank cars complying with ICC regulations (trainships only).

(4) In column 4, add the following:

(e) Viscous inflammable liquids having a vapor pressure which does not exceed 16 lbs. p.s.i.a., at 100° F.:

All containers listed in (a) and (b), irrespective of flashpoint.
Steel barrels or drums:
(ICC–6A, 6B, 6C) not over 55 gal. cap.
(ICC–37A, 37B) STC not over 5 gal. cap.
Aluminum barrels or drums (ICC–42F) not over 50 gal. cap.

(5) In column 4, add the following:

(f) Viscous inflammable liquids with flashpoint above 20° F. to 80° F., and having a vapor pressure which does not exceed 16 lbs. p.s.i.a., at 100° F.:

All containers listed in (c) and (d).
Steel barrels or drums (ICC–17E, 17H) STC not over 55 gal. cap.

(g) Flammable liquids which are also oxidizing materials or corrosive liquids as defined in §§ 146.23–1 and 146.23–1:

Steel barrels or drums:
(ICC–5, 5A, 5B, 5C, 17C (STC), 17E (STC)) not over 16 gal. cap.
(ICC–37P) WIL polyethylene, not over 5 gal. cap.
Fiberboard boxes:
(ICC–12B) WIC polyethylene not over 65 lbs. gr. wt.
(ICC–12P) WIC ICC–2U not over 65 lbs. gr. wt.
Wooden boxes:
(ICC–15A, 15B, 15C, 16A, 19A) WIC not over 1 gal. cap.

(6) In column 5, delete "Outside containers" and all subsequent text and insert in lieu thereof:

Outside containers:
(a) Flammable liquids with flashpoint above 20° F. to 80° F. and having vapor pressure (Reid test) not over 16 lbs. p.s.i.a., at 100° F.:

Steel barrels or drums:
(ICC–6D) WIC ICC–2S, not over 55 gal. cap.
(ICC–17C) STC not over 55 gal. cap.
(ICC–17E) STC not over 55 gal. cap.
(ICC–17H) STC not over 55 gal. cap.
(ICC–6K) stainless steel not over 55 gal. cap.
(ICC–17H, 37A) WIC of glass not over 9 pts. cap. each, not over 480 lbs. gr. wt.
(ICC–37P) NRC not over 5 gal. cap.
(ICC–6D, 37M (NRC)) WIC ICC–2SL not over 55 gal. cap.
Wooden barrels or kegs:
(ICC–10A) not over 50 gal. cap.
(ICC–11A, 11B) WIC not over 16 gal. cap.
Wooden boxes (ICC–15A, 15B, 15C, 16A, 19A, 19B), WIC not over 10 gal. total cap.
Fiberboard boxes (ICC–12A, 12B), WIC not over 65 lbs. gr. wt.
Fiber or plywood drums (ICC–21C, 22A, 22B), WIC not over 1 gal. cap.
Cylinders as prescribed for any compressed gas except acetylene.
Authorized only for export shipments:
Steel barrels or drums (ICC–17X), STC not over 55 gal. cap.
Wooden boxes (ICC–15X), WIMC not over 10 gal. cap.

(b) Flammable liquids with flashpoint above 20° F. to 80° F. and having vapor pressure (Reid test) not over 16 lbs. p.s.i.a., at 100° F.:

All containers listed above.
Steel barrels or drums:
(ICC–17H) STC not over 55 gal. cap.
(ICC–6K) stainless steel not over 55 gal. cap.
(ICC–37P) NRC not over 5 gal. cap.
(ICC–6D, 37M (NRC)) WIC ICC–2SL not over 55 gal. cap.
Fiber or plywood drums (ICC–21C, 22A, 22B), WIC not over 1 gal. cap.
Fiber drum (ICC–21C), WIC ICC–2S, 2SL not over 55 gal. cap.
Cylinders as prescribed for any compressed gas except acetylene.

(7) In column 6, delete "Outside containers" and subsequent text and insert in lieu thereof:

Outside containers:
(a) Flammable liquids with flashpoints above 20° F. to 80° F. and having vapor pressure (Reid test) not over 16 lbs. p.s.i.a. at 100° F.:

Steel barrels or drums:
(ICC–6D) WIC ICC–2S, not over 55 gal. cap.
(ICC–17C) STC not over 55 gal. cap.
(ICC–17E) STC not over 55 gal. cap.
(ICC–17H) STC not over 55 gal. cap.
(ICC–6K) stainless steel not over 55 gal. cap.
(ICC–17H, 37A) WIC of glass not over 9 pts. cap. each, not over 480 lbs. gr. wt.
(ICC–37P) NRC not over 5 gal. cap.
(ICC–6D, 37M (NRC)) WIC ICC–2SL not over 55 gal. cap.
Wooden barrels or kegs:
(ICC–10A) not over 50 gal. cap.
(ICC–11A, 11B) WIC not over 16 gal. cap.
Wooden boxes (ICC–15A, 15B, 15C, 16A, 19A, 19B), WIC not over 10 gal. total cap.
Fiberboard boxes (ICC–12A, 12B), WIC not over 65 lbs. gr. wt.
Fiber or plywood drums (ICC–21C, 22A, 22B), WIC not over 1 gal. cap.
Fiber drum (ICC–21C), WIC ICC–2S, 2SL not over 55 gal. cap.
Cylinders as prescribed for any compressed gas except acetylene.

(8) In column 7, delete "Outside containers" and all subsequent text and insert in lieu thereof:

Outside containers:
(a) Flammable liquids with flashpoint 20° F. or below and having vapor pressure (Reid test) not over 16 p.s.i.a. at 100° F.:

Steel barrels or drums:
(ICC–5, 5A, 5B, 5C, 5G) not over 110 gal. cap.
(ICC–5M) not over 55 gal. cap.
(ICC–6D) WIC ICC–2S, not over 55 gal. cap.
(ICC–17C) STC not over 55 gal. cap.
(ICC–17E) STC not over 55 gal. cap.
(ICC–17H, 37A) WIC of glass not over 9 pts. cap. each, not over 480 lbs. gr. wt.
Aluminum barrels or drums (ICC–42B), 42C) not over 110 gal. cap.
(ICC–42H) not over 55 gal. cap.
Wooden barrels or kegs:
(ICC–10A) not over 50 gal. cap.
(ICC–11A, 11B) WIC not over 16 gal. cap.
Wooden boxes (ICC–15A, 15B, 15C, 16A, 19A, 19B), WIC not over 10 gal. total cap.
Fiberboard boxes (ICC–12A, 12B), WIC not over 65 lbs. gr. wt.
Fiber or plywood drums (ICC–21C, 22A, 22B), WIC not over 1 gal. cap.
Cylinders as prescribed for any compressed gas except acetylene.
Authorized only for export shipments:
Steel barrels or drums (ICC–17X), STC not over 55 gal. cap.
Wooden boxes (ICC–15X), WIMC not over 10 gal. cap.

(b) Flammable liquids with flashpoint above 20° F. to 80° F. and having vapor pressure (Reid test) not over 16 lbs. p.s.i.a., at 100° F.:

All containers listed above.
Steel barrels or drums:
(ICC–17H) STC not over 55 gal. cap.
(ICC–6K) stainless steel not over 55 gal. cap.
(ICC–37P) NRC not over 5 gal. cap.
(ICC–6D, 37M (NRC)) WIC ICC–2SL not over 55 gal. cap.
Fiber or plywood drums (ICC–21C, 22A, 22B), WIC not over 1 gal. cap.
Fiber drum (ICC–21C), WIC ICC–2S, 2SL not over 55 gal. cap.
Cylinders as prescribed for any compressed gas except acetylene.

(d) Inflammable liquids the vapor pressure of which exceeds 27 lbs. p.s.i.a., at 100° F., but does not exceed 40 lbs. p.s.i.a., at 100° F.:

Steel barrels or drums:
(ICC–5, 5A) not over 110 gal. cap.
(ICC–5P) lagged, not over 61 gal. cap.

(e) Viscous inflammable liquids having a vapor pressure which does not exceed 16 lbs. p.s.i.a., at 100° F.:

All containers listed in (a) and (b) irrespective of flashpoint.
Steel barrels or drums:
(ICC–6A, 6B, 6C) not over 55 gal. cap.
(ICC–37A, 37B) STC not over 5 gal. cap.
Aluminum barrels or drums (ICC–42F) not over 50 gal. cap.

(f) Viscous inflammable liquids with flashpoint above 20° F. to 80° F. and having a vapor pressure which does not exceed 16 lbs. p.s.i.a., at 100° F.:

All containers listed in (c) and (d).
Steel barrels or drums (ICC–17E, 17H) STC not over 55 gal. cap.

(g) Flammable liquids which are also oxidizing materials or corrosive liquids as defined in §§ 146.22–1 and 146.23–1:

Steel barrels or drums:
(ICC–5, 5A, 5B, 5C, 17C (STC), 17E (STC)) not over 16 gal. cap.
(ICC–37P) WIL polyethylene not over 5 gal. cap.
Fiberboard boxes:
(ICC–12B) WIC polyethylene not over 65 lbs. gr. wt.
(ICC–12P) WIC ICC–2U not over 65 lbs. gr. wt.
Wooden boxes:
(ICC–15A, 15B, 15C, 16A, 19A) WIC not over 1 gal. cap.

D. After "Methyl iso-propenyl ketone, inhibited", insert the following:

(1) In column 1, insert:

Methyl magnesium bromide in ethyl ether in concentrations not over 40 percent.

(2) In column 2, insert:

Highly inflammable.
Takes fire on contact with air.
Keep cool.

(3) In column 3, insert:

Red.

(4) In column 4, insert:

Stowage: "On deck protected."
Outside containers:

Steel barrels or drums:
(ICC–17C) STC, not over 55 gal. cap.
(ICC–37A) STC, WIMC not over 1 gal. cap. each, not over 5 gal. total cap.
Wooden boxes (ICC–15A, 15B, 15C), WIMC ICC–2A WIC glass or metal not over 1 qt. cap. each, not over 1 gal. net contents.
Fiberboard boxes (ICC–12A), WIMC ICC–2A WIC glass or metal not over 1 qt. cap. each, not over 1 gal. net contents. (ICC–12B), WIC glass not over 1 qt. cap. each, not over 65 lb. gr. wt.
Cylinders as prescribed for any compressed gas except acetylene.
Authorized for stowage "On deck in open" only:
Portable tanks (ICC–51) not over 20,000 lb. gr. wt.
Authorized for stowage "On deck" and "First deck below":
Motor vehicle tank trucks complying with ICC regulations (trailerships and trainships only).
Tank cars complying with ICC regulations (trainships only).

(5) In columns 5, 6 and 7, insert:

Not permitted.

E. After "Pyridine, etc.", insert the following:

(1) In column 1, insert:

Pyroforic liquids, n.o.s.
Alkyl aluminum halides.
Aluminum alkyls.
Aluminum tributyl.
Aluminum triethyl.
Aluminum trimethyl.
Diethyl aluminum chloride.
Diethyl magnesium.
Dimethyl magnesium.
Dimethyl zinc.
Ethyl aluminum dichloride.
Ethyl aluminum sesquichloride.
Methyl aluminum sesquibromide.
Methyl aluminum sesquichloride.
Pyroforic fuel.
Pyroforic solutions.
Trilsobutyl aluminum.
Zinc ethyl.

(2) In column 2, insert:

Ignites spontaneously when exposed to air.
May react violently on contact with water.
Cylinders must have a minimum design pressure of 175 p.s.i.
Unless packed in strong wooden boxes and secured therein to protect valves, cylinders must be stowed with all valves and safety relief devices in the vapor space.

(3) In column 3, insert:

Red.

(4) In column 4, insert:

Stowage: "On deck protected."
Outside containers:
Steel barrels or drums:
(ICC–17C) STC, WIMC not over 1 gal. cap. each, not over 55 gal. net contents.
(ICC–37A) STC, WIMC not over 1 gal. cap. each, not over 5 gal. total cap.
Wooden boxes (ICC–15A, 15B, 15C), WIMC ICC–2A WIC glass or metal not over 1 qt. cap. each, not over 1 gal. net contents.
Fiberboard boxes (ICC–12A), WIMC ICC–2A WIC glass or metal not over 1 gal. net contents.
Cylinders as prescribed for any compressed gas except acetylene.
Authorized for stowage "On deck in open" only:
Portable tanks (ICC–51) not over 20,000 lb. gr. wt.
Authorized for stowage "On deck" and "First deck below":
Motor vehicle tank trucks complying with ICC regulations (trailerships and trainships only).
Tank cars complying with ICC regulations (trainships only).

(5) In columns 5, 6, and 7, insert:

Not permitted.

Subpart 146.22—Detailed Regulations Governing Inflammable Solids and Oxidizing Materials

14. Section 146.22–15 is amended by changing paragraph (b) to read as follows:

§ 146.22–15 Stowage of oxidizing materials with explosives and other dangerous articles.

• • • • •

(b) Ammonium nitrate or nitro carbo nitrate may be stowed with dynamite, commercial boosters and/or other nonpriming noninitiating types of explosives which are compatible with dynamite as follows if the aggregate is considered Class A explosives:

(1) Stowage of ammonium nitrate or nitro carbo nitrate in the same hold or compartment with the explosives mentioned in this paragraph (b) or in holds or compartments adjacent to these explosives is permitted provided the ammonium nitrate or nitro carbo nitrate is packaged in strong metal cans, metal or fiber drums, barrels, kegs, or wooden or fiberboard boxes with noncombustible inside containers.

• • • • •

§ 146.22–100 [Amended]

15. Section 146.22–100 *Table E—Classification: Inflammable solids and oxidizing materials* is amended as follows:

A. Amend "Lithium hydride, etc." as follows:

(1) In column 4, after "Lithium metal in cartridges containing more than 18 grams, etc.", insert the following:

Lithium metal in ribbon form not over ½ in. wide and 1/16 in. thick coated with heavy mineral oil or petrolatum may be accepted in fiberboard boxes (ICC–12B), WIMC, not over 1,600 ft. on reels.

B. Under *"Nitrates"*, amend "Nitro carbo nitrate, etc." as follows:

(1) In column 2, delete the paragraph "Do not stow in the same hold or compartment with combustible cargo, etc." and insert in lieu thereof:

Do not stow in the same hold or compartment with combustible cargo, explosives (except that nitro carbo nitrate packaged in strong metal cans, metal or fiber drums, barrels, kegs, or wooden or fiberboard boxes with non-combustible inside containers may be stowed in a hold or compartment with dynamite, commercial boosters and/or other nonpriming, noninitiating types of explosives which are compatible with dynamite) or acids.
Stow away from chlorates.

C. Amend the following items as indicated:

1. Acetyl benzoyl peroxide, solutions, etc.

2. Acetyl peroxide solution, etc.

(1) In columns 4, 6, and 7, after "(ICC–12B) WIC, etc." insert the following:

(ICC–12B) WIC polyethylene, not over 5 gal. cap.

D. Amend "Perchlorates, etc." as follows:

(1) In columns 4, 6, and 7, add the following:

Authorized for ammonium perchlorate only:
Portable tanks (ICC–53 aluminum) not over 84 cu. ft. cap.

E. Amend "Zirconium metal, wet, etc." as follows:

(1) In column 4, under "Metal barrels or drums" add the following:

(ICC–37P) NRC, not over 5 gal. cap.

Subpart 146.23—Detailed Regulations Governing Corrosive Liquids

§ 146.23–100 [Amended]

16. Section 146.23–100 *Table F—Classification: Corrosive liquids* is amended as follows:

A. Amend "Allyl chloroformate, etc." as follows:

(1) In column 2, delete "Flashpoint below 20° F." and insert in lieu thereof:

Flash point 68° F.

B. Amend "Bromine" as follows:

(1) In column 4, under "Bromine which has been dried, etc." add the following:

Fiberboard boxes (ICC–12A) with not more than six inside glass containers of not over 1 qt. cap. ea.

C. Amend "Bromine pentafluoride" as follows:

(1) In column 4, delete "Cylinders, etc." and all subsequent text and insert in lieu thereof:

Cylinders (ICC–3A150, 3AA150, 3B240, 4B240, 4BA240, 3E1800) 3E1800 cylinders must be packed in strong wooden boxes.

D. Amend "Bromine trifluoride" as follows:

(1) In column 4, delete "Cylinders (ICC–3A150, etc." and insert in lieu thereof:

Cylinders (ICC–3A150, 3AA150, 3B240, 4B240, 4BA240, 3E1800) 3E1800 must be packed in strong wooden boxes.

E. Amend "Caustic potash, liquid, etc." as follows:

(1) In columns 6 and 7, delete "Motor truck vehicles having cargo tanks, etc." and insert in lieu thereof:

Motor vehicle tank trucks complying with ICC regulations.

F. Amend "Chlorine trifluoride" as follows:

(1) In column 4, delete "Cylinders (ICC–3A150, etc." and insert in lieu thereof:

Cylinders (3A150, 3AA150, 3E1800, 3B240, 4B240, 4BA240) 3E1800 cylinders must be packed in strong wooden boxes.

G. Amend "Chlorosulfonic acid, etc." as follows:

(1) In column 4, delete "Tank cars complying with ICC regulations" and insert in lieu thereof:

Motor vehicle tank trucks complying with ICC regulations (trailerships and trainships only).
Tank cars complying with ICC regulations (trainships only).

H. After "Electrolyte, acid, or alkaline corrosive battery fluid, packed with battery charger, etc." add the following:

(1) In column 1, insert:

Etching acid, liquid, n.o.s.

(2) In column 2, insert:

N. Amend "Nitric acid" as follows:

(1) In column 4, under "Nitric acid, etc." add the following:

Wooden boxes:

Fiberboard boxes:

(2) In column 2, insert:

A mixture of nitric acid, hydrofluoric acid, having nitric acid in concentrations of not more than 60 percent by weight, hydrofluoric acid in concentrations of not less than 4 percent by weight and water not less than 24 percent by weight, and may contain acetic acid.
All outside containers must be plainly marked "NONREUSABLE CONTAINER". All components of the package must not be reused.

(3) In column 3, insert:

White.

(4) In column 4, insert:

Stowage: "On deck protected."
Outside containers:
Cylindrical steel overpack (ICC–37M) WIC ICC–2S or 2SL not over 20 gal. cap.
Fiberboard box (ICC–12A) WIC polyethylene, not over 65 lbs. gr. wt.

(5) In columns 5, 6 and 7, insert:

Not permitted.

I. Amend "Hydrazine, anhydrous, etc." as follows:

(1) In column 2, change the text to read as follows:

A colorless, combustible liquid with an odor resembling ammonia.
Destroys organic substances and textiles.
Material reacts violently with acids and some oxidizing materials.
Exposure of hydrazine to air on a large surface area (as on rags) may result in spontaneous ignition.
Flash point 100° F.
Miscible with water.
Stow well away from other corrosive liquids or organic materials.

(2) In column 4, add the following:

Authorized for hydrazine solution only:
Cylindrical steel overpack: (ICC–37M) NRC WIC ICC–2SL not over 55 gal. cap.

J. Amend "Hydrochloric (muriatic) acid, etc." as follows:

(1) In column 4, add the following:

Paper-faced expanded polystyrene board boxes (ICC–12R) with not more than six 5-pint glass bottles.

K. Amend "Hydrofluoric acid" as follows:

(1) In column 4, add the following:

Hydrofluoric acid of 48 to 52 percent strength: Fiberboard boxes (ICC–12P) WIC ICC–2TL, not over 5 gal. cap.

L. Amend "Hydrofluosilicic acid" as follows:

(1) In column 4, delete:

Tank cars complying with ICC regulations.

(2) In column 4, under "Hydrofluosilicic acid of not over 40 percent strength may also be accepted in:" add the following:

Motor vehicle tank trucks complying with ICC regulations (trailerships and trainships only).
Tank cars complying with ICC regulations (trainships only).

M. Amend "Hydrofluoric acid, anhydrous" as follows:

(1) In column 2, add the following:

Cylinders removed from anhydrous hydrofluoric acid service shall not be reused for shipment of any other dangerous cargo.

N. Amend "Nitric acid" as follows:

(1) In column 4, under "Nitric acid of 72 percent or less concentration:" after "Polystyrene cases (ICC–33A), etc." insert the following:

Paper-faced expanded polystyrene board boxes (ICC–12R) with not more than six 5-pint glass bottles.

O. Amend "Perchloric acid *not in excess of 72 percent*" as follows:

(1) In column 4, after "Polystyrene cases (ICC–33A), etc." insert the following:

Paper-faced expanded polystyrene board boxes (ICC–12R) with not more than six 5-pint glass bottles.

P. Amend "Sodium chlorite solution, etc." as follows:

(1) In columns 6 and 7, delete "Motor truck vehicles, etc." and insert in lieu thereof:

Motor vehicle tank trucks complying with ICC regulations.

(2) In columns 4, 5, 6, and 7, after "Polystyrene cases (ICC–33A), etc." insert the following:

Paper-faced expanded polystyrene board boxes (ICC–12R) with not more than six 5-pint glass bottles.

Q. Amend "Sulfuric acid, etc." as follows:

(1) In columns 4, 6, and 7, under "For sulfuric acid of concentration not to exceed 95 percent, etc." add the following:

Paper-faced expanded polystyrene board boxes (ICC–12R) with not more than six 5-pint glass bottles.

R. After "Titanium tetrachloride" insert the following:

(1) In column 1, insert:

Tris-(1-Aziridinyl) phosphine oxide. (*Tristhylenephosphoramide*).

(2) In column 2, insert:

Solution which may or may not be inflammable depending on the solvent used.

(3) In column 3, insert:

White.

(4) In column 4, insert:

Stowage:
"On deck protected."
"On deck under cover."
Outside containers:
Carboys, boxed, glass earthenware, clay or stone (ICC–1A) not over 5 gal. cap.
Carboys, boxed, lead (ICC–1B) not over 5 gal. cap.
Carboys in kegs, glass earthenware, clay or stone (ICC–1C) not over 5 gal. cap.
Carboys in plywood drums, glass (ICC–1E) not over 5 gal. cap.
Carboys, boxed, glass, earthenware, clay or stone. (ICC–1X) STC, for export only, not over 5 gal. cap.
Carboys, lead, metal-jacketed (ICC–2S) not over 5 gal. cap.
Metal barrels or drums:
(ICC–5B, 6J, 37A) WIC ICC–2S, not over 5 gal. cap.
(ICC–17H, 37A, 37B) STC, WIL polyethylene, not over 5 gal. cap.
(ICC–37P) NRC, not over 5 gal. cap.
(ICC–17C, 17E) STC, not over 5 gal. cap.
Rubber drums (ICC–43A) not over 5 gal. cap.
Wooden kegs: (ICC–10A) asphalt, paraffin or wax lined not over 5 gal. cap.
Wooden boxes:
(ICC–15A, 15B, 15C, 16A, 19A) WIC, not over 5 gal. cap.
(ICC–16D) WIC ICC–2T, 2TL or 2S, not over 5 gal. cap.
Fiberboard boxes:
(ICC–12A, 12B) WIC not over 5 gal. cap.
(ICC–12P) WIC ICC–2U, not over 5 gal. cap.
Plywood or wooden box or drum (ICC–15P, 22C) WIC ICC–2T, not over 5 gal. cap.
Fiber drum (ICC–21C) WIC ICC–2S or 2U not over 5 gal. cap.

(5) In column 5, insert:

Not permitted.

(6) In column 6, insert:

Ferry stowage (AA).
Outside containers:
Carboys, boxed, glass, earthenware, clay or stone (ICC–1A) not over 5 gal. cap.
Carboys, boxed, lead (ICC–1B) not over 5 gal. cap.
Carboys in kegs, glass, earthenware, clay or stone (ICC–1C) not over 5 gal. cap.
Carboys in plywood drums, glass (ICC–1E) not over 5 gal. cap.
Carboys, boxed, glass, earthenware, clay or stone (ICC–1X) STC, for export only, not over 5 gal. cap.
Carboys, lead, metal-jacketed (ICC–2S) not over 5 gal. cap.
Metal barrels or drums:
(ICC–5B, 6J, 37A) WIC ICC–2S not over 5 gal. cap.
(ICC–17H, 37A, 37B) STC, WIL polyethylene, not over 5 gal. cap.
(ICC–37P) NRC, not over 5 gal. cap.
(ICC–17C, 17E) STC, not over 5 gal. cap.
Rubber drums (ICC–43A) not over 5 gal. cap.
Wooden kegs: (ICC–10A) asphalt, paraffin or wax lined not over 5 gal. cap.
Wooden boxes:
(ICC–15A, 15B, 15C, 16A, 19A) WIC not over 5 gal. cap.
(ICC–16D) WIC ICC–2T, 2TL, or 2S, not over 5 gal. cap.
Fiberboard boxes:
(ICC–12A, 12B) WIC not over 5 gal. cap.
(ICC–12P) WIC ICC–2U not over 5 gal. cap.
Plywood or wooden box or drum (ICC–15P, 22C) WIC ICC–2T, not over 5 gal. cap.
Fiber drum (ICC–21C) WIC ICC–2S or 2U not over 5 gal. cap.

Fiberboard boxes:
(ICC–12A, 12B) WIC not over 5 gal. cap.
(ICC–12P) WIC ICC–2U, not over 5 gal. cap.
Plywood or wooden box or drum (ICC–15P, 22C) WIC ICC–2T, not over 5 gal. cap.
Fiber drum (ICC–21C) WIC ICC–2S or 2U not over 5 gal. cap.

Subpart 146.24—Detailed Regulations Governing Compressed Gases

§ 146.24–100 [Amended]

17. Section 146.24–100 *Table G—Classification: Compressed gases* is amended as follows:

A. After "Sulfur hexafluoride" add the following:

(1) In column 1, insert:

Sulfuryl fluoride.

(2) In column 2, insert:

Noninflammable gas.
Colorless.
Stable under normal conditions.
Boiling point —52° C.
Toxic.
Heavier than air.

(3) In column 3, insert:

Green.

(4) In columns 4 and 5, insert:

Stowage:
"On deck protected."
"On deck under cover."
"Tween decks."
"Under deck away from heat."
Containers:
Cylinders:
(With valve protection cap.)
(With dished heads.)
(Boxed.)

(5) In column 6, insert:

Ferry stowage (AA).
Containers:
Cylinders:
(With valve protection cap.)
(With dished heads.)
(Boxed.)

(6) In column 7, insert:

Ferry stowage (BB).
Containers:
Cylinders:
(With valve protection cap.)
(With dished heads.)
(Boxed.)

Subpart 146.25—Detailed Regulations Governing Poisonous Articles

18. Section 146.25–21 is amended by changing paragraph (c) to read as follows:

§ 146.25–21 Fissile materials.

• • • • •

(c) For each shipment of fissile materials in excess of the quantities given in paragraph (b) of this section, the shipper shall supply the vessel with a certificate issued and signed by the shipper or his duly authorized representative as follows:

This is to certify that this package contains fissile (special nuclear) material and has been prepared for shipment in accordance with the packaging requirements and limitations established by the U.S. Atomic Energy Commission as conditions of AEC License SNM No. ---- (or the terms of Contract No. ----). This type of packaging and the contents thereof have been approved as (*insert the appropriate class according to those listed below*) and is safe for transport subject to the following conditions:
(List all conditions. If none, insert "None.")
Class I package—Safe from neutron interaction in any arrangement.
Class II package—Nuclearly safe in any arrangement in limited numbers.
Class III package—Nuclearly safe under special arrangement.

• • • • •

19. Section 146.25–25 is amended by changing paragraph (f) to read as follows:

§ 146.25–25 Exemptions for radioactive materials.

• • • • •

(f) Uranium, normal or depleted, in solid form (not borings, chips, or pieces) must be packaged in strong, tight fiberboard, wooden, or plywood boxes, or metal containers, and as such are exempt from specification packaging. Packages weighing more than 500 pounds must be mounted on skids. Each box shall bear the radioactive materials label as prescribed in § 146.05–17(w) unless exempted under paragraph (a) or (b) of this section.

§ 146.25–200 [Amended]

20. Section 146.25–200 *Table H—Classification: Class B; less dangerous poisons* is amended as follows:

A. Amend "Carbolic acid (phenol) solid, etc." as follows:

(1) In columns 4, 5, 6, and 7, after "Fiberboard boxes, etc." insert the following:

Fiber drum (ICC–21C) WIMC ICC–2A, not over 50 lb. net wt.

Subpart 146.26—Detailed Regulations Governing Combustible Liquids

21. Section 146.26–20 is amended by changing paragraph (f) to read as follows:

§ 146.26–20 "On deck" stowage.

• • • • •

(f) When ICC specification 51 portable tanks not over 20,000 pounds gross weight, containing combustible liquids are stowed on deck of a passenger vessel, the area in way of each 21,000 U.S. gallons or less of combustible liquids shall be protected by one or more B–V semiportable foam (40 gal. capacity) or dry chemical (100 lbs. minimum capacity) fire extinguishers; or alternatively, by a fire hose fitted with an approved portable mechanical foam nozzle with pickup tube and two 5-gallon cans of foam liquid concentrate. When carrying commodities incompatible with the conventional foam system, the foam shall be of a type suitable for use with the lading. The fire extinguishers shall be located so as to be accessible in the event of fire occurring in the vicinity of the portable tanks.

Subpart 146.27—Detailed Regulations Governing Hazardous Articles

22. Section 146.27–25 is amended by changing subparagraph (d)(2) to read as follows:

§ 146.27–25 Requirements and conditions for loading, stowing and transporting baled cotton.

• • • • •

(d) • • •

(2) Inflammable liquids, inflammable compressed gases, inflammable solids, or oxidizing materials. These substances shall not be stowed in the same hold with cotton, nor in the hold above or the hold below one containing cotton. When possible these substances should not be stowed in a hold adjacent to a hold containing cotton. When it is impossible to provide such separation, these substances may be stowed in holds adjacent to one containing cotton: *Provided*, That the holds are separated by a tight steel bulkhead: *And provided further*, That the inflammable liquids, inflammable compressed gases, inflammable solids, or oxidizing materials are packed in metal containers.

• • • • •

§ 146.27–100 [Amended]

23. Section 146.27–100 *Table K—Classification: Hazardous articles* is amended as follows:

A. Amend "Automobiles, etc." as follows:

(1) In Note 2, change paragraph (e) to read as follows:

(e) Motor vehicles and mechanized equipment shipped by, for or to the Department of the Army, Navy, or Air Force may also contain 1 gallon of electrolyte (acid) or corrosive battery fluid in an approved inside container, tightly and securely closed, packed in a strong outside container. Inside glass containers shall be cushioned on all sides with incombustible material in sufficient quantity to completely absorb the fluid contents in event of breakage. The outside container must be so blocked, braced, or stayed within the vehicle or crate that it cannot change position during transit.

B. Amend "Fish scrap, or fish meal, etc." as follows:

(1) In columns 4, 5, 6, and 7, after "Double-walled paper bags" add the following:

Polyethylene lined burlap or paper bags.

C. After "Hemp" insert the following:

(1) In column 1, insert:

Hexachloroethane.

(2) In column 2, insert:

Colorless crystals with a camphor-like odor.
Insoluble in water.
Avoid inhalation of dust.
Avoid contact with the skin.
Should be stowed in spaces capable of being ventilated.
Stow away from living quarters and foodstuffs.
Do not stow with explosives, inflammable liquids, inflammable solids, corrosive liquids, or cotton.
Containers must be marked "Hexachloroethane".

(3) In column 3, insert:

No label required.

(4) In column 4, insert:

Stowage:
"On deck in open."
"On deck protected."
"On deck under cover."
"Tween decks."
"Under deck."
Outside containers:

Any ICC specification container for solids as shown in the Class B, less dangerous poisons table (§ 146.25-200) for cargo vessels.

(5) In column 5, insert:

Stowage:
"On deck in open."
"On deck protected."
"On deck under cover."
"Tween decks."
"Under deck."
Outside containers:
Any ICC specification container for solids as shown in the Class B, less dangerous poisons table (§ 146.25-200) for passenger vessels.

(6) In column 6, insert:

Ferry stowage (AA):
Outside containers:
Any ICC specification container for solids as shown in the Class B, less dangerous poisons table (§ 146.25-200) for ferry vessels.

(7) In column 7, insert:

Ferry stowage (BB):
Outside containers:
Any ICC specification container for solids as shown in the Class B, less dangerous poisons table (§ 146.25-200) for car ferries.

D. Amend "Naphthalene" as follows:

(1) In columns 4, 5, 6 and 7, after "Fiberboard boxes" add the following:

Metal drums.

Subpart 146.29—Detailed Regulations Governing the Transportation of Military Explosives and Hazardous Munitions on Board Vessels

24. Section 146.29-5 is amended by changing the text to read as follows:

§ 146.29-5 Regulations not applicable.

Sections 146.02-11, 146.02-21, 146.03-3, 146.06-9, 146.09-1 to 146.09-6, inclusive, 146.10-6(b), 146.20-15 to 146.20-51, inclusive, 146.20-85, 146.20-87, 146.20-90, 146.20-100 to 146.20-300, inclusive, 146.23-25 (a), (b), 146.24-55, the entries "Chemical ammunition containing Class 'A' poisons, liquids or gases," "chemical ammunition containing Class 'B' poisons, liquids or gases," and "chemical ammunition containing Class 'C' liquids, gases or solids" appearing in §§ 146.25-100, 146.25-200, and 146.25-300; 146.27-5 to 146.27-20, 146.27-30, inclusive, and 146.27-100 are hereby declared inapplicable to the transportation of military explosives.

25. Section 146.29-41 is amended by changing paragraph (k) to read as follows:

§ 146.29-41 Weight per draft.

* * * * *

(k) Vans and portable magazines containing permitted explosives of Coast Guard Classes I and II, designed to be loaded and discharged in a loaded condition by "lift-on lift-off" method may be handled regardless of weight provided the rated working capacity of the cargo handling gear is not exceeded and provided further that the integrity of the handling gear is unimpaired. The volume of explosives that may be stowed in a van is not limited unless the van is being used as a portable magazine as described in § 146.29-89. Where the regulations require magazines, vans may not be used for stowage purposes unless they comply with the magazine requirements.

§ 146.29-100 [Amended]

26. Section 146.29-100—*Classification, handling, and stowage chart* is amended as follows:

A. Amend Class "II-C" as follows:

(1) In column 2, delete "Grenade, hand or rifle, etc." and insert in lieu thereof:

Grenade, hand or rifle, colored smoke (other than HC, WP, or WPW filled).

(2) In column 2, delete "Separate loading smoke projectiles, etc.", and insert in lieu thereof:

Separate loading smoke projectiles (other than HC, WP, WPW filled) when assembled with or without ejection charges and/or fuse.

(R.S. 4405, as amended, 4462, as amended, 4472, as amended; 46 U.S.C. 375, 416, 170. Interpret or apply sec. 3, 68 Stat. 678; 80 U.S.C. 190, E.O. 10402, 17 F.R. 9917, 3 CFR 1952 Supp. Treasury Department Orders 120, July 31, 1950, 15 F.R. 6521; 167-14, November 26, 1964, 19 F.R. 8026)

Dated: June 1, 1965.

[SEAL] W. D. SHIELDS,
Vice Admiral, U.S. Coast Guard,
Acting Commandant.

[F.R. Doc. 65-5854; Filed, June 4, 1965; 8:45 a.m.]

Title 50—WILDLIFE AND FISHERIES

Chapter II—Bureau of Commercial Fisheries, Fish and Wildlife Service, Department of the Interior

SUBCHAPTER G—PROCESSED FISHERY PRODUCTS, PROCESSED PRODUCTS THEREOF, AND PROCESSED FOOD PRODUCTS

PART 262—UNITED STATES STANDARDS FOR GRADES OF FROZEN RAW BREADED SHRIMP

Definitions and Methods of Analysis

On March 5, 1965, the Food and Drug Administration published in the FEDERAL REGISTER (30 F.R. 2860) Definitions and Standards of Identity for Frozen Raw Breaded and Lightly Breaded Shrimp (21 CFR 36). Particular sections of these Definitions and Standards of Identity become effective 90 days after publication. On March 18, 1965, the Department of the Interior published in the FEDERAL REGISTER (30 F.R. 3598) a notice of proposed rule making to amend Part 262 of Title 50 of the Code of Federal Regulations. Interested persons were given 30 days in which to submit comments upon the proposed amendments to Part 262. Due to the numerous comments submitted to the Department by interested persons, it would not be in the public interest at this time to adopt the proposed amendments to Part 262 as published.

Accordingly, notice is given that pursuant to the authority vested in the Secretary of the Interior by sections 203 and 205 of Title II of the Agricultural Marketing Act of 1946, as amended, it is proposed to adopt an interim amendment to Part 262 in order to bring Part 262 into conformity with the Definitions and Standards of Identity for Frozen Raw Breaded and Lightly Breaded Shrimp. This amendment to Part 262 is only a temporary and technical modification of Part 262. After all comments concerning the proposed notice of rule making, which was published on March 18, have been received and given full consideration, a new, comprehensive and revised Part 262 will be adopted.

Since the breaded shrimp industry must comply with certain mandatory requirements of the Definitions and Standards of Identity for Frozen Raw Breaded and Lightly Breaded Shrimp beginning June 3, 1965, and since this amendment achieves technical conformity of Part 262 with the Definitions and Standards of Identity regarding the calculation of the percent of shrimp material, notice and public procedure thereon have been deemed unnecessary and impracticable.

§ 262.21 Definitions and methods of analysis.

* * * * *

(i) *Percent shrimp material.* * * *

(2) * * *

(ii) Calculate percent shrimp material:

$$\text{Percent shrimp material} = \frac{\text{weight of debreaded sample}}{\text{weight of sample}} \times 100 + 2$$

* * * * *

These regulations shall become effective upon publication in the FEDERAL REGISTER.

(Sec. 6, 70 Stat. 1122; 16 U.S.C. 742a; secs 203, 205, 60 Stat. 1087, 1090, as amended; 7 U.S.C. 1622, 1624)

JOHN A. CARVER, Jr.,
Under Secretary of the Interior.

JUNE 3, 1965.

[F.R. Doc. 65-5828; Filed, June 4, 1965; 8:49 a.m.]

Proposed Rule Making

DEPARTMENT OF AGRICULTURE

Agricultural Research Service

[9 CFR Part 94]

FIJI ISLANDS

Proposed Amendment of List of Countries Where Rinderpest or Foot-and-Mouth Disease Exists

Notice is hereby given in accordance with section 4 of the Administrative Procedure Act (5 U.S.C. 1003) that the information available to the U.S. Department of Agriculture indicates that neither rinderpest nor foot-and-mouth disease now exists in the Fiji Islands and that, pursuant to the provisions of section 306 of the Act of June 17, 1930, as amended (19 U.S.C. 1306), section 2 of the Act of February 2, 1903, as amended (21 U.S.C. 111), and the Act of July 2, 1962 (21 U.S.C. 134 et seq.), consideration is being given to amending § 94.1(a) (1) of the regulations (9 CFR 94.1(a) (1)) by inserting therein the words "the Fiji Islands," before the word "Greenland."

The proposed amendment would remove the designation of the Fiji Islands as a country where rinderpest or foot-and-mouth disease exists. Such action would remove the present prohibitions upon the importation of certain animals and meats from the Fiji Islands into the United States and would relieve the present restrictions upon the importation from such country of certain other animals, animal products and byproducts, hay, straw, and similar materials. Such prohibitions and restrictions are set forth in 9 CFR Parts 92, 94, and 95.

Any person who wishes to submit written data, views, or arguments concerning the proposed amendment may do so by filing them with the Director, Animal Inspection and Quarantine Division, Agricultural Research Service, U.S. Department of Agriculture, Hyattsville, Md., 20781, within 30 days after publication hereof in the FEDERAL REGISTER. All written submissions made pursuant to this notice will be made available for public inspection at such times and places and in a manner convenient to the public business (7 CFR 1.27(b)).

Done at Washington, D.C., this 2d day of June 1965.

R. J. ANDERSON,
Acting Administrator,
Agricultural Research Service.

[F.R. Doc. 65-5897; Filed, June 4, 1965; 8:48 a.m.]

[9 CFR Part 94]

SWEDEN

Proposed Amendment of List of Countries Where Rinderpest or Foot-and-Mouth Disease Exists

Notice is hereby given in accordance with section 4 of the Administrative Procedure Act (5 U.S.C. 1003) that the information available to the U.S. Department of Agriculture indicates that neither rinderpest nor foot-and-mouth disease now exists in Sweden and that, pursuant to the provisions of section 306 of the Act of June 17, 1930, as amended (19 U.S.C. 1306), section 2 of the Act of February 2, 1903, as amended (21 U.S.C. 111), and the Act of July 2, 1962 (21 U.S.C. 134 et seq.), consideration is being given to amending § 94.1(a)(1) of the regulations (9 CFR 94.1(a)(1)) by adding thereto the word "Sweden" following the words "the Republic of Ireland."

The proposed amendment would remove the designation of Sweden as a country where rinderpest of foot-and-mouth disease exists. Such action would remove the present prohibitions upon the importation of certain animals and meats from Sweden into the United States, and would relieve the present restrictions upon the importation from such country of certain other animals, animal products and byproducts, hay, straw, and similar materials. Such prohibitions and restrictions are set forth in 9 CFR Parts 92, 94, and 95.

Any person who wishes to submit written data, views, or arguments concerning the proposed amendment may do so by filing them with the Director, Animal Inspection and Quarantine Division, Agricultural Research Service, U.S. Department of Agriculture, Hyattsville, Md., 20781, within 30 days after publication hereof in the FEDERAL REGISTER. All written submissions made pursuant to this notice will be made available for public inspection at such times and places and in a manner convenient to the public business (7 CFR 1.27(b)).

Done at Washington, D.C., this 2d day of June 1965.

R. J. ANDERSON,
Acting Administrator,
Agricultural Research Service.

[F.R. Doc. 65-5898; Filed, June 4, 1965; 8:49 a.m.]

ATOMIC ENERGY COMMISSION

[10 CFR Part 150]

COMPUTATION OF QUANTITIES OF SPECIAL NUCLEAR MATERIAL IN AGREEMENT STATES FOR PURPOSES OF EXEMPTION

Notice of Proposed Rule Making

Subsection 274b of the Atomic Energy Act of 1954, as amended, authorizes the Commission to enter into agreements with individual States for the discontinuance of Commission regulatory authority under the Act, with respect to certain atomic energy materials. Among those materials are special nuclear materials in quantities not sufficient to form a critical mass.

The Commission has, thus far, entered into agreements with nine States[1] pursuant to subsection 274b. It has also promulgated a regulation, 10 CFR Part 150, to carry out such agreements.

Section 150.10 of Part 150 exempts persons in agreement States who manufacture, produce, receive, possess, use, or transfer special nuclear material in quantities not sufficient to form a critical mass from the requirements for a license contained in the Act and from the Commission's licensing regulations. Paragraph (a) of § 150.11 sets out the quantities of special nuclear materials which are deemed to be not sufficient to form a critical mass. Paragraph (b) of that section provides, in effect, that in determining whether the exemption applies, the total quantity of special nuclear material which a person is authorized to receive, possess or use anywhere in a particular agreement State at any one time shall be included in the quantity computed under paragraph (a).

The Commission is now considering amending § 150.11(b) to provide that in determining whether the exemption of § 150.10 applies at any particular plant or other authorized location of use, only the material which the person is authorized to receive, possess, or use at that plant or location at any one time need be included in the computation. Even though the total quantity of special nuclear material which a person is authorized to possess or use within an agreement State may be sufficient to form a critical mass, no problems of accidental criticality are presented so long as the quantity of material possessed and used at any separate location at any one time is insufficient to form a critical mass.

Pursuant to the Atomic Energy Act of 1954, as amended, and the Administrative Procedure Act of 1946, notice is hereby given that adoption of the following amendment to 10 CFR Part 150 is contemplated. All interested persons who desire to submit written comments or suggestions for consideration in connection with the proposed amendment should send them to the Secretary, U.S. Atomic Energy Commission, Washington, D.C., 20545, within 30 days after initial publication of this notice in the FEDERAL REGISTER. Comments received after that period will be considered if it is practicable to do so, but assurance of consideration cannot be given except as to comments filed within the period specified.

Paragraph (b) of § 150.11 is amended to read as follows:

§ 150.11 Critical mass.

* * * * *

(b) To determine whether the exemption granted in § 150.10 applies to the receipt, possession or use of special nuclear material at any particular plant or other authorized location of use, a person shall include in the quantity computed according to paragraph (a) of this section the total quantity of special nuclear material which he is authorized to receive, possess or use at the plant or other location of use at any one time.

[1] Referred to hereinafter as "agreement States."

(Secs. 161, 274, 68 Stat. 948, 78 Stat. 668; 42 U.S.C. 2201, 2021)

Dated at Washington, D.C., this 1st day of June 1965.

For the Atomic Energy Commission.

W. B. McCool,
Secretary.

[F.R. Doc. 65-5876; Filed, June 4, 1965; 8:47 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Parts 1, 17]

[Docket No. 11665; FCC 65-457]

ANTENNA FARM AREAS

Termination of Proceeding

1. On March 29, 1956, the Commission issued a notice of proposed rule making intended to encourage the grouping of antenna towers of more than 500 feet in height in areas designated by the Airspace Panel of the Air Coordinating Committee and to encourage the multiple use of existing structures. A further notice of proposed rule making was released November 22, 1957, which included the recommendations of the Joint Industry-Government Tall Structures Committee as to new criteria for determining whether applications for antenna towers would require special aeronautical study.

2. The Federal Aviation Agency was created in 1958, among other things, to vest in a single agency authority over space management as it related to the aviation industry. An Executive Order of August 11, 1960, terminated the Air Coordinating Committee and many of its functions were thereafter assumed by the Federal Aviation Agency. On June 12, 1961, the Federal Aviation Agency adopted rules establishing the conditions under which it is to be notified of proposed construction or alteration of ground structures, to fix the criteria to be applied in determining whether proposed construction is a hazard, and to prescribe the procedures for conducting aeronautical studies and fact finding hearings and the establishment of antenna farms.[1]

3. In view of the termination of the Air Coordinating Committee, the procedures now set forth in Part 77 of the regulations of the Federal Aviation Agency with respect to consideration of proposed antenna towers, and the issuance today by the Federal Communications Commission of a Notice of Proposed Rule Making proposing to establish antenna farm areas, the Commission is of the view that further study of the comments and reply comments in this docket would serve no useful purpose.

4. In view of the foregoing: It is ordered, that this proceeding is terminated.

Adopted: May 26, 1965.

Released: June 1, 1965.

FEDERAL COMMUNICATIONS COMMISSION,[2]

[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 65-5880; Filed, June 4, 1965; 8:47 a.m.]

[Docket No. 16030; FCC 65-456]

[47 CFR Parts 1, 17, 73]

ANTENNA FARM AREAS

Establishment and Use

1. Notice is hereby given of rule making in the above-entitled matter.

2. The purpose of these proceedings is to insure and promote adequate broadcast coverage by providing a procedure which will facilitate the Commission's efforts to permit the construction of tall antenna towers and at the same time minimize the need for protracted hearings on such proposals, and to gear this procedure to the requirements of public safety in air transportation. The communications and aviation industries are both concerned with the use of airspace. The use of high antennas for communications is essential to a realization of the maximum of public service, particularly in the broadcasting service, but the existence of high towers may present difficulties for air navigation.

3. The Commission has long recognized that the matter of air safety is an important element of the public interest. Before the creation of the Federal Aviation Agency (FAA), the Commission followed the practice of seeking advice from aeronautical interests by way of the Airspace Subcommittee[3] of the Air Coordinating Committee (ACC). The ACC was established by Executive Order in 1946[4] and one of its purposes was to provide for the fullest development and coordination of aviation policies and activities of the Federal agencies represented in the ACC. All applications requiring special aeronautical study under Part 17 of the Commission's rules and regulations were submitted by the Commission to the appropriate Regional Airspace Subcommittee. This subcommittee, operating through regional offices, provided informal opportunity for government and private aviation interests to evaluate a prospective tower's effect upon local aeronautical activity and furnished machinery for the working out of a compromise mutually acceptable to the broadcaster and to the aviation interests. The findings of this subcommittee were sent to the Washington Airspace Panel, with a copy to the FCC. After consideration by the Washington Panel, its findings were then referred to the FCC for its determination. Since potential hazard to air safety is, as indicated above, an element of the public interest in considering communication applications, when the Airspace Panel advised the Commission that it could not unanimously determine that a proposed antenna tower structure would not result in an unacceptable hazard to air navigation, the Commission would designate the application for formal adjudicatory hearing. Although aviation organizations have intervened in our hearings on air hazard questions, the Commission, pursuant to section 307(a) of the Communications Act of 1934, as amended, must make the ultimate determination as to whether the public interest would be served by a grant of the applications. Moreover, section 303(q) of the Act authorizes the Commission to require the painting and/or illumination of broadcast towers if and when in its judgment such towers constitute, or there is a reasonable possibility that they may constitute, a menace to air navigation.

4. As early as 1957, the Civil Aeronautics Board stated that the administrative machinery set up could no longer cope with the complex problem of diminishing airspace on the one hand and the increased need for airspace on the other hand.[5] In 1958, the FAA was created. An early act of the FAA Administrator was to inform the Commission of FAA withdrawal from the Air Coordinating Committee and the Subcommittee on Airspace and of its recommendation, subsequently adopted, that the Committee be abolished. Thereafter an Executive Order terminated the ACC as of October 10, 1960, and many of its functions were assumed by the FAA. In major part, this resulted from the enactment of the Federal Aviation Act of 1958 which vested enlarged coordination responsibilities in the Administrator of the FAA and also provided expresaly for certain types of interagency coordination.

5. The FAA and the FCC have worked closely together in considering antenna proposals, and although over 17,000 antenna proposals have been considered by both agencies since the ACC was terminated, relatively few serious difficulties have arisen regarding aeronautical hazards. Both agencies have established procedures to insure the sharing of airspace on a fair and equitable basis with maximum benefit to the public. Part 17 of the rules of the Federal Communications Commission prescribes certain procedures and standards with respect to the consideration of proposed antenna towers, which serve as a guide to persons who intend to apply for radio station licenses. Part 77 of the Federal Aviation Regulations[6] establishes standards for determining obstructions in navigable airspace, sets forth requirements for notice of proposed construction, provides for aeronautical studies of obstruction, and for public hearings, and for the establishment of antenna farm areas. An FAA antenna farm consisting of a specific geographical location with established dimensions of area and height is created by the FAA on the proposal of the FAA, the FCC, the sponsor of a proposed tower or anyone with a substantial interest in such a tower. Each proposal is evaluated on the basis of its effect on the use of navigable airspace. The FAA advises the FCC of its proposal to establish the antenna farm and the Commission replies by letter, which is made public. If the Commission interposes no objection, rule making proceedings are instituted. If the Commission objects, it will, in its reply, set forth the reasons why it believes the proposal will interfere with its responsibilities. If the Commission so advises the FAA, the FAA will not publish the proposal. Section 77.83(b) of the FAA rules.

6. Despite the coordination between the FAA and the FCC, complex problems are arising because of the increase in the number and height of towers. Furthermore, as the number of UHF authorizations increases, it is imperative that provision be made for adequate sites for even taller structures than would be required to provide a comparable service using VHF alone. The continuing trend to more and higher towers (particularly in television and FM broadcasting) has indicated the advisability of the establishment by the FCC of antenna farm areas to accommodate such structures. In establishing such areas, we are concerned not only with aeronautical safety but also with making it simpler for the aviation industry to adjust their flight requirements to accommodate greater antenna heights than would be possible if antennas were scattered. Thus, with the establishment of antenna farm areas, it should be possible to authorize broadcast towers of greater height than would be otherwise possible, and at the same time minimize the need for protracted hearings on tall tower proposals. In this connection, we have been assured by the FAA that broadcasters may expect to obtain such greater antenna heights within antenna farm areas which may be established under the procedures proposed herein than would be possible under the procedures which are presently being followed.

7. The establishment of such taller towers, particularly in television, in a manner fully consistent with principles of aeronautical safety, will not only greatly benefit the communications industry and the public served thereby by making possible improved service to those already being served and new service to areas and populations now without service, but also will benefit the aviation industry as well as the general public by minimizing the hazards to air navigation. In this manner, the designation and implementation of such farm areas will enable the Commission to carry out more fully its statutory responsibility, to make available so far as possible to all of the people of the United States a rapid, efficient, nation-wide communications service. Further, establishment of such antenna farms should lead ultimately to the grouping in a minimum number of locations of all antennas for broadcast stations serving a particular community, with the result that orientation of receiving antennas will be more easily accomplished. This factor should be of great benefit to UHF broadcasters because of the more critical requirements involved in orienting UHF receiving antennas. We, therefore, propose to amend our rules as set forth below to provide for the establishment of antenna farm areas and to assure that in such designation the needs of the communications industry, as well as the effect of such designation on public safety in air transportation, will be given full consideration.

8. Although the proposal provides that proceedings will be instituted by the Commission on its own motion, the Commission will, of course, consider proposals for the establishment of antenna farms from the FAA and members of both the communications and aviation industries. In any event, no matter how the proposal arises, rule making will be initiated only after coordination with the FAA. If the FAA advises the Commission by letter of the reasons why it believes that the proposal would constitute a hazard to air navigation the rule-making proceeding will not be initiated. If the FAA does not acquiesce, and if the Commission cannot find a reasonable alternative in consultation with the FAA, then, of course, these rules will not apply. Nothing in this proposal shall be construed to mean that the Commission will establish only one antenna farm area for a community. We will consider on a case-by-case basis whether more than one such area should be designated. When a rule making proceeding is instituted by the Commission, in order to insure that the FAA has the benefit of all comments and information before making a determination as to whether a proposed antenna farm will constitute a hazard to air navigation, our rules will require that a copy of any comments filed with the Commission addressed to that question must also be filed with the FAA.

9. The provisions of this rule will apply to applications for new or modified facilities, including proposals to move antenna towers where the proposed height exceeds 1,000 feet above ground or to increase height above 1,000 feet above ground. The adoption of these rules would not impose any requirement on any existing station to move its antenna. When an antenna farm area has been established by the Commission, existing permittees and licensees will not be required to move their transmitting antennas to the farm area, but will be permitted to do so voluntarily if the proposal would comply with all the Commission rules, including the mileage separation rules.

10. We will establish an antenna farm area only after an appropriate rule making proceeding with full opportunity to all interested parties to participate. In each community for which an antenna farm is considered, it is our intention to establish, wherever possible, one or more antenna farms of sufficient size to permit the antenna structures for all television and FM channels assigned to such community to be located in one or more of the farms. We emphasize that we are very concerned about the integrity of our minimum spacing requirements. Every effort will be made to establish antenna farm areas at locations which meet all of the Commission's rules. If it should not be possible for us to establish an antenna farm or farms for a particular community that will accommodate the antenna structures for all assigned channels consistent with all mileage separation requirements, the establishment of an antenna farm or farms under such circumstances is not to be interpreted as an indication by the Commission that it will approve mileage shortages to permit a particular applicant to locate its antenna structure in the designated antenna farm or farms. Instead, we may authorize construction outside of a specified antenna farm area, if we find it to be in the public interest after giving due consideration to the aeronautical hazard problem, and if the proposal meets the separations and other requirements of our rules. Moreover, even if we should ultimately sanction a minor short spacing to accommodate a particular antenna structure in a designated antenna farm because of very special and overwhelming public interest considerations, such action would not serve as precedent for the filing of a request for short separations under any other circumstances. Where minor short spacing is sanctioned, it will be only on the basis of equivalent protection, and, therefore, we are proposing to amend §§ 73.209 and 73.612 of our rules as set forth below.[7]

11. We have provided in §§ 1.61(g) and 17.10 of the proposed new rules that an application for a construction permit proposing the erection of an antenna structure over 1,000 feet in height above ground on a channel assigned to a community for which we have formally designated one or more antenna farm areas will not be accepted for filing unless (a) it is proposed to locate the antenna structure in a designated antenna farm area, or (b) it is accompanied by a statement from the Federal Aviation Agency that the proposed structure will not constitute a hazard to air navigation. We recognize that there may be meritorious reasons for locating individual antenna towers outside of a designated farm, even though the FAA has not preliminarily approved the site. We will consider such requests for waiver as provided in § 1.3 of our rules.

12. While we hope to conclude this rule-making proceeding promptly, it may require some time to specify antenna farm areas in many communities. Pending such specification applications will, of course, be handled under existing procedures, and consideration thereof will not be delayed simply because an antenna farm proposal is pending or because none has yet been suggested.

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[1] Adopted June 12, 1961, in Airspace Docket No. 60-WA-150, effective July 15, 1961, 26 CFR 2286.

[2] Commissioner Hyde absent.

[3] The Airspace Subcommittee was composed of representatives of the CAA, CAB, FCC, the Air Force, Army, and Navy. It was later changed to the Airspace Panel and was composed of the following members: Departments of Commerce, Army, Navy, and Air Force, the Civil Aeronautics Board, and the FCC.

[4] Executive Order 9781, as amended by Executive Order 10360, dated June 11, 1952, "establishing the Air Coordinating Committee."

[5] Notice of proposed rule making issued Aug. 2, 1957, 22 F.R. 6252.

[6] 14 CFR Part 77, Subpart F.

[7] We have not proposed equivalent protection standards in this proceeding. We have issued a Notice of Proposed Rule Making (Docket No. 16030) inviting comments on proposed new curves for VHF and UHF which will provide the basis for such equivalent protection.

13. Authority for the adoption of the amendments proposed herein is contained in sections 4 (i) and (j) and 303 of the Communications Act of 1934, as amended.

14. Pursuant to applicable procedures set out in § 1.415 of the Commission rules, interested persons may file comments on or before September 30, 1965, and reply comments on or before October 15, 1965. All relevant and timely comments and reply comments will be considered by the Commission before final action is taken in this proceeding. In reaching its decision in this proceeding, the Commission may also take into account other relevant information before it, in addition to the specific comments invited by this notice.

15. In accordance with the provisions of § 1.415(b) of the rules, an original and 14 copies of all comments, replies, pleadings, briefs, and other documents shall be furnished the Commission.

Adopted: May 26, 1965.

Released: June 2, 1965.

FEDERAL COMMUNICATIONS COMMISSION,*

[SEAL] BEN F. WAPLE,
Secretary.

1. Section 1.61 is amended by adding a new subparagraph (g) as follows:

§ 1.61 Procedures for handling applications requiring special aeronautical study.

* * * * *

(g) Where one or more antenna farm areas have been designated for a community or communities (See § 17.19) an application for a construction permit proposing the erection of an antenna structure over 1,000 feet in height above ground to serve such community or communities will not be accepted for filing unless:

(1) It is proposed to locate the antenna structure in a designated antenna farm area, or

(2) It is accompanied by a statement from the Federal Aviation Agency that the proposed structure will not constitute an undue hazard to air navigation.

2. Part 17, Subpart B, is amended by adding new §§ 17.10, 17.18, and 17.19, and by amending § 17.11, to read as follows:

* Dissenting statement of Commissioners Bartley and Lee filed as part of the original document; Commissioner Hyde absent.

§ 17.10 Antenna structures over 1,000 feet in height.

Where one or more antenna farm areas have been designated for a community or communities (See § 17.19) the Commission will not accept for filing an application for a construction permit to construct a new station or to increase height or change antenna location of an existing station proposing the erection of an antenna structure over 1,000 feet above ground unless:

(a) It is proposed to locate the antenna structure in a designated antenna farm area, or

(b) It is accompanied by a statement from the Federal Aviation Agency that the proposed structure will not constitute an undue hazard to air navigation.

§ 17.11 Antenna structures over 500 feet up to and including 1,000 feet in height.

Where an antenna farm area or areas have been designated for a community or communities by the Commission, proposals for antenna structures over 500 feet and up to and including 1,000 feet above ground to be located outside of such area or areas will require special aeronautical study. With respect to communities for which no antenna farm area has been designated, special aeronautical study will be required for all proposals for antenna structures over 500 feet above ground.

§ 17.18 Establishment of antenna farm areas.

(a) An antenna farm area is defined as a geographical location, with established boundaries, designated by the Federal Communications Commission, in which antenna towers with a common impact on aviation may be grouped.

(b) Each such area will be established by appropriate rule-making proceedings, which may be commenced by the Commission on its own motion after consultation with the FAA. If the FAA advises the Commission in writing for stated reasons that establishment of the proposed antenna farm would constitute a hazard to air navigation, rule-making proceedings will not be instituted. Any person filing comments in the Commission's rule-making proceeding which concern the question of whether the proposed antenna farm will constitute a hazard to air navigation shall file a copy of the comments with the Administrator of the FAA. Proof of such filing shall be established in accordance with § 1.47 of this chapter.

(c) Nothing in this subpart shall be construed to mean that only one antenna farm area will be designated for a community. The Commission will consider on a case-by-case basis whether or not more than one antenna farm area shall be designated for a particular community.

§ 17.19 Designated antenna farm areas.

The areas described in the following paragraphs of this section are established as antenna farm areas: (appropriate paragraphs will be added as necessary).

3. Section 73.209 is amended by adding a new paragraph (c) as follows:

§ 73.209 Protection from interference.

* * * * *

(c) When the Commission determines that grant of an application would serve the public interest, convenience and necessity and the instrument of authorization specifies an antenna location in a designated antenna farm area which results in mileage separations less than those specified in this subpart, FM broadcast station permittees and licensees shall be afforded protection from interference equivalent to the protection afforded under the minimum mileage separations specified in this subpart.

4. Section 73.612 is amended, preceding the note, by designating the present text as paragraph (a) and adding new paragraph (b) as follows:

§ 73.612 Protection from interference.

* * * * *

(b) When the Commission determines that grant of an application would serve the public interest, convenience and necessity and the instrument of authorization specifies an antenna location in a designated antenna farm area which results in mileage separations less than those specified in this subpart, TV broadcast station permittees and licensees shall be afforded protection from interference equivalent to the protection afforded under the minimum mileage separations specified in this subpart.

[F.R. Doc. 65-5881; Filed June 4, 1965; 8:47 a.m.]

Notices

DEPARTMENT OF THE TREASURY

Office of the Secretary

[Dept. Circ. 570; 1965 Revision]

COMPANIES HOLDING CERTIFICATES OF AUTHORITY AS ACCEPTABLE SURETIES ON FEDERAL BONDS AND AS ACCEPTABLE REINSURING COMPANIES

JUNE 1, 1965.

This circular is published annually as of June 1, solely for the information of Federal bond-approving officers and persons required to give bonds to the United States. Interim changes in this circular are published in the FEDERAL REGISTER as they occur.

The following companies, except where otherwise noted, have complied with the law and the regulations of the Treasury Department and are acceptable as sureties on Federal bonds, to the extent and with respect to the localities indicated opposite their respective names.

JOHN K. CARLOCK,
Fiscal Assistant Secretary of the Treasury.

COMPANIES HOLDING CERTIFICATES OF AUTHORITY FROM SECRETARY OF THE TREASURY UNDER ACT OF CONGRESS, APPROVED JULY 30, 1947 (6 U.S.C., 6-13) AS ACCEPTABLE SURETIES ON FEDERAL BONDS (a)

Names of companies and locations of principal executive offices	Underwriting limitations (net limit on any one risk) See footnote (b)	States and other areas in which licensed to transact a fidelity and surety business. See footnote (c)	State in which incorporated and judicial districts in which process agents have been appointed. (State of incorporation in capitals. Letters preceding names of States indicate judicial districts.) See footnote (d)
The Aetna Casualty and Surety Company, Hartford, Conn.	$37,596,000	All except Virgin Islands	CONN.—All except Virgin Islands.
Aetna Insurance Company, Hartford, Conn.	12,090,000	All except Canal Zone	CONN.—All except Canal Zone, Hawaii, Virgin Islands.
Agricultural Insurance Company, Watertown, N.Y.	2,155,000	All except Canal Zone, Puerto Rico, Virgin Islands	N.Y.—All except Alaska, Canal Zone, Conn., Hawaii, sIll., Ind., Ky., Md., Miss., N.C., Okla., Puerto Rico, Tenn., Virgin Islands, W.Va.
Allegheny Mutual Casualty Company, Meadville, Pa.	93,000	Alaska, Fla., Ind., Md., Mich., N.J., Ohio, Pa., Wis	PA.—D.C., sFla., nIll., sInd., Md., eMich., N.J., Ohio, eWis.
Allied Mutual Insurance Company, Des Moines, Iowa.	1,328,000	Ariz., Colo., Ind., Iowa, Kans., Minn., Nebr., N. Dak., S. Dak., Wyo.	IOWA—Ariz., D.C., Kans.
American Automobile Insurance Company, San Francisco, Calif.	3,704,000	All except Canal Zone, Puerto Rico, Virgin Islands	MO.—All except Canal Zone, Puerto Rico, Virgin Islands.
American Casualty Company of Reading, Pennsylvania, Reading, Pa.	3,033,000	All except Canal Zone, Virgin Islands	PA.—All except Virgin Islands.
American Central Insurance Company, New York, N.Y.	268,000	All except Canal Zone, Del., Idaho, La., N. Mex., Oreg., Puerto Rico, S.C., Virgin Islands.	MO.—All except Canal Zone, Puerto Rico, Virgin Islands.
American Credit Indemnity Company of New York, Baltimore, Md.	2,182,000	Cal., Colo., Conn., Del., Ill., Ind., Iowa, Ky., Me., Md., Mass., Minn., Mo., N.H., N.J., N. Mex., N.Y., N.C., Ohio, Okla., Pa., R.I., Vt., Wash., W. Va., Wis.	N.Y.—D.C.
American Employers' Insurance Company, Boston, Mass.	3,325,000	All except Canal Zone	MASS.—All.
American Fidelity Company, Manchester, N.H.	366,000	Conn., Me., Mass., Miss., N.H., R.I., Vt	VT.—All except Canal Zone, Kan., Puerto Rico, Virgin Islands.
American Fire and Casualty Company, Orlando, Fla.	873,000	Ala., Ark., Colo., D.C., Fla., Ga., Kans., Ky., La., Md., Miss., Mo., N.C., Okla., Puerto Rico, S.C., Tenn., Tex., Va.	FLA.—Ala., Ark., Colo., D.C., Ga., Kans., Ky., La., Md., Miss., Mo., N.C., Okla., S.C., Tenn., Tex., Va.
American and Foreign Insurance Company, New York, N.Y.	1,505,000	All except Canal Zone, Del., La., Mass., Mo., Oreg., Puerto Rico, S.C., Va., Virgin Islands.	N.Y.—D.C., Tex.
American General Insurance Company, Houston, Tex.	13,434,000	Ala., Ariz., Ark., Colo., D.C., Fla., La., Miss., N. Mex., Okla., Pa., Tex.	TEX.—All except Conn., Del., Hawaii, eKy., Me., Md., Mass., Mich., N.H., N.J., N.Y., Puerto Rico, R.I., eTenn., Vt., Virgin Islands.
American Guarantee and Liability Insurance Company, Chicago, Ill.	1,126,000	All except Canal Zone, Hawaii, Puerto Rico, Virgin Islands.	N.Y.—Alaska, Cal., Conn., D.C., nFla, nsGa., nsIll., nInd., Me., Md., Mass., eMich., Minn., Mo., N.H., N.J., N. Mex., Ohio, Pa., nswTex., Vt.
American Home Assurance Company, New York, N.Y.	2,580,000	Ala., Alaska, Ariz., Cal., Colo., Conn., Del., D.C., Fla., Ga., Hawaii, Ill., Ind., Iowa, Kans., Ky., La., Me., Md., Mass., Mich., Minn., Miss., Mo., Mont., Nebr., Nev., N.H., N.J., N. Mex., N.Y., N.C., N. Dak., Ohio, Okla., Pa., R.I., S.C. (fidelity only), S. Dak., Tex., Utah, Vt., Va., Wash., W. Va., Wis., Wyo.	N.Y.—D.C.
American Indemnity Company, Galveston, Tex.	508,000	Ala., Cal., Colo., D.C., Fla., Ga., Ill., Ind., Iowa, Kans., Ky., La., Mich., Minn., Miss., Mo., N.C., Ohio, Okla., S.C., Tenn., Tex., Va., Wis.	TEX.—All except Alaska, wArk., Canal Zone, Hawaii, wMich., nOkla., Puerto Rico., Virgin Islands, wVa.
The American Insurance Company, San Francisco, Cal.	12,038,000	All except Canal Zone, Virgin Islands	N.J.—All except Canal Zone, Puerto Rico, Virgin Islands.
American Manufacturers Mutual Insurance Company, Chicago, Ill.	601,000	All except Canal Zone, Del., Hawaii, La., Oreg., Puerto Rico, S.C., Tenn., Virgin Islands.	N.Y.—All except nAla., Ark., Canal Zone, Conn., Del., Ga., Hawaii, Idaho, sIowa, Kans., La., Me., Md., Mo., Nebr., Nev., Oreg., mPa., Puerto Rico, S.C., S. Dak., Tenn., Tex., Utah, Va., Virgin Islands, wWis.
American Motorists Insurance Company, Chicago, Ill.	1,170,000	All except Alaska, Del., Hawaii, Idaho, Oreg	ILL.—All except Alaska, Ark., Canal Zone, Del., Hawaii, Idaho, Nev., N. Mex., Oreg., Tenn., Virgin Islands, Wyo.
American Mutual Liability Insurance Company, Wakefield, Mass.	4,360,000	All except Canal Zone, Hawaii, Puerto Rico, Virgin Islands.	MASS.—D.C.
American National Fire Insurance Company, New York, N.Y.	1,055,000	All except Canal Zone, Conn., Del., Ga., Idaho, Kans., La., Me., Mass., Mich., N.J., N.C., N. Dak., Pa., Puerto Rico, S.C., S. Dak., Tenn., Va., Virgin Islands, Wis.	N.Y.—All.
American Re-Insurance Company, New York, N.Y.	6,022,000	All except Fla., N. Mex	N.Y.—All.
American States Insurance Company, Indianapolis, Ind.	2,177,000	Ark., Colo., Ill., Ind., Iowa, Kans., Ky., Md., Mich., Minn., Mo., Nebr., N.J., Ohio, Okla., Pa., Wis.	IND.—Colo., D.C., Ill., Iowa, Kans., Ky., Mich., Mo., Ohio, Pa., Wis.
Argonaut Insurance Company, Menlo Park, Cal.	926,000	Alaska, Ariz., Ark., Cal., Colo., D.C., Hawaii, Idaho, Ill., Iowa, La., Mass., Minn., Miss., Mont., Nev., N.J., N. Mex., N. Dak., Ohio, Okla., Oreg., S.C., Tex., Utah, Vt., Wash., Wyo.	CAL.—D.C., nGa., Idaho.
Associated Indemnity Corporation, San Francisco, Cal.	1,058,000	All except Canal Zone, Virgin Islands	CAL.—nAla., Ariz., D.C., sFla., eMo., Mont., Nebr., Nev., sN.Y., wOkla., Oreg., Tex., Utah, Wash.

See footnotes at end of table.

COMPANIES HOLDING CERTIFICATES OF AUTHORITY FROM SECRETARY OF THE TREASURY UNDER ACT OF CONGRESS, APPROVED JULY 30, 1947 (6 U.S.C., 6-13) AS ACCEPTABLE SURETIES ON FEDERAL BONDS (a)—Continued

Names of companies and locations of principal executive offices	Underwriting limitations (net limit on any one risk) see footnote (b)	States and other areas in which licensed to transact a fidelity and surety business. See footnote (c)	State in which incorporated and judicial districts in which process agents have been appointed. (State of incorporation in capitals. Letters preceding names of States indicate judicial districts.) See footnote (d)
Atlantic Insurance Company, Dallas, Tex.	$1,008,000	Ala., Ariz., Ark., Cal., Ga., Ill., Ind., Kans., Md., Mo., Nev., N. Mex., N.C., Ohio, Tenn., Tex., Utah.	TEX.—Ala., Ariz., Ark., Cal., Colo., Del., D.C., Fla., Idaho, Ill., Ind., sIowa, Kans., La., Mich., Mo., Nev., N.J., N. Mex., N.C., Ohio, Okla., ePa., S.C., mTenn., Utah.
Atlantic Mutual Insurance Company, New York, N.Y.	4,270,000	All except Ala., Canal Zone, Hawaii, La., Puerto Rico, Tenn., Virgin Islands.	N.Y.—D.C.
Auto-Owners Insurance Company, Lansing, Mich.	1,415,000	Ala., Fla., Ga., Ill., Ind., Iowa, Kans., Ky., Mich., Minn., Mo., Nebr., N.C., N. Dak., Ohio, Pa., S.C., S. Dak., Tenn., Wis.	MICH.—D.C., nsFla., Ill., Ind., Iowa, Minn., Mo., N. Dak., Ohio, S. Dak.
Balboa Insurance Company, Los Angeles, Cal.	411,000	All except Ala., Ark., Canal Zone, Iowa, Kans., La., Me., Mass., Miss., Nebr., N.H., N.J., N.C., N. Dak., Oreg., Puerto Rico, R.I., S.C., S. Dak., Tenn., Vt., Va., Virgin Islands, W. Va., Wis.	CAL.—D.C.
Bankers Multiple Line Insurance Company, Chicago, Ill.	[illegible]	All except Alaska, Cal., Canal Zone, Del., Ga., Hawaii, Idaho, Kans., La., Me., Miss., N.H., N.C., Oreg., Puerto Rico, R.I., S.C., Tenn., Va., Virgin Islands.	IOWA—D.C.
Bankers and Shippers Insurance Company of New York, New York, N.Y.	1,297,000	All except Canal Zone, Hawaii, Me., Puerto Rico, Virgin Islands.	N.Y.—mAla., Ariz., Ark., Del., D.C., nFla., nGa., sInd., sIowa, eKy., Me., Mass., Mich., Minn., sMiss., wMo., N.H., N.J., sOhio, wOkla., R.I., S. Dak., nwTex., Wyo.
Beneficial Fire and Casualty Insurance Company, Los Angeles, Cal.	853,000	Alaska, Ariz., Cal., Colo., D.C., Md., Mich., Minn., Mont., Nebr., Nev., N. Mex., N.Y., Okla., R.I., Wash., Wyo.	CAL.—D.C.
Birmingham Fire Insurance Company of Pennsylvania, Pittsburgh, Pa.	725,000	All except Ark., Canal Zone, Del., Ga., Hawaii, Idaho, Mass., N.H., N.J., Puerto Rico, S.C., Tex., Virgin Islands.	PA.—D.C.
Boston Insurance Company, Boston, Mass.	3,847,000	All except Canal Zone, Idaho, Oreg.	MASS.—All except Alaska, Canal Zone, Hawaii, Idaho, N. Dak, Oreg.
The Buckeye Union Casualty Company, Columbus, Ohio.	2,862,000	Ind., Ky., Mich., Ohio, Pa., Va., W. Va.	OHIO—D.C., Ill., Ind., Ky., Mich., Minn., Pa., eTenn., Wash., W. Va.
Buffalo Insurance Company, Buffalo, N.Y.	600,000	Ala., Alaska, Ariz., Cal., Colo., Conn., D.C., Fla., Ga., Ill., Ind., Iowa, Me., Md., Mass., Mich., Minn., Miss., Mo. (fidelity only), Mont., Nebr., Nev., N.H. (reinsurance only), N.J., N. Mex., N.Y., N.C., N. Dak., Ohio, Okla., Pa., R.I., S.C. (fidelity only), S. Dak., Utah (fidelity only), Vt., Wash., W. Va. (surety only), Wis., Wyo.	N.Y.—D.C.
The Camden Fire Insurance Association, Camden, N.J.	2,747,000	Ala. (fidelity only), Alaska, Ariz., Ark., Cal., Colo., Conn., D.C., Ill., Ind., Iowa, Kans., Ky., Md., Mass., Mich., Minn., Nev., N.H., N.J., N. Mex., N.Y., N.C., N. Dak., Ohio, Okla., Pa., R.I., S.C. (fidelity only), Utah, Vt., Va., W. Va., Wyo.	N.J.—D.C.
Capitol Indemnity Corporation, Madison, Wis.	117,000	Iowa, Mich., Minn., Wis.	WIS.—D.C., nGa., Ill., sInd., Iowa, Mich., Minn., wMo.
Cascade Insurance Company, Tacoma, Wash.	316,000	Cal., Idaho, Mont., Nev., Oreg., Utah, Wash.	WASH.—All except Canal Zone, Puerto Rico, Virgin Islands.
The Celina Mutual Insurance Company, Celina, Ohio.	289,000	Colo., D.C., Ill., Ind., Kans., Ky., Md., Mich., Mo., Ohio, Pa., Va., W. Va., Wis.	OHIO—D.C.
Centennial Insurance Company, New York, N.Y.	992,000	All except Ala., Canal Zone, La., Puerto Rico, Tenn., Virgin Islands.	N.Y.—D.C.
Central Mutual Insurance Company, Van Wert, Ohio.	935,000	All except Ala., Ark., Canal Zone, Hawaii, La., Nebr., N. Dak., Oreg., Puerto Rico, S. Dak., Tenn., Tex., Virgin Islands, Wis.	OHIO—D.C.
Central Surety and Insurance Corporation, New York, N.Y.	564,000	All except Canal Zone, Hawaii, N. Mex., Puerto Rico, Virgin Islands.	MO.—All except Virgin Islands.
The Cincinnati Insurance Company, Cincinnati, Ohio.	314,000	Ala., Fla., Ga., Ind., Ky., Ohio.	OHIO—mAla., D.C., sFla., nGa., sInd., Ky.
Citizens Casualty Company of New York, New York, N.Y.	100,000	All except Canal Zone, Hawaii, Ohio, Virgin Islands.	N.Y.—All except Canal Zone, Hawaii, Virgin Islands.
Citizens Insurance Company of New Jersey, Hartford, Conn.	978,000	All except Canal Zone, Puerto Rico, Virgin Islands.	N.J.—All except Canal Zone, Hawaii, Puerto Rico, Virgin Islands.
Commercial Insurance Company of Newark, N.J., New York, N.Y.	2,374,000	Ala., Alaska, Ariz., Ark., Cal., Canal Zone, Colo., Conn., Del., D.C., Fla., Ga., Guam, Hawaii, Idaho, Ill., Ind., Iowa, Kans., Ky., La., Me., Md., Mass., Mich., Minn., Miss., Mo., Mont., Nebr., Nev., N.H., N.J., N. Mex., N.Y., N.C., N. Dak., Ohio, Okla., Oreg., Pa., R.I., S.C., S. Dak., Tenn., Tex., Utah, Vt., Va., Virgin Islands, Wash., W. Va., Wis., Wyo.	N.J.—All.
Commercial Union Insurance Company of New York, New York, N.Y.	10,557,000	All except Canal Zone	N.Y.—All except Canal Zone.
The Connecticut Fire Insurance Company, Hartford, Conn.	5,009,000	All except Canal Zone, Puerto Rico, Virgin Islands.	CONN.—All except Alaska, Canal Zone, Hawaii, Puerto Rico, Virgin Islands.
The Connecticut Indemnity Company, New Haven, Conn.	948,000	All except Alaska, Canal Zone, Del., Hawaii, Oreg., Puerto Rico, S.C., Va., Virgin Islands.	CONN.—All except Alaska, Ariz., Cal., Canal Zone, Hawaii, Idaho, Mont., Nev., Oreg., Puerto Rico, Utah, Virgin Islands, Wash.
Consolidated Insurance Company, Indianapolis, Ind.	162,000	Ill., Ind., Ky., Mich., Ohio.	IND.—D.C., Ill., Ky., Mich., Ohio.
Consolidated Mutual Insurance Company, Brooklyn, N.Y.	495,000	All except Ala., Alaska, Canal Zone, Del., La., S.C.	N.Y.—D.C.
Continental Casualty Company, Chicago, Ill.	33,704,000	All	ILL.—All except Canal Zone, Virgin Islands.
The Continental Insurance Company, New York, N.Y.	118,130,000	All except Hawaii, Oreg., Puerto Rico, Virgin Islands.	N.Y.—All except Canal Zone, Puerto Rico, Virgin Islands.
Cosmopolitan Mutual Insurance Company, New York, N.Y.	931,000	Ala., Ark., Cal., Conn., D.C., Fla., Ga., Ill., Ind., La., Me., Md., Mass., Mich., Mo., N.H., N.J., N.Y., N.C., Okla., Pa., Puerto Rico, R.I., S.C., Tenn., Tex., Vt., Va., W. Va., Wis.	N.Y.—D.C.
Emmco Insurance Company, South Bend, Ind.	1,975,000	Alaska, Ind., N.Y., Vt., Wyo.	IND.—D.C.
Empire Fire and Marine Insurance Company, Omaha, Nebr.	69,000	Ala., Alaska, Ariz., Colo., Ga., Ill., Iowa, Minn., Miss., Mo., Mont., Nebr., Nev., N. Mex., N. Dak., Okla., S. Dak., Utah, Wash., Wyo.	NEBR.—D.C.
Employers Casualty Company, Dallas, Tex.	1,011,000	Ariz., Ark., Cal., Colo., Ill., Ind., Iowa, Kans., Ky., Minn., Miss., Mo., Mont., Nebr., Nev., N. Mex., Tex., Utah, Wash., Wyo.	TEX.—D.C.
The Employers' Fire Insurance Company, Boston, Mass.	1,515,000	All except Canal Zone	MASS.—All except Canal Zone.
Employers Mutual Casualty Company, Des Moines, Iowa.	1,844,000	All except Ala., Canal Zone, Conn., Del., Fla., Ga., Hawaii, Ky., La., Me., Mass., Mont., Nev., Okla., Oreg., Pa., Puerto Rico, R.I., Tenn., Utah, Virgin Islands, W. Va., Wyo.	IOWA—Alaska, Colo., D.C., Ill., Ind., Kans., Md., Minn., Miss., Mo., Nebr., N.C., N. Dak., Ohio, Okla., Oreg., Pa., S.C., S. Dak., Wis.

See footnotes at end of table.

COMPANIES HOLDING CERTIFICATES OF AUTHORITY FROM SECRETARY OF THE TREASURY UNDER ACT OF CONGRESS, APPROVED JULY 30, 1947 (6 U.S.C., 6-13) AS ACCEPTABLE SURETIES ON FEDERAL BONDS (a)—Continued

Names of companies and locations of principal executive offices	Underwriting limitations (net limit on any one risk) see footnote (b)	States and other areas in which licensed to transact a fidelity and surety business. See footnote (c)	State in which incorporated and judicial districts in which process agents have been appointed. (State of incorporation in capitals. Letters preceding names of States indicate judicial districts.) See footnote (d)
Employers Mutual Liability Insurance Company of Wisconsin, Wausau, Wis.	$10,438,000	All except Canal Zone, Virgin Islands	WIS.—D.C.
Employers Reinsurance Corporation, Kansas City, Mo.	4,515,000	All except Canal Zone, Hawaii, Puerto Rico, Virgin Islands.	MO.—All.
Equitable Fire and Marine Insurance Company, Hartford, Conn.	2,584,000	All except Ala., Alaska, Ariz., Canal Zone, Del., Ga., Mont., N.C., Oreg., Puerto Rico, S.C., S. Dak., Virgin Islands, W. Va.	R.I.—All except Alaska, Canal Zone, Hawaii, Puerto Rico, Virgin Islands.
Export Insurance Company, Houston, Tex.	423,000	All except Canal Zone, D.C., Fla., Hawaii, Kans., Ky., Me., Mich., Nebr., N.J., Ohio, Oreg., Pa., Puerto Rico, S. Dak., Tenn., Utah, Va., Virgin Islands, Wash., Wis.	N.Y.—D.C.
Farmers Elevator Mutual Insurance Company, Des Moines, Iowa.	200,000	Colo., Ill., Iowa, Kans., Minn., Nebr., N. Dak., Okla., S. Dak., Tex., Wis., Wyo.	IOWA—Colo., D.C., Ill., Kans., Nebr., Okla., S. Dak.
Farmers Mutual Hail Insurance Company of Iowa, Des Moines, Iowa.	1,061,000	Iowa	IOWA—D.C.
Federal Insurance Company, New York, N.Y.	16,020,000	All	N.J.—All.
Federated Mutual Implement and Hardware Insurance Company, Owatonna, Minn.	973,000	All except Alaska, Cal., Canal Zone, Del., Hawaii, Idaho, La., Me., Mass., Nev., Oreg., Pa., Puerto Rico, Tex., Virgin Islands, Wis.	MINN.—Ala., Ark., D.C., Fla., Ga., Ky., Miss., N.C., Okla., S.C., Tenn., Va., W. Va.
The Fidelity and Casualty Company of New York, New York, N.Y.	14,781,000	All except Virgin Islands	N.Y.—All except Hawaii, Virgin Islands.
Fidelity and Deposit Company of Maryland, Baltimore, Md.	7,461,000	All	MD.—All.
Fidelity-Phenix Insurance Company, New York, N.Y.	4,743,000	All except Canal Zone, Oreg., Virgin Islands	N.Y.—All except Virgin Islands.
Fireman's Fund Insurance Company, San Francisco, Cal.	35,305,000	All except Canal Zone	CAL.—All.
Firemen's Insurance Company of Newark, N.J., New York, N.Y.	14,509,000	All except Puerto Rico	N.J.—All except Canal Zone.
First Insurance Company of Hawaii, Ltd., Honolulu, Hawaii.	763,000	Guam, Hawaii, Oreg.	HAWAII—D.C.
The Fulton Insurance Company, New York, N.Y.	291,000	All except Ala., Canal Zone, Del., Idaho, Puerto Rico, Virgin Islands.	N.Y.—All except Ala., Canal Zone, Del., Ga., Idaho, Puerto Rico, Virgin Islands, eWash.
General Fire and Casualty Company, New York, N.Y.	583,000	All except Canal Zone, Ga., Hawaii, N. Dak., Puerto Rico, Tenn., Virgin Islands.	N.Y.—D.C.
General Insurance Company of America, Seattle, Wash.	15,634,000	All except Puerto Rico, Virgin Islands	WASH.—All except Puerto Rico, Virgin Islands.
General Reinsurance Corporation, New York, N.Y.	8,619,000	All except Canal Zone, Hawaii, Puerto Rico, Virgin Islands.	N.Y.—All except Canal Zone, Virgin Islands.
Glens Falls Insurance Company, Glens Falls, N.Y.	7,812,000	All except Canal Zone, Puerto Rico, Virgin Islands	N.Y.—All except Puerto Rico, Virgin Islands.
Globe Indemnity Company, New York, N.Y.	6,671,000	All except Canal Zone, Puerto Rico, Virgin Islands	N.Y.—All except Alaska, Virgin Islands.
Grain Dealers Mutual Insurance Company, Indianapolis, Ind.	1,108,000	All except Ala., Alaska, Canal Zone, Del., Hawaii, Idaho, Me., Nev., Puerto Rico, S.C., Tenn., Virgin Islands.	IND.—eArk., Colo., D.C., Ill., Iowa., Kans., Nebr., Ohio, wOkla.
Granite State Insurance Company, Manchester, N.H.	472,000	All except Canal Zone, Del., Hawaii, Idaho, Oreg., Puerto Rico, Virgin Islands.	N.H.—All except Puerto Rico.
Great American Insurance Company, New York, N.Y.	29,394,000	All except Canal Zone	N.Y.—All.
Great Northern Insurance Company, Minneapolis, Minn.	653,000	Ariz., Ill., Iowa, Minn., Mo., Mont., Nebr., Nev., N.Y., N. Dak., S. Dak., Wis., Wyo.	MINN.—D.C., nsIll., Iowa, Mo., Mont., N. Dak., S. Dak., Wis.
Greater New York Mutual Insurance Company, New York, N.Y.	1,774,000	All except Alaska, Ariz., Ark., Canal Zone, Colo., Del., Hawaii, Idaho, Kans., La., Mo., N. Dak., Ohio, Puerto Rico, S.C., Tenn., Virgin Islands, W. Va.	N.Y.—D.C.
Guarantee Insurance Company, Los Angeles, Cal.	350,000	Alaska, Ariz., Ark., Cal., Colo., Fla., Hawaii, Idaho, Ind., Iowa, Mich., Mont., Nev., N.J., N. Mex., N.Y., N.C., Okla., Tex., Utah, Va., Wash., Wyo.	CAL.—D.C.
Gulf American Fire and Casualty Company, Montgomery, Ala.	117,000	Ala., Fla., Ga., La., Miss., S.C., Tenn.	ALA.—Alaska, D.C., mnGa., sMiss.
Gulf Insurance Company, Dallas, Tex.	6,299,000	Ala., Ariz., Ark., Cal., Colo., Fla., Ga., Ill., Ind., Iowa, Kans., La., Md., Mich., Miss., Mo., Nev., N. Mex., N.C., Ohio, Okla., Pa., S.C., Tenn., Tex., Utah, Wash., Wyo.	TEX.—Ala., Ariz., Ark., Cal., Colo., Del., D.C., Fla., Ga., Idaho, Ill., Ind., nIowa, Kans., La., Mich., Mo., N.J., N. Mex., N.C., Ohio, Okla., Pa., S.C., mTenn., Utah.
The Hanover Insurance Company, New York, N.Y.	5,725,000	All except Canal Zone, Puerto Rico, Virgin Islands	N.Y.—All.
Hardware Mutual Casualty Company, Stevens Point, Wis.	1,042,000	All except Canal Zone, Idaho, Puerto Rico, Virgin Islands.	WIS.—D.C.
Hartford Accident and Indemnity Company, Hartford, Conn.	29,478,000	All	CONN.—All except Virgin Islands.
Hartford Fire Insurance Company, Hartford, Conn.	66,078,000	All except Canal Zone	CONN.—Ariz., Cal., D.C., La., N.Y.
Hawkeye-Security Insurance Company, Des Moines, Iowa.	947,000	Colo., D.C., Fla., Idaho, Ill., Ind., Iowa, Kans., Md., Mich., Minn., Mo., Mont., Nebr., Nev., N. Mex., Ohio, Pa., S. Dak., Utah, Va., Wyo.	IOWA—Colo., D.C., Fla., Ill., sInd., Kans., wMich., Mo., Nebr., N. Mex., S. Dak., Wyo.
Highlands Insurance Company, Houston, Tex.	235,000	All except Canal Zone, Conn., Del., Ga., Hawaii, Idaho, Me., Mass., Minn., Mo., N.H., N.J., N.Y., N. Dak., Ohio, Oreg., Pa., Puerto Rico, R.I., S. Dak., Vt., Virgin Islands, W. Va., Wis.	TEX.—D.C., La.
The Home Indemnity Company, New York, N.Y.	5,346,000	All except Alaska, Hawaii, Puerto Rico, Virgin Islands	N.Y.—All except Alaska, Hawaii, Puerto Rico, Virgin Islands.
The Home Insurance Company, New York, N.Y.	38,291,000	All except Canal Zone	N.Y.—D.C., Puerto Rico.
Home Owners Insurance Company, Chicago, Ill.	197,000	Ariz., Fla., Ga., Ill., Ind., Miss., Mo., Nev., Tenn.	ILL.—Ariz., D.C., sFla., Minn.
Hudson Insurance Company, New York, N.Y.	300,000	N.Y.	N.Y.—D.C.
Illinois National Insurance Co., Springfield, Ill.	520,000	Ill., Ind., Iowa, Ky., Ohio.	ILL.—All except Canal Zone, Puerto Rico, Virgin Islands.
Indiana Bonding and Surety Company, Indianapolis, Ind.	53,000	Ind.	IND.—
Indiana Insurance Company, Indianapolis, Ind.	589,000	Ill., Ind., Ky., Mich., Ohio.	IND.—D.C., Ill., Ky., Mich., Ohio.
Industrial Indemnity Company, San Francisco, Cal.	1,517,000	Alaska, Ariz., Ark., Cal., Colo., Fla., Guam, Hawaii, Idaho, Ill., La., Md., Mass., Mo., Mont., Nebr., Nev., N. Mex., N.C., Okla., Oreg., S. Dak., Tex., Utah, Wash., Wyo.	CAL.—Alaska, Ariz., eArk., Colo., D.C., sFla., Hawaii, Idaho, nIll., eLa., sMo., Mont., Nebr., Nev., N. Mex., wOkla., Oreg., S. Dak., Tex., Utah, Wash., Wyo.

See footnotes at end of table.

COMPANIES HOLDING CERTIFICATES OF AUTHORITY FROM SECRETARY OF THE TREASURY UNDER ACT OF CONGRESS, APPROVED JULY 30, 1947 (6 U.S.C., 6-13) AS ACCEPTABLE SURETIES ON FEDERAL BONDS (a)—Continued

Names of companies and locations of principal executive offices	Underwriting limitations (net limit on any one risk) see footnote (b)	States and other areas in which licensed to transact a fidelity and surety business. See footnote (c)	State in which incorporated and judicial districts in which process agents have been appointed. (State of incorporation in capitals. Letters preceding names of States indicate judicial districts.) See footnote (d)
Inland Insurance Company, Lincoln, Nebr.	$382,000	Iowa, Minn., Nebr., S. Dak.	NEBR.—Ariz., Ark., Colo., D.C., Ill., Iowa, Kans., Ky., Minn., sMo., Mont., Nev., N. Mex., N. Dak., Ohio, Okla., Oreg., S. Dak., Tex., Utah, Wash., Wyo.
Insurance Company of North America, Philadelphia, Pa.	13,160,000	All	PA.—All.
The Insurance Company of the State of Pennsylvania, New York, N.Y.	948,000	Ala., Alaska, Ariz., Cal., Colo., Conn., Del., D.C., Fla., Ga., Hawaii, Ill., Ind., Iowa, Kans., Ky., La., Me., Md., Mass., Mich., Minn., Miss., Mo., Mont., Nebr., Nev., N.H., N.J., N. Mex., N.Y., N.C., Ohio, Okla., Pa., R.I., S.C. (fidelity only), Tex., Utah, Vt., Va., Wash., W. Va., Wis., Wyo.	PA.—D.C.
International Fidelity Insurance Company, Newark, N.J.	48,000	Mass., Mich., N.J., N.Y., Pa.	N.J.—All except Alaska, Virgin Islands.
International Service Insurance Company, Fort Worth, Tex.	143,000	Alaska, Canal Zone, N. Mex., Tex.	TEX.—
Interstate Insurance Company, Cranford, N.J.	518,000	N.J.	N.J.—
Iowa Mutual Insurance Company, DeWitt, Iowa.	245,000	Ala., Colo., Fla., Ga., Ill., Iowa, Kans., La., Minn., Mont., Nebr., N. Mex., N.C., N. Dak., Okla., Oreg., S.C., S. Dak., Wis., Wyo.	IOWA—nAla., Colo., D.C., sIll., Kans., Minn., Mont., Nebr., wN.C., wOkla., Oreg., S. Dak.
Jersey Insurance Company of New York, New York, N.Y.	948,000	All except Alaska, Ariz., Canal Zone, Del., Hawaii, Me., Nev., N.H., N. Mex., N. Dak., Puerto Rico, Vt., Virgin Islands, W. Va., Wyo.	N.Y.—mAla., Ariz., Ark., D.C., nFla., nGa., sInd., sIowa, sKy., Mass., Mich., Minn., sMiss., wMo., N.J., Ohio, wOkla., R.I., S. Dak., nwTex.
Kansas City Fire and Marine Insurance Company, Glens Falls, N.Y.	488,000	All except Canal Zone, Del., Hawaii, Oreg., Puerto Rico, Virgin Islands.	MO.—Ala., Alaska, Ark., Colo., D.C., Fla., Ga., Ill., Iowa, Kans., Minn., Nebr., Okla., S.C., Tex., Va., Wis., Wyo.
Lawyers Surety Corporation, Dallas, Tex.	91,000	Tex.	TEX.—D.C.
Liberty Mutual Insurance Company, Boston, Mass.	19,013,000	All except Virgin Islands	MASS.—All except Canal Zone.
Lumbermens Mutual Casualty Company, Chicago, Ill.	6,250,000	All except Canal Zone, Puerto Rico, Virgin Islands	ILL.—All except Canal Zone, Hawaii, wLa., Puerto Rico, Virgin Islands.
Maine Bonding and Casualty Company, Portland, Me.	230,000	Colo., Conn., Fla., Me., Md., Mass., N.H., N.Y., Oreg., R.I., Tenn., Tex., Vt., Va.	ME.—Conn., D.C., Mass., N.H., R.I., Vt.
The Manhattan Fire and Marine Insurance Company, New York, N.Y.	1,422,000	All except Canal Zone, Conn., Del., La., Me., Mass., N. Dak., Oreg., S.C., Tenn., Virgin Islands.	N.Y.—D.C.
Maryland Casualty Company, Baltimore, Md.	15,469,000	All	MD.—All.
Maryland National Insurance Company, Bel Air, Md.	109,000	Ariz., Ark., Fla., Ga., Ill., Ind., Ky., La., Md., Mich., Minn., Mo., Nev., N. Dak., Ohio, Okla., Oreg., Pa., S.C., Tenn., Tex., Va., Wash., W. Va.	MD.—All except sAla., Alaska, sCal., Canal Zone, Colo., Hawaii, Me., N.H., N.Y., N.C., Puerto Rico, wS.C., wTex., Virgin Islands.
Massachusetts Bay Insurance Company, New York, N.Y.	526,000	Colo., D.C., Fla., Ga., Ind., Iowa, Kans., Me., Md., Mass., N.H., N.Y., R.I., Tex., Vt., Wis., Wyo.	MASS.—Colo., D.C., Ga., Ind., Iowa, Kans., Me., Md., N.H., R.I., Tex., Vt., Wis., Wyo.
Merchants Fire Assurance Corporation of New York, Baltimore, Md.	7,778,000	Cal., Conn., D.C., Ill., Ind., Iowa, Ky., Md., Mass., Mich., Minn., Mo., Nebr., N.J., N.Y., N.C., Ohio, Pa., R.I., W. Va., Wis.	N.Y.—Cal., D.C., Fla., nIll., sLa., Me., Md., Mass., Mich., Minn., Mo., Nebr., N.J., N.C., N.Dak., Oreg., sPa., sS.C., wTex., Vt., eVa., wWash.
Merchants Indemnity Corporation of New York, Baltimore, Md.	3,416,000	Cal., Conn., D., Ga., Ill., Ind., Iowa, Md., Mich., Minn., Mo., Nebr., N.J., N.Y., Ohio, Okla., Pa., Utah, Wash., Wis.	N.Y.—D.C., nGa., N.J., Ohio, wWash.
Michigan Millers Mutual Insurance Company, Lansing, Mich.	1,066,000	All except Ala., Alaska, Ariz., Canal Zone, Ga., Hawaii, Idaho, La., Nev., N. Mex., Oreg., Puerto Rico, S.C., Virgin Islands, Wyo.	MICH.—eArk., Cal., Colo., D.C., Ill., Ind., Iowa, Kans., eKy., Minn., Miss., Mo., Mont., Nebr., nwN.Y., N. Dak., Ohio, wOkla., S. Dak., wmTenn., Utah, wWash.
Michigan Mutual Liability Company, Detroit, Mich.	940,000	All except Canal Zone, Del., Hawaii, Me., Minn., Oreg., Puerto Rico, Tex., Virgin Islands, W. Va., Wyo.	MICH.—D.C.
Mid-Century Insurance Company, Los Angeles, Cal.	504,000	All except Ala., Alaska, Canal Zone, Conn., Del., D.C., Hawaii, Ky., La., Me., Md., Mass., Miss., N.H., N.J., N.Y., N.C., Pa., Puerto Rico, R.I., S.C., Tenn., Va., Virgin Islands, W. Va.	CAL.—Ariz., Ark., Colo., D.C., Idaho, Ill., Ind., Iowa, Kans., Mich., Minn., Mo., Mont., Nebr., Nev., N. Mex., N. Dak., Okla., Oreg., S. Dak., Tex., Utah, Wash., Wis., Wyo.
The Millers Mutual Fire Insurance Company, Harrisburg, Pa.	294,000	Ga., Ind., N.Y., N.C., Pa., S.C., Vt.	PA.—D.C.
The Millers Mutual Fire Insurance Company of Texas, Forth Worth, Tex.	259,000	All except Ala., Alaska, Canal Zone, Conn., Del., Hawaii, Idaho, Me., Md., Nev., N.J., N.C., Puerto Rico, R.I., S.C., Vt., Va., Virgin Islands, Wash., W. Va., Wyo.	TEX.—All except Ala., Alaska, Canal Zone, Conn., Del., Hawaii, Idaho, Me., Md., Nev., N.H., N.J., N.C., mPa., Puerto Rico, R.I., S.C., Vt., Va., Virgin Islands, Wash., W. Va., eWis., Wyo.
Millers' Mutual Insurance Association of Illinois, Alton, Ill.	1,306,000	Ark., Colo., Fla., Ga., Ill., Ind., Iowa, Kans., Md., Mich., Minn., Mo., Mont., N.Y., N.C., N. Dak., Ohio, Okla., Pa., S.C., S. Dak., Tex., Vt., Va., Wash., W. Va., Wis., Wyo.	ILL.—nAla., Ariz., Colo., D.C., Ind., Iowa, Kans., Minn., Mo., Mont., N. Dak., S. Dak.
Millers National Insurance Company, Chicago, Ill.	429,000	All except Alaska, Canal Zone, Del., Hawaii, La., Me., Miss., N.H., Puerto Rico, Vt., Virgin Islands.	ILL.—Ariz., sCal., Colo., D.C., Ind., Iowa, Kans., Ky., Mass., Mich., Minn., Mo., Mont., Nev., N. Mex., N. Dak., R.I., S. Dak., nwsTex., Utah, wWis., Wyo.
Milwaukee Insurance Company of Milwaukee, Wis., New York, N.Y.	3,025,000	All except Canal Zone, Puerto Rico, Virgin Islands	WIS.—All.
Mutual Boiler and Machinery Insurance Company, Waltham, Mass.	1,634,000	Alaska, Ariz., Cal., Colo., Conn., D.C., Ind., Iowa, Ky., Mass., Mich., Minn., Mont., Nev., N.H., N.J., N. Mex., N.Y., N.C., R.I., Tex., Utah, Vt., W. Va., Wis., Wyo.	MASS.—D.C.
National Automobile and Casualty Insurance Company, Los Angeles, Cal.	375,000	Alaska, Ariz., Cal., Colo., Idaho, Ill., Ind., Kans., Ky., La., Mich., Mo., Mont., Nev., N. Mex., Okla., Oreg., Tenn., Tex., Utah, Wash., Wyo.	CAL.—All except Canal Zone, Hawaii, Puerto Rico, Virgin Islands.
National-Ben Franklin Insurance Company of Pittsburgh, Pa., New York, N.Y.	1,298,000	All except Canal Zone, Hawaii, Oreg., Puerto Rico, Virgin Islands.	PA.—D.C., Md.
National Casualty Company, Detroit, Mich.	1,000,000	All except Ariz., Canal Zone, Hawaii, Puerto Rico, S.C., Virgin Islands.	MICH.—All except Alaska, Canal Zone, Hawaii, Puerto Rico, Virgin Islands.
National Fire Insurance Company of Hartford, Chicago, Ill.	10,363,000	All	CONN.—All except Ariz., Canal Zone, Nev., Virgin Islands.
National Grange Mutual Insurance Company, Keene, N.H.	3,130,000	Conn., D.C., Fla., Ill., Ind., Me., Md., Mass., Mich., Minn., N.H., N.J., N.Y., N.C., Ohio, Pa., R.I., S.C., Vt., W.Va., Wis.	N.H.—All except Alaska, Canal Zone, Hawaii, Virgin Islands.
National Indemnity Company, Omaha, Nebr.	982,000	All except Canal Zone, Conn., Fla., Ga., Hawaii, Me., Mass., N.H., N.J., N.Y., Ohio, Oreg., Puerto Rico, R.I., S.C., Vt., Virgin Islands.	NEBR.—All except Alaska, Canal Zone, Hawaii, Puerto Rico, Virgin Islands.
The National Reinsurance Corporation, New York, N.Y.	3,072,000	All except Ala., Alaska, Cal., Canal Zone, Del., Fla., Ga., Hawaii, Kans., La., Me., Miss., Mo., N.C., Oreg., Puerto Rico, S. Dak., Tenn., Va., Virgin Islands.	N.Y.—D.C., sOhio.
National Standard Insurance Company, Houston, Tex.	258,000	Colo., La., N. Mex., Tex.	TEX.—D.C.
National Surety Corporation, Principal Office: New York, N.Y., Home Office: San Francisco, Cal.	3,387,000	All except Puerto Rico, Virgin Islands.	N.Y.—All.

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Names of companies and locations of principal executive offices	Underwriting limitations (net limit on any one risk) see footnote (b)	States and other areas in which licensed to transact a fidelity and surety business. See footnote (c)	State in which incorporated and judicial districts in which process agents have been appointed. (State of incorporation in capitals. Letters preceding names of States indicate judicial districts.) See footnote (d)
National Union Fire Insurance Company of Pittsburgh, Pa., Pittsburgh, Pa.	$3,424,000	All except Canal Zone, Puerto Rico, Virgin Islands	PA.—All except Alaska, Canal Zone, Puerto Rico, Virgin Islands.
National Union Indemnity Company, Pittsburgh, Pa.	629,000	All except Ark., Canal Zone, Hawaii, Idaho, Me., Oreg., Puerto Rico, Virgin Islands.	PA.—All except Alaska, Canal Zone, Puerto Rico, Virgin Islands.
Nationwide Mutual Insurance Company, Columbus, Ohio.	1,570,000	All except Cal., Canal Zone, Hawaii, Nebr., N. Mex., Virgin Islands, Wis.	OHIO—D.C.
New Amsterdam Casualty Company, Hartford, Conn.	3,363,000	All except Canal Zone, Idaho, Virgin Islands	N.Y.—All except Canal Zone, Virgin Islands.
New Hampshire Insurance Company, Manchester, N.H.	4,003,000	All except Canal Zone, Puerto Rico, Virgin Islands	N.H.—All.
New York Underwriters Insurance Company, New York, N.Y.	2,328,000	All except Canal Zone, Puerto Rico, Virgin Islands	N.Y.—All except Canal Zone, Puerto Rico, Virgin Islands.
Newark Insurance Company, New York, N.Y.	1,941,000	All except Canal Zone, Oreg., Puerto Rico, Virgin Islands	N.J.—All except Alaska, nCal., Canal Zone, Hawaii, Idaho, Virgin Islands, Wyo.
Niagara Fire Insurance Company, New York, N.Y.	8,860,000	All except Canal Zone, Hawaii, Oreg.	N.Y.—All except Canal Zone.
North American Reinsurance Corporation, New York, N.Y.	4,201,000	All except Canal Zone, Kans., S. Dak., Tenn., Virgin Islands.	N.Y.—All except Canal Zone, Puerto Rico, Virgin Islands.
The North River Insurance Company, New York, N.Y.	6,413,000	All except Canal Zone, Hawaii, Puerto Rico, Virgin Islands.	N.Y.—All except Alaska, Canal Zone, Hawaii, Puerto Rico, Virgin Islands.
North Star Reinsurance Corporation, New York, N.Y.	242,000	Ark., Cal., D.C., Ill., Iowa, Kans., Mich., Nev., N.H., N.J., N.Y., Utah, W. Va.	N.Y.—D.C.
Northeastern Insurance Company of Hartford, Des Moines, Iowa.	1,118,000	Cal., Colo., Conn., Ill., Iowa, Kans., Mich., N.H., N.J., N.Y., Ohio, Okla., Tex.	CONN.—D.C.
The Northern Assurance Company of America, Boston, Mass.	1,240,000	All except Canal Zone, Virgin Islands	MASS.—All except Canal Zone, Minn., Virgin Islands, sW. Va.
Northern Insurance Company of New York, New York, N.Y.	3,866,000	All except Canal Zone, Conn., Fla., Hawaii, La., N.H., Puerto Rico, S.C., Va., Virgin Islands.	N.Y.—D.C., Me.
Northwestern National Casualty Company, Milwaukee, Wis.	787,000	Ala., Ariz., Cal., Iowa, Minn., Mont., Nebr., N. Mex., Pa., Wis.	WIS.—Cal., D.C., nnFla., Idaho, wLa., sMo., Vt.
Northwestern National Insurance Company, Milwaukee, Wis.	4,532,000	All except Canal Zone, Hawaii, Puerto Rico, Virgin Islands.	WIS.—All except Canal Zone, nnFla., Hawaii, Idaho, wLa., Puerto Rico, Vt., Virgin Islands.
The Ohio Casualty Insurance Company, Hamilton, Ohio.	3,741,000	All except Alaska, Canal Zone, Hawaii, Idaho, Me., N.Y., Puerto Rico, Virgin Islands.	OHIO—All except Canal Zone, Hawaii, Virgin Islands.
Ohio Farmers Insurance Company, LeRoy, Ohio.	1,789,000	Ariz., Cal., Colo., Conn., Del., D.C., Ill., Ind., Iowa, Md., Mass., Mich., Minn., Mo., Nev., N.J., N.Y., N. Dak., Ohio, Okla., Pa., R.I., S. Dak., Va., W. Va., Wis.	OHIO—All except sAla., Alaska, Canal Zone, sGa., Hawaii, Me., N.H., wN.Y., Puerto Rico, wVa., Virgin Islands.
Old Colony Insurance Company, Boston, Mass.	830,000	All except Canal Zone, Hawaii, Idaho, Oreg., S. Dak., Virgin Islands.	MASS.—All except Alaska, Canal Zone, Hawaii, Idaho, Nev., N. Dak., Oreg., Virgin Islands.
Olympic Insurance Company, Los Angeles, Cal.	1,108,000	All except Ala., Ark., Canal Zone, Colo., Del., Fla., Ga., Hawaii, La., Me., Md., Mass., N.J., N.Y., N.C., Ohio, Puerto Rico, R.I., S. Dak., Tenn., Va., Virgin Islands, W. Va., Wis.	CAL.—D.C.
Oregon Automobile Insurance Company, Portland, Oreg.	286,000	All except Canal Zone, Hawaii, Idaho, Nev., Oreg., Utah, Wash.	OREG.—Cal., D.C., Hawaii, Idaho, Nev., Utah, Wash.
Pacific Employers Insurance Company, Los Angeles, Cal.	1,140,000	All except Ala., Ark., Canal Zone, Conn., D.C., Fla., Ga., Hawaii, Ky., La., Me., Md., Mass., Mich., N.H., N.Y., N.C., N. Dak., Pa., Puerto Rico, R.I., S.C., Vt., Va., Virgin Islands, W. Va., Wis.	CAL.—Ariz., Conn., Del., D.C., sFla., wKy., Md., Mass., N. Mex., N.Y., Ohio, R.I., wTex., W. Va., Wis.
Pacific Indemnity Company, Los Angeles, Cal.	3,020,000	All except Canal Zone, Puerto Rico, Virgin Islands	CAL.—All except Conn., Me., N.H., Vt., Virgin Islands.
Pacific Insurance Company, Limited, Honolulu, Hawaii.	709,000	Hawaii	HAWAII—D.C.
Pacific Insurance Company of New York, New York, N.Y.	1,871,000	All except Alaska, Canal Zone, Hawaii, Me., Nev., N.H., N. Dak., Puerto Rico, S. Dak., Vt., Virgin Islands, W. Va., Wyo.	N.Y.—mAla., Ariz., Ark., Del., D.C., nFla., nGa., sInd., sIowa, sKy., Me., Mass., Mich., Minn., sMiss., wMo., N.J., sOhio, wOkla., R.I., S. Dak., nwTex., Wyo.
Peerless Insurance Company, Keene, N.H.	712,000	All except Canal Zone, Hawaii	N.H.—All except Hawaii, Virgin Islands.
The Pennsylvania Insurance Company, New York, N.Y.	2,225,000	All except Canal Zone, Puerto Rico	PA.—All except Canal Zone, Puerto Rico.
Pennsylvania Manufacturers' Association Insurance Company, Philadelphia, Pa.[3]	1,740,000	Del., D.C., Md., N.J., N.Y., Ohio, Pa., W. Va.	PA.—D.C.
Pennsylvania Millers Mutual Insurance Company, Wilkes-Barre, Pa.	1,121,000	D.C., Pa.	PA.—D.C.
Pennsylvania National Mutual Casualty Insurance Company, Harrisburg, Pa.	922,000	Ala., Del., D.C., Ga., Ill., Ind., Iowa, Kans., Ky., La., Md., Mich., Minn., Miss., Mo., Nebr., N.J., N.C., Ohio, Okla., Pa., R.I., S.C., Tenn., Tex., Utah, Vt., Va., W. Va., Wis.	PA.—D.C., Kans., Md., Mo., N.J., N.C., Okla., Mo., Tenn., Va.
Phoenix Assurance Company of New York, New York, N.Y.	1,768,000	All except Canal Zone, Virgin Islands	N.Y.—All except Alaska, Canal Zone, Puerto Rico, Virgin Islands.
The Phoenix Insurance Company, Hartford, Conn.	16,363,000	All except Canal Zone, Puerto Rico, Virgin Islands	CONN.—All except Alaska, Canal Zone, Hawaii, Puerto Rico, Virgin Islands.
Planet Insurance Company, Philadelphia, Pa.	1,509,000	All except Canal Zone, Hawaii, Puerto Rico, Virgin Islands.	WIS.—All except Canal Zone, Virgin Islands.
Potomac Insurance Company, Philadelphia, Pa.	4,932,000	Ala. (fidelity only), Ariz., Cal., Colo., Conn., D.C., Fla., Ga., Ill., Ind., Iowa, Kans., Ky., La., Md., Mass., Mich., Minn., Miss., Mo., Nebr., Okla., N.J., N. Mex., N.Y., N.C., Ohio, Oreg., Pa., R.I., S.C. (fidelity only), Tenn., Tex., Utah, Va., Wash., W. Va., Wis., Wyo.	PA.—All except Ala., Alaska, Ariz., Ark., Canal Zone, Del., sGa., Hawaii, Idaho, sIll., nInd., nIowa, sKy., Me., nMiss., Mont., Nev., N.H., N. Dak., sOkla., Oreg., Puerto Rico, S.C., S. Dak., wTex., Vt., Va., Virgin Islands.
Progressive Mutual Insurance Company, Cleveland, Ohio.	534,000	Ohio	OHIO—D.C.
Providence Washington Insurance Company, Providence, R.I.	1,788,000	All except Canal Zone, Del., Idaho, La., N.C., N. Dak., Oreg., Puerto Rico, Virgin Islands.	R.I.—Conn., D.C., Mass., N.H., N.J., N.Y., Pa., Vt.
Provident Insurance Company of New York, New York, N.Y.	823,000	All except Ariz., Ark., Canal Zone, Conn., Del., Ga., Hawaii, Idaho, Kans., La., Me., Miss., Mont., Oreg., Puerto Rico, S.C., Virgin Islands.	N.Y.—sCal., D.C., eN.C., Tenn., Va., W. Va.
Prudence Mutual Casualty Company, Chicago, Ill.	112,000	Ala., Fla., Ga., Ill., Ind., Ky., Miss., Mo., N. Mex., S.C., Tenn.	ILL.—D.C., Fla., Ind., Miss., Mo.
The Prudential Insurance Company of Great Britain Located in New York, New York, N.Y.	1,602,000	N.Y.	N.Y.—D.C.
Public Service Mutual Insurance Company, New York, N.Y.	1,905,000	Conn., Del., D.C., Fla., Ga., Idaho, Ill., Iowa, Me., Md., N.H., N.J., N.Y., N.C., Pa., R.I., Vt., Va., W. Va., Wis.	N.Y.—D.C., sFla., ePa., wTex.
Queen Insurance Company of America, New York, N.Y.	4,900,000	All except Canal Zone, Oreg., Puerto Rico, Virgin Islands.	N.Y.—All except Alaska, Canal Zone, Hawaii, Idaho, Virgin Islands, Wyo.

See footnotes at end of table.

COMPANIES HOLDING CERTIFICATES OF AUTHORITY FROM SECRETARY OF THE TREASURY UNDER ACT OF CONGRESS, APPROVED JULY 30, 1947 (6 U.S.C., 6-13) AS ACCEPTABLE SURETIES ON FEDERAL BONDS (a)—Continued

Names of companies and locations of principal executive offices	Underwriting limitations (net limit on any one risk) see footnote (b)	States and other areas in which licensed to transact a fidelity and surety business. See footnote (c)	State in which incorporated and judicial districts in which process agents have been appointed. (State of incorporation in capitals. Letters preceding names of States indicate judicial districts.) See footnote (d)
Reliance Insurance Company, Philadelphia, Pa.	$2,000,000	All except Canal Zone, Hawaii, Puerto Rico, Virgin Islands	PA.—All except Alaska, Canal Zone, Hawaii, Puerto Rico, Virgin Islands.
Republic Insurance Company, Dallas, Tex.	1,000,000	All except Canal Zone, Puerto Rico, Virgin Islands	TEX.—All except Canal Zone, Puerto Rico, Virgin Islands.
Republic Insurance Company, New York, N.Y.	1,000,000	All except Canal Zone, Hawaii, Puerto Rico, Virgin Islands	N.Y.—All except Alaska, Canal Zone, Hawaii, Puerto Rico, Virgin Islands.
Republic Vanguard Insurance Company, Phoenix, Ariz.	1,000,000	Ariz., Colo., Idaho, Nev., N. Mex., Utah	ARIZ.—D.C.
Reserve Insurance Company, Chicago, Ill.	1,000,000	Ariz., Ark., Colo., Ill., Ind., Iowa, Kans., Mich., Minn., Mo., Mont., Nebr., N. Mex., N. Dak., Ohio, Okla., Oreg., S. Dak., Tex., Utah, Wash., W. Va., Wis., Wyo.	ILL.—Ala., Ariz., Colo., D.C., Ind., Iowa, Kans., Minn., Mo., Mont., N. Dak., S. Dak.
Resolute Insurance Company, Fargo, N. Dak.	1,000,000	Ariz., Colo., Ill., Ind., Iowa, Kans., Mich., Minn., Mo., Mont., Nebr., N. Mex., N. Dak., Ohio, Okla., Oreg., S. Dak., Tex., Utah, Wash., W. Va., Wis., Wyo.	N. DAK.—Ariz., Colo., D.C., Ill., Ind., Iowa, Kans., Minn., Mo., Mont., Nebr., N. Mex., Ohio, Okla., Oreg., S. Dak., Tex., Utah, Wash., W. Va., Wis., Wyo.
Richmond Insurance Company, New York, N.Y.	1,000,000	All except Canal Zone, Hawaii, Puerto Rico, Virgin Islands	N.Y.—All except Alaska, Canal Zone, Hawaii, Puerto Rico, Virgin Islands.
Royal Indemnity Company, New York, N.Y.	1,000,000	All except Canal Zone, Puerto Rico, Virgin Islands	DEL.—All except Alaska, Canal Zone, Puerto Rico, Virgin Islands.
Safeco Insurance Company of America, Seattle, Wash.	1,000,000	All except Canal Zone, Puerto Rico, Virgin Islands	WASH.—All except Alaska, Canal Zone, Puerto Rico, Virgin Islands.
Safeguard Insurance Company, Pittsburgh, Pa.	1,000,000	All except Canal Zone, Hawaii, Puerto Rico, Virgin Islands	PA.—All except Alaska, Canal Zone, Hawaii, Puerto Rico, Virgin Islands.
St. Paul Fire and Marine Insurance Company, St. Paul, Minn.	1,000,000	All except Canal Zone, Puerto Rico, Virgin Islands	MINN.—All except Alaska, Canal Zone, Puerto Rico, Virgin Islands.
Seaboard Surety Company, New York, N.Y.	1,000,000	All except Canal Zone, Puerto Rico, Virgin Islands	N.Y.—All except Alaska, Canal Zone, Puerto Rico, Virgin Islands.
Security Insurance Company of Hartford, Hartford, Conn.	1,000,000	All except Canal Zone, Hawaii, Puerto Rico, Virgin Islands	CONN.—All except Alaska, Canal Zone, Hawaii, Puerto Rico, Virgin Islands.
Seneca Insurance Company, New York, N.Y.	1,000,000	All except Canal Zone, Hawaii, Puerto Rico, Virgin Islands	N.Y.—All except Alaska, Canal Zone, Hawaii, Puerto Rico, Virgin Islands.
Sentinel Insurance Company, Ltd., Honolulu, Hawaii.	1,000,000	Hawaii	HAWAII—D.C.
Service Insurance Company, Dallas, Tex.	1,000,000	Ala., Ariz., Ark., Colo., Fla., Ga., Ill., Ind., Iowa, Kans., Ky., La., Md., Mich., Minn., Miss., Mo., Nebr., N. Mex., N.C., Ohio, Okla., Oreg., S.C., Tenn., Tex., Va., Wash., W. Va., Wis., Wyo.	TEX.—Ariz., Colo., D.C., Ga., Ill., Ind., Iowa, Kans., Ky., Md., Mich., Minn., Miss., Mo., Nebr., N. Mex., N.C., Ohio, Okla., Oreg., S.C., Tenn., Va., Wash., W. Va., Wis., Wyo.
Southern Fire and Casualty Company, Des Moines, Iowa.	1,000,000	Ala., Ariz., Ark., Colo., Fla., Ga., Ill., Ind., Iowa, Kans., Ky., La., Md., Mich., Minn., Miss., Mo., Nebr., N. Mex., N.C., Ohio, Okla., Oreg., S.C., Tenn., Tex., Va., Wash., W. Va., Wis., Wyo.	IOWA—Ariz., Colo., D.C., Ill., Ind., Kans., Minn., Mont., Nebr., wN.C., wOkla., Oreg., S. Dak.
Southern Surety Company, New York, N.Y.	1,000,000	All except Canal Zone, Puerto Rico, Virgin Islands	N.Y.—All except Alaska, Canal Zone, Puerto Rico, Virgin Islands.
Southern Surety Insurance Company, Oklahoma City, Okla.	1,000,000	Ala., Ariz., Ark., Colo., Fla., Ga., Ill., Ind., Iowa, Kans., Ky., La., Md., Mich., Minn., Miss., Mo., Nebr., N. Mex., N.C., Ohio, Okla., Oreg., S.C., Tenn., Tex., Va., Wash., W. Va., Wis., Wyo.	OKLA.—Ariz., Colo., D.C., Ill., Ind., Kans., Minn., Mont., Nebr., wN.C., wOkla., Oreg., S. Dak.
Southern Underwriters Insurance Company, Atlanta, Ga.	1,000,000	Ala., Ark., Fla., Ga., Ky., La., Miss., N.C., S.C., Tenn., Va.	GA.—Ala., Ark., Fla., Ky., La., Miss., N.C., S.C., Tenn., Va.
Standard Accident Insurance Company, Detroit, Mich.	1,000,000	All except Canal Zone, Puerto Rico, Virgin Islands	MICH.—All except Alaska, Canal Zone, Puerto Rico, Virgin Islands.
Standard Fire Insurance Company, Hartford, Conn.	1,000,000	All except Canal Zone, Hawaii, Puerto Rico, Virgin Islands	CONN.—All except Alaska, Canal Zone, Hawaii, Puerto Rico, Virgin Islands.
Standard Surety and Casualty Company of New York, New York, N.Y.	1,000,000	All except Canal Zone, Puerto Rico, Virgin Islands	N.Y.—All except Alaska, Canal Zone, Puerto Rico, Virgin Islands.
Standard Surety and Casualty Company, Chicago, Ill.	1,000,000	Ariz., Ark., Colo., Ill., Ind., Iowa, Kans., Mich., Minn., Mo., Mont., Nebr., N. Mex., N. Dak., Ohio, Okla., Oreg., S. Dak., Tex., Utah, Wash., W. Va., Wis., Wyo.	ILL.—Ala., Ariz., Colo., D.C., Ind., Iowa, Kans., Minn., Mo., Mont., N. Dak., S. Dak.
Standard Surety Insurance Company, Oklahoma City, Okla.	1,000,000	Ala., Ariz., Ark., Colo., Fla., Ga., Ill., Ind., Iowa, Kans., Ky., La., Md., Mich., Minn., Miss., Mo., Nebr., N. Mex., N.C., Ohio, Okla., Oreg., S.C., Tenn., Tex., Va., Wash., W. Va., Wis., Wyo.	OKLA.—Ariz., Colo., D.C., Ill., Ind., Kans., Minn., Mont., Nebr., wN.C., wOkla., Oreg., S. Dak.
Standard Surety and Casualty Company, Dallas, Tex.	1,000,000	Ala., Ariz., Ark., Colo., Fla., Ga., Ill., Ind., Iowa, Kans., Ky., La., Md., Mich., Minn., Miss., Mo., Nebr., N. Mex., N.C., Ohio, Okla., Oreg., S.C., Tenn., Tex., Va., Wash., W. Va., Wis., Wyo.	TEX.—Ariz., Colo., D.C., Ga., Ill., Ind., Iowa, Kans., Ky., Md., Mich., Minn., Miss., Mo., Nebr., N. Mex., N.C., Ohio, Okla., Oreg., S.C., Tenn., Va., Wash., W. Va., Wis., Wyo.
Standard Surety and Casualty Company, Tampa, Fla.	1,000,000	Ala., Fla., Ga., Ky., Miss., N.C., S.C., Tenn., Va.	FLA.—Ala., Ga., Ky., Miss., N.C., S.C., Tenn., Va.
The Standard Surety and Casualty Company of Tennessee, Memphis, Tenn.	1,000,000	Ala., Ark., Fla., Ga., Ky., La., Miss., N.C., S.C., Tenn., Va.	TENN.—Ala., Ark., Fla., Ga., Ky., La., Miss., N.C., S.C., Va.
Standard Surety and Casualty Company of West Virginia, Charleston, W. Va.	1,000,000	Ala., Ark., Fla., Ga., Ky., La., Miss., N.C., S.C., Tenn., Va.	W. VA.—Ala., Ark., Fla., Ga., Ky., La., Miss., N.C., S.C., Tenn., Va.
Standard Surety Insurance Company, Oklahoma City, Okla.	1,000,000	Ala., Ariz., Ark., Colo., Fla., Ga., Ill., Ind., Iowa, Kans., Ky., La., Md., Mich., Minn., Miss., Mo., Nebr., N. Mex., N.C., Ohio, Okla., Oreg., S.C., Tenn., Tex., Va., Wash., W. Va., Wis., Wyo.	OKLA.—Ariz., Colo., D.C., Ill., Ind., Kans., Minn., Mont., Nebr., wN.C., wOkla., Oreg., S. Dak.
Stanley Insurance Company, Los Angeles, Cal.	1,000,000	Ariz., Cal., Colo., Idaho, Nev., N. Mex., Oreg., Utah, Wash.	CAL.—Ariz., Colo., Idaho, Nev., N. Mex., Oreg., Utah, Wash.
The Stuyvesant Insurance Company, Albany, N.Y.	1,000,000	All except Canal Zone, Hawaii, Puerto Rico, Virgin Islands	N.Y.—All except Alaska, Canal Zone, Hawaii, Puerto Rico, Virgin Islands.
Sun Insurance Office, Ltd., New York, N.Y.	1,000,000	All except Canal Zone, Puerto Rico, Virgin Islands	N.Y.—All except Alaska, Canal Zone, Puerto Rico, Virgin Islands.
Surety Insurance Company, Pawtucket, R.I.	1,000,000	Ariz., Colo., Conn., Del., D.C., Ill., Ind., Iowa, Kans., Me., Md., Mass., Mich., Minn., Mo., Nebr., N.H., N.J., N.Y., N.C., Ohio, Okla., Pa., R.I., S.C., Tex., Vt., Va., Wash., W. Va., Wis.	R.I.—Ariz., Colo., Conn., Del., D.C., Ill., Ind., Iowa, Kans., Me., Md., Mass., Mich., Minn., Mo., Nebr., N.H., N.J., N.Y., N.C., Ohio, Okla., Pa., S.C., Tex., Vt., Va., Wash., W. Va., Wis.
Surety Insurance Company of California, Pasadena, Cal.	1,000,000	Ariz., Cal., Colo., Idaho, Nev., N. Mex., Oreg., Utah, Wash.	CAL.—Ariz., Colo., Idaho, Nev., N. Mex., Oreg., Utah, Wash.
Surety Underwriters, Inc., Los Angeles, Cal.	1,000,000	Ariz., Cal., Colo., Idaho, Nev., N. Mex., Oreg., Utah, Wash.	CAL.—Ariz., Colo., Idaho, Nev., N. Mex., Oreg., Utah, Wash.
Transamerica Insurance Company, Los Angeles, Cal.	1,000,000	All except Canal Zone, Puerto Rico, Virgin Islands	CAL.—All except Alaska, Canal Zone, Puerto Rico, Virgin Islands.
Transcontinental Insurance Company, New York, N.Y.	1,000,000	All except Canal Zone, Hawaii, Puerto Rico, Virgin Islands	N.Y.—All except Alaska, Canal Zone, Hawaii, Puerto Rico, Virgin Islands.
Transportation Insurance Company, Chicago, Ill.	1,000,000	All except Can

COMPANIES HOLDING CERTIFICATES OF AUTHORITY FROM SECRETARY OF THE TREASURY UNDER ACT OF CONGRESS, APPROVED JULY 30, 1947 (6 U.S.C., 6-12) AS ACCEPTABLE SURETIES ON FEDERAL BONDS (a)—Continued

Names of companies and locations of principal executive offices	Underwriting limitations (net limit on any one risk) see footnote (b)	States and other areas in which licensed to transact a fidelity and surety business. See footnote (c)	State in which incorporated and judicial districts in which process agents have been appointed. (State of incorporation in capitals. Letters preceding names of States indicate judicial districts.) See footnote (d)
The Reinsurance Corporation of New York, New York, N.Y.	$3,110,000	Alaska, Ark., Cal., Colo., Del., D.C., Ga., Ill., Ind., Iowa, Kans., Ky., Me., Md., Mich., Minn., Miss., Mo., Mont., Nebr., Nev., N.H., N.J., N.Y., N.C., N. Dak., Ohio, Okla., R.I., S.C., Tex. (reinsurance only), Utah (reinsurance only), Vt., Va. (reinsurance only), Wash., W. Va., Wis., Wyo.	N.Y.—D.C.
Reliable Insurance Company, Chicago, Ill.	199,000	All except Ariz., Canal Zone, Conn., Hawaii, La., N.Y., Oreg., Puerto Rico, R.I., Tenn., Vt., Va., Virgin Islands, Wash.	OHIO—D.C.
Reliance Insurance Company, Philadelphia, Pa.	13,407,000	All except Canal Zone	PA.—All except Canal Zone.
Republic Insurance Company, Dallas, Tex.	3,643,000	All except Ala., Alaska, Del., Fla., Ga., Hawaii, Idaho, Ky., Me., Mass., Mich., Mont., Nev., N.H., N. Dak., Puerto Rico, R.I., S.C., S. Dak., Tenn., Utah, Vt., Virgin Islands, Wyo.	TEX.—D.C.
Resolute Insurance Company, Hartford, Conn.	643,000	All except Canal Zone, La., N.Y., Puerto Rico, Virgin Islands.	R.I.—All except wArk., Canal Zone, mGa., Hawaii, eKy., La., Me., wMich., nMiss., nwN.Y., N.C., Oreg., Puerto Rico, S.C., S. Dak., weTenn., Utah, Vt., wVa., Virgin Islands, nW. Va., wWis.
Royal Indemnity Company, New York, N.Y.	5,180,000	All	N.Y.—All except Virgin Islands.
Safeguard Insurance Company, New York, N.Y.	1,700,000	All except Canal Zone, Del., Puerto Rico, Virgin Islands	CONN.—All except Ark., Canal Zone, Ga., Ky., La., Miss., N.C., Okla., Puerto Rico, S.C., Tenn., nweTex., Vt., Virgin Islands, wVa., W. Va.
St. Paul Fire and Marine Insurance Company, St. Paul, Minn.	25,593,000	All except Canal Zone	MINN.—All.
St. Paul Mercury Insurance Company, St. Paul, Minn.	9,024,000	All except Canal Zone, Puerto Rico, Virgin Islands	MINN.—All.
Seaboard Surety Company, New York, N.Y.	2,700,000	All	N.Y.—All.
Security Insurance Company of New Haven, New Haven, Conn.	5,286,000	All except Canal Zone, Del., Hawaii, Miss., Oreg., Puerto Rico, S.C., Virgin Islands.	CONN.—All except Ariz., Cal., Canal Zone, Hawaii, Idaho, Mont., Nev., Oreg., Puerto Rico, Utah, Virgin Islands, Wash.
Security Mutual Casualty Company, Chicago, Ill.	1,245,000	All except Alaska, Canal Zone, Hawaii, Puerto Rico, Virgin Islands.	ILL.—D.C.
Security National Insurance Company, Dallas, Tex.	348,000	Ark., Cal., Colo., Ind., Mich., Okla., Tex.	TEX.—All except Canal Zone, Mont.
Select Insurance Company, Dallas, Tex.	900,000	Colo., Fla., Tex., Wyo.	TEX.—Ala., Ariz., Ark., Cal., Colo., Del., D.C., Fla., Ga., Idaho, Ill., Ind., nIowa, Kans., La., Mich., Nev., N.J., N. Mex., N.C., Okla., Pa., S.C., mTenn., Utah, Wyo.
Southern General Insurance Company, Allentown, Pa.	150,000	Ark., Cal., Del., D.C., Fla., Ga., Ind., Md., Miss., Mo., N.J., N.C., Pa., R.I., S.C., Tex., Utah, Wash., Wis.	GA.—sPa.
Springfield Insurance Company, Springfield, Mass.	11,974,000	Cal., Ill., Mass., Miss., N.Y., N.C., Okla., Pa., S.C., Tex.	MASS.—All except Alaska, Canal Zone, Hawaii, Puerto Rico, Virgin Islands.
State Automobile Mutual Insurance Company, Columbus, Ohio.	1,822,000	Ala., Fla., Ga., Ind., Ky., Md., Mich., Miss., Mo., N.C., Ohio, Pa., S.C., Tenn., W. Va.	OHIO—D.C., Ky., Md., Mich., Tenn., W. Va.
State Fire and Casualty Company, Miami, Fla.	107,000	Del., D.C., Fla., La., Md. (surety only), Nev.	FLA.—D.C.
State Surety Company, Des Moines, Iowa.	50,000	Iowa, Minn., Mo., Nebr., S. Dak.	IOWA—sArk., D.C., sFla., Ill., Kans., wMich., Minn., Mo., Nebr., N. Dak., nOhio, nOkla., S. Dak.
Statesman Insurance Company, Indianapolis, Ind.	123,000	Ill., Ind., Iowa, Md., Pa.	IND.—Colo., D.C., Ill., nIowa, Kans., eLa., Minn., wMo., Nebr., wnPa., S. Dak.
The Stuyvesant Insurance Company, Allentown, Pa.	250,000	All except Canal Zone, Hawaii, Virgin Islands	N.Y.—All except Alaska, Canal Zone, Hawaii, Virgin Islands.
The Summit Fidelity and Surety Company, Columbus, Ohio.	78,000	All except Ark., Cal., Canal Zone, Conn., D.C., Ga., Hawaii, Idaho, Me., Md., Mass., Mont., N.H., N.Y., N.C., Oreg., Puerto Rico, R.I., S.C., S. Dak., Tex., Virgin Islands, W. Va.	OHIO—
Sun Insurance Company of New York, New York, N.Y.	1,087,000	All except Canal Zone, Hawaii, Idaho, La., Miss., Puerto Rico, S.C., Virgin Islands.	N.Y.—All except Alaska, Canal Zone, Hawaii, Puerto Rico, Virgin Islands.
Superior Insurance Company, Dallas, Tex.	495,000	Ariz., Cal., Colo., Fla., Ga., Ind., Kans., Mich., N. Mex., Okla., Tex., Utah, Wyo.	TEX.—sCal., Colo., D.C., Okla.
Superior Risk Insurance Company, LeRoy, Ohio.	110,000	Ariz., Cal., Colo., Conn., Del., D.C., Ill., Ind., Iowa, Ky., Md., Mass., Mich., Minn., Nev., N.J., N.Y., Ohio, Pa., R.I., Tex., Va., W. Va., Wis.	OHIO—All except sAla., Alaska, Canal Zone, sGa., Hawaii, Me., N.H., Puerto Rico, wVa., Virgin Islands.
Travelers & General Insurance Company, Dallas, Tex.	170,000	Colo., Kans., La., Miss., Mo., N. Mex., Okla., Tex.	TEX.—D.C.
Transamerica Insurance Company, Los Angeles, Cal.	5,778,000	All except Virgin Islands	CAL.—All except Canal Zone, Virgin Islands.
Transcontinental Insurance Company, Chicago, Ill.	2,213,000	All except Canal Zone, Del., Hawaii, La., Oreg., Virgin Islands.	N.Y.—All except Alaska, Canal Zone, Del., mGa., Hawaii, La., Miss., Oreg., Puerto Rico., S.C., Vt., Virgin Islands.
Transit Casualty Company, St. Louis, Mo.	675,000	Ala., Alaska, Cal., Colo., D.C., Hawaii, Ill., Ind., Iowa, Ky., Md., Mich., Miss., Mo., Mont., Nebr., Nev., N.J., N.C., N. Dak., Ohio, Okla., R.I., Tex., Utah, Vt., Wash., Wis., Wyo.	MO.—D.C.
Transport Indemnity Company, Los Angeles, Cal.	797,000	All except Canal Zone, Virgin Islands	CAL.—All except Alaska, Canal Zone, sKy., eLa., Mass., sMiss., Nev., N.Y., sOhio, sOkla., sPa., Puerto Rico, R.I., S. Dak., mTenn., wVa., Virgin Islands, W. Va.
Transportation Insurance Company, Chicago, Ill.	881,000	All except Alaska, Canal Zone, Hawaii, Puerto Rico, Virgin Islands.	ILL.—All except Alaska, nCal., Canal Zone, Conn., sFla., Hawaii, eKy., Minn., wMo., Nev., N.H., wN.Y., Ohio, sPa., Puerto Rico, S. Dak., Virgin Islands, wWash., nW. Va., Wis.
The Travelers Indemnity Company, Hartford, Conn.	21,000,000	All	CONN.—All.
Trinity Universal Insurance Company, Dallas, Tex.	2,010,000	All except Alaska, Canal Zone, Conn., Del., Hawaii, Idaho, Me., Md., Mass., Mont., Nev., N.H., N.J., N.Y., Puerto Rico, R.I., S.C., Tenn., Utah, Vt., Va., Virgin Islands, W. Va., Wyo.	TEX.—All.
Tri-State Insurance Company, Tulsa, Okla.	500,000	All except Cal., Canal Zone, Conn., Del., D.C., Hawaii, Me., Md., Mass., Mich., N.H., N.J., N.C., N. Dak., Ohio, Oreg., Pa., Puerto Rico, R.I., S.C., Vt., Va., Virgin Islands, W. Va., Wis.	OKLA.—All except Cal., Canal Zone, Conn., Del., Hawaii, Me., Md., Mass., Mich., N.H., N.J., N.Y., N.C., Ohio, Oreg., Pa., Puerto Rico, R.I., S.C., Vt., Va., Virgin Islands, W. Va., Wis.
Twin City Fire Insurance Company, Hartford, Conn.	760,000	All except Canal Zone, Puerto Rico, Virgin Islands	MINN.—Conn., D.C., La.
United Bonding Insurance Company, Indianapolis, Ind.	75,000	All except Canal Zone, Conn., N.Y., Puerto Rico, S.C., Virgin Islands, W. Va.	IND.—All except nAla., Canal Zone, Conn., Del., Hawaii, Me., Mass., Mont., wneN.Y., N. Dak., Puerto Rico, S.C., Virgin Islands.
United Pacific Insurance Company, Tacoma, Wash.	1,800,000	All except Ala., Canal Zone, Conn., Del., Ga., La., Me., Md., Mass., N.J., N.C., Pa., Puerto Rico, R.I., S.C., Vt., Va., Virgin Islands, W. Va.	WASH.—All except Canal Zone, Puerto Rico, Virgin Islands.

See footnotes at end of table.

COMPANIES HOLDING CERTIFICATES OF AUTHORITY FROM SECRETARY OF THE TREASURY UNDER ACT OF CONGRESS, APPROVED JULY 30, 1947 (6 U.S.C., 6-13) AS ACCEPTABLE SURETIES ON FEDERAL BONDS (a)—Continued

Names of companies and locations of principal executive offices	Underwriting limitations (net limit on any one risk) see footnote (b)	States and other areas in which licensed to transact a fidelity and surety business. See footnote (c)	State in which incorporated and judicial districts in which process agents have been appointed. (State of incorporation in capitals. Letters preceding names of States indicate judicial districts.) See footnote (d)
United States Casualty Company, New Haven, Conn.	$1,282,000	All except Canal Zone, Hawaii	N.Y.—All except Alaska, Canal Zone, Hawaii, wLa.
United States Fidelity and Guaranty Company, Baltimore, Md.	36,284,000	All	MD.—All.
United States Fire Insurance Company, New York, N.Y.	11,160,000	All except Canal Zone, Virgin Islands	N.Y.—All except Alaska, Canal Zone, Hawaii, Virgin Islands.
Universal Surety Company, Lincoln, Nebr.	200,000	Ariz., Colo., Iowa, Kans., Minn., Mo., Mont., Nebr., Nev., N. Mex., N. Dak., Ohio, Okla., S. Dak., Wyo.	NEBR.—Ariz., Colo., D.C., Iowa, Kans., Minn., Mo., Mont., N. Mex., N. Dak., wOkla., S. Dak., nTex., Utah, Wyo.
Utica Mutual Insurance Company, Utica, N.Y.	1,800,000	All except Ala., Alaska, Ark., Canal Zone, Hawaii, Kans., La., Mich., Oreg., Puerto Rico, Virgin Islands.	N.Y.—All except Alaska, Canal Zone, Hawaii, Me., Puerto Rico, Virgin Islands.
Valley Forge Insurance Company, Reading, Pa.	1,102,000	All except Alaska, Ariz., Cal., Canal Zone, Conn., Fla., Hawaii, Idaho, Kans., Ky., La., Me., Nebr., N.H., N. Mex., N.C., Oreg., Puerto Rico, R.I., S.C., S. Dak., Tenn., Virgin Islands, Wyo.	PA.—All except Virgin Islands, Wis.
Vigilant Insurance Company, New York, N.Y.	2,095,000	All except Alaska, Canal Zone, Hawaii, Mich., R.I.	N.Y.—All except Alaska, Hawaii, Puerto Rico, Virgin Islands.
West American Insurance Company, Hamilton, Ohio.	680,000	Ark., Cal., Colo., D.C., Ill., Ind., Iowa, Kans., Ky., La., Md., Mich., Minn., Mo., Nebr., Nev., N. Mex., N. Dak., Ohio, Okla., Oreg., Pa., Utah, Va., Wash., Wis., Wyo.	CAL.—Ala., Colo., D.C., Fla., Ga., Ill., Ind., Iowa, Kans., Ky., eLa., Md., Mich., Minn., Mo., Nev., N. Mex., N. Dak., Ohio, nOkla., Oreg., Pa., mTenn., Tex., Utah, Va., Wash., Wis., Wyo.
Westchester Fire Insurance Company, New York, N.Y.	6,455,000	All except Canal Zone, Hawaii, Puerto Rico, Virgin Islands.	N.Y.—All except Alaska, Canal Zone, Hawaii, Puerto Rico, Virgin Islands.
The Western Casualty and Surety Company, Fort Scott, Kans.	3,083,000	All except Alaska, Canal Zone, Conn., Del., Hawaii, Me., Mass., N.H., N.Y., N.C., Pa., Puerto Rico, R.I., Vt., Va., Virgin Islands, W. Va.	KANS.—All except Puerto Rico, Virgin Islands.
The Western Fire Insurance Company, Fort Scott, Kans.	1,490,000	Ariz., Ark., Cal., Colo., Fla., Ill., Ind., Iowa, Kans., Ky., Mich., Minn., Miss., Mo., Nebr., Nev., N. Mex., N.Y., N. Dak., Ohio, Okla., S. Dak., Tenn., Utah, Wash., Wis., Wyo.	KANS.—All except Puerto Rico, Virgin Islands.
Western Surety Company, Sioux Falls, S. Dak.	731,000	All except Ala., Alaska, Canal Zone, Fla., Ga., Hawaii, Me., N.H., N.Y., N.C., Puerto Rico, S.C., Vt., Va., Virgin Islands, W. Va.	S. DAK.—All except Alaska, Canal Zone, Hawaii, Puerto Rico, Virgin Islands.
Wolverine Insurance Company, Battle Creek, Mich.	580,000	Alaska, Ark., Cal., Fla., Ga., Ill., Ind., Iowa, Mich., Minn., Nebr., Nev., N. Mex., N. Dak., Ohio, Pa., S. Dak., Vt., W. Va., Wyo.	MICH.—D.C., Ga., Ill., Ind., Iowa, Minn., Ohio, S. Dak.
The Yorkshire Insurance Company of New York, New York, N.Y.	802,000	All except Canal Zone, Hawaii, Puerto Rico, S. Dak., Virgin Islands.	N.Y.—All except Alaska, Puerto Rico, Virgin Islands.

COMPANIES HOLDING CERTIFICATES OF AUTHORITY FROM THE SECRETARY OF THE TREASURY AS ACCEPTABLE REINSURING COMPANIES UNDER TREASURY CIRCULAR No. 297, DATED JULY 5, 1922, AS AMENDED

Names of companies	Underwriting limitations (net limit on any one risk)	Judicial Districts in which process agents have been appointed
Accident and Casualty Insurance Company of Winterthur, Switzerland (U.S. Office, New York, N.Y.)	$1,339,000	D.C.
Alliance Assurance Company, Ltd., London, England (U.S. Office, New York, N.Y.)	697,000	D.C.
Atlas Assurance Company, Limited, London, England (U.S. Office, New York, N.Y.)	843,000	D.C.
Constellation Insurance Company, New York, N.Y.	338,000	D.C.
The Employers' Liability Assurance Corporation, Ltd., London, England (U.S. Office, Boston, Mass.)	6,517,000	D.C.
General Accident Fire and Life Assurance Corporation, Limited, Perth, Scotland (U.S. Office, Philadelphia, Pa.)	8,525,000	D.C.
General Security Assurance Corporation of New York, New York, N.Y.	449,000	D.C.
The Guarantee Company of North America, Montreal, Canada (U.S. Office, New York, N.Y.)	106,000	D.C.
The London Assurance, London, England (U.S. Office, New York, N.Y.)	726,000	D.C.
London Guarantee and Accident Company, Ltd., London, England (U.S. Office, New York, N.Y.)	1,274,000	D.C.
The London & Lancashire Insurance Company, Ltd., London, England (U.S. Office, New York, N.Y.)	973,000	D.C.
The Marine Insurance Company, Ltd., London, England (U.S. Office, New York, N.Y.)	804,000	D.C.
Metropolitan Fire Assurance Company, Hartford, Conn.	257,000	D.C.
Munich Reinsurance Company, Munich, Germany (U.S. Office, New York, N.Y.)	1,047,000	D.C.
The Netherlands Insurance Company, Est. 1845, The Hague, Holland (U.S. Office, Keene, N.H.)	544,000	D.C.
The Royal Exchange Assurance, London, England (U.S. Office, New York, N.Y.)	711,000	D.C.
Royal Insurance Company, Ltd., Liverpool, England (U.S. Office, New York, N.Y.)	3,654,000	D.C.
The Sea Insurance Company, Limited, of Liverpool, England (U.S. Office, New York, N.Y.)	813,000	D.C.
The Skandia Insurance Company, Stockholm, Sweden (U.S. Office, New York, N.Y.)	1,054,000	D.C.
Sun Insurance Office, Limited, London, England (U.S. Office, New York, N.Y.)	915,000	D.C.
Swiss Reinsurance Company, Zurich, Switzerland (U.S. Office, New York, N.Y.)	3,476,000	D.C.
Transatlantic Reinsurance Company, New York, N.Y.	227,000	D.C.
The Unity Fire and General Insurance Company, New York, N.Y.	504,000	D.C.
Zurich Insurance Company, Zurich, Switzerland (U.S. Office, Chicago, Ill.)	6,789,000	D.C.

[1] The Mercantile Insurance Company of America merged with this company effective December 31, 1964.
[2] Northwestern National Casualty Company (a Delaware corporation) was merged into this company December 31, 1964.
[3] Pennsylvania Manufacturers' Association Casualty Insurance Company was merged into this company effective August 1, 1964.

NOTES

(a) All certificates of authority expire May 31, and are renewable June 1, annually.

(b) Treasury regulations do not limit the penal sum of bonds which surety companies may execute. The net retention, however, cannot exceed the underwriting limitation and excess risks must be protected by reinsurance, co-insurance, or other methods in accordance with Treasury regulations. When excess risks on bonds in favor of the United States are protected by reinsurance, such reinsurance is to be effected by use of Treasury Form 273 to be filed with the bond or within 45 days thereafter. Risks in excess of limit fixed herein must be reported for quarter in which they are executed. In protecting such excess, the rating in force on the date of the execution of the risk will govern absolutely. This limit applies until a new rating is established by the Treasury Department.

(c) The term "other areas" includes Canal Zone, Puerto Rico and Virgin Islands.

(d) Abbreviated capital letters preceding judicial districts indicate State in which the company is incorporated. Process agents are required in the following districts: Where principal resides; where obligation is to be performed; and where bond is returnable or filed. No process agent required in State wherein company is incorporated. Letters "n, s, e, m, and w" preceding names of States indicate respectively the Northern, Southern, Eastern, Middle, and Western judicial districts of States indicated. If letters do not precede names of States, process agents have been appointed in all judicial districts of such States.

[F.R. Doc. 65-6044; Filed, June 4, 1965; 8:45 a.m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[No. 65-6]

ALASKA

Small Tract Classification Order

MAY 26, 1965.

1. Pursuant to the authority delegated to me by the Alaska State Director and published in 29 F.R. 3015, March 5, 1964, I hereby classify the following lands in the vicinity of Harding Lake, Alaska, as suitable for sale under the Small Tract Act of June 1, 1938 (52 Stat. 609; 43 U.S.C. 682a) as amended:

Those lands described by Paragraph 4 of PLO 955,
Containing approximately 2,970.25 acres.

2. Classification of the above described lands by this order is subject to valid existing rights and segregates the described lands from all appropriations, including locations under the mining laws, except to applications under the mineral leasing laws and to selections by the State of Alaska in accordance with, and subject to the limitations and requirements of the Act of July 28, 1956 (70 Stat. 709; 48 U.S.C. 46-3b), and section 6(g) of the Alaska Statehood Act of July 7, 1958 (72 Stat. 339).

3. The lands were restored from withdrawal by Public Land Order No. 963 of May 10, 1954, but were retained in reserve status pending an order of classification to be issued by an authorized officer opening the lands to application under the Small Tract Act of June 1, 1938 (52 Stat. 609; 43 U.S.C. 682a).

4. The lands classified by this order will not become subject to application under the Small Tract Act of June 1, 1938 (52 Stat. 609; 43 U.S.C. 682a) as amended, until it is so provided by an order issued by an authorized officer opening the lands to applications or bids.

ROSS A. YOUNGBLOOD,
Manager, Fairbanks District and Land Office.

[F.R. Doc. 65-5865; Filed, June 4, 1965; 8:45 a.m.]

ATOMIC ENERGY COMMISSION

[Docket No. 50-131]

VETERANS ADMINISTRATION HOSPITAL

Notice of Issuance of Facility License Amendment

Please take notice that the Atomic Energy Commission has issued, effective as of the date of issuance, Amendment No. 3, set forth below, to Facility License No. R-57. The license authorizes The Veterans Administration Hospital to operate its TRIGA-type nuclear reactor located in Omaha, Nebr. The amendment authorizes a change in the fuel element and control rod examination program, as described in the licensee's application for license amendment dated February 18, 1965, and supplement thereto dated April 1, 1965.

The Commission has found that:

(1) The application for amendment complies with the requirements of the Atomic Energy Act of 1954, as amended, and the Commission's regulations set forth in Title 10, Chapter I, CFR;

(2) The issuance of the amendment will not be inimical to the common defense and security or to the health and safety of the public;

(3) Prior public notice of proposed issuance of this amendment is not required since the amendment does not involve significant hazards considerations different from those previously evaluated.

Within fifteen (15) days from the date of publication of this notice in the FEDERAL REGISTER, the licensee may file a request for a hearing and any person whose interest may be affected by this proceeding may file a petition for leave to intervene. Requests for a hearing and petitions to intervene shall be filed in accordance with the provisions of the Commission's rules of practice, (10 CFR Part 2). If a request for a hearing or a petition for leave to intervene is filed within the time prescribed in this notice, the Commission will issue a notice of hearing or an appropriate order.

For further details with respect to this amendment, see (1) the licensee's application for license amendment dated February 18, 1965, and supplement thereto dated April 1, 1965, and (2) the Safety Evaluation prepared by the Test and Power Reactor Safety Branch of the Division of Reactor Licensing, all of which are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. A copy of item (2) may be obtained at the Commission's Public Document Room or upon request addressed to the Atomic Energy Commission, Washington, D.C., 20545, Attention: Director, Division of Reactor Licensing.

Dated at Bethesda, Md., this 26th day of May 1965.

For the Atomic Energy Commission.

SAUL LEVINE,
Chief, Test and Power Reactor Safety Branch, Division of Reactor Licensing.

AMENDMENT TO FACILITY LICENSE

[License R-57; Amdt. 3]

License No. R-57, as amended, issued to The Veterans Administration Hospital is hereby amended in the following respects:

In addition to the activities previously authorized by the Commission in License No. R-57, as amended, The Veterans Administration Hospital is authorized to operate the TRIGA-type heterogeneous, light water cooled, zirconium hydride and water moderated, tank-type nuclear reactor, located at Omaha, Nebr., and to alter the fuel element and control rod examination program, as described in the application for amendment dated February 18, 1965, and supplement thereto dated April 1, 1965.

This amendment is effective as of the date of issuance.

Date of issuance: May 26, 1965.

For the Atomic Energy Commission.

SAUL LEVINE,
Chief, Test and Power Reactor Safety Branch, Division of Reactor Licensing.

[F.R. Doc. 65-5859; Filed, June 4, 1965; 8:45 a.m.]

CIVIL AERONAUTICS BOARD

[Docket Nos. 15808, 16044; Order E-22250]

FLYING TIGER LINE, INC.

Order Denying Petition for Modification of Regulation

Adopted by the Civil Aeronautics Board at its office in Washington, D.C. on the 1st day of June 1965.

On March 17, 1965, by Regulation No. PS-26, the Board, among other things, adopted minimum-rate conditions applicable to exemptions for the transportation of Category A individually waybilled military cargo by amending the Board's Statements of General Policy (14 CFR Part 399), effective July 1, 1965 (30 F.R. 3871). Paragraph (e) of § 399.16 specifies a minimum Category A cargo rate of 17.63 cents per ton-mile for pallets in excess of 4 per flight, applied to the shortest mileage between the commercial air-carrier points as set forth in the current IATA Mileage Manual and increased by add-ons from 1 to 3 cents per pound for air or truck pickup service to and from military bases.

On April 12, 1965, pursuant to Rule 38(d) of the rules of practice (14 CFR 302.38(d)), The Flying Tiger Line Inc. (Flying Tigers) filed a petition for modification of § 399.16(e) prior to the effective date thereof. Flying Tigers states that the Category A rate of 17.63 cents is the same as that for one-way Mid-Pacific Category B military cargo charters, whereas the minimum one-way Category B rate for North Pacific routing is 18.13 cents per ton-mile.[1] However, the mileage basis for Mid-Pacific Category A cargo would be equivalent to that for North Pacific Category B cargo. Because of this discrepancy, Flying Tigers contends that the Category A rate will undercut the charter rate to the detriment of the Category B contractors.[2] Therefore, Flying Tigers requests that the 17.63-cent minimum Category A rate be increased to 18.13 cents for cargo transported to or from certain transpacific points, in order that the Category A rate equal the Category B one-way military charter minimum rate for North Pacific routing.

No answers were filed to Flying Tigers' petition for modification.

We have determined that Flying Tigers' petition should be denied without prejudice, for the following reasons. Flying Tigers correctly states the relation between Category A and B transpacific minimum rates as far as it goes. However, Flying Tigers fails to consider the add-ons for truck and air pickup at military bases, which are usually an integral part of any Category A rate structure. In practical application, the transpacific Category A rates including these add-ons will in fact be very close to the North Pacific Category B one-way rates.[2] Furthermore, Flying Tigers has not shown that it will be prejudiced by application of the minimum Category A cargo rates.

Accordingly, it is ordered:

That the petition of The Flying Tiger Line Inc. for modification of Regulation PS-26, Docket 15808, be and hereby is denied without prejudice.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON,
Secretary.

[F.R. Doc. 65-5894; Filed, June 4, 1965; 8:48 a.m.]

[1] Section 288.7(a)(1), effective July 1, 1965, by Regulation No. ER-432, an amendment and reissuance of Part 288 of the Economic Regulations adopted concurrently with PS-26 (30 F.R. 3861).

[2] Flying Tigers presents the following example of application of these rates for cargo to Tachikawa (Tokyo): The Category B rate of 18.13 cents per ton-mile multiplied by the North Pacific mileage of 5,466 miles results in a rate of 49.5 cents per pound. The Category A rate of 17.63 cents per ton-mile multiplied by the IATA mileage of 5,472 miles results in a rate of 48.2 cents per pound.

[2] The add-ons for truck and air pickup at Travis Air Force Base are 1 and 2 cents per pound, respectively. When these are added to the rates computed by Flying Tigers for Category A cargo in note 2, supra, the rates become 49.2 cents for truck pickup and 50.2 cents for air pickup.

FEDERAL COMMUNICATIONS COMMISSION

[Docket Nos. 14977, 14978; FCC 65R-204]

ABACOA RADIO CORP. (WRAI) AND MID-OCEAN BROADCASTING CORP.

Memorandum Opinion and Order Remanding Applications

In re applications of Abacoa Radio Corp. (WRAI), Rio Piedras (San Juan), P.R., Docket No. 14977, File No. BP-14070; Mid-Ocean Broadcasting Corp., San Juan, P.R., Docket No. 14978, File No. BP-14994; for construction permits.

1. The Review Board has under consideration (a) the Initial Decision herein (FCC 64D-37, released June 2, 1964); (b) the exceptions and supporting briefs of the parties; and (c) the oral argument held before a panel of the Review Board on May 11, 1965. Abacoa, licensee of standard broadcast Station WRAI, Rio Piedras, P.R., proposes to change its present Class II-B operation (1520 kilocycles, 250 watts, nondirectional antenna, unlimited time) to 1190 kilocycles, 500 watts, utilizing different directional antenna arrays for day and night operation, and operating unlimited time. Mid-Ocean has applied for a construction permit for a new Class II-B standard broadcast station in San Juan, P.R. on 1190 kilocycles with power of 10 kilowatts, unlimited time, with different directional antenna arrays for day and night operation. The applications are mutually exclusive. The Examiner accorded the Mid-Ocean proposal a significant preference under section 307(b) citing Mid-Ocean's greater area and population coverage and the establishment of an additional transmission facility. He concluded that Mid-Ocean's wide area proposal was a far more efficient use of the frequency than Abacoa's. He also ruled that Abacoa's proposal failed to comply with the coverage requirements of § 73.188 of the rules and that no circumstances existed which would justify a waiver. For reasons hereinafter stated, the Board is remanding this proceeding to the Examiner for further hearing.

2. Abacoa's proposed daytime operation would serve 1,028,773 persons. Nighttime service would be provided to 722,072 persons. There are a minimum of 11 and a maximum of 17 other services within Abacoa's proposed daytime service area, and a minimum of 5 and a maximum of 8 services within its proposed nighttime service area. Mid-Ocean's daytime proposal contemplates service to 1,297,054 persons. Mid-Ocean's nighttime proposal would provide service to 920,582 persons. There are at least 10 other services within Mid-Ocean's proposed daytime 0.5 mv/m rural service area. A minimum of 8 and a maximum of 9 to 13 other services are available in the urban areas. Nighttime there are a minimum of 5 and a maximum of 12 other services available. There would be substantial common coverage by both applicants of the entire San Juan urbanized area. In view of these facts, it appears that a determinative preference based upon section 307(b) considerations may not be possible. Accordingly, we believe testimony is necessary to determine the comparative qualifications of the Abacoa and the Mid-Ocean applicants. See Kent-Ravenna Broadcasting Company, FCC 61-1350, 22 R.R. 605; Rockland Broadcasting Company, FCC 62-577, 23 R.R. 789; Massillon Broadcasting Co., Inc., FCC 62-916, 23 R.R. 918, and 26 FCC 809, 2 R.R. 2d 409 (1964); WEXC, Inc., FCC 63-911, released October 11, 1963; Burlington Broadcasting Co., 34 FCC 1135, 25 R.R. 633 (1963); Seven Locks Broadcasting Co., 37 FCC 82, 3 R.R. 2d 177 (1964); Newton Broadcasting Company, FCC 65-423, released May 21, 1965; D & E Broadcasting Co., 28 FCC 532, 4 R.R. 2d 791 (1965); see also Monocacy Broadcasting Co., 28 FCC 301, 19 R.R. 137 (1960).

3. Certain testimony offered by Abacoa in support of its case for waiver of § 73.188 was excluded on the basis of relevancy. The proffered testimony was relevant. See WGUN, Inc., 38 FCC 529, R.R. 2d (1965). Therefore, the coverage issue should be explored further on remand.

Accordingly, it is ordered, This 1st day of June 1965, That this proceeding is remanded to the Examiner for further hearing on the § 73.188 waiver question and on the standard comparative issue and for preparation of a Supplemental Initial Decision.

Released: June 2, 1965.

FEDERAL COMMUNICATIONS COMMISSION,[1]

[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 65-5882; Filed, June 4, 1965; 8:47 a.m.]

[Docket Nos. 15503, 15504; FCC 65M-698]

CENTURY BROADCASTING CORP. (KSHE) AND APOLLO RADIO CORP.

Order Scheduling Hearing

In re applications of Century Broadcasting Corp. (KSHE), St. Louis, Mo., Docket No. 15503, File No. BPH-4246; Apollo Radio Corp., St. Louis, Mo., Docket No. 15504, File No. BPH-4283; for construction permits.

It is ordered, This 28th day of May 1965, that David I. Kraushaar shall serve as the presiding officer in the above-entitled proceeding; that the hearings therein shall commence at 10 a.m. on July 27, 1965; and that a prehearing conference shall be convened at 9 a.m. on June 28, 1965; *And; it is further ordered,* That all proceedings shall be held in the offices of the Commission, Washington, D.C.

Released: June 1, 1965.

FEDERAL COMMUNICATIONS COMMISSION,

[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 65-5883; Filed, June 4, 1965; 8:47 a.m.]

[Docket Nos. 15668, 15708; FCC 65M-692]

CHICAGOLAND TV CO. AND CHICAGO FEDERATION OF LABOR AND INDUSTRIAL UNION COUNCIL

Order Continuing Hearing

In re applications of Frederick B. Livingston and Thomas L. Davis, doing business as Chicagoland TV Co., Chicago, Ill., Docket No. 15668, File No. BPCT-3116; Chicago Federation of Labor and Industrial Union Council, Chicago, Ill., Docket No. 15708, File No. BPCT-3439; for construction permit for new television broadcast station (Channel 38).

The Hearing Examiner having for consideration a Joint Petition for Continuance, filed by the applicants herein on May 28, 1965;

It appearing, that petitioners seek to have hearing sessions now scheduled to commence on June 2, 1965, continued to September 8, 1965;

It further appearing, that hearing sessions on other issues herein are now scheduled to commence subsequent to September 13, 1965, and, therefore, a grant of the requested relief will not materially delay the ultimate closing of this record;

It is ordered, This 1st day of June 1965, that the subject petition is granted,

[1] Board Member Pincock dissenting and issuing a statement, filed as part of original document.

and further hearing herein is continued to September 8, 1965, commencing at 10 a.m. in the offices of the Commission at Washington, D.C.

Released: June 1, 1965.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 65-5884; Filed, June 4, 1965; 8:47 a.m.]

[Docket Nos. 15675, 15676; FCC 65M-704]

ERWAY TELEVISION CORP. AND CHESAPEAKE ENGINEERING PLACEMENT SERVICE, INC.

Order Regarding Procedural Dates

In re applications of Erway Television Corp., Baltimore, Md., Docket No. 15675, File No. BPCT-3058; Chesapeake Engineering Placement Service, Inc., Baltimore, Md., Docket No. 15676, File No. BPCT-3479; for construction permit for new television broadcast station (Channel 72).

To formalize the agreements and rulings made on the record at a prehearing conference held on May 27, 1965 in the above-entitled matter concerning the future conduct of this proceeding;

It is ordered, This 1st day of June 1965, that:

Preliminary exchange of engineering exhibits is scheduled for June 28, 1965;

Final exchange of engineering and lay exhibits is scheduled for July 9, 1965;

Rebuttal exhibits, if any, is scheduled for July 14, 1965;

Notification of witnesses is scheduled for July 16, 1965; and

Hearing date is scheduled for July 21, 1965.

Released: June 2, 1965.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 65-5885; Filed, June 4, 1965; 8:47 a.m.]

[Docket No. 15752 etc.; FCC 65R-199]

CHARLES W. JOBBINS ET AL.

Memorandum Opinion and Order Amending Issues

In re applications of Charles W. Jobbins, Costa Mesa-Newport Beach, Calif., Docket No. 15752, File No. BP-16157; et al., Docket Nos. 15753, 15754, 15755, 15756, 15757, 15758, 15759, 15760, 15761, 15762, 15763, 15764, 15765, 15766; for construction permits.

1. Before the Review Board for consideration is a motion to enlarge, change, and delete issues, filed January 22, 1965, by Crown City Broadcasting Co. (Crown).[1] Crown seeks deletion of a financial qualifications issue and five engineering issues, which were designated against all applicants for the existing KRLA facilities (Pasadena applicants) insofar as they apply to its application.[2] The engineering issues relate to objectionable nighttime interference to Station KFAB, Omaha, Nebr.; objectionable nighttime interference to Station KBND, Bend, Oreg.; whether Crown will be able to adjust and maintain the directional antenna system it proposes; whether conditions exist in the vicinity of the antenna system which would distort Crown's proposed antenna radiation pattern; and whether the proposal would involve 2 mv/m and 25 mv/m overlap with Station KSDO, San Diego, Calif. Crown also asks the Board to add the following three issues:

To determine whether a grant of the application of Storer Broadcasting Co. would reduce the number of services available and deprive the city of Los Angeles and its surrounding area of a broadcast service on 1020 kc which may not under the rules of the Commission be granted again for a similar operation in Los Angeles.

To determine whether or not the proposed operation of Pasadena Broadcasting Co. will adversely affect the operations and testing conducted at the El Monte, Calif., plant of Space General, a Division of Aerojet-General Corp.

To determine the nature and extent of existing standard broadcast programing rendered by stations licensed to Pasadena, Calif., and to determine whether such programing fully meets the needs of Pasadena.

2. In support of its request for deletion of the first four of the engineering issues, Crown relies on engineering exhibits offered with its application which allegedly substantiate Crown's assertion that none of the issues is needed. Petitioner further relies upon the skeleton proof of performance filed with the Commission on November 18, 1964, by Oak Knoll Broadcasting Corp., the interim operator of the KRLA facilities, and on a January 8, 1965, letter from KFAB to the Commission commenting on Oak Knoll's skeleton proof. Crown states that since its proposal, in relevant part, is similar to the Oak Knoll operation, KFAB's acceptance of the skeleton proof indicates that KFAB could have no valid objection to the proposed Crown operation.

3. However, KFAB does oppose deletion of the three issues which concern it, stating that its limited comments on Oak Knoll's skeleton proof of performance do not concede that Oak Knoll's pattern would remain in adjustment, or that KFAB would not expect a more convincing showing of noninterference and nondistortion from a new and permanent operation. Oppositions to deletion of all four issues were filed by the Broadcast Bureau, Orange Radio, Inc. (Orange), and Western Broadcasting Corp. (Western); Storer Broadcasting Co. (Storer) opposes deletion of the issue as to interference to KFAB, the antenna issue, and the distortion issue; and KBND opposes deletion of the issue as to interference to its operation. In its reply to the Broadcast Bureau's opposition, Crown asks that the Board hold the petition for deletion of these four issues in abeyance pending acceptance by the Hearing Examiner of an amendment to Crown's application. This request is supported by a joint statement from the other Pasadena applicants (Goodson-Todman, Inc.; KFOX, Inc.; Pasadena Community Station, Inc.; and The Bible Institute of Los Angeles, Inc.) who propose similar amendments.[3] Neither the arguments advanced by Crown in the moving petition, nor the cited amendments, obviate the need for an evidentiary hearing for resolution of the interference, directional antenna adjustment and antenna site problems designated in this proceeding. Except in unusual circumstances, not here present, petitions to delete issues on the basis of material contained in pleadings or amendments will be denied; the hearing is the proper forum for the introduction of evidence. See United Artists Broadcasting, Inc., FCC 64R-161, 2 R.R. 2d 295; L. B. Wilson, Incorporated, FCC 63R-58, 24 R.R. 1019.

4. Crown's request for deletion of the overlap issue is likewise based on the engineering exhibits submitted with its application. Crown argues that the Commission acted improperly in designating the issue as to overlap of its 25 mv/m contour with the 2 mv/m contour of Station KSDO because the engineering data submitted by Crown's engineer demonstrates that no overlap would exist between Crown and KSDO. Crown asserts that the overlap issue was erroneously applied to its proposal on the basis of engineering statements of other Pasadena applicants which indicated that their proposals would involve slight overlap. Crown concedes that the Commission gave specific consideration to the engineering data relied upon here, but argues that the Commission went on to question the validity of Crown's showing simply because the engineering of some of the other applicants showed slight overlap. Crown contends that the Commission may not add an issue "based on an arbitrary assumption that Crown City is proposing the same type of operation as any other applicant in this proceeding." The issue could be applied

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[1] The pleadings before the Board for consideration are listed in the attached Appendix. The Board notes that the number of separate pleadings filed in response to Crown's motion is far in excess of the number contemplated by the rules. Contrary to the provisions of § 1.45(b), which states explicitly that "separate replies to individual oppositions shall not be filed," Crown filed eight separate replies, instead of one reply, to the various oppositions; moreover, most of the replies contain no original matter but merely refer to other replies. Also burdening the record are three separate responses to Crown's motion filed by Storer. No valid reason appears to warrant such a procedure. This proceeding is an unusually complicated one; the parties are advised not to make it more complex than it is.

[2] In its reply to the Bureau's opposition, Crown withdrew a request for modification of an ordering clause, in light of the Bureau's explanation of the clause.

[3] These amendments, insofar as amendment of the nighttime directional proposals is involved, were accepted by Order of the Hearing Examiner, FCC 65M-449, released Apr. 14, 1965. KFOX, Inc., is no longer a party to this proceeding, its application having been dismissed by Order of the Hearing Examiner (FCC 65M-696), released May 12, 1965.

to its proposal, argues petitioner, only on some independent showing that it is specifically required; since the Pasadena applications reveal differences in radiation, coverage and other factors bearing on the overlap issue, it is arbitrary to "lump all of the proposals together" for purposes of the overlap issue.

5. Deletion of the overlap issue is opposed by Orange, Western and the Broadcast Bureau, because the engineering statement upon which Crown now relies was before the Commission at the time of designation. Orange opposes "unilateral by-passing" of this issue in hearing, particularly in view of the complex engineering designs and arrays proposed by the various applicants, and points out that joint measurements to determine the location of KSDO's 2 mv/m contour which are being undertaken by the Pasadena applicants pursuant to the Hearing Order (FCC 64-1195, released December 31, 1964) may have significant bearing on the overlap question. Western argues that the issue was added for good and sufficient reasons set forth in the designation Order and, due to the absence of new allegations, the petition does not satisfy § 1.229 of the Commission's rules. The Bureau rejects Crown's argument that a separate, independent showing as to each applicant was a prerequisite to the Commission's inclusion of this public interest issue.

6. Crown's assertion that there is no basis for inclusion of an overlap issue as to its proposal must be rejected in view of the following statements of the Commission, after specific consideration of all the facts now before the Board, in paragraph 15, I-B(6) of its designation Order:

> The applicant [Crown] indicates that this application is for essentially the same facilities formerly authorized to KRLA. However, the applicant sets forth the following exceptions and variations from the former KRLA operations: • • • (c) No overlap of the proposed 25 mv/m contour with the KSDO 2.0 mv/m contour is shown, but they are indicated to be tangent; • • •
>
> In light of our findings pertaining to the suitability of the proposed antenna site and the feasibility of adjusting and maintaining the proposed antenna systems of all the applications specifying the facilities formerly authorized to KRLA • • • substantial questions exist with respect to the claims of Crown City [concerning inter alia, the lack of overlap with Station KSDO].

As the Commission's comments and Exhibit E-7 to Crown's application demonstrate, petitioners assertions oversimplify the situation. The Commission's hearing Order states, inter alia, that in light of site suitability and adjustment problems as to Crown's application, a substantial question exists as to its claims concerning the location of its 25 mv/m contour and the 2 mv/m contour for Station KSDO.[4] Under the circumstances, there is no justification for deletion of the issue. See L. B. Wilson, Incorporated, supra; Marion Moore, FCC 65R-53, released February 8, 1965.

7. The Review Board is also asked to delete the financial issue designated against Crown. Crown alleges that the issue was based on "erroneous assumptions and clear inconsistencies with the Crown City application" and that the petition sufficiently clarifies the matter to permit a finding of financial qualification by the Board. Cited as error are the following assumptions: that $1,426,784 would be required for construction and 3 months' operation since acquisition of the present KRLA site and equipment would require $1 million in cash, whereas in fact it would involve a maximum down payment of $250,000, the balance to be spread over a period of years; that no definite arrangement had been made to procure the site, whereas in fact KRLA is committed to make the site available to any successful Pasadena applicant, in view of which no contract of sale in favor of any applicant is possible at this time; that $50,000 financing is available from the Crown partners, whereas in fact $500,000 was shown available on the application; that no partnership agreement is in force, whereas in fact such an agreement is in force; and that the $1 million loan commitment to the partnership must be personally endorsed by each of the eleven applicants, which is allegedly a "particularly unnecessary and inappropriate" requirement.

8. Crown's request for deletion of the financial issue, which is opposed by Western, Storer and the Broadcast Bureau, must be denied. No change of circumstances has occurred since the issue was designated and Crown has not shown that the Commission was acting under a misapprehension of the facts at that time. See Marion Moore, supra; Community Radio of Saratoga Springs, New York, Inc., FCC 64R-459, 2 R.R. 2d 644. Crown challenges the Commission's finding that site acquisition will cost $1 million; however, letters in support of its petition merely indicate a down payment of "not less than $100,000". The Commission was thus unable to isolate the sum initially involved and accordingly charged Crown with the full amount. To meet this commitment, it was necessary that Crown be credited with the $1 million bank loan cited in its application. Again, however, the Commission was unable to make the requested finding because the loan was conditioned upon the personal endorsement of each of the eleven partners but no assurance was given that such endorsements would in fact be made.[5] In requesting deletion Crown merely charges that these two findings, upon which its financial qualification depends, were improper. However, this is not the proper forum for petitioner to urge, initially, its interpretation of the facts. The issue was designated in order that such matters could be clarified and resolved through the hearing process. In the absence of a clear showing that the Commission was acting under a misapprehension of the facts when it designated the issue, a motion to delete will not be entertained. See Cleveland Broadcasting, Inc., FCC 63R-519, 1 R.R. 2d 676.

9. Crown's first request for addition of an issue would inquire into the effect on the use of 1020 kc if Storer's application for 1110 kc is granted. Crown argues that an issue is required because grant of Storer's 1110 kc application would result in loss of the 1020 kc operation to Los Angeles; permanent loss of the frequency to California under § 73.22(a); and permanent loss of the frequency anywhere for a limited time operation under § 72.23(b). In opposing addition of the issue as to Storer, the Bureau cites the failure to offer supporting allegations and argues that the section 307(b) issue will permit consideration of the loss of frequency question insofar as relevant. Storer does not challenge the relevance of inquiry into the respective needs of Los Angeles and Pasadena but opposes Crown's wording of the issue. In its reply pleading, Crown indicates that its request was based on the assumption that the matters raised would not be subsumed under the 307(b) issue and, apparently in reliance on the Board's adoption of the position taken by the Bureau, conditionally withdraws its request.

10. A similar request, supported by like allegations, was made by California Regional Broadcasting Corporation in a petition to enlarge issues filed on January 22, 1965. In a Memorandum Opinion and Order (FCC 65R-185), released May 24, 1965, the Review Board declined to add the issue. Crown's request for an issue will likewise be denied for the reasons stated in our earlier opinion.

11. In requesting an issue to determine whether Pasadena's proposal would adversely affect operation of the Space General plant, Crown originally alleged that the close proximity of a high powered a.m. facility to "the sensitive devices and testing operations carried on at Space General will be a severe burden on the latter, and will impair its ability to continue existing electronic test operations at the plant." The only support for Crown's request was the affidavit of one of its principals, Donald C. McBain, stating that Pasadena's proposed transmitter site is within ¼ mile of Space General; that McBain has investigated the area and Space General's operations; that Space General "carries on extensive electronic testing and development, much of which is classified;" that KRLA's present operation is "coordinated with the Space General test operations;" and that any operation within ¼ mile will "cause excessively high voltages at the test site of Space General."

12. Pasadena would have this portion of Crown's pleading summarily rejected as lacking the specificity and probably also the personal knowledge required by § 1.229; there is no statement of what operations would be impeded; and it is not shown whether McBain is an engi-

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[4] In a recent amendment, see footnote 3 above, Crown states that field intensity measurements are being made to establish the exact location of the KSDO 2 mv/m contour. Engineering statement to Amendment, page 2.

[5] The designation Order did not, as alleged by Crown, state that the commitment would not be considered binding absent the actual endorsements, which would naturally not be made before the loan is consummated.

neer or whether he has clearance to check Space General's operations, which he himself describes as highly classified. The Bureau dismisses Crown's allegations as pure hearsay; points out that Space General itself has made no objection; and reiterates that McBain has established neither his credentials nor the basis of his knowledge.

13. Crown's reply to the oppositions alleges that since the oppositions do not deny potential disruption of Space General's operations they must be held to have admitted it; that they rely on the technicalities of § 1.229 which Crown has in fact satisfied; and that Pasadena is improperly requiring Crown to plead evidence in proof of allegations. The reply also raises several new matters, based on affidavits of its consulting engineer, the Research and Education Director of Space General, the explosive coordinator for Space General, the Director of Electronic Engineering for Space General, and two employees of Hoffman Electronics, whose operations Crown now alleges would also be affected, requiring modification of the requested issue to relate to Hoffman as well as Space General. These affidavits constitute wholly new matter and the reply will accordingly be stricken.* See Smackover Radio, Inc., FCC 62–81, 22 R.R. 865. However, because of the serious nature of the allegations made by Crown, the Review Board, on its own motion, has considered these new matters on the merits. We find that the affidavits indicate potential adverse effects upon the operations of Space General from the proposed operation, although by the very nature of the services involved—electronic research, development and experimental design work on antennas, control servo devices, and telemetry using frequencies ranging from audio to ultra microwave—it is difficult to determine which aspect of the services would be affected and whether the adverse effects would be of recurring types. Space General has, moreover, been permitted by the Examiner (FCC 65M–636, released May 21, 1965), to intervene as a party in this proceeding contingent upon addition of this issue and for the limited purpose of adducing evidence relevant thereto. Due to the complexity of the problem involved and the classified nature of the work performed, the issues will be enlarged to allow Space General to bring forward evidence which it is in the best position to present. For these same reasons it would be appropriate to place the burden of proceeding with the introduction of evidence on this issue upon Space General.

14. With respect to Hoffman Electronics similar, but less adequately supported questions are raised. No petition to intervene has been filed by Hoffman, and, in the circumstances, the factual showing before the Board as to Hoffman does not warrant enlargement of the issues.

15. Crown's final request is for an issue as to the nature and extent of the programing of existing Pasadena standard broadcast stations and whether such programing meets the community's needs. The request is based on the Commission's statement in its opinion authorizing interim operation of the KRLA facilities by Oak Knoll Broadcasting Corp., FCC 64–665, 2 R.R. 2d 1011, 1017, that the four existing transmission services "are of specialized types only partially satisfying the total needs and interests of the populations involved * * *." This request is opposed by Orange, Topanga-Malibu Broadcasting Co. (Topanga) and the Bureau. The Bureau takes the position that Crown's petition should be denied for lack of specificity as to the objectives of the issue, and failure to articulate its relevance to the ultimate public interest determination. Orange and Topanga argue that Crown has failed to make a threshold showing of facts of decisional significance; that the petition relies upon conclusionary statements and fails even to satisfy the basic requirements of § 1.229(c); that information derived from the interim proceeding does not relieve the parties here of any obligations of proof since conclusions reached in that proceeding were limited to the interim grant and might well be without significance to this decision; and that the Pasadena applications must in any case be treated as applications for Los Angeles.

16. The requested issue will not be added. Neither the petition nor the reply pleading does more than make the conclusionary assertion that an issue is required. Crown's reliance upon isolated statements in the Oak Knoll opinion, supra, is misplaced. The decisive factor in the interim grant to Oak Knoll was Oak Knoll's status as the only party not an applicant for a regular license for the KRLA facilities. The issue requested by Crown is also not supported by a sufficient showing of facts of decisional significance. See Service Broadcasting Corp., FCC 63R–234, 25 R.R. 445; and Cookeville Broadcasting Company, FCC 60–101, 19 R.R. 892.

Accordingly, it is ordered, This 28th day of May 1965, That the motion to enlarge, change and delete issues, filed January 22, 1965, by Crown City Broadcasting Co., is denied; and

It is further ordered, That those portions of the Reply to Opposition of Pasadena Broadcasting Co., filed March 1, 1965, by Crown City Broadcasting Co., which constitute new matter, are stricken; and

It is further ordered, That the motion to strike Crown City's reply, or alternatively, accept response of Pasadena Broadcasting Co. filed March 22, 1965, by Pasadena Broadcasting Co.; the response of Pasadena Broadcasting Co. to Crown City's reply, filed March 22, 1965, by Pasadena Broadcasting Co.; and the opposition to motion to strike, filed March 31, 1965, by Crown City Broadcasting Co., are dismissed as moot; and

It is further ordered, On the Review Board's own motion, that the issues in this proceeding are enlarged by addition of the following:

To determine whether the proposed operation of Pasadena Broadcasting Co. would adversely affect the operations conducted at the El Monte, Calif., plant of Space General, a division of Aerojet-General Corp.; and

It is further ordered, That the burden of proceeding with the introduction of evidence on the issue concerning operations of Space General is placed on Space General.

Released: June 2, 1965.

FEDERAL COMMUNICATIONS COMMISSION,[1]
[SEAL] BEN F. WAPLE,
Secretary.

APPENDIX

1. Motion to enlarge, change and delete issues, filed January 22, 1965, by Crown City Broadcasting Co.
2. Opposition, filed February 11, 1965, by KFAB Broadcasting Co.
3. Opposition, filed February 15, 1965, by Central Oregon Broadcasting Co.
4. Opposition, filed February 15, 1965, by Orange Radio, Inc.
5. Opposition, filed February 15, 1965, by Pasadena Broadcasting Co.
6. Statement regarding petition to enlarge the issues, filed February 15, 1965, by Storer Broadcasting Co.
7. Opposition, filed February 15, 1965, by Topanga Malibu Broadcasting Co.
8. Opposition, filed February 15, 1965, by Western Broadcasting Corp.
9. Opposition to petition to delete issues, filed February 15, 1965, by Storer.
10. Opposition to petition to delete the issue, filed February 15, 1965, by Storer.
11. Opposition, filed February 15, 1965, by the Broadcast Bureau.
12. Reply to Central Oregon opposition, filed March 1, 1965, by Crown.
13. Reply to Orange opposition, filed March 1, 1965, by Crown.
14. Reply to Topanga Malibu opposition, filed March 1, 1965, by Crown.
15. Reply to Bureau opposition, filed March 1, 1965, by Crown.
16. Reply to Pasadena opposition, filed March 1, 1965, by Crown.
17. Reply to oppositions of Storer, filed March 1, 1965, by Crown.
18. Reply to Western opposition, filed March 1, 1965, by Crown.
19. Reply to KFAB opposition, filed March 1, 1965, by Crown.
20. Joint statement with respect to the Broadcast Bureau's opposition, filed March 1, 1965, by Goodson-Todman Broadcasting, Inc., KFOX, Inc., Pasadena Community Station, Inc., and The Bible Institute of Los Angeles, Inc.
21. Motion to strike Crown City's reply or, alternatively, accept responsive pleading of Pasadena Broadcasting Co., filed March 22, 1965, by Pasadena.
22. Response of Pasadena Broadcasting Co. to Crown City's reply, filed March 22, 1965, by Pasadena.
23. Opposition to motion to strike, filed March 31, 1965, by Crown.

[F.R. Doc. 65–5666; Filed, June 4, 1965; 8:47 a.m.]

[Docket No. 15995; FCC 65M–695]

KENT-SUSSEX BROADCASTING CO.

Order Continuing Prehearing Conference

In re application of H. M. Griffith, Jr. and C. V. Lundstedt, a partnership doing business as The Kent-Sussex Broadcasting Co., Docket No. 15995, File No. BR–2385; for renewal of license of Station WKSB, Milford, Del.

It is ordered, This 1st day of June 1965, because of the illness of the presiding Hearing Examiner, that the prehearing conference in the above-entitled proceeding which heretofore was scheduled to commence June 3, 1965, at 9 a.m., is continued to June 11, 1965, at 2 p.m., in the Offices of the Commission, Washington, D.C.

Released: June 1, 1965.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 65–5687; Filed, June 4, 1965; 8:48 a.m.]

[Docket Nos. 15975, 15976; FCC 65M–694]

REGIONAL BROADCASTING CORP. AND EVERGREEN ENTERPRISES, INC.

Order Continuing Prehearing Conference

In re applications of Regional Broadcasting Corp., Loveland, Colo., Docket No. 15975, File No. BPH–4708; Evergreen Enterprises, Inc., Loveland, Colo., Docket No. 15976, File No. BPH–4779; for construction permits.

It is ordered, This 1st day of June 1965, because of the illness of the presiding Hearing Examiner, that the prehearing conference in the above-entitled proceeding which heretofore was scheduled to commence June 4, 1965, at 9:00 a.m., is continued to June 11, 1965, at 2:45 p.m., in the Offices of the Commission, Washington, D.C.

Released: June 1, 1965.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 65–5688; Filed, June 4, 1965; 8:48 a.m.]

[Docket Nos. 15803—15806; FCC 65M–702]

JOHN N. TRAXLER ET AL.

Order Regarding Procedural Dates

In re applications of John N. Traxler and Alvera M. Traxler, Husband and Wife, Delray Beach, Fla., Docket No. 15803, File No. BPH–3485; Sunshine Broadcasting Co., Delray Beach, Fla., Docket No. 15804, File No. BPH–4174; WLOD, Inc., Pompano Beach, Fla., Docket No. 15805, File No. BPH–4253; Boca Broadcasters, Inc., Pompano Beach, Fla., Docket No. 15806, File No. BPH–4605; for construction permits.

The Hearing Examiner having under consideration the Review Board's action of May 27, 1965, enlarging the issues in the above-entitled matter;

It appearing, that a further hearing is necessary in the above-entitled proceeding;

It is ordered, This 1st day of June 1965, that the following dates shall govern the future conduct of this hearing:

Exchange of exhibits is scheduled for June 28, 1965;

Notification of witnesses is scheduled for July 7, 1965; and

Further hearing is scheduled for July 14, 1965.

Released: June 2, 1965.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 65–5689; Filed, June 4, 1965; 8:48 a.m.]

[Docket No. 15213 etc.; FCC 65M–699]

UNITED ARTISTS BROADCASTING, INC., ET AL.

Order Continuing Hearing

In re application of United Artists Broadcasting, Inc., Houston, Tex., Docket No. 15213, File No. BPCT–3166; for construction permit for new television broadcast station.

In re applications of Integrated Communication Systems, Inc., of Massachusetts, Boston, Mass., Docket No. 15323, File No. BPCT–3167; United Artists Broadcasting, Inc., Boston, Mass., Docket No. 15324, File No. BPCT–3169; for construction permits for new television broadcast stations.

In re applications of United Artists Broadcasting, Inc., Lorain, Ohio, Docket No. 15248, File No. BPCT–3168; Ohio Radio, Inc., Lorain, Ohio, Docket No. 15626, File No. BPCT–3348; for construction permits for new television broadcast stations.

It is ordered, This 28th day of May 1965, on the Hearing Examiner's own motion, that the hearing in the above-entitled matter now scheduled for June 15, 1965, is rescheduled to commence at 10 a.m., June 30, 1965, in the Commission's offices, Washington, D.C.

Released: June 1, 1965.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 65–5690; Filed, June 4, 1965; 8:48 a.m.]

[Docket No. 15705 etc.; FCC 65M–705]

CHARLES VANDA ET AL.

Order Continuing Hearing

In re applications of Charles Vanda, Henderson, Nev., Docket No. 15705, File No. BPCT–3315; Boulder City Television, Inc., Boulder City, Nev., Docket No. 15707, File No. BPCT–3327; Vegas Valley Broadcasting Co., Boulder City, Nev., Docket No. 15747, File No. BPCT–3454; for construction permit for new television broadcast station.

It is ordered, This 2d day of June 1965, because of the illness of the presiding Hearing Examiner, that hearing in the above-entitled proceeding, which heretofore was scheduled to commence June 3, 1965, is continued to a date in the near future to be specified by the presiding Hearing Examiner.

Released: June 2, 1965.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 65–5691; Filed, June 4, 1965; 8:48 a.m.]

[Docket No. 15996; FCC 65M–703]

YPSILANTI BROADCASTING CO. (WYSI)

Order Continuing Prehearing Conference

In re application of Ypsilanti Broadcasting Co. (WYSI), Ypsilanti, Mich., Docket No. 15996, File No. BP–16005; for construction permit.

It is ordered, This 1st day of June 1965, that the prehearing conference scheduled to convene on June 3, 1965, is continued pending further order of the Hearing Examiner.

Released: June 2, 1965.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 65–5692; Filed, June 4, 1965; 8:48 a.m.]

FEDERAL MARITIME COMMISSION

SALONIKA (YUGOSLAV CARGO)/ UNITED STATES ATLANTIC RATE AGREEMENT

Notice of Agreement Filed for Approval

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1321 H Street NW., room 301; or may inspect agreement at the offices of the District Managers, New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments with reference to an agreement including a request for hearing, if desired, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C., 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the comments should indicate that this has been done.

Notice of agreement filed for approval by:

Mr. F. G. Slater, Director, Hellenic Lines Limited, 39 Broadway, New York, N.Y., 10006.

Agreement No. 9461 between American Export Isbrandtsen Lines, Inc. and Hellenic Lines Ltd. provides: (1) That the parties will confer, discuss, and agree on rates, charges, classifications, prac-

Saturday, June 5, 1965 FEDERAL REGISTER 7461

Saturday, June 5, 1965 FEDERAL REGISTER 7463

tices, and related tariff matters, in the carriage of cargo in the Yugoslav (loaded at Salonika, Greece Freezone) westbound trade to U.S. Atlantic ports, (2) that the parties shall separately maintain and file tariffs, (3) that the parties shall retain the right to act independently with respect to rates, charges, classifications, practices, and related tariff matters upon 48 hours' notice to the other party in conformity with General Order 6 (46 CFR Part 529), (4) for the appointment of a Secretary, to act for a period of 1 year, to maintain records of all actions taken, carry out the requirements of the agreement, certify minutes of all meetings and reports of all actions taken under the agreement which shall be filed with the Commission, (5) for the establishment of a Self-Policing System in conformity with General Order 7 (46 CFR Part 528), and (6) for the establishment of Admission, Withdrawal and Expulsion provisions in conformity with General Order 9 (46 CFR Part 523).

Dated: June 1, 1965.

By order of the Federal Maritime Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 65-5679; Filed, June 4, 1965; 8:47 a.m.]

FEDERAL POWER COMMISSION

[Docket No. E-7183]

ALABAMA ELECTRIC COOPERATIVE, INC., AND ALABAMA POWER CO.

Order Accepting Rate Schedules for Filing and Amending Order for Hearing

MAY 28, 1965.

This order accepts for filing, as initial rate schedules, two wholesale electric service contracts between Alabama Power Co. and the Cities of Troy and Luverne, Ala., respectively. Those contracts and the rates and charges reflected therein are subject to an investigation and hearing directed by order of the Commission issued February 5, 1965.[1] That order and the commencement of this proceeding followed complaints by the Alabama Electric Cooperative, Inc. against Alabama Power Co., which complaints contemplated the filing of the wholesale electric service contracts as rate schedules of the Company.

In accepting these contracts for filing as rate schedules of Alabama Power Co. effective June 1, 1965, as hereinafter provided, this order supplements the former order for hearing issued February 5, 1965, so as to expressly provide among the issues to be heard in this proceeding the question of lawfulness of these rate schedules. Alabama Power Co. requests an effective date of June 1, 1965 for the schedules for service to the two cities, that date being the proposed date for commencement of service to the cities. Currently, Troy and Luverne receive their electric power and energy requirements at wholesale from Alabama Electric Cooperative, Inc. The contract for service to the City of Luverne has been designated in the files of the Commission as Alabama Power Co.'s Rate Schedule FPC No. 85. The contract for service to the City of Troy has been designated as that Company's Rate Schedule FPC No. 86.

In requesting an effective date of June 1, 1965, Alabama Power Co. completed its filing with respect to the City of Luverne, including all supporting materials, on April 21, 1965. The Company's filing was completed on May 7, 1965, with respect to the City of Troy. The Company requests, pursuant to § 35.11 of the regulations under the Federal Power Act, a waiver of the Commission's 30-day prior notice requirement so as to permit an effective date for its rate schedule for service to the City of Troy of June 1, 1965.

The City of Troy, by letter dated May 6, 1965, supports the Company's request for waiver of the Commission's regulations pursuant to § 35.11 thereof. Troy indicates that it has terminated, effective June 1, 1965, its existing power supply contract with the Cooperative and that it is essential that Troy have a power supply and receive power from the Company on June 1, 1965. In our opinion, the pendency of the above-entitled proceeding and the circumstances as alluded to by Alabama Power Co. and the City of Troy constitute a sufficient showing of good cause for waiver of our requirements for filing and posting by the Company of its proffered rate schedule for wholesale electric service not less than 30 days prior to the date on which the electric service is to commence.

Alabama Electric Cooperative, Inc. on May 19, 1965 filed protests against the filing by Alabama Power Co. of its initial rate schedules for wholesale electric service to the Cities of Troy and Luverne. The grounds of these protests are the allegations previously made by the Cooperative in Docket No. E-7183 with respect to the lawfulness of the rates and charges of the Company to the Cooperative as related to its rates and charges to other customers. No claim is made that the filings are not complete under our rules. Since these are initial service filings they are not subject to suspension under section 205 of the Act. As indicated, supra, however, the filings are being accepted subject to the outcome of pending Docket No. E-7183 within which the question of the lawfulness of the newly filed rates will be considered.

The Commission further finds: It is necessary and appropriate for the purposes of the Federal Power Act, particularly sections 205, 206, 306, 307, 308, and 309 thereof, that Alabama Power Co.'s Rate Schedules FPC Nos. 85 and 86 be accepted for filing to become effective as of June 1, 1965, good cause having been shown for waiver of the 30-day notice period provided in § 35.3 of Part 35 of the Commission's regulations under the Federal Power Act with respect to Alabama Power Co.'s Rate Schedule FPC No. 86; that the Commission's order for hearing issued February 5, 1965, be amended so as to include expressly among the issues to be heard in this proceeding the lawfulness of Alabama Power Co.'s Rate Schedules FPC Nos. 85 and 86.

The Commission orders:

(A) The 30-day notice period provided in § 35.3 of Part 35 of the Commission's regulations under the Federal Power Act is hereby waived with respect to Alabama Power Co.'s Rate Schedule FPC No. 86.

(B) Alabama Power Co.'s Rate Schedules FPC Nos. 85 and 86 are hereby accepted for filing to become effective as of June 1, 1965.

(C) Paragraph (A) of the Commission's order issued February 5, 1965, in the above-entitled matter is amended so as to include expressly as among the issues to be heard in this proceeding the lawfulness of Alabama Power Co.'s Rate Schedules FPC Nos. 85 and 86.

(D) This acceptance for filing does not constitute approval of any rate, charge, classification, service, or any rule, regulation, contract, or practice relating thereto provided for in the above-designated rate schedules, nor shall such acceptance be deemed as recognition of any claimed contractual right or obligation affecting or relating to such rate, charge, classification, or service; and such acceptance is without prejudice to any findings or orders which have been or may hereafter be made by the Commission in this or in any other proceeding now pending or hereafter instituted by or against Alabama Power Co.

By the Commission.

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 65-5663; Filed, June 4, 1965; 8:45 a.m.]

[1] Rehearing denied by Commission order issued March 19, 1965.

[Docket No. CP65-373]

UNITED GAS PIPE LINE CO.

Notice of Application

MAY 28, 1965.

Take notice that on May 25, 1965, United Gas Pipe Line Co. (Applicant), 1525 Fairfield Avenue, Shreveport, La., filed in Docket No. CP65-373 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the acquisition, construction and operation of certain natural gas facilities, all as more fully set forth in the application on file with the Commission and open to public inspection.

Specifically, Applicant requests authorization to purchase from The Tarpon Oil Corp. approximately 16.6 miles of 5½-inch and 6-inch pipeline and all appurtenant facilities, to relocate an existing meter station and appurtenances, and to construct approximately 100 feet of 2⅜-inch pipeline and a positive meter station and appurtenances, all in Hancock County, Miss.

Applicant states that the facilities will be used to supply natural gas to an area in Hancock County located south of and adjacent to the National Aeronautics and Space Administration's facilities presently under construction. Applicant anticipates that this area will expand as a market as a result of the new facilities.

Applicant estimates that the cost of acquisition and construction of the proposed facilities will be $110,971, which will be financed from funds on hand.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C., 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (157.10) on or before June 25, 1965.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no protest or petition to intervene is filed within the time required herein, and the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a protest or petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 65-5664; Filed, June 4, 1965; 8:45 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 812-1760]

BALDWIN SECURITIES CORP.

Notice of Filing of Application for Order Amending Order Exempting Relationship

JUNE 1, 1965.

Notice is hereby given that Baldwin Securities Corp. ("Baldwin"), 15 Broad Street, New York, N.Y., a Delaware corporation registered under the Investment Company Act of 1940 ("Act") as a nondiversified closed-end investment company, has filed an application pursuant to section 6(c) of the Act for an order amending an Order of the Commission dated April 27, 1960 (Investment Company Act Release No. 3023), as amended by an Order of the Commission dated December 23, 1964 (Investment Company Act Release No. 4108), to extend from April 30, 1965, until August 31, 1965, the period during which Baldwin's ownership of stock of, and relationship with, General Industrial Enterprises, Inc. ("GIE"), a Delaware corporation registered under the Act as a nondiversified closed-end investment company, shall be exempt from the provisions of section 12(d) (1) of the Act. All interested persons are referred to the application on file with the Commission for a full statement of the representations therein which are summarized below.

Baldwin presently owns approximately 93 percent of the issued and outstanding voting stock of GIE. Baldwin and GIE presently intend that GIE will be merged into Baldwin without a vote of stockholders, pursuant to section 253 of the Delaware General Corporation Law. It is contemplated that the plan of merger will provide that each stockholder of GIE (other than Baldwin) will receive Baldwin stock equal in net asset value to the net asset value of GIE stock, subject to the appraisal rights given by section 253 (e) of the Delaware General Corporation Law.

A separate application has been filed pursuant to section 17(b) of the Act for an order of the Commission exempting transactions incidental to the proposed merger of Baldwin and GIE from the provisions of section 17(a) of the Act (File No. 812-1765). The instant application states that the proposed merger cannot be consummated unless the Commission issues the exemptive order requested under section 17(b) and that it would be impractical to proceed with the merger until any such exemptive order which the Commission may issue becomes final and no longer subject to judicial review.

Section 12(d) (1) of the Act provides, in pertinent part, that it shall be unlawful for any registered investment company to purchase or otherwise acquire any security issued by any other investment company if such registered investment company will, as a result of that purchase or other acquisition, own over 5 percent (3 percent where the other investment company is a diversified company) of the outstanding voting securities of the other investment company, unless the registered investment company and any company or companies controlled by the registered investment company owns, at the time of the purchase or other acquisition, at least 25 percent of the outstanding voting stock of the other investment company.

Section 6(c) of the Act provides that the Commission, by order upon application, may conditionally or unconditionally exempt any persons or transactions from any provision or provisions of the Act, if and to the extent that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Notice is further given that any interested person may, not later than June 17, 1965, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C., 20549. A copy of such request shall be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon applicant at the address stated above. Proof of such service (by affidavit or in case of an attorney-at-law by certificate) shall be filed contemporaneously with the request. At any time after said date, as provided by Rule 0-5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the information stated in said application, unless an order for a hearing shall be issued upon request or upon the Commission's own motion.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 65-5660; Filed, June 4, 1965; 8:45 a.m.]

[812-1760]

INTERNATIONAL RESOURCES FUND, INC., AND INVESTMENT COMPANY OF AMERICA

Notice of Filing of Application for Order Exempting Sale by Open-End Company of Shares at Other Than Public Offering Price in Exchange for Assets of Registered Open-End Investment Company

JUNE 1, 1965.

Notice is hereby given that International Resources Fund, Inc. ("IRF") and The Investment Company of America ("ICA"), 900 Wilshire Boulevard, Los Angeles, Calif., 90017, both registered open-end investment companies, have filed an application pursuant to sections 6(c) and 17(b) of the Investment Company Act of 1940 ("Act") for an order of the Commission exempting from the provisions of sections 22(d) and 17(a) of the Act, respectively, the proposed issuance of ICA shares at net asset value in exchange for substantially all of the assets of IRF. Since the shares of ICA will be issued at a price other than at the public offering price, which normally includes a sales charge, an exemption from the provisions of section 22(d) of the Act is deemed necessary. In addition, the applicants state that, while it is their view that they are not affiliated persons of each other, there are a number of persons who are officers or directors of the two applicants or of their common investment adviser. Accordingly, since the applicants might be considered to be under common control and thus to be affiliated persons of each other, they have applied for exemption of the proposed transaction from section 17(a) of the Act pursuant to section 17(b) thereof. All interested persons are referred to the application as filed with the Commission for a complete statement of the representations therein, which are summarized below.

Shares of ICA, a Delaware corporation, are offered to the public on a continuous basis at net asset value plus a varying sales charge dependent on the amount purchased. As of April 21, 1965, the

net assets of ICA amounted to $410,268,011.

IRF, a Delaware corporation, had net assets of $16,768,865 as of April 21, 1965. Pursuant to an agreement between IRF and ICA, substantially all of the cash and securities of IRF will be transferred to ICA in exchange for shares of stock of ICA, subject to the retention by IRF of assets estimated by it to be sufficient to pay its liabilities. The agreement is conditioned upon, among other things, the approval by the holders of at least two-thirds of the issued and outstanding shares of capital stock of IRF.

The number of shares of ICA to be delivered to IRF will be determined by dividing the net asset value per share of ICA in effect at the closing time into the aggregate market value of the IRF assets to be exchanged. Since the exchange is expected to be tax-free for IRF and its shareholders, ICA's cost basis for tax purposes on the assets acquired from IRF will be the same as IRF's cost basis. The value of the assets of IRF will be adjusted according to a formula set forth in the application in the event that IRF has a higher ratio of unrealized appreciation in its assets than does ICA.

The applicants state that combining substantially all of the assets of IRF with the assets of ICA will provide to the shareholders of IRF greater diversification of their investments and will afford to the shareholders of both applicants the advantages of spreading the fixed operating expenses over a larger total net asset value. In this latter connection, they note that during the most recent fiscal year of IRF, the expenses of IRF amounted to 1.02 percent of its average net assets, while during the most recent fiscal year of ICA, the expenses of ICA amounted to 0.58 percent of its average net assets.

Notice is further given that any person may, not later than June 21, 1965, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C., 20549. A copy of such request shall be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon applicants at the address stated above. Proof of such service (by affidavit or in case of an attorney-at-law by certificate) shall be filed contemporaneously with the request. At any time after said date, as provided by Rule 0–5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the information stated in said application, unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 65–5861; Filed, June 4, 1965; 8:45 a.m.]

[File No. 70–4263]

METROPOLITAN EDISON CO.

Notice of Filing Regarding Issue and Sale of Principal Amount of Bonds

JUNE 1, 1965.

Notice is hereby given that Metropolitan Edison Co. ("Met-Ed"), 2800 Pottsville Pike, Berks County, Pa., a public-utility subsidiary company of General Public Utilities Corp., a registered holding company, has filed with this Commission an application, pursuant to the Public Utility Holding Company Act of 1935 ("Act"), and has designated section 6(b) of the Act and Rule 50 promulgated thereunder as applicable to the proposed transactions. All interested persons are referred to the application on file at the office of the Commission for a statement of the proposed transactions which are summarized as follows:

Met-Ed proposes to issue and sell, pursuant to the competitive bidding requirements of Rule 50 under the Act, $12,000,000 principal amount of its First Mortgage Bonds, 1995 Series, maturing July 1, 1995. The interest rate on the bonds (which shall be a multiple of ⅛ of 1 percent) and the price, exclusive of accrued interest, to be paid the company for the bonds (which shall be not less than 100 percent nor more than 102.75 percent of the principal amount thereof) will be determined by the competitive bidding. The bonds will be issued under and pursuant to the provisions of the Indenture, dated November 1, 1944, between Met-Ed and Morgan Guaranty Trust Co. of New York (formerly Guaranty Trust Co. of New York), Trustee, as heretofore supplemented and as to be further supplemented by a Supplemental Indenture, dated July 1, 1965. The net proceeds (other than premium, if any, and accrued interest) from the sale of the bonds, together with the proceeds from the sale in June 1965, of $6,000,000 principal amount of debentures (File No. 70–4260), will be used to repay Met-Ed's short-term bank loans (outstanding in the principal amount of $8,000,000 at March 31, 1965) and for construction purposes. Met-Ed's construction program for 1965 is estimated to cost $23,800,000.

The application states that the fees and expenses to be incurred by Met-Ed in connection with the proposed transactions are estimated at $65,000, including counsel fees of $17,500, accountant's fees of $3,250, and Trustee's fees and expenses of $6,000; that the fees and expenses of independent counsel for the prospective bidders for the bonds are to be supplied by amendment; that the issue and sale of the bonds are subject to authorization by the Pennsylvania Public Utility Commission, the State commission of the State in which Met-Ed is organized and doing business; and that a copy of the order of that commission will be supplied by amendment.

Notice is further given that any interested person may, not later than June 28, 1965, request in writing that a hearing be held on such matter, stating the nature of his interest, the reason for such request, and the issues of fact or law raised by said application which he desires to controvert; or he may request that he be notified should the Commission order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C., 20549. A copy of such request should be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon the applicant at the above-noted address, and proof of such service (by affidavit or, in case of an attorney at law, by certificate) should be filed contemporaneously with the request. At any time after said date, the application, as filed or as it may be amended, may be granted as provided by Rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 65–5863; Filed, June 4, 1965; 8:45 a.m.]

INTERSTATE COMMERCE COMMISSION

[Notice 1185]

MOTOR CARRIER TRANSFER PROCEEDINGS

JUNE 2, 1965.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 179), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC–FC–67713. By order of May 28, 1965, the Transfer Board approved the transfer of the operating rights claimed in No. MC–98075 (Sub-No. 1) under the "grandfather" clause of section 206(a)(7)(b), Interstate Commerce Act by Henry J. Janson, doing business as H & P Trucking Co., 108 High Street, Danvers, Mass., to H & P Trucking Co., Inc., 108 High Street, Danvers, Mass., and the substitution of transferee as applicant for a certificate of registration from this Commission, corresponding to the grant of intrastate authority to transferor issued by the Massachusetts Department of Public Utilities in No. 2108.

No. MC–FC–67725. By order of May 28, 1965, the Transfer Board approved the transfer to Gulf Coast Transportation Inc., Winnie, Tex., of the operating rights claimed in No. MC–121210 (Sub-No. 2) under the "grandfather" clause of section 206(a)(7)(b), Interstate Commerce Act, by H. M. Cole, doing business as Cole Trucking Co., as lessor of the rights in Texas Certificate No. 5217 to Gull Transportation, Inc., lessee and the substitution of transferee as applicant for a certificate of registration from this Commission, corresponding to the grant of intrastate authority to transferor issued by the Railroad Commission of Texas in No. 5217. Joe G. Fender, 2033 Norfolk Street, Houston 6, Tex., attorney for applicants.

No. MC–FC–67792. By order of May 28, 1965, the Transfer Board approved the transfer to Fuchs, Inc., Sank City, Wis., of Permits in Nos. MC–116982 and MC–116982 (Sub-No. 1); MC–116982 (Sub-No. 2), and MC–116982 (Sub-No. 3) thereunder, issued April 15, 1958, November 3, 1959, October 25, 1962, and December 11, 1964, respectively, to Willard Fuchs and Le Roy Fuchs, a partnership, doing business as Fuchs Brothers, Sank City, Wis., authorizing the transportation of: Building materials, dry fertilizer, and fertilizer, from, to, or between specified points in Illinois, Indiana, Iowa, Michigan, Minnesota, and Wisconsin. Edward Solie, 4513 Vernon Boulevard, Madison, Wis., 53705, attorney for applicants.

No. MC–FC–67812. By order of May 28, 1965, the Transfer Board approved the transfer to George Hilson, doing business as Hilson Moving & Transfer Co., Youngstown, Ohio, of certificate in No. MC–59850, issued November 6, 1953, to Jack Albert, doing business as A & B Storage Co., Philadelphia, Pa., authorizing the transportation of: Household goods, over irregular routes, between Philadelphia, Pa., on the one hand, and, on the other, points in New York, New Jersey, Delaware, Maryland, Virginia, and the District of Columbia. Morris J. Winokur, 1920 Two Penn Center Plaza, Philadelphia, Pa., 19102, attorney for applicants.

No. MC–FC–67813. By order of May 28, 1965, the Transfer Board approved the transfer to Hawthorne Hauling, Inc., Philadelphia, Pa., of Certificate in No. MC–66576, issued January 25, 1941, to Paul Mormile, Philadelphia, Pa., authorizing the transportation of: Contractors' equipment and such bulk commodities as are transported in, dump trucks, over irregular routes, between Philadelphia, Pa., on the one hand, and, on the other, points within 25 miles of Philadelphia, Pa., in Pennsylvania and New Jersey. Morris J. Winokur, 1920 Two Penn Center Plaza, Philadelphia, Pa., 19102, attorney for applicants.

No. MC–FC–67815. By order of May 28, 1965, the Transfer Board approved the transfer to Pan American Van Lines, Inc., Bellerose, Long Island, N.Y., of a portion of the operating right in Certificate in No. MC–61609, issued March 2, 1953, to Pauline Sheridan Day, doing business as Bob Day Transfer & Storage, Fort Worth, Tex., authorizing the transportation of: Household goods, over irregular routes, between points in Grayson County, Tex., on the one hand, and, on the other, points in Kentucky, Tennessee, Illinois, Alabama, and Mississippi, and, between points in Grayson County, Tex., on the one hand, and, on the other, points in Arkansas, Colorado, Kansas, Louisiana, Missouri, and New Mexico. Edward M. Alfano, 2 West 40th Street, New York 36, N.Y., attorney for applicants.

No. MC–FC–67865. By order of May 28, 1965, the Transfer Board approved the transfer to Mrs. Hilda Dillon Lessard, doing business as Lessard Bus Lines, Reg'd, 4 Massawippi Street, Lennoxville, Quebec, Canada, of the operating rights in Certificate No. MC–119538, issued January 4, 1961, to Jules Lessard, doing business as Lessard Bus Lines, Reg'd, 4 Massawippi Street, Lennoxville, Quebec, Canada, authorizing the transportation, over irregular routes, of: Passengers and their baggage, in charter operations, in round-trips, beginning and ending at ports of entry on the United States-Canada boundary line, at or near Newport, North Troy, Richford, and Norton Mills, Vt., and extending to points in Vermont, New Hampshire, Maine, Massachusetts, New York, North Carolina, and Florida.

[SEAL] BERTHA F. ARMES, *Acting Secretary.*

[F.R. Doc. 65–5874; Filed, June 4, 1965; 8:47 a.m.]

[No. 33434]

MIDDLE ATLANTIC AND NEW ENGLAND TERRITORY

Detention of Motor Vehicles

JUNE 3, 1965.

In the report and order of the Commission on further hearing, filed and entered April 23, 1965, 325 I.C.C. 336, the Commission prescribed a uniform rule for determining charges for detention of vehicles of motor common carriers in Middle Atlantic territory and between that territory and New England territory. The order follows:

It is ordered, That the respondents, to the extent they participate in the transportation, be, and they are hereby, required to establish, within 90 days of the date this order becomes effective, upon not less than 30 days' notice to this Commission and to the general public by filing and posting in the manner prescribed under section 317 of the Interstate Commerce Act, and thereafter to maintain and apply in middle Atlantic territory (except New York short-haul traffic to the extent it is subject to rule 47–11 of Middle Atlantic Conference, Agent, tariff 10–Q, MF–I.C.C. A–1455, as presently amended), and between Middle Atlantic territory and New England territory, as defined in this report, the detention rule set forth in Appendix E, except as specified in the next succeeding paragraph.

It is further ordered, That the said detention rule shall not apply on household goods, commodities transported in bulk in tank trucks, commodities transported in dump trucks, articles transported by heavy haulers, and articles picked up from or delivered to railroad cars; nor shall the said detention rule apply to the transportation of palletized shipments to the extent such shipments are subject to rule 15 of Middle Atlantic Conference, Agent, tariff 10–Q, MF–I.C.C. A–1455, as presently amended, or other rules of a similar character in other tariffs.

And it is further ordered, That this order shall become effective on June 7, 1965, and shall continue in force until the further order of the Commission.

This notice will be published in the FEDERAL REGISTER.

[SEAL] BERTHA F. ARMES, *Acting Secretary.*

APPENDIX E—DETENTION RULE PRESCRIBED HEREIN

DETENTION OF VEHICLES

This rule applies when carriers' vehicles (Note A) are delayed or detained at premises of consignor, consignee, or other places designated by consignor or consignee, subject to the following provisions:

Section I—General Provisions

(a) This rule applies only to vehicles which have been ordered or used to transport shipments subject to truckload rates. If the shipment is moving on a rate subject to a stated minimum weight of 12,000 pounds or more, and such rate is not designated as a truckload rate, it will be considered a truckload rate for the purpose of applying this rule.

(b) This rule applies only when vehicles are delayed or detained at the places of pickup or delivery and only when such delay or detention is attributable to consignor, consignee, or others designated by them.

(c) Free time for each vehicle will be as provided in section III.

(d) After the expiration of free time as herein provided, charges as provided in section IV will be assessed against the shipment.

Section II—Computation of Time

(a) The time per vehicle shall begin to run upon notification by the driver to the responsible representative of the consignor or consignee at the place of pickup or delivery of the arrival of the vehicle for loading or unloading, as the case may be, either on the premises designated by the consignor or consignee, or as close thereto as conditions on said premises will permit, and shall end upon completion of loading or unloading and receipt by the driver of a signed bill of lading or receipt for delivery, as the case may be, except as provided in paragraph (b) of this section. Time, if any, necessary to prepare a vehicle for loading or unloading, as the case may be, will be excluded from the computation of time.

Upon request of consignor or consignee, or others designated by them, carrier will enter into a reasonable prearranged schedule for arrival of the vehicle for loading or unloading.

Exception—When carrier makes a prearranged schedule with consignor or consignee, or others designated by them, at place of pickup or delivery for the arrival of the vehicle for loading or unloading and carrier is unable for any reason to maintain such schedule within 30 minutes, the time shall begin to run from the commencement of loading or unloading and not from the time of arrival of the vehicle. If carrier's vehicle arrives prior to scheduled time, the time shall begin to run from the scheduled time or actual time loading or unloading commences, whichever is earlier.

(b) Computations of time are subject to, and are to be made within the normal business (shipping or receiving) day at the designated premises at place of pickup or delivery, except, if carrier is permitted to work beyond this period, such working time shall also be included. When loading or unloading is not completed at the end of such day, time will be resumed at the beginning of the next such day, or when work the next is actually begun by carrier, if earlier. When loading or unloading carries through a normal meal period, meal time, not to exceed one hour, will be excluded from computation of time.

Section III—Free Time

Free time shall be as follows:

Column A		Column B	
Actual weight in pounds per vehicle	Free time in minutes	Actual weight in pounds per vehicle stop	Free time in minutes per vehicle stop
Less than 24,000.	240	Less than 10,000.	90
24,000 and less than 36,000.	300	10,000 and less than 20,000.	180
36,000 or more.	360	20,000 and less than 24,000.	240
		24,000 and less than 36,000.	300
		36,000 or more.	360

Column A—Applies to vehicles containing truckload shipments requiring only 1 vehicle, or to fully loaded vehicles containing truckload shipments requiring more than 1 vehicle, except as provided in column B.

Column B—Applies to last vehicle used in transporting overflow truckload shipments requiring 2 or more vehicles, or to vehicles containing truckload shipments stopped for completion of loading or partial unloading

Section IV—Charges

When the delay per vehicle beyond free time is—	The charge for vehicle will be—
1 hour or less	$10.00
Over 1 hour but not over 75 minutes	12.50
Over 75 minutes but not over 90 minutes	15.00
Over 90 minutes but not over 105 minutes	17.50
Over 105 minutes but not over 120 minutes	20.00
Over 120 minutes but not over 135 minutes	22.50
Over 135 minutes but not over 150 minutes	25.00
Over 150 minutes but not over 165 minutes	27.50
Over 165 minutes but not over 180 minutes	30.00
Over 180 minutes	(1)

[1] $30.00 plus $2.50 per each 15 minutes or fraction thereof over 180 minutes.

Section V

A record of the following information must be maintained by the carriers and kept available at all times:

(a) Name and address of consignor, consignee, or other party at whose place of business freight is loaded or unloaded.

(b) Identification of vehicles tendered for loading or unloading.

(c) Date and time of notification of the arrival of the vehicle for loading or unloading.

(d) Date and time loading or unloading begins.

(e) Date and time loading or unloading is completed.

(f) Date and time vehicle is released for departure by consignor, consignee, or by other party at place of pickup or delivery after loading or unloading is completed.

(g) Total actual weight of shipment loaded or unloaded.

(h) Whether vehicles are tendered under a prearranged schedule for loading or unloading.

(i) When vehicles are tendered under a prearranged schedule for loading or unloading, date and time specified therefor.

Section VI

Nothing in this rule shall require a carrier to pick up or deliver freight at hours other than such carrier's normal business hours.

NOTE A—"Vehicles" as used in this rule means straight trucks or tractor-trailer combinations, except that this rule will not apply to trailers without power units left by carrier at place of pickup or delivery of consignor, consignee, or other party designated by them.

[F.R. Doc. 65-5917; Filed, June 4, 1965; 8:49 a.m.]

FOURTH SECTION APPLICATIONS FOR RELIEF

JUNE 2, 1965.

Protests to the granting of an application must be prepared in accordance with Rule 1.40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 39612—*Anhydrous ammonia to El Dorado, Ark.* Filed by Southwestern Freight Bureau, agent (No. B-8730), for interested rail carriers. Rates on anhydrous ammonia, in tank carloads, from Boutte and Luling, La., to El Dorado, Ark.

Grounds for relief—Market competition.

Tariff—Supplement 129 to Southwestern Freight Bureau, agent, tariff I.C.C. 4422.

FSA No. 39613—*Sulphur from Texas points.* Filed by Southwestern Freight Bureau, agent (No. B-8733), for interested rail carriers. Rates on sulphur (brimstone) refined, as described in the application, in carloads, from Campbellton and Three Rivers, Tex., to points in southern territory, also specified points in official territory.

Grounds for relief—Market competition.

Tariff—Supplement 271 to Southwestern Freight Bureau, agent, tariff I.C.C. 4177.

By the Commission.

[SEAL] BERTHA F. ARMES, *Acting Secretary.*

[F.R. Doc. 65-5873; Filed, June 4, 1965; 8:46 a.m.]

CUMULATIVE LIST OF CFR PARTS AFFECTED—JUNE

The following numerical guide is a list of the parts of each title of the Code of Federal Regulations affected by documents published to date during June.

3 CFR
EXECUTIVE ORDERS: 11227 — 7369

5 CFR
213 — 7271, 7311, 7425, 7426

7 CFR
16 — 7426
28 — 7426
29 — 7385
30 — 7385
34 — 7385
160 — 7385
718 — 7427
722 — 7271, 7385
728 — 7434
730 — 7272
750 — 7311
845 — 7273
908 — 7311, 7435
909 — 7273
910 — 7435
915 — 7436
944 — 7436
970 — 7274
PROPOSED RULES:
51 — 7396
916 — 7284
1133 — 7284
1138 — 7288

8 CFR
264 — 7312

9 CFR
74 — 7274
201 — 7275
PROPOSED RULES:
94 — 7445

10 CFR
PROPOSED RULES:
150 — 7445

12 CFR
1 — 7371
17 — 7275

12 CFR—Continued
PROPOSED RULES:
545 — 7316

14 CFR
39 — 7275, 7371, 7372
71 — 7276, 7312, 7372, 7373
97 — 7374
PROPOSED RULES:
61 — 7292
71 — 7316, 7396

17 CFR
240 — 7276

18 CFR
8 — 7313
157 — 7280

21 CFR
20 — 7280
120 — 7280, 7385
121 — 7280, 7386
PROPOSED RULES:
20 — 7292

26 CFR
1 — 7281

28 CFR
42 — 7386

32 CFR
1001 — 7389

33 CFR
124 — 7314

38 CFR
1 — 7288
3 — 7290

39 CFR
15 — 7390
16 — 7390
22 — 7391
23 — 7391

39 CFR—Continued
24 — 7391
25 — 7391
43 — 7392
45 — 7392
46 — 7394

41 CFR
5B-2 — 7436
8-1 — 7437
8-2 — 7437

42 CFR
57 — 7394, 7395

43 CFR
18 — 7394

45 CFR
60 — 7371

46 CFR
146 — 7437
PROPOSED RULES:
248 — 7291

47 CFR
1 — 7419
73 — 7314
PROPOSED RULES:
1 — 7446
17 — 7446
73 — 7446

49 CFR
72 — 7420
73 — 7420
74 — 7423
77 — 7423
78 — 7423
79 — 7425

50 CFR
3 — 7315
33 — 7282
260 — 7282
262 — 7444
266 — 7282

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FEDERAL REGISTER

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Pages 7469–7510

Agencies in this issue—

Cabinet Committee on Federal Staff Retirement System
Civil Aeronautics Board
Civil Service Commission
Coast Guard
Commodity Credit Corporation
Consumer and Marketing Service
Federal Aviation Agency
Federal Maritime Commission
Federal Power Commission
Food and Drug Administration
General Services Administration
Internal Revenue Service
Interstate Commerce Commission
Justice Department
Maritime Administration
Treasury Department
Veterans Administration

Detailed list of Contents appears inside.



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Contents

AGRICULTURE DEPARTMENT
See Commodity Credit Corporation; Consumer and Marketing Service.

CABINET COMMITTEE ON FEDERAL STAFF RETIREMENT SYSTEM
Notices
Staff retirement systems of Federal Government; hearing 7506

CIVIL AERONAUTICS BOARD
Notices
IATA; agreement regarding fares 7506

CIVIL SERVICE COMMISSION
Rules and Regulations
Excepted service; Agriculture Department 7473

COAST GUARD
Notices
James River; closure to navigation during firing of catapults aboard USS Enterprise 7505

COMMERCE DEPARTMENT
See Maritime Administration.

COMMODITY CREDIT CORPORATION
Rules and Regulations
Wheat loan and purchase program, 1965 7475

CONSUMER AND MARKETING SERVICE
Rules and Regulations
Plums grown in California; grades and sizes (4 documents) 7473–7475
Proposed Rule Making
Fruit grown in Florida; expenses and rate of assessment, 1965–66:
Avocados 7501
Limes 7501
Tobacco, dark air-cured; official standard grades 7494

FEDERAL AVIATION AGENCY
Rules and Regulations
Federal aid to airports; miscellaneous amendments 7484
Proposed Rule Making
Federal airways:
Alteration 7502
Designation 7502
Restricted areas; alteration 7503
Temporary restricted area, designation; and alteration of controlled airspace 7503

FEDERAL MARITIME COMMISSION
Rules and Regulations
Shippers' requests and complaints 7490

FEDERAL POWER COMMISSION
Notices
Hearings, etc.:
Arizona Public Service Co. 7506
Atlantic Seaboard Corp. 7507
Hays Oil & Gas Co. et al.; correction 7508
Pacific Gas Transmission Co. 7507
Southeastern Public Service Co. et al.; correction 7508
Virginia Electric and Power Co. 7508

FOOD AND DRUG ADMINISTRATION
Rules and Regulations
Color additives; externally applied drugs and cosmetics 7484
Drugs; chloramphenicol 7497
Food additives:
Antioxidants and/or stabilizers for polymers 7487
Cellophane 7486
Coatings on fresh citrus fruit 7485
Filters, resin-bonded 7486
Industrial starch—modified 7485
Resinous and polymeric coatings 7486
Orange juice, frozen concentrated, canned; effective date of amendment of standard 7484
Pesticide chemicals in or on raw agricultural commodities; further extension of effective date 7485
Proposed Rule Making
Food additives; polyethylene resins, carboxyl modified 7501
Notices
Filing of petitions:
Food additives:
American Cyanamid Co. 7505
Glidden Co. 7506
Nixon and Co. 7506
Pesticides; Union Oil Company of California 7506

GENERAL SERVICES ADMINISTRATION
Rules and Regulations
Public contracts and property management; motor vehicle identification 7489

HEALTH, EDUCATION, AND WELFARE DEPARTMENT
See Food and Drug Administration.

INTERNAL REVENUE SERVICE
Proposed Rule Making
Income taxes; adjustments to basis of stock in controlled foreign corporations and of other property 7493

INTERSTATE COMMERCE COMMISSION
Rules and Regulations
Driving of motor vehicles; slowing down and stopping required at railroad grade crossings 7491
Notices
Finance applications 7508
Interstate Tariff Bureau, Inc.; agreement regarding transportation of property between District of Columbia and certain States 7509
Motor carrier transfer proceedings 7509

JUSTICE DEPARTMENT
Rules and Regulations
Production or disclosure of material or information; correction 7488

MARITIME ADMINISTRATION
Rules and Regulations
Documentation, transfer, or charter of vessels; charges for processing applications 7490

TREASURY DEPARTMENT
Notices
Bread in loaves from Canada; antidumping; determination of sales at not less than fair value 7505
Commercial Standard Insurance Co.; authority to qualify as surety on Federal bonds 7505

VETERANS ADMINISTRATION
Rules and Regulations
Adjudication; burial benefits; supporting evidence 7489

List of CFR Parts Affected

(Codification Guide)

The following numerical guide is a list of the parts of each title of the Code of Federal Regulations affected by documents published in today's issue. A cumulative list of parts affected, covering the current month to date, appears at the end of each issue beginning with the second issue of the month.

A cumulative guide is published separately at the end of each month. The guide lists the parts and sections affected by documents published since January 1, 1965, and specifies how they are affected.

5 CFR

213 7473

7 CFR

917 (4 documents) 7473–7475
1421 7475
PROPOSED RULES:
29 7494
911 7501
915 7501

14 CFR

151 7484
PROPOSED RULES:
71 (3 documents) 7502, 7503
73 (2 documents) 7503

21 CFR

8 7484
27 7484
120 7485
121 (6 documents) 7485–7487
141d 7487
146d 7487
PROPOSED RULES:
121 7501

26 CFR

PROPOSED RULES:
1 7493

28 CFR

16 7488

38 CFR

3 7489

41 CFR

101–38 7489

46 CFR

221 7490
527 7490

49 CFR

192 7491

Rules and Regulations

Title 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 213—EXCEPTED SERVICE

Department of Agriculture

Section 213.3313 is amended to show the exception under Schedule C of one additional position of Confidential Assistant to the Administrator, Consumer and Marketing Service. Effective on publication in the FEDERAL REGISTER, subparagraph (3) of paragraph (m) of § 213.3313 is amended as set out below.

§ 213.3313 Department of Agriculture.

* * * * * * *

(m) *Consumer and Marketing Service.* * * *

(3) Two Confidential Assistants to the Administrator.

* * * * * * *

(R.S. 1753, sec. 2, 22 Stat. 403, as amended; 5 U.S.C. 631, 633; E.O. 10577, 19 F.R. 7521, 3 CFR, 1954–1958 Comp., p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] MARY V. WENZEL,
Executive Assistant to the Commissioners.

[F.R. Doc. 65-5926; Filed, June 7, 1965; 8:47 a.m.]

Title 7—AGRICULTURE

Chapter IX—Consumer and Marketing Service (Marketing Agreements and Orders; Fruits, Vegetables, Tree Nuts), Department of Agriculture

[Plum Order 5]

PART 917—FRESH BARTLETT PEARS, PLUMS, AND ELBERTA PEACHES GROWN IN CALIFORNIA

Sizes

§ 917.357 Plum Order 5 (Formosa, Duarte, Burbank, Red Roy).

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and this part (Order No. 917, as amended), regulating the handling of fresh Bartlett pears, plums, and Elberta peaches grown in the State of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations of the Plum Commodity Committee, established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of plums of the varieties hereinafter set forth, and in the manner herein provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable, unnecessary, and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (5 U.S.C. 1001–1011) in that, as hereinafter set forth, the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective not later than the date hereinafter specified. A reasonable determination as to the supply of, and the demand for, such plums must await the development of the crop thereof, and adequate information thereon was not available to the Plum Commodity Committee until the date hereinafter set forth on which an open meeting was held, after giving due notice thereof, to consider the need for, and the extent of, regulation of shipments of such plums. Interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; shipments of the current crop of such plums are expected to begin on or about the effective date hereof; this section should be applicable to all such shipments in order to effectuate the declared policy of the act; the provisions of this section are identical with the aforesaid recommendation of the committee; and information concerning such provisions and effective time has been disseminated among handlers of such plums and compliance with the provisions of this section will not require of handlers any preparation therefor which cannot be completed by the effective time hereof. Such committee meeting was held on May 26, 1965.

(b) *Order.* (1) During the period beginning at 12:01 a.m., P.s.t., June 9, 1965, and ending at 12:01 a.m., P.s.t., November 1, 1965, no shipper shall ship any package or container of Formosa, Duarte, Burbank, or Red Roy plums, unless:

(i) Such plums are of a size that, when packed in a standard basket, they will pack at least a 4 x 5 standard pack; and

(ii) The diameters of the smallest and largest plums in such package or container do not vary more than one-fourth (¼) inch: *Provided*, That a total of not more than five (5) percent, by count, of the plums in the package or container may fail to meet this requirement.

(2) When used herein, "standard pack" shall have the same meaning as set forth in the revised United States Standards for Plums and Prunes (Fresh) (§§ 51.1520–51.1537 of this title); "standard basket" shall mean the standard basket set forth in paragraph 1 of section 828.1 of the Agricultural Code of California; "diameter" shall mean the distance through the widest portion of the cross section of a plum at right angles to a line running from the stem to the blossom end; and, except as otherwise specified, all other terms shall have the same meaning as when used in the amended marketing agreement and order.

(3) Section 917.143 sets forth the requirements with respect to the inspection and certification of shipments of fruit covered by this section. Such section also prescribes the conditions which must be met if any shipment is to be made without prior inspection and certification. Notwithstanding that shipments may be made without inspection and certification, each shipper shall comply with all grade and size regulations applicable to the respective shipment.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: June 4, 1965.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 65-5999; Filed, June 7, 1965; 8:50 a.m.]

[Plum Order 6]

PART 917—FRESH BARTLETT PEARS, PLUMS, AND ELBERTA PEACHES GROWN IN CALIFORNIA

Grades and Sizes

§ 917.358 Plum Order 6 (Tragedy).

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and this part (Order No. 917, as amended), regulating the handling of fresh Bartlett pears, plums, and Elberta peaches grown in the State of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations of the Plum Commodity Committee, established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of plums of the variety hereinafter set forth, and in the manner herein provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable, unnecessary, and contrary to the public interest to give preliminary notice, engage in public rule-

making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (5 U.S.C. 1001–1011) in that, as hereinafter set forth, the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective not later than the date hereinafter specified. A reasonable determination as to the supply of, and the demand for, such plums must await the development of the crop thereof, and adequate information thereon was not available to the Plum Commodity Committee until the date hereinafter set forth on which an open meeting was held, after giving due notice thereof, to consider the need for, and the extent of, regulation of shipments of such plums. Interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; shipments of the current crop of such plums are expected to begin on or about the effective date hereof; this section should be applicable to all such shipments in order to effectuate the declared policy of the act; the provisions of this section are identical with the aforesaid recommendation of the committee; and information concerning such provisions and effective time has been disseminated among handlers of such plums and compliance with the provisions of this section will not require of handlers any preparation therefor which cannot be completed by the effective time hereof. Such committee meeting was held on May 26, 1965.

(b) *Order.* (1) The provisions of § 917.353 (Plum Order 1; 30 F.R. 6903) shall not apply to Tragedy plums during the period specified in subparagraph (2) of this paragraph.

(2) During the period beginning at 12:01 a.m., P.s.t., June 9, 1965, and ending at 12:01 a.m., P.s.t., November 1, 1965, no shipper shall ship any package or container of Tragedy plums, unless:

(i) Such plums grade at least U.S. No. 1, with a total tolerance of ten (10) percent for defects not considered serious damage in addition to the tolerances permitted by such grade;

(ii) Such plums are of a size that, when packed in a standard basket, they will pack at least a 5 x 6 standard pack; and

(iii) The diameters of the smallest and largest plums in such package or container do not vary more than one-fourth (¼) inch: *Provided*, That a total of not more than five (5) percent, by count, of the plums in the package or container may fail to meet this requirement.

(3) When used herein, "standard pack" and "serious damage" shall have the same meaning as set forth in the revised United States Standards for Plums and Prunes (Fresh) (§§ 51.1520–51.1537 of this title); "standard basket" shall mean the standard basket set forth in paragraph 1 of Section 828.1 of the Agricultural Code of California; "diameter" shall mean the distance through the widest portion of the cross section of a plum at right angles to a line running from the stem to the blossom end; and, except as otherwise specified, all other terms shall have the same meaning as when used in the amended marketing agreement and order.

(4) Section 917.143 sets forth the requirements with respect to the inspection and certification of shipments of fruit covered by this section. Such section also prescribes the conditions which must be met if any shipment is to be made without prior inspection and certification. Notwithstanding that shipments may be made without inspection and certification, each shipper shall comply with all grade and size regulations applicable to the respective shipment.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: June 4, 1965.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 65–6000; Filed, June 7, 1965; 8:50 a.m.]

[Plum Order 7]

PART 917—FRESH BARTLETT PEARS, PLUMS, AND ELBERTA PEACHES GROWN IN CALIFORNIA

Sizes

§ 917.359 Plum Order 7 (El Dorado).

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and this part (Order No. 917, as amended), regulating the handling of fresh Bartlett pears, plums, and Elberta peaches grown in the State of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations of the Plum Commodity Committee, established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of plums of the variety hereinafter set forth, and in the manner herein provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable, unnecessary, and contrary to the public interest to give preliminary notice, engage in public rule making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (5 U.S.C. 1001–1011) in that, as hereinafter set forth, the time intervening between the date when information upon, which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective not later than the date hereinafter specified. A reasonable determination as to the supply of, and the demand for, such plums must await the development of the crop thereof, and adequate information thereon was not available to the Plum Commodity Committee until the date hereinafter set forth on which an open meeting was held, after giving due notice thereof, to consider the need for, and the extent of, regulation of shipments of such plums. Interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; shipments of the current crop of such plums are expected to begin on or about the effective date hereof; this section should be applicable to all such shipments in order to effectuate the declared policy of the act; the provisions of this section are identical with the aforesaid recommendation of the committee; and information concerning such provisions and effective time has been disseminated among handlers of such plums and compliance with the provisions of this section will not require of handlers any preparation therefor which cannot be completed by the effective time hereof. Such committee meeting was held on May 26, 1965.

(b) *Order.* (1) During the period beginning at 12:01 a.m., P.s.t., June 9, 1965, and ending at 12:01 a.m. P.s.t, November 1, 1965, no shipper shall ship any package or container of El Dorado plums, unless:

(i) Such plums are of a size that, when packed in a standard basket, they will pack at least a 3 x 4 x 5 standard pack;

(ii) The diameters of the smallest and largest plums in such package or container do not vary more than one-fourth (¼) inch: *Provided*, That a total of not more than five (5) percent, by count, of the plums in the package or container may fail to meet this requirement.

(2) When used herein, "standard pack" shall have the same meaning as set forth in the revised United States Standards for Plums and Prunes (Fresh) (§§ 51.1520–51.1537 of this title); "standard basket" shall mean the standard basket set forth in paragraph 1 of section 828.1 of the Agricultural Code of California; "diameter" shall mean the distance through the widest portion of the cross section of a plum at right angles to a line running from the stem to the blossom end; and, except as otherwise specified, all other terms shall have the same meaning as when used in the amended marketing agreement and order.

(3) Section 917.143 sets forth the requirements with respect to the inspection and certification of shipments of fruit covered by this section. Such section also prescribes the conditions which must be met if any shipment is to be made without prior inspection and certification. Notwithstanding that shipments may be made without inspection and certification, each shipper shall comply with all grade and size regulations applicable to the respective shipment.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: June 4, 1965.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 65–6001; Filed, June 7, 1965; 8:50 a.m.]

[Plum Order 8]

PART 917—FRESH BARTLETT PEARS, PLUMS, AND ELBERTA PEACHES GROWN IN CALIFORNIA

Sizes

§ 917.360 Plum Order 8 (Wickson).

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and this part (Order No. 917, as amended), regulating the handling of fresh Bartlett pears, plums, and Elberta peaches grown in the State of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations of the Plum Commodity Committee, established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of plums of the variety hereinafter set forth, and in the manner herein provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable, unnecessary, and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (5 U.S.C. 1001–1011) in that, as hereinafter set forth, the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective not later than the date hereinafter specified. A reasonable determination as to the supply of, and the demand for, such plums must await the development of the crop thereof, and adequate information thereon was not available to the Plum Commodity Committee until the date hereinafter set forth on which an open meeting was held, after giving due notice thereof, to consider the need for, and the extent of, regulation of shipments of such plums. Interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; shipments of the current crop of such plums are expected to begin on or about the effective date hereof; this section should be applicable to all such shipments in order to effectuate the declared policy of the act; the provisions of this section are identical with the aforesaid recommendation of the committee; and information concerning such provisions and effective time has been disseminated among handlers of such plums and compliance with the provisions of this section will not require of handlers any preparation therefor which cannot be completed by the effective time hereof. Such committee meeting was held on May 26, 1965.

(b) *Order.* (1) During the period beginning at 12:01 a.m., P.s.t., June 9, 1965, and ending at 12:01 a.m., P.s.t., November 1, 1965, no shipper shall ship any package or container of Wickson plums, unless:

(i) Such plums are of a size that, when packed in a standard basket, they will pack at least a 4 x 4 standard pack; and

(ii) The diameters of the smallest and largest plums in such package or container do not vary more than one-fourth (¼) inch: *Provided*, That a total of not more than five (5) percent, by count, of the plums in the package or container may fail to meet this requirement.

(2) When used herein, "standard pack" shall have the same meaning as set forth in the revised United States Standards for Plums and Prunes (Fresh) (§§ 51.1520–51.1537 of this title); "standard basket" shall mean the standard basket set forth in paragraph 1 of section 828.1 of the Agricultural Code of California; "diameter" shall mean the distance through the widest portion of the cross section of a plum at right angles to a line running from the stem to the blossom end; and, except as otherwise specified, all other terms shall have the same meaning as when used in the amended marketing agreement and order.

(3) Section 917.143 sets forth the requirements with respect to the inspection and certification of shipments of fruit covered by this section. Such section also prescribes the conditions which must be met if any shipment is to be made without prior inspection and certification. Notwithstanding that shipments may be made without inspection and certification, each shipper shall comply with all grade and size regulations applicable to the respective shipment.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: June 4, 1965.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 65–6002; Filed, June 7, 1965; 8:50 a.m.]

Chapter XIV—Commodity Credit Corporation, Department of Agriculture

SUBCHAPTER B—LOANS, PURCHASES, AND OTHER OPERATIONS

[C.C.C. Grain Price Support Regs., 1965-Crop Wheat Supp.]

PART 1421—GRAINS AND SIMILARLY HANDLED COMMODITIES

Subpart—1965 Crop Wheat Loan and Purchase Program

The General Regulations Governing Price Support for the 1964 and Subsequent Crops (29 F.R. 2686 and 7662) issued by the Commodity Credit Corporation which contain regulations of a general nature with respect to price support loan and purchase operations are supplemented for the 1965 crop of wheat as follows:

Sec.
1421.2141 Purpose.
1421.2142 Availability.
1421.2143 Compliance requirements.
1421.2144 Eligible wheat.
1421.2145 Determination of quality.
1421.2146 Protein determinations.
1421.2147 Determination of quantity.
1421.2148 Warehouse receipts.
1421.2149 Service charges.
1421.2150 Warehouse charges.
1421.2151 Maturity of loans.
1421.2152 Settlement.
1421.2153 Support rates.

AUTHORITY: The provisions of this subpart issued under sec. 4, 62 Stat. 1070, as amended; 15 U.S.C. 714b. Interpret or apply sec. 5, 62 Stat. 1072, secs. 107, 401, 63 Stat. 1051, 1054; 15 U.S.C. 714c, 7 U.S.C. 1441, 1421.

§ 1421.2141 Purpose.

This supplement contains additional program provisions which, together with the applicable provisions of the General Regulations Governing Price Support for the 1964 and Subsequent Crops and any amendments thereto (referred to herein as "General Regulations"), apply to loans and purchases for 1965-crop wheat.

§ 1421.2142 Availability.

(a) Producers desiring to participate in this program must file an application for price support not later than January 31, 1966, in States in which loans have February 28, 1966, as their maturity date and not later than February 28, 1966, in States in which loans have March 31, 1966, as their maturity date (see § 1421.2151).

(b) Loans will be available through January 31, 1966, in States in which loans have a maturity date of February 28, 1966, and through February 28, 1966, in States in which loans have a maturity date of March 31, 1966.

§ 1421.2143 Compliance requirements.

(a) A producer shall not be eligible for a loan or purchase unless he is eligible to receive wheat marketing certificates on wheat of the 1965 crop under the Regulations Pertaining to Farm Wheat Certificate Program for 1964 and 1965 (29 F.R. 5510 and amendments thereto) on the farm on which the wheat tendered for loan or purchase is produced, except

as provided in paragraph (b) of this section.

as provided in paragraph (b) of this section.

(b) The requirements of this section are not applicable to wheat produced on a farm in compliance with the "New Farm" provisions of the Regulations Pertaining to Farm Acreage Allotments, Small Farm Bases, and Normal Yields for 1964 and Subsequent Crop Years (28 F.R. 3574 and amendments thereto).

§ 1421.2144 Eligible wheat.

(a) *General.* To be eligible for a loan or for a purchase, the wheat (1) may be of any class, (2) must be merchantable for food, feed or other uses as determined by CCC, (3) must not contain mercurial compounds or other substances poisonous to man or animals, (4) must not contain one or more rodent pellets, or comparable amounts of other filth, per pint of wheat (liquid measure), or 1 percent or more by weight of kernels visibly damaged by weevils or other insects, and (5) must have been produced in the commercial wheat producing area.

(b) *Warehouse-stored grade loan requirements.* To be eligible for a warehouse storage loan, the wheat must also meet the following requirements:

(1) The wheat must grade No. 5 or better except that it may grade Sample on the factors of (i) test weight or (ii) total defects if heat damage does not exceed 3 percent or, (iii) both subdivisions (i) and (ii) of this subparagraph.

(2) If of the class Mixed wheat, the wheat must consist of mixtures of grades of eligible wheat as specified in subparagraph (1) of this paragraph, provided such mixtures are the natural products of the field.

(3) The wheat may have the special grade designations "Garlicky" or "Smutty", or both.

(4) The wheat must not grade Ergoty or Treated.

(5) Wheat which grades "Weevily" is not eligible unless the warehouse receipt issued for such wheat is accompanied by a supplemental certificate which provides for the delivery by the warehouseman of wheat which does not grade "Weevily" and which is otherwise of an eligible grade and quality. When the warehouse receipt shows "Weevily", the grade, grading factors, and the quantity shown on the supplemental certificate must be as specified in § 1421.2148(c).

(6) Wheat which contains in excess of 13.5 percent moisture is not eligible unless the warehouse receipt issued for such wheat is accompanied by a supplemental certificate which provides for the delivery by the warehouseman of wheat containing not over 13.5 percent moisture which is otherwise of an eligible grade and quality. The grade, grading factors and the quantity shown on the supplemental certificate must be as specified in § 1421.2148(c).

§ 1421.2145 Determination of quality.

(a) *Regular grading factors.* The class, subclass, grade, grading factors, and all other quality factors shall be based on Official Grain Standards of the United States for Wheat, which are effective June 15, 1965, whether or not such determinations are made on the basis of an official inspection. See § 1421.2146 for protein determinations.

§ 1421.2146 Protein determinations.

Protein tests are (except for undesirable varieties) required on Hard Red Winter, Hard Red Spring, and Hard White Wheat of the varieties Baart, Bluestem, and Burt and shall be made as provided in this section.

(a) *Farm-storage loans.* If a producer at time of request for a farm-storage loan on wheat specified above in this section also requests that the premium for protein content be applied to the basic rate, the county office will draw a representative sample(s) of, and arrange for protein tests on, the wheat to be placed under loan. The premium applicable to the values determined by such tests shall be applied to the basic rate at the time the loan is made. A fee of $3.50 for each bin of wheat tested for protein content shall be borne by the producer. Settlement upon delivery of the wheat to CCC shall be on the basis of protein content determined in accordance with paragraph (c) of this section.

(b) *Warehouse-storage loans and wheat stored in approved warehouses prior to purchase by CCC.* If the producer wishes to obtain a warehouse storage loan on, or to sell to CCC, wheat specified above in this section which is stored in an approved warehouse, a protein test shall be made on such wheat on the basis of a representative sample thereof obtained at the time the wheat is received at the warehouse. The protein content shall be determined on the basis of certificates issued by a protein laboratory approved by CCC. The certificates are referred to herein as official protein certificates. The cost of such tests shall not be for the account of CCC.

(c) *Deliveries under farm-storage loans and for purchase by CCC*—(1) *Delivery to approved warehouse.* On deliveries of farm-storage loan wheat and deliveries of wheat for purchase by CCC to an approved warehouse, protein tests shall be made in the same manner as provided in paragraph (b) of this paragraph. CCC will assume the cost of tests under this subparagraph (1).

(2) *Delivery to other than approved warehouse.* On deliveries of farm-storage loan wheat and wheat for purchase by CCC delivered to other than an approved warehouse, ASCS county offices will arrange for protein tests and assume the cost of such tests.

§ 1421.2147 Determination of quantity.

When the quantity is determined by weight, a bushel shall be 60 pounds of wheat free of dockage.

(a) *In warehouse.* The quantity of wheat in an approved warehouse on which a warehouse-storage loan shall be made and the quantity delivered to or acquired by CCC in an approved warehouse shall be the net weight specified on the warehouse receipt, or on the supplemental certificate if applicable. If the wheat has been dried or blended to reduce the moisture content, the quantity specified on the warehouse receipt or supplement certificate, if applicable, shall represent the quantity after drying or blending, and such quantity shall represent a minimum shrink in the receiving weight of 1.2 times the percentage difference between the moisture content of the wheat, when received, and 13.5 percent.

(b) *On farm.* The quantity eligible to be placed under farm storage loan shall be determined in accordance with § 1421.67 of the General Regulations. The quantity acquired by CCC from farm storage shall be determined by weight.

§ 1421.2148 Warehouse receipts.

Warehouse receipts tendered to CCC in connection with a loan or purchase must meet the requirements of this section.

(a) *Separate receipt.* A separate warehouse receipt must be submitted for each grade and quality of wheat.

(b) *Entries (all wheat).* Each warehouse receipt, or the warehouseman's supplemental certificate (in duplicate) properly identified with the warehouse receipt, must show: (1) Gross weight and net bushels, (2) class and subclass, (3) grade (including special grades), (4) test weight, (5) moisture content if over 13.5 percent, (6) dockage, (7) any other grading factor(s) when such factor(s) and not test weight determine the grade, (8) whether the wheat arrived by rail, truck, or barge, and (9) the date the wheat was received or deposited in the warehouse.

(c) *Where warehouse receipt shows "Weevily" and/or excess moisture.* If a warehouse receipt tendered for loan shows that the wheat grades "Weevily" or contains over 13.5 percent moisture, or both, the warehouse receipt must be accompanied by a supplemental certificate as provided in § 1421.2144(b) (5) and (6) in order for the wheat to be eligible for price support. The grade, grading factors, and the quantity to be delivered must be shown on the supplemental certificate as follows:

(1) When the warehouse receipt shows "Weevily" and the wheat has been conditioned to correct the weevily condition, the supplemental certificate must show the same grade without the "Weevily" designation and the same grading factors and quantity as shown on the warehouse receipt.

(2) When the warehouse receipt shows a moisture content of over 13.5 percent and the wheat has been dried or blended, the supplemental certificate must show the grade, grading factors, and quantity after drying or blending the wheat to a moisture content of not over 13.5 percent. The quantity shown shall reflect a drying or blending shrink as specified in § 1421.2147(a).

(3) The supplemental certificate must state that no lien for processing will be claimed by the warehouseman from Commodity Credit Corporation or any subsequent holder of the warehouse receipt.

(4) In the case of conditions specified in subparagraphs (1) and (2) of this paragraph, the grade, grading factors, and the quantity shown on the supplemental certificate shall supersede the entries for such items on the warehouse receipt.

(d) *Protein entries and certificates for hard wheat.* In the case of the classes of hard wheat specified in § 1421.2146, entries for protein content must be shown on the warehouse receipt or supplemental certificate or both. Warehouse receipts must be accompanied by official protein certificates or copies thereof.

(e) *Liens.* The warehouse receipts may be subject to liens for warehouse charges only to the extent indicated in § 1421.2150.

(f) *Freight bill requirements.* Warehouse receipts representing wheat which has been shipped by rail or water from a country shipping point to a designated terminal point, or shipped by rail or water from a country shipping point to a storage point and stored in-transit to a designated terminal point, must be accompanied by registered freight bills or by a certificate containing similar information. These registered freight bills or certificates must be representative as to origin and date of movement of the wheat and must reflect the total freight rate from origin to designated terminal point including penalty for out-of-line haul, if any. The form of the certificate will be prescribed by the ASCS commodity office, shall be signed by the warehouseman and may be made a part of the supplemental certificate.

§ 1421.2149 Service charges.

A service charge of one-half cent per bushel will be made for the quantity of wheat acquired by CCC and such charge shall be handled in accordance with § 1421.60.

§ 1421.2150 Warehouse charges.

(a) *Handling and storage liens.* Warehouse receipts and the wheat represented thereby stored in approved warehouses operating under the Uniform Grain Storage Agreement may be subject to liens for warehouse handling and storage charges at not to exceed the Uniform Grain Storage Agreement rates from the date the wheat is deposited in the warehouse for storage. Warehouse receipts and the wheat represented thereby stored in approved warehouses operated by Eastern common carriers may be subject to liens for warehouse elevation (receiving and delivering) and storage charges from the date of deposit at rates approved by the Interstate Commerce Commission. In no event shall a warehouseman be entitled to satisfy the lien by sale of the wheat when CCC is holder of the warehouse receipt.

(b) *Deduction of storage charges—UGSA warehouses.* The table shown below provides the deduction for storage charges to be made from the amount of the loan or purchase price in the case of wheat stored in an approved warehouse operated under the Uniform Grain Storage Agreement. Such deduction shall be based on entries shown on the warehouse receipts. If written evidence is submitted with the warehouse receipt that all warehouse charges except receiving and loading out charges have been prepaid through the applicable loan maturity date, no storage deductions shall be made. If such written evidence is not submitted, the beginning date to be used for computing the storage deduction on wheat stored in warehouses operating under the Uniform Grain Storage Agreement shall be the latest of the following: (1) The date the wheat was received or deposited in the warehouse, (2) the date storage charges start, or (3) the day following the date through which storage charges have been paid.

SCHEDULE OF DEDUCTIONS FOR STORAGE CHARGES BY MATURITY DATES

Maturity date of Feb. 28, 1966	Deduction (cents per bushel)	Maturity date of Mar. 31, 1966
Prior to Apr. 26, 1965 [1]	12	Prior to May 26, 1966. [1]
Apr. 26–May 21, 1965	11	May 26–June 21, 1966.
May 23–June 17, 1965	10	June 22–July 16, 1966.
June 18–July 14, 1965	9	July 19–Aug. 14, 1966.
July 15–Aug. 10, 1965	8	Aug. 15–Sept. 10, 1966.
Aug. 11–Sept. 6, 1965	7	Sept. 11–Oct. 7, 1966.
Sept. 7–Oct. 3, 1965	6	Oct. 8–Nov. 3, 1966.
Oct. 4–Oct. 30, 1965	5	Nov. 4–Nov. 30, 1966.
Oct. 31–Nov. 26, 1965	4	Dec. 1–Dec. 27, 1966.
Nov. 27–Dec. 23, 1965	3	Dec. 28, 1966–Jan. 23, 1966.
Dec. 24, 1965–Jan. 19, 1966.	2	Jan. 24–Feb. 19, 1966.
Jan. 20–Feb. 28, 1966	1	Feb. 20–Mar. 31, 1966.

[1] Date storage charges start, all dates inclusive.

(c) *Deduction of storage charges—Eastern common carriers.* In the case of wheat stored in an approved warehouse operated by an Eastern common carrier, there shall be deducted in computing the loan or purchase price the amount of the approved tariff rate for storage (not including elevation) which will accumulate from the date of deposit through the applicable maturity date unless written evidence is submitted with the warehouse receipt that such charges have been prepaid. The State office shall advise county offices of the applicable charges. Where the producer presents evidence showing the elevation charges have been prepaid, the amount of the storage charges to be deducted shall be reduced by the amount of the elevation charges prepaid by the producer.

§ 1421.2151 Maturity of loans.

Loans mature on demand but not later than: February 28, 1966, on wheat stored in the States of Alabama, Arkansas, Connecticut, Delaware, Florida, Georgia, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Mississippi, New Hampshire, New Jersey, New York, North Carolina, Pennsylvania, Rhode Island, South Carolina, Tennessee, Vermont, Virginia, and West Virginia; and March 31, 1966, on wheat stored in all other States.

§ 1421.2152 Settlement.

Notwithstanding the provisions of § 1421.72(c), if the wheat delivered is of a quality which does not meet the sanitation requirements of § 1421.2144(a)(4), the wheat shall be sold for uses other than for human consumption. The settlement value shall be the same as the sales price, except that if CCC is unable to sell the wheat for the use specified above, the settlement value shall be the market value determined by CCC, as of the date of delivery.

§ 1421.2153 Support rates.

Farm stored wheat loans will be made at the applicable basic county support rate adjusted, where applicable, for the undesirable variety discount, the Weed Control discount and as provided in § 1421.2146. The support rate for warehouse-storage loans and for wheat acquired under a loan or by purchase shall be the applicable basic support rate adjusted as provided in this section, and in the case of settlement of loans and purchases, as further provided in §§ 1421.72, 1421.2146(a) and 1421.2152.

(a) Support rates at designated terminal markets:

(1) The support rates established for designated terminal markets apply to wheat shipped on a domestic interstate freight rate basis. The support rate at the designated terminal market for any wheat shipped at other than the domestic interstate freight rate shall be reduced by the amount by which the freight paid is less than the domestic interstate freight rate.

(2) The support rates established for designated terminal markets also apply to wheat which has been shipped by rail or water from a country shipping point to one of the designated terminal markets, as evidenced by paid freight bills duly registered for transit privileges. If the amount of paid-in freight is insufficient to guarantee the minimum proportional domestic interstate freight rate, if any, from the terminal market to a recognized market determined by the appropriate ASCS commodity office, there shall be deducted from the applicable terminal support rate the amount by which the amount of freight actually paid in is less than the amount required to be paid in to guarantee outbound movement at the minimum proportional domestic interstate freight rate. If the wheat is stored at any designated terminal market and neither registered freight bills nor registered freight certificates are presented, the support rate shall be reduced by the actual amount of paid-in freight required to guarantee the proportional outbound rate from the terminal market to a recognized market determined by the appropriate ASCS commodity office.

(3) The support rate for wheat received by truck and stored at any designated terminal market shall be determined by deducting from the terminal rate 3.25 cents per bushel plus the actual amount of paid-in freight required to guarantee the proportional outbound rate from the terminal market to a recognized market determined by the appropriate ASCS commodity office.

(4) Notwithstanding the foregoing provisions of this paragraph, in determining the support rate for wheat shipped by rail or water and stored at any of the following terminal markets there shall also be deducted from the applicable terminal rate, the transportation cost, if any may be incurred, as determined by the appropriate ASCS commodity office, for moving the wheat to a tidewater facility located within the same switching limits:

Long Beach, Los Angeles, Oakland, San Francisco, Stockton, and Wilmington, Calif.
Baton Rouge and New Orleans, La.
Baltimore, Md.
Duluth, Minn.

Astoria and Portland, Oreg.
Albany and New York, N.Y.
Philadelphia, Pa.
Beaumont, Galveston, Houston, Corpus Christi and Port Arthur, Tex.
Norfolk, Va.
Kalama, Longview, Seattle, Tacoma and Vancouver, Wash.
Superior, Wis.

(5) Notwithstanding the foregoing provisions of this paragraph, in determining the support rate for wheat received by truck and stored at any of the terminal markets listed in subparagraph (4) of this paragraph, there shall also be deducted from the applicable terminal rate an amount of 3.25 cents per bushel, plus the transportation cost, if any, as determined by the appropriate ASCS commodity office, for moving the wheat to a tidewater loading facility located within the same switching limits.

(b) *Support rates for wheat in approved warehouse storage at other than designated terminal markets.* Except for the States designated in paragraph (c) of this section, in determining the support rate for wheat which is shipped by rail or water and which is stored in approved warehouses (other than those situated in the designated terminal markets) there shall be deducted from the support rate for the appropriate designated terminal market, as determined by CCC, an amount equal to the transit balance, if any, of the through-freight rate from the point of origin for such wheat to such terminal market: *Provided*, That on any wheat shipped at other than the domestic interstate freight rate, the support rate shall be further reduced by the amount by which the freight rate paid is less than the domestic interstate freight rate from the point of origin of such wheat to the point of destination or appropriate terminal market: *And provided further*, That in the case of wheat stored at any railroad transit point, taking a penalty by reason of out-of-line movement to the appropriate designated market, or for any other reason, there shall be added to such transit balance an amount equal to any out-of-line costs or other costs incurred in storing wheat in such position.

(c) *Support rates in approved warehouse storage determined by the ASCS commodity office.* In the States of Delaware, Kentucky, Maryland, New Jersey, North Carolina, Tennessee, Virginia, and West Virginia, the ASCS commodity office shall, upon request of the county committee, determine the support rate for wheat stored in approved warehouses (except those situated at designated terminal markets) which was shipped by rail in the movement of natural market direction as approved by CCC, by adding to the county rate for the county from which the wheat was shipped an amount per bushel equal to the receiving and loading-out charges computed in accordance with the applicable rates of the Uniform Grain Storage Agreement in effect at the time the loan is made and an amount equal to the transit value of the freight paid from the points of origin to markets designated by CCC. The warehouse receipts must be accompanied by the original paid freight bills or certificate signed by the warehouseman as set forth in § 1421.2148(f). If the wheat is stored in approved warehouses located at transit points, taking a penalty by reason of backhaul, or out-of-line of normal market movements, such penalty or other costs by reason of such movement as determined by CCC shall be deducted from the support rates as determined in this paragraph.

(d) *Basic support rates (terminals).* Basic support rates for loan and settlement purposes for grade No. 1 wheat stored in approved warehouses at the terminal markets listed below are as follows:

Terminal market	Rate per bushel
Astoria, Oreg.	$1.44
Portland, Oreg.	1.44
Kalama, Wash.	1.44
Longview, Wash.	1.44
Seattle, Wash.	1.44
Tacoma, Wash.	1.44
Vancouver, Wash.	1.44
Long Beach, Calif.	1.53
Los Angeles, Calif.	1.52
Oakland, Calif.	1.53
San Francisco, Calif.	1.52
Stockton, Calif.	1.53
Wilmington, Calif.	1.52
Louisville, Ky.	1.48
Memphis, Tenn.	1.48
Atchison, Kans.	1.43
Council Bluffs, Iowa	1.43
Kansas City, Kans.	1.43
Kansas City, Mo.	1.43
St. Joseph, Mo.	1.43
Omaha, Nebr.	1.43
Sioux City, Iowa	1.43
Cairo, Ill.	1.49
Chicago, Ill.	1.49
East St. Louis, Ill.	1.49
Milwaukee, Wis.	1.49
St. Louis, Mo.	1.49
Duluth, Minn.	1.58
Minneapolis, Minn.	1.58
St. Paul, Minn.	1.58
Superior, Wis.	1.58
Albany, N.Y.	1.64
Baltimore, Md.	1.64
Norfolk, Va.	1.64
Philadelphia, Pa.	1.64
New York N.Y.	1.64
Corpus Christi, Tex.	1.67
Galveston, Tex.	1.67
Houston, Tex.	1.67
Beaumont, Tex.	1.67
Port Arthur, Tex.	1.67
New Orleans, La.	1.67
Baton Rouge, La.	1.67

(e) *Basic support rates (counties).* (1) Basic county support rates per bushel for loan and settlement purposes for farm-stored and country warehouse-stored wheat are established for wheat grading No. 1 and are as specified below in this paragraph. Farm-storage loans and country warehouse storage loans, except as otherwise provided in paragraphs (b) and (c) of this section and subparagraph (2) of this paragraph will be based on the support rate established for the county in which the wheat is stored.

(2) If two or more approved warehouses are located in the same or adjoining towns, villages, or cities having the same domestic interstate freight rate, such towns, villages, or cities shall be deemed to constitute one shipping point and the same basic county support rate shall apply even though such warehouses are not all located in the same county. Such basic county support rate shall be the highest support rate of the counties involved.

ALABAMA

County	Rate per bushel
All counties	$1.35

ARIZONA

County	Rate per bushel	County	Rate per bushel
Apache	$0.94	Mohave	$1.00
Cochise	1.23	Navajo	.94
Coconino	.94	Pima	1.28
Gila	1.01	Pinal	1.31
Graham	1.16	Santa Cruz	1.25
Greenlee	1.01	Yavapai	.97
Maricopa	1.31	Yuma	1.33

ARKANSAS

County	Rate per bushel	County	Rate per bushel
Arkansas	$1.35	Lee	$1.39
Ashley	1.34	Lincoln	1.34
Baxter	1.24	Little River	1.34
Benton	1.19	Logan	1.20
Boone	1.22	Lonoke	1.36
Bradley	1.33	Madison	1.20
Calhoun	1.32	Marion	1.23
Carroll	1.19	Miller	1.35
Chicot	1.35	Mississippi	1.39
Clark	1.31	Monroe	1.38
Clay	1.36	Montgomery	1.24
Cleburne	1.36	Nevada	1.33
Cleveland	1.30	Newton	1.22
Columbia	1.35	Ouachita	1.33
Conway	1.33	Perry	1.25
Craighead	1.38	Phillips	1.38
Crawford	1.20	Pike	1.25
Crittenden	1.41	Poinsett	1.40
Cross	1.40	Polk	1.24
Dallas	1.31	Pope	1.24
Desha	1.35	Prairie	1.37
Drew	1.34	Pulaski	1.35
Faulkner	1.34	Randolph	1.37
Franklin	1.21	St. Francis	1.39
Fulton	1.20	Saline	1.30
Garland	1.28	Scott	1.24
Grant	1.30	Searcy	1.23
Greene	1.37	Sebastian	1.23
Hempstead	1.34	Sevier	1.25
Hot Spring	1.30	Sharp	1.29
Howard	1.26	Stone	1.27
Independence	1.33	Union	1.35
Izard	1.26	Van Buren	1.33
Jackson	1.36	Washington	1.20
Jefferson	1.36	White	1.37
Johnson	1.29	Woodruff	1.38
Lafayette	1.35	Yell	1.34
Lawrence	1.37		

CALIFORNIA

County	Rate per bushel	County	Rate per bushel
Alameda	$1.39	Plumas	$1.28
Alpine	1.28	Riverside	1.34
Amador	1.39	Sacramento	1.39
Butte	1.36	San Benito	1.37
Calaveras	1.39	San Bernardino	1.37
Colusa	1.30	San Diego	1.33
Contra Costa	1.39	San Joaquin	1.41
El Dorado	1.36	San Luis Obispo	1.33
Fresno	1.37	San Mateo	1.39
Glenn	1.37	Santa Barbara	1.32
Humboldt	1.22	Santa Clara	1.38
Imperial	1.35	Santa Cruz	1.36
Inyo	1.18	Shasta	1.26
Kern	1.36	Sierra	1.20
Kings	1.37	Siskiyou	1.26
Lake	1.34	Solano	1.38
Lassen	1.21	Sonoma	1.38
Los Angeles	1.38	Stanislaus	1.40
Madera	1.39	Sutter	1.37
Marin	1.39	Tehama	1.31
Mariposa	1.40	Tulare	1.36
Mendocino	1.30	Tuolumne	1.40
Merced	1.40	Ventura	1.37
Modoc	1.25	Yola	1.39
Mono	1.14	Yuba	1.37
Monterey	1.35		
Napa	1.38		
Orange	1.36		
Placer	1.38		

COLORADO

County	Rate per bushel	County	Rate per bushel
Adams	$1.11	Archuleta	$0.92
Alamosa	.94	Baca	1.13
Arapahoe	1.11	Bent	1.12

COLORADO—Continued

County	Rate per bushel	County	Rate per bushel
Boulder	$1.11	Las Animas	$1.10
Chaffee	.93	Lincoln	1.11
Cheyenne	1.13	Logan	1.11
Conejos	.93	Mesa	.92
Costilla	.95	Moffat	.90
Crowley	1.11	Montezuma	.92
Custer	1.02	Montrose	.90
Delta	.90	Morgan	1.11
Denver	1.11	Otero	1.11
Dolores	.92	Ouray	.90
Douglas	1.11	Phillips	1.13
Eagle	.92	Pitkin	.92
Elbert	1.11	Prowers	1.13
El Paso	1.11	Pueblo	1.11
Fremont	1.04	Rio Blanco	.89
Garfield	.92	Rio Grande	.95
Grand	.92	Routt	.90
Huerfano	1.06	Saguache	.93
Jackson	.98	San Miguel	.90
Jefferson	1.11	Sedgwick	1.14
Kiowa	1.13	Summit	.92
Kit Carson	1.13	Washington	1.11
La Plata	.93	Weld	1.11
Larimer	1.11	Yuma	1.13

CONNECTICUT

County	Rate per bushel
All counties	$1.42

DELAWARE

County	Rate per bushel
Kent	$1.47
New Castle	$1.47
Sussex	$1.46

FLORIDA

County	Rate per bushel
All counties	$1.38

GEORGIA

County	Rate per bushel
All counties	$1.38

IDAHO

County	Rate per bushel	County	Rate per bushel
Ada	$1.15	Gem	$1.15
Adams	1.13	Gooding	1.13
Bannock	1.11	Idaho	1.13
Bear Lake	1.06	Jefferson	1.06
Benewah	1.21	Jerome	1.14
Bingham	1.06	Kootenai	1.20
Blaine	1.11	Latah	1.21
Boise	1.15	Lemhi	1.06
Bonner	1.14	Lewis	1.13
Bonneville	1.06	Lincoln	1.12
Boundary	1.13	Madison	1.07
Butte	1.09	Minidoka	1.14
Camas	1.11	Nez Perce	1.21
Canyon	1.15	Oneida	1.13
Caribou	1.10	Owyhee	1.15
Cassia	1.14	Payette	1.15
Clark	1.06	Power	1.11
Clearwater	1.13	Shoshone	1.09
Custer	1.09	Teton	1.05
Elmore	1.14	Twin Falls	1.16
Franklin	1.13	Valley	1.14
Fremont	1.06	Washington	1.15

ILLINOIS

County	Rate per bushel	County	Rate per bushel
Adams	$1.24	Fayette	$1.32
Alexander	1.32	Ford	1.28
Bond	1.32	Franklin	1.32
Boone	1.35	Fulton	1.27
Brown	1.25	Gallatin	1.26
Bureau	1.24	Greene	1.32
Calhoun	1.32	Grundy	1.32
Carroll	1.33	Hamilton	1.22
Cass	1.27	Hancock	1.24
Champaign	1.31	Hardin	1.19
Christian	1.32	Henderson	1.25
Clark	1.27	Henry	1.28
Clay	1.27	Iroquois	1.32
Clinton	1.32	Jackson	1.32
Coles	1.27	Jasper	1.26
Cook	1.36	Jefferson	1.32
Crawford	1.25	Jersey	1.22
Cumberland	1.29	Jo Daviess	1.20
De Kalb	1.35	Johnson	1.23
De Witt	1.30	Kane	1.36
Douglas	1.30	Kankakee	1.33
Du Page	1.36	Kendall	1.36
Edgar	1.27	Knox	1.26
Edwards	1.28	Lake	1.35
Effingham	1.31	La Salle	1.33

ILLINOIS—Continued

County	Rate per bushel	County	Rate per bushel
Lawrence	$1.26	Pulaski	$1.32
Lee	1.35	Putnam	1.32
Livingston	1.28	Randolph	1.32
Logan	1.28	Richland	1.26
McDonough	1.28	Rock Island	1.29
McHenry	1.35	St. Clair	1.33
McLean	1.27	Saline	1.25
Macon	1.23	Sangamon	1.31
Macoupin	1.23	Schuyler	1.28
Madison	1.23	Scott	1.32
Marion	1.32	Shelby	1.32
Marshall	1.30	Stark	1.30
Mason	1.27	Stephenson	1.34
Massac	1.28	Tazewell	1.27
Menard	1.27	Union	1.32
Mercer	1.28	Vermilion	1.31
Monroe	1.32	Wabash	1.29
Montgomery	1.32	Warren	1.26
Morgan	1.31	Washington	1.32
Moultrie	1.31	Wayne	1.30
Ogle	1.33	White	1.27
Peoria	1.26	Whiteside	1.34
Perry	1.23	Will	1.33
Piatt	1.31	Williamson	1.32
Pike	1.29	Winnebago	1.35
Pope	1.22	Woodford	1.27

INDIANA

County	Rate per bushel	County	Rate per bushel
Adams	$1.28	Lawrence	$1.29
Allen	1.28	Madison	1.24
Bartholomew	1.28	Marion	1.25
Benton	1.28	Marshall	1.24
Blackford	1.25	Martin	1.21
Boone	1.24	Miami	1.28
Brown	1.25	Monroe	1.21
Carroll	1.28	Montgomery	1.25
Cass	1.26	Morgan	1.23
Clark	1.22	Newton	1.25
Clay	1.26	Noble	1.24
Clinton	1.26	Ohio	1.25
Crawford	1.23	Orange	1.21
Daviess	1.23	Owen	1.23
Dearborn	1.25	Parke	1.24
Decatur	1.27	Perry	1.29
De Kalb	1.23	Pike	1.26
Delaware	1.23	Porter	1.25
Dubois	1.20	Posey	1.26
Elkhart	1.25	Pulaski	1.25
Fayette	1.25	Putnam	1.24
Floyd	1.22	Randolph	1.24
Fountain	1.24	Ripley	1.26
Franklin	1.25	Rush	1.25
Fulton	1.24	St. Joseph	1.24
Gibson	1.26	Scott	1.20
Grant	1.24	Shelby	1.25
Greene	1.23	Spencer	1.29
Hamilton	1.24	Starke	1.25
Hancock	1.25	Steuben	1.23
Harrison	1.25	Sullivan	1.26
Hendricks	1.25	Switzerland	1.26
Henry	1.26	Tippecanoe	1.27
Howard	1.26	Tipton	1.24
Huntington	1.23	Union	1.25
Jackson	1.29	Vanderburgh	1.21
Jasper	1.24	Vermillion	1.21
Jay	1.23	Vigo	1.21
Jefferson	1.26	Wabash	1.26
Jennings	1.27	Warren	1.29
Johnson	1.26	Warrick	1.21
Knox	1.24	Washington	1.21
Kosciusko	1.28	Wayne	1.24
Lagrange	1.24	Wells	1.23
Lake	1.35	White	1.25
La Porte	1.35	Whitley	1.25

IOWA

County	Rate per bushel	County	Rate per bushel
Adair	$1.26	Butler	$1.32
Adams	1.30	Calhoun	1.31
Allamakee	1.33	Carroll	1.30
Appanoose	1.24	Cass	1.23
Audubon	1.27	Cedar	1.30
Benton	1.31	Cerro Gordo	1.24
Black Hawk	1.32	Cherokee	1.30
Boone	1.30	Chickasaw	1.33
Bremer	1.33	Clarke	1.26
Buchanan	1.31	Clay	1.32
Buena Vista	1.31	Clayton	1.31

IOWA—Continued

County	Rate per bushel	County	Rate per bushel
Clinton	$1.27	Mahaska	$1.28
Crawford	1.29	Marion	1.28
Dallas	1.30	Marshall	1.31
Davis	1.25	Mills	1.30
Decatur	1.24	Mitchell	1.35
Delaware	1.31	Monona	1.30
Des Moines	1.26	Monroe	1.26
Dickinson	1.33	Montgomery	1.30
Dubuque	1.30	Muscatine	1.26
Emmet	1.25	O'Brien	1.32
Fayette	1.32	Osceola	1.33
Floyd	1.34	Page	1.30
Franklin	1.32	Palo Alto	1.33
Fremont	1.30	Plymouth	1.32
Greene	1.30	Pocahontas	1.32
Grundy	1.31	Polk	1.30
Guthrie	1.29	Pottawattamie	1.26
Hamilton	1.32	Poweshiek	1.29
Hancock	1.34	Ringgold	1.25
Hardin	1.32	Sac	1.30
Harrison	1.26	Scott	1.27
Henry	1.26	Shelby	1.25
Howard	1.34	Sioux	1.33
Humboldt	1.32	Story	1.30
Ida	1.30	Tama	1.31
Iowa	1.29	Taylor	1.26
Jackson	1.28	Union	1.28
Jasper	1.30	Van Buren	1.24
Jefferson	1.26	Wapello	1.26
Johnson	1.30	Warren	1.28
Jones	1.30	Washington	1.27
Keokuk	1.27	Wayne	1.25
Kossuth	1.33	Webster	1.32
Lee	1.24	Winnebago	1.35
Linn	1.31	Winneshiek	1.33
Louisa	1.26	Woodbury	1.30
Lucas	1.25	Worth	1.35
Lyon	1.31	Wright	1.32
Madison	1.27		

KANSAS

County	Rate per bushel	County	Rate per bushel
Allen	$1.27	Kearny	$1.16
Anderson	1.29	Kingman	1.22
Atchison	1.30	Kiowa	1.20
Barber	1.21	Labette	1.27
Barton	1.20	Lane	1.18
Bourbon	1.29	Leavenworth	1.30
Brown	1.30	Lincoln	1.22
Butler	1.23	Linn	1.30
Chase	1.25	Logan	1.17
Chautauqua	1.25	Lyon	1.27
Cherokee	1.27	McPherson	1.22
Cheyenne	1.16	Marion	1.23
Clark	1.17	Marshall	1.27
Clay	1.24	Meade	1.17
Cloud	1.28	Miami	1.30
Coffey	1.28	Mitchell	1.22
Comanche	1.16	Montgomery	1.27
Cowley	1.23	Morris	1.25
Crawford	1.27	Morton	1.19
Decatur	1.18	Nemaha	1.28
Dickinson	1.28	Neosho	1.27
Doniphan	1.30	Ness	1.20
Douglas	1.30	Norton	1.20
Edwards	1.20	Osage	1.28
Elk	1.25	Osborne	1.22
Ellis	1.20	Ottawa	1.23
Ellsworth	1.22	Pawnee	1.20
Finney	1.17	Phillips	1.20
Ford	1.19	Pottawatomie	1.27
Franklin	1.30	Pratt	1.20
Geary	1.25	Rawlins	1.17
Gove	1.18	Reno	1.22
Graham	1.20	Republic	1.23
Grant	1.16	Rice	1.22
Gray	1.18	Riley	1.27
Greeley	1.16	Rooks	1.21
Greenwood	1.26	Rush	1.20
Hamilton	1.16	Russell	1.21
Harper	1.22	Saline	1.23
Harvey	1.23	Scott	1.17
Haskell	1.17	Sedgwick	1.23
Hodgeman	1.20	Seward	1.20
Jackson	1.29	Shawnee	1.29
Jefferson	1.30	Sheridan	1.18
Jewell	1.23	Sherman	1.16
Johnson	1.30		

KANSAS—Continued

County	Rate per bushel	County	Rate per bushel
Smith	$1.23	Wabaunsee	$1.27
Stafford	1.20	Wallace	1.16
Stanton	1.14	Washington	1.24
Stevens	1.16	Wichita	1.16
Sumner	1.23	Wilson	1.27
Thomas	1.17	Woodson	1.27
Trego	1.20	Wyandotte	1.30

KENTUCKY

Adair	$1.33	Kenton	$1.33
Allen	1.32	Knox	1.33
Anderson	1.34	Larue	1.33
Ballard	1.30	Laurel	1.34
Barren	1.32	Lawrence	1.34
Bath	1.34	Lee	1.34
Bell	1.33	Lewis	1.35
Boone	1.38	Lincoln	1.35
Bourbon	1.35	Livingston	1.30
Boyd	1.35	Logan	1.31
Boyle	1.35	Lyon	1.31
Bracken	1.34	McCracken	1.30
Breathitt	1.33	McCreary	1.33
Breckenridge	1.31	McLean	1.30
Bullitt	1.33	Madison	1.35
Butler	1.31	Magoffin	1.33
Caldwell	1.31	Marion	1.34
Calloway	1.30	Marshall	1.30
Campbell	1.33	Mason	1.34
Carlisle	1.30	Meade	1.31
Carroll	1.33	Menifee	1.33
Carter	1.34	Mercer	1.35
Casey	1.34	Metcalfe	1.32
Christian	1.31	Monroe	1.33
Clark	1.35	Montgomery	1.34
Clay	1.33	Morgan	1.33
Clinton	1.34	Muhlenberg	1.31
Crittenden	1.30	Nelson	1.34
Cumberland	1.33	Nicholas	1.34
Daviess	1.30	Ohio	1.31
Edmonson	1.31	Oldham	1.33
Elliott	1.34	Owen	1.34
Estill	1.34	Owsley	1.33
Fayette	1.35	Pendleton	1.34
Fleming	1.34	Powell	1.34
Franklin	1.34	Pulaski	1.35
Fulton	1.30	Robertson	1.34
Gallatin	1.33	Rockcastle	1.35
Garrard	1.33	Rowan	1.35
Grant	1.34	Russell	1.33
Graves	1.30	Scott	1.34
Grayson	1.32	Shelby	1.33
Green	1.34	Simpson	1.32
Greenup	1.35	Spencer	1.33
Hancock	1.31	Taylor	1.34
Hardin	1.32	Todd	1.31
Harrison	1.34	Trigg	1.31
Hart	1.32	Trimble	1.33
Henderson	1.30	Union	1.30
Henry	1.33	Warren	1.31
Hickman	1.30	Washington	1.35
Hopkins	1.31	Wayne	1.34
Jackson	1.33	Webster	1.30
Jefferson	1.33	Whitley	1.33
Jessamine	1.35	Wolfe	1.33
Johnson	1.33	Woodford	1.35

LOUISIANA

All counties	$1.36

MAINE

All counties	$1.38

MARYLAND

Allegany	$1.38	Howard	$1.50
Anne Arundel	1.46	Kent	1.47
Baltimore	1.46	Montgomery	1.45
Calvert	1.44	Prince Georges	1.45
Caroline	1.47	Queen Annes	1.47
Carroll	1.46	St. Marys	1.45
Cecil	1.46	Somerset	1.44
Charles	1.44	Talbot	1.47
Dorchester	1.45	Washington	1.43
Frederick	1.45	Wicomico	1.46
Garrett	1.37	Worcester	1.45
Harford	1.47		

MASSACHUSETTS

All counties	$1.41

MICHIGAN

County	Rate per bushel	County	Rate per bushel
Alcona	$1.12	Keweenaw	$1.25
Alger	1.23	Lake	1.19
Allegan	1.23	Lapeer	1.23
Alpena	1.12	Leelanau	1.10
Antrim	1.10	Lenawee	1.27
Arenac	1.14	Livingston	1.22
Baraga	1.29	Luce	1.08
Barry	1.22	Mackinac	1.09
Bay	1.19	Macomb	1.26
Benzie	1.19	Mainstee	1.19
Berrien	1.31	Marquette	1.26
Branch	1.23	Mason	1.19
Calhoun	1.26	Mecosta	1.19
Cass	1.26	Menominee	1.23
Charlevoix	1.10	Midland	1.19
Cheboygan	1.10	Milwaukee	1.16
Chippewa	1.09	Monroe	1.27
Clare	1.19	Montcalm	1.19
Clinton	1.21	Montmorency	1.11
Crawford	1.13	Muskegon	1.19
Delta	1.23	Newaygo	1.18
Dickinson	1.25	Oakland	1.24
Eaton	1.22	Oceana	1.17
Emmet	1.10	Ogemaw	1.17
Genesee	1.23	Ontonagon	1.24
Gladwin	1.18	Osceola	1.19
Gogebic	1.32	Oscoda	1.17
Grand Traverse	1.13	Otsego	1.10
Gratiot	1.21	Ottawa	1.22
Hillsdale	1.23	Presque Isle	1.10
Houghton	1.25	Roscommon	1.17
Huron	1.22	Saginaw	1.21
Ingham	1.23	St. Clair	1.25
Ionia	1.21	St. Joseph	1.25
Iosco	1.13	Sanilac	1.23
Iron	1.25	Schoolcraft	1.23
Isabella	1.19	Shiawassee	1.23
Jackson	1.20	Tuscola	1.29
Kalamazoo	1.25	Van Buren	1.24
Kalkaska	1.11	Washtenaw	1.24
Kent	1.21	Wayne	1.25
		Wexford	1.17

MINNESOTA

Aitkin	$1.47	Mahnomen	$1.38
Anoka	1.45	Marshall	1.36
Becker	1.39	Martin	1.43
Beltrami	1.41	Meeker	1.45
Benton	1.45	Mille Lacs	1.45
Big Stone	1.41	Morrison	1.44
Blue Earth	1.45	Mower	1.44
Brown	1.45	Murray	1.41
Carlton	1.47	Nicollett	1.45
Carver	1.45	Nobles	1.37
Cass	1.44	Norman	1.37
Chippewa	1.44	Olmsted	1.45
Chisago	1.45	Otter Tail	1.41
Clay	1.38	Pennington	1.37
Clearwater	1.40	Pine	1.40
Cottonwood	1.42	Pipestone	1.38
Crow Wing	1.45	Polk	1.37
Dakota	1.45	Pope	1.44
Dodge	1.43	Ramsey	1.45
Douglas	1.43	Red Lake	1.38
Faribault	1.44	Redwood	1.44
Fillmore	1.43	Renville	1.45
Freeborn	1.44	Rice	1.45
Goodhue	1.45	Rice	1.45
Grant	1.42	Rock	1.36
Hennepin	1.45	Roseau	1.34
Houston	1.40	St. Louis	1.40
Hubbard	1.41	Scott	1.45
Isanti	1.45	Sherburne	1.45
Itasca	1.40	Sibley	1.45
Jackson	1.42	Stearns	1.45
Kanabec	1.45	Steele	1.45
Kandiyohi	1.45	Stevens	1.43
Kittson	1.33	Swift	1.44
Koochiching	1.25	Todd	1.44
Lac Qui Parle	1.42	Traverse	1.40
Lake of the Woods	1.37	Wabasha	1.45
Le Sueur	1.45	Wadena	1.43
Lincoln	1.40	Wasoca	1.45
Lyon	1.42	Washington	1.45
McLeod	1.45	Watonwan	1.44
		Wilkin	1.40

MINNESOTA—Continued

County	Rate per bushel	County	Rate per bushel
Winona	$1.45	Yellow Medicine	$1.43
Wright	1.45		

MISSISSIPPI

All counties	$1.29

MISSOURI

Adair	$1.28	Linn	$1.28
Andrew	1.30	Livingston	1.29
Atchison	1.29	McDonald	1.25
Audrain	1.32	Macon	1.27
Barry	1.25	Madison	1.32
Barton	1.27	Maries	1.32
Bates	1.30	Marion	1.30
Benton	1.28	Mercer	1.26
Bollinger	1.32	Miller	1.32
Boone	1.32	Mississippi	1.35
Buchanan	1.30	Moniteau	1.30
Butler	1.35	Monroe	1.31
Caldwell	1.30	Montgomery	1.32
Callaway	1.32	Morgan	1.29
Camden	1.29	New Madrid	1.36
Cape Girardeau	1.34	Newton	1.25
Carroll	1.30	Nodaway	1.30
Carter	1.30	Oregon	1.29
Cass	1.30	Osage	1.32
Cedar	1.29	Ozark	1.24
Chariton	1.29	Pemiscot	1.36
Christian	1.25	Perry	1.32
Clark	1.28	Pettis	1.31
Clay	1.30	Phelps	1.22
Clinton	1.30	Pike	1.32
Cole	1.22	Platte	1.30
Cooper	1.30	Polk	1.27
Crawford	1.33	Pulaski	1.30
Dade	1.27	Putnam	1.26
Dallas	1.26	Randolph	1.31
Daviess	1.29	Ray	1.30
De Kalb	1.30	Reynolds	1.27
Dent	1.31	Ripley	1.34
Douglas	1.23	St. Charles	1.32
Dunklin	1.36	St. Clair	1.29
Franklin	1.32	Ste. Genevieve	1.32
Gasconade	1.32	St. Francois	1.32
Gentry	1.30	St. Louis	1.32
Greene	1.25	Saline	1.29
Grundy	1.28	Schuyler	1.26
Harrison	1.28	Scotland	1.29
Henry	1.30	Scott	1.34
Hickory	1.27	Shannon	1.27
Holt	1.30	Shelby	1.30
Howard	1.31	Stoddard	1.34
Howell	1.26	Stone	1.24
Iron	1.32	Sullivan	1.27
Jackson	1.30	Taney	1.23
Jasper	1.27	Texas	1.22
Jefferson	1.32	Vernon	1.29
Johnson	1.28	Warren	1.32
Knox	1.29	Washington	1.32
Laclede	1.28	Wayne	1.31
Lafayette	1.30	Webster	1.26
Lawrence	1.25	Worth	1.30
Lewis	1.29	Wright	1.22
Lincoln	1.32		

MONTANA

Beaverhead	$1.02	Granite	$1.06
Big Horn	1.08	Hill	1.04
Blaine	1.04	Jefferson	1.06
Broadwater	1.06	Judith Basin	1.04
Carbon	1.04	Lake	1.00
Carter	1.18	Lewis and Clark	1.04
Cascade	1.04	Liberty	1.04
Chouteau	1.04	Lincoln	1.08
Custer	1.14	McCone	1.14
Daniels	1.09	Madison	1.08
Dawson	1.15	Meagher	1.03
Deer Lodge	1.08	Mineral	1.09
Fallon	1.18	Missoula	1.09
Fergus	1.04	Musselshell	1.04
Flathead	1.06	Park	1.06
Gallatin	1.08	Petroleum	1.04
Garfield	1.18	Phillips	1.05
Glacier	1.04	Pondera	1.04
Golden Valley	1.04	Powder River	1.12

MONTANA—Continued

County	Rate per bushel	County	Rate per bushel
Powell	$1.08	Stillwater	$1.04
Prairie	1.15	Sweet Grass	1.04
Ravalli	1.06	Teton	1.04
Richland	1.14	Toole	1.04
Roosevelt	1.18	Treasure	1.08
Rosebud	1.09	Valley	1.08
Sanders	1.09	Wheatland	1.04
Sheridan	1.12	Wibaux	1.18
Silver Bow	1.06	Yellowstone	1.04

NEBRASKA

Adams	$1.25	Jefferson	$1.27
Antelope	1.27	Johnson	1.29
Arthur	1.16	Kearney	1.23
Banner	1.11	Keith	1.16
Blaine	1.20	Keya Paha	1.30
Boone	1.27	Kimball	1.11
Box Butte	1.16	Knox	1.24
Boyd	1.23	Lancaster	1.30
Brown	1.20	Lincoln	1.19
Buffalo	1.25	Logan	1.20
Burt	1.30	Loup	1.23
Butler	1.30	McPherson	1.20
Cass	1.30	Madison	1.28
Cedar	1.25	Merrick	1.27
Chase	1.16	Morrill	1.14
Cherry	1.18	Nance	1.26
Cheyenne	1.12	Nemaha	1.29
Clay	1.25	Nuckolls	1.25
Colfax	1.30	Otoe	1.30
Cuming	1.30	Pawnee	1.23
Custer	1.22	Perkins	1.16
Dakota	1.26	Phelps	1.23
Dawes	1.12	Pierce	1.27
Dawson	1.23	Platte	1.29
Deuel	1.15	Polk	1.29
Dixon	1.27	Red Willow	1.20
Dodge	1.30	Richardson	1.28
Douglas	1.30	Rock	1.21
Dundy	1.16	Saline	1.29
Fillmore	1.27	Sarpy	1.30
Franklin	1.23	Saunders	1.30
Frontier	1.20	Scotts Bluff	1.12
Furnas	1.21	Seward	1.30
Gage	1.29	Sheridan	1.14
Garden	1.15	Sherman	1.28
Garfield	1.34	Sioux	1.12
Gosper	1.22	Stanton	1.28
Grant	1.16	Thayer	1.27
Greeley	1.20	Thomas	1.30
Hall	1.26	Thurston	1.26
Hamilton	1.27	Valley	1.24
Harlan	1.22	Washington	1.26
Hayes	1.17	Wayne	1.26
Hitchcock	1.18	Webster	1.24
Holt	1.34	Wheeler	1.27
Hooker	1.10	York	1.26
Howard	1.28		

NEVADA

All counties	$1.20

NEW HAMPSHIRE

All counties	$1.40

NEW JERSEY

Bergen	$1.46	Middlesex	$1.46
Burlington	1.46	Monmouth	1.45
Camden	1.47	Morris	1.45
Cape May	1.43	Ocean	1.45
Cumberland	1.46	Passaic	1.46
Essex	1.46	Salem	1.47
Gloucester	1.47	Somerset	1.45
Hunterdon	1.44	Sussex	1.45
Mercer	1.46	Warren	1.43

NEW MEXICO

Bernalillo	$1.19	Harding	$1.22
Catron	1.01	Hidalgo	1.11
Chaves	1.20	Lea	1.22
Colfax	1.12	Lincoln	1.16
Curry	1.25	Luna	1.11
De Baca	1.19	McKinley	.92
Dona Ana	1.18	Mora	1.16
Eddy	1.19	Otero	1.16
Grant	.98	Quay	1.23
Guadalupe	1.18	Rio Arriba	.92

NEW MEXICO—Continued

County	Rate per bushel	County	Rate per bushel
Roosevelt	$1.26	McLean	$1.23
Sandoval	1.13	Thos	.93
San Juan	.92	Torrance	1.13
San Miguel	1.12	Union	1.17
Santa Fe	1.14	Valencia	1.08
Sierra	1.13		

NEW YORK

Albany	$1.46	Oneida	$1.43
Allegany	1.41	Onondaga	1.41
Broome	1.41	Ontario	1.41
Cattaraugus	1.37	Orange	1.44
Cayuga	1.41	Orleans	1.41
Chautauqua	1.39	Oswego	1.41
Chemung	1.41	Otsego	1.42
Chenango	1.41	Putnam	1.44
Clinton	1.38	Rensselaer	1.47
Columbia	1.42	Rockland	1.43
Cortland	1.41	St. Lawrence	1.37
Delaware	1.42	Saratoga	1.46
Dutchess	1.44	Schenectady	1.47
Erie	1.39	Schoharie	1.45
Essex	1.41	Schuyler	1.41
Franklin	1.35	Seneca	1.41
Fulton	1.42	Steuben	1.41
Genesee	1.41	Suffolk	1.43
Greene	1.45	Sullivan	1.39
Herkimer	1.44	Tioga	1.41
Jefferson	1.36	Tompkins	1.41
Lewis	1.39	Ulster	1.44
Livingston	1.41	Warren	1.44
Madison	1.41	Washington	1.43
Monroe	1.41	Wayne	1.41
Montgomery	1.47	Westchester	1.43
Nassau	1.43	Wyoming	1.41
Niagara	1.41	Yates	1.41

NORTH CAROLINA

All counties	$1.40

NORTH DAKOTA

Adams	$1.24	Mercer	$1.23
Barnes	1.23	Morton	1.26
Benson	1.23	Mountrail	1.19
Billings	1.23	Nelson	1.21
Bottineau	1.20	Oliver	1.24
Bowman	1.23	Pembina	1.21
Burke	1.19	Pierce	1.24
Burleigh	1.25	Ramsey	1.26
Cass	1.24	Ransom	1.25
Cavalier	1.27	Renville	1.19
Dickey	1.24	Richland	1.22
Divide	1.17	Rolette	1.22
Dunn	1.23	Sargent	1.27
Eddy	1.26	Sheridan	1.25
Emmons	1.27	Sioux	1.26
Foster	1.25	Slope	1.23
Golden Valley	1.19	Stark	1.23
Grand Forks	1.24	Steele	1.25
Grant	1.23	Stutsman	1.20
Griggs	1.23	Towner	1.24
Hettinger	1.24	Traill	1.24
Kidder	1.27	Walsh	1.23
La Moure	1.21	Ward	1.20
Logan	1.26	Wells	1.27
McHenry	1.23	Williams	1.18
McIntosh	1.20		
McKenzie	1.16		

OHIO

Adams	$1.25	Darke	$1.25
Allen	1.26	Defiance	1.25
Ashland	1.28	Delaware	1.27
Ashtabula	1.31	Erie	1.27
Athens	1.27	Fairfield	1.27
Auglaize	1.23	Fayette	1.25
Belmont	1.28	Franklin	1.27
Brown	1.25	Fulton	1.29
Butler	1.26	Gallia	1.26
Carroll	1.28	Geauga	1.31
Champaign	1.25	Greene	1.25
Clark	1.25	Guernsey	1.28
Clermont	1.25	Hamilton	1.25
Clinton	1.23	Hancock	1.27
Columbiana	1.29	Hardin	1.27
Coshocton	1.28	Harrison	1.28
Crawford	1.27	Henry	1.28
Cuyahoga	1.26	Highland	1.28

OHIO—Continued

County	Rate per bushel	County	Rate per bushel
Hocking	$1.27	Pauiding	$1.25
Holmes	1.26	Perry	1.27
Huron	1.27	Pickaway	1.26
Jackson	1.25	Pike	1.25
Jefferson	1.29	Portage	1.28
Knox	1.27	Preble	1.25
Lake	1.28	Putnam	1.25
Lawrence	1.25	Richland	1.28
Licking	1.27	Ross	1.26
Logan	1.25	Sandusky	1.27
Lorain	1.28	Scioto	1.25
Lucas	1.26	Seneca	1.27
Madison	1.26	Shelby	1.25
Mahoning	1.30	Stark	1.28
Marion	1.27	Summit	1.28
Medina	1.28	Trumbull	1.31
Meigs	1.25	Tuscarawas	1.28
Mercer	1.25	Union	1.27
Miami	1.26	Van Wert	1.26
Monroe	1.28	Vinton	1.27
Montgomery	1.25	Warren	1.25
Morgan	1.28	Washington	1.28
Morrow	1.27	Wayne	1.28
Muskingum	1.28	Williams	1.26
Noble	1.28	Wood	1.27
Ottawa	1.27	Wyandot	1.27

OKLAHOMA

Adair	$1.25	Le Flore	$1.25
Alfalfa	1.24	Lincoln	1.25
Atoka	1.26	Logan	1.25
Beaver	1.22	Love	1.25
Beckham	1.25	McClain	1.25
Blaine	1.25	McCurtain	1.25
Bryan	1.25	McIntosh	1.25
Caddo	1.25	Major	1.25
Canadian	1.25	Marshall	1.25
Carter	1.25	Mayes	1.24
Cherokee	1.25	Murray	1.25
Choctaw	1.25	Muskogee	1.23
Cimarron	1.20	Noble	1.25
Cleveland	1.25	Nowata	1.26
Coal	1.25	Okfuskee	1.25
Comanche	1.25	Oklahoma	1.25
Cotton	1.25	Okmulgee	1.25
Craig	1.20	Osage	1.23
Creek	1.25	Ottawa	1.26
Custer	1.25	Pawnee	1.25
Delaware	1.25	Payne	1.25
Dewey	1.25	Pittsburg	1.25
Ellis	1.23	Pontotoc	1.25
Garfield	1.25	Pottawatomie	1.25
Garvin	1.25	Pushmataha	1.25
Grady	1.25	Roger Mills	1.24
Grant	1.24	Rogers	1.24
Greer	1.25	Seminole	1.25
Harmon	1.25	Sequoyah	1.25
Harper	1.23	Stephens	1.25
Haskell	1.25	Texas	1.22
Hughes	1.26	Tillman	1.25
Jackson	1.26	Tulsa	1.24
Jefferson	1.25	Wagoner	1.24
Johnston	1.25	Washington	1.26
Kay	1.24	Washita	1.25
Kingfisher	1.26	Woods	1.23
Kiowa	1.25	Woodward	1.23
Latimer	1.25		

OREGON

Baker	$1.20	Lake	$1.25
Benton	1.23	Lane	1.24
Clackamas	1.30	Lincoln	1.18
Clatsop	1.24	Linn	1.23
Columbia	1.26	Malheur	1.15
Coos	1.14	Marion	1.31
Crook	1.27	Morrow	1.23
Curry	1.17	Multnomah	1.31
Deschutes	1.27	Polk	1.30
Douglas	1.18	Sherman	1.30
Gilliam	1.29	Tillamook	1.22
Grant	1.27	Umatilla	1.27
Harney	1.12	Union	1.22
Hood River	1.33	Wallowa	1.19
Jackson	1.18	Wasco	1.33
Jefferson	1.30	Washington	1.22
Josephine	1.18	Wheeler	1.27
Klamath	1.26	Yamhill	1.31

PENNSYLVANIA

County	Rate per bushel	County	Rate per bushel
Adams	$1.44	Lawrence	$1.38
Allegheny	1.34	Lebanon	1.42
Armstrong	1.32	Lehigh	1.44
Beaver	1.31	Luzerne	1.40
Bedford	1.37	Lycoming	1.38
Berks	1.44	McKean	1.36
Blair	1.36	Mercer	1.31
Bradford	1.40	Mifflin	1.39
Bucks	1.48	Monroe	1.42
Butler	1.32	Montgomery	1.46
Cambria	1.35	Montour	1.39
Carbon	1.42	Northampton	1.44
Centre	1.37	Northumberland	1.39
Chester	1.45	Perry	1.41
Clarion	1.38	Pike	1.38
Clearfield	1.35	Potter	1.38
Clinton	1.37	Schuylkill	1.41
Columbia	1.41	Snyder	1.39
Crawford	1.31	Somerset	1.36
Cumberland	1.42	Sullivan	1.41
Dauphin	1.41	Susquehanna	1.40
Delaware	1.46	Tioga	1.40
Elk	1.36	Union	1.39
Erie	1.31	Venango	1.31
Fayette	1.35	Warren	1.31
Forest	1.33	Washington	1.31
Franklin	1.42	Wayne	1.39
Fulton	1.40	Westmoreland	1.31
Greene	1.33	Wyoming	1.41
Huntingdon	1.38	York	1.44
Indiana	1.35		
Jefferson	1.35		
Juniata	1.39		
Lackawanna	1.40		
Lancaster	1.44		

RHODE ISLAND

All counties	$1.42

SOUTH CAROLINA

All counties	$1.38

SOUTH DAKOTA

County	Rate per bushel	County	Rate per bushel
Aurora	$1.29	Jackson	$1.26
Beadle	1.36	Jerauld	1.31
Bennett	1.16	Jones	1.30
Bon Homme	1.26	Kingsbury	1.36
Brookings	1.36	Lake	1.34
Brown	1.35	Lawrence	1.23
Brule	1.32	Lincoln	1.33
Buffalo	1.32	Lyman	1.31
Butte	1.21	McCook	1.30
Campbell	1.26	McPherson	1.31
Charles Mix	1.34	Marshall	1.36
Clark	1.36	Meade	1.23
Clay	1.30	Mellette	1.19
Codington	1.38	Miner	1.32
Corson	1.27	Minnehaha	1.34
Custer	1.13	Moody	1.37
Davison	1.30	Pennington	1.25
Day	1.37	Perkins	1.25
Deuel	1.35	Potter	1.33
Dewey	1.26	Roberts	1.38
Douglas	1.35	Sanborn	1.31
Edmunds	1.32	Shannon	1.14
Fall River	1.10	Spink	1.35
Faulk	1.34	Stanley	1.31
Grant	1.40	Sully	1.32
Gregory	1.22	Todd	1.19
Haakon	1.28	Tripp	1.20
Hamlin	1.38	Turner	1.30
Hand	1.33	Union	1.33
Hanson	1.29	Walworth	1.30
Harding	1.23	Washabaugh	1.28
Hughes	1.32	Yankton	1.29
Hutchinson	1.26	Ziebach	1.26
Hyde	1.32		

TENNESSEE

County	Rate per bushel	County	Rate per bushel
Anderson	$1.38	Carter	$1.41
Bedford	1.35	Cheatham	1.33
Benton	1.32	Chester	1.31
Bledsoe	1.36	Claiborne	1.40
Blount	1.39	Clay	1.34
Bradley	1.38	Cocke	1.39
Campbell	1.36	Coffey	1.35
Cannon	1.34	Crockett	1.30
Carroll	1.31	Cumberland	1.36

TENNESSEE—Continued

County	Rate per bushel	County	Rate per bushel
Davidson	$1.33	Marion	$1.36
Decatur	1.33	Marshall	1.35
DeKalb	1.34	Maury	1.34
Dickson	1.33	Meigs	1.37
Dyer	1.30	Monroe	1.39
Fayette	1.30	Montgomery	1.32
Fentress	1.36	Moore	1.35
Franklin	1.36	Morgan	1.37
Gibson	1.30	Obion	1.30
Giles	1.35	Overton	1.35
Grainger	1.29	Perry	1.33
Greene	1.40	Pickett	1.35
Grundy	1.35	Polk	1.29
Hamblen	1.40	Putnam	1.35
Hamilton	1.37	Rhea	1.37
Hancock	1.41	Roane	1.37
Hardeman	1.31	Robertson	1.32
Hardin	1.32	Rutherford	1.34
Hawkins	1.42	Scott	1.37
Haywood	1.30	Sequatchie	1.36
Henderson	1.32	Sevier	1.39
Henry	1.31	Shelby	1.30
Hickman	1.33	Smith	1.34
Houston	1.22	Stewart	1.33
Humphreys	1.32	Sullivan	1.45
Jackson	1.34	Sumner	1.32
Jefferson	1.39	Tipton	1.30
Johnson	1.41	Trousdale	1.33
Knox	1.39	Unicoi	1.40
Lake	1.30	Union	1.39
Lauderdale	1.30	Van Buren	1.35
Lawrence	1.34	Warren	1.35
Lewis	1.34	Washington	1.41
Lincoln	1.36	Wayne	1.33
Loudon	1.38	Weakley	1.30
McMinn	1.36	White	1.35
McNairy	1.31	Williamson	1.34
Macon	1.33	Wilson	1.33
Madison	1.30		

TEXAS

County	Rate per bushel	County	Rate per bushel
Andrews	$1.24	Denton	$1.34
Archer	1.25	De Witt	1.36
Armstrong	1.25	Dickens	1.25
Atascosa	1.36	Dimmit	1.27
Bailey	1.25	Donley	1.28
Bandera	1.34	Eastland	1.26
Bastrop	1.38	Edwards	1.26
Baylor	1.25	Ellis	1.36
Bee	1.36	El Paso	1.14
Bell	1.36	Erath	1.30
Bexar	1.38	Falls	1.38
Blanco	1.37	Fannin	1.29
Borden	1.25	Fisher	1.25
Boxque	1.36	Floyd	1.35
Bowie	1.29	Ford	1.25
Briscoe	1.25	Gaines	1.25
Brown	1.34	Galveston	1.34
Burleson	1.41	Garza	1.25
Burnet	1.34	Gillespie	1.31
Caldwell	1.33	Glasscock	1.36
Calhoun	1.38	Goliad	1.36
Callahan	1.25	Gray	1.24
Carson	1.25	Grayson	1.29
Castro	1.23	Guadalupe	1.38
Chambers	1.44	Hale	1.25
Cherokee	1.30	Hall	1.25
Childress	1.25	Hamilton	1.30
Clay	1.27	Hansford	1.22
Cochran	1.25	Hardeman	1.25
Coke	1.25	Harris	1.33
Coleman	1.31	Hartley	1.28
Collin	1.34	Haskell	1.25
Collingsworth	1.25	Hays	1.36
Comal	1.38	Hemphill	1.29
Comanche	1.28	Hill	1.37
Concho	1.31	Hockley	1.25
Cooke	1.29	Hood	1.33
Coryell	1.34	Howard	1.25
Cottle	1.25	Hudspeth	1.16
Crosby	1.25	Hunt	1.33
Culberson	1.17	Hutchinson	1.23
Dallam	1.22	Irion	1.22
Dallas	1.34	Jack	1.29
Dawson	1.25	Jackson	1.41
Deaf Smith	1.25	Jeff Davis	1.16
Delta	1.31	Johnson	1.36

TEXAS—Continued

County	Rate per bushel	County	Rate per bushel
Jones	$1.25	Potter	$1.23
Karnes	1.36	Presidio	1.15
Kaufman	1.35	Randall	1.25
Kendall	1.34	Real	1.30
Kent	1.25	Reeves	1.17
Kerr	1.32	Refugio	1.36
Kimble	1.31	Roberts	1.23
King	1.25	Robertson	1.38
Kinney	1.20	Rockwall	1.34
Knox	1.25	Runnels	1.29
Lamar	1.29	San Saba	1.34
Lamb	1.25	Schleicher	1.22
Lampasas	1.34	Scurry	1.25
Limestone	1.38	Shackelford	1.25
Lipscomb	1.23	Sherman	1.23
Live Oak	1.36	Somervell	1.34
Llano	1.34	Stephens	1.29
Loving	1.17	Sterling	1.30
Lubbock	1.25	Stonewall	1.25
Lynn	1.25	Sutton	1.21
McCulloch	1.33	Swisher	1.25
McLennan	1.38	Tarrant	1.35
Martin	1.24	Taylor	1.27
Mason	1.34	Terry	1.25
Maverick	1.23	Throckmorton	1.27
Medina	1.36	Tom Green	1.25
Menard	1.31	Travis	1.38
Midland	1.22	Uvalde	1.30
Milam	1.40	Van Zandt	1.34
Mills	1.34	Victoria	1.38
Mitchell	1.25	Waller	1.51
Montague	1.29	Ward	1.17
Moore	1.23	Wharton	1.49
Motley	1.25	Wheeler	1.24
Navarro	1.37	Wichita	1.25
Nolan	1.26	Wilbarger	1.25
Ochiltree	1.23	Williamson	1.36
Oldham	1.25	Wilson	1.36
Palo Pinto	1.29	Wise	1.31
Parker	1.32	Yoakum	1.25
Parmer	1.25	Young	1.29
Pecos	1.17	Zavala	1.27

UTAH

County	Rate per bushel	County	Rate per bushel
Beaver	$1.16	Piute	$0.96
Box Elder	1.13	Rich	.96
Cache	1.13	Salt Lake	1.14
Carbon	.95	San Juan	.96
Daggett	.92	San Pete	.95
Davis	1.14	Sevier	.95
Duchesne	1.02	Summit	1.14
Emery	.95	Tooele	1.14
Garfield	.96	Uintah	.99
Grand	.95	Utah	1.14
Iron	1.14	Wasatch	1.02
Juab	1.14	Washington	1.14
Kane	.96	Wayne	.96
Millard	1.16	Weber	1.14
Morgan	1.14		

VERMONT

All counties	$1.40

VIRGINIA

County	Rate per bushel	County	Rate per bushel
Accomac	$1.41	Cumberland	$1.41
Albemarle	1.40	Dickenson	1.36
Alleghany	1.36	Dinwiddie	1.41
Amelia	1.41	Elizabeth City	1.41
Amherst	1.40	Essex	1.41
Appomattox	1.41	Fairfax	1.40
Arlington	1.40	Fauquier	1.40
Augusta	1.40	Floyd	1.39
Bath	1.38	Fluvanna	1.40
Bedford	1.40	Franklin	1.39
Bland	1.38	Frederick	1.40
Botetourt	1.39	Giles	1.36
Brunswick	1.40	Gloucester	1.41
Buchanan	1.36	Goochland	1.41
Buckingham	1.41	Grayson	1.39
Campbell	1.40	Greene	1.40
Caroline	1.41	Greensville	1.40
Carroll	1.39	Halifax	1.40
Charles City	1.41	Hanover	1.41
Charlotte	1.41	Henrico	1.41
Chesterfield	1.41	Henry	1.39
Clarke	1.40	Highland	1.36
Craig	1.36	Isle of Wight	1.40
Culpeper	1.40		

VIRGINIA—Continued

County	Rate per bushel	County	Rate per bushel
James City	$1.41	Prince Edward	$1.41
King and Queen	1.41	Prince George	1.41
King George	1.41	Prince William	1.40
King William	1.41	Princess Anne	1.40
Lancaster	1.41	Pulaski	1.39
Lee	1.39	Rappahannock	1.40
Loudoun	1.40	Richmond	1.41
Louisa	1.40	Roanoke	1.39
Lunenburg	1.41	Rockbridge	1.40
Madison	1.40	Rockingham	1.40
Mathews	1.41	Russell	1.35
Mecklenburg	1.40	Scott	1.39
Middlesex	1.41	Shenandoah	1.40
Montgomery	1.38	Smyth	1.39
Nansemond	1.40	Southampton	1.40
Nelson	1.40	Spotsylvania	1.41
New Kent	1.41	Stafford	1.41
Norfolk	1.40	Surry	1.40
Northampton	1.41	Sussex	1.40
Northumberland	1.41	Tazewell	1.38
Nottaway	1.41	Warren	1.40
Orange	1.40	Warwick	1.41
Page	1.40	Washington	1.36
Patrick	1.39	Westmoreland	1.41
Pittsylvania	1.40	Wise	1.39
Powhatan	1.41	Wythe	1.39
		York	1.41

WASHINGTON

County	Rate per bushel	County	Rate per bushel
Adams	$1.35	Lewis	$1.34
Asotin	1.31	Lincoln	1.34
Benton	1.36	Mason	1.25
Chelan	1.36	Okanogan	1.34
Clallam	1.15	Pacific	1.32
Clark	1.31	Pend Oreille	1.09
Columbia	1.26	Pierce	1.29
Cowlitz	1.28	San Juan	1.26
Douglas	1.25	Skagit	1.26
Ferry	1.04	Skamania	1.32
Franklin	1.27	Snohomish	1.27
Garfield	1.26	Spokane	1.21
Grant	1.26	Stevens	1.17
Grays Harbor	1.22	Thurston	1.25
Island	1.26	Wahkiakum	1.28
Jefferson	1.17	Walla Walla	1.27
King	1.30	Whatcom	1.25
Kitsap	1.21	Whitman	1.22
Kittitas	1.31	Yakima	1.20
Klickitat	1.31		

WEST VIRGINIA

County	Rate per bushel	County	Rate per bushel
Barbour	$1.35	Mineral	$1.37
Berkeley	1.39	Mingo	1.34
Boone	1.34	Monogalia	1.33
Braxton	1.34	Monroe	1.37
Brooke	1.32	Morgan	1.38
Cabell	1.33	Nicholas	1.36
Calhoun	1.33	Ohio	1.32
Clay	1.34	Pendleton	1.38
Doddridge	1.32	Pleasants	1.31
Fayette	1.36	Pocahontas	1.38
Gilmer	1.33	Preston	1.36
Grant	1.37	Putnam	1.33
Greenbrier	1.36	Raleigh	1.35
Hampshire	1.38	Randolph	1.37
Hancock	1.32	Ritchie	1.32
Hardy	1.38	Roane	1.32
Harrison	1.34	Summers	1.38
Jackson	1.31	Taylor	1.35
Jefferson	1.40	Tucker	1.37
Kanawha	1.33	Tyler	1.31
Lewis	1.34	Upshur	1.35
Lincoln	1.33	Wayne	1.33
Logan	1.34	Webster	1.36
McDowell	1.36	Wetsel	1.33
Marion	1.33	Wirt	1.32
Marshall	1.32	Wood	1.31
Mason	1.32	Wyoming	1.36
Mercer	1.37		

WISCONSIN

County	Rate per bushel	County	Rate per bushel
Adams	$1.30	Marathon	$1.35
Ashland	1.40	Marinette	1.26
Barron	1.40	Marquette	1.29
Bayfield	1.37	Menominee	1.30
Brown	1.28	Milwaukee	1.35
Buffalo	1.36	Monroe	1.32
Burnett	1.45	Oconto	1.26
Calumet	1.30	Oneida	1.30
Chippewa	1.41	Outagamie	1.29
Clark	1.32	Ozaukee	1.33
Columbia	1.31	Pepin	1.30
Crawford	1.31	Pierce	1.30
Dane	1.33	Polk	1.35
Dodge	1.33	Portage	1.44
Door	1.23	Price	1.35
Douglas	1.43	Racine	1.40
Dunn	1.41	Richland	1.35
Eau Claire	1.33	Rock	1.29
Florence	1.28	Rusk	1.34
Fond du Lac	1.31	St. Croix	1.42
Forest	1.30	Sauk	1.41
Grant	1.27	Sawyer	1.21
Green	1.28	Shawano	1.29
Green Lake	1.30	Sheboygan	1.30
Iowa	1.30	Taylor	1.32
Iron	1.28	Trempealeau	1.40
Jackson	1.34	Vernon	1.34
Jefferson	1.31	Vilas	1.22
Juneau	1.31	Walworth	1.27
Kenosha	1.35	Washburn	1.35
Kewaunee	1.25	Washington	1.37
LaCrosse	1.33	Waukesha	1.33
LaFayette	1.30	Waupaca	1.34
Langlade	1.28	Waushara	1.30
Lincoln	1.28	Winnebago	1.28
Manitowoc	1.30	Wood	1.30

WYOMING

County	Rate per bushel	County	Rate per bushel
Albany	$0.99	Natrona	$0.97
Big Horn	.94	Niobrara	1.07
Campbell	1.02	Park	.94
Carbon	.93	Platte	1.11
Converse	1.02	Sheridan	1.00
Crook	1.06	Sublette	.92
Fremont	.94	Sweetwater	.92
Goshen	1.11	Teton	1.05
Hot Springs	.94	Uinta	.92
Johnson	1.00	Washakie	.94
Laramie	1.11	Weston	1.06
Lincoln	.93		

(f) *Premiums and discounts.* The basic support rate shall be adjusted as applicable by premiums and discounts as follows (all footnotes at end of paragraph):

	Cents per bushel
(1) Class premiums and discounts.	
(i) Premium.	
Hard Amber Durum[2]	5
(ii) Discounts.	
Durum	5
Red Durum	20
Mixed Wheat (mixtures of classes other than contrasting classes)	2
Mixed Wheat (mixtures of contrasting classes)	10
(2) Grade premium and discounts.	
(i) Premium.	
Heavy (No. 1 and No. 2)[2]	2
(ii) Discounts.	
No. 2	1
No. 3	3
No. 4	6
No. 5	9
Sample on test weight only: 9 cents plus 3 cents for each pound or fraction thereof below 50 pounds for Hard Red Spring; below 51 pounds for other classes.	
Sample on total defects (with not more than 3 percent heat damage): 9 cents plus 2 cents for each percent or fraction thereof above 20.0 percent.	
Smut—Degree Basis:	
Light Smutty	2
Smutty	6
Garlic—Degree Basis:	
Light Garlicky	5
Garlicky	10
(3) Protein premiums. Applicable to Hard Red Winter, Hard Red Spring, and Hard White Wheat of the varieties Baart, Bluestem and Burt, grading No. 3 or better.[3]	
Protein content (percent):	
12.0–12.4	1½
12.5–12.9	3
13.0–13.4	4½
13.5–13.9	6
14.0–14.4	7½
14.5–14.9	9
15.0–15.4	10½
15.5–15.9	12
16.0–16.4	13½
16.5–16.9	15
17.0–17.4	16½
17.5 and above	18
(4) Variety discount. The following varieties referred to in these regulations as "undesirable varieties" are subject to the discount.	20

Hard Red Winter	Hard Red Spring	Durum	White	Soft Red Winter
Blue Jacket	C.T. 231	Golden Ball	Fifty Fold	Kahquesa.
Cache[1]	Gaines	Pelissa	Florence	Kawvale.
Chiefkan	Henry[2]	Pentad	Gaines	Nured.
Cimarron	Kinney		Rex	Seabreeze.
Early Blackhull	Lathrop[2]		Seneca	
Kanking	Premier			
Kharkof MC 22	Progress			
New Chief	Russell[2]			
Pawnee Sel. 32	Spinkcota			
Purkof	Sturgeon			
Red Chief				
Red Hull				
Red Jacket				
Stafford				
Wasish[4]				
Yogo				

[1] Only in Minnesota, North Dakota, and South Dakota.
[2] Except in Idaho and Utah.
[3] Except in Colorado, Idaho, and Utah.

[4] Not applicable to the undesirable varieties listed in subparagraph (4).

	Cents per bushel
(5) Weed control discount (where required by § 1421.74)	10
(6) Other quality discounts as may be established by CCC for settlements of loans and purchases.	

NOTE: Premiums and discounts are cumulative except only one numerical grade discount shall be applied.

Effective date: Upon publication in the FEDERAL REGISTER.

Signed at Washington, D.C., on June 2, 1965.

H. D. GODFREY,
Executive Vice President,
Commodity Credit Corporation.

[F.R. Doc. 65-5696; Filed, June 7, 1965; 8:45 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Agency

[Docket No. 6681; Amdt. 151—7]

PART 151—FEDERAL AID TO AIRPORTS

Miscellaneous Amendments

The purpose of this amendment is to delete references to Technical Standard Order N18 in Part 151 and insert in place thereof references to the appropriate sections of Part 77 as revised February 3, 1965 (30 F.R. 1837). Also, an inadvertent clerical error in § 151.49(a)(9) will be corrected.

Revised Part 77, "Objects Affecting Navigable Airspace", became effective May 1, 1965, and on that date superseded TSO N18. In Subpart C it consolidates obstruction standards for use in several programs of the Federal Aviation Agency. Among these uses is "administering the Federal-aid Airport Program". § 77.3(a)(1). To conform Part 151 to this provision, it is necessary to insert references to Part 77, or to appropriate sections of that part, in § 151.9; § 151.73(a)(4); § 151.75(a); and § 151.91(a) in place of the designation "Technical Standard Order N18". Also, certain desirable editorial changes are being made with respect to § 151.9 (b), (c), (d), and (e) in the interest of clarity and conciseness, with no change in substance.

In § 151.49(a)(9), reference to subparagraphs (5), (6), and (7) instead of (6), (7), and (8) was an inadvertent clerical error. Therefore, an amendment to § 151.49(a)(9) correcting this deficiency is also being made.

Since this amendment merely conforms references in Part 151 to the format of revised Part 77, it may be issued as a final rule without first issuing a notice of proposed rule making, and may be made effective upon publication.

In consideration of the foregoing, Part 151 of Chapter I of Title 14 of the Code of Federal Regulations is amended, effective June 8, 1965, as follows:

1. By striking out § 151.9 (b), (c), and (d) and inserting in place thereof the following paragraph (b), and by striking § 151.9(e) and inserting in place thereof the following paragraph (c):

§ 151.9 Runway clear zones; general.

* * * * *

(b) For the purposes of this part, a runway clear zone constitutes the innermost part of the runway approach area. The standard configuration and length of each runway clear zone are prescribed in § 77.19(c) of Part 77 of this chapter.

(c) For the purposes of this section, an airport operator or owner is considered to have an adequate property interest if it has an easement (or a covenant running with the land) giving it enough control to rid the clear zone of all obstructions (objects so far as they project above the approach surfaces established by § 77.27 (b) and (c) of Part 77 of this chapter), and to prevent the creation of future obstructions; together with the right of entrance and exit for those purposes, to ensure the safe and unrestricted passage of aircraft in and over the area.

§ 151.49 [Amended]

2. By striking out the reference "subparagraphs (5), (6), and (7)" in § 151.49(a)(9) and inserting in place thereof the reference "subparagraphs (6), (7), and (8)".

§ 151.73 [Amended]

3. By striking out the designation "FAA Technical Standard Order N18" in § 151.73(a)(4) and inserting in its place "§ 77.23 as applied to §§ 77.25 and 77.27 of Part 77 of this chapter."

§ 151.75 [Amended]

4. By striking out the designation "Technical Standard Order N18" in § 151.75(a) and inserting in its place "§ 77.23 as applied to § 77.27 (b) and (c) of Part 77 of this chapter".

§ 151.91 [Amended]

5. By striking out the designation "Technical Standard Order N18" where it occurs in § 151.91(a) and inserting in its place "§ 77.23 as applied to §§ 77.25 and 77.27 of Part 77 of this chapter".

This amendment is made under the authority of the Federal Airport Act, as amended (49 U.S.C. 1001, et seq.), and the Federal Aviation Act of 1958 (49 U.S.C. 1301, et seq.).

Issued in Washington, D.C., on June 1, 1965.

N. E. HALABY,
Administrator.

[F.R. Doc. 65-5904; Filed, June 7, 1965; 8:45 a.m.]

Title 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

SUBCHAPTER A—GENERAL

PART 8—COLOR ADDITIVES

Subpart A—Definitions and Procedural and Interpretative Regulations

EXTERNALLY APPLIED DRUGS AND COSMETICS

The existing definitions and procedural and interpretative color additive regulations do not define the terms "externally applied drug" and "externally applied cosmetic" although these terms have been used in individual color additive regulations. This lack of a definition may result in a misunderstanding of the limitations on the use of a color additive. Therefore, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (secs. 701, 706, 52 Stat. 1055 as amended, 74 Stat. 399 et seq.; 21 U.S.C. 371, 376) and under the authority delegated to the Commissioner of Food and Drugs by the Secretary of Health, Education, and Welfare (21 CFR 2.90), *it is ordered*, That § 8.1 be amended by adding thereto the following new paragraph:

§ 8.1 Definitions and interpretations.

* * * * *

(v) The terms "externally applied drugs" and "externally applied cosmetics" mean drugs or cosmetics applied only to external parts of the body and not to the lips or any body surface covered by mucous membrane.

Notice and public procedure and delayed effective date are not necessary prerequisites to the promulgation of this order, and I so find, since this amendment is interpretative in nature.

Effective date. This order shall be effective on the date of its publication in the FEDERAL REGISTER.

(Secs. 701, 706, 52 Stat. 1055 as amended, 74 Stat. 399 et seq.; 21 U.S.C. 371, 376)

Dated: June 1, 1965.

GEO. P. LARRICK,
Commissioner of Food and Drugs.

[F.R. Doc. 65-5029; Filed, June 7, 1965; 8:47 a.m.]

SUBCHAPTER B—FOOD AND FOOD PRODUCTS

PART 27—CANNED FRUITS AND FRUIT JUICES

Frozen Concentrated Orange Juice; Confirmation of Effective Date of Order Amending Standard Regarding State Standards

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (secs. 401, 701, 52 Stat. 1046, 1055, as amended 70 Stat. 919; 72 Stat. 948; 21 U.S.C. 341, 371), and in accordance with the authority delegated to the Commissioner of Food and Drugs by the Secretary of Health, Education, and Welfare (21 CFR 2.90), notice is given that no objections were filed to the order published in the FEDERAL REGISTER of April 8, 1965 (30 F.R. 4535), that amended the standard for frozen concentrated orange juice (21 CFR 27.109) to specify the intention of the Federal standard with respect to any State standard of higher or more restrictive requirements. Accordingly, the amendment promulgated by that order will become effective June 7, 1965.

(Secs. 401, 701, 52 Stat. 1046, 1055, as amended 70 Stat. 919; 72 Stat. 948; 21 U.S.C. 341, 371)

Dated: May 28, 1965.

GEO. P. LARRICK,
Commissioner of Food and Drugs.

[F.R. Doc. 65-5930; Filed, June 7, 1965; 8:47 a.m.]

PART 120—TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

Further Extension of Effective Date of Public Law 86-139

Under the provisions of Public Law 88-625 (sec. 3, 78 Stat. 1002) and under the authority delegated to the Commissioner of Food and Drugs by the Secretary of Health, Education, and Welfare (21 CFR 2.90), the Commissioner has further extended the effective date of this statute as it affects section 408 of the Federal Food, Drug, and Cosmetic Act for certain specified uses of nematocides, plant regulators, defoliants, or desiccants. The affected portions of the list published in § 120.37 (21 CFR 120.37) pertain only to p-chlorophenoxy-acetic acid and read as follows:

§ 120.37 Further extensions of effective date of Public Law 86-139 as it affects section 408 of the Federal Food, Drug, and Cosmetic Act.

* * * * *

Product	Specified uses or restrictions	Effective date of statute extended to—
p-Chlorophenoxy-acetic acid.	* * *	Dec. 31, 1965
Do	On cane berries to produce larger fruit.	Do.

Notice and public procedure are not necessary prerequisites to the promulgation of this order, and I so find, since extensions of time, under certain conditions, for the effective date of the Nematocide, Plant Regulator, Defoliant, and Desiccant Amendment of 1959 were contemplated by the statute as amended as a relief of restrictions on the agricultural industry.

Effective date. This order shall become effective on the date of signature.

(Public Law 86-139 (73 Stat. 386 as amended 75 Stat. 42, 78 Stat. 10035; 7 U.S.C. 135 note))

Dated: May 28, 1965.

GEO. P. LARRICK,
Commissioner of Food and Drugs.

[F.R. Doc. 65-5931; Filed, June 7, 1965; 8:47 a.m.]

PART 121—FOOD ADDITIVES

Subpart D—Food Additives Permitted in Food for Human Consumption

COATINGS ON FRESH CITRUS FRUIT

The Commissioner of Food and Drugs has evaluated data in a petition (FAP 5A1649) filed by Wallace & Tiernan, Inc., 25 Main Street, Belleville 9, N.J., and other relevant material, and has concluded that a food additive regulation should prescribe the conditions of safe use of coatings on fresh citrus fruit. Therefore, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1)) and under the authority delegated to the Commissioner by the Secretary of Health, Education, and Welfare (21 CFR 2.90), Subpart D of the food additive regulations is amended by the addition of a new section, as follows:

§ 121.1179 Coatings on fresh citrus fruit.

Coatings may be applied to fresh citrus fruit for protection of the fruit in accordance with the following conditions:

(a) The coating is applied in the minimum amount required to accomplish the intended effect.

(b) The coating may be formulated from the following components, each used in the minimum quantity required to accomplish the intended effect:

(1) Substances generally recognized as safe for the purpose or previously sanctioned for the purpose.

(2) One or more of the following:

Component	*Limitations*
Fatty acids	Complying with § 121.1070.
Partially hydrogenated rosin	Catalytically hydrogenated to a maximum refractive index of 1.5012 at 100° C. Color of WG or paler.
Pentaerythritol ester of maleic anhydride-modified wood rosin.	Acid number of 134-145; drop-softening point of 127° C-137° C. saponification number of less than 280; and a color of M or paler.
Sodium lauryl sulfate	Complying with § 121.1012. As a film former.
Wood rosin	Color of K or paler.

Any person who will be adversely affected by the foregoing order may at any time within 30 days from the date of its publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5446, 330 Independence Avenue SW., Washington, D.C., 20201, written objections thereto, preferably in quintuplicate. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof.

Effective date. This order shall be effective on the date of its publication in the FEDERAL REGISTER.

(Sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1))

Dated: June 1, 1965.

GEO. P. LARRICK,
Commissioner of Food and Drugs.

[F.R. Doc. 65-5932; Filed, June 7, 1965; 8:48 a.m.]

PART 121—FOOD ADDITIVES

Subpart F—Food Additives Resulting From Contact With Containers or Equipment and Food Additives Otherwise Affecting Food

INDUSTRIAL STARCH—MODIFIED

The Commissioner of Food and Drugs, having evaluated the data in a petition (FAP 5B1720) filed by Anheuser-Busch, Inc., 721 Pestalozzi Street, St. Louis, Mo., 63118, and other relevant material, has concluded that the food additive regulations should be amended to provide for the use of industrial starch modified by treatment with not more than 5 percent of (4-chlorobutene-2)trimethylammonium chloride as internal sizing for paper and paperboard for food packaging. Therefore, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1)), and under the authority delegated to the Commissioner by the Secretary of Health, Education, and Welfare (21 CFR 2.90), § 121.2506 is amended by inserting alphabetically in the list of reactants in paragraph (a) a new item, as follows:

§ 121.2506 Industrial starch—modified.

* * * * *

(a) * * *

List of reactants	*Limitations*
* * *	* * *
(4-Chlorobutene-2)trimethyl-ammonium chloride, not to exceed 5.0 percent.	Industrial starch modified by this treatment shall be used only as internal sizing for paper and paperboard intended for food packaging.
* * *	* * *

Any person who will be adversely affected by the foregoing order may at any time within 30 days from the date of its publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room

5440, 330 Independence Avenue SW., Washington, D.C., 20201, written objections thereto, preferably in quintuplicate. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof.

Effective date. This order shall be effective on the date of its publication in the FEDERAL REGISTER.

(Sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1))

Dated: June 1, 1965.

GEO. P. LARRICK,
Commissioner of Food and Drugs.

[F.R. Doc. 65-5936; Filed, June 7, 1965; 8:48 a.m.]

PART 121—FOOD ADDITIVES

Subpart F—Food Additives Resulting From Contact With Containers or Equipment and Food Additives Otherwise Affecting Food

CELLOPHANE

The Commissioner of Food and Drugs, having evaluated the data in a petition (FAP 4B1376) filed by Transparent Paper Ltd., Bridge Hall Mills, Heap Bridge, Bury, Lancashire, England, and other relevant material, has concluded that the food additive regulations should be amended to provide for the use of an additional substance as an optional component of food-packaging cellophane. Therefore, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1)), and under the authority delegated to the Commissioner by the Secretary of Health, Education, and Welfare (21 CFR 2.90), § 121.2507(c) is amended by inserting alphabetically in the list of substances a new item, as follows:

§ 121.2507 Cellophane.

* * * * * *

(c) List of substances:

	Limitations (residue and limits of addition expressed as percent by weight of finished packaging cellophane)
* * * *	* * *
Polyethyleneaminostearamide ethyl sulfate produced when stearic acid is made to react with equal parts of diethylenetriamine and triethylenetetramine and the reaction product is quaternised with diethyl sulfate.	0.1 percent.
* * * *	* * *

Any person who will be adversely affected by the foregoing order may at any time within 30 days from the date of its publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington, D.C., 20201, written objections thereto, preferably in quintuplicate. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof.

Effective date. This order shall be effective on the date of its publication in the FEDERAL REGISTER.

(Sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1))

Dated: June 1, 1965.

GEO. P. LARRICK,
Commissioner of Food and Drugs.

[F.R. Doc. 65-5934; Filed, June 7, 1965; 8:48 a.m.]

PART 121—FOOD ADDITIVES

Subpart F—Food Additives Resulting From Contact With Containers or Equipment and Food Additives Otherwise Affecting Food

RESINOUS AND POLYMERIC COATINGS

The Commissioner of Food and Drugs, having evaluated the data in a petition (FAP 4B1339) filed by General Electric Co., Silicone Products Department, Waterford, N.Y., 12188, and other relevant material, has concluded that the food additive regulations should be amended to provide for the use of tetrabutyl titanate as a catalyst for silicone coatings that contact food. Therefore, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1)), and under the authority delegated to the Commissioner by the Secretary of Health, Education, and Welfare 21 CFR 2.90), § 121.2514(b)(3)(xxviii)(b) is amended by inserting alphabetically therein a new item, as follows:

§ 121.2514 Resinous and polymeric coatings.

* * * * *

(b) * * *

(3) * * *

(xxviii) * * *

(*b*) Catalysts * * *

Tetrabutyl titanate.

* * * * *

Any person who will be adversely affected by the foregoing order may at any time within 30 days from the date of its publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington, D.C., 20201, written objections thereto, preferably in quintuplicate. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof.

Effective date. This order shall be effective on the date of its publication in the FEDERAL REGISTER.

(Sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1))

Dated: June 1, 1965.

GEO. P. LARRICK,
Commissioner of Food and Drugs.

[F.R. Doc. 65-5937; Filed, June 7, 1965; 8:49 a.m.]

PART 121—FOOD ADDITIVES

Subpart F—Food Additives Resulting From Contact With Containers or Equipment and Food Additives Otherwise Affecting Food

FILTERS, RESIN-BONDED

The Commissioner of Food and Drugs, having evaluated the data in a petition (FAP 4B1291) filed by Johnson & Johnson, 4949 West 65th Street, Chicago 38, Ill., and other relevant material, has concluded that the food additive regulations should be amended to provide for additional food-contact uses for resin-bonded filters. Therefore, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1)), and under the authority delegated to the Commissioner by the Secretary of Health, Education, and Welfare (21 CFR 2.90), § 121.2536 *Filters, resin-bonded* is amended by revising paragraph (h)(2) and adding new paragraphs (i), (j), (k), and (l) as follows:

§ 121.2536 Filters, resin-bonded.

* * * * *

(h) * * *

(2) *Conditions of use.* It is used to filter milk, coffee, tea, and potable water at temperatures not to exceed 212° F.

(i) Resin-bonded filters conforming with the specifications of subparagraph (1) of this paragraph are used as provided in subparagraph (2) of this paragraph:

(1) *Total extractives.* The finished filter, when exposed to distilled water for 2 hours at a temperature equivalent to, or higher than, the filtration temperature of the aqueous food, yields total extractives not to exceed 4.0 percent, by weight, of the filter.

(2) *Conditions of use.* It is used in commercial filtration of bulk quantities of nonalcoholic, aqueous foods having a pH above 5.0.

(j) Resin-bonded filters conforming with the specifications of subparagraph (1) of this paragraph are used as provided in subparagraph (2) of this paragraph:

(1) *Total extractives.* The finished filter, when exposed to 5 percent (by weight) acetic acid for 2 hours at a temperature equivalent to, or higher than, the filtration temperature of the aqueous food, yields total extractives not to exceed 4.0 percent, by weight, of the filter.

(2) *Conditions of use.* It is used in commercial filtration of bulk quantities of nonalcoholic, aqueous foods having a pH of 5.0 or below.

(k) Resin-bonded filters conforming with the specifications of subparagraph (1) of this paragraph are used as provided in subparagraph (2) of this paragraph:

(1) *Total extractives.* The finished filter, when exposed to 8 percent (by volume) ethyl alcohol in distilled water for 2 hours at a temperature equivalent to, or higher than, the filtration temperature of the alcoholic beverage, yields total extractives not to exceed 4.0 percent, by weight, of the filter.

(2) *Conditions of use.* It is used in commercial filtration of bulk quantities of alcoholic beverages containing not more than 8 percent alcohol.

(l) Resin-bonded filters conforming with the specifications of subparagraph (1) of this paragraph are used as provided in subparagraph (2) of this paragraph:

(1) *Total extractives.* The finished filter, when exposed to 50 percent (by volume) ethyl alcohol in distilled water for 2 hours at a temperature equivalent to, or higher than, the filtration temperature of the alcoholic beverage, yields total extractives not to exceed 4.0 percent, by weight, of the filter.

(2) *Conditions of use.* It is used in commercial filtration of bulk quantities of alcoholic beverages containing more than 8 percent alcohol.

Any person who will be adversely affected by the foregoing order may at any time within 30 days from the date of its publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington, D.C., 20201; written objections thereto, preferably in quintuplicate. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof.

Effective date. This order shall be effective on the date of its publication in the FEDERAL REGISTER.

(Sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1))

Dated: June 1, 1965.

GEO. P. LARRICK,
Commissioner of Food and Drugs.

[F.R. Doc. 65-5938; Filed, June 7, 1965; 8:48 a.m.]

PART 121—FOOD ADDITIVES

Subpart F—Food Additives Resulting From Contact With Containers or Equipment and Food Additives Otherwise Affecting Food

ANTIOXIDANTS AND/OR STABILIZERS FOR POLYMERS

The Commissioner of Food and Drugs has evaluated data in the petition (FAP 4B1460) filed by Ethyl Corp., 100 Park Avenue, New York, N.Y., 10017, and other relevant material, and has concluded that § 121.2566 should be amended to prescribe the use of 4,4'-methylenebis (2,6-di-*tert*-butylphenol) in polybutadiene used in rubber and in polyethylene packaging materials. Therefore, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1)), and under the authority delegated to the Commissioner by the Secretary of Health, Education, and Welfare (21 CFR 2.90), § 121.2566(b) is amended by inserting two new use limitations for the subject food additive, as follows:

§ 121.2566 Antioxidants and/or stabilizers for polymers.

* * * * *

(b) List of substances:

	Limitations
* * *	* * *
4,4'-Methylenebis (2,6-di-*tert*-butylphenol).	For use only: * * * 4. At levels not to exceed 0.5 percent by weight of polyethylene complying with § 121.2510, provided that the polyethylene end product contacts foods only of the types identified in categories I, II, IV-B, VI, VII-B, and VIII in table 1, § 121.2526(c). 5. At levels not to exceed 0.5 percent by weight of polybutadiene used in rubber articles complying with § 121.2562, provided that the rubber end product contacts foods only of the types identified in categories I, II, IV-B, VI, VII-B, and VIII in table 1, § 121.2526(c).
* * *	* * *

Any person who will be adversely affected by the foregoing order may at any time within 30 days from the date of its publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington, D.C., 20201, written objections thereto, preferably in quintuplicate. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof.

Effective date. This order shall be effective on the date of its publication in the FEDERAL REGISTER.

(Sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1))

Dated: June 1, 1965.

GEO. P. LARRICK,
Commissioner of Food and Drugs.

[F.R. Doc. 65-5933; Filed, June 7, 1965; 8:48 a.m.]

SUBCHAPTER C—DRUGS

PART 141d—CHLORAMPHENICOL AND CHLORAMPHENICOL-CONTAINING DRUGS; TESTS AND METHODS OF ASSAY

PART 146d—CERTIFICATION OF CHLORAMPHENICOL AND CHLORAMPHENICOL - CONTAINING DRUGS

Chloramphenicol Palmitate; Chloramphenicol Palmitate Oral Suspension; Final Order

In the matter of amending regulations for tests and methods of assay and certification of chloramphenicol palmitate and chloramphenicol palmitate oral suspension:

In response to the notice of proposed rulemaking in the above-identified matter published in the FEDERAL REGISTER of December 30, 1964 (29 F.R. 19109), one manufacturer requested minor changes in the procedures outlined in § 141d.306 (c) (2) and (3) with reference to the test for determining the content of polymorph A crystals in chloramphenicol palmitate oral suspension. The suggestion made by this manufacturer is acceptable to the Food and Drug Administration, and therefore the amendments proposed are adopted with the above-referenced change, pursuant to the authority contained in section 507 of the Federal Food, Drug, and Cosmetic Act (secs. 507, 701(a), 52 Stat. 1055, 59 Stat. 463 as amended; 21 U.S.C. 357, 371(a)), delegated by the Secretary of Health, Education, and Welfare to the Commissioner of Food and Drugs (21 CFR 2.90).

The amendments are as published below and shall be effective upon the date of publication.

(Secs. 507, 701(a), 52 Stat. 1055, 59 Stat. 463 as amended; 21 U.S.C. 357, 371(a))

Dated: June 1, 1965.

GEO. P. LARRICK,
Commissioner of Food and Drugs.

1. Section 141d.305 is amended by adding thereto the following new paragraph:

§ 141d.305 Chloramphenicol palmitate.

* * * * *

(d) *Specific rotation.* Accurately weigh approximately 1.25 grams of sample in a 25-milliliter, glass-stoppered volumetric flask and dissolve in about 15 milliliters of absolute alcohol, warming if necessary to effect solution. Bring the solution to 25° C. Dilute the solution to 25 milliliters with absolute alcohol and mix thoroughly. Transfer a portion of the solution to a 200-millimeter polarimeter tube and determine the angular rotation in a suitable polarimeter using sodium light or a 5,893-angstrom filter. Calculate the specific rotation.

2. Section 141d.306 is amended by adding thereto the following new paragraph:

§ 141d.306 Chloramphenicol palmitate oral suspension.

* * * * *

(c) *Content of polymorph A crystals—*(1) *Preparation of standards—*(i) *Standard containing 20 percent of polymorph A.* Prepare a thoroughly mixed, dry powder composed by weight of 1 part of polymorph A crystals of chloramphenicol palmitate and 4 parts of nonpolymorph A crystals of chloramphenicol palmitate.

(ii) *Standard containing 10 percent of polymorph A.* Prepare a thoroughly mixed, dry powder composed by weight of 1 part of polymorph A crystals of chloramphenicol palmitate and 9 parts of nonpolymorph A crystals of chloramphenicol palmitate.

(2) *Preparation of sample.* Place 20 milliliters of thoroughly mixed oral suspension into a 50-milliliter centrifuge tube. Add 20 milliliters of water and mix. Centrifuge for 10 to 15 minutes at a speed not less than 18,000 revolutions per minute. Decant the supernatant liquid. Wash the residue as follows: Add 2 milliliters of water to the residue, mix to make paste, add 18 milliliters of water, and mix thoroughly. Centrifuge, decant the supernatant liquid, and wash the residue two more times. Remove the washed residue from the centrifuge tube and dry it at least 14 hours in a vacuum desiccator at room temperature.

(3) *Procedure.* Weigh 150 to 200 milligrams of liquid petrolatum into an agate mortar and add about 100 milligrams of standard or sample. Mix with a small spatula and then mull thoroughly with a pestle until a uniform consistency is obtained. Adjust a suitable infrared spectrophotometer so that 100 percent transmittance is recorded over the range of 11.0 to 13.0 microns. Use two rock salt plates as an absorption cell. Place a small drop of the mull in the center of one of the plates. Gently put the other plate on the mull and slowly squeeze the plates together to spread the mull uniformly. Clamp the two plates firmly together in a metal cell holder. Examine the assembled cell by holding it up to the light. It should appear smooth and free of any air bubbles and when placed in the instrument it should give a percent transmittance of 20 to 30 percent at 12.3 microns. Place the cell in the infrared spectrophotometer and record the absorption spectrum from 11.0 to 13.0 microns.

(4) *Treatment of spectra—*(i) *Standard containing 20 percent of polymorph A.* Determine by inspection of the recorded spectrum the exact wavelengths of minimum absorption at approximately 11.3 and 12.65 microns. Also determine by inspection the exact wavelengths of maximum absorption at approximately 11.65 and 11.86 microns. In the following subdivisions, references to these four nominal wavelengths are to the exact wavelengths observed on the particular instrument being used.

(ii) *Standard containing 10 percent of polymorph A.* Draw a straight baseline between the minima occurring at 11.3 and 12.65 microns. Draw straight lines at 11.65 and 11.86 microns intersecting both the recorded spectrum and the baseline. Obtain the corrected absorbances at 11.65 and 11.86 microns and calculate the absorbance ratios as follows:

$$\text{Absorbance ratio} = \frac{{}^{2}11.65 - {}^{3}11.65}{{}^{2}11.86 - {}^{3}11.86}$$

where:

$^{2}11.65$ = Absorbance value of recorded spectrum at 11.65 microns.

$^{3}11.65$ = Absorbance value at point of intersection of the 11.65-micron line with the baseline.

$^{2}11.86$ = Absorbance value of recorded spectrum at 11.86 microns.

$^{3}11.86$ = Absorbance value at point of intersection of the 11.86-micron line with the baseline.

(iii) *Sample.* Proceed as described in subdivision (ii) of this subparagraph.

(5) *Calculation.* The absorbance ratio of the sample must be greater than the absorbance ratio of the standard containing 10 percent of polymorph A.

3. Section 146d.305 *Chloramphenicol palmitate* is amended in the following respects:

a. By changing paragraph (a) (3) and adding thereafter a new subparagraph (4). The affected portions would read as follows:

(a) * * *

(3) Its melting point is 90°±4° C.

(4) Its specific rotation in absolute ethyl alcohol at 25° C. is +23°±2°.

b. By changing in paragraph (d) (1) the words at the end of the last sentence "and melting point" to read "melting point, and specific rotation."

c. By changing in paragraph (d) (2) "300 milligrams" in the first clause to read "500 milligrams."

4. Section 146d.306 is amended by changing paragraph (a), subparagraphs (2) (i) and (ii) and (3) (i) and (ii) of paragraph (d), and paragraph (e) (1) to read as follows:

§ 146d.306 Chloramphenicol palmitate oral suspension.

(a) *Standards of identity, strength, quality, and purity.* Chloramphenicol palmitate oral suspension is chloramphenicol palmitate and one or more suitable and harmless buffer substances, suspending agents, preservatives, colorings, and flavorings, with or without one or more suitable and harmless vitamin substances, suspended in a suitable and harmless vehicle. It contains not less than 25 milligrams of chloramphenicol per milliliter. Its pH is not less than 4.5 and not more than 7.0. Its content of polymorph A crystals does not exceed 10 percent. The chloramphenicol palmitate used conforms to the requirements of § 146d.305(a). Each other substance used, if its name is recognized in the U.S.P. or N.F., conforms to the standards prescribed therefor by such official compendium.

* * * * *

(d) * * *

(2) * * *

(i) The batch; average potency per milliliter, pH, content of polymorph A crystals.

(ii) The chloramphenicol palmitate used in making the batch; potency, toxicity, melting point, absorptivity, specific rotation.

(3) * * *

(i) The batch; one package for each 5,000 packages in the batch, but in no case less than 6, collected by taking single packages at such intervals throughout the entire time of packaging the batch that the quantities packaged during the intervals are approximately equal.

(ii) The chloramphenicol palmitate used in making the batch; 10 packages, each containing approximately equal portions of not less than 500 milligrams, packaged in accordance with the requirements of § 146d.305(b).

* * * * *

(e) * * *

(1) $5.00 for each package in the samples submitted in accordance with paragraph (d)(3)(i) of this section; $4.00 for each package in the sample submitted in accordance with paragraph (d)(3)(ii) and (iii) of this section.

[F.R. Doc. 65-5938; Filed, June 7, 1965; 8:50 a.m.]

Title 28—JUDICIAL ADMINISTRATION

Chapter I—Department of Justice

[Order No. 324-64]

PART 16—PRODUCTION OR DISCLOSURE OF MATERIAL OR INFORMATION

Correction

United States ex rel Touhy v. Ragen is incorrectly cited at the end of § 16.3 of Order No. 324-64 of October 8, 1964 (28 CFR 16.3; F.R. Doc. 64-10403, 29 F.R. 10427), as being reported at "340 U.S. 426". The correct citation is "340 U.S. 462."

Title 38—PENSIONS, BONUSES, AND VETERANS' RELIEF

Chapter I—Veterans Administration

PART 3—ADJUDICATION

Subpart B—Burial Benefits

CLAIMS AND EVIDENCE

In § 3.1601, paragraph (b)(1) is amended to read as follows:

§ 3.1601 Claims and evidence.

* * * * *

(b) *Supporting evidence.* * * *

(1) *Statement of account.* (Preferably on undertaker's bill head) showing name of the deceased veteran, nature and cost of services rendered, and unpaid balance.

* * * * *

(72 Stat. 1114; 38 U.S.C. 210)

This VA Regulation is effective the date of approval.

Approved: June 1, 1965.

By the direction of the Administrator.

[SEAL] CYRIL F. BRICKFIELD,
Deputy Administrator.

[F.R. Doc. 65-5923; Filed, June 7, 1965; 8:47 a.m.]

Title 41—PUBLIC CONTRACTS AND PROPERTY MANAGEMENT

Chapter 101—Federal Property Management Regulations

SUBCHAPTER C—TRANSPORTATION AND MOTOR VEHICLES

PART 101-38—MOTOR EQUIPMENT MANAGEMENT

Motor Vehicle Identification

This amendment revises the motor vehicle identification requirements to provide for the display of the legend "U.S. Government"; to change the height of letters used for more conspicuous identification; and to specify the use of elastomeric pigmented film type decalcomanias for applying the identification.

Subpart 101-38.0—Definition of Terms

In subpart 101-38.0, § 101-38.001-4 is amended to read as follows:

§ 101-38.001-4 Identification.

"Identification" means the official legends "For Official Use Only" and "U.S. Government" and other identification showing either the full name of the department, establishment, corporation, or agency by which it is used and the service in which it is used, or a title descriptive of the service in which it is used, if such title readily identifies the department, establishment, corporation, or agency concerned.

Subpart 101-38.4 is amended to read as follows:

Subpart 101-38.4—Official Legend and Agency Identification

Sec.
101-38.401 General requirements.
101-38.402 Agency identification.
101-38.403 Display of legend and agency identification.
101-38.404 Procurement of decalcomanias.
101-38.405 Removal of legend and agency identification.

AUTHORITY: The provisions of this Subpart 101-38.4 issued under sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c).

§ 101-38.401 General requirements.

(a) Each motor vehicle acquired for official purposes (except vehicles exempted by Subpart 101-38.6) shall display the legends "For Official Use Only" (in letters not less than ½ inch and not over ¾ inch high) and "U.S. Government" (in letters not less than ¾ inch and not over 1 inch high) and agency identification as provided in § 101-38.403. Motor vehicles of the Department of Defense shall be governed by Subpart 101-38.5.

(b) Where motor vehicles at present display agency identification substantially in accordance with this subpart, such identification need not be replaced until necessary because of damage or wear or until replacement can be accomplished without excessive expense.

(c) Motor vehicles rented or leased from private or commercial sources for a period of 6 months or less and used primarily for off-highway work need not display the legends "For Official Use Only" and "U.S. Government" and agency identification; however, such vehicles leased for periods longer than 3 months shall display official U.S. Government tags as prescribed in § 101-38.306.

§ 101-38.402 Agency identification.

The full name of the department, establishment, corporation, or agency by which it is used and the service in which it is used, or a title descriptive of the service in which it is used if such title readily identifies the department, establishment, corporation, or agency concerned, shall be displayed conspicuously in letters of a color that is in definite contrast to the background color. The principal identifying word or words or the full title of such agency identification shall be in letters not less than 1 inch high and not over 1½ inches high. Subsidiary words, or titles of subordinate units, if used, shall be in letters not less than ⅝ inch high and not over ¾ inch high. The identification should be applied through use of decalcomanias (elastomeric pigmented film type). For examples of suggested possible arrangements, see illustration in § 101-38.4903.

§ 101-38.403 Display of legend and agency identification.

Each motor vehicle shall display the legends "For Official Use Only" and "U.S. Government," and immediately below the legends the agency identification located as follows:

(a) On passenger cars, station wagons, ambulances, buses, carryalls, fire trucks, trucks, and tractors, centered on both front doors or in an equivalent position relative to the driver's seat, if there is no door.

(b) On trailers, vertically centered on both sides of front quarter of the vehicle.

(c) On motorcycles (sidecars only), vertically centered on the outside panel of the sidecar.

§ 101-38.404 Procurement of decalcomanias.

GSA will not stock decalcomanias for issue to other agencies. It is the responsibility of each agency to procure the decalcomania (elastomeric pigmented film type) for their use.

§ 101-38.405 Removal of legend and agency identification.

Whenever a motor vehicle is permanently removed from Government service, prior to the transfer of its title or its actual delivery, there shall be removed therefrom the legends "For Official Use Only" and "U.S. Government," agency identification, and any other identification as a Government motor vehicle.

Subpart 101-38.5—Motor Vehicles of the Department of Defense

In Subpart 101-38.5, § 101-38.501 is amended to read as follows:

§ 101-38.501 Commercial design motor vehicles.

Commercial design motor vehicles of the Department of Defense shall be identified as prescribed in Subpart 101-38.4, provided that outside the District of Columbia such vehicles need not carry official Government tags if (a) such vehicles conspicuously display, in the manner provided in Subpart 101-38.4, a title descriptive of the service to which the vehicle is assigned, a registration number assigned by the service, and the legends "For Official Use Only" and "U.S. Government," and (b) the title of the service and the registration number are displayed on the rear of the vehicle, where practicable.

Subpart 101-38.49—Forms and Reports

In Subpart 101-38.49, § 101-38.4903 is amended to read as follows:

§ 101-38.4903 Examples of agency identification.

Agency identification	Letter height (inch)	
	Minimum	Maximum
For Official Use Only	½	⅝
U.S. Government	¾	1
Department of the Interior	1	1½
Bureau of Reclamation	½	⅝
For Official Use Only	¾	¾
U.S. Government	¾	1
Internal Revenue Service	1	1½
For Official Use Only	½	⅝
U.S. Government	¾	1
Atomic Energy Commission	1	1½
For Official Use Only	½	⅝
U.S. Government	¾	1
Federal Aviation Agency	1	1½

(Sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c))

Effective date. These regulations shall become effective June 30, 1965, but may be observed earlier.

Dated: June 1, 1965.

LAWSON B. KNOTT, Jr.,
Acting Administrator of General Services.

[F.R. Doc. 65-5916; Filed, June 7, 1965; 8:46 a.m.]

Title 46—SHIPPING

Chapter II—Maritime Administration, Department of Commerce

SUBCHAPTER B—REGULATIONS AFFECTING MARITIME CARRIERS AND RELATED ACTIVITIES

[General Order 94, Rev.]

PART 221—DOCUMENTATION, TRANSFER OF CHARTER OF VESSELS

Charges for Processing Applications

In F.R. Doc. 65-3502 appearing in the FEDERAL REGISTER issue of April 6, 1965 (30 F.R. 4416), notice was given of proposed amendment of § 221.14. Comments were invited to be filed relative thereto by close of business on May 17, 1965.

As no comments were received on this notice, the amendment of § 221.14, as published aforesaid, is hereby adopted without change.

Dated: May 28, 1965.

By order of the Deputy Maritime Administrator.

JAMES S. DAWSON, Jr.,
Secretary.

§ 221.14 Charges for processing applications for the approval required by sections 9 and 37, Shipping Act, 1916, as amended, or by Maritime Administration contracts covering foreign-flag vessels under the contractual control of the Maritime Administration.

(a) An application for approval pursuant to sections 9 and/or 37, Shipping Act, 1916, as amended, shall be accompanied by a fee in the sum set forth below:

(1) Construction for, sale and/or delivery to, an alien, and/or transfer to foreign registry:

	Per vessel
(i) Vessels of 3000 gross tons and over	$125.00
(ii) Vessels of over 100 gross tons, but less than 3000 gross tons	25.00
(iii) Vessels of 100 gross tons and under	15.00
(2) Mortgage to an alien	25.00
(3) Charter to an alien	25.00
(4) Sale or transfer to an alien of any shipyard, drydock, shipbuilding or ship-repairing plant or facility, or any interest therein, having a capacity to accommodate:	
(i) Vessels of 3000 gross tons and over	125.00
(ii) Vessels of over 100 gross tons, but less than 3000 gross tons	25.00
(iii) Vessels of 100 gross tons and under	15.00
(5) Sale or transfer of stock in a corporation organized under the laws of the United States, or of any State, Territory, District, or Possession thereof, and which owns any vessel, shipyard, drydock, or ship-building or ship-repairing plant or facilities, if by such sale or transfer the controlling interest or a majority of the voting power of said corporation is vested in, or for the benefit of, any person not a citizen of the United States	$25.00
(6) Departure of a vessel from the United States if built in the United States and never cleared for a foreign port, and if no transfer to foreign ownership or registry involved	25.00

(b) An application for approval pursuant to Maritime Administration contracts covering foreign-flag vessels under the contractual control of the Maritime Administration:

	Per vessel
(1) Transfer of ownership and/or transfer of registry	$125.00
(2) Sale or transfer to an alien of stock in the foreign corporate owner of any such vessel	25.00
(3) Charter to an alien	25.00

(c) Application for modification of any approval granted by paragraphs (a) and (b) of this section, the user charge will be the same as if it were an original approval.

(d) All fees set forth in this section will be retained to recover the cost of processing the applications.

(e) Applications for the approvals required pursuant to the above statutes or contracts as set forth in this section should be filed with the Foreign Transfer Branch, Office of Ship Operations, Maritime Administration, Washington, D.C., 20235, on forms which may be obtained from said Branch.

(Sec. 204, 49 Stat. 1987, as amended; 46 U.S.C. 1114)

[F.R. Doc. 65-5903; Filed, June 7, 1965; 8:45 a.m.]

Chapter IV—Federal Maritime Commission

SUBCHAPTER B—REGULATIONS AFFECTING MARITIME CARRIERS AND RELATED ACTIVITIES

[General Order 14; Docket No. 1136]

PART 527—SHIPPERS' REQUESTS AND COMPLAINTS

Pursuant to an amendment to section 15 of the Shipping Act, 1916 (hereinafter quoted), the Federal Maritime Commisson on November 1, 1963, published in the FEDERAL REGISTER (28 F.R. 11698) proposed rules covering the consideration of shippers' requests and complaints and invited written comments from interested persons. Comments were received from various conferences, individual carriers and other interested parties. Oral argument was held on January 27, 1965, and thereafter a proposal submitted by certain shipper interests outlining proposed procedures tailored to suit their particular needs was published on March 13, 1965 (30 F.R. 3392). Interested parties have also filed comments on the shippers' proposal. The Commission has carefully considered the oral arguments and the comments received, and in the light thereof herewith publishes its final rules. Comments and arguments not discussed or reflected herein have been considered and found not justified or not material.

Some parties filing comments contended that the Commission's authority in this area is adjudicatory only, that it can proceed only on an ad hoc basis, and that it is not empowered by the Congress to issue these rules. As amended by Public Law 87-346 (75 Stat. 763-4) section 15 provides in part that:

> The Commission shall disapprove any such agreement, after notice and hearing, on a finding * * * of failure or refusal to adopt and maintain reasonable procedures for promptly and fairly hearing and considering shippers' requests and complaints.

Public Law 87-346, at 75 Stat. 766, also added a new section to the Shipping Act as follows:

> SECTION 43. The Commission shall make such rules and regulations as may be necessary to carry out the provisions of this Act.

It necessarily follows that the Commission is not only authorized but is under a duty to promulgate rules which will afford guidelines to both the shippers and the carriers, so that the purposes of the statute will be adequately and efficiently accomplished.

Objection was also made to § 527.1(b) partly on the ground that the Congress neither intended nor authorized the Commission to maintain a continuing surveillance over conference activities in this field and partly because of the unpleasant connotation attached to the word "surveillance." Since, as previously noted, the Commission must insure the maintenance of adequate procedures, it follows that continuing observation of the manner in which such procedures are being implemented is mandatory. The word "surveillance" has been eliminated from the final rule.

In order to afford both the conferences and the shippers an adequate definition of the statutory language, we have inserted a new section (§ 527.2) under which shippers' requests and complaints are defined. The necessity for such a definition was apparent from the protests and the oral argument. Succeeding sections of these rules have been renumbered accordingly.

Many of the protestants have alleged that the handling of shippers' requests and complaints cannot be subjected to any fixed and rigid procedures, since a large degree of flexibility is necessary to the proper disposition thereof. The shippers were for the most part in favor of establishing set procedures, including machinery for appeal of adverse conference determinations as well as provision for meeting emergent situations through the use of telephone polls. Because of the many ramifications which may arise in dealing with these matters, we agree that set and rigid procedures cannot be applied in all cases. Nevertheless, all conferences do maintain a certain procedural framework for processing these matters through conference channels. This section has been renumbered § 527.3 and further amended so that the Commission will be informed of any changes in the procedural framework.

Certain of the protestants argued that the reporting requirement in proposed § 527.3 (§ 527.4 of the final rules) constitutes an invalid attempt by the Commission to exercise its authority under section 21 of the Shipping Act, 1916. The argument was made that the Commission's authority to require reports rests exclusively in section 21, that a separate order is required for each report, and that each order must specifically identify the "nature of the violation" charged against the respondent to the order. Under section 21 "The Commission may require any common carrier by water * * * to file with it any periodical or special report * * *." The section contains no suggestion that a "violation" must be alleged as a condition to requiring reports nor is it indicated that each periodical report must be engendered by a separate order.

Many of the protestants objected to the resident agent provision as set forth in proposed § 527.4. This provision has been renumbered § 527.5 and has been redrawn to specifically show that it will cover the requests and complaints of shippers domiciled in the United States only.

Therefore, pursuant to section 4 of the Administrative Procedure Act (5 U.S.C. 1003) and sections 15, 21, and 43 of the Shipping Act, 1916 (46 U.S.C. 814, 820, and 841a), Title 46, CFR, is hereby amended by the addition of a new part, Part 527, as follows:

Sec.
527.1 Statement of policy.
527.2 Definitions.
527.3 Filing of procedures.
527.4 Reports.
527.5 Resident agent.
527.6 Tariff provision.

AUTHORITY: The provisions of this Part 527 issued under secs. 15, 21, and 43 of the Shipping Act, 1916, 46 U.S.C. 814, 820, and 841a.

§ 527.1 Statement of policy.

(a) Section 2 of Public Law 87-346 effective on October 3, 1961, amends section 15 of the Shipping Act, 1916, to provide that the Commission shall disapprove any agreement after notice and hearing on a finding or failure or refusal to adopt and maintain reasonable procedures for promptly and fairly hearing and considering shippers' requests and complaints.

(b) The Commission deems it to be its responsibility to see to it that rate-making groups operating under approved section 15 agreements have adopted and are maintaining the reasonable procedures referred to in paragraph (a) of this section. This necessitates continuing observation of the manner in which such procedures are implemented.

§ 527.2 Definitions.

The phrase "shippers' requests and complaints" as used in the rules of this part means any communication requesting a change in tariff rates, rules, or regulations; the protesting of, or objecting to, existing tariff rates, rules, or regulations; objecting to rate increases or other tariff changes; and protests against alleged erroneous billings due to an incorrect commodity classification, incorrect weight or measurement of cargo, or other implementation of the tariff. Routine requests for rate information, sailing schedules, space availability, and the like are not included in the foregoing.

§ 527.3 Filing of procedures.

Within 60 days from the effective date of this part, each rate-making group operating under an approved section 15 agreement shall file with the Commission a statement outlining in complete detail its procedures for the disposition of shippers' requests and complaints. In January of each year thereafter, each of the above shall file a report covering all changes made in these procedures during the past year, and, in the event the procedures have continued unchanged, the report shall so state.

§ 527.4 Reports.

By January 31, April 30, July 31, and October 31 of each year, each conference and each other body with rate-fixing authority under an approved agreement shall file with the Commission a report covering all shippers' requests and complaints received during the preceding 3-month period or pending at the beginning of such period, such report to include the following information for each request or complaint:

(a) Date request or complaint was received.

(b) Identity of the person or firm submitting the request or complaint.

(c) Nature of request or complaint, i.e., rate reduction, rate establishment, classification, overcharge, undercharge, measurement etc.

(d) If final action was taken, date and nature thereof.

(e) If final action was not taken, an identification of the request or complaint as "pending."

(f) If denied, the reason.

§ 527.5 Resident representative.

Conferences and other rate-making groups domiciled outside the United States shall designate a resident representative in the United States with whom shippers situated in the United States may lodge their requests and complaints. The resident representative shall maintain for a period of 2 years a complete record of requests and complaints filed with him by shippers and consignees situated in the United States and its territories.

§ 527.6 Tariff provision.

Tariffs issued by or on behalf of conferences and other rate-making groups shall contain full instructions as to where and by what method shippers may file their requests and complaints, together with a sample of the rate request form, if one is used, or, in lieu thereof, a statement as to what supporting information is considered necessary for processing the request or complaint through conference channels. Appropriate tariff provision shall be accomplished within 90 days from the effective date of this part.

Effective date. This part will become effective on July 9, 1965.

By the Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 65-5923; Filed, June 7, 1965; 8:47 a.m.]

Title 49—TRANSPORTATION

Chapter I—Interstate Commerce Commission

SUBCHAPTER B—CARRIERS BY MOTOR VEHICLE

[Ex Parte MC-40]

PART 192—DRIVING OF MOTOR VEHICLES

Railroad Grade Crossings; Slowing Down and Stopping Required

At a session of the Interstate Commerce Commission, Division 1, acting as an Appellate Division, held at its office in Washington, D.C., on the 24th day of May A.D. 1965.

The matter of driving of motor vehicles under the Motor Carrier Safety Regulations prescribed by order of April 14, 1952, being under consideration; and

It appearing, that on March 27, 1964, a notice of proposed rule making was issued followed by an amending order issued May 7, 1964, in the above-entitled proceeding, with respect to proposals to amend §§ 192.10 and 192.11 of Part 192 of the Motor Carrier Safety Regulations in their entirety;

It further appearing, that pursuant to such notice and the invitation contained therein, certain persons desiring to participate in the proceeding have submitted written statements containing data, views, and arguments concerning the proposed amendments;

It further appearing, that by order of November 27, 1964, the Commission, Motor Carrier Board No. 2 (effective date stayed by the timely filing of petitions), amended § 192.10 of Part 192 of the Motor Carrier Safety Regulations, as pertinent here, by requiring that certain cargo tank motor vehicles not heretofore required to stop at described railroad grade crossings be required to stop; and that all vehicles described in § 192.10 (a) (1) through (8) of the proposed rules be equipped with a sign on the rear, in retroreflective letters at least 3 inches high on a background of contrasting colors, clearly indicating that the motor vehicle stops at grade crossings;

It further appearing, that said order also amended § 192.11 which, as amended, requires all trucks not required to

stop at railroad grade crossings to drive at a speed of not greater than 25 miles per hour at prescribed distances from said crossings;

It further appearing, that investigation of the matter and things involved in this proceeding has been made, and said division, on the date hereof, has made and filed a report herein containing its findings of fact and conclusions thereon, which report, and the prior reports herein, are hereby made a part hereof;

Wherefor, and good cause appearing therefor, and upon consideration of the record in the above-entitled proceeding and of:

1. Petition of National Association of Motor Bus Owners, protestant, filed December 30, 1964, for reconsideration of said order of Motor Carrier Board No. 2;

2. Petition of American Trucking Associations, Inc., and National Tank Truck Carriers, Inc., protestants, filed December 31, 1964, for reconsideration, of said order, embracing a motion that the order be stayed pending a Court determination in Prevention of Rail-Highway Grade-Crossing Accidents, 322 I.C.C. 1;

3. Petition of the Private Carrier Conference, Inc., protestant, filed December 31, 1964, for reconsideration of said order, embracing a motion for a stay of the proceeding as sought in (2) above;

4. Petition of National Trailways Bus System, protestant, filed February 9, 1965, for leave to intervene, embracing a tendered petition for reconsideration of said order:

It is ordered, That the petition in (4) above be, and it is hereby, accepted for filing.

It is further ordered, That the embraced motions in (2) and (3) above be, and they are hereby, overruled for the reason that disposition of the issues in the proceeding referred to therein does not conflict with the proposed revisions of the Motor Carrier Safety Regulations;

It is further ordered, That § 192.10, as prescribed in the orders entered in this proceeding on April 14, 1952 (17 F.R. 4426), and November 27, 1964 (29 F.R. 16256), be, and it is hereby, vacated and set aside, and the following language, which revises § 192.10 be, and it is hereby, substituted in lieu thereof:

§ 192.10 Railroad grade crossings; stopping required.

(a) Except as provided in paragraph (b) of this section, the driver of any motor vehicle described in subparagraphs (1) through (8) of this paragraph before crossing at grade any track or tracks of a railroad, shall stop such vehicle within 50 feet but not less than 15 feet from the nearest rail of such railroad and while so stopped shall listen and look in both directions along such track for any approaching train, and for signals indicating the approach of a train, and shall not proceed until such precautions have been taken and until he has ascertained that the course is clear.

(1) Every bus transporting passengers,

(2) Every motor vehicle transporting any quantity of explosives, Class A or Class B,

(3) Every motor vehicle transporting any quantity of poison gas, Class A,

(4) Every motor vehicle transporting any quantity of chlorine,

(5) Every motor vehicle which in accordance with the Commission's regulations is required to be marked or placarded with one of the following markings:

(i) Dangerous,

(ii) Compressed gas,

(iii) Dangerous—Radioactive materials.

(6) Every cargo tank motor vehicle, whether loaded or empty, used for the transportation of any dangerous article as defined in the regulations of the Commission or for the transportation of any liquid having a flashpoint below 200° Fahrenheit, as determined by the Standard Method of Test for Flash Point of the American Society for Testing and Materials, 1916 Race Street, Philadelphia, Pa., 19103, as set forth in ASTM D–56–61, ASTM D–92–57, or ASTM D–93–62, and referenced by the National Fire Protection Association, 60 Batterymarch Street, Boston 10, Mass., in Pamphlet No. 385, 1964 edition.

(7) Every cargo tank motor vehicle transporting a commodity which at the time of loading has a temperature above its flashpoint as determined by the same standard method of testing as prescribed in subparagraph (6) of this paragraph.

(8) Every cargo tank motor vehicle, whether loaded or empty, transporting any commodity under special permit in accordance with the provisions of § 73.22 of this chapter.

(b) A stop need not be made at:

(1) A street car crossing, or railroad tracks used exclusively for industrial switching purposes, within a business district as defined in § 190.12 of this chapter,

(2) A railroad grade crossing when a police officer or crossing flagman directs traffic to proceed,

(3) A railroad grade crossing where a stop and go traffic light controls movement of traffic,

(4) An abandoned railroad grade crossing which is marked with a sign indicating that the rail line is abandoned,

(5) An industrial or spur line railroad grade crossing marked with a sign reading "Exempt Crossing." Such "Exempt Crossing" signs shall be erected only by or with the consent of the appropriate State or local authority.

It is further ordered, That § 192.11 as prescribed in the order entered in this proceeding on November 27, 1964 (29 F.R. 16256), be, and it is hereby, vacated and set aside, and the original regulation as prescribed in § 192.11 by the order entered on April 14, 1952, be retained as stated below;

§ 192.11 Railroad grade crossings; slowing down required.

Every motor vehicle other than those listed in § 192.10 shall, upon approaching a railroad grade crossing, be driven at a rate of speed which will permit said motor vehicle to be stopped before reaching the nearest rail of such crossing and shall not be driven upon or over such crossing until due caution has been taken to ascertain that the course is clear.

(Sec. 204, 49 Stat. 548, as amended; 49 U.S.C.)

It is further ordered, That this order shall become effective July 9, 1965, and shall remain in effect until the further order of the Commission.

And it is further ordered, That copies of this order shall be given to motor carriers, other persons of interest, and to the general public by depositing a copy thereof in the office of the Secretary of the Interstate Commerce Commission, Washington, D.C., and filing a copy thereof with the Director, Office of the Federal Register.

By the Commission, Division 1, Acting as an Appellate Division.

[SEAL] BERTHA F. ARMES, *Acting Secretary.*

[F.R. Doc. 65–5921; Filed, June 7, 1965; 8:47 a.m.]

Proposed Rule Making

DEPARTMENT OF THE TREASURY

Internal Revenue Service

[26 CFR Part 1]

INCOME TAXES

Proposed Adjustments to Basis of Stock in Controlled Foreign Corporations and of Other Property

Notice is hereby given, pursuant to the Administrative Procedure Act, approved June 11, 1946, that the regulations set forth in tentative form below are proposed to be prescribed by the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury or his delegate. Prior to the final adoption of such regulations, consideration will be given to any comments or suggestions pertaining thereto which are submitted in writing, in duplicate, to the Commissioner of Internal Revenue, Attention: CC:LR, Washington, D.C., 20224, within the period of 30 days from the date of publication of this notice in the FEDERAL REGISTER. Any person submitting written comments or suggestions who desires an opportunity to comment orally at a public hearing on these proposed regulations should submit his request, in writing, to the Commissioner within the 30-day period. In such a case, a public hearing will be held, and notice of the time, place, and date will be published in a subsequent issue of the FEDERAL REGISTER. The proposed regulations are to be issued under the authority contained in section 7805 of the Internal Revenue Code of 1954 (68A Stat. 917; 26 U.S.C. 7805).

[SEAL] SHELDON S. COHEN, *Commissioner of Internal Revenue.*

In order to conform the Income TAX Regulations (26 CFR Part 1) to section 961 of the Internal Revenue Code of 1954, as added by section 12(a) of the Revenue Act of 1962 (76 Stat. 1006), such regulations are amended as follows effective with respect to taxable years of foreign corporations beginning after December 31, 1962, and to taxable years of United States shareholders within which or with which such taxable years of such foreign corporations end:

§ 1.961 Statutory provisions; adjustments to basis of stock in controlled foreign corporations and of other property.

SEC. 961. *Adjustments to basis of stock in controlled foreign corporations and of other property*—(a) *Increase in basis.* Under regulations prescribed by the Secretary or his delegate, the basis of a United States shareholder's stock in a controlled foreign corporation, and the basis of property of a United States shareholder by reason of which he is considered under section 958(a)(2) as owning stock of a controlled foreign corporation, shall be increased by the amount required to be included in his gross income under section 951(a) with respect to such stock or with respect to such property, as the case may be, but only to the extent to which such amount was included in the gross income of such United States shareholder. In the case of a United States shareholder who has made an election under section 962 for the taxable year, the increase in basis provided by this subsection shall not exceed an amount equal to the amount of tax paid under this chapter with respect to the amounts required to be included in his gross income under section 951(a).

(b) *Reduction in basis*—(1) *In general.* Under regulations prescribed by the Secretary or his delegate, the adjusted basis of stock or other property with respect to which a United States shareholder or a United States person receives an amount which is excluded from gross income under section 959(a) shall be reduced by the amount so excluded. In the case of a United States shareholder who has made an election under section 962 for any prior taxable year, the reduction in basis provided by this paragraph shall not exceed an amount equal to the amount received which is excluded from gross income under section 959(a) after the application of section 962(d).

(2) *Amount in excess of basis.* To the extent that an amount excluded from gross income under section 959(a) exceeds the adjusted basis of the stock or other property with respect to which it is received, the amount shall be treated as gain from the sale or exchange of property.

(Sec. 961 as added by sec. 12(a), Rev. Act 1962 (76 Stat. 1006))

§ 1.961–1 Increase in basis of stock in controlled foreign corporations and of other property.

(a) *Increase in basis*—(1) *In general.* Except as provided in subparagraph (2) of this paragraph, the basis of a United States shareholder's—

(i) Stock in a controlled foreign corporation; or

(ii) Property (as defined in paragraph (b)(1) of this section) by reason of the ownership of which he is considered under section 958(a)(2) as owning stock in a controlled foreign corporation,

shall be increased under section 961(a), as of the last day in the taxable year of such corporation on which it is a controlled foreign corporation, by the amount required to be included with respect to such stock or such property in such shareholder's gross income under section 951(a) for his taxable year in which or with which such taxable year of such corporation ends. The increase in basis provided by the preceding sentence shall be made only to the extent to which such amount required to be included in gross income under section 951(a) was so included in gross income.

(2) *Limitation on amount of increase in case of election under section 962.* In the case of a United States shareholder who makes the election under section 962 for the taxable year, the amount of the increase in basis provided by subparagraph (1) of this paragraph shall not exceed the amount of United States tax paid in accordance with such election with respect to the amounts included in such shareholder's gross income under section 951(a) for such year (as determined under § 1.962–1).

(b) *Rules of application*—(1) *Property defined.* The property of a United States shareholder referred to in paragraph (a)(1)(ii) of this section shall consist of—

(i) Stock in a foreign corporation;

(ii) An interest in a foreign partnership; or

(iii) A beneficial interest in a foreign estate or trust (as defined in section 7701(a)(31)).

(2) *Increase with respect to each share of stock.* Any increase under paragraph (a) of this section in the basis of a United States shareholder's stock in a foreign corporation shall be made in the amount included in gross income under section 951(a) or in the amount of United States tax paid in accordance with an election under section 962, as the case may be, with respect to each share of such stock.

(c) *Illustration.* The application of this section may be illustrated by the following examples:

Example (1). Domestic corporation M owns 800 of the 1,000 shares of the one class of stock in controlled foreign corporation R which owns all of the one class of stock in controlled foreign corporation S. Corporations M, R, and S use the calendar year as a taxable year. In 1964, S Corporation has $100,000 of earnings and profits after the payment of $11,250 of foreign income taxes, and $100,000 of subpart F income. Corporation R has no earnings and profits. With respect to S Corporation, M Corporation is required to include in gross income $80,000 (800/1,000×$100,000) under section 951(a), and $9,000 ($80,000/$100,000×$11,250) under section 78. On December 31, 1964, M Corporation must increase the basis of each share of its stock in R Corporation by $100 ($80,000/800).

Example (2). A, an individual United States shareholder, owns all of the 1,000 shares of the one class of stock in controlled foreign corporation T. Corporation T and A use the calendar year as a taxable year. In 1964, T Corporation has $80,000 of earnings and profits after the payment of $20,000 of foreign income taxes, and $80,000 of subpart F income. A makes the election under section 962 for 1964 and in accordance with such election pays a United States tax of $23,000 with respect to the $80,000 included in his gross income under section 951(a). On December 31, 1964, A must increase the basis of each share of his stock in T Corporation by $23 ($23,000/1,000).

§ 1.961–2 Reduction in basis of stock in foreign corporations and of other property.

(a) *Reduction in basis*—(1) *In general.* Except as provided in subparagraph (2) of this paragraph, the adjusted basis of a United States person's—

(i) Stock in a foreign corporation;

(ii) Interest in a foreign partnership; or

(iii) Beneficial interest in a foreign estate or trust (as defined in section 7701(a)(31)),

with respect to which such United States person receives an amount which is ex-

cluded from gross income under section 959(a), shall be reduced under section 961(b), as of the time such person receives such excluded amount, by the sum of the amount so excluded and any income, war profits, or excess profits taxes imposed by any foreign country or possession of the United States on or with respect to the earnings and profits attributable to such excluded amount when such earnings and profits were actually distributed directly or indirectly through a chain of ownership described in section 958(a)(2).

(2) *Limitation on amount of reduction in case of election under section 962.* In the case of a distribution of earnings and profits attributable to amounts with respect to which an election under section 962 has been made, the amount of the reduction in basis provided by subparagraph (1) of this paragraph shall not exceed the sum of—

(i) The amount of such distribution which is excluded from gross income under section 959(a) after the application of section 962(d) and § 1.962–3; and

(ii) Any income, war profits, or excess profits taxes imposed by any foreign country or possession of the United States on or with respect to the earnings and profits attributable to such excluded amount when such earnings and profits were actually distributed directly or indirectly through a chain of ownership described in section 958(a)(2).

(b) *Reduction with respect to each share of stock.* Any reduction under paragraph (a) of this section in the adjusted basis of a United States person's stock in a foreign corporation shall be made with respect to each share of such stock in the sum of—

(1) (i) The amount excluded from gross income under section 959(a); or

(ii) The amount excluded from gross income under section 959(a) after the application of section 962(d) and § 1.962–3; and

(2) The amount of any income, war profits, or excess profits taxes imposed by any foreign country or possession of the United States on or with respect to the earnings and profits attributable to such excluded amount when such earnings and profits were actually distributed directly or indirectly through a chain of ownership described in section 958(a)(2).

(c) *Amount in excess of basis.* To the extent that the amount of the reduction in the adjusted basis of property provided by paragraph (a) of this section exceeds such adjusted basis, the amount shall be treated as gain from the sale or exchange of property.

(d) *Illustration.* The application of this section may be illustrated by the following examples:

Example (1). (a) Domestic corporation M owns all of the 1,000 shares of the one class of stock in controlled foreign corporation R, which owns all of the 500 shares of the one class of stock in controlled foreign corporation S. Each share of M Corporation's stock in R Corporation has a basis of $200. Corporations M, R, and S use the calendar year as a taxable year. In 1963, S Corporation has $100,000 of earnings and profits after the payment of $50,000 of foreign income taxes and $100,000 of subpart F income. For 1963, M Corporation includes $100,000 in gross income under section 951(a) with respect to S Corporation. In accordance with the provisions of § 1.961–1, M Corporation increases the basis of each of its 1,000 shares of stock in R Corporation to $300 ($200+$100,000/1,000) as of December 31, 1963.

(b) On July 31, 1964, M Corporation sells 350 of its shares of stock in R Corporation to domestic corporation N at a price of $350 per share. Corporation N satisfies the requirements of paragraph (d) of § 1.959–1 so as to qualify as M Corporation's successor in interest. On September 30, 1964, the earnings and profits attributable to the $100,000 included in M Corporation's gross income under section 951(a) for 1963 are distributed to R Corporation which incurs a withholding tax of $10,000 on such distribution (10 percent of $100,000) and an additional foreign income tax of 33⅓ percent or $30,000 by reason of the inclusion of the net distribution of $90,000 ($100,000 minus $10,000) in its taxable income for 1964. On June 30, 1965, R Corporation distributes the remaining $60,000 of such earnings and profits to corporations M and N: Corporation M receives $45,000 (750/1,000×$60,000) and excludes such amount from gross income under section 959(a); Corporation N receives $15,000 (250/1,000×$60,000) and, as M Corporation's successor in interest, excludes such amount from gross income under section 959(a). As of June 30, 1965, M Corporation must reduce the adjusted basis of each of its 750 shares of stock in R Corporation to $300 ($300 minus ($45,000/750+$10,000/1,000+$90,000/1,000)); and N Corporation must reduce the basis of each of its 350 shares of stock in R Corporation to $250 ($350 minus ($15,000/250+$10,000/1,000+$30,000/1,000)).

Example (2). The facts are the same as in paragraph (a) of example (1), except that in addition, on July 31, 1964, E Corporation sells its 500 shares of stock in S Corporation to domestic corporation P at a price of $600 per share. Corporation P satisfies the requirements of paragraph (d) of § 1.959–1 so as to qualify as M Corporation's successor in interest. On September 30, 1964, S Corporation distributes $100,000 of earnings and profits to P Corporation, which earnings and profits are attributable to the $100,000 included in M Corporation's gross income under section 951(a) for 1963. Corporation P incurs a withholding tax of $10,000 on the distribution from S Corporation (10 percent of $100,000). As M Corporation's successor in interest, P Corporation excludes the $90,000 it receives from gross income under section 959(a). As of September 30, 1964, P Corporation must reduce the basis of each of its 500 shares of stock in S Corporation to $400 ($600 minus ($90,000/500+$10,000/500)).

[F.R. Doc. 65–5878; Filed, June 7, 1965; 8:47 a.m.]

DEPARTMENT OF AGRICULTURE

Consumer and Marketing Service

[7 CFR Part 29]

DARK AIR-CURED TOBACCO

Proposed Official Standard Grades

Notice is hereby given that the United States Department of Agriculture is considering a modification, as hereinafter proposed, of the Official Standard Grades for Dark Air-cured Tobacco, U.S. Types 35, 36, and 37, pursuant to the authority contained in the Tobacco Inspection Act (49 Stat. 731; 7 U.S.C. 511 et seq.).

Statement of considerations leading to the proposed modification. The official Standard Grades for Dark Air-cured Tobacco were promulgated in January 1940. These grades have remained unchanged during the past 25 years with the exception of an amendment which was adopted in December 1944. This amendment added two Heavy Leaf grades and redesignated one color term.

Meanwhile, physical properties of tobacco have gradually undergone changes. Some of these characteristic differences evolve from the adoption of recent scientific developments and technological advancements in tobacco culture. To determine the extent of the changes that have occurred in these tobaccos since 1944, market offerings of the past few years were observed and appraised in relation to the existing standards. The most comprehensive study of this nature was conducted during the 1964 marketing season, and results of these evaluations are reflected in the proposed modification.

Provisions of this proposal were discussed with field personnel as well as members of tobacco associations and trade organizations. No criticisms of the proposed changes in the standards were offered during these discussions.

The proposed modification would add grade C3G; develop specifications for six grades of Nondescript; modify specifications for existing grades; establish the designation "No Grade" to cover substandard tobacco; clarify present definitions and rules and establish new definitions and rules; authorize use of U.S. size 46 for type 37 tobacco; and incorporate the following charts: Elements of quality, U.S. standard tobacco 4-inch sizes, summary of standard grades, U.S. standard sizes applicable to each type, and a key to standard grademarks. Also, as a result of the proposed modification, the use of the nine subgrades B3FV, B4FV, B5FV, C3FV, C4FV, C5FV, X3FV, X4FV, and X5FV would be discontinued.

All persons who desire to submit written data, views, or arguments in connection with the proposed modification should file the same, in duplicate, with the Hearing Clerk, U.S. Department of Agriculture, Room 112, Administration Building, Washington, D.C., 20250, not later than the 30th days after the publication of this notice in the FEDERAL REGISTER. All written submissions made pursuant to the notice will be made available for public inspection at the office of the Hearing Clerk during official hours of business (7 CFR 1.27(b) as amended at 29 F.R. 7311).

The proposed modification is as follows:

1. Subpart C of Part 29 is amended by deleting "Official Standard Grades for Dark Air-cured Tobacco (U.S. Types 35, 36, and 37)" and §§ 29.501 to 29.582 and by substituting therefor, immediately after § 29.3407, the following:

OFFICIAL STANDARD GRADES FOR DARK AIR-CURED TOBACCO (U.S. TYPES 35, 36, AND 37)

DEFINITIONS

Sec.
29.3501 Definitions.
29.3502 Air-cured.
29.3503 Air-dried.
29.3504 Body.

Sec.
29.3505 Brown colors.
29.3506 Class.
29.3507 Clean.
29.3508 Color.
29.3509 Color intensity.
29.3510 Color symbols.
29.3511 Condition.
29.3512 Crude.
29.3513 Cured.
29.3514 Damage.
29.3515 Dirty.
29.3516 Elasticity.
29.3517 Finish.
29.3518 Foreign matter.
29.3519 Form.
29.3520 Grade.
29.3521 Grademark.
29.3522 Green (G).
29.3523 Group.
29.3524 Injury.
29.3525 Leaf scrap.
29.3526 Leaf structure.
29.3527 Leaf surface.
29.3528 Length.
29.3529 Lot.
29.3530 Maturity.
29.3531 Mixed (M).
29.3532 Nested.
29.3533 No grade.
29.3534 Offtype.
29.3535 Order (case).
29.3536 Package.
29.3537 Packing.
29.3538 Quality.
29.3539 Raw.
29.3540 Resweated.
29.3541 Rework.
29.3542 Semicured.
29.3543 Side.
29.3544 Size.
29.3545 Sound.
29.3546 Special factor.
29.3547 Steam-dried.
29.3548 Stem.
29.3549 Stemmed.
29.3550 Strips.
29.3551 Subgrade.
29.3552 Sweated.
29.3553 Sweating.
29.3554 Tobacco.
29.3555 Tobacco products.
29.3556 Type.
29.3557 Type 35.
29.3558 Type 36.
29.3559 Type 37.
29.3560 Undried.
29.3561 Uniformity.
29.3562 Unsound (U).
29.3563 Unstemmed.
29.3564 Variegated.
29.3565 Wet (W).
29.3566 Width.

ELEMENTS OF QUALITY

29.3586 Elements of quality and degrees of each element.

SIZES

29.3591 U.S. Standard Tobacco 4-Inch Sizes.

RULES

29.3601 Rules.
29.3602 Rule 1.
29.3603 Rule 2.
29.3604 Rule 3.
29.3605 Rule 4.
29.3606 Rule 5.
29.3607 Rule 6.
29.3608 Rule 7.
29.3609 Rule 8.
29.3610 Rule 9.
29.3611 Rule 10.
29.3612 Rule 11.
29.3613 Rule 12.
29.3614 Rule 13.
29.3615 Rule 14.
29.3616 Rule 15.
29.3617 Rule 16.
29.3618 Rule 17.
29.3619 Rule 18.
29.3620 Rule 19.
29.3621 Rule 20.
29.3622 Rule 21.
29.3623 Rule 22.
29.3624 Rule 23.
29.3625 Rule 24.

GRADES

29.3646 Wrappers (A Group).
29.3647 Heavy Leaf (B Group).
29.3648 Thin Leaf (C Group).
29.3649 Tips (T Group).
29.3650 Lugs (X Group).
29.3651 Nondescript (N Group).
29.3652 Scrap (S Group).

SUMMARY OF STANDARD GRADES

29.3676 Summary of Standard Grades.

APPLICABLE U.S. STANDARD SIZES

29.3581 Applicable U.S. Standard Sizes.

KEY TO STANDARD GRADEMARKS

29.3686 Key to Standard Grademarks.

DEFINITIONS

§ 29.3501 Definitions.

As used in §§ 29.3501 to 29.3686, the words and phrases hereinafter defined shall have the indicated meanings so assigned.

§ 29.3502 Air-cured.

Tobacco cured under natural atmospheric conditions without the use of fire, except for the purpose of preventing pole-burn in damp weather.

§ 29.3503 Air-dried.

The condition of unfermented tobacco as customarily prepared for storage under natural atmospheric conditions.

§ 29.3504 Body.

The thickness and density of a leaf or the weight per unit of surface. (See Elements of Quality, § 29.3586.)

§ 29.3505 Brown colors.

A group of colors ranging from a light brown to a dark brown. These colors vary from medium to low saturation and from medium to very low brilliance. As used in these standards, the colors are expressed as light brown (L), medium brown (F), reddish brown (R), and dark brown (D).

§ 29.3506 Class.

A major division of tobacco based on method of cure or principal usage.

§ 29.3507 Clean.

Tobacco is described as clean when it contains only a normal amount of sand or soil particles. Leaves grown on the lower portion of the stalk normally contain more dirt or sand than those from higher stalk positions. (See rule 4, § 29.3605.)

§ 29.3508 Color.

The third factor of a grade based on the relative hues, saturations or chromas, and color values common to the type.

§ 29.3509 Color intensity.

The varying degree of saturation or chroma. Color intensity as applied to tobacco describes the strength or weakness of a specific color or hue. It is applicable to all colors except green. (See Elements of Quality, § 29.3586.)

§ 29.3510 Color symbols.

As applied to Dark Air-cured tobacco, color symbols are L—light brown, F—medium brown, R—reddish brown, D—dark brown, M—mixed, and G—green.

§ 29.3511 Condition.

The state of tobacco which results from the method of preparation or from the degree of fermentation. Words used to describe the condition of tobacco are: Undried, air-dried, steam-dried, sweating, sweated, and aged.

§ 29.3512 Crude.

A subdegree of maturity. Crude leaves are usually hard and slick as a result of extreme immaturity. A similar condition may result from firekill, sunburn, or sunscald. Any leaf which is crude to the extent of 20 percent or more of its leaf surface may be described as crude. (See rule 20, § 29.3621.)

§ 29.3513 Cured.

Tobacco dried of its sap by either natural or artificial processes.

§ 29.3514 Damage.

The effect of mold, must, rot, black rot, or other fungus or bacterial diseases which attack tobacco in its cured state. Tobacco having the odor of mold, must, or rot is considered damaged. (See rule 24, § 29.3625.)

§ 29.3515 Dirty.

The state of tobacco containing an abnormal amount of dirt or sand, or tobacco to which additional quantities of dirt or sand have been added. (See rule 24, § 29.3625.)

§ 29.3516 Elasticity.

The flexile, springy nature of the tobacco leaf to recover approximately its original size and shape after it has been stretched. (See Elements of Quality, § 29.3586.)

§ 29.3517 Finish.

The reflectance factor in color perception. Finish indicates the sheen or shine of the surface of a tobacco leaf. (See Elements of Quality, § 29.3586.)

§ 29.3518 Foreign matter.

Any extraneous substance or material such as stalks, suckers, straw, strings, and rubber bands. Abnormal amounts of dirt or sand are also included. (See rule 24, § 29.3625.)

§ 29.3519 Form.

The stage of preparation of tobacco such as unstemmed or stemmed.

§ 29.3520 Grade.

A subdivision of a type according to group, quality, and color.

§ 29.3521 Grademark.

A grademark normally consists of three symbols which indicate group, quality, and color. A letter is used to indicate group, a numbr to indicate quality, and a letter or letters to indicate color. For example, B3D means Heavy Leaf, third quality, and dark brown color.

§ 29.3522 Green (G).

A term applied to green-colored, immature, or crude tobacco. Any leaf which has a green color affecting 20 percent or more of its leaf surface may be described as green. (See rule 19, § 29.3620.)

§ 29.3523 Group.

A division of a type covering closely related grades based on certain characteristics which are related to stalk position, body, or the general quality of the tobacco. Groups in Dark Air-cured types are: Wrappers (A), Heavy Leaf (B), Thin Leaf (C), Tips (T), Lugs (X), Nondescript (N), and Scrap (S).

§ 29.3524 Injury.

Hurt or impairment from any cause except the fungus or bacterial diseases which attack tobacco in its cured state. (See definition of Damage, § 29.3514.) Injury to tobacco may be caused by field diseases, insects, or weather conditions; insecticides, fungicides, or cell growth inhibitors; nutritional deficiencies or excesses; or improper fertilizing, harvesting, curing, or handling. Injured tobacco includes dead, burned, hail-cut, torn, broken, frostbitten, sunburned, sunscalded, scorched, fire-killed, bulk-burnt, steam-burnt, house-burnt, bleached, bruised, discolored, or deformed leaves; or tobacco affected by wildfire, rust, frogeye, mosaic, root rot, wilt, black shank, or other diseases. (See rule 15, § 29.3616.)

§ 29.3525 Leaf scrap.

A byproduct of unstemmed tobacco. Leaf scrap results from handling unstemmed tobacco and consists of loose and tangled whole or broken leaves.

§ 29.3526 Leaf structure.

The cell development of a leaf as indicated by its porosity. (See Elements of Quality, § 29.3586.)

§ 29.3527 Leaf surface.

The roughness or smoothness of the web or lamina of a tobacco leaf. Leaf surface is affected to some extent by the size and shrinkage of the veins or fibers. (See Elements of Quality, § 29.3586.)

§ 29.3528 Length.

The linear measurement of cured tobacco leaves from the butt of the midrib to the extreme tip. (See U.S. Standard Tobacco 4-Inch Sizes, § 29.3591.)

§ 29.3529 Lot.

A pile, basket, bulk, or more than one bale, case, hogshead, tierce, package, or other definite package unit.

§ 29.3530 Maturity.

The degree of ripeness. (See Elements of Quality, § 29.3586, and rule 16, § 29.3617.)

§ 29.3531 Mixed (M).

Variegated or distinctly different colors of the type mingled together. (See rules 17, § 29.3618; 18, § 29.3619.)

§ 29.3532 Nested.

Any tobacco which has been loaded, packed, or arranged to conceal foreign matter or tobacco of inferior grade, quality, or condition. Nested includes: (a) Any lot of tobacco which contains foreign matter or damaged, injured, tangled, or other inferior tobacco, any of which cannot be readily detected upon inspection because of the way the lot is packed or arranged; (b) any lot of tied tobacco which contains foreign matter in the inner portions of the hands or which contains foreign matter in the heads under the tie leaves; (c) any lot of tied tobacco in which the leaves on the outside of the hands are placed or arranged to conceal inferior quality leaves on the inside of the hands or which contains wet tobacco or tobacco of lower quality in the heads under the tie leaves; and (d) any lot of tobacco which consists of distinctly different grades, qualities, or conditions and which is stacked or arranged in layers with the same kinds together so that the tobacco in the lower layer or layers is distinctly inferior in grade, quality, or condition from the tobacco in the top or upper layers. (See rule 24, § 29.3625.)

§ 29.3533 No Grade.

A designation applied to a lot of tobacco classified as nested, offtype, rework, or semicured; tobacco that is damaged 20 percent or more, abnormally dirty, extremely wet or watered, contains foreign matter, or has an odor foreign to the type. (See rule 24, § 29.3625.)

§ 29.3534 Offtype.

Tobacco of distinctly different characteristics which cannot be classified as Dark Air-cured, U.S. Type 35, 36, or 37. (See rule 24, § 29.3625.)

§ 29.3535 Order (case).

The state of tobacco with respect to its moisture content.

§ 29.3536 Package.

A hogshead, tierce, case, bale, or other securely enclosed parcel or bundle.

§ 29.3537 Packing.

A lot of tobacco consisting of a number of packages submitted as one definite unit for sampling or inspecting. It is represented to contain the same kind of tobacco and has a common identification number or mark on each package.

§ 29.3538 Quality.

A division of a group or the second factor of a grade based on the relative degree of one or more elements of quality in tobacco.

§ 29.3539 Raw.

Freshly harvested tobacco or tobacco as it appears between the time of harvesting and the beginning of the curing process.

§ 29.3540 Resweated.

The condition of tobacco which has passed through a second fermentation under abnormally high temperatures or refermented with a relatively high percentage of moisture. Resweated includes tobacco which has been dipped or reconditioned after its first fermentation and put through a forced or artificial sweat.

§ 29.3541 Rework.

Any lot of tobacco which needs to be resorted or otherwise reworked to prepare it properly for market in the manner which is customary in the type area, including: (a) Tobacco which is so mixed that it cannot be classified properly in any grade of the type, because the lot contains a substantial quantity of two or more distinctly different grades which should be separated by sorting; (b) tobacco which contains an abnormally large quantity of foreign matter or an unusual number of muddy or extremely dirty leaves which should be removed; and (c) tobacco not tied in hands, not packed straight, not properly tied, or otherwise not properly prepared for market. (See rule 24, § 29.3625.)

§ 29.3542 Semicured.

Tobacco in the process of being cured or which is partially but not thoroughly cured. Semicured includes tobacco which contains fat stems, wet butts, swelled stems, frozen tobacco, and tobacco having frozen stems or stems that have not been thoroughly dried in the curing process. (See rule 24, § 29.3625.)

§ 29.3543 Side.

A certain phase of quality, color, or length as contrasted with some other phase of quality, color, or length; or any peculiar characteristic of tobacco.

§ 29.3544 Size.

The length of tobacco leaves. (See U.S. Standard Tobacco 4-Inch Sizes, § 29.3591.)

§ 29.3545 Sound.

Free of damage.

§ 29.3546 Special factor.

A symbol or term authorized to designate a peculiar side or characteristic which tends to modify a grade. (See rules 21, § 29.3622; 22, § 29.3623; 23, § 29.3624.)

§ 29.3547 Steam-dried.

The condition of unfermented tobacco as customarily prepared for storage by means of a redrying machine or other steam-conditioning equipment.

§ 29.3548 Stem.

The midrib or large central vein of a tobacco leaf.

§ 29.3549 Stemmed.

A form of tobacco, including strips and strip scrap, from which the stems or midribs have been removed.

§ 29.3550 Strips.

The sides of a tobacco leaf from which the stem has been removed or a lot of tobacco composed of strips.

§ 29.3551 Subgrade.

Any grade modified by a special factor symbol.

§ 29.3552 Sweated.

The condition of tobacco which has passed through one or more fermentations natural to tobacco packed with a normal percentage of moisture. This condition is sometimes described as aged.

§ 29.3553 Sweating.

The condition of tobacco in the process of fermentation.

§ 29.3554 Tobacco.

Tobacco as it appears between the time it is cured and stripped from the stalk, or primed and cured, and the time it enters into the different manufacturing processes. The acts of stemming, sweating, and conditioning are not regarded as manufacturing processes. Tobacco, as used in these standards, does not include manufactured or semimanufactured products, stems, cuttings, clippings, trimmings, siftings, or dust.

§ 29.3555 Tobacco products.

Manufactured tobacco, including cigarettes, cigars, smoking tobacco, chewing tobacco, and snuff, which is subject to Internal Revenue tax.

§ 29.3556 Type.

A division of a class of tobacco having certain common characteristics and closely related grades. Tobacco which has the same characteristics and corresponding qualities, colors, and lengths is classified as one type, regardless of any factors of historical or geographical nature which cannot be determined by an examination of the tobacco.

§ 29.3557 Type 35.

That type of air-cured tobacco commonly known as One Sucker Air-cured, Kentucky-Tennessee-Indiana One Sucker, or Dark Air-cured One Sucker, including the upper Cumberland District One Sucker, and produced principally in northern Tennessee, south central Kentucky, and southern Indiana.

§ 29.3558 Type 36.

That type of air-cured tobacco commonly known as Green River, Green River Air-cured, Dark Air-cured of the Henderson and Owensboro Districts, and produced principally in the Green River section of Kentucky.

§ 29.3559 Type 37.

That type of air-cured or sun-cured tobacco commonly known as Virginia Sun-cured, Virginia Sun and Air-cured, or Dark Air-cured of Virginia, and produced principally in the central section of Virginia north of the James River.

§ 29.3560 Undried.

The condition of unfermented tobacco which has not been air-dried or steam-dried.

§ 29.3561 Uniformity.

An element of quality which describes the consistency of a lot of tobacco as it is prepared for market. Uniformity is expressed in grade specifications as a percentage. The percentage is applicable to group, quality, and color. (See rule 14, § 29.3615.)

§ 29.3562 Unsound (U).

Damaged under 20 percent. (See rule 21, § 29.3622.)

§ 29.3563 Unstemmed.

A form of tobacco, including whole leaf and leaf scrap, from which the stems or midribs have not been removed.

§ 29.3564 Variegated.

Any leaf of which 30 percent or more of its leaf surface is off brown, grayish, mottled, or bleached and does not blend with the normal colors of the type. (See rules 17, § 29.3618; 18, § 29.3619.)

§ 29.3565 Wet (W).

Any sound tobacco containing excessive moisture to the extent that it is in unsafe- or doubtful-keeping order. Wet applies to any tobacco which is not damaged but which is likely to damage if treated in the customary manner. (See rule 22, § 29.3623.) (For extremely wet or watered tobacco, see rule 24, § 29.3625.)

§ 29.3566 Width.

The relative breadth of a tobacco leaf expressed in relation to its length. (See Elements of Quality, § 29.3586.)

ELEMENTS OF QUALITY

§ 29.3586 Elements of quality and degrees of each element.

These standardized words or terms are used to describe tobacco quality and to assist in interpreting grade specifications. Tobacco attributes or characteristics which constitute quality are designated as elements of quality. The range within each element is expressed by the use of words or terms designated as degrees. These several degrees are arranged to show their relative value, but the actual value of each degree varies with type, group, and grade.

Elements	Degrees			
Maturity	Immature	Underripe	Mature	Ripe.
Body		Thin	Medium	Heavy.
Leaf structure		Close	Firm	Open.
Leaf surface		Rough	Crepy	Smooth.
Oil		Lean	Oily	Rich.
Finish		Dull	Normal	Clear.
Color intensity		Pale	Moderate	Deep.
Elasticity		Inelastic	Semielastic	Elastic.
Width		Narrow	Normal	Spready.
Uniformity		(1)	(1)	(1).
Injury tolerance		(1)	(1)	(1).

[1] Expressed in percentage.

SIZES

§ 29.3591 U.S. Standard Tobacco 4-Inch Sizes.[1]

Inches	U.S. sizes	Approximate centimeters
22		55
20	47	50
18	46	45
16	45	40
14	44	35
12	43	30
8	42	20
4	41	10
0	40	0

RULES

§ 29.3601 Rules.

The application of §§ 29.3591 to 29.3566, § 29.3591, §§ 29.3646 to 29.3652, and § 29.3681 shall be in accordance with the following rules.

§ 29.3602 Rule 1.

Each grade shall be treated as a subdivision of a particular type. When the grade is stated in an inspection certificate, the type also shall be stated.

§ 29.3603 Rule 2.

The determination of a grade shall be based upon a thorough examination of a lot of tobacco or of an official sample of the lot.

§ 29.3604 Rule 3.

In drawing an official sample from a hogshead or other package of tobacco, three or more breaks shall be made at such points and in such manner as the inspector or sampler may find necessary to determine the kinds of tobacco and the percentage of each kind contained in the lot. All breaks shall be made so that the tobacco contained in the center of the package is visible to the sampler. Tobacco shall be drawn from at least three breaks from which a representative sample of not less than six hands shall be selected. The sample shall include tobacco of each different group, quality, color, length, and kind found in the lot in proportion to the quantities of each contained in the lot.

§ 29.3605 Rule 4.

All standard grades must be clean.

§ 29.3606 Rule 5.

The grade assigned to any lot of tobacco shall be a true representation of the tobacco at the time of inspection and certification. If, at any time, it is found that a lot of tobacco does not comply with the specifications of the grade previously assigned it shall not thereafter be represented as such grade.

§ 29.3607 Rule 6.

A lot of tobacco on the marginal line between two colors shall be placed in the color with which it best corresponds with respect to body or other associated elements of quality.

[1] Regular 4-inch sizes are used to state length when this factor is not sufficiently important to use 1- or 2-inch sizes. Seventy-five percent of the leaves in a lot or package of any 4-inch size must fall within the range for that size. For example: If a lot or package of tobacco is represented to be of U.S. size 44, then 75 percent of the leaves of such lot or package must be between 16 and 20 inches (or 40 and 50 centimeters) in length.

§ 29.3608 Rule 7.

Any lot of tobacco which meets the specifications of two grades shall be placed in the higher grade. Any lot of tobacco on the marginal line between two grades shall be placed in the lower grade.

§ 29.3609 Rule 8.

A lot of tobacco meets the specifications of a grade when it is not lower in any degree of any element of quality than the minimum specifications of such grade.

§ 29.3610 Rule 9.

In determining the grade of a lot of tobacco, the lot as a whole shall be considered. Minor irregularities which do not affect over one percent of the tobacco shall be overlooked.

§ 29.3611 Rule 10.

Any special factor approved by the Director of the Tobacco Division, Consumer and Marketing Service, may be used after a grademark to show a peculiar side or characteristic of the tobacco which tends to modify the grade.

§ 29.3612 Rule 11.

Interpretations, the use of specifications, and the meaning of the terms shall be in accordance with determinations or clarifications made by the Chief of the Standards and Testing Branch and approved by the Director.

§ 29.3613 Rule 12.

The use of any grade may be restricted by the Director during any marketing season, when it is found that the grade is not needed or appears in insufficient volume to justify its use.

§ 29.3614 Rule 13.

Length shall be stated in connection with each grade of the A, B, and C groups and may be stated in connection with grades of other groups. For this purpose, the regular 4-inch series of U.S. standard tobacco sizes shall be used. (See Applicable U.S. Standard Sizes, § 29.3651.)

§ 29.3615 Rule 14.

Degrees of uniformity shall be expressed in terms of percentages. The percentages shall govern the portion of a lot which must meet the specifications of the grade. The minor portion must be closely related but may be of a different group, quality, and color from the major portion. These percentages shall not affect limitations established by other rules.

§ 29.3616 Rule 15.

The application of injury as an element of quality shall be expressed in terms of a percentage of tolerance. The appraisal of injury shall be based upon the percentage of affected leaf surface or the degree of injury. In appraising injury, consideration shall be given to the normal characteristics of the group as related to injury.

§ 29.3617 Rule 16.

Normal injury associated with ripeness shall be excluded from injury tolerance except when such injury is considered detrimental to the quality of the tobacco.

§ 29.3618 Rule 17.

Any lot of tobacco which is not green but contains over 30 percent of variegated leaves shall be described as "variegated" and designated by the color symbol "M." Variegated leaves may be included in any group to the following extent: In the third quality, 10 percent; in the fourth quality, 20 percent; and in the fifth quality, 30 percent.

§ 29.3619 Rule 18.

Any lot of tobacco of the B, C, T, or X groups shall be classified as "mixed" and designated by the color symbol "M" when it is not green but contains (a) over 30 percent of colors distinctly different from the major color or (b) over 30 percent of a combination of variegated and colors distinctly different from the major mingled together.

§ 29.3620 Rule 19.

Any lot of tobacco containing 20 percent or more of green leaves or any lot which is not crude but contains 20 percent or more of green and crude combined shall be designated by the color symbol "G."

§ 29.3621 Rule 20.

Crude leaves shall not be included in any grade of any color except the fourth and fifth qualities of the B, C, T, and X groups in green color. Any lot containing 20 percent or more of crude leaves shall be designated as Nondescript.

§ 29.3622 Rule 21.

Tobacco damaged under 20 percent but which otherwise meets the specifications of a grade shall be treated as a subgrade by placing the special factor "U" after the grademark. Tobacco damaged 20 percent or more shall be designated "No-G."

§ 29.3623 Rule 22.

Sound tobacco that is wet or in doubtful-keeping order but which otherwise meets the specifications of a grade shall be treated as a subgrade by placing the special factor "W" after the grademark. This special factor does not apply to tobacco designated "No-G."

§ 29.3624 Rule 23.

Special factors "BH" (big heads) and "BL" (broad leaf) shall be used as follows: "BH" in types 35 and 36 to designate tobacco tied in extremely big hands and "BL" in type 35 to designate broad leaf tobacco.

§ 29.3625 Rule 24.

Tobacco shall be designated as No Grade, using the grademark "No-G," when it is dirty, nested, offtype, semicured, damaged 20 percent or more, extremely wet or watered, or when it needs to be reworked, contains foreign matter, or has an odor foreign to the type.

GRADES

§ 29.3646 Wrappers (A Group).

This group consists of leaves from the Heavy Leaf and the Thin Leaf groups. Cured leaves of the A group are very elastic, have small- to medium-sized and blending fibers, and show a low percentage of injury affecting wrapper yield.

U.S. grades	Grade names, minimum specifications, and tolerances
A1F	Choice Quality Medium-brown Wrappers. Ripe, medium body, open leaf structure, smooth, rich in oil, clear finish, deep color intensity, elastic, spready, and 30 percent of leaves not lower than B2 or C2.
A2F	Fine Quality Medium-brown Wrappers. Ripe, medium body, open leaf structure, smooth, rich in oil, clear finish, deep color intensity, elastic, spready, and 30 percent of leaves not lower than B2 or C2.
A3F	Good Quality Medium-brown Wrappers. Ripe, medium body, open leaf structure, smooth, oily, clear finish, deep color intensity, elastic, normal width, and 40 percent of leaves not lower than B3 or C3.
A1R	Choice Quality Reddish-brown Wrappers. Ripe, medium body, open leaf structure, smooth, rich in oil, clear finish, deep color intensity, elastic, spready, and 20 percent of leaves not lower than B2 or C2.
A2R	Fine Quality Reddish-brown Wrappers. Ripe, medium body, open leaf structure, smooth, rich in oil, clear finish, deep color intensity, elastic, spready, and 30 percent of leaves not lower than B2 or C2.
A3R	Good Quality Reddish-brown Wrappers. Ripe, medium body, open leaf structure, smooth, oily, clear finish, deep color intensity, elastic, normal width, and 40 percent of leaves not lower than B3 or C3.

§ 29.3647 Heavy Leaf (B Group).

This group consists of leaves which are medium to heavy in body and show little or no ground injury.

U.S. grades	Grade names, minimum specifications, and tolerances
B1F	Choice Quality Medium-brown Heavy Leaf. Ripe, medium body, open leaf structure, smooth, rich in oil, clear finish, deep color intensity, semielastic, spready, 90 percent uniform, and 10 percent injury tolerance.
B2F	Fine Quality Medium-brown Heavy Leaf. Ripe, medium body, open leaf structure, smooth, rich in oil, clear finish, deep color intensity, semielastic, spready, 85 percent uniform, and 15 percent injury tolerance.
B3F	Good Quality Medium-brown Heavy Leaf. Mature, medium body, firm leaf structure, crepy, oily, normal finish, moderate color intensity, semielastic, normal width, 80 percent uniform, and 20 percent injury tolerance.
B4F	Fair Quality Medium-brown Heavy Leaf. Mature, medium body, close leaf structure, rough, lean in oil, dull finish, pale color intensity, inelastic, narrow, 70 percent uniform, and 30 percent injury tolerance.
B5F	Low Quality Medium-brown Heavy Leaf. Underripe, medium body, close leaf structure, rough, lean in oil, dull finish, pale color intensity, inelastic, narrow, 60 percent uniform, and 40 percent injury tolerance.

U.S. grades	Grade names, minimum specifications, and tolerances
B1R	Choice Quality Reddish-brown Heavy Leaf. Ripe, heavy, open leaf structure, smooth, rich in oil, clear finish, deep color intensity, semielastic, spready, 90 percent uniform, and 10 percent injury tolerance.
B2R	Fine Quality Reddish-brown Heavy Leaf. Ripe, heavy, open leaf structure, smooth, rich in oil, clear finish, deep color intensity, semielastic, spready, 85 percent uniform, and 15 percent injury tolerance.
B3R	Good Quality Reddish-brown Heavy Leaf. Mature, heavy, firm leaf structure, crepy, oily, normal finish, moderate color intensity, semielastic, normal width, 80 percent uniform, and 20 percent injury tolerance.
B4R	Fair Quality Reddish-brown Heavy Leaf. Mature, heavy, close leaf structure, rough, lean in oil, dull finish, pale color intensity, inelastic, narrow, 70 percent uniform, and 30 percent injury tolerance.
B5R	Low Quality Reddish-brown Heavy Leaf. Underripe, heavy, close leaf structure, rough, lean in oil, dull finish, pale color intensity, inelastic, narrow, 60 percent uniform, and 40 percent injury tolerance.
B1D	Choice Quality Dark-brown Heavy Leaf. Ripe, heavy, open leaf structure, smooth, rich in oil, normal finish, deep color intensity, semielastic, spready, 90 percent uniform, and 10 percent injury tolerance.
B2D	Fine Quality Dark-brown Heavy Leaf. Ripe, heavy, open leaf structure, smooth, rich in oil, normal finish, deep color intensity, semielastic, spready, 85 percent uniform, and 15 percent injury tolerance.
B3D	Good Quality Dark-brown Heavy Leaf. Mature, heavy, firm leaf structure, crepy, oily, normal finish, moderate color intensity, semielastic, normal width, 80 percent uniform, and 20 percent injury tolerance.
B4D	Fair Quality Dark-brown Heavy Leaf. Mature, heavy, close leaf structure, rough, lean in oil, dull finish, pale color intensity, inelastic, narrow, 70 percent uniform, and 30 percent injury tolerance.
B5D	Low Quality Dark-brown Heavy Leaf. Underripe, heavy, close leaf structure, rough, lean in oil, dull finish, pale color intensity, inelastic, narrow, 60 percent uniform, and 40 percent injury tolerance.
B3M	Good Quality Mixed Heavy Leaf. Mature, medium body, firm leaf structure, crepy, oily, normal finish, moderate color intensity, semielastic, normal width, 80 percent uniform, and 20 percent injury tolerance.
B4M	Fair Quality Mixed Heavy Leaf. Mature, medium body, close leaf structure, rough, lean in oil, dull finish, pale color intensity, inelastic, narrow, 70 percent uniform, and 30 percent injury tolerance.
B5M	Low Quality Mixed Heavy Leaf. Underripe, medium body, close leaf structure, rough, lean in oil, dull finish, pale color intensity, inelastic, narrow, 60 percent uniform, and 40 percent injury tolerance.
B3G	Good Quality Green Heavy Leaf. Underripe, heavy, firm leaf structure, crepy, oily, normal finish, semielastic, normal width, 80 percent uniform, and 20 percent injury tolerance.
B4G	Fair Quality Green Heavy Leaf. Immature, medium body, close leaf structure, rough, lean in oil, dull finish, inelastic, narrow, 70 percent uniform, and 30 percent injury tolerance.
B5G	Low Quality Green Heavy Leaf. Immature, medium body, close leaf structure, rough, lean in oil, dull finish, inelastic, narrow, 60 percent uniform, and 40 percent injury tolerance.

§ 29.3648 Thin Leaf (C Group).

This group consists of leaves that are thin to medium in body and show little or no ground injury.

U.S. grades	Grade names, minimum specifications, and tolerances
C1L	Choice Quality Light-brown Thin Leaf. Ripe, thin, open leaf structure, smooth, oily, clear finish, deep color intensity, semielastic, spready, 90 percent uniform, and 10 percent injury tolerance.
C2L	Fine Quality Light-brown Thin Leaf. Ripe, thin, open leaf structure, smooth, oily, clear finish, deep color intensity, semielastic, spready, 85 percent uniform, and 15 percent injury tolerance.
C3L	Good Quality Light-brown Thin Leaf. Mature, thin, firm leaf structure, crepy, oily, normal finish, moderate color intensity, semielastic, normal width, 80 percent uniform, and 20 percent injury tolerance.
C4L	Fair Quality Light-brown Thin Leaf. Mature, thin, close leaf structure, rough, lean in oil, dull finish, pale color intensity, inelastic, narrow, 70 percent uniform, and 30 percent injury tolerance.
C5L	Low Quality Light-brown Thin Leaf. Underripe, thin, close leaf structure, rough, lean in oil, dull finish, pale color intensity, inelastic, narrow, 60 percent uniform, and 40 percent injury tolerance.
C1F	Choice Quality Medium-brown Thin Leaf. Ripe, thin, open leaf structure, smooth, rich in oil, clear finish, deep color intensity, semielastic, spready, 90 percent uniform, and 10 percent injury tolerance.
C2F	Fine Quality Medium-brown Thin Leaf. Ripe, thin, open leaf structure, smooth, rich in oil, clear finish, deep color intensity, semielastic, spready, 85 percent uniform, and 15 percent injury tolerance.
C3F	Good quality Medium-brown Thin Leaf. Mature, thin, firm leaf structure, crepy, oily, normal finish, moderate color intensity, semielastic, normal width, 80 percent uniform, and 20 percent injury tolerance.
C4F	Fair Quality Medium-brown Thin Leaf. Mature, thin, close leaf structure, rough, lean in oil, dull finish, pale color intensity, inelastic, narrow, 70 percent uniform, and 30 percent injury tolerance.
C5F	Low Quality Medium-brown Thin Leaf. Underripe, thin, close leaf structure, rough, lean in oil, dull finish, pale color intensity, inelastic, narrow, 60 percent uniform, and 40 percent injury tolerance.
C1R	Choice Quality Reddish-brown Thin Leaf. Ripe, thin, open leaf structure, smooth, rich in oil, clear finish, deep color intensity, semielastic, spready, 90 percent uniform, and 10 percent injury tolerance.
C2R	Fine Quality Reddish-brown Thin Leaf. Ripe, thin, open leaf structure, smooth, rich in oil, clear finish, deep color intensity, semielastic, spready, 85 percent uniform, and 15 percent injury tolerance.
C3R	Good Quality Reddish-brown Thin Leaf. Mature, thin, firm leaf structure, crepy, oily, normal finish, moderate color intensity, semielastic, normal width, 80 percent uniform, and 20 percent injury tolerance.
C4R	Fair Quality Reddish-brown Thin Leaf. Mature, thin, close leaf structure, rough, lean in oil, dull finish, pale color intensity, inelastic, narrow, 70 percent uniform, and 30 percent injury tolerance.
C5R	Low Quality Reddish-brown Thin Leaf. Underripe, thin, close leaf structure, rough, lean in oil, dull finish, pale color intensity, inelastic, narrow, 60 percent uniform, and 40 percent injury tolerance.
C3M	Good Quality Mixed Thin Leaf. Mature, thin, firm leaf structure, crepy, oily, normal finish, moderate color intensity, semielastic, normal width, 80 percent uniform, and 20 percent injury tolerance.
C4M	Fair Quality Mixed Thin Leaf. Mature, thin, close leaf structure, rough, lean in oil, dull finish, pale color intensity, inelastic, narrow, 70 percent uniform, and 30 percent injury tolerance.
C5M	Low Quality Mixed Thin Leaf. Underripe, thin, close leaf structure, rough, lean in oil, dull finish, pale color intensity, inelastic, narrow, 60 percent uniform, and 40 percent injury tolerance.
C3G	Good Quality Green Thin Leaf. Underripe, medium body, firm leaf structure, crepy, oily, normal finish, semielastic, normal width, 80 percent uniform, and 20 percent injury tolerance.
C4G	Fair Quality Green Thin Leaf. Immature, thin, close leaf structure, rough, lean in oil, dull finish, inelastic, narrow, 70 percent uniform, and 30 percent injury tolerance.
C5G	Low Quality Green Thin Leaf. Immature, thin, close leaf structure, rough, lean in oil, dull finish, inelastic, narrow, 60 percent uniform, and 40 percent injury tolerance.

§ 29.3649 Tips (T Group).

This group consists of leaves usually grown near the top of the stalk and are too short to meet the specifications for U.S. size 44.

U.S. grades	Grade names, minimum specifications, and tolerances
T3F	Good Quality Medium-brown Tips. Mature, medium body, firm leaf structure, crepy, oily, normal finish, moderate color intensity, semielastic, normal width, 80 percent uniform, and 20 percent injury tolerance.
T4F	Fair Quality Medium-brown Tips. Mature, thin, close leaf structure, rough, lean in oil, dull finish, pale color intensity, inelastic, narrow, 70 percent uniform, and 30 percent injury tolerance.
T5F	Low Quality Medium-brown Tips. Underripe, thin, close leaf structure, rough, lean in oil, dull finish, pale color intensity, inelastic, narrow, 60 percent uniform, and 40 percent injury tolerance.

U.S. grades	Grade names, minimum specifications, and tolerances
T3R	Good Quality Reddish-brown Tips. Mature, medium body, firm leaf structure, crepy, oily, normal finish, moderate color intensity, semielastic, normal width, 80 percent uniform, and 20 percent injury tolerance.
T4R	Fair Quality Reddish-brown Tips. Mature, thin, close leaf structure, rough, lean in oil, dull finish, pale color intensity, inelastic, narrow, 70 percent uniform, and 30 percent injury tolerance.
T5R	Low Quality Reddish-brown Tips. Underripe, thin, close leaf structure, rough, lean in oil, dull finish, pale color intensity, inelastic, narrow, 60 percent uniform, and 40 percent injury tolerance.
T3D	Good Quality Dark-brown Tips. Mature, medium body, firm leaf structure, crepy, oily, normal finish, moderate color intensity, semielastic, normal width, 80 percent uniform, and 20 percent injury tolerance.
T4D	Fair Quality Dark-brown Tips. Mature, thin, close leaf structure, rough, lean in oil, dull finish, pale color intensity, inelastic, narrow, 70 percent uniform, and 30 percent injury tolerance.
T5D	Low Quality Dark-brown Tips. Underripe, thin, close leaf structure, rough, lean in oil, dull finish, pale color intensity, inelastic, narrow, 60 percent uniform, and 40 percent injury tolerance.
T3M	Good Quality Mixed Tips. Mature, medium body, firm leaf structure, crepy, oily, normal finish, moderate color intensity, semielastic, normal width, 80 percent uniform, and 20 percent injury tolerance.
T4M	Fair Quality Mixed Tips. Mature, thin, close leaf structure, rough, lean in oil, dull finish, pale color intensity, inelastic, narrow, 70 percent uniform, and 30 percent tolerance.
T5M	Low Quality Mixed Tips. Underripe, thin, close leaf structure, rough, lean in oil, dull finish, pale color intensity, inelastic, narrow, 60 percent uniform, and 40 percent injury tolerance.
T3G	Good Quality Green Tips. Underripe, medium body, firm leaf structure, crepy, oily, normal finish, semielastic, normal width, 80 percent uniform, and 20 percent injury tolerance.
T4G	Fair Quality Green Tips. Immature, thin, close leaf structure, rough, lean in oil, dull finish, inelastic, narrow, 70 percent uniform, and 30 percent injury tolerance.
T5G	Low Quality Green Tips. Immature, thin, close leaf structure, rough, lean in oil, dull finish, inelastic, narrow, 60 percent uniform, and 40 percent injury tolerance.

§ 29.3650 Lugs (X Group).

This group consists of leaves that normally grow on the lower portion of the stalk. Leaves of the X group usually have a high degree of maturity and show ground and other injury characteristics of the group.

U.S. grades	Grade names, minimum specifications, and tolerances
X1L	Choice Quality Light-brown Lugs. Ripe, thin, open leaf structure, smooth, oily, clear finish, deep color intensity, semielastic, normal width, 90 percent uniform, and 10 percent injury tolerance.
X2L	Fine Quality Light-brown Lugs. Ripe, thin, open leaf structure, smooth, oily, clear finish, deep color intensity, semielastic, normal width, 85 percent uniform, and 15 percent injury tolerance.
X3L	Good Quality Light-brown Lugs. Mature, thin, firm leaf structure, crepy, lean in oil, normal finish, moderate color intensity, inelastic, narrow, 80 percent uniform, and 20 percent injury tolerance.
X4L	Fair Quality Light-brown Lugs. Mature, thin, close leaf structure, rough, lean in oil, dull finish, pale color intensity, inelastic, narrow, 70 percent uniform, and 30 percent injury tolerance.
X5L	Low Quality Light-brown Lugs. Underripe, thin, close leaf structure, rough, lean in oil, dull finish, pale color intensity, inelastic, narrow, 60 percent uniform, and 40 percent injury tolerance.
X1F	Choice Quality Medium-brown Lugs. Ripe, thin, open leaf structure, smooth, oily, clear finish, deep color intensity, semielastic, normal width, 90 percent uniform, and 10 percent injury tolerance.
X2F	Fine Quality Medium-brown Lugs. Ripe, thin, open leaf structure, smooth, oily, clear finish, deep color intensity, semielastic, normal width, 85 percent uniform, and 15 percent injury tolerance.
X3F	Good Quality Medium-brown Lugs. Mature, thin, firm leaf structure, crepy, lean in oil, normal finish, moderate color intensity, inelastic, narrow, 80 percent uniform, and 20 percent injury tolerance.
X4F	Fair Quality Medium-brown Lugs. Mature, thin, close leaf structure, rough, lean in oil, dull finish, pale color intensity, inelastic, narrow, 70 percent uniform, and 30 percent injury tolerance.
X5F	Low Quality Medium-brown Lugs. Underripe, thin, close leaf structure, rough, lean in oil, dull finish, pale color intensity, inelastic, narrow, 60 percent uniform, and 40 percent injury tolerance.
X1R	Choice Quality Reddish-brown Lugs. Ripe, medium body, open leaf structure, smooth, oily, clear finish, deep color intensity, semielastic, normal width, 90 percent uniform, and 10 percent injury tolerance.
X2R	Fine Quality Reddish-brown Lugs. Ripe, medium body, open leaf structure, smooth, oily, clear finish, deep color intensity, semielastic, normal width, 85 percent uniform, and 15 percent injury tolerance.
X3R	Good Quality Reddish-brown Lugs. Mature, medium body, firm leaf structure, crepy, lean in oil, normal finish, moderate color intensity, inelastic, narrow, 80 percent uniform, and 20 percent injury tolerance.
X4R	Fair Quality Reddish-brown Lugs. Mature, thin, close leaf structure, rough, lean in oil, dull finish, pale color intensity, inelastic, narrow, 70 percent uniform, and 30 percent injury tolerance.
X5R	Low Quality Reddish-brown Lugs. Underripe, thin, close leaf structure, rough, lean in oil, dull finish, pale color intensity, inelastic, narrow, 60 percent uniform, and 40 percent injury tolerance.
X3D	Good Quality Dark-brown Lugs. Mature, medium body, firm leaf structure, crepy, lean in oil, normal finish, moderate color intensity, inelastic, narrow, 80 percent uniform, and 20 percent injury tolerance.
X4D	Fair Quality Dark-brown Lugs. Mature, thin, close leaf structure, rough, lean in oil, dull finish, pale color intensity, inelastic, narrow, 70 percent uniform, and 30 percent injury tolerance.
X5D	Low Quality Dark-brown Lugs. Underripe, thin, close leaf structure, rough, lean in oil, dull finish, pale color intensity, inelastic, narrow, 60 percent uniform, and 40 percent injury tolerance.
X3M	Good Quality Mixed Lugs. Mature, thin, firm leaf structure, crepy, lean in oil, normal finish, moderate color intensity, inelastic, narrow, 80 percent uniform, and 20 percent injury tolerance.
X4M	Fair Quality Mixed Lugs. Mature, thin, close leaf structure, rough, lean in oil, dull finish, pale color intensity, inelastic, narrow, 70 percent uniform, and 30 percent injury tolerance.
X5M	Low Quality Mixed Lugs. Underripe, thin, close leaf structure, rough, lean in oil, dull finish, pale color intensity, inelastic, narrow, 60 percent uniform, and 40 percent injury tolerance.
X3G	Good Quality Green Lugs. Underripe, medium body, firm leaf structure, crepy, lean in oil, normal finish, inelastic, narrow, 80 percent uniform, and 20 percent injury tolerance.
X4G	Fair Quality Green Lugs. Immature, thin, close leaf structure, rough, lean in oil, dull finish, inelastic, narrow, 70 percent uniform, and 30 percent injury tolerance.
X5G	Low Quality Green Lugs. Immature, thin, close leaf structure, rough, lean in oil, dull finish, inelastic, narrow, 60 percent uniform, and 40 percent injury tolerance.

§ 29.3651 Nondescript (N Group).

Extremely common tobacco which does not meet the minimum specifications or which exceeds the tolerance of the lower grade of any other group except Scrap.

U.S. grades	Grade names, minimum specifications, and tolerances
N1L	First Quality Light-colored Nondescript. Thin to medium body and 60 percent injury tolerance.
N2L	Second Quality Light-colored Nondescript. Thin to medium body and over 60 percent injury tolerance.
N1R	First Quality Dark-colored Nondescript. Thin to heavy body and 60 percent injury tolerance.
N2R	Second Quality Dark-colored Nondescript. Thin to heavy body and over 60 percent injury tolerance.
N1G	First Quality Crude Green Nondescript. 60 percent crude leaves or injury tolerance.
N2G	Second Quality Crude Green Nondescript. Over 60 percent crude leaves or injury tolerance.

§ 29.3652 Scrap (S Group).

A byproduct of stemmed and unstemmed tobacco. Scrap accumulates from handling tobacco in farm buildings, warehouses, packing and conditioning plants, and stemmeries.

U.S. grade	Grade name and specifications
S	Scrap. Loose, tangled, whole, or broken unstemmed leaves; or the web portions of tobacco leaves reduced to scrap by any process.

SUMMARY OF STANDARD GRADES

§ 29.3676 Summary of standard grades.

6 Grades of Wrappers

A1F A1R
A2F A2R
A3F A3R

21 Grades of Heavy Leaf

B1F	B1R	B1D		
B2F	B2R	B2D		
B3F	B3R	B3D	B3M	B3G
B4F	B4R	B4D	B4M	B4G
B4F	B4R	B4D	B5M	B5G

21 Grades of Thin Leaf

C1L	C1F	C1R		
C2L	C2F	C2R		
C3L	C3F	C3R	C3M	C3G
C4L	C4F	C4R	C4M	C4G
C5L	C5F	C5R	C5M	C5G

15 Grades of Tips

T3F	T3R	T3D	T3M	T3G
T4F	T4R	T4D	T4M	T4G
T5F	T5R	T5D	T5M	T5G

24 Grades of Lugs

X1L	X1F	X1R			
X2L	X2F	X2R			
X3L	X3F	X3R	X3D	X3M	X3G
X4L	X4F	X4R	X4D	X4M	X4G
X5L	X5F	X5R	X5D	X5M	X5G

6 Grades of Nondescript

N1L N1R N1G
N2L N2R N2G

1 Grade of Scrap

S

Special factors "U" and "W" may be applied to all grades in all types, "BH" to grades in types 35 and 36, and "BL" to type 36. Tobacco not covered by the standard grades is designated "No-G."

APPLICABLE U.S. STANDARD SIZES

§ 29.3681 Applicable U.S. standard sizes.

Types 54 and 55

A1—A2—A3	45, 46, 47
B1—B2—B3—B4—B5	44, 45, 46, 47
C1—C2—C3—C4—C5	44, 45, 46, 47

Type 57

A1—A2—A3	44, 45, 46
B1—B2—B3—B4—B5	44, 45, 46
C1—C2—C3—C4—C5	44, 45, 46

KEY TO STANDARD GRADEMARKS

§ 29.3686 Key to standard grademarks.

Group	Quality	Color
A—Wrappers	1—Choice	L—Light brown
B—Heavy Leaf	2—Fine	F—Medium brown
C—Thin Leaf	3—Good	R—Reddish brown
T—Tips	4—Fair	D—Dark brown
X—Lugs	5—Low	M—Mixed
N—Nondescript		G—Green
S—Scrap		

(49 Stat. 734; 7 U.S.C. 511m)

Done at Washington, D.C., this 1st day of June 1965.

G. R. GRANGE,
Deputy Administrator,
Marketing Services.

[F.R. Doc. 65-5857; Filed, June 7, 1965; 8:45 a.m.]

[7 CFR Part 911]

LIMES GROWN IN FLORIDA

Proposed Approval of Expenses and Fixing of Rate of Assessment for 1965–66 Fiscal Year

Consideration is being given to the following proposals submitted by the Florida Lime Administrative Committee, established under the marketing agreement, as amended, and Order No. 911, as amended (7 CFR Part 911), regulating the handling of limes grown in Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), as the agency to administer the terms and provisions thereof: (1) That expenses that are reasonable and likely to be incurred by the Florida Lime Administrative Committee, during the period from April 1, 1965, through March 31, 1966, will amount to $9,816; and (2) that there be fixed, at $0.02 per bushel of limes, the rate of assessment payable by each handler in accordance with § 911.41 of the aforesaid marketing agreement and order.

All persons who desire to submit written data, views, or arguments in connection with the aforesaid proposals should file the same, in quadruplicate, with the Hearing Clerk, U.S. Department of Agriculture, Room 112, Administration Building, Washington, D.C., 20250, not later than the seventh day after the publication of this notice in the FEDERAL REGISTER. All written submissions made pursuant to this notice will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

Dated: June 3, 1965.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 65-5947; Filed, June 7, 1965; 8:49 a.m.]

[7 CFR Part 915]

AVOCADOS GROWN IN SOUTH FLORIDA

Proposed Approval of Expenses and Fixing of Rate of Assessment for 1965–66 Fiscal Year

Consideration is being given to the following proposals submitted by the Florida Avocado Administrative Committee, established under the marketing agreement, as amended, and Order No. 915, as amended (7 CFR Part 915), regulating the handling of avocados grown in south Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), as the agency to administer the terms and provisions thereof: (1) That expenses that are reasonable and likely to be incurred by the Avocado Administrative Committee, during the period from April 1, 1965, through March 31, 1966, will amount to $11,266; and (2) that there be fixed, at $0.025 per bushel of avocados, the rate of assessment payable by each handler in accordance with § 915.41 of the aforesaid marketing agreement and order.

All persons who desire to submit written data, views, or arguments in connection with the aforesaid proposals should file the same, in quadruplicate, with the Hearing Clerk, U.S. Department of Agriculture, Room 112, Administration Building, Washington, D.C., 20250, not later than the 10th day after the publication of this notice in the FEDERAL REGISTER. All written submissions made pursuant to this notice will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

Dated: June 3, 1965.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 65-5948; Filed, June 7, 1965; 8:50 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Part 121]

POLYETHYLENE RESINS, CARBOXYL MODIFIED

Notice of Proposal To Extend Food Additive Use

The Commissioner of Food and Drugs has received a petition (FAP 5B1647) from Spencer Chemical Division of Gulf Oil Corp., Dwight Building, Kansas City, Mo., 64105, proposing that § 121.2580 of the food additive regulations be amended to provide for the safe use of carboxyl-modified polyethylene resins as the food-contact surface of articles that contact all types of food, rather than just dry, bulk food, provided that the finished food-contact articles meet certain proposed extractives limits.

On the basis of the information submitted in the petition, and other relevant material, and under the authority vested in the Secretary of Health, Education, and Welfare by the Federal Food, Drug, and Cosmetic Act (sec. 409, 72 Stat. 1785 et seq.; 21 U.S.C. 348), and delegated by him to the Commissioner (21 CFR 2.90), it is proposed that § 121.2580 be amended:

A. To permit the use of the carboxyl-modified polyethylene resins as the food-contact surface of articles intended for use in contact with all types of food;

B. To revise the description of the resins to specify that they are produced from ethylene-methyl acrylate basic copolymers containing no more than 25 weight percent of polymer units derived from methyl acrylate;

C. To prescribe extractives limits for finished articles containing the carboxyl-modified polyethylene resins; and

D. To delete the requirement for an abrasion test that newly submitted feeding studies and other data show to be no longer necessary to insure safe use of the resins in contact with dry, bulk food.

Revised as proposed, § 121.2580 would read as follows:

§ 121.2590 Polyethylene resins, carboxyl modified.

Carboxyl-modified polyethylene resins may be safely used as the food-contact surface of articles intended for use in contact with food in accordance with the following prescribed conditions:

(a) For the purpose of this section, carboxyl-modified polyethylene resins consist of basic polymers produced when ethylene-methyl acrylate basic copolymers, containing no more than 25 weight percent of polymer units derived from methyl acrylate, are made to react in an aqueous medium with one or more of the following substances:

Ammonium hydroxide.
Calcium carbonate.
Potassium hydroxide.
Sodium hydroxide.

(b) The finished food-contact article, when extracted with the solvent or solvents characterizing the type of food and under the conditions of time and temperature characterizing the conditions of its intended use as determined from tables 1 and 2 of § 121.2526(c), yields total extractives in each extracting solvent not to exceed 0.5 milligram per square inch of food-contact surface as determined by the methods described in § 121.2526(d); and if the finished food-contact article is itself the subject of a regulation in this Subpart F, it shall also comply with any specifications and limitations prescribed for it by that regulation. In testing the finished food-contact articles, a separate test sample is to be used for each required extracting solvent.

(c) The provisions of paragraph (b) of this section are not applicable to carboxyl-modified polyethylene resins used in food-packaging adhesives complying with § 121.2520.

All interested persons are invited to submit their views in writing regarding the proposal herein within 30 days following the date of publication of this notice in the FEDERAL REGISTER. Such views and comments should be submitted, preferably in quintuplicate, addressed to the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington, D.C., 20201, and may be accompanied by a memorandum or brief in support thereof.

Dated: June 1, 1965.

GEO. P. LARRICK,
Commissioner of Food and Drugs.

[F.R. Doc. 65-5939; Filed, June 7, 1965; 8:49 a.m.]

FEDERAL AVIATION AGENCY

[14 CFR Part 71]

[Airspace Docket No. 61-FW-76]

FEDERAL AIRWAY

Proposed Designation

On May 2, 1962, a notice of proposed rule making was published in the FEDERAL REGISTER (27 F.R. 4200) stating that the Federal Aviation Agency proposed to designate VOR Federal airway No. 466, and its associated control areas, from the Columbus, Miss. VOR to the Jackson, Miss. VORTAC.

In the notice, it was proposed to designate the airway with segmented floors of 700 feet and 1,200 feet above the surface and a ceiling of 9,000 feet m.s.l. The airway was proposed to provide air traffic service to scheduled air carrier aircraft operating between the permanent air carrier stops of Columbus and Jackson. The notice stated that the airway would traverse an area of uncontrolled airspace used by NAAS Meridian, Miss., for flight training. It was further stated that the 9,000 foot m.s.l. ceiling was proposed for the airway since it would suffice for normal airway traffic and would permit Navy aircraft traffic and essential flight training maneuvers from 10,000 feet to 20,000 feet m.s.l., thereby remaining clear of the proposed airway.

Subsequent to publication of the notice of proposed rule making, an extensive analysis of the situation and attendant problems was made by the Agency. Numerous proposals and counter proposals by interested parties created the evident delay in the rule making procedure.

The Department of the Navy objected to the original proposal, with its incumbent prohibitions, since it would affect adversely the training capabilities of NAAS Meridian. Further, the Agency presently is considering a nonrule making proposal submitted by the U.S. Navy, and if found acceptable, it would provide for the establishment of a training area in the vicinity of Meridian that would overlie the proposed airway from 8,000 feet m.s.l. to 23,500 feet m.s.l. The Air Transport Association of America objected to the ceiling of 9,000 feet m.s.l. placed on the proposed airway in the original notice. The Association offered no objection to air carrier aircraft operating below 9,000 feet m.s.l. when NAAS Meridian training activities were in progress. However, objection was expressed to the altitude restriction when the training area was free.

For the above reasons, the original notice is hereby altered by changing the ceiling of the proposed airway from 9,000 feet m.s.l. to 8,000 feet m.s.l.

Since the period of time originally allowed for public comments on the proposed airway has closed, and since this supplementary notice significantly alters the proposed airway, the Federal Aviation Agency has determined that a further opportunity should be afforded to interested persons to submit comments regarding the proposal set forth in the original notice and altered herein by this supplementary notice.

In consideration of the foregoing, notice is hereby given that all comments received on Airspace Docket No. 61-FW-76 within 45 days of the date of publication of the supplementary notice in the FEDERAL REGISTER will be considered before final action is taken on the proposed amendment. Since this docket originated in the Fort Worth Region, the area of jurisdiction of which has been subsequently transferred to the Southern Region, communications should be submitted in triplicate to the Director, Southern Region, Attention: Chief, Air Traffic Division, Federal Aviation Agency, Post Office Box 20636, Atlanta, Ga., 30320. The proposal contained in the original notice, as altered by this supplementary notice, may be changed in the light of comments received.

This supplementary notice of proposed rule making is proposed under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348).

Issued in Washington, D.C., on June 1, 1965.

DANIEL E. BARROW,
Chief, Airspace Regulations and Procedures Division.

[F.R. Doc. 65-5908; Filed, June 7, 1965; 8:45 a.m.]

[14 CFR Part 71]

[Airspace Docket No. 64-WE-40]

FEDERAL AIRWAYS

Proposed Alterations

The Federal Aviation Agency is considering amendments to Part 71 of the Federal Aviation Regulations that would establish specified floors on VOR Federal airways Nos. 6, 6 south alternate, 283, 494, 810, and 854, in the vicinity of Reno, Nev., and extending to Lakeview, Oreg.

Interested persons may participate in the proposed rule making by submitting such written data, views, or arguments as they may desire. Communications should identify the airspace docket number and be submitted in triplicate to the Director, Western Region, Attention: Chief, Air Traffic Division, Federal Aviation Agency, 5651 West Manchester Avenue, Post Office Box 90007, Airport Station, Los Angeles, Calif., 90009. All communications received within 45 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendments. The proposals contained in this notice may be changed in the light of comments received.

An official docket will be available for examination by interested persons at the Federal Aviation Agency, Office of the General Counsel, Attention: Rules Docket, 800 Independence Avenue SW., Washington, D.C., 20553. An informal docket also will be available for examination at the office of the Regional Air Traffic Division Chief.

If the above proposals are adopted, the airspace actions hereinafter set forth would be taken.

1. A 1,200-foot above ground level (AGL) floor would be established for the following airway segments:

a. VOR Federal airway No. 6, from Lake Tahoe, Calif., to Lovelock, Nev.

b. VOR Federal airway No. 6 south alternate from Reno, Nev., to Lovelock.

c. VOR Federal airway No. 494 from Lake Tahoe to 35 nautical miles east of Hazen, Nev.

d. VOR Federal airway No. 810 from 20 nautical miles east of Lake Tahoe to 35 nautical miles east of Hasen.

e. VOR Federal airway No. 854 from Lovelock to Reno.

2. VOR Federal airway No. 283 from Reno, 1,200 feet AGL for 40 nautical miles, thence 11,500 feet m.s.l. to 47 nautical miles from Reno, thence 13,500 feet m.s.l. to 48 nautical miles from Lakeview, Oreg., thence 1,200 feet AGL to Lakeview.

The floors proposed for the pertinent airway segments at 1,200 feet AGL are necessary to permit aeronautical chart legibility since they are within transition areas with floors of 1,200 feet AGL. The 1,200-foot AGL floor in the vicinity of Lakeview is proposed for the climbout from Lake County Lakeview Airport which must cross the Lakeview VOR at 8,500 feet m.s.l., and then proceed to the minimum en route altitude.

These amendments are proposed under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348).

Issued in Washington, D.C., on June 2, 1965.

DANIEL E. BARROW,
Chief, Airspace Regulations and Procedures Division.

[F.R. Doc. 65-5906; Filed, June 7, 1965; 8:45 a.m.]

[14 CFR Parts 71, 73]

[Airspace Docket No. 65-SW-23]

TEMPORARY RESTRICTED AREA AND CONTROLLED AIRSPACE

Proposed Designation and Alteration

The Federal Aviation Agency (FAA) is considering an amendment to Parts 71 and 73 of the Federal Aviation Regulations which would establish two temporary restricted areas at White Sands Proving Grounds, N. Mex., and alter the description of the continental control area in order to reflect the establishment of the restricted areas.

Interested persons may participate in the proposed rule making by submitting such written data, views or arguments as they may desire. Communications should identify the airspace docket number and be submitted in triplicate to the Director, Southwest Region, Attention: Chief, Air Traffic Division, Federal Aviation Agency, Post Office Box 1689, Fort Worth, Tex., 76101.

All communications received within 30 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. The proposal contained in this notice may be changed in the light of comments received.

An official docket will be available for examination by interested persons at the Federal Aviation Agency, Office of the General Counsel, Attention: Rules Docket, 800 Independence Avenue SW., Washington, D.C., 20553. An informal docket also will be available for examination at the office of the Regional Air Traffic Division Chief.

The Department of the Air Force (AF) has submitted a proposal for the designation of two temporary restricted areas to contain a series of off-range missile firings in support of a classified project. These restricted areas, R-5116A and R-5116B, would lie adjacent to the northwest side of the White Sands Proving Grounds, N. Mex., Restricted Area R-5107C.

The AF has stated that the restricted areas would be needed from sunrise to sunset, September 15, 1965, through February 1, 1966, unless canceled sooner by NOTAM. R-5116A would be used in conjunction with two firings from the Indian Creek, Utah, Restricted Area R-6406, and R-5116B would be used in conjunction with four firings from the Ft. Wingate, N. Mex., Restricted Area R-5114. These restricted areas would be activated for only short periods of time on the six occasions noted above and would not be activated simultaneously. At all other times, the areas would be released to the FAA under joint-use agreements, with the FAA, Albuquerque ARTC Center, as the Controlling Agency. Designated altitudes would be from the surface to flight level 240. At the completion of this project, the restricted areas would be canceled and any subsequent request for use of the areas would require handling under regular rule making procedures.

Sufficient advance notice of the activation of each restricted area will be furnished that will permit notification to the public by all news media available and in regularly scheduled broadcasts of Flight Service Stations in the area.

In consideration of the foregoing, the FAA proposes the airspace actions as hereinafter set forth:

1. R-5116A White Sands Proving Grounds, N. Mex., would be designated as follows:

Boundaries. Beginning at latitude 33°53'-40" N., longitude 106°44'35" W.; to latitude 34°20'35" N., longitude 107°02'35" W.; to latitude 34°25'00" N., longitude 106°51'45" W.; to latitude 34°09'55" N., longitude 106°-41'35" W.; to the point of beginning.

Designated Altitudes. Surface to FL 240.

Time of Designation. Sunrise to sunset, September 15 through February 1, 1966, unless canceled sooner by NOTAM.

Controlling Agency. Federal Aviation Agency, Albuquerque ARTC Center.

Using Agency. Commander, Holloman AFB, N. Mex.

2. R-5116B White Sands Proving Grounds, N. Mex., would be designated as follows:

Boundaries. Beginning at latitude 33°-45'00" N., longitude 106°46'10" W.; to latitude 34°09'30" N., longitude 107°16'15" W.; to latitude 34°16'45" N., longitude 107°07'50" W.; to latitude 33°57'15" N., longitude 106°-44'00" W.; to the point of beginning.

Designated Altitudes. Surface to FL 240.

Time of Designation. Sunrise to sunset, September 15, 1965, through February 1, 1966, unless canceled sooner by NOTAM.

Controlling Agency. Federal Aviation Agency, Albuquerque ARTC Center.

Using Agency. Commander, Holloman AFB, N. Mex.

3. The description of the continental control area would be altered to include Restricted Areas R-5116A and R-5116B.

These amendments are proposed under section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348).

Issued in Washington, D.C., on June 4, 1965.

H. B. HELSTROM,
Acting Chief, Airspace Regulations and Procedures Division.

[F.R. Doc. 65-5971; Filed, June 7, 1965; 8:50 a.m.]

[14 CFR Part 73]

[Airspace Docket No. 64-SO-21]

RESTRICTED AREA

Alteration of Proposed Revocation

In a notice of proposed rule making published in the FEDERAL REGISTER on February 2, 1965 (30 F.R. 1057), as Federal Register Document 65-1061, it was stated that the Federal Aviation Agency was considering amendments to Part 73 of the Federal Aviation Regulations that would revoke Restricted Areas R-2912A and R-2912B at Panama City, Fla., and that would designate a new area, R-2912, at Panama City.

In response to the notice of proposed rule making, numerous adverse comments were received. The reasons for opposing the proposed area which were given by those objecting were, in general, as follows:

1. Altitudes below 5,000 feet m.s.l. between Appalachicola and Panama City and points east and north of the proposed area, as well as additional local flying area around Panama City, are required for general and commercial aviation to ensure the continued economic development of the Bay County area.

2. Aircraft operators engaged in patrol operations, such as forestry and pipeline and powerline inspection, require altitudes extending from 100 to 1,500 feet above the ground. Although pipeline and powerline patrol operations normally can be scheduled to avoid periods when the Air Force is using the proposed area, forestry patrol and fire suppression operations should be conducted primarily in the afternoon since it is during this time of day when fire hazard is most prevalent.

In an endeavor to resolve the objections to the proposed restricted area, various ideas for stratifying the area were discussed with the Air Force and other users. However, all plans for stratification were discarded since no method could be devised that would satisfy

both the needs of civilian users and the Air Force training requirements.

Because of the adverse comments received in response to the notice, and the unsuccessful efforts to develop a satisfactory stratification plan, the Air Force has reevaluated its requirements. As a result, the Federal Aviation Agency has been informed that certain changes can be made to the proposal. Although these changes would cause some derogation of the Tyndall AFB training mission, the Air Force has stated that they have been determined to be acceptable since they should reduce considerably the impact the proposed area would have on aviation interests in the Bay County area.

The Air Force has requested the Federal Aviation Agency to extend the time of use of the proposed area with a provision that no more than 2,000 consecutive feet of altitude will be used at any given time.

The proposed area, as altered by this supplemental notice, would provide civil aviation with altitudes well below 5,000 feet m.s.l. on a continuous basis. Further, in an attempt to satisfy the requirements of aircraft operators engaged in fire detection and suppression activities the Air Force has promised to schedule, to the maximum extent possible, all low-level (below 1,500 feet) activities during the morning hours. In addition, the Air Force states that it would arrange to forward sightings of fire or smoke to the Florida State Forestry Service and other interested parties, and to evacuate immediately those areas needed for firefighting. If this proposal is adopted, the Federal Aviation Agency would monitor use of the area to ensure compliance with agreements.

The Air Force informed the Agency that the extension of time of use is necessary to complete the training mission if use of the area is restricted to 2,000 feet at any given time.

It should also be noted that the proposed area would be used jointly by the Air Force and the Jacksonville Center. Therefore, all altitudes not required for use by the Air Force would be available for public use. The total time the restricted area would be used by the Air Force would approximate only 60 hours per month. If the area is designated, as proposed herein, operators of aircraft desiring to fly in the area would be able to determine which altitudes were available by contacting the Tyndall RAPCON, Tallahassee Radio, or Dothan Radio. Dothan can be received on the Marianna VOR frequency. Information informing pilots that 2,300 feet of altitude would be continuously available for traversing the proposed restricted area, would be printed on the faces of aeronautical charts within the boundaries of the proposed area (see attached chart).

In consideration of the foregoing, the proposal set forth in Federal Register Document 65-1061, is changed as hereinafter set forth.

The proposed designated altitudes and time of designation are changed as follows:

From:

Designated altitudes. From 700 feet m.s.l. through 5,000 feet m.s.l.

Time of designation. From 0600 to 1300 hours e.s.t., Monday through Friday.

To:

Designated altitudes. Vertical airspace limits not to exceed 2,000 consecutive feet at any time between 700 feet m.s.l. through 5,000 feet m.s.l.

Time of designation. From 0600 to 1600 hours e.s.t., Monday through Friday.

In order to provide interested persons time to adequately evaluate this proposal as modified herein and an opportunity to submit additional written data, views, or arguments, the date for filing such material is hereby extended for 30 days after the publication of this alteration of proposal. All communications should be forwarded to the Director, Southern Region, Attention: Chief, Air Traffic Division, Federal Aviation Agency, Post Office Box 20636, Atlanta, Ga., 30320. The proposal contained in this notice may be changed in the light of comments received.

An official docket will be available for examination by interested persons at the Federal Aviation Agency, Office of the General Counsel, Attention: Rules Docket, 800 Independence Avenue SW., Washington, D.C., 20553. An informal docket also will be available for examination at the office of the Regional Air Traffic Division Chief.

These amendments are proposed under section 307(c) of the Federal Aviation Act of 1958 (49 U.S.C. 1348).

Issued in Washington, D.C., on June 2, 1965.

DANIEL E. BARROW,
Chief, Airspace Regulations and Procedures Division.

[F.R. Doc. 65-5907; Filed, June 7, 1965; 8:46 a.m.]

Notices

DEPARTMENT OF THE TREASURY

Coast Guard

[CGFR 65-27]

JAMES RIVER

Closure to Navigation During Firing of Catapults Aboard Aircraft Carrier USS Enterprise

By virtue of the authority vested in me as Commandant, United States Coast Guard, by Treasury Department Order 120 dated July 31, 1950 (15 F.R. 6521) and Executive Order 10173, as amended by Executive Orders 10277 and 10352, I hereby affirm for publication in the FEDERAL REGISTER the order of O. C. Rohnke, Rear Admiral, United States Coast Guard, Commander, Fifth Coast Guard District, who has exercised authority as District Commander, such order reading as follows:

SPECIAL NOTICE, JAMES RIVER

Under the authority of Title II of the Espionage Act of June 15, 1917 (40 Stat. 230), as amended and Executive Order 10173, as amended, I declare that from Wednesday the 2d of June 1965, through Sunday the 13th day of June 1965, the following area is a prohibited area and I order it be closed to any person or vessel from 6 a.m. e.s.t. to 7 p.m. e.s.t. Monday through Saturday during the test firings of catapults aboard USS Enterprise (CVA(N)65).

The water of the James River, Norfolk-Newport News Harbor, Virginia, within the coordinates of Latitude 36 degrees 59 minutes 07 seconds North, Longitude 76 degrees 26 minutes 25 seconds West, thence westerly to Latitude 36 degrees 58 minutes 56 seconds North, Longitude 76 degrees 26 minutes 51 seconds West, thence southeasterly to Latitude 36 degrees 58 minutes 50 seconds North, Longitude 76 degrees 26 minutes 25 seconds West, thence easterly to Latitude 36 degrees 58 minutes 42 seconds North, Longitude 76 degrees 26 minutes 07 seconds West.

The northwest and southeast corners of the prohibited area will be marked by two special purpose temporary buoys painted with orange and white horizontal bands.

No person or vessel may remain in or enter this prohibited area.

The Captain of the Port, Norfolk-Newport News Area, Virginia shall enforce this order.

The Captain of the Port may be assisted by employees and facilities of any State or political subdivision thereof or any Federal agency.

For violation of this order Title II of the Espionage Act of June 15, 1917 (40 Stat. 230), as amended, provides:

"If any owner, agent, master, officer, or person in charge, or any member of the crew of any such vessel fails to comply with any regulation or rule issued or order given under the provisions of this title, or obstructs or interferes with the exercise of any power conferred by this title, the vessel, together with her tackle, apparel, furniture, and equipment, shall be subject to seizure and forfeiture to the United States in the same manner as merchandise is forfeited for violation of the customs revenue laws; and the person guilty of such failure, obstruction, or interference shall be fined not more than $10,000 or imprisoned not more than two years, or both,

"If any other person knowingly fails to comply with any regulation or rule issued or order given under the provisions of this title, or knowingly obstructs or interferes with the exercise of any power conferred by this title, he shall be punished by imprisonment for not more than ten years and may, at the discretion of the court, be fined not more than $10,000."

Dated: June 4, 1965.

[SEAL] E. J. ROLAND,
Admiral, U.S. Coast Guard, Commandant.

[F.R. Doc. 65-5966; Filed, June 7, 1965; 8:50 a.m.]

Office of the Secretary

[Antidumping—AA 642.2-c]

BREAD IN LOAVES FROM CANADA

Determination of Sales at Not Less Than Fair Value

MAY 28, 1965.

On April 15, 1965, there was published in the FEDERAL REGISTER a Notice of Tentative Determination that bread in loaves imported from British Columbia, Canada, is not being, nor likely to be, sold at less than fair value within the meaning of section 201(a) of the Antidumping Act, 1921, as amended (19 U.S.C. 160(a)).

The statement of reasons for the tentative determination was published in the above-mentioned notice, and interested parties were afforded until May 17, 1965, to make written submissions or to request in writing an opportunity to present views in connection with the tentative determination.

No written submissions or requests having been received, I hereby determine that for the reasons stated in the tentative determination bread in loaves imported from British Columbia, Canada, is not being, nor likely to be, sold at less than fair value within the meaning of section 201(a) of the Antidumping Act, 1921, as amended (19 U.S.C. 160(a)).

This determination is published pursuant to section 201(c) of the Antidumping Act, 1921, as amended (19 U.S.C. 160 (c)).

[SEAL] JAMES A. REED,
Assistant Secretary of the Treasury.

[F.R. Doc. 65-5924, Filed, June 7, 1965; 8:47 a.m.]

[Dept. Circ. 570, 1964 Rev. Supp. No. 20]

COMMERCIAL STANDARD INSURANCE CO.

Extension of Authority To Qualify as Surety on Federal Bonds

JUNE 3, 1965.

Notice is hereby given that the Certificate of Authority issued by the Secretary of the Treasury to the Commercial Standard Insurance Company, Fort Worth, Texas, under the provisions of the Act of Congress, approved July 30, 1947 (6 U.S.C. 6-13), to qualify as sole surety on recognizances, stipulations, bonds, and undertakings permitted or required by the laws of the United States, expiring on May 31, 1965, has been extended to August 31, 1965, with an underwriting limitation of $200,000.

[SEAL] JOHN K. CARLOCK,
Fiscal Assistant Secretary.

[F.R. Doc. 65-5925; Filed, June 7, 1965; 8:47 a.m.]

CIVIL AERONAUTICS BOARD

[Docket No. 15353; Order No. E-22361]

INTERNATIONAL AIR TRANSPORT ASSOCIATION

Order Relating to Fares

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 2d day of June 1965.

There has been filed with the Board, pursuant to section 412(a) of the Federal Aviation Act and Part 261 of the Board's Economic Regulations, an agreement between various air carriers, foreign air carriers, and other carriers embodied in the resolutions of Joint Conference 1-2-3 of the International Air Transport Association (IATA). The agreement has been assigned the above-designated CAB agreement number.

The agreement encompasses adjustments in North American proportional fares used in the construction of through transatlantic fares. Basically, insofar as United States points are concerned, the agreement proposes changes in amounts to be used between interior U.S. points and gateway points to reflect current domestic fares.

The Board, acting pursuant to sections 102, 204(a), and 412 of the Act, does not find the above-described agreement, promulgated in IATA Memorandum JT123/Meet 135, to be adverse to the public interest or in violation of the Act.

Accordingly, it is ordered, That Agreement CAB 18332 is approved.

Any air carrier party to the agreement, or any interested person, may within 15 days from the date of service of this order, submit statements in writing containing reasons deemed appropriate, together with supporting data, in support of or in opposition to the Board's action herein. An original and 19 copies of the statement should be filed with the Board's Docket Section. The Board may, upon consideration of any such statements filed, modify or rescind its action herein by subsequent order.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON,
Secretary.

[F.R. Doc. 65-5945; Filed, June 7, 1965; 8:49 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

AMERICAN CYANAMID CO.

Notice of Filing of Petition for Food Additives Adhesives

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348(b)(5)), notice is given that a petition (FAP 5B1765) has been filed by American Cyanamid Co., Wayne, N.J., 07470, proposing to amend § 121.2520 *Adhesives* to provide for the use of *N*-methylolacrylamide and *N,N'* methylenebisacrylamide as monomers in polymers used in food-packaging adhesives.

Dated: June 1, 1965.

MALCOLM R. STEPHENS,
Assistant Commissioner for Regulations.

[F.R. Doc. 65-5940; Filed, June 7, 1965; 8:49 a.m.]

GLIDDEN CO.

Notice of Filing of Petition for Food Additives Lactylic Esters of Fatty Acids

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348(b)(5)), notice is given that a petition (FAP 5A1767) has been filed by The Glidden Co., 900 Union Commerce Building, Cleveland, Ohio, proposing an amendment to § 121.1048 *Lactylic esters of fatty acids* to provide for the safe use of lactylic esters of fatty acids as emulsifiers, plasticizers, or surface-active agents alone or in combination with shortenings and edible fats and oils intended for use in the following foods, when standards of identity do not preclude such use: Bakery mixes, baked products, pancake mixes, puddings, icings, fillings, toppings, frozen desserts, precooked instant rice, dehydrated fruits and vegetables, dehydrated fruit and vegetable juices, liquid shortening for household use, and fat-water emulsions intended for use as substitutes for milk and cream in beverage coffee.

Dated: June 1, 1965.

MALCOLM R. STEPHENS,
Assistant Commissioner for Regulations.

[F.R. Doc. 65-5941; Filed, June 7, 1965; 8:49 a.m.]

NIXON AND CO.

Notice of Filing of Petition for Food Additive Ferrous Fumarate

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348(b)(5)), notice is given that a petition (FAP 5D1685) has been filed by Nixon and Co., Omaha, Nebr., proposing the issuance of a regulation to provide for the safe use of ferrous fumarate in swine feed for the prevention of iron deficiency anemia in baby pigs.

Dated: June 1, 1965.

MALCOLM R. STEPHENS,
Assistant Commissioner for Regulations.

[F.R. Doc. 65-5942; Filed, June 7, 1965; 8:49 a.m.]

UNION OIL COMPANY OF CALIFORNIA

Notice of Filing of Petition Regarding Pesticide

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(d)(1), 68 Stat. 512; 21 U.S.C. 346a(d)(1)), notice is given that a petition (PP 5F0446) has been filed by Union Oil Co. of California, Post Office Box 76, Brea, Calif., 92621, proposing the establishment of an exemption from the requirement of a tolerance for ammonium nitrate formulated with ammonium chloride or ammonium thiosulfate or both, when used as defoliants or desiccants in the production of cottonseed.

The analytical method proposed in the petition for determining residues on cottonseed are: For nitrate, the method of Ulrich and Johnson Analytical Chemistry, volume 22, page 1526 (1950); for chloride, a method involving potentiometric titration with silver nitrate; and for thiosulfate, the method described in "Textbook of Quantitative Inorganic Analysis," by Kolthoff and Sandell (1947).

Dated: June 1, 1965.

MALCOLM R. STEPHENS,
Assistant Commissioner for Regulations.

[F.R. Doc. 65-5943; Filed, June 7, 1965; 8:49 a.m.]

CABINET COMMITTEE ON FEDERAL STAFF RETIREMENT SYSTEMS

STAFF RETIREMENT SYSTEMS OF FEDERAL GOVERNMENT

Notice of Hearing

The President has appointed a Cabinet Committee[1] to study all of the staff retirement systems of the Federal Government and to make findings and recommendations with respect to needed changes. The Committee is to make its report to the President in December.

To ascertain the views of interested persons and organizations, the Committee has scheduled public hearings in the Civil Service Commission Auditorium at 19th and E Streets NW., Washington, D.C., on July 13th, 14th, and 15th, 1965, beginning each day at 10 a.m., e.d.t. All persons and organizations wishing to testify at the hearings should submit the witness' name (and title, where appropriate), his address, and a written copy or summary of his proposed testimony to David F. Lawton, Executive Director, Cabinet Committee on Federal Staff Retirement Systems, Federal Office Building No. 9, Washington, D.C., 20415, no later than June 28, 1965. Witnesses will be notified of the approximate time they may expect to testify.

Those who do not wish to testify orally may submit written statements to the Cabinet Committee on Federal Staff Retirement Systems, Attention: David F. Lawton, Executive Director, Federal Office Building No. 9, Washington, D.C., 20415, at any time before July 28, 1965.

By the Committee.

CHARLES L. SCHULTZE,
Chairman.

[F.R. Doc. 65-5927; Filed, June 7, 1965; 8:47 a.m.]

[1] See memorandum of Feb. 1, 1965, 30 F.R. 1725.

FEDERAL POWER COMMISSION

[Docket No. E-7226]

ARIZONA PUBLIC SERVICE CO.

Notice of Application

JUNE 2, 1965.

Take notice that on May 25, 1965, the Arizona Public Service Co. (Applicant), filed an application with the Federal Power Commission, pursuant to section 203 of the Federal Power Act, seeking an order authorizing the sale of certain electric facilities to the Salt River Project Agricultural Improvement and Power District (Salt River).

Applicant is a public service corporation of Arizona and its principal business is the rendering of gas and electric utility service in the State of Arizona. It owns and operates electric facilities in 10 counties in the State of Arizona.

Salt River was organized in 1937 pursuant to the provisions of the Agricultural Improvement District Act of Arizona and is an agricultural improvement district existing under the laws of the State of Arizona and is therefore a political subdivision of the State of Arizona. Its principal business is the operation of the Salt River project, a Federal Reclamation project, and includes the rendering of electric service in three counties of Arizona. Its principal business office is located at Phoenix, Ariz.

The facilities to be sold by Applicant are transmission facilities located in and near its switchyard of the so-called Ocotillo Steam Generation Power Plant in the City of Tempe, Ariz. Applicant proposes to sell facilities comprising of Bay No. 9 consisting of oil circuit breaker, related protective apparatus and 69 kv tieline between its switchyard and that of Salt River. According to the application, facilities to be transferred will be used for the rendition of power transmission by Salt River. The consideration for the transfer of the facilities will be $99,397.77 which, according to the application, is the estimated original cost of the facilities to be disposed of by Applicant.

According to the application, the transfer of the facilities will effectuate the decision of the two parties that the tie switch facilities referred to above for the Ocotillo interconnection point should belong to Salt River and will effectuate the coordination of the systems of Applicant and Salt River as provided for in the Coordination Agreement dated September 15, 1955, between the Applicant and Salt River. Under this agreement a major interconnection point between the two systems was established at the Applicant's Ocotillo switchyard in 1959.

Any person desiring to be heard or to make any protest with reference to said application should on or before June 22, 1965, file with the Federal Power Commission, Washington, D.C., 20426, petitions or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). The application is on file and available for public inspection.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 65-5908; Filed, June 7, 1965; 8:46 a.m.]

[1] See memorandum of Feb. 1, 1965, 30 F.R. 1725.

[Docket No. G-16401 etc.]

ATLANTIC SEABOARD CORP. ET AL.

Order Denying Motion To Suspend Proceedings and Extending Time for Serving Evidence

JUNE 1, 1965.

Atlantic Seaboard Corp., Docket No. G-16401; Home Gas Co., Docket No. G-16402; Kentucky Gas Transmission Corp., Docket No. G-16403; The Manufacturers Light and Heat Co., Docket No. G-16404; The Ohio Fuel Gas Co., Docket No. RP65-45.

These consolidated proceedings involve proposed partial requirements (CDS-PR) rate schedules of the above-listed companies of the Columbia Gas System. On April 21, 1965, Baltimore Gas and Electric Co. (Baltimore), customer of Atlantic Seaboard Corp. (Seaboard) and intervener in these proceedings, filed a motion to suspend the proceedings in Docket No. G-16401 until there has been a Commission determination with respect to Seaboard's proposed revised tariff[1] in Docket No. RP65-49.

In support of its motion, Baltimore alleges that the filing of Seaboard's restructured tariff has given rise to numerous procedural problems. Baltimore contends that if these consolidated proceedings continue on the basis of the prepared testimony filed and served by the Columbia companies and the Commission should approve Seaboard's revised tariff, the impact of the PR schedules on the operations of Baltimore and other Seaboard customers might require modification or alteration of the testimony which they would present with respect to the proposed PR schedules. Baltimore submits that if Seaboard's revised tariff becomes effective, a determination as to whether a PR schedule should be permitted to take effect on the basis of Seaboard's former tariff rates would be a useless exercise.

By order issued May 13, 1965, in Docket No. RP65-49, we suspended Seaboard's revised tariff and ordered hearing thereon. On May 25, 1965, Seaboard filed its motion to make the revised tariff effective as of May 16, 1965, in accordance with ordering paragraph (B) of our order. Under those circumstances, it appears appropriate to provide Baltimore, and other interveners herein, an opportunity to review their position with respect to the PR schedules in light of Seaboard's revised tariff and to consider the effect of Seaboard's restructured tariff on their operations under the PR schedule. We shall therefore extend the time for the service of prepared testimony and exhibits by the interveners herein for a period of 2 weeks beyond that provided in the Secretary's notice, dated May 13, 1965. Those parties, including the Commission staff, who have already served their evidence, should also be given an opportunity to prepare and serve additional evidence directed to any change or modification of their position in these proceedings in view of Seaboard's restructured tariff. The Presiding Examiner shall provide appropriate procedures for this purpose at the prehearing conference.

In view of the fact that these consolidated proceedings have been pending for a considerable length of time and are now before us on remand[2] and since they involve proposed PR schedules of four other Columbia companies in addition to Seaboard, it is not appropriate to suspend these proceedings for an indefinite period, as requested by Baltimore. Baltimore's motion for suspension of the proceedings should therefore be denied.

The Commission orders:

(A) The motion of Baltimore Gas and Electric Co. to suspend the proceedings in Docket No. G-16401, filed on April 21, 1965, hereby is denied.

(B) The time within which all interveners proposing to present evidence in these proceedings shall serve their prepared testimony and exhibits upon all parties hereby is extended to and including June 15, 1965.

(C) The prehearing conference presently scheduled to commence June 11, 1965, hereby is postponed to June 24, 1965.

By the Commission.

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 65-5909; Filed, June 7, 1965; 8:46 a.m.]

[1] Seaboard's FPC Gas Tariff, 8th Revised Volume No. 1.

[2] With the exception of Docket No. RP65-45.

[Docket Nos. CP65-213, CP65-214, CP65-215]

PACIFIC GAS TRANSMISSION CO.

Order Granting Reconsideration and Fixing Date of Hearing

JUNE 1, 1965.

On May 26, 1965, Pacific Gas Transmission Co. (Pacific Transmission), filed a motion for reconsideration of the Commission's order of May 25, 1965, scheduling dates for the distribution of exhibits and testimony and setting a date for a prehearing conference in the above-styled proceedings.

In its motion for reconsideration Pacific Transmission contends that the schedule established by the Commission's order of May 25, 1965, will undoubtedly cause a delay in the conclusion of hearing phase of these proceedings until early October; whereas, under its proposed schedule the formal hearing could be concluded in late July. Pacific Transmission further points out that since it has filed all of its evidence on May 21, 1965, instead of June 21, 1965, as contemplated by the order of May 25, 1965, that the Commission could advance its schedule by 1 month without prejudicing any of the parties. Pacific Transmission also argues that the actual setting of a hearing by the Commission would assure the avoidance of an unwarranted delay of 2 months in the commencement of the formal hearings to be conducted in these proceedings.

The Commission recognizes that the final determination of the above-styled proceedings could be expedited by as much as 2 months under the schedule proposed by Pacific Transmission. The Commission will therefore fix July 13, 1965, as the date on which formal hearings are to commence with respect to the above-styled proceedings. This hearing date will be subject to change only by a ruling of the Presiding Examiner assigned to these proceedings during the prehearing conference scheduled to be held on July 6, 1965, to the effect that compelling reasons have been shown exist for the fixing of a hearing date other than on July 13, 1965.

The Commission is further of the opinion that under the schedule as it has been altered herein that any party desiring to serve answering testimony in these proceedings should do so by June 28, 1965.

The Commission finds: The schedule proposed by the Pacific Gas Transmission Co. in its motion for reconsideration filed on May 26, 1965, will expedite the final determination of the above-styled proceedings by approximately 2 months.

The Commission orders:

(A) Any party to the proceedings entitled Pacific Gas Transmission Co., et al., Docket Nos. CP65-213, et al., desiring to serve an answering case to the testimony filed by the Pacific Gas Transmission Co. is hereby required to serve such evidence on all the parties to these proceedings on or before June 28, 1965.

(B) A prehearing conference be convened in the proceedings entitled Pacific Gas Transmission Co., et al., Docket Nos. CP65-213, et al., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D.C., on July 6, 1965, at 10 a.m., e.d.s.t. The Chief Examiner will designate an appropriate officer of the Commission to preside at the prehearing conference and at the formal hearing of these matters, pursuant to the Commission's rules of practice and procedure.

(C) The formal hearings to be held in connection with the proceedings entitled Pacific Gas Transmission Co., et al., Docket Nos. CP65-213, et al., be convened in a hearing room of the Federal

Power Commission, 441 G Street NW., Washington, D.C., on July 13, 1965, at 10 a.m., e.d.s.t.

By the Commission.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F.R. Doc. 65-5910; Filed, June 7, 1965; 8:46 a.m.]

[Docket No. G-3084 etc.]

SOUTHEASTERN PUBLIC SERVICE CO., ET AL.

Findings and Order After Statutory Hearing; Correction

APRIL 2, 1965.

Southeastern Public Service Co. (Operator), et al. (successor to Anderson and Cooke, et al.), et al., Docket Nos. G-2684, et al.; Sinclair Oil & Gas Co. (Operator), et al. (successor to Benedum-Trees Oil Co., et al.), Docket No. G-14582 (RI61-120).

In the Findings and Order After Statutory Hearing Issuing Certificates of Public Convenience and Necessity, Amending Certificates, Permitting and Approving Abandonment of Service, Terminating Certificates, Substituting Respondent, Making Successor Co-Respondent, Redesignating Proceedings, Accepting Agreement and Undertaking for Filing, Accepting Related Rate Schedules and Supplements for Filing, issued March 22, 1965, and published in the FEDERAL REGISTER March 30, 1965 (F.R. Doc. 65-3124; 30 F.R. 4144) correct the fourth line of ordering paragraph (O) to read "in Docket Nos. G-16669, G-19821, RI61-120 • • •" in lieu of "• • • RI60-120 • • •".

GORDON M. GRANT, *Acting Secretary.*

[F.R. Doc. 65-5911; Filed, June 7, 1965; 8:46 a.m.]

[Docket No. G-5965 etc.]

HAYS OIL & GAS CO. ET AL.

Findings and Order; Correction

APRIL 2, 1965.

Glen Tompkins, et al. doing business as Hays Oil & Gas Co. (successor to Hays Oil & Gas Co., Inc.), et al., Docket Nos. G-5965, et al.; B. M. Tyree Pickens, Docket Nos. CI65-695, CI65-697, CI65-698.

In the Findings and Order After Statutory Hearing Issuing Certificates of Public Convenience and Necessity, Amending Certificates, Permitting and Approving Abandonment of Service, Terminating Certificates, Substituting Respondent, Making Successors Co-Respondents, Redesignating Proceeding, Requiring Filing of Certain Agreements and Undertakings and Accepting Certain Agreements and Undertakings for Filing, Accepting Related Rate Schedules and Supplements for Filing and Permitting Withdrawal of Intervention, issued March 15, 1965, and published in the FEDERAL REGISTER March 23, 1965 (F.R. Doc. 65-2864; 30 F.R. 3794), correct the first line of ordering paragraph (J) to read as follows:

In view of the abandonment authorization granted herein in Docket Nos. "CI65-695, CI65-696, CI65-697, and CI65-698", • • •.

GORDON M. GRANT, *Acting Secretary.*

[F.R. Doc. 65-5912; Filed, June 7, 1965; 8:46 a.m.]

[Project No. 2518]

VIRGINIA ELECTRIC & POWER CO.

Notice of Application for License for Constructed Project

JUNE 2, 1965.

Public notice is hereby given that application has been filed under the Federal Power Act (16 U.S.C. 791a-825r) by Virginia Electric & Power Co. (correspondence to: Mr. R. M. Hutcheson, Senior Vice President, Virginia Electric & Power Co., Seventh and Franklin Streets, Richmond 9, Va.) for license for constructed Project No. 2518, known as the Twelfth Street Station, located on the James River, in the city of Richmond, in Henrico County, Va.

The existing project consists of: (1) A reinforced concrete diversion dam about 1,708 feet long with a crest elevation of 29.2 to 34.3 feet, containing 30 openings 4 feet high and 36 feet long (except one 16 feet long) provided with tainter gates and 14 ungated openings; (2) a small reservoir confined to the river bed; (3) headworks containing three steel gates about 42.5 feet long and 10 feet high; (4) a canal about 2,240 feet long, 12 feet deep with an average width of 48 feet, controlled by: (5) two spillways; (6) seven intake conduits 13.5 feet in diameter with steel trash racks and two movable steel headgates; (7) a powerhouse equipped with seven horizontal shaft turbines driving seven alternating and four direct current generators having a combined capacity of 8,850 kw; (8) a 13.2 kv and a 2.3 kv bus structure; and (9) appurtenant electrical and mechanical facilities.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C., 20426, in accordance with the rules of practice and procedure of the Commission (18 CFR 1.8 or 1.10). The last day upon which protests or petitions may be filed is July 12, 1965. The application is on file with the Commission for public inspection.

JOSEPH H. GUTRIDE, *Secretary.*

[F.R. Doc. 65-5913; Filed, June 7, 1965; 8:46 a.m.]

INTERSTATE COMMERCE COMMISSION

[Notice 30]

FINANCE APPLICATIONS

JUNE 3, 1965.

The following publications are governed by the Interstate Commerce Commission's general requirements governing notice of filing of applications under sections 20a except (12) and 214 of the Interstate Commerce Act. The Commission's order of May 20, 1964, providing for such publication of notice, was published in the FEDERAL REGISTER issue of July 31, 1964 (29 F.R. 11126) and became effective October 1, 1964.

All hearings and prehearing conferences, if any, will be called at 9:30 a.m., U.S. standard time unless otherwise specified.

F.D. No. 23663—By application filed May 26, 1965, Mid-American Truck Lines, Inc., 900 North Indiana Avenue, Kansas City, Mo., seeks authority under section 214 of the Interstate Commerce Act to issue three long term secured notes in the total approximate amount of $576,000. Applicant's attorney: Kenneth M. Myers, Brewer, Myers, and Branton, 1010 Insurance Exchange Building, Kansas City, Mo., 64105. Protests must be filed no later than 15 days from date of publication in the FEDERAL REGISTER.

F.D. No. 23668—By application filed June 1, 1965, Chicago, Burlington & Quincy Railroad Co., 547 West Jackson Boulevard, Chicago, Ill., 60606, seeks authority under section 20a of the Interstate Commerce Act to assume obligation and liability with respect to $6,150,000 principal amount of certificates to be issued pursuant to C.B. & Q. Railroad Equipment Trust No. 2 of 1965. Applicant's attorney: Eldon Martin, Vice President and General Counsel, 547 West Jackson Boulevard, Chicago, Ill., 60606. Protests must be filed no later than 15 days from date of publication in the FEDERAL REGISTER.

F.D. No. 23669—By application filed June 1, 1965, Wells Cargo, Inc., 1775 East Fourth Street, Post Office Box 1511, Reno, Nev., seeks authority under section 214 of the Interstate Commerce Act to issue (1) a secured promissory note not in excess of $1,173,514.02 and (2) a secured promissory note not in excess of $2,600,000. Applicant's attorney: Edward M. Berol, Berol, Loughran and Geernaert, 100 Bush Street, Suite 2107, San Francisco, Calif., 94104. Protests must be filed no later than 15 days from date of publication in the FEDERAL REGISTER.

F.D. No. 23670—By application filed June 2, 1965, Louisville & Nashville Railroad Co., 908 West Broadway, Louisville, Ky., 40201, seeks authority under section 20a of the Interstate Commerce Act to assume obligation and liability in respect of $4,629,000 aggregate principal amount of Louisville and Nashville Railroad Serial Equipment Trust Certificates, Series PP, and the sale thereof. Applicant's attorney: J. A. Kilduff, Assistant Vice President, Louisville & Nashville Railroad Co., 220 East 42d Street, New York, N.Y., 10017. Protests must be filed no later than 15 days from date of publication in the FEDERAL REGISTER.

By the Commission.

[SEAL] BERTHA F. ARMES, *Acting Secretary.*

[F.R. Doc. 65-5918; Filed, June 7, 1965; 8:46 a.m.]

[Application 90]

INTERSTATE TARIFF BUREAU, INC.

Agreement Regarding Transportation of Property Between District of Columbia and Certain States

JUNE 3, 1965.

The Commission is in receipt of the above-entitled and numbered application for approval of an agreement under the provisions of section 5a of the Interstate Commerce Act.

Filed: May 27, 1965, by J. C. Schriner, President, Interstate Tariff Bureau, Inc., 11615 Detroit Avenue, Cleveland, Ohio, 44102.

Agreement involved: Agreement between and among common carriers by motor vehicle, members of Interstate Tariff Bureau, Inc., relating to joint consideration, establishment, or change of rules, regulations, rates, exceptions, or classification governing the transportation of property between points in the District of Columbia and the States of Connecticut, Delaware, Illinois, Indiana, Iowa, Kentucky, Maryland, Massachusetts, Michigan, Missouri, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Virginia, West Virginia, and Wisconsin.

The complete application may be inspected at the office of the Commission in Washington, D.C.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 20 days from the date of this notice. As provided by the general rules of practice of the Commission, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing.

By the Commission, Division 2.

[SEAL] BERTHA F. ARMES, *Acting Secretary.*

[F.R. Doc. 65-5919; Filed, June 7, 1965; 8:46 a.m.]

[Notice 1186]

MOTOR CARRIER TRANSFER PROCEEDINGS

JUNE 3, 1965.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 179), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC-67687. By order of May 28, 1965, the Transfer Board approved the transfer to Charles M. O'Connor, doing business as Charles Hellrigel and Son, Newark, N.J., of the certificate in No. MC-46060, issued December 13, 1940, to Charles Hellrigel, doing business as Charles Hellrigel and Son, Newark, N.J., authorizing the transportation of: Household goods, between points and places in New Jersey, on the one hand, and, on the other, points in Pennsylvania, Connecticut, Rhode Island, Massachusetts, New York, and Maryland. Herman B. J. Weckstein, 1060 Broad Street, Newark 2, N.J., attorney for applicants.

No. MC-FC-67867. By order of May 28, 1965, the Transfer Board approved the transfer to Lincoln Scott, doing business as Philadelphia Charter Bus Service, Philadelphia, Pa., of the License No. MC-12707 issued March 29, 1960, to William Gray, doing business as Jackson & Gray Buss Travel Service, Philadelphia, Pa., authorizing the holder to engage in operations as a broker, in arranging for transportation, as follows: Passengers and their baggage, in round-trip tours, beginning and ending at Philadelphia, Pa., and extending to points in Delaware, Maryland, New Jersey, New York, Ohio, North Carolina, South Carolina, Virginia, and the District of Columbia. Applicant is authorized to engage in the above-specified operations as a broker at Philadelphia, Pa. Frank S. Dreeben, 608 Liberty Trust Building, Philadelphia, Pa., attorney for applicants.

No. MC-FC-67869. By order of May 28, 1965, the Transfer Board approved the transfer to Trulove Transfer & Storage, Inc., Inglewood, Calif., of the operating rights in Certificate No. MC-19334 (Sub-No. 3) issued March 19, 1958, to O. L. Trulove, doing business as Trulove Transfer and Storage, Inglewood, Calif., authorizing transportation, as follows: General commodities, between Inglewood, Calif., and Los Angeles, Calif.: From Inglewood over Redondo Boulevard, West Boulevard, Slauson Avenue, Central Avenue, and East Third Street to Los Angeles, and return over the same route. RESTRICTION: The service herein authorized is subject to the following conditions: The service to be performed by said carrier shall be limited to service which is auxiliary to, or supplemental of, rail service of the Atchison, Topeka & Santa Fe Railway Co. General Commodities, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, from points in the Los Angeles, Calif., commercial zone as defined by the Commission, to points in the Los Angeles Harbor, Calif., commercial zone as defined by the Commission, with no service authorized in the reverse direction. RESTRICTION: The service authorized herein is restricted to traffic moving to the territories or possessions of the United States. Donald Murchison, 211 South Beverly Drive, Beverly Hills, Calif., 90212, attorney for applicants.

No. MC-FC-67875. By order of May 28, 1965, the Transfer Board approved the transfer to Raymond T. Powers, Jr., doing business as Ray Powers, Fitchburg, Mass., of the operating rights issued by the Commission January 12, 1955, under Permit No. MC-94477, to Arthur E. Leclerc, Fitchburg, Mass., authorizing the transportation, over irregular routes, of commodities usually sold by department stores and mail order houses, from Fitchburg, Mass., to points in Cheshire, Hillsboro, and Rockingham Counties, N.H. Arthur A. Wentzell, Post Office Box 720, Worcester, Mass., registered practitioner for applicants.

No. MC-FC-67883. By order of May 28, 1965, the Transfer Board approved the transfer to Charles A. Groepper, doing business as Groepper Transfer, Menomonie, Wis., of Certificate No. MC-24869, issued March 16, 1964, to Robert Voeltz, Emerald, Wis., authorizing the transportation of livestock, general commodities, excluding household goods and commodities in bulk, well drilling supplies, flour, feed, and feed mill products, and animal and poultry feed, over irregular routes, between, from, and to points and areas in the States of Minnesota and Wisconsin varying with the commodities transported. A. R. Fowler, 2288 University Avenue, St. Paul, Minn., 55114, representative for applicants.

No. MC-FC-67889. By order of May 28, 1965, the Transfer Board approved the transfer to Lane Brothers Trucking Co., a corporation, San Angelo, Tex., of certificate in No. MC-13781, issued October 10, 1949, to Pansy E. Wolf and Wm. H. Wolf, a partnership, doing business as William Henry Wolf, Edmond, Okla., authorizing the transportation of: Machinery, equipment, materials, and supplies used in, or in connection with, the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of natural gas and petroleum and their products and byproducts, and machinery, materials, equipment, and supplies used in, or in connection with, the construction, operation, repair, servicing, maintenance and dismantling of pipelines, including the stringing and picking up thereof, over irregular routes, between points and places in Kansas, Oklahoma, and Texas. Austin L. Hatchell, 1102 Perry Brooks Building, Austin, Tex., attorney for applicants.

No. MC-FC-67890. By order of May 28, 1965, the Transfer Board approved the transfer to Andrew Piontek, doing business as Duranso Transfer, Stevens Point, Wis., of certificate in No. MC-57138 (Sub-No. 1), issued July 24, 1961, to Elizabeth Ann Duranso, doing business as Duranso Transfer, 406 Patch Street, Stevens Point, Wis., authorizing the transportation of: Household goods, over irregular routes, between Stevens Point, Wis., and points within 20 miles of Stevens Point, on the one hand, and, on the other, points in Minnesota and Illinois.

No. MC-FC-67894. By order of May 28, 1965, the Transfer Board approved the transfer to Bradford Transfer & Storage Co., a corporation, Fort Worth,

Tex.; of certificate in No. MC–73631, issued June 12, 1942, to B. R. Bradford, doing business as Bradford Transfer Co., Fort Worth, Tex.; authorizing the transportation of: Household goods, over irregular routes, between Dallas, Forth Worth, and Houston, Tex.; on the one hand, and, on the other, points in Arizona, Arkansas, Colorado, Illinois, Indiana, Kansas, Louisiana, Missouri, New Mexico, Ohio, Oklahoma, Tennessee, and Texas. T. S. Christopher, 2412 Continental Life Building, Forth Worth, Tex., attorney for applicants.

[SEAL] BERTHA F. ARMES, *Acting Secretary.*

[F.R. Doc. 65–5920; Filed, June 7, 1965; 8:46 a.m.]

CUMULATIVE LIST OF CFR PARTS AFFECTED—JUNE

The following numerical guide is a list of the parts of each title of the Code of Federal Regulations affected by documents published to date during June.

3 CFR

EXECUTIVE ORDERS:
11227 — 7369

5 CFR

213 — 7271, 7311, 7425, 7426, 7473

7 CFR

16 — 7426
28 — 7426
29 — 7385
30 — 7385
34 — 7385
160 — 7385
718 — 7427
722 — 7271, 7385
728 — 7434
730 — 7272
750 — 7311
845 — 7273
908 — 7311, 7435
909 — 7273
910 — 7435
915 — 7436
917 — 7473–7475
944 — 7436
970 — 7274
1421 — 7475
PROPOSED RULES:
29 — 7494
51 — 7396
911 — 7501
915 — 7501
916 — 7284
1133 — 7284
1138 — 7288

8 CFR

264 — 7312

9 CFR

74 — 7274
201 — 7275
PROPOSED RULES:
94 — 7445

10 CFR

PROPOSED RULES;
150 — 7445

12 CFR

1 — 7371
17 — 7275

12 CFR—Continued

PROPOSED RULES:
545 — 7316

14 CFR

39 — 7275, 7371, 7372
71 — 7276, 7312, 7372, 7373
97 — 7374
151 — 7484
PROPOSED RULES:
61 — 7292
71 — 7316, 7396, 7502, 7503
73 — 7503

17 CFR

240 — 7276

18 CFR

8 — 7313
157 — 7280

21 CFR

8 — 7484
20 — 7280
27 — 7484
120 — 7280, 7385, 7485
121 — 7280, 7386, 7485–7487
141d — 7487
146d — 7487
PROPOSED RULES:
20 — 7292
121 — 7501

26 CFR

1 — 7281
PROPOSED RULES:
1 — 7493

28 CFR

16 — 7468
42 — 7386

32 CFR

1001 — 7389

33 CFR

124 — 7314

38 CFR

1 — 7389
3 — 7390, 7489

39 CFR

15 — 7390
16 — 7390

39 CFR—Continued

22 — 7391
23 — 7391
24 — 7391
25 — 7391
43 — 7392
45 — 7392
46 — 7394

41 CFR

5B–2 — 7424
8–1 — 7427
8–2 — 7427
101–38 — 7428

42 CFR

57 — 7394, 7395

43 CFR

18 — 7394

45 CFR

60 — 7371

46 CFR

146 — 7437
221 — 7490
527 — 7490
PROPOSED RULES:
248 — 7391

47 CFR

1 — 7419
73 — 7314
PROPOSED RULES:
1 — 7446
17 — 7446
73 — 7446

49 CFR

72 — 7420
73 — 7420
74 — 7423
77 — 7423
78 — 7423
79 — 7425
192 — 7491

50 CFR

3 — 7315
33 — 7282
260 — 7283
262 — 7444
266 — 7282

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Agencies in this issue—

Agricultural Stabilization and Conservation Service
Atomic Energy Commission
Civil Aeronautics Board
Civil Service Commission
Consumer and Marketing Service
Federal Aviation Agency
Federal Communications Commission
Federal Maritime Commission
Fish and Wildlife Service
Food and Drug Administration
Immigration and Naturalization Service
Indian Affairs Bureau
Interstate Commerce Commission
Land Management Bureau
Securities and Exchange Commission
Veterans Administration

Detailed list of Contents appears inside.



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Contents

AGRICULTURAL STABILIZATION AND CONSERVATION SERVICE

Rules and Regulations

Feed grains; 1964 and 1965 program regulations; miscellaneous amendments 7515

AGRICULTURE DEPARTMENT

See Agricultural Stabilization and Conservation Service; Consumer and Marketing Service.

ATOMIC ENERGY COMMISSION

Notices

New York University; extension of completion date 7527

Rural Cooperative Power Association; issuance of operating authorization regarding Elk River Demonstration Reactor Program Project 7527

Yankee Atomic Electric Co.; issuance of license 7527

CIVIL AERONAUTICS BOARD

Notices

Allegheny Airlines, Inc., et al.; order to show cause 7527

CIVIL SERVICE COMMISSION

Rules and Regulations

Commission on Civil Rights; excepted service 7515

Notices

Manpower shortage; listing of position 7530

CONSUMER AND MARKETING SERVICE

Proposed Rule Making

Dried prunes; proposed standards for grades 7524

FEDERAL AVIATION AGENCY

Rules and Regulations

Control zone, transition areas, and control area extensions; alteration, designation and revocation 7517

Transition area description; correction 7517

Pilot schools; retention of records 7517

Proposed Rule Making

Alterations:

Control zone 7524

Transition area 7525

FEDERAL COMMUNICATIONS COMMISSION

Rules and Regulations

Organization; waiver of geographical restriction on validity of operator licenses issued to alien aircraft pilots 7521

Public safety radio services; non-type accepted equipment for police zone and inter-zone stations 7522

Proposed Rule Making

Multiple ownership of standard, FM, and television broadcast stations; order extending time for filing comments 7525

Notices

Canadian broadcast stations; list of changes, proposed changes and corrections in assignments 7528

Hearings, etc.:

American Telephone and Telegraph Co. (2 documents) 7528, 7529

American Telephone and Telegraph Co., et al 7529

Northland Television Corp. et al 7529

Southern Newspapers, Inc., and Radio Hot Springs Co 7529

Storz Broadcasting Co. (WTIX) 7530

FEDERAL MARITIME COMMISSION

Notices

Agreements filed for approval:

American President Lines, Ltd., and Pacific Far East Line, Inc. (2 documents) 7530, 7531

Ivaran Lines and Seatrain Lines, Inc 7531

Japan-Atlantic and Gulf Freight Conference 7531

Osaka Shosen Kaisha, Ltd 7531

Oy Finnlines, Ltd., and Seatrain Lines, Inc 7531

Trans-Pacific Freight Conference of Japan 7532

FISH AND WILDLIFE SERVICE

Rules and Regulations

San Andres National Wildlife Refuge, New Mexico; hunting 7523

FOOD AND DRUG ADMINISTRATION

Rules and Regulations

Food additives:

Components of paper and paperboard in contact with aqueous and fatty foods 7518

Components of paper and paperboard in contact with dry food 7519

Cross-linked polyester resins 7519

Ion-exchange membranes 7518

Resinous and polymeric coatings 7518

HEALTH, EDUCATION, AND WELFARE DEPARTMENT

See Food and Drug Administration.

IMMIGRATION AND NATURALIZATION SERVICE

Rules and Regulations

Powers and duties of service officers; inspection and evidence 7516

INDIAN AFFAIRS BUREAU

Rules and Regulations

State and local regulation of the use of Indian property 7520

INTERIOR DEPARTMENT

See Fish and Wildlife Service; Land Management Bureau; Indian Affairs Bureau.

INTERSTATE COMMERCE COMMISSION

Rules and Regulations

Car service; railroad operating regulations for freight car movement 7522

Parts and accessories necessary for safe operations; qualifications and maximum hours of service of employees of motor carriers and safety of operations and equipment 7522

Notices

In-car storage; free time at U.S. ports 7546

Motor carrier, broker, water carrier and freight forwarder applications 7533

Motor carrier applications and certain other proceedings (2 documents) 7547, 7550

Motor carrier intrastate applications; filing 7551

Wyoming Trucking Association, Inc.; application for approval of agreement 7547

JUSTICE DEPARTMENT

See Immigration and Naturalization Service.

LAND MANAGEMENT BUREAU

Rules and Regulations

Idaho; public land order 7521

SECURITIES AND EXCHANGE COMMISSION

Notices

Hearings, etc.:

Brown Co 7532

General Aniline & Film Corp 7532

VETERANS ADMINISTRATION

Rules and Regulations

Loan guaranty; eligibility 7521

List of CFR Parts Affected

(Codification Guide)

The following numerical guide is a list of the parts of each title of the Code of Federal Regulations affected by documents published in today's issue. A cumulative list of parts affected, covering the current month to date, appears at the end of each issue beginning with the second issue of the month.

A cumulative guide is published separately at the end of each month. The guide lists the parts and sections affected by documents published since January 1, 1965, and specifies how they are affected.

3 CFR

EXECUTIVE ORDER:
7655 (revoked in part by PLO 3661) 7521

5 CFR

213 7515

7 CFR

775 7515
PROPOSED RULES:
52 7524

8 CFR

103 7516

14 CFR

71 (2 documents) 7517
141 7517
PROPOSED RULES:
71 (2 documents) 7524, 7525

21 CFR

121 (5 documents) 7518, 7519

25 CFR

1 7520

38 CFR

36 7521

43 CFR

PUBLIC LAND ORDERS:
3661 7521

47 CFR

0 7521
89 7522
PROPOSED RULES:
73 7525

49 CFR

95 7522
193 7522

50 CFR

32 7522

Rules and Regulations

Title 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 213—EXCEPTED SERVICE

Commission on Civil Rights

Section 213.3256 is added to show the exception under Schedule B until August 1, 1966, of three positions at grade GS–9 and above to engage in the preparation and dissemination of information relative to developments, legislation, and other pertinent happenings related to the field of civil rights gathered by the staff of the Commission on Civil Rights in carrying out its assigned functions. Effective on publication in the FEDERAL REGISTER, § 213.3256 is added as set out below.

§ 213.3256 Commission on Civil Rights.

(a) Until August 1, 1966, three positions at grade GS–9 and above to engage in the preparation and dissemination of information about the developments, legislation, and other pertinent happenings relating to the field of civil rights gathered by the Commission on Civil Rights in carrying out its assigned functions.

(R.S. 1753, sec. 2, 22 Stat. 403, as amended; 5 U.S.C. 631, 633; E.O. 10577, 19 F.R. 7521, 3 CFR, 1954–1958 Comp., p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] MARY V. WENZEL,
Executive Assistant to the Commissioners.

[F.R. Doc. 65–5967; Filed, June 8, 1965; 8:47 a.m.]

Title 7—AGRICULTURE

Chapter VII—Agricultural Stabilization and Conservation Service (Agricultural Adjustment), Department of Agriculture

SUBCHAPTER C—SPECIAL PROGRAMS

[Amdt. 6]

PART 775—FEED GRAINS

Subpart—1964 and 1965 Feed Grain Program Regulations

MISCELLANEOUS AMENDMENTS

The regulations governing the 1964 and 1965 Feed Grain Program, 29 F.R. 590, as amended, are hereby further amended as follows:

§ 775.301 [Amended]

1. Section 775.301(a) is amended by changing the words "guar, sesame, safflower, sunflower, castor beans, and mustard seed" in the first sentence thereof to "substitute crops."

§ 775.302 [Amended]

2. Section 775.302 is amended as follows:

a. Paragraph (g) is amended by changing the period to a comma at the end thereof and adding the following: "except that for 1965, the barley base shall not be included in the total feed grain base for farms complying with the provisions of § 775.329.".

b. Paragraph (p) is amended to read as follows:

(p) "Substitute crop" means any of the following crops which may be produced on the diverted acreage in lieu of conservation uses:

(1) *For 1964.* castor beans, guar, mustard seed, safflower, sesame or sunflower.

(2) *For 1965.* castor beans, flax, guar, mustard seed, safflower, sesame or sunflower.

§ 775.304 [Amended]

3. Section 775.304 is amended as follows:

a. Paragraph (b)(6) is amended by inserting the words "or land in a National wildlife refuge" immediately after the word "possession" in the last sentence thereof.

b. Paragraph (c)(2) is amended to read as follows:

(2) Each other farm in which the producer has an interest in the current year's crop of feed grains shall be in compliance with the provisions of this program, or the total feed grain base for each such farm shall not be exceeded. For the purpose of this subparagraph (2), a producer shall not be considered as violating the foregoing requirements if he satisfies the county committee that he did not have control of the managerial operations of the noncomplying farm, that he has made a reasonable effort to encourage compliance with the requirements of this subparagraph and that it was through no fault of his own that such farm was not in compliance. A producer who violates the requirement of this subparagraph (2) shall be ineligible for diversion and price support payments under the program, except that for 1964 if the total feed grain base for each farm is exceeded by no more than the larger of 2 acres or 5 percent of the total feed grain base (but not to exceed 15 acres), the producer shall be eligible for diversion and price support payments but the diversion payment otherwise earned by the producer under the program shall be reduced in an amount determined by multiplying the number of acres the total feed grain base is exceeded on each farm by the smallest average per acre diversion payment earned on any farm in which he shares in a diversion payment, but not to exceed the sum of the diversion payments otherwise earned by the producer under the program. For purposes of this subparagraph (2), all persons or entities in each category listed below shall be considered as one producer and fully responsible for the actions of any person or entity in that category: (i) A partnership and any member of the partnership; (ii) a corporation and the majority stockholder of such corporation; (iii) an estate and an heir of the estate with over a 50 percent interest in the estate; (iv) a trust and a beneficiary of the trust with over a 50 percent interest in the trust; (v) minor children and the parent, guardian, or other person legally responsible for the minor; and (vi) husband and wife, except that the husband and wife may be considered as separate producers if they do not occupy the same household, managerial control of the noncomplying farm is not shared by the spouse, and there have been no changes in the operations or managerial control of the noncomplying farm which would tend to defeat the purpose of the provisions of this subparagraph (2).

§ 775.311 [Amended]

4. Section 775.311(c) is amended by changing the first sentence to read as follows: "If the historical acreage from which feed grain bases are established has not been obtained for a farm and the operator or owner of the farm expects to participate in the program on the farm, such historical acreage must be furnished to the county office not later than the date for filing Form 477 as provided in § 775.315(c).".

§ 775.312 [Amended]

5. Section 775.312 is amended as follows:

a. Paragraph (d) is amended by adding the following new sentence at the end thereof: "The minimum acre diversion payment rate shall apply to the acreage credited for diversion payment under § 775.328 which is in excess of the stated intention.".

b. Paragraph (e) is amended by adding the following new sentence at the end thereof: "Notwithstanding any other provision of this paragraph, for 1965, the additional acre diversion payment rate shall apply to the entire acreage diverted for payment within the stated intention only when both the acreage credited for payment and the stated intention are (1) 40 percent or more of the total feed grain base (or the base as determined in accordance with the option specified in § 775.304(b)(2) for a farm participating in the conservation reserve program or the cropland conversion program) or (2) equal to the number of acres which are permitted to be devoted to soil bank base crops under the terms of a conservation reserve contract or which can be devoted to nonconserving crops under the terms of a cropland conversion program agreement.".

c. Paragraph (h) is amended to read as follows:

(h) *Diversion payment rates for land devoted to substitute crops.* Notwith-

standing any other provision of this section—

(1) *1964.* When the stated intention is less than 40 percent of the total feed grain base, the payment rate shall be 50 percent of the lowest minimum acre diversion payment rate for the farm in the case of diverted acreage devoted to guar, castor beans, and sesame, and 30 percent of the lowest minimum acre diversion payment rate for the farm in the case of diverted acreage devoted to mustard seed and sunflower. When the stated intention is 40 percent or more of the total feed grain base, the payment rate shall be 50 percent of the lowest additional acre diversion payment rate for the farm in the case of diverted acreage devoted to guar, castor beans, and sesame, and 30 percent of the lowest additional acre diversion payment rate for the farm in the case of diverted acreage devoted to mustard seed and sunflower. No diversion payment shall be made with respect to diverted acreage devoted to safflower.

(2) *1965.* The payment rate for diverted acreage devoted to mustard seed shall be 30 percent of the average per acre feed grain diversion payment for which the farm would have qualified had there been no substitute crop. No diversion payment shall be made with respect to diverted acreage devoted to flax or safflower. The payment rate for diverted acreage devoted to other substitute crops shall be a percentage of the average per acre farm diversion payment for feed grains and wheat for which the farm would have qualified had there been no substitute crop. The percentages are 30 percent for sunflower and 50 percent for castor beans, guar, and sesame.

d. Paragraph (i) is amended to read as follows:

(i) *Price support payment rates.* Price support payments will not be made for wheat under this program. The per acre farm price support payment rate for barley, corn, and grain sorghums shall be determined by multiplying the farm yield in bushels established for the commodity as provided in paragraph (c) of this section by—

(1) *1964.* Barley, 12 cents; corn, 15 cents; and grain sorghums, 12.88 cents.

(2) *1965.* Barley, 16 cents; corn, 20 cents; and grain sorghums, 19.6 cents.

§ 775.315 [Amended]

6. Section 775.315(d) is amended by deleting the following: "the acreage, if any, of substitute crops which is intended to be planted for harvest on the diverted acreage;".

7. Section 775.318(c) (3) and (4) is amended to read as follows:

§ 775.318 Final diversion payment and price support payment.

* * * * * * *

(c) * * *

(3) The increased acreage devoted to approved conservation uses and substitute crops, excluding substitute crops which are in excess of the stated intention under the program and the wheat diversion program and acreage diverted under the wheat diversion program.

(4) The designated diverted acreage, excluding acreage diverted under the wheat diversion program.

* * * * * * *

8. A new § 775.329 is added to read as follows:

§ 775.329 Malting barley exemption for 1965.

(a) Notwithstanding any other provisions of this subpart, barley shall not be included in the Feed Grain Program for 1965 for a farm if (1) the 1965 farm owner or operator planted an approved malting variety of barley during one or more of the years 1960 through 1964; (2) the operator has requested a malting barley exemption on Form 477 during the period specified in § 775.315(c); (3) barley only of an approved malting variety is planted on the farm for harvest in 1965; (4) an acreage of barley is not knowingly produced in excess of 110 per centum of the barley base for the farm; and (5) an acreage of other feed grains is not knowingly produced in excess of the total feed grain base for the farm (excluding barley). No diversion or price support payment shall be made for barley on such a farm. A barley producer on a farm in compliance with the provisions of this section shall not be eligible for price support loans with respect to barley unless such producer also complies with the provisions of § 775.304 (c)(2). If the farm is participating in the Feed Grain Program for 1965 or the Wheat Diversion Program for 1965, the conserving acreage requirements of § 775.304(b)(4) and of § 728.51(b)(4) of this chapter of the regulations governing the Wheat Diversion Program shall, for the purposes of determining compliance for 1965, be reduced to the extent the 1965 barley acreage exceeds the barley base as permitted by the provisions of this section. If the farm is participating in the Feed Grain Program for 1965, the conserving acreage requirement of § 775.304(b)(4) shall, for purposes of determining compliance with the Feed Grain Program for 1965, be increased to the extent the 1965 barley base is underplanted. A request for a malting barley exemption may not be withdrawn after the closing date for filing Form 477 except as provided in instructions issued by the Deputy Administrator. Producers who have requested a malting barley exemption (which is not withdrawn in accordance with the preceding sentence) shall be ineligible for feed grain diversion and price support payments on the farm if they fail to meet all of the requirements of this section. The provisions of § 775.328 shall not be applicable to a farm with a malting barley exemption.

(b) Approved malting varieties are: Atlas, Barbless, Betzes, Forrest, Hanna, Haisa II, Hannchen, Heines Hanna, Idaho Club, Kindred, Larker, Manchuria, Montcalm, Moravian, O.A.C. 21, Oderbrucker, Odessa, Parkland, Traill, Trophy, White Winter, Winter Club, and Winter Tennessee.

(c) This section shall be applicable only in California, Colorado, Idaho, Illinois, Iowa, Michigan, Minnesota, Montana, Nebraska, North Dakota, Oregon, South Dakota, Washington, Wisconsin, and Wyoming.

Effective date. Upon publication in the FEDERAL REGISTER.

Signed at Washington, D.C., on June 3, 1965.

H. D. GODFREY,
Administrator, Agricultural Stabilization and Conservation Service.

[F.R. Doc. 65-6003; Filed, June 8, 1965; 8:50 a.m.]

Title 8—ALIENS AND NATIONALITY

Chapter I—Immigration and Naturalization Service, Department of Justice

PART 103—POWERS AND DUTIES OF SERVICE OFFICERS

Applications, Petitions, and Other Documents; Inspection of Evidence

The following amendment to Chapter I of Title 8 of the Code of Federal Regulations is hereby prescribed:

Subparagraph (2) of paragraph (b) *Evidence* of § 103.2 *Applications, petitions, and other documents* is amended to read as follows:

§ 103.2 Applications, petitions, and other documents.

* * * * * * *

(b) *Evidence*— * * *

(2) *Inspection of evidence.* An applicant or petitioner shall be permitted to inspect the record of proceeding which constitutes the basis for the decision, except as hereinafter provided. If the decision will be adverse to the applicant or petitioner on the basis of derogatory evidence considered by the Service and of which the applicant or petitioner is unaware, he shall be advised thereof and offered an opportunity to rebut it and present evidence in his behalf before the decision is rendered, except that classified evidence shall not be made available to him. Any explanation, rebuttal, or evidence presented by or in behalf of the applicant or petitioner shall be included in the record of proceeding. A determination of statutory ineligibility shall not be valid unless based on evidence contained in the record of proceeding. In exercising discretionary power when considering an application or petition, the district director or the officer in charge, in any case in which he is authorized to make the decision, may consider and base his decision upon evidence not contained in the record of proceeding and not made available for inspection by the applicant or petitioner, provided the regional commissioner, in his discretion, has concluded that such evidence is classified under Executive Order No. 10501 of November 5, 1953 (18 F.R. 7049, Nov. 10, 1953), as amended, by Executive Order Nos. 10816 of May 7, 1959 (24 F.R. 3777, May 12, 1959), 10901 of January 9, 1961 (26 F.R. 217, Jan. 12, 1961), 10964 of September 20, 1961 (26 F.R. 8932, Sept. 22, 1961), and 10985 of January 13, 1962 (27 F.R. 439, Jan. 16, 1962), and that its disclosure would be prejudicial to the national security and safety.

(Sec. 103, 66 Stat. 173; 8 U.S.C. 1103)

This order shall be effective on the date of its publication in the FEDERAL REGISTER. Compliance with the provisions of section 4 of the Administrative Procedure Act (60 Stat. 238; 5 U.S.C. 1003) as to notice of proposed rule making and delayed effective date is unnecessary in this instance because the rules prescribed by the order confer benefits upon persons affected thereby.

Dated: June 4, 1965.

RAYMOND F. FARRELL,
Commissioner of Immigration and Naturalization.

[F.R. Doc. 65-5973; Filed, June 8, 1965; 8:47 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Agency

[Airspace Docket No. 63-SW-124]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Control Zone; Designation of Transition Areas; and Revocation of Control Area Extensions

On November 4, 1964, a notice of proposed rule making was published in the FEDERAL REGISTER (29 F.R. 14936) stating that the Federal Aviation Agency proposed to alter the controlled airspace in the Tulsa, Okla., terminal area. Subsequent to the publication of the notice, it was necessary to change the glide slope setting for the ILS serving runway 35R at Tulsa International Airport. This necessitated an addition to the proposed control zone extension to the south and an additional extension to the proposed 700-foot floor portion of the transition area. This additional controlled airspace was defined in a supplemental notice of proposed rule making published in FEDERAL REGISTER (30 F.R. 3830) on March 24, 1965.

Interested persons were afforded an opportunity to participate in the rule making through submission of comments. All comments received were favorable.

A requirement no longer exists for the retention of the Oklahoma City, Okla., Tulsa, Okla., and Abilene, Tex., control area extensions; although not proposed in the notice, action is taken herein to revoke them. Since the revocation of these control area extensions impose no additional burden on any person, notice and public procedures hereon are unnecessary.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0001 e.s.t., August 19, 1965, as hereinafter set forth.

1. In § 71.171 (29 F.R. 17638), the Tulsa, Okla., control zone is amended to read as follows:

TULSA, OKLA.

That airspace within a 5-mile radius of the Tulsa International Airport (latitude 36°-12'00" N., longitude 95°53'15" W.); within 2 miles each side of the Tulsa ILS localizer N course, extending from the 5-mile radius zone to 1 mile S of the OM; within 2 miles each side of the Tulsa ILS localizer S course, extending from the 5-mile radius zone to 0.5 mile N of the OM; and within 2 miles each side of the Tulsa VORTAC 268° Radial, extending from the 5-mile radius zone to the VORTAC.

2. In § 71.165 (29 F.R. 17578), the Tulsa, Okla., control area extension is revoked.

3. In § 71.165 (29 F.R. 17572), the Oklahoma City, Okla., control area extension is revoked.

4. In § 71.165 (29 F.R. 17557), the Abilene, Tex., control area extension is revoked.

5. In § 71.181 (29 F.R. 17643), the following transition area is added:

TULSA, OKLA.

That airspace extending upward from 700 feet above the surface within a 9-mile radius of Tulsa, Okla., International Airport (latitude 36°12'00" N., longitude 95°53'15" W.); within 8 miles W and 5 miles E of the Tulsa ILS localizer N course, extending from the OM to 12 miles N; within 8 miles N and 5 miles S of the Tulsa VORTAC 068° Radial, extending from the 9-mile radius area to 12 miles E of the VORTAC; and within 2 miles each side of the Tulsa ILS localizer S course, extending from the 9-mile radius area to 8 miles S of the OM; that airspace extending upward from 1,200 feet above the surface within an area bounded by a line beginning at latitude 36°40'00" N., longitude 96°00'00" W.; to latitude 36°38'00" N., longitude 95°-47'00" W.; to latitude 36°48'00" N., longitude 95°30'00" W.; to latitude 36°55'00" N., longitude 95°06'00" W.; to latitude 36°24'00" N., longitude 94°30'00" W.; to latitude 36°12'00" N., longitude 94°28'00" W., to latitude 35°-46'00" N., longitude 95°06'30" W.; to latitude 35°46'00" N., longitude 95°20'00" W.; to latitude 35°11'00" N., longitude 95°55'00" W.; thence W along latitude 35°11'00" N., to and counterclockwise along the arc of a 57-mile radius circle centered at latitude 35°-25'50" N., longitude 97°35'10" W.; to longitude 97°18'20" W., to point of beginning, excluding the portion within the Oklahoma City, Okla., transition area.

6. In § 71.181 (29 F.R. 17643), the following transition area is added:

OKMULGEE, OKLA.

That airspace extending upward from 700 feet above the surface within a 6-mile radius of the Okmulgee, Okla., Airport (latitude 35°39'45" N., longitude 95°56'45" W.); and within 8 miles S and 5 miles N of the Okmulgee VOR 068° Radial extending from the VOR to 12 miles E.

(Sec. 307(a) of the Federal Aviation Act of 1958; 49 U.S.C. 1348)

Issued in Fort Worth, Tex., on May 28, 1965.

A. L. COULTER,
Acting Director, Southwest Region.

[F.R. Doc. 65-5954; Filed, June 8, 1965; 8:45 a.m.]

[Airspace Docket No. 64-EA-11]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Transition Area Description Correction

On page 1258 of the FEDERAL REGISTER for February 5, 1965, the Federal Aviation Agency published a proposed regulation, Item 5 to designate a 700-foot Evansville, Ind., transition area. This proposed regulation has been processed to final rule and is in the process of publication in the FEDERAL REGISTER. It has been determined that the description of said transition area on line 6 which uses the word "easterly" has led to ambiguity in such description. To eliminate any ambiguity the description will be amended to delete the word "easterly."

Because the correction is of a clarifying nature the public interest does not require the 30 day notice.

The subject regulation is hereby amended as follows:

1. Under Item 5, sixth line of the text material, delete the word "easterly."

(Sec. 307(a) of the Federal Aviation Act of 1958; 72 Stat. 749; 49 U.S.C. 1348)

Issued in Jamaica, N.Y., on May 26, 1965.

WAYNE HENDERSHOT,
Acting Director, Eastern Region.

[F.R. Doc. 65-5956; Filed, June 8, 1965; 8:46 a.m.]

[Reg. Docket No. 6684; Amdt. 141-2]

PART 141—PILOT SCHOOLS

Retention of Records by Certificated Pilot School

The purpose of this amendment to Part 141 of the Federal Aviation Regulations is to establish a one-year requirement for the preservation of required records for certificated pilot schools and to eliminate unnecessary and burdensome records keeping.

Section 141.21 of the Federal Aviation Regulations does not specify the period of time which a certificated pilot school must retain the individual training records of its students. Indefinite preservation of records is burdensome and in most cases serves no useful purpose for the pilot school, the student, or the Agency.

The Agency feels that the retention by the pilot school of the individual record of each student for 1 year following his graduation or the termination of his participation in the training course is a satisfactory period for keeping these records.

For the above reasons, and since the amendment is of a minor nature and one in which the public is not generally interested, I find that notice on this amendment is unnecessary and that the amendment may be made effective less than 30 days after publication.

In consideration of the foregoing, § 141.21 of Part 141 of the Federal Aviation Regulations is amended, effective June 9, 1965, to read as follows:

§ 141.21 Records.

Each certificated pilot school shall keep a current, accurate, and individual record of each student's participation and accomplishments in the course for which he is enrolled, including a chronological log of his instruction, attendance, subjects covered, tests, and test grades. When the student completes the course or is graduated, an authorized representative of the school shall certify the record. The school shall keep each record required by this section for a period of one year following a student's graduation or the termination of his participation in the training course.

(Secs. 313(a), 314, 601, and 607 of the Federal Aviation Act of 1958; 49 U.S.C. 1354(a), 1355, 1421, and 1427)

Issued in Washington, D.C., on June 3, 1965.

N. E. HALABY,
Administrator.

[F.R. Doc. 65-5958; Filed, June 8, 1965; 8:46 a.m.]

Title 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

SUBCHAPTER B—FOOD AND FOOD PRODUCTS

PART 121—FOOD ADDITIVES

Subpart D—Food Additives Permitted in Food for Human Consumption

ION-EXCHANGE MEMBRANES

The Commissioner of Food and Drugs has evaluated data in a petition (FAP 1261) filed by American Machine and Foundry Co., 261 Madison Avenue, New York 16, N.Y., and other relevant material, and has concluded that a food additive regulation should issue to prescribe the safe use of ion-exchange membranes in the processing of grapefruit juice. Therefore, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1)), and under the authority delegated to the Commissioner by the Secretary of Health, Education, and Welfare (21 CFR 2.90; 29 F.R. 471), a new section is added to the food additive regulations, as follows:

§ 121.1180 Ion-exchange membranes.

Ion-exchange membranes may be safely used in the processing of food under the following prescribed conditions:

(a) The ion-exchange membrane is prepared by subjecting a polyethylene base conforming to § 121.2510 to polymerization with styrene until the polystyrene phase of the base is not less than 16 percent nor more than 30 percent by weight. The base is then modified by reaction with chloromethyl methyl ether, and by subsequent amination with trimethylamine, dimethylamine, diethylenetriamine, or dimethylethanolamine.

(b) The ion-exchange membrane is manufactured so as to comply with the following extraction limitations when subjected to the described procedure: Separate square-foot samples of membrane weighing approximately 14 grams each are cut into small pieces and refluxed for 4 hours in 150 cubic centimeters of the following solvents: Distilled water, 5 percent acetic acid, and 50 percent alcohol. Extraction from each sample will not exceed 0.4 percent by weight of sample.

(c) The ion-exchange membrane will be used in the production of grapefruit juice to adjust the ratio of citric acid to total solids of the grapefruit juice produced.

Any person who will be adversely affected by the foregoing order may at any time within 30 days from the date of its publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington, D.C., 20201, written objections thereto, preferably in quintuplicate. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof.

Effective date. This order shall be effective on the date of its publication in the FEDERAL REGISTER.

(Sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1))

Dated: June 2, 1965.

GEO. P. LARRICK,
Commissioner of Food and Drugs.

[F.R. Doc. 65-5976; Filed, June 8, 1965; 8:47 a.m.]

PART 121—FOOD ADDITIVES

Subpart F—Food Additives Resulting From Contact With Containers or Equipment and Food Additives Otherwise Affecting Food

RESINOUS AND POLYMERIC COATINGS

The Commissioner of Food and Drugs, having evaluated the data in a petition (FAP 5B1732) filed by Jones-Dabney Co., Division of Devoe & Reynolds Co., Inc., Post Office Box 8248, Station E, Louisville, Ky., 40208, and other relevant material, has concluded that the food additive regulations should be amended to provide for the use of an additional catalyst and cross-linking agent for epoxy resins used in resinous and polymeric food-contact coatings. Therefore, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1)), and under the authority delegated to the Commissioner by the Secretary of Health, Education, and Welfare (21 CFR 2.90), § 121.2514(b)(3)(viii)(b) is amended by inserting alphabetically in the list of catalysts and cross-linking agents a new item, as follows:

§ 121.2514 Resinous and polymeric coatings.

* * * * * * *

(b) * * *

(3) * * *

(viii) * * *

(*b*) Catalysts and cross-linking agents for epoxy resins: * * *

N-Oleyl-1,3-propanediamine with not more than 10 percent by weight of diethylaminoethanol.	

* * * * * * *

Any person who will be adversely affected by the foregoing order may at any time within 30 days from the date of its publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington, D.C., 20201, written objections thereto, preferably in quintuplicate. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof.

Effective date. This order shall be effective on the date of its publication in the FEDERAL REGISTER.

(Sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1))

Dated: June 2, 1965.

GEO. P. LARRICK,
Commissioner of Food and Drugs.

[F.R. Doc. 65-5978; Filed, June 8, 1965; 8:48 a.m.]

PART 121—FOOD ADDITIVES

Subpart F—Food Additives Resulting From Contact With Containers or Equipment and Food Additives Otherwise Affecting Food

COMPONENTS OF PAPER AND PAPERBOARD IN CONTACT WITH AQUEOUS AND FATTY FOODS

The Commissioner of Food and Drugs, having evaluated the data in a petition (FAP 5B1598) filed by Reichhold Chemicals, Inc., RCI Building, White Plains, N.Y., and other relevant material, has concluded that the food additive regulations should be amended to provide for the use of cyclized rubber in coatings for paper and paperboard intended for use in contact with foods that are dry solids with or without free fat or oil on the surface. Therefore, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1)), and under the authority delegated to the Commissioner by the Secretary of Health, Education, and Welfare (21 CFR 2.90), § 121.2526(b) is amended by inserting alphabetically in the list of substances in subparagraph (2) a new item, as follows:

§ 121.2526 Components of paper and paperboard in contact with aqueous and fatty foods.

* * * * * * *

(b) * * *

(2) * * *

List of substances	Limitations
* * *	
Cyclized rubber produced when natural pale crepe rubber dissolved in phenol is catalytically cyclized so that the finished cyclized rubber has a melting point of 203° F.–311° F. as determined by ASTM Method E-28-58T and contains no more than 400 p.p.m. of residual-free phenol.	For use only in coatings for paper and paperboard intended for use in contact with food only of the types identified in paragraph (c) of this section, table 1, under types VIII and IX.
* * *	* * *

* * * * * * *

Any person who will be adversely affected by the foregoing order may at any time within 30 days from the date of its publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington, D.C., 20201, written objections thereto, preferably in quintuplicate. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof.

Effective date. This order shall be effective on the date of its publication in the FEDERAL REGISTER.

(Sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1))

Dated: June 2, 1965.

GEO. P. LARRICK,
Commissioner of Food and Drugs.

[F.R. Doc. 65-5977; Filed, June 8, 1965; 8:47 a.m.]

PART 121—FOOD ADDITIVES

Subpart F—Food Additives Resulting From Contact With Containers or Equipment and Food Additives Otherwise Affecting Food

COMPONENTS OF PAPER AND PAPERBOARD IN CONTACT WITH DRY FOOD

The Commissioner of Food and Drugs, having evaluated the data in a petition (FAP 5B1741) filed by S. D. Warren Co., Cumberland Mills, Maine, 04092, and other relevant material, has concluded that the food additive regulations should be amended to provide for the use of ammonium nitrate as a component of paper and paperboard intended for use in contact with dry food. Therefore, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1)), and under the authority delegated to the Commissioner by the Secretary of Health, Education, and Welfare (21 CFR 2.90), § 121.2571(b)(2) is amended by inserting alphabetically in the list of substances a new item as follows:

§ 121.2571 Components of paper and paperboard in contact with dry food.

* * * * * * *

(b) * * *

(2) * * *

List of substances	Limitations
* * *	
Ammonium nitrate.	* * *

* * * * * * *

Any person who will be adversely affected by the foregoing order may at any time within 30 days from the date of its publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington, D.C., 20201, written objections thereto, preferably in quintuplicate. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof.

Effective date. This order shall be effective on the date of its publication in the FEDERAL REGISTER.

(Sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1))

Dated: June 2, 1965.

GEO. P. LARRICK,
Commissioner of Food and Drugs.

[F.R. Doc. 65-5979; Filed, June 8, 1965; 8:47 a.m.]

PART 121—FOOD ADDITIVES

Subpart F—Food Additives Resulting From Contact With Containers or Equipment and Food Additives Otherwise Affecting Food

CROSS-LINKED POLYESTER RESINS

In the matter of amending § 121.2576, four comments were received with reference to the notice of proposed rule making published in the FEDERAL REGISTER of December 10, 1964 (29 F.R. 16935).

The comments received included requests for changes to provide for the use of additional substances in the production of cross-linked polyester resins used as articles or components of articles intended for repeated use in contact with food. In response to these comments the proposed § 121.2576 has been revised by adding azo-bis-isobutyronitrile to the list of catalysts; by adding butyl benzyl phthalate (containing not more than 1.0 percent by weight of dibenzyl phthalate) and methyl alcohol to the list of solvents for inhibitors, accelerators, and catalysts; and by adding the item polyoxyethylene ethers of 4,4'-isopropylidenediphenol (containing an average of 2–7.5 moles of propylene oxide) to the list of polyhydric alcohols in place of the polyhydric alcohol 1,1'-isopropylidenebis (*p*-phenyleneoxy)-di-2-propanol.

There was also received an objection to applying limitations to extractives from unsaturated polyester-styrene copolymer resins. The basis of the objection was the current lack of such limitations in § 121.2576, as applicable to the same resins. Since the scope of § 121.2576 is being expanded to provide for the use of a large number of cross-linked polyester resins and since curing conditions may vary over a broad range, the Commissioner has concluded that reliance on good manufacturing practice is no longer adequate in the case of unsaturated polyester-styrene copolymer resins to insure the high degree of insolubility characteristic of these and other cross-linked polyester resins that are deemed safe for use in articles intended for repeated use in contact with food. The Commissioner has therefore concluded that the proposed extractives limitations are necessary to insure safe use of the cross-linked polyester resins, including the safe use of unsaturated polyester-styrene copolymer resins.

The Commissioner has also concluded that the introduction to the proposed § 121.2576 should be revised to read as indicated below.

Accordingly, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409, 72 Stat. 1784 et seq.; 21 U.S.C. 348), and under the authority delegated to the Commissioner by the Secretary of Health, Education, and Welfare (21 CFR 2.90), the proposed regulations are adopted as proposed, with the changes outlined above, and § 121.2576 is revised to read as follows:

§ 121.2576 Cross-linked polyester resins.

Cross-linked polyester resins may be safely used as articles or components of articles intended for repeated use in contact with food, in accordance with the following prescribed conditions:

(a) The cross-linked polyester resins are produced by the condensation of one or more of the acids listed in subparagraph (1) of this paragraph with one or more of the alcohols listed in subparagraph (2) of this paragraph, followed by copolymerisation with one or more of the cross-linking agents listed in subparagraph (3) of this paragraph:

(1) Polybasic acids:

Adipic.
Fatty acids, and dimers thereof, from natural sources.
Fumaric.
Isophthalic.
Maleic.
Orthophthalic.
Sebacic.
Terephthalic.
Trimellitic.

(2) Polyhydric alcohols:

Butylene glycol.
Diethylene glycol.
Dipropylene glycol.
Ethylene glycol.

Glycerol.
Mannitol.
α-Methyl glucoside.
Pentaerythritol.
Polyoxypropylene ethers of 4,4'-isopropylidenediphenol (containing an average of 2–7.5 moles of propylene oxide).
Propylene glycol.
Sorbitol.
Trimethylol ethane.
Trimethylol propane.

(3) Cross-linking agents:

Butyl acrylate.
Butyl methacrylate.
Ethyl acrylate.
Ethylhexyl acrylate.
Methyl acrylate.
Methyl methacrylate.
Styrene.
Vinyl toluene.

(b) Optional adjuvant substances employed to facilitate the production of the resins or added thereto to impart desired technical or physical properties include the following, provided that the quantity used does not exceed that reasonably required to accomplish the intended physical or technical effect and does not exceed any limitations prescribed in this section:

List of substances	Limitations (limits of addition expressed as percent by weight of finished resin)
1. Inhibitors:	
Bensoquinone	Total not to exceed 0.08 percent.
tert-Butyl catechol	0.01 percent.
tert-Butyl hydroquinone	
Di-*tert*-butyl hydroquinone	
Hydroquinone	
2. Accelerators:	
Benzyl trimethyl ammonium chloride	Total not to exceed 1.5 percent.
Calcium naphthenate	0.05 percent.
Cobalt naphthenate	
Copper naphthenate	
N, N-Diethylaniline	0.4 percent.
N, N-Dimethylaniline	0.4 percent.
Ethylene guanidine hydrochloride	0.05 percent.
3. Catalysts:	Total not to exceed 1.5 percent.
Azo-bis-isobutyronitrile	
Benzoyl peroxide	
tert-Butyl perbenzoate	
Chlorbenzoyl peroxide	
Cumene hydroperoxide	
Dicumyl peroxide	
Lauroyl peroxide	
p-Menthane hydroperoxide	
Methyl ethyl ketone peroxide	
4. Solvents for inhibitors, accelerators, and catalysts:	
Butyl benzyl phthalate (containing not more than 1.0 percent by weight of dibenzyl phthalate).	As a solvent for benzyl trimethyl ammonium chloride or ethylene guanidine hydrochloride only.
Dibutyl phthalate	
Diethylene glycol	
Dimethyl phthalate	
Methyl alcohol	
Styrene	
Triphenyl phosphate	
5. Reinforcements:	
Asbestos	
Glass fiber	
Polyester fiber produced by the condensation of one or more of the acids listed in paragraph (a)(1) of this section with one or more of the alcohols listed in paragraph (a)(2) of this section.	
6. Miscellaneous materials:	
Castor oil, hydrogenated	
α-Methylstyrene	
Polyethylene glycol 6000	
Silicon dioxide	
Wax, petroleum	Complying with § 121.2566.

(c) The cross-linked polyester resins, with or without the optional substances described in paragraph (b) of this section, and in the finished form in which they are to contact food, when extracted with the solvent or solvents characterizing the type of food and under the conditions of time and temperature characterizing the conditions of their intended use, as determined from tables 1 and 2 of § 121.2526(c), shall meet the following extractives limitations:

(1) Net chloroform-soluble extractives not to exceed 0.1 milligram per square inch of food-contact surface tested when the prescribed food-simulating solvent is water or 8 or 50 percent alcohol.

(2) Total nonvolatile extractives not to exceed 0.1 milligram per square inch of food-contact surface tested when the prescribed food-simulating solvent is heptane.

(d) In accordance with good manufacturing practice, finished articles containing the cross-linked polyester resins shall be thoroughly cleansed prior to their first use in contact with food.

Any person who will be adversely affected by the foregoing order may at any time within 30 days from the date of its publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington, D.C., 20201, written objections thereto, preferably in quintuplicate. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof.

Effective date. This order shall be effective on the date of its publication in the FEDERAL REGISTER.

(Sec. 409, 72 Stat. 1784 et seq.; 21 U.S.C. 348)

Dated: June 2, 1965.

GEO. P. LARRICK,
Commissioner of Food and Drugs.

[F.R. Doc. 65-5980; Filed, June 8, 1965; 8:48 a.m.]

Title 25—INDIANS

Chapter I—Bureau of Indian Affairs, Department of the Interior

SUBCHAPTER A—PROCEDURES; PRACTICE

PART 1—APPLICABILITY OF RULES OF THE BUREAU OF INDIAN AFFAIRS

State and Local Regulation of the Use of Indian Property

On page 6438 of the FEDERAL REGISTER of May 8, 1965, there was published a notice of intention to add § 1.4, State and Local Regulation of the Use of Indian Property, to Part 1, Subchapter A, Chapter I, Title 25 of the Code of Federal Regulations. The purposes of this addition are: (1) To enunciate and particularize in regulatory form for the benefit and guidance of those concerned the sense of existing law under which laws, ordinances, codes, resolutions, rules or other regulations of a State, or its political subdivisions, limiting, zoning or otherwise governing, regulating or controlling the use or development of property are inapplicable to trust or restricted Indian property held or used under a lease or other agreement; and (2) to provide for the adoption and application by the Secretary in specific cases, after consultation with the Indian owner, of all or part of any laws enacted by a State or any of its political subdivisions regulating the use of property, which would otherwise be inapplicable.

Interested persons were given an opportunity to submit written comments, suggestions or objections concerning the proposed addition within 30 days from the date of publication of the notice in the FEDERAL REGISTER. All of the comments, suggestions and objections received have been thoroughly considered and a decision has been made to revise paragraph (b) of the new section to make it clear that State and local laws, ordinances, codes, resolutions, rules or other regulations may be adopted or made applicable to specific geographic areas as well as to specific parcels of Indian land. In addition, paragraph (b) has been revised to provide that the Secretary, in determining what laws shall be adopted or applied to Indian land, may, after such consultation with the Indian owners as he feels is necessary, consider such factors as he deems appropriate, including the use of, and restrictions or limitations on the use of, other property in the vicinity.

Accordingly the new § 1.4 is hereby adopted as revised and is set forth below. Because there are immediate cases of conflict between the attempts of State and local governments to enforce zoning ordinances, building codes and similarly regulatory laws on the one hand and the provisions of leases and other agreements under which trust or restricted Indian property is being used on the other, it has been determined to be in the best interests of the Indians and the public to resolve those conflicts as quickly as possible. Therefore, the new section shall become effective on the date of this publication in the FEDERAL REGISTER.

JOHN A. CARVER, Jr.
Under Secretary of the Interior.

JUNE 7, 1965.

§ 1.4 State and local regulation of the use of Indian property.

(a) Except as provided in paragraph (b) of this section, none of the laws, ordinances, codes, resolutions, rules or other regulations of any State or political subdivision thereof limiting, zoning or otherwise governing, regulating, or controlling the use or development of any real or personal property, including water rights, shall be applicable to any such property leased from or held or used under agreement with and belonging to any Indian or Indian tribe, band, or community that is held in trust by the United States or is subject to a restriction against alienation imposed by the United States.

(b) The Secretary of the Interior or his authorized representative may in specific cases or in specific geographic areas adopt or make applicable to Indian lands all or any part of such laws, ordinances, codes, resolutions, rules or other regulations referred to in paragraph (a) of this section as he shall determine to be in the best interest of the Indian owner or owners in achieving the highest and best use of such property. In determining whether, or to what extent, such laws, ordinances, codes, resolutions, rules or other regulations shall be adopted or made applicable, the Secretary or his authorized representative may consult with the Indian owner or owners and may consider the use of, and restrictions or limitations on the use of, other property in the vicinity, and such other factors as he shall deem appropriate.

[F.R. Doc. 65-6028; Filed, June 8, 1965; 8:50 a.m.]

Title 38—PENSIONS, BONUSES, AND VETERANS' RELIEF

Chapter I—Veterans Administration

PART 36—LOAN GUARANTY

Eligibility

In § 36.4402, the introductory portion preceding paragraph (a) and paragraph (d) are amended to read as follows:

§ 36.4402 Eligibility.

No beneficiary shall be eligible for assistance under chapter 21 for the purpose of reimbursing him for the cost of an existing structure acquired by him prior to applying for assistance or for constructing or remodeling a dwelling or for otherwise acquiring a suitable housing unit, unless it is determined pursuant to §§ 36.4401 through 36.4410 that

* * * * *

(d) The veteran has or will acquire an interest in the housing unit which is:

(1) A fee simple estate, or

(2) A leasehold estate, the unexpired term of which, including renewals at the option of the lessee, is not less than 50 years, or

(3) An interest in a residential unit in a cooperative or a condominium type development which in the judgment of the Chief Benefits Director or the Director, Loan Guaranty Service, provides a right of occupancy for a period of not less than 50 years;

Provided, The title to such estate or interest is or shall be such as is acceptable to prudent lending institutions, informed buyers, title companies, and attorneys, generally, in the community.

(72 Stat. 1114; 38 U.S.C. 210)

This VA Regulation is effective upon publication in the FEDERAL REGISTER.

Approved: June 3, 1965.

By direction of the Administrator.

[SEAL] CYRIL F. BRICKFIELD,
Deputy Administrator.

[F.R. Doc. 65-5963; Filed, June 8, 1965; 8:47 a.m.]

Title 43—PUBLIC LANDS: INTERIOR

Chapter II—Bureau of Land Management, Department of the Interior

APPENDIX—PUBLIC LAND ORDERS

[Public Land Order 3661]

[Idaho 016389]

IDAHO

Partial Revocation of Executive Order No. 7655 (Deer Flat National Wildlife Refuge)

By virtue of the authority vested in the President by section 1 of the Act of June 25, 1910 (36 Stat. 847; 43 U.S.C. 141), and pursuant to Executive Order No. 10355 of May 26, 1952 (17 F.R. 4831), it is ordered as follows:

Executive Order No. 7655 of July 12, 1937, establishing the Deer Flat Migratory Waterfowl Refuge, the name of which was changed to the Deer Flat National Wildlife Refuge by Proclamation No. 2416 of July 25, 1940, is hereby revoked so far as it affects the following described land:

BOISE MERIDIAN

T. 2 N., R. 2 W.,
In section 7, that part of the SW¼SE¼ lying south of, and adjacent to, the centerline of South Shore Drive, so called (county road), and north of, and adjacent to, the take line as established in 1905 by the Bureau of Reclamation, bounded and described as follows:
Beginning at Corner 1, a point in the intersection of said take line and the north-south centerline of said section 7, from which point the south ¼ corner of said section bears S.00°01'W., 370.3 feet distant; thence with said north-south centerline N.00°01'E., 58.7 feet to Corner 2 a point in the intersection of said centerline and the centerline of the aforesaid county road; thence with the said road centerline, with the meanders thereof S.84°09'E., 845.5 feet; S.62°08'E., 50.0 feet; S.56°42'E., 50.0 feet; S.50°54'E., 11.8 feet to Corner 3, a point in the intersection of said road centerline and the south boundary line of said section 7; thence with said south boundary line S.89°51'W., 13.5 feet to Corner 4, a point in the intersection of said section line and the aforesaid take line; thence with said take line with the meanders thereof N.62°26'W., 280.4 feet; N.73°56'W., 480.0 feet; N.55°16'W., 217.1 feet to the place of beginning; containing 0.98 acre more or less; and
Bounded on the northeast by land of the United States (tract 1) and the centerline of South Shore Drive, so called (county road) on the south by land of Mae O'Maley; and on the west by land of the United States (tract 1).

The land is acquired.

JOHN A. CARVER, Jr.,
Under Secretary of the Interior.

JUNE 3, 1965.

[F.R. Doc. 65-5964; Filed, June 8, 1965; 8:47 a.m.]

Title 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

[FCC 65-493]

PART 0—COMMISSION ORGANIZATION

Waiving of Geographical Restriction on Validity of Operator Licenses Issued to Alien Aircraft Pilots

At a session of the Federal Communications Commission held at its offices in Washington, D.C., on the 2d day of June 1965;

The Commission having under consideration § 13.4(c) of its rules which provides that a radio operator license issued to an alien aircraft pilot shall be valid only if he is lawfully in the United States; and

It appearing, that the Commission from time to time is requested to waive the aforementioned restriction for limited periods to permit alien pilots to operate radio stations on United States aircraft while they are outside the United States; and

It further appearing, that acting on requests for such waiver is a function which should be delegated to the staff in the interest of expediting operator licensing; and

It further appearing, that the amendment herein ordered relates to internal Commission organization and procedure and that publication of notice of proposed rule making pursuant to section 4(a) of the Administrative Procedure Act is not required:

It is ordered, Pursuant to authority contained in sections 4(i), 5(d)(1), and 303(1) of the Communications Act of 1934, as amended, that effective June 10, 1965, Part 0 is amended as set forth below.

Released: June 4, 1965.

FEDERAL COMMUNICATIONS COMMISSION,[1]
[SEAL] BEN F. WAPLE,
Secretary.

Section 0.311 of the Commission's rules is amended by adding paragraph (a)(13) as follows:

§ 0.311 Authority delegated to the Chief and to the Deputy Chief of the Field Engineering Bureau.

(a) * * *

(13) To act on requests for a waiver of the geographical restriction in § 13.4 (c) of this chapter on the validity of

[1] Commissioner Loevinger absent.

operator licenses issued to alien aircraft pilots.

• • • • •

(Sec. 4, 48 Stat. 1066, as amended; 47 U.S.C. 154. Interpret or apply sec. 303, 48 Stat. 1082, as amended; sec. 5, 66 Stat. 713; 47 U.S.C. 303, 155)

[F.R. Doc. 65-5989; Filed, June 8, 1965; 8:49 a.m.]

[FCC 65-496]

PART 89—PUBLIC SAFETY RADIO SERVICES

Nontype Accepted Equipment for Police Zone and Interzone Stations

At a session of the Federal Communications Commission held at its offices in Washington, D.C., on the 3d day of June 1965;

The Commission having under consideration the desirability of amending § 89.117 to exempt police zone and interzone stations from the type acceptance requirements of that section; and

It appearing, that, as of January 1, 1965, § 89.117 requires all licensees, except those operating under developmental authorization, in the Public Safety Radio Services to use type accepted equipment regardless of the frequencies or the nature of the service involved; and

It further appearing, that, police zone and interzone stations are permitted to operate only on nine frequencies between 2804 kc/s to 7935 kc/s specified in § 89.309 of the rules, and, that the availability of type accepted equipment for operation on these frequencies is extremely limited and prohibitively expensive; and

It further appearing, that, the number of zone and interzone stations, approximately 89, is static, and, that operation of these stations over a number of years has not resulted in complaints of interference from other licensees; and

It further appearing, that, in view of the above-mentioned considerations and the nature and essential service involved, and since this amendment relieves a restriction, compliance with the public notice and effective date provisions of section 4 of the Administrative Procedures Act is unnecessary and impracticable:

It is ordered, That, pursuant to the authority contained in sections 4 and 303 of the Communications Act of 1934, as amended, § 89.117(b) of the Commission's rules is amended, effective June 30, 1965, as set forth below.

Released: June 4, 1965.

FEDERAL COMMUNICATIONS COMMISSION,[1]
[SEAL] BEN F. WAPLE,
Secretary.

Section 89.117(b) is amended to read as follows:

§ 89.117 Acceptability of transmitters for licensing.

• • • • •

(b) Except for transmitters used at developmental stations and transmitters authorized as of January 1, 1965, in police zone and interzone stations, each transmitter utilized by a station authorized for operation under this part must be of a type which is included on the Commission's current "List of Equipment Acceptable for Licensing" and designated for use under this part or be of a type which has been type accepted by the Commission for use under this part.

• • • • •

(Sec. 4, 48 Stat. 1066, as amended; 47 U.S.C. 154. Interpret or applies sec. 303, 48 Stat. 1082, as amended; 47 U.S.C. 303)

[F.R. Doc. 65-5990; Filed, June 8, 1965; 8:49 a.m.]

[1] Commissioner Loevinger absent.

Title 49—TRANSPORTATION

Chapter I—Interstate Commerce Commission

SUBCHAPTER A—GENERAL RULES AND REGULATIONS

[Rev. S. O. 947; Amdt. 1]

PART 95—CAR SERVICE

Railroad Operating Regulations for Freight Car Movement

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D.C., on the 1st day of June A.D. 1965.

Upon further consideration of Service Order No. 947 (28 F.R. 12127; 29 F.R. 6014, 9670, 18506; 30 F.R. 6220) and good cause appearing therefor:

It appearing, that for several years a number of railroads have published in the coal demurrage tariff, Freight Tariff 8–M, I.C.C. H–13, an exception which provides that during the two weeks prior to the miners' vacation period carloads of coal billed from mines or preparation plants with shipping instructions postdated to a date within the miners' vacation period may be moved from mines or preparation plant tracks for the convenience of the railroad and held free of demurrage until the shipping date shown on shipping instructions; that this arrangement is beneficial to the coal industry, to the receivers of coal, and to the railroads; that such holding would now be in violation of I.C.C. Service Order No. 947:

It is ordered, That:

§ 95.947 Railroad operating regulations for freight car movement.

(a) The provisions of this order are suspended as to coal billed during the 2 weeks' period prior to the miners' vacation period from mines or preparation plants which will observe the vacation period and moved from these mines or preparation plant tracks with shipping instructions postdated to a date within the miners' vacation period in accordance with Item 238–E, Supplement 19 of Freight Tariff 8–M, I.C.C. H–13.

(b) Effective date: This amendment shall become effective at 12:01 a.m., June 14, 1965.

(c) Expiration date: This amendment shall expire at 11:59 p.m., July 24, 1965, after which date all provisions of Revised Service Order No. 947 shall continue effective until its expiration date unless otherwise modified, changed, suspended, or annulled by order of this Commission.

(Sec. 1, 12, 15, 24 Stat. 379, 383, 384, as amended; 49 U.S.C. 1, 12, 15. Interprets or applies Sec. 1(10–17), 15(4), 40 Stat. 101, as amended, 54 Stat. 911; 49 U.S.C. 1(10–17), 15(4))

It is further ordered, That a copy of this order and direction shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D.C., and by filing it with the Director, Office of the Federal Register.

By the Commission, Division 3.

[SEAL] BERTHA F. ARMES,
Acting Secretary.

[F.R. Doc. 65-5949; Filed, June 8, 1965; 8:45 a.m.]

SUBCHAPTER B—CARRIERS BY MOTOR VEHICLE

[Ex Parte No. MC-40]

PART 193—PARTS AND ACCESSORIES NECESSARY FOR SAFE OPERATION

Qualifications and Maximum Hours of Service of Employees of Motor Carriers and Safety of Operation and Equipment

At a session of the Interstate Commerce Commission, Motor Carrier Board No. 2, held at its office in Washington, D.C., on the 25th day of May A.D. 1965.

The matter of parts and accessories necessary for safe operation under the Motor Carrier Safety Regulations prescribed by order of April 14, 1952, as amended by Commission orders dated August 30, 1962, and December 12, 1962, being under consideration; and

It appearing, that amendment of paragraph (c) of § 193.71 of the Code of Federal Regulations (49 CFR 193.71(c)) relating to coupling devices and towing methods, driveaway-towaway operations, and that amendment of paragraph (b) of Section 193.42 of the Code of Federal Regulations (49 CFR 193.42(b)), brakes required on all wheels, is warranted; and

It further appearing, that these amendments which will permit, under certain conditions, a vehicle to be full-mounted on a motor vehicle towed by means of a tow-bar, is a relaxation of presently prescribed requirements and therefore, pursuant to section 4(a) of the Administrative Procedure Act (60 Stat. 237, 5 U.S.C. 1003) for good cause it is found that notice of proposed rule making is unnecessary.

Upon consideration of the record, and good cause appearing therefor,

It is ordered, That paragraph (c) of § 193.71 of the Code of Federal Regulations (49 CFR 193.71(c)) and paragraph (b) of § 193.42 of the Code of Federal Regulations (49 CFR 193.42(b)) be, and they are hereby, amended to read as follows:

§ 193.71 Coupling devices and towing methods, driveaway-towaway operations.

• • • • •

(c) *Carrying vehicles on towed vehicles.* No vehicle shall be full-mounted on a motor vehicle towed by means of a tow-bar unless the towed vehicle is equipped with brakes and is provided with means for effective application of brakes acting on all wheels and is towed on its own wheels. The brakes on any combination of vehicles in which a vehicle is full-mounted on a motor vehicle towed by means of a tow-bar shall be operated by a single control. No motor vehicle shall be full-mounted on a motor vehicle towed by means of a saddle-mount unless the center line of the king pin or equivalent means of attachment of such towed vehicle shall be so located on the towing vehicle that the relationship to the rear axle or axles results in proper distribution of the total gross weight of the vehicles and does not unduly interfere with the steering, braking, or maneuvering of the towing vehicle, or otherwise contribute to the unsafe operation of the vehicles comprising the combination; and unless a perpendicular to the ground from the center of gravity of the full-mounted vehicles lies forward of the center line of the rear axle of the saddle-mounted vehicle. If a motor vehicle towed by means of a double saddle-mount has any vehicle full-mounted on it, such saddle-mounted vehicle shall at all times while so loaded have effective brakes acting on those wheels which are in contact with the roadway.

• • • • •

§ 193.42 Brakes required on all wheels.

Every motor vehicle shall be equipped with brakes acting on all wheels, except:

• • • • •

(b) Any vehicle being towed in a driveaway-towaway operation, provided the combination of vehicles is capable of complying with the performance requirements of § 193.52; only such brakes on the vehicle or vehicles being towed in driveaway-towaway operations need be operative as may be necessary to insure compliance with the performance requirements of § 193.52. This paragraph is not applicable to any motor vehicle towed by means of a tow-bar when any vehicle is full-mounted on such motor vehicle.

• • • • •

(Sec. 204, 49 Stat. 546, as amended; 49 U.S.C. 304)

It is further ordered, That this order shall become effective June 7, 1965, and shall continue in effect until further order of the Commission.

And it is further ordered, That notice of this order shall be given to the general public by depositing a copy thereof in the office of the Secretary of the Interstate Commerce Commission, Washington, D.C., and by filing a copy thereof with the Director, Office of the Federal Register.

By the Commission, Motor Carrier Board No. 2.

[SEAL] BERTHA F. ARMES,
Acting Secretary.

[F.R. Doc. 65-5950; Filed, June 8, 1965; 8:45 a.m.]

Title 50—WILDLIFE AND FISHERIES

Chapter I—Bureau of Sport Fisheries and Wildlife, Fish and Wildlife Service, Department of the Interior

PART 32—HUNTING

San Andres National Wildlife Refuge, New Mexico

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER.

§ 32.32 Special regulations; big game; for individual wildlife refuge areas.

NEW MEXICO

SAN ANDRES NATIONAL WILDLIFE REFUGE

Public hunting of deer (either sex) on the San Andres National Wildlife Refuge, New Mexico, is permitted from December 4 through December 5, 1965, inclusive, only on the area designated by signs as open to hunting. This open area, comprising 57,215 acres, is delineated on a map available at the refuge headquarters, Las Cruces, N. Mex., and from the office of the Regional Director, Bureau of Sport Fisheries and Wildlife, Post Office Box 1306, Albuquerque, N. Mex., 87103. Hunting shall be in accordance with all applicable State regulations covering the hunting of deer subject to the following special conditions:

(1) Hunters must check in and out in person at the check station at the junction of U.S. 70 and Jornada Road. The check station will be open to allow hunters to start checking in during the late afternoon of December 3, 1965. Time of entry to the hunting area will be at the discretion of the conservation officer in charge. Any entry permits required by the military authorities will be available at the check station. All hunters must check out no later than 10 p.m., December 5, 1965.

(2) No entry into the hunting area from the west will be permitted north of the Rope Springs Road. Hunters will also not be permitted to enter the east side of the San Andres Range except at the discretion of the conservation officer in charge.

(3) The Refuge Manager in charge may restrict the number of hunters entering any one area. If required by the firing schedule, hunters will be cleared from all areas whereon their safety is endangered.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally, which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through December 5, 1965.

CECIL A. KENNEDY,
Refuge Manager, San Andres National Wildlife Refuge, Las Cruces, New Mexico.

MAY 7, 1965.

[F.R. Doc. 65-5965; Filed, June 8, 1965; 8:47 a.m.]

Proposed Rule Making

DEPARTMENT OF AGRICULTURE

Consumer and Marketing Service

[7 CFR Part 52]

DRIED PRUNES

Proposed Standards for Grades

Notice is hereby given that the United States Department of Agriculture is considering certain amendments to the United States Standards for Grades of Dried Prunes (7 CFR 52.3181–52.3188) pursuant to the authority contained in the Agricultural Marketing Act of 1946 (secs. 202–208, 60 Stat. 1087, as amended; 7 U.S.C. 1621–1627).

All persons who desire to submit written data, views, or arguments for consideration in connection with the proposed amendments should file the same in duplicate, not later than 60 days after publication hereof in the FEDERAL REGISTER, with the Hearing Clerk, U.S. Department of Agriculture, Room 112, Administration Building, Washington, D.C., 20250. All written submissions made pursuant to this notice will be available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

NOTE: Compliance with the provisions of these standards shall not excuse failure to comply with the provisions of the Federal Food, Drug, and Cosmetic Act or with applicable State laws and regulations.

Statement of consideration leading to the proposed amendments. The current United States Standards for Grades of Dried Prunes which have been in effect since November 1956, do not provide for prunes which have been pitted. The style of "Whole Pitted" prunes has become increasingly important in the marketing of dried prunes.

Although the current grade standards do not specifically provide for the addition of approved preservatives, they do not prohibit such additives. It is suggested by the Dried Fruit Association of California that specific reference to the fact that safe and suitable preservatives may be used would better describe commercial packs of dried prunes, particularly in bulk packs of high moisture.

To bring the grade standards in conformance with current practices, the following specific amendments are proposed:

(1) A provision in the product description that "safe and suitable preservatives may be added";

(2) The addition of "Whole Pitted" style prunes; and

(3) An exception for bulk packs (10 pounds or more, in non-hermetically sealed containers) that no moisture limits would apply when safe and suitable preservatives have been added.

No other changes are proposed except to clarify that "skin or flesh damage" would not be considered defects in "Whole Pitted" style, and a redefinition for foreign material.

The amendments proposed are:

1. Section 52.3181 would be revised to read:

§ 52.3181 Product description.

Dried prunes are prepared from sound, properly matured prune plums from which the greater portion of moisture is removed by drying. The dried prunes are cleaned to assure a wholesome product; they may be treated with water or steam; and a safe and suitable preservative may be added.

2. A new section, § 52.3183a, would be added as follows:

§ 52.3183a Styles of dried prunes.

(a) Whole unpitted—from which pits have not been removed.

(b) Whole pitted—from which pits have been removed.

3. Section 52.3183 would be renumbered and retitled as follows: § *52.3183b Count-sizes of whole unpitted dried prunes.*

4. In Tables I, II, and III, a footnote designation of "2" would be added following the words "Skin or flesh damage." in the first and second columns of Tables I and II and in the first, second, and third columns of Table III.

5. Another footnote following Table III of this subpart would be added as follows:

[2] Not applicable to "Whole Pitted" style.

6. Section 52.3185 would be revised as follows:

§ 52.3185 Moisture limits.

Dried prunes shall not exceed the moisture limits for the applicable grades and kind and size of packaging as designated in Table IV of this subpart except there is no moisture limit when safe and suitable preservatives have been added. "Moisture" means the percentage by weight of the finished dried prunes, exclusive of pits, that is moisture when determined by the Dried Fruit Moisture Tester Method or in accordance with methods that give equivalent results. The moisture limits in Table IV apply only to so-called "bulk packs" of dried prunes packaged in non-hermetically sealed containers holding 10 pounds or more of dried prunes when safe and suitable preservatives have not been added. Such containers include, but are not limited to, wood boxes or fiber boxes.

7. In § 52.3187, the introductory text of paragraph (d) and paragraph (l) would be revised as follows:

§ 52.3187 Definitions and explanations of defects.

* * * * *

(d) *Skin or flesh damage.* "Skin or flesh damage" in the case of "Whole Unpitted" style means:

* * * * *

(l) *Foreign material.* "Foreign material" means leaves, twigs, pieces of wood, and similar extraneous materials which are objectionable.

* * * * *

8. In § 52.3188, *Work sheet for dried prunes,* another line would be added below the words "Varietal type" as follows:

Style ----------

9. In § 52.3188, *Work sheet for dried prunes,* a footnote designation of "3" would follow the words "skin or flesh damage," in the three places they appear under the heading "Defects and summary of allowances [2]".

10. In § 52.3188, *Work sheet for dried prunes,* another footnote would be added as follows:

[3] Allowances for "skin or flesh damage" apply only to "Whole Unpitted" style.

(Secs. 202–208, 60 Stat. 1087, as amended; 7 U.S.C. 1621–1627)

Dated: June 4, 1965.

G. R. GRANGE,
Deputy Administrator,
Marketing Services.

[F.R. Doc. 65-6004; Filed, June 8, 1965; 8:50 a.m.]

FEDERAL AVIATION AGENCY

[14 CFR Part 71]

[Airspace Docket No. 65-SW-21]

CONTROL ZONE

Proposed Alteration

The Federal Aviation Agency is considering an amendment to Part 71 of the Federal Aviation Regulations, which would alter the Lubbock, Tex. (Municipal Airport) control zone.

This control zone, as described in Airspace Docket No. 65-SW-19, effective 0001 e.s.t., June 24, 1965, is designated as follows:

That airspace within a 5-mile radius of Lubbock, Tex., Municipal Airport (latitude 33°39'33" N., longitude 101°49'41" W.); within 2 miles each side of the Lubbock VORTAC 122° radial extending from the Lubbock 5-mile radius zone to the VORTAC; within 2 miles each side of the Lubbock VORTAC 124° radial extending from the Lubbock 5-mile radius zone to 11.5 miles SE of the VORTAC; and within 2 miles each side of the Lubbock ILS localizer N course extending from the 5-mile radius zone to the OM.

The Federal Aviation Agency proposes to alter the Lubbock, Tex. (Municipal Airport) control zone as follows:

Redesignate the Lubbock, Tex. (Municipal Airport) control zone as that airspace within a 5-mile radius of Lubbock, Tex., Municipal Airport (latitude 33°39'33" N., longitude 101°49'41" W.); within 2 miles each side of the Lubbock ILS localizer N course extending from the 5-mile radius zone to the OM; and within 2 miles each side of the Lubbock VORTAC 114° radial extending from the Lubbock 5-mile radius zone to 11.5 miles SE of the VORTAC.

The proposed alterations described herein are required to delete the extension to the northwest required for instrument approach procedure AL-241-VOR/DME-1 which is being cancelled and to alter the extension to the southeast required for AL-241-VOR/DME-2, the approach radial of which is being changed from 124° to 114°.

Certain minor revisions to prescribed instrument procedures would be effected in conjunction with the actions proposed herein, but operational complexity would not be increased nor would aircraft performance characteristics or established landing minimums be adversely affected.

Specific details of the changes to procedures and minimum instrument flight rules altitudes that would be required may be examined by contacting the Chief, Air Traffic Division, Southwest Region, Federal Aviation Agency, Fort Worth, Tex.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Chief, Air Traffic Division, Southwest Region, Federal Aviation Agency, Post Office Box 1689, Fort Worth, Tex., 76101. All communications received within 45 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Chief, Air Traffic Division. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Office of the Regional Counsel, Southwest Region, Federal Aviation Agency, Fort Worth, Tex. An informal Docket will also be available for examination at the Office of the Chief, Air Traffic Division.

This amendment is proposed under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348).

Issued in Fort Worth, Tex., on May 28, 1965.

A. L. COULTER,
Acting Director, Southwest Region.

[F.R. Doc. 65-5959; Filed, June 8, 1965; 8:46 a.m.]

[14 CFR Part 71]

[Airspace Docket No. 65-SW-12]

TRANSITION AREA

Proposed Alteration

The Federal Aviation Agency is considering an amendment to Part 71 of the Federal Aviation Regulations, which alter the controlled airspace in the Little Rock, Ark., terminal area.

The following transition area described in Airspace Docket No. 63-SW-96 will become effective 0001 e.s.t., June 24, 1965.

LITTLE ROCK, ARK.

That airspace extending upward from 700 feet above the surface within an area beginning at latitude 34°28'00" N., longitude 92°22'00" W., to latitude 34°28'00" N., longitude 92°32'00" W., to latitude 34°37'00" N., longitude 92°38'00" W., to latitude 35°06'00" N., longitude 92°18'00" W., to latitude 35°06'00" N., longitude 91°58'00" W., to latitude 34°47'00" N., longitude 91°56'00" W., to latitude 34°31'00" N., longitude 92°01'00" W., to point of beginning, and within 2 miles each side of the Little Rock VORTAC 137° radial, extending from the VORTAC to the north boundary of the Pine Bluff, Ark., transition area; and that airspace extending upward from 1,200 feet above the surface within an area bounded by a line beginning at latitude 34°26'00" N., longitude 93°31'00" W., to latitude 35°00'00" N., longitude 93°13'00" W., to latitude 35°28'00" N., longitude 92°25'00" W., to latitude 35°23'00" N., longitude 91°34'00" W., to latitude 34°46'00" N., longitude 91°15'00" W., to latitude 33°53'00" N., longitude 91°58'00" W., to latitude 34°17'00" N., longitude 93°26'00" W., to point of beginning; and that airspace extending upward from 5,000 feet m.s.l. within an area bounded by a line beginning at latitude 35°00'00" N., longitude 93°13'00" W., to latitude 35°44'00" N., longitude 93°57'00" W., to latitude 35°59'00" N., longitude 92°00'00" W., to latitude 35°23'00" N., longitude 91°32'00" W., to latitude 35°23'00" N., longitude 91°34'00" W., to latitude 35°28'00" N., longitude 92°25'00" W., to point of beginning; excluding the portion extending upward from 5,000 feet m.s.l. that lies within federal airways.

The Memphis, Tenn., VORTAC is scheduled to be relocated to latitude 34°56'35" N., longitude 89°57'34" W. on or about October 1966. This will, in part, necessitate the realignment of a segment of Federal Airways V-54 and V-16. Additionally, V-16N from Pine Bluff, Ark., to Memphis, Tenn., will no longer be required and will be revoked.

As a result of the revocation of V-16N, the segment of controlled airspace between V-16 and its formerly designated north alternate will revert to uncontrolled airspace. Since this airspace is required to provide protection for en route radar vectoring, the following airspace action is proposed:

Redesignate the portion of the Little Rock, Ark., transition area with a floor of 1,200 feet above the surface to add the following:

And that airspace bounded on the N by V-54, on the S by V-16, and on the W by a line through latitude 34°46'00" N., longitude 91°15'00" W. and latitude 33°53'00" N., longitude 91°56'00" W.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Chief, Air Traffic Division, Southwest Region, Federal Aviation Agency, Post Office Box 1689, Fort Worth, Tex., 76101. All communications received within 45 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Chief, Air Traffic Division. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Office of the Regional Counsel, Southwest Region, Federal Aviation Agency, Fort Worth, Tex. An informal Docket will also be available for examination at the Office of the Chief, Air Traffic Division.

This amendment is proposed under the authority of section 307(a) of the Federal Aviation Act of 1958; 49 U.S.C. 1348.

Issued in Fort Worth, Tex., on May 28, 1965.

A. L. COULTER,
Acting Director, Southwest Region.

[F.R. Doc. 65-5960; Filed, June 8, 1965; 8:47 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 73]

[Docket No. 15627]

MULTIPLE OWNERSHIP OF STANDARD, FM, AND TELEVISION BROADCAST STATIONS

Order Extending Time for Filing Comments and Reply Comments

1. In a joint petition filed May 28, 1965, 22 broadcast licenses (Capital Cities Broadcasting Corp., et al.) request that the date for filing comments in the above-captioned proceeding be extended from June 14, 1965, to August 2, 1965, and that date for filing reply comments be extended from July 12, 1965, to August 31, 1965.

2. Petitioners state that they held an informal conference with the Commission on May 14, 1965, at which substantial information about problems raised by the Commission's proposal in this proceeding was developed, and that a further informal conference—with the staff of the Commission—has been scheduled for June 11, 1965. It is further stated that the staff conference will no doubt influence the comments which the parties will file herein, and that it would not be feasible to prepare such comments by June 14, 1965.

3. In addition, it is averred that petitioners are obtaining additional information on the problems involved in this proceeding, and that if an extension is granted they will be able to file joint comments which will eliminate needless repetition and volume in the comments filed. Finally, it is pointed out that because the Commission recess occurs in August, the extension would not result in undue delay in the proceeding.

4. We believe that adequate cause has been shown for the grant of the requested extension, and that such a grant would serve the public interest.

5. In view of the foregoing: *It is ordered*, This 3d day of June 1965, that the "Petition for Extension of Time to File Comments" filed by Capital Cities Broadcasting Corp., et al., on May 28, 1965, is granted, and that the time for filing comments in this proceeding is extended from June 14, 1965, to and including August 2, 1965, and the time for filing reply comments is extended from July 12, 1965, to and including August 31, 1965.

6. This action is taken pursuant to authority found in sections 4(i), 5(d)(1), and 303(r) of the Communications Act of 1934, as amended, and § 0.281(d)(8) of the Commission rules.

Released: June 4, 1965.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 65-5991; Filed, June 8, 1965; 8:49 a.m.]

Notices

ATOMIC ENERGY COMMISSION

[Docket No. 115-1]

RURAL COOPERATIVE POWER ASSOCIATION

Elk River Demonstration Reactor Program Project; Notice of Issuance of Operating Authorization

Please take notice that no request for a formal hearing having been filed following publication of the notice of proposed action in the FEDERAL REGISTER, the Atomic Energy Commission has issued Operating Authorization No. DPRA-3 which authorizes the Rural Cooperative Power Association to use and operate the Elk River Reactor at powers up to 58.2 megawatts thermal.

The authorization, as issued, is as set forth in the Notice of Proposed Issuance of Operating Authorization published in the FEDERAL REGISTER on April 29, 1965, 30 F.R. 6092.

Dated at Bethesda, Md., this 2d day of June 1965.

For the Atomic Energy Commission.

R. L. DOAN,
Director,
Division of Reactor Licensing.

[F.R. Doc. 65-5973; Filed, June 8, 1965; 8:47 a.m.]

[Docket No. 50-216]

NEW YORK UNIVERSITY

Notice of Extension of Completion Date

Please take notice that the Atomic Energy Commission has issued an order extending to June 15, 1967, the latest completion date specified in Construction Permit No. CPRR-81 which authorizes New York University to reconstruct the Model AGN-201M, Serial 105 nuclear reactor on the University's campus at University Heights, Borough of the Bronx, New York City. This reactor was previously possessed and operated by the U.S. Naval Hospital at its site in Bethesda, Md.

Copies of the Commission's order and the application filed by New York University are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C.

Dated at Bethesda, Md., this 2d day of June 1965.

For the Atomic Energy Commission.

R. L. DOAN,
Director,
Division of Reactor Licensing.

[F.R. Doc. 65-5974; Filed, June 8, 1965; 8:47 a.m.]

[Docket No. 70-806]

YANKEE ATOMIC ELECTRIC CO.

Notice of Issuance of License

Notice is hereby given that the Atomic Energy Commission has issued License No. SNM-906 to Yankee Atomic Electric Company authorizing the transfer of irradiated fuel elements used in the Yankee Nuclear Power Station Reactor, licensed under Facility License DPR-3, at Rowe, Mass., to Nuclear Fuel Services, Inc., West Valley, N.Y. The shielded cask which will be used for the transfer is the Westinghouse Electric Corporation's Model ELC-102, Serial 1002. Transfers are to be made in accordance with the procedures incorporated by reference in the application dated April 21, 1965. For further details see (1) the application, and (2) an AEC staff safety analysis dated December 11, 1962, both of which are on file at the AEC's Public Document Room. A copy of the safety analysis is available upon request addressed to the Atomic Energy Commission, Washington, D.C., 20545, Attention: Director, Division of Materials Licensing.

Dated at Bethesda, Md., this 2d day of June 1965.

For the Atomic Energy Commission.

LYALL JOHNSON,
Acting Director,
Division of Materials Licensing.

[F.R. Doc. 65-5975; Filed, June 8, 1965; 8:47 a.m.]

CIVIL AERONAUTICS BOARD

[Docket No. 16214; Order E-22272]

ALLEGHENY AIRLINES, INC., ET AL.

Order To Show Cause

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 4th day of June 1965.

Agreement filed pursuant to section 412 of the Federal Aviation Act of 1958, as amended, between Allegheny Airlines, Inc., various other air carriers, and various foreign air carriers relating to air express service; Docket 16214, Agreement CAB 12866.

By Order E-13764, dated April 21, 1959, as amended by Order E-13944, dated May 28, 1959, the Board approved pursuant to section 412 of the Federal Aviation Act of 1958, as amended (the Act), an agreement among various air carriers[1] relating to air express service. Such action was made subject to certain conditions.

Under the terms of the agreement each party thereto is entitled to one representative on the Air Express Committee and is entitled to a "weighted" vote with respect to all of the functions of such committee,[2] except with respect to matters relating to the distribution of net air express revenues, in which case each party is entitled to a single vote. Under the terms of the agreement, weighted voting power is determined as follows:

> The percentage of ton miles of air express carried by each party during the period from January 1 to June 30, inclusive of the preceding year with respect to the total ton miles of air express carried during such period by all parties to this agreement shall be added to the percentage of the air express route miles of said party on the last day of such period, with respect to the aggregate air express route miles of all parties on that day, and the total of such percentages shall be divided by two. The quotient shall represent the percentage of total voting power which the representative of such party shall have on the Committee * * *

In approving Agreement CAB 12866, the Board commented that, since action by the Air Express Committee requires three-fourths of the voting power of the entire committee, rather than a simple majority, it would not disturb this voting procedure. The Board noted, however, that since the use by the Air Transport Association of a weighted voting procedure was then under review in the ATA Inspection and Review Proceeding,[3] it would re-examine this matter after the outcome of that proceeding.

Prior to conclusion of the aforementioned proceeding, the members of the ATA agreed to the elimination of the weighted voting procedure and the adop-

[1] Air Canada, Airlift International, Inc., Alaska Airlines, Inc., Alitalia Airlines, Inc., Allegheny Airlines, Inc., American Airlines, Inc., Bonanza Air Lines, Inc., Braniff Airways, Inc., Central Airlines, Inc., Chicago Helicopter Airways, Inc., Compagnie Nationale Air France, Continental Air Lines, Inc., Delta Air Lines, Inc., Eastern Air Lines, Inc., The Flying Tiger Line Inc., Frontier Airlines, Inc., Lake Central Airlines, Inc., Los Angeles Airways, Inc., Mackey Airlines, Inc., Mohawk Airlines, Inc., National Airlines, Inc., New York Airways, Inc., North Central Airlines, Inc., Northeast Airlines, Inc., Northwest Airlines, Inc., Ozark Air Lines, Inc., Pacific Air Lines, Inc., Pacific Northern Airlines, Inc., Pan American World Airways, Inc., Piedmont Aviation, Inc., San Francisco and Oakland Helicopter Airlines, Inc., Slick Airways, Inc., Southern Airways, Inc., Trans Caribbean Airways, Inc., Trans-Texas Airways, Inc., Trans World Airlines, Inc., United Air Lines, Inc., West Coast Airlines, Inc., Western Air Lines, Inc.

[2] The functions of this committee include but are not limited to establishing rules and procedures for the routing and division of traffic; establishing procedures applicable to the distribution of net air express revenue; and establishing, or providing for the establishment of, uniform rates and charges, rules and regulations, and insurance coverage, applicable to, and procedures for the handling, of air express, including all matters relating to accounting in connection therewith.

[3] Order Instituting Inspection and Review, Order E-13597, adopted March 10, 1959.

tion of an amendment to the organization's articles of association to provide for equal voting on an unweighted basis for each regular member.[4] Thereafter, the Board imposed a condition to this effect on its final approval of ATA's articles of association.[5]

A final decision in the ATA proceeding having been issued, the Board now deems it appropriate to re-examine its previous approval of Agreement CAB 12866 to the extent that the agreement provides for a weighted voting procedure. It is the Board's view that weighted voting on matters before the Air Express Committee may concentrate undue power in the hands of a few of the larger airlines with the result that their views would prevail to the possible disadvantage of other carriers.

To the Board's knowledge there is now no other industry-wide or substantially industry-wide section 412 agreement which similarly provides for a weighted voting procedure, and in the light of the final determination in the aforementioned ATA proceeding, the Board is unaware of any justification for continuation of the procedure established by Agreement CAB 12866.

One final matter warrants discussion. The rule of the Air Express Committee defining "competitive flights", or the so-called "59-minute rule", which was previously filed with the Board for informational purposes has been the subject of recent comment.[6] We are of the opinion, upon reflection, that this rule and any similar rules which pertain to the apportionment of traffic among the carriers constitute agreements among air carriers affecting air transportation which should properly be filed for approval under section 412 of the Act.[7]

Based upon the foregoing, the Board tentatively finds that the weighted voting provisions of Agreement CAB 12866 are adverse to the public interest and that its approval of such agreement should be amended to require that the agreement provide for equal voting on all matters on an unweighted basis for each member of the Air Express Committee.[8]

Before taking final action, however, the Board will afford interested persons an opportunity to file comments on its tentative findings and conclusions.[9]

Accordingly, it is ordered:

1. That the parties to Agreement CAB 12866 and all other interested persons desiring to submit statements in support of or in opposition to the above tentative findings and conclusions shall do so within 30 days after the date of service of this order and such statement shall be submitted in triplicate to the Board's Docket Section;

2. That any objection to the above tentative findings and conclusions not made within the thirty-day period specified herein shall be deemed waived;

3. That if no objections are filed, further procedural steps shall be deemed waived and the matter shall stand submitted to the Board for issuance of a final order;

4. That if timely objections are filed, further consideration will be accorded any matters or issues raised by the objections before further action is taken by the Board; and

5. That this order shall be served upon all parties to Agreement CAB 12866, as amended.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON, *Secretary.*

[F.R. Doc. 65-5998; Filed, June 8, 1965; 8:49 a.m.]

[4] Such an amendment was approved by the Board in Order E-20511, adopted February 25, 1964.

[5] Orders E-20409 and E-20641, dated January 29, 1964 and April 3, 1964, respectively.

[6] The Flying Tiger Line Inc., by letter dated July 29, 1964, advised the Board of its concern over the present manner of routing and division of air express traffic among the air carriers. The carrier contends that the definition of "competitive flights" is such as to deny to Flying Tiger its fair share of express traffic; and that any change in the definition could be thwarted by a minority of carriers through the weighted voting procedures of the Air Express Committee. Thus, Flying Tiger charges that certain large carriers, through "cartel control" of the Air Express Committee, have arrogated to themselves the great bulk of the air express traffic.

[7] See Order E-19260, January 31, 1963, at page 2, et seq., Air Transport Association, Docket 10281.

[8] The Board notes that adoption of this requirement may necessitate amendment to the Rules of the Air Express Committee which were filed pursuant to the provisions of Order E-13764, as amended by Order E-13944, since performance under such rules (which are in the nature of by-laws) is governed by the voting power established by the agreement. Such rules (designated Agreement CAB 12866-42) in their present form have not been acted upon. We shall, in view of their possible modification, defer further consideration thereof pending conclusion of the show cause proceeding instituted herein. We do not, however, propose to defer action on the "59-minute" rule or any other similar rule adverted to previously—we expect their prompt submission and shall render a decision thereon after the receipt of answers, if any. Of course, if these rules are also modified, such amended rules should properly be filed with the Board.

[9] Since provision is made for filing of objections to the order, separate petitions for reconsideration will not be entertained.

FEDERAL COMMUNICATIONS COMMISSION

[Canadian List No. 201]

CANADIAN BROADCAST STATIONS

Changes, Proposed Changes, and Corrections in Assignments

MAY 21, 1965.

Notification under the provisions of Part III, section 2 of the North American Regional Broadcasting Agreement: List of changes, proposed changes and corrections in assignments of Canadian Broadcast Stations modifying appendix containing assignments of Canadian Broadcast Stations Mimeograph No. 47214-3) attached to the recommendations of the North American Regional Broadcasting Agreement Engineering Meeting.

Call letters	Location	Power kw	Antenna	Schedule	Class	Expected date of commencement of operation
		970 kilocycles				
CBZ (now in operation on new frequency).	Fredericton, New Brunswick.	10 kw	DA-N	U	III	
		1490 kilocycles				
CBZ (delete assignment—vide 970 kilocycles).	Fredericton, New Brunswick.	10 kw	DA-N	U	III	
		1490 kilocycles				
New	Sherbrooke, Quebec	10 kw	DA-1	U	III	EIO. 6-15-66.

[SEAL] FEDERAL COMMUNICATIONS COMMISSION, BEN F. WAPLE, *Secretary.*

[F.R. Doc. 65-5998; Filed, June 8, 1965; 8:50 a.m.]

[Docket No. 13514; FCC 65-497]

AMERICAN TELEPHONE AND TELEGRAPH CO.

Memorandum Opinion and Order

1. By order FCC 60-552, 25 F.R. 4516, the Commission instituted an investigation into the lawfulness of American Telephone and Telegraph Co., Tariff No. 135, and certain provisions of Tariff FCC No. 237 which established new regulations and charges applicable to switching and selecting equipment for use with channels of telephone grade furnished for remote operation of mobile radiotelephone systems. The order of investigation in this case prescribed procedures whereby the examiner designated to preside at the hearing should certify the record to the Commission for decision without preparing an initial or recommended decision.

2. *It is ordered*, That pursuant to section 8(a) of the Administrative Procedure Act, 5 U.S.C. 1007(a), the procedures established in the above-mentioned order are revised to direct that the Chief, Common Carrier Bureau, shall prepare and issue a recommended decision; and

3. *It is further ordered*, That the parties shall have the opportunity, within 30 days after release is made of the full text of the recommended decision, to submit exceptions to the recommended decision, or a statement in support of the recommended decision in whole or in part, with supporting reasons for such exceptions or statement, for consideration by the Commission; and

4. *It is further ordered*, That the further procedures shall be pursuant to 47 CFR Part 1 as though the Commission had initially decided the case.

Adopted: June 2, 1965.

Released: June 4, 1965.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE, *Secretary.*

[F.R. Doc. 65-5993; Filed, June 8, 1965; 8:49 a.m.]

[Docket No. 13194; FCC 65-499]

AMERICAN TELEPHONE AND TELEGRAPH CO. ET AL.

Memorandum Opinion and Order

Charges, classifications, regulations, and practices for and in connection with channels for Data Transmission:

1. By order FCC 57-1084, 22 F.R. 8026, the Commission instituted an investigation into the lawfulness of American Telephone and Telegraph Co., Tariff No. 237, Channels for Data Transmission, and related provisions of other tariffs. The order of investigation in this case prescribed procedures whereby the examiner designated to preside at the hearing should certify the record to the Commission for decision without preparing an initial or recommended decision.

2. *It is ordered*, That pursuant to section 8(a) of the Administrative Procedure Act, 5 U.S.C. 1007(a), the procedures established in the above-mentioned order are revised to direct that the Chief, Common Carrier Bureau, shall prepare and issue a recommended decision; and

3. *It is further ordered*, That the parties shall have the opportunity, within 30 days after release is made of the full text of the recommended decision, to submit exceptions to the recommended decision, or a statement in support of the recommended decision in whole or in part, with supporting reasons for such exceptions or statement, for consideration by the Commission; and

4. *It is further ordered*, That the further procedures shall be pursuant to 47 CFR Part 1 as though the Commission had initially decided the case.

Adopted: June 2, 1965.

Released: June 4, 1965.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE, *Secretary.*

[F.R. Doc. 65-5994; Filed, June 8, 1965; 8:49 a.m.]

[Docket No. 13780; FCC 65-498]

AMERICAN TELEPHONE AND TELEGRAPH CO.

Memorandum Opinion and Order

1. By order FCC 60-1113, 25 F.R. 9255, the Commission instituted an investigation into the lawfulness of certain provisions of American Telephone and Telegraph Co., Tariff FCC Nos. 135, 208, and 237, establishing regulations and charges for special arrangements to be provided as part of a communications system used in the Ballistic Missile Early Warning System (BMEWS) and new regulations and charges for switching and signaling arrangements to be provided as part of the Command Post Alerting Network (COPAN).

2. The order of investigation in this case prescribed procedures whereby the examiner designated to preside at the hearing should certify the record to the Commission for decision without preparing an initial or recommended decision.

3. *It is ordered*, That pursuant to section 8(a) of the Administrative Procedure Act, 5 U.S.C. 1007(a), the procedures established in the above-mentioned order are revised to direct that the Chief, Common Carrier Bureau, shall prepare and issue a recommended decision; and

4. *It is further ordered*, That the parties shall have the opportunity, within 30 days after release is made of the full text of the recommended decision, to submit exceptions to the recommended decision, or a statement in support of the recommended decision in whole or in part, with supporting reasons for such exceptions or statement, for consideration by the Commission; and

5. *It is further ordered*, That the further procedures shall be pursuant to 47 CFR Part 1 as though the Commission had initially decided the case.

Adopted: June 2, 1965.

Released: June 4, 1965.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE, *Secretary.*

[F.R. Doc. 65-5995; Filed, June 8, 1965; 8:49 a.m.]

[Docket Nos. 15872 etc.; FCC 65M-696]

NORTHLAND TELEVISION CORP. ET AL.

Order Continuing Hearing

In re applications of Northland Television Corp., Duluth, Minn., Docket No. 15872, File No. BPCT-3359; Central Minnesota Television Co., Duluth, Minn., Docket No. 15873, File No. BPCT-3386; Channel 10, Inc., Duluth, Minn., Docket No. 15874, File No. BPCT-3404; for construction permit for new television broadcast station (Channel 10).

The Hearing Examiner having under consideration a joint request by all the applicants in the above-entitled proceeding, filed May 25, 1965, in which Broadcast Bureau concurred, for changes in the procedural dates and postponement of the hearing from June 29 until September 8, 1965; and an oral (telephonic) communication from counsel for applicant Channel 10, Inc., informing the Examiner that the lawyers for the three applicants have reached the outlines of an agreement, the details of which are still to be worked out with their clients, which they hope to submit for the Commission's approval by mid-June, and which will, if approved, result in the termination of this proceeding and the early establishment of a new television facility in the Duluth, Minn., area;

It appearing, that the moving parties have alleged in their motion papers that they were negotiating the agreement referred to above and that if this agreement is worked up in detail, completed, and submitted to the Commission for approval at an early date, a reasonable continuance of the hearing to afford the Commission an opportunity to pass upon it will be in the public interest to the extent that it may result in an early termination of litigation and the establishment of a competing television facility in the Duluth, Minn., area by a date much sooner than would be true if this comparative proceeding has to be resolved in litigation; and

It appearing further, that a reasonable deadline for the submission of the completed agreement referred to above, accompanied by an appropriate petition, should be established;

It is ordered, This 1st day of June 1965, that the "Joint Request" of the applicants is hereby granted to the extent: (1) That the agreement and petition, mentioned above, are to be submitted to the Commission, in completed form, no later than the close of business July 16, 1965; and (2) that the hearing is hereby continued, until Monday, July 26, 1965, at 10 a.m., at the Commission's offices, Washington, D.C., exhibits to be exchanged no later than July 9 and the notifications of names of witnesses to be given by July 20.[1]

Released: June 1, 1965.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE, *Secretary.*

[F.R. Doc. 65-5996; Filed, June 8, 1965; 8:49 a.m.]

[Docket Nos. 15701, 15702; FCC 65M-717]

SOUTHERN NEWSPAPERS, INC., AND RADIO HOT SPRINGS CO.

Order

In re applications of Southern Newspapers, Inc., Hot Springs, Ark., Docket No. 15701, File No. BPH-3984; C. J. Dickson, Guy R. Beckham, and James M. Alexander, doing business as Radio Hot Springs Co., Hot Springs, Ark., Docket

[1] It is contemplated, if the agreement and petition are timely filed, that the Examiner will, by further order, continue the hearing long enough to afford the Review Board an opportunity to pass upon it. Counsel will assist the Examiner by supplying him with a courtesy copy of the agreement and petition the day they are filed.

No. 15702, File No. BPH-4124; for construction permits.

The Hearing Examiner having under consideration a joint petition filed on June 2, 1965, by Southern Newspapers, Inc., and C. J. Dickson, Guy R. Beckham, and James M. Alexander, doing business as Radio Hot Springs, Co., requesting that certain changes be made in procedural dates heretofore specified in the above-entitled proceeding, in order to allow additional time for action by the Review Board on the joint petition for approval of agreement, dismissal of Southern Newspapers, Inc. application, and grant of Radio Hot Springs Co. application, filed by the two applicants on April 29, 1965; and

It appearing, that counsel for the Broadcast Bureau, the only other party to the proceeding, has informally agreed to a waiver of the 4-day requirement of the Commission's rules and indicated that it has no objection to a grant of the relief requested herein;

It is ordered, This 3d day of June 1965, that the request for change in procedural dates be and the same is hereby granted to the extent hereinafter set forth; and the procedural dates are rescheduled as follows:

	Extended from—	To—
Exchange of applicants' direct cases	June 2, 1965	July 2, 1965
Notification of any witnesses desired for cross-examination	June 9, 1965	July 9, 1965
Commencement of hearing	June 16, 1965	July 15, 1965

Released: June 4, 1965.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN P. WAPLE,
Secretary.

[F.R. Doc. 65-5996; Filed, June 8, 1965; 8:49 a.m.]

[Docket No. 16036; FCC 65-478]

STORZ BROADCASTING CO. (WTIX)

Order Designating Application for Hearing on Stated Issues

In re application of Storz Broadcasting Co. (WTIX) New Orleans, La., Docket No. 16036, File No. BP-14135; has 690 kc, 5 kw, DA-2, U, Class II, requests 690 kc, 5 kw, 10 kw-LS, DA-2, U, Class II, for construction permit.

At a session of the Federal Communications Commission held at its offices in Washington, D.C., on the 2d day of June 1965;

The Commission having under consideration the above-captioned and described application;

It appearing, that, except as indicated by the issues specified below, the above-captioned applicant is legally, technically, financially, and otherwise qualified to construct and operate as proposed; and

It further appearing, that the following matter is to be considered in connection with the aforementioned issues specified below:

1. The WTIX proposal would cause objectionable interference to the existing operation of Station WVOK, Birmingham, Ala. Therefore, the licensee of Station WVOK will be made a party to the proceeding and an appropriate issue will be specified.

It further appearing, that, in view of the foregoing, the Commission is unable to make the statutory finding that a grant of the subject application would serve the public interest, convenience, and necessity, and is of the opinion that the application must be designated for hearing on the issues set forth below:

It is ordered, That, pursuant to section 309(e) of the Communications Act of 1934, as amended, the application is designated for hearing, at a time and place to be specified in a subsequent order, upon the following issues:

1. To determine the areas and populations which may be expected to gain or lose primary service from the proposed operation of Station WTIX, and the availability of other primary service to such areas and populations.

2. To determine whether the proposed operation of Station WTIX would cause objectionable interference to Station WVOK, Birmingham, Ala., or any other existing standard broadcast stations, and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other primary service to such areas and populations.

3. To determine, in the light of the evidence adduced pursuant to the foregoing issues, whether a grant of the application would serve the public interest, convenience, and necessity.

It is further ordered, That Voice of Dixie, Inc., licensee of Station WVOK, Birmingham, Ala., is made a party to the proceeding.

It is further ordered, That, in the event of a grant of the application, the construction permit shall contain the following condition: Submission by the permittee of data made in accordance with §§ 73.48 and 2.579 of the rules for type acceptance of the proposed transmitter.

It is further ordered, That to avail themselves of the opportunity to be heard, the applicant and party respondent herein, pursuant to § 1.221(c) of the Commission's rules, in person or by attorney, shall within twenty (20) days of the mailing of this order, file with the Commission in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this order.

It is further ordered, That the applicant herein shall, pursuant to section 311(a)(2) of the Communications Act of 1934, as amended, and § 1.594 of the Commission's rules, give notice of the hearing within the time and in the manner prescribed in such rule, and shall advise the Commission of the publication of such notice as required by § 1.594 (g) of the rules.

Released: June 4, 1965.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN P. WAPLE,
Secretary.

[F.R. Doc. 65-5997; Filed, June 8, 1965; 8:50 a.m.]

CIVIL SERVICE COMMISSION

MANPOWER SHORTAGE

Notice of Listing of Position

Under the provisions of section 7(b) of the Administrative Expenses Act of 1946, as amended, the Civil Service Commission has found, effective May 28, 1965, that there is a manpower shortage for the position of Assistant Professor, Economics and Management, GS-110-11, U.S. Coast Guard Academy, New London, Connecticut.

This manpower shortage finding will terminate when the position is filled.

The appointee to this position may be paid for the expenses of travel and transportation to his first duty station.

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] MARY V. WENKEL,
Executive Assistant to the Commissioners.

[F.R. Doc. 65-5966; Filed, June 8, 1965; 8:47 a.m.]

FEDERAL MARITIME COMMISSION

AMERICAN PRESIDENT LINES, LTD., AND PACIFIC FAR EAST LINE, INC.

Notice of Agreement Filed for Approval

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1321 H Street NW., Room 301; or may inspect agreement at the offices of the District Managers, New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments with reference to an agreement including a request for hearing, if desired, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C., 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the comments should indicate that this has been done.

Notice of agreement filed for approval by:

Mr. S. G. Holmes, Manager—Rates and Conferences, American President Lines, 601 California Street, San Francisco 8, Calif.

Agreement 9464, between American President Lines, Ltd. and Pacific Far East Line, Inc., covers the transportation of commercial cargo, military household goods, personal effects, and unaccompanied baggage under through bills of lading between ports of call of American President Lines and Pacific Far East Line in Hong Kong, Japan, Korea, Ryukyus Islands, and Taiwan and ports of call of American President Lines and Pacific Far East Line on the U.S. Pacific Coast with transhipment in Japan, under terms and conditions set forth in said agreement.

Dated: June 4, 1965.

By order of the Federal Maritime Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 65-5981; Filed, June 8, 1965; 8:48 a.m.]

IVARAN LINES AND SEATRAIN LINES, INC.

Notice of Agreement Filed for Approval

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1321 H Street NW., Room 301; or may inspect agreement at the offices of the District Managers, New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments with reference to an agreement including a request for hearing, if desired, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C., 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the comments should indicate that this has been done.

Notice of agreement filed for approval by:

Mr. Harvey M. Flitter, Assistant Traffic Manager, Seatrain Lines, Inc., 595 River Road, Edgewater, N.J., 07020.

Agreement 9466, between A/S Ivarans Rederi (Ivaran Lines) and Seatrain Lines, Inc., covers a through billing arrangement on general cargo from Argentina, Brazil, and Uruguay to Puerto Rico, with transhipment at New York, under terms and conditions set forth in the agreement.

Dated: June 4, 1965.

By order of the Federal Maritime Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 65-5982; Filed, June 8, 1965; 8:48 a.m.]

JAPAN-ATLANTIC AND GULF FREIGHT CONFERENCE

Notice of Agreement Filed for Approval

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1321 H Street NW., room 301; or may inspect agreement at the offices of the District Managers, New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments with reference to an agreement including a request for hearing, if desired, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C., 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the comments should indicate that this has been done.

Notice of agreement filed for approval by:

Mr. C. A. Cole, Jr., Chairman, Japan-Atlantic and Gulf Freight Conference, Kindai Building, 11, 3-Chome, Kyobashi, Chuo-Ku, Tokyo, Japan.

Agreement 3103-28 between the member lines of the Japan-Atlantic and Gulf Freight Conference modifies Article 19 (b) of the basic conference agreement. Article 19(b), as presently approved, grants the Chairman authority to obtain the votes of the parties by telephone with respect to rate matters in lieu of meeting in conference. The purpose of the modification is to broaden the scope of Article 19(b) to permit telephonic polling of the parties on other matters as well as rates.

Dated: June 4, 1965.

By order of the Federal Maritime Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 65-5983; Filed, June 8, 1965; 8:48 a.m.]

OSAKA SHOSEN KAISHA, LTD., AND SEATRAIN LINES, INC.

Notice of Agreement Filed for Approval

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1321 H Street NW., Room 301; or may inspect agreement at the offices of the District Managers, New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments with reference to an agreement including a request for hearing, if desired, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C., 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the comments should indicate that this has been done.

Notice of agreement filed for approval by:

Mr. John Hughes, Assistant Rate Manager, Seatrain Lines, Inc., 595 River Road, Edgewater, N.J.

Agreement 9462, between Osaka Shosen Kaisha, Ltd. and Seatrain Lines, Inc., covers the transportation of general cargo under through bills of lading from loading ports of Osaka Shosen Kaisha, Ltd., in Japan, Korea, Hong Kong, Formosa, and the Philippines to ports of call of Seatrain Lines, Inc., in Puerto Rico with transhipment at the port of New York, N.Y., under terms and conditions set forth in said agreement.

Dated: June 3, 1965.

By order of the Federal Maritime Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 65-5984; Filed, June 8, 1965; 8:48 a.m.]

OY FINNLINES, LTD., AND SEATRAIN LINES, INC.

Notice of Agreement Filed for Approval

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1321 H Street NW., Room 301; or may inspect agreement at the offices of the District Managers, New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments with reference to an agreement including a request for hearing, if desired, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C., 20573, within 10 days after publication of this notice in the FEDERAL REGISTER. A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the comments should indicate that this has been done.

Notice of agreement filed for approval by:

Mr. Harvey M. Flitter, Assistant Traffic Manager, Seatrain Lines, Inc., 595 River Road, Edgewater, N.J., 07020.

Agreement 9465, between Oy Finnlines, Ltd. and Seatrain Lines, Inc., covers a through billing arrangement on general cargo from Puerto Rico to ports in Holland, Belgium, Poland, West Germany, and Finland, with transhipment at New York, under terms and conditions set forth in the agreement.

Dated: June 4, 1965.

By order of the Federal Maritime Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 65-5985; Filed, June 8, 1965; 8:48 a.m.]

PACIFIC FAR EAST LINE, INC., AND AMERICAN PRESIDENT LINES, LTD.

Notice of Agreement Filed for Approval

Notice is hereby given that the following agreement has been filed with the

Commission for approval pursuant to section 15 of the Shipping Act, 1916, as as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1321 H Street NW., Room 301; or may inspect agreement at the offices of the District Managers, New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments with reference to an agreement including a request for hearing, if desired, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C., 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the comments should indicate that this has been done.

Notice of agreement filed for approval by:

Mr. S. G. Holmes, Manager—Rates and Conferences, American President Lines, 601 California Street, San Francisco 8, Calif.

Agreement 9463, between Pacific Far East Line, Inc. and American President Lines, Ltd., covers the transportation of commercial cargo, military household goods, personal effects, and unaccompanied baggage under through bills of lading between ports of call of Pacific Far East Line and American President Lines in Hong Kong, Japan, Korea, Ryukyus Islands, and Taiwan, and ports of call of American President Lines on the U.S. Atlantic Coast with transhipment in Japan.

Dated: June 4, 1965.

By order of the Federal Maritime Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 65-5906; Filed, June 8, 1965; 8:49 a.m.]

TRANS-PACIFIC FREIGHT CONFERENCE OF JAPAN

Notice of Agreement Filed for Approval

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1321 H Street NW., Room 301; or may inspect agreement at the offices of the District Managers, New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments with reference to an agreement including a request for hearing, if desired, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C., 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the comments should indicate that this has been done.

Notice of agreement filed for approval by:

Mr. D. P. Gillette, Chairman, Trans-Pacific Freight Conference of Japan, Kindai Building, 11, 3-Chome Kyobashi, Chuo-Ku, Tokyo, Japan.

Agreement 150-31 between the member lines of the Trans-Pacific Freight Conference of Japan modifies Article 19(b) of the basic conference agreement. Article 19(b), as presently approved, grants the Chairman authority to obtain the votes of the parties by telephone with respect to rate matters in lieu of meeting in conference. The purpose of the modification is to broaden the scope of Article 19(b) to permit telephone polling of the parties on other matters as well as rates.

Dated: June 4, 1965.

By order of the Federal Maritime Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 65-5907; Filed, June 8, 1965; 8:49 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 31-682]

BROWN CO.

Notice of Filing of Application for Exemption

JUNE 3, 1965.

Notice is hereby given that Brown Co. ("Brown") Main Street, Berlin, N.H., has filed an application and an amendment thereto with this Commission for an order pursuant to section 3(a)(3) of the Public Utility Holding Company Act of 1935 ("Act") exempting Brown, as a holding company, and every subsidiary company thereof, as such, from all of the provisions of the Act on the ground that Brown is only incidentally a holding company, being primarily engaged or interested in one or more businesses other than the business of a public-utility company and not deriving, directly or indirectly, any material part of its income from any one or more subsidiary companies, the principal business of which is that of a public-utility company.

All interested persons are referred to the application, on file at the office of the Commission, for a statement of the facts in support thereof which are summarized below.

Brown, which recently reincorporated in the State of Delaware, is engaged in the business of manufacturing and selling paper and various other wood products. Its principal plants are located in Berlin and Gorham, N.H. It also has plants in North Stratford, N.H., Holyoke, Mass., Mount Holly, N.J., Birmingham, Ala., and Corvallis, Oreg.

In addition to its manufacturing properties, Brown, indirectly through its wholly owned and newly incorporated subsidiary company, Brown-New Hampshire, Inc., owns and operates facilities for the generation and transmission of electric energy used principally in Brown's nonutility operations. These properties were transferred by Brown to Brown-New Hampshire, Inc., on April 30, 1965, and include thermal and hydroelectric generating facilities located in and near Berlin, N.H., having an aggregate rated capacity of about 63,200 kw. During Brown's fiscal year ending November 30, 1964, these facilities generated about 93½ percent of the company's total electric-energy requirements. Brown also purchases power from Public Service Co. of New Hampshire, Inc. ("Public Service"), and, to reduce the cost of such purchased power, Brown, generally on Sundays and holidays, delivers to Public Service energy not required by Brown for its own operations. During the 1964 fiscal year, Brown produced 258,151,000 kw.-hr., purchased 17,620,000 kw.-hr., and sold to Public Service, its only customer, 11,564,000 kw.-hr., at a price of $34,762. At November 30, 1964, facilities used in the generation and transmission of electric energy were carried on Brown's balance sheet at $2,539,944 (net of depreciation) and constituted 4 percent of Brown's total assets (net of depreciation) of $60,354,417. For the year ending November 30, 1964, Brown's total net sales derived from all its operations were approximately $68,134,000.

Notice is further given that any interested person may, not later than June 29, 1965, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said application which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C., 20549. A copy of such request should be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon the applicant at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed contemporaneously with the request. At any time after said date, the application, as amended or as it may be further amended, may be granted, or the Commission may take such other action as it may deem appropriate.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 65-5961; Filed, June 8, 1965; 8:47 a.m.]

[File No. 7-2441]

GENERAL ANILINE & FILM CORP.

Notice of Application for Unlisted Trading Privileges and of Opportunity for Hearing

JUNE 3, 1965.

In the matter of application of the Philadelphia-Baltimore-Washington Stock Exchange, for unlisted trading privileges in a certain security.

The above-named national securities exchange has filed an application with the Securities and Exchange Commission pursuant to section 12(f)(1)(B) of the Securities Exchange Act of 1934 and Rule 12f-1 thereunder, for unlisted trading privileges in the common stock of the following company, which security is listed and registered on one or more other national securities exchanges: General Aniline & Film Corp., File 7-2441.

Upon receipt of a request, on or before June 19, 1965, from any interested person, the Commission will determine whether the application shall be set down for hearing. Any such request should state briefly the nature of the interest of the person making the request and the position he proposes to take at the hearing, if ordered. In addition, any interested person may submit his views or any additional facts bearing on the said application by means of a letter addressed to the Secretary, Securities and Exchange Commission, Washington 25, D.C., not later than the date specified. If no one requests a hearing, this application will be determined by order of the Commission on the basis of the facts stated therein and other information contained in the official files of the Commission pertaining thereto.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 65-5962; Filed, June 8, 1965; 8:47 a.m.]

INTERSTATE COMMERCE COMMISSION

[Notice 778]

MOTOR CARRIER, BROKER, WATER CARRIER, AND FREIGHT FORWARDER APPLICATIONS

JUNE 4, 1965.

The following applications are governed by Special Rule 1.247[1] of the Commission's general rules of practice (49 CFR 1.247), published in the FEDERAL REGISTER, issue of December 3, 1963, effective January 1, 1964. These rules provide, among other things, that a protest to the granting of an application must be filed with the Commission within 30 days after date of notice of filing of the application is published in the FEDERAL REGISTER. Failure seasonably to file a protest will be construed as a waiver of opposition and participation in the proceeding. A protest under these rules should comply with § 1.40 of the general rules of practice which requires that it set forth specifically the grounds upon which it is made and specify with particularity the facts, matters, and things relied upon, but shall not include issues or allegations phrased generally. Protests not in reasonable compliance with the requirements of the rules may be rejected. The original and six (6) copies of the protest shall be filed with the Commission, and a copy shall be served concurrently upon applicant's representative, or applicant if no representative is named. If the protest includes a request for oral hearing, such request shall meet the requirements of § 1.247(d)(4) of the special rule. Subsequent assignment of these proceedings for oral hearing, if any, will be by Commission order which will be served on each party of record.

[1] Copies of Special Rule 1.247 can be obtained by writing to the Secretary, Interstate Commerce Commission, Washington, D.C., 20423.

No. MC 1718 (Sub-No. 9), filed May 20, 1965. Applicant: HENRY O. FLATEGRAF AND ALFRED M. FLATEGRAFF, a partnership, doing business as GARDNER TRUCK LINE, Pine River, Minn. Applicant's representative: A. R. Fowler, 2388 University Avenue, St. Paul, Minn. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wooden spools, reels, lagging and cooperage*, from Pine River, Minn., to Brainerd, Minn.

NOTE: Applicant states the proposed service to be "on traffic having a subsequent out-of-State movement". If a hearing is deemed necessary, applicant requests it be held at Minneapolis, Minn.

No. MC 1801 (Sub-No. 19), filed October 23, 1964. Applicant: FORD VAN LINES, INCORPORATED, 56th and Cornhusker Highway, Lincoln, Nebr. Applicant's attorney: James E. Ryan, 214 Sharp Building, Lincoln 8, Nebr. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods* as defined by the Commission, (1) between points in Hawaii and (2) between points in Hawaii, on the one hand, and, on the other, points in the continental United States, including Alaska.

NOTE: If a hearing is deemed necessary, applicant does not specify location.

No. MC 2567 (Sub-No. 9), filed May 12, 1965. Applicant: BELBY TRANSFER COMPANY, a corporation, 520 Belleville Turnpike, Kearny, N.Y. Applicant's representative: Bert Collins, 140 Cedar Street, New York 6, N.Y. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Elevators, escalators, and machinery, materials and supplies* used in the manufacture, installation, and maintenance of elevators and escalators, between plantsites, warehouses, and other sources of supply of Otis Elevator Co. located at Yonkers, N.Y., and Harrison, N.J., and points within 5 miles respectively, on the one hand, and, on the other, plantsites and warehouses of Otis Elevator Co. located at Bloomington, Ind., and points within 5 miles thereof; and (2) the commodities described in (1) above, from plantsites and warehouses of Otis Elevator Co., located at Bloomington, Ind., and points within 5 miles thereof, to points in New Jersey, Connecticut, Delaware, and points in that part of New York on and east of New York Highway 14, and points in that part of Pennsylvania on and east of the Susquehanna River.

NOTE: If a hearing is deemed necessary, applicant requests it be held at New York, N.Y.

No. MC 2934 (Sub-No. 14), filed September 17, 1964. Applicant: AERO MAYFLOWER TRANSIT COMPANY, INC., 863 Massachusetts Avenue, Indianapolis, Ind. Applicant's attorney: James L. Beattey, Suite 1019-1029, 130 East Washington Street, Indianapolis, Ind., 46204. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission (1) between points in Hawaii, and (2) between points in Hawaii on the one hand, and, on the other, points in the United States.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Indianapolis, Ind.

No. MC 4405 (Sub-No. 431), filed May 24, 1965. Applicant: DEALERS TRANSIT, INC., 13101 South Torrence Avenue, Chicago 33, Ill. Applicant's attorney: James W. Wrape, Sterick Building, Memphis, Tenn. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Water cooling towers and parts* thereof when moving with such towers, from Glasgow, Mo., to points in the United States (except those in Alaska and Hawaii).

NOTE: If a hearing is deemed necessary, applicant requests it be held at Kansas City or St. Louis, Mo.

No. MC 6078 (Sub-No. 49) (AMENDMENT), filed May 12, 1965, published in FEDERAL REGISTER, issue of May 26, 1965, amended May 27, 1965, and republished as amended this issue. Applicant: D. F. BAST, INC., 1425 North Maxwell Street, Allentown, Pa. Applicant's representative: Bert Collins, 140 Cedar Street, New York 6, N.Y. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles, on pole and extendable trailers*, from the plant and warehouse sites of Azco Steel Co. at Saddle Brook and Harrison, N.J., to points in Connecticut, Massachusetts, and Rhode Island, and *rejected and damaged shipments*, on return.

NOTE: The purpose of this republication is to add Rhode Island to the destination States. If a hearing is deemed necessary, applicant requests it be held at New York, N.Y., or Washington, D.C.

No. MC 8457 (Sub-No. 2), filed May 17, 1965. Applicant: MILWAUKIE TRANSFER & FUEL CO., a corporation, 836 31st Street, Milwaukie, Oreg., 97022. Applicant's attorney: Earle V. White, Fifth Avenue Building, 2130 Southwest Fifth Avenue, Portland 1, Oreg. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Laminated wood products, timbers, trusses, and beams*, fabricated or unfabricated, and *hardware* used in the installation of such commodities, from the plantsite of Trusfab, Inc., located at Clackamas,

Oreg., to points in Washington, Idaho, and Montana.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Portland, Oreg.

No. MC 10173 (Sub-No. 6), filed May 19, 1965. Applicant: MARVIN HAYES LINES, INC., Hayes Circle, Clarksville, Tenn. Applicant's attorney: Charles H. Hudson, Jr., 417 Stahlman Building, Nashville, Tenn., 37201. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), (1) between Clarksville, Tenn., and Louisville, Ky., (a) from Clarksville over U.S. Highway 79 to junction U.S. Highway 68 at Russellville, Ky., thence over U.S. Highway 68 to junction U.S. Highway 31W at Bowling Green, Ky., thence over U.S. Highway 31W to Louisville and return over the same route, serving all intermediate points; (b) from Clarksville over U.S. Highway 41A to junction U.S. Highway 41 at Hopkinsville, Ky., thence over U.S. Highway 41 to junction bypass near Mannington, Ky., thence over bypass to junction Kentucky Turnpike, thence over Kentucky Turnpike to Louisville and return over the same route, serving no intermediate points; and (2) between junction Interstate Highway 65 and U.S. Highway 31W near Upton, Ky., and Louisville, Ky.; from junction Interstate Highway 65 and U.S. Highway 31W near Upton, over Interstate Highway 65 to junction Kentucky Turnpike near Elizabethtown, Ky., thence over Kentucky Turnpike to Louisville and return over the same route, serving no intermediate points and serving the junction of Interstate Highway 65 and U.S. Highway 31W for purposes of joinder only.

NOTE: Applicant states that the above-proposed operations are to be used in connection with all of its present authority and that it is to be restricted against the transportation of shipments between Nashville, Tenn., and Louisville, Ky. If a hearing is deemed necessary, applicant requests it be held at Nashville, Tenn.

No. MC 13250 (Sub-No. 80), filed May 19, 1965. Applicant: J. H. ROSE TRUCK LINE, INC., 5003 Jensen Drive, Post Office Box 16190, Houston, Tex., 77022. Applicant's attorney: Thomas E. James, 721 Brown Building, Austin, Tex., 78701. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Tractors* (except tractors used in pulling commercial highway trailers), *scrapers, motor graders, wagons, engines* (except aircraft and missile engines), *generators, engines and generators combined, welders*, and *road rollers*, (2) *parts and attachments* of and for the commodities described in (1) above, from Aurora, Joliet, Mossville, Decatur, Morton, and Peoria, Ill., and points within 15 miles of Peoria, Ill., to points in Arizona, California, Nevada, and New Mexico; (3) *trucks* in initial movement in truckaway service, from Decatur, Ill., to points in Arizona, California, Nevada, and New Mexico, and (4) *parts, attachments, and accessories* of and for the commodities described in (3) above, from Decatur, Morton, and Joliet, Ill., to points in Arizona, California, Nevada, and New Mexico.

NOTE: Applicant states that it presently holds existing authority from this Commission to transport the above commodities when they fall under the *Mercer Description*. Additionally Rose holds size and weight authority from these origins to Arizona, California, and New Mexico and contractors' equipment authority to Arizona and Nevada. Applicant here seeks, at shipper's request, to clarify this authority by having the items specifically described. Accordingly, applicant agrees that any rights granted will not be duplicating of that already held and shall not be construed as conferring more than one single operating right, and shall not be severable by sale or otherwise. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 14706 (Sub-No. 14), filed May 21, 1965. Applicant: C. W. KELLEY TRANSPORT, INC., South 83 Highway, Liberal, Kans. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Advertising matter*, (2) *articles* distributed by wholesale or retail suppliers, marketers or distributors of petroleum products, and (3) *such commodities* as are used by wholesale or retail suppliers, marketers, or distributors of petroleum products in the conduct of their businesses, when shipped in mixed loads with petroleum products (as presently authorized), from Ponca City, Okla., to points in that part of Kansas, on, south and west of a line beginning at the Kansas-Missouri State line near Fort Scott, Kans., and extending along U.S. Highway 54 to El Dorado, Kans., thence along U.S. Highway 77 to Junction City, Kans., thence along U.S. Highway 40 to Salina, Kans., thence along U.S. Highway 81 to Belleville, Kans., thence along U.S. Highway 36 to the Kansas-Colorado State line, points in that part of Colorado on and east of U.S. Highway 87 and points in Nebraska.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Kansas City, Mo.

No. MC 17000 (Sub-No. 6), filed May 20, 1965. Applicant: HOHENWALD TRUCK LINES, INC., 14 East Main Street, Hohenwald, Tenn. Applicant's attorney: Robert H. Cowan, Suite 434, Stahlman Building, Nashville, Tenn., 37201. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading, (1) between Hohenwald, Tenn., and Lobelville, Tenn.; from Hohenwald over Tennessee Highway 20 to Linden, Tenn., thence over Tennessee Highway 13 to Lobelville and return over the same route, serving no intermediate points; (2) between Hohenwald, Tenn., and Hampshire, Tenn., over Tennessee Highway 99, serving no intermediate points but serving the off-route point of the Columbia Gulf Transmission Co.'s compressor station; and (3) between Hohenwald, Tenn., and Columbia, Tenn., over Tennessee Highway 99, serving the intermediate point of Hampshire, Tenn., and the off-route point of the Columbia Gulf Transmission Co.'s compressor station.

NOTE: Applicant states that it intends to use the above-proposed authority in connection with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Nashville, Tenn.

No. MC 18088 (Sub-No. 36), filed May 18, 1965. Applicant: FLOYD & BEASLEY TRANSFER COMPANY, INC., Post Office Drawer 8, Sycamore, Ala. Applicant's attorneys: A. Alvis Layne, Pennsylvania Building, Washington, D.C., 20004, and John W. Cooper, 805 Title Building, Birmingham, Ala., 35203. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), (1) between Atlanta, Ga., and Fort Worth, Tex.; from Atlanta over U.S. Highway 78 to Birmingham, Ala., thence over U.S. Highway 11 to junction U.S. Highway 80, thence over U.S. Highway 80 to Monroe, La., thence over Interstate Highway 20 to Shreveport, La., thence over U.S. Highway 80 to Fort Worth and return over the same route, serving the intermediate points of Monroe and Shreveport, La., Dallas, Tex., and all intermediate and off-route points within 10 miles of Dallas and Fort Worth, Tex.; (2) between Atlanta, Ga., and Houston, Tex.; from Atlanta over U.S. Highway 29 to Opelika, Ala., thence over Interstate Highway 85 to Montgomery, Ala. (also from Opelika over U.S. Highway 29 to junction U.S. Highway 80, thence over U.S. Highway 80 to Montgomery), thence over U.S. Highway 31 to Mobile, Ala., thence over U.S. Highway 90 to junction U.S. Highway 190, thence over U.S. Highway 190 to junction U.S. Highway 165 at Kinder, La.

Thence over U.S. Highway 165 to junction U.S. Highway 90 at Iowa, La., thence over U.S. Highway 90 to Houston, and return over the same route, serving the intermediate points of Baton Rouge and Lake Charles, La., Orange and Beaumont, Tex., and all intermediate and off-route points within 10 miles of Houston, Tex., and the off-route point of Texas City, Tex.; (3) between Montgomery, Ala., and junction U.S. Highways 11 and 80 near Cuba, Ala., over U.S. Highway 80, serving no intermediate points, for purpose of joinder only with applicant's proposed regular-route operations; (4) between junction U.S. Highways 71 and 190 west of Baton Rouge, La., and Shreveport, La., over U.S. Highway 71, serving no intermediate points, for purpose of joinder only, in connection with applicant's proposed regular-route operations; and (5) between junction U.S. Highway 78 and Alabama Highway 21 and junction U.S. Highways 231 and 80; from junction U.S. Highway 78 and Alabama Highway 21 over Alabama Highway

21 to junction U.S. Highway 231, thence over U.S. Highway 231 to junction U.S. Highway 80, and return over the same route, serving the intermediate point of Sycamore, Ala., for the purpose of joinder with applicant's presently authorized irregular-route operations.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Atlanta, Ga., Dallas, Tex., or Washington, D.C.

No. MC 21170 (Sub-No. 86), filed May 20, 1965. Applicant: BOS LINES, INC., 408 South 12th Avenue, Marshalltown, Iowa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs*, from Braddock and Lake City, Pa., to points in Illinois, Indiana, Iowa, Minnesota, Missouri, and Wisconsin.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Pittsburgh, Pa.

No. MC 21170 (Sub-No. 87), filed May 24, 1965. Applicant: BOS LINES, INC., 408 South 12th Avenue, Marshalltown, Iowa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Prepared foodstuffs*, requiring refrigeration from New Albany, Ind., to points in Illinois, Kansas, Missouri, and Tennessee.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Minneapolis, Minn.

No. MC 21170 (Sub-No. 88), filed May 24, 1965. Applicant: BOS LINES, INC., 408 South 12th Avenue, Marshalltown, Iowa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Glassware, bottles*, and *containers*, with or without caps, stoppers, and *tops*, from the plantsite and/or warehouse facilities of, or used by, Anchor Hocking Glass Corp., located at or near Gurnee, Ill., to points in Colorado, Kansas, Iowa, Minnesota, Missouri, Nebraska, and Wisconsin, and *pallets, rejected and defective glassware, bottles* and *containers* on return.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Indianapolis, Ind., or Chicago, Ill.

No. MC 21170 (Sub-No. 93), filed May 24, 1965. Applicant: BOS LINES, INC., 408 South 12th Avenue, Marshalltown, Iowa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bakery goods*, from points in Brown, Clermont, and Hamilton Counties, Ohio, to points in Illinois (except Chicago and East St. Louis, and the commercial zones thereof).

NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 21170 (Sub-No. 94), filed May 24, 1965. Applicant: BOS LINES, INC., 408 South 12th Avenue, Marshalltown, Iowa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from points in the Kansas City, Kans.-Mo., commercial zone, to points in Kentucky, Ohio, Tennessee, Virginia, and West Virginia.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Birmingham, Ala.

No. MC 21170 (Sub-No. 95), filed May 24, 1965. Applicant: BOS LINES, INC., 408 South 12th Avenue, Marshalltown, Iowa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs*, from Lawton, Mich., to points in Missouri.

NOTE: If a hearing is deemed necessary, applicant requests it be held at St. Louis, Mo., or Washington, D.C.

No. MC 22170 (Sub-No. 1), filed May 17, 1965. Applicant: P. PARSON KEPLER SR., doing business as KEPLER BROTHERS, 721 South Front Street, Milton, Pa. Applicant's attorney: Preston L. Davis, 37 Arch Street, Milton, Pa., 17847. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Such merchandise, as is dealt in by wholesale, retail, and chain grocery and food business houses*, and, in connection therewith, *equipment, materials, and supplies* used in the conduct of such business, from the facilities of the Great A. & P. Co., Inc., located in Milton, Pa., to Elmira, N.Y.

NOTE: Applicant states he is under contract with the Great Atlantic and Pacific Tea Co., Inc. Applicant is also authorized to conduct operations as a common carrier in Certificate MC 77720, therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Harrisburg, Pa.

No. MC 29120 (Sub-No. 76), filed May 21, 1965. Applicant: ALL-AMERICAN TRANSPORT, INC., 1500 Industrial Avenue, Sioux Falls, S. Dak. Applicant's attorney: David Axelrod, 39 South La Salle Street, Chicago 3, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading), between Milwaukee, Wis., and Dixon, Ill.: From Milwaukee over Wisconsin Highway 15 to Beloit, Wis., thence over U.S. Highway 51 to Rockford, Ill., thence over Illinois Highway 2 to Dixon, and return over the same route, serving no intermediate points, as an alternate route for operating convenience only, in connection with applicant's presently authorized regular-route operation between the same termini.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Sioux Falls, S. Dak.

No. MC 29586 (Sub-No. 100) (AMENDMENT), filed April 8, 1965, published in FEDERAL REGISTER issue of April 28, 1965, amended June 1, 1965, and republished as amended this issue. Applicant: SOUTHWEST FREIGHT LINES, INC., 1400 Kansas Avenue, Kansas City, Kans. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts and articles distributed by meat packinghouses*, as described in sections A and C, Appendix I, in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk, in tank vehicles), from Sioux City, Iowa, and points in Dakota County, Nebr., to points in Arkansas, Illinois the Indiana portion of the Chicago Ill., commercial zone, Iowa, Kansas, Missouri, Oklahoma, Texas, and Memphis, Tenn.

NOTE: The purpose of this republication is to add Sioux City, Iowa, as an origin point. If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr., or Des Moines, Iowa.

No. MC 29886 (Sub-No. 205), filed May 24, 1965. Applicant: DALLAS & MAVIS FORWARDING CO., INC., 4000 West Sample Street, South Bend, Ind. Applicant's attorney: Charles M. Pieroni (same address as applicant's). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Bodies, cabs, hoists, lift gates, trailers, spreaders, and containers* (except containers having a capacity of 5 gallons or less or having a capacity of 9 cubic feet or less), from Lima, Ohio, to points in the United States, and (2) *materials, supplies, and parts used in the manufacture, assembly, and servicing of the above-described commodities* when moving in mixed loads with any of such commodities, from Lima, Ohio, to points in the United States.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 30844 (Sub-No. 181), filed May 17, 1965. Applicant: KROBLIN REFRIGERATED XPRESS, INC., Post Office Box 218, Sumner, Iowa. Applicant's attorney: Truman A. Stockton, Jr., The 1650 Grant Street Building, Denver 3, Colo. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods and frozen products*, including frozen animal and poultry food, from New Bedford, Mass., and points within twenty (20) miles of New Bedford, Mass., to points in Illinois, Indiana, Iowa, Kentucky, Michigan, Minnesota, Missouri, Nebraska, Ohio, and Wisconsin.

NOTE: If a hearing is deemed necessary, applicant does not specify a location.

No. MC 30844 (Sub-No. 182), filed May 17, 1965. Applicant: KROBLIN REFRIGERATED XPRESS, INC., Post Office Box 218, Sumner, Iowa. Applicant's attorney: Truman A. Stockton, Jr., The 1650 Grant Street Building, Denver 3, Colo. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs*, canned, prepared, and preserved (other than frozen), from Fruitland, Md., to points in Illinois, Iowa, Minnesota, Nebraska, and Wisconsin.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 31600 (Sub-No. 590), filed May 18, 1965. Applicant: P. B. MUTRIE MOTOR TRANSPORTATION, INC., Calvary Street, Waltham, Mass., 02154. Applicant's attorney: Harry C. Ames, Jr., Transportation Building, Washington 6, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Hydrogen*, in bulk, from East Hartford, Conn., to points in Maine, Massachusetts, New Hampshire, Rhode Island, Vermont, and points in Albany and Rensselaer Counties, N.Y.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 38383 (Sub-No. 15), filed May 19, 1965. Applicant: THE GLENN CARTAGE COMPANY, a corporation, 1115 South State Street, Girard, Ohio. Applicant's attorney: A. Charles Tell, 44 Columbus Center, East Broad Street, Columbus, Ohio, 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles* and *equipment and supplies*, used or useful in the manufacture of iron and steel and iron and steel articles, between Burns Harbor, Porter County, Ind., on the one hand, and, on the other, points in Michigan, Ohio, Pennsylvania, New York, West Virginia, and those points in Kentucky within five (5) miles of the Ohio River.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 41240 (Sub-No. 7), filed May 21, 1965. Applicant: NELSON TRUCKING SERVICE, INC., Mediapolis, Iowa. Applicant's attorney: Charles B. Myers, 611 Field Building, Chicago, Ill., 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Building materials, gypsum and gypsum products, and materials and supplies* used in the installation and application of such commodities, from the plantsite of the United States Gypsum Co., located approximately 2 miles southwest of Mediapolis, Iowa, to points in Illinois.

NOTE: Applicant states it presently holds general commodity authority, with usual exceptions, (1) between Mediapolis, Iowa, and Chicago, and Peoria, Ill., with service at named intermediate and off-route points in Illinois and (2) between points in Iowa and Illinois within 35 miles of Muscatine, Iowa, including Muscatine. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 41404 (Sub-No. 55) (AMENDMENT), filed May 7, 1965, published FEDERAL REGISTER issue May 26, 1965, and republished as amended this issue. Applicant: ARGO-COLLIER TRUCK LINES CORPORATION, Post Office Box 151, Fulton Highway, Martin, Tenn., 38237. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Meats, meat products, meat byproducts, and articles distributed by meat packinghouses* as described in Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except commodities in bulk, in tank vehicles), (2) *frozen foods*, (3) *canned and preserved foods*, (4) *chemicals, chemical blends, and ingredients* to be used in further manufacturing processes; transportation of which does not require special equipment or bulk or tank vehicles; (5) *inedible meats, meat products, and meat byproducts, lard, tallows, and oils*, (6) *agricultural products* and *those commodities* embraced in section 203(b)(6) of Part II of the Interstate Commerce Act, when moving in the same vehicle with economic regulated commodities, (7) *frozen animal and poultry foods*, (8) *industrial products*, in packages, requiring refrigeration and (9) *coffee, condensed; coffee extracts; coffee, green; tea and tea dust and sugar*, from Gulfport, Miss., to points in the United States (excluding Alaska).

NOTE: The purpose of this republication is to add (8) and (9) above. If a hearing is deemed necessary, applicant requests it be held at Jackson, Miss., or New Orleans, La.

No. MC 42487 (Sub-No. 627), filed May 21, 1965. Applicant: CONSOLIDATED FREIGHTWAYS CORPORATION OF DELAWARE, 175 Linfield Drive, Menlo Park, Calif. Applicant's attorney: Robert C. Stetson, 175 Linfield Drive, Menlo Park, Calif. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid fertilizer*, in bulk, in tank vehicles, between points in Klamath and Lake Counties, Oreg., on the one hand, and, on the other, points in California on and north of a line beginning at and including San Francisco, and extending over U.S. Highway 50 to junction California Highway 120, approximately six (6) miles west of Manteca, thence over California Highway 120 to junction U.S. Highway 6, thence over U.S. Highway 6 to the California-Nevada boundary line.

NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Klamath Falls, Oreg.

No. MC 42487 (Sub-No. 628), filed May 21, 1965. Applicant: CONSOLIDATED FREIGHTWAYS CORPORATION OF DELAWARE, 175 Linfield Drive, Menlo Park, Calif. Applicant's attorney: Robert C. Stetson, 175 Linfield Drive, Menlo Park, Calif. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid glue and liquid resins*, in bulk, in tank vehicles, from Springfield, Oreg., to Lewiston and Jaype, Idaho.

NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Seattle, Wash.

No. MC 42866 (Sub-No. 11), filed September 25, 1964. Applicant: NATIONAL VAN LINES, INC., 2800 Roosevelt Road, Broadview, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission in *Practices of Motor Common Carriers of Household Goods*, 17 M.C.C. 467, (1) between points in Hawaii; and (2) between points in Hawaii, on the one hand, and, on the other, points in the continental United States, including Alaska.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 45194 (Sub-No. 7), filed May 20, 1965. Applicant: LATTAVO BROTHERS, INC., 1620 Cleveland Avenue SE., Canton, Ohio. Applicant's attorney: John P. McMahon, 44 East Broad Street, Columbus, Ohio, 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles, machinery and machinery parts; contractors' and builders' supplies and equipment, and building and construction materials*, not including commodities in bulk, between Burns Harbor, Porter County, Ind., on the one hand, and, on the other, points in Michigan, Ohio, Pennsylvania, West Virginia, New York, New Jersey, Illinois, and Missouri.

NOTE: If a hearing is deemed necessary, applicant does not specify a location.

No. MC 48374 (Sub-No. 5), filed October 7, 1964. Applicant: FERNSTROM STORAGE AND VAN COMPANY, a corporation, Post Office Box 8801, Chicago 66, Ill. Applicant's attorney: Donald A. Morken, 1000 First National Bank Building, Minneapolis, Minn., 55402. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, (1) between points in Hawaii, and (2) between points in Hawaii on the one hand, and, on the other, points in the continental United States including Alaska.

NOTE: If a hearing is deemed necessary, applicant does not specify place of hearing.

No. MC 52460 (Sub-No. 73), filed May 17, 1965. Applicant: HUGH BREEDING, INC., 1420 West 35th Street, Post Office Box 9515, Tulsa, Okla. Applicant's attorney: James W. Wrape, 2111 Sterick Building, Memphis, Tenn., 38103. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Advertising matter*; (2) *articles distributed by wholesale or retail suppliers, marketers, or distributors of petroleum products*, and (3) *such commodities as are used by wholesale or retail suppliers, marketers, or distributors of petroleum products* in the conduct of their business, when shipped in mixed truckloads with petroleum products in containers, from Ponca City, Okla., to points in Arkansas (except points on U.S. Highway 64 between Fort Smith and Conway, Ark.; U.S. Highway 65 between Conway and Little Rock, Ark.; and U.S. Highway 70 between Little Rock and the Arkansas-Tennessee State line), Kansas, Missouri, New Mexico, Oklahoma, and Texas (except points on U.S. Highway 75).

NOTE: Applicant states it presently holds authority to transport petroleum products in containers to and from points involved in this application. If a hearing is deemed necessary, applicant requests it be held at Denver, Colo.

No. MC 54974 (Sub-No. 2), filed May 17, 1965. Applicant: MERRITT CORPORATION, 1048 Southbridge Street, Worcester, Mass. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except Classes A and B explosives, household goods, commodities in bulk, commodities requiring special equipment and those injurious or contaminating to other lading), between points in Massachusetts.

NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Boston, Mass.

No. MC 58152 (Sub-No. 12), filed May 19, 1965. Applicant: OGDEN & MOFFETT COMPANY, a corporation, 3565 24th Street, Port Huron, Mich. Applicant's attorney: Walter N. Bieneman, Suite 1700, 1 Woodward Avenue, Detroit, Mich., 48226. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving the plantsite of Perkins Engines, Inc., located on Wixom Road (near the intersection of Interstate Highway 96), as an off-route point in connection with applicant's regular-route operations.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Lansing, Mich.

No. MC 59570 (Sub-No. 27), filed May 17, 1965. Applicant: HECHT BROTHERS, INC., Lakewood Road, Toms River, N.J. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry salt, dry salt with additives, dry pepper*, and *dry mineral mixtures*, in bulk, in bags, and in containers, from points in New Jersey (except Atlantic, Burlington, Camden, Cape May, Cumberland, Gloucester, and Salem Counties, N.J.), to points in Connecticut, Delaware, Maryland, Massachusetts, New Jersey, New York, Pennsylvania, Rhode Island, and Washington, D.C.

NOTE: Applicant states no duplication of authority is sought. If a hearing is deemed necessary, applicant requests it be held at Philadelphia, Pa., or Washington, D.C.

No. MC 64932 (Sub-No. 371) (AMENDMENT), filed February 16, 1965, published FEDERAL REGISTER issue March 10, 1965, amended May 20, 1965, and republished as amended this issue. Applicant: ROGERS CARTAGE CO., a corporation, 1439 West 103d Street, Chicago, Ill. Applicant's attorney: David Axelrod, 39 South La Salle Street, Chicago, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Acids, chemicals, fertilizer, and fertilizer ingredients*, in bulk, in tank vehicles, from East Dubuque, Ill., and points in Illinois within ten (10) miles thereof, to points in Indiana, Kentucky, Illinois, Michigan, Ohio, Wisconsin, Minnesota, Iowa, Missouri, Kansas, Nebraska, and South Dakota.

NOTE: The purpose of this republication is to include additional destination States not previously published. If a hearing is deemed necessary, applicant does not specify any particular area.

No. MC 64932 (Sub-No. 375) (AMENDMENT), filed May 13, 1965, published FEDERAL REGISTER issue June 3, 1965, and republished as amended this issue. Applicant: ROGERS CARTAGE CO., a corporation, 1439 West 103d Street, Chicago, Ill. Applicant's attorney: David Axelrod, 39 South La Salle Street, Chicago 3, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals* (except petrochemicals), in bulk, in tank vehicles, from Swanton, Ohio, to points in Florida, Georgia, Kentucky, Pennsylvania, South Carolina, and North Carolina.

NOTE: The purpose of this republication is to include points in Kentucky and Pennsylvania in the destination territory, not shown in previous publication. If a hearing is deemed necessary, applicant requests it be held at New York, N.Y.

No. MC 64932 (Sub-No. 378), filed May 18, 1965. Applicant: ROGERS CARTAGE CO., a corporation, 1439 West 103d Street, Chicago, Ill., 60643. Applicant's attorney: David Axelrod, 39 South La Salle Street, Chicago 3, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Acids and chemicals, liquid*, in bulk, in tank vehicles, from the plantsite or the storage facilities of the Monsanto Co. at or near Anniston, Ala., to points in the St. Louis, Mo.-East St. Louis, Ill., commercial zone.

NOTE: If a hearing is deemed necessary, applicant requests it be held at St. Louis, Mo.

No. MC 64994 (Sub-No. 61), filed May 17, 1965. Applicant: HENNIS FREIGHT LINES, INC., Post Office Box 612, Winston-Salem, N.C., 27102. Applicant's representative: Frank C. Philips, Post Office Box 612, Winston-Salem, N.C. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, commodities in bulk, household goods, Classes A and B explosives and those requiring special equipment) between East Troy, Wis., and Chicago, Ill., (1) from East Troy, Wis., over Wisconsin Highway 20 to junction Interstate Highway 94, thence over Interstate Highway 94 to Chicago, Ill., (2) from East Troy, Wis., over Wisconsin Highway 20 to junction U.S. Highway 41, thence over U.S. Highway 41 to Chicago, Ill.; (3) from East Troy, Wis., over Wisconsin Highway 15 to Milwaukee, thence over Interstate Highway 94 and/or U.S. Highway 41 to Chicago, Ill., and return over the same routes, serving no intermediate points.

NOTE: Applicant states it proposes to tack the proposed operations with its present authority. If a hearing is deemed necessary, applicant requests it be held at Madison, Wis., or Chicago, Ill.

No. MC 64994 (Sub-No. 62), filed May 17, 1965. Applicant: HENNIS FREIGHT LINES, INC., Post Office Box 612, Winston-Salem, N.C., 27102. Applicant's representative: Frank C. Philips, Post Office Box 612, Winston-Salem, N.C. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Meat and meat products* (fresh, frozen, cooked, cured, canned, and smoked), from Louisville, Ky., to Canton, Ohio; (1) from Louisville, Ky., over U.S. Highway 31 to junction Indiana Highway 62, thence over Indiana Highway 62 to Madison, Ind., thence over U.S. Highway 421 to Versailles, Ind., thence over U.S. Highway 50 and bypass U.S. Highway 50 to junction Interstate Highway 71, thence over Interstate Highway 71 to Mansfield, Ohio, thence over U.S. Highway 30 via Massillon to Canton, Ohio, and (2) from Louisville, Ky., over U.S. Highway 42 to Cincinnati, Ohio, thence over Interstate Highway 71 to Mansfield, thence over U.S. Highway 30 via Massillon to Canton, Ohio, and return over the same routes, serving the intermediate point of Massillon, Ohio.

NOTE: Applicant states (a) that the proposed operations in (1) and (2) above will be restricted to deliveries at Massillon and Canton, Ohio, and (b) that on return it proposes to transport rejected shipments. If a hearing is deemed necessary, applicant requests it be held at Louisville, Ky., or Columbus, Ohio.

No. MC 72322 (Sub-No. 2) (AMENDMENT), filed February 9, 1965, published FEDERAL REGISTER issue February 25, 1965, and republished as amended this issue. Applicant: LOWDER TRANSPORTATION, INC., 28 Prospect Street, Woburn, Mass. Applicant's attorney: Mary E. Kelley, 10 Tremont Street, Boston 8, Mass. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Roofing materials* and *supplies; wallboard and ceiling board; and chemicals and acids*, in containers, between Andover, Mass., on the one hand, and, on the other, points in Massachusetts, Vermont, New Hampshire, and Rhode Island.

NOTE: Applicant states the above operation will be under a continuing contract with Allied Chemical Corp. The purpose of this application is to follow the traffic to the shipper's new location in Andover, Mass., as applicant has served this account for over 35 years from Everett, Mass. The purpose of this republication is to add wallboard and ceiling board to the commodity description. If a hearing is deemed necessary, applicant requests it be held at Boston, Mass.

No. MC 78228 (Sub-No. 7), filed May 17, 1965. Applicant: THE J. MILLER COMPANY, a corporation, 147 Nichol Avenue, McKees Rocks, Pa. Applicant's attorney: Henry M. Wick, Jr., 1515 Park Building, Pittsburgh, Pa., 15222. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron* and *steel* and *iron and steel articles* as described in Appendix V to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, 276–279, between Aliquippa, Allenport, Donora, Pittsburgh, Ellwood City, Monessen, and Vandergrift, Pa., on the one hand, and, on the other, points in Indiana, Illinois, and the Lower Peninsula of Michigan.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Pittsburgh, Pa.

No. MC 82841 (Sub-No. 13), filed May 19, 1965. Applicant: R. D. TRANSFER, INC., 801 Livestock Exchange Building, Omaha, Nebr. Applicant's attorney: Donald L. Stern, 630 City National Bank Building, Omaha, Nebr. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes,

transporting: *Irrigation systems and parts for irrigation systems*, from points in Douglas County, Nebr., to points in Arizona, Arkansas, California, Idaho, Kansas, Louisiana, Missouri, Montana, Nevada, New Mexico, Oklahoma, Oregon, Texas, Utah, and Washington.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Kansas City, Mo.

No. MC 88414 (Sub-No. 1), filed February 15, 1965. Applicant: RALPH WILLIAM JOHNSON AND WILLIAM FREDERICK BOTTOMS, a partnership, doing business as RICHMOND TRANSFER & STORAGE COMPANY, 2114 MacDonald Avenue, Richmond, Calif. Applicant's attorney: G. Alfred Roensch, 21st Floor, 100 Bush Street, San Francisco 4, Calif. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Used household goods*, as defined by the Commission in 17 M.C.C. 467, between points on the Island of Oahu, Hawaii.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Honolulu, Hawaii.

No. MC 97068 (Sub-No. 5) (AMENDMENT), filed March 18, 1965, published FEDERAL REGISTER issue April 8, 1965, and republished as amended this issue. Applicant: H. S. ANDERSON TRUCKING COMPANY, a corporation, Post Office Box 29, Port Arthur, Tex. Applicant's attorney: John H. Benckenstein, 1350 Petroleum Building, Post Office 551, Beaumont, Tex. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Contractors equipment, materials, machinery*, and *supplies* (excluding oilfield commodities as described in Mercer-Extension-Oilfield Commodities, 46 M.C.C. 845) and (2) *commodities*, the transportation of which, because of size, weight, or other physical characteristics, require the use of special equipment, rigging, or handling, together with *parts and attachments* thereto when moving in connection therewith, between points in Texas, Louisiana, and Mississippi.

NOTE: Applicant states it will tack the above-proposed authority with its present authority in MC 97068 and subs thereunder. The purpose of this republication is to add the commodity description in (1) above and to change the commodity description in (2) above. If a hearing is deemed necessary, applicant requests it be held at Houston, Tex.

No. MC 99973 (Sub-No. 2), filed May 17, 1965. Applicant: ARIZONA MOVING & STORAGE COMPANY, a corporation, 1039 North Alamo Street, Tucson, Ariz. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New household goods, furniture, and fixtures* of every character and description, crated or uncrated, between points in Arizona.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Phoenix, Ariz.

No. MC 100127 (Sub-No. 4), filed May 24, 1965. Applicant: ELMIRA DELIVERIES, INC., 111 West 3d Street, Elmira, N.Y. Applicant's attorney: Geo. Stephen Leonard, 1730 K Street NW., Washington, D.C., 20006. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Corrugated board* and *corrugated boxes*, set up and knocked down and *single face bulb wrappers*, from Elmira Heights, N.Y., to points in that part of Pennsylvania east of U.S. Highway 219 and *returned, rejected, and damaged shipments*, on return.

NOTE: Common control may be involved, If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 102567 (Sub-No. 105), filed May 3, 1965. Applicant: EARL CLARENCE GIBBON, doing business as EARL GIBBON PETROLEUM TRANSPORT, 235 Benton Road, Bossier City, La. Applicant's attorney: Jo E. Shaw, 641 Bettes Building, Houston, Tex., 77003. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals*, in bulk, between points in St. Charles Parish, La., on the one hand, and on the other points in the United States (except Alaska and Hawaii).

NOTE: If a hearing is deemed necessary, applicant requests it be held at New Orleans, La., or Washington, D.C.

No. MC 103435 (Sub-No. 170), filed May 17, 1965. Applicant: UNITED-BUCKINGHAM FREIGHT LINES, a corporation, East 915 Springfield Avenue, Spokane, Wash. Applicant's representative: J. Maurice Andren, Post Office Box 1631, Rapid City, S. Dak., attorney George LaBissoniere, 533 Central Building, Seattle, Wash. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts*, and *articles distributed by meat packinghouses*, as described in sections A and C of Appendix I to the report in *Descriptions in Motor Carriers Certificates*, 61 M.C.C. 209 and 766 (except commodities in bulk, in tank vehicles), from points in Dakota County, Nebr., to points in Michigan, Indiana, Illinois, Iowa, Minnesota, Missouri, Kansas, Nebraska, South Dakota, North Dakota, Montana, Wyoming, Colorado, Idaho, Washington, and Oregon.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Sioux City, Iowa, or Omaha, Nebr.

No. MC 103435 (Sub-No. 171) filed May 24, 1965. Applicant: UNITED-BUCKINGHAM FREIGHT LINES, a corporation, East 915 Springfield Avenue, Spokane, Wash. Applicant's representative: J. Maurice Andren, Post Office Box 1631, Rapid City, S. Dak.; attorney: George LaBissoniere, 533 Central Building, Seattle, Wash. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Sugar*, from Billings, Hardin, and Sidney, Mont., and points within four (4) miles thereof, to points in Minnesota.

NOTE: Applicant states it presently can perform some of this service by tacking certain authorities to its sub numbers 68, 69, 78, and 83. No duplicate authority is sought by this application. If a hearing is deemed necessary, applicant requests it be held at Denver, Colo.

No. MC 103880 (Sub-No. 333) (AMENDMENT), filed March 15, 1965, published FEDERAL REGISTER issue April 1, 1965, amended May 21, 1965, and republished as amended this issue. Applicant: PRODUCERS TRANSPORT, INC., 215 East Waterloo Road, Akron, Ohio. Applicant's attorney: Carl L. Steiner, 39 South La Salle Street, Chicago, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Acids, chemicals, fertilizers and fertilizer ingredients*, in bulk, in tank vehicles, from East Dubuque, Ill., and points in Illinois, within ten (10) miles thereof, to points in Illinois, Indiana, Kentucky, Michigan Ohio, Wisconsin, Iowa Missouri, Kansas, Nebraska, South Dakota, and Minnesota.

NOTE: The purpose of this republication is to include additional destination States not previously published. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 104523 (Sub-No. 34), filed May 17, 1965. Applicant: WILLIAM HAROLD HUSTON, doing business as HUSTON TRUCK LINE, Friend, Nebr. Applicant's representative: C. A. Ross, 714 South 45th, Lincoln, Nebr., 68501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry animal and poultry feed, animal and poultry feed ingredients*, in bags, packages, and in bulk, (1) from Lincoln, Nebr., to points in Illinois and Minnesota, and (2) from points in Dawson County, Nebr., to points in Illinois, Iowa, Oklahoma, and Texas, and *exempt commodities*, on return.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Lincoln, Nebr.

No. MC 105375 (Sub-No. 20) (AMENDMENT), filed April 13, 1965, published FEDERAL REGISTER issue of May 5, 1965, amended May 27, 1965, and republished as amended this issue. Applicant: DAHLEN TRANSPORT OF IOWA, INC., 875 North Prior Avenue, St. Paul, Minn., 55104. Applicant's attorney: Leonard A. Jaskiewicz, Madison Building, 1155 15th Street NW., Washington, D.C., 20005 Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Acids, chemicals, fertilizer*, and *fertilizer ingredients*, in bulk, from East Dubuque, Ill., and points in Illinois within 10 miles thereof to points in Illinois, Indiana, Iowa, Kansas, Kentucky, Michigan, Minnesota, Missouri, Nebraska, Ohio, South Dakota, and Wisconsin, and *rejected shipments* on return.

NOTE: The purpose of this republication is to (1) clearly set forth the authority sought and (2) to add Kentucky, Michigan, and Ohio as destination States. If a hearing is deemed necessary, applicant requests it be held at Des Moines, Iowa.

No. MC 107227 (Sub-No. 86), filed September 21, 1964. Applicant: INSURED TRANSPORTERS, INC., 1944 Williams Street, San Leandro, Calif. Applicant's attorney: John G. Lyons, Mills Tower, San Francisco 4, Calif. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Automobiles, trucks, and busses*, as

defined by the Commission, in Ex Parte MC-45, *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, in secondary movements, in driveaway and truckaway service, between points in Hawaii.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Honolulu, Hawaii.

No. MC 107403 (Sub-No. 625), filed May 19, 1965. Applicant: MATLACK, INC., 10 West Baltimore Avenue, Lansdowne, Pa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lime and lime products*, from River Rouge, Mich., to points in Illinois, Indiana, Iowa, Kentucky, Missouri, Ohio, New York, Pennsylvania, West Virginia, and Wisconsin.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 107496 (Sub-No. 380), filed May 19, 1965. Applicant: RUAN TRANSPORT CORPORATION, 303 Keosauqua Way, Des Moines, Iowa. Applicant's attorney: H. L. Fabritz (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Loose, flowable, and fungible commodities* tendered in dismounted containers and delivered while the containers remain on the vehicle, (2) *loose, flowable, and fungible commodities* tendered into premounted containers and delivered while remaining in said containers, (3) *loose, flowable, and fungible commodities* tendered in dismounted containers and delivered in dismounted containers, and (4) *commodities, in bulk*, when moving at the same time in vehicles transporting loose, flowable, and fungible commodities under conditions described in (1), (2), and (3), above, between points in the United States (except Alaska and Hawaii).

NOTE: If a hearing is deemed necessary, applicant requests it be held at Des Moines, Iowa.

No. MC 110096 (Sub-No. 56) (AMENDMENT), filed May 20, 1965, published in FEDERAL REGISTER issue of June 3, 1965, and republished as amended this issue. Applicant: ZERO REFRIGERATED LINES, a corporation, 815 Merida Street, Box 7249, Station A, San Antonio, Tex. Applicant's attorney: Donald L. Stern, 630 City National Bank Building, Omaha 2, Nebr. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts*, and *articles distributed by meat packinghouses* (except hides and commodities in bulk, in tank vehicles), from points in Dakota County, Nebr., and Sioux City, Iowa, to points in Arkansas, Louisiana, New Mexico, Oklahoma, and Texas.

NOTE: The purpose of this republication is to add Sioux City, Iowa, as an origin point. If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr., or Des Moines, Iowa.

No. MC 110193 (Sub-No. 95), filed May 19, 1965. Applicant: SAFEWAY TRUCK LINES, INC., 20450 Ireland Road, South Bend, Ind. Applicant's representative: Walter J. Kobos (address same as applicant's). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs*, from Coloma and Eau Claire, Mich., to points in Iowa, Kansas, Minnesota, Missouri, Nebraska, and Wisconsin.

NOTE: If a hearing is deemed necessary, applicant requests it be held at South Bend, Ind., or Chicago, Ill.

No. MC 110193 (Sub-No. 96), filed May 19, 1965. Applicant: SAFEWAY TRUCK LINES, INC., 20450 Ireland Road, South Bend, Ind. Applicant's representative: Walter J. Kobos (address same as applicant's). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts, and articles distributed by meat packinghouses*, as described in Appendix I, to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk in tank vehicles), from Minden, Nebr., and points within five (5) miles thereof to points in Maine, New Hampshire, Vermont, Massachusetts, Connecticut, Rhode Island, New York, New Jersey, Pennsylvania, Delaware, Maryland, Ohio, and the District of Columbia.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Denver, Colo. or Omaha, Nebr.

No. MC 110420 (Sub-No. 452), filed May 21, 1965. Applicant: QUALITY CARRIERS, INC., 100 South Calumet Street, Burlington, Wis. Applicant's representative: Fred H. Figge, Post Office Box 390, Burlington, Wis. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Tallow*, in bulk, in tank vehicles, from Cedar Rapids, Iowa, to Boscobel, Wis.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Madison, Wis.

No. MC 111545 (Sub-No. 78), filed May 18, 1965. Applicant: HOME TRANSPORTATION COMPANY, INC., 1425 Franklin Road, SE., Post Office Box 6428, Station A, Marietta, Ga. Applicant's attorney: Paul M. Daniell, Suite 1600, First Federal Building, Atlanta, Ga., 30303. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Air compressors*, (2) *parts and accessories* for commodities named in paragraph (1) above when moving in mixed shipments, from Atlanta, Ga., to points in Alabama, North Carolina, South Carolina, and Tennessee.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Atlanta, Ga.

No. MC 111812 (Sub-No. 287), filed May 19, 1965. Applicant: MIDWEST COAST TRANSPORT, INC., Wilson Terminal Building, Post Office Box 747, Sioux Falls, S. Dak., 57101. Applicant's attorney: Donald L. Stern, 630 City National Bank Building, Omaha, Nebr. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from Des Moines, Fort Dodge, and Webster City, Iowa, to points in Minnesota, North Dakota, and South Dakota.

NOTE: Applicant states no duplication of authority is sought. If a hearing is deemed necessary, aplicant requests it be held at Des Moines, Iowa.

No. MC 112435 (Sub-No. 5) (AMENDMENT), filed March 19, 1965, published in FEDERAL REGISTER issue of April 14, 1965, amended May 27, 1965, and republished as amended this issue. Applicant: D. M. SMOCK, L. D. SMOCK, AND E. G. SMOCK, a partnership, doing business as D. & L. E. TRANSIT CO., 1502 Augusta Street, Zanesville, Ohio. Applicant's attorney: John P. McMahon, 44 East Broad Street, Columbus 15, Ohio. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (a) *ferro alloys*, from Philo, Ohio, to points in Kentucky, (b) *ferro alloys*, in containers, from Philo, Ohio, to points in New Jersey, and Baltimore and Sparrows Point, Md., and (c) *equipment, materials, and supplies* used in the manufacture, process, packaging, and sale of ferro alloys, from points in Kentucky, Pennsylvania, West Virginia, Illinois, Indiana, Michigan, New York, Baltimore, Md., and St. Louis, Mo., to Philo, Ohio.

NOTE: The purpose of this republication is to add additional commodities and territorial authority. If a hearing is deemed necessary, applicant requests it be held at Columbus, Ohio.

No. MC 112801 (Sub-No. 26), filed May 17, 1965. Applicant: TRANSPORT SERVICE CO., a corporation, 5100 West 41st Street, Chicago, Ill. Applicant's attorney: Robert H. Levy, 105 West Adams Street, Chicago, Ill., 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer, fertilizer materials, and fertilizer ingredients*, from Carmel, Ind. and points within five (5) miles thereof, to points in Illinois, Indiana, Iowa, Kentucky, Michigan, Minnesota, Missouri, Ohio, and Wisconsin.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 113678 (Sub-No. 143), filed May 18, 1965. Applicant: CURTIS, INC., 770 East 51st Avenue, Denver, Colo., 80216. Applicant's attorney: Duane W. Acklie, Post Office Box 2028, Lincoln, Nebr. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts, dairy products, and articles distributed by meat packinghouses* as described in sections A, B, and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, from points in Iowa, to points in Alabama, Florida, Georgia, Kentucky, Louisiana, Mississippi, North Carolina, South Carolina, and Tennessee.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Des Moines, Iowa.

No. MC 113678 (Sub-No. 144), filed May 24, 1965. Applicant: CURTIS, INC., 770 East 51st Avenue, Denver, Colo., 80216. Applicant's attorney:

Duane W. Acklie, Post Office Box 2028, Lincoln, Nebr. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts and articles distributed by meat packinghouses* as described in sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk, in tank vehicles), from Lexington, Nebr., and points within five (5) miles thereof, to points in Florida, Georgia, Alabama, North Carolina, and South Carolina.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr.

No. MC 113678 (Sub-No. 145), filed May 24, 1965. Applicant: CURTIS, INC., 770 East 51st Avenue, Denver, Colo., 80216. Applicant's attorney: Duane W. Acklie, Post Office Box 2028, Lincoln, Nebr. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts and articles distributed by meat packinghouses* as described in sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk, in tank vehicles), from Minden, Nebr., and points within five (5) miles thereof, to points in Florida, Georgia, Alabama, North Carolina, and South Carolina.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr.

No. MC 114457 (Sub-No. 33), filed May 20, 1965. Applicant: DART TRANSIT COMPANY, a corporation, 780 North Prior Avenue, St. Paul, Minn. Applicant's attorney: Charles W. Singer, Tower Suite 3600, 33 North La Salle Street, Chicago, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Glassware, bottles, and containers*, (2) *caps, covers, ends, and tops for bottles and containers*, and (3) *empty boxes and cartons*, from points in Lake and Will Counties, Ill., to points in Minnesota, Wisconsin, the Upper Peninsula of Michigan, Iowa, Missouri, Kansas, Nebraska, North Dakota, and South Dakota.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 114457 (Sub-No. 34), filed May 20, 1965. Applicant: DART TRANSIT COMPANY, a corporation, 780 North Prior Avenue, St. Paul, Minn. Applicant's attorney: Charles W. Singer, Tower Suite 3600, 33 North La Salle Street, Chicago, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts, and articles distributed by meat packinghouses*, as described in sections A and C, Appendix I, in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, from points in Dakota County, Nebr., and Sioux City, Iowa, to points in Illinois, Indiana, Iowa, Kansas, Michigan, Minnesota, Missouri, Nebraska, North Dakota, South Dakota, and Wisconsin.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 115257 (Sub-No. 13), filed September 16, 1964. Applicant: SHAMROCK VAN LINES, INC., Post Office Box 5447, Dallas, Tex. Applicant's attorney: Max G. Morgan, 443–54 American National Building, Oklahoma City 2, Okla. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, (1) between points in Hawaii, and (2) between points in Hawaii and points in the continental United States, including Alaska.

NOTE: If a hearing is deemed necessary, applicant has no preference to place of hearing.

No. MC 115841 (Sub-No. 239), filed May 19, 1965. Applicant: COLONIAL REFRIGERATED TRANSPORTATION, INC., 1215 Bankhead Highway West, Post Office Box 2169, Birmingham, Ala. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs* (except in bulk or tank vehicles), in vehicles equipped with mechanical refrigeration, from Knoxville, Tenn., to points in North Carolina, South Carolina, Georgia, Florida, Alabama, Mississippi, Louisiana, and Arkansas.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Knoxville, Tenn.

No. MC 117416 (Sub-No. 16), filed May 17, 1965. Applicant: NEWMAN AND PEMBERTON CORPORATION, 2007 University Avenue NW., Knoxville, Tenn. Applicant's attorney: William P. Sullivan, 1825 Jefferson Place NW., Washington, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Clay, minerals, and earth concentrates*, ground or pulverized, in containers, from points in Bartow, Bibb, Twiggs, Wilkinson, and Washington Counties, Ga., and points in Aiken County, S.C., to points in Illinois, Indiana, Kentucky, Michigan, Ohio, Tennessee, and West Virginia, and St. Louis, Mo.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 117765 (Sub-No. 22), filed May 17, 1965. Applicant: HAHN TRUCK LINE, INC., 5800 North Eastern, Oklahoma City, Okla. Applicant's attorney: Rufus H. Lawson, 106 Bixler Building, 2400 Northwest 23d Street, Oklahoma City 7, Okla. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry fertilizer, fertilizer compounds, fertilizer ingredients, and urea*, from Tulsa and Pryor, Okla., to points in Alabama, Arkansas, Delaware, Florida, Georgia, Indiana, Kentucky, Maryland, Michigan, Mississippi, New Jersey, New York, North Carolina, Ohio, Pennsylvania, South Carolina, Tennessee, Virginia, and West Virginia, and *exempt commodities*, on return.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Oklahoma City, Okla.

No. MC 118159 (Sub-No. 23), filed May 21, 1965. Applicant: EVERETT LOWRANCE, 4916 Jefferson Highway, Post Office Box 10216, New Orleans, La. Applicant's attorney: Harold R. Ainsworth, 2307 American Bank Building, New Orleans, La. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bananas*, from Freeport, Tex., to points in Arkansas, Colorado, Iowa, Kansas, Louisiana, Minnesota, Missouri, Nebraska, New Mexico, North Dakota, Oklahoma, South Dakota, and Texas.

NOTE: If a hearing is deemed necessary, applicant requests it be held at New Orleans, La.

No. MC 118457 (Sub-No. 5), filed May 18, 1965. Applicant: ROBBINS DISTRIBUTING COMPANY, INC., 300 Dodge Street, Racine, Wis., 53402. Applicant's attorney: William C. Dineen, 412 Empire Building, 710 North Plankinton Avenue, Milwaukee, Wis., 53203. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen pizza*, from Chicago Heights, Ill., to Milwaukee, Wis., and the plantsite of the Godfrey Co., located at or near Waukesha, Wis.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 119164 (Sub-No. 19), filed May 18, 1965. Applicant: J–E–M TRANSPORTATION CO., INC., 509 Liberty Street, Syracuse, N.Y., 13204. Applicant's representative: Charles H. Trayford, 220 East 42d Street, New York 17, N.Y. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bulk commodities*, in tank- or hopper-type vehicles, between Cleveland and Columbus, Ohio, on the one hand, and, on the other, points in Ohio, restricted to shipments having a prior or subsequent movement by rail and moving in interstate or foreign commerce.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 119226 (Sub-No. 52), filed May 21, 1965. Applicant: LIQUID TRANSPORT CORP., 3901 Madison Avenue, Indianapolis 27, Ind. Applicant's attorney: Robert W. Loser, 409 Chamber of Commerce Building, Indianapolis, Ind., 46204. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Syrups, sweeteners, and blends*, in bulk, in tank vehicles, from Edinburg, Ind., to points in Indiana, Michigan, Ohio, Illinois, Pennsylvania, Kentucky, West Virginia, Wisconsin, New Jersey, New York, Connecticut, Rhode Island, Massachusetts, Maine, Vermont, and New Hampshire.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Indianapolis, Ind.

No. MC 119522 (Sub-No. 7), filed May 20, 1965. Applicant: McLAIN TRUCKING, INC., 1242 North Jefferson, Muncie, Ind. Applicant's attorney: Donald W. Smith, Suite 511, Fidelity Building, Indianapolis, Ind., 46204. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Glass containers*, from Marion, Ind., to Lawrenceburg, Nicholasville, Frankfort, Bardstown, Gethsemane, Lexington, Loretta, and Lebanon, Ky., and *wooden pallets*, on return.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Indianapolis, Ind.

No. MC 119532 (Sub-No. 3), filed May 17, 1965. Applicant: IRA FARRELL AND LAUREL E. FARRELL, a partnership, doing business as IRA FARRELL & SON, 12 Starrett Street, Houlton, Maine. Applicant's attorney: Kenneth B. Williams, 111 State Street, Boston, Mass., 02109. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bananas*, from Port Newark, N.J., to ports of entry on the international boundary line between the United States and Canada at or near Calais, Houlton, and Vanceboro, Maine.

NOTE: Applicant states the above operation will be restricted to shipments moving to points in Canada. If a hearing is deemed necessary, applicant requests it be held at Boston, Mass.

No. MC 119641 (Sub-No. 55), filed May 24, 1965. Applicant: RINGLE EXPRESS, INC., 405 South Grant Avenue, Fowler, Ind. Applicant's attorney: Robert C. Smith, 512 Illinois Building, Indianapolis 4, Ind. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Tractors* (not including tractors with vehicle beds, bed frames or fifth wheels, or those which because of size or weight, require the use of special equipment), and *attachments and parts therefor* when transported in the same vehicle at the same time, from New Orleans, La., to Springfield and Kansas City, Mo., and *damaged and rejected shipments*, on return.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Kansas City, Mo.

No. MC 119767 (Sub-No. 81), filed May 19, 1965. Applicant: BEAVER TRANSPORT CO., a corporation, 100 South Calumet Street, Burlington, Wis. Applicant's representative: Fred H. Figge, Post Office Box 339, Burlington, Wis. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from Marshall, Macon, Milan, Carrollton, and Moberly, Mo., to points in Christian, Coles, Macon, and Sangamon Counties, Ill.

NOTE: If a hearing is deemed necessary, applicant requests it be held at St. Louis, Mo., or Chicago, Ill.

No. MC 119767 (Sub.-No. 82), filed May 21, 1965. Applicant: BEAVER TRANSPORT CO., a corporation, 100 South Calumet Street, Burlington, Wis. Applicant's representative: Fred H. Figge, Post Office Box 339, Burlington, Wis. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Such food items as are dealt in by retail, gift, and specialty stores*, from Burlington, Wis., to points in Kentucky.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 119777 (Sub-No. 37), filed May 19, 1965. Applicant: LIGON SPECIALIZED HAULER, INC., Post Office Box 31, Madisonville, Ky. Applicant's attorney: Robert M. Pearce, 221 Saint Clair Street, Frankfort, Ky. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Pulpboard and fiberboard*, and *accessories and supplies* used in the installation thereof, from Meridian, Miss., to points in Arkansas, Delaware, Florida, Illinois, Indiana, Kentucky, Michigan, Missouri, New Jersey, New York, Ohio, Pennsylvania, Tennessee, Virginia, West Virginia, and Wisconsin, and *rejected shipments* on return.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 123639 (Sub-No. 27) (AMENDMENT), filed March 1, 1965, published in the FEDERAL REGISTER, March 25, 1965, and amended March 26, 1965, and republished as amended April 8, 1965, and further amended May 27, 1965, and republished as further amended this issue. Applicant: J. B. MONTGOMERY, INC., 5150 Brighton Boulevard, Denver, Colo. Applicant's attorney: Charles W. Singer, 33 North La Salle Street, Chicago, Ill., 60602. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products*, and *meat byproducts, dairy products*, and *articles distributed by meat packinghouses*, and *such commodities as are used by meatpackers in the conduct of their business* when destined to and for use by meatpackers, as described in sections A, B, C, and D of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk, in tank vehicles), from points in Dakota County, Nebr., and Sioux City, Iowa, to points in Arizona, Colorado, Illinois, California, Michigan, Ohio, Indiana, Iowa, and Kansas.

NOTE: The purpose of this republication is to add Sioux City, Iowa, as an origin point. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 124078 (Sub-No. 140), filed May 21, 1965. Applicant: SCHWERMAN TRUCKING CO., a corporation, 611 South 28 Street, Milwaukee, Wis. Applicant's attorney: James R. Ziperski (same as applicant). Authority sought to operate as a *common carrier* by motor vehicle, over irregular routes, transporting: *Ashydrous ammonia and liquid fertilizer solutions*, in bulk, from the plantsite of Consumers Cooperative Association near Fort Dodge, Iowa, to points in Kansas, Minnesota, Missouri, Nebraska, North Dakota, South Dakota, Illinois, and Wisconsin.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr.

No. MC 124123 (Sub-No. 27), filed May 21, 1965. Applicant: SCHWERMAN TRUCKING CO. OF ILL., INC., 611 South 28th Street, Milwaukee, Wis. Applicant's attorney: James R. Ziperski, 611 South 28th Street, Milwaukee, Wis. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Aluminum dross, aluminum dross residue, and aluminum oxide, and aluminum slag*, in bulk, in tank vehicles, from Chicago and Aurora, Ill., to points in Indiana, Kentucky, Tennessee, Ohio, Wisconsin, Iowa, Missouri, and Pennsylvania.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 124211 (Sub-No. 35), filed May 21, 1965. Applicant: HILT TRUCK LINE, INC., 1813 Yolande, Post Office Box 824, Lincoln, Nebr. Applicant's attorney: RICHARD A. PETERSON, Post Office Box 2028, Lincoln, Nebr., 68501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles* as defined by the Commission in Appendix V, 61 M.C.C. 209 and 276 and *damaged and rejected shipments thereof*, between Sterling and Rock Falls, Ill., on the one hand, and, on the other, points in Iowa, Kansas, Minnesota, Missouri, and Colorado.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Davenport, Iowa, or Chicago, Ill.

No. MC 125626 (Sub-No. 1), filed May 19, 1965. Applicant: WILLIAMS TRUCKING, INC., Box 363, Lisbon, Ohio. Applicant's attorney: Earl N. Merwin, 85 East Gay Street, Columbus 15, Ohio. Authority sought to operate as a *contract carrier*, by motor vehicle over irregular routes, transporting: *Building materials* (except clay and refractory products), between Alliance, Ohio, on the one hand, and, on the other, points in Pennsylvania, and points in Hancock, Brooke, Ohio, and Marshall Counties, W. Va.

NOTE: Applicant states the proposed operation will be under continuing contracts with Wood Conversion Co., and Alliance Millwork, Inc., both of Alliance, Ohio. If a hearing is deemed necessary, applicant requests it be held at Columbus, Ohio.

No. MC 125799 (Sub-No. 1) (AMENDMENT), filed May 17, 1965, published in FEDERAL REGISTER issue of June 3, 1965, and republished as amended this issue. Applicant: BLAIRSVILLE TRANSPORT, INC., Rural Delivery No. 3, Blairsville, Pa. Applicant's attorney: John A. Vuono, 1515 Park Building, Pittsburgh, Pa., 15222. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Refractory products* and *refractory materials*, (1) from points in Killbuck Township, Holmes County, Ohio, to points in Maryland, Michigan, New York, and Pennsylvania, and (2) from Glenmont, Ohio, to points in Maryland.

NOTE: Applicant states that the proposed operation will be restricted to a service to be performed under a continuing contract or contracts, with Bognar & Company, Inc., Nicholl-McBride Stone Co., Quartzite, Inc., Union Metals & Minerals, Inc., and Union Mining Co. of Allegany County, Inc. All of these companies are under common control and management. The purpose of this republication is to show proposed service under

contract or contracts with several related shippers. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 125813 (Sub-No. 3), filed May 18, 1965. Applicant: FRANK A. CRESSLER, doing business as CRESSLER'S TRUCKING, Rural Delivery No. 3, Shippensburg, Pa. Applicant's attorney: James W. Hagar, Commerce Building, Post Office Box 432, Harrisburg, Pa., 17108. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Sand*, in bulk, in dump vehicles, from points in Cumberland County, N.J., to points in Cumberland and Franklin Counties, Pa.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 126552 (Sub-No. 1), filed May 25, 1965. Applicant: W. N. BATEY, doing business as BATEY MOVING & STORAGE COMPANY, 328 Fourth Avenue, South, Nashville, Tenn. Applicant's attorney: Harold Seligman, Life and Casualty Tower, Nashville, Tenn., 37219. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Containerized household goods*, between points in Davidson County, Tenn., on the one hand, and, on the other, points in Davidson, Robertson, Cheatham, Montgomery, Stewart, Houston, Humphreys, Williamson, Hickman, Maury, Marshall, Giles, Lawrence, Madison, Dickson, Lewis, Wayne, Hardin, Decatur, Perry, Benton, Henry, Weakley, Carroll, Henderson, Chester, McNairy, Sumner, Macon, Trousdale, Smith, Wilson, Rutherford, Cannon, Bedford, Lincoln, Franklin, Coffee, Warren, De Kalb, Jackson, White, Putnam, Overton, Pentress, Cumberland, Morgan, Roane, Rhea, Van Buren, Bledsoe, McMinn, Bradley, Gibson, Hamilton, Sequatchie, Marion, Pickett, Clay, and Grundy Counties, Tenn.; and points in Graves, Calloway, Marshall, Lyon, Caldwell, Trigg, Christian, Hopkins, McLean, Daviess, Ohio, Muhlenberg, Warren, Logan, Simpson, Allen, Barren, Monroe, Clinton, Cumberland, Metcalfe, Adair, Green, Butler, Edmonson, Todd, Hart, Larue, Taylor, Breckenridge, Grayson, Crittenden, Livingston, Webster, Union, Hancock, and Russell Counties, Ky., and points in Lauderdale, Colbert, Lawrence, Limestone, Morgan, Madison, Jackson, Marshall, and De Kalb Counties, Ala.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Nashville, Tenn.

No. MC 126973 (Sub-No. 2), filed May 21, 1965. Applicant: CLEMENT BRESINA, Route 1, Chippewa Falls, Wis. Applicant's representative: A. R. Fowler, 2288 University Avenue, St. Paul 14, Minn., Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Bones, hides, and meat scraps*, from points in Minnesota, to the plantsite of Chippewa Falls Rendering Co. located at or near Chippewa Falls, Wis., and (2) *rendering plant products*, from the plantsite of Chippewa Falls Rendering Co., located at or near Chippewa Falls, Wis., to points in Minnesota and Illinois.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Minneapolis, Minn.

No. MC 127037 (Sub-No. 1), filed May 19, 1965. Applicant: RONALD L. CHAPIN, Post Office Box 85, Ellenville, N.Y. Applicant's attorney: John J. Brady, Jr., 75 State Street, Albany 7, N.Y. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Wooden broom handles, mop handles, and rake handles*, uncrated and unwrapped, from Ellenville, N.Y., to points in Massachusetts, Connecticut, Rhode Island, Pennsylvania, Illinois, Michigan, Indiana, Ohio, Wisconsin, West Virginia, and Maryland.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Albany, N.Y.

No. MC 127042 (Sub-No. 1) (AMENDMENT), filed March 8, 1965, published FEDERAL REGISTER issue March 25, 1965, amended May 19, 1965, and republished as amended this issue. Applicant: HAGEN, INC., 4420 Floyd Street, Sioux City, Iowa. Applicant's attorney: J. Max Harding, Box 2028, Lincoln, Nebr. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products and meat byproducts, dairy products, and articles distributed by meat packinghouses*, as described in sections A, B, and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk, in tank vehicles), from points in Dakota County, Nebr., and Sioux City, Iowa, to points in Illinois, Iowa, Kansas, Minnesota, Missouri, Montana, Nebraska, North Dakota, Oklahoma, South Dakota, Wyoming, and Wisconsin, and *damaged and rejected shipments* of the commodities specified above, on return.

NOTE: The purpose of this republication is to include an additional origin point not previously published. Common control may be involved. If a hearing is deemed necessary, applicant does not specify place of hearing.

No. MC 127072 (Sub-No. 2), filed May 17, 1965. Applicant: BROWNSVILLE PARTICLE BOARD, INC., Route 1, Brownsville, Oreg. Applicant's attorney: Earl V. White, Fifth Avenue Building, 2130 Southwest Fifth Avenue, Portland 1, Oreg. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (A) *Almond shell pellets*, from points in Sacramento and Sutter Counties, Calif.; (B) *safflower pellets*, from points in Contra Costa County, Calif.; (C) *cottonseed meal and cottonseed pellets*, from points in Fresno and Kern Counties, Calif.; and (D) *alfalfa meal and alfalfa pellets*, from points in Fresno, Kern, Tulare, Kings, Amador, and Sacramento Counties, Calif., and from points in Ada and Cassia Counties, Idaho, to points in Lane, Linn, Benton, Lincoln, Polk, Marion, Clark, Yamhill, Tillamook, Multnomah, Washington, Columbia, and Clatsop Counties, Oreg., and to points in Kittitas, Yakima, and Clark Counties, Wash.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Portland, Oreg.

No. MC 127080 (AMENDMENT), filed March 17, 1965, published FEDERAL REGISTER issue April 8, 1965, amended May 24, 1965, and republished as amended this issue. Applicant: SPRINGDALE FARMS PRODUCE COMPANY, INC., 71 North and Backus, Post Office Box 152, Springdale, Ark. Applicant's attorney: A. Alvis Layne, Pennsylvania Building, Washington, D.C. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Frozen foods*, only when moving in mixed loads with frozen or ice-packed poultry, from the plantsites and storage facilities of Springdale Farms Service Co., Inc., within the city limits of Springdale, Ark., to points in Colorado, Idaho, Illinois, Iowa, Kansas, Minnesota, Missouri, Montana, Nebraska, North Dakota, Oklahoma, Oregon, South Dakota, Utah, Washington, Wisconsin, and Wyoming, and (2) *frozen meat*, from Kansas City, Kans., to the plantsites and storage facilities of Springdale Farms Service Co., Inc., within the city limits of Springdale, Ark.

NOTE: Applicant states the proposed service to be restricted to service performed under continuing contract for Springdale Farms Service Co., Inc., of Springdale, Ark. The purpose of this republication is to show a change in name of the applicant and a redescription of the authority sought. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 127197 (Sub-No. 3), filed May 19, 1965. Applicant: JAMES E. WILSON, Rural Delivery 2, Coudersport, Pa. Applicant's representative: Raymond A. Richards, 35 Curtice Park, Webster, N.Y., 14580. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer*, in bags and in bulk, from Batavia and Big Flats, N.Y., to points in Potter County, Pa.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Rochester, N.Y.

No. MC 127222, filed April 26, 1965. Applicant: MICHELS PIPE LINE CONSTRUCTION, INC., 3247 West Hampton Avenue, Milwaukee, Wis., 53209. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Steel door frames, steel doors, steel windows, steel panels and steel sheets*, for Precision Metals, Inc. of Campbellsport, Wis., from Campbellsport, Wis., to points in Wisconsin, Illinois, Iowa, Minnesota, Michigan, and Indiana; (2) *returned shipments* of the above described commodities for alterations or repair, from the above described destination States to Campbellsport, Wis., and (3) *sheet steel*, from points in Indiana, to Campbellsport, Wis.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Milwaukee, Wis.

No. MC 127253 (Sub-No. 5), filed May 10, 1965. Applicant: GRACE LEE CORBETT, doing business as R. A. CORBETT TRANSPORT, Post Office Box 86, Lufkin, Tex. Applicant's attorney: Ewell H. Muse, Jr., Suite 415, Perry-Brooks Building, Austin, Tex., 78701. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry sulphur*, in bulk, from points in Titus County, Tex., to Houston, Galveston, Corpus Christi, Beaumont, Port Arthur, Texas City, Freeport, and Brownsville, Tex., for subsequent movement by water.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Shreveport, La., or Dallas, Tex.

No. MC 127272, filed May 18, 1965. Applicant: NANTASKET, ALLERTON & HULL EXPRESS CO., INC., doing business as DALEY & WANZER, 821 Nantasket Avenue, Hull, Mass. Applicant's attorney: Robert J. Gallagher, 111 State Street, Boston, Mass., 02109. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Damaged retail department store merchandise*, between Quincy, Mass., on the one hand, and, on the other, points in Maine, New Hampshire, Vermont, Massachusetts, Rhode Island, Connecticut, New York, New Jersey, Delaware, Maryland, Virginia, Pennsylvania, Ohio, and the District of Columbia.

NOTE: Applicant states that the above-proposed operation will be performed under a continuing contract with Bargain Center, Inc., Quincy, Mass. Applicant is also authorized to conduct operations as a common carrier in Certificate No. MC 76842, therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Boston, Mass.

No. MC 127280, filed May 19, 1965. Applicant: OWASCO VALLEY TRUCKING COMPANY, INC., Moravia, N.Y. Applicant's attorney: Wilmer B. Hill, Transportation Building, Washington, D.C., 20006. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Sugar*, dry, in bulk, from Montezuma, Cayuga County, N.Y., to points in Connecticut, Delaware, Maine, Maryland, Massachusetts, Michigan, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Vermont, Virginia, West Virginia, and the District of Columbia.

NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 127284, filed May 17, 1965. Applicant: DOMINION FREIGHTWAYS CO. LIMITED, 425 University Avenue, Toronto, Ontario, Canada. Applicant's attorney: Rex Eames, 1800 Buhl Building, Detroit 26, Mich. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Automobiles, trucks, and buses*, as defined by the Commission in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, *including parts and accessories thereof* moving at the same time and with the vehicle of which they are a part and on which they are to be installed, in truckaway and driveaway methods, in initial and secondary movements, (1) between the ports of entry on the international boundary line between the United States and Canada located on the Detroit River and St. Clair River, on the one hand, and, on the other, Detroit, Port Huron, and points in St. Clair County, Mich.; (2) between the ports of entry on the international boundary line between the United States and Canada located on the Niagara River, on the one hand, and, on the other, points in Niagara and Erie Counties, N.Y., and (3) between the ports of entry on the international boundary line between the United States and Canada located on the St. Lawrence River, on the one hand, and, on the other, points in Jefferson and St. Lawrence Counties, N.Y.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Detroit, Mich., or Buffalo, N.Y.

No. MC 127285, filed May 20, 1965. Applicant: JIMMY GIBREAL, doing business as GIBREAL TRUCKING, 3000 Farnam Street, Omaha, Nebr. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Refrigerated hanging beef carcasses*, from Omaha, Nebr., to New York, N.Y., and *exempt commodities*, on return.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr.

No. MC 127288, filed May 24, 1965. Applicant: PRUSSIA TRUCKING COMPANY, a corporation, Queens Drive, King of Prussia Industrial Center, Upper Merion Township, Montgomery County, Pa. Applicant's attorney: Raymond A. Thistle, Jr., Suite 1406–09, 1500 Walnut Street, Philadelphia, Pa. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *New household furniture and new household furnishings*, from points in Upper Merion Township, Montgomery County, Pa., to points in Delaware, Maryland, New Jersey, and Pennsylvania.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

MOTOR CARRIERS OF PASSENGERS

No. MC 123432 (Sub-No. 6), filed May 20, 1965. Applicant: WISCONSIN COACH LINES, INC., 901 Niagara Street, Waukesha, Wis. Applicant's attorney: David Axelrod, 39 South La Salle Street, Chicago 3, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers and their baggage, and express, mail, and newspapers*, in the same vehicle with passengers, between Milwaukee, Wis., and Rockford, Ill.: (1) From Milwaukee over Wisconsin Highway 36 to junction U.S. Highway 12, thence over U.S. Highway 12 to junction Wisconsin Highway 15, thence over Wisconsin Highway 15 to junction Illinois Highway 2, thence over Illinois Highway 2 to junction Hononegah Road, thence over Hononegah Road to junction U.S. Highway 51, thence over U.S. Highway 51 to Rockford, and return over the same route, serving all intermediate points; and (2) from Milwaukee over Wisconsin Highway 24 to junction Wisconsin Highway 83, thence over Wisconsin Highway 83 to junction Wisconsin Highway 15, thence over Wisconsin Highway 15 to junction U.S. Highway 12, thence over U.S. Highway 12 to junction Wisconsin Highway 15, thence over Wisconsin Highway 15 to U.S. Highway 51, thence over U.S. Highway 51 to Rockford, and return over the same route, serving all intermediate points.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Milwaukee, Wis.

No. MC 127286, filed May 18, 1965. Applicant: EBERHARDT'S TRANSPORTATION INC., Smithtown Boulevard and Roosevale Avenue, Lake Ronkonkoma, N.Y. Applicant's attorney: Alan Brand, 344 Portion Road, Lake Ronkonkoma, N.Y. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage* in the same vehicle, in charter operations, beginning and ending at points in the Township of Brookhaven, N.Y., and extending to points in New Jersey and Connecticut.

NOTE: If a hearing is deemed necessary, applicant requests it be held at New York City, N.Y.

APPLICATION FOR BROKERAGE LICENSE

MOTOR CARRIER OF PASSENGERS

No. MC 12955, filed May 19, 1965. Applicant: PAUL C. BISSETT, doing business as PAUL C. BISSETT TRAVEL AGENCY, 11 Pearl Street, Stoughton, Mass. For a license (BMC 5) to engage in operations as a *broker* at Stoughton, Mass., in arranging for the transportation in interstate or foreign commerce of *passengers and their baggage*, in charter operations, between points in the United States.

APPLICATION FOR WATER CARRIERS

No. W–552 (Sub-No. 13) (AMENDMENT) (AMERICAN COMMERCIAL LINES, INC. EXTENSION—ARKANSAS RIVER), filed May 13, 1965, published FEDERAL REGISTER issue May 26, 1965, and republished as amended this issue. Applicant: AMERICAN COMMERCIAL LINES, INC., 1030 East Market Street, Jeffersonville, Ind. Application of American Commercial Lines, Inc., filed May 13, 1965, as amended, for a revised certificate authorizing extension of its operations to include operations as a common carrier by water in interstate or foreign commerce, by non-self-propelled vessels with the use of separate towing vessels in the transportation of general commodities, and by towing vessels in the performance of general towage, (a) between ports and points on the Arkansas and Verdigris Rivers, from Catoosa, Okla., to the confluence of the Arkansas River with the Mississippi River, including the Arkansas Post Canal, and (b) between ports and points specified in (a) above, on the one hand, and, on the other, ports and points on the following rivers, including the ports named; Allegheny River below East Brady, Pa.; Cumberland River below Old Hickory, Tenn.; Green River; Illi-

nois Waterway; Kanawha River below Gauley Bridge, W. Va.; Minnesota River below Shakopee, Minn.; Mississippi River, below Minneapolis, Minn.; Monongahela River below Fairmont, W. Va.; Ohio River; St. Croix River below Stillwater, Minn.; Tennessee River and White River, below Newport, Ark.

NOTE: The purpose of this republication is to add Mississippi River to part (b) above. Applicant states the proposed operations will be seasonal between March 1 and December 15 inclusive.

APPLICATIONS IN WHICH HANDLING WITHOUT ORAL HEARING HAS BEEN REQUESTED

MOTOR CARRIERS OF PROPERTY

No. MC 2542 (Sub-No. 9), filed March 1, 1965. Applicant: THE ADLEY CORPORATION, doing business as ADLEY EXPRESS COMPANY, 216 Crown Street, New Haven, Conn. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, and commodities requiring special equipment), between Suffolk, Va., and junction U.S. Highways 13 and 40 at or near New Castle, Del.: From Suffolk over U.S. Highway 460 to Norfolk, Va., thence over U.S. Highway 13 to the Chesapeake Bay Bridge-Tunnel, thence across the Chesapeake Bay Bridge-Tunnel to junction U.S. Highway 13, thence over U.S. Highway 13 to junction U.S. Highway 40 at or near New Castle, Del., and return over the same route, serving all intermediate and off-route points within 35 miles of Suffolk, Va.

NOTE: The above-proposed operation will be used in conjunction with applicant's authorized regular-route operations to and from Philadelphia, Pa., and New York, N.Y. This application is filed pursuant to MC–C–4366, effective May 1, 1964, which provides the special rules for conversion of irregular-route to regular-route motor carrier operations.

SPECIAL NOTE: Protests to this application may be filed within 45 days instead of 30 days.

No. MC 55848 (Sub-No. 34), filed February 26, 1965. Applicant: HUCKABEE TRANSPORT CORP., U.S. Highway I–26, West Columbia, S.C. (mailing address), Post Office Box 479, Columbia, S.C. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: (A) *General commodities* (except those of unusual value, and except dangerous explosives, household goods as defined in *Practices of Motor Common Carriers of Household Goods*, 17 M.C.C. 467, commodities in bulk, livestock, and those requiring special equipment), (1) between Greenville, S.C., and Atlanta, Ga.; from Greenville over U.S. Highway 123 to Cornelia, Ga., thence over U.S. Highway 23 to Atlanta, and return over the same route, serving all intermediate points, and points in Georgia as off-route points; (2) between Kings Mountain, N.C., and Atlanta, Ga.; from Kings Mountain over U.S. Highway 29 to Athens, Ga., thence over U.S. Highway 78 to Atlanta, and return over the same route, serving all intermediate points in Georgia and South Carolina, and points in Georgia as off-route points, (3) between Rock Hill, S.C., and Atlanta, Ga.; from Rock Hill over South Carolina Highway 72 to the Georgia-South Carolina State line, thence over Georgia Highway 72 to junction U.S. Highway 29, thence over U.S. Highway 29 to junction U.S. Highway 78, thence over U.S. Highway 78 to junction Georgia Highway 138, thence over Georgia Highway 138 to junction U.S. Highway 278, and thence over U.S. Highway 278 to Atlanta, and return over the same route, serving all intermediate points and points in Georgia, as off-route points, (4) between Sumter, S.C., and Atlanta, Ga.; from Sumter over U.S. Highway 378 to Washington, Ga., thence over Georgia Highway 44 to junction of Georgia Highway 77.

Thence over Georgia Highway 77 to junction of U.S. Highway 278, thence over U.S. Highway 278 to Atlanta, Ga., and return over the same route serving all intermediate points, and points in Georgia, as off-route points, (5) between Charlotte, N.C., and Newberry, S.C.; from Charlotte over North Carolina Highway 49 to the North Carolina-South Carolina State line, thence over South Carolina Highway 49 to Union, S.C., thence over South Carolina Highway 19 to Newberry, and return over the same route, serving all intermediate points, and points in South Carolina, as off-route points, except points east of a line extending from the North Carolina-South Carolina State line along U.S. Highway 521 to Camden, thence along U.S. Highway 1 to Columbia, thence along U.S. Highway 321 to Ulmers, thence along U.S. Highway 301 to the Georgia-South Carolina State line, (6) between Newberry, S.C., and Augusta, Ga.; from Newberry over South Carolina Highway 19 to junction of U.S. Highway 25, thence over U.S. Highway 25 to Augusta, and return over the same route, serving all intermediate points, and points in Georgia, as off-route points, (7) between Augusta, Ga., and Greenville, S.C.; from Augusta over U.S. Highway 25 to Greenville, and return over the same route, serving all intermediate points, and points in South Carolina as off-route points, (8) between Augusta, Ga., and Charleston, S.C.; from Augusta over Georgia Highway 28 to the Georgia-South Carolina State line, thence over South Carolina Highway 28 to Barnwell, thence over South Carolina Highway 64 to junction of U.S. Highway 17, thence over U.S. Highway 17 to Charleston, and return over the same route, serving all intermediate points, and points in South Carolina as off-route points, (9) between Savannah, Ga., and North Augusta, S.C.; from Savannah over U.S. Highway 17 to junction of U.S. Highway 321, thence over U.S. Highway 321 to junction of South Carolina Highway 28, thence over South Carolina Highway 28 to North Augusta, and return over the same route, serving all intermediate points, and points in South Carolina as off-route points, (10) between Augusta and Savannah, Ga., from Augusta over U.S. Highway 25 to junction of U.S. Highway 80.

Thence over U.S. Highway 80 to Savannah, and return over the same route, serving all intermediate points, (11) between Savannah, Ga., and Charleston, S.C.; from Savannah over U.S. Highway 17 to Charleston and return over the same route, serving all intermediate points, and points in South Carolina, as off-route points, (12) between Darlington, S.C., and Savannah, Ga.; from Darlington over U.S. Highway 401 to junction of U.S. Highway 15, thence over U.S. Highway 15 to junction U.S. Highway 17A, thence over U.S. Highway 17A to junction U.S. Highway 17, thence over U.S. Highway 17 to Savannah, and return over the same route, serving all intermediate points, and points in Georgia as off-route points, and (13) between Savannah, Ga., and Rock Hill, S.C.; from Savannah over U.S. Highway 17 to Hardeeville, S.C., thence over U.S. Highway 321 to Columbia, S.C., thence over U.S. Highway 21 to Rock Hill, and return over the same route, serving all intermediate points, and points in South Carolina as off-route points. Operations may be performed over any combination of routes as specified above, regardless of whether or not they join at a common point of service. Any repetition in the statement of the authority granted herein shall not be construed as conferring more than one operating right; (B) *general commodities* (except those of unusual value, and except dangerous explosives, household goods as defined in *Practices of Motor Common Carriers of Household Goods*, 17 M.C.C. 467, commodities in bulk, livestock, and those requiring special equipment), (1) between Columbia and Darlington, S.C.; from Columbia over South Carolina Highway 12 to junction of U.S. Highway 601, thence over U.S. Highway 601 to junction of U.S. Highway 1, thence over U.S. Highway 1 to junction of South Carolina Highway 34.

Thence over South Carolina Highway 34 to Darlington, and return over the same route, (2) between Columbia and Spartanburg, S.C.; from Columbia over U.S. Highway 176 to Spartanburg, and return over the same route, (3) between Aiken and Columbia, S.C.; from Aiken over South Carolina Highway 215 to Columbia, and return over the same route, and (4) between North Augusta and Charleston, S.C.; from North Augusta over U.S. Highway 1 to Aiken, S.C., thence over U.S. Highway 78 to junction of U.S. Highway 52, thence over U.S. Highway 52 to Charleston, and return over the same route, serving all intermediate points on the above-described routes, in (1), (2), (3), and (4) above, and those within 10 miles of Spartanburg, S.C., and those within 5 miles of Darlington, S.C. Operations may be performed over any combination of routes as specified above, regardless of whether or not they join at a common point of service. Any repetition in the statement of the authority granted herein shall not be construed as conferring more than one operating right; (C) *general commodities* (except those of unusual value, and except dangerous explosives, household goods as defined in *Practices of Motor Common Carriers of Household Goods*, 17 M.C.C. 467, commodities in bulk, livestock, and those requiring special equipment), (1) between

Augusta, Ga., and Atomic Energy Commission, Savannah River plant (Dunbarton), S.C.; from Augusta over U.S. Highway 1 to junction South Carolina Highway 125, thence over South Carolina Highway 125 to AEC, Savannah River plant (Dunbarton), and return over the same route, (2) between Fairfax and Walterboro, S.C.; from Fairfax over South Carolina Highway 28 to Varnville, S.C., thence over South Carolina Highway 63 to Walterboro, and return over the same route, (3) between Sumter and Georgetown, S.C.; from Sumter over U.S. Highway 521 to Georgetown, and return over the same route, (4) between Sumter and Conway, S.C.; from Sumter over U.S. Highway 378 to Conway, and return over the same route, (5) between Darlington and Cherry Grove Beach, S.C.; from Darlington over U.S. Highway 52 to Florence, S.C.

Thence over U.S. Highway 76 to Marion, S.C., thence over U.S. Highway 501 to Myrtle Beach, S.C., thence over U.S. Highway 17 to Cherry Grove Beach, and return over the same route, (6) between Savannah, Ga., and Gardens Corner, S.C.; from Savannah over U.S. Highway 17 to junction of South Carolina Highway 170, thence over South Carolina Highway 170 to Beaufort, S.C., thence over U.S. Highway 21 to Gardens Corner, and return over the same route, (7) between Camden and Bennettsville, S.C.; from Camden over U.S. Highway 1 to Wallace, S.C., thence over South Carolina Highway 9 to Bennettsville, and return over the same route, (8) between Darlington and McColl, S.C.; from Darlington over South Carolina Highway 34 to junction of South Carolina Highway 151, thence over South Carolina Highway 151 to Hartsville, S.C., thence over U.S. Highway 15 to McColl, and return over the same route, (9) between Darlington and Lake City, S.C.; from Darlington over South Carolina Highway 340 to Lake City, return over the same route, (10) moving in a circuitious manner, from Darlington, S.C., over U.S. Highway 52 to Florence, S.C., thence over U.S. Highway 76 to Mullins, S.C., thence over South Carolina Highway 9 to Dillon and return from Dillon over U.S. Highway 301 to Florence, S.C., thence over U.S. Highway 52 to Darlington, S.C., (11) between Charleston and Myrtle Beach, S.C.; from Charleston over U.S. Highway 17 to Myrtle Beach, and return over the same route, (12) between Charleston and Lake City, S.C.; from Charleston over U.S. Highway 78 to Summerville, S.C.

Thence over U.S. Highway 17A to Jamestown, S.C., thence over South Carolina Highway 41 to junction of U.S. Highway 378 and thence over U.S. Highway 378 to Lake City, and return over the same route, (13) between Charleston and Darlington, S.C.; from Charleston over U.S. Highway 52 to Darlington, and return over the same route, (14) between Spartanburg and Landrum, S.C.; from Spartanburg over U.S. Highway 176 to Landrum, and return over the same route, (15) between Spartanburg and Carlisle, S.C.; from Spartanburg over South Carolina Highway 9 to Lockhart, S.C., thence over South Carolina Highway 49 to Union, S.C., and thence over South Carolina Highway 215 to Carlisle, and return over the same route, (16) between York, S.C., and Gastonia, N.C.; from York over U.S. Highway 321 to Gastonia, and return over the same route, (17) between Greenville and Abbeville, S.C.; from Greenville over South Carolina Highway 20 to Belton, S.C., thence over U.S. Highway 178 to Donalds, S.C., thence over South Carolina Highway 184 to Due West, S.C., thence over South Carolina Highway 20 to Abbeville, and return over the same route, (18) between Anderson and Calhoun Falls, S.C.; from Anderson over South Carolina Highway 81 to Calhoun Falls, and return over the same route, (19) between Anderson and Clemson, S.C.; from Anderson over U.S. Highway 76 to Clemson, and return over the same route, serving all intermediate points on the above described routes, in (1) through (19) above.

Any repetition in the statement of the authority granted herein shall not be construed as conferring more than one operating right; and (D) *general commodities* (except those of unusual value, and except dangerous explosives, household goods as defined in *Practices of Motor Common Carriers of Household Goods*, 17 M.C.C. 467, commodities in bulk, livestock, and those requiring special equipment), (1) between Charlotte, N.C., and Atlanta, Ga.; from Charlotte over Interstate Highway 85 to Atlanta, Ga., and return over the same route, (2) between Spartanburg and Charleston, S.C.; from Spartanburg over Interstate Highway 26 to Charleston, and return over the same route, (3) between Greenville and Columbia, S.C.; from Greenville over U.S. Highway 276 to junction of Interstate Highway 26, thence over Interstate Highway 26 to Columbia, and return over the same route, (4) between Columbia and Charleston, S.C.; from Columbia over Interstate Highway 26 to Charleston, and return over the same route, (5) between Columbia, S.C., and Augusta, Ga.; from Columbia over Interstate Highway 20 to Augusta, and return over the same route, (6) between Augusta and Atlanta, Ga.; from Augusta over Interstate Highway 20 to Atlanta, and return over the same route, as alternate routes for operating convenience only in connection with applicant's regular-route operations, serving no intermediate points.

NOTE: This application is filed pursuant to MC–C–4366, effective May 1, 1964, which provides the special rules for conversion of irregular route to regular motor carrier operations.

SPECIAL NOTE: Protests to this application may be filed within 45 days instead of 30 days.

No. MC 71992 (Sub-No. 2), filed February 24, 1965. Applicant: RAND EXPRESS FREIGHT LINES, INC., 1110 Rutherford Avenue, Lyndhurst, N.J. Applicant's attorney: James E. Wilson, Perpetual Building, 1111 E Street NW., Washington 4, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, and except dangerous explosives, household goods as defined in *Practices of Motor Common Carriers of Household Goods*, 17 M.C.C. 467, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading), (1) between New York, N.Y., and Boston, Mass.; from New York, N.Y., over U.S. Highway 1 to Boston and return over the same route, serving all intermediate points; from New York, N.Y., over Interstate Highway 95 to junction Massachusetts Highway 128; thence over Massachusetts Highway 128 to Boston (also from East Lyme over Connecticut Turnpike to junction U.S. Highway 6; thence over U.S. Highway 6 to Providence, R.I.), and return over the same route, serving all intermediate points; from New York, N.Y., over Interstate Highway 95 (also over U.S. Highway 1) to New Haven, Conn.; thence over Interstate Highway 91 to East Hartford, Conn., thence over Interstate Highway 84 to junction Interstate Highway 90, thence over Interstate Highway 90 to junction Massachusetts Highway 128, thence over Massachusetts Highway 128 to Boston and return over the same route, serving all intermediate points; from New York, N.Y., as specified above to New Haven, Conn., thence over U.S. Highway 5 to Springfield, Mass. (also from junction U.S. Highway 5 and Interstate Highway 91 over Interstate Highway 91 to Springfield), thence over U.S. Highway 20 to Boston and return over the same route, serving all intermediate points; (2) between Springfield, Mass., and Williamstown, Mass.; from Springfield over U.S. Highway 5 to Turners Falls, Mass., thence over Massachusetts Highway 2 to Williamstown and return over the same route, serving all intermediate points; from Springfield over U.S. Highway 5 to junction Interstate Highway 90, thence over Interstate Highway 90 to junction U.S. Highway 20, thence over U.S. Highway 20 to Pittsfield.

Thence over U.S. Highway 7 to Williamstown (also over U.S. Highway 20 from Springfield to Pittsfield) and return over the same route, serving all intermediate points; (3) between Providence, R.I., and New Bedford, Mass.; from Providence over U.S. Highway 6 to Fall River, Mass., thence over Massachusetts Highway 24 to New Bedford and return over the same route, serving all intermediate points; (4) between Boston, Mass., and Gloucester, Mass.; from Boston over Massachusetts Highway 128 to Gloucester and return over the same route, serving all intermediate points; (5) between Boston, Mass., and Lawrence, Mass.; from Boston over Interstate Highway 93 to junction Massachusetts Highway 113, thence over Massachusetts Highway 113 to Lawrence and return over the same route, serving all intermediate points; (6) between Boston, Mass., and Worcester, Mass.; from Boston over Massachusetts Highway 2 to Leominster, Mass., thence over Massachusetts Highway 12 to Worcester and return over the same route, serving all intermediate points. Service is proposed to and from all off-route points in Connecticut, Rhode Island, and Massachusetts except that no service may be performed between any two intermediate and/or off-route points in Connecticut, Rhode Island, and Massachusetts except as otherwise authorized.

NOTE: This application is filed pursuant to MC–C–4366, effective May 1, 1964, which pro-

vides the special rules for conversion of irregular to regular motor carrier operations.

SPECIAL NOTE: Protests to this application may be filed within 45 days instead of 30 days.

No. MC 97429 (Sub-No. 5), filed May 20, 1965. Applicant: ELK VALLEY MOTOR EXPRESS, INC., 1533 Hansford Street, Charleston, W. Va. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, and except dangerous explosives, livestock, household goods, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading), serving the off-route points of Amma, Arnoldsburg, Birch River, Bream, Clover, Coco, Dille, Kendalia, Left Hand, Quick, Sanderson, Swandale, and Widen, W. Va., in connection with applicant's authorized regular-route operations between Charleston and Sutton, W. Va.

No. MC 107403 (Sub-No. 620), filed April 16, 1965. Applicant: MATLACK, INC., 10 West Baltimore Avenue, Landsdowne, Pa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Coal tar pitch*, in bulk, from Youngstown, Ohio, to Bethlehem, Pa.

No. MC 118318 (Sub-No. 8), filed February 18, 1965. Applicant: IDA-CAL FREIGHT LINES, INC., 1798 Floral Avenue, Post Office Box 455, Twin Falls, Idaho. Applicant's attorney: Marvin Handler, 625 Market Street, San Francisco 5, Calif. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: (A) *Such merchandise* as is dealt in by wholesale, retail, and chain grocery and food business houses and in connection therewith, *equipment, materials*, and *supplies* used in the conduct of such business, when moving to, from, or between such establishments, (1) from Los Angeles, Calif., to Pocatello, Idaho; from Los Angeles over U.S. Highway 99 to junction California Highway 14, thence over California Highway 14 to junction U.S. Highway 395, thence over U.S. Highway 395 to junction U.S. Highway 6, thence over U.S. Highway 6 to junction Nevada Highway 8A, thence over Nevada Highway 8A to junction U.S. Highway 50, thence over U.S. Highway 50 to junction Nevada Highway 20, thence over Nevada Highway 20 to junction U.S. Highway 40, thence over U.S. Highway 40 to junction U.S. Highway 93, thence over U.S. Highway 93 to Twin Falls, Idaho, thence over U.S. Highway 30 to junction U.S. Highway 30N, thence over U.S. Highway 30N to Pocatello, serving the intermediate points of Burbank and Glendale, Calif., and Twin Falls, Idaho, and the off-route points of Anaheim, El Segundo, Fullerton, Long Beach, the Los Angeles Harbor, San Pedro, South Gate, Terminal Island, and Wilmington, Calif.; (2) from San Francisco, Calif., to Pocatello, Idaho; from San Francisco over U.S. Highway 40 to junction U.S. Highway 93, thence over U.S. Highway 93 to Twin Falls, Idaho.

Thence over U.S. Highway 30 to junction U.S. Highway 30N, thence over U.S. Highway 30N to Pocatello, serving the intermediate points of Crockett, Berkeley, Emeryville, Oakland, and Sacramento, Calif., and Twin Falls, Idaho, and the off-route points of Alameda and Stockton, Calif.; (3) from Oakland, Calif., to Pocatello, Idaho; from Oakland over U.S. Highway 50 to Sacramento, Calif., thence over U.S. Highway 40 to junction U.S. Highway 93, thence to Pocatello as specified above, serving the intermediate points of Stockton and Sacramento, Calif., and Twin Falls, Idaho, and the off-route points of Crockett, Alameda, Berkeley, and Emeryville, Calif.; (4) from San Jose, Calif., to Pocatello, Idaho; from San Jose over U.S. Highway 101 to San Francisco, Calif., thence to Pocatello as described above, serving the intermediate points of Palo Alto and South San Francisco, Calif., and Twin Falls, Idaho; (5) from Fresno, Calif., to Pocatello, Idaho; from Fresno over U.S. Highway 99 to junction U.S. Highway 40, thence over U.S. Highway 40 to junction U.S. Highway 93, thence to Pocatello as specified above, serving the intermediate point of Twin Falls, Idaho, and the off-route points of Fowler, Ivanhoe, and Tulare, Calif.; (6) between Gilroy, Calif., and Los Angeles, Calif., over U.S. Highway 101, serving no intermediate points, as an alternate route for operating convenience only; (7) from Fresno, Calif., to San Jose, Calif.; from Fresno over U.S. Highway 99 to junction California Highway 152, thence over California Highway 152 to junction U.S. Highway 101, thence over U.S. Highway 101 to San Jose, serving no intermediate points, as an alternate route for operating convenience only; (B) *dairy products*, from Jerome, Idaho, to Los Angeles, Calif; from Jerome over Idaho Highway 79 (also Idaho Highway 25) to junction U.S. Highway 93, thence over U.S. Highway 93 through Twin Falls, Idaho, to junction U.S. Highway 40, thence over U.S. Highway 40 to junction Nevada Highway 20, thence over Nevada Highway 20 to junction U.S. Highway 50, thence over U.S. Highway 50 to junction Nevada Highway 8A, thence over Nevada Highway 8A to junction U.S. Highway 6.

Thence over U.S. Highway 6 to junction U.S. Highway 395, thence over U.S. Highway 395 to junction California Highway 14, thence over California Highway 14 to junction U.S. Highway 99, thence over U.S. Highway 99 to Los Angeles, serving the intermediate point of Twin Falls, Idaho; (C) *burlap bags*, from Los Angeles, Calif., to Idaho Falls, Idaho; from Los Angeles to Pocatello, Idaho, as described in (A), (1) above, thence over U.S. Highway 191 to Idaho Falls, serving the intermediate points of Twin Falls, American Falls and Pocatello, Idaho; (D) *meat, meat products and meat byproducts*, (1) from Caldwell, Idaho, to San Jose, Calif.; from Caldwell over Idaho Highway 72 to junction U.S. Highway 95, thence over U.S. Highway 95 to junction U.S. Highway 40, thence over U.S. Highway 40 to San Francisco, Calif., thence over U.S. Highway 101 to San Jose, serving the intermediate points of Reno, Nev., Sacramento, Oakland, San Francisco, Palo Alto, and Santa Clara, Calif.; and (2) from Caldwell, Idaho, to Los Angeles, Calif.; from Caldwell over Idaho Highway 72 to junction U.S. Highway 95, thence over U.S. Highway 95 to junction U.S. Highway 6, thence over U.S. Highway 6 to junction U.S. Highway 395, thence over U.S. Highway 395 to junction California Highway 14, thence over California Highway 14 to junction U.S. Highway 99, thence over U.S. Highway 99 to Los Angeles, serving all intermediate points in California and as off-route points, all points in California on the routes described in (A) through (D) above.

NOTE: Common control may be involved. This application is filed pursuant to MC-C-4366, effective May 1, 1964, which provides the special rules for conversion of irregular-route to regular-route motor carrier operations.

SPECIAL NOTE: Protest of this application may be filed within 45 days instead of 30 days.

MOTOR CARRIERS OF PASSENGERS

No. MC 13300 (Sub-No. 80), filed May 19, 1965. Applicant: CAROLINA COACH COMPANY, a corporation, 1201 South Blount Street, Raleigh, N.C. Applicant's attorney: James E. Wilson, 1111 E Street NW., Washington 4, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers and their baggage, express and newspapers*, in the same vehicle with passengers, between Durham, N.C., and junction North Carolina Highway 1121 and 1959; from Durham over North Carolina Highway 1945 to Few, N.C., thence over North Carolina Highway 1121 through the Research Triangle Park to junction North Carolina Highway 1959 and return over the same route, serving all intermediate points.

NOTE: Common control may be involved.

By the Commission.

[SEAL] BERTHA F. ARMES, *Acting Secretary.*

[F.R. Doc. 65-5970; Filed, June 8, 1965; 8:45 a.m.]

[No. 34522,[1] I.S. Docket No. 8230]

IN-CAR STORAGE AT U.S. PORTS

5 Days Free Time

At a session of the Interstate Commerce Commission, Division 2, held at its office in Washington, D.C., on the 1st day of June A.D. 1965.

It appearing, that by orders dated November 30 and December 16, 22, and 28, 1964, in Nos. 34522 and Sub-Nos. 1, 2, and 3 thereof, the Commission entered upon an investigation concerning the matter of free time allowances on rail shipments, in carloads, moving through ports within the continental limits of the United States as set forth in the schedules designated therein.

It further appearing, that on March 2, 1965, the Commission entered an order broadening the investigation in No. 34522 to include the lawfulness of all

[1] This order embraces Sub-Nos. 1, 2, and 3 of No. 34522, Free Time for In-Car Storage at U.S. Ports.

rules, regulations, and practices pertaining to free time allowances at ports within the continental limits of the United States, contained in any rail tariff schedule on file with this Commission;

It further appearing, that on June 1, 1965, the Commission, Board of Suspension, entered an order to investigate and suspend tariff schedules filed with this Commission containing new free time allowance provisions on rail shipments, in carloads, moving through ports within the continental limits of the United States to determine whether such provisions will result in rules, regulations, and practices that are unjust and unreasonable;

It further appearing, that the issues involved in No. 34522 including Sub-Nos. 1, 2, and 3 thereto and those in I. & S. No. 8230 are of similar nature and that they should be consolidated for hearing and decision;

It further appearing, that special procedure was directed by order dated January 25, 1965, in No. 34522 and Sub-Nos. 1, 2, and 3 thereof and that the consolidation of those proceedings with I. & S. No. 8230 require the adoption of special procedure in accordance with the time schedules to be ordered hereinafter, and for good cause appearing:

It is ordered, That the investigation proceeding No. 34522 including Sub-Nos. 1, 2, and 3 thereof be, and they are hereby, consolidated with I. & S. No. 8230 for the purpose of hearing and decision.

It is further ordered, That these consolidated proceedings be, and they are hereby, assigned to Hearing Examiner Richard S. Ries for hearing and the recommendation of an appropriate order thereon accompanied by the reasons therefor and for administrative handling in connection therewith.

It is further ordered, That any additional person or persons who desire to become a party and participate in these consolidated proceedings shall notify the Commission of their intention on or before June 14, 1965.

It is further ordered, That:

(a) Respondents and all interested parties in support thereof shall file with the Hearing Examiner on or before July 12, 1965, their verified statements with appendices, if any, and serve copies thereof upon all parties. A service list will be mailed to all known parties by the Commission after June 14, 1965;

(b) Protestants and all interested parties in support thereof shall file with the Hearing Examiner on or before August 23, 1965, their verified statements with appendices, if any, and serve copies thereof upon all parties;

(c) Parties desiring to cross-examine any witness must give notice, in writing, of such request to affiant and his counsel, if any, on or before September 7, 1965, a copy of such notice to be filed simultaneously with the Hearing Examiner. Failure of any witness so requested to appear at the hearing for cross-examination shall be considered good cause for the rejection of his evidence;

(d) A hearing or hearings will be held at a place or places to be hereafter designated commencing on or about September 14, 1965, at 9:30 a.m., U.S. standard time (or 9:30 a.m., local daylight saving time if that time is observed) for the purpose of the receipt in evidence of written evidence, cross-examination thereon, if requested, and the introduction of rebuttal evidence. The hearing now scheduled to be held on July 15, 1965, at Washington, D.C., is hereby canceled.

(e) The Commission's order of March 2, 1965, in proceeding No. 34522 with respect to the special procedure to be followed, except as modified herein, remains in full force and effect in all other respects for the purpose of these consolidated proceedings.

And it is further ordered, That a copy of this order be delivered to the Director, Office of the Federal Register, for publication in the FEDERAL REGISTER as notice to all interested persons.

By the Commission, Division 2.

[SEAL] BERTHA F. ARMES, *Acting Secretary.*

[F.R. Doc. 65-5981; Filed, June 8, 1965; 8:45 a.m.]

[Sec. 5a Application No. 91]

WYOMING TRUCKING ASSOCIATION, INC.

Agreement Filed for Approval

JUNE 4, 1965.

The Commission is in receipt of the above-entitled and numbered application for approval of an agreement under the provisions of section 5a of the Interstate Commerce Act.

Filed: May 28, 1965, by: James J. Williams, Suite 305, The Continental Building, 1012 14th Street NW., Washington, D.C., 20005.

Agreement involved: Agreement between common carriers by motor vehicle, members of Wyoming Trucking Association, Inc., relating to joint consideration, initiation, change, and publication of rates, exceptions to classification ratings, rules, regulations, and practices governing the transportation of property between points in the United States.

The complete application may be inspected at the office of the Commission in Washington, D.C.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 20 days from the date of this notice. As provided by the general rules of practice of the Commission, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing.

By the Commission, division 2.

[SEAL] BERTHA F. ARMES, *Acting Secretary.*

[F.R. Doc. 65-5983; Filed, June 8, 1965; 8:45 a.m.]

[Notice 777]

MOTOR CARRIER APPLICATIONS AND CERTAIN OTHER PROCEEDINGS

JUNE 4, 1965.

The following publications are governed by the new Special Rule 1.247 of the Commission's rules of practice, published in the FEDERAL REGISTER, issue of December 3, 1963, which became effective January 1, 1964.

APPLICATIONS ASSIGNED FOR ORAL HEARING

MOTOR CARRIERS OF PROPERTY

No. MC 21170 (Sub-No. 79) (CORRECTION), filed April 5, 1965, published in FEDERAL REGISTER issue of April 28, 1965, amended May 21, 1965, republished as amended June 3, 1965, and republished as corrected this issue. Applicant: BOS LINES, INC., 408 South 12th Avenue, Marshalltown, Iowa.

NOTE: The above-entitled application appeared in FEDERAL REGISTER issue of June 3, 1965, under No. MC 21170 (Sub-No. 70). The purpose of this republication is to correctly reflect the applicant's docket number as *MC 21170 (Sub-No. 79)*.

No. MC 119176 (Sub-No. 3), filed May 21, 1965. Applicant: THE SQUAW TRANSIT COMPANY, a corporation, Post Office Box 9415, Tulsa, Okla. Applicant's attorney: Austin L. Hatchell, Suite 1102, Perry-Brooks Building, Austin 1, Tex. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Earth drilling machinery*, and *equipment*, (2) *machinery, equipment, materials, supplies*, and *pipe incidental* to, used in, or in connection with (a) the transportation, installation, removal, operation, repair, servicing, maintenance, and dismantling of drilling machinery and equipment, or (b) digging of slush pits and cleaning, preparing, constructing, or maintaining drilling sites, and (3) *machinery, equipment, materials, supplies, and pipe incidental* to, used in or in connection with (a) the completion of holes or wells drilled, (b) the production, storage, transmission, and distribution of commodities resulting from drilling operations, or (c) injection or removal of commodities into or from holes or wells, (A) between points in Oklahoma; (B) between points in Oklahoma, on the one hand, and, on the other, points in Colorado, Kansas, and Nebraska; (C) between Coffeyville, Kans., and Bartlesville and Tulsa, Okla., on the one hand, and, on the other, points in Arkansas, Illinois, Indiana, Kentucky, Louisiana, Missouri, New Mexico, Ohio, and Texas; (D) between Houston, Tex., on the one hand, and, on the other, points in Arkansas, Colorado, Illinois, Indiana, Kansas, Kentucky, Louisiana, Missouri, Nebraska, New Mexico, Ohio, Oklahoma, and Texas; and (E) between points in Michigan, on the one hand, and, on the other, points in Illinois, Indiana, and Ohio.

NOTE: Applicant states no duplicating authority is requested.

HEARING: June 22, 1965, at the Baker Hotel, Dallas, Tex., before Examiner Jerry P. Laughlin. This assignment for

hearing is pursuant to the special rules

as a separation of part (2) of MC 126627,

amended seeks authority in part from

hearing is pursuant to the special rules of order dated May 10, 1965, in MC-C 4409, et al.

No. MC 126627 (AMENDMENT), filed October 2, 1964, published FEDERAL REGISTER issues of October 21 and November 11, 1964, and republished as amended this issue with part (2) thereof separated and assigned MC 126627 (Sub-No. 1). Applicant: MILLSTONE BUS LINE, INC., Amwell Road, East Millstone, N.J. Applicant's attorney: William C. Mitchell, Jr., 140 Cedar Street, New York, N.Y. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers and their baggage*, and *newspapers* and *express*, in the same vehicle with passengers, between Hopewell, N.J., and New York, N.Y., beginning in Hopewell, thence over County Road 518 to Blawenburg and junction with Blawenburg Bellemead Road through Dutchtown to Plainville and junction with Trenton Avenue, thence over Trenton Avenue to Bellemead and junction with U.S. Highway 206 (also from Dutchtown from the junction of Blawenburg Bellemead Road and Harlingen Road over Harlingen Road to Harlingen and junction with U.S. Highway 206, thence over U.S. Highway 206 to Bellemead and junction with Trenton Avenue), thence over U.S. Highway 206 to Bridgewater Township and junction with U.S. Highway 22, thence over U.S. Highway 22 in Bridgewater Township to junction with Interstate Highway 287, thence over Interstate Highway 287 (via junction New Jersey Highway 27) to Edison Township and junction with U.S. Highway 1.

Thence over U.S. Highway 1 to Woodbridge Township and junction with Green Street, thence over Green Street in Woodbridge Township to junction with U.S. Highway 9, thence over U.S. Highway 9 in Woodbridge Township to access roads and to Entrance No. 11 of New Jersey Turnpike (also from Edison Township from junction of Interstate Highway 287 and U.S. Highway 1 over Interstate Highway 287 to access roads and junction with New Jersey Turnpike), thence over New Jersey Turnpike to Exit No. 16 in Secaucas, thence over access roads and New Jersey Highway 3 and Lincoln Tunnel to New York, N.Y., and return over the same route in the reverse direction with service to and from all intermediate points, except (1) those in Essex, Hudson, and Union Counties, N.J., and those in Middlesex County, N.J., north and east of the junction of Interstate Highway 287 and New Jersey Highway 27 in Edison Township, and (2) restricted against serving any intermediate points located on U.S. Highway 206 and U.S. Highway 22 between the junction of U.S. Highway 206 and the Raritan River, on the one hand, and, on the other, the junction of Interstate Highway 287 and the Raritan River at the Middlesex-Somerset County line.

HEARING: July 19, 1965, in Room 212, State Office Building, 1100 Raymond Boulevard, Newark, N.J., before Joint Board No. 3.

No. MC 126627 (Sub-No. 1), filed October 2, 1964, previously published in FEDERAL REGISTER, issue of October 21, 1964, as a separation of part (2) of MC 126627. Applicant: MILLSTONE BUS LINE, INC., Amwell Road, East Millstone, N.J. Applicant's attorney: William C. Mitchell, Jr., 140 Cedar Street, New York, N.Y. Authority sought as amended, to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers and their baggage*, and *newspapers* and *express*, in the same vehicle with passengers, between Millstone, N.J., and New York, N.Y.; from Millstone over County Road 514, thence over County Road 514 to Franklin Township-New Brunswick line (also from junction County Road 514 and Demott Lane in Franklin Township, thence over Demott Lane to junction with County Road 527, thence over County Road 527 to junction with Kennedy Boulevard, thence over Kennedy Boulevard to junction with County Road 514 in Franklin Township (also from junction County Road 514 and Franklin Boulevard in Franklin Township), thence over Franklin Boulevard to junction with Highland Avenue, thence over Highland Avenue to junction with County Road 514 in Franklin Township), thence over Hamilton Street in New Brunswick to junction with Division Street, thence over Division Street to junction with Somerset Street, thence over Somerset Street to junction with Little Albany Street.

Thence over Little Albany Street and Easton Avenue to junction with Albany Street (also from junction of Albany Street and Easton Avenue in New Brunswick, thence over Albany Street to junction with Brown Avenue, thence over Brown Avenue to junction with French Street, thence over French Street to junction with Louis Street, thence over Louis Street to junction with Hamilton Street in New Brunswick), thence over Albany Street to junction with Memorial Parkway, thence over Memorial Parkway and New Jersey Highway 18 to East Brunswick Township and access roads to Entrance No. 9 of New Jersey Turnpike, thence over New Jersey Turnpike to Exit No. 16 in Secaucus, thence over access roads and New Jersey Highway 3 and Lincoln Tunnel to New York, and return over the same route in the reverse direction with service to and from all intermediate points (except points in Middlesex, Essex, Hudson, and Union Counties, N.J.).

HEARING: July 12, 1965, in Room 212, State Office Building, 1100 Raymond Boulevard, Newark, N.J., before Joint Board No. 3.

No. MC 126882 (REPUBLICATION), filed January 13, 1965, published FEDERAL REGISTER, issue of February 3, 1965, and republished this issue after order of Commission. Applicant: FERNAND POULIN, Beauce County, Quebec, Canada. By application filed January 13, 1965, as amended, applicant seeks a permit authorizing operations, in interstate or foreign commerce, as a contract carrier by motor vehicle, over irregular routes, of lumber and wood fencing, from and to the points indicated below. The application as previously published, sought, in part, authority from Malone, N.Y., to points in New York and New Jersey, whereas the application as amended seeks authority, in part, from Champlain, N.Y., to points in New York and New Jersey. An Order, Operating Rights Board No. 1, dated May 24, 1965, served May 28, 1965, finds that operation by applicant, in interstate or foreign commerce, as a *contract carrier* by motor vehicle, over irregular routes, of *lumber and wood fencing*, (1) from Jackman, Maine, to points in Maine, New Hampshire, Massachusetts, Connecticut, Rhode Island, New York, and New Jersey, (2) from Norton, Vt., to points in Vermont, New Hampshire, and New York, and (3) from Champlain, N.Y., to points in New York and New Jersey, under continuing contracts with Jean Paul Racine, of St. Honore de Beauce, Quebec, Cedar Products, Ltd., of St. Georges de Beauce, Quebec, will be consistent with the public interest and the national transportation policy; and that because it is possible that other parties, who have relied upon the notice of the application as published, may have an interest in and would be prejudiced by the lack of proper notice of the authority described in the findings in this order, a notice of the authority actually granted will be published in the FEDERAL REGISTER and issuance of a permit in this proceeding will be withheld for a period of 30 days from the date of such publication, during which period any proper party in interest may file an appropriate protest or other pleading.

APPLICATIONS FOR CERTIFICATES OR PERMITS WHICH ARE TO BE PROCESSED CONCURRENTLY WITH APPLICATIONS UNDER SECTION 5 GOVERNED BY SPECIAL RULE 1.240 TO THE EXTENT APPLICABLE

No. MC 114677 (Sub-No. 2), filed May 6, 1965. Applicant: CARGO-IMPERIAL FREIGHT LINES, INC., 257 Fourth Street, Buffalo, N.Y. Applicant's attorney: Howard T. Saperston, Liberty Bank Building, Buffalo, N.Y., 14202. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), (1) from points in Niagara County, N.Y., to points in Erie County, N.Y.; (2) from points in Erie County, N.Y., to points in Wyoming, Erie, and Cattaraugus Counties, N.Y.; and (3) between points in Erie County, N.Y.

NOTE: This is a matter directly related to MC-F 9067, published in FEDERAL REGISTER issue of April 28, 1965. Application for temporary authority under section 210a(b), filed June 1, 1965, and published this issue.

APPLICATIONS UNDER SECTIONS 5 AND 210a(b)

The following applications are governed by the Interstate Commerce Commission's special rules governing notice of filing of applications by motor carriers of property or passengers under sections 5(a) and 210a(b) of the Interstate Commerce Act and certain other proceedings with respect thereto (49 CFR 1.240).

MOTOR CARRIERS OF PROPERTY

No. MC-F-8998 (correction) (C & H TRANSPORTATION CO., INC.—PURCHASE (PORTION)—FERGUSON TRUCKING CO., INC.), published in the January 20, and May 22, 1965, issues of the FEDERAL REGISTER, on pages 665, and 6958, respectively. The prior notices, concerning the operating rights sought to be transferred, should be amended as follows: *Machinery, materials, supplies, and equipment*, incidental to, or used in the construction, development, operation, and maintenance of facilities for the discovery, development, and production of natural gas and petroleum, as a *common carrier*, over irregular routes, between points in Texas; *machinery, equipment, materials, and supplies*, used in, or in connection with the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of natural gas and petroleum and their products and by-products, and *machinery, materials, equipment, and supplies*, used in, or in connection with the construction, operation, repair, servicing, maintenance, and dismantling of pipelines, including the stringing and picking up thereof, between points in New Mexico, Oklahoma, Kansas, and that part of Texas north of U.S. Highway 80 and west of U.S. Highway 75, including points on the indicated portion of the highways specified, between points in Texas within 250 miles of Seagraves, Tex., between points in Eddy, Lea, and Roosevelt Counties, N. Mex., on the one hand, and, on the other, points in Texas within 250 miles of Seagraves, Tex., between points in Kansas, New Mexico, Oklahoma, and that part of Texas north of U.S. Highway 80, and west of U.S. Highway 75, and within 250 miles of Seagraves, Tex., including points on the indicated portions of the highways specified, on the one hand, and, on the other, points in Arizona, Colorado, Utah, and Wyoming; and *heavy or cumbersome commodities*, which, because of size or weight, require the use of special equipment, between Seagraves, Tex., and points in Texas within 250 miles of Seagraves and those in that part of Texas north of U.S. Highway 80 and west of U.S. Highway 75 beyond such 250 mile radius, including points on the indicated portions of the highways specified, on the one hand, and, on the other, points in Arizona.

NOTE: In *C & H TRANSPORTATION CO., INC.—PURCHASE (PORTION)—FERGUSON TRUCKING CO., INC.*, 93 M.C.C. 741, decided February 26, 1964, authority was granted for C & H to purchase certain operating rights of FERGUSON, conditioned upon cancellation of the above-referred-to operating rights. On March 3, 1965, the U.S. District Court for the Northern District of Texas, Dallas Division, in Civil Action No. CA-3-789, issued a temporary restraining order against the order of February 26, 1964.

No. MC-F-9067 (CARGO-IMPERIAL FREIGHT LINES, INC.—PURCHASE (PORTION)—BORDER EXPRESS LINES, INC.), published in the April 28, 1965, issue of the FEDERAL REGISTER on page 5910. Application filed June 1, 1965, for temporary authority under section 210a(b).

No. MC-F-9112 (supplement) (MOTOR FREIGHT EXPRESS—PURCHASE—CLEVELAND-PITTSBURGH FREIGHT LINE, INC.), published in the May 20, 1965, issue of the FEDERAL REGISTER on page 6894. In the prior notice, the restriction contained in the operating rights sought to be transferred, applies only to the route between Cleveland, Ohio, and junction U.S. Highway 21 and Ohio Highway 18, serving all intermediate points and the off-route point of West Richfield, Ohio.

No. MC-F-9135. Authority sought for purchase by CALORE-COOK TRANS. INC., 131 West Exchange Street, Providence, R.I., of the operating rights and property of LUCIAN GAGNON (JOSEPHINE C. GAGNON, CUSTODIAN EXECUTRIX), doing business as SUDDEN TRANSPORTATION CO., 62 Andrews Avenue, West Warwick, R.I., and for acquisition by ERNEST CALORE, 64 Carnation Drive, Cranston, R.I., of control of such rights and property through the purchase. Applicants' attorneys: Grafton H. Willey, III, 10 Dorrance Street, Providence, R.I., and Eugene J. LaFerriere, 1226 Main Street, West Warwick, R.I. Operating rights sought to be transferred: *General commodities*, except those of unusual value, and except dangerous explosives, livestock, household goods (when transported as a separate and distinct service in connection with so-called "household movings"), commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading, as a *common carrier* over a regular route, between Providence, R.I., and Moosup, Conn., serving certain intermediate and off-route points. Vendee is authorized to operate as a *common carrier* in Massachusetts and Rhode Island. Application has been filed for temporary authority under section 210a(b).

No. MC-F-9137. Authority sought for control by NELSON FREIGHTWAYS, INC., 26 East Main Street, Rockville, Conn., of P. D. COAKLEY MOTOR TRANSPORTATION, INC., 845 Morrissey Boulevard, Dorchester (Boston), Mass., and for acquisition by CLIFFORD J. O. NELSON, 9 Old Farm Road, Dover, Mass., CHARLES G. CHILBERG, 23 Reed Street, Rockville, Conn., and KENNETH A. H. NELSON, 32 Earl Street, Manchester, Conn., of control of P. D. COAKLEY MOTOR TRANSPORTATION, INC., through the acquisition by NELSON FREIGHTWAYS, INC. Applicants' attorney: Vernon V. Baker, 1411 K Street NW., Washington, D.C., 20005. Operating rights sought to be controlled: *General commodities*, excepting, among others, commodities in bulk, but not excepting household goods, as a *common carrier* over irregular routes between Boston, Mass., on the one hand, and, on the other, points in Massachusetts, Connecticut, Maine, New Hampshire, Rhode Island, and that part of New York east of the Hudson River and south of a line beginning at Newburgh, N.Y., and extending east through Patterson, N.Y., to the New York-Connecticut State line, including New York, N.Y., and points in Nassau County, N.Y.

General commodities, except those of unusual value, and except livestock, dangerous explosives, fresh fish (including shellfish), household goods as defined in *Practices of Motor Common Carriers of Household Goods*, 17 M.C.C. 467, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading, between points in Massachusetts within 15 miles of Boston, Mass., on the one hand, and, on the other, points in Massachusetts, Connecticut, Maine, New Hampshire, Rhode Island, and those in New York east of the Hudson River and south of a line beginning at Newburgh, N.Y., and extending east through Patterson, N.Y., to the New York-Connecticut State line, including New York, N.Y., and points in Nassau County, N.Y.; *wool and woolen products*, between Boston, Mass., on the one hand, and, on the other, Providence, Greystone, Woonsocket, and North Smithfield, R.I., and points in Massachusetts within 75 miles of Boston; and *hides*, from Boston, Mass., to Peabody, Mass. NELSON FREIGHTWAYS, INC. is authorized to operate as a *common carrier* in New Jersey, Pennsylvania, New York, Delaware, Maryland, Virginia, Connecticut, Maine, New Hampshire, Vermont, Massachusetts, Rhode Island, and the District of Columbia; and as a *contract carrier* in New York, Pennsylvania, Maryland, New Jersey, Massachusetts, Rhode Island, Connecticut, Delaware, Virginia, and the District of Columbia. Application has been filed for temporary authority under section 210a(b).

No. MC-F-9138. Authority sought for purchase by EARL BRAY, INC., Post Office Box 1191, Cushing, Okla., 74023, of the operating rights and certain property of H. L. MANESS, doing business as H. L. MANESS TRUCK LINE, Post Office Box 207, Neodesha, Kans., and for acquisition by the ESTATE OF CLARA E. BRAY (FRANK E. COCHRAN, EXECUTOR), MARY BRAY COCHRAN, SAM E. CARPENTER, and FRANK E. COCHRAN, of Post Office Box 1191, Cushing, Okla., of control of such rights and property through the purchase. Applicants' attorney: Marion F. Jones, 420 Denver Club Building, Denver, Colo., 80202. Operating rights sought to be transferred: *Petroleum and petroleum products*, in packages and containers, as a *common carrier*, over irregular routes, from Houston, Tex., to points in Kansas (with exceptions); *petroleum products*, as defined by the Commission, in containers, from Houston, Tex., to points in that part of Missouri south of the Missouri River (with exceptions), from El Dorado, Kans., to points in Louisiana (with exceptions); *dry fertilizers*, in packages and containers, from Horn, Mo., to points in Kansas, Colorado, and Nebraska.

RESTRICTION: The separate grants of authority contained herein shall not be tacked or joined, directly or indirectly, for the purpose of performing any through service; *manufactured and processed animal, poultry and fish feed*, in bags and containers, and in bulk, from the plantsite of the Consumers Cooperative Association, at or near Muncie, Kans., to points in Missouri (with exceptions), Oklahoma, and Arkansas; *dry fertilizer* (except urea), in bulk, from the plantsite of the Consumers Cooperative Association at or near Horn,

Mo., to points in Kansas, Nebraska, and Colorado; *animal and poultry feed* and *feed ingredients*, from Memphis, Tenn., certain points in Arkansas, and Missouri, to points in that part of Kansas on and east of U.S. Highway 81, RESTRICTION: The authority granted herein is restricted against the transportation of animal and poultry feed and feed ingredients in hopper or tank vehicles. Vendee is authorized to operate as a *common carrier* in Kansas, Texas, Oklahoma, Missouri, Arkansas, Illinois, Iowa, Mississippi, Nebraska, Indiana, Kentucky, Tennessee, Minnesota, South Dakota, Louisiana, New Mexico, Wisconsin, North Dakota, Colorado, Wyoming, Montana, Michigan, California, and Wisconsin. Application has not been filed for temporary authority under section 210a(b).

No. MC–F–9139. Authority sought for purchase by FOX & GINN., INC., 12 Howard Lane, Bangor, Maine, of the operating rights and property of ARTHUR FISH, doing business as ART'S MOTOR EXPRESS, Newcastle, Maine, and for acquisition by C. L. FOX, 302 Ohio Street, Bangor, Maine, C. L. FOX, JR., 84 Fifth Street, Bangor, Maine, D. W. FOX, 73 Washington Street, Brewer, Maine, M. W. GINN and S. E. GINN, both of 14 Montgomery Street, Bangor, Maine, H. E. GINN, 19 Rocky Hill Road, Cape Elizabeth, Maine, R. E. GINN, 224 Perkins Row, Topsfield, Mass., and M. E. AVERILL, 20 Montgomery Street, Bangor, Maine, of control of such rights and property through the purchase. Applicants' representative: David W. Fox, 12 Howard Lane, Bangor, Maine. Operating rights sought to be transferred: Under a certificate of registration, in Docket No. MC–56948 (Sub-No. 1), covering the transportation of freight, as a common carrier, in intrastate commerce, within the State of Maine. Vendee is authorized to operate as a *common carrier* in Massachusetts, Maine, and New Hampshire. Application has been filed for temporary authority under section 210a(b).

NOTE: Docket No. MC–36686 Sub-10 is a matter directly related.

No. MC–F–9140. Authority sought for purchase by ANTONI TRUCK LINES, 1700 24th Street, Oakland, Calif., of the operating rights and property of SRDS INC., Post Office Box 1602, Santa Rosa, Calif., and for acquisition by JOHN A. PIFER, also of Oakland, Calif., of control of such rights and property through the purchase. Applicants' attorney: Marvin Handler, 625 Market Street, San Francisco, Calif. Operating rights sought to be transferred: Under a certificate of registration in Docket No. MC–121375 Sub-1, covering the transportation of property, as a common carrier, in intrastate commerce, within the State of California. Vendee holds no authority from this Commission. However, its controlling stockholder JOHN A. PIFER, is also the controlling stockholder of ASSOCIATED FREIGHT LINES, 1700 24th Street, Oakland, Calif., which is authorized to operate as a *common carrier* in the State of California. Application has been filed for temporary authority under section 210a(b).

NOTE: See also MC–F–9007.

No. MC–F–9141. Authority sought for continuance in control by BERNARR F. BALSER, 8332 Wilcox Avenue, South Gate, Calif., of BULK FREIGHTWAYS, 8332 Wilcox Avenue, South Gate, Calif., and BALSER TRUCK CO., 8332 Wilcox Avenue, South Gate, Calif. Applicants' attorney: Wyman C. Knapp, 740 West Seventh Street, Los Angeles, Calif., 90017. Operating rights sought to be controlled: (BULK FREIGHTWAYS) In pending Docket No. MC–125417 Sub 3, covering the transportation of lime, in bulk, in hopper-type vehicles, as a common carrier over irregular routes, from Sloan, Nev. (a point located approximately 15 miles south of Las Vegas, Nev., on or closely adjacent to U.S. Highway 91), Henderson, Nev., and Apex (Arrolime), Nev., to points in that portion of California south of the northern boundaries of San Luis Obispo, Kern, and San Bernardino Counties; and (BALSER TRUCK CO.) *raw and manufactured chemicals*, in containers, as a *common carrier* over irregular routes, between Los Angeles, Los Angeles Harbor, South Gate, and Long Beach, Calif. Application has not been filed for temporary authority under section 210a(b).

NOTE: Application filed pursuant to order dated April 28, 1965, in Docket No. MC–125417 Sub-3, which granted the application, subject to the condition that the person or persons who control the operations both of applicant and any other carrier operating in interstate or foreign commerce shall first obtain approval of such control under the provisions of section 5(2) of the act.

No. MC–F–9142. Authority sought for purchase by YANKEE LINES, INC., 1400 East Archwood Avenue, Akron, Ohio, 44306, of the operating rights and property of GEORGE E. SMITH AND THOMAS M. SMITH, doing business as E. W. SMITH & SONS, 26 Mt. Pleasant Avenue, Newark, N.J., and for acquisition by HOWARD C. RODGERS, FLORENCE C. RODGERS, and JACK A. RODGERS, all of Akron, Ohio, of control of such rights and property through the purchase. Applicants' attorneys: Harvey B. Levin, 1835 Land Title Building, Broad & Chestnut Streets, Philadelphia, Pa., 19110, Edward J. Santoro, 304 Maple Avenue, South Plainfield, N.J., Bowes & Millner, 1060 Broad Street, Newark, N.J., 07102, and William Mitchell, 140 Cedar Street, New York, N.Y., 10006. Operating rights sought to be transferred: *General commodities*, excepting, among others, household goods and commodities in bulk, as a *common carrier*, over regular routes, between Newark, N.J., and New York, N.Y., between Newark, N.J., and Morrisville, Pa., serving all intermediate points, and the off-route point of Hightstown, N.J. Vendee is authorized to operate as a *common carrier* in Ohio, West Virginia, Maryland, New Jersey, Pennsylvania, Delaware, and the District of Columbia. Application has been filed for temporary authority under section 210a(b).

No. MC–F–9143. Authority sought for purchase by MOEY LIHN, doing business as TRI-STATE TRANSPORTATION CO., West and Railroad Avenues, Vineland, N.J., of a portion of the operating rights and property of HENRY R. TOMKINSON ASSOCIATES, INC., doing business as HENRY'S EXPRESS, Egg Harbor City, N.J. Applicants' representatives: Charles H. Trayford, 220 East 42d Street, New York, N.Y., 10017, C. Raymond Kears, Kears Building, Egg Harbor City, N.J., and Thomas K. J. Tuso, National Bank Building, Vineland, N.J. Operating rights sought to be transferred: *General commodities*, excepting, among others, household goods and commodities in bulk, as a *common carrier*, over regular routes, between Philadelphia, Pa., and Egg Harbor City, N.J., serving all intermediate points, and the offroute points of Tansboro, Cedar Brook, Blue Anchor, and Winslow, N.J., and those within 5 miles of Egg Harbor City; and *general commodities*, excepting, among others, household goods and commodities in bulk, over irregular routes, between Egg Harbor City, N.J., and points within 20 miles thereof, on the one hand, and, on the other, Philadelphia, Pa. Vendee is authorized to operate as a *common carrier* in Pennsylvania, New Jersey, New York, Massachusetts, West Virginia, Maryland, and the District of Columbia. Application has not been filed for temporary authority under section 210a(b).

By the Commission.

[SEAL] BERTHA F. ARMES, *Acting Secretary.*

[F.R. Doc. 65–5953; Filed, June 8, 1965; 8:45 a.m.]

[Notice 779]

MOTOR CARRIER APPLICATIONS AND CERTAIN OTHER PROCEEDINGS

JUNE 4, 1965.

The following publications are governed by the new Special Rule 1.247 of the Commission's rules of practice, published in the FEDERAL REGISTER, issue of December 3, 1963, which became effective January 1, 1964.

APPLICATIONS ASSIGNED FOR ORAL HEARING

MOTOR CARRIERS OF PROPERTY

The applications immediately following are assigned for hearing at the time and place designated in the notice of filing as here published in each proceeding. All of the proceedings are subject to the Special Rules of Procedure for Hearing outlined below:

SPECIAL RULES OF PROCEDURE FOR HEARING

(1) All of the testimony to be adduced by applicant's company witnesses shall be in the form of written statements which shall be submitted at the hearing at the time and place indicated.

(2) All of the written statements by applicant's company witnesses shall be offered in evidence at the hearing in the same manner as any other type of evidence. The witnesses submitting the written statements shall be made available at the hearing for cross-examination, if such becomes necessary.

(3) The written statements by applicant's company witnesses, if received in evidence, will be accepted as exhibits. To the extent the written statements refer to attached documents such as copies of operating authority, etc., they should be referred to in written statement as numbered appendices thereto.

(4) The admissibility of the evidence contained in the written statements and the appendices thereto, will be at the time of offer, subject to the same rules as if the evidence were produced in the usual manner.

(5) Supplemental testimony by a witness to correct errors or to supply inadvertent omissions in his written statement is permissible.

No. MC 111231 (Sub-No. 65), filed May 27, 1965. Applicant: JONES TRUCK LINES, INC., 610 East Emma Avenue, Springdale, Ark. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts, dairy products, articles distributed by meat packinghouses*, and *such commodities as are used by meat packers, in the conduct of their business*, when destined to and for use by meat packers (except hides and commodities in bulk, in tank vehicles), from Garden City, Kans., and points within 10 miles thereof, to points in Arkansas, Louisiana, Kentucky, Mississippi, Missouri, Oklahoma, Tennessee, Texas, Indiana, Illinois, Nebraska, and Iowa.

HEARING: June 21, 1965, at the Pickwick Motor Inn, McGee and 10th Street, Kansas City, Mo., before Examiner Francis A. Welch.

No. MC 114457 (Sub-No. 32), filed May 20, 1965. Applicant: DART TRANSIT COMPANY, a corporation, 780 North Prior Avenue, St. Paul, Minn. Applicant's attorney: Charles W. Singer, Tower Suite 3600, 33 North La Salle Street, Chicago, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts, and articles distributed by meat packinghouses* as described in sections A and C, Appendix I, in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, from Garden City, Kans., and points within ten (10) miles thereof, to points in Illinois, Indiana, Iowa, Kansas, Michigan, Minnesota, Missouri, Nebraska, North Dakota, South Dakota, and Wisconsin.

HEARING: June 21, 1965, at the Pickwick Motor Inn, McGee and 10th Street, Kansas City, Mo., before Examiner Francis A. Welch.

No. 110——6

No. MC 118130 (Sub-No. 15), filed June 1, 1965. Applicant: BEN HAMRICK, INC., 2000 Chelsea Drive West, Fort Worth, Tex. Applicant's attorney: M. Ward Bailey, 24th Floor, Continental Life Building, Fort Worth, Tex., 76102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products and meat byproducts, dairy products, and articles* distributed by meat packinghouses as described in sections A, B, and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, from Garden City, Kans., and points within a 10 mile radius thereof to points in Alabama, Arkansas, California, Colorado, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Michigan, Mississippi, Missouri, North Carolina, Ohio, Oklahoma, South Carolina, Tennessee, Texas, Virginia, West Virginia, and Wisconsin, and *exempt commodities*, on return.

HEARING: June 21, 1965, at the Pickwick Motor Inn, McGee and 10th St., Kansas City, Mo., before Examiner Francis A. Welch.

No. MC 119741 (Sub-No. 14) (REPUBLICATION), filed March 12, 1965, published in FEDERAL REGISTER issue of April 1, 1965, amended April 22, 1965, republished as amended May 5, 1965, and republished this issue. Applicant: GREENFIELD TRANSPORT COMPANY, INC., Post Office Box 1453, Winter Haven, Fla. Applicant's attorney: Paul M. Daniell, 1600 First Federal Building, Atlanta, Ga., 30303. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts, dairy products, articles distributed by meat packinghouses*, and *such commodities* as are used by meat packers in the conduct of their business when destined to and for use by meat packers, as described in sections A, B, C, and D of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 (766) (except hides and liquid commodities, in bulk, in tank vehicles), from Garden City, Kans., and points within 10 miles thereof, to points in Iowa, Illinois, Indiana, Ohio, Missouri, Nebraska, Georgia, Alabama, and Florida.

NOTE: The purpose of this republication is to show hearing information.

HEARING: June 21, 1965, at the Pickwick Motor Inn, McKee and 10th Street, Kansas City, Mo., before Examiner Francis A. Welch.

By the Commission.

[SEAL] BERTHA F. ARMES, *Acting Secretary.*

[F.R. Doc. 65–5955; Filed, June 8, 1965; 8:46 a.m.]

NOTICE OF FILING OF MOTOR CARRIER INTRASTATE APPLICATIONS

JUNE 4, 1965.

The following applications for motor common carrier authority to operate in intrastate commerce seek concurrent motor carrier authorization in interstate or foreign commerce within the limits of the intrastate authority sought, pursuant to section 206(a)(6) of the Interstate Commerce Act, as amended October 15, 1962. These applications are governed by special rule 1.245 of the Commission's rules of practice, published in the FEDERAL REGISTER, issue of April 11, 1963, page 3533, which provides, among other things, that protests and requests for information concerning the time and place of State Commission hearings or other proceedings, any subsequent changes therein, and any other related matters shall be directed to the State Commission with which the application is filed and shall not be addressed to or filed with the Interstate Commerce Commission.

State Docket No. assigned 9600, filed May 27, 1965. Applicant: CAMERON FREIGHT LINE, INC., Post Office Box 148, Lake Charles, La. Applicant's representative: E. M. Nichols, 910 Ford Street, Lake Charles, La. Certificate of public convenience and necessity sought to operate a freight service as follows: Transportation of: *General commodities*, from, to and between Johnson's Bayou and the Texas State line over Louisiana Highway 82. The above authority is sought as an extension of authority now held in LPSC No. 298–C (MC 96904 Sub 2).

HEARING: Date, time, and place of hearing not known at this time. Requests for procedural information, including the time for filing protests, concerning this application should be addressed to the Louisiana Public Service Commission, Box 4035 Capitol Station, Baton Rouge, La., 70804, and should not be directed to the Interstate Commerce Commission.

By the Commission.

[SEAL] BERTHA F. ARMES, *Acting Secretary.*

[F.R. Doc. 65–5957; Filed, June 8, 1965; 8:46 a.m.]

CUMULATIVE LIST OF CFR PARTS AFFECTED—JUNE

The following numerical guide is a list of the parts of each title of the Code of Federal Regulations affected by documents published to date during June.

3 CFR

EXECUTIVE ORDERS:
7655 (revoked in part by PLO 3661) 7521
11227 7369

5 CFR

213 7271, 7311, 7425, 7426, 7473, 7515

7 CFR

16 7426
28 7426
29 7385
30 7385
34 7385
160 7385
718 7427
722 7271, 7385
728 7434
730 7272
750 7311
775 7515
845 7273
908 7311, 7435
909 7273
910 7435
915 7436
917 7473–7475
944 7436
970 7274
1421 7475
PROPOSED RULES:
29 7404
51 7396
52 7524
911 7501
915 7501
916 7284
1133 7284
1138 7288

8 CFR

103 7516
264 7312

9 CFR

74 7274
201 7275
PROPOSED RULES:
94 7445

10 CFR

PROPOSED RULES:
150 7445

12 CFR

1 7371
17 7275

12 CFR—Continued

PROPOSED RULES:
545 7316

14 CFR

39 7275, 7371, 7372
71 7276, 7312, 7372, 7373, 7517
97 7374
141 7517
151 7484
PROPOSED RULES:
61 7292
71 7316, 7396, 7502, 7503, 7524, 7525
73 7503

17 CFR

240 7276

18 CFR

8 7313
157 7280

21 CFR

8 7484
20 7280
27 7484
120 7280, 7385, 7485
121 7280, 7386, 7485–7487, 7518, 7519
141d 7487
146d 7487
PROPOSED RULES:
20 7292
121 7501

25 CFR

1 7520

26 CFR

1 7201
PROPOSED RULES:
1 7493

28 CFR

16 7488
42 7386

32 CFR

1001 7389

33 CFR

124 7314

38 CFR

1 7389
3 7390, 7489
36 7521

39 CFR

15 7390
16 7390
22 7391

39 CFR—Continued

23 7391
24 7391
25 7391
43 7392
45 7392
46 7396

41 CFR

5B–2 7436
8–1 7437
8–2 7437
101–38 7489

42 CFR

57 7394, 7395

43 CFR

18 7394
PUBLIC LAND ORDERS:
3661 7521

45 CFR

60 7371

46 CFR

146 7437
221 7490
527 7490
PROPOSED RULES:
248 7291

47 CFR

0 7521
1 7419
73 7314
89 7522
PROPOSED RULES:
1 7446
17 7446
73 7446, 7525

49 CFR

72 7420
73 7420
74 7423
77 7423
78 7423
79 7425
95 7522
192 7491
193 7522

50 CFR

3 7315
32 7523
33 7282
260 7283
262 7444
266 7282

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FEDERAL REGISTER

VOLUME 30 • NUMBER 111

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Pages 7553–7589

Agencies in this issue—

Agency for International Development
Atomic Energy Commission
Civil Aeronautics Board
Civil Service Commission
Customs Bureau
Federal Aviation Agency
Federal Communications Commission
Federal Maritime Commission
Federal Power Commission
Fish and Wildlife Service
Food and Drug Administration
Foreign Assets Control Office
Indian Affairs Bureau
Interstate Commerce Commission
Land Management Bureau
Securities and Exchange Commission

Detailed list of Contents appears inside.



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January–May 1965

(Codification Guide)

The List of CFR Sections Affected is published monthly on a cumulative basis. It lists by number the titles, parts, and sections of the Code of Federal Regulations amended or otherwise affected by documents published in the FEDERAL REGISTER during 1965. Entries indicate the exact nature of all changes effected. This cumulative list of CFR sections affected is supplemented by the current lists of CFR parts affected which are carried in each daily FEDERAL REGISTER.

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Contents

AGENCY FOR INTERNATIONAL DEVELOPMENT
Rules and Regulations
Guaranties under Mutual Security Act of 1954; revocation 7571

ATOMIC ENERGY COMMISSION
Notices
State of Tennessee; proposed agreement for assumption of certain AEC regulatory authority 7575

CIVIL AERONAUTICS BOARD
Rules and Regulations
Air carriers, tariffs; construction, publication, filing and posting; miscellaneous amendments 7558
Notices
Certain indirect air carriers; temporary relief; contracts for Defense Department 7578

CIVIL SERVICE COMMISSION
Rules and Regulations
Absence and leave; definitions 7557
Excepted service; entire executive civil service 7557

CUSTOMS BUREAU
Rules and Regulations
Port of entry, Wrangell, Alaska 7569

FEDERAL AVIATION AGENCY
Rules and Regulations
Federal airways:
Alteration 7557
Extension 7558
Federal airways, revocation; and alteration of transition areas 7557
Proposed Rule Making
Airworthiness directives:
Air cruisers emergency evacuation slides 7573
Lockheed Model 1329 aircraft 7573
Federal airway; revocation 7573

FEDERAL COMMUNICATIONS COMMISSION
Notices
Land Mobile Service; extension of time for comments 7581
Hearings, etc.:
Big Four Broadcasting 7579
Continental Broadcasting of California, Inc. (KDAY) 7580
Estacada Telephone & Telegraph Co. and Pacific Northwest Bell Telephone Co 7581

FEDERAL MARITIME COMMISSION
Proposed Rule Making
Filing of tariffs by terminal operators 7574

FEDERAL POWER COMMISSION
Notices
Hearings, etc.:
Petroleum Corporation of Texas et al 7581
Transwestern Pipeline Co. et al 7584
Warren Petroleum Corp. et al 7584

FISH AND WILDLIFE SERVICE
Rules and Regulations
Migratory birds; miscellaneous amendments 7571
Sport fishing; Red Rock Lakes National Wildlife Refuge, Montana 7572

FOOD AND DRUG ADMINISTRATION
Rules and Regulations
Food additives:
Chloropentafluoroethane 7570
Rubber articles intended for repeated use 7570
Pesticide chemicals in or on raw agricultural commodities; tolerances for residues 7569

FOREIGN ASSETS CONTROL OFFICE
Notices
Jade and jade articles from Hong Kong; suspension of certification 7577

HEALTH, EDUCATION, AND WELFARE DEPARTMENT
See Food and Drug Administration.

INDIAN AFFAIRS BUREAU
Notices
Area directors; delegation of authority regarding forestry matters 7577

INTERIOR DEPARTMENT
See Fish and Wildlife Service; Indian Affairs Bureau; Land Management Bureau.

INTERSTATE COMMERCE COMMISSION
Notices
Fourth section applications for relief 7587
Motor carrier transfer proceedings 7587

LAND MANAGEMENT BUREAU
Notices
Proposed withdrawal and reservation of lands:
California 7577
Colorado (2 documents) 7578

SECURITIES AND EXCHANGE COMMISSION
Rules and Regulations
Registration; optional short forms (2 documents) 7566, 7568
Notices
Hearings, etc.:
Continental Vending Machine Corp 7586
Hanna Mining Co 7586
Middle South Utilities, Inc., and Louisiana Power & Light Co 7587

STATE DEPARTMENT
See Agency for International Development.

TREASURY DEPARTMENT
See Customs Bureau; Foreign Assets Control Office.

List of CFR Parts Affected

(Codification Guide)

The following numerical guide is a list of the parts of each title of the Code of Federal Regulations affected by documents published in today's issue. A cumulative list of parts affected, covering the current month to date, appears at the end of each issue beginning with the second issue of the month.

A cumulative guide is published separately at the end of each month. The guide lists the parts and sections affected by documents published since January 1, 1965, and specifies how they are affected.

5 CFR

213 7557
630 7557

14 CFR

71 (3 documents) 7557, 7558
221 7558

PROPOSED RULES:
39 (2 documents) 7573
71 7573

17 CFR

249 (2 documents) 7566, 7568

19 CFR

1 7569

21 CFR

120 7569
121 (2 documents) 7570

22 CFR

204 7571

46 CFR

PROPOSED RULES:
533 7574

50 CFR

10 7571
33 7572

Rules and Regulations

Title 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 213—EXCEPTED SERVICE

Entire Executive Civil Service

Section 213.3102(v) of Schedule A is amended to make it applicable to positions paid at $1.75 an hour in Alaska. This rate is equivalent to the minimum wage payable to positions covered by the State's own minimum wage law. Effective on publication in the FEDERAL REGISTER, paragraph (v) of § 213.3102 is amended as set out below.

§ 213.3102 Entire executive civil service.

* * * * *

(v) Between June 1, 1965, and September 30, 1965, temporary summer trainee positions whose pay is fixed at the equivalent of the minimum wage established by the Fair Labor Standards Amendments of 1961 (currently $1.25 an hour) or, in Alaska, at the equivalent of the minimum wage established by State law (currently $1.75 an hour) and whose duties involve laboring or other work of a routine nature requiring no specific knowledges or skills, when filled by persons appointed in furtherance of the President's Youth Opportunity Campaign. A person may not be appointed under this authority (1) unless he has reached his 16th but not his 22d birthday; or (2) for more than 700 hours.

(R.S. 1753, sec. 2, 22 Stat. 403, as amended; 5 U.S.C. 631, 633; E.O. 10577, 19 F.R. 7521, 3 CFR, 1954–58 Comp., p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] MARY V. WENZEL,
Executive Assistant to the Commissioners.

[F.R. Doc. 65–6040; Filed, June 9, 1965; 8:49 a.m.]

PART 630—ABSENCE AND LEAVE

Definitions

Section 630.201 is amended for the purpose of clarifying what is meant by the language in the Annual and Sick Leave Act of 1951 which exempts from the provisions of that law "temporary employees engaged on construction work at hourly rates." A new paragraph (a) is added and the present paragraphs (a) through (h) are redesignated as paragraph (b), subparagraphs (1) through (8). As amended, § 630.201 reads as follows:

§ 630.201 Definitions.

(a) In the Annual and Sick Leave Act of 1951, as amended, the term "temporary employees engaged on construction work at hourly rates" means employees hired on a temporary basis solely for the purpose of work on a specific construction project and paid at hourly rates.

(b) In this part:

(1) "Act" means the Annual and Sick Leave Act of 1951, as amended.

(2) "Accrued leave" means the leave earned by an employee during the current leave year that is unused at any given time in that leave year.

(3) "Accumulated leave" means the unused leave remaining to the credit of an employee at the beginning of a leave year.

(4) "Contagious disease" means a disease which is ruled as subject to quarantine, requires isolation of the patient, or requires restriction of movement by the patient for a specified period as prescribed by the health authorities having jurisdiction.

(5) "Employee" means an officer or employee to whom the act applies.

(6) "Leave year" means the period beginning with the first day of the first complete pay period in a calendar year and ending with the day immediately before the first day of the first complete pay period in the following calendar year.

(7) "Medical certificate" means a written statement signed by a registered practicing physician or other practitioner certifying to the incapacitation, examination, or treatment, or to the period of disability while the patient was receiving professional treatment.

(8) "United States" means the several States and the District of Columbia.

(Sec. 206, 65 Stat. 681; 5 U.S.C. 2065)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] MARY V. WENZEL,
Executive Assistant to the Commissioners.

[F.R. Doc. 65–6041; Filed, June 9, 1965; 8:49 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Agency

[Airspace Docket No. 65–CE–19]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Federal Airways

On March 17, 1965, a notice of proposed rule making was published in the FEDERAL REGISTER (30 F.R. 3549) stating that the Federal Aviation Agency was considering amendments to Part 71 of the Federal Aviation Regulations that would alter airways in the vicinity of Jefferson City, Mo.

Interested persons were afforded an opportunity to participate in the proposed rule making through the submission of comments. All comments received were favorable.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0001 e.s.t., August 19, 1965, as hereinafter set forth.

Section 71.123 (29 F.R. 17509) is amended as follows:

1. V–175 is amended to read:

V–175 From Vichy, Mo., via Jefferson City, Mo., INT Jefferson City 337° and Hallsville, Mo., 209° radials; to Hallsville.

2. In V–12 "Readsville, Mo.;" is deleted and "Readsville, Mo., including an S alternate from Blackwater to Readsville via Jefferson City, Mo.;" is substituted therefor.

(Sec. 307(a) of the Federal Aviation Act of 1958; 49 U.S.C. 1348)

Issued in Washington, D.C., on June 3, 1965.

DANIEL E. BARROW,
Chief, Airspace Regulations, and Procedures Division.

[F.R. Doc. 65–6005; Filed, June 9, 1965; 8:45 a.m.]

[Airspace Docket No. 64–SO–52]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Revocation of Federal Airways and Alteration of Transition Areas

On February 9, 1965, a notice of proposed rule making was published in the FEDERAL REGISTER (30 F.R. 1817) stating that the Federal Aviation Agency was considering amendments to Part 71 of the Federal Aviation Regulations that would revoke VOR Federal airways Nos. 267 east alternate and 51 east alternate and that would alter the Atlanta, Ga., and Knoxville, Tenn., transition areas.

Interested persons were afforded an opportunity to participate in the proposed rule making through the submission of comments. All comments received were favorable.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0001 e.s.t., August 19, 1965, as hereinafter set forth.

1. Section 71.123 (29 F.R. 17509) is amended as follows:

a. In V–51 "an E alternate from INT of Rex 345° and Atlanta, Ga. 007° radials to Crossville via INT of Atlanta 007° and Crossville 143° radials, and" is deleted.

b. In V–267 "to Knoxville, including an E alternate." is deleted and "to Knoxville." is substituted therefor.

2. Section 71.181 (29 F.R. 17643) is amended as follows:

a. In the text of the 1,200-foot portion of the Atlanta, Ga., transition area after "On the E by V–267;" add "that airspace NE of Atlanta bounded on the N by V–54, on the E by a line 5 miles E of and parallel to the Knoxville VORTAC 166° radial and the Norcross VORTAC 025° radial,

on the S by V–222 and on the W by V–267;".

b. In the text of the 1,200-foot portion of the Knoxville, Tenn., transition area after "extending from the 21-mile radius area to 35 miles SE of the VORTAC;" add "that airspace S of Knoxville bounded on the N by the 21-mile radius area, on the E by a line 5 miles E of and parallel to the Knoxville VORTAC 166° radial, on the S by V–54 and on the W by V–267;", delete "thence S along V–97 to V–51E alternate, thence NW along V–51E to a line 12 miles S of and parallel to the Crossville, Tenn. VORTAC 064° and 244° radials, thence W along this line" and substitute therefor "thence S along V–97 to V–54, thence W along V–54 to V–51, thence N along V–51". In the 7,500-foot portion, delete "on the E by a line 5 miles E of and parallel to V–267E alternate," and substitute therefor "on the E by a line 10 miles east of and parallel to the Knoxville VORTAC 166° radial,", delete "and on the W by V–267E;" and substitute therefor "and on the W by a line 5 miles E of and parallel to the Knoxville VORTAC 166° radial;".

(Sec. 307(a) of the Federal Aviation Act of 1958; 49 U.S.C. 1348)

Issued in Washington, D.C., on June 3, 1965.

DANIEL E. BARROW,
Chief, Airspace Regulations and Procedures Division.

[F.R. Doc. 65–6006; Filed, June 9, 1965; 8:45 a.m.]

[Airspace Docket No. 64–WE–57]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Extension of Federal Airway

On March 24, 1965, a notice of proposed rule making was published in the FEDERAL REGISTER (30 F.R. 3821) stating that the Federal Aviation Agency was considering an amendment to Part 71 of the Federal Aviation Regulations that would extend VOR Federal airway No. 138 from Medicine Bow, Wyo., to Riverton, Wyo.

Interested persons were afforded an opportunity to participate in the proposed rule making through the submission of comments. All comments received were favorable.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0001 e.s.t., August 19, 1965, as hereinafter set forth.

In § 71.123 (29 F.R. 17509), V–138 is amended by deleting "From Medicine Bow, Wyo., via" and substituting "From Riverton, Wyo., 35 mi. 12 AGL, 80 mi. 107 MSL, 16 mi. 85 MSL, via Medicine Bow, Wyo.;" therefor.

(Sec. 307(a) of the Federal Aviation Act of 1958; 49 U.S.C. 1348)

Issued in Washington, D.C., on June 3, 1965.

DANIEL E. BARROW,
Chief, Airspace Regulations and Procedures Division.

[F.R. Doc. 65–6007; Filed, June 9, 1965; 8:45 a.m.]

Chapter II—Civil Aeronautics Board

SUBCHAPTER A—ECONOMIC REGULATIONS

[Regulation No. ER–434]

PART 221—CONSTRUCTION, PUBLICATION, FILING, AND POSTING OF TARIFFS OF AIR CARRIERS AND FOREIGN AIR CARRIERS

Editorial and Miscellaneous Amendments

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 2d day of June 1965. Effective: July 15, 1965.

The Board has published in 29 F.R. 15174 and circulated to the industry in EDR–73, dated November 2, 1964, Docket 15657, a notice of proposed rule making which proposed new and amended rules for Part 221 of the Economic Regulations.

The following comments were submitted: A joint comment on behalf of 24 U.S. trunklines and local service carriers,[1] two U.S. helicopter carriers,[2] one U.S. all-cargo carrier,[3] and six U.S. and foreign flag carriers[4] (hereinafter referred to as the Joint Air Carriers); and separate comments by one all-cargo carrier,[5] by the Air Freight Forwarders Association, by one indirect air carrier[6] and by an attorney on behalf of stockholders who are planning to form a corporate agent.

MODIFICATIONS ADOPTED

In finalizing the proposed rule, the following six modifications have been made in the light of the comments received.

1. *Tariffs for unauthorized air transportation.* Proposed § 221.7 contains an express prohibition against the publication and filing of rates, fares, and governing provisions applicable to air transportation which the issuing or participating carriers are not authorized to perform, except when the Board expressly authorizes or requests such filings prior to its granting the operating authority concerned. The Joint Air Carriers offer no objection, but point out that proposed § 221.7 does not deal with the related problem of canceling tariff matter when operating authority is suspended or revoked. They assert that this problem is recurring frequently by reason of the Board's transferring from trunkline to local service carriers the authority to serve particular points and the removal of points from local service certificates under "use-it-or-lose-it" standards. They state that cancellation of fares or rates to or from a point often requires revision of numerous tariff pages which is a costly procedure merely for the purpose of reflecting termination or suspension of service at particular points. They request that the regulations be amended to permit the use of a supplement as a means of canceling from looseleaf tariff rates, fares, charges, routings, and other provisions specifically referring to service to, from, or via points at which the issuing or participating carrier as authorized to suspend or abandon service. This request appears reasonable, is consonant with our objective of not having on file tariff rates or fares for unauthorized air transportation, and will be granted. Such authorization (new § 221.116) will be subject to the following conditions: (1) Specific reference to §221.116 must appear on the title page of a supplement; (2) a single tariff shall not have more than one supplement issued under § 221.116 in effect at any one time; (3) such supplement shall contain no provisions other than the cancellation of rates, fares, or other provisions published under this authority; and (4) reissuance of the affected tariff pages shall be accomplished not later than 180 days after the effective date of such supplement.

2. *Back-to-back printing of looseleaf tariffs including requirement of same effective date on both sides of a leaf.* Proposed §§ 221.22(b)(6) and 221.111(a) require that, when looseleaf tariff pages are published back-to-back and only a page on one side of the leaf is being amended, the page on the reverse side must also be reissued for effectiveness on the same date, instead of being merely carried forward as a "reprint" (a copy purported to be identical in all respects) as is done currently. The Joint Air Carriers, Seaboard, Air Freight Forwarders Association, and Air Dispatch object to the proposed rule insofar as it would require reissuance of pages instead of the present practice of permiting "reprints." Their stated objections to elimination of reprints are principally (1) increased probability of error; (2) increased cost; and (3) increased complexity of tracing the history of tariff data on a page. None of these reasons persuades us to modify the proposal to eliminate the use of reprints.[7]

We find little merit in the contention that the proposed rule will increase the probability of error. The reissue of a page (instead of submitting a "reprint" of it) would require changing merely (1) the revision numbers in the page designation and cancellation; (2) the issued and effective dates; and (3) the correction number. In addition, the phrase "No Change on This Page" would be placed at the top of the page. Under tariff reproduction processes commonly used, these few mechanical changes can

[1] Trunklines: American Airlines, Inc., Braniff International Airways, Inc., Continental Air Lines, Inc., Delta Air Lines, Inc., Eastern Air Lines, Inc., National Airlines, Inc., Northeast Airlines, Inc., Northwest Airlines, Inc., Trans World Airlines, Inc., United Air Lines, Inc., and Western Air Lines, Inc. Local service carriers: Allegheny Airlines, Inc., Bonanza Air Lines, Inc., Central Airlines, Inc., Frontier Airlines, Inc., Lake Central Airlines, Inc., Mohawk Airlines, Inc., North Central Airlines, Inc., Ozark Air Lines, Inc., Pacific Air Lines, Inc., Piedmont Aviation, Inc., Southern Airways, Inc., Trans-Texas Airways, Inc., and West Coast Airlines, Inc.

[2] Chicago Helicopter Airways, Inc. and New York Airways, Inc.

[3] Airlift International, Inc.

[4] Pan American World Airways, Alitalia Airlines, British Overseas Airways Corp., KLM Royal Dutch Airlines, Sabena Belgian World Airlines, and Scandinavian Airlines System.

[5] Seaboard World Airlines, Inc. (Seaboard).

[6] Air Dispatch, Inc.

[7] The Joint Air Carriers concede that a page which has been rejected or which contains suspended matter should not be refiled as a reprint.

generally be accomplished on an existing master copy of the page without retyping any other matter to be reproduced. As to alleged increased cost to tariff publishers, labor cost in connection with the four minor changes listed above should be nominal; and reproduction cost except for the four minor changes would be the same regardless of whether the page is reprinted or reissued. The next argument is that elimination of reprints would complicate the task of tracing the history of data on a page, e.g., the date when a particular change became effective. Only in the fortuitous circumstance where the effective dates sought pertain to data which were modified on the last revision of the page and were properly symbolized thereon would a reprint reflect the effective dates of changes in tariff data. Most material on a tariff page consists of fares, rates, or other provisions which are reissued without change, and to determine their original effective dates it would be necessary in any event to trace back through preceding revisions of the page. This task of tracing history of tariff data, for the most part, would be facilitated rather than complicated by reissued pages marked "No Change on This Page" as will be required by the new rule.

In addition to the reasons set forth in the Notice (EDR–73) for the elimination of reprints, the difficulties which have been encountered from the rejection of reprints support the need for the proposed rule. These difficulties include (1) confusion of tariff users resulting from the existence in the Board's official and public file of several copies of the same page number of a particular tariff with only one copy marked "Rejected";[8] (2) confusion of tariff publishers when they attempt to cancel the rejected reprint and reissue the next succeeding page revision;[9] and (3) confusion in connection with certifications of true copies of tariff pages.[10] In our view these reasons alone warrant revision of the rule as proposed.

Much of the Joint Air Carriers' comments on elimination of reprints is directed to problems arising from the requirement of proposed § 221.22(b)(6) that "When a page which is published back-to-back with another page on the same leaf is reissued to effect changes, and the page on the reverse side thereof is reissued without change in its provisions, both pages shall bear the same effective date." They cite two problems which might be encountered in attempting to conform to the "same effective date" requirement: (1) When a page is being revised on short notice and the page on the reverse side (which is not being changed) is to be reissued on statutory notice; and (2) where the page being amended is issued on 30 days' notice but the page to be reissued on the reverse side contains changes which were filed on long notice and bears an effective date which is subsequent to the proposed effective date of the page to be amended. No doubt circumstances, such as those described above, will arise where it would not be practical to require the same effective date on both pages. Therefore, we are modifying the last sentence of proposed § 221.22(b)(6) to take care of such situations.

3. *Publication on one side of looseleaf is preferable to back-to-back publication.* Proposed new § 221.22(d) provides that tariff matter shall be published uniformly throughout a looseleaf tariff either (1) on only one face of each leaf (reverse side of each leaf left entirely blank) or (2) on both faces of each leaf (two pages back-to-back to each other). The proposed rule then states: "Observance of method (1) above is preferable." The Joint Air Carriers ask for deletion of the quoted sentence, stating that such "editorial comment" seems inappropriate and may be subject to misconstruction. We will delete the sentence from the rule itself, although we wish to emphasize here that method (1) is distinctly preferable. Accordingly, we urge publishers of looseleaf tariffs to use the "one-side-only" method of publication which has distinct advantages to both the publishers and the Board's tariff staff since it simplifies amending the tariff and results in a lesser number of pages being printed and submitted to the Board.

4. *Revised page number and page cancellation.* In connection with page cancellation, Air Freight Forwarders Association objects to the three-line format used in the examples in proposed § 221.111(a)(3), and requests permission to use a two-line format. However, the three-line format in proposed § 221.111(a)(3) represents no change from the current format in § 221.111(a)(1). Although we believe that the three-line method is preferable because it is a more readily noticeable manner of directing attention to the cancellation of the previously issued page, either a three-line or a two-line[11] format may be used, provided that the same method is adhered to throughout the tariff.

5. *Page issued in lieu of rejected page.* Proposed new § 221.184 requires that, when a rejected looseleaf page is published on the reverse side of a page which has not been rejected, a page shall be issued and filed in lieu of the rejected page within 10 days after date of the rejection notice and the page on the reverse side shall be reissued on lawful notice.

The Joint Air carriers request a 30-day period in lieu of the proposed 10-day period within which to file a page in lieu of a rejected page. They state that not infrequently a rejection notice is not received until several days after the date of rejection; that in some instances a decision by management is required before the tariff staff of the carrier can determine what changes should be made to overcome the cause for the rejection; and that in others a large number of pages may be involved in the reissuance. In view of the above, we will modify proposed § 221.184 by providing for 20 days within which to file a reissued page in lieu of a rejected page.

Seaboard objects to the filing, within any period of time, of a page in lieu of a rejected page. It suggests as the only requirement that the publishers notify all tariff holders that the rejected page will not become effective because it was rejected by the Board. We will not accede to its request. Since the Act provides that a rejected page is void, the publishing agents and carriers already have the responsibility of promptly taking whatever action is necessary to preclude use of rejected pages, including notification of tariff holders. Moreover, the carrier's suggestion ignores the principal purpose of the proposed regulation, i.e., to remove as promptly as possible the rejected page from the reverse side of an effective page in order to preclude inadvertent use of the rejected page.

Also, the Joint Air Carriers, Seaboard, Air Freight Forwarders Association, and Air Dispatch object to the proposed regulation to the extent that it requires reissuance of a page on the reverse side of a rejected page. This proposed requirement complements proposed §§ 221.22(b)(6) and 221.111(a) with respect to reissuance of "no change" pages, a procedure which is proposed in lieu of the current practice of carrying such pages forward as reprints. Thus, the objections pertaining to reissuance of the "no change" pages discussed under "Back-to-back printing of looseleaf tariffs," supra, page 3, are applicable to § 221.184 as part of the parties' overall objection to elimination of reprints.

6. *Change in power of attorney form.* An editorial modification, updating the name of the Act, is proposed in §221.244(a) in the prescribed power of attorney form. The Joint Air Carriers ask that this amended form be only prospective, i.e., be made applicable only to powers of attorney filed after the effective date of the amendment. They request this to obviate the cancelling and reissuing of existing powers of attorney in order to conform to the newly prescribed form. The request is reasonable and will be granted. Therefore, amended § 221.244(a) will operate only prospectively.

[8] For example, assume that 1st Revised Page 2 and several reprints thereof have been filed, but the latest filed reprint has been rejected. The Board's official and public file copies of the rejected reprint would be stamped "Rejected." This might be misleading to tariff users who would not perceive that such rejected copy is a purported "reprint" and that there are on file several additional copies of 1st Revised Page 2 which were not affected by the rejection. Also, tariff users might be confused to find several copies of 1st Revised Page 2 in the tariff but only one copy stamped "Rejected."

[9] Thus, a publisher who receives a notice of rejection of a purported "reprint" of 1st Revised Page 2 may not understand that only the "reprint" of the page is rejected and that the originally filed copy is not affected by the rejection. Consquently, when issuing 2nd Revised Page 2, the publisher may indicate thereon that it is "issued in lieu of 1st Revised Page 2 rejected by C.A.B." and may fail to cancel the copies of 1st Revised Page 2 which were not rejected. This makes the newly filed 2nd Revised Page 2 also subject to rejection.

[10] Such certifications are furnished to attorneys and others for litigation and other purposes. It is entirely possible that the copy of the page annexed to the Board's "Certification of True Copy" could differ from a purported reprint containing an undetected but significant change. Elimination of reprints will prevent such an undesirable situation from ever occurring.

[11] A two-line format should be as follows:
2nd Revised Page 10
cancels 1st Revised Page 10

MODIFICATIONS REJECTED

Certain requested modifications which have not been accepted will be summarized briefly.

Showing States or Provinces in connection with cities in rate or fare tables. Current § 221.52(a) permits tariffs applying between points in the United States and/or Canada to omit the names of States in connection with points of origin and destination in the rate or fare tables, except in connection with two or more points of the same name receiving scheduled transport service. Proposed § 221.52(a) would permit omission of the names of States or Provinces but limit such omission to tariffs containing an alphabetical index or list of points which properly identifies each point by its name and the State or Province in which it is located.

The Joint Air Carriers oppose the proposed limitation. They state that they know of no tariff users having difficulty in identifying points; that so long as two or more points of the same name receiving scheduled transport service show the State or Province for such points, there is no need for the proposed limitation; and that the proposed rule would require wholesale revision of the rate or fare tables or publication of point-indexes at great expense to the publishers.

We shall adopt the rule as proposed in the Notice. The current permission to omit the names of States in which points of origin or destination are located is predicated on the assumption that passengers, shippers, and other tariff users are so familiar with the scheduled air transport system that they would know that a particular point listed in a particular scheduled carrier's tariff is located in a particular State and that points of the same name in other States do not receive scheduled air transport service. The unsoundness of this assumption is apparent. In our view failure to show the name of the State for each point places an unwarranted onus on tariff users. Definite identification is requisite and necessitates that each point in a tariff be specified by name and State, either in the rate or fare tables or in an alphabetical index or list of points of origin and destination. Contrary to the contention of the Joint Air Carriers, the amended rule will not require immediate or general revision of the rate or fare tables of any filed tariff. The principal agency tariffs are already in compliance with the proposed amendment. Passenger tariffs issued individually by certain scheduled carriers will be those primarily affected by the amended rule. But in these instances, the carrier may either (1) add the names of States or Provinces to the rate or fare tables when it is necessary for other reasons to revise the affected pages or (2) add the required index or list of points. Such an index or list can generally be shown on less than a page.

Return of rejected publications to the publisher. One comment on proposed § 221.22(d) asks that § 221.181 [12] be amended to provide for the return of rejected publications to the publisher for the purpose of encouraging tariff publishers to use the one-side-only method. Although the proposal is not clear, it appears to be asking for an amendment to require the Board to return to publishers rejected one-side-only and back-to-back publications, instead of retaining them as now provided in § 221.181. This would require, in the event of rejection of a back-to-back tariff page, rejection of the entire leaf for not otherwise could the Board return a defective back-to-back page to the publisher. While it is highly desirable, as earlier indicated, to use the one-side-only method of publishing looseleaf tariffs instead of the back-to-back method, we do not consider this proposal practical. Moreover, it is beyond the scope of this proceeding.

Method of amending numbered items, rules, and similar units. Air Freight Forwarders Association objects to the proposed amendment to § 221.112(h)(1), apparently on the assumption that substantive changes were proposed. However, the Notice proposes no substantive changes in the subparagraph, but only the correction of an erroneous item number in the text.

Prohibit air carrier from appointing its officer or employee as publishing agent or from establishing a corporate publishing agent. One comment proposes that § 221.11 be amended to prohibit an air carrier from appointing one of its officers or employees as a publishing agent or from establishing a corporation to function as an agent "for the sole purpose of circumventing the prohibition in Part (sic) 221.10." The comment is in effect a new substantive proposal beyond the scope of this proceeding.

In consideration of the foregoing, the Civil Aeronautics Board hereby amends Part 221 of its Economic Regulations (14 CFR Part 221), effective July 15, 1965, as follows:

1. Section 221.3(d) is deleted: [13]

§ 221.3 Carrier's duty.

* * * * * * *

(d) [Deleted]

2. The definition of "class rate" in § 221.4 is revised to read as follows:

§ 221.4 Definitions.

* * * * * * *

"Class rate" means a rate which is published to apply on articles or commodities assigned to a numbered class by a classification or an exception thereto.

3. A new § 221.7 is added to read as follows:

§ 221.7 Unauthorized air transportation.

Tariff publications shall not contain rates, fares, or charges, or their governing provisions, applicable to air transportation which the issuing or participating carriers are not authorized by the Board to perform, except where the Board expressly requests or authorizes tariff publications to be filed prior to the Board's granting authority to perform the air transportation covered by such tariff publications. Any tariff publication filed pursuant to such express request or authorization which is not consistent with section 403 of the Act and this part may be rejected; any tariff publication so rejected shall be void.

4. In § 221.22, paragraph (b)(6) is revised, and a new paragraph (d) is added, to read as follows:

§ 221.22 Specifications applicable only to loose-leaf tariff publications.

* * * * * * *

(b) *Information required on all interior pages.* * * *

(6) In the lower right corner, the effective date on which the fares, rates, charges, rules, and other provisions will become effective (see § 221.160). When a page which is published back-to-back with another page on the same leaf is reissued to effect changes, and the page on the reverse side thereof is reissued without change in its provisions, the same general effective date shall be shown on both pages: *Provided, however,* That the general effective date on the page which reissues matter without change shall allow at least 30 days' notice and shall not be earlier than the general effective date of the prior issue of such page.

* * * * * * *

(d) *Printing matter on one or both faces of each looseleaf.* Tariff matter shall be published uniformly throughout a looseleaf tariff either (1) on only one face of each leaf (reverse side of each leaf left entirely blank) or (2) commencing on page 1, on both faces of each leaf (2 pages back-to-back to each other). The method of publication used in an original tariff shall be used on all revised pages and added original pages filed to such tariff. When it is desired to change from one method to the other, the entire tariff shall be reissued.

5. In § 221.38, paragraphs (a)(5), (e), and (g) are revised to read as follows:

§ 221.38 Rules and regulations.

(a) *Contents.* * * *

(5) The rules and regulations relating to the transportation of explosives and other dangerous or restricted articles, showing the articles which are not acceptable for transportation as well as those articles which are acceptable for transportation only when specified packing, marking, and labeling requirements have been met. Such rules and regulations shall further provide the specified packing, marking, and labeling requirements. All such provisions shall be in conformity with Part 103 of the Federal Aviation Regulations (14 CFR Part 103) (as amended or revised from time to time), including those portions of the Interstate Commerce Commission Regulations for Transportation of Explosives and Other Dangerous Articles which are referred to in Part 103 of the Federal Aviation Regulations (14 CFR Part 103). The rules and regulations required by this subparagraph are required to be set forth only in those tariffs which contain rates or charges for the transportation of explosives and other dangerous or restricted articles or in a tariff issued in accordance with § 221.104.

* * * * * * *

(e) *Clear, explicit, and definite statements required.* All rules and regulations shall be stated in clear, explicit, and definite terms. Ambiguous or indefinite terms or language shall not be used. Where the rules and regulations contain any rates or charges or other amounts affecting the charges to be paid on any shipment or by any passenger or charterer, such rates, charges, or amounts shall be stated in United States dollars or cents to be applied to a definite unit of weight, measurement, time, currency, or other definite measure. When transportation fares or rates are published in foreign currency under authority of § 221.51(b), any charges or other amounts set forth in rules or regulations may be stated in such foreign currency in addition to the required statement in United States currency, provided that such charges or other amounts in foreign currency are substantially equivalent in value to the respective charges or other amounts stated in United States currency. Where the carrier holds out to perform terminal or other services in connection with air transportation, the rule covering such services shall describe the exact service, state the rates or charges which the carrier will make for such service, and set forth in definite terms the conditions under which the carrier will perform such service. Where a rule provides a charge in the nature of a penalty, the rule shall state the exact conditions under which such charge will be imposed. Rules and regulations shall not contain indefinite statements to the effect that traffic of any nature will be "taken only by special arrangement", or that services will be performed or penalties imposed "at carrier's option", or that the carrier "reserves the right" to act or to refrain from acting in a specified manner, or other provisions of like import; instead, the rules shall state definitely what the carrier will or will not do under the exact conditions stated in the rules.

* * * * * * *

(g) *Separate rules tariff.* If desired, the rules and regulations required by this section may be published in separate governing tariffs to the extent authorized and in the manner required by §§ 221.100 through 221.104, and 221.107.

* * * * * * *

6. In § 221.39, the introductory paragraph preceding paragraph (a) is deleted, and paragraph (a) (5) and (7) are revised to read as follows:

§ 221.39 Classification ratings or exceptions to governing classification ratings.

(a) *Classification ratings.* * * *

(5) An item shall not state that the rating on any article or commodity will be that applying on another article or commodity, for example, an item shall not provide that "paper wrappers" will take "wrapping paper" ratings. (If "paper wrappers" are to take the same rating as "wrapping paper", such rating shall be shown in the item listing "paper wrappers".)

* * * * * * *

(7) The following format is suggested for the publication of classification ratings in the tariff containing the class rates, but may be adjusted to conform with the format or context of a particular tariff:

CLASSIFICATION RATINGS

(Applicable only in connection with class rates in Section ——)

Item No.	Article or commodity	Class

* * * * * * *

7. Section 221.51(b)(3) is revised to read as follows:

§ 221.51 Currency.

* * * * * * *

(b) *Statements in both U.S. currency and foreign currencies permitted.* * * *

(3) The fares, rates, and charges stated in cents or dollars of the United States are published separately from those stated in currencies of other countries. Such separate publication shall be done in a systematic manner and the fares, rates, and charges in the respective currencies shall be published either in separate columns on the same page, or on separate pages, or in separate sections or tables of the tariff.

8. Section 221.52(a) is revised to read as follows:

§ 221.52 Territorial application.

(a) *Specific points of origin and destination.* Except as otherwise provided in this part, the specific points of origin and destination from and to which the fares or rates apply shall be specifically named directly in connection with the respective fares or rates. If the tariff names points only in the United States and/or Canada, the respective State, possession, territory or District of Columbia shall be shown in connection with each United States point and the respective province shall be shown in connection with each Canadian point; however, if such tariff applies to scheduled transport service and contains an index of points conforming to § 221.37 (a) or (d), the State, possession, territory, District of Columbia, or Canadian province may be omitted (at publisher's election) from the fare or rate tables except in connection with different points of the same name. If the tariff contains fares or rates applying to or from points in foreign countries (other than or in addition to Canada), the following shall be shown in connection with each point named:

(1) The respective State, possession, territory or District of Columbia in which each United States point is situated, and the respective province in which each Canadian point is situated;

(2) The respective country in which each point is situated except that the country may be omitted (at publisher's election) in connection with United States and Canadian points;

(3) Only the respective possession is required to be shown in connection with each foreign point which is situated within a possession of a mother country, for example, Antigua, British West Indies; however, if such point is coextensive with the possession in which it lies, such as Hong Kong, it shall be identified by nationality in the following manner: Hong Kong (British).

* * * * * * *

9. Section 221.55 is revised to read as follows:

§ 221.55 Time fares, rates, or charges.

Fares, rates, or charges for air transportation shall not be stated to apply per hour or any other unit of time except that rates or charges for the charter of an entire aircraft, or for the movement of empty aircraft incidental to such charter, may be stated to apply per hour or other unit of time provided the tariff clearly indicates how to determine the total period of time on which charges are to be assessed.

10. Section 221.63(b) is revised to read as follows:

§ 221.63 Applicable rate when no through local or joint fares or rates.

* * * * * * *

(b) *Date governing combination fares or rates.* A combination fare or rate for through transportation shall be treated as a unit (single-factor fare or rate) from point of origin to final destination. The combination fare or rate applied shall be the combination of the intermediate fares or rates in effect on the date on which the passenger begins his transportation or shipment was received by the carrier and all of the rules and other tariff provisions applicable to each intermediate fare or rate in effect on such date shall be observed and cannot be varied as to that passenger or shipment during the period of transportation to final destination; except that in foreign or overseas air transportation, carriers may, by appropriate tariff rules, provide for application of combination fares in effect on date of sale of ticket for transportation commencing not later than 30 days after the effective date of an increase in any intermediate fares when such transportation is sold prior to the issue date of tariffs stating increased fares, and provided that each factor of the combination is subject to like tariff provisions.

11. The paragraph entitled "Method 1" under § 221.73(c)(2) is revised to read as follows:

§ 221.73 Class rates.

* * * * * * *

[12] Section 221.181 now provides, in part, that when a tariff publication is rejected, the rejected publication will not be returned to the issuing carrier or issuing agent.

[13] Existing § 221.3(d) has been outdated by the recent amendment to Part 295—Transatlantic Supplemental Air Transportation (ER-408 effective Apr. 30, 1964, 29 F.R. 6005).

(c) *Rates may be published on specified classes; percentage relationship.* * * *

Method 1. The classes shall be consecutively numbered as "Class 1", "Class 2", "Class 3", "Class 4", etc., ranging from the class taking the highest rates to the class taking the lowest rates, respectively. All rates published for each class lower or higher than Class 1 shall bear the same percentage relationship to the respective Class 1 rates, for example, each Class 2 rate may equal 85 percent of the respective Class 1 rate, each Class 3 rate may equal 70 percent of the respective Class 1 rate. If it is found necessary to publish rates for classes higher than Class 1, such rates shall be assigned a class number which represents their percentage relationship to the respective Class 1 rates, for example, rates for "Class 125" shall equal 125 percent of the respective Class 1 rates.

12. Section 221.75(c)(2)(ii) is revised to read as follows:

§ 221.75 Specific commodity rates.

* * * * *

(c) *When generic commodity descriptions may be used.* * * *

(2) * * *

(ii) The same generic commodity description as a heading followed by an explicit explanation of the application of the generic description.

13. Section 221.101(a)(6) is revised to read as follows:

§ 221.101 Contents of all governing tariffs.

(a) *Contents.* * * *

(6) The contents specified in §§ 221.102 through 221.108, whichever section is applicable to the particular type of governing tariff. The contents specified in two or more of such sections shall not be combined into one governing tariff except that a governing rules tariff authorized by § 221.102 may include the contents specified in §§ 221.103 and 221.107.

14. Section 221.107 is redesignated as § 221.108 and a new § 221.107 is added to read as follows:

§ 221.107 Aircraft equipment tariff.

If desired, the seating configuration data required by § 221.38(a)(6) may be published in a separate governing aircraft equipment tariff conforming to §§ 221.100 and 221.101 in lieu of publishing such data in the fare tariff or in the governing rules tariff authorized by § 221.102. Such aircraft equipment tariff may also include other definite data concerning the respective configurations, capacities or other physical characteristics of the various types of aircraft to the extent that such data are pertinent to the application of fares or charges in tariffs governed thereby. The seating configuration and other aircraft equipment data shall be arranged in a simple and systematic manner.

§ 221.108 Other types of governing tariffs. [Redesignated]

15. In § 221.111, paragraphs (a) and (b) are revised to read as follows:

§ 221.111 Amending looseleaf tariff by revised pages and additional original pages.

(a) *Amendment by revised pages*—(1) *Method.* The amendment of any page of a looseleaf tariff shall be made by reissuing the particular page upon which the change, addition or cancellation is to be made. Reissuing a page means to cancel it by a new page which shall be designated as a revised page in the manner shown in subparagraphs (2) and (3) of this paragraph and shall contain the same tariff provisions except for whatever additions, changes, or cancellations are to be made in such provisions. Where provisions are to be amended on only one of two pages published back-to-back on the same leaf, both pages shall be reissued on lawful notice, and the page containing no changes shall bear the notation "No Change on This Page" at its top. Reissuance of pages containing suspended matter or matter continued in effect by suspension shall comply with § 221.122 (a) or (b), whichever is applicable.

(2) *Revised page numbers.* Each revised page shall bear the same page number as the page which it amends and shall bear a consecutive revision number. A revised page which amends an original page shall be designated "1st Revised Page ____" and revisions of the same page subsequent to the 1st revision shall bear consecutive revision numbers: "2nd Revised Page ____", "3rd Revised Page ____", "4th Revised Page ____", etc.

(3) *Page cancellation.* Each revised page shall direct the cancellation of the original or revised page which it amends and such cancellation shall be shown in the following manner (using p. 10 as an example):

1st Revised Page 10
cancels
Original Page 10

or, when 1st Revised Page 10 is to be amended, it shall be canceled by 2nd Revised Page 10 in the following manner:

2nd Revised Page 10
cancels
1st Revised Page 10

In the case of revised title pages, the designation of the revised title page and the page cancellation shall be shown as "1st Revised Title Page cancels Original Title Page", "2nd Revised Title Page Page cancels 1st Revised Title Page", etc., in the above manner.

(4) *Revised title page shall show effective date of original tariff.* Each revised title page shall bear (immediately below its own effective date) the effective date of the original tariff which is to be shown in the following manner:

(Original tariff effective ----------)
(Show date)

(5) *Revised title page shall bring forward tariff cancellation.* Each revised title page shall bring forward without change any tariff cancellation or reference to a cancellation notice that is shown below the tariff's C.A.B. number on the original title page.

(b) *Adding original pages for expanded or added matter.* If, after a looseleaf tariff has been issued, it becomes necessary to add pages thereto to provide for expanded or added tariff matter, such added page shall comply with the following requirements:

(1) A page added between pages shall be designated as an original page (not a revised page) and shall be given the same page number as the page which it follows but a letter suffix (in alphabetical sequence) shall be shown in such page number, for example:

(i) In a tariff where matter is printed on only one face of each leaf, a page added between pages 4 and 5 shall be designated as "Original Page 4–A"; a page added between pages 4–A and 5 shall be designated "Original Page 4–B"; and so on.

(ii) In a tariff where matter is printed on both faces of each leaf, two consecutive pages printed back-to-back on the same leaf to be added between pages 30 and 31 shall be designated "Original Page 30–A" and "Original Page 30–B", respectively; two consecutive pages printed back-to-back on the same leaf to be added between pages 30–B and 31 shall be designated "Original Page 30–C" and "Original Page 30–D", respectively; and so on.

(2) When a page is added at the end of the tariff after the last page, the added page shall be designated as an original page and shall bear the next consecutive page number following the number of the last page of the tariff. For example, if the last page of the tariff is page 99, the added page shall be designated Original Page 100.

(3) A page shall not be added between two pages both bearing page numbers with letter suffixes.

(4) A page shall not be added between two pages printed back-to-back on the same leaf. For example, if a tariff contains pages 31 and 32 published back-to-back, pages designated as Original Pages 31–A and 31–B shall not be added to such tariff.

(5) Where pages are added to a tariff in which matter is printed on both faces of each leaf, original pages shall be issued simultaneously on both faces of each added leaf. If the added or expanded matter requires the space of only one page on the added leaf, the body of the page on the reverse side thereof shall bear the notation "This page intentionally left blank."

* * * * *

16. In § 221.112, paragraphs (h)(1) and (1)(2) are revised to read as follows:

§ 221.112 Amending book tariff by supplement (also applicable to supplements to loose-leaf tariffs when such supplements are specifically authorized in this part).

* * * * *

(h) *Amending numbered items, rules, and similar units*—(1) *Method of amending.* When any provision contained in a numbered item, rule, or similar unit is

amended, all provisions (in their amended form) of such item, rule, or unit shall be published in their entirety in the supplement effecting such amendment and shall be given the same item, rule, or unit number followed by a letter suffix (each item, rule, or unit number shall be assigned letter suffixes in consecutive alphabetical sequence, commencing with "A"). The revised item, rule, or unit containing the amended provisions shall direct the cancellation of the former item, rule, or unit which it amends. The numbers of such revised items, rules, or units and the cancellation of such former items, rules, or units shall be shown in the following manner (using successive amendments in an Item 10 series as examples): When Item 10 is to be amended, the revised item containing the amended provisions shall show "Item 10–A cancels Item 10"; when Item 10–A is to be amended, the revised item containing the amended provisions shall show "Item 10–B cancels Item 10–A"; when Item 10–B is to be amended, the revised item containing the amended provisions shall show "Item 10–C cancels Item 10–B"; and so on. Using similar successive amendments in a Rule 10 series as examples, the successive issues of Rule 10 shall show "Rule 10–A cancels Rule 10"; "Rule 10–B cancels Rule 10–A"; "Rule 10–C cancels Rule 10–B" and so on.

* * * * *

(i) *Maximum supplemental matter permitted.* * * *

(2) The supplements (and the numbers of pages therein) authorized or required to be filed under the terms of the following sections shall be in addition to the number of supplements and volume of supplemental matter permitted by the terms of subparagraph (1) of this paragraph:

Sec.	
221.113(d)	(Cancellation supplement)
221.121	(Suspension supplement)
221.131	(Vacating supplement)
221.140	(Provided the supplement contains only matter described in § 221.140)
221.223(c)	(Take-over supplement issued by alternate agent)
221.224(b)	(Take-over supplement issued by new principal agent)
221.231	(Adoption supplement)

* * * * *

17. New § 221.116 is added to read as follows:

§ 221.116 Supplement to looseleaf tariff authorized when service terminated or suspended.

When the Board authorizes or requires a carrier to suspend air transportation service to and from a particular point, or terminates authority to serve a particular point, supplements may be issued to looseleaf tariffs for the purpose of canceling rate fares, or other provisions therein applying to, from, at, or via such point for account of such carrier. The title page of a supplement issued hereunder shall bear the following notation on its title page, "Issued under section 221.116 of Economic Regulations of Civil Aeronautics Board." A single tariff shall have not more than one supplement, issued under authority of this section, in effect at any one time. Supplements issued hereunder shall contain no provisions other than the cancellation of rates, fares, or other provisions published under the above authority. When a supplement is issued under authority of this section, the canceled rates, fares, or other provisions shall be specifically removed from the tariff pages on which they appear by reissuing such pages not later than 180 days after the effective date of such supplement.

18. In § 221.122, paragraphs (a)(2) and (3) and (b)(3) are revised to read as follows:

§ 221.122 Reissuing tariff publications suspended in part or containing matter continued in effect by suspension.

(a) *Looseleaf tariff page suspended in part.* * * *

(2) The revised page (reissue) shall direct the cancellation of the partially suspended page except the portions thereof under suspension. Such page cancellation shall be set forth in substantially the manner shown in the following example:

2nd Revised Page 10
cancels
1st Revised Page 10 (except portions under suspension in C.A.B. Docket No. ------).

(3) If the suspension has continued in effect tariff provisions on preceding issues of the page, the reissue of the page suspended in part shall bring forward without change those tariff provisions which were continued in effect by the suspension. In such cases, such reissue shall, in addition to directing the page cancellation required by subparagraph (2) of this paragraph, complete the cancellation of the page which contained the matter continued in effect by the suspension. Such cancellation shall be set forth in substantially the manner shown in the following example:

2nd Revised Page 10
cancels
1st Revised Page 10 (except portions under suspension in C.A.B. Docket No. ------)
and completes the cancellation of Original Page 10

All subsequent revisions of the same page, which are issued after such reissue and which become effective during the period of suspension, shall bring forward unchanged the tariff provisions continued in effect by the suspension and shall bear reference to the revision containing the suspended matter. Such reference shall be set forth immediately below the page number and cancellation in the manner shown in the following example:

3rd Revised Page 10
cancels
2nd Revised Page 10
(1st Revised Page 10 contains portions under suspension in C.A.B. Docket No. ------)

(b) *Reissuing a looseleaf page continued in effect by suspension of entire revised page.* * * *

(3) The revised page (reissue) shall not direct any cancellation of the suspended page but shall contain a statement that such page is under suspension which shall be set forth (immediately below the page number and page cancellation) in the manner shown in the following example:

3rd Revised Page 10
cancels
1st Revised Page 10
2nd Revised Page 10 is under suspension in C.A.B. Docket No. ------)

All subsequent revisions of the same page, which are issued after such reissues and which become effective during the period of suspension, shall bring forward unchanged the tariff provisions continued in effect by the suspension and shall bear reference to the suspended revision to be set forth in the manner shown in the above example.

* * * * *

19. Section 221.132(b)(1) is revised to read as follows:

§ 221.132 When tariff amendments in addition to vacating supplement are required.

* * * * *

(b) When a looseleaf page suspended in part has been reissued. * * *

(1) A consecutive revision in the series of the page containing the suspended matter shall be issued which shall (i) republish the suspended matter without change, (ii) cancel the matter continued in effect by the suspension (if published on the preceding revisions of the page) and (iii) complete the cancellation of the page which contained the suspended matter. The latter cancellation shall be set forth (below the C.A.B. and page numbers in the upper right hand corner of the page) in the manner shown in the following example:

3rd Revised Page 20
cancels
2nd Revised Page 20
(and completes the cancellation of 1st Revised Page 20)

In the above example, the 3rd revision (filed pursuant to this paragraph) cancels the 2nd revision and completes the cancellation of the 1st revision (which was previously canceled by the 2nd revision except as to the suspended matter).

20. Section 221.161 is revised to read as follows:

§ 221.161 Delivering tariff publications to Board.

Tariff publications will be received for filing only by delivery thereof to the Board through normal mail channels, or by delivery thereof directly to that office of the Board charged with the responsibility of maintaining the Board's official file of tariffs. Tariff publications will be received for filing only during the established business hours of the Board. The office of the Board is closed on Saturdays and Sundays and on the following holidays:

New Year's Day (January 1).
Inauguration Day (January 20, 1969, and January 20 of each fourth year thereafter).
Washington's Birthday (February 22).
Memorial Day (May 30).
Independence Day (July 4).
Labor Day (first Monday in September).
Veterans Day (November 11).
Thanksgiving Day (fourth Thursday in November).
Christmas (December 25).

When any such holiday falls on Saturday, the office of the Board will be closed on the preceding Friday. When any such holiday falls on Sunday, the office of the Board will be closed on the following Monday. No tariff publication will be accepted by the Board unless it is delivered to the Board free from all charges, including claims for postage.

21. Section 221.162 is revised to read as follows:

§ 221.162 Number of copies required.

Three copies of each tariff, supplement, loose-leaf tariff page, index of tariffs, and adoption notice to be filed shall be sent to the Civil Aeronautics Board, Tariffs Section, Washington, D.C., 20428. All such copies shall be included in one package and shall be accompanied by a letter of tariff transmittal (§ 221.163).

22. Section 221.183(b) is revised to read as follows:

§ 221.183 Tariff publication issued in lieu of rejected publication.

* * * * *

(b) If the rejected publication is a loose-leaf tariff page, the page which is issued in lieu thereof shall show the required notation under the page number in the manner shown in the following examples:

(1) When new page is issued in lieu of a rejected original page:

1st Revised Page 10
(Issued in lieu of Original Page 10 rejected by C.A.B.)

(2) When new page is issued in lieu of a rejected revised page:

3rd Revised Page 16
(Issued in lieu of 2nd Revised Page 16 rejected by C.A.B.)
cancels
1st Revised Page 16

* * * * *

23. New § 221.184 is added to read as follows:

§ 221.184 Issue page in lieu of rejected loose-leaf page within 20 days.

If a rejected loose-leaf tariff page is published on the reverse side of another page which has not been rejected, a page shall be issued and filed in lieu of the rejected page within 20 days after the date of the rejection notice, and the page on the reverse side of the rejected page shall be reissued on lawful notice.

24. Section 221.191(b) is revised to read as follows:

§ 221.191 How to prepare and file applications for Special Tariff Permission.

* * * * *

(b) *Number of copies and place of filing.* The original and one copy of each such application for Special Tariff Permission, including all exhibits thereto and amendments thereof, shall be sent to the Civil Aeronautics Board, Tariffs Section, Washington, D.C., 20428.

* * * * *

25. The first paragraph of § 221.201 is revised to read as follows:

§ 221.201 Form of application for waivers.

Applications for waivers shall be in the form of a letter addressed to the Civil Aeronautics Board, Tariffs Section, Washington, D.C., 20428, and shall:

* * * * *

26. In § 221.240, paragraph (a) is revised and references (1) and (5) in paragraph (b) are revised to read as follows:

§ 221.240 Letter of tariff transmittal.

(a) *Form.* The letter of tariff transmittal required by § 221.163 shall contain the following information and shall be prepared substantially in the following form (on durable paper 8½ by 11 inches):

Name ----------(1)----------
Mail address ----------
Date ----------

Tariff Transmittal No. ----(2)----

To the CIVIL AERONAUTICS BOARD,
Tariffs Section, Washington, D.C., 20428.

Sent you for filing in compliance with the requirements of the Federal Aviation Act of 1958, as amended, is the accompanying tariff publication issued by ----------(1)---------- and bearing:

(3) { Tariff C.A.B. No. ----, effective ----
Revised Page ---- of C.A.B. No. ----, effective ----------
Original Page ---- of C.A.B. No. ----, effective ----------
Supplement No. ---- to C.A.B. No. ----, effective ---------- }

(4) The above-named publication is concurred in by all carriers participating therein under concurrences (or, powers of attorney) which are now on file with the Civil Aeronautics Board except that the concurrences (or, powers of attorney) of the following named carriers are attached hereto:

Sufficient copies of the above named publication for posting in accordance with Subpart N of your Economic Regulations have been sent to each carrier participating in the above named publication.

(5) ----------

Signature ----------(6)----------
(Show typed name and title of issuing officer or agent below signature.)

(For explanations of reference marks shown in above form, see paragraph (b) of this section.)

(b) *Explanations of reference marks.*

* * *

Reference mark	*Explanation*
(1)	Show name of issuing carrier or agent exactly as it appears in the tariff publication. If issued by an agent, show the agent's title after the agent's name.
* * * * *	
(5)	Here state the changes and additions in the publications and the reasons therefor, or attach such statement and make reference thereto. (See § 221.165.)

* * * * *

27. Section 221.241(a) is revised to read as follows:

§ 221.241 Application for Special Tariff Permission.

(a) *Form.* The application for Special Tariff Permission provided for in Subpart P of this part shall contain the following information, as far as applicable, and shall be prepared substantially in the following form (on durable paper 8½ by 11 inches):

Name ----------(1)----------
Mail address ----------
Date ----------

Special Tariff Permission Application No. ----(2)----

To the CIVIL AERONAUTICS BOARD,
Tariffs Section, Washington, D.C., 20428.

---------(1)--------- hereby petitions the Civil Aeronautics Board that your petitioner be permitted under Section 403 of the Federal Aviation Act of 1958, as amended, to put in force the following proposed tariff provisions to become effective not less than ---- days after the filing thereof with the Civil Aeronautics Board:

----------(3)----------

The proposed tariff provisions will be published in ----(4)----.

The proposed tariff provisions will supersede and take the place of -------(5)-------.

The following air carriers and foreign air carriers are known to maintain competitive ---------- between the points
(Fares, rates, or charges)
where the proposed tariff provisions will apply (or points related thereto): ----------(6)----------.

The basis on which the proposed ---------- (Fares, rates, or charges) are constructed is as follows: ----------(7)----------.

The following facts are relied upon by your petitioner as constituting special circumstances or unusual conditions which justify the request made herein: ----------(8)----------

----------(1)----------
By ----------(9)----------
(Signature)
(Show typed name and title of issuing officer or agent under signature)

(For explanations of reference marks shown in the above form, see paragraph (b) of this section.)

* * * * *

28. Section 221.244(a) is revised to read as follows:

§ 221.244 Power of attorney.

(a) *Form.* The power of attorney required by § 221.220 shall be prepared in accordance with the following form (on durable, white paper 8½ by 11 inches):

POWER OF ATTORNEY

(1) Power of Attorney No. ----
(2) (Cancels Power of Attorney No. ----)

Name ----------(3)----------
Mail address ----------
Date ----------

Know All Men by This Instrument:

That -----(3)-----, a common carrier by aircraft, hereby makes and appoints ----(4)---- attorney and agent to publish and file, for such carrier, tariffs (including supplements thereto and revised or original pages thereof) which such carrier is required or permitted to file with the Civil Aeronautics Board by the Federal Aviation Act of 1958, as amended, and the regulations of the Civil Aeronautics Board issued pursuant thereto, and hereby ratifies and confirms all that said attorney and agent may lawfully do by virtue of the authority herein granted and hereby assumes full responsibility for the acts and failures to act of said attorney and agent.

RESTRICTION: This authority is restricted to the publication and filing of -----(5)-----

And, further, that -------(3)------- hereby makes and appoints -------(6)------- alternate attorney and agent to do and to perform the same acts and exercise the same authority herein granted to -------(4)------- in the event and only in the event of the death or disability of -------(4)-------.

By ----------(7)----------
(Signature)
(Show typed name and title under signature)

(8) Attest:
(Show corporate seal) -----(Signature)----
(Secretary)

Duplicate mailed to: ----------(4)----------
Agent at: ----------
(Show mail address)

(For explanations of reference marks shown in above form, see paragraph (b) of this section.)

* * * * *

29. Section 221.246(a) is revised to read as follows:

§ 221.246 Adoption notice.

(a) *Form.* The adoption notice required by § 221.230 shall be prepared in accordance with the following form (on durable, white paper 8½ by 11 inches with a clear margin of not less than 1 inch at left side):

(1) C.A.B. No. ---

---

(2)

ADOPTION NOTICE

The above-named carrier hereby adopts, ratifies, and makes its own in every respect, as if the same had been originally filed and posted by it, all tariffs, classifications, rules, notices, traffic agreements, statements of divisions, powers of attorney, concurrences, or other instruments whatsoever, including supplements or amendments thereto, filed with the Civil Aeronautics Board by or on behalf of, or heretofore adopted by, ----(1)---- prior to ----(5)----.

Issued pursuant to Subpart T, Part 221, of the Economic Regulations and Order No. ----(6)---- of the Civil Aeronautics Board.

ISSUED: ----(7)----

Issued by:
(Show name and title of issuing officer)

(Show full address)

(For explanation of reference marks shown in above form, see paragraph (b) of this section.)

30. Section 221.247(a) is revised to read as follows:

§ 221.247 Adoption supplement.

(a) *Form.* The adoption supplement required by § 221.231 shall be prepared in accordance with the following form (on durable, white paper 8½ by 11 inches with a clear margin of not less than 1 inch at left side):

(1) Supplement No. ---
to
C.A.B. No. ---
(2) series)
Supplements Nos. --- are the only effective supplements.

(3)

Supplement No. ---

to

(4)

---

(5)

---

(6)

ADOPTION ANNOUNCEMENT

Effective ----(9)----, this tariff (as amended) became the tariff of ----(3)---- as stated in such carrier's adoption notice C.A.B. No. ---.

Issued pursuant to Subpart T, Part 221, of the Economic Regulations and Order No. ----(7)---- of the Civil Aeronautics Board.

Issued: ----(8)----

Issued by:
(Name and title of issuing officer)

(Full address)

(For explanation of reference marks shown in above form, see paragraph (b) of this section.)

31. Section 221.248 is revised to read as follows:

§ 221.248 Specimen title page of tariff.

Set forth below is a specimen title page of a tariff which is shown only for the purpose of illustrating the arrangement and location of a title page's contents. The parenthetical numbers in the following specimen refer to correspondingly numbered subparagraphs of § 221.31(a) which prescribe the respective information to be shown (such parenthetical numbers shall not be shown on the actual title page):

(1) C.A.B. No. 3
(2) cancels C.A.B. No. 1

*Original Title Page

(3) JOHN DOE AIRLINES, INC.

---

(4) Cargo Rates Tariff No. 1-A
(cancels Cargo Rates Tariff No. 1)

naming

(5) Local, Specific Commodity Rates

applicable to

Transportation of Cargo by Aircraft

(6) Between

California, Florida, Oregon, Texas and Washington
(on one hand)

And

New Jersey, New York and Pennsylvania
(on the other hand)

(7) This tariff is governed, except as otherwise provided herein, by Cargo Rules Tariff No. 2, C.A.B. No. 2, issued by John Doe Airlines, Inc., and by supplements to and successive issues of said publication.

(9) This tariff expires with December 31, 1965, unless sooner canceled, changed or extended.

(10) Issued: February 1, 1965 (11) Effective: March 3, 1965

(12) Issued by:
John Doe, President
905 Dean Road
Washington, D. C. 20006

(Actual size of page shall be 8½ by 11 inches with a clear margin of not less than 1 inch at left side of page.)
* - Designation "Original Title Page" shall be shown only on the title page of a loose-leaf tariff and not on a book tariff.

(Sec. 204(a) of the Federal Aviation Act of 1958, 72 Stat. 743; 49 U.S.C. 1324. Interpret or apply sec. 403, 72 Stat. 758, as amended by 74 Stat. 445; 49 U.S.C. 1373)

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON, *Secretary.*

[F.R. Doc. 65-5944; Filed, June 9, 1965; 8:48 a.m.]

Title 17—COMMODITY AND SECURITIES EXCHANGES

Chapter II—Securities and Exchange Commission

[Release No. 34-7615]

PART 249—FORMS, SECURITIES EXCHANGE ACT OF 1934

Optional Short Form of Registration for Successor Issuers

The Securities and Exchange Commission has adopted a revision of its Form 8-B under the Securities Exchange Act of 1934 (17 CFR 249.208b). Notice of the proposed revision was published April 2, 1965, in Securities Exchange Act Release No. 7567 (30 F.R. 4688).

Form 8-B is an optional short form which may be used for registration on a national securities exchange, or pursuant to the recently enacted section 12(g) of the Act, of securities of certain issuers which have succeeded to an issuer which had securities so registered, or to such an issuer and one or more other persons.

The rule as to the use of the revised form permits the use of the form by certain successor issuers, not previously entitled to use the form, where proxies have been solicited in connection with the succession from the security holders of the predecessor, or one of the predecessors, in accordance with the Commission's proxy rules, or where the securities issued in connection with the succession have been registered under the Securities Act of 1933.

As indicated above, the revised form may also be used for registration of securities of successor issuers puruant to the recently enacted section 12(g) of the Act. That section requires the registration, with certain exceptions, of a class of equity securities traded over the counter where the issuer has total assets in excess of $1,000,000 and such class of equity securities is held of record by 750 or more persons (or after July 1, 1966, by 500 or more persons).

The facing sheet of the revised form calls for the registrant's I.R.S. employer identification number. The Commission's electronic data processing program requires the use of a single number for each registrant. The I.R.S. number, which is readily available, will provide a means whereby all filings made by a registrant with the Commission under one or more statutes can be readily identified through the use of its equipment.

Commission action. The Securities and Exchange Commission, acting pursuant to the Securities Exchange Act of 1934, as amended, particularly sections 12 and 23(a) thereof, hereby amends Form 8-B (listed and described as 17 CFR 249.208b) to read as set forth below. The revised form shall become effective July 1, 1965, provided that any issuer desiring to do so may use the revised form prior to such date.

§ 249.208b Form 8-B, for registration of securities of certain successor issuers pursuant to section 12 (b) or (g) of the Securities Exchange Act of 1934.

The following form may be used for registration pursuant to section 12 (b) or (g) of the Securities Exchange Act of 1934 of securities of an issuer which has no securities so registered but which has succeeded to an issuer which at the time of the succession had securities so registered, or to such an issuer and one or more other persons, subject to the following conditions: (a) The capital structure and balance sheet of the successor issuer immediately after the succession were substantially the same as those of the single predecessor or, if more than one predecessor, the combined capital structures and balance sheets of all of the predecessors; or (b) proxies were solicited pursuant to Regulation 14A (17 CFR 240.14a–1 et seq.) with respect to the succession from the security holders of the predecessor or, if more than one predecessor, from the security holders of at least one of such predecessors and copies of the proxy statement used in such solicitation are filed as an exhibit to the registration statement on this form; or (c) if securities issued in connection with the succession have been registered pursuant to the Securities Act of 1933 and copies of the latest effective prospectus meeting the requirements of section 10 of that Act are filed as an exhibit to the registration statement on this form. *Provided, however,* (1) That this form may be used only if the registration statement is filed within 120 days after the date of the succession; and (2) that this form shall not be used for the registration on a national securities exchange pursuant to section 12(b) of the Act of securities of a successor issuer unless its predecessor or, if more than one predecessor at least one of its predecessors, had securities listed and registered on the same exchange at the time of the succession.

By the Commission, June 3, 1965.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

FORM 8-B

FOR REGISTRATION OF SECURITIES OF CERTAIN SUCCESSOR ISSUERS PURSUANT TO SECTION 12 (b) OR (g) OF THE SECURITIES EXCHANGE ACT OF 1934

GENERAL INSTRUCTIONS

A. Rule as to Use of Form 8–B.

This form may be used for registration pursuant to section 12 (b) or (g) of the Securities Exchange Act of 1934 of securities of an issuer which has no securities so registered but which has succeeded to an issuer which at the time of the succession had securities so registered, or to such an issuer and one or more other persons, subject to the following conditions:

(a) The capital structure and balance sheet of the successor issuer immediately after the succession were substantially the same as those of the single predecessor or, if more than one predecessor, the combined capital structures and balance sheets of all of the predecessors; or

(b) Proxies were solicited pursuant to Regulation 14A (17 CFR 240.14a–1 et seq.) with respect to the succession from the security holders of the predecessor or, if more than one predecessor, from the security holders of at least one of such predecessors and copies of the proxy statement used in such solicitation are filed as an exhibit to the registration statement on this form; or

(c) The securities issued in connection with the succession have been registered pursuant to the Securities Act of 1933 and copies of the latest effective prospectus meeting the requirements of section 10(a) of that Act are filed as an exhibit to the registration statement on this form:

Provided, however, (1) That this form may be used only if the registration statement is filed within 120 days after the date of the succession, and (2) that the form shall not be used for the registration on a national securities exchange pursuant to section 12 (b) of the Act of securities of a successor issuer unless its predecessor or, if more than one predecessor, at least one of its predecessors, had securities listed and registered on the same exchange at the time of the succession.

B. Application of General Rules and Regulations.

(a) The General Rules and Regulations under the Act contain certain general requirements which are applicable to registration on any form. These general requirements should be carefully read and observed in the preparation and filing of registration statements on this form.

(b) Particular attention is directed to Regulation 12B (17 CFR 240.12b–1 et seq.) which contains general requirements regarding matters such as the kind and size of paper to be used, legibility, information to be given whenever the title of securities is required to be stated, incorporation by reference and the filing of the registration statement. The definitions contained in Rule 12b–2 (17 CFR 240.12b–2) should be especially noted.

C. Preparation of Registration Statement.

This form is not to be used as a blank form to be filled in, but only as a guide in the preparation of the registration statement on paper meeting the requirements of Rule 12b–12 (17 CFR 240.12b–12). The registration statement shall contain the item numbers and captions, but the text of the items may be omitted provided the answers thereto are prepared in the manner specified in Rule 12b–13 (17 CFR 240.12b–13).

D. Signature and filing of Registration Statement.

Eight complete copies of the registration statement, including exhibits and all papers and documents filed as a part thereof, shall be filed with the Commission. At least one complete copy shall be filed with each exchange on which registration is applied for. At least one of the copies filed with the Commission and one filed with each such exchange shall be manually signed. Unsigned copies shall be conformed.

E. Incorporation by Reference.

If the information called for by any item or items of this form is contained in a proxy statement or prospectus filed as an exhibit pursuant to General Instruction A (b) or (c), such information may be incorporated by reference to such document in answer or partial answer to such item or items.

SECURITIES AND EXCHANGE COMMISSION
WASHINGTON, D.C. 20549

FORM 8–B

FOR REGISTRATION OF SECURITIES OF CERTAIN SUCCESSOR ISSUERS PURSUANT TO SECTION 12 (b) OR (g) OF THE SECURITIES EXCHANGE ACT OF 1934

_____
(Exact name of registrant as specified in its charter)

_____
(State or other jurisdiction of incorporation or organization)

_____
(I.R.S. Employer Identification No.)

_____
(Address of principal executive offices)

_____
(Zip Code)

Securities To Be Registered Pursuant to Section 12(b) of the Act:

Title of each class to be so registered

_____

_____

Name of each exchange on which each class is to be registered

_____

_____

Securities To Be Registered Pursuant to Section 12(g) of the Act:

_____
(Title of class)

_____
(Title of class)

INFORMATION REQUIRED IN REGISTRATION STATEMENT

Item 1. General Information.

(a) State the date on which the registrant was organized, its form of organization, and the State or other jurisdiction under the laws of which it was organized.

(b) State the date on which the registrant's fiscal year ends.

Item 2. Transaction of Succession.

(a) Name each predecessor which had securities registered pursuant to section 12 (b) or (g) of the Act at the time of the succession.

(b) Describe briefly the transaction of succession and state the basis upon which securities of the registrant have been or are to be issued in exchange for or otherwise in respect of securities of any predecessor.

Item 3. Securities To Be Registered.

As to each class of securities to be registered, state the number of shares or the amounts of bonds (1) presently authorized, (2) presently issued, and (3) presently issued which are held by or for the account of the registrant.

Item 4. Capital Stock To Be Registered.

If capital stock is to be registered hereunder, state the title of the class and furnish the following information (see Instruction 1):

(a) Outline briefly (1) dividend rights; (2) voting rights; (3) liquidation rights; (4) pre-emptive rights; (5) conversion rights; (6) redemption provisions; (7) sinking fund provisions; and (8) liability to further calls or to assessment by the registrant.

(b) If the rights of holders of such stock may be modified otherwise than by a vote of a majority or more of the shares outstanding, voting as a class, so state and explain briefly.

(c) Outline briefly any restriction on the repurchase or redemption of shares by the registrant while there is any arrearage in

the payment of dividends or sinking fund installments. If there is no such restriction, so state.

Instructions. 1. If a description of the securities comparable to that required here is contained in any other filing with the Commission, such description may, subject to Rule 24 (17 CFR 201.24) of the Rules of Practice, be incorporated by reference to such other filing in answer to this item. If the securities are to be registered on a national securities exchange and the description has not previously been filed with such exchange, copies of the description shall be filed with copies of the application filed with the exchange.

2. This item requires only a brief summary of the provisions which are pertinent from an investment standpoint. A complete legal description of the provisions referred to is not required and should not be given. Do not set forth the provisions of the governing instruments verbatim; only a succinct résumé is required.

3. If the rights evidenced by the securities to be registered are materially limited or qualified by the rights evidenced by any other class of securities or by the provisions of any contract or other document, include such information regarding such limitation or qualification as will enable investors to understand the rights evidenced by the securities to be registered.

Item 5. Debt Securities To Be Registered.

If the securities to be registered hereunder are bonds, debentures or other evidences of indebtedness, outline briefly such of the following as are relevant:

(a) Provisions with respect to interest, conversion, maturity, redemption, amortization, sinking fund or retirement.

(b) Provisions with respect to the kind and priority of any lien, securing the issue, together with a brief identification of the principal properties subject to such lien.

(c) Provisions restricting the declaration of dividends or requiring the maintenance of any ratio of assets, the creation or maintenance of reserves or the maintenance of properties.

(d) Provisions permitting or restricting the issuance of additional securities, the withdrawal of cash deposited against such issuance, the incurring of additional debt, the release or substitution of assets securing the issue, the modification of the terms of the security, and similar provisions.

Instruction. Provisions permitting the release of assets upon the deposit of equivalent funds or the pledge of equivalent property, the release of property no longer required in the business, obsolete property or property taken by eminent domain, the application of insurance moneys, and similar provisions, need not be described.

(e) The name of the trustee and the nature of any material relationship with the registrant or any of its affiliates; the percentage of securities of the class necessary to require the trustee to take action, and what indemnification the trustee may require before proceeding to enforce the lien.

(f) The general type of event which constitutes a default and whether or not any periodic evidence is required to be furnished as to the absence of default or as to compliance with the terms of the indenture.

Instruction. The instructions to Item 4 shall also apply to this item.

Item 6. Other Securities to be Registered.

If securities other than those referred to in Items 4 and 5 are to be registered hereunder, outline briefly the rights evidenced thereby. If subscription warrants or rights are to be registered, state the title and amount of securities called for, the period during which and the price at which the warrants or rights are exercisable.

Instruction. The instructions to Item 4 shall also apply to this item.

Item 7. Financial Statements and Exhibits.

List below all financial statements and exhibits, if any, required to be filed as a part of the application or statement:

(a) Financial Statements.

(b) Exhibits.

SIGNATURE

Pursuant to the requirements of section 12 of the Securities Exchange Act of 1934, the registrant has duly caused this registration statement to be signed on its behalf by the undersigned, thereunto duly authorized.

(Registrant)

By ---
(Signature) *

Date: ---

*Print the name and title of the signing officer under his signature.

INSTRUCTIONS AS TO FINANCIAL STATEMENTS

(a) No financial statements need be filed if the capital structure and balance sheet of the registrant immediately after the succession were substantially the same as those of the predecessor or, if more than one predecessor, the combined capital structures and balance sheets of all of the predecessors.

(b) If paragraph (a) above does not apply, the registration statement shall include any financial statements or schedules, not included in the proxy statement or prospectus filed as an exhibit, which would be called for by Form 10 (17 CFR 249.210) if the securities were to be registered on that form.

INSTRUCTIONS AS TO EXHIBITS

Subject to Rule 12b–32 (17 CFR 240.12b–32) regarding the incorporation of exhibits by reference, the following exhibits shall be filed as a part of the registration statement. Such exhibits shall be appropriately lettered or numbered for convenient reference. Exhibits incorporated by reference may be referred to by the designation given in the previous filing. Where exhibits are incorporated by reference, the reference shall be made in the list of exhibits called for under Item 7.

1. Copies of the plan or agreement, if any pursuant to which the registrant's succession has taken place or is to take place, unless the terms of such plan or agreement are substantially contained in a proxy statement or prospectus filed as an exhibit pursuant to Instruction 2, below.

2. Copies of any proxy statement or prospectus required to be filed pursuant to General Instruction A (b) or (c).

3. Copies of all other exhibits which would be called for by Form 10 (17 CFR 249.210) if the securities to be registered hereunder were to be registered on that form.

(Secs. 12 and 23; 48 Stat. 892 and 901, as amended; 15 U.S.C. 78l and 78w)

[F.R. Doc. 65–6012; Filed, June 9, 1965; 8:46 a.m.]

[Release No. 34–7616]

PART 249—FORMS, SECURITIES EXCHANGE ACT OF 1934

Optional Short Form of Registration for Certain Issuers Having Securities Previously Registered

The Securities and Exchange Commission has adopted certain amendments to its Form 8–C under the Securities Exchange Act of 1934 (17 CFR 249.208c). Notice of the proposed amendments was published April 2, 1965, in Securities Exchange Act Release No. 7568 (30 F.R. 4690).

Form 8–C is an optional short form which may be used in certain cases to register securities on a national securities exchange. Prior to amendment, the form could be used only where the issuer had a class of securities registered on one national securities exchange and wished to register the same class on another, or an additional, exchange. The amended form may, in addition to such use, be used to register a class of securities other than the one registered on the original exchange, or to register on an exchange any class of securities of an issuer which has one or more classes of securities registered with the Commission pursuant to the recently adopted section 12(g) of the Act.

The General Instructions to the amended form have been revised to make appropriate reference to use of the form by issuers having securities registered pursuant to section 12(g) of the Act. That section requires the registration, with certain exceptions, of a class of equity securities traded over the counter where the issuer has total assets in excess of $1,000,000 and such class of equity securities is held of record by 750 or more persons (or after July 1, 1966, by 500 or more persons).

The revised General Instructions have been placed at the beginning of the form, instead of following the facing sheet, in order to set them forth more prominently and to avoid interrupting the continuity of the form proper.

The facing sheet of the amended form calls for the registrant's I.R.S. employer identification number. The Commission's electronic data processing program requires the use of a single number for each registrant. The I.R.S. number, which is readily available, will provide a means whereby all filings made by a registrant with the Commission under one or more statutes can be readily identified through the use of its equipment.

The amended form requires the filing with the exchange on which the securities are to be registered of copies of certain documents already filed with the Commission. No additional copies of these documents are required to be filed with the Commission.

Commission action. The Securities and Exchange Commission, acting pursuant to the Securities Exchange Act of 1934, as amended, particularly sections 12 and 23(a) thereof, hereby amends Form 8–C (listed and described as 17 CFR 249.208c) to read as set forth below. The revised form should become effective July 1, 1965, provided that any issuer desiring to do so may use the amended form prior to such date.

§ 249.208c Form 8–C, for registration of securities on a national securities exchange pursuant to section 12(b) of the Securities Exchange Act of 1934.

The following form may be used for registration pursuant to section 12(b) of the Securities Exchange Act of 1934 of a class of securities on a national securities exchange on which the registrant has no securities registered if any class of securities of the same issuer is so registered on another such exchange or is registered pursuant to section 12(g) of the Act.

By the Commission, June 3, 1965.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

FORM 8–C

FOR REGISTRATION OF SECURITIES ON A NATIONAL SECURITIES EXCHANGE PURSUANT TO SECTION 12(b) OF THE SECURITIES EXCHANGE ACT OF 1934

GENERAL INSTRUCTIONS

A. *Rule as to Use of Form 8–C.*

This form may be used for registration pursuant to section 12(b) of the Securities Exchange Act of 1934 of a class of securities on a national securities exchange on which the registrant has no securities registered if any class of securities of the same issuer is so registered on another such exchange or is registered pursuant to section 12(g) of the Act.

B. *Application of General Rules and Regulations.*

(a) Attention is directed to the General Rules and Regulations under the Act, particularly those comprising Regulation 12B (17 CFR 240.12b–1 et seq.). That regulation contains general requirements regarding the preparation and filing of the registration statement. The definitions in Rule 12b–2 (17 CFR 240.12b–2) should be especially noted.

(b) Eight copies of the registration statement shall be filed with the Commission and at least one copy thereof shall be filed with each exchange on which registration is applied for. At least one of the copies filed with the Commission and one filed with each such exchange shall be manually signed. Unsigned copies shall be conformed.

C. *Preparation of Registration Statement.*

(a) This form is not to be used as a blank form to be filled in, but only as a guide in the preparation of the registration statement on paper meeting the requirements of Rule 12b–12 (17 CFR 240.12b–12). The registration statement shall contain the item numbers and captions, but the text of the items may be omitted provided the answers thereto are prepared in the manner specified in Rule 12b–13 (17 CFR 240.12b–13).

(b) Notwithstanding any rule or regulation of the Commission to the contrary, the exhibits required by this form to be physically filed with the exchange may be in the form of photocopies.

SECURITIES AND EXCHANGE COMMISSION
WASHINGTON, D.C. 20549

FORM 8–C

FOR REGISTRATION OF SECURITIES ON A NATIONAL SECURITIES EXCHANGE PURSUANT TO SECTION 12(b) OF THE SECURITIES EXCHANGE ACT OF 1934

(Exact name of registrant as specified in its charter)

(State or other jurisdiction of incorporation or organization)

(I.R.S. Employer Identification No.)

(Address of principal executive offices)

(Zip Code)

Securities To Be Registered by This Registration Statement

Title of each class to be registered

Name of each exchange on which such class is to be registered

---

INFORMATION REQUIRED TO BE FURNISHED IN REGISTRATION STATEMENT

Item 1. Description of Securities To Be Registered.

If the documents filed with the exchange pursuant to the instructions as to exhibits do not include copies of a registration statement which contains a description of the securities to be registered such as would be required by the form appropriate for registration of such securities if this form were not used, set forth below a description of the securities which would be required by such appropriate form if it were being used.

Item 2. List of Exhibits Filed with the Exchange.

List below all of the exhibits filed with the exchange on which the securities are to be registered pursuant to the instructions as to exhibits.

Instructions. 1. The exhibits required to be filed with the exchange are specified in the instructions as to exhibits set forth at the end of this form.

2. If registration of the securities is to be transferred from one national securities exchange to another such exchange in the same city, the exhibits required may, unless the exchange authorities object, be transferred from the exchange on which the securities are registered to the exchange on which they are to be registered.

SIGNATURE

Pursuant to the requirements of section 12(b) of the Securities Exchange Act of 1934, the registrant has duly caused this registration statement to be signed on its behalf by the undersigned, thereunto duly authorized.

(Registrant)

By ---
(Signature) *

Date: ---

*Print the name and title of the signing officer under his signature.

INSTRUCTIONS AS TO EXHIBITS

The following exhibits shall be filed, as a part of the registration statement, with the exchange on which the securities are to be registered. Such exhibits need not accompany, or be incorporated by reference in, copies of the registration statement filed with the Commission.

1. Copies of the last annual report filed pursuant to section 13 of the Act or, if no such report has yet been filed, copies of the latest registration statement filed pursuant to section 12 (b) or (g) of the Act.

2. Copies of all current, quarterly or semi-annual reports filed pursuant to section 13 of the Act since the end of the fiscal year covered by the annual report filed pursuant to 1 above, or if none, since the effective date of the latest registration statement filed pursuant to section 12 (b) or (g) of the Act.

3. Copies of the latest definitive proxy statement and information statement, if any, filed with the Commission pursuant to section 14 of the Act.

4. Copies of the charter and bylaws, or instruments corresponding thereto, and copies of any other documents defining the rights of the holders of the securities to be registered.

5. Specimens or copies of any securities described in answer to Item 1.

6. Copies of the last annual report submitted to stockholders by the registrant or its predecessors. Such annual report shall not be deemed to be "filed" with the exchange or otherwise subject to the liabilities of section 18 of the Act, except to the extent it is already subject thereto.

(Secs. 12 and 23; 48 Stat. 892 and 901, as amended; 15 U.S.C. 78l and 78w)

[F.R. Doc. 65–6013; Filed, June 9, 1965; 8:47 a.m.]

Title 19—CUSTOMS DUTIES

Chapter I—Bureau of Customs, Department of the Treasury

[T.D. 56420]

PART 1—CUSTOMS DISTRICTS, PORTS, AND STATIONS

Wrangell, Alaska

JUNE 3, 1965.

By virtue of the authority vested in the President by section 1 of the Act of August 1, 1914, 38 Stat. 623 (19 U.S.C. 2), which was delegated to the Secretary of the Treasury by the President by Executive Order No. 10289, September 17, 1951 (3 CFR Ch. II), and pursuant to authorization given to me by Treasury Department Order No. 190, Rev. 2 (28 F.R. 11570), the geographical limits of the customs port of entry of Wrangell, Alaska, in Customs Collection District No. 31 (Alaska), comprising the corporate limits of the city of Wrangell, are extended to include, in addition to the area lying within the corporate limits of Wrangell, that strip of land extending south from Wrangell to 56° 22 minutes north latitude and lying between the westernmost boundary of Tongass National Forest on the east and Zimovia Strait on the west.

Section 1.1(c) of the Customs Regulations is amended by adding "(including territory described in T.D. 56420)" after "*Wrangell" in the column headed "Ports of Entry" in District No. 31 (Alaska).

(R.S. 161, as amended, sec. 1, 27 Stat. 434, sec. 1, 38 Stat. 623, as amended, R.S. 251, sec. 624, 46 Stat. 759; 5 U.S.C. 22, 19 U.S.C. 1, 2, 66, 1624)

The extension of the port limits of Wrangell, Alaska, is effective upon publication of this Treasury decision in the FEDERAL REGISTER.

[SEAL] JAMES A. REED, *Assistant Secretary of the Treasury.*

[F.R. Doc. 65–6084; Filed, June 9, 1965; 8:48 a.m.]

Title 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

SUBCHAPTER B—FOOD AND FOOD PRODUCTS

PART 120—TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

O,O-Dimethyl S-[4-Oxo-1,2,3-Benzotriazin-3(4H)-Ylmethyl] Phosphorodithioate; Tolerances for Residues

A petition (5F0442) was filed with the Food and Drug Administration by the Chemagro Corp., Post Office Box 4913, Kansas City, Mo., requesting the establishment of a tolerance for residues of the insecticide *O,O*-dimethyl *S*-[4-oxo-

1,2,3 - benzotriazin - 3 (4H) - ylmethyl] phosphorodithioate in or on sugarcane at 0.3 part per million.

The Secretary of Agriculture has certified that this pesticide chemical is useful for the purpose for which a tolerance is being established.

After consideration of the data submitted in the petition and other relevant material which show that the tolerance established in this order will protect the public health, and by virtue of the authority vested in the Secretary of Health, Education, and Welfare by the Federal Food, Drug, and Cosmetic Act (sec. 408(d)(2), 68 Stat. 512; 21 U.S.C. 346a(d)(2)), and delegated to the Commissioner of Food and Drugs by the Secretary (21 CFR 2.90), the regulations for tolerances for pesticide chemicals in or on raw agricultural commodities (21 CFR 120.3, 120.154) are amended as indicated below:

§ 120.3 [Amended]

1. In § 120.3 *Tolerances for related pesticide chemicals*, paragraph (e)(5) is amended by inserting brackets in the sixth item, so that it reads:

O,O-Dimethyl *S*-[4-oxo-1,2,3-benzotriazin-3(4H)-ylmethyl] phosphorodithioate.

2. Section 120.154 is amended by inserting brackets in the chemical name to bring the name into conformity with the American Chemical Society designation, and by adding a tolerance of 0.3 part per million on sugarcane. As amended, § 120.154 reads as follows:

§ 120.154 *O,O*-Dimethyl *S*-[4-oxo-1,2,3-benzotriazin-3(4H)-ylmethyl] phosphorodithioate; tolerances for residues.

Tolerances for residues of the insecticide *O,O*-dimethyl *S*-[4-oxo-1,2,3-benzotriazin-3(4H)-ylmethyl] phosphorodithioate in or on raw agricultural commodities are established as follows:

* * * * *

0.3 part per million in or on sugarcane.

Any person who will be adversely affected by the foregoing order may at any time within 30 days from the date of its publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington, D.C., 20201, written objections thereto, preferably in quintuplicate. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof.

Effective date. This order shall be effective on the date of its publication in the FEDERAL REGISTER.

(Sec. 408(d)(2), 68 Stat. 512; 21 U.S.C. 346a(d)(2))

Dated: June 3, 1965.

GEO. P. LARRICK,
Commissioner of Food and Drugs.

[F.R. Doc. 65-6024; Filed, June 9, 1965; 8:47 a.m.]

PART 121—FOOD ADDITIVES

Subpart D—Food Additives Permitted in Food for Human Consumption

CHLOROPENTAFLUOROETHANE

The Commissioner of Food and Drugs has evaluated data in a petition (FAP 5A1734) filed by E. I. du Pont de Nemours and Co., Wilmington, Del., 19898, and other relevant material, and has concluded that a regulation should issue to prescribe the safe use of chloropentafluoroethane as a propelling and aerating agent in food. Therefore, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1)), and under the authority delegated to the Commissioner by the Secretary of Health, Education, and Welfare (21 CFR 2.90), a new section is added to the food additive regulations, as follows:

§ 121.1181 Chloropentafluoroethane.

The food additive chloropentafluoroethane may be safely used in food in accordance with the following prescribed conditions:

(a) The food additive has a purity of not less than 99.97 percent, and contains not more than 200 parts per million saturated fluoro compounds and 10 parts per million unsaturated fluoro compounds as impurities.

(b) The additive is used or intended for use alone or with one or more of the following substances: Carbon dioxide, nitrous oxide, propane, and octafluorocyclobutane complying with § 121.1065, as a propellant and aerating agent for foamed or sprayed food products except for those standardized foods that do not provide for such use.

(c) To assure safe use of the additive:

(1) The label of the food additive container shall bear, in addition to the other information required by the act, the following:

(i) The name of the additive, chloropentafluorethane, with or without the parenthetical name "Food Propellant 115."

(ii) The percentage of the additive present in the case of a mixture.

(iii) The designation "food grade."

(2) The label or labeling of the food additive container shall bear adequate directions for use.

Any person who will be adversely affected by the foregoing order may at any time within 30 days from the date of its publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington, D.C., 20201, written objections thereto, preferably in quintuplicate. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof.

Effective date. This order shall be effective on the date of its publication in the FEDERAL REGISTER.

(Sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1))

Dated: June 3, 1965.

GEO. P. LARRICK,
Commissioner of Food and Drugs.

[F.R. Doc. 65-6025; Filed, June 9, 1965; 8:47 a.m.]

PART 121—FOOD ADDITIVES

Subpart F—Food Additives Resulting From Contact With Containers or Equipment and Food Additives Otherwise Affecting Food

RUBBER ARTICLES INTENDED FOR REPEATED USE

The Commissioner of Food and Drugs, having evaluated the data in a petition (FAP 5B1733) filed by The Stamford Rubber Supply Co., Post Office Box 852, Stamford, Conn., 06904, and other relevant material, has concluded that the food additive regulations should be amended to provide for the use of rapeseed oil, vulcanized with rubber makers' sulfur, as a plasticiser for rubber articles intended for repeated use in contact with food. Therefore, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1)), and under the authority delegated to the Commissioner by the Secretary of Health, Education, and Welfare (21 CFR 2.90), § 121.2562(c)(4) is amended by inserting alphabetically in the list of plasticizers in subdivision (iv) a new item, as follows:

§ 121.2562 Rubber articles intended for repeated use.

* * * * *

(c) * * *

(4) * * *

(iv) *Plasticizers (total not to exceed 30 percent by weight of rubber product).*

* * * * *

Rapeseed oil vulcanized with rubber makers' sulfur.

* * * * *

Any person who will be adversely affected by the foregoing order may at any time within 30 days from the date of its publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington, D.C., 20201, written objections thereto, preferably in quintuplicate. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof.

Effective date. This order shall be effective on the date of its publication in the FEDERAL REGISTER.

(Sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1))

Dated: June 2, 1965.

GEO. P. LARRICK,
Commissioner of Food and Drugs.

[F.R. Doc. 65-6026; Filed, June 9, 1965; 8:47 a.m.]

Title 22—FOREIGN RELATIONS

Chapter II—Agency for International Development, Department of State

PART 204—GUARANTIES UNDER THE MUTUAL SECURITY ACT OF 1954

Part 204 is hereby revoked effective immediately.

WILLIAM S. GAUD,
Administrator.

JUNE 1, 1965.

[F.R. Doc. 65-6022; Filed, June 9, 1965; 8:47 a.m.]

Title 50—WILDLIFE AND FISHERIES

Chapter I—Bureau of Sport Fisheries and Wildlife, Fish and Wildlife Service, Department of the Interior

SUBCHAPTER B—HUNTING AND POSSESSION OF WILDLIFE

PART 10—MIGRATORY BIRDS

Miscellaneous Amendments

By notice of proposed rule making published in the FEDERAL REGISTER of April 21, 1965 (30 F.R. 5640), notification was given that the Secretary of the Interior proposed to amend Part 10, Title 50, Code of Federal Regulations, to specify open seasons, certain closed seasons, shooting hours, bag, and possession limits, hunting methods, and possession, transportation, and importation controls for migratory game birds.

In this connection the text of specific proposed amendments to §§ 10.1, 10.2, 10.6, and 10.9 was set forth in detail for immediate consideration. Interested persons were invited to submit their written views on these specific amendments and on open seasons to the Director, Bureau of Sport Fisheries and Wildlife, within 30 days following publication in the FEDERAL REGISTER.

Accordingly, after giving due consideration to all comments received within the 30-day period and to all other relevant matters presented, the specific amendments proposed are adopted without change as set forth below, and open seasons, bag, and possession limits, and shooting hours for the hunting of doves and pigeons in Puerto Rico and the Virgin Islands and for the hunting of teal ducks in certain States during a special experimental season are adopted as set forth below.

The purposes of these amendments are as follows:

1. Revise § 10.1 to further clarify and define the term "migratory birds."

2. Amend § 10.2 to define and further clarify the term "commercial preservation facility" as it is used in the regulations.

3. Amend § 10.6 to remove certain restrictions on transportation and make clear that certain other restrictions apply only to transportation by common carrier and not to transportation as personal baggage; to require retention of one fully feathered wing on each bird exported to a foreign country to permit ready species identification; and to clarify the conditions under which one fully feathered wing must remain attached to each bird during transportation within the United States.

4. Amend § 10.9 for editorial and clarification purposes.

5. Amend § 10.53 to prescribe open seasons for the hunting of doves and pigeons in Puerto Rico and the Virgin Islands.

6. Amend § 10.53 to prescribe a special experimental open season for the hunting of teal ducks in certain States.

The hunting of doves and pigeons in Puerto Rico and the Virgin Islands is presently prohibited. Since these amendments benefit the public by relieving existing restrictions, they shall become effective upon publication in the FEDERAL REGISTER.

1. Section 10.1 is revised to read as follows:

§ 10.1 Definitions of migratory birds.

Migratory birds included in the terms of the conventions between the United States and Great Britain (for Canada) for the protection of migratory birds, and between the United States and the United Mexican States for the protection of migratory birds and game mammals concluded, respectively, August 16, 1916 (39 Stat. 1702), and February 7, 1936 (50 Stat. 1311), are all those species of wild birds which (a) are indigenous to the United States and (b) belong to one of the following listed families of birds:

(1) *Migratory game birds.* (i) Anatidae (wild ducks, geese, brant, and swans);

(ii) Charadriidae (plovers, turnstones, killdeer, and surfbirds);

(iii) Columbidae (wild doves and pigeons);

(iv) Gruidae (little brown, sandhill, and whooping cranes);

(v) Haematopodidae (oystercatchers);

(vi) Phalaropodidae (phalaropes);

(vii) Rallidae (rails including sora, coots, and gallinules);

(viii) Recurvirostridae (avocets and stilts); and

(ix) Scolopacidae (sandpipers, curlews, yellowlegs, knots, dowitchers, godwits, willets, woodcock, snipe, and sanderlings).

(2) *Migratory non-game birds.* (i) Alaudidae (horned larks);

(ii) Alcidae (auks, auklets, murres, murrelets, puffins, guillemots, and dovekies);

(iii) Apodidae (Micropodidae) (swifts);

(iv) Ardeidae (herons, bitterns, and egrets);

(v) Bombycillidae (waxwings);

(vi) Caprimulgidae (whip-poor-wills, poor-wills, nighthawks, chuck-wills-widows, and pauraques);

(vii) Certhiidae (brown creepers);

(viii) Cuculidae (cuckoos, anis, and roadrunners);

(ix) Fringillidae (cardinals, grosbeaks, buntings, finches, sparrows, towhees, juncos, crossbills, dickcissels, and longspurs);

(x) Gavilidae (loons);

(xi) Hirundinidae (swallows and martins);

(xii) Hydrobatidae (petrels);

(xiii) Icteridae (bobolinks, meadowlarks, orioles, grackles, blackbirds, and cowbirds);

(xiv) Laniidae (shrikes);

(xv) Laridae (gulls, terns, and kittiwakes);

(xvi) Mimidae (mockingbirds, catbirds, and thrashers);

(xvii) Motacillidae (pipits and wagtails);

(xviii) Paridae (titmice, chickadees, bushtits, and verdins);

(xix) Parulidae (compsothlypidae) (warblers, ovenbirds, water thrushes, chats, and redstarts);

(xx) Picidae (woodpeckers, flickers, and sapsuckers);

(xxi) Podicipedidae (grebes);

(xxii) Procellariidae (shearwaters and fulmars);

(xxiii) Ptilogonatidae (phainopepias);

(xxiv) Sittidae (nuthatches);

(xxv) Stercorariidae (skuas and jaegers);

(xxvi) Sulidae (gannets and boobies);

(xxvii) Sylviidae (kinglets and gnatcatchers);

(xxviii) Thraupidae (tanagers);

(xxix) Trochilidae (hummingbirds);

(xxx) Troglodytidae (wrens);

(xxxi) Turdidae (robins, thrushes, bluebirds, solitaires, and wheatears);

(xxxii) Tyrannidae (tyrant flycatchers, kingbirds, pewees, and phoebes); and

(xxxiii) Vireonidae (vireos).

2. Section 10.2 is amended by adding a new paragraph (n) to read as follows:

§ 10.2 Definitions of terms.

* * * * *

(n) *Commercial preservation facility.* Any person, place, establishment, or cold-storage or locker plant that, for hire or other consideration, receives, possesses, or has in custody any migratory game birds belonging to another person for purposes of picking, cleaning, freezing, processing, storage, or shipment.

3. Section 10.6 is revised to read as follows:

§ 10.6 Transportation within a State, between States, or to foreign countries.

Any person, without a permit, may transport within any State, between

States, or to a foreign country, any migratory game birds lawfully killed and possessed under the hunting regulations, subject to the conditions and restrictions specified in this section.

(a) Nothing in this section shall be deemed to permit the importation of such birds from a foreign country.

(b) One fully feathered wing must remain attached to each bird so as to permit species identification at all times while being transported by any means whatsoever (1) from the place where taken until they either have arrived at the personal abode of the possessor or a commercial preservation facility, whichever occurs first, and (2) from the United States to a foreign country.

(c) Any package or container in which such birds are being transported by common carrier must have the name and address of the shipper and of the consignee and an accurate statement of the numbers and kinds of birds contained therein clearly and conspicuously marked on the outside thereof.

4. The section heading and paragraph (d) of § 10.9 are amended to read as follows:

§ 10.9 Tagging and record keeping requirements.

* * * * *

(d) Any commercial preservation facility receiving, possessing, or having in custody any migratory game birds shall maintain accurate records showing the numbers and kinds of such birds, the dates received and disposed of, and the names and addresses of the persons from whom such birds were received and to whom such birds were delivered. Any person authorized to enforce this part may enter such facilities at all reasonable hours and inspect the records and the premises where operations are being carried on. The records required to be maintained shall be retained by the person or persons responsible for their preparation and maintenance for a period of 1 year following the close of the open season on migratory game birds prescribed for the State in which such commercial preservation facility is located.

5. Section 10.52 is amended to read as follows:

§ 10.52 Migratory game bird hunting seasons for Puerto Rico and the Virgin Islands.

Subject to the applicable provisions of the preceding sections of this part, the open seasons (dates inclusive), the shooting hours, and the daily bag, and possession limits on the species designated in this section are prescribed as follows:

(a) Puerto Rico:

	Doves (all species) (singly or in the aggregate)	Pigeons (all species) (singly or in the aggregate)
Daily bag limit	15	5[1]
Possession limit	15	5[1]
Open season dates	June 12–Aug. 29, 1965.	June 12–Aug. 29, 1965.
Shooting hours	One-half hour before sunrise until sunset.	

[1] On Mona Island the daily bag and possession limit on pigeons is 15, singly or in the aggregate of all species.

(b) Virgin Islands:

	Doves (all species) (singly or in the aggregate)	Pigeons[1] (red-neck only)
Daily bag limit	10	5.
Possession limit	10	10.
Open season dates	July 15–Sept. 1, 1965.	July 15–Sept. 1, 1965.
Shooting hours	One-half hour before sunrise until sunset.	

[1] Closed season on all species of pigeons except those known locally as red-neck pigeons.

6. Section 10.53 is amended to read as follows:

§ 10.53 Seasons and limits on waterfowl, coots, gallinules, and Wilson's snipe.

Subject to the applicable provisions of the preceding sections of this part, the areas open to hunting, the respective open seasons (dates inclusive), the shooting hours, and the daily bag, and possession limits on the species designated in this section are prescribed between the dates of September 1, 1965, and March 10, 1966, as follows:

(a) An experimental open season for taking teal ducks (blue-winged, green-winged, and cinnamon teal) under authority of a special Federal permit is prescribed in certain areas subject to the following conditions:

(1) Every hunter must have been issued and carry on his person while hunting teal a properly validated 1965 Special Teal Hunting Permit issued by the Bureau of Sport Fisheries and Wildlife;

(2) Daily shooting hours are from sunrise until sunset;

(3) The daily bag limit is 4 and the possession limit is 8, singly or in the aggregate of blue-winged, green-winged, and cinnamon teal; and

(4) The open season dates and the areas open to hunting are prescribed as follows: September 4–12 in the States of Nebraska, North Dakota, South Dakota, Texas, and those portions of Colorado and Wyoming lying east of the Continental Divide; September 10–18 in the State of Indiana; September 11–19 in the States of Iowa, Kansas, and Minnesota; September 16–24 in the State of Michigan; September 17–25 in the State of Ohio; September 18–26 in the States of Arkansas, Illinois, Kentucky, Louisiana, Mississippi, Missouri, and that portion of New Mexico lying east of the Continental Divide; and September 22–30 in the State of Oklahoma.

(Sec. 3, 40 Stat. 755, as amended; 16 U.S.C. 704; E.O. 10260, 16 F.R. 5985, 3 CFR 1949–1953 Comp., p. 757)

JOHN A. CARVER, JR.,
Under Secretary of the Interior.

JUNE 7, 1965.

[F.R. Doc. 65–6031; Filed, June 9, 1965; 8:48 a.m.]

PART 33—SPORT FISHING

Red Rock Lakes National Wildlife Refuge, Mont.

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER.

§ 33.5 Special regulations; sport fishing; for individual wildlife refuge areas.

MONTANA

RED ROCK LAKES NATIONAL WILDLIFE REFUGE

Sport fishing on the Red Rock Lakes National Wildlife Refuge, Montana, is permitted only on the area designated by signs as open to fishing. This open area, comprising 25 acres, is delineated on maps available at the refuge headquarters and from the office of the Regional Director, Bureau of Sport Fisheries and Wildlife, 1002 Northeast Holladay Street, Portland, Oreg., 97208. Sport fishing shall be in accordance with all applicable State regulations, subject to the following special conditions:

(1) The sport fishing season on the refuge shall be as follows:

June 13 through November 30, 1965, Culver Pond (Widow's Pool), MacDonald Pond.

Closed entire year: Upper Red Rock Lake, Lower Red Rock Lake, Swan Lake, Red Rock River between Upper and Lower Red Rock Lakes, and all waters within 100 yards of the above listed areas. Shambow Pond.

June 27 through November 30, 1965, those waters on the refuge not designated in 1 or 2 above.

(2) Boats without motors may be used for fishing.

The provisions of this special regulation supplement the regulations which govern fishing on wildlife refuge areas generally, which are set forth in Title 50, Code of Federal Regulations, Part 33, and are effective to December 1, 1965.

JOHN D. FINDLAY,
Acting Regional Director, Bureau of Sport Fisheries and Wildlife.

JUNE 2, 1965.

[F.R. Doc. 65–6003; Filed, June 9, 1965; 8:48 a.m.]

Proposed Rule Making

FEDERAL AVIATION AGENCY

[14 CFR Part 39]

[Docket No. 6688]

AIRWORTHINESS DIRECTIVES

Air Cruisers Emergency Evacuation Slides

The Federal Aviation Agency is considering amending Part 39 of the Federal Aviation Regulations by adding an airworthiness directive requiring rework of Air Cruisers emergency evacuation slides, P/N 15D22129, installed on Boeing Model 727 Series aircraft. There have been instances in which certain of these slides installed on Boeing Model 727 aircraft ripped when the units were activated. Since this condition is likely to exist or develop on other products of the same manufacture, the proposed AD would require reinforcement of the girt of Air Cruisers emergency evacuation slides on these aircraft.

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should identify the docket number and be submitted in duplicate to the Federal Aviation Agency, Office of the General Counsel, Attention: Rules Docket, 800 Independence Avenue SW., Washington, D.C., 20553. All communications received on or before July 12, 1965, will be considered by the Administrator before taking action upon the proposed rule. The proposals contained in this notice may be changed in the light of comments received. All comments will be available, both before and after the closing date for comments, in the rules docket for examination by interested persons.

This amendment is proposed under the authority of sections 313(a), 601, and 603 of the Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421, and 1423).

In consideration of the foregoing, it is proposed to amend § 39.13 of Part 39 of the Federal Aviation Regulations by adding the following airworthiness directive:

AIR CRUISERS. Applies to Emergency Evacuation Slides, P/N 15D22129, installed on Boeing Model 727 Series aircraft.

Compliance required within the next 1,000 hours' time in service after the effective date of this AD unless already accomplished.

To prevent ripping of Air Cruisers emergency evacuation slides, P/N 15D22129, rework and reinforce each slide in accordance with the Accomplishment Instructions specified in Air Cruisers Service Bulletin SB–114–65–1, Revision A, dated March 19, 1965, or later FAA-approved revision, or an equivalent approved by the Chief, Engineering and Manufacturing Branch, FAA Eastern Region.

Issued in Washington, D.C., on June 3, 1965.

C. W. WALKER,
Acting Director, Flight Standards Service.

[F.R. Doc. 65–6009; Filed, June 9, 1965; 8:46 a.m.]

[14 CFR Part 39]

[Docket No. 6687]

AIRWORTHINESS DIRECTIVES

Lockheed Model 1329 Aircraft

Amendment 788 (29 F.R. 11528), AD 64–19–5 requires inspection of the landing gear emergency extension system of certain Lockheed Model 1329 aircraft in accordance with the manufacturer's Alert Service Bulletin 329–176, dated July 9, 1964. Since the issuance of Amendment 788, the manufacturer has issued Service Bulletins, Numbers 329–177 and 329–186, which apply to Lockheed Model 1329 aircraft and include aircraft serial numbers not covered by AD 64–19–5. The Agency has determined that these additional aircraft require inspection of the landing gear emergency extension system. Therefore, it is proposed to supersede Amendment 788 with a new directive that encompasses the inspection provisions of AD 64–19–5, lengthens the repetitive inspection interval, and provides for the discontinuance of repetitive inspections after modification.

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should identify the docket number and be submitted in duplicate to the Federal Aviation Agency, Office of the General Counsel, Attention: Rules Docket, 800 Independence Avenue SW., Washington, D.C., 20553. All communications received on or before July 12, 1965, will be considered by the Administrator before taking action upon the proposed rule. The proposals contained in this notice may be changed in the light of comments received. All comments will be available, both before and after the closing date for comments, in the rules docket for examination by interested persons.

This amendment is proposed under the authority of sections 313(a), 601, and 603 of the Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421, 1423).

In consideration of the foregoing, it is proposed to amend § 39.13 of Part 39 of the Federal Aviation Regulations by adding the following airworthiness directive:

LOCKHEED. Applies to Model 1329 aircraft, Serial Numbers 5001 through 5050.

Compliance required within the next 100 hours' time in service after the effective date of this AD, unless already accomplished within the last 20 hours' time in service, and thereafter at intervals not to exceed 120 hours' time in service from the last inspection.

(a) Inspect and repair as necessary the landing gear emergency extension system in accordance with Lockheed Alert Service Bulletin No. 329–176, dated July 9, 1964, or an FAA-approved equivalent.

(b) Inspect the main landing gear inboard door latch rollers and actuating mechanisms for improper action or binding. If improper action or binding is found, disassemble the mechanism, clean and inspect all parts, correct the cause of the improper action or binding, and reassemble the latch mechanisms following the lubrication instructions of Lockheed Handbook of Operating and Maintenance Instruction, SMR–151, section 12–47.

(c) The repetitive inspections required by this AD may be discontinued when the modification described in Lockheed Service Bulletin 329–177 or 329–186, or an FAA-approved equivalent is accomplished.

(d) Upon request of an operator, an FAA maintenance inspector, subject to prior approval of the Chief, Engineering and Manufacturing Branch, FAA, Southern Region, may adjust the repetitive inspection intervals specified in this AD to permit compliance at an established inspection period of the operator if the request contains substantiating data to justify the increase for such operator.

This supersedes amendment 788 (29 F.R. 11528), AD 64–19–5.

Issued in Washington, D.C., on June 3, 1965.

C. W. WALKER,
Acting Director, Flight Standards Service.

[F.R. Doc. 65–6010; Filed, June 9, 1965; 8:46 a.m.]

[14 CFR Part 71]

[Airspace Docket No. 65–WE–28]

FEDERAL AIRWAY

Proposed Revocation

The Federal Aviation Agency is considing an amendment to Part 71 of the Federal Aviation Regulations that would revoke a segment of Amber 1 Federal airway from Eugene, Oreg., to Portland, Oreg.

Interested persons may participate in the proposed rule making by submitting such written data, views, or arguments as they may desire. Communications should identify the airspace docket number and be submitted in triplicate to the Director, Western Region, Attention: Chief, Air Traffic Division, Federal Aviation Agency, 5651 West Manchester Avenue, Post Office Box 90007, Airport Station, Los Angeles, Calif., 90009. All communications received within 45 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. The proposal contained in this notice may be changed in the light of comments received.

An official docket will be available for examination by interested persons at the Federal Aviation Agency, Office of the General Counsel, Attention: Rules Docket, 800 Independence Avenue SW., Washington, D.C., 20553. An informal docket also will be available for examination at the office of the Regional Air Traffic Division Chief.

The latest Federal Aviation Agency peak day IFR traffic survey shows a maximum of five aircraft movements on the segment of A–1 proposed for revocation. Additionally, VOR Federal airway No. 23, which parallels the pertinent segment of A–1, provides a replacement

airway between Eugene and Portland

airway between Eugene and Portland. This proposed revocation is a part of the Agency program to eliminate the obsolete colored airway system.

This amendment is proposed under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348).

Issued in Washington, D.C., on June 3, 1965.

DANIEL E. BARROW,
Chief, Airspace Regulations and Procedures Division.

[F.R. Doc. 65-6011; Filed, June 9, 1965; 8:46 a.m.]

FEDERAL MARITIME COMMISSION

[46 CFR Part 533]

[Docket No. 875]

FILING OF TARIFFS BY TERMINAL OPERATORS

Notice of Further Revision of Proposed Rules

Notice is hereby given that the Federal Maritime Commission is considering adopting the following revised proposed rules, pursuant to the authority of section 4 of the Administrative Procedure Act (5 U.S.C. 1003) and sections 17 and 43 of the Shipping Act, 1916 (46 U.S.C. 816 and 841a). Proposed rules were originally published on this subject in the FEDERAL REGISTER on December 27, 1962 (27 F.R. 12777). Title 46 CFR would be amended by the addition of a new Part 533, as follows:

PART 533—FILING OF TARIFFS BY TERMINAL OPERATORS

§ 533.1 Scope.

This part sets forth rules and regulations for the filing of terminal tariffs by persons engaged in carrying on the business of furnishing wharfage, dock, warehouse, or other terminal facilities within the United States or a commonwealth, territory, or possession thereof, in connection with a common carrier by water in the foreign commerce of the United States or in interstate commerce on the high seas or the Great Lakes.

§ 533.2 Purpose.

The purpose of this part is to enable this Commission to meet its responsibilities under section 17, Shipping Act, 1916, by keeping informed of practices and rates and charges related thereto, instituted and to be instituted by terminals, and by keeping the public informed of such practices.

§ 533.3 Persons who must file.

Every person carrying on the business of furnishing wharfage, dock, warehouse, or other terminal facilities as described in § 533.1 hereof, including, but not limited to terminals owned or operated by States and their political subdivisions; railroads who perform port terminal services not covered by their line haul rates; common carriers who perform port terminal services; and warehousemen who operate port terminal facilities, shall file in duplicate with the Bureau of Domestic Regulation, Federal Maritime Commission, and shall keep open to public inspection at all its places of business a schedule or tariff (hereinafter referred to as "Terminal Tariff") showing all its rates, charges, rules, and regulations relating to or connected with the receiving, handling, storing and/or delivering of property at its terminal facilities: *Provided, however,* That rates and charges for terminal services performed for water carriers pursuant to negotiated contracts, and for storage of cargo by public warehousemen pursuant to storage agreements covered by issued warehouse receipts need not be filed for purposes of this part.

§ 533.4 Filing of tariffs and tariff changes.

Every tariff or tariff change shall be filed on or before its effective date, except as required by Commission order or agreements approved pursuant to section 15, and be kept open for public inspection as provided in § 533.3.

§ 533.5 Compliance with this part and other terminal tariff filing requirements.

Tariffs required by this part shall be filed within ninety (90) days after the effective date of the part. Persons who file tariffs pursuant to requirements of Commission orders or approved section 15 agreements shall not be relieved of such requirements by this part.

§ 533.6 Definitions.

(a) The definitions of terminal services set forth in paragraph (d) of this section shall be set forth in tariffs filed pursuant to this part: *Provided, however,* That other definitions of terminal services may be used if they are correlated by footnote or other appropriate method to the definitions set forth herein. Any additional services which are offered shall be listed and charges therefor shall be shown in terminal tariffs.

(b) These definitions shall apply to "Port Terminal Facilities" which are defined as one or more structures comprising a terminal unit, and including, but not limited to wharves, warehouses, covered and/or open storage space, cold storage plants, grain elevators and/or bulk cargo loading and/or unloading structures, landings, and receiving stations, used for the transmission, care and convenience of cargo and/or passengers in the interchange of same between land and water carriers or between two water carriers.

(c) For the purpose of this section, "Point of Rest" shall be defined as that area on the terminal facility which is assigned for the receipt of inbound cargo from the ship and from which inbound cargo may be delivered to the consignee, and that area which is assigned for the receipt of outbound cargo from shippers for vessel loading.

(d) Definitions of terminal services:

(1) Dockage: The charge assessed against a vessel for berthing at a wharf, pier, bulkhead structure, or bank, or for mooring to a vessel so berthed.

(2) Wharfage: A charge assessed against the cargo or vessel on all cargo passing or conveyed over, onto, or under wharves or between vessels (to or from barge, lighter or water), when berthed at wharf or when moored in slip adjacent to wharf. Wharfage is solely the charge for use of wharf and does not include charges for any other service.

(3) Free Time: The specified period during which cargo may occupy space assigned to it on terminal property free of wharf demurrage or terminal storage charges immediately prior to the loading or subsequent to the discharge of such cargo on or off the vessel.

(4) Wharf Demurrage: A charge assessed against cargo remaining in or on terminal facilities after the expiration of free time unless arrangements have been made for storage.

(5) Terminal Storage: The service of providing warehouse or other terminal facilities for the storing of inbound or outbound cargo after the expiration of free time, including wharf storage, shipside storage, closed or covered storage, open or ground storage, bonded storage and refrigerated storage, after storage arrangements have been made.

(6) Handling: The service of physically moving cargo between point of rest and any place on the terminal facility, other than the end of ship's tackle.

(7) Loading and Unloading: The service of loading or unloading cargo between any place on the terminal and railroad cars, trucks, lighters or barges or any other means of conveyance to or from the terminal facility.

(8) Usage: The use of terminal facility by any rail carrier, lighter operator, trucker, shipper or consignee, their agents, servants, and/or employees, when they perform their own car, lighter or truck loading or unloading, or the use of said facilities for any other gainful purpose for which a charge is not otherwise specified.

(9) Checking: The service of counting and checking cargo against appropriate documents for the account of the cargo or the vessel, or other person requesting same.

(10) Heavy Lift: The service of providing heavy lift cranes and equipment for lifting cargo.

All persons interested in the foregoing revised proposed rules may file with the Secretary, Federal Maritime Commission, Washington, D.C., 20573, within thirty (30) days after the publication of this notice in the FEDERAL REGISTER written data, views, or arguments thereon. Comments previously filed by interested parties and statements presented at oral argument with respect to the rules as previously published will be considered.

By the Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 65-6032; Filed, June 9, 1965; 8:48 a.m.]

Notices

ATOMIC ENERGY COMMISSION

STATE OF TENNESSEE

Proposed Agreement for Assumption of Certain AEC Regulatory Authority

Notice is hereby given that the U.S. Atomic Energy Commission is publishing for public comment, prior to action thereon, a proposed agreement received from the Governor of the State of Tennessee for the assumption of certain of the Commission's regulatory authority pursuant to section 274 of the Atomic Energy Act of 1954, as amended.

A resume, prepared by the State of Tennessee and summarizing the State's proposed program, was also submitted to the Commission and is set forth below as an appendix to this notice. Attachments referenced in the appendix are included in the complete text of the program. A copy of the program, including proposed Tennessee regulations, is available for public inspection in the Commission's Public Document Room, 1717 H Street NW., Washington, D.C., or may be obtained by writing to the Director, Division of State and Licensee Relations, United States Atomic Energy Commission, Washington, D.C., 20545. All interested persons desiring to submit comments and suggestions for the consideration of the Commission in connection with the proposed agreement should send them, in triplicate, to the Secretary, U.S. Atomic Energy Commission, Washington, D.C., 20545, within 30 days after initial publication in the FEDERAL REGISTER.

Exemptions from the Commission's regulatory authority which would implement this proposed agreement, as well as other agreements which may be entered into under section 274 of the Atomic Energy Act, as amended, were published as Part 150 of the Commission's regulations in FEDERAL REGISTER issuance of February 14, 1962; 27 F.R. 1351. In reviewing this proposed agreement, interested persons should also consider the aforementioned exemptions.

Dated at Washington, D.C., this 28th day of May 1965.

For the Atomic Energy Commission.

W. B. MCCOOL,
Secretary.

PROPOSED AGREEMENT BETWEEN THE UNITED STATES ATOMIC ENERGY COMMISSION AND THE STATE OF TENNESSEE FOR DISCONTINUANCE OF CERTAIN COMMISSION REGULATORY AUTHORITY AND RESPONSIBILITY WITHIN THE STATE PURSUANT TO SECTION 274 OF THE ATOMIC ENERGY ACT OF 1954, AS AMENDED

Whereas, the United States Atomic Energy Commission (hereinafter referred to as the Commission) is authorized under section 274 of the Atomic Energy Act of 1954, as amended (hereinafter referred to as the Act) to enter into agreements with the Governor of any state providing for discontinuance of the regulatory authority of the Commission within the State under chapters 6, 7, and 8, and section 161 of the Act with respect to byproduct materials, source materials, and special nuclear materials in quantities not sufficient to form a critical mass; and

Whereas, the Governor of the State of Tennessee is authorized under section 53-3103 of the Tennessee Code Annotated to enter into this Agreement with the Commission; and

Whereas, the Governor of the State of Tennessee certified on May 1, 1965, that the State of Tennessee (hereinafter referred to as the State) has a program for the control of radiation hazards adequate to protect the public health and safety with respect to the materials within the State covered by this Agreement, and that the State desires to assume regulatory responsibility for such materials; and

Whereas, the Commission found on _____ 1965, that the program of the State for the regulation of the materials covered by this Agreement is compatible with the Commission's program for the regulation of such materials and is adequate to protect the public health and safety; and

Whereas, the State and the Commission recognize the desirability and importance of cooperation between the Commission and the State in the formulation of standards for protection against hazards of radiation and in assuring that State and Commission programs for protection against hazards of radiation will be coordinated and compatible; and

Whereas, the Commission and the State recognize the desirability of reciprocal recognition of licenses and exemption from licensing of those materials subject to this Agreement; and

Whereas, this Agreement is entered into pursuant to the provisions of the Atomic Energy Act of 1954, as amended;

Now, therefore, it is hereby agreed between the Commission and the Governor of the State, acting in behalf of the State, as follows:

ARTICLE I

Subject to the exceptions provided in articles II, III, and IV, the Commission shall discontinue, as of the effective date of this Agreement, the regulatory authority of the Commission in the State under chapters 6, 7, and 8, and section 161 of the Act with respect to the following materials:

A. Byproduct materials;

B. Source materials; and

C. Special nuclear materials in quantities not sufficient to form a critical mass.

ARTICLE II

This Agreement does not provide for discontinuance of any authority and the Commission shall retain authority and responsibility with respect to the regulation of:

A. The construction and operation of any production or utilization facility;

B. The export from or import into the United States of byproduct, source, or special nuclear material, or of any production or utilization facility.

C. The disposal into the ocean or sea of byproduct, source, or special nuclear waste materials as defined in regulations or orders of the Commission;

D. The disposal of such other byproduct, source, or special nuclear materials as the Commission from time to time determines by regulation or order should, because of the hazards or potential hazards thereof, not be so disposed of without a license from the Commission.

ARTICLE III

Notwithstanding this Agreement, the Commission may from time to time by rule, regulation, or order, require that the manufacturer, processor, or producer of any equipment, device, commodity, or other product containing source, byproduct, or special nuclear materials shall not transfer possession or control of such product except pursuant to a license or an exemption from licensing issued by the Commission.

ARTICLE IV

This Agreement shall not affect the authority of the Commission under subsection 161 b or i of the Act to issue rules, regulations, or orders to protect the common defense and security, to protect restricted data or to guard against the loss or diversion of special nuclear material.

ARTICLE V

The Commission will use its best efforts to cooperate with the State and other agreement States in the formulation of standards and regulatory programs of the State and the Commission for protection against hazards of radiation and to assure that State and Commission programs for protection against hazards of radiation will be coordinated and compatible. The State will use its best efforts to cooperate with the Commission and other agreement States in the formulation of standards and regulatory programs of the State and the Commission for protection against hazards of radiation and to assure that the State's program will continue to be compatible with the program of the Commission for the regulation of like materials. The State and the Commission will use their best efforts to keep each other informed of proposed changes in their respective rules and regulations and licensing, inspection and enforcement policies and criteria, and to obtain the comments and assistance of the other party thereon.

ARTICLE VI

The Commission and the State agree that it is desirable to provide for reciprocal recognition of licenses for the materials listed in article I licensed by the other party or by any agreement State. Accordingly, the Commission and the State agree to use their best efforts to develop appropriate rules, regulations, and procedures by which such reciprocity will be accorded.

ARTICLE VII

The Commission, upon its own initiative after reasonable notice and opportunity for hearing to the State, or upon request of the Governor of the State, may terminate or suspend this Agreement and reassert the licensing and regulatory authority vested in it under the Act if the Commission finds that such termination or suspension is required to protect the public health and safety.

ARTICLE VIII

This Agreement shall become effective on September 1, 1965, and shall remain in effect unless, and until such time as it is terminated pursuant to article VII.

POLICIES AND PROCEDURES FOR THE LICENSING AND REGULATION OF RADIOACTIVE MATERIALS

FOREWORD

These documents present a brief description of the practices, capabilities, and proposed activities of the Radiological Health Service, Tennessee Department of Public

Health, insofar as they would relate to assumption of certain regulatory functions of the U.S. Atomic Energy Commission.

Under section 274 of the Atomic Energy Act of 1954 as amended, the Atomic Energy Commission is authorized to enter into agreement with the Governor of a State, whereby it may transfer certain licensing and regulatory control of byproduct, source, and special nuclear materials, in quantities not sufficient to form a critical mass, to a State. Relinquishment of such authority by the Atomic Energy Commission and subsequent assumption by the State is made when the Atomic Energy Commission has evaluated and accepted the competency of the State to administer such licensing and regulatory authority; and certain authorities are reserved to the Atomic Energy Commission.

The Tennessee Act of 1957 entitled Atomic Energy and Nuclear Materials, as amended in 1961, authorizes the Governor of Tennessee to enter an agreement with the Atomic Energy Commission relating to the regulation of byproduct, source, and special nuclear material and to appoint a radiation advisory group. The Radiological Health Service Act of 1959 and as amended in 1961 and in 1963 designates the Tennessee Department of Public Health as the department responsible for the control of ionising radiation; makes mandatory the registration of all sources of radiation except those which are licensed or exempted under the rules and regulations of the Tennessee Department of Public Health. Further the Radiological Health Service Act authorizes the department to formulate rules and regulations necessary for the control of ionising radiation.

To this narrative are attached the Radiological Health Service Act, the Atomic Energy and Nuclear Materials Act, and the various resumes, regulations, and outlines of proposed practices and activities to be undertaken by the Radiological Health Service, Tennessee Department of Public Health, pursuant to an agreement between the Atomic Energy Commission and the Governor of Tennessee.

History. The first attention given to problems created by ionizing radiation in Tennessee came in 1945 with the passage of the State Industrial Hygiene Service Act. Consideration was then given to industrial radiation exposures along with other problems of occupational health. This included problems of radiation exposures in the work areas from radiographic testing and exposures from X-ray machines as used in industrial clinics.

The next year, the U.S. Atomic Energy Act of 1946 was passed and with it came the civilian use of radioactive byproduct material. From the time the U.S. Atomic Energy Commission began to inspect the users of these materials, the State was interested, and when the Commission began to invite State officials along on inspection tours, State health personnel took advantage of the opportunity to see these installations and the uses to which radioisotopes were being applied.

To keep abreast of this newly developing field, members of the Industrial Hygiene Service attended various radiation courses offered by the U.S. Public Health Service. These courses varied from basic training in radiological health to more advanced courses in management of nuclear emergencies.

In 1951, a regulation was adopted to control the use of shoe fitting fluoroscopes. As a result, many users voluntarily chose to discontinue their use when advised of the potential hazard of excessive radiation exposure presented by these devices. By close surveillance, those remaining in service were brought into compliance with the regulation. This means of controlling the use of shoe fluoroscopes was considered appropriate at the time.

Recently, however, the Health Department was successful in having a law enacted making the display or use of these machines illegal.

As time progressed, various attempts were made by the State Health Department to draft legislative bills which would provide specifically for control of all radiation sources.

A bill was passed by the General Assembly in 1957, but it did not provide for regulatory activities essential to a comprehensive State radiation control program.

This Act of 1957 was important in other ways, as it was primarily a declaration of State policy in support of peaceful uses of atomic energy. It provided for an advisory committee on atomic energy which would keep the Governor of the State informed on and encourage activity in, the various associated fields such as workmen's compensation, insurance, nuclear industry, nuclear education and health and safety. This Act was amended in 1961 to authorize the Governor to enter, at his discretion, an agreement with the U.S. Atomic Energy Commission.

At the next meeting of the General Assembly, 2 years later, the Health Department presented a bill which would provide for a comprehensive radiation control program. It would create within the Tennessee Department of Public Health, the Radiological Health Service. This bill was passed and contained, among others, the following provisions:

1. Created an agency whose sole function was radiation control activities.

2. Gave the Commissioner of Public Health authority to adopt rules and regulations which would have the effect of law and provided for inspection.

3. Required the registration of all owners and possessors of radiation sources.

4. As later amended, authorized the adoption of rules and regulations which would provide for licensing of radioactive materials and exempted them from registration.

Since enactment of this legislation, the Radiological Health Service has registered all known sources of radiation in the State, has inspected most of the radiation producing machines registered and made recommendations for correction where necessary. Follow-up programs were also conducted to determine compliance.

The scope of these activities can be illustrated by a consideration of the accelerated dental and medical X-ray survey programs which were followed during the summer months of 1961 through 1963. During that period, 1,100 dental X-ray units and approximately 1,500 medical X-ray units were inspected.

The Radiological Health Service has a well equipped radiological laboratory and is presently establishing calibration for the various instruments and will as soon as possible institute the various monitoring programs which are necessary to keep abreast of radiation in the environment.

PROGRAM DESCRIPTION

The Radiation Control Program will be conducted by the Radiological Health Service, Tennessee Department of Public Health.

Licensing and registration. The State Program will control all sources of ionizing radiation. Provisions have been made for the issuance of both specific and general licenses. The specific license will be issued to authorize possession of radioactive materials not exempted or generally licensed by the Department. Requirements for the possession of byproduct, source, and special nuclear materials will be comparable to those of the U.S. Atomic Energy Commission. In addition, regulations provide that the Department will require radioactive materials licenses for naturally occurring radioactive materials such as radium and accelerator-produced isotopes of nonexempt quantities. All other sources of radiation such as medical and dental X-ray machines will be registered.

The licensing program will be essentially identical to that presently employed by the U.S. Atomic Energy Commission, and will cover post-licensing inspections. Prelicensing evaluations will be made when necessary. With respect to human use of radioactive materials, a committee of not less than three qualified physicians will be available for consultation and recommendations concerning license applications.

Inspection. The Tennessee Department of Public Health, Radiological Health Service, proposes to conduct future inspectional activities to determine compliance with State regulations and to determine adequacy of the licensee's radiation protection program. Inspections will be comparable to the type now undertaken by the Division of Compliance of the U.S. Atomic Energy Commission. Inspections will be performed by personnel qualified in radiological health. Competency in this field of work has been developed through joint participation of State health personnel with Atomic Energy Commission inspectors. It is estimated that the Tennessee Department of Public Health has been represented in 75 percent of all Atomic Energy Commission inspections made in Tennessee during the last 5 years.

The following frequency for the inspection of Tennessee licenses is planned but may be either increased or decreased depending upon individual circumstances:

Industrial Radiographers—once each 6 months.

Operations involving waste disposal—once each 6 months.

Industrial, Special Licenses—once each 6 months.

Industrial, Broad Licenses—once each 12 months.

Academic—once each 24 months.

Medical and Hospital—once each 24 months.

Others—Based on hazards associated with the program.

Before the termination of each inspection, the inspector will confer with the licensee to discuss the results of his inspection, presenting tentative oral recommendations or suggestions. During this meeting he will answer questions on the regulatory program.

The inspector will submit in writing comprehensive reports to the Director of the Radiological Health Service relating facts and circumstances observed during the inspection. The report will enumerate violations, if any, and include recommendations. Recommendations made by field personnel will be subject to the critical review of senior members of the Radiological Health Service.

Licensees will be informed of the results of all inspections, orally at the time of inspection or by letter or notice from the department.

It is expected that most licensed activities will be inspected at least once in each 2 years. Most of the inspections will be scheduled visits, but a significant number may be on an unannounced basis.

Compliance. If only minor items of noncompliance, such as improper signs, failure to label, etc., are involved which the licensee agrees in writing to correct at the time of the inspection, no further action will be taken by the department, except that corrective action will be reviewed during the next inspection.

If the inspection reveals noncompliance of a more serious nature, the licensee will be required to correct such items within a time period to be specified by the department based upon the degree of hazard involved. The licensee will be required to inform the department in writing within 30 days, or less if specified, as to corrective action taken and the date completed. The department will then conduct a follow-up inspection or the matter will be reviewed during the next regular inspection to assure that corrective action has in fact been accomplished. The legal recourses which may be taken by the Radiological Health Service are cited within the Tennessee Code Annotated.

Enforcement. When in the judgment of the Radiological Health Service a person is engaged or about to engage in acts or practices constituting a violation of the Act, rules, regulations or orders, the State's Attorney General may, at the request of the department, make application for a court order to enjoin such acts or practices or direct compliance.

Should the Radiological Health Service determine that an emergency exists, it shall have the authority to impound or to order the impounding of any source whether licensed or not in the possession of any person who is not equipped to observe or fails to observe the provisions of the Tennessee Act on Radiological Health or any rules and regulations issued thereunder. In the case of violation, section 53-3312 of the Tennessee Code Annotated provides for appropriate penalties by fine or imprisonment or both.

The full legal procedures normally will be employed only in those instances where there is continued noncompliance after notice, willful negligence on the part of the licensee, or where a serious potential hazard exists.

Of special importance is the provision under section 53-3307, Tennessee Code Annotated, which empowers the Commissioner of Public Health or his duly authorized representatives to enter upon any premises in the line of duty.

Staffing. The Radiological Health Service Act of 1959 gives the Commissioner of Public Health the responsibility for administering the Act.

Curtis P. McCammon, M.D., has been appointed by the Commissioner as Director of Radiological Health and Industrial Hygiene Services. Functionally the Service Director has been named by the Commissioner of Public Health to serve as the State's Radiation Control Officer. Administratively, the Director is responsible to Cecil B. Tucker, M.D., Director of the Division of Preventable Diseases.

Mr. J. A. Bill Graham, Assistant Director of Radiological Health and a Radiological Physicist, has technical and administrative supervision of the broad Radiation Control Program. Mr. Graham also is in charge of the licensing program and supervises the review and evaluation of applications for licenses.

Mr. Charles P. West, Radiological Physicist, with the assistance of Mr. Graham will conduct inspections and generally administer on site aspects of the licensing and regulatory program.

Assisting with the inspection of industrial licensees and registrants will be Industrial Hygiene Engineers of the Industrial Hygiene Service, their chief function being the inspection of specifically licensed industrial gauges.

As new radiological physicists are employed, they will assume duties in licensee inspection after receiving training in the broad aspects of the Radiation Control Program. Present plans provide for the hiring of two additional radiological physicists and one radiological chemist. The chemist will be engaged not only in sample preparation and counting, but also in the collection of environmental samples.

When replacement of present personnel is necessary or new personnel are employed, these will be required to have equivalent capabilities in radiological health now demonstrated by incumbent personnel.

Reciprocity. Regulations of the department provide for the recognition of licenses issued by the U.S. Atomic Energy Commission or other agreement states.

Hearings. Section 53-3306 of the Radiological Health Service Act provides for public participation, where appropriate, in the issuance of rules or regulations. Section 53-3307 of the Act provides that a recipient of a notice of violation of the Act or rules and regulations under the Act may request and receive a hearing by the Commissioner of Health.

Section 53-3307 further authorizes the issuance of an order which shall be effective immediately in those instances where the Radiological Health Service finds that immediate action is necessary to protect persons or property from radiation hazards. Emergency orders shall be complied with immediately upon receipt thereof; but the person affected may within 30 days after service of such an emergency order request and receive a hearing.

Any person aggrieved by an order issued under this section, after hearing, is entitled to judicial review thereof by a writ of certiorari as provided for by Tennessee law.

In any action by the department in granting, suspending or revoking a license, the Commissioner of Health will provide an opportunity for a hearing to any person whose interest may be affected.

[F.R. Doc. 65-5790; Filed, June 2, 1965; 8:49 a.m.]

DEPARTMENT OF THE TREASURY

Office of Foreign Assets Control

JADE AND JADE ARTICLES FROM HONG KONG

Suspension of Certification

Notice is hereby given that the issuance of appropriate "Comprehensive" certificates of origin by the Hong Kong Department of Commerce and Industry for the commodity listed below has been suspended, effective at the close of business June 5, 1965: Jade, cut, jewelry, carvings, other manufactures.

[SEAL] MARGARET W. SCHWARTE,
Director,
Office of Foreign Assets Control.

[F.R. Doc. 65-6068; Filed, June 9, 1965; 8:50 a.m.]

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

[Bureau Order 551, Amdt. 104]

AREA DIRECTORS

Delegation of Authority With Respect to Forestry Matters

JUNE 4, 1965.

Paragraph (b) of section 230 of Bureau Order 551 (an order by which the Commissioner of Indian Affairs delegates authority to Bureau Area Directors), as amended, is further amended by revision of subparagraph (6). The revision authorizes Area Directors to change the requirements of advance payments for allotted timber on contracts for which the cutting period exceeds 2 years, rather than 1 year.

SEC. 230. *Forest management.* • • •

(b) • • •

(6) Authorize changes in requirements of advance payments for allotted timber, pursuant to 25 CFR 141.16, if the cutting period of the allotment contract exceeds 2 years.

• • • • •

JOHN O. CROW,
Deputy Commissioner.

[F.R. Doc. 65-6023; Filed, June 9, 1965; 8:47 a.m.]

Bureau of Land Management

[Sacramento 079555]

CALIFORNIA

Notice of Proposed Withdrawal and Reservation of Lands

MAY 28, 1965.

The Forest Service, U.S. Department of Agriculture, has filed an application, Serial No. Sacramento 079555, for the withdrawal of lands described below, from prospecting, location, entry, and purchase under the mining laws, subject to valid existing claims.

The applicant desires the land for the construction of a Job Corps Camp located on Five Mile Creek, a branch of the Middle Fork of the Stanislaus River, in the Stanislaus National Forest.

For a period of 30 days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the undersigned officer of the Bureau of Land Management, Department of the Interior, Room 4201, U.S. Courthouse and Federal Building, 650 Capitol Mall, Sacramento, Calif., 95814.

The Department's regulations (43 CFR 2311.1-3(c)) provide that the authorized officer of the Bureau of Land Management will undertake such investigations as are necessary to determine the existing and potential demand for the lands and their resources. He will also undertake negotiations with the applicant agency with the view of adjusting the application to reduce the area to the minimum essential to meet the applicant's needs, to provide for the maximum concurrent utilization of the lands for purposes other than the applicant's, to eliminate lands needed for purposes more essential than the applicant's, and to reach agreement on the concurrent management of the lands and their resources.

The authorized officer will also prepare a report for consideration by the Secretary of the Interior who will determine whether or not the lands will be withdrawn as requested by the applicant agency.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

If circumstances warrant, a public hearing will be held at a convenient time and place, which will be announced.

The lands involved in the application are:

CALIFORNIA

MOUNT DIABLO MERIDIAN

Stanislaus National Forest

Five Mile Camp

T. 2 N., R. 15 E.,
Sec. 2, SW¼.

The area described aggregates 160.00 acres.

JOHN E. CLUTE,
Acting Manager,
Sacramento Land Office.

[F.R. Doc. 65-5899; Filed, June 9, 1965; 8:45 a.m.]

[Colorado 0125415]

COLORADO

Notice of Proposed Withdrawal and Reservation of Lands

JUNE 1, 1965.

The U.S. Forest Service of the Department of Agriculture has filed an application, Serial Number Colorado 0125415, for the withdrawal from location and entry under the general mining laws, subject to existing valid claims, certain public lands in the sections and townships described below.

The applicant desires the land for Crater Creek Campground located in the San Juan National Forest.

For a period of 30 days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the Land Office Manager, Bureau of Land Management, Department of the Interior, Colorado Land Office, 15019 Federal Building, 1961 Stout Street, Denver, Colo., 80202.

If circumstances warrant it, a public hearing will be held at a convenient time and place which will be announced.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

The lands affected are:

NEW MEXICO PRINCIPAL MERIDIAN, COLORADO

SAN JUAN NATIONAL FOREST

Townships 39 and 40 North, Range 8 West (Unsurveyed) described by Protraction Diagram Number 27 approved November 12, 1964, as:

T. 39 N., R. 8 W.,
Sec. 3: W½NW¼;
Sec. 4: E½E½.
T. 40 N., R. 8 W.,
Sec. 33: SE¼SE¼.

Lands proposed to be withdrawn in the above-designated areas aggregate approximately 280 acres.

W. P. MEEK,
Land Office Manager.

[F.R. Doc. 65-5900; Filed, June 9, 1965; 8:45 a.m.]

[Colorado 0125423]

COLORADO

Notice of Proposed Withdrawal and Reservation of Lands

JUNE 3, 1965.

The Colorado State Office, Bureau of Land Management, Department of the Interior, has filed an application, Serial Number Colorado 0125423, for the withdrawal from public entry, subject to existing valid claims, certain public lands in sections and townships described below. The withdrawal was requested under the provisions of Executive Order 10355 of May 26, 1952.

The withdrawn lands are to be used for public recreational roadside strips.

For a period of 30 days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the Land Office Manager of the Bureau of Land Management, Department of the Interior, Colorado Land Office, Room 15019 Federal Building, 1961 Stout Street, Denver, Colo., 80202.

If circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

The lands affected are:

NEW MEXICO PRINCIPAL MERIDIAN, COLO.

T. 42 N., R. 5 W. (protraction diagram approved May 5, 1965),
In secs. 6, 7, 8, 9, 10, 11, 15, 16, 17, 18.
T. 42 N., R. 6 W. (protraction diagram approved May 5, 1965),
In secs. 3, 4, 13, 23, 24.
T. 43 N., R. 5 W. (protraction diagram approved May 5, 1965),
In secs. 5, 6, 7, 31.
T. 43 N., R. 6 W. (protraction diagram approved May 5, 1965),
In secs. 1, 12, 13, 14, 16, 17, 18, 19, 20, 21, 22, 23, 29, 30, 32, 33, 34, 35, 36.
T. 43 N., R. 7 W. (protraction diagram approved May 5, 1965),
In sec. 24.
T. 44 N., R. 4 W.,
In secs. 31, 32, 33.
T. 44 N., R. 5 W. (protraction diagram approved May 5, 1965),
In secs. 33, 34, 35, 36.
T. 44 N., R. 6 W.,
In sec. 36.

Lands proposed to be withdrawn in the above-designated area aggregate approximately 1,950 acres.

W. P. MEEK,
Land Office Manager.

[F.R. Doc. 65-5901; Filed, June 9, 1965; 8:45 a.m.]

CIVIL AERONAUTICS BOARD

[Docket Nos. 16135-16139; Order No. E-22269]

CERTAIN INDIRECT AIR CARRIERS

Order Granting Temporary Relief To Perform Contracts

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 4th day of June 1965; Dockets 16135, 16136, 16137, 16138, 16139.

At the request of the Department of Defense (DOD), the Board on March 9, 1965, granted temporary relief from certain provisions of the Federal Aviation Act of 1958, to a number of persons who had been operating without Board authorization as indirect air carriers of used household goods pursuant to DOD contracts.[1] The relief, which allowed these carriers an opportunity to apply for operating authorizations to engage in indirect air transportation as air freight forwarders of used household goods,[2] was granted upon the condition that such carriers file applications in accordance with the provisions of Parts 296 and/or 297 of the Board's Economic Regulations on or before April 15, 1965. The relief granted each applicant terminates August 16, 1965, or upon the date its application is granted, denied, or dismissed, whichever occurs first.

Of the household goods movers that filed applications pursuant to Order E-21883, American Ensign Van Service, Inc. (American), Bekins Household Shipping Co. (BHS), Bekins Van Lines Co. (BVL), Getz Bros. & Co. (Getz), and Richardson Transfer and Storage Co., Inc. (Richardson) filed applications 4 days after the April 15, 1965, deadline provided in Order E-21883. Accordingly, the foregoing carriers were not covered by the temporary exemption granted in Order E-21883. On May 5, 1965, American, BHS, BVL, Getz, and Richardson filed applications in Dockets 16135, 16136, 16137, 16138, and 16139, respectively, for an "emergency" exemption providing the same relief as that granted by Order E-21883. In support of their requests, each applicant states that its application for air freight forwarder authority was mailed on April 15, 1965, "in the belief that an application postmarked by April 15, 1965, would be [in] substantial compliance with the terms of the Board's Order E-21883; and that the exemption would continue in effect pursuant to such application."

Applicants herein have been excluded from the temporary exemption granted by Order E-21883 merely because their applications for forwarder authority were received a few days late, apparently due to a misunderstanding of the Board's procedures. It appears that they otherwise qualify for the exemption granted by Order E-21883, that they attempted to comply with the filing requirements prescribed therein, and that grant of exemption to them will not adversely affect other recipients of the exemption granted by Order E-21883. Accordingly,

[1] Order E-21883.

[2] The term "used household goods" means personal effects (including unaccompanied baggage) and property used or to be used in a dwelling, when a part of the equipment or supply of such dwelling, but specifically excludes (1) furniture, fixtures, equipment, and the property of stores, offices, museums, institutions, hospitals, or other establishments, when a part of the stock, equipment, or supply of such stores, offices, museums, institutions, hospitals or other establishments, and (2) objects of art (other than personal effects), displays, and exhibits.

the Board will grant the relief requested for the reasons given in Order E-21883.[3]

Accordingly, it is ordered, That:

1. Pursuant to sections 101(3) and 204 of the Federal Aviation Act of 1958, as amended, American, BHS, BVL, Getz, and Richardson are relieved from the provisions of Title IV and section 610(a)(4) of the Act from the date of this order through August 16, 1965, or until the date the application of such person for Board authorization is granted, denied, or dismissed, whichever occurs first, to the extent necessary to transport by air used household goods of personnel of the Department of Defense upon tender by the Department;

2. The relief granted in ordering paragraph 1 will not be renewed or extended beyond the termination date of August 16, 1965, for any applicant who has not been granted operating authorization by that date; *Provided:* That the Board may extend such relief in cases in which an applicant has filed timely response to requests for supplemental information necessary to process his application;

3. The transportation services performed pursuant to the authority granted herein do not constitute an activity of a continuing nature within the meaning of section 9(b) of the Administrative Procedure Act, 5 U.S.C. 1008(b);

4. This order may be amended or revoked at any time, in the discretion of the Board, without hearing; and

5. Copies of this order shall be served on the Military Traffic Management and Terminal Service, U.S. Army.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON,
Secretary.

[F.R. Doc. 65-6099; Filed, June 9, 1965; 8:49 a.m.]

[3] Nothing in this order should be construed as a determination of the final disposition to be made of the applications for air freight forwarder authority filed by the carriers relieved by this order. Furthermore, nothing in this order should be construed as an approval of control and interlocking relationships or agreements between the carriers relieved by this order, or their affiliates.

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 16042; FCC 65-468]

BIG FOUR BROADCASTING

Order Designating Application for Hearing on Stated Issues

In re application of Frederick Van Dyke, Ted E. Randal, Cleon William Enis, and Raymond Golden, doing business as Big Four Broadcasting, Docket No. 16042, File No. BR-3903; for renewal of license of Station KMRE, Anderson, Calif.

At a session of the Federal Communications Commission held at its offices in Washington, D.C., on the 2d day of June 1965;

The Commission having under consideration (1) the above captioned application; and (2) the Commission's field inquiry with respect to the operations of Station KMRE; and

It appearing, that on December 21, 1960, the Commission granted the assignment of license for Station KMRE (then KPON), Anderson, Calif., to a partnership, Big Four Broadcasting, composed of four equal partners, Frederick Van Dyke, Ted E. Randal, Cleon William Enis, and Raymond Golden; and

It further appearing, that information available to the Commission indicates that the licensee partnership never in fact operated as represented to the Commission; that two of the partners, Ted E. Randal and Cleon Enis, have not been active in the affairs of KMRE since the commencement of its operation in January 1961; that one partner, Raymond Golden, has not been active in the affairs of KMRE since May 1961; that in effect the licensee partnership has been terminated or dissolved since at least May 1961, through desertion, abandonment and/or inactivity of all the partners except Frederick Van Dyke; that the partners failed to provide funds as represented in the application for assignment of license to the partnership for the operation of KMRE and that when the funds advanced by Frederick Van Dyke were exhausted, Station KMRE went silent on or about May 6, 1961; and

It further appearing, that although the licensee partnership had, in effect, been terminated or dissolved since at least May 1961, the Commission was never notified of the termination or dissolution of the partnership or in fact of any changes in the ownership of the licensee, in violation of §§ 1.613 and 1.615 of the Commission's rules (then §§ 1.342 and 1.343); and

It further appearing, that the licensee failed to file information regarding the ownership of the licensee as required when the partnership acquired the license although the Commission in writing requested the submission of such information on January 16, April 6, May 4, and May 31, 1961, and February 2, 1962; and

It further appearing, that ultimately an FCC Form 323 (ownership report) dated October 26, 1962, was received at the Commission, which, although the partnership had in effect been previously terminated or dissolved, was signed by Frederick Van Dyke and listed each of the original four partners as having a 25 percent interest in the licensee; and

It further appearing, that the application for renewal of license of Station KMRE received at the Commission on November 5, 1962, was also signed by Van Dyke as a partner and also identified the partnership as the licensee although the partnership previously had been terminated or dissolved; and

It further appearing, that on or about November 9, 1961, the remaining partner, Van Dyke, entered into an agreement for the sale of Station KMRE to one Everett Wilkerson without filing a copy of the agreement with the Commission in violation of § 1.613 (then § 1.342) of the Commission's rules; and

It further appearing, that thereafter on November 20, 1961, the date on which KMRE returned to the air, Everett Wilkerson assumed operation and control of Station KMRE, although no application to assign the license for KMRE to Wilkerson was on file with the Commission and the Commission had not granted consent to Wilkerson's assumption of control, in contravention of section 310(b) of the Communications Act of 1934, as amended, and § 1.540 of the Commission's rules (then § 1.329); and

It further appearing, that Wilkerson continued to control and operate KMRE until he abandoned the station sometime in April 1963, at or about the time the station went silent by permission of the Commission (which permission was granted on April 18, 1963, and expired on July 15, 1963, and was not thereafter renewed); and

It further appearing, that nothing further was heard regarding KMRE until July 17, 1964, when the Commission received a telegram from one Mark Rogers informing the Commission that the station was returning to the air on July 19, 1964; and that information available to the Commission indicates that KMRE apparently was silent without permission from the Commission from July 16, 1963 to July 19, 1964, in violation of § 73.71 of the Commission's rules; and

It further appearing, that on July 15, 1964, Frederick Van Dyke entered into an agreement (which he signed as "owner" of KMRE), under which the responsibility for operation and management of KMRE was to be transferred to Mark Rogers Enterprises, Inc., thus providing for the abdication of control with respect thereto; and

It further appearing, that since July 19, 1964, KMRE has been operated (and continues to be operated) pursuant to the above-mentioned agreement and copies of the contract have not been filed with the Commission within 30 days of execution thereof, in violation of § 1.613 of the Commission's rules; and

It further appearing, that although the partnership had in effect been terminated or dissolved in May 1961, an application (BRC-2539) dated September 11, 1964, for modification of the KMRE license to change the studio location and operate the transmitter by remote control, signed by Frederick Van Dyke as a partner on behalf of Big Four Broadcasting, was filed with the Commission; and

It further appearing, that the partnership licensee, although requested to do so by the Commission on April 7, May 18, and June 16, 1964, has failed to file annual financial reports with the Commission (FCC Form 324) for the calendar years 1962 and 1963, in violation of § 1.611 of the Commission's rules; and

It further appearing, that an inspection of Station KMRE conducted on February 5, 1962, revealed the following violations of the Commission's rules for which an Official Notice of Violation (FCC Form 793) was issued to the licensee; Former §§ 3.39(d)(1)(vii), 3.47(b), 3.60(b)(2), 3.71, 3.92(a), 3.93(c) and present §§ 17.41, 17.38, and 17.44; and

It further appearing, that an inspection of Station KMRE conducted on September 24, 1962, revealed the following violations of the Commission's rules for which an Official Notice of Violation was issued: Former §§ 3.39(d), 3.57(a), 3.67 (a) (3) and (4), 3.93 (a), (b), and (c), and 3.111(a) (2); and

It further appearing, that an inspection of Station KMRE conducted on January 26, 1965, revealed the following violations of the Commission's rules for which an Official Notice of Violation was issued: §§ 73.40(f)(2), 73.46(a), 73.55, 73.93(c), 73.114(c) (twice), 73.114(e), 73.116 (a) and (b), 73.921(b)(1)(v), 73.922, 17.41 and 17.44; and

It further appearing, that the January 26, 1965, inspection of KMRE also revealed (and the Official Notice of Violation so noted) that daily from August through December 1964, inclusive, and for several days in January 1965, Station KMRE was not operated in compliance with the station's authorization, in that KMRE, which is licensed for daytime operation only, and does not come within the exceptions provided for in § 73.87 of the rules, began daily operation prior to the authorized time; and

It further appearing, that in addition to the above violations, the Commission's investigation revealed that from July 19, 1964, to at least September 23, 1964, Station KMRE was operated in violation of the Commission's rules regarding the employment of operators holding a valid radiotelephone first-class operator license (§ 73.93) and the rules requiring that a maintenance log be kept (§ 73.114); and

It further appearing, that after consideration of all the foregoing, the Commission is unable to find that a grant of the above-captioned application would serve the public interest, convenience, and necessity; and that, therefore, said application must be designated for a hearing:

It is ordered, That pursuant to section 309(e) of the Communications Act of 1934, as amended, the above-captioned application is designated for a hearing, at a time and place to be specified in a subsequent Order, upon the following issues:

1. To determine whether the licensee partnership was terminated or dissolved subsequent to the date of assignment of the license for KMRE to Big Four Broadcasting on December 21, 1960, and whether the licensee partnership, subsequent thereto and up to the present, exercised supervision and control over the operation of Station KMRE;

2. To determine whether applications and other official documents filed with the Commission executed by Frederick Van Dyke on behalf of the licensee partnership contained affirmative misrepresentations to the Commission in that they failed to report the dissolution or termination of the partnership;

3. To determine whether, from November 1961 to April 1963, Everett Wilkerson or others assumed control of Station KMRE without prior Commission Authorization in contravention of section 310(b) of the Communications Act;

4. To determine whether control of Station KMRE at any time after April 1963, to the present has been transferred by the licensee or Frederick Van Dyke contrary to the provisions of section 310(b) of the Act;

5. To determine whether KMRE was operated contrary to and inconsistent with numerous sections of the rules as revealed by inspections of KMRE conducted on February 5, 1962, September 24, 1962 and January 26, 1965, and the Notices of Violations issued with respect thereto;

6. To determine whether from July 19, 1964, to at least September 23, 1964, Station KMRE was operated contrary to and inconsistent with §§ 73.93 and 73.114 of the Commission's rules;

7. To determine whether the licensee violated provisions of §§ 1.611, 1.613, 1.615, and 1.540 of the Commission's rules by its repeated failure to file financial reports, contracts, ownership reports, and applications for assignment of license or transfer of control;

8. To determine whether the licensee's failure to file with the Commission copies of agreements reflecting outstanding station ownership and management arrangements constituted concealment of information or affirmative misrepresentations to the Commission regarding the ownership of Station KMRE;

9. To determine whether the licensee has violated the provisions of § 73.71 of the Commission's rules by its failure to maintain a minimum operation schedule and to provide the Commission or its staff with proper notification as required thereunder;

10. To determine whether, in light of the evidence adduced under the foregoing issues, the licensee possesses the requisite character qualifications to be a licensee of the Commission;

11. To determine whether, in light of the evidence adduced under the foregoing issues, the licensee possesses the requisite financial qualifications to be a licensee of the Commission;

12. To determine whether a grant of the above-captioned application would serve the public interest, convenience and necessity;

It is further ordered, That to avail itself of the opportunity to be heard, the applicant herein, pursuant to § 1.221 of the Commission's rules and regulations, in person or by attorney, shall within twenty (20) days of the mailing of this Order, file with the Commission, in triplicate, a written appearance stating an intent to appear on the date fixed for the hearing and present evidence on the issues specified in this Order.

It is further ordered, That the applicant herein shall, pursuant to section 3.111(a)(2) of the Communications Act and § 1.594 of the Commission's rules and regulations, give notice of the hearing within the time and in the manner prescribed in such rule, and shall advise the Commission thereof as required by § 1.594 of the Commission's rules and regulations.

Released: June 7, 1965.

FEDERAL COMMUNICATIONS COMMISSION,[1]

[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 65-6035; Filed, June 9, 1965; 8:48 a.m.]

[Docket No. 15986; FCC 65M-725]

CONTINENTAL BROADCASTING OF CALIFORNIA, INC. (KDAY)

Order Following Prehearing Conference Continuing Hearing

In re application of Continental Broadcasting of California, Inc. (KDAY), Santa Monica, Calif., Docket No. 15986, File No. BMP-11408; for modification of construction permit (File No. BP-15963).

It appearing, that certain procedural agreements reached during the prehearing conference held on June 3, 1965, should properly be formalized and publicized by issuance of an Order:

Accordingly, it is ordered, This 4th day of June 1965, as follows:

(1) The direct (affirmative) case of the applicant shall be presented in the form of sworn, written exhibits;

(2) Copies of the proposed exhibits of applicant relating to its direct case shall be exchanged with counsel for the other parties herein (with copies to be supplied to the Hearing Examiner also) by September 10, 1965;

(3) Notification as to those of applicant's witnesses required to be present at the hearing for cross-examination shall be given to counsel for applicant by September 30, 1965;

(4) The hearing heretofore scheduled to commence on July 22, 1965, is postponed to October 5, 1965, at 10 a.m., in the offices of the Commission at Washington, D.C.[1a]

(5) Any rebuttal exhibits proposed to be offered by the other parties shall be exchanged with other counsel (with copies to be supplied to the Hearing Examiner also) by October 12, 1965;

(6) Notification as to those witnesses to be cross-examined on rebuttal exhibits shall be given to counsel for the parties concerned a reasonable time in advance of October 19, 1965; and

(7) Presentation of rebuttal evidence by respondent parties and the Broadcast Bureau shall commence on October 19, 1965, at 10 a.m., in the offices of the Commission at Washington, D.C.[2]

[1] Commissioner Loevinger absent.

[1a] The applicant proposes to obtain authorization to erect and operate a test transmitter on or near its proposed site, and to give reasonable notice in advance of the test transmissions so that observations of their effects can also be made by other parties.

[2] In the alternative, rebuttal evidence is to be presented immediately following completion of applicant's direct case if the parties concerned with making rebuttal showings are then prepared to do so and have exchanged their proposed exhibits earlier than the date now scheduled for the exchange.

The prehearing conference also resulted in certain undertakings by counsel for respondent parties with respect to providing information to other parties as to respondents' communications facilities (including receivers) said to be encompassed by Issue 2, and as to permitting applicant's engineer to utilize a tower on respondents' premises for test transmitter operations. See, Transcript of Prehearing Conference.

Released: June 7, 1965.

FEDERAL COMMUNICATIONS COMMISSION,

[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 65-6036; Filed, June 9, 1965; 8:48 a.m.]

[Docket Nos. 15672, 15673; FCC 65M-727]

ESTACADA TELEPHONE & TELEGRAPH CO. AND PACIFIC NORTHWEST BELL TELEPHONE CO.

Order Continuing Hearing

In re applications of Estacada Telephone & Telegraph Co., Docket No. 15672, File No. 5557-C2-P-63, for a construction permit to establish new facilities in the Domestic Public Land Mobile Radio Service near Estacada, Oreg.; Pacific Northwest Bell Telephone Co., Docket No. 15673, File No. 6281-C2-P-63, for a construction permit to modify the facilities of station KOA731 in the Domestic Public Land Mobile Radio Service near Salem, Oreg.

The Hearing Examiner having under consideration the "Motion for Continuance" filed on June 2, 1965, by Estacada Telephone & Telegraph Co., requesting that the hearing presently scheduled for June 15, 1965, be continued to September 15, 1965;

It appearing, that the application of Sunnyside Telephone Co., requesting a construction permit to change its 150-160 Mc/s band frequencies of its existing facility to a channel in the 450-460 Mc/s band was granted by the Commission on May 27, 1965, thus possibly freeing its present 150-160 Mc/s band channel for use by one of the applicants herein; and

It further appearing, that one of the above-entitled applicants could file an amendment to its application to specify the channel vacated by Sunnyside and thereby eliminate the presently scheduled hearing; and

It further appearing, that counsel for the Pacific Northwest Bell Telephone Co. and the Common Carrier Bureau have agreed to the above-requested extension and to prompt action on said motion:

It is ordered, This 4th day of June 1965, that the "Motion for Continuance" filed on June 2, 1965, by Estacada Telephone & Telegraph Co., be, and the same is, hereby granted; that the hearing presently scheduled for June 15, 1965, be, and the same is, hereby continued to September 15, 1965; and that the June 4, 1965 date for the exchange of rebuttal exhibits and notification of witnesses, be, and the same is, hereby continued to September 8, 1965.

Released: June 7, 1965.

FEDERAL COMMUNICATIONS COMMISSION,

[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 65-6037; Filed, June 9, 1965; 8:49 a.m.]

[Docket No. 15396]

LAND MOBILE SERVICE

Order Extending Time for Filing Comments Regarding Frequency Spacing and Sharing

In the matter of an inquiry into the optimum frequency spacing between assignable frequencies in the land mobile service and the feasibility of frequency sharing by television and land mobile service; Docket No. 15396.

1. The National Association of Broadcasters (NAB) has filed a request for extension of time in which to file comments in the above entitled proceeding, to September 7, 1965. Comments were due to be filed on, or before, June 3, 1965.

2. In support of the requested extension, NAB states that additional time is necessary to prepare a proper evaluation of the comments filed by the Joint Technical Advisory Committee (JTAC) and the Electronic Industries Association (EIA), as well as to answer the specific questions set forth in the Commission's Notice of Inquiry in the proceeding.

3. The Commission recognizes the importance of this proceeding, as well as the desirability of having the comments of all interested parties on the studies prepared by JTAC and EIA. However, the specific questions referred to by NAB have been available for study since the issuance of the Notice of Inquiry in this proceeding on March 27, 1964. Moreover, the EIA study was filed on March 30, 1965, and the JTAC study was filed on April 29, 1965.

4. In view of the above facts and the public interest in proceeding with this important inquiry in timely fashion, we do not believe that an extension of time for more than three additional months, as requested by NAB, is justified.

5. *Accordingly, it is ordered*, This 4th day of June 1965, pursuant to § 0.251(b) of the Commission's rules and regulations, that the time for filing comments in the above entitled proceeding is extended from June 3 to July 15, 1965; and that the time for filing reply comments is extended from June 18, 1965, to August 2, 1965.

Released: June 4, 1965.

FEDERAL COMMUNICATIONS COMMISSION,

[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 65-6038; Filed, June 9, 1965; 8:49 a.m.]

FEDERAL POWER COMMISSION

[Docket No. G-8325, etc.]

PETROLEUM CORPORATION OF TEXAS ET AL.

Findings and Order

JUNE 2, 1965.

Findings and order after statutory hearing issuing certificates of public convenience and necessity, amending certificates, permitting and approving abandonment of service, terminating certificates, making successor co-respondent, redesignating proceeding, and accepting related rate schedules and supplements for filing.

Each of the Applicants listed herein has filed an application pursuant to section 7 of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale and delivery of natural gas in interstate commerce, for permission and approval to abandon service, or a petition to amend an existing certificate authorization, all as more fully described in the respective applications and petitions (and any supplements or amendments thereto) which are on file with the Commission.

The Applicants herein have filed related FPC Gas Rate Schedules and propose to initiate or abandon, add or delete natural gas service in interstate commerce as indicated by the tabulation herein. All sales certificated herein are either equal to or below the ceiling prices established by the Commission's Statement of Policy 61-1, as amended, or involve sales for which permanent certificates have been issued.

A temporary certificate was issued to Helbing and Podpechan in Docket No. CI60-419 on June 3, 1960, as amended on July 15, 1960, authorizing the sale of natural gas to El Paso Natural Gas Co. from the Aneth Field, San Juan County, Utah, at an initial rate of 20.0 cents per Mcf at 15.025 p.s.i.a. subject to refund down to 17.7 cents per Mcf. By letter dated August 7, 1964, Applicant agreed to accept a permanent certificate at a rate of 17.7 cents per Mcf and agreed to refund all amounts collected in excess thereof. Accordingly, Applicants will be required to refund all of such amounts, together with interest at the rate of seven percent per annum, and will be required to submit under oath in triplicate a statement of refunds showing all amounts, including interest, which have been refunded.

Ne-O-Tex Corp., Applicant in Docket No. CI65-864, proposes to sell natural gas from acreage acquired from Sinclair Oil & Gas Co. The subject acreage was non-productive at the time of assignment but was dedicated to Sinclair's FPC Gas Rate Schedule No. 7 and sales were authorized in Docket No. G-2893. Said rate schedule will also be designated as a rate schedule of Ne-O-Tex. Sinclair's presently effective rate is in effect subject to refund in Docket No. RI65-75, and Ne-O-Tex has agreed and has been

required in its temporary certificate issued March 26, 1965, to file an agreement and undertaking to assure the refund of any amounts collected by it in excess of the amount determined to be just and reasonable in Docket No. RI65–75. Ne-O-Tex will be made a corespondent in said proceeding and the proceeding will be redesignated accordingly.

After due notice, a notice of intervention by The Public Utilities Commission of the State of California and a joint petition to intervene by Southern California Gas Co. and Southern Counties Gas Co. of California were filed in Docket No. CI65–864. Notices of withdrawal of the respective interventions by interveners were filed on April 26, 1965, and May 10, 1965, respectively, in Docket No. CI65–864. No other petitions to intervene, notices of intervention, or protests to the granting of any of the respective applications or petitions in this order have been received.

At a hearing held on May 28, 1965, the Commission on its own motion received and made a part of the record in these proceedings all evidence including the applications, amendments and exhibits thereto, submitted in support of the respective authorizations sought herein, and upon consideration of the record,

The Commission finds:

(1) Each Applicant herein is a "natural-gas company" within the meaning of the Natural Gas Act as heretofore found by the Commission or will be engaged in the sale of natural gas in interstate commerce for resale for ultimate public consumption, subject to the jurisdiction of the Commission, and will, therefore, be a "natural-gas company" within the meaning of said Act upon the commencement of the service under the respective authorizations granted hereinafter.

(2) The sales of natural gas hereinbefore described, as more fully described in the respective applications, amendments and/or supplements herein, will be made in interstate commerce, subject to the jurisdiction of the Commission, and such sales by the respective Applicants, together with the construction and operation of any facilities subject to the jurisdiction of the Commission necessary therefor, are subject to the requirements of subsections (c) and (e) of section 7 of the Natural Gas Act.

(3) The sales of natural gas by the respective Applicants, together with the construction and operation of any facilities subject to the jurisdiction of the Commission necessary therefor, are required by the public convenience and necessity and certificates therefor should be issued as hereinafter ordered and conditioned.

(4) The respective Applicants are able and willing properly to do the acts and to perform the services proposed and to conform to the provisions of the Natural Gas Act and the requirements, rules and regulations of the Commission thereunder.

(5) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act and the public convenience and necessity require that the certificate authorizations heretofore issued by the Commission in Docket Nos. G–2893, G–8325, G–13633, G–14152, CI63–1041, CI63–1130, CI64–332, CI65–244, CI65–246, and CI65–318 should be amended as hereinafter ordered.

(6) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act that the temporary certificate heretofore issued in Docket No. CI61–1724 should be amended by deleting therefrom authorization granted herein in Docket No. CI65–1011.

(7) The sales of natural gas proposed to be abandoned by the respective Applicants, as hereinbefore described, all as more fully described in the tabulation herein and in the respective applications, are subject to the requirements of subsection (b) of section 7 of the Natural Gas Act, and such abandonments should be permitted and approved as hereinafter ordered.

(8) The certificates of public convenience and necessity heretofore issued to the respective Applicants herein relating to the abandonments hereinafter permitted and approved should be terminated.

(9) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act that Helbing and Podpechan should be required to make such refunds in Docket No. CI60–419 and to submit a statement thereon as hereinafter ordered.

(10) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act that Ne-O-Tex Corp. should be made a corespondent in the proceeding pending in Docket No. RI65–75 and that said proceeding should be redesignated accordingly.

(11) The respective related rate schedules and supplements are designated or redesignated in the tabulation herein should be accepted for filing as hereinafter ordered.

The Commission orders:

(A) Certificates of public convenience and necessity be and the same are hereby issued, upon the terms and conditions of this order, authorizing the sales by the respective Applicants herein of natural gas in interstate commerce for resale, together with the construction and operation of any facilities subject to the jurisdiction of the Commission necessary for such sales, all as hereinbefore described and as more fully described in the respective applications, amendments, supplements, and exhibits in this proceeding.

(B) The certificates granted in paragraph (A) above are not transferable and shall be effective only so long as Applicants continue the acts or operations hereby authorized in accordance with the provisions of the Natural Gas Act and the applicable rules, regulations and orders of the Commission.

(C) The grant of the certificates issued in paragraph (A) above shall not be construed as a waiver of the requirements of section 4 of the Natural Gas Act or of Part 154 or Part 157 of the Commission's regulations thereunder, and is without prejudice to any findings or orders which have been or may hereafter be made by the Commission in any proceeding now pending or hereafter instituted by or against the respective Applicants. Further, our action in this proceeding shall not foreclose nor prejudice any future proceedings or objections relating to the operation of any price or related provisions in the gas purchase contracts herein involved. Nor shall the grant of the certificates aforesaid for service to the particular customers involved imply approval of all of the terms of the respective contracts, particularly as to the cessation of service upon termination of said contracts, as provided by section 7(b) of the Natural Gas Act. Nor shall the grant of the certificates aforesaid be construed to preclude the imposition of any sanctions pursuant to the provisions of the Natural Gas Act for the unauthorized commencement of any sales of natural gas subject to said certificates.

(D) The certificate authorizations heretofore issued to the respective Applicants in Docket Nos. G–14152, CI63–1041, and CI65–318 are hereby amended by adding thereto or deleting therefrom authorization to sell natural gas to the same purchasers and in the same areas as covered by the original authorizations, pursuant to the rate schedule supplements as indicated in the tabulation herein.

(E) The certificate heretofore issued in Docket No. CI64–332 is hereby amended to include the sale of natural gas from the additional acreage and the related rate schedule is redesignated as Sunland Refining Corp., et al.

(F) The certificates heretofore issued in Docket Nos. G–2893 and G–13633 are hereby amended by deleting therefrom authorization granted herein in Docket Nos. CI65–864 and CI65–973.

(G) The temporary certificate heretofore issued in Docket No. CI61–1724 is hereby amended by deleting therefrom authorization granted herein in Docket No. CI65–1011.

(H) The certificates heretofore issued in Docket Nos. CI63–1130, CI65–244, and CI65–246 are hereby amended by deleting therefrom authorization granted herein in Docket No. CI65–984.

(I) The certificate heretofore issued in Docket No. G–8325 is hereby amended by changing the certificate holder to the successor in interest as indicated in the tabulation herein.

(J) Permission for and approval of the abandonment of service by the respective Applicants, as hereinbefore described and as more fully described in the respective applications herein are hereby granted.

(K) In view of the abandonment authorization granted herein in Docket No. CI65–1006, the certificate heretofore issued in Docket No. G–15402 is hereby terminated and such authorization does not relieve Applicant of any refund obligation in the related rate suspension proceeding in Docket No. RI63–275.

(L) The certificates heretofore issued in Docket Nos. G–10172 and G–11429 are hereby terminated.

(M) Helbing and Podpechan shall refund to El Paso Natural Gas Co. in Docket No. CI60–419 all amounts collected for sales of natural gas authorized by the temporary certificate issued in said docket, together with interest at the rate of 7 percent per annum, in excess of 17.7 cents per Mcf at 15.025 p.s.i.a.; and Applicants shall submit under oath in triplicate a statement of refunds showing all amounts, including interest, which have been refunded.

(N) Ne-O-Tex Corp. be and it is hereby made a co-respondent in the proceeding pending in Docket No. RI65–75, and said proceeding is redesignated accordingly.[1]

(O) Ne-O-Tex Corp. shall comply with the refunding and reporting procedure required by the Natural Gas Act and § 154.102 of the regulations thereunder, and the agreement and undertaking filed by Ne-O-Tex Corp. in Docket No. RI65–75 shall remain in full force and effect until discharged by the Commission.

(P) The respective related rate schedules and supplements as indicated in the tabulation herein are hereby accepted for filing; further, the rate schedules relating to the successions herein are hereby redesignated and accepted, subject to the applicable Commission regulations under the Natural Gas Act to be effective on the dates indicated in the tabulation herein.

By the Commission.

[SEAL] JOSEPH H. GUTTMAN, *Secretary.*

Docket No. and date filed	Applicant	Purchaser, field, and location	FPC rate schedule to be accepted: Description and date of document	No.	Supp.
A CI65–964 (CI65–244) F 4–6–65	Great Plains Land Co., et al.	United Gas Pipe Line Co., Ada Field, Bienville Parish, La.	Contract 10–27–48 [2]; Letter agreement 10–1–58; Letter agreement 12–1–59; Letter agreement 7–1–60; Letter agreement 4–19–62 [3]; Letter agreement 4–19–62; Assignment 8–1–64; Assignment 8–24–64; Assignment 9–28–64; Assignment 9–28–64; Effective date: 8–1–64; Contract 2–20–59 [4]; Letter agreement 2–20–59 [4]	1 1 2 1 1 1 1 1 1 1 1 1 2	1 2 3 4 5 6 7 8 9 10 11 1 2
CI65–964 (CI65–246)		United Gas Pipe Line Co., Ada Field, Bienville Parish, La.			
CI65–984 (CI63–1130)		Arkansas Louisiana Gas Co., Ada Field, Bienville Parish, La.	Letter agreement 7–1–60; Assignment 6–1–64; Letter agreement 7–24–64; Assignment 8–31–64; Assignment 9–28–64 [5]; Assignment 9–28–64 [5]; Effective date: 8–1–64	2 2 2 2 2 2 2	1 2 3 4 5 6 7
CI65–997 A 4–6–65	Continental Oil Co.	El Paso Natural Gas Co., Various Fields, Rio Arriba and San Juan Counties, N. Mex.	Assignment 6–25–64 [5]; Assignment 9–28–64 [5]; Assignment 9–28–64 [5]; Rate schedule 6–1–64; Contract 9–19–61 [6]	2 2 2 2	8 9 10 11
CI65–998 A 4–6–65	Texaco Inc.	Panhandle Eastern Pipe Line Co., Francis Field, Collingsworth County, Tex.	Contract 2–1–61 [7]	235	1
CI65–1000 A 4–6–65	Gulf Oil Corp.	Panhandle Eastern Pipe Line Co., Francis Field, Collingsworth County, Tex.	Contract 2–1–61 [7]	236	1
CI65–1006 (G–10172) D 4–13–65	Tidewater Oil Co.	Tennessee Gas Transmission Co., West Rock Island Field, Colorado County, Tex.	Notice of cancellation 4–7–65 [8]	83	6
CI65–1005 (G–15402) D 4–13–65	Greenville Gasoline Co., Inc. (Operator).	Lago Star Gas Co., Greenville Oil Field, Love County, Okla.	Notice of cancellation 4–6–65 [8]	1	2
CI65–1007 (G–11539) D 4–13–65	Shelby Oil Co.	Champlin Petroleum Co., East Guthrie Lake Field, Logan County, Okla.	Notice of cancellation (Undated) [8]	110	1
CI65–1009 A 4–13–65	Continental Oil Co.	Natural Gas Pipeline Co. of America, Mobeetie Area, Wheeler County, Tex.	Contract 1–15–65 [9]	597	1
A CI65–1011 (CI61–1724) F 4–13–65	Rutter and Co., Ltd., et al.	El Paso Natural Gas Co., Spraberry Trend Area, Glasscock County, Tex.	Contract 8–10–61 [2]; Assignment 12–19–62 [5]; Assignment 1–3–64 [5]; Effective date: 11–1–63	4 4 4	1 2 3
CI65–1013 A 4–14–65	Standard Oil Co. of Texas, a division of California Oil Co.	Natural Gas Pipeline Co. of America, Sojita Area, Field, Duval County, Tex.	Contract 12–1–64 [4]	54	

Docket No. and date filed	Applicant	Purchaser, field, and location	FPC rate schedule to be accepted: Description and date of document	No.	Supp.
G–2893 E 4–12–65	Petroleum Corp. of Texas (successor to Texola Drilling Co., Inc.).	Kansas-Nebraska Natural Gas Co., Inc., Hugoton Field, Texas County, Okla.	Texola Drilling Co., Inc., FPC G–93 No. 1–2 Supplement Nos. 1–2; Notice of succession 4–1–65	3 3	1–2
G–14152 D 3–30–65	Union Oil Co. of California.	Natural Gas Pipeline Co. of America, Carmick Southeast Gas Pool, Beaver County, Okla.	Assignment 2–26–64 [5]; Assignment 3–2–64 [5]; Assignment 3–2–64 [5]; Effective date: 12–31–63; Amendatory Agreement 9–12–63 [6]	3 3 3

Docket No. and date filed	Applicant	Purchaser, Field, and location	FPC rate schedule to be accepted		
			Description and date of document	No.	Supp.
CI65-1014..... A 4-14-65	N. G. Clark.....	Equitable Gas Co., Court House District, Lewis County, W. Va.	Contract 11-12-63 [1].....	12	.....
CI65-1015..... A 4-14-65	Colorado Oil and Gas Corp.	Cities Service Gas Co., Nurse, Northeast Field, Barber County, Kans.	Contract 3-25-65 [2].....	89	.....

[1] Conveys the subject acreage from Texola Drilling Co., Inc., to Blakley-Braniff Foundation.
[2] Conveys the subject acreage from Blakley-Braniff Foundation to Graridge Corp.
[3] Conveys the subject acreage from Graridge Corp. to Applicant.
[4] Applicant states that buyer refused to connect to the subject well because it did not meet the contract reserves requirement.
[5] Effective date: Date of this order.
[6] Temporary certificate issued June 3, 1965, as amended July 15, 1965, permitted collection of rate of 20.0 cents/Mcf subject to refund to floor of 17.7 cents/Mcf. By letter dated Aug. 27, 1964, Applicant agreed to accept a permanent certificate at 17.7 cents/Mcf and agreed to refund monies collected in excess thereof.
[7] Adds acreage and eliminates 1.0 cent minimum guarantee and Favored Nation Provisions for this acreage.
[8] Effective date: Date of initial delivery.
[9] By letter filed Apr. 7, 1965, Applicant stated willingness to accept a permanent certificate under the same conditions as shown in the temporary certificate issued Mar. 26, 1965.
[10] Residue gas purchase agreement.
[11] Casinghead gas contract.
[12] Farmout agreement and assignment of nonproductive acreage previously dedicated to Sinclair Oil & Gas Co. FPC GRS No. 7 to Cecil W. Branscum for production down to a depth of 7,900 feet; Branscum has not filed for this acreage.
[13] Acreage reassigned to Ne-O-Tex Corp. by Branscum.
[14] Between Union Producing Co. and buyer; on file as Union Producing Co. FPC GRS No. 76.
[15] Amends contract in regard to severance tax reimbursement.
[16] Conveys acreage from Union Producing Co. to Helen Carver d.b.a. Anthony Oil Co.
[17] Basic contract between Monsanto Chemical Co. and United; on file as Robert E. King, et al. FPC GRS No. 2.
[18] Amends contract to provide for 16.5 cents base rate during period Mar. 21, 1962 to Jan. 31, 1964.
[19] Provides for effective date of rate under Supplement No. 4 to reflect Commission Order issued Mar. 21, 1962.
[20] Assigns 10 percent of interest of Great Plains Land Co. to Monta J. Moore.
[21] Assigns 25 percent of interest of Great Plains Land Co. to J. Paul Karcher.
[22] Basic contract between The Atlantic Refining Co. and United; on file as Robert E. King, et al. FPC GRS No. 3.
[23] Amends quantity provisions of basic contract.
[24] Provides for additional tax reimbursement.
[25] Basic contract between T. F. Hodge (Operator), et al., and Arkansas Louisiana Gas Co.; on file as T. F. Hodge (Operator), et al. FPC GRS No. 5.
[26] Source of gas depleted.
[27] Basic contract between Bartesa Oil Corp. and El Paso; on file as Bartesa Oil Corp., et al. FPC GRS No. 1. Temporary authorization only granted to Bartesa Oil Corp.
[28] Assigns interest from Bartesa Oil Corp., et al., to James L. Parks (Parks has made no filings with regards to the subject acreage).
[29] Assigns interest from James L. Parks to Rutter and Co., Ltd., et al.

[F.R. Doc. 65-6019; Filed, June 9, 1965; 8:47 a.m.]

[Docket No. G-20464, etc.]

TRANSWESTERN PIPELINE CO. ET AL.

Notice Fixing Oral Argument

JUNE 3, 1965.

The Commission has before it the Presiding Examiner's Initial Decision issued April 19, 1965, the Briefs on Exceptions, and responses thereto filed in the above-designated matter.

Take notice that an oral argument is hereby scheduled to commence at 10 a.m., July 13, 1965, in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D.C.

All parties desiring to participate in the oral argument shall notify the Secretary on or before June 23, 1965, of the amount of time desired for presentation of their arguments.

By direction of the Commission.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 65-6020; Filed, June 9, 1965; 8:47 a.m.]

[Docket No. G-20478 etc.] [1]

WARREN PETROLEUM CORP. ET AL.

Order Conditionally Approving Rate Settlement Proposal, Requiring Filing of Notices of Change, Severing and Terminating Proceedings and Prescribing Refunds

JUNE 3, 1965.

There is before us for consideration an Offer of Settlement filed by Warren Petroleum Corp., Kerr-McGee Oil Industries, Inc., Texaco Inc., and Cities Service Oil Co. (WKTC) pursuant to § 1.18(e) of the Commission's rules of practice and procedure in the above-docketed proceedings which concern proposed increased rates under six FPC Gas Rate Schedules for sales of natural gas to Lone Star Gas Co. (Lone Star) and Cities Service Gas Co. (Cities) from the Garvin County plants, Garvin County, Okla. These proceedings involve proposed increased rates, collected subject to refund, from a rate of 11.0 cents per Mcf of natural gas at 14.65 p.s.i.a. to 16.8 cents per Mcf in 1960 and to 17.9 cents per Mcf in late 1963 and early 1964.

In summary the settlement proposal as filed by WKTC provides:

(1) A settlement rate of 14.5 cents per Mcf at 14.65 p.s.i.a. under each of the rate schedules for jurisdictional sales of natural gas to Lone Star and Cities;

(2) WKTC waives the right to file for any contractually authorized increases in rates under the subject rate schedules until July 1, 1968, excepting for possible increases occasioned by the tax reimbursement provisions contained therein;

(3) WKTC proposes to refund approximately $1,670,975, of the monies collected subject to refund through March 1, 1964, plus $103,194 interest computed at 7 percent to June 1, 1964. Additionally, it proposes to refund the difference between the settlement rate and the effective contract rate, with applicable interest, for deliveries subsequent to March 1, 1964.

WKTC reserves the right to file for increased rates if we should determine as a result of an applicable area rate proceeding that the just and reasonable rate for the area is higher than the settlement rate, and, of course, WKTC agrees that if our determination in such a proceeding is that the proper rate is lower than the settlement rate it agrees to abide promptly with our decision.

WKTC states in its offer that it has since 1954 added substantial volumes of gas for the purpose of meeting its commitments under the subject rate schedules. It had done so by negotiating over 300 new contracts in four counties surrounding the Garvin County plant complex. In so doing, it has been faced with considerable competition from other purchasers of natural gas. An appreciable portion of such competition has resulted from intrastate consumption beyond the jurisdiction of this Commission. Therefore, WKTC contends that its proposed settlement rate of 14.5 cents per Mcf of natural gas is necessary for it to maintain the deliverability required by its contracts with Lone Star and Cities, and, as a result, avoid a substantial increase in its unit cost of processing gas through the plants. We have considered similar circumstances in the settlement proposal filed by National Fuels Corp., Docket No. G-20426, and in the order issued therein on May 24, 1965, we stated that such circumstances were sufficiently analogous to those in other settlement proposals wherein we approved rates in excess of the applicable area increased rate ceilings as to require similar treatment. Since the circumstances set forth by WKTC are similar, if not identical, to those considered by us in National, supra, we believe that an exception to the applicable area increased rate ceiling is likewise warranted here. However, we do not find good cause to justify a rate above 14.0 cents per Mcf of natural gas, nor do we find any reason not to require refunds of all amounts collected in excess of those which would have been collected at 14.0 cents per Mcf on sales of gas from September 1, 1961, to the date of the issuance of this order with applicable interest thereon.

The data submitted by WKTC show that supplies contracted for prior to 1954 and those contracted for subsequent thereto, as well the supplies required to maintain deliverability in the future, when considered in conjunction with the ceiling prices set forth in the policy statement, support our determination that a rate of 14.0 cents per Mcf of natural gas is in the public interest. Consequently, we shall condition our approval of WKTC's proposal to require each, or any of the co-owners to make appropriate filings to reflect a rate of 14.0 cents per Mcf of natural gas at 14.65 p.s.i.a.

In regard to refunds, we have utilized cost of service studies and revenues based on contract rates to determine WKTC's revenue-cost relationship in its jurisdictional operation of the Garvin County plants. Additionally, we have utilized data available to us from company-wide settlements of some of the companies involved (e.g., Cities Service Production Co., et al., Docket Nos. G-9510, et al., 28 FPC 1114; Texaco Inc., Docket Nos. 8969, et al., 30 FPC 1631). These data indicate that it is appropriate that we require refunds to be computed for sales made to Lone Star and Cities on and after September 1, 1961, with applicable interest, and we shall condition our approval of the settlement offer to so provide. Accordingly, the amount of monies to be refunded will be approximately $4,800,000, exclusive of applicable interest to be computed to the date of issuance of this order, and WKTC's future revenues will be decreased approximately $1,340,000 annually as a result of the settlement, if each of the co-owners accepts the terms and conditions of this order.

For all of the reasons set forth in our order issued July 8, 1964, in Humble Oil & Refining Co., Docket Nos. G-9287, et al., —— FPC ——, we shall require WKTC to retain the amount of refunds, with interest, ordered herein in trust until further order directing the nature of their disposition and also to submit within 45 days of this order to the Commission and to Lone Star and Cities a detailed report setting out the amount of refund related to the instant rate schedules, the volumes of gas sold thereunder and the period covered. We shall also by separate action direct Lone Star and Cities within 10 days from the receipt of such reports to each submit a report of its own setting forth whether it intends to pass on all or part of such refund amounts to its customers and the names of such customers and amounts of refund each would receive, or, if it claims the right to retain any portion of the refunds, a brief statement as to the legal or equitable basis for such claim. In the event such reports indicate that the refunds will flow through to ultimate consumers or distribution companies not subject to the Commission's jurisdiction, the Commission will authorize the release of such refund sums by WKTC (unless a state regulatory authority after notification of the sum to be made available to a company subject to its regulatory jurisdiction asks us to defer releasing the funds until it can determine their ultimate disposition). In the event a pipeline purchaser from Lone Star or Cities (or a pipeline customer of such a pipeline) indicates that it is asserting a claim to retain substantial refund sums the Commission will by further order prescribe the procedure for determining the relative rights to such funds of such pipeline or its customers.

We find that approval of the proposed settlement, as conditioned herein, would serve the public interest.

The Commission finds: The proposed settlement of the above-designated proceeding, on the basis described herein, as more fully set forth in the offer of settlement filed with the Commission by WKTC on May 14, 1964, and as herein conditioned is in the public interest and is appropriate to carry out the provisions of the Natural Gas Act and should be approved and made effective as hereinafter ordered.

The Commission orders:

(A) The offer of settlement filed with the Commission by WKTC on May 14, 1964, is hereby approved in accordance with the provisions of this order.

(B) WKTC shall each file, within 30 days from the date of issuance of this order, a notice of change in rate providing for the 14.0 cents per Mcf of natural gas rate specified herein. The notices of change shall be submitted in accordance with Part 154 of the Commission's regulations under the Natural Gas Act.

(C) WKTC shall each compute the difference between the rate collected subject to refund and the related settlement rate for the period from September 1, 1961 to the date of this order, together with interest as specified in the above dockets to the date of this order.[2] WKTC shall each within 45 days from the date of this order submit a report to the Commission, and serve a copy on Lone Star and Cities setting out the amount of refund related to the subject rate schedule (showing separately the principal and applicable interest), the basis used for such determination and the period covered.

(D) WKTC shall retain the refund amounts shown in the report required under paragraph (C) above, subject to further order of the Commission directing the disposition of those amounts.

(E) If WKTC elects to commingle these retained refunds with each of its general assets and use them for each of their corporate purposes, each who so elects shall pay interest thereon at the rate of 6 percent per annum on all funds thus available from July 15, 1965, to the date on which they are paid over to the person ultimately determined to be entitled thereto in a final order of the Commission.

(F) WKTC shall each tender for filing on or before July 15, 1965, an executed Escrow Agreement, conditioned as set out below, accompanied by certificate showing service of a copy thereof upon Lone Star and Cities. Unless notified to the contrary by the Secretary within 30 days from the date of filing thereof, each of the Escrow Agreements shall be deemed to be satisfactory and to have been accepted for filing. The Escrow Agreements shall be entered into between WKTC and any bank or trust company used as a depositor for funds of the U.S. Government and the agreement shall be conditioned as follows:

(1) WKTC, the bank or trust company, and the successors and assigns of each, shall be held and formally bound unto the Federal Power Commission for the use and benefit of those entitled thereto, with respect to all amounts and the interest thereon deposited in a special escrow account, subject to such agreement, and such bank or trust company shall be bound to pay over to such person or persons as may be identified and designated by final order of the Commission and in such manner as may be therein specified, all or any portion of such deposits and the interest thereon.

(2) The bank or trust company may invest and reinvest such deposits in any short-term indebtedness of the United States or any agency thereof or in any form of obligation guaranteed by the United States which is, respectively, payable within 120 days as the said bank or trust company in the exercise of its sound discretion may select.

(3) Such bank or trust company shall be liable only for such interest as the invested funds described in Paragraph (2) above will earn and no other interest may be collected from it.

(4) Such bank or trust company shall be entitled to such compensation as is fair, reasonable and customary for its services as such, which compensation shall be paid out of the escrow account to such bank or trust company. Said bank or trust company shall likewise be entitled to reimbursement for its reasonable expenses necessarily incurred in the administration of this escrow account, which reimbursement shall be made out of the escrow account.

(5) Such bank or trust company shall report to the Secretary quarterly, certifying the amount deposited in the bank or trust company for the quarterly period.

(G) WKTC shall each, over the signature of a responsible officer, file with the Commission, within 30 days from the date of the issuance of this order, an original and one copy of its acceptance or rejection of the terms and conditions of this order, including specifically the requirement that it agree to a filing moratorium upon each of the subject filed rate schedules to July 1, 1968.

[1] And Rate Orders of Oct. 12, 1960, Permitting Filing, Providing for Hearing on, and Making Rate Effective Subject to Refund.

[2] And Rate Orders of Oct. 12, 1960, Permitting Filing, Providing for Hearing on, and Making Rate Effective Subject to Refund.

(H) Any party to the proceedings having objection to the terms of this order shall within 30 days from the date of issuance of this order set forth such objections in writing to the Commission (original and one copy) and by serving copies on the other parties.

(I) If as a result of any objections filed pursuant to paragraph (H) hereof, the Commission by subsequent order changes WKTC's duties and obligations hereunder, each of WKTC's acceptance of this settlement order shall not be binding on it without its express agreement.

(J) Upon compliance by WKTC with all the terms and provisions of this order, the section 4(e) proceedings in Docket Nos. G–20478, RI63–486, G–20479, RI63–460, G–20451, RI64–69, RI63–485, and RI65–269 shall terminate. Additionally, the order of October 12, 1960, Permitting Filing, Providing for Hearing on, and Making Rate Effective Subject to Refund, concerning the sales from the Garvin County plants shall terminate.

(K) Upon termination of the section 4(e) proceedings set forth in Paragraph (J) above, the proceedings in Docket Nos. RI63–485 and RI65–269 shall be severed from the consolidated proceedings, Docket Nos. RP64–9, et al.

(L) This order is without prejudice to any findings or orders which have been or may be made hereafter by the Commission, and is without prejudice to claims or contentions which may be made by WKTC, the Commission staff, or any affected party hereto, in any proceedings now pending, including area rate or similar proceedings, or hereafter instituted by or against WKTC or any other companies, person or parties affected by this order.

By the Commission.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F.R. Doc. 65–6021; Filed, June 9, 1965; 8:47 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 1–3421]

CONTINENTAL VENDING MACHINE CORP.

Order Suspending Trading

JUNE 4, 1965.

The common stock, 10 cents par value, of Continental Vending Machine Corp., being listed and registered on the American Stock Exchange and having unlisted trading privileges on the Philadelphia-Baltimore-Washington Stock Exchange, and the 6-percent convertible subordinated debentures due September 1, 1976, being listed and registered on the American Stock Exchange, pursuant to provisions of the Securities Exchange Act of 1934; and

It appearing to the Securities and Exchange Commission that the summary suspension of trading in such securities on such Exchanges and otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to sections 15(c)(5) and 19(a)(4) of the Securities Exchange Act of 1934, that trading in such securities on the American Stock Exchange, the Philadelphia-Baltimore-Washington Stock Exchange and otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period June 6, 1965, through June 15, 1965, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 65–6014; Filed, June 9, 1965; 8:47 a.m.]

[812–1779]

HANNA MINING CO.

Notice of Filing of Application for Order

JUNE 4, 1965.

Notice is hereby given that The Hanna Mining Co. ("Hanna Mining"), 100 Erieview Plaza, Cleveland, Ohio, 44114, approximately 46.5 percent of the outstanding voting stock of which is owned by The M. A. Hanna Co. ("Hanna"), a closed-end non-diversified investment company registered under the Investment Company Act of 1940 ("Act"), has filed an application under section 17(d) of the Act and Rule 17d–1 thereunder for an order of the Commission permitting National Steel Corp. ("National"), 21.7 percent of whose outstanding stock is owned by Hanna, to participate with Hanna Mining in a joint venture for the commercial exploitation of a process developed by Midland-Ross Corp. ("Midland-Ross") for the production from iron ore of reduced ore pellets and oxidized ore pellets. Under section 17(d) of the Act and Rule 17d–1 thereunder, it is unlawful for any affiliate of a registered investment company, or any affiliate of such an affiliate, to participate in or effect any transaction in connection with any joint enterprise or other joint arrangement or profit-sharing plan in which a registered investment company, or a company controlled by such registered investment company, is a participant, unless an application regarding such joint enterprise has been granted by order of the Commission. All interested persons are referred to the application on file with the Commission for a full statement of the representations therein which are summarized below.

Hanna Mining and National have entered into an agreement with Midland-Ross which provides that Midland-Ross will establish near Nashwauk, in Itasca County, Minn., a pilot plant for testing and demonstrating its process for the production of iron ore pellets and that Midland-Ross, National, and Hanna Mining will for a period of 3 years, and such additional time as may be agreed upon, collaborate in the further development and testing of the process. Hanna Mining will obtain rights to the use of the property on which the pilot plant is to be located and will furnish an adequate supply of ore concentrate for use in the pilot plant operation. The costs of acquisition of the property and construction and operation of the pilot plant, including the reasonable cost of ore concentrate, are to be borne one-half by Midland-Ross and one-fourth each by National and Hanna Mining.

The agreement further provides that Midland-Ross will grant non-exclusive licenses to use the process in the United States and Canada, and perhaps in other foreign countries, and will pay to National one-fourth and to Hanna Mining one-fourth of the net royalties derived from such licenses during the term of the agreement. In the event National and Hanna Mining, or either of them, shall not be satisfied with the proposed royalties, they or either of them may elect to terminate their participation in the royalties and receive in lieu thereof 1½ percent of the net sale price derived by Midland-Ross from sales of equipment used in practicing the process. Neither National nor Hanna Mining shall have this right of election after the royalty payments received by them exceed twice the costs incurred by them pursuant to the proposed venture.

National and Hanna Mining have entered into a separate agreement which provides that, prior to final Commission action on the application noticed hereby, Hanna Mining will perform for the account of National all obligations of National under the joint venture agreement hereinabove described, but that unless an order is issued granting the application, all payments made by Hanna Mining will be deemed to have been made for its own account, with National having no obligation to reimburse Hanna Mining for such expenditures or to otherwise participate in the proposed venture.

Notice is further given that any interested person may, not later than June 22, 1965, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C., 20549. A copy of such request shall be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon applicant at the address stated above. Proof of such service (by affidavit or in the case of an attorney-at-law by certificate) shall be filed contemporaneously with the request. At any time after such date, as provided by Rule 0–5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the information stated in said application, unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 65–6015; Filed, June 9, 1965; 8:47 a.m.]

[File No. 70–4263]

MIDDLE SOUTH UTILITIES, INC., AND LOUISIANA POWER & LIGHT CO.

Notice of Intrasystem Issue and Sale of Common Stock, Transfer of Earned Surplus to Common Capital Stock Account, and Issue and Sale of Notes

JUNE 4, 1965.

Notice is hereby given that Middle South Utilities, Inc. ("Middle South"), 280 Park Avenue, New York, N.Y., 10017, a registered holding company, and its public-utility subsidiary company, Louisiana Power & Light Co. ("Louisiana"), 142 Delaronde Street, New Orleans, La., 70114, have filed with this Commission a joint application-declaration, pursuant to the Public Utility Holding Company Act of 1935 ("Act"), and have designated sections 6(a), 7, 9(a), 10, and 12(f) of the Act and Rules 23 and 43 promulgated thereunder as applicable to the proposed transactions. All interested persons are referred to the joint application-declaration, on file at the office of the Commission, for a statement of the transactions therein proposed which are summarized below:

Louisiana proposes to issue and sell to Middle South (the owner of all of Louisiana's presently outstanding no par value common stock), and Middle South proposes to acquire, 2,300,000 additional shares of Louisiana's authorized common stock for a cash consideration of $12,650,000. Concurrently with such sale, Louisiana proposes to transfer $3,200,000 from its earned surplus account to its common capital stock account. Upon completion of these transactions, Louisiana's presently outstanding 10,500,000 shares of common stock, stated on its books at an aggregate amount of $57,750,000, will be increased to 12,800,000 shares at an aggregate stated amount of $73,600,000. The proceeds from the sale of the additional shares of common stock will be applied by Louisiana to the cost of its current construction program estimated at $46,400,000, to reimburse its treasury for monies expended thereon, and for general corporate purposes. The additional common shares to be acquired by Middle South will be recorded on its books by charging its investment account with the amount of its cash investment, $12,650,000.

Middle South also proposes to issue and sell to two or more banks its unsecured promissory notes in an aggregate principal amount of $14,650,000. Each such note will mature 2 years from its issue date and will be prepayable at any time without premium. The interest rate of the notes, and the names of the leading banks, will be supplied by amendment. The proceeds derived from such notes will be used by Middle South to purchase said additional shares of common stock of Louisiana and to prepay, without premium, $2,000,000 principal amount of its outstanding notes to banks, maturing September 3, 1965. Middle South states that the proposed notes will be paid at or before maturity, out of the proceeds from the issue and sale of additional shares of its common stock in late 1966 or early 1967, such transaction to be the subject of a subsequent filing with the Commission.

The filing states that no State regulatory commission and no Federal commission, other than this Commission, has jurisdiction over the issue and sale of said common stock by Louisiana or the acquisition thereof by Middle South; and that, other than federal issuance taxes and minor incidental expenses, no special or separate expenses are anticipated by Louisiana or Middle South in connection with the proposed transactions.

Notice is further given that any interested person may, not later than June 28, 1965, requesting in writing that a hearing be held in respect of such matter, stating the nature of his interest, the reasons for the request, and the issues of fact or law which he desires to controvert, or he may request that he be notified should the Commission order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C., 20549. A copy of such request should be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon the applicants-declarants at the above-stated addresses, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed contemporaneously with the request. At any time after said date the joint application-declaration, as filed or as it may be amended, may be granted and permitted to become effective as provided in Rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided by Rules 20(a) and 100 thereof or take such other action as it deems appropriate.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 65–6016; Filed, June 9, 1965; 8:47 a.m.]

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATIONS FOR RELIEF

JUNE 7, 1965.

Protests to the granting of an application must be prepared in accordance with Rule 1.40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 39814—*Fertilizer and fertilizer materials from Epco, Idaho.* Filed by Western Trunk Line Committee, agent (No. A–2408), for interested rail carriers. Rates on fertilizer and fertilizer materials, in carloads, from Epco, Idaho, to points in western trunk-line territory.

Grounds for relief—Market competition.

Tariffs—Supplement 123 to Western Trunk Line Committee, agent, tariff I.C.C. A–4411 and supplement 78 to Union Pacific Railroad Co., tariff I.C.C. 5557.

FSA No. 39815—*Gypsum and plaster returned from southern territory points.* Filed by Illinois Freight Association, agent (No. 287), for interested rail carriers. Rates on plaster, gypsum wallboard and related articles, in carloads, on shipments returned from original destinations in southern territory to original points of shipment in Illinois Freight Association territory.

Grounds for relief—Carrier competition.

By the Commission.

[SEAL] BERTHA F. ARMES, *Acting Secretary.*

[F.R. Doc. 65–6029; Filed, June 9, 1965; 8:47 a.m.]

[Notice 1187]

MOTOR CARRIER TRANSFER PROCEEDINGS

JUNE 7, 1965.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 179), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC–FC–67895. By order of May 28, 1965, the Transfer Board approved the transfer to Sherwood Trucking, Inc., Muncie, Ind., of Certificates Nos. MC–118200, MC–118200 (Sub-No. 1), and MC–118200 (Sub-No. 2), issued July 12, 1960, March 29, 1961, and May 22, 1962, respectively, to Charles Sherwood, doing business as Charles Sherwood Produce, Muncie, Ind., authorizing the transportation, over irregular routes, of bananas, from Mobile, Ala., and New Orleans, La., to Indianapolis and Terre Haute, Ind.; from Charleston, S.C., to points in Indiana; and from Gulfport, Miss., to points in Indiana and to DeKalb, Ill. Howell Ellis, 616–18 Fidelity Building, Indianapolis, Ind., 46204, attorney for applicants.

No. MC–FC–67896. By order of May 28, 1965, the Transfer Board approved

the transfer to Tri-D Truck Line, Inc., Easton, Kans., of Certificate No. MC-34181, issued January 4, 1941, to Louis Navinsky, Easton, Kans., authorizing the transportation of general commodities, excluding household goods and commodities in bulk, over regular routes, between Nortonville, Kans., and Kansas City, Mo.; between Winchester, Kans., and St. Joseph, Mo.; with service to specified intermediate points and off-route points; and livestock, over irregular routes, between Easton, Kans., and points in Kansas within 20 miles of Easton, on the one hand, and, on the other, Kansas City, Kans., and Kansas City and St. Joseph, Mo. Charles A. Darby, 1215 Commerce Building, Kansas City, Mo., attorney for applicants.

No. MC-FC-67897. By order of May 28, 1965, the Transfer Board approved the transfer to Consoco Transport, a corporation, South San Gabriel, Calif., of the operating rights in Certificate of Registration No. MC-120498 (Sub-No. 1), issued May 26, 1964, to Campbell Truck, Inc., Oxnard, Calif., corresponding to the rights authorized to be transferred to transferor in Decision No. 65123, dated March 26, 1963, by the Public Utilities Commission of the State of California. Arthur H. Glans, 639 South Spring Street, Los Angeles, Calif., 90014, representative for applicants.

No. MC-FC-67899. By order of May 28, 1965, the Transfer Board approved the transfer to Frank Pansarino, Anthony Pansarino, and Joseph Pansarino, a partnership, doing business as J. Pansarino & Sons, Brooklyn, N.Y., of Certificate No. MC-75598, issued November 28, 1950, to Conrad Rhodes, Jr., doing business as Rhodes and Schoenfeld, Brooklyn, N.Y., authorizing the transportation of household goods, over irregular routes, between New York, N.Y., on the one hand, and, on the other, points in Connecticut, Massachusetts, New Jersey, New York, and Pennsylvania, traversing Rhode Island for operating convenience only. Morris Honig, 150 Broadway, New York, N.Y., attorney for applicants.

No. MC-FC9 67900. By order of May 28, 1965, the Transfer Board approved the transfer to Thrasher Trucking Co., a corporation, Post Office Box 116, Monahans, Tex. of the operating rights in Certificate of Registration No. MC-96719 (Sub-No. 1), issued December 13, 1963, to W. F. Heflin, doing business as Heflin Trucking Co., Post Office Box 1106, Brownfield, Tex., corresponding to the grant of intrastate authority to transferor in Certificate of Convenience and Necessity No. 5831, Docket No. S-4724, dated April 16, 1957, issued by the Railroad Commission of Texas.

No. MC-FC-67901. By order of May 28, 1965, the Transfer Board approved the transfer to Dandy Motor Lines, Inc., Matawan, N.J., of that portion of the operating rights of Phillips Specials, a corporation, St. Louis, Mo., issued March 20, 1961, authorizing the transportation, over irregular routes, of general commodities, in bulk, between New York, N.Y., and Jersey City, N.J., on the one hand, and, on the other, points in Bergen, Passaic, Hudson, Essex, and Union Counties, N.J., and points in that part of Middlesex County, N.J., on or north of New Jersey Highway 18, and between Philadelphia, Pa., on the one hand, and, on the other, Camden and Trenton, N.J., Wilmington, Del., and points in that part of Delaware, Montgomery, and Bucks Counties, Pa., on and east of U.S. Highway 202. J. William Cain, Madison Building, 1155 15th Street NW., Washington, D.C., 20005, attorney for applicants.

No. MC-FC-67904. By order of May 28, 1965, the Transfer Board approved the transfer to Orie Severson, Leland, Iowa, of the operating rights of Alfred H. Moe, Lake Mills, Iowa, issued July 14, 1961, in Certificate No. MC-81019, authorizing the transportation, over regular routes, of livestock, from Lake Mills, Iowa, to Austin, Minn., and from Lake Mills, Iowa, to South St. Paul, Minn., feed, from Austin, Minn., to Lake Mills, Iowa, and from South St. Paul, Minn., to Lake Mills, Iowa, and lubricating oil and paint, in containers, from Minneapolis, Minn., to Lake Mills, Iowa, and over irregular routes, lubricating oil, in containers, from Lake Mills, Iowa, to Brice-lyn, Minn., and household goods, as defined, agricultural commodities, farm machinery and parts, mill feeds, tankage, and beer, between Scarville, Iowa, and points in Iowa within 10 miles of Scarville, on the one hand, and, on the other, points in Faribault, Freeborn, and Mower defined, agricultural commodities, farm Counties, Minn. Clayton L. Wornson, 206 Brick & Tile Building, Mason City, Iowa, 50401, attorney for applicants.

[SEAL] BERTHA F. ARMES,
Acting Secretary.

[F.R. Doc. 65-6030; Filed, June 9, 1965; 8:48 a.m.]

CUMULATIVE LIST OF CFR PARTS AFFECTED—JUNE

The following numerical guide is a list of the parts of each title of the Code of Federal Regulations affected by documents published to date during June.

3 CFR — Page

EXECUTIVE ORDERS:
7655 (revoked in part by PLO 3661) — 7521
11227 — 7369

5 CFR

213 — 7271, 7311, 7425, 7426, 7473, 7515, 7557
630 — 7557

7 CFR

16 — 7426
28 — 7426
29 — 7385
30 — 7385
34 — 7385
160 — 7385
718 — 7427
722 — 7271, 7385
728 — 7434
730 — 7272
750 — 7311
775 — 7515
845 — 7273
908 — 7311, 7435
909 — 7273
910 — 7435
915 — 7436
917 — 7473–7475
944 — 7436
970 — 7274
1421 — 7475

PROPOSED RULES:
29 — 7494
51 — 7396
52 — 7524
911 — 7501
915 — 7501
916 — 7284
1133 — 7284
1138 — 7288

8 CFR

103 — 7516
264 — 7312

9 CFR

74 — 7274
201 — 7275

PROPOSED RULES:
94 — 7445

10 CFR

PROPOSED RULES:
150 — 7445

12 CFR

1 — 7371
17 — 7275

PROPOSED RULES:
545 — 7316

14 CFR — Page

39 — 7275, 7371, 7372
71 — 7276, 7312, 7372, 7373, 7517, 7557, 7558
97 — 7374
141 — 7517
151 — 7484
221 — 7558

PROPOSED RULES:
39 — 7573
61 — 7292
71 — 7316, 7396, 7502, 7503, 7524, 7525, 7573
73 — 7503

17 CFR

240 — 7276
249 — 7566, 7568

18 CFR

8 — 7313
157 — 7280

19 CFR

1 — 7569

21 CFR

8 — 7484
20 — 7280
27 — 7484
120 — 7280, 7385, 7485, 7569
121 — 7280, 7386, 7485–7487, 7518, 7519, 7570
141d — 7487
146d — 7487

PROPOSED RULES:
20 — 7292
121 — 7501

22 CFR

204 — 7571

25 CFR

1 — 7520

26 CFR

1 — 7281

PROPOSED RULES:
1 — 7493

28 CFR

16 — 7485
42 — 7386

32 CFR

1001 — 7539

33 CFR

124 — 7314

38 CFR

1 — 7389
3 — 7390, 7489
36 — 7521

39 CFR — Page

15 — 7390
16 — 7390
22 — 7391
23 — 7391
24 — 7391
25 — 7391
43 — 7392
45 — 7392
46 — 7394

41 CFR

5B-2 — 7436
8-1 — 7437
8-2 — 7437
101-38 — 7489

42 CFR

57 — 7394, 7395

43 CFR

18 — 7394

PUBLIC LAND ORDERS:
3661 — 7521

45 CFR

60 — 7371

46 CFR

146 — 7437
221 — 7490
527 — 7490

PROPOSED RULES:
248 — 7291
533 — 7574

47 CFR

0 — 7521
1 — 7419
73 — 7314
89 — 7522

PROPOSED RULES:
1 — 7446
17 — 7446
73 — 7446, 7525

49 CFR

72 — 7420
73 — 7420
74 — 7423
77 — 7423
78 — 7423
79 — 7425
95 — 7522
192 — 7491
193 — 7522

50 CFR

3 — 7315
10 — 7571
32 — 7523
33 — 7282, 7572
260 — 7282
262 — 7444
266 — 7282

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Pages 7591–7631

Agencies in this issue—

Agency for International Development
Agricultural Research Service
Agriculture Department
Civil Service Commission
Consumer and Marketing Service
Customs Bureau
Defense Department
Federal Aviation Agency
Federal Communications Commission
Federal Housing Administration
Federal Maritime Commission
Federal Power Commission
Federal Reserve System
Fish and Wildlife Service
Food and Drug Administration
Interstate Commerce Commission
Justice Department
Labor Standards Bureau
Land Management Bureau
Securities and Exchange Commission
Small Business Administration
Tariff Commission
Veterans Administration

Detailed list of Contents appears inside.



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Contents

AGENCY FOR INTERNATIONAL DEVELOPMENT

Notices

Register of voluntary foreign aid agencies:
- Community Development Foundation, Inc. 7614
- International Educational Development, Inc. 7614
- World Neighbors, Inc. 7614

AGRICULTURAL RESEARCH SERVICE

Rules and Regulations

Cattle destroyed because of brucellosis, tuberculosis or paratuberculosis; payment of indemnities 7596

Proposed Rule Making

Viruses, serums, toxins and analogous products; organisms and vectors; extension of time to submit written data, views or arguments 7608

AGRICULTURE DEPARTMENT

See also Agricultural Research Service; Consumer and Marketing Service.

Notices

Nebraska and Washington; designation and extension of areas for emergency loans 7616

CIVIL SERVICE COMMISSION

Rules and Regulations

Navy Department; excepted service 7595

CONSUMER AND MARKETING SERVICE

Rules and Regulations

Onions grown in certain designated counties in Idaho and Malheur County, Oreg.; order terminating limitation of shipments 7596

Peanuts, shelled Spanish type; U.S. standards for grades 7595

CUSTOMS BUREAU

Rules and Regulations

Monaco; special tonnage tax and light money 7598

Notices

Vinyl asbestos from Canada; antidumping proceeding notice 7614

DEFENSE DEPARTMENT

Notices

Defense Medical Material Board; organization and functions 7614

Processing claims regarding United States; single service assignment of responsibility 7615

FEDERAL AVIATION AGENCY

Rules and Regulations

Control zone, control area extension, and transition area; alteration, revocation and designation 7598

Standard instrument approach procedures; changes in isogonic values 7598

Proposed Rule Making

Federal airways; proposed alterations 7612

Transition areas and Federal airways; proposed alterations, revocations, and modifications 7613

FEDERAL COMMUNICATIONS COMMISSION

Notices

Hearings, etc.:
- Campbell and Sheftall and Fort Campbell Broadcasting Co. 7617
- Capital Broadcasting Corp., and Capital News, Inc. 7617
- Selma Television, Inc. (WSLA-TV) 7617
- Storz Broadcasting Co. (WTIX) 7617

FEDERAL HOUSING ADMINISTRATION

Rules and Regulations

Mutual mortgage insurance and insured home improvement loans; approval of institutions 7599

FEDERAL MARITIME COMMISSION

Notices

Balsa wood games or toys and glue from points in Puerto Rico to U.S. Atlantic ports; reduced rates 7618

Transshipment and through billing arrangement between east coast ports of South Thailand and U.S. Atlantic and Gulf ports; order of investigation 7618

FEDERAL POWER COMMISSION

Notices

Hearings, etc.:
- American Louisiana Pipe Line Co., and Trunkline Co. 7624
- Colorado Interstate Gas Co. 7624
- El Paso Natural Gas Co. 7624
- Great Northern Paper Co. 7624
- Indiana Natural Gas Corp. 7625
- Marathon Oil Co., et al. (2 documents) 7620, 7621
- Michigan Gas Storage Co. 7625
- Northern Natural Gas Co., et al. 7625
- Pacific Gas Transmission Co. 7626
- Shell Oil Co., et al. 7626
- Tennessee Gas Transmission Co. 7627
- Town of Weir, Miss. 7627
- Western Indiana Public Service Co., Inc. 7627

FEDERAL RESERVE SYSTEM

Notices

Mid-Continent Bancorporation; notice of application for approval of acquisition of shares of banks 7628

Riverside Trust Co.; order approving merger of banks 7628

FISH AND WILDLIFE SERVICE

Rules and Regulations

Commercial fisheries research and development; interpretation of authorization; use of research and development funds 7607

FOOD AND DRUG ADMINISTRATION

Rules and Regulations

Food additives; packaging materials for use in radiation preservation of prepackaged foods 7599

Notices

Petitions filed regarding food additives:
- Dow Chemical Co. 7616
- Eastman Chemical Products, Inc. 7616

HEALTH, EDUCATION, AND WELFARE DEPARTMENT

See Food and Drug Administration.

HOUSING AND HOME FINANCE AGENCY

See Federal Housing Administration.

INTERIOR DEPARTMENT

See Fish and Wildlife Service; Land Management Bureau.

INTERSTATE COMMERCE COMMISSION

Notices

Fourth section application for relief 7619

JUSTICE DEPARTMENT

Rules and Regulations

Organization; guidance and assistance regarding standards of ethical conduct 7599

LABOR DEPARTMENT

See Labor Standards Bureau.

LABOR STANDARDS BUREAU

Proposed Rule Making

Longshoring; safety and health regulations 7608

(Continued on next page)

LAND MANAGEMENT BUREAU

Rules and Regulations

Grazing administration; license and permit procedures; requirements and conditions 7606
Multiple mineral development; fissionable source materials; elimination of reservations 7606
New Mexico; public land order 7606
Special uses; rights-of-way 7605

Notices

Director, Great Basin Fire Center et al.; delegation of authority regarding contracts and leases 7616

SECURITIES AND EXCHANGE COMMISSION

Notices

Business Funds, Inc.; notice of filing of application 7628

SMALL BUSINESS ADMINISTRATION

Rules and Regulations

Small business investment companies; investment advisory services and common investment advisers 7597

Notices

Illinois; declaration of disaster area 7629
Manager Disaster Field Office, Kokomo, Ind.; delegation of authority regarding financial assistance 7629
Regional area; delegation of authority to conduct program activities 7629

STATE DEPARTMENT

See Agency for International Development.

TARIFF COMMISSION

Notices

Unmanufactured lead and zinc; report to the President regarding termination of import quotas 7619

TREASURY DEPARTMENT

See Customs Bureau.

VETERANS ADMINISTRATION

Rules and Regulations

Miscellaneous amendments to chapter 7599

List of CFR Parts Affected

(Codification Guide)

The following numerical guide is a list of the parts of each title of the Code of Federal Regulations affected by documents published in today's issue. A cumulative list of parts affected, covering the current month to date, appears at the end of each issue beginning with the second issue of the month.

A cumulative guide is published separately at the end of each month. The guide lists the parts and sections affected by documents published since January 1, 1965, and specifies how they are affected.

5 CFR

213 7595

7 CFR

51 7595
958 7596

9 CFR

51 7596

PROPOSED RULES:

101 7608
103 7608

13 CFR

107 7597

14 CFR

71 7598
97 7598

PROPOSED RULES:

71 (2 documents) 7612, 7613

19 CFR

4 7598

21 CFR

121 7599

24 CFR

203 7599

28 CFR

0 7599

29 CFR

PROPOSED RULES:

1504 7608

41 CFR

8-2 7599
8-3 7599
8-7 7600
8-14 7600
8-15 7601
8-16 7602
8-75 7602
8-95 7603

43 CFR

2230 7605
3540 7606
4110 7606

PUBLIC LAND ORDERS:

3662 7606

50 CFR

253 7607

Rules and Regulations

Title 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 213—EXCEPTED SERVICE

Department of the Navy

Section 213.3108 is amended to remove the numerical limitation on teaching positions in the indigenous schools of Chichi Jimi, Bonin-Volcano Islands, that may be excepted under Schedule A. Effective on publication in the FEDERAL REGISTER, subparagraph (3), paragraph (a) of § 213.3108 is amended as set out below.

§ 213.3108 Department of the Navy.

(a) *General.* • • •

(3) Positions of teachers in indigenous schools at Chichi Jimi, Bonin-Volcano Islands.

• • • • • •

(R.S. 1753, sec. 2, 22 Stat. 403, as amended; 5 U.S.C. 631, 633; E.O. 10577, 19 F.R. 7521, 3 CFR, 1954–58 Comp., p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] MARY V. WENZEL,
Executive Assistant to the Commissioners.

[F.R. Doc. 65-6100; Filed, June 10, 1965; 8:49 a.m.]

Title 7—AGRICULTURE

Chapter I—Consumer and Marketing Service (Standards, Inspections, Marketing Practices), Department of Agriculture

PART 51—FRESH FRUITS, VEGETABLES AND OTHER PRODUCTS (INSPECTION, CERTIFICATION, AND STANDARDS)

Subpart—United States Standards for Grades of Shelled Spanish Type Peanuts [1]

On April 15, 1965, a notice of proposed rule making was published in the FEDERAL REGISTER (30 F.R. 5382) regarding a proposed revision of United States Standards for Grades of Shelled Spanish Type Peanuts (7 CFR 51.2730–51.2741).

Statement of considerations leading to the revision of the grade standards. The principal change in the revised standards is the increase from 2 percent to 3 percent in the tolerance for split or broken kernels in the U.S. No. 1 grade. The term split or broken, as applied under the grading procedure, includes the separated halves and the broken kernels which are less than three-quarters of a whole kernel, but which are not defective in any other respect.

The change was requested by representatives of peanut shellers, and a number of facts have been cited as reasons for the increase in tolerance from 2 percent to 3 percent:

1. The U.S. No. 1 grades for both Runner and Virginia types provide tolerances of 3 percent for split and broken kernels, placing the millers of Spanish type in a competitively disadvantageous position.

2. Inspection statistics show a greater percentage of split kernels in Spanish farmers' stock peanuts than in the other two types.

3. The problem of splits has increased considerably in recent years due to the adoption of mechanized methods of harvesting and drying. These methods tend to weaken the kernels so that they are more inclined to split during the process of shelling and marketing.

4. These methods of harvesting and drying, while increasing the percentage of splits, are considered to be highly desirable for avoiding moldy or rancid kernels which make the peanuts unwholesome.

5. Split kernels which are not defective in any other way constitute a wholesome product. They are customarily marketed as U.S. Splits Grade at a price only slightly lower than that of U.S. No. 1 Grade.

6. Test observations show that percentages of splits increase with handling and transporting of sacked peanuts, making it difficult to deliver peanuts with percentages of splits within the 2 percent grade tolerance.

Revision of this tolerance will remove the inequity which has existed between the U.S. No. 1 Grade for the several types of peanuts, and will provide an allowance for splits which is reasonable in the light of modern methods of harvesting, drying and handling.

After consideration of all relevant matters presented, including the proposal set forth in the aforesaid notice, the following United States Standards for Grades of Shelled Spanish Type Peanuts are hereby promulgated pursuant to the Agricultural Marketing Act of 1946 (60 Stat. 1087, as amended; 7 U.S.C. 1621–1627).

GRADES

Sec.
51.2730 U.S. No. 1 Spanish.
51.2731 U.S. Spanish Splits.
51.2732 U.S. No. 2 Spanish.

APPLICATION OF TOLERANCES

51.2733 Application of tolerances.

DEFINITIONS

51.2734 Spanish type.
51.2735 Whole.
51.2736 Split.
51.2737 Broken.
51.2738 Foreign material.
51.2739 Damage.
51.2740 Minor defects.
51.2741 Unshelled.

AUTHORITY: The provisions of this subpart issued under secs. 203, 205, 60 Stat. 1087, as amended, 1090, as amended; 7 U.S.C. 1622, 1624.

GRADES

§ 51.2730 U.S. No. 1 Spanish.

"U.S. No. 1 Spanish" consists of shelled Spanish type peanut kernels which are whole and free from foreign material, damage and minor defects, and which will not pass through a screen having 15/64 x 3/4 inch openings.

(a) In order to allow for variations incident to proper grading and handling, the following tolerances, by weight, shall be permitted:

(1) 1 percent for other types of peanuts;

(2) 3 percent for sound peanuts which are split or broken;

(3) 1.5 percent for damaged or unshelled peanuts;

(4) 0.5 percent for minor defects: *Provided*, That in addition, any unused part of the tolerance for damaged or unshelled peanuts shall be allowed for minor defects;

(5) 0.1 percent for foreign material; and,

(6) 2 percent for sound whole peanuts which will pass through the prescribed screen.

§ 51.2731 U.S. Spanish Splits.

"U.S. Spanish Splits" consists of shelled Spanish type peanut kernels which are split or broken, but which are free from foreign material, damage, and minor defects, and which will not pass through a screen having 15/64-inch round openings.

(a) In order to allow for variations incident to proper grading and handling, the following tolerances, by weight, shall be permitted:

(1) 2 percent for other types of peanuts;

(2) 2 percent for damaged or unshelled peanuts and minor defects;

(3) 0.2 percent for foreign material;

(4) 3 percent for sound portions of peanuts which will pass through the prescribed screen; and,

(5) 4 percent for sound whole kernels.

§ 51.2732 U.S. No. 2 Spanish.

"U.S. No. 2 Spanish" consists of shelled Spanish type peanut kernels which may be split or broken, but which are free from foreign material, damage, and minor defects, and which will not pass through a screen having 15/64-inch round openings.

(a) In order to allow for variations incident to proper grading and handling, the following tolerances, by weight, shall be permitted:

(1) 2 percent for other types of peanuts;

[1] Packing of the product in conformity with the requirements of these standards shall not excuse failure to comply with the provisions of the Federal Food, Drug, and Cosmetic Act or with applicable State laws and regulations.

(2) 2.5 percent for damaged or unshelled peanuts and minor defects;
(3) 0.2 percent for foreign material; and,
(4) 6 percent for sound peanuts and portions of peanuts which will pass through the prescribed screen.

APPLICATION OF TOLERANCES

§ 51.2733 Application of tolerances.

The tolerances provided in these standards are on a lot basis and shall be applied to a composite sample representative of the lot. However, any container or group of containers in which the peanuts are obviously of a quality materially different from that in the majority of containers shall be considered a separate lot, and shall be sampled and graded separately.

DEFINITIONS

§ 51.2734 Spanish type.

"Spanish type" means peanuts of varieties which belong to the Spanish classification group and which are free from kernels of Runner, Virginia, or other types.

§ 51.2735 Whole.

"Whole" means that the peanut kernel is not split or broken.

§ 51.2736 Split.

"Split" means the separated half of a peanut kernel.

§ 51.2737 Broken.

"Broken" means that more than one-fourth of the peanut kernel is broken off.

§ 51.2738 Foreign material.

"Foreign material" means pieces or loose particles of any substance other than peanut kernels or skins.

§ 51.2739 Damage.

"Damage" means any specific defect described in this section; or any other defect, or any combination of defects which materially detracts from the edible quality of the peanut. The following specific defects shall be considered as damage:
(a) Rancidity or decay;
(b) Mold;
(c) Insects, worm cuts, web or frass;
(d) Freezing injury causing hard, translucent, or discolored flesh; and,
(e) Dirt when the surface of the kernel is heavily smeared, thickly flecked or coated with dirt, seriously affecting its appearance.

§ 51.2740 Minor defects.

"Minor defects" means that the peanut kernel is not damaged but is affected by one or more of the following:
(a) Skin discoloration which is dark brown, dark gray, dark blue or black and covers more than one-fourth of the surface;
(b) Flesh discoloration which is darker than a light yellow color or consists of more than a slight yellow pitting of the flesh;
(c) Sprout extending more than one-eighth of an inch from the tip of the kernel; and,
(d) Dirt when the surface of the kernel is distinctly dirty, and its appearance is materially affected.

§ 51.2741 Unshelled.

"Unshelled" means a peanut kernel with part or all of the hull (shell) attached.

The United States Standards for Grades of Shelled Spanish Type Peanuts contained in this subpart shall become effective July 15, 1965, and will thereupon supersede the United States Standards for Shelled Spanish Type Peanuts which have been in effect since August 31, 1959 (7 CFR, 51.2730–51.2741).

Dated: June 8, 1965.

G. R. GRANGE,
Deputy Administrator,
Marketing Services.

[F.R. Doc. 65–6102; Filed, June 10, 1965; 8:49 a.m.]

Chapter IX—Consumer and Marketing Service (Marketing Agreements and Orders; Fruits, Vegetables, Tree Nuts), Department of Agriculture

[958.309 Amdt. 1]

PART 958—ONIONS GROWN IN CERTAIN DESIGNATED COUNTIES IN IDAHO AND MALHEUR COUNTY, OREGON

Order Terminating Limitation of Shipments

Findings. (a) Pursuant to Marketing Agreement No. 130 and Order No. 958 (7 CFR Part 958), regulating the handling of onions grown in the production area defined therein, effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and upon the basis of information available, it is hereby found that continuation after June 15, 1965, of the 1964–65 season limitation of shipments issued as § 958.309, August 19, 1964 (29 F.R. 12003), would no longer tend to effectuate the declared policy of the act.

(b) It is hereby found that it is impracticable, unnecessary, and contrary to the public interest to give preliminary notice, and engage in public rule making procedure, and that good cause exists for not postponing the effective date of this termination order until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 1003) in that (1) commercial shipments of 1964 crop onions grown in the production area are completed, and (2) this termination order relieves restrictions on handlers of onions grown in the production area.

Termination order. The provisions of § 958.309 (29 F.R. 12003) are hereby terminated as of June 15, 1965.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601 et seq.)

Dated: June 7, 1965, to become effective June 15, 1965.

PAUL A. NICHOLSON,
Deputy Director,
Fruit and Vegetable Division.

[F.R. Doc. 65–6080; Filed, June 10, 1965; 8:48 a.m.]

Title 9—ANIMALS AND ANIMAL PRODUCTS

Chapter I—Agricultural Research Service, Department of Agriculture

SUBCHAPTER B—COOPERATIVE CONTROL AND ERADICATION OF ANIMAL DISEASES

PART 51—CATTLE DESTROYED BECAUSE OF BRUCELLOSIS (BANG'S DISEASE), TUBERCULOSIS, OR PARATUBERCULOSIS

Claims Not Allowed

Pursuant to the provisions of sections 3 and 11 of the Act of May 29, 1884, as amended (21 U.S.C. 114, 114a), and section 2 of the Act of February 2, 1903, as amended (21 U.S.C. 111), § 51.9(m) of Part 51, Subchapter B, Title 9, Code of Federal Regulations, relating to payment of indemnity for cattle destroyed because of brucellosis, tuberculosis, or paratuberculosis, is amended to read as follows:

§ 51.9 Claims not allowed.

* * * * *

(m) If the cattle were "official vaccinates" and reacted positively to the blood agglutination test for brucellosis, unless such animals were at least 18 months of age; or if the reactors were vaccinated animals, and properly verified but not "official vaccinates" as defined, unless there is also a record of a negative blood agglutination test made not less than 30 days following the date of vaccination; or unless other Division approved tests show the vaccinates are affected with virulent Brucellae.

* * * * *

(Sec. 3–5, 23 Stat. 32, as amended, sec. 2, 32 Stat. 792, as amended, sec. 3, 33 Stat. 1265, as amended, sec. 11, 56 Stat. 784, as amended; 21 U.S.C. 111, 112, 113, 114, 114a, 120, 125)

The amendment will be of benefit to affected persons as it will permit the removal of "official vaccinates" under 30 months of age from infected herds with indemnity, thereby encouraging the owner to eradicate the infection from his herd sooner than if no indemnity were to be paid. Accordingly, under section 4 of the Administrative Procedure Act (5 U.S.C. 1003), it is found upon good cause that notice and other public procedure with respect to the amendment are impracticable and contrary to the public interest and the amendment may be made effective less than 30 days after publication in the FEDERAL REGISTER.

Effective date. The foregoing amendment shall become effective upon publication in the FEDERAL REGISTER.

Done at Washington, D.C., this 8th day of June 1965.

R. J. ANDERSON,
Acting Administrator,
Agricultural Research Service.

[F.R. Doc. 65–6103; Filed, June 10, 1965; 8:49 a.m.]

Title 13—BUSINESS CREDIT AND ASSISTANCE

Chapter I—Small Business Administration

[Amdt. 8 (Rev. 3)]

PART 107—SMALL BUSINESS INVESTMENT COMPANIES

Investment Advisory Services and Common Investment Advisers

Pursuant to authority contained in section 308 of the Small Business Investment Act of 1958, Public Law 85–699, 72 Stat. 694, as amended, there is amended, as set forth below, Part 107 of Subchapter B, Chapter I of Title 13 of the Code of Federal Regulations, as revised in 29 F.R. 16946–16961, and amended in 30 F.R. 534, 1187, 2652, 2653, 2654, 3635, and 3856, by amending §§ 107.703, 107.705, and 107.706.

Information and effective date. On March 2, 1965, notice of proposed rule making was published in the FEDERAL REGISTER (30 F.R. 2683) concerning the amendment of §§ 107.703, 107.705, and 107.706 of the SBIC Regulation to authorize the employment of common investment advisers.

After due and careful consideration of the comments received, the Administration has determined to adopt the formal amendments published herewith, incorporating the text of the March 2, 1965 proposals, as being in furtherance of the best interests of the SBIC program.

In view of the Administrator's determination that it is necessary in the public interest that the revised provisions of the SBIC Regulation dealing with investment advisory services, common investment advisers, and related matters (§§ 107.703, 107.705, and 107.706) shall be promptly applied to the program authorized by the Small Business Investment Act of 1958, the present amendments shall become effective upon publication in the FEDERAL REGISTER.

The Regulations Governing Small Business Investment Companies are hereby amended as follows:

1. By deleting paragraph (b) of § 107.703 in its entirety and substituting therefor a new paragraph (b). As amended, § 107.703(b) reads as follows:

§ 107.703 Common management; investment advisory service.

* * * * *

(b) *Investment advisory services.*—(1) *General.* A Licensee may contract in writing with an individual or non-Licensee concern to serve on a continuing basis as its investment adviser to furnish consultation and advice with respect to the desirability of investing in, purchasing, or selling securities or other property. Such service shall be advisory only and shall not include the actual performance of management or operating activities of the Licensee. The contract must be approved by a vote of a majority of the members of the Licensee's board of directors. The Licensee shall, on or before the effective date thereof, furnish SBA with a copy of such contract for informational and record purposes. Where the Licensee is indebted to SBA for § 107.301 or § 107.402 funds, SBA reserves the right to approve the compensation of the investment adviser.

(2) *Common investment adviser.* Two or more Licensees may, with prior SBA approval, contract in writing with an individual or non-Licensee concern to serve on a continuing basis as their common investment adviser to furnish consultation and advice with respect to the desirability of investing in, purchasing, or selling securities or other property. Such service shall be advisory only and shall not include the actual performance of management or operating activities of the Licensee. In determining whether to approve such contract, SBA will, among other factors, give due consideration to its effect upon competition for small business financing in the respective Licensee's area or areas of operation, possible conflicts of interest, and the qualifications as well as compensation of the investment adviser.

(3) *Exempt contracts.* Contracts for appraisal, custodial, collection, bookkeeping, accounting and legal services shall not be considered advisory services for purposes of this section.

2. By amending the caption accompanying § 107.705 to read, "Management consulting services"; deleting the phrase, "consulting and advisory services", which appears in paragraphs (a) and (b) of § 107.705, and substituting therefor the words, "management consulting services"; adding the following as the last sentence of paragraph (a): "The words, 'management consulting services' shall be regarded as having the same meaning and significance as and be deemed to be synonymous with the phrase, 'consulting and advisory services', which appears in section 308(b) of the Act."; inserting immediately after the words, "those small business concerns", appearing in subdivision (1) of § 107.705(b), the words, "whether or not financed by such Licensee"; deleting paragraph (c) in its entirety and substituting therefor a new paragraph (c); and adding a new paragraph (d). As amended, § 107.705 reads as follows:

§ 107.705 Management consulting services.

(a) *Nature of services.* Management consulting services shall consist only of advice with respect to the financial, management and operating activities of a small business concern; and shall not include performance by the Licensee of any financial, management or operating activity of the small business concern. The words, "management consulting services", shall be regarded as having the same meaning and significance as and be deemed to be synonymous with the phrase, "consulting and advisory services", which appears in section 308 (b) of the Act.

(b) *Concerns eligible for services.* Management consulting services may be provided by a Licensee to only (1) those small business concerns, whether or not financed by such Licensee, which meet the eligibility requirements under the Act and the regulations thereunder; and (2) another Licensee in connection with the financing of a small business concern with which the latter Licensee proposes to negotiate forthwith or is then in process of negotiation for financing.

(c) *Services through independent contractor.* Management consulting services may be performed for small business concerns through an independent consultant under contract with the Licensee, whether or not such consultant has similar contracts with other Licensees.

(d) *Records.* A Licensee shall maintain a record for SBA inspection of time spent and charges made with respect to management consulting services performed for each small business concern financed by the Licensee.

3. By amending the caption accompanying § 107.706 to read, *"Subsidiary corporation for management consulting services"*; and deleting the phrase, "consulting and advisory services", which appears in paragraph (a) of § 107.706, and substituting therefor the words, "management consulting services". As amended, § 107.706(a) reads as follows:

§ 107.706 Subsidiary corporation for management consulting services.

(a) *Organization and capitalization of subsidiary.* A Licensee may organize and establish a corporation which shall become, and remain, chartered for the sole and express purpose of providing management consulting services to small business concerns subject to the provisions of the Act and regulations thereunder, including § 107.705, and including in addition thereto:

(1) All of the stock of the subsidiary corporation shall be owned and totally held by the individual Licensee that shall organize such subsidiary corporation; the parent-Licensee shall never sell, transfer or otherwise divest itself of any part of the stock of its subsidiary corporation, except that the parent-Licensee may transfer back part of the stock of its subsidiary corporation to the treasury of the subsidiary corporation and such stock shall be forthwith retired and canceled. In the event of the liquidation of the subsidiary corporation, the charter of such corporation shall be surrendered and terminated.

(2) Each officer or director of the subsidiary corporation must be at the same time either an officer or a director of the parent-Licensee.

(3) The financial investment by the parent-Licensee in its subsidiary corporation shall not exceed 1 percent of the Licensee's paid-in capital and paid-in surplus. Advances and other receivables due the parent-Licensee by its subsidiary corporation shall not exceed 1 percent of the Licensee's paid-in capital and paid-in surplus.

* * * * *

Dated: June 1, 1965.

EUGENE P. FOLEY,
Administrator.

[F.R. Doc. 65–6044; Filed, June 10, 1965; 8:45 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Agency

[Airspace Docket No. 65-AL-36]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Control Zone, Revocation of Control Area Extension, and Designation of Transition Area

On January 8, 1965, a notice of proposed rule making was published in the FEDERAL REGISTER (30 F.R. 225) stating that the Federal Aviation Agency proposed to revoke the control area extension, alter the control zone, and designate a transition area at Anchorage, Alaska.

Interested persons were afforded an opportunity to participate in the rule making through submission of comments. All comments received were favorable.

Although the notice proposed that the 700-foot floor transition area be designated within a 23-mile radius of the Anchorage VOR, further study has indicated that this transition area can be reduced to an 18-mile radius if described, for the most part, in relation to the Anchorage airport surveillance radar antenna site. This change in the airspace description would cause that portion of the transition area to conform to the authorized minimum radar vectoring altitude boundaries and provide easy reference to boundaries through the use of radar range marks. The new description would result in a further reduction of the 700-foot floor transition area from that proposed without derogation to controlled airspace requirements. Therefore, action is taken herein to reflect this change.

Also, subsequent to publication of the notice, it was determined that the Bryant Army Airfield operations and control tower would provide weather reporting and tower control service on a part-time basis. Therefore, provision is made for this circumstance by adding the time of designation to the description of the Bryant AAF Control Zone.

Since these changes to the notice of proposed rule making are minor in nature and impose no additional burden on any person, notice and public procedure hereon are unnecessary.

The substance of the proposed amendment having been published, and for reasons stated herein and in the notice, Part 71 of the Federal Aviation Regulations is amended as hereinafter set forth, effective 0001 e.s.t., August 19, 1965.

1. In § 71.165 (29 F.R. 17558), the Anchorage, Alaska, Control Area Extension is revoked.

2. In § 71.171 (29 F.R. 17582), the Anchorage, Alaska (Anchorage International Airport), Control Zone is amended to read:

Within a 5-mile radius of Anchorage International Airport (latitude 61°10′ N., longitude 149°58′ W.); within 2 miles each side of the Anchorage RR SW course extending from the 5-mile radius zone to 8 miles SW of the RR; within 2 miles each side of the Anchorage VOR 079° radial extending from the 5-mile radius zone to the VOR; within 2 miles each side of the Anchorage ILS localizer W course extending from the 5-mile radius zone to the OM; excluding the portion within the Anchorage (Merrill Field/Elmendorf AFB) Control Zone.

3. In § 71.171 (29 F.R. 14583), the Anchorage, Alaska (Bryant AAF), Control Zone is amended to read:

Within a 3-mile radius of Bryant AAF (latitude 61°16′ N., longitude 149°40′ W.), excluding the portion west of longitude 149°-43′ W. This control zone is effective from 0700 to 2100 hours, local time, daily.

4. In § 71.171 (29 F.R. 14583), the Anchorage, Alaska (Merrill Field/Elmendorf AFB), Control Zone is amended to read:

Within a 3-mile radius of Merrill Field (latitude 61°13′ N., longitude 149°51′ W.); within a 5-mile radius of Elmendorf AFB (latitude 61°15′ N., longitude 149°49′ W.); within 2 miles each side of the Elmendorf ILS localizer W course extending from the 5-mile radius zone to the OM, excluding the portion within the Anchorage (Bryant AAF) Control Zone.

5. In § 71.181 (29 F.R. 19185), the Anchorage, Alaska, Transition Area is amended to read:

That airspace extending upward from 700 feet above the surface within an 18-mile radius of the Anchorage airport surveillance radar antenna site (latitude 61°16′ N., longitude 149°50′ W.); within 2 miles each side of the Anchorage RR SW course extending from the 18-mile radius transition area to 10 miles SW of the RR, and within 5 miles north and 8 miles south of the Anchorage VOR 260° Radial, extending from the 18-mile radius transition area to 12 miles west of the Anchorage VOR; that airspace extending upward from 1,200 feet above the surface within a 72-mile radius of the Anchorage VOR extending clockwise from the SW boundary of Victor Airway 440, northwest of Anchorage, to the S boundary of Victor Airway 510, northeast of Anchorage, and within a 55-mile radius of the Anchorage VOR extending clockwise from the S boundary of Victor Airway 510, northeast of Anchorage, to the SW boundary of Victor Airway 440, northwest of Anchorage; and that airspace extending upward from 14,500 feet m.s.l. within a 172-mile radius of the Anchorage VOR, excluding the portions within the United States, Federal airways, Control 1218, Control 1310, the Cordova, Alaska, and Middleton Island, Alaska, control area extensions, the King Salmon, Alaska, transition area, and the Anchorage Oceanic Control Area.

(Sec. 307(a), Federal Aviation Act of 1958; 49 U.S.C. 1348)

Issued in Anchorage, Alaska, on June 3, 1965.

R. G. TAYLOR, JR.
Acting Director, Alaskan Region.

[F.R. Doc. 65-6048; Filed, Jun. 10, 1965; 8:45 a.m.]

PART 97—STANDARD INSTRUMENT APPROACH PROCEDURES

Changes in Isogonic Values

The U.S. Coast and Geodetic Survey has recently completed its periodic 5-year survey (Epoch 1965) of isogonic values. This survey shows a change of approximately one degree in magnetic variation in nearly 500 standard instrument approach procedures now published in Part 97 of the Federal Aviation Regulations.

The one-degree change in magnetic direction as applied to affected instrument approach procedures is minor in nature and does not adversely affect the use of the instrument approach procedures as published in Part 97. Therefore, it is not necessary in the interest of safety to issue immediate and simultaneous amendments correcting the magnetic directions for the affected instrument approach procedures. However, changes in magnetic direction shown by the survey will be incorporated in each standard instrument approach procedure as it is revised by the Agency during the normal revision cycle. Under this revision, each instrument approach procedure appearing in the FEDERAL REGISTER beginning with Amendment 431 will contain the corrections in magnetic direction, if any, for that instrument approach procedure.

Pending the completion by the Agency of the magnetic bearing adjustment in each of the affected Standard Instrument Approach Procedures of Part 97, the U.S. Coast and Geodetic Survey, and other persons engaged in the publication of instrument approach charts for the procedures prescribed in that Part may elect to incorporate in their charts the magnetic bearing adjustments resulting from the changes in the isogonic values for Epoch 1965.

Issued in Washington, D.C., on June 2, 1965.

C. W. WALKER,
Acting Director,
Flight Standards Service.

[F.R. Doc. 65-6050; Filed, June 10, 1965; 8:45 a.m.]

Title 19—CUSTOMS DUTIES

Chapter I—Bureau of Customs, Department of the Treasury

[T.D. 56421]

PART 4—VESSELS IN FOREIGN AND DOMESTIC TRADES

Special Tonnage Tax and Light Money; Monaco

JUNE 3, 1965.

The Secretary of State has advised the Secretary of the Treasury that on May 3, 1965, the Department of State obtained satisfactory proof from the Government of Monaco that no discriminating duties of tonnage or imposts are imposed or levied in ports of Monaco upon vessels wholly belonging to citizens of the United States, or upon the produce, manufactures, or merchandise imported into Monaco in such vessels from the United States or from any foreign country.

Therefore, by virtue of the authority vested in the President by section 4228 of the Revised Statutes, as amended (46 U.S.C. 141), which was delegated to the Secretary of the Treasury by the President by Executive Order No. 10289, September 17, 1951, as amended by Executive Order No. 10882, July 18, 1960 (3 CFR Ch. II), and pursuant to authorization given to me by Treasury Department Order No. 190, Rev. 2, October 23, 1963 (28 F.R. 11570), I declare that the foreign discriminating duties of tonnage and impost within the United States are suspended and discontinued, so far as respects the vessels of Monaco, and the produce, manufactures, or merchandise imported into the United States in such vessels from Monaco or from any other foreign country. This suspension and discontinuance shall take effect from May 3, 1965, and shall continue for so long as the reciprocal exemption of vessels wholly belonging to citizens of the United States and their cargoes shall be continued and on longer.

In accordance with this declaration, § 4.22, Customs regulations, is amended by the insertion of "Monaco" immediately after "Mexico" in the list of countries exempt from the payment of any higher tonnage duties than are applicable to vessels of the United States and from the payment of light money.

(R.S. 161, as amended, 4219, as amended, 4225, as amended, 4226, as amended; sec. 8, 23 Stat. 119, as amended; 5 U.S.C. 22, 46 U.S.C. 3, 121, 128, 141)

[SEAL] JAMES A. REED,
Assistant Secretary of the Treasury.

[F.R. Doc. 65-6064; Filed, June 10, 1965; 8:48 a.m.]

Title 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

SUBCHAPTER B—FOOD AND FOOD PRODUCTS

PART 121—FOOD ADDITIVES

Subpart F—Food Additives Resulting From Contact With Containers or Equipment and Food Additives Otherwise Affecting Food

PACKAGING MATERIALS FOR USE IN RADIATION PRESERVATION OF PREPACKAGED FOODS

The Commissioner of Food and Drugs, having evaluated the data in a petition (FAP 5B1670) filed by the U.S. Atomic Energy Commission, Washington, D.C., 20545, and other relevant material, has concluded that the food additive regulations should be amended to provide for the use of vinylidene chloride copolymer-coated cellophane as a packaging material that may be safely subjected to irradiation incidental to the radiation preservation of prepackaged foods. Therefore, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1)), and under the authority delegated to the Commissioner by the Secretary of Health, Education, and Welfare (21 CFR 2.90), § 121.2543(b) is amended by changing subparagraph (1) to read as follows:

§ 121.2543 Packaging materials for use in radiation preservation of prepackaged foods.

• • • • • •

(b) • • •

(1) Nitrocellulose-coated or vinylidene chloride copolymer-coated cellophane complying with § 121.2507.

• • • • • •

Any person who will be adversely affected by the foregoing order may at any time within 30 days from the date of its publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington, D.C., 20201, written objections thereto, preferably in quintuplicate. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof.

Effective date. This order shall be effective on the date of its publication in the FEDERAL REGISTER.

(Sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1))

Dated: June 7, 1965.

GEO. P. LARRICK,
Commissioner of Food and Drugs.

[F.R. Doc. 65-6077; Filed, June 10, 1965; 8:47 a.m.]

Title 24—HOUSING AND HOUSING CREDIT

Chapter II—Federal Housing Administration, Housing and Home Finance Agency

SUBCHAPTER C—MUTUAL MORTGAGE INSURANCE AND INSURED HOME IMPROVEMENT LOANS

PART 203—MUTUAL MORTGAGE INSURANCE AND INSURED HOME IMPROVEMENT LOANS

Subpart A—Eligibility Requirements

In § 203.4(c) subparagraph (1) is revoked as follows:

§ 203.4 Approval of other institutions.

• • • • • •

(c) *Special requirements—nonsupervised institutions.* • • •

(1) [Revoked]

(Sec. 211, 52 Stat. 23; 12 U.S.C. 1715b. Interprets or applies sec. 203, 52 Stat. 10, as amended; 12 U.S.C. 1709)

Issued at Washington, D.C., June 7, 1965.

PHILIP N. BROWNSTEIN,
Federal Housing Commissioner.

[F.R. Doc. 65-6101; Filed, June 10, 1965; 8:49 a.m.]

Title 28—JUDICIAL ADMINISTRATION

Chapter I—Department of Justice

[Order No. 342-65]

PART 0—ORGANIZATION OF THE DEPARTMENT OF JUSTICE

Guidance and Assistance Regarding Standards of Ethical Conduct

Under and by virtue of the authority vested in me by section 161 of the Revised Statutes (5 U.S.C. 22) and section 2 of Reorganization Plan No. 2 of 1950 (64 Stat. 1261), § 0.25 of Part 0 of Title 28 of the Code of Federal Regulations (Order No. 271-62) is hereby amended by adding at the end thereof the following new paragraph:

§ 0.25 General functions.

• • • • • •

(l) Providing guidance and assistance to personnel of the Department of Justice in matters relating to ethical conduct, particularly matters subject to the provisions of the conflict of interest laws, Executive Order No. 11222 of May 8, 1965, or Part 45 of this title.

Dated: June 8, 1965.

NICHOLAS DEB. KATZENBACH,
Attorney General.

[F.R. Doc. 65-6093; Filed, June 10, 1965; 8:49 a.m.]

Title 41—PUBLIC CONTRACTS AND PROPERTY MANAGEMENT

Chapter 8—Veterans Administration

MISCELLANEOUS AMENDMENTS TO CHAPTER

The following amendments are made in Chapter 8:

PART 8-2—PROCUREMENT BY FORMAL ADVERTISING

1. In Part 8-2, the introductory portion of § 8-2.102 preceding paragraph (a) is amended to read as follows:

§ 8-2.102 Policy.

Contracts in excess of $2,500, or in excess of $1,000 for contracts made for repairs to property acquired by the Veterans Administration under chapter 37, title 38, United States Code, will be made by formal advertising when all of the following elements necessary to formal advertising are present.

• • • • • • •

PART 8-3—PROCUREMENT BY NEGOTIATION

2. In Part 8-3, the introductory portion of § 8-3.101 preceding paragraph (a) is amended to read as follows:

§ 8-3.101 General requirements for negotiation.

Contracts in excess of $2,500 or $1,000 for contracts made for repairs to prop-

erties acquired under chapter 37, title 38, United States Code, will be entered into by negotiation only in the absence of any one or more of the elements essential to formal advertising set forth in § 8–2.102, or when:

* * * * *

3. In § 8–3.215, paragraph (f) is amended to read as follows:

§ 8–3.215 Otherwise authorized by law.

* * * * *

(f) Supplies and services, Loan Guaranty—Contracts for the purchase of supplies and services required in connection with property acquired by the Veterans Administration through the operation of the loan guaranty and direct loan programs will be made in accordance with the authority contained in 38 U.S.C. 1820(b):

* * * * *

PART 8–7—CONTRACT CLAUSES

4. In Part 8–7, §§ 8–7.150–12 through 8–7.150–15 are added to read as follows:

§ 8–7.150–12 Visits to Veterans Administration Guidance Centers.

The following clause will be included in contracts entered into for services relating to vocational counseling:

Any duly authorized representative of the Veterans Administration shall at all reasonable times be permitted to inspect the counseling and testing operations being performed under this contract and the records of these operations.

§ 8–7.150–13 Time spent by counselee in counseling process.

Insert the following clause in contracts entered into for services relating to vocational counseling:

The contractor agrees that no counselee referred under the provisions of this agreement will be required to give any extra time in connection with the counseling process to supply test results or other information for purposes other than those specified in this contract.

§ 8–7.150–14 Use and publication of counseling results.

Insert the following clause in contracts entered into for services relating to vocational counseling:

The contractor agrees that none of the information or data gathered in connection with the services specified in this contract or studies or materials based thereon or relating thereto will be publicized without the prior approval of the Chief Benefits Director or his designee.

§ 8–7.150–15 Termination for convenience of the Government.

The following clause will be included in contracts relating to vocational counseling only in those instances where it is not otherwise possible to consummate a contract:

(a) If the Government terminates all or any part of this contract for the convenience of the Government, the Government will pay such sum as is agreed upon as reasonably necessary to compensate the contractor for loss resulting from commitment to contractor's staff personnel, over a period not to exceed 90 days beyond the effective date of the termination, provided that the contractor will use every effort to relocate the staff personnel in other employment immediately following termination; any agreement hereunder shall be embodied in the settlement agreement. Should the contractor, after making reasonable effort, be unable to relocate the staff employees in other employment within the 60-day period following termination of service, the causative factors will be explained in the settlement agreement and the Government will pay such sum as is agreed upon as reasonably necessary to compensate the contractor for loss resulting from commitment to contractor's staff within the academic year.

(b) In the event the Contracting Officer and the contractor cannot agree upon a satisfactory settlement agreement, it shall be considered a dispute under the provisions of the disputes clause and will be settled in accordance with the provisions listed therein.

5. A new Subpart 8–7.51 is added to read as follows:

Subpart 8–7.51—Cost Reimbursement Type Contracts for Vocational Rehabilitation and Education

Sec.

8–7.5100 Scope of subpart.
8–7.5101 Clauses to be used when applicable.
8–7.5101–1 Assignment of claims.
8–7.5101–2 Default.
8–7.5101–3 Disputes.
8–7.5101–4 Notice and assistance regarding patent and copright infringement.
8–7.5101–5 Buy American Act.
8–7.5101–6 Convict labor.
8–7.5101–7 Contract Work Hours Standards Act—overtime compensation.
8–7.5101–8 Equal opportunity.
8–7.5101–9 Officials not to benefit.
8–7.5101–10 Inspection.
8–7.5101–11 Extension of contract period.

AUTHORITY: The provisions of this Subpart 8–7.51 issued under sec. 205(c), 63 Stat. 390, as amended, 40 U.S.C. 486(c); sec. 210(c), 72 Stat. 1114, 38 U.S.C. 210(c).

§ 8–7.5100 Scope of subpart.

(a) This subpart sets forth contract clauses for use in cost reimbursement type contracts relating to vocational rehabilitation and education.

(b) Additional clauses not inconsistent with those listed in this subpart are authorized when determined necessary or desirable by the Contracting Officer.

(c) A prescribed form may not be altered except when specifically authorized. Clauses used under the provision of paragraph (b) of this section will be included either in the schedule or continuation sheets or in supplementary general provisions.

(d) Clauses inconsistent with those listed in this subpart, but considered essential to the procurements of training and education may be used as provided in the deviation procedure set forth in § 8–1.108.

§ 8–7.5101 Clauses to be used when applicable.

The clauses contained in this section will be included in contracts relating to vocational rehabilitation and education under the conditions set forth in connection with each clause.

§ 8–7.5101–1 Assignment of claims.

Insert the clause set forth in FPR 1–30.703 under the conditions contained therein.

§ 8–7.5101–2 Default.

Insert the clause set forth in FPR 1–8.707.

§ 8–7.5101–3 Disputes.

Insert the clause set forth in FPR 1–7.101–12

§ 8–7.5101–4 Notice and assistance regarding patent and copyright infringement.

Insert the clause set forth in FPR 1–7.101–13 if the contract is expected to exceed $10,000.

§ 8–7.5101–5 Buy American Act.

Insert the clause set forth in FPR 1–6.104–5 under the conditions contained therein.

§ 8–7.5101–6 Convict labor.

Insert the clause set forth in FPR 1–12.203 under the conditions contained in FPR 1–12.202.

§ 8–7.5101–7 Contract Work Hours Standards Act—overtime compensation.

Insert the clause set forth in FPR 1–12.303 under the conditions contained in FPR 1–12.302.

§ 8–7.5101–8 Equal opportunity.

Insert the clause set forth in FPR 1–12.803–2 under the conditions contained in FPR 1–12.803–1.

§ 8–7.5101–9 Officials not to benefit.

Insert the clause set forth in FPR 1–7.101–19.

§ 8–7.5101–10 Inspection.

Insert the following clause in contracts entered into with educational institutions and training establishments for vocational rehabilitation and education:

INSPECTION

The contractor will permit the duly authorized representative of the Veterans Administration to visit the place of instruction as may be necessary and examine the training facilities and work of the veterans in training under this contract.

§ 8–7.5101–11 Extension of contract period.

The following clause will be included in contracts where appropriate pertaining to services for vocational rehabilitation and education:

EXTENSION OF CONTRACT PERIOD

This contract may be extended from year to year if agreeable to both parties provided the agreement for extension is consummated 30 days prior to the expiration date, and further provided that there is no change in the provisions, terms, conditions, or rate of payment. Any extension made hereunder is subject to the availability of funds during the period covered by the extension.

PART 8–14—INSPECTION AND ACCEPTANCE

6. In Part 8–14, §§ 8–14.152 through 8–14.152.2 are added to read as follows:

§ 8–14.152 Inspection of repairs for properties under the loan guaranty and direct loan programs.

Final inspection will be made of all repair programs upon completion. In addition, such intermediate or progress inspections will be made on extensive or technical jobs as specified in the contract.

§ 8–14.152–1 Repairs of $1,000 or less.

(a) Generally, inspections required will be made by the management broker. If the property has not been assigned to a management broker or if it has been determined that the nature of the repairs requires supervision by a technician, the inspection will be made by a qualified fee or staff inspector.

(b) There is no form prescribed for this inspection but VA Form 26–1839, Compliance Inspection Report, may be used if desired. Regardless of the form in which the report is submitted, it will be in sufficient detail to identify the contractor, property, and the repair program and to enable the contracting officer to make a determination that the work is being performed satisfactorily or completed in accordance with the terms of the contract.

§ 8–14.152–2 Repairs in excess of $1,000.

(a) The final inspection and any intermediate or progress inspections on repairs exceeding $1,000 will be made by a qualified fee or staff inspector. If a management broker is qualified to supervise major repairs, he may be authorized to conduct the inspections.

(b) Report of inspections will be made on VA Form 26–1839, Compliance Inspection Report. The form will be completed to identify the property, contractor, and repair program and will also include such detailed information to enable the Contracting Officer to make a determination that the work is being performed satisfactorily or that it has been completed in accordance with the contract terms. Any deficiencies noted will be itemized and explained in detail.

7. A new Part 8–15 is added to read as follows:

PART 8–15—CONTRACT COST PRINCIPLES AND PROCEDURES

Subpart 8–15.50—Contract Cost Principles and Procedures

Sec.

8–15.5000 Scope.
8–15.5001 Allowable costs under cost reimbursement vocational rehabilitation and education contracts or agreements.
8–15.5001–1 Tuition.
8–15.5001–2 Special services or courses.
8–15.5001–3 Books, supplies, and equipment required to be personally owned.
8–15.5001–4 Medical services and hospital care.
8–15.5001–5 Administrator's Decision No. 557.
8–15.5001–6 Consumable instructional supplies.

AUTHORITY: The provisions of this Part 8–15 issued under sec. 205(c), 63 Stat. 390, as amended, 40 U.S.C. 486(c); sec. 210(c), 72 Stat. 1114, 38 U.S.C. 210(c).

§ 8–15.5000 Scope.

This subpart contains general cost principles and procedures for the determination and allowance of costs in connection with the negotiation and administration of cost reimbursement type contracts pertaining to the furnishing of vocational rehabilitation, education, and training to eligible veterans under chapter 31 of title 38, United States Code.

§ 8–15.5001 Allowable costs under cost reimbursement vocational rehabilitation and education contracts or agreements.

§ 8–15.5001–1 Tuition.

(a) Except as provided in this section when the contractor has a customary cost of tuition the charge to the Veterans Administration may not exceed that charged to similarly circumstanced nonveteran students; provided that where the contractor has more than one standard charge for the same service, the charge to the Veterans Administration will be the lowest price for the entire course, semester, quarter, or term which is offered or published.

(b) Tuition or incidental fees may not be paid to institutions or establishments furnishing apprentice or other training on-the-job. However, such charges customarily made by nonprofit workshop or similar establishment for providing work adjustment training to similarly circumstanced nonveterans may be paid even though an incentive wage is paid the trainee as part of the training.

(c) When the total cost of instruction is paid from Federal funds or a portion of the cost is covered by grants from the Federal Government, i.e., Smith-Hughes or other laws, excluding Federal Land Grant Funds, such subsidy will be taken into consideration in determining the charge to the Veterans Administration. The term, Federal Land Grant Funds, refers to those received under the Morrill-Nelson Act (Morrill Acts of 1862 and 1890 and the Nelson amendment of 1907) and section 22 of the Bankhead-Jones Act of 1935.

(d) Payments on behalf of a veteran who receives a fellowship, scholarship, grant-in-aid, assistantship, or similar award in complete or partial payment of tuition or fees or both will be made in accordance with the following:

(1) The award will reduce, to the extent of the award, the amount of tuition or fee or both that is payable by the Veterans Administration.

(2) Awards which are not paid in cash, except those which are made specifically for the purpose of defraying the cost of room and board in dormitories which will be disregarded, will reduce to the extent of the award the charges for which the Veterans Administration is responsible.

(3) Cash awards may be retained by the veterans and will not be deducted from charges ordinarily paid by the Veterans Administration.

(4) Waivers of tuition and fees provided under law by States or other Government authority will be utilized to reduce the charges payable by Veterans Administration in accordance with such waivers.

(e) Enrollment fees in an amount sufficient to cover the cost of registration may be paid, provided the institution or training establishment usually makes such a charge, and it does not exceed that charge made to other students or trainees.

§ 8–15.5001–2 Special services or courses.

Special services or courses are those services requested by the Veterans Administration which are over and above those customarily required by the institution for similarly circumstanced nonveterans and are considered by the Contracting Officer to be necessary for the vocational rehabilitation of the trainee. The costs of such special services or courses will be negotiated prior to being requested by the Veterans Administration.

§ 8–15.5001–3 Books, supplies, and equipment required to be personally owned.

(a) Reimbursement for books, supplies, or equipment and referred to as supplies, will be made as provided in this section.

(1) Reimbursement will be made for those supplies customarily required to be owned personally by all students taking the same course or courses. In no instance will the supplies be in a greater variety, quality, or amount than required of nonveteran students. In this instance required is in contradistinction to requested or desirable to have or necessary for a future profession or job but not required by the institution of all students in the course.

(2) When supplies are available in several prices, grades, or qualities, reimbursement may be made only for such quality or grade that will meet the requirements.

(3) Partial payment agreements in which the Veterans Administration shares payment with the veterans is not allowable.

(4) The costs incurred by the institution in connection with the veteran's thesis such as typing, printing, microfilming, or otherwise reproducing the required number of copies; research expenses when certified by the veterans committee chairman, major professor, department head, or appropriate dean that such expenses are required in order to complete the course requiring the preparation of a thesis are considered as supplies and are authorized for reimbursement.

(5) When the institution operates a bookstore or supply store for all students the reimbursement for supplies issued to trainees will be no greater than charges made to nonveteran students.

(6) Where the institution arranges for issuance of supplies to all students by stores or establishments not institutionally owned and to pay such store or establishment for supplies issued to

trainees, reimbursement is allowable provided the charges are no greater than those paid by nonveteran students or to the institutions whichever is the lesser.

(7) Supplies purchased by the institution specifically for trainees will be reimbursed at the net cost to the institution.

(8) Where it is customary in a survey subject to permit each student to obtain the aggregate of books for the subject on a rental basis (commonly referred to as a rental set) and the ownership or permanent possession by the student is not required, reimbursement is authorized for the rental charge provided it does not exceed the charge made to nonveteran students.

(9) Educational and training institutions furnishing supplies to trainees which are required to be owned personally or on a rental basis by all students pursuing the same or similar course may be compensated for such services in an amount not exceeding 10 per centum of the allowable charge for the supplies furnished or rented except:

(i) Where the tuition covers the charges for supplies or rentals or a stipulated fee is assessed all students, handling charges are not allowable.

(ii) The handling charge is not allowable for Government-owned books procured by the institution from the Library of Congress.

(iii) In cases where an item of equipment will exceed $50 in cost, effort will be made to secure a lower handling charge than for those costing a lesser amount. The agreed per centum for such handling charges will be included in the contract or added as an addendum.

§ 8–15.5001–4 Medical services and hospital care.

(a) Where the medical service and hospital care provided by an institution through payment of its customary student health fee are considered adequate for trainees under chapter 31, title 38, United States Code, payment for such fees may be authorized.

(b) Where medical services or hospital care not covered by the customary students health fee are available in the school operated facilities or arrangements have been made by the institution with doctors and hospitals in the immediate area, reimbursement for such services may be included in the contract or agreement provided they do not exceed the general rates established for such services by the Chief Medical Director.

(c) If there is a Veterans Administration contract with a public or private institution or clinic for furnishing outpatient treatment or hospitalization in the area of the school or place of training, reimbursement under paragraph (b) of this section will not be allowable except where the Manager, VA Regional Office, determines that the interests of the veterans would best be served by treatment or hospitalization in the school operation facilities.

§ 8–15.5001–5 Administrator's Decision No. 557.

(a) Fees and expenses authorized under Administrator's Decision No. 557 may be authorized for payment when the educational institution or training establishment makes such payments on behalf of the veteran.

(b) Payment for fees and expenses not made by the educational institution or training establishment will be made in accordance with Subpart 8–3.6 of this chapter or FPR 1–3.210(a)(1).

§ 8–15.5001–6 Consumable instructional supplies.

(a) Reimbursement for consumable instructional supplies which institutions require for the instruction of all students, veteran or nonveteran, pursuing the same or comparable course or courses will be made when:

(1) The supplies are entirely consumed in the fabrication of a required project.

(2) The supplies are not consumed but are of such a nature that they cannot be salvaged from the end product for reuse for further instructions by disassembling or dismantling the end product.

(b) Reimbursement for consumable instructional supplies is not allowable when:

(1) The supplies can be salvaged for reuse.

(2) The supplies used in a project which has been elected by the student as an alternate class project in order to produce an end product of greater value than that which is normally required to learn the skills of the occupation and which will become his property upon completion.

(3) The supplies used in a project which has been selected by the institution to provide the student with a more elaborate end product than is required to provide adequate instruction as an inducement to the veteran to elect a particular course of study.

(4) The salable value of the end product is equal to or greater than the cost of the supplies used in its fabrication or assembly and a reasonable use has not been made of such supplies so that they are not readily salvaged from the end product to be reused for instructional purposes.

(5) The end product is of permanent value and retained by the institution.

(6) A third party provides the articles or equipment for repair or improvement and for which he would otherwise pay a commercial price.

(7) The number of projects resulting in end products in excess of the numbers normally required to teach the recognized job operations and processes of the occupation stipulated in the approved course of study.

(8) The cost of supplies are included in the charge for tuition or as a fee designated for such purpose.

PART 8–16—PROCUREMENT FORMS

8. In Part 8–16, a new Subpart 8–16.2 is added to read as follows:

Subpart 8–16.2—Forms for Negotiated Supply Contracts

§ 8–16.201–150 Forms prescribed.

(a) The VA form prescribed in § 8–16.401–50 will be used for negotiated contracts relating to repairs and maintenance on properties acquired by the Veterans Administration under the loan guaranty program.

(b) The following VA forms are prescribed for use when entering into contracts relating to vocational rehabilitation and education in lieu of those listed in FPR 1–16.1 and 1–16.2.

(1) VA Form 22–1903 (21E–1903), Contract for Education and Training.

(2) VA Form 21E–1905, Authorization and Notice of Entrance or Reentrance into Training.

(3) VA Form 21E–1931, Contract for Services Relating to Vocational Counseling.

(4) VA Form 21E–1933, Contract for Services Relating to Vocational Counseling.

9. A new Subpart 8–16.4 is added to read as follows:

Subpart 8–16.4—Forms for Advertised Construction Contracts

§ 8–16.401–50 Forms prescribed.

Except as stated in paragraph (b) of this section the following VA form will be used in lieu of those listed in FPR 1–16.4 when entering into contracts for repairs and maintenance on properties acquired by the Veterans Administration under the loan guaranty program.

(a) Invitation, Bid, and/or Acceptance or Authorization (VA Form 26–6724).

(b) Contracts authorized to be made by management brokers in amounts of $200 or less will be made as prescribed by the Chief Benefits Director.

PART 8–75—DELEGATIONS OF AUTHORITY

10. In Part 8–75, §§ 8–75.201–12 and 8–75.201–13 are added to read as follows:

§ 8–75.201–12 Loan guaranty program.

(a) The authority to execute, award, and administer contracts, purchase orders, and other agreements for the expenditure of funds for supplies or services for the maintenance, protection, repair, rehabilitation, enlargement, completion, conversion, or demolition of properties acquired under chapter 37, title 38, United States Code, is delegated to:

(1) Chief Benefits Director.
(2) Director, Loan Guaranty Service.
(3) Manager, Regional Office.
(4) Manager, Veterans Benefits Office (Washington, D.C.).
(5) Loan Guaranty Officer.
(6) Assistant Loan Guaranty Officer.

(b) The Contracting Officers named in paragraph (a) of this section may designate one or more of their subordinates and authority is hereby delegated to such subordinates to execute, award, and administer contracts, purchase orders, and other agreements for the purposes stated in paragraph (a) of this section. Designations will be in writing and will specifically state the scope and limitations of the designee's contractual authority.

§ 8–75.201–13 Vocational rehabilitation and education programs.

(a) Except as stated in this section, the authority to negotiate, award, and administer contracts, purchase orders, and other agreements for the expenditure of funds for the vocational rehabilitation program is delegated to:

(1) Chief Benefits Director.
(2) Director, Compensation, Pension, and Education Service.
(3) Manager, Regional Office.
(4) Director, VA Center.
(5) Manager, Veterans Benefits Office (Washington, D.C.).

(b) The Chief Benefits Director and Director, Compensation, Pension, and Education Service are delegated authority to execute contracts, agreements, or supplements thereto for correspondence courses.

(c) The Chief Benefits Director, Director, Compensation, Pension, and Education Service, Manager, Regional Office and Center Director are delegated authority to execute contracts, agreements, or supplements thereto with educational institutions and other approved agencies for the purpose of providing services relative to the counseling of persons eligible for vocational rehabilitation under chapter 31, title 38, United States Code, or educational assistance under chapter 35, title 38, United States Code.

(d) The Chief Benefits Director is delegated authority to execute contracts, agreements, or supplements thereto with State Approving Agencies for services relating to approving educational institutions.

(e) The Contracting Officers named in paragraphs (a), (b), and (c) of this section may designate one or more of their subordinates and authority is hereby delegated to such subordinates to negotiate, award, and administer contracts, purchase orders, and other agreements for the purposes stated in paragraphs (a), (b), and (c) of this section. Designations will be in writing and will specifically state the scope and limitations of the designee's contractual authority.

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11. A new Part 8–95 is added to read as follows:

PART 8–95—LOAN GUARANTY AND VOCATIONAL REHABILITATION AND EDUCATION PROGRAMS

Subpart 8–95.1—Loan Guaranty Program

Sec.

8–95.100 Scope of subpart.
8–95.101 Policy.
8–95.102 Authorization for repairs to properties.
8–95.103 Repair specifications.
8–95.104 Qualification of bidders.
8–95.105 Debarred, suspended, or ineligible bidders.
8–95.106 Lien waivers.
8–95.107 Stipulations against liens.

Subpart 8–95.2—Vocational Rehabilitation and Education Program

8–95.200 Scope of subpart.
8–95.201 General.
8–95.201–1 Requirements for use of contracts.
8–95.201–2 Requirements when contracts are not required.
8–95.201–3 Medical services.
8–95.201–4 Letter contracts.
8–95.202 Marking and release of supplies.
8–95.203 Renewals or supplements to contracts.
8–95.204 Guaranteed payment.
8–95.205 Proration of charges.
8–95.206 Other fees and charges.
8–95.207 Payment of tuition or fees.
8–95.208 Exclusion of Federal admission taxes.
8–95.209 Records and reports.
8–95.210 Correspondence courses.
8–95.211 Information concerning correspondence courses.

AUTHORITY: The provisions of this Part 8–95 issued under sec. 205(c), 63 Stat. 390, as amended, 40 U.S.C. 486(c); sec. 210(c), 72 Stat. 1114, 38 U.S.C. 210(c).

Subpart 8–95.1—Loan Guaranty Program

§ 8–95.100 Scope of subpart.

This subpart sets forth policy and procedure with respect to the loan guaranty and direct loan programs as it pertains to property management matters, including the acquisition, management, and disposition of property, real, personal, or mixed, which were secured by loans guaranteed, insured, or made pursuant to title 38, United States Code.

§ 8–95.101 Policy.

It is the policy of the Veterans Administration that all procurement effected by formal advertising or negotiation pertaining to the expenditure of funds for the repair and maintenance of Veterans Administration property acquired under chapter 37, title 38, United States Code, be made in accordance with those regulations as set forth in FPR 1–3 and 1–3 as supplemented or implemented by Parts 8–3 and 8–8 of this chapter and otherwise authorized by this Subpart 8–95.1 and specific subparts or sections as stated in this subpart.

§ 8–95.102 Authorization for repairs to properties.

(a) Except as provided in this subpart, Managers are authorized to purchase supplies and services for the repair to any Veterans Administration property acquired under chapter 37, title 38, United States Code, where the cost does not exceed $2,500 on any single transaction.

(b) In those cases where the expenditure is known or estimated to exceed $2,500, the request, together with the loan guaranty folder, will be forwarded to the Chief Benefits Director for approval.

(c) During the period when the Veterans Administration has assumed custody of the property from a holder and prior to its conveyance to the Veterans Administration pursuant to Veterans Administration Regulation 4320 (38 CFR 36.4320), repairs are authorized not in excess of $500, when appropriate to make the property ready for sale at an earlier date than would otherwise be possible if the repair program was delayed until such time as the Veterans Administration acquired absolute title.

(d) No repairs may be made to property by the holder when it has continued custody except for emergency repairs not in excess of $50 unless adequate notice has been given the Manager, VA Regional Office. Emergency repairs as applied in this paragraph will be deemed to mean those requiring immediate action to preserve the property from serious damage or to correct a situation imminently dangerous to life or limb, and includes the initial cleanup of the property in order to prevent the risk of damage by fire or vandalism.

(e) An approved management broker may be authorized, at the time a property is listed with him, to incur expenses for fuel and utilities or other recurring items which are required to be furnished by the Veterans Administration to its tenants or are required in the maintenance of the property. Advance blanket authorizations to management brokers will be limited to repairs not in excess of $50 in any transaction. Repair jobs may not be split to circumvent this restriction. Expenditures in excess of $50 require prior approval of the Manager, regional office, having jurtadiction of the property.

§ 8–95.103 Repair specifications.

(a) Repair specifications covering authorized repairs will be formulated in sufficient detail to permit competitive bids on an identical basis and as a minimum will contain the following:

(1) Requirement that the contractor obtain all necessary permits.

(2) Where the property is vacant, require that the contractor provide the heat, light, power, and water necessary to accomplish the work.

(3) Requirement that inspection will be made at stated intervals if appropriate and that final inspection will be made in all cases.

(4) Any other requirement necessary to protect the interests of the Government.

(b) The minimum construction requirements may be used as a guide in the preparation of repair specifications. Specifications should not require conformance with minimum construction requirements in cases where scope of repairs are minor, the relatively small value of the property or its poor salability. The quality of repairs to be specified shall be consistent with the type and value of the property.

(c) In all cases, the specifications for repairs will be based on one of the following categories:

(1) Minimum specifications for rental purposes.

(2) Average specifications for sales purposes.

(3) Above average specifications for desirable properties.

§ 8–95.104 Qualification of bidders.

(a) Qualifications of bidders shall be established in accordance with the procedures outlined in FPR 1–1.310–5 and 1–1.310–6 and § 8–1.310–6 of this chapter.

(b) Management brokers are not considered acceptable bidders for repair contracts due to their close association on a fee basis with the Veterans Administration. This restriction would apply equally to any contracting firm in which the management broker has an interest and in which it could be presumed that such firm would have an advantage over the other bidders. This does not preclude the performance of work by management brokers of a routine recurring maintenance category or minor repairs

by personnel employed directly on the payroll of the broker. In these cases, it must be established that any charges for such services are not in excess of the prevailing fees for like services in the area.

§ 8–95.105 Debarred, suspended or ineligible bidders.

Firms or individuals will be debarred or suspended in accordance with FPR 1–1.6 and Subpart 8–1.6 of this chapter.

§ 8–95.106 Lien waivers.

(a) Contracts in the amount of $1,000 or more will contain a requirement that the contractor will sign a formal release in full or a lien waiver before payment may be made. The release or waiver will accompany the contractor's invoice.

(b) Contractors will be required to notify the Manager, Veterans Administration regional office, of any subcontracts for services or materials in excess of $1,000. Such subcontractors or material men will be required to sign the release or waiver jointly with the prime contractor or to execute release or waiver in his own name.

(c) Prior to any authorized partial payment the contractor will be required to execute a release or waiver.

(d) Due to the variations of local law, no standard release or waiver is prescribed. Each release or waiver will be prepared in accordance with local law and will be in form acceptable by the Chief Attorney.

§ 8–95.107 Stipulations against liens.

(a) Where determined necessary by the Manager, Veterans Administration regional offices, contracts in an amount less than $1,000 may contain the following:

The contractor expressly waives any and all rights to file or maintain any mechanics lien or claim against the aforesaid premises.

(b) Contracts in the amount of $1,000 or more or where there is doubt as to the financial responsibility of the contractor will provide maximum protection to the Government by including such requirements as are available under local law. Advice and approval of any contract stipulation or legal stipulations against liens will be obtained from the Chief Attorney.

Subpart 8–95.2—Vocational Rehabilitation and Education Program

§ 8–95.200 Scope of subpart.

This subpart sets forth policy and procedures with respect to the vocational rehabilitation and education program as it pertains to contracts for training, education, guidance and approval of institutions and training establishments.

§ 8–95.201 General.

§ 8–95.201–1 Requirements for use of contracts.

Contracts will be negotiated for tuition, fees, books, supplies, equipment, and other allowable expenses incurred by the institution for the training of eligible veterans under chapter 31, title 38, United States Code, under the following circumstances:

(a) With institutions offering courses of instruction by correspondence. Courses of instruction by correspondence is deemed to mean a course of education or training conducted by mail consisting of regular lessons or reading assignments, the preparation of required written work which involves the application of principles studied in each lesson, the correction of assigned work with such suggestions or recommendation as may be necessary to instruct the student, the keeping of student achievement records and issuance of a diploma, certificate, or other evidence to the student upon satisfactorily completing the requirements of the course.

(b) With institutions, establishments, or individuals approved to provide training to eligible veterans under chapter 31, title 38, United States Code, for whom special services are furnished at the request of the Veterans Administration.

§ 8–95.201–2 Requirements when contracts are not required.

(a) When a contract is not required, a signed statement of charges will be obtained from the educational institution or training establishment for courses to be offered, including the rate of tuition, fees, and separate charges, if any, for books, supplies, and equipment handling charges, refund policy and such other provisions as are required to determine proper payment. The statement of charges may be in the form of a statement on VA Form 21E–1905, Authorization and Notice of Entrance or Reentrance into Training, that charges will be in accordance with catalog or other published document (identify publication). The statement of charges may not exceed those charges paid by nonveterans or that is published in the school catalog or other published document.

(b) For the purpose of this section a contract will not be required when all tuition, fees, books, supplies, or services necessary to train, or educate an eligible veteran under chapter 31, title 38, United States Code, are published in the school catalog or other published document.

§ 8–95.201–3 Medical services.

The medical services provided trainees under vocational rehabilitation and education contracts, agreements, or arrangements are separate and distinct from any other medical service under the jurisdiction of the Department of Medicine and Surgery to which the veteran may be entitled and no certificate of eligibility is required from that department.

§ 8–95.201–4 Letter contracts.

Pursuant to FPR 1–3.408 and § 8–3.408, letter contracts are authorized for use in those cases where it is not possible to complete a formal contract with an approved institution prior to the enrollment of eligible veterans for training.

§ 8–95.202 Marking and release of supplies.

Supplies will not be marked to indicate ownership by the United States and will be deemed released to the trainee at the time they are furnished.

§ 8–95.203 Renewals or supplements to contracts.

Except for contracts for vocational counseling, contracts may be renewed from year to year, providing there is no change in the schedule or provisions as originally consummated by completion of a renewal agreement no later than 30 days prior to the expiration of the contract.

(a) Supplements may be negotiated at any time during the contract period upon the completion of a supplemental agreement.

(b) Contracts for vocational counseling may provide for automatic extension from year to year.

§ 8–95.204 Guaranteed payment.

No contract or agreement may be entered into with any educational institution or training establishment whereby the Veterans Administration will be required to pay a minimum charge or be required to enroll a minimum number of trainees per quarter, semester, course, or term.

§ 8–95.205 Proration of charges.

The contract will include the exact formula agreed upon for the proration of charges in the event that trainees are withdrawn or discontinued prior to the end of the term, semester, course, or quarter, or the course is completed in less time than that stated in the contract.

§ 8–95.206 Other fees and charges.

Fees and other charges which are not prescribed by law but are by nongovernment organizations such as initiation fees required to become a member of a labor union and the dues necessary to maintain membership incidental to training on-the-job may be paid provided there are no facilities feasibly available whereby the necessary training can be accomplished without paying such charges. Payment for such fees will be made in accordance with Subpart 8–3.6.

§ 8–95.207 Payment of tuition or fees.

(a) Contracts, agreements, or arrangements requiring the payment of tuition or fees will provide for the following:

(1) Payment for tuition or fees will be made in arrears and will be prorated in installments over the school year or the length of the course except:

(i) Institutions may be paid in accordance with the provision of subparagraph (2) of this paragraph, provided such institutions operate on a regular term, quarter, or semester basis and normally accept students only at the beginning of the term, quarter, or semester and provided further such institutions are either:

(a) Institutions of higher learning that use a standard unit of credit recognized by accrediting associations (such institutions will include those which are members of recognized national or regional educational accrediting associations and those which, although not members of such accrediting associations, grant standard units of credit acceptable at full value without examination by collegiate institutions which are

members of national or regional accrediting associations).

(b) Public tax supported institutions.

(c) Institutions operated and controlled by State, county, or local boards of education.

(2) Institutions coming within the exceptions of subparagraph (1) of this paragraph which have a refund policy providing for a graduated scale of charges for purposes of determining refunds may be paid part or all such tuitions or fees for a term, quarter, or other period of enrollment immediately following the date on which the refund expires.

(3) Proration of charges will not apply to a fee which is for noncontinuing service such as registration fee, etc.

(b) The period for which payment of charges may be made will be the period of actual enrollment and subject to the following:

(1) The effective date will be the date of the trainee's entrance into training status except that payment may be made for an entire semester, quarter, or term in institutions operating on that basis if the trainee enters no later than the final date set by the institution for enrolling for full credit.

(2) In those cases where the institution has not set a final date for enrolling for full credit or will not set a date acceptable to the Veterans Administration, payment may be prorated on the basis of attendance regardless of the refund policy.

(3) If an institution customarily charges for the amount of credit or number of hours of attendance for which a trainee enrolls, payment may be on that basis when a trainee enrolls after the final date permitted for carrying full credit for the semester or term.

(c) The terminal date to which payment will be made is the day following:

(1) The end of the semester, term, or quarter during which the training is furnished.

(2) The date of interruption or discontinuance of training.

(3) The date of completion of the course.

§ 8–95.208 Exclusion of Federal admission taxes.

Where applicable, contracts, agreements, or arrangements will provide for the exclusion of admission taxes from fees or charges where the payment of which entitles the trainee to admission to athletic or other events subject to the tax. (26 U.S.C. 4231(1))

§ 8–95.209 Records and reports.

Contracts, agreements, or arrangements will provide for the number and frequency of reports, adequate financial records to support payment for each trainee and maintainance of attendance and progress records. Such records are to be preserved for at least a period of 3 years following the date of the last payment or a longer period if requested by a representative of the General Accounting Office or the Veterans Administration.

§ 8–95.210 Correspondence courses.

Contracts with institutions for correspondence courses will provide that:

(a) Major changes in courses or course material will not be binding on the Veterans Administration until such time as a supplemental agreement is negotiated to the contract.

(b) Minor changes in course or course material not affecting the length of the course or number of lessons and not lowering the educational value of the course or the quality of the course material such as revision of text, the substitution of a newer lesson for an older one or the substitution of equipment of equal or greater value are permitted without supplemental agreements. Such minor changes and revisions shall be placed on file with the Contracting Officer at the time of the change or revision.

(c) Trainees be provided with prompt and adequate lesson service and, unless otherwise specified in the contract, be furnished the same texts, lessons service, diplomas, and other services as are normally provided for regularly enrolled nonveteran students.

(d) All lessons be adequately serviced on an individual basis. Grouping of lessons into units or partial servicing does not meet this requirement.

(e) Each lesson must have a separate examination adequate in terms of lesson content.

(f) The training of persons under a Veterans Administration contract or the fact that the United States is utilizing the facilities of the institution for training veterans shall not be used in any way to advertise the institution. References in the advertising media or correspondence of the institution shall be limited to a list of courses under chapter 31, title 38, United States Code, and shall not be directed or pointed specifically to veterans.

(g) The rates, fees, and charges are not in excess of those charged nonveterans.

(h) That payment will be made on a lesson completed basis in areas for assignments sent in by trainees and serviced during a pay period as established by the contract.

(i) Payment will be made only once for each lesson even though it is necessary to service a lesson more than once.

§ 8–95.211 Information concerning correspondence courses.

(a) Specific questions on correspondence courses as to the content of courses, academic credit, and entrance requirements for courses included in Veterans Administration contracts may be directed to the institutions offering the courses.

(b) When a correspondence course is desired for which no contract exists, requests for inclusion of such course will be directed to the Director, Compensation, Pension and Education Service.

(Sec. 205(c), 63 Stat. 390, as amended, 40 U.S.C. 486(c); sec. 210(c), 72 Stat. 1114, 38 U.S.C. 210(c))

These regulations are effective upon publication in the FEDERAL REGISTER.

Approved: June 7, 1965.

By the direction of the Administrator.

[SEAL] A. H. MONK,
Associate Deputy Administrator.

[F.R. Doc. 65–6062; Filed, June 10, 1965; 8:48 a.m.]

Title 43—PUBLIC LANDS: INTERIOR

Chapter II—Bureau of Land Management, Department of the Interior

SUBCHAPTER B—LAND TENURE MANAGEMENT
[2000]

[Circular 2191]

PART 2230—SPECIAL USES

Subpart 2234—Rights-of-Way

PAYMENT REQUIRED; EXCEPTIONS; DEFAULT; REVISION OF CHARGES

The purpose of this amendment is to correct an error inadvertently made in the conversion to the new format of the regulations of the Bureau of Land Management, published in the FEDERAL REGISTER on March 31, 1964 (29 F.R. 4301). No substantive changes were intended to be made by the conversion.

No payments are required for rights of way for railroads and station grounds under the Act of March 3, 1875 (18 Stat. 482; 43 U.S.C. 934–939). Although the regulations in effect prior to March 31, 1964, made this clear, the present regulations, 43 CFR Part 2230, Subpart 2234, do not.

These rules relate to agency procedures and are not required by law to be published as proposed rule making. This Department nevertheless, customarily gives such notice and public procedure thereon. However, that practice is deemed unnecessary in this instance because the change made is editorial in nature. Accordingly, these rules shall become effective upon publication in the FEDERAL REGISTER.

Subparagraph (2) of § 2234.1–6(c) is amended to read as follows:

§ 2234.1–6 Payment required; exceptions; default; revision of charges.

* * * * *

(c) * * *

(2) Where the permit, right-of-way, or easement is granted under the regulations in §§ 2234.2–2, 2234.2–4, 2234.2–5, 2234.3–1, and 2234.3–2.

* * * * *

STEWART L. UDALL,
Secretary of the Interior.

JUNE 5, 1965.

[F.R. Doc. 65–6073; Filed, June 10, 1965; 8:47 a.m.]

SUBCHAPTER C—MINERALS MANAGEMENT (3000)

[Circular 2192]

PART 3540—PUBLIC LAW 585; MULTIPLE MINERAL DEVELOPMENT

Subpart 3545—Fissionable Source Materials

ELIMINATION OF RESERVATIONS

The Act of August 30, 1954 (68 Stat. 934), amended the Atomic Energy Act of April 1, 1946 (60 Stat. 755), which provided for the issuance of supplemental patents for fissionable materials reserved in patents under provisions of the 1946 Act. The Atomic Energy Act was subsequently amended by the Act of August 19, 1958 (72 Stat. 632; 42 U.S.C. 2098(b)). This amendment remised, released, and quitclaimed such reserved fissionable materials to persons entitled thereto, thus eliminating the necessity for supplemental patents.

Accordingly, §§ 3545.1 and 3545.2 of 43 CFR are hereby revoked effective on date of publication of this notice in the FEDERAL REGISTER.

STEWART L. UDALL,
Secretary of the Interior.

JUNE 5, 1965.

[F.R. Doc. 65-6074; Filed, June 10, 1965; 8:47 a.m.]

SUBCHAPTER D—RANGE MANAGEMENT (4000)

[Circular 2193]

PART 4110—GRAZING ADMINISTRATION (INSIDE GRAZING DISTRICTS) (THE FEDERAL RANGE CODE FOR GRAZING DISTRICTS)

Subpart 4115—Records and Administrative Procedures

LICENSE AND PERMIT PROCEDURES; REQUIREMENTS AND CONDITIONS

The purpose of this amendment is to correct errors in referencing between sections of the regulations. The errors are in § 4115.2–1(e)(3) and (9)(i).

This rule relates to agency procedure and is not required by law to be published as proposed rule making. This Department, nevertheless, customarily gives such notice and public procedure thereon. However, that practice is deemed unnecessary in this instance because the change involved is editorial in nature. Accordingly, this rule shall become effective upon the date of publication in the FEDERAL REGISTER.

Paragraph (e) (3) and (9)(i) of § 4115.2–1 are corrected to read as follows:

§ 4115.2–1 License and permit procedures; requirements and conditions.

* * * * *

(e) *Terms and conditions.* * * *

(3) No license or permit will confer grazing privileges in excess of the grazing capacity of the Federal range to be used, as determined by the District Manager, except as may be allowed under § 4111.4–3 (c) and (d).

* * * * *

(9) * * *

(i) To include in an application for a license or permit or renewal thereof, the entire base property qualifications for active, nonuse, or combination of active and nonuse, except where the base property qualifications are included in an outstanding current term permit, or where the allowable use has been reduced under §§ 4111.4–3 (a)(3) and (c), and 9239.3–2(c) of this chapter.

* * * * *

STEWART L. UDALL,
Secretary of the Interior.

JUNE 5, 1965.

[F.R. Doc. 65-6075; Filed, June 10, 1965; 8:47 a.m.]

APPENDIX—PUBLIC LAND ORDERS

[Public Land Order 3662]

[Misc. 1758908]

NEW MEXICO

Modification of Grazing District No. 7

By virtue of the authority contained in the Act of June 28, 1934 (48 Stat. 1269; 43 U.S.C. 315 et seq.), as amended, the following-described lands are hereby excluded from New Mexico Grazing District No. 7:

NEW MEXICO PRINCIPAL MERIDIAN

T. 31 N., R. 1 E.,
That portion W. of Tierra Amarilla Grant and N. of Jicarilla Indian Reservation.
T. 32 N., R. 1 E.,
That portion W. of Tierra Amarilla Grant.
T. 31 N., R. 1 W.,
Secs. 1 to 18, that portion N. of Jicarilla Indian Reservation.
T. 32 N., R. 1 W.
T. 17 N., R. 6 W.,
Secs. 1 to 7, inclusive;
Secs. 12 and 13.
T. 18 N., R. 6 W.,
Secs. 27 to 36, inclusive.
T. 17 N., R. 7 W.
T. 18 N., R. 7 W.,
Secs. 19 to 23, inclusive;
Secs. 25 to 36, inclusive.
T. 17 N., R. 8 W.
T. 18 N., R. 8 W.,
Secs. 13 to 36, inclusive.
T. 19 N., R. 8 W.,
Secs. 5 and 6.
T. 20 N., R. 8 W.,
Secs. 5 to 8, inclusive;
Secs. 17 to 20, inclusive;
Secs. 29 to 32, inclusive.
T. 21 N., R. 8 W.,
Secs. 2 to 9, inclusive;
Secs. 16 to 21, inclusive;
Secs. 28 to 33, inclusive.
T. 17 N., R. 9 W.
T. 18 N., R. 9 W.
T. 19 N., R. 9 W.,
Secs. 4 to 9, inclusive;
Secs. 16 to 21, inclusive;
Secs. 28 to 33, inclusive.
T. 20 N., R. 9 W.
T. 21 N., R. 9 W.
Ts. 13 to 20 inclusive N., R. 10 W.
T. 21 N., R. 10 W.,
Secs. 1 to 4, inclusive;
Secs. 9 to 15, inclusive;
Secs. 30 to 36, inclusive.
Ts. 13 to 20 inclusive N., R. 11 W.
T. 21 N., R. 11 W.,
Secs. 5 to 7, inclusive;
Secs. 15, 16, and 18;
Secs. 21 to 29, inclusive;
Secs. 31 to 36, inclusive.
T. 22 N., R. 11 W.,
Secs. 5, S½;
Secs. 6, S½;
Secs. 7 to 9, inclusive;
Secs. 16 to 21, inclusive;
Secs. 28 to 33, inclusive.
T. 13 N., R. 12 W.
T. 14 N., R. 12 W.,
Secs. 1 to 5, inclusive;
Secs. 8 to 17, inclusive;
Secs. 19 to 36, inclusive.
Ts. 15 to 21 inclusive N., R. 12 W.
T. 22 N., R. 12 W.,
Sec. 1;
Sec. 7, W½;
Sec. 8, S½;
Sec. 9, S½;
Secs. 12 to 17, inclusive;
Sec. 18, SE¼SW¼, NE¼SE¼, and S½SE¼;
Secs. 19 to 36, inclusive.
T. 14 N., R. 13 W.,
Secs. 19 to 36, inclusive.
T. 15 N., R. 13 W.,
Secs. 1 to 29, inclusive;
Sec. 30, NE¼;
Sec. 32, NE¼.
Ts. 16 to 21 inclusive N., R. 13 W.
T. 22 N., R. 13 W.,
Secs. 1 to 12, inclusive;
Sec. 13, NW¼, N½SW¼, SW¼SW¼;
Secs. 14 to 23;
Sec. 24, NW¼, S½.
T. 22 N., R. 13 W.,
Secs. 25 to 36, inclusive.
T. 23 N., R. 13 W.,
Secs. 27 to 35, inclusive.
T. 14 N., R. 14 W.
Secs. 3 to 11, inclusive;
Secs. 13 to 36, inclusive.
T. 15 N., R. 14 W.,
Secs. 1 to 23, inclusive;
Sec. 24, N½, SW¼;
Sec. 25, NW¼;
Sec. 26, N½;
Secs. 27 to 33, inclusive.
T. 16 N., R. 14 W.
Secs. 4 to 9, inclusive;
T. 17 N., R. 14 W.,
That portion south of Navajo Reservation.
T. 15 N., R. 15 W.,
That portion exclusive of Fort Wingate Reservation.
T. 16 N., R. 15 W.
T. 17 N., R. 15 W.,
That portion south of Navajo Reservation.
T. 15 N., R. 16 W.,
That portion exclusive of Fort Wingate Reservation.
T. 16 N., R. 16 W.
T. 17 N., R. 16 W.,
That portion south of Navajo Reservation.
T. 13 N., R. 17 W.,
Secs. 4 to 9, inclusive;
Secs. 16 to 21, inclusive;
Secs. 28 to 33, inclusive.
T. 14 N., R. 17 W.,
That portion exclusive of Fort Wingate Reservation.
T. 15 N., R. 17 W.,
That portion exclusive of Fort Wingate Reservation.
T. 16 N., R. 17 W.
T. 17 N., R. 17 W.,
That portion south of Navajo Reservation.
T. 12 N., R. 18 W.,
Secs. 1 to 7, inclusive;
Sec. 8, N½;
Secs. 9 to 17, inclusive;
Sec. 18, NW¼;
Sec. 19;
Sec. 20, N½NE¼, NW¼;
Sec. 21;
Sec. 22, NE¼, N½NW¼;
Secs. 23 to 27, inclusive;
Secs. 29 to 33, inclusive;
Secs. 35 and 36.
Ts. 13 to 16 N., inclusive, R. 18 W.
T. 17 N., R. 18 W.,
That portion south of Navajo Reservation.
T. 11 N., R. 19 W.,
Secs. 1 to 18, inclusive;
Sec. 24.
T. 12 N., R. 19 W.,
Secs. 1 to 23, inclusive;
Sec. 24, S½;
Secs. 25 to 36, inclusive.
Ts. 13 to 16 inclusive N., R. 19 W.
T. 17 N., R. 19 W.,
That portion south of Navajo Reservation.
T. 11 N., R. 20 W.,
Secs. 1 to 18 inclusive.
Ts. 12 to 16 inclusive N., R. 20 W.
T. 17 N., R. 20 W.,
That portion south of Navajo Reservation.
T. 11 N., R. 21 W.,
That portion north of Zuni Reservation.
Ts. 12 to 16 inclusive N., R. 21 W.,
Fractional.
T. 17 N., R. 21 W.,
That portion south of Navajo Reservation.

JOHN A. CARVER, JR.,
Under Secretary of the Interior.

JUNE 7, 1965.

[F.R. Doc. 65-6072; Filed, June 10, 1965; 8:47 a.m.]

Title 50—WILDLIFE AND FISHERIES

Chapter II—Bureau of Commercial Fisheries, Fish and Wildlife Service, Department of the Interior

SUBCHAPTER F—AID TO FISHERIES

PART 253—COMMERCIAL FISHERIES RESEARCH AND DEVELOPMENT

Interpretation of the Authorization; Use of Research and Development Funds

On page 5382 of the FEDERAL REGISTER of April 15, 1965, there was published a notice and text of proposed amendments to §§ 253.2(a) and 253.3(f) of Part 253 of Title 50, Code of Federal Regulations.

The purpose in amending § 253.2(a) was to extend the time during which a State can utilize funds which have previously been provided for other commercial fishery projects. The purpose of amending § 253.3(f) was to provide an exception to State contracting procedures in respect to contracts for research and development and professional services.

Interested persons were given 30 days in which to submit written comments, suggestions, or objections with respect to the proposed amendments.

One comment was received pertaining to the amendment of § 253.2(a). Consideration has been given to this comment and appropriate clarifying changes have been made in this section. These changes will permit a State to utilize funds during fiscal years 1965 and 1966 which have previously been provided for other commercial fisheries research and development because a State legislature did not meet for a significant and practicable period of time after appropriation of funds for section 4(a) of the Act. No comments were received on the proposed amendment to § 253.3(f).

§ 253.2 Interpretation of the authorization.

* * * * *

(a) Supplement, and, to the extent practicable, increase the amounts of State funds. The words "supplement, and, to the extent practicable, increase the amounts of State funds" mean that State funds, to be used for at least 25 percent of the cost of a project financed with research and development funds, will be additional funds provided for that project and will not represent funds diverted from some other commercial fishery project; except, that during fiscal years 1965 and 1966, the fact that a State legislature did not meet for a significant and practicable period of time after appropriation of funds for section 4(a) of the Act will be considered evidence that it is not feasible for the State Agency to furnish funds that have not been previously used for other commercial fishery projects.

* * * * *

§ 253.3 Use of research and development funds.

* * * * *

(f) *Contracts.* Supply, service, equipment, and construction contracts, other than research and development contracts and contracts for professional services, involving an expenditure of $2,500 or more entered into by a State Agency for the execution of approved project activities shall be based upon free and open competitive bids. If a contract is awarded to other than the lowest responsible bidder, the payment of the Federal portion of the cost of the project shall be based on the lowest responsible bid, unless it is satisfactorily shown that it was advantageous to the project to accept a higher bid. Upon request, the State Agency shall certify and promptly furnish to the Secretary a copy of each contract executed and copies of all bids received concerning the contract. Contracts for research and development, and professional services may be negotiated, provided that the Secretary is satisfied that adequate steps are taken to insure economical and efficient services and the impartial selection of contractors.

* * * * *

This amendment shall become effective on the date of publication in the FEDERAL REGISTER.

JOHN A. CARVER, JR.,
Acting Secretary of the Interior.

JUNE 8, 1965.

[F.R. Doc. 65-6081; Filed, June 10, 1965; 8:48 a.m.]

Proposed Rule Making

DEPARTMENT OF AGRICULTURE

Agricultural Research Service

[9 CFR Parts 101, 103]

VIRUSES, SERUMS, TOXINS, AND ANALOGOUS PRODUCTS; ORGANISMS AND VECTORS

Notice of Extension of Time to Submit Written Data, Views or Arguments

On April 17, 1965, there was published in the FEDERAL REGISTER (30 F.R. 5514) a notice of proposed amendments of Parts 101 and 103 of Subchapter E, Chapter I, Title 9, Code of Federal Regulations, adding definitions of "research investigator" and experimental products (Part 101) and revisions in Part 103 to require requests for authority to produce experimental products in licensed establishments be sent to the Director (§ 103.1); redesignates § 103.2 as § 103.3 and deletes former § 103.3; adds a new § 103.2 which sets forth safeguards for disposition of animals used to test experimental biological products; adds two new paragraphs to redesignated § 103.3 relative to permission for field trials, requiring data be presented to the division which indicate the experimental biological product will cause no unwholesome condition in the edible portions of animals used for evaluations and an agreement from the "research investigator" to furnish, at the Director's request, certain information concerning disposition of meat animals used for testing experimental biological products. Said notice provided that any person could submit written data, views, or arguments concerning the proposed amendments within 30 days after publication thereof in the FEDERAL REGISTER.

Because of interest which has been manifested near the end of this period, it appears desirable to afford additional time for submission of comments with respect thereto. Accordingly, any person may submit written data, views, and arguments regarding the proposed amendments with the Director, Animal Inspection and Quarantine Division, Agricultural Research Service, U.S. Department of Agriculture, Federal Center Building, Hyattsville, Md., 20781, on or before July 12, 1965. All written submissions made pursuant to this notice will be made available for public inspection at such times and places and in a manner convenient to the public business (7 CFR 1.27(b)).

Done at Washington, D.C., this 8th day of June 1965.

R. J. ANDERSON,
Acting Administrator,
Agricultural Research Service.

[F.R. Doc. 65-6104; Filed, June 10, 1965; 8:49 a.m.]

DEPARTMENT OF LABOR

Bureau of Labor Standards

[29 CFR Part 1504]

SAFETY AND HEALTH REGULATIONS FOR LONGSHORING

Notice of Proposed Rule Making

Reexamination of the safety and health regulations for longshoring established pursuant to section 41 of the Longshoremen's and Harbor Workers' Compensation Act (33 U.S.C. 941, 29 CFR Part 1504, formerly Part 9), and experience in their administration and enforcement have indicated a need for certain editorial and substantive revisions. Accordingly, notice is hereby given in accordance with section 4(a) of the Administrative Procedure Act (5 U.S.C. 1003(a)) that I propose to amend these regulations as hereinafter set forth.

In order that interested persons may have opportunity to participate in the rule making process, notice is also given that oral data, views and argument of interested persons will be received by a duly assigned Hearing Examiner on September 24, 1965, beginning at 10 a.m. in room 404, Railway Labor Building, First and D Streets NW., Washington, D.C.

Any interested person desiring to participate orally shall file a notice of intention with the Director, Bureau of Labor Standards, U.S. Department of Labor, Washington, D.C., 20210, not later than 10 days before the schedule date. The notice of intention shall state the name and address of the person who is to appear, specify his interest, the amount of time he requires for such purpose, and identify his counsel or other representative, if any.

Interested persons may also submit written data, views and argument by mailing them in quadruplicate to the Director of the Bureau of Labor Standards, U.S. Department of Labor, Washington, D.C., 20210, not later than 5 days before the above specified date.

The oral proceedings shall be reported, and transcripts will be available to any interested person on such terms as the Hearing Examiner may provide. The Hearing Examiner shall regulate the course of the oral presentations, dispose of procedural requests, objections, and comparable matters, and confine the presentation to matters pertinent to the proposal. He shall have discretion to keep the record open for a reasonable stated time to receive written proposals and supporting reasons, or additional data, views and argument from persons who have participated.

Upon completion of the oral proceedings the transcript thereof, together with the exhibits, written submissions and all posthearing proposals and supporting reasons shall be certified to the Secretary of Labor.

After careful consideration is given to all relevant matter presented in these proceedings, and to such other information as may be available, the Secretary will issue such regulations as he deems appropriate and publish them in the FEDERAL REGISTER.

The proposals are set forth below.

1. In order to define the extent of the applicability of new regulations proposed to be established by this document (i.e. §§ 1504.23(b)(2), 1504.35, 1504.43(f)(2), and 1504.106), § 1504.3(g) (formerly § 9.3(g)) would be amended and § 1504.3 (o) and (p) would be established to read as follows:

§ 1504.3 Definitions.

* * * * * *

(g) For the purposes of §§ 1504.11, 1504.23, 1504.35, 1504.37, 1504.43(f)(2), and 1504.106, the term "barge" means an unpowered, flat bottom, shallow draft vessel including river barges, scows, carfloats, and lighters. For the purposes of these sections the term does not include ship shaped or deep draft barges.

* * * * * *

(o) For the purposes of §§ 1504.23(b)(2) and 1504.106(b) the term "Mississippi River System" includes the Mississippi River from the head of navigation to its mouth, and navigable tributaries including the Illinois Waterway, Missouri River, Ohio River, Tennessee River, Allegheny River, Cumberland River, Green River, Kanawha River, Monongahela River, and such others to which barge operations extend.

(p) For the purpose of § 1504.106(b) the term "Gulf Intracoastal Waterway" means the system of that name extending from St. Marks, Florida to Brownsville and Harlingen, Texas, and including the Pearl River, Tombigbee River, Apalachicola River, Flint River, and such other navigable tributaries to which barge operations extend.

2. The paragraph in § 1504.6 (formerly § 9.6) which reads, "Underwriters' Laboratories, Incorporated, 207 East Ohio Street, Chicago, Ill. Subpart G, § 1504.69(d)" would be amended by the addition of the phrase "and Subpart I, § 1504.92(b)(3)".

3. Because it is necessary not only that railings be provided, but also that stanchions not be unshipped in use, as sometimes happens, § 1504.11(b) (formerly § 9.11(b)) would be amended to read as follows:

§ 1504.11 Gangways.

* * * * * *

(b) Each side of such gangway, and the turntable, if used, shall have a railing with a minimum height of 33 inches measured perpendicularly from rail to walking surfaces at the stanchion, with a mid-rail. Rails shall be of wood, pipe, chain, wire or rope and shall be kept taut at all times. Portable stanchions supporting railings shall be so supported or secured as to prevent accidental dislodgment.

* * * * * *

4. In order to provide practical solutions in cases where current requirements cannot be met, because of local river and bank conditions, § 1504.23(b) (formerly § 9.23(b)) would be amended by the addition of a proviso. Because of the danger of a person falling into the water between the ship and a barge while using a Jacob's ladder, § 1504.23(c) (formerly § 9.23(c)) would be amended. As amended these paragraphs would read as follows:

§ 1504.23 Access to barges and river towboats.

* * * * * *

(b) Unless employees can step safely to or from the wharf, float, barge, or river towboat, either a ramp meeting the requirements of paragraph (a) of this section or a safe walkway meeting the requirements of § 1504.21(d) shall be provided. When a walkway is impracticable, a substantial straight ladder, extending at least 36 inches above the upper landing surface and adequately secured against shifting or slipping shall be provided. When conditions are such that neither a walkway nor a straight ladder can be used, a Jacob's ladder meeting the requirements of § 1504.22 may be used: *Provided, however,* That when these requirements cannot reasonably be met, by reason of local conditions, in respect to barges operating on the Mississippi River System, other safe means of access shall be provided.

(c) When a barge, raft, or log boom is being worked alongside a larger vessel, a Jacob's ladder meeting the requirements of § 1504.22 shall be provided for each gang working alongside unless other safe means of access are provided. In cases where a Jacob's ladder is used between a barge and a larger vessel, a net shall be rigged at the lower end to prevent employees from falling between the vessels.

* * * * * *

5. Section 1504.25 (formerly § 9.25) would be revised for the following purposes: (1) To allow consolidation of the ladder provisions of § 1504.25 and § 1504.33 (formerly § 9.33); (2) to extend paragraph (a) to cover a problem commonly found at the heads of ladders; (3) to extend the coverage of paragraph (b); (4) to extend paragraph (d) to situations where factors other than cargo, such as dunnage or sheathing cause less than safe clearance; (5) to extend paragraph (e) (formerly 9.33(c)) to cover access to and from the deck load itself as well as from deck load to winches and hatch ladders and to recognise that steps as well as ladders may be used, and that steps can be formed by the stowage of some cargoes (The rule would not apply in cases where passage over a deckload is not necessary and men can pass around it.); and (6) to regulate the use of ladders not specifically covered by the provisions of Part 1504, such as for strain fitting and log loading. As amended the section would read as follows:

§ 1504.25 Ladders.

(a) There shall be at least one safe and accessible ladder for each gang working in a hatch. However, no more than two such ladders are required in any hatch. An adequate means of gaining a handhold shall be provided at or near the head of each vertical fixed ladder in cases where any coaming or other structural features are such that they cannot serve this purpose.

(b) When any fixed ladder is visibly unsafe, the employer shall prohibit its use by employees.

(c) Straight ladders of adequate strength and suitably secured against shifting or slipping shall be provided as necessary when fixed hold ladders do not meet the requirements of paragraph (a) of this section, except that when conditions are such that a straight ladder cannot be used, Jacob's ladders meeting the requirements of § 1504.22 may be used.

(d) When four inches of clearance does not exist in back of ladder rungs, the ladder shall be deemed "unsafe" for the purpose of this section.

(e) When necessary to obtain access to or from a stowed deckload, ladders or steps of adequate strength, and secured against shifting or slipping, shall be provided: *Provided, however,* That adequate steps formed by the cargo itself will be acceptable when the nature of the cargo and the type of stowage permits. This paragraph does not apply to the circumstances covered by § 1504.54(f).

(f) Portable straight ladders used by employees for any purpose not otherwise specifically covered by this Part shall be of adequate strength and lashed, blocked, or otherwise secured against shifting or slipping.

6. A new paragraph (e) would be added to § 1504.31 (formerly § 9.31) to read as follows:

§ 1504.31 Hatch coverings.

* * * * * *

(e) Small trimming hatches located in intermediate decks shall be adequately covered or guarded while work is proceeding in the hatch in which they are located, unless they are actually in use.

7. As stanchions or uprights are sometimes so loose as to afford no protection if a man leans against the stanchion or the line between stanchions, § 1504.35 (formerly § 9.35) is amended to read as follows:

§ 1504.35 Open hatches.

Open weather deck hatches around which longshoremen must work which are not protected to a height of 24 inches by coamings, shall be guarded by taut lines at a height of 36 to 42 inches above the deck except on the side on which cargo is being worked. Any portable stanchions or uprights used shall be so supported or secured as to prevent accidental dislodgement; provided, however, that the requirements of this section shall not be deemed to apply to barges or to Great Lakes type bulk carriers.

8. The last sentence of § 1504.36 (formerly § 9.36) would be deleted.

9. Paragraph (c) of § 1504.42 would be amended to read as follows:

§ 1504.42 Beam and pontoon bridles.

* * * * * *

(c) Bridles used for lifting pontoons and plugs shall have the number of legs required by the design of the pontoon or plug, and all legs shall be used. Where any use of a bridle requires less than the number of legs provided, idle legs shall where possible be hung on the hook or ring.

* * * * * *

10. A new subparagraph (3) would be added to § 1504.43(a) (formerly § 9.43(a)). The reason for the change is that, as has been recognised for many years, the practice of removing the center boards from a section of a partially opened hatch for the purpose of providing winch driver visibility or for other reasons, and of stowing those boards which have been removed several tiers high atop those left in place is considered hazardous. They can easily be accidentally pushed or struck, causing them to fall into the hold. It would not apply to inland waterways barges, nor to pontoons or devices similar to pontoons.

Paragraph (f) of § 1504.43 would be amended because some inland waterway barges have rolling, sectional or telescopic covers of varying design which move fore and aft and stow atop each other. There may or may not be securing devices and, if not, or if they are not used, the opened covers have on occasion rolled shut during cargo operations under severe out-of-trim conditions, common in river barge operation. This has resulted in injuries to personnel.

Paragraph (g) of § 1504.43 would be amended to delete its limitation to "weather deck" hatches.

The amended portions of § 1504.43 would read as follows:

§ 1504.43 Handling beams and covers.

(a) * * *

(3) When some, but not all, conventional small weather deck hatch boards or similar covers on seagoing vessels are removed from the beams in a section of a partially opened hatch during cargo handling, cleaning or other operations, those removed shall not be stowed on those left in place within that section.

* * * * * *

(f)(1) The roller hatch beam at the edge of the open section of the hatch shall be lashed or pinned back so that it cannot be moved toward the open section.

(2) Rolling, sectional or telescopic hatch covers of barges which open in a fore and aft direction shall be secured against unintentional movement while in the open position.

(g) When a hatch is to be covered, hatch covers or night tents shall be used. Any partial hatch covering, such as alternate hatch covers or strips of dunnage, shall not be covered by a tarpaulin.

* * * * * *

11. Section 1504.51 (formerly § 9.51) would be revised as follows to clarify its intent.

§ 1504.51 General requirements.

(a) The working load for ship's gear shall not exceed the safe working load for that gear as marked on the booms. In the absence of markings on the booms, the safe working load as specified in the cargo gear certification papers shall not be exceeded. Any limitations imposed by the certificating authority shall be adhered to.

(b) Any component of cargo handling gear, including tent guntlines and other associated rigging, which is visibly unsafe shall not be used until made safe.

12. Subparagraph (1) of § 1504.52(d) (formerly § 9.52(d)) is revised in recognition of difficulties frequently encountered in endeavoring to attain the arbitrary specific figure of 80 percent of the strength of the rope as now required. It is also extended to provide protection to any employee required to work in the bight.

Subparagraph (2) of § 1504.52(d) is revised to clarify intent. There is no advantage gained if the heel block is at such height that it cannot strike a man.

Paragraph (f) of § 1504.52 would be revised. While large fall angles frequently cannot be avoided, the intent of this section is to reduce those which are unnecessarily high, thus reducing proportionately the stresses on the gear as a whole. The rule, as presently written, has no practical application or effect where, due to the height of the heels of the booms above the deck, or due to other factors with a similar effect, excessively high fall angles do not develop. There has been confusion on this point and in one case it became necessary to issue a variation on reasonable grounds. The amendment more clearly spells out the intent without any sacrifice of safety. The addition of the sentence on overhaul chains is considered desirable and necessary under the circumstances.

The amended portions of § 1504.52 would read as follows:

§ 1504.52 Specific requirements.

* * * * *

(d) *Heel blocks.* (1) When employees are required to work in the bight formed by the heel block, a preventer of at least ¾-inch diameter wire rope, rove reasonably snug and adequately secured, shall be rigged, or equally effective means shall be taken to hold the block and fall in the event that the heel block attachments should fail. Where physical limitations prohibit the fitting of a wire rope preventer of the required size or of other equally effective means, the maximum possible protection shall be provided.

(2) If the heel block is not so rigged as to prevent its falling when not under strain, it shall be secured to prevent alternate raising and dropping of the block: *Provided, however,* That this requirement shall not apply when the heel block is so located as to be at least 10 feet above the deck when at its lowest point.

* * * * *

(f) *Cargo hooks.* Cargo hooks shall be as close to the junction of the falls as the assembly permits, but in no case farther than two feet from it, except that this provision shall not apply when the construction of the vessel and the operation in progress are such that fall angles in excess of 120 degrees do not normally occur. Overhaul chains shall not be shortened by bolting or knotting.

13. Subparagraph § 1504.53(b)(4) (formerly § 9.53(b)(4)) would be redesignated § 1504.53(a)(7) because the present provision in the "Steam Winch" section, should also cover the same problem when it is encountered with winches of other types. This change will have that effect.

14. Subparagraph (1) of § 1504.53(c) is revised as follows because electromagnetic brakes are not the only type service brake used with electric winches. Difficulties with other types have been encountered.

§ 1504.53 Cargo winches.

* * * * *

(c)(1) *Electrical winches.* When the electro-magnetic or other service brake is unable to hold the load, the winch shall not be used.

* * * * *

15. A new subparagraph (2) would be added to § 1504.54(c) (formerly § 9.54). It is a common practice to lead preventers directly from the head of the boom to the horns of a cleat so as to provide an almost vertical lead. Since the preventer is then pulling from a direction not intended in the design of the cleat, it results in countless bent and broken horns on cleats and can lead to injury producing accidents, both when the cleat is used for securing and, as is sometimes the case, when it is used as a fairlead. Some cleats, however, are combination chocks and cleats and may be used this way if the bitter end of the line is first led through the chock section. This amendment is designed to reduce cleat failures and resulting injuries. It is restricted to preventers because the mechanical advantage of guy tackles considerably reduces the stresses involved.

A new subparagraph (3) would be added to § 1504.54(c). While the regulations presently say that preventers shall be properly secured, the ability of the preventer to carry out its proper function in relation to the guy is not covered. The intent of this amendment is to cover this point.

Paragraph (d) of § 1504.54 would be amended to eliminate occasional confusion when this requirement is taken to apply to structural parts of the vessel such as hatch coamings.

Paragraph (e) of § 1504.54 appears to be obsolete and is being deleted. However, booms regularly continue to be dropped, with resultant property damage, injuries, and vessel delays, as a result of adjusting their height by taking the topping lift to the gypsy head of a winch with insufficient turns and, in the case of bull wires, without securing to the gypsy head where this is possible. Accordingly, this paragraph would read as set forth below.

The amended portions of § 1504.54 would read as follows:

§ 1504.54 Rigging gear.

* * * * *

(c) *Preventers.* When preventers are used, the following shall apply:

(1) Preventers shall be properly secured to suitable fittings, other than those to which the guys are secured, and shall be as nearly parallel to the guys as available fittings permit.

(2) Unless the cleat is also a chock and the hauling part is led through the chock opening, the leads of preventers to cleats shall be such that the direction of the line pull of the preventer is as nearly as possible parallel to the plane of the surface on which the cleat is mounted.

(3) Preventers shall be so adjusted that insofar as practicable they share the load with the guy where cargo operations are being conducted by burtoning: *Provided, however,* That where guys are designed and intended for trimming purposes only and the preventer is intended to perform the function of the guy, the guy shall be left slack.

(d) Cargo falls under load shall not be permitted to chafe on any standing or other running rigging: *Provided, however,* That this shall not be construed to mean hatch coamings or other similar structural parts of the vessel.

(e) (1) Where a bull wire is taken to a gypsy head for the purpose of lowering or topping a boom equipped with a single part topping lift, the bull wire shall be secured to the gypsy head by shackle or other equally strong method. Securing by fiber rope fastening will not be considered adequate.

(2) When, in lowering or topping a boom, it is not possible to secure the bull wire to the gypsy head, or when the boom is equipped with a topping lift consisting of a multiple sheave purchase which is taken to the gypsy head, sufficient turns, in no case less than five (5), shall be used.

* * * * *

16. A new § 1504.55 would be established to read as set forth below. The rule would not limit operations, encompass the swing radius of the booms, or require structural changes in the vessel.

§ 1504.55 Cranes.

Unless permanently guarded, the accessible areas within the swing radius of the outermost part of the body of a revolving crane shall be temporarily guarded by ropes or other suitable means during cargo operations, so as to prevent an employee being in a position to be caught between the body of the crane and fixed parts of the vessel or of the crane itself.

17. The title of § 1504.62 (formerly § 9.62) would be amended and a new paragraph (b) would be added to that section to read as set forth below. The recent and continuing introduction and use of synthetic ropes dictates this addition to the regulations. This requirement parallels the new revision of the American Bureau of Shipping requirements for the cargo gear aboard vessels. It adopts the recommendation of the Hawser Subcommittee of the American Merchant Marine Institute, Inc., developed jointly with representatives of the principal rope manufacturing companies.

§ 1504.62 Fiber rope and fiber rope slings.

* * * * *

(b) Where synthetic fiber ropes are substituted for manila ropes, the size of the synthetic rope is to be determined from the formula:

$$C = \sqrt{0.6C_s^2 + 0.4C_m^2}$$

Where C = the required circumference of the synthetic rope in inches.

C_s = the circumference to the nearest one-quarter inch of a synthetic rope having a breaking strength not less than the breaking strength of the size manila rope that would be required by paragraph (a) of this section.

C_m = the circumference of manila rope in inches which would be required by paragraph (a) of this section.

In making such a substitution it should be ascertained that the inherent characteristics of the synthetic fiber are suitable for the intended service of the rope.

18. Paragraphs (a) and (b) of § 1504.69 (formerly § 9.69) would be deleted by reason of the establishment of a new § 1504.76. Paragraph (e) of § 1504.69 would be extended to cover all trimmers by the deletion of the word "grain". As amended, this paragraph would read as follows:

§ 1504.69 Powered conveyors.

* * * * *

(e) All conveyor and trimmer drives which create a hazard shall be adequately guarded.

* * * * *

19. Paragraph (a) of § 1504.72 (formerly § 9.72) would be amended to clarify the means of determining whether tools are unsafe and to make the logical extension of this rule to all tools. Subparagraphs § 1504.72(b) (1) and (2) would be deleted by reason of the establishment of a new § 1504.76. As amended, § 1504.72(a) would read as follows:

§ 1504.72 Tools.

(a) *General.* Employers shall not issue or permit the use of visibly unsafe tools.

* * * * *

20. Paragraph (g) of § 1504.73 (formerly §9.73) would be revised. Despite the present language of this paragraph, which has been in effect for some time, 41 reported cases of injury to drivers from being struck by steering knobs during a one year period, justify the prohibition of such knobs altogether. The 41 cases occurred aboard ship only. The total, therefore, must be larger.

A new paragraph (k) would be added to this section because there have been cases of lift trucks and other vehicles rolling overboard and resulting in the drowning of drivers. The amendments to this section read as follows:

§ 1504.73 Mechanically-powered vehicles used aboard vessels.

* * * * *

(g) Steering knobs or similar ancillary devices shall not be used on the steering wheels of trucks in which the driver is in a sitting position.

* * * * *

(k) When lift trucks or other mechanically powered vehicles are being operated on open deck type barges, the edges of the barges shall be suitably guarded by railings, sideboards, timbers or other means sufficient to prevent vehicles from rolling overboard. When operated on covered lighters where door openings other than those being used are left open, adequate means shall be taken as necessary to prevent vehicles from rolling overboard through such openings.

21. A new paragraph (c) would be added to § 1504.74 in view of certain fatalities and serious injuries that have occurred. The rule would not limit normal operations or encompass the swing radius of the boom. This paragraph would read as follows:

§ 1504.74 Mobile crawler or truck cranes temporarily placed aboard vessels for longshoring operations.

* * * * *

(c) Accessible areas within the swing radius of the outermost part of the body of a revolving crane shall be temporarily guarded by ropes or other suitable means during cargo operations, so as to prevent an employee being in a position to be caught between the body of the crane and fixed parts of the vessel or of the crane itself.

22. A new § 1504.76 would be established as set forth below to consolidate provisions now in §§ 1504.69 (a) and (b) and 1504.72(b) (1) and (2). The section would apply to all except battery powered portable electric tools and equipment.

§ 1504.76 Grounding.

(a) Any portable equipment or tools powered by electric motors and used by employees, shall be grounded either through a third wire in the cable containing the circuit conductors or through a separate wire which is grounded at the source of the current.

(b) Grounding circuits, other than by means of the structure of the vessel on which the equipment is being used, shall be checked to ensure that the circuit between the ground and the grounded power conductor has resistance low enough to permit sufficient current to flow to cause the fuse or circuit breaker to interrupt the current.

23. In order to cover bridles used with shore cranes as well as those used with ship's gear, § 1504.81(b) (formerly § 9.81(b)) would be amended to read as follows:

§ 1504.81 Slinging.

* * * * *

(b) Cargo handling bridles, such as pallet bridles, which are to remain attached to the hoisting gear while hoisting successive drafts, shall be attached by shackles, or other positive means shall be taken to prevent them from becoming accidently disengaged from the cargo hook.

* * * * *

24. The title of § 1504.83 (formerly § 9.83) would be changed from "Tiering and breaking down" to "Stowed cargo, tiering and breaking down."

25. A new paragraph (h) would be added to § 1504.91 (formerly § 9.91). Considerable comment has been received on the original proposal and control of nails is recognised to be a difficult problem. However, with a total of 619 injuries reported arising from nails in a one-year period, the necessity for better control is apparent. The comments have been carefully considered and it appears that the revised proposal is within reason.

A new paragraph (i) would be added to this section. The few comments received on the original proposal were well taken. The revision is considered to be as practical as possible. It should be noted that there is no requirement that longshoremen remove ice from high parts of the vessel.

§ 1504.91 Housekeeping.

* * * * *

(h) *Nails.* (1) Nails which are protruding from shoring or fencing in the immediate work areas shall be bent over or otherwise rendered harmless.

(2) Dunnage, lumber, or shoring material in which there are visibly protruding nails shall be removed from the immediate work area, or, if left in that area, the nails shall be bent over or otherwise rendered harmless.

(i) Employees shall not be exposed to ice which may fall from aloft under conditions where the accumulation of such ice and the circumstances at the time are such as to constitute a hazard.

26. A new subparagraph (5) would be added to § 1504.92(b) (formerly § 9.92 (b)) to read as set forth below. Since this requirement parallels the U.S. Coast Guard requirements applicable to inspected U.S. vessels, it provides uniform marine industry standards in the United States. It does not affect lights provided by the vessel which, if of another nationality, complies with her own national standards.

§ 1504.92 Illumination.

* * * * *

(b) * * *

(5) Portable cargo lights furnished by the employer for use aboard vessels and purchased after January 1, 1966, shall be listed as approved by the U.S. Coast Guard or shall bear the Underwriters' Laboratories, Incorporated, Marine Label.

* * * * *

27. A new subparagraph (2) is added to § 1504.93(b) to read as set forth below. Some cargoes other than grain are fumigated and some problems have arisen as a result of their loading before they should have been. It is reasonable to expect that any future problems will involve cargo fumigated locally. Since fumigators issue a gas-free certificate or equivalent and it can be expected that it will be known that certain commodities are fumigated, this proposal should be workable.

§ 1504.93 Ventilation and atmospheric conditions.

* * * * *

(b) (1) * * *

(2) Before commencing to load cargo other than grain, which is known to have been fumigated at the loading port, the employer shall ascertain from the fumigator that said cargo is free from hazardous concentrations of fumigants.

* * * * *

28. The last sentence of § 1504.96(e) (formerly § 9.96(e)) would be revised as follows to resolve reported difficulties respecting the locations of liferings for floating units.

§ 1504.96 First aid and lifesaving equipment.

* * * * *

(e) The employer shall ensure that there is in the vicinity of each vessel being worked at least one U.S. Coast Guard approved 30-inch lifering with not less than 90 feet of line attached and at least one portable or permanent ladder which will reach from the top of the apron to the surface of the water. If the above equipment is not available at the pier, the employer shall furnish it during the time that he is working the vessel. When working a barge, scow, raft, lighter, log boom, or carfloat alongside a ship, a U.S. Coast Guard approved 30-inch life ring, with not less than 90 feet of line, shall be provided either on the floating unit itself or aboard the ship in the immediate vicinity of each floating unit being worked.

29. A new § 1504.98 would be established to read as set forth below. Aside from injuries, three fatalities occurring in the recent past in grain fitting operations indicate the necessity for coverage of this activity. It should be noted that the lifelines proposed in paragraph (a) are, in fact, already in daily use at least at one major fitting port, and have been for some time, with no difficulty. Also, the wording of (a) does not prohibit the alternative use of staging, tubular scaffolding, or similar equivalent devices, which are also currently in use in some fitting operations. In the case of paragraphs (d) and (e), there is again an alternative and nets or other equivalent protection may be used in lieu of lifelines.

§ 1504.98 Grain fitting.

(a) Unless adequate staging or equivalent protection is provided, employees required to work at a level above the ceiling, tank top or deck on longitudinal bulkheads or shifting boards in the square of a hatch shall be protected by adequate individual lifelines, properly secured, with a minimum of slack. The individual lifelines shall extend vertically downward from a taut line rigged fore and aft over the work and at or near the level of the weather deck hatch coaming.

(b) (1) When grain fitting operations are in progress in the square of an intermediate deck, the hatch covering at that deck shall be such as to cover the hatch except for the minimum open spaces necessary to perform the work.

(2) When coverings used to provide a temporary work surface are other than the vessels' hatch covers placed in their normal positions, they shall be of adequate strength and so placed or secured that they cannot be accidentally dislodged.

(c) When the erection of grain fittings requires employees to work on surfaces immediately adjacent to or between open deep tanks, either the deep tank covers shall be put in place, the opening covered by a net, or the opening guarded by a line, railing or net rigged as a railing.

(d) When removing hatch coverings from the interiors of feeders at the completion of their construction, or when removing or replacing hatch coverings in the interiors of feeders for any purpose at other times, employees engaged in this work shall be protected from falling by the use of adequate individual lifelines, properly tended, or by nets or other means suitable for the purpose. Hatch coverings shall not be removed within feeders under construction until such construction is completed.

(e) When repair or other work is carried out in the interior of an existing feeder and circumstances do not allow the covering of the hatch at that deck, employees shall be protected from falling by the use of adequate individual lifelines, properly secured and if necessary tended, or by nets or other means suitable for the purpose.

(f) Such other sections of this Part as are applicable to grain fitting operations shall be adhered to.

30. Subparagraph (1) of § 1504.102(a) (formerly 9.102(a)) would be amended to eliminate confusion as to the meaning of the present reference in this subparagraph to paragraph (c) and in recognition of the fact that Bureau of Mines approval does not, in fact, cover all of the necessary equipment. Bureau of Labor Standards representatives have listings of equipment which can be used in cases not covered by Bureau of Mines approval. This information is available from local offices upon request. Paragraph (b) (2) of that section would be amended for purposes of clarification. The amended portions of the section would read as follows:

§ 1504.102 Respiratory protection.

(a) *General.* (1) Except as provided in subparagraph (c) (3) of this section, respiratory protective equipment required by this Part shall carry U.S. Bureau of Mines approval for the use intended. In cases where the U.S. Bureau of Mines does not issue approval against the particular hazard, equipment shall be acceptable to the Bureau of Labor Standards. Respiratory protective equipment shall be used only for the purpose intended and no modification of the equipment shall be made.

* * * * *

(b) * * *

(2) In low concentrations (less than 0.1 percent by volume, but above the Threshold Limit Value of the gas), a chemical cartridge respirator equipped with the type of cartridge approved for use against the particular gases or groups of gases listed in subparagraph (1) of this paragraph shall be used.

* * * * *

31. A new § 1504.106 would be established to read as set forth below. There has been demand for life vests for boom men as covered by paragraph (a). Paragraph (b), relating to certain river barges, is based on a study of all drowning cases, which are almost entirely confined to the waters covered and operations found there. There is a definite need for life vests on those waters but little justification for extending the provisions to deep sea stevedoring operations or to coastal seaports except where ordinary river barge operations happen to occur in certain Gulf Coast ports.

§ 1504.106 Protection against drowning.

(a) Employees working on log booms shall be protected by U.S. Coast Guard approved buoyant vests or U.S. Coast Guard approved work vests.

(b) Except when engaged in loading or discharging ocean going vessels, employees walking or working on the decks of barges on the Mississippi River System and the Gulf Intracoastal Waterway shall be protected by U.S. Coast Guard approved buoyant vests or U.S. Coast Guard approved work vests.

(c) Buoyant vests and work vests shall be maintained in good condition and shall be considered unserviceable when damaged so as to affect their buoyant properties or capability of being properly fastened.

(33 U.S.C. 941)

Signed at Washington, D.C., this 3d day of June 1965.

W. WILLARD WIRTZ,
Secretary of Labor.

[F.R. Doc. 65-6069; Filed, June 10, 1965; 8:47 a.m.]

FEDERAL AVIATION AGENCY

[14 CFR Part 71]

[Airspace Docket No. 64-WE-38]

FEDERAL AIRWAYS

Proposed Alterations

The Federal Aviation Agency is considering amendments to Part 71 of the Federal Aviation Regulations that would establish floors on portions of VOR Federal airways Nos. 4, 6, 187, 810 and 854.

Interested persons may participate in the proposed rule making by submitting such written data, views, or arguments as they may desire. Communications should identify the airspace docket number and be submitted in triplicate to the Director, Western Region, Attention: Chief, Air Traffic Division, Federal Aviation Agency, 5651 West Manchester Avenue, Post Office Box 90007, Airport Station, Los Angeles, Calif., 90009. All communications received within 45 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendments. The proposals contained in this notice may be changed in the light of comments received.

An official docket will be available for examintion by interested persons at the Federal Aviation Agency, Office of the General Counsel, Attention: Rules Docket, 800 Independence Avenue SW., Washington, D.C., 20553. An informal docket also will be available for examination at the office of the Regional Air Traffic Division Chief.

The Federal Aviation Agency proposes to establish floors on the pertinent airway segments as hereinafter set forth.

1. V-4 from Burley, Idaho, 1,200 feet above the surface (AGL) to 40 nautical miles east of Malad City, Idaho, thence 13,500 feet m.s.l. to 85 nautical miles west of Rock Springs, Wyo., thence 1,200 feet AGL to 20 nautical miles east of Rock Springs thence 9,500 feet m.s.l. to 6 nautical miles west of Cherokee, Wyo., thence 1,200 feet AGL to 30 nautical miles southeast of Cherokee, thence 12,300 feet m.s.l. to 18 nautical miles northwest of Laramie, Wyo., thence 1,200 feet AGL to Laramie.

V-4 south alternate from Malad City, 1,200 feet AGL to 20 nautical miles east, thence 11,500 feet m.s.l. to 15 nautical miles northwest of Fort Bridger, Wyo., thence 1,200 feet AGL to Rock Springs. The control area between this south alternate segment and the main airway would be revoked.

2. V-6 from Fort Bridger, Wyo., 1,200 feet AGL to 20 nautical miles east of Rock Springs, thence 9,500 feet m.s.l. to 6 nautical miles west of Cherokee, thence 1,200 feet m.s.l. to 39 nautical miles east of Cherokee, thence 9,500 feet m.s.l. to 5 nautical miles west of Medicine Bow, Wyo., thence 1,200 feet AGL to Medicine Bow.

3. V-187 from Grand Junction, Colo., 1,200 feet AGL to 87 nautical miles north, thence 12,500 feet m.s.l. to 34 nautical miles south of Rock Springs, thence 1,200 feet AGL to 20 nautical miles northeast of Rock Springs, thence 9,500 feet m.s.l. to 39 nautical miles south of Riverton, Wyo., thence 1,200 AGL to Riverton.

4. V-810 and V-854 from Fort Bridger 1,200 feet AGL to 20 nautical miles east of Rock Springs, thence 9,500 feet m.s.l. to 6 nautical miles west of Cherokee, thence 1,200 feet AGL to 39 nautical miles east, thence 9,500 feet m.s.l. to 5 nautical miles west of Medicine Bow, thence 1,200 feet AGL to Medicine Bow.

The purpose of these changes is to apply Amendment 60-21/60-29 to the Federal airways listed above. Floors of 1,200 feet above sea level have been applied for aircraft climbing from airports to the minimum enroute altitudes and for aircraft descending to airports from the minimum enroute altitudes. They are also applied for aircraft making enroute climbs and descents to or from minimum enroute altitudes.

The control area between V-4 and V-4 south alternate from Malad City to Rock Springs is proposed for revocation since it is no longer required for air traffic control purposes.

These amendments are proposed under the authority of sec. 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348).

Issued in Washington, D.C., on June 4, 1965.

H. B. HELSTROM,
Acting Chief, Airspace Regulations and Procedures Division.

[F.R. Doc. 65-6061; Filed, June 10, 1965; 8:45 a.m.]

[14 CFR Part 71]

[Airspace Docket No. 64-WE-41]

TRANSITION AREAS AND FEDERAL AIRWAYS

Proposed Alterations, Revocations and Modifications

The Federal Aviation Agency is considering amendments to Part 71 of the Federal Aviation Regulations that would modify, in part, VOR Federal airways Nos. 103, 135, and 244, alter the Yerington, Nev., and Coaldale, Nev., transition areas, and that would revoke the Lida, Nev., and Beatty, Nev., transition areas that are designated for en route holding procedures.

Interested persons may participate in the proposed rule making by submitting such written data, views, or arguments as they may desire. Communications should identify the airspace docket number and be submitted in triplicate to the Director, Western Region, Attention: Chief, Air Traffic Division, Federal Aviation Agency, 5651 West Manchester Avenue, Post Office Box 90007, Airport Station, Los Angeles, Calif., 90009. All communications received within 45 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendments. The proposals contained in this notice may be changed in the light of comments received.

An official docket will be available for examination by interested persons at the Federal Aviation Agency, Office of the General Counsel, Attention: Rules Docket, 800 Independence Avenue SW., Washington, D.C., 20553. An informal docket also will be available for examination at the office of the Regional Air Traffic Division Chief.

If the above proposals are adopted, the airspace actions would be taken as hereinafter set forth.

The Agency is considering the establishment of floors on the following Federal airways:

1. V-105 From Beatty, Nev., 10,500 feet m.s.l. to Coaldale, Nev. From 45 nautical miles south of Reno, Nev., 1,200 feet above the surface (AGL) to Reno. All but 6 nautical miles of this segment is within the 1,200 feet AGL floor of the Reno transition area. The 1,200 feet AGL floor is extended to the Yerington Intersection for charting legibility.

2. V-135 From Beatty, 10,500 feet m.s.l. to 38 nautical miles southwest of Tonopah, Nev., thence 1,200 feet AGL to Tonopah. The 1,200 feet AGL floor on the Tonopah segment is required for climb from Tonopah Airport to the minimum en route altitude (MEA) at Lida Intersection.

3. V-244 From Coaldale, Nev., 1,200 feet AGL to 24 nautical miles east of Tonopah thence 11,500 feet m.s.l. to 38 nautical miles west of Milford, Utah, thence 1,200 feet AGL to 42 nautical miles east of Milford. The 1,200 feet AGL floor segments are required for climb to minimum en route altitudes and for an altitude change at Milford.

The Agency is also considering proposals regarding the following transition areas:

1. The Yerington, Nev., transition area would be altered by establishing an 11,000-foot m.s.l. floor, and the portion lying within airways would be excluded.

2. The Coaldale, Nev., transition area would be altered to read as that airspace extending upward from 10,500 feet m.s.l. within 9 miles northeast and 6 miles southwest of the Coaldale 146° and 326° True radials, extending from 17 miles southeast to 7 miles northwest of the VORTAC. This would result in raising the floor of the transition area and altering the configuration to conform with revised holding procedure requirements.

3. The Lida, Nev., and Beatty, Nev., transition areas designated for en route holding procedures would be revoked as they are no longer required for air traffic control requirements.

These amendments are proposed under the authority of sec. 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348).

Issued in Washington, D.C., on June 4, 1965.

H. B. HELSTROM,
Acting Chief, Airspace Regulations and Procedures Division.

[F.R. Doc. 65-6062; Filed, June 10, 1965; 8:46 a.m.]

Notices

DEPARTMENT OF STATE

Agency for International Development

COMMUNITY DEVELOPMENT FOUNDATION, INC.

Register of Voluntary Foreign Aid Agencies

In accordance with the regulations of the Agency for International Development concerning Registration of Agencies for Voluntary Foreign Aid (A.I.D. Regulation 3), 22 CFR Part 203, promulgated pursuant to section 621 of the Foreign Assistance Act of 1961, as amended, notice is hereby given that a certificate of registration as a voluntary foreign aid agency has been issued by the Advisory Committee on Voluntary Foreign Aid of the Agency for International Development to the following agency:

Community Development Foundation, Inc.,
Boston Post Road,
Norwalk, Conn., 06852.

HERBERT J. WATERS,
Assistant Administrator for Material Resources.

JUNE 7, 1965.

[F.R. Doc. 65-6087; Filed, June 10, 1965; 8:48 a.m.]

INTERNATIONAL EDUCATIONAL DEVELOPMENT, INC.

Register of Voluntary Foreign Aid Agencies

In accordance with the regulations of the Agency for International Development concerning Registration of Agencies for Voluntary Foreign Aid (A.I.D. Regulation 3), 22 CFR Part 203, promulgated pursuant to section 621 of the Foreign Assistance Act of 1961, as amended, notice is hereby given that a certificate of registration as a voluntary foreign aid agency has been issued by the Advisory Committee on Voluntary Foreign Aid of the Agency for International Development to the following agency:

International Educational Development, Inc.,
211 East 87th Street,
New York, N.Y., 10028.

HERBERT J. WATERS,
Assistant Administrator for Material Resources.

JUNE 7, 1965.

[F.R. Doc. 65-6086; Filed, June 10, 1965; 8:49 a.m.]

WORLD NEIGHBORS, INC.

Register of Voluntary Foreign Aid Agencies

In accordance with the regulations of the Agency for International Development concerning Registration of Agencies for Voluntary Foreign Aid (A.I.D. Regulation 3), 22 CFR Part 203, promulgated pursuant to section 621 of the Foreign Assistance Act of 1961, as amended, notice is hereby given that a certificate of registration as a voluntary foreign aid agency has been issued by the Advisory Committee on Voluntary Foreign Aid of the Agency for International Development to the following agency:

World Neighbors, Inc.,
5116 North Portland Avenue,
Oklahoma City, Okla., 73112.

HERBERT J. WATERS,
Assistant Administrator for Material Resources.

JUNE 7, 1965.

[F.R. Doc. 65-6089; Filed, June 10, 1965; 8:49 a.m.]

DEPARTMENT OF THE TREASURY

Bureau of Customs

[Antidumping—AA 649.3-G]

VINYL ASBESTOS FLOOR TILE FROM CANADA

Antidumping Proceeding Notice

JUNE 7, 1965.

On May 17, 1965, the Commissioner of Customs received information in proper form pursuant to the provisions of § 14.6 (b) of the Customs regulations indicating a possibility that 1/16 inch vinyl asbestos floor tile, 9 x 9 inch size, imported from Canada, manufactured by Building Products Limited, Montreal, Canada, is being, or likely to be, sold at less than fair value within the meaning of the Antidumping Act, 1921, as amended.

Ordinarily, merchandise is considered to be sold at less than fair value when the net, f.o.b. factory price for exportation to the United States is less than the net, f.o.b. factory price to purchasers in the home market, or, where appropriate, to purchasers in other countries, after due allowance is made, for differences in quantity and circumstances of sale.

A summary of the information received is as follows:

The home consumption price for 1/16 inch vinyl asbestos floor tile, 9 x 9 inch size, is said to be Can. $0.138 per square foot, ex-mill, including sales tax, in truckload quantities, while the price for export to the United States is U.S. $0.10 per square foot, f.o.b. destination. The price list for home consumption does not show any lower price offers for this merchandise.

In order to establish the validity of the information, the Bureau of Customs is instituting an inquiry pursuant to the provisions of § 14.6(d)(1)(ii), (2) and (3) of the Customs regulations.

The information was submitted by Asphalt and Vinyl Asbestos Tile Institute, New York, New York.

This notice is published pursuant to § 14.6(d)(1)(i) of the Customs regulations (19 CFR 14.6(d)(1)(i)).

[SEAL] LESTER D. JOHNSON,
Acting Commissioner of Customs.

[F.R. Doc. 65-6095; Filed, June 10, 1965; 8:48 a.m.]

DEPARTMENT OF DEFENSE

Office of the Secretary of Defense

DEFENSE MEDICAL MATERIEL BOARD

Organization and Functions

The Secretary of Defense approved the following on May 26, 1965:

References: (a) DoD Dir. 5154.18, subject as above, dated April 16, 1962 (hereby canceled); (b) DSA Regulation 4140.7, dated Feb. 21, 1963.

I. General:

A. Pursuant to the authorities vested in the Secretary of Defense, a Defense Medical Materiel Board is hereby established as a joint activity of the Department of Defense, subject to the direction, authority and control of the Secretary of Defense, and under professional policy guidance of the Assistant Secretary of Defense (Manpower).

B. The Board shall provide joint coordination, advice, and assistance on the professional-technical aspects of medical materiel and in the field of military medical supply.

II. Applicability and scope:

The provisions of this Directive apply to the military departments and other Department of Defense agencies involved in any phase of the Medical Materiel Program (including the Military Assistance and Emergency Disaster Aid Programs, both domestic and foreign).

III. Supersession:

Reference (a) is hereby superseded and canceled.

IV. Organization:

A. *Board.* The Board membership shall consist of the three Surgeons General of the military departments, one of whom shall be appointed Chairman. The Surgeons General may designate alternates, who shall be medical corps officers of General or Flag rank. The Assistant Secretary of Defense (Manpower) and the Director, Defense Supply Agency, shall each designate a representative, who shall participate as observers to the Board.

1. The Chairman shall be selected by the Surgeons General and shall be rotated every 2 years among the military departments without regard to seniority.

2. Each Board member will be individually and directly responsible to his military department for the presentation of its views and requirements for subjects considered by the Board.

B. *Staff.* 1. The staff shall be composed of at least one medical corps officer; one dental officer; and such other military and civilian personnel as the Board requires to support and accomplish its mission. Military personnel will be provided by the military departments on a mutually-agreed basis.

2. The Board shall designate the medical officer as Staff Director, who shall perform the functions outlined in subsection V.B. The position of Staff Director shall rotate every 4 years without regard to seniority.

3. For purposes of administration, all personnel, while assigned to the Staff, will report to the Staff Director.

V. Functions:

A. The Board shall be responsible for operational guidance, direction, review, and approval of all actions taken by its Staff Director. In addition, it shall:

1. Operate as a single point of contact for and maintain liaison between the Defense Supply Agency and other Government agencies in all professional-technical matters involving medical materiel;

2. Provide advice to the Defense Supply Agency for carrying out the professional and technical medical materiel control functions assigned to that Agency;

3. Be responsible for item type classification of all new medical materiel items for entry into the Department of Defense Supply System;

4. Be responsible for the retention in or deletion of medical materiel items from the Defense Supply System;

5. Be responsible for evaluating and approving or disapproving requests for waivers and deviations from essential characteristics established by the Board. No item which deviates from established essential characteristics shall be procured without prior approval of the Board;

6. Determine those items for which sources of supply must be limited to selected producers to meet service professional requirements and designate the acceptable sources of supply;

7. Completely monitor all Defense Personnel Support Center actions pertaining to Type I complaints and review Type II and III complaints (as defined by Ref. (b)) on the basis of the information copies, unless additional facts are required.

B. The Staff Director shall, under the direction and control of the Board, be responsible for the performance of the following functions:

1. Evaluate all new or improved items of medical materiel proposed as standard items for entry into the Department of Defense Supply System and obtain approval of the military departments for the item type classification of such items;

2. Evaluate standard medical materiel items for retention in or deletion from the Department of Defense Supply System;

3. Prepare essential characteristics (those mandatory performance qualities required of an item to accomplish a specific professional, therapeutic, military, or technical purpose) for each item of medical materiel entering the Department of Defense Supply System;

4. Develop and provide the Defense Personnel Support Center with lists of suitable substitute items of medical materiel;

5. Submit completed action documentation (Item Review Reports) for each item of medical materiel to the Defense Personnel Support Center, delineating addition to, deletion from, or other item type classifications action pertinent to the Defense Supply System;

6. Review specifications covering medical materiel to determine conformity with essential characteristics established by the Board;

7. Coordinate the actions designated in 1, 2, 3, and 4, above, with the Offices of the Surgeons General of the military departments.

VI. Operation:

A. The Board may establish such work groups as deemed necessary to accomplish its mission in accordance with DoD Directives numbered 5105.16 and 5030.13.

B. The Board will meet on call of its Chairman.

C. The rules of procedure and the methods of the Board's operation, except those set forth in this Directive, will be established by the Board with the approval of the Assistant Secretary of Defense (Manpower) or his designee.

D. The Secretary of the Navy shall provide administrative support for the internal administration and operation of the Board. The Secretary of the Navy may reassign these responsibilities within the organizational structure of the Navy.

1. The term "administrative support" as used in this Directive, includes civilian personnel requirements, civilian personnel and security administration, inspections, space, facilities, supplies, and other administrative provisions and services.

2. The Department of the Navy is responsible for programming, budgeting and financing all costs of operations of the Board and its staff, except the pay, allowances and PCS travel of military personnel Board members and assigned staff. These latter costs are the responsibility of the military department providing the military personnel.

E. Any matter being considered by the Board which cannot be promptly resolved will be referred by the Chairman of the Board directly to the Assistant Secretary of Defense (Manpower) or his designee.

F. Direct communications between the Board; the Defense Supply Agency; the Professional Medical Advisor, Defense Personnel Support Center; and the Director for Medical Materiel, Defense Personnel Support Center is authorized in all professional-technical matters.

G. The Assistant Secretary of Defense (Manpower) may assign such additional duties and responsibilities to the Board as he deems appropriate.

VII. Effective date and implementation:

This Directive is effective immediately. The military departments and other Department of Defense component agencies shall prepare revised implementing instructions and submit them to the Assistant Secretary of Defense (Manpower) within sixty (60) days.

MAURICE W. ROCHE,
Director, Correspondence and Directives Division, OASD (Administration).

[F.R. Doc. 65-6070; Filed, June 10, 1965; 8:47 a.m.]

PROCESSING OF CLAIMS REGARDING UNITED STATES

Single Service Assignment of Responsibility

The Deputy Secretary of Defense approved the following:

Refs.: (a) Foreign Claims Act (10 U.S.C. 2734); (b) Military Claims Act (10 U.S.C. 2733); (c) 10 U.S.C. 2734a, 2734b, Pro-rata costsharing of claims pursuant to international agreement; (d) NATO Status of Forces Agreement (4 UST 1792, TIAS 2846) and other similar agreements; (e) DoD Directive 5515.8, subject as above, June 13, 1962 (hereby cancelled); (f) Act of Sept. 25, 1962 (42 U.S.C. 2651-2653), Claims for Reimbursement for Medical Care furnished by the United States; (g) Act of Oct. 9, 1962 (76 Stat. 767, 10 U.S.C. 2736), Claims not cognisable under any other provision of law; (h) Act of June 10, 1921 (42 Stat. 24, 31 U.S.C. 71), Claims and demands by the Government of the United States.

I. Purpose: This Directive assigns Single Service responsibility for the processing of claims against and in favor of the United States.

II. Cancellation: Reference (e) is hereby superseded and cancelled.

III. Scope: This Directive is effective during peacetime and under war or emergency conditions, subject to the continued applicability of References (a), (b), (c), (d), (f), (g), and (h).

IV. Assignment of Responsibility:

A. Responsibility for the processing of all claims in favor of the United States which are cognizable under References (d), (f), or (h), or against the United States which are cognizable under References (a), (b), (c), (d), or (g), which arise in the following countries is assigned to the Military Departments designated below:

1. *Department of the Army.* Belgium, the Democratic Republic of the Congo, the Dominican Republic, Ethiopia, France, The Federal Republic of Germany, Iran, Korea, Liberia, Mali, Senegal, Republic of Vietnam, and as the Receiving State Office in the United States under References (c) and (d).

2. *Department of the Navy.* Australia, Iceland, Italy, and Portugal.

3. *Department of the Air Force.* Canada, Denmark, Greece, India, Japan, Libya, Luxembourg, Nepal, Netherlands, Norway, Pakistan, Saudi Arabia, Spain, Turkey, and the United Kingdom.

B. Notwithstanding the provisions of section IV.A., the Department of the Navy is hereby authorized to settle nonscope of duty claims under $200 arising in foreign ports visited by U.S. forces afloat, and may, subject to the concur-

rence of the authorities of the receiving state concerned, process such claims without regard to international agreements described in Reference (d) regarding the processing of nonscope claims by receiving and sending State authorities.

C. On an interim basis prior to receiving confirmation and approval from the appropriate office in the Office of the Secretary of Defense, the Unified Commander may, when necessary to implement contingency plans, assign single service responsibility for processing of claims in countries where such assignment has not already been made under this Directive.

V. Effective date and implementation: This Directive is effective immediately. Two copies of revised implementing instructions shall be forwarded to the General Counsel, DoD, within thirty (30) days.

MAURICE W. ROCHE,
Director, Correspondence and Directives Division, OASD (Administration).

[F.R. Doc. 65-6071; Filed, June 10, 1965; 8:47 a.m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[Bureau Order 690, Amdt. 7]

DIRECTOR, GREAT BASIN FIRE CENTER, ET AL.

Delegation of Authority Regarding Contracts and Leases

MAY 28, 1965.

A new subparagraph (6) is added to sec. 1(b), as follows:

SECTION 1. *Authority of certain offices to enter into contracts and leases.* * * *

(b) * * *

(6) The Director of Great Basin Fire Center is authorized to issue orders, regardless of amount, for equipment, supplies and services, obtainable from General Services Administration Stores Stock, Federal Supply Schedules, and other established sources of supply. He is also authorized to make open market purchases for supplies, equipment and services, not exceeding $2,500 per transaction ($2,000 if for construction) pursuant to sec. 302(c)(3) of the Federal Property and Administrative Services Act of 1949, as amended, provided that the supplies and services are not available from established sources. He is further authorized to exceed $2,500 per transaction for procurement of aircraft and equipment rentals for purposes of emergency fire suppression.

Section 2(a) is amended to read as follows:

SEC. 2. *Redelegation of authority.* (a) The Field Administrative Officers, the Chief, Division of Administrative Services, the State Directors, the Directors, Job Corps Conservation Centers and the Director, Great Basin Fire Center may, in writing, redelegate to any qualified employees under their jurisdiction the authority delegated to them under sec. 1 above. Each redelegation, except redelegations for procurement by means of S.F. 44 Purchase Order-Invoice-voucher, shall be published in the FEDERAL REGISTER.

* * * * *

L. T. HOFFMAN,
Acting Associate Director.

[F.R. Doc. 65-6076; Filed, June 10, 1965; 8:47 a.m.]

DEPARTMENT OF AGRICULTURE

Office of the Secretary

NEBRASKA AND WASHINGTON

Designation and Extension of Areas for Emergency Loans

For the purpose of making emergency loans pursuant to section 321 of the Consolidated Farmers Home Administration Act of 1961 (7 U.S.C. 1961), it has been determined that in the hereinafter-named counties in the States of Nebraska and Washington natural disasters have caused a need for agricultural credit not readily available from commercial banks, cooperative lending agencies, or other responsible sources.

NEBRASKA

Dundy.	Pierce.
Frontier.	Red Willow.
Hayes.	Wheeler.
Hitchcock.	

WASHINGTON

Chelan.	Okanogan.
Douglas.	

It has also been determined that in the hereinafter-named counties in the State of Nebraska the above-mentioned natural disasters have caused a continuing need for agricultural credit not readily available from commercial banks, cooperative lending agencies, or other responsible sources.

Nebraska:	Previous designation
Antelope	29 F.R. 14993
Banner	29 F.R. 11934
Boone	28 F.R. 9402
Box Butte	29 F.R. 11934
Chase	29 F.R. 11934
Dawes	29 F.R. 11934
Greeley	28 F.R. 9402
Keith	29 F.R. 11934
Morrill	29 F.R. 11934
Perkins	29 F.R. 11934
Scotts Bluff	29 F.R. 11934
Sheridan	29 F.R. 11934
Sioux	29 F.R. 11934

Pursuant to the authority set forth above, emergency loans will not be made in the above-named Washington counties after December 31, 1966, or in the above-named Nebraska counties after June 30, 1966, except to applicants who previously received emergency or special livestock loan assistance and who can qualify under established policies and procedures.

Done at Washington, D.C., this 8th day of June 1965.

ORVILLE L. FREEMAN,
Secretary.

[F.R. Doc. 65-6108; Filed, June 10, 1965; 8:50 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

DOW CHEMICAL CO.

Notice of Filing of Petition for Food Additives Antioxidants and/or Stabilizers for Polymers

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348(b)(5)), notice is given that a petition (FAP 5B1684) has been filed by The Dow Chemical Co., Post Office Box 467, Midland, Mich., 48641, proposing an amendment to § 121.2566(b) of the food additive regulations by inserting alphabetically therein a new item, as follows:

§ 121.2566 Antioxidants and/or stabilizers for polymers.

* * * * *

(b) List of substances:

	Limitations
* * *	* * *
4,4'-Cyclohexylidenebis(2-cyclohexylphenol).	For use only at levels not to exceed 0.1 percent by weight of polymers complying with §§ 121.2501, 121.2505, and 121.2510; provided, that the finished polymers contact food only of the types identified in § 121.2526(c), table 1, under categories I, II, IV-B, VI, VII-B, and VIII.

* * * * *

Dated: June 4, 1965.

MALCOLM R. STEPHENS,
Assistant Commissioner for Regulations.

[F.R. Doc. 65-6078; Filed, June 10, 1965; 8:47 a.m.]

EASTMAN CHEMICAL PRODUCTS, INC.

Notice of Filing of Petition for Food Additive

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348(b)(5)), notice is given that a petition (FAP 5B1725) has been filed by Eastman Chemical Products, Inc., Kingsport, Tenn., 37662, proposing the issuance of a regulation to provide for the safe use of the polyhydric alcohols 2,2-dimethyl-1, 3-propanediol and 2,2,4-trimethyl-1, 3-pentanediol in the production of cross-linked polyester resins employed as articles or components of articles intended for repeated use in contact with food.

Dated: June 4, 1965.

MALCOLM R. STEPHENS,
Assistant Commissioner for Regulations.

[F.R. Doc. 65-6079; Filed, June 10, 1965; 8:48 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket Nos. 16037, 16038; FCC 65M-733]

CAMPBELL AND SHEFTALL AND FORT CAMPBELL BROADCASTING CO.

Order Scheduling Hearing

In re applications of Gladys W. Campbell, John Parry Sheftall, and John H. Bailey doing business as Campbell and Sheftall, Clarksville, Tenn., Docket No. 16037, File No. BPH-3770; J. Shelby McCallum, Gary H. Latham, and E. T. Breathitt, Jr., doing business as Fort Campbell Broadcasting Co., Fort Campbell, Ky., Docket No. 16038, File No. BPH-4209; for construction permits.

It is ordered, This 7th day of June 1965, that Thomas H. Donahue shall serve as the presiding officer in the above-entitled proceeding; that the hearings therein shall commence at 10 a.m., on September 9, 1965; and that a prehearing conference shall be convened at 9 a.m., on July 9, 1965; *and, it is further ordered,* That all proceedings shall be held in the Offices of the Commission, Washington, D.C.

Released: June 8, 1965.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 65-6094; Filed June 10, 1965; 8:49 a.m.]

[Docket Nos. 16031, 16032]

CAPITAL BROADCASTING CORP. AND CAPITAL NEWS, INC.

Order Designating Applications for Consolidated Hearing on Stated Issues

In re applications of Capital Broadcasting Corp., Frankfort, Ky., Docket No. 16031, File No. BPH-4195; requests: 104.9mc, No. 285; 3kw; 58.1 ft.; Capital News, Inc., Frankfort, Ky., Docket No. 16032, File No. BPH-4249; requests: 104.9mc, No. 285; 2.96kw; 212.37 ft.; for construction permits.

The Commission, by the Chief of the Broadcast Bureau under delegated authority, considered the above-captioned applications on June 7, 1965;

It appearing, that, except as indicated by the issues specified below, each of the applicants is legally, technically, financially, and otherwise qualified to construct, own, and operate the proposed stations; and

It further appearing, that the above-captioned applications are mutually exclusive in that operation by the applicants as proposed would result in mutually destructive interference with each other; and

It further appearing, that, the population, as well as the area, to be served by the applicants' proposals differ substantially in number and size, and that for purposes of comparison, the areas and populations within the respective 1 mv/m contours, together with the availability of other FM services (at least 1 mv/m) within such areas will be considered in the hearing ordered below for the purpose of determining whether a comparative preference should be afforded either applicant; and

It further appearing, that it has not been determined whether the antenna proposed by Capital News, Inc., will constitute a menace to air navigation; and

It further appearing, that in view of the foregoing, the Commission is unable to make the statutory finding that a grant of the subject applications would serve the public interest, convenience, and necessity, and is of the opinion that the applications must be designated for hearing in a consolidated proceeding on the issues set forth below.

It is ordered, That pursuant to section 309(e) of the Communications Act of 1934, as amended, the applications are designated for hearing in a consolidated proceeding, at a time and place to be specified in a subsequent Order, upon the following issues:

1. To determine the area and population within each of the proposed 1 mv/m contours and the availability of other FM service (at least 1 mv/m) to such areas and populations.

2. To determine whether there is a reasonable possibility that the tower height and location proposed by Capital News, Inc., would constitute a menace to air navigation.

3. To determine, on a comparative basis, which of the proposals would better serve the public interest, convenience, and necessity in light of the evidence adduced pursuant to the foregoing issues and the record made with respect to the significant differences between the applicants as to:

(a) The background and experience of each having a bearing on the applicant's ability to own and operate the FM station as proposed.

(b) Proposals of each of the applicants with respect to the management and operation of the FM broadcast station as proposed.

(c) The programming services proposed in each of the above-captioned applications.

4. To determine, in the light of the evidence adduced pursuant to the foregoing issues, which of the applications should be granted.

It is further ordered, That the Federal Aviation Agency is made a party to the proceeding.

It is further ordered, That, to avail themselves of the opportunity to be heard, the applicants and party respondent herein, pursuant to § 1.221(c) of the Commission's rules, in person or by attorney, shall, within 20 days of the mailing of this Order, file with the Commission in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this Order.

It is further ordered, That the applicants herein shall, pursuant to section 311(a)(2) of the Communications Act of 1934, as amended, and § 1.594 of the Commission's rules, give notice of the hearing either individually or, if feasible and consistent with the rules, jointly, within the time and in the manner prescribed in such rule, and shall advise the Commission of the publication of such notice as required by § 1.594(g) of the rules.

It is further ordered, That, the issues in the above-captioned proceeding may be enlarged by the Examiner, on his own motion or on petition properly filed by a party to the proceeding, and upon sufficient allegations of fact in support thereof, by the addition of the following issue: To determine whether the funds available to the applicant will give reasonable assurance that the proposals set forth in the application will be effectuated.

Released: June 8, 1965.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 65-6095; Filed, June 10, 1965; 8:49 a.m.]

[Docket No. 15888; FCC 65M-730]

SELMA TELEVISION, INC. (WSLA-TV)

Order Scheduling Prehearing Conference

In re application of Selma Television, Inc. (WSLA-TV), Selma, Ala., Docket No. 15888, File No. BPCT-2627; for construction permit.

Pursuant to the agreements reached at the informal conference held herein on June 4, 1965;

It is ordered, This 4th day of June 1965 on the Hearing Examiner's own motion that a further prehearing conference shall be held on September 8, 1965 commencing at 9 a.m. in the offices of the Commission at Washington, D.C.

Released: June 7, 1965.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 65-6096; Filed, June 10, 1965; 8:49 a.m.]

[Docket No. 16036; FCC 65M-732]

STORZ BROADCASTING CO. (WTIX)

Order Scheduling Hearing

In re application of Storz Broadcasting Co. (WTIX), New Orleans, La., Docket No. 16036, File No. BP-14135; for construction permit.

It is ordered, This 7th day of June 1965, that Isadore A. Honig shall serve as the presiding officer in the above-entitled proceeding; that the hearings therein shall commence at 10 a.m. on July 29, 1965; and that a prehearing conference shall be convened at 9 a.m. on July 8, 1965; *And, it is further ordered,* That all proceedings shall be held in the Offices of the Commission, Washington, D.C.

Released: June 8, 1965.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 65-6097; Filed, June 10, 1965; 8:49 a.m.]

FEDERAL MARITIME COMMISSION

[Docket No. 65-18]

PORTS IN PUERTO RICO TO U.S. ATLANTIC PORTS

Balsa Wood Games or Toys and Glue

It appearing, that there have been filed with the Federal Maritime Commission by TMT Trailer Ferry, Inc. (C. Gordon Anderson, Trustee) (TMT) and South Atlantic & Caribbean Line, Inc. (SACAL) tariff schedules naming a reduced trailerload rate of 27 cents per cubic foot, minimum 1,700 cubic feet, on Balsa Wood Games or Toys and Glue applying from ports in Puerto Rico to U.S. Atlantic ports to become effective June 2 and June 17, 1965, respectively, designated as follows:

TMT Trailer Ferry, Inc. (C. Gordon Anderson, Trustee), Freight Tariff No. 4, FMC–F No. 5, second revised page 113 (Item 2065).
South Atlantic & Caribbean Line, Inc., Northbound Freight Tariff No. 6, FMC–F No. 6, fourth revised page 9.

It further appearing, that Sea-Land Service, Inc. (Sea-Land), which currently has in effect a trailerload rate on the subject commodities of 30½ cents per cubic foot subject to a minimum of 1,700 cubic feet, plus insurance and 1 cent per cubic foot arrimo, protested the above rates on the grounds that they already are lower than necessary to attract cargo and if they are permitted to become effective, the result will be a rate war and, ultimately, the destruction of the "already depressed" northbound rate levels;

It further appearing, that upon consideration of the said schedules, and the protest thereto, there is reason to believe that the said rates, if permitted to become effective, would result in rates, charges, regulations, and/or practices which would be unjust, unreasonable, or otherwise unlawful in violation of the Shipping Act, 1916, or the Intercoastal Shipping Act, 1933;

It further appearing, that, the Commission is of the opinion that the new tariff provisions should be made the subject of a public investigation and hearing to determine whether they are unjust, unreasonable, or otherwise unlawful under the Shipping Act, 1916, or the Intercoastal Shipping Act, 1933;

It further appearing, that the effective date of the said provisions should be suspended pending such investigation;

Now therefore it is ordered, That an investigation be, and it is hereby, instituted into and concerning the lawfulness of the proposed reduction in rate and minimum weight contained in the said schedules, with a view to making such findings and orders in the premises as the facts and circumstances shall warrant;

It is further ordered, That the rate of 27 cents per cubic foot, and the minimum weight of 1,700 cubic feet published on the aforementioned pages be and they are hereby suspended and that the use thereof be deferred to and including October 1, 1965, unless otherwise authorized by the Commission, and that the rates, fares, charges, rules, regulations and/or practices heretofore in effect, and which were to be changed by the suspended matter shall remain in effect during the period of suspension;

It is further ordered, That no change shall be made in the matter hereby suspended nor the matter which is continued in effect as a result of such suspension until the period of suspension has expired, or until this investigation and suspension proceeding has been disposed of, whichever first occurs unless otherwise authorized by the Commission;

It is further ordered, That there shall be filed immediately with the Commission by TMT and SACAL a consecutively numbered supplement to each of the aforesaid tariffs, which supplement shall bear no effective date, shall reproduce the portion of this order wherein the suspended matter is described, and shall state that the aforesaid matter is suspended and may not be used until the 2d day of October 1965, unless otherwise authorized by the Commission; and that the tariff matter heretofore in effect, and which was to be changed by the suspended matter shall remain in effect during the period of suspension, and neither the matter suspended, nor the matter which is continued in effect as a result of such suspension, may be changed until the period of suspension has expired, or until this investigation and suspension proceeding has been disposed of, whichever first occurs, unless otherwise authorized by the Commission;

It is further ordered, That the investigation in this proceeding shall not be confined to the matters and issues hereinbefore stated as the reason for instituting this investigation, but shall include all matters and issues with respect to the lawfulness of all rates on the subject commodities currently in effect, or as may be amended during this investigation, published by TMT, SACAL, and Sea-Land;

It is further ordered, That copies of this order shall be filed with the said tariff schedules in the Bureau of Domestic Regulation of the Federal Maritime Commission;

It is further ordered, That (I) the investigation herein ordered be assigned for public hearing by the Chief Examiner, before an examiner of the Commission's Office of Hearing Examiners, at a date and place to be announced; TMT Trailer Ferry, Inc. (C. Gordon Anderson, Trustee), South Atlantic Caribbean Line, Inc., and (II) Sea-Land Service, Inc. be and they are hereby made respondents in this proceeding; (III) a copy of this order shall forthwith be served upon said respondents; (IV) the said respondents be duly notified of the time and place of the hearing herein ordered; and (V) this order and notice of the said hearing be published in the FEDERAL REGISTER.

All persons (including individuals, corporations, associations, firms, partnerships, and public bodies) having an interest in this proceeding and desiring to intervene therein, should notify the Secretary of the Commission promptly and file petitions for leave to intervene in accordance with Rule 5(n) (46 CFR 502.73) with copy to respondents.

By the Commission, June 1, 1965.

[SEAL] THOMAS LISI, *Secretary.*

[F.R. Doc. 65-6096; Filed, June 10, 1965; 8:49 a.m.]

[Docket No. 65-19]

EAST COAST PORTS OF SOUTH THAILAND AND U.S. ATLANTIC AND GULF PORTS

Transshipment and Through Billing Arrangement; Order of Investigation

Agreement No. 9311 has been filed for approval under section 15 of the Shipping Act, 1916. The agreement provides for an exclusive arrangement for the carriage of through cargo (rubber) from ports on the East Coast of South Thailand to ports on the Atlantic and Gulf Coasts of the United States with transshipment at the port of Singapore. The parties to this agreement are Straits Steamship Company, Ltd., N. V. Koninklijke Paketvaart-Maatschappij, and Heap Eng Moh Steamship Company, Ltd. (First Carriers) and the members of the New York Lines Agency (Second Carriers).

Agreement No. 9311, between First Carriers and Second Carriers, presents to us the necessity of determining, not only whether the agreement should be approved, disapproved, or modified under section 15, but also the question of whether the First Carriers, who carry cargo destined for the United States but do not actually call at U.S. ports, are common carriers by water in foreign commerce of the United States as defined in section 1 of the Shipping Act, 1916. In addition, the Commission must decide whether the arrangement between the Second Carriers, who are common carriers in the foreign commerce of the United States, to enter into Agreement No. 9311 with First Carriers is an agreement subject to section 15.

The Commission has decided that, in order to determine whether Agreement No. 9311 is subject to section 15, whether the arrangement between the Second Carriers to enter into Agreement No. 9311 is subject to section 15, and whether these agreements should be approved, disapproved, or modified, it will institute an investigation so that it can make these determinations upon an evidentiary record.

Therefore, it is ordered, That pursuant to section 15 and section 22, the Commission hereby institutes an investigation to determine:

1. Whether First Carriers, parties to Agreement No. 9311, are common carriers by water in the foreign commerce of the United States as defined in section 1 of the Shipping Act, 1916;

2. Whether Agreement No. 9311 is subject to the requirements of section 15 of the Shipping Act, 1916;

3. Whether Agreement No. 9311, if subject to section 15, should be approved, disapproved, or modified pursuant to section 15;

4. Whether the arrangement between Second Carriers to enter into Agreement

No. 9311 is an agreement subject to the requirements of section 15;

5. Whether the arrangement between Second Carriers to enter into Agreement No. 9311, if subject to section 15, should be approved, disapproved, or modified pursuant to section 15;

6. Whether Agreement No. 9311 represents the complete understanding between the parties; and

7. Whether Agreement No. 9311 or the arrangement between the Second Carriers to enter into Agreement No. 9311 have been carried out in whole or part without approval of the Commission as required by section 15.

That the parties to Agreement No. 9311, listed in Appendix A below, are hereby named respondents. Persons other than respondents who desire to become a party to this proceeding shall file a petition to intervene with the Secretary, Federal Maritime Commission, Washington, D.C., 20573, on or before June 25, 1965.

That the proceeding herein ordered be assigned for hearing before an examiner of the Commission's Office of Hearing Examiners at a date and place to be determined hereafter and announced by the Chief Examiner.

That this order shall be served upon all respondents and shall be published in the FEDERAL REGISTER. All future notices issued in this proceeding, including notice of time and place of hearing and prehearing conference, shall be mailed directly to parties of record.

[SEAL] THOMAS LISI, *Secretary.*

APPENDIX

FIRST CARRIERS

Straits Steamship Co., Ltd., c/o United States Embassy, Bangkok, Thailand, via U.S. Department of State, Washington, D.C.
N.V. Koninklijke Paketvaart—Maatschappij, c/o United States Embassy, Bangkok, Thailand, via U.S. Department of State, Washington, D.C.
Heap Eng Moh Steamship Co., Ltd., c/o United States Embassy, Bangkok, Thailand, via U.S. Department of State, Washington, D.C.

SECOND CARRIERS AS MEMBERS OF NEW YORK LINES AGENCY

N.V. Nedlloyd Lijnen, Nedlloyd Lines, Inc., General Agents, 25 Broadway, New York, N.Y., 10004.
A.P. Moller-Maersk Line, Maersk Line, 67 Broad Street, New York, N.Y., 10004.
American President Lines, Ltd., 601 California Street, San Francisco, Calif., 94108.
Barber-Fern Line, Barber Steamship Lines, Inc., General Agents, 17 Battery Place, New York, N.Y., 10004.
Isthmian Line, States Marine-Isthmian Agency, Inc., 90 Broad Street, New York, N.Y., 10004.
Compagnie Maritime des Chargeurs Reunis, Black Diamond SS Corp., General Agents, 2 Broadway, New York, N.Y., 10004.
Lykes Bros. Steamship Co., Inc., 821 Gravier Street, New Orleans, La., 70112.
Hoegh Lines, Kerr Steamship Co., Inc., General Agents, 51 Broad Street, New York, N.Y., 10004.
Mitsui O.S.K. Lines, Ltd., 17 Battery Place, New York, N.Y., 10004.
Kawasaki Kisen Kaisha, Ltd., Kerr Steamship Co., Inc., General Agents, 51 Broad Street, New York, N.Y., 10004.
Blue Funnel Line, Funch, Edye & Co., Inc., 26 Broadway, New York, N.Y., 10004.
Henry Noon & Co., Secretaries, New York Lines Agency, Finlayson House (Fifth Floor), 4 Raffles Quay, Singapore, Malaysia.

[F.R. Doc. 65-6099; Filed, June 10, 1965; 8:49 a.m.]

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATIONS FOR RELIEF

JUNE 8, 1965.

Protests to the granting of an application must be prepared in accordance with Rule 1.40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 39816—*Sulphuric acid to Montgomery, Ala.* Filed by O. W. South, Jr., agent (No. A4700), for interested rail carriers. Rates on sulphuric acid in single tank carloads or multiple tank-car shipments subject to minimum shipments of not less than 5 cars, from Baton Rouge and North Baton Rouge, La., to Montgomery, Ala.

Grounds for relief—Market competition.

Tariff—Supplement 123 to Southern Freight Association, agent, tariff I.C.C. S–162.

FSA No. 39817—*Steel and wrought iron pipe from Chattanooga, Tenn.* Filed by Southwestern Freight Bureau, agent (No. B–8734), for interested rail carriers. Rates on steel and wrought iron pipe and related articles, in carloads, from Chattanooga, Tenn., to points in southwestern territory.

Grounds for relief—Market competition and rate relationship.

Tariff—Supplement 10 to Southwestern Freight Bureau, agent, tariff I.C.C. 4620.

FSA No. 39818—*Anhydrous ammonia to Sutton, Fla.* Filed by Southwestern Freight Bureau, agent (No. B–8739), for interested rail carriers. Rates on anhydrous ammonia, in tank carloads, from Lake Charles and West Lake Charles, La., also Houston, Tex., to Sutton, Fla.

Grounds for relief—Market competition.

Tariff—Supplement 131 to Southwestern Freight Bureau, agent, tariff I.C.C. 4422.

By the Commission.

[SEAL] BERTHA F. ARMES, *Acting Secretary.*

[F.R. Doc. 65-6091; Filed, June 10, 1965; 8:49 a.m.]

TARIFF COMMISSION

UNMANUFACTURED LEAD AND ZINC

Report to the President Regarding Termination of Import Quotas

The Tariff Commission today reported to the President that termination of the quotas on unmanufactured lead and zinc "would not likely have a detrimental effect on domestic lead and zinc producers unless world demand for these metals should subside substantially in relation to world supplies."

The above statement was included in a Commission report of an investigation which was requested by the President to assist him in determining whether or not to relax or terminate the absolute import quotas imposed on unmanufactured lead and zinc in 1958 under the escape-clause procedure.

In its report the Commission pointed out that "under present conditions, with overall free-world consumption exceeding output, it is the limited availability of foreign supplies, rather than quota restrictions, that discourages U.S. imports." The Commission also noted that "most domestic producers probably will be in a stronger position to meet future import competition without import quota restrictions than in the past, as their competitive position has improved substantially in the past 6 years."

The Commission's investigation (No. TEA–IA–3) was conducted under the provisions of section 351(d)(2) of the Trade Expansion Act of 1962. That act provides that increases in import restrictions imposed under the escape-clause procedure may be reduced or terminated by the President when he determines, after taking into account advice received from the Tariff Commission under section 351(d)(2) and after seeking advice of the Secretary of Commerce and the Secretary of Labor, that such reduction or termination is in the national interest.

Certain portions of the report to the President may not be made public since they contain information that would reveal the operations of individual concerns. The Commission, therefore, is releasing the report to the public with those portions omitted.

Copies of the public report (the release of which was authorized by the President) are available upon request as long as the limited supply lasts. Address requests to the Secretary, U.S. Tariff Commission, 8th and E Streets NW., Washington, D.C., 20436.

By direction of the Commission.

[SEAL] DONN N. BENT, *Secretary.*

[F.R. Doc. 65-6092; Filed, June 10, 1965; 8:49 a.m.]

FEDERAL POWER COMMISSION

[Docket No. G-2602, etc.]

MARATHON OIL CO. ET AL.

Notice of Applications for Certificates, Abandonment of Service and Petitions To Amend Certificates [1]

JUNE 2, 1965.

Take notice that each of the Applicants listed herein has filed an application or petition pursuant to section 7 of the Natural Gas Act for authorization to sell natural gas in interstate commerce or to abandon service heretofore authorized as described herein, all as more fully described in the respective applications and amendments which are on file with the Commission and open to public inspection.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C., 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before June 24, 1965.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on all applications in which no protest or petition to intervene is filed within the time required herein, if the Commission on its own review of the matter believes that a grant of the certificates or the authorization for the proposed abandonment is required by the public convenience and necessity. Where a protest or petition for leave to intervene is timely filed, or where the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given: *Provided, however,* That pursuant to § 2.56, Part 2, Statement of General Policy and Interpretations, Chapter I of Title 18 of the Code of Federal Regulations, as amended, all permanent certificates of public convenience and necessity granting applications, filed after April 15, 1965, without further notice, will contain a condition precluding any filing of an increased rate at a price in excess of that designated for the particular area of production for the period prescribed therein unless at the time of filing such certificate application, or within the time fixed herein for the filing of protests or petitions to intervene the Applicant indicates in writing that it is unwilling to accept such a condition. In the event Applicant is unwilling to accept such condition the application will be set for formal hearing.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

JOSEPH H. GUTRIDE,
Secretary.

[1] This notice does not provide for consolidation for hearing of the several matters covered herein, nor should it be so construed.

Docket No. and date filed	Applicant	Purchaser, field, and location	Price per Mcf	Pressure base
G-2602 C 5-13-65, 5-19-65 [1]	Marathon Oil Co., 539 South Main St., Findlay, Ohio, 45840.	Natural Gas Pipeline Co. of America, North Pasture Field, San Patricio County, Tex.	14.0	14.65
G-3277 E 5-21-65	James D. Heldt (Operator), et al. (successor to Seneca Development Co. (Operator), et al.), 1300 Mercantile Dallas Bldg., Dallas, Tex., 75201.	United Gas Pipe Line Co., Cotton Valley Field, Webster Parish, La.	13.05067	14.7
G-8670 C 4-29-65 [2]	Sun Oil Co. (Gulf Coast Division), 1608 Walnut St., Philadelphia, Pa., 19103.	Transcontinental Gas Pipe Line Corp., North Markham-North Bay City Field, Matagorda County, Tex.	[3] 15.5	14.65
G-13212 C 5-19-65 [4]	Hanley Co. (Operator), et al., 400 Davis Bldg., Dallas, Tex., 75202.	El Paso Natural Gas Co., Spraberry Field, Reagan County, Tex.	15.2430	14.65
G-14782 E 5-10-65	Rodman & Lats (successor to Rodman, Lats, and Noel), c/o Thomas E. Rodman, attorney, Post Office Box 2826, Odessa, Tex.	El Paso Natural Gas Co., Spraberry Area, Reagan County, Tex.	[5] 17.0	14.65
G-16218 D 5-26-65	Gulf Oil Corp., Post Office Box 1589, Tulsa, Okla., 74102.	Transwestern Pipeline Co., Camo Area, Beaver County, Okla.	(6)	
G-19634 E 5-10-65	Brooks Gas Corp. (successor to Mertson Corp.), c/o Albert J. Reigan, attorney, 1101 17th St. NW., Washington, D.C., 20036.	Northern Natural Gas Co., Mertson and Brooks Fields, Irion County, Tex.	[7] 13.26	14.65
G-19642 [7a] C 5-27-65	An-Son Corp., 3514 North Santa Fe, Oklahoma City, Okla., 73118.	Michigan Wisconsin Pipe Line Co., Bembrook Unit, Laverne Field, Harper County, Okla.	17.0	14.65
G-19642 [7a] C 5-27-65	do	Michigan Wisconsin Pipe Line Co., Campbell Unit, Laverne Field, Harper County, Okla.	17.0	14.65
G-19841 E 5-17-65	Oil & Gas Property Management, Inc. (Operator), et al., (successor to Nafco Oil and Gas, Inc., et al.), c/o W. A. MacNaughton, attorney, 614 Southwest Tower, Houston, Tex., 77002.	Northern Natural Gas Co., Perryton Field, Ochiltree County, Tex.	17.5	14.65
G-20294 E 5-24-65	Braden-Deem, Inc. (successor to Braden Drilling, Inc.), 500 Farmers and Bankers Bldg., Wichita, Kans., 67202.	Panhandle Eastern Pipe Line Co., acreage in Pratt County, Tex.	16.0	14.65
CI60-430 E 5-24-65	Braden-Deem, Inc. (successor to Braden Drilling, Inc.),	do	15.0	14.65
CI61-516 C 5-20-65	Pan American Petroleum Corp., Post Office Box 591, Tulsa, Okla., 74102.	Michigan Wisconsin Pipe Line Co., Woodward Area, Major and Woodward Counties, Okla.	[8] 21.045	14.65
CI61-936 E 5-24-65	Braden-Deem, Inc. (successor to Braden Drilling, Inc.),	Panhandle Eastern Pipe Line Co., acreage in Pratt County, Tex.	15.0	14.65
CI61-1008 E 5-24-65	do	do	15.0	14.65
CI61-1069 E 5-24-65	do	do	15.0	14.65
CI61-1070 E 5-24-65	do	do	15.0	14.65
CI61-1611 E 5-24-65	do	do	15.0	14.65
CI62-534 E 5-10-65	Kewanee Oil Co. (successor to McCall Drilling Co., Inc.), Post Office Box 2239, Tulsa, Okla., 74101.	Consolidated Gas Supply Corp., Troy District, Gilmer County, W. Va.	25.0	15.325
CI62-673 C 5-20-65	Skylark Gas Co., 210 East Main St., St. Clairsville, Ohio.	Equitable Gas Co., acreage in Lewis, Upshur, and Harrison Counties, W. Va.	25.0	15.325
CI63-1062 E 5-19-65	W. B. Wright, et al., d.b.a. Edna Moore, et al., No. 1 (successor to John R. Robinson, et al., d.b.a. Edna Moore, et al., No. 1), c/o A. R. Jackson, agent, 224 Third Ave., South Charleston, W. Va.	Equitable Gas Co., De Kalb District, Gilmer County, W. Va.	25.0	15.325
CI63-20 C 5-19-65	Humble Oil & Refining Co., Post Office Box 2180, Houston, Tex., 77001.	Arkansas Louisiana Gas Co., Arkoma Area, Latimer County, Okla.	15.0	14.65
CI63-149 A 12-17-62	J. Glenn, et al., Box 1164, Tulsa, Okla.	Jernigan & Morgan Transmission Co., East Victor Field, Lincoln County, Okla.	[9] 9.0	14.65
CI63-1407 C 5-21-65	Sunray DX Oil Co., Post Office Box 2039, Tulsa, Okla., 74102.	Arkansas Louisiana Gas Co., various fields, Hamilton County, Kans.	12.5	14.65
CI64-286 C 5-21-65	Socony Mobil Oil Co., Inc., 150 East 42d St., New York, N.Y., 10017.	Kansas-Nebraska Natural Gas Co., Inc., Syracuse Field, Hamilton County, Kans.	12.5	14.65
CI65-612 C 5-19-65	Don Earney, Box 87, Wheeler, Tex.	El Paso Natural Gas Co., Panhandle Field, Wheeler County, Tex.	14.0	14.65
CI65-1222 A 5-20-65	Ronald E. Boyles, et al., c/o Paul F. Starr, agent, 210 Market St., Spencer, W. Va.	Harry C. Boggs, Spencer District, Roane County, W. Va.	[10] 16.0	15.325
CI65-1223 D 5-20-65	Fox Gas Co., 1012 FHN Bank Bldg., Huntington, W. Va., 25701.	United Fuel Gas Co., Union District, Lincoln County, W. Va.	(11)	
CI65-1224 A 5-21-65	The British-American Oil Producing Co., Post Office Box 749, Dallas, Tex., 75221.	Montana Dakota Utilities Co., Wind River Basin, Fremont County, Wyo.	16.394	15.025
CI65-1225 A 5-21-65	George J. Despot, Operator, 1211 Commercial National Bank Bldg., Shreveport, La., 71101.	Bluebonnet Gas Corp., Veltin Field, St. Landry Parish, La.	15.25	15.025
CI65-1226 A 5-21-65	Grant Mullenax (Operator), et al., 401 St. Claire Dr., Owensboro, Ky., 42301.	Texas Gas Transmission Corp., Sugar Creek Field, Hopkins County, Ky.	15.0	15.025
CI65-1227 A 5-21-65	Socony Mobil Oil Co., Inc., 150 East 42d St., New York, N.Y., 10017.	Tennessee Gas Transmission Co., Second Bayou Field, Cameron Parish, La.	22.0	15.025

Filing Code: A—Initial service.
B—Abandonment.
C—Amendment to add acreage.
D—Amendment to delete acreage.
E—Succession.
F—Partial succession.

See footnotes at end of table.

Docket No. and date filed	Applicant	Purchaser, field, and location	Price per Mcf	Pressure base
CI65-1228 A 5-24-65	Sunray DX Oil Co., Post Office Box 2039, Tulsa, Okla., 74102.	American Louisiana Pipe Line Co., Kings Bayou Field, Cameron Parish, La.	19.0	15.025
CI65-1229 A 5-21-65	Roy Furr (Operator), et al., Post Office Box 1650, Lubbock, Tex., 79408.	Panhandle Eastern Pipe Line Co., Acreage in Hansford County, Tex.	17.0	14.65
CI65-1230 [12] 5-24-65	George Hammonds, Fidelity Union Life Bldg., Dallas, Tex.	Southern Natural Gas Co., High Island Acres, Cameron Parish, La.	(12)	
CI65-1231 A 5-24-65	Kerr-McGee Oil Industries, Inc., Kerr-McGee Bldg., Oklahoma City, Okla., 73102.	Panhandle Eastern Pipe Line Co., Northeast Sampsel Field, Cimarron, County, Okla.	17.0	14.65
CI65-1232 [13] 5-24-65	Winwell Exploration Co., 1011 Commercial National Bank Bldg., Shreveport, La.	Arkansas Louisiana Gas Co., Jefferson Field, Marion County, Tex.	Depleted	
CI65-1233 F 5-24-65	John W. O'Boyle (successor to Seneca Development Co., et al.), 1300 Mercantile Dallas Bldg., Dallas, Tex., 75201.	Arkansas Louisiana Gas Co., Cotton Valley Field, Webster Parish, La.	15.025	15.025
CI65-1234 F 5-21-65	James D. Heldt (successor to Seneca Development Co., et al), 1300 Mercantile Dallas Bldg., Dallas, Tex., 75201.	Arkansas Louisiana Gas Co., Cotton Valley Field, Webster Parish, La.	15.025	15.025
CI65-1235 A 5-24-65	Edwin G. Bradley, 825 Union Center Bldg., Wichita, Kans., 67202.	Panhandle Eastern Pipe Line Co., Lerado Field, Reno County, Kans.	16.0	14.65
CI65-1236 A 5-20-65	Sun Oil Co. (Mid-Continent Division), 1608 Walnut St., Philadelphia, Pa., 19103.	Ottos Service Gas Co., Bishop Area, Ellis County, Okla.	17.0	14.65
CI65-1237 [13] 5-20-65	Texaco Inc., Post Office Box 52332, Houston, Tex., 77052.	Bob Bolt Gathering Co., Palito Blanco Field, Jim Wells County, Tex.	Depleted	
CI65-1238 B 5-19-65	Claude C. Cottrille, et al., d.b.a. Alphenia Oil and Gas Co., Pennsboro, W. Va.	Equitable Gas Co., West Union District, Doddridge County, W. Va.	(12)	

[1] Contract summary to application submitted.
[2] Filed in compliance with Commission order issued Dec. 1, 1964, approving offer of settlement filed in Docket Nos. G-8288, et al.
[3] Settlement rate approved by Commission order issued Oct. 1, 1964, in Docket Nos. G-8288, et al.
[4] Adds acreage acquired from Humble Oil & Refining Co., Docket No. G-5145.
[5] Rate in effect subject to refund in Docket No. G-19963; effective June 21, 1960.
[6] Deletes from basic contract certain acreage from which no sales or deliveries of gas have been made.
[7] Rate in effect subject to refund in Docket No. RI66-325.
[7a] Consolidated with G-8087, et al.
[8] Includes 1.0 cent adjustment for B.t.u. content and 1.045 cents tax reimbursement.
[9] Subject to 2.0 cents per Mcf deduction if buyer compresses gas.
[10] Plus 2.0 cents per Mcf for compression.
[11] Well is no longer capable of producing gas.
[12] Applicant disposed of producing properties.
[13] Sales of gas discontinued due to insufficient production.

[F.R. Doc. 65-6017; Filed, June 10, 1965; 8:45 a.m.]

[Docket No. G-11815, etc.]

MARATHON OIL CO. ET AL.

Findings and Order

JUNE 2, 1965.

Findings and order after statutory hearing issuing certificates of public convenience and necessity, amending certificates, making successor corespondent, redesignating proceeding, making rate change effective, accepting agreement and undertaking for filing and accepting related rate schedules and supplements for filing.

Each of the Applicants listed herein has filed an application pursuant to section 7 of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale and delivery of natural gas in interstate commerce or a petition to amend an existing certificate authorization, all as more fully described in the respective applications and petitions (and any supplements or amendments thereto) which are on file with the Commission.

The Applicants herein have filed related FPC Gas Rate Schedules and propose to initiate, add, or delete natural gas service in interstate commerce as indicated by the tabulation herein. All sales certificated herein are either equal to or below the ceiling prices established by the Commission's Statement of Policy 61-1, as amended, or involve sales for which permanent certificates have been previously issued.

Chase Petroleum Co. (Operator), agent for John M. Clark, et al., Applicant in Docket No. CI65-941, proposes to continue in part the sale of natural gas heretofore authorized in Docket No. G-13558 and made pursuant to the Estate of Kay Kimbell, et al., FPC Gas Rate Schedule No. 3. Applicant has filed the contract, as supplemented, comprising said rate schedule as its own rate schedule. On December 10, 1959, Kay Kimbell Oil Properties, et al., predecessor in interest to the Estate of Kay Kimbell, et al., filed with the Commission a notice of change in rate under its FPC Gas Rate Schedule No. 3. By order issued January 6, 1960, in Docket No. G-20538 [1] the Commission suspended the proposed change until June 10, 1960, and thereafter until made effective. The change was designated as Supplement No. 1 to the rate schedule. On March 22 and March 29, 1965, Applicant filed a motion and agreement and undertaking in Docket No. G-20538 to be made co-respondent and to make the change in rate effective. Accordingly, Applicant will be made a co-respondent in said proceeding, the proceeding will be redesignated, the change in rate will be made effective as of March 22, 1965, insofar as it is applicable to sales by Applicant from the acreage acquired from the Estate of Kay Kimbell, and the agreement and undertaking will be accepted for filing.

[1] Consolidated with Docket No. AR61-1, et al.

After due notice, no petitions to intervene, notices of intervention, or protests to the granting of any of the respective applications or petitions in this order have been received.

At a hearing held on May 28, 1965, the Commission on its own motion received and made a part of the record in these proceedings all evidence including the applications, amendments, and exhibits thereto, submitted in support of the respective authorizations sought herein, and upon consideration of the record.

The Commission finds:

(1) Each Applicant herein is a "natural-gas company" within the meaning of the Natural Gas Act as heretofore found by the Commission or will be engaged in the sale of natural gas in interstate commerce for resale for ultimate public consumption, subject to the jurisdiction of the Commission, and will, therefore, be a "natural-gas company" within the meaning of said Act upon the commencement of the service under the respective authorizations granted hereinafter.

(2) The sales of natural gas hereinbefore described, as more fully described in the respective applications, amendments and/or supplements herein, will be made in interstate commerce, subject to the jurisdiction of the Commission, and such sales by the respective Applicants, together with the construction and operation of any facilities subject to the jurisdiction of the Commission necessary therefor, are subject to the requirements of subsections (c) and (e) of section 7 of the Natural Gas Act.

(3) The sales of natural gas by the respective Applicants, together with the construction and operation of any facilities subject to the jurisdiction of the Commission necessary therefor, are required by the public convenience and necessity and certificates therefor should be issued as hereinafter ordered and conditioned.

(4) The respective Applicants are able and willing properly to do the acts and to perform the services proposed and to conform to the provisions of the Natural Gas Act and the requirements, rules and regulations of the Commission thereunder.

(5) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act and the public convenience and necessity require that the certificate authorizations heretofore issued by the Commission in Docket Nos. G-11815, G-13558, G-16993, CI60-509, CI61-113, CI62-366, CI62-690, CI62-1377, CI63-444, CI63-1125, CI64-519, CI64-1136, CI64-1237, CI64-1284, CI65-30, and CI65-114 should be amended as hereinafter ordered.

(6) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act that Chase Petroleum Co. (Operator), agent for John M. Clark, et al., should be made corespondent in the proceeding pending in Docket No. G-20538 and said proceeding should be redesignated accordingly.

(7) It is necessary and appropriate in carrying out the provisions under the Natural Gas Act that the proposed change in rate suspended in Docket No.

G–20538 should be made effective subject to refund as of March 22, 1965, with respect to the sale of natural gas by Chase Petroleum Co. (Operator), agent for John M. Clark, et al., from acreage acquired from the Estate of Kay Kimbell, et al., and the agreement and undertaking submitted by Chase Petroleum Co. should be accepted for filing.

(8) The respective related rate schedules and supplements as designated or redesignated in the tabulation herein should be accepted for filing as hereinafter ordered.

The Commission orders:

(A) Certificates of public convenience and necessity be and the same are hereby issued, upon the terms and conditions of this order, authorizing the sales by the respective Applicants herein of natural gas in interstate commerce for resale, together with the construction and operation of any facilities subject to the jurisdiction of the Commission necessary for such sales, all as hereinbefore described and as more fully described in the respective applications, amendments, supplements, and exhibits in this proceeding.

(B) The certificates granted in paragraph (A) above are not transferable and shall be effective only so long as Applicants continue the acts or operations hereby authorized in accordance with the provisions of the Natural Gas Act and the applicable rules, regulations, and orders of the Commission.

(C) The grant of the certificates issued in paragraph (A) above shall not be construed as a waiver of the requirements of section 4 of the Natural Gas Act or of Part 154 or Part 157 of the Commission's regulations thereunder, and is without prejudice to any findings or orders which have been or may hereafter be made by the Commission in any proceeding now pending or hereafter instituted by or against the respective Applicants. Further, our action in this proceeding shall not foreclose nor prejudice any future proceedings or objections relating to the operation of any price or related provisions in the gas purchase contracts herein involved. Nor shall the grant of the certificates aforesaid for service to the particular customers involved imply approval of all of the terms of the respective contracts, particularly as to the cessation of service upon termination of said contracts, as provided by section 7(b) of the Natural Gas Act. Nor shall the grant of the certificates aforesaid be construed to preclude the imposition of any sanctions pursuant to the provisions of the Natural Gas Act for the unauthorized commencement of any sales or natural gas subject to said certificates.

(D) The grant of the certificates issued herein on all applications filed after April 15, 1965, is upon the condition that no increase in rate shall be filed prior to the applicable date, as indicated by footnotes 1 and 7 in the attached tabulation, which would exceed the ceiling prescribed for the given area by paragraph (d) of the Commission's Statement of General Policy 61–1, as amended.

(E) The certificate authorizations heretofore issued to the respective Applicants in Docket Nos. G–11815, CI62–690, CI63–1125, CI64–1136, CI64–1237, CI64–1284, and CI65–114 are hereby amended by adding thereto or deleting therefrom authorization to sell natural gas to the same purchasers and in the same areas as covered by the original authorizations, pursuant to the rate schedule supplements as indicated in the tabulation herein.

(F) The certificates heretofore issued in Docket Nos. G–13558, G–16993, and CI60–509 are hereby amended by deleting therefrom authorization granted herein in Docket Nos. CI65–941, CI65–918, and CI65–1039.

(G) The certificates heretofore issued in Docket Nos. CI61–113, CI62–366, CI62–1377, CI63–444, CI64–519, and CI65–30 are hereby amended by changing the certificate holders to the respective successors in interest as indicated in the tabulation herein.

(H) In view of the authorization granted in paragraph (G) above the certificates heretofore issued in Docket Nos. CI62–1377 and CI63–444 are further amended to exclude authorization for sales from leases covering acreage in sections 29 and 32, Township 1N, Range 24ECM and section 33, Township 2N, Range 20ECM, respectively, subject to Applicant's filing of agreements by which buyer has released such acreage from the related contracts.

(I) Chase Petroleum Co. (Operator), agent for John M. Clark, et al., be and it is hereby made a corespondent in the proceeding pending in Docket No. G–20538, and said proceeding is redesignated accordingly.[3]

(J) The rates, charges, and classifications set forth in Supplement No. 1 to Chase Petroleum Co. (Operator), agent for John M. Clark, et al., FPC Gas Rate Schedule No. 4 shall be effective, subject to refund, as of March 22, 1965, and Chase Petroleum Co.'s agreement and undertaking is hereby accepted for filing. Said effective rate shall be charged and collected as of the effective date, subject to any future orders of the Commission in Docket No. G–20538.

(K) Chase Petroleum Co. (Operator), agent for John M. Clark, et al., shall comply with the refunding and reporting procedure required by the Natural Gas Act and § 154.102 of the regulations thereunder, and Chase Petroleum Co.'s agreement and undertaking in Docket No. G–20538 shall remain in full force and effect until discharged by the Commission.

(L) The respective related rate schedules and supplements as indicated in the tabulation herein are hereby accepted for filing; further, the rate schedules relating to the successions herein are hereby redesignated and accepted, subject to the applicable Commission Regulations under the Natural Gas Act to be effective on the dates indicated in the tabulation herein.

By the Commission.

[SEAL] JOSEPH H. GUTRIDE, *Secretary*.

Docket No. and date filed	Applicant	Purchaser, field, and location	FPC rate schedule to be accepted		
			Description and date of document	No.	Supp.
G–11815 C 4–21–65 [1]	Marathon Oil Co.	Transcontinental Gas Pipe Line Corp. (North Markham) North Bay City Field, Matagorda County, Tex.	Agreement 3–25–65 [1]	10	14
CI61–113 E 4–19–65	Estate of O. A. Phillips (successor to O. A. Phillips).	Arkansas Louisiana Gas Co., Calhoun Field, Ouachita Parish, La.	O. A. Phillips, FPC GRS No. 1.	1	
			Supplement No. 1	1	1
			Notice of succession 4–16–65.		
			Effective date: 3–12–64.		
CI62–366 E 4–13–65	Calvert Exploration Co. (Operator), et al. (successor to Mid-America Minerals, Inc.).	Panhandle Eastern Pipe Line Co., Six Mile Field, Beaver County, Okla.	Mid-America Minerals, Inc., FPC GRS No 2.	5	
			Supplement No. 1	5	1
			Notice of succession 4–7–65.		
			Assignment 12–31–64	5	2
			Effective date: 12–31–64.		
CI62–1377 E 4–13–65	do [2]	Northern Natural Gas Co., Six Mile Field, Beaver County, Okla.	Mid-America Minerals Inc., FPC GRS No. 3.	6	
			Supplement Nos. 1–2	6	1–2
			Notice of succession 4–7–65.		
			Assignment 12–31–64	6	3
			Effective date: 12–31–64.		
CI63–444 E 4–13–65	do [2]	Kansas-Nebraska Natural Gas Co., Inc., Camrick Field, Beaver County, Okla.	Mid-America Minerals, Inc., FPC GRS No. 4.	7	
			Supplement No. 1	7	1
			Notice of succession 4–7–65.		
			Assignment 12–31–64	7	2
			Effective date: 12–31–64.		
CI63–1125 C 4–21–65 [7]	Gulf Oil Corp.	Arkansas Louisiana Gas Co., Southeast Lacy Area, Kingfisher County, Okla.	Supplemental agreement 3–4–65. [3]	284	
CI64–267 A 9–27–63	Frank B. Waters d.b.a. Frank Waters Oil Co. (Operator), et al.	Hydrocarbon Transmission Co., North A.B.O.C. Field, Jim Wells County, Tex.	Contract 5–9–63	2	
			Amendment 4–14–65 [11]	2	1

Filing Code: A—Initial service.
B—Abandonment.
C—Amendment to add acreage.
D—Amendment to delete acreage.
E—Succession.
F—Partial succession.

See footnotes at end of table.

[3] Estate of Kay Kimbell, et al., and Chase Petroleum Co. (Operator), agent for John M. Clark, et al.

Docket No. and date filed	Applicant	Purchaser, field, and location	FPC rate schedule to be accepted		
			Description and date of document	No.	Supp.
CI65–1024 A 4–13–65	J. M. Huber Corp.	Lone Star Gas Co., North Dibble Field, McClain County, Okla.	Contract 1–19–65 [3]	66	
CI65–1026 A 4–13–65	C. L. Morris et al.	Arkansas Louisiana Gas Co., Monterey-Tigre Field, Caddo Parish, La.	Contract 8–31–64	1	
CI65–1027 A 4–16–65 [1]	Pan American Petroleum Corp.	Mountain Fuel Supply Co., Wet Side Canal Field, Carbon County, Wyo.	Contract 3–12–65 [3]	415	
CI65–1028 A 4–16–65 [1]	Hays & Co., agent for Crump Oil Co.	Consolidated Gas Supply Corp., Salt Lick District, Braxton County, W. Va.	Contract 3–1–65 [3]	57	
CI65–1029 A 4–16–65 [1]	Petroleum Promotions, Inc.	Consolidated Gas Supply Corp., Court House District, Lewis County, W. Va.	Contract 3–5–65 [3]	13	
CI65–1030 A 4–16–65 [1]	Kerr-McGee Oil Industries, Inc.	Beaver County Gathering System, Inc., Flask Field, Baca County, Colo.	Contract 2–17–65. Letter Agreement 3–16–65 [3]	81	1
CI65–1035 A 4–19–65 [1]	Sinclair Oil & Gas Co. et al.	Northern Natural Gas Co., Balko Field, Beaver County, Okla.	Contract 10–4–63 [3] [5]	235	1
CI65–1038 A 4–21–65 [1]	Reliance Oil Corp.	Panhandle Eastern Pipe Line Co., Dora District, Lincoln County, W. Va.	Contract 8–17–64 [3]	1	
A CI65–1039 (CI60–509) F 4–21–65	Turnbull & Zoch Drilling Co., agent for Arnold O. Morgan et al.	United Gas Pipe Line Co., Byrnes Ranch Field, Refugio County, Tex.	Contract 4–21–60 [3] Letter agreement 4–21–65. [3] Assignment 2–26–65 [3] Supplemental Agreement 4–1–65. Effective Date: 1–24–65.	3 3 3	1 2 2

[1] Jan. 1, 1968, moratorium date pursuant to Commission's Statement of General Policy 61–1, as amended.
[2] Previously accepted for filing by Commission letter dated May 14, 1965.
[3] Effective date: Date of this order.
[4] Omitted.
[5] Applicant states that lease covering acreage in sections 29 and 32–1N–24ECM have been released because of failure to obtain production.
[6] Applicant requests moratorium date pursuant to Commission's Statement of General Policy 61–1, as amended.
[7] Adds contractual price increase dated Dec. 20, 1960, with respect to 2 wells, and provides for periodic price escalations of 1 cent per Mcf on Dec. 15, 1967, Dec. 15, 1972, and Dec. 15, 1977.
[8] Amends contract pricing provisions in compliance with temporary certificate by eliminating indefinite pricing provisions in violation of Order No. 232.
[9] Adds production of gas attained from Miller & Fox Minerals Corp. in Docket No. CI65–647.
[10] Effective date: Date of first delivery.
[11] Effective date: Date of filing of initial rate filings to its FPC GRS No. 1.
[12] Adds production of gas attained from Cherokee Enterprises, Inc. (Operator), et al., in Docket No. CI65–855.
[13] Conveys acreage dedicated under Mid-America Minerals, Inc., FPC GRS No. 5 to Jas. W. Nichols and Calvert Exploration Co.
[14] Assignment from Champlin Oil & Refining Co. and Cities Service Gas Co.; on file as Champlin Oil & Refining Co. (Operator) et al. Rate Schedule No. 76.
[15] Assignment from K & E Drilling, Inc., to Westmore Drilling Co., Inc., et al.
[16] Partial succession to Kay Kimbell, Estate, et al. FPC GRS No. 3.
[17] Between El Paso and Lago Oil Corp.
[18] Between El Paso and Kay Kimbell Oil Properties.
[19] From Kay Kimbell, et al., and Western Drilling Co. to John M. Clark (covers only part of original contract dedication).
[20] Adds et al. parties.
[21] By letter filed May 5, 1965, Applicant stated willingness to accept a permanent certificate conditioned to a total initial rate of 16.0 cents per Mcf at 14.65 p.s.i.a.
[22] Assignment and agreement relating to processing rights of the gas with Anadarko Production Co.
[23] Satellite contract dated Oct. 4, 1963.
[24] Between Union Texas Petroleum, Inc., and Northern Natural Gas Co.
[25] Between Union Producing Co., seller, and United Gas Pipe Line Co., buyer; on file as Union Producing Co. FPC GRS No. 238.
[26] Conveys acreage from Union Producing Co. to Arnold O. Morgan, et al.

[F.R. Doc. 65–6016; Filed, June 10, 1965; 8:45 a.m.]

Docket No. and date filed	Applicant	Purchaser, field, and location	FPC rate schedule to be accepted		
			Description and date of document	No.	Supp.
CI64–519 E 4–13–65	Calvert Exploration Co. (Operator), et al. (successor to Mid-America Minerals, Inc.).	Northern Natural Gas Co., East Balko Field, Beaver County, Okla.	Mid-America Minerals, Inc., FPC GRS No. 6. Notice of succession 4–7–65. Assignment 12–31–64 Effective date: 12–31–64.	9	
CI64–1128 C 2–24–65 [3]	J. A. Heard d.b.a. Heard Oil & Gas.	United Gas Pipe Line Co., Quinn Creek Field Area, Jim Wells County, Tex.	(21 [3])		1
CI64–1129 C 3–25–65 [3]	do	Consolidated Gas Supply Corp., Salt Lick District, Braxton County, W. Va.	Letter agreement 2–22–65 [3]	4	2
CI64–1227 C 4–23–65 [7]	O. W. Mayhew, et al. d.b.a. Mayhew Oil & Gas Developments.	Transcontinental Gas Pipe Line Corp., South Tilden Field, McMullen County, Tex.	Mid-America Minerals, Inc., FPC GRS No. 8. Notice of succession 4–7–65. Assignment 12–31–64 Effective date: 12–31–64.	4	1
CI64–1284 E 4–13–65	Calvert Exploration Co. (Operator), et al. (successor to Mid-America Minerals, Inc.).	Northern Natural Gas Co., Mocane Field, Beaver County, Okla.	Mid-America Minerals, Inc., FPC GRS No. 9. Notice of succession 4–7–65. Assignment 12–31–64 Effective date: 12–31–64.	11	1
CI64–30 E 4–13–65	do	Northern Natural Gas Co., Northeast Dower Field, Beaver County, Okla.	Supplemental Agreement 2–25–65 [3]	11	2
CI65–114 C 4–21–65 [7]	Sooony Mobil Oil Co., Inc.	Cities Service Gas Co., Mississippi Gas Pool, Barber County, Kans.	Supplemental agreement 10–26–60 [3] Supplemental agreement 11–26–60 [3] Letter 11–28–60. [3] Assignment 12–10–64 [3] Effective Date: 2–18–64.	336	1
A CI65–618 (G–13558) F 3–10–65	Westmore Drilling Co., Inc. (Operator), et al.	(Davis Ranch "E" Unit). do (Davis Ranch "D" Unit). do (Davis Ranch "G" Unit). do	Contract 4–16–64 [3]	2	1
A CI65–941 (G–13558) F 3–22–65 [3]	Chase Petroleum Co. (Operator), agent for John M. Clark, et al.	El Paso Natural Gas Co., Spraberry Trend Area, Upton County, Tex.	Contract 3–1–65	3	1
CI65–647 A 3–24–65	Miller & Fox Minerals Corp.	J. A. Heard d.b.a. Heard Oil & Gas, Quinn Creek Field Area, Jim Wells County, Tex.	Contract 6–26–64.	5	1
CI65–855 A 3–26–65	Cherokee Enterprises, Inc. (Operator), et al.	do	Contract 4–16–64 [3]	6	
CI65–947 A 3–26–65	Champlin Oil & Refining Co. and Cities Service Gas Co.	El Paso Natural Gas Co., Spraberry Trend Area, Reagan County, Tex.	Contract 3–1–65	2	1
CI65–1021 A 4–14–65	First Transportation Gas Corp., Inc.	Northern Natural Gas Co., acreage in Ellis County, Okla.	Contract 6–26–64.	3	
CI65–1022 A 4–15–65	Thomas N. Berry & Co. (Operator), et al.	Cities Service Gas Co., Cheyenne Plains Area, Grant County, Okla.	Contract 4–5–65 [3]	5	
CI65–1023 A 4–15–65	Edwin L. Cox	Anadarko Production Co., Interstate Field, Morton County, Kans.	Contract 3–29–65 [3]	6	
				88	

See footnotes at end of table.

[Docket No. CP65-382]

AMERICAN LOUISIANA PIPE LINE CO. AND TRUNKLINE GAS CO.

Notice of Application

JUNE 7, 1965.

Take notice that on May 28, 1965, American Louisiana Pipe Line Co. (American), 1 Woodward Avenue, Detroit, Mich., 48226, and Trunkline Gas Co. (Trunkline), Post Office Box 1642, Houston, Tex., 77001, filed in Docket No. CP65-382 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of emergency interconnections between the pipeline systems of the two companies, all as more fully set forth in the application on file with the Commission and open to public inspection.

The proposed interconnections will be located at the following points:

(1) At a point approximately 400 feet west of the point where Trunkline's 26-inch main line crosses American's 22-inch main line in Elkhart County, Ind.

(2) At a point in Tate County, Miss., where Trunkline's 26-inch and 30-inch main lines are adjacent to American's 30-inch main line.

The application states that Trunkline and American have entered into a letter agreement which provides for the utilization of the proposed facilities when either company is confronted with an emergency which can be alleviated by the deliveries of natural gas from the other.

The estimated cost of the proposed facilities is $58,620, of which American's share would be $29,620 and Trunkline's share would be $29,000, and which will be financed by the respective companies from funds on hand.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C., 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (157.10) on or before July 2, 1965.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no protest or petition to intervene is filed within the time required herein, and the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a protest or petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 65-6057; Filed, June 10, 1965; 8:46 a.m.]

[Docket No. CP65-377]

COLORADO INTERSTATE GAS CO.

Notice of Application

JUNE 4, 1965.

Take notice that on May 27, 1965, Colorado Interstate Gas Co. (Applicant), Post Office Box 1087, Colorado Springs, Colo., 80901, filed in Docket No. CP65-377 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of certain natural gas facilities and the sale of natural gas to Michigan Wisconsin Pipe Line Co. (Michigan), all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes to sell and deliver to Michigan, on an interruptible basis, such daily volumes of gas as Applicant may have available from time to time and which Michigan may wish to purchase. Michigan has estimated that it may require approximately 4,000,000 Mcf during the remaining portion of 1965. The agreement pursuant to which the deliveries would be made provides for termination 1 year from the date of initial deliveries.

Applicant proposes to construct and operate a meter station at a point in Beaver County, Okla., where its Mocane-Hooker 22-inch line intersects Michigan's 24-inch line which originates at its Hill Compressor Station. The estimated cost of the meter station is $26,950, which is to be financed from current working funds on hand.

The application states that Applicant has a supply of gas temporarily in excess of its current market requirements.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C., 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (157.10) on or before June 28, 1965.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no protest or petition to intervene is filed within the time required herein, and the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a protest or petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 65-6058; Filed, June 10, 1965; 8:46 a.m.]

[Project No. 2520]

GREAT NORTHERN PAPER CO.

Notice of Application for License for Constructed Project

JUNE 4, 1965.

Public notice is hereby given that application has been filed under the Federal Power Act (16 U.S.C. 791a-825r) by Great Northern Paper Co. (correspondence to: Robert Hellendale, Vice President and Secretary, Great Northern Paper Co., 522 Fifth Avenue, New York, N.Y., 10036; copies to LeBoeuf, Lamb, and Leiby, 1 Chase Manhattan Plaza, New York, N.Y., 10005), for license for constructed Project No. 2520, known as the Mattaceunk Project, located on the Penobscot River in Penobscot and Aroostook Counties, Maine, in the vicinity of Medway and Mattawamkeag.

The existing project consists of: (1) A dam with a 657-foot spillway equipped with 4 feet of automatic flashboards, a 114-foot section with 90-foot-wide roller gate, a 37-foot section with a 10-foot-wide log sluice and a 22-foot-wide fish ladder, a 142-foot-long powerhouse, the remaining 110 feet of the structure is earthfill with a concrete core wall; the total length of the dam is 1,060 feet and the maximum height is 45 feet, creating a reservoir of 1,550 acres; (2) the powerhouse, known as Weldon Station, has a concrete substructure and steel frame and brick superstructure containing two adjustable turbines of 5,900 hp each, and two fixed blade turbines of 6,250 hp each, operating at 39 feet head, four generators of 4,800 kw each with appurtenant facilities; (3) a substation containing 6-4,000 kva single phase transformers; and (4) a transmission line approximately 9 miles long connecting to Applicant's mill at East Millinocket. The total installed capacity of the project is 19,200 kw.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C., 20426, in accordance with the rules of practice and procedure of the Commission (18 CFR 1.8 or 1.10). The last day upon which protests or petitions may be filed is July 20, 1965. The application is on file with the Commission for public inspection.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 65-6060; Filed, June 10, 1965; 8:46 a.m.]

[Docket No. CP65-374]

EL PASO NATURAL GAS CO.

Notice of Application

JUNE 4, 1965.

Take notice that on May 27, 1965, El Paso Natural Gas Co. (Applicant), Post Office Box 1492, El Paso, Tex., 79999, filed in Docket No. CP65-374 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of certain facilities and the sale and delivery of natural gas to Cascade Natural Gas Corp. (Cascade), for resale in the community of Quincy, Wash., and environs, all as more fully set forth in the application on file with the Commission and open to public inspection.

Applicant proposes to construct and operate in Chelan County, Wash., a meter station, approximately 2.6 miles of 4½-inch O.D. lateral pipeline and appurtenances extending from a point of connection with Applicant's 8⅝-inch O.D. Northwest Division Wenatchee Lateral in a southeasterly direction to a point of connection with facilities proposed to be constructed and operated by Cascade.

Cascade's estimated annual and maximum daily requirements during the third year of the proposed service will be 286,000 Mcf and 2,125 Mcf, respectively.

The total estimated cost of the facilities proposed to be constructed by Applicant is $66,000.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C., 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (157.10) on or before June 28, 1965.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no protest or petition to intervene is filed within the time required herein, and the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a protest or petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 65-6059; Filed, June 10, 1965; 8:46 a.m.]

[Docket No. CP65-376]

INDIANA NATURAL GAS CORP.

Notice of Application

JUNE 4, 1965.

Take notice that on May 27, 1965, Indiana Natural Gas Corp. (Applicant), Paoli, Ind., filed in Docket No. CP65-376 an application pursuant to section 7(a) of the Natural Gas Act for an order of the Commission directing Texas Gas Transmission Corp. (Texas Gas), to establish a physical connection of its natural gas transmission facilities with facilities to be constructed by Applicant and to supply natural gas for resale by Applicant in the Towns of English, Marengo, and Milltown, Ind., and vicinity, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant requests that Texas Gas be directed to install metering and regulating facilities at the proposed point of connection in Crawford County, Ind., and to deliver up to 1,370 Mcf per day through such connection. Applicant will construct additional transmission facilities and distribution facilities to provide the proposed service.

The total estimated volumes of natural gas involved to meet Applicant's annual- and peak-day requirements for the initial 3-year period of proposed operations are stated to be:

	First year	Second year	Third year
Annual (Mcf)	50,375	79,025	100,450
Peak day (Mcf)	1,025	1,225	1,370

The estimated cost of the facilities to be constructed by Applicant through the third year is $309,842, which will be financed from the sale of common stock and bonds.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C., 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before June 28, 1965.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 65-6061; Filed, June 10, 1965; 8:46 a.m.]

[Docket No. CP65-383]

MICHIGAN GAS STORAGE CO.

Notice of Application

JUNE 7, 1965.

Take notice that on June 1, 1965, Michigan Gas Storage Co. (Applicant), 212 West Michigan Avenue, Jackson, Mich., filed in Docket No. CP65-383 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of a new interchange or delivery point with Consumers Power Co. (Consumers), at a point in Oakland County, Mich., and the transportation of natural gas for Consumers, all as more fully set forth in the application on file with the Commission and open to public inspection.

Consumers desires to use a larger amount of natural gas from its supply located in St. Clair and Macomb Counties, Mich. It therefore proposes to construct a 26-inch pipeline approximately 21 miles in length extending from its proposed St. Clair Compressor Station in Macomb County to a point of interconnection with Applicant's existing 20-inch pipeline in Oakland County.

The stated reason for the proposal is that a second pipeline connection from the St. Clair supply to the integrated systems of Applicant and Consumers is necessary to permit the distribution of an increased amount of the supply at the lowest possible cost as well as providing facilities to transport gas to Consumers' storage facilities in St. Clair County.

The application states that the entire cost of the new facilities will be paid for by Consumers. No new facilities will be constructed by Applicant.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C., 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (157.10) on or before July 1, 1965.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no protest or petition to intervene is filed within the time required herein, and the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a protest or petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 65-6062; Filed, June 10, 1965; 8:46 a.m.]

[Docket No. CP65-1 etc.]

NORTHERN NATURAL GAS CO. ET AL.

Order Postponing Hearing, Consolidating Proceedings, Setting Dates for Prehearing Conference and Commencement of Hearing, Prescribing Procedure, and Permitting Intervention

JUNE 4, 1965.

In the matter of Northern Natural Gas Co., Natural Gas Pipeline Co. of America, Transwestern Pipeline Co., Docket Nos. CP65-1, CP65-91, CP65-338, CP65-169, CP65-325, CP65-208, CP65-236, CP65-237, CP65-320.

By the Commission's orders issued March 16, 1965, and May 12, 1965, the proceedings in the cases listed in the caption hereof, except Docket Nos. CP65-320 and CP65-325, were consolidated for hearing and a hearing was set to commence on May 25, 1965.

On May 19, 1965, the presiding examiner issued an order postponing the date of hearing to June 8, 1965.

On April 16, 1965, notices of applications were issued under Docket Nos. CP 65-320 (30 F.R. 5770) and CP65-325 (30 F.R. 5806) permitting the filing of protests and petitions to intervene on or before May 10, 1965. Notices of intervention in both cases were timely filed by the Public Utilities Commission of the State of California, 5072 State Building, San Francisco, 94102.

Petitions to intervene were filed by the following petitioners:

	Docket Nos.	Filing date
Natural Gas Pipeline Co. of America, 122 South Michigan Ave., Chicago, Ill., 60603.	CP65-320	5-10-65
Peoples Gas Light & Coke Co., 122 South Michigan Ave., Chicago, Ill., 60603.	CP65-320, CP65-328	5- 4-65
North Shore Gas Co., 209 Madison St., Waukegan, Ill., 60085.	CP65-320, CP65-325	5- 5-65
Northern Illinois Gas Co., Post Office Box 190, Aurora, Ill., 60507.	CP65-320, CP65-325	5-10-65
Pacific Lighting Gas Supply Co., Southern California Gas Co., Southern Counties Gas Co. of California, Los Angeles.	CP65-320	5-10-65
Gulf Pacific Pipeline Co., Post Office Box 2511, Houston, Tex., 77001.	CP65-330	5-12-65

On March 29, 1965, Natural filed a motion to sever from the consolidated proceeding those portions of CP65–169 which are not involved in the controversy as to who should perform gathering activities in the Permian Basin. This motion was based upon the fact that Natural had agreed with Transwestern upon an interim gathering arrangement pending the ultimate determination as to whether it or Transwestern should perform the gathering function, and that this agreement (which is incorporated in Docket Nos. CP65–320 and CP65–325) obviated the need for any delay in considering the other facets of Natural's application. However, questions have arisen as to the propriety of the interim agreement, particularly the proposed price Natural would pay Transwestern for such services, and petitions for interventions in Docket Nos. CP65–320 and CP65–325 have been filed inter alia by the Public Utility Commission of the State of California and the Pacific Lighting companies. The latter petition to intervene expressly raises the question of the alleged effect the interim service proposed by Transwestern will have upon the ultimate cost, heating value and availability of gas purchased by Pacific Lighting companies from Transwestern.

Under these circumstances; it seems clear that a hearing is necessary on the applications involved in CP65–320 and CP65–325 and that CP65–169, which is dependent upon the Permian gas involved in CP65–320 and CP65–325, cannot be acted upon separately therefrom. Moreover, since the record in such proceeding may contain information relevant to determination of the other applications which have previously been designated for hearing, we do not think that severance and consideration in a separate hearing of CP65–320 and CP65–325, together with such portions in CP65–169 not involved in the gathering controversy, would be feasible. We do believe, however, that under the circumstances the public interest would be served by consolidating CP65–320 and CP65–325 with the other applications which have been previously set for hearing herein, and specifying that these applications, together with such portions of CP65–169 not involved in the gathering controversy, should be heard separately as Phase 1 of this consolidated proceeding.

The Commission finds:

(1) The applications under Docket Nos. CP65–320 and CP65–325 involve issues related to the issues presented by the applications under Docket Nos. CP65–1, et al., and the proper administration of the Natural Gas Act requires that further proceedings in all of said cases be consolidated except as hereinafter provided.

(2) Good cause exists to allow said petitioners listed above and also all interveners in the proceedings under Docket Nos. CP65–1, et al., to intervene in these consolidated proceedings in order that they may establish the facts and law from which the nature and validity of their alleged rights and interest may be determined and show what further action may be appropriate under the circumstances in the administration of the Natural Gas Act.

The Commission orders:

(A) The proceedings in the cases listed in the caption hereof are hereby consolidated, and a public hearing on the issues presented by the applications in said cases will be held in two phases. Phase 1 will embrace proceedings under Docket Nos. CP65–320 and CP65–325 and such portions of CP65–169 not involving the construction of gathering facilities in the Permian Basin, and Phase 2 will embrace proceedings under all of the other of said docket numbers.

(B) A prehearing conference on the issues presented by Phase 1 of this proceeding will be held in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D.C., commencing at 10 a.m. on June 25, 1965.

(C) Parties who intend to present evidence under Phase 1 of this proceeding shall file with the Commission and serve on all parties and the staff on or before June 25, 1965, the proposed evidence comprising their cases-in-chief in said cases, including prepared testimony of witnesses and exhibits. Dates for filing further testimony and exhibits will be fixed by the examiner.

(D) A public hearing on the issues presented by the appliactions comprising Phase 1 of the hearing in the consolidated proceedings, will be held in a hearing room of the Federal Power Commission commencing at 10 a.m. on July 12, 1965. The examiner is directed to expedite his decision in this phase of the proceeding.

(E) Phase 2 of the hearing which is now scheduled to comemnce on June 8, 1965, is hereby postponed to a date to be set by the Presiding Examiner.

(F) The petitioners named above, and also all parties heretofore permitted to intervene in the proceedings under Docket Nos. CP65–1, et al., are hereby permitted to intervene in these consolidated proceedings subject to the rules and regulations of the Commission; provided, however, that their participation shall be limited to matters affecting rights and interests expressly asserted in their petitions to intervene; and provided further, that permission to intervene shall not be construed as recognition by the Commission that any intervener might be aggrieved by any order entered in these proceedings.

By the Commission.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F.R. Doc. 65-6063; Filed, June 10, 1965; 8:46 a.m.]

[Docket Nos. CP65-213—CP65-215]

PACIFIC GAS TRANSMISSION CO.

Order Granting Interventions, etc.; Correction

JUNE 1, 1965.

In the Order Granting Interventions and Fixing Dates for The Filing of Exhibits and For Prehearing Conference, issued May 25, 1965 and published in the FEDERAL REGISTER, June 1965 (F.R. Doc. 65–5687; 30 F.R. 7303), add the following to the list of Petitions seeking leave to intervene:

Petitioner:	*Date of filing*
State of Texas	Feb. 16, 1965

JOSEPH H. GUTRIDE, *Secretary.*

[F.R. Doc. 65-6064; Filed, June 10, 1965; 8:46 a.m.]

[Docket No. RI65-632]

SHELL OIL CO. ET AL.

Order Providing for Hearing on and Suspension of Proposed Change in Rate

JUNE 7, 1965.

On May 14, 1965, Shell Oil Co. (Operator), et al. (Shell),[1] tendered for filing a proposed change in their presently effective rate schedule for sales of natural gas subject to the jurisdiction of the Commission. The proposed change, which constitutes an increased rate and charge, is contained in the following designated filing:

Description: Notice of Change, dated May 12, 1965.
Purchaser and producing area: El Paso Natural Gas Co. (Clear Lake and Madison Fields, Beaver County, Okla.) (Panhandle Area).
Rate schedule designation: Supplement No. 13 to Shell's FPC Gas Rate Schedule No. 230.
Effective date: July 1, 1965.[2]
Amount of annual increase: $168,706.
Effective rate: 17.0 cents per Mcf.[3][4]
Proposed rate: 19.5 cents per Mcf.[4][5]
Pressure base: 14.65 p.s.i.a.

Shell proposes a periodic increase in base rate from 17.0 cents to a "fractured" rate of 19.5 cents per Mcf. In addition, in accordance with the Commission's Opinion Nos. 390 and 390–A which certificated the subject sale, the rate is subject to adjustment for liquified hydrocarbons or upward B.t.u. adjustment depending on whether the gas is processed. The proposed rate, being lower than the contractually authorized rate, is considered to be a "fractured" rate. Shell proposes an effective date of July 1, 1965, the date the contractual rate escalates to 23.0 cents per Mcf, for their proposed rate filing. The 19.5 cents per Mcf rate, plus an adjustment for liquified hydrocarbons or upward B.t.u. adjustment if the gas is processed, exceeds the applicable area price level for increased rates as set forth in the Commission's Statement of General Policy No. 61–1, as amended (18 CFR Ch. I, Part 2, § 2.56), and is suspended as hereinafter ordered.

The proposed changed rate and charge may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the proposed change, and that Supplement No. 13 to Shell's FPC Gas Rate Schedule No. 230 be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), a public hearing shall be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed increased rate and charge contained in Supplement No. 13 to Shell's FPC Gas Rate Schedule No. 230.

(B) Pending such hearing and decision thereon, Supplement No. 13 to Shell's FPC Gas Rate Schedule No. 230 is hereby suspended and the use thereof deferred until December 1, 1965, and thereafter until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

(C) Neither the supplement hereby suspended, nor the rate schedule sought to be altered thereby, shall be changed until this proceeding has been disposed of or until the period of suspension has expired, unless otherwise ordered by the Commission.

(D) Notices of intervention or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C., 20426, in accordance with the rules of practice and procedure (18 CFR 1.8, 1.37(f)) on or before July 28, 1965.

By the Commission.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F.R. Doc. 65-6065; Filed, June 10, 1965; 8:46 a.m.]

[1] Address is: 50 West 50th Street, New York 20, N.Y.

[2] The stated effective date is the effective date requested by Respondent.

[3] Initial certificated rate in Docket No. G–17888 under Opinion Nos. 390 and 390–A.

[4] Rate shown is base rate subject to an upward B.t.u. adjustment to a maximum of 0.95 cents per Mcf or a payment for liquid hydrocarbons. Rate shown does not include adjustments.

[5] Fractured rate increase. (Contractual due rate is 23.0 cents per Mcf due on July 1, 1965.)

[Docket No. CP65-381]

TENNESSEE GAS TRANSMISSION CO.

Notice of Application

JUNE 7, 1965.

Take notice that on May 28, 1965, Tennessee Gas Transmission Co. (Applicant), Post Office Box 2511, Houston, Tex., 77001, filed in Docket No. CP65–381 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing natural gas service to the cities of New Albany and Pontotoc, Miss., under separate gas sales contracts, all as more fully set forth in the application on file with the Commission and open to public inspection.

Applicant states that it has served the cities under one service agreement since 1951. Pursuant to the request of the cities that they be treated as two separate customers, Applicant entered into separate gas sales contracts with each, allocating the authorized maximum daily quantity of 5,823 Mcf between the two contracts in accordance with the election of the cities. Such allocation resulted in 4,039 Mcf per day being assigned to New Albany and 1,784 Mcf per day being assigned to Pontotoc. Applicant now seeks authority to make the separate sales.

The application states that no increased quantities of natural gas nor any additional facilities will be required to effectuate Applicant's proposal.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C., 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (157.10) on or before June 30, 1965.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no protest or petition to intervene is filed within the time required herein, and the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a protest or petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

JOSEPH H. GUTRIDE, *Secretary.*

[F.R. Doc. 65-6066; Filed, June 10, 1965; 8:47 a.m.]

[Docket No. CP65-375]

TOWN OF WEIR, MISS.

Notice of Application

JUNE 3, 1965.

Take notice that on May 27, 1965, the Town of Weir, Miss. (Applicant), filed in Docket No. CP65–375 an application pursuant to section 7(a) of the Natural Gas Act for an order of the Commission directing Texas Eastern Transmission Corp. (Texas Eastern) to establish physical connection of its natural gas transmission facilities with the facilities proposed to be constructed by Applicant, and to sell and deliver natural gas to Applicant for resale and distribution in its town limits and the vicinity thereof, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant requests that Texas Eastern be directed to install a metering and regulator station in Choctaw County, Miss., at a point approximately 1 mile south of Applicant's town limits where Applicant's proposed distribution system will be connected, and to sell up to 191 Mcf per day through the point of connection.

The total estimated volumes of natural gas involved to meet Applicant's annual and peak day requirements for the initial three year period of proposed operations are stated to be:

	First year	Second year	Third year
Annual (Mcf)	11,280	13,513	15,754
Peak day (Mcf)	136	163	191

The total estimated cost of the installation of Applicant's proposed distribution system is $95,000, which is to be financed from the sale of gas revenue bonds.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C., 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before June 28, 1965.

JOSEPH H. GUTRIDE, *Secretary.*

[F.R. Doc. 65-6067; Filed, June 10, 1965; 8:47 a.m.]

[Docket No. CP65-380]

WESTERN INDIANA PUBLIC SERVICE CO., INC.

Notice of Application

JUNE 4, 1965.

Take notice that on May 28, 1965, Western Indiana Public Service Co., Inc. (Applicant), 524 15th Street, Moline, Ill., filed in Docket No. CP65–380 an application pursuant to section 7(a) of the Natural Gas Act for an order of the Commission directing Panhandle Eastern Pipe Line Co. (Panhandle) to establish

physical connection of its natural gas

to acquire 82½ percent of the shares of

physical connection of its natural gas transmission facilities with the facilities proposed to be constructed by Applicant, and to sell and deliver natural gas to Applicant for resale and distribution in a service area which includes Bloomingdale, Marshall, Kingman, Veedersburg, Hillsboro, Covington, and Waynetown, Ind., all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes to construct and operate distribution facilities to serve the seven communities, including the adjacent areas, and to construct and operate approximately 44.7 miles of lateral transmission lines extending from the proposed point of interconnection with Panhandle's main transmission line north of Rockville, Parke County, Ind., to the city gate of each community proposed to be served. Applicant seeks the connection and the sale and delivery by Panhandle to Applicant of up to 5,530 Mcf of natural gas per day for resale in the proposed service area.

The total estimated volumes of natural gas involved to meet Applicant's annual and peak day requirements for the initial 3 year period of proposed operations are estimated to be:

	First year	Second year	Third year
Annual (Mcf).....	276,327	541,234	627,471
Peak day (Mcf)..	3,120	4,524	5,530

The total estimated cost of Applicant's proposed distribution system and lateral is $1,750,000, which is to be financed from the sale of first mortgage bonds and common stock.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C., 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before June 30, 1965.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 65-6068; Filed, June 10, 1965; 8:47 a.m.]

FEDERAL RESERVE SYSTEM

MID-CONTINENT BANCORPORATION

Notice of Application for Approval of Acquisition of Shares of Banks

Notice is hereby given that an application has been received by the Board of Governors of the Federal Reserve System, on behalf of Mid-Continent Bancorporation, Leadville, Colo., pursuant to section 3(a)(1) of the Bank Holding Company Act of 1956 (12 U.S.C. 1842(a)(1)), for prior approval to become a bank holding company through the acquisition of 92½ percent of the shares of First National Bank in Walsenburg, Walsenburg, Colo., and 91.6 percent of the shares of Commercial Bank of Leadville, Leadville, Colo. This application supersedes the application originally filed by Mid-Continent Financial Corp., Leadville, Colo., which owns the above-mentioned percentage of shares of Commercial Bank of Leadville and proposed to acquire 92½ percent of the shares of First National Bank in Walsenburg. Notice of the latter application was published in the FEDERAL REGISTER on April 23, 1965, at page 5769.

In determining whether to approve this application, the Board is required by said Act to take into consideration the following factors: (1) The financial history and condition of the company and the bank concerned; (2) their prospects; (3) the character of their management; (4) the convenience, needs, and welfare of the communities and the area concerned; and (5) whether or not the effect of such acquisition would be to expand the size or extent of the bank holding company system involved beyond limits consistent with adequate and sound banking, the public interest, and the preservation of competition in the field of banking.

Not later than thirty (30) days after the publication of this notice in the FEDERAL REGISTER, comments and views regarding the proposed acquisition may be filed with the Board. Communications should be addressed to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C., 20551.

Dated at Washington, D.C., this 3d day of June 1965.

By order of the Board of Governors.

[SEAL] MERRITT SHERMAN,
Secretary.

[F.R. Doc. 65-6042; Filed, June 10, 1965; 8:45 a.m.]

RIVERSIDE TRUST CO.

Order Approving Merger of Banks

In the matter of the application of Riverside Trust Co. for approval of merger with Bristol Bank and Trust Co.

There has come before the Board of Governors, pursuant to the bank Merger Act of 1960 (12 U.S.C. 1828(c)), an application by Riverside Trust Co., Hartford, Conn., a State member bank of the Federal Reserve System, for the Board's prior approval of the merger of that bank and Bristol Bank and Trust Co., Bristol, Conn., under the charter of the former and title of United Bank & Trust Co. As an incident to the merger, the five authorized offices of Bristol Bank and Trust Co. would become branches of the resulting bank. Notice of the proposed merger, in form approved by the Board, has been published pursuant to said Act.

Upon consideration of all relevant material in the light of the factors set forth in said Act, including reports furnished by the Comptroller of the Currency, the Federal Deposit Insurance Corporation, and the Attorney General on the competitive factors involved in the proposed merger,

It is hereby ordered, For the reasons set forth in the Board's Statement [1] of this date, that said application be and hereby is approved: *Provided*, That said merger shall not be consummated (a) within 7 calendar days after the date of this Order or (b) later than 3 months after said date.

Dated at Washington, D.C., this 4th day of June 1965.

By order of the Board of Governors.[2]

[SEAL] MERRITT SHERMAN,
Secretary.

[F.R. Doc. 65-6043; Filed, June 10, 1965; 8:45 a.m.]

[1] Filed as part of the original document. Copies available upon request to the Board of Governors of the Federal Reserve System, Washington, D.C., 20551, or to the Federal Reserve Bank of Boston. Dissenting Statement of Governor Maisel also filed as part of the original document and available upon request.

[2] Voting for this action: Chairman Martin, and Governors Balderston, Robertson, Shepardson, Mitchell, and Daane. Voting against this action: Governor Maisel.

SECURITIES AND EXCHANGE COMMISSION

[812-1784]

BUSINESS FUNDS, INC.

Notice of Filing of Application

JUNE 7, 1965.

Notice is hereby given that Business Funds, Inc. ("Applicant"), 824 Bettes Building, Houston, Tex., a closed-end investment company registered under the Investment Company Act of 1940 ("Act") and also a small business investment company licensed as such under the Small Business Investment Act of 1958, has filed an application pursuant to section 17(d) of the Act and Rule 17d-1 thereunder. Applicant seeks an order of the Commission permitting certain affiliated persons of Applicant to acquire shares of common stock of Western Equities, Inc. ("Western") pursuant to a distribution by Applicant to its shareholders of all of its holdings of the common stock of Western. All interested persons are referred to the application on file with the Commission for a statement of the facts which are summarized below.

Western, which is principally engaged in the business of manufacturing and selling geophysical, timing, and optical devices, and in the mining of uranium, had outstanding at December 31, 1964, 3,506,832 shares of common stock all of which were listed for trading on the American Stock Exchange. Applicant owns 567,175 shares, or 16.22 percent of the outstanding common stock of Western. In addition, Applicant owns 2,805 shares of Western $100 par value preferred stock, and two promissory notes of Western, due January 1, 1969, with an aggregate principal amount of $3,304,375. Under the loan agreements with respect to the notes of Western, Applicant has the right to designate 4 nominees for election to Western's board of directors consisting of 13 members.

Applicant proposes to distribute pro rata to its shareholders of record on April 30, 1965, all its holdings of 567,175 shares of Western common stock on the basis of one share of Western common stock for each three shares of Applicant's common stock. Fractional shares of Western common stock will not be distributed, and, in lieu thereof, the shares not distributed will be sold and the cash distributed to Applicant's shareholders entitled thereto.

Fourteen of the 16 directors comprising the board of directors of Applicant own in the aggregate 22.77 percent of the outstanding stock of Applicant. John F. Austin, Jr. ("Austin"), chairman of the board of Applicant, owns 274,450 shares, or 15.91 percent of the Applicant's stock outstanding.

Upon completion of the proposed distribution, the 14 directors of Applicant will own in the aggregate 3.75 percent of the outstanding common stock of Western; Austin will own 2.62 percent of the outstanding stock of Western; and Applicant will continue to own the $3,304,375 principal amount of Western notes and the 2,805 shares of Western $100 par value preferred stock.

Applicant states that within thirty days after an order of the Commission granting the application, all cross-directorships between the boards of directors of Western and Applicant will be eliminated, except that Applicant may, at its option, retain one director of Applicant on the Western board of directors, but only if and so long as that director owns no Western stock. In addition, Applicant agrees that, so long as it is the owner of the Western notes referred to above, or any renewal or extension thereof, or any other indebtedness of Western to Applicant: (a) Austin will not participate in the discussion or decision at any executive committee or board of directors meeting of Applicant with regard to any matter relating to such notes or debts or to any matters involving Western; and (b) all directors or other affiliated persons of Applicant who, subsequent to an order of the Commission granting the application, elect to dispose of any Western stock now owned or hereafter acquired by them, will notify the Commission at least 20 days in advance of the proposed disposition, giving details of the proposed disposition; if, within such 20 day period, the Commission notifies such person at the address designated in the notice to the Commission or notifies counsel for Applicant in this proceeding that it has determined that a substantial question exists as to whether or not such proposed sale meets the standards of section 17(d) of the Act, and Rule 17d-1 thereunder, such person will not consummate the proposed disposition of Western stock until he has filed an application with the Commission pursuant to section 17(d) of the Act and Rule 17d-1 thereunder and the Commission has entered an order approving the application.

Section 17(d) of the Act and Rule 17d-1 thereunder, taken together, provide, among other things, that it shall be unlawful, with certain exceptions not here applicable, for an affiliated person of a registered investment company or any affiliated person of such a person, acting as principal, to participate in, or effect, any transaction in connection with any joint enterprise or arrangement in which any such registered company, or a company controlled by such registered company, is a participant unless an application regarding such arrangement has been granted by the Commission, and that in passing upon such an application, the Commission will consider whether the participation of such registered or controlled company in such arrangement is consistent with the provisions, policies, and purposes of the Act and the extent to which such participation is on a basis different from or less advantageous than that of other participants.

Notice is further given that any interested person may, not later than June 21, 1965, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C., 20549. A copy of such request shall be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon Business Funds, Inc. at the address stated above. Proof of such service (by affidavit or in case of an attorney-at-law by certificate) shall be filed contemporaneously with the request. At any time after said date as provided by Rule 0-5 of the rules and regulations promulgated under the Act, an order disposing of the matter herein may be issued by the Commission upon the basis of the information stated in the application, unless an order for hearing upon said proposal shall be issued upon request or upon the Commission's own motion.

It is ordered, That the Secretary of the Commission shall send a copy of this notice by certified mail to the Director, Office of Investment Assistance, Small Business Administration, Washington, D.C., 20416.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 65-6053; Filed, June 10, 1965; 8:46 a.m.]

SMALL BUSINESS ADMINISTRATION

[Declaration of Disaster Area 581]

ILLINOIS

Declaration of Disaster Area

Whereas, it has been reported that during the month of May 1965, because of the effects of certain disasters, damage resulted to residences and business property located in Cook and Du Page Counties in the State of Illinois;

Whereas, the Small Business Administration has investigated and has received other reports of investigations of conditions in the areas affected;

Whereas, after reading and evaluating reports of such conditions, I find that the conditions in such areas constitute a catastrophe within the purview of the Small Business Act, as amended.

Now, therefore, as Executive Administrator of the Small Business Administration, I hereby determine that:

1. Applications for disaster loans under the provisions of section 7(b)(1) of the Small Business Act, as amended, may be received and considered by the offices below indicated from persons or firms whose property, situated in the aforesaid counties and areas adjacent thereto, suffered damage or destruction resulting from tornadoes and accompanying conditions occurring on or about May 25 and 26, 1965.

OFFICE

Small Business Administration Regional Office,
219 South Dearborn Street,
Chicago, Ill., 60604.

2. Temporary offices will be established as are necessary, addresses to be announced locally.

3. Applications for disaster loans under the authority of this Declaration will not be accepted subsequent to November 30, 1965.

Dated: May 28, 1965.

ROSS D. DAVIS,
Executive Administrator.

[F.R. Doc. 65-6045; Filed, June 10, 1965; 8:45 a.m.]

[Delegation of Authority No. 30—Indianapolis, Ind.—Disaster 1, Amdt. 1]

MANAGER, DISASTER FIELD OFFICE, KOKOMO, IND.

Delegation of Authority

I. Pursuant to the authority delegated to the Regional Director by Delegation of Authority No. 30—(Chicago) (30 F.R. 3252), Delegation of Authority No. 30—Indianapolis, Ind.—Disaster 1, effective May 11, 1965 (30 F.R. 7025), is hereby amended by revising Item I.A.1 to read as follows:

I. • • •

A. *Financial assistance.* 1. To approve and decline disaster loans in an amount not exceeding $20,000.

• • • • • • •

Effective date: May 17, 1965.

ROBERT V. HINSHAW,
Regional Director,
Indianapolis, Ind.

[F.R. Doc. 65-6046; Filed, June 10, 1965; 8:45 a.m.]

[Delegation of Authority No. 30—Madison, Wis., Region]

PROGRAM ACTIVITIES IN REGIONAL AREA

Delegation of Authority

I. Pursuant to the authority delegated to the Regional Director by Delegation of Authority No. 30—Midwestern Area, Chicago, Ill., 30 F.R. 3252, the following authority is hereby redelegated to the specific positions as indicated herein:

A. *Size determinations (Delegated to the positions as indicated below).* To

make initial size determinations in all cases within the meaning of the Small Business Size Standards Regulations, as amended, and further, to make product classification decisions for financial assistance purposes only. Product classification decisions for procurement purposes are made by contracting officers.

B. *Eligibility determinations (Delegated to the positions as indicated below).* To determine eligibility of applicants for assistance under any program of the Agency in accordance with Small Business Administration standards and policies.

C. *Chief, Financial Assistance Division (and Assistant Chief, if assigned).* 1. Item I.A. (Size Determinations for Financial Assistance only).

2. Item I.B. (Eligibility Determinations for Financial Assistance only).

3. To approve the following:

a. Direct loans not exceeding $100,000.

b. Participation loans not exceeding $250,000 (SBA share).

c. Simplified bank participation loans not exceeding $350,000 (SBA share).

d. Simplified early maturities participation loans not exceeding $350,000 (SBA share).

e. Direct disaster loans not exceeding $350,000.

f. Participation disaster loans not exceeding $350,000 (SBA share).

4. To decline as follows:

a. Business loans not exceeding $250,000 (SBA share).

b. Disaster loans not exceeding $350,000 (SBA share).

5. To disburse unsecured disaster loans.

6. To enter into business and disaster loan participation agreements with banks.

7. To execute loan authorizations for Washington approved loans and for loans approved under delegated authority, said execution to read as follows:

(Name) *Administrator,*

By_____

Chief, Financial Assistance Division.

8. To cancel, reinstate, modify and amend authorizations for business or disaster loans.

9. To extend the disbursement period on all loan authorizations or undisbursed portions of loans.

10. To approve, when requested, in advance of disbursement, conformed copies of notes and other closing documents; and to certify to the participating bank that such documents are in compliance with the participation authorization.

11. To approve service charges by participating bank not to exceed 2 percent per annum on the outstanding balance on construction loans and loans involving account receivable and inventory financing.

12. To take all necessary actions in connection with the administration, servicing, and collection of all loans and other obligations or assets, and to do and perform and to assent to the doing and performance of, all and every act and thing requisite and proper to effectuate the granted powers, including without limiting the generality of the foregoing:

a. The assignment, endorsement, transfer, and delivery (but in all cases without representation, recourse, or warranty) of notes, claims, bonds, debentures, mortgages, deeds of trust, contracts, patents, and applications therefor, licenses, certificates of stock and of deposit, and any other liens, powers, rights, charges on and interest in, or to property of any kind, legal and equitable, now or hereafter held by the Small Business Administration or its Administrator;

b. The execution and delivery of contracts of sale or of lease or sublease, quitclaim, bargain and sale or special warranty deeds, bills of sale, leases, subleases, assignments, subordinations, releases (in whole or in part) of liens, satisfaction pieces, affidavits, proofs of claim in bankruptcy or other estates and such other instruments in writing as may be appropriate and necessary to effectuate the foregoing.

c. The approval of bank applications for use of liquidity privilege under the loan guaranty plan.

D. *Chief, Loan Processing and Administration Section.* 1. To approve amendments and modifications of loan conditions for loans that have been fully disbursed.

2. Items I.C.3. and 4.

3. Items I.C.6. through 10.

4. Item I.C.12.—only the authority for servicing, administration, and collection, including subitems a. and b.

5. Item I.A. (Size Determinations for Financial Assistance only.)

6. Item I.B. (Eligibility Determinations for Financial Assistance only.)

E. *Reserved.*

F. *Reserved.*

G. *Reserved.*

H. Procurement and Management Assistance Division—to be redelegated later.

I. *Regional Counsel.* To disburse approved loans.

J. *Administrative Assistant.* 1. To a. Make emergency purchases chargeable to the Administrative expense fund, not in excess of $25 in any one object class in any one instance but not more than $50 in any 1 month for total purchased in all object classes and

b. Make purchases not in excess of $10 in any one instance for "one-time use items" not carried in stock subject to the total limitations set forth in (a) of this paragraph;

c. To contract for the repair and maintenance of equipment and furnishings in an amount not to exceed $25 in any one instance and

d. Purchase printing from the General Services Administration where centralized reproduction facilities have been established by GSA.

2. In connection with the establishment of Disaster Loan Offices, to

a. Obligate Small Business Administration to reimburse General Services Administration for rental of office space;

b. Rent office equipment;

c. Procure (without dollar limitation) emergency supplies and materials.

3. To rent motor vehicles from the General Services Administration and to rent garage space for the storage of such vehicles when not furnished by this administration.

II. The authority delegated herein cannot be redelegated.

III. The authority delegated herein to a specific position may be exercised by any SBA employee designated as Acting in that position.

IV. All previously delegated authority is hereby rescinded without prejudice to actions taken under such Delegations of Authority prior to the date hereof.

Effective date: February 1, 1965.

LAWRENCE J. HAYES,
Regional Director,
Madison, Wis.

[F.R. Doc. 65-6047; Filed, June 10, 1965; 8:45 a.m.]

CUMULATIVE LIST OF CFR PARTS AFFECTED—JUNE

The following numerical guide is a list of the parts of each title of the Code of Federal Regulations affected by documents published to date during June.

3 CFR — Page

EXECUTIVE ORDERS:
7655 (revoked in part by PLO 3661) — 7521
11227 — 7369

5 CFR
213 — 7271, 7311, 7425, 7426, 7473, 7515, 7557, 7595.
630 — 7557

7 CFR
16 — 7426
28 — 7426
29 — 7385
30 — 7385
34 — 7385
51 — 7595
160 — 7385
718 — 7427
722 — 7271, 7385
726 — 7434
730 — 7272
750 — 7311
775 — 7515
845 — 7273
908 — 7311, 7435
909 — 7273
910 — 7435
915 — 7436
917 — 7473–7475
944 — 7436
958 — 7596
970 — 7274
1421 — 7475
PROPOSED RULES:
29 — 7494
51 — 7396
52 — 7524
911 — 7501
915 — 7501
916 — 7284
1133 — 7284
1138 — 7288

8 CFR
103 — 7516
264 — 7312

9 CFR
51 — 7596
74 — 7274
201 — 7275
PROPOSED RULES:
94 — 7445
101 — 7608
103 — 7608

10 CFR
PROPOSED RULES:
150 — 7445

12 CFR
1 — 7371
17 — 7275
PROPOSED RULES:
545 — 7316

13 CFR
107 — 7597

14 CFR
39 — 7275, 7371, 7372
71 — 7276, 7312, 7372, 7373, 7517, 7557, 7558, 7598.
97 — 7374, 7598
141 — 7517
151 — 7484
221 — 7558
PROPOSED RULES:
39 — 7573
61 — 7292
71 — 7316, 7396, 7502, 7503, 7524, 7525, 7573, 7612, 7613.
73 — 7503

17 CFR
240 — 7276
249 — 7566, 7568

18 CFR
8 — 7313
157 — 7280

19 CFR
1 — 7569
4 — 7598

21 CFR
8 — 7484
20 — 7280
27 — 7484
120 — 7280, 7385, 7485, 7569
121 — 7280, 7386, 7486–7487, 7518, 7519, 7570, 7599.
141d — 7487
146d — 7487
PROPOSED RULES:
20 — 7292
121 — 7501

22 CFR
204 — 7571

24 CFR
203 — 7599

25 CFR
1 — 7520

26 CFR
1 — 7281
PROPOSED RULES:
1 — 7493

28 CFR
0 — 7599
16 — 7488
42 — 7386

29 CFR
PROPOSED RULES:
1504 — 7608

32 CFR
1001 — 7389

33 CFR
124 — 7314

38 CFR
1 — 7389
3 — 7390, 7489
36 — 7521

39 CFR
15 — 7390
16 — 7390
22 — 7391
23 — 7391
24 — 7391
25 — 7391
43 — 7392
45 — 7392
46 — 7394

41 CFR
5B–2 — 7436
8–1 — 7437
8–2 — 7437, 7599
8–3 — 7599
8–7 — 7600
8–14 — 7600
8–15 — 7601
8–16 — 7602
8–75 — 7602
8–95 — 7603
101–38 — 7489

42 CFR
57 — 7394, 7395

43 CFR
18 — 7394
2230 — 7605
3540 — 7606
4110 — 7606
PUBLIC LAND ORDERS:
3661 — 7521
3662 — 7606

45 CFR
60 — 7371

46 CFR
146 — 7437
221 — 7490
527 — 7490
PROPOSED RULES:
248 — 7291
533 — 7574

47 CFR
0 — 7521
1 — 7419
73 — 7314
89 — 7522
PROPOSED RULES:
1 — 7446
17 — 7446
73 — 7446, 7525

49 CFR
72 — 7420
73 — 7420
74 — 7423
77 — 7423
78 — 7423
79 — 7425
95 — 7522
192 — 7491
193 — 7522

50 CFR
3 — 7315
10 — 7571
32 — 7523
33 — 7282, 7572
253 — 7607
260 — 7282
262 — 7444
266 — 7282

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Agencies in this issue—

Agricultural Stabilization and Conservation Service
Atomic Energy Commission
Civil Aeronautics Board
Civil Service Commission
Consumer and Marketing Service
Federal Aviation Agency
Federal Communications Commission
Federal Maritime Commission
Federal Power Commission
Federal Trade Commission
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Contents

AGRICULTURAL STABILIZATION AND CONSERVATION SERVICE

Rules and Regulations

Tobacco acreage allotment, 1963–64 and subsequent marketing years; lease and transfer 7646

AGRICULTURE DEPARTMENT

See Agricultural Stabilization and Conservation Service; Consumer and Marketing Service.

ATOMIC ENERGY COMMISSION

Proposed Rule Making

Computation of quantities of special nuclear material in agreement states for purposes of exemption 7662

Notices

Aerojet-General Nucleonics; proposed issuance of facility license 7674

CIVIL AERONAUTICS BOARD

Notices

Hearings, etc.:

Chicago Helicopter Airways, Inc 7677
Dean Van Lines, Inc., et al 7675
New York-Florida renewal case 7678
San Francisco & Oakland Helicopter Airlines, Inc., et al 7676

CIVIL SERVICE COMMISSION

Rules and Regulations

Excepted service:

Army Department 7646
Defense Department 7646
Entire executive civil service 7645
Navy Department 7646
President's Committee on Consumer Interests 7646
Treasury Department 7645

CONSUMER AND MARKETING SERVICE

Rules and Regulations

Cherries, sweet, grown in designated counties in Washington; shipments limitation 7648
Fruit grown in Arizona and California; handling limitations:

Lemons 7647
Oranges, Valencia 7647

Limes grown in Florida; quality and size 7647
Packers and stockyards:

Monorail scales 7649
Packer scales 7649

Proposed Rule Making

Packers and stockyards; custodial funds 7662

FEDERAL AVIATION AGENCY

Rules and Regulations

Airborne distance measuring equipment operating within certain radio frequencies; technical standard order 7637
Airworthiness directives:

Boeing Models 707 and 720 Series aircraft 7638
Grumman Model G–159 aircraft 7638

Control zone, alteration; and designation of transition area 7639
IFR altitudes; miscellaneous amendments 7639

Proposed Rule Making

Airborne VOR receiving equipment; withdrawal of proposal 7663
Control zone, alteration; and designation of transition area 7663
Federal airways:

Alteration 7665
Alterations and designation 7664
Designation 7665
Realignment and revocation 7664
Revocations (2 documents) 7664, 7665

Transition area; designation 7666

FEDERAL COMMUNICATIONS COMMISSION

Proposed Rule Making

Expanded use of UHF television channels 7671
Field strength curves for FM and TV broadcast stations 7666
Table of assignments, FM broadcast stations 7673
Television network programs not made available to certain television stations 7666

Notices

Hearings, etc.:

Campbell and Sheftall and Fort Campbell Broadcasting Co 7676
Capital Broadcasting Corp. and Capital News, Inc 7679
Eastern Long Island Broadcasters, Inc., and Reunion Broadcasting Corp 7679
Fine Music Broadcasts, Inc., and Belk Broadcasting Company of Florida, Inc. (2 documents) 7680
Nebraska Rural Radio Association (KRVN) and Town & Farm Co., Inc. (KMMJ) 7680

FEDERAL MARITIME COMMISSION

Notices

Agreements filed for approval:

Farrell Lines, Inc., and Liberian National Shipping Lines, Inc 7682
Northern Pan America Line and Mitsui O.S.K. Lines, Ltd 7683

FEDERAL POWER COMMISSION

Notices

Hearings etc.:

Amerada Petroleum Corp 7683
Continental Oil Co. et al 7683
El Paso Natural Gas Co 7685
Sinclair Oil & Gas Co 7684
Tennessee Gas Transmission Co 7685
Texas Eastern Transmission Corp 7685

FEDERAL TRADE COMMISSION

Rules and Regulations

Prohibited trade practices:

Allied Stores Corp. et al 7652
City of Paris et al 7653
Credit and Investigation Bureau of Maryland and S. Bruce Elieson 7655
Federal Sweets & Biscuit Co., Inc 7655
Foremost Dairies, Inc 7655
John Surrey, Ltd., and Joseph Ross 7660
Margo's, Inc., et al 7657
Missouri College of Automation, Inc., and Marion Shreve 7658
Permanente Cement Co. and Glacier Sand & Gravel Co 7658
Universal Business Forms Co. and Verl G. Elya 7661

INTERIOR DEPARTMENT

See also Land Management Bureau.

Notices

Wapato-Satus Unit; authority delegation 7674

INTERSTATE COMMERCE COMMISSION

Notices

Finance applications 7687
Fourth section applications for relief 7686
Motor carrier:

Property or passengers; applications 7688
Transfer proceedings (2 documents) 7688

LAND MANAGEMENT BUREAU

Notices

Arizona; opening of public lands 7674
Alaska; proposed withdrawal and reservation of lands 7674

SECURITIES AND EXCHANGE COMMISSION

Notices

Selected American Shares, Inc.; hearing, etc 7686

SMALL BUSINESS ADMINISTRATION

Rules and Regulations

Investment companies; stock redemption privileges 7651

Notices

Midwestern Area; delegation of authority to conduct program activities in regional offices 7686

List of CFR Parts Affected

(Codification Guide)

The following numerical guide is a list of the parts of each title of the Code of Federal Regulations affected by documents published in today's issue. A cumulative list of parts affected, covering the current month to date, appears at the end of each issue beginning with the second issue of the month.

A cumulative guide is published separately at the end of each month. The guide lists the parts and sections affected by documents published since January 1, 1965, and specifies how they are affected.

5 CFR

213 (6 documents) 7645, 7646

7 CFR

724 7646
908 7647
910 7647
911 7647
923 7648

9 CFR

201 (2 documents) 7649

PROPOSED RULES:

201 7662

10 CFR

PROPOSED RULES:

150 7662

13 CFR

107 7651

14 CFR

37 7637
39 (2 documents) 7638
71 7639
95 7639

PROPOSED RULES:

37 7663
71 (8 documents) 7663–7666

16 CFR

13 (10 documents) 7652, 7653, 7655, 7657, 7658, 7660, 7661

47 CFR

PROPOSED RULES:

73 (4 documents) 7666, 7671, 7673

Rules and Regulations

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Agency

SUBCHAPTER C—AIRCRAFT

[Regulatory Docket No. 3065; Amdt. No. 37–1; TSO C66a]

PART 37—TECHNICAL STANDARD ORDER AUTHORIZATIONS

Airborne Distance Measuring Equipment Operating Within Radio Frequency Range of 960–1215 Megacycles

The purpose of this amendment is to incorporate new environmental test procedures into the present standard for airborne distance measuring equipment and to specify the new categories which have been developed for the various environmental parameters. This action was published as a Notice of Proposed Rule Making and circulated as Federal Aviation Agency Notice No. 64–5 (29 F.R. 615).

Interested persons have been given an opportunity to comment on this regulation and due consideration has been given to all relevant matter presented. The majority of the comments received concerning Notice 64–5 expressed opposition to the proposal to change the applicability provision of the Technical Standard Order (TSO) to cover all civil aircraft. In response to such comments, and after further consideration, the Agency issued an amended notice (Notice No. 64–5B) deleting the reference to "and all other civil aircraft" in the proposed applicability provision. This action was taken (as explained in the preamble to Notice No. 64–5B) because the Agency recognized the need for less sophisticated equipment (i.e., low-cost, lightweight) for general aviation than that described in the proposed TSO and was planning to develop, with the cooperation of the industry, minimum performance standards specifically designed to meet the needs of DME equipment that is to be used in general aviation operations. In line with this last objective, the Agency has issued Notice 65–9 (Airborne Radio Navigation and Communication Equipment for General Aviation Aircraft, and Related Considerations, 1965–1975) which solicits the advice of the general aviation industry on (among other things) the formulation of minimum performance requirements for general aviation DME. Accordingly, the applicability statement in the revised TSO (TSO–C66a) restricts it to distance measuring equipment that is to be used on U.S. civil aircraft engaged in air carrier operations.

In addition, the comments clearly indicate the need for a further clarification with respect to the applicability of this, as well as other TSOs. As Part 37 (formerly Part 514) indicates, the minimum performance standards set forth in the TSOs are the standards with which a manufacturer must show compliance in order to identify his article with the applicable TSO marking. Technical Standard Orders are merely one system under which equipment may be approved. In meeting a regulatory requirement that a certain piece of equipment be "approved," an operator may use equipment that is "approved" by the FAA under any applicable system, unless the operating rule concerned specifically requires the use of equipment "approved" under the TSO system.

The marking requirement of the TSO has been changed to reflect the fact that the accuracy requirement for the DME is no longer based on altitude.

In addition to the foregoing changes to the provisions of the TSO, the performance standards set forth in the proposed FAA document entitled "Minimum Performance Standards for Airborne Distance Measuring Equipment Operating Within the Radio Frequency Range 960–1215 Megacycles" have also been changed in response to comments received. In this connection, the provisions of paragraph 1.5 of the Standard concerning the alarm signal have been changed to make it clear that a means must be provided to alert the flight crew when the equipment is no longer tracking a DME signal or is not operating in memory. The accuracy provisions set forth in paragraph 2.1 have been changed to remove the reference to altitude. Further studies have shown that an accuracy of ± 0.5 nautical mile or 3 percent of the distance, whichever is greater, is satisfactory for a DME regardless of the altitude at which the aircraft in which the equipment is installed, is operated. Several comments indicated that the interrogator power required under paragraph 2.7 is a function of the range rather than the altitude of the operation. The Agency agrees that the power output should be expressed as a function of the expected range of operation and that the interrogator peak output power should be limited. In this connection, paragraph 2.7a has been changed so that the output power of the interrogator at the peak of the weakest transmitter pulse must be at least 250 watts for equipment intended to be operated to a maximum range of 200 nautical miles and 50 watts for equipment intended to be operated to a maximum range of 100 nautical miles. Furthermore, the provisions of paragraph 2.7b have been revised to require that the output power of the interrogator at the peak of the weakest transmitter pulse must be within 1 db of the peak power of the strongest pulse and the Note following this paragraph has been deleted. Consistent with the foregoing changes, the references to altitude in subparagraphs a and b of paragraph 2.9 have been changed to the appropriate nautical miles.

Comments were also received concerning the searching speed for DME as set forth in paragraph 2.12. In response to such comments, the requirement has been changed to require that the total search cycle after warmup must not exceed 35 seconds. This change constitutes a relaxation of the proposal and is considered to be a more reasonable design requirement for equipment having various operational ranges.

Finally, a clarifying change has been made to the requirements concerning the antenna voltage standing wave ratio (VSWR) set forth in paragraph 2.18. The Agency is now aware that while the VSWR on an antenna transmission line might not exceed 5:1 over the radio frequency range for which the antenna is designed, it is possible that the radio frequency range for which an antenna is designed could be less than the DME frequency band. To take care of this possibility, the Standard has been changed to specifically require that the VSWR produced on the antenna transmission line by the antenna not exceed 5:1 over the entire DME frequency band.

In addition to the aforementioned changes, certain minor changes of an editorial nature have also been incorporated in the revised performance standards referenced in this TSO.

These amendments are issued under the authority of sections 313(a) and 601 of the Federal Aviation Act of 1958 (72 Stat. 752, 775; 49 U.S.C. 1354(a), 1421).

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (25 F.R. 6489), § 37.171 of Part 37 of the Federal Aviation Regulations (14 CFR Part 37) is amended as follows:

§ 37.171 Airborne distance measuring equipment (air carrier aircraft)—TSO–C66a.

(a) *Applicability.* This Technical Standard Order prescribes the minimum performance standards which airborne distance measuring equipment, to be used on U.S. civil aircraft engaged in air carrier operations, must meet in order to be identified with the applicable TSO marking. New models of such equipment which are to be so identified and which are manufactured on or after the effective date of this section shall meet the requirements set forth in the Federal Aviation Agency standard entitled "Minimum Performance Standards for Airborne Distance Measuring Equipment Operating Within the Radio Frequency Range 960–1215 Megacycles" [1] dated February 15, 1965, and Federal Aviation Agency document "Environmental Test Procedures for Airborne Electronic Equipment" dated August 31, 1962.[1]

[1] Copies may be obtained upon request addressed to: The Library Services Division, HQ–600, Federal Aviation Agency, Washington, D.C., 20553.

(b) *Marking.* (1) In addition to the marking specified in § 37.7, the equipment must be marked to indicate the environmental extremes over which it has been designed to operate. There are six environmental procedures outlined in the FAA document "Environmental Test Procedures for Airborne Electronic Equipment" which have categories established. These shall be identified on the nameplate by the words "Environmental Categories" or, as abbreviated, "Env. Cat.", followed by six letters which identify the categories designated in the FAA document. Reading from left to right, the category designations shall appear on the nameplate in the following order so that they may be readily identified—

(i) Temperature-Altitude Test Category;

(ii) Vibration Test Category;

(iii) Audio-Frequency Magnetic Field Susceptibility Category;

(iv) Radio-Frequency Susceptibility Category;

(v) Emission of Spurious Radio-Frequency Energy Test Category; and

(vi) Explosion Test Category.

(2) In some cases, such as under the temperature-altitude test category, a manufacturer may wish to substantiate his equipment under two categories. In this case, the nameplate must be marked with both categories in the space designated for that category by placing one letter above the other in the following manner: Env. Cat. $\frac{A}{D}$ BAAAX.

(3) Each separate component of equipment (antenna, indicator, etc.) shall be identified with at least the manufacturer's name, TSO number, and the environmental categories over which the equipment component is designed to operate.

(c) *Data requirements.* In accordance with § 37.5, the manufacturer must furnish to the Chief, Engineering and Manufacturing Branch, Flight Standards Division, Federal Aviation Agency, in the region in which the manufacturer is located, the following technical data:

(1) Manufacturer's operating instructions and equipment limitations.

(2) Installation procedures with applicable schematic drawings, wiring diagrams, and specifications. Indicate any limitations, restrictions, or other conditions pertinent to installation.

(3) One copy of the manufacturer's test report.

(d) *Previously approved equipment.* Airborne distance measuring equipment approved prior to the effective date of this section may continue to be manufactured and identified with the applicable TSO marking under the provisions of its original approval.

Effective date: September 10, 1965.

Issued in Washington, D.C., on June 8, 1965.

G. S. MOORE,
Director,
Flight Standards Service.

[F.R. Doc. 65-6111; Filed, June 11, 1965; 8:45 a.m.]

[Docket No. 6060; Amdt. 39-79]

PART 39—AIRWORTHINESS DIRECTIVES

Boeing Models 707 and 720 Series Aircraft

A proposal to amend Part 507 of the regulations of the Administrator to include an airworthiness directive requiring inspection and replacement of the nacelle strut attachment bolts with new attachment bolts on Boeing Models 707 and 720 Series aircraft was published in 29 F.R. 9675. Since the publication of that proposal, Part 507 has been recodified into Part 39 of the Federal Aviation Regulations effective November 20, 1964, therefore this amendment is being made to Part 39.

Interested persons have been afforded an opportunity to participate in the making of the amendment. One comment received requested that the AD be revised to permit ultrasonic inspection of pylon bolts not chrome plated in accordance with AD requirements until replaced at 12,000-hour base overhaul; that an initial and repetitive inspection program be required until replacement; and that chrome plated bolts be installed in accordance with the AD—not later than the next 12,000-hour base overhaul. The Agency does not agree. Service experience has indicated that the earlier cadmium plated, electroplated bolts, or bolts devoid of plating are not adequately protected against corrosion. The bolts become pitted from the corrosion and cracks originate in these pit holes. In view of the fact that corrosion adversely affects structural integrity, it is extremely important that these bolts continue to remain in an airworthy condition. Since no substantiation was presented to establish the effectiveness of an ultrasonic inspection with respect to the detection of corrosion, the ultrasonic inspection proposal has not been adopted. The bolt replacement interval has been increased from 11,500 to 12,000 hours' time in service to coincide with established 12,000-hour base overhaul periods.

Another comment objected to the need for bolt change within the 1,500-hour limits of the AD, since there have been only seven incidents of failed or cracked pylon bolts. The Agency does not concur with this since the 1,500-hour limit is applicable only to bolts with 10,500 or more hours' time in service.

In consideration of the foregoing and pursuant to the authority delegated to me by the Administrator (25 F.R. 6489), § 39.13 of Part 39 of the Federal Aviation Regulations is amended by adding the following new airworthiness directive:

BOEING. Applies to Models 707 and 720 Series aircraft. Compliance required as indicated.

Since the existing bolts attaching each nacelle strut to the wing may be either cadmium plated, electro-nickel-plated, or devoid of plating, and are not adequately protected against corrosion, bolt failures from stress corrosion have occurred. To correct this condition, accomplish the following:

(a) For bolts with 10,500 or more hours' time in service on the effective date of this AD, accomplish (c) within 1,500 hours' time in service after the effective date of this AD.

(b) For bolts with less than 10,500 hours' time in service on the effective date of this AD, accomplish (c) prior to the accumulation of 12,000 hours' time in service.

(c) Unless already accomplished, remove the nacelle attachment bolts and install new attachment bolts, Boeing P/N's 65-23413-1 through 65-23413-22, as applicable, or bolts reworked in accordance with Boeing Drawing No. 65-23413, or equivalent approved by the Chief, Aircraft Engineering Division, FAA Western Region, on inboard and outboard engine nacelles in accordance with Figure 1 of Boeing Service Bulletins Nos. 1416 and 1416A.

(d) Maintain a record of hours' time in service for the bolts in order to comply with this AD. If past records of bolt time in service are unavailable, bolt time in service prior to the effective date of this AD shall be considered equal to aircraft time in service.

(Boeing Service Bulletins Nos. 1416 and 1416A cover this same subject.)

This amendment becomes effective July 12, 1965.

(Secs. 313(a), 601, and 603, Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421, 1423))

Issued in Washington, D.C., on June 7, 1965.

C. W. WALKER,
Acting Director,
Flight Standards Service.

[F.R. Doc. 65-6108; Filed, June 11, 1965; 8:45 a.m.]

[Docket No. 6695; Amdt. 39-80]

PART 39—AIRWORTHINESS DIRECTIVES

Grumman Model G-159 Aircraft

There have been cracks in the nose gear trunnion on Grumman Model G-159 aircraft that could have resulted in a failure of the nose gear assembly. Since this condition is likely to exist or develop in other products of the same type design, an airworthiness directive is being issued to require repetitive inspection of the nose gear trunnion on these aircraft and replacement if cracks are found.

As a situation exists which demands immediate adoption of this regulation, it is found that notice and public procedure hereon are impracticable and good cause exists for making this amendment effective in less than 30 days.

In consideration of the foregoing and pursuant to the authority delegated to me by the Administrator (25 F.R. 6489), § 39.13 of Part 39 of the Federal Aviation Regulations is amended by adding the following new airworthiness directive:

GRUMMAN. Applies to Model G-159 aircraft equipped with Bendix nose gear strut assembly, P/N 172240 or 2870890.

To prevent failure of the nose gear trunnion, accomplish the following:

(a) Inspect the nose gear trunnion, Bendix P/N 171467 in accordance with paragraph (c) within the next 20 hours' time in service after the effective date of this AD unless replaced within the next 20 hours' time in service after the effective date of this AD, or unless already inspected within the last

20 hours' time in service, and thereafter at intervals not to exceed 100 hours' time in service from the last inspection.

(b) Within the next 20 hours' time in service after replacement of a nose gear trunnion, and thereafter at intervals not to exceed 100 hours' time in service from the last inspection, inspect the replacement trunnion in accordance with paragraph (c).

(c) Inspect the retract shaft attachment lugs on the nose gear trunnion forward flanges for cracks in the radii above and below the area where the retract shaft attachment lugs blend into the trunnion flanges, using the dye penetrant method with a 10 power or greater glass or an FAA-approved equivalent.

(d) Replace cracked trunnions with a trunnion of the same part number or an equivalent approved by the Chief, Engineering and Manufacturing Branch, FAA Eastern Region, before further flight except that the aircraft may be flown in accordance with the provisions of FAR 21.197, after approval by the Chief, Engineering and Manufacturing Branch, FAA Eastern Region, to a base where the repair can be made.

This amendment becomes effective June 12.

(Secs. 313(a), 601, and 603, Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421, and 1423))

Issued in Washington, D.C., on June 7, 1965.

C. W. WALKER,
Acting Director,
Flight Standards Service.

[F.R. Doc. 65-6109; Filed, June 11, 1965; 8:45 a.m.]

SUBCHAPTER E—AIRSPACE

[Airspace Docket No. 64-SO-44]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Control Zone and Designation of Transition Area

On April 10, 1965, a notice of proposed rule making was published in the FEDERAL REGISTER (30 F.R. 4680) stating that the Federal Aviation Agency proposed to alter the existing control zone and designate a transition area at Jackson, Miss.

Interested persons were afforded an opportunity to participate in the rule making through submission of comments. All comments received were favorable.

Subsequent to the publication of the notice, the instrument approach procedure to Bruce Campbell Field was realigned from the 141° radial to the 142° radial of the Jackson VORTAC. This would require a corresponding realignment of the proposed control zone extension and the part of the proposed 700-foot transition area for Bruce Campbell Field. Additionally, it was found that a 700-foot transition area extension was needed to protect the ADF approach on the Jackson radio beacon to Hawkins Field. Although this would require additional transition area designation 2 miles each side of a 008° True bearing from the Jackson radio beacon extending from the Hawkins Field 6-mile radius area to 8 miles north of the radio beacon, most of this additional designation is incorporated in the proposed control zone and transition area described in the notice. More accurate information on the location of the three airports has become available since the issuance of the notice. Since all of these changes are minor in nature and impose no additional burden on the public, they are incorporated in the final rule.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0001 e.s.t., August 19, 1965, as hereinafter set forth.

1. In § 71.171 (29 F.R. 17561) the Jackson, Miss., control zone is amended to read:

JACKSON, MISS.

Within a 5-mile radius of Allen C. Thompson Field (latitude 32°18'40" N., longitude 90°04'35" W.); within a 5-mile radius of Hawkins Field (latitude 32°20'10" N., longitude 90°13'15" W.); within a 5-mile radius of Bruce Campbell Field, Madison, Miss. (latitude 32°26'15" N., longitude 90°06'05" W.); within 2 miles each side of the Jackson VORTAC 195° radial extending from the Hawkins Field 5-mile radius zone to 1 mile S of the VORTAC; within 2 miles each side of the Jackson VORTAC 157° radial extending from the Allen C. Thompson Field 5-mile radius zone to 1 mile SE of the VORTAC and to 6 miles SE of the airport; within 2 miles each side of the Jackson VORTAC 142° radial extending from the Bruce Campbell Field 5-mile radius zone to 1 mile SE of the VORTAC and to 7.5 miles SE of the airport.

2. Section 71.181 (29 F.R. 17643) is amended by adding the following:

JACKSON, MISS.

That airspace extending upward from 700 feet above the surface within an 8-mile radius of Allen C. Thompson Field (latitude 32°18'40" N., longitude 90°04'35" W.); within a 6-mile radius of Hawkins Field (latitude 32°20'10" N., longitude 90°13'15" W.); within a 5-mile radius of Bruce Campbell Field, Madison, Miss. (latitude 32°26'15" N., longitude 90°06'05" W.); within 2 miles each side of the Jackson VORTAC 195° radial extending from the VORTAC to 1 mile S; within 2 miles each side of the Jackson VORTAC 142° radial extending from the VORTAC to 1 mile SE; within 2 miles each side of the Allen C. Thompson Field ILS localizer N course extending from the control zone to 8 miles N of the OM; within 2 miles each side of a 008° bearing from the Jackson RBN extending from the Hawkins Field 6-mile radius area to 8 miles N of the RBN; and that airspace extending upward from 1,200 feet above the surface within a 35-mile radius circle centered at latitude 32°26'30" N., longitude 90°05'00" W., excluding the portion which coincides with the Yazoo City, Miss., transition area.

(Sec. 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348(a)))

Issued in East Point, Ga., on June 2, 1965.

PAUL H. BOATMAN,
Acting Director, Southern Region.

[F.R. Doc. 65-6110; Filed, June 11, 1965; 8:45 a.m.]

SUBCHAPTER F—AIR TRAFFIC AND GENERAL OPERATING RULES

[Reg. Docket No. 6694; Amdt. 95-129]

PART 95—IFR ALTITUDES

Miscellaneous Amendments

The purpose of this amendment to Part 95 of the Federal Aviation Regulations is to make changes in the IFR altitudes at which all aircraft shall be flown over a specified route or portion thereof. These altitudes, when used in conjuction with the current changeover points for the routes or portions thereof, also assure navigational coverage that is adequate and free of frequency interference for that route or portion thereof.

As a situation exists which demands immediate action in the interest of safety, I find that compliance with the notice and procedure provisions of the Administrative Procedure Act is impracticable and that good cause exists for making this amendment effective within less than 30 days from publication.

In consideration of the foregoing and pursuant to the authority delegated to me by the Administrator (24 F.R. 5662), Part 95 of the Federal Aviation Regulations is amended, effective July 22, 1965, as follows:

1. By amending Subpart C as follows:

Section 95.101 *Amber Federal airway 1* is amended to read in part:

From, to, and MEA

Dixon INT, Alaska; Sitka, Alaska; LFR; *4,000. *10,000 required without HF airborne communication equipment.

Section 95.1001 *Direct routes—United States* is amended to delete:

Eglin AFB, Fla., VOR; Tyndall AFB, Fla., VOR; 1,500.

Eglin AFB, Fla., VOR; Tyndall AFB, Fla., LF/RBN; 1,500.

Greensboro, N.C., VOR; Yadkin INT, N.C.; 2,400.

Gulfport, Miss., VOR; Mouse INT, Miss.; *1,600. *1,500—MOCA.

Mouse INT, Miss.; Wiggins INT, Miss.; 2,500.

Lawton, Okla., VOR; Temple INT, Okla.; *2,500. *2,300—MOCA.

Section 95.1001 *Direct routes—United States* is amended by adding:

Austin, Tex., VOR, via AUS 115/ELA 290; Eagle Lake, Tex., VOR; 2,100.

Barksdale, La., VOR; Int, 005° M rad, Barksdale VOR and 027° M rad, Shreveport VOR; *4,000. *1,700—MOCA.

Midway INT, Ala.; Seale INT, Ala.; 2,000.

Ventura, Calif.; VOR; Salinas, Calif., VORTAC; #18,000. MAA—45,000. #MEA is established with a gap in navigation signal coverage.

Section 95.1001 *Direct routes—United States* is amended to read in part:

New Orleans, La., VOR; Frank INT, La.; *1,500. *1,400—MOCA.

Hot Springs, Ark., LF/RBN; Malvern INT, Ark.; 1,900.

Hot Springs, Ark., VOR; Malvern INT, Ark.; 2,400.

Bahama Routes

2 Lima:

Perrine, Fla., RBN; Int, 091° bearing from Perrine RBN and 111° bearing from Bimini RBN; *2,000. *1,600—MOCA.

From, to, and MEA
Int, 091° bearing from Perrine RBN and 111° bearing from Bimini RBN; Nassau, Bahamas, RBN; *2,000. *1,200—MOCA.
53V:
Biscayne Bay, Fla., VOR; Int, BSY–095° and ZBV 111°; *4,000. *1,200—MOCA.
Int, BSY–095° and ZBV 111°; Nassau, Bahamas, VOR; *2,000. *1,400—MOCA.

Section 95.6002 *VOR Federal airway 2* is amended to read in part:

From, to, and MEA
Livingston, Mont., VOR; *Columbus DME fix, Mont.; 9,000. *6,200—MCA Columbus DME fix, westbound.
Columbus DME fix, Mont.; Billings, Mont., VOR; 6,000.
Alexandria, Minn., VOR; Collegeville INT, Minn.; *3,100. *2,600—MOCA.
Collegeville INT, Minn.; Minneapolis, Minn., VOR; *3,000. *2,600—MOCA.

Section 95.6003 *VOR Federal airway 3* is amended to read in part:

From, to, and MEA
Int, 093° M rad, Sparta VOR and 244° M rad, Carmel VOR; Carmel, N.Y., VOR; 2,000.
Carmel, N.Y., VOR; Long Hill INT, Conn.; 2,000.
Long Hill INT, Conn.; Hartford, Conn., VOR; 2,700.

Section 95.6005 *VOR Federal airway 5* is amended to read in part:

From, to, and MEA
Mt. Vernon INT, Ohio; Mansfield, Ohio, VOR; *3,000. *2,700—MOCA.
Mason INT, Ohio; Appleton, Ohio, VOR; 3,100.

Section 95.6006 *VOR Federal airway 6* is amended to read in part:

From, to, and MEA
Reno, Nev., VOR; Wadsworth INT, Nev.; *11,000. *10,000—MOCA.
North Platte, Nebr., VOR; Int, 080° M rad, North Platte VOR and 048° M rad, Hayes Center VOR; *5,000. *4,300—MOCA.
Int, 080° M rad, North Platte VOR and 048° M rad, Hayes Center VOR; Grand Island, Nebr., VOR; *5,000. *3,700—MOCA.
Solberg, N.J., VOR; Int, 104° M rad, Solberg VOR and 355° M rad, Colts Neck VOR; 2,400.
Int, 104° M rad, Solberg VOR and 355° M rad, Colts Neck VOR; Kennedy, N.Y., VOR; 2,000.
Waterville, Ohio, VOR; Bay INT, Ohio; 3,000.
Bay INT, Ohio; Cleveland, Ohio, VOR; *3,000. *2,000—MOCA.

Section 95.6007 *VOR Federal airway 7* is amended to read in part:

From, to, and MEA
Nashville, Tenn., VOR; Springfield INT, Tenn.; 3,000.
Springfield INT, Tenn.; Central City, Ky., VOR; *3,000. *1,900—MOCA.

Section 95.6008 *VOR Federal airway 8* is amended to read in part:

From, to, and MEA
Long Beach, Calif., VOR; Anaheim INT, Calif.; *3,000. *2,400—MOCA.
Akron, Colo., VOR, via S alter.; Int, 081° M rad, Akron VOR and 234° M rad, Hayes Center VOR, via S alter.; *6,500. *5,700—MOCA.
Int, 081° M rad, Akron VOR and 234° M rad, Hayes Center, VOR, via S alter.; Hayes Center, Nebr., VOR, southwestbound; *7,900. Northeastbound, via S alter.; *6,700. *6,000—MOCA.
Hayes Center, Nebr., VOR, via N alter.; Int, 048° M rad, Hayes Center VOR and 080° M rad, North Platte, VOR, via N alter.; *5,000. *4,100—MOCA.
Int, 048° M rad, Hayes Center VOR and 080° M rad, North Platte VOR, via N alter.; Grand Island, Nebr. VOR, via N alter.; *5,000. *3,700—MOCA.
Upper Sandusky INT, Ohio; Mansfield, Ohio, VOR; *2,700. *2,200—MOCA.
Mansfield, Ohio, VOR; Wooster INT, Ohio; *3,000. *2,500—MOCA.
Wooster INT, Ohio; Briggs, Ohio, VOR; 3,000.

Section 95.6009 *VOR Federal airway 9* is amended to read in part:

From, to, and MEA
New Orleans, La., VOR; Madison INT, La.; *1,500. *1,400—MOCA.
New Orleans, La., VOR, via E alter.; *Snail INT, La., via E alter.; **1,500. *2,000—MRA. **1,400—MOCA.

Section 95.6010 *VOR Federal airway 10* is amended to read in part:

From, to, and MEA
Litchfield, Mich., VOR; Adrian INT, Mich.; *3,000. *2,500—MOCA.

Section 95.6011 *VOR Federal airway 11* is amended to read in part:

From, to, and MEA
Edgerton INT, Ohio; Hudson INT, Mich.; 3,500.
Anderson INT, Tenn., via E alter.; *Humboldt INT, Tenn., via E alter.; **4,000. *4,000—MRA. **2,100—MOCA.

Section 95.6012 *VOR Federal airway 12* is amended to read in part:

From, to, and MEA
Borger, Tex., VOR, via N alter.; Int, 239° M rad, Gage VOR and 050° M rad, Borger VOR, via N alter.; *4,800. *4,600—MOCA.
Int, 239° M rad, Gage VOR and 050° M rad, Borger VOR, via N alter.; Gage, Okla., VOR, via N alter.; *4,700. *4,400—MOCA.
Richmond, Ind., VOR; Dayton, Ohio, VOR; 2,800.
Dayton, Ohio, VOR; *Plain City INT, Ohio; 3,000. *4,000—MRA.

Section 95.6013 *VOR Federal airway 13* is amended to read in part:

From, to, and MEA
Ames INT, Iowa; Mason City, Iowa, VOR; *3,000. *2,500—MOCA.

Section 95.6014 *VOR Federal airway 14* is amended to read in part:

From, to, and MEA
Adair INT, Okla.; Neosho, Mo., VOR; *2,900. *2,700—MOCA.
Vinita INT, Okla., via N alter.; Neosho, Mo., VOR, via N alter.; *2,900. *2,700—MOCA.
Tulsa, Okla., VOR, via S alter.; *Pryor INT, Okla., via S alter.; 3,000. *2,900—MRA.
Pryor INT, Okla., via S alter.; Neosho, Mo., VOR, via S alter.; *2,900. *2,700—MOCA.
Springfield, Mo., VOR; Conway INT, Mo.; *3,000. *2,300—MOCA.

Section 95.6015 *VOR Federal airway 15* is amended to read in part:

From, to, and MEA
Fair Park INT, Tex.; Dallas, Tex., VOR; 2,000.
*Gunter INT, Tex.; Ardmore, Okla., VOR; **2,700. *2,600—MRA. **2,300—MOCA.
Mazie INT, Okla.; *Pryor INT, Okla.; 2,700. *2,600—MRA.
Pryor INT, Okla.; Neosho, Mo., VOR; *2,900. *2,700—MOCA.

Section 95.6016 *VOR Federal airway 16* is amended to read in part:

From, to, and MEA
De Witt INT, Ark., via S alter.; Int, 076° M rad, Pine Bluff VOR and 220° M rad, Memphis VOR, via S alter.; *3,000. *1,600—MOCA.
*Konnarock INT, Va.; Sugar Grove INT, Va.; 7,700. *7,000—MCA Konnarock INT, northeastbound.
Sugar Grove INT, Va.; Max Meadows INT, Va.; *7,700. *6,100—MOCA.
Max Meadows INT, Va.; Pulaski, Va., VOR; *7,700. *4,900—MOCA.
Pulaski, Va., VOR; Roanoke, Va., VOR; 5,000.
Blackford, Va., VOR; via N alter; Saltville INT, Va., via N alter.; 6,600.
Saltville INT, Va., via N alter.; Bland INT, Va., via N alter.; *6,600. *6,500—MOCA.
Bland INT, Va., via N alter.; Pulaski, Va., VOR; via N alter.; *6,600. *5,900—MOCA.

Section 95.6017 *VOR Federal airway 17* is amended to read in part:

From, to, and MEA
Bergheim INT, Tex., via W alter.; Spring Branch INT, Tex., via W alter.; *3,300. *2,900—MOCA.

Section 95.6019 *VOR Federal airway 19* is amended to read in part:

From, to, and MEA
Sheridan, Wyo., VOR; *Beacon DME fix, Mont.; **8,000. *6,100—MCA Beacon DME fix, southeastbound; **7,000—MOCA.
Beacon DME fix, Mont.; Billings, Mont., VOR; 6,000.
Sheridan, Wyo., VOR, via E alter.; Woody DME fix, Mont., via E alter.; 8,000.
Woody DME fix, Mont., via E alter.; Billings, Mont., VOR, via E alter.; 6,000.
Pueblo, Colo., VOR; Hanover INT, Colo., southbound; 7,500, northbound; *9,000. *7,500—MOCA.

Section 95.6020 *VOR Federal airway 20* is amended to read in part:

From, to, and MEA
Spartanburg, S.C., VOR; Waco INT, N.C.; *2,800. *2,300—MOCA.
Evergreen, Ala., VOR; Montgomery, Ala., VOR; *2,000. *1,800—MOCA.
New Orleans, La., VOR; Clam INT, La.; *1,500. *1,400—MOCA.
New Orleans, La., VOR; via N alter.; *Snail INT, La., via N alter.; **1,500. *2,000—MRA. **1,400—MOCA.

Section 95.6021 *VOR Federal airway 21* is amended to read in part:

From, to, and MEA
Long Beach, Calif., VOR; Anaheim INT, Calif.; *3,000. *2,400—MOCA.

Section 95.6030 *VOR Federal airway 30* is amended to read in part:

From, to, and MEA
Waterville, Ohio, VOR; Attica, Ohio, VOR; 2,700.
Attica, Ohio, VOR; New London INT, Ohio; 2,700.
New London INT, Ohio; Sharon INT, Ohio; *3,000. *2,500—MOCA.
Colts Neck, N.J.; Int, 100° M rad, Colts Neck VOR and 207° M rad, Kennedy VOR; 2,000.
Int, 100° M rad, Colts Neck VOR and 207° M rad, Kennedy VOR; Kennedy, N.Y., VOR; 1,700.

Section 95.6031 *VOR Federal airway 31* is amended to read in part:

From, to, and MEA
Elmira, N.Y., VOR; Gibson INT, N.Y.; 3,800.
Gibson INT, N.Y.; Bellona INT, N.Y.; 3,500.

Section 95.6033 *VOR Federal airway 33* is amended to read in part:

From, to, and MEA
Philipsburg, Pa., VOR; Bradford, Pa., VOR; *4,100. *3,600—MOCA.

Section 95.6034 *VOR Federal airway 34* is amended by adding:

From, to, and MEA
United States-Canadian Border; Rochester, N.Y., VOR; 2,400.

Section 95.6035 *VOR Federal airway 35* is amended to read in part:

From, to, and MEA
Int, W. crs I–MFA and 183° M rad, Miami VOR, via W alter.; *Vega INT, Fla., via W alter.; **1,500. *3,100—MRA. **1,300—MOCA.
Elmira, N.Y., VOR; Watkins Glen, N.Y., VOR; 3,700.

Section 95.6036 *VOR Federal airway 36* is amended to read in part:

From, to, and MEA
Elmira, N.Y., VOR; Sayre INT, N.Y.; 3,600.
Sayre INT, N.Y.; Dalton INT, N.Y.; 3,500.
Dalton INT, N.Y.; Wilkes Barre, Pa., VOR; 4,000.
Sparta, N.J., VOR; INT, 108° M rad, Sparta VOR and 349° M rad, La Guardia VOR; *2,500. *2,400—MOCA.

From, to, and MEA
Int, 108° M rad, Sparta VOR and 340° M rad, La Guardia VOR; Northport INT, N.Y.; *2,000. *1,900—MOCA.

Section 95.6037 *VOR Federal airway 37* is amended to read in part:

From, to, and MEA
Columbia, S.C., VOR; Richburg INT, S.C.; 2,000.
Richburg INT, S.C.; Fort Mill, S.C., VOR; 2,400.
Fort Mill, S.C., VOR; *Mt. Holly INT, N.C.; **2,500. *2,600—MRA. **2,300—MOCA.
Mt. Holly INT, N.C.; Mooresville INT, N.C.; *2,500. *2,300—MOCA.
Fort Mill, S.C., VOR, via W alter.; Stanley INT, N.C., via W alter.; *3,000. *2,900—MOCA.
Stanley INT, N.C., via W alter.; Hickory, N.C., VOR, via W alter.; *3,500. *3,000—MOCA.
Burch INT, N.C.; Sawmill INT, Va.; *7,000. *5,600—MOCA.
Sawmill INT, Va.; Pulaski, Va., VOR; *6,000. *5,600—MOCA.
Pulaski, Va., VOR; Zenith INT, W. Va.; 6,100.

Section 95.6038 *VOR Federal airway 38* is amended to read in part:

From, to, and MEA
Findlay, Ohio, VOR; *Meeker INT, Ohio; **2,500. *2,700—MRA. **2,400—MOCA.
Meeker INT, Ohio; Appleton, Ohio, VOR; *3,100. *2,400—MOCA.

Section 95.6039 *VOR Federal airway 39* is amended to read in part:

From, to, and MEA
Casanova, Va., VOR; Herndon, Va., VOR; *3,000. *2,500—MOCA.

Section 95.6044 *VOR Federal airway 44* is amended to read in part:

From, to, and MEA
Baltimore, Md., VOR; Kenton, Del., VOR; 2,000.

Section 95.6045 *VOR Federal airway 45* is amended to read in part:

From, to, and MEA
Francisco INT, N.C.; Pulaski, Va., VOR; *6,000. *5,600—MOCA.
Waterville, Ohio, VOR; Adrian INT, Mich.; 2,500.

Section 95.6046 *VOR Federal airway 46* is amended to read in part:

From, to, and MEA
Kennedy, N.Y., VOR; Deer Park, N.Y., VOR; 2,000.

Section 95.6047 *VOR Federal airway 47* is amended to read in part:

From, to, and MEA
Cincinnati, Ohio, VOR, via W alter.; Camden INT, Ohio, via W alter.; 2,500.
Camden INT, Ohio, via W alter.; Englewood INT, Ohio, via W alter.; 2,700.
Rosewood, Ohio, VOR; *Maplewood INT, Ohio; **2,800. *4,000—MRA. **2,100—MOCA.
Maplewood INT, Ohio; Findlay, Ohio, VOR; *2,800. *2,100—MOCA.
Findlay, Ohio, VOR; Custar INT, Ohio; 2,500.
Custar INT, Ohio; Waterville, Ohio, VOR; *2,200. *2,000—MRA.
Waterville, Ohio, VOR; Samaria INT, Mich.; 2,400.
Samaria INT, Mich.; Dundee INT, Mich.; *2,400. *2,000—MOCA.

Section 95.6050 *VOR Federal airway 50* is amended to read in part:

From, to, and MEA
Arba INT, Ind.; Dayton, Ohio, VOR; 3,000.
*Cowan INT, Ohio, via N alter.; Dayton, Ohio, VOR, via N alter.; 3,000. *4,000—MRA.

Section 95.6053 *VOR Federal airway 53* is amended to read in part:

From, to, and MEA
Henryville INT, Ind.; Houston INT, Ind.; *3,000. *2,600—MOCA.

Section 95.6054 *VOR Federal airway 54* is amended to read in part:

From, to, and MEA
Spartanburg, S.C., VOR; *Gaffney INT, S.C.; 2,500. *3,000—MRA.
Gaffney INT, S.C.; Fort Mill, S.C., VOR; 2,500.
*Maud INT, Ala., via S alter.; Muscle Shoals, Ala., VOR, via S alter.; **2,300. *4,000—MRA. **1,900—MOCA.

Section 95.6055 *VOR Federal airway 55* is amended to read in part:

From, to, and MEA
Dayton, Ohio, VOR; *Coldwater INT, Ohio; 2,800. *3,500—MRA.
Dayton, Ohio, VOR, via E alter.; Int, 344° M rad, Dayton VOR and 310° M rad, Rosewood VOR, via E alter.; 2,800.
Int, 344° M rad, Dayton VOR and 310° M rad, Rosewood VOR, via E alter.; *Rockford INT, Ohio, via E alter.; **2,800. *3,000—MRA. **2,300—MOCA.

Section 95.6057 *VOR Federal airway 57* is amended to read in part:

From, to, and MEA
Graham, Tenn., VOR; Pleasant View INT, Tenn.; *2,600. *1,900—MOCA.
Pleasant View INT, Tenn.; Springfield INT, Tenn.; *2,500. *1,900—MOCA.
Springfield INT, Tenn.; Bowling Green, Ky., VOR; 2,600.

Section 95.6062 *VOR Federal airway 62* is amended to read in part:

From, to, and MEA
Plainview, Tex., VOR; Lubbock, Tex., VOR.; *5,000. *4,500—MOCA.

Section 95.6063 *VOR Federal airway 63* is amended to read in part:

From, to, and MEA
McAlester, Okla., VOR; Fayetteville, Ark., VOR; *4,000. *2,900—MOCA.
Springfield, Mo., VOR; Buffalo INT, Mo.; *3,000. *2,300—MOCA.

Section 95.6066 *VOR Federal airway 66* is amended to read in part:

From, to, and MEA
Hyman, Tex., VOR; Int, 075° M rad, Hyman VOR and 241° M rad, Abilene, VOR; *4,000. *3,900—MOCA.
Int, 075° M rad, Hyman VOR and 241° M rad, Abilene, VOR; *Lasy X INT, Tex.; **6,000. *4,400—MRA. **3,700—MOCA.
Union INT, S.C.; Fort Mill, S.C., VOR; *2,300. *2,000—MOCA.

Section 95.6068 *VOR Federal airway 68* is amended to read in part:

From, to, and MEA
Roswell, N. Mex., VOR; Dexter INT, N. Mex.; 5,000.

Section 95.6070 *VOR Federal airway 70* is amended to read in part:

From, to, and MEA
Layfayette, La., VOR; *Rose INT, La.; **1,600. *3,000—MRA. **1,500—MOCA.
Rose INT, La.; Baton Rouge, La., VOR; *1,600. *1,500—MOCA.
Lafayette, La., VOR, via N alter.; Bar INT, La., via N alter.; 1,500.
Bar INT, La., via N alter.; Baton Rouge, La., VOR, via N alter.; *1,600. *1,500—MOCA.
Creole INT, La.; *Walker INT, La.; **1,600. *1,800—MRA. **1,400—MOCA.
Walker INT, La.; Albany INT, La.; 1,400.
Albany INT, La.; Picayune, Miss., VOR; *1,600. *1,400—MOCA.
Banks INT, Ala.; Eufaula, Ala., VOR; *2,400. *1,800—MOCA.

Section 95.6074 *VOR Federal airway 74* is amended to read in part:

From, to, and MEA
Tulsa, Okla., VOR; via N alter.; *Pryor INT, Okla., via N alter.; 2,000. *2,900—MRA.

Section 95.6076 *VOR Federal airway 76* is amended to delete:

From, to, and MEA
San Angelo, Tex., VOR; via N alter.; Lometa, Tex., VOR; via N alter.; *3,500. *3,100—MOCA.
Lometa, Tex., VOR; via N alter.; *Liberty Hill INT, Tex., via N alter.; **4,000. *4,000—MRA. **2,700—MOCA.
Liberty Hill INT, Tex.; via N alter.; Austin, Tex., VOR; via N alter.; 2,500.

Section 95.6078 *VOR Federal airway 76* is amended to read in part:

From, to, and MEA
*Welch INT, Tex.; Pat INT, Tex.; **5,100. *7,000—MRA. **4,500—MOCA.
Pat INT, Tex.; Big Spring, Tex., VOR; 4,100.

Section 95.6081 *VOR Federal airway 81* is amended to read in part:

From, to, and MEA
Lubbock, Tex., VOR; Plainview, Tex., VOR; *5,000. *4,500—MOCA.
Pat INT, Tex.; *Welch INT, Tex.; **5,100. *7,000—MRA. **4,500—MOCA.

Section 95.6086 *VOR Federal airway 86* is amended to read in part:

From, to, and MEA
Livingston, Mont., VOR; *Columbus DME fix, Mont.; 9,000. *6,200—MCA Columbus DME fix, westbound.
Columbus DME fix, Mont.; Billings, Mont., VOR; 6,000.
Billings, Mont., VOR; *Beacon DME fix, Mont.; 6,000. *6,100—MCA Beacon DME fix, southeastbound.
Beacon DME fix, Mont.; Sheridan, Wyo., VOR; *8,000. *7,000—MOCA.

Section 95.6088 *VOR Federal airway 88* is amended to read in part:

From, to, and MEA
Springfield, Mo., VOR; Conway INT, Mo.; *3,000. *2,300—MOCA.

Section 95.6092 *VOR Federal airway 92* is amended to read in part:

From, to, and MEA
Waterville, Ohio, VOR; Attica, Ohio, VOR; 2,700.
Attica, Ohio, VOR; Mansfield, Ohio, VOR; *2,700. *2,200—MOCA.
Mansfield, Ohio, VOR; Wooster INT, Ohio; *3,000. *2,500—MOCA.
Wooster INT, Ohio; Briggs, Ohio, VOR; 3,000.

Section 95.6095 *VOR Federal airway 95* is amended to read in part:

From, to, and MEA
*Winslow, Ariz., VOR; **Butte INT, Ariz.; northeastbound; 11,000. Southwestbound; 8,700. *6,800—MCA Winslow VOR, southwestbound. **13,000—MRA.
Butte INT, Ariz.; *Castle INT, Ariz.; northeastbound; 11,000. Southwestbound; 8,700. *10,000—MRA.

Section 95.6096 *VOR Federal airway 96* is amended to read in part:

From, to, and MEA
Fort Wayne, Ind., VOR; Antwerp INT, Ohio; 2,300.
Antwerp INT, Ohio; McClure INT, Ohio; *2,300. *2,200—MOCA.
McClure INT, Ohio; Waterville, Ohio, VOR; *2,200. *2,000—MOCA.

Section 95.6097 *VOR Federal airway 97* is amended to read in part:

From, to, and MEA
London, Ky., VOR, via W alter.; Lexington, Ky., VOR, via W alter.; *3,300. *2,800—MOCA.

Section 95.6108 *VOR Federal airway 108* is amended to read in part:

From, to, and MEA
Hanover INT, Colo., via S alter.; Hugo, Colo., VOR, via S alter.; *9,000. *8,000—MOCA.

Section 95.6115 *VOR Federal airway 115* is amended to read in part:

From, to, and MEA

Central INT, Ala.; Chelsea INT, Ala.; *2,800. **2,300—MOCA.
Chelsea INT, Ala.; Birmingham, Ala., VOR; *3,000. **2,800—MOCA.
Birmingham, Ala., VOR; Lehigh INT, Ala.; *3,000. **2,500—MOCA.
Birmingham, Ala., VOR, via E alter.; Trussville INT, Ala., via E alter.; *3,000. **2,700—MOCA.
Trussville INT, Ala., via E alter.; Gadsden, Ala., VOR, via E alter.; 3,000.
Gadsden, Ala., VOR, via E alter.; Chattanooga, Tenn., VOR, via E alter.; 4,000.

Section 95.6116 *VOR Federal airway 116* is amended to read in part:

Sparta, N.J., VOR; Paterson INT, N.J.; 3,000.

Section 95.6120 *VOR Federal airway 120* is amended to read in part:

Sioux Falls, S. Dak., VOR; Spirit Lake INT, Iowa; *6,000. **2,800—MOCA.
Spirit Lake INT, Iowa; Mason City, Iowa, VOR; *6,000. **2,700—MOCA.

Section 95.6123 *VOR Federal airway 123* is amended to read in part:

Washington, D.C., VOR; Int, 231° M rad, Baltimore VOR and 271° M rad, Kenton VOR; 2,000.
Int, 231° M rad, Baltimore VOR and 271 M rad, Kenton VOR; Swan Point INT, Md.; 3,000.
Swan Point INT, Md.; Woodstown, N.J., VOR; 2,000.

Section 95.6124 *VOR Federal airway 124* is deleted:

Section 95.6133 *VOR Federal airway 133* is amended to read in part:

Fort Mill, S.C., VOR; Stanley INT, N.C.; *3,000. **2,900—MOCA.
Stanley INT, N.C.; Hickory, N.C., VOR; *3,500. *3,000—MOCA.
Tiverton, Ohio, VOR; Mansfield, Ohio, VOR; *2,900. **2,700—MOCA.

Section 95.6139 *VOR Federal airway 139* is amended to read in part:

Shark INT, N.J.; Int, 124° M rad, Kennedy VOR and 236° M rad, Hampton VOR; *6,000. *1,500—MOCA.
Int, 124° M rad, Kennedy VOR and 236° M rad, Hampton VOR; Beach INT, N.Y.; *5,000. *1,400—MOCA.

Section 95.6140 *VOR Federal airway 140* is amended to delete:

Casanova, Va., VOR; Manassas INT, Va.; 2,400.
Manassas INT, Va.; Washington, D.C., VOR; *2,400. *1,800—MOCA.
Washington, D.C., VOR; Andrews, Md., VOR; 1,900.
Andrews, Md., VOR; Pasadena INT, Md.; 2,000.
Pasadena INT, Md.; Rockhall INT, Md.; *1,500. *1,200—MOCA.
Rockhall INT, Md.; Millville, N.J., VOR; *2,000. *1,800—MOCA.
Millville, N.J., VOR; Coyle, N.J., VOR; 1,500.
Coyle, N.J., VOR; Int, 190° M rad, Colts Neck VOR and 107° M rad, Robbinsville VOR; 1,500.
Int, 190° M rad, Colts Neck VOR and 107° M rad, Robbinsville VOR; Colts Neck, N.J., VOR; *1,700. *1,500—MOCA.
Colts Neck, N.J., VOR; Preston INT, N.J.; 1,700.

Section 95.6140 *VOR Federal airway 140* is amended by adding:

From, to, and MEA

Casanova, Va., VOR; Herndon, Va., VOR; *3,000. **2,500—MOCA.
Herndon, Va., VOR; Bel Air INT, Md.; 4,500.
Bel Air INT, Md.; West Chester, Pa., VOR; 2,300.

Section 95.6140 *VOR Federal airway 140* is amended to read in part:

Holland INT, Mo.; Dyersburg, Tenn., VOR; *2,000. *1,500—MOCA.
Dyersburg, Tenn., VOR; *Bradford INT, Tenn.; **2,200. *4,000—MRA. **1,700—MOCA.
Bradford INT, Tenn.; Burns INT, Tenn.; *3,000. *2,200—MOCA.
Tulsa, Okla., VOR; *Pryor INT, Okla.; 2,000. *2,900—MRA.

Section 95.6141 *VOR Federal airway 141* is amended to read in part:

Concord, N.H., VOR; via E alter.; Int, 026° M rad, Concord VOR and 298° M rad, Kennebunk VOR, via E alter.; *4,000. *3,800—MOCA.
Int, 026° M rad, Concord VOR and 298° M rad, Kennebunk VOR, via E alter.; Lebanon, N.H., VOR, via E alter.; *6,000. *5,200—MOCA.

Section 95.6144 *VOR Federal airway 144* is amended to read in part:

Findlay, Ohio, VOR; *Meeker INT, Ohio; **2,500. *2,700—MRA. **2,400—MOCA.
Meeker INT, Ohio; Appleton, Ohio, VOR; *3,100. *2,400—MOCA.

Section 95.6147 *VOR Federal airway 147* is amended to read in part:

Elmira, N.Y., VOR; Genesco, N.Y., VOR; 4,000.

Section 95.6153 *VOR Federal airway 153* is amended to read in part:

La Guardia, N.Y., VOR; INT, 061° M rad, Solberg VOR and 155° M rad, Sparta VOR; 2,500.
Int, 061° M rad, Solberg VOR and 155° M rad, Sparta VOR; Stillwater, N.J., VOR; 3,000.

Section 95.6154 *VOR Federal airway 154* is amended to read in part:

Montgomery, Ala., VOR, via S alter.; Fort Davis INT, Ala., via S alter.; *2,000. *1,500—MOCA.
Fort Davis INT, Ala., via S alter.; Midway INT, Ala., via S alter.; *2,300. *1,600—MOCA.

Section 95.6157 *VOR Federal airway 157* is amended to read in part:

Baltimore, Md., VOR; Bel Air INT, Md.; 2,000.
Bel Air INT, Md.; New Castle, Del., VOR; *2,000. *1,700—MOCA.
Stamford INT, N.Y., Int, 045° M rad, La Guardia VOR and 077° M rad, Carmel VOR; *2,800. *2,100—MOCA.
Colts Neck, N.J., VOR; Int, 100° M rad, Colts Neck VOR and 307° M rad, Kennedy VOR; 2,000.
Int, 100° M rad, Colts Neck VOR and 307° M rad, Kennedy VOR; Kennedy, N.Y., VOR; 1,700.

Section 95.6159 *VOR Federal airway 159* is amended to read in part:

West Palm Beach, Fla., VOR; Monet INT, Fla.; *1,500. *1,300—MOCA.

From, to, and MEA

Monet INT, Fla.; Pluto INT, Fla.; *1,500. *1,100—MOCA.
Tuskegee, Ala., VOR; Central INT, Ala.; *2,000. *1,800—MOCA.
Central INT, Ala.; Chelsea INT, Ala.; *2,800. *2,300—MOCA.
Chelsea INT, Ala.; Birmingham, Ala., VOR; *3,000. *2,800—MOCA.

Section 95.6163 *VOR Federal airway 163* is amended to read in part:

Christine INT, Tex.; Leming INT, Tex.; 2,500.
San Antonio, Tex., VOR, via W alter.; *Guadalupe INT, Tex., via W alter.; **2,800. *4,300—MRA. **2,600—MOCA.

Section 95.6167 *VOR Federal airway 167* is amended to read in part:

Kennedy, N.Y., VOR; Northport INT, N.Y.; *2,500. *1,500—MOCA.

Section 95.6170 *VOR Federal airway 170* is amended to read in part:

Bradford, Pa., VOR; Slate Run, Pa., VOR; *4,200. *3,800—MOCA.

Section 95.6171 *VOR Federal airway 171* is amended by adding:

Bemidji, Minn., VOR; Baudette, Minn., VOR; *3,100. *2,700—MOCA.

Section 95.6178 *VOR Federal airway 178* is amended to read in part:

Paducah, Ky., VOR; Central City, Ky., VOR; *2,400. *2,000—MOCA.

Section 95.6187 *VOR Federal airway 187* is amended to read in part:

Farmington, N. Mex., VOR; Cortez, Colo., VOR; 10,800.
Cortez, Colo., VOR; Dove Creek, Colo., VOR; 9,500.
Boysen Reservoir, Wyo., VOR; *Pryor DME fix, Mont.; 11,000. *8,800—MCA Pryor DME fix, southbound.
Pryor DME fix, Mont.; *Billings, Mont., VOR; 6,500. *6,500—MCA Billings VOR, southbound.

Section 95.6190 *VOR Federal airway 190* is amended to read in part:

*Las Vegas, N. Mex., VOR; Dalhart, Tex., VOR; **9,500. *11,300—MCA Las Vegas VOR, southeastbound. **9,000—MOCA.
Ponca City, Okla., VOR; Bartlesville, Okla., VOR; *3,000. *2,500—MOCA.

Section 95.6194 *VOR Federal airway 194* is amended to read in part:

Lafayette, La., VOR; *Rose INT, La.; **1,000. *3,000—MRA. **1,500—MOCA.
Rose INT, La.; Baton Rouge, La., VOR; *1,000. *1,500—MOCA.
Greenwood, S.C., VOR; Fort Mill, S.C., VOR; *2,200. *2,000—MOCA.

Section 95.6198 *VOR Federal airway 198* is amended to read in part:

Junction, Tex., VOR; Doss INT, Tex.; *3,700. *3,400—MOCA.

Section 95.6210 *VOR Federal airway 210* is amended to read in part:

*Cowan INT, Ohio; Rosewood, Ohio, VOR; 2,800. *4,000—MRA.
Rosewood, Ohio, VOR; Grindell INT, Ohio; 3,200.
Lancaster, Pa., VOR; INT, 104° M rad, Lancaster VOR and 163° M rad, Pottstown VOR; 2,800.

Section 95.6211 *VOR Federal airway 211* is amended to read:

From, to, and MEA

Horse Lake INT, Colo.; *Durango, Colo., VOR, westbound; 11,000. Eastbound; 13,000. *8,700—MCA Durango VOR, eastbound. *9,200—MCA Durango VOR, westbound.
Durango, Colo., VOR; Cortez, Colo., VOR; 11,000.
Cortez, Colo., VOR; Dove Creek, Colo., VOR; 9,800.

Section 95.6214 *VOR Federal airway 214* is amended to read in part:

Richmond, Ind., VOR; Liberty INT, Ohio; 2,900.

Section 95.6219 *VOR Federal airway 219* is amended to read in part:

Sioux City, Iowa, VOR; Spirit Lake INT, Iowa; *6,000. *2,900—MOCA.
Spirit Lake INT, Iowa; Mankato, Minn., VOR; *6,000. *3,600—MOCA.
Hayes Center, Nebr., VOR; Int, 048° M rad, Hayes Center VOR, and 080° M rad, North Platte, VOR; *85,000. *4,100—MOCA.
Int, 048° M rad, Hayes Center, VOR, and 080° M rad, North Platte, VOR; Wolbach, Nebr., VOR; *5,000. *3,700—MOCA.

Section 95.6222 *VOR Federal airway 222* is amended to read in part:

Hattiesburg, Miss., VOR; Evergreen, Ala., VOR; *2,000. *1,800—MOCA.
*Guadalupe INT, Tex.; San Antonio, Tex., VOR; **2,800. *4,300—MRA. **2,600—MOCA.

Section 95.6226 *VOR Federal airway 226* is amended to read in part:

Stillwater, N.J., VOR; Int, 061° M rad, Solberg VOR and 155° M rad, Sparta VOR; 3,000.
Int, 061° M rad, Solberg VOR and 155° M rad, Sparta VOR; Kennedy, N.Y., VOR; 2,500.

Section 95.6234 *VOR Federal airway 234* is amended to read in part:

*Conchas Dam INT, N. Mex.; Dalhart, Tex., VOR; **10,000. *8,500—MCA. Conchas Dam INT, northeastbound. **7,000—MOCA.

Section 95.6236 *VOR Federal airway 236* is amended to read in part:

Int, 218° M rad, Ogden VOR and 340° M rad, Salt Lake City VOR; Ogden, Utah, VOR; 9,000.

Section 95.6238 *VOR Federal airway 238* is amended by adding:

Philipsburg, Pa., VOR; Harrisburg, Pa., VOR; 4,000.

Section 95.6240 *VOR Federal airway 240* is amended to read in part:

Drum INT, Ala.; Mobile, Ala., VOR; *1,700 *1,300—MOCA.

Section 95.6246 *VOR Federal airway 246* is amended to read in part:

Rosewood, Ohio, VOR; Meeker INT, Ohio; *3,200. *2,800—MOCA.
Meeker INT, Ohio; Mansfield, Ohio, VOR; *2,900. *2,500—MOCA.
Mansfield, Ohio, VOR; Sharon INT, Ohio; *2,800. *2,500—MOCA.

Section 95.6248 *VOR Federal airway 248* is amended to read in part:

Paso Robles, Calif., VOR; Avenal, Calif., VOR; 4,500.

Section 95.6249 *VOR Federal airway 249* is amended to read in part:

From, to, and MEA

Colts Neck, N.J., VOR; Boonton INT, N.J.; 3,000.
Boonton INT, N.J.; Sparta, N.J., VOR; 3,000.

Section 95.6252 *VOR Federal airway 252* is amended to read in part:

Watkins Glen, N.Y.; Binghamton, N.Y., VOR; 3,500.
Sparta, N.J., VOR; Int, 061° M rad, Solberg VOR and 155° M rad, Sparta VOR; 3,000.

Section 95.6257 *VOR Federal airway 257* is amended to read in part:

Prescott, Ariz., VOR; *Anita INT, Ariz.; northbound; 14,000. Southbound; 11,000. *12,500—MCA Anita INT, northbound.

Section 95.6258 *VOR Federal airway 258* is amended to read in part:

Charleston, W. Va., VOR; *Sharon INT, W. Va.; 4,000. *4,100—MCA Sharon INT, southbound.
Sharon INT, W. Va.; Beckley, W. Va., VOR; 5,000.
Roanoke, Va., VOR; Pigg INT, Va.; 5,000.
Pigg INT, Va.; Danville, Va., VOR; 4,000.

Section 95.6259 *VOR Federal airway 259* is amended to read in part:

Fort Mill, S.C., VOR; via E alter.; Stanley INT, N.C., via E alter.; *3,000. *2,900—MOCA.
Stanley INT, N.C., via E alter.; Hickory, N.C., VOR, via E alter.; *3,500. *3,000—MOCA.

Section 95.6265 *VOR Federal airway 265* is amended to delete:

Riverdale INT, Md.; Beltsville INT, Md.; 2,000.
Beltsville Int, Md.; Dayton INT, Md.; 2,000.
Dayton INT, Md.; Westminster, Md., VOR; 2,400.

Section 95.6265 *VOR Federal airway 265* is amended by adding:

Reno INT, Md.; Dayton INT, Md.; 2,000.
Dayton INT, Md.; Westminster, Md., VOR; 2,600.

Section 95.6265 *VOR Federal airway 265* is amended to read in part:

Philipsburg, Pa., VOR; Bradford, Pa., VOR; *4,100. *3,600—MOCA.

Section 95.6268 *VOR Federal airway 268* is amended to read in part:

Baltimore, Md., VOR; Kenton, Del., VOR; 2,000.

Section 95.6270 *VOR Federal airway 270* is amended to read in part:

Binghamton, N.Y., VOR; Harmony INT, N.Y.; 3,500.

Section 95.6275 *VOR Federal airway 275* is amended to read in part:

Richmond, Ind., VOR, via W alter.; Dayton, Ohio, VOR, via W alter.; 2,800.
Camden INT, Ohio; Dayton, Ohio, VOR; 2,700.
Dayton, Ohio, VOR; Findlay, Ohio, VOR; *2,800. *2,300—MOCA.
Findlay, Ohio, VOR; Custar INT, Ohio; 2,500.
Custar INT, Ohio; Waterville, Ohio, VOR; *2,200. *2,000—MOCA.
Waterville, Ohio, VOR; Harbor View INT, Ohio; 2,300.
Harbor View INT, Ohio; Carleton, Mich., VOR; 2,400.

Section 95.6277 *VOR Federal airway 277* is amended to read in part:

Rosewood, Ohio, VOR; *Rockford INT, Ohio; **2,800. *3,000—MRA. **2,800—MOCA.

Section 95.6278 *VOR Federal airway 278* is amended to read in part:

From, to, and MEA

Greenwood, Miss., VOR; College INT, Miss.; *2,100. *1,700—MOCA.
College INT, Miss.; Columbus, Miss., VOR; *1,900. *1,800—MOCA.

Section 95.6279 *VOR Federal airway 279* is amended to read in part:

*Dublin INT, Ohio; Findlay, Ohio, VOR; **3,000. *3,500—MRA. **2,500—MOCA.

Section 95.6280 *VOR Federal airway 280* is amended to read in part:

Roswell, N. Mex., VOR; *Dora INT, N. Mex.; **8,500. *10,000—MRA. **5,600—MOCA.
*Caprock INT, N. Mex., via S alter.; **Dora INT, N. Mex., via S alter.; ***9,000. 9,000—MRA. **10,000—MRA. ***5,500—MOCA.

Section 95.6292 *VOR Federal airway 292* is amended to read in part:

Spring Valley INT, N.Y.; Int, 093° M rad, Sparta VOR and 244° M rad, Carmel VOR; 2,600.
Int, 093° M rad, Sparta VOR and 244° M rad, Carmel VOR; Carmel, N.Y., VOR; 2,000.
Carmel, N.Y., VOR; Long Hill INT, Conn.; 2,000.
Long Hill INT, Conn.; Hartford, Conn., VOR; 2,700.

Section 95.6296 *VOR Federal airway 296* is amended to read in part:

Cherokee INT, N.C.; Fort Mill, S.C., VOR; *2,500. *2,000—MOCA.

Section 95.6298 *VOR Federal airway 298* is amended to read in part:

*Dubois, Ida., VOR; Lamont INT, Ida., westbound; 9,000. Eastbound; 13,000. *9,800—MCA Dubois VOR, westbound. *8,700—MCA Dubois VOR, eastbound.

Section 95.6310 *VOR Federal airway 310* is added to read:

Louisville, Ky., VOR; London, Ky., VOR; *3,200. *2,500—MOCA.
London, Ky., VOR; Rose Hill INT, Va.; 5,000.
Rose Hill INT, Va.; Holston Mountain, Tenn., VOR; 6,500. *6,400—MOCA.
Holston Mountain, Tenn., VOR; *State line INT, Tenn.; 6,000. *7,000—MCA State line INT, eastbound.
State line INT, Tenn.; West Jefferson INT, N.C.; 7,500.
West Jefferson INT, N.C.; Burch INT, N.C.; *6,000. *4,400—MOCA.
Burch INT, N.C.; Yadkin INT, N.C.; 3,500.
Yadkin INT, N.C.; Greensboro, N.C., VOR; 2,500.
Rocky Mount, N.C., VOR; Elizabeth City, N.C., VOR; *1,600. *1,400—MOCA.

Section 95.6311 *VOR Federal airway 311* is added to read:

Int, 084° M rad, Montpelier VOR and 178° M rad, Sherbrooke VOR; United States-Canadian border; *9,000. *5,300—MOCA.

Section 95.6315 *VOR Federal airway 315* is added to read:

Paris, Tex., VOR; Page, Okla., VOR; *4,000. *3,900—MOCA.

Section 95.6316 *VOR Federal airway 316* is added to read:

Sault Ste. Marie, Mich., VOR; United States-Canadian border; *2,500. *1,900—MOCA.

Section 95.6401 *Hawaii VOR Federal airway 1* is amended to read:

Paradise INT, Hawaii; *Hibiscus INT, Hawaii; 4,000. *4,000—MRA.

From, to, and MEA

Hibiscus INT, Hawaii; *Redwood INT, Hawaii; **2,000. *2,000—MRA. **1,000—MOCA.
Redwood INT, Hawaii; Hilo, Hawaii, VOR; *2,000. *1,900—MOCA.

Section 95.6402 *Hawaii VOR Federal airway 2* is amended to read in part:

Mango INT, Hawaii; *Harpoon INT, Hawaii; 6,000. *6,000—MCA Harpoon INT, eastbound.
Harpoon INT, Hawaii; Upolu Point, Hawaii, VOR; 7,000.

Section 95.6405 *Hawaii VOR Federal airway 5* is amended to read in part:

Harpoon INT, Hawaii; Lava INT, Hawaii; 7,000.
Lava INT, Hawaii; *Surf INT, Hawaii; **7,000. *5,500—MCA Surf INT, northbound. **1,000—MOCA.

Section 95.6423 *VOR Federal airway 423* is amended to read in part:

Binghamton, N.Y., VOR; Ithaca, N.Y., VOR; 3,700.

Section 95.6425 *VOR Federal airway 425* is amended to read:

Brookley, Ala., VOR; Int, 044° M rad, Mobile VOR and 353° M rad, Brookley VOR; *2,000. *1,500—MOCA.

Section 95.6428 *VOR Federal airway 428* is amended to read in part:

Elmira, N.Y., VOR; Ithaca, N.Y., VOR; 3,800.

Section 95.6433 *VOR Federal airway 433* is amended to read in part:

Rocky Hill INT, N.J.; Int, 069° M rad, Yardley VOR and 355° M rad, Colts Neck, VOR; 2,000.
Washington, D.C., VOR; Int, 231° M rad, Baltimore VOR and 271° M rad, Kenton VOR; 2,000.
Int, 231° M rad, Baltimore VOR and 271° M rad, Kenton, VOR; Swan Point INT, Md.; 3,000.
Swan Point INT, Md.; Kennedyville INT, Md.; 2,300.
Kennedyville INT, Md.; New Castle, Del., VOR; 2,000.

Section 95.6435 *VOR Federal airway 435* is amended to read:

Rosewood, Ohio, VOR; Upper Sandusky INT, Ohio; *3,100. *2,300—MOCA.
Upper Sandusky INT, Ohio; Attica, Ohio, VOR; 2,700.

Section 95.6438 *VOR Federal airway 438* is amended to read in part:

Susitna INT, Alaska, via W alter.; *Talkeetna, Alaska, VOR, via W alter.; 5,000. *6,000—MCA Talkeetna VOR; northbound.
*Talkeetna, Alaska, VOR; Fairbanks, Alaska, VOR; 10,000. *6,000—MCA Talkeetna VOR; northbound.
Fairbanks, Alaska, VOR; Fort Yukon, Alaska, VOR; 7,000.
Fairbanks, Alaska, VOR, via E alter.; Fort Yukon, Alaska, VOR, via E alter.; *8,000. *7,300—MOCA.

Section 95.6443 *VOR Federal airway 443* is amended to read in part:

Tiverton, Ohio, VOR; Reedsburg INT, Ohio; 3,100.
Reedsburg INT, Ohio; Cleveland, Ohio, VOR; *3,000. *2,400—MOCA.

Section 95.6444 *VOR Federal airway 444* is amended to read in part:

Fairbanks, Alaska, VOR; Big Delta, Alaska, VOR; 5,000.

Section 95.6445 *VOR Federal airway 445* is amended to read in part:

From, to, and MEA

La Guardia, N.Y., VOR; Int, 108° M rad, Sparta VOR and 349° M rad, La Guardia, VOR; *2,000. *1,900—MOCA.
Int, 108° M rad, Sparta VOR and 349° M rad, La Guardia, VOR; Kingston, N.Y., VOR; *3,000. *2,600—MOCA.

Section 95.6454 *VOR Federal airway 454* is amended to read in part:

Greenwood, S.C., VOR; Fort Mill, S.C., VOR; *2,200. *2,000—MOCA.
Banks INT, Ala.; Midway INT, Ala.; 2,200. *1,600—MOCA.

Section 95.6455 *VOR Federal airway 455* is amended to read in part:

New Orleans, La., VOR; *Snail INT, La.; **1,500. *2,000—MRA. **1,400—MOCA.
New Orleans, La., VOR, via W alter.; Madison INT, La., via W alter.; *1,500. *1,400—MOCA.
Madison INT, La., via W alter.; Hattiesburg, Miss., VOR, via A alter.; *4,000. *1,500—MOCA.
Gulfport, Miss., VOR, via E alter.; Mouse INT, Miss., via E alter.; *1,900. *1,500—MOCA.
Mouse INT, Miss., via E alter.; Hattiesburg, Miss., VOR, via E alter.; *2,000. *1,700—MOCA.
Hattiesburg, Miss., VOR; Meridian, Miss., VOR; *2,300. *1,800—MOCA.

Section 95.6467 *VOR Federal airway 467* is amended to read:

La Guardia, N.Y., VOR; Int, 108° M rad, Sparta VOR and 349° M rad, La Guardia VOR; *2,000. *1,900—MOCA.
Int, 108° M rad, Sparta VOR and 349° M rad, La Guardia VOR; Huguenot, N.Y., VOR; 2,000.

Section 95.6480 *VOR Federal airway 480* is amended to read in part:

Nenana, Alaska, VOR; Fairbanks, Alaska, VOR; *4,000. *2,600—MOCA.

Section 95.6485 *VOR Federal airway 485* is amended to read in part:

Fellows, Calif., VOR; *Red Hills INT, Calif.; **7,000. *7,000—MCA Red Hills INT, southeastbound. **6,000—MOCA.
Red Hills INT, Calif.; Priest, Calif., VOR; *7,000. *6,000—MOCA.

Section 95.6488 *VOR Federal airway 488* is amended to delete:

Tanana, Alaska, VOR; Nenana, Alaska, VOR; *7,000. *4,700—MOCA.

Section 95.6488 *VOR Federal airway 488* is amended by adding:

Tanana, Alaska, VOR; Fairbanks, Alaska, VOR; *7,000. *4,700—MOCA.

Section 95.6492 *VOR Federal airway 492* is amended to read in part:

Dixie Ranch INT, Fla., via N alter.; Pluto INT, Fla., via N alter.; *2,000. *1,900—MOCA.
Pluto INT, Fla., via N alter.; Monet INT, Fla., via N alter.; *1,500. *1,100—MOCA.

Section 95.6493 *VOR Federal airway 493* is amended to read in part:

Appleton, Ohio, VOR; Upper Sandusky INT, Ohio; 3,100.
Upper Sandusky INT, Ohio; Waterville, Ohio, VOR; *2,400. *2,000—MOCA.

Section 95.6802 *VOR Federal airway 802* is amended to read in part:

Dayton, Ohio, VOR; *Plain City INT, Ohio; 3,000. *4,000—MRA.

Section 95.6804 *VOR Federal airway 804* is amended to read in part:

From, to, and MEA

Tiverton, Ohio, VOR; Grindell INT, Ohio; 2,400.
Grindell INT, Ohio; Rosewood, Ohio, VOR; 3,200.

Section 95.6807 *VOR Federal airway 807* is amended to read in part:

Binghamton, N.Y., VOR; Ithaca, N.Y., VOR; 3,700.

Section 95.6810 *VOR Federal airway 810* is amended to read in part:

Bradford, Pa., VOR; Slate Run, Pa., VOR; *4,200. *3,600—MOCA.

Section 95.6837 *VOR Federal airway 837* is amended to read in part:

Evergreen, Ala., VOR; Montgomery, Ala., VOR; *2,000. *1,900—MOCA.
Spartanburg, S.C., VOR; Waco INT, N.C.; *2,800. *2,300—MOCA.
Shark INT, N.J.; Int, 124° M rad, Kennedy VOR and 236° Hampton VOR; Beach INT, N.Y.; *5,000. *1,400—MOCA.

Section 95.6839 *VOR Federal airway 839* is amended to read in part:

Columbia, S.C., VOR; Richburg INT, S.C.; 2,000.
Richburg INT, S.C.; Fort Mill, S.C., VOR; 2,400.
Fort Mill, S.C., VOR; *Mount Holly INT, N.C.; **2,500. *2,600—MRA. **2,300—MOCA.
Burch INT, N.C.; Sawmill INT, Va.; *7,000. *5,600—MOCA.
Sawmill INT, Va.; Pulaski, Va., VOR; *6,000. *5,600—MOCA.

Section 95.6845 *VOR Federal airway 845* is amended to read in part:

Neosho, Mo., VOR; *Pryor INT, Okla.; **2,900. *2,900—MRA. **2,700—MOCA.
Buffalo INT, Mo.; Springfield, Mo., VOR; *3,000. *2,300—MOCA.

Section 95.6846 *VOR Federal airway 846* is amended to read in part:

Wolbach, Nebr., VOR; Int, 048° M rad, Hayes Center VOR and 080° M rad, North Platte VOR; *5,000. *3,700—MOCA.
Int, 048° M rad, Hayes Center VOR and 080° M rad, North Platte VOR; Hayes Center, Nebr., *5,000. *4,100—MOCA.

Section 95.6853 *VOR Federal airway 853* is amended to read in part:

Findlay, Ohio, VOR; *Meeker INT, Ohio; **2,500. *2,700—MRA. **2,400—MOCA.
Meeker INT, Ohio; Appleton, Ohio, VOR; *3,100. *2,400—MOCA.

Section 95.6854 *VOR Federal airway 854* is amended to read in part:

Wadsworth INT, Nev.; Reno, Nev., VOR; *11,000. *10,000—MOCA.

Section 95.6859 *VOR Federal airway 859* is amended to read in part:

Neosho, Mo., VOR; *Pryor INT, Okla.; **2,900. *2,900—MRA. **2,700—MOCA.
Conway INT, Mo.; Springfield, Mo.; *3,000. *2,300—MOCA.

Section 95.6875 *VOR Federal airway 875* is amended to read in part:

Meridian, Miss., VOR; Hattiesburg, Miss., VOR; *2,300. *1,800—MOCA.
Hattiesburg, Miss., VOR; Madison INT, La.; *4,000. *1,500—MOCA.

From, to, and MEA

Lehigh INT, Ala.; Birmingham, Ala., VOR; *3,000. *2,500—MOCA.
Herndon, Va., VOR; Casanova, Va., VOR; *3,000. *2,500—MOCA.
Roanoke, Va., VOR; Pulaski, Va., VOR; 5,000.
Pulaski, Va., VOR; Max Meadows INT, Va.; *7,700. *4,900—MOCA.
Max Meadows INT, Va.; Sugar Grove INT, Va.; *7,700. *6,100—MOCA.
Sugar Grove INT, Va.; *Konnarock INT, Va.; 7,700. *7,000—MCA Konnarock INT, northeastbound.
Hartford, Conn., VOR; Long Hill INT, Conn.; 2,700.
Long Hill INT, Conn.; Carmel, N.Y., VOR; 2,000.
Carmel, N.Y., VOR; Int, 093° M rad, Sparta VOR and 244° M rad, Carmel VOR; 2,000.

Section 95.6881 *VOR Federal airway 881* is amended to read in part:

Cleveland, Ohio, VOR; Reedsburg INT, Ohio; *3,000. *2,400—MOCA.
Reedsburg INT, Ohio; Tiverton, Ohio, VOR; 3,100.

Section 95.6888 *VOR Federal airway 888* is amended to read in part:

Beach INT, N.Y.; Int, 124° M rad, Kennedy VOR and 236° M rad, Hampton VOR; *5,000. *1,400—MOCA.
Int, 124° M rad, Kennedy VOR and 236° M rad, Hampton VOR; Shark INT, N.J.; *6,000. *1,500—MOCA.

From, to, MEA, and MAA

Section 95.7004 *Jet Route No. 4* is amended to read in part:

Los Angeles, Calif., VORTAC; Int, 109° M rad, Palmdale VORTAC and 258° M rad, Blythe VOR; 18,000; 45,000.
Int, 109° M rad, Palmdale VORTAC and 258° M rad, Blythe VOR; Blythe, Calif., VOR; 18,000; 45,000.
Montgomery, Ala., VORTAC; Atlanta, Ga., VORTAC; 18,000; 45,000.
Atlanta, Ga., VORTAC; Augusta, Ga., VORTAC; 18,000; 45,000.

Section 95.7006 *Jet Route No. 6* is amended to read in part:

Int, 310° M rad, Santa Barbara Palmdale, VORTAC and 276° M rad, Palmdale VORTAC; Calif., VORTAC; 20,000; 45,000.

Section 95.7019 *Jet Route No. 19* is added to read:

Oakland, Calif., VORTAC; Ukiah, Calif., VORTAC; 18,000; 45,000.
Ukiah, Calif., VORTAC; Fortuna, Calif., VOR; 18,000; 45,000.
Fortuna, Calif., VOR; North Bend, Oreg., VOR; 18,000; 45,000.
North Bend, Oreg., VOR; Newport, Oreg., VOR; 18,000; 45,000.
Newport, Oreg., VOR; Hoquiam, Wash., VOR; 18,000; 45,000.
Hoquiam, Wash., VOR; Seattle, Wash., VORTAC; 18,000; 45,000.

Section 95.7020 *Jet Route No. 20* is amended to read in part:

Orlando, Fla., VOR; Int, 118° M rad, Orlando VOR and 339° M rad, Vero Beach VORTAC; 18,000; 45,000.

Section 95.7047 *Jet Route No. 47* is amended to delete:

Spartanburg, S.C., VORTAC; Lexington, Ky., VORTAC; 18,000; 45,000.
Lexington, Ky., VORTAC; Dayton, Ohio, VORTAC; 18,000; 45,000.

Section 95.7053 *Jet Route No. 53* is amended to read in part:

Jacksonville, Fla., VORTAC; Augusta, Ga., VORTAC; 22,000; 45,000.

Section 95.7065 *Jet Route No. 65* is amended to read in part:

From, to, MEA, and MAA

Blythe, Calif., VOR; Int, 109° M rad, Palmdale VORTAC and 258° M rad, Blythe VOR; 18,000; 45,000.
Int, 109° M rad, Palmdale VORTAC and 258° M rad, Blythe VOR; Palmdale, Calif., VORTAC; 20,000; 45,000.
Palmdale, Calif., VORTAC; Int, 276° M rad, Palmdale VORTAC and 133° M rad, Bakersfield VORTAC; 20,000; 45,000.
Int, 276° M rad, Palmdale VORTAC and 133° M rad, Bakersfield VORTAC; Bakersfield, Calif., VORTAC; 18,000; 45,000.

Section 95.7071 *Jet Route No. 71* is added to read:

Memphis, Tenn., VORTAC; Centralia, Ill., VOR; 18,000; 45,000.
Centralia, Ill., VOR; Northbrook, Ill., VORTAC; 18,000; 45,000.

Section 95.7074 *Jet Route No. 74* is amended to read in part:

Parker, Calif., VORTAC; St. Johns, Ariz., VORTAC; #18,000; 45,000. #MEA* is established with a gap in navigation signal coverage.

Section 95.7088 *Jet Route No. 88* is amended to read in part:

Santa Barbara, Calif., VORTAC; Int, 310° M rad, Santa Barbara VORTAC and 276° M rad, Palmdale VORTAC; 18,000; 45,000.
Int, 310° M rad, Santa Barbara VORTAC and 276° M rad, Palmdale VORTAC; Salinas, Calif., VORTAC; 18,000; 45,000.

Section 95.7093 *Jet Route No. 93* is amended to read in part:

Int, 320° M rad, Medford VOR and 201° M rad, Portland VORTAC; Portland, Oreg., VORTAC; 18,000; 45,000.

Section 95.7100 *Jet Route No. 100* is amended to read in part:

Bryce Canyon, Utah, VORTAC; Grand Junction, Colo., VORTAC; 18,000; 45,000.

Section 95.7132 *Jet Route No. 132* is added to read:

Fort Dodge, Iowa, VORTAC; Mason City, Iowa, VORTAC; 18,000; 45,000.

2. By amending Subpart D as follows:

Section 95.8003 *VOR Federal airway changeover points:*

Airway segment; From; to—Changeover point: Distance; from

Direct Routes—is amended by adding:
Ventura, Calif., VOR; Salinas, Calif., VORTAC; 40; Ventura.
V–37 is amended by adding:
Fort Mill, S.C., VOR; Pulaski, Va., VOR; 86; Fort Mill.
V–42 is amended to delete:
Minneapolis, Minn., VOR; Farmington, Minn., VOR; 18; Minneapolis.
V–287 is amended by adding:
Prescott, Ariz., VOR; Bryce Canyon, Utah, VOR; 98; Prescott.
V–287 is amended to read in part:
Portland, Oreg., VOR; Olympia, Wash. VOR; 41; Portland.
V–488 is amended to delete:
Tanana, Alaska, VOR; Nenana, Alaska, VOR; 35; Tanana.
V–488 is amended by adding:
Tanana, Alaska, VOR; Fairbanks, Alaska, VOR; 44; Tanana.
V–839 is amended by adding:
Fort Mill, S.C., VOR; Pulaski, Va., VOR; 86; Fort Mill.

(Secs. 307, 1110, Federal Aviation Act of 1958 (49 U.S.C. 1348, 1510))

Issued in Washington, D.C., on June 4, 1965.

C. W. WALKER,
Acting Director, Flight Standards Service.

[F.R. Doc. 65-6049; Filed, June 11, 1965; 8:45 a.m.]

Title 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 213—EXCEPTED SERVICE

Entire Executive Civil Service

Section 213.3102(u) is amended to extend for an additional 3-year period the current authority for Schedule A appointment of 100 severely handicapped persons who under temporary appointment have demonstrated their ability to perform the work satisfactorily. Effective on publication in the FEDERAL REGISTER, paragraph (u) of § 213.3102 is amended as set out below.

§ 213.3102 Entire executive civil service.

* * * * * *

(u) Until June 30, 1968, and for not more than 100 positions and subject to prior approval of the Commissioners, a position when filled by a severely handicapped person who, under temporary appointment, has demonstrated his ability to perform satisfactorily the duties of the position.

* * * * * *

(R.S. 1753, sec. 2, 22 Stat. 403, as amended; 5 U.S.C. 631, 633; E.O. 10577, 19 F.R. 7521, 3 CFR, 1954–58 Comp., p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] MARY V. WENZEL,
Executive Assistant to the Commissioners.

[F.R. Doc. 65-6144; Filed, June 11, 1965; 8:48 a.m.]

PART 213—EXCEPTED SERVICE

Treasury Department

Section 213.3105 is amended to show the exception under Schedule A of one position of Psychologist (Counseling) at the United States Coast Guard Academy, New London, Conn. Effective on publication in the FEDERAL REGISTER, subparagraph (2) of paragraph (c) of § 213.3105 is amended as set out below.

§ 213.3105 Treasury Department.

* * * * * *

(c) *Coast Guard.* * * *

(2) Professors, associate professors, assistant professors, instructors, one principal librarian, one cadet hostess, and one psychologist (counseling) at the Coast Guard Academy, New London, Conn.

* * * * * *

(R.S. 1753, sec. 2, 22 Stat. 403, as amended;

5 U.S.C. 631, 633; E.O. 10577, 19 F.R. 7521, 3 CFR, 1954–58 Comp., p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] MARY V. WENZEL,
Executive Assistant to the Commissioners.

[F.R. Doc. 65–6147; Filed, June 11, 1965; 8:49 a.m.]

PART 213—EXCEPTED SERVICE

Department of Defense

Section 213.3306 is amended to show that one of the two positions of Private Secretary to the Chairman, Joint Chiefs of Staff, is no longer excepted under Schedule C. Effective on publication in the FEDERAL REGISTER, subparagraph (30) of paragraph (a) of § 213.3306 is amended as set out below.

§ 213.3306 Department of Defense.

(a) *Office of the Secretary.* * * *

(30) One Private Secretary to the Chairman, Joint Chiefs of Staff.

* * * * *

(R.S. 1753, sec. 2, 22 Stat. 403, as amended; 5 U.S.C. 631, 633; E.O. 10577, 19 F.R. 7521, 3 CFR, 1954–58 Comp., p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] MARY V. WENZEL,
Executive Assistant to the Commissioners.

[F.R. Doc. 65–6143; Filed, June 11, 1965; 8:48 a.m.]

PART 213—EXCEPTED SERVICE

Department of the Army

Section 213.3307 is amended to show the exception under Schedule C of an additional position of Private Secretary in the Office of the Military Aide to the President. Effective on publication in the FEDERAL REGISTER, subparagraph (b) of § 213.3307 is amended as set out below.

§ 213.3307 Department of the Army.

* * * * *

(b) *General.* * * *

(2) One Administrative Assistant and three Private Secretaries to the Military Aide to the President.

(R.S. 1753, sec. 2, 22 Stat. 403, as amended; 5 U.S.C. 631, 633; E.O. 10577, 19 F.R. 7521, 3 CFR, 1954–58 Comp., p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] MARY V. WENZEL,
Executive Assistant to the Commissioners.

[F.R. Doc. 65–6142; Filed, June 11, 1965; 8:48 a.m.]

PART 213—EXCEPTED SERVICE

Department of the Navy

Section 213.3308 is amended to show the exception under Schedule C of one additional position of Assistant to the Secretary of the Navy. Effective on publication in the FEDERAL REGISTER, subparagraph (1), paragraph (a) of § 213.3308 is amended as set out below.

§ 213.3308 Department of the Navy.

(a) *Office of the Secretary.*

(1) Four Civilian Aides or Executive Assistants to the Secretary.

* * * * *

(R.S. 1753, sec. 2, 22 Stat. 403, as amended; 5 U.S.C. 631, 633; E.O. 10577, 19 F.R. 7521, 3 CFR, 1954–58 Comp., p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] MARY V. WENZEL,
Executive Assistant to the Commissioners.

[F.R. Doc. 65–6145; Filed, June 11, 1965; 8:48 a.m.]

PART 213—EXCEPTED SERVICE

President's Committee on Consumer Interests

Section 213.3371 is amended to show the exception under Schedule C of the position of Congressional Liaison Specialist. Effective on publication in the FEDERAL REGISTER, paragraph (c) is added to § 213.3371 as set out below.

§ 213.3371 President's Committee on Consumer Interests.

* * * * *

(c) One Congressional Liaison Specialist.

(R.S. 1753, sec. 2, 22 Stat. 403, as amended; 5 U.S.C. 631, 633; E.O. 10577, 19 F.R. 7521, 3 CFR, 1954–58 Comp., p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] MARY V. WENZEL,
Executive Assistant to the Commissioners.

[F.R. Doc. 65–6146; Filed, June 11, 1965; 8:48 a.m.]

Title 7—AGRICULTURE

Chapter VII—Agricultural Stabilization and Conservation Service (Agricultural Adjustment), Department of Agriculture

SUBCHAPTER B—FARM MARKETING QUOTAS AND ACREAGE ALLOTMENTS

[Amdt. 15]

PART 724—BURLEY, FLUE-CURED, FIRE-CURED, DARK AIR-CURED, VIRGINIA SUN-CURED, CIGAR-BINDER (TYPES 51 & 52), CIGAR-FILLER AND BINDER (TYPES 42, 43, 44, 53, 54, AND 55), AND MARYLAND TOBACCO ALLOTMENT AND MARKETING QUOTA REGULATIONS, 1963–64 AND SUBSEQUENT MARKETING YEARS

Subpart—Tobacco Allotment and Marketing Quota Regulations, 1963–64 and Subsequent Marketing Years

LEASE AND TRANSFER OF TOBACCO ACREAGE ALLOTMENT

(1) *Basis and purpose.* These amendments to the above-designated regulations (27 F.R. 8937, 9211, 10743; 28 F.R. 7757, 8018, 9144, 11049; 29 F.R. 1315, 6520, 7588, 7763, 9027, 12420, 14099, 14661; 30 F.R. 823, 6146) are issued (1) to add a paragraph (y) to § 724.67, as amended, of the said regulations to provide that the lease and transfer of a tobacco allotment for the 1965 crop year shall be effective if (a) the Secretary finds that a lease, which is in compliance with the provisions of § 724.67, as amended, was agreed upon no later than April 1, 1965, in the States of Alabama, Florida, Georgia, North Carolina, South Carolina, and Virginia; and no later than May 1, 1965, in all other States, and (b) the terms of the lease are reduced to writing and filed no later than June 16, 1965, in the county office for the county in which the farms involved are located; and (2) to add a paragraph (z) to § 724.67, as amended, to provide that the dissolution of a lease shall be effective if (a) the county committee, with the approval of the State executive director, finds that such dissolution was agreed upon no later than April 1, 1965, in the States of Alabama, Florida, Georgia, North Carolina, South Carolina, and Virginia; and no later than May 1, 1965, in all other States, and (b) the terms of the dissolution are reduced to writing and filed no later than June 16, 1965, in the county office for the county in which the farms involved are located.

Since these amendments are applicable to the 1965 crop year and tobacco producers are now engaged in the production of the 1965 crop of tobacco, it is hereby found and determined that compliance with the public notice, procedure, and effective date requirements of the Administrative Procedure Act (5 U.S.C. 1003) is impractical and contrary to the public interest and these amendments shall become effective upon filing with the Director, Office of the Federal Register.

(2) *Amendment.* (a) New paragraphs (y) and (z) are added to § 724.67, as amended, of the said regulations, to read as follows:

§ 724.67 Lease and transfer of tobacco acreage allotment.

* * * * *

(y) Notwithstanding the foregoing provisions of this section, the lease and transfer of an allotment for the 1965 crop year shall be effective if (1) the Secretary finds that a lease, which is in compliance with the provisions of this section, was agreed upon no later than April 1, 1965, in the States of Alabama, Florida, Georgia, North Carolina, South Carolina, and Virginia; and no later than May 1, 1965, in all other States, and (2) the terms of the lease are reduced to writing and filed no later than June 16, 1965, in the county office for the county in which the farms involved are located.

(z) Notwithstanding the foregoing provisions of this section, the dissolution of a lease for the 1965 crop year made pursuant to this section shall be effective if (1) the county committee, with the approval of the State executive director, finds that such dissolution was agreed upon no later than April 1, 1965, in the States of Alabama, Florida, Georgia, North Carolina, South Carolina, and Virginia; and no later than May 1, 1965, in all other States, and (2) the terms of

the dissolution are reduced to writing and filed no later than June 16, 1965, in the county office for the county in which the farms involved are located.

(Secs. 316, 317, 375, 75 Stat. 469, as amended by 79 Stat. 118; 79 Stat. 66; 52 Stat. 66, as amended; 7 U.S.C. 1314b, 1375; P.L. 89–20 and 89–12)

Effective date: Date of filing with the Director, Office of the Federal Register.

Signed at Washington, D.C., on June 9, 1965.

E. A. JAENKE,
Acting Administrator, Agricultural Stabilization and Conservation Service.

[F.R. Doc. 65–6163; Filed, June 11, 1965; 8:50 a.m.]

Chapter IX—Consumer and Marketing Service (Marketing Agreements and Orders; Fruits, Vegetables, Tree Nuts), Department of Agriculture

[Valencia Orange Reg. 124]

PART 908—VALENCIA ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

Limitation of Handling

§ 908.424 Valencia Orange Regulation 124.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 908, as amended (7 CFR Part 908), regulating the handling of Valencia oranges grown in Arizona and designated part of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations and information submitted by the Valencia Orange Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such Valencia oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 1001–1011) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for Valencia oranges and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such Valencia oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on June 10, 1965.

(b) *Order.* (1) The respective quantities of Valencia oranges grown in Arizona and designated part of California which may be handled during the period beginning at 12:01 a.m., P.s.t., June 13, 1965, and ending at 12:01 a.m., P.s.t., June 20, 1965, are hereby fixed as follows:

(i) District 1: 325,000 cartons;
(ii) District 2: 475,000 cartons;
(iii) District 3: Unlimited movement.

(2) As used in this section, "handled," "handler," "District 1," "District 2," "District 3," and "carton" have the same meaning as when used in said amended marketing agreement and order.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: June 11, 1965.

FLOYD F. HEDLUND,
Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 65–6257; Filed, June 11, 1965; 11:16 a.m.]

[Lemon Reg. 165]

PART 910—LEMONS GROWN IN CALIFORNIA AND ARIZONA

Limitation of Handling

§ 910.465 Lemon Regulation 165.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 910, as amended (7 CFR Part 910), regulating the handling of lemons grown in California and Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such lemons, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 1001–1011) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for lemons and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such lemons; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on June 8, 1965.

(b) *Order.* (1) The respective quantities of lemons grown in California and Arizona which may be handled during the period beginning at 12:01 a.m., P.s.t., June 13, 1965, and ending at 12:01 a.m., P.s.t., June 20, 1965, are hereby fixed as follows:

(i) District 1: Unlimited movement;
(ii) District 2: 325,500 cartons;
(iii) District 3: Unlimited movement.

(2) As used in this section, "handled," "District 1," "District 2," "District 3," and "carton" have the same meaning as when used in the said amended marketing agreement and order.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: June 10, 1965.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 65–6190; Filed, June 11, 1965; 8:50 a.m.]

[Lime Reg. 19]

PART 911—LIMES GROWN IN FLORIDA

Quality and Size

§ 911.321 Lime Regulation 19.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 911, as amended (7 CFR Part 911), regulating the handling of limes grown in Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations of the Florida Lime Administrative Committee, established under the aforesaid amended marketing agreement and order, and

upon other available information, it is hereby found that the limitation of handling of limes, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (5 U.S.C. 1001–1011) in that, as hereinafter set forth, the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective not later than June 14, 1965. Shipments of Florida limes are currently regulated pursuant to Lime Regulation 18 (30 F.R. 5620) and are subject thereunder to quality and size restrictions; determinations as to the need for, and extent of, continued regulation of Florida lime shipments must await the development of the crop and the availability of information on the demand for such fruit; the recommendations and supporting information for regulation of lime shipments subsequent to June 14, 1965, and in the manner herein provided, were promptly submitted to the Department after an open meeting of the Florida Lime Administrative Committee on June 9, 1965, held to consider recommendations for regulation; the provisions of this section are identical with the aforesaid recommendations of the committee, and information concerning such provisions has been disseminated among handlers of Florida limes; it is necessary, in order to effectuate the declared policy of the act, to make this section effective as hereinafter set forth; and compliance with this section will not require any special preparation on the part of the persons subject thereto which cannot be completed by the effective time hereof.

(b) *Order.* (1) Lime Regulation 18 (30 F.R. 5620) is hereby terminated at 12:01 a.m., e.s.t., June 14, 1965.

(2) During the period beginning at 12:01 a.m., e.s.t., June 14, 1965, and ending at 12:01 a.m., e.s.t., April 1, 1966, no handler shall handle:

(i) Any limes of the group known as true limes (also known as Mexican, West Indian, and Key limes and by other synonyms), grown in the production area, which do not meet the requirements of at least U.S. No. 2 grade for Persian (Tahiti) limes, except as to color;

(ii) Any limes of the group known as large fruited or Persian limes (including Tahiti, Bearss, and similar varieties), grown in the production area, which do not grade at least U.S. Combination, Mixed Color, with not less than 60 percent, by count, of such limes in each container thereof grading at least U.S. No. 1, Mixed Color, and the remainder thereof grading at least U.S. No. 2, Mixed Color; or

(iii) Any limes of the group known as large fruited or Persian limes (including Tahiti, Bearss, and similar varieties) which are of a size smaller than 1⅞ inches in diameter: *Provided*, That such limes which are of a size smaller than 1⅞ inches in diameter but not of a size smaller than 1⅝ inches in diameter may be handled if such smaller limes have an average juice content of at least 50 percent, by volume.

(3) Notwithstanding the provisions of subdivision (iii) of subparagraph (2), not to exceed 10 percent, by count, of the limes in any lot of containers may fail to meet the applicable size requirement: *Provided*, That no individual container of limes having a net weight of more than 3 pounds may have more than 15 percent, by count, of limes which fail to meet such applicable size requirement.

(4) Terms used in the amended marketing agreement and order shall, when used herein, have the same meaning as is given to the respective term in said amended marketing agreement and order; and terms relating to grade and diameter, as used herein, shall have the same meaning as is given to the respective term in the United States Standards for Persian (Tahiti) Limes (§§ 51.1000–51.1016).

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: June 11, 1965.

FLOYD F. HEDLUND,
Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 65–6258; Filed, June 11, 1965; 12:05 p.m.]

[Cherry Reg. 4]

PART 923—SWEET CHERRIES GROWN IN DESIGNATED COUNTIES IN WASHINGTON

Limitation of Shipments

§ 923.304 Cherry Regulation 4.

(a) *Findings.* (1) Pursuant to the marketing agreement and Order No. 923 (7 CFR Part 923), regulating the handling of sweet cherries grown in designated counties in Washington, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations, including the supporting information, of the Washington Cherry Marketing Committee, established under the aforesaid marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of cherries, in the manner herein provided, will establish and maintain such minimum standards of quality and maturity and such grading and inspection requirements as will tend to effectuate such orderly marketing of cherries as will be in the public interest; will tend to effectuate the declared policy of the act; and is not for the purpose of maintaining prices to farmers above the level which it is declared to be the policy of Congress to establish under the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (5 U.S.C. 1001–1011) in that, as hereinafter set forth, the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective not later than June 14, 1965. A reasonable determination as to the supply of, and the demand for, cherries must await the development of the crop and adequate information thereon was not available to the Washington Cherry Marketing Committee until June 1, 1965; recommendation as to the need for, and the extent of, regulation of shipments of such cherries was made at the meeting of said committee, after consideration of all available information relative to the supply and demand conditions for such cherries, at which time the recommendation and supporting information were submitted to the Department; necessary supplemental data for consideration in connection with the specification of the provisions of this section were not available until June 7, 1965; shipments of the current crop of such cherries will begin on or about June 14, 1965, and this section should be applicable, insofar as practicable, to all shipments of such cherries in order to effectuate the declared policy of the act; and the compliance with the provisions of this section will not require of handlers any preparation therefor which cannot be completed by the effective time hereof.

(b) *Order.* (1) During the period beginning at 12:01 a.m., P.s.t., June 14, 1965, and ending at 12:01 a.m., P.s.t., September 1, 1965, no handler shall, except as provided in subparagraph (2) of this paragraph, handle any lot of cherries unless such cherries meet each of the following applicable requirements:

(i) *Minimum grade.* U.S. No. 1: *Provided*, That the contents of individual packages in a lot are not limited as to the percentage of defects but the average of the defects of the entire lot shall be within the tolerances specified for such grade.

(ii) *Minimum size.* At least 95 percent, by count, shall measure not less than $^{45}/_{64}$ inch in diameter.

(2) *Exceptions.* During the aforesaid period, any handler may handle any individual shipment of cherries which, in the aggregate, does not exceed 100 pounds, net weight, without regard to the restrictions specified in this paragraph (b) or in § 923.41 or § 923.55.

(c) *Definitions.* (1) Terms used in the marketing agreement and order shall, when used herein, have the same meaning as given to the respective term in said marketing agreement and order; and

(2) "U.S. No. 1" and "diameter" shall have the same meaning as when used in the United States Standards for Sweet Cherries (7 CFR 51.2646–51.2657).

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: June 9, 1965.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 65–6164; Filed, June 11, 1965; 8:50 a.m.]

Title 9—ANIMALS AND ANIMAL PRODUCTS

Chapter II—Consumer and Marketing Service (Packers and Stockyards Division), Department of Agriculture

PART 201—REGULATIONS UNDER THE PACKERS AND STOCKYARDS ACT

Packer Scales

On April 7, 1965, a notice of proposed rule making was published in the FEDERAL REGISTER (30 F.R. 4486) regarding the amendment of § 201.78 of the regulations (9 CFR 201.78) under the Packers and Stockyards Act, 1921, as amended (7 U.S.C. 181 et seq.). Interested persons were given an opportunity to submit written data, views and arguments with respect to the proposed amendment. After consideration of all relevant matter submitted by interested persons, § 201.78, Part 201, Chapter II, Title 9, code of Federal Regulations, is hereby amended to read as follows:

§ 201.78 Packer scales.

(a) Packers owning or operating livestock or monorail scales on which livestock or livestock carcasses are weighed for purpose of purchase of livestock in commerce on a live or dressed weight basis shall install, maintain, and operate such scales so as to insure accurate weights.

(b) Packers shall cause livestock and monorail scales to be tested in accordance with instructions of the Director and shall submit to the Area Supervisor copies of reports on at least two scale tests made during each calendar year. They shall employ only competent persons of good character and known integrity to operate such scales and shall require such employees to operate the scales in accordance with instructions of the Director. Any employee found to be operating scales incorrectly, carelessly, in violation of instructions or in such a manner as to favor or injure any party or agency through incorrect weighing or incorrect weight recording shall be removed from his weighing duties. No scale shall be used by any packer in weighing livestock or livestock carcasses for purpose of purchase of livestock on a live or dressed weight basis unless it has been found, upon test and inspection, to be in condition to yield accurate weights. If any repairs, adjustments, or replacements are made of a scale it shall not be used until it has been retested and found accurate.

(c) All livestock scales shall be equipped with a type-registering weighbeam, a dial with a mechanical ticket printer, or a similar device which shall be used for printing or stamping the weight values on scale tickets. For each draft of livestock weighed for purpose of purchase or sale a scale ticket shall be issued showing, in addition to the weight of the livestock and the amount of dockage, if any, the name of the seller, the name of the buyer, the species, number of head, initials of weigher, and date of weighing. Scale tickets shall be executed at least in duplicate, one copy being supplied to the seller or buyer as the case may be and one copy being retained by the packer.

This amendment shall become effective on July 15, 1965.

(Sec. 407(a), 42 Stat. 169, 72 Stat. 1750; 7 U.S.C. 228(a); interprets or applies sections 202, 401, 42 Stat. 161 et seq., as amended; 7 U.S.C. 192, 221)

The reporting and record-keeping requirements contained herein have been approved by the Bureau of Budget in accordance with the Federal Reports Act of 1942.

Done at Washington, D.C., this 8th day of June 1965.

CLARENCE H. GIRARD,
Deputy Administrator, Consumer and Marketing Service.

[F.R. Doc. 65–6165; Filed, June 11, 1965; 8:50 a.m.]

PART 201—REGULATIONS UNDER THE PACKERS AND STOCKYARDS ACT

Instructions on Monorail Scales

On April 7, 1965, there was published in the FEDERAL REGISTER (30 F.R. 4487) a notice of rule making with respect to proposed instructions for testing monorail scales used for weighing livestock carcasses purchased by meat packers on a grade and yield or other dressed weight basis, pursuant to section 407(a) of the Packers and Stockyards Act, 1921, as amended (7 U.S.C. 228(a)), and § 201.78 of the regulations issued thereunder (9 CFR 201.78).

After consideration of all relevant matter presented with respect to the proposal, and under said section of the regulations, the instructions as so published are hereby adopted.

The instructions shall become effective on July 15, 1965.

(Sec. 407, 42 Stat. 169, 7 U.S.C. 228; 9 CFR 201.78; 29 F.R. 16210, as amended, 30 F.R. 1260, as amended)

The reporting and record-keeping requirements contained therein have been approved by the Bureau of Budget in accordance with the Federal Reports Act of 1942.

Done at Washington, D.C., this 7th day of June 1965.

DONALD A. CAMPBELL,
Director, Packers and Stockyards Division.

§ 201.78–1 Instructions for testing monorail scales.

(a) *Adoption of National Bureau of Standards Codes in Handbook 44:* Insofar as they are applicable to monorail scales, the specifications, tolerances, and regulations for commercial weighing devices, as published in National Bureau of Standards Handbook 44, 2d Edition, with amendments through June 1963, shall be applied to all monorail scales under supervision of the Packers and Stockyards Division.

The applicable portions of this handbook are set forth in § 201.72–2 of the regulations and copies are available upon request from the local Area Supervisor or the Washington, D.C., office of the Packers and Stockyards Division. In the following instructions, citations to corresponding paragraphs of Handbook 44 material appear in parentheses.

(b) *Definitions.* (1) "Monorail scale" means any scale the load receiving element of which is part of a monorail conveyor system and which is used primarily for the weighing of livestock carcasses. Such a scale is also called an abattoir scale, a track scale, or a rail scale.

(2) "A proper test" is one which fully discloses the accuracy and other performance characteristics of the scale under all conditions which may prevail during actual use. It includes the application of loads of standard test weights in successive stages to the maximum capacity at which the scale is used; it includes separate tests of individual components, such as fractional bars, poises, notches, counterpoise weights and sections which independently may affect weighing accuracy; it demands an accurate determination of the errors which develop; finally, it requires the recording in permanent form of all pertinent data developed during the test.

(3) "A competent scale testing agency" is one which employs experienced personnel and utilizes a sufficient amount of standard test weights to conduct tests in accordance with the procedure described in these instructions. Such agencies may include weights and measures departments, railroad scale departments, commercial scale repair and service companies, and packers.

(4) "A suitable interval" between tests is a period of time not to exceed six

months. In instances where tests and inspections disclose that a scale does not maintain its accuracy between tests, or is otherwise undependable, or is mechanically deficient as regards construction, installation, or maintenance, more frequent tests may be required.

(5) "Multiple of a scale:" In general, the multiplying power of the entire system of levers. Specifically, on a beam scale, the number of pounds on the load-receiving element that will be counterpoised by one pound applied to the tip pivot of the weighbeam. (D. 3.)

(6) "Counterpoise weight:" A slotted or "hanger" weight intended for application near the tip of the weighbeam of a scale having a multiple greater than 1. (D.39.)

(7) "Zero-load balance:" A correct weight indication or representation of zero when there is no load on the load-receiving element. (D. 42.)

(8) "Ratio test:" A test to determine the accuracy with which the actual multiple of a scale agrees with its designed multiple. This test is utilized in the case of scales employing counterpoise weights and is made with standard test weights substituted in all cases for the weights commercially used on the scale. (It is appropriate to utilize this test in the case of some scales not employing counterpoise weights.) (D. 46.)

(9) "Increasing-load test:" The normal basic performance test for a scale, in which observations are made as increments of test-weight load are successively added to the load-receiving element of the scale. (D. 47.)

(10) "Decreasing-load test:" A special supplementary test for automatic-indicating scales only, intended to disclose the general condition of the scale with respect to accuracy of fits, lost motion in connections and gear trains, and general refinement of workmanship, as well as the weighing performance of the scale when loads are being reduced. In this test observations are made as decrements of test-weight load are successively removed from the load-receiving element of the scale. (D. 48.)

(11) "Shift test:" A test intended to disclose the weighing performance of a scale under off-center loading and to assist in evaluating the accuracy of performance and correctness of adjustment of certain individual elements of the scale. (D. 49.)

(12) "Sensibility Reciprocal or SR:" The change in load required to change the position of rest of the indicating element or elements of a nonautomatic-indicating scale a definite amount at any load. (D. 50.)

(13) "SR for a scale with a trig loop but without a balance indicator:" The change in load required to change the position of rest of the weighbeam from the center of the trig loop to the top or bottom of the trig loop. (D. 51.)

(c) *Performance requirements.* (1) The maximum maintenance SR shall be the value of two of the minimum graduated intervals on the weighbeam. The maximum acceptance SR shall be one-half the maximum maintenance SR. (P. 1.2.1.)

(d) *Other requirements.* (1) "Suitability of equipment:" Commercial equipment shall be suitable for the service in which it is used with respect to all elements of its design, including but not limited to its weighing capacity, the character, number, size, and location of its indicating or recording elements, and the value of its minimum graduated interval. (G-R.3.)

(e) *Tolerances.* (1) "Acceptance Tolerances:" Acceptance tolerances shall apply to equipment of the following classes:

(i) Equipment that is about to be put into use for the first time.

(ii) Equipment that has been put into use within the proceeding 3 months and is being officially tested for the first time.

(iii) Equipment that is being officially tested for the first time within 2 months after major reconditioning or overhaul, or reinstallation in a new fixed location.

(iv) Equipment that is being officially tested for the first time within 1 month after repair, adjustment, or other corrective service operation, following official rejection. (G-T.1.)

(2) "Maintenance Tolerences:" Maintenance tolerances shall apply to equipment in actual use, except as provided in paragraph (e) (1). (G-T.2.)

(3) "For Intermediate Values:" For a capacity, indication, load, value, etc., intermediate between two capacities, indications, loads, values, etc., listed in a table of tolerances, the tolerances prescribed for the lower capacity, indication, load, value, etc., shall be applied. (G-T.4.)

(4) "Decreasing-Load Tests on Automatic-Indicating Scales:" Twice the basic tolerances shall be applied. (T.2.1.3.)

(5) "Minimum Tolerance Values:" On a particular scale, the maintenance tolerances applied shall be not smaller than the value of the minimum graduated interval on the weighbeam (for a nonautomatic-indicating scale) or on the reading-face (for an automatic-indicating scale). The acceptance tolerances applied shall be not smaller than one-half the value of the minimum graduated interval on the weighbeam (for a nonautomatic-indicating scale) or on the reading-face (for an automatic-indicating scale). (T.2.2.)

(6) "Basic Tolerances:" Basic maintenance tolerances for monorail scales, on underregistration and on overregistration, on weighbeam and reading-face indications, and on recorded representations not of the selector type shall be as shown in table I.

Basic acceptance tolerances shall be one-half maintenance tolerances. For tolerances on recorded representation of the selector type, there shall be added to each tolerance value shown in table I an amount equal to one-half the value of the increment between successive values that can be recorded by the selector mechanism. (T.2.3.1. table 8 and G-T.6.)

TABLE I

BASIC MAINTENANCE TOLERANCES ON UNDERREGISTRATION AND ON OVERREGISTRATION FOR MONORAIL SCALES

Known test load	Tolerance on ratio	Tolerance on weigh-beam, reading-face, and unit-weight indications
Pounds	*Ounces*	*Ounces*
99 or less	½	1.
100 to 199, incl.	2	2.
200 to 299, incl.	3	4.
300 to 399, incl.	4	6.
400 to 499, incl.	5	8.
500 to 599, incl.	7	10.
600 to 799, incl.	8	12.
		Pound
800 to 999, incl.	11	1.
1,000 and over	¾ lb. per 1,000 lb.	1 lb. per 1,000 lb.

Also see paragraph (e)(4)—Minimum tolerance values.

(7) "Tolerances for Commercial Counterpoise Weights:" The maintenance tolerances in excess and in deficiency for commercial counterpoise weights shall be as shown in table II. Acceptance tolerances shall be one-half the maintenance tolerances.

TABLE II

TOLERANCES FOR COMMERCIAL COUNTERPOISE WEIGHTS

Nominal value	For scales with multiples of less than 1,000	For scales with multiples of 1,000 and over
Ounces	*Grains*	*Grains*
1	1	1.0
2	2	1.0
3	3	1.5
10	4	2.0
Pounds		
1	5	2.5
2	6	4.0
3	10	5.0
4	12	6.0
5	13	6.5

(f) *Official inspection and test procedures for monorail scales.* (1) Inspection Procedure: Before the actual test of any monorail scale is begun, a thorough visual inspection should be made of the scale installation. The suspension of the lever system should be noted, with particular attention being directed to the plumb and level condition of levers and connections, proper alignment and clearance between the weigh rail and dead rail, and efficient functioning of the checks. The weighbeam shelf brackets or pillars, or the dial cabinet should be firmly anchored to a solid foundation. Counterpoise weights should be free of grease and foreign matter. The pivots, bearings, and other working parts should be inspected for rust and corrosion.

(2) Test Procedure—Weighbeam Scales:

(i) Methods of Determining Errors. One method commonly used to determine errors during the test of a scale equipped with a weighbeam is by careful use of the poise. Another method is known as the error weight procedure. This latter method is recommended as the more precise procedure. The error weight procedure is explained in the following paragraphs.

(ii) Zero-load balance: Carefully balance the scale at zero with 2 to 5 pounds of small denomination weights and the hooks, chains, or the like suspended from the weigh rail. These error weights will be used to accurately measure errors and balance changes during the test. The balance ball is not to be moved during the remainder of the test.

(iii) The SR (Sensibility Reciprocal) value at zero load should be determined by increasing or decreasing the amount of error weights necessary to move the weighbeam from a position of rest in the center of the trig loop to a position of rest either at the top or bottom of the trig loop.

(iv) Shift Test: Test weights equal to one-half scale capacity should be suspended successively from each end of the weigh rail. Standard test weights should be substituted for the counterpoise weights used commercially with the scale. The amount of any error is determined by increasing or decreasing the amount of error weights necessary to bring the weighbeam to correct balance. After the shift test is completed, all test weights should be removed from the load-receiving element, and the zero-load balance should be checked.

(v) Increasing-Load Test: The test load should be increased by appropriate increments with the load distributed or centered on the weigh rail and observations made at each successive test load. The increasing-load test should be continued until scale capacity (or "maximum used" capacity) is reached. Standard test weights should be substituted for the counterpoise weights used commercially with the scale. (It is appropriate to note here that the tolerance on ratio test table I would be applicable to the shift test and increasing load test as outlined in subdivision (iv) of this subparagraph and this subdivision (v).)

(vi) The SR (Sensibility Reciprocal) value at maximum load should be determined as described in subdivision (iii) of this subparagraph.

(vii) Counterpoise Weight Test: The preferred procedure for testing the counterpoise weights used commercially with the scale is by using an equal-arm balance. However, in the absence of a precision balance, it is acceptable to use the scale under test to check the accuracy of the counterpoise weights. An important factor which merits consideration is the repeatability of the scale. With the maximum load still suspended from the load-receiving element, and standard test weights on the counterpoise hanger, make a precise determination of any error in the scale. Then each counterpoise weight should be individually substituted for a standard test weight of equal nominal value and a precise determination made of any error. If there is a difference in the weight indication when using all standard test weights and when substituting each commercial counterpoise weight for a standard test weight, this difference should be noted. Those counterpoise weights which are found to cause an error greater than the tolerance allowed should be either adjusted or replaced. When all counterpoise weights have been tested, remove the test load from the load-receiving element and recheck the zero-load balance.

(viii) Weighbeam Test: On a scale equipped with a weighbeam, each bar of the weighbeam should be tested at one-half and full capacity.

(ix) At the completion of the test all hooks, chains, and error weights should be removed from the load-receiving element, and the correct zero-load balance established.

(3) Test Procedure—Automatic-Indicating Scales:

(i) Zero-load balance: Carefully balance the scale so that the indicator coincides with the zero graduation on the reading-face. If the scale is equipped with a weight recorder, the recorder should be activated so that a comparison can be made of the recorded and visual zero-load balance. (SR requirements are not applicable to automatic-indicating scales.)

(ii) Shift Test: Test weights equal to one-half scale capacity should be suspended successively from each end of the weigh rail.

(iii) Increasing-Load Test: Automatic-indicating scales should be tested at least at the four points representing each quarter of the reading-face capacity, and also at intermediate points in the range of greatest use. If the scale is equipped with unit weights, the accuracy of each weight should be determined.

(iv) Decreasing-Load Test: This test, made with decreasing loads on automatic-indicating scales, is made for the purpose of developing the performance characteristics of the scale and judging the refinement of manufacture, freedom from lost motion, and absence of excessive effects of mechanical hysteresis.

(v) The capacity and tare bars of an automatic-indicating scale should be tested at one-half and full capacity.

(vi) When an automatic-indicating scale equipped with a weight recorder is tested, the actual printed weight determines the error. However, both the recorded weight values and the visual weight indications should be within the prescribed tolerance. (Each time the test load is removed from the load-receiving element, the zero-load balance should be checked.)

(4) Test Procedure—Motion-Weighing Scales:

(i) The scale should be tested with a static test weight load as outlined under test procedure for automatic-indicating scales.

(ii) When a second scale is installed in the weighing system, for use if the motion-weighing scale should malfunction or to check the weight values determined by the motion-weighing scale, this second scale should be tested following the procedure outlined for weighbeam or automatic-indicating scales, whichever is applicable.

(iii) A dynamic test of the motion-weighing scale should be made with the conveyor system in operation. By means of the special hooks used with this type of scale, suspend various loads of test weights from the conveyor system, i.e., 50 pounds, 100 pounds, 150 pounds, etc., up to and including the maximum load weighed. Weight values will be recorded for the various increments of test load as they move across the weigh rail.

(iv) The weight values recorded by the automatic data processing system while the various test loads are in motion should be compared with the nominal value of the various test loads. If a punched tape system is used to record weight values, this tape should be run through the IBM recorder or similar device to determine the recorded weight values. If weight values are digitally recorded, a visual comparison can be made.

(v) The zero-load balance should be rechecked at the conclusion of the test.

(g) *Record of Test Results.* The results of each test should be recorded in full detail on an official form to be provided by the Division. (An exception may be made for a State, County, or Municipal agency which utilizes forms supplying substantially the same information as is provided on the official Division forms.) Essential information includes:

(1) Identification of the scale by ownership, location, manufacture, nominal capacity, and serial number;

(2) Name and address of the scale testing agency;

(3) The value of the minimum graduated interval, maximum load weighed, and description of the scale indicating elements, i.e., weighbeam, dial, printer, weight-o-graph;

(4) A notation if the weighing is static or in-motion;

(5) Dates of the present test, the last test, and the year the scale was installed; and

(6) The SR value at zero and maximum load, the position and amount of applied test weights, any errors developed during the test, and the amount of any zero-load balance change.

There should be included a report of any adjustment or repairs made at the time of test, and of any recommendations made for future repairs, maintenance or replacement in the space provided for this purpose. The test results and other observations are to be recorded on the report under the proper headings as the test proceeds and immediately after observations are made. An original and two carbon copies of the report must be prepared. The original must be forwarded to the Area Supervisor of the Packers and Stockyards Division. One copy is for the scale owner, and one for the scale testing agency. Sample reports of weighbeam and dial monorail scale tests conducted in compliance with official instructions are available upon request to the Area Supervisor or may be obtained from the Washington office of the Division.

[F.R. Doc. 65-6166; Filed, June 11, 1965; 8:50 a.m.]

Title 13—BUSINESS CREDIT AND ASSISTANCE

Chapter I—Small Business Administration

[Amdt. 9 (Rev. 3)]

PART 107—SMALL BUSINESS INVESTMENT COMPANIES

Stock Redemption Privileges

Pursuant to authority contained in section 308 of the Small Business Invest-

ment Act of 1958, Public Law 85-699, 72 Stat. 694, as amended, there is amended, as set forth below, Part 107 of Subchapter B, Chapter I of Title 13 of the Code of Federal Regulations, as revised in 29 F.R. 16946–16961, and amended in 30 F.R. 534, 1187, 2652, 2653, 2654, 3635, 3856, and ——, by amending § 107.504.

Information and effective date. On March 2, 1965, the SBIC Regulation was amended to incorporate § 107.504, *Stock Redemption Privileges* (30 F.R. 2654). Paragraph (b)(2) of § 107.504 dealt with the redemption price negotiated and agreed upon between the Licensee and the issuer small business concern. It provided that—

> The redemption price, which shall be negotiated and agreed upon between the parties, may not exceed any of the following:
>
> (i) The book value per share at the time demand for repurchase and redemption is made by the Licensee, subject to such adjustments as the parties may have negotiated and agreed upon with respect to dilution and accounting for depreciation, goodwill, research and development, and similar items; or
>
> (ii) An agreed multiple of net earnings per share for a period designated by the parties; or
>
> (iii) An agreed percentage of the increase in gross revenues or net earnings per share occurring after the Licensee has provided financing.

The purpose of the present amendment is to clarify, by more precise language, the original intention of the Administration that (1) the redemption price would, for the purposes of § 107.504, be considered proper if it met the maximum price limitations under any one (but not necessarily all) of the categories comprising subdivisions (i), (ii), or (iii) thereof and (2) the criteria set forth in subdivisions (ii) and (iii), respectively, refer to representative periods following Licensee's financing as agreed to by the parties. Accordingly, the present amendment deletes the introductory words of § 107.504(b) and substitutes therefor the following: "The redemption price negotiated and agreed upon between the parties shall, for the purposes of this section, be considered valid and proper if it does not exceed the permissible limits specified in any one (but not necessarily all) of the following:". The amendment amplifies the text of subdivisions (ii) and (iii), respectively so that subdivision (ii) explicitly refers to an agreed multiple of earnings per share "for a representative period following the financing as agreed to by the parties", and subdivision (iii) refers to an agreed percentage of the increase in gross revenues or net earnings per share "for a representative period" occurring after such financing.

The present amendment merely clarifies § 107.504. It imposes no additional burdens or obligations upon Licensees or other parties concerned, but insures against possible interpretation as imposing restrictions unintended by the Administration. For the foregoing reasons, and in view of the necessity of promptly applying such amendment to the program authorized by the Small Business Investment Act of 1958, it shall become effective upon publication in the FEDERAL REGISTER.

The Regulations Governing Small Business Investment Companies are hereby amended by deleting subparagraph (2) of § 107.504(b) in its entirety and substituting therefor a new subparagraph (2). As amended, § 107.504(b)(2) reads as follows:

§ 107.504 Stock redemption privileges.

* * * * *

(b) *Agreements for reciprocal redemption privileges.* * * *

(2) *Redemption price.* The redemption price negotiated and agreed upon between the parties shall, for the purposes of this section, be considered valid and proper if it does not exceed the permissible limits specified in any one (but not necessarily all) of the following:

(i) The book value per share at the time demand for repurchase and redemption is made by the Licensee, subject to such adjustments as the parties may have negotiated and agreed upon with respect to dilution and accounting for depreciation, goodwill, research and development, and similar items; or

(ii) An agreed multiple of net earnings per share for a representative period following the financing as agreed to by the parties; or

(iii) An agreed percentage of the increase in gross revenues or net earnings per share for a representative period occurring after the Licensee has provided financing.

* * * * *

Dated: June 8, 1965.

EUGENE P. FOLEY,
Administrator.

[F.R. Doc. 65-6100; Filed, June 11, 1965; 8:45 a.m.]

Title 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket C-889]

PART 13—PROHIBITED TRADE PRACTICES

Allied Stores Corp. et al.

Subpart—Advertising falsely or misleadingly: § 13.30 *Composition:* 13.30–30 Fur Products Labeling Act; § 13.95 *Identity of product:* 13.95–30 Fur Products Labeling Act; § 13.155 *Prices:* 13.155–50 Forced or sacrifice sales, 13.155–80 Retail as cost, wholesale, discounted, etc. Subpart—Invoicing products falsely: § 13.1108 *Invoicing products falsely:* 13.1108–45 Fur Products Labeling Act. Subpart—Misbranding or mislabeling: § 13.1185 *Composition:* 13.1185–30 Fur Products Labeling Act; § 13.1212 *Formal regulatory and statutory requirements:* 13.1212–30 Fur Products Labeling Act. Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1845 *Composition:* 13.1845–30 Fur Products Labeling Act; § 13.1852 *Formal regulatory and statutory requirements:* 13.1852–35 Fur Products Labeling Act; § 13.1885 *Manufacture or preparation:* 13.1885–40 Fur Products Labeling Act; § 13.1900 *Source or origin:* 13.1900–40 Fur Products Labeling Act: § 13.1900(b) Place. Subpart—Using misleading name—GOODS: § 13.2280 *Composition:* 13.2280–30 Fur Products Labeling Act.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; sec. 8, 65 Stat. 179; 15 U.S.C. 45, 69f) [Cease and desist order, Allied Stores Corp. (New York, N.Y.) et al., Docket C-889, Mar. 12, 1965]

In the Matter of Allied Stores Corp., a Corporation, Allied Central Stores, Inc., a Corporation, Pomeroy's Inc., a Corporation, and Almart Stores, Inc., a Corporation

Consent order, in alleged violation of the Fur Products Labeling Act, requiring operators of low markup, mass merchandising, and self-service retail stores to cease falsely invoicing and advertising fur products by: failing to use on invoices and in newspaper advertisements the term "Natural" to describe fur products which are not dyed or bleached and the true animal name of the fur used in fur products; failing to set forth on invoices the terms "Persian Lamb", "Dyed Mouton Lamb", and "Dyed Broadtail-processed Lamb" in the required manner; failing to disclose on invoices when fur products were composed of waste fur or composed of two or more sections containing furs of different animals; representing prices falsely as reduced through such statements as "below manufacturer's wholesale price", "Middleman costs have been eliminated", and "at an auction of fur pelts"; failing to maintain adequate records as a basis for pricing claims; and failing to comply with other invoicing and advertising requirements of the Act.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

It is ordered, That respondent Allied Stores Corp., a corporation, and its officers, agents, representatives, employees, and corporate subsidiaries, and affiliates, as operator and/or operators of low markup, mass merchandising, self-service retail stores of the types heretofore operated as "Almart" stores, or stores of any type similar thereto and whether operated under the description "Almart" or otherwise, and respondents Allied Central Stores, Inc., Pomeroy's, Inc., and Almart Stores, Inc., corporations, and said respondents' officers, representatives, agents, and employees, directly or through any corporate or other device, in connection with the introduction into commerce or the sale, advertising, or offering for sale in commerce, or the transportation, or distribution in commerce, of any fur product; or in connection with the sale, advertising, offering for sale, transportation, or distribution, of any fur product which is made in whole or in part of fur which has been shipped and received in commerce, as the terms "commerce", "fur", and "fur product" are defined in the Fur Products Labeling Act, do forthwith cease and desist from:

A. Falsely or deceptively invoicing fur products by:

1. Failing to furnish invoices to purchasers of fur products showing in words and figures plainly legible all the information required to be disclosed in each of the subsections of section 5(b)(1) of the Fur Products Labeling Act.

2. Setting forth on invoices pertaining to fur products any false or deceptive information with respect to the name or designation of the animal or animals that produced the fur contained in such fur product.

3. Setting forth information required under section 5(b)(1) of the Fur Products Labeling Act and the Rules and Regulations promulgated thereunder in abbreviated form.

4. Failing to set forth the term "Persian Lamb" in the manner required where an election is made to use that term instead of the word "Lamb".

5. Failing to set forth the term "Dyed Mouton Lamb" in the manner required where an election is made to use that term instead of the words "Dyed Lamb".

6. Failing to set forth the term "Dyed Broadtail-processed Lamb" in the manner required where an election is made to use that term instead of the words "Dyed Lamb".

7. Failing to set forth the term "Natural" as part of the information required to be disclosed on invoices under the Fur Products Labeling Act and rules and regulations promulgated thereunder to describe fur products which are not pointed, bleached, dyed, tip-dyed, or otherwise artificially colored.

8. Failing to disclose on invoices that fur products are composed in whole or in substantial part of paws, tails, bellies, sides, flanks, gills, ears, throats, heads, scrap pieces, or waste fur.

9. Failing to set forth separately information required under section 5(b)(1) of the Fur Products Labeling Act and rules and regulations promulgated thereunder with respect to each section of fur products composed of two or more sections containing different animal furs.

B. Falsely or deceptively advertising fur products through the use of any advertisement, representation, public announcement, or notice which is intended to aid, promote, or assist, directly or indirectly, in the sale, or offering for sale of any fur product, and which:

1. Fails to set forth in words and figures plainly legible all the information required to be disclosed by each of the subsections of section 5(a) of the Fur Products Labeling Act.

2. Falsely or deceptively identifies any such fur product as to the name or designation of the animal or animals that produced the fur contained in the fur product.

3. Fails to set forth the term "Dyed Broadtail-processed Lamb" in the manner required where an election is made to use that term instead of the words "Dyed Lamb".

4. Fails to set forth the term "Natural" as part of the information required to be disclosed in advertisements under the Fur Products Labeling Act and the rules and regulations promulgated thereunder to describe fur products which are not pointed, bleached, dyed, tip-dyed, or otherwise artificially colored.

5. Sets forth the term "assembled" or any term of like import as part of the information required under section 5(a) of the Fur Products Labeling Act and the rules and regulations promulgated thereunder to describe fur products composed in whole or in substantial part of paws, tails, bellies, sides, flanks, gills, ears, throats, heads, scrap pieces, or waste fur.

6. Falsely or deceptively represents directly or by implication that the prices of fur products are "below manufacturer's wholesale price".

7. Represents in any manner, contrary to fact, that fur products are the surplus stock, liquidated inventory or distress merchandise of a supplier or that fur products are offered for sale as a savings as a result of unusual circumstances.

8. Represents in any manner, contrary to fact, that special price concessions have been obtained from suppliers with respect to any fur products offered for sale.

9. Represents in any manner, contrary to fact, that the furs contained in fur products offered for sale were obtained directly from a supplier of fur pelts or at an auction of fur pelts.

10. Represents in any manner, contrary to fact, that middleman costs have been eliminated with respect to any fur products offered for sale.

11. Misrepresents in any manner the savings available to purchasers of respondents' fur products.

12. Falsely or deceptively represents in any manner that prices of respondents' fur products are reduced.

C. Making claims and representations of the types covered by subsections (a), (b), (c), and (d) of Rule 44 of the rules and regulations promulgated under the Fur Products Labeling Act unless there are maintained by respondents full and adequate records disclosing the facts upon which such claims and representations are based.

It is further ordered, That the respondents herein shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with this order.

Issued: March 12, 1965.

By the Commission.

[SEAL] JOSEPH W. SHEA,
Secretary.

[F.R. Doc. 65-6126; Filed, June 11, 1965; 8:46 a.m.]

[Docket C-886]

PART 13—PROHIBITED TRADE PRACTICES

City of Paris et al.

Subpart—Advertising falsely or misleadingly: § 13.10 *Advertising falsely or misleadingly:* § 13.30 *Composition of goods:* 13.30–30 Fur Products Labeling Act; 13.30–75 Textile Fiber Products Identification Act. Subpart—Invoicing products falsely: § 13.1108 *Invoicing products falsely:* 13.1108–45 Fur Products Labeling Act; 13.1108–80 Textile Fiber Products Identification Act. Subpart—Misbranding or mislabeling: § 13.1185 *Composition:* 13.1185–30 Fur Products Labeling Act; 13.1185–80 Textile Fiber Products Identification Act. Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1845 *Composition:* 13.1845–30 Fur Products Labeling Act; 13.1845–70 Textile Fiber Products Identification Act; § 13.1852 *Formal regulatory and statutory requirements:* 13.1852–35 Fur Products Labeling Act; 13.1852–70 Textile Fiber Products Identification Act; § 13.1885 *Manufacture or preparation:* 13.1885–40 Fur Products Labeling Act; § 13.1900 *Source or origin:* 13.1900–40 Fur Products Labeling Act: 13.1900–40(b) Place.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; sec. 8, 65 Stat. 179; 72 Stat. 1717; 15 U.S.C. 45, 69f, 70) [Cease and desist order, City of Paris et al., San Francisco, Calif., Docket C-886, Mar. 4, 1965]

In the Matter of City of Paris, a Corporation, and George De Bonis, individually and as an officer of said Corporation, and Suzanne De Tesson, individually and as Chairman of the Board of said Corporation

Consent order, in respect to the alleged violation of the Fur Products Labeling Act, requiring a department store in San Francisco, Calif., to cease mislabeling, falsely invoicing, and deceptively advertising fur products by failing to disclose on attached labels, on invoices, and in advertisements the true animal name of fur used in fur products and the term "Natural" to describe furs which are not dyed or bleached; failing to use the term "Broadtail Lamb" in the correct manner on labels and invoices; failing to arrange required information in the proper sequence on labels; omitting the country of origin of imported furs and item numbers to identify fur products; setting forth required information on labels in handwriting, in abbreviated form, and mingled with nonrequired information in violation of the Act; failing to disclose in advertisements when fur products contain waste fur; and failing in other respects to comply with requirements of the Act;

To cease the alleged violation of the Textile Fiber Products Identification Act by failing to disclose on attached labels, on invoices, and in advertisements of textile fiber products the true generic name of the fibers present and percentages thereof; and using "fiber trademarks" in advertising textile fiber products not in accordance with prescribed rules; and by failing in other respects to comply with labeling, invoicing, and advertising requirements.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

It is ordered, That respondents City of Paris, a corporation, and its officers, and George De Bonis, individually and as an officer of said corporation, and Suzanne De Tesson, individually and as Chairman of the Board of said corporation, and respondents' representatives, agents and employees, directly or through any corporate or other device, do forthwith cease and desist from introducing into commerce, or selling, advertising or offering for sale in commerce, or transporting or distributing in commerce, any fur

product; or selling, advertising, offering for sale, transporting or distributing any fur product which is made in whole or in part of fur which has been shipped and received in commerce, as the terms "commerce", "fur" and "fur product" are defined in the Fur Products Labeling Act:

Unless each such fur product has securely affixed thereto a label:

1. Correctly showing in words and in figures plainly legible all of the information required to be disclosed by each of the subsections of section 4(2) of the Fur Products Labeling Act.

2. Setting forth the term "Natural" as part of the information required under the Fur Products Labeling Act and the rules and regulations promulgated thereunder to describe fur products which are not pointed, bleached, dyed, tip-dyed, or otherwise artificially colored.

3. Setting forth information required under section 4(2) of the Fur Products Labeling Act and the rules and regulations promulgated thereunder in the sequence required by Rule 30 of the aforesaid rules and regulations.

B. To which is affixed a label:

1. Setting forth the name or names of any animal or animals other than the name of the animal producing the fur contained in the fur product, as specified in the Fur Products Name Guide, and as prescribed by the rules and regulations.

2. Setting forth information required under section 4(2) of the Fur Products Labeling Act and the rules and regulations promulgated thereunder in abbreviated form.

3. Which fails to set forth the term "Broadtail Lamb" in the manner required where there has been an election to use that term instead of the word "Lamb".

4. Setting forth information required under section 4(2) of the Fur Products Labeling Act and the rules and regulations promulgated thereunder mingled with nonrequired information.

5. Setting forth information required under section 4(2) of the Fur Products Labeling Act and the rules and regulations promulgated thereunder in handwriting.

It is further ordered, that respondents City of Paris, a corporation, and its officers, and George De Bonis, individually and as an officer of said corporation, and Suzanne De Tesson, individually and as Chairman of the Board of said corporation, and respondent's representatives, agents and employees, directly or through any corporate or other device, in connection with the introduction into commerce, or the sale, advertising or offering for sale in commerce, or transportation or distribution in commerce, of any fur product; or in connection with the sale, advertising, offering for sale, transportation or distribution, of any fur product which is made in whole or in part of fur which has been shipped and received in commerce, as the terms "commerce", "fur" and "fur product" are defined in the Fur Products Labeling Act, do forthwith cease and desist from:

A. Falsely or deceptively invoicing fur products by:

1. Failing to furnish invoices as the term "invoice" is defined in the Fur Products Labeling Act showing in words and figures plainly legible all the information required to be disclosed in each of the subsections of section 5(b)(1) of the Fur Products Labeling Act.

2. Failing to set forth the term "Broadtail Lamb" in the manner required where an election is made to use that term instead of the word "Lamb".

3. Setting forth information required under section 5(b)(1) of the Fur Products Labeling Act and the rules and regulations promulgated thereunder in abbreviated form.

4. Failing to set forth the term "Natural" as part of the information required to be disclosed on invoices under the Fur Products Labeling Act and the rules and regulations promulgated thereunder to describe fur products which are not pointed, bleached, dyed, tip-dyed, or otherwise artificially colored.

5. Failing to set forth on invoices the item number or mark assigned to fur products.

B. Falsely or deceptively advertising fur products through the use of any advertisement, representation, public announcement or notice which is intended to aid, promote or assist, directly or indirectly in the sale, or offering for sale of any fur product, and which:

1. Fails to set forth in words and figures plainly legible all the information required to be disclosed by each of the subsections of section 5(a) of the Fur Products Labeling Act.

2. Fails to set forth the term "Natural" as part of the information required to be disclosed in advertisements under the Fur Products Labeling Act and the rules and regulations promulgated thereunder to describe fur products which are not pointed, bleached, dyed, tip-dyed, or otherwise artificially colored.

3. Fails to disclose that fur products are composed in whole or substantial part of paws, tails, bellies, sides, flanks, gills, ears, throats, heads, scrap pieces or waste fur.

It is further ordered, That City of Paris, a corporation, and its officers, and George De Bonis, individually and as an officer of said corporation, and Suzanne De Tesson, individually and as Chairman of the Board of said corporation, and respondents' representatives, agents and employees, directly or through any corporate or other device, do forthwith cease and desist from introducing, delivering for introduction, selling, advertising, or offering for sale, in commerce, or transporting or causing to be transported in commerce, or importing into the United States, any textile fiber product; or selling, offering for sale, advertising, delivering, transporting, or causing to be transported, of any textile fiber product which has been advertised or offered for sale in commerce; or selling, offering for sale, advertising, delivering, transporting, or causing to be transported, after shipment in commerce, of any textile fiber product, whether in its original state or contained in other textile fiber products, as the terms "commerce" and "textile fiber product" are defined in the Textile Fiber Products Identification Act:

A. Which is falsely or deceptively stamped, tagged, labeled, invoiced, advertised or otherwise identified as to the name or amount of constituent fibers contained therein.

B. Unless such textile fiber products have affixed thereto a label showing each element of information required to be disclosed by section 4(b) of the Textile Fiber Products Identification Act.

It is further ordered, That City of Paris, a corporation, and its officers, and George De Bonis, individually and as an officer of said corporation, and Suzanne De Tesson, individually and as Chairman of the Board of said corporation, and respondents' representatives, agents and employees, directly or through any corporate or other device, in connection with the introduction, delivery for introduction, sale, advertising or offering for sale, in commerce, or transportation or causing to be transported in commerce, or the importation into the United States, of any textile fiber product; or in connection with the sale, offering for sale, advertising, delivery, transportation, or causing to be transported, of any textile fiber product which has been advertised or offered for sale in commerce; or in connection with the sale, offering for sale, advertising, delivery, transportation, or causing to be transported, after shipment in commerce, of any textile fiber product, whether in its original state or contained in other textile fiber products, as the terms "commerce" and "textile fiber product" are defined in the Textile Fiber Products Identification Act, do forthwith cease and desist from falsely and deceptively advertising textile fiber products by:

1. Making any representations, directly or by implication, as to the fiber content of any textile fiber product in any written advertisement which is used to aid, promote, or assist, directly or indirectly, in the sale or offering for sale of such textile fiber product, unless the same information required to be shown on the stamp, tag, label or other means of identification under section 4(b) (1) and (2) of the Textile Fiber Products Identification Act is contained in the said advertisement, in the manner and form required, except that the percentages of the fibers present in the textile fiber product need not be stated.

2. Using a fiber trademark in advertisements without a full disclosure of the required content information in at least one instance in the said advertisement.

3. Using a fiber trademark in advertising textile fiber products containing more than one fiber without such fiber trademark appearing in the required fiber content information in immediate proximity and conjunction with the generic name of the fiber in plainly legible type or lettering of equal size and conspicuousness.

4. Using a fiber trademark in advertising textile fiber products containing only one fiber without such fiber trademark appearing at least once in the advertisement, in immediate proximity and conjunction with the generic name of the fiber in plainly legible and conspicuous type.

It is further ordered, That the respondents herein shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with this order.

Issued: March 4, 1965.

By the Commission.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 65-6127; Filed, June 11, 1965; 8:46 a.m.]

[Docket C-867]

PART 13—PROHIBITED TRADE PRACTICES

Credit and Investigation Bureau of Maryland and S. Bruce Elieson

Subpart—Advertising falsely or misleadingly: § 13.10 *Advertising falsely or misleadingly;* § 13.15 *Business status, advantages, or connections;* 13.15–125 Individual or private business being: § 13.15–125(a) Association; 13.15–195 Nature; 13.15–225 Personnel or staff; 13.15–265 Service; 13.15–270 Size and extent. Subpart—Misrepresenting oneself and goods—Business status, advantages or connections: § 13.1460 *Individual or private business as professional person, association or guild;* § 13.1520 *Personnel or staff;* § 13.1553 *Services;* § 13.1556 *Size, extent or equipment.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45) [Cease and desist order, Credit and Investigation Bureau of Maryland et al., Baltimore, Md., Docket C-867, Mar. 4, 1965]

In the Matter of Credit and Investigation Bureau of Maryland, a Corporation, and S. Bruce Elieson, individually and as an officer of said Corporation

Consent order, in the alleged violation of the Federal Trade Commission Act, requiring a Baltimore, Md., corporation engaged in the business of operating a collection agency for business and professional men to cease and desist from using deceptive practices to collect alleged delinquent accounts by: representing falsely that their business is a credit bureau or credit reporting agency through the use of the corporate name "Credit and Investigation Bureau of Maryland", or in any other manner; or misrepresenting that it is an association which operates as a credit bureau and as an investigational agency for its members, with bona fide legal and personnel departments.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

It is ordered, That respondents Credit and Investigation Bureau of Maryland, a corporation, and its officers, and S. Bruce Elieson, individually and as an officer of said corporation, and respondents' representatives, agents and employees, directly or through any corporate or other device, in connection with the solicitation of accounts for collection, or the collection of, or attempts to collect accounts, or to obtain information concerning delinquent debtors, in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Using the corporate name "Credit and Investigation Bureau of Maryland" or any other trade or corporate name of similar import or meaning to designate, describe or refer to respondents' business or otherwise representing, directly or by implication, that respondents' business is a credit bureau or credit rating or credit reporting agency, unless respondents are able to establish that their business is that of an organization, association or institute engaged primarily in gathering, recording and disseminating information relative to the credit worth and financial responsibility, paying habits and character of individuals being considered for credit extension by members of said organization.

2. Representing, directly or by implication, that any creditor customer of respondents is a "member" of respondents' organization unless respondents are able to establish that such customer is in fact a "member" of the organization.

3. Using fictitious names in connection with respondents' business; or representing, directly or by implication, that respondents' organization has or maintains a "legal" or "personnel" department; or misrepresenting in any manner any departmentalization of respondents' organization.

4. Representing, directly or by implication, that respondents operate an investigative agency or maintain an investigational staff, or have agents for investigating the assets, and other matters affecting the credit rating, employment status or sources of income of alleged delinquent debtors, unless respondents are able to establish that such is the fact.

5. Misrepresenting, through the use of any trade or corporate name, or in any other manner, directly or by implication, the nature or organization of respondents' business or the type of business activity engaged in by respondents.

It is further ordered, That the respondents herein shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with this order.

Issued: March 4, 1965.

By the Commission.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 65-6128; Filed, June 11, 1965; 8:46 a.m.]

[Docket C-885]

PART 13—PROHIBITED TRADE PRACTICES

Federal Sweets & Biscuit Co., Inc.

Subpart—Discriminating in price under section 2, Clayton Act—price discrimination under 2(a): § 13.715 *Charges and price differentials;* § 13.725 *Cumulative quantity discounts and schedules;* § 13.770 *Quantity rebates or discounts.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 2, 49 Stat. 1526, as amended; 15 U.S.C. 13) [Cease and desist order, Federal Sweets & Biscuit Co., Inc., Clifton, N.J., Docket C-885, Mar. 3, 1965]

Consent order requiring a New Jersey manufacturer of cookies, cakes, crackers, candy bars, and related products who sells and distributes its products through various outlets, including vending machine retailers, to cease discriminating in price between competing purchasers of its products in the alleged violation of section 2(a) of the Clayton Act, by granting cumulative volume discounts which resulted in higher net prices to some vending machine retailers than to their competitors.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

It is ordered, That respondent, Federal Sweets & Biscuit Co., Inc., a corporation, and its officers, representatives, agents, and employees, directly or through any corporate or other device, in connection with the sale and distribution of cookies, cakes, crackers, candy bars, and related products, in commerce, as "commerce" is defined in the Clayton Act, do forthwith cease and desist from: Selling such products of like grade and quality to any purchaser at net prices higher than those granted to any other purchaser, who in fact competes with the unfavored purchaser in the resale and distribution of such products.

It is further ordered, That the respondent herein shall, within sixty (60) days after service upon it of this order, file with the Commission a report in writing setting forth in detail the manner and form in which it has complied with this order.

Issued: March 3, 1965.

By the Commission.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 65-6129; Filed, June 11, 1965; 8:46 a.m.]

[Docket 6495]

PART 13—PROHIBITED TRADE PRACTICES

Foremost Dairies, Inc.

Subpart—Acquiring corporate stock or assets: § 13.5 *Acquiring corporate stock or assets.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 7, 38 Stat. 731, as amended; 15 U.S.C. 18) [Modified divestiture order, Foremost Dairies, Inc., Jacksonville, Fla., Docket 6495, Mar. 5, 1965.]

Order modifying the divestiture order of April 30, 1962, in accordance with a final order issued by the Court of Appeals, Fifth Circuit, of February 24, 1965, pursuant to the agreement between the Commission and Foremost Dairies, Inc., to include a ban against any further acquisitions in the dairy industry without prior approval of the Federal Trade Commission for the next 10 years, and to divest itself of the assets and properties incident to this order to a purchaser approved by the Commission in advance. The divestiture order of April 30, 1962, 27 F.R. 8366 (60 FTC 944, 1099) required

respondent to divest itself of ten dairy industry concerns it acquired in 1952, 1953, and 1955.

The order in this case, including further order requiring report of compliance therewith, is modified in accordance with the final order of the court to read as follows:

It is ordered, That respondent, Foremost Dairies, Inc., before December 31, 1965, shall divest itself absolutely, in good faith, of all of the assets and properties incident to the operation of the facilities referred to in Schedule I hereto, together with all plants, machinery, buildings, improvements, equipment, and other property that have been or may be added thereto or placed on such premises by respondent, such divestiture to be effected subject to prior approval of the Commission by sales of assets to third persons, firms, or corporations as may be necessary to restore the properties as competitive entities, all as hereinafter provided.

It is further ordered, That such divestiture shall be effected subject to the following:

1. Upon the completion of such transfer of assets to the third person, firm, or corporation (herein called the "transferee"), respondent, its officers, directors, agents, representatives, or employees shall not exercise any control or supervision over the policies, control, management, operation, or acts of transferee, or any successor in interest to transferee. *Provided*, That respondent may license the use of any of its trademarks in the territory of the transferee during a period of twelve (12) years from the date this order is issued only after it has obtained prior approval by the Commission of each license.

2. By these divestitures, none of the stocks, assets, properties, rights, or privileges, tangible or intangible, shall be sold or transferred, directly or indirectly, to anyone who is at the time of the divestiture an officer, director, employee, or agent of, or under the control or direction of, respondent or any of respondent's divisions, subsidiaries, or affiliated corporations, or who owns or controls, directly or indirectly, more than one (1) percent of the outstanding shares of common stock of respondent, nor to anyone who is not approved as a purchaser by the Federal Trade Commission in advance.

It is further ordered, That, as used in this order, the term "anyone" or "person" shall include natural persons who are members of the immediate family by reason of blood relationship, marriage, adoption, or living in the same household.

It is further ordered, That for a period of 10 years after the date of service of this order upon respondent, respondent and its successor in interest shall cease and desist from acquiring, directly or indirectly, through subsidiaries or otherwise, the whole or any part of the stock, share capital or assets (other than products sold in the course of business) of any concern, corporate, or noncorporate, engaged principally or as one of its major commodity lines at the time of such acquisition in any State of the United States in the business of manufacturing, processing, or selling at wholesale or on retail milk routes (a) fluid milk, or (b) ice cream, ice milk, Mellorine, sherbet, or water ices, without the prior approval of the Federal Trade Commission.

It is further ordered, That respondent shall submit to the Commission on the first day of each calendar month a report in writing setting forth its efforts and progress in carrying out the divestiture requirements of this order until all the assets have been divested with the approval of the Commission; and respondent shall submit to the Commission on the first day of each calendar year a report in writing setting forth its compliance with the cease and desist provisions of this order.

SCHEDULE I

SOUTHEASTERN REGION

Bristol, Va., District

Processing Plants:
Bristol—Milk.
Bristol—Ice cream.
Kingsport—Milk.
Spartanburg—Ice cream.
Welch—Milk.
Charlotte—Milk.
Sales Branches:
Appalachia.
Ashland.
Bluefield.
Bristol.
Charlotte.
Columbia, S.C.
Johnson City.
Kingsport.
Richlands.
Spartanburg.
Welch.
Williamson.

Jacksonville, Fla., District

Processing Plants:
Daytona—Milk.
Savannah—Milk.
St. Petersburg—Milk.
Jacksonville—Milk.
Jacksonville—Ice cream.
Sales Branches:
Daytona.
Gainesville.
Jacksonville.
Orlando.
Savannah.
St. Augustine.
St. Petersburg.
Tallahassee.
Tampa.
Valdosta.
San Juan.

Miami, Fla., District

Processing Plants:
Miami—Milk.
Miami—Ice cream.
Sales Branches:
Miami.
Ft. Lauderdale-West Palm Beach.

Montgomery, Ala., District

Processing Plants:
Atlanta—Milk.
Birmingham—Milk.
Montgomery—Milk.
Sylacauga—Ice cream.
Sales Branches:
Atlanta.
Birmingham.
Columbus, Ga.
Fayetteville.
Montgomery.
Huntsville.
Pensacola.
Sylacauga.
Tuscumbia.

Columbia, Tenn., District

Processing Plant:
Columbia.

Florida Juice

Processing Plant:
Miami, Fla.
Sales Branch:
Miami, Fla.

PHILADELPHIA DAIRY

Philadelphia, Pa., Milk District

Processing Plants:
Philadelphia—Milk.
Ardmore—Milk.
Sales Branches:
Allentown.
Ardmore.
Darby.
Blenheim, N.J.
Philadelphia.
Paoli.
Somerton.

District I (Philadelphia—Ice Cream)

Processing Plants:
Philadelphia—Ice cream.
Sales Branches:
Allentown.
Atlantic City.
Harrisburg.
Laurel.
Philadelphia.
Pottstown.

District II (Northeast, Pa.—Ice Cream)

Processing Plants:
Wilkes-Barre—Ice cream.
Dushore—Ice cream.
Sales Branches:
Scranton.
Wilkes-Barre.
Dushore.
Portville, N.Y.
Sayre.
Williamsport.

District III (Northern New Jersey; New York—Ice Cream)

Sales Branches:
Asbury Park.
Newark.
Monticello.

CRESCENT DAIRY

Sioux Falls, S. Dak., District

Processing Plants:
Sioux Falls—Milk.
Sales Branches:
Hawarden, Iowa.
Madison, S. Dak.
Sioux Falls.
Worthington, Minn.

Richmond, Va., District

Processing Plants:
Richmond—Milk.
Richmond—Ice cream.
Sales Branches:
Richmond.
Waynesboro.

Scranton, Pa., District

Processing Plants:
Scranton—Milk.
Sales Branches:
Scranton.
Wilkes-Barre.

Issued: March 5, 1965.

By the Commission.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 65-6180; Filed, June 11, 1965; 8:46 a.m.]

[Docket C-890]

PART 13—PROHIBITED TRADE PRACTICES

Margo's, Inc., et al.

Subpart—Advertising falsely or misleadingly: § 13.10 *Advertising falsely or misleadingly;* § 13.30 *Composition of goods:* 13.30–30 Fur Products Labeling Act; 13.30–75 Textile Fiber Products Identification Act. Subpart—Invoicing products falsely: § 13.1108 *Invoicing products falsely:* 13.1108–45 Fur Products Labeling Act. Subpart—Misbranding or mislabeling: § 13.1185 *Composition:* 13.1185–30 Fur Products Labeling Act. Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1845 *Composition:* 13.1845–30 Fur Products Labeling Act; 13.1845–70 Textile Fiber Products Identification Act; § 13.1852 *Formal regulatory and statutory requirements:* 13.1852–35 Fur Products Labeling Act; 13.1852–70 Textile Fiber Products Identification Act; § 13.1865 *Manufacture or preparation:* 13.1864–40 Fur Products Labeling Act; § 13.1900 *Source or origin:* 13.1900–40 Fur Products Labeling Act: 13.1900–40 (b) Place.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; sec. 8, 65 Stat. 179; 72 Stat. 1717; 15 U.S.C. 45, 69f, 70) [Cease and desist order, Margo's Inc., trading as Margo's-La Mode, Etc., et al., Dallas, Tex., Docket C-890, Mar. 25, 1965]

In the Matter of Margo's Inc., a Corporation, trading as Margo's-La Mode, and Margo's-Downtown, and Margo's-Preston, Inc., Corporations, and Joseph Glickman and Hyman Glickman, individually and as officers of said Corporation

Consent order requiring a retailer of fur products and textile fiber products, in Dallas, Tex., to cease mislabeling, falsely invoicing and deceptively advertising fur products, in alleged violation of the Fur Products Labeling Act, by failing to disclose on attached labels, on invoices, and in advertisements: the true animal name of the fur used in fur products; the term "natural" to describe furs which were not dyed or bleached, when such fur products contained dyed, bleached, or waste fur, or were composed of paws, tails, or bellies; the country of origin of imported furs; the item numbers assigned to identify fur products; failing to use the term "Dyed Broadtail-processed Lamb" in the required manner on labels, invoices, and in advertisements; and failing in other respects to comply with requirements of the Act; and

To cease the alleged violation of the Textile Fiber Products Identification Act by failing to set forth in written newspaper advertisements of textile fiber products, including women's wearing apparel, the true generic name of the fibers present; and using "fiber trademarks", in advertising textile fiber products, in an improper manner.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

It is ordered, That respondents Margo's, Inc., a corporation, trading as Margo's-La Mode, and Margo's-Downtown, and Margo's-Preston, Inc., corporations, and Joseph Glickman and Hyman Glickman, individually and as officers of said corporations, and respondents' representatives, agents, and employees, directly or through any corporate or other device, do forthwith cease and desist from introducing into commerce, or selling, advertising, or offering for sale in commerce, or transporting, or distributing in commerce, any fur product; or selling, advertising, offering, for sale, transporting, or distributing, any fur product which is made in whole or in part of fur which has been shipped and received in commerce, as "commerce", "fur", and "fur product" are defined in the Fur Products Labeling Act unless each such product has securely affixed thereto or placed thereon a stamp, tag, label, or other means of identification:

(a) Correctly showing in words and in figures all of the information required to be disclosed by each of the subsections of section 4(2) of the Fur Products Labeling Act.

(b) Setting forth the term "natural" as part of the information required to be disclosed on labels under the Fur Products Labeling Act, and the Rules and Regulations promulgated thereunder to describe fur products which are not pointed, bleached, dyed, tip-dyed, or otherwise artificially colored.

(c) Setting forth on labels the item number or mark assigned to fur products.

It is further ordered, That respondents Margo's, Inc., a corporation, trading as Margo's-La Mode, and Margo's-Downtown, and Margo's-Preston, Inc., corporations, and Joseph Glickman and Hyman Glickman, individually and as officers of said corporations, and respondents' representatives, agents and employees, directly or through any corporate or other device, in connection with the introduction into commerce, or the sale, advertising or offering for sale in commerce, or the transportation, or distribution in commerce, of any fur product; or in connection with the sale, advertising, offering for sale, transportation, or distribution, of any fur product which is made in whole or in part of fur which has been shipped and received in commerce, as "commerce", "fur", and "fur product" are defined in the Fur Products Labeling Act, do forthwith cease and desist from:

A. Falsely and deceptively invoicing fur products by:

1. Failing to furnish invoices to purchasers of fur products showing in words and figures plainly legible all the information required to be disclosed by each of the subsections of section 5(b)(1) of the Fur Products Labeling Act.

2. Failing to set forth the term "natural" as part of the information required to be disclosed on invoices under the Fur Products Labeling Act and rules and regulations promulgated thereunder to describe fur products which are not pointed, bleached, dyed, tip-dyed, or otherwise artificially colored.

3. Failing to set forth on invoices the item number or mark assigned to fur products.

B. Falsely or deceptively advertising fur products through the use of any advertisement, representation, public announcement, or notice which is intended to aid, promote, or assist, directly or indirectly, in the sale, or offering for sale of any fur product, and which:

1. Falsely or deceptively identifies any such fur product as to the name or designation of the animal or animals that produced the fur contained in the fur product.

2. Fails to set forth the term "Dyed Broadtail-processed Lamb" in the manner required where an election is made to use that term instead of the words "Dyed Lamb".

3. Fails to set forth the term "natural" as part of the information required to be disclosed in advertisements under the Fur Products Labeling Act and the rules and regulations promulgated thereunder to describe fur products which are not pointed, bleached, dyed, tip-dyed, or otherwise artificially colored.

4. Fails to disclose that fur products are composed in whole or in substantial part of paws, tails, bellies, sides, flanks, gills, ears, throats, heads, scrap pieces, or waste fur.

It is further ordered, That respondents Margo's, Inc., a corporation, trading as Margo's-La Mode, and Margo's-Downtown, and Margo's-Preston, Inc., corporations, and Joseph Glickman and Hyman Glickman, individually and as officers of said corporations, and respondents' representatives, agents and employees, directly or through any corporate or other device, in connection with the introduction, delivery for introduction, sale, advertising, or offering for sale, in commerce, or in the transportation or causing to be transported in commerce, or the importation into the United States, of any textile fiber product; or in connection with the sale, offering for sale, advertising, delivery, transportation, or causing to be transported, of any textile fiber product which has been advertised or offered for sale in commerce; or in connection with the sale, offering for sale, advertising, delivery, transportation, or causing to be transported, after shipment in commerce, of any textile fiber product, whether in its original state or contained in other textile fiber products, as the terms "commerce" and "textile fiber product" are defined in the Textile Fiber Products Identification Act, do forthwith cease and desist from falsely and deceptively advertising textile fiber products by:

1. Making any representations, by disclosure or by implication, as to the fiber contents of any textile fiber product in any written advertisement which is used to aid, promote, or assist, directly, or indirectly, in the sale or offering for sale of such textile fiber product, unless the same information required to be shown on the stamp, tag, label, or other means of identification under sections 4(b) (1) and (2) of the Textile Fiber Products

Identification Act is contained in the said advertisement, except that the percentages of the fibers present in the textile fiber product need not be stated.

2. Using a fiber trademark in advertisements without a full disclosure of the required content information in at least one instance in the said advertisement.

3. Using a fiber trademark in advertising textile fiber products containing more than one fiber without such fiber trademark appearing in the required fiber content information in immediate proximity and conjunction with the generic name of the fiber in plainly legible type or lettering of equal size and conspicuousness.

4. Using a fiber trademark in advertising textile fiber products containing only one fiber without such fiber trademark appearing at least once in the advertisement, in immediate proximity and conjunction with the generic name of the fiber, in plainly legible and conspicuous type.

It is further ordered, That the respondents herein shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with this order.

Issued: March 25, 1965.

By the Commission.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 65-6131; Filed, June 11, 1965; 8:46 a.m.]

[Docket C-864]

PART 13—PROHIBITED TRADE PRACTICES

Missouri College of Automation, Inc., and Marion Shreve

Subpart—Advertising falsely or misleadingly: § 13.10 *Advertising falsely or misleadingly;* § 13.15 *Business status, advantages, or connections:* 13.15–250 Qualification and abilities: § 13.60 *Earnings and profits;* § 13.115 *Jobs and employment service;* § 13.143 *Opportunities.* Subpart—Offering unfair, improper and deceptive inducements to purchase and deal: § 13.1935 *Earnings and profits;* § 13.2015 *Opportunities in product or service.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45) [Cease and desist order, Missouri College of Automation, Inc. et al., St. Louis, Mo., Docket C-864, Mar. 3, 1965]

In the Matter of Missouri College of Automation, Inc., a Corporation, and Marion Shreve, individually and as an officer and director of said Corporation

Consent order requiring St. Louis, Mo., sellers of correspondence and resident training courses, intended to prepare students for employment as IBM key punch operators, to cease representing falsely in "Help Wanted" columns of newspapers and through salesmen offers of employment to secure leads to prospective purchasers of their courses; to cease making exaggerated salary claims; and to cease misrepresenting that they operate a placement service, or assist in any manner in obtaining employment for persons completing their courses.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

It is ordered, That respondents Missouri College of Automation, Inc., a corporation, and its officers and directors, and Marion Shreve, individually and as an officer and director of said corporation, and respondents' representatives, agents and employees, directly or through any corporate or other device, in connection with the advertising, offering for sale, sale or distribution of courses of study or instruction in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from representing, directly or by implication, that:

(1) Employment is being offered when the real purpose of such offer is to secure leads to persons interested in purchasing respondents' courses of study or instruction;

(2) Persons completing respondents' course in IBM key punch operation will thereby have received the training and experience required to qualify them for employment as experienced IBM key punch operators at salaries of $300 to $500 per month; or otherwise misrepresenting in any manner the employment or salaries for which persons completing respondents' courses will be qualified or the training and experience afforded by respondents' courses;

(3) Respondents operate a placement service to assist persons completing their courses in obtaining employment or that respondents will actively attempt to obtain employment for such persons; or misrepresenting in any other manner the assistance furnished by respondents in obtaining employment for persons completing respondents' courses of study or instruction.

It is further ordered, That the respondents herein shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with this order.

Issued: March 3, 1965.

By the Commission.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 65-6133; Filed, June 11, 1965; 8:47 a.m.]

[Docket 7039]

PART 13—PROHIBITED TRADE PRACTICES

Permanente Cement Co.[1] and Glacier Sand & Gravel Co.

Subpart—Acquiring corporate stock or assets: § 13.5 *Acquiring corporate stock or assets.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 7, 38 Stat. 731, as amended; 15 U.S.C. 18) [Order of divestiture, Permanente Cement Company (Oakland, Calif.) et al., Docket 7039, Mar. 22, 1965]

In the Matter of Permanente Cement Co., a Corporation, and Glacier Sand & Gravel Co., a Corporation

Consent order,[2] following remand of proceeding by the Court of Appeals, Ninth Circuit, on March 18, 1965—requiring the second largest cement producer on the west coast, and its subsidiaries—to divest, absolutely and in good faith, within 4 years, to purchasers approved by the Commission, all the assets, properties, rights and privileges, tangible or intangible, of the Olympic Portland Cement Co., Ltd., a principal competitor in the manufacture and sale of portland cement, with offices in Seattle, Wash., acquired by acquisition in 1958, the divestment prohibits any change which might impair present production capacity;

To divest, absolutely and in good faith, within 2 years, to purchasers approved by the Commission, the ready-mixed concrete and cement aggregates facilities, including all equipment, acquired in 1959 from Pacific Building Materials Co. and Readymix Concrete Co., located at Albina (Portland) and Vancouver (Washington), the divestiture prohibits any change of assets which might impair present production capacity, and to make available and affirmatively offer to purchasers certain raw materials at prices, terms, and conditions as prescribed by this order;

To cease and desist from acquiring any part of any corporation engaged in the manufacture or sale of ready-mixed concrete in the States of Oregon and Washington for the next 2 years, or until the Commission institutes a trade regulation rule proceeding concerning acquisitions in the cement industry, and to comply with other obligations of this order as set forth below.

The order of divestiture, including further order requiring reports of compliance therewith, is as follows:

COUNT I

It is ordered, That respondent Permanente Cement Co., a corporation, and its officers, directors, agents, representatives, employees, subsidiaries, affiliates, successors, and assigns, within four (4) years from the date of service of this order, shall divest, absolutely and in good faith, all stock, assets, properties, rights, and privileges, tangible or intangible, including but not limited to all properties, plants, machinery, equipment, raw material reserves, trade names, contract rights, trademarks, and good will acquired by Permanente Cement Co. as a result of the acquisition by Permanente Cement Co. of the stock and assets of the Olympic Portland Cement Co., Ltd., together with all plants, machinery, buildings, land, raw material reserves, improvements, equipment and other property of whatever description

[1] This order supersedes the Commission's Order of Apr. 24, 1964 (29 F.R. 6050) which required respondent to divest itself of Olympic Portland Cement Co., Ltd., within 1 year.

[2] Now Kaiser Cement & Gypsum Corp.

that has been added to or placed on the premises of the former Olympic Portland Cement Co., Ltd., so as to restore the Olympic Portland Cement Co., Ltd., as a going concern and effective competitor in the manufacture and sale of cement.

It is further ordered, That pending divestiture, Permanente Cement Co. shall not make any changes in any of the plants, machinery, buildings, equipment, or other property of whatever description, of the former Olympic Portland Cement Co., Ltd., which might impair its present capacity for the production, sale, and distribution of cement, or its market value, unless such capacity or value is fully restored prior to divestiture.

It is further ordered, That by such divestiture, none of the stock, assets, properties, rights, or privileges hereinabove described in this order as to Count I shall be sold or transferred, directly or indirectly, to (a) any person who is at the time of the divestiture an officer, director, employee, or agent of, or under the control or direction of, Permanente Cement Co. or any of the subsidiaries or affiliated corporations of Permanente Cement Co., or owns or controls, directly or indirectly, more than one (1) percent of the outstanding shares of common stock of Permanente Cement Co., (b) any company producing cement in western Washington, as that term is defined in the complaint, as amended, or (c) to any purchaser who is not approved in advance by the Federal Trade Commission.

It is further ordered, That if Permanente Cement Co. divests the assets, properties, rights and privileges hereinabove described in this order as to Count I to a new corporation, the stock of which is wholly owned by Permanente Cement Co., and if Permanente Cement Co. then distributes all of the stock in said corporation to the stockholders of Permanente Cement Co. in proportion to their holdings of Permanente Cement Co. stock, then the preceding paragraph of this order shall be inapplicable, and the following provisions of this paragraph shall take force and effect in its stead. No person who is an officer, director, or executive employee of Permanente Cement Co., or who owns or controls, directly or indirectly, more than one (1) percent of the stock of Permanente Cement Co., shall be an officer, director or executive employee of any new corporation described in this paragraph, or shall own or control, directly or indirectly, more than one (1) percent of the stock of any new corporation described in this paragraph. Any person who must sell or dispose of a stock interest in Permanente Cement Co. or the new corporation described in this paragraph in order to comply with this paragraph may do so within six (6) months after the date on which distribution of the stock of the said corporation is made to stockholders of Permanente Cement Co.

It is further ordered, That, as used in this order as to Count I, the word "person" shall include all members of the immediate family of the individual specified and shall include corporations, partnerships, associations and other legal entities as well as natural persons.

It is further ordered, That respondent Permanente shall carry out its obligations to sell and divest as provided in this order as to Count I as follows: (a) During the second half of the third year of the period herein provided for, said respondent shall prepare the required program for actively soliciting bids on the properties and assets to be divested and shall submit a written report to the Commission every sixty (60) days in said half year of the steps so taken by it; (b) during the fourth year of said period said respondent shall actively solicit and make a bona fide effort to sell the properties and assets to be divested, any such sale to be effective at the end of said fourth year, and shall make a written report of such activities to the Commission every ninety (90) days during said year; (c) in the event that at any time during said four year period said respondent shall receive a written offer to purchase said properties and assets, it shall submit a copy thereof to the Commission within sixty (60) days after receipt, and if any such offer appears to said respondent or to the Commission to be bona fide said respondent shall use its best efforts to keep said offer open until the fourth year of said period; and (d) in negotiating for the sale and divestment ordered hereby, said respondent shall have the right to negotiate with any prospective purchaser for, and to attempt to contract for, the purchase by said respondent of not in excess of fifty (50) percent of the cement produced at the Bellingham plant in the three (3) year period following the effective date of such sale and divestment.

COUNT II

It is ordered, That respondents and their subsidiaries, affiliates, officer, directors, agents, representatives, employees, successors and assigns, shall, within two (2) years from the date of service of this order, divest, absolutely and in good faith, and to a purchaser or purchasers approved by the Federal Trade Commission, the ready-mixed concrete and aggregates facilities acquired by respondent Glacier from Pacific Building Materials Co. and Readymix Concrete Co. which are located at Albina (Portland)[1] and Vancouver (Washington),[2] including, without limitation, all machinery or equipment which is presently being used at either of said locations in the manufacture and sale of ready-mixed concrete and aggregates (including twelve (12) ready-mixed concrete mixer trucks at each of said facilities and such additional other types of vehicles as may be necessary to establish such purchaser or purchasers as effective competitors in the manufacture and sale of ready-mixed concrete and aggregates). The land upon which the Albina facility is located shall be subleased to the purchaser thereof on terms no less favorable than those contained in the lease between respondent Glacier and the Union Pacific Railroad, the owner of said property. The Vancouver Warehouse Building (formerly used for the sale of building materials), and the land upon which it is situated, need not be divested, unless the purchaser desires to acquire said warehouse building and land, and offers to pay the fair market value thereof. Respondents shall, in any event, lease that portion of said building presently used as an office for said Vancouver facility to the purchaser of the Vancouver facility.

It is further ordered, That respondents shall begin to make good faith efforts to divest the aforesaid facilities promptly after the date of service of this order and shall continue such efforts to the end that the divestiture thereof shall be effected within the aforesaid period of two (2) years. If divestiture of either or both of said facilities shall not have been accomplished within the specified two (2) year period, or any extension thereof, the Commission will give respondents notice and an opportunity to be heard before the Commission issues any further order or orders which the Commission may deem appropriate. If respondents are unable to divest either or both of said facilities, as an entity, but have received a bona fide offer to purchase the ready-mixed concrete plant at either or both of said locations, they may apply to the Commission for permission to divest said ready-mixed concrete plant or plants without divesting the aggregate facility at the same location.

It is further ordered, That, in said divestiture, respondents shall not sell or transfer, directly or indirectly, any of the aforesaid assets (a) to any corporation, or to anyone who is at the time of divestiture an officer, director, employee, or agent of a corporation, engaged in the production and sale of portland cement, or the principal business of which is the distribution of portland cement, (b) to any corporation or person controlled by one of the foregoing corporations or persons, (c) to any person who is an officer, director, employee, or agent of, or under the control or direction of, Permanente Cement Co. or any of its subsidiaries or affiliates, or who owns or controls, directly, or indirectly, more than one (1) percent of the outstanding shares of common stock of Permanente Cement Co., or (d) to Ross Island Sand & Gravel Co. or to any officer, director, employee, agent, or stockholder of said company.

It is further ordered, That, pending divestiture, respondents shall not make any changes in any of the assets to be divested which shall impair their present capacity for the manufacture, sale, and distribution of ready-mixed concrete or aggregates, or their market value.

It is further ordered, That, for a period of three (3) years from the date of such sale and divestiture respondent Glacier shall, in each calendar year, make available and affirmatively offer: (a) To the

[1] The "Albina facility" to be divested is shown by CX 151 B, page 2467 of the record (vol. 1–2, 7039–1) entitled in the lower right hand corner: Pacific Building Materials Co., Portland, Oreg., Albina Plant, Mar. 1, 1959.

[2] The "Vancouver facility" to be divested is shown by CX 151 A, page 2465 of the record (vol. 1–2, 7039–1) entitled in the lower right hand corner: Pacific Building Materials Co., Portland, Oreg., Vancouver Plant (Vancouver, Wash.), Mar. 1, 1959.

purchaser of the Vancouver facility, in the event said facility is sold and divested as a separate and distinct unit in good faith and at prices, terms, and conditions, then currently offered by respondent, Glacier, to competing purchasers in the Vancouver area, a quantity of processed mineral aggregates, for the use of such purchaser in the manufacture of ready-mixed concrete at said facility, equivalent to the quantity consumed by such facility in the manufacture of ready-mixed concrete in the calendar year 1964; and the foregoing shall apply with like force and effect to the Albina facility (substituting the phrase "the Portland area" for "the Vancouver area") should respondent receive permission from the Commission to divest only the ready-mixed concrete plant at the Albina facility; and (b) to the purchaser of the Albina facility, in good faith and at a reasonable price, a quantity of unprocessed mineral aggregates for the use of such purchaser in the manufacture of ready-mixed concrete at said facility, equivalent to the quantity consumed by such facility (and, if the same purchaser acquires the Vancouver facility, at such facility also) in the manufacture of ready-mixed concrete in the calendar year 1964.

It is further ordered, That respondent Permanente shall not supply in any calendar year to the purchaser or purchasers of the aforesaid facilities, for consumption in the manufacture of ready-mixed concrete, more than thirty-five percent (35%) of the portland cement consumed, in the aggregate, by both of the divested ready-mixed concrete plants; provided, however, that:

(i) The foregoing limitations shall not apply to sales of portland cement to either of the divested facilities following the expiration of 3 years from the date of divestiture of each such facility; and

(ii) Sales of portland cement to either of the divested facilities as a result of the specification by a customer of said plant, in an oral or written agreement with the operator of said plant, requiring the purchase of respondent Permanente's cement shall not be taken into consideration in computing the amount of cement supplied or consumed in accordance with this paragraph.

It is further ordered That, for a period of eighteen (18) months from the date of the last divestiture made hereinunder, respondents shall not sell or distribute ready-mixed concrete in the Portland, Oregon-Vancouver, Washington area except from its Curry Street facility; provided, that the above limitation shall not apply to ready-mixed concrete produced by any temporary plant established for the purpose of supplying concrete to a single project which requires from respondent Glacier at least 15,000 cubic yards of concrete. For the purpose of the foregoing proviso a single project shall include, without limitation, projects such as a shopping center, housing development, apartment house, school, factory, bridge, or a highway section.

It is further ordered, That, for a period of two (2) years from the date of service of this order, or until the issuance or announcement by the Federal Trade Commission of a trade regulation rule or report concerning mergers or acquisitions in the cement industry, if such event occurs prior to the expiration of such two-year period, respondents shall cease and desist from acquiring, directly, or indirectly, through subsidiaries or otherwise, any part of the share capital or assets of any corporation engaged in the manufacture or sale of ready-mixed concrete in the States of Oregon and Washington.

It is further ordered, That respondents shall, within sixty (60) days after the date of service of this order, and every sixty (60) days thereafter until respondents have fully complied with the provisions of this order as to Count II, submit in writing to the Federal Trade Commission a report setting forth in detail the manner and form in which respondents intend to comply, are complying or have complied with this order. All compliance reports shall include, among other things that are from time to time required, a summary of all contacts and negotiations with potential purchasers of the specified facilities, the identity of all such potential purchasers, and copies of all written communications to and from such potential purchasers.

Issued: March 23, 1965.

By the Commission.

[SEAL] JOSEPH W. SHEA, *Secretary*.

[F.R. Doc. 65-6133; Filed, June 11, 1965; 8:47 a.m.]

[Docket 8605 c.]

PART 13—PROHIBITED TRADE PRACTICES

John Surrey, Ltd., and Joseph Ross

Subpart—Advertising falsely or misleadingly: § 13.10 *Advertising falsely or misleadingly*; § 13.155 *Prices*: 13.155–15 Comparative, 13.155.35 Discount savings, 13.155–40 Exaggerated as regular and customary, 13.155–60 List or catalog as regular selling, 13.155–80 Retail as cost, wholesale, discounted, etc., 13.155–100 Usual as reduced, special, etc.; § 13.170 *Qualities or properties of product or service*; § 13.285 *Value*. Subpart—Misrepresenting oneself and goods—Goods: § 13.1710 *Qualities or properties*; § 13.1775 *Value*. Subpart—Misrepresenting oneself and goods—Prices: § 13.1785 *Comparative*; § 13.1805 *Exaggerated as regular and customary*; § 13.1820 *Retail as cost, etc., or discounted*; § 13.1825 *Usual as reduced or to be increased*.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45) [Cease and desist order, John Surrey, Ltd., et al., New York, N.Y., Docket 8605, Mar. 16, 1965]

In the Matter of John Surrey, Ltd., a Corporation, and Joseph Ross, Individually and as Officer of Said Corporation

Order requiring a direct mail order catalog distributor of New York City engaged in selling articles of general merchandise—such as pens, radios, typewriters, tools, and drill bits—to cease making false and deceptive pricing, savings, and quality claims in advertising its merchandise by: Using the word "Reg.", or similar words, in comparative pricing claims, to refer to prices which were higher than its regular selling price of such merchandise, thereby misrepresenting the prices at which respondent usually sold such merchandise and the savings available to purchasers; using the words "manufacturer's list price", or similar words, to refer to retail prices which were appreciably higher than prevailing retail prices of such merchandise in respondents' trade area, thereby misrepresenting the prevailing trade area retail prices of such merchandise; and falsely representing that its drill bits were precision ground and of high speed quality.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

It is ordered, That respondents John Surrey, Ltd., a corporation, and its officers, and Joseph Ross, individually and as an officer of said corporation, and respondents' agents, representatives, and employees, directly or through any corporate or other device, in connection with the offering for sale, sale or distribution of drill bits, typewriters, pens, electric can openers, electra maids, or other products in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Using the word "Reg.", or words of similar import, to refer to any amount which is in excess of the price at which such merchandise has been sold or offered for sale in good faith by the respondents in the recent regular course of their business, or otherwise misrepresenting the price at which such merchandise has been sold or offered for sale by respondents;

2. Using the words "manufacturer's list price", "suggested list price", "value", or words of similar import, to refer to the price at which any product is generally sold by others, when such amount appreciably exceeds the highest price at which substantial sales of the product are being made by principal retail outlets in representative communities throughout respondents' trade area at the time such representation is made;

3. Misrepresenting, in any manner, the savings available to purchasers of respondents' merchandise;

4. Representing, directly or by implication, that their drill bits are super speed or high-speed drill bits unless they are composed of the materials and have the physical properties and performance characteristics generally required for and possessed by high-speed drill bits;

It is further ordered, That respondents shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with the order to cease and desist.

Issued: March 16, 1965.

By the Commission.

[SEAL] JOSEPH W. SHEA, *Secretary*.

[F.R. Doc. 65-6134; Filed, June 11, 1965; 8:47 a.m.]

[Docket C-866]

PART 13—PROHIBITED TRADE PRACTICES

Universal Business Forms Co. and Verl G. Elya

Subpart—Coercing and intimidating: § 13.375 *Suppliers of competitors*. Subpart—Combining or conspiring: § 13.397 *To cut off competitor's supplies*. Subpart—Cutting off supplies or service: § 13.617 *Inducing suppliers to refuse to sell to competitors*. Subpart—Interfering with competitors or their goods—Competitors: § 13.1085 *Harassing*.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45) [Cease and desist order, Universal Business Forms Co. et al., Chicago, Ill., Docket C-866, Mar. 11, 1965]

In the Matter of Universal Business Forms Co., a Corporation, and Verl G. Elya, Individually and as an Officer of said Corporation

Consent order, in alleged violation of the Federal Trade Commission Act, requiring a distributor of business forms products located in Chicago, Ill., to cease foreclosing its competitors from access to sources of supply for business forms products, or obstructing in any way with the business of its competitors by inducing suppliers of such products to refrain from taking orders or selling to its competitors; or entering into agreements or carrying out any planned common course of action, whereby suppliers would refuse to accept orders or sell said products to competitors of respondent.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

It is ordered, That respondent Universal Business Forms Co., a corporation, and its officers, and respondent Verl G. Elya, individually and as an officer of said corporation, and said respondents' agents, representatives, employees, directly, or through any corporate or other device, in or in connection with the offering for sale, sale or distribution of business forms products in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

Harassing, interfering with, threatening, or obstructing in any way, the business of any competitor by:

1. Initiating, continuing, maintaining, or effectuating a policy of requesting, soliciting, coercing, threatening, persuading, suggesting, demanding, inducing, or attempting to induce in any way any manufacturer or supplier to refrain from taking orders from or selling to any competitors of respondents; or

2. Entering into, continuing, cooperating in, or carrying out any planned common course of action or course of dealing or understanding, agreement, combination, and conspiracy between themselves and one or more corporations not made respondents herein or between themselves and others not parties hereto, to do or perform the act and practice of agreeing that any manufacturer or supplier will refrain from taking orders from or selling to any competitors of respondents.

It is further ordered, That the respondents herein shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with this order.

Issued: March 11, 1965.

By the Commission.

[SEAL] JOSEPH W. SHEA, *Secretary*.

[F.R. Doc. 65-6135; Filed, June 11, 1965; 8:47 a.m.]

Proposed Rule Making

DEPARTMENT OF AGRICULTURE

Consumer and Marketing Service

[9 CFR Part 201]

PACKERS AND STOCKYARDS

Custodial Funds; Notice of Proposed Rule Making

Notice is hereby given that, pursuant to § 407(a) of the Packers and Stockyards Act (7 U.S.C. 228(a)), the Consumer and Marketing Service proposes to amend §§ 201.40 and 201.42 (9 CFR 201.40, 201.42) of the regulations under the Packers and Stockyards Act, 1921, as amended (7 U.S.C. 181 et seq.), to permit market agencies and licensees to convert a portion of the funds in their custodial accounts to certificates of deposit, and to require that custodial accounts be maintained in banks whose deposits are insured by the Federal Deposit Insurance Corporation.

Statement of considerations. (A) Since July 1, 1963, each market agency and licensee engaged in selling livestock or live poultry on a commission or agency basis has been required to establish and maintain a separate bank account for the handling of the proceeds received from the sale of consigned livestock or live poultry (9 CFR 201.42). When such accounts are maintained in banks whose deposits are insured by the Federal Deposit Insurance Corporation, the interest of each consignor whose funds are deposited in the account is insured up to the maximum $10,000. This important insurance protection has prevented serious losses to many producers.

At present, 2,629 market agencies engaged in selling consigned livestock maintain custodial accounts in insured banks. There are a few market agencies that do not maintain custodial accounts in banks insured by the Federal Deposit Insurance Corporation. The Department would like the views of the livestock industry as to whether market agencies should be required to maintain their custodial accounts in insured banks, and, if so, when those few market agencies who do not maintain accounts in insured banks should be required to transfer their uninsured accounts to an insured bank.

(B) Section 201.40 of the regulations precludes market agencies and licensees from using shippers' proceeds or buyers' funds for purposes of their own "either through recourse to the so-called 'float' in the bank account in which the proceeds or funds are deposited or in any other manner." And § 201.42 of the regulations precludes a market agency or licensee from drawing on a custodial account for any purpose other than the "payment of the net proceeds to the consignor or shipper, or such other person or persons who such market agency or licensee has knowledge is entitled thereto, and to obtain therefrom the sums due the market agency or licensee as compensation for its services and for such sums as are necessary to pay all legal charges against the consignment of livestock or live poultry which the market agency or licensee may, in its capacity as agent, be required to pay for and on behalf of the consignor or shipper."

Many market agencies and licensees, because proceeds checks issued to consignors are not promptly negotiated and presented for payment, maintain sizeable "floats" in their custodial accounts. In some cases the amount of the "float" remains at more than $1,000,000. It is proposed that §§ 201.40 and 201.42 of the regulations be amended to permit market agencies and licensees to convert a reasonable portion of the idle funds constituting the "float" to interest bearing certificates of deposit. Certificates of deposit could be converted to cash when needed to honor proceeds checks presented for payment by consignors, and, when issued by banks whose deposits are insured by the Federal Deposit Insurance Corporation, are covered by such insurance protection, as in the case of funds in the custodial account. The proposed amendment would require that certificates of deposit be obtained only from the same bank handling the deposits of custodial funds, and be made payable to a market agency or licensee in its fiduciary capacity as trustee of the custodial funds.

It is proposed that § 201.40 of the regulations under the Packers and Stockyards Act be amended to read as follows:

§ 201.40 Market agencies or licensees not to use shippers' proceeds or funds received for purchases on commission for own purposes through "bank float" or otherwise.

No market agency or licensee engaged in selling or buying livestock or live poultry on a commission or agency basis shall use shippers' proceeds or funds received for the purchase of livestock or live poultry on order for purposes of its own either through recourse to the so-called "float" in the bank account in which the proceeds or funds are deposited or in any other manner, except as provided in § 201.42.

It is proposed that § 201.42 of the regulations under the Packers and Stockyards Act be amended by adding new paragraphs (c) and (d) reading as follows:

§ 201.42 Custodial accounts.

* * * * *

(c) The separate bank accounts referred to in paragraphs (a) and (b) of this section shall be established and maintained in banks whose deposits are insured by the Federal Deposit Insurance Corporation.

(d) Any market agency or licensee who has established and maintains a separate bank account in accordance with paragraphs (a) and (c) of this section may convert a reasonable portion of the custodial funds constituting the "float" to certificates of deposit issued by the bank in which such funds are deposited. Any such certificates of deposit shall be made payable to the market agency or licensee in its fiduciary capacity as trustee of the custodial funds.

Any person who wishes to submit written data, views, or arguments concerning the proposed amendments may do so by filing them in duplicate with the Hearing Clerk, U.S. Department of Agriculture, Washington, D.C., on or before July 17, 1965.

All written submissions made pursuant to this notice will be made available for public inspection at such times and places and in a manner convenient to the public business (7 CFR 1.27(b)).

Done at Washington, D.C., this 8th day of June 1965.

CLARENCE H. GIRARD,
Deputy Administrator,
Consumer and Marketing Service.

[F.R. Doc. 65-6090; Filed, June 11, 1965; 8:45 a.m.]

ATOMIC ENERGY COMMISSION

[10 CFR Part 150]

COMPUTATION OF QUANTITIES OF SPECIAL NUCLEAR MATERIAL IN AGREEMENT STATES FOR PURPOSES OF EXEMPTION

Notice of Proposed Rule Making

Subsection 274b of the Atomic Energy Act of 1954, as amended, authorizes the Commission to enter into agreements with individual States for the discontinuance of Commission regulatory authority under the Act, with respect to certain atomic energy materials. Among those materials are special nuclear materials in quantities not sufficient to form a critical mass.

The Commission has, thus far, entered into agreements with nine States[1] pursuant to subsection 274b. It has also promulgated a regulation, 10 CFR Part 150, to carry out such agreements.

Section 150.10 of Part 150 exempts persons in agreement States who manufacture, produce, receive, possess, use, or transfer special nuclear material in quantities not sufficient to form a critical mass from the requirements for a license contained in the Act and from the Commission's licensing regulations. Paragraph (a) of § 150.11 sets out the quantities of special nuclear materials which are deemed to be not sufficient to form a critical mass. Paragraph (b) of that section provides, in effect, that in determining whether the exemption applies, the total quantity of special nuclear material which a person is authorized to receive, possess or use anywhere in a particular agreement State at any one time shall be included in the quantity computed under paragraph (a).

The Commission is now considering amending § 150.11(b) to provide that in determining whether the exemption of § 150.10 applies at any particular plant or other authorized location of use, only the material which the person is authorized to receive, possess, or use at that plant or location at any one time need be included in the computation. Even though the total quantity of special nuclear material which a person is authorized to possess or use within an agreement State may be sufficient to form a critical mass, no problems of accidental criticality are presented so long as the quantity of material possessed and used at any separate location at any one time is insufficient to form a critical mass.

Pursuant to the Atomic Energy Act of 1954, as amended, and the Administrative Procedure Act of 1946, notice is hereby given that adoption of the following amendment to 10 CFR Part 150 is contemplated. All interested persons who desire to submit written comments or suggestions for consideration in connection with the proposed amendment should send them to the Secretary, U.S. Atomic Energy Commission, Washington, D.C., 20545, within 30 days after initial publication of this notice in the FEDERAL REGISTER. Comments received after that period will be considered if it is practicable to do so, but assurance of consideration cannot be given except as to comments filed within the period specified.

Paragraph (b) of § 150.11 is amended to read as follows:

§ 150.11 Critical mass.

* * * * *

(b) To determine whether the exemption granted in § 150.10 applies to the receipt, possession or use of special nuclear material at any particular plant or other authorized location of use, a person shall include in the quantity computed according to paragraph (a) of this section the total quantity of special nuclear material which he is authorized to receive, possess or use at the plant or other location of use at any one time.

(Secs. 161, 274, 68 Stat. 948, 73 Stat. 688; 42 U.S.C. 2201, 2021)

Dated at Washington, D.C., this 1st day of June 1965.

For the Atomic Energy Commission.

W. B. McCOOL,
Secretary.

[F.R. Doc. 65-5876; Filed, June 4, 1965; 8:47 a.m.]

[1] Referred to hereinafter as "agreement States."

FEDERAL AVIATION AGENCY

[14 CFR Part 37]

[Docket No. 1948; Ref. Notices Nos. 63-36, 63-36A]

AIRBORNE VOR RECEIVING EQUIPMENT

Withdrawal of Notices of Proposed Rule Making

The purpose of this action is to withdraw Notice No. 63-36 (28 F.R. 9957) and Notice No. 63-36A (28 F.R. 13549).

In Notice No. 63-36, the Agency proposed to revise the Technical Standard Order contained in § 514.38 of the Regulations of the Administrator (now § 37.138 of the Federal Aviation Regulations) covering airborne VOR receiving equipment. Notice No. 63-36A simply extended the comment period on Notice No. 63-36 an additional month.

After a review of the comments made in response to Notices Nos. 63-36 and 63-36A, the Agency believes that certain provisions of the VOR Technical Standard Order, not specifically spoken to in the notice, warrant further study to determine the need for further revisions. In view of this, the Agency considers it appropriate to withdraw these notices for the present.

Withdrawal of these notices of proposed rule making constitutes only that, and does not preclude the Agency from issuing another notice on the same subject in the future, nor does it commit the Agency to any particular course of the action in the future.

In consideration of the foregoing, Notice No. 63-36 (28 F.R. 9957) and Notice No. 63-36A (28 F.R. 13549) are hereby withdrawn.

Issued in Washington, D.C., on June 8, 1965.

G. S. MOORE,
Director,
Flight Standards Service.

[F.R. Doc. 65-6112; Filed, June 11, 1965; 8:45 a.m.]

[14 CFR Part 71]

[Airspace Docket No. 65-SO-37]

CONTROL ZONE AND TRANSITION AREA

Proposed Alteration and Designation

The Federal Aviation Agency is considering amendments to Part 71 of the Federal Aviation Regulations which would alter the control zone and designate a transition area at Sarasota, Fla.

The Sarasota, Fla., control zone is presently designated within a 5-mile radius of the Sarasota-Bradenton Airport (latitude 27°23'47" N., longitude 82°33'15" W.), and within 2 miles either side of the Sarasota-Bradenton VOR 306° radial extending from the 5-mile radius zone to 8 miles NW of the VOR. The control zone is effective from 0600 to 2200 hours e.s.t. daily.

Having completed a comprehensive review of the terminal airspace structure requirements in the Sarasota, Fla., terminal area, including studies attendant to the implementation of provisions of CAR Amendments 60-21/60-29 (26 F.R. 570, 27 F.R. 4012), the Federal Aviation Agency proposes the airspace actions hereinafter set forth.

The Sarasota, Fla., control zone would be redesignated within a 5-mile radius of the Sarasota-Bradenton Airport (latitude 27°23'47" N., longitude 82°33'15" W.); within 2 miles each side of the Sarasota VOR 299° radial extending from the 5-mile radius zone to 7 miles NW of the VOR, from 0600 to 2200 hours, local time, daily.

A Sarasota, Fla., transition area would be designated as that airspace extending upward from 700 feet above the surface within a 5-mile radius of Sarasota-Bradenton Airport (latitude 27°23'47" N., longitude 82°33'15" W.); within 2 miles each side of the Sarasota, Fla., VOR 299° radial extending from the 5-mile radius area to 8 miles NW. of the VOR.

The alteration to the control zone is proposed so as to make the control zone extension northwest of the 5-mile radius zone correspond to the final approach radial for the VOR approach procedure to the Sarasota-Bradenton Airport. The proposed transition area would provide controlled airspace for this same approach procedure and is also needed in lieu of a control zone during the hours that the control zone is not in effect.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in duplicate to the Director, Southern Region, Attn: Chief, Air Traffic Division, Federal Aviation Agency, Post Office Box 20636, Atlanta, Ga., 30320. All communications received within 30 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Chief, Air Traffic Division. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Southern Regional Office, Federal Aviation Agency, Room 724, 3400 Whipple Street, East Point, Ga.

This amendment is proposed under section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348(a)).

Issued in East Point, Ga., on June 2, 1965.

PAUL H. BOATMAN,
Acting Director,
Southern Region.

[F.R. Doc. 65-6110; Filed, June 11, 1965; 8:45 a.m.]

[14 CFR Part 71]

[Airspace Docket No. 65-SO-83]

FEDERAL AIRWAYS

Proposed Revocation

The Federal Aviation Agency is considering amendments to Part 71 of the Federal Aviation Regulations that would revoke VOR Federal airway No. 5 west alternate and VOR Federal airway No. 51 west alternate from Jacksonville, Fla. to Alma, Ga.

Interested persons may participate in the proposed rule making by submitting such written data, views, or arguments as they may desire. Communications should identify the airspace docket number and be submitted in triplicate to the Director, Southern Region, Attn: Chief, Air Traffic Division, Federal Aviation Agency, Post Office Box 20636, Atlanta, Ga., 30320. All communications received within 45 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendments. The proposals contained in this notice may be changed in the light of comments received.

An official docket will be available for examination by interested persons at the Federal Aviation Agency, Office of the General Counsel, Attention: Rules Docket, 800 Independence Avenue SW., Washington, D.C., 20553. An informal docket also will be available for examination at the office of the Regional Air Traffic Division Chief.

V-5 west alternate and V-51 west alternate, presently designated along the same alignment between Jacksonville and Alma, are no longer required for air traffic control purposes and, therefore, they can no longer be justified as assignments of airspace.

These amendments are proposed under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348).

Issued in Washington, D.C. on June 7, 1965.

DANIEL E. BARROW,
Chief, Airspace Regulations and Procedures Division.

[F.R. Doc. 65-6114; Filed, June 11, 1965; 8:45 a.m.]

[14 CFR Part 71]

[Airspace Docket No. 65-SO-84]

FEDERAL AIRWAYS

Proposed Realignment and Revocation

The Federal Aviation Agency is considering amendments to Part 71 of the Federal Aviation Regulations that would realign VOR Federal airway No. 37 west alternate between Columbia, S.C. and Ft. Mill, S.C., via the intersection of the Columbia 294° and Ft. Mill 201° True radials, and that would revoke VOR Federal airway No. 56 north alternate from Augusta, Ga. to Columbia, S.C.

Interested persons may participate in the proposed rule making by submitting such written data, views, or arguments as they may desire. Communications should identify the airspace docket number and be submitted in triplicate to the Director, Southern Region, Attn: Chief, Air Traffic Division, Federal Aviation Agency, Post Office Box 20636, Atlanta, Ga., 30320. All communications received within 45 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendments. The proposals contained in this notice may be changed in the light of comments received.

An official docket will be available for examination by interested persons at the Federal Aviation Agency, Office of the General Counsel, Attention: Rules Docket, 800 Independence Avenue SW., Washington, D.C., 20553. An informal docket also will be available for examination at the office of the Regional Air Traffic Division Chief.

The alteration of V-37 west alternate between Columbia and Ft. Mill, as proposed above, would improve flight planning and reduce clearance phraseology by providing a numbered airway via radials used in a revised arrival procedure for Columbia Metropolitan Airport, S.C. V-56 north alternate, from Augusta to Columbia, was used as an arrival route to Columbia Metropolitan Airport. With the establishment of new arrival procedures, this airway segment will no longer serve a useful purpose and should be revoked.

These amendments are proposed under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348).

Issued in Washington, D.C. on June 7, 1965.

DANIEL E. BARROW,
Chief, Airspace Regulations and Procedures Division.

[F.R. Doc. 65-6115; Filed, June 11, 1965; 8:45 a.m.]

[14 CFR Part 71]

[Airspace Docket No. 65-SW-13]

FEDERAL AIRWAYS

Proposed Alterations and Designation

The Federal Aviation Agency is considering amendments to Part 71 of the Federal Aviation Regulations that would alter, in part, VOR Federal airways Nos. 76, 212, 222, 15, 13, and 477, and that would designate a Federal airway from Austin, Tex., via Industry, Tex., Eagle Lake, Tex., to Houston, Tex.

Interested persons may participate in the proposed rule making by submitting such written data, views, or arguments as they may desire. Communications should identify the airspace docket number and be submitted in triplicate to the Director, Southwest Region, Attention: Chief, Air Traffic Division, Federal Aviation Agency, Post Office Box 1689, Fort Worth, Tex., 76101. All communications received within 45 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendments. The proposals contained in this notice may be changed in the light of comments received.

An official docket will be available for examination by interested persons at the Federal Aviation Agency, Office of the General Counsel, Attention: Rules Docket, 800 Independence Avenue SW., Washington, D.C., 20553. An informal docket also will be available for examination at the office of the Regional Air Traffic Division Chief.

On or about October 14, 1965, the Federal Aviation Agency will install a VORTAC in the vicinity of Industry, Tex., at approximately latitude 29°57'21" N., longitude 96°33'43" W. In order to include the Industry VORTAC in the airway structure, the airspace actions hereinafter set forth would be necessary.

1. V-76 which is designated from Austin, Tex., direct to Houston, Tex., would be realigned from Austin, to Industry, Tex., thence via the intersection of the Industry 104° T (096° M) and Houston 267° T (279° M) radials to Houston.

2. V-212 which is designated from San Antonio, Tex., via College Station to Lufkin, Tex., would be realigned from San Antonio via the intersection of the San Antonio 089° T (080° M) and Industry 233° T (225° M) radials, Industry, Navasota, Tex., to Lufkin.

3. V-222 which is designated from San Antonio to Houston via Round Top, Tex., Intersection would be realigned from San Antonio via the intersection of the San Antonio 074° T (065° M) and Industry 264° T (256° M) radials, Industry, intersection of the Industry 104° T (096° M) and Houston 267° T 279° M) radials to Houston.

4. V-15 west alternate which is designated from College Station, Tex., to Houston via Sealy, Tex., Intersection would be realigned from College Station to Houston via the intersection of the College Station 149° T (141° M) and Houston 287° T (279° M) radials.

5. V-13 west alternate would be altered between Houston and Lufkin via the intersection of the Houston 354° T (346° M) and Lufkin 218° T (210° M) radials.

6. V-477 east alternate would be altered between Houston and Leona, Tex., via the intersection of the Houston 354° T (346° M) and Leona 143° T (135° M) radials.

7. A new VOR airway would be designated from Austin via Industry, Eagle Lake, Tex., to Houston.

Realignment of V-76 via the Industry VORTAC would provide better en route navigational guidance between Austin and Houston. The same is true for V-222. The realignment of V-212 would reduce the route mileage between San Antonio and Lufkin and would permit reduction of altitude limitations on south jet penetrations at Bergstrom Air Force Base, Tex. The realignment of the V-13, V-15, and V-477 alternates would result in reduction in route mileages. The new airway would provide an alternate route from Austin to Houston.

These amendments are proposed under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348).

Issued in Washington, D.C. on June 7, 1965.

DANIEL E. BARROW,
Chief, Airspace Regulations and Procedures Division.

[F.R. Doc. 65-6116; Filed, June 11, 1965; 8:45 a.m.]

[14 CFR Part 71]

[Airspace Docket No. 64-WA-109]

FEDERAL AIRWAY

Proposed Designation

The Federal Aviation Agency is considering an amendment to Part 71 of the Federal Aviation Regulations that would designate a VOR Federal airway from McAllen, Tex., direct to Laredo, Tex., with a ceiling of 9,000 feet MSL.

Interested persons may participate in the proposed rule making by submitting such written data, views, or arguments as they may desire. Communications should identify the airspace docket number and be submitted in triplicate to the Federal Aviation Agency, Office of the General Counsel, Attention: Rules Docket, 800 Independence Avenue SW., Washington, D.C., 20553. All communications received within 45 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. The proposal contained in the notice may be changed in the light of comments received. All comments submitted will be available in the Rules Docket for examination by interested persons, both before and after the closing date for comments.

The airway, as proposed, would provide a connecting airway between McAllen and Laredo which are two permanently certified air-carrier stops. The 9,000-foot MSL ceiling on the airway would preclude interference with an established acrobatic area with a floor commencing at 10,000 feet MSL and used by Laredo Air Force Base.

This amendment is proposed under section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348).

Issued in Washington, D.C. on June 7, 1965.

DANIEL E. BARROW,
Chief, Airspace Regulations and Procedures Division.

[F.R. Doc. 65-6117; Filed, June 11, 1965; 8:46 a.m.]

[14 CFR Part 71]

[Airspace Docket No. 65-WE-40]

FEDERAL AIRWAY

Proposed Revocation

The Federal Aviation Agency is considering an amendment to Part 71 of the Federal Aviation Regulations that would revoke the segment of Amber Federal airway No. 1 from Seattle, Wash. to the intersection of the south course of the Victoria, British Columbia, Canada radio range (Dungeness Fan Marker).

Interested persons may participate in the proposed rule making by submitting such written data, views, or arguments as they may desire. Communications should identify the airspace docket number and be submitted in triplicate to the Director, Western Region, Attention: Chief, Air Traffic Division, Federal Aviation Agency, 5651 West Manchester Avenue, Post Office Box 90007, Airport Station, Los Angeles, Calif., 90009. All communications received within 45 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. The proposal contained in this notice may be changed in the light of comments received.

An official docket will be available for examination by interested persons at the Federal Aviation Agency, Office of the General Counsel, Attention: Rules Docket, 800 Independence Avenue SW., Washington, D.C., 20553. An informal docket also will be available for examination at the office of the Regional Air Traffic Division Chief.

A recent IFR airway traffic survey conducted for the Seattle ARTC Center showed little or no use being made of the segments of A-1 proposed above for revocation. Additionally, the segment of VOR Federal airways Nos. 4 and 287 between Seattle and the Jamestown, Wash., intersection would provide a parallel replacement route for this segment of A-1.

This amendment is proposed under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348).

Issued in Washington, D.C., on June 7, 1965.

DANIEL E. BARROW,
Chief, Airspace Regulations and Procedures Division.

[F.R. Doc. 65-6118; Filed, June 11, 1965; 8:46 a.m.]

[14 CFR Part 71]

[Airspace Docket No. 64-WE-42]

FEDERAL AIRWAYS

Proposed Alteration

The Federal Aviation Agency is considering amendments to Part 71 of the Federal Aviation Regulations that would apply criteria of CAR Amendments 60-21/60-29 to establish floors on segments of VOR Federal airways Nos. 4, 25, 448, 520, 112, 112 west alternate, 281, 281 east alternate, 298, 253, 2, 2 south alternate, and 2 north alternate.

Interested persons may participate in the proposed rule making by submitting such written data, views, or arguments as they may desire. Communications should identify the airspace docket number and be submitted in triplicate to the Director, Western Region, Attention: Chief, Air Traffic Division, Federal Aviation Agency, 5651 West Manchester Avenue, Post Office Box 90007, Airport Station, Los Angeles, Calif., 90009. All communications received within 45 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendments. The proposals contained in this notice may be changed in the light of comments received.

An official docket will be available for examination by interested persons at the Federal Aviation Agency, Office of the General Counsel, Attention: Rules Docket, 800 Independence Avenue SW., Washington, D.C., 20553. An informal docket also will be available for examination at the office of the Regional Air Traffic Division Chief.

The Federal Aviation Agency proposes to establish floors on the above cited airway segments as follows:

1. V-4 from Baker, Oreg., 1,200 feet above the surface (AGL) to Yakima, Wash. The 1,200-foot AGL floor is proposed for these segments to provide compatibility with crossing and joining airway segments and for aeronautical chart legibility.

2. V-25 from Yakima 1,200 feet AGL to Ellensburg, Wash. This floor is required for climb to minimum en route altitude (MEA).

3. V-448 from Yakima 1,200 feet AGL to Ephrata, Wash. This floor is proposed for climb to MEA, and for aeronautical chart legibility.

4. V-520 from Prosser Intersection 1,200 feet AGL to Lewiston, Idaho. This floor is proposed for climb to MEA, compatibility with crossing airway segments, and for aeronautical chart legibility.

5. V-112 from Pendleton, Oreg., 1,200 feet AGL to 35 nautical miles northeast, thence 4,900 feet m.s.l. to 23 nautical miles southwest of Spokane, Wash., thence 1,200 feet AGL to Spokane.

6. V-112 west alternate from Pendleton 1,200 feet AGL to 28 nautical miles northeast of Pasco, Wash., thence 4,500 feet m.s.l. to 23 nautical miles southwest of Spokane, thence 1,200 feet AGL to Spokane. The 1,200-foot AGL floors for V-112 and V-112 west, north of Pendleton, are required for climb to MEA. The 1,200-foot AGL floors southwest of Pendleton are proposed for compatibility with V-2 south alternate and for aeronautical chart legibility.

7. V-281 from Pendleton 1,200 feet AGL to 22 nautical miles northeast of Walla Walla, Wash., thence 4,500 feet m.s.l. to 23 nautical miles south of Spokane, thence 1,200 feet AGL to Spokane. The 1,200-foot AGL floor is proposed north of Pendleton and Walla Walla area for climb to MEA. The 1,200-foot AGL floor south of Spokane is proposed for aeronautical chart legibility.

8. V-281 east alternate from Pendleton 1,200 feet AGL to Walla Walla. This floor is proposed for compatibility with V-281.

9. V-298 from Pendleton 1,200 feet AGL to 74 nautical miles southeast, thence 11,500 feet m.s.l. to 11 nautical miles northwest of McCall, Idaho, thence 9,900 feet m.s.l. to McCall. The 1,200-foot AGL floor is required for climb to MEA.

10. V-253 from McCall, 9,900 feet m.s.l. for 11 nautical miles, thence 11,500 feet m.s.l. to 33 nautical miles from McCall thence 1,200 feet AGL to Lewiston. The 1,200-foot AGL floor is required for climb to MEA.

11. V-2 from Ellensburg, 1,200 feet AGL to Mullan Pass, Idaho. This floor is proposed for climb to MEA and for aeronautical chart legibility.

12. V–2 south alternate, from Ephrata, Wash., 1,200 feet to Spokane. This floor is proposed for climb to MEA and for aeronautical chart legibility.

13. V–2 north and south alternates, from Spokane 1,200 feet AGL to Mullan Pass. This floor is proposed for climb to MEA and for aeronautical chart legibility.

These amendments are proposed under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348).

Issued in Washington, D.C., on June 7, 1965.

DANIEL E. BARROW,
Chief, Airspace Regulations and Procedures Division.

[F.R. Doc. 65–6119; Filed, June 11, 1965; 8:46 a.m.]

[14 CFR Part 71]

[Airspace Docket No. 65–SO–38]

TRANSITION AREA

Proposed Designation

The Federal Aviation Agency is considering an amendment to Part 71 of the Federal Aviation Regulations which would designate a transition area at Lakeland, Fla.

Having completed a comprehensive review of the terminal airspace structure requirements in the Lakeland, Fla., terminal area, including studies attendant to the implementation of the provisions of CAR Amendments 60–21/60–29 (26 F.R. 570, 27 F.R. 4012), the Federal Aviation Agency proposes the airspace action hereinafter set forth.

The proposed Lakeland, Fla., transition area would be designated as that airspace extending upward from 700 feet above the surface within a 5-mile radius of Lakeland Airport, Lakeland, Fla. (latitude 27°59'17" N., longitude 82°00'56" W.); within 5 miles northwest and 8 miles southeast of the Lakeland VORTAC 233° radial extending from the 5-mile radius area to 12 miles SW of the VORTAC.

The proposed transition area is needed for the protection of IFR departures from the Lakeland Airport, a prescribed instrument approach procedure, and a holding pattern.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in duplicate to the Director, Southern Region, Attention: Chief, Air Traffic Division, Federal Aviation Agency, Post Office Box 20636, Atlanta, Ga., 30320. All communications received within 30 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Chief, Air Traffic Division. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Southern Regional Office, Federal Aviation Agency, Room 724, 3400 Whipple Street, East Point, Ga.

This amendment is proposed under section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348(a)).

Issued in East Point, Ga., on June 2, 1965.

PAUL H. BOATMAN,
Acting Director, Southern Region.

[F.R. Doc. 65–6120; Filed, June 11, 1965; 8:46 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 73]

[Docket No. 16004]

FIELD STRENGTH CURVES FOR FM AND TV BROADCAST STATIONS

Notice Extending Time To File Comments

1. On May 10, 1965, the Commission issued a notice of proposed rule making (FCC 65–383) in the above-entitled matter which specified that comments were to be filed on or before June 14, 1965, and reply comments on or before June 25, 1965. Appended to the notice were new proposed field strength curves for the VHF and UHF television channels. The Association of Federal Communications Consulting Engineers (AFCCE) has requested an extension of 30 days time to file comments. The AFCCE states that field strength curves are the basic tools of the communications engineering profession and sufficient time for adequate study by the members has not been provided. A similar request was filed by the Association of Maximum Service Telecasters, Inc. (AMST), on the same day. AMST urges that it needs additional time to complete a study and analysis of the proposed new curves, including a comparison with available field strength data.

2. We are of the view that sufficient reasons have been shown for granting an extension of time. Accordingly, notice is hereby given that the time for filing comments in this proceeding is extended to July 14, 1965, and for reply comments to July 26, 1965.

3. This action is taken pursuant to the authority contained in sections 4(i), 5(d)(1), and 303(r) of the Communications Act of 1934, as amended, and § 0.281(d)(8) of the Commission's rules and regulations.

Adopted: June 7, 1965.

Released: June 8, 1965.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 65–6156; Filed, June 11, 1965; 8:48 a.m.]

[47 CFR Part 73]

[Docket No. 16041; FCC 65–484]

TELEVISION NETWORK PROGRAMS UNAVAILABLE TO CERTAIN TELEVISION STATIONS

Notice of Proposed Rule Making and Inquiry

1. Notice of proposed rule making and notice of inquiry, as indicated hereinbelow, is hereby given with respect to the above-entitled matter.

2. The Commission has before it for consideration a "Petition for Rule Making" filed February 18, 1964, by WXIX, Inc. (WUHF–TV), licensee of UHF television station WUHF–TV, Milwaukee; and oppositions thereto discussed below. Section 73.658(b) of our rules concerning territorial exclusivity now forbids, inter alia, arrangements or understandings between a TV network and an affiliate which prevent or hinder another station in the community from carrying programs not taken by the regular affiliate. The petition would add to this an affirmative requirement that the regular affiliate be given a period of 72 hours to exercise its "first refusal" right with respect to any program or program series offered by the network, and if clearance by the regular affiliate is not obtained in that time the network shall offer the program or series on "equitable and nondiscriminatory terms" to all other stations in the community.[1]

3. For reasons discussed below, we believe rule making in the area covered by the petition is warranted, although not in the precise form advocated by WUHF–TV. We also have under consideration the following resolution adopted on February 12, 1965, by the Executive Committee of the Committee on All-Channel Broadcasting (CAB), an Industry-Commission group formed to promote the development of UHF:

Whereas, networks should give consideration to existing or potential new stations which may be constructed in areas of fringe coverage of network affiliation where such affiliates give secondary or third-rate quality of signal by making available network programs to such stations by primary affiliation or otherwise and

Whereas, networks as a matter of policy should make available on request of a station in the same market, all programs not cleared on their VHF affiliates in any single or multiple VHF station market,

Therefore, be it resolved that the Federal Communications Commission should take such steps as are possible or necessary to require network affiliation with fringe stations or new stations in one or two VHF markets and to define such fringe stations from a service standpoint.

The first paragraph of this resolution refers to situations about which we have received complaints from time to time—the unwillingness of networks to make their programing available to stations—both VHF and UHF—located in relatively small markets at some distance from, though not entirely out of reach of, possible service from, VHF stations in large markets. Examples of this are a station at Ada, Okla. (VHF, some 65 miles from Oklahoma City), and a station at Marion, Ind. (UHF, some 60 miles from Indianapolis). There is a question as to whether the networks' refusal in this connection has always been consistent with the public interest. We propose below to adopt a general rule in this area, based on advertiser willingness to "buy" both markets. In the Inquiry portion of this proceeding, below, we invite comments as to whether more specific standards can be evolved which will make programing available to stations so situated, without doing violence to reasonable network and advertiser interest in "nonduplication" of circulation; and, if so, what such standards should be.

The WUHF–TV petition. 4. The change requested by WUHF–TV is designed to make network programs not cleared in a market by the networks' regular affiliates more readily available to other stations in the market—particularly UHF stations such as WUHF–TV, which is one of four Milwaukee stations, the other three being VHF and each having a primary affiliation with one of the three networks. It is asserted that one of the chief obstacles UHF faces, today as in earlier years, is the lack of desirable programing with which a UHF station can attract viewers and build up a substantial audience. Thus, it is urged, UHF stations will be benefitted in their uphill struggle, the increase in UHF set circulation will be faster and greater, and the ABC network, now at some competitive disadvantage because of lack of primary affiliation in "scarcity" markets, will be able to compete on more nearly equal terms with CBS and NBC. It is asserted that based on WUHF–TV's experience in Milwaukee.

In actual practice the everyday policy of the networks tends to lend itself to the very "exclusivity" prohibited by the Chain Broadcasting Rules, hinders competition for programing and advertisers, and burdens and will burden the development of new television stations, particularly UHF stations seeking to establish service in intermixed markets.

Petitioner urges that such network practices seriously affect the future of the industry, and that only a positive responsibility on the networks actively to seek program placement will meet their obligations to the Nation and to the industry in which they are so dominant.

5. WUHF–TV states that during the years 1962 and 1963 more than 40 network programs or program series, including all types of programs, were not presented in Milwaukee because of nonclearance by the affiliated stations, and that in only one of these instances (a somewhat controversial episode of a series which the VHF stations did not wish to carry) was WUHF–TV approached about carrying the program, which it did. With particular reference to UHF, WUHF–TV cites an NBC report of 1963, listing 60 instances in which network programs were cleared over nonaffiliated stations, but only one of these was a UHF station. The difficulties involved in trying to get programs not cleared by the affiliate are mentioned in support of both the 72-hour time limit on "first refusal" and the affirmative seeking-out proposed to be required of the networks. It is asserted that another station can learn of the affiliate's decision not to clear a program only from an examination of published program schedules, and not in time to make an effective effort to "sell" the network and the advertiser on using its facilities, or to make suitable efforts to publicize and promote the program. WUHF–TV mentions one example of how the clearance process may work under the present regulations. In February 1963, NBC began a series of 2-hour weekly feature film programs. WTMJ–TV, its Milwaukee affiliate, which had been showing its own movies at the same time, continued to do so, not initially clearing the NBC show. WUHF–TV made strong efforts to get NBC to put this program on it, but, it is alleged, met with "a consistent practice of indirectness, evasiveness, delay, and lack of candor."—refusal characterised as "exclusivity by indirection." Finally, in June 1963, WTMJ–TV began to clear the NBC program, which by then was reruns. According to WUHF–TV, this "manipulation" process—

took advantage of the absence of a time-limit on first refusal • • • to protect the NBC property for eventual clearance on the affiliate while the affiliate took the opportunity to clear gross income for close to 5 months • • • and all this with full knowledge that "Monday Night at the Movies" would be waiting at the end of this period.

WUHF–TV asserts that this demonstrates that present § 73.658(b) does not prevent evasion, indirectness, planned delay, and varying degrees of collusion between network and affiliate. WUHF also asserts that the networks' reluctance to seek out alternative facilities leads to undesirable delayed-broadcast situations, where a program is presented over the regular affiliate at a time quite different from that sought by the advertiser.

6. Other more general arguments are urged, including the contention that the Chain Broadcasting Rules, taken as they were from AM in the 1940's, are not adequate in the television area (particularly with the VHF–UHF situation); assertions as to the desirability of equitable competition "free of artificial barriers"; and the argument that the networks are unduly reluctant to help UHF, permitting artificial barriers to exist in favor of the status quo and protecting their VHF affiliates.

Opposition to the petition. 7. Oppositions to the WUHF–TV petition were filed by the three television networks and by Storer Broadcasting Co., licensee of numerous television and radio stations including WITI–TV, Milwaukee (ABC-affiliated). The NBC opposition contains certain specific material discussed below. In general, the oppositions attack the proposal as beyond the scope of the Commission's authority; an attempt to turn the Chain Broadcasting Rules, which govern network-station relations, into a means of subsidizing UHF; as a device which would turn a business judgment in the complex clearance area into a common-carrier relationship with the Commission determining the business terms; as much too inflexible to meet the varying circumstances which are presented in different cases; as presenting extremely formidable problems which would have to be determined in application (such as, with respect to rates, what are "equitable and nondiscriminatory terms"); as completely ignoring the crucial role of the program sponsor who may not want to take one or any alternate station; and as really of little benefit to UHF stations since the "un-cleared" programs involved are generally the less attractive ones. The networks assert past and present willingness to help UHF, but that this should be done on a voluntary basis, not in the "strait-jacket" context of a rule like that proposed. Certain specific problems are mentioned; Storer asserts that it is often extremely difficult, if not impossible, for an affiliate to make an informed, conscientious, judgment within 3 days whether or not to accept an offered network program; this is particularly true when, as often happens, the offer is made in the spring or early summer for the fall season. It is asserted that the effect would be to give the networks even more control over their affiliates' programing than they have now, since an affiliate would hesitate to refuse clearance if it knows it may never have a further chance at the program if it does not clear. It is also questioned how the rule would operate in the case of the affiliate's nonclearance—would the network later be permitted to withdraw the program from its alternate station and put it on its regular affiliate? It is stated that sometimes—in the case of a "one-shot" program which is offered only shortly before it is to be presented—it would be impossible to go through the routine of offering to other stations in time. Storer inquires how the further offering would be worked out—is it to be simultaneous to all other stations in the market, and if so how will any station know as to the others' acceptance or rejection, or can it be in some order and if so who is to decide what order? NBC urges the value of programing on a reg-

[1] As proposed by WXIX, Inc., the new rule would read as follows; the passage italicized is what would be added:

"No license shall be granted to a television broadcast station having any contract, arrangement or understanding, express or implied, with a network organization which prevents or hinders another television station located in the same community from broadcasting the network's programs not taken by the former station, or which prevents or hinders another television station located in a different community from broadcasting any program of the network organization. *If a program or program series, commercial or noncommercial, is offered by the network to its affiliate in any given market and clearance is not provided by the affiliate within 72 hours, the network shall, giving appropriate notice of the fact, exhaust clearance possibilities in the community by offering such program or program series on equitable and nondiscriminatory terms and conditions to all other operating stations in the community.* This section shall not be construed to prohibit any contract, arrangement or understanding between a station and a network organization pursuant to which the station is granted the first call in its community upon the programs of the network organization. As employed in this paragraph, the term "community" is defined as the community specified in the instrument of authorization as the location of the station.

ular affiliate, giving opportunity for promotion throughout the schedule and building a planned, compatible schedule and audience flow—none of which, it is said, are served by placing an isolated program on another station.

8. It appears that WUHF–TV's chief complaints have been against NBC. NBC attached to its oppositions copies of letters exchanged with WUHF–TV's executive vice president early in 1964, shortly after the present petition was filed. NBC offered to furnish WUHF–TV programs not cleared by WTMJ–TV and which it could not, or did not believe it could, clear on other Milwaukee stations. Stating that it had no "second call" policy, it refused WUHF–TV's suggestion that that station be given a position immediately behind the regular affiliate. The NBC programs offered to and refused by the affiliate, and made available to WUHF–TV (12½ hours per week were listed as then available), would not immediately be a source of compensation to WUHF–TV, since, according to NBC, that station did not have the 6,000-home average quarter-hour evening circulation sufficient to justify the granting of the minimum $100 network rate under NBC's standard rate policy. NBC pointed out that WUHF–TV could sell adjacencies and in-program commercials, and asserted that the programing offered would help WUHF–TV build an audience so that in the near future its circulation would likely warrant granting a network rate. Programs would normally be available at the A.T. & T. Milwaukee test board without line charges to WUHF–TV, and, for the period during which WUHF–TV had no network rate, NBC would waive its customary charges for sustaining programs and its usual "co-op" fee charged when the station is able to sell locally available slots within NBC programs. NBC would have the right to recapture a program on 28 days' notice.

9. This arrangement was not satisfactory to WUHF–TV, which wanted a network rate similar to that on which it was being paid by ABC and CBS and which it had established with NBC on one program ("Chet Huntley Reports"). WUHF–TV asserted that there are 250,000 UHF homes in the Milwaukee area, and argued that, since there is not involved here an affiliation arrangement covering large blocks of programing, NBC should not base its rate determination on overall average viewing of WUHF–TV, but rather on what each individual NBC program should produce in the way of audience. NBC refused such an arrangement. Its position is that this voluntary effort on its part is the way to achieve the desired goal, rather than the fixed rule advocated by WUHF–TV.

10. From information received from NBC and WUHF–TV, it appears that there have been further developments in arrangements between these parties since the foregoing pleadings were filed. By letter of July 30, 1964, NBC stated that if a sponsor orders WUHF–TV, NBC will accept at that station's regular network rate, and give the station a specified percentage of that rate. Where it is possible to offer "co-op" availabilities, WUHF–TV would be charged the regular "co-op" fee. On September 4, 1964, an agreement was entered into between NBC and WUHF–TV, covering "such programs or program series as from time to time may be mutually agreed upon"; and providing for no compensation except that, if a sponsor orders WUHF–TV, NBC will accept on the basis of that station's regular network rate and pay WUHF–TV a specified percentage of that rate. It appears that as of November 1964, WUHF–TV was presenting 8½ hours of NBC programing per week, 2½ hours of it in prime time, with no compensation for any of it except ½ of the applicable hourly rate for one program. According to NBC, WUHF–TV declined NBC's offer of certain sustaining series ("Mr. Wizard" and some religious programs). In other respects the agreement is generally similar to NBC's proposals mentioned above. It should also be noted that at various times during 1963 and 1964 WUHF–TV has carried programs from both of the other networks.

Discussion. 11. It is apparent from the foregoing, and from other information we have received, that the picture with respect to clearance of network programs not taken by regular affiliates is not a satisfactory one. In our view, the public interest is disserved by the existence of situations where numerous popular and worthwhile programs are not presented in a market, and yet at the same time there are stations in the market suffering from a lack of desirable program product. If the network does not offer the uncleared program to another station, the station has no opportunity to obtain access to it, and the public is the loser since the program is not shown in the community.[2] We recognize that some of the problems in the Milwaukee situation, described above, may have represented differences over terms rather than network failure to make network programs available to nonaffiliates. Nevertheless, both here and elsewhere, a substantial problem, requiring steps to alleviate it, appears to exist. In replying to a Commission inquiry of December 1963, the networks listed various instances of nonclearance, without any offer to an alternate station, in four-station markets (Milwaukee, Denver, Portland, Fresno, etc.).[3] With the expected development of UHF stations, the number of markets with more than 3 stations may be expected to increase, and therefore an adequate means of making "uncleared" programs available to other stations appears to be of even more significance for the future, both from the standpoint of bringing desirable programs to the public, and of providing a source of such program to the new stations.

12. As mentioned earlier, we do not believe the specific rule urged by WUHF–TV is appropriate for consideration. For one thing, requiring an affiliate to make a clearance decision within 72 hours,[4] with respect to a program series not scheduled to begin for several months, is unduly restrictive. Nevertheless, it appears that the public interest, as well as the more effective use of the medium which we are obligated to further, dictate steps to achieve improvement in this area. Adoption of certain requirements designed to make "uncleared" programs more readily available—to other stations in the community, and to the public—appears warranted. We believe that programs which are not cleared and are not going to be cleared by the regular affiliate should be made available otherwise in the community or market to the extent reasonably possible, and that adequate notice of such availability should be given to other stations, in time for them to make a request to the network and, if required, to the advertiser, and arrange for adequate program promotion.

13. Before setting forth our general and specific proposals, we turn first to the arguments that we do not have authority to adopt a rule along the lines of that proposed. We are of the view that we do have such jurisdiction, although parties may wish to comment on this point. No lengthy discussion is needed here; suffice it to point to our recent action in Docket 12782, proposing rules governing network practices relating to program procurement and ownership (FCC 65–227, 30 F.R. 4065, 4 R.R. 2d 1569, released March 22, 1965, paragraph 40 and Appendix). Therein, we proposed to adopt rules applying to "network television licensees"—i.e., at present the three national TV networks, each of which also owns the maximum permissible number of VHF stations. We referred to our explicit authority to adopt special rules governing stations engaged in chain broadcasting, section 303(i) of the Communications Act. The same authority would apply in the present case.[5]

Substance of proposed rules concerning programs not cleared by regular affiliates. 14. General rule: The special Network Study Staff considered the matter of "uncleared" programs during its study of television networking in the 1950's. In that staff's report, the "Barrow Report", it was recommended that the Commission adopt a rule to the effect that where an affiliate is ordered by a sponsor but does not provide clearance satisfactory to the sponsor, the network

[2] In this respect the network program market differs from the syndication or feature film market. For in the latter there is at least the potentiality for a station to obtain access to a program not previously leased to another station in the community.

[3] There were also instances of nonclearance and nonoffer in cities having three stations assigned and a fourth, licensed to a nearby community, permitted to identify itself with the city (Indianapolis-Bloomington, Seattle-Tacoma). Most nonclearances were in one- or two-station markets.

[4] The period of 72 hours is that specified in the network-affiliate contracts as the period within which the affiliate has "first refusal" rights. In practice, however, the exercise of this right by the affiliate is seldom, if ever, so limited.

[5] There probably is merit to the arguments of WUHF–TV's opponents that the proposed requirements—relating to networks rather than to affiliates—cannot appropriately be in § 73.658(b). We would put it in a separate new section.

shall in good faith undertake to place the program on another station in the community, if the sponsor so chooses. (H. Rept. No. 1297, 85th Congress, 2d Session, pp. 267–271, 277–278). We propose to adopt a general rule substantially to the same effect.

15. Specific rules: We also believe more specific requirements to be appropriate in order to achieve the general objective to as great a degree as possible, and also to give nonaffiliates adequate notice and an opportunity to exert efforts to get network programs which may be available. We detail below certain specific proposals, which are set forth as primary proposals. These presently appear to be the minimum requirements which would be appropriate. It may well be that further requirements would be in order. Therefore, in most areas covered below, in addition to the primary proposal we advance possible alternatives, variations, or extensions thereof. Rules along these lines, as well as or in lieu of the primary proposal, may be adopted herein without further proceedings. Therefore we seek comments on the various alternatives, variations and extensions, as well as on the primary proposals.

16. Generally speaking (and subject to the specific details mentioned below) the essence of our proposal is that, at certain times with respect to the presentation of a program series, the networks be required to give one of two types of notices to stations in the community other than their affiliates, with respect to programs for which they have not obtained acceptable clearance arrangements. These are: (1) A "Notice of Non-Clearance", to be given fairly early (by August 15 for programs beginning with the fall season); and (2) a "Notice and Offer", to be given later (by September 15 for such programs), if no clearance arrangements have been reached by that time. The first would simply be a notice of the fact that no clearance arrangements (with the affiliate or other station in the community) had been reached. The second would be an offer of the program to all of the other stations in the community not previously dealt with—subject of course to whatever conditions concerning advertiser acceptance are required.

17. Briefly, the proposals set forth below (considering for the moment the primary proposals only) would operate as follows with respect to a fairly typical situation—a weekly program series scheduled to commence on the network at the beginning of the fall season, assumed here to be October 1: If the network cannot obtain clearance over its regular affiliate, it would be free to negotiate with such other stations in the community as it chooses, without any requirement of notice or other restriction, until August 15. At that point, unless it has a firm commitment from a station in the community to clear the program at least by October 15, it must give to all stations in the community the Notice of Non-Clearance, informing these stations of the absence of clearance arrangements. This notice should set forth the name and brief description of the program, the time of presentation, and the sponsor(s) or participating advertisers. It need not necessarily amount to an offer of the program to a particular station; and the network may continue to deal only with whatever station it wishes to use. However, if by September 15 the network has no firm commitment from any station in the market to clear at least by November 15, it must give (as nearly simultaneously as possible) a Notice and Offer to all stations in the community. The terms of the offer are discussed below.

18. We turn now to the specific points involved:

(a) *Programs covered by the rule: Frequency of broadcast.* Our primary proposal is that the rule be limited to those programs broadcast at least as often as every 2 weeks, which make up the great bulk of television programing. However, comments are also invited on whether the rule should be extended to include programs presented on other bases—e.g., a series of four or six "spectaculars" during the season, or a "one-shot" program such as an important sporting event. With respect to such other programs, if they are to be included, comments should discuss what should be appropriate times (with respect to time of broadcast) at which to require the Notice of Non-Clearance and Notice and Offer mentioned above. In this connection we would have to consider the time in advance of broadcast that such programs are usually offered to affiliates, what is a reasonable time for their decision, and how the notice and offering process to other stations can appropriately be fitted into the picture. One proposal would be to give the regular affiliate half the time between the offer to it and the time of broadcast, and if clearance is not obtained then require simultaneous notice and offer to other stations.

(b) *What programs are "uncleared".* Our primary proposal is to limit the rule to those programs for which the network has not obtained clearance at all by its regular affiliates (or by another station in the market before the general notices are required), and where there is not a firm commitment to begin clearance within 60 days from the date of the required notice. In other words, as far as the primary proposal is concerned, the rule would not include situations where the regular affiliate clears the program five out of six nights of the week, or clears in alternate weeks, or where it will not clear immediately but commits itself to begin clearance within 60 days. It appears appropriate to leave to network judgment the question of whether clearance on a nonaffiliate only one night a week out of six is worth going through the procedures set forth here. Also, there seems relatively little point in requiring the notice and offering process if the regular affiliate (or another station) is committed to begin presentation of the program within a relatively short time. However, if the comments herein warrant we will consider some extension of the scope of the rule in these respects—for example, including within it daily programs where the regular affiliate does not clear on more than half of the days of the week, or weekly programs cleared only on alternate weeks, and shortening the 60-day period mentioned to a period of 28 or 30 days.

(c) *Notice and time thereof.* As indicated above, we contemplate two notices—one simply informing all stations in the market that no station has agreed to clear the program on a basis acceptable to the advertiser(s), and the other, later, actually making a general offer of the program if clearance has not been arranged for by the time the general notice is required. Typically, network programing is geared to a "season" beginning early in October. With respect to such programs, our primary proposal is to require the first notice, "Notice of Non-Clearance", to be sent by August 15. By this time, generally, the network will know its regular affiliate's plans, and often will have had time to negotiate with another station in the market if it prefers one particular alternate outlet. At the same time, such advance notice will give other stations opportunity to make their presentation to the network and advertiser. We are presently of the view that it would be inappropriate to require an actual offer of the program at this relatively early stage, and therefore we would require only that this notice give brief details as to the program and advertiser(s) involved, and the fact that no clearance arrangement had been reached. However, comments are invited on whether the first notice should also include an offer, as well as on whether another date would be more appropriate. With respect to the second notice—Notice and Offer—we propose to require this with respect to any program series (limited as above) for which clearance arrangements have not been made by September 15. By this point in time, it would appear, the network would have exhausted clearance possibilities not only with respect to the regular affiliate, but as to any other station it might prefer; and, if the objective of the general rules is to be achieved, an offer to all other stations is an appropriate requirement. In the case of both notices, as mentioned above, they would not be required if the network has a commitment from a station in the market to begin clearance within 60 days after the notice would otherwise be due. Comments are invited on whether this period should be shorter.

(d) *Program series beginning at other times.* A network may begin presentation of a program series—e.g. a "replacement" program—at times other than early fall. Also, the regular affiliate may cancel a network program at some time during the season. In these cases, the same general principles should apply. Our primary proposal is that: (a) As to program series starting on the network at times other than the beginning of the fall season, the "Notice of Non-Clearance" should be given 30 days after the network has notified its affiliate that it is going to substitute a different program if no clearance commitment (immediate or within 60 days) has been obtained by that time, and, if no clearance commitment is obtained within the next 30 days, the Notice and Offer shall then be given. As to programs canceled by the

station presenting them, normally the

station presenting them, normally the network has at least 28 days notice of such cancellation. Therefore, it appears appropriate to require the first Notice of Non-Clearance to be given if no commitment has been obtained by the day before the last broadcast on the canceling station; and (if no commitment is later obtained) the Notice and Offer should be given 30 days after that broadcast. Comments are invited on whether other times are appropriate, in either situation.

(e) *Stations to be notified.* Present § 73.658(b) reads in terms of stations in the "community"; WUHF–TV's proposed amendment uses both that term and the term "market". Our primary proposal is to have the rule require notice to the other stations in the same "market". We recognize that the concept of a television "market"—and what stations are in it—is not always an easy one to define or apply, and differs with different applications. However, we believe that the "community" concept is too narrow to achieve the full objectives of the rule. We invite comments on how the "market" should be defined—e.g., as set forth in our annual TV financial reports. Also, we invite comments on whether, rather than using a "market" concept, the rule should require notice to all stations putting a principal-city or Grade A signal over the city to which the regular affiliate is licensed.

(f) *Exceptions to notice requirement.* There is no point in requiring notice to stations which have already failed to provide acceptable clearance arrangements; therefore we propose that the rule provide that notice need not be given the network's regular affiliate, or any other VHF station with which it has had negotiations concerning the program before the notice is required. Also, it may well be that, in markets containing three or fewer VHF stations, the other stations are regular affiliates of and are regularly supplied with programs by other networks, and the chance that they would be interested in a particular program not cleared by another regular affiliate are small, unless their own network is not programing the time. Therefore, our primary proposal would not require notice to other VHF stations in the market which are regular affiliates of other networks, with respect to programs presented during hours when such other networks are presenting programs. We would require notice to all other VHF stations, and to all UHF stations (other than where the UHF station is the regular affiliate and has failed to clear for the program). Comments are invited on whether these exceptions are appropriate.[6]

(g) *Nature of the offer required.* In our view, one of the most essential elements in the present matter is that, before a decision is made that a program is not to be presented in a market, all clearance possibilities must be, to use WUHF–TV's expression, "exhausted." In other words, if a network is not able to work out acceptable clearance arrangements with its regular affiliate, or, through later negotiations, with whatever station(s) it would prefer to use as an alternate outlet, it must then offer the program to all other stations (with the exceptions mentioned above), at appropriate times as proposed and discussed above. While comments on the question are invited, we do not believe there are legitimate reasons for refusing to offer a program to any station where other stations in the community have been offered it and have refused to provide acceptable arrangements.

(h) *Terms of the offer.* WUHF–TV's proposal would require the offer to other stations to be on "equitable and nondiscriminatory terms." This clearly does not mean, nor do we propose, that the terms offered all other stations must be the same; clearly there are differences in set circulation, and perhaps other factors, which warrant differentiation. What we envisage is a good-faith effort on the part of the network to achieve clearance, and on the part of the stations receiving offers under the rule a good-faith effort to provide it. We assume the networks in pursuance of the purpose of the rule will offer "reasonable" terms, taking into account all relevant factors, and we propose that the rule so state, without more specificity. It is not our intent, and we do not believe it will be necessary for us to become, rate arbiters. In determining what are "reasonable" terms, numerous factors come into play. With respect to rates, for example, applicable criteria may be what rates other networks charge for a station's times, how the particular network treats other stations similarly situated, comparative circulation and audience, the actual circulation achieved with the programs in question, and other factors. Our present proposal is simply to require that the offer be made in good faith and on reasonable terms.

(i) *Recapture.* The "Barrow Report" recommended that once a program is placed on an alternate station, the network not be permitted, "for a reasonable period of time", to recapture it for presentation on the regular affiliate (H. Rept. No. 1297, 85th Congress, 2d Session, pp. 277–278). We believe it is appropriate to propose a similar restriction. We have used above a period of 60 days for determining when a future clearance commitment will obviate the requirement of notice. A similar period appears appropriate here (modified to 56 days, or 8 weeks). Therefore, we propose that any offer made pursuant to this rule provide for no recapture on less than 56 days' notice. Comments are invited on whether a different restriction, such as a different period, would be more appropriate.

19. *Advertiser acceptance.* As mentioned above, the opponents of WUHF–TV's proposal urge that one obstacle to offering programs to stations in a market generally is that the advertiser may not find the alternative station acceptable. We recognize that this is an important consideration. However, in our view it should not substantially affect the process described above. One of the purposes of giving notice of nonclearance is so that the stations involved may have an opportunity to approach the advertiser or advertisers about carrying the program, and to restrict the rule or refuse to adopt it for this reason would defeat this objective. In our view, the matter can be handled by simply making the offer of the program contingent on whatever acceptance by the advertiser is required. The proposed rule, which would come into play when a program is offered by the network to its affiliate in a market and is not cleared by the affiliate, would contain a provision that the offer shall contain whatever conditions concerning advertiser acceptance are required in the circumstances.

20. We do not anticipate that in practice this consideration will present the great problem that some of WUHF–TV's opponents seem to believe. It is true that with respect to programs licensed to or owned by the advertiser, his acceptance must clearly be obtained before the program can be presented on any station. However, with respect to network-owned or controlled programs, such acceptance does not always appear to be a sine qua non for presentation of a program. For example, in the case of "participating" programs, where an advertiser buys a commercial position in a program rather than the program itself or a portion thereof, different "participating" advertisers may or may not order a particular market. The failure of one of the participants to order a market does not prevent the presentation of the program in that market, with that advertiser's commercial deleted.[7] It appears at least likely that suitable arrangements in this area can be worked out. Comments on this subject are specifically invited. Moreover, of course, these considerations do not apply at all to sustaining programs, which would be covered by the proposed rule as well as commercial programs.

21. *Comparative position of the networks.* One other factor which we have taken into account in reaching our tentative conclusions above is the matter of comparative network positions. ABC, in its opposition to the WUHF–TV position, quoted from its reply to our December 1963, inquiry of the networks concerning their willingness to make programs available to UHF stations. As it has in the past, in the quoted portion of that reply ABC pointed to its position as the network with the fewest VHF affiliates in the "scarcity" markets, repeated its position that it should not be called upon to bear the brunt of supplying network programing to new UHF stations, and asserted that it will continue to make every effort to clear its programing on VHF stations. However, it stated that if such efforts are not successful, it would consider making uncleared programs available to UHF stations on a nonprimary affiliation basis, depending on the facts of each case, including the coverage needs of it and its advertisers, and if a satisfactory agreement can be reached.

22. While comments on this aspect of our proposal are invited, in our view the arrangements proposed here do not unduly hinder ABC (or other networks) from a competitive standpoint. As we have mentioned, with respect to programs beginning with the fall season ABC, and the other networks, are free to seek clearance on any station they wish, without any notice requirement, until August 15, and can still continue such efforts until September 15. Only at that point in time—by which it would appear that clearance over preferred stations would have been obtained if it can be at all—would an offer to other stations be required. If possible placement on a VHF station develops during the course of the season, ABC may exercise its "recapture" rights on relatively short notice, as mentioned above. In sum we do not believe that the requirements proposed will significantly affect ABC (or other networks) vis-a-vis each other, and in our view this consideration is outweighed by the desirability of making network programing more generally available, to independent stations and to the public.

Furnishing programs to smaller-market stations.—Discussion and proposed rule. 23. As mentioned above, a source of complaint in the past, and a concern of the Committee on All-Channel Broadcasting, is the failure of networks, in some instances, to affiliate with, or make programs available to, stations in smaller markets located at some distance from large-market stations but not completely out of the reception range of such stations. In the Ada and Marion situations mentioned, the distance is in the order of 60 or 65 miles, and these cities receive Grade B but not Grade A coverage from at least some of the stations in Oklahoma City and Indianapolis respectively. This of course contrasts with the situation where two large cities are located considerably closer to each other and where all three networks have regular affiliates in both (*e.g.*, Baltimore and Washington). WUHF–TV argues that:

There is every indication that networks use the "long" VHF reach to protect the far-flung fringe areas of their major market VHF affiliates, creating almost insurmountable obstacles to the founding of smaller market stations.

The "Barrow Report" discussed this question at some length (pp. 216–220, 226–236, 264–274, 277–278). The recommendations reached (insofar as they are pertinent here) were that the networks be required to file detailed statements concerning their affiliation criteria, including a full description of their methods for determining circulation attributable to a potential affiliate and "duplicated" circulation in overlap areas; and that if an affiliate is carrying a program and the advertiser also wishes to have it carried on a station in another community, the network should be required to undertake to place the program on the other station. The Report noted (pp. 234–235) instances of large-market affiliate pressure on networks not to affiliate with stations in communities within the present affiliate's service area.

24. We recognize the legitimate interests of networks and advertisers in avoiding excessive "duplication" of circulation which might occur if two stations with a high degree of overlapping service area present the same network program. Nevertheless, it appears likely that in some situations this principle has been carried further than is consistent with the public interest. In general, it appears, at least prima facie, that where an advertiser is willing to order both the large-market and the smaller-market station, there is no reason why the network should not attempt to place it on both. We therefore propose to adopt a rule providing that where a network affiliate is carrying or is about ot carry a network commercial program, and the advertiser wishes also to order a station in another community, the network shall make a good-faith attempt to place the program on that station. The rule would of course cover singly-sponsored programs; it would also apply to series under alternate sponsorship to the extent the advertisers involved wish to order the second station, but it would not apply to require placement of programs each of which is multiple-sponsored or "participating", except where a majority of the advertisers wish such placement. However, one of the subjects set forth for inquiry below is the possibility of presentation where some but not all of the advertisers wish to buy both stations.

Notice of inquiry. 25. We also are of the view that inquiry into possible further regulation in this area is warranted in order to determine whether measures can be taken to improve the position of small-market stations in these situations. We are not now proposing other specific rules, but comments are invited upon the following questions. As a result of the comments, rule making may be instituted later. The questions are as follows:

(a) To what extent should the national networks be required to affiliate with, or offer programs on a reasonably extensive basis to, stations in smaller markets located at some distance (e.g., 60 miles) from large-market affiliates, but within possible reception range of the large-market stations?

(b) What standards are appropriate for use in determining the answer to question (a), taking into account the factors of "duplicated" or "incremental" circulation? Possible standards might include the location of the small-market station with respect to a particular signal-intensity contour of the large-market station; extent of overlap of signal-intensity contours; amount or percentage of "duplicated" circulation and amount or percentage of "incremental" circulation (or a combination of the two); circulation of the large-market station in the home county of the smaller-market station (net weekly circulation or average weekly quarter-hour circulation).

(c) To what extent should the standards in relation to questions (a) and (b) be different for: (1) Sustaining programs; (2) commercial programs where the advertiser is not willing to order the additional station but where the network controls the program and presentation thereof over the small-market station with commercials deleted might be feasible; (3) commercial programs where more than one advertiser is involved in each program (multiple sponsorship or participation) and some advertisers do and some do not wish to order the additional station, and presentation with some commercials deleted may be possible.

Procedural matters. 26. Authority for adoption of rules as proposed in paragraphs 14 through 22, above, is contained in sections 4(i), 303(g), 303(i), and 303(r) of the Communications Act of 1934, as amended. Authority for the institution of the Inquiry covered in paragraph 23, above, is contained in section 403 of said Act.

27. With respect to the matters contained in the notice of proposed rule making herein (paragraphs 14 through 22, above), pursuant to applicable procedures set forth in § 1.415 of the Commission's rules all interested parties are invited to file comments on or before September 3, 1965, and reply comments on or before October 5, 1965. With respect to the matters contained in the notice of inquiry herein (paragraph 23 above) all interested parties are invited to file comments on or before October 5, 1965, and reply comments on or before November 4, 1965. In reaching its decision herein, the Commission may also take into account any other relevant information before it, in addition to the comments invited. In accordance with the provisions of § 1.419 of the Commission's rules, an original and 14 copies of all comments, replies, briefs, or other documents filed in this proceeding shall be furnished the Commission.

Adopted: June 2, 1965.

Released: June 9, 1965.

FEDERAL COMMUNICATIONS COMMISSION,[8]

[SEAL] BEN F. WAPLE, *Secretary.*

[F.R. Doc. 65-6153; Filed, June 11, 1965; 8:49 a.m.]

[6] Also, notice would not be required to be given to a station owned by another network.

[7] Usually, participating advertisers pay a flat fee to the network for each commercial minute, provided the program is cleared over stations having an aggregate network rate falling within a fairly wide range (e.g., between a minimum of $90,000 and a maximum of $120,000). If the clearance exceeds the maximum, the participating advertiser has a choice—he can take the extra stations and pay an additional fee, or he can cancel enough stations so that the aggregate rate falls within the maximum. Some may choose one course, some another, leading to differences in the "lineupe" purchased for the same program. Where one advertiser does not order a market where the program is presented, his commercial is deleted. ABC and NBC usually let the station sell this commercial position locally, paying the network a "coop" fee; CBS usually does not permit such local sale. "Participating" programs are increasing in number. As NBC points out, participating advertisers are generally interested in overall circulation rather than identification with a particular station.

[8] Commissioner Bartley concurring and issuing a statement filed as part of original document; Commissioner Loevinger absent.

[47 CFR Part 73]

[Docket No. 14229; FCC 65-505]

EXPANDED USE OF UHF TELEVISION CHANNELS

Further Notice of Proposed Rule Making

1. It has been customary in television for assignment plans to be based on

maximum facility stations. This philosophy has worked out fairly well on the whole, particularly in the larger urbanized areas where wide coverage is needed. In such areas it is desirable to provide sufficient channels for the three major networks plus an additional channel for a fourth national network. It is also desirable to set aside one or more additional channels for large independent stations and of course adequate channels must be earmarked for education. If such an array of channels can be provided in the large urbanized areas there is a reasonable likelihood that they will be utilized.

2. However, if a sufficient number of channels are placed in the large urbanized areas the number of channels available for assignment to cities and towns surrounding these areas is reduced. Therefore, past assignment plans have attempted to strike a compromise whereby the large urbanized areas were limited to fewer assignments than they could support so that more of the cities and towns outside the urbanized areas could have an assignment. This could be justified because the dispersal of assignments would provide multiple reception over a wider area and at the same time provide more cities with their own local outlet.

3. Such a compromise might not be necessary if there existed a class of TV stations similar to the Class A FM broadcast station. A great many of the assignments in our current TV assignment table are in communities where there is little likelihood that a full-powered TV station employing a high antenna will ever be built. Nonetheless, the assignments are so spaced and limited in number as to provide nominal protection with powers ranging up to 5 million watts from an antenna up to 2,000 feet in height above average terrain.

4. One of the undesirable results of the compromise has been the use of "leapfrogging" to move the dispersed channels back into the large cities in fact if not in name. This is a technique in which channels assigned to outlying cities are granted to cities closer to the urbanized areas under the "fifteen mile rule" and subsequently the transmitters are moved in still closer. In such cases the city to which the assignment was originally made may not receive a local service nor will the area which was supposed to benefit from the dispersal of these channels, receive the service originally intended. It is difficult to defend the retention of these high powered channels in places where they are unlikely to be used for the purposes intended. There is therefore need for a relatively low-powered class of station tailored to the needs of the medium and small sized communities but unsuitable for use in the large cities.

5. The effective use of channels for this new class of TV station requires the designation of a block of channels for their exclusive use. In this way, cochannel spacing can be reduced substantially and the impact of the "taboos" minimized. We are, therefore, proposing the channels between 70 and 83 inclusive, for this new class of service. Stations would be limited to a maximum effective radiated power of 10 kilowatts (10 dbk) and a maximum antenna height of 300 feet above average terrain. At greater antenna heights the power would be reduced to produce coverage equivalent to that provided by 10 kw at 300 feet.

6. The noise limited Grade B (64 dbu) contour from such a station would extend out to approximately 16½ miles. The Grade A (74 dbu) contour would reach out to approximately 9 miles and the required principal city service contour (80 dbu) would reach approximately 6 miles. In most cases, the average clutter losses in smaller cities would be substantially lower than those encountered in the central cities in the urbanized areas and less signal strength would be needed for satisfactory reception. Therefore, 90 percent or more of the receiving locations within the principal city could obtain satisfactory reception for 90 percent or more of the time with less than the 80 dbu normally required in the large cities.[1] There may be a temptation to use these channels to serve a part of the population of large metropolitan areas. This is not the purpose of the new service. Therefore, certain restrictions will be placed on the use of the channels. The channels may not be used by transmitters located within 25 miles of the main post office or other standard reference point of the principal city in any urbanized area (described in the 1960, United States Census) which has regular TV channel assignments, or within 10 miles of the nearest boundary of such an urbanized area, whichever is the least restrictive. Furthermore, community TV stations will be required to place a signal intensity of 80 dbu (10 millivolts) over the main post office or other standard reference point of the city intended to be served. This latter restriction will provide reasonable flexibility for the selection of antenna sites but will keep the station close to the community intended to be served. Community TV channels may be assigned to commercial or noncommercial educational stations. The restrictions apply to both.

7. Channels for community TV stations will not be assigned in advance to communities through an assignment plan. They will be assigned to qualified applicants for use in communities specified by such applicants if such is consistent with the rules proposed herein or with such modifications as may be finally adopted. Applicants will be expected to select channels that will have the least impact on potential assignments to other communities in a manner similar to the system used in our computer-derived Table of Assignments for regular TV channels. No more than one commercial and one educational community TV station will be assigned to any single city and no city the post office or other standard reference point of which is located within 10 miles of the transmitter site of an existing community TV station will be eligible for an assignment. There will be no prohibition against the assignment of community TV stations to individual cities which are beyond the distances specified in paragraph 6 above, even though such cities have regular TV assignments. If an applicant desires to specify more than one principal city for a community TV station a signal strength of 80 dbu or more must be placed over the main post office in each such city specified.

8. UHF translators now assigned channels between 70 and 83 will not be required to abandon operation because of the new community TV assignments as long as channels are available. There will of course be more TV broadcast stations on these channels than before and thus diminish somewhat the number of channels available to translators, however, this will also to some extent decrease the need for translators in such areas. Some translators may have to change to different channels to improve their efficiency on these channels. UHF translators will be able to operate closer to community TV stations than to present UHF stations since the limitation on location of UHF translators is conditioned only on observance of the mileage separations specified in the rules and these will be lower for community TV stations.

9. The proposed separation requirements between community stations is shown below:

	Miles
Cochannel	50
±1 channel	20
±2, 3, 4, 5, and 6 channels	12
±7, 14, and 15 channels	25

10. The proposed separation requirements between community stations and assignments on channels below 70 (maximum facility stations) is shown below:

	Miles
±1 channel	40
±2, 3, 4, 5, and 6	20
±7	40
±14 and 15	50

11. Except for the changes proposed above, community stations would operate under the same rules and technical standards specified for maximum facility stations.

12. Authority for the institution of this proceeding, and adoption of rules concerning the matters involved, is found in sections 4(i), 303(c), (f) and (r) of the Communications Act of 1934, as amended.

13. Pursuant to applicable procedures set forth in § 1.415 of the Commission's rules and regulations, interested persons may file comments on or before July 20, 1965, and reply comments on or before August 5, 1965. All relevant and timely comments and reply comments will be considered by the Commission before final action is taken in this proceeding. In reaching its decision in this proceeding, the Commission may also take into account other relevant information before it, in addition to the specific comments invited by this notice.

14. In accordance with the provisions of § 1.419 of the rules, an original and 14 copies of all comments, replies, pleadings, briefs, and other documents shall be furnished the Commission.

Adopted: June 4, 1965.

Released: June 8, 1965.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 65-6154; Filed, June 11, 1965; 8:49 a.m.]

[1] The Committee for Full Development of All Channel Broadcasting (CAB) has recommended that the required principal city signal be increased from 80 dbu to 90 dbu. If this action is considered it will be the subject of a separate rule making proceeding.

[47 CFR Part 73]

TABLE OF ASSIGNMENTS, FM BROADCAST STATIONS

Notice of Extension of Time To File Comments

In the matter of amendment of § 73.202, *Table of Assignments, FM Broadcast Stations* (New Albany, Ohio, Decatur, Ind., Elizabethton, Tenn., Ocean City, N.J., Oakland (Western) Md., Fairmont and Keyser, W. Va., Aiken, S.C., and Louisville, Ga., Copperhill, Clinton, Dayton, and Oak Ridge, Tenn., Winter Park and Leesburg, Fla., Crossville and Athens, Tenn., and Tucson, Ariz.), Docket No. 16006; RM-694, RM-739, RM-740, RM-742, RM-731, RM-750, RM-736, RM-675, RM-745, RM-693, M-751.

1. On May 7, 1965, the Commission issued a notice of proposed rule making (FCC 65-386) in the above-entitled matter inviting comments on a number of proposals to change the FM Table of Assignments. The time for filing comments was given as June 7, 1965, and for reply comments as June 18, 1965. On June 4, 1965, Mr. Ray R. Paul, counsel for petitioners in RM-740 (Elizabethton, Tenn.), RM-675 (Copperhill, Tenn.), and RM-751 (Crossville, Tenn.), filed a request for an extension in which to file comments in these portions of the proceeding until June 14, 1965, and reply comments until June 25, 1965. Mr. Paul submits that, due to illness, he will not have sufficient time to prepare and file the necessary comments.

2. We are of the view that the requested extension is warranted in this case. Since RM-745 (Clinton, Tenn.), is related to one of the petitions involved in this request we believe that it too should have the time for filing comments extended. Accordingly, notice is hereby given that the time for filing comments in this proceeding, insofar as RM-740, RM-675, RM-745, and RM-751 are concerned only, is extended to June 14, 1965, and for reply comments to June 25, 1965.

3. This action is taken pursuant to the authority contained in sections 4(i), 5(d)(1), and 303(r) of the Communications Act of 1934, as amended, and § 0.281(d)(8) of the Commission's rules and regulations.

Adopted: June 7, 1965.

Released: June 8, 1965.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 65-6155; Filed, June 11, 1965; 8:49 a.m.]

Notices

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[Arizona 032238]

ARIZONA

Order Providing for Opening of Public Lands

JUNE 8, 1965.

1. Pursuant to the Act of May 13, 1946 (60 Stat. 179), the following lands are open to entry, subject to the terms and conditions cited below:

GILA AND SALT RIVER MERIDIAN, ARIZONA
T. 19 S., R. 26 E.,
Sec. 16, S½.

The area described aggregates 320.00 acres.

2. The lands are located in Cochise County, approximately 6 miles north of Elfrida. The soil ranges from clay, sandy to gravelly loam. The topography is relatively level with a westerly slope. vegetation consists of tobosa, cane beard, feather finger and black grama desert grasses, and mesquite trees.

3. No application for these lands will be allowed under the homestead, desert land or any other nonmineral public land law unless the lands have already been classified as valuable, or suitable for such type of application, or shall be so classified upon consideration of a petition-application. Any petition-application that is filed will be considered on its merits. The lands will not be subject to occupancy or disposition until they have been classified.

4. Inquiries concerning these lands shall be addressed to: U.S. Bureau of Land Management, Arizona Land Office, 3022 Federal Building, Phoenix, Ariz., 85025.

FRED J. WEILER,
State Director.

[F.R. Doc. 65-6149; Filed, June 11, 1965; 8:49 a.m.]

ALASKA

Notice of Proposed Withdrawal and Reservation of Lands

JUNE 4, 1965.

The Department of the Army has filed an application, Serial Number Fairbanks 034596, for withdrawal of the lands described below, from all forms of appropriation under the public land laws, including the mining laws, mineral leasing laws, grazing laws, and disposal of materials under the Material Act of 1947, as amended. The applicant desires the land for military purposes as authorized by the Act of June 25, 1910, 36 Stat. 847; 43 U.S.C.A. 141, and the Act of October 31, 1951, 3 U.S.C.A. 301; 65 Stat. 712.

For a period of 30 days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the undersigned officer of the Bureau of Land Management, Department of the Interior, Fairbanks District and Land Office, Post Office Box 1150, Fairbanks, Alaska.

The authorized officer of the Bureau of Land Management will undertake such investigations as are necessary to determine the existing and potential demand for the lands and their resources. He will also undertake negotiations with the applicant agency with the view of adjusting the application to reduce the area to the minimum essential to meet the applicant's needs, to provide for the maximum concurrent utilization of the lands for purposes other than the applicant's, to eliminate lands needed for purposes more essential than the applicant's and to reach agreement on the concurrent management of the lands and their resources.

He will also prepare a report for consideration by the Secretary of the Interior who will determine whether or not the lands will be withdrawn as requested by the Department of the Army.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

If circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

The lands involved in the application are:

CLEARWATER LAKE

A tract of land situated on the south bank of the Tanana River approximately 5.2 miles Northeast of Delta Junction, Alaska, more specifically described as follows:

"What will be when surveyed"
T. 9 S., R. 11 E., F.M.,
Sec. 23, W½NE¼NE¼NE¼, NW¼NE¼NE¼, N½NW¼NE¼, NE¼NE¼NW¼, E½NW¼NE¼NW¼;
Sec. 26, W½E½E½SE¼ southwest of Tanana River, W½E½SE¼ southwest of Tanana River, W½SE¼ southwest of Tanana River, E½E½SW¼ southwest of Tanana River, E½E½E½SW¼, SE¼SE¼NW¼ southwest of Tanana River E½SW¼SE¼NW¼ southwest of Tanana River, SE¼NW¼SE¼NW¼ southwest of Tanana River.

The area described aggregates approximately 240 acres.

ROSS A. YOUNGBLOOD,
Manager, Fairbanks District and Land Office.

[F.R. Doc. 65-6136; Filed, June 11, 1965; 8:47 a.m.]

Office of the Secretary

[Order 2508, Amdt. 67]

WAPATO-SATUS UNIT

Redelegation of Authority; Irrigation

Order 2508 (an order by which the Secretary of the Interior delegates authority to the Commissioner of Indian Affairs), as amended, is further amended by the addition of a new subparagraph to read as follows:

SEC. 30. *Authority under specific acts.* (a) In addition to any authority delegated elsewhere in this order, the Commissioner of Indian Affairs, except as provided in paragraph (b) of this section, is authorized to perform the functions and exercise the authority vested in the Secretary of the Interior by the following acts or portions of acts or any acts amendatory thereof:

* * * * *

(29) Sec. 6 of the Act of September 26, 1961 (75 Stat. 680).

STEWART L. UDALL,
Secretary of the Interior.

JUNE 5, 1965.

[F.R. Doc. 65-6125; Filed, June 11, 1965; 8:46 a.m.]

ATOMIC ENERGY COMMISSION

[Docket No. 50-228]

AEROJET-GENERAL NUCLEONICS

Notice of Proposed Issuance of Facility License

Notice is hereby given that unless a request for a hearing is filed with the U.S. Atomic Energy Commission ("the Commission") by Aerojet-General Nucleonics ("the licensee"), or a petition for leave to intervene is filed by any person whose interest may be affected, as provided by and in accordance with the Commission's rules of practice, 10 CFR Part 2, within 15 days after publication of this notice in the FEDERAL REGISTER, the Commission proposes to issue a facility license substantially in the form set forth below. The proposed license would authorize the licensee to possess and operate a pool-type nuclear reactor at a maximum thermal power level of 250 kilowatts at the AGN plant site near San Ramon, Calif. Construction of the reactor was authorized by Construction Permit No. CPRR-86 issued April 16, 1965.

Prior to issuance of the license the reactor will be inspected by representatives of the Commission to determine whether a finding can be made that the reactor has been constructed in accordance with the provisions of Construction Permit No. CPRR-86.

The Commission has found that:

1. The application complies with the requirements of the Atomic Energy Act of 1954, as amended, and the Commission's regulations set forth in Title 10, Chapter I, CFR;

2. There is reasonable assurance that (i) the activities authorized by this license can be conducted at the designated location without endangering the health and safety of the public, and (ii) such activities will be conducted in compliance with the rules and regulations of the Commission;

3. The licensee is technically and financially qualified to engage in the proposed activities in accordance with the Commission's regulations;

4. The issuance of this license will not be inimical to the common defense and security or to the health and safety of the public.

For further details with respect to this proposed license, see (1) the license application dated September 14, 1964, and supplements thereto dated December 23, 1964, February 19, 1965, and April 9, 1965, (2) a related safety evaluation prepared by the Research and Power Reactor Safety Branch of the Division of Reactor Licensing, and (3) the Technical Specifications referred to as Appendix A to the proposed facility license, all of which are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. A copy of item (2) above may be obtained at the Commission's Public Document Room, or upon request addressed to the Atomic Energy Commission, Washington, D.C., 20545, Attention: Director, Division of Reactor Licensing.

Dated at Bethesda, Md., this 9th day of June 1965.

For the Atomic Energy Commission.

R. L. DOAN,
Director,
Division of Reactor Licensing.

PROPOSED FACILITY LICENSE

1. This license applies to the pool-type nuclear reactor, known as the AGN Industrial Reactor (hereinafter "the reactor") which is owned by Aerojet-General Nucleonics (hereinafter "the licensee"), located at the AGN plant site near San Ramon, Calif. and described in the application dated September 14, 1964, and supplements thereto dated December 23, 1964, February 19, 1965 and April 9, 1965 (hereinafter "the application").

2. Subject to the conditions and requirements incorporated herein, the Atomic Energy Commission (hereinafter "the Commission") hereby licenses Aerojet-General Nucleonics:

A. Pursuant to section 104c of the Atomic Energy Act of 1954, as amended (hereinafter "the Act") and Title 10, CFR, Chapter I, Part 50, "Licensing of Production and Utilization Facilities," to possess, use and operate the reactor as a utilization facility at the designated location at the AGN plant site near San Ramon, Calif.;

B. Pursuant to the Act and Title 10, CFR, Chapter I, Part 70, "Special Nuclear Material," to receive, possess and use up to 2.6 kilograms of contained uranium-235 in connection with operation of the reactor;

C. Pursuant to the Act and Title 10, CFR, Chapter I, Part 30, "Licensing of Byproduct Material," (1) to receive, possess and use a 2-curie americium-beryllium neutron source for reactor startup and (2) to possess, but not to separate, such byproduct material as may be produced by operation of the reactor.

3. This license shall be deemed to contain and be subject to the conditions specified in § 50.54 of Part 50, § 70.32 of Part 70 and § 30.32 of Part 30 of the Commission's regulations, and to be subject to all applicable provisions of the Act and rules, regulations and orders of the Commission now or hereafter in effect; and is subject to the additional conditions specified below:

A. *Maximum Power Level.* The licensee is authorized to operate the reactor at thermal power levels up to a maximum of 250 kilowatts.

B. *Technical Specifications.* The Technical Specifications contained in Appendix A to this license (hereinafter the "Technical Specifications") are hereby incorporated in this license. The licensee shall operate the reactor only in accordance with the Technical Specifications. No changes shall be made in the Technical Specifications unless authorized by the Commission as provided in 10 CFR 50.59.

C. *Authorization of Changes, Tests, and Experiments.* The licensee may (1) make changes in the reactor as described in the hazards summary reports, (2) make changes in the procedures as described in the hazards summary report, and (3) conduct tests or experiments not described in the hazards summary report only in accordance with the provisions of § 50.59 of the Commission's regulations.

D. *Reports.* In addition to reports otherwise required under this license and applicable regulations:

(1) The licensee shall report in writing to the Commission within 10 days of its observed occurrence any incident or condition relating to the operation of the facility which prevented or could have prevented a nuclear system from performing its safety function as described in the Technical Specifications or in the hazards summary report.

(2) The licensee shall report to the Commission in writing within 30 days of its observed occurrence any substantial variance disclosed by operation of the facility from performance specifications contained in the hazards summary report or the Technical Specifications.

(3) The licensee shall report to the Commission in writing within 30 days of its occurrence any significant change in transient or accident analysis, as described in the hazards summary report.

E. *Records.* In addition to those otherwise required under this license and applicable regulations, the licensee shall keep the following records:

(1) Reactor operating records, including power levels.

(2) Records of in-pile irradiations.

(3) Records showing radioactivity released or discharged into the air or water beyond the effective control of the licensee as measured at the point of such release or discharge.

(4) Records of emergency reactor scrams, including reasons for emergency shutdowns.

4. This license is effective as of the date of issuance and shall expire at midnight April 18, 2005.

Date of issuance:

For the Atomic Energy Commission.

R. L. DOAN,
Director,
Division of Reactor Licensing.

[F.R. Doc. 65-6171; Filed, June 11, 1965; 8:50 a.m.]

CIVIL AERONAUTICS BOARD

DEAN VAN LINES, INC., ET AL.

Notice of Proposed Approval

Application of Dean Van Lines, Inc., et al., for approval of control and interlocking relationships under sections 408 and 409 of the Federal Aviation Act of 1958, as amended, Docket 15855.

Notice is hereby given, pursuant to the statutory requirements of section 408(b), that the undersigned intends to issue the attached order under delegated authority. Interested persons are hereby afforded a period of fifteen days from date of service within which to file comments, or request a hearing, with respect to the action proposed in the order.

Dated at Washington, D.C., June 9, 1965.

[SEAL] J. W. ROSENTHAL,
Chief, Routes and Agreements Division, Bureau of Economic Regulation.

[Docket 15855]

ORDER APPROVING CONTROL AND INTERLOCKING RELATIONSHIPS

By application filed February 10, 1965, as amended April 1, and May 3, 1965, the Board has been requested to approve under section 408 of the Federal Aviation Act of 1958, as amended (the Act), relationships resulting from the common control by A. E. Dean of Dean Export International, Inc. (Export), and Dean Van and Storage, Inc. (Storage) and, through Storage of Dean Van Lines, Inc. (Van). The application also requests approval of certain interlocking relationships as set forth in Appendix A hereto.[1]

Van is an interstate motor common carrier of household goods and an applicant for domestic and international air freight forwarder authority restricted to the movement of household goods.[2] Export is a surface freight forwarder of household goods, and Storage is an intrastate motor common carrier of household goods.

No adverse comments or requests for a hearing have been received.

Notice of intent to dispose of the application without a hearing has been published in the FEDERAL REGISTER, and a copy of such notice has been furnished by the Board to the Attorney General not later than the day following the date of such publication, both in accordance with the requirements of section 408(b) of the Act.

Upon consideration of the application, it is concluded that Export and Storage are common carriers within the meaning of section 408 of the Act, and that the common control of Van, Export and Storage by Mr. Dean is subject to section 408 of the Act. However, it has been further concluded that such relationships do not affect the control of an air carrier directly engaged in the operation of aircraft in air transportation, do not result in creating a monopoly and do not tend to restrain competition or jeopardize another air carrier not a party to the acquisition of control. Furthermore, no person disclosing a substantial interest in this proceeding has requested a hearing. And it is found that the public interest does not require a hearing. It therefore appears that approval of the control relationships would not be inconsistent with the public interest.

It is also concluded that interlocking relationships within the scope of section 409(a) of the Act will exist between the companies as a result of the holding by Miss Harben and Messrs. Dean, Steffens, Peters, Eggleston, Wakeling, and Sax of the positions described

[1] W. C. Fogle, Executive Vice President, and a Director of Van, holds no other positions which are within the scope of sec. 409 of the Act. Accordingly, the application will be dismissed insofar as it requests approval of interlocking relationships involving Mr. Fogle.

[2] The term "household goods" has been defined by the Board in the Air Freight Forwarder Authority Case, Order E-21068, July 10, 1964, Docket 12103, et al. For the purpose of the instant proceeding, Van is considered to be an air carrier.

in Appendix A hereto. However, it is further concluded that the parties have made a due showing in the form and manner prescribed that such interlocking relationships will not adversely affect the public interest.

Pursuant to authority duly delegated by the Board in the Board's Regulations, 14 CFR 385.13, it is found that the foregoing control relationships should be approved under section 408(b) of the Act, without a hearing, and that the interlocking relationships should be approved under section 409.

Accordingly, it is ordered:

1. That the common control by A. E. Dean of Dean Export International, Inc., Dean Van & Storage, Inc., and Dean Van Lines, Inc. be and it hereby is approved;

2. That the interlocking relationships existing by reason of the holding by Miss Harben and Messrs. Dean, Steffens, Peters, Eggleston, Wakeling, and Sax of the positions set forth in Appendix A hereto be and they hereby are approved, subject to the provisions of Part 251 of the Board's Economic Regulations, as now in effect or hereafter amended; and

3. That, to the extent not granted above, the application be and it hereby is dismissed.

Persons entitled to petition the Board for review of this Order pursuant to the Board's Regulations, 14 CFR 385.50, may file such petitions within 5 days after the date of service of this Order.

This Order shall be effective and become the action of the Civil Aeronautics Board upon expiration of the above period unless within such period a petition for review thereof is filed, or the Board gives notice that it will review this Order on its own motion.

By J. W. ROSENTHAL,
Chief, Routes and Agreements Division, Bureau of Economic Regulation.

[SEAL] HAROLD R. SANDERSON, *Secretary.*

APPENDIX A

INTERLOCKING RELATIONSHIPS IN DOCKET 16665

Individual	Van	Export	Storage
A. E. Dean	President and director	President and director	President and director.
A. D. Steffens	Vice president and director.	Vice president and director	Vice president.
M. Audry Harben	Director	Executive vice president and director.	
Donald M. Peters	Vice president and director.	Vice president and director	Vice president and director.
W. L. Eggleston	Treasurer and director		Treasurer.
S. T. Wakeling	Assistant treasurer	Vice president, treasurer, and director.	
Samuel E. Sax	Secretary and director	Secretary and director	Secretary and director.

[F.R. Doc. 65-6167; Filed, June 11, 1965; 8:50 a.m.]

[Docket No. 16222 etc.; Order E-22281]

SAN FRANCISCO & OAKLAND HELICOPTER AIRLINES, INC., ET AL.

Order Instituting Proceeding and Order To Show Cause

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 9th day of June 1965.

On February 4, 1964, San Francisco & Oakland Helicopter Airlines, Inc. (SFO Helicopter), petitioned for the same service mail rate as that now in effect for the domestic trunkline, local service, and all-cargo carriers.[1] The carrier asserted that it is in competition with various certificated fixed-wing carriers in the carriage of mail across San Francisco Bay but that it fails to receive the same compensation for its service. It is stated that the fixed-wing carrier compensation is $70.02 for a ton of mail hauled the twelve miles between the San Francisco and Oakland Airports whereas its compensation for the same service by helicopter is only $30.96. SFO Helicopter further pointed out that because of the expanding nature of its operation sophisticated costing would be speculative but it believes it is clearly entitled to receive at least the existing multielement mail rate paid the other domestic carriers.

By answer of September 4, 1964, the Postmaster General opposed the petition of SFO Helicopter on the grounds that the service competitive with fixed-wing carriers is de minimis, and is not "like service" so as to bring SFO Helicopter within the concept of the multielement mail rate formula which is geared to like payment for like services. The answer also stated that, since alternative motor vehicle service is available at lower cost, the proposed rate increase would lead to even more curtailment[2] and possible complete termination of the use of the SFO Helicopter service for carriage of mail.

While SFO Helicopter in fact carries comparatively little mail in competition with fixed-wing carriers, the considerations here are much broader than the mail rate for this one carrier and extend to all four certificated helicopter carriers and the adequacy of the service mail rate of $2.58 per mail ton-mile[3] which has been in effect since 1953 without revision. In the light of current developments with regard to the subsidy of three of the carriers, and the financial condition of SFO, it appears critical that the existing rate be revised and be increased to accord with the current facts. However, a protracted proceeding to determine the cost of helicopter mail services is not feasible at this time, and we believe that consideration should be given to conforming the mail rate to the formula in effect for other domestic carriers.

Comments were informally solicited from the other three certificated helicopter carriers[4] and two[5] of them indicated they would look with favor on such action. The present multielement rate for domestic carriers is comprised of a line-haul rate of 30.17 cents per ton-mile of priority mail carried and a terminal charge which varies by class of station as follows:

Class of station	Revenue tons all traffic enplaned per year	Terminal rate per pound of priority air-mail
		Cents
A	7,000 and over	3.32
B	750-6,999	5.64
C	60-749	9.96
D	59 or less	33.21

At the rate now in effect the helicopter carriers as a group received $239,601 for the carriage of 91,650 ton-miles of priority mail during calendar year 1964; under the multielement rate this carriage would have produced compensation of $392,076 to those carriers, as follows:

Carrier	Ton-miles	Airmail revenue received	Airmail revenues under multi-element rate	Ton-mile yield under multi-element rate
Chicago Helicopter	1,000	$4,903	$7,361	$7.36
Los Angeles Airways	67,334	174,618	300,650	4.46
New York Airways	19,782	55,071	83,963	4.47
San Francisco and Oakland Helicopter	2,528	6,279	10,002	6.11
Total	91,650	239,601	392,076	4.28

Application of the current domestic multielement rate appears to be warranted on several grounds. First, the higher rate per ton-mile yielded by the multielement rate would more closely approximate the true costs of current helicopter services than does the current rate of $2.58 per ton-mile. The multielement rate is designed to give recognition to the higher unit costs of short-haul transportation and service to the smaller points. Finally, such action would bring the helicopter carriers under the same rate by which all other domestic carriers are currently compensated for the carriage of air mail.

Since we have heretofore established service mail rates for the helicopter carriers as a class, and since we propose to adhere to that policy herein, it is appropriate that the proposed revision be effected on a prospective basis for all four carriers.[6] Accordingly, we will also propose to reestablish the rate of $2.58 per mail ton-mile as the final service mail rate for SFO Helicopter for the period from February 4, 1964, to June 18, 1965, inclusive.

Upon consideration of the foregoing, SFO Helicopter's petition, the answer of the Postmaster General, the need of the helicopter operators for compensatory service mail rates and matters officially noticed, the Board proposes to issue an order to include the following findings and conclusions:

1. The fair and reasonable final rates of compensation to be paid Chicago Helicopter Airways, Inc., Los Angeles Airways, Inc., New York Airways, Inc., and San Francisco & Oakland Helicopter Airlines, Inc., for the transportation of mail by aircraft, the facilities used and useful therefor, and the services connected therewith between the points which the carriers have been, are presently, or hereafter may be authorized to transport mail by their certificates of public convenience and necessity or Board exemption order on and after June 19, 1965, are the rates specified in paragraph B, Order E-9630, dated October 7, 1955, 21 CAB 894, except that the stations included in the cited station classes shall be as specified in Appendix A attached hereto, and any station not listed in said appendix shall be classified as a Class C station.

2. The fair and reasonable final rate of compensation to be paid San Francisco & Oakland Helicopter Airlines, Inc., for the transportation of mail by aircraft, the facilities used and useful therefor, and the services connected therewith between the points which the carrier has been, is presently, or hereafter may be authorized to transport mail by its certificate of public convenience and necessity or Board exemption order from February 4, 1964, through June 18, 1965, is $2.58 per mail ton-mile.

3. Such service mail rates shall be paid in their entirety by the Postmaster General pursuant to section 406(c) of the Federal Aviation Act of 1958, and no part of such amount shall be paid by the Board.

Accordingly, pursuant to the Federal Aviation Act of 1958, and particularly sections 204(a) and 406 thereof,

It is ordered:

A. That a proceeding is hereby instituted to fix and determine the fair and reasonable final rates of compensation to be paid to Chicago Helicopter Airways, Inc., Los Angeles Airways, Inc., and New York Airways, Inc., for the transportation of mail by aircraft, the facilities used and useful therefor, and the services connected therewith between the points which the carriers have been, are presently, or hereafter may be authorized to transport mail by their certificates of public convenience and necessity or Board exemption order, to be effective on and after June 19, 1965. The institution of this proceeding shall not open the effective final mail rates of these three carriers during the period from the date of this order to June 19, 1965. This proceeding shall be concerned only with the fair and reasonable service mail rate to be paid entirely by the Postmaster General under section 406(c) of the Act and shall not include any issue as to the subsidy to be paid such carriers by the Board pursuant to section 406(b)(3) of the Act;

B. That the petition of San Francisco & Oakland Helicopter Airlines, Inc., for the determination and fixing of a final service mail rate in Docket 15012 is hereby consolidated into this proceeding;

C. That all interested persons, and particularly Chicago Helicopter Airways, Inc., Los Angeles Airways, Inc., New York Airways, Inc., San Francisco & Oakland Helicopter Airlines, Inc., and the Postmaster General, are directed to show cause why the Board should not adopt the foregoing proposed findings and conclusions, and fix, determine, and publish the rates stated in numbered paragraphs 1 and 2 of the foregoing proposed findings and conclusions as to the fair and reasonable rates to be paid the aforementioned carriers for the transportation of mail by aircraft, the facilities used and useful therefor, and the services connected therewith between the points which the carriers have been, are presently, or hereafter may be authorized to transport mail by their certificates of public convenience and necessity or Board exemption order on and after the dates specified in the above-numbered paragraphs 1 and 2;

D. That all further procedures herein shall be in accordance with the rules of practice (14 CFR Part 302); and if there is any objection to the rate or to the other findings and conclusions proposed herein, notice thereof shall be filed within 7 days, and, if notice is filed, written answers and supporting documents shall be filed within 30 days, after the date of service of this order;

E. That if notice of objection is not filed within 7 days, or if notice is filed and answer is not filed within 30 days, after service of this order, all persons shall be deemed to have waived the right to a hearing and all other procedural steps short of a final decision by the Board, and the Board may enter an order incorporating the findings and conclusions proposed herein and fixing and determining the final rate specified herein;

F. That if answer is filed it shall specify the helicopter carrier or carriers to which objection is made to the adoption of the service mail rates proposed herein and such objection relative to any one or more helicopter carriers shall not operate to preclude the Board from adopting a final order establishing the service mail rates proposed herein for any other helicopter carrier or carriers against which no objection is made; and, the issues involved in determining the fair and reasonable final rates shall be limited to those specifically raised by answer, except insofar as other issues are raised in accordance with Rule 307 of the rules of practice (14 CFR 302.307); and

G. That this order be served upon Chicago Helicopter Airways, Inc., Los Angeles Airways, Inc., New York Airways, Inc., San Francisco & Oakland Helicopter Airlines, Inc., and the Postmaster General.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON, *Secretary.*

APPENDIX A

HELICOPTER AIR MAIL SERVICE

Classification of Stations for Determination of Terminal Charges

CLASS A STATIONS[1]

John F. Kennedy International Airport, N.Y.
Los Angeles International Airport, Calif.
Newark Airport, N.J.
Oakland International Airport, Calif.
O'Hare Field, Ill.
San Francisco International Airport, Calif.

CLASS B STATIONS[1]

Anaheim/Disneyland Heliport, Calif.
Berkeley Heliport, Calif.
Burbank-Lockheed Air Terminal, Calif.
Los Angeles Terminal Annex Heliport, Calif.
Manhattan Heliport, N.Y.
Midway Airport, Ill.
Newport Beach Heliport, Calif.
Oakland Heliport, Calif.
Ontario Airport, Calif.
Pomona Heliport, Calif.
San Bernardino Heliport, Calif.

CLASS C STATIONS[1]

Chicago Loop Heliport, Ill.
Gary Heliport, Ind.
Glendale Heliport, Calif.
Marin County Heliport, Calif.
Riverside Heliport, Calif.
Santa Monica Heliport, Calif.
Van Nuys Heliport, Calif.

CLASS D STATIONS[1]

Whittier Heliport, Calif.

[F.R. Doc. 65-6168; Filed, June 11, 1965; 8:50 a.m.]

[Docket No. 15664]

CHICAGO HELICOPTER AIRWAYS, INC.

Notice of Hearing

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that hearing in the above-entitled proceeding is assigned to be held on July 7, 1965, at 10 a.m., e.d.s.t., in Room 1027, Universal Building, Florida and Connecticut Avenues NW., Washington, D.C., before the undersigned Examiner.

Dated at Washington, D.C., June 8, 1965.

[SEAL] JAMES S. KEITH, *Hearing Examiner.*

[F.R. Doc. 65-6169; Filed, June 11, 1965; 8:50 a.m.]

Class of station	Revenue tons all traffic enplaned per year	Terminal rate per pound
		Cents
A	7,000 and over	3.32
B	750-6,999	5.64
C	60-749	9.96
D	59 or less	33.21

[1] Order E-9630, 21 CAB 894 (1955).

[2] SFO Helicopter's priority mail tonnage has declined from 98 tons in the first quarter of 1964, to 23 in the second, 17 in the third, and 8 in the fourth (per Form 41).

[3] Order E-7731, 17 CAB 898 (1953).

[4] At a meeting arranged by the Bureau of Economic Regulation and held at the Board on Mar. 18, 1965, with the Post Office Department participating.

[5] Chicago Helicopter Airways, Inc., and New York Airways, Inc.

[6] The service mail rates of the Chicago, New York, and Los Angeles helicopter carriers are not open at this time and thus no retroactive adjustment is possible for these carriers. In addition, the action proposed herein shall not open the service mail rates of these three carriers and they shall continue to operate under the presently closed service mail rates until such time as may be established in this proceeding.

[Docket No. 12285 etc.]

NEW YORK-FLORIDA RENEWAL CASE

Notice of Prehearing Conference

Notice is hereby given that a prehearing conference in the above-entitled matter is assigned to be held on July 8, 1965, at 10 a.m., e.d.s.t., in Room 1027, Universal Building, Connecticut and Florida Avenues NW., Washington, D.C., before Examiner William J. Madden.

In order to facilitate the conduct of the conference, interested parties are instructed to submit to the examiner and other parties on or before June 24, 1965: (1) Motions with respect to the scope of the issues or for consolidation of applications; (2) statements of position as to use which should be made of existing record; (3) proposed statements of issues; (4) proposed stipulations; (5) requests for information; (6) statements of positions of parties; and (7) proposed procedural dates.

Dated at Washington, D.C., June 8, 1965.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F.R. Doc. 65-6170; Filed, June 11, 1965; 8:50 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket Nos. 16037, 16038; FCC 65-481]

CAMPBELL AND SHEFTALL AND FORT CAMPBELL BROADCASTING CO.

Memorandum Opinion and Order Designating Applications for Consolidated Hearing on Stated Issues

In re applications of Gladys W. Campbell, John Parry Sheftall, and John H. Bailey doing business as Campbell and Sheftall, Clarksville, Tenn., Docket No. 16037, File No. BPH-3770, requests 107.9 mc, #300; 28.5 kw, 159 feet; J. Shelby McCallum, Gary H. Latham, and E. T. Breathitt, Jr., doing business as Fort Campbell Broadcasting Co., Fort Campbell, Ky., Docket No. 16038, File No. BPH-4209, requests 107.9 mc, #300; 38.9 kw, 156 feet; for construction permits.

1. The Commission has before it for consideration: (a) The above-captioned and described applications; (b) petition for waiver of § 73.207 of the Commission's rules filed by Campbell and Sheftall ("C & S" herein) on September 12, 1963; (c) petition to withhold action on application of Fort Campbell Broadcasting Co. in the event of denial of Campbell and Sheftall's pending petition for waiver of § 73.207 of the Commission's rules filed by C & S on January 28, 1964; and (d) answer to petition to withhold action on Application of Fort Campbell Broadcasting Co. in the event of denial of Campbell and Sheftall's pending petition for waiver of § 73.207 of the Commission's rules filed by Fort Campbell Broadcasting Co. (Fort Campbell) on February 12, 1964.

2. C & S's application when originally filed on May 11, 1962, requested use of Channel 233 in Clarksville. However, because of conflicts with other then-pending applications and later because of the FM allocation rule-making proceeding (Docket No. 14185) C & S's application remained in pending status. Ultimately, Channel 300 (but not Channel 233) was allocated to Clarksville and C & S tendered an amendment to specify Channel 300. This amendment has not been accepted because C & S proposed an operation on that channel from its AM site which would be short-spaced to Station WCOR-FM Lebanon, Tenn., on Channel 297. Along with its tendered amendment, C & S submitted a request for waiver of the minimum separations required by § 73.207 of the rules in which it points out that the proposed spacing would be 64.05 miles, only 0.95 mile less than the 65 miles required. C & S argues that the only way it could avoid the short-spacing would be to operate at a site some distance from its standard broadcast station WJZM or to change the WJZM site so that an FM operation would meet the spacing requirements. Either course of action it feels, would create serious problems adversely affecting the public interest. According to C & S there are few FM receivers in the Clarksville area and until such time as the listening audience is developed FM revenues will be low. Thus, in its opinion, the economies[1] offered by operation in conjunction with WJZM are indispensable to the success of its proposed FM station. Likewise, C & S states that it cannot relocate WJZM to permit a joint operation from a site meeting the separation requirements because such a move would create new areas of AM interference with station WABD, Fort Campbell, Ky.

3. We have concluded that under these circumstances the 0.95 mile proposed short-spacing is justified and that waiver of § 73.207 of the rules to permit acceptance of the amendment is warranted.[2]

4. Section 1.580(b) of the rules specifies that action will not be taken on an application as filed or amended until 30 days after public notice of the filing of the application or major amendment. Section 309(b) of the Communications Act of 1934, as amended, imposes a similar 30-day waiting period, but by its terms applies only to grant of the application. Thus, simultaneous acceptance of the amendment and designation of the application for hearing is in conflict with our rules, but not with the act. We have concluded that waiver of this provision on our motion is warranted. Our action designating this application and the mutually exclusive Fort Campbell proposal discussed infra will not operate to deprive interested parties of their opportunity to object, since interested parties may seek intervention pursuant to § 1.223 of the Commission's rules. Likewise, since the Fort Campbell application has been on file for almost as long, a party desiring to file a competing application was on notice that that application could have been acted upon immediately if C & S's waiver request had been denied and therefore had ample opportunity to file a competing application.

5. Fort Campbell's application, although mutually exclusive with that of C & S does not specify use of the channel 300 in Clarksville, instead they propose use of that channel in a different city. Rather, Fort Campbell's application is premised on § 73.203(b), the "25-mile" rule which permits applicants to specify a community not listed in the table if it is within 25 miles of the community to which the channel is assigned in the table. Because the applicants propose different cities, a 307(b) issue is required. In addition, since there is a significant difference in the populations to be served by the two proposals, a comparative 1 mv/m coverage issue is required in the event the 307(b) issue is not determinative.

6. On November 7, 1962, the Commission granted Fort Campbell's application for a new standard broadcast station at Fort Campbell, and in so doing found it to be a community within the meaning of § 73.30(a) of the rules. The condition attached to that permit requiring that station identification must be made in a way to indicate the private character of the station is equally relevant here and will be attached to Fort Campbell's permit if its application is granted.

7. Except as indicated by the issues specified below, the applicants appear to be legally, technically, financially, and otherwise qualified to operate as proposed; however, the Commission is unable to make the statutory finding that a grant of either of the above-captioned applications would serve the public interest, convenience, and necessity and is of the opinion that the applications must be designated for hearing in a consolidated proceeding on the issues specified below:

Accordingly, it is ordered, This 2d day of June 1965, That the provisions of § 1.580(b) of the Commission's rules are waived on the Commission's own motion, that, pursuant to section 309(e) of the Communications Act of 1934, as amended, the applications are designated for hearing in a consolidated proceeding, at a time and place to be specified in a subsequent Order, upon the following issues:

1. To determine whether the proposal of Fort Campbell Broadcasting Co. would provide a signal strength of at least 3.16 mv/m to the entire Fort Campbell military reservation, as required by § 73.210 (d) and if not, whether circumstances exist which would warrant waiver of this section.

2. To determine, in the light of section 307(b) of the Communications Act of 1934, as amended, which of the proposals would better provide a fair, efficient, and equitable distribution of radio service.

3. To determine in the event it is concluded that a choice between the applications could not be based solely on considerations relating to section 307(b) the populations within each of the proposed 1 mv/m contours and the availability of other FM services (at least 1 mv/m) to such populations.

4. To determine, in the event it is concluded that a choice between the applications would not be based solely on considerations relating to section 307(b), which of the operations proposed in the above-captioned applications would better serve the public interest, in light of the evidence adduced pursuant to the foregoing issues and the record made with respect to the significant differences between the applicants as to:

(a) The background and experience of each having a bearing on the applicant's ability to own and operate the proposed FM broadcast station.

(b) The proposals of each of the applicants with respect to the management and operation of the proposed stations.

(c) The programing services proposed in each of the applications.

5. To determine in the light of the evidence adduced pursuant to the foregoing issues, which of the applications should be granted.

It is further ordered, That the petition for waiver of § 73.207 of the Commission's rules filed by Campbell and Sheftall is granted and said section of the rules is waived.

It is further ordered, That Campbell and Sheftall's petition to withhold action on application of Fort Campbell Broadcasting Co. in the event of denial of Campbell and Sheftall's pending petition for waiver of § 73.207 of the Commission's rules and Fort Campbell Broadcasting Co.'s answer to this petition are dismissed as moot.

It is further ordered, That, to avail themselves of the opportunity to be heard, the applicants herein, pursuant to § 1.221(c) of the Commission rules, in person or by attorney, shall, within 20 days of the mailing of this order, file with the Commission in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this order.

It is further ordered, That the applicants herein shall, pursuant to section 311(a)(2) of the Communications Act of 1934, as amended, and § 1.594 of the Commission's rules, give notice of the hearing, either individually, or if feasible and consistent with the rules, jointly, within the time and in the manner prescribed in such rule, and shall advise the Commission of the publication of such notice as required by § 1.594(g) of the rules.

It is further ordered, That the issues in the above-captioned proceeding may be enlarged by the Examiner, on his own motion or on petition properly filed by a party to the proceeding, and upon sufficient allegations of fact in support thereof, by the addition of the following issues: To determine whether the funds available to the applicant will give reasonable assurance that the proposals set forth in the application will be effectuated.

It is further ordered, That in the event of a grant of the Fort Campbell application, the construction permit shall contain the following condition: The authority granted herein is subject to the condition that station identification must be made so as to indicate clearly that the radio station is a privately owned civilian activity which is in no way sponsored by or in any manner connected with the Department of the Army or other agency of the U.S. Government.

Released: June 7, 1965.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 65-6157; Filed, June 11, 1965; 8:49 a.m.]

[1] C & S has estimated that construction costs would be $25,635 at the WJZM site and $44,635 elsewhere, and that operational costs of the first year would be increased from $12,000 to $15,900.

[2] Consequently, C & S's petition requesting us to withhold action on the Fort Campbell proposal in the event we deny their request, will be dismissed as moot.

[Docket Nos. 16031, 16032; FCC 65M-730]

CAPITAL BROADCASTING CORP. AND CAPITAL NEWS, INC.

Order Scheduling Hearing

In re applications of Capital Broadcasting Corp., Frankfort, Ky., Docket No. 16031, File No. BPH-4195; Capital News, Inc., Frankfort, Ky., Docket No. 16032, File No. BPH-4249; for construction permits.

It is ordered, This 8th day of June 1965, that Herbert Sharfman shall serve as the presiding officer in the above-entitled proceeding; that the hearings therein shall commence at 10 a.m. on September 9, 1965; and that a prehearing conference shall be convened at 9 a.m. on July 13, 1965; *And, it is further ordered,* That all proceedings shall be held in the Offices of the Commission, Washington, D.C.

Released: June 9, 1965.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 65-6158; Filed, June 11, 1965; 8:49 a.m.]

[Docket Nos. 16033, 16034]

EASTERN LONG ISLAND BROADCASTERS, INC., AND REUNION BROADCASTING CORP.

Order Designating Applications for Consolidated Hearing on Stated Issues

In re applications of Eastern Long Island Broadcasters, Inc., Sag Harbor, N.Y., Docket No. 16033, File No. BPH-4321, requests: 92.1 mc, #221; 3 kw; 300 ft.; Reunion Broadcasting Corp., East Hampton, N.Y., Docket No. 16034, File No. BPH-4460, requests: 92.1 mc, #221; 3 kw; 300 ft.; for construction permits.

The Commission, by the Chief of the Broadcast Bureau under delegated authority, considered the above-captioned applications on June 8th, 1965;

It appearing, that, except as indicated by the issues specified below, each of the applicants is legally, technically, financially, and otherwise qualified to construct and operate as proposed; and

It further appearing, that the above-captioned applications are mutually exclusive in that operation by the applicants as proposed would result in mutually destructive interference; and

It further appearing, that since the Eastern Long Island Broadcasters, Inc. proposal specifies Sag Harbor and the Reunion Broadcasting Corp. proposal specifies East Hampton it is necessary to determine, pursuant to section 307(b) of the Communications Act of 1934, as amended, which of the proposals would better provide a fair, efficient and equitable distribution of radio service; and

It further appearing, that it has not been determined whether the antenna proposed by Eastern Long Island Broadcasters, Inc., will constitute a menace to air navigation; and

It further appearing, that, in view of the foregoing, the Commission is unable to make the statutory finding that a grant of the subject applications would serve the public interest, convenience, and necessity, and is of the opinion that the applications must be designated for hearing in a consolidated proceeding on the issues set forth below.

It is ordered, That, pursuant to section 309(e) of the Communications Act of 1934, as amended, the applications are designated for hearing in a consolidated proceeding, at a time and place to be specified in a subsequent Order, upon the following issues:

1. To determine the area and population within each of the proposed 1 mv/m contours and the availability of other FM service (at least 1 mv/m) to such areas and populations.

2. To determine whether there is a reasonable possibility that the tower height and location proposed by Eastern Long Island Broadcasters, Inc., would constitute a menace to air navigation.

3. To determine, in the light of section 307(b) of the Communications Act of 1934, as amended, which of the proposals would better provide a fair, efficient, and equitable distribution of radio service.

4. To determine, in the event it is concluded that a choice between the applications should not be based solely on considerations relating to section 307(b), which of the operations proposed in the above-captioned applications would better serve the public interest, in light of the evidence adduced pursuant to the foregoing issues and the record made with respect to the significant differences between the applicants as to:

(a) The background and experience of each having a bearing on the applicant's ability to own and operate the FM station as proposed.

(b) The proposals of each of the applicants with respect to management and operation of the FM broadcast station as proposed.

(c) The programing services proposed in each of the above-captioned applications.

5. To determine, in the light of the evidence adduced pursuant to the foregoing issues which, if either, of the applications should be granted.

It is further ordered, That, the Federal Aviation Agency is made a party to the proceeding.

It is further ordered, That, to avail themselves of the opportunity to be heard, the applicants and party respondent herein, pursuant to § 1.221(c) of the Commission's rules, in person or by attorney, shall, within 20 days of the mailing of this order, file with the Commission in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this order.

It is further ordered, That, the applicants herein shall, pursuant to section 311(a)(2) of the Communications Act of 1934, as amended, and § 1.594 of the Commission's rules, give notice of the hearing, either individually or, if feasible and consistent with the rules, jointly, within the time and manner prescribed in such rule, and shall advise the Commission of the publication of such notice as required by § 1.594(g) of the rules.

It is further ordered, That, the issues in the above-captioned proceeding may be enlarged by the Examiner, on his own motion or on petition properly filed by a party to the proceeding, and upon sufficient allegations of fact in support thereof, by the addition of the following issue: To determine whether the funds available to the applicant will give reasonable assurance that the proposals set forth in the application will be effectuated.

Released: June 9, 1965.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 65-6159; Filed, June 11, 1965; 8:49 a.m.]

[Docket Nos. 16039, 16040; FCC 65M-402]

FINE MUSIC BROADCASTS, INC., AND BELK BROADCASTING CO. OF FLORIDA, INC.

Order Designating Applications for Consolidated Hearing on Stated Issues

In re applications of Fine Music Broadcasts, Inc., Jacksonville, Fla., Docket No. 16039, File No. BPH-3604, requests: 96.9 mc, No. 245; 26kw; 206 feet; Belk Broadcasting Co. of Florida, Inc., Jacksonville, Fla., Docket No. 16040, File No. BPH-4772, requests: 96.9mc, No. 245; 30kw; 286 feet; for construction permits.

At a session of the Federal Communications Commission held at its offices in Washington, D.C., on the 2d day of June 1965;

The Commission having under consideration the above-captioned and described applications;

It appearing, that, except as indicated by the issues specified below, each of the applicants is legally, technically, financially, and otherwise qualified to construct and operate as proposed; and

It further appearing, that, the above-captioned applications are mutually exclusive in that operation by the applicants as proposed would result in mutually destructive interference; and

It further appearing, that, in view of the foregoing, the Commission is unable to make the statutory finding that a grant of the subject applications would serve the public interest, convenience, and necessity, and is of the opinion that the applications must be designated for hearing in a consolidated proceeding on the issues set forth below.

It is ordered, That, pursuant to section 309(e) of the Communications Act of 1934, as amended, the applications are designated for hearing in a consolidated proceeding, at a time and place to be specified in a subsequent Order, upon the following issues:

1. To determine which of the operations proposed in the above-captioned applications would better serve the public interest in light of the evidence adduced and the record made with respect to the significant differences between the applicants as to:

(a) The background and experience of each having a bearing on the applicant's ability to own and operate the FM station as proposed.

(b) Proposals of each of the applicants with respect to the management and operation of the FM broadcast station as proposed.

(c) The programing services proposed in each of the above-captioned applications.

2. To determine, in the light of the evidence adduced pursuant to the foregoing issue, which of the applications should be granted.

It is further ordered, That, to avail themselves of the opportunity to be heard, the applicants herein, pursuant to § 1.221(c) of the Commission's rules, in person or by attorney, shall, within 20 days of the mailing of this Order, file with the Commission in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this Order.

It is further ordered, That the applicants herein shall, pursuant to section 311(a)(2) of the Communications Act of 1934, as amended, and § 1.594 of the Commission's rules, give notice of the hearing, either individually or, if feasible and consistent with the rules, jointly, within the time and in the manner prescribed in such rule, and shall advise the Commission of the publication of such notice as required by § 1.594(g) of the rules.

It is further ordered, That, the issues in the above-captioned proceeding may be enlarged by the Examiner, on his own motion or on petition properly filed by a party to the proceeding, and upon sufficient allegations of fact in support thereof, by the addition of the following issue: To determine whether the funds available to the applicant will give reasonable assurance that the proposals set forth in the application will be effectuated.

Released: June 7, 1965.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 65-6160; Filed, June 11, 1965; 8:49 a.m.]

[Docket Nos. 16039, 16040; FCC 65M-734]

FINE MUSIC BROADCASTS, INC., AND BELK BROADCASTING CO. OF FLORIDA, INC.

Order Scheduling Hearing

In re applications of Fine Music Broadcasts, Inc., Jacksonville, Fla., Docket No. 16039, File No. BPH-3604; Belk Broadcasting Co. of Florida, Inc., Jacksonville, Fla., Docket No. 16040, File No. BPH-4772; for construction permits.

It is ordered, This 7th day of June 1965, that Basil P. Cooper shall serve as the presiding officer in the above-entitled proceeding; that the hearings therein shall commence at 10 a.m., on September 14, 1965; and that a prehearing conference shall be convened at 9 a.m., on July 2, 1965; And, *It is further ordered*, That all proceedings shall be held in the Offices of the Commission, Washington, D.C.

Released: June 8, 1965.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 65-6161; Filed, June 11, 1965; 8:49 a.m.]

[Docket Nos. 15812, 15813; FCC 65R-216]

NEBRASKA RURAL RADIO ASSOCIATION (KRVN) AND TOWN & FARM CO., INC. (KMMJ)

Memorandum Opinion and Order Amending Issues

In re applications of Nebraska Rural Radio Association (KRVN), Lexington, Nebr., Docket No. 15812, File No. BP-15348; Town & Farm Co., Inc. (KMMJ), Grand Island, Nebr., Docket No. 15813, File No. BP-15354; for construction permits.

1. Before the Review Board for consideration is a petition to enlarge issues in this proceeding, filed February 23, 1965, by Nebraska Rural Radio Association (KRVN).[1] KRVN would have the Board add a contingent standard comparative issue and the following further issues:

To determine whether the proposal of Town & Farm Co., Inc. (KMMJ), would comply with § 73.35(a) of the Commission's rules.

To determine (a) whether there is a need for specialized agricultural-oriented programing in the area proposed to be served; and (b) the extent to which the programing proposals of the applicants would meet such need.

To determine (a) whether Town & Farm Co., Inc., did in fact attempt to ascertain the programing needs and interests of its proposed service area; and (b) how the applicant intends to meet such needs.

2. KRVN, Lexington, Nebr. (1010 kc, 25 kw, Day, DA, Class II) and KMMJ, Grand Island, Nebr. (750 kc, 10 kw, L-WSB, DA-1, Class II) seek construction permits for 880 kc, 50 kw, U, DA-2, Class II-A facilities. The mutually exclusive applications were set for hearing by Commission Order (FCC 65-54) released January 29, 1965, on issues including section 307(b); areas and populations to be served; adjustment and maintenance of nighttime directional antenna arrays; whether KMMJ would cause objectionable interference to Station KJSK, Columbus, Nebr.; whether KMMJ's tower would be a menace to air navigation; whether in light of evidence adduced under the directional antenna issues, the proposed stations would adequately protect the 0.5 mv/m-50 percent secondary service area of Station WCBS, New York City; and compliance by KMMJ with § 73.188(b)(1) of the rules.

3. KRVN's request for an issue as to compliance with Rule 73.35(a) (duopoly issue), based on extensive overlap between KMMJ and commonly owned Station KXXX in Colby, Kans., must be denied in view of subsequent Commission action. On May 6, 1965 (FCC 65-368) the Commission denied KRVN's motion for reconsideration of its designation Order and dismissal of KMMJ's application and held that the KMMJ application could be accepted if any grant thereof were conditioned on disposal of KXXX prior to commencement of the expanded KMMJ operation. Accordingly, no duopoly question remains.

4. Petitioner next requests addition of a standard comparative issue, or "at the very least" a contingent standard comparative issue, because: although Rule 73.22 allocates 880 kc for Class II-A use in Nebraska and the Dakotas, the instant applications are the only such applications before the Commission; both KRVN and KMMJ propose 50 kw unlimited time operation in the same general area of Nebraska; and they would serve substantially the same area, as attached engineering exhibits show. KRVN argues that 307(b) considerations are "only one facet" of the determination herein and that the reception service to be provided "to the same widespread region much of it 'white area'" is of greater significance than the transmission aspects of the proposals. The Broadcast Bureau supports addition of a contingent standard comparative issue.

5. In opposition, KMMJ states that addition of a comparative issue would greatly increase the complexity and length of this proceeding, delaying the advent of service on 880 kc; that such delay would be inconsistent with the Commission's expressed purpose of "utilizing Class II-A facilities to bring primary service as rapidly as possible to large areas and populations which are presently without such service;" that a comparative issue should accordingly not be added except for compelling reasons; and that no such reasons exist here, the existing issues being "entirely adequate" to permit choice between the applicants. Substantial 307(b) differences between the applicants are alleged by KMMJ: Grand Island, KMMJ's principal community, had a 1960 population almost five times larger than Lexington's, and Lexington "is in no way comparable with Grand Island as a trade, transportation, communications, and administrative center;" contrary to KRVN's assertion in its petition, engineering figures allegedly demonstrate that KMMJ would serve substantially greater areas and populations than would KRVN; nighttime KMMJ would bring a first primary service to 34,238 more people than would KRVN; and, finally, particularly in view of the white area coverage differences, which the Commission has stated must be the primary consideration in Class II-A cases, a decisive section 307(b) distinction is stated to exist.

6. In reply, KRVN notes that: The population differences cited by KMMJ are of little significance since KRVN would bring Lexington its first local nighttime transmission service, while KMMJ would bring Grand Island its second; and delay caused by addition of a comparative issue would not justify refusal to add it if section 307(b) factors prove not to be decisive; and reception aspects must be given primary consideration when service areas are similar. KRVN asserts that, notwithstanding KMMJ's measurements, the areas are in fact similar; those measurements have not been accepted in evidence and KRVN "believes they are seriously defective."

7. The requested issue will be added on a contingent basis. As noted by KRVN the transmission aspects of these proposals, so heavily relied upon by KMMJ, may not be of decisive significance, especially since these are Class II-A applications. See Kent-Ravenna Broadcasting Co., FCC 61-1350, 22 R.R. 605. If, as asserted by KMMJ, conclusive section 307(b) differences between the applicants do exist, the comparative issue need not be reached; however, that determination is to be made initially by the Examiner. Rockland Broadcasting Co., FCC 62-577, 23 R.R. 789. Addition of a contingent issue at this time will expedite the proceeding in the event that, after hearing on the section 307(b) issue, it is found that no decisive differences have been demonstrated.

8. KRVN has also requested an issue to determine whether the area to be served has a need for specialized agricultural programing and, if so, the extent to which the applicants' respective proposals would meet it. In support of its request, KRVN alleges that the area to be served is largely rural in nature; that a substantial number of the workers in the area are farm laborers or workers in related industries; and that there is an urgent need for programing directed to the agricultural community. Station KRVN has allegedly conducted a continuing survey of programing needs, both in its current service area and in the wider area proposed to be served and determined the existence of need for the following types of programing, among others: (1) Technical information to assist the farmer and rancher in the operation of their business [sic]; (2) Complete and timely market reports; (3) Up-to-the-minute weather information at frequent and key intervals; (4) Broadcast time for the Agricultural College to reach the rural population; (5) Broadcast time for farm organizations; (6) Up-to-the-minute legislative news from the State capital, as well as timely news from other areas having special bearing on the region's rural farm and ranch population; (7) A full discussion of urgent problems facing agriculture and rural areas, such as roads, taxes, schools, etc.; and (8) Religious and entertainment programs geared to meet the needs and desires of the rural farm and ranch population. Each of these categories is discussed at some length in the petition and attached affidavits.

9. KMMJ and the Broadcast Bureau oppose addition of this issue. KMMJ argues that addition of the requested issue would delay the hearing almost as much as a comparative issue; that KRVN has not made the threshold showing of facts of decisional significance which is a prerequisite to addition of programing issues in section 307(b) cases; that none of the cases cited in support of the request is a section 307(b) case; and that neither the nature nor the material result of KRVN's alleged "continuing survey" is reported, and the letters and affidavits connected with these allegations are "not factual statements of the need for special programing in the Nebraska-Kansas community" but "are at best endorsements of Radio Station KRVN." The only factual data submitted by KRVN, argues KMMJ, are a letter from a Professor of Agricultural Economics at the University of Nebraska and three U.S. Census maps of Nebraska showing "demographic" characteristics, and "while these maps may illustrate the rural character of the central Nebraska community, they in no sense show the need for a special programing issue." However, continues KMMJ, assuming arguendo that such needs exist, the evidence would not be of decisional significance according to Commission precedent unless KRVN had demonstrated that KMMJ would fail to serve such needs. And, concludes KMMJ, its own application and related pleadings and documents in support thereof in fact constitute a "threshold showing that such facts would not be of decisional significance." The Broadcast Bureau distinguishes the cases cited by KRVN; states that white area service is the prime consideration in the instant case; and concludes with the observation that KRVN's and KMMJ's respective programing proposals presently contemplate 14.9 and 14.8 percent agricultural programing.

10. KRVN attacks the Bureau's opposition on the ground that it is manifest that "bare category percentages cannot show how the programing to be offered by each applicant would meet the particular needs of the area for specialized programing." KMMJ's argument that the petition fails to make the proper threshold showing "is similarly without merit." KRVN concludes:

> Neither the Bureau nor Town & Farm has shown that such a need does not exist. In such circumstances it is imperative that the Commission add a special programing issue in order that it may (1) determine whether there is such a need and (2) evaluate the programing proposals of the applicants in this respect.

[1] Also before the Board are: Opposition, filed Mar. 24, 1965, by Town & Farm Co., Inc. (KMMJ); corrigendum to opposition, filed Mar. 25, 1965, by KMMJ; comments, filed Mar. 24, 1965, by the Broadcast Bureau; and reply, filed Apr. 12, 1965, by KRVN.

11. The requested issue will not be added. As the above statement from its reply pleading indicates, KRVN appears to have misconceived the requirement of Cookeville Broadcasting Co., FCC 60–101, 19 R.R. 897, that the moving party make a threshold showing of facts of decisional significance in support of a requested programing issue. No such showing is made by the petitioner here; the mere assertion that its allegations of need for specialized programing are not refuted does not constitute a sufficient basis for addition of an issue. As pointed out by KMMJ, the petitioner makes absolutely no showing that the need is not met by existing services or that it would not be met equally well by either applicant, especially since both parties have shown specific efforts to serve the needs of agriculture. Cf. Spanish International Television Company, Inc., FCC 65–425, released May 21, 1965. Under such circumstances, "specialized programing" evidence would not be of decisional significance. Moreover, the contingent comparative issue, if reached, will permit comparison of the programing proposals of the applicants in light of all relevant factors.

12. KRVN's final request is for an issue to determine whether KMMJ has attempted to discover and to meet the programing needs and interests of its proposed service area (Suburban issue). The petitioner's request is based upon its "information and belief" that no survey as to the needs of the proposed gain area has been made by KMMJ in connection with the instant application, since the addenda to KMMJ's proposed program schedule relate only to inquiries in the present service area and none of the 60 community leaders from whom KRVN submitted letters in connection with the instant petition had reportedly then been solicited by KMMJ in connection with the area's programing needs.

13. The request for a Suburban issue is opposed by both the Bureau and KMMJ. The Bureau cites the similarity of the two proposals, the fact that KMMJ is an operating station with experience in the area, and its claim to familiarity with the expanded area proposed to be served as precluding addition of a Suburban issue. KMMJ states that while a survey is not a prerequisite to meeting the Suburban test under Review Board precedent, it has nevertheless in fact made "a systematic diligent survey of its proposed service area," which was used as a guide in formulation of program plans for the expanded operation. This survey, conducted by both KMMJ and commonly owned KXXX, which presently serves most of the proposed gain area (see paragraph 2, supra), employed four major methods. As listed in addenda to the proposed program schedule submitted with KMMJ's June 9, 1964, amendment, these four ways were (1) Daily on-the-air announcements inviting program and service contacts; (2) Personal contact with the audience through contacts by the staff and management; (3) Questionnaires mailed to a list of area people picked at random from area telephone directories. This questionnaire supplies in-depth program ideas and information . . .; (4) Contact with civic organizations, Government agencies and community leaders, both by personal interview and letter. In addition to these survey methods, KMMJ cites its broadcast experience and that of KXXX in the area; the fact that eight members of its staff have been residents and employees for 20–38 years; and the fact that KMMJ's principal stockholder has been active in broadcasting since 1925 and associated in ownership and/or managerial positions with eight stations in Nebraska, Kansas, Iowa, and Colorado which blanket the entire proposed service area in addition to his connection with KXXX and KMMJ. In reply, KRVN challenges the adequacy of KMMJ's survey, which it alleges was conducted only among residents of KMMJ's present service area, and states that KMMJ's principal stockholder has not for some years been a resident of the area and his broadcast experience is therefore without relevance to the present requested issue.

14. The Board can find no basis for addition of a Suburban issue. It is clear from its application and the pleadings herein that KMMJ has made diligent and continuing efforts to ascertain the needs and interests of its present service area. It is also clear, although the petitioner did not respond to this portion of KMMJ's opposition pleading, that similar efforts continue to be made on behalf of the commonly owned Colby, Kans. Station, KXXX. Moreover, as we stated in Bootheel Broadcasting Co., FCC 62R–47, 24 R.R. 292, "Although familiarity with the community and its needs is essential, the Commission did not, in its Suburban decision, limit the means of acquiring such familiarity." The Commission and the Board have in the past recognized the validity of such sources of information as local residence (see Community Telecasting Corporation, 32 FCC 923, 24 R.R. 1) and association with stations in the gain area (see Selma Television, Incorporated, FCC 65–216, released March 22, 1965; Arthur D. Smith, Jr. (WMTS), FCC 63R–559, 1 R.R. 2d 915). In the instant case KMMJ has not only conducted surveys in its present service area and most of the gain area, but also has utilized both methods of familiarizing itself with area needs cited above. Moreover, KRVN does not challenge KMMJ's familiarity with the gain area's needs or present any facts whatsoever to counter the evidence in support of that station's claim of familiarity with and efforts to serve the needs of its proposed gain area. In view of the foregoing, KRVN's request for a Suburban issue will be denied.

Accordingly, it is ordered, This 8th day of June 1965, that the petition to enlarge issues in this proceeding, filed February 23, 1965, by Nebraska Rural Radio Association (KRVN) is granted in part and is denied in part; and that the issues in this proceeding are enlarged by addition of the following:

To determine, in the event it is concluded that a choice between the application should not be based solely on considerations relating to section 307(b), which of the operations proposed in the above-captioned applications would better serve the public interest, in the light of the evidence adduced pursuant to the issues herein and the record made with respect to the significant differences between the said applicants as to:

(a) The background and experience of each having a bearing on the applicant's ability to own and operate the proposed standard broadcast station;

(b) The proposals of each of the applicants with respect to the management and operation of the proposed stations;

(c) The programing services proposed in each of the applications.

Released: June 9, 1965.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 65–6162; Filed, June 11, 1965; 8:50 a.m.]

FEDERAL MARITIME COMMISSION

FARRELL LINES, INC., AND LIBERIAN NATIONAL SHIPPING LINES, INC.

Notice of Agreement Filed for Approval

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1321 H Street NW., room 301; or may inspect the agreement at the offices of the District Managers New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments with reference to an agreement including a request for hearing, if desired, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C., 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the comments should indicate that this has been done.

Notice of agreement filed for approval by:

Mr. J. Gerald Shea,
Traffic Manager—Operations,
Farrell Lines Inc.,
One Whitehall Street,
New York, N.Y., 10004.

Agreement 9363–1, between Farrell Lines, Inc., and Liberian National Shipping Lines, Inc., provides for a change from a fixed rate to a fixed percentage apportionment of the through rate charged by the parties thereto for the movement of latex from Harbel, Liberia, to U.S. Atlantic Ports with transhipment at Monrovia, Liberia, under terms and conditions set forth in the agreement.

Dated: June 9, 1965.

By order of the Federal Maritime Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 65–6150; Filed, June 11, 1965; 8:49 a.m.]

NORTHERN PAN AMERICA LINE AND MITSUI O.S.K. LINES, LTD.

Notice of Agreement Filed for Approval

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763; 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1321 H Street NW., room 301; or may inspect the agreement at the offices of the District Managers, New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments with reference to an agreement including a request for hearing, if desired, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C., 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the comments should indicate that this has been done.

Notice of agreement filed for approval by:

Olvind Lorentzen, Inc.,
General Agents for Nopal Line,
21 West Street,
New York, N.Y., 10006.

Agreement 9376–1, between the Northern Pan America Line A/S (Nopal) and Mitsui O.S.K. Lines, Ltd., provides for an increase in the through rate charged by the parties thereto for the through movement of synthetic resin from Houston, Tex., and New Orleans, La., to Durban, South Africa, with transhipment at Buenos Aires, Argentina, under terms and conditions set forth in the agreement.

Dated: June 9, 1965.

By order of the Federal Maritime Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 65–6151; Filed, June 11, 1965; 8:49 a.m.]

FEDERAL POWER COMMISSION

[Docket No. RI65–332]

AMERADA PETROLEUM CORP.

Order Accepting Decreased Rate Filing

JUNE 4, 1965.

Amerada Petroleum Corp. (Amerada), on May 10, 1965, tendered for filing a proposed rate decrease to a periodic rate for gas sold to El Paso Natural Gas Co. from the Blanco Field, San Juan County, N. Mex. (San Juan Basin Area). The proposed rate, which represents a decrease from an increased rate which was suspended by the Commission's order issued November 30, 1964, in Docket No. RI65–332, and is presently being collected subject to refund in said docket. The previously filed rate increase reflected tax reimbursement for New Mexico taxes on all gas being delivered under the rate schedule and failed to indicate that a portion of such gas is produced in the State of Colorado. The instant filing corrects the present rate of 14.2486 cents per Mcf by making the 0.2486 cent per Mcf tax reimbursement inapplicable for the Colorado portion of the sale. The decreased rate is set forth in Appendix A below.

Under the circumstances, we believe that Amerada's decreased rate should be accepted for filing to become effective as of December 21, 1964, the date the previously filed rate increase went into effect subject to refund, subject to the existing rate suspension proceeding in Docket No. RI65–332 and refund obligation related thereto.

The Commission finds: It is necessary and proper in carrying out the provisions of the Natural Gas Act and the regulations thereunder to accept the notice of change listed in Appendix A below as of the date indicated therein, subject to the existing rate suspension proceeding in Docket No. RI65–332, and refund obligation related thereto.

The Commission orders: The notice of change designated in Appendix A below is accepted for filing as of the date shown therein subject to Amerada's existing rate suspension proceeding in Docket No. RI65–332 and refund obligation related thereto.

By the Commission.

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

APPENDIX A

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual decrease	Date filing tendered	Effective date	Date suspended until—	Cents per Mcf: Rate in effect	Cents per Mcf: Proposed increased rate	Rate in effect subject to refund in docket Nos.
RI65–332	Amerada Petroleum Corp., Post Office Box 2040, Tulsa, Okla., 74102. Attention: Mr. W. H. Bourne.	2	[1] 1 to 5	El Paso Natural Gas Co. (Blanco Field, La Plata and Archuleta Counties, Colo.).	9930	5–10–65	[2] 12–21–64	----------	[3] 14.2486	[4] [5] 14.0	RI65–332.

[1] Corrects Notice of Change filed Nov. 4, 1964 (Supplement No. 5).
[2] The stated effective date is the date Supplement No. 5 became effective subject to refund in Docket No. RI65–332.
[3] Tax reimbursement decrease.
[4] Pressure base is 15.025 p.s.i.a.
[5] Includes 1.0 cent per Mcf minimum guarantee for liquids.
[6] For gas sold in Colorado on which no tax is collected. The previously filed increased rate of 14.2486 cents per Mcf for New Mexico production remains unchanged.

[F.R. Doc. 65–6054; Filed, June 11, 1965; 8:45 a.m.]

[Docket No. RI65–627, etc.]

CONTINENTAL OIL CO. ET AL.

Order Providing for Hearings on and Suspension of Proposed Changes in Rates [1]

JUNE 4, 1965.

The respondents named herein have filed proposed increased rates and charges of currently effective rate schedules for sales of natural gas under Commission jurisdiction, as set forth in Appendix A below.

The proposed changed rates and charges may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is in the public interest and consistent with the Natural Gas Act that the Commission enter upon hearings regarding the lawfulness of the proposed changes, and that the supplements herein be suspended and their use be deferred as ordered below.

The Commission orders:

(A) Under the Natural Gas Act, particularly sections 4 and 15, the regulations pertaining thereto (18 CFR, Ch. I), and the Commission's rules of practice and procedure, public hearings shall be held concerning the lawfulness of the proposed changes.

(B) Pending hearings and decisions thereon, the rate supplements herein are suspended and their use deferred until date shown in the "Date Suspended Until" column, and thereafter until made effective as prescribed by the Natural Gas Act.

(C) Until otherwise ordered by the Commission, neither the suspended supplements, nor the rate schedules sought to be altered, shall be changed until disposition of these proceedings or expiration of the suspension period.

(D) Notices of intervention or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C., 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 and 1.37(f)) on or before July 21, 1965.

By the Commission.

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[1] Does not consolidate for hearing or dispose of the several matters herein.

APPENDIX A

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until—	Cents per Mcf: Rate in effect	Cents per Mcf: Proposed increased rate	Rate in effect subject to refund in docket Nos.
RI65-627	Continental Oil Co., Post Office Box 2197, Houston, Tex., 77001, Attention: Mr. Fred T. O'Leary and Mr. Bruce R. Merrill.	247	7	United Gas Pipe Line Co. (Theall Field, Vermilion Parish, La.).	$11,000	[1] 5-13-65	[2] 6-13-65	11-13-65	[3] 20.25	[4] [5] 22.25	
RI65-628	Marathon Oil Co. (Operator), et al., 539 South Main Street, Findlay, Ohio, 45840.	55	3	Cities Service Gas Co. (Dietz Unit, Grant County, Okla.) (Oklahoma "Other" Area).	215	5-12-65	[7] 5-13-65	11-13-65	[8] [9] 12.0	[5] [8] [10] [11] 14.0	
RI65-629	Petroleum, Inc. (Operator), et al., 152 North Broadway, Wichita, Kans.	8	5	Cities Service Gas Co. (Barber County, Kans.).	500	5-14-65	[12] 6-14-65	11-14-65	[8] 13.0	[5] [8] [13] 14.0	RI60-38.
RI65-630	K. S. Adams, Jr., et al., Post Office Box 844, Houston 1, Tex.	6	2	Cities Service Gas Co. (S. Blunk Field, Barber County, Kans.).	460	5-14-65	[12] 6-15-65	11-15-65	[8] 12.0	[4] [8] 13.0	
RI65-631	Ashland Oil & Refining Co., Post Office Box 1503, Houston, Tex., 77001.	124	11	Natural Gas Pipeline Co. of America (Camrick Southeast Gas Pool, Texas and Beaver Counties, Okla.) (Panhandle Area).	5,000	5-17-65	[12] 6-17-65	11-17-65	[8] 17.0	[4] [8] 17.8	RI64-700.

[1] Original Notice of Change filed Apr. 20, 1965. Corrected by revised page 2 filed May 13, 1965.
[2] The stated effective date is 30 days after the corrected Notice of Change was filed.
[3] Periodic rate increase.
[4] Pressure base is 15.025 p.s.i.a.
[5] Includes 1.75 cents per Mcf tax reimbursement.
[6] The stated effective date is the first day after expiration of the required statutory notice.
[7] Two-step periodic rate increase.
[8] Pressure base is 14.65 p.s.i.a.
[9] Subject to a downward B.t.u. adjustment.
[10] Includes 0.75 cent per Mcf deducted by buyer for dehydrating gas.
[11] The stated effective date is the effective date requested by respondent.
[12] Renegotiated rate increase.

Marathon Oil Co. (Operator), et al. (Marathon), request an effective date of June 11, 1965, for their proposed rate increase. Good cause has not been shown for waiving the 30-day notice requirement provided in section 4(d) of the Natural Gas Act to permit an earlier effective date for Marathon's rate filing and such request is denied.

All of the proposed increased rates and charges exceed the applicable area price levels for increased rates as set forth in the Commission's Statement of General Policy No. 61–1, as amended (18 CFR, Ch. I, Pt. 2, § 2.56).

[F.R. Doc. 65–6065; Filed, June 11, 1965; 8:45 a.m.]

[Docket No. RI65–626]

SINCLAIR OIL & GAS CO.

Order Providing for Hearing on and Suspension of Proposed Change in Rate; Effective Subject to Refund

JUNE 3, 1965.

Respondent named herein has filed a proposed change in rate and charge of a currently effective rate schedule for the sale of natural gas under Commission jurisdiction, as set forth in Appendix A below.

The proposed changed rate and charge may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is in the public interest and consistent with the Natural Gas Act that the Commission enter upon a hearing regarding the lawfulness of the proposed change, and that the supplement herein be suspended and its use be deferred as ordered below.

The Commission orders:

(A) Under the Natural Gas Act, particularly sections 4 and 15, the regulations pertaining thereto (18 CFR Ch. I), and the Commission's rules of practice and procedure, a public hearing shall be held concerning the lawfulness of the proposed change.

(B) Pending hearing and decision thereon, the rate supplement herein is suspended and its use deferred until date shown in the "Date Suspended Until" column, and thereafter until made effective as prescribed by the Natural Gas Act: *Provided, however,* That the supplement to the rate schedule filed by Respondent shall become effective subject to refund on the date and in the manner herein prescribed if within 20 days from the date of the issuance of this order Respondent shall execute and file under its above-designated docket number with the Secretary of the Commission its agreement and undertaking to comply with the refunding and reporting procedure required by the Natural Gas Act and § 154.102 of the regulations thereunder, accompanied by a certificate showing service of a copy thereof upon the purchaser under the rate schedule involved. Unless Respondent is advised to the contrary within 15 days after the filing of its agreement and undertaking, such agreement and undertaking shall be deemed to have been accepted.

(C) Until otherwise ordered by the Commission, neither the suspended supplement, nor the rate schedule sought to be altered, shall be changed until disposition of this proceeding or expiration of the suspension period.

(D) Notices of intervention or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C., 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 and 1.37(f)) on or before July 21, 1965.

By the Commission.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

APPENDIX A

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until	Cents per Mcf: Rate in effect	Cents per Mcf: Proposed increased rate	Rate in effect subject to refund in docket No.
RI65-626	Sinclair Oil & Gas Co. (Operator), Post Office Box 521, Tulsa, Okla., 74102, Attention: Mr. W. L. Minturn.	222	5	El Paso Natural Gas Co. (King Booster, Lea County, N. Mex.) (Permian Basin Area).	$1,497	5-7-65	[1] 6-7-65	[2] 6-8-65	16.0	[3] [4] 16.4136	RI65-36.

[1] The stated effective date is the first day after expiration of the required statutory notice.
[2] The suspension period is limited to 1 day.
[3] Tax reimbursement increase.
[4] Pressure base is 14.65 p.s.i.a.
[5] For gas sold on which Sinclair is entitled to tax reimbursement.
[6] Includes partial reimbursement for full 2.55 percent New Mexico Emergency School Tax.

The proposed tax increase filed by Sinclair Oil & Gas Co. (Operator) (Sinclair), reflects partial reimbursement for the full 2.55 percent New Mexico Emergency School Tax which was increased from 2.0 to 2.55 percent on April 1, 1963. The buyer, El Paso Natural Gas Co. (El Paso), in accordance with its policy of protesting all tax filings proposing reimbursement for the New Mexico Emergency School Tax in excess of 0.55 percent, is expected to file a protest to this rate increase. El Paso questions the right of Sinclair under the tax reimbursement clause to file a rate increase reflecting tax reimbursement computed on the basis of an increase in tax rate by the New Mexico Legislature in excess of 0.55 percent. While El Paso concedes that the New Mexico tax legislation effected a higher rate of at least 0.55 percent, it claims there is controversy as to whether or not the new legislation effected an increased tax rate in excess of 0.55 percent. Under the circumstances, we shall provide that the hearing provided for herein shall concern itself with the contractual basis as well as the statutory lawfulness of Sinclair's proposed increased rate which El Paso has or will protest. Since the rate increase is limited to tax reimbursement, the suspension period may be shortened to 1 day from June 7, 1965, the date of expiration of the statutory notice.

Sinclair's proposed increased rate and charge exceeds the applicable price level for increased rates in the Permian Basin Area as set forth in the Commission's Statement of General Policy No. 61–1, as amended (18 CFR, Ch. I, Pt. 2, § 2.56).

[F.R. Doc. 65–6066; Filed, June 11, 1965; 8:45 a.m.]

[Docket No. CP65–384]

EL PASO NATURAL GAS CO.

Notice of Application

JUNE 7, 1965.

Take notice that on June 1, 1965, El Paso Natural Gas Co. (Applicant), Post Office Box 1492, El Paso, Tex., 79999, filed in Docket No. CP65–384 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing (1) the acquisition from Cities Service Gas Co. (Cities) and operation of certain gathering facilities situated in the Hugoton gas area of Grant and Stanton Counties, Kans.; (2) the construction and operation of certain gathering, dehydration, compression, and transmission facilities in the said Hugoton gas area; and (3) the receipt from Sinclair Oil & Gas Co. (Sinclair) and delivery to Northern Natural Gas Co. (Northern), on an exchange basis, of natural gas to be produced by and purchased from Sinclair in the said Hugoton gas area, all as more fully set forth in the application on file with the Commission and open to public inspection.

The application states that Sinclair is presently delivering gas to Cities from acreage in the Hugoton gas area of Grant and Stanton Counties, which sale was initiated under an agreement which expired by its own terms on April 1, 1960. Applicant states that it had the first and preferential right to receive the gas delivered under the contract and that it has exercised this right.

Applicant proposes to purchase from Sinclair the gas previously delivered by Sinclair to Cities, together with other gas to be produced by Sinclair from deeper horizons. Applicant will then dehydrate and transport the gas to a point of delivery to Northern at the interconnection of Applicant's proposed facilities and Northern's existing facilities in Grant County, in exchange for the concurrent delivery of equal quantities by Northern to Applicant at the existing point of interconnection of Applicant's and Northern's facilities at Applicant's Plains Compressor Station, Yoakum County, Tex. The estimated reserves in the acreage dedicated under the purchase agreement with Sinclair are 400 billion cubic feet. Average daily quantities to be delivered by Sinclair to Applicant are estimated to be 47,000 Mcf.

To carry out these proposals, Applicant will purchase from Cities a gathering system consisting of approximately 49.6 miles of gas gathering pipelines of various lengths and diameters and appurtenances, well ties and well meters. Applicant also proposes to construct and operate an additional 73.5 miles of gathering pipeline of various lengths and diameters, and appurtenances. The gathering facilities are to be constructed in the Hugoton Field in Grant and Stanton Counties, Kans. Applicant further proposes to construct and operate a 3,600 horsepower compressor station, a dehydration plant, 12.0 miles of 14-inch pipeline to connect the compressor station with Northern's 24-inch line, and three meters, all to be located in Grant County, Kans.

Applicant estimates the total cost of facilities to be $4,530,000, including $211,000 as the cost of the acquisition of the facilities to be purchased from Cities.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C., 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (157.10) on or before July 2, 1965.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no protest or petition to intervene is filed within the time required herein, and the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a protest or petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

JOSEPH H. GUTRIDE, *Secretary.*

[F.R. Doc. 65–6122; Filed, June 11, 1965; 8:46 a.m.]

[Docket No. CP60–94]

TENNESSEE GAS TRANSMISSION CO.

Notice of Petition To Amend

JUNE 7, 1965.

Take notice that on May 27, 1965, Tennessee Gas Transmission Co. (Petitioner), Post Office Box 2511, Houston, Tex., 77001, filed in Docket No. CP60–94 a petition to amend the certificate of public convenience and necessity, heretofore issued on September 19, 1963, in Opinion No. 403 (30 FPC 759), which authorized Petitioner to sell and deliver a total quantity of 14,325 Mcf of natural gas per day to The Hartford Electric Light Co. (Hartford) for the service areas of Stamford and Torrington, all as more fully set forth in the petition to amend which is on file with the Commission and open to public inspection.

Pursuant to a request by Hartford, Petitioner seeks authority to make a new allocation between the Stamford and Torrington service areas of the 14,325 Mcf per day authorized by the order of September 19, 1963, as follows:

Service area	Authorized in Docket No. CP60–94	Proposed reallocation of Docket No. CP60–94	Increase or (decrease)
Stamford (Mcf)	10,985	11,402	417
Torrington (Mcf)	3,340	2,923	(417)
Total (Mcf)	14,325	14,325	

The application further states that the 886 Mcf per day authorized to be sold by Applicant to Hartford by the Commission's order issued in Docket No. CP63–247 on May 16, 1963, was also for the purpose of increasing deliveries to the Stamford service area. The total proposed allocation to the Stamford area will therefore be 15,211 Mcf per day.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C., 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (157.10) on or before July 2, 1965.

JOSEPH H. GUTRIDE, *Secretary.*

[F.R. Doc. 65–6123; Filed, June 11, 1965; 8:46 a.m.]

[Docket No. RP65–59]

TEXAS EASTERN TRANSMISSION CORP.

Notice of Proposed Changes in Rates and Charges

JUNE 7, 1965.

Take notice that on June 1, 1965, Texas Eastern Transmission Corp., pursuant to § 1.18(c) of the Commission's rules of practice and procedure, tendered a proposal to reduce the rates and charges set out in its presently effective tariff. The proposal would reduce Texas Eastern's jurisdictional rates by 0.42 cent per Mcf, or approximately $3,500,-

000 annually, based upon 1964 adjusted test year volumes of 840,150,000 Mcf. Such reduction would be made effective as of June 1, 1965, in all rate schedules and would be made in the commodity component of all two-part rate schedules.

Texas Eastern's proposal also preserves its present refund obligations with respect to gas purchased between November 10, 1967, and June 1, 1965; provides for a flow-through of refunds and rate reductions received from producer suppliers; reserves the rights of all parties and the Commission with respect to Rayne Field gas costs and provides for a flow-through of any refunds and rate reductions Texas Eastern receives with respect thereto; and, finally, provides for a flow-through of both annual liberalized depreciation tax savings and the deduction of accumulated deferred tax balances in Account 282 from the rate base, subject to certain specified conditions.

Copies of the proposal have been served by Texas Eastern on its customers. Comments may be filed with the Commission on or before June 17, 1965.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 65-6124; Filed, June 11, 1965; 8:46 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[812-1797]

SELECTED AMERICAN SHARES, INC.

Notice of Application for Exemption Order

JUNE 8, 1965.

Notice is hereby given that Selected American Shares, Inc. ("Selected"), 135 South LaSalle Street, Chicago, Ill., a Delaware corporation and a registered open-end investment company, has filed an application pursuant to section 6(c) of the Investment Company Act of 1940 ("Act"). Selected requests an order of the Commission exempting from the provisions of section 22(d) of the Act the proposed issuance of its shares at net asset value for substantially all the cash and securities of Russ Investment Corp. ("Russ"), an Illinois corporation. All interested persons are referred to the application on file with the Commission for a complete statement of the representations therein which are summarized below.

Shares of Selected are offered to the public on a continuous basis at net asset value plus a sales charge which varies dependent upon the amount purchased. As of May 20, 1965, the net assets of Selected amounted to approximately $160.2 million.

Since its organization in 1956 Russ has been engaged in the business of investing and reinvesting in securities, and its principal assets now consist of cash and securities having a value of $274,223 at May 20, 1965. Russ has two individual stockholders and is excepted under section 3(c)(1) of the Act from the definition of an investment company.

Pursuant to an agreement between Selected and Russ, substantially all the cash and securities of Russ will be transferred to Selected in exchange for shares of Selected. The exchange will be made on the basis of the net asset value of the Selected shares and the value of the Russ assets to be transferred, both determined at the close of business on the day preceding the closing. The closing will take place on June 30, 1965, or at such other time as may be mutually agreed upon.

The application states that it is believed that the transactions constitute a tax-free reorganization and that Selected will take over the tax basis of Russ in the securities to be acquired. It is further stated that the unrealized appreciation of the Selected portfolio, which is approximately 24 percent, exceeds the percentage of unrealized appreciation of the portfolio securities of Russ, which is approximately 17 percent, so that protection of the shareholders of Selected does not require an adjustment for potential tax liability upon sale by Selected of the portfolio securities of Russ. If on the valuation date the unrealized appreciation of the portfolio securities of Russ exceeds that of the portfolio of Selected the basis of the exchange will be adjusted to discount the value of the Russ assets to the extent of 12.5 percent of any such excess.

The application recites that the terms of the entire transaction were arrived at through arm's-length bargaining between Selected and Russ and that there is no affiliation or relationship of any kind between Selected or its affiliated persons and Russ or its affiliated persons.

Notice is further given that any interested person may, not later than June 25, 1965, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request, and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C., 20549. A copy of such request shall be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon Selected at the address stated above. Proof of such service (by affidavit or in case of an attorney-at-law by certificate) shall be filed contemporaneously with the request. At any time after said date, as provided by Rule 0-5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the information stated in said application, unless an order for hearing upon said application be issued upon request or upon the Commission's own motion.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 65-6121; Filed, June 11, 1965; 8:46 a.m.]

SMALL BUSINESS ADMINISTRATION

[Delegation of Authority No. 30 (Chicago) Amdt. 1]

MIDWESTERN AREA

Delegation of Authority To Conduct Program Activities in the Regional Offices

I. Pursuant to the authority delegated to the Area Administrator by Delegation of Authority No. 30 (Revision 10) 30 F.R. 972, as amended, 30 F.R. 2742; Delegation of Authority No. 30 (Chicago) 30 F.R. 3252 is hereby amended by revising Item II in its entirety to read as follows:

II. To the regional directors of Des Moines, Indianapolis, Madison, and St. Louis, within the Midwestern Area, the following authority is hereby redelegated:

1. To approve the following:
a. Direct loans not exceeding $100,000.
b. Participation loans not exceeding $250,000 (SBA share).
c. Simplified bank participation loans not exceeding $350,000 (SBA share).
d. Simplified early maturities participation loans not exceeding $350,000 (SBA share.)
e. Direct disaster loans not exceeding $250,000.
f. Participation disaster loans not exceeding $250,000 (SBA share).
2. To decline the following:
a. Business loans not exceeding $250,000.
b. Disaster loans not exceeding $350,000.
3. To disburse approved loans.
4. Items I.A. 4 and 7 through 11, above.
5. Item I.A. 13, above.
6. Items I.D. 1 through 5, above.
7. Item I.E., above.
8. Item I.F., above.
9. St. Louis only. Items I.C. 1 and 2, above—but not exceeding $50,000.

* * * * *

Effective date: June 1, 1965.

RICHARD E. LASSAR,
Area Administrator, Midwestern Area.

[F.R. Doc. 65-6107; Filed, June 11, 1965; 8:45 a.m.]

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATIONS FOR RELIEF

JUNE 9, 1965.

Protests to the granting of an application must be prepared in accordance with Rule 1.40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 39819—*Grain and grain products to Gulf and Florida ports for export.* Filed by Southwestern Freight Bureau, agent (No. B-8729), for interested rail carriers. Rates on grain, grain products; and related articles, in carloads, from points in Arkansas, Colorado, Illinois, Iowa, Kansas, Missouri, Nebraska, Oklahoma, and Wyoming, to Gulf ports, Pensacola, Fla., to Corpus Christi, Tex., also Port Everglades and Port of Palm Beach, Fla. (for export).

Grounds for relief—Domestic rate relationship.

Tariffs—Atchison, Topeka, and Santa Fe Railway Co. tariff, I.C.C. 15044, and eight other schedules named in the application.

FSA No. 39820—*Grain, grain products and related articles to Gulf ports.* Filed by Southwestern Freight Bureau, agent (No. B-8737), for interested rail carriers. Rates on wheat, bulgur, wheat flour, grain (other than wheat), and soybeans, in carloads, from points in Kansas, Missouri, and Oklahoma, to Gulf ports, Pensacola, Fla., to Corpus Christi, Tex.

Grounds for relief—Truck-barge competition.

Tariffs—Atchison, Topeka, and Santa Fe Railway Co. tariff, I.C.C. 15044, and four other schedules named in the application.

FSA No. 39821—*Commodities between points in Texas.* Filed by Texas-Louisiana Freight Bureau, agent (No. 541), for interested rail carriers. Rates on chemicals, plastic bags or wrapping, shipping containers, sewing thread, and tea or tea dust, in carloads, from, to, and between points in Texas, over interstate routes through adjoining States.

Grounds for relief—Intrastate rates and maintenance of rates from and to points in other States not subject to the same conditions.

Tariff—Supplement 33 to Texas-Louisiana Freight Bureau, Agent, tariff I.C.C. 998.

FSA No. 39822—*Iron or steel articles to points in Ohio.* Filed by Traffic Executive Association-Eastern Railroads, agent (E.R. No. 2779), for interested rail carriers. Rates on iron or steel articles, in carloads, from points in official (including Illinois) territory, to Valley Junction (Hamilton County) and Whitewater, Ohio.

Grounds for relief—Market competition.

FSA No. 39823—*Woodpulp to Chillicothe, Ohio.* Filed by O. W. South, Jr., agent (No. A4704), for interested rail carriers. Rates on woodpulp, not powdered, in carloads, from Doctortown, Ga., to Chillicothe, Ohio.

Grounds for relief—Rate relationship.

Tariff—Supplement 88 to Southern Freight Association, agent, tariff I.C.C. 8-143.

FSA No. 39826—*Sulphur Dioxide from West Norfolk, Va.* Filed by O. W. South, Jr., agent (No. A4699), for interested rail carriers. Rates on sulphur dioxide, in tank carloads, from West Norfolk, Va., to Huber and McIntyre, Ga., Catawba and Lugoff, S.C.

Grounds for relief—Market competition.

Tariff—Supplement 11 to Southern Freight Association, agent, tariff I.C.C. S-317.

FSA No. 39827—*Chlorine from Nixon, Ga.* Filed by O. W. South, Jr., agent (No. A4701), for interested rail carriers. Rates on chlorine, in tank carloads, from Nixon, Ga., to Fernandina Beach, Jacksonville, So. Jacksonville and Quinlin, Fla.

Grounds for relief—Market competition.

Tariff—Supplement 192 to Southern Freight Association, agent, tariff I.C.C. S-194.

FSA No. 39828—*T.O.F.C. rates from and to points in western trunkline territory.* Filed by Western Trunk Line Committee, agent (No. A-2411), for interested rail carriers. Rates on property moving on class and commodity rates loaded in trailers and transported on railroad flatcars, between points in western trunkline territory, on the one hand, and points in official territory, on the other.

Grounds for relief—Motor-truck competition, grouping and short-line distance formula.

FSA No. 39829—*Substituted service—CRI&P for Trans-Cold Express, Inc.* Filed by Trans-Cold Express, Inc. (No. 1), for itself and on behalf of Chicago, Rock Island, and Pacific Railroad Co. Rates on property loaded in trailers and transported on railroad flatcars, between Dallas, Tex., on the one hand, and Chicago, Ill., and St. Louis, Mo., on the other, on traffic originating at or destined to such points or points beyond as described in the application.

Grounds for relief—Motor-truck competition.

FSA No. 39830—*Soda ash to Asheville and Skyland, N.C.* Filed by Traffic Executive Association-Eastern Railroads, agent (E.R. No. 2781), for interested rail carriers. Rates on soda ash, in bulk, in covered hopper cars, in carloads, from specified points in Michigan, New York, and Ohio, to Asheville and Skyland, N.C.

Grounds for relief—Market competition and restoration of rate relationship.

Tariffs—Supplements 184 and 98 to Traffic Executive Association-Eastern Railroads, agent, tariffs I.C.C. C-102 and C-334, respectively.

AGGREGATE OF INTERMEDIATES

FSA No. 39822—*Commodities between points in Texas.* Filed by Texas-Louisiana Freight Bureau, agent (No. 542), for interested rail carriers. Rates on chemicals, iron or steel containers, plastic bags or wrapping, shipping containers, sewing thread, and tea or tea dust, in carloads, from, to, and between points in Texas, over interstate routes through adjoining States.

Grounds for relief—Maintenance of depressed rates published to meet intrastate competition without use of such rates as factors in constructing combination rates.

Tariff—Supplement 33 to Texas-Louisiana Freight Bureau, agent, tariffs I.C.C. 998.

FSA No. 39824—*Iron and steel articles to points in Ohio.* Filed by Traffic Executive Association-Eastern Railroads, agent (E.R. No. 2780), for interested rail carriers. Rates on iron and steel articles, in carloads, from points in official (including Illinois) territory, to Valley Junction (Hamilton County) and Whitewater, Ohio.

Grounds for relief—Maintenance of depressed rates established to meet market competition without use of such rates as factors in constructing combination rates.

By the Commission.

[SEAL] BERTHA F. ARMES,
Acting Secretary.

[F.R. Doc. 65-6137; Filed, June 11, 1965; 8:47 a.m.]

[Notice No. 31]

FINANCE APPLICATIONS

JUNE 9, 1965.

The following publications are governed by the Interstate Commerce Commission's General Requirements governing notice of filing of applications under sections 20a except (12) and 214 of the Interstate Commerce Act. The Commission's order of May 20, 1964, providing for such publication of notice, was published in the FEDERAL REGISTER issue of July 31, 1964 (29 F.R. 11126), and became effective October 1, 1964.

All hearings and prehearing conferences, if any, will be called at 9:30 a.m., U.S. standard time unless otherwise specified.

F.D. No. 23677—By application filed June 8, 1954, Signal Trucking Service, Ltd., 4456 Fruitland Avenue, Los Angeles 58, Calif., seeks authority under section 214 of the Interstate Commerce Act to assume obligations of Paxton Trucking Co. and Paxton Truck Lines, Inc. in the form of promissory notes totaling $234,-161.10. Applicant's attorney: Edward M. Berol, Berol, Loughran & Geernaert, Shell Building, 21st floor, 100 Bush Street, San Francisco, Calif., 94104. Protests must be filed no later than 15 days from date of publication in the FEDERAL REGISTER.

NOTE: This application is directly related to MC-F-9131.

F.D. No. 23676—By application filed June 3, 1965, Atlas Van-Lines, Inc., 1212 St. George Road, Evansville, Ind., 47703, seeks authority under section 214 of the Interstate Commerce Act to issue its short term collateral promissory notes and/or to assume obligation and liability as guarantor of similar notes to be issued by International Sea Van, Inc., its subsidiary, in the aggregate principal amount not to exceed $3,250,000. Applicant's attorney: Herbert Burstein, Esq., Zelby & Burstein, 160 Broadway, New York, N.Y., 10038. Protests must be filed no later than 15 days from date of publication in the FEDERAL REGISTER.

By the Commission.

[SEAL] BERTHA F. ARMES,
Acting Secretary.

[F.R. Doc. 65-6138; Filed, June 11, 1965; 8:47 a.m.]

[Notice No. 780]

APPLICATIONS BY MOTOR CARRIERS

1964, respectively, in the name of Lois M. Engleman doing business as Engleman

No. MC-FC-67907. By order of June

[Notice No. 780]

APPLICATIONS BY MOTOR CARRIERS OF PROPERTY OR PASSENGERS

JUNE 9, 1965.

The following applications are governed by the Interstate Commerce Commission's special rules governing notice of filing of applications by motor carriers of property or passengers under sections 5(a) and 210a(b) of the Interstate Commerce Act and certain other proceedings with respect thereto. (49 CFR 1.240.)

MOTOR CARRIERS OF PROPERTY

No. MC-F-8711 (R. E. SHORT CO.—CONTROL—RYDER TRUCK LINES OF MO., INC.), published in the April 8, 1964, issue of the FEDERAL REGISTER on page 4940, as amended May 10, 1965, to reflect change of corporate name of RYDER TRUCK LINES OF MO., INC., to SOUTHERN PLAZA EXPRESS, INC. By second amendment to application filed June 7, 1965, ADMIRAL-MERCHANTS MOTOR FREIGHT, INC. (In lieu of R. E. SHORT CO., a subsidiary noncarrier company), seeks to become primary applicant to acquire control of SOUTHERN PLAZA EXPRESS, INC., and to merge immediately after the acquisition of stock control.

NOTE: Hearing in this proceeding, consolidated with No. MC-F-9041 (CONSOLIDATED FREIGHTWAYS CORPORATION OF DELAWARE—CONTROL—SOUTHERN-PLAZA EXPRESS, INC.), began May 24, 1965, and is in process.

By the Commission.

[SEAL] BERTHA F. ARMES, *Acting Secretary.*

[F.R. Doc. 65-6139; Filed, June 11, 1965; 8:47 a.m.]

[Notice No. 1188]

MOTOR CARRIER TRANSFER PROCEEDINGS

JUNE 9, 1965.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 179), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC-67906. By order of June 7, 1965, the Tranfer Board approved the transfer to Fogleman Truck Line, Inc., Crowley, La., of Certificates Nos. MC-123993 and MC-123993 (Sub-No. 1), issued December 21, 1961, and October 2, 1964, respectively, in the name of Lois M. Fogleman doing business as Fogleman Truck Line, Crowley, La., authorizing the transportation of salt, from Anse La-Butte, La., to points in Arkansas; and salt and products, from the plantsite of Cargill, Inc., at Chalmette, La., to points in Alabama, Arkansas, Florida, Georgia, Mississippi, South Carolina, Tennessee, and Texas; and Permits Nos. MC-41116, MC-41116 (Sub-No. 1), MC-41116 (Sub-No. 6), MC-41116 (Sub-No. 13), MC-41116 (Sub-No. 15), MC-41116 (Sub-No. 17), and MC-41116 (Sub-No. 20), issued January 22, 1951, January 22, 1951, August 29, 1960, December 30, 1964, April 27, 1964, November 10, 1964, and December 29, 1964, respectively, to Mrs. Lois M. Fogleman doing business as Fogleman Truck Line, Crowley, La., authorizing the transportation of cleaned rice, in truckload lots only; clean and rough rice, rice bran, rice polish, and rice hulls, rice mill supplies, dry ammonium nitrate, fertilizer, in bulk or in bags, dry fertilizer, bags, bagging, steel cotton bale ties, and twine dry fertilizer, anhydrous ammonia, in bulk, in tank vehicles, burlap, from to and between points and areas in the States of Alabama, Arkansas, Florida, Georgia, Louisiana, Mississippi, Oklahoma, South Carolina, Tennessee, and Texas, varying with the commodities transported. Austin L. Hatchell, 1102 Perry Brooks Building, Austin, Tex., representative for applicants.

No. MC-FC-67442. By order of June 8, 1965, the Transfer Board, on reconsideration, approved the transfer to Kokanee Transport Ltd., Nelson, B.C., Canada, of the operating rights in Certificate No. MC-109548, issued January 4, 1949, to Michael Frank Ozelle, doing business as Kelly's Cartage, Nelson, B.C., Canada, authorizing the transportation of: Fresh fruits and vegetables and mining machinery, equipment, and supplies, over regular routes, between Spokane, Wash., and the boundary of the United States and Canada at or near Nelway, B.C., Canada: From the boundary of United States and Canada over Washington Highway 6 to Newport, Wash., and thence over U.S. Highway 195 to Spokane, and return over the same route. Service is not authorized to or from intermediate points. F. A. Abfalter, 200 Medical Arts Building, Nelson, B.C., Canada, representative for applicants.

No. MC-FC-67797. By order of June 7, 1965, the Transfer Board approved the transfer to Arthur W. Weidke & Sons, Inc., Readville, Mass., of the operating rights of Frank Dimodana, Jr., doing business as Dimodana Trans., Lowell, Mass., authorizing the transportation in Certificate of Registration No. MC-99738 (Sub-No. 2), issued September 24, 1964, of property in containers and bundles and manufactured products; within 50 mile radius of the State House, Boston. Francis P. Barrett, 25 Bryant Avenue, East Milton (Boston), Mass., 02186, attorney for applicants.

No. MC-FC-67907. By order of June 7, 1965, the Transfer Board approved the transfer to Lilac City Express, Inc., Spokane, Wash., of Permit No. MC-125764, issued August 21, 1964, to Elmer H. Loehlein and Allen C. Hammond, a partnership, doing business as Lilac City Express, Spokane, Wash., authorizing the transportation of canned and bottled foodstuffs, over irregular routes, from points in Alameda, Sacramento, Contra Costa, San Joaquin, Stanislaus, and Butte Counties, Calif., to points in Spokane County, Wash. Donald A. Ericson, Suite 708, Old National Bank Building, Spokane 1, Wash., representative for applicants.

[SEAL] BERTHA F. ARMES, *Acting Secretary.*

[F.R. Doc. 65-6140; Filed, June 11, 1965; 8:47 a.m.]

[Notice No. 1188-A]

MOTOR CARRIER TRANSFER PROCEEDINGS

JUNE 9, 1965.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 179), appear below:

As provided in the Commission's general rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 30 days from the date of service of the order. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC-67626. By order of June 4, 1965, Division 3, acting as an Appellate Division, approved the transfer to Telleri Trucking Co., a corporation, Elizabeth, N.J., of Permits in Nos. MC-124770 and MC-124770 (Sub-No. 3), issued May 16, 1963 and February 9, 1965, respectively, to Frank G. Telleri, doing business as Telleri Trucking Co., Elizabeth, N.J., authorizing the transportation of: Meats and meat products, from Linden, N.J., to specified points in New York, Philadelphia, Pa., Stanford, Danbury, New Haven, and Hartford, Conn., and Boston, Mass., from New York, N.Y., to East Orange and Kearny, N.J., from New York, N.Y., to Newark, N.J., and Philadelphia, Pa. and returned shipments from the above destination points to the above origin points, and, meats from Hoboken, N.J., to Philadelphia and Harrisburg, Pa., and Mt. Kisco, Elmsford, Garden City, and Farmingdale, N.Y. Bert Collins, 140 Cedar Street, New York 6, N.Y., representative for applicants.

BERTHA F. ARMES, *Acting Secretary.*

[F.R. Doc. 65-6141; Filed, June 11, 1965; 8:48 a.m.]

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carriers. Rates on sulphur dioxide, in tank carloads, from West Norfolk, Va., to Farm—Supplement 33 to Texas-Louisiana Freight Bureau, agent, tariffs I.C.C. 908.

Acting Secretary.

[F.R. Doc. 65-6138; Filed, June 11, 1965; 8:47 a.m.]

CUMULATIVE LIST OF CFR PARTS AFFECTED—JUNE

The following numerical guide is a list of the parts of each title of the Code of Federal Regulations affected by documents published to date during June.

3 CFR (Page)
EXECUTIVE ORDERS:
7655 (revoked in part by PLO 3661) 7521
11227 7369
5 CFR
213 7271, 7311, 7425, 7426, 7473, 7515, 7557, 7595, 7645, 7646.
630 7557
7 CFR
16 7426
28 7426
29 7385
30 7385
34 7385
51 7595
160 7385
718 7427
722 7271, 7385
724 7646
728 7434
730 7272
750 7311
775 7515
845 7273
908 7311, 7435, 7647
909 7273
910 7435, 7647
911 7647
915 7436
917 7473-7475
923 7648
944 7436
958 7596
970 7274
1421 7475
PROPOSED RULES:
29 7494
51 7396
52 7524
911 7501
915 7501
916 7284
1133 7284
1138 7288
8 CFR
103 7516
264 7312
9 CFR
51 7596
74 7274
201 7275, 7649
PROPOSED RULES:
94 7445
101 7608
103 7608
201 7662
10 CFR
PROPOSED RULES:
150 7445, 7662
12 CFR
1 7371
17 7275
PROPOSED RULES:
545 7316
13 CFR
107 7597, 7651
14 CFR
37 7637
39 7275, 7371, 7372, 7638

14 CFR—Continued (Page)
71 7276, 7312, 7372, 7373, 7517, 7557, 7558, 7598, 7639.
95 7639
97 7374, 7598
141 7517
151 7484
221 7558
PROPOSED RULES:
37 7663
39 7573
61 7292
71 7316, 7396, 7502, 7503, 7524, 7525, 7573, 7612, 7613, 7663-7666.
73 7503
16 CFR
13 7652, 7653, 7655, 7657, 7658, 7660, 7661
17 CFR
240 7276
249 7566, 7568
18 CFR
8 7313
157 7280
19 CFR
1 7569
4 7598
21 CFR
8 7484
20 7280
27 7484
120 7280, 7385, 7485, 7569
121 7280, 7386, 7485-7487, 7518, 7519, 7570, 7599.
141d 7487
146d 7487
PROPOSED RULES:
20 7292
121 7501
22 CFR
204 7571
24 CFR
203 7599
25 CFR
1 7520
26 CFR
1 7281
PROPOSED RULES:
1 7493
28 CFR
0 7599
16 7488
42 7386
29 CFR
PROPOSED RULES:
1504 7608
32 CFR
1001 7389
33 CFR
124 7514
38 CFR
1 7389
3 7390, 7489
36 7521

39 CFR (Page)
15 7390
16 7390
22 7391
23 7391
24 7391
25 7391
43 7392
45 7392
46 7394
41 CFR
5B-2 7436
8-1 7437
8-2 7437, 7599
8-3 7599
8-7 7600
8-14 7600
8-15 7601
8-16 7602
8-75 7602
8-95 7603
101-38 7489
42 CFR
57 7394, 7395
43 CFR
18 7394
2230 7605
3540 7606
4110 7606
PUBLIC LAND ORDERS:
3661 7521
3662 7606
45 CFR
60 7371
46 CFR
146 7437
221 7490
527 7490
PROPOSED RULES:
248 7291
533 7574
47 CFR
0 7521
1 7419
73 7314
89 7522
PROPOSED RULES:
1 7446
17 7446
73 7446, 7525, 7666, 7671, 7673.
49 CFR
72 7420
73 7420
74 7423
77 7423
78 7423
79 7425
95 7522
192 7491
193 7522
50 CFR
3 7315
10 7571
32 7523
33 7282, 7572
253 7607
260 7282
262 7444
266 7282

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FEDERAL REGISTER

VOLUME 30 • NUMBER 114

Tuesday, June 15, 1965 • Washington, D.C.

Pages 7691–7734

Agencies in this issue—

The President
Army Department
Atomic Energy Commission
Budget Bureau
Civil Aeronautics Board
Civil Service Commission
Consumer and Marketing Service
Customs Bureau
Federal Aviation Agency
Federal Communications Commission
Federal Housing Administration
Federal Power Commission
Food and Drug Administration
Interior Department
Internal Revenue Service
Interstate Commerce Commission
Justice Department
Land Management Bureau
Maritime Administration
Securities and Exchange Commission
Treasury Department

Detailed list of Contents appears inside.



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Contents

THE PRESIDENT

PROCLAMATION

Flag Day, 1965 7695

EXECUTIVE AGENCIES

AGRICULTURE DEPARTMENT

See Consumer and Marketing Service.

ARMY DEPARTMENT

Rules and Regulations

Reserve Officers' Training Corps; organization and training of units 7710

ATOMIC ENERGY COMMISSION

Notices

General Electric Co. et al.; order and notice of change of place of hearing 7726

BUDGET BUREAU

Notices

Tennessee Valley Authority; order transferring use, possession and control of certain lands from Atomic Energy Commission 7726

CIVIL AERONAUTICS BOARD

Rules and Regulations

Uniform system of accounts for certified air carriers; simplification of certain reporting requirements 7704

Notices

Eastern Air Lines, Inc. and National Airlines, Inc.; individual tour-basing coach excursion fares; order of investigation and suspension 7726

CIVIL SERVICE COMMISSION

Rules and Regulations

Housing and Home Finance Agency; excepted service 7701

Notices

Manpower shortage; listing of position 7727

COMMERCE DEPARTMENT

See Maritime Administration.

CONSUMER AND MARKETING SERVICE

Proposed Rule Making

Milk in Minneapolis-St. Paul marketing area; proposed suspension of certain provision of order 7721

Packers and Stockyard Act regulations; market agencies not to employ buyers 7721

CUSTOMS BUREAU

Rules and Regulations

Customs districts, ports and stations; ports of entry 7704

Notices

Fur felt hat bodies from Czechoslovakia; antidumping proceeding notice 7725

DEFENSE DEPARTMENT

See Army Department.

FEDERAL AVIATION AGENCY

Rules and Regulations

Airworthiness directives; Boeing Models 707 and 720 Series aircraft 7701

Control zone, control area extensions, and transition area; alteration, revocation and designation (2 documents) 7702

Emergency evacuation demonstration requirements; extension of time for compliance 7703

Jet routes and reporting points; designation, realignment and revocation 7702

Transition area; designation 7703

Proposed Rule Making

Restricted area; proposed alteration 7724

Transition area; proposed designation 7723

FEDERAL COMMUNICATIONS COMMISSION

Rules and Regulations

Radio broadcast services; table of assignments 7711

Uniform system of accounts for Class A, Class B and Class C telephone companies; deletion of crossarms, pole stubs and pole butts from list of retirement units for pole lines 7711

Notices

Hearings, etc.:

Big Four Broadcasting 7727

Continental Broadcasting, Inc. 7728

Eastern Long Island Broadcasters Inc., and Reunion Broadcasting Corp 7728

Lebanon Valley Radio et al 7728

WFLI, Inc. (WFLI) and Newhouse Broadcasting Corp. (WAPI) 7729

FEDERAL HOUSING ADMINISTRATION

Rules and Regulations

Low cost and moderate income mortgage insurance; maximum interest rate 7708

FEDERAL POWER COMMISSION

Notices

Hearings, etc.:

Mississippi River Transmission Corp., and St. Charles Gas Corp 7729

Northern Natural Gas Co 7729

FOOD AND DRUG ADMINISTRATION

Rules and Regulations

Color additives; henna for cosmetic use 7705

Drugs:

Capsules tetracycline hydrochloride and novobiocin; capsules tetracycline phosphate complex and novobiocin 7707

Sodium ampicillin; ampicillin trihydrate capsules 7707

Food additives:

Adhesives; rubber articles intended for repeated use 7705

Fluorocarbon resins 7706

Lubricants with incidental food contact 7706

Water-insoluble hydroxyethyl cellulose film 7707

Notices

Merck Sharp and Dohme Laboratories; filing of petition for food additives amprolium and ethopabate 7726

Upjohn Co; establishment of temporary tolerance for 2,6-dichloro-4-nitroaniline 7726

HEALTH, EDUCATION, AND WELFARE DEPARTMENT

See Food and Drug Administration.

HOUSING AND HOME FINANCE AGENCY

See Federal Housing Administration.

INTERIOR DEPARTMENT

See also Land Management Bureau.

Notices

Under Secretary of the Interior et al.; delegation of authority regarding Virgin Islands Corp. 7725

INTERNAL REVENUE SERVICE

Rules and Regulations

Estate and gift taxes; valuation of property 7706

Proposed Rule Making

Income tax:

Dividend and interest information reporting 7721

Treatment of per-unit retain certificates 7721

(Continued on next page)

INTERSTATE COMMERCE COMMISSION ..... Proposed Rule Making

CONTENTS

INTERSTATE COMMERCE COMMISSION

Notices

Fourth section applications for relief 7732
Motor carrier transfer proceedings 7732

JUSTICE DEPARTMENT

Rules and Regulations

Organization; redelegation of authority to compromise, settle, and close claims 7709

LAND MANAGEMENT BUREAU

Notices

Colorado; proposed withdrawal and reservation of lands 7725
New Mexico; termination of proposed withdrawal and reservation of lands 7725

MARITIME ADMINISTRATION

Rules and Regulations

Values for war risk insurance 7697

Proposed Rule Making

Construction-differential subsidy construction contract 7722
Records retention schedule 7722

SECURITIES AND EXCHANGE COMMISSION

Notices

Hearings, etc.:
Consolidation Coal Co., and M. A. Hanna Co 7730
Hanna, M. A., Co 7730
Massachusetts Investors Trust 7731
Model, Roland & Co 7731

TREASURY DEPARTMENT

See also Customs Bureau; Internal Revenue Service.

Notices

Wabash Fire and Casualty Insurance Co.; extension of authority to qualify as surety on Federal bonds 7725

List of CFR Parts Affected

(Codification Guide)

The following numerical guide is a list of the parts of each title of the Code of Federal Regulations affected by documents published in today's issue. A cumulative list of parts affected, covering the current month to date, appears at the end of each issue beginning with the second issue of the month.

A cumulative guide is published separately at the end of each month. The guide lists the parts and sections affected by documents published since January 1, 1965, and specifies how they are affected.

3 CFR

PROCLAMATIONS:
3658 7695

5 CFR

213 7701

7 CFR

PROPOSED RULES:
1068 7721

9 CFR

PROPOSED RULES:
201 7721

14 CFR

39 7701
71 (4 documents) 7702, 7703
75 7702
121 7703
241 7704

PROPOSED RULES:
71 7723
73 7724

19 CFR

1 7704

21 CFR

8 7705
121 (4 documents) 7705–7707
141a 7707
146a 7707
146c 7707

24 CFR

221 7708

26 CFR

20 7708
25 7708

PROPOSED RULES:
1 (2 documents) 7721

28 CFR

0 7709

32 CFR

562 7710

46 CFR

309 7697

PROPOSED RULES:
290 7722
380 7722

47 CFR

31 7711
33 7711
73 7711

Presidential Documents

Title 3—THE PRESIDENT

Proclamation 3658

FLAG DAY, 1965

By the President of the United States of America

A Proclamation

WHEREAS the American flag has symbolized the strength, honor, ideals, and national aspirations of this country since 1777; and

WHEREAS people of many nationalities and religious beliefs have abandoned their worldly possessions and have fled their homelands, often at great risk to their lives, in order to find a haven, under our flag, from tyranny and oppression; and

WHEREAS Americans have worked, fought, and sacrificed to the end that they and their fellow citizens might continue to enjoy the life, liberty, and pursuit of happiness which constitute the heritage of every American and all free men; and

WHEREAS the Congress, by a joint resolution approved August 3, 1949 (63 Stat. 492), designated June 14 of each year as Flag Day in commemoration of the adoption of the flag of the United States by the Continental Congress on June 14, 1777, and requested the President to issue annually a proclamation calling for its observance:

NOW, THEREFORE, I, LYNDON B. JOHNSON, President of the United States of America, do hereby direct that the flag of the United States be displayed on all Government buildings on Monday, June 14, 1965, in observance of Flag Day and I call upon all fellow Americans to observe that day with appropriate ceremonies designed to honor our national emblem.

I urge every citizen to pledge once more his allegiance to our flag and to rededicate himself to the principles and ideals for which it is an inspiring tangible symbol. I also urge every American to remember the valiant sacrifices made by our forefathers and patriots through the years—both soldiers and civilians—in the name of our flag in order that our Nation might continue to be "the land of the free and the home of the brave."

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the United States of America to be affixed.

DONE at the City of Washington this twelfth day of June in the year of our Lord nineteen hundred and sixty-five, and of the Independence of the United States of America the one hundred and eighty-ninth.

[SEAL]

LYNDON B. JOHNSON

By the President:

DEAN RUSK,
Secretary of State.

[F.R. Doc. 65-6360; Filed, June 14, 1965; 2:43 p.m.]

Rules and Regulations

Title 46—SHIPPING

Chapter II—Maritime Administration, Department of Commerce

SUBCHAPTER G—EMERGENCY OPERATIONS

[General Order 82, 12th Rev.]

PART 309—VALUES FOR WAR RISK INSURANCE

Part 309 is hereby revised by changing the existing text to read as follows:

FINDINGS AND SCOPE

Sec.
309.1 Findings.
309.2 Scope.

BASIC VALUES

309.3 Vessels built during or after 1939.
309.4 Vessels built prior to 1939.

GENERAL PROVISIONS

309.5 Adjustments for condition, equipment and other considerations.
309.6 Definitions.
309.7 Modifications.
309.8 Vessel data forms.

VALUES FOR INDIVIDUAL VESSELS

309.101 Determination of values.

AUTHORITY: The provisions of this Part 309 issued under sec. 204, 49 Stat. 1987, as amended, sec. 1209, 64 Stat. 775, as amended, 70 Stat. 994; 46 U.S.C. 1114, 1289.

FINDINGS AND SCOPE

§ 309.1 Findings.

The Ship Valuation Committee, Maritime Administration, has found that the values provided in this part constitute just compensation for the vessels to which they apply, computed in accordance with subsection 902(a) of the Merchant Marine Act, 1936, as amended (46 U.S.C. 1242), pursuant to section 1209 (a), Merchant Marine Act, 1936, as amended (46 U.S.C. 1289(a)), Public Law 958, 84th Congress, and the authority delegated to the Maritime Administrator by the Secretary of Commerce in section 3, of Department Order No. 117 (Revised) (27 F.R. 3637, Apr. 17, 1962), and redelegated to the Ship Valuation Committee (28 F.R. 12330, Nov. 21, 1963).

§ 309.2 Scope.

(a) *Vessels included.* This part establishes values for self-propelled ocean-going iron and steel vessels (other than vessels excluded pursuant to paragraph (b) of this section) for which war risk insurance is provided by the Maritime Administration pursuant to Title XII, Merchant Marine Act, 1936, as amended (46 U.S.C. 1281–1294), Public Law 763, 81st Congress, Public Law 209, 84th Congress, Public Law 958, 84th Congress. The values established by this part represent the maximum amounts for which the Maritime Administration will provide war risk hull insurance for damage to or actual or constructive total loss of the vessel and for which claims for damage to or actual or constructive total loss of such insured vessels may be adjusted, compromised, settled, adjudged, or paid, by the Maritime Administration with respect to insurance attaching on or after January 1, 1965, under the Standard Forms of War Risk Hull Insurance Interim Binder or policy prescribed by §§ 308.106 and 308.107 of this chapter (General Order 75, 2d Rev., 26 F.R. 4541, May 26, 1961). Revised values will be prescribed in subsequent revisions of this part, which are expected to be issued at least every 6 months. The latest published values will remain in effect until new ones are published.

(b) *Vessels excluded.* The values established pursuant to §§ 309.3 through 309.5 do not apply to construction subsidized vessels, passenger vessels, lumber schooners, car ferries, seatrains, cable ships, bulk cement and ore carriers, vessels operated on the Great Lakes and inland waterways, fully refrigerated vessels, vessels of less than 1,500 gross tons, or any other vessels or class of vessels to which the Maritime Administration finds that the provisions of said sections would not be appropriate. Values for vessels excluded by this paragraph (b) shall be specifically determined by the Maritime Administration and set forth in § 309.101.

(c) *Fuel, stores, and supplies.* Values for fuel, stores, and supplies shall be determined in accordance with §§ 309.201 through 309.204 (General Order 100, 29 F.R. 2944, Mar. 4, 1964).

BASIC VALUES

§ 309.3 Vessels built during or after 1939.

(a) *Basic values.* The values of vessels built during or after 1939 shall be determined in accordance with this section, subject to the applicable adjustments provided in § 309.5.

(b) *War-built vessels.* (1) The values of the standard types of war-built vessels under United States flag listed in this subparagraph (1) which have the lawful right to engage in the coastwise trade of the United States (which are the current domestic market values of such vessels as determined by the Ship Valuation Committee) are as follows:

Standard-type vessel:	*Value*
EC2–S–C1	$260,000
EC2–S–AW1	255,000
VC2–S–AP2	470,000
C1–M–AV1	260,000
C1–A and B (Steam)	270,000
C1–A and B (Diesel)	270,000
C2–S–B1	485,000
C3–S–A2	890,000
C4–S–B5	980,000
T1–M–BT	300,000
T2–SE–A1	475,000
T3–S–A1	465,000
T3–S–BZ1	910,000

(2) The values of the standard types of war-built vessels under United States flag listed in this subparagraph (2) which do not have the lawful right to engage in the coastwise trade of the United States (which are the current domestic market values of such vessels as determined by the Ship Valuation Committee) are as follows:

Standard-type vessel:	*Value*
EC2–S–C1	$240,000
VC2–S–AP2	435,000
C2–S–B1	445,000
T2–SE–A1	270,000
T1–M–BT2	130,000
T3–S–A1	230,000

(3) The values of the standard types of war-built vessels under foreign flag listed in this subparagraph (3) (which are the lower of (i) the restricted world market values, or (ii) the domestic market values of comparable United States flag vessels which do not have the lawful right to engage in the coastwise trade of the United States, as determined by the Ship Valuation Committee) are as follows:

Standard-type vessel:	*Value*
EC2–S–C1	$234,000
T2–SE–A1	270,000
T1–M–BT2	130,000
T3–S–A1	230,000

(4) The values of the standard subtypes of war-built vessels listed in this subparagraph (4) shall be determined as follows:

(i) If the subtype vessel is under United States flag and has the lawful right to engage in the coastwise trade of the United States, by multiplying the basic value of the standard-type vessel listed in subparagraph (1) of this paragraph by the factor shown opposite the subtype in the table set forth in this subparagraph (4), or

(ii) If the subtype vessel is under United States flag but does not have the lawful right to engage in the coastwise trade of the United States, by multiplying the basic value of the standard-type vessel listed in subparagraph (2) of this paragraph by the factor shown opposite the subtype in the table set forth in the subparagraph (4), or

(iii) If the subtype vessel is under foreign flag, by multiplying the basic value of the standard-type vessel listed in subparagraph (3) of this paragraph by the factor shown opposite the subtype in the table set forth in this subparagraph (4).

TABLE

Subtype	*Factor*
VC2–S–AP3	109%—VC2–S–AP2
C2–S–A1	85%—C2–S–B1
C2–S–AJ1	100%—C2–S–B1
C2–S–AJ2	105%—C2–S–B1
C2–S–AJ3	100%—C2–S–B1
C2–S–AJ5	103%—C2–S–B1
C2–S–E1	102%—C2–S–B1
C2–S	100%—C2–S–B1
C3–S–A1	100%—C3–S–A2
C3–S–A3	76%—C3–S–A2
C3–S–A4	106%—C3–S–A2
C3–S–A5	106%—C3–S–A2
C3–E	70%—C3–S–A2
C3–S–BH1	100%—C3–S–A2
C3–S–BH2	104%—C3–S–A2
C4–S–A4	100%—C4–S–B5
T1–M–BT1	100%—T1–M–BT
T1–M–BT2	100%—T1–M–BT
T3–M–AZ1	105%—T3–S–A1
T3–S–BF1	130%—T3–S–A1

(c) *Other vessels.* The value of a vessel built during or after 1939 which is not included in paragraph (b) of this section shall be the current domestic market value as determined by the Maritime Administration.

§ 309.4 Vessels built prior to 1939.

The values of vessels built prior to 1939 shall be specifically determined by the Maritime Administration and set forth in § 309.101.

GENERAL PROVISIONS

§ 309.5 Adjustments for condition, equipment and other considerations.

The basic values provided in § 309.3 shall be adjusted for individual vessels to the extent provided in paragraphs (a) to (d) of this section.

(a) *Adjustment for a vessel of substandard condition.*—If the Maritime Administration determines that a vessel is not in class or is in substandard condition for a vessel of her type or subtype and age, there will be subtracted from the basic value of such vessel, as determined pursuant to § 309.3, the amount estimated by the Maritime Administration as the cost of putting the vessel in class or the amount estimated by the Maritime Administration as the difference in value of the substandard vessel and a vessel in standard condition.

(b) *Special equipment.* For any special equipment of material utility in the handling of cargo or utilization of the vessel, not otherwise included in determining the basic value pursuant to § 309.3, if the depreciated reproduction cost less construction subsidy, if any, of all such special equipment is in excess of $50,000.00, an allowance in such amount as the Maritime Administration shall determine to be the fair and reasonable value of such equipment less construction-differential subsidy thereon, shall be added to the basic value.

(c) *Government installations.* The values provided by this part shall not include any allowance for any special installations or equipment to the extent that their cost was borne by the United States.

§ 309.6 Definitions.

(a) *Date vessel is built.* The date a vessel is built is the date upon which the vessel is delivered by the shipbuilder.

(b) *Deadweight tonnage.* The deadweight tonnage of a vessel means her deadweight capacity established in accordance with normal Summer Freeboard as assigned pursuant to the International Load Line Convention, 1930, and shall be her capacity (in tons of 2,240 pounds) for cargo, fuel, fresh water, spare parts, and stores, but exclusive of permanent ballast.

(c) *Speed of vessel.* The speed of a vessel means the speed determined in accordance with the formulae provided in Part 246 of this chapter (General Order 43, 3d Rev., 24 F.R. 3793, May 12, 1959).

(d) *Passenger vessel.* A passenger vessel is a ship which carries more than 12 passengers.

(e) *Construction subsidized vessel.* A construction subsidized vessel is a vessel built, reconstructed, or reconditioned with the aid of a construction-differential subsidy under Title V of the Merchant Marine Act, 1936, as amended, or a vessel sold by the United States which is subject by operation of law or contract to the provisions of section 802 of the Merchant Marine Act, 1936, as amended.

(f) *Vessel.* The stated valuation of a vessel in this order applies to a vessel in Class A–1 American Bureau of Shipping or equivalent, with all required certificates, including but not limited to marine inspection certificates of the Coast Guard, Treasury Department, with all outstanding requirements and recommendations necessary for retention of class accomplished; and so far as due diligence can make her so, tight, staunch, strong, and well and sufficiently tackled, appareled, furnished, and equipped, and in every respect seaworthy and in good running condition and repair, with clean swept holds and in all respects fit for service. A vessel in substandard condition is subject to § 309.5(a). The stated valuation of a vessel provided in this order does not include vessel stores and supplies, which consist of (1) Consumable Stores, (2) Subsistence Stores, (3) Slop Chest, (4) Bar Stock, and (5) Fuel, as defined in Maritime Administration Inventory Manual, Vessel Inventories, Part 1, and Maritime Administration Inventory Books, Forms MA–4736, A through K, which will be valued separately.

§ 309.7 Modifications.

The Maritime Administration reserves the right to exempt specific vessels from the scope of this part, or to amend, modify, or terminate the provisions hereof.

§ 309.8 Vessel data forms.

(a) *To accompany application for insurance.* Each application for war risk hull insurance submitted in accordance with § 308.101 of this chapter (General Order 75, 2d Rev., 26 F.R. 4541, May 26, 1961) shall be accompanied by information relating to the vessel for use by the Maritime Administration in determining the value pursuant to this part. The information shall be submitted in duplicate on the applicable form prescribed in this section, copies of which may be obtained from the American War Risk Agency, 99 John Street, New York, N.Y., 10038, or the Chief, Division of Insurance, Maritime Administration, Washington, D.C., 20235.

(b) *Vessels of 1,500 gross tons or more.* Vessel data for all vessels of 1,500 gross tons or more shall be submitted on Form MA–510.

(c) *Vessels under 1,500 gross tons.* Vessel data for all vessels under 1,500 gross tons shall be submitted on Form MA–511.

(d) *Modifications to vessels.* Revised vessel data shall be submitted on the appropriate form prescribed above whenever a vessel undergoes a physical change which increases or decreases its value by 5 percent or more.

VALUES FOR INDIVIDUAL VESSELS

§ 309.101 Determination of values.

(a) *Vessels covered by §§ 309.3 through 309.5.* (1) Whereas, the Maritime Administration has found that the values established pursuant to §§ 309.3 through 309.5 constitute just compensation for the vessels to which they apply, computed in accordance with section 902(a) of the Merchant Marine Act, 1936, as amended (46 U.S.C. 1242); and section 1209(a) of the Merchant Marine Act, 1936, as amended (46 U.S.C. 1289), Public Law 958, 84th Congress (70 Stat. 984); and pursuant thereto has determined the values of vessels covered by interim binders for war risk hull insurance, Form MA–184, prescribed by Part 308 of this chapter (General Order 75, 2d Rev., 26 F.R. 4541, May 26, 1961).

(2) Therefore, it is ordered that the interim binders listed below shall be deemed to have been amended as of January 1, 1965, by inserting in the space provided therefor or in substitution for any value now appearing in such space the stated valuation of the vessels set forth below for the binders and vessels as designated. Nevertheless, the Assured shall have the right within 60 days after date of publication of this order or within 60 days after the attachment of the insurance under said binder, whichever is later, to reject such valuation and proceed as authorized by section 1209(a)(2) of the Merchant Marine Act, 1936, as amended (46 U.S.C. 1289).

Binder No.	Name of vessel	Official No.	Stated valuation (in thousands)
870	Achilles	281702	[illegible]
94	Afoundria	244016	[illegible]
722	African Glade	245035	485
723	African Glen	247294	485
724	African Grove	244577	485
605	Alamar	245810	525
1399	Alaska Bear	246006	512
999	Alaska Mail	247429	512
306	Alaskan	245965	475
1748	Alcoa Mariner	245539	485
1711	Alcoa Master	253572	1[illegible]
1462	Alcoa Ranger	253114	491
1461	Alcoa Roamer	252567	491
1460	Alcoa Runner	245375	491
1749	Alcoa Voyager	253289	485
1850	Aldina	299754	415
1764	Aldine	541	270
699	Allen Brown	249027	495
352	Aloha State	245297	980
329	American Builder	247301	1[illegible]
530	American Chief	246732	485
1936	American Condor	253247	980
831	American Eagle	278227	6, 550
1759	American Falcon	252524	980
894	American Forester	246074	485
1791	American Hawk	243969	980
1663	American Hunter	252670	485
541	American Leader	1[illegible]617	485
940	American Mail	247321	980
542	American Manufacturer	247643	485
545	American Miller	243873	485
1888	American Oriole	252304	980
546	American Packer	243952	485
543	American Planter	254670	485
980	American Press	247990	485
550	American Producer	254016	485
1879	American Robin	242941	980
554	American Scientist	254653	485
1903	American Trader	244855	980
701	American Veteran	247296	485
758	America Sun	240147	425
272	Ames Victory	247397	512
1485	Amoco Connecticut	242851	1, 600
1488	Amoco Delaware	245058	1, 550
1798	Amoco Louisiana	244329	1, 725
1482	Amoco Maryland	242509	695
1494	Amoco New York	1[illegible]601	552
1476	Amoco Virginia	242116	1, 725
541	Amtank	247998	910
95	Andrew Jackson	247358	895
19	Angelo Petri	242882	3, 650
1[illegible]	A. N. Kemp	149	915
1818	Anne Quinn	243021	900
98	Antinous	245879	495
1444	Arisona Standard	246736	475
97	Arispa	251107	495
1039	Athell McBean	141	900
291	Atlantic Communicator	293196	3, 700

Binder No.	Name of vessel	Official No.	Stated valuation (in thousands)
233	Atlantic Endeavor	277622	85, 875
234	Atlantic Engineer	261167	1, 200
1004	Atlantic Enterprise	276911	5, 800
1006	Atlantic Navigator	251423	2, 350
238	Atlantic Seaman	260054	3, 175
239	Atlantic Trader	248007	4, 000
871	Atlas	277291	6, 700
418	Attleboro Victory	247475	433
789	Audrey J. Luckenbach	246884	980
1435	Austin	247453	2, 250
210	Avila	267181	1, 238
159	Azalea City	243436	2, 215
707	Badger State	245136	495
1864	Bangor	252098	495
980	Barbara	248079	2, 175
347	Barbara Jane	278101	6, 525
1616	Bat	244714	280
708	Bayou State	254012	485
949	Bay State	254130	485
1657	Bearcat	246427	240
1915	Beauregard	251508	2, 215
709	Beaver State	243562	512
1755	Beloit Victory	245883	512
947	Bengal Mail	246844	980
594	Bennington	242406	675
802	Bethfior	256034	2, 250
606	Bethtex	255539	2, 250
419	Biddeford Victory	248133	434
261	Blairville	243436	2, 215
710	Blue Grass State	253806	485
1816	Bradford Island	247940	475
1000	Brazos	247593	850
837	Bridgehampton	248183	2, 625
1593	Brighton	4445–59	1, 090
1473	Brooklyn Heights	247572	470
353	Buckeye State	244577	980
1337	Burgan	1536	545
225	Byron D. Benson	248173	475
941	California Mail	252470	890
297	Californian	249239	2, 875
963	California Standard	262408	420
645	Callabee	245560	475
1575	Caltex Bangkok	2244–48	270
1576	Caltex Capetown	2246–48	270
1577	Caltex Copenhagen	2245–48	270
1578	Caltex Durban	2243–48	270
1579	Caltex Genoa	2248–48	270
1580	Caltex Gothenburg	2249–48	270
1581	Caltex Manila	2247–48	270
1585	Caltex Stockholm	2070–47	270
1586	Caltex Venice	2076–47	270
426	Canada Bear	247383	512
1434	Canterbury Leader	247868	2[illegible]
1370	Cantigny	247452	2, 225
07	Carbide Seadrift	241551	1, 950
08	Carbide Texas City	242532	1, 950
806	Cathy	248755	512
1931	Chancellorsville	244400	2, 025
1213	Chatham	252093	485
333	Chemical Transporter	244942	1, 900
243	Chena	247704	281
1[illegible]	Cherry Valley	242531	475
1[illegible]	Chevron	249941	900
1041	Chevron Transporter	132	860
610	Chilkoot	252218	3, 000
98	Choctaw	242785	485
1813	Cities Service Baltimore	271866	5, 625
1814	Cities Service Miami	272077	5, 650
1815	Cities Service Norfolk	272256	5, 775
1050	Cities Service Valley Forge	401	1, 550
100	City of Alma	247502	495
101	Claiborne	242378	485
244	Coastal Monarch	248099	280
247	Coastal Nomad	248382	300
246	Coastal Rambler	248648	280
266	Coeur d'Alene Victory	247113	512
273	Coe Victory	247894	512
1[illegible]	Colina	242775	475
1163	Colorado	242467	485
1669	Columbia	247519	2, 850
711	Constitution State	245985	512
1598	Continental II	1650	1, 095
1599	Continental III	1695	1, 105
712	Copper State	244127	980
713	Colton State	246440	670
704	Cottonwood Creek	246864	1, 450
1305	Counell Groves	247896	2, 150
1054	Cradle of Liberty	467	1, 575
1538	C. E. Musser	246754	580
668	Crown Trader	241097	425
583	Curtis Woods	246009	475
1355	Cyclone	254751	525
137	Cynthia Olson	253441	130
1343	David D. Irwin	242254	5, 900
212	David E. Day	248890	1, 875
1672	Delaware	245451	495
165	Delaware Sun	254568	3, 650
319	Del Campo	241923	302
323	Del Monte	246628	292
102	De Soto	245398	495
377	Dolly Turman	249747	495
1782	Dorothy Boylan	245895	260
1681	Duval	245841	525
700	Eagle Courier	277861	6, 000
699	Eagle Transporter	277710	66, 000
697	Eagle Traveler	278449	6, 000
698	Eagle Voyager	278524	6, 000
107	Eastern Sun	270025	3, 925
187	Eclipse	267144	7, 125
786	Edgar F. Luckenbach	248882	980
1[illegible]	Elwell	242257	485
795	Empire State	248212	485
820	Erna Elisabeth	2[illegible]	6, 525
983	Esso Baltimore	282272	9, 125
987	Esso Bangor	284701	3, 225
1312	Esso Bogota	280	1891
984	Esso Boston	283784	9, 300
1110	Esso Brooklyn	280	824
989	Esso Chester	284446	3, 075
1376	Esso Colon	820	300
988	Esso Dallas	289248	2, 625
990	Esso Florence	266655	3, 275
1007	Esso Gettysburg	272388	6, 575
991	Esso Glouchester	265336	3, 175
993	Esso Huntington	266329	3, 225
994	Esso Jamestown	275519	6, 800
995	Esso Lexington	276270	7, 000
996	Esso Lima	280142	7, 000
992	Esso Miami	269857	2, 600
1818	Esso Montevideo	790	1445
997	Esso Newark	284441	3, 050
998	Esso New York	289510	2, 675
1314	Esso Norfolk	270	385
1816	Esso Santos	835	1697
1014	Esso Scranton	285830	475
346	Esso Seattle	277908	6, 425
1000	Esso Washington	273896	5, 675
354	Evergreen State	257827	890
855	Exilona	2[illegible]	675
470	Expeditor	1[illegible]971	675
885	Express	283276	675
545	Express Virginia	240790	495
475	Fallalka	234	990
890	Fairland	242073	2, 215
262	Fairport	249072	495
420	Farala	1[illegible]	234
475	F. E. Weyerhaeuser	2[illegible]	550
270	Flagship Bineo	241527	420
270	Flomar	247361	525
270	Floridian	282733	1, 025
270	Flower Hill	252446	485
270	Flying A-California	268316	1, 170
270	Flying A-Delaware	2[illegible]	2, 375
270	Flying A-New York	267196	3, 225
270	Flying A-Washington	268783	1, 190
270	Flying Clipper	282991	485
270	Flying Cloud	1[illegible]	485
270	Flying Eagle	251064	485
270	Flying Enterprise II	2[illegible]	485
270	Flying Gull	240462	485
270	Flying Hawk	240832	485
270	Flying Independent	244131	270
270	Flying Spray	246217	370
270	Flying Trader	248750	870
270	Fort Fetterman	2[illegible]	1, 650
270	Fort Hoskins	248735	2, 175
475	Fortune	2[illegible]	280
900	Four Lakes	244971	1, 725
880	Frank Lykes	245540	485
177	Fruitvale Hills	246716	475
962	F. S. Bryant	250627	485
1000	Gaga Land	217	970
995	Gaines Mill	244494	1, 025
948	Gaines	248122	900
1000	Garden City	252444	485
948	Garden State	248057	512
253	Gateway City	251506	2, 215
1000	George S. Long	245013	550
384	Gibbes Lykes	245182	485
1298	Globe Carrier	243503	2, 900
1109	Globe Progress	244888	2, 500
1076	Globe Traveler	250436	2, 900
1885	Glory of the Seas	245199	485
714	Golden State	2[illegible]	470
355	Gopher State	244970	890
881	Green Bay	244287	441
885	Green Cove	247298	495
1128	Green Dale	231764	495
886	Green Harbour	247709	925
887	Green Island	247079	925
1445	Green Lake	251970	485
956	Green Mountain State	247158	870
888	Green Point	248050	495
1960	Green Port	252346	890
1001	Green Ridge	247322	925
889	Green Valley	247950	925
890	Green Wave	282351	485
1249	Guam Bear	2[illegible]	895
788	Gulfbear	247309	1, 650
791	Gulfbeaver	243557	1, 550
799	Gulfcrest	279384	3, 125
793	Gulfdeer	245727	1, 850
794	Gulfjaguar	246972	1, 625
795	Gulfking	276193	6, 075
796	Gulfknight	277183	6, 350
797	Gulfkon	246980	1, 625
808	Gulfmbr	254408	690
798	Gulfoil	283424	2, 250
799	Gulfpanther	246543	1, 850
810	Gulfpass	246080	475
800	Gulfpride	277791	6, 075
801	Gulfprince	279084	6, 225
802	Gulfqueen	275563	86, 125
805	Gulfseal	247357	1, 925
811	Gulfservice	264294	1, 255
803	Gulfsolar	280223	6, 275
806	Gulfspray	282848	6, 175
807	Gulfstag	251006	1, 775
1886	Gulfsupreme	257186	6, 550
804	Gulftiger	247707	1, 650
790	Gulf Trader	244786	485
1659	Halcyon Panther	245922	512
848	Hampton Roads	248748	975
1891	Hanover	246934	240
824	Hans Isbrandtsen	277703	6, 425
104	Hastings	249617	498
296	Hawaiian	249353	2, 875
300	Hawaiian Builder	247386	997
985	Hawaiian Citizen	252149	3, 650
301	Hawaiian Craftsman	247836	900
308	Hawaiian Farmer	248860	936
304	Hawaiian Merchant	248845	937
305	Hawaiian Packer	243929	937
307	Hawaiian Planter	248741	900
308	Hawaiian Rancher	246304	936
309	Hawaiian Refiner	243584	936
310	Hawaiian Retailer	252477	890
1445	Hawaii Standard	248802	475
965	H. D. Collier	248737	475
873	Helen H	249229	2, 300
385	Helen Lykes	245245	485
1697	Hercules Victory	248567	670
634	Hess Bunker	243804	2, 025
635	Hess Diesel	248127	2, 050
636	Hess Petrol	244731	2, 025
1373	Hess Refiner	248244	2, 050
630	Hess Trader	246104	2, 000
981	Hillyer Brown	266233	1, 260
706	Hoosier State	247762	980
1240	Horace Irvine	246633	550
787	Horace Luckenbach	245644	890
176	Houston	242635	2, 250
396	Howell Lykes	230005	890
1252	Hudson	244463	1, 450
150	Hurricane	246706	485
1[illegible]	Iberville	248489	495
670	Idaho	252271	890
1[illegible]	Idaho Standard	245461	475
249	Ilianna	246848	283
432	India Bear	252266	485
943	India Mail	251767	980
1[illegible]	Isaac Mann	243477	280
1842	Janet Quinn	242940	990
945	Java Mail	252478	890
107	Jean La Fitte	243814	495
1285	J. E. Dyer	274446	5, 975
274	Jefferson City Victory	247345	512
970	J. H. MacGaregill	246896	475
973	J. H. Tuttle	242955	505
967	J. L. Hanna	248531	475
969	John B. Waterman	249234	495
929	John C	247701	485
1017	John F. Shea	247095	925
1535	John Weyerhaeuser	246326	550
63	Josefina	247042	260
586	Julesburg	243523	1, 750
612	Kenmar	246062	525
588	Keystoner	266730	1, 230
599	Keystone State	247763	980
599	Keytanker	2[illegible]	1, 205
600	Keytrader	257905	1, 265
109	Kyska	248654	495
1288	La Cruz	245	995
110	La Salle	251504	485
12	Leland L. Doan	254217	8, 550
788	Lepa Luckenbach	244049	980
391	Letitia Lykes	246897	485
1062	Liberty Bell	519	1, 575
267	Lompoc	248655	870
267	Longview Victory	247077	512
619	Lonmar	248111	525
267	Louisiana Sulphur	242964	1, 475
658	Lucile Bloomfield	249291	495
1099	Lyric	599	270
111	Madaket	246992	495
716	Magnolia State	247144	470
112	Malden Creek	248098	495
894	Mallory Lykes	244811	485
1356	Manhattan	287253	17, 375
275	Mankato Victory	248739	512
669	Margarett Brown	249174	495
1494	Marine	249307	475
1861	Marine Coaster	247705	255
86	Marine Courier	246010	900
15	Marine Dow-Chem	287278	4, 000
1510	Marine Electric	245675	2, 750
1870	Marine Merchant	247957	255
90	Marine Shipper	247598	255
91	Marine Trader	247274	255
92	Marine Transporter	247091	284
106	Maryland Sun	246101	475
604	Maryland Trader	247178	1, 650
613	Maryzar	246331	525
01	Mayflower	284049	9, 400
1512	Meadowbrook	2[illegible]	2, 275
1280	Melida	1391	534
960	M. E. Lombardi	240228	945
1286	Meteor	247331	525
681	Michigan	240593	890
1436	Midland	246356	475

Binder No.	Name of vessel	Official No.	Stated valuation (in thousands)
1[illegible]	Mill Creek	247[illegible]	475
1[illegible]	Mill Valley	247[illegible]	475
1[illegible]	Milton Lykes	245[illegible]	485
1[illegible]	Minnesota	247[illegible]	485
1[illegible]	Mission Buenaventura	247[illegible]	485
1[illegible]	Mission Dolores	247[illegible]	485
1[illegible]	Mission Loreto	247[illegible]	485
1[illegible]	Mission Purisima	247[illegible]	485
1[illegible]	Mission San Antonio	247[illegible]	485
1[illegible]	Mission San Carlos	247[illegible]	485
1[illegible]	Mission San Diego	247[illegible]	485
1[illegible]	Mission San Francisco	247[illegible]	485
1[illegible]	Mission San Gabriel	247[illegible]	485
1[illegible]	Mission San Jose	247[illegible]	485
1[illegible]	Mission San Juan Capistrano	247[illegible]	485
1[illegible]	Mission San Luis Rey	247[illegible]	485
1[illegible]	Mission San Miguel	247[illegible]	485
1[illegible]	Mission Santa Barbara	247[illegible]	485
1[illegible]	Mission Santa Clara	247[illegible]	485
1[illegible]	Mission Santa Cruz	247[illegible]	485
1[illegible]	Mission Santa Ines	247[illegible]	485
1[illegible]	Mission Soledad	247[illegible]	485
1[illegible]	Mission Solano	247[illegible]	485
1[illegible]	Mission Valverde	247[illegible]	485
1[illegible]	Mississippi	247[illegible]	485
1[illegible]	Missouri	247[illegible]	485
1[illegible]	Mobile	247[illegible]	485
1[illegible]	Monterey	247[illegible]	485
1[illegible]	Montpelier	247[illegible]	485
1[illegible]	Mormacbay	247[illegible]	485
1[illegible]	Mormacbreeze	247[illegible]	485
1[illegible]	Mormacdawn	247[illegible]	485
1[illegible]	Mormacdove	247[illegible]	485
1[illegible]	Mormacgale	247[illegible]	485
1[illegible]	Mormacgull	247[illegible]	485
1[illegible]	Mormachawk	247[illegible]	485
1[illegible]	Mormacmail	247[illegible]	485
1[illegible]	Mormacmoon	247[illegible]	485
1[illegible]	Mormacpenn	247[illegible]	485
1[illegible]	Mormacsea	247[illegible]	485
1[illegible]	Mormacsky	247[illegible]	485
1[illegible]	Mormacsun	247[illegible]	485
1[illegible]	Mormacwave	247[illegible]	485
1[illegible]	Mormacwind	247[illegible]	485
1[illegible]	Mount Vernon	247[illegible]	485
1[illegible]	Nancy Lykes	245[illegible]	485
1[illegible]	Nantucket	247[illegible]	485
1[illegible]	Natalie	247[illegible]	485
1[illegible]	Nathaniel Bowditch	247[illegible]	485
1[illegible]	Nebraska	247[illegible]	485
1[illegible]	Nevada	247[illegible]	485
1[illegible]	New Hampshire	247[illegible]	485
1[illegible]	New Jersey	247[illegible]	485
1[illegible]	New Mexico	247[illegible]	485
1[illegible]	New Orleans	247[illegible]	485
1[illegible]	Newport	247[illegible]	485
1[illegible]	New York	247[illegible]	485
1[illegible]	Nicholas	247[illegible]	485
1[illegible]	Nicholas Lykes	245[illegible]	485
1[illegible]	Nitro	247[illegible]	485
1[illegible]	Norfolk	247[illegible]	485
1[illegible]	North Carolina	247[illegible]	485
1[illegible]	North Dakota	247[illegible]	485
1[illegible]	Northern Lights	247[illegible]	485
1[illegible]	Northern Star	247[illegible]	485
1[illegible]	Northern Sun	247[illegible]	485
1[illegible]	Northern Trader	247[illegible]	485
1[illegible]	Northern Wind	247[illegible]	485
1[illegible]	Northwestern	247[illegible]	485
1[illegible]	Ocean Bear	247[illegible]	485
1[illegible]	Ocean Mail	247[illegible]	485
1[illegible]	Ohio	247[illegible]	485
1[illegible]	Oklahoma	247[illegible]	485
1[illegible]	Oklahoma Mail	247[illegible]	485
1[illegible]	Oklahoma Sun	247[illegible]	485
1[illegible]	Oklahoma Trader	247[illegible]	485
1[illegible]	Oklahoma Wind	247[illegible]	485
1[illegible]	Old Colony	247[illegible]	485
1[illegible]	Old Dominion	247[illegible]	485
1[illegible]	Old Glory	247[illegible]	485
1[illegible]	Old Hickory	247[illegible]	485
1[illegible]	Old Point	247[illegible]	485
1[illegible]	Old Rip	247[illegible]	485
1[illegible]	Old Salt	247[illegible]	485
1[illegible]	Old Stone	247[illegible]	485
1[illegible]	Old Stove	247[illegible]	485
1[illegible]	Old Timer	247[illegible]	485
1[illegible]	Old Tippecanoe

Binder No.	Name of vessel	Official No.	Stated valuation (in thousands)
887	Mill Spring	244468	$1,700
1271	M. L. Gorney	266338	3,000
188	Mobil Aero	278471	6,150
189	Mobil Fuel	274688	5,200
190	Mobilgas	271449	4,900
191	Mobil Lube	273634	5,400
192	Mobiloil	270094	5,200
193	Mobil Power	274098	5,300
420	Moline Victory	247346	470
113	Monarch of the Seas	244794	493
601	Monmouth	242426	475
1285	Monticello Victory	286819	8,000
1447	Montpelier Victory	299745	8,670
34	Mormacdr	246697	512
35	Mormacfuel	240450	475
45	Mormacowl	245338	485
50	Mormacrio	248745	890
56	Mormacsteel	245040	485
60	Mormacwren	245814	485
114	Morning Light	245033	493
281	Mount Vernon Victory	284178	9,400
580	Murfreesboro	244255	493
250	Nadina	242864	274
588	Naeco	244052	1,500
646	Nashbulk	247307	910
1948	Natalie	245322	485
1758	National Defender	279038	11,850
251	Nenana	247015	260
1441	Nevada Standard	247758	475
661	Neva West	249283	485
421	Newberry Victory	248491	470
169	New Jersey Sun	245748	3,525
180	New Market	247276	475
683	New York	248742	890
154	New Yorker	283030	1,025
1688	Norberto Capay	244122	485
1638	Norina	247468	2,635
592	Northfield	243253	2,635
298	Northwestern Victory	247492	512
1456	Norwalk	245845	525
936	Oakey L. Alexander	247470	450
1827	Ocean Anna	266619	3,500
929	Ocean Diana	244018	485
931	Ocean Evelyn	246883	485
932	Ocean Ulla	281004	7,250
1297	Oceanic	240000	510
1895	Oceanic Spray	245532	493
1896	Oceanic Tide	244012	522
1894	Oceanic Wave	246765	485
1747	Oduna	247160	260
684	Ohio	245288	890
170	Ohio Sun	244060	475
1386	Olga	247316	512
971	Oregon Standard	246773	473
1302	Orion Hunter	287150	12,700
1098	Oswego Leader	1258	270
1417	Oswego Voyager	1499	270
933	Overseas Eva	244578	485
934	Overseas Joyce	243706	485
785	Overseas Rose	243923	890
1082	Palace	1278	270
717	Palmetto State	247823	470
1217	Panoceanic Faith	245124	485
1037	Paul Pigot	163	920
1272	P. C. Spencer	284903	2,500
718	Pelican State	245354	512
1592	Penn Carrier	246908	475
339	Penn Challenger	284115	6,875
1342	Penn Exporter	247099	1,450
617	Pennmar	245945	485
1860	Penn Sailor	278391	1,625
171	Pennsylvania Sun	280202	9,550
1008	Penn Transporter	244437	1,450
341	Penn Vanguard	242790	525
561	Perryville	244644	1,975
1804	Pilot Rock	244729	260
562	Pioneer Cove	249748	485
565	Pioneer Isle	256787	509
575	Pioneer Reef	244020	509
577	Pioneer Surf	224443	509
578	Pioneer Tide	240020	493
938	Pocahontas Fuel	246643	893
1754	Point Loma	246863	475
1840	Point Montara	244641	895
286	Point Reyes	241536	915
1953	Point Sur	243263	890
1841	Point Vicente	247535	893
16	Ponca City	244315	475
1672	Ponderosa	243923	910
618	Portmar	246063	525
1505	Potomac	248800	2,300
1300	Prairie Grove	246660	2,250
1807	President Harding	252443	482
919	Producer	245986	2,300
228	Providence Getty	254689	300
593	Pueblo	243441	475
122	Pure Oil	248857	884
1273	P. W. Thirtle	270170	3,375
1301	Rainbow	247020	525
1869	Ranger	244796	893
264	Raphael Semmes	243974	2,215
972	R. C. Stoner	243126	505
1475	Remsen Heights	247966	8470
09	R. E. Wilson	244090	785
986	R. G. Follis	251140	491
1162	Richmond	241986	493
1770	Rio Grande	242479	485
1038	Robert Watt Miller	172	920
155	Robin Goodfellow	247354	890
156	Robin Gray	252626	890
157	Robin Hood	247255	890
158	Robin Kirk	254272	890
160	Robin Mowbray	245316	890
161	Robin Trent	254641	890
1614	Russel L.	247311	260
1466	Sabine	246672	850
172	Sabine Sun	241358	455
1979	Sacramento	245497	3,425
422	San Angelo Victory	249843	470
181	San Jacinto	249894	1,025
891	Santa Adela	242743	485
900	Santa Flavia	242762	485
903	Santa Juana	242111	485
906	Santa Malta	245406	485
819	Santore	254024	2,000
26	Sealady	244457	510
920	Seamar	246507	525
65	Seatrain Georgia	262556	1,000
66	Seatrain Louisiana	262835	1,000
67	Seatrain New Jersey	239088	510
68	Seatrain New York	231906	300
69	Seatrain Savannah	231916	300
70	Seatrain Texas	239549	525
1157	Sheldon Clark	241494	420
336	Sierra	247931	926
1476	Sir John Franklin	244734	270
1309	Sister Katingo	277436	6,475
1294	Smith Adventurer	247220	512
1368	Smith Builder	247121	512
1423	Smith Caper	247194	512
1400	Smith Conqueror	245519	260
1402	Smith Defender	246018	470
1304	Smith Explorer	246564	512
1976	Smith Leader	246044	512
1436	Smith Pilot	245016	855
1437	Smith Tourist	246171	512
1410	Smith Victory	245754	512
192	Socony Vacuum	239403	3,400
257	Sonoma	252413	893
857	Sooner State	247139	485
1803	Southport II	241152	496
1049	Statue of Liberty	420	1,560
1016	Steel Admiral	252642	890
439	Steel Advocate	246731	890
440	Steel Age	244161	890
456	Steel Apprentice	252498	890
457	Steel Architect	247166	890
458	Steel Artisan	247833	890
459	Steel Chemist	248137	890
441	Steel Designer	247521	890
442	Steel Director	244078	890
447	Steel Executive	248343	890
448	Steel Fabricator	251761	890
449	Steel Flyer	244811	890
450	Steel King	252499	890
451	Steel Maker	247221	890
452	Steel Navigator	248946	890
453	Steel Recorder	251947	890
454	Steel Rover	252500	890
455	Steel Scientist	245730	890
456	Steel Seafarer	246728	890
457	Steel Surveyor	244968	890
458	Steel Traveler	247139	890
459	Steel Vendor	246464	890
460	Steel Voyager	252501	890
461	Steel Worker	247824	890
232	Susitna	248389	260
83	Suzanne	253226	496
604	Sylvia Lykes	247941	495
238	Syosset	247458	905
253	Talkeetna	245724	260
1415	Tampico	246344	2,250
284	Tamana	247310	260
255	Tatalina	247995	260
963	Texaco California	246910	1,610
464	Texaco Colorado	241756	610
465	Texaco Connecticut	266501	1,540
1073	Texaco Cristobal	2905–53	130
468	Texaco Delaware	243973	415
466	Texaco Florida	271820	1,775
469	Texaco Illinois	246993	2,000
471	Texaco Kansas	244230	1,900
1077	Texaco Kentucky	2430–50	850
473	Texaco Louisiana	245053	475
1088	Texaco Maine	4500–59	2,725
475	Texaco Minnesota	243202	2,375
476	Texaco Mississippi	245062	2,275
478	Texaco Nebraska	242845	1,850
479	Texaco Nevada	245175	1,900
480	Texaco New Jersey	245831	1,775
481	Texaco New York	245081	1,900
483	Texaco North Dakota	250006	1,834
1081	Texaco Ohio	2447–50	850
1073	Texaco Oklahoma	276982	6,175
1425	Texaco Pennsylvania	2426–50	$835
1085	Texaco Texas	2448–50	844
1270	Texaco Wisconsin	277305	6,450
489	Texaco Wyoming	243048	2,025
209	Texan	249352	1,550
174	Texas Sun	253897	10,050
497	The Cabins	245143	1,775
925	Thetis	270627	8,150
1622	Thunderhead	249239	494
602	Ticonderoga	242244	740
182	Tillamook	245104	475
498	Tonsina	252547	260
115	Topa Topa	247906	495
1464	Transbay	247574	475
881	Transborinquen	250540	270
1722	Transcaribbean	248749	476
231	Transeastern	279428	8,730
1454	Transeria	243989	475
1456	Transhatteras	242942	475
1455	Transorleans	243223	475
1598	Trinidad	4356–58	1,925
1402	Trinity	246600	930
32	Trojan	247177	2,125
1597	Trusteo	244131	475
980	Tullahoma	246073	1,975
338	Ventura	252633	890
995	Virginia Trader	244790	475
719	Volunteer State	247793	470
1946	Volusia	245415	525
604	Wabash	240203	980
116	Wacosta	245189	495
1808	Warm springs	247264	350
117	Warrior	243815	495
974	Washington Standard	246203	475
807	Washington Trader	243566	475
1770	Western Clipper	253288	3,625
1760	Western Comet	266305	3,475
1761	Western Planet	269278	3,500
175	Western Sun	268758	3,500
1900	Whitehall	245964	485
1547	W. H. Peabody	246995	550
1380	Wilderness	247348	525
119	Wild Ranger	249518	493
894	William F. Humphrey	246537	475
358	Wolverine State	246749	980
119	Yaka	246335	495
622	Yorkmar	246067	525
120	Young America	245034	493

(b) *Vessels of less than 1,500 gross tons.* (1) Whereas, the Maritime Administration has determined for certain vessels of less than 1,500 gross tons the values which constitute just compensation for the vessels to which they apply, computed in accordance with section 902(a) of the Merchant Marine Act, 1936, as amended (46 U.S.C. 1242); and section 1209(a) of the Merchant Marine Act, 1936, as amended (46 U.S.C. 1289), Public Law 958, 84th Congress (70 Stat. 984); and pursuant thereto has determined the values of vessels covered by interim binders for war risk hull insurance, Form MA–184 prescribed by Part 308 of this chapter (General Order 75, 2d Rev., 26 F.R. 4541, May 26, 1961).

(2) Therefore, it is ordered that the interim binders listed below shall be deemed to have been amended as of January 1, 1965, by inserting in the space provided therefor or in substitution for any value now appearing in such space the stated valuation of the vessels set forth below for the binders and vessels as designated. Nevertheless, the Assured shall have the right within 60 days after date of publication of this order or within 60 days after the attachment of the insurance under said binder, whichever is later, to reject such valuation and proceed as authorized by section 1209(a)(2) of the Merchant Marine Act, 1936, as amended (46 U.S.C. 1289).

Binder No.	Name of vessel	Official No.	Stated valuation (in thousands)
782	A. H. Dumont	239224	$97
1156	Barge 114		10
1157	Barge 116		13
1160	Barge 118		10
1197	Barge 120		10
1198	Barge 122		29
1199	Barge 124		11
1153	Britton	119	22
1875	Cosmos	294161	76
673	Curlew	242213	89
1138	Cyrus Field	147699	100
1165	Dammam 7		16
1166	Dammam 8	255999	17
1167	Dammam 9		49
1168	Dammam 10		49
1169	Dammam 11		49
1170	Dammam 12		66
1171	Dammam 13		55
1172	Dammam 14		66
1563	Fort Leanderdale	256607	98
764	George Whitlock II	241290	110
674	Golden Eagle	241493	41
1150	Habib	112	18
1942	H. J. Sheridan	238902	48
1565	Hollywood		85
1151	Horne	116	19
1978	Isleways No. 1	251436	58
1909	Isleways No. 2	251419	58
1910	Isleways No. 3	251682	58
1911	Isleways No. 4	251773	58
1912	Isleways No. 5	251809	59
750	J. A. Cummings	240304	98
753	J. F. Gaffney	247426	64
757	J. J. Kelly	256610	45
672	Kingfisher	252902	82
1554	Lewis No. 6	244276	60
759	Newport	242847	70
759	Phillip Lemier	251390	51
1719	Ponce De Leon	244296	85
745	Providence	226312	52
1176	Qatif 7		76
1177	Qatif 8		76
761	R. J. Perry	247200	64
1148	Sandy	114	19
1278	Saratoga	254128	71
746	Stamford	240942	57
1152	Swigart	118	20
18	Virginia Phillips	250071	49
763	W. A. Weber	261392	68

NOTE: The record-keeping and reporting requirements contained herein have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Dated: June 3, 1965.

L. C. HOFFMANN,
Chairman, Ship Valuation Committee.

[F.R. Doc. 65–6097; Filed, June 14, 1965; 8:45 a.m.]

Title 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 213—EXCEPTED SERVICE

Housing and Home Finance Agency

Section 213.3344 is amended to show the exception under Schedule C of the position of Secretary to the Chief Counsel, Community Facilities Administration. Effective on publication in the FEDERAL REGISTER, subparagraph (47) is added to paragraph (a) of § 213.3344 as set out below.

§ 213.3344 Housing and Home Finance Agency.

(a) *Office of the Administrator.* • • •

(47) One Secretary to the Chief Counsel, Community Facilities Administration.

• • • • •

(R.S. 1753, sec. 2, 22 Stat. 403, as amended; 5 U.S.C. 631, 633; E.O. 10577, 19 F.R. 7521, 3 CFR, 1954–1958 Comp., p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] MARY V. WENZEL,
Executive Assistant to the Commissioners.

[F.R. Doc. 65–6196; Filed, June 14, 1965; 8:47 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Agency

[Docket No. 6226; Amdt. 39–81]

PART 39—AIRWORTHINESS DIRECTIVES

Boeing Models 707 and 720 Series Aircraft

A proposal to amend Part 507 of the Regulations of the Administrator to include an airworthiness directive requiring modification of the horizontal stabilizer trim control system to provide for improvement in reliability of operation on Boeing 707 and 720 Series aircraft was published in 29 F.R. 13908.

Since the publication of that proposal, Part 507 has been recodified into Part 39 of the Federal Aviation Regulations, effective November 20, 1964, therefore this amendment is being made to Part 39.

Interested persons were afforded an opportunity to participate in the making of the amendment. One comment stated that service experience on this system does not warrant mandatory action. Another stated that the modifications are in the category of design improvement and do not correct a poor design or eliminate a potential hazard; and that the compliance time should be increased.

In view of the fact that there has been a recent incident involving a malfunction of the system concerned, the Agency believes that service experience does show a need for the modification. In addition, the Agency believes that the modifications are required to provide a higher degree of safety. There have been cases of inoperative stabilizer trim at altitudes, attributable to moisture in the stabilizer jackscrew auxiliary brakes. It is believed that conditions, icing or otherwise, which render inoperative normal operating systems, should be corrected and such correction made mandatory.

While the Boeing Service Bulletins upon which this AD is based are design improvements, they are of a significant nature and improve a system that has always been so controversial as to require these significant improvements. The modifications should be accomplished to increase reliability and improve safety.

The Agency has considered the question of compliance time and is of the opinion that the compliance times contained in the notice are the most reasonable maximum times that can be permitted for accomplishment of the modification.

The notice would have required compliance with Boeing Service Bulletins 1699(R–1)B, 1990, 1854, and 1946. In addition, since the issuance of the notice, Boeing has issued Service Bulletin 1946 (R–1) to replace Bulletin 1946, and has issued Bulletin 1854A to supplement Bulletin 1854.

While under ordinary circumstances the Agency would prefer to reissue the notice before adopting the revised Service Bulletins, that course is not considered advisable under the present circumstances due to the recent incident involving the system and for the reason that the required action on the part of the aircraft operator is virtually the same under the revised Bulletins. In addition, the revisions except for certain details would require essentially the same type of hardware. In essence, Service Bulletin 1946 covered the installation of improved parts in the horizontal stabilizer auxiliary brake. Later it was determined that this brake did not achieve the necessary result and that certain changes were necessary to the brake including new type brake shoes and the addition of certain shims and rollers. Thus, while a revised Service Bulletin is involved, the proposed AD requirement to install a brake, is in essence unchanged.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (25 F.R. 6489), § 39.13 of Part 39 of the Federal Aviation Regulations is amended by adding the following new airworthiness directive:

BOEING. Applies to all Models 707 and 720 Series aircraft.

Compliance required as indicated.

Service experience has shown the need for certain modifications in the horisontal stabilizer trim control and position warning systems. Accordingly, accomplish the following:

(a) Within 3,000 hours' time in service after the effective date of this AD:

(1) On all Models 707 and 720 Series aircraft, modify stabilizer trim green band rigging and limit in accordance with Boeing Service Bulletin No. 1699(R–1)B or an equivalent approved by the Chief, Aircraft Engineering Division, FAA Western Region.

(2) On all Models 707 Series aircraft, modify stabilizer trim electrical limit in accordance with Boeing Service Bulletin No. 1990 or an equivalent approved by the Chief, Aircraft Engineering Division, FAA Western Region.

(b) Within 5,000 hours' time in service after the effective date of this AD:

(1) On all Models 707 and 720 Series aircraft, modify stabilizer trim actuator moisture control in accordance with Boeing Service Bulletin No. 1854 and 1854A or an equivalent approved by the Chief, Aircraft Engineering Division, FAA Western Region.

(2) On all Models 707 and 720 Series aircraft, modify actuator assembly secondary brake in accordance with Boeing Service Bulletin No. 1946(R–1) or an equivalent approved by the Chief, Aircraft Engineering Division, FAA Western Region.

This amendment becomes effective July 15, 1965.

(Secs. 313(a), 601, and 603 of the Federal Aviation Act of 1958; 49 U.S.C. 1354(a), 1421, and 1423)

Issued in Washington, D.C., on June 10, 1965.

C. W. WALKER,
Acting Director,
Flight Standards Service.

[F.R. Doc. 65-6209; Filed, June 14, 1965; 8:48 a.m.]

[Airspace Docket No. 64-WE-52]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Control Zone, Revocation of Control Area Extensions and Designation of Transition Area

On April 9, 1965, a Notice of Proposed Rule Making was published in the FEDERAL REGISTER (30 F.R. 4638) stating that the Federal Aviation Agency proposed to alter the controlled airspace in the Merced, Calif., terminal area.

Interested persons were afforded an opportunity to participate in the rule making through submission of comments. All comments received were favorable.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0001 e.s.t., August 19, 1965, as hereinafter set forth.

1. In § 71.171 (29 F.R. 17615), the Merced, Calif., control zone is amended to read:

MERCED, CALIF.

Within a 5-mile radius of Castle Air Force Base, Merced, Calif. (latitude 37°22'45" N., longitude 120°34'00" W.); within a 5-mile radius of Merced Municipal Airport (latitude 37°17'10" N., longitude 120°30'55" W.); within 2 miles each side of the 017° bearing from the Castle AFB ILS OM, extending from the Merced 5-mile radius circle to 6 miles N of the OM, and within 2 miles each side of the Castle TACAN 310° radial, extending from the Castle 5-mile radius circle to 6 miles NW of the TACAN.

2. In § 71.165 (29 F.R. 17557), the following control area extensions are revoked:

a. Merced, Calif.
b. Stockton, Calif.
c. Fresno, Calif.

3. In § 71.181 (29 F.R. 17643), the following transition area is added:

MERCED, CALIF.

That airspace extending upward from 700 feet above the surface within a 10-mile radius of the Castle Air Force Base (latitude 37°-22'45" N., longitude 120°34'00" W.); within a 7-mile radius of Merced Municipal Airport (latitude 37°17'10" N., longitude 120°30'55" W.) and within 2 miles each side of the Castle ILS localizer SE course, extending from the Merced 7-mile radius area to 12 miles SE of the OM; that airspace extending upward from 1,200 feet above the surface bounded on the NE and E by V-459, on the S by V-280, on the W by V-109 and on the N by V-244, excluding the portions within the Fresno, Stockton, and Modesto, Calif., transition areas; that airspace extending upward from 7,500 feet MSL NE of Merced bounded on the E by V-283, on the SW by V-459, and on the N by V-244, and that airspace extending upward from 12,000 feet MSL E of Merced bounded on the E by longitude 119°30'00" W., on the S by the Fresno, Calif., transition area, on the W by V-283 and on the N by V-244.

(Sec. 307(a) of the Federal Aviation Act of 1958, as amended, 72 Stat. 749; 49 U.S.C. 1348)

Issued in Los Angeles, Calif., on June 7, 1965.

LEE E. WARREN,
Acting Director,
Western Region.

[F.R. Doc. 65-6173; Filed, June 14, 1965; 8:45 a.m.]

[Airspace Docket No. 64-WE-53]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Control Zone, Revocation of Control Area Extension and Designation of Transition Area

On April 9, 1965, a notice of proposed rule making was published in the FEDERAL REGISTER (30 F.R. 4638) stating that the Federal Aviation Agency proposed to alter the controlled airspace in the Klamath Falls, Oreg., terminal area.

Interested persons were afforded an opportunity to participate in the rule making through submission of comments. All comments received were favorable.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0001 e.s.t., August 19, 1965, as hereinafter set forth.

1. In § 71.171 (29 F.R. 17609), the Klamath Falls, Oreg., control zone is amended to read:

KLAMATH FALLS, OREG.

Within a 5-mile radius of Kingsley Field, Klamath Falls, Oreg. (latitude 42°09'25" N., longitude 121°43'55" W.); within 2 miles each side of the Klamath Falls ILS localizer SE course, extending from the 5-mile radius zone to 1 mile SE of the LOM, and within 2 miles each side of the Klamath Falls VORTAC 332° radial, extending from the 5-mile radius zone to 11 miles NW of the VORTAC.

2. In § 71.165 (29 F.R. 17566), the Klamath Falls, Oreg., control area extension is revoked.

3. In § 71.181 (29 F.R. 17643), the following transition area is added:

KLAMATH FALLS, OREG.

That airspace extending upward from 700 feet above the surface within a 15-mile radius of Klamath Falls VORTAC; that airspace extending upward from 1,200 feet above the surface within a 25-mile radius of Klamath Falls VORTAC; that airspace extending upward from 7,500 feet MSL within the area bounded by the arcs of 25- and 40-mile radius circles centered on the Klamath Falls VORTAC, extending clockwise from the VORTAC 095° radial to a line 5 miles E of and parallel to the VORTAC 165° radial, and within the area bounded by the arcs of 25- and 40-mile radius circles centered on the Klamath Falls VORTAC, extending clockwise from the VORTAC 245° to the 290° radials; that airspace extending upward from 9,000 feet MSL within the area bounded by the arcs of 25- and 40-mile radius circles centered on the Klamath Falls VORTAC extending clockwise from the VORTAC 320° to the 095° radials; that airspace extending upward from 9,500 feet MSL within the area bounded by the arcs of 25- and 40-mile radius circles centered on the Klamath Falls VORTAC, extending clockwise from a line 5 miles E of and parallel to the VORTAC 165° radial to the 245° radial; and that airspace extending upward from 11,000 feet MSL within the area bounded by the arcs of 25- and 40-mile radius circles centered on the Klamath Falls VORTAC, extending clockwise from the VORTAC 290° to the 320° radials.

(Sec. 307(a) of the Federal Aviation Act of 1958, as amended; 72 Stat. 749; 49 U.S.C. 1348)

Issued in Los Angeles, Calif., on June 7, 1965.

LEE E. WARREN,
Acting Director,
Western Region.

[F.R. Doc. 65-6174; Filed, June 14, 1965; 8:45 a.m.]

[Airspace Docket No. 64-EA-54]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

PART 75—ESTABLISHMENT OF JET ROUTES

Designation of Jet Route, Realignment of Jet Routes, and Revocation and Designation of Reporting Points

On December 23, 1964, a notice of proposed rule making was published in the FEDERAL REGISTER (29 F.R. 18230) stating that the Federal Aviation Agency was considering amendments to Parts 71 and 75 of the Federal Aviation Regulations that would designate a jet route from Appleton, Ohio to Westminster, Md. and that would realign Jet Routes Nos. 6, 8, 12, 48, 61, 75, and 77, via the Westminster VOR instead of the Baltimore, Md. VORTAC.

Interested persons were afforded an opportunity to participate in the proposed rule making through the submission of comments. Due consideration was given to all relevant matter presented.

The U.S. Air Force submitted comments on the proposed amendments and stated that the overall feasibility of replacing a VORTAC with a VOR in support of high altitude operations was questionable with respect to the effect such action will have upon the clearance of aircraft equipped with DME/TACAN instruments only. It was stated that the service volume criteria requirements may preclude the clearance of such aircraft on some segments of the proposed airways until the time of conversion of the Westminster VOR to VORTAC.

The Baltimore VORTAC currently serves only two jet routes (J-61 and J-12), and is used primarily in transitioning to and from the jet route structure for the Washington-Baltimore area traffic. Radar vectors will be provided to transition departure traffic on the realigned routes. Additionally, the Philipsburg, Pa. VORTAC is usable, if required, to Baltimore within standard service volume criteria. Arrival traffic from Philipsburg can proceed to the Herndon, Va. VORTAC. Traffic from over Baltimore to the Allegheny, Pa. VORTAC can proceed via the Front Royal, Va. VORTAC and J-44 when radar is not available. Arrival traffic from Allegheny can operate along J-44. Regarding other segments of the jet route structure, herein realigned, aircraft with only TACAN equipment can operate point to point between the existing VORTAC aids until the Westminster VOR is converted, in August 1965.

The Air Force further commented that it understood that if the proposed amendments were adopted, the Baltimore VORTAC would be downgraded from an "H" to an "L" service volume category. The Air Force commented that it assumed the facility would be "keyholed" in order to sustain the support of the Andrews AFB, Pasadena SID. The Baltimore VORTAC will be keyholed, i.e., made usable for a radius of 50 nautical miles from the facility and up to 30,000 feet in altitude, to protect the Andrews AFB, Pasadena SID at such time as the Baltimore VORTAC is downgraded.

In consideration of the foregoing, Parts 71 and 75 of the Federal Aviation Regulations are amended, effective 0001 e.s.t., July 22, 1965, as hereinafter set forth.

1. In § 75.100 (29 F.R. 17776), the following actions are taken:

(a) Jet Route No. 6 is amended by deleting "Front Royal, Va.; Yardley, Pa." and substituting therefor, "Front Royal, Va.; Westminster, Md.; Yardley, Pa."

(b) Jet Route No. 8 is amended by deleting "Front Royal, Va.; Yardley, Pa." and substituting therefor, "Front Royal, Va.; Westminster, Md.; Yardley, Pa."

(c) Jet Route No. 12 is amended by deleting from the caption "to Baltimore, Md.)," and substituting "to Westminster, Md.)." therefor; and by deleting from the text "Baltimore, Md." and substituting therefor, "Westminster, Md."

(d) Jet Route No. 48 is amended by deleting from the caption "to Delta, Pa.)." and substituting "to Westminster, Md.)." therefor; and by deleting from the text "From Pulaski, Va., via Herndon, Va., to the INT of the direct radials between Gordonsville, Va., and Huguenot, N.Y., and between Front Royal, Va., and Yardley, Pa." and substituting "From Pulaski, Va., to Westminster, Md." therefor.

(e) Jet Route No. 61 is amended by deleting from the caption "(Baltimore, Md." and substituting "(Westminster, Md." therefor; and by deleting from the text "From Baltimore, Md., via Philipsburg, Pa.," and substituting "From Westminster, Md., via Philipsburg, Pa.," therefor.

(f) Jet Route No. 75 is amended by deleting "Gordonsville, Va.; Huguenot, N.Y." and substituting "Gordonsville, Va.; Westminster, Md.; Huguenot, N.Y." therefor.

(g) Jet Route No. 77 is amended by deleting "Gordonsville, Va.; Huguenot, N.Y." and substituting "Gordonsville, Va.; Westminster, Md.; Huguenot, N.Y." therefor.

(h) Jet Route No. 130 is added as follows:

Jet Route No. 130 (Appleton, Ohio, to Westminster, Md.). From Appleton, Ohio, to Westminster, Md.

2. In § 71.207 (29 F.R. 17718), "Baltimore, Md." is deleted and "Westminster, Md." is added.

(Sec. 307(a) of the Federal Aviation Act of 1958, 49 U.S.C. 1348)

Issued in Washington, D.C. on June 8, 1965.

DANIEL E. BARROW,
Chief, Airspace Regulations and Procedures Division.

[F.R. Doc. 65-6175; Filed, June 14, 1965; 8:45 a.m.]

[Airspace Docket No. 65-CE-31]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Designation of Transition Area

On March 25, 1965, a Notice of Proposed Rule Making was published in the FEDERAL REGISTER (30 F.R. 3885) stating that the Federal Aviation Agency proposed to designate controlled airspace in the Brookings, S. Dak., terminal area.

Interested persons were afforded an opportunity to participate in the rule making through submission of comments. The comment received was favorable.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0001 e.s.t., August 19, 1965, as hereinafter set forth:

In § 71.181 (29 F.R. 17643) the following transition area is added:

BROOKINGS, S. DAK.

That airspace extending upward from 700 feet above the surface within a 5-mile radius of Brookings, S. Dak. Municipal Airport (latitude 44°18'12" N., longitude 96°48'40" W.); and within 8 miles NE and 5 miles SW of the 139° bearing from Brookings Municipal Airport extending from the airport to 12 miles SE of the airport; and within 5 miles NE and 8 miles SW of the 299° bearing from Brookings Municipal Airport extending from the airport to 12 miles NW of the airport.

(Sec. 307(a) of the Federal Aviation Act of 1958; 49 U.S.C. 1348)

Issued in Kansas City, Mo., on June 2, 1965.

EDWARD C. MARSH,
Director, Central Region.

[F.R. Doc. 65-6176; Filed, June 14, 1965; 8:45 a.m.]

[Docket No. 6624; Amdt. 121-8]

PART 121—CERTIFICATION AND OPERATIONS: DOMESTIC, FLAG, AND SUPPLEMENTAL AIR CARRIERS AND COMMERCIAL OPERATORS OF LARGE AIRCRAFT

Extension of Time for Compliance With Emergency Evacuation Demonstration Requirements

The purpose of this amendment is to provide an additional 3-month period for certificate holders to comply with the requirements of § 121.291 of Part 121 of the Federal Aviation Regulations for demonstration of emergency evacuation procedures.

As issued on March 3, effective June 7, 1965, this section requires each certificate holder to conduct emergency evacuation demonstrations, in accordance with specified criteria, before July 6, 1965, for each type and model of airplane with a seating capacity of more than 44 passengers used in its passenger-carrying operations. The Agency anticipated that the period before July 6 would provide ample time for certificate holders to prepare for and complete the demonstrations. However, it appears that this expectation was too optimistic.

A number of questions arose relative to the details of the methods to be used in conducting the demonstrations, and a substantial period of time was used to discuss these questions with representatives of the certificate holders and to answer them. Also, it appears from a petition for amendment presented by Air Transport Association, dated April 29, 1965, that certain planning considerations, such as recruitment of evacuees, construction of stands, and issuance of instructions, have required clarification before commencement of demonstrations.

According to reports, the number of demonstrations yet to be accomplished is substantial. These reports indicate 93 demonstrations remaining in the case of 6 air carriers as of May 25, 1965, and approximately 60 demonstrations remaining to be accomplished in one Region of the Agency as of June 4, 1965. Although it appears that certificate holders generally could possibly meet the July 6, 1965, deadline date, the Agency has concluded that the granting of a reasonable additional time period is appropriate to allow the proper planning and conduct of the remaining demonstrations, with opportunity to analyze the demonstrations and incorporate desired changes in the procedures, and to attain maximum effectiveness for the program. This amendment therefore extends the compliance date to October 6, 1965.

Since this amendment grants relief by extending the date for compliance with a requirement of the Federal Aviation Regulations, the Administrator finds that notice and public procedure hereon are not necessary, and this amendment may be made effective immediately.

In consideration of the foregoing, paragraph (a) of § 121.291 of Part 121 of the Federal Aviation Regulations is amended, effective June 11, 1965, by striking out the date "July 6, 1965," and inserting the date "October 6, 1965," in place thereof.

(Secs. 313(a), 601, 603, and 604 of the Federal Aviation Act of 1958; 49 U.S.C. 1354, 1421, 1423, 1424)

Issued in Washington, D.C., on June 11, 1965.

N. E. HALABY,
Administrator.

[F.R. Doc. 65-6263; Filed, June 14, 1965; 8:50 a.m.]

Chapter II—Civil Aeronautics Board

SUBCHAPTER A—ECONOMIC REGULATIONS

[Reg. No. ER-436]

PART 241—UNIFORM SYSTEM OF ACCOUNTS AND REPORTS FOR CERTIFICATED AIR CARRIERS

Amendments To Simplify Certain Reporting Requirements

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 10th day of June 1965.

In its continuing review of recurrent reports and specific data required of air carriers, the Board has determined that certain data no longer serve a useful purpose and that other data can be reported at longer intervals. Accordingly, it is believed desirable to reduce the reporting requirements in the following respects:

1. Schedule T–7, containing information concerning domestic deferred airfreight, will be eliminated. The information concerning volume of deferred airfreight previously reported on the schedule will be reported quarterly instead of monthly on Schedule P–2. The remaining information dealing with diversion does not appear to serve any useful purpose and will no longer be required.

2. Schedule B–9, which contains detailed information on flight equipment spare parts, will be filed annually instead of semiannually. This frequency should be adequate for the Board's needs.

3. The requirement of distributing regional expenses to geographic locations will be eliminated from Schedule P–9.2. This relief had previously been granted by waiver.

Since these provisions relax present reporting requirements, notice and public procedure hereon are not required and the amendment may be made effective upon less than 30 days' notice.

Accordingly, the Board hereby amends Part 241 of the Economic Regulations (14 CFR Part 241), effective July 1, 1965, as follows:

1. In section 22(a), amend the table of schedules by deleting the line for "Schedule T–7," and by revising the line for "Schedule B–9" to read:

B–9—Inventory of Flight Equipment Spare Parts and Assemblies. Annually—90.

2. In section 23, amend the text for *Schedule B–9—Inventory of Flight Equipment Spare Parts and Assemblies* by changing the reporting period from 6 months to 12 months in all cases, so that the respective paragraphs read as follows:

(a) This schedule shall be filed by all route air carriers.

(b) • • •

(c) Column 2, "Inventory at End of Period" shall reflect the book balance for each class of parts and assemblies reflected in column 1 as at the close of the 12-month period for which report is being made and shall agree, in aggregate for expendable parts and rotable parts separately, with the respective balances reflected for such asset classifications in the current schedule B–1 Balance Sheet.

(d) • • •

(e) Column 4, "Balance Beginning of Period," shall reflect the balance of accumulated valuation reserve provisions existing for each classification reflected in column 1 as at the beginning of the 12-month period for which report is being made and shall agree with the balances shown in column 7, Balance End of Period, on the next previous report.

(f) Column 5, "Provisions During Period," shall reflect for each classification shown in column 1 the net provisions to valuation reserves against flight equipment parts and assemblies during the 12-month period for which report is being made, net of adjustments for inventory declines. The amounts reported in this column for expendable parts shall agree with the amounts reported in account 73 for the same 12-month period.

(g) Column 6, "Retirements During Period," shall reflect for each classification shown in column 1 the portion of accumulated valuation reserve provisions for flight equipment parts and assemblies absorbed in abandonment or other retirements of parts and assemblies during the 12-month period for which report is being made.

(h) Column 7, "Balance End of Period," shall reflect the balance of accumulated valuation reserve provisions for each classification shown in column 1, existing as at the close of the 12-month period for which report is being made and shall agree, in aggregate for expendable and rotable parts, separately, with the respective current balances reflected for such asset classifications in schedule B–1 Balance Sheet.

(i) • • •

3. In section 24, amend the text for *Schedule P–2—Notes to Income Statement* by adding paragraph (e) at the end thereof, to read as follows:

(e) Each air carrier having currently effective deferred airfreight tariffs on file with the Board shall report information with respect thereto covering the current quarter as follows: (1) Number of shipments enplaned; (2) weight of shipments enplaned (tons to one decimal place); (3) ton-miles carried (000); and (4) revenues earned.

4. In section 24, amend the text for "Schedules P–9.1 and P–9.2" by deleting paragraphs (h) and (i); adding instructions for "regional and system" expenses at the end of paragraph (d); and revising paragraph (g), so that the paragraphs, as amended, read:

(d) Line 1 shall reflect the aggregate expenses incurred at all airports, or other geographic locations, served in nonscheduled services only and related traffic offices. Downtown traffic offices maintained at off-line points for the purpose of selling or soliciting traffic for scheduled services shall be considered as on-line installations. Line 2 shall reflect "Regional and System" expenses, which are those directly chargeable to administering activities performed at a number of different localities. For this purpose expenses attaching to such as central space control installations and centralized inter-airport flight control installations shall be considered "Regional and System" expenses.

(g) Expenses which are directly chargeable to activities performed at each specific locality shall be entered in the indicated classification directly opposite its name; other expenses applicable to each certificated point shall be entered in the indicated classifications opposite the name of each certificated point; and expenses applicable to each noncertificated point where installations are maintained or used for certificated services shall be entered in the indicated classifications opposite its name.

5. In section 25, delete the heading and all text for *Schedule T–7—Domestic Deferred Airfreight.*

(Secs. 204(a) and 407 of the Federal Aviation Act of 1958, 72 Stat. 743, 766; 49 U.S.C. 1324, 1377)

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON, *Secretary.*

[F.R. Doc. 65-6219; Filed, June 14, 1965; 8:50 a.m.]

Title 19—CUSTOMS DUTIES

Chapter I—Bureau of Customs, Department of the Treasury

[T.D. 56424]

PART 1—CUSTOMS DISTRICTS, PORTS, AND STATIONS

Customs Port of Entry

The port of entry on the Island of Kauai, in Customs Collection District No. 32 (Hawaii) is Port Allen. Nawiliwili which is located on this island outside the territorial limits of Port Allen has developed in recent years both physically and in commercial importance, until now, the majority of cargoes destined for the island of Kauai pass through Nawiliwili. In order to provide for the increasing need for customs service in this area it is desirable to extend the territorial boundaries of Port Allen to include Nawiliwili and to designate the official name of the port as extended as "Nawiliwili-Port Allen."

Accordingly, by virtue of the authority vested in the President by section 1 of the Act of August 1, 1914, 38 Stat. 623 (19 U.S.C. 2), which was delegated to the Secretary of the Treasury by the President by Executive Order No. 10289, September 17, 1951 (3 CFR, Ch. II), and pursuant to authorization given to me by Treasury Department Order No. 190, Rev. 2 (28 F.R. 11870), the official name of the customs port of entry of Port Allen, Hawaii, in Customs Collection District No. 32 (Hawaii) is changed to "Nawiliwili-Port Allen."

The geographical limits of the customs port of entry of Nawiliwili-Port Allen, Hawaii, in Customs Collection District No. 32 (Hawaii) as herein designated shall include the area bounded on the north by a parallel at 21° 57 minutes 50 seconds North Latitude, on the east by a meridian through Nawiliwili Harbor Light on Ninini Point at 159° 20.3 minutes West Longitude, on the south by a series of lines through Kawai Point, Kawelikoa Point, Makahuena Point, and Puolo Point, on the west by a meridian through Hanapepe Light on Puolo Point at 159° 36.4 minutes West Longitude.

Section 1.1(c) of the Customs Regulations is amended by deleting "Port Allen (E.O. 4385, February 25, 1926)" from the column headed "Ports of Entry" in District No. 32 (Hawaii), and inserting in lieu thereof "Nawiliwili-Port Allen (E.O. 4385, February 25, 1926, including the territory described in T.D. 56424)."

(R.S. 161, as amended, sec. 1, 37 Stat. 434, sec. 1, 38 Stat. 623, as amended, R.S. 251, sec. 624, 46 Stat. 759; 5 U.S.C. 22, 19 U.S.C. 1, 2, 66, 1624)

This Treasury decision shall become effective 30 days after publication in the FEDERAL REGISTER.

[SEAL] JAMES P. HENDRICK, *Acting Assistant Secretary of the Treasury.*

[F.R. Doc. 65-6197; Filed, June 14, 1965; 8:47 a.m.]

Title 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

SUBCHAPTER A—GENERAL

PART 8—COLOR ADDITIVES

Subpart H—Listing of Color Additives for Cosmetic Use Exempt From Certification

HENNA; LISTING FOR COSMETIC USE; EXEMPTION FROM CERTIFICATION

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 706(b)(1), (c)(2), (d), 74 Stat. 399, 402; 21 U.S.C. 376(b)(1), (c)(2), (d)), and under the authority delegated to him by the Secretary of Health, Education, and Welfare (21 CFR 2.90), the Commissioner of Food and Drugs, based on a petition filed by S. B. Penick and Co., New York, N.Y., as published in the FEDERAL REGISTER on November 7, 1964 (29 F.R. 15096), and other relevant material, finds that henna is safe for use as a color for the hair under the conditions prescribed in this order, and that certification is not necessary for the protection of the public health. *Therefore, it is ordered,* That Part 8 be amended by adding to Subpart H the following new section.

§ 8.8002 Henna.

(a) *Identity.* (1) The color additive henna is the dried leaf and petiole of *Lawsonia alba* Lam. (*Lawsonia inermis* L). It may be identified by its characteristic odor and by characteristic plant histology.

(b) *Specifications.* Henna shall conform to the general specifications set forth in § 8.110(c)[1] for color additives to be used in cosmetics and the following specific requirements:

(i) It shall contain not more than 10 percent of plant material from *Lawsonia alba* Lam. (*Lawsonia inermis* L.) other than the leaf and petiole, and is free from admixture with material from any other species of plant.

(ii) Moisture, not more than 10 percent.

(iii) Total ash, not more than 15 percent.

(iv) Acid-insoluble ash, not more than 5 percent.

(c) *Uses and restrictions.* The color additive henna may be safely used for coloring hair only. It may not be used for coloring the eyelashes or eyebrows, or generally in the area of the eye.

(d) *Labeling.* The label for henna shall bear, in addition to the other information required by the act and § 8.30, the following statements or their equivalent:

"Do not use in the area of the eye."
"Do not use on cut or abraded scalp."

(e) *Exemption from certification.* Certification of this color additive for the prescribed use is not necessary for the protection of the public health, and therefore batches thereof are exempt from the certification requirements of section 706(c) of the act.

Any person who will be adversely affected by the foregoing order may at any time within 30 days following the date of its publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington, D.C., 20201, written objections thereto, preferably in quintuplicate. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing, and such objections must be supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof.

Effective date. This order shall become effective 60 days from the date of its publication in the FEDERAL REGISTER, except as to any provisions that may be stayed by the filing of proper objections. Notice of the filing of objections or lack thereof will be announced by publication in the FEDERAL REGISTER.

(Sec. 706(b)(1), (c)(2), (d), 74 Stat. 399, 402; 21 U.S.C. 376(b)(1), (c)(2), (d))

Dated: June 8, 1965.

GEO. P. LARRICK, *Commissioner of Food and Drugs.*

[F.R. Doc. 65-6210; Filed, June 14, 1965; 8:48 a.m.]

SUBCHAPTER B—FOOD AND FOOD PRODUCTS

PART 121—FOOD ADDITIVES

Subpart F—Food Additives Resulting From Contact With Containers or Equipment and Food Additives Otherwise Affecting Food

ADHESIVES; RUBBER ARTICLES INTENDED FOR REPEATED USE

The Commissioner of Food and Drugs, having evaluated the data in a petition (FAP 5B1715) filed by United States Rubber Company, Chemical Division, Elm Street, Naugatuck, Conn., 06771, and other relevant material, has concluded that the food additive regulations should be amended to provide for the use of an additional substance in the production of food-packaging adhesives and for the use of an additional substance in the production of rubber articles intended for repeated food-contact use. Therefore, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1)), and under the authority delegated to the Commissioner by the Secretary of Health, Education, and Welfare (21 CFR 2.90), the food additive regulations are amended as follows:

1. Section 121.2520(c)(5) is amended by inserting alphabetically in the list "Components of Adhesives" the following new item:

§ 121.2520 Adhesives.

• • • • • •

(c) • • •
(5) • • •

Components of adhesives	Substances and limitations
• • • • •	
Ethylene-propylene-dicyclopentadiene copolymer rubber.	
• • • • •	

2. Section 121.2562(c)(4)(i) is amended by inserting alphabetically therein the following new item:

§ 121.2562 Rubber articles intended for repeated use.

• • • • • •

(c) • • •
(4) • • •
(i) *Elastomers.*

• • • • •
Ethylene-propylene-dicyclopentadiene copolymer.
• • • • •

Any person who will be adversely affected by the foregoing order may at any time within 30 days from the date of its publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington, D.C., 20201, written objections thereto, preferably in quintuplicate. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof.

Effective date. This order shall be effective on the date of its publication in the FEDERAL REGISTER.

(Sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1))

[1] See 30 F.R. 5797 (Apr. 24, 1965).

Dated: June 8, 1965.

Dated: June 8, 1965.

GEO. P. LARRICK,
Commissioner of Food and Drugs.

[F.R. Doc. 65-6211; Filed, June 14, 1965; 8:46 a.m.]

PART 121—FOOD ADDITIVES

Subpart F—Food Additives Resulting From Contact With Containers or Equipment and Food Additives Otherwise Affecting Food

FLUOROCARBON RESINS

The Commissioner of Food and Drugs, having evaluated the data in a petition (FAP 5B1510) filed by Allied Chemical Corp., General Chemical Division, Post Office Box 70, Morristown, N.J., 07960, and other relevant material, has concluded that § 121.2523 of the food additive regulations should be amended to provide for the use of chlorotrifluoroethylene-1, 1-difluoroethylene-tetrafluoroethylene copolymer resins in the formulation of articles that contact food.

The Commissioner has further concluded that § 121.2523 should be broadened to permit the use of the fluorocarbon resins as articles or components of articles intended for one-time use in contact with fatty foods when the resins comply with the prescribed extractives limitations which have been revised to include extractives limitations using *n*-heptane as the extracting solvent.

To further insure safety, the Commissioner has concluded that § 121.2523 should also be amended to specify that, in accordance with good manufacturing practice, those food-contact articles intended for repeated use shall be thoroughly cleansed prior to their first use in contact with food.

Therefore, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1)), and under the authority delegated to the Commissioner by the Secretary of Health, Education, and Welfare (21 CFR 2.90), § 121.2523 of the food additive regulations is revised to read as follows:

§ 121.2523 Fluorocarbon resins.

Fluorocarbon resins may be safely used as articles or components of articles intended for use in contact with food, in accordance with the following prescribed conditions:

(a) For the purpose of this section, fluorocarbon resins consist of basic resins produced as follows:

(1) Chlorotrifluoroethylene resins produced by the homopolymerization of chlorotrifluoroethylene.

(2) Chlorotrifluoroethylene-1,1-difluoroethylene copolymer resins produced by copolymerization of chlorotrifluoroethylene and 1,1-difluoroethylene.

(3) Chlorotrifluoroethylene-1,1-difluoroethylene-tetrafluoroethylene copolymer resins produced by copolymerization of chlorotrifluoroethylene, 1,1-difluoroethylene, and tetrafluoroethylene.

(b) Fluorocarbon resins that are identified in paragraph (a) of this section and that comply with the extractives limitations prescribed in paragraph (c) of this section may be used as articles or components of articles intended for use in contact with food. Fluorocarbon resins that are identified in paragraph (a) of this section and that comply only with the extractives limitations prescribed in paragraph (c) (1) and (2) of this section may be used when such use is limited to articles or components of articles that are intended for repeated use in contact with food or that are intended for one-time use in contact with food only of the types identified in § 121.2526(c), table 1, under types I, II, VI, VII-B, and VIII. In accordance with good manufacturing practice, those food-contact articles intended for repeated use shall be thoroughly cleansed prior to their first use in contact with food.

(c) Extractives limitations are applicable to the basic resins in the form of pellets that have been ground or cut into small particles that will pass through a U.S. Standard Sieve No. 6 and that will be held on a U.S. Standard Sieve No. 10.

(1) A 100-gram sample of the resin pellets, when extracted with 100 milliliters of distilled water at reflux temperature for 8 hours, shall yield total extractives not to exceed 0.003 percent by weight of the resins.

(2) A 100-gram sample of the resin pellets, when extracted with 100 milliliters of 50 percent (by volume) ethyl alcohol in distilled water at reflux temperature for 8 hours, shall yield total extractives not to exceed 0.003 percent by weight of the resins.

(3) A 100-gram sample of the resin pellets, when extracted with 100 milliliters of *n*-heptane at reflux temperature for 8 hours, shall yield total extractives not to exceed 0.010 percent by weight of the resins.

Any persons who will be adversely affected by the foregoing order may at any time within 30 days from the date of its publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington, D.C., 20201, written objections thereto, preferably in quintuplicate. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof.

Effective date. This order shall be effective on the date of its publication in the FEDERAL REGISTER.

(Sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1))

Dated: June 8, 1965.

GEO. P. LARRICK,
Commissioner of Food and Drugs.

[F.R. Doc. 65-6212; Filed, June 14, 1965; 8:48 a.m.]

PART 121—FOOD ADDITIVES

Subpart F—Food Additives Resulting From Contact With Containers or Equipment and Food Additives Otherwise Affecting Food

LUBRICANTS WITH INCIDENTAL FOOD CONTACT

The Commissioner of Food and Drugs, having evaluated the data in a petition (FAP 5B1613) filed by Standard Oil Co. of California, 225 Bush Street, San Francisco 20, Calif., and other relevant material, has concluded that the food additive regulations should be amended to provide for the use of aluminum stearoyl benzoyl hydroxide as a thickening agent in mineral oil lubricants used with incidental food contact. Therefore, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1)), and under the authority delegated to the Commissioner by the Secretary of Health, Education, and Welfare (21 CFR 2.90), § 121.2553 (a)(3) is amended by inserting alphabetically in the list of substances a new item, as follows:

§ 121.2553 Lubricants with incidental food contact.

* * * * * *

(a) * * *

(3) * * *

Substances	Limitations
* * *	* * *
Aluminum stearoyl benzoyl hydroxide.	For use only as a thickening agent in mineral oil lubricants at a level not to exceed 10 percent by weight of the mineral oil.
* * *	* * *

* * * * * *

Any person who will be adversely affected by the foregoing order may at any time within 30 days from the date of its publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington, D.C., 20201, written objections thereto, preferably in quintuplicate. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof.

Effective date. This order shall be effective on the date of its publication in the FEDERAL REGISTER.

(Sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1))

Dated: June 8, 1965.

GEO. P. LARRICK,
Commissioner of Food and Drugs.

[F.R. Doc. 65-6213; Filed, June 14, 1965; 8:48 a.m.]

PART 121—FOOD ADDITIVES

Subpart F—Food Additives Resulting From Contact With Containers or Equipment and Food Additives Otherwise Affecting Food

WATER-INSOLUBLE HYDROXYETHYL CELLULOSE FILM

The Commissioner of Food and Drugs, having evaluated the data in a petition (FAP 5B1673) filed by Transonier Limited, Bridge Hall Lane, Bury, Lancashire, England, and other relevant material, has concluded that the food additive regulations should be amended to provide for the use of additional substances in the production of water-insoluble hydroxyethyl cellulose film intended for use in contact with food. Therefore, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1)), and under the authority delegated to the Commissioner by the Secretary of Health, Education, and Welfare (21 CFR 2.90), § 121.2567 (b)(4) is changed to read as follows:

§ 121.2567 Water-insoluble hydroxyethyl cellulose film.

* * * * * *

(b) * * *

(4) Substances identified in and used in compliance with § 121.2507(c).

* * * * * *

Any person who will be adversely affected by the foregoing order may at any time within 30 days from the date of its publication in the FEDERAL REGISTER filed with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington, D.C., 20201, written objections thereto, preferably in quintuplicate. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof.

Effective date. This order shall be effective on the date of its publication in the FEDERAL REGISTER.

(Sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1))

Dated: June 8, 1965.

GEO. P. LARRICK,
Commissioner of Food and Drugs.

[F.R. Doc. 65-6214; Filed, June 14, 1965; 8:49 a.m.]

No. 114——8

SUBCHAPTER C—DRUGS

PART 141c—PENICILLIN AND PENICILLIN-CONTAINING DRUGS; TESTS AND METHODS OF ASSAY

PART 146a—CERTIFICATION OF PENICILLIN AND PENICILLIN-CONTAINING DRUGS

Sodium Ampicillin; Ampicillin Trihydrate Capsules

Under the authority vested in the Secretary of Health, Education, and Welfare by the Federal Food, Drug, and Cosmetic Act (sec. 507, 59 Stat. 463 as amended; 21 U.S.C. 357) and delegated by him to the Commissioner of Food and Drugs (21 CFR 2.90), the regulations for tests and methods of assay and certification of penicillin and penicillin-containing drugs are amended in the following respects:

§ 141a.123 [Amended]

1. In § 141a.123 *Sodium ampicillin*, an editorial change is made in paragraph (h) by changing the figures in the last sentence "18.75" to read "18.57".

2. Section 146a.7 is amended to alter the requirement that samples of ampicillin trihydrate capsules be submitted by the manufacturer from each day's packaging operation for moisture testing, within the condition specified. The amendment is effected by changing paragraph (d)(2)(i)(*a*) and (3)(i)(*b*) to read as follows:

§ 146a.7 Ampicillin trihydrate capsules.

* * * * * *

(d) * * *

(2) * * *

(*f*) * * *

(*a*) If the person who requests certification is the manufacturer of the batch: Average potency and average moisture of capsules collected during the time of capsuling the batch and, unless the capsules are packaged in dispensing-size containers immediately after they are capsuled, or the manufacturer has submitted to the Commissioner, and it has been accepted, information adequate to prove that such tests are not necessary, average moisture of capsules collected during each day of packaging the batch.

* * * * * *

(3) * * *

(*i*) * * *

(*b*) If, after capsuling, such person packages the batch into dispensing-size containers: 20 capsules, collected at equal intervals during each day the capsules are being packaged, except that the sample is not required if the capsules are packaged immediately after they are capsuled or if the manufacturer has been exempted by the Commissioner from such requirement; or

* * * * * *

Notice and public procedure and delayed effective date are unnecessary prerequisites to the promulgations of this order, and I so find, since the first amendment is merely an editorial change and the nature of the second amendment is such that it cannot be applied to the specific product until its manufacturer has supplied adequate data regarding that article.

Effective date. This order shall be effective on the date of its publication in the FEDERAL REGISTER.

(Sec. 507, 59 Stat. 463 as amended; 21 U.S.C. 357)

Dated: June 7, 1965.

GEO. P. LARRICK,
Commissioner of Food and Drugs.

[F.R. Doc. 65-6215; Filed, June 14, 1965; 8:49 a.m.]

PART 146c—CERTIFICATION OF CHLORTETRACYCLINE (OR TETRACYCLINE) AND CHLORTETRACYCLINE- (OR TETRACYCLINE-) CONTAINING DRUGS

Capsules Tetracycline Hydrochloride and Novobiocin; Capsules Tetracycline Phosphate Complex and Novobiocin; Change in Expiration Date

Under the authority vested in the Secretary of Health, Education, and Welfare by the Federal Food, Drug, and Cosmetic Act (sec. 507, 59 Stat. 463 as amended; 21 U.S.C. 357) and delegated to the Commissioner of Food and Drugs by the Secretary (21 CFR 2.90), the regulations for the certification of chlortetracycline and chlortetracycline-containing drugs (21 CFR 146c.234) are amended by extending the expiration date to 48 months, as follows:

Section 146c.234(d) is amended to read:

§ 146c.234 Capsules tetracycline hydrochloride and novobiocin; capsules tetracycline phosphate complex and novobiocin.

* * * * * *

(d) The expiration date shall be the date that is 18 months after the month during which the batch was certified, except that the blank may be filled in with the date that is 24 months, 36 months, or 48 months after the month during which the batch was certified if the person who requests certification has submitted to the Commissioner results of tests and assays showing that such drug as prepared by him is stable for such period of time. If it is intended solely for veterinary use and it contains cortisone or a derivative of cortisone, in addition to the labeling prescribed by this section, its label and labeling shall conform also with the requirements of § 1.106(c) of this chapter (regulations issued under section 502(f) of the act).

* * * * * *

Notice and public procedure are not prerequisite to the promulgation of this order, and I so find, since the nature of the change is such that it cannot be applied to any specific product unless and until the manufacturer thereof has supplied adequate data regarding that article.

Effective date. This order shall be effective on the date of its publication in the FEDERAL REGISTER.

(Sec. 507, 59 Stat. 463 as amended; 21 U.S.C. 357)

Dated: June 8, 1965.

GEO. P. LARRICK,
Commissioner of Food and Drugs.

[F.R. Doc. 65-6216; Filed, June 14, 1965; 8:49 a.m.]

Title 24—HOUSING AND HOUSING CREDIT

Chapter II—Federal Housing Administration, Housing and Home Finance Agency

SUBCHAPTER C—HOUSING FOR MODERATE INCOME AND DISPLACED FAMILIES

PART 221—LOW COST AND MODERATE INCOME MORTGAGE INSURANCE

Subpart C—Eligibility Requirements—Moderate Income Projects

MAXIMUM INTEREST RATE

In § 221.518 paragraph (b) is amended to read as follows:

§ 221.518 Maximum interest rate.

* * * * *

(b) In the case of a mortgage executed by other than a general mortgagor, as defined in § 221.510(e), the Commissioner may, in his discretion, provide that such mortgage shall bear interest at a rate not to exceed 5¼ percent per annum up to and including the date of the final endorsement by the Commissioner, at which time the rate of interest shall be lowered to the rate determined by the Secretary of the Treasury pursuant to section 221(d)(5) of the Act. The date of issuance by the Commissioner of the memorandum evidencing allocation of funds to a project governs the lowered mortgage interest rate. The following interest rates are effective for the dates listed:

Effective rate (percent)	On or after—	Prior to—
3¼		July 1, 1963
3⅜	July 1, 1963	July 1, 1964
3½	July 1, 1964	July 1, 1965
4	July 1, 1965	

(Sec. 211, 52 Stat. 23; 12 U.S.C. 1715b. Interprets or applies sec. 231, 68 Stat. 599, as amended; 12 U.S.C. 1715*l*)

Issued at Washington, D.C., June 8, 1965.

PHILIP N. BROWNSTEIN,
Federal Housing Commissioner.

[F.R. Doc. 65-6189; Filed, June 14, 1965; 8:47 a.m.]

Title 26—INTERNAL REVENUE

Chapter I—Internal Revenue Service, Department of the Treasury

SUBCHAPTER A—ESTATE AND GIFT TAXES

[T.D. 6826]

PART 20—ESTATE TAX; ESTATES OF DECEDENTS DYING AFTER AUGUST 16, 1954

PART 25—GIFT TAX; GIFTS MADE AFTER DECEMBER 31, 1954

Valuation of Property

On October 10, 1963, notice of proposed rule making was published in the FEDERAL REGISTER (28 F.R. 10882) to include in the Estate Tax Regulations (26 CFR Part 20) and in the Gift Tax Regulations (26 CFR Part 25) additional rules relating to the valuation of property. After consideration of all such relevant matter as was presented by interested persons regarding the rules proposed, the following regulations are hereby adopted.

PARAGRAPH 1. Paragraph (b) of § 20.2031-1 is amended to read as follows:

§ 20.2031-1 Definition of gross estate; valuation of property.

* * * * *

(b) *Valuation of property in general.* The value of every item of property includible in a decedent's gross estate under sections 2031 through 2044 is its fair market value at the time of the decedent's death, except that if the executor elects the alternate valuation method under section 2032, it is the fair market value thereof at the date, and with the adjustments, prescribed in that section. The fair market value is the price at which the property would change hands between a willing buyer and a willing seller, neither being under any compulsion to buy or to sell and both having reasonable knowledge of relevant facts. The fair market value of a particular item of property includible in the decedent's gross estate is not to be determined by a forced sale price. Nor is the fair market value of an item of property to be determined by the sale price of the item in a market other than that in which such item is most commonly sold to the public, taking into account the location of the item wherever appropriate. Thus, in the case of an item of property includible in the decedent's gross estate, which is generally obtained by the public in the retail market, the fair market value of such an item of property is the price at which the item or a comparable item would be sold at retail. For example, the fair market value of an automobile (an article generally obtained by the public in the retail market) includible in the decedent's gross estate is the price for which an automobile of the same or approximately the same description, make, model, age, condition, etc., could be purchased by a member of the general public and not the price for which the particular automobile of the decedent would be purchased by a dealer in used automobiles. Examples of items of property which are generally sold to the public at retail may be found in §§ 20.2031-6 and 20.2031-8. The value is generally to be determined by ascertaining as a basis the fair market value as of the applicable valuation date of each unit of property. For example, in the case of shares of stock or bonds, such unit of property is generally a share of stock or a bond. Livestock, farm machinery, harvested and growing crops must generally be itemized and the value of each item separately returned. Property shall not be returned at the value at which it is assessed for local tax purposes unless that value represents the fair market value as of the applicable valuation date. All relevant facts and elements of value as of the applicable valuation date shall be considered in every case. The value of items of property which were held by the decedent for sale in the course of a business generally should be reflected in the value of the business. For valuation of interests in businesses, see § 20.2031-3. See § 20.2031-2 and §§ 20.2031-4 through 20.2031-8 for further information concerning the valuation of other particular kinds of property. For certain circumstances under which the sale of an item of property at a price below its fair market value may result in a deduction for the estate, see paragraph (d)(2) of § 20.2053-3.

* * * * *

PAR. 2. Section 20.2031-2 is amended by redesignating paragraph (j) as paragraph (l). As so amended § 20.2031-2(l) reads as follows:

§ 20.2031-2 Valuation of stocks and bonds.

* * * * *

(l) *Stock sold "ex-dividend".* In any case where a dividend is declared on a share of stock before the decedent's death but payable to stockholders of record on a date after his death and the stock is selling "ex-dividend" on the date of the decedent's death, the amount of the dividend is added to the ex-dividend quotation in determining the fair market value of the stock as of the date of the decedent's death.

PAR. 3. Paragraph (d) of § 20.2053-3 is amended to read as follows:

§ 20.2053-3 Deduction for expenses of administering estate.

* * * * *

(d) *Miscellaneous administration expenses.* (1) Miscellaneous administration expenses include such expenses as court costs, surrogates' fees, accountants' fees, appraisers' fees, clerk hire, etc. Expenses necessarily incurred in preserving and distributing the estate are deductible, including the cost of storing or maintaining property of the estate, if it is impossible to effect immediate distribution to the beneficiaries. Expenses for preserving and caring for the property may not include outlays for additions or improvements; nor will such expenses be allowed for a longer period than the executor is reasonably required to retain the property.

(2) Expenses for selling property of the estate are deductible if the sale is necessary in order to pay the decedent's debts, expenses of administration, or taxes, to preserve the estate, or to effect distribution. The phrase "expenses for selling property" includes brokerage fees and other expenses attending the sale, such as the fees of an auctioneer if it is reasonably necessary to employ one. Where an item included in the gross estate is disposed of in a bona fide sale (including a redemption) to a dealer in such items at a price below its fair market value, for purposes of this paragraph there shall be treated as an expense for selling the item whichever of the following amounts is the lesser: (i) The amount by which the fair market value of the property on the applicable valuation date exceeds the proceeds of the sale, or (ii) the amount by which the fair market value of the property on the date of the sale exceeds the proceeds of the sale. The principles used in determining the value at which an item of property is included in the gross estate shall be followed in arriving at the fair market value of the property for purposes of this paragraph. See §§ 20.2031-1 through 20.2031-9.

PAR. 4. Section 25.2512-1 is amended to read as follows:

§ 25.2512-1 Valuation of property; in general.

Section 2512 provides that if a gift is made in property, its value at the date of the gift shall be considered the amount of the gift. The value of the property is the price at which such property would change hands between a willing buyer and a willing seller, neither being under any compulsion to buy or to sell, and both having reasonable knowledge of relevant facts. The value of a particular item of property is not the price that a forced sale of the property would produce. Nor is the fair market value of an item of property the sale price in a market other than that in which such item is most commonly sold to the public, taking into account the location of the item wherever appropriate. Thus, in the case of an item of property made the subject of a gift, which is generally obtained by the public in the retail market, the fair market value of such an item of property is the price at which the item or a comparable item would be sold at retail. For example, the value of an automobile (an article generally obtained by the public in the retail market) which is the subject of a gift, is the price for which an automobile of the same or approximately the same description, make, model, age, condition, etc., could be purchased by a member of the general public and not the price for which the particular automobile of the donor would be purchased by a dealer in used automobiles. Examples of items of property which are generally sold to the public at retail may be found in § 25.2512-6. The value is generally to be determined by ascertaining as a basis the fair market value at the time of the gift of each unit of the property. For example, in the case of shares of stocks or bonds, such unit of property is generally a share or a bond. Property shall not be returned at the value at which it is assessed for local tax purposes unless that value represents the fair market value thereof on the date of the gift. All relevant facts and elements of value as of the time of the gift shall be considered. Where the subject of a gift is an interest in a business, the value of items of property in the inventory of the business generally should be reflected in the value of the business. For valuation of interests in businesses, see § 25.2512-3. See § 25.2512-2 and §§ 25.2512-4 through 25.2512-6 for further information concerning the valuation of other particular kinds of property.

(Sec. 7805 of the Internal Revenue Code of 1954; 68A Stat. 917; 26 U.S.C. 7805)

[SEAL] SHELDON S. COHEN,
Commissioner of Internal Revenue.

Approved: June 7, 1965.

STANLEY S. SURREY,
Assistant Secretary of the Treasury.

[F.R. Doc. 65-6086; Filed, June 14, 1965; 8:45 a.m.]

Title 28—JUDICIAL ADMINISTRATION

Chapter I—Department of Justice

PART 0—ORGANIZATION OF THE DEPARTMENT OF JUSTICE

Subpart W—Authority To Compromise and Close Civil Claims

Appendix—Redelegations of Authority To Compromise and Close Civil Claims

By virtue of the authority vested in me by Part 0 of Title 28 of the Code of Federal Regulations, particularly §§ 0.70, 0.160, 0.162, 0.164, 0.166, and 0.171, it is ordered as follows:

TAX DIVISION

[Directive No. 7]

REDELEGATION OF AUTHORITY TO COMPROMISE, SETTLE, AND CLOSE CLAIMS

(1) Subject to the limitations and conditions set forth in paragraph 3 of this directive, the Chief of the Review Section shall have authority to—

(A) Accept offers in compromise of claims in behalf of the United States in all cases in which the gross amount of the original claim does not exceed $100,000, and of claims against the United States in all cases in which the amount of the refund does not exceed $50,000;

(B) Approve administrative settlements not exceeding $10,000;

(C) Close (other than by compromise or by entry of judgment) civil claims asserted by the Government in all cases in which the gross amount of the original claims does not exceed $10,000; and

(D) Reject offers in compromise, regardless of amount.

The provisions of this paragraph shall apply only in those cases in which the proposed disposition of the claim is unopposed by the agency involved or the United States attorney concerned, or by the chief of the section to which the claim is assigned.

(2) Subject to the limitations and conditions set forth in paragraph 3, the First Assistant, Second Assistant and the Assistant for Civil Trials each shall have authority to—

(A) Accept offers in compromise of claims in behalf of the United States in all cases in which the gross amount of the original claim does not exceed $100,000, and of claims against the United States in all cases in which the amount of the refund does not exceed $100,000;

(B) Approve administrative settlements not exceeding $100,000;

(C) Close (other than by compromise or by entry of judgment) civil claims asserted by the Government in all cases in which the gross amount of the original claim does not exceed $100,000; and

(D) Reject offers in compromise, or disapprove administrative settlements or closings, regardless of amount.

(3) The authority redelegated in paragraphs 1 and 2 shall be subject to following limitations and conditions:

(A) When, for any reason, the compromise or administrative settlement or closing of a particular claim, as a practical matter, will control or adversely influence the disposition of other claims totaling more than the respective amounts designated in paragraphs 1 and 2, the case shall be forwarded for review at the appropriate level.

(B) When because of a question of law or policy presented, or because of opposition by the agency or agencies involved, or for any other reason, the proposed disposition should, in the opinion of the person otherwise authorized herein to take final action thereon, receive a review at a higher level, the case shall be forwarded for such review.

(4) Nothing in this directive shall be construed as altering any provision of Subpart W of Part 0 of Title 28 of the Code of Federal Regulations requiring the submission of cases to the Attorney General or the Solicitor General.

(5) The provisions of this directive with respect to administrative settlements shall, among other cases, apply to cases pending on appeal in which the Government confesses error.

(6) In each case in which a compromise or administrative settlement is approved, or a claim is closed, under this directive, the person taking such action shall execute and place in the file a description of the claim and a full statement of the reasons for such action, and shall, by appropriate means, advise the Assistant Attorney General thereof.

(7) This directive shall be effective on the date of its publication in the FEDERAL REGISTER.

TAX DIVISION Directive No. 3 of June 6, 1961, is hereby superseded and the Appendix to Subpart W of Part 0 of Title 28 of the Code of Federal Regulations is hereby amended accordingly.

LOUIS F. OBERDORFER,
Assistant Attorney General.

Approved: June 11, 1965.

NICHOLAS DEB. KATZENBACH,
Attorney General.

[F.R. Doc. 65-6271; Filed, June 14, 1965; 8:50 a.m.]

Title 32—NATIONAL DEFENSE

Chapter V—Department of the Army

SUBCHAPTER E—ORGANIZED RESERVES

PART 562—RESERVE OFFICERS' TRAINING CORPS

Organization and Training of Units

Paragraph (a) of § 562.13 is revised; and in § 562.15, paragraph (b) (1) is revised and a new paragraph (g) is added, as follows:

§ 562.13 Establishment of senior division ROTC units.

(a) *Requirements for establishment.* In applying for a unit, the educational institution may indicate a choice of either a branch material (BM) or a general military science (GMS) unit. This choice may be indicated in item 16, DA Form 918 (Application and Agreement for Establishment of Army Reserve Officers' Training Corps Unit). The branches of the Army which are established in senior division units are Armor, Artillery, Chemical Corps, Corps of Engineers, Infantry, Military Police Corps, Ordnance Corps, Quartermaster Corps, Signal Corps, or Transportation Corps. The preference of the institution will be considered, but the type of unit approved for establishment will be determined by the Secretary of the Army based on the needs of the Army. To be eligible for a senior division unit the institution must:

(1) Be a 4-year degree granting college or university.

(2) Be accredited by the appropriate regional accrediting association.

(3) Have a male enrollment large enough to insure that the requirements of subparagraph (4) (xii) and (xiii) of this paragraph (if applicable) will be met.

(4) Agree to the following:

(i) To establish a Department of Military Science as an integral academic and administrative department of the institution.

(ii) To adopt as part of the institution's curriculum either or both a 4-year course of military instruction or a 2-year course of advanced training of military instruction.

(iii) To require each student enrolled in any ROTC course to devote the number of hours to military instruction prescribed by the Secretary of the Army.

(iv) To make available to the Department of Military Science the necessary classrooms, administrative offices, office equipment, storage space, and other required facilities in a fair and equitable manner in comparison with other departments of the institution.

(v) To grant appropriate academic credit applicable toward graduation for successful completion of courses offered by the Department of Military Science.

(vi) To arrange for the scheduling of military classes to make it equally convenient for students to participate in ROTC as in other courses at the same educational level.

(vii) To include a representative of the Department of Military Science designated by the professor of military science on all faculty committees whose recommendations would directly affect the Department of Military Science.

(viii) To appoint an officer of the institution as military property custodian who will be empowered to requisition, receive, stock and account for Government property issued to the institution and otherwise transact matters pertaining thereto, for and in behalf of the institution. (This proviso is applicable only to institutions which maintain accountability and responsibility for Government property provided for the ROTC program.)

(ix) To conform to the regulations of the Secretary of the Army relating to issue, care, use, safekeeping, turn-in and accounting for such Government property as may be issued to the institution. (This proviso is applicable only to institutions which maintain accountability and responsibility for Government property provided for the ROTC program.)

(x) To comply with the provisions of law and regulations of the Secretary of the Army pertaining to the furnishing of a bond to cover the value of all Government property issued to the institution, except uniforms, expended articles, and supplies expended in operation, maintenance, and instruction. (This proviso is applicable only to institutions which maintain accountability and responsibility for Government property provided for the ROTC program.)

(xi) To provide without expense to the Army, adequate storage and issue facilities for all Government property provided for the ROTC program. Adequate facilities will consist of safe, well lighted, dry, heated, ventilated areas, provided with office space, shelving, bins, clothing racks, and cabinets as required, and suitable storage space for arms and ammunition. All windows will be securely barred or provided with heavy mesh screen and doors will be reinforced and fitted with cylinder locks. Such facilities will be separate and apart from those occupied by any other department of the institution or other Government agency. Determination will be made by the major commander as to adequacy, safety, and satisfactory nature of storage and issue facilities. (This proviso is applicable to instructions which have transferred accountability and responsibility for Government property to the Army under the terms of DA Form 918a (Supplement to Agreement for Establishment of Army Reserve Officers' Training Corps Unit).)

(xii) To produce a minimum of 25 officers each year.

(xiii) To maintain an enrollment of 100 students in the basic course, if the basic course is maintained.

(5) Comply with the following requirements:

(i) That no ROTC unit of any type will be established or maintained at an educational institution which discriminates with respect to admission or subsequent treatment of students on the basis of race, color, or national origin. The governing authorities of the institution must affirm that the institution is operated under nondiscriminatory principles in the enrollment and subsequent treatment of students on the basis of race, color, or national origin.

(ii) That no unit may be established or maintained unless the senior commissioned officer assigned to the institution is given the academic rank of professor.

* * * * *

§ 562.15 Conditions for retention of units.

In order to retain an established ROTC unit, each institution must continuously meet the following requirements:

* * * * *

(b) *Enrollment.* Each institution must meet the following enrollment requirements:

(1) *Class MC and CC institutions.* Maintain an enrollment of 100 students in the basic course throughout the academic year, if the basic course is maintained, except the University of Alaska, which will be required to enroll at least 50 students in the unit.

* * * * *

(g) *Equal opportunity.* No ROTC unit of any type will be maintained at an educational institution which discriminates with respect to admission or subsequent treatment of students on the basis of race, color, or national origin. Any institutions so discriminating will be notified that commencing with the following school year no new inputs will be made and the units will be disestablished as the remaining classes complete the program. Exceptions will be made only in the case of institutions with plans for desegregation and only upon approval of the Secretary of Defense. The heads of institutions with senior division units must provide assurance that the institution is operated under nondiscriminatory principles by executing DA Form 918b (Amendment to Application and Agreement for Establishment of Army Reserve Officers' Training Corps Unit). Institutions with a unit of the military schools division or junior division must give this assurance by executing a Statement of Assurance as follows:

ASSURANCE OF COMPLIANCE WITH THE DEPARTMENT OF DEFENSE DIRECTIVE 1215.3, 12 FEBRUARY 1965, ON EQUAL OPPORTUNITY

1. The governing officials of _____

(Name of *(School) or **(School system))

hereby agree to comply with the provisions of Department of Defense Directive 1215.3, 12 February 1965, on equal opportunity, which requires that no Reserve Officers' Training Corps unit of any type will be established or maintained at an educational institution which discriminates with respect to admission or subsequent treatment of students on the basis of race, color, or national origin. Any institutions so discriminating which now have Reserve Officers' Training Corps units shall be notified that commencing with the next school year no new inputs will be made and the units will be disestablished as the remaining classes complete the program.

2. By executing this assurance, the officials affirm that this *(school) or **(school system) is operated under nondiscriminatory principles concerning enrollment and subsequent treatment of students on the basis of race, color, or national origin.

3. This assurance is given for the purpose of maintaining the Army Reserve Officers' Training Corps unit operated at this *(school) or **(school system), which involves an expenditure of Federal funds.

For the school or school system		
Typed name and title:	Signature:	Date:
Name of school or school system:	Location:	
For the Secretary of the Army		
Typed name and title:	Signature:	Date:

*Strike out inapplicable words.

**The schools listed below of this school system are covered individually and separately by this agreement.

(C10, AR 145–180, 27 April 1965) (Sec. 3012, 70A Stat. 157; 10 U.S.C. 3012)

J. C. LAMBERT,
Major General, U.S. Army,
The Adjutant General.

[F.R. Doc. 65–6186; Filed, June 14, 1965; 8:46 a.m.]

Title 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

[Docket No. 15851 (RM–105); FCC 65–509]

PART 31—UNIFORM SYSTEM OF ACCOUNTS FOR CLASS A AND CLASS B TELEPHONE COMPANIES

PART 33—UNIFORM SYSTEM OF ACCOUNTS FOR CLASS C TELEPHONE COMPANIES

Deletion of Crossarms, Pole Stubs, and Pole Butts From List of Retirement Units for Pole Lines

At a session of the Federal Communications Commission, held at its offices in Washington, D.C., on the 9th day of June 1965;

The Commission having under consideration the notice of proposed rule making in the above-entitled matter which was published in the FEDERAL REGISTER on February 25, 1965 (30 F.R. 2472), in accordance with section 4(a) of the Administrative Procedure Act; and

It appearing, that the time for filing comments with respect to this matter has expired; and

It further appearing, that timely comments concurring in the proposed amendments were received from the G.T. & E. Service Corp. and the United States Independent Telephone Association and that the G.T. & E. Service Corp. recommended that more valid annual comparative data is available when accounting amendments are made effective the first of the year following their adoption in lieu of the proposal that any amendments should be made effective the first day of the month immediately following their adoption; and

It further appearing, that the effective date of these amendments should be January 1, 1966; and

It further appearing, that the proposed amendments should be adopted exactly as proposed in the notice of proposed rule making except as to the effective date; and

It further appearing, that the amendments adopted herein are issued pursuant to authority contained in sections 4(i) and 220(a) of the Communications Act of 1934, as amended:

It is ordered, That, effective January 1, 1966, the subsection applicable to account 241 of § 31.8 of Part 31 (Uniform System of Accounts for Class A and Class B Telephone Companies) of the Commission's rules and regulations is amended to read as follows:

§ 31.8 List of retirement units.

* * * * *

241 POLE LINES

A pole (i.e., line pole, brace pole, guy stub, or pole forming part of A or H fixture), with or without associated anchors, guys, crossarms, steps, etc.

A special fixture (i.e., a bridge fixture, a tower, or other special river-crossing or long-span fixture), with or without associated anchors, guys, crossarms, etc.

* * * * *

It is further ordered, That, effective January 1, 1966, the subsection applicable to poles under "Poles, Conduit, Cable, and Wire (Account 1045)" of § 33.81 of Part 33 (Uniform System of Accounts for Class C Telephone Companies) of the Commission's rules and regulations is amended to read as follows:

§ 33.81 Units of property.

* * * * *

POLES, CONDUIT, CABLE, AND WIRE (ACCOUNT 1045)

Poles:

A pole (i.e., line pole, brace pole, guy stub, or pole forming part of A or H fixture), with or without associated anchors, guys, crossarms, steps, etc.

A special fixture (i.e., a bridge fixture, a tower, or other special river-crossing or long-span fixture), with or without associated anchors, guys, crossarms, etc.

* * * * *

It is further ordered, That this proceeding is hereby terminated.

(Secs. 4, 220 Stat. 1006, as amended, 1078; 47 U.S.C. 154, 220)

Released: June 10, 1965.

FEDERAL COMMUNICATIONS COMMISSION,[1]
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 65–6203; Filed, June 14, 1965; 8:48 a.m.]

[Docket No. 14229 etc.; FCC 65–504]

PART 73—RADIO BROADCAST SERVICES

Table of Assignments

In the matter of fostering expanded use of UHF television channels, Docket 14229 (see appendix below for related petitions for rule making); amendment of § 73.606 Table of Assignments, television broadcast stations (Gaithersburg, Md.), Docket No. 14930, RM–394; amendment of § 73.606 Table of Assignments, television broadcast stations (Evansville, Ind.), Docket No. 15000, RM–384; amendment of § 73.606 Table of Assignments, television broadcast stations (Akron and Massillon, Ohio), Docket No. 15027, RM–402; amendment of § 73.606 Table of Assignments, television broadcast stations (Dayton, Ohio), Docket No. 15095, RM–416; amendment of § 73.606 Table of Assignments, television broadcast stations (Ashland, Ky.), Docket No. 15146; amendment of § 73.606 Table of Assignments, television broadcast stations (Sacramento, San Francisco-Oakland, Santa Barbara, and Watsonville, Calif.; Waycross, Ga.; Keene and Littleton, N.H.; Atlantic City, N.J.; Athens and Chattanooga, Tenn.), Docket No. 15144, RM–372, RM–373, RM–397, RM–398, RM–404, RM–405, RM–432, RM–461.

BACKGROUND

1. In the original notice of proposed rule making in this docket (adopted July 27, 1961, FCC 61–993) [1] the Commission proposed certain actions intended to encourage and facilitate fuller use of the 70 UHF television channels by both commercial and educational television interests. Among the matters to be considered were the relaxation of certain technical requirements, the possibility of requiring dual VHF–UHF operation by licensees looking toward large-scale deintermixture or the possible shift of all TV operation to the UHF channels, and a recommendation to Congress for authority to require all TV receivers to be capable of receiving both VHF and UHF television channels. It was proposed to establish a "pool" of UHF channels to be held for ultimate use by VHF licensees.

2. Congress enacted Public Law 87–529, effective July 10, 1962, which gave the Commission authority to require that all TV receivers manufactured for shipment in interstate commerce, be capable of receiving both VHF and UHF channels, and such regulations were subsequently adopted by the Commission to become effective May 1, 1964. In its First Report and Order in the subject proceedings (adopted July 18, 1962, FCC 62–797) [2] the Commission concluded that the all-channel TV receiver legislation eliminated the need for dual VHF–UHF operation as a stimulant for increased UHF receiver construction and that large-scale deintermixture or a shift of all TV to the UHF channels was undesirable and unnecessary. In a Second Report and Order (adopted Mar. 27, 1963, FCC 63–600) the Commission adopted other proposals relaxing certain technical requirements for UHF stations.

THE PRESENT PROCEEDING

3. Having explored various alternatives for reaching our objectives of providing for a system of competitive nationwide television service reaching all parts of the country with the largest pos-

[1] Commissioner Bartley absent.

[1] Aug. 11, 1961, 26 F.R. 7282.
[2] July 25, 1962, 27 F.R. 7040.

sible number of program choices and providing for as many outlets of local expression as possible within the available spectrum space, and having concluded that these objectives can best be met by utilizing the 12 VHF and 70 UHF television channels in a freely intermixed system, we could have terminated these proceedings. However, a nationwide survey of the needs for TV channels for educational purposes, conducted by the National Association of Educational Broadcasters (NAEB) in mid-1961, led to a recommendation by NAEB that the number of channels reserved for use by educational TV broadcast stations be increased fourfold. Since most of this expansion would have to be in the UHF television broadcast band, the Commission began a series of studies to determine the impact of the increased educational requirements on the nationwide assignment plan.

4. On October 24, 1963, the Commission adopted a further notice of proposed rule making in the subject proceedings (FCC 63-975) [2] proposing to revise the Table of Assignments for UHF television channels. The table proposed in that notice was simply a saturated version of the Table of Assignments appearing in the then current rules. It was constructed manually by making a channel-by-channel study beginning with Channel 14 and going through Channel 83 and merely adding channels wherever space could be found on the map. With regard to educational reservations priority was given to placing assignments in communities where educational interests (in most cases, NAEB) had indicated a desire for an educational reservation. Certain other guidelines, set forth in the notice, were used in placing commercial assignments. It was realized that this was not the most efficient assignment plan but it served to place in proper perspective the impact of the increased educational reservations. The notice stated that other assignments would be made either on the basis of requests received in comments or as the result of a continuing study by the staff of the Commission.

5. Shortly after this notice was released, the NAEB submitted an alternative assignment plan for UHF channels which had been developed through the use of an electronic computer. Funds for this study were supplied by the Department of Health, Education, and Welfare (HEW) at the request of NAEB, which request was endorsed by the Commission. The NAEB plan was accepted as a comment in the proceeding, but because it was significantly different from the plan proposed by the Commission, it was published along with an order extending the time for filing comment, so that we would have the benefit of comments by all interested parties. Although there were shortcomings in the NAEB plan, it provided valuable experience in the use of an electronic computer for the development of broadcast channel assignment plans. The speed with which a computer can perform intricate computations and examine stored data opened a new avenue for designing an assignment plan heretofore considered impractical because of the time involved.

[2] Nov. 2, 1963, 28 F.R. 11738.

6. Whenever a UHF channel is assigned to a given city, it cannot be assigned to another city at less than 155 miles in Zone I, 175 miles in Zone II or 205 miles in Zone III if the stations using that channel are to provide interference-free reception over a reasonable area. In addition to this cochannel separation requirement, assignments on certain other related channels must be far enough away so that reception will not be destroyed or seriously impaired. These separations often called "taboos", may number as many as 18 for each assignment and the affected channels must be spaced at least 20 miles in the case of the 2, 3, 4, 5, and 8th channel above and below the channel used; 55 miles in the case of the channel immediately adjacent above and below; 60 miles in the case of the 7th and 14th channels above and below; and 75 miles in the case of the 15th channel above and below the channel used. Thus each channel assignment may be said to have an "impact" on additional assignments that would otherwise be available for assignment to the city in which an assignment is made or to other cities around the city in which an assignment is made. By use of the computer it is possible to distribute channels so that each assignment chosen for a given city has the least impact on available assignments in that city and other surrounding cities and therefore leaves the most assignments still available, resulting in a more efficient assignment plan in terms of number of assignments. The overall efficiency, however, may be affected by the order in which the computer selects the cities. Nevertheless, in weighing impact at all, the computer represents a substantial advance over manual methods where allocation experts must rely on intuition and experience.

7. The NAEB computer study made another valuable contribution to the development of channel allocations. If assignments are made at exactly the prescribed minimum separations, transmitter sites would have to be located at the reference point used in making the distance computations. In most cities, this is the location of the main post office. This is obviously impractical. Therefore, a certain amount of flexibility should be provided so that sites complying with local zoning requirements, where transmitting antennas and their supporting structures do not create a hazard to air navigation and where suitable land is available, can be used without violating the station separation requirements. This means that assignments must be made at somewhat over the absolute minimum separations specified in the rules. With additional funds made available by HEW, NAEB made studies of the effect of various amounts of mileage "flexibility" on the total number of assignments that could be made. The results showed that adding the flexibility" reduced the number of assignments in an almost linear relationship to the amount of "flexibility" added. It was most marked in the heavily populated areas where large cities are closely spaced and it was necessary to saturate the Table of Assignments.

EXPERIMENTS WITH AN FCC COMPUTER DERIVED ASSIGNMENT PLAN

8. Armed with the knowledge and experience gained from the NAEB computer studies, Commission staff members began a series of studies to determine the feasibility of creating an assignment plan with our own Univac III computer. Cities in which assignments were sought were supplied to the computer in a predetermined sequence. Priority was given to the city having the fewest channels available for assignment for in many cases, only one or two channels were available for assignment to a city because of existing stations in the United States and channel assignments to Canadian and Mexican cities made by international agreement. It was considered most important to make the assignments in these cities before the available channels were wiped out by assignments to other cities. If there was more than one city with an equal number of available assignments, the city with the largest number of new channel requirements was selected. If this still resulted in a tie, the computer chose the largest city. If only one channel was available for the assignment the computer made the assignment. If it had a choice of more than one channel, it examined each in turn beginning with the lowest available channel, and counted the number of other available assignments both in the city, under consideration and other cities that would have been excluded if it were selected for assignment. It then selected the appropriate channel and made the assignment. If more than one of the channels had the same low impact, it selected the lowest numbered channel. Having made the selection it recorded the assignment, removed the channels that had been excluded from the lists of available channels, and then moved on to the next city having the fewest remaining available assignments. The computer was told in advance how many channels to find for each city and when it had made that number of assignments it considered the city to be satisfied and made no further assignments to that city. After it had either satisfied all of the cities within the assignment area or had exhausted the available assignments it terminated the run. The new Table of Assignments was then printed out showing the assignments made to each city including those carried as existing assignments and also listing any channels remaining available for assignment in each of the cities in the list. It also showed the number of unsatisfied requirements in those cities where it was unable to find enough channels. Provision was made to interrogate the computer as to why it had failed to assign specific channels to any city including those unsatisfied cities. It replied by showing the required distance separation for the channel under investigation and related "taboo" channels, and the actual distances in miles which precluded the use of the channel. From this information it could be determined that the desired assignment could be made if an assignment in another place was deleted or changed. This could be done by manually overriding the decision of the computer.

9. Having decided on the new assignments which would be accepted they were then treated in the same manner as existing stations and the computer selected the next area for making new assignments. Obviously the assignments accepted in the first area will have an effect on the assignments which may be made in adjacent areas. There was concern that the area chosen first would be favored in terms of total number of assignments and in the selection of the lower numbered UHF channels. Accordingly, tests were conducted to study this effect. After the assignments chosen in the first area considered had been accepted and used as existing stations when making assignments in an adjacent area, a second assignment plan was made starting in the second area, accepting the assignments made in that area and then going to the first area and making assignments based on the assignments chosen in the second area. Surprisingly, the majority of the assignments chosen in each plan were identical. In the few instances where different channels were selected, there was no evidence that one area was favored over the other in terms of total assignments or low-numbered channels. In a few instances there were cities close to the boundary between assignment areas which could not both be satisfied. In such cases, the program favored the city in the first area chosen. For example, one of the boundaries in this test fell between Baltimore and Washington. If the area containing Baltimore was assigned first the Washington assignments fell one short of our objective and Baltimore was satisfied. If the area containing Washington was assigned first, the reverse was true. If only one of the cities could be satisfied, the computer was told which choice to make.

10. Several interesting things were learned from these trial runs. The computer makes a complete nationwide assignment plan in approximately 10 hours as compared with nearly a year which would be required by two allocation engineers performing this function manually. The program permits the use of different mileage "flexibilities" with respect to the cochannel separations and all of the "taboos" each time an assignment plan in a given area is created. Tests using cochannel mileage "flexibility" factors of as much as 30 miles and as little as zero miles were made and confirmed the findings of NAEB regarding the impact of the added flexibility. On the basis of these tests it was decided that in the densely populated areas no more than 10 miles could be added to the minimum cochannel spacing and 5 miles to the "taboos" for flexibility in selecting a transmitter site. However, the majority of the assignments chosen have more mileage flexibility than the above amounts because of the random distribution of cities. In a few instances assignments were accepted with slightly less flexibility in order to secure badly needed assignments in specific cities. In no case were assignments made at less than the minimum mileage separations prescribed in the rules.

SELECTION OF CITIES AND ASSIGNMENTS

11. Our experiments convinced us that the computer is an efficient and effective tool for allocation planning. Its great advantage over manual methods is its ability to supply a range of alternative allocations in a minimum time span. But constructing the plans to be fed into the computer requires a high degree of judgment as to the probable future pattern of need and demand for specific stations. For the educational reservations we have relied heavily on the national survey of the NAEB as well as on petitions from individual State and other educational organizations. For the non-reserved assignments, we have relied primarily on our experience in VHF television and radio broadcasting as well as on the pattern of applications and authorizations in UHF and the petitions and requests received.

12. Our overall objective has been to provide an equitable distribution of facilities among the States and communities in accordance with the mandate of section 307(b) of the Act. The plan adopted herein, if implemented, will permit a multiple choice of program fare in all areas of the country. It provides channels to accommodate the three national networks in the larger market areas with provision for the possible future development of a fourth network, and provides one or more additional channels for independent stations in the great majority of the top 75 markets. No less important the plan provides channels for local outlets in a large number of selected communities above 25,000 population. Moreover, as discussed below, a key element in this plan is its flexibility. It leaves channels available for future assignment to many of the cities in the Table as well as new cities not yet in the Table.[3]

13. With respect to the educational reservations, where individual States have submitted statewide plans, we have generally provided the channels required for statewide coverage of at least one educational service. In States where no formal statewide plan was submitted we chose appropriate cities from among those recommended by the NAEB so that if stations are constructed on these channels they will provide reception to all parts of the State. Moreover, in most of the cities of 100,000 or more population, we have assigned at least one channel for a local educational broadcasting service and in the largest cities a second educational channel. In general, we have deviated from the educational proposals received in two respects: We have not provided more than two educational reservations in the larger cities as requested by the NAEB and we have not reserved channels in cities below 25,000 unless required for statewide coverage or to provide for existing authorizations or applicants. The first of these decisions results from the availability of 2,500 Mc/s to provide for multichannel in-school educational service and our need to balance equitably educational and alternative community interests in the disposition of the limited broadcast channels. The basis of our second decision is discussed below.

14. The Table of Assignments adopted in this initial report is not "saturated". In general, commercial assignments have been limited to cities of 25,000 or more population. Our decision in this respect is based on past experience with assignment tables wherein many small communities were selected simply because they were the largest community in a limited area where a channel assignment could be made. Thereafter, if a channel requirement arose in one of the other communities which could have been chosen initially, it was necessary to go through rule making to move the channel from one community to the other. This invited objections from interests in the community originally chosen which often were inspired by civic pride or vague speculation about the future rather than any firm plans for the actual construction and operation of a TV station in the community. Since the precise pattern of future commercial and educational use of the channels cannot be determined, we can maintain needed flexibility by establishing a limited framework of assignments in places where there is reasonable expectancy that they may be used and withholding other possible assignments until a specific need arises. As we gain additional experience we can reassess the desirability of a general filling in of the table or of continuing to expand the table in response to individual petitions.

15. One of the problems with any assignment plan is to establish geographic separations great enough to provide protection from interference over a reasonable area but not so great as to unduly restrict the total number of assignments that can be made on each channel. The separations specified in our present rules were adopted after extensive studies by the Commission in cooperation with industry groups and are considered to be the best that can be derived. However, an assignment plan based on such separations loses efficiency if stations operate with low power and low antennas. There are many medium and small communities in the United States that will need a local TV outlet but which are unlikely to operate with a million watts of power from an antenna of 1,000 feet or more. Some form of low power TV operation would meet their needs. Therefore, in a further notice of proposed rule making in this proceeding we are proposing to create a new class of television broadcast station to operate with limited power and antenna height. This will permit lower geographic spacing and a corresponding increase in the number of assignments that can be made on each

[3] No UHF channel assignments have been made in the quiet zone as defined in § 73.638 of the Commission rules. However, consideration will be given to petitions for channel assignments filed by parties contemplating the construction and operation of new UHF television broadcast stations in this area. Such petitions will, of course, be assessed as to the impact of such proposals on the quiet zone.

channel. It will require setting aside a group of channels for the exclusive use of these low powered stations. In the assignment plan adopted in this Report and Order, we have avoided making any assignments on channels above Channel 69 except where there is already an existing or authorized station and in a few instances where applications for new TV stations have been filed for channels appearing in the present Table of Assignments and no replacement channel could be found on channels below Channel 70. In the event that the Commission decides that the public interest would not be served by creating the proposed new class of TV station, the Table of Assignments will be further revised to include assignments through Channel 83.

16. Originally, it was our intention to saturate the new Tables of Assignments so as to prevent the gravitation of available assignments to the larger cities where the demand for additional service would prove immediately attractive to prospective licensees. This could lead to a concentration of assignments in the metropolitan centers leaving few channels to meet future demands for local commercial and educational outlets in the smaller cities and to provide additional area coverage beyond the range of the stations located in the metropolitan centers. However, having established the assignment matrix adopted in this Report and Order, we find that the assignment possibilities have been exhausted in most of the large metropolitan centers. In those cities where additional assignments might be made we have a tool in the electronic computer which can quickly assess the impact of such additional assignments on channel availabilities in surrounding areas and determine whether there is an adequate reserve of assignments. Future petitions for rule making to add channels to cities in the Table of Assignments adopted herein or to add new cities in the Table of Assignments adopted herein are expected to contain an engineering study showing that the channel requested was selected as having the least impact on other available assignments, in the same manner as channels were selected by the computer for the overall plan adopted herein. Our computer will be used to verify the selection. In the event that the Commission adopts rules for community TV stations, a similar channel selection procedure will be required in that service.

STATISTICAL DESCRIPTION OF ASSIGNMENT TABLE

17. Overall, the table lists in the continental U.S. 1738 assignments in 784 communities. The UHF assignments are divided as between 572 unreserved assignment and 508 reserved assignments. The table includes unchanged from the previous Allocation Table 658 VHF assignments (556 unreserved and 102 reserved). Forty-five cities have two educational channels each.

18. The assignment table provides assignments in the top 150 markets[1] approximately as follows:

Market rank	Number of markets with designated numbers of unreserved assignments				
	6 or more	5	4	3	2
Top 25	22	3	0	0	0
26–75	16	23	8	1	0
76–100	1	5	10	1	1
101–150	2	0	11	30	1

From the above summary it is clear that with minor exceptions commercial assignments (VHF and UHF combined) are distributed as follows: Top 25 markets, 6 or more; 26–75, 5 or more; 76–100, 4 or more; and 101–150, 3 or more. This pattern is not uniform, however: The conflicting needs of other communities, of educational institutions, and of our neighbor countries all affected the distribution to these markets.

19. At the 150th market level net weekly circulation is approximately 95,000 TV households. Below this level, the great majority of assignments have been made on the basis of one or two assignments per market. We are not hereby determining that three or more stations can necessarily prove economically successful in all markets above this level, or that markets below this level cannot support more stations than they are assigned. However, if the assignments in these markets are taken up it is estimated conservatively that over 90 percent of all TV homes should have access to three or more television services.

20. While the educational assignments provided for herein are less than proposed in our previous notice (610 compared with 695), this in nowise evinces a lesser concern by the Commission for the long-range needs of education. In large measure the reserved assignments which we have not included in this table are in small communities. By adopting an unsaturated, flexible table at this time and by opening the possibility of community stations in the channels above 69, we believe that the future needs of the educational service will be better served. At the same time, the reserved assignments included in the table are sufficient to provide generally for statewide educational service as well as to take care of the special needs of larger communities and smaller educational centers.

SPECIFIC PETITIONS AND DOCKETED PROCEEDINGS

21. A great many comments were filed in this proceeding and it is impractical to discuss them individually in this document. However, they have all been thoroughly studied and all requests for channel assignments and comments supporting such requests have received careful consideration. Many of the requests for channel assignments referred to specific channel numbers and related such requests either to the present assignment plan in § 73.606 of our rules or to our proposed revisions of the table or to the NAEB proposal. The success of the computer-derived plan depends upon it having the maximum possible flexibility in choosing new assignments. Therefore, only those channels in our present plan which are assigned to authorized stations were retained and new assignments were chosen without regard to the unused UHF channels in our present plan, our proposal, or the NAEB proposal. While this may have resulted in the choice of some other channel than that proposed or requested, we consider the request to have been acted upon. In those cases where we have not provided a channel in the table as requested it has been because we were unable to meet all of the demands for channels or we consider the place more suitable for the use of a proposed low-power type of operation. Some of the comments were of such broad scope or far reaching consequence as to warrant specific discussion.

22. The Midwest Program for Airborne TV Instruction (MPATI) requested the assignment of Channels 72, 74, 76, 78, 80, and 82 for use aboard an aircraft flying at an elevation of approximately 22,000 feet above the town of Montpelier, Ind. The question of whether or not such operation should be authorized in the UHF television broadcast band was the subject of a separate proceeding (Docket No. 15201, adopted Oct. 24, 1963, FCC 63–974). The Commission on May 12 instructed its staff to draft a document which would deny the petition by the Midwest Program on Airborne Television Instruction, Inc. (MPATI), for regular use of that service on six channels in the upper UHF television broadcast band.

23. The Georgia State Board of Education (GSBE) proposed that 30 channels between Channels 14 and 43 inclusive, be reserved for use by educational TV stations on a nationwide basis and that new assignment principles with regard to station separations be adopted so as to permit the most effective use of the channels. The GSBE proposal looks toward a multichannel TV system needed primarily for instructional purposes. The notice of proposed rule making proposing to revise the UHF Table of Assignments noted that large-scale multichannel reservations for educational use could not be accommodated in the UHF television broadcast band. We stated that we would attempt to provide a maximum of two reserved channels in the major markets but could not go beyond this because of the need to provide competitive facilities in the larger cities and local outlets in a large number of other communities. The removal of 30 UHF broadcast channels as suggested by GSBE would make this impossible and would not be in the public interest.

24. At the time the proposal to revise the UHF assignment table was issued, there were seven outstanding notices of proposed rule making involving changes in UHF channel assignments. They were incorporated in the overall revision of the Table of Assignments for UHF channels covered by this proceeding. One of them, Docket No. 15598, involving the reservation of Channel 33 for educational use of Harrisburg, Pa., was concluded in an earlier action by the Commission, and Channel 33 is now assigned to WIRF–TV operated by South Central Educational Broadcasting Corp. at Hershey, Pa. The disposition of the remaining six is discussed below:

(a) *Docket No. 14980.* Dixon Industries, Inc., requested the assignment of Channel 18 to Gaithersburg, Md. (RM–394). Notice of proposed rule making was adopted February 20, 1963. When the decision was made to revise the entire Table of Assignments for UHF channels, further action in this docket was deferred so that it could be considered in the context of the overall assignment plan. Omission of the channels above Channel 69 made it impossible to find an assignment for Gaithersburg due to the heavy demands for channels in the Philadelphia, Baltimore-Washington area. If the Commission creates the proposed Community TV service, a local channel could be provided for Gaithersburg.

(b) *Docket No. 15000.* South Central Broadcasting Corp., requested the assignment of Channel 25 to Evansville, Ind. (RM–384). Notice of proposed rule making was adopted March 6, 1963. Action was deferred when the decision was made to revise the entire Table of Assignments for UHF channels and it was incorporated in that proceeding. In the assignment plan adopted herein, Channel 25 is assigned to Evansville as requested.

(c) *Docket No. 15027.* Summit Radio Corp., requested the exchange of Channels 23 and 49 between Akron and Massillon so that it could be assigned Channel 23 for use by WAKR–TV in Akron (RM–402). In the plan adopted herein which makes assignments only up through Channel 69, no assignments were found for Massillon and it was omitted from the table. The selection of other channels for the overall plan made the assignment of Channel 23 to Akron impossible. Therefore, Channel 49 was retained in Akron for use by Summit.

(d) *Docket No. 15095.* Taft Broadcasting Corp. requested the assignment of Channel 44 to Dayton, Ohio. (RM–418). In the plan adopted herein, Channel 16 is assigned to Dayton.

(e) *Docket No. 15144.* As the result of a number of petitions (RM–372, 373, 397, 398, 404, 405, 432, and 461) requesting educational reservations in various communities, the Commission instituted this Docket. It proposed UHF educational reservations in Sacramento, San Francisco, Santa Barbara, and Watsonville, Calif.; Keene and Littleton, N.H.; Atlantic City, N.J.; and, Athens and Chattanooga, Tenn. The plan adopted herein includes the following educational reservations: Sacramento, Channel 6; San Francisco, Channels 9 and 60; Santa Barbara, Channel 31; Watsonville, Channel 53; Keene, Channel 48; Littleton, Channel 59; Atlantic City, Channel 16; Athens, Channel 35; and, Chattanooga, Channel 38.

(f) *Docket No. 15146.* The Kentucky Authority for Educational Television requested the assignment and reservation of Channel 19 to Ashland, Ky. Of the 25 UHF channels assigned to the State of Kentucky, 13 are reserved for educational use. Fifteen of the UHF assignments in Kentucky are in what is generally considered to be the lower part of the band, i.e., Channel 40 or below. Of the 15 assignments, 7 are reserved for education. Ashland is one of the communities that received an educational reservation in the upper portion of the UHF band. In the plan adopted herein, Ashland is assigned Channel 61.

25. Forty-five other outstanding petitions for rule making are disposed of in this Report and Order. They are listed in the attached Appendix I. Most of them are requests for the assignment of UHF channels by parties contemplating the construction and operation of new UHF television broadcast stations. Seven of these were filed by state educational authorities and requested channels in various cities for ultimate use in a statewide educational TV system. Eleven were filed by individual colleges, State or local educational authorities and requested single channel assignments in individual communities. Three were filed by existing commercial UHF licensees or permittees who sought replacement of their present channel assignment with a lower channel. One was filed by Purdue University, the original licensee for the MPATI airborne TV experiment, and requested the substitution of another channel for Channel 73 at Lima, Ohio, because Channel 73 conflicted with the contemplated MPATI use.

26. It has been possible to comply with the requests in 31 of the petitions to the extent that UHF channel assignments are provided in the places requested. In most cases, however, the actual channel assigned is not the channel requested in the original petition since these petitions were based on the then existing Table of Assignments. The plan adopted herein makes only one channel change where permits or licenses have been issued and this change was assented to by the licensee. Where new assignments are made the channel number has been selected by the computer on an efficiency basis. In these cases, the selection of the same channel that appears in the present table is coincidental.

27. We failed to provide channels as requested in 14 of the petitions. These are discussed below:

(a) *RM–330.* The Bergen County, N.J., Federation requested the assignment and reservation of Channel 14 to Paterson-Upper Montclair, N.J. These communities are in the New York City metropolitan area where the requests for channels far exceeds the capacity of the band. There are four authorized educational TV stations in the New York City area. The New Jersey Department of Education holds a construction permit for Channel 19 at New Brunswick, N.J. The New Jersey Educational TV Corp. holds a construction permit for Channel 77 at Glen Ridge, N.J., 2 miles southeast of Montclair. Educational Broadcasting Corp. of Newark, N.J., operates WNDT on Channel 13 from atop the Empire State Building in New York City. The Board of Education of the city of New York holds a construction permit for Channel 25 in New York City. The area appears to be adequately served by educational TV broadcast stations. No additional assignment was made.

(b) *RM–355.* Monocacy Broadcasting Co. requested the assignment of Channel 37 to Frederick, Md. Channel 37 was subsequently reserved for radio astronomy observations and will not be available for use by TV broadcast stations until 1974. The proximity of Frederick to the Baltimore-Washington, D.C. area makes this a difficult assignment area and as a result, we were able to find only one channel for Frederick. In RM–483, the Maryland State Board of Education requested the assignment of reserved UHF channels in several Maryland cities for the development of a statewide educational TV system. The plan adopted herein reserves the single channel available at Frederick for educational use since this is an important link in the Maryland plan.

(c) *RM–357.* WMCA, Inc., requested the assignment of Channel 79 to New Brunswick, N.J. Channel 47 is presently assigned to New Brunswick and is being used at Linden, N.J., under the 15-mile rule. The plan adopted herein does not make assignments above Channel 69. If the proposal for a Community-type TV station is adopted the petitioner may apply for one of those. We were unable to provide another high-power assignment to New Brunswick.

(d) *RM–374.* The Board of Education of School District No. 10 of Tacoma, Wash., which holds a license for an educational TV station in Tacoma on unreserved Channel 62 requested the reassignment of Channel 20 from Seattle to Tacoma and its reservation for educational use. Channel 56, which was originally reserved for educational use in Tacoma, was assigned to Clover Park School District No. 400 in Lakewood Center, a suburb of Tacoma. We have reclassified Channel 62 in Tacoma as reserved for educational use. This channel, with Channel 56 used in Lakewood Center, gives Tacoma two educational reservations. Channel 20 would have been a 3d educational reservation in Tacoma. Under the plan adopted herein no city is assigned more than two reserved channels.

(e) *RM–408.* National Educational Television and Radio Center (NET) and the Michigan Educational Broadcasting Association requested the assignment and reservation of Channel 68 to Livonia, Mich. Livonia is a suburb of Detroit. In the plan adopted herein we were unable to find an assignment for Livonia.

(f) *RM–423.* Pacific Ocean Broadcasting, Inc., requested the assignment of

[1] The assignments in the table are listed by individual communities but they can be grouped, at least roughly, for statistical purposes on a market basis. The market rank follows the American Research Bureau (ARB) listing based on net weekly circulation.

Channel 63 to Santa Monica, Calif. Santa Monica is a part of the Los Angeles metropolitan area and is eligible for Los Angeles assignments under the 15-mile rule. Only one additional channel could be found for Los Angeles and this was used to provide a second educational assignment. No assignment could be found for Santa Monica.

(g) *RM–459.* Plains Television Corp. holds a license for Channel 33 at Champaign, Ill. They requested the substitution of Channel 15 for their present assignment in Champaign on the grounds that a lower channel would be more competitive with existing VHF stations which can be received in the area. In a few cases, we have substituted a lower channel for existing stations which are assigned channels in the upper portion of the UHF television band. In this case, the technical differences between Channel 33 and any lower UHF channel are slight and do not appear to warrant inclusion in this overall proceeding. After the new table has become effective, Plains TV Corp. may resubmit the request in accordance with the channel assignments and assignment principles adopted herein.

(h) *RM–555.* Educational Broadcasting Corp., which operates on Channel 13 requested the assignment and reservation of Channel 14 for their use in the Northern New Jersey-New York City area. For the reasons stated before, we are unable to provide additional channels for educational use in that area.

(i) *RM–591.* B. L. Golden and L. W. Fawns, a partnership, requested the assignment of Channel 18 to Fresno, Calif. Fresno is assigned four commercial and one educational channels in the plan recommended herein. Since the plan is an unsaturated plan, we would prefer to examine the potential requirements of smaller communities which are not included in this initial plan, before deciding whether a fifth commercial channel in Fresno is warranted. The petitioner may resubmit the request after that has been done.

(j) *RM–688.* D. H. Overmyer Broadcasting Co., permittee for Channel 74 in Newport, Ky., requested the substitution of Channel 25 or 26 for Channel 74 at Newport. The Cincinnati area is a difficult assignment area and channel assignments in all parts of the UHF television band must be used to satisfy the requirements. If the Commission decides to create the proposed new Community TV service to operate in the upper 14 UHF channels, an effort will be made to find a substitute channel for Channel 74. It has not been done in this proceeding. Meanwhile, Channel 74 has been retained in Cincinnati.

(k) *RM–696.* John R. Reiger, doing business as High Fidelity Music Co., requested that Channel 53, assigned to Hempstead, N.Y., as an educational reservation in our present Table of Assignments, be reclassified as a commercial channel at Hempstead. In the table adopted herein, Hempstead had to be dropped from the table since assignments which could be used at Hempstead are needed to serve places further out on Long Island which are unable to receive service from the metropolitan areas. If the Commission creates the proposed new Community TV service, a local assignment in the Hempstead area may be possible.

(l) *RM–790.** Greater Washington Educational TV Association (GWETA), requested the reservation of Channel 50 in Washington, D.C., for educational use. GWETA currently operates WETA on Channel 26. Since there are three pending applications competing for Channel 50 in Washington, reservation of the channel does not appear warranted. We were unable to find an additional channel which could be used at the site contemplated, however, we will continue our search.

(m) *RM–704.* Theodore Granik requested the assignment of Channel 14 or 15 to Pompton Lakes, N.J. Pompton Lakes is in the New York City metropolitan area and for reasons stated before, it is impossible to provide channels for each community in this area.

(n) *RM–708.* Theodore L. Vallus requested the assignment of Channel 49 or 55 to Oceanside, Calif. Oceanside is located about 30 miles north of San Diego and has a population slightly under 25,000. Such communities are not included in the plan adopted herein. If the Commission creates the proposed new Community TV service, it is possible that a local assignment could be found for Oceanside.

28. The table calls for allocation of Channel 25 to Evansville, Ind., in addition to Channel 50 presently assigned to that city. Gilmore Broadcasting Corp. of Indiana is the present licensee of Station WSHT–TV, operating in Evansville on Channel 50. On March 15, 1965, Gilmore Broadcasting Corp. of Indiana filed with the Commission a written consent to the modification of its license to specify operation on Channel 25 in lieu of Channel 50.

29. *Accordingly, it is ordered,* That:

(1) Section 73.606(b) of the Commission's rules and regulations is amended effective July 15, 1965, to read as set forth below, and

(2) That the license of Gilmore Broadcasting Corp. of Indiana for Station WEHT–TV, Evansville, Ind., is modified to specify operation on Channel 25 in lieu of Channel 50, subject to the conditions enumerated below.

30. The above modification of authorization is subject to the following conditions:

(a) That the licensee shall advise the Commission in writing by July 15, 1965, of its acceptance of the modification of its authorization;

(b) That the licensee shall submit to the Commission by July 15, 1965, all necessary information for the preparation of a modified authorization to construct and operate on the newly specified channel with transmitting facilities meeting all requirements of the Commission's rules and regulations for operation on that channel; and

(c) That the licensee may continue operation temporarily on the previously specified channel in accordance with the terms and conditions of the current license until the following requirements have been satisfied:

(1) The construction looking to a change to the newly specified channel is not to commence until specifically authorized by the Commission after the information in (b) above is submitted.

(2) Upon completion of construction of the new facilities in accordance with the terms of the modified authorization, proof of performance measurement data adequate to demonstrate compliance with the applicable technical performance requirements of the rules and of the type normally required to be furnished in an application for a television license shall be submitted, in triplicate, at least ten (10) days prior to the date on which it is desired to begin program operation. Program operation on the newly specified channel shall not be commenced until specifically authorized by the Commission after its evaluation of such data.

31. *It is further ordered,* That the petitions for rule making listed below are dismissed. Those wishing to seek modification of the new table may, of course, file exceptions or petition the Commission for further rule making in individual cases.

32. *It is further ordered,* That the proceedings in Docket Nos. 14980, 15000, 15027, 15095, 15144, and 15146 are terminated.

33. The action herein is taken pursuant to authority found in sections 4(i), 303 (and in particular, but without limitation, paragraphs (c), (d), (e), and (f) of that section), 307(b) and 316 of the Communications Act of 1934, as amended.

(Secs. 4, 303, 307, 48 Stat. 1066, as amended, 1082, as amended, 1083, Sec. 12, 66 Stat. 717; 47 U.S.C. 154, 303, 307, and 316)

Adopted: June 4, 1965.

Released: June 8, 1965.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

PETITIONS FOR RULE MAKING DISPOSED OF IN THIS PROCEEDING

RM, Petitioner, and Request

230; Bergen County Federation of Boards of Education; 14 to Paterson—Upper Montclair.

234; Spanish American Broadcasting Co.; 37 to New York and related changes. Alternate proposal by above; 47 to New York.

266; Bartell Broadcasters of New York, Inc.; 14 to New York.

355; Monocacy Broadcasting Co.; 37 to Frederick and related changes.

357; WMCA, Inc.; 70 to New Brunswick, N.J.

374; Board of Education, Tacoma School District No. 10; reassign 20 from Seattle to Tacoma.

375; Purdue University; delete 72 from Lima, Ohio, and substitute 41 and *51.

396; The Ohio Educational Television Network Commission; provide UHF channels in Ohio.

*This petition was inadvertently accepted as a comment in Docket 14229 but due to late filing has since been accepted as a new petition.

408; National Educational Television and Radio Center; assign 68 to Livonia for education.

414; Monterey Peninsula College; reserve 35 in Salinas-Monterey.

422; Elmer Nolte; add 28 to Baltimore and related changes.

423; Pacific Ocean Broadcasting, Inc.; allocate 63 to Santa Monica, Calif.

425; Board of Regents of University of State of New York; provide additional UHF to New York.

437; The University of North Carolina Consolidated Office; provide additional UHF to North Carolina.

438; Geo. R. Sweeney & J. H. Millstein; allocate 14 to Greensburg, Pa.

442; Clay Frank Huntington; reallocate 26 from Seattle to Tacoma.

450; John J. Tibilietti; add 30 to Victoria, Tex.

451; Guadalupe Valley Telecasting Co., Inc.; add 25 to Victoria, Tex.

453; Southern Illinois University; allocate 14 to Alton, Ill., and related changes.

457; Arkansas Educational Television Commission; provide UHF channels to Arkansas.

459; Plains Television Corp.; add 15 to Champaign, Ill. and related changes.

462; City of Los Angeles; reallocate 40 from Riverside to Los Angeles.

465; Chapman Radio & Television Co.; change 48 in Birmingham to unreserved.

473; James A. Bloor; assign 42, 55, 56, or 63 to Cocoa, Fla.

475; Kentucky Authority for Educational Television; reserve 23 for noncommercial use in Elizabethtown, Ky.

483; Maryland State Board of Education; provide additional UHF to Maryland.

494; Advisory Council on Educational Television of the Commonwealth of Virginia; provide additional UHF to Virginia.

496; St. Cloud State College; reserve 14 for education in St. Cloud, Minn.

502; Springfield Television Broadcasting Corp.; add UHF channels to Toledo, and related changes.

504; Regents of the University of California; reserve 56 at Santa Cruz, Calif.

515; Rock River Television Corp.; add 23 to Rockford, Ill., and delete from Freeport, Ill.

555; Educational Broadcasting Corp.; assign 14 to New York-New Jersey-Connecticut metropolitan area.

560; Leflore County Board of Education, Board of Trustees, Greenwood Municipal Separate School District and Department of Education, State of Mississippi, Greenwood, Miss.; Greenwood, Miss., for educational-reserve 24.

591; B. L. Golden and L. W. Fawns, a partnership; make 18 available for Fresno.

596; Winnebago Television Corp.; add 17 to Rockford, Ill., and related changes.

709; Regional Television Corp.;* assign 56 to Owensboro, Ky.

681; Tele-Americas Corp. of Florida; substitute 29 and 35 for 33 in Miami, Fla.

373; National Educational Television and Radio Center; move 14 from Athens to Chattanooga, Tenn.; assign 47 to Athens and reserve for education.

688; D. H. Overmyer Broadcasting Co.; substitute 25 or 26 for 74 in Cincinnati, Ohio.

696; John R. Rieger, doing business as High Fidelity Music Co.; make 53 commercial at Hempstead, N.Y.

700; Greater Washington Educational Television Association, Inc.*; reserve 50 for education at Washington, D.C.

701; Stone Mt. Television Corp.*; assign 69 to Atlanta, Ga.

704; Theodore Granick; assign either 14 or 15 to Pompton Lakes, N.J.

708; Theodore L. Vallus; assign 49 or 55 to Oceanside, Calif.

734; Nathan J. Cooper; allocate 39 to Morgantown, N.C.

*This petition was inadvertently accepted as a comment in Docket 14229 but due to late filing has since been accepted as a new petition.

TABLE OF ASSIGNMENTS

NOTE: Offset designators for UHF channels are not shown in the table below but will be added in a subsequent order. The appropriate offset will be shown on any construction permit or license which may be issued prior thereto.

	Channel No.
Alabama:	
Andalusia	*2—
Anniston	40
Birmingham	6—, *10—, 13—, 31, 42, *62, 68
Decatur	23
Demopolis	*14
Dothan	4, 18, 35, *41
Florence	15, 36, *57
Gadsden	20, 50
Huntsville	19, *25, 31
Mobile	5+, 10+, 19, 25, *31, *42
Montgomery	12, 20, *26, 32, 38
Munford	*7—, *52
Selma	8—, 48
Tuscaloosa	23, 39, *45
Tuscumbia	47
Alaska:	
Anchorage	2—, *7—, 11, 13—
Fairbanks	2+, 4+, 7+, *9+, 11+, 13+
Juneau	*3, 8, 10
Ketchikan	2, 4, *9
Seward	4—, 9—
Sitka	13
Arizona:	
Ajo	*36
Douglas	3, *36
Flagstaff	9, 13, *24
Globe	*14
Holbrook	*25
Kingman	6—, *14
McNary	*22
Mesa	12—
Nogales	11, *33
Page	*14
Parker	*33
Phoenix	3+, 5—, *8+, 10—, 21, 27, 33, *39
Prescott	7, *29
Safford	*35
Tucson	4—, *6+, 9—, 13—, *28, 34, 40
Yuma	11—, 13+, *22
Arkansas:	
Arkadelphia	*27
Batesville	*29
El Dorado	10—, 17, *30
Fayetteville	*13—
Fort Smith	5—, 31
Harrison	*14
Hot Springs	9+, *43, 56
Jonesboro	8—, *34
Little Rock	*2—, 4, 7—, 11+, 16, *35
Pine Bluff	19, 25
Russellville	*22
California:	
Alturas	13+
Bakersfield	17, 23, 29, *39
Barstow	*36
Bishop	*14
Blythe	*34
Brawley	*26
Chico	12—, *28
Coalinga	*40
Corona	52
Cotati	*16
El Centro	7+, 9+
Eureka	3—, 6—, 13—
Fallbrook	*56
Fort Bragg	*21
Fresno	24, 30, 47, 53, *59
Hanford	31
Indio	*31
Los Angeles	2, 4, 5, 7, 9, 11, 13, 22, *28, 34, *64
Modesto	17, *58
Pittsburg	42
California—Continued	
Redding	7, *9, 18
Ridgecrest	*42
Riverside	40, 46
Sacramento	3, *6, 10, 29, 58
Salinas-Monterey	8+, 15, 25, *31
San Bernardino	*24, 30, 58
San Diego	8, 10, *15, 39, 51
San Francisco	2+, 4—, 5+, 7—, *9+, 20, 26, 32, 38, 44, *60
San Jose	11+, 36, 48, *54
San Luis Obispo	6+, *38
San Mateo	*14
Santa Barbara	3—, 14, *31
Santa Cruz	*64
Santa Maria	12+
Santa Rosa	50, *62
Stockton	18+, 19, 66
Susanville	*14
Visalia	43
Watsonville	*52
Yreka City	*29
Colorado:	
Alamosa	3—, *25
Boulder	*12, 36
Colorado Springs	11, 13, 38
Craig	*22
Denver	2, 4—, *6—, 7, 9—, 14, 20, *30
Durango	6+, *29
Fort Collins	24
Glenwood Springs	*21
Grand Junction	5—, *14
Gunnison	*31
La Junta	*24
Lamar	12—
Leadville	*23
Montrose	10+, *18
Pueblo	5, *8, 23, 26
Salida	*15
Sterling	3, *21
Trinidad	*29
Connecticut:	
Bridgeport	43, *71
Hartford	3+, 18, *24, 61
New Britain	30
New Haven	8+, 59, *65
New London	26
Norwich	*63
Stamford	49
Waterbury	20
Delaware:	
Seaford	*38
Wilmington	12, *52, 73
District of Columbia:	
Washington	4—, 5—, 7+, 9, 14, 20, *26, 50
Florida:	
Boca Raton	*14
Bradenton	*27
Clearwater	22
Cocoa	*15, 41
Daytona Beach	2—, 40
Fort Lauderdale	51
Fort Myers	11+, *30
Fort Pierce	24, *59
Gainesville	*5—, 36
Jacksonville	4+, *7, 12—, 17, 30, 54, *60
Key West	26, 32
Lake City	*34
Lakeland	46
Leesburg	*44
Madison	*43
Marianna	*30
Melbourne	25, 31
Miami	*2, 4, 6, 7—, 10+, *17, 23, 33, 39, 45
New Smyrna Beach	*53
Ocala	*32
Orlando	6—, 9, *24, 35
Palatka	*28
Panama City	7+, 13, 28, *40
Pensacola	3—, 15, 21, *47
St. Petersburg	10—, 38, 68
Sarasota	47
Sebring	*29
Tallahassee	*11—, 27, 33
Tampa	*3, 8—, 13—, *16, 40
West Palm Beach	5, 12, *43, 56, 62
Georgia:	
Albany	10, 19, 53
Ashburn	*42

Georgia—Continued	Channel No.
Athens	*8, 64
Atlanta	2, 5—, 11+, *30, 36, 46, *56, 66
Augusta	6+, 12+, 14, 51
Chatsworth	*16
Cochran	*15
Columbus	3, 9+, *28, 44, 57
Dawson	*25
Draketown	*24
Macon	13+, 17, 34, *47
Pelham	*14
Rome	48
Savannah	3+, *9—, 11, 24
Thomasville	6
Valdosta	*39, 45
Vidalia	*32
Warm Springs	*22
Waycross	*8+
Wrens	*20
Hawaii:	
Hilo, Hawaii	2, *4, 9, 11, 13
Honolulu, Oahu	2+, 4—, 9—, *11+, 13—
Lihue, Kauai	3+, *8—, 10+, 12—
Wailuku, Maui	3, 7, *10, 12
Idaho:	
Boise	2, *4+, 7, 14
Burley	*28
Caldwell	9—
Coeur d'Alene	*22
Grangeville	*24
Idaho Falls	3, 8+, 29, *35
Filer	*32
Lewiston	3—
Moscow	*12—
Nampa	6, 12+
Preston	*22
Pocatello	6—, 10, *27, 33, 39
Sandpoint	*32
Twin Falls	11, 13—
Weiser	*17
Illinois:	
Aurora	60
Bloomington	43
Carbondale	*8
Champaign	3+, 33
Chicago	2—, 5, 7, 9+, *11, *20, 26, 32, 44, 50
Danville	24
Decatur	17, 23
De Kalb	*52
Edwardsville	*18
Freeport	23, *49
Galesburg	42
Harrisburg	3
Kankakee	*66
La Salle	35
Macomb	*14
Moline	8, *30
Olney	*45
Peoria	19, 25, 31, 53, *59
Quincy	10—, 33, *45
Rockford	13, 17, 39
Rock Island	4+
Springfield	20, 49, 55, *65
Streator	*41
Urbana	*12—
Vandalia	*28
Indiana:	
Anderson	23
Bloomington	4, *30, 42
Elkhart	28
Evansville	7, *9+, 14, 25, 50
Fort Wayne	15, 21, 33, *39, 55
Gary	*38
Hammond	62
Indianapolis	6, 8—, 13—, *30, 40, 53, *59
Kokomo	51
Lafayette	18, *29
Madison	*58
Marion	31
Muncie	43, 49, *61
South Bend	16, 22, *34, 56
Terre Haute	2+, 10, *38, 46
Vincennes	*34
Iowa:	
Ames	5, 23, *33
Burlington	34, *58
Carroll	*29
Cedar Rapids	2, 9—, 38
Council Bluffs	*51
Davenport	6+, 18, 24, *36
Decorah	*31
Des Moines	8—, *11+, 13—, 15, 25, *48, 49
Dubuque	*29, 57, 66
Estherville	*34
Fort Dodge	21
Iowa City	*12+, 26
Mason City	3+, *43
Ottumwa	22, *44
Red Oak	*28
Sioux City	4—, 9, *27, 36
Waterloo	7+, 14, *32
Kansas:	
Chanute	*29
Columbus	*39
Dodge City	6+, *35
Emporia	*27
Garden City	11+, 13—
Goodland	10
Great Bend	2
Hays	7—, *36
Hutchinson	*8, 12, 21
Lakin	*3
Lincoln Center	*9
Manhattan	*22
Oakley	*14
Phillipsburg	*20
Pittsburg	7+
Pratt	*41
Salina	25, 34, 44
Sedan	*26
Topeka	*11, 13+, 48, 58
Wichita	3—, 10—, *18, 24, 43, *55
Kentucky:	
Ashland	39, *61
Bowling Green	13, 22, *66
Covington	*26
Elizabethtown	*57
Hazard	*40
Lexington	18, 27, *46, 62
Louisville	3—, 11+, *15, 21, 32, 41, *60
Madisonville	*23
Morehead	*64
Murray	*35
Owensboro	31, 44
Paducah	6+, 29
Pikeville	*28
Somerset	*29
Louisiana:	
Alexandria	5, 25, 31, *42
Baton Rouge	2, 9—, *27, 43
De Ridder	*34
Houma	11
Lafayette	3, 10, *30, 51
Lake Charles	7—, 29, *38
Monroe	8+, *13, 36, 39
Morgan City	*22
Natchitoches	*23
New Iberia	24
New Orleans	4+, 6+, *8, 12, *14, 20, 26
Shreveport	3—, 12, *24, 33
Tallulah	*22
Maine:	
Augusta	*10—
Bangor	2—, 5+, 7—
Calais	*13—
Fort Kent	*46
Fryeburg	*39
Houlton	*24
Kittery	*33
Lewiston	8—, 51
Millinocket	*32
Orono	*12—
Portland	6—, 13+, 43, *61
Presque Isle	8, *10+
Rumford	*20
Maryland:	
Baltimore	2+, 11—, 13+, 24, 45, 63, *69
Cumberland	*26, 53, 58
Frederick	*66
Hagerstown	31, 49, *55
Salisbury	16, *44
Waldorf	*42
Massachusetts:	
Amherst	*58
Boston	*2+, 4—, 5—, 7+, 25, 38, *44, 56, 62
Fitchburg	60
Greenfield	32
New Bedford	6+, 21, *46
North Adams	19, *42
Pittsfield	23
Springfield	22, 40
Worcester	14, *50, 66
Michigan:	
Alpena	*6, 11
Ann Arbor	*58
Bad Axe	*43
Battle Creek	65
Bay City	5—, *19, 35
Cadillac	9, *33
Calumet	5, *32
Cheboygan	4+
Detroit	2+, 4, 7—, 20, 50, *56, 62
East Lansing	23, *61
Escanaba	3+
Flint	12—, *31
Grand Rapids	8+, 15+, 27, *49
Iron Mountain	8—, *15
Ironwood	*28
Jackson	42
Kalamazoo	3—, *40
Lansing	6—, 36, 67
Manistee	*30
Manistique	*39
Marquette	6—, 13, *31
Mount Pleasant	*14
Muskegon	10—
Parma	*28
Petoskey	7
Pontiac	50
Saginaw	25, 41
Sault Ste. Marie	3, 10+, *28
Traverse City	7+, 20
West Branch	*17
Minnesota:	
Alexandria	7, *13
Appleton	*10—
Austin	6—, *44
Bemidji	9, *32
Brainerd	*31
Crookston	*28
Duluth	3, *8, 10+, 22, 28
Ely	*33
Fairmont	*24
Hibbing	13—, *24
International Falls	11, *35
Mankato	12, *28
Marshall	*14
Minneapolis-St. Paul	*2—, 4, 5—, 9+, 11—, *17, 29, 39
Rochester	10, 22
St. Cloud	21, *27, 50
Thief River Falls	10
Wadena	*34
Walker	12—
Willmar	*33
Winona	*43
Worthington	*30
Mississippi:	
Biloxi	13+, *23, 36
Booneville	*38
Bude	*21
Cleveland	*31
Columbia	*33
Columbus	4—
Greenville	14, 36
Greenwood	6, *23
Hattiesburg	20, *41
Jackson	3+, 12+, 16, *28, 34
Laurel	7, 35
Meridian	11—, 30, 40, *46
Senatobia	*42
State College	*2+
Tupelo	9—
Vicksburg	38
Yazoo City	*32
Missouri:	
Birchtree	*23
Bowling Green	*29
Cape Girardeau	12, 27, *38
Carrollton	*14
Columbia	8+, 31
Flat River	*19
Hannibal	7—
Jefferson City	13, 25, *43
Joplin	12+, *21, 33
Kansas City	4, 5+, 9+, *19, 30, 36, *42, 54
King City	*20
Kirksville	3—
La Plata	*35

Missouri—Continued	Channel No.
Lowry City	*28
Poplar Bluff	15, *33
Rolla	*22
St. Joseph	2—, 33, 38
St. Louis	2, 4—, 5—, *9, 11—, 24, 30, *41
Sedalia	6—
Springfield	3+, 10, *20, 41
Montana:	
Anaconda	2+
Billings	2, 8, *11, 14, 20
Bozeman	*9
Butte	4, 6+, *7—, 33, 38
Cut Bank	*14
Dillon	*14
Glendive	5+, *22
Great Falls	3+, 5+, 16, 24, *35
Hardin	4+
Havre	9+, 11+, *29
Helena	10+, 12, *28
Kalispell	9—, *29
Lewistown	13
Miles City	3—, *6, 10
Missoula	6—, *11—, 13—, 20, 31
Wolf Point	*32
Nebraska:	
Albion	8+, *21
Alliance	*13—
Bassett	*7—
Grand Island	11—, 29
Hastings	5—
Hayes Center	6
Hay Springs	4+
Kearney	13
Lexington	*3+
Lincoln	10+, *12—, 14, 35
McCook	8—
North Platte	2—, *9+
Omaha	3, 6+, 7, *26, 30, 45, *57
Scottsbluff	10—
Superior	4+
Nevada:	
Boulder City	4+
Elko	10—, *18
Ely	3—, 6+
Fallon	*21
Goldfield	5—
Las Vegas	2—, 5—, *10+, 13—, 21
McGill	8+
Reno	2, 4, *5, 8, 23, 43
Tonopah	9—, *22
Winnemucca	7+, *22
Yerington	*31
New Hampshire:	
Berlin	*47
Concord	36
Durham	*11
Hanover	*26, 57
Keene	*48
Littleton	*59
Manchester	9—, 27, 60
Portsmouth	64
New Jersey:	
Atlantic City	*18, 46
Burlington	48
Glen Ridge	*77
Newark	13—
New Brunswick	*19, 47
Paterson	41
Trenton	*57
Vineland	65
Wildwood	40
New Mexico:	
Alamogordo	*30
Albuquerque	4+, *5+, 7+, 13+, 14, 20, *26
Carlsbad	6—, *21, 27
Clayton	*23
Clovis	12+
Deming	*33
Farmington	12+, *23
Gallup	3, *8—, 10
Hatch	*12
Hobbs	22
Las Cruces	22
Lovington	*32
Portales	*3+
Raton	*35
Roswell	8, 10—, 23, 29, *35
Santa Fe	2+, *8+, 11—, 22
Silver City	6, *10+
New Mexico—Continued	**Channel No.**
Socorro	*26
Tucumcari	*30
New York:	
Albany-Schenectady	6, 10—, 13, *17, 23, *29
Amsterdam	*30, 55
Binghamton	12—, 34, 40, *46
Buffalo	2, 4—, 7+, *17, *23, 29, 76
Carthage	7—
Corning	*42
Elmira	18
Glens Falls	*51
Ithaca	*14, 52
Jamestown	48, *54
Lake Placid	5, *33
Massena	*20
New York	2, 4, 5+, 7, 9+, 11+, *25, 31
Oneonta	*36
Patchogue	67
Plattsburgh	*49
Poughkeepsie	58, 69
Riverhead	55
Rochester	5, 10+, 13—, *21, 33, 62
Syracuse	3—, 5—, 8—, *24, 30, *43
Utica	2—, 27, 47, *59
Watertown	*50, 67
North Carolina:	
Asheville	13—, 21, *33, 62
Burlington	57
Chapel Hill	*4+
Charlotte	3, 9+, 18, 36, *42
Columbia	*2
Concord	*58
Durham	11+, 44
Fayetteville	33, 48
Franklin	*28
Goldsboro	51
Greensboro	2—, 16, 40
Greenville	9—, 18, *30
High Point	8—, *66
Kannapolis	64
Linville	*17
Morganton	54
New Bern	13+
Raleigh	5, 28, *38
Rocky Mount	56
Washington	7
Wilmington	3—, 6, 21, *27
Wilson	34
Winston-Salem	12, *32
North Dakota:	
Bismarck	*3, 5, 12—, 26, 32
Devils Lake	8+, *22
Dickinson	2+, *4
Ellendale	*28
Fargo	6, 11+, *13, 30
Grand Forks	*2, 14, 27
Jamestown	7—, *29
Minot	*6+, 10—, 13—, 14, 24
Pembina	12
Valley City	4—
Williston	8—, 11—, *26
Ohio:	
Akron	49, *55, 67
Ashtabula	15
Athens	*20
Bowling Green	*70
Bryan	*64
Canton	17, 23
Chillicothe	53
Cincinnati	5—, 9, 12, *48, 54, *65, 74
Cleveland	3, 5+, 8, 19, *25, 61
Columbus	4—, 6+, 10+, *34, 47, *63
Dayton	2, 7+, 16, 22, *45
Hillsboro	*34
Lima	35, 44, *68
Lorain	43
Mansfield	*50
Marion	36
Newark	*28, 50
Oxford	*14
Portsmouth	30, 36, *42
Sandusky	51
Springfield	*57, 66
Steubenville	*56
Toledo	11—, 13, 24, *30, 54, 60
Woodsfield	*64
Youngstown	21, 27, 33, 45, *65
Zanesville	18
Oklahoma:	
Ada	10+, *33
Altus	*30
Ardmore	12—, *15
Bartlesville	35
Elk City	6+, *38
Enid	22, *31
Guymon	*22
Hugo	*21
Lawton	7+, 23, *41
McAlester	*30
Miami	*45
Muskogee	36
Oklahoma City	4—, 5, 9—, *13, 14, 25
Tulsa	2+, 6, 8—, *11—, 23, *32, 44, 56
Woodward	*29
Oregon:	
Astoria	*14
Bend	*27
Brookings	8+, *14
Burns	*24
Corvallis	*7—
Eugene	9+, 13, 28, *38
Klamath Falls	2—, *31
La Grande	13+, *32
Medford	5, 10+, *23
North Bend	11, *21
Portland	2, 6+, 8—, *10, 12, 36, *42
Roseburg	4+
Salem	3+, *34, 40
The Dalles	*43
Pennsylvania:	
Allentown	*59, 60
Altoona	10—, 25, 41, *57
Bethlehem	51
Clearfield	*3+
Erie	12, 24, 35, *46, 66
Greensburg	14
Harrisburg	21, 27, *33
Johnstown	6, 19, *47
Lancaster	8—, 15
Lebanon	62
Lock Haven	32
Philadelphia	3, 6—, 10, 17, 23, 29, *35, *68
Pittsburgh	2—, 4+, 11, *13—, *16, 22, 53
Reading	56
Scranton	16, 22, 36, 44, *64
State College	*30
Wilkes Barre	28
Williamsport	67
York	43, 53
Rhode Island:	
Providence	10+, 12+, 16, *34, 54
South Carolina:	
Aiken	*31
Allendale	*33
Anderson	40
Beaufort	*28
Charleston	2+, 4, 5+, *7—
Columbia	10—, 19, 25, *35, 56
Conway	*49
Florence	13+, 23, 39, *55
Georgetown	*29
Greenville	4—, *29, 57
Greenwood	*27
Rock Hill	30, *48
Spartanburg	7+, 24
Sumter	*43
South Dakota:	
Aberdeen	9—, *24
Brookings	*8
Huron	12+
Lead	5—, 11+
Mitchell	5+
Pierre	*10+
Rapid City	3+, 7+, *9, 16, 22
Reliance	6—
Seneca	*2—
Sioux Falls	11, 13+, *22, 32, 43
Vermillion	*2+
Watertown	3—
Tennessee:	
Athens	*35
Chattanooga	3+, 9, 12—, *38, 51
Cookeville	*42
Crossville	*39
Fayetteville	*41
Greeneville	15
Jackson	7+, 14, *32
Johnson City	11—, *44
Kingsport	63

Tennessee—Continued	Channel No.
Knoxville	8+, 10, 26, *34, 43
Lawrenceburg	*29
Memphis	3, 5—, 13, 24, *30, 42
Nashville	2, 4, 8—, 17, 30, *39, 58
Oak Ridge	46
Paris	*32
Tullahoma	*27
Texas:	
Abilene	9, 12+, *25, 36
Alice	10, *23
Amarillo	4, 7, 10—, *19, 25, 34
Austin	6, 8—, 13—, 18, *24, 42
Beaumont	4, 6, 12+, *33, 51
Big Spring	2, 4, *7, 9, 11
Brownsville	4, 23, *26
Brownwood	6, 9, *19
Bryan	*20
Childress	*16
Cleburne	*36
Corpus Christi	3, 6, 10—, 16, *22, 27
Corsicana	*48
Dallas	4, 8, 13, 21, 23, *39, 68
Del Rio	*18
Denison	*35
Denton	29
Eagle Pass	*26
El Paso	4, 7, 9—, 13, *15, 26, 30
Fort Worth	5, 11, 19, *24, 52
Galveston	11, 34, *36
Gladewater	*51
Graham	*38
Greenville	*29
Harlingen	23, *40
Houston	2, 8, 13, 26, *39, 53
Huntsville	*15
Kerrville	*37
Killeen	*31
Kingsville	32, *46
Laredo	8, *27
Longview	7, 32, *35
Lubbock	5, 11, 13, *28, 34
Lufkin	*39
Marshall	*54
McAllen	10, *38
Midland	2, *8, 18
Mineral Wells	*42
Nacogdoches	*19
Odessa	7, 9, *36, 42
Paris	*24
Pecos	*8
Port Arthur	4, 6, 12+, *33, 51
Rio Grande City	*21
San Angelo	3, 8, *10, 16
San Antonio	4, 5, 9, 12, *17, 35, 41
Sherman	*28
Sweetwater	*40
Temple	*44
Texarkana	6, 12+, *28, 34
Tyler	7, 10, *19, 30
Victoria	19, *44
Waco	3, 6, 10—, 15, *25, 34
Wichita Falls	2, 6, 8—, *10, 13, 27
Utah:	
Cedar City	*13
Logan	*16
Moab	*8
Ogden	9, 14, *20, 35
Price	*10
Provo	11, *16
Richfield	*6
Salt Lake City	2, 4, 5, 7, 9, *11, 13, 26
St. George	*10
Vernal	*12
Vermont:	
Barre-Montpelier	8+, *15, 22
Bennington	*17
Brattleboro	28
Burlington	3, 5—, 12, *22, 44
Rutland	10, *15
St. Johnsbury	*18
Virginia:	
Bristol	5, 11, *35
Charlottesville	29, *64
Danville	24, *53
Fredericksburg	*44
Harrisonburg	*38
Lynchburg	13, 18, *39
Norfolk	3, 10, 12, 15, *27, 33
Petersburg	8, *54
Richmond	6, 12, *23, 29, 35
Roanoke	7, 10, *21, 27
Staunton	*24
Suffolk	*45
Tazewell	*47
Wallops Island	*22
Warrenton	*63
Williamsburg	*15
Winchester	*30
Washington:	
Aberdeen	16, *28
Bellingham	12, *24
Bremerton	*30
Ellensburg	*17
Everett	*20
Kennewick	*25
Longview	*19
Moses Lake	*22
Olympia	*28
Pasco	*12
Port Angeles	*26
Pullman	*36
Richland	*10
Seattle	4, 5, 7, 9+, *11, 13, 22
Spokane	2, 6, 8—, *10, 12, 28, 30
Tacoma	11, 13, *21, 53
Vancouver	*49
Walla Walla	*32
Wenatchee	*47
Yakima	23, *35
West Virginia:	
Beckley	*45
Bluefield	6, *10
Charleston	3, 8, 11, *13, 49, 59
Clarksburg	12, 15, *35
Elkins	*24
Fairmont	35, *37
Huntington	2, 5, *13, 33
Martinsburg	*25
Morgantown	40, *46
Parkersburg	8, *15, 30
Weirton	*54
Wheeling	7, 9, *11, 54
Wisconsin:	
Appleton	42
Ashland	*3
Eau Claire	13, *18
Green Bay	2, 5, *26, 38
La Crosse	8, 25, *30
Madison	3, 15, *27, 57
Milwaukee	4, 6, 10—, 12, *18, 24, 58
Oshkosh	*48
Park Falls	*34
Rhinelander	*36
Superior	3, 5—, 9, *21, 27
Wausau	7, *12, 18
Wyoming:	
Casper	2, 4, 6—, *9, 11, 13
Cheyenne	5, 7, 9+, *11, *20, 26, 32, 44, 50
Cody	*14
Lander	*10
Laramie	15, *30
Rawlins	*22
Riverton	*26
Rock Springs	8, *11
Sheridan	*18
Torrington	*6
Guam:	
Agana	8, 10, 12
Puerto Rico:	
Aguadilla	*3
Arecibo	*7
Caguas	*11
Cayey	*13
Fajardo	*5
Ponce	9, *12
San Juan	2, 4, 6, 13, *18, 30, 40
Virgin Islands:	
Charlotte Amalie	8, 10, 12
Christiansted	*2

Tennessee—Continued	Channel No.
Knoxville	6, 10+, 14, 26, *47
Lexington	*11
Memphis	3—, 5+, *10+, 13+, 24, 30, *40
Murfreesboro	23
Nashville	*2—, 4+, 5, 8+, 24, 30, *48
Sneedville	*2+
Texas:	
Abilene	9+, *26, 32, 38
Alpine	12—
Amarillo	*2—, 4, 7, 10, 14
Austin	7+, *14, 24, 33, 42
Bay City	*31
Beaumont	6—, 12—, 40, *46
Big Spring	4—, *14
Boquillas	8—
Brady	13
Bryan	3+, *30
Childress	*33
Corpus Christi	3—, 6+, 10—, *16, 22
Dallas	4+, 8, *13+, 29
Del Rio	10, *52
Denton	*2
El Paso	4, *7, 9, 13, 14, 26, *38
Fort Stockton	5+
Fort Worth	5+, 11—, *31, 40
Galveston	18, *28
Harlingen	4+, *17, 23
Houston	2—, *3—, 11+, 13—, 20, 26, 39, *45
Laredo	8, 13, 15, *27
Longview	14
Lubbock	*5—, 11, 13—, 28, 34
Lufkin	9
McAllen	20
Marfa	3
Marshall	*20, 36
Midland	2+, 18
Monahans	9—
Nacogdoches	19, *32
Odessa	7—, 24, 30, *36
Port Arthur	4—
Presidio	7+
Richardson	23
Rosenberg	58
San Angelo	3—, 6+, 8+, *31
San Antonio	4, 5, *9—, 12+, *23, 32, 41
Sherman	36, *39
Sonora	11+
Sweetwater	12
Temple	6, 22
Texarkana	6+, *28, 41
Tyler	7, 16, *44
Victoria	19, 25
Waco	10+, 18, 28, *34
Weslaco	5—
Wichita Falls	3, 6—, *24, 36
Utah:	
Cedar City	5, *18
Logan	12—, *34
Moab	*25
Monticello	*22
Ogden	*9+, *18, 24, 30
Price	6, *29
Provo	*11+, 28
Richfield	13+, *31
Salt Lake City	2—, 4—, 5+, *7—, 14, 26, *36
St. George	*22
Vernal	3+, *28
Vermont:	
Burlington	3, *24, 62
Rutland	*45
St. Johnsbury	*65
Windsor	*15
Virginia:	
Blacksburg	*52
Bluefield	*35
Bristol	5+, *38
Charlottesville	29, *51, 64
Courtland	*31
Danville	14, 24, *49
Fredericksburg	*50
Front Royal	*39
Hampton	*15
Harrisonburg	3—
Kenbridge	*19
Lynchburg	13, 45, *55
Norfolk-Portsmouth-Newport News	3+, 10+, 13—, 27, 33, 39, *52
Norton	*34
Onancock	*49
Petersburg	8
Richmond	6+, 12—, *23, 35, *41, 47
Roanoke	7—, 10, 27, *43
West Point	*43
Washington:	
Bellingham	12+, 18, 24, *64
Centralia	*44
Everett	58
Pasco	19
Pullman	*10—
Richland	25, *31
Seattle	4, 5+, 7, *9, *32, 38
Spokane	2—, 4—, 6—, *7+, 28, 38
Tacoma	11+, 13—, 50, *56, *62
Vancouver	*30
Walla Walla	14
Wenatchee	*39
Yakima	23, 29, 35, *47
West Virginia:	
Beckley	4
Bluefield	6—, 19
Charleston	8+, 14, 49, *59
Clarksburg	12+, 33
Fairmont	48
Grandview	*9—
Huntington	8+, 13+, *55
Martinsburg	*61
Morgantown	*35
Parkersburg	15, 31, *60
Weirton	*62
Weston	5
Wheeling-Steubenville, Ohio	7, 9+, 26, 44
Williamson	*57
Wisconsin:	
Appleton	44
Colfax	*36
Eau Claire	13+, 30
Fond du Lac	34
Green Bay	2+, 5+, 11+, 26, *32
Janesville	58
La Crosse	8+, 25, *35, 41
Madison	3, 15, *21, 27, 45
Manitowoc	38
Milwaukee	4—, 6, *10+, 12, 18, 24, *36, 55
Oshkosh	22
Racine	42
Rhinelander	13+
Sheboygan	28
Superior	6+, 16
Wausau	7—, 9, *14, 20
Wyoming:	
Casper	2+, 6+, 20, *36
Cheyenne	5+, *16, 29, 35
Lander	4
Laramie	*8+
Rawlins	11—
Riverton	10+
Rock Springs	13
Sheridan	7, 12+
U.S. Territories and Possessions	
Guam:	
Agana	8, 10
Puerto Rico:	
Aguadilla	*32, 44
Arecibo-Aguadilla	12+
Arecibo	54, 60
Bayamon	36
Caguas	11—, *58
Carolina	52
Cayey	76
Fajardo	13+, *40
Guayama	46
Humacoa	68
Mayagues	*3+, 5—, 16, 22
Ponce	7+, 9—, 14, 20, *26, 48
San Juan	2+, 4—, *8+, 18, 24, 30, *74
San Sebastian	38
Utuado	*70
Vega Baja	64
Yauco	42
Virgin Islands:	
Charlotte Amalie	10—, 17, *23, 34
Christiansted	8+, 15, *21, 27

[F.R. Doc. 65-6182; Filed, June 14, 1965; 8:45 a.m.]

Proposed Rule Making

DEPARTMENT OF THE TREASURY

Internal Revenue Service

[26 CFR Part 1]

INCOME TAX

Dividend and Interest Information Reporting

The proposed amendment to the regulations under sections 6042, 6044 and 6049 of the Code, relating to dividend and interest information reporting, was published in the FEDERAL REGISTER for May 11, 1965 (30 F.R. 6488).

A public hearing on the provisions of this proposed amendment to the regulations will be held on Wednesday, June 30, 1965, at 10:00 a.m., e.d.t., in Room 3313, Internal Revenue Building, Twelfth and Constitution Avenue NW., Washington, D.C.

Persons who plan to attend the hearing are requested to notify the Commissioner of Internal Revenue, Attention: CC:LR:T, Washington, D.C., 20224, by June 25, 1965. Telephone (Washington, D.C.) 964-3970.

Mitchell Rogovin,
Chief Counsel.

[SEAL] By: CHARLES R. SIMPSON,
Director, Legislation and Regulations Division.

[F.R. Doc. 65-6148; Filed, June 14, 1965; 8:45 a.m.]

[26 CFR Part 1]

INCOME TAX

Treatment of Per-Unit Retain Certificates

The proposed amendment to the regulations under sections 61 and 521 of the Code, relating to the tax treatment of per-unit retain certificates issued by cooperative organizations, was published in the FEDERAL REGISTER for May 6, 1965.

A public hearing on the provisions of this proposed amendment to the regulations will be held on Wednesday, July 7, 1965, at 10 a.m., e.d.t., in Room 3313, Internal Revenue Building, 12th and Constitution Avenue NW., Washington, D.C.

Persons who plan to attend the hearing are requested to notify the Commissioner of Internal Revenue, Attention: CC:LR:T, Washington, D.C., 20224, by July 1, 1965. Telephone (Washington, D.C.) 964-3970.

Mitchell Rogovin,
Chief Counsel.

[SEAL] By: CHARLES R. SIMPSON,
Director, Legislation and Regulations Division.

[F.R. Doc. 65-6199; Filed, June 14, 1965; 8:47 a.m.]

DEPARTMENT OF AGRICULTURE

Consumer and Marketing Service

[7 CFR Part 1068]

MILK IN MINNEAPOLIS-ST. PAUL, MINN., MARKETING AREA

Notice of Proposed Suspension of Certain Provision of Order

Notice is hereby given that, pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), the suspension of a certain provision of the order regulating the handling of milk in the Minneapolis-St. Paul marketing area is being considered for the period of July 1, 1965, through November 30, 1965.

The provision proposed to be suspended is: In § 1068.56(a) the words "during each of the months of December through June, and 35 percent during each of the remaining months", relating to the computation of the Class I butterfat differential.

This action was requested by cooperatives representing more than 90 percent of the producers supplying the market who allege that the suspension is necessary to promote orderly marketing during the July–November period. The proposed suspension would result in a uniform Class I butterfat differential throughout the year. The order presently provides for a higher Class I butterfat differential for the months of July through November. This suspension has been requested pending a hearing on a proposal to amend the order in this respect.

All persons who desire to submit written data, views, or arguments in connection with the proposed suspension should file the same with the Hearing Clerk, Room 112–A, Administration Building, U.S. Department of Agriculture, Washington, D.C., 20250 not later than 5 days from the date of publication of this notice in the FEDERAL REGISTER. All documents filed should be in quadruplicate.

All written submissions made pursuant to this notice will be made available for public inspection at such times and places and in a manner convenient to the public business (7 CFR 1.27(b)).

Signed at Washington, D.C., on June 9, 1965.

CLARENCE H. GIRARD,
Deputy Administrator, Regulatory Programs.

[F.R. Doc. 65-6191; Filed, June 14, 1965; 8:47 a.m.]

[9 CFR Part 201]

PACKERS AND STOCKYARDS ACT REGULATIONS

Market Agencies Not To Employ Buyers

Notice is hereby given that, pursuant to section 407(a) of the Packers and Stockyards Act, 1921 (7 U.S.C. 228(a)), the Consumer and Marketing Service proposes to amend § 201.66 (9 CFR 201.66) of the regulations under such Act, as amended (7 U.S.C. 181 et seq.), so as to clarify the conditions under which persons engaged in buying livestock as a market agency or dealer may be employed to assist a market agency in the furnishing of its services.

Statement of considerations. One of the objectives of the Packers and Stockyards Act is to protect the producers and owners of livestock from unfair, unjust, or unreasonable practices in the marketing of their livestock. To this end many of the regulations issued under the Act are directed against practices and relationships involving market agencies which result in conflict-of-interest situations. Section 201.66 is one of such regulations. It was designed and issued principally to prohibit working arrangements between selling agencies who represent the consignors of livestock and the buyers or prospective buyers of such livestock. The regulation also prohibits similar arrangements between buying agencies who represent principals, and packers and dealers whose interests as buyers normally conflict with those of such principals.

In recent years, many market agencies, particularly those engaged in selling consigned livestock at auction, have experienced difficulty in finding qualified and experienced employees who are not "separately registered" under the Act to buy and sell livestock as a dealer. Because § 201.66 prohibits a market agency from utilizing the services of "independently operated and separately registered dealers" in the furnishing by such market agency of its services, some market agencies claim that they have not been able to employ the person most qualified for a particular job, despite the fact that such person would not have been engaged in any dealer operations at the stockyard where he would have been employed. It is proposed that § 201.66 of the regulations be amended so that the regulation will not preclude the employment of properly qualified persons under conditions which would not present a conflict-of-interest situation.

It is proposed that § 201.66 of the regulations under the Packers and Stockyards Act be amended to read as follows:

§ 201.66 Market agencies not to employ persons engaged in buying livestock.

(a) No market agency shall employ or permit any packer, or any person employed by a packer to buy livestock for purposes of slaughter, to perform any service or duty in connection with the furnishing by such market agency of its services.

(b) No market agency shall employ or permit any person engaged in buying livestock as a dealer or market agency, or any employee of any such person, to perform any service or duty in connection with the furnishing by such market agency of its services: *Provided*, That this paragraph shall not prohibit a market agency engaged in selling consigned livestock from employing any individual who does not engage in any dealer or market agency transactions at the stockyard where he is employed and who is not otherwise employed by a dealer or market agency engaged in selling or buying livestock at said stockyard.

Any person who wishes to submit written data, views, or arguments concerning the proposed amendment may do so by filing them in duplicate with the Hearing Clerk, U.S. Department of Agriculture, Washington, D.C., on or before July 16, 1965.

All written submissions made pursuant to this notice will be made available for public inspection at such times and places and in a manner convenient to the public business (7 CFR 1.27(b)).

Done at Washington, D.C., this 9th day of June 1965.

CLARENCE H. GIRARD,
Deputy Administrator,
Consumer and Marketing Service.

[F.R. Doc. 65-6221; Filed, June 14, 1965; 8:50 a.m.]

DEPARTMENT OF COMMERCE

Maritime Administration

[46 CFR Part 290]

CONSTRUCTION-DIFFERENTIAL SUBSIDY CONSTRUCTION CONTRACT

Notice of Proposed Rule Making

The Maritime Subsidy Board is considering the revision of the form of construction-differential subsidy construction contract, Special Provisions and General Provisions, as contained in the copy filed with the original of this document with the Office of the Federal Register, as well as the revision of § 290.1 of this part to read as set forth below:

§ 290.1 Construction-Differential Subsidy Construction Contract.

(a) The Maritime Subsidy Board on June 4, 1965, has adopted the revised form of Construction-Differential Subsidy Construction Contract under Title V, Merchant Marine Act, 1936, as amended, to be identified as "Contract No. MA/MSB ------ Special Provisions" and "Construction-Differential Subsidy Construction Contract Part II. General Provisions (Approved ----------, 1965.").

(b) Copies of the contract form, containing the said Special Provisions and General Provisions, may be obtained by persons having a proper interest therein upon application to the Secretary, Maritime Subsidy Board, Washington, D.C., 20235.

Interested persons may submit views and/or comments relative to the foregoing, in writing, in triplicate, addressed to the Secretary, Maritime Subsidy Board, Washington, D.C., 20235, by close of business on August 16, 1965. The Maritime Subsidy Board will consider such written views and/or comments and take such action thereon as in its discretion it deems warranted.

By order of the Maritime Subsidy Board.

Dated: June 4, 1965.

JAMES S. DAWSON, Jr.,
Secretary.

[F.R. Doc. 65-6193; Filed, June 14, 1965; 8:47 a.m.]

[46 CFR Part 380]

[General Order 101]

RECORDS RETENTION SCHEDULE

Notice of Proposed Rule Making

Section 801, Merchant Marine Act, 1936, as amended, provides in part for the keeping by Contractors and others subject to the provisions of this section of books, records, and accounts in such form and manner as may be prescribed by the Maritime Administration/Maritime Subsidy Board (hereinafter referred to as "Administration"), and for authorization to the Administration to examine and audit such books, records, and accounts.

The over-all purpose of this proposed regulation is to provide the procedure for the retention and disposal of books, records, and accounts created and maintained by contractors under operating-differential subsidy contracts with the Administration, and having as its effect a substantial reduction of the existing minimum time for the retention of records.

In accordance with the provisions of section 4, Administrative Procedure Act (5 U.S.C. 1003), notice is hereby given that a new subpart is proposed to be added to Part 380 of this chapter reading as follows:

Subpart C—Records Retention Schedule

Sec.
380.20 Purpose.
380.21 Reproduction.
380.22 Responsibility.
380.23 Supervision of records.
380.24 Schedule of retention periods and description of records.

AUTHORITY: The provisions of this Subpart C issued under secs. 204, 207, 49 Stat. 1987, as amended, 1988, as amended; 46 U.S.C. 1114, 1117; sec. 801, 49 Stat. 2011, 46 U.S.C. 1211.

§ 380.20 Purpose.

The purpose of this subpart is to prescribe the procedure to be followed by contractors for the retention and disposal of books, records, and accounts created and maintained by them under operating-differential subsidy contracts with the Maritime Administration/Maritime Subsidy Board (hereinafter referred to as "Administration"). The minimum retention periods prescribed herein govern only the Administration's requirements for the preservation of the hereinafter specified books, records, and accounts but the failure to describe a particular book, record, or account shall not exempt a contractor from retaining the particular book, record, or account, unless expressly so authorized by the Administration.

§ 380.21 Reproduction.

(a) The following bulk records may be microfilmed or otherwise reproduced in lieu of their retention in original form: *Provided*, That such reproductions shall not be made prior to completion of the Administration audit of such records, but no later than two (2) years after such audit:

(1) Cancelled checks;
(2) Dray tickets;
(3) Bills of lading;
(4) Proxies;
(5) Vessel itineraries and position reports;
(6) And such other records specifically approved by the Administration upon application made therefor.

(b) The following standards are established for reproduction processes:

(1) *Microfilm.* The film stock used in making photographic or microphotographic copies shall comply with Interim Federal Standard No. 125 covering photographic film and processed photographic film. The microfilm shall be regularly inspected for aging in accordance with Handbook 96, entitled, "Inspection of Processed Photographic Record Films for Aging Blemishes", published by the U.S. Department of Commerce, National Bureau of Standards. If blemishes are detected, a duplicate copy of the roll or print shall be made immediately.

(2) *Photocopy.* Electrostatic or wet processes only.

§ 380.22 Responsibility.

(a) Notwithstanding the minimum retention periods hereinafter set forth, it shall be the sole responsibility of any party subject to the provisions of this subpart to retain such books, records, and accounts:

(1) For the periods specifically provided by any statutory, regulatory, and contractual requirements of the Administration, or

(2) Pertaining to or related to matters in litigation, to matters which knowingly may become involved in litigation, to unsettled claims of whatsoever nature, and to all unsettled matters specifically reserved by the parties at the time of any final accounting as may be required under statute, contract and/or agreement.

(b) With respect to books, records, and accounts which are to be disposed of upon the expiration of the minimum retention period prescribed herein, there shall be filed with the Records Officer, Maritime Administration, Washington, D.C., 20235, a written notification requesting permission, in triplicate, at least thirty (30) days prior to the contemplated disposal in such form that the books, records, and accounts can be readily identified. Within thirty (30) days after receipt of such notification the Records Officer shall grant approval for disposal, or advise the necessity for continued retention of all or any specified portion thereof.

(c) Applications for special authority to dispose of certain books, records, and accounts prior to the expiration of prescribed minimum retention periods, and any inquiries as to the interpretation or applicability of this subpart to specific items shall be submitted to the Records Officer, Maritime Administration. The applicant shall describe in detail the items to be disposed of and explain why continued retention is unnecessary.

§ 380.23 Supervision of records.

(a) Contractors and others subject to the provisions of this subpart shall designate, through formal action, the official company position by title, the incumbent of which shall be responsible for supervision of its document retention and disposal program. Immediately upon designation of the position, a copy of the formal action and name of the incumbent shall be filed with the Records Officer, Maritime Administration.

(b) The person in charge of the retention and disposal program shall maintain a record of all books, records, and accounts held in storage, and in such form that the items and their location are readily identifiable. A copy of the written notification requesting permission to dispose of any books, records, and accounts, and the original approval from the Administration, as required in § 380.22(b), together with a statement showing date, place and method of disposal will suffice as a record of such disposed items. These retention and disposal records shall be available at all times for inspection by Administration officials and auditors.

§ 380.24 Schedule of retention periods and description of records.

(a) The following records shall be retained for not less than six (6) years after final release agreement or settlement agreement is completed between the Administration and contractors under operating-differential subsidy contracts.

(1) Official company or corporate records such as certificates or articles of incorporation, minute books, stock ledgers, bond registers, merger or acquisition records, patents, and copyrights;

(2) Books of account such as general and subsidiary ledgers, journals, cash books, and check registers;

(3) Financial statements and reports such as annual reports to stockholders and audit reports by independent public accountants;

(4) Personnel records and supplementary records such as union agreements, retirement plans, group insurance coverages, and profit sharing plans;

(5) Insurance records such as policies, underwriters' audit reports, indemnity bonds, salvage data, and claim files;

(6) Contracts, agreements, franchises, licenses, etc., with Federal, State, local and foreign governments, and independent or related companies or parties such as subsidy, charter, ship construction, pooling agreements, tax closing agreements, purchase contracts, and vessel inventories.

(b) The following records shall be retained for not less than six (6) years after final audit and approval by the Administration of a final accounting for the last year of a recapture period and settlement of such recapture period:

(1) Debt records such as mortgages and loan agreements;

(2) Investment records such as stocks, bonds, and property;

(3) Freight and passenger conference records;

(4) Tax records—Federal, State, local and foreign governments, such as income, property, franchise, and payroll;

(5) Vessel operating records such as log books, surveys, position reports, and vessel itineraries;

(6) Financial records such as subsidy accrual computations, voucher billings, and payments, statutory reserve fund statements, and audit appeals and rulings;

(7) Real property and equipment records such as costs, depreciation, sales, etc., on land, buildings, equipment, and vessels;

(8) Property records such as titles, deeds, and leases.

(c) The following records shall be retained for six (6) years after final audit and approval of annual accountings by the Administration:

(1) Ship construction or reconversion records such as bids, plans, progress payments, and construction-differential subsidy data;

(2) Canceled checks;

(3) Miscellaneous documents and work papers such as correspondence, operating and construction differential subsidy rate data, subsidy adjustments pursuant to Part 276 of this chapter (General Order 50), exemptions under section 803 of the Merchant Marine Act, 1936, and approvals pursuant to Article II-10(c) of operating-differential subsidy contracts when no longer effective;

(4) Any document generated under the provisions of the Shipping Act, 1916.

(d) The following records shall be retained for two (2) years after final audit and approval of annual accountings by the Administration:

(1) Voyage account items such as manifests, bills of lading, disbursement vouchers, master's accounts, and ship's payrolls; and

(2) Underlying traffic records pertaining to tariffs, dray tickets, pooling agreements, and passenger reports.

(e) Reports prepared by Federal, State, local or foreign governments pertaining to any documents referred to in this § 380.24, shall be retained for the same period as prescribed herein for the retention of the documents to which they apply.

(f) If identical copies of the same document serve more than one purpose, only the original copy is required to be retained.

NOTE: The record-keeping and reporting requirements contained herein have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Interested persons may submit data, views, or comments relative to this matter in writing, in triplicate, addressed to the Secretary, Maritime Subsidy Board/Maritime Administration, Washington, D.C., 20235, by close of business, July 12, 1965. Consideration will be given to such written data, views, or comments, and action will be taken thereon, within the discretion of the Administration.

By order of the Maritime Administrator and the Maritime Subsidy Board.

Dated: June 4, 1965.

JAMES S. DAWSON, Jr.,
Secretary.

[F.R. Doc. 65-6194; Filed June 14, 1965; 8:47 a.m.]

FEDERAL AVIATION AGENCY

[14 CFR Part 71]

[Airspace Docket No. 65-CE-67]

TRANSITION AREA

Proposed Designation

The Federal Aviation Agency is considering an amendment to Part 71 of the Federal Aviation Regulations which would designate controlled airspace in the Shenandoah, Iowa, terminal area.

Presently there is no designated controlled airspace in the Shenandoah, Iowa, terminal area.

The Federal Aviation Agency, having completed a comprehensive review of the terminal airspace structure requirements in the Shenandoah terminal area as a result of the recent installation by the city of Shenandoah, Iowa, of a "MH" facility on the Shenandoah Municipal Airport and the development of an ADF instrument procedure utilizing this facility as the navigational aid, proposes the following airspace action:

Designate a transition area in the Shenandoah, Iowa, terminal area to comprise that airspace extending upward from 700 feet above the surface within a 6-mile radius of the Shenandoah, Iowa, Municipal Airport (latitude 40°45'15" N., longitude 95°25'15" W.), and within 5 miles NE and 8 miles SW of the 132° bearing from the Shenandoah RBN, extending from the RBN to a point 12 miles SE of the RBN.

The ADF instrument approach procedure will become effective concurrently with the effective date of the airspace action proposed herein. Specific details concerning this procedure may be examined by contacting the Chief, Airspace Branch, Air Traffic Division, Central Region, Federal Aviation Agency, 4825 Troost Avenue, Kansas City, Mo., 64110.

Shenandoah, Iowa, presently underlies the Omaha control area extension. However, this control area extension will be revoked and the Omaha transition area will become effective on May 27, 1965. At that time, Shenandoah will underlie the Omaha transition area which extends upward from 1200 feet above the surface.

The floors of the airways that would traverse the transition area proposed herein would automatically coincide with the floors of the transition area. The transition area will provide controlled

airspace for aircraft arriving, departing, holding and transitioning at Shenandoah when operating between altitudes of 700 and 1500 feet above the surface. The Omaha transition area, which becomes effective May 27, 1965, will complement this proposed transition area.

Interested persons may submit such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Director, Central Region, Attention: Chief, Air Traffic Division, Federal Aviation Agency, 4825 Troost Avenue, Kansas City, Mo., 64110. All communications received within 45 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Division Chief. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The public Docket will be available for examination by interested persons in the office of the Regional Counsel, Federal Aviation Agency, 4825 Troost Avenue, Kansas City, Mo., 64110.

This amendment is proposed under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348).

Issued at Kansas City, Mo., on May 28, 1965.

KIRBY L. BRANNON,
Acting Director, Central Region.

[F.R. Doc. 65-6178; Filed, June 14, 1965; 8:46 a.m.]

[14 CFR Part 73]

[Airspace Docket No. 65-SO-1]

RESTRICTED AREA

Proposed Alteration

The Federal Aviation Agency is considering amendments to Part 73 of the Federal Aviation Regulations that would alter Restricted Area R-3002 at Ft. Benning, Ga.

Interested persons may participate in the proposed rule making by submitting such written data, views, or arguments as they may desire. Communications should identify the airspace docket number and be submitted in triplicate to the Director, Southern Region, Attention: Chief, Air Traffic Division, Federal Aviation Agency, Post Office Box 20636, Atlanta, Ga., 30320. All communications received within 45 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendments. The proposals contained in this notice may be changed in the light of comments received.

An official docket will be available for examination by interested persons at the Federal Aviation Agency, Office of the General Counsel, Attention: Rule Docket, 800 Independence Avenue SW., Washington, D.C., 20553. An informal docket also will be available for examination at the office of the Regional Air Traffic Division Chief.

The United States Army has requested the Federal Aviation Agency to alter the description of R-3002 by slightly expanding the area to the northeast in order to provide for the installation of additional artillery firing positions. Additionally, it is proposed that the area encompassing the Muscogee County Public Works Camp, County Poor Farm, and the County Tuberculosis Hospital along the northwest boundary of R-3002 be excluded from the restricted area.

If these proposals are adopted, R-3002 would be enlarged by deleting from the description of the boundaries "to latitude 32°29'10" N., longitude 84°39'25" W.; to latitude 32°18'30" N., longitude 84°39'-25" W.;" and inserting "to latitude 32°-31'20" N., longitude 84°40'20" W.; thence northeast along Upatoi Creek to latitude 32°31'46" N., longitude 84°39'-25" W.; to latitude 32°18'30" N., longitude 84°39'25" W."

The portion of R-3002 surrounding the county work camp, county poor farm, and county tuberculosis hospital would be revoked by deleting "to latitude 32°24'-00" N., longitude 84°53'30" W.; to the point of beginning" and substituting therefor "to latitude 32°24'00" N., longitude 84°53'30" W.; to latitude 32°29'17" N., longitude 84°52'32" W.; to latitude 32°29'17" N., longitude 84°51'35" W.; to latitude 32°30'19" N., longitude 84°51'-35" W.; to latitude 32°30'19" N., longitude 84°52'21" W.; to the point of beginning."

If the above actions are adopted, the airspace above the three specified institutions, now designated for military activities, would be revoked and the Army would be provided with a capability of installing additional artillery firing points which it states are urgently needed.

These amendments are proposed under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348).

Issued in Washington, D.C., on June 9, 1965.

DANIEL E. BARROW,
Chief, Airspace Regulations and Procedures Division.

[F.R. Doc. 65-6177; Filed, June 14, 1965; 8:45 a.m.]

Notices

DEPARTMENT OF THE TREASURY

Bureau of Customs

[Antidumping—AA 643.3-m]

FUR FELT HAT BODIES FROM CZECHOSLOVAKIA

Antidumping Proceeding Notice

JUNE 9, 1965.

On May 24, 1965, the Commissioner of Customs received information in proper form pursuant to the provisions of § 14.6 (b) of the Customs regulations indicating a possibility that fur felt hat bodies imported from Czechoslovakia are being, or likely to be, sold at less than fair value within the meaning of the Antidumping Act, 1921, as amended.

Ordinarily, merchandise is considered to be sold at less than fair value when the net, f.o.b. factory price for exportation to the United States is less than the net, f.o.b. factory price to purchasers in the home market, or, where appropriate, to purchasers in other countries, after due allowance is made, for differences in quantity and circumstances of sale.

A summary of the information received is as follows:

Information received indicates that in many instances the f.o.b. price for exportation to the United States of Czechoslovakian fur felt hat bodies is less than the world price of fur used in the production of such bodies. In addition, the quality of the Czechoslovakian fur felt hat bodies compares favorably with the quality of considerably higher priced fur felt hat bodies exported to the United States from other countries.

In order to establish the validity of the information, the Bureau of Customs is instituting an inquiry pursuant to the provisions of § 14.6(d) (1) (ii), (2), and (3) of the Customs regulations.

The information was submitted by United Hatters, Cap, and Millinery Workers International Union.

This notice is published pursuant to § 14.6(d) (1) (i) of the Customs regulations (19 CFR 14.6(d) (1) (i)).

[SEAL] LESTER D. JOHNSON,
Acting Commissioner of Customs.

[F.R. Doc. 65-6198; Filed, June 14, 1965; 8:47 a.m.]

Office of the Secretary

[Dept. Circ. 570, 1964 Rev. Supp. 21]

WABASH FIRE AND CASUALTY INSURANCE CO.

Extension of Authority To Qualify as Surety on Federal Bonds

JUNE 9, 1965.

Notice is hereby given that the Certificate of Authority issued by the Secretary of the Treasury to Wabash Fire and Casualty Insurance Co., Indianapolis, Ind., under the provisions of the act of Congress, approved July 30, 1947 (6 U.S.C. 6-13), to qualify as sole surety on recognizances, stipulations, bonds and undertakings permitted or required by the laws of the United States, expiring on May 31, 1965, has been extended to July 31, 1965, with an underwriting limitation of $100,000.

[SEAL] JOHN K. CARLOCK,
Fiscal Assistant Secretary.

[F.R. Doc. 65-6200; Filed, June 14, 1965; 8:47 a.m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[New Mexico 05501?5]

NEW MEXICO

Notice of Termination of Proposed Withdrawal and Reservation of Lands

The Bureau of Indian Affairs has canceled its proposed withdrawal application Serial New Mexico 0558175 insofar as it involves the lands described below. Therefore, pursuant to the regulations contained in 43 CFR Part 2311, the lands will be at 10 a.m. on July 11, 1965 relieved of the segregative effect of the above-mentioned application.

The lands involved in this notice of termination are:

NEW MEXICO PRINCIPAL MERIDIAN, N. MEX.

T. 20 N., R. 5 W.,
Sec. 18: S½NE¼SE¼, N½SE¼SE¼, N½S½SE¼SE¼.

The area described contains 50 acres.

W. J. ANDERSON,
State Director.

[F.R. Doc. 65-6187; Filed, June 14, 1965; 8:46 a.m.]

[Colorado 0125430]

COLORADO

Notice of Proposed Withdrawal and Reservation of Lands

JUNE 8, 1965.

The Bureau of Sport Fisheries and Wildlife of the Department of Interior has filed an application, Serial Number Colorado 0125430, for the withdrawal from all forms of appropriation under the public land laws including the mining and mineral leasing laws, subject to existing valid claims, as provided by section 8, Colorado River Storage Project Act (70 Stat. 110; 43 U.S.C. 620g), the public lands described below.

The Bureau of Sport Fisheries and Wildlife desires the lands as part of the Delta National Fish Hatchery.

For a period of 30 days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the Land Office Manager of the Bureau of Land Management, Department of the Interior, Colorado Land Office, Room 15019 Federal Building, 1961 Stout Street, Denver, Colo., 80202.

If circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

The lands affected are:

SIXTH PRINCIPAL MERIDIAN, COLO.

T. 15 S., R. 93 W.,
Sec. 10: N½N½NE¼NE¼.

Lands proposed to be withdrawn in the above designated area aggregate approximately 10 acres.

W. F. MEEK,
Land Office Manager.

[F.R. Doc. 65-6192; Filed, June 14, 1965; 8:47 a.m.]

Office of the Secretary

[Order No. 2880]

UNDER SECRETARY OF THE INTERIOR ET AL.

Delegation of Authority Regarding Virgin Islands Corporation, National Forest Reservation Commission, and Migratory Bird Conservation Commission

SECTION 1. *Delegation.* (a) The Under Secretary of the Interior or an Assistant Secretary of the Interior, upon designation by me, may exercise the authority of the Secretary of the Interior as Member and Chairman, Board of Directors, Virgin Islands Corporation;

(b) The Under Secretary of the Interior, an Assistant Secretary of the Interior, or the Director, Bureau of Outdoor Recreation, upon designation by me, may exercise the authority of the Secretary of the Interior as Member, National Forest Reservation Commission;

(c) The Under Secretary of the Interior or the Assistant Secretary for Fish and Wildlife and Parks, upon designation by me, may exercise the authority of the Secretary of the Interior as Chairman, Migratory Bird Conservation Commission.

SEC. 2. *Redelegation.* The authority delegated by section 1 of this order may not be redelegated.

SEC. 3. *Revocation.* This order supersedes order No. 2871 (27 F.R. 9926).

(Sec. 2, Reorganization Plan No. 3 of 1950, 5 U.S.C., sec. 133z-15, note)

STEWART L. UDALL,
Secretary of the Interior.

JUNE 9, 1965.

[F.R. Doc. 65-6188; Filed, June 14, 1965; 8:47 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

MERCK SHARP AND DOHME RESEARCH LABORATORIES

Notice of Filing of Petition for Food Additives Amprolium and Ethopabate

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348(b)(5)), notice is given that a petition (FAP 5D1737) has been filed by Merck Sharp & Dohme Research Laboratories, Division of Merck & Co., Inc., Rahway, N.J., 07065, proposing an amendment to § 121.210 of the food additive regulations to provide for the safe use of 113.5 grams to 227 grams of amprolium combined with 3.6 grams to 36 grams of ethopabate per ton of feed, for broiler or replacement chickens for the prevention of coccidiosis and an amendment to § 121.1106 to establish a tolerance for residues of ethopabate. metabolites convertible to metaphenetidine as follows:

1. 1.5 parts per million in uncooked chicken liver and kidney.

2. 0.5 part per million in uncooked chicken muscle meat.

3. Zero in chicken eggs.

Dated: June 7, 1965.

MALCOLM R. STEPHENS,
Assistant Commissioner for Regulations.

[F.R. Doc. 65-6217; Filed, June 14, 1965; 8:49 a.m.]

UPJOHN CO.

Notice of Establishment of Temporary Tolerance for 2,6-Dichloro-4-Nitroaniline

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(j), 68 Stat. 516; 21 U.S.C. 346a(j)) and under the authority delegated to the Commissioner of Food and Drugs by the Secretary of Health, Education, and Welfare (21 CFR 2.90) notice is given that at the request of The Upjohn Co., Kalamazoo, Mich., a temporary tolerance is established for residues of the fungicide 2,6-dichloro-4-nitroaniline in or on sweet cherries at 20 parts per million from preharvest and postharvest use.

While this temporary tolerance is in effect, 2,6-dichloro-4-nitroaniline is considered to be a member of the class of chlorinated organic pesticides under § 120.3(e)(4).

Conditions under which this temporary tolerance is established are as follows:

1. The total amount of the technical fungicide to be used under the experimental permit will not exceed 2,000 pounds. Distribution will be under The Upjohn Co. name.

2. The fungicide will not be marketed for general use but will be supplied to qualified persons as permitted in the experimental permit issued by the U.S. Department of Agriculture for bona fide experimental use.

3. The Upjohn Co. will immediately advise the Food and Drug Administration of any reports on findings from the experimental use that have a bearing on safety. The company will also keep records as to production, distribution, and performance and on request make these records available to any authorized officer or employee of the Food and Drug Administration.

This temporary tolerance expires August 23, 1965.

Dated: June 8, 1965.

GEO. P. LARRICK,
Commissioner of Food and Drugs.

[F.R. Doc. 65-6218; Filed, June 14, 1965; 8:50 a.m.]

ATOMIC ENERGY COMMISSION

[Docket No. 50-231]

GENERAL ELECTRIC CO. ET AL.

Order and Notice of Change of Place of Hearing

In the matter of General Electric Co., Southwest Atomic Energy Associates, Southwest Experimental Fast Oxide Reactor, Docket No. 50-231.

Hearing upon the above application will be commenced at the time specified in the Commission's notice of hearing, as published at 30 F.R. 7199, May 28, 1965, but the notified place of hearing room is modified as herein stated.

It is ordered, This 11th day of June 1965, that the hearing shall be commenced at 10 a.m., local time, on Tuesday, June 29, 1965, in the Auditorium of the Engineering Building on the campus of the University of Arkansas in Fayetteville, Ark., and

It is further ordered, That this order and notice be promptly published in the FEDERAL REGISTER.

Issued: June 11, 1965, Germantown, Md.

ATOMIC SAFETY AND LICENSING BOARD,
J. D. BOND, *Chairman.*

[F.R. Doc. 65-6273; Filed, June 14, 1965; 8:50 a.m.]

BUREAU OF THE BUDGET

TENNESSEE VALLEY AUTHORITY

Order Transferring Use, Possession, and Control of Certain Lands From Atomic Energy Commission

By virtue of the authority vested in the President of the United States by section 7(b) of the Tennessee Valley Authority Act of 1933 (16 U.S.C. 831f(b)), and delegated to the Director of the Bureau of the Budget by section 1(1) of Executive Order No. 10530 of May 10, 1954, it is ordered that the use, possession, and control of the land hereinafter described be, and they are hereby, transferred from the Atomic Energy Commission to the Tennessee Valley Authority, such transfer being deemed necessary and proper for the purposes of TVA as stated in the Tennessee Valley Authority Act of 1933, as amended:

That certain tract of land, designated on TVA land records as tract ORSS-2, the said land being described as follows:

A parcel of land located in the Seventh (Old Fourth) Civil District of Anderson County, State of Tennessee, on the southeast side of Tuskegee Drive in the community of Oak Ridge, designated as Parcel Number Six Hundred Eleven (611), containing 2.23 acres, on the plat of the entire City of Oak Ridge, Tenn., Subdivision Plan, as shown on Block Plan SD K-11, prepared by Michael Baker, Jr., Inc., and recorded in Oak Ridge Plat Book No. 1, Page 93, in the Register's Office of Anderson County, Tenn., the said parcel being as shown on a map prepared by the Tennessee Valley Authority and entitled "Oak Ridge, Tenn. Substation Property and Contour Map," said parcel being more particularly described as follows:

"Beginning at a point where the northeasterly prolongation of the southeast line of the right of way of Tuskegee Drive intersects the center line of a road, which is the northeast line of the land of the United States of America (Atomic Energy Commission) and the southwest line of the land of Frances A. Sturm; thence with the southwest line of the land of Frances A. Sturm and with the center of the road S. 30°09' E., 233.5 feet to a corner of the lands of the United States of America (Atomic Energy Commission), United States of America (Tennessee Valley Authority, Tract ORSS-1), and Frances A. Sturm; thence with the line of TVA Tract ORSS-1 S. 30°09' E., 78 feet to an iron pin; thence with the line of TVA Tract ORSS-1 S. 67°04' W., 350.7 feet to an iron pin; thence with the line of TVA Tract ORSS-1 N. 30°11' W., 344.0 feet to a point in the southeast line of the right of way of Tuskegee Drive; thence with the southeast line of the right of way of Tuskegee Drive N. 46°17' E., 380.4 feet to the point of beginning containing 2.23 acres, more or less."

Together with the improvements located on the said land and such appurtenant right, title, and interest in that portion of Tuskegee Drive abutting the above described land as may attach to the title of the said land.

The directions of lines are based on TVA transmission line and substation grid north which is 34°22' east of the Oak Ridge grid north.

Such transfer is made subject to such rights as may be vested in the city and county to a right of way for a road, and to such rights as may be vested in third parties to rights of way for power, water, gas, and telephone lines.

ELMER B. STAATS,
Acting Director of the Bureau of the Budget.

JUNE 7, 1965.

[F.R. Doc. 65-6172; Filed, June 14, 1965; 8:48 a.m.]

CIVIL AERONAUTICS BOARD

[Docket No. 16228; Order E-22289]

EASTERN AIR LINES, INC., AND NATIONAL AIRLINES, INC.

Order of Investigation and Suspension Regarding Proposed Individual Tour-Basing Coach Excursion Fares

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 10th day of June 1965.

On May 14, 1965, National Airlines, Inc. (National) filed a tariff[1] marked to become effective June 28, 1965, proposing individual tour-basing round-trip coach excursion fares between Miami, on the one hand, and Boston, New York/Newark, and Philadelphia, on the other. The fares are applicable Monday through Thursday; however, the fares for Monday and Thursday are $4 higher than the fares for Tuesday and Wednesday. For example, the New York-Miami round-trip fares, which are representative of the fares for the other segments, would be $94 on Monday and Thursday, and $90 on Tuesday and Wednesday. These fares, which are applicable on jet or propeller aircraft, are equal to the group fares of National and other carriers in the markets involved. The proposed tariff expires with December 15, 1965.[2]

Northeast Airlines, Inc., (Northeast) has filed a complaint requesting investigation and suspension of National's proposal. In summary, the complainant states that National has presented no factual data in support of its proposal; that the proposed excursion fare tariff would have an adverse financial effect upon all the carriers in the East Coast-Florida markets; that National filed a similar proposal which the Board has suspended and ordered to be investigated; and that National has presented no basis for reversal of those orders. Northeast further contends that this filing is a new attempt by National to obtain reconsideration of fares previously suspended by the Board; that National's arguments against group fares are exaggerated and have already been considered by the Board; and that the requirement that the passenger buys $28 of land accommodations does not add a substantive restriction to these fares.

In support of its proposal and in answer to the complaint, National contends that the proposed excursion fares are reasonable; that the group fares in the Miami market have debased the net yield of all three carriers and have turned control of the majority of the seats over to the larger travel agents; and that the proposed individual tour-basing excursion fares will allow the small travel agent to deal directly with the airline involved rather than being forced to go to a large travel agent to secure space. National further states that its proposed tariff is very restrictive in that the fares apply only when the return portion of a round-trip ticket is not earlier than 6 days, nor later than 22 days, in addition to the date of departure from the point of origin; that the fares apply only when sold in conjunction with an advertised air tour of not less than $28; and that these restrictions prevent commuter and business travelers from debasing the carrier's yield and at the same time return the control of the seats to the airlines. The Southern Florida Hotel and Motel Association has also filed an answer to Northeast's complaint.

[1] National Airlines, Inc., Local Tour-Basing Excursion Tariff CAB No. 89, bearing a posting date of May 14, 1965.

[2] Eastern Air Lines, Inc. has filed a competitive tariff (CAB No. 181).

National's proposed tariff is different from the prior one which has been recently suspended by the Board[3] only in that the proposed individual excursion fares would apply when sold in conjunction with an advertised air tour of not lets than $28. National's proposed fares represent a reduction of existing individual excursion fares to the level of the current group fares. National has not submitted evidence comparing the cost of processing group travelers and individual travelers, nor traffic and financial data of its excursion fares for previous years, or estimates of future traffic and revenues related to the proposed fares. It does not appear that National's tariff proposal is significantly different from those which have previously been suspended by the Board; and therefore, in accordance with our previous decision, the carrier's proposed tariff will be suspended and investigated.

The Board has received many informal complaints against the existing Florida group fares and is aware of some of the shortcomings created by these fares in recent months. For this reason, we have permitted to become effective individual tour-basing excursion fares between Midwest and Florida points which are slightly above group fares and which are designed to promote offseason travel to Florida.[4] Similarly, the Board would consider in due course, subject to current tariff regulations, a filing by National and other carriers proposing individual tour-basing excursion fares not lower than $95 in the basic New York-Miami market, and similar fares for other eastern cities.

Accordingly, pursuant to the Federal Aviation Act of 1958, and particularly sections 204(a), and 1002 thereof: *It is ordered*, That:

1. An investigation is instituted to determine whether the fares and provisions in National Airlines, Inc., CAB No. 89 and 1st Revised Page 3 thereto, and Eastern Air Lines, Inc., CAB No. 181, and rules, regulations, or practices affecting such fares and provisions are, or will be, unjust or unreasonable, unjustly discriminatory, unduly preferential, unduly prejudicial, or otherwise unlawful, and if found to be unlawful to determine and prescribe the lawful fares and provisions, and rules, regulations, and practices affecting such fares and provisions;

2. Pending hearing and decision by the Board, National Airlines, Inc., CAB No. 89 and 1st Revised Page 3 thereto, and Eastern Air Lines, Inc., CAB No. 181, are suspended and their use deferred to and including September 25, 1965, unless otherwise ordered by the Board, and that no changes be made therein during the period of suspension except by order or special permission of the Board;

3. The complaint of Northeast Airlines, Inc., in Docket 16185, to the extent granted herein, is consolidated in this proceeding;

4. The proceeding ordered herein be assigned for hearing before an examiner of the Board at a time and place hereafter to be designated; and

5. Copies of this order shall be filed with the affected tariffs and shall be served upon Eastern Air Lines, Inc., National Airlines, Inc., Northeast Airlines, Inc., and the Southern Florida Hotel and Motel Association, who are hereby made parties to this proceeding.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON,
Secretary.

[F.R. Doc. 65-6220; Filed, June 14, 1965; 8:50 a.m.]

[3] Order E-21953, Mar. 26, 1965, and Order E-22107, Apr. 29, 1965.

[4] Delta Air Lines, Inc., CAB No. 87, bearing a posting date of May 7, 1965, and marked to become effective June 21, 1965.

CIVIL SERVICE COMMISSION

MANPOWER SHORTAGE

Notice of Listing

Under the provisions of section 7(b) of the Administrative Expenses Act of 1946, as amended, the Civil Service Commission has found, effective June 4, 1965, that there is a manpower shortage for the position of Biologist (Ecological), GS-401-15, Smithsonian Institution, Washington, D.C.

This manpower shortage finding will terminate when the position is filled.

The appointee to this position may be paid for the expenses of travel and transportation to his first duty station.

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] MARY V. WENZEL,
Executive Assistant to the Commissioners.

[F.R. Doc. 65-6196; Filed, June 14, 1965; 8:47 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 16043; FCC 65M-744]

BIG FOUR BROADCASTING

Order Scheduling Hearing

In re application of Frederick Van Dyke, Ted E. Randal, Cleon William Enis and Raymond Golden doing business as Big Four Broadcasting, Docket No. 16042, File No. BR-3903; for renewal of license of Station KMRE Anderson, Calif.

It is ordered, This 8th day of June 1965, that Sol Schildhause will preside at the hearing in the above-entitled proceeding which is hereby scheduled to commence at 10 a.m., on October 1, 1965, in Anderson, Calif.: *And it is further ordered*, That a prehearing conference in the proceeding will be convened by the presiding officer at 10 a.m. on July 30, 1965, in Washington, D.C.

Released: June 9, 1965.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 65-6204; Filed, June 14, 1965; 8:48 a.m.]

[Docket No. 16050; FCC 65-514]

[Docket No. 16050; FCC 65-514]

CONTINENTAL BROADCASTING, INC.

Order Designating Application for Hearing on Stated Issues

In re application of Continental Broadcasting, Inc., Docket No. 16050, File No. BR-174; for renewal of license of Station WNJR, Newark, N.J.

At a session of the Federal Communications Commission held at its offices in Washington, D.C. on the 9th day of June 1965;

The Commission having under consideration (1) the above-captioned application; and (2) the Commission's field inquiry with respect to the operations of Station WNJR; and

It appearing, that the Commission's inquiry into the operations of Station WNJR raises a number of serious questions bearing upon whether Continental Broadcasting, Inc., possesses the qualifications to remain the licensee of WNJR; and

It further appearing, that in view of these questions the Commission is unable to find that a grant of the above-captioned application would serve the public interest, convenience, and necessity and must, therefore, designate this application for a hearing;

It is ordered, That pursuant to section 309(e) of the Communications Act of 1934, as amended, the above-captioned application is designated for a hearing, at a time and place to be specified in a subsequent order, upon the following issues:

1. To determine whether in its written response to the Commission's notice of apparent liability or in its oral statements to the Commission's staff the applicant misrepresented facts to the Commission and/or was lacking in candor;

2. To determine whether the applicant falsely represented to the Commission or its staff that the 139 "contracts" submitted to the Commission's staff during the course of an investigation of WNJR were, in fact, the actual documents which the applicant allegedly required Celebrity Consultants to file with WNJR on behalf of each sponsor who advertised during "Celebrity Time"; or whether such "contracts" were falsified in order to conceal or misrepresent the actual facts with respect to the relationship which existed during the period of the latest renewal and up to the present, between the applicant, its employees and Celebrity Consultants;

3. To determine whether the principals of the applicant have exercised adequate control or supervision over the operation of WNJR in a manner consistent with the applicant's responsibility during the period of the applicant's most recent license renewal and up to the present;

4. To determine whether the applicant operated its station contrary to and/or inconsistent with the provisions of section 317 (a) (1) and (c) of the Communications Act and §§ 73.111, 73.112, and 73.119 of the Commission's rules;

5. To determine whether the applicant failed to file certain agreements regarding the sale of time periods to time brokers in violation of § 1.613(c) of the Commission's rules;

6. To determine whether, in light of the evidence adduced under the foregoing issues, the applicant has reflected the necessary qualifications to continue to be the licensee of Station WNJR;

7. To determine whether a grant of the above-captioned application would serve the public interest, convenience and necessity;

It is further ordered, That to avail itself of the opportunity to be heard, the applicant herein, pursuant to § 1.221 of the Commission's rules, in person or by attorney, shall within twenty days (20) of the mailing of this order, file with the Commission in triplicate, a written appearance stating an intent to appear on the date fixed for the hearing and present evidence on the issues specified in this Order.

It is further ordered, That, upon request, the Chief, Broadcast Bureau, shall furnish to the applicant a Bill of Particulars setting forth the basis for these issues (Dispatch Inc. 10 R.R. 1190).

It is further ordered, That the applicant herein shall, pursuant to section 311 (a) (2) of the Communications Act of 1934, as amended, and § 1.594 of the Commission's rules and regulations, give notice of the hearing within the time and in the manner prescribed in such rule, and shall advise the Commission thereof as required by § 1.594 of the Commission's rules and regulations.

Released: June 10, 1965.

FEDERAL COMMUNICATIONS COMMISSION,[1]
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 65-6205; Filed, June 14, 1965; 8:46 a.m.]

[Docket Nos. 16083, 16084; FCC 65M-749]

EASTERN LONG ISLAND BROADCASTERS, INC., AND REUNION BROADCASTING CORP.

Order Scheduling Hearing

In re applications of Eastern Long Island Broadcasters, Inc., Sag Harbor, N.Y., Docket No. 16033, File No. BPH-4321; Reunion Broadcasting Corp., East Hampton, N.Y., Docket No. 16034, File No. BPH-4460; for construction permits.

It is ordered, This 10th day of June 1965, that Elizabeth C. Smith shall serve as the presiding officer in the above-entitled proceeding; that the hearings therein shall commence at 10 a.m. on September 16, 1965; and that a prehearing conference shall be convened at 9 a.m. on July 9, 1965. *And, it is further ordered*, That all proceedings shall be held in the Offices of the Commission, Washington, D.C.

Released: June 10, 1965.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 65-6206; Filed, June 14, 1965; 8:46 a.m.]

[Docket No. 15835 etc.; FCC 65M-746]

LEBANON VALLEY RADIO ET AL.

Order Regarding Procedural Dates

In re applications of Joe Zimmermann, Arthur K. Greiner, Glenn W. Winter, William W. Rakow, Robert M. Lesher doing business as Lebanon Valley Radio, Lebanon, Pa., Docket No. 15835, File No. BP-16098; John E. Hewitt, Thomas A. Ehrgood, Clifford A. Minnich and Fitzgerald C. Smith doing business as Cedar Broadcasters, Lebanon, Pa., Docket No. 15836, File No. BP-16103; Catonsville Broadcasting Co., Catonsville, Md., Docket No. 15838, File No. BP-16105; Radio Catonsville, Inc., Catonsville, Md., Docket No. 15839, File No. BP-16106; Commercial Radio Institute, Inc., Catonsville, Md., Docket No. 15840, File No. BP-16107; for construction permits.

The Chief Hearing Examiner having under consideration a petition in behalf of Radio Catonsville, Inc., filed May 28, 1965, that the procedural dates heretofore prescribed by the presiding Hearing Examiner for the parties to serve notice as to the identity of their witnesses (May 28, 1965), and for the exchange of certain written materials (June 25, 1965), be postponed indefinitely;

It appearing, that by reason of the illness of the presiding Hearing Examiner, hearings in this proceeding, which had been scheduled to commence June 1, 1965, were continued without date; and that petitioner now proposes cancellation of the procedural dates aforementioned, pending establishment of a new hearing date;

It appearing further, that as it is now possible to designate September 13, 1965, as the new date for commencement of the hearings herein, it is, therefore, appropriate to prescribe definite dates for the procedural steps mentioned above;

It is ordered, This 9th day of June 1965, that the petition of Radio Catonville, Inc., is granted only to the extent that the date heretofore prescribed upon which notice shall be given by each party as to the identity of its witnesses is extended from May 28 to June 23, 1965; that the date for exchange of written materials by the parties is extended from June 25 to July 9, 1965; and that the petition is denied to the extent that it requests indefinite postponement of the procedural dates aforementioned; *and, it is further ordered*, On the Chief Hearing Examiner's own motion, that hearings in the proceeding will be convened by the presiding Hearing Examiner at 10 a.m., September 13, 1965.

[1] Commissioner Hyde not participating; Commissioner Bentley absent.

Released: June 9, 1965.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary,

[F.R. Doc. 65-6207; Filed, June 14, 1965; 8:46 a.m.]

[Docket Nos. 15868, 15869; FCC 65M-747]

WFLI, INC. (WFLI) AND NEWHOUSE BROADCASTING CORP. (WAPI)

Order Continuing Hearing

In re applications of WFLI, INC. (WFLI), Lookout Mountain, Tenn., Docket No. 15868, File No. BMP-8439; Newhouse Broadcasting Corp. (WAPI), Birmingham, Ala., Docket No. 15869, File No. BP-15259; for construction permits.

The Hearing Examiner having under consideration the desirability for a change of date for commencement of hearing;

It appearing, that unexpected engineering complications developed and were discussed at a conference attended by the counsel and engineers concerned with this case and that all parties, including the Broadcast Bureau, concluded that the necessary steps preliminary to commencement of hearing could not be concluded until about August 1; and

It further appearing, that all parties have requested a change in the date for commencement of hearing which is now scheduled as June 29, 1965;

It is ordered, This 8th day of June 1965, that the date for commencement of hearing is continued from June 29 to September 14, 1965.

Released: June 10, 1965.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 65-6208; Filed, June 14, 1965; 8:46 a.m.]

FEDERAL POWER COMMISSION

[Docket Nos. CP65-385, CP65-386]

MISSISSIPPI RIVER TRANSMISSION CORP., AND ST. CHARLES GAS CORP.

Notice of Application

JUNE 8, 1965.

Take notice that on June 2, 1965, Mississippi River Transmission Corp. (Transmission), 1000 Madison Building, 1155 15th Street NW., Washington, D.C., 20005, and on June 3, 1965, St. Charles Gas Corp. (St. Charles), 407th North 8th Street, Suite 808, St. Louis, Mo., 63101, filed in Docket Nos. CP65-385 and CP65-386, respectively, applications pursuant to sections 7(b) and 7(c) of the Natural Gas Act for permission and approval to abandon certain natural gas service and facilities and for a certificate of public convenience and necessity authorizing the sale and delivery of natural gas by Transmission to Laclede Gas Co. (Laclede), all as more fully set forth in the applications which are on file with the Commission and open to public inspection.

Transmission proposes to abandon sales made to St. Charles pursuant to an agreement dated October 27, 1964, which provides for a maximum volume of 4,271 Mcf per day and to abandon the metering, regulating and appurtenant facilities at its Hartford, Ill., delivery point. Transmission proposes to sell and deliver up to 4,271 Mcf per day to Laclede, in effect transferring the contract demand from St. Charles to Laclede. Laclede is the holder of 80 percent of the outstanding stock of St. Charles and is Transmission's principal resale customer.

St. Charles proposes to abandon the eastern portion of its pipeline facilities which extends from Transmission's meter station at Hartford, Ill., under the Mississippi River, into the State of Missouri, terminating at Transmission's second meter station in St. Louis County, Mo. St. Charles proposes to seal off this line and to separate it from the remainder of Transmission's pipeline. St. Charles further requests a finding that it will be exempt from regulation under the Natural Gas Act upon completion of the proposed abandonment.

St. Charles and Laclede have entered into an agreement for the sale by St. Charles to Laclede of a section of pipeline which commences at Transmission's meter station in St. Louis County and extends in a southwesterly direction across St. Louis County and across the St. Charles Rock Road Missouri River Bridge to the western bank of the Missouri River within the city of St. Charles, Mo. Transmission's delivery point in St. Louis County will be utilized to make the deliveries to Laclede.

Laclede has agreed to supply St. Charles its natural gas requirements which are now being provided by Transmission.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C., 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (157.10) on or before July 6, 1965.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no protest or petition to intervene is filed within the time required herein, and the Commission on its own review of the matter finds that a grant of the certificate and permission and approval for the proposed abandonment are required by the public convenience and necessity. If a protest or petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 65-6184; Filed, June 14, 1965; 8:46 a.m.]

[Docket No. CP65-389]

NORTHERN NATURAL GAS CO.

Notice of Application

JUNE 8, 1965.

Take notice that on June 3, 1965, Northern Natural Gas Co. (Applicant), 2223 Dodge Street, Omaha 1, Nebr., filed in Docket No. CP65-389 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of certain facilities for the exchange of natural gas with El Paso Natural Gas Co. (El Paso), all as more fully set forth in the application which is on file with the Commission and open to public inspection.

The application states that El Paso has contracted for the purchase of a gas supply in Grant County, Kans., which cannot readily be delivered into its transmission system and that Applicant has acquired and will continue to acquire gas supplies in west Texas and southeast New Mexico which can more readily be delivered into its transmission system through the proposed exchange program.

Applicant and El Paso have entered into a 20-year exchange agreement for the delivery of a daily minimum and maximum of 40,000 Mcf and 55,000 Mcf, respectively, subject to the development of the Council Grove geological formation of the Hugoton Field. Quantities in excess of 55,000 Mcf per day may be delivered and exchanged on a best efforts basis, up to an additional 25,000 Mcf per day.

Applicant proposes to construct a 10-inch side valve on its existing 24-inch Hugoton-Tate pipeline in Grant County, Kans., for an estimated cost of $2,780.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C., 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (157.10) on or before July 6, 1965.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no protest or petition to intervene is filed within the time required herein, and the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a protest or petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be

National stock will be evidenced by

if it had made a public secondary offer-

an order disposing of the application

with the request. At any time after said

income taxes payable upon the excess

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

JOSEPH H. GUTHRIE,
Secretary.

[F.R. Doc. 65-6185; Filed, June 14, 1965; 8:46 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[812-1793]

CONSOLIDATION COAL CO. AND M. A. HANNA CO.

Notice of Filing of Application for Order Exempting Transaction Between Affiliated Persons

JUNE 9, 1965.

Notice is hereby given that Consolidation Coal Co. ("Consol"), Koppers Building, Pittsburgh, Pa., 15219, and The M. A. Hanna Co. ("Hanna"), 100 Erieview Plaza, Cleveland, Ohio, 44114, a registered closed-end, nondiversified investment company, have filed a joint application pursuant to section 17(b) of the Investment Company Act of 1940 ("Act") for an order of the Commission exempting from the provisions of section 17(a)(2) of the Act the proposed purchase by Consol from Hanna of 500,000 shares of the common stock of Consol at a price of $51 per share, or an aggregate price of $25,500,000. Section 17(a)(2), as here pertinent, makes it unlawful for an affiliated person of a registered investment company to purchase from such registered company any security or other property, unless the Commission upon application grants an exemption from such prohibition, after finding that the terms of the proposed transaction, including the consideration to be paid or received, are reasonable and fair and do not involve overreaching on the part of any person concerned, and that the proposed transaction is consistent with the policy of the registered investment company concerned and with the general purposes of the Act. All interested persons are referred to the application on file with the Commission for a statement of the representations made therein which are summarized below.

Consol, a Pennsylvania corporation primarily engaged in the production and marketing of bituminous coal and lignite, is an affiliated person of Hanna, as that term is defined in section 2(a)(3) of the Act, by reason of Hanna's ownership of 2,010,000 shares (approximately 19.2 percent) of the outstanding common stock of Consol.

The agreement between Hanna and Consol for the proposed purchase by Consol was entered into on May 17, 1965. The price of $51 per share represents the closing price of the common stock of Consol on the New York Stock Exchange on the last preceding business day, Friday, May 14, 1965, less a discount of $1 per share. Applicants represent that such discount is less than the cost per share which Hanna would have incurred if it had made a public secondary offering of such shares through underwriters and that the price to be paid by Consol represents less than it would otherwise pay on the open market where an acquisition of this amount of its common stock would tend to affect the market price for the stock. In addition, transactions on the open market would involve the payment of brokers' commissions by both buyer and seller.

Consol has been reacquiring shares of its common stock from time to time over a long period of time and at May 17, 1965, held in its treasury 606,108 shares of its common stock. In authorizing the proposed purchase of 500,000 shares from Hanna, the board of directors of Consol canceled, until further action by the board, the authorization then outstanding to the officers to make purchases of Consol's stock. It is planned that the proposed purchase by Consol will be made from surplus funds now invested in government and other marketable debt securities.

The proposed sale by Hanna is a further step in its long-range diversification program begun early in 1964 and which, Hanna states, has as its objectives a better balanced investment portfolio and, ultimately, the qualification of Hanna as a regulated investment company under the provisions of subchapter M of the Internal Revenue Code of 1954. As a result of the sale, Hanna's holdings will be reduced from 19.2 percent to 15.3 percent of the outstanding common stock of Consol, and the percentage of the total assets of Hanna invested in Consol as of March 31, 1965, will be reduced from 16.9 percent to 12.7 percent. The proceeds of the sale, after providing for capital gains taxes, will be used by Hanna for reinvestment either directly or through Hanna Diversified Investments, Inc., a wholly owned subsidiary of Hanna which is registered under the Act as an open-end, diversified investment company. The M. A. Hanna Co., Investment Company Act Release No. 4121 (December 28, 1964).

Hanna has also filed an application, which is the subject of a separate notice, in connection with a proposed offering by Hanna of approximately 300,000 shares of the capital stock of National Steel Corp., of which at May 15, 1965, Hanna held 3,402,780 shares (21.6 percent) of the outstanding capital stock.

Notice is further given that any interested person may, not later than June 25, 1965, at 5:30 p.m. submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C., 20549. A copy of such request shall be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon each applicant. Proof of such service (by affidavit or in case of an attorney-at-law by certificate) shall be filed contemporaneously with the request. At any time after said date, as provided by Rule 0-5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the information stated in said application, unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 65-6179; Filed, June 14, 1965; 8:46 a.m.]

[812-1790]

M. A. HANNA CO.

Notice of Filing of Application for Order Exempting Transactions Between Affiliated Persons

JUNE 9, 1965.

Notice is hereby given that The M. A. Hanna Co. ("Hanna"), 100 Erieview Plaza, Cleveland, Ohio, 44114, a registered closed-end nondiversified investment company, has filed an application pursuant to section 17(b) of the Investment Company Act of 1940 ("Act") for an order of the Commission exempting from the provisions of section 17(a)(2) of the Act the acquisition, by shareholders of Hanna who are affiliated persons or affiliated persons of an affiliated person of Hanna, of shares of the capital stock of National Steel Corp. ("National") from Hanna in connection with a secondary rights offering to be made by Hanna to its shareholders of approximately 300,000 shares of the capital stock of National. Section 17(a)(2) of the Act, as here pertinent, makes it unlawful for any affiliated person of a registered investment company, or any affiliated person of such a person, to purchase from such registered investment company any security or other property unless the Commission upon application grants an exemption from such prohibition, after finding that the terms of the proposed transaction are reasonable and fair and do not involve overreaching on the part of any person concerned, and that the proposed transaction is consistent with the policy of the registered investment company and with the general purposes of the Act. All interested persons are referred to the application on file with the Commission for a statement of the representations made therein which are summarized below.

Hanna at May 15, 1965, held 3,402,780 shares (21.6 percent) of the outstanding shares of capital stock of National. As a further step in Hanna's long-range diversification program, begun in 1964, Hanna plans to offer to its shareholders approximately 300,000 shares of the capital stock of National. The offer will be at the rate of one share of National stock for each 40 shares of Hanna's stock outstanding on the record date, which is expected to be late in June 1965. The purchase price will represent some discount from market price at the time of the offer. The rights to purchase

National stock will be evidenced by transferable warrants which will be mailed to Hanna shareholders promptly after the record date and will expire about 16 days after they are mailed.

Most of the shareholders of Hanna who may be affiliated with it under the Act would be affiliated as officers, directors or employees of Hanna or of one or more of its corporate affiliates. In addition to corporate affiliates and officers, directors and employees of Hanna and of such corporate affiliates, there may be shareholders who are affiliated with Hanna by reason of ownership or control of 5 percent or more of the voting securities of Hanna or of its corporate affiliates. Hanna's principal direct corporate affiliates, in addition to National, are The Hanna Mining Co. (46.6 percent owned), Consolidation Coal Co. (19.2 percent owned), General Reinsurance Corp. (10.9 percent owned) and J. Ray McDermott and Co. (6.5 percent owned). Officers and directors of Hanna as a group hold 3.38 percent of the shares of Hanna of record and beneficially, 17.57 percent of record only, and 1.71 percent beneficially only. The National City Bank of Cleveland, through a nominee, holds 10.2 percent of the stock of Hanna for various fiduciary accounts.

Shareholders of Hanna who are affiliated with Hanna will participate in the proposed offering on the same terms as Hanna's other shareholders. The net proceeds of the sale of the National stock will be used by Hanna for reinvestment either directly or through Hanna Diversified Investments, Inc., a wholly-owned subsidiary of Hanna which is registered under the Act as an open-end, diversified investment company. The M. A. Hanna Co., Investment Company Act Release No. 4121 (December 28, 1964).

Hanna and Consolidation Coal Co. ("Consol") have filed an application, which is the subject of a separate notice, in connection with the proposed purchase by Consol from Hanna of 500,000 shares of the common stock of Consol, of which Hanna holds 2,010,000 shares (19.2 percent) of the outstanding common stock.

Notice is further given that any interested person may, not later than June 25, 1965, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication shoud be addressed: Secretary, Securities and Exchange Commission, Washington, D.C., 20549. A copy of such request shall be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon applicant at the address stated above. Proof of such service (by affidavit or in case of an attorney-at-law by certificate) shall be filed contemporaneously with the request. At any time after said date, as provided by Rule 0-5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the information stated in said application, unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 65-6180; Filed, June 14, 1965; 8:46 a.m.]

[812-1788]

MASSACHUSETTS INVESTORS TRUST

Notice of Filing of Application Order Exempting Sale by Open-End Company of Its Shares at Other Than the Public Offering Price in Exchange for Assets of Closely Held Company

JUNE 9, 1965.

Notice is hereby given that Massachusetts Investors Trust ("applicant"), 200 Berkeley Street, Boston, Mass., a Massachusetts trust which is registered under the Investment Company Act of 1940 ("Act") as an open-end diversified investment company, has filed an application pursuant to section 6(c) of the Act. Applicant requests an order of the Commission exempting from the provisions of section 22(d) of the Act the proposed issuance of its share at net asset value for substantially all of the cash and securities of Dana Investment Co. ("Dana"). Since the sale of applicant's stock will be other than at the public offering price, which normally includes sales charges, an exemption is deemed necessary. All interested persons are referred to the application as filed with the Commission for a complete statement of the representations therein which are summarized below.

As of February 26, 1965, the net assets of applicant amounted to approximately $2,196,000,000, and the net assets of Dana amounted to approximately $16,964,000.

Dana, a Delaware corporation whose shares are held by two shareholders, is engaged in investing its funds in securities. Pursuant to an agreement between applicant and Dana, substantially all the assets of Dana will be transferred to applicant in exchange for stock of applicant which will be distributed to shareholders of Dana upon liquidation. Neither Dana nor any shareholders thereof have any present intention of redeeming the shares of the applicant which they acquire.

The amount of stock of applicant to be delivered to Dana will be determined on the basis of the values on the business day preceding the closing by dividing the net asset value per share of applicant into the value of the assets of Dana, which assets will be adjusted according to a formula set forth in the application. This formula reflects the higher ratio of unrealized appreciation in the assets of Dana than in the assets of applicant and the potential Federal income taxes payable upon the excess unrealized appreciation. Applicant presently intends to sell subsequent to acquisition approximately 30 percent of the assets of Dana to be acquired. As of February 26, 1965 unrealized appreciation represented 73 percent and 61 percent of the net asset value of the shares of Dana and applicant respectively.

The Agreement and Plan of Reorganization has been approved by both shareholders of Dana and the trustees of applicant have authorized the filing of this application for permission to issue applicant's shares in exchange for the assets of Dana.

Notice is further given that any interested person may, not later than June 25, 1965, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C., 20549. A copy of such request shall be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon applicant at the address stated above. Proof of such service (by affidavit or in case of an attorney-at-law by certificate) shall be filed contemporaneously with the request. At any time after said date, as provided by Rule 0-5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the information stated in said application, unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 65-6181; Filed, June 14, 1965; 8:46 a.m.]

[812-1789]

MODEL, ROLAND & CO.

Notice of Filing of Application for Order Exempting Transaction Between Affiliated Persons

JUNE 9, 1965.

Notice is hereby given that Model, Roland & Co. ("Model"), 120 Broadway, New York, N.Y., 10005, a member firm of the New York, American, and Pacific Coast Stock Exchanges and a registered broker-dealer under the Securities Exchange Act of 1934, has filed an application pursuant to section 17(b) of the Investment Company Act of 1940 ("Act") for an order of the Commission exempting from the provisions of section 17(a) of the Act a proposed transaction whereby Model may participate as one of a group of underwriters in a

standby commitment with respect to the unsubscribed portion of an aggregate of about 300,000 shares of common stock of National Steel Corp. ("National") presently owned by The M. A. Hanna Co. ("Hanna"), a registered closed-end investment company, which shares will be offered by Hanna to its shareholders in a rights offering pursuant to a registration statement filed under the Securities Act of 1933. Section 17(a), as here pertinent, makes it unlawful for an affiliated person of a registered investment company, or an affiliated person of such a person, to sell to or buy from such company any security or property unless the Commission upon application grants an exemption from such prohibition, after finding that the terms of the proposed transaction are reasonable and fair and do not involve overreaching and that the proposed transaction is consistent with the policy of the registered investment company and the general purposes of the Act. All interested persons are referred to the application on file with the Commission for a statement of the representations made therein which are summarized below.

Model is an affiliated person of an affiliated person of Hanna under section 2(a)(3) of the Act. Model and persons associated with it are the direct or indirect owners of more than 5 percent (150,190 shares out of a total of 1,554,000) of the outstanding ordinary shares of St. John d'el Rey Mining Co., Ltd. ("St. John"), a United Kingdom company owning iron-bearing deposits in Brazil which are under the management of a subsidiary of The Hanna Mining Co. ("Hanna Mining"), 46.6 percent of whose outstanding voting securities are owned by Hanna. One of the partners of Model is chairman of the board of directors of St. John, and an officer of a wholly owned subsidiary of Model is a director of St. John. Hanna Mining and associated companies own over 50 percent of the outstanding ordinary shares of St. John.

The application states that it is understood that Hanna will enter into a standby commitment with a group of investment bankers with respect to the sale to the general public of unsubscribed shares of National, and that Model anticipates that, in the ordinary course of business, it may be invited to participate in the distribution. The application further states that Model did not participate in any discussions or negotiations which led to the decision by Hanna to make the offering of National shares, and that the extent of Model's participation in the distribution, if any, cannot be determined at this time.

Model requests an exemption from section 17(a) to permit it, acting as one of a group of underwriters, to enter into a standby commitment with Hanna with respect to no more than 10 percent of all shares of National to be offered by Hanna to its shareholders and subject to the conditions that Model will not act as manager or comanager of the underwriting group and will not receive or be allowed a rate of gross commission, spread or other compensation greater than the rate allowed any other underwriter participating in the distribution.

Notice is further given that any interested person may, not later than June 25, 1965, at 5:30 p.m. submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C., 20549. A copy of such request shall be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon applicant at the address stated above. Proof of such service (by affidavit or in case of an attorney-at-law by certificate) shall be filed contemporaneously with the request. At any time after said date, as provided by Rule 0-5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the information stated in said application, unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 65-6182; Filed, June 14, 1965; 8:46 a.m.]

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATIONS FOR RELIEF

JUNE 10, 1965.

Protests to the granting of an application must be prepared in accordance with Rule 1.40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 39831—*Glycols from Doe Run, Ky.* Filed by O. W. South, Jr., agent (No. A4702), for interested rail carriers. Rates on glycols, viz.: butylene, diethylene, dipropylene, ethylene (with or without inhibitor), polyethylene, polypropylene, propylene, triethylene, in tank carloads, from Doe Run, Ky., to Deep Run Spur, Va.

Grounds for relief—Market competition.

Tariff—Supplement 17 to Southern Freight Association, agent tariff ICC S-470.

FSA No. 39832—*Ethyl ether to Chicago and Lemont, Ill.* Filed by O. W. South, Jr., agent (No. A4703), for interested rail carriers. Rates on ethyl ether (sulphuric ether) other than anesthesia ether, in tank carloads, from Baton Rouge and North Baton Rouge, La., to Chicago and Lemont, Ill.

Grounds for relief—Carrier competition.

Tariff—Supplement 17 to Southern Freight Association, agent, tariff ICC S-470.

FSA No. 39833—*Iron or steel articles to Cheek, Tex.* Filed by Southwestern Freight Bureau, agent (No. B-8736), for interested rail carriers. Rates on iron or steel articles, in carloads, from points in official (including Illinois), southern, southwestern and western trunkline territories, to Cheek, Tex.

Grounds for relief—Market competition.

Tariff—Supplement 131 to Southwestern Freight Bureau, agent tariff ICC 4503.

FSA No. 39834—*Common salt to Michigan points.* Filed by Traffic Executive Association-Eastern Railroads, agent (E.R. No. 2783), for interested rail carriers. Rates on common salt (sodium chloride), as described in the application, from points in official territory, also Ojibway and Sarnia, Ont., Canada, to Cherry Valley, Manistique, Menominee, and St. Ignace, Mich.

Grounds for relief—Market competition.

Tariff—Supplement 79 to Traffic Executive Association-Eastern Railroads, agent, tariff ICC C-390.

By the Commission.

[SEAL] BERTHA F. ARMES, *Acting Secretary.*

[F.R. Doc. 65-6301; Filed, June 14, 1965; 8:47 a.m.]

[Notice 1189]

MOTOR CARRIER TRANSFER PROCEEDINGS

JUNE 10, 1965.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 179), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC-67678. By order of June 7, 1965, the Transfer Board approved the transfer to California Bus Service, Inc., California, Pa., of certificates in Nos. MC-120554 (Sub-No. 1) and MC-120554 (Sub-No. 3), issued August 25, 1961, and August 23, 1962, respectively, to Nick Encapera, doing business as California Bus Service, California, Pa., authorizing the transportation of: Passengers and their baggage, in round trip charter service,

beginning and ending at points in Fayette County, Pa., and extending to points in Maryland, Ohio, Virginia, West Virginia, and the District of Columbia within 150 miles of Fayette County, Pa., and, Passengers and their baggage, between Washington, Pa., and Uniontown, Pa. Morley M. Asorsky, Esq., California, Pa., attorney for applicants.

[SEAL] BERTHA F. ARMES, *Acting Secretary.*

[F.R. Doc. 65-6302; Filed, June 14, 1965; 8:48 a.m.]

CUMULATIVE LIST OF CFR PARTS AFFECTED—JUNE

The following numerical guide is a list of the parts of each title of the Code of Federal Regulations affected by documents published to date during June.

3 CFR — Page

PROCLAMATIONS:
3658 — 7695

EXECUTIVE ORDERS:
7655 (revoked in part by PLO 3661) — 7521
11227 — 7369

5 CFR
213 — 7271, 7311, 7425, 7426, 7473, 7515, 7557, 7595, 7645, 7646, 7701.
630 — 7557

7 CFR
16 — 7426
28 — 7426
29 — 7385
30 — 7385
34 — 7385
51 — 7595
160 — 7385
718 — 7427
722 — 7271, 7385
724 — 7646
728 — 7434
730 — 7272
750 — 7311
775 — 7515
845 — 7273
908 — 7311, 7435, 7647
909 — 7273
910 — 7435, 7647
911 — 7647
915 — 7436
917 — 7473–7475
923 — 7648
944 — 7436
958 — 7596
970 — 7274
1421 — 7475

PROPOSED RULES:
29 — 7494
51 — 7396
52 — 7524
911 — 7501
915 — 7501
916 — 7284
1068 — 7721
1133 — 7284
1138 — 7288

8 CFR
103 — 7516
264 — 7312

9 CFR — Page
51 — 7596
74 — 7274
201 — 7275, 7649

PROPOSED RULES:
94 — 7445
101 — 7608
103 — 7608
201 — 7662, 7721

10 CFR

PROPOSED RULES:
150 — 7445, 7662

12 CFR
1 — 7371
17 — 7275

PROPOSED RULES:
545 — 7316

13 CFR
107 — 7597, 7651

14 CFR
37 — 7637
39 — 7275, 7371, 7372, 7638, 7701
71 — 7276, 7312, 7372, 7373, 7517, 7557, 7558, 7598, 7639, 7702, 7703.
75 — 7702
95 — 7639
97 — 7374, 7598
121 — 7703
141 — 7517
151 — 7484
221 — 7558
241 — 7704

PROPOSED RULES:
37 — 7663
39 — 7573
61 — 7292
71 — 7316, 7396, 7502, 7503, 7524, 7525, 7573, 7612, 7613, 7663–7666, 7723.
73 — 7503, 7724

16 CFR
13 — 7652, 7653, 7655, 7657, 7658, 7660, 7661

17 CFR
240 — 7276
249 — 7566, 7568

18 CFR
8 — 7313
157 — 7280

19 CFR — Page
1 — 7569, 7704
4 — 7598

21 CFR
8 — 7484, 7705
20 — 7280
27 — 7484
120 — 7280, 7385, 7485, 7569
121 — 7280, 7386, 7485–7487, 7518, 7519, 7570, 7599, 7705–7707.
141a — 7707
141d — 7487
146a — 7707
146c — 7707
146d — 7487

PROPOSED RULES:
20 — 7292
121 — 7501

22 CFR
204 — 7571

24 CFR
203 — 7599
221 — 7708

25 CFR
1 — 7520

26 CFR
1 — 7281
20 — 7708
25 — 7708

PROPOSED RULES:
1 — 7493, 7721

28 CFR
0 — 7599, 7709
16 — 7488
42 — 7386

29 CFR

PROPOSED RULES:
1504 — 7608

32 CFR
562 — 7710
1001 — 7389

33 CFR
124 — 7314

38 CFR
1 — 7389
3 — 7390, 7489
36 — 7521

39 CFR

	Page
15	7390
16	7390
22	7391
23	7391
24	7391
25	7391
43	7392
45	7392
46	7394

41 CFR

	Page
5B–2	7436
8–1	7437
8–2	7437, 7599
8–3	7599
8–7	7600
8–14	7600
8–15	7601
8–16	7602
8–75	7602
8–95	7603
101–38	7489

42 CFR

	Page
57	7394, 7395

43 CFR

	Page
18	7394
2230	7605
3540	7606
4110	7606
PUBLIC LAND ORDERS:	
3661	7521
3662	7606

45 CFR

	Page
60	7371

46 CFR

	Page
146	7437
221	7490
309	7697
527	7490
PROPOSED RULES:	
248	7291
290	7722
380	7722
533	7574

47 CFR

	Page
0	7521
1	7419
31	7711
33	7711
73	7314, 7711
89	7522
PROPOSED RULES:	
1	7446
17	7446
73	7446, 7525, 7666, 7671, 7673.

49 CFR

	Page
72	7420
73	7420
74	7423
77	7423
78	7423
79	7425
95	7522
192	7491
193	7522

50 CFR

	Page
3	7315
10	7571
32	7523
33	7282, 7572
253	7607
260	7283
262	7444
266	7283

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FEDERAL REGISTER

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Pages 7735–7799

Agencies in this issue—

The President
Atomic Energy Commission
Civil Aeronautics Board
Consumer and Marketing Service
Customs Bureau
Federal Aviation Agency
Federal Communications Commission
Federal Maritime Commission
Federal Power Commission
Federal Reserve System
Fish and Wildlife Service
Indian Affairs Bureau
Interior Department
Interstate Commerce Commission
Labor Standards Bureau
Land Management Bureau
Maritime Administration
National Park Service
Navy Department
Office of Special Representative for Trade Negotiations
Post Office Department
Securities and Exchange Commission
Tariff Commission

Detailed list of Contents appears inside.



THE NATIONAL ARCHIVES OF THE UNITED STATES • 1934 •

Volume 78

UNITED STATES STATUTES AT LARGE

[88th Cong., 2d Sess.]

Contains laws and concurrent resolutions enacted by the Congress during 1964, the twenty-fourth amendment to the Constitution, and Presidential proclamations. Included is a numerical listing of bills enacted into public and private law, and a guide to the legislative history of bills enacted into public law.

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Contents

THE PRESIDENT

EXECUTIVE ORDERS

Providing for the performance by the Civil Service Commission of certain functions vested in or subject to the approval of the President 7739
International Coffee Organization; participation 7741

EXECUTIVE AGENCIES

AGRICULTURE DEPARTMENT

See Consumer and Marketing Service.

ATOMIC ENERGY COMMISSION

Rules and Regulations

Public contracts and property management; miscellaneous amendments:
Rental of construction equipment 7750
Review and approval of contract actions 7749
Selection of contractors by board process 7749

Notices

Babcock & Wilcox Co.; proposed issuance of facility license amendment 7766

CIVIL AERONAUTICS BOARD

Notices

Air New Zealand, Ltd.; hearing 7768

COMMERCE DEPARTMENT

See Maritime Administration.

CONSUMER AND MARKETING SERVICE

Rules and Regulations

Limes; import restrictions 7743

CUSTOMS BUREAU

Proposed Rule Making

Drawback; petroleum products manufactured with use of duty-paid and/or substituted crude petroleum or petroleum derivatives—substitution 7756

DEFENSE DEPARTMENT

See Navy Department.

FEDERAL AVIATION AGENCY

Rules and Regulations

Federal airways; alterations (2 documents) 7744
Jet routes; realignment and revocation 7745
Restricted areas; alterations (2 documents) 7744, 7745

Proposed Rule Making

Federal airway; extension 7761
Federal airways and associated control areas; designation and alteration; withdrawal of proposal 7761
Jet route; realignment 7761

FEDERAL COMMUNICATIONS COMMISSION

Rules and Regulations

Radio operator examination points 7755

Notices

Hearings, etc.:
Caraballo, Sergio Martinez, and Caribbean Broadcasting Corp. 7767
Cascade Broadcasting Co. and Sunset Broadcasting Co. (KNDX-FM) 7766
Continental Broadcasting, Inc. 7767
Emerald Broadcasting Corp. (KPIR) et al. 7767
Kuno Radio, Inc. (KUNO) 7767
Television Broadcasters, Inc. (KBMT) and Texas Goldcoast Television, Inc. (KPAC-TV) 7767
Twelve Seventy, Inc. 7767

FEDERAL MARITIME COMMISSION

Notices

Agreements filed for approval:
Encinal Terminals and Matson Navigation Co. 7768
Sacramento-Yolo Port District and Cargill of California, Inc. 7768
Terminal practices at South Atlantic and Gulf ports; hearing 7768

FEDERAL POWER COMMISSION

Notices

Nemours Corp. et al.; hearing, etc. 7769

FEDERAL RESERVE SYSTEM

Rules and Regulations

Relations with dealers in securities; investment for own account 7743

Notices

Central Wisconsin Bankshares, Inc.; application for approval of acquisition of bank shares 7770

FISH AND WILDLIFE SERVICE

Notices

Joseph & Lucia, Inc.; hearing 7765

INDIAN AFFAIRS BUREAU

Rules and Regulations

Enrollment:
Application, preparation, and approval of rolls 7745
Filing, review and determination of enrollment appeals 7746

INTERIOR DEPARTMENT

See also Fish and Wildlife Service; Indian Affairs Bureau; Land Management Bureau; National Park Service.

Notices

Congress of Micronesia, Trust Territory of the the Pacific Islands; legislative authority 7765

INTERSTATE COMMERCE COMMISSION

Notices

Fourth section application for relief 7798
Motor carrier:
Broker, water carrier and freight forwarder applications 7771
Intrastate applications 7796
Transfer proceedings (2 documents) 7797

LABOR DEPARTMENT

See Labor Standards Bureau.

LABOR STANDARDS BUREAU

Rules and Regulations

Safety and health in ship repairing, building, and breaking; threshold limit values 7748

LAND MANAGEMENT BUREAU

Rules and Regulations

Public land orders:
Alaska; powersite classification, Nellie Juan Lake and River 7750
Arizona; partial revocation of water power withdrawals; powersite restoration and cancellation 7750
California; revocation of stock driveway withdrawal 7750
Idaho:
Withdrawal for National Forest Job Corps Conservation Centers 7751
Withdrawal of national forest townsite lands 7751
Kentucky; revocation of previous order 7754
Michigan; addition of lands to Manistee National Forest 7752
Nevada; Alkali Lake Wildlife Management Area; correction 7753
New Mexico; withdrawal for national forest recreation areas 7751
Oregon:
Partial revocation of reclamation withdrawals, Umatilla Project 7751
Withdrawal for national forest administrative sites and recreation, botanical, geological and archaeological areas 7753
Withdrawal for national forest recreation areas 7752

(Continued on next page)

LAND MANAGEMENT BUREAU—Continued

Rules and Regulations—Con.

Public Land Orders—Continued
Utah:
Revocation of reclamation withdrawals 7752
Withdrawal for Weber Basin Project 7753
Washington; withdrawal for use of Army Department in connection with John Day Lock and Dam Project 7752
Wyoming; withdrawal for protection of recreation and scientific values 7751

Notices

Wyoming; proposed withdrawal and reservation of lands 7764

MARITIME ADMINISTRATION

Notices

List of Free World and Polish flag vessels arriving in Cuba since Jan. 1, 1963 7762

NATIONAL PARK SERVICE

Notices

Antietam National Battlefield Site, Maryland; administrative assistant; authority delegation 7765

NAVY DEPARTMENT

Rules and Regulations

Claims, general and foreign; single service assignment of responsibility for processing 7748

OFFICE OF SPECIAL REPRESENTATIVE FOR TRADE NEGOTIATIONS

Rules and Regulations

Location 7754
Trade Information Committee; office, address, telephone number, and hours 7754

POST OFFICE DEPARTMENT

Rules and Regulations

International mail packages; storage charges 7748
Second class bulk mailings; statement and copy filed with mailings; correction 7748

Notices

Mailers Technical Advisory Committee; formation and appointment of members 7764

SECURITIES AND EXCHANGE COMMISSION

Notices

Mississippi Power Co.; hearing, etc 7770

TARIFF COMMISSION

Notices

Sheet glass; report to the President 7771

TREASURY DEPARTMENT

See Customs Bureau.

List of CFR Parts Affected

(Codification Guide)

The following numerical guide is a list of the parts of each title of the Code of Federal Regulations affected by documents published in today's issue. A cumulative list of parts affected, covering the current month to date, appears at the end of each issue beginning with the second issue of the month.

A cumulative guide is published separately at the end of each month. The guide lists the parts and sections affected by documents published since January 1, 1965, and specifies how they are affected.

3 CFR

EXECUTIVE ORDERS:
May 14, 1915 (revoked in part by PLO 3673) 7752
Oct. 30, 1916 (revoked in part by PLO 3664) 7750
10530 (superseded in part by EO 11228) 7739
10682 (superseded by EO 11228) 7739
10800 (superseded in part by EO 11228) 7739
10835 (superseded by EO 11228) 7739
10903 (superseded in part by EO 11228) 7739
11228 7739
11229 7741

7 CFR

944 7743

12 CFR

218 7743

14 CFR

71 (2 documents) 7744
73 (2 documents) 7744, 7745
75 7745
PROPOSED RULES:
71 (2 documents) 7761
75 7761

19 CFR

PROPOSED RULES:
22 7756

25 CFR

41 7745
42 7746

29 CFR

1501 7748
1502 7748
1503 7748

32 CFR

750 7748
753 7748

39 CFR

16 7748
114 7748
122 7748

41 CFR

9–51 7749
9–56 7749
9–58 7750

43 CFR

PUBLIC LAND ORDERS:
729 (revoked by PLO 3706) 7754
1757 (revoked in part by PLO 3673) 7752
3598 (corrected by PLO 3675) 7753
3663 7750
3664 7750
3665 7750
3666 7751
3667 7751
3668 7751
3669 7751
3670 7751
3671 7752
3672 7752
3673 7752
3674 7752
3675 7753
3676 7753
3688 7753
3706 7754

47 CFR

0 7755
97 7755

48 CFR

201 7754
211 7754

Presidential Documents

Title 3—THE PRESIDENT

Executive Order 11228

PROVIDING FOR THE PERFORMANCE BY THE CIVIL SERVICE COMMISSION OF CERTAIN FUNCTIONS VESTED IN OR SUBJECT TO THE APPROVAL OF THE PRESIDENT

By virtue of the authority vested in me by Section 301 of Title 3 of the United States Code, and as President of the United States, it is hereby ordered as follows—

SECTION 1. The United States Civil Service Commission is hereby designated and empowered to exercise, without the approval, ratification, or other action of the President, the following:

(1) The authority vested in the United States Civil Service Commission by Section 605 of the Federal Employees Pay Act of 1945, 59 Stat. 304 (5 U.S.C. 945), to issue, subject to the approval of the President, regulations necessary for the administration of certain provisions of that Act insofar as the Act affects officers and employees in or under the executive branch of the Government.

(2) The authority vested in the President by Section 203(f) of the Annual and Sick Leave Act of 1951, 65 Stat. 680 (5 U.S.C. 2062(f)), to prescribe regulations governing the granting of leave of absence as described in that Section.

(3) Except as to Presidential appointees, the authority vested in the President (A) by Section 204 of the Act of June 30, 1932, 47 Stat. 404, to exempt from automatic separation from the service under that Section any person when, in his judgment, the public interest so requires, and (B) by Section 5(c) of the Civil Service Retirement Act, 70 Stat. 748 (5 U.S.C. 2255(c)), to exempt from automatic separation from the service under Section 5 of that Act any employee when, in his judgment, the public interest so requires.

SEC. 2. The Chairman of the United States Civil Service Commission is hereby designated and empowered to exercise, without the approval, ratification, or other action of the President, the authority vested in the President by Section 304(e) of the Government Employees' Incentive Awards Act, 68 Stat. 1113 (5 U.S.C. 2123(e)), to determine the activity primarily benefiting, or the various activities benefiting, from any suggestion, invention, superior accomplishment, or other personal effort of any civilian officer or employee of the Government which constitutes the basis of any Presidential award or honorary recognition made or granted under Section 304(b) of that Act (5 U.S.C. 2123(b)).

SEC. 3. The following are hereby superseded:

(1) Part II of Executive Order No. 10530 of May 10, 1954.

(2) Executive Order No. 10682 of October 22, 1956.

(3) Section 5 of Executive Order No. 10800 of January 15, 1959.

(4) Executive Order No. 10835 of August 21, 1959.

(5) So much of Section 2 of Executive Order No. 10903 of January 9, 1961, as added paragraph (e) to Section 2 of Executive Order No. 10530 of May 10, 1954.

SEC. 4. (a) Unless inappropriate, references in this Order to any statute or to any provision of any statute shall be deemed to include references thereto as amended from time to time.

(b) Unless inappropriate, any reference in any Executive order to any Executive order which is superseded by this Order, or to any Executive order provision so superseded, shall hereafter be deemed to refer to this Order or to the provision of Section 1 or Section 2 of this Order, if any, which corresponds to the superseded provision.

SEC. 5. All actions heretofore taken by the President or by his delegates in respect of the matters affected by Sections 1 and 2 of this Order and in force at the time of the issuance of this Order, including any regulations prescribed or approved by the President or by his delegates in respect of such matters, shall, except as they may be inconsistent with the provisions of this Order, remain in effect until amended, modified, or revoked pursuant to the authority conferred by this Order unless sooner terminated by operation of law.

LYNDON B. JOHNSON

THE WHITE HOUSE,
June 14, 1965.

[F.R. Doc. 65-6366; Filed, June 14, 1965; 4:34 p.m.]

Executive Order 11229

PARTICIPATION IN THE INTERNATIONAL COFFEE ORGANIZATION

By virtue of the authority vested in me by the Constitution of the United States of America, the International Coffee Agreement Act of 1965 (Public Law 89-23, approved May 22, 1965, hereinafter referred to as the Act), the International Coffee Agreement, 1962, ratified December 20, 1963, and proclaimed January 17, 1964 (TIAS 5505, hereinafter referred to as the Agreement), and Section 301 of Title 3 of the United States Code, and as President of the United States, it is ordered as follows:

SECTION 1. *Secretary of State.* Subject to the provisions of this Order, the powers of the President involved in the participation of the United States of America in the Agreement, including so much of the functions conferred upon the President by the Act as is neither reserved nor delegated to other officers herein, are hereby delegated to the Secretary of State.

SEC. 2. *Secretary of the Treasury.* The functions conferred upon the President by subsections (1) and (2) of Section 2 of the Act, together with the authority to issue and enforce such rules and regulations as may be necessary to perform such functions, are hereby delegated to the Secretary of the Treasury.

SEC. 3. *Secretaries of State, the Treasury, Agriculture, Commerce, and Labor.* The functions conferred upon the President by subsection (3) of Section 2 of the Act, together with the authority to issue and enforce such rules and regulations as may be necessary to perform these functions, are hereby delegated to the Secretaries of State, the Treasury, Agriculture, Commerce, and Labor, severally.

SEC. 4. *Functions reserved.* There are hereby reserved to the President the functions conferred upon him by Sections 5 and 8, and by the first sentence of Section 4, of the Act.

SEC. 5. *Coordination.* The functions assigned by the provisions of this Order shall be performed under effective coordination. The measures of coordination hereunder shall include the following:

(1) In effecting and carrying out the participation of the United States of America in the Agreement, the Secretary of State shall consult with the appropriate heads of Federal agencies, including the Secretary of the Treasury, the Secretary of Agriculture, the Secretary of Commerce, and the Secretary of Labor.

(2) The delegates under Section 3 of this Order shall use the functions delegated thereunder as they and the Secretary of State shall mutually agree.

SEC. 6. *Redelegation.* Each Secretary mentioned in this Order is hereby authorized to redelegate within his Department the functions hereinabove assigned to him.

LYNDON B. JOHNSON

THE WHITE HOUSE,
June 14, 1965.

[F.R. Doc. 65-6367; Filed, June 14, 1965; 4:34 p.m.]

Rules and Regulations

Title 7—AGRICULTURE

Chapter IX—Consumer and Marketing Service (Marketing Agreements and Orders; Fruits, Vegetables, Tree Nuts), Department of Agriculture

[Lime Reg. 2, Amdt. 5]

PART 944—FRUIT; IMPORT REGULATIONS

Limes

Pursuant to the provisions of section 8e of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), the provisions of paragraph (a) of § 944.201 (Lime Regulation 2; 29 F.R. 8160, 9320, 11706; 30 F.R. 3374, 5621) are hereby amended to read as follows:

§ 944.201 Lime Regulation 2.

(a) On and after 12:01 a.m., e.s.t., June 21, 1965, the importation into the United States of any limes is prohibited unless such limes are inspected and meet the following requirements:

(1) Such limes of the group known as true limes (also known as Mexican, West Indian, and Key limes and by other synonyms) meet the requirements of at least U.S. No. 2 grade for Persian (Tahiti) limes, except as to color;

(2) Such limes of the group known as large fruited or Persian limes (including Tahiti, Bearss, and similar varieties) grade at least U.S. Combination, Mixed Color, with not less than 60 percent, by count, of the limes in each container thereof grading not less than U.S. No. 1, Mixed Color, and the remainder thereof grading not less than U.S. No. 2, Mixed Color; and

(3) Such limes of the group known as large fruited or Persian limes (including Tahiti, Bearss, and similar varieties) are of a size not smaller than 1⅞ inches in diameter: *Provided*, That such limes which are of a size smaller than 1⅞ inches in diameter but not of a size smaller than 1⅝ inches in diameter may be imported if such smaller limes have an average juice content of at least 50 percent, by volume.

(4) Notwithstanding the provisions of subparagraph (3) of this paragraph, not to exceed 10 percent, by count, of the limes in any lot of containers may fail to meet the applicable size requirement: *Provided*, That no individual container of limes having a net weight of more than 3 pounds may have more than 15 percent, by count, of limes which fail to meet such applicable size requirement.

* * * * *

It is hereby found that it is impracticable, unnecessary, and contrary to the public interest to give preliminary notice, engage in public rule making procedure, and postpone the effective time of this amendment beyond that hereinafter specified (5 U.S.C. 1001–1011) in that (a) the requirements of this amended import regulation are imposed pursuant to section 8e of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), which makes such regulation mandatory; (b) such regulation imposes the same restrictions being made applicable to domestic shipments of limes under Lime Regulation 19 (§ 911.321), which becomes effective June 14, 1965; (c) compliance with this amended import regulation will not require any special preparation which cannot be completed by the effective time hereof; (d) notice hereof in excess of 3 days, the minimum that is prescribed by said section 8e, is given with respect to such regulation; and (e) such notice is hereby determined, under the circumstances, to be reasonable.

(Secs 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated, June 11, 1965, to become effective at 12:01 a.m., e.s.t., June 21, 1965.

FLOYD F. HEDLUND,
Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 65-6267; Filed, June 15, 1965; 8:49 a.m.]

Title 12—BANKS AND BANKING

Chapter II—Federal Reserve System

SUBCHAPTER A—BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM

[Reg. R]

PART 218—RELATIONS WITH DEALERS IN SECURITIES UNDER SECTION 32, BANKING ACT OF 1933

Investment for Own Account

§ 218.110 Investment for own account affects applicability of section 32.

(a) The Board of Governors has been presented with the question whether a certain firm is primarily engaged in the activities described in section 32 of the Banking Act of 1933. If the firm is so engaged, then the prohibitions of section 32 forbid a limited partner to serve as employee of a member bank.

(b) The firm describes the bulk of its business, producing roughly 60 percent of its income, as "investing for its own account." However, it has a seat on the local stock exchange, and acts as specialist and odd-lot dealer on the floor of the exchange, an activity responsible for some 30 percent of its volume and profits. The firm's "off-post trading," apart from the investment account, gives rise to about 5 percent of its total volume and 10 percent of its profits. Gross volume has risen from $4 to $10 million over the past 3 years, but underwriting has accounted for no more than one-half of 1 percent of that amount.

(c) Section 32 provides that "No officer, director, or employee of any corporation or unincorporated association, no partner, or employee of any partnership, and no individual, primarily engaged in the issue, flotation, underwriting, public sale, or distribution, at wholesale, or retail, or through syndicate participation, of stocks, bonds, or other similar securities, shall serve the same time (sic) as an officer, director, or employee of any member bank * * *"

(d) In interpreting this language, the Board has consistently held that underwriting, acting as a dealer, or generally speaking, selling, or distributing securities as a principal, is covered by the section, while acting as broker or agent is not.

(e) In one type of situation, however, although a firm was engaged in selling securities as principal, on its own behalf, the Board held that section 32 did not apply. In these cases, the firm alleged that it bought and sold securities purely for investment purposes. Typically, those cases involved personal holding companies or small family investment companies. Securities had been purchased only for members of a restricted family group, and had been held for relatively long periods of time.

(f) The question now before the Board is whether a similar exception can apply in the case of the investment account of a professional dealer. In order to answer this question, it is necessary to analyze, in the light of applicable principles under the statute, the three main types of activity in which the firm has been engaged, (1) acting as specialist and odd-lot dealer, (2) off-post trading as an ordinary dealer, and (3) investing for its own account.

(g) On several occasions, the Board has held that, to the extent the trading of a specialist or odd-lot dealer is limited to that required for him to perform his function on the floor of the exchange, he is acting essentially in an agency capacity. In a letter of September 13, 1934, the Board held that the business of a specialist was not of the kind described in the (unamended) section on the understanding that "* * * in acting as specialists on the New York Curb Exchange, it is necessary for the firm to buy and sell odd lots and * * * in order to protect its position after such transactions have been made, the firm sells or buys shares in lots of 100 or multiples thereof in order to reduce its position in the stock in question to the smallest amount possible by this method. It appears therefore that, in connection with these transactions, the firm is neither trading in the stock in question or taking a position in it except to the extent made necessary by the fact that it deals in odd lots and

cannot complete the transactions by purchases and sales on the floor of the exchange except to the nearest 100 share amount."

(h) While subsequent amendments to section 32 to some extent changed the definition of the kinds of securities business that would be covered by the section, the amendments were designed, so far as is relevant to the present question, to embody existing interpretations of the Board. Accordingly, to the extent that the firm's business is described by the above letter of the Board, it should not be considered to be of a kind described in section 32.

(i) Turning to the firm's off-post trading, the Board is inclined to agree with the view that this is sufficient to make the case a borderline one under the statute. In the circumstances, the Board might prefer to postpone making a determination until figures for 1965 could be reviewed, particularly in the light of the recent increase in total volume, if it were not for the third category, the firm's own investment account.

(j) While this question has not been squarely presented to it in the past, the Board is of the opinion that when a firm is doing any significant amount of business as a dealer or underwriter, then investments for the firm's own account should be taken into consideration in determining whether the firm is "primarily engaged" in the activities described in section 32. The division into dealing for one's own account, and dealing with customers, is a highly subjective one, and although a particular firm or individual may be quite scrupulous in separating the two, the opportunity necessarily exists for the kind of abuse at which the statute is directed. The Act is designed to prevent situations from arising in which a bank director, officer, or employee could influence the bank or its customers to invest in securities in which his firm has an interest, regardless of whether he, as an individual, is likely to do so. In the present case, when these activities are added to the firm's "off-post trading", the firm clearly falls within the statutory definition.

(k) For the reasons just discussed, the Board concludes that the firm must be considered to be primarily engaged in activities described in section 32, and that the prohibitions of the section forbid a limited partner in that firm to serve as employee of a member bank.

(12 U.S.C. 248(i). Interprets or applies 12 U.S.C. 78)

Dated at Washington, D.C., this 14th day of May 1965.

BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM,
[SEAL] MERRITT SHERMAN,
Secretary.

[F.R. Doc. 65-6223; Filed, June 15, 1965; 8:45 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Agency

[Airspace Docket No. 64-EA-71]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Federal Airways; Correction

On June 3, 1965, Federal Register Document 65-5743 was published in the FEDERAL REGISTER (30 F.R. 7312) amending Part 71 of the Federal Aviation Regulations by altering VOR Federal airways Nos. 140, 157, 265, and 476 in the vicinity of Washington, D.C.

This document contained, in part, under Item No. 2, a description of the alteration of V-157 in which it was stated that the airspace within R-4401 was excluded from the airway. The restricted area excluded should have been R-4001. In order to correct this inadvertent typographical error, action is taken herein to substitute R-4001 for R-4401 as it appears under Item No. 2.

Since this alteration is editorial, it is minor in nature, and notice and public procedure hereon are unnecessary. Further, the alteration may be made effective in less than 30 days' notice.

In consideration of the foregoing, Federal Register Document 65-5743 is altered, effective immediately, as hereinafter set forth.

In Item No. 2 reference to "R-4401" is deleted and "R-4001" is substituted therefor.

(Sec. 307(a), Federal Aviation Act of 1958; 49 U.S.C. 1348)

Issued in Washington, D.C., on June 9, 1965.

DANIEL E. BARROW,
Chief, Airspace Regulations and Procedures Division.

[F.R. Doc. 65-6224; Filed, June 15, 1965; 8:45 a.m.]

[Airspace Docket No. 65-WA-38]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Federal Airway

The purpose of this amendment to Part 71 of the Federal Aviation Regulations is to redesignate a segment of VOR Federal airway No. 501 between St. Thomas, Pa., and Philipsburg, Pa.

On March 30, 1965, Airspace Docket No. 64-EA-45 was published in the FEDERAL REGISTER (30 F.R. 4121) revoking the segment of Victor 501 from St. Thomas, Pa., via Philipsburg, Pa.; Slate Run, Pa.; to Wellsville, N.Y., effective May 27, 1965.

Subsequent to the effective date of this amendment, the FAA has determined that there is a continuing requirement for a VOR airway between St. Thomas and Philipsburg to serve scheduled air carrier aircraft operating daily between the Washington, D.C., and the Buffalo, N.Y., terminal areas. Therefore, action is taken herein to redesignate that segment of V-501 between St. Thomas and Philipsburg.

Since there is an immediate requirement to provide air traffic service for this airway segment, the Administrator finds that notice and public procedure is impracticable, and for this reason cause exists to make this Rule effective without regard to the 30 day statutory period preceding effectiveness.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective immediately, as hereinafter set forth.

In § 71.123 (29 F.R. 17509), V-501 is amended to read as follows:

V-501 From Martinsburg, W. Va., via St. Thomas, Pa.; to Philipsburg, Pa.

(Sec. 307(a), Federal Aviation Act of 1958; 49 U.S.C. 1348)

Issued in Washington, D.C., on June 10, 1965.

DANIEL E. BARROW,
Chief, Airspace Regulations and Procedures Division.

[F.R. Doc. 65-6225; Filed, June 15, 1965; 8:45 a.m.]

[Airspace Docket No. 65-EA-48]

PART 73—SPECIAL USE AIRSPACE

Alteration of Restricted Area

The purpose of this amendment to Part 73 of the Federal Aviation Regulations is to alter the time of use of Restricted Area R-4002 at Bloodsworth Island, Md., from "continuous" to "from sunrise to 2400 hours, local time, daily, other times as specified in a NOTAM issued 48 hours in advance." The U.S. Navy has advised the Agency that it no longer requires R-4002 on a continuous basis, that a period of time from sunrise to 2400 hours, local time, daily, is sufficient to protect scheduled activities and that the use of NOTAMs, issued 48 hours in advance, is sufficient to satisfy the requirements for unscheduled special projects.

Since this amendment is less restrictive to the public and therefore minor in nature, notice and public procedure hereon are unnecessary and the amendment may be made effective in less than 30 days' notice.

In consideration of the foregoing, Part 73 of the Federal Aviation Regulations is amended, effective immediately, as hereinafter set forth.

In § 73.40 (29 F.R. 17749), R-4002 at Bloodsworth Island, Md., is amended by deleting "*Time of designation.* Continuous." and substituting therefor "*Time of designation.* From sunrise to 2400 hours, local time, daily, other times as specified in a NOTAM issued 48 hours in advance."

(Sec. 307(a), Federal Aviation Act of 1958; 49 U.S.C. 1348)

Issued in Washington, D.C., on June 9, 1965.

CLIFFORD P. BURTON,
Acting Director, Air Traffic Service.

[F.R. Doc. 65-6227; Filed, June 15, 1965; 8:45 a.m.]

[Airspace Docket No. 65-EA-47]

PART 73—SPECIAL USE AIRSPACE

Alteration of Restricted Area

The purpose of this amendment to Part 73 of the Federal Aviation Regulations is to alter Restricted Area R-6609 at Tangier Island, Va., by reducing the time of designation from "continuous" to "0800 to 2300 hours EST, other times as specified in a NOTAM issued 48 hours in advance."

The U.S. Navy has advised the Agency that continuous designation of R-6609 is unnecessary, that the period of time from 0800 to 2300 hours e.s.t. is sufficient to protect scheduled activities and that activation of the area by a NOTAM, issued 48 hours in advance, is sufficient to satisfy requirements for special projects.

Since this amendment is less restrictive upon the public and therefore minor in nature, notice and public procedure hereon are unnecessary and the amendment may be made effective in less than 30 days' notice.

In consideration of the foregoing, Part 73 of the Federal Aviation Regulations is amended, effective immediately, as hereinafter set forth.

In § 73.66 (29 F.R. 17769), R-6609 at Tangier Island, Va., is amended by deleting "*Time of designation.* Continuous." and substituting therefor "*Time of designation.* From 0800 to 2300 hours e.s.t., other times as specified in a NOTAM issued 48 hours in advance."

(Sec. 307(a), Federal Aviation Act of 1958; 49 U.S.C. 1348)

Issued in Washington, D.C., on June 9, 1965.

CLIFFORD P. BURTON,
Acting Director, Air Traffic Service.

[F.R. Doc. 65-6226; Filed, June 15, 1965; 8:45 a.m.]

[Airspace Docket No. 65-WA-5]

PART 75—ESTABLISHMENT OF JET ROUTES

Realignment and Revocation of Jet Routes

On February 25, 1965, a notice of proposed rule making was published in the FEDERAL REGISTER (30 F.R. 2471) stating that the Federal Aviation Agency was considering an amendment to Part 75 of the Federal Aviation Regulations that would realign Jet Routes Nos. 18 and 24 from Phoenix, Ariz. to Las Vegas, N. Mex.

Interested persons were afforded an opportunity to participate in the proposed rule making through the submission of comments. All comments received were favorable.

It was intended that the radials forming the realignment of this segment of J-18 and J-24 would intersect over the Albuquerque, N. Mex. VORTAC. Subsequent to the publication of the notice, a review was made of the proposed action which indicated that the Las Vegas radial in the description of the jet routes should be a 246° radial instead of the 247° radial. Accordingly, action is taken herein to effect the change in radials.

Jet Routes Nos. 18 and 24 are identical between Gila Bend, Ariz. and Kansas City, Mo. and retention of the two numbers for the common airway is considered unnecessary. Therefore, J-24 between Gila Bend and Kansas City is revoked herein.

Since the change of 1° in the description of the radials forming the amended portion of J-18 and J-24 is minor in nature, and since the revocation of J-24 between Gila Bend and Kansas City is essentially editorial, notice and public procedure thereon are unnecessary.

In consideration of the foregoing, Part 75 of the Federal Aviation Regulations is amended, effective 0001 e.s.t., August 19, 1965, as hereinafter set forth.

In § 75.100 (29 F.R. 17776), the following amendments are made:

1. In the text of Jet Route No. 18 "Phoenix, Ariz.; Grants, N. Mex.;" is deleted and "Phoenix, Ariz.; St. Johns, Ariz.; INT of St. Johns 071° and Las Vegas, N. Mex., 246° radials;" is substituted therefor.

2. In the caption of Jet Route No. 24 "Gila Bend, Ariz." is deleted and "Kansas City, Mo.," is substituted therefor. In the text of Jet Route No. 24 all prior to "St. Louis, Mo.," is deleted and "From Kansas City, Mo., via" is substituted therefor.

(Sec. 307(a), Federal Aviation Act of 1958; 49 U.S.C. 1348)

Issued in Washington, D.C., on June 9, 1965.

DANIEL E. BARROW,
Chief, Airspace Regulations and Procedures Division.

[F.R. Doc. 65-6228; Filed, June 15, 1965; 8:46 a.m.]

Title 25—INDIANS

Chapter I—Bureau of Indian Affairs, Department of the Interior

SUBCHAPTER F—ENROLLMENT

PART 41—PREPARATION OF ROLLS OF INDIANS

On page 222 of the FEDERAL REGISTER of January 8, 1965, there was published a notice and text of the addition of enrollment regulations to Title 25, Code of Federal Regulations, as Part 41. The purpose of the regulations is to govern the compilation of rolls of Indian tribes by the Secretary of the Interior pursuant to statutory authority.

Interested persons were allowed 30 days after publication of the notice to submit written comments, suggestions, or objections with respect to the proposed regulations. As the result of comments received within the 30-day period, which were carefully considered, the proposed regulations are hereby adopted with the following changes and are set forth below.

All of the changes were made for the purpose of clarification and conformity.

In addition to the rearrangement of the definitions in § 41.1 some changes have been made in the wording of the definitions.

The phrase "or his authorized representative" has been added to the definition of "Commissioner" now designated as § 41.1(c).

The definitions of "Superintendent" now § 41.1(e), "Descendants" now § 41.1 (h), and "Sponsor" now § 41.1 (i) have been rewritten in their entirety.

In the definition of "Basic Roll", § 41.1 (j), the phrase "annuity or census roll or rolls" has been revised to read, "annuity, census or other roll."

A sentence has been added to § 41.2 to specify that the regulations are not to govern the compilation of tribal membership rolls where the responsibility for preparation and maintenance of such rolls rests with the tribes.

The title and text of § 41.3 have been revised to include reference to the deadline for filing applications for enrollment.

In § 41.4(a) the phrase "verbal request" has been replaced by "oral request" and the language of § 41.4 (b) (1) and (c) has been included as a part of § 41.4(a). In § 41.4(b) subparagraph (2) has been renumbered as (1) and the phrase "of the parent through whom eligibility is claimed" has been added at the end of the sentence. Subparagraph (3) has been renumbered as (2). New language has been added as subparagraph (3) to provide for including a control number on each application form.

The word "adult" has been deleted from the first sentence of § 41.5. In the same sentence the phrase "Superintendent or other designated person" has been added between the words "Director" and "on". In the last sentence of § 41.5 following the phrase "may be filed by the" the phrase "parent, recognized guardian, next friend, next of kin, spouse, executor or administrator of estate, the Director, or other persons on or before the deadline specified in the act" has been deleted and the phrase "sponsor on or before the specified deadline" inserted in lieu thereof, since the definition of "Sponsor" has been revised to include persons in those categories.

Sec.
41.1 Definitions.
41.2 Purpose.
41.3 Qualifications for enrollment and deadline for filing applications.
41.4 Application forms.
41.5 Filing of applications.
41.6 Burden of proof.
41.7 Review of applications by tribal authorities.
41.8 Action by the Director.
41.9 Appeals.
41.10 Decision of the Secretary on appeals.
41.11 Preparation of roll.
41.12 Certification and approval of roll.
41.13 Special instructions.

AUTHORITY: The provisions of this Part 41 issued under sections 463 and 465 Revised Statutes, 25 U.S.C. 2 and 9.

§ 41.1 Definitions.

(a) "Act" means any act of Congress authorizing and directing the Secretary to prepare a roll of a specific tribe or band of Indians.

(b) "Secretary" means the Secretary of the Interior or his authorized representative.

(c) "Commissioner" means the Commissioner of Indian Affairs or his authorized representative.

(d) "Director" means the Area Director or his authorized representative of the Bureau of Indian Affairs Office which has administrative jurisdiction over the local office responsible for administering the affairs of the tribe.

(e) "Superintendent" means the official or other designated representative of the Bureau of Indian Affairs in charge of the local office which has immediate administrative jurisdiction over the affairs of the tribe for which a roll is being prepared.

(f) "Staff Officer" means the Enrollment Officer or other person authorized to prepare the roll.

(g) "Tribal Committee" means the body of the tribe vested with authority to pass on enrollment matters.

(h) "Descendents" means those persons who are the issue of the ancestor through whom enrollment rights are claimed, namely, the children, grandchildren, etc. It does not include collateral relatives such as aunts, uncles, cousins, etc.

(i) "Sponsor" means a parent, recognized guardian, next friend, next of kin, spouse, executor or administrator of estate, the Director or other person who files an application for enrollment on behalf of another person.

(j) "Basic Roll" means the specific allotment, annuity, census or other roll designated in the act as the basis upon which a new roll is to be compiled.

§ 41.2 Purpose.

The regulations in this Part 41 are to govern the compilation of rolls of Indian tribes by the Secretary of the Interior pursuant to statutory authority. The regulations are not to apply in the compilation of tribal membership rolls where the responsibility for the preparation and maintenance of such rolls rests with the tribes.

§ 41.3 Qualifications for enrollment and the deadline for filing applications.

Qualifications which must be met to establish eligibility for enrollment and the deadline for filing enrollment applications will be included in this Part 41 by appropriate amendments to this section.

§ 41.4 Application forms.

(a) Application forms will be furnished by the Director, Superintendent or other designated persons upon written or oral request. Each person furnishing application forms shall keep a record of the names of the individuals to whom applications are given, as well as the control numbers of the forms and the date furnished. Instructions for completing and filing applications shall be furnished with each form. The form shall indicate prominently the deadline for filing the application.

(b) Among other information, each application shall contain:

(1) Certification as to whether application is for a natural child or an adopted child of the parent through whom eligibility is claimed.

(2) If the application is filed by a sponsor, the name, address, and relationship of sponsor to the applicant.

(3) A control number for the purpose of keeping a record of applications furnished interested individuals.

§ 41.5 Filing of applications.

Any person who desires to be enrolled and believes he meets the requirements for enrollment specified in the regulations of this part must file or have filed in his behalf a completed application form with the Director, Superintendent, or other designated person on or before the deadline specified in § 41.3. Written application forms for minors, mentally incompetent persons or other persons in need of assistance, members of the Armed Services or other services of the United States Government and/or any members of their immediate families stationed in Alaska or Hawaii or elsewhere outside the Continental United States, or a person who died after the date of the act, may be filed by the sponsor on or before the specified deadline.[1]

§ 41.6 Burden of proof.

The burden of proof rests upon the applicant to establish his eligibility for enrollment. Documentary evidence such as birth certificates, death certificates, baptismal records, copies of probate findings, or affidavits, may be used to support claim for enrollment. Records of the Bureau of Indian Affairs may be used to establish eligibility.

§ 41.7 Review of applications by tribal authorities.

Whenever practicable the Secretary shall consult with tribal authorities, who shall have 3 months from the deadline for filing applications to examine the applications for the purpose of recommending to the Director approval or rejection of the applications. A recommendation for the rejection of any application shall be supported by a memorandum setting forth the reasons for the adverse recommendation.

§ 41.8 Action by the Director.

(a) The Director shall consider each application and, when applicable, the tribal recommendation thereon. Upon determination as to the eligibility of an applicant, the Director shall notify the applicant or sponsor in writing of his decision. If such determination is favorable, the name of the applicant shall be placed on the roll. If the decision is adverse, the applicant or sponsor shall be notified of such decision by certified mail, to be received by addressee only, return receipt requested, together with a full explanation of the reasons therefor and of his right of appeal to the Secretary. (If correspondence is sent outside of the States of the United States, it may be necessary to use registered mail.) If an individual files applications on behalf of more than one person, one notice of eligibility or rejection may be addressed to the person who filed the applications. However, said notice must list the name of each person involved.

(b) To avoid hardship or gross injustice, the Director may waive technical deficiencies in applications or other submissions.

§ 41.9 Appeals.

Appeals from rejected applications must be in writing, and filed pursuant to Part 42 of this subchapter.

§ 41.10 Decision of the Secretary on appeals.

The decision of the Secretary on an appeal shall be final and conclusive, and written notice of the decision shall be given the applicant or sponsor. When so directed by the Secretary, the Commissioner shall cause to be entered on the roll the name of any person whose appeal has been sustained.

§ 41.11 Preparation of roll.

The staff officer shall prepare a minimum of five copies of the roll of those persons determined to be eligible for enrollment. The roll shall contain for each person a roll number, name, address, sex, date of birth, and, when required by law, degree of Indian blood, and, in the remarks column, when applicable, the basic roll number, date of the basic roll, name and relationship of ancestor on the basic roll through whom eligibility was established.

§ 41.12 Certification and approval of roll.

A certificate shall be attached to the roll by the staff officer certifying that to the best of his knowledge and belief the roll contains only the names of those persons who were determined to meet the requirements for enrollment. The Commissioner shall approve the roll.

§ 41.13 Special instructions.

To facilitate the work of the Director, the Commissioner may issue special instructions not inconsistent with the regulations in this Part 41.

JOHN A. CARVER, Jr.,
Acting Secretary of the Interior.

JUNE 10, 1965.

[F.R. Doc. 65-6233; Filed, June 15, 1965; 8:46 a.m.]

[1] Criminal penalties are provided by statute for knowingly filing false information in such statements. 18 U.S.C. 1001.

PART 42—ENROLLMENT APPEALS

By notice of proposed rule making published on January 8, 1965 (30 F.R. 223), the public was notified that pursuant to authority vested in the Secretary of the Interior by sections 463 and 465 of the Revised Statutes, 25 U.S.C. 2 and 9, it is proposed to amend 25 CFR Part 42.

Interested persons were allowed 30 days in which to submit written comments, suggestions, or objections to the proposed amendment. As the result of comments received within the 30-day period, which were carefully considered, the proposed amendment is hereby adopted with the following changes and is set forth below. All changes were made for the purpose of conformity and clarification.

In § 42.1 we have reversed the order of the definitions of "Field Office" and "Superintendent" and have added a new paragraph (h) defining the word "Sponsor."

A sentence has been added to § 42.3 to specify that the regulations are not to apply in those instances where procedures for filing appeals by applicants rejected for tribal membership are prescribed in tribal documents.

To more clearly identify those who may file appeals the first sentence in § 42.3 has been revised to read, "Any person who has been rejected for enrollment may file or have filed in his behalf an appeal from an adverse enrollment action."

Since eligibility has not been established, the word "eligible" appearing between "any" and "members" in the second sentence of § 42.3 has been deleted. At the end of the same sentence after the phrase "an appeal may be filed by" the words "either parent, recognized guardian, custodian, next of kin, next friend, spouse, Superintendent, or by any other person" have been deleted and "a sponsor" substituted therefor, since the definition of "Sponsor" includes persons in these categories.

Appeals considered under Part 42 will be from persons who it has been determined do not meet the criteria for enrollment regardless of whether such criteria has been established by an act of Congress, a tribal constitution, ordinance, resolution, or by tribal custom. Therefore, the last sentence in § 42.6 has been deleted.

Sec.
42.1 Definitions.
42.2 Purpose.
42.3 Who may appeal.
42.4 Filing of an appeal.
42.5 Supporting evidence.
42.6 Advising tribe.
42.7 Action by the Director.
42.8 The decision of the Secretary on appeals.
42.9 Special instructions.

AUTHORITY: The provisions of this Part 42 issued under secs. 463 and 465 Revised Statutes, 25 U.S.C. 2 and 9.

§ 42.1 Definitions.

As used in this Part 42:

(a) "Secretary" means the Secretary of the Interior, or his authorized representative.

(b) "Commissioner" means the Commissioner of Indian Affairs, or his authorized representative.

(c) "Director" means the Area Director, or his authorized representative, of the Bureau of Indian Affairs office which has administrative jurisdiction over the local office responsible for administering the affairs of the tribe.

(d) "Superintendent" means the official or other authorized representative in charge of the local Bureau of Indian Affairs Office having immediate administrative jurisdiction over the affairs of the Indian tribe for which a roll is being prepared.

(e) "Field Office" means the local office of the Bureau of Indian Affairs which has responsibility for administering the affairs of the tribe.

(f) "Tribal Committee" means the body of the tribe vested with authority to pass on enrollment matters.

(g) "Constitution" means the written organizational framework for the governing of the tribe and/or any valid enrollment ordinance or resolution a tribe may adopt.

(h) "Sponsor" means a parent, recognized guardian, next friend, next of kin, spouse, executor or administrator of estate, the Director or other person who files an application for enrollment on behalf of another person.

§ 42.2 Purpose.

The regulations in this Part 42 are for the purpose of establishing the procedure for filing appeals in conjunction with the rejection of any name from a roll of an Indian tribe when final approval thereof rests within the purview of the Secretary either because of provisions in tribal constitutions or specific acts of Congress. The regulations are not to apply in those instances where the procedures for filing appeals by applicants rejected for tribal membership are prescribed in tribal documents.

§ 42.3 Who may appeal.

Any person who has been rejected for enrollment may file or have filed in his behalf an appeal from an adverse enrollment action. In the case of minors, mentally incompentent persons or other persons in need of assistance, members of the Armed Services or other services of the United States Government and/or any members of their immediate families stationed in Alaska or Hawaii or elsewhere outside the Continental United States, or a person who died after the date of any relevant act, an appeal may be filed by a sponsor. The burden of proof of establishing eligibility is on the appellant.

§ 42.4 Filing of an appeal.

The appeal shall be in writing addressed to the Secretary and must be received by the official designated in the letter of rejection before the close of business on the 30th day after receipt of the rejection notice, except in those cases where the letter of rejection is delivered to an address in Alaska or Hawaii or elsewhere outside the Continental United States the addressee will have 60 instead of 30 days to file an appeal with the official designated in the letter of rejection. In computing the 30- or 60-day period, the count begins with the day following receipt of the rejection notice and continues for 30 or 60 consecutive days. If, however, the 30th or 60th day falls on a Saturday, Sunday, or legal holiday the period would end on the first working day thereafter.

§ 42.5 Supporting evidence.

The appeal should include any supporting evidence not previously furnished and may include a copy of or reference to any Bureau or tribal records having a direct bearing on the appellant's eligibility. The appellant may furnish affidavits from persons having personal knowledge of the facts at issue.[1] An appeal may request additional time to submit supporting evidence. A period considered reasonable for such submissions may be granted by the official receiving the appeal.

§ 42.6 Advising tribe.

Whenever applicable, the Superintendent or the Director shall notify the tribal committee of the receipt of the appeal and shall give the tribal committee the opportunity to examine the appeal and to present such evidence as it may consider pertinent to the action being appealed. The tribal committee shall have not to exceed 30 days from receipt of notification of the appeal in which to present in writing such statements as it may deem pertinent, supported by any tribal records which have a bearing on the case.

§ 42.7 Action by the Director.

If after review of the evidence or appeal, the Director is satisfied that the right to enrollment has been established, the appellant shall be so notified in writing and his name entered on the roll. If the Director again determines the appellant is ineligible, he shall so notify the appellant and shall forward the appeal, together with the complete record and his recommendations thereon to the Commissioner for transmittal to the Secretary.

§ 42.8 The decision of the Secretary on appeals.

The Secretary will consider the record as presented, together with such additional information he may consider pertinent. Any such additional information shall be specifically identified in his decision. The decision of the Secretary on an appeal shall be final and conclusive and written notice of the decision shall be given to the appellant.

§ 42.9 Special instructions.

To facilitate the work of the Director, the Commissioner may issue special instructions not inconsistent with the regulations in this Part 42.

JOHN A. CARVER, Jr.,
Acting Secretary of the Interior.

JUNE 10, 1965.

[F.R. Doc. 65-6234; Filed, June 15, 1965; 8:47 a.m.]

[1] Criminal penalties are provided by statute for knowingly filing false information in such statements. 18 U.S.C. 1001.

Title 29—LABOR

Chapter XIII—Bureau of Labor Standards, Department of Labor

PART 1501—SAFETY AND HEALTH REGULATIONS FOR SHIP REPAIRING

PART 1502—SAFETY AND HEALTH REGULATIONS FOR SHIPBUILDING

PART 1503—SAFETY AND HEALTH REGULATIONS FOR SHIPBREAKING

Threshold Limit Values

On May 7, 1965, notice of proposed amendments to the safety and health regulations established under section 41 of the Longshoremen's and Harbor Workers' Compensation Act (33 U.S.C. 941) were published in the FEDERAL REGISTER (30 F.R. 6397). After consideration of all such relevant matter as was presented by interested persons regarding the proposals, I have decided to and do hereby adopt them, effective July 16, 1965, without change.

Signed at Washington, D.C., this 8th day of June 1965.

W. WILLARD WIRTZ,
Secretary of Labor.

1. The following addition to the list in 20 CFR 1501.5 is made:

§ 1501.5 Reference specifications, standards, and codes.

(a) • • •

Threshold Limit Values for 1964, American Conference of Governmental Industrial Hygienists, 1014 Broadway, Cincinnati 2, Ohio, Subpart B, § 1501.11(a)(4); Subpart C, § 1501.21(b).

2. Paragraph (b) of 29 CFR 1501.21 is revised to read as follows:

§ 1501.21 Toxic cleaning solvents.

• • • • • •

(b) The principles in the threshold limit values to which attention is directed in § 1501.5 will be used by the Department of Labor in enforcement proceedings in defining a safe concentration of vapors.

• • • • • •

3. The appendixes contained in 29 CFR Part 1501 are deleted.

4. The following addition to the list in 29 CFR 1502.5 is made:

§ 1502.5 Reference specifications, standards, and codes.

(a) • • •

Threshold Limit Values for 1964, American Conference of Governmental Industrial Hygienists, 1014 Broadway, Cincinnati 2, Ohio, Subpart C, § 1502.21(b).

5. Paragraph (b) of 29 CFR 1502.21 is revised to read as follows:

§ 1502.21 Toxic cleaning solvents.

• • • • • •

(b) The principles in the threshold limit values to which attention is directed in § 1502.5 will be used by the Department of Labor in enforcement proceedings in defining a safe concentration of vapors.

• • • • • •

6. The appendixes contained in 29 CFR Part 1502 are deleted.

7. The following addition to the list in 29 CFR 1503.5 is made:

§ 1503.5 Reference specifications, standards, and codes.

(a) • • •

Threshold Limit Values for 1964, American Conference of Governmental Industrial Hygienists, 1014 Broadway, Cincinnati 2, Ohio, Subpart B, § 1503.11(a)(4).

8. The appendixes contained in 29 CFR Part 1503 are deleted.

(33 U.S.C. 941)

[F.R. Doc. 65-6275; Filed, June 15, 1965; 8:48 a.m.]

Title 32—NATIONAL DEFENSE

Chapter VI—Department of the Navy

SUBCHAPTER E—CLAIMS

PART 750—NAVY GENERAL CLAIMS

PART 753—NAVY FOREIGN CLAIMS

Miscellaneous Amendments

Scope and purpose. Sections 750.48 and 753.29 deal with certain types of claims for or against the United States which are to be processed by one of the military departments in accordance with assignments of responsibility by the Deputy Secretary of Defense. The assignments distinguish between the countries where a claim may arise. The lists of assigned country responsibilities are updated below to conform to recent changes in the controlling Department of Defense directive. Corresponding changes to the Manual of the Judge Advocate General will be distributed to Navy and Marine Corps commands in due course.

1. Section 750.48 is amended by revising paragraph (b) (1), (2), and (3) to read as follows:

§ 750.48 Single service assignment of responsibility for processing of claims.

• • • • • •

(b) *List of countries.* • • •

(1) Department of the Army: Belgium, the Democratic Republic of the Congo, the Dominican Republic, Ethiopia, France, the Federal Republic of Germany, Iran, Korea, Liberia, Mali, Senegal, Republic of Vietnam, and as the Receiving State Office in the United States under paragraph (a) (3) and (4) of this section.

(2) Department of the Navy: Australia, Iceland, Italy, and Portugal.

(3) Department of the Air Force: Canada, Denmark, Greece, India, Japan, Libya, Luxembourg, Nepal, Netherlands, Norway, Pakistan, Saudi Arabia, Spain, Turkey, and the United Kingdom.

• • • • • •

2. Section 753.29 is amended by revising paragraph (b) (2) (i), (ii), (iii) to read as follows:

§ 753.29 Claims arising in specified foreign countries.

• • • • • •

(b) *Single service assignment of responsibility for processing of claims* • • •

(2) *List of countries.* • • •

(i) Department of the Army: Belgium, the Democratic Republic of the Congo, the Dominican Republic, Ethiopia, France, the Federal Republic of Germany, Iran, Korea, Liberia, Mali, Senegal, Republic of Vietnam, and as the Receiving State Office in the United States under subdivisions (1) (iii) and (iv) of this paragraph.

(ii) Department of the Navy: Australia, Iceland, Italy, and Portugal.

(iii) Department of the Air Force: Canada, Denmark, Greece, India, Japan, Libya, Luxembourg, Nepal, Netherlands, Norway, Pakistan, Saudi Arabia, Spain, Turkey, and the United Kingdom.

• • • • • •

(R.S. 161, 42 Stat. 24, secs. 2733, 2734, 5031, 70A Stat. 153, 154, 278, as amended, 76 Stat. 512, 593–594, 767; 5 U.S.C. 22, 10 U.S.C. 2733, 2734, 2734a, 2734b, 2736, 31 U.S.C. 71, 42 U.S.C. 2651–2653)

By direction of the Secretary of the Navy.

[SEAL] WILFRED HEARN,
Rear Admiral, U.S. Navy,
Judge Advocate General of the Navy.

JUNE 10, 1965.

[F.R. Doc. 65-6291; Filed, June 15, 1965; 8:49 a.m.]

Title 39—POSTAL SERVICE

Chapter I—Post Office Department

PART 16—SECOND-CLASS BULK MAILINGS

Statement and Copy Filed With Mailings; Correction

In F.R. Document 65-5829, appearing at page 7391, in the FEDERAL REGISTER of June 4, 1965, the amendment numbered "9" to § 16.5 *Statement and copy filed with mailings* is corrected by changing the reference to paragraph "(b)" to read paragraph "(f)".

LOUIS J. DOYLE,
General Counsel.

[F.R. Doc. 65-6360; Filed, June 15, 1965; 8:47 a.m.]

PART 114—TREATMENT OF INCOMING POSTAL UNION MAIL

PART 122—INCOMING PARCELS

International Mail Packages; Storage Charges

A notice of proposed revisions in § 114.1(d) and § 122.1(c) was published in the FEDERAL REGISTER of March 16, 1965 (30 F.R. 3444). Interested persons were given 30 days in which to submit written comments with respect to the proposal.

The amendments to § 114.1(d) and § 122.1(c) increase the storage charge and shorten the free-storage period prescribed for incoming postal union mail packages and foreign parcel post. Storage charges are extended to apply also to dutiable foreign letter packages. Provision is also made for endorsing held foreign packages to show the date on which storage charges begin to accrue.

After consideration of all comments received, the Department has reached the conclusion to adopt the proposal as published subject to minor changes in the codifying language and numbering. The amendments to be effective upon publication are as follows:

I. In § 114.1 amend paragraph (d) to read as follows:

§ 114.1 Charges.

• • • • • •

(d) *Storage.* The post office will collect 15 cents for each day until delivery is made, beginning on the sixth working day after first delivery attempt has been made or first notice of available delivery has been issued to the addressee, of (1) any package exceeding one pound in weight classed as printed matter, commercial papers or small packet, and (2) any dutiable letter package regardless of weight. The conditions prescribed in § 122.1(c) of this chapter for incoming parcel post packages also apply to the foregoing.

• • • • • •

NOTE: The corresponding Postal Manual section is 224.14.

II. In § 122.1 amend paragraph (c) to read as follows:

§ 122.1 Charges.

• • • • • •

(c) *Storage.* (1) The post office will collect 15 cents for each day until delivery is made, beginning on the sixth working day after first delivery attempt has been made or first notice of available delivery has been issued to the addressee. The days on which the office is closed for business will not be counted in determining the 5-day free storage period. However, after expiration of the free storage period, the 15-cent storage charge will be collected for each day thereafter that a package is on hand. This includes Saturdays, Sundays, national holidays, and the day on which delivery is effected. When a parcel is returned to the post office after the first delivery attempt, or when a notice that the package is available for delivery is sent to the addressee, mark on the wrapper "Storage charges begin _____" and insert the date when the charges will begin to accrue. Rubber-stamp item R–1300–296 is available for this purpose to post offices of the first and second classes. Requisition stamp from supply centers on Form 1580 during prescribed requisitioning periods.

(2) The same charge is applied on packages requiring formal customs entry that are held in post office custody or on post office premises awaiting customs clearance. For formal entry parcels, the charge will begin on the sixth working day after the date on which notice on Customs Form 3509 is mailed to the consignee (addressee), or on the sixth working day after receipt of the parcel at the office where it is to receive formal customs treatment if the customs notice has been issued at another customs port. If a parcel receives formal customs clearance at a customs port which is not located at the post office of address, any storage charges that have been accumulated at the customs port will be shown on the parcel so that they can be collected from the addressee when the parcel is delivered. Additional storage charges are charged at the post office of address if delivery is not effected by the next work day following that on which the addressee is informed that the parcel is on hand for delivery. Cooperation of customs officers should be solicited to enable post offices to collect any storage charges which may accrue on formal entry parcels.

(3) The charges are accounted for by affixing postage-due stamps to the parcel or to a postage-due bill and canceling. If there are several parcels for one addressee the charges are applied separately on each parcel.

(4) When an addressee protests the rate or amount of duty assessed (see § 151.5(d)(5) of this chapter), the time required for the addressee to submit his written objection is counted, but the time required for the Customs Service to come to a decision in the matter is not counted.

(5) See § 122.5(b)(1)(v) concerning collection of storage charges on parcels held beyond the usual retention period, and § 122.5(b)(4) regarding the marking of undeliverable parcels on which storage charges are due.

• • • • • •

NOTE: The corresponding Postal Manual section is 232.13.

(R.S. 161, as amended; 5 U.S.C. 22, 39 U.S.C. 501, 505)

LOUIS J. DOYLE,
General Counsel.

[F.R. Doc. 65-6361; Filed, June 15, 1965; 8:47 a.m.]

Title 41—PUBLIC CONTRACTS AND PROPERTY MANAGEMENT

Chapter 9—Atomic Energy Commission

PART 9–51—REVIEW AND APPROVAL OF CONTRACT ACTIONS

Miscellaneous Amendments

In § 9–51.000 *Scope of part*, the reference in the last line is changed from "AECM 9131" to "AECPR 9–56".

The following section is added:

§ 9–51.000–50 Policy, cost-type contractor procurement.

The following portions of this part constitute specific provisions which the contracting officer shall bring to the attention of Class A and Class B cost-type contractors as constituting areas which require appropriate treatment in the development of statements of contractor procurement practices in order to carry out the basic AEC procurement policy set forth in AECPR 9–1.5203:

Sections or subparts	*Subject*
AECPR:	
9–51.001	Definition.
9–51.2	Subcontracts requiring prior authorization by AEC.
9–51.401	Applicability.
9–51.403–1(c)	Method and extent of review.
9–51.5	Contracts or subcontracts requiring advance notice.

(Sec. 161, Atomic Energy Act of 1954, as amended, 68 Stat. 948, 42 U.S.C. 2201; Sec. 205 Federal Property and Administrative Services Act of 1949, as amended, 63 Stat. 390, 40 U.S.C. 486)

Effective date. These amendments are effective upon publication in the FEDERAL REGISTER.

Dated at Germantown, Md., this 8th day of June 1965.

For the U.S. Atomic Energy Commission.

JOSEPH L. SMITH,
Director, Division of Contracts.

[F.R. Doc. 65-6236; Filed, June 15, 1965; 8:47 a.m.]

PART 9–56—SELECTION OF CONTRACTORS BY BOARD PROCESS

Miscellaneous Amendments

In § 9–56.001 *Applicability*, paragraph (e) is deleted and reserved. The following section is added:

§ 9–56.002 Policy, cost-type contractor procurement.

The following portions of this part constitute specific provisions which the contracting officer shall bring to the attention of Class A and Class B cost-type contractors as constituting areas which require appropriate treatment in the development of statements of contractor procurement practices in order to carry out the basic AEC procurement policy set forth in AECPR 9–1.5203.

AECPR:	*Subject*
9–56.000	Scope of part.
9–56.001	Applicability.
9–56.1	Contractor selection boards.
9–56.2	Contractor selection.
9–56.3	Review and approval of selection actions.
9–56.404	Selection of research and development contracts for work in commercial facilities.
9–56.405	Selection of contractors for engineering and construction work.

(Sec. 161, Atomic Energy Act of 1954, as amended, 68 Stat. 948, 42 U.S.C. 2201; sec. 205, Federal Property and Administrative Services Act of 1949, as amended, 63 Stat. 390, 40 U.S.C. 486)

Effective date. These amendments are effective upon publication in the FEDERAL REGISTER.

Dated at Germantown, Md. this 8th day of June 1965.

For the U.S. Atomic Energy Commission.

JOSEPH L. SMITH,
Director, Division of Contracts.

[F.R. Doc. 65-6237; Filed, June 15, 1965; 8:47 a.m.]

PART 9–58—RENTAL OF CONSTRUCTION EQUIPMENT

Miscellaneous Amendments

The following section is added:

§ 9–58.000–50 Policy, cost-type contractor procurement.

This part constitutes a specific provision which the contracting officer shall bring to the attention of Class A and Class B cost-type contractors as constituting an area which requires appropriate treatment in the development of statements of contractor procurement practices in order to carry out the basic AEC procurement policy set forth in AECPR 9–1.5203.

§ 9–58.001 [Deleted]

Section 9–58.001 *Applicability*, is deleted and reserved.

The following heading is inserted preceding § 9–58.101 *Rental agreement:*

Subpart 9–58.1—Rental of Contractor-Owned Equipment

In § 9–58.101 *Rental agreement*, in the last line, the word "and" is changed to "through".

Section 9–58.201, *Rental agreement*, is revised to read as follows:

§ 9–58.201 Rental agreement.

The terms and conditions governing rental of construction equipment without operators from a third party are in accordance with §§ 9–58.102, 9–58.104, 9–58.108 and 9–58.109, and they are set forth in AECPR 9–16.5002–13—Outline of agreement for rental of third party-owned construction equipment. Managers of Field Offices shall assure that these terms and conditions are used by AEC cost-type construction contractors and that similar terms and conditions are used by other AEC cost-type contractors or subcontractors in renting construction equipment from a third party. These terms and conditions may be suitably modified to provide for rental of equipment with operators. Some of the aspects of this agreement to which particular attention should be given are set forth below in this section.

(Sec. 161, Atomic Energy Act of 1954, as amended, 68 Stat. 948, 42 U.S.C. 2201; sec. 205, Federal Property and Administrative Services Act of 1949, as amended, 63 Stat. 390, 40 U.S.C. 486)

Effective date. These amendments are effective upon publication in the FEDERAL REGISTER.

Dated at Germantown, Md. this 8th day of June 1965.

For the U.S. Atomic Energy Commission.

JOSEPH L. SMITH,
Director, Division of Contracts.

[F.R. Doc. 65–6238; Filed, June 15, 1965; 8:47 a.m.]

Title 43—PUBLIC LANDS: INTERIOR

Chapter II—Bureau of Land Management, Department of the Interior

APPENDIX—PUBLIC LAND ORDERS

[Public Land Order 3663]

[Sacramento 079463]

CALIFORNIA

Revocation of Stock Driveway Withdrawal

By virtue of the authority vested in the Secretary of the Interior by section 10 of the Act of December 29, 1916 (39 Stat. 865; 43 U.S.C. 300), as amended, it is ordered as follows:

1. The Departmental order of June 4, 1937, which withdrew the following-described lands for stock driveway purposes, is hereby revoked:

MOUNT DIABLO MERIDIAN

T. 47 N., R. 3 E.,
Sec. 19, lots 1 to 5 inclusive, and SE¼ SE¼;
Sec. 20, lots 1 and 2, E½NE¼, fractional SW¼NE¼, NW¼SW¼;
Sec. 30, lot 1, and NE¼NW¼.

The areas described aggregate 428.18 acres, in Siskiyou County.

2. The lands are withdrawn for reclamation purposes.

JOHN A. CARVER, Jr.,
Under Secretary of the Interior.

JUNE 10, 1965.

[F.R. Doc. 65–6239; Filed, June 15, 1965; 8:45 a.m.]

[Public Land Order 3664]

[Arizona 033475]

ARIZONA

Partial Revocation of Water Power Withdrawals; Powersite Restoration No. 630, Powersite Cancellation No. 222

By virtue of the authority vested in the President by section 1 of the Act of June 25, 1910 (36 Stat. 847; 43 U.S.C. 141), and in the Secretary of the Interior by the Act of June 20, 1910 (36 Stat. 557), and pursuant to Executive Order No. 10355 of May 26, 1952 (17 F.R. 4831), it is ordered as follows:

1. The Executive Order of October 30, 1916, creating Powersite Reserve No. 558, and the Departmental Order of February 7, 1917, establishing Water Power Designation No. 9, are hereby revoked so far as they affect the following described lands:

GILA AND SALT RIVER MERIDIAN

T. 14 N., R. 2 E.,
Sec. 6, lot 3 and E½SW¼;
Sec. 7, E½W½;
Sec. 18, E½W½;
Sec. 19, lots 3 and 6, and E½NW¼;
Sec. 30, lots 1 to 5, incl., SE¼NW¼ and NE¼SW¼;
Sec. 31, lot 1.

The tract withdrawn in the areas described contains 56 acres, those in sections 6, 7, 18, and 19 being in the Prescott National Forest.

2. The withdrawal was for transmission line purposes, and the lands have been open, subject to the general determination of the Federal Power Commission of April 17, 1922.

JOHN A. CARVER, Jr.,
Under Secretary of the Interior.

JUNE 10, 1965.

[F.R. Doc. 65–6240; Filed, June 15, 1965; 8:45 a.m.]

[Public Land Order 3665]

[Anchorage 061270]

ALASKA

Powersite Classification No. 456 (Nellie Juan Lake and River)

By virtue of the authority contained in the Act of March 3, 1879 (20 Stat. 394; 43 U.S.C. 31), as amended, and Reorganization Plan No. 3 (64 Stat. 1262; 5 U.S.C. 133z–15, note), subject to valid existing rights, the following described lands under the jurisdiction of the Department of the Interior are hereby classified as powersites, so far as title to such lands and interests therein remain in the United States:

POWERSITE CLASSIFICATION No. 456

NELLIE JUAN RIVER AND LAKE
SEWARD MERIDIAN (PROTRACTED)

T. 1 N., R. 3 E.,
Sec. 2, W½E½ and W½;
Sec. 3, NE¼NE¼, S½NE¼, SE¼SW¼, and SE¼;
Sec. 10, NE¼, E½NW¼, and SE¼;
Sec. 11, W½;
Sec. 14, NW¼, and N½SW¼;
Sec. 15, NE¼.
T. 2 N., R. 2 E.,
Sec. 13, NE¼SW¼, S½SW¼, SW¼SE¼, and SE¼SE¼;
Sec. 23, E½, NE¼SW¼, and S½SW¼;
Sec. 24, N½ and SW¼;
Sec. 25, N½NW¼, and SW¼NW¼;
Sec. 26;
Sec. 27, SE¼NE¼ and E½SE¼;
Sec. 34, NE¼NE¼, S½NE¼, and SE¼;
Sec. 35, W½NE¼, NW¼, and S½.
T. 2 N., R. 3 E.,
Sec. 4, NW¼, N½SW¼, and SW¼SW¼;
Sec. 5, E½NE¼, and SE¼;
Sec. 8, NE¼, SE¼NW¼, NE¼SW¼, S½SW¼, N½SE¼, and SW¼SE¼;
Sec. 9, NW¼NW¼;
Sec. 17, W½NE¼, NW¼, and N½SW¼;
Sec. 18, E½NE¼, SW¼NE¼, and S½;
Sec. 19, N½NW¼.
T. 3 N., R. 3 E.,
Sec. 1, S½NE¼, NE¼SW¼, S½SW¼, and SE¼;
Sec. 11, SE¼NE¼, SE¼SW¼, and SE¼;
Sec. 12, N½, N½SW¼, and NW¼SE¼;
Sec. 14, W½NE¼, E½NW¼, SW¼NW¼, SW¼, and NW¼SE¼;

Sec. 15, SE¼SE¼;
Sec. 22, NE¼, NE¼SW¼, S½SW¼, N½SE¼, and SW¼SE¼;
Sec. 26, NW¼NW¼;
Sec. 27, NW¼NE¼, NW¼, and NW¼SW¼;
Sec. 28, SE¼NE¼, SE¼SW¼, and SE¼;
Sec. 33, NE¼, NE¼NW¼, S½NW¼, SW¼, and W½SE¼.
T. 3 N., R. 4 E.,
Sec. 4, NW¼NW¼;
Sec. 5, N½N½, and SW¼NW¼;
Sec. 6, N½, SW¼, and NW¼SE¼.
T. 4 N., R. 4 E.,
Sec. 26, NW¼NW¼;
Sec. 27, N½, SW¼, and N½SE¼;
Sec. 28, SE¼NE¼, NE¼SW¼, S½SW¼, and SE¼;
Sec. 31, SE¼SW¼, and SE¼;
Sec. 33, SE¼NE¼, and S½;
Sec. 35, N½, SW¼, and NW¼SE¼;
Sec. 36, W½NW¼.

The areas described aggregate approximately 12,320 acres, of which about 2,000 acres are water areas.

This classification shall be subject to the provisions of section 24 of the Act of June 10, 1920 (41 Stat. 1075; 16 U.S.C. 818), as amended.

JOHN A. CARVER, Jr.,
Under Secretary of the Interior.

JUNE 10, 1965.

[F.R. Doc. 65–6241; Filed, June 15, 1965; 8:45 a.m.]

[Public Land Order 3666]

[Idaho 015692]

IDAHO

Withdrawal of National Forest Townsite Lands

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952 (17 F.R. 4831), it is ordered as follows:

Subject to valid existing rights, the following described Coeur d'Alene National Forest lands are hereby withdrawn from appropriation under the United States mining laws (Ch. 2, Title 30, U.S.C.) in aid of programs of the Department of Agriculture:

MONTGOMERY CREEK TOWNSITE

BOISE MERIDIAN

T. 49 N., R. 3 E.,
Sec. 33, SE¼NE¼, N½NE¼SE¼, SW¼NE¼SE¼ and SE¼NW¼SE¼;
Sec. 34, NW¼SW¼NW¼.

The areas described aggregate approximately 90 acres, in Shoshone County.

The withdrawal made by this order does not alter the applicability of those public land laws governing the use of the national forest lands under lease, license, or permit, or governing the disposal of their mineral and vegetative resources other than under the mining laws.

JOHN A. CARVER, Jr.,
Under Secretary of the Interior.

JUNE 10, 1965.

[F.R. Doc. 65–6242; Filed, June 15, 1965; 8:45 a.m.]

[Public Land Order 3667]

[New Mexico 026991]

NEW MEXICO

Withdrawal for National Forest Recreation Areas

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952 (17 F.R. 4831), it is ordered as follows:

1. Subject to valid existing rights, the following described national forest lands are hereby withdrawn from appropriation under the United States mining laws (Ch. 2, Title 30, U.S.C.), in aid of programs of the Department of Agriculture:

NEW MEXICO PRINCIPAL MERIDIAN

CARSON NATIONAL FOREST

Columbine Forest Camp

T. 28 N., R. 13 E. (unsurveyed),
That portion of the following subdivisions lying south of New Mexico State Highway No. 38;
Sec. 11, E½E½E½NE¼, excluding HES 101;
Sec. 12, W½W½NW¼, E½NW¼NW¼, NE¼SW¼NW¼, and W½NW¼SW¼.

Fawn Lake Forest Camp (Formerly Junebug Forest Camp)

T. 29 N., R. 14 E. (partially unsurveyed),
Sec. 22, E½SE¼SE¼NE¼, E½NE¼NE¼SE¼, NE¼SE¼NE¼SE¼;
Sec. 23, S½S½NW¼, N½N½NW¼SW¼, SW¼NE¼NW¼SW¼, S½NW¼NW¼SW¼, NW¼SW¼NW¼SW¼.

The areas described aggregate 160.5 acres in Taos County.

2. The withdrawal made by this order does not alter the applicability of those public land laws governing the use of the national forest lands under lease, license, or permit, or governing the disposal of their mineral and vegetative resources other than under the mining laws.

JOHN A. CARVER, Jr.,
Under Secretary of the Interior.

JUNE 10, 1965.

[F.R. Doc. 65–6243; Filed, June 15, 1965; 8:45 a.m.]

[Public Land Order 3668]

[Wyoming 0811781]

WYOMING

Withdrawal for Protection of Recreation and Scientific Values

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952 (17 F.R. 4831), it is ordered as follows:

1. Subject to valid existing rights, the following-described lands, which are under the jurisdiction of the Secretary of Agriculture, are hereby withdrawn from appropriation under the mining laws (Ch. 2, Title 30 U.S.C.), for protection of their scientific and recreation values:

TOADSTOOL GEOLOGIC AREA

T. 33 N., R. 53 W.,
Sec. 8, E½.

The area described contains 320 acres.

2. The withdrawal made by this order does not alter the applicability of the public land laws governing the use of the lands under lease, license, or permit, or governing the disposal of their mineral or vegetative resources other than under the mining laws.

JOHN A. CARVER, Jr.,
Under Secretary of the Interior.

JUNE 10, 1965.

[F.R. Doc. 65–6244; Filed, June 15, 1965; 8:45 a.m.]

[Public Land Order 3669]

[Oregon 016299]

OREGON

Partial Revocation of Reclamation Withdrawals (Umatilla Project)

By virtue of the authority contained in section 3 of the Act of June 17, 1902 (32 Stat. 388; 43 U.S.C. 416), as amended and supplemented, it is ordered as follows:

The departmental orders of February 25, 1903, and August 16, 1906, which withdrew lands for reclamation purposes, are hereby revoked so far as they affect the following described lands:

WILLAMETTE MERIDIAN

T. 4 N., R. 26 E.,
Sec. 4, lots 1, 2, and S½NE¼.

Containing 159.74 acres, in Umatilla County.

The lands are included in an allowed homestead entry.

JOHN A. CARVER, Jr.,
Under Secretary of the Interior.

JUNE 10, 1965.

[F.R. Doc. 65–6245; Filed, June 15, 1965; 8:45 a.m.]

[Public Land Order 3670]

[Idaho 015969]

IDAHO

Withdrawal for National Forest Job Corps Conservation Centers

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952 (17 F.R. 4831), it is ordered as follows:

1. Subject to valid existing rights the following-described public lands are hereby withdrawn from all forms of appropriation under the public land laws including the mining laws (Ch. 2, Title 30, U.S.C.), and reserved under the jurisdiction of the Secretary of Agriculture for Job Corps Conservation Centers:

BOISE MERIDIAN

T. 12 S., R. 20 E.,
Sec. 25, N½NE¼.
T. 15 N., R. 1 W.,
Sec. 3, lot 4.

Containing 119.11 acres, in Adams and Cassia Counties.

2. The withdrawal made by this order does not alter the applicability of the public land laws governing the use of the lands under lease, license, or permit, or governing the disposal of their min-

eral and vegetative resources other than under the mining laws.

JOHN A. CARVER, Jr.,
Under Secretary of the Interior.

JUNE 10, 1965.

[F.R. Doc. 65-6246; Filed, June 15, 1965; 8:45 a.m.]

[Public Land Order 3671]

[Oregon 015656]

OREGON

Withdrawal for National Forest Recreation Areas

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952 (17 F.R. 4831), it is ordered as follows:

1. Subject to valid existing rights, the following described national forest lands are hereby withdrawn from appropriation under the United States mining laws (Ch. 2, Title 30 U.S.C.), in aid of programs of the Department of Agriculture:

WILLAMETTE MERIDIAN

ROGUE RIVER NATIONAL FOREST

Jackson (Applegate) Campground

T. 40 S., R. 3 W.,
Sec. 8, NW¼NW¼.

SISKIYOU NATIONAL FOREST

Monument Campground

T. 40 S., R. 6 W.,
Sec. 9, N½ of lots 1 and 2;
Sec. 10, N½ of lot 3.

The areas described aggregate 96.74 acres, in Jackson and Josephine Counties.

2. The withdrawal made by this order does not alter the applicability of those public land laws governing the use of the national forest lands under lease, license, or permit, or governing the disposal of their mineral or vegetative resources other than under the mining laws.

JOHN A. CARVER, Jr.,
Under Secretary of the Interior.

JUNE 10, 1965.

[F.R. Doc. 65-6247; Filed, June 15, 1965; 8:45 a.m.]

[Public Land Order 3672]

[Washington 09124]

WASHINGTON

Withdrawal for Use of Department of the Army in Connection With John Day Lock and Dam Project

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952 (17 F.R. 4831), it is ordered as follows:

Subject to valid existing rights, the following described public lands are hereby withdrawn from all forms of appropriation under the public land laws, including the mining laws, but not from leasing under the mineral leasing laws, and reserved under jurisdiction of the Secretary of the Interior in aid of programs of the Corps of Engineers, Department of the Army, for construction, operation and maintenance of the John Day Lock and Dam Project:

WILLAMETTE MERIDIAN

T. 5 N., R. 25 E.,
Sec. 28, lot 6.

Containing 8.5 acres in Benton County.

JOHN A. CARVER, JR.,
Under Secretary of the Interior.

JUNE 10, 1965.

[F.R. Doc. 65-6248; Filed, June 15, 1965; 8:46 a.m.]

[Public Land Order 3673]

[Utah 064136; 064137; 064138; 064139; 064149; 064153; 065043]

UTAH

Revocation of Reclamation Withdrawals

By virtue of the authority vested in the President by section 1 of the Act of June 25, 1910 (36 Stat. 847; 43 U.S.C. 141), and pursuant to Executive Order No. 10355 of May 26, 1952 (17 F.R. 4831), and by virtue of the authority contained in the Act of October 2, 1888 (25 Stat. 526; 43 U.S.C. 662), and the Act of June 17, 1902 (32 Stat. 388; 43 U.S.C. 416), as amended and supplemented, it is ordered as follows:

The Executive order of May 14, 1915, the Departmental orders of April 6, 1889, October 17, 1904, June 17, 1905, January 30, 1906, May 2, 1914, November 6, 1917, November 21, 1918, May 6, 1942, July 13, 1943, the orders of the Bureau of Reclamation dated January 25, 1956 and April 25, 1956, and Public Land Order No. 1757 of November 17, 1958, are hereby revoked so far as they affect the following-described lands:

SALT LAKE MERIDIAN

T. 2 N., R. 21 E.,
Sec. 3, NW¼NE¼, NE¼SW¼;
Sec. 5, SE¼SE¼.
T. 3 N., R. 21 E.,
Sec. 18, lots 1, 2, 3, 4, NW¼SE¼, SW¼;
Sec. 19, lots 3, 4, E½SW¼, S½SE¼;
Sec. 20, SW¼SW¼;
Sec. 29, N½, N½S½;
Sec. 30, NE¼.
T. 2 N., R. 24 E.,
Sec. 13, lot 1;
Sec. 18, SE¼NE¼;
Sec. 23, lot 3;
Sec. 24, lots 2, 4, 5, 10, 11, 13, 16, 17;
Sec. 25, lots 1, 2, 6, 8, SE¼SE¼;
Sec. 36, lots 1, 2, 3, 4, 5, 6, SE¼SW¼, NW¼NE¼.
T. 1 N., R. 25 E.,
Sec. 2, lots 10, 11;
Sec. 3, lots 3, 5, 6, 10, SE¼NW¼, SE¼SE¼;
Sec. 10, E½NE¼, NW¼NE¼, SE¼;
Sec. 11, lots 1, 2, 4, 7, 8, NW¼NW¼, SE¼NW¼.
T. 2 N., R. 25 E.,
Sec. 19, SW¼SW¼;
Sec. 30, lots 1, 2, 3, 4, 5, 8, 9, NW¼NW¼, SW¼SW¼;
Sec. 31, lots 2, 4, 5, 7;
Sec. 34, W½NW¼, NW¼SW¼, SE¼SW¼.
T. 3 N., R. 30 E.,
Sec. 13, SW¼SW¼;
Sec. 14, lots 3, 4, S½;
Sec. 15, lots 1, 2, 3, 4, S½;
Sec. 22, N½, SW¼, N½SE¼;
Sec. 23, N½, N½S½;
Sec. 24, W½NE¼, SE¼NE¼, NW¼, E½SE¼.
T. 9 S., R. 1 W.,
Sec. 29, N½NE¼, SW¼NE¼;
Sec. 32, N½NW¼, SW¼.
T. 8 S., R. 1 E.,
Sec. 11, lot 5.
T. 8 S., R. 2 E.,
Sec. 4, lots 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, S½NE¼, SW¼SW¼, E½SE¼, SE¼SE¼;
Sec. 5, lots 1, 2, 3, 4, 5, S½NE¼, S½;
Sec. 6, lots 1, 2, 3, SE¼SE¼;
Sec. 7, lots 1, 2, 3, 4, E½W½, E½;
Sec. 8, W½.
T. 6 S., R. 3 E.,
Sec. 4, lot 4.
T. 11 S., R. 21 E.,
Sec. 19, lot 4;
Sec. 30, lots 1, 2, 3, 4, E½W½.
T. 21 S., R. 23 E.,
Sec. 12, NE¼;
Sec. 36, NE¼NE¼, SE¼SE¼.
T. 21 S., R. 24 E.,
Sec. 10, SE¼NW¼;
Sec. 14, lots, 1, 2, 3, 4, 5, SW¼NE¼, E½NW¼, NW¼SE¼;
Sec. 15, lots 1, 3, 4, NW¼SE¼;
Sec. 23, lots 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, NE¼NE¼, SW¼NW¼, NW¼SW¼;
Sec. 23, lot 4;
Sec. 26, lots 3, 5, 4, 7, 8, W½SW¼;
Sec. 27, lots 1, 2, 4, 5, E½SE¼;
Sec. 35 lots 2, 3, 6, 7.
T. 22 S., R. 24 E.,
Sec. 12, S½NE¼, N½SE¼;
Sec. 26, lots 2, 3, E½NE¼, SW¼NE¼, NW¼SE¼;
Sec. 29, lots 1, 2, 4, SW¼NE¼, SE¼NW¼, NE¼SW¼;
Sec. 32, lots 1, 2, 3, 4, 5, 6, 7, 8, SW¼NE¼, NW¼SE¼;
Sec. 33, lots 1, 2, NW¼NW¼.
T. 23 S., R. 24 E.,
Sec. 7, lots 4, 5, 6, 7;
Sec. 8, lots 3, 6, 7, 8, 9;
Sec. 13, lots 5, 7;
Sec. 16, lots 2, 4, 7, 8, 9.
T. 3 S., R. 25 E.,
Sec. 22, N½NE¼;
Sec. 32, lots 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, NE¼, NE¼NW¼.
T. 20 S., R. 25 E.,
Sec. 11, lots 1, 2, E½NE¼, SW¼NE¼, W½SE¼;
Sec. 12, lots 1, 2, 3, 4, 5, 8, 9, 10, NW¼NW¼, E½SW¼;
Sec. 13, lot 4 S½SW¼;
Sec. 14, lots 1, 2, 3, 4, 5, 6, 7, W½NE¼, NW¼, NW¼SW¼, SE¼SE¼.
T. 22 S., R. 25 E.,
Sec. 17, lots 6, 7, 8;
Sec. 19, lots 2, 3, 4, 5, SE¼NE¼;
Sec. 30, lots 3, 4, 8, SW¼NW¼.

The areas described aggregate 13,811.58 acres of nonpublic lands in Daggett, Uintah, Grand, and Utah Counties.

JOHN A. CARVER, JR.,
Under Secretary of the Interior.

JUNE 10, 1965.

[F.R. Doc. 65-6249; Filed, June 15, 1965; 8:46 a.m.]

[Public Land Order 3674]

[BLM 060563]

MICHIGAN

Addition of Lands to the Manistee National Forest

By virtue of the authority contained in the Act of July 9, 1962 (76 Stat. 140; 43 U.S.C. 315g-1), and upon recommendation of the Secretary of Agriculture, it is ordered as follows:

Subject to valid existing rights the following described public lands in Michigan are hereby added to and made part of the Manistee National Forest and hereafter shall be subject to all laws and regulations applicable to said national forest:

MICHIGAN MERIDIAN

T. 12 N., R. 11 W.,
Sec. 7, NE¼NW fractional quarter except part of S½NE¼NW fractional quarter beginning at a point 1198 ft. south and 988 ft. west of northeast corner of NW¼, westerly 85 ft. to a point on east line of Hammond Street, continuing westerly 20 ft., southerly 118 ft., easterly 105 ft., northerly 33 ft. to a point on north line of Hubbel Avenue, thence continuing northerly 85 ft. to beginning, and except a strip of land 100 ft. wide of east side of NE¼NW fractional quarter.
T. 18 N., R. 12 W.,
Sec. 34, S½SW¼NW¼NW¼.
T. 23 N., R. 12 W.,
Sec. 30, N½SW¼SE¼;
Sec. 34, Village of Yuma—Parcel commencing on west side of Ann Arbor Railroad right-of-way on one-quarter line running east and west through sec., thence west 33½ rods, north 12 rods, east to Ann Arbor Railroad right-of-way south to beginning.
T. 14 N., R. 13 W.,
Sec. 13, commencing at southeast corner of sec. The land in ception starts at a point 700 ft. west along south line of sec., thence north 700 ft., west 300 ft., south 700 ft., east 300 ft. to beginning (SE¼SE¼)—and—commencing at the southeast corner of sec. and running north to ¼° east along the townline 1,350 ft., thence west 2½° north 705 ft. being point of beginning, thence west 2½° north 320 ft., south 690 ft., east 320 ft., north 680 ft. to point of beginning (SE¼SE¼);
Sec. 28, SE¼SE¼ except that part lying west of established road as now surveyed across the easterly side of SE¼SE¼.
T. 17 N., R. 13 W.,
Sec. 8, S½S½NE¼NE¼;
Sec. 29, W½SW¼, SW¼NW¼.
T. 18 N., R. 13 W.,
Sec. 19, E½SW¼SW¼NE¼; except a strip 16 ft. wide on west line for highway, N½NW¼ fractional quarter except east 1,980 ft., N½S½NW¼ except east 1,320 ft., N½S½N½NW¼ fractional quarter except east 1,980 ft., west 660 ft. of east 1,980 ft.; of S¼S½N½NW fractional quarter, S¼N½NW fractional quarter except east 1,980 ft.
T. 19 N., R. 13 W.,
Sec. 17, Supervisor's Plat of Peacock: Lots 39 to 42, inclusive; 44 to 51, inclusive; 53 to 56, inclusive.
T. 17 N., R. 14 W.,
Sec. 21, NE¼SW¼NW¼;
Sec. 28, West 32 rods of SE¼NE¼.
T. 20 N., R. 15 W.,
Sec. 34, SE¼SW¼SE¼.
T. 13 N., R. 16 W.,
Sec. 19, N½SW¼SE¼;
Sec. 35, W½SE¼SW¼NW¼.

The areas described aggregate 315.33 acres in Newaygo, Wexford, Lake, Mason, and Oceana Counties.

JOHN A. CARVER, Jr.,
Under Secretary of the Interior.

JUNE 10, 1965.

[F.R. Doc. 65-6250; Filed, June 15, 1965; 8:46 a.m.]

[Public Land Order 3675]

[Nevada 064233]

NEVADA

Correction of Public Land Order No. 3598 (Alkali Lake Wildlife Management Area)

Public Land Order No. 3598 of April 5, 1965 (30 F.R. 4678) is hereby corrected as follows:

(a) In sec. 1, T. 12 N., R. 23 E., the description "N½SW½" is corrected to read "N½SW¼."

(b) In sec. 24, T. 13 N., R. 23 E., the description "S½SE¼" is corrected to read "S½SE¼."

JOHN A. CARVER, Jr.,
Under Secretary of the Interior.

JUNE 10, 1965.

[F.R. Doc. 65-6251; Filed, June 15, 1965; 8:46 a.m.]

[Public Land Order 3676]

[Utah 0116811]

UTAH

Withdrawal for the Weber Basin Project

By virtue of the authority contained in the Act of June 17, 1902 (32 Stat. 388; 43 U.S.C. 416), as amended and supplemented, it is ordered as follows:

Subject to valid existing rights, the following-described lands are hereby withdrawn from all forms of appropriation under the public land laws, including the mining laws (Ch. 2, Title 30 U.S.C.), but not from leasing under the mineral leasing laws, and reserved for the Weber Basin Project:

SALT LAKE BASE AND MERIDIAN

T. 2 N., R. 3 E.,
Sec. 10, E½NE¼.

The area described contains 80 acres in Morgan County.

JOHN A. CARVER, Jr.,
Under Secretary of the Interior.

JUNE 10, 1965.

[F.R. Doc. 65-6252; Filed, June 15, 1965; 8:46 a.m.]

[Public Land Order 3677]

[Oregon 015234]

OREGON

Withdrawal for National Forest Administrative Sites and Recreation, Botanical, Geological and Archeological Areas

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952 (17 F.R. 4831), it is ordered as follows:

1. Subject to valid existing rights, the following-described national forest lands are hereby withdrawn from appropriation under the United States mining laws (Chap. 2, Title 30 U.S.C.), in aid of programs of the Department of Agriculture:

WILLAMETTE MERIDIAN

UMPQUA NATIONAL FOREST

Layng Creek Fossil Bed Geological Area

T. 21 S., R. 1 E.,
Sec. 30, W½NW¼SE¼SE¼.

Canton Point Lookout

T. 23 S., R. 1 E.,
Sec. 33, W½SW¼SW¼NE¼.

Steamboat Point Lookout

T. 25½ S., R. 1 E.,
Sec. 33, SE¼ lot 4.

Lookout Mountain Lookout

T. 26 S., R. 1 E.,
Sec. 31, S½SE¼NE¼SE¼.

Hemlock Lake Campground

T. 27 S., R. 1 E.,
Sec. 28, E½NW¼SE¼.

Black Rock Lookout

T. 28 S., R. 3 E.,
Sec. 4, N½SW¼NE¼SE¼.

Cliff Lake Campground

T. 29 S., R. 3 E.,
Sec. 7, S½ lot 2 and N½ lot 3.

Grasshopper Lookout

T. 29 S., R. 3 E.,
Sec. 18 S½SE¼ lot 1 and N½NE¼ lot 2.

Red Mountain Lookout

T. 32 S., R. 3 W.,
Sec. 23, N½SW¼NE¼SE¼.

Pig Iron Lookout

T. 26 S., R. 4 E., Unsurveyed
Sec. 32, W½SW¼SW¼NW¼.

Incense Cedar Grove Botanical Area

T. 26 S., R. 4 E., Unsurveyed
Sec. 20, SE¼SE¼NE¼ and NE¼NE¼SE¼;
Sec. 21, NW¼NW¼SW¼ and SW¼SW¼NW¼.

Acker Rock Lookout

T. 29 S., R. 1 E.,
Sec. 13, N½SW¼NW¼NE¼.

Tallow Butte Lookout

T. 29 S., R. 1 E.,
Sec. 24, W½SE¼NW¼SE¼.

Cover Campground

T. 30 S., R. 1 E.,
Sec. 10, SW¼SE¼NW¼ and E½NW¼SE¼NW¼.

Whiskey Camp Administrative Site

T. 30 S., R. 1 E.,
Sec. 32, NW¼SW¼SW¼.

White Creek Campground

T. 27 S., R. 1 W.,
Sec. 7, S½S½SE¼SW¼.

Pickett Butte Lookout

T. 30 S., R. 1 W.,
Sec. 29, N½SW¼NE¼NW¼.

Threehorn Campground

T. 32 S., R. 1 W.,
Sec. 7, SE¼NE¼SW¼.

Buster Butte Lookout

T. 24 S., R. 2 E.,
Sec. 16, N½NE¼SE¼SW¼.

Reynolds Ridge Lookout

T. 25 S., R. 2 E.,
Sec. 24, S½SE¼SE¼NW¼.

Illahee Rock Lookout

T. 25½ S., R. 2 E.,
Sec. 34, W½NW¼ lot 1 and E½NE¼ lot 2.

Dog Creek Kalmiopsis Botanical Area

T. 36 S., R. 2 E.,
Sec. 7, S½SE¼NE¼ and E½SE¼.

Horseshoe Bend Campground

T. 26 S., R. 2 E.,
Sec. 19, NE¼SE¼SW¼ and NW¼SW¼SE¼.

Illahee Administrative Site

T. 26 S., R. 2 E.,
Sec. 21, lot 1 and NE¼NE¼, lot 6;
Sec. 22, SW¼SW¼ lot 1 and NW¼SW¼NW¼.

Big Twin Lakes Campground

T. 27 S., R. 2 E.,
Sec. 9, S½SW¼.

Skimmerhorn Campground

T. 29 S., R. 2 E.,
Sec. 2, NE¼SE¼NE¼.

Red Butte Lookout

T. 28 S., R. 2 W.,
Sec. 1, NE¼SW¼NE¼.

Smith Ridge Lookout

T. 29 S., R. 2 W.,
Sec. 25, N½NE¼ lot 2.

Diamond Rock Lookout

T. 32 S., R. 2 W.,
Sec. 10, S½NW¼SW¼NE¼.

Medicine Creek-Indian Caves Archeological Area

T. 26 S., R. 3 E.,
Sec. 17, NE¼NE¼SE¼.

Soda Springs Basalt Geological Area

T. 26 S., R. 3 E.,
Sec. 18, E½NE¼SE¼.

Slide Creek Falls Geological Area

T. 26 S., R. 3 E.,
Sec. 21, S½SW¼SE¼NW¼.

Tokatee Lake Campground

T. 26 S., R. 3 E.,
Sec. 25, W½SE¼SE¼.

Tokatee Ranger Station Administrative Site

T. 26 S., R. 3 E.,
Sec. 36, S½NW¼ and N½N½SW¼.

Big Camas Ranger Station Administrative Site

T. 27 S., R. 3 E.,
Sec. 9, NE¼SE¼ and N½SE¼SE¼;
Sec. 10, SW¼NW¼SW¼ and NW¼SW¼SW¼.

Tokatee Airstrip Administrative Site

T. 27 S., R. 3 E.,
Sec. 11, S½SW¼SE¼;
Sec. 13, W½SW¼NW¼;
Sec. 14, NE¼NE¼, NE¼NW¼NE¼, and NE¼SE¼NE¼.

Kelsay Mountain Lookout

T. 25½ S., R. 5 E., Unsurveyed
Sec. 35, SE¼NE¼NE¼.

Watson Butte Lookout

T. 26 S., R. 5 E., Unsurveyed
Sec. 19, S½NW¼NE¼SW¼.

Garwood Butte Lookout

T. 28 S., R. 5 E., Unsurveyed
Sec. 7, N½NW¼SW¼SW¼.

Diamond Lake Recreation Area Addition

T. 28 S., R. 5 E., Unsurveyed
Sec. 13, E½SE¼.
T. 27 S., R. 6 E.,
Sec. 32, NE¼ and E½SE¼.

T. 28 S., R. 6 E., Unsurveyed
Sec. 4, W½E½;
Sec. 9, W½E½ and E½SE¼;
Sec. 16, W½E½ and E½SW¼;
Sec. 18, SW¼;
Secs. 19 and 30;
Sec. 31, W½E½ and NW¼.

Cinnamon Butte Lookout

T. 27 S., R. 6 E., Unsurveyed
Sec. 9, N½NE¼NE¼NE¼.

The areas described aggregate 2,695.05 acres, in Douglas and Lane Counties.

2. The withdrawal made by this order does not alter the applicability of those public land laws governing the use of the national forest lands under lease, license, or permit, or governing the disposal of their mineral or vegetative resources other than under the mining laws.

JOHN A. CARVER, JR.,
Under Secretary of the Interior.

JUNE 10, 1965.

[F.R. Doc. 65-6283; Filed, June 15, 1965; 8:46 a.m.]

[Public Land Order 3706]

[Misc. 2141236]

KENTUCKY

Revocation of Public Land Order No. 729 of June 19, 1951

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952 (17 F.R. 4831), it is ordered as follows:

Public Land Order No. 729 of June 19, 1951, transferring from the Department of the Army to the Department of the Interior, the oil and gas deposits underlying about 35,839.88 acres of acquired lands comprising the site of Camp Breckenridge, Ky., is hereby revoked.

The oil and gas deposits were transferred to the Department of the Interior for the limited purpose of allowing oil and gas leases to be issued as a protective action to prevent loss to the United States of revenues from oil and gas resources by reason of drainage or threatened drainage while the lands remained in Federal ownership. Leases were issued on two tracts aggregating about 890 acres. Protective action was not found to be necessary for the remaining tracts.

The Department of the Army has reported all of the lands to the General Services Administration as excess to its needs.

The oil and gas deposits in the lands, subject to valid existing rights, will be administered by the General Services Administration pending their disposal as surplus to the United States, pursuant to provisions of the Federal Property and Administrative Services Act of 1949 (63 Stat. 377; 40 U.S.C. 472), as amended.

JOHN A. CARVER, JR.,
Under Secretary of the Interior.

JUNE 11, 1965.

[F.R. Doc. 65-6250; Filed, June 15, 1965; 8:47 a.m.]

Title 48—TRADE AGREEMENTS AND ADJUSTMENT ASSISTANCE PROGRAMS

Chapter II—Office of the Special Representative for Trade Negotiations

[Directive No. 1, Amdt. 2]

PART 201—CREATION, ORGANIZATION, AND FUNCTIONS

Location

Section 201.1(b) of Chapter II of Title 48 of the Code of Federal Regulations is revised to read as follows:

§ 201.1 Creation and location.

* * * * *

(b) The Office of the Special Representative for Trade Negotiations is located at 1800 G Street NW., Washington, D.C., 20506.

(Sec. 401, 76 Stat. 903; 19 U.S.C. 1902)

Effective date. This amendment shall become effective on or about June 21, 1965.

Signed at Washington, D.C., on June 11, 1965.

BERNARD NORWOOD,
Acting Special Representative for Trade Negotiations.

[F.R. Doc. 65-6289; Filed, June 15, 1965; 8:49 a.m.]

[TIC Regs., Amdt. 2]

PART 211—REGULATIONS OF TRADE INFORMATION COMMITTEE

Office, Mailing Address, Telephone Number, and Hours

Section 211.1 of Chapter II of Title 48 of the Code of Federal Regulations is revised to read as follows:

§ 211.1 Office, mailing address, telephone number, and hours.

(a) The office of the Trade Information Committee (hereinafter referred to as the Committee) is at 1800 G Street NW., Washington, D.C., 20506.

(b) All communications to the Committee should be addressed to the "Executive Secretary, Trade Information Committee, Office of the Special Representative for Trade Negotiations, 1800 G Street NW., Washington, D.C., 20506".

(c) The telephone number of the office of the Committee is area code 202, 382-1911.

(d) The regular hours of the office of the Committee are from 9:00 a.m. to 5:30 p.m. on each business day, Monday through Friday.

(Secs. 223, 252(d), 76 Stat. 875, 880; 19 U.S.C. 1843, 1882(d); sec. 202.3(b) of this chapter)

Effective date. This amendment shall become effective on or about June 21, 1965.

Signed at Washington, D.C., on June 11, 1965.

By the Committee.

LOUIS C. KRAUTHOFF II,
Chairman, Trade Information Committee.

[F.R. Doc. 65-6290; Filed, June 15, 1965; 8:49 a.m.]

Title 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

PART 0—COMMISSION ORGANIZATION

PART 97—AMATEUR RADIO SERVICE

Radio Operator Examination Points

Order. The Commission having under consideration a modification of its commercial and amateur radio operator license examination points; and

It appearing, that examination space available in Salem, Va., is such as to provide greater flexibility in scheduling examinations and larger and more economical accommodations for applicants than that available in Roanoke, Va.; and

It further appearing, that said changes in examination points would be in the public interest; and

It further appearing, that the amendments herein ordered are procedural in nature and not substantive and therefore compliance with the public rulemaking procedures required by sections 4 (a) and (b) of the Administrative Procedure Act is not required.

It is ordered, This 11th day of June 1965, pursuant to authority of § 0.261 of the Commission's rules and to authority contained in sections 4(i) and 303(r) of the Communications Act of 1934, as amended, and pursuant to section 3(a) of the Administrative Procedure Act, that §0.445(c) and Appendix 1, Part 97 of the Commission's rules be amended in accordance with the Appendix attached below, effective June 18, 1965.

(Sec. 4, 48 Stat. 1066, as amended; 47 U.S.C. 154; interprets or applies sec. 303, 48 Stat. 1082, as amended; 47 U.S.C. 303)

Released: June 11, 1965.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

Section 0.445(c) of the Commission's rules is amended by (1) deleting Roanoke, Va., as a semiannual examination point and (2) adding Salem, Va., as a semiannual examination point.

Appendix 1, Part 97 of the Commission's rules is amended by (1) deleting Roanoke, Va., as a semiannual examination point and (2) adding Salem, Va., as a semiannual examination point.

[F.R. Doc. 65-6276; Filed, June 15, 1965; 8:48 a.m.]

Proposed Rule Making

DEPARTMENT OF THE TREASURY

Bureau of Customs

[19 CFR Part 22]

DRAWBACK

Petroleum Products Manufactured With the Use of Duty-Paid and/or Substituted Crude Petroleum or Petroleum Derivatives—Substitution

Notice is hereby given pursuant to section 4 of the Administrative Procedure Act (5 U.S.C. 1003), that under the authority of sections 313 and 624, Tariff Act of 1930, as amended, it is proposed to amend § 22.6 of the Customs Regulations, relating to general drawback rates in effect, by adding a new paragraph (g–1), relating to the allowance of drawback on petroleum products manufactured from crude petroleum and/or petroleum derivatives under section 313(b), Tariff Act of 1930, as amended.

The reasons for the amendments set out in proposed form below are twofold:

(1) To provide regulations which will better serve the dual purpose of:

(a) Meeting the complex problems of the refiners who produce large groups of widely diversified petroleum products;

(b) Providing the basis for the proper allowance of drawback on such products, and

(2) To insure compliance with a fundamental provision of the substitution law, section 313(b), as amended, that

> there shall be allowed upon the exportation of any such articles, notwithstanding the fact that none of the imported merchandise may actually have been used in the manufacture or production of the exported articles, an amount of drawback equal to that which would have been allowable had the merchandise used therein been imported; but the total amount of drawback allowed upon the exportation of such articles, together with the total amount of drawback allowed in respect of such imported merchandise under any other provision of law, shall not exceed 99 per centum of the duty paid on such imported merchandise.

A basic feature of the proposed regulations permits refiners at their election to export petroleum products in percentages based upon Industry Standards of Potential Production on a Practical Operating Basis approved by the Bureau in consultation with the petroleum industry. The need for such an arrangement, under carefully controlled conditions which will prevent the over-allowance of drawback, became manifest during an intensive study of the circumstances in which petroleum products are manufactured and exported. The basic conditions, described in general terms in this introduction, are set out in detail in the provisions of the proposed regulations published in this announcement.

The following example will develop these considerations further:

If 1,000,000 barrels of crude petroleum of a given kind and quality (class) are used by the refiner during a specified refinery period in the production of—

500,000 barrels of gasoline having a relative value of 60 percent of the total production of his specified refinery period,
300,000 barrels of lube oil having a relative value of 32 percent of the production,
100,000 barrels of fuel oil having a relative value of 6 percent of the production, and
50,000 barrels of asphalt having a relative value of 2 percent of the production,

than, in view of the distribution in accordance with the relative values of the several products:

600,000 barrels of the crude petroleum used will be attributable to the production of the 500,000 barrels of gasoline;
320,000 barrels of the crude petroleum used will be attributable to the production of the 300,000 barrels of lube oil;
60,000 barrels of the crude petroleum used will be attributable to the production of the 100,000 barrels of fuel oil, and
20,000 barrels of the crude petroleum used will be attributable to the production of the 50,000 barrels of asphalt.

In order to insure that the quantity of duty-paid crude petroleum of a given kind and quality (class) required to produce a specified volume of a given product or products of the refinery period will be properly accounted for, the required quantity will be computed, product by product, on the basis of an Industry Standard of Potential Production on a Practical Operating Basis, which will have been approved by the Bureau in consultation with the petroleum industry, for the product concerned. In the example given above, upon the exportation of the 50,000 barrels of asphalt, drawback will be allowed on the basis of the duty paid, less 1 per centum of such duty, on 20,000 barrels of duty-paid crude petroleum of the same kind and quality (class) as the crude petroleum from which such asphalt was actually manufactured. For purposes of accounting, however, and to insure that the 50,000 barrels of asphalt will be related to the quantity of duty-paid crude petroleum which would have been required for its production, and to make certain that no greater volume of asphalt will be exported with benefit of drawback than the maximum quantity of asphalt shown to be producible by the Industry Standard of Potential Production for that product, a quantity of the duty-paid crude petroleum larger than the 20,000 barrels which is the basis for the claim for drawback will be set up on the customs records for control purposes.

If the Industry Standard of Potential Production for asphalt shows that one barrel (or any other unit) of the duty-paid crude petroleum of the given kind and quality (class) is capable of producing on a practical operating basis one-half barrel of asphalt for each barrel used in production, there will be set up for such control purposes 100,000 barrels of the duty-paid crude, i.e., the quantity shown by the industry standard to be required to produce the 50,000 barrels of exported asphalt. The allowance of drawback, however, will be based upon the 20,000 barrels of duty-paid crude shown in the example.

This method will be applied product by product upon the basis of the Industry Standard for each product. The total cumulation of such quantities of the duty-paid crude required for the production of each product would, of course, if all the products of the refinery period were exported, not exceed 1,000,000 barrels of duty-paid crude petroleum; nor would the total drawback paid exceed the duty paid, less 1 per centum, on the quantities established on the relative value basis, product by product, as shown in the example.

As stated, when the maximum potential production of any product has been exported, as shown by the control record referred to above, no further exportations of that product will be credited against the imported duty-paid crude petroleum concerned. The remaining products are available for exportation with benefit of drawback, however, within the limits of their maximum potential production, as shown by the industry standard for each product concerned, and subject to the statutory limitation that in no case may the allowance of drawback exceed 99 per centum of the duty paid on the quantity of imported crude petroleum which may properly form the basis for the allowance of drawback on such products, 1,000,000 barrels in the example.

Assume for further illustration that in the refinery period during which the exported products were manufactured, the total quantity of crude petroleum used by the refiner was 100,000 barrels of Class III crude petroleum. From this 100,000 barrels there were produced 50,000 barrels of gasoline having a market value of $5.00 per barrel; 30,000 barrels of lube distillate, market value of $20.00 per barrel; and 20,000 barrels of fuel oil, market value of $3.00 per barrel.

On the basis of these quantities and their relative values the collector of customs establishes the following drawback factors:

Gasoline	0.057692	per barrel
Lube distillate	.230769	per barrel
Fuel oil	.034615	per barrel

Assume, further, that the refiner has only 10,000 barrels of duty-paid crude petroleum of Class III which under section 313 and the drawback regulations may form the basis of claims for drawback when the products of the refinery period are exported. The duty paid on such crude, less 1 per centum, amounts to $1,039.50.

Assume further that it can be established by an Industry Standard of Potential Production on a Practical Operating Basis that the 10,000 barrels of Class III crude can yield, in practical refining operations, 5,000 barrels of lube distillate concurrently with the production of related quantities of other products, in this case gasoline and fuel oil.

The refiner may obtain drawback against the imported crude petroleum by the exportation of lube distillate in a quantity which when multiplied by the drawback factor (0.230769) will not exceed $1,039.50 (i.e., the duty paid, less 1 per centum). On the basis of the assumptions stated in this example, approximately 4,505 barrels of lube distillate could be exported for drawback against the imported crude petroleum. Once this was done, no further drawback would be payable against the imported crude by reason of the further exportation of additional lube distillate or of any other product.

It should be noted that, for the purposes of the foregoing, except for the calculation of drawback factor, the actual product-by-product production of the refinery during the period in question is irrelevant. The refiner, therefore, is not limited to the exportation of the gasoline, lube distillate, and fuel oil on the 5:3:2 ratio represented by the production of 50,000 barrels of gasoline, 30,000 barrels of lube distillate, and 20,000 barrels of fuel oil shown in the example.

Under these regulations, of course, the refiner is always entitled to the full drawback of $1,039.50 when he exports the required quantity of product or products. If the refiner has exported only 4,000 barrels of lube distillate, which would carry a drawback of $923.08 (4,000×0.230769), he would have an unexhausted potential drawback of $116.42 ($1,039.50 minus $923.08) which balance could be applied upon the exportation of another product or other products of the refinery period. If the refiner selected gasoline for this purpose, he could exhaust the remaining drawback by exporting 2,018 barrels of gasoline ($116.42÷0.057692). Alternatively, the balance of $116.42 might be exhausted by the exportation of 3,363 barrels of fuel oil ($116.42÷0.034615) or by some combination of exports of gasoline and fuel oil.

The exportation of 2,018 barrels of gasoline or 3,363 barrels of fuel oil (or of some combination of various quantities of gasoline and fuel oil) with benefit of drawback would be permissible only if there is approved an Industry Standard which shows the potential production of these quantities from 10,000 barrels of crude petroleum of the kind and quality (class) involved as being possible in conjunction with the production of 4,000 barrels of lube distillate from the crude petroleum.

As has been indicated, no utilization of one or more of the Industry Standards of Potential Production on a Practical Operating Basis can be permitted which would result in the allowance of drawback in this example in excess of 99 per centum of the duty paid on the 10,000 barrels of imported crude petroleum of Class III.

The terms of the proposed amendment, in tentative form, are as follows:

Section 22.6 is hereby amended by inserting "by the Bureau and" in the headnote after the word "statements"; by inserting after the word "section" in the first sentence of paragraph (a) ", except under paragraph (g–1),"; by adding a new sentence to paragraph (a) reading "Statements and supplemental statements relating to products covered by paragraph (g–1) shall be referred to the Bureau for approval."; and, by adding a new paragraph designated (g–1) reading as follows:

(g–1) *Crude petroleum and petroleum derivatives; substitution.* Drawback may be allowed under the provisions of section 313(b), Tariff Act of 1930, as amended, upon the exportation of petroleum products manufactured from crude petroleum or petroleum derivatives, subject to the following regulations:

(1) The drawback allowance shall not exceed 99 per centum of the duty paid on the quantity of crude petroleum or petroleum derivatives specified by the refiner in accordance with the law and regulations from which the exported products could have been produced in the exported quantities, in conjunction with the related products, by ordinary manufacturing techniques, as determined in the manner hereinafter set forth.

(2) The petroleum products shall have been manufactured with the use of duty-paid, duty-free, or domestic crude petroleum or petroleum derivatives, or combinations thereof, within 3 years after the date on which the specified crude petroleum or petroleum derivatives were received by the refiner, and shall have been exported within 5 years from the date of importation of the specified crude petroleum or petroleum derivatives.

(3) The imported duty-paid crude petroleum or petroleum derivatives specified by the refiner as the basis for the drawback claim shall be of the same kind and quality (class) as that used in the manufacture of the exported petroleum products and shall have been used within 3 years after the date on which it was received by the refiner. Duty-paid crude petroleum or petroleum derivatives used at a plant of a refiner within 3 years after the date it was received may be specified as the basis for the allowance of drawback on petroleum products manufactured at another plant of the same refiner.

(4) For purposes of substitution, crude petroleum and petroleum derivatives (hereinafter called raw material) will be divided into the following classes: Class I, 0–11.9° API gravity; Class II, 12°–24.9° API gravity; Class III, 25°–44.9° API gravity; and, Class IV, 45°–up API gravity. Any crude petroleum included in any class shall be considered for the purposes of these regulations as being of the same kind and quality as any other crude petroleum included in the same class; similarly, any named derivative in any class shall be considered as being the same kind and quality as the same named derivative in the same class.

(5) When raw materials of more than one type (crude, naphtha, etc.) and class are used in the manufacture of exported products during an abstract period, each unit of product shall be deemed to have been produced from all the types and classes of raw material in the same proportion that each such type and class was used during the abstract period. If the refiner does not have available for specification imported duty-paid material of any type and class used during the refinery period in the manufacture of the exported products, the drawback allowance shall be reduced by the duty ratio (see specimen abstract of manufacturing records) applicable to the non-available types and classes.

(6) For the purpose of distributing the drawback to the several products in accordance with section 313, Tariff Act of 1930, relative values shall be established at the time of separation between all products manufactured. The entire period covered by an abstract shall be deemed the time of separation of the products, and the value per unit of each product shall be the average market value for the abstract period.

(7) Since the substituted materials used during the refinery period will be treated as if they had been imported, in calculating the amount of drawback to be distributed to the several products, all raw materials introduced into the manufacturing process during the refinery period will be deemed dutiable at the same rate or rates applicable to the specified imported duty-paid material selected by the refiner.

(8) The refiner's manufacturing records shall consist of daily gauge reports on all raw material storage tanks, or if no storage tanks are maintained, daily meter records of raw material received. They will also show daily quantities and description of all materials introduced into the manufacturing process, and the quantity and description of each product manufactured.

(9) An abstract from the aforementioned records shall be filed with the collector of customs covering manufacturing periods of not less than 28 days and not more than 31 days, unless a different period shall have been authorized. A separate abstract will be prepared by each refiner for each refinery from which an export shipment may be made. The abstract filed for each refinery, in the following form, shall be signed by the refinery superintendent or his principal assistant:

(10) The refiner will file an inventory control sheet showing for each product, in barrels, the opening inventory, the production, exports, drawback deliveries, domestic shipments, and closing inventory, as well as the drawback factor applicable thereto, as per the following form:

INVENTORY CONTROL SHEET

Period from _____ to _____

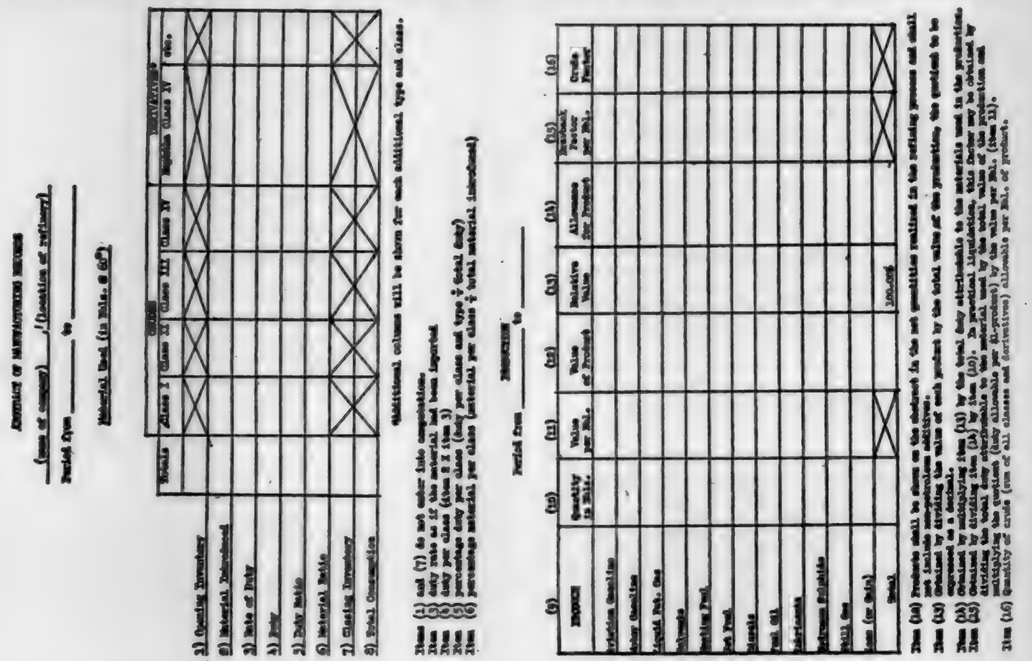
	Aviation Gasoline		Motor Gasoline		Diesels		Fuel Oil	
	Barrels	Drawback factor	Barrels	Drawback factor	Barrels	Drawback factor	Barrels	Drawback factor
(A) Opening inventory								
(B) Production								
(C) Exports								
(D) Drawbacks								
(E) Domestic shipments								
(F) Closing inventory								

(A) Opening inventory from previous period's closing inventory.
(B) From production period under consideration.
(C) From lowest on hand (inventory or production). Totals from drawback entry or entries recapitulated.
(D) Deliveries for further manufacture—lowest on hand after exports are deducted.
(E) From earliest on hand after items (C) and (D) are deducted.
(F) Balance on hand.

(11) The refiner shall file a combination drawback entry and certificate of manufacture showing the products exported in the quantities as established by notices of exportation and notices of lading. Inasmuch as exported products, as described on notices of exportation and notices of lading, may include quantities of nonpetroleum additives, a recapitulation shall be made showing quantities exported and the quantity of each product (less additives) in terms of the abstract.

(12) The total amount of drawback allowable, subject to limitations hereinafter specified, shall be computed by multiplying the quantity of product exported by the drawback factor for that product, with due consideration for the "lower-to-higher" principle established in § 22.4 (f) of the regulations of this part.

(13) The amount of drawback determined in accordance with subparagraph (12) of this paragraph shall be limited by the quantity of imported duty-paid material of the same kind and quality as that used in the manufacture of the exported products in a quantity sufficient to produce such products, with due regard to the products producible concurrently with the exported products and shall not exceed 99 per centum of the duty paid on the imported merchandise against which drawback is claimed.



RECAPITULATION OF DRAWBACK ENTRY

Period from _____ to _____

(17) Product	(18) Quantity in Bbls. Exported	(19) Quantity in Bbls. (as per abstract)	(20) Drawback Factor per Bbl.	(21) Gross Drawback Allowance
Aviation Gasoline				
Motor Gasoline				
Liquid Pet. Gas				
Solvents				
Heating Fuel				
Diesels				
Fuel Oil				
Lubricants				
Hydrogen Sulphide				
Total			X	

Item 17 should list only products exported.
Item 18 should be in condition as shown on the notices of exportation and notices of lading.
Item 19 should be in condition as shown on the abstract (i.e., less additives, if any).
Item 20 is the lowest drawback factor (inventory or production) shown on the Inventory Control Sheet.
Item 21 is the result of multiplying item 19 by item 20.

(14) The total gross drawback allowance (item 21) shall be distributed to the respective types and classes of materials used by multiplying the same by the duty ratio (item 5) applicable to each type and class of material used. The amounts so determined, when divided by the rates of duty (item 3), will indicate the quantities of material of each type and class required to be specified by the refiner in order to obtain the maximum allowance of drawback, subject to the further requirements set forth hereafter.

(15) The exportation of a given quantity of a product affords a proper basis for the allowance of drawback only to the extent that the product could have been produced in that quantity (together with the quantities of related products concurrently producible) from the imported duty-paid material. The test is whether the conversion is practicably possible by ordinary manufacturing techniques, not laboratory techniques, and is not whether the conversion was actually made.

(16) Industry standards of potential production on a practical operating basis shall be submitted by the industry for each type and class of raw material. Upon verification and adoption by the Bureau, the standards may be used to establish that the exported products in the quantity exported could have been produced from the quantity of imported duty-paid materials specified by the refiner as the basis for the allowance of drawback on the exported products.

(17) In calculating the quantity of exported product attributable to each type and class of material covered by a drawback claim, the material ratio for the current abstract period shall be used, notwithstanding the fact that a portion of the exported product may have been allotted to a prior period due to the application of the "lower-to-higher" principle of § 22.4(f) of the regulations of this part.

INDUSTRY STANDARD OF POTENTIAL PRODUCTION ON A PRACTICAL OPERATING BASIS

Specimen for Illustration Only

Product	Class I crude		Class II crude		Class III crude	
	Major product	Other products	Major product	Other products	Major product	Other products
	Percent	Percent	Percent	Percent	Percent	Percent
Aviation gasoline	40	60	60	40	85	15
Motor gasoline	70	30	85	15	90	10
Diesels	75	25	80	20	85	15
Fuel oil	90	10	85	15	75	25

In no instance may the potential production (major product plus other products) exceed 100 percent. The production of major product is limited to the maximum indicated in the standard, but may be less than the indicated maximum with a resulting increase in the production of related products (other products).

(18) While the drawback factors for the products exported will be established on the basis of the volume and values covering the actual production during the refining period of the given refiner, as shown on the abstract filed by that refiner, it is not necessary that the refiner export products in the same percentages as they appear on the abstract, nor need he export products in the exact percentages shown on the standard of potential production identified on his drawback entry. He may limit his exportations to one product and disregard the related products provided that, (i) the drawback allowance shall hot exceed 99 per centum of the duty paid, as calculated heretofore, and (ii) sufficient duty-paid materials (of the required kind and quality) to produce the exported product (together with the quantities of the related products concurrently producible) are available to constitute a proper basis for the allowance of drawback on the exported products.

(19) The quantity of exported product attributable to each type and class of material used shall be determined by multiplying the quantity exported by the material ratio (item 6). Since production will not exceed the quantity used, the amount of material allowable for each type and class of material used will be equal to or greater than the amount of product attributable to the type and class.

(20) Whether the exported product or products could have been produced on a practical operating basis from the quantity of duty-paid petroleum specified in the drawback entry as the basis for the allowance of drawback on the exported product or products may be established by reference to an Industry Standard or Standards of Potential Production for each type and class of material identified by the claimant in his drawback entry. After computing the quantity of exported product attributable to each type and class of material used by applying the material ratio (item 6), divide each result obtained by the respective material allowable for the type and class. If the quotients obtained are below the identified standard for each exported product in the respective type and class, it may be established that the product could be obtained by ordinary manufacturing techniques from the types and classes of materials specified as the basis for the allowance of drawback.

(21) There follows a demonstrative example, with explanatory notes, showing the practical application of the foregoing provisions.

INVENTORY CONTROL SHEET

Period from July 1, 1963 to July 31, 1963

	Aviation gasoline		Motor gasoline		Diesin		Fuel oil	
	Barrels	Drawback factor	Barrels	Drawback factor	Barrels	Drawback factor	Barrels	Drawback factor
(A) Opening inventory	40,000	0.1771321	400,000	0.1121431	200,000	0.0742111	700,000	0.041221
(B) Production	800,000	.1768681	6,000,000	.1078090	1,100,000	.0738665	1,200,000	.0039945
(C) Exports	24,000	.1768681	100,000	.1078090	25,000	.0738665	75,000	.0038045
(D) Drawback delivered	0,000	.1771321	200,000	.1078090	0,000	.0742111	0,000	
(E) Domestic shipments	40,000	.1771321	400,000	.1121431	200,000	.0742111	800,000	.041221
	800,000	.1768681	6,000,000	.1078090	700,000	.0738665	800,000	.041221
(F) Closing inventory	116,000	.1768681	720,000	.1078090	875,000	.0738665	200,000	.0039945
							(1,200,000	.0038045

(A) Opening inventory from previous period's closing inventory.
(B) From production period under consideration.
(C) From lowest on hand (inventory or production). Totals from drawback entry or entries recapitulated.
(D) Delivories for further manufacture—lowest on hand after exports are deducted.
(E) From earliest on hand after items (C) and (D) are deducted.
(F) Balance on hand.

RECAPITULATION OF DRAWBACK ENTRY

Period from July 1, 1963 to July 31, 1963

(17) PRODUCT	(18) Quantity in Bills. Exported	(19) Quantity in Bills. (as per abstract)	(20) Drawback Factor per Bbl.	(21) Gross Drawback Allowed
Aviation Gasoline	25,000	6% 000	.1768681	$ 1,325.11
Motor Gasoline	150,000	180,000	.1078090	19,760.62
Liquid Pet. Gas				
Solvents				
Jetting Fuel				
Diesels	25,000	25,000	.0738665	1,831.71
Fuel Oil	75,000	75,000	.0538045	1,042.85
Lubricants				
Petrogen Solvents				
Total	275,000	25% 000		$24,614.29

Item 17 should list only products exported.
Item 18 should be in condition as shown on the notices of exportation and notices of lading.
Item 19 should be in condition as shown on the abstract (i.e., less additives, if any).
Item 20 is the lowest drawback Factor (inventory or production) shown on the Inventory Control Sheet.
Item 21 is the result of multiplying item 19 by item 20.

Prior to the issuance of the proposed amendment, consideration will be given to any relevant data, views, or arguments which are submitted in writing to the Commissioner of Customs, Bureau of Customs, Washington, D.C., and received not later than 30 days from the date of publication of this notice in the FEDERAL REGISTER. No hearing will be held.

[SEAL] LESTER D. JOHNSON,
Acting Commissioner of Customs.

Approved: June 11, 1965.

JAMES A. REED,
Assistant Secretary of the Treasury.

[F.R. Doc. 65-6274; Filed, June 15, 1965; 8:45 a.m.]

(1) Name of company	(2) Period from July 1, 1963 to July 31, 1963											
	Material Used (in Bbls. & Gal.)		Quantity	Class 1*		Class 2*		Class 3*		Materials Classed as "Other"		
				Value	Duty	Value	Duty	Value	Duty	Value	Duty	
(3) Opening Inventory			300,000									
(4) Material Purchased			7,000,000	3,500,000		3,500,000		3,000,000		0		
(5) Value of Duty			.0000		.0525		.1050		.1050			
(6) Duty			$450,000.00	$0,500.00		$367,500.00		$315,000.00		$0.00		
(7) Duty Rate			1005	.0525		.1050		.1050		.00		
(8) Material Rate			1005	.1005		.1005		.1005		.00		
(9) Closing Inventory			300,000									
(10) Total Consumption			6,000,000									

*Statistical columns will be shown for each additional type and class.

Note: (1) and (2) do not enter into computation.
Item (3) only true as if the material had been imported
Item (4) only per class (item 2 X item 3)
Item (5) percentage duty per class (duty per class and type & total duty)
Item (6) percentage material per class (material, per class & total material imported)

INVENTORY

Period from July 1, 1963 to July 31, 1963

(7) Name	(8) Quantity in Bills.	(9) Value per Bbl.	(10) Value of Product	(11) Relative Value	(12) Allowance (for Product)	(13) Crude Factor per Bbl.
Aviation Gasoline	900,000	$ 2.50	$ 2,250,000	.1477049	$ 88,624.01	.1476681
Motor Gasoline	3,000,000	6.00	18,150,000	.5950131	356,551.36	.1078090
Liquid Pet. Gas	110,000	3.00	330,000	.0216578	7,975.60	.0727877
Solvents	110,000	4.25	467,500	.0306978	0,000.00	.0000000
Jetting Fuel	180,000	3.60	648,000	.0425357	19,014.67	.0000729
Jet Fuel	180,000	3.00	450,000	.0295385	0,000.70	.0738665
Diesels	1,100,000	3.10	3,410,000	.1118315	79,075.00	.0738665
Fuel Oil	1,200,000	3.00	3,600,000	.1180263	79,500.00	.0738665
Lubricants	90,000	22.00	1,980,000	.0700000	19,500.00	.1768681
Petrogen Solvents	60,000	8.00	480,000	.0315257	8,505.10	.1768681
Still Gas	170,000	.30	255,000	.0167458	1,750.00	.0000000
Loss (or Gain)	70,000					
Total	6,000,000		$35,050,000	100.000	$660,000.00	

Note (10) Products shall be shown on the inventory in the net quantities realized in the refining process (so shall not include non-petroleum additives.

Item (11) Obtained by dividing the value of each product by the total value of the production, the product to be obtained by multiplying item (10) by the total duty attributable to the materials used in the production.
Item (12) Obtained by multiplying item (10) by the total duty attributable to the material used in the production.
Item (13) Obtained by dividing item (12) by item (10). In practical liquidation, this factor may be obtained by dividing the total duty attributable to the material used in the production by the total quantity of product (sum of all classes and subclasses) allowable per barrel of output.

FEDERAL AVIATION AGENCY

[14 CFR Part 71]

[Airspace Docket No. 62-WA-29]

FEDERAL AIRWAYS AND ASSOCIATED CONTROL AREAS

Withdrawal of Proposed Designation and Alteration

On April 27, 1962, Federal Register Document 62-4101 was published in the FEDERAL REGISTER (27 F.R. 4033) stating that the Federal Aviation Agency was considering amendments to Parts 600 and 601 (now combined as Part 71) of the Federal Aviation Regulations that would extend VOR Federal airway No. 440 and its associated control areas from the Biorka Island, Alaska VORTAC direct to a VOR that was to be installed in the vicinity of Sandspit, B.C., Canada, on approximately October 11, 1962, and that would also designate the U.S. portion of VOR Federal airway No. 317 and its associated control areas from the Sandspit VOR direct to the Annette Island, Alaska radio range station.

Subsequent to the publication of this notice, additional planning was conducted as part of a program to facilitate the designation of a VOR airway system on the west coast of Canada and in the southern Alaska coastal area. Accordingly, the proposals published in this notice have been updated and will be the subject of a different airspace action.

In consideration of the foregoing, notice is hereby given that the proposals contained in Airspace Docket No. 62-WA-29, published in the FEDERAL REGISTER on April 27, 1962, as Federal Register Document 62-4101, are withdrawn.

This notice of withdrawal of a notice of proposed rule making is made under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348).

Issued in Washington, D.C., on June 9, 1965.

DANIEL E. BARROW,
Chief, Airspace Regulations and Procedures Division.

[F.R. Doc. 65-6229; Filed, June 15, 1965; 8:46 a.m.]

[14 CFR Part 71]

[Airspace Docket No. 65-SW-15]

FEDERAL AIRWAY

Proposed Extension

The Federal Aviation Agency is considering an amendment to Part 71 of the Federal Aviation Regulations that would extend VOR Federal airway No. 9 from New Orleans, La., to Grand Isle, La.

Interested persons may participate in the proposed rule making by submitting such written data, views, or arguments as they may desire. Communications should identify the airspace docket number and be submitted in triplicate to the Director, Southwest Region, Attention: Chief, Air Traffic Division, Federal Aviation Agency, Post Office Box 1689, Fort Worth, Tex., 76101. All communications received within 45 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. The proposal contained in this notice may be changed in the light of comments received.

An official docket will be available for examination by interested persons at the Federal Aviation Agency, Office of the General Counsel, Attention: Rules Docket, 800 Independence Avenue SW., Washington, D.C., 20553. An informal docket also will be available for examination at the office of the Regional Air Traffic Division Chief.

V-9 presently originates at the New Orleans VORTAC and continues north. The Federal Aviation Agency proposes to extend V-9 south from New Orleans to the Grand Isle VOR, via the intersection of the New Orleans VORTAC 181° (175° M) and the Grand Isle VOR 333° (327° M) True radials. This airway segment is proposed to provide continuity with coastal airway operations.

This amendment is proposed under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348).

Issued in Washington, D.C., on June 9, 1965.

DANIEL E. BARROW,
Chief, Airspace Regulations and Procedures Division.

[F.R. Doc. 65-6230; Filed, June 15, 1965; 8:46 a.m.]

[14 CFR Part 75]

[Airspace Docket No. 65-SW-14]

JET ROUTE

Proposed Realignment

The Federal Aviation Agency is considering an amendment to Part 75 of the Federal Aviation Regulations that would realign Jet Route No. 86, in part, from Austin, Tex., via the intersection of the Austin 113° and Houston, Tex. 286° True radials to Houston.

Interested persons may participate in the proposed rule making by submitting such written data, views, or arguments as they may desire. Communications should identify the airspace docket number and be submitted in triplicate to the Director, Southwest Region, Attention: Chief, Air Traffic Division, Federal Aviation Agency, Post Office Box 1689, Fort Worth, Tex., 76101. All communications received within 45 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. The proposal contained in this notice may be changed in the light of comments received.

An official docket will be available for examination by interested persons at the Federal Aviation Agency, Office of the General Counsel, Attention: Rules Docket, 800 Independence Avenue SW., Washington, D.C., 20553. An informal docket also will be available for examination at the office of the Regional Air Traffic Division Chief.

J-86 presently is aligned, in part, from the Austin VORTAC to the Houston VORTAC. The Federal Aviation Agency plans to commission a new VORTAC in the vicinity of Industry, Tex. in October 1965. The proposed realignment of J-86 would permit it to overlie the planned VORTAC at Industry and the low altitude airways supported thereby. This would facilitate transition between the jet route and Victor airways in this area.

This amendment is proposed under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348).

Issued in Washington, D.C., on June 9, 1965.

DANIEL E. BARROW,
Chief, Airspace Regulations and Procedures Division.

[F.R. Doc. 65-6231; Filed, June 15, 1965; 8:46 a.m.]

Notices

DEPARTMENT OF COMMERCE

Maritime Administration

[Report No. 57]

LIST OF FREE WORLD AND POLISH FLAG VESSELS ARRIVING IN CUBA SINCE JANUARY 1, 1963

SECTION 1. The Maritime Administration is making available to the appropriate Departments the following list of vessels which have arrived in Cuba since January 1, 1963, based on information received through June 4, 1965, exclusive of those vessels that called at Cuba on United States Government-approved noncommercial voyages and those listed in section 2. Pursuant to established United States Government policy, the listed vessels are ineligible to carry United States Government-financed cargoes from the United States.

FLAG OF REGISTRY AND NAME OF SHIP	Gross tonnage
Total, all flags (227 ships)	1,661,516
British (76 ships)	567,120
**Agate (trips to Cuba under ex-name Dairen—British flag).	
**Amalia (now Maltese flag).	
**Amazon River (now River—sold to Dutch breakers)	7,234
Antarctica	8,785
Arctic Ocean	9,791
Ardenode	7,036
Ardgem	6,981
Ardmore	4,664
Ardpatrick	7,054
Ardrowan	7,300
Ardsirod	7,025
Ardtara	5,795
**Arlington Court (now Southgate—British flag).	
Athelcrown (Tanker)	11,149
Athelduke (Tanker)	9,089
Athelmere (Tanker)	7,524
Athelmonarch (Tanker)	11,182
Athelsultan (Tanker)	9,149
Avisfaith	7,868
Baxtergate	8,813
Cheung Chau	8,566
**Chipbee (Sold for scrap)	7,271
**Cosmo Trader (trips to Cuba under ex-name, Ivy Fair—British flag).	
**Dairen (now Agate—British flag)	4,939
East Breeze	8,708
Eastfortune	8,789
Eirini	7,402
Formentor	8,424
Free Enterprise	6,807
Free Merchant	5,237
**Garthdale (now Jeb Lee—British flag)	7,542
Grosvenor Mariner	7,026
Hazelmoor	7,907
Helka	3,111
Hemisphere	8,718
Ho Fung	7,121
Inchstaffa	5,255
**Ivy Fair (now Cosmo Trader—British flag—broken up)	7,201
**Jeb Lee (trip to Cuba under ex-name, Garthdale—British flag).	
Kinross	5,388
La Hortensia	9,486
Linkmoor	8,236
Magister	2,339
Maratha Enterprise	7,166
Nancy Dee	6,597
Nebula	8,924
**Newdene (now Free Navigator—Haitian flag)	7,181
Newforest	7,185
Newgate	6,743
Newglade	7,368
Newgrove	7,172
Newheath	5,691
Newhill	7,855
Newlane	7,043
Newmeadow	5,654
Newmoat	7,151
Oceantramp	5,185
Oceantravel	10,477
Peony	9,037
Redbrook	7,366
Ruthy Ann	7,361
**St. Antonio (now Maltese flag).	
Sandsend	7,236
Santa Granda	7,220
Sea Amber	10,421
Sea Coral	10,421
Sea Empress	10,074
Shienfoon	7,127
**Shun Fung (wrecked)	7,148
Soclyve	7,291
**Southgate (previous trips to Cuba under ex-name, Arlington Court—British flag)	9,662
Stanwear	8,108
Suva Breeze	4,970
Swift River	7,251
Thames Breeze	7,878
**Timios Stavros (now Maltese flag—Previous trips to Cuba under Greek flag).	
Venice	8,611
Vercharmian	7,265
Vergmont	7,381
West Breeze	8,718
Yungfutary	5,382
Yunglutaton	5,414
Zela M	7,237
Lebanese (60 ships)	401,901
Agia Sophia	8,106
Aiolos II	7,256
Ais Giannis	6,997
Akamas	7,285
Al Amin	7,188
Alaska	6,969
Anthas	7,044
Antonis	6,250
Ares	4,557
Areti	7,176
Aristefs	6,995
Astir	5,224
Athamas	4,729
**Carnation (Sold Spanish breakers)	4,384
**Christos (trip to Cuba under ex-name, Pamit—Greek flag).	
Claire	5,411
Cris	6,032
Dimos	7,187
**E. Myrtidiotissa (trips to Cuba under ex-name, Kalliopi D. Lemos—Lebanese flag).	
Free Trader	7,067
Giannis	5,270
Giorgos Tsakiroglou	7,240
Granikos	7,282
Ilena	5,925
Ioannis Asplotis	7,297
**Kalliopi D. Lemos (now E. Myrtidiotissa—Lebanese flag)	5,103
Katerina	9,357
Leftris	7,176
Malou	7,145
Mantric	7,255
Maria Despina	7,254
Maria Renee	7,203
Marichristina	7,124
Marymark	4,383
Mersinidi	6,782
Mimosa	7,314
Mousse	6,984
Nictric	7,296
Noelie	7,251
Noemi	7,070
Olga	7,199
Panagos	7,133
Parmarina	6,721
**Rasani (broken up)	7,253
Reneka	7,250
Rio	7,194
St. Anthony	5,349
St. Nicolas	7,165
San George	7,267
San John	5,172
San Spyridon	7,260
Stevo	7,066
Taxiarhis	7,349
Tertric	7,045
Theodoros Lemos	7,198
Theologos	7,246
Tuula	4,561
Troyan	7,243
Vassiliki	7,192
Vastric	6,453
Vergolivada	6,339
Yanxilas	10,051
Greek (36 ships)	239,450
Agios Therapon	5,617
Akastos	7,331
Alice	7,189
**Ambassade (sold Hong Kong shipbreakers)	5,600
Americane	7,104
Anacreon	7,359
**Anatoli (now Sunrise—Cypriot flag)	7,187
**Andromachi (previous trips to Cuba under ex-name, Penelope—Greek flag)	6,712
Antonia	5,171
Apollon	9,744
Athanassios K	7,216
Barbarino	7,084
Calliopi Michalos	7,249
**Capetan Petros (now Kyramartha—Greek flag)	7,291
**Embassy (broken up)	8,418
Flora M	7,244
**Gloria (now Helen—Greek flag)	7,128
**Helen (trip to Cuba under ex-name, Gloria—Greek flag).	
Irena	7,282
Istros II	7,275
Kapetan Kostis	5,032
Kyra Hariklia	6,999
Kyramartha (previous trips to Cuba under ex-name, Capetan Petros—Greek flag).	
Maria Theresa	7,245
Marigo	7,147
Maroudio	7,369
Mastro-Stelios II	7,282
**Nicolaos F. (previous trip to Cuba under ex-name, Nicolaos Frangistas—Greek flag).	
**Nicolaos Frangistas (now Nicolaos F.—Greek flag)	7,199
Pamit (now Christos—Lebanese flag)	8,999
Pantanassa	7,131
Paxoi	7,144
**Penelope (now Andromachi—Greek flag).	
**Plate Trader (trip to Cuba under ex-name, Stylianos N. Vlassopulos—Greek flag).	
**Presvis (broken up)	10,820
Redestos	8,911
**Seirios (broken up)	7,339
Sophia	7,090
**Stylianos N. Vlassopulos (now Plate Trader—Greek flag)	7,308
**Timios Stavros (formerly British flag—now Maltese flag).	
Tina	7,362
Western Trader	9,268
Polish (16 ships)	112,770
Baltyk	6,963
Bialystok	7,173
Bytom	5,967
Chopin	6,987
Chorsow	7,287
Huta Florian	7,358
Huta Labedy	7,221
Huta Ostrowiec	7,175
Huta Zgoda	6,840
Kopalnia Bobrek	7,221
Kopalnia Czeladz	7,252
Kopalnia Miechowice	7,223
Kopalnia Siemianowice	7,165
Kopalnia Wujek	7,033
Piast	8,184
Transportowiec	10,880
Italian (13 ships)	104,492
Achille	6,950
Agostino Bertani	5,360
Andrea Costa (Tanker)	10,440
Aspromonte	7,154
Giuseppe Giulietti (Tanker)	17,519
Mariasusanna	2,479
Montiron	1,595
Nazareno	7,173
Nino Bixio	8,427
San Francesco	9,284
San Nicola (Tanker)	12,461
Santa Lucia	9,278
**Somalia (now Chen Chang—Nationalist Chinese flag)	1,352
Yugoslav (8 ships)	57,143
Bar	7,233
Cavtat	7,266
Cetinje	7,200
Dugi Otok	6,997
Kolasin	7,217
Mojkovac	7,125
Promina	6,960
**Trebinjica (wrecked)	7,145
French (7 ships)	26,817
*Arsinoe (Tanker)	10,426
Circe	2,874
Enee	1,232
Foulaya	3,739
Mungo	4,820
Nelee	2,874
Neve	852
Moroccan (5 ships)	35,838
Atlas	10,392
Banora	3,082
Marrakech	8,214
Mauritanie	10,392
Toubkal	8,748
Finnish (4 ships)	32,861
Augusta Paulin	7,096
**Hermia (trip to Cuba under ex-name Amfred—Swedish flag).	
Margrethe Paulin	7,251
Ragni Paulin	6,823
Valny (Tanker)	11,691
Maltese (4 ships)	26,497
**Amalia (previous trips to Cuba under British flag)	7,304
Ispahan	7,156
**St. Antonio (previous trip to Cuba under British flag)	6,704
**Timios Stavros (previous trips to Cuba under British flag and Greek flag)	5,333
Cypriot (2 ships)	14,417
Adelphos Petrakis	7,170
Artemida	7,247
**Sunrise (trip to Cuba under ex-name Anatoli—Greek flag).	
Netherlands (2 ships)	999
Moike	500
Tempo	499
Norwegian (2 ships)	11,894
Ole Bratt	7,144
**Tine (now Jesreel—Panamanian flag—wrecked)	4,750
Swedish (2 ships)	9,316
**Amfred (now Hermia—Finnish flag)	2,828
Dagmar	6,490

Haitian:
- **Free Navigator (trips to Cuba under ex-name Newdene—British flag).

Nationalist Chinese:
- **Chen Chang (trip to Cuba under ex-name, Somalia—Italian flag).

Panamanian:
- **Jesreel (trip to Cuba under ex-name, Tine—Norwegian flag—wrecked).

*Added to Report No. 56, appearing in the FEDERAL REGISTER issue of May 26, 1965.

**Ships appearing on the list that have been scrapped or have had changes in name and/or flag of registry.

SEC. 2. In accordance with approved procedures, the vessels listed below which called at Cuba after January 1, 1963, have reacquired eligibility to carry United States Government-financed cargoes from the United States by virtue of the persons who control the vessels having given satisfactory certification and assurance:

(a) That such vessels will not, thenceforth, be employed in the Cuba trade so long as it remains the policy of the United States Government to discourage such trade; and

(b) That no other vessels under their control will thenceforth be employed in the Cuba trade, except as provided in paragraph (c); and

(c) That vessels under their control which are covered by contractual obligations, including charters, entered into prior to December 16, 1963, requiring their employment in the Cuba trade shall be withdrawn from such trade at the earliest opportunity consistent with such contractual obligations.

FLAG OF REGISTRY AND NAME OF SHIP	Gross tonnage
a. Since last report:	
British (1 ship):	
Kirriemoor (now Jhelum—Pakistani flag)	5,923
b. Previous reports:	Number of ships
Flag of registry (total)	82
British	34
Danish	1
Finnish	1
French	1
German (West)	1
Greek	24
Israeli	1
Italian	5
Japanese	1
Kuwaiti	1
Lebanese	1
Norwegian	4
Spanish	6
Swedish	1

SEC. 3. The ships listed in sections 1 and 2 have made the following number of trips to Cuba since January 1, 1963, based on information received through June 4, 1965.

Flag of registry	Number of trips									
	1963	1964			1965					Total
		Jan.–Sept.	Oct.	Nov.	Dec.	Jan.	Feb.	Mar.	Apr.	May	
British	123	140	14	8	9	9	7	14	10	8	341
Lebanese	86	70	3	4	5	8	2	4	6	1	176
Greek	99	82	1	1		2		1	2	4	185
Italian	16	16		3	2	3	2	3	2		46
Spanish	8	14	2	1							25
Norwegian	14	8	1	1							24
Moroccan	9	11	2								22
Yugoslav	12	9			2			4			27
French	8	5	1	1	2					1	18
Swedish	3	2			1						6
Finnish	1	3	1						1	1	7
Netherlands		1	1		2					1	5
Maltese					2	1			1		4
Israeli						1	1				2
Kuwaiti		2								1	3
Cypriot		1							1		2
Danish	1										1
Germany (West)	1										1
Japanese	1										1
Sub total	370	384	25	19	25	24	12	26	22	17	555
Polish	13	12	1	1	2	3	1	1	1	1	46
Grand total	383	396	27	20	27	27	13	27	24	18	606

NOTE: Trip totals in this section exceed ship totals in secs. 1 and 2 because some of the ships made more than one trip to Cuba. Monthly totals subject to revision as additional data become available.

Dated: June 9, 1965.

By order of the Deputy Maritime Administrator.

JOHN M. O'CONNELL,
Assistant Secretary.

[F.R. Doc. 65-6292; Filed, June 15, 1965; 8:49 a.m.]

POST OFFICE DEPARTMENT

MAILERS TECHNICAL ADVISORY COMMITTEE

Formation and Appointment of Members

The following is the text of Headquarters Circular Number 65-13, signed by the Postmaster General on May 27, 1965:

I. *Authority.* Pursuant to the provisions of Executive Order 11007, dated February 26, 1962, entitled "Prescribing Regulations For The Formation And Use Of The Advisory Committees," there is hereby formed the "Mailers Technical Advisory Committee."

II. *Purpose.* This committee will make available to the Post Office Department information and advice based upon technical operating experience in the use of various mail services which will be of assistance in determining actions needed to improve service in postal operating efficiency.

III. *Chairmanship.* The Assistant Postmaster General, Bureau of Operations, is hereby appointed as the permanent Chairman of this committee.

IV. *Meeting of the Committee.* No meeting of this committee shall be held except at the call of, or with the advance approval of the permanent chairman, and with an agenda formulated or approved by him. All meetings shall be conducted by the permanent chairman, or his designee, who shall have the authority and be required to adjourn any meeting whenever he considers adjournment to be in the public interest. Minutes of all proceedings shall be kept, which shall, as a minimum, contain a record of persons present, a description of matters discussed and conclusions reached, and copies of all reports received, issued, or approved by the committee. The accuracy of all minutes shall be certified by the permanent chairman or his designee present during the proceedings recorded. The regulations prescribed by Executive Order 11007 are applicable to all meetings of this committee.

V. *Appointments to Committee.* The following are hereby appointed as members of the Mailers Technical Advisory Committee to serve at the pleasure of the Postmaster General for a term not to exceed 2 years:

James Milholland, Jr., Agricultural Publishers Association.
Angelo R. Venesian, American Business Press, Inc.
Harold W. Anderson, American Newspaper Publishers.
Howard W. Russell, Associated Third-Class Mail Users.
Randall P. McIntyre, Direct Mail Advertising Association.
Herbert J. Darby, Envelope Manufacturers Association.
Edward Fitzgerald, American Book Publishers Council, Inc., and American Textbook Publishers Institute.
Joseph A. Cook, Chamber of Commerce of U.S.A.
Erwin H. Tuthill, Parcel Post Association.
Joseph M. Arnstein, Magazine Publishers Association, Inc.
Jack R. Cole, Mail Advertising Services Association.
Louis E. Rudin, Mail Order Association of America.
Dick Westerfield, National Editorial Association.
F. Willard Powers, Printing Industries of America, Inc.
William Holub, Religious Press.
Elnor-Jo Beall, The Greeting Card Association.
John L. McFadden, National Industrial Traffic League.
Frederick A. Lavey, Paid Circulation Council.
Walter L. Hiersteiner, Envelope Manufacturers Association (may participate as alternate of Herbert J. Darby).
Vern Anderson, Agricultural Publishers Association (may participate as alternate of James Milholland, Jr.).
Richard Taggart, Mail Advertising Services Association (may participate as alternate of Jack R. Cole).
Phillip Thompson, National Editorial Association (may participate as alternate of Dick Westerfield).

(R.S. 161, as amended; sec. 15; 60 Stat. 810, as amended; 5 U.S.C. 23, 55a, 39 U.S.C. 501)

LOUIS J. DOYLE,
General Counsel.

[F.R. Doc. 65-6262; Filed, June 15, 1965; 8:48 a.m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[Wyoming 0317438]

WYOMING

Notice of Proposed Withdrawal and Reservation of Lands

JUNE 8, 1965.

The Corps of Engineers, U.S. Army Engineer District, Omaha, has filed an application, serial number Wyoming 0317438, in behalf of the Department of the Air Force, for the withdrawal of the lands described below, from all forms of appropriation under the public land laws, including the mining laws and the mineral leasing laws, subject to valid existing rights.

The applicant desires the lands for expansion of the Air Force weather research station near Boulder, Wyo.

For a period of 30 days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the undersigned officer of the Bureau of Land Management, Department of the Interior, 2120 Capitol Avenue, Cheyenne, Wyo., 82001.

The Department's regulations 43 CFR 2311.1-3(c) provide that the authorized officer of the Bureau of Land Management will undertake such investigations as are necessary to determine the existing and potential demand for the lands and their resources. He will also undertake negotiations with the applicant agency with the view of adjusting the application to reduce the area to the minimum essential to meet the applicant's needs, to provide for the maximum concurrent utilization of the lands for purposes other than the applicant's, to eliminate lands needed for purposes more essential than the applicant's, and to reach agreement on the concurrent management of the lands and their resources.

The authorized officer will also prepare a report for consideration by the Secretary of the Interior who will determine whether or not the lands will be withdrawn as requested by the applicant agency.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

If circumstances warrant, a public hearing will be held at a convenient time and place, which will be announced.

The lands involved in the application are:

SIXTH PRINCIPAL MERIDIAN, WYOMING

That portion of the S½NE¼, the S½N½NE¼, and the W½E½SE¼ of Sec. 3, T. 32 N., R. 107 W. of the Sixth Principal Meridian, Sublette County, Wyo., being a continuous strip of land, 20.00 feet in width, extending from the S line of said S½NE¼ to the point of termination, with exterior boundaries lying parallel with, and lying 10.00 feet on each side of a centerline, as measured perpendicularly to said centerline, which is more particularly described as:

Commencing at the NE corner of Sec. 10, T. 32 N., R. 107 W., 6th P.M., thence southerly, along the E line thereof, 61.00 feet;
Thence N. 88°08'30" W., 726.35 feet;
Thence S. 39°30'30" W., 190.00 feet to the point of beginning of said centerline;
Thence N. 4°33'40" W., to said S line of the S½NE¼ and the true point of beginning of said strip of land;
Thence continuing N. 4°33'40" W., to a point which is 4,255.05 feet from the point of beginning of said centerline;
To the point of termination, containing 1.83 acres, more or less;

Also a tract of land, situated in said S½N½NE¼ of Sec. 3, more particularly described as commencing at the NE. corner of said Sec. 10, T. 32 N., R. 107 W., 6th P.M.;
Thence southerly along the E. line thereof 61.00 feet;
Thence N. 88°08'30" W., 726.35 feet;
Thence S. 39°30'30" W., 190.00 feet;
Thence N. 4°33'40" W., 4,220.05 feet;
Thence S. 85°26'20" W., 4.00 feet to the point of beginning of said tract;
Thence continuing 85°26'20" W., 50.00 feet;
Thence N. 4°33'40" W., 50.00 feet;
Thence N. 4°33'40" W., 50.00 feet;
Thence S. 4°33'40" E., 50.00 feet to the point of beginning, containing 0.06 acre, more or less.

All that portion of Lot 1 and Lot 2 of Sec. 2, T. 32 N., R. 107 W. of the Sixth Principal Meridian, Sublette County, Wyo., being a continuous strip of land 20.00 feet in width, extending from the point of beginning to a line bearing N. 12°36'00" E., through the point of termination, with exterior boundaries lying parallel with, and extending 10.00 feet on each side of a centerline, as measured perpendicularly to said centerline, which is more particularly described as follows:

Commencing at a point 27.00 feet N. and 3.00 feet E. of the SW. corner of Lot 7 of said Sec. 2;
Thence N. 2°30'30" W., 2,567.00 feet;
Thence N. 13°25'00" E., 1,433.60 feet;
Thence N. 24°39'00" W., 433.53 feet;
Thence N. 5°35'00" E., 181.79 feet, to the point of beginning of said centerline;
Thence N. 67°34'00" W., 1,156.61 feet to the point of termination, containing 0.53 acre, more or less.

Also a tract of land, situated in said Lot 2 of Sec. 2, T. 32 N., R. 107 W., 6th P.M., more particularly described as:
Commencing at a point 27.00 feet N. and 3.00 feet E. of the SW. corner of Lot 7 of said Sec. 2;
Thence N. 2°30'30" W., 2,567.00 feet;
Thence N. 13°25'00" E., 1,453.60 feet;
Thence N. 24°39'00" W., 433.53 feet;
Thence N. 5°35'00" E., 181.79 feet;
Thence N. 67°34'00" W., 1,156.61 feet to the point of beginning of said tract;
Thence S. 12°26'00" W., 20.50 feet;
Thence N. 77°34'00" W., 50.00 feet;
Thence N. 12°26'00" E., 50.00 feet;
Thence S. 77°34'00" E., 50.00 feet;
Thence S. 12°26'00" W. to the point of beginning, containing 0.06 acre, more or less.

All that portion of the NE¼NW¼SE¼ of Sec. 1, T. 32 N., R. 107 W. of the Sixth Principal Meridian, Sublette County, Wyo., being a continuous strip of land, 20.00 feet in width, with exterior boundaries lying parallel with and extending 10.00 feet on each side of a centerline, as measured perpendicularly to said centerline, which is more particularly described as:
Commencing at a point 27.00 feet N. of and 3.00 feet E. of the SW. corner of Lot 7 of Sec. 2, T. 32 N., R. 107 W.;
Thence N. 2°30'30" W., 2,567.00 feet;
Thence N. 13°25'00" E., for a distance of 1,453.60 feet;
Thence N. 24°39'00" W., 433.53 feet;
Thence N. 5°35'00" E., 181.79 feet;
Thence N. 31°28'00" E., 721.41 feet;
Thence N. 67°33'00" E., 219.07 feet;
Thence N. 89°00'45" E., 458.87 feet;
Thence N. 88°37'37" E., 349.83 feet;
Thence N. 89°27'37" E., 398.25 feet;
Thence N. 89°04'59" E., 734.53 feet;
Thence S. 70°10'01" E., 774.27 feet;
Thence S. 34°50'01" E. to the W. line of said W½E½;
Thence continuing S. 34°50'01" E., 776.00 feet;
Thence S. 12°40'53" E., 700.08 feet;
Thence S. 34°20'46" E., 511.86 feet to the point of beginning of said centerline;
Thence S. 14°57'16" E., 149.00 feet to the point of termination and containing 0.07 acres, more or less.

Also a tract of land situated in said NE¼NW¼SE¼ of Sec. 1, T. 32 N., R. 107 W., 6th P.M., more particularly described as:
Commencing at a point lying 27.00 feet N. of and 3.00 feet E. of the SW. corner of Lot 7 of Sec. 2, T. 32 N., R. 107 W.;
Thence N. 2°30'30" W., 2,567.00 feet;
Thence N. 13°25'00" E., 1,453.60 feet;
Thence N. 24°39'00" W., 433.53 feet;
Thence N. 5°35'00" E., 181.79 feet;
Thence N. 31°28'00" E., 721.41 feet;
Thence N. 67°33'00" E., 219.07 feet;
Thence N. 89°00'45" E., 458.87 feet;
Thence N. 88°37'37" E., 349.83 feet;
Thence N. 89°27'37" E., 398.25 feet;
Thence N. 89°04'59" E., 734.53 feet;
Thence S. 70°10'01" E., 774.27 feet;
Thence S. 34°50'01" E., to the W. line of the W½E½ of said Sec. 1;
Thence continuing S. 34°50'01" E., 776.00 feet;
Thence S. 12°40'53" E., 700.08 feet;
Thence S. 34°20'46" E., 511.86 feet;
Thence S. 14°57'16" E., 149.00 feet to the point of beginning;
Thence N. 75°02'44" E., 37.50 feet;
Thence S. 14°57'16" E., 50.00 feet;
Thence S. 75°02'44" W., 50.00 feet;
Thence N. 14°57'16" W., 50.00 feet;
Thence N. 75°02'44" E., 12.50 feet to the point of beginning, and containing 0.06 acre more or less.

All that portion of the SW¼SW¼ of Sec. 2, T. 32 N., R. 107 W. of the Sixth Principal Meridian, Sublette County, Wyo., being a continuous strip of land 20.00 feet in width, extending from the S line of said SW¼SW¼ of Sec. 2 to a line bearing S. 67°33'00" W., through the point of termination, with the exterior boundaries lying parallel with and 10.00 feet on each side of a centerline, as measured perpendicularly to said centerline, which is more particularly described as:
Commencing at the NW corner of Sec. 11, T. 32 N., R. 107 W., 6th P.M.;
Thence southerly, along the W line of said Sec. 11, 61.00 feet;
Thence S. 53°08'30" E., 894.60 feet;
Thence N. 66°51'10" E., 120.00 feet to the point of beginning of said centerline;
Thence N. 2°38'30" E. to said S line of the SW¼SW¼, said point being the true point of beginning of said strip of land;
Thence continuing N. 2°38'30" E. to a point 618.15 feet from the point of beginning of said centerline;

And the point of termination containing 0.26 acre, more or less.

Also a tract of land situated in said SW¼SW¼ of Sec. 2, T. 32 N., R. 107 W., 6th P.M., more particularly described as:
Commencing at the NW corner of said Sec. 11, T. 32 N., R. 107 W., 6th P.M.;
Thence southerly, along the W line of said Sec. 11, 61.00 feet;
Thence S. 53°08'30" E., 894.60 feet;
Thence N. 66°51'10" E., 120.00 feet;
Thence N. 2°38'30" E., 618.15 feet to the point of beginning;
Thence S. 67°38'30" W., 20.50 feet;
Thence N. 22°21'30" W., 50.00 feet;
Thence N. 67°38'30" E., 50.00 feet;
Thence S. 22°21'30" E., 50.00 feet;
Thence S. 67°38'30" W., 20.50 feet to the point of beginning and containing 0.06 acre, more or less.

The tracts as described aggregate 2.93 acres, more or less.

ED PIERSON,
State Director.

[F.R. Doc. 65-6254; Filed, June 15, 1965; 8:47 a.m.]

Fish and Wildlife Service

[Docket No. Sub-B-33]

JOSEPH & LUCIA, INC.

Notice of Hearing

Joseph & Lucia, Inc., Gloucester, Mass., has applied for a fishing vessel construction differential subsidy to aid in the construction of a 99-foot overall steel vessel to engage in the fishery for groundfish, lobster, and whiting.

Notice is hereby given pursuant to the provisions of the U.S. Fishing Fleet Improvement Act (P.L. 88-498) and Notice and Hearing on Subsidies (50 CFR Part 257) that a hearing in the above-entitled proceedings will be held on July 20, 1965, at 10 a.m., d.s.t., in Room 3356, Interior Building, 18th and C Streets, Northwest, Washington, D.C. Any person desiring to intervene must file a petition of intervention with the Director, Bureau of Commercial Fisheries, as prescribed in 50 CFR Part 257 at least 10 days prior to the date set for the hearing. If such petition of intervention is granted, the place of the hearing may be changed to a field location. Telegraphic notice will be given to the parties in the event of such a change along with the new location.

HAROLD E. CROWTHER,
Acting Director,
Bureau of Commercial Fisheries.

JUNE 10, 1965.

[F.R. Doc. 65-6256; Filed, June 15, 1965; 8:47 a.m.]

National Park Service

[Order No. 1]

ADMINISTRATIVE ASSISTANT, ANTIETAM NATIONAL BATTLEFIELD SITE, MARYLAND

Delegation of Authority Regarding Execution of Purchase Orders for Supplies, Equipment, or Services

1. *Administrative Assistant.* The Administrative Assistant, Antietam National Battlefield Site may issue purchase orders not in excess of $300 for supplies, equipment, or services in conformity with applicable regulations and statutory authority and subject to availability of allotted funds.

(National Park Service Order 14 (19 F.R. 8024), as amended; 39 Stat. 535, 16 U.S.C., sec. 2; Northeast Region Order 4 (29 F.R. 13405))

Dated: April 28, 1965.

HAROLD I. LESSEM,
Superintendent,
Antietam National Battlefield Site.

[F.R. Doc. 65-6235; Filed, June 15, 1965; 8:47 a.m].

Office of the Secretary

[Order No. 2882, Amdt. 1]

CONGRESS OF MICRONESIA, TRUST TERRITORY OF THE PACIFIC ISLANDS

Legislative Authority

Whereas, on September 28, 1964, the Secretary of the Interior promulgated Secretarial Order No. 2882 creating the Congress of Micronesia and granting legislative authority thereto; and

Whereas, the said Order No. 2882 in section 3 reserved to the Congress of Micronesia and the High Commissioner the levy of duties on goods imported into the Trust Territory; and

Whereas, section 26 of the said Order No. 2882 temporarily extended until July 1, 1965, District and municipal import and export duties in effect on September 28, 1964;

Whereas, such date of July 1, 1965, will not afford the Congress of Micronesia an opportunity to act prior to the expiration of District or municipal import or export levies; and

Whereas, certain revisions in sections 5, 6, and 7 are also desirable so as to clarify the appropriation and legislative authority of the Congress of Micronesia and the apportionment of members among the several districts of the Trust

Territory and the language relating to the qualifications of members;

Now, therefore, Secretarial Order No. 2882 is amended in the following particulars, the amendments to become effective July 1, 1965:

1. Section 26 of the said Order No. 2882 is hereby amended to read as follows:

SEC. 26. *Temporary extension of export and import duties.* Notwithstanding any other provision of this order, any District or municipal import and export duties in effect upon signature of this order may continue in effect until October 1, 1965, unless sooner reduced or repealed by the District Legislature or municipality concerned: *Provided*, That no such District or municipal import or export duty may be increased above its rate as of the date of signature of this order.

2. Section 5 of the said Order No. 2882 is hereby amended to read as follows:

SEC. 5. *Budget.* Money bills enacted by the Congress of Micronesia shall not provide for the appropriation of funds in excess of such amounts as are available from revenues raised pursuant to the tax laws and other revenue laws of the Trust Territory. Prior to his final submission to the Secretary of the Interior of requests for Federal funds necessary for the support of governmental functions in the Trust Territory, the High Commissioner shall prepare a preliminary budget plan. He shall submit such plan to the Congress of Micronesia in joint session for its review and recommendations with respect to such portions as relate to expenditures of funds proposed to be appropriated by the Congress of the United States. With respect to such portions of the preliminary budget plan, the High Commissioner shall adopt such recommendations of the Congress as he may deem appropriate, but he shall transmit to the Secretary of the Interior all recommendations he has not adopted.

3. The final paragraph of section 6 of the said Order No. 2882 is hereby amended to read as follows:

SEC. 6. *Membership.* • • •

Election districts shall be reapportioned every 10 years on the basis of population, but each District (as described in section 39 of the Trust Territory Code), shall be entitled to at least two assemblymen. The first such reapportionment shall be made in 1971.

4. The final paragraph of section 7 of the said Order No. 2882 is hereby amended to read as follows:

SEC. 7. *Qualification of Legislators.* • • •

No person who has been expelled from the Congress for giving or receiving a bribe or for being an accessory thereto, and no person who has been convicted of a felony by any court of the Trust Territory or any court with the jurisdiction of a district court of the United States, shall sit in the Congress unless the person so convicted has been pardoned and has had restored to him his civil rights.

JOHN A. CARVER, JR.,
Acting Secretary of the Interior.

JUNE 10, 1965.

[F.R. Doc. 65-6285; Filed, June 15, 1965; 8:47 a.m.]

ATOMIC ENERGY COMMISSION

[Docket No. 50-13]

BABCOCK & WILCOX CO.

Notice of Proposed Issuance of Facility License Amendment

Please take notice that the Atomic Energy Commission proposes to issue to The Babcock & Wilcox Co. ("the licensee") an amendment to Facility License No. CX-10 substantially in the form set forth below. The license, as previously amended, authorizes the licensee to operate its critical experiment facility situated in Bay No. 2 of its Critical Experiment Laboratory located near Lynchburg, Va.

The proposed amendment would authorize the licensee to conduct certain reactivity control studies using neutron poisons and neutral materials in various forms in the core of the facility, as described in the application for license amendment dated February 22, 1965, and supplements thereto dated March 29, 1965, and May 21, 1965.

The Commission has found that:

(1) The application for amendment complies with the requirements of the Atomic Energy Act of 1954, as amended, and the Commission's regulations set forth in Title 10, Chapter I, CFR;

(2) The issuance of this license amendment will not be inimical to the common defense and security or to the health and safety of the public.

Within fifteen (15) days from the date of publication of this notice in the FEDERAL REGISTER, the applicant may file a request for a hearing, and any person whose interest may be affected by the proposed issuance of this amendment may file a petition for leave to intervene. A request for a hearing and petitions to intervene shall be filed in accordance with the provisions of the Commission's rules of practice. 10 CFR Part 2. If a request for a hearing or a petition for leave to intervene is filed within the time prescribed in this notice, a notice of hearing or an appropriate order will be issued. If no request for a hearing or a petition for leave to intervene is filed within the time prescribed in this notice, the Commission will issue the license amendment fifteen (15) days from the date of publication of this notice in the FEDERAL REGISTER.

For further details with respect to this proposed amendment, see (1) the application for license amendment and supplements thereto, and (2) the related safety evaluation prepared by the Research and Power Reactor Safety Branch of the Division of Reactor Licensing, both of which are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. A copy of the safety evaluation may be obtained at the Commission's Public Document Room or upon request addressed to the Atomic Energy Commission, Washington, D.C., 20545, Attention: Director, Division of Reactor Licensing.

Dated at Bethesda, Md., this 11th day of June 1965.

For the Atomic Energy Commission.

ROGER S. BOYD,
Chief, Research and Power Reactor Safety Branch, Division of Reactor Licensing.

PROPOSED FACILITY LICENSE AMENDMENT

[License CX-10; Amdt. 6]

1. License No. CX-10 issued to The Babcock & Wilcox Co. ("the licensee") is hereby amended as follows:

In addition to the activities previously authorized by the Commission under License No. CX-10, as amended, the licensee is authorized to conduct certain experiments using neutron poisons and neutral materials in various forms in the core of its critical experiment facility situated in Bay No. 2 of its Critical Experiment Laboratory located near Lynchburg, Va.

These experiments shall be conducted in accordance with the procedures described in the application for license amendment dated February 22, 1965, and supplements thereto dated March 29, 1965, and May 21, 1965.

2. This amendment is effective as of the date of issuance.

For the Atomic Energy Commission.

ROGER S. BOYD,
Chief, Research and Power Reactor Safety Branch, Division of Reactor Licensing.

[F.R. Doc. 65-6284; Filed, June 15, 1965; 8:50 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket Nos. 15303, 15304; FCC 65M-757]

CASCADE BROADCASTING CO. AND SUNSET BROADCASTING CO. (KNDX-FM)

Order Scheduling Prehearing Conference

In re applications of Cascade Broadcasting Co., Yakima, Wash., Docket No. 15303, File No. BPH-4072; David Zander Pugsley trading as Sunset Broadcasting Co. (KNDX-FM), Yakima, Wash., Docket No. 15304, File No. BPH-4180; for construction permits.

The Hearing Examiner having under consideration a letter dated June 9, 1965, from counsel for Sunset Broadcasting Co. in which a request is made jointly by the two applicants for continuation of commencement of hearing from June 14 to September 8, 1965;

It appearing, that a rule making proceeding in Docket No. 15937 has proceeded to the point where it appears reasonable to anticipate the establishment of another channel in Yakima and thus possibly eliminate the need for a hearing on the subject applications; and

It further appearing, that this proceeding has been continued a number of times for a period of more than a year and that the last order granting a continuance (FCC 65M-573, May 7, 1965) indicated that long extensions of hearing dates would normally be frowned upon and that on the basis of written information now before the Examiner it would be desirable to have the situation clearly stated on the record even though it appears at this point that the instant request has merit; and

It further appearing, that the hearing is now scheduled to commence on June 14, 1965, and that counsel for the Broadcast Bureau has consented to the request and to a waiver of the provisions of the Four-Day Rule:

It is ordered, This 10th day of June 1965, on the Hearing Examiner's own motion, that the hearing scheduled for June 14 is converted into a further prehearing conference which will be held on that date.

Released: June 11, 1965.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 65-6277; Filed, June 15, 1965; 8:48 a.m.]

[Docket No. 16060; FCC 65M-762]

CONTINENTAL BROADCASTING, INC.

Order Scheduling Hearing

In re application of Continental Broadcasting, Inc., Docket No. 16060, File No. BR-174; for renewal of license of station WNJR, Newark, N.J.

It is ordered, This 11th day of June 1965, that Isadore A. Honig will preside at the hearing in the above-entitled proceeding which is hereby scheduled to commence at 10 a.m. on September 20, 1965, in Newark, N.J.: *And it is further ordered*, That a prehearing conference in the proceeding will be convened by the presiding officer at 9 a.m. on July 13, 1965, in Washington, D.C.

Released: June 11, 1965.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 65-6278; Filed, June 15, 1965; 8:48 a.m.]

[Docket Nos. 15998-16000; FCC 65M-726]

EMERALD BROADCASTING CORP. (KPIR) ET AL.

Order Continuing Hearing

In re applications of Emerald Broadcasting Corp. (KPIR), Eugene, Oreg., Docket No. 15998, File No. BP-15590; Pendleton Broadcasting Co. (KUMA), Pendleton, Oreg., Docket No. 15999, File No. BP-16220; Hi-Desert Broadcasting Corp. (KDHI), Twenty-Nine Palms, Calif., Docket No. 16000, File No. BP-16503; for construction permits.

A prehearing conference in the above-entitled proceeding having been held as scheduled on June 4, 1965:

It is ordered, This 4th day of June 1965, that the procedural ground rules established at said conference are hereby approved and that the transcript of said conference, incorporated herein by reference with the same force and effect as if set forth at length, shall control as to any question bearing on the established ground rules; and

It is further ordered, That the hearing, presently scheduled to commence on July 21, 1965, is continued to 10 a.m., September 14, 1965.

Released: June 7, 1965.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 65-6279; Filed, June 15, 1965; 8:48 a.m.]

[Docket No. 15984; FCC 65M-753]

KUNO RADIO, INC. (KUNO)

Order Continuing Hearing

In re application of Kuno Radio, Inc. (KUNO), Corpus Christi, Tex., Docket No. 15984, File No. BMP-10937; for construction permit.

It is ordered, This 10th day of June 1965, that, by reason of the illness of the presiding Hearing Examiner in the above-entitled proceeding, the hearings therein which heretofore were scheduled to commence June 25, 1965, are hereby continued to September 16, 1965, commencing at 10 a.m.: *And, it is further ordered*, That a prehearing conference in the proceeding will be convened on July 26, 1965, at 9 a.m.; and that all proceedings will be held in the Offices of the Commission, Washington, D.C.

Released: June 11, 1965.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 65-6280; Filed, June 15, 1965; 8:48 a.m.]

[Docket Nos. 15930, 15931; FCC 65M-759]

SERGIO MARTINEZ CARABALLO AND CARIBBEAN BROADCASTING CORP.

Order Continuing Prehearing Conference

In re applications of Sergio Martinez Caraballo, Arecibo, P.R., Docket No. 15930, File No. BPH-3783; Caribbean Broadcasting Corp., Arecibo, P.R., Docket No. 15931, File No. BPH-4724; for construction permits.

Upon oral request of counsel for Caribbean Broadcasting Corp., an applicant in the above-entitled matter, said request having been concurred in by all other counsel: *It is ordered*, This 11th day of June 1965, that, because there now appears to be a strong likelihood the matter will never go to hearing, the further prehearing conference now scheduled for June 14, 1965, is hereby rescheduled to commence at 9 a.m., July 14, 1965, in the Commission's offices, Washington, D.C.

Released: June 11, 1965.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 65-6281; Filed, June 15, 1965; 8:48 a.m.]

[Docket Nos. 16001-16003; FCC 65M-751]

TELEVISION BROADCASTERS, INC. (KBMT) AND TEXAS GOLDCOAST TELEVISION, INC. (KPAC-TV)

Order Re Procedural Dates

In re applications of Television Broadcasters, Inc. (KBMT), Beaumont, Tex., Docket No. 16001, File No. BPCT-3266, for construction permit; Television Broadcasters, Inc. (KBMT), Beaumont, Tex., Docket No. 16003, File No. BRCT-560; Texas Goldcoast Television, Inc. (KPAC-TV), Port Arthur, Tex., Docket No. 16002, File No. BRCT-389; for renewal of licenses.

Pursuant to a prehearing conference as of this date: *It is ordered*, This 10th day of June 1965, that the hearing in this proceeding will commence July 12, 1965, 10 a.m., in the Commission's Offices, Washington, D.C., for the sole purpose of the presentation and consideration of stipulations and other documents; and, upon recess thereof, the hearing will be resumed in Beaumont, Tex., July 20, 1965, 10 a.m.

Released: June 10, 1965.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 65-6282; Filed, June 15, 1965; 8:49 a.m.]

[Docket No. 15983; FCC 65M-752]

TWELVE SEVENTY, INC.

Order Scheduling Prehearing Conference

In re application of Twelve Seventy, Incorporated, Docket No. 15983, File No. BR-1749; for renewal of license of station WTID, Newport News, Va.

The Chief Hearing Examiner having under consideration a petition filed June 3, 1965, by David N. Montague, Trustee of Twelve Seventy, Inc., the named applicant herein, requesting that he be substituted as a principal party in interest in this proceeding which involves renewal of the license for Radio Station WTID, Newport News, Va., or, in the alternative, that he be permitted to intervene;

It appearing, that pursuant to order of a Federal District Court, the assets of Twelve Seventy, Inc. (WTID), have been conveyed to petitioner, Trustee in Bankruptcy; and, in view thereof, the Commission's Broadcast Bureau, the only other party to the proceeding, agrees, under existing Commission precedent,

that petitioner be made a party intervenor;

It appearing further, that the relief proposed by the Bureau is appropriate, and that public interest will be served by allowing petitioner full participation as a party herein:

Accordingly, it is ordered, This 10th day of June 1965, that the petition is granted to the extent that petitioner is hereby authorized to participate in all aspects of this proceeding in the capacity of intervenor; and that, in other respects, the petition is denied: *And, it is further ordered,* That a prehearing conference in this proceeding will be held in the Offices of the Commission, Washington, D.C., on July 1, 1965, commencing at 10 a.m., and that the formal hearing herein will be convened, as heretofore scheduled, on July 21, 1965.

Released: June 11, 1965.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 65-6283; Filed, June 15, 1965; 8:49 a.m.]

CIVIL AERONAUTICS BOARD

[Docket No. 16164]

AIR NEW ZEALAND, LTD.

Notice of Hearing

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that hearing in the above-entitled proceeding is assigned to be held on June 29, 1965, at 10 a.m., e.d.s.t., in Room 911, Universal Building, Florida and Connecticut Avenues NW., Washington, D.C., before the undersigned Examiner.

Dated at Washington, D.C., June 10, 1965.

[SEAL] JAMES S. KEITH,
Hearing Examiner.

[F.R. Doc. 65-6288; Filed, June 15, 1965; 8:49 a.m.]

FEDERAL MARITIME COMMISSION

[Fact Finding Investigation 5]

SOUTH ATLANTIC AND GULF PORTS (FROM, BUT EXCLUDING, HAMPTON ROADS, VA., TO BROWNSVILLE, TEX.)

Terminal Practices; Notice of Hearing

JUNE 10, 1965.

A hearing in this proceeding will be held by the undersigned beginning at 10 a.m., July 14, 1965, at Room 610, Federal Office Building, 600 South Street, New Orleans, La.

The hearing will be public.

JAMES A. KEMPER,
Investigative Officer.

[F.R. Doc. 65-6284; Filed, June 15, 1965; 8:49 a.m.]

ENCINAL TERMINALS AND MATSON NAVIGATION CO.

Notice of Agreement Filed for Approval

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1321 H Street NW., room 301; or may inspect the agreement at the offices of the District Managers, New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments with reference to an agreement including a request for hearing, if desired, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C., 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter), and the comments should indicate that this has been done.

Notice of agreement filed for approval by:

Matson Navigation Co., 215 Market Street, San Francisco, Calif., 94105.

Agreement No. T-27-4, between Matson Navigation Co. (Matson) and Encinal Terminals (Encinal) modifies the basic agreement which provides for the lease of certain property adjacent to Encinal's Berth 5 at Alameda, Calif., to be used exclusively by Matson as a marshalling yard for the handling of containers, automobiles and trucks. The purpose of the modification is to record the agreement of the parties that a second gantry crane to be installed at Encinal's Berth 5 (as provided for in FMC Agreement No. T-27-2) may be removed, if Matson desires, prior to termination of the basic lease agreement dated August 14, 1958.

Dated: June 10, 1965.

By order of the Federal Maritime Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 65-6285; Filed, June 15, 1965; 8:49 a.m.]

SACRAMENTO-YOLO PORT DISTRICT AND CARGILL OF CALIFORNIA, INC.

Notice of Agreement Filed for Approval

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1321 H Street NW., Room 301; or may inspect the agreement at the offices of the District Managers, New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments with reference to an agreement including a request for hearing, if desired, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C., 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter), and the comments should indicate that this has been done.

Notice of agreement filed for approval by:

Port of Sacramento, Post Office Box 815, West Sacramento, Calif., 95691.

Agreement No. 8995-3, between Sacramento-Yolo Port District (Sacramento) and Cargill of California, Inc. (Cargill), modifies the basic agreement of the parties which provides for the lease of certain terminal property and grain elevator facilities in Sacramento, Calif. The purpose of the modification is to provide that (1) from and after November 10, 1963, Cargill shall be, and is, relieved from the requirement of paying a 15-cent per ton charge on commodities transported by Cargill from the property leased from Sacramento and, to the extent that such 15 cents per ton payments may have been made from and after said date, Sacramento shall reimburse Cargill accordingly by direct payment or by credit against future payments made pursuant to the modification of Agreement No. 8995, and (2) from and after said date, Cargill agrees to pay to Sacramento for all commodities transported by Cargill from the property leased by Cargill from Sacramento, the applicable wharfage tariff rates published by Sacramento.

Dated: June 10, 1965.

By order of the Federal Maritime Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 65-6286; Filed, June 15, 1965; 8:49 a.m.]

FEDERAL POWER COMMISSION

[Docket Nos. G-2855, etc.]

NEMOURS CORP. ET AL.

Notice of Applications for Certificates, Abandonment of Service and Petitions To Amend Certificates [1]

JUNE 8, 1965.

Take notice that each of the Applicants listed herein has filed an application or petition pursuant to section 7 of the Natural Gas Act for authorization to sell natural gas in interstate commerce or to abandon service heretofore authorized as described herein, all as more fully described in the respective applications and amendments which are on file with the Commission and open to public inspection.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C., 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before June 30, 1965.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on all applications in which no protest or petition to intervene is filed within the time required herein, if the Commission on its own review of the matter believes that a grant of the certificates or the authorization for the proposed abandonment is required by the public convenience and necessity. Where a protest or petition for leave to intervene is timely filed, or where the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given: *Provided, however,* That pursuant to § 2.56, Part 2, Statement of General Policy and Interpretations, Chapter I of Title 18 of the Code of Federal Regulations, as amended, all permanent certificates of public convenience and necessity granting applications, filed after April 15, 1965, without further notice, will contain a condition precluding any filing of an increased rate at a price in excess of that designated for the particular area of production for the period prescribed therein unless at the time of filing such certificate application, or within the time fixed herein for the filing of protests or petitions to intervene the Applicant indicates in writing that it is unwilling to accept such a condition. In the event Applicant is unwilling to accept such condition the application will be set for formal hearing.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

JOSEPH H. GUTRIDE,
Secretary.

[1] This notice does not provide for consolidation for hearing of the several matters covered herein, nor should it be so construed.

Docket No. and date filed	Applicant	Purchaser, field, and location	Price per Mcf	Pressure base
G-2855 D 5-26-65	Nemours Corp., 1206 Petroleum Tower, Shreveport, La. (partial abandonment).	United Gas Pipe Line Co., Monroe Field, Union Parish, La.	Uneconomical	
G-10806 E 5-17-65 [1]	South States Oil & Gas Co. (successor to F. O. Penn, et al.), 946 Milam Bldg., San Antonio, Tex., 78205.	Tennessee Gas Transmission Co., North Ross (2,400 feet) Field, Starr County, Tex.	[2] [3] 17.24347	14.65
G-11174 D 6-1-65	Gulf Oil Corp., Post Office Box 1589, Tulsa, Okla., 74102.	Colorado Interstate Gas Co., Laverne Field, Harper County, Okla.	(4)	
G-15488 D 9-20-60 [5]	Union Oil Co. of California, Union Oil Center, Los Angeles, Calif., 90017.	West Lake Natural Gasoline Co., Lake Trammell Area, Nolan County, Tex.	Assigned	
G-15488 C 11-3-61 [6]	Union Oil Co. of California (Operator), et al.	do	[7] 8.5	14.65
G-15488 C&D 5-17-65 [6]	do	West Lake Natural Gasoline Co., West Lake Trammell Area, Nolan County, Tex.	[7] 8.5	14.65
G-16139 D 5-28-65	Gulf Oil Corp., Post Office Box 1589, Tulsa, Okla., 74102.	Transwestern Pipeline Co., Como Area, Lipscomb County, Tex.	(8)	
G-17472 D 5-26-65	Humble Oil & Refining Co., Post Office Box 2180, Houston, Tex., 77001.	United Gas Pipe Line Co., Cotton Valley Field, Webster Parish, La.	Assigned	
CI61-256 F 5-19-65	Jake L. Hamon, Fifth Floor, Vaughn Bldg., 1712 Commerce St., Dallas, Tex.	West Lake Natural Gasoline Co., Lake Trammell Area, Nolan County, Tex.	[7] 8.5	14.65
CI63-20 D 5-28-65	Humble Oil & Refining Co., Post Office Box 2180, Houston, Tex., 77001.	Arkansas Louisiana Gas Co., Arkoma Area, Latimer County, Okla.	Assigned	
CI63-20 C 6-2-65	do	do	15.6	14.65
CI63-224 C 5-7-65	Socony Mobil Oil Co., Inc., 150 East 42d St., New York, N.Y., 10017.	Arkansas Louisiana Gas Co., Red Oak Field, Latimer, LeFlore and Pittsburg Counties, Okla.	15.0	14.65
CI63-557 D 5-28-65	Tidewater Oil Co., Post Office Box 1404, Houston, Tex., 77001 (partial abandonment).	Northern Natural Gas Co., Acreage in Beaver County, Okla.	Declined in pressure	
CI63-1201 D 6-1-65	Kesner Oil Co., c/o Wilbur J. Hellman, Holleman & Holleman, 325 National Bank of Tulsa Bldg., Tulsa, Okla., 74103.	Northern Natural Gas Co., Como Area, Beaver County, Okla.	Declined in pressure	
CI65-406 C 6-1-65 [10]	Gulf Oil Corp. (Operator), et al., Post Office Box 1589, Tulsa, Okla., 74102.	Cities Service Gas Co., Northwest Lovedale Field, Harper County, Okla.	17.0	14.65
CI65-461 C 6-1-65	Sinclair Oil & Gas Co., Post Office Box 521, Tulsa, Okla., 74102.	El Paso Natural Gas Co., Basin Dakota Field, San Juan County, N. Mex.	13.0	15.025
CI65-997 C 6-1-65	Continental Oil Co., Post Office Box 2197, Houston, Tex., 77001.	El Paso Natural Gas Co., Acreage in San Juan County, N. Mex. and La Plata County, Colo.	13.0	15.025
CI65-1239 A 5-27-65	Mason Oil Co., Box 173, Spencer, W. Va.	United Fuel Gas Co., Smithfield District, Roane County, W. Va.	25.0	15.325
CI65-1240 A 5-27-65	Trigg Drilling Co. (Operator), et al., Post Office Box 18605 Oklahoma City, Okla.	Michigan Wisconsin Pipe Line Co., Acreage in Major County, Okla.	19.5	14.65
CI65-1241 A 5-27-65	Hunt Oil Co., 1401 Elm St. Dallas, Tex., 75202.	Panhandle Eastern Pipe Line Co., Acreage in Woodward and Dewey Counties, Okla.	17.0	14.65
CI65-1242 F 5-20-65	Peter H. Smith (successor to James L. Greene, Jr., et al.), Post Office Box 825, Midland, Tex., 79701.	El Paso Natural Gas Co., Noelke Field, Crockett County, Tex.	[11] 14.5	14.65
CI65-1243 A 5-27-65	Sunray DX Oil Co., Post Office Box 2039, Tulsa, Okla., 74102.	El Paso Natural Gas Co., Gallegos Canyon, San Juan County, N. Mex.	13.0	15.025
CI65-1244 A 5-17-65	Perry R. Bass (Operator), et al., 1210 Fort Worth National Bldg. Fort Worth, Tex., 76102.	El Paso Natural Gas Co., Brown-Bassett Field, Terrell County, Tex.	16.0	14.65
CI65-1245 A 5-27-65	The Preston Oil Co., Post Office Box 2319, Columbus, Ohio, 43216.	United Fuel Gas Co., Ellis Field, Acadia Parish, La.	17.5	15.025
CI65-1246 A 5-26-65	The Shamrock Oil and Gas Corp., Post Office Box 631, Amarillo, Tex., 79105.	Western Gas Service Co., Acreage in Moore County, Tex.	17.0	14.65
CI65-1247 A 5-25-65	R. Stensel, 211 Joaquin Ave., San Leandro, Calif., 94577.	Northern Natural Gas Co., Gate Lake Field, Harper County, Okla.	17.0	14.65
CI65-1248 A 5-26-65	R. Stensel, 211 Joaquin Ave., San Leandro, Calif.	Northern Natural Gas Co., Doby Spring Field, Harper County, Okla.	17.0	14.65
CI65-1249 A 5-25-65	Husky Oil Co., Post Office Box 380, Cody, Wyo., 82414.	Cody Gas Co., Acreage in Park County, Wyo.	12.0	15.025
CI65-1250 A 6-1-65	Laurel Fork Oil & Gas Co., Smith No. 1, c/o H. L. Ice, agent, 2322 18th St., Parkersburg, W. Va., 26102.	Consolidated Gas Supply Corp., Murphy District, Ritchie County, W. Va.	25.0	15.325
CI65-1251 A 6-1-65	Crump Oil Co., c/o Dabney Crump, partner, 80 South Front St., Memphis, Tenn., 38103.	Consolidated Gas Supply Corp., Grant District, Ritchie County, W. Va.	25.0	15.325
CI65-1252 F 6-1-65	Maxwell Herring Drilling Corp., Operator (successor to Union Producing Co.), 619 Citizens First National Bank Bldg., Tyler, Tex.	United Gas Pipe Line Co., Mount Selman Field, Cherokee County, Tex.	[12] 19.8876	14.65

Filing Code: A—Initial service.
B—Abandonment.
C—Amendment to add acreage.
D—Amendment to delete acreage.
E—Succession.
F—Partial succession.

See footnotes at end of table.

Docket No. and date filed	Applicant	Purchaser, field, and location	Price per Mcf	Pressure base
CI65-1253 A 6-1-65	Phillips Petroleum Co., Bartlesville, Okla., 74004.	Panhandle Eastern Pipe Line Co., Carthage Area, Texas County, Okla. and Morton County, Kans.	17.0	14.65
CI65-1254 A 6-1-65	Skelly Oil Co., Post Office Box 1650, Tulsa, Okla., 74112.	Panhandle Eastern Pipe Line Co.; Acreage in Cimarron County, Okla.	17.0	14.65
CI65-1255 A 6-1-65	Cleary Petroleum, Inc., 310 Kermac Bldg., Oklahoma City, Okla., 73102.	Michigan Wisconsin Pipe Line Co., Laverne Area, Woodward County, Okla.	17.0	14.65
CI65-1256 A 6-1-65	Associated Oil & Gas Exploration, Inc., et al., Operator, Post Office Box 56465, Houston, Tex., 77006.	Southern Natural Gas Co., North Kings Ridge Field, Lafourche Parish, La.	15.0	14.925
CI65-1257 A 6-1-65	Crystal Oil and Land Co. (Operator), et al., Post Office Box 1101, Shreveport, La., 71101.	Texas Gas Transmission Corp., West Arcadia Area, Bienville Parish, La.	16.5	15.025
CI65-1258 A 6-1-65	Amerada Petroleum Corp., Post Office Box 2040, Tulsa, Okla., 74102.	Cities Service Gas Co., North Hardtner Field, Barber County, Kans.	14.0	14.65
CI65-1259 A 6-1-65	Edwin L. Cox (Operator), et al. 2100 Adolphus Tower, Dallas, Tex., 75202.	Transcontinental Gas Pipe Line Corp., Live Oak Field, Vermilion Parish, La.	17.5	15.025
CI65-1260 D 6-2-65	Southwestern Oil & Refining Co., et al., Post Office Drawer 300, Corpus Christi, Tex.	Tennessee Gas Transmission Co., Bailey Field, Jim Wells County, Tex.	Depleted	----------
CI65-1261 A 6-2-65	Humble Oil & Refining Co., Post Office Box 2180, Houston, Tex., 77001.	Kansas-Nebraska Natural Gas Co., Inc. Syracuse Field, Hamilton County, Kans.	12.8	14.65
CI65-1262 A 6-2-65	Gulf Sands Oil Co. (Operator), et al., Post Office Drawer 6160, Corpus Christi, Tex., 78411.	Texas Eastern Transmission Corp., Seven Sisters Field, Duval County, Tex.	12.0	14.65
CI65-1263 A 6-3-65	The Superior Oil Co., Post Office Box 1521, Houston, Tex., 77001.	El Paso Natural Gas Co., Custer Mountain Unit, Lea County, N. Mex.	18.0	15.025

[1] Application erroneously noticed May 25, 1965, in Docket Nos. G-7864, et al. as a total initial rate of 15.36347 cent per Mcf.
[2] Includes 2.0 cents per Mcf for compression and dehydration.
[3] Rate in effect subject to refund in Docket No. R163-26.
[4] Deletes from basic contract the Chester Formation from which no sale or delivery has been made.
[5] Deletes acreage assigned to Jake L. Hamon; represents the portion of acreage for which certificate is filed for in Docket No. CI61-250.
[6] Amendment also adds interest of nonoperating coowner, B. A. Duffy, and redesignates rate schedule to read "(Operator), et al".
[7] Rate in effect subject to refund in Docket No. R160-431.
[8] Amendment also covers the interests of signatory coowners.
[9] Deletes from basic contract acreage from which no sales or deliveries of gas have been made.
[10] Amendment also corrects Exhibit "A" to original application as to percentage of interest.
[11] Rate in effect subject to refund in Docket No. R160-169.
[12] Includes 0.1376 cent per Mcf tax reimbursement.

[F.R. Doc. 65-6183; Filed, June 15, 1965; 8:45 a.m.]

FEDERAL RESERVE SYSTEM

CENTRAL WISCONSIN BANKSHARES, INC.

Application for Approval of Acquisition of Bank Shares

Notice is hereby given that application has been made to the Board of Governors of the Federal Reserve System pursuant to section 3(a)(2) of the Bank Holding Company Act of 1956 (12 U.S.C. 1842(a)(2)), by Central Wisconsin Bankshares, Inc., a registered bank holding company located in Wausau, Wis., for the Board's prior approval of the acquisition by the Applicant of up to 100 percent of the voting shares of Central National Bank of Stettin, Stettin, Wis.

In determining whether to approve an application submitted pursuant to section 3(a)(2) of the Bank Holding Company Act, the Board is required by that Act to take into consideration the following factors: (1) The financial history and condition of the company and the bank concerned; (2) their prospects; (3) the character of their management; (4) the convenience, needs, and welfare of the communities and the area concerned; and (5) whether or not the effect of such acquisition would be to expand the size or extent of the bank holding company system involved beyond limits consistent with adequate and sound banking, the public interest, and the preservation of competition in the field of banking.

Not later than thirty (30) days after the publication of this notice in the FEDERAL REGISTER, comments and views regarding the proposed acquisition may be filed with the Board. Communications should be addressed to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C., 20551.

Dated at Washington, D.C., this 9th day of June 1965.

By order of the Board of Governors.

[SEAL] MERRITT SHERMAN, *Secretary.*

[F.R. Doc. 65-6223; Filed, June 15, 1965; 8:45 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 70-4284]

MISSISSIPPI POWER CO.

Notice of Proposed Issue and Sale of First Mortgage Bonds and Preferred Stock; Proposed Amendment of Bylaws

JUNE 10, 1965.

Notice is hereby given that Mississippi Power Co. ("Mississippi"), 2500 14th Street, Gulfport, Miss., 29501, a public-utility subsidiary company of The Southern Co., a registered holding company, has filed a declaration with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating sections 6(a) and 7 of the Act and Rule 50 promulgated thereunder as applicable to the proposed transactions. All interested persons are referred to the declaration, on file at the office of the Commission, for a statement of the transactions therein proposed which are summarized below.

Mississippi proposes to issue and sell, subject to the competitive bidding requirements of Rule 50 under the Act, $11,000,000 principal amount of its First Mortgage Bonds, ____ percent series due 1995. The interest rate of the new bonds (which will be a multiple of one-eighth of 1 percent and the price, exclusive of accrued interest, to be paid to Mississippi (which will be not less than 99 percent nor more than 102¾ percent of the principal amount thereof) will be determined by the competitive bidding. The new bonds will be issued under the indenture dated as of September 1, 1941, between Mississippi and Morgan Guaranty Trust Co. of New York, Trustee, as heretofore supplemented and as to be further supplemented by a Supplemental Indenture to be dated as of July 1, 1965.

Mississippi also proposes to issue and sell, subject to the competitive bidding requirements of Rule 50 under the Act, 50,000 shares of its cumulative preferred stock, par value $100 per share. The dividend rate of the new preferred stock (which will be a multiple of 0.04 percent and the price, exclusive of accrued dividends, to be paid to Mississippi (which will be not less than $100 nor more than $102.75 per share) will be determined by the competitive bidding. It is further proposed that Mississippi's bylaws be amended to allow for and to establish the terms of and provisions relating to the new preferred stock.

The proceeds from the sales of the new bonds and new preferred stock will be applied by Mississippi, together with funds available from other sources, to finance its 1965 construction program, estimated at $28,539,000; to pay short-term bank loans incurred for such purposes; and for other lawful purposes.

It is stated that no State or Federal commission, other than this Commission, has jurisdiction over the proposed issue and sale of new bonds and preferred stock. The fees and expenses to be paid in connection with the proposed transactions are to be supplied by amendment.

Notice is further given that any interested person may, not later than July 2, 1965, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said declaration which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C., 20549. A copy of such request should be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon the declarant at the above-stated address, and proof of service (by affidavit or, in case of an attorney-at-law, by certificate) should be filed contemporaneously with the request. At any time after said date, the declaration, as filed or as it may be amended, may be permitted to become effective as provided in Rule 23 of the general rules and regulations promulgated under the Act or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 65-6233; Filed, June 15, 1965; 8:46 a.m.]

TARIFF COMMISSION

SHEET GLASS

Report to the President

JUNE 11, 1965.

The Tariff Commission today released a report in which it informs the President of its judgment of the probable economic effect of the reduction or termination of the increases in duty on drawn or blown flat glass (sheet glass) that were imposed in 1962 under the escape-clause procedure. The Commissioners held divergent views on the impact of reduced duty rates on the sheet-glass industry.

Commissioners Dorfman, Fenn, and Culliton state in the report that "restoration of the concession rates of duty would probably have only a slight effect on the domestic sheet glass industry in the present and the immediately foreseeable future, aside from some slight impact of the kind which can usually be expected from tariff reductions, such as: Some increased pressure on older plants and smaller companies; somewhat softer prices and pressure against higher prices; a tendency for imports to increase because of some additional price advantage in marginal markets and additional marketing flexibility for the importers both geographically and in terms of added sales effort; some lessening of confidence of the domestic industry; and a tendency, by making competition more severe, to concentrate domestic production in the stronger and more modern establishments where output per man-hour may be expected to rise."

Commissioners Talbot and Sutton state that "one could expect that a reduction in duty would exert a downward pressure on sheet glass prices, lead to an increase in the share of consumption supplied by imports, contribute toward a decline in employment and profits, and idle productive facilities."

The Commission's investigation (No. TEA-IA-4) was conducted under the provisions of section 351(d)(2) of the Trade Expansion Act of 1962. That act provides that increases in import restrictions imposed under the escape-clause procedure may be reduced or terminated by the President when he determines, after taking into account advice received from the Tariff Commission under section 351(d)(2) and after seeking advice of the Secretary of Commerce and the Secretary of Labor, that such reduction or termination is in the national interest.

Certain portions of the report to the President may not be made public since they contain information that would reveal the operations of individual concerns. The Commission, therefore, is releasing the report to the public with those portions omitted.

Copies of the public report (the release of which was authorized by the President) are available upon request as long as the limited supply lasts. Address requests to the Secretary, U.S. Tariff Commission, Eighth and E Streets NW., Washington, D.C., 20436.

By direction of the Commission.

[SEAL] DONN N. BENT, *Secretary.*

[F.R. Doc. 65-6272; Filed, June 15, 1965; 8:48 a.m.]

INTERSTATE COMMERCE COMMISSION

[Notice 782]

MOTOR CARRIER, BROKER, WATER CARRIER, AND FREIGHT FORWARDER APPLICATIONS

JUNE 11, 1965.

The following applications are governed by Special Rule 1.247[1] of the Commission's general rules of practice (49 CFR 1.247), published in the FEDERAL REGISTER, issue of December 3, 1963, effective January 1, 1964. These rules provide, among other things, that a protest to the granting of an application must be filed with the Commission within 30 days after date of notice of filing of the application is published in the FEDERAL REGISTER. Failure seasonably to file a protest will be construed as a waiver of opposition and participation in the proceeding. A protest under these rules should comply with § 1.40 of the general rules of practice which requires that it set forth specifically the grounds upon which it is made and specify with particularity the facts, matters, and things relied upon, but shall not include issues or allegations phrased generally. Protests not in reasonable compliance with the requirements of the rules may be rejected. The original and six (6) copies of the protest shall be filed with the Commission, and a copy shall be served concurrently upon applicant's representative, or applicant if no representative is named. If the protest includes a request for oral hearing, such request shall meet the requirements of § 1.247(d)(4) of the special rule. Subsequent assignment of these proceedings for oral hearing, if any, will be by Commission order which will be served on each party of record.

The publications hereinafter set forth reflect the scope of the applications as filed by applicants, and may include descriptions, restrictions, or limitations which are not in a form acceptable to the Commission. Authority which ultimately may be granted as a result of the applications here noticed will not necessarily reflect the phraseology set forth in the application as filed, but also will eliminate any restrictions which are not acceptable to the Commission.

No. MC 504 (Sub-No. 79) filed May 24, 1965. Applicant: HARPER MOTOR LINES, INC., 213 Long Avenue, Elberton, Ga. Applicant's attorney: Guy H. Postell, Suite 693, 1375 Peachtree Street NW., Atlanta 9, Ga. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Glass containers and closures*, from Atlanta, Ga., to Jacksonville, Orlando, Lakeland, Tampa, and St. Petersburg, Fla. NOTE: If a hearing is deemed necessary, applicant requests it be held at Atlanta, Ga.

No. MC 730 (Sub-No. 250), filed April 5, 1965. Applicant: PACIFIC INTERMOUNTAIN EXPRESS CO., a corporation, 1417 Clay Street, Oakland, Calif. Applicant's representative: Alfred G. Krebs (same as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, transporting: *Articles of unusual value*, between points and over the authorized regular and irregular routes applicant is certificated at the present for the transportation of general commodities in MC 730 and all subs thereto, and subject to the route restrictions, if any, as otherwise specified therein, (1) between Denver, Colo., and Salt Lake City, Utah, (a) from Denver over U.S. Highway 287 to Laramie, Wyo., thence over U.S. Highway 30 to junction U.S. Highway 30–S, thence over U.S. Highway 30–S by way of Uintah, Utah, to Ogden, Utah, and thence over U.S. Highway 91 to Salt Lake City, (b) from Denver, to Uintah, as specified in (a) above, thence over U.S. Highway 89 to junction Alternate U.S. Highway 89, thence over Alternate U.S. Highway 89 to junction U.S. Highway 91, and thence over U.S. Highway 91 to Salt Lake City, and return from Salt Lake City to Laramie, Wyo., as specified in (b) above, thence over U.S. Highway 30 to Cheyenne, Wyo., thence over U.S. Highway 85 to Denver, (2) between Denver, and Loveland, Colo., from Denver over U.S. Highway 85 to Greeley, Colo., thence over U.S. Highway 34 to Loveland, and return over the same route, (3) between Denver, and Fort Collins, Colo., from Denver, over U.S. Highway 85 to Ault, Colo., thence over Colorado Highway 14 to Fort Collins, and return over the same route, serving all intermediate points on the specified routes (1) through (3) above, (4) between Denver, Colo., and Salt Lake City, Utah, from Denver over U.S. Highway 40 to Salt Lake City, and return over the same route, serving no intermediate points, (5) from Ault, over U.S. Highway 85 to Cheyenne, Wyo., thence over U.S. Highway 30 to Laramie,

[1] Copies of Special Rule 1.247 can be obtained by writing to the Secretary, Interstate Commerce Commission, Washington, D.C., 20423.

Wyo., and return over the same route, serving all intermediate points, (6) between Fort Collins, Colo., and junction U.S. Highways 85 and 87 south of Cheyenne, Wyo., from Fort Collins over U.S. Highway 87 to junction U.S. Highway 85 and return over the same route, serving no intermediate points.

NOTE: Applicant states "no service shall be rendered (1) between Cheyenne and Denver, and (2) between Cheyenne and Denver on the one hand, and, on the other, points on U.S. Highways 85 and 87 between Cheyenne and Denver, and those on Colorado Highway 14 between Ault and Fort Collins, (7) between Salt Lake City, Utah, and San Francisco, Calif., (a) from Salt Lake City over U.S. Highway 40 by way of Wendover, Utah, Fernley, Nev., and Sacramento, Calif., to San Francisco, and (1) from Wendover over U.S. Highway 50 to Fallon, Nev., thence over U.S. Highway 95 to Fernley, Nev., and thence as specified to San Francisco, (b) from Salt Lake City to Sacramento as specified in (a) above, thence over U.S. Highway 50 by way of Stockton and Hayward, Calif., to San Francisco, (1) from Haywood over unnumbered Highway to San Mateo, Calif., and thence over U.S. Highway 101 to San Francisco, and (2) from Stockton, over California Highway 4 to junction U.S. Highway 40, and thence over U.S. Highway 40 to San Francisco, and return over these routes to Salt Lake City, serving all intermediate points and the off-route points of Arthur, Bingham Canyon, Dolomite, Garfield, Magna, Taylorville, Burmester, and Tooele, Utah, and Beowawe, Midias, Ruth, and Kimberly, Nev., without restriction, (8) between Salt Lake City, Utah, and Las Angeles, Calif., (a) from Salt Lake City over U.S. Highway 91 by way of Nephi and Anderson, Utah, to Barstow, Calif., (1) from Nephi over Utah Highway 189 to junction U.S. Highway 89, thence over U.S. Highway 89 to Mount Carmel Junction, Utah, thence over Utah Highway 15 to Anderson, Utah, and thence as specified to Barstow, in (a) above, thence over U.S. Highway 66 by way of San Bernardino, Calif., to Los Angeles, and (2) from San Bernardino over U.S. Highway 99 to Los Angeles, and return over the same route, serving all intermediate points, and the off-route points of Bingham Canyon, Holladay, Taylorville, Midvale, Riverton, Vineyard, Hurricane, and Mount Pleasant, Utah, and Logandale, Overton, and Moapa, Nev., (9) between Ely, and Glendale, Nev., from Ely over U.S. Highway 93 to Glendale, and return over the same route, serving all intermediate points, and the off-route points of Panaca, Ruth, and Kimberly, Nev.

(10) Between Wells, Nev., and Becky Springs, Nev., from Wells, over U.S. Highway 93 to junction U.S. Highway 50 located at Becky Springs, and return over the same route, serving the intermediate point of Currie, Nev., (11) between Salt Lake City, Utah, and Pocatello, Idaho, from Salt Lake City, over U.S. Highway 91 to Pocatello, and return over the same route, serving all intermediate points and the off-route points of Hyrum and Lewiston, Utah, (12) between Brigham, Utah, and Downey, Idaho, from Brigham over U.S. Highway 30–S to Tremonton, Utah, and thence over U.S. Highway 191 to Downey, and return over the same route, serving all intermediate points, (13) between Levan, and Gunnison, Utah, from Levan, over Utah Highway 28 to Gunnison, and return over the same route, serving no intermediate points, (14) between Cove Fort, and Sevier, Utah, from Cove Fort over Utah Highway 13 to Sevier, and return over the same route, serving no intermediate points, (15) be tween Brigham, and Logan, Utah, from Brigham over U.S. Highway 89 to Logan, and return over the same route, serving no intermediate points, (16) between San Francisco, and Cordelia, Calif., from San Francisco, over U.S. Highway 101 to junction California Highway 37, thence over California Highway 37 to Napa, Calif., thence over California Highway 12 to Cordelia, and return over the same route, serving no intermediate points, (17) between Kansas City, Mo., and Denver, Colo., (a) from Kansas City, over U.S. Highway 40 by way of Lawrence, Kans., to Denver, (b) from Kansas City, over U.S. Highway 40 to Oakley, Kans., thence over U.S. Highway 83 to Halford, Kans., thence over U.S. Highway 24 to Limon, Colo., and thence over U.S. Highway 40 to Denver, (c) from Kansas City, to Limon, as specified in (b) above, thence over U.S. Highway 24 to Colorado Springs, Colo., and thence over U.S. Highway 87 to Denver, (d) from Kansas City, over city streets to Kansas, City, Kans., thence over Kansas Highway 32 to Edwardsville, Kans., thence over Kansas Highway 107 to junction U.S. Highway 24, thence over U.S. Highway 24 to Limon, Colo., thence over U.S. Highway 40 to Denver, (e) from Kansas City, over U.S. Highway 71 to St. Joseph, Mo., thence over U.S. Highway 36 by way of Hiawatha, Kans., to junction Kansas Highway 15–W.

Thence over Kansas Highway 15–W by way of Morrowville, Kans., to junction unnumbered highway, thence over unnumbered highway by way of Haddam, Kans., to junction U.S. Highway 36, thence over U.S. Highway 36 to Strasburg, Colo., and thence over U.S. Highway 40 to Denver, (f) from Kansas City, over U.S. Highway 73 to Hiawatha, Kans., and thence to Denver, as specified in (e) above, (g) from Kansas City, over U.S. Highway 50 to junction U.S. Highway 59, thence over U.S. Highway 50–N to Garden City, Kans., thence over U.S. Highway 50 to Pueblo, Colo., and thence over U.S. Highway 85 to Denver, (h) from Kansas City over U.S. Highway 50 to junction U.S. Highway 59, thence over U.S. Highway 59 to junction U.S. Highway 50–S, thence over U.S. Highway 50–S by way of Florence and Newton, Kans., to Ogden City, Kans., and thence to Denver, as specified in (g) above, and return over the same routes shown above in (a) through (h), serving the intermediate points of Sharon Springs, Oakley, Grinnell, Grainfield, Park, Wakeeney, Ellis, Hays, Russell, Ellsworth, Salina, Abilene, Junction City, Manhattan, Topeka, Lawrence, Goodland, Colby, Clay Center, Hutchinson, Brewster, Larned, Emporia, Dodge City, Great Bend, Newton, Oberlin, McPherson, Garden City, Syracuse, Wilson and Kansas City, Kans., Arapahoe, Bennett, Bethune, Burlington, Byers, Cheyenne Wells, Colorado Springs, Deer Trail, Englewood, Firstview, Flagler, Fowler, Genoa, Hugo, Kit Carson, La Junta, Lamar, Las Animas, Limon, Manzanola, Pueblo, Rocky Ford, Seibert, Stratton, Strasburg, Vona, and Wild Horse, Colo., and St. Joseph, Mo., and the off-route points of North Kansas City, Mo., and Natoma and Hoisington, Kans., (18) between Kansas City, Mo., and Wichita, Kans., (a) from Kansas City, over U.S. Highway 50 to junction U.S. Highway 59, thence over U.S. Highway 59 to Ottawa, Kans., thence over U.S. Highway 50–S to Newton, Kans., thence over U.S. Highway 81 to Wichita, (b) from Kansas City to Ottawa as specified in (a) above, thence over U.S. Highway 50–S to Florence, Kans., thence over U.S. Highway 77 to Eldora, Kans., thence over U.S. Highway 54 to Wichita, (c) from Kansas City, over U.S. Highway 40 by way of Topeka, Kans., to Salina, Kans.

Thence over U.S. Highway 81 to Wichita, (d) from Kansas City over U.S. Highway 40 to Lawrence, Kans., thence over U.S. Highway 24 to Topeka, Kans., and thence to Wichita as specified in (c) above, and return over the same routes to Kansas City, serving the intermediate points of Kansas City, Eldora, Newton, McPherson, and Emporia, Kans., and the off-route points of Parsons, Kans., and North Kansas City, Mo., (19) between Denver, Colo., and St. Louis, Mo., (a) from Denver, over U.S. Highway 85 to Pueblo, Colo., thence over U.S. Highway 50 to Garden City, Kans., thence over U.S. Highway 50–S to Garden City, Kans., thence over U.S. Highway 154 to Mullinville, Kans., thence over U.S. Highway 54 to Wichita, Kans., thence over U.S. Highway 81 to South Haven, Kans., thence over U.S. Highway 166 to Baxter Springs, Kans., thence over U.S. Highway 66 to St. Louis, (b) from Denver, to Mullinville, Kans., as specified in (a) above, thence over U.S. Highway 54 to Jefferson City, Mo., thence over U.S. Highway 50 to St. Louis, and return over the routes shown in (a) and (b) serving the intermediate points of Wichita and Eldorado, Kans., (20) between Kansas City, Mo., and Chicago, Ill., (a) from Kansas City, over U.S. Highway 71 to St. Joseph, Mo., thence over U.S. Highway 36 by way of Cameron, Mo., to Springfield, Ill., thence over U.S. Highway 66 through Lincoln, Atlanta, McLean, Bloomington, Lexington, Chenoa, Pontiac, Odell, and Dwight, Ill., to junction Alternate U.S. Highway 66 (formerly U.S. Highway 66) located at or near Gardner, Ill., thence over Alternate U.S. Highway 66 (formerly U.S. Highway 66) to Elwood, Ill., thence east over unnumbered highway (formerly U.S. Highway 66) approximately one mile, thence north over unnumbered highway (formerly U.S. Highway 66) to junction Alternate U.S. Highway 66 (formerly U.S. Highway 66) thence over Alternate U.S. Highway 66 (formerly U.S. Highway 66), to junction U.S. Highway 66, northeast of Plainfield, Ill., thence over U.S. Highway 66 to Chicago, (b) from Kansas City over U.S. Highway 69 to Cameron, Mo., thence to Chicago, as specified

above, (c) from Kansas City, over U.S. Highway 50 to St. Louis, Mo., and (1) from Kansas over U.S. Highway 40 to Wentzville, Mo., thence over By-Pass U.S. Highway 40 to St. Louis, thence to Chicago, as specified above, (d) from Kansas City to Springfield, Ill., as specified above.

Thence over Illinois Highway 29 to Peoria, Ill., thence over U.S. Highway 24 to Chenoa, Ill., thence to Chicago, as specified above, (e) from Kansas City to Bloomington, Ill., as specified above, thence over U.S. Highway 51 to La Salle, Ill., thence over U.S. Highway 66 to Chicago, and (f) from Kansas City over U.S. Highway 40 to junction U.S. Highway 34, near Kingdom City, Mo., thence over U.S. Highway 54 to Pittsfield, Ill., thence over U.S. Highway 36, to Tuscola, Ill., thence over U.S. Highway 45 to Chicago, and return over the same routes to Kansas City, and St. Joseph, Mo., Oak Park, and Cicero, Ill., and Hammond and Whiting, Ind., without restriction, and St. Louis, Mo., restricted against traffic moving to and from Chicago, Ill., and (g) between junction U.S. Highway 66 and Alternate U.S. Highway 66 (formerly U.S. Highway 66), located at or near Gardner, Ill., and junction of the same highways northeast of Plainfield, Ill., from junction U.S. Highway 66 and Alternate U.S. Highway 66 (formerly U.S. Highway 66) over U.S. Highway 66 by way of Plainfield, to junction Alternate U.S. Highway 66), and return over the same route, serving no intermediate points, as an alternate route for operating convenience only, in connection with applicant's authorized regular route operations, (21) between Kansas City, Mo., and junction of U.S. Highways 59 and 50, from Kansas City, over the Missouri-Kansas State line to junction Kansas Highway 10, thence over Kansas Highway 10 to junction U.S. Highway 59, and thence over U.S. Highway 59 to junction U.S. Highway 50 and return over the same route, serving no intermediate points, but service is authorized to and from points in the Kansas City, Mo.-Kansas City, Kans., commercial zone, as defined by the Commission in 31 M.C.C. 5, as off-route points in connection with applicant's authorized regular route operations, (22) between points in Missouri, (a) from Kansas City, over U.S. Highway 24 to junction Missouri Highway 7.

Thence over Missouri Highway 7 to junction extension of Lake City-Buckner Road to Lake City, (b) from Kansas City over U.S. Highway 24 to junction unnumbered highway 1⅜ miles east of Missouri Highway 7, thence over unnumbered highway to Lake City, (c) from junction U.S. Highway 40 and Missouri Highway 7 thence over Missouri Highway 7 to junction extension of Lake City-Buckner Road, thence over Lake City-Buckner Road to Lake City, (d) from junction U.S. Highway 40 and Missouri County Highway 20–E over Missouri County Highway 20–E to junction Missouri County Highway 2–N, thence over Missouri County Highway 2–N to junction unnumbered highway 1⅜ miles east of Missouri Highway 7, and thence over unnumbered highway to Lake City, and return over the routes specified in (a) through (d) above, serving all intermediate and off-route points within 2 miles of Lake City, Mo., (23) from San Jose, Calif., to San Francisco and Los Angeles, Calif., (a) from San Jose over U.S. Highway 101 to San Francisco, (b) from San Jose over U.S. Highway 101 to Los Angeles, and return over the same routes as specified in (a) and (b), serving no intermediate points, (24) serving points in the Chicago, Ill., commercial zone, as defined by the Commission in 1 M.C.C. 673, as intermediate and off-route points in connection with applicant's authorized regular route authority, (25) serving points within five (5) miles of Wichita, Kans., as intermediate and off-route points in connection with applicant's authorized regular route authority, (26) between points in Los Angeles County, Calif., south of the San Gabriel and Santa Susana Mountains, and west of the San Gabriel River, (27) between Denver, and Remaco, Colo., (28) between points in the St. Louis, Mo.-East St. Louis, Ill., commercial zone, as defined by the Commission, in 1 M.C.C. 656, (29) from St. Joseph, Mo., to Denver, and Englewood, Colo., (30) from Manzanola, Rocky Ford, Fort Lupton, Greeley, and Brighton, Colo., to Joplin, Columbia, Springfield, St. Joseph, and Kansas City, Mo., Smith Center, Wichita, Anthony, Arkansas City, Coffeyville, Manhattan, Junction City, Lawrence, Salina, Pittsburg, Chanute, Garden City, Mankato, Ottawa, Hutchinson, Dodge City, McPherson, Hillsboro, Independence, Emporia, Arma, Fort Scott, Iola, and Winfield, Kans., and Blue Island, Ill.

(31) From Kansas City, Mo., to Fort Collins, Brighton, Greeley, Loveland, and Longmont, Colo., (32) from Denver, Colo., to Milan, Humphreys, and Springfield, Mo., (33) from Deer Trail, Sterling, Denver, Greeley, Colorado Springs, Simla, Bovina, Arriba, Peyton, Limon, Pueblo, Fowler, Ordway, Agate, Hugo, Olney Springs, Fort Morgan, Kit Carson, Calhan, Rocky Ford, Matheson, Ramah, and Boone, Colo., and Bird City, and St. Francis, Kans., to Anthony, Junction City, Topeka, Fort Leavenworth, Salina, Fort Scott, Parsons, Hutchinson, Dodge City, Coffeyville, Ottawa, Independence, Arkansas City, Emporia, Lawrence, Pittsburg, Iola, and Chanute, Kans., and Kansas City, Aurora, Springfield, St. Joseph, St. Louis, Joplin, Nevada, Mansfield, Monett, Bolivar, Lebanon, Jefferson City, Vandalia, Boonville, Eldorado Springs, Ava, Sedalia, Moberly, and Columbia, Mo., (34) from Denver, Colo., to Topeka, Salina, Emporia, Chanute, Junction City, Garden City, Ottawa, Concordia, Newton, Wichita, Manhattan, and Hutchinson, Kans., and St. Joseph, Mo., (35) serving Buckley Field (located about five (5) miles east of Denver, Colo.), Pueblo Ordnance Depot (located about fifteen (15) miles east of Pueblo, Colo.), March Field (located about seven (7) miles southeast of Riverside, Calif.), Mira Loma Depot (located about nine (9) miles west of Riverside, Calif.), McClellan Field (located about two (2) miles north of Sacramento, Calif.), and Benicia Arsenal, Benicia, Calif., as off-route points in connection with applicant's presently authorized regular route authority, with service to and from March Field and Mira Loma Depot, Calif., and Pueblo Ordnance Depot, Colo., limited to shipments of 10,000 pounds or more, (36) serving the site of the 832d Air Force Specialized Depot located at Pauline, Kans., as an off-route point in connection with applicant's authorized regular route authority to and from Topeka, Kans. (except on traffic moving over its routes to and from points east of Topeka).

(37) Serving Travis Air Force Base and Mather Air Force Base, Calif., as off-route points in connection with applicant's authorized regular-route operations (restricted to shipments to and from points outside of California), (38) serving the site of the U.S. Atomic Energy Plant located at or near Marshall, Colo., as an off-route point in connection with applicant's authorized regular route authority to and from Denver, Colo., (39) serving the Test Site of the U.S. Atomic Energy Commission located at or near Mercury, Nev., as an off-route point in connection with applicant's authorized regular route authority, (40) between San Francisco, and San Jose, Calif., from San Francisco, over U.S. Highway 101 to San Jose, and return over the same route, serving all intermediate points, and the off-route points of Los Altos, Los Gatos, Cupertion, Agnew, and Alviso, Calif., (41) between Oakland, and San Jose, Calif., (a) from Oakland, over California Highway 17 by way of San Leandro, Calif., to San Jose, (1) from San Leandro over unnumbered highway by way of Hayward and Niles, Calif., to Warm Springs, Calif., thence over California Highway 17 to San Jose, and return over the same routes specified in (a) and (1) above, serving the intermediate point of Alameda, Calif., and the off-route points of Alviso and Agnew, Calif., (42) from San Francisco, Oakland, Berkeley, Richmond, Alameda, Emeryville, and San Leandro, Calif., to Mountain View, Calif., and (a) from Oakland, Berkeley, Richmond, San Leandro, Alameda, and Emeryville, Calif., to San Mateo, Calif., (43) from Berkeley, Richmond, San Leandro, and Emeryville, Calif., to San Jose, Calif., (44) from points within two (2) miles of (but not including San Jose, Calif.), to Berkeley, Richmond, Emeryville, San Francisco, Oakland, Alameda, and San Leandro, Calif., (a) from San Jose, Calif., to Berkeley, Richmond, San Leandro, and Emeryville, Calif., (45) from points within 2 miles of (but not including Los Gatos, Calif.), to San Francisco, Oakland, Berkeley, Richmond, and San Leandro, Calif., (a) from Los Gatos, Calif., to Oakland, Berkeley, Richmond, Alameda, San Leandro, and Emeryville, Calif.

(46) Between Denver, Colo., and junction U.S. Highway 87 and Colorado Highway 185 located at or near Wellington, Colo., from Denver, over Colorado Highway 185 to junction U.S. Highway 87, and return over the same route, serving no intermediate points, with service at junction U.S. Highway 87 and Colorado Highway 185 and U.S. Highway 34 and junction Colorado Highways 185 and 14, for the purpose of joinder only, (47) between Denver, Colo., and junction Col-

orado Highway 185 and U.S. Highway 85, from Denver over Colorado Highway 185 to junction U.S. Highway 85, and return over the same route, serving no intermediate points except service at junction Colorado Highway 185, and U.S. Highway 85 for purpose of joinder only, (48) between the junction of U.S. Highway 36, and Kansas Highway 15–W located at or near Morrowville, Kans., and the junction of U.S. Highway 36 and unnumbered highway located near Cuba, Kans., from junction U.S. Highway 36 and Kansas Highway 15–W over U.S. Highway 36 to junction unnumbered highway, located at or near Cuba, Kans., and return over the same route, serving no intermediate points, (49) from points in Idaho, Utah, Oregon, Washington, and California, to points in Colorado, Kansas, Missouri, and Illinois, and (a) from points in Idaho, Utah, Oregon, and Washington, to points in Oklahoma, Iowa, Nebraska, and that part of Wisconsin on and south of Wisconsin Highway 29, (50) from Silverton, Oreg., to Chicago, Ill., and points in Illinois within seventy-five (75) miles thereof, (51) from Salt Lake City, Utah, to Walnut Creek and Banning, Calif., and to March Air Force Base, located near Riverside, Calif., George Air Force Base, located near Victorville, Calif., and Morton Air Force Base, located near San Bernardino, Calif., (52) serving points on that portion of California Highway 17 between Mt. Eden, and San Jose, Calif., and points on that portion of California Highway 9 between Hayward and Warm Springs, Calif., and Newark, Calif., as intermediate and off-route points in connection with applicant's authorized regular route authority between Oakland, and San Jose, Calif.

(53) Between junction U.S. Highway 50–N and Kansas Highway 150 located near Marion, Kans. and junction Kansas Highway 150 and U.S. Highway 508 located near Elmdale, Kans., from junction U.S. Highway 50–N and Kansas Highway 150 over Kansas Highway 150 to junction U.S. Highway 50–S, and return over the same route, serving no intermediate points as an alternate route for operating convenience only, in connection with applicant's authorized regular route authority between Kansas City, Mo., and Denver, Colo., and serving the termini for purposes of joinder only, (54) between Las Vegas and Henderson, Nev., from Las Vegas, over U.S. Highway 95 to Henderson, and return over the same route, serving all intermediate points, (55) between junction U.S. Highways 30–N and 30–S located near Granger, Wyo., and junction U.S. Highways 30–N and 91 located at McCammon, Idaho, from junction U.S. Highways 30–N and 30–S located near Granger, Wyo., thence over U.S. Highway 30–N to junction U.S. Highway 91 located at McCammon, Idaho, and return over the same route, serving no intermediate points, (56) serving the sites of the Wanapum Dam on the Columbia River located south of Vantage, Wash., near Beverly, Wash., and the Priest Rapids Dam located on the Columbia River, approximately 25 miles south of Vantage, Wash., and points within fifteen (15) miles thereof said damsites, as off-route points in connection with applicant's authorized regular route authority, (57) serving the plantsite of the Glenn L. Martin Co., located near Waterton, Colo., as an off-route point in connection with applicant's authorized regular route authority to and from Denver, Colo., (58) serving points in Los Angeles, Calif., area as follows:

(a) Points in the Los Angeles, Calif., commercial zone, as defined by the Commission, (b) points in the Los Angeles Harbor commercial zone as defined by the Commission (c) points in Los Angeles County, Calif., on and south of U.S. Highway 66 and east of points in (a) and (b) above, and (d) points on U.S. Highway 101 (in lots of 10,000 pounds or more only), as off-route points in connection with applicant's authorized regular route authority, (59) serving Stayton, Oreg., as an off-route point in connection with applicant's authorized regular route authority, (60) serving points within twenty-five (25) miles of the main post office located in Los Angeles, Calif., as off-route points in connection with applicant's authorized regular route authority, (61) serving Progress, Oreg., and points within 1 mile thereof, as off-route points in connection with applicant's authorized regular route authority, (62) serving Garfield, Palouse, and Colfax, Wash., as off-route points in connection with applicant's authorized regular route authority, (63) between Los Angeles, and San Francisco, Calif., serving the intermediate and off-route points of Oakland, Alameda, Berkeley, Emeryville, and Richmond, Calif., and points in the Los Angeles, Calif., and Los Angeles Harbor, Calif., commercial zones as defined by the Commission, (64) between Tacoma, and Spokane, Wash., (a) from Tacoma over U.S. Highway 99 to Seattle, Wash., thence over U.S. Highway 10 by way of North Bend, Wash., to Teanaway, Wash., and (1) from Seattle over Washington Highway 2 (formerly U.S. Alternate Highway 10) by way of Renton, Wash., to junction U.S. Highway 10 located near Issaquah, Wash., thence over U.S. Highway 10 to Teanaway, thence over U.S. Highway 97 to junction Washington Highway 2 west of Wenatchee, thence over Washington Highway 2 to Wenatchee, Wash., thence over Washington Highway 10 to Quincy, Wash., thence over Washington Highway 7 by way of Winchester, Wash., to Davenport, Wash., thence over U.S. Highway 2 to Spokane, and return over the same routes, specified in (a) and (1) above, and serving the intermediate and off-route points within 3 miles of Seattle, and the off-route point of Pangborn Field, Wash., and the off-route points within fifteen (15) miles of Spokane, including Geiger Field, (65) between Seattle, and Spokane, Wash., from Seattle to Teanaway, Wash., over U.S. Highway 97 to Ellensburg, Wash., to Davenport, thence over U.S. Highway 2 to Spokane, and return over the same route, serving intermediate points within 3 miles of Seattle, and the off-route points of Pangborn Field, Wash., and those points within fifteen (15) miles of Spokane, including Geiger Field.

(66) Between Bingen and Yakima, Wash., from Bingen over U.S. Highway 830 to junction U.S. Highway 97 thence over U.S. Highway 97 to Yakima, and return over the same route, serving the intermediate points of Goldendale, Toppenish, Buena, Donald, and Union Gap, Wash. (and the intermediate point of Maryhill, Wash., for the purpose of joinder only with applicant's authorized regular route authority between Maryhill, Wash., and Weed, Calif.), and the off-route points of Growmore, Parker, Selah, and Wapato, Wash., points in Kittitas, Yakima, Grant, and Franklin Counties, Wash., (67) between Buena, and Attalia, Wash., from Buena over U.S. Highway 410 to Attalia, and return over the same routes, serving all intermediate points, and the off-route points of Growmore, Parker, Selah, and Wapato, Wash., points in Kittitas, Yakima, Grant, and Franklin Counties, Wash., Benton City, Mabton, and Richland, Wash., and the plant site of the U.S. Atomic Energy Commission reservation located near Hanford, Wash., (68) between Seattle, and Yakima, Wash., from Seattle, over U.S. Highway 10 to Teanaway, Wash., thence over U.S. Highway 97 to Yakima, and return over the same route, serving the intermediate point of Ellensburg, Wash., and the off-route point of Tacoma, Wash., (69) between Tacoma, and Trinidad., Wash., from Tacoma over U.S. Highway 99 to Everett, Wash., thence over U.S. Highway 2 by way of junction U.S. Highway 97 located near Peshastin, Wash., to Wenatchee, Wash., thence southeast over Washington Highway 10 to Trinidad, and return over the same route, serving all intermediate points west of the summit of Stevens Pass, restricted to traffic moving to and from points west of the summit of Stevens Pass, (70) between Seattle, and Wenatchee, Wash., serving the intermediate points of Cashmere, and Dryden, Wash., (71) between Monroe, and Fall City, Wash., from Monroe over Washington Highway 15–B to Fall City, and return over the same route, serving no intermediate points but serving Fall City for joinder purposes only.

(72) Between Los Angeles, Calif., and Portland, Oreg., (a) from Los Angeles over U.S. Highway 99 to Sacramento, Calif., thence over U.S. Highway 99–E to junction unnumbered highway (formerly U.S. Highway 99–E) near Eichvale, Calif., thence over unnumbered highway by way of Nelson and Durham, Calif., to junction U.S. Highway 99–E near Chico, Calif., thence over U.S. Highway 99–E to Red Bluff, Calif., thence over U.S. Highway 99 to Shady Point, Oreg., thence over Oregon Secondary Highway 235 (formerly U.S. Highway 99) to junction U.S. Highway 99 north of Oakland, Oreg., thence over U.S. Highway 99 to junction Oregon Secondary Highway 235 (formerly U.S. Highway 99), thence over Oregon Secondary Highway 235 to junction Oregon Highway 38 (formerly U.S. Highway 99) thence over Oregon Highway 38 to Anlaug, Oreg., thence over U.S. Highway 99 to junction Oregon Highway 225 (formerly U.S. Highway 99) located at or near Goshen, Oreg., thence over Oregon Highway 225 to junction U.S. Highway 126 (formerly U.S. Highway 99), thence over U.S. Highway 126 to Eugene, Oreg., thence over U.S. Highway 99 (portion formerly U.S. Highway 99–E) to junction Oregon Highway 164 (formerly U.S. Highway 99–E) south of Jefferson, Oreg., thence over Oregon Highway 164 to junction U.S. Highway 99 north of Jefferson, Oreg., thence over U.S. Highway 99 (formerly U.S. Highway 99–E) to junction U.S. Highway 99–E, thence over U.S. Highway 99–E to Portland, (1) from junction U.S. Highway 99 and Oregon Highway 164 south of Jefferson, Oreg., thence over U.S. Highway 99 to junction Oregon Highway 164 north of Jefferson, Oreg., and return over the same routes specified in (a) and (1) above, serving no intermediate points as an alternate route for operating convenience only, (b) between Davis Junction and Red Bluff, Calif., from Davis Junction over U.S. Highway 99–W to Red Bluff, and return over the same route, (c) between Junction City and Portland, Oreg., from Junction City, over U.S. Highway 99 to junction U.S. Highway 99–W, thence over U.S. Highway 99–W to junction U.S. Highway 99 (formerly U.S. Highway 99–W).

Thence over U.S. Highway 99 to Portland, and return over the same route, (d) between San Francisco, and Manteca, Calif., from San Francisco over U.S. Highway 50 to junction California Highway 120, thence over California Highway 120 to Manteca, and return over the same route, (e) between San Francisco, and Sacramento, Calif., from San Francisco over U.S. Highway 40 by way of Davis, Calif., to Sacramento, and return over the same route, (f) between junction U.S. Highway 50 and California Highway 120 located near Lathrop, Calif., and junction U.S. Highways 50 and 99 north of Stockton, Calif., from junction U.S. Highway 50 and California Highway 120 located near Lathrop over U.S. Highway 50 to junction U.S. Highway 99 north of Stockton, and return over the same route, serving the intermediate point of Stockton, and the off-route point of Lathrop, restricted to traffic originating at, destined to, or interchanged at points north of Sacramento, Calif., (g) between Portland, and Oregon City, Oreg., from Portland, over Oregon Highway 213 to Oregon City, and return over the same route, serving all the intermediate points, (h) between junction U.S. Highways 99 and 99–W and junction U.S. Highway 99–E and Oregon Highway 51, from junction U.S. Highways 99 and 99–W over U.S. Highway 99 to Oregon Highway 51, thence over U.S. Highways 99 and 99–W to junction U.S. Highway 99–E, and return over the same route, serving all intermediate points, (i) between Aniauf, Oreg., and junction U.S. Highway 99 and Oregon Secondary Highway 235, from Aniauf over relocated U.S. Highway 99 to junction Oregon Secondary Highway 235, and return over the same route, serving all intermediate points, (j) between junction U.S. Highway 99 and Oregon Secondary Highway 235 north of Oakland, Oreg., and Shady Point, Oreg., from junction U.S. Highway 99 and Oregon Secondary Highway 235 over relocated U.S. Highway 99 to Shady Point, and return over the same route, serving all intermediate points. NOTE: Applicant will serve all intermediate points north of Sacramento on the routes described in (a) through (j) above, between Los Angeles, Calif., and Portland, Oreg., between Davis Junction, Calif., and Red Bluff, Calif., and between Junction City, Oreg., and Portland, Oreg., and the off-route points of Hillsboro, and Gresham, Oreg., without restrictions, (73) between Bingen, Wash., and Portland, Oreg., from Bingen, over U.S. Highway 830, to Vancouver, Wash.

Thence over U.S. Highway 99 to Portland, and return over the same route, serving all intermediate points, and the off-route points within 10 miles of Bingen, (74) between Pateros, and Winthrop, Wash., from Pateros over Washington Highway 16 to Winthrop, and return over the same route, serving all intermediate points, and the off-route points within 5 miles of Washington Highway 16 located between Pateros and Winthrop, including 5 miles of the termini, (75) between Wenatchee, and Oroville, Wash., from Wenatchee over U.S. Highway 97 to Oroville, and return over the same route, serving all intermediate points, and off-route points within 5 miles of U.S. Highway 97 between Wenatchee and Oroville, including 5 miles of Wenatchee, (76) between Oroville, Wash., and the international boundary line between the United States and Canada, from Oroville, over U.S. Highway 97 to the international boundary line between the United States and Canada, and return over the same route, serving all intermediate points and off-route points within 5 miles of U.S. Highway 97 between said termini, including 5 miles of Oroville, (77) between Portland, Oreg., and Pasco, Wash. (north-bank route), from Portland over U.S. Highway 99 to Vancouver, Wash., thence over U.S. Highway 830 at Maryhill, Wash., thence over U.S. Highway 97 to Toppenish, Wash., thence over unnumbered highway to Zillah, Wash., thence over U.S. Highway 410 to Pasco, and return over the same route, serving the intermediate points of Kennewick, Wash., (78) between Portland, Oreg., and Spokane, Wash. (south-bank route), from Portland, over U.S. Highway 30 to junction U.S. Highway 730, thence over U.S. Highway 730 to junction U.S. Highway 395, thence over U.S. Highway 395 by way of Pasco, Wash., to junction U.S. Highway 10, thence over U.S. Highway 10 to Spokane, and return over the same route, serving the intermediate points of Pasco, Eltopia, Connell, Lind, Ritzville, Sprague, and Cheney, Wash. (except that service is not authorized from these points on a westbound movement by way of the south-bank route), the intermediate point of Troutdale, Oreg., and the off-route points of Kennewick and Medical Lake, Wash., and the U.S. Army Air Corps Maintenance Supply Depot located at Galene, Wash., restricted to eastbound traffic, Umatilla, Irrigon, Boardman, Arlington, The Dalles, Mosier, Hood River, Cascade Locks, Bonneville, Multonomah Falls, Bridal Veil, and Corbett, Oreg., restricted to westbound traffic.

(79) Between Portland, Oreg., and Seattle, Wash., from Portland over U.S. Highway 99 to junction Washington Highway 1 (formerly U.S. Highway 99) located at or near Olequa, Wash., thence over Washington Highway 1 by way of Toledo and Chehalish, Wash., to junction Washington Highway 9 (formerly U.S. Highway 99) at or near Centralia, Wash., thence over Washington Highway 9 to junction unnumbered highway (formerly U.S. Highway 99) at or near Grand Mound, Wash., thence over unnumbered highway by way of Tenino, Wash., to junction U.S. Highway 99 at or near Tumwater, Wash., thence over U.S. Highway 99 to Seattle, and return over the same route, serving all intermediate points, and the off-route point of Longview, Wash., without restriction and those on Washington Highway 5 between Tacoma and Seattle, Wash., restricted to traffic moving to or from points south of Tacoma, (80) between Tacoma, and Port Steilacoom, Wash., from Tacoma over Hanna Road to junction McGeary Road, thence over McGeary Road to junction Whyte-McGeary Road, thence over Whyte-McGeary Road to junction unnumbered highway, thence over unnumbered highway to Fort Steilacoom, and return over the same route, serving no intermediate points, (81) between Seattle, and Tacoma, Wash., and Missoula, Mont., and Coulee Dam, Wash., serving all intermediate points between Ellensburg, Wash., and Missoula, Mont., and the towns contiguous to the site of Coulee Dam, Wash., as off-route points and the off-route points of Superior, Mont., and points within 10 miles thereof, (82) between Spokane, Wash., and Coeur d'Alene, Idaho, from Spokane over U.S. Highway 10 to Coeur d'Alene, and return over the same route, serving all intermediate points.

(83) Between Sandpoint, Idaho, and Missoula, Mont., from Sandpoint over U.S. Alternate Highway 10 to junction U.S. Highway 10, thence over U.S. Highway 10 to Missoula, and return over the same route, serving no intermediate points, (84) between Los Angeles, Calif. and Seattle, Wash., (a) from Los Angeles over U.S. Highway 99 to Sacramento, Calif., thence over U.S. Highway 99–E to junction unnumbered highway (formerly U.S. Highway 99–E) near Richvale, Calif., thence over unnumbered highway by way of Nelson and Durham, Calif., to junction U.S. Highway 99–E near Chico, Calif., thence over U.S. Highway 99–E to Red Bluff, Calif., (1) from Sacramento over U.S. Highway 99–W to Red Bluff), thence over U.S. Highway 99 to Shady Point, Oreg., thence over Oregon Secondary Highway 235 (formerly U.S. Highway 99) to junction U.S. Highway 99 north of Oakland, Oreg., thence over U.S. Highway 99 to junction Oregon Secondary Highway 235 (formerly U.S. Highway 99) thence over Oregon Secondary Highway 235 to junction Oregon Highway 38 (formerly U.S. Highway 99) thence over Oregon Highway 38 to Aniauf, Oreg., thence over U.S. Highway 99 to junction Oregon Highway 225 (formerly U.S. Highway 99) at or near Goshen, Oreg., thence over Oregon Highway 225 to junction U.S. Highway 126 (formerly U.S. Highway 99), thence over U.S. Highway 126 to Eugene, Oreg., thence over U.S. Highway 99 (formerly U.S. Highway 99–

E), to junction Oregon Highway 164 (formerly U.S. Highway 99–E) south of Jefferson, Oreg., thence over Oregon Highway 164 to junction U.S. Highway 99 (formerly U.S. Highway 99–E) north of Jefferson, Oreg., thence over U.S. Highway 99 to junction U.S. Highway 99–E, thence over U.S. Highway 99–E to Portland, (2) from Junction City, Oreg., over U.S. Highway 99 to junction U. S. Highway 99–W, thence over U. S. Highway 99–W to junction U.S. Highway 99 (formerly U.S. Highway 99–W), and thence over U.S. Highway 99 to Portland, thence over U.S. Highway 99 to junction Washington Highway 1 (formerly U.S. Highway 99) at or near Olequa, Wash.

Thence over Washington Highway 1 by way of Toledo and Chehalis, Wash., to junction Washington Highway 9 (formerly U.S. Highway 99) at or near Centralia, Wash., thence over Washington Highway 9 to junction unnumbered highway (formerly U.S. Highway 99) at or near Grand Mound, Wash., thence over unnumbered highway by way of Tenino, Wash., to junction U.S. Highway 99 at or near Tumwater, Wash., thence over U.S. Highway 99 to Seattle, and return over the same routes, serving the intermediate and off-route points of Fresno, Modesto, Stockton, Sacramento, and Redding, Calif., Ashland, Medford, Grants Pass, Roseburg, Eugene, Corvallis, Albany, Salem, and Portland, Oreg., Chehalis, Centralia, Olympia, and Tacoma, Wash., and those in the Los Angeles, Calif., commercial zone, as defined by the Commission, restricted to traffic moving between Washington and Oregon points, on the one hand, and, on the other, points in California, and the intermediate point of Klamath Falls, Oreg., restricted to traffic moving between Klamath Falls, on the one hand, and, on the other, points in the Los Angeles, Calif., commercial zone, and the Los Angeles Harbor commercial zone, as defined by the Commission, (85) between Weed, Calif., and Goshen, Oreg., from Weed over U.S. Highway 97 to junction Oregon Highway 58 approximately 8 miles north of Chemult, Oreg., thence over Oregon Highway 58 to Goshen, and return over the same route, serving no intermediate points, (86) between Woodburn and Salem, Oreg., from Woodburn over Oregon Highway 214 to junction Oregon Highway 213 (formerly Oregon Highway 211), thence over Oregon Highway 213 to Salem, and return over the same route, serving the intermediate point of Mt. Angel, Oreg., (87) between Wenatchee, Wash., and the plant site of the Aluminum Co. of America Reduction Plant (near Malaga, Wash., from Wenatchee over unnumbered county highway to the plant site of the Aluminum Co. of America Reduction Plant, and return over the same route, serving no intermediate points, (88) from Wenatchee, to Seattle, Wash., from Wenatchee over U.S. Highway 97 to junction U.S. Highway 10.

Thence over U.S. Highway 10 to Seattle, and return over the same route, serving no intermediate points, (89) from Palisades, Malaga, Orondo, Entiat, Olds, Peshastin, and Leavenworth, Wash., to Tacoma, Wash., from Palisades, Malaga, Orondo, Entiat, Olds, Peshastin, and Leavenworth to junction U.S. Highway 10, thence over U.S. Highway 10 to Seattle, Wash., thence over U.S. Highway 99 to Tacoma, and return over the same routes, serving the intermediate point of Seattle, Wash., for delivery only, (90) from points in Washington and Oregon, to points in California, from Grandview, Sunnyside, Toppenish, Wapato, Yakima, Tieton, Wenatchee, Cashmere, Everett, Bellingham, Kent, Auburn, Sumner, Puyallup, Aberdeen, and Kalama, Wash., and Astoria, Hillsboro, Hood River, Wheeler, Newport, Reedsport, and Coos Bay, Oreg., thence to Oakland, San Francisco, Santa Barbara, and San Diego, Calif., and points in the Los Angeles, Calif., commercial zone and the Los Angeles Harbor, commercial zone, as defined by the Commission, and return over the same route, serving no intermediate points, (91) between Mary's Corner, and Yakima, Wash., from Mary's Corner over Washington Highway 5 by way of Kosmos, Packwood, and Rimrock, Wash., to junction U.S. Highway 410, thence over U.S. Highway 410 by way of Naches, Wash., to Yakima, and return over the same route, serving no intermediate points, (92) between Soap Lake, and Davenport, Wash., from Soap Lake over Washington Highway 7 to junction U.S. Highway 2 (formerly U.S. Highway 10) thence over U.S. Highway 2 to Davenport, and return over the same routes, serving no intermediate points, (93) between Junction Washington Highway 7 and U.S. Highway 10 (Washington Highway 18) near Burke Junction, Wash., and junction U.S. Highways 2 and 10 near Spokane, Wash., from junction Washington Highway 7 and U.S. Highway 10 over U.S. Highway 10 to junction U.S. Highway 2 (formerly U.S. Highway 10), and return over the same route, with no service at termini, and serving no intermediate points.

(94) Between Maryhill, Wash., and Weed, Calif., from Maryhill over U.S. Highway 97 to Weed, and return over the same route, serving no intermediate points, (95) between Portland, Oreg., and junction U.S. Highway 197 (formerly Oregon Highway 50) and U.S. Highway 97, approximately 10 miles southwest of Shaniko, Oreg., from Portland, over U.S. Highway 26 (formerly Oregon Highway 50) by way of Government Camp to junction Oregon Highway 52, thence over Oregon Highway 52 (formerly Oregon Highway 50) to Maupin, Oreg., thence over U.S. Highway 197 (formerly Oregon Highway 50) to junction U.S. Highway 97, and return over the same route, serving no intermediate points, but serving the junction of U.S. Highways 197 and 97 for joinder purposes only, (96) between junction U.S. Highway 26 (formerly Oregon Highway 50) and Oregon Highway 52 (formerly Oregon Highway 50) near Bear Springs, Oreg. and junction U.S. Highways 26 and 97 at or near Madreas, Oreg., and return over the same route, serving no intermediate points, but serving the termini for joinder purposes only, (97) between junction Oregon Highway 58 and U.S. Highway 99 at Goshen, Oreg., and junction Oregon Highway 58 and U.S. Highway 97, approximately 10 miles north of Chemult, Oreg., from junction Oregon Highway 58 and U.S. Highway 99 over Oregon Highway 58 to junction U.S. Highway 97, and return over the same route, serving no intermediate points, but serving the junction of Oregon Highway 58 and U.S. Highway 97 for joinder purposes only, (98) between Woodland and Yuba City, Calif., from Woodlawn over California Highway 24 to Yuba City, and return over the same route, serving no intermediate points, (99) between Rickreall and Salem, Oreg. from Rickreall over Oregon Highway 22 to Salem, and return over the same route, serving no intermediate points, (100) between Monmouth, Oreg., and junction Oregon Highways 51 and 22, from Monmouth over Oregon Highway 51 to junction Oregon Highway 22, and return over the same route, serving no intermediate points, but serving the junction of Oregon Highways 51 and 22 for joinder purposes only.

(101) Between Corvallis and Albany, Oreg., from Corvallis, over U.S. Highway 20 to Albany, and return over the same route, serving no intermediate points, (102) between Troutdale, and Dodson, Oreg., from Troutdale, over new U.S. Highway 30 to Dodson, and return over the same route, serving no intermediate points and serving Dodson for joinder purposes only, (103) between the junction of The Dalles Bridge and U.S. Highway 30 near Seufert, Oreg., and the junction of The Dalles Bridge and U.S. Highway 830, near North Dalles, Wash., from junction The Dalles Bridge and U.S. Highway 30 over The Dalles Bridge to junction U.S. Highway 830, and return over the same route, serving no intermediate points, (104) between junction U.S. Highway 730 and Umatilla Bridge near Umatilla, Oreg., and Kennewick, Wash., from junction U.S. Highway 730 and Umatilla Bridge over said Bridge to Plymouth, Wash., thence over Washington Highway 8 to Kennewick, and return over the same route, serving no intermediate points, (105) between Tenino and Tacoma, Wash., from Tenino over Washington Highway 5–H to junction Washington Highway 5, thence over Washington Highway 5 to Tacoma, and return over the same route, serving no intermediate points, (106) between Weed, Calif., and Seattle, Wash., from Weed over U.S. Highway 97 to Tenaway, Wash., thence over U.S. Highway 10 to Seattle, and return over the same route, serving no intermediate points, (107) between Ashland, Oreg., and junction U.S. Highway 97 and Oregon Highway 66, from Ashland over Oregon Highway 66 to junction U.S. Highway 97 and return over the same route, serving no intermediate points, but serving the junction of U.S. Highway 97 and Oregon Highway 66 for joinder purposes only, (108) between Seattle, and Dryden, Wash., from Seattle, over U.S. Highway 99 to Everett, Wash., thence over U.S. Highway 2 to Dryden, and return over the same route, serving no intermediate points.

(109) Between Seattle, and Snohomish, Wash., from Seattle over Washington Highway 2 (Bothell Branch) to Woodinville, Wash., thence over Washington Highway 1A through Day City to Snohomish, and return over the same route, serving no intermediate points, (a) between Factoria, and Woodinville, Wash., from Factoria over Washington Highway 2A (new) to junction unnumbered county road east of Bellevue, Wash., thence over unnumbered county road by way of Kenilworth to junction Washington Highway 2–D, thence over Washington Highway 2–D to Redmond, Wash., thence over Washington Highway 2 to Woodinville, and return over the same route, serving no intermediate points, (b) between Woodinville, and Duvall, Wash., from Woodinville over Washington Highway 2–C to Duvall, and return over the same route, serving no intermediate points, (c) between Redmond, and Cottage Lake, Wash., from Redmond, over an unnumbered county road to Cottage Lake, and return over the same route, serving no intermediate points, (d) between junction Washington Highway 2–C and unnumbered county road (approximately 1 mile west of Duvall, Wash.) and Monroe, Wash., from junction Washington Highway 2–C and unnumbered county road (approximately 1 mile west of Duvall) over unnumbered county road northerly to junction Washington Highway 15–B, thence over Washington Highway 15–B to Monroe, and return over the same route, serving no intermediate points, service over routes specified in (109) (a) through (d) above restricted to use of said routes as alternate routes and no service is authorized at any intermediate points or at any point named except that joinder is authorized between said routes at Cottage Lake, Duvall, Factoria, Monroe, Redmond, Seattle, Snohomish, Woodinville, and the junction of Washington Highway 2–C and an unnumbered county road approximately 1 mile west of Duvall, Wash., (110) between points in Klickitat and Sakmania Counties, Wash., and points in Hood River and Wasco Counties, Oreg., (a) from points in Sakmania and Klickitat Counties, Wash., and points in Hood River and Wasco Counties, Oreg., to Portland and Astoria, Oreg., and points in Clark County, Wash.

(b) From Bingen, Wash., and points within 15 miles thereof, to Portland, Oreg., and points in Oregon within 30 miles thereof, (c) from points in California on and south of U.S. Highway 50, to points in Oregon, and Washington, (d) from Medford, Grants Pass, Roseburg, Corvallis, Salem, Portland, Goshen, Astoria, Hillsboro, Hood River, Wheeler, Newport, Reedsport, Coos Bay (formerly Marshfield), Ashland, and Albany, Oregon, and Seattle, Chehalis, Centralia, Olympia, Tacoma, Grandview, Sunnyside, Toppenish, Wapato, Yakima, Tieton, Wenatchee, Cashmere, Everett, Bellingham, Kent, Auburn, Sumner, Puyallup, Aberdeen, and Kalama, Wash., to points in California on and south of U.S. Highway 50 (except San Francisco, Oakland, Sacramento, and San Jose), (e) from Olympia, Wash., to points in California (except those points in which applicant may serve in regular route operations to and from Olympia, Wash.), (f) from points in California, to Olympia, Wash., and (g) from points in Washington in and west of Whatcom, Skagit, Chelan, Kittitas, Yakima, and Klickitat Counties (except points in Clallam, Jefferson, Kitsap, and Mason Counties), (1) from points in Oregon in and west of Wasco, Jefferson, Deschutes, and Klamath Counties (except points in Coos, Curry, Douglas, Jackson, and Josephine Counties), to points in California, (111) from McClellan Air Force Base located at McClellan, Calif., over unnumbered highway to junction U.S. Highway 99–E, thence over U.S. Highway 99–E to junction unnumbered highway (formerly U.S. Highway 99–E) near Richvale, Calif., thence over unnumbered highway by way of Nelson and Durham, Calif., to junction U.S. Highway 99–E near Chico, Calif., thence over U.S. Highway 99–E to Red Bluff, Calif., thence over U.S. Highway 99 to Shady Point, Oreg., thence over Oregon Secondary Highway 235 (formerly U.S. Highway 99) to junction U.S. Highway 99 north of Oakland, Oreg.

Thence over U.S. Highway 99 to junction Oregon Secondary Highway 235 (formerly U.S. Highway 99), thence over Oregon Secondary Highway 235 to junction Oregon Highway 38 (formerly U.S. Highway 99), thence over Oregon Highway 38 to Aniauf, Oreg., thence over U.S. Highway 99 to junction Oregon Highway 225 (formerly U.S. Highway 99) at or near Goshen, Oreg., thence over Oregon Highway 225 to junction U.S. Highway 126 (formerly U.S. Highway 99), thence over U.S. Highway 126 to Eugene, Oreg., thence over U.S. Highway 99 to junction U.S. Highway 99–W north of Junction City, Oreg., thence continue over U.S. Highway 99 (formerly U.S. Highway 99–E) to junction Oregon Highway 164 (formerly U.S. Highway 99–E), south of Jefferson, Oreg., thence over Oregon Highway 164 to junction U.S. Highway 99 (formerly U.S. Highway 99–E) north of Jefferson, Oreg., thence over U.S. Highway 99 to junction U.S. Highway 99–E, thence over U.S. Highway 99–E to Portland, (a) from junction U.S. Highways 99–W and 99 (formerly U.S. Highway 99–E) north of Junction City, Oreg., over U.S. Highway 99–W to junction U.S. Highway 99 (formerly U.S. Highway 99–W), and thence over U.S. Highway 99 to Portland, thence over U.S. Highway 99 to junction Washington Highway 1 (formerly U.S. Highway 99), at or near Olequa, Wash., thence over Washington Highway 1 by way of Toledo and Chehalis, Wash., to junction Washington Highway 9 (formerly U.S. Highway 99) at or near Centralia, Wash., thence over Washington Highway 9 to junction unnumbered highway (formerly U.S. Highway 99) at or near Grand Mound, Wash., thence over unnumbered highway by way of Tenino, Wash., to junction U.S. Highway 99 at or near Tumwater, Wash., thence over U.S. Highway 99, to Seattle, and return over the same route, serving no intermediate points, (112) serving the Ticeska Damsite, located at or near Bliss, Idaho, an off-route point in connection with applicant's authorized regular route operations to and from Bliss, Idaho, (a) serving points on and within (15) miles of an unnumbered highway between Rupert and Minidoka, Idaho (except those points applicant is otherwise authorized to serve and except Minidoka and Acequia, Idaho), as off-route points in connection with applicants authorized regular route operations to and from Rupert, Idaho.

(113) Between Salt Lake City, Utah, and Boise, Idaho, (a) from Salt Lake City over U.S. Highway 91 to Brigham City, Utah (also, from junction U.S. Highway 91 and Utah Highway 106 (formerly Alternate U.S. Highway 91) over Utah Highway 106 by way of Bountiful, Utah, to junction U.S. Highway 91, and thence over U.S. Highway 91 to Brigham City, Utah), and thence over U.S. Highway 30–S to Burley, Idaho, and thence over U.S. Highway 30 to Boise, and return over the same route, serving all intermediate points, and the off-route points of Magna, Garfield, Murray, Midvale, and Provo, Utah, (b) between Burley, and Paul, Idaho, from Burley over unnumbered highway to Paul, and return over the same route, serving all intermediate points, (c) between Tremonton, Utah, and St. Anthony, Idaho, from Tremonton over U.S. Highway 191 (formerly Utah Highway 41) to the Utah-Idaho State line, thence over U.S. Highway 191 (formerly Idaho Highway 36) to Downey, Idaho, thence over U.S. Highway 91 to Idaho Falls, Idaho, and thence over U.S. Highway 191 to St. Anthony, and return over the same route, serving all intermediate points, (d) between Brigham City, Utah, and Downey, Idaho, from Brigham City, over U.S. Highway 91 to Downey, (1) from Brigham City over Utah Highway 69 (formerly U.S. Highway 89) to Logan, Utah, and thence over U.S. Highway 91, to Downey), and return over the same route, serving all intermediate points, (e) between Pocatello, and Bliss, Idaho, from Pocatello over U.S. Highway 30–N to junction Idaho Highway 25, thence over Idaho Highway 25 to junction Idaho Highway 46 (formerly Idaho Highway 25), thence over Idaho Highway 46 to Gooding, Idaho, and thence over Idaho Highway 24 to Bliss, and return over the same route, serving all intermediate points, (f) between Twin Falls, and Jerome, Idaho, from Twin Falls, over U.S. Highway 93 to junction Idaho Highway 79 (formerly U.S. Highway 93) and thence over Idaho Highway 70 to Jerome, and return over the same route, serving all intermediate points, (g) between Rupert, and Burley, Idaho, from Rupert, over U.S. Highway 30–N to Burley, and return over the same route, serving all intermediate points.

(h) Between Blackfoot, Idaho, and the nearest point on unnumbered highway (formerly U.S. Highway 20) within the Reservation of the U.S. Atomic Energy Reactor Testing Station, from Blackfoot over unnumbered highway (formerly U.S. Highway 20) to the nearest point on above described highway within the specified reservation, and return over the same route, serving no intermediate points, but serving the off-route points of the U.S. Atomic Energy Reactor Testing Station, and points

within the U.S. Atomic Energy Reactor Testing Station Reservation, (i) between Wendell, and Bliss, Idaho, from Wendell over Idaho Highway 25 to Bliss, and return over the same route serving all intermediate points, (j) between junction U.S. Highway 191 and U.S. Highway 26 (formerly Idaho Highway 29) and Palisades Damsite, from junction U.S. Highway 191 and U.S. Highway 26 (formerly Idaho Highway 29) over U.S. Highway 26 to the Palisades Damsite, and return over the same route, serving the intermediate and off-route points within 5 miles of the Palisades Damsite, and serving the intermediate point of Ririe, Idaho, with service to Ririe, Idaho, restricted to the pickup or delivery of shipments moving to or from the Palisades Damsite or points within 5 miles thereof, (k) between Mountain Home, Idaho, and the plantsite of the C. J. Strike Dam of the Idaho Power Co., from Mountain Home, over Idaho Highway 51, approximately 4 miles to junction unnumbered highway, thence over unnumbered highway in a westerly direction, approximately 14 miles to junction unnumbered highway, and thence over said unnumbered highway to the site of the C. J. Strike Dam, and return over the same route, serving the intermediate and off-route points within 1 mile of the C. J. Strike Dam.

(l) Between junction U.S. Highway 30 and unnumbered highway, and the plantsite of the C. J. Strike Dam of the Idaho Power Co., from junction U.S. Highway 30 and unnumbered highway, at a point approximately 20 miles northwest of Mountain Home, Idaho, over unnumbered highway a distance of approximately 20 miles to junction unnumbered highway, and thence over said unnumbered highway for a distance of approximately 8 miles, to the site of the C. J. Strike Dam, and return over the same route, serving the intermediate and off-route points within 1 mile thereof, restricted to service authorized in routes (k) and (l) above, is subject to the condition that no traffic originating at Salt Lake City, Utah, shall be transported over the above described routes, (m) between Gooding, and Idaho Falls, Idaho, from Gooding over Idaho Highway 24 to Shoshone, Idaho, thence over Alternate U.S. Highway 93 to Carey, Idaho, thence over U.S. Highway 20 to junction highway (known as Idaho Falls-Twin Buttes Highway), approximately 6 miles northwest of Midway (Atomic City), Idaho, and thence over Idaho Falls-Twin Buttes Highway to Idaho Falls, and return over the same route, serving no intermediate points, (n) between Jerome, and Idaho Falls, Idaho, from Jerome over Idaho Highway 25 (formerly U.S. Highway 93) to junction U.S. Highway 93, thence over U.S. Highway 93 to Shoshone, Idaho, thence over Alternate U.S. Highway 93 to Carey, Idaho, thence over U.S. Highway 20 to junction highway (known as Idaho Falls-Twin Buttes Highway) approximately 6 miles northwest of Midway (Atomic City), Idaho, and thence over Idaho Falls-Twin Buttes Highway to Idaho Falls, and return over the same route, serving no intermediate points, (o) between Gooding, and Blackfoot, Idaho, from Gooding over Idaho Highway 24 to Shoshone, Idaho, thence over Alternate U.S. Highway 93 to Carey, Idaho, thence over U.S. Highway 20 to junction unnumbered highway (formerly U.S. Highway 20), and thence over unnumbered highway to Blackfoot, and return over the same route, serving no intermediate points, and (p) between Jerome, and Blackfoot, Idaho, from Jerome, over Idaho Highway 25 (formerly U.S. Highway 93) to junction U.S. Highway 93, thence over U.S. Highway 93 to Shoshone, Idaho.

Thence over Alternate U.S. Highway 93 to Carey, Idaho, thence over U.S. Highway 20 to junction unnumbered highway (formerly U.S. Highway 20), and thence over unnumbered highway to Blackfoot, and return over the same route, serving no intermediate points, (114) between Boise and Lucky Peak Dam, Idaho, from Boise, over Idaho Highway 21 to Lucky Peak Dam, located approximately ten (10) miles northeast of Boise, and return over the same route, serving all intermediate points, (115) between Sugar and Victor, Idaho, from Sugar, over Idaho Highway 33 (formerly Alternate U.S. Highway 20) to Victor, and return over the same route, serving the intermediate points of Teton, Newdale, Clementsville, Tetonia, and Driggs, Idaho, and the off-route points of Drummond and Felt, Idaho, (b) between Idaho Falls, and Ammon, Idaho, from Idaho Falls east over an unnumbered highway (called Ammon Road), approximately three (3) miles, thence south over an unnumbered highway approximately nine-tenths of a mile to Ammon, and return over the same route, serving all intermediate points, (c) between Boise, and New Meadows, Idaho, from Boise, over Idaho Highway 44 to junction U.S. Highway 30, thence over U.S. Highway 30 to junction U.S. Highway 30–N, thence over U.S. Highway 30–N to Weiser, Idaho, and thence over U.S. Highway 95 to New Meadows, and return over the same route, serving all intermediate points, (d) between Emmett, and New Meadows, Idaho, from Emmett over Idaho Highway 52 to junction U.S. Highway 30, and thence over U.S. Highway 30 to junction U.S. Highway 30–N, thence over U.S. Highway 30–N to Weiser, Idaho, and thence over U.S. Highway 95 to New Meadows, and return over the same route, serving all intermediate points, (e) between Ontario, Oreg., and Payette, Idaho, from Ontario over U.S. Highway 30 to junction U.S. Highway 95, and thence over U.S. Highway 95 to Payette, and return over the same route, serving all intermediate points, (f) between Ontario, Oreg., and Weiser, Idaho, from Ontario, over U.S. Highway 30 to junction U.S. Highway 30–N, near Weiser, Idaho, and thence over U.S. Highway 30–N to Weiser, and return over the same route, serving all intermediate points.

(g) Between New Meadows, and McCall, Idaho, from New Meadows, over Idaho Highway 15 to McCall, and return over the same route, serving all intermediate points, and the off-route points of Old Meadows and Sylvan Beach, Idaho, restricted to service over routes shown above in (c) through (f) inclusive, against pick-up or delivery of traffic at Ontario, Oreg., and Weiser, and Payette, Idaho, when moving to or from Ontario, Oreg., Weiser, or Payette, Idaho, and at New Meadows and Boise, Idaho, when moving to or from New Meadows or Boise, Idaho, (h) between Boise, Idaho, and the Idaho-Oregon State line, (a) from Boise over Idaho Highway 44 to junction U.S. Highway 30, thence over U.S. Highway 30 to Caldwell, Idaho, and thence over Idaho Highway 19 by way of Homedale, Idaho, to the Idaho-Oregon State line, and return over the same route, serving the intermediate points of Meridian, Nampa, Caldwell, Homedale, Marsing, Eagle, Star, and Middletown, Idaho, and the off-route points of Greenleaf, Wilder, and Houston, Idaho, (b) from Boise over U.S. Highway 30 to Caldwell, thence over unnumbered highway to junction Idaho Highway 72, thence over Idaho Highway 72 to junction U.S. Highway 95, thence over U.S. Highway 95 to Homedale, Idaho, and thence over Idaho Highway 19 to the Idaho-Oregon State line, and return over the same route, serving the intermediate and off-route points specified above in (1), (i) between Boise, and Emmett, Idaho, from Boise over Idaho Highway 44 to junction Idaho Highway 16 and thence over Idaho Highway 16 to Emmett, and return over the same route, serving the intermediate point of Eagle, Idaho, (j) between Boise, and New Meadows, Idaho, from Boise, over Idaho Highway 44 to junction Idaho Highway 15, and thence over Idaho Highway 15 to New Meadows, and return over the same route, serving all intermediate points, and the off-route points of Roseberry, Norwood, and Sylvan Beach, Idaho, (116) between Twin Falls and Clayton, Idaho, from Twin Falls over U.S. Highway 93 to Shoshone, thence over Alternate U.S. Highway 93 to Tikura, Idaho, thence over unnumbered highway to Picabo, Idaho, thence over Idaho Highway 23 (formerly Idaho Highway 22) to Bellevue, Idaho (1) from Shoshone, Idaho, over U.S. Highway to Bellevue, Idaho, and thence over U.S. Highway 93 to Clayton, and return over the same route, serving the intermediate points of Shoshone, Richfield, Picabo, Gannett, Bellevue, Ketchum, and Hailey, Idaho, and points between Ketchum and Hailey, Idaho, and points between Ketchum and Clayton, Idaho, and the off-route points within fifteen (15) miles of the specified routes between Clayton and Shoshone, Idaho.

(117) Between Salmon, Idaho, and Missoula, Mont., from Salmon, over U.S. Highway 93 to Missoula, and return over the same route, serving all intermediate points, (118) between Roberts and Rigby, Idaho, (a) from Roberts over Idaho Highway 48 to Rigby, and return over the same route, serving all intermediate points, and (b) between Idaho Falls, and Salmon, Idaho, from Idaho Falls, over U.S. Highway 91 to junction Idaho Highway 28, and thence over Idaho Highway 28 to Salmon, and return over the same route, serving all intermediate points without restriction, off-route point of Ammon, Idaho, and the plantsite of the Atomic Energy Reactor Testing Plant, and Reservation and Naval Proving Grounds, located near Arco, Idaho, through all gateways thereto restricted against the interchange of commodities

at Idaho Falls, Idaho, destined to or originating at said Reservation, (c) between junction U.S. Highway 91 and Utah Highway 84, at Roy, Utah, and junction U.S. Highway 91 and Utah Highway 84, at Hot Springs, Utah, from junction U.S. Highway 91 and Utah Highway 84 over Utah Highway 84 to junction U.S. Highway 91, and return over the same route, serving no intermediate points, for operating convenience only, in connection with applicant's authorized regular route authority between Salt Lake City, Utah, and Boise, Idaho, (d) between Ogden, Utah, and junction 12th Street and Utah Highway 84, from Odgen over 12th Street to junction Utah Highway 84, and return over the same route, serving no intermediate points, for operating convenience only, in connection with applicant's authorized regular route authority between Salt Lake City, Utah, and Boise, Idaho, and serving junction 12th Street and Utah Highway 84, for the purpose of joinder only, and (e) between Ogden, Utah, and junction Utah Highways 38 and 84, from Ogden over Utah Highway 38 to junction Utah Highway 84, and return over the same route, serving no intermediate points, for operating convenience only, in connection with applicant's authorized regular route authority between Salt Lake City, Utah, and Boise, Idaho, (f) between junction U.S. Highway 30 and Idaho Highway 52, located near New Plymouth, and Payette, Idaho, from junction U.S. Highway 30 and Idaho Highway 52 over Idaho Highway 52 to Payette, and return over the same route, serving no intermediate points, for operating convenience only.

(g) Between Boise and Caldwell, Idaho, from Boise over U.S. Highway 20 to Caldwell, and return over the same route, serving no intermediate points, for operating convenience only, (h) between on-rail points in Idaho which carrier is authorized to serve as shown in routes (a) through (g) above, on the one hand, and, on the other, Civilian Conservation Corps camps located in that part of Blaine County, Idaho, south of a line beginning at the northeast corner of Minidoka County, Idaho, and extending to the northwest corner of Power County, Idaho, and points in Boise, Ada, Elmore, Gooding, Owyhee, Twin Falls, Jerome, Lincoln, Minidoka, Cassia, Power, Oneida, Franklin, Bingham, Bannock, Bonneville, Madison, and Fremont Counties, Idaho (except those camps located on U.S. Highway 30 west of Boise, Idaho, camps on U.S. Highway 20, west of Boise, Idaho, camps on Idaho Highway 72 (formerly Idaho Highway 20) west of Nampa, Idaho, camps on U.S. Highway 93 south of Twin Falls, Idaho, camps on Idaho Highway 25 (formerly U.S. Highway 93) and U.S. Highway 93 between Jerome and Bellevue, Idaho, camps on U.S. Highway 30–N east of McCammon, Idaho, camps on U.S. Highway 191 north of St. Anthony, Idaho, camps on U.S. Highway 91 north of Idaho Falls, Idaho, and camps located on a line beginning at Bellevue, Idaho, and extending along Idaho Highway 23 (formerly Idaho Highway 22) to Carey, Idaho, thence along U.S. Highway 20 to junction unnumbered highway (formerly U.S. Highway 20), and thence along unnumbered highway to Blackfoot, Idaho, (119) serving the Glen Canyon Damsite in Arizona (on the Colorado River near the Arizona-Utah State line) and points within ten (10) miles thereof, as off-route points in connection with applicant's authorized regular route authority between Salt Lake City, Utah, and Las Vegas, Nev., (120) between Stockton, and Los Angeles, Calif., from Stockton over U.S. Highway 99 to Los Angeles, and return over the same route, serving all intermediate points.

(121) Serving the plantsite of the Thiokol Chemical Corp., located approximately ten (10) miles west of Corinne, Utah, as an off-route point in connection with applicant's authorized regular-route operations (1) between Brigham, Utah, and Downey, Idaho, (2) between Salt Lake City, Utah, and Boise, Idaho, and (3) between Tremonton, Utah, and Downey, Idaho, (122) serving the Ice Harbor Damsite near Pasco, Wash., and points within fifteen (15) miles thereof as intermediate and off-route points in connection with applicant's authorized regular route operations (1) between Portland, Oreg., and Pasco, Wash., (2) between Portland, Oreg., and Spokane, Wash., and (3) between Buena, and Attalia, Wash., (123) between Boise, Idaho, and Hells Canyon Damsite, Oreg., from Boise over U.S. Highway 20 to Caldwell, Idaho, thence over U.S. Highway 30 to junction U.S. Highway 95, thence over U.S. Highway 95 to Cambridge, Idaho, thence over unnumbered highway to Brownlee Damsite, near Brownlee, Oreg., thence over unnumbered highway in a northerly direction to Oxbow Damsite near Homestead, Oreg., thence over said unnumbered highway in a northerly direction to Hells Canyon Damsite, and return over the same route, serving the intermediate points of Brownlee and Oxbow Damsites, Oreg., and the off-route points in Oregon and Idaho within five (5) miles of Brownlee, Oxbow, and Hells Canyon Damsites, (124) between Kansas City, and Wichita, Kans., from Kansas City over Kansas Turnpike to Wichita, and return over the same route, serving no intermediate points, as an alternate route for operating convenience only in connection with applicant's authorized regular route authority between Kansas City, and Wichita, Kans., but serving the interchange points near Lawrence, Topeka, Emporia, and El Dorado, Kans., for the purpose of joinder only, (125) between points in the Los Angeles, Calif., commercial zone, the Los Angeles Harbor, Calif., commercial zone, as defined by the Commission, and Fontana, Calif., (a) from the Los Angeles, commercial zone, and Los Angeles Harbor commercial zone, over U.S. Highway 70 to junction Sierra Avenue (near Bloomington, Calif.) and thence over Sierra Avenue to Fontana, and return over the same route, serving all intermediate points, and the off-route points of Wilmer, Covina, Claremont, and Kaiser, Calif., and (b) from Los Angeles, commercial zone, and Los Angeles Harbor commercial zone, over Valley Boulevard and Pomona Boulevard by way of Rosemead, El Monte, Puente, Walnut, and Spadra, Calif., to junction U.S. Highway 70, at Pomona, Calif., and thence over the above specified route to Fontana, and return over the same route, serving all intermediate points and the off-route points of Wilmer, Covina, Claremont, and Kaiser, Calif.

(126) Between points within 25 miles of Huntington Park, Calif., including Huntington Park, Calif., (127) between junction U.S. Highway 24 and Kansas Highway 18 near Bogue, Kans., and Junction City, Kans., (a) from junction U.S. Highway 24 and Kansas Highway 18 near Bogue over Kansas Highway 18 to Junction City, and return over the same route, serving no intermediate points but serving the junction of U.S. Highway 24 and Kansas Highway 18 for the purpose of joinder only, and (b) between Junction City, and Topeka, Kans., from Junction City over relocated U.S. Highway 40 to Topeka, and return over the same route, serving no intermediate points, (128) serving the site of the Natural Storage Co., Inc., warehouse at Loring, Kans., as an off-route point in connection with applicant's authorized regular route authority between Kansas City, Mo., and Denver, Colo., restricted to pickup of shipments only and further restricted to transportation of traffic originating at the described warehouse and destined to points west of the Kansas-Colorado State line, (129) between Santaquin, Utah, and junction U.S. Highway 50, and U.S. Highway 93, southeast of Ely, Nev., from Santaquin over U.S. Highway 50 to junction U.S. Highway 93, and return over the same route, serving no intermediate points, as an alternate route for operating convenience only, in connection with applicant's authorized regular route authority, (130) serving the site of the Little Mountain, Utah Production Testing Facility of the Marquardt Aircraft Co., approximately eleven (11) miles west of Ogden, Utah, as an off-route point in connection with applicant's authorized regular route authority over U.S. Highway 91, (131) between Echo, Utah, and junction U.S. Highways 189 and 40 near Kimball Junction, Utah, (a) from Echo over U.S. Highway 189 to junction U.S. Highway 40 near Kimball Junction, and return over the same route, serving no intermediate points, and serving the termini for purpose of joinder only, and (b) between Heber, and Provo, Utah, from Heber over U.S. Highway 189 to Provo, and return over the same route, serving no intermediate points, and serving the termini for purpose of joinder only.

(132) From Portland, Oreg., to Ontario, Oreg., (a) from Portland, over U.S. Highway 30 to Ontario (1) from Portland over U.S. Highway 30 By-Pass to junction U.S. Highway 30, thence over U.S. Highway 30 to Ontario), and return over the same route, serving no intermediate points, (b) from Pasco, Wash., to junction U.S. Highways 395 and 30, from Pasco over U.S. Highway 395 to junction U.S. Highway 30, and return over the same route serving no intermediate points, and serving junction U.S. Highways 30 and 395 as a point of joinder only, and (c) from Prosser, Wash., to junction Oregon Highway 32 (formerly unnumbered Oregon highway) and U.S.

Highway 30, located at or near Stanfield, Oreg., from Prosser over Washington Highway 8 to Plymouth, Wash., thence over Umatilla Bridge to unnumbered Oregon Highway, thence over unnumbered Oregon highway to Hermiston, Oreg., and thence over Oregon Highway 32 (formerly unnumbered Oregon highway) by way of Stanfield, to junction U.S. Highway 30, and return over the same route, serving no intermediate points, and serving junction Oregon Highway 32 and U.S. Highway 30 as a point of joinder only, restricted to the transportation of shipments to points east and south of Denver, Colo., (133) serving intercontinental ballistic missile launching sites located in Wyoming within twenty-five (25) miles of Cheyenne, Wyo., as off-route points in connection with applicant's authorized regular route operations to and from Cheyenne, Wyo., (134) between points in Washington, Oregon, and California, (a) from points in Washington and Oregon, to points in Idaho, Utah, Arizona, Montana, Wyoming, Michigan, Indiana, and Ohio, (b) from points in California to points in Utah, Nebraska, Iowa, Minnesota, Wisconsin, Michigan, Indiana, and Ohio and (c) from points in Washington, to points in Oregon, California, Idaho, Utah, Arizona, Montana, Wyoming, Michigan, Indiana, and Ohio, (135) between junction of U.S. Highway 30 and California Legislative Highway 90 near Vacaville, Calif., and junction U.S. Highway 99–W and California Legislative Highway 90, from junction U.S. Highway 40 and California Legislative Highway 90 over California Legislative Highway 90 to junction U.S. Highway 99–W, and return over the same route, serving no intermediate points, as an alternate route for operating convenience only, and serving the termini for the purpose of joinder only, (136) from Gallup, N. Mex., to points in Clark County, Nev.

(137) From the plantsite of the Dow Chemical Co. located within approximately 9 miles of the city limits of Denver, Colo., to points in Wyoming, (138) between the north city limits of Los Angeles, Calif., and junction California Highway 27 and Alternate U.S. Highway 101 northwest of Santa Monica, Calif., (a) from the north city limits of Los Angeles over California Highway 27 to junction Alternate U.S. Highway 101, and return over the same route, serving all intermediate points, (b) between Topanga Beach, and El Segundo, Calif., from Topango Beach over Alternate U.S. Highway 101 to El Segundo, and return over the same route, serving all intermediate points, (c) between San Fernando, and Newport Beach, Calif., from San Fernando over California Highway 7 to junction Alternate U.S. Highway 101, thence over Alternate U.S. Highway 101 to Newport Beach, and return over the same route, serving all intermediate points, (d) between San Fernando and Pasadena, Calif., from San Fernando, over California Highway 118 to Pasadena, and return over the same route, serving all intermediate points, (e) between junction U.S. Highway 66 and California Highway 30, and Yucaipa, Calif., from junction U.S. Highway 66 and California Highway 30 over California Highway 30 to San Bernardino, Calif., thence over California Highway 190 to junction unnumbered highway north of Yucaipa, Calif., thence over unnumbered highway to Yucaipa, and return over the same route, serving all intermediate points, (f) between Pasadena, and Long Beach, Calif., from Pasadena over California Highway 19 to Long Beach, and return over the same route, serving all intermediate points, (g) between Pomona, and Fullerton, Calif., from Pomona, over California Legislative Highway 19 to Fullerton, and return over the same route, serving all intermediate points, (h) between Colton, and Yucaipa, Calif., from Colton over Redlands Road to Yucaipa, and return over the same route, serving all intermediate points, (i) between junction U.S. Highways 99 and 60, west of Pomona, Calif., and Riverside, Calif., from junction U.S. Highways 99 and 60 over U.S. Highway 60 to Riverside, and return over the same rotue, serving all intermediate points, (j) between Los Angeles, Calif., and Anaheim, Calif., from Los Angeles, over California Legislative Highway 2 by way of Whittier, Calif., to Anaheim, and return over the same route serving all intermediate points.

(k) Between Baldwin Park, Calif., and junction California Highways 35 and 22, from Baldwin Park over California Highway 35 to junction California Highway 22, and return over the same route, serving all intermediate points, (l) between Long Beach, and Santa Ana, Calif., from Long Beach, over California Highway 22 to Santa Ana, and return over the same route, serving all intermediate points, (m) between Buena Park, and Huntington Beach, Calif., from Buena Park, over California Highway 39 to Huntington Beach, and return over the same route, serving all intermediate points, (n) between Long Beach, and Anaheim, Calif., from Long Beach over U.S. Highway 91 to Anaheim, and return over the same route, serving all intermediate points, (o) between Claremont, and Corona, Calif., from Claremont over California Highway 71 to Corona, and return over the same route, serving all intermediate points, (p) between Brea, Calif., and junction California Legislative Highway 176 and U.S. Highway 91, from Brea over California Legislative Highway 176, to junction U.S. Highway 91, and return over the same route, serving all intermediate points, (q) between Brea, Calif., and junction California Legislative Highway 177 and California Highway 71, from Brea over California Legislative Highway 177 to junction California Highway 71, and return over the same route, serving all intermediate points, (r) between Upland, Calif., and junction California Legislative Highway 19 and California Highway 71, from Upland over California Legislative Highway 192 to junction California Highway 71 and return over the same route, serving all intermediate points, (s) between Corona, Calif., and junction California Highway 193, and U.S. Highway 60, from Corona over California Legislative Highway 193 to junction U.S. Highway 60, and return over the same route, serving all intermediate points, (t) between Newport Beach, and San Bernardino, Calif., from Newport Beach over California Highway 55 to junction U.S. Highway 91, thence over U.S. Highway 91 to San Bernardino, and return over the same route, serving all intermediate points.

(u) Between Buena Park, and Brea, Calif., from Buena Park over California Highway 39 to La Habra, Calif., thence over California Legislative Highway 176 to Brea, and return over the same route, serving all intermediate points, (v) between San Bernardino and Verdemont, Calif., from San Bernardino over U.S. Highway 66 to junction U.S. Highway 395, thence over U.S. Highway 395, to junction California Legislative Highway 191, thence over California Legislative Highway 191 to Verdemont, and return over the same route, serving all intermediate points, (w) between Los Angeles, and San Diego, Calif., (1) from Los Angeles over U.S. Highway 101 to San Diego, and return over the same route, and (2) from Los Angeles over U.S. Highway 6 to junction Alternate U.S. Highway 101, thence over Alternate U.S. Highway 101 to junction U.S. Highway 101, thence over U.S. Highway 101, to San Diego, and return over the same route, serving intermediate points between Los Angeles and Newport Beach, Calif., and between Los Angeles and Santa Ana, Calif., inclusive, (139) between Kearney, Nebr., and Belleville, Kans., from Kearney south over Nebraska Highway 44 to junction U.S. Highway 6, thence east over U.S. Highway 6 to junction Nebraska Highway 14, thence south over Nebraska Highway 14 to junction Nebraska Highway 3, thence east over Nebraska Highway 3 to junction U.S. Highway 81, to Belleville, and return over the same route, serving no intermediate points and serving Belleville, Kans., as a point of joinder only, (140) from Seattle, Wash., to Salt Lake City, Utah, serving all intermediate points in Washington, restricted to pickup only those in Oregon for pickup and delivery, and those in Idaho and Utah restricted to delivery only.

(141) From Salt Lake City, Utah to Seattle, Wash., serving all intermediate points in Utah restricted to pickup only, those in Idaho east of Burley, Idaho (including Burley) for pickup and delivery, and those in Idaho west of Burley, Idaho, and in Oregon and Washington restricted to delivery only, (142) between Hastings and York, Nebr., (a) from Hastings, over U.S. Highway 281 to Grand Island, Nebr., thence over U.S. Highway 30 to Columbus, Nebr., thence over U.S. Highway 81 to York, and return over the same route, serving all intermediate points, (b) between Omaha, Nebr., and junction Nebraska Highway 5, and U.S. Highway 275, from Omaha over Nebraska Highway 8 to junction U.S. Highway 275, and return over the same route, serving all intermediate points, (c) between South Sioux City, Nebr., and junction U.S. Highways 77 and 275, from South Sioux City, over U.S. Highway 77 to junction U.S. Highway 275 at a point approximately 1 mile south of Winslow, Nebr., and return over the same route, serving all intermediate points, (d) between Oakland, and Tekamah, Nebr., from Oakland, over Nebraska Highway 32 to Takamah, and return over the same route, serving all intermediate points, (e) between Winnebago, and Omaha, Nebr., from Winnebago, over U.S. Highway 73 by way of Tekamah, Nebr., to Omaha, and return over the same routes serving all intermediate points, (f) between Omaha, Nebr., and Chicago, Ill., from Omaha over U.S. Highway 75 to Missouri Valley, Iowa, thence over U.S. Highway 30 to junction Iowa Highway 212, thence over Iowa Highway 212 to Belle Plaine, Iowa, thence over Iowa Highway 131 to junction U.S. Highway 30, thence over U.S. Highway 30 to Clinton, Ill., thence over Alternate U.S. Highway 30 by way of Fulton, Ill., to junction U.S. Highway 30, thence over U.S. Highway 30 to junction unnumbered highway about 4 miles east of Round Grove,Ill., thence over unnumbered highway by way of Emerson, Ill., to junction Alternate U.S. Highway 30.

Thence over Alternate U.S. Highway 30 to junction unnumbered highway east of Sterling, Ill., thence over unnumbered highway by way of Prairieville, and Palmyra, Ill., to junction Alternate U.S. Highway 30, thence over Alternate U.S. Highway 30 to Chicago, and return over the same route, serving all intermediate points without restriction, (g) between Minneapolis, Minn., and junction U.S. Highways 65 and 30, from Minneapolis, over U.S. Highway 65 to junction U.S. Highway 30, and return over the same route, serving all intermediate points, points in the Minneapolis-St. Paul, Minn., commercial zone as defined by the Commission, and the off-route points of Chemolite, Minn., without restriction, (h) between Missouri Valley, Iowa, and St. Paul, Minn., from Missouri Valley over U.S. Highway 75 by way of Sioux City, Iowa, to Le Mars, Iowa, thence over Iowa Highway 33 to Sheldon, Iowa, thence over U.S. Highway 18 to Spencer, Iowa, thence over U.S. Highway 71 to Jackson, Minn., thence over U.S. Highway 16 to Fairmont, Minn., thence over Minnesota Highway 15 to Madelia, Minn., thence over Minnesota Highway 60 to Mankato, Minn., thence over Minnesota Highway 22 (formerly U.S. Highway 169) to St. Peter, Minn., thence over U.S. Highway 169 to junction unnumbered highway (formerly U.S. Highway 169) west of Le Sueur, Minn., thence over unnumbered highway across the Minnesota River to Le Sueur, thence north over Minnesota Highway 112 (formerly U.S. Highway 169), to junction U.S. Highway 169, thence over U.S. Highway 169, to Minneapolis, Minn., thence over U.S. Highway 12 to St. Paul, and return over the same route, serving all intermediate points, points in the Minneapolis-St. Paul, Minn., commercial zone, as defined by the Commission, and the off-route points of Chemolite, Minn., without restriction, (i) between Mankato, Minn., and junction U.S. Highways 169 and 30, from Mankato over U.S. Highway 169 to junction Iowa Highway 320 (formerly U.S. Highway 169), thence over Iowa Highway 320 to junction Iowa Highway 413 (formerly U.S. Highway 169), thence over Iowa Highway 413 to Fort Dodge, Iowa, thence over U.S. Highway 169 to junction U.S. Highway 30, and return over the same route, serving all intermediate points.

(j) Between Owatonna, Minn., and junction Iowa Highway 57 and U.S. Highway 65, from Owatonna, over U.S. Highway 218 to Cedar Falls, Iowa, thence over Iowa Highway 57 to junction U.S. Highway 65 and return over the same route, serving all intermediate points (except those points on Iowa Highway 57 between Grundy Center and Cedar Falls, Iowa), (k) between Sioux City, and Mason City, Iowa, from Sioux City over Iowa Highway 141 to Denison, Iowa, thence over Iowa Highway 4 to junction U.S. Highway 71, thence over U.S. Highway 71 to Spencer, Iowa, thence over U.S. Highway 18 to Mason City, and return over the same route, serving the intermediate points Denison and Spencer, Iowa, and those between Denison and Spencer, (l) from Fort Dodge, and Waterloo, Iowa, from Fort Dodge over U.S. Highway 20 to Waterloo, and return over the same route, serving the intermediate points of Webster City, and Iowa Falls, Iowa, (m) between junction U.S. Highways 30 and 71, located near Carroll, Iowa and junction U.S. Highways 20 and 169, near Fort Dodge, Iowa, from junction U.S. Highways 30 and 71 over U.S. Highway 71 to junction Iowa Highway 175, thence over Iowa Highway 175 to junction Iowa Highway 17, thence over Iowa Highway 17 to junction U.S. Highway 20, thence over U.S. Highway 20 to junction U.S. Highway 169, and return over the same route, serving no intermediate points, (n) between junction Iowa Highway 212 and U.S. Highway 30 and Iowa Highway 131, from junction Iowa Highway 212 and U.S. Highway 30 over U.S. Highway 30 to junction Iowa Highway 131, and return over the same route, serving no intermediate points, (o) between Austin, Minn., and junction U.S. Highways 16 and 65, from Austin over U.S. Highway 16 to junction U.S. Highway 65 and return over the same route, serving no intermediate points, (p) between junction U.S. Highway 275, and Alternate U.S. Highway 30, near Waterloo, Nebr., and junction Alternate U.S. Highway 30 and U.S. Highway 30, from junction U.S. Highway 275 and Alternate U.S. Highway 30 over Alternate U.S. Highway 30 to junction U.S. Highway 30, and return over the same route, serving no intermediate points.

(q) Between junction U.S. Highways 275 and 6, located near Elkhorn, Nebr., and junction U.S. Highway 6, and Nebraska Highway 31, from junction U.S. Highways 275 and 6 over U.S. Highway 6 to junction Nebraska Highway 31 and return over the same route, serving no intermediate points, (r) between junction U.S. Highways 34 and 6, near Wiggins, and Denver, Colo., from Junction U.S. Highways 34 and 6 over U.S. Highway 6 to Denver, and return over the same route, serving no intermediate points, (s) between junction U.S. Highway 138 and Colorado Highway 113, near Iliff, Colo., and junction Nebraska Highway 19 and U.S. Highway 30, near Sidney, Nebr., from junction U.S. Highway 138 and Colorado Highway 113, over Colorado Highway 113 to the Colorado-Nebraska State line, thence over Nebraska Highway 19 to junction U.S. Highway 30, and return over the same route, serving no intermediate points, (t) between Missouri Valley, Iowa, and junction U.S. Highways 30 and 77, north of Fremont, Nebr., from Missouri Valley over U.S. Highway 30 to junction U.S. Highway 77, and return over the same route, serving no intermediate points and restricted against service between the termini, (u) between Sidney, Nebr., and the site of the Sioux Ordnance Depot (approximately 4 miles from Sidney), from Sidney over unnumbered highway to the site of the Sioux Ordnance Depot, and return over the same route, serving no intermediate points, (v) between Omaha, and Grand Island, Nebr., from Omaha over U.S. Highway 275, to junction U.S. Highway 30, thence over U.S. Highway 30 to Grand Island, and return over the same route, serving the intermediate point of Fremont, Nebr., (w) between Omaha, Nebr., and Denver, Colo., (a) from Omaha, over Nebraska Highway 38 to junction Nebraska Highway 50, thence over Nebraska Highway 50 to Millard, Nebr.

Thence over Nebraska Highway 31 to junction U.S. Highway 6 to Lincoln, Nebr., thence over U.S. Highway 34 to junction U.S. Highway 281 (1) from Lincoln, over U.S. Highway 6 to junction Nebraska Highway 15, thence over Nebraska Highway 15 to junction U.S. Highway 34 near Seward, Nebr., thence over U.S. Highway 281 to Grand Island, Nebr., thence over U.S. Highway 30 by way of Ogallala, Nebr., to Cheyenne, Wyo., thence over U.S. Highway 85 by way of Greeley, Colo., to Denver, and return over the same routes, and (b) from Omaha to Ogallala, Nebr., as specified above in (a) and (a) (1), thence over U.S. Highway 30 to junction U.S. Highway 138, thence over U.S. Highway 138 to Sterling, Colo., thence over U.S. Highway 6 to Brush, Colo., thence over U.S. Highway 34 to Greeley, Colo., thence as specified above to Denver, and return over the same route, serving all intermediate points (without restriction) (except those on U.S. Highway 6 between Lincoln, Nebr., and its junction with Nebraska Highway 15, and those on Nebraska Highway 15 between its junction with U.S. Highway 6 and its junction with U.S. Highway 34 near Seward, Nebr.), (aa) between Holton, Kans., and Kansas City, Mo., from Holton over Kansas Highway 16 to Tonganoxie, Kans., thence over U.S. Highway 24 to Kansas City, Mo., and return over the same route, serving all intermediate points, and points in the Kansas City, Mo.-Kansas City, Kans., commercial zone, as defined by the Commission, and off-route points within 15 miles of Holton, (ab) from Tonganoxie, Kans., to Topeka, Kans., over U.S. Highway 24, and return over the same route, serving no intermediate points, but serving as off-route points the sites of the Goodyear Plant located approximately 1½ miles northwest of the city limits of Topeka, and the 832d Air Force Specialized Depot, at Pauline, Kans. (ac) between Omaha, Nebr., and Fort Crook,

Nebr., from Omaha over U.S. Highway 75 to Fort Crook, and return over the same route, serving no intermediate points, (143) between St. Paul, and Newport, Minn., from St. Paul over U.S. Highway 10 to Newport, and return over the same route, serving no intermediate points.

(144) Between Waterloo, Iowa, and junction U.S. Highways 218 and 30, from Waterloo, over U.S. Highway 218 to junction U.S. Highway 30, and return over the same route, (145) between Sioux City, Iowa, and O'Neill, Nebr., (a) from Sioux City, over U.S. Highway 20 to junction Nebraska Highway 320 (formerly portion Nebraska Highway 108), thence over Nebraska Highway 320 to O'Neill, and return over the same route, serving all intermediate points, (b) between Sioux City, Iowa, and junction Nebraska Highway 420 (formerly portion Nebraska Highway 108) and U.S. Highway 20, serving all intermediate points, from Sioux City, over U.S. Highway 77 to junction Nebraska Highway 35, thence over Nebraska Highway 35 to Norfolk, Nebr., thence over U.S. Highway 275 to Ewing, Nebr., thence over Nebraska Highway 420 (formerly Nebraska Highway 107) to junction U.S. Highway 20 and return over the same route, serving all intermediate points, (c) between Norfolk, Nebr., and junction Nebraska Highway 98 and U.S. Highway 20, from Norfolk over U.S. Highway 81 to junction Nebraska Highway 13, thence over Nebraska Highway 13 by way of Hadar, Nebr., to Pierce, Nebr., thence over Nebraska Highway 98 to junction U.S. Highway 20 and return over the same route, serving all intermediate points, (d) between Wayne, and Laurel, Nebr., from Wayne over Nebraska Highway 15 to Laurel, and return over the same route, serving all intermediate points, and (e) between Wakefield over Nebraska Highway 9 to junction U.S. Highway 20, and return over the same route serving all intermediate points, (145) (a) between Lincoln, and Crete, Nebr., (a) from Lincoln, over U.S. Highway 77 to junction Nebraska Highway 33, thence over Nebraska Highway 33 to Crete, and return over the same route, serving no intermediate points, (b) between Lincoln, and Crete, Nebr., from Lincoln over U.S. Highway 6 to junction U.S. Highway 81 to Bruning, Nebr., thence return over U.S. Highway 81 to junction Nebraska Highway 74, thence over Nebraska Highway 74 to junction Nebraska Highway 15, thence over Nebraska Highway 15 to junction Nebraska Highway 41, thence over Nebraska Highway 41 to junction Nebraska Highway 82.

Thence over Nebraska Highway 82, to Crete, (1) from junction Nebraska Highways 74 and 15 over unnumbered highways to De Witt, Nebr., thence over Nebraska Highway 82, to Crete, and return over the some routes, serving all intermediate points and the off-route point of Milligan, Nebr., (147) between Omaha and Crookston, Nebr., (a) from Omaha over U.S. Highway 275, to Ewing, Nebr., thence over Nebraska Highway 420 to junction U.S. Highway 20, thence over U.S. Highway 20 to Crookston, and return over the same route, serving the intermediate points of Fremont, Norfolk, O'Neill, Nebr., and those points between O'Neill and Crookston, (b) between Norfolk, and Scribner, Nebr., from Norfolk, over U.S. Highway 81 to junction Nebraska Highway 91, thence over Nebraska Highway 91 to junction U.S. Highway 275, thence over U.S. Highway 275 to Scribner, and return over the same route, serving the intermediate and off-route points of Creston, Leigh, Clarkson, Howells, Dodge, and Snyder, Nebr., (148) between Sioux City, Iowa, and Norden, Nebr., from Sioux City, over U.S. Highway 20 to Bassett, Nebr., thence over U.S. Highway 183 to Springview, Nebr., thence over Nebraska Highway 12 to Norden, and return over the same route, serving the intermediate points of Plainview, Orchard, Stuart, O'Neill, Atkinson, and Bassett, Nebr., and those in Keya Paha County, Nebr., and the off-route points of Burton, Mills, and Brocksburg, Nebr., (149) between Lincoln, and Omaha, Nebr., from Lincoln, over U.S. Highway 6 to Omaha, and return over the same route, serving all intermediate points, and the off-route point of Council Bluffs, Iowa, (150) between Holton, Kans., and St. Joseph, Mo., (a) from Holton over Kansas Highway 116 to junction U.S. Highway 59, thence over U.S. Highway 59 by way of Atchison, Kans., to St. Joseph, and return from St. Joseph over U.S. Highway 36 to Troy, Kans., thence over Kansas Highway 7 to Atchison, Kans., and thence to Holton, as specified in (a) above, (b) from Holton, Kans., to Kansas City., Mo., from Holton, over U.S. Highway 75 to Topeka, Kans., thence over U.S. Highway 24 to Kansas City, and return over the same route, serving the intermediate points within 15 miles of Holton.

(151) Between Salina, Kans., and Plattsmouth, Nebr., from Salina over U.S. Highway 40 to Junction City, Kans., thence over Kansas Highway 18 to Manhattan, Kans., thence over U.S. Highway 24 to Topeka, Kans., thence over U.S. Highway 75 to Plattsmouth, and return over the same route, serving the intermediate points of Abilene, Junction City, Fort Riley, Manhattan, and Topeka, Kans., and Nebraska City, Nebr., (152) between Topeka, Kans., and Lincoln, Nebr., from Topeka over U.S. Highway 75 to Union, Nebr., thence over U.S. Highway 34 to Lincoln, and return over the same route, serving no intermediate points, (153) from St. Joseph, Mo., to Holton, Kans., from St. Joseph by way of Atchison, Kans., thence over U.S. Highway 59 to junction U.S. Highway 59, thence over Kansas Highway 116 to Holton, and return over the same route, serving no intermediate points, (154) from Chicago, to Dixon, Ill., from Chicago over U.S. Highway 20 to Freeport, Ill., thence over Illinois Highway 26 to Dixon, and return over the same route, serving the intermediate point of Freeport, Ill., restricted to pick-up only, and to traffic originating at Chicago or Freeport, and destined to points on applicant's authorized regular route operations in Nebraska, (155) from Mead, to Omaha, Nebr., from Mead, over Alternate U.S. Highway 30 to junction U.S. Highway 275, thence over U.S. Highway 275 to Omaha, and return over the same route, serving no intermediate points, and restricted to shipments destined to points east of Omaha, (156) serving the junction of Illinois Highway 42 and Moen Avenue (near Rockdale, Ill.), and points within 1 mile of said junction, as off-route points in connection with applicant's authorized regular route operations, and restricted to traffic received from or delivered to, connecting motor common carriers.

(157) Between junction of U.S. Highway 30 with an unnumbered highway (about 4 miles east of Round Grove, Ill.) and Chicago, Ill., (a) from said junction over U.S. Highway 30 to Aurora, Ill., thence over Illinois Highway 65 to junction U.S. Highway 34, thence over U.S. Highway 34 to Chicago, and return over the same route, serving no intermediate points, (b) between Kansas City, Mo., and Carroll, Iowa, from Kansas City over U.S. Highway 71 to Carroll, and return over the same route, serving no intermediate points, restricted against traffic originating at, or is destined to, Chicago, Ill., or points between Chicago and Carroll on applicant's authorized routes, (c) between junction U.S. Highway 169 and Iowa Highway 9 and Albert Lea, Minn., from said junction over Iowa Highway 9 to junction U.S. Highway 69, thence over U.S. Highway 69 to Albert Lea, and return over the same route, serving no intermediate points, (158) between Sioux City, Iowa, and junction of U.S. Highway 20 and Iowa Highway 17 (a) from Sioux City, over U.S. Highway 20 to junction Iowa Highway 17 (near Rockwell City, Iowa), and return over the same route, serving no intermediate points, (b) between Waterloo, Iowa and the junction of U.S. Highways 218 and 30, from Waterloo, over U.S. Highway 218 to junction U.S. Highway 30, and return over the same route, serving no intermediate points, restricted against traffic being transported over the route described in (b) above, which originates at Waterloo and is destined to Chicago, Ill., or which originates at Chicago and is destined to Waterloo, (c) between Omaha, Nebr., and Kansas City, Mo., from Omaha, over U.S. Highway 275, to junction U.S. Highway 34, thence over U.S. Highway 34 to junction U.S. Highway 71, thence over U.S. Highway 71 to Kansas City, and return over the same route, serving no intermediate points, (159) between Denver, Colo., on the one hand, and, on the other, the ordnance plant at Remaco, Colo., restricted to traffic which has had a prior movement or which will have a subsequent movement, over applicant's authorized routes, (160) between points in Nebraska, on the one hand, and, on the other, points in Iowa, Illinois, Minnesota, and Colorado, (a) between Sioux City, and Council Bluffs, Iowa, and points in Iowa within fifty (50) miles of Sioux City, and Council Bluffs, on the one hand, and, on the other, points in Kansas, restricted against any shipments under any combination or through joinder of the rights in (a) and (b) above, from, to, or between points in two or more of the described radial origin or destination areas.

(161) From Rock Island, and Molines, Ill., and return over the same route, serving no intermediate points, (162) from Omaha, Nebr., to points in Iowa, and return over the same route, serving no intermediate points, (163) from Streator, Ill., to Omaha, Nebr., and return over the same route, serving no intermediate points, (164) between Sioux City, Iowa, on the one hand, and, on the other, Atkinson, Nebr., and points within 25 miles of Atkinson, (165) from Sioux City, Iowa, to Atkinson, Nebr., and points within twenty-five (25) miles of Atkinson, and return over the same routes, serving no intermediate points, (166) from Shenandoah, Iowa, to Lincoln, Nebr., and return over the same route serving no intermediate points, (167) serving an area on Caton Road, 100 yards west of Alternate U.S. Highway 66, near Rockdale, Ill., and the junction of U.S. Highway 66 and Alternate U.S. Highway 66 (approximately thirteen (13) miles northeast of Joliet, Ill. (Welco, Station), near Lemont, Ill., as off-route points in connection with applicant's authorized regular-route operations between Omaha, Nebr., and Chicago, Ill., and between junction U.S. Highway 30 and an unnumbered highway (about 4 miles east of Round Grove, Ill.), and Chicago, Ill., restricted to the interchange of shipments with connecting carriers, (168) serving intercontinental ballistics missile launching sites located in Wyoming within twenty-five (25) miles of Cheyenne, Wyo., as off-route points, in connection with applicant's authorized regular route operations to and from Cheyenne, Wyo., (169) serving intercontinental ballistic missile testing and launching sites, and supply points therefor, located in (a) Weld, Washington, Lincoln, Gilpin, Jefferson, Adams, Morgan, Arapahoe, Elbert, Douglas, El Paso, Larimer, Teller, Park, Clear Creek, and Boulder Counties, Colo., as off-route points in connection with applicant's authorized regular route operations, to, from, or through Denver, Colo., and (b) points in Laramie, Platte, and Goshen Counties, Wyo., Weld, and Larimer Counties, Colo., and Kimball County, Nebr., as off-route points in connection with applicant's authorized regular route operations, to, from, or through Cheyenne, Wyo.

(170) Serving Walnut Creek, Calif., as an off-route point in connection with applicant's authorized regular route operations, to, and from Martinez, Calif., (171) from Salt Lake City, Utah, to Pocatello, Idaho, and return, serving no intermediate points, (172) serving the site of the Cougar Dam, located on the South Fork of the McKenzie River, located approximately three (3) miles southeast of Blue River, Oreg., and points within ten (10) miles of said damsite, as off-route points in connection with applicant's authorized regular route operations to and from Eugene, Oreg., (173) serving the site of the Natural Storage Co., Inc., warehouse at Loring, Kans., as an off-route point in connection with applicant's authorized regular route operations to and from points in the Kansas City, Mo.-Kansas City, Kans., commercial zone, as defined by the Commission, restricted to pick-up of shipments only and further restricted to traffic originating at the described warehouse and destined to points west of the Mississippi River, and east of the Kansas-Colorado and Nebraska-Wyoming State lines, (174) serving the plantsite of the Holly Sugar Corp., located at South Torrington, Wyo., as an off-route point in connection with applicant's authorized regular route operations, (175) from junction U.S. Highways 30 and 730, near Messner, Oreg., to junction U.S. Highway 30 and Oregon Highway 32 near Stanfield, Oreg., from junction U.S. Highways 30 and 730, over U.S. Highway 30 to junction Oregon Highway and return over the same route, serving no intermediate points, and serving the termini for joinder purposes only, in connection with applicant's authorized regular route operations, as an alternate route for operating convenience only, (176) from junction U.S. Highway 30 and Oregon Highway 32 near Stanfield, Oreg., to junction U.S. Highways 30 and 730, near Messner, Oreg., from junction U.S. Highway 30 and Oregon Highway 32 over U.S. Highway 30, to junction U.S. Highway 730, and return over the same route, serving no intermediate points, and serving the termini for joinder purposes only, in connection with applicant's authorized regular route operations, as an alternate route for operating convenience only.

(177) Between Sheldon, Iowa, and junction Minnesota Highway 60 and Minnesota Highway 15, south of Madelia, Minn., from Sheldon over Iowa Highway 33 to junction Minnesota Highway 60, thence over Minnesota Highway 60 to junction Minnesota Highway 15, south of Madelia, and return over the same route, serving no intermediate points, but serving the termini for the purpose of joinder only, as an alternate route for operating convenience only, in connection with applicant's authorized regular route operations, (178) serving the Thiokol Chemical Corp. plantsite, located approximately twenty (20) miles northwest of Corinne, Utah, and the U.S. Air Force Plant No. 78, located approximately twenty-five (25) miles northwest of Corrine, Utah, as off-route points in connection with applicant's authorized regular route operations, (1) between junction U.S. Highway 30–S and unnumbered highway, near Blue Creek, Utah, and junction Utah Highway 83 and U.S. Highway 191, over unnumbered highway from its junction with U.S. Highway 30–S, at Blue Creek, Utah, south to junction Utah Highway 83, thence southeast over Utah Highway 83 to junction U.S. Highway 191, near Corinne, Utah, (2) over unnumbered highway from its junction with U.S. Highway 30–S, approximately 4 miles southeast of Blue Creek, southwest to junction unnumbered highway, at Howell, Utah, and (3) over unnumbered highway from its junction with U.S. Highway 30–S near Trementon, Utah, to junction Utah Highway 83, approximately 9 miles northwest of Corinne, Utah, (179) between junction U.S. Highway 65 and Minnesota Highway 218 south of Faribault, Minn., and junction Minnesota Highway 50 and U.S. Highway 65 south of Orchard Gardens, Minn., from junction U.S. Highway 65 and Minnesota Highway 218 over U.S. Highway 65 to junction Minnesota Highway 50, and return over the same route, serving no intermediate points, and serving the termini for the purposes of joinder only, as an alternate route for operating convenience only, (180) between Rawlins, and Casper, Wyo., from Rawlins over U.S. Highway 287 to junction Wyoming Highway 220, at Muddy Gap, Wyo.

Thence over Wyoming Highway 220 to Casper, and return over the same route, serving no intermediate points, restricted to the transportation of shipments having an immediately prior or immediately subsequent movement by railroad in trailers on flat cars, in so-called piggyback service, (181) between Pueblo, Colo., and San Bernardino, Calif., (a) from Pueblo over U.S. Highway 85 to junction U.S. Highway 160, thence west over U.S. Highway 160 to junction Utah Highway 47, thence over Utah Highway 47 to the Utah-Arizona State line, thence over unnumbered highway through Kayena, Cow Springs, and Tonalea, Ariz., to junction unnumbered highway near Tuba City, Ariz., thence west over unnumbered highway to junction U.S. Highway 89, thence south over U.S. Highway 89 to junction Arizona Highway 71, thence over Arizona Highway 71 to junction combined U.S. Highways 60 and 70, and thence west over U.S. Highway 70 to San Bernardino, and return over the same route, serving no intermediate points, for operating convenience only, in connection with applicant's authorized regular route operations and (b) between Pueblo, Calif., and Riverside, Calif., from Pueblo over the specified route as shown in (a) above, to junction Arizona Highway 71 and combined U.S. Highways 70 and 60, and thence west over U.S. Highway 60 to Riverside, and return over the same route, serving no intermediate points, for operating convenience only, in connection with applicant's authorized regular route operations, restricted to transportation of shipments moving to, from, or through Los Angeles, Calif., on the one hand, and, on the other, Denver, Colo., Kansas City, Kans., and Kansas City, and St. Louis, Mo., (182) from Fairmont, Minn., to Grand Island and Omaha, Nebr., Milan, Ill., Denver, Colo., and Kansas City, Mo., from Winnebago, Minn., to Omaha, Nebr., and return over the same route, serving no intermediate points.

(183) From Vernon, Calif., to the port of Wilmington, Calif., (184) from Los Angeles, Calif., to the port of Port Hueneme, Calif., (185) from Vernon, Calif., to the port of Wilmington, Calif., restricted to traffic moving to the territories or possessions of the United States, (186) between junction U.S. Highway 40, and U.S. Highway 287, east of Kit Carson, Colo., and junction U.S. Highway 50, and U.S. Highway 287, west of Lamar, Colo., from junction U.S. Highways 40 and 287, over U.S. Highway 287 to junction U.S. Highway 50 and return over the same route, serving no intermediate points, and serving the termini for the purpose of joinder only, as an alternate route for operating convenience only, in connection with applicant's authorized regular route operations in Colorado, (187) from points in Washing-

ton, and Oregon, to points in California, Indiana, Michigan, Minnesota, Ohio, Wyoming, and points in Wisconsin north of Wisconsin Highway 29, (188) from points in Idaho, and Clearfield, Ogden, Provo, and Salt Lake City, to points in California, Indiana, Michigan, Minnesota, Ohio, Wyoming, and points in Wisconsin north of Wisconsin Highway 29, (a) from points in Idaho, to points in California, Indiana, Michigan, Minnesota, Ohio, Wyoming, and points in Wisconsin north of Wisconsin Highway 29, (b) from points in Idaho, to points in California, Indiana, Michigan, Minnesota, Ohio, Wyoming, and points in Wisconsin north of Wisconsin Highway 29, (190) between Cortez, Colo., and Kayenta, Ariz., from Cortez over U.S. Highway 666 to junction Colorado Highway 40, thence over Colorado Highway 40 to the Colorado-New Mexico State line, thence over unnumbered highway (Navajo Trail) to the New Mexico-Arizona State line, thence over Arizona Highway 364, to Tee Nos Pos, Ariz., and thence over Arizona Highway 64 to Kayenta, Ariz., and return over the same route, serving no intermediate points, and with service at Cortez, Colo., and Kayenta, Ariz., for purposes of joinder only, as an alternate route for operating convenience only.

(191) Between Portland, Oreg., and Caldwell, Idaho, from Portland over U.S. Highway 30 to Caldwell, (a) from Portland over National Interstate Highway 80–N to Caldwell, and return over the same route, serving the intermediate and off-route points of Ontario, Oreg., and points in Malheur County, Oreg., within twenty (20) miles of Ontario, and points in Washington, Gem, Ada, Canyon, Owyhee, and Payette Counties, Idaho, and (b) between Nampa, Idaho, and the Oregon-Nevada State line at McDermitt, Oreg., from Nampa, over Idaho Highway 72 to junction U.S. Highway 95, thence over U.S. Highway 95 to the Oregon-Nevada State line at McDermitt, and return over the same route, serving all intermediate points, (192) between Portland and Ontario, Oreg., on the one hand, and, on the other, Gooding, Pocatello, and Twin Falls, Idaho, (193) between points in Malheur, Baker, and Harney Counties, Oreg., on the one hand, and, on the other, points in Washington, and Idaho (other than those points in Ada, Gem, Washington, Canyon, Owyhee and Payette Counties, Idaho), (a) between points in Ada, Adams, Boise, Camas, Canyon, Elmore, Gem, Gooding, Idaho, Owyhee, Payette, Twin Falls, Valley, and Washington Counties, Idaho, on the one hand, and, on the other, points in Oregon and Washington (other than those in Malheur, Baker, and Harney Counties, Oreg., (194) from points in Payette County, Idaho, to points in Oregon and Washington, other than Portland, Oreg., and those points in Malheur, Baker, and Harney Counties, Oreg., (195) from points in Malheur, Harney, and Baker Counties, Oreg., and points in Ada, Adams, Boise, Camas, Canyon, Elmore, Gem, Gooding, Idaho, Owyhee, Payette, Twin Falls, Valley, and Washington Counties, Idaho, to Columbia River ports including Portland, Oreg., (196) from Caldwell, Idaho and Ontario, Oreg., to Vancouver, Wash.

(197) Serving the intercontinental ballistic missile testing and launching sites, and supply points therefor, located in Logan County, Colo., and Cheyenne, Banner, and Scotts Bluff Counties, Nebr., as off-route points in connection with applicant's authorized regular route operations, (198) between intercontinental ballistic missile testing and launching sites, and supply points therefor, located in Weld and Logan Counties, Colo., Cheyenne, Kimball, Banner, and Scotts Bluff Counties, Nebr., and Laramie, Platte, and Goshen Counties, Wyo., (199) between Kimball, and Scottsbluff, Nebr., and Kimball over Nebraska Highway 28 to Scottsbluff, and return over the same route, serving no intermediate points, in connection with applicant's authorized regular route operations between Denver, Colo., and Scottsbluff, Nebr., (200) between Salina, Utah, and Denver, Colo., from Salina over Utah Highway 10 to Price, Utah, thence over U.S. Highway 6 to Denver, and return over the same route, serving no intermediate points, as an alternate route for operating convenience only, in connection with applicant's presently authorized regular route operations, restricted to traffic moving to, from, or through Chicago, Ill., or that originating in or destined to points in Utah, (201) between Walsenburg, and La Junta, Colo., from Walsenburg, over Colorado Highway 10 to La Junta, and return over the same route, serving no intermediate points, but serving Walsenburg, and La Junta, for purpose of joinder only, restricted to traffic moving between Los Angeles, Calif., on the one hand, and, on the other, Kansas City, Kan.-Mo., or St. Louis, Mo., and restricted against traffic moving from, to or through, Chicago, Ill., (202) between the junction of U.S. Highway 16 and Minnesota Highway 4, located at Sherburn, Minn., and the junction of Minnesota Highways 4 and 60, located approximately 2 miles west of St. James, Minn., from junction U.S. Highway 16 and Minnesota Highway 4, located at Sherburn, Minn., over Minnesota Highway 4 to junction Minnesota Highway 60, located approximately 2 miles west of St. James, Minn., and return over the same route, serving no intermediate points, and serving the junction U.S. Highway 16 and Minnesota Highway 4 and the junction Minnesota Highways 4 and 60 for the purposes of joinder only, in connection with applicant's authorized regular route operations.

(203) Between junction U.S. Highway 40 and Kansas Highway 45 and junction Kansas Highway 45 and U.S. Highway 56, from junction U.S. Highway 40 and Kansas Highway 45 over Kansas Highway 45 to junction U.S. Highway 56, and return over the same route, serving no intermediate points, but serving the termini for purposes of joinder only, in connection with applicant's presently authorized regular route operations between Los Angeles, Calif., on the one hand, and, on the other, Kansas City, and St. Louis, Mo., (204) between Omaha, Nebr., and St. Louis, Mo., (a) from Omaha, over U.S. Highway 275, to the Nebraska-Iowa State line, thence over Iowa Highway 92 to Griswold, Iowa, thence over Iowa Highway 48 to junction U.S. Highway 6, thence over U.S. Highway 6 to junction Interstate Highway 35, thence over Interstate Highway 35 to junction Iowa Highway 60, thence over Iowa Highway 60 to Albia, Iowa, (1) over Interstate Highway 35 to junction Iowa Highway 92, thence over Iowa Highway 92 to junction Iowa Highway 60, thence over Iowa Highway 60 to Albia; thence over U.S. Highway 34 to junction Illinois Highway 116, thence over Illinois Highway 116 to junction U.S. Highway 67, thence over U.S. Highway 67 to St. Louis, and return over the same routes, restricted to traffic moving between St. Louis, Mo., on the one hand, and, on the other, Omaha, and points west thereof, and (205) between Missoula, Mont., and Valentine, Nebr., from Missoula over U.S. Highway 10 to Billings, Mont., thence over U.S. Highway 212 to Belle Pourche, S. Dak., thence over South Dakota Highway 34 to junction U.S. Highway 14, thence over U.S. Highway 14 to junction Interstate Highway 90 (located near Rapid City, S. Dak.), thence over Interstate Highway 90 to junction U.S. Highway 14, thence over U.S. Highway 14 to Wall, S. Dak., thence over U.S. Highway 16 to Murdo, S. Dak., and thence over U.S. Highway 83 to Valentine, and return over the same route, serving no intermediate points, as an alternate route for operating convenience only, in connection with applicant's authorized regular-route operations, restricted to traffic moving between points in Oregon and Washington on and west of U.S. Highway 97, on the one hand, and, on the other, Omaha, Nebr., and points east thereof (except those points in Minnesota). NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 730 (Sub-No. 254), filed May 28, 1965. Applicant: PACIFIC INTERMOUNTAIN EXPRESS CO., a corporation, 1417 Clay Street, Oakland, Calif. Applicant's representative: Alfred G. Krebs (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except Classes A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk and those requiring special equipment), between Reno, Nev., and junction California Highway 14 and U.S. Highway 99 (Interstate Highway 5); from Reno over U.S. Highway 395 to junction California Highway 14, thence over California Highway 14 to junction U.S. Highway 99 (Interstate Highway 5) and return over the same route, serving no intermediate points, as an alternate route for operating convenience only in connection with applicant's authorized regular-route operations. NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Reno, Nev.

No. MC 2510 (Sub-No. 28), filed May 25, 1965. Applicant: ZIFFRIN TRUCK LINES, INC., 1120 South Division, Indianapolis, Ind. Applicant's attorney: David Axelrod, 39 South La Salle Street, Chicago 3, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except household goods, as defined by the Commission, commodities in bulk, and those exceeding ordinary equipment and loading facilities), serving East Troy, Wis., as an off-route point in connection with applicant's authorized regular route operations, to and from Milwaukee, Wis. NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 3854 (Sub-No. 4), filed May 25, 1965. Applicant: BURTON LINES, INC., Post Office Box 395, Reidsville, N.C. Applicant's attorney: James E. Wilson, 1111 E Street NW., Perpetual Building, Washington, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Concrete products* of such length, size, or weight as to require special equipment or handling, between points in Surry County, N.C., on the one hand, and, on the other, points in the District of Columbia, Maryland, Tennessee, South Carolina, and Virginia. NOTE: If a hearing is deemed necessary, applicant requests it be held at Raleigh, N.C.

No. MC 8958 (Sub-No. 15), filed May 26, 1965. Applicant: THE YOUNGSTOWN CARTAGE CO., a corporation, 825 West Federal Street, Youngstown, Ohio, 44501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel and iron and steel articles*, between points in that part of Pennsylvania on and west of U.S. Highway 219 and those in Ohio, on the one hand, and, on the other, points in Illinois, Indiana, and the southern peninsula of Michigan. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 9325 (Sub-No. 25) (AMENDMENT), filed May 10, 1965, published FEDERAL REGISTER issue May 26, 1965, and republished as amended this issue. Applicant: K LINES, INC., Post Office Box 216, Lebanon, Oreg. Applicant's attorney: Norman E. Sutherland, 1200 Jackson Tower, Portland, Oreg. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Urea and fertiliser*, in bulk and in sacks, from St. Helens, Oreg., and points within a five (5) mile radius of St. Helens, to points in Washington. NOTE: The purpose of this republication is to broaden the origin point. If a hearing is deemed necessary, applicant requests it be held at Portland, Oreg.

No. MC 11220 (Sub-No. 92) (CLARIFICATION), filed April 12, 1965, published FEDERAL REGISTER issue of May 13, 1965, and republished as clarified this issue. Applicant: GORDONS TRANSPORTS, INC., 185 West McLemore Avenue, Memphis, Tenn. Applicant's attorney: James W. Wrape, 2111 Sterick Building, Memphis, Tenn. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except automobiles set up on wheels, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between Chicago, Ill. and Vincennes, Ind.; from Chicago over Illinois Highway 50 to junction U.S. Highway 54, thence over U.S. Highway 54 to junction Illinois Highway 49, thence over Illinois Highway 49 to junction U.S. Highway 24, thence over U.S. Highway 24 to junction Illinois Highway 1, approximately two (2) miles east of Watseka, Ill., thence over Illinois Highway 1 to Lawrenceville, Ill., and thence over U.S. Highway 50 to Vincennes, and return over the same route, serving no intermediate points but serving Vincennes, Ind., for purposes of joinder only. NOTE: Applicant states it proposes to join the proposed route at Vincennes with its present authority in MC 11220 Sub 79 between Chicago, Ill., and Pulaski, Tenn. The purpose of this republication is to show that Vincennes, Ind., is for purposes of joinder only. If a hearing is deemed necessary, applicant requests it be held at Memphis, Tenn.

No. MC 18088 (Sub-No. 35), filed March 19, 1965. Applicant: FLOYD & BEASLEY TRANSFER COMPANY, INC., Post Office Drawer 8, Sycamore, Ala. Applicant's attorney: John W. Cooper, 805 Title Building, Birmingham, Ala., 35203. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular and regular routes, transporting: (1) *Textile products* from Sycamore, Sylacauga, Pell City, Alexander City, and Lafayette, Ala., to points in Tennessee, Georgia, Alabama, and South Carolina, (2) *textile machinery*, from Sycamore, Ala., to Abbeville, Alabama City, Albertville, Aliceville, Alexander City, Andalusia, Anniston, Birmingham, Bon Air, Childersburg, Clanton, Columbiana, Coosa Pines, Cordova, Dadeville, Dothan, Enterprise, Fairfax, Fayette, Florence, Geneva, Greenville, Guntersville, Huntsville, Jacksonville, Lafayette, Lanett, Langdale, Opelika, Opp, Ozark, Pell City, Pepperell, Riverview, Roanoke, Rock Mills, Shawmut, Siluria, Sladeville, Stevenson, Sylacauga, Talladega, Tallahassee, Union Springs, Uniontown, Vincent, Wetumpka, and Winfield, Ala., and (3) *general commodities* (except those of unusual value, Classes A and B explosives, household goods as defined in *Practices of Motor Common Carriers of Household Goods*, in 17 M.C.C. 467, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading), through the gateway at Pell City, Ala., to all intermediate points on its regular route between Anniston, Ala., and Birmingham, Ala., and the off-route point of Cropwell, Ala., such points lying along Alabama Highway 202 (formerly U.S. Highway 78) from Anniston to junction U.S. Highway 78 and thence over U.S. Highway 78 via Pell City to Birmingham, Ala. NOTE: Applicant states no new authority is sought. The purpose of this application is to remove inbound gateways. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 19665 (Sub-No. 4), filed May 24, 1965. Applicant: RICH FREIGHT LINES, INC., doing business as JONES TRUCK LINE, Baker, Oreg. Applicant's attorney: John M. Hickson, Failing Building, Portland, Oreg. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Sawdust, wood chips* and *hog fuel*, in bulk, in hopper type equipment, from points in Boundary, Bonner, Kootenai, Benewah, Shoshone, Latah, Clearwater, Lewis, Idaho, Adams, Valley, Washington, Canyon, Payette, Boise, Elmore, Ada, Owyhee, Gem, and Nez Perce Counties, Idaho, and Okanogan, Chelan, Kittitas, Yakima, Klickitat, Benton, Grant, Douglas, Franklin, Adams, Lincoln, Ferry, Stevens, Pend Oreille, Spokane, Whitman, Garfield, Asotin, Walla Walla, and Columbia Counties, Wash., to points in Union County, Oreg., and *rejected shipments*, on return. NOTE: If a hearing is deemed necessary, applicant requests it be held at Portland, Oreg.

No. MC 27970 (Sub-No. 42), filed May 25, 1965. Applicant: CHICAGO EXPRESS, INC., Post Office Box 213, Winston-Salem, N.C. Applicant's attorney: Francis W. McInerny, 1000 16th Street NW., Washington, D.C., 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, bullion, livestock, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving the McLean Trucking Co. terminal at Stoneham, Mass., for terminal operations only, as an off-route point in connection with applicant's authorized regular-route operations between Joliet, Ill., and Boston, Mass. NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 30260 (Sub-No. 57), filed May 28, 1965. Applicant: WATKINS CAROLINA EXPRESS, INC., Post Office Box 10310, Greenville, S. C., 29603. Applicant's representative: Lamar Kennedy, Post Office Box XX, Thomasville, Ga. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading), between points in North Carolina and South Carolina, on the one hand, and, on the other, points in Florida. NOTE: Applicant states that it intends to tack or join the above proposed authority with that authority previously granted wherein applicant is authorized to serve points in the States of South Carolina, Georgia, and North Caroline. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Columbia, S.C., Orlando, or Tampa, Fla.

No. MC 30844 (Sub-No. 184), filed May 26, 1965. Applicant: KROBLIN REFRIGERATED XPRESS, INC., Post Office Box 218, Sumner, Iowa. Applicant's attorney: Truman A. Stockton, Jr., The 1650 Grant Street Building, Denver 3, Colo. Authority sought to operate

as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs*, from Lawton, Mich., to points in Idaho, Montana, Wyoming, and Utah. NOTE: If a hearing is deemed necessary, applicant requests it be held at Denver, Colo.

No. MC 41404 (Sub-No. 58), filed May 24, 1965. Applicant: ARGO-COLLIER TRUCK LINES CORPORATION, Post Office Box 151, Fulton Highway, Martin, Tenn., 38237. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Boxes and crates*, wire bound or wooden, upright or knocked-down, or folded in sections, from Fernwood, Hazlehurst, Magnolia, McComb, and Picayune, Miss. to points in Avoyelles, Evangeline, Lafayette, Pointe Coupee, St. Landry, and St. Martin Parishes, La. NOTE: Applicant states the above proposed operations will be seasonal in nature, extending from June 1 to November 30, both inclusive of each year. If a hearing is deemed necessary, applicant requests it be held at Jackson, Miss., Baton Rouge, or New Orleans, La.

No. MC 41984 (Sub-No. 20), filed May 24, 1965. Applicant: BLANTON TRUCKING COMPANY, INCORPORATED, Milford, Va. Applicant's attorney: Jno. C. Goddin, Insurance Building, 10 South 10th Street, Richmond, Va., 23219. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except livestock, dangerous explosives, inflammables, commodities in bulk other than fertilizer, articles of unusual size or value, and household goods as defined in *Practices of Motor Common Carriers of Household Goods*, 17 M.C.C. 467), between Richmond, Va., and points in Essex, Caroline, and Hanover Counties, Va. NOTE: If a hearing is deemed necessary, applicant requests it be held at Richmond, Va.

No. MC 42487 (Sub-No. 626), filed May 20, 1965. Applicant: CONSOLIDATED FREIGHTWAYS CORPORATION OF DELAWARE, 175 Linfield Drive, Menlo Park, Calif. Applicant's attorney: Robert C. Stetson (same as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Dry chemicals, fertilizer and fertilizer compounds*, between points in Columbia County, Oreg., on the one hand, and, on the other, that part of California north of U.S. Highway 40, that part of Washington west of U.S. Highway 97, and that part of Idaho on and south of a line extending from the junction of the southern boundary of Idaho County, Idaho, and the Idaho-Oregon boundary, easterly along the southern boundary of Idaho County to its junction with the Idaho-Montana boundary, thence southeasterly along the Idaho-Montana boundary to its junction with the Wyoming boundary, (2) *fertilizer, including, but not limited to anhydrous ammonia, and fertilizer compounds*, liquid, in bulk, in tank vehicles, between points in Columbia County, Oreg., on the one hand, and, on the other, points in Washington, Idaho, and Montana. NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Seattle, Wash.

No. MC 42487 (Sub-No. 629), filed May 25, 1965. Applicant: CONSOLIDATED FREIGHTWAYS CORPORATION OF DELAWARE, 175 Linfield Drive, Menlo Park, Calif. Applicant's attorney: Robert C. Stetson (same as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer, fertilizer compounds, and fertilizer ingredients*, between points in Oregon, Montana, that part of Washington on and east of U.S. Highway 97, and that part of Idaho on and south of a line extending from the junction of the southern boundary of Idaho County, Idaho, and the Idaho-Oregon boundary, easterly along the southern boundary of Idaho County to its junction with the Idaho-Montana boundary, thence southeasterly along the Idaho-Montana boundary to its junction with the Wyoming boundary. NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Portland, Oreg.

No. MC 45875 (Sub-No. 8), filed May 26, 1965. Applicant: FILM SERVICE, INC., 333 North 25th Street, Milwaukee, Wis., 53233. Applicant's attorney: William C. Dineen, 412 Empire Building, 710 North Plankinton Avenue, Milwaukee, Wis., 53203. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, household goods as defined by the Commission, commodities requiring special equipment, commodities in bulk, Classes A and B explosives and those injurious or contaminating to other lading), restricted to the transportation of shipments having an immediate prior or subsequent movement by air, (1) between O'Hare Airfield, Cook County, Ill., on the one hand, and, on the other, points in Wisconsin (except points in Bayfield, Douglas, Ashland, Washburn, Sawyer, Barron, Chippewa, Polk, Burnett, St. Croix, Pierce, Dunn, Buffalo, Rush, Eau Claire, Pepin, and Trempealeau Counties) and points in the Upper Peninsula of Michigan, and (2) between General Mitchell Airfield, Milwaukee County, Wis., on the one hand, and on the other, points in Wisconsin (except points in Bayfield, Douglas, Ashland, Washburn, Sawyer, Barron, Chippewa, Polk, Burnett, St. Croix, Pierce, Dunn, Buffalo, Rush, Eau Claire, Pepin, and Trempealeau Counties), and points in the Upper Peninsula of Michigan. NOTE: If a hearing is deemed necessary, applicant requests it be held at Milwaukee, Wis.

No. MC 52861 (Sub-No. 10), filed May 24, 1965. Applicant: HAROLD W. STEWART, INC., 102 Andrus Road, Toledo, Ohio. Applicant's attorney: Quentin A. Ewert, Union Savings and Loan Building, 117 West Allegan Street, Lansing, Mich. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lime and limestone products*, from River Rouge, Mich., and points in Indiana, Illinois, Iowa, Kentucky, Ohio, Missouri, New York, Pennsylvania, Wisconsin, and West Virginia. NOTE: If a hearing is deemed necessary, applicant requests it be held at Lansing, Mich.

No. MC 61231 (Sub-No. 18), filed May 24, 1965. Applicant: ALKIRE TRUCK LINES, INC., Livestock Exchange Building, Kansas City, Mo. Applicant's representative: William A. Landau, 1307 East Walnut Street, Des Moines 16, Iowa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Pallets* and *skids*, from Belle Plaine, Iowa, to points in the Chicago, Ill., commercial zone, and points in Illinois. NOTE: If a hearing is deemed necessary, applicant requests it be held at Des Moines, Iowa.

No. MC 61628 (Sub-No. 31), filed May 18, 1965. Applicant: TAMIAMI FREIGHTWAYS, INC., 4305 21st Avenue, Tampa, Fla. Applicant's attorney: Paul M. Daniell, 1600 First Federal Building, Atlanta, Ga., 30303. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between Columbus, Ga., on the one hand, and, on the other, points in Russell County, Ala. NOTE: Applicant states that it intends to tack the above proposed authority with its existing authority at Columbus, Ga. If a hearing is deemed necessary, applicant requests it be held at Columbus, Ga.

No. MC 61396 (Sub-No. 127) (AMENDMENT), filed March 17, 1965, published FEDERAL REGISTER issue April 8, 1965, amended May 25, 1965, and republished as amended this issue. Applicant: HERMAN BROS., INC., 2501 North 11th Street, Omaha, Nebr. Applicant's attorney: Donald L. Stern, 630 City National Bank Building, Omaha, Nebr. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Acids, chemicals, fertilizers, and fertilizer ingredients*, from East Dubuque, Ill., and points in Illinois within ten (10) miles thereof, to points in Illinois, Indiana, Iowa, Kansas, Kentucky, Michigan, Minnesota, Missouri, Nebraska, Ohio, South Dakota, and Wisconsin. NOTE: The purpose of this republication is to include the origin points as shown above and to add Kentucky, Michigan, and Ohio to the destination states previously published. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 61592 (Sub-No. 38) (AMENDMENT), filed May 14, 1965, published in FEDERAL REGISTER issue of June 3, 1965, amended June 4, 1965, and republished as amended this issue. Applicant: JENKINS TRUCK LINE, INC., 3708 Elm Street, Bettendorf, Iowa, 52722. Applicant's attorney: Val M. Higgins, 1000 First National Bank Building, Minneapolis, Minn., 55402. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Agricultural implements* and *parts for agricultural implements*, from Owatonna, Minn., and points within 3 miles thereof, to points in the United States (except Alaska and Hawaii); and (2) *agricultural implements* and *parts for agricultural implements*, which at the time of movement (a) are being transported for the purposes of display or experiment and not for sale and (b) are moving between the sites of plants, sales branches, warehouses, experimental stations, and/or farms, shows, exhibits, and field demonstrations, owned or used by Owatonna Manufacturing Co., and *incidental paraphernalia* moving in the same vehicle and at same time, between points in the United States (except Alaska and Hawaii). NOTE: The purpose of this republication is to broaden the scope of authority sought by adding the operation described in (2) above. If a hearing is deemed necessary, applicant requests it be held at Minneapolis, Minn., or Chicago, Ill.

No. MC 64932 (Sub-No. 377), filed May 20, 1965. Applicant: ROGERS CARTAGE CO., a corporation, 1439 West 103d Street, Chicago, Ill. Applicant's attorney: Carl L. Steiner, 39 South La Salle Street, Chicago, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Anhydrous ammonia, ammonium nitrate, urea, nitric acid, sulphuric acid, and fertilizer solutions*, liquid, in bulk, in tank vehicles, and (2) *ammonium nitrate, urea, fertilizer materials, and fertilizer ingredients* (other than liquid), in bulk, in tank or hopper type vehicles, from the plantsite of the American Cyanamid Co. at South River, Mo. (located near Palmyra), in Marion County, Mo., to points in Arkansas, Illinois, Indiana, Iowa, Kansas, Kentucky, Michigan, Minnesota, Missouri, Nebraska, North Dakota, Ohio, Oklahoma, South Dakota, Tennessee, Texas, and Wisconsin. NOTE: If a hearing is deemed necessary, applicant requests it be held at St. Louis, Mo.

No. MC 64994 (Sub-No. 60) filed May 17, 1965. Applicant: HENNIS FREIGHT LINES, INC., Post Office Box 612, Winston-Salem, N.C. Applicant's representative: Frank C. Philips, Post Office Box 612, Winston-Salem, N.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Paper* (wrapping paper, printing paper, and pulpboard), from Canton, Asheville, and Waynesville, N.C., to Detroit, Mich., and Toledo, Ohio. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 72444 (Sub-No. 20), filed May 24, 1965. Applicant: AKRON-CHICAGO, INC., 1016 Triplett Boulevard, Akron, Ohio, 44306. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, dangerous explosives, household goods as defined in *Practices of Motor Common Carriers of Household Goods*, 17 M.C.C. 467, commodities in bulk and commodities requiring special equipment), (1) between Warren, Ohio, and Cleveland, Ohio, over U.S. Highway 422, serving no intermediate points, as an alternate route for operating convenience only in connection with applicant's authorized regular-route operations; (2) between Akron, Ohio, and Wooster, Ohio, over Ohio Highway 5, serving no intermediate points, as an alternate route for operating convenience only in connection with applicant's authorized regular-route operations; (3) between Cleveland, Ohio and Massillon, Ohio, over U.S. Highway 21, serving no intermediate points but serving the junction U.S. Highways 224 and 21 and junction Ohio Highway 18 and U.S. Highway 21 for joinder purposes only, as an alternate route for operating convenience only in connection with applicant's authorized regular-route operations; and (4) between Dayton, Ohio, and Springfield, Ohio, over Ohio Highway 4, serving no intermediate points, as an alternate route for operating convenience only in connection with applicant's authorized regular-route operations. NOTE: Applicant states that the above proposed routes will be used for joinder purposes only with its presently authorized routes. If a hearing is deemed necessary, applicant requests it be held at Cleveland or Columbus, Ohio.

No MC 72444 (Sub-No. 21), filed May 24, 1965. Applicant: AKRON-CHICAGO, INC., 1016 Triplett Boulevard, Akron, Ohio. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, dangerous explosives, household goods as defined in *Practices of Motor Common Carriers of Household Goods*, 17 M.C.C. 467, commodities in bulk and commodities requiring special equipment), (1) between junction New York Highways 5 and 77 and Medina, N.Y., from junction New York Highways 5 and 77 over New York Highway 77 to junction New York Highway 63, and thence over New York Highway 63 to Medina, and return over the same route, serving no intermediate points but serving junction New York Highways 5 and 77 and junction New York Highways 63 and 31 for joinder purposes only as an alternate route for operating convenience only in connection with applicant's regular-route operations; (2) between junction U.S. Highway 20 and New York Highway 19 and Brockport, N.Y. over New York Highway 19, serving no intermediate points but serving junction New York Highways 5 and 19, junction U.S. Highway 20 and New York Highway 19, and junction New York Highways 31 and 19 for joinder purposes only as an alternate route for operating convenience only in connection with applicant's regular-route operations; (3) between Alton, N.Y. and Elmira, N.Y. over New York Highway 14, serving no intermediate points, but serving junction New York Highway 5 and U.S. Highway 20 and New York Highway 14, and junction U.S. Highway 104 and New York Highway 14 for joinder purposes only as an alternate route for operating convenience only in connection with applicant's regular-route operations, and (4) between Auburn, N.Y. and Waterville, N.Y., from Auburn over U.S. Highway 20 to junction New York Highway 12, thence over New York Highway 12 to Waterville, and return over the same route, serving no intermediate points, but serving junction New York Highway 12 and U.S. Highway 20 for joinder purposes only as an alternate route for operating convenience only in connection with applicant's regular-route operations. NOTE: Applicant states that the above proposed routes will be used for joinder purposes only with its presently authorized routes. If a hearing is deemed necessary, applicant requests it be held at Buffalo, N.Y.

No. MC 76177 (Sub-No. 301) (AMENDMENT), filed April 8, 1965, published in FEDERAL REGISTER, issue of April 28, 1965, amended June 7, 1965, and republished as amended this issue. Applicant: BAGGETT TRANSPORTATION COMPANY, a corporation, 2 South 32d Street, Birmingham 5, Ala. Applicant's attorney: Harold G. Hernly, 711 14th Street NW., Washington 5, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, blasting supplies, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment), serving the plantsite of the Hammermill Paper Co. located at or near Burnsville, Ala., as an off-route point in connection with applicant's regular-route operations. The purpose of this republication is to show that applicant is seeking to serve the above-named plantsite as an off-route point, in lieu of the irregular-route authority set forth in the previous publication. NOTE: Applicant does not specify place of hearing if one is deemed necessary.

No. MC 76266 (Sub-No. 108), filed May 24, 1965. Applicant: ADMIRAL-MERCHANTS MOTOR FREIGHT, INC., 2625 Territorial Road, St. Paul, Minn. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving the plantsite of the American Cyanamid Co. located at South River, Mo. (near Palmyra in Marion County) as an off-route point in connection with applicant's regular-route operations to and from St. Louis, Mo. NOTE: If a hearing is deemed necessary, applicant requests it be held at St. Louis, Mo.

No. MC 83850 (Sub-No. 7), filed May 27, 1965. Applicant: JOHNSONS TRANSFER, INC., 2519 Morris Street, Philadelphia, Pa. Applicant's attorney: Beverley S. Simms, 612 Barr Building, 910 17th Street NW., Washington, D.C., 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Building materials* and *gypsum products* (except asphalt and fly ash, in bulk, in tank or hopper vehicles), from Baltimore, Md., to points in New Jersey and *damaged and rejected shipments*, on return. NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Philadelphia, Pa.

No. MC 84511 (Sub-No. 22) (AMENDMENT), filed March 8, 1965, published FEDERAL REGISTER issue March 25, 1965, and republished as amended this issue. Applicant: COMMERCIAL FREIGHT

LINES, INCORPORATED, 1700 West Ninth Avenue, Kansas City, Mo. Applicant's attorney: William J. Boyd, 30 North La Salle Street, Chicago 2, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts and articles distributed by meat packinghouses*, as described in sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except commodities in bulk, in tank vehicles, and except hides), from points in Dakota County, Nebr., and Sioux City, Iowa, to points in Illinois, Wisconsin, Michigan, Missouri, Kansas, Oklahoma, Arkansas, Iowa, Minnesota, and Indiana, and *rejected and returned shipments of* the above commodities, on return. NOTE: The purpose of this republication is to add the origin point of Sioux City, Iowa. If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr., or Des Moines, Iowa.

No. MC 87379 (Sub-No. 7), filed May 21, 1965. Applicant: C. H. HOOKER TRUCKING CO., a corporation, R.F.D. No. 2, Uhrichsville, Ohio. Applicant's attorney: Robert T. Fitzsimons, 50 West Broad Street, Columbus, Ohio, 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Clay products and plastic products*, from points in Tuscarawas County, Ohio, to points in the United States, including Alaska but excluding Hawaii; (2) *clay products*, from Logan and Junction City, Ohio, to points in the United States, including Alaska but excluding Hawaii; and (3) *plastic products*, from points in Center Township, Carroll County, Ohio, to points in the United States, including Alaska but excluding Hawaii. NOTE: Applicant states that it intends to transport refused and rejected shipments, empty pallets, platforms and skids on return movements. If a hearing is deemed necessary, applicant requests it be held at Columbus, Ohio.

No. MC 95540 (Sub-No. 631) (AMENDMENT), filed February 1, 1965, published in FEDERAL REGISTER issue of February 17, 1965, amended June 1, 1965, and republished as amended this issue. Applicant: WATKINS MOTOR LINES, INC., Albany Highway, Thomasville, Ga. Applicant's representative: Jack M. Holloway (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts* and *articles distributed by meat packinghouses* (except hides and commodities in bulk, in tank vehicles), as described in sections A and C of Appendix I in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, from Dakota City, Nebr., and Sioux City, Iowa, to points in Arizona, California, Colorado, Connecticut, Delaware, Idaho, Maine, Maryland, Massachusetts, Montana, Nevada, New Hampshire, New Jersey, New Mexico, New York, Oregon, Pennsylvania, Rhode Island, Utah, Vermont, Virginia, Washington, West Virginia, Wyoming, and the District of Columbia. NOTE: The purpose of this republication is to add Sioux City, Iowa, as an origin point. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr., or Des Moines, Iowa.

No. MC 95540 (Sub-No. 640), filed May 24, 1965. Applicant: WATKINS MOTOR LINES, INC., Albany Highway, Thomasville, Ga. Applicant's representative: Jack M. Holloway (same as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts*, and *articles distributed by meat packinghouses*, as defined by the Commission (except hides and commodities in bulk, in tank vehicles), from points in Colorado on and east of U.S. Highway 85 and on and north of U.S. Highway 36, to points in Alabama, Arizona, Arkansas, California, Connecticut, Delaware, Florida, Georgia, Idaho, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Montana, Nebraska, Nevada, New Hampshire, New Jersey, New Mexico, New York, North Carolina, North Dakota, Ohio, Oklahoma, Oregon, Pennsylvania, Rhode Island, South Carolina, South Dakota, Tennessee, Texas, Utah, Vermont, Virginia, Washington, West Virginia, Wisconsin, Wyoming, and the District of Columbia. NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Kansas City, Mo.

No. MC 95540 (Sub-No. 641), filed May 24, 1965. Applicant: WATKINS MOTOR LINES, INC., Albany Highway, Thomasville, Ga. Applicant's representative: Jack M. Holloway (same as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs, canned, prepared*, or *preserved* (other than frozen), from points in Delaware, Maryland, points in Atlantic, Burlington, Camden, Cape May, Cumberland, Gloucester, Ocean, and Salem Counties, N.J., and points in Accomack and Northampton Counties, Va., to points in Arkansas, Illinois, Indiana, Iowa, Kansas, Minnesota, Missouri, Nebraska, Oklahoma, and Wisconsin. NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 99798 (Sub-No. 4), filed June 10, 1963. Applicant: DODDS TRUCK LINE, INC., 623 Lincoln, West Plains, Mo. Applicant's attorney: Frank W. Taylor, Jr., 1221 Baltimore Avenue, Kansas City 5, Mo. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, requiring special equipment and those injurious or contaminating to other lading), serving Mountain Home and Gassville, Ark., as off-route points in connection with applicant's regular-route operations. NOTE: If a hearing is deemed necessary, applicant requests it be held at St. Louis, Mo.

No. MC 103051 (Sub-No. 190), filed May 24, 1965. Applicant: FLEET TRANSPORT COMPANY, INC., 340 Armour Drive NE., Atlanta, Ga. Applicant's attorney: R. J. Reynolds, Jr., Suite 403, 11 Healey Building, Atlanta, Ga. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Commodities*, in bulk, having prior movement by rail, water, or pipeline, between points in Alabama, Arkansas, Florida, Georgia, Louisiana, Mississippi, Tennessee, Texas, North Carolina, and South Carolina. NOTE: If a hearing is deemed necessary, applicant does not specify place desired.

No. MC 103993 (Sub-No. 206), filed May 24, 1965. Applicant: MORGAN DRIVE-AWAY, INC., 2800 Lexington Avenue, Elkhart, Ind. Applicant's attorney: John E. Lesow, 3737 North Meridian Street, Indianapolis 8, Ind. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Trailers*, designed to be drawn by passenger automobiles, in initial movements, in truckaway service, from Fort Morgan, Colo., to points in Nebraska, Kansas, Missouri, Wyoming, Montana, North Dakota, New Mexico, and South Dakota. NOTE: If a hearing is deemed necessary, applicant requests it be held at Denver, Colo.

No. MC 105407 (Sub-No. 11), filed May 24, 1965. Applicant: HANNIBAL-QUINCY TRUCK LINES, INC., 2816 Market Street, Hannibal, Mo. Applicant's attorney: Thomas P. Rose, Jefferson Building, Jefferson City, Mo. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, dangerous explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between the plantsite of American Cyanamid Co., at South River, Mo., located near Palmyra, Mo., as an off-route point in connection with applicant's authorized regular route operations in MC 105407. NOTE: If a hearing is deemed necessary, applicant requests it be held at St. Louis, Mo.

No. MC 106509 (Sub-No. 19), filed May 24, 1965. Applicant: YOUNGER BROS.-J. M. ENGLISH TRUCK LINES, INC., 4904 Griggs Road, Houston, Tex. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Heavy and cumbersome commodities* which, because of size and weight, require the use of special equipment, between points in Louisiana, Mississippi, and Texas. NOTE: If a hearing is deemed necessary applicant requests it be held at Houston, Tex.

No. MC 107107 (Sub-No. 337) (AMENDMENT), filed March 1, 1965, published FEDERAL REGISTER issue of March 25, 1965, amended June 4, 1965, and republished as amended this issue. Applicant: ALTERMAN TRANSPORT LINES, INC., Post Office Box 458, Allapattah Station, Miami, Fla., 33142. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts and articles distributed by meat packinghouses* (except hides and commodities in bulk, in tank vehicles), from Sioux City, Iowa and points in Dakota County, Nebr., to points in Alabama, Florida, Georgia, North Carolina, and South Carolina. NOTE: The purpose of this republication is to add Sioux City, Iowa, as an origin point. If a hearing is deemed necessary, applicant requests it be held at Des Moines, Iowa or Omaha, Nebr.

No. MC 107496 (Sub-No. 381), filed May 24, 1965. Applicant: RUAN TRANSPORT CORPORATION, Keosauqua Way at Third, Des Moines, Iowa, 50309. Applicant's attorney: H. L. Fabritz (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Anhydrous ammonia, liquid ammonium nitrate, liquid urea, fertilizer solutions, nitric acid*, and *sulfuric acid*, in tank vehicles, from the plantsite of the American Cyanamid Co., South River, Mo., located in Marion County (near Palmyra, Mo.), to points in Arkansas, Illinois, Indiana, Iowa, Kansas, Kentucky, Michigan, Minnesota, Missouri, Nebraska, North Dakota, Ohio, Oklahoma, South Dakota, Tennessee, Texas, and Wisconsin. NOTE: If a hearing is deemed necessary, applicant requests it be held at St. Louis, Mo.

No. MC 107515 (Sub-No. 513), filed May 13, 1965. Applicant: REFRIGERATED TRANSPORT CO., INC., 290 University Avenue Southwest, Atlanta, Ga., 30310. Applicant's attorney: Paul M. Daniell, Suite 1600 First Federal Building, Atlanta, Ga., 30303. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts* as defined by the Commission, from Fort Smith, Ark., to points in Louisiana. RESTRICTION: Service in Louisiana restricted to stop-off in transit for partial unloading only. NOTE: Applicant states that the shipments of the above commodities would be ultimately destined to points in Florida, Georgia, North Carolina, South Carolina, Tennessee, or Alabama, which applicant is presently authorized to serve under its Sub 239 certificate. If a hearing is deemed necessary, applicant requests it be held at Atlanta, Ga., or New Orleans, La.

No. MC 107726 (Sub-No. 3), filed May 17, 1965. Applicant: MISSISSIPPI-EAST, INC., 69 West Woodland Avenue, Washington, Pa. Applicant's representative: G. H. Dilla, 5275 Ridge Road, Cleveland 29, Ohio. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles* as described by the Commission in MC 45, between Allenport, Monessen, and Washington, Pa., on the one hand, and, on the other, points in Illinois, Indiana, Michigan, Wisconsin, Ohio, and St. Louis, Mo., and points in its commercial zone. NOTE: If a hearing is deemed necessary, applicant requests it be held at Pittsburgh, Pa.

No. MC 108449 (Sub-No. 198) (AMENDMENT), filed February 11, 1965, published in FEDERAL REGISTER, issue of March 3, 1965, amended March 29, 1965, and republished as amended April 8, 1965, and further amended June 4, 1965, and republished as further amended this issue. Applicant: INDIANHEAD TRUCK LINE, INC., 1947 West County Road "C", St. Paul, Minn., 55113. Applicant's attorney: Glenn W. Stephens, 121 West Doty Street, Madison 3, Wis. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Acids, chemicals, fertilizers and fertilizer ingredients*, in bulk, in tank vehicles, from East Dubuque, Ill., and points in Illinois within 10 miles thereof, to points in Illinois, Indiana, Wisconsin, Iowa, Missouri, Kansas, Kentucky, Michigan, Ohio, Nebraska, South Dakota, and Minnesota. NOTE: The purpose of this further republication is to add Kentucky, Michigan, and Ohio to the destination states. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 108449 (Sub-No. 201), filed May 24, 1965. Applicant: INDIANHEAD TRUCK LINE, INC., 1947 West County Road "C", St. Paul, Minn. Applicant's attorney: Glenn W. Stephens, 121 West Doty Street, Madison 3, Wis. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Anhydrous ammonia, ammonium nitrate, urea, nitric acid, sulphuric acid, and fertilizer solutions*, liquid, in bulk, in tank vehicles, from the plantsite of the American Cyanamid Co. at South River, Mo. (located near Palmyra), in Marion County, Mo., to points in Arkansas, Illinois, Indiana, Iowa, Kansas, Kentucky, Michigan, Minnesota, Missouri, Nebraska, North Dakota, Ohio, Oklahoma, South Dakota, Tennessee, Texas, and Wisconsin. NOTE: If a hearing is deemed necessary, applicant requests it be held at St. Louis, Mo.

No. MC 108449 (Sub-No. 198), filed March 29, 1965, published in FEDERAL REGISTER issue of April 8, 1965, and republished as amended this issue. Applicant: INDIANHEAD TRUCK LINE, INC., 1947 West County Road "C", St. Paul, Minn., 55113. Applicant's attorney: Glenn W. Stephens, 121 West Doty Street, Madison 3, Wis. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts* as defined by the Commission, from Fort Smith, Ark., to points in Louisiana. RESTRICTION: Service in Louisiana restricted to stop-off in transit for partial unloading only. NOTE: Applicant states that the shipments of the above commodities would be ultimately destined to points in Florida, Georgia, North Carolina, South Carolina, Tennessee, or Alabama, which applicant is presently authorized to serve under its Sub 239 certificate. If a hearing is deemed necessary, applicant requests it be held at Atlanta, Ga., or New Orleans, La.

No. MC 108449 (Sub-No. 198), filed March 29, 1965, published in FEDERAL REGISTER, issue of March 3, 1965, amended March 29, 1965, and republished as amended April 8, 1965, and further amended June 4, 1965, and republished as further amended this issue. Applicant: INDIANHEAD TRUCK LINE, INC., 1947 West County Road "C", St. Paul, Minn., 55113. Applicant's attorney: Glenn W. Stephens, 121 West Doty Street, Madison 3, Wis. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Acids, chemicals, fertilizers and fertilizer ingredients*, in bulk, in tank vehicles, from East Dubuque, Ill., and points in Illinois within 10 miles thereof, to points in Illinois, Indiana, Wisconsin, Iowa, Missouri, Kansas, Kentucky, Michigan, Ohio, Nebraska, South Dakota, and Minnesota. NOTE: The purpose of this further republication is to add Kentucky, Michigan, and Ohio to the destination states. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 108449 (Sub-No. 201), filed May 24, 1965. Applicant: INDIANHEAD TRUCK LINE, INC., 1947 West County Road "C", St. Paul, Minn. Applicant's attorney: Glenn W. Stephens, 121 West Doty Street, Madison 3, Wis. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Anhydrous ammonia, ammonium nitrate, urea, nitric acid, sulphuric acid, and fertilizer solutions*, liquid, in bulk, in tank vehicles, from the plantsite of the American Cyanamid Co. at South River, Mo. (located near Palmyra), in Marion County, Mo., to points in Arkansas, Illinois, Indiana, Iowa, Kansas, Kentucky, Michigan, Minnesota, Missouri, Nebraska, North Dakota, Ohio, Oklahoma, South Dakota, Tennessee, Texas, and Wisconsin. NOTE: If a hearing is deemed necessary, applicant requests it be held at St. Louis, Mo.

No. MC 108449 (Sub-No. 202), filed May 24, 1965. Applicant: INDIANHEAD TRUCK LINE, INC., 1947 West County Road "C", St. Paul, Minn. Applicant's attorney: Glenn W. Stephens, 121 West Doty Street, Madison 3, Wis. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Anhydrous ammonia, ammonium nitrate, urea, nitric acid, sulphuric acid, and fertilizer solutions*, liquid, in bulk, in tank vehicles, from the plantsite of the American Cyanamid Co. at South River, Mo. (located near Palmyra), in Marion County, Mo., to points in Arkansas, Illinois, Indiana, Iowa, Kansas, Kentucky, Michigan, Minnesota, Missouri, Nebraska, North Dakota, Ohio, Oklahoma, South Dakota, Tennessee, Texas, and Wisconsin. NOTE: If a hearing is deemed necessary, applicant requests it be held at St. Louis, Mo.

No. MC 110420 (Sub-No. 453), filed May 24, 1965. Applicant: QUALITY CARRIERS, INC., 100 South Calumet Street, Burlington, Wis. Applicant's representative: Fred H. Figge (same as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Anhydrous ammonia, ammonium nitrate, urea, nitric acid, sulphuric acid, and fertilizer solutions*, liquid, in bulk, in tank vehicles, from the plantsite of the American Cyanamid Co. at South River, Mo. (located near Palmyra), in Marion County, Mo., to points in Arkansas, Illinois, Indiana, Iowa, Kansas, Kentucky, Michigan, Minnesota, Missouri, Nebraska, North Dakota, Ohio, Oklahoma, South Dakota, Tennessee, Texas, and Wisconsin. NOTE: If a hearing is deemed necessary, applicant requests it be held at St. Louis, Mo.

No. MC 110420 (Sub-No. 454), filed May 28, 1965. Applicant: QUALITY CARRIERS, INC., 100 South Calumet Street, Burlington, Wis. Applicant's representative: Fred H. Figge, Post Office Box 339, Burlington, Wis. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Sugar*, in bulk, from the town of Montezuma, Cayuga County, N.Y., to points in Michigan, Ohio, and Pennsylvania. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 110420 (Sub-No. 455), filed May 28, 1965. Applicant: QUALITY CARRIERS, INC., 100 South Calumet Street, Burlington, Wis. Applicant's representative: Fred H. Figge, Post Office Box 339, Burlington, Wis. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid animal feed ingredients not produced from animal fats or vegetable oils*, in bulk, in tank vehicles, from Crete, Nebr., to points in Illinois, Iowa, Minnesota, Missouri, and Wisconsin. NOTE: If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr.

No. MC 110420 (Sub-No. 456), filed May 28, 1965. Applicant: QUALITY CARRIERS, INC., 100 South Calumet Street, Burlington, Wis. Applicant's representative: Fred H. Figge (same as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid sugar*, in bulk, in tank vehicles, from Cincinnati, Ohio, to points in Indiana and Kentucky. NOTE: If a hearing is deemed necessary, applicant requests it be held at Louisville, Ky.

No. MC 110420 (Sub-No. 457), filed May 28, 1965. Applicant: QUALITY CARRIERS, INC., 100 South Calumet Street, Burlington, Wis. Applicant's representative: Fred H. Figge (same as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals*, in bulk, from Carrollton, Ky.,

to East Chicago, Ind. NOTE: If a hearing is deemed necessary, applicant requests it be held at Louisville, Ky.

No. MC 110525 (Sub-No. 728), filed May 24, 1965. Applicant: CHEMICAL LEAMAN TANK LINES, INC., 520 East Lancaster Avenue, Downingtown, Pa. Applicant's attorneys: Leonard A. Jaskiewicz, 1155 15th Street NW., Madison Building, Washington, D.C., 20005, and Edwin H. van Deusen, 506 East Lancaster Avenue, Downingtown, Pa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Nitrogen tetroxide*, in bulk, in specially designed tank trailers, between Hercules, Calif.; Cape Kennedy, Fla.; Lewis Research Center, located near Cleveland, Ohio; missile sites located at or near Davis-Monthan Air Force Base, Ariz.; Little Rock Air Force Base, Ark., and McConnell Air Force Base, Kans.; Denver, Colo., and points within 25 miles thereof. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 110525 (Sub-No. 729), filed May 27, 1965. Applicant: CHEMICAL LEAMAN TANK LINES, INC., 520 East Lancaster Avenue, Downingtown, Pa. Applicant's attorney: Leonard Jaskiewicz, 1155 15th Street NW., Washington, D.C., 20005, and Edwin H. van Deusen (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Coal tar pitch*, dry, in bulk, in tank or hopper-type vehicles, from Ironton and Cleveland, Ohio, to points in Illinois, Indiana, Michigan, New York, Ohio, Pennsylvania, and West Virginia. NOTE: If a hearing is deemed necessary, applicant requests it be held at Cleveland, Ohio.

No. MC 111170 (Sub-No. 99), filed May 26, 1965. Applicant: WHEELING PIPE LINE, INC., Post Office Box 1718, El Dorado, Ark. Applicant's attorney: Thomas Harper, Post Office Box 49, Fort Smith, Ark. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Commodities* in bulk, from points in Arkansas to points in Arkansas. NOTE: If a hearing is deemed necessary, applicant requests it be held at Little Rock, Ark.

No. MC 111812 (Sub-No. 289), filed May 28, 1965. Applicant: MIDWEST COAST TRANSPORT, INC., Post Office Box 747, Sioux Falls, S. Dak., 57101. Applicant's attorney: Donald L. Stern, 630 City National Bank Building, Omaha, Nebr., 68102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts* and *articles distributed by meat packinghouses* (except hides and commodities in bulk, in tank vehicles), from points in Dawson and Kearney Counties, Nebr., to points in Connecticut, Delaware, Maine, Maryland, Massachusetts, the Lower Peninsula of Michigan, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Vermont, Virginia, West Virginia, and the District of Columbia. NOTE: If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr.

No. MC 111812 (Sub-No. 290), filed May 24, 1965. Applicant: MIDWEST COAST TRANSPORT, INC., Wilson Terminal Building, Post Office Box 747, Sioux Falls, S. Dak., 57101. Applicant's attorney: Donald L. Stern, 630 City National Bank Building, Omaha, Nebr., 68102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs*, canned, prepared or preserved (other than frozen), from points in Atlantic, Burlington, Camden, Cape May, Cumberland, Gloucester, Ocean, and Salem Counties, N.J., points in Accomack and Northampton Counties, Va., and points in Delaware and Maryland, to points in Illinois, Indiana, Iowa, Kansas, Michigan, Minnesota, Missouri, Nebraska, North Dakota, South Dakota, and Wisconsin. NOTE: Applicant states no duplicating authority sought herein. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 112846 (Sub-No. 42), filed May 20, 1965. Applicant: PENNLAND TANKERS, INC., Post Office Box 273 Oil City, Pa. Applicant's attorney: Harold G. Hernly, 711 14th Street NW., Washington, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum and petroleum products*, in bulk, in tank vehicles, from Petrolia and Karns City, Pa., to points in Connecticut, Massachusetts, Maine, New Hampshire, Rhode Island, and Vermont. NOTE: If a hearing is deemed necessary, applicant does not specify place desired.

No. MC 113267 (Sub-No. 152) filed May 24, 1965. Applicant: CENTRAL & SOUTHERN TRUCK LINES, INC., Post Office Box 548, Caseyville, Ill. Applicant's attorney: R. H. Burroughs, 115-A East Main Street, Collinsville, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts* and *articles distributed by meat packinghouses*, as described in Appendix I, to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except commodities in bulk, in tank vehicles), from Louisville, Ky., to points in Florida, Georgia, Tennessee, North Carolina, South Carolina, Alabama, Mississippi and Louisiana. NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Louisville, Ky.

No. MC 113325 (Sub-No. 43), filed May 20, 1965. Applicant: SLAY TRANSPORTATION CO., INC., 2001 South Seventh Street, St. Louis, Mo., 63104. Applicant's attorney: Chester A. Zyblut, 1000 Connecticut Avenue NW., Washington, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Acids and chemicals*, liquid in bulk, in tank vehicles, from the plantsite and storage facilities of Monsanto Co. located at or near El Dorado, Ark.; Long Beach, and Santa Clara, Calif.; Augusta, Ga.; Soda Springs, Idaho; Springfield and Everett, Mass.; Muscatine, Iowa, Luling, La.; Trenton, Mich.; Bridgeport and Kearny, N.J.; Addyston, Ohio; Columbia, Tenn.; Alvin and Texas City, Tex.; and Nitro, W. Va., to points in the St. Louis, Mo.-East St. Louis, Ill. commercial zone. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 113434 (Sub-No. 16), filed May 26, 1965. Applicant: GRA-BELL TRUCK LINE, INC., 679 Lincoln Avenue, Holland, Mich. Applicant's attorney: Wilhelmina Boersma, 2850 Penobscot, Building, Detroit, Mich., 48226. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canned goods*, (1) from the distribution center of Michigan Fruit Canners located approximately two (2) miles west of Coloma, Mich., to points in Pennsylvania, those in that part of West Virginia on and north of U.S. Highway 60 from Huntington to Charleston, W. Va., and on, north and west of U.S. Highway 119 from Charleston, W. Va. to the West Virginia-Pennsylvania State line and Baltimore and Cumberland, Md., and Washington, D.C., and points within 15 miles of Baltimore, Cumberland, and Washington, D.C., and (2) from Baltimore, Md., and points within 15 miles thereof, to the site of the distribution center of Michigan Fruit Canners located approximately two (2) miles west of Coloma, Mich., and *rejected shipments*, on return. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Chicago, Ill.

No. MC 113466 (Sub-No. 5), filed May 25, 1965. Applicant: CECIL E. ALTO AND ROBERT A. ALTO, a partnership doing business as ALTO BROS. TRUCKING, Route 1, Box 220, Eureka, Calif., Applicant's attorney: Earle V. White, Fifth Avenue Building, 2130 Southwest Fifth Avenue, Portland 1, Oreg. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber and plywood*, between points in Del Norte, Siskiyou, Humboldt, Trinity, and Mendocino Counties, Calif. NOTE: If a hearing is deemed necessary, applicant requests it be held at San Francisco, Calif.

No. MC 113855 (Sub-No. 109), filed May 26, 1965. Applicant: INTERNATIONAL TRANSPORT, INC., Highway 52, South, Rochester, Minn. Applicant's attorney: Gene P. Johnson, First National Bank Building, Fargo, N. Dak., 58102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Trucks* in initial movement in truckaway service, from Decatur, Ill., to points in Arizona, Nevada, Utah, California, Oregon, Washington, Idaho, Montana, and to ports of entry on the international boundary line between the United States and Canada in Minnesota and North Dakota, and (2) *parts, attachments and accessories* for trucks, from Decatur, Morton and Joliet, Ill., to the above mentioned destination points. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Chicago, Ill.

No. MC 113908 (Sub-No. 162), filed May 26, 1965. Applicant: ERICKSON TRANSPORT CORPORATION, 706 West Tampa, Post Office Box 3180, Springfield, Mo. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fruit juices and crushed, stemmed grapes*, in bulk, in tank vehicles, from points in Michigan and New York, to Altus, Ark. NOTE: If a hearing is deemed necessary, applicant requests it be held at Little Rock, Ark.

No. MC 113951 (Sub-No. 3), filed May 25, 1965. Applicant: M. D. CRESSY COMPANY, INC., 10 Temple Street, Charlestown, Mass. Applicant's attorney: Raymond E. Bernard, 60 Brattle Street, Harvard Square, Cambridge 38, Mass. Authority sought to operate as a *common carrier* by motor vehicle, over irregular routes, transporting: *Bananas*, from Port Newark, N.J., to Manchester, N.H., Providence, R.I., points in Maine and points in that part of Massachusetts in and east of Worcester County. NOTE: If a hearing is deemed necessary, applicant requests it be held at Boston, Mass.

No. MC 114045 (Sub-No. 178), filed May 24, 1965. Applicant: TRANS-COLD EXPRESS, INC., Post Office Box 5842, Dallas, Tex. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bananas*, in vehicles equipped with mechanical refrigeration, from New Orleans, La., and Gulfport, Miss., to points in Texas, Oklahoma, and Kansas. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 114045 (Sub-No. 179), filed May 24, 1965. Applicant: TRANS-COLD EXPRESS, INC., Post Office Box 5842, Dallas, Tex. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *French fried potatoes, potato products and frozen vegetables*, from the plantsite of Ore-Ida Foods, Inc., located at Ontario, Oreg., to Boise, Idaho. NOTE: Applicant states that it intends to tack the above proposed authority with that authority previously granted in Certificate No. MC 114045 (Sub-Nos. 145 and 146), wherein applicant is authorized to serve points in the States of California, Idaho, Arkansas, New Mexico, Louisiana, Texas, and Oklahoma. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 114091 (Sub-No. 68), filed May 26, 1965. Applicant: HUFF TRANSPORT CO., INC., Fern Valley Road, Louisville, Ky. Applicant's attorney: Rudy Yessin, Sixth Floor McClure Building, Frankfort, Ky. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Anhydrous ammonia, ammonium nitrate, urea, nitric acid, sulphuric acid, and fertilizer solutions*, liquid, in bulk, in tank vehicles, from the plantsite of the American Cyanamid Co. located at South River, Mo. (near Palmyra in Marion County), to points in Arkansas, Illinois, Indiana, Iowa, Kansas, Kentucky, Michigan, Minnesota, Missouri, Nebraska, North Dakota, Ohio, Oklahoma, South Dakota, Tennessee, Texas, and Wisconsin. NOTE: If a hearing is deemed necessary, applicant requests it be held at St. Louis, Mo.

No. MC 115771 (Sub-No. 7), filed May 25, 1965. Applicant: PENBROOK HAULING COMPANY, INC., Post Office Box 1551, Harrisburg, Pa. Applicant's attorney: Christian V. Graf, 407 North Front Street, Harrisburg, Pa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those injurious or contaminating to other lading, commodities in bulk and Classes A and B explosives), between the sites of rail piggyback yards, sidings, freight terminals, and classification yards, located in Harrisburg, Pa., commercial zone, on the one hand, and, on the other, points in Pennsylvania on and east of U.S. Highway 220. NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Harrisburg, Pa.

No. MC 115826 (Sub-No. 39) (AMENDMENT), filed January 5, 1965, published in FEDERAL REGISTER issue of January 20, 1965, amended June 4, 1965, and republished as amended this issue. Applicant: W. J. DIGBY, INC., 1960 31st Street, Post Office Box 5088, Terminal Annex, Denver, Colo. Applicant's attorney: Michael T. Corcoran, 1360 Locust Street, Denver, Colo., 80220. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts, dairy products, and articles distributed by meat packinghouses* as defined in sections A, B, and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except commodities in bulk, in tank vehicles) from points in Dakota County, Nebr. and Sioux City, Iowa, to points in Arizona, California, Colorado, Idaho, Montana, Nevada, New Mexico, Oregon, Utah, Washington, and Wyoming. NOTE: The purpose of this republication is to add Sioux City, Iowa, as an origin point. If a hearing is deemed necessary, applicant requests it be held at Denver, Colo.

No. MC 115826 (Sub-No. 65), filed May 24, 1965. Applicant: W. J. DIGBY, INC., Box 5088 T. A., Denver, Colo. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dairy products, including ice cream and ice cream stick novelties*, from Englewood, Colo., to Phoenix, Tucson, and Yuma, Ariz., and San Diego and Los Angeles, Calif. NOTE: If a hearing is deemed necessary, applicant requests it be held at Denver, Colo.

No. MC 117291 (Sub-No. 1), filed May 27, 1965. Applicant: JACK C. TURNER, doing business as TURNER TOWING COMPANY, 2620 Pacific Avenue, Tacoma, Wash., 98402. Applicant's representative: Joseph O. Earp, 411 Lyon Building, 607 Third Avenue, Seattle, Wash., 98104. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Disabled motor vehicles*, by use of wrecker equipment only, (1) between points in Washington, and (2) between points in Washington, on the one hand, and, on the other, points in Oregon. NOTE: If a hearing is deemed necessary, applicant requests it be held at Seattle, Wash.

No. MC 117574 (Sub-No. 123), filed May 24, 1965. Applicant: DAILY EXPRESS, INC., Post Office Box 39, Mail Route No. 3, Carlisle, Pa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Articles* which because of size or weight require the use of special equipment, and (2) *articles* which do not require the use of special equipment only when moving in the same shipment or same vehicle with articles in (1) above, between points in New York on and west of U.S. Highway 15, on the one hand, and, on the other, points in the United States. NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 117686 (Sub-No. 56), filed May 20, 1965. Applicant: HIRSCHBACH MOTOR LINES, INC., 3324 U.S. Highway 75 North, Sioux City, Iowa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, and meat byproducts, and articles distributed by meat packinghouses* as described in sections A and C of Appendix I to the report in *Descriptions in Motor Carriers Certificates*, 61 M.C.C. 209 and 766 (except commodities in bulk, in tank vehicles, and except hides), between Sioux Falls, S. Dak., and Arkansas City, and Wichita, Kans. NOTE: If a hearing is deemed necessary, applicant requests it be held at Sioux Falls, S. Dak.

No. MC 117815 (Sub-No. 37) (AMENDMENT), filed March 26, 1965. Published FEDERAL REGISTER issue April 14, 1965, republished as amended April 28, 1965, and republished as further amended this issue. Applicant: PULLEY FREIGHT LINES, INC., 2341 Easton Boulevard, Des Moines, Iowa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts* and *articles distributed by meat-packinghouses* (except hides and commodities in bulk, in tank vehicles), from points in Dakota County, Nebr. and Sioux City, Iowa, to points in Illinois, Indiana, Iowa, Kansas, Michigan, Minnesota, Missouri, Wisconsin, New Jersey, New York, Ohio, and Pennsylvania. NOTE: The purpose of this republication is to add the origin point of Sioux City, Iowa. If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr., or Des Moines, Iowa.

No. MC 118474 (Sub-No. 3), filed May 24, 1965. Applicant: AIR VAN LINES, INC., 135 Post Road, Anchorage, Alaska. Applicant's attorney: Wyman C. Knapp, 740 Roosevelt Building, 727 West Seventh Street, Los Angeles 17, Calif. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in Alaska. NOTE: If a hearing is deemed necessary, applicant requests it be held at Juneau or Ketchikan, Alaska.

No. MC 119741 (Sub-No. 15) (AMENDMENT), filed March 26, 1965, published FEDERAL REGISTER issue April 14, 1965, and republished as amended this issue. Applicant: GREEN FIELD TRANS-

PORT COMPANY, INC., Post Office Box 1453, Winter Haven, Fla. Applicant's attorney: Paul M. Daniell, 1600 First Federal Building, Atlanta, Ga., 30303. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts,* and *articles distributed by meat packinghouses*, as defined by the Commission from points in Dakota County, Nebr. and Sioux City, Iowa, to points in Iowa, Illinois, Indiana, Ohio, Kansas, and Missouri. NOTE: The purpose of this republication is to add the origin point of Sioux City, Iowa. If a hearing is deemed necessary, applicant requests it be held at Des Moines, Iowa or Omaha, Nebr.

No. MC 119741 (Sub-No. 16), filed May 24, 1965. Applicant: GREEN FIELD TRANSPORT COMPANY, INC., Post Office Box 1453, Winter Haven, Fla. Applicant's attorney: Robert E. Born, Suite 1600 First Federal Building, Atlanta, Ga., 30303. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Oleomargarine, shortening, lard, tallow, salad dressings and table sauces*, in vehicles equipped with mechanical refrigeration, from points in Morgan County, Ill., to points in Nebraska, Missouri, Iowa, Kansas, Wisconsin, Minnesota, Indiana, Michigan, Ohio, Kentucky, North Dakota, and South Dakota, restricted against movements in bulk, in tank vehicles. NOTE: If a hearing is deemed necessary, applicant requests it be held at St. Louis, Mo. or Springfield, Ill.

No. MC 119777 (Sub-No. 38), filed May 26, 1965. Applicant: LIGON SPECIALIZED HAULER, INC., Post Office Box 31, Madisonville, Ky. Applicant's attorney: Robert M. Pearce, 221 Saint Clair, Frankfort, Ky. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Building board, wall board, insulation board*, finished or not finished, with or without decorative or protective material, and *accessories and supplies* used in the installation thereof, from Wright City, Mo., to points in the continental United States, and *rejected shipments*, on return. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 119778 (Sub-No. 89), filed May 17, 1965. Applicant: REDWING CARRIERS, INC., Post Office Box 34, Powderly Station, Birmingham, Ala. Applicant's attorney: J. Douglas Harris, 413 Bell Building, Montgomery 4, Ala. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Corn syrup and liquid sugar*, and *blends* of corn syrup and liquid sugar, in bulk, in tank vehicles, from points in Cullman County, Ala., to points in Georgia. NOTE: If a hearing is deemed necessary, applicant requests it be held at Montgomery, Ala.

No. MC 119778 (Sub-No. 90), filed May 24, 1965. Applicant: REDWING CARRIERS, INC., Post Office Box 34, Powderly Station, Birmingham, Ala. Applicant's attorney: J. Douglas Harris, 413 Bell Building, Montgomery 4, Ala. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum and petroleum products*, in packages and drums, from Tuscaloosa, Ala., to points in Tennessee and points in Georgia on and west of U.S. Highway 129. NOTE: If a hearing is deemed necessary, applicant requests it be held at Montgomery, Ala.

No. MC 119778 (Sub-No. 91), filed May 24, 1965. Applicant: REDWING CARRIERS, INC., Post Office Box 34, Powderly Station, Birmingham, Ala. Applicant's attorney: J. Douglas Harris, 413 Bell Building, Montgomery 4, Ala. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fly ash*, from points in Shelby County, Ala., to points in Oklahoma and Missouri. NOTE: If a hearing is deemed necessary, applicant requests it be held at Montgomery or Birmingham, Ala., or Atlanta, Ga.

No. MC 119778 (Sub-No. 92), filed May 25, 1965. Applicant: REDWING CARRIERS, INC., Post Office Box 34, Powderly Station, Birmingham, Ala. Applicant's attorney: Frank B. Hand, Jr., 921 17th Street NW., Washington 6, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid petroleum products* in bulk, from points in Muscogee County, Ga., to points in Alabama, Florida, Georgia, North Carolina, South Carolina, Tennessee, and Mississippi. NOTE: If a hearing is deemed necessary, applicant requests it be held at Atlanta, Ga.

No. MC 120392 (Sub-No. 2) (AMENDMENT), filed March 15, 1965, published FEDERAL REGISTER issue of April 28, 1965, amended June 4, 1965, and republished as amended this issue. Applicant: HENRY C. SMITH, doing business as ARROW VAN LINES, 88 Randolph Street, Savannah, Ga. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New and used household furniture and household appliances*, in less than truckload lots, between Savannah, Ga., on the one hand, and, on the other, points in Beaufort, Colleton, Hampton, and Jasper Counties, S.C. NOTE: The purpose of this republication is to more clearly set forth the commodity description. If a hearing is deemed necessary, applicant requests it be held at Savannah, Ga.

No. MC 123048 (Sub-No. 62), filed May 26, 1965. Applicant: DIAMOND TRANSPORTATION SYSTEM, INC., 1919 Hamilton Avenue, Racine, Wis. Applicant's attorney: Glenn W. Stephens, 121 West Doty Street, Madison, Wis., 53703. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Tractors, tractors with attachments* (except truck tractors and truck tractor attachments and except commodities that require the use of special equipment or special handling) *and parts* for the units being transported, from Burlington, Iowa, to points in Missouri and Oklahoma, and *rejected shipments*, on return. NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Madison or Milwaukee, Wis.

No. MC 123569 (Sub-No. 6), filed May 26, 1965. Applicant: MATICH TRANSPORTATION COMPANY, a corporation, Post Office Box 390, Colton, Calif. Applicant's attorney: R. Y. Schureman, 1010 Wilshire Boulevard, Los Angeles, Calif. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cement*, in bulk, from Cushenberry, Calif., to Mercury Test Site, Nev., and points in Clark County, Nev. NOTE: If a hearing is deemed necessary, applicant requests it be held at Los Angeles, Calif.

No. MC 123654 (Sub-No. 2), filed November 26, 1963. Applicant: RALPH BONDURANT, doing business as BONDURANT'S SERVICE, 91 South Forge Street, Akron, Ohio. Applicant's representative: John R. Meeks, Post Office Box 1389, Akron 9, Ohio. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wrecked, disabled, abandoned, repossessed, stolen*, or *embezzled vehicles*, except mobile and house trailers, with or without cargo, by wrecker equipment only, and *dollies*, where said vehicles are in such condition that they cannot be towed, and *replacement vehicles and equipment*, between points in Medina, Portage, Stark, Summit, and Wayne Counties, Ohio, on the one hand, and, on the other, points in Illinois, Maryland, New Jersey, New York, and the District of Columbia: NOTE: If a hearing is deemed necessary, applicant requests it be held at Akron, Ohio.

No. MC 125440 (Sub-No. 2), filed May 18, 1965. Applicant: JULES TISCHLER AND PAUL JOHNSON, a partnership, doing business as RARITAN MOTOR EXPRESS, Van Dyke Road, Branchburg, N.J. Applicant's attorney: LeRoy Danziger, 334 King Road, North Brunswick, N.J. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Precast concrete panels*, and *materials, supplies, and equipment* used in the manufacture, erection, and attachment of such commodity, between Bound Brook, N.J.; Worcester, Mass., and Brandywine, Md., on the one hand, and, on the other, points in Connecticut, Delaware, the District of Columbia, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York (except Allegany, Cattaraugus, Chatauqua, Chemung, Erie, Genesee, Livingston, Monroe, Niagara, Ontario, Orleans, Schuyler, Seneca, Steuben, Tioga, Tomkins, Wayne, Wyoming, and Yates Counties, N.Y.), points in Philadelphia, Bucks, Chester, Delaware, and Montgomery Counties, Pa., Rhode Island, Vermont, Virginia, and West Virginia. NOTE: Applicant states they will transport refused and rejected shipments, on return. They further state the proposed operation will be under a continuing contract or contracts with Eastern Schokcrete Corp., Bound Brook, N.J. If hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 125808 (Sub-No. 1), filed May 27, 1965. Applicant: AAA CON DRIVERS EXCHANGE, INC., 147 West 42d Street, New York, N.Y. Applicant's representative: Bert Collins, 140 Cedar Street, New York 6, N.Y. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passenger automobiles, trucks* (¾ ton or less), with or without

baggage, sporting equipment and personal effects in secondary movements in driveaway service, between points in the continental United States, including Alaska. NOTE: If a hearing is deemed necessary, applicant requests it be held at New York, N.Y.

No. MC 125997 (Sub-No. 2), filed May 24, 1965. Applicant: L. C. FOESCH, doing business as FOESCH TRANSFER LINE, Post Office Box 434, Shawano, Wis. Applicant's attorney: John T. Porter, 708 First National Bank Building, Madison, Wis., 53703. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Pipe or casing and accessorial parts thereto*, from Shawano, Wis., to points in the Upper Peninsula of Michigan. NOTE: Applicant states that the proposed operation will under continuing contract with Ernie R. Domrath, doing business as V & E Distributing Co., Shawano, Wis. If a hearing is deemed necessary, applicant requests it be held at Madison, Wis.

No. MC 126381 (Sub-No. 4), filed May 26, 1965. Applicant: FRANK RIVIELLO, 860 West Oak Street, Old Forge, Pa. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Miniature golf courses*, set up in sections and *pool tables*, shipped with legs removed (neither commodity to be boxed or crated), from Scranton, Pa., to points in Virginia, Georgia, North Carolina, South Carolina, Florida, Alabama, Louisiana, and Tennessee. NOTE: Applicant states that the above proposed operation will be conducted for the account of Lomma Enterprises, Inc. If a hearing is deemed necessary, applicant does not specify place of hearing.

No. MC 126563 (Sub-No. 3), filed May 20, 1965. Applicant: S. B. PLATT, III, Highway 45 North, Columbus, Miss. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Pulp sludge and other waste products of paper manufacturers*, in bulk only, from points in Mississippi and Alabama, to points in Alabama and Mississippi. NOTE: If a hearing is deemed necessary, applicant requests it be held at Meridian, Miss.

No. MC 126831 (Sub-No. 3), filed May 24, 1965. Applicant: MARKET STREET VAN & STORAGE, INC., 1875 Mission Street, San Francisco, Calif. Applicant's attorney: Marshall G. Berol, 21st Floor, 100 Bush Street, San Francisco 4, Calif. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Used household goods* as defined by the Commission in 17 M.C.C. 467, between points in San Francisco, Marin, San Mateo, Alameda, and Santa Clara Counties, Calif. NOTE: If a hearing is deemed necessary, applicant requests it be held at San Francisco, Calif.

No. MC 127133 (Sub-No. 2), filed May 26, 1965. Applicant: DANIEL ROCKLIN, doing business as ROCKLIN TRUCKING CO., 13 East 3d Street, New York, N.Y. Applicant's attorney: William J. Augello, Jr., 2 West 45th Street, New York, N.Y., 10036. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Books, periodical and magazines*, and *returned unsold issues*, between Pine Brook, N.J., and points in the New York, N.Y., commercial zone. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 127181 (Sub-No. 1), filed May 27, 1965. Applicant: MELVIN E. NEWCOMB, 712 Sixth Avenue West, Spencer, Iowa. Applicant's representative: William A. Landau, 1307 East Walnut Street, Des Moines 16, Iowa. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer, agricultural chemicals, and equipment, and supplies*, incidental to the application of fertilizer and agricultural chemicals, from Spencer, Iowa, to points in Minnesota, Nebraska, and South Dakota. NOTE: Applicant states the proposed operation will be under a continuing contract with American Cyanamid Co. If a hearing is deemed necessary, applicant requests it be held at Des Moines, Iowa.

No. MC 127231 (Sub-No. 1), filed May 27, 1965. Applicant: KENNETH L. FISHER, Marble Rock, Iowa. Applicant's representative: William A. Landau, 1307 East Walnut Street, Des Moines 16, Iowa. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer, agricultural chemicals, and equipment, and supplies*, incidental to the application of fertilizer and agricultural chemicals, from Charles City, Iowa, to points in Illinois, Minnesota, and Wisconsin. NOTE: Applicant states the proposed operation will be under a continuing contract with American Cyanamid Co. If a hearing is deemed necessary, applicant requests it be held at Des Moines, Iowa.

No. MC 127273, filed May 13, 1965. Applicant: ROSS E. WALKER, Rural Delivery No. 2, Somerset, Pa. Applicant's attorney: William S. Livengood, Jr., 227 State Street, Harrisburg, Pa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Ice cream, cottage cheese* in containers, *butter, whipped cream* in pressurized cans and *powdered milk* in paper bags, (1) from Pittsburgh, Pa., to points in Mongalia, Marion, Harrison, Kanawha, and Raleigh Counties, W. Va., and (2) between points in Mongalia, Marion, Harrison, Kanawha, and Raleigh Counties, W. Va.. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 127278 (Sub-No. 1), filed May 28, 1965. Applicant: PACIFIC VAN & STORAGE CO., INC., 1415 West Torrance Boulevard, Torrance, Calif. Applicant's attorney: Alan F. Wohlstetter, 1 Farragut Square South, Washington, D.C., 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission (1) between points in Los Angeles, Orange, Kern, San Diego, Riverside, San Bernardino, and Ventura Counties, Calif., and (2) between points in San Mateo, Alameda, Contra Costa, Marin, Santa Cruz, and Santa Clara Counties, Calif., restricted to shipments having a prior or subsequent movement beyond said counties, and further restricted to pickup and delivery service incidental to and in connection with packing, crating, and containerization or unpacking, uncrating and decontainerization of such shipments. NOTE: If a hearing is deemed necessary, applicant requests it be held at Los Angeles, Calif.

No. MC 127289, filed May 24, 1965. Applicant: H. MORRIS, doing business as JEWETT SCOTT TRUCK LINE, 1208 Tittle Street, Post Office Box 267, Mangum, Okla. Applicant's attorney: James W. Hightower, Wynnewood Professional Building, Dallas, Tex. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer* in bags and sacks, from Bonham, Galveston, Houston, Pasadena, and Texas City, Tex., to points in Beckham, Greer, Harmon, Jackson, Kiowa, Tillman, and Washita Counties, Okla., and *exempt commodities*, and *damaged or rejected shipments* of the above commodities, on return. NOTE: If a hearing is deemed necessary, applicant requests it be held at Oklahoma City, Okla.

No. MC 127298, filed May 24, 1965. Applicant: ROBERT W. KOLARICH, Jeffrey City, Wyo. Applicant's attorney: H. S. Harnsberger, Jr., First National Bank Building, 303 Main Street, Lander, Wyo. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Mine roof supporting material consisting primarily of steel, rock bolts and pads, mining equipment, and unfinished mining products*, from Salt Lake City, Utah, and Denver, Colo., to Jeffrey City, Wyo. NOTE: Applicant states the proposed operations will be under a contract with Continental Mining Co. and Western Nuclear, Inc. If a hearing is deemed necessary, applicant requests it be held at Lander, Wyo.

No. MC 127299, filed May 24, 1965. Applicant: IRVING CHERNEKOFF AND NORMAN CHERNEKOFF, doing business as INSTALLERS ASSOCIATES, 88 Ruby Drive, Claymont, Del. Applicant's attorney: Morris J. Winokur, 1920 Two Penn Center Plaza, John F. Kennedy Boulevard, at 15th Street, Philadelphia, Pa., 19102. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Gas and electric appliances, household goods, furniture* and *household and office furnishings* and *counter tops*, from the stores of and warehouses used by W. T. Grant Co., J. C. Penney Co., Inc., and Cherry's, Inc., located in Philadelphia, Delaware, and Montgomery Counties, Pa., and points in Delaware, to points in Pennsylvania, New Jersey, Delaware, and Maryland and *returned, exchanged, and damaged shipments*, on return. NOTE: Applicant states that the above-proposed operation will be under continuing contracts with W. T. Grant Co., J. C. Penney Co., Inc., and Cherry's, Inc. If a hearing is deemed necessary, applicant requests it be held at Philadelphia, Pa.

No. MC 127301, filed May 24, 1965. Applicant: ROY G. GROVER, doing business as GROVER TRUCKING, Rural

routes, transporting: *Petroleum and pe-*

TRANSPORTATION COMPANY, a cor-

trucks (¾ ton or less), with or without

Business is GROVER TRUCKING, Rural

Delivery No. 1, Willseyville, N.Y. Applicant's representative: Raymond A. Richards, 35 Curtice Park, Post Office Box 25, Webster, N.Y., 14580. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Building materials*, restricted to transportation in stake body dump trucks and in flat bed trailers, from Endicott, N.Y., to points in Bradford, Lackawanna, Susquehanna, Wayne, and Wyoming Counties, Pa. NOTE: If a hearing is deemed necessary, applicant requests it be held at Rochester, N.Y.

No. MC 127303, filed May 26, 1965. Applicant: HENRY ZELLMER, doing business as ZELLMER TRUCK LINES, Granville, Ill. Applicant's attorney: Albert A. Andrin, 105 West Adams Street, Chicago, Ill., 60603. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages and related advertising materials*, from points in the Minneapolis-St. Paul, Minn. commercial zone, to Danville, Peoria, Aurora, Loves Park, Spring Valley, and Urbana, Ill. NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

MOTOR CARRIERS OF PASSENGERS

No. MC 675 (Sub-No. 3), filed May 24, 1965. Applicant: CLYDE B. ALEXANDER, doing business as A. & M. TRANSIT LINES, 1652 South Morgan Avenue, Alliance, Ohio. Applicant's attorney: Taylor C. Burneson, 3430 LeVeque-Lincoln Tower, 50 West Broad Street, Columbus, Ohio. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Passengers and their baggage*, in round-trip special operations and round-trip charter operations, beginning and ending at points in Summit, Portage, and Stark Counties, Ohio, and extending to points in Virginia, New York (including ports of entry on the international boundary line between the United States and Canada), Michigan (including ports of entry on the international boundary line between the United States and Canada), and the District of Columbia, and (2) *passengers and their baggage*, in round-trip special operations, beginning and ending at Alliance and Akron, Ohio, and extending to points in the United States, including Alaska (but excluding Hawaii), and including ports of entry on the international boundary lines between the United States and Canada and between the United States and Mexico. NOTE: Applicant states he is authorized by virtue of Certificate No. MC 675 to transport passengers and their baggage, in round-trip charter operations, beginning and ending at points in Summit, Portage, and Stark Counties, Ohio, and extending to the District of Columbia, Alexandria, Va., and points in Arlington and Fairfax Counties, Va.; and in Certificate No. MC 675 (Sub-No. 2), passengers and their baggage, in round-trip charter operations, beginning and ending at points in Summit, Portage, and Stark Counties, Ohio, and extending to New York, N.Y. In such respects, applicant seeks no duplicative authority. If a hearing is deemed necessary, applicant requests it be held at Akron or Cleveland, Ohio.

No. MC 106570 (Sub-No. 3), filed May 21, 1965. Applicant: LITTEN & LITTEN MOTOR LINES, INC., Box 128, Knoxville, Md. Applicant's attorney: Francis J. Ortman, National Press Building, Washington 4, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage*, in charter operations, beginning and ending at Frederick and Middletown, Md., and extending to points in Pennsylvania, New Jersey, Maryland, Virginia, West Virginia, and the District of Columbia. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 124989 (Sub-No. 4), filed May 20, 1965. Applicant: ALASKAN COACHWAYS, LIMITED, Post Office Box 516, Fairbanks, Alaska. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers and their baggage, express, mail*, and *newspapers* in the same vehicle with passengers, (1) between Seattle, Wash., and the port of entry located on the international boundary line between the United States and Canada located at or near Sumas, Wash.; from Seattle over U.S. Highway 99 to junction Alternate U.S. Highway 99, thence over Alternate U.S. Highway 99 to junction Washington Highway 546, thence over Washington Highway 546 to the port of entry located on the international boundary line between the United States and Canada located at or near Sumas and return over the same route, serving no intermediate points; (2) between Seattle, Wash., and the port of entry located at or near Blaine, Wash., over U.S. Highway 99, serving no intermediate points. NOTE: Applicant states that it presently serves Alaska through ports of entry on the Alaska-Canada boundary line at or near Porcupine and Tok, Alaska. If a hearing is deemed necessary, applicant requests it be held at Seattle, Wash., Juneau, or Anchorage, Alaska.

APPLICATIONS FOR BROKERAGE LICENSES

MOTOR CARRIERS OF PASSENGERS

No. MC 12675 (Sub-No. 2), filed May 19, 1965. Applicant: PAULINE E. SNODGRASS, 811 Elm Street, Martins Ferry, Ohio. Applicant's attorney: Charles J. Williams, 1060 Broad Street, Newark, N.J., 07102. For a license (BMC 5) to engage in operations as a *broker* at Martins Ferry, Ohio, in arranging for the transportation by motor vehicle, in interstate or foreign commerce, of *passengers and their baggage*, in charter operations, beginning and ending at points in Belmont, Jefferson, and Monroe Counties, Ohio, and Ohio, Brooke, and Hancock Counties, W. Va., and extending to points in the United States, including Alaska and Hawaii. NOTE: Applicant states if the above authority is granted, it will request revocation of her existing authority in MC 12675 (Sub-No. 1).

APPLICATIONS FOR WATER CARRIERS

WATER CARRIERS OF PROPERTY

No. W-431 (Sub-No. 11) (AMENDMENT) (SIOUX CITY AND NEW ORLEANS BARGE LINES, INC.—EXTENSION—ARKANSAS RIVER), filed April 19, 1965, published FEDERAL REGISTER, issue of May 5, 1965, amended June 3, 1965, and republished as amended this issue. Applicant: SIOUX CITY AND NEW ORLEANS BARGE LINES, INC., 5012 Telephone Road, Houston, Tex. Applicant's attorney: Harry W. Patterson, First City National Bank Building, Houston, Tex., 77002. Application filed April 19, 1965, for a revised certificate authorizing extension of its operations to include operation as a common carrier by water in interstate or foreign commerce, by nonself propelled vessels with the use of separate towing vessels in the transportation of general commodities, and by towing vessels in the performance of general towage (a) between ports and points along the Verdigris River, and the Arkansas River, and its tributaries, the Arkansas Post Canal, and the White River from the Arkansas Post Canal to its confluence with the Mississippi River, and (b) between ports and points specified in (a) above, on the one hand, and, on the other, ports and points applicant is presently authorized to serve along the Mississippi River from Grafton, Ill., to Port Sulphur, La., the Illinois Waterway; the Ohio River, the Monongahela River below Brownsville, Pa., the Allegheny River below Kittanning, Pa., and the Missouri River, including the ports and points applicant is presently authorized to serve. NOTE: The purpose of this republication is to add: "the Allegheny River below Kittanning, Pa.", inadvertently omitted from the original application.

WATER CARRIERS OF PASSENGERS

No. W-1213 (Sub-No. 1) (TAHOE WATER TAXI, INC., COMMON CARRIER APPLICATION), filed June 1, 1965. Applicant: TAHOE WATER TAXI, INC., Kingsbury Office Building, Kingsbury Grade, Stateline, Nev. Application for a certificate as a *common carrier* by water covering a new operation, over regular and irregular routes, in the transportation of *passengers*, between points on Lake Tahoe, Nev.-Calif.

APPLICATIONS IN WHICH HANDLING WITHOUT ORAL HEARING HAS BEEN REQUESTED

MOTOR CARRIERS OF PROPERTY

No. MC 2488 (Sub-No. 8), filed May 27, 1965. Applicant: JACK McFEELY, doing business as McFEELY TRUCKING COMPANY, 1502 Industrial Drive, Erie, Pa. Applicant's representative: J. C. Schriner, 11615 Detroit Avenue, Cleveland, Ohio. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Pig iron* and *coke*, from Erie, Pa., to points in Chenango, Herkimer, and Oneida Counties, N.Y.

No. MC 3009 (Sub-No. 59), filed May 24, 1965. Applicant: WEST BROTHERS, INC., 706 East Pine Street, Hattiesburg, Miss. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk and commodities requiring special equipment), between Selma, Ala., and Meridian, Miss., over U.S. Highway 80, serving no intermediate points, as an alternate route for operating convenience only in connection with applicant's authorized regular-route operations.

No. MC 52458 (Sub-No. 202), filed June 8, 1965. Applicant: T. I. McCORMACK TRUCKING CO., INC., U.S. Highway 9 at Green Street, Woodbridge, N.J. Applicant's attorney: Chester A. Zyblut, 1000 Connecticut Avenue NW., Washington, D.C., 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum and petroleum products* (except petrochemicals and asphalt), in bulk, in tank vehicles, from Petrolia, Pa., to points in Delaware, New Jersey, and New York.

No. MC 59114 (Sub-No. 2), filed March 1, 1965. Applicant: ROYAL MOTOR LINES, INC., Eastern and Moonachie Avenues, Carlstadt, N.J. Applicant's attorney: Maxwell A. Howell 1511 K Street NW., Washington 5, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk and those requiring special equipment), (1) between Scranton, Pa., and New York, N.Y., (a) from Scranton over unnumbered highways through Moosic, Pa., to junction Pennsylvania Highway 502, thence over Pennsylvania Highway 502 to junction Pennsylvania Highway 307, thence over Pennsylvania Highway 307 to junction U.S. Highway 611 (also from Scranton over Pennsylvania Highway 307 to junction U.S. Highway 611, also from Scranton over U.S. Highway 611 to junction Pennsylvania Highway 307), thence over U.S. Highway 611 to junction U.S. Highway 46, and thence over U.S. Highway 46 to New York (also from junction U.S. Highway 46 and New Jersey Highway 3, over New Jersey Highway 3 through the Lincoln Tunnel to New York), and return over the same routes; (b) from Scranton over U.S. Highway 11 to Wilkes-Barre, Pa. (also from Scranton over Pennsylvania 315 to Wilkes-Barre).

Thence over U.S. Highway 309 to junction U.S. Highway 22, thence over U.S. Highway 22 to Newark, N.J., thence over U.S. Highways 1 and 9 (also Truck and Business U.S. Highways 1 and 9), through the Holland Tunnel to New York (also from junction U.S. Highway 22 and New Jersey Highway 82 over New Jersey Highway 82 to junction New Jersey Highway 439, and thence over New Jersey Highway 439 via the Goethals Bridge to New York), and return over the same routes; (c) from Scranton over Pennsylvania Turnpike, Northeast Extension to junction U.S. Highway 22, thence over U.S. Highway 22 to Newark, N.J., and thence over the routes described above to New York, and return over the same routes; (d) from Scranton over U.S. Highway 6 to junction U.S. Highway 206, thence over U.S. Highway 206 to junction U.S. Highway 46, thence over U.S. Highway 46 to junction New Jersey Highway 3, thence over New Jersey Highway 3 via the Lincoln Tunnel to New York (also from junction U.S. Highways 206 and 46 over U.S. Highway 206 to junction U.S. Highway 22, thence over U.S. Highway 22 to Newark, and thence over the routes described above to New York), and return over the same routes; (2) between Wilkes-Barre, Pa., and New York, N.Y., from Wilkes-Barre over Pennsylvania Highway 115 to Easton, Pa., thence over U.S. Highway 611 to Doylestown, Pa., thence over U.S. Highway 202 to junction U.S. Highway 22, thence over U.S. Highway 22 to Newark, and thence over the routes described above to New York, and return over the same routes; (3) between Easton, Pa., and New York, N.Y., from Easton over U.S. Highway 22 to junction New Jersey Highway 24, thence over New Jersey Highway 24 to junction U.S. Highway 46, and thence over U.S. Highway 46 as described above to New York, and return over the same routes; (4) between Sayre, Pa., and New York, N.Y., (a) from Sayre over U.S. Highway 220 (formerly shown portion U.S. Highways 220 and 309) to junction U.S. Highway 6.

Thence over U.S. Highway 6 (formerly shown portion U.S. Highway 6 and 309) to Scranton, and thence over the above described routes to New York, and return over the same routes; and (b) from Sayre over U.S. Highway 220 (formerly shown portion U.S. Highway 220 and 309), to junction U.S. Highway 6, thence over U.S. Highway 6 (formerly shown U.S. Highway 6 and 309), to junction U.S. Highway 309, thence over U.S. Highway 309 to Wilkes Barre, thence over routes described above to New York, and return over the same routes; (5) between junction New Jersey Highways 3 and 17 and junction New Jersey Highways 3 and 20, from junction New Jersey Highways 3 and 17 over New Jersey Highway 17 to junction County Road 36 (Moonachie Avenue), thence over County Road 36 to junction County Road 43 (Moonachie Road), thence over County Road 43 to junction New Jersey Highway 20, thence over New Jersey Highway 20 to junction New Jersey Highway 3, and return over the same route, serving all intermediate points and the junction New Jersey Highways 3 and 17 and junction New Jersey Highways 3 and 17 and County Road 36 (Eastern Avenue), from junction U.S. Highway 46 and New Jersey Highway 17 over New Jersey Highway 17 to junction County Road 36 (Eastern Avenue), and return over the same route, serving all intermediate points and junction U.S. Highway 46 and New Jersey Highway 17 and junction New Jersey Highway 17 and County Road 36 for the purpose of joinder; (7) between junction U.S. Highway 46 and U.S. Highways 1 and 9 and junction U.S. Highways 1 and 9 and Truck U.S. Highways 1 and 9, from junction U.S. Highway 46 and U.S. Highways 1 and 9 over U.S. Highways 1 and 9 to junction Truck U.S. Highways 1 and 9, and return over the same route, serving all intermediate points and the junction U.S. Highways 1 and 9 and New Jersey Highway 3 and junction U.S. Highways 1 and 9 and Truck U.S. Highways 1 and 9, for the purpose of joinder. NOTE: Applicant states the proposed operations will include the following: (a) service to the off-route point of Newark, N.J., in connection with the above described routes; (b) service from all intermediate points on eastbound movements, and (c) service to all intermediate points on westbound movements except points in Warren County, N.J., and with joinder at all intermediate points. Applicant seeks to retain irregular route authority as follows:

(1) Between New York, N.Y. and Newark, N.J. on the one hand, and, on the other, points in Bergen, Camden, Essex, Hudson, Mercer, Middlesex, Monmouth, Morris, Ocean, Passaic, Somerset, Sussex, and Union Counties, N.J. and those in that part of Pennsylvania on and east of U.S. Highway 309 not otherwise included in any of the above described regular route authority, and (2) between Elizabeth, N.J. on the one hand, and, on the other, points in Bergen, Camden, Essex, Hudson, Mercer, Middlesex, Monmouth, Morris, Ocean, Passaic, Somerset, Sussex, and Union Counties, N.J. and those in Pennsylvania on the east of U.S. Highway 309. Restriction: Service at Elizabeth, N.J. is restricted to the transportation of traffic having an immediate prior or subsequent movement from or to a point beyond Elizabeth, N.J. This application is filed pursuant to MC-C-4366, effective May 1, 1964, which provides the special rules for conversion of irregular route to regular motor carrier operations. SPECIAL NOTE: Protests to this application may be filed within 45 days instead of 30 days.

No. MC 67118 (Sub-No. 11), filed May 27, 1965. Applicant: STRONG MOTOR LINES, INCORPORATED, Post Office Box 8821, Richmond 25, Va. Applicant's attorney: Eugene M. Malkin, 1825 Jefferson Place NW., Washington, D.C., 20036. Authority sought to operate as a *contract carrier*, by motor vehicle, over regular routes, transporting: *Groceries and meat*, serving the Norfolk Naval Supply Center at Cheatham Annex, Va., located at or near Williamsburg, Va., as an off-route point in connection with applicant's authorized regular-route operations from Richmond, Va., to points in North Carolina. NOTE: Applicant states the proposed operation will be under a continuing contract or contracts with an agency of the U.S. Government.

No. MC 104675 (Sub-No. 24), filed May 24, 1965. Applicant: FRONTIER DELIVERY, INC., 620 Elk Street, Buffalo, N.Y., 14210. Applicant's attorney: Thomas J. Runfola, 631 Niagara Street, Buffalo, N.Y., 14201. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transport-

ing: *Petroleum lubricating oil* in bulk, in tank trailers, from Buffalo, N.Y., to Smithville, W. Va.

No. MC 111401 (Sub-No. 174), filed May 24, 1965. Applicant: GROENDYKE TRANSPORT, INC., 2510 Rock Island Boulevard, Post Office Box 632, Enid, Okla. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Methanol*, in bulk, in tank vehicles, from Sterlington, La., to points in Missouri. NOTE: Applicant states the above operation will be to points in Missouri for partial unloading only when the final destinations are points in Kansas.

No. MC 114194 (Sub-No. 103), filed May 24, 1965. Applicant: KREIDER TRUCK SERVICE, INC., 8003 Collinsville Road, East St. Louis, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Vegetable oils and blends and products thereof*, in bulk from Granite City, Ill., to points in Minnesota, Wiseonsin, Michigan, Iowa, Illinois, Indiana, Missouri, Kentucky, Arkansas, Tennessee, Louisiana, Mississippi, Alabama, and Ohio, and *rejected shipments*, on return.

No. MC 114194 (Sub-No. 105), filed June 1, 1965. Applicant: KREIDER TRUCK SERVICE, INC., 8003 Collinsville Road, East St. Louis, Ill., 62201. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Vegetable oils and blends and products thereof*, in bulk, from Granite City, Ill., to points in Washington, Oregon, Idaho, Wyoming, Texas, Montana, North Dakota, South Dakota, Nebraska, Kansas, Oklahoma, New Mexico, Colorado, Utah, Arizona, Nevada, and California, and *rejected shipments*, on return.

No. MC 118056 (Sub-No. 2), filed May 28, 1965. Applicant: ANGELO DEL SORDO, doing business as DEL'S TRANSPORTATION COMPANY, 16 Pembroke Avenue, Acushnet, Mass. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bananas*, from Port Newark, N.J., to Providence, R.I.

No. MC 123684 (Sub-No. 5), filed May 28, 1965. Applicant: THE H. R. LINE, INC., Box 447, Arcadia, Ind. Applicant's attorney: James D. Collins, 802 Board of Trade Building, 143 North Meridian Street, Indianapolis, Ind., 46204. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *New furniture*, crated, from the plantsite of the Harris Pine Mills, Inc., located near Tranquility, N.J., to points in Connecticut, Delaware, Maryland, Massachusetts, New York, Ohio, Pennsylvania, Rhode Island, Vermont, Virginia, and West Virginia. NOTE: Applicant states that the proposed service will be performed between January and July of each year.

No. MC 124047 (Sub-No. 31), filed June 1, 1965. Applicant: SCHWERMAN TRUCKING CO. OF OHIO, 611 South 28th Street, Milwaukee, Wis., 53246. Applicant's attorney: James R. Ziperski (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Nitric acid*, in bulk, in tank vehicles, from Lima, Ohio, to Huntington, W. Va.

No. MC 124078 (Sub-No. 141), filed May 27, 1965. Applicant: SCHWERMAN TRUCKING CO., a corporation, 611 South 28th Street, Milwaukee, Wis., 53246. Applicant's attorney: James R. Ziperski (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cement*, from Chicago, Ill., to points in Wisconsin.

MOTOR CARRIERS OF PASSENGERS

No. MC 1515 (Sub-No. 82), filed May 21, 1965. Applicant: GREYHOUND LINES, INC., 140 South Dearborn Street, Chicago, Ill., 60603. Applicant's attorney: W. T. Meinhold, 371 Market Street, San Francisco, Calif., 94106. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers and their baggage*, and *express*, and *newspapers*, in the same vehicle with passengers. *Revision of California Routes Nos. 130 and 132 on Certificate Sheets Nos. 30 and 31.* Establish new regular routes of operation over relocated segments of California Highway 108 between Mona Vista Junction and Hunts Camp Junction, as segments of regular routes Nos. 130 and 132, in lieu of the presently authorized segments of highway between these points over former California Highway 108 and unnumbered highway between Soulsbyville Junction and Soulsbyville Road Junction, to read as follows: (a) "130. between Manteca and Tuolumne: from Manteca over California Highway 120 to junction California Highway 48 (Yosemite Junction), thence over California Highway 49 to junction California Highway 108 (Sonora), thence over California Highway 108 to junction unnumbered highway (Soulsbyville Road Junction), thence over unnumbered highway via Soulsbyville and Ralph Station to Tuolumne," and (b) "132. between Soulsbyville Road Junction and Pinecrest: from junction California Highway 108 and unnumbered highway north of Soulsbyville (Soulsbyville Road Junction), over California Highway 108 to Strawberry, thence over unnumbered highway to Pinecrest; Service is authorized to be conducted during the season extending approximately from June 10 to September 10 of each year," and return over the same routes in (a) and (b) above, serving all intermediate points, subject to the general conditions and orders set forth on First Revised Sheet No. 1A of Certificate No. MC 1515 (Sub-No. 7), formerly MC 1501 (Sub-No. 138). NOTE: The changes in operating authority hereinabove shown and explained are proposed to be incorporated in the designated revised sheets to said Certificate No. MC 1515 (Sub-No. 7), formerly MC 1501 (Sub-No. 138). Common control may be involved.

No. MC 126680 (Sub-No. 2), filed May 20, 1965. Applicant EMPIRE BUS LINES, INC., 186 Smith Street, Poughkeepsie, N.Y. Applicant's attorney: John R. Sims, Jr., Post Office Box 9101, Arlington, Va., 22209. Authority sought to operate as a *contract carrier*, by motor vehicle, over regular routes, transporting: *Passengers and their baggage*, in the same vehicle with passengers, between Danbury, Conn., and Chappaqua, N.Y.; from Danbury (junction Main Street and West Street), over West Street, Lake Avenue and Mill Plain Road to U.S. way 6 and 202, thence over U.S. Highway 6 and 202 to junction New York Highway 22 near Brewster, N.Y., thence over New York Highway 22 to junction U.S. Highway 6 (Main Street), thence over Main Street to the Brewster Railroad Station, thence return over Main Street to junction New York Highway 22, thence over New York Highway 22 through Croton Falls, Purdy's Station, and Goldens Bridge, N.Y., to junction Main Street, south of Goldens Bridge, N.Y., thence over Main Street to junction Cross River Road (New York Highway 35), thence over Cross River Road to junction Katonah Avenue, thence over Katonah Avenue to junction Bedford Road (New York Highway 117), thence over New York Highway 117 through Bedford Hills and Mount Kisco, N.Y., to Chappaqua and return over the same route, serving all intermediate points. NOTE: Applicant states that the above proposed operation will be conducted for the account of Reader's Digest. Applicant is also authorized to conduct operations as a common carrier in Certificate No. MC 114757 and subs thereunder, therefore dual operations may be involved.

By the Commission.

[SEAL] BERTHA F. ARMES, *Acting Secretary.*

[F.R. Doc. 65-6266; Filed, June 15, 1965; 8:45 a.m.]

NOTICE OF FILING OF MOTOR CARRIER INTRASTATE APPLICATIONS

JUNE 11, 1965.

The following applications for motor common carrier authority to operate in intrastate commerce seek concurrent motor carrier authorization in interstate or foreign commerce within the limits of the intrastate authority sought, pursuant to section 206(a)(6) of the Interstate Commerce Act, as amended October 15, 1962. These applications are governed by special rule 1.245 of the Commission's rules of practice, published in the FEDERAL REGISTER, issue of April 11, 1963, page 3533, which provides, among other things, that protests and requests for information concerning the time and place of State Commission hearings or other proceedings, any subsequent changes therein, and any other related matters shall be directed to the State Commission with which the application is filed and shall not be addressed to or filed with the Interstate Commerce Commission.

State Docket No. assigned T-1,036 Sub 2, filed May 12, 1965. Applicant: LLOYD V. ADKISON, Post Office Box 6, Higginsville, Mo. Applicant's attorney: Joseph R. Nacy, 117 West High Street, Post Office Box 352, Jefferson City, Mo., 65102. Certificate of public convenience and necessity sought to operate a freight service as follows: Transportation of: *Property*, (a) from Kansas City over U.S. Highway 40 to junction Missouri Highway 13, thence over Missouri Highway 13 to junction Missouri Highway 213, thence over Missouri Highway 213 to junction Missouri Highway 20, thence over Missouri Highway 20 to junction Missouri Highway 23, thence over Missouri Highway 23 to junction U.S. Highway 24, thence over U.S. Highway 24 to Waverly, and return over the same routes, with authority to transport property between Kansas City, Higginsville, and Waverly, and (b) from Kansas City over U.S. Highway 40 to junction Missouri Highway 13, thence over Missouri Highway 13 to junction Missouri Highway 213, thence over Missouri Highway 213 to junction Missouri Highway 20, thence over Missouri Highway 20 to Blackburn, and return over the same routes, with authority to transport property between Kansas City, Higginsville, Blackburn, and off-route points of Corder and Alma.

HEARING: July 9, 1965, at 10 a.m. (c.s.t.), Public Service Commission, 100 East Capitol Avenue, Jefferson City, Mo. Requests for procedural information including the time for filing protests, concerning this application should be addressed to the Missouri Public Service Commission, 100 East Capitol Avenue, Jefferson City, Mo., 65102, and should not be directed to the Interstate Commerce Commission.

By the Commission.

[SEAL] BERTHA F. ARMES, *Acting Secretary.*

[F.R. Doc. 65-6267; Filed, June 15, 1965; 8:48 a.m.]

[Notice No. 1190]

MOTOR CARRIER TRANSFER PROCEEDINGS

JUNE 11, 1965.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 179), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC-66711. By order of June 9, 1965, the Transfer Board approved the transfer to A. Fournier's Express, Inc., Windsor Locks, Conn., of the operating rights issued by the Commission May 8, 1942, July 11, 1950, June 23, 1961, and April 27, 1965, under Certificates in Nos. MC-19622, MC-19622 (Sub-No. 1), MC-19622 (Sub-No. 3), and MC-19622 (Sub-No. 4), respectively, to Adolph J. Fournier, doing business as A. Fournier's Express, Windsor Locks, Conn., authorizing the transportation of general commodities, excluding household goods, commodities in bulk, and other specified commodities, between Windsor Locks, Conn., and Chicopee Falls and Westfield, Mass., service is authorized to and from all intermediate points and specified off-route points, and between Vernon, Conn., and Chicopee, Mass., to and from all intermediate points and specified off-route points; tobacco, over irregular routes, from Windsor Locks, Conn., to Hatfield, Mass.; hand, and floor trucks and parts, processing conveyors, reeling machines, pressing machines, reels, sheet steel, steel boxes, truck bodies, trailers, skids, machine parts, and fabricated steel, over irregular routes, from Windsor Locks, Conn., to Springfield, Brightwood, Chicopee, Chicopee Falls, Westfield, Indian Orchard, Boston, and Andover, Mass., and return; general commodities, with exceptions, between Bradley Field, Windsor Locks, Conn., on the one hand, and, on the other, points in Connecticut and Massachusetts within 50 miles of Windsor Locks; and general commodities, with exceptions, between LaGuardia and John F. Kennedy International Airports, New York, N.Y., and Newark Airport, Newark, N.J., on the one hand, and, on the other, points in Connecticut and Massachusetts within 50 miles of Windsor Locks, Conn. William L. Mobley, 1694 Main Street, Springfield, Mass., representative for applicants.

No. MC-FC-67886. By order of June 9, 1965, the Transfer Board approved the transfer to Frank O'Connor and Charles O'Connor, doing business as Elizabeth Van & Storage Co., Elizabeth, N.J., of the certificate in No. MC-76943, issued August 2, 1961, to Acme Van Lines, Inc., North Arlington, N.J., authorizing the transportation of: Household goods, between points in Essex, Monmouth, Middlesex, Bergen, Hudson, Ocean, Passaic, Somerset, and Union Counties, N.J., on the one hand, and, on the other, points in Massachusetts, Connecticut, Rhode Island, New York, New Jersey, Pennsylvania, Delaware, Maryland, Virginia, Ohio, Indiana, Illinois, and the District of Columbia. Charles J. Williams, 1060 Broad Street, Newark, N.J., 07102, attorney for applicants.

No. MC-FC-67911. By order of June 8, 1965, the Transfer Board approved the transfer to Del Val Trucking, Inc., Drexel Hill, Pa., of the operating rights issued by the Commission June 5, 1951, under Certificate No. MC-35470, to Mary E. DeSoi, Drexel Hill, Pa., authorizing the transportation of: Slate, from points in Lehigh and Northampton Counties, Pa., to points in Delaware and New Jersey; stone, rough or finished, from Philadelphia, Pa., to points within 100 miles of Philadelphia; construction machinery, equipment, and supplies, between points in Pennsylvania, New Jersey, and Delaware within 40 miles of Philadelphia, Pa., including Philadelphia; and slate, tile and roofing materials and supplies, between Philadelphia, Pa., and points within 40 miles of Philadelphia on the one hand, and, on the other, points within 100 miles of Philadelphia. Raymond A. Thistle, Jr., Suite 1408-09, 1500 Walnut Street, Philadelphia, Pa., attorney for applicants.

No. MC-FC-67912. By order of June 8, 1965, the Transfer Board approved the transfer to Matisoff Express, Inc., Bronx, New York, N.Y., of the operating rights issued by the Commission May 19, 1943, under Certificate No. MC-76888 to Equity Express, Inc., New York, N.Y., authorizing the transportation, over irregular routes, of general commodities, from New York, N.Y., to points in Bergen, Essex, Hudson, Middlesex, Monmouth, Passaic, and Union Counties, N.J., and damaged or rejected shipments of the above-specified destination territory to New York, N.Y. Morris Honig, 150 Broadway, New York, N.Y., 10038, attorney for applicants.

No. MC-FC-67913. By order of June 8, 1965, the Transfer Board approved the transfer to Alfred V. Rogers, St. Croix Falls, Wis., of the operating rights issued by the Commission April 10, 1951, under Certificate No. MC-112377, to Leon L. Wilhelm, Amery, Wis., authorizing the transportation of: Agricultural limestone, in bulk, over irregular routes, from points in Polk County, Wis., to points in Pine and Chisago Counties, Minn. Earl L. Risberg, 107 East Maple Street, Amery, Wis., attorney for administratrix.

[SEAL] BERTHA F. ARMES, *Acting Secretary.*

[F.R. Doc. 65-6268; Filed, June 15, 1965; 8:48 a.m.]

[Notice No. 1190-A]

MOTOR CARRIER TRANSFER PROCEEDINGS

JUNE 11, 1965.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 179), appear below:

As provided in the Commission's general rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 30 days from the date of service of the order. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC-67276. By order of June 8, 1965 Division 3, acting as an Appellate Division, approved the transfer to P.A.K. Transport, Inc., 96 Laurel Street, Newport, N.H., of the operating rights in Certificate No. MC-52517 issued December 6, 1949, to E. Clarence Peterson, doing business as E. C. Peterson, 45 Forest Street, Claremont, N.H., authorizing the transportation, of: Household goods, over irregular routes, between Claremont, N.H., on the one hand, and, on the other, points and places in Massachusetts and Vermont.

[SEAL] BERTHA F. ARMES, *Acting Secretary.*

[F.R. Doc. 65-6269; Filed, June 15, 1965; 8:48 a.m.]

FOURTH SECTION APPLICATION FOR RELIEF

JUNE 11, 1965.

Protests to the granting of an application must be prepared in accordance with Rule 1.40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 39635—*Stone and gravel to Southwestern Territory points.* Filed by Southwestern Freight Bureau, agent (No. B-8735), for interested rail carriers. Rates on chatt, chatt-sand, chatts (mine gravel), granite, marble, natural stone, or limestone, crushed or not crushed, in carloads, from Wellsville, Colo., to points in southwestern territory.

Grounds for relief—Market competition.

Tariff—Supplement 24 to Southwestern Freight Bureau, agent, tariff I.C.C. 4609.

By the Commission.

[SEAL] BERTHA P. ARMES, *Acting Secretary.*

[F.R. Doc. 65-6270; Filed, June 15, 1965; 8:48 a.m.]

CUMULATIVE LIST OF CFR PARTS AFFECTED—JUNE

The following numerical guide is a list of the parts of each title of the Code of Federal Regulations affected by documents published to date during June.

3 CFR

Page

PROCLAMATIONS:
3658 7695

EXECUTIVE ORDERS:
May 14, 1915 (revoked in part by PLO 3673) 7752
Oct. 30, 1916 (revoked in part by PLO 3664) 7750
7655 (revoked in part by PLO 3661) 7521
10530 (superseded in part by EO 11228) 7739
10682 (superseded by EO 11228) 7739
10800 (superseded in part by EO 11228) 7739
10835 (superseded by EO 11228) 7739
10903 (superseded in part by EO 11228) 7739
11227 7369
11228 7739
11229 7741

5 CFR

213 ..... 7271, 7311, 7425, 7426, 7473, 7515, 7557, 7595, 7645, 7646, 7701.
630 7557

7 CFR

16 7426
28 7426
29 7385
30 7385
34 7385
51 7595
160 7385
718 7427
722 ..... 7271, 7385
724 7646
728 7434
730 7272
750 7311
775 7515
845 7273
908 ..... 7311, 7435, 7647
909 7273
910 ..... 7435, 7647
911 7647
915 7436
917 7473–7475
923 7648
944 ..... 7436, 7743
958 7596
970 7274
1421 7475

PROPOSED RULES:
29 7494
51 7396
52 7524
911 7501
915 7501
916 7284
1068 7721
1133 7284
1138 7288

8 CFR

103 7516
264 7312

9 CFR

51 7596
74 7274
201 ..... 7275, 7649

PROPOSED RULES:
94 7445
101 7608
103 7608
201 ..... 7662, 7721

10 CFR

PROPOSED RULES:
150 ..... 7445, 7662

12 CFR

1 7371
17 7275
218 7743

PROPOSED RULES:
545 7316

13 CFR

107 ..... 7597, 7651

14 CFR

37 7637
39 ..... 7275, 7371, 7372, 7638, 7701
71 ..... 7276, 7312, 7372, 7373, 7517, 7557, 7558, 7598, 7639, 7702, 7703, 7744.
73 ..... 7744, 7745
75 ..... 7702, 7745
95 7639
97 ..... 7374, 7598
121 7703
141 7517
151 7484
221 7558
241 7704

PROPOSED RULES:
37 7663
39 7573
61 7292
71 ..... 7316, 7396, 7502, 7503, 7524, 7525, 7573, 7612, 7613, 7663–7666, 7723, 7761
73 ..... 7503, 7724
75 7761

16 CFR

13 ..... 7652, 7653, 7655, 7657, 7658, 7660, 7661

17 CFR

Page

240 7276
249 ..... 7566, 7568

18 CFR

8 7313
157 7280

19 CFR

1 ..... 7569, 7704
4 7598

PROPOSED RULES:
22 7756

21 CFR

8 ..... 7484, 7705
20 7280
27 7484
120 ..... 7280, 7385, 7485, 7569
121 ..... 7280, 7386, 7485–7487, 7518, 7519, 7570, 7599, 7705–7707.
141a 7707
141d 7487
146a 7707
146c 7707
146d 7487

PROPOSED RULES:
20 7292
121 7501

22 CFR

204 7571

24 CFR

203 7599
221 7708

25 CFR

1 7520
41 7745
42 7746

26 CFR

1 7281
20 7708
25 7708

PROPOSED RULES:
1 ..... 7493, 7721

28 CFR

0 ..... 7599, 7709
16 7488
42 7386

29 CFR

1501 7748
1502 7748
1503 7748

PROPOSED RULES:
1504 7608

32 CFR

562 7710
750 7748
753 7748
1001 7389

33 CFR

124 7314

38 CFR

1 7389
3 ..... 7390, 7489
36 7521

39 CFR

15 7390
16 ..... 7390, 7748
22 7391
23 7391
24 7391
25 7391
43 7392
45 7392
46 7394
114 7748
122 7748

41 CFR

5B-2 7436
8-1 7437
8-2 ..... 7437, 7599
8-3 7599
8-7 7600
8-14 7600
8-15 7601
8-16 7602
8-75 7602
8-95 7603
9-51 7749
9-56 7749
9-58 7750
101-38 7489

42 CFR

57 ..... 7394, 7395

43 CFR

18 7394
2230 7605
3540 7606
4110 7606

PUBLIC LAND ORDERS:
729 (revoked by PLO 3706) 7754
1757 (revoked in part by PLO 3673) 7752
3598 (corrected by PLO 3675) 7753
3661 7521
3662 7606
3663 7750
3664 7750
3665 7750
3666 7751
3667 7751
3668 7751
3669 7751
3670 7751
3671 7752
3672 7752
3673 7752
3674 7752
3675 7753
3676 7753
3688 7753
3706 7754

45 CFR

60 7371

46 CFR

146 7437
221 7490
309 7697
527 7490

PROPOSED RULES:
248 7291
290 7722
380 7722
533 7574

47 CFR

0 ..... 7521, 7755
1 7419
31 7711
33 7711
73 ..... 7314, 7711
89 7522
97 7755

PROPOSED RULES:
1 7446
17 7446
73 ..... 7446, 7525, 7666, 7671, 7673.

48 CFR

201 7754
211 7754

49 CFR

72 7420
73 7420
74 7423
77 7423
78 7423
79 7425
95 7522
192 7491
193 7522

50 CFR

3 7315
10 7571
32 7523
33 ..... 7282, 7572
253 7607
260 7282
262 7444
266 7282

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FEDERAL REGISTER

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Agencies in this issue—

Agricultural Stabilization and Conservation Service
Atomic Energy Commission
Civil Aeronautics Board
Commodity Credit Corporation
Consumer and Marketing Service
Customs Bureau
Delaware River Basin Commission
Federal Aviation Agency
Federal Maritime Commission
Federal Power Commission
Federal Reserve System
Fish and Wildlife Service
Food and Drug Administration
General Services Administration
Internal Revenue Service
Interstate Commerce Commission
Justice Department
Labor Department
Land Management Bureau
Securities and Exchange Commission

Detailed list of Contents appears inside.



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Contents

AGRICULTURAL STABILIZATION AND CONSERVATION SERVICE

Rules and Regulations

Cotton, upland and extra long staple; 1965 marketing quota penalty rates 7809
Rice; 1965 rate of penalty 7811

Notices

Sugarcane wages and prices in Louisiana; notice of hearing and designation of presiding officers 7846

AGRICULTURE DEPARTMENT

See Agricultural Stabilization and Conservation Service; Commodity Credit Corporation; Consumer and Marketing Service.

ATOMIC ENERGY COMMISSION

Rules and Regulations

Numbering and distribution of contracts and orders; policy, cost-type contractor procurement 7819

Notices

Department of Water and Power of the City of Los Angeles; order modifying hearing and providing for interim conference 7844
State of Tennessee; proposed agreement for assumption of certain AEC regulatory authority 7842

CIVIL AERONAUTICS BOARD

Notices

Hearings, etc.:
International Air Transport Association (2 documents) 7847, 7848
Sky Courier, Inc., et al 7847

COMMODITY CREDIT CORPORATION

Rules and Regulations

Barley; 1965 crop loan and purchase program 7811
Cotton:
Participation of financial institutions in cotton loan pools 7814
Termination of offer for participation of commercial banks in pools of CCC price-support loans 7814

CONSUMER AND MARKETING SERVICE

Proposed Rule Making

Hops of domestic production; recommended decision 7825
Milk in New York-New Jersey marketing area; proposed amendments to tentative marketing agreement and order 7839

CUSTOMS BUREAU

Rules and Regulations

Theatrical effects, motion-picture films, and commercial travelers' samples; free entry 7819

DELAWARE RIVER BASIN COMMISSION

Notices

Water resources projects; notice of public hearing 7848

FEDERAL AVIATION AGENCY

Rules and Regulations

Airworthiness directives:
Boeing 720 and 720B Series aircraft 7816
Fairchild F-27 aircraft 7816
Control area extension and transition area; designation; correction 7818
Control zones, control area extensions and transition areas; alterations, designations and revocations (3 documents) 7817, 7818
Federal airways and reporting points; designation 7818
Transition area and control zone; alteration 7816

Proposed Rule Making

Control zone and transition area; proposed alteration 7840

FEDERAL MARITIME COMMISSION

Notices

Commission of Public Docks, Portland, Oreg., and Matson Navigation Co.; agreement filed for approval 7849
Inbound cargo at New York Harbor; free time and demurrage practices 7848

FEDERAL POWER COMMISSION

Notices

Hearings, etc.:
Atlantic Seaboard Corp 7849
Delta Natural Gas Co., Inc 7849
Georgia Power Co 7850
United Gas Pipe Line Co 7850
Zenith Gas System, Inc 7850

FEDERAL RESERVE SYSTEM

Notices

Boston Stock Exchange and Philadelphia-Baltimore-Washington Stock Exchange; order approving unlisted trading privileges 7850
First National Corp.; order extending time prescribed in order of approval 7851

FISH AND WILDLIFE SERVICE

Rules and Regulations

Sport fishing:
Pishkun National Wildlife Refuge, Montana 7824
Willow Creek National Wildlife Refuge, Montana 7824

FOOD AND DRUG ADMINISTRATION

Notices

Petitions regarding food additives:
Grain Processing Corp 7846
Hoffmann-La Roche, Inc 7847
National Dairy Products Corp 7847

GENERAL SERVICES ADMINISTRATION

Rules and Regulations

Basic GSA policy for acquiring space by lease 7820
Relinquishment of assigned space 7820

HEALTH, EDUCATION, AND WELFARE DEPARTMENT

See Food and Drug Administration.

INTERIOR DEPARTMENT

See Fish and Wildlife Service; Land Management Bureau.

INTERNAL REVENUE SERVICE

Rules and Regulations

Income tax; capital loss carryover 7805
Manufacturers and retailers excise taxes; procedure and administration; filing of farmers' gasoline tax refund claims with directors of service centers 7809

INTERSTATE COMMERCE COMMISSION

Notices

Fourth section applications for relief 7860
Motor carrier alternate route deviation notices 7853
Motor carrier applications and certain other proceedings 7855
Motor carrier transfer proceedings 7860

JUSTICE DEPARTMENT

Rules and Regulations

Organization; redelegation of authority to compromise, and close civil claims 7819
Recovery from tortiously liable third persons of cost of hospital and medical care and treatment furnished by United States 7819

(Continued on next page)

CONTENTS

LABOR DEPARTMENT

Rules and Regulations

Labor standards provisions applicable to contracts covering Federally financed and assisted construction; special provision for firefighters and fireguards... 7819

LAND MANAGEMENT BUREAU

Rules and Regulations

Public land orders:
- Alaska (2 documents)..... 7820, 7822
- Arizona (3 documents)..... 7821, 7822
- California..... 7824
- Idaho (2 documents)..... 7823
- Montana (3 documents)..... 7821, 7822
- Nevada..... 7821
- New Mexico (3 documents)..... 7821–7823
- Utah..... 7821
- Washington; correction..... 7820
- Wyoming..... 7824

Notices

Arizona; filing of plats of survey and order providing for opening of public lands..... 7844

Colorado; proposed withdrawal and reservation of lands..... 7845

Idaho; termination of proposed withdrawal and reservation of lands..... 7846

New Mexico; proposed withdrawal and reservation of lands; correction..... 7846

SECURITIES AND EXCHANGE COMMISSION

Notices

Hearings, etc.:
- Constitution Mutual Fund, Inc.. 7851
- Flying Tiger Line, Inc..... 7852
- Imperial Equity Corp. and Imperial Land Co..... 7852
- Imperial Fund, Inc., et al..... 7852
- Northwest Airlines, Inc..... 7853

TREASURY DEPARTMENT

See Customs Bureau; Internal Revenue Service.

List of CFR Parts Affected

(Codification Guide)

The following numerical guide is a list of the parts of each title of the Code of Federal Regulations affected by documents published in today's issue. A cumulative list of parts affected, covering the current month to date, appears at the end of each issue beginning with the second issue of the month.

A cumulative guide is published separately at the end of each month. The guide lists the parts and sections affected by documents published since January 1, 1965, and specifies how they are affected.

3 CFR

EXECUTIVE ORDERS:
- 6143 (revoked in part by PLO 3691)..... 7823
- 6276 (revoked in part by PLO 3691)..... 7823
- 6285 (revoked in part by PLO 3693)..... 7824
- 6583 (revoked in part by PLO 3691)..... 7823

7 CFR
- 722..... 7809
- 730..... 7811
- 1421..... 7811
- 1427 (2 documents)..... 7814

PROPOSED RULES:
- 991..... 7825
- 1002..... 7839

14 CFR
- 39 (2 documents)..... 7816
- 71 (6 documents)..... 7816–7818

PROPOSED RULES:
- 71..... 7840

19 CFR
- 10..... 7819

26 CFR
- 1..... 7805
- 48..... 7809
- 301..... 7809

28 CFR
- 0..... 7819
- 43..... 7819

29 CFR
- 5..... 7819

41 CFR
- 9–53..... 7819
- 101–18..... 7820
- 101–20..... 7820

43 CFR

PUBLIC LAND ORDERS:
- 5 (see PLO 3677)..... 7820
- 993 (revoked in part by PLO 3692).. 7823
- 3565 (correction)..... 7820
- 3646 (corrected by PLO 3680)..... 7821
- 3677..... 7820
- 3678..... 7821
- 3679..... 7821
- 3680..... 7821
- 3681..... 7821
- 3682..... 7821
- 3683..... 7821
- 3684..... 7821
- 3685..... 7822
- 3686..... 7822
- 3687..... 7822
- 3689..... 7822
- 3690..... 7823
- 3691..... 7823
- 3692..... 7823
- 3693..... 7824
- 3694..... 7824

50 CFR
- 33 (2 documents)..... 7824

Rules and Regulations

Title 26—INTERNAL REVENUE

Chapter I—Internal Revenue Service, Department of the Treasury

SUBCHAPTER A—INCOME TAX

[T.D. 6820]

PART 1—INCOME TAX; TAXABLE YEARS BEGINNING AFTER DECEMBER 31, 1953

Capital Loss Carryover

On April 7, 1965, notice of proposed rule making with respect to the amendment of the Income Tax Regulations (26 CFR Part 1) under sections 172, 642, 1212, and 1222 of the Internal Revenue Code of 1954 to conform the regulations to changes made by section 230 of the Revenue Act of 1964 (78 Stat. 99) was published in the FEDERAL REGISTER (30 F.R. 4482). After consideration of all such relevant matter as was presented by interested persons regarding the rules proposed, the amendments of the regulations as proposed are hereby adopted.

[SEAL] D. W. BACON,
Acting Commissioner of Internal Revenue.

Approved: June 14, 1965.

STANLEY S. SURREY,
Assistant Secretary of the Treasury.

In order to conform the Income Tax Regulations (26 CFR Part 1) under sections 172, 642, 1212, and 1222 of the Internal Revenue Code of 1954 to section 230 of the Revenue Act of 1964 (78 Stat. 99), such regulations are amended as follows:

PARAGRAPH 1. Paragraph (b) of § 1.172–3 is amended to read as follows:

§ 1.172–3 Net operating loss in case of a taxpayer other than a corporation.

* * * * * *

(b) *Treatment of capital loss carryovers.* Because of the distinction between business and nonbusiness capital gains and losses, a taxpayer who has a capital loss carryover from a preceding taxable year, includible by virtue of section 1212 among the capital losses for the taxable year in issue, is required to determine how much of such capital loss carryover is a business capital loss and how much is a nonbusiness capital loss. In order to make this determination, the taxpayer shall first ascertain what proportion of the net capital loss for such preceding taxable year was attributable to an excess of business capital losses over business capital gains for such year, and what proportion was attributable to an excess of nonbusiness capital losses over nonbusiness capital gains. The same proportion of the capital loss carryover from such preceding taxable year shall be treated as a business capital loss and a nonbusiness capital loss, respectively. In order to determine the composition (business—nonbusiness) of a net capital loss for a taxable year, for purposes of this paragraph, if such net capital loss is computed under paragraph (b) of § 1.1212–1 and takes into account a capital loss carryover from a preceding taxable year, the composition (business—nonbusiness) of the net capital loss for such preceding taxable year must also be determined. For purposes of this paragraph, in case of a taxable year beginning after December 31, 1963, the term "capital loss carryover" means the sum of the short-term and long-term capital loss carryovers from such year. This paragraph may be illustrated by the following examples:

Example (1). (i) A, an individual, has $5,000 ordinary taxable income (computed without regard to the deductions for personal exemptions) for the calendar year 1954 and also has the following capital gains and losses for such year: Business capital gains of $2,000; business capital losses of $3,200; nonbusiness capital gains of $1,000; and nonbusiness capital losses of $1,200.

(ii) A's net capital loss for the taxable year 1954 is $400, computed as follows:

Capital losses	$4,400
Capital gains	3,000
Excess of capital losses over capital gains	1,400
Less: $1,000 of such ordinary taxable income	1,000
Net capital loss for 1954	400

(iii) A's capital losses for 1954 exceeded his capital gains for such year by $1,400. Since A's business capital losses for 1954 exceeded his business capital gains for such year by $1,200, 6/7ths ($1,200/$1,400) of A's net capital loss for 1954 is attributable to an excess of his business capital losses over his business capital gains for such year. Similarly, 1/7th of the net capital loss is attributable to the excess of nonbusiness capital losses over nonbusiness capital gains. Since the capital loss carryover for 1954 to 1955 is $400, 6/7ths of $400, or $342.86, shall be treated as a business capital loss in 1955; and 1/7th of $400, or $57.14, as a nonbusiness capital loss.

Example (2). (i) A, an individual who is computing a net operating loss for the calendar year 1966, has a capital loss carryover from 1965 of $8,000. In order to apply the provisions of this paragraph, A must determine what portion of the $8,000 carryover is attributable to the excess of business capital losses over business capital gains and what portion thereof is attributable to the excess of nonbusiness capital losses over nonbusiness capital gains. For 1965, A had $10,000 ordinary taxable income (computed without regard to the deductions for personal exemptions), and a short-term capital loss carryover of $8,000 from 1964. In order to determine the composition (business—nonbusiness) of the $8,000 carryover from 1965, A first determines that of the $6,000 carryover from 1964, $5,000 is a business capital loss and $1,000 is a nonbusiness capital loss. This must be done since, under paragraph (b) of § 1.1212–1, the net capital loss for 1965 is computed by taking into account the capital loss carryover from 1964. A's capital gains and losses for 1965 are as follows:

	1965	Carried over from 1964
Business capital gains	$2,000	
Business capital losses	3,000	$5,000
Nonbusiness capital gains	4,000	
Nonbusiness capital losses	6,000	1,000

(ii) A's net capital loss for the taxable year 1965 is $8,000, computed as follows:

Capital losses (including carryovers)	$15,000
Capital gains	6,000
Excess of capital losses over capital gains	9,000
Less: $1,000 of such ordinary taxable income	1,000
Net capital loss for 1965	8,000

(iii) A's capital losses, including carryovers, for 1965 exceeded his capital gains for such year by $9,000. Since A's business capital losses for 1965 exceeded his business capital gains for such year by $6,000, 2/3rds ($6,000/$9,000) of A's net capital loss for 1965 is attributable to an excess of his business capital losses over his business capital gains for such year. Similarly, 1/3rd of the net capital loss is attributable to the excess of nonbusiness capital losses over nonbusiness capital gains. Since the total capital loss carryover from 1965 to 1966 is $8,000, 2/3rds of $8,000, or $5,333.33, shall be treated as a business capital loss in 1966; and 1/3rd of $8,000, or $2,666.67, as a nonbusiness capital loss.

* * * * * *

PAR. 2. Section 1.642(h)–1 is amended by revising paragraph (b) and by adding a paragraph (c). These amended and added provisions read as follows:

§ 1.642(h)–1 Unused loss carryovers on termination of an estate or trust.

* * * * * *

(b) The net operating loss carryover and the capital loss carryover are the same in the hands of a beneficiary as in the estate or trust, except that the capital loss carryover in the hands of a beneficiary which is a corporation is a short-term loss irrespective of whether it would have been a long-term or short-term capital loss in the hands of the estate or trust. The net operating loss carryover and the capital loss carryover are taken into account in computing both taxable income and adjusted gross income. The first taxable year of the beneficiary to which the loss shall be carried over is the taxable year of the beneficiary in which or with which the estate or trust terminates. However, for

purposes of determining the number of years to which a net operating loss, or a capital loss under paragraph (a) of § 1.1212–1, may be carried over by a beneficiary, the last taxable year of the estate or trust (whether or not a short taxable year) and the first taxable year of the beneficiary to which a loss is carried over each constitute a taxable year, and, in the case of a beneficiary of an estate or trust that is a corporation, capital losses carried over by the estate or trust to any taxable year of the estate or trust beginning after December 31, 1963, shall be treated as if they were incurred in the last taxable year of the estate or trust (whether or not a short taxable year). For the treatment of the net operating loss carryover when the last taxable year of the estate or trust is the last taxable year to which such loss can be carried over, see § 1.642(h)–2.

(c) The application of this section may be illustrated by the following examples:

Example (1). A trust distributes all of its assets to A, the sole remainderman, and terminates on December 31, 1954, when it has a capital loss carryover of $10,000 attributable to transactions during the taxable year 1953. A, who reports on the calendar year basis, otherwise has ordinary income of $10,000 and capital gains of $4,000 for the taxable year 1954. A would offset his capital gains of $4,000 against the capital loss of the trust and, in addition, deduct under section 1211 (b) $1,000 on his return for the taxable year 1954. The balance of the capital loss carryover of $5,000 may be carried over only to the years 1955 and 1956, in accordance with paragraph (a) of § 1.1212–1 and the rules of this section.

Example (2). A trust distributes all of its assets, one-half to A, an individual, and one-half to X, a corporation, who are the sole remaindermen, and terminates on December 31, 1966, when it has a short-term capital loss carryover of $20,000 attributable to short-term transactions during the taxable years 1964, 1965, and 1966, and a long-term capital loss carryover of $12,000 attributable to long-term transactions during such years. A, who reports on the calendar year basis, otherwise has ordinary income of $15,000, short-term capital gains of $4,000 and long-term capital gains of $6,000, for the taxable year 1966. A would offset his short-term capital gains of $4,000 against his share of the short-term capital loss carryover of the trust, $10,000 (one-half of $20,000), and, in addition deduct under section 1211(b) $1,000 (treated as a short-term gain for purposes of computing capital loss carryovers) on his return for the taxable year 1966. A would also offset his long-term capital gains of $6,000 against his share of the long-term capital loss carryover of the trust, $6,000 (one-half of $12,000). The balance of A's share of the short-term capital loss carryover, $5,000, may be carried over as a short-term capital loss carryover to the succeeding taxable year and treated as a short-term capital loss incurred in such succeeding taxable year in accordance with paragraph (b) of § 1.1212–1. X, which also reports on the calendar year basis, otherwise has capital gains of $4,000 for the taxable year 1966. X would offset its capital gains of $4,000 against its share of the capital loss carryovers of the trust, $16,000 (the sum of one-half of each the short-term carryover and the long-term carryover of the trust), on its return for the taxable year 1966. The balance of X's share, $12,000, may be carried over as a short-term capital loss only to the years 1967, 1968, 1969, and 1970, in accordance with paragraph (a) of § 1.1212–1 and the rules of this section.

PAR. 3. Paragraph (d) of the example in § 1.642(h)–5 is amended to read as follows:

§ 1.642(h)–5 Example.

* * * * *

(d) Under section 642(h)(1), there will be allowable to A a capital loss carryover of $2,500 for his taxable year 1954 and for his next 4 taxable years in accordance with paragraph (a) of § 1.–1212–1. There will be allowable to the trust a similar capital loss carryover of $2,500 for its taxable year ending August 31, 1955, and its next 4 taxable years (but see paragraph (b) of § 1.643(a)–3), (for taxable years beginning after December 31, 1963, net capital losses may be carried over indefinitely by beneficiaries other than corporations, in accordance with § 1.642(h)–1 and paragraph (b) of § 1.1212–1.)

* * * * *

PAR. 4. Section 1.1212 is amended by revising section 1212 and by adding a historical note. These amended and added provisions read as follows:

§ 1.1212 Statutory provisions; capital loss carryover.

SEC. 1212. *Capital loss carryover*—(a) *Corporations.* If for any taxable year a corporation has a net capital loss, the amount thereof shall be a short-term capital loss in each of the 5 succeeding taxable years to the extent that such amount exceeds the total of any net capital gains of any taxable years intervening between the taxable year in which the net capital loss arose and such succeeding taxable year. For purposes of this section, a net capital gain shall be computed without regard to such net capital loss or to any net capital losses arising in any such intervening taxable years, and a net capital loss for a taxable year beginning before October 20, 1951, shall be determined under the applicable law relating to the computation of capital gains and losses in effect before such date.

(b) *Other taxpayers*—(1) *In general.* If a taxpayer other than a corporation has a net capital loss for any taxable year beginning after December 31, 1963—

(A) The excess of the net short-term capital loss over the net long-term capital gain for such year shall be a short-term capital loss in the succeeding taxable year, and

(B) The excess of the net long-term capital loss over the net short-term capital gain for such year shall be a long-term capital loss in the succeeding taxable year.

For purposes of this paragraph, in determining such excesses an amount equal to the excess of the sum allowed for the taxable year under section 1211(b) over the gains from sales or exchanges of capital assets (determined without regard to this sentence) shall be treated as a short-term capital gain in such year.

(2) *Transitional rule.* In the case of a taxpayer other than a corporation, there shall be treated as a short-term capital loss in the first taxable year beginning after December 31, 1963, any amount which is treated as a short-term capital loss in such year under this subchapter as in effect immediately before the enactment of the Revenue Act of 1964.

(Sec. 1212 as amended by sec. 230(a), Rev. Act 1964 (78 Stat. 99))

PAR. 5. Section 1.1212–1 is amended to read as follows:

§ 1.1212–1 Capital loss carryover.

(a) *Corporations; other taxpayers for taxable years beginning before January 1, 1964.* (1) A corporation sustaining a net capital loss, and a taxpayer other than a corporation sustaining a net capital loss for any taxable year beginning before January 1, 1964, may carry over such loss to each of the 5 succeeding taxable years and treat it in each of such 5 succeeding taxable years as a short-term capital loss to the extent not allowed as a deduction against any net capital gains of any taxable years intervening between the taxable year in which the net capital loss was sustained and the taxable year to which carried. The carryover is thus applied in each succeeding taxable year to offset any net capital gain in such succeeding taxable year. The amount of the capital loss carryover may not be included in computing a new net capital loss of a taxable year which can be carried forward to the next 5 succeeding taxable years. For purposes of this paragraph, a net capital gain shall be computed without regard to such net capital loss or to any net capital losses arising in any such intervening taxable years, and a net capital loss for a taxable year beginning before October 20, 1951, shall be determined under the applicable law relating to the computation of capital gains and losses in effect before such date. Thus, where the applicable law for a taxable year beginning before October 20, 1951, provided that only certain percentages of the gain or loss recognized upon the sale or exchange of a capital asset should be taken into account in computing net capital loss, such percentages are to be taken into account in computing net capital loss for any such taxable year under this paragraph. In the case of nonresident alien individuals not engaged in trade or business within the United States, see section 871 and the regulations thereunder for special rules on capital loss carryovers. For the rules applicable to a taxpayer other than a corporation in the treatment of that amount of a net capital loss which may be carried over under this paragraph as a short-term capital loss to the first taxable year beginning after December 31, 1963, see paragraph (b) of this section.

(2) The practical operation of the provisions of this paragraph may be illustrated by the following example:

Example. (i) For the taxable years 1952 to 1956, inclusive, an individual with one exemption allowable under section 151 (or corresponding provision of prior law) is assumed to have a net short-term capital loss, net short-term capital gain, net long-term capital loss, net long-term capital gain, and taxable income (net income for 1952 and 1953) as follows:

	1952	1953	1954	1955	1956
Carryover from prior years:					
From 1952		($40,000)	($30,000)	($20,000)	
From 1954				(15,000)	($15,000)
Net short-term loss (computed without regard to the carryovers)	($20,000)	($5,000)	($15,000)		
Net short-term gain (computed without regard to the carryovers)				$5,000	
Net long-term loss	($40,000)		($15,000)	($5,000)	
Net long-term gain		$5,000			$5,000
Net income or taxable income, computed without regard to capital gains and losses, and, after 1953, without regard to the deduction provided by section 151	$500	$500	$500	$500	$500
Net capital gain (computed without regard to the carryovers)		$5,000		$500	$500
Net capital loss	($59,000)		($30,000)		
Deduction allowable under section 1202					$1,000
Taxable income (after deductions allowable under sections 151 and 1202)					$500

(ii) *Net capital loss of 1952.* The net capital loss is $50,000. This figure is the excess of the losses from sales or exchanges of capital assets over the sum of (a) gains (in this case, none) from such sales or such exchanges, and (b) net income (computed without regard to capital gains and losses) of $500. This amount may be carried forward in full as a short-term loss to 1953. However, in 1953 there was a net capital gain of $20,500, as defined by section 117(a)(10)(B) of the Internal Revenue Code of 1939, and limited by section 117(a)(1) of the 1939 Code, against which this net capital loss of $50,000 is allowed in part. The remaining portion—$29,500—may be carried forward to 1954 and 1955 since there was no net capital gain in 1954. In 1955 this $29,500 is allowed in full against net capital gain of $35,000, as defined by paragraph (d) of § 1.1222–1 and limited by subparagraph (1) of this paragraph.

(iii) *Net capital loss of 1954.* The net capital loss is $19,500. This figure is the excess of the losses from sales or exchanges of capital assets over the sum of (a) gains (in this case, none) from such sales or exchanges and (b) taxable income (computed without regard to capital gains and losses and the deductions provided in section 151) of $500. This amount may be carried forward in full as a short-term loss to 1955. The net capital gain in 1955, before deduction of any carryovers, is $36,000. (See sections 1222(9)(B) and 1212 of the Internal Revenue Code of 1954, as it existed prior to the enactment of the Revenue Act of 1964.) The $29,500 balance of the 1953 loss is first applied against the $36,000, leaving a balance of $6,500. Against this amount the $19,500 loss arising in 1954 is applied, leaving a loss of $13,000, which may be carried forward to 1956. Since this amount is treated as a short-term capital loss in 1956 under subparagraph (1) of this paragraph, the excess of the net long-term capital gain over the net short-term capital loss is $2,000 ($15,000 minus $13,000). Half of this excess is allowable as a deduction under section 1202. Thus, after also deducting the exemption allowed as a deduction under section 151 ($600), the taxpayer has a taxable income of $900 for 1956.

(b) *Taxpayers other than corporations for taxable years beginning after December 31, 1963.* (1) If a taxpayer other than a corporation sustains a net capital loss for any taxable year beginning after December 31, 1963, the portion thereof which constitutes a short-term capital loss carryover may be carried over to the succeeding taxable year and treated as a short-term capital loss incurred in such succeeding taxable year, and the portion thereof which constitutes a long-term capital loss carryover may be carried over to the succeeding taxable year and treated as a long-term capital loss incurred in such succeeding taxable year. The carryovers are included in the succeeding taxable year in the determination of the amount of the short-term capital loss, the net short-term capital gain or loss, the long-term capital loss, and the net long-term capital gain or loss in such year, and the capital loss carryovers from such year. For purposes of this paragraph—

(i) A short-term capital loss carryover is the excess of the net short-term capital loss for the taxable year over the net long-term capital gain for such year, and

(ii) A long-term capital loss carryover is the excess of the net long-term capital loss for the taxable year over the net short-term capital gain for such year.

In determining a net short-term capital gain or loss of a taxable year, for purposes of computing a short-term or long-term capital loss carryover to the succeeding taxable year, an amount equal to the excess of the capital losses allowable as a deduction for the taxable year by virtue of section 1211(b) over the capital gains for such year is treated as a short-term capital gain occurring in such year. A taxpayer other than a corporation sustaining a net capital loss for any taxable year beginning before January 1, 1964, shall treat as a short-term capital loss in the first taxable year beginning after December 31, 1963, any amount which would be treated as a short-term capital loss in such year under subchapter P of chapter 1 of the Code as in effect immediately before the enactment of the Revenue Act of 1964. In the case of nonresident alien individuals not engaged in trade or business within the United States, see section 871 for special rules on capital loss carryovers.

(2) The practical operation of the provisions of this paragraph may be illustrated by the following examples:

Example (1). For the taxable year 1963, an individual with one exemption allowable under section 151, has transactions which result in the following totals:

Net short-terms capital loss	($20,500)
Net long-term capital loss	(50,000)
Taxable income (computed without regard to capital gains and losses and without regard to the deduction provided by section 151)	500

The net capital loss is $70,000. This figure is the excess of the losses from sales or exchanges of capital assets over the sum of (i) gains (in this case, none) from such sales or exchanges, and (ii) taxable income (computed without regard to capital gains and losses and the deductions provided in section 151) of $500. This amount may be carried forward in full to 1964 as a short-term loss because a net capital loss for the taxable year 1963 could have been carried over as a short-term loss to the taxable year 1964 under subchapter P of chapter 1 of the Code as in effect immediately before the enactment of the Revenue Act of 1964.

Example (2). For the taxable year 1964, the same individual has transactions which result in the following totals:

Capital loss carryover from 1963 (treated as a short-term capital loss incurred in 1964)		($70,000)
Short-term capital losses incurred in 1964		(15,000)
Total short-term capital losses		(85,000)
Short-term capital gains incurred in 1964	$5,000	
Taxable income computed without regard to capital gains and losses and deductions provided by section 151 (treated as a short-term capital gain)	500	
Total short-term capital gains		5,500
Net short-term capital loss for 1964 for purposes of determinating carryovers		(79,500)
Net long-term capital gains incurred in 1964		25,000
Excess of net short-term capital loss over net long-term capital gain		(54,500)

The net capital loss is $54,500, all of which constitutes a short-term capital loss carryover. This amount may be carried forward to 1965 and treated as short-term capital loss incurred in 1965.

Example (3). For the taxable year 1965, the same individual has transactions which result in the following totals:

Short-term capital loss carryover from 1964 (treated as a short-term capital loss incurred in 1965)		($54,500)
Short-term capital losses incurred in 1965		(15,000)
Total short-term capital losses		(69,500)
Short-term capital gains incurred in 1965	$5,000	
Taxable income computed without regard to capital gains and losses and deductions provided by section 151 (treated as a short-term capital gain)	500	
Total short-term capital gains		5,500
Net short-term capital loss for 1965 for purposes of determining carryovers		(64,000)
Net long-term capital losses incurred in 1965		(10,000)
Net capital loss for 1965		(74,000)

The net capital loss is $74,000. Of this amount, $64,000 is a short-term capital loss carryover (the excess of the net short-term capital loss over the net long-term capital gain—in this case, none). This amount may be carried forward to 1966 and treated as a short-term capital loss incurred in 1966.

The balance, $10,000, is a long-term capital loss carryover (the excess of the net long-term capital loss over the net short-term capital gain—in this case, none). This amount may be carried forward to 1966 and treated as a long-term capital loss incurred in 1966.

Example (4). For the taxable year 1966, the same individual has transactions which result in the following totals:

Long-term capital loss carryover from 1965 (treated as a long-term capital loss incurred in 1966)	($10,000)
Long-term capital losses incurred in 1966	(20,000)
Total long-term capital losses	(30,000)
Long-term capital gains incurred in 1966	10,000
Net long-term capital loss	(20,000)
Short-term capital gains incurred in 1966	$85,000
Taxable income computed without regard to capital gains and losses and deductions provided by section 151 (treated as a short-term capital gain)	1,000
Total short-term capital gains	86,000
Short-term capital loss carryover from 1965 (treated as a short-term capital loss incurred in 1966)	(64,000)
Short-term capital losses incurred in 1966	(10,000)
Total short-term capital losses	(74,000)
Net short-term capital gain for 1966 for purposes of determining carryovers	12,000
Excess of net long-term capital loss over net short-term capital gain	(8,000)

The net capital loss is $8,000, all of which constitutes a long-term capital loss carryover. This amount may be carried forward to 1967 and treated as a long-term capital loss incurred in 1967.

Example (5). For the taxable year 1967, the same individual has transactions which result in the following totals:

Long-term capital gains incurred 1967	$17,000
Long-term capital loss carryover from 1966 (treated as a long-term capital loss incurred in 1967)	($8,000)
Long-term capital losses incurred in 1967	(2,000)
Total long-term capital losses	(10,000)
Net long-term capital gain	7,000
Net short-term capital gain	5,000
Taxable income computed without regard to capital gains and losses and deductions provided by section 151	1,000

In 1967 there are both a net short-term capital gain and a net long-term capital gain. One-half of the net long-term capital gain is allowable as a deduction under section 1202. Thus, after also deducting the exemptions allowed as a deduction under section 151 ($600), the taxpayer has a taxable income of $8,900 for 1967.

(c) *Husband and wife.* (1) The following rules shall be applied in computing capital loss carryovers by husband and wife:

(i) If a husband and wife making a joint return for any taxable year made separate returns for the preceding year, any capital loss carryovers of each spouse from such preceding taxable year may be carried forward to the taxable year in accordance with paragraph (a) or (b) of this section.

(ii) If a joint return was made for the preceding taxable year, any capital loss carryover from such preceding taxable year may be carried forward to the taxable year in accordance with paragraph (a) or (b) of this section.

(iii) If a husband and wife make separate returns for the first taxable year beginning after December 31, 1963, or any prior taxable year, and they made a joint return for the preceding taxable year, any capital loss carryover from such preceding taxable year shall be allocated to the spouses on the basis of their individual net capital loss which gave rise to such capital loss carryover. The capital loss carryover so allocated to each spouse may be carried forward by such spouse to the taxable year in accordance with paragraph (a) or (b) of this section.

(iv) If a husband and wife making separate returns for any taxable year following the first taxable year beginning after December 31, 1963, made a joint return for the preceding taxable year, any long-term or short-term capital loss carryovers shall be allocated to the spouses on the basis of their individual net long-term and net short-term capital losses for the preceding taxable year which gave rise to such capital loss carryovers, and the portions of the long-term or short-term capital loss carryovers so allocated to each spouse may be carried forward by such spouse to the taxable year in accordance with paragraph (b) of this section.

(v) If separate returns are made both for the taxable year and the preceding taxable year, any capital loss carryover of each spouse may be carried forward by such spouse in accordance with paragraph (a) or (b) of this section.

(2) The provisions of subparagraph (1) (i), (iii), and (iv) of this paragraph may be illustrated by the following examples:

Example (1). If H and W, husband and wife, make a joint return for 1965, having made separate returns for 1964 in which H had a net capital loss of $3,000 and W had a net capital loss of $2,000, in their joint return for 1965 they would have a short-term capital loss of $5,000 (the sum of their separate capital loss carryovers from 1964), allowable in accordance with paragraph (a) of this section. If, on the other hand, they make separate returns in 1965 following a joint return in 1964 in which their net capital loss was $5,000 allocable $3,000 to H and $2,000 to W, the carryover of H as a short-term capital loss for the purpose of his 1965 separate return would be $3,000 and that of W for her separate return would be $2,000, each allowable in accordance with paragraph (a) of this section.

Example (2). H and W, husband and wife, make separate returns for 1966 following a joint return for 1965. The capital gains and losses incurred by H and W in 1965, including those carried over by them to 1965, were as follows:

	H	W
Long-term capital gains	$6,000	$9,000
Long-term capital losses	(15,000)	(6,000)
Short-term capital gains	10,000	4,000
Short-term capital losses	(19,000)	(5,000)

Thus, in 1965 H and W had a net capital loss of $14,000 on their joint return. Of this amount, $4,000 was a long-term capital loss carryover, and $10,000 was a short-term capital loss carryover, determined in accordance paragraph (b) of this section. H's net long-term capital loss was $7,000 for 1965. This amount was offset on the joint return by W's net long-term capital gain of $3,000. Thus, H may carry over to his separate return for 1966, a long-term capital loss carryover of $4,000. H and W may carry over to their separate returns for 1966, as short-term capital loss carryovers, the amounts of their respective net short-term losses from 1965, $9,000 and $1,000.

PAR. 6. Section 1.1222 is amended by revising paragraphs (9) and (10) of section 1222 and by adding a historical note. These amended and added provisions read as follows:

§ 1.1222 Statutory provisions; other terms relating to capital gains and losses.

SEC. 1222. *Other terms relating to capital gains and losses.* • • •

(9) *Net capital gain.* In the case of a corporation, the term "net capital gain" means the excess of the gains from sales or exchanges of capital assets over the losses from such sales or exchanges.

(10) *Net capital loss.* The term "net capital loss" means the excess of the losses from sales or exchanges of capital assets over the sum allowed under section 1211. In the case of a corporation, for the purpose of determining losses under this paragraph, amounts which are short-term capital losses under section 1212 shall be excluded.

(Sec. 1222 as amended by sec. 230(b), Rev. Act 1964 (78 Stat. 100))

PAR. 7. Paragraphs (b), (d), and (e) of § 1.1222–1 are amended to read as follows:

§ 1.1222–1 Other terms relating to capital gains and losses.

• • • • •

(b) (1) In the definition of "net short-term capital gain," as provided in section 1222(5), the amounts brought forward to the taxable year under paragraph (a) of § 1.1212–1 and section 1212 (b) (1) (A) are short-term capital losses for such taxable year.

(2) In the definition of "net long-term capital gain," as provided in section 1222(7), the amounts brought forward to the taxable year under section 1212(b) (1) (B) are long-term capital losses for such taxable year.

• • • • •

(d) In the case of a corporation, the term "net capital gain" means the excess of the gains from sales or exchanges of capital assets over the losses from such sales or exchanges, which losses include any amounts brought forward pursuant to paragraph (a) of § 1.1212–1. In the case of a taxpayer other than a corporation for taxable years beginning before January 1, 1964, the term "net capital gain" means the excess of (1) the sum of the gains from sales or exchanges of capital assets, plus taxable income (computed without regard to gains and losses from sales or exchanges of capital assets and without regard to the deductions provided by section 151, relating to personal exemptions, or any deductions in lieu thereof) of the taxpayer or $1,000, whichever is smaller, over (2) the losses from such sales or exchanges, which losses include amounts brought forward under paragraph (a) of § 1.1212–1. Thus, in the case of estates and trusts for taxable years beginning before January 1, 1964, taxable income for the purposes of this paragraph shall be computed without regard to gains and losses from sales or exchanges of capital assets and without regard to the deductions allowed by section 642(b) to estates and trusts in lieu of personal exemptions. In the case of a taxpayer whose tax liability is computed under section 3 for taxable years beginning before January 1, 1964, the term "taxable income," for purposes of this paragraph, shall be read as "adjusted gross income." For application of the term "net capital gain," in computing the capital loss carryover under paragraph (a) of § 1.1212–1, see paragraph (a) (2) of § 1.1212–1.

(e) The term "net capital loss" means the excess of the losses from sales or exchanges of capital assets over the sum allowed under section 1211. However, amounts which are short-term capital losses under paragraph (a) of § 1.1212–1 are excluded in determining such "net capital loss".

• • • • •

(Sec. 7805 of the Internal Revenue Code of 1954; 68A Stat. 917; 26 U.S.C. 7805)

[F.R. Doc. 65–6372; Filed, June 16, 1965; 8:48 a.m.]

PAR. 2. Paragraphs (a) and (b) of § 301.6532–1 are amended to read as follows:

§ 301.6532–1 Periods of limitation on suits by taxpayers.

(a) No suit or proceeding under section 7422(a) for the recovery of any internal revenue tax, penalty, or other sum shall be begun until whichever of the following first occurs:

(1) The expiration of 6 months from the date of the filing of the claim for credit or refund, or

(2) A decision is rendered on such claim prior to the expiration of 6 months after the filing thereof.

Except as provided in paragraph (b) of this section, no suit or proceeding for the recovery of any internal revenue tax, penalty, or other sum may be brought after the expiration of 2 years from the date of mailing by registered mail prior to September 3, 1958, or by either registered or certified mail on or after September 3, 1958, by a district director, a director of an internal revenue service center, or an assistant regional commissioner to a taxpayer of a notice of disallowance of the part of the claim to which the suit or proceeding relates.

(b) The 2-year period described in paragraph (a) of this section may be extended if an agreement to extend the running of the period of limitations is executed. The agreement must be signed by the taxpayer or by an attorney, agent, trustee, or other fiduciary on behalf of the taxpayer. If the agreement is signed by a person other than the taxpayer, it shall be accompanied by an authenticated copy of the power of attorney or other legal evidence of the authority of such person to act on behalf of the taxpayer. If the taxpayer is a corporation, the agreement should be signed with the corporate name followed by the signature of a duly authorized officer of the corporation. The agreement will not be effective until signed by a district director, a director of an internal revenue service center, or an assistant regional commissioner.

• • • • •

Because this Treasury decision relates to regulations which constitute a general statement of policy and establishes rules of Departmental practice and procedure, it is found that it is unnecessary to issue this Treasury decision with notice and public procedure thereon under section 4(a) of the Administrative Procedure Act, approved June 11, 1946, or subject to the effective date limitation of section 4(c) of that Act.

(Sec. 7805 of the Internal Revenue Code of 1954; 68A Stat. 917; 26 U.S.C. 7805)

[SEAL] SHELDON S. COHEN,
Commissioner of Internal Revenue.

Approved: June 14, 1965.

STANLEY S. SURREY,
Assistant Secretary of the Treasury.

[F.R. Doc. 65–6371; Filed, June 16, 1965; 8:48 a.m.]

[T.D. 6827]

SUBCHAPTER D—MISCELLANEOUS EXCISE TAXES

PART 48—MANUFACTURERS AND RETAILERS EXCISE TAXES

SUBCHAPTER F—PROCEDURE AND ADMINISTRATION

PART 301—PROCEDURE AND ADMINISTRATION

Filing of Farmers' Gasoline Tax Refund Claims With Directors of Service Centers

In order to provide for the filing of farmers' gasoline tax refund claims with directors of service centers, and in order to provide such directors with authority to reject claims, the following regulations are amended to read as follows:

PARAGRAPH 1. Paragraph (d) of § 48.6420(b)–1 is amended to read as follows:

§ 48.6420(b)–1 Claims.

• • • • •

(d) *Filing of claim.* Claim on Form 2240, together with appropriate supporting evidence shall be filed in accordance with instructions issued by the Commissioner with respect thereto, and shall be filed in the same name as the claimant filed his latest income tax or partnership return.

• • • • •

Title 7—AGRICULTURE

Chapter VII—Agricultural Stabilization and Conservation Service (Agricultural Adjustment), Department of Agriculture

SUBCHAPTER B—FARM MARKETING QUOTAS AND ACREAGE ALLOTMENTS

[Amdt. 2]

PART 722—COTTON

Subpart—Marketing Quota Regulations for 1964 and Succeeding Crops of Upland Cotton and Extra Long Staple Cotton

MISCELLANEOUS AMENDMENTS

This amendment is issued pursuant to the Agricultural Adjustment Act of 1938, as amended (52 Stat. 31, as amended; 7 U.S.C. 1281 et seq.).

(a) The purposes of this amendment are: (1) To revise disposition of acreage dates for determining compliance with farm cotton acreage allotments for Texas, (2) to establish the marketing quota penalty rates for excess cotton and (3) to make miscellaneous revisions.

(b) It is important that disposition dates for Texas be established immediately. In order that cotton may be marketed without restraint, it is necessary that the exact rate of penalty be made known promptly to producers who desire to market cotton and to buyers who are charged in the regulations with the duty of collecting penalty on the cotton marketed subject to penalty and the lien for the penalty. Therefore, it is essential that this amendment be made effective as soon as possible. Accordingly, it is hereby found and determined that compliance with the notice and public procedure requirements and compliance with the 30-day effective date requirement of section 4 of the Administrative Procedure Act (60 Stat. 238; 5 U.S.C. 1003) is impracticable and contrary to the public interest and this amendment shall be effective upon filing of this document with the Director, Office of the Federal Register.

The Marketing Quota Regulations for the 1964 and Succeeding Crops of Upland Cotton and Extra Long Staple Cotton (29 F.R. 9767, 12867) are amended as follows:

1. Section 722.14 of the regulations is amended by substituting the following disposition dates for counties in Texas in lieu of such dates for Texas in paragraph (b) thereof:

§ 722.14 Measurement of farms and disposition dates.

• • • • •

(b) Established dates in following States and counties:

• • • • •

TEXAS

May 15; Zone 1 counties:

Cameron.	Starr.
Hidalgo.	Willacy.

June 1; Zone 2 counties:

Aransas.	Kleberg.
Bee.	Live Oak.
Brooks.	Nueces.
Duval.	Refugio.
Jim Hogg.	San Patricio.
Jim Wells.	Webb.
Kenedy.	Zapata.

June 15; Zone 3 counties:

Atascosa.	Kinney.
Bexar.	LaSalle.
Caldwell.	McMullen.
Calhoun.	Maverick.
DeWitt.	Medina.
Dimmit.	Uvalde.
Frio.	Val Verde.
Goliad.	Victoria.
Gonzales.	Wilson.
Guadalupe.	Zavala.
Karnes.	

July 1; Zone 4 counties:

Austin.	Harris.
Bastrop.	Hays.
Blanco.	Jackson.
Brazoria.	Lavaca.
Burleson.	Lee.
Burnet.	Matagorda.
Chambers.	Milam.
Colorado.	Travis.
Comal.	Waller.
Fayette.	Washington.
Fort Bend.	Wharton.
Galveston.	Williamson.

July 15; Zone 5 counties:

Anderson.	Lamar.
Angelina.	Leon.
Bandera.	Liberty.
Bell.	Limestone.
Bosque.	Llano.
Bowie.	McLennan.
Brazos.	Madison.
Camp.	Marion.
Cass.	Mason.
Cherokee.	Menard.
Collin.	Montgomery.
Cooke.	Morris.
Crockett.	Nacogdoches.
Dallas.	Navarro.
Delta.	Newton.
Denton.	Orange.
Edwards.	Panola.
Ellis.	Polk.
Falls.	Rains.
Fannin.	Real.
Franklin.	Red River.
Freestone.	Robertson.
Gillespie.	Rockwall.
Grayson.	Rusk.
Gregg.	Sabine.
Grimes.	San Augustine.
Hardin.	San Jacinto.
Harrison.	Schleicher.
Henderson.	Shelby.
Hill.	Smith.
Hopkins.	Sutton.
Houston.	Tarrant.
Hunt.	Titus.
Jasper.	Trinity.
Jefferson.	Tyler.
Johnson.	Upshur.
Kaufman.	Van Zandt.
Kendall.	Walker.
Kerr.	Wood.
Kimble.	

August 1; Zone 6 counties:

Brown.	Lampasas.
Coke.	McCulloch.
Coleman.	Mills.
Concho.	Runnels.
Coryell.	San Saba.
Hamilton.	Tom Green.

August 15; Zone 7 counties:

Andrews.	Borden.
Archer.	Brewster.
Bailey.	Briscoe.
Baylor.	Callahan.
Castro.	Lamb.
Childress.	Loving.
Clay.	Lubbock.
Cochran.	Lynn.
Comanche.	Martin.
Cottle.	Midland.
Crane.	Mitchell.
Crosby.	Montague.
Culberson.	Motley.
Dawson.	Nolan.
Dickens.	Palo Pinto
Eastland.	Parker.
Ector.	Parmer.
El Paso.	Pecos.
Erath.	Presidio.
Fisher.	Reagan.
Floyd.	Reeves.
Foard.	Scurry.
Gaines.	Shackelford.
Garza.	Somervell.
Glasscock.	Stephens.
Hale.	Sterling.
Hall.	Stonewall.
Hardeman.	Swisher.
Haskell.	Taylor.
Hockley.	Terrell.
Hood.	Terry.
Howard.	Throckmorton.
Hudspeth.	Upton.
Irion.	Ward.
Jack	Wichita.
Jeff Davis.	Wilbarger.
Jones.	Winkler.
Kent.	Wise.
King.	Yoakum.
Knox.	Young.

September 1; Zone 8 counties:

Armstrong.	Hutchinson.
Carson.	Lipscomb.
Collingsworth.	Moore.
Dallam.	Ochiltree.
Deaf Smith.	Oldham.
Donley.	Potter.
Gray.	Randall.
Hansford.	Roberts.
Hartley.	Sherman.
Hemphill.	Wheeler.

2. Paragraphs (a), (b), and (f) of § 722.15 of the regulations are amended or deleted as follows:

§ 722.15 Eligibility for and issuance of marketing cards.

(a) *Producers eligible to receive unconditional marketing cards, Form MQ–76 Upland or Form MQ–76 ELS.* The operator of a farm or other producer, as provided in paragraph (e) of this section, or an official of a publicly owned agricultural experiment station shall be eligible to receive an unconditional marketing card, MQ–76 Upland or MQ–76 ELS, for each crop of cotton if for such crop no farm marketing excess is determined for the farm, except that the operator shall not be eligible to receive such card if (1) he or any producer on the farm has on hand any cotton produced in a previous crop year on which the penalty was incurred and has not been paid, or (2) the farm operator is eligible for price support only when loan documents must be prepared in the county office.

(b) *Producers eligible to receive conditional marketing cards, Form MQ–77 Upland or Form MQ–77 ELS.* The operator of a farm or other producer, as provided in paragraph (e) of this section, not eligible to receive an unconditional marketing card under paragraph (a) of this section shall be eligible to receive a conditional marketing card, MQ–77 Upland or MQ–77 ELS, for each crop of cotton if for such crop an amount equal to the penalty on any farm marketing excess has been paid and an amount equal to the penalty incurred by such operator or any producer on the farm has been paid with respect to any cotton on hand produced in a previous crop year.

* * * * *

(f) [Deleted]

* * * * *

3. Sections 722.20, 722.21, and 722.22 of the regulations are amended to read as follows:

§ 722.20 Identification by marketing card.

A marketing card issued to a producer under the provisions of § 722.15, when presented to the buyer together with the representation of the producer that the cotton being offered was produced in the crop year and on the farm for which the marketing card was issued, shall be evidence to the buyer that such cotton is not subject to the penalty provided in § 722.24 and the lien for the penalty as provided in § 722.25 and may be purchased without collection, deduction, or payment of the penalty.

§ 722.21 Identification by marketing certificate.

A marketing certificate, Form MQ–91 (Cotton), when presented to the buyer, shall be evidence to the buyer that the cotton described on such certificate may be purchased without the collection, deduction, or payment of the penalty, and that such cotton is not subject to the lien for the penalty.

§ 722.22 Identification by loan document.

A loan document (the Original or Producer's Copy) Cotton Producer's Note, Form CCC Cotton A; Release of Warehouse Receipts, Form CCC Cotton AA; or Form CCC Cotton G–1, when presented to the buyer, shall be evidence to the buyer that the carry-over cotton described in such loan document may be purchased without the collection deduction, or payment of the penalty and that such cotton is not subject to the lien for the penalty.

4. Section 722.46 of the regulations is amended by addition of a new paragraph (b) at the end thereof to read as follows:

§ 722.46 Penalty rate for each crop year.

* * * * *

(b) *Penalty rates for 1965 crops of cotton*—(1) *Upland cotton.* The parity price for upland cotton effective as of June 15, 1965, is 42.02 cents per pound. The rate of penalty for upland cotton produced in 1965 as calculated on the basis of such parity price and in accordance with the provisions of § 722.24 shall be 21.0 cents per pound of upland lint cotton.

(2) *Extra long staple cotton.* The parity price for ELS cotton effective as of June 15, 1965, is 74.90 cents per pound. Section 101(f) of the Agricultural Act of 1949, as amended, provides that the support price for the 1965 crop ELS cotton shall not exceed the same per centum of the parity price as for the 1956 crop.

Such per centum was 75 percent. No increased price support levels for 1965 crop ELS cotton have been established pursuant to section 402 of the Agricultural Act of 1949, as amended. Accordingly if the support price for 1965 crop ELS cotton were determined on the basis of the June 15, 1965, parity price, the support price thus determined could not exceed 75 per centum of the parity price for ELS cotton as of June 15, 1965. Thus the parity price, being higher than the possible support price, is used in accordance with the provisions of § 722.24 in calculating the rate of penalty for 1965 crop ELS cotton. Such rate of penalty shall be 37.4 cents per pound of ELS lint cotton.

(Secs. 301, 346, 375; 52 Stat. 38, as amended, 63 Stat. 674, 52 Stat. 66, as amended; 7 U.S.C. 1301, 1346, 1375)

Effective date. Date of filing with the Director, Office of the Federal Register.

Signed at Washington, D.C., on June 11, 1965.

H. D. GODFREY,
Administrator, Agricultural Stabilization and Conservation Service.

[F.R. Doc. 65–6374; Filed, June 16, 1965; 8:48 a.m.]

[Amdt. 4]

PART 730—RICE

Subpart—Rice Marketing Quota Regulations for 1964 and Subsequent Crop Years

1965 RATE OF PENALTY

The amendment herein is issued under and in accordance with the provisions of the Agricultural Adjustment Act of 1938, as amended.

The purpose of this amendment is to announce the rate of penalty applicable to excess rice produced in the 1965 crop year.

Under the Act, the penalty rate per pound on the farm marketing excess is equal to 65 per centum of the parity price per pound for rice as of June 15 of the calendar year in which the crop is produced.

Since rice will shortly be harvested in some parts of the rice-producing areas and since the rate of penalty is essential in computing the amount of penalty on any excess rice production, it is important that this amendment be issued and made effective as soon as possible. In addition, calculation of the rate of penalty is a mathematical determination. Accordingly, it is hereby found that compliance with the notice, public procedure, and effective date provisions of section 4 of the Administrative Procedure Act (5 U.S.C. 1003) is unnecessary and contrary to the public interest, and this amendment shall bcome effective as provided herein.

Section 730.1573 is amended by adding at the end thereof the following sentence: "The rate of penalty applicable to the 1965 crop of rice shall be 4.30 cents per pound. This is 65 per centum of the parity price as of June 15, 1965, which is determined to be 6.62 cents per pound."

Effective date. Date of publication in the FEDERAL REGISTER.

(Secs. 356, 375, 52 Stat. 62, as amended, 66, as amended; 7 U.S.C. 1356, 1375)

Signed at Washington, D.C., on June 11, 1965.

H. D. GODFREY,
Administrator, Agricultural Stabilization and Conservation Service.

[F.R. Doc. 65–6375; Filed, June 16, 1965; 8:48 a.m.]

Chapter XIV—Commodity Credit Corporation, Department of Agriculture

SUBCHAPTER B—LOANS, PURCHASES, AND OTHER OPERATIONS

[C.C.C. Grain Price Support Regs., 1965-Crop Barley Supp.]

PART 1421—GRAINS AND SIMILARLY HANDLED COMMODITIES

Subpart—1965-Crop Barley Loan and Purchase Program

The General Regulations Governing Price Support for the 1964 and Subsequent Crops (29 F.R. 2686) issued by the Commodity Credit Corporation which contain regulations of a general nature with respect to price support loan and purchase operations are supplemented for the 1965-crop of barley as follows:

Sec.
1421.2241 Purpose.
1421.2242 Availability.
1421.2243 Compliance requirements.
1421.2244 Eligible barley.
1421.2245 Determination of quality.
1421.2246 Determination of quantity.
1421.2247 Warehouse receipts.
1421.2248 Service charges.
1421.2249 Warehouse charges.
1421.2250 Maturity of loans.
1421.2251 Support rates.

AUTHORITY: The provisions of this subpart issued under sec. 4, 62 Stat. 1070 as amended; 15 U.S.C. 714b. Interpret or apply sec. 5, 62 Stat. 1072, secs. 105, 401, 63 Stat. 1051 as amended; 15 U.S.C. 714c, 7 U.S.C. 1421, 1441.

§ 1421.2241 Purpose.

This subpart contains additional program provisions which, together with the applicable provisions of the General Regulations Governing Price Support for the 1964 and Subsequent Crops, and any amendments thereto, apply to loans and purchases for 1965-crop barley.

§ 1421.2242 Availability.

(a) Producers desiring to participate in this program must file an application for price support not later than January 31, 1966, in States in which loans have February 28 or March 10, 1966, as their maturity dates and not later than March 31, 1966, in States in which loans have a maturity date of April 30, 1966 (see § 1421.2250).

(b) Loans will be available through January 31, 1966, in States in which loans have February 28 or March 10, 1966, as their maturity dates and through March 31, 1966, in States in which loans have a maturity date of April 30, 1966.

§ 1421.2243 Compliance requirements.

(a) A producer shall not be eligible for a loan or purchase unless he is eligible to receive a price support payment on barley of the 1965 crop under the 1964 and 1965 Feed Grain Program Regulations (29 F.R. 590 and any amendments thereto) on the farm on which the barley tendered for loan or purchase is produced, except as provided in paragraphs (b) and (c) of this section.

(b) The requirements of this section shall not apply to barley (1) produced on a farm in compliance with the New Farm Provisions of the 1964 and 1965 Feed Grain Program Regulations, as amended, (2) exempt from the Feed Grain Program for 1965 under the Malting Barley Exemption, in § 775.329 of this title (1964 and 1965 Feed Grain Program Regulations, as amended) or (3) produced in Alaska or in any other area of the United States where the 1964 and 1965 Feed Gain Program is not applicable on barley of the 1965 crop and price support payments are not made on such barley because of an emergency created by drought or other disaster or in order to prevent or alleviate a shortage in the supply of the commodity.

(c) A producer shall be eligible for a loan or purchase even though he has not received a price support payment on barley of the 1965 crop under the 1964 and 1965 Feed Grain Program Regulations if he would be eligible for a payment except for the fact that (1) he has declined a price support payment or (2) the barley was produced on land owned by the Federal Government and leased subject to restrictions prohibiting the receipt of Federal payments for diversion of acreage but not prohibiting the production of barley.

§ 1421.2244 Eligible barley.

(a) *General.* In order to be eligible for price support, barley must be merchantable for food or feed or for other uses as determined by CCC, and must not contain mercurial compounds or other substances poisonous to man or animals.

(b) *Warehouse stored loan grade requirements.* In order to be eligible for a warehouse storage loan, barley must also meet the following requirements:

(1) The barley must grade No. 5 or better, except that (i) the barley may grade "Sample" on the factor of total damage (except heat damage), (ii) Western Barley shall have a test weight of not less than 36 pounds per bushel, and (iii) the barley may have the following special grade designations: "Garlicky" and in the State of Alaska only, "Tough."

(2) The barley must not grade Blighted, Bleached, Ergoty, Smutty, or, if Western Barley, Stained;

(3) The barley must not grade "Weevily" unless the warehouse receipt is accompanied by a supplemental certificate which indicates the warehouseman will deliver barley which does not grade "Weevily" and which is otherwise of an eligible grade and quality. The grade, grading factors, and the quantity shown on the supplemental certificate must be as specified in § 1421.2247(c);

(4) The barley must not contain over 14.5 (13.5 if Western Barley) percent moisture unless the warehouse receipt is accompanied by a supplemental certificate which indicates the warehouseman will deliver barley which does not contain over 14.5 (13.5 if Western Barley) percent moisture and which is otherwise of an eligible quality. The grade, grading factors, and the quantity shown on the supplemental certificate must be as specified in § 1421.2247(c). This subparagraph shall not apply to barley produced in the State of Alaska.

§ 1421.2245 Determination of quality.

The class, grade, grading factors, and all other quality factors shall be based on the Official Grain Standards of the United States for Barley, whether or not such determinations are made on the basis of an official inspection.

§ 1421.2246 Determination of quantity.

When the quantity is determined by weight, a bushel shall be 48 pounds of barley free of dockage.

(a) *In warehouse.* The quantity of barley on which a warehouse storage loan shall be made and the quantity delivered to or acquired by CCC in an approved warehouse shall be the net weight specified on the warehouse receipt or on the supplemental certificate, if applicable. If the barley has been dried or blended to reduce the moisture content, the quantity specified on the warehouse receipt or the supplemental certificate, if applicable, shall represent the quantity after drying or blending, and such quantity shall reflect a minimum shrink in the receiving weight of 1.2 times the percentage difference between the moisture content of the barley, when received, and 14.5 (13.5 if Western Barley) percent.

(b) *On farm.* The quantity of eligible barley which may be placed under farm storage loan shall be determined in accordance with § 1421.67. The quantity acquired by CCC from farm storage under a loan or purchase shall be determined by weight. In determining the quantity of sacked barley by weight, a deduction of three-fourths of a pound per sack shall be made.

(c) *Dockage.* When the quantity is determined by weight, the percentage of dockage shall be determined and the weight of such dockage shall be deducted from the gross weight in determining the net quantity.

§ 1421.2247 Warehouse receipts.

Warehouse receipts tendered to CCC in connection with a loan or purchase must meet the requirements of this section.

(a) *Separate receipt.* A separate warehouse receipt must be submitted for each grade and class of barley.

(b) *Entries.* Each warehouse receipt, or the warehouseman's supplemental certificate (in duplicate) properly identified with the warehouse receipt, must show: (1) Gross weight and net bushels, (2) class, (3) grade (including special grades), (4) test weight, (5) moisture if above 14.5 (13.5 if Western Barley) percent, (6) dockage, (7) any other grading factor(s) when such factor(s) and not test weight determine the grade, (8) whether the barley arrived by rail, truck, or barge and, (9) the date the barley was received or deposited in the warehouse.

(c) *Where warehouse receipt shows "Weevily" or excess moisture.* If a warehouse receipt tendered for loan indicates the barley grades "Weevily" or contains over 14.5 (13.5 if Western Barley) percent moisture, the warehouse receipt must be accompanied by a supplemental certificate as provided in § 1421.2244(b) in order for the barley to be eligible for price support. The grade, grading factors, and the quantity to be delivered must be shown on the supplemental certificate as follows: (1) When the warehouse receipt shows "Weevily" and the barley has been conditioned to correct the "Weevily" condition, the supplemental certificate must show the same grade without the "Weevily" designation and the same grading factors and quantity as shown on the warehouse receipt; (2) when the warehouse receipt indicates a moisture content of over 14.5 (13.5 if Western Barley) percent and the barley has been dried or blended, the supplemental certificate must show the grade, grading factors, and quantity after drying or blending the barley to a moisture content of not over 14.5 (13.5 if Western Barley) percent. The quantity shown shall reflect a drying or blending shrink as specified in § 1421.2246; (3) the supplemental certificate must state that no lien for processing will be claimed by the warehouseman from Commodity Credit Corporation or any subsequent holder of the warehouse receipt; (4) in the case of conditions specified in subparagraphs (1) and (2) of this paragraph, the grade, grading factors, and the quantity shown on the supplemental certificate shall supersede the entries for such items on the warehouse receipt.

(d) *Liens.* The warehouse receipts may be subject to liens for warehouse charges only to the extent indicated in § 1421.2249.

(e) *Freight bill requirements.* Warehouse receipts representing barley which has been shipped by rail or water from a country shipping point to a designated terminal point, or shipped by rail or water from a country shipping point to a storage point and stored in transit to a designated terminal point, must be accompanied by registered freight bills or by a certificate containing similar information. These registered freight bills or certificates must be representative as to origin and date of movement of the barley and must reflect the total freight from origin to the designated terminal point including penalty for out-of-line haul, if any. The form of these certificates shall be prescribed by the ASCS commodity office and shall be signed by the warehouseman and may be made a part of the supplemental certificate.

§ 1421.2248 Service charges.

A charge of one-half cent per bushel will be made for the quantity of barley delivered to CCC and such charge shall be handled in accordance with § 1421.60 (b).

§ 1421.2249 Warehouse charges.

(a) *Handling and storage liens.* Warehouse receipts and the barley represented thereby stored in an approved warehouse operating under the Uniform Grain Storage Agreement may be subject to liens for warehouse handling and storage charges at not to exceed the Uniform Grain Storage Agreement rates from the date the barley is deposited in the warehouse for storage. Warehouse receipts and the barley represented thereby stored in an approved warehouse operated by an eastern common carrier may be subject to liens for warehouse elevation (receiving and delivering) and storage charges from the date of deposit at rates approved by the Interstate Commerce Commission. In no event shall a warehouseman be entitled to satisfy the lien by sale of the barley when CCC is holder of the warehouse receipt.

(b) *Deduction of storage charges—UGSA warehouses.* The table at the end of this section provides the deduction for storage charges to be made from the amount of the loan or purchase price in the case of barley stored in an approved warehouse operated under the Uniform Grain Storage Agreement. Such deduction shall be based on entries shown on the warehouse receipts. If written evidence is submitted with the warehouse receipt that all warehouse charges except receiving and loading out charges have been prepaid through the applicable loan maturity date, no storage deductions shall be made. If such written evidence is not submitted, the date to be used for computing the storage deduction on barley stored in approved warehouses operating under the Uniform Grain Storage Agreement shall be the latest of the following: (1) The date the barley was received or deposited in the warehouse, (2) the date storage charges start, or (3) the day following the date through which the storage charges have been paid.

(c) *Deduction of storage charges; eastern common carriers.* In the case of barley stored in an approved warehouse operated by an eastern common carrier, there shall be deducted in computing the loan or purchase price the amount of the approved tariff rate for storage (not including elevation), which will accumulate from the date of deposit through the applicable maturity date unless written evidence is submitted with the warehouse receipt that such charges have been prepaid. The State office shall advise county offices of the applicable charges. Where the producer presents evidence showing the elevation charges have been prepaid, the amount of the storage charges to be deducted shall be reduced by the amount of the elevation charges prepaid by the producer.

SCHEDULE OF DEDUCTIONS FOR STORAGE CHARGES BY MATURITY DATES

BARLEY STORED IN UGSA WAREHOUSES

Deduction (cents per bushel)	Maturity date of Feb. 28, 1966	Maturity date of Mar. 10, 1966	Maturity date of Apr. 30, 1966
	Date storage charges start, all dates inclusive		
13			Prior to May 20, 1965.
12	Prior to Apr. 25, 1965.	Prior to May 5, 1965.	May 20–June 24, 1965.
11	Apr. 26–May 21, 1965.	May 5–May 31, 1965.	June 25–July 21, 1965.
10	May 22–June 17, 1965.	June 1–June 27, 1965.	July 22–Aug. 17, 1965.
9	June 18–July 14, 1965.	June 28–July 24, 1965.	Aug. 18–Sept. 13, 1965.
8	July 15–Aug. 10, 1965.	July 25–Aug. 20, 1965.	Sept. 14–Oct. 10, 1965.
7	Aug. 11–Sept. 6, 1965.	Aug. 21–Sept. 16, 1965.	Oct. 11–Nov. 6, 1965.
6	Sept. 7–Oct. 3, 1965.	Sept. 17–Oct. 13, 1965.	Nov. 7–Dec. 3, 1965.
5	Oct. 4–Oct. 30, 1965.	Oct. 14–Nov. 9, 1965.	Dec. 4–Dec. 30, 1965.
4	Oct. 31–Nov. 26, 1965.	Nov. 10–Dec. 6, 1965.	Dec. 31, 1965–Jan. 26, 1966.
3	Nov. 27–Dec. 23, 1965.	Dec. 7, 1965–Jan. 2, 1966.	Jan. 27–Feb. 22, 1966.
2	Dec. 24, 1965–Jan. 19, 1966.	Jan. 3–Jan. 29, 1966.	Feb. 23–Mar. 21, 1966.
1	Jan. 20–Feb. 28, 1966.	Jan. 30–Mar. 10, 1966.	Mar. 22–Apr. 30, 1966.

§ 1421.2250 Maturity of loans.

Loans mature on demand but not later than February 28, 1966, on barley stored in the States of Alabama, Arkansas, Delaware, Florida, Georgia, Kentucky, Louisiana, Maryland, Mississippi, New Jersey, North Carolina, Pennsylvania, South Carolina, Tennessee, Virginia, and West Virginia; March 10, 1966, on barley stored in Arizona and California; and April 30, 1966, on barley stored in all other States.

§ 1421.2251 Support rates.

Basic support rates per bushel for barley of the classes "Barley" and "Western Barley" grading No. 3 or better will be published as an amendment to this section at a later date. Farm stored loans will be made at the applicable basic support rate adjusted for Weed Control discount where applicable. The support rate for warehouse storage loans and for barley acquired under a loan or purchase shall be the applicable basic support rate adjusted in accordance with the following provisions of this section and in the case of settlement of loans and purchases as further provided in § 1421.72. Notwithstanding the foregoing provisions of this paragraph, in determining the total loan, settlement, and purchase rate for eligible barley produced in compliance with the Malting Barley Exemption of § 775.329 of the 1964 and 1965 Feed Grain Program Regulations of this title, as amended, 16 cents per bushel shall be added to the applicable terminal or county rate listed in the following paragraphs:

(a) *Support rates at designated terminal markets.* (1) The basic support rates established for designated terminal markets apply to barley shipped on a domestic interstate freight rate basis. The basic support rate at the designated terminal market for any barley shipped at other than the domestic interstate freight rate shall be reduced by the amount by which the freight rate paid is less than the domestic interstate freight rate.

(2) The basic support rates established for designated terminal markets also apply to barley which has been shipped by rail or water from a country shipping point to one of the designated terminal markets, as evidenced by paid freight bills duly registered for transit privileges. If the amount of paid-in freight is insufficient to guarantee the minimum proportional domestic interstate freight rate, if any, from the terminal market to a recognized market determined by the appropriate ASCS commodity office, there shall be deducted from the applicable basic support rate the amount by which the amount of freight actually paid in is less than the amount required to be paid in to guarantee out-bound movement at the minimum proportional domestic interstate freight rate. If the barley is stored at any designated terminal market and neither registered freight bills nor registered freight certificates are presented, the basic support rate shall be reduced by the actual amount of paid-in freight required to guarantee the proportional out-bound rate from the terminal market to a recognized market determined by the appropriate ASCS commodity office.

(3) In determining the support rate for barley received by truck and stored at any designated terminal market, there shall be deducted from the applicable basic support rate the actual amount of paid-in freight required to guarantee the proportional out-bound rate from the terminal market to a recognized market determined by the appropriate ASCS commodity office, plus 2.5 cents per bushel.

(4) Notwithstanding the foregoing provisions of this paragraph, in determining the support rate for barley shipped by rail or water and stored at any of the following terminal markets, there shall also be deducted from the applicable basic support rate the transportation cost, if any may be incurred, as determined by the appropriate ASCS commodity office, for moving the barley to a tidewater facility located within the same switching limits:

Long Beach, Los Angeles, Oakland, San Francisco, Stockton, and Wilmington, Calif.
Baton Rouge and New Orleans, La.
Baltimore, Md.
Duluth, Minn.
Astoria and Portland, Oreg.
Albany and New York, N.Y.
Philadelphia, Pa.
Beaumont, Galveston, Houston, and Port Arthur, Tex.
Norfolk, Va.
Kalama, Longview, Seattle, Tacoma, and Vancouver, Wash.
Superior, Wis.

(5) Notwithstanding the foregoing provisions of this paragraph, in determining the support rate for barley received by truck and stored at any of the terminal markets listed in subparagraph (4) of this paragraph, there shall also be deducted from the applicable basic support rate an amount of 2.5 cents per bushel, plus the transportation cost, if any, as determined by the appropriate ASCS commodity office, for moving the barley to a tidewater loading facility located within the same switching limits.

(b) *Support rates for barley in approved warehouse storage at other than designated terminal markets.* In determining the support rate for barley which is shipped by rail or water and which is stored in approved warehouses (other than those situated in the designated terminal markets), there shall be deducted from the basic support rate for the appropriate designated terminal market, as determined by CCC, an amount equal to the transit balance, if any, of the through-freight rate from the point of origin for such barley to such terminal market: *Provided,* That on any barley shipped at other than the domestic interstate freight rate, the basic support rate shall be further reduced by the amount by which the freight rate paid is less than the amount of the domestic interstate freight rate from the point of origin of such barley to the point of destination or appropriate terminal market: *And provided further,* That in the case of barley stored at any railroad transit point, taking a penalty by reason of out-of-line movement to the appropriate designated market, or for any other reason, there shall be added to such transit balance an amount equal to the cost of any out-of-line movement to the appropriate designated market or other cost incurred in storing barley in such position.

(c) *Basic county support rates.* (1) The applicable basic support rate for farm-storage loans and for barley stored in approved county warehouse-storage, except as otherwise provided in paragraph (b) of this section and subparagraph (2) of this paragraph shall be the basic county support rate established for the county in which the barley is stored.

(2) If two or more approved warehouses are located in the same or adjoining towns, villages, or cities, having the same domestic interstate freight rate, such towns, villages, or cities shall be deemed to constitute one shipping point and the same basic county support rate shall apply even though such warehouses are not all located in the same county. Such support rate shall be the highest support of the counties involved.

(d) *Discounts.* The basic support rate shall be adjusted as applicable by discounts as follows:

Reason:	Discount (cents per bushel)
Class—Mixed barley	2
Grade:	
No. 3	3
No. 4	6
No. 5	15
Total damage (percent):	
10.1—11	1
11.1—12	2
12.1—13	3
13.1—14	4
14.1—15	5
15.1—16	6
16.1—17	7
17.1—18	8
18.1—19	9
19.1 and above	10
Garlicky	10
Weed control laws (see sec. 1421.74)	10
Other discounts to be determined by CCC for settlement purposes	

NOTE: Discounts are cumulative except only one grade discount shall be applied. The discounts for total damage in excess of 10 percent are in addition to the discount of 15 cents for barley grading No. 5. For the purpose of applying discounts, factors which cause barley of the subclass Malting Barley or Blue Malting Barley to have a lower numerical grade than if the barley were graded under a different subclass shall be disregarded.

Effective date. Upon publication in the FEDERAL REGISTER.

Signed at Washington, D.C., on June 11, 1965.

H. D. GODFREY,
Executive Vice President,
Commodity Credit Corporation.

[F.R. Doc. 65-6377; Filed, June 16, 1965; 8:48 a.m.]

PART 1427—COTTON

Subpart—Provisions for Participation of Commercial Banks in Pools of CCC Price Support Loans on Cotton

TERMINATION OF OFFER TO PARTICIPATE

The regulations issued by the Commodity Credit Corporation published in 26 F.R. 6192, as amended, containing the terms and conditions under which commercial banks may participate in pools of cotton loans made to producers under price support programs announced by CCC are hereby further amended to provide for the termination of CCC's offer to commercial banks for participation in such pools by adding a new § 1427.1243 as follows:

§ 1427.1243 Termination of offer to participate.

The offer of CCC to commercial banks to participate in pools of cotton loans made to producers under price support programs announced by CCC, contained in §§ 1427.1235 through 1427.1242 is hereby terminated with respect to cotton loans made under 1965 and subsequent crop year programs. Such termination does not affect the obligations of CCC or of the commercial bank under this subpart with respect to participation by commercial banks in pools of 1964 and prior crop year cotton loans.

(Secs. 4 and 5, 62 Stat. 1070, as amended; 15 U.S.C. 714 b and c)

Effective date: Upon publication in the FEDERAL REGISTER.

Signed at Washington, D.C., on 11th day of June 1965.

H. D. GODFREY,
Executive Vice President,
Commodity Credit Corporation.

[F.R. Doc. 65-6379; Filed, June 16, 1965; 8:49 a.m.]

PART 1427—COTTON

Subpart—Participation of Financial Institutions in Cotton Loan Pools

This subpart contains the regulations providing the terms and conditions under which financial institutions may participate in pools of cotton loans made to producers and cotton cooperative marketing associations under price support programs announced by the Commodity Credit Corporation, U.S. Department of Agriculture.

Sec.
1427.2235 Definition of terms.
1427.2236 Pooling of price support program loans.
1427.2237 Conversion of loan drafts to certificates and acceptance of terms.
1427.2238 Purchase of certificates by CCC.
1427.2239 Rate of interest and basis of computation of interest earned.
1427.2240 Maturity date of certificates.
1427.2241 Transfer and exchange of certificates.
1427.2242 Purchase by CCC of certificates presented through banking channels.
1427.2243 Purchase by CCC of certificates presented to the New Orleans Office.

AUTHORITY: The provisions of this subpart issued under secs. 4 and 5, 62 Stat. 1070, as amended; 15 U.S.C. 714 b and c.

§ 1427.2235 Definition of terms.

As used in this section and §§ 1427.2236 through 1427.2243, the following terms shall have the following meanings:

(a) "CCC" shall mean the Commodity Credit Corporation, U.S. Department of Agriculture.

(b) "ASCS" shall mean the Agricultural Stabilization and Conservation Service, U.S. Department of Agriculture.

(c) "New Orleans office" shall mean the New Orleans ASCS Commodity Office, 120 Marais Street, New Orleans, La., 70112.

(d) "Financial institution" shall mean a bank in the United States which accepts demand deposits, an association organized pursuant to State law and supervised by State banking authorities, or a production credit association.

(e) "Transit number" shall mean the ABA transit number of a commercial bank or the transit number assigned by CCC to another eligible financial institution.

(f) "Price support program loans" shall mean loans approved under the price support programs of the Commodity Credit Corporation.

(g) "Loan draft" shall mean Commodity Credit Corporation Cotton Loan Draft and Certificate of Interest (Form CCC-816), the document issued by an ASCS county office to the producer, or to a payee designated by the producer, in disbursement of a price support program loan on 1965 or subsequent crop year cotton.

(h) "Date of investment" shall mean the date a financial institution exchanged cash for a loan draft, received it for deposit, or otherwise invested funds in it through a regular banking transaction.

(i) "Certificate" shall mean a loan draft on which a financial institution has entered its transit number and date of investment or a Commodity Credit Corporation Cotton Certificate of Interest (Form CCC-817) issued by the New Orleans office. A certificate is the document which evidences participation in a pool of price support program loans on cotton.

(j) "Holder" shall mean the financial institution which has converted a loan draft to a certificate in accordance with § 1427.2237, the financial institution named as payee on a certificate issued by the New Orleans office, or the financial institution which has acquired a certificate by transfer.

§ 1427.2236 Pooling of price support program loans.

(a) CCC will place in a pool for each crop of cotton beginning with the 1965 crop all price support program loans on cotton of such crop. CCC may place in the pool for any crop of cotton any other unmatured price support program loans on any commodities held by CCC which were disbursed under CCC price support programs for any crop.

(b) Financial institutions may participate in a pool by (1) converting loan drafts to certificates in accordance with § 1427.2237 or acquiring such certificates from other financial institutions and (2) holding the certificates as evidence of participation. The pool to which each certificate pertains shall be the pool for the crop of cotton of the year specified on the face of the document.

(c) Financial institutions may also participate in the pools by making price support program loan advances to cotton cooperative marketing associations on the basis of sight drafts which are drawn on the financial institutions by the associations and which are approved for CCC by the banks holding custody of the loan documents under servicing agreements with CCC or by the New Orleans office. Approval of such drafts for CCC shall evidence tender by the associations and acceptance by CCC of loan documents representing cotton having loan value equal to the amounts of such drafts. The New Orleans office will issue certificates to financial institutions for the amounts of such price support loan advances made by them. The date of each such certificates shall be the date of the loan advance covered by the certificate. Each certificate shall pertain to the pool for the crop of cotton of the year specified on the face of the document. Each certificate will also show the transit number of the financial institution named as payee.

(d) CCC will not issue certificates to itself but shall have an interest in each pool to the same extent as though certificates were issued equal to the amount by which the unpaid principal amount of loans comprising the pool exceeds the face value of outstanding certificates. To the extent of its interest, CCC reserves the right to offer financial institutions the opportunity to participate in the pool through issuance of certificates upon the payment to CCC of the face amounts thereof. Offers to sell certificates, when made, will be by special announcement. CCC may remove from the pool at any time loans representing all or any part of its interest in the pool. CCC shall have the residual interest in any proceeds of the pool remaining after payment of the face value of certificates plus earned interest.

§ 1427.2237 Conversion of loan drafts to certificates and acceptance of terms.

(a) *Handling of loan drafts by financial institutions.* Financial institutions will receive loan drafts issued to them if they are designated by producers to receive the proceeds of price support program loans on cotton and may acquire other loan drafts, which have been endorsed by the payees, through regular banking transactions. A financial institution may convert a loan draft to a certificate in accordance with paragraph (b) of this section or may obtain immediate cash reimbursement for the loan draft by presenting it as a cash item to the Federal Reserve Bank-Branch at New Orleans, La. through regular banking channels.

(b) *Conversion of loan drafts to certificates by financial institutions.* A financial institution may convert a loan draft to a certificate by entering the date of investment and its transit number in the designated spaces on the face of the loan draft. After conversion of a loan draft to a certificate, the certificate shall evidence participation in the loan pool for the crop of cotton of the year specified on the face of the document and shall be subject to all the provisions of this subpart relating to certificates.

(c) *Liability for discrepancies or errors.* Financial institutions shall not be responsible for any discrepancies which may be determined to exist between a loan draft and the related producer note or for a loan draft which was issued by the ASCS county office in error and shall be held harmless by CCC from any loss sustained as a consequence of such discrepancies or errors. This provision shall not be construed to relieve any financial institution from liability for any wilful misconduct on the part of the financial institution or its officers or employees.

(d) *Acceptance of terms.* The regulations in this subpart constitute the offer of CCC to financial institutions to participate in pools of CCC price support program loans on cotton. A financial institution which makes an election to participate in pools of CCC price support program loans by conversion of loan drafts to certificates in accordance with this section shall by such act evidence acceptance of the terms and conditions contained in this subpart.

§ 1427.2238 Purchase of certificates by CCC.

CCC shall purchase any outstanding certificate at its face value plus earned interest upon presentation by the holder as provided in §§ 1427.2242 and 1427.2243. CCC reserves the right to purchase at its option, at any time, any outstanding certificate at its face value plus earned interest, and will in the event the face value of outstanding certificates in any pool on the last day of any month exceeds the unpaid principal amount of the loans comprising the pool, as determined by CCC, call in for purchase outstanding certificates in a total amount sufficient to reduce the face value of outstanding certificates to or below the unpaid principal amount of the loans comprising the pool. The specific certificates to be called in for purchase shall be determined by CCC. Financial institutions will be notified of the certificate numbers of certificates to be purchased by CCC at least 15 days prior to the date such certificates are to be presented to CCC for purchase. Payment of the face amount and earned interest will be made as prescribed in §§ 1427.2242 and 1427.2243.

§ 1427.2239 Rate of interest and basis of computation of interest earned.

(a) *Rate of interest.* Certificates shall earn interest at the rate of 4.1 percent per annum.

(b) *Rate increases or decreases.* The rate of interest as specified in paragraph (a) of this section may be increased or decreased by CCC upon publication in the FEDERAL REGISTER of an amendment to these regulations providing for such increase or decrease: *Provided,* That with respect to any decrease in the interest rate, the effective date of such decrease shall be at least 15 days subsequent to the date of publication of such amendment in the FEDERAL REGISTER. Financial institutions will be promptly notified of all interest rate increases and decreases.

(c) *Basis of computation of interest earned.* Interest earned will be paid on a 365-day basis from and including the date of investment shown on a certificate, or the date shown on a certificate issued by the New Orleans office, to, but not including, the maturity date, the date the certificate is purchased by CCC, or the date a certificate is to be presented to CCC for purchase pursuant to a call by CCC, whichever date first occurs. Notwithstanding any other provision of this subpart, if the interest payable to a financial institution on certificates purchased on any day by CCC is computed to be $3 or less, or certificates established by conversion of loan drafts are presented for purchase earlier than 10 days after the dates of investment shown thereon, no interest shall be payable on such certificates, and, if any certificate established by conversion of a loan draft is presented for purchase later than 60 days after maturity, interest computed as provided in this section shall be payable only if satisfactory evidence is furnished to CCC that the financial institution identified by the transit number entered on the loan draft invested funds in the loan draft before the maturity date.

§ 1427.2240 Maturity date of certificates.

The maturity date of a certificate shall be August 1 of the year next following the crop year indicated on the certificate. If August 1 falls on a Saturday, Sunday, or national holiday, the maturity date of the certificate shall be the next succeeding business day.

§ 1427.2241 Transfer and exchange of certificates.

(a) *Transfers between financial institutions.* A certificate may be transferred to another financial institution by endorsement and delivery. A financial institution which acquires a certificate by endorsement and delivery may transfer it to another financial institution, present it for purchase by CCC pursuant to § 1427.2242 or § 1427.2243, or tender it to the New Orleans office for exchange as set forth in this section. Section 1427.2242 provides that interest on a certificate presented for payment through banking channels will be paid only to the financial institution indicated by the transit number shown on the face of the certificate; therefore, a financial institution which holds certificates as an investment should exchange those certificates acquired by endorsement and delivery from another financial institution before presenting them through banking channels for purchase by CCC.

(b) *Exchange and consolidation of certificates.* A financial institution may tender certificates to the New Orleans office for exchange or for exchange and consolidation. Only certificates relating to the same pool which have earned interest at the same rate or rates from the dates of investment shown thereon, or dates shown on certificates issued by the New Orleans office, will be consolidated. The tendering financial institution shall indicate the payee's name, transit number, and dollar amount of certificates desired for each group of certificates tendered. The new certificates will show the name and transit number of the tendering financial institution or of another financial institution designated by the tendering financial institution as payee. New certificates will be issued in the dollar amounts requested: *Provided,* That the total face value of such certificates issued shall be equal to the total face value of certificates tendered for exchange. Interest will not be paid at the time certificates are tendered for exchange. The date to be shown on a consolidated certificate shall be the weighted average date determined in accordance with paragraph (c) of this section. Exchange certificates issued without consolidation will show the same dates as the dates of investment shown on the certificates they replace or, if the certificates they replace were issued by the New Orleans office, the dates shown thereon.

(c) *Formula for determining the weighted average date.* The formula for

determining the weighted average date of certificates issued in exchange for certificates tendered for exchange and consolidation shall be as follows: (1) The focal interest date shall be the date the certificates tendered for exchange were received by the New Orleans office; (2) dollar days shall be computed for each certificate from the date of investment shown thereon, or the date of a certificate issued by the New Orleans office, to, but not including, the focal interest date; (3) total dollar days shall be divided by the total face value of the certificates tendered for exchange to determine the average number of days the certificates were outstanding (fractions of ½ day or more will be raised to the next whole digit; fractions of less than ½ day will be disregarded); and (4) the average number of days outstanding shall be subtracted from the focal interest date to determine the date to be shown on the certificates to be issued.

(d) *Certificates tendered for exchange during the 15-day period prior to maturity.* Certificates tendered for exchange during the 15-day period prior to maturity will be held by the New Orleans office until maturity, at which time the face amount plus interest will be paid to the financial institution which tendered the certificates.

§ 1427.2242 Purchase by CCC of certificates presented through banking channels.

The holder of a certificate may receive payment of the face amount thereof at any time by endorsement and presentation through normal banking channels to the Federal Reserve Bank-Branch at New Orleans, La. The Federal Reserve Bank-Branch will receive the certificate as a cash item for the face amount thereof. The New Orleans office will compute interest earned on the total face value of certificates showing the same transit number paid through the Federal Reserve Bank branch each day, and will promptly pay such interest, computed according to § 1427.2239, to the financial institution indicated by the transit number shown on the face of the certificates.

§ 1427.2243 Purchase by CCC of certificates presented to the New Orleans office.

The holder of a certificate may receive payment of the face amount thereof, plus earned interest, computed according to § 1427.2239, by presentation of the certificate directly to the New Orleans office. Payment will be made by that office to the financial institution which presented the certificate. Certificates must be endorsed to CCC or bear the standard stamp endorsement customarily used by the financial institution. For prompt credit of the face amounts, certificates should be presented for payment through banking channels as provided in § 1427.2242.

Effective date. Upon publication in the FEDERAL REGISTER.

Signed at Washington, D.C., on 11th day of June 1965.

H. D. GODFREY,
Executive Vice President,
Commodity Credit Corporation.

[F.R. Doc. 65-6378; Filed, June 16, 1965; 8:49 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Agency

[Docket No. 6074; Amdt. 39-83]

PART 39—AIRWORTHINESS DIRECTIVES

Boeing Models 720 and 720B Series Aircraft

Amendment 758 (29 F.R. 8474), AD 64-15-2, as amended by Amendment 797 (29 F.R. 11915) requires inspection of the inboard wing upper skin on Boeing Models 720 and 720B Series aircraft and repair if any cracks are found. Investigation, based upon a request for an extension of the repetitive inspection interval, has shown that an increase from 550 to 600 hours' time in service may be granted to operators of Boeing Models 720 and 720B Series aircraft without adversely affecting safety. Therefore, Amendment 758 as amended by Amendment 797 is further amended to provide a 50-hour increase in the repetitive inspection interval.

Since this amendment relieves a restriction and imposes no additional burden on any person, notice, and public procedure hereon are unnecessary and the amendment may be made effective in less than 30 days.

In consideration of the foregoing and pursuant to the authority delegated to me by the Administrator (25 F.R. 6489), § 39.13 of Part 39 of the Federal Aviation Regulations, Amendment 758 (29 F.R. 8474), AD 64-15-2, as amended by Amendment 797 (29 F.R. 11915), is further amended by striking out the words "550 hours' time in service" from the compliance paragraph and inserting the words "600 hours' time in service" in place thereof.

This amendment becomes effective June 17, 1965.

(Secs. 313(a), 601, and 603 of the Federal Aviation Act of 1958; 49 U.S.C. 1354(a), 1421, 1423)

Issued in Washington, D.C., on June 10, 1965.

C. W. WALKER,
Acting Director,
Flight Standards Service.

[F.R. Doc. 65-6295; Filed, June 16, 1965; 8:45 a.m.]

[Docket No. 6626, Amdt. 39-82]

PART 39—AIRWORTHINESS DIRECTIVES

Fairchild F-27 Aircraft

A proposal to amend Part 39 of the Federal Aviation Regulations to include an airworthiness directive requiring modification of the flap asymmetry system on Fairchild F-27 aircraft was published in 30 F.R. 3783.

Interested persons have been afforded an opportunity to participate in the making of the amendment. No objections were received. However, subsequent to the issuance of the proposal, there has been another flap asymmetry warning system failure. The Agency has determined that it is therefore necessary to reduce the compliance time for the required modification from 1,500 to 500 hours' time in service, and to require modification in accordance with Revision 2 of the manufacturer's service bulletin, which incorporates a minor change in wiring requirements and a minor change in the adjustment of the teleflex cables to the asymmetry switch over the original bulletin.

As a situation exists which demands immediate adoption of this regulation, it is found that additional notice and public procedure hereon are impracticable and good cause exists for making this amendment effective in less than 30 days.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (25 F.R. 6469), § 39.13 of Part 39 of the Federal Aviation Regulations is amended by adding the following new airworthiness directive:

FAIRCHILD. Applies to Model F-27 aircraft Serial Numbers 1 to 39 inclusive, 41 to 45 inclusive, and 47.

Compliance required within the next 500 hours' time in service after the effective date of this AD, unless already accomplished.

(a) Remove old asymmetric switches, P/N 473-001-1 and -2, located on each outboard flap gear box at Wing Station 394.

(b) Accomplish the following modifications in accordance with paragraph 2, "Accomplishment Instructions", of Fairchild Service Bulletin No. 27-26, dated September 9, 1960, Revision 2, dated April 26, 1965, or later FAA-approved revision, or equivalent approved by the FAA Eastern Region, Engineering and Manufacturing Division:

(1) Rework the outboard flap and asymmetric switches, P/N 658-001, with the teleflex units.

(2) Install asymmetric override toggle switch at the cockpit pedestal and rewire aircraft for the new asymmetry switches and the override switch.

(c) Upon request of an operator, an FAA maintenance inspector, subject to prior approval of the Chief, Engineering and Manufacturing Branch, FAA Eastern Region, may adjust the compliance time specified in this AD if the request contains substantiating data to justify the increase for such operator.

This amendment becomes effective June 17, 1965.

(Secs. 313(a), 601, and 603 of the Federal Aviation Act of 1958; 49 U.S.C. 1354(a), 1421, 1423)

Issued in Washington, D.C., on June 10, 1965.

C. W. WALKER,
Acting Director,
Flight Standards Service.

[F.R. Doc. 65-6296; Filed, June 16, 1965; 8:45 a.m.]

[Airspace Docket No. 65-SO-36]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Transition Area and Control Zone

The purpose of these amendments to Part 71 of the Federal Aviation Regulations is to revoke an extension of the Selma, Ala., transition area and two extensions of the Selma, Ala., control zone.

The Selma, Ala., radio beacon is scheduled to be decommissioned on July 22, 1965. It is therefore necessary that the control zone and transition area extensions based on the radio beacon be revoked. Additionally, the instrument approach procedure JAL-387-TACAN is being modified to a TACAN/ILS approach and the control zone extension based on the Craig AFB TACAN 152° radial is unnecessary.

Since these amendments are less restrictive in nature and impose no additional burden on any person, notice and public procedure hereon are unnecessary.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0001 e.s.t., July 22, 1965, as hereinafter set forth.

In § 71.181 the Selma, Ala., transition area (30 F.R. 3422) is amended by deleting "within 2 miles each side of a 097° bearing from the Selma RBN extending from the Selfield 5-mile radius area to the RBN."

In § 71.171 (29 F.R. 17581) the Selma, Ala., control zone (30 F.R. 3422) is amended by deleting "within 2 miles each side of a 143° bearing from the Selma, Ala., RBN extending from the 5-mile radius zone to the RBN" and "within 2 miles each side of the Craig AFB TACAN 152° radial extending from the 5-mile radius zone to 7.5 miles SE of the TACAN."

(Sec. 307(a) of the Federal Aviation Act of 1958; 49 U.S.C. 1348(a))

Issued in East Point, Ga., on June 8, 1965.

PAUL H. BOATMAN,
Acting Director,
Southern Region.

[F.R. Doc. 65-6297; Filed, June 16, 1965; 8:45 a.m.]

[Airspace Docket No. 64-SO-47]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Revocation of Control Area Extensions, Alteration of Control Zones, and Designation of Transition Area

On April 27, 1965, a notice of proposed rule making was published in the FEDERAL REGISTER (30 F.R. 5856) stating that the Federal Aviation Agency proposed to revoke the control area extensions at Mobile, Ala., and New Orleans, La., alter the control zones and designate a transition area at Mobile, Ala.

Interested persons were afforded an opportunity to participate in the rule making through submission of comments. All comments received were favorable.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0001 e.s.t., August 19, 1965, as hereinafter set forth.

1. In § 71.165 (29 F.R. 17557) the Mobile, Ala., and New Orleans, La., control area extensions are revoked.

2. In § 71.171 (29 F.R. 17581) the following control zones are amended to read:

MOBILE, ALA. (BATES FIELD)

Within a 5-mile radius of Bates Field (latitude 30°41'17.7" N., longitude 88°14' 38.6" W.); within 2 miles each side of the Mobile VORTAC 118° radial extending from the 5-mile radius zone to 6.5 miles NW of the airport; within 2 miles each side of the Mobile ILS NW course extending from the 5-mile radius zone to 5.5 miles NW of the airport.

MOBILE, ALA. (BROOKLEY AFB)

Within a 5-mile radius of Brookley AFB (latitude 30°37'30" N., longitude 88°04'10" W.); within 2 miles each side of the Brookley VORTAC 150° radial extending from the 5-mile radius zone to 12 miles SE of the VORTAC; within 2 miles each side of the Brookley VORTAC 146° radial extending from the 5-mile radius zone to 4.5 miles SE of the VORTAC; within 2 miles each side of a 140° bearing from the Brookley RBN extending from the 5-mile radius zone to 12 miles SE of the RBN.

3. Section 71.161 (29 F.R. 17643) is amended by adding the following:

MOBILE, ALA.

That airspace extending upward from 700 feet above the surface within 8 miles SW and 5 miles NE of the Bates Field localizer NW course extending from 5 miles SE to 12 miles NW of the OM, within 2 miles each side of a 145° bearing from Bates Field extending from 5 miles to 6 miles SE of the airport, within a 7-mile radius of Brookley AFB (latitude 30°37'30" N., longitude 88°04'10" W.), and within 2 miles each side of the Brookley VORTAC 140° radial extending from the VORTAC to 12 miles SE; including that airspace extending upward from 1,200 feet above the surface within the area bounded by a line beginning at latitude 30°14'00" N., longitude 88°01'30" W., extending to latitude 30°32'00" N., longitude 88°15'00" W., thence to latitude 30°32'00" N., longitude 88°37'00" W., thence N along longitude 88°37'00" W. to the S edge of V-222, thence E along the S edge of V-222 to the W edge of V-209, thence S along the W edge of V-209 to latitude 31°15'00" N., thence to latitude 31°15'00" N., longitude 87°55'00" W., thence to the intersection of the E boundary of V-208 and latitude 31°00'00" N., thence to latitude 30°50'00" N., longitude 87°48'00" W., thence along a line to latitude 30°41'30" N., longitude 87°39'30" W., to its intersection with a 15 nautical mile radius are centered at Brookley AFB (latitude 30°-37'30" N., longitude 88°04'10" W.), thence clockwise along the 15 nautical mile arc to a line 6 miles N of and parallel to the Brookley VORTAC 103° radial, thence eastward along this line to its intersection with a 25-mile arc centered on NAAS Saufley Field, Pensacola, Fla., thence counterclockwise along this arc to a line 4 miles S of and parallel to the Brookley VORTAC 103° radial, thence W along this line to its intersection with a 15 nautical mile arc centered at the Brookley AFB, thence clockwise along the 15 nautical mile arc to and clockwise along a 10-mile radius arc centered at latitude 30°-25'30" N., longitude 87°57'00" W. to a line between latitude 30°21'00" N., longitude 87°-55'00" W. and latitude 30°15'00" N., longitude 87°41'20" W., thence SE along this line to latitude 30°15'00" N., longitude 87°41'20" W., thence W along the Alabama-Florida shoreline to longitude 88°01'30" W., thence to point of beginning.

(Sec. 307(a) of the Federal Aviation Act of 1958; 49 U.S.C. 1348(a))

Issued in East Point, Ga., on June 7, 1965.

PAUL H. BOATMAN,
Acting Director,
Southern Region.

[F.R. Doc. 65-6298; Filed, June 16, 1965; 8:45 a.m.]

[Airspace Docket No. 64-WE-18]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Control Zone and Transition Areas, Revocation of Control Area Extensions and Transition Area, Designation of Transition Area

On April 14, 1965, a notice of proposed rule making was published in the FEDERAL REGISTER (30 F.R. 4766), stating that the Federal Aviation Agency proposed the alteration of controlled airspace in the Salt Lake City, Wendover, and Provo, Utah, areas.

Interested persons were afforded an opportunity to participate in the rule making through submission of comments. All comments received were favorable.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0001 e.s.t., August 19, 1965, as hereinafter set forth.

1. In § 71.171 (29 F.R. 17631), the Salt Lake City, Utah, control zone is amended to read:

SALT LAKE CITY, UTAH

Within a 5-mile radius of Salt Lake City Municipal Airport No. 1 (latitude 40°47'10" N., longitude 111°58'05" W.); within 2 miles each side of the Salt Lake City VORTAC 346° radial, extending from the 5-mile radius zone to 13 miles N of the VORTAC and within 2 miles each side of the Salt Lake City ILS localizer N course, extending from the 5-mile radius zone to 5 miles N of the localizer.

2. In § 71.165 (29 F.R. 17557), the following control area extensions are revoked:

a. Salt Lake City, Utah.

b. Provo, Utah.

3. In § 71.181 (29 F.R. 17643), the following transition area is added:

SALT LAKE CITY, UTAH

That airspace extending upward from 700 feet above the surface bounded on the E by longitude 111°45'00" W., on the S and W by the arc of a 17-mile radius circle centered on the Salt Lake City VORTAC, and on the N by latitude 41°00'00" N., and that airspace within 5 miles each side of the Salt Lake City ILS localizer S course, extending from the 17-mile radius circle to latitude 40°30'00" N.; that airspace extending upward from 1,200 feet above the surface bounded on the E by longitude 111°36'00" W. and V-235, on the S by latitude 40°30'00" N., on the SW by a line extending from latitude 40°30'00" N., longitude 112°30'00" W., to latitude 40°40'00" N., longitude 112°56'30" W., on the W by longitude 112°56'30" W., and on the N by latitude 41°00'00" N.; that airspace E of Salt Lake City extending upward from 11,000 feet m.s.l. bounded on the NW by V-32, on the SE by V-235, on the SW by V-484, and on the W by longitude 111°36'00" W.; and that airspace SE of Salt Lake City extending upward from 13,000 feet m.s.l. bounded on the NE by V-484, on the S by V-300 and on the NW by V-235; excluding the portion within Restricted Area R-6406.

4. In § 71.181 (29 F.R. 17691), the following transition area is revoked:

Stansbury, Utah.

5. In § 71.181 (29 F.R. 17704), the Wendover, Utah, transition area is altered as follows: "That airspace extending upward from 8,700 feet m.s.l." is deleted and "That airspace extending up-

ward from 8,500 feet m.s.l." is substituted therefor.

6. In § 71.181 (30 F.R. 82), the Provo, Utah, transition area is amended to read:

PROVO, UTAH

That airspace N of Provo extending upward from 1,200 feet above the surface bounded on the E by longitude 111°46'00" W., on the SE by V-238 and V-21, on the S by latitude 40°15'00" N., on the W by V-257, and on the N by latitude 40°30'00" N., excluding the portion within R-6401; that airspace SW of Provo extending upward from 10,500 feet m.s.l. bounded on the SE by V-21, on the W by V-257, and on the N by latitude 40°15'00" N.; and that airspace SE of Provo extending upward from 9,500 feet m.s.l. bounded on the E by longitude 111°41'00" W., on the S by latitude 40°00'00" N., on the W by V-21 and on the N by V-200.

(Sec. 307(a) of the Federal Aviation Act of 1958, as amended; 72 Stat. 749; 49 U.S.C. 1348)

Issued in Los Angeles, Calif., on June 9, 1965.

LEE E. WARREN,
Acting Director, Western Region.

[F.R. Doc. 65-6390; Filed, June 16, 1965; 8:45 a.m.]

[Airspace Docket No. 64-WE-43]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Control Zones, Revocation of Control Area Extensions and Transition Areas, Designation of Transition Area

On April 14, 1965, a notice of proposed rule making was published in the FEDERAL REGISTER (30 F.R. 4768), stating that the Federal Aviation Agency proposed the alteration of controlled airspace in the Ogden, Utah, terminal area.

Interested persons wer afforded an opportunity to participate in the rule making through submission of comments. All comments received were favorable.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0001 e.s.t., August 19, 1965, as hereinafter set forth.

1. In § 71.171 (29 F.R. 17622), the following control zones are amended to read:

a. Ogden, Utah (Ogden Municipal Airport). Within a 5-mile radius of Ogden Municipal Airport (latitude 41°11'45" N., longitude 112°00'35" W.), excluding the portion S of a line extending from latitude 41°06'10" N., longitude 112°04'00" W., to latitude 41°11'00" N., longitude 111°55'00" W., from 0800 to 2200 hours, local time, daily.

b. Ogden, Utah (Hill AFB). Within a 5-mile radius of Hill AFB (latitude 41°07'28" N., longitude 111°58'20" W.); within a 5-mile radius of Ogden Municipal Airport (latitude 41°11'45" N., longitude 112°00'35" W.), excluding the portion within the Ogden (Ogden Municipal Airport) control zone when it is effective.

2. In § 71.165 (29 F.R. 17557), the following control area extensions are revoked:

a. Ogden, Utah.
b. Corinne, Utah.
c. Promontory Point, Utah.

3. In § 71.181 (29 F.R. 17643), the following transition areas are revoked:

a. Tremonton, Utah.
b. Promontory Point, Utah.

4. In § 71.181 (29 F.R. 17643), the following transition area is added:

OGDEN, UTAH

That airspace extending upward from 700 feet above the surface bounded on the E by longitude 111°55'00" W., on the N by latitude 41°27'00" N., on the W by longitude 112°22'00" W., and on the S by latitude 41°00'00" N.; that airspace extending upward from 1,200 feet above the surface bounded on the E by longitude 111°50'00" W., on the S by latitude 41°00'00" N., on the W by longitude 112°45'00" W., and on the N by the N boundary of V-288, that airspace W of Ogden bounded on the S and W by the Wendover, Utah, transition area, on the N by V-6 and on the E by longitude 112°45'00" W., that airspace W of Ogden bounded on E by longitude 112°45'00" W., on the S by V-6 and on the N by V-288, that airspace NW of Ogden within 10 miles SW and 6 miles NE of the Ogden VORTAC 316° radial, extending from the N boundary of V-288 to 63 miles NW of the VORTAC, that airspace N of Ogden within 10 miles W and 7 miles E of the Ogden VORTAC 345° radial, extending from the N boundary of V-288 to 42 miles N of the VORTAC; that airspace E of Ogden extending upward from 10,500 feet m.s.l. bounded on the N by V-288, on the S by V-6 and on the W by longitude 111°50'00" W., and that airspace bounded on the N by V-6, on the SE by V-32, on the S by latitude 41°00'00" N., and on the W by longitude 111°50'00" W.

(Sec. 307(a) of the Federal Aviation Act of 1958, as amended; 72 Stat. 749; 49 U.S.C. 1348)

Issued in Los Angeles, Calif., on June 9, 1965.

LEE E. WARREN,
Acting Director, Western Region.

[F.R. Doc. 65-6300; Filed, June 16, 1965; 8:45 a.m.]

[Airspace Docket No. 64-AL-19]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Designation of Federal Airways and Reporting Points

On March 30, 1965, a notice of proposed rule making was published in the FEDERAL REGISTER (30 F.R. 4137), stating that the Federal Aviation Agency was considering amendments to Part 71 of the Federal Aviation Regulations that would extend VOR Federal airways Nos. 498 and 506 to Kotzebue, Alaska, and that would designate Kotzebue as a low altitude compulsory reporting plant.

Interested persons were afforded an opportunity to participate in the proposed rule making through the submission of comments, but no comments were received.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0001 e.s.t., August 19, 1965, as hereinafter set forth.

1. In § 71.125 (29 F.R. 17546), V-498 and V-506 are amended, respectively, to read as follows:

a. V-498 From McGrath, Alaska, via Galena, Alaska, to Kotzebue, Alaska.

b. V-506 From King Salmon, Alaska, via Bethel, Alaska; Nome, Alaska, to Kotzebue, Alaska.

2. In § 71.211 (29 F.R. 17723), the Kotzebue, Alaska, low altitude reporting point is added.

(Secs. 307(a) and 1110 of the Federal Aviation Act of 1958; 49 U.S.C. 1348, 1510, and Executive Order 10854 (24 F.R. 9565))

Issued in Washington, D.C., on June 9, 1965.

DANIEL E. BARROW,
Chief, Airspace Regulations and Procedures Division.

[F.R. Doc. 65-6301; Filed, June 16, 1965; 8:45 a.m.]

[Airspace Docket No. 63-SO-89]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Control Zones, and Transition Area; Designation; Correction

On May 25, 1965, Federal Register Document No. 65-5415 was published in the FEDERAL REGISTER (30 F.R. 6977) amending Part 71 of the Federal Aviation Regulations. In the amendment, beginning on the sixth line of the Birmingham, Ala., control zone, it was stated "• • • within 2 miles each side of the 055° and 235° bearings from the Roebuck RBN extending from the 5-mile radius zone to 8 miles NW of the RBN." This control zone extension should have been designated from the 5-mile radius zone to 8 miles NE of the RBN. Also, in the amendment, beginning on the 19th line of the Birmingham, Ala., transition area, it was stated "• • • thence counterclockwise along this arc to the SW boundary V-209 • • •." This portion of the transition area description should have read "thence counterclockwise along this arc to the SE boundary of V-209."

Since these amendments are editorial in nature and impose no additional burden on any person, notice and public procedure hereon are unnecessary.

In consideration of the foregoing, effective immediately, Federal Register Document No. 65-5415 is altered as follows:

In the ninth line of the description of the Birmingham, Ala., control zone "NE" is substituted for "NW."

In the 20th line of the description of the Birmingham, Ala., transition area "SE" is substituted for "SW."

(Sec. 307(a) of the Federal Aviation Act of 1958; 49 U.S.C. 1348(a))

Issued in East Point, Ga., on June 7, 1965.

PAUL H. BOATMAN,
Acting Director, Southern Region.

[F.R. Doc. 65-6302; Filed, June 16, 1965; 8:45 a.m.]

Title 19—CUSTOMS DUTIES

Chapter I—Bureau of Customs, Department of the Treasury

[T.D. 56427]

PART 10—ARTICLES CONDITIONALLY FREE, SUBJECT TO A REDUCED RATE, ETC.

Theatrical Effects, Motion-Picture Films, and Commercial Travelers' Samples

The procedure for entry of certain theatrical effects, motion-picture films, and commercial travelers' samples taken abroad and returned is prescribed in § 10.68 of the Customs Regulations. The procedure provides for registration of such articles on customs Form 4455 and for movement of such articles under a transportation and exportation entry when exportation is to be made at a port other than the port of entry. The provision for use of a transportation and exportation entry is cross-referenced to § 10.38(d) of the regulations. An employee has pointed out that this has given rise to an erroneous implication that customs Form 3495, which is required by § 10.38(d), is to be used in such cases and has suggested that the cross-reference be deleted.

In view of the foregoing and the fact that the cross-reference serves no useful purpose, the second sentence of § 10.68 (a) is amended by deleting "as prescribed by § 10.38(d)", so that the second sentence will read as follows: "When articles other than those exported by mail or parcel post are examined and registered at one port and exported through another port, they shall be forwarded to the port of exportation under a transportation and exportation entry."

(R.S. 251, section 624, 46 Stat. 759; 19 U.S.C. 66, 1624)

[SEAL] LESTER D. JOHNSON,
Acting Commissioner of Customs.

Approved: June 10, 1965.

JAMES A. REED,
Assistant Secretary of the Treasury.

[F.R. Doc. 65-6350; Filed, June 16, 1965; 8:47 a.m.]

Title 28—JUDICIAL ADMINISTRATION

Chapter I—Department of Justice

[Memo No. 415]

PART 0—ORGANIZATION OF THE DEPARTMENT OF JUSTICE

Subpart W—Authority To Compromise and Close Civil Claims

Appendix—Redelegations of Authority To Compromise and Close Civil Claims

Amendment of Memo No. 374, dated June 3, 1964, delegating Authority to U.S. Attorneys in Civil Division Cases.

By virtue of the authority vested in me by Part 0 of Title 28 of the Code of Federal Regulations, particularly §§ 0.45, 0.46, 0.160, 0.162, 0.164, 0.166, and 0.168: *It is hereby ordered*, That Memo No. 374 (29 F.R. 7422; 28 CFR, Part 0, Subpart W, Appendix) dated June 3, 1964, delegating authority to U.S. Attorneys in Civil Division cases, be amended by inserting in section 3(E)(1), immediately following the word "for", the words "hospital and medical care and treatment and for."

This memorandum shall be effective upon the date of its publication in the FEDERAL REGISTER.

JOHN W. DOUGLAS,
Assistant Attorney General, Civil Division.

Approved: June 14, 1965.

NICHOLAS DEB. KATZENBACH,
Attorney General.

[F.R. Doc. 65-6416; Filed, June 16, 1965; 10:27 a.m.]

[Order No. 344-65]

PART 43—RECOVERY OF COST OF HOSPITAL AND MEDICAL CARE AND TREATMENT FURNISHED BY THE UNITED STATES

Recovery From Tortiously Liable Third Persons of Cost of Hospital and Medical Care and Treatment Furnished by United States

By virtue of the authority vested in the President by section 2(a) of the Act of September 25, 1962 (76 Stat. 593; 42 U.S.C. 2651-2653), and delegated to me by section 2 of Executive Order No. 11060 of November 7, 1962 (27 F.R. 10925), § 43.3 of Chapter I of Title 28 of the Code of Federal Regulations (Order No. 289-62) is hereby amended by deleting from paragraphs (a) and (b) the figure "$2,500" and substituting therefor the figure "$5,000".

The amendments prescribed by this order shall become effective upon publication of this order in the FEDERAL REGISTER.

Dated: June 14, 1965.

NICHOLAS DEB. KATZENBACH,
Attorney General.

[F.R. Doc. 65-6415; Filed, June 16, 1965; 10:27 a.m.]

Title 29—LABOR

Subtitle A—Office of the Secretary of Labor

PART 5—LABOR STANDARDS PROVISIONS APPLICABLE TO CONTRACTS COVERING FEDERALLY FINANCED AND ASSISTED CONSTRUCTION

Special Provision for Firefighters and Fireguards

Pursuant to section 105 of the Contract Work Hours Standards Act (40 U.S.C. 331) and Secretary's Order No. 32-63 (29 F.R. 118), I hereby amend 29 CFR 5.14 by adding a new paragraph (d) to that section to read as set forth below.

The provisions of section 4 of the Administrative Procedure Act (5 U.S.C. 1003) which require notice of proposed rule making, opportunity for public participation and delay in effective date are not applicable because this rule involves only matters that relate to public contracts. I do not believe that such procedures will serve a useful purpose here. Accordingly, this amendment shall become effective immediately.

The new 29 CFR 5.14(d) reads as follows:

§ 5.14 Limitations, variations, tolerances, and exemptions under the Contract Work Hours Standards Act.

• • • • • •

(d) *Variations.* (1) In order to prevent undue hardship, a workday consisting of a fixed and recurring 24-hour period commencing at the same time on each calendar day may be used in lieu of the calendar day in applying the daily overtime provisions of the Act to the employment of firefighters or fireguards, under the following conditions: (i) Where such employment is under a platoon system requiring such employees to remain at or within the confines of their post of duty in excess of eight hours per day in a standby or on-call status; and (ii) if the use of such alternate 24-hour day has been agreed upon between the employer and such employees or their authorized representatives before performance of the work; and (iii) provided that, in determining the daily and the weekly overtime requirements of the Act in any particular workweek of any such employee whose established workweek begins at an hour of the calendar day different from the hour when such agreed 24-hour day commences, the hours worked in excess of 8 hours in any such 24-hour day shall be counted in the established workweek (of 168 hours commencing at the same time each week) in which such hours are actually worked.

(Sec. 105, 76 Stat. 359; 40 U.S.C. 331)

Signed at Washington, D.C., this 10th day of June 1965.

CHARLES DONAHUE,
Solicitor of Labor.

[F.R. Doc. 65-6316; Filed, June 16, 1965; 8:46 a.m.]

Title 41—PUBLIC CONTRACTS AND PROPERTY MANAGEMENT

Chapter 9—Atomic Energy Commission

PART 9-53—NUMBERING AND DISTRIBUTION OF CONTRACTS AND ORDERS

Policy, Cost-Type Contractor Procurement

The following section is added:

§ 9-53.000-50 Policy, cost-type contractor procurement.

There are no provisions in this part which the contracting officer shall bring to the attention of cost-type contractors as constituting areas which require appropriate treatment in the development

of statements of contractor procurement practices.

(Sec. 161 of the Atomic Energy Act of 1954, as amended, 68 Stat. 948, 42 U.S.C. 2201; sec. 205 of the Federal Property and Administrative Services Act of 1949, as amended, 63 Stat. 390, 40 U.S.C. 486)

Effective date. This amendment is effective upon publication in the FEDERAL REGISTER.

Dated at Germantown, Maryland, this 10th day of June 1965.

For the U.S. Atomic Energy Commission.

JOSEPH L. SMITH,
Director,
Division of Contracts.

[F.R. Doc. 65-6317; Filed, June 16, 1965; 8:46 a.m.]

Chapter 101—Federal Property Management Regulations

SUBCHAPTER D—PUBLIC BUILDINGS AND SPACE

PART 101–18—ACQUISITION OF REAL PROPERTY

Subpart 101–18.1—Acquisition by Lease

BASIC GSA POLICY FOR ACQUIRING SPACE BY LEASE

Section 101–18.102 (29 F.R. 15974, Dec. 1, 1964) is amended to quote the basic policy of GSA on leasing space and now reads as follows:

§ 101–18.102 Basic policy.

(a) GSA will lease space in privately owned buildings and land only when needs cannot be satisfactorily met in Government-owned or presently leased space, and when the construction or alteration of a Federal building or the purchase of a privately owned building is not warranted because requirements in the community are insufficient or are indefinite in scope or duration.

(b) Acquisition of space by lease will be on the basis most favorable to the Government, with due consideration to maintenance and operational efficiency, and only at charges consistent with prevailing scales in the community for comparable facilities.

(c) Acquisition of space by lease will be by negotiation except where all the factors are present which will permit true competition and the formal sealed bid method is required by law.

(Sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c))

Effective date. This regulation is effective on the date of its publication in the FEDERAL REGISTER.

Dated: June 11, 1965.

LAWSON B. KNOTT, Jr.,
Administrator.

[F.R. Doc. 65-6358; Filed, June 16, 1965; 8:47 a.m.]

PART 101–20—ASSIGNMENT AND UTILIZATION OF SPACE

Subpart 101–20.2—Utilization of Space

RELINQUISHMENT OF ASSIGNED SPACE

1. The table of contents for Part 101–20 is revised by adding the following entries:

Sec.
101–20.205 Notice to GSA of relinquishment of assigned leased space.
101–20.206 Notice to GSA of relinquishment of Government-owned space.

2. Subpart 101–20.2 is amended by adding two new sections, as follows:

§ 101–20.205 Notice to GSA of relinquishment of assigned leased space.

GSA shall be notified by an agency occupying leased space assigned by GSA at least 60 days prior to the date on which the space, or portion thereof, will no longer be needed. In no event, however, shall such notice be given less than 30 days prior to the date on which the lease termination notice must be issued. Such notification shall be submitted in writing to the GSA regional office responsible for the geographical area in which the space is located, giving a description of the area involved, its location, and the estimated date of vacating. The appropriate GSA regional office may reassign or dispose of the space.

§ 101–20.206 Notice to GSA of relinquishment of Government-owned space.

When an agency is responsible for operation, maintenance, and protection of Government-owned space to which it has been assigned by GSA, and the agency determines that such space, or a portion thereof, is no longer needed, the agency shall so notify GSA at least 6 months prior to relinquishing the space. The notice shall be submitted in writing to the GSA regional office responsible for the geographical area in which the property is located, giving a description of the property, its location, and the estimated date of release. The operation, protection, and maintenance of the real property or portion thereof to be released shall continue to be the responsibility of the agency until the first day of the fiscal quarter after the 6-month period ends.

(Sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c))

Effective date. Section 101–20.205 shall be effective September 30, 1965, and § 101–20.206 shall be effective November 30, 1965. However, agencies are requested to notify GSA as soon as possible of plans to relinquish space in the interim.

Dated: June 9, 1965.

LAWSON B. KNOTT, Jr.,
Administrator of General Services.

[F.R. Doc. 65-6359; Filed, June 16, 1965; 8:47 a.m.]

Title 43—PUBLIC LANDS: INTERIOR

Chapter II—Bureau of Land Management, Department of the Interior

APPENDIX—PUBLIC LAND ORDERS

[Public Land Order 3565; Correction]

[Washington 05342]

WASHINGTON

Power Site Cancellation No. 215; Partly Cancelling Power Site Classification No. 408; Correction

JUNE 10, 1965.

Public Land Order No. 3565 of March 9, 1965 (30 F.R. 3441), partly cancelled Power Site Classification No. 408. It correctly described the lands eliminated from Power Site Classification No. 408. However, it erroneously referred to the lands as having been a part of "Power Site Classification No. 215."

The order will be applied to the lands it described.

MAX CAPLAN,
Acting Assistant Director.

[F.R. Doc. 65-6340; Filed, June 16, 1965; 8:47 a.m.]

[Public Land Order 3677]

[Anchorage 062024]

ALASKA

Withdrawal for Administrative Site

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952 (17 F.R. 4831), it is ordered as follows:

1. Subject to valid existing rights, the following described lands which are withdrawn and reserved for military purposes by Public Land Order No. 5 of June 26, 1942, are hereby also reserved for a Department of the Interior administrative site:

SEWARD MERIDIAN

T. 12 N., R. 3 W.,
Sec. 3, SW¼.

Containing 160 acres.

2. This order shall take precedence over but not otherwise affect Public Land Order No. 5 of June 26, 1942, subject to an operational agreement to be negotiated between the Department of the Interior and the Department of the Army.

JOHN A. CARVER, Jr.,
Under Secretary
of the Interior.

JUNE 10, 1965.

[F.R. Doc. 65-6316; Filed, June 16, 1965; 8:46 a.m.]

[Public Land Order 3678]

[Montana 070010]

MONTANA

Partial Revocation of Reclamation Withdrawal; Milk River Project

By virtue of the authority contained in section 3 of the Act of June 17, 1902 (32 Stat. 388; 43 U.S.C. 416), as amended and supplemented, it is ordered as follows:

The departmental order of January 12, 1912, withdrawing lands for the Fort Peck Reservoir is hereby revoked as far as it affects the following described lands:

PRINCIPAL MERIDIAN

T. 26 N., R. 41 E.,
Sec. 8, NE¼SW¼, NW¼SE¼;
Sec. 9, SW¼NW¼, N½SW¼.

The areas described aggregate approximately 200 acres of nonpublic lands.

JOHN A. CARVER, Jr.,
Under Secretary
of the Interior.

JUNE 10, 1965.

[F.R. Doc. 65-6319; Filed, June 16, 1965; 8:46 a.m.]

[Public Land Order 3679]

[New Mexico 0556211]

NEW MEXICO

Withdrawal for Indian School

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952 (17 F.R. 4831), it is ordered as follows:

1. Subject to valid existing rights, the following described public lands which are under the jurisdiction of the Secretary of the Interior, are hereby withdrawn from all forms of appropriation under the public land laws, including the mining laws, but not from leasing under the mineral leasing laws, for Indian school purposes:

NEW MEXICO PRINCIPAL MERIDIAN

T. 23 N., R. 9 W.,
Sec. 31, NW¼NW¼ of lot 3.

The tract described contains approximately 2.5 acres in San Juan County.

2. The withdrawal made by this order does not alter the applicability of the public land laws governing the use of the lands under lease, license, or permit, or governing the disposal of their mineral and vegetative resources other than under the mining laws.

JOHN A. CARVER, Jr.,
Under Secretary
of the Interior.

JUNE 10, 1965.

[F.R. Doc. 65-6320; Filed, June 16, 1965; 8:46 a.m.]

[Public Land Order 3680]

[Nevada 063429]

NEVADA

Correction of Public Land Order No. 3646 of April 15, 1965

Subject to any intervening valid existing rights, Public Land Order No. 3646 of April 15, 1965, appearing as Federal Register Document No. 65-4135 (30 F.R. 5637) in the issue of April 21, 1965, is hereby corrected in the following respect:

The description "N½NW¼SW¼" is corrected to read "N½NW¼SE¼".

The N½NW¼SW¼ is subject to all those laws and regulations to which it was subject prior to the erroneous inclusion in Public Land Order No. 3646.

JOHN A. CARVER, Jr.,
Under Secretary
of the Interior.

JUNE 10, 1965.

[F.R. Doc. 65-6321; Filed, June 16, 1965; 8:46 a.m.]

[Public Land Order 3681]

[Arizona 034846]

ARIZONA

Partial Modification of Stock Driveway Withdrawal To Permit Grant of Right-of-Way

By virtue of the authority vested in the Secretary of the Interior by section 10 of the Act of December 29, 1916 (39 Stat. 865; 43 U.S.C. 300), as amended, it is ordered as follows:

The departmental order of March 18, 1918, creating Stock Driveway Withdrawal No. 10, Arizona No. 1, is hereby modified to the extent necessary to permit the grant of a highway right-of-way for the Holbrook-Heber Road under Section 2477, U.S. Revised Statutes (43 U.S.C. 932) to Navajo County, Ariz., over the following-described lands, as delineated on maps on file with the Bureau of Land Management in Arizona 034846:

GILA AND SALT RIVER MERIDIAN

T. 15 N., R. 19 E.,
Sec. 22, E½NE¼, SE¼, SE¼SE¼SW¼;
Sec. 26, SE¼.

Containing 32.84 acres in Navajo County.

JOHN A. CARVER, Jr.,
Under Secretary
of the Interior.

JUNE 10, 1965.

[F.R. Doc. 65-6322; Filed, June 16, 1965; 8:46 a.m.]

[Public Land Order 3682]

[Utah 0136816]

UTAH

Withdrawal for Central Utah Project

By virtue of the authority contained in section 3 of the act of June 17, 1902 (32 Stat. 388; 43 U.S.C. 416), as amended and supplemented, it is ordered as follows:

Subject to valid existing rights, the following described lands in the Ashley and Uintah National Forests are hereby withdrawn from all forms of appropriation under the public land laws, including the mining laws (Chap. 2, Title 30 U.S.C.), but not from leasing under the mineral leasing laws, and reserved for the Central Utah Project:

UINTAH SPECIAL MERIDIAN

Ashley National Forest

T. 2 N., R. 8 W.,
Sec. 28, S½SE¼ and E½SE¼SW¼.

T. 1 N., R. 9 W.,
Sec. 10, S½SE¼.

Uintah National Forest

T. 4 S., R. 12 W.,
Sec. 10;
Sec. 11, NW¼, N½NE¼, SW¼NE¼, NW¼SW¼.

The areas described aggregate 857.96 acres in Duchesne and Wasatch Counties.

JOHN A. CARVER, Jr.,
Under Secretary
of the Interior.

JUNE 10, 1965.

[F.R. Doc. 65-6323; Filed, June 16, 1965; 8:46 a.m.]

[Public Land Order 3683]

[Montana 068357]

MONTANA

Partial Revocation of Reclamation Withdrawal; Milk River Irrigation Project

By virtue of the authority contained in section 3 of the Act of June 17, 1902 (32 Stat. 388; 43 U.S.C. 416), as amended and supplemented, it is ordered as follows:

The departmental order of August 18, 1902, which withdrew lands for reclamation purposes is hereby revoked so far as it affects the following described land:

PRINCIPAL MERIDIAN

T. 31 N., R. 35 E.,
Sec. 28, N½NE¼.

Containing approximately 80 acres in Valley County.

The land is included in an allowed homestead entry.

JOHN A. CARVER, Jr.,
Under Secretary
of the Interior.

JUNE 10, 1965.

[F.R. Doc. 65-6324; Filed, June 16, 1965; 8:46 a.m.]

[Public Land Order 3684]

[Arizona 034182]

ARIZONA

Withdrawal for National Forest Recreation Sites

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952 (17 F.R. 4831), it is ordered as follows:

1. Subject to valid existing rights, the following described national forest lands in the Tonto National Forest are hereby withdrawn from appropriation under the United States mining laws (Chap. 2, Title 30 U.S.C.), in aid of programs of the Department of Agriculture:

GILA AND SALT RIVER MERIDIAN

Weaver's Needle

T. 1 N., R. 9 E.,
Sec. 13, NE¼.
T. 1 N., R. 10 E.,
Sec. 18, lots 1 and 2 and E½NW¼.

Containing approximately 320 acres.

Tortilla Flat Campground

T. 2 N., R. 9 E. (unsurveyed),
Sec. 14, NE¼NE¼NE¼.

Containing approximately 10 acres.

2. The withdrawal made by this order does not alter the applicability of those public land laws governing the use of the national forest lands under lease, license, or permit, or governing the disposal of their mineral and vegetative resources other than under the mining laws.

JOHN A. CARVER, JR.,
Under Secretary of the Interior.

JUNE 10, 1965.

[F.R. Doc. 65-6325; Filed, June 16, 1965; 8:46 a.m.]

[Public Land Order 3685]

[New Mexico 0584274]

NEW MEXICO

Withdrawal for National Aeronautics and Space Administration Facilities

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952 (17 F.R. 4831), it is ordered as follows:

1. Subject to valid existing rights, the following described lands, which are under the jurisdiction of the Secretary of the Interior, are hereby withdrawn from all forms of appropriation under the public land laws, including the mining laws (Chap. 2, Title 30 U.S.C.), and reserved for the protection of NASA facilities:

NEW MEXICO PRINCIPAL MERIDIAN

T. 23 S., R. 2 E.,
Sec. 13;
Sec. 14, N½ and SE¼;
Sec. 15, lots 15 to 169 inclusive;
Secs. 24 and 25.

The areas described aggregate approximately 2,789 acres.

2. The withdrawal made by this order does not alter the applicability of the public land laws governing the use of the lands under lease, license, or permit, or governing the disposal of their mineral and vegetative resources other than under the mining laws.

JOHN A. CARVER, JR.,
Under Secretary of the Interior.

JUNE 10, 1965.

[F.R. Doc. 65-6326; Filed, June 16, 1965; 8:46 a.m.]

[Public Land Order 3686]

[Arizona 030859]

ARIZONA

Withdrawal for National Forest Recreation Area

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952 (17 F.R. 4831), it is ordered as follows:

1. Subject to valid existing rights, the following described lands in the Coconino National Forest are hereby withdrawn from appropriation under the mining laws (Chap. 2, Title 30 U.S.C.), in aid of programs of the Department of Agriculture:

GILA AND SALT RIVER MERIDIAN

Clover Recreation Area

T. 13 N., R. 9 E.,
Sec. 14, W½SE¼, W½E½SE¼, S½SW¼ NE¼, SW¼SE¼NE¼.

The tracts described aggregate 150 acres in Coconino County.

2. The withdrawal made by this order does not alter the applicability of those public land laws governing the use of the national forest lands under lease, license or permit, or governing the disposal of their mineral and vegetative resources other than under the mining laws.

JOHN A. CARVER, JR.,
Under Secretary of the Interior.

JUNE 10, 1965.

[F.R. Doc. 65-6327; Filed, June 16, 1965; 8:46 a.m.]

[Public Land Order 3687]

[Montana 069190]

MONTANA

Withdrawal for National Forest Recreation Sites

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952 (17 F.R. 4831), it is ordered as follows:

1. Subject to valid existing rights, the following described national forest lands in the Lolo National Forest are hereby withdrawn from appropriation under the United States mining laws (Chap. 2, Title 30 U.S.C.), in aid of programs of the Department of Agriculture:

MONTANA PRINCIPAL MERIDIAN

LOLO NATIONAL FOREST

Norton Picnic Site

T. 10 N., R. 16 W.,
Sec. 30, lot 10.
T. 10 N., R. 17 W., unsurveyed but which probably will be when surveyed;
Sec. 25, E½SE¼ except that portion covered by H.E.S. 52 and H.E.S. 798.

Containing 66.79 acres.

Alva Camp

T. 18 N., R. 16 W.,
Sec. 13, lot 1;
That portion of lot 4 lying west of the centerline of Swan River Highway No. 15;
That portion of NW¼NE¼ lying west of the centerline of Swan River Highway No. 15.

Containing 75.17 acres.

Quartz Flat Campground (addition)

T. 15 N., R. 25 W.,
Sec. 9, lots 2, 3, and 6;
Sec. 4, lots 10, 11, and 12.

Containing 166.16 acres.

Blue Slide Campground

T. 23 N., R. 30 W.,
Sec. 34, lot 2.

Containing 25.58 acres.

Little Joe Creek Camp

T. 17 N., R. 26 W., unsurveyed but which probably will be when surveyed;
Sec. 3, NW¼NE¼NE¼.
T. 18 N., R. 28 W.,
Sec. 34, S½SE¼SE¼.

Containing 30 acres.

Sloway Camp

T. 17 N., R. 27 W.,
Sec. 15, lots 2 and 3.

Containing 86.91 acres.

The areas described total approximately 454 acres in Granite, Missoula, Sanders, and Mineral Counties.

2. The withdrawal made by this order does not alter the applicability of those public land laws governing the use of the national forest lands under lease, license or permit, or governing the disposal of their mineral and vegetative resources other than under the mining laws.

JOHN A. CARVER, JR.,
Under Secretary of the Interior.

JUNE 10, 1965.

[F.R. Doc. 65-6328; Filed, June 16, 1965; 8:46 a.m.]

[Public Land Order 3689]

ALASKA

Withdrawing Lands for Use of the Department of the Army in Connection With the Alaska Petroleum Pipeline System

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952 (17 F.R. 4831), it is ordered as follows:

1. Subject to valid existing rights, the following described public lands are hereby withdrawn from all forms of appropriation under the public land laws, including the mining laws but not from leasing under the mineral leasing laws, and reserved for use of the Department of the Army for pumping station sites in connection with the Alaska Petroleum Pipeline System:

(Fairbanks 031664)

BIG DELTA AREA

Timber Pumping Station

Beginning at corner No. 1, a point on the centerline of the Richardson Highway which bears N. 27°26' W. and is 783.79 feet from the corner common to secs. 25, 26, 35, and 36, T. 8 S., R. 9 E., Fairbanks Meridian.

From corner No. 1, by metes and bounds,
N. 35°16' W. along the centerline of the Richardson Highway 732.46 feet;
N. 50°02' E. 387 feet;
S. 39°58' E. 730 feet;
S. 50°02' W. 447 feet to corner No. 1, the point of beginning.

Containing 7.49 acres.

(Fairbanks 031676)

S. NORTHWAY AREA

Lakeview Pumping Station

Beginning at a point which bears N. 39°12' W. and is 499.96 feet from corner No. 1, lot 1, U.S. Survey 2784.
Thence N. 50°48' E. 985 feet;
Southerly along the centerline of the Alaska Highway 1,100 feet;
S. 50°48' W. 1,130 feet along the division of lots 1 and 2, U.S. Survey 2784;
Northwesterly along the meander of Yarger Lake 920 feet; N. 50°48' E. 496 feet to the point of beginning.

Containing 21.46 acres.

b. DELTA-TOK AREA

Bears Creek Pumping Station

Beginning at a point on the centerline of the Alaska Highway which bears S. 89°26'44" W. and is 808.01 feet from U.S.C. & G.S. azimuth mark "comb" (N. 10,000, E. 10,000).
Thence S. 740 feet;
W. 670 feet;
N. 733 feet;
Easterly along the centerline of the Alaska Highway 676 feet to the point of beginning.

Containing 11.34 acres.

The total area withdrawn by this order is 40.21 acres.

2. The withdrawal made by this order does not alter the applicability of the public land laws governing the use of the lands under lease, license, or permit, or governing the disposal of their mineral and vegetative resources, other than under the mining laws. The land is subject to existing highway rights-of-way.

JOHN A. CARVER, JR.,
Under Secretary of the Interior.

JUNE 10, 1965.

[F.R. Doc. 65-6329; Filed, June 16, 1965; 8:46 a.m.]

[Public Land Order 3690]

[Idaho 015806]

IDAHO

Powersite Classification No. 457; Snake River, Idaho

By virtue of the authority contained in the Act of March 3, 1879 (20 Stat. 394; 43 U.S.C. 31), as amended, and Reorganization Plan No. 3 (64 Stat. 1262; 5 U.S.C. 133z-15, note), subject to valid existing rights, the following described lands under the jurisdiction of the Department of the Interior are hereby classified as powersites, so far as title to such lands and interests therein remain in the United States:

BOISE MERIDIAN

T. 5 S., R. 8 E.,
Sec. 32, lots 8 and 9;
Sec. 33, lot 2.
T. 6 S., R. 8 E.,
Sec. 3, lot 12.
T. 5 S., R. 9 E.,
Sec. 26, lots 6 and 7;
Sec. 27, lot 3;
Sec. 31, lots 9 to 13, incl.;
Sec. 32, lots 8 to 11, incl.;
Sec. 33, lots 9 and 10;
Sec. 34, lots 7 to 10, incl.;
Sec. 35, lot 9.
T. 5 S., R. 10 E.,
Sec. 12, lot 8;
Sec. 13, lot 4;
Sec. 14, lots 9 and 10;
Sec. 21, lot 8;
Sec. 22, lots 12 to 14, incl.;
Sec. 23, lots 5 and 6;
Sec. 28, lots 9 and 10;
Sec. 31, lots 8 to 12, incl.;
Sec. 32, lots 10 and 11.

The areas described aggregate 127.53 acres, in Elmore and Owyhee Counties.

This classification is subject to the provisions of section 24 of the Act of June 10, 1920 (41 Stat. 1075; 16 U.S.C. 818), as amended.

JOHN A. CARVER, JR.,
Under Secretary of the Interior.

JUNE 10, 1965.

[F.R. Doc. 65-6330; Filed, June 16, 1965; 8:46 a.m.]

[Public Land Order 3691]

[New Mexico 0556111]

NEW MEXICO

Partial Revocation of Executive Orders No. 6143 of May 23, 1933, No. 6276 of September 8, 1933, and No. 6583 of February 3, 1934

By virtue of the authority vested in the President by section 1 of the Act of June 25, 1910 (36 Stat. 847; 43 U.S.C. 141), and pursuant to Executive Order No. 10355 of May 26, 1952 (17 F.R. 4831), it is ordered as follows:

1. The Executive Orders No. 6143 of May 23, 1933, No. 6276 of September 8, 1933 and No. 6583 of February 3, 1934, which withdrew certain lands in the State of New Mexico to aid the State in making exchange selections as provided by the Act of June 15, 1926 (44 Stat 746), are hereby revoked so far as they affect lands in the following described townships which have been patented to the State of New Mexico:

NEW MEXICO PRINCIPAL MERIDIAN

T. 18 S., R. 1 W.
T. 19 S., R. 1 W.
T. 1 S., R. 2 W.
T. 21 S., R. 2 W.
T. 1 S., R. 3 W.
T. 6 S., R. 3 W.
T. 7 S., R. 3 W.
T. 23 S., R. 3 W.
T. 24 S., R. 3 W.
T. 5 S., R. 4 W.
T. 6 S., R. 4 W.
T. 7 S., R. 4 W.
T. 8 S., R. 4 W.
T. 20 S., R. 4 W.
T. 22 S., R. 4 W.
T. 24 S., R. 4 W.
T. 18 S., R. 5 W.
T. 20 S., R. 5 W.
T. 11 S., R. 6 W.
T. 12 S., R. 6 W.
T. 13 S., R. 6 W.
T. 15 S., R. 6 W.
T. 16 S., R. 6 W.
T. 17 S., R. 6 W.
T. 18 S., R. 6 W.
T. 37 S., R. 6 W.
T. 9 S., R. 7 W.
T. 10 S., R. 7 W.
T. 13 S., R. 7 W.
T. 14 S., R. 7 W.
T. 6 S., R. 8 W.
T. 8 S., R. 8 W.
T. 9 S., R. 8 W.
T. 11 S., R. 8 W.
T. 14 S., R. 8 W.
T. 15 S., R. 8 W.
T. 20 S., R. 8 W.
T. 21 S., R. 8 W.
T. 23 S., R. 8 W.
T. 24 S., R. 8 W.
T. 4 S., R. 9 W.
T. 5 S., R. 9 W.
T. 6 S., R. 9 W.
T. 9 S., R. 9 W.
T. 23 S., R. 10 W.
T. 23 S., R. 10 W.
T. 5 S., R. 11 W.
T. 4 S., R. 11 W.
T. 7 S., R. 11 W.
T. 17 S., R. 11 W.
T. 18 S., R. 11 W.
T. 19 S., R. 11 W.
T. 20 S., R. 11 W.
T. 21 S., R. 11 W.
T. 22 S., R. 11 W.
T. 1 S., R. 12 W.
T. 2 S., R. 12 W.
T. 3 S., R. 12 W.
T. 7 S., R. 12 W.
T. 18 S., R. 12 W.
T. 21 S., R. 12 W.
T. 22 S., R. 12 W.
T. 23 S., R. 12 W.
T. 25 S., R. 12 W.
T. 1 S., R. 13 W.
T. 2 S., R. 13 W.
T. 19 S., R. 13 W.
T. 23 S., R. 13 W.
T. 1 S., R. 14 W.
T. 7 S., R. 14 W.
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T. 15 S., R. 16 W.
T. 22 S., R. 16 W.
T. 24 S., R. 16 W.
T. 25 S., R. 16 W.
T. 26 S., R. 16 W.
T. 1 S., R. 17 W.
T. 16 S., R. 17 W.
T. 22 S., R. 17 W.
T. 24 S., R. 17 W.
T. 29 S., R. 17 W.
T. 30 S., R. 17 W.
T. 31 S., R. 17 W.
T. 1 S., R. 18 W.
T. 15 S., R. 18 W.
T. 16 S., R. 18 W.
T. 26 S., R. 18 W.
T. 27 S., R. 18 W.
T. 29 S., R. 18 W.
T. 14 S., R. 19 W.
T. 16 S., R. 19 W.
T. 24 S., R. 19 W.
T. 25 S., R. 19 W.
T. 26 S., R. 19 W.
T. 30 S., R. 19 W.
T. 25 S., R. 20 W.
T. 26 S., R. 20 W.
T. 30 S., R. 20 W.
T. 33 S., R. 20 W.
T. 26 S., R. 21 W.

The areas described aggregate 269,581.83 acres.

JOHN A. CARVER, JR.,
Under Secretary of the Interior.

JUNE 10, 1965.

[F.R. Doc. 65-6331; Filed, June 16, 1965; 8:47 a.m.]

[Public Land Order 3692]

[Idaho 016330]

IDAHO

Partial Revocation of Public Land Order No. 993 of August 16, 1954

By virtue of the authority vested in the President, and pursuant to Executive Order No. 10355 of May 26, 1952 (17 F.R. 4831), it is ordered as follows:

1. Public Land Order No. 993 of August 16, 1954, which withdrew national forest lands for research purposes, is hereby revoked so far as it affects the following described lands:

BOISE NATIONAL FOREST

BOISE MERIDIAN

Carpenter Creek Method of Cutting Plots

T. 9 N., R. 5 E.,
Secs. 28, 33 and 34.

Containing 1,915.60 acres, in Boise County.

2. At 10 a.m., on July 16, 1965, the lands shall be open to such forms of disposition as may by law be made of national forest lands.

JOHN A. CARVER, Jr.,
Under Secretary of the Interior.

JUNE 10, 1965.

[F.R. Doc. 65-6332; Filed, June 16, 1965; 8:47 a.m.]

[Public Land Order 3693]

[Riverside 05833]

CALIFORNIA

Partly Revoking Executive Order No. 6285 of September 14, 1933

By virtue of the authority vested in the President by the Act of June 25, 1910 (36 Stat. 847; 43 U.S.C. 141), and pursuant to Executive Order No. 10355 of May 26, 1952 (17 F.R. 4831), it is ordered as follows:

1. Executive Order No. 6285 of September 14, 1933, withdrawing public lands pending determination as to the advisability of including them in a National Monument, is hereby revoked so far as it affects the following described lands:

SAN BERNARDINO MERIDIAN

T. 5 S., R. 4 E.,
Sec. 1, lots 1 and 2 of NE¼, S½NE¼, and S½.

The areas described aggregate 479.84 acres.

2. The State of California has waived the preference right of application afforded it by R.S. 2276 as amended (43 U.S.C. 852).

3. At 10 a.m., on July 16, 1965, the lands shall become subject to operation of the public land laws generally, subject to valid existing rights, the provisions of existing withdrawals, and the requirements of applicable law. All valid applications received at or prior to 10 a.m., on July 16, 1965, shall be considered as simultaneously filed at that time. Those filed thereafter shall be considered in the order of filing.

The lands have been open to applications and offers under the mineral leasing laws, and to locations for metalliferous minerals. They will be open to location for nonmetalliferous minerals after 10 a.m., on December 9, 1965.

Inquiries concerning the lands should be addressed to the Manager, Land Office, Bureau of Land Management, Riverside, Calif.

JOHN A. CARVER, Jr.,
Under Secretary of the Interior.

JUNE 10, 1965.

[F.R. Doc. 65-6333; Filed, June 16, 1965; 8:47 a.m.]

[Public Land Order 3694]

[Wyoming 0813192]

WYOMING

Partial Revocation of Reclamation Withdrawal; Kendrick Project

By virtue of the authority contained in the Act of June 17, 1902 (32 Stat. 388; 43 U.S.C. 416), as amended and supplemented, it is ordered as follows:

1. The departmental order of June 25, 1940, which withdrew lands for reclamation purposes is hereby revoked so far as it affects the following described land:

SIXTH PRINCIPAL MERIDIAN

T. 27 N., R. 84 W.,
Sec. 21, NW¼NW¼.

Containing approximately 40 acres, in Carbon County.

2. Until 10 a.m., on December 9, 1965, the State of Wyoming shall have a preferred right of application to select the land as provided by R.S. 2276, as amended (43 U.S.C. 852). On and after that date and hour the land shall become subject to application, petition, and selection generally, subject to valid existing rights, the provisions of existing withdrawals, and the requirements of applicable law. All valid applications received at or prior to 10 a.m., on December 9, 1965, shall be considered as simultaneously filed at that time. Rights under such applications and selections filed after that hour will be governed by the time of filing.

3. The land has been open to applications and offers under the mineral leasing laws. It will be open to location under the United States mining laws at 10 a.m., on December 9, 1965.

Inquiries concerning the lands should be addressed to the Manager, Land Office, Bureau of Land Management, Cheyenne, Wyo.

JOHN A. CARVER, Jr.,
Under Secretary of the Interior.

JUNE 10, 1965.

[F.R. Doc. 65-6334; Filed, June 16, 1965; 8:47 a.m.]

Title 50—WILDLIFE AND FISHERIES

Chapter I—Bureau of Sport Fisheries and Wildlife, Fish and Wildlife Service, Department of the Interior

PART 33—SPORT FISHING

Pishkun National Wildlife Refuge, Mont.

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER.

§ 33.5 Special regulations; sport fishing; for individual wildlife refuge areas.

MONTANA

PISHKUN NATIONAL WILDLIFE REFUGE

Sport fishing on the Pishkun National Wildlife Refuge, Mont., is permitted only on the area designated by signs as open to fishing. This open area, comprising 1,500 acres, is delineated on maps available at the refuge headquarters, Benton Lake National Wildlife Refuge, Post Office Box 2624, Great Falls, Mont., and from the office of the Regional Director, Bureau of Sport Fisheries and Wildlife, 1002 Northeast Holladay Street, Portland, Oreg., 97208. Sport fishing shall be in accordance with all applicable State regulations, subject to the following special conditions:

(1) Open season: Entire year except closed from September 7 through December 31, 1965.

(2) Boats with motors may be used on the East Pool during the fishing season. Boats prohibited on the West Pool.

The provisions of this special regulation supplement the regulations which govern fishing on wildlife refuge areas generally, which are set forth in Title 50, Code of Federal Regulations, Part 33, and are effective to March 1, 1966.

PAUL T. QUICK,
Regional Director, Bureau of Sport Fisheries and Wildlife.

JUNE 7, 1965.

[F.R. Doc. 65-6351; Filed, June 16, 1965; 8:47 a.m.]

PART 33—SPORT FISHING

Willow Creek National Wildlife Refuge, Mont.

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER.

§ 33.5 Special regulations; sport fishing; for individual wildlife refuge areas.

MONTANA

WILLOW CREEK NATIONAL WILDLIFE REFUGE

Sport fishing on the Willow Creek National Wildlife Refuge, Mont., is permitted only on the area designated by signs as open to fishing. This open area, comprising 1,420 acres, is delineated on maps available at the refuge headquarters, Benton Lake National Wildlife Refuge, Post Office Box 2624, Great Falls, Mont., and from the Office of the Regional Director, Bureau of Sport Fisheries and Wildlife, 1002 Northeast Holladay Street, Portland, Oreg., 97208. Sport fishing shall be in accordance with all applicable State regulations, subject to the following special conditions:

(1) Open season: Entire year, except closed from September 7 through December 31, 1965.

(2) Boats with motors may be used during the fishing season.

The provisions of this special regulation supplement the regulations which govern fishing on wildlife refuge areas generally, which are set forth in Title 50, Code of Federal Regulations, Part 33, and are effective to March 1, 1966.

PAUL T. QUICK,
Regional Director, Bureau of Sport Fisheries and Wildlife.

JUNE 7, 1965.

[F.R. Doc. 65-6352; Filed, June 16, 1965; 8:47 a.m.]

Proposed Rule Making

DEPARTMENT OF AGRICULTURE

Consumer and Marketing Service

[7 CFR Part 991]

[Docket No. AO-349]

HOPS OF DOMESTIC PRODUCTION

Notice of Recommended Decision and Opportunity To File Written Exceptions With Respect to Proposed Marketing Agreement and Order

Pursuant to the applicable rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of the filing with the Hearing Clerk, United States Department of Agriculture, of this recommended decision of the Department, with respect to a proposed marketing agreement and order (hereinafter referred to collectively as the "order") regulating the handling of domestically produced hops. Any order that may result from this proceeding will be effective pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended; 7 U.S.C. 601 et seq.), hereinafter referred to as the "act".

Interested persons may file written exceptions to this recommended decision with the Hearing Clerk, United States Department of Agriculture, Room 112, Administration Building, Washington, D.C., 20250. To be considered, exceptions must be filed not later than July 2, 1965. They should be filed in quadruplicate. All such communications will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

Preliminary statement. The public hearing on the record of which the order is based was held in Portland, Oreg., March 29 through April 3, 1965, pursuant to a notice thereof which was published in the FEDERAL REGISTER on March 10, 1965 (30 F.R. 3268). The notice contained a proposed marketing agreement and order prepared and submitted by a group of hop growers from the States of California, Oregon, Washington, and Idaho known as the "Four State Hop Study Group."

Material issues. The material issues presented on the record of the hearing are as follows:

(1) The existence of the right to exercise Federal jurisdiction;

(2) The need for the proposed regulatory program to effectuate the declared policy of the act;

(3) The specific terms and provisions of the order, including:

(a) Definitions of the commodity, the area, the persons to be regulated, and those other terms set forth in the notice of hearing which are applicable to the provisions of the proposed program;

(b) The establishment, maintenance, powers, and duties of a Hop Administrative Committee, which shall be the administrative agency for the program;

(c) The establishment, maintenance, and duties of a Hop Advisory Board which shall be advisory to the committee;

(d) Procedures applicable to the committee and the Board;

(e) Authority for marketing research and development projects and the method of financing them;

(f) Authority for quality control and provisions for hop inspection and identification;

(g) Exemption of hops harvested prior to effective date of the program;

(h) Annual marketing policy procedures and a method for limiting the quantity of hops to be handled to normal market requirements;

(i) Allotment of the quantity to be handled among the producers thereof;

(j) Reserve pooling of hops in excess of normal market requirements;

(k) Transfer of producer allotment bases;

(l) The authority for the committee to incur expenses and for the Secretary to levy assessments on handlers;

(m) Establishment of reporting and related record keeping requirements; and

(n) Additional terms and conditions as set forth in the notice of hearing as §§ 991.70 through 991.82.

Findings and conclusions. The findings and conclusions on the aforementioned material issues all of which are based on the evidence adduced at the hearing and the record thereof are as follows:

The proposed program should regulate the handling of hops by restricting the volume of hops which may be received and freely handled by handlers. It should provide a method for limiting the quantity of hops from any crop which may be marketed and alloting such quantity among producers based on amounts sold by them during a representative period determined by the Secretary, to the end that the quantity available for handling from any such crop will be apportioned equitably among producers. This should be for the purpose of carrying out the declared policy of the act by establishing and maintaining orderly marketing conditions and increasing returns to producers of hops as provided therein.

(1) Hops are baled by growers and sold to dealers for shipment throughout the world. No significant differentiation occurs in producer sales or processing as between hops for use within the State of production as compared with hops for use in other parts of the United States or the world. Each of the principal hop producing States produces hops substantially in excess of its local needs. If a program regulating only interstate commerce in hops were to be made effective, the market for hops in the respective States of production would be greatly overburdened with the unregulated supplies and this would result in differing and lower prices in the individual States. All evidence of record is that all movement of hops is inextricably intermingled and in direct competition, and hence it is concluded that the handling of hops within the respective States of production directly burdens, obstructs, and affects interstate and foreign commerce to such an extent as to make necessary the regulation of intrastate commerce in hops as well as the interstate and foreign commerce.

(2) Prices received by growers for hops averaged 47.2 cents on the 1964 crop of 53.4 million pounds, about 74 percent of the January 1965 parity of 63.7 cents per pound. Recent acreage and production trends indicate a buildup in inventories and such are normally accompanied by lower grower returns in later years. Hop stocks on September 1, 1965, are expected to increase by about 4 million pounds relative to the year ago level of 19.1 million pounds and a further buildup is likely. Past experience indicates that this inventory will take a down turn in future years either as a result of economic pressures and associated reduction in acreage and production or as a result of the production guides which would be established by operation of the order.

The demand for hops in the United States and worldwide is inelastic as reflected by sharp increases and decreases in the price of hops in response to relatively small supply changes in the various producing areas in the world. In the United States, and more recently in Europe, extensive use of futures contracts has reduced these season average price fluctuations, but a substantial price response to changes in supply is still evident, particularly in the spot market.

U.S. brewers have consumed a little over 30,000,000 pounds annually in recent years of which about 5,500,000 have been imported and 24,500,000 have been U.S. hops. Foreign hops have been imported over the years at prices considerably above the level at which U.S. hops were available and certain brewers have been willing to pay the higher prices because of the special characteristics attributed to the varieties of the foreign hops that are imported.

A potentially important factor in the future outlook for hops is the growing use of extract and the technology associated with its development. Extract does not deteriorate noticeably with age. An equivalent amount of hops in the form of extract makes somewhat more beer than when hops are used in the traditional manner. Present technology indicates the feasibility of separating the components of hop extract and using them in various ways that could greatly increase their efficiency. The use of extract may slightly reduce the rate of increase in the world demand for hops in

the years immediately ahead and, if widely adopted, could substantially reduce the world demand for hops in the future. In the long run, because of their relatively low price and high brewing value, U.S. hops may well be able to compete more favorably with hops of other origins for use in extract than for use in fresh form.

Concern was expressed at the hearing that the order would constitute effective acreage control and is therefore illegal under the act. However, although the effect of the program will be to institute guides to production, it does not deal with production control per se. The act specifically provides for limiting the quantity which handlers may handle to that which producers, on the basis of their sales in a representative period, sold to handlers. This authorization is the basis of the order and provision is made to cause hops in excess of the "salable" quantity to be pooled and disposed of by the committee.

It was also contended that the proposal would deny a hop grower the right to expand his business, would create a franchise to grow hops and would interfere with the production of new varieties needed to meet changing trade requirements. However, due consideration has been given to these matters and the program designed to give the fullest possible flexibility to producers wishing to increase their production or shift to different varieties or transfer their allotment bases to other locations of production as hereinafter discussed in connection with the transfer provisions.

The program was also opposed on the basis that the supply of hops is in balance with demand worldwide and that the hop industry in general is thriving and marketing is orderly as evidenced by wide use of future contracting. However, supporters of the program pointed to the historic fluctuation in production and prices resulting from the inelastic demand for hops and submitted evidence indicating that the current increases in production and carryover stocks will result in a repetition of previous severe economic adjustments. On the basis of current plantings and existing bearing acreage, 1965 season acreage of hops is estimated at 33,400 acres, an increase of 800 acres over 1964. At 1964 yields, this indicates production in 1965 of about 55 million pounds or at least 5 million pounds more than estimated demand for U.S. hops. An excess of 5 million pounds would increase hop stocks to near record levels of about 29 million pounds at the end of 1965–66, a quantity in excess of an entire year's domestic consumption of U.S. hops. In the past, whenever September 1 hop stocks have reached this level, prices of new contract and spot hops have been depressed and a substantial amount of acreage has been taken out of production. The last time this occurred was in the 2 years 1960 and 1961, when acreage fell from 29,200 acres to 22,900 acres, and present conditions and trends point to a pending similar adjustment. Production of hops involves substantial investment in hopyards, drying kilns and picking machines which can be used only for the production and processing of hops. Hence, these production adjustments involve substantial economic losses to hop producers. The order would, through providing production guides, discourage the buildup of excessive stocks and the attendant adjustments.

The program was opposed on the further grounds that the trade demand for U.S. hops is determined primarily by world competitive conditions and that the way the program would be administered would adversely affect the market and result in a spiral of increasing restrictions and consequent increasing production costs to the general detriment of the hop industry. However, operation of the program, the features of which are herein discussed, in a manner that will encourage industry stability and market growth appears to be feasible and should not be subject to the prejudgment that the program will fail to maintain the demand for hops. Operation of the order would be under the continuing review of the Secretary who would be obligated to terminate it if its operations proved unsuccessful.

(3) (a) "Secretary" should be defined to include the Secretary of Agriculture of the United States and, in recognition of the fact that it is physically impossible for him to perform personally all of the functions and duties imposed upon him by law, any other officer or employee of the United States Department of Agriculture who is or who may hereafter be authorized to act in his stead.

"Act" should be defined within the order to provide a ready and correct legal citation for the statute pursuant to which this order is to be operative and to make it unnecessary to refer to the citation whenever the word "act" is used.

"Person" should be defined as it is in the act to ensure that when it is used in the order it has the same meaning.

"Hops" should be defined to include the green or dried pistillate cones of the vine Humulus lupulus or Humulus americanus grown in the production area and should include any residues from processing, either in the form of whole hops or portions thereof, which can be used for a purpose for which hops are used. It is necessary to include processing residues, such as lupulin, because they compete with fresh hops for use in the production of malt beverages and extract.

"Production area" should be defined to include the current producing States of California, Oregon, Washington, and Idaho and any other part of the United States where hops are grown commercially. However, to reduce the administrative burden and possible compliance problems in States with negligible productions, the regulated area should consist of only the four named States currently with substantial commercial production. If other States become commercial producers, they should, if necessary for successful program operation, by amendment of the order become part of the production area and subject to program regulation. In such case, producers therein could obtain allotment bases pursuant to § 991.38 of the order or, if impracticable, so as to achieve a like method of allotment. For purpose of representation on the administrative committee, hereinafter discussed, the production area should be divided into four districts:

District 1—State of Washington.
District 2—State of Oregon.
District 3—State of Idaho.
District 4—State of California.

"Producer" is synonymous with "grower" and should be defined to mean any person engaged in a proprietary capacity in the production of hops. Such producers should be divided between cooperative producers who are members of and market their hops through a cooperative hop marketing association and independent producers who are not members. This distinction is needed in connection with the hop administrative committee hereinafter discussed. The producer should be the person having the right to sell the hops and hence the one engaged in a proprietary capacity in production. In sharecropping arrangements, each person receiving a share of the crop would be a producer. A cash renter of hop acreage, having the full right of disposition of the crop, would be the sole producer.

"Handler" should be defined as any person who handles hops. For regulatory, assessment, and reporting purposes, certain obligations are placed on handlers and such persons should be defined.

"Handle" should be defined to mean to acquire hops, use hops commercially of own production, or sell, transport (except as a common or contract carrier of hops owned by another) or otherwise place hops into the current of commerce, including preparation for market of hops, except that the preparation for market of other than reserve hops or substandard hops or the sale or delivery of such other hops to a handler of record shall not be construed as handling. This definition is intended to assure that all hops are subject to regulation. Failure to include all hops would impair the ability of the order to effectuate the purpose of the act.

Hops are normally dried and baled on the ranch by the producer. In doing so, he performs the preparation for market or handling function, as well as the production function. Preparation for market of hops other than reserve hops or substandard hops and delivery of such other hops to a handler of record should not be considered handling as such hops would be acquired by handlers who would move them into normal channels of distribution. Some brewers of beer grow their own hops and their acquisition and use should be handled to avoid their escaping regulation. Such brewers should be regarded as acting in three separate capacities, first as a producer, second as a handler, and third as a consumer, and in their handling capacity should be subject to the regulatory provisions of the order. Sale or transportation of hops from the point of production should be included to cover those further acts of handlers which directly place hops into the current of commerce. The movement of hops by a producer for storage or custom drying and baling within the area of production should not be construed as handling as such would not be placing them into the current of commerce. Hops produced and prepared by a brewer for use, or by a dealer for sale, should be considered as acquired, for regulatory and administrative purposes, at the time they are prepared, i.e., dried and baled. Transport is not intended to cover persons acting as agents of handlers such as common carriers.

"Marketing year" should be defined to mean the period August 1 through July 31 inclusive as this covers the period when new crop hops become available and are largely shipped and it establishes an operation period for the levying of assessments and hence a fiscal year.

"Part" should be defined to mean the order regulating the handling of hops and all rules, regulations and supplementary orders issued thereunder. The order itself should constitute a subpart of such part. This use of such terms is in conformity with the practices of the Office of the Federal Register.

(b) The program should be operated by a Hop Administrative Committee and its employees. The committee should consist of 13 grower members and their respective alternates. Representation on the committee should be distributed among the States having commercial production of hops primarily on the basis of their past record of production but also taking into consideration the number of growers in each district and the need to assure separate geographical districts reasonable representation. This should be accomplished by dividing the member positions among the various districts of production. District 1, with somewhat over half of the total production, should have 7 positions on the committee. Each of the other districts, due to similar production levels, should have 2 positions each on the committee. In District 1, about 85 out of a total of approximately 250 growers belong to one cooperative marketing association. Other growers have also entered into various cooperative arrangements and, to the extent that such other growers engage in cooperative marketing of hops, they, too, should be categorized as cooperative producers. To provide this group of hop growers with representation, roughly commensurate with their numbers and to ensure that they do not dominate the committee membership by virtue of their common interest and potential voting capacity they should be allocated 2 of the 7 District 1 positions on the committee. Independent hop producers are thereby assured 5 of its 7 positions. No differentiation between cooperative and independent producers is necessary in the other districts as cooperatives do not constitute a significant portion of the total number of growers in those districts.

To ensure that members of the committee have a direct interest in hop production, each member and alternate of the committee should at the time of his selection, and during his term of office, be a producer or an officer or employee of a producer in the district from which selected. At the hearing, a good deal of attention was devoted to the question of whether the cooperative would be on the proposed committee in its capacity as a handler. The cooperative positions on the committee should be for hop growers or members of the cooperative functioning in their capacity as growers. Full time employees of the cooperative should not be eligible for committee membership even though they may also be growers of hops as their primary interest would likely be that of handlers. To ensure true representation by persons serving on the committee, eligibility on the committee should be limited to hop products in the district which they represent, and if a committee member or alternate ceases to qualify as a producer at any time during his term of office, his position should be automatically vacated. No one individual should occupy more than one position on the committee simultaneously. In the case of growers or grower-dealers participating in more than one separate producing entity, each such entity would be considered a producer for referendum purposes and any officer or employee should be eligible for a position on the committee. This would provide each person as herein defined who is a producer an opportunity to serve on the committee.

Provisions should be included for growers in each district to nominate persons for each committee member and alternate position to represent them on the committee. Since the term of office hereinafter recommended begins on January 1, nominations should be made available to the Secretary by the committee not later than December 1 in order for the Secretary to complete his selection in time to coincide with the beginning of the term of office. If, for any reason, the committee does not submit nominees to the Secretary by that date, he should have the authority to select another qualified person for that position without nomination. This would be an additional safeguard to ensure continuity should the committee be unable to act. In submitting its nominees to the Secretary, the committee should also provide such related information as it deems appropriate or as the Secretary may request.

Election procedures should be provided to give growers a method of selecting nominees for member and alternate member positions on the committee. Balloting for each position should be conducted by the committee which should provide growers except cooperative marketing growers with ballots and necessary voting information. Cooperative associations should submit their candidates for each position directly to the committee for certification to the Secretary, hence, there is no need for ballots to be mailed to cooperative producers.

In order to obtain a list of candidates to be included on the ballot for each position, the committee should solicit names of candidates from the principal grower organization in each of the respective districts and should also include names submitted by petition signed by ten producers in the district from which the candidate would be expected to serve. The principal grower organization is not intended to mean the Hop Commissions now operating, nor cooperative marketing associations, but rather the dominant grower trade or service association in each of the States. A petition signed by ten growers is sufficient to indicate an interest in having a candidate serve in a particular member or alternate member position on the committee. Since an indication of interest is all that should be required, there is no need to obtain more than ten signatures as this would tend to place an undue limitation on this method of obtaining candidates in some States. To facilitate free choice by producers voting for a nominee, a blank space should also be provided for each position on the ballot for voters to write in their choice of other candidates. Each member position and each alternate member position should be voted on separately and the person receiving the highest number of votes for each position should be the nominee. The committee should conduct the election of nominees, provide voting instructions, and advise the Secretary of the election results. Eligibility to vote should be the same as eligibility to serve on the committee and no producer should have more than one vote for one position on the committee. Since producers' interests under the order would be generally similar in all districts, each producer should choose the district in which he wants to participate in election of committee nominees if he produces hops in more than one district and he should be limited to voting in that district only. Changing conditions may make it desirable to change these nominating procedures. Therefore, provisions should be included for the Secretary based on a committee recommendation to modify them if the need arises.

At an assembled meeting of the committee a quorum of ten members should be required for the transaction of business and nine concurring votes should be required as a basis for committee decisions. If neither the member nor alternate for the particular committee position is present at a meeting the members present should be empowered to designate one of the other alternates from the same district who is present to sit in the place of the absent member. The voting requirement of nine affirmative votes is desirable so that at least two districts must concur on any action in view of the importance of the regulatory actions and responsibilities of the committee.

In order to facilitate the transaction of routine business by the committee without entailing the expense of attending assembled meetings, provisions should be made for the committee to vote by mail, telephone, telegraph, or other means of communication upon due notice to all members and upon the proposition being explained accurately, fully, and identically to all of them. It is possible that a member and his alternate may not be available at the time the vote is solicited. However, committee management should make every effort to contact all of the voters. If any such proposition is sufficiently controversial to cause a dissenting vote or if ten concurring

votes cannot be obtained, consideration of the issues should be presented at an assembled meeting. In obtaining a vote by one of these methods, a time limit should be announced to members and alternates acting as members to return their votes. Since this method of voting should be used for noncontroversial questions, a time limit is desirable to expedite the committee's business.

The enabling act provides in section 8c(7)(C) for the selection by the Secretary of an agency and defining its powers and duties which include only specified powers. These powers should be included in the order and thus would serve to notify the committee and other interested persons as to the extent of the powers of the committee.

In administering a program such as is herein set forth, the administrative committee would have many duties. To assist the committee in carrying out its responsibilities, it is desirable that its important duties be set forth in the order.

In order to carry out its business in an orderly manner, the committee should select from among its members such officers as it deems necessary and it should also adopt such bylaws or rules of procedure for the conduct of its meetings as it deems necessary. It is intended that the committee should serve as a "board of directors" and that most of the operational functions of the committee be carried out by employees. It should therefore be one of the duties of the committee to appoint such employees as it deems necessary and to determine the compensation and the duties to be performed by each.

The functions of the committee should be improved and expedited through the use of subcommittees to consider matters such as personnel, finance, qualification of a producer to fill deficiencies in his annual allotment, or assembling data necessary to establish original allotment bases. Both permanent and ad hoc subcommittees may be appropriate. It is not desirable that subcommittee members be made up of persons outside the committee since their actions would be less subject to the control of either the committee or the Secretary. This would not preclude the use of consultants by the committee or any subcommittee.

The committee would have the power to collect assessments on handlers for administrative expenses and to require various reports and records. With this responsibility the committee should also have the obligation to the hop industry and the Secretary to keep adequate minutes, books, and records to reflect program operations, prepare regular financial statements for the information of producers and handlers, and have its books audited by a certified public accountant at least once each year. Audits may be desirable in connection with changes of management or for other reasons and should be made whenever the committee deems necessary or when requested by the Secretary. Copies of all audit reports should be made available to the Secretary and, with confidential information deleted, be available to producers and handlers at the committee office.

It should be a duty of the committee to act as intermediary between the Secretary and producers and handlers. Since the committee is the administrative agency for the proposed program, it is in a position to handle most problems connected with program administration and producers or handlers should not need to go to the Secretary on questions that can be handled by the committee. This is not intended to preclude any persons going directly to the Secretary should he so desire.

To meet its marketing policy responsibilities and its surplus pool management responsibilities, it will be necessary for the committee to have data on crop and marketing conditions on which to make its decisions. It should, therefore, be a duty of the committee to investigate and assemble such information.

In its operation, the committee would necessarily be a primary source of information on the hop industry and it should provide the Secretary on request any available information.

Because of the importance of committee actions to both the producers and the handlers, all meetings of the committee to consider regulatory actions should be made known to them. All handlers should be given individual notice of such meetings and notice should be made available to producers through press releases or other methods considered appropriate by the committee. Producers and handlers should be advised of regulatory actions taken.

Since the Secretary has responsibility for the order, he should be given the same notice of committee and subcommittee meetings as is given the members. Notice of committee meetings should also be regularly mailed to any person who requests such notification.

One of the primary duties of the committee should relate to compliance. In this connection, the committee should make every effort to keep producers and handlers informed of their responsibilities under the program and should assist those involved in areas of compliance to bring their activities in complete conformity with program requirements. Committee employees authorized access to confidential information should make regular periodic audits of handlers' operations to the extent necessary to reasonably assure the committee that they are in compliance with the program's requirements.

(c) At the hearing considerable attention was directed to how the Hop Administrative Committee should be constituted and the role of handlers in administering the proposed marketing order program. The record shows that the program could be operated with some handlers (i.e., hop dealers) on the committee or with a grower committee assisted by an advisory board of such handlers. Also, that grower-dealers and grower-brewers should be permitted to be members of the committee in their capacity as growers. Thus, some hop dealers may have employees, concerned with production or working with producers, who are committee members. Since a major portion of the committee responsibilities will be concerned with producer allotments, it is not deemed essential that persons, in their capacity as dealers or brewers, be members of the committee. However, where matters of trade demand and marketing policy are concerned, the committee should have the advice of dealers and extractors, the persons concerned with buying and selling hops or hop products.

Hence, there should be established a Hop Marketing Advisory Board made up of 5 members and their alternates. It should include representatives of the important segments of the hop distribution business. It should, therefore, include 3 positions for each of the 3 largest hop dealers (as they handle the major portion of each crop), 1 position for all other hop dealers and 1 position for hop extractors. The committee should obtain a nominee for each position on the board from the persons represented by that position and forward such nominees to the Secretary for consideration and selection.

Duties of the board should include selection of officers and establishment of such bylaws as it deems necessary, and providing information and advice to the committee on marketing policy and other matters considered pertinent by it or requested by the committee. Since operation of the proposed program would affect handlers, the committee should make extensive use of the board and both groups should be free to convene separately or jointly as circumstances warrant.

(d) Provisions should be included for selection by the Secretary of qualified persons for each position on the committee and the board. Selection should normally be from nominees submitted by the committee but in the event nominees are not submitted or those submitted are not considered qualified by the Secretary, provisions should be included for the Secretary to select committee and board members from among other eligible persons. In order to verify their willingness to serve, persons selected should qualify by filing a written acceptance with the Secretary prior to assuming the duties of their respective positions.

To maintain continuity of experienced membership on the committee, provisions should be made for two-year terms, with the terms of those occupying odd numbered positions ending on December 31 of odd numbered years and those holding even numbered positions ending on December 31 of even numbered years. Handler composition of the board would not be likely to change very often and continuity would not be a problem. Therefore, there is no need to stagger the terms of board members and they should serve for two year terms ending on December 31 of even numbered years. The December 31 expiration date for each term of office is appropriate in view of the proposed marketing policy considerations of the committee and the board which would begin in February and would continue through final recommendations as to marketing policy in July and details of administering the program during and immediately after harvest of hops in the fall. Also in the interest of continuity, the committee and board members should serve for the term for which they are selected and until their respective successors are selected and have qualified.

Provisions should be included for alternate members to serve in place of committee or board members when the member is absent from a meeting or unable to participate in a vote on a matter for which a meeting is not convened. Alternates may also be needed to serve in places of members whose positions have been vacated for such reasons as death, resignation, removal or disqualification.

Vacancies occasioned by death, removal, resignation, or disqualification of committee and board members can be expected from time to time. Provisions should be made, in such cases, for the committee to certify to the Secretary a successor for the unexpired term depending upon the remaining length of the term and other aspects of the situation at the time. Vacancies should not be required to be filled but should be filled at the discretion of the Secretary. In this connection, where a vacancy occurring near the end of the term when little or no further business by the committee or board is contemplated, filling such a vacancy would serve no useful purpose.

Evidence was presented at the hearing that committee and board members should be willing to serve without compensation. However, they will incur certain expenses in connection with their committee and board duties and provisions should be included in the order for payment by the committee of necessary expenses incurred by committee and board members, including members of subcommittees, in performance of their authorized duties.

(e) Provisions should be included for the committee to engage in marketing research and development projects designed to assist, improve, or promote the marketing, distribution and consumption of hops. Such projects should be financed through regular assessment funds, except that, to the extent that they involve reserve hops, the cost of such projects should be allocated as an expense to the reserve pool. While the hearing record shows a strong interest in hop production research, projects are presently limited by the act to the area of marketing research and cannot include research on hop culture. No commitments or expenditures for any appropriate project should be made until the project is approved by the Secretary. This safeguard is important to ensure that projects will be within the scope of the authorized area of activity and will not duplicate other projects being undertaken by members of the industry or other agencies.

Hop dealers have done a great deal of effective promotional work in foreign markets and the U.S. Brewer's Association has done considerable work on hop quality. The State universities and hop commissions of the various States also have engaged in various marketing research projects. Marketing research and development projects undertaken by the committee could be done in cooperation with such persons and should not involve duplication.

While the committee may not engage in cultural research, it should facilitate projects to contribute to more efficient production and thereby improve returns to producers. For instance, to encourage the growing of hops for experimental purposes, provision should be included in the order for exemption from part or all of the regulations, of hops grown or used for research purposes.

(f) Provisions should be included in the order for the Secretary based on the committee recommendation or other information to establish minimum standards of quality for hops. Some poor quality hops are likely to be produced and, under conditions of limited supply, they would tend to be sold in normal markets to the detriment of the long run demand for hops of U.S. production. The committee should, therefore, have authority to recommend minimum standards on hops setting forth a maximum tolerance for leaf and stem content and such other minimum quality standards as may be found necessary to protect the demand for hops in the domestic and foreign markets. Upon recommendation by the committee, the Secretary should establish such minimum standards as would tend to effectuate the objectives of the part and the declared policy of the act. Hops not meeting such standards should be designated "substandard hops" and should not be handled.

There was also testimony at the hearing on the merits of exploring the development of U.S. standards for hops which would permit classification of hops into various qualities and grades. It is now normal industry practice to have all hops inspected by the Federal-State inspection services for leaf and stem and seed content. These quality factors are generally used as a basis for determining the value of the hops and the price paid to the producer. Also, a significant part of the crop is inspected by buyers for other factors of quality including laboratory tests for brewing value. Both the opponents of a marketing order and those advocating it agreed that quality maintenance was essential to growth of the market for hops.

It is recognized that it is not generally practical to sort or regrade hops after they have been placed in the bale. It is also recognized that the emphasis different brewers, both in the United States and in foreign countries, place on certain quality factors varies considerably. However, any industry, whether or not operating under a marketing order may contact the applicable Commodity Division of Consumer and Marketing Service, USDA, for assistance in developing U.S. standards for voluntary use. The proponents of a marketing order testified that they felt appropriate representatives of the various segments of U.S. hop industry should begin as soon as possible to explore the possibilities of developing a set of U.S. standards for hops.

If such U.S. standards are issued they would prove useful as a basis of reference in recommending and establishing minimum standards under the order. Any price premiums that may develop in the market place for hops meeting the higher classifications in any grade standards would depend over a period of time on the importance buyers placed on the value of hops meeting the higher grade classification.

At the hearing, the United States Brewers Association recommended establishment of a separate quality control board, consisting of four brewers and two handlers, to establish quality standards and administer all aspects of their operation. Incidental to its other administrative functions, the committee and staff would have all necessary facilities for recommending and administering a quality control program. It is therefore not essential that a separate agency be established for this purpose. However, the committee may need the technical advice of brewers and dealers and they should be consulted whenever the technical aspects of quality are under consideration by the committee.

The order should require positive identification of all hops as to which are salable, i.e., may be handled by dealers and brewers, and which are other hops. Inspection of hops to determine their value is now required under producer contracts with dealers and the inspection for leaf, stem and seed content should be mandatory under the order so that values on those hops entering the reserve pool, may be established by the committee. Also, the committee will need inspection to obtain data on producer deliveries as a guide to industry-wide production capability in the establishment of minimum standards of quality. When minimum standards are prescribed under the order inspection and certification should be mandatory to assure the handling of hops which conform with such standards. While inspection and identification of hops are separate requirements under the order, they should be handled together. The inspection agencies should be the Federal-State inspection services (those with inspectors licensed by the U.S. Department of Agriculture) and the committee should use the inspection services, who will be on the premises and have inspected the hops, to assist with any identification requirements under the order. Identification is necessary for compliance purposes, hence no hop identification should be altered or removed by any handler while hops are under his control.

Most hops are delivered to dealers by November 1. In keeping with this normal practice and in order to facilitate delivery of reserve hops to the committee, the inspection and identification requirements for all hops should be completed prior to November 15 or such other date as may be established for those hops to be delivered to the reserve pool. This is necessary to avoid compliance problems, to minimize the cost of program administration and to permit the committee to plan disposition of reserve hops. The cost of the inspection should be borne by the person who requests it.

(g) The order should not apply to hops harvested and baled prior to its effective date. The evidence of record is that no regulation should be applied to hops of the 1964 or earlier crops nor to any 1965 crop hops that have been harvested and baled prior to the effective date of the

order. However, so that hops held by producers may be exempt from regulation, they should be identified as free hops and application should be made to the committee by the producers for such exemption within 30 days after the effective date of the order. Such identification should be performed by the committee at no expense to the producer. Also, hops held by handlers on the effective date of the order should be exempt from its provisions but such hops need not be identified as they are already past the basic point of regulation, the point of acquisition by the handler. The overall effect of these exemptions would be to free from regulation all hops harvested and baled prior to the effective date of the order and assure reasonable equity of treatment of producers and handlers.

(h) Producers begin to incur production costs shortly after March 1 and it is therefore desirable to provide them with tentative guides as to the quantity of hops that will be salable so that they can adjust their production plans accordingly. Therefore, the committee should meet prior to March 1 each year and make its preliminary estimates of the market requirements for hops from the ensuing crop. Operating experience may indicate a need for an earlier or later date and provisions should be included for the committee, with the approval of the Secretary, to establish a different date. In making its estimates, the committee should consider the prospective carryin of producers, handlers, and brewers, the desirable carryout, prospective imports and other factors affecting market conditions. Based on these factors, the committee should adopt a preliminary salable quantity and allotment percentage to be applied to the ensuing crop. As previously discussed, the committee should consider information and recommendations of the board in reaching marketing policy decisions.

The committee should meet again prior to August 1 of each year to review its preliminary marketing policy and after considering the same market factors should, if warranted, recommend establishment of a salable quantity and allotment percentage for the ensuing crop.

Such salable quantity may be larger or smaller than the preliminary salable quantity, but any changes should be based on substantive changes in market conditions that have taken place in the interim. If a worldwide or domestic shortage of hops is apparent and the committee determines that no salable restriction should be placed on hops produced from the ensuing crop, the committee should announce that no controls are recommended for that crop. Notice of both the preliminary marketing policy recommendation and any later revisions should be made known promptly to the Secretary and also to producers and handlers. This is necessary so that all concerned will be aware of the recommendations of the committee and can plan their production and purchases accordingly.

Whenever the Secretary finds, on the basis of the committee's recommendation or other information, that limiting the quantity of hops that may be freely marketed from a given crop would tend to effectuate the declared policy of the act, he should determine the total salable quantity of hops that may be acquired by handlers to meet normal market requirements and establish an annual allotment percentage for the purpose of releasing the desired total salable quantity. If market conditions warrant release of supplies in excess of the total producer allotment base, an annual allotment percentage of over 100 percent should be established. The Secretary's action should normally be based on the committee's recommendation but should also take into consideration other information. Other information might include such items as changes in crop or market conditions after the committee has made its recommendation or the legal limitation when hop prices exceed parity. The salable quantity should be pro rated among producers on the basis of their individual allotment bases which are hereinafter described. Once the salable quantity has been established for a crop, it should not be changed. A reduction would throw undue burdens on producers and handlers who had entered into a sales transaction on the basis of the established salable quantity. Increasing the salable quantity to provide for unforeseen demands would be unnecessary because any excess supplies that were available would be in the reserve pool and would be available for sale out of the pool to meet such increased demand. The order should provide that, in years when regulations are in effect, handlers are prohibited from handling other than salable hops. The salable hops should have been determined and identified pursuant to the provisions of the part. The prohibition should not apply to handling in the form of preparation of hops for market or of delivery of hops to the committee for pooling as such hops would be otherwise subject to control.

Due to the general practice of forward contracting by all segments of the hops industry, most of the 1965 crop of hops is already committed to dealers and large parts of the 1966 and 1967 crop are also committed. So that the order will cause a minimum of interference with existing contract commitments, any salable quantity should be set no lower than 100 percent of the producer allotment base on 1965 crop and 95 percent of the allotment base on 1966 and 1967 crops. Since any volume regulation that may be established should apply to the entire 1965 crop, no volume regulation on this crop should be established after August 15, 1965. This limitation is necessary to recognize the early harvest in California where some hops are ready for market by August 15 and hence a regulation after such date would not control the entire crop.

(i) Operation of the order would involve allocating the total quantity of hops that may be marketed among each of the hop producers. Quantities of hops sold by producers during the 1964–65 marketing year resulted from above average yields in all States except Idaho. Hence 1964–65 is appropriate as the representative period for computing the allotment base for most producers. However, the yield in 1964, for such producers, is about 7 percent in excess of the 1961–63 average and hop yields show no particular trend since 1945. Therefore, all base allotments resting on 1964 sales should be set at 93 percent of such sales so the total industry allotment base is representative of average conditions. For purposes of allotment base determination, hops produced by brewers and used in brewing should be treated the same as hops sold by other producers. Sales in the base period should be adjusted by deleting sales of other than 1964 crop hops and including any unsold 1964 crop hops held by a producer for later sale at the close of the 1964–65 marketing year. This is necessary to avoid inequities as between producers who sold only 1964 crop hops during the representative period and those who included hops of other crops or who failed to complete sales of the 1964 hops in the period. Each year some growers carry over all or part of one year's crop which may then be sold in the subsequent marketing year, along with the current crop produced in such year. Also adjustments may be necessary to accord equitable treatment of producers due to such factors as adverse weather, disease or pesticide residues in 1964–65, and the committee, with the approval of the Secretary, should adjust such producer's allotment bases by recognizing their sales under average yield conditions in the most recent preceding years. This should be done by using either 93 percent of the highest average amount of hops per acre available for sale from either his 1962 or 1963 crops times his 1964 acreage or 100 percent of the average amount per acre available for sale in the three years 1962, 1963, and 1964, times his 1964 acreage. Again, the highest yield should be reduced to 93 percent to offset the possible inflationary effect that would otherwise result from above average yields. However, 100 percent of the average of the three years is appropriate because the basis of the adjustment is that 1964 is a below normal yield and thus will have reduced the average.

It is normal practice for hops from both existing and planned acreage to be sold on futures contracts, one or more years in advance of actual production. Under such futures contracts, producers incur various costs as well as obligations to deliver. It is also normal for handlers when entering into such contracts with producers to contract for delivery to brewers. With respect to new acreage where no hops were produced in 1964, it would be inequitable to both producers and handlers to deny allotment bases to producers who had made advance contract commitments prior to December 14, 1964. On the other hand, as hereinafter discussed, it would not be equitable to provide allotment bases to producers who entered into advance commitments after December 14, 1964. Such commitments would inflate the total allotment base and thereby penalize all those producers and handlers who in good faith discontinued making commitments. Use of a later date would benefit the few who increased their commitments in anticipation of successfully obtaining a revision in such date.

On such date the Four State Hop Study Group by resolution at a meeting in Portland, Oreg., which was attended by a representative group of growers from all four producing districts as well as by representatives of the two major handlers which handle the substantial majority of U.S. hops, recommended that December 14, 1964, be used as the cutoff date for the purpose of permitting allotments for commitments of new or additional acreage. The meeting and the decisions were well publicized following the December 14, 1964, meeting. The date of December 14, 1964, was contained in the drafts and summaries of the proposed order discussed and distributed to producers by the Four State Hop Study Group in the development of the order and was contained in the notice of hearing.

Commitments made by producers prior to December 14, 1964, to grow or sell hops, from new or additional acreage, should qualify for inclusion in the allotment base and the allotment base for such acreage should be computed by applying to it the average yield of the producer's other 1964 acreage in the same State. This would be the most likely yield from such acreage. However, so that the producer does not receive excessive allotments, annual allotments referable to such allotment base, should not be issued until the first year when hops are produced and baled from such acreages. Determinations as to such commitments should be made by the committee, and approved by the Secretary, and should be based on such things as planting hops, constructing trellis, or entering into bona fide sales contracts.

The Brewers Gold and Bullion type of hops are normally planted one year, and are not put up on trellis and harvested until the second year because of the very low yield normally obtained if they are harvested the same year in which they are planted. In a few cases in 1964, these two varieties were planted and, because of strong demand, harvested the same year even though relatively low yields were obtained. However, yields would not result in an appropriate allotment base. For these reasons, such acreage should be treated the same as new or additional acreage committed prior to December 14, 1964, on which no hops were produced in 1964.

Where the necessary sales or yield data are not available because the producer has no applicable sales history in the State or records are inadequate or yield data are not applicable because of a shift of variety, the 1964 State average yield of the like variety should be applied to such producer's acreage. Generally, hops are produced in a single region of a State and on land permitting yields similar to those of other producers. All allotment bases and adjustments should be based on information obtained by the the committee from handlers and producers, and should be established by the committee and should be subject to approval by the Secretary. The foregoing procedures are necessary to insure careful consideration of each producer's history and establishment of an allotment base for each producer that will result in as equitable an apportionment of the salable quantity as is feasible. The producer's right to retain an allotment base should be based on his continued capability to produce hops. The committee should, with the approval of the Secretary, establish rules and regulations setting forth the conditions under which a producer's allotment base will be revoked.

The order would allot to each individual producer his equitable share of the quantity of hops released for market. It is possible that the demand for hops will increase in the future and when it appears that the long-run level of sales will exceed 100 percent of the total producer allotment base or whenever the Secretary determines that the maintenance of orderly marketing conditions will permit, the committee should be authorized, with the approval of the Secretary, to issue additional allotment bases to either existing or new producers. However, the issuance of such bases should be pursuant to rules and regulations setting forth the basis of issuance and have the approval of the Secretary.

To permit sound administration of the program, it is necessary for each producer to annually advise the committee of the location(s) where he intends to produce his annual allotment, that he recognizes his obligation to report his production to the committee and abide by reserve pooling requirements and other provisions of the part. This should be facilitated by each producer filing a production data form with the committee each year confirming his recognition of obligations incidental to various provisions of the order, prior to the issuance to him of his annual allotment. The committee should then qualify and issue to each producer, his appropriate annual allotment.

Producers have entered into various long-term contracts obligating them to deliver hops in future years, some of these running through the calendar year 1972. It was proposed that these contracts be exempt from quantity limitations if they were so worded as to constitute a legal obligation, after the order was in effect, to deliver a specific quantity of hops from specified acreage, and the contract was effective as of December 14, 1964. However, the delivery was not to exceed 100 percent of the allotment base of the producer. Objections were made, not to the principle of granting the exemption, but rather to the restrictions proposed which would preclude some long-term contracts from being eligible for the exemption. The producers were held to be subject to suit by dealers or brewers demanding full delivery on contracts whether or not permitted by the order. This was proposed to be corrected by permitting a producer with any written contract, with a handler or brewer, to deliver hops if the contract were valid in the absence of the order. The total number of these contracts is not known, nor the poundage of hops thereunder, but the evidence is that the volume of hops under contract decreases sharply beyond 1967. In operation, the proposal would not cause any increase of burden on producers who do not have a contract beyond 1967. Such producers would continue to have their annual allotment determined by the application of the allotment percentage to the individual producer's allotment base. This percentage would be determined, without regard to the long-term contracts, by dividing the total salable quantity by the total producer allotment base. Since substantial interference with contract obligations is not essential to achievement of the objectives of the order and to recognize that producers with long-term contracts generally at fixed prices, or prices determined by formula, will not share in the possible increase in returns on salable hops received by producers without such contracts, a provision to grant the exemption for all contracts on a specific quantity from a specified acreage, which would be valid except for the part, i.e., in the absence of an order, is deemed appropriate and consistent with providing equity of treatment to the producers affected by the order. However, the delivery limitation of 100 percent of the producer's allotment base should be retained to avoid permitting deliveries in excess of the producer's production level (as determined by his allotment base) and to restrict the delivery of indefinite volumes as "overages" when permitted by the contracts.

Provisions should be included in the order for a producer who, despite a bona fide effort, produces less than his annual allotment of hops as a result of conditions reasonably beyond his control, to obtain hops at time of harvest from another producer who has grown supplies in excess of his allotment. The order should not permit a grower to intentionally not produce all or part of his annual allotment and still be qualified to acquire hops from another producer, that would otherwise be reserve hops, as this would permit a windfall to the nonproducer and thereby create a situation objectionable to producers generally. Once a salable quantity has been established for a crop, every effort should be made to place that quantity on the market. In situations such as this, the most expeditious way of doing so would be to provide for free transfers of hops from producers with an excess to producers with deficits in production. Whether a producer has made a reasonable effort to produce his annual allotment should depend on such things as whether he has sufficient hops under trellis to produce his allotment (considering his previous yields), when the hops were planted, and whether he has followed normal commercial practices in growing and harvesting the hops. By time of harvest, the committee members and the manager should have knowledge of where deficits are likely to occur. Also, annual salable allotments would have been made and each producer informed as to the poundage he was entitled to have identified as salable. The exchanges and identification should occur prior to the time excess hops become reserve hops so as to make unnecessary any changes of identification of hops and to freely permit the fulfillment of the salable allotment. However, the committee should be permitted to obtain names, the quantity, and such other information as

it may need in order to administer the provision and the release of any of such information shall only be as permitted by the act. Experience may indicate the desirability of changing these requirements and they should, therefore, be subject to modification by the committee with the approval of the Secretary.

If a producer producing less than his annual allotment does not qualify to fill his deficiency with hops from another producer or fails to exercise his option to fill all of his allotment by the date excess hops become reserve hops, he should thereupon be ineligible to acquire hops from another producer. This is necessary to cause valid transactions to be completed prior to the time the reserve pool is established and to preclude producers from using allotments on which they failed to make a bona fide effort to produce the hops. Administration of this provision should be covered by rules and regulations to be prescribed by the committee with the approval of the Secretary.

The committee should set up means to act as a clearing house of information so that it may assist producers and handlers in locating and identifying any excess hops and in obtaining, insofar as practical, the total release of salable hops.

(j) Despite the guides to production created by the order, fluctuating yields and other factors can result in some hops being produced in excess of the salable quantity each year. Provisions should be made for such hops to be placed by producers in a reserve pool managed by the committee and available to it to maintain and expand the demand for hops. Moreover, to minimize the possibility of excess hops entering normal channels of trade, all hops which have been prepared for market and are in excess of a producer's annual allotment should become reserve hops subject to committee control on November 1, and should be delivered to the committee no later than November 15, or such other dates as the committee may prescribe. Contracts with dealers generally require delivery to the dealer by November 1, and hence hops held by producers, in their capacity of handlers of such hops, on and after that date would, in many cases, be reserve hops only. Harvesting and baling operations are completed before this date. Hence, November 1 is a suitable date by which hops in excess of salable will be known and can be placed in the reserve pool. Delivery, storage, and disposition decisions by the committee may differ from year to year and the committee should, therefore, be authorized to establish different dates if necessary. Handlers not wishing to deliver hops to the reserve pool should have the option, prior to the date hops in excess of a producer's allotment become reserve hops, of disposing of such hops in noncompetitive outlets. If a handler decides to so dispose of hops that have already been baled and identified, such disposition and the removal of identification should, for purposes of control, be done at the direction of the committee.

So that due accounting may be made to equity holders, the committee should pool reserve hops in a manner to accurately account for the receipt, storage, and disposition of all hops placed in the pool. Also, to permit disposition of old, deteriorated hops, a separate pool should be used for each crop but, to permit earnings on reserve hops to pay committee pooling expenses, hops of different varieties or having different qualities should all be placed in a common pool of one year. To assure an equitable settlement of pool accounts in terms of the relative values of each lot of hops placed in the pool, the committee should operate the pool in terms of quality categories for each variety and a schedule of relative values. The quality categories should reflect the determinations shown on inspection certificates and any disagreement, other than an error of recording, should be resolved by using the normal appeal procedures of the inspection service.

Since hops deteriorate with age and the order should avoid a further buildup of stocks, each pool should be disposed of by the end of a 12-month period from the date of establishment. However, the committee, with approval of the Secretary, should have the authority to either limit the pooling period to less than 12 months or extend it beyond 12 months depending upon such factors as the overall conditions of supply and demand. Hops in the reserve pool should be disposed of by selling them (1) for use in normal market outlets to meet trade demand requirements not satisfied by salable hops, (2) by release by the committee for use in market development projects, (3) by disposal in nonnormal outlets to the extent that there is clearly no need to hold them in the pool until the expiration of the 12-month or other pool period, or (4) by giving growers an opportunity to exchange salable hops of a quality or variety they hold for an equal quantity of hops from the reserve pool. No such exchange should be authorized until the committee has announced its intentions to close the pool and, so that the exchange may be consummated, such announcement should be not less than 30 days prior to the time the pool is closed. Following completion of any exchange, any remaining hops in the pool should promptly be disposed of in nonnormal outlets.

To enable it to dispose of reserve hops in the best interest of the hop industry and to meet trade demand not satisfied by salable hops, the committee should be authorized to offer to sell hops to handlers from the reserve pool, but each offer should be subject to the disapproval of the Secretary. To permit this to occur, five days should be allowed after he has been notified of the terms of the offer by the committee. This will permit the Secretary time to review the information on which the committee acted and to determine whether the proposal is sound and consistent with the objectives of the order. Provision should be included for the Secretary to indicate approval of such offers in less than five days in order to accommodate situations where prompt reserve releases are in the best interest to the hop industry. For the reasons stated any changes in the terms of an offer should also be subject to the review of the Secretary.

It is possible, that hops which would otherwise go to salvage outlets could be used to some extent by the committee or the handlers in market development. With the committee providing hops from the reserve pool at reduced costs, handlers may be able to carry on their market development efforts on an expanded scale and increase the trade demand for U.S. hops. Therefore, such releases should be authorized either as market development projects of the committee, approved by the Secretary or as offers, for such restricted use, to handlers. When offered to handlers, the same procedure should be used, to permit review and concurrence by the Secretary, as on an offer to supplement salable supplies.

It should be provided that before the disposition of any pool in nonnormal outlets, producers be given an opportunity to exchange the hops they hold for an equal quantity of hops from the reserve pool. Such exchanges would be for the purpose of removing damaged or unsuitable hops from delivery as salable and should be subject to such terms and conditions as the committee, with the approval of the Secretary, establishes to protect the equity holders of the hops in the pool. Such exchanges should not be made until such time as it is apparent that normal sales from the pool had been completed and the remainder of the hops would need to be disposed of as mulch or such other nonnormal outlets.

To minimize pooling expenses, the committee should be authorized, with the approval of the Secretary, to divert excess reserve hops to mulch, fertilizer or other nonnormal outlets soon after delivery of reserve hops to the pool has been completed. Hops of low quality or determined to be in excess of foreseeable needs should not be held to accrue storage and administrative expenses. Moreover, hops remaining at the end of a pooling period should so be disposed of to liquidate the pool and avoid a buildup of holdings of reserve hops.

Proceeds from the distribution of reserve hops in each year's pool, after deduction of committee expenses of pooling, should be paid on a pro rata basis to all producers or equity holders taking into consideration the quality, variety and the relative value the hops credited to each. In the case of a cooperative marketing association of producers, committee expenses may be minimized by paying such pool proceeds to the association for inclusion in its returns to individual producers and such should be done. Operation of the pool, including receiving, handling, storage and disposition will entail a certain amount of expense for which the committee must be reimbursed. Since the committee is prohibited by the act from using administrative assessments to finance pooling costs, the only source of funds to cover such expenses are those derived from sale of hops from the pool or from the participants in the pool. To pay expenses which exceed pool receipts, the committee should have a method of obtaining funds to cover such expenses. Therefore, provisions should be included in the order for the committee to require advances by equity holders to cover anticipated pool expenses. Persons not wishing to participate in the pool and make such advances are provided the option, under the order, of disposing of their hops, under the direction of the committee, on the farm or other nonnormal outlets.

(k) Achievement of the function of the order of limiting the supply of hops for handling by allotting it to producers, requires knowledge of each production location and its output capability. However, a producer should be free to change the location(s) where he grows hops to other land which he owns or leases, whether to shift to a different variety, utilize more efficient land or other reason. The evidence of record indicates that program administration is most practical on hops by binding the allotment to the producer and his continued capability of producing rather than with a particular farm or land. For this reason, the annual allotment should not be used by another person except where the allotment base has been transferred to such producer pursuant to § 991.46. The committee should keep abreast of all changes of location of hop production by such means as are provided in § 991.38(c).

Transfer of allotment bases, in whole or in part, to other producers should be provided for in order to facilitate efficient use of hop production resources and to provide for a continued use of allotment bases when producers retire or otherwise discontinue the production of hops. However, since the committee and the Secretary will have assigned such bases to individual producers, only by an action on their part can a base be transferred to a different producer. Moreover, to be consistent with other order requirements, such transfers of allotment bases should be made only upon the person relinquishing the base so indicating in writing and the applicant for the allotment base assuring the committee and the Secretary that he is capable of producing sufficient hops to use the base.

(l) Operation of the order would involve certain administrative and other expenses. Therefore, the committee should be authorized to incur such expenses as the Secretary finds appropriate under the act. In order for these determinations to be made, the committee should submit a budget for each marketing year to the Secretary along with sufficient explanation of the budgeted items to enable the Secretary to make his determinations. The committee should also recommend an appropriate rate of assessment to obtain the necessary funds on the basis of the estimated salable quantity of the hops to be handled in such year.

The act requires that such expenses be borne by the handlers who are regulated under the program. Each handler should be required to pay to the committee, on demand, his pro rata share of the authorized expenses for each marketing year. Such pro rata share should be the rate of assessment fixed by the Secretary times the number of pounds of salable hops which each handler handles. Assessments should be levied on only the total salable quantity each year, as reserve hops "handled", by virtue of being prepared for market, should not be assessed as they would either go to reserve pool or be disposed in nonnormal outlets. Assessments should be levied on the handler of record acquiring hops of his own production or from the original producer. If funds to operate the program are not available due to an unanticipated reduction in the salable amount, provisions should be included for the Secretary to increase the assessment rate to cover authorized expenses. To cause equitable sharing of expenses, irrespective of the proportion of his needs a handler has acquired, increased rates should apply retroactively to all hops handled during that particular marketing year. There may be years when a short crop or excessively high prices make operation of the regulatory provisions of the proposed program unwarranted, but certain administrative costs would continue and provisions should be made in the order for payment of such expenses as may be necessary to maintain continuity of the committee and administrative functions.

An operating reserve fund, not to exceed approximately one marketing year's operational expenses should be authorized to provide funds for operation during the early months of the marketing year prior to the availability of assessment income from that year's crop and to provide an optional source of funds in marketing years when the assessable quantity is insufficient. The operating reserve should be accumulated by retaining residual funds remaining at the end of each marketing year. When it approaches the maximum authorized amount, or such lower limit as the committee, with the approval of the Secretary, may establish, subsequent assessment rates should be reduced to draw the reserve fund down to the desired level or, where circumstances dictate, the excess assessment money should be refunded to handlers on a pro rata basis, by returning sums which each paid in excess of his share of actual expenses and of the year's addition, if any, to the operating reserve. Only by permitting a refund of excess assessment money can the committee set a target sum in the operating reserve and definitely not exceed it at the end of a season.

Provision should be made, consistent with the concept of pro rata sharing of expenses, for disposition of any unexpended funds on termination of the program to be in such manner as the Secretary may direct but, to the extent practical on a pro rata basis to the persons from whom collected.

(m) The committee would be expected to meet in February and in July to make its preliminary and final marketing policy recommendations for the ensuing marketing year. In considering its marketing policy, the committee will need various statistical information, an important item in setting annual allotments being the quantity of hops held by handlers. Each handler should, therefore, be required to provide the committee with such information as it may request on hops held by him on January 1 and June 1 of each year. Under unusual marketing conditions, the committee may want to consider its marketing policy at other times and provisions should be included for the committee to get such inventory information on other dates if it becomes necessary.

For purposes of marketing policy compliance and as a basis for collection of administrative assessments, the committee should have regular reports from handlers on their receipts of hops from producers. Provisions should be included in the order for each handler to report to the committee on such dates as the committee may designate, identifying marks, variety, weight, place of production, and other necessary information for each lot of hops received. In addition, handlers should file with the committee, upon request, information on the weight and variety of hops acquired from each producer to assist the committee in establishing producer allotment bases.

In addition to these basic reports, the committee should be authorized, with the approval of the Secretary, to obtain other reports from handlers when necessary to enable it to exercise its powers and perform its duties.

For compliance purposes and due opportunity to investigate and audit, records relating to the handling of hops and necessary to substantiate the required reports should be held by all handlers for at least 2 years after the end of the marketing year to which they apply.

Also provision should be made to permit conduct of the audits by the Secretary or committee management of each handler's pertinent records and to examine the hops he receives and has on hand. Such audits would be necessary and should be made to resolve questions of program compliance. All such investigations should be carried out during normal business hours and should be limited to matters relating to administration of the order and regulations issued thereunder.

To protect each handler against disclosure of confidential information regarding his business to his competitors or to unauthorized persons, the order should provide that all reports and records furnished or submitted by handlers to, or obtained by, employees of the committee which contain data or information constituting a trade secret or disclosing the trade position, financial condition, or business operations of the particular handler from whom received, shall be treated as confidential and shall at all times be kept in the custody and under the control of one or more employees of the committee who shall disclose the information to no person other than the Secretary. Committee and Department employees are precluded from disclosing such information by Department regulations and the act. Information on individual handler operations is not needed for marketing policy considerations by members of the committee and the information that is needed should be prepared by committee employees in

consolidated form in such a way as not to reveal the position of individual handlers. Since the Secretary's responsibility includes disposition of individual cases of alleged violations of the order, it is necessary that he have access to confidential information relating to individual handlers.

(n) Except for § 991.78(b), the provisions of §§ 991.70 through 991.80, as hereinafter set forth are common to marketing agreements and orders now operating. The provisions of §§ 991.81 and 991.82 as hereinafter set forth are applicable only to marketing agreements and are also generally common to the marketing agreements now operating. These provisions of the marketing agreement and order set forth certain rights, obligations, privileges, or procedures which are necessary and appropriate for effective operation of the program. The provisions are incidental to and not inconsistent with section 8c (6) and (7) of the act and are necessary to effectuate the other provisions of the order and to effectuate the declared policy of the act. Testimony at the hearing supports the inclusion of each of these provisions in the order.

As required by the act, provisions should be included in § 991.78(b) requiring the Secretary to terminate provisions of the order at the end of any fiscal year whenever he finds that such termination is favored by a majority of the producers who during the preceding marketing year produced for market more than 50 percent of the hops so produced. Such determination should be made on the basis of referendum conducted by the Secretary to determine whether the requisite number of producers favor termination of the program. So that due notice is given and producers and handlers may prepare for termination, the referendum should be held not later than October 15 of a marketing year and if termination is favored it should be effective as of the subsequent August 1.

Rulings on proposed findings and conclusions. The Presiding Officer announced at the hearing that interested persons could, not later than May 7, 1965, file with the Hearing Clerk proposed findings and conclusions, and written arguments or briefs, based on evidence received at the hearing. Briefs were filed by the United States Brewers Association, Washington State Hop Producers, Inc., S. S. Steiner, Inc., John I. Haas, Inc., L. Oppenheimer and Co., Inc., J. Sonnenschein Hop Co., Inc., Hans Hinrichs Co., Inc., John Barth, Inc., George Segal Co., Inc., F. Bing, Inc., M. Weilheimer, Inc., Keller Hops Co., Inc., Hops Extract Corporation of America, The Free Enterprise Hop Committee (a group of hop growers), Yakima Chief Ranches, Newhouse Farms, Clover Meadows Ranch, and Jack Miller (a group of hop growers), Carl Weathers, Donald Weathers, Annen Bros., and John Coleman (a group of hop growers), and the proponent hop growers.

Each point included in the briefs was carefully considered, along with the evidence in the record, in making the findings and reaching the conclusions hereinbefore set forth. To the extent that any suggested findings or conclusions contained in any of the briefs are inconsistent with the findings and conclusions contained herein, the request to make such findings or to reach such conclusions is denied on the basis of the facts found and stated in connection with this recommended decision.

General findings. Upon the basis of the evidence introduced at such hearing, and the record thereof, it is found that:

(1) The marketing agreement and order, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act;

(2) The said marketing agreement and order regulate the handling of hops grown in the production area in the same manner as, and are applicable only to persons in the respective classes of commercial or industrial activity specified in, a proposed marketing agreement and order upon which a hearing has been held;

(3) The said marketing agreement and order are limited in their application to the smallest regional production area which is practicable, consistent with carrying out the declared policy of the act, and the issuance of several orders applicable to subdivisions of the production area would not effectively carry out the declared policy of the act;

(4) There are no differences in the production and marketing of hops grown in the production area which make necessary different terms and provisions applicable to different parts of such area; and

(5) All handling of hops grown in the production area, as defined in said marketing agreement and order, is in the current of interstate or foreign commerce or directly burdens, obstructs, or affects such commerce.

Recommended marketing agreement and order. The following marketing agreement and order[1] are recommended as the detailed means by which the foregoing conclusions may be carried out:

DEFINITIONS

§ 991.1 Secretary.

"Secretary" means the Secretary of Agriculture of the United States, or any other officer or employee of the U.S. Department of Agriculture who is, or who may be, authorized to perform the duties of the Secretary of Agriculture of the United States.

§ 991.2 Act.

"Act" means Public Act No. 10, 73d Congress, as amended and reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.; 48 Stat. 31, as amended).

§ 991.3 Person.

"Person" means an individual, partnership, corporation, association, or any other business unit.

§ 991.4 Hops.

"Hops" means, except as otherwise specifically indicated in this subpart, the green or dried pistillate cones of the vine Humulus lupulus or Humulus americanus grown in the production area and includes residue from processing, either in the form of whole hops or portions thereof, which can be used for a purpose for which hops are used.

§ 991.5 Production area.

"Production area" means all States with commercial production of hops and shall be divided into:

(1) District 1—Washington.
(2) District 2—Oregon.
(3) District 3—Idaho.
(4) District 4—California.

§ 991.6 Producer.

"Producer" is synonymous with "grower" and means any person engaged in a proprietary capacity in the commercial production of hops, including "cooperative" producers who are members of a cooperative hop marketing association and "independent" producers who are not.

§ 991.7 Handler.

"Handler" means any person who handles hops.

§ 991.8 Handle.

"Handle" means to acquire hops, use hops commercially of own production, or sell, transport (except as a common or contract carrier of hops owned by another) or otherwise place hops into the current of commerce, including preparation for market of hops, except that the preparation for market of hops other than reserve hops or substandard hops or the sale or delivery of such other hops to a handler of record shall not be construed as handling.

§ 991.9 Marketing year.

"Marketing year" means the 12 months from August 1 to the following July 31, inclusive.

§ 991.10 Part and subpart.

"Part" means the order regulating the handling of hops grown in the production area and all rules, regulations and supplemental orders issued thereunder, and the aforesaid order shall be a "subpart" of such part.

HOP ADMINISTRATIVE COMMITTEE

§ 991.15 Establishment and membership.

A Hop Administrative Committee (hereinafter referred to as "committee") consisting of 13 members, each of whom shall have an alternate, is hereby established to administer the terms and provisions of this part. Positions 1 and 2 shall be for cooperative producers in District No. 1, positions 3 through 7 shall be for independent producers in District 1. Positions 8 and 9 shall be for District 2 producers, 10 and 11 for District 3 producers, and 12 and 13 for District 4 producers.

§ 991.16 Eligibility.

Each member and alternate of the committee shall be at the time of his selection and during his term of office, a producer, or an officer or employee of a producer, in the district for which selected and shall not be a full time employee of a cooperative hop marketing association.

[1] Sections 991.81 and 991.82 apply only to the proposed marketing agreement and not to the proposed order.

§ 991.17 Nominations.

(a) *General.* Growers in each district shall nominate persons for each committee member and each alternate position in their respective districts as prescribed in § 991.15. Nominations shall be certified by the committee and submitted to the Secretary by December 1 of each year, together with information deemed by the committee to be pertinent or requested by the Secretary. If nominations for any position are not submitted in the specified manner by such date, the Secretary may select the representative for that position without nomination.

(b) *Committee members.* Nominations shall be submitted to the Secretary on the basis of ballots mailed by the committee to producers in each district and the committee shall give reasonable publicity to the balloting period. Names of producer candidates to be included on the ballot for each district shall include names submitted to the committee by the principal grower organization in each district, and shall also include names submitted by petition signed by 10 producers in each such district, except that nominees for positions 1 and 2 shall be submitted directly to the committee for certification to the Secretary by the cooperative associations. Ballots containing the names of the candidates and a blank space for write-in candidates for each position, together with voting instructions, shall be mailed to all growers of record except cooperative growers in District 1. The eligible person receiving the highest number of votes for a member or alternate position shall be the nominee for that position. Only producers eligible to serve on the committee from the district in which the nominations are being conducted shall be eligible to vote, and each producer shall have one vote for each position to be filled. No producer shall participate in the election of nominees in more than one district. If the Secretary concludes, on the basis of a recommendation of the committee, that this procedure is unsatisfactory, or should be changed for any reason, he may change this procedure through formulation and issuance of superseding regulations.

§ 991.18 Procedure.

At an assembled meeting, all votes shall be cast in person and 10 members of the committee shall constitute a quorum. Decisions of the committee shall require the concurring vote of at least 9 members. If both a committee member and his alternate are unable to attend a committee meeting, the committee may designate any other alternate from the same district who is present at the meeting to serve in the member's place. The committee may vote by mail, telephone, telegraph, or other means of communications: *Provided*, That each proposition is explained accurately, fully and identically to each member. All votes shall be confirmed in writing. A reasonable time limit may be set by the committee for receipt of written confirmation. Ten concurring votes and no dissenting vote shall be required for approval of a committee action by such method.

§ 991.19 Powers.

The committee shall have the following powers:

(a) To administer this subpart in accordance with its terms and provisions;

(b) To make rules and regulations to effectuate the terms and provisions of this subpart;

(c) To receive, investigate, and report to the Secretary complaints of violations of this part;

(d) To recommend to the Secretary amendments to this subpart.

§ 991.20 Duties.

The committee shall have, among others, the following duties:

(a) To select from among its membership such officers and adopt such rules or by-laws for the conduct of its meetings as it deems necessary;

(b) To appoint such employees as it may deem necessary, and to determine the compensation and to define the duties of each employee;

(c) To appoint such subcommittees as it may deem necessary;

(d) To keep minutes, books, and records which will reflect all of the acts and transactions of the committee and which shall be subject to examination by the Secretary;

(e) To prepare periodic statements of the financial operations of the committee and to make copies of each such statement available to producers and handlers for examination at the office of the committee;

(f) To cause the books of the committee to be audited by a certified public accountant at least once each marketing year and at such other times as the committee may deem necessary, or as the Secretary may request, to submit two copies of each such audit report to the Secretary, and to make available a copy which does not contain confidential data for inspection at the offices of the committee by producers and handlers;

(g) To act as intermediary between the Secretary and any producer or handler;

(h) To investigate and assemble data on the growing, handling, and marketing conditions with respect to hops;

(i) To submit to the Secretary such available information as he may request or the committee may deem desirable and pertinent;

(j) To notify producers and handlers of all meetings of the committee to consider recommendations for regulations and of all regulatory actions taken affecting producers and handlers;

(k) To give the Secretary the same notice of meetings of the committee and its subcommittees as is given to its members; and

(l) To investigate compliance and use means available to prevent violations of the provisions of this part.

HOP MARKETING ADVISORY BOARD

§ 991.22 Establishment and membership.

A Hop Marketing Advisory Board (hereinafter referred to as "board") consisting of 5 members, each of whom shall have an alternate, is hereby established to advise and assist the committee. Positions 1, 2, and 3 shall be for the 3 handlers who handled the largest quantity of hops during the preceding fiscal year. Position 4 shall be for all other handlers, other than extractors. Position 5 shall be for extractors of hops.

§ 991.23 Nomination.

Nominations for the respective positions shall be made by the handler or handlers involved and shall be submitted to the committee for transmission to the Secretary, together with information deemed by the committee to be pertinent or requested by the Secretary.

§ 991.24 Duties.

The duties of the board shall consist of selecting from its members such officers, establishing such bylaws as it deems necessary for performing its functions, making recommendations with respect to marketing policies, and the consideration of such other matters as it may deem advisable or the committee may request.

COMMITTEE AND BOARD

§ 991.25 Selection and term of office.

(a) *Selection.* Committee and board members shall be selected by the Secretary from nominees submitted by the committee or from among other eligible persons. Each person so selected shall qualify by filing a written acceptance with the Secretary prior to assuming the duties of the position.

(b) *Term of office.* The terms of office of committee members shall be for a period of 2 calendar years except that the term of office of committee members holding odd numbered positions shall, commencing with the 1967 calendar year, end on December 31 of odd numbered years, and committee members holding even numbered positions as set forth in § 991.15 shall end on December 31 of even numbered years. The term of office of board members shall be 2 calendar years ending on December 31 of even numbered years. Committee and board members shall serve for the term of office for which they are selected and have qualified and until their respective successors are selected and have qualified.

§ 991.26 Alternate members.

An alternate for a member shall act in the place of such member (a) in his absence or (b) in the event of his death, removal, resignation, or disqualification, until a successor for his unexpired term has been selected and has qualified.

§ 991.27 Vacancy.

Any vacancy occasioned by the death, removal, resignation, or disqualification of any committee or board member, shall be recognized by the committee certifying to the Secretary a successor for the unexpired term, unless selection is deemed unnecessary by the Secretary.

§ 991.28 Expenses.

Members of the committee, board, and their subcommittees shall serve without compensation but shall receive such allowances for necessary expenses in-

curred in connection with their duties as may be approved by the committee.

RESEARCH

§ 991.30 Marketing research and development projects.

The committee, with the approval of the Secretary, may establish or provide for the establishment of marketing research and development projects designed to assist, improve, or promote the marketing, distribution, and consumption of hops. The expense of such projects shall be paid from funds collected pursuant to § 991.56, but the expenses of any projects involving reserve hops shall be allocated, if appropriate, in whole or in part, to funds obtained from the disposition of such reserve hops. Hops grown or used for research purposes may be exempted from regulation.

QUALITY REGULATION, INSPECTION AND IDENTIFICATION

§ 991.31 Quality regulation.

Upon recommendation of the committee, the Secretary shall establish such minimum standards of quality for hops in terms of their leaf and stem content and other quality factors as will tend to effectuate the objectives of this part and the declared policy of the act and no handler shall handle hops which fail to meet such standards. Hops failing to meet such standards shall be considered "substandard" hops and, except for disposition within a producer's farming operations, shall not be disposed of to persons other than the committee or its designees.

§ 991.32 Inspection and identification.

No handler shall handle, nor the committee receive for reserve pooling, hops which have not been inspected for leaf, stem and seed content, identified as prescribed by the committee, and when minimum quality requirements are issued pursuant to § 991.31, inspected and certified as meeting such requirements. Inspection and certification shall be by a Federal-State inspection service and the cost borne by the applicant. Inspection and identification shall be completed prior to November 15 or other date established pursuant to § 991.39. Such identification shall not be altered or removed by any handler while in his control.

§ 991.33 Hops baled prior to effective date of this subpart.

Any producer having hops baled prior to the effective date of this subpart is entitled, upon application to the committee within 30 days after such date, to have such hops identified as free of regulation under this subpart, at no expense to himself, and any handler may then handle such hops. Hops held by handlers on the effective date of this subpart are also exempt from regulation under this subpart.

VOLUME LIMITATIONS

§ 991.36 Marketing policy.

As soon in the calendar year as practicable, but no later than March 1, or such other date as the committee with the approval of the Secretary may establish, the committee shall meet and adopt its preliminary marketing policy for the ensuing marketing year. At such meeting, the committee shall consider the recommendations of the Board, the quantity of hops that should be made available for marketing to meet market requirements and establish orderly marketing conditions, the prospective carryin of producers, handlers, and brewers, the desirable carryout, the prospective imports, and other factors affecting marketing conditions. If these considerations indicate a need for limiting the quantity of hops marketed, the committee shall adopt a preliminary salable quantity and allotment percentage for the ensuing crop. Prior to August 1 of each year, the committee shall review its preliminary marketing policy and, if conditions warrant, recommend establishment of a salable quantity and allotment percentage for the ensuing crop. Notice of the preliminary marketing policy for a marketing year and any later changes shall be submitted promptly to the Secretary and all producers and handlers.

§ 991.37 Establishment.

(a) *Action by the Secretary.* Whenever the Secretary finds, on the basis of the committee's recommendation or other information, that limiting the quantity of hops available for handling from the production of a calendar year would tend to effectuate the declared policy of the act, he shall determine the salable quantity for such crop which handlers may handle. The salable quantity shall be pro rated among producers by applying an allotment percentage to each producer's allotment base established pursuant to § 991.38. The allotment percentage shall be established by the Secretary and shall be equal to the salable quantity divided by the total producer allotment base. No handler may handle hops other than salable hops determined and identified pursuant to the provisions of this part except that a producer-handler may prepare hops for market.

(b) *Limitations on allotment percentage.* The allotment percentage applicable to the 1965 crop shall be not less than 100 percent. However, unless such is established prior to August 15, 1965, there shall be no allotment percentage applicable to the 1965 crop. No allotment percentage applicable to the 1966 or 1967 crop shall be less than 95 percent.

§ 991.38 Allotment of salable quantity.

(a) *Allotment bases.* Each producer's allotment base shall be 93 percent of the amount of hops sold (which for purpose of this section shall include hops used commercially of own production) by such producer during the 1964–65 marketing year. However, in order to equitably apportion among producers the total quantity of hops which handlers may acquire from them, hops sold by the producer during the 1964–65 marketing year of other than his 1964 production shall not be included in his allotment base and hops from his 1964 production remaining for sale at the end of the 1964–65 marketing year shall be included in his allotment base. Where such adjustments fail to result in equitable apportionment due to such factors as adverse weather, disease or pesticide residues in 1964–65, the committee, with the approval of the Secretary, shall increase such base to the higher of (1) 93 percent of the highest average amount per acre available for sale from either his 1962 or 1963 harvested acreage as applied to his 1964 acreage, or (2) 100 percent of the average amount per acre available for sale from his 1962, 1963, and 1964 harvested acreage as applied to his 1964 acreage. In the case of producers with new or additional acreage, on which no hops were produced in 1964, that was committed prior to December 14, 1964, to the growing and marketing of hops by such things as planting hops, constructing trellis, or entering into a bona fide contract to market hops from new or additional acreage, an allotment base for such acreage shall be computed by applying to it the average yield referable to the allotment base on the producer's other 1964 acreage in the same State: *Except*, That no annual allotment on that portion of an allotment base derived from such acreage shall be issued until the year when hops are first produced and baled from such acreage. Acreage of Bullion or Brewers Gold variety hops planted and harvested in 1964, shall be treated the same as committed acreage having no production. Where the necessary yield data are not available because the producer has no applicable sales history in the State or records are inadequate, or yield data are not applicable because of a shift in variety, the 1964 State average yield of the like variety shall be applied. All allotment bases and adjustments shall be based on reports from handlers, producer certifications, and other information available to the committee and the Secretary at the time when bases are established. It shall be the responsibility of the committee to establish, with the approval of the Secretary, each eligible producer's allotment base. The right of each producer, based on a continuing capability to produce hops, to retain his allotment base shall be subject to such rules and regulations as the committee, with the approval of the Secretary, prescribes.

(b) *Additional allotment bases.* Whenever it appears that over the long-run the salable quantity will be at a level exceeding the total producer allotment base or whenever the Secretary determines that it will not interfere with the maintenance of orderly marketing conditions, the committee may issue additional allotment bases pursuant to this subpart and such rules and regulations as are prescribed with the approval of the Secretary.

(c) *Issuance of annual allotments to producers.* As early as practicable, in each year, the committee shall furnish each producer a qualification form. Such form shall contain space for the producer to show changes in the locations, if any, where he intends to produce his annual allotment, an agreement by the producer to report his production to the committee, to abide by reserve pooling requirements and such other requirements as are necessary to carry out the provisions of this part. Such form shall be used by the committee to qualify and issue to each producer his appropriate annual allotment which shall be the allotment percentage times his allotment base: *Provided*, That a producer who, except for this part, is legally obligated to deliver a specific quantity of hops from specified acreage of his own production pursuant to the terms of a written contract entered into prior to, and effective as of December 14, 1964, and calling for delivery of crops produced no later than 1972 shall be permitted to deliver such hops to fulfill such contract terms up to, but not in excess of, 100 percent of the allotment base established for him.

(d) *Filling deficiencies in salable quantity.* (1) A producer who produced less than his annual allotment under conditions where he had sufficient hops under trellis to produce his allotment, taking into consideration his previous average yield and the year in which the hops were planted, and who according to normal commercial practice, makes a bona fide effort to grow and harvest the hops from such acreage, may prior to the date excess hops become reserve hops pursuant to § 991.39, fill any deficit in his allotment, by acquiring hops from another producer that are in excess of such other producer's annual allotment and the committee may require a full report of the transaction including the names of both parties, the quantity and such other information as will enable the committee to administer this provision. These requirements may be modified by the committee, with the approval of the Secretary.

(2) A producer producing less than his annual allotment and who meets the above qualifications but does not exercise his option to fill the deficit in his allotment by the date excess hops become reserve hops pursuant to § 991.39 or who fails to meet all of the above qualifications shall be ineligible to acquire excess hops. Administration of this provision shall be in accordance with such rules and regulations as the committee may prescribe with the approval of the Secretary.

(e) *Information.* As a service to growers and handlers, the committee may act as a clearing house of information on production and the availability of hops in excess of salable. Such information shall be available at the committee office to any producer or handler upon request.

RESERVE POOL

§ 991.39 Reserve hops.

Hops baled, packaged, processed, or otherwise prepared for market that are in excess of an effective individual producer annual allotment and are held by any producer, in his capacity as a handler of such hops, on November 1, shall be reserve hops. No such handler shall ship or deliver reserve hops to other than the committee or its designees and such shall occur not later than November 15, or such other date as the committee may prescribe. However, any such handler, may arrange to dispose of such hops, under the direction of the committee, in nonnormal outlets.

§ 991.40 Reserve pool requirements.

(a) *General.* The committee shall pool reserve hops in a manner to accurately account for their receipt, storage, and disposition. The committee may establish categories for various qualities or varieties of pooled hops and a schedule of relative values for settlement of pool accounts. Reserve hops from each crop shall be pooled separately.

(b) *Disposition.* The committee shall endeavor to dispose of each reserve pool during the 12-month period following the date established in § 991.39 for delivery of reserve hops to the committee or its designees or such other period as the committee, with the approval of the Secretary, may establish to recognize such factors as supply and demand conditions. Such hops may be disposed of as follows:

(1) *Normal market outlets.* The committee may offer reserve hops for purchase by handlers and use in normal market outlets when necessary to meet trade demand requirements not satisfied by salable hops. No such offer to sell reserve hops to handlers shall be made by the committee until 5 days (exclusive of Saturdays, Sundays, and holidays) have elapsed from the time it files with the Secretary complete information as to the terms of such offer, and the Secretary may disapprove the offer or any term thereof: *Provided*, That at any time prior to the expiration of the 5-day period, the offer may be made to handlers upon the committee receiving from the Secretary notice that he does not disapprove the making of the offer. Subject to the same conditions as are set forth in the preceding sentence with respect to the making of such offers, the committee may withdraw an offer to sell reserve hops to handlers or may extend the offer period.

(2) *Market development.* Reserve hops may be released by the committee for use in a market development project approved by the Secretary or offered to handlers for such restricted use in the same manner as in subparagraph (1) of this paragraph.

(3) *Exchange.* Prior to disposing of any pool in nonnormal outlets, salable hops held by growers which are damaged or otherwise unsuitable may be exchanged for reserve hops in the pool. All such exchanges shall be subject to such terms and conditions as the committee, with the approval of the Secretary, may establish.

(4) *Nonnormal outlets.* The committee may at any time, with the approval of the Secretary, dispose of reserve hops, determined to be in excess of foreseeable needs, in mulch, fertilizer, or other nonnormal outlets and shall so dispose of reserve hops on which the pooling period has terminated.

(c) *Distribution of pool proceeds.* The proceeds from the disposition of reserve hops from each pool after deduction of any expense incurred by the committee in receiving, handling, holding, or disposition thereof, shall be distributed to the respective equity holders or their successors in interest on the basis of the quality, variety and the number of pounds credited to each account in the pool, except that distribution of the proceeds to members of cooperative hop marketing associations shall be made to such association. The committee may require advances by equity holders of anticipated expenses at the time hops are pooled.

TRANSFERS

§ 991.45 Transferring of locations.

A producer may change the location(s) where he produces his annual allotment to other land which he owns or leases but such shall not be recognized as extending to the land of another person except in conjunction with the transfer of an allotment base pursuant to § 991.46. The committee shall, by such means as are provided in § 991.38(c), obtain information as to the location(s) where each producer intends to produce each allotment.

§ 991.46 Transfer of producer allotment bases.

The committee, with the approval of the Secretary, may transfer, upon request, part or all of an allotment base from one producer to another and such will be done only upon the person relinquishing the base so indicating in writing and the person desiring the allotment base furnishing such information as the committee and the Secretary deems necessary to assure that he is capable of producing sufficient hops to use such base.

EXPENSES AND ASSESSMENTS

§ 991.55 Expenses.

The committee is authorized to incur such expenses as the Secretary finds are reasonable and likely to be incurred by it during each marketing year for the maintenance and functioning of the committee and for such other purposes as the Secretary may, pursuant to the provisions of this subpart, determine to be appropriate. The committee, shall submit to the Secretary a budget for each marketing year, including an explanation of the items appearing therein, and a recommendation as to the rate of assessment for such year.

§ 991.56 Assessments.

(a) *Requirements for payment.* Each handler shall pay to the committee upon demand, his pro rata share of the expenses authorized by the Secretary for each marketing year. Each handler's pro rata share shall be the rate of assessment per pound fixed by the Secretary times the quantity of salable hops which he handles. At any time during or after a marketing year, the Secretary may increase the rate of assessment as necessary to cover authorized expenses. The payment of expenses for the maintenance and functioning of the committee may be required during periods when no regulations are in effect.

(b) *Excess funds.* At the end of a marketing year, funds in excess of the year's expenses shall be placed in an operating reserve not to exceed approximately one marketing year's operational expenses or such lower limits as the committee, with the approval of the Sec-

retary, may establish. Funds in such reserve shall be available for use by the committee for expenses authorized pursuant to § 991.55. Funds in excess of those placed in the operating reserve shall be refunded to handlers. Each handler's share of such excess shall be the amount of assessments he paid in excess of his pro rata share of the actual expenses of the committee and the addition, if any, to the operating reserve.

(c) *Accounting of funds upon termination of order.* Any money collected as assessments hereunder and remaining unexpended in the possession of the committee or a succeeding board of trustees after termination of this part shall be distributed in such manner as the Secretary may direct, provided that to the extent practical, such funds shall be returned pro rata to the persons from whom such funds were collected.

REPORTS AND RECORDS

§ 991.60 Reports.

(a) *Inventory.* Each handler shall file with the committee a certified report, showing such information as the committee may specify with respect to any hops which were held by him on January 1, and June 1, and such other dates as the committee may designate.

(b) *Receipts.* Each handler shall file with the committee a certified report showing for each lot of hops received, the identifying marks, variety, weight, place of production, and the producer's name and address on such dates as the committee may designate. For the purpose of establishing allotments pursuant to § 991.38, each handler shall file with the committee, upon request, information as to the weight and variety of hops which he acquired from each producer.

(c) *Other reports.* Upon the request of the committee, with the approval of the Secretary, each handler shall furnish to the committee such other information as may be necessary to enable it to exercise its powers and perform its duties under this part.

§ 991.61 Records.

Each handler shall maintain such records pertaining to the handling of hops as will substantiate the required reports. All such records shall be maintained for not less than 2 years after the end of the marketing year to which they apply.

§ 991.62 Verification of reports and records.

For the purpose of assuring compliance with record keeping requirements and verifying reports filed by producers and handlers, the Secretary and the committee through its duly authorized employees, shall have access to any premises where applicable records are maintained, or where hops are received or held, and at any time during reasonable business hours shall be permitted to inspect such handler premises, and any and all records of such handlers with respect to matters within the purview of this part.

§ 991.63 Confidential information.

All reports and records furnished or submitted by handlers to, or obtained by the employees of, the committee which contain data or information constituting a trade secret or disclosing the trade position, financial condition, or business operations of the particular handler from whom received, shall be treated as confidential and the reports and all information obtained from records shall at all times be kept in the custody and under the control of one or more employees of the committee who shall disclose such information to no person other than the Secretary.

MISCELLANEOUS PROVISIONS

§ 991.70 Compliance.

No person shall handle hops except in conformity with the provisions of this part.

§ 991.71 Rights of the Secretary.

Members of the committee and the board, and any agents, employees, or representatives thereof, shall be subject to removal or suspension by the Secretary at any time. Each and every decision, determination, and other act of the committee shall be subject to the continuing right of disapproval by the Secretary at any time. Upon such disapproval, the disapproved action of the committee shall be deemed null and void, except as to acts done in reliance thereon or in accordance therewith prior to such disapproval by the Secretary.

§ 991.72 Derogation.

Nothing contained in this part is, or shall be construed to be, in derogation or in modification of the rights of the Secretary or of the United States (a) to exercise any powers granted by the act or otherwise, or (b) in accordance with such powers, to act in the premises whenever such action is deemed advisable.

§ 991.73 Agents.

The Secretary may, by designation in writing, name any officer or employee of the United States, or name any agency or division in the U.S. Department of Agriculture, to act as his agent or representative in connection with any of the provisions of this part.

§ 991.74 Personal liability.

No member or alternate member of the committee or board and no employee or agent of the committee shall be held personally responsible, either individually or jointly with others, in any way whatsoever, to any person for errors in judgment, mistakes, or other acts, either of commission or omission, as such member, alternate, employee, or agent, except for acts of dishonesty, willful misconduct, or gross negligence.

§ 991.75 Duration of immunities.

The benefits, privileges, and immunities conferred upon any person by virtue of this part shall cease upon its termination, except with respect to acts done under and during the existence of this part.

§ 991.76 Separability.

If any provision of this part is declared invalid or the applicability thereof to any person, circumstance, or thing is held invalid, the validity of the remainder of this part or the applicability thereof to any other person, circumstance, or thing shall not be affected thereby.

§ 991.77 Effective time.

The provisions of this part, and of any amendment thereto, shall become effective at such time as the Secretary may declare above his signature and shall continue in force until terminated in one of the ways specified in § 991.78.

§ 991.78 Termination.

(a) *Failure to effectuate.* The Secretary shall terminate or suspend the operation of any or all of the provisions of this subpart whenever he finds that such provisions obstruct or do not tend to effectuate the declared policy of the act.

(b) *Referendum.* The Secretary shall terminate the provisions of this subpart at the end of any marketing year whenever he finds that such termination is favored by a majority of the producers who during the preceding marketing year produced for market more than 50 percent of the volume of hops so produced: *Provided*, That any referendum by the Secretary to determine whether producers favor termination of this part shall be held during the first 15 days of October, and if termination is favored, it shall be effective as of the subsequent August 1.

(c) *Termination of act.* The provisions of this subpart shall, in any event, terminate whenever the provisions of the act authorizing them cease to be in effect.

§ 991.79 Proceedings after termination.

Upon the termination of the provisions of this part, the committee shall, for the purpose of liquidating the affairs of the committee, continue as trustees of all the funds and property then in its possession, or under its control, including claims for any funds unpaid or property not delivered at the time of such termination. The said trustees shall (1) continue in such capacity until discharged by the Secretary; (2) from time to time account for all receipts and disbursements and deliver all property on hand, together with all books and records of the committee and of the trustee, to such persons as the Secretary may direct; and (3) upon the request of the Secretary, execute such assignments or other instruments necessary or appropriate to vest in such person full title and right to all of the funds, property, and claims vested in the committee or the trustee pursuant thereto. Any person to whom funds, property, or claims have been transferred or delivered, pursuant to this section, shall be subject to the same obligation imposed upon the committee and upon the trustees.

§ 991.80 Effect of termination or amendments.

Unless otherwise expressly provided by the Secretary, the termination of this part or of any regulation issued pursuant to this part, or the issuance of any amendment to either thereof, shall not (a) affect or waive any right, duty, obligation, or liability which shall have arisen or which may thereafter arise in connection with any provision of this part or any regulation issued hereunder, or (b) release or extinguish any violation of this part or any regulation issued hereunder, or (c) affect or impair any rights or remedies of the Secretary or any other person with respect to any such violation.

§ 991.81 Counterparts.

This agreement may be executed in multiple counterparts and when one counterpart is signed by the Secretary, all such counterparts shall constitute, when taken together, one and the same instrument as if all signatures were contained in one original.

§ 991.82 Additional parties.

After the effective date thereof, any handler may become a party to this agreement if a counterpart is executed by him and delivered to the Secretary. This agreement shall take effect as to such new contracting part at the time such counterpart is delivered to the Secretary, and the benefits, privileges, and immunities conferred by this agreement shall then be effective as to such new contracting party.

Dated: June 14, 1965.

CLARENCE H. GIRARD,
Deputy Administrator.

[F.R. Doc. 65-6381; Filed, June 16, 1965; 8:50 a.m.]

[7 CFR Part 1002]

[Docket No. AO-71-A46]

MILK IN NEW YORK-NEW JERSEY MARKETING AREA

Notice of Hearing on Proposed Amendments to Tentative Marketing Agreement and Order

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of a public hearing to be held with sessions at the Market Administrator's Office, 205 East 42d Street, New York, N.Y., beginning at 10 a.m., local time, on July 19, 1965, and with further sessions to begin at 10 a.m., local time, on July 26, 1965, at the Persian Terrace, Hotel Syracuse, 500 South Warren Street, Syracuse, N.Y., with respect to proposed amendments to the tentative marketing agreement and to the order, regulating the handling of milk in the New York-New Jersey marketing area.

The public hearing is for the purpose of receiving evidence with respect to the economic and marketing conditions which relate to the proposed amendments hereinafter set forth, and any appropriate modifications thereof, to the tentative marketing agreement and to the order.

The proposed amendments, set forth below, have not received the approval of the Secretary of Agriculture.

Proposed by Eastern Milk Producers Cooperative Association, Inc.:

Proposal No. 1. Revoke the provisions of §§ 1002.81, 1002.66(b) and the reference to § 1002.81 in other provisions of the order and add a new § 1002.81 to read as follows:

§ 1002.81 Marketing service deduction—nonmembers of an association of producers.

In making payments to producers pursuant to § 1002.70, each handler shall, with respect to all milk delivered by each producer other than himself during each month deduct (insert here amount of the maximum deduction as adduced from the hearing record to be proper) cents per hundredweight, or such lesser amount as the Secretary shall determine to be sufficient, and shall, on or before the (day to be established from record of hearing) day after the end of each month, pay such deductions to the market administrator. Such moneys shall be expended by the market administrator only in providing for market information, and for verification of weights, samples, and tests of milk delivered by such producers. The market administrator may contract with an association or associations of producers for the furnishing of the whole or any part of such services to, or with respect to the milk delivered by, such producers.

Proposed by Messrs. Willard P. Foster, J. Riker Robinson, Everett Dence, Paul Doran, Howard Makela, Morris Fluker, and Murray Grodman:

Proposal No. 2. (A) Revise § 1002.81 in accordance with proposal No. 1 with a rate of deduction from nonmembers not to exceed 1 cent per hundredweight.

(B) In the alternative, establish a nonprofit cooperative foundation to be named (for example) "Order No. 2 Market Service Association" as follows:

1. The purposes of the Association will be to engage in (1) research activities under Order No. 2; (2) presentation of results at hearings, etc., under the order, and recommendations for amendments; (3) educational activities with respect to the foregoing.

2. The Association will be financed by payments of not to exceed $0.01 per hundredweight out of the producer-settlement fund.

3. Policy will be established by the Board of Directors consisting of three members from each cooperative or federation of over 1,000 in membership; except that if there are only three such associations, one shall be entitled to a fourth member. The association entitled to a fourth member shall change from year to year according to the alphabetical order of such associations. The Board of Directors shall also include members appointed by the Secretary of Agriculture from the staff of land-grant colleges within the milkshed to represent the general public, including (a) cooperatives or federations of not more than 1,000 in membership, unaffiliated with any other federation, and (b) producers not affiliated with any cooperative association: *Provided, however*, That directors so appointed shall constitute one-fifth of the entire number of directors.

4. Economic and Legal: Each cooperative or federation of over 1,000 shall be entitled to be represented on the Economist Committee by one economist. Similarly, the Legal Committee. Each representative shall draw 50 percent of his salary from the group which he represents and 50 percent from the new Association. The office staff shall be persons employed and paid for exclusively by the Association, not affiliated with any single cooperative.

5. Education and Information: This work shall be conducted by persons employed exclusively by the Association and not affiliated with any single cooperative, and paid for entirely by the Association.

6. No other activities shall be engaged in.

Proposed by Milk Dealers' Association of Metropolitan New York, Inc.; Sealtest Foods, Metropolitan Division of National Dairy Products Corp.; and New York State Milk Distributors, Inc. (except the Dairymen's League):

Proposal No. 3. Revoke § 1002.81 *Cooperative payments for marketwide services*, §1002.66(b), and other references to § 1002.81.

Add a new § 1002.73 to read as follows:

§ 1002.73 Marketing service deductions.

(a) In making the payments required under §§ 1002.70, 1002.71, and 1002.72 to producers, other than himself and any producer who is a member of a cooperative association which the Secretary determines is performing the services specified in this section, each handler shall deduct (the number of cents to be based on evidence presented at the hearing) cents per hundredweight, or such lesser rate as the Secretary shall determine to be sufficient for marketing services. The handlers shall pay the amount deducted to the market administrator on or before the 18th day after the end of the month.

(b) The market administrator shall expend amounts received under paragraph (a) of this section only in providing for market information to such producers and for verification of weights, samples, and tests of milk received from them. The market administrator may contract with a cooperative association or an agency of the State in which the nonmember producer resides for the furnishing of the whole or any part of these services.

Proposed by Inter-State Milk Producers' Cooperative:

Proposal No. 4. Revoke the provisions of § 1002.81, *Cooperative payments for marketwide services*, and add a new § 1002.81, *Marketing services*, as follows:

§ 1002.81 Marketing services.

(a) Except as set forth in paragraph (b) of this section, each handler, in making payments directly to producers for milk other than milk of his own production, shall deduct $0.05 per hundredweight or such lesser amount as the Secretary may prescribe and shall pay such deductions to the market administrator, on or before the 18th day after the end of the month. Such money shall be expended by the market administrator to provide market information and to verify the weights, samples, and tests of milk of producers who are not receiv-

ing such services from a cooperative association; and

(b) In the case of producers for whom the Secretary determines a cooperative association is actually performing the services set forth in paragraph (a) of this section, each handler shall make, in lieu of the deduction specified in paragraph (a) of this section, such deductions from the payments to be made directly to such producers as are authorized by agreement between such producers and the cooperative rendering such services, on or before the 18th day after the end of each month, and pay such deductions to such cooperative.

Make such other changes in order 2 as are necessary to coordinate all other provisions in connection with the addition of proposed § 1002.81.

Proposed by New England Milk Producers' Association:

Proposal No. 5. Eliminate from Federal milk order No. 2 the provisions concerning cooperative payments for marketing services and substitute therefor provisions for a marketing service program by the market administrator for producers who are not members of cooperative associations which the Secretary determines are providing market information to and verifying weights, samples, and tests for their members, the cost of providing these services to nonmember producers to be borne by a deduction of 3 cents a hundredweight on milk received from these producers or such lesser rate as the Secretary determines to be sufficient, such sums to be paid to the market administrator as compensation for such services to nonmember producers.

Proposed by The Dairy Farmers of America, Inc.:

Proposal No. 6. Revoke the cooperative payment provisions (§ 1002.81) of the New York-New Jersey order.

Proposed by Sunnydale Farms, Inc.:

Proposal No. 7. Revoke the cooperative payment provisions (§ 1002.81) of the New York-New Jersey order.

Proposed by Lehigh Valley Cooperative Farmers:

Proposal No. 8. Revoke the cooperative payment provisions (§ 1002.81) of the New York-New Jersey order.

Proposed by Northeast Dairy Cooperative Federation, Inc.:

Proposal No. 9. Revise subparagraph (6) of § 1002.81(e) as follows:

(6) In the case of a cooperative or federation which receives an additional payment under subparagraph (4) or (5) of paragraph (f) of the section, operating marketing facilities which perform standby and balancing service to accommodate the daily, weekly, monthly, and seasonal variations in Class I milk sales and reserve requirements of the marketing area and the seasonal and cyclical variations in milk deliveries from producers therefor, and having within its membership (etc.) * * *

Proposal No. 10. Revise the rate of payment in subparagraphs (4) and (5) of § 1002.81(f) from 1 cent to 2 cents per hundredweight.

Proposal No. 11. Amend § 1002.66(e) by changing the figure "8" and "9" to "8½" and "9½" and add after the word "handler" the words "or failure of producers delivering to handlers to receive the payments provided in § 1002.70".

Proposal No. 12. Amend § 1002.23 by adding the following:

§ 1002.23 Duties.

* * * * *

(k) To pay any producer who has failed to receive payment from any handler as provided by § 1002.70, 80 percent of the amount of such payment upon such producer assigning to him his claim for such payment.

Proposed by Dairymen's League Cooperative Association, Inc.:

Proposal No. 13. Revise § 1002.81(e) (4) to read as follows:

(4) Participating in meetings to be called from time to time upon a regularly scheduled basis by and under the chairmanship of the market administrator, or his representative, for the purpose of establishing and planning a coordinated program of marketwide services to be undertaken by such qualified cooperatives or federations, singly or through joint action, and in such other meetings as may be called by the market administrator, such as meetings with respect to rules and regulations issued under the order, including activities such as the preparation and presentation of data at such meetings and briefs for submission thereafter;

Proposed by the Dairy Division, Consumer and Marketing Service:

Proposal No. 14. Make such changes as may be necessary to make the entire marketing agreement and the order conform with any amendments thereto that may result from this hearing.

Copies of this notice of hearing and the order may be procured from the Market Administrator, 205 East 42d Street, New York, N.Y., 10017, or from the Hearing Clerk, Room 112, Administration Building, U.S. Department of Agriculture, Washington, D.C., 20250, or may be there inspected.

Signed at Washington, D.C., on June 11, 1965.

CLARENCE H. GIRARD,
Deputy Administrator.

[F.R. Doc. 65-6353; Filed, June 16, 1965; 8:47 a.m.]

FEDERAL AVIATION AGENCY

[14 CFR Part 71]

[Airspace Docket No. 65-CE-69]

CONTROL ZONE AND TRANSITION AREA

Proposed Alteration

The Federal Aviation Agency is considering an amendment to Part 71 of the Federal Aviation Regulations which would alter controlled airspace in the Miles City, Mont., terminal area.

The following airspace is presently designated in the Miles City terminal area:

(1) The Miles City, Mont., control zone is designated as that airspace within a 5-mile radius of Miles City Airport (latitude 46°25'40" N., longitude 105°-53'10" W.); within 2 miles each side of the 251° bearing from the Miles City RBN, extending from the 5-mile radius zone to 8 miles SW of the RBN; and within 2 miles each side of the Miles City VORTAC 226° radial, extending from the 5-mile radius zone to 12 miles SW of the VORTAC.

(2) The Miles City, Mont., transition area is designated as that airspace extending upward from 700 feet above the surface within a 7-mile radius of Miles City Airport (latitude 46°25'40" N., longitude 105°53'10" W.); and that airspace extending upward from 1,200 feet above the surface within a 23-mile radius of the Miles City VORTAC extending clockwise from the Miles City VORTAC 241° to the 156° radials and within a 30 mile radius of the Miles City VORTAC, extending clockwise from the Miles City VORTAC 156° to the 241° radials.

The Federal Aviation Agency, having completed a comprehensive review of the terminal airspace structural requirements in the Miles City, Mont., terminal area, as a result of the recent cancellation of the jet penetration procedures and the development of arc approach procedures for the Miles City Airport, proposes the following airspace action:

(1) Alter the Miles City, Mont. control zone by redesignating it as that airspace within a 5-mile radius of Miles City Airport (latitude 46°25'40" N., longitude 105°53'10" W.); and within 2 miles each side of the 252° bearing from the Miles City RBN extending from the 5-mile radius zone to 8 miles SW of the RBN; and within 2 miles each side of the Miles City VORTAC 226° radial extending from the 5-mile radius zone to 8 miles SW of the VORTAC.

(2) Alter the Miles City, Mont. transition area by redesignating it as that airspace extending upward from 700 feet above the surface within an 8-mile radius of Miles City Airport (latitude 46°25'40" N., longitude 105°53'10" W.); and that airspace extending upward from 1,200 feet above the surface within a 17-mile radius of the Miles City VORTAC south of V-120 and within a 22-mile radius of the Miles City VORTAC north of the south edge of V-120.

The proposed control zone modification reduces the extension based on the VORTAC from 12 to 8 miles southwest of the VORTAC because cancellation of the jet penetration procedure eliminates the requirement for the longer extension.

The 8-mile radius transition area with a 700-foot floor would provide controlled airspace protection for aircraft executing prescribed instrument approach procedures during descent from 1,500 to 1,000 feet above the surface and for aircraft making random departures during climb from 700 to 1,200 feet above the surface.

It is proposed to reduce the overall size of the 1,200-foot floor transition area as a result of the cancellation of the jet penetration procedure. The proposed configuration would provide controlled airspace protection for aircraft executing prescribed instrument approach procedures during the portions of their approaches executed at and above 1,500 feet above the surface. It would also provide controlled airspace protection for aircraft holding at the Miles City VORTAC and radio beacon.

Certain minor revisions to the prescribed instrument approach procedures would be effected in conjunction with the actions proposed herein, but operational complexity would not be increased nor would aircraft performance or present landing minimums be adversely affected.

The floors of the airways that traverse the transition areas proposed herein would automatically coincide with the floors of the transition areas.

Specific details of the changes to procedures that would be required may be examined by contacting the Chief, Airspace Branch, Air Traffic Division, Central Region, Federal Aviation Agency, 4825 Troost Avenue, Kansas City, Mo., 64110.

Interested persons may submit such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Director, Central Region, Attention: Chief, Air Traffic Division, Federal Aviation Agency, 4825 Troost Avenue, Kansas City, Mo., 64110. All communications received within 45 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Division Chief. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The public Docket will be available for examination by interested persons in the office of the Regional Counsel, Federal Aviation Agency, 4825 Troost Avenue, Kansas City, Mo., 64110.

This amendment is proposed under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348).

Issued at Kansas City, Mo., on June 7, 1965.

EDWARD C. MARSH,
Director, Central Region.

[F.R. Doc. 65-6304; Filed, June 16, 1965; 8:46 a.m.]

Notices

ATOMIC ENERGY COMMISSION

STATE OF TENNESSEE

Proposed Agreement for Assumption of Certain AEC Regulatory Authority

Notice is hereby given that the U.S. Atomic Energy Commission is publishing for public comment, prior to action thereon, a proposed agreement received from the Governor of the State of Tennessee for the assumption of certain of the Commission's regulatory authority pursuant to section 274 of the Atomic Energy Act of 1954, as amended.

A resume, prepared by the State of Tennessee and summarizing the State's proposed program, was also submitted to the Commission and is set forth below as an appendix to this notice. Attachments referenced in the appendix are included in the complete text of the program. A copy of the program, including proposed Tennessee regulations, is available for public inspection in the Commission's Public Document Room, 1717 H Street NW., Washington, D.C., or may be obtained by writing to the Director, Division of State and Licensee Relations, United States Atomic Energy Commission, Washington, D.C., 20545. All interested persons desiring to submit comments and suggestions for the consideration of the Commission in connection with the proposed agreement should send them, in triplicate, to the Secretary, U.S. Atomic Energy Commission, Washington, D.C., 20545, within 30 days after initial publication in the FEDERAL REGISTER.

Exemptions from the Commission's regulatory authority which would implement this proposed agreement, as well as other agreements which may be entered into under section 274 of the Atomic Energy Act, as amended, were published as Part 150 of the Commission's regulations in FEDERAL REGISTER issuance of February 14, 1962; 27 F.R. 1351. In reviewing this proposed agreement, interested persons should also consider the aforementioned exemptions.

Dated at Washington, D.C., this 28th day of May 1965.

For the Atomic Energy Commission.

W. B. McCOOL,
Secretary.

PROPOSED AGREEMENT BETWEEN THE UNITED STATES ATOMIC ENERGY COMMISSION AND THE STATE OF TENNESSEE FOR DISCONTINUANCE OF CERTAIN COMMISSION REGULATORY AUTHORITY AND RESPONSIBILITY WITHIN THE STATE PURSUANT TO SECTION 274 OF THE ATOMIC ENERGY ACT OF 1954, AS AMENDED

Whereas, the United States Atomic Energy Commission (hereinafter referred to as the Commission) is authorized under section 274 of the Atomic Energy Act of 1954, as amended (hereinafter referred to as the Act) to enter into agreements with the Governor of any state providing for discontinuance of the regulatory authority of the Commission within the State under chapters 6, 7, and 8, and section 161 of the Act with respect to byproduct materials, source materials, and special nuclear materials in quantities not sufficient to form a critical mass; and

Whereas, the Governor of the State of Tennessee is authorized under section 53-3108 of the Tennessee Code Annotated to enter into this Agreement with the Commission; and

Whereas, the Governor of the State of Tennessee certified on May 1, 1965, that the State of Tennessee (hereinafter referred to as the State) has a program for the control of radiation hazards adequate to protect the public health and safety with respect to the materials within the State covered by this Agreement, and that the State desires to assume regulatory responsibility for such materials; and

Whereas, the Commission found on ---------- 1965, that the program of the State for the regulation of the materials covered by this Agreement is compatible with the Commission's program for the regulation of such materials and is adequate to protect the public health and safety; and

Whereas, the State and the Commission recognize the desirability and importance of cooperation between the Commission and the State in the formulation of standards for protection against hazards of radiation and in assuring that State and Commission programs for protection against hazards of radiation will be coordinated and compatible; and

Whereas, the Commission and the State recognize the desirability of reciprocal recognition of licenses and exemption from licensing of those materials subject to this Agreement; and

Whereas, this Agreement is entered into pursuant to the provisions of the Atomic Energy Act of 1954, as amended;

Now, therefore, it is hereby agreed between the Commission and the Governor of the State, acting in behalf of the State, as follows:

ARTICLE I

Subject to the exceptions provided in articles II, III, and IV, the Commission shall discontinue, as of the effective date of this Agreement, the regulatory authority of the Commission in the State under chapters 6, 7, and 8, and section 161 of the Act with respect to the following materials:

A. Byproduct materials;

B. Source materials; and

C. Special nuclear materials in quantities not sufficient to form a critical mass.

ARTICLE II

This Agreement does not provide for discontinuance of any authority and the Commission shall retain authority and responsibility with respect to the regulation of:

A. The construction and operation of any production or utilization facility;

B. The export from or import into the United States of byproduct, source, or special nuclear material, or of any production or utilization facility.

C. The disposal into the ocean or sea of byproduct, source, or special nuclear waste materials as defined in regulations or orders of the Commission;

D. The disposal of such other byproduct, source, or special nuclear materials as the Commission from time to time determines by regulation or order should, because of the hazards or potential hazards thereof, not be so disposed of without a license from the Commission.

ARTICLE III

Notwithstanding this Agreement, the Commission may from time to time by rule, regulation, or order, require that the manufacturer, processor, or producer of any equipment, device, commodity, or other product containing source, byproduct, or special nuclear materials shall not transfer possession or control of such product except pursuant to a license or an exemption from licensing issued by the Commission.

ARTICLE IV

This Agreement shall not affect the authority of the Commission under subsection 161 b or i of the Act to issue rules, regulations, or orders to protect the common defense and security, to protect restricted data or to guard against the loss or diversion of special nuclear material.

ARTICLE V

The Commission will use its best efforts to cooperate with the State and other agreement States in the formulation of standards and regulatory programs of the State and the Commission for protection against hazards of radiation and to assure that State and Commission programs for protection against hazards of radiation will be coordinated and compatible. The State will use its best efforts to cooperate with the Commission and other agreement States in the formulation of standards and regulatory programs of the State and the Commission for protection against hazards of radiation and to assure that the State's program will continue to be compatible with the program of the Commission for the regulation of like materials. The State and the Commission will use their best efforts to keep each other informed of proposed changes in their respective rules and regulations and licensing, inspection and enforcement policies and criteria, and to obtain the comments and assistance of the other party thereon.

ARTICLE VI

The Commission and the State agree that it is desirable to provide for reciprocal recognition of licenses for the materials listed in article I licensed by the other party or by any agreement State. Accordingly, the Commission and the State agree to use their best efforts to develop appropriate rules, regulations, and procedures by which such reciprocity will be accorded.

ARTICLE VII

The Commission, upon its own initiative after reasonable notice and opportunity for hearing to the State, or upon request of the Governor of the State, may terminate or suspend this Agreement and reassert the licensing and regulatory authority vested in it under the Act if the Commission finds that such termination or suspension is required to protect the public health and safety.

ARTICLE VIII

This Agreement shall become effective on September 1, 1965, and shall remain in effect unless, and until such time as it is terminated pursuant to article VII.

POLICIES AND PROCEDURES FOR THE LICENSING AND REGULATION OF RADIOACTIVE MATERIALS

FOREWORD

These documents present a brief description of the practices, capabilities, and proposed activities of the Radiological Health Service, Tennessee Department of Public Health, insofar as they would relate to assumption of certain regulatory functions of the U.S. Atomic Energy Commission.

Under section 274 of the Atomic Energy Act of 1954 as amended, the Atomic Energy Commission is authorized to enter into agreement with the Governor of a State, whereby it may transfer certain licensing and regulatory control of byproduct, source, and special nuclear materials, in quantities not sufficient to form a critical mass, to a State. Relinquishment of such authority by the Atomic Energy Commission and subsequent assumption by the State is made when the Atomic Energy Commission has evaluated and accepted the competency of the State to administer such licensing and regulatory authority; and certain authorities are reserved to the Atomic Energy Commission.

The Tennessee Act of 1957 entitled Atomic Energy and Nuclear Materials, as amended in 1961, authorizes the Governor of Tennessee to enter an agreement with the Atomic Energy Commission relating to the regulation of byproduct, source, and special nuclear material and to appoint a radiation advisory group. The Radiological Health Service Act of 1959 and as amended in 1961 and in 1963 designates the Tennessee Department of Public Health as the department responsible for the control of ionizing radiation; makes mandatory the registration of all sources of radiation except those which are licensed or exempted under the rules and regulations of the Tennessee Department of Public Health. Further the Radiological Health Service Act authorizes the department to formulate rules and regulations necessary for the control of ionizing radiation.

To this narrative are attached the Radiological Health Service Act, the Atomic Energy and Nuclear Materials Act, and the various resumes, regulations, and outlines of proposed practices and activities to be undertaken by the Radiological Health Service, Tennessee Department of Public Health, pursuant to an agreement between the Atomic Energy Commission and the Governor of Tennessee.

History. The first attention given to problems created by ionizing radiation in Tennessee came in 1945 with the passage of the State Industrial Hygiene Service Act. Consideration was then given to industrial radiation exposures along with other problems of occupational health. This included problems of radiation exposures in the work areas from radiographic testing and exposures from X-ray machines as used in industrial clinics.

The next year, the U.S. Atomic Energy Act of 1946 was passed and with it came the civilian use of radioactive byproduct material. From the time the U.S. Atomic Energy Commission began to inspect the users of these materials, the State was interested, and when the Commission began to invite State officials along on inspection tours, State health personnel took advantage of the opportunity to see these installations and the uses to which radioisotopes were being applied.

To keep abreast of this newly developing field, members of the Industrial Hygiene Service attended various radiation courses offered by the U.S. Public Health Service. These courses varied from basic training in radiological health to more advanced courses in management of nuclear emergencies.

In 1951, a regulation was adopted to control the use of shoe fitting fluoroscopes. As a result, many users voluntarily chose to discontinue their use when advised of the potential hazard of excessive radiation exposure presented by these devices. By close surveillance, those remaining in service were brought into compliance with the regulation. This means of controlling the use of shoe fluoroscopes was considered appropriate at the time.

Recently, however, the Health Department was successful in having a law enacted making the display or use of these machines illegal.

As time progressed, various attempts were made by the State Health Department to draft legislative bills which would provide specifically for control of all radiation sources.

A bill was passed by the General Assembly in 1957, but it did not provide for regulatory activities essential to a comprehensive State radiation control program.

This Act of 1957 was important in other ways, as it was primarily a declaration of State policy in support of peaceful uses of atomic energy. It provided for an advisory committee on atomic energy which would keep the Governor of the State informed on and encourage activity in, the various associated fields such as workmen's compensation, insurance, nuclear industry, nuclear education and health and safety. This Act was amended in 1961 to authorize the Governor to enter, at his discretion, an agreement with the U.S. Atomic Energy Commission.

At the next meeting of the General Assembly, 2 years later, the Health Department presented a bill which would provide for a comprehensive radiation control program. It would create within the Tennessee Department of Public Health, the Radiological Health Service. This bill was passed and contained, among others, the following provisions:

1. Created an agency whose sole function was radiation control activities.

2. Gave the Commissioner of Public Health authority to adopt rules and regulations which would have the effect of law and provided for inspection.

3. Required the registration of all owners and possessors of radiation sources.

4. As later amended, authorized the adoption of rules and regulations which would provide for licensing of radioactive materials and exempted them from registration.

Since enactment of this legislation, the Radiological Health Service has registered all known sources of radiation in the State, has inspected most of the radiation producing machines registered and made recommendations for correction where necessary. Follow-up programs were also conducted to determine compliance.

The scope of these activities can be illustrated by a consideration of the accelerated dental and medical X-ray survey programs which were followed during the summer months of 1961 through 1963. During that period, 1,100 dental X-ray units and approximately 1,500 medical X-ray units were inspected.

The Radiological Health Service has a well equipped radiological laboratory and is presently establishing calibration for the various instruments and will as soon as possible institute the various monitoring programs which are necessary to keep abreast of radiation in the environment.

PROGRAM DESCRIPTION

The Radiation Control Program will be conducted by the Radiological Health Service, Tennessee Department of Public Health.

Licensing and registration. The State Program will control all sources of ionizing radiation. Provisions have been made for the issuance of both specific and general licenses. The specific license will be issued to authorize possession of radioactive materials not exempted or generally licensed by the Department. Requirements for the possession of byproduct, source, and special nuclear materials will be comparable to those of the U.S. Atomic Energy Commission. In addition, regulations provide that the Department will require radioactive materials licenses for naturally occurring radioactive materials such as radium and accelerator-produced isotopes of nonexempt quantities. All other sources of radiation such as medical and dental X-ray machines will be registered.

The licensing program will be essentially identical to that presently employed by the U.S. Atomic Energy Commission, and will cover post-licensing inspections. Prelicensing evaluations will be made when necessary. With respect to human use of radioactive materials, a committee of not less than three qualified physicians will be available for consultation and recommendations concerning license applications.

Inspection. The Tennessee Department of Public Health, Radiological Health Service, proposes to conduct future inspectional activities to determine compliance with State regulations and to determine adequacy of the licensee's radiation protection program. Inspections will be comparable to the type now undertaken by the Division of Compliance of the U.S. Atomic Energy Commission. Inspections will be performed by personnel qualified in radiological health. Competency in this field of work has been developed through joint participation of State health personnel with Atomic Energy Commission inspectors. It is estimated that the Tennessee Department of Public Health has been represented in 75 percent of all Atomic Energy Commission inspections made in Tennessee during the last 5 years.

The following frequency for the inspection of Tennessee licenses is planned but may be either increased or decreased depending upon individual circumstances:

Industrial Radiographers—once each 6 months.

Operations involving waste disposal—once each 6 months.

Industrial, Special Licenses—once each 6 months.

Industrial, Broad Licenses—once each 12 months.

Academic—once each 24 months.

Medical and Hospital—once each 24 months.

Others—Based on hazards associated with the program.

Before the termination of each inspection, the inspector will confer with the licensee to discuss the results of his inspection, presenting tentative oral recommendations or suggestions. During this meeting he will answer questions on the regulatory program.

The inspector will submit in writing comprehensive reports to the Director of the Radiological Health Service relating facts and circumstances observed during the inspection. The report will enumerate violations, if any, and include recommendations. Recommendations made by field personnel will be subject to the critical review of senior members of the Radiological Health Service.

Licensees will be informed of the results of all inspections, orally at the time of inspection or by letter or notice from the department.

It is expected that most licensed activities will be inspected at least once in each 2 years. Most of the inspections will be scheduled visits, but a significant number may be on an unannounced basis.

Compliance. If only minor items of noncompliance, such as improper signs, failure to label, etc., are involved which the licensee agrees in writing to correct at the time of the inspection, no further action will be taken by the department, except that corrective action will be reviewed during the next inspection.

If the inspection reveals noncompliance of a more serious nature, the licensee will be required to correct such items within a time period to be specified by the department based upon the degree of hazard involved. The licensee will be required to inform the department in writing within 30 days, or less if specified, as to corrective action taken and the date completed. The department will then conduct a follow-up inspection or the matter will be reviewed during the next reg-

ular inspection to assure that corrective action has in fact been accomplished. The legal recourses which may be taken by the Radiological Health Service are cited within the Tennessee Code Annotated.

Enforcement. When in the judgment of the Radiological Health Service a person is engaged or about to engage in acts or practices constituting a violation of the Act, rules, regulations or orders, the State's Attorney General may, at the request of the department, make application for a court order to enjoin such acts or practices or direct compliance.

Should the Radiological Health Service determine that an emergency exists, it shall have the authority to impound or to order the impounding of any source whether licensed or not in the possession of any person who is not equipped to observe or fails to observe the provisions of the Tennessee Act on Radiological Health or any rules and regulations issued thereunder. In the case of violation, section 53-3312 of the Tennessee Code Annotated provides for appropriate penalties by fine or imprisonment or both.

The full legal procedures normally will be employed only in those instances where there is continued noncompliance after notice, willful negligence on the part of the licensee, or where a serious potential hazard exists.

Of special importance is the provision under section 53-3307, Tennessee Code Annotated, which empowers the Commissioner of Public Health or his duly authorized representatives to enter upon any premises in the line of duty.

Staffing. The Radiological Health Service Act of 1959 gives the Commissioner of Public Health the responsibility for administering the Act.

Curtis P. McCammon, M.D., has been appointed by the Commissioner as Director of Radiological Health and Industrial Hygiene Services. Functionally the Service Director has been named by the Commissioner of Public Health to serve as the State's Radiation Control Officer. Administratively, the Director is responsible to Cecil B. Tucker, M.D., Director of the Division of Preventable Diseases.

Mr. J. A. Bill Graham, Assistant Director of Radiological Health and a Radiological Physicist, has technical and administrative supervision of the broad Radiation Control Program. Mr. Graham also is in charge of the licensing program and supervises the review and evaluation of applications for licenses.

Mr. Charles P. West, Radiological Physicist, with the assistance of Mr. Graham will conduct inspections and generally administer on site aspects of the licensing and regulatory program.

Assisting with the inspection of industrial licensees and registrants will be Industrial Hygiene Engineers of the Industrial Hygiene Service, their chief function being the inspection of specifically licensed industrial gauges.

As new radiological physicists are employed, they will assume duties in licensee inspection after receiving training in the broad aspects of the Radiation Control Program. Present plans provide for the hiring of two additional radiological physicists and one radiological chemist. The chemist will be engaged not only in sample preparation and counting, but also in the collection of environmental samples.

When replacement of present personnel is necessary or new personnel are employed, these will be required to have equivalent capabilities in radiological health now demonstrated by incumbent personnel.

Reciprocity. Regulations of the department provide for the recognition of licenses issued by the U.S. Atomic Energy Commission or other agreement states.

Hearings. Section 53-3308 of the Radiological Health Service Act provides for public participation, where appropriate, in the issuance of rules or regulations. Section 53-3307 of the Act provides that a recipient of a notice of violation of the Act or rules and regulations under the Act may request and receive a hearing by the Commissioner of Health.

Section 53-3307 further authorizes the issuance of an order which shall be effective immediately in those instances where the Radiological Health Service finds that immediate action is necessary to protect persons or property from radiation hazards. Emergency orders shall be complied with immediately upon receipt thereof; but the person affected may within 30 days after service of such an emergency order request and receive a hearing.

Any person aggrieved by an order issued under this section, after hearing, is entitled to judicial review thereof by a writ of certiorari as provided for by Tennessee law.

In any action by the department in granting, suspending or revoking a license, the Commissioner of Health will provide an opportunity for a hearing to any person whose interest may be affected.

[F.R. Doc. 65-5790; Filed, June 2, 1965; 8:49 a.m.]

[Docket No. 50-214]

DEPARTMENT OF WATER AND POWER OF THE CITY OF LOS ANGELES

Order Modifying Hearing and Providing for Interim Conference

On June 8, 1965, the Atomic Safety and Licensing Board transmitted a telegram to the participants inquiring as to the progress of investigatory work undertaken since April 1, 1965. The telegram requested data concerning the reports, if any, of the investigatory work, date of completion of such reports and the readiness of the participants to cross-examine other reports so that the proceeding could proceed expeditiously to conclusion. By order issued on May 14, the hearing in this proceeding was scheduled to reconvene on June 21.

The Applicant, Department of Water and Power of the city of Los Angeles, replied that it did not contemplate the preparation of any further reports and indicated a readiness for hearing. The Staff replied that a report was being prepared for its submission and that the report would be ready approximately July 12 and cross-examination of the reports possibly submitted by others could be undertaken a few days after receipt. The intervenors replied that their report would be ready by June 18. By a second telegram transmitted June 11, the intervenors stated that they needed the Staff report for their preparation and cross-examination and, therefore, requested that the hearing be continued and that an interim conference be convened on June 21, 1965.

It appears advisable to the Board that a definite hearing schedule for the remainder of this proceeding can best be accomplished by providing for an interim conference on June 21, 1965, so that the precise programs respecting the preparation of reports, the exchange, and the analyses thereof can be definitely ascertained. For these reasons, the order for the hearing for the presentation of evidence on June 21, 1965, should be modified. This information that can be presented at a prehearing conference will enable the Board to designate another schedule for submission of prepared in advance evidence, the exchange thereof among the participants and the issuance of an additional order for hearing.

Wherefore, it is ordered, In accordance with §§ 2.718 and 2.752 of the Commission's rules of practice that:

(a) The hearing scheduled to reconvene at 10 a.m. local time, in the Committee Room of the Civic Auditorium, Santa Monica, Calif., is modified, and another date for hearing will be designated at an interim conference to be convened to consider matters of procedure on June 21, 1965, as hereinafter ordered;

(b) An interim conference shall convene at 10 a.m. local time, in the Committee Room of the Civic Auditorium, Santa Monica, Calif., to consider matters of procedure in aid of the expeditious disposition of this proceeding, including the preparation of a schedule of dates for submission and exchange among the participants of any further reports, or prepared in advance evidence, intervals for analyses and the determination of the date when further direct evidence and cross-examination can be undertaken to conclude the hearings in this proceeding.

Issued: June 11, 1965, Germantown, Md.

ATOMIC SAFETY AND LICENSING BOARD,
SAMUEL W. JENSCH,
Chairman.

[F.R. Doc. 65-6423; Filed, June 16, 1965; 8:50 a.m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[Group 301]

ARIZONA

Notice of Filing of Plats of Survey and Order Providing for Opening of Public Lands

JUNE 10, 1965.

1. Plats of surveys of the lands described below will be officially filed in the Land Office, Phoenix, Ariz., effective at 10 a.m., July 16, 1965:

GILA AND SALT RIVER MERIDIAN

T. 5 S., R. 19 E.,
Sec. 1, lots 1 to 4, inclusive, S½N½ and S½;
Sec. 2, lots 1 to 4, inclusive, S½N½ and S½;
Sec. 3, lots 1 to 4, inclusive, S½N½ and S½;
Sec. 4, lots 1 to 4, inclusive, S½N½ and S½;
Sec. 5, lots 1 to 4, inclusive, S½N½ and S½;
Sec. 6, lots 1 to 8, inclusive, S½NE¼, E½SW¼, and SE¼;
Sec. 7, lots 1 to 4, inclusive, E½ and E½W½;
Secs. 8, 9, and 10;
Sec. 11, lots 1 to 9, inclusive, N½NE¼, NE¼NW¼, W½W½, and S½SE¼;
Sec. 12, lots 1 to 7, inclusive, NE¼, N½NW¼, and S½S½;
Sec. 13;
Sec. 14, lots 1 to 5, inclusive, E½, SE¼NW¼, SW¼SW¼, and E½SW¼;
Sec. 15, lots 1 to 4, inclusive, N½, SW¼, and NW¼SE¼;
Sec. 16;
Sec. 17, lots 1, 2, and 3, N½, NE¼SW¼, and SE¼;
Sec. 18, lots 1 to 9, inclusive, NE¼, E½NW¼, NE¼SW¼, and NW¼SE¼;
Sec. 19, lots 2 to 7, inclusive, E½, SE¼NW¼, and E½SW¼;
Sec. 20, lots 1 to 5, inclusive, SW¼NE¼, W½NW¼, SE¼NW¼, and S½;
Sec. 21, lots 1 to 8, inclusive, N½N½ and S½;
Sec. 22, lots 1 to 7, inclusive, NE¼NE¼, S½NE¼, NW¼NW¼, and S½;
Sec. 23, lot 1, N½, SW¼, N½SE¼, and SW¼SE¼;
Sec. 24, lot 1, N½, NW¼SW¼, E½SW¼, and SE¼;
Sec. 25, lots 1 to 15, inclusive, N½NE¼, NE¼NW¼, and SE¼SE¼;
Sec. 26, lot 1, NW¼NE¼, S½NE¼, W½, and SE¼;
Secs. 27 and 28;
Sec. 29, lots 1 to 4, inclusive, N½ and N½S½;
Sec. 30, lots 1 to 4, inclusive, E½ and E½W½;
Sec. 31, lots 1 to 8, inclusive, W½E½ and E½W½;
Sec. 32, lots 1 to 16, inclusive;
Secs. 33 and 34;
Sec. 35, lot 1, N½NE¼, SW¼NE¼, W½, and SE¼.

The areas described aggregate 11,459.09 acres of public land, and 10,013.82 acres of land withdrawn for the San Carlos Indian Reservation.

The lands described above are rough, broken, mountainous land cut by numerous deep draws, canyons, and washes. The soil is mostly gravel, rock, and exposed rock outcroppings. Undergrowth consists of oak, cactus, mountain laurel, mesquite, native grass, yellow brush, manzanita, thimble berry, bear grass, catclaw, yucca, and century plants.

Grazing of livestock is one of the predominating interests as there is good browsing and native grass with several springs and stock ponds in the township.

2. Except for and subject to valid existing rights, title to the following land passed to the State of Arizona upon the acceptance of the original survey of section 32 on October 24, 1961. The resurvey of section 32 was accepted April 26, 1965, the date of the above-mentioned plats of survey.

GILA AND SALT RIVER MERIDIAN

T. 5 S., R. 19 E.,
Sec. 32, lots 1 to 16, inclusive.

The area described aggregates 636.37 acres.

3. The following described lands are withdrawn by the Secretary's order of September 19, 1934, for the San Carlos Indian Reservation:

GILA AND SALT RIVER MERIDIAN

T. 5 S., R. 19 E.
Sec. 1, lots 1 to 4, inclusive, S½N½ and S½;
Sec. 2, lots 1 to 4, inclusive, S½N½ and S½;
Sec. 3, lots 1 to 4, inclusive, S½N½ and S½;
Sec. 4, lots 1 to 4, inclusive, S½N½ and S½;
Sec. 5, lots 1 to 4, inclusive, S½N½, and S½;

Sec. 6, lots 1 to 8, inclusive, S½NE¼, E½SW¼, and SE¼;
Sec. 7, lots 1 to 4, inclusive, E½ and E½W½;
Secs. 8, 9, and 10;
Sec. 11, lots 1, 2, 3, 7, and 8, N½NE¼, NE¼NW¼, and W½W½;
Sec. 12, lots 1, 2, and 3, NE¼ and N½NW¼;
Sec. 14, lots 2 and 3;
Sec. 15, lots 1 and 3, N½, SW¼, and NW¼SE¼;
Sec. 16;
Sec. 17, lots 1 and 2, N½, NE¼SW¼, and SE¼;
Sec. 18, lots 1 to 7, inclusive, NE¼, E½NW¼, NE¼SW¼, and NW¼SE¼;
Sec. 19, lot 6;
Sec. 20, lots 1 and 2;
Sec. 21, lots 1 to 4, inclusive, and N½N½;
Sec. 22, lots 2, 3, 4, and 6, and NW¼NW¼.

The areas described aggregate 10,013.82 acres.

4. On June 5, 1963, the Arizona State Director ordered the following lands opened to entry under the Small Tract Act of June 1, 1938 (43 U.S.C. 682a-e), as amended, and the regulations in 43 CFR Part 257.

These lands are opened to application, location, selection, and petition as outlined in paragraph 5 below. No application for these lands will be allowed under the homestead, desert land, or any other nonmineral public land law, unless the lands have already been classified upon consideration of a petition-application. Any petition-application that is filed will be considered on its merits. The lands will not be subject to occupancy or disposition until they have been classified:

GILA AND SALT RIVER MERIDIAN

T. 5 S., R. 19 E.,
Sec. 11, lots 4, 5, 6, and 9, and S½SE¼;
Sec. 12, lots 4 to 7, inclusive, and S½S½;
Sec. 13;
Sec. 14, lots 1, 4, and 5, E½, SE¼NW¼, SW¼SW¼, and E½SW¼;
Sec. 15, lots 2 and 4;
Sec. 17, lot 2;
Sec. 18, lots 8 and 9;
Sec. 19, lots 2, 3, 4, 5, and 7, E½, SE¼NW¼, and E½SW¼;
Sec. 20, lots 3, 4, and 5, SW¼NE¼, SE¼NW¼, W½NW¼, and S½;
Sec. 21, lots 5 to 8, inclusive, and S½;
Sec. 22, lots 1, 5, and 7, NE¼NE¼, S½NE¼, and S½;
Sec. 23, lot 1, N½, SW¼, N½SE¼, and SW¼SE¼;
Sec. 24, lot 1, N½, NW¼SW¼, E½SW¼, and SE¼;
Sec. 25, lots 1 to 15, inclusive, N½NE¼, NE¼NW¼, and SE¼SE¼;
Sec. 26, lot 1, NW¼NE¼, S½NE¼, W½, and SE¼;
Secs. 27 and 28;
Sec. 29, lots 1 to 4, inclusive, N½ and N½S½;
Sec. 30, lots 1 to 4, inclusive, E½ and E½W½;
Sec. 31, lots 1 to 8, inclusive, W½E½ and E½W½;
Secs. 33 and 34;
Sec. 35, lot 1, N½NE¼, SW¼NE¼, W½, and SE¼.

The areas described aggregate 11,459.09 acres.

5. Subject to any existing valid rights and the requirements of applicable law, the lands described in paragraph 4 hereof, are hereby opened to filing of petitions, applications, and selections in accordance with the following:

a. Applications and selections under the nonmineral public land laws, and offers under the mineral leasing laws may be presented to the Acting Manager mentioned below, beginning on the date of this order. Such applications, selections, and offers will be considered as filed on the hour and respective dates shown for the various classes enumerated in the following paragraphs.

(1) Applications by persons having prior existing valid settlement rights, preference rights conferred by existing laws, or equitable claims subject to allowance and confirmation will be adjudicated on the facts presented in support of each claim or right. All applications presented by persons other than those refered to in this paragraph will be subject to the applications and claims mentioned in this paragraph.

(2) All valid applications and selections under the nonmineral public land laws presented prior to 10 a.m., on July 15, 1965, will be considered as simultaneously filed at that hour. Rights under such applications and selections and offers filed after that hour will be governed by the time of filing.

6. Persons claiming preference rights based upon settlement, statutory preference, or equitable claims must enclose properly executed statements in support of their applications, setting forth all facts relevant to their claims. Detailed rules and regulations governing applications which may be filed pursuant to this notice can be found in Title 43 of the Code of Federal Regulations.

GLADYS I. WRIGHT,
Acting Manager.

[F.R. Doc. 65-6346; Filed, June 16, 1965; 8:47 a.m.]

[Colorado 0125422]

COLORADO

Notice of Proposed Withdrawal and Reservation of Lands

JUNE 10, 1965.

The Colorado State Office, Bureau of Land Management, Department of the Interior, has filed an application, Serial No. Colorado 0125422, for protective withdrawal from all forms of appropriation under the public land laws, including the general mining laws, but not the mineral leasing laws, certain public lands described below.

The Bureau of Land Management desires the lands for public recreation sites and protection of valuable archeological ruins.

For a period of 30 days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the Land Officer Manager of the Bureau of Land Management, Department of the Interior, Colorado Land Office, Room 15019, Federal Building, 1961 Stout Street, Denver, Colo., 80202.

If circumstances warrant it, a public hearing will be held at a convenient time and place which will be announced.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

The lands affected are:

NEW MEXICO PRINCIPAL MERIDIAN, COLORADO

T. 36 N., R. 16 W.,
80 acres within Sec. 14 or 23.
T. 36 N., R. 19 W.,
Sec. 29: W½SW¼.
T. 37 N., R. 19 W.,
Sec. 25: S½SW¼;
Sec. 36: N½NE¼NW¼.
T. 37 N., R. 20 W.,
Sec. 11: NE¼SE¼, SE¼NE¼.
T. 38 N., R. 19 W.,
Sec. 2: W½NW¼.

SIXTH PRINCIPAL MERIDIAN, COLORADO

T. 2 N., R. 77 W.,
Sec. 26: NW¼NW¼;
Sec. 27: N½NE¼.
T. 4 and 5 S., R. 85 and 86 W.,
That portion of Tract 50A lying S of the S right-of-way boundary of U.S. Highway 6-24, as shown on sheet 2 of 2 of Colorado Highway Department right-of-way permit C-018828 in sec. 31, T. 4 S., R. 85 W.; sec. 6, T. 5 S., R. 85 W.; sec. 36, T. 4 S., R. 86 W.; and sec. 1, T. 5 S., R. 86 W.; and that portion of lot 8 and SW¼NW¼ of sec. 1, and lot 13 of sec. 2, T. 5 S., R. 86 W.; and all of lots 5, 6, 7, and SE¼NW¼, of sec. 1 and lots 11 and 12 of sec. 2, in T. 5 S., R. 86 W.
T. 18 S., R. 72 W.,
Sec. 30: Lots 2 and 3.

Lands proposed to be withdrawn in the above designated area aggregate approximately 900 acres.

W. F. MEEK,
Land Office Manager.

[F.R. Doc. 65-6347; Filed, June 16, 1965; 8:47 a.m.]

[New Mexico 0556981]

NEW MEXICO

Notice of Proposed Withdrawal and Reservation of Lands; Correction

In Notice of Proposed Withdrawal and Reservation of Lands published in the FEDERAL REGISTER of May 25, 1965, F.R. Doc. 65-5435, 30 F.R. 7017, in Sec. 4, T. 11 S., R. 19 W., the land description for Whitewater Forest Camp is corrected to read as follows:

Sec. 4, Lots 19, 20, SW¼, NW¼SE¼, S½SE¼ less 3.518 acres in Mineral Patent No. 616423;

MICHAEL T. SOLAN,
Manager.

[F.R. Doc. 65-6348; Filed, June 16, 1965; 8:47 a.m.]

[Idaho 013412]

IDAHO

Notice of Termination of Proposed Withdrawal and Reservation of Lands

JUNE 10, 1965.

The Forest Service, Department of Agriculture has canceled its proposed withdrawal application Idaho 013412, which involved the land described below.

Therefore, pursuant to the regulations contained in 43 CFR Subpart 2311, such lands will be at 10 a.m., on June 24, 1965, relieved of the segregative effect of the above-mentioned application.

The lands involved in this notice of termination are:

BOISE MERIDIAN, IDAHO

ATLANTA TOWNSITE

T. 5 N., R. 11 E.,
Sec. 3, that portion of lot 5 which lies S of the Middle Fork, Boise River and S of Monarch M.S. and Daley M.S. Patent Nos. 12183 and 12206 respectively, lots 7 and 10 and SE¼NW¼.

The area described aggregates 139 acres, more or less.

ORVAL G. HADLEY,
Manager, Land Office.

[F.R. Doc. 65-6355; Filed, June 16, 1965; 8:47 a.m.]

DEPARTMENT OF AGRICULTURE

Agricultural Stabilization and Conservation Service

SUGARCANE WAGES AND PRICES IN LOUISIANA

Notice of Hearing and Designation of Presiding Officers

Pursuant to the authority contained in sections 301(c)(1) and 301(c)(2) of the Sugar Act of 1948, as amended (61 Stat. 929; U.S.C. 1131), and in accordance with the rules of practice and procedure applicable to wage and price proceedings (7 CFR 802.1 et seq.), notice is hereby given that a public hearing will be held in Houma, La., in the District Courtroom, Terrebonne Parish Courthouse, on July 15, 1965, beginning at 10 a.m.

The purpose of such hearing is to receive evidence likely to be of assistance to the Secretary of Agriculture in determining (1) pursuant to the provisions of section 301(c)(1) of the act, whether the wage rates established for Louisiana sugarcane fieldworkers in the wage determination which became effective October 5, 1964 (29 F.R. 13637), continue to be fair and reasonable under existing circumstances, or whether such determination should be amended; and (2) pursuant to the provisions of section 301(c)(2) of said act, fair and reasonable prices for the 1965 crop of sugarcane to be paid, under either purchase or toll agreements, by producers who process sugarcane grown by other producers and who apply for payment under the act.

In the interest of obtaining the best possible information, all interested persons are requested to appear at the hearing to express their views and present appropriate data in regard to wages and prices. While testimony on all pertinent points is desired, it is especially requested that witnesses be prepared to offer information and recommendations on the following matters regarding fair wages for fieldworkers and fair prices for sugarcane:

I. *Wages.* Changes in worker classifications and wage rate differentials.

II. *Prices.* (a) Periods to be used to determine the seasons' average prices of raw sugar and blackstrap molasses.

(b) Use of average quoted market prices of raw sugar or average prices of raw sugar received by processors as the basis of payments for sugarcane.

(c) Equity of pricing factor per ton standard cane as related to alternative raw sugar price bases in item (b) above.

The hearing, after being called to order at the time and place mentioned herein, may be continued from day to day within the discretion of the presiding officers and may be adjourned to a later day or to a different place without notice other than the announcement thereof at the hearing by the presiding officers.

A. A. Greenwood, D. E. McGarry, W. S. Stevenson, and C. F. Denny are hereby designated as presiding officers to conduct either jointly or severally the foregoing hearing.

Signed at Washington, D.C., on June 11, 1965.

H. D. GODFREY,
Administrator, Agricultural Stabilization and Conservation Service.

[F.R. Doc. 65-6376; Filed, June 16, 1965; 8:48 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

GRAIN PROCESSING CORP.

Notice of Withdrawal of Petition for Food Additive Manganese Bacitracin

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b), 72 Stat. 1786; 21 U.S.C. 348(b)), the following notice is issued:

In accordance with § 121.52 *Withdrawal of petitions without prejudice* of the procedural food additive regulations (21 CFR 121.52), Grain Processing Corp., Post Office Box 341, Muscatine, Iowa, 52761, has withdrawn its petition (FAP 4C1413), published in the FEDERAL REGISTER of February 19, 1965 (30 F.R. 2288), proposing the issuance of a regulation to provide for the safe use of 50-100 grams of manganese bacitracin per ton of starter ration feed for chicks and for 50-100 grams of a combination of manganese bacitracin and procaine penicillin per ton of feed for chicks, for the prevention of early mortality due to organisms susceptible to these antibiotics.

The withdrawal of this petition is without prejudice to a future filing.

Dated: June 11, 1965.

MALCOLM R. STEPHENS,
Assistant Commissioner for Regulations.

[F.R. Doc. 65-6361; Filed, June 16, 1965; 8:47 a.m.]

HOFFMANN-LA ROCHE INC.

Notice of Filing of Petition for Food Additive Sulfadimethoxine

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348(b)(5)), notice is given that a petition (FAP 5D1652) has been filed by Hoffmann-La Roche Inc., Nutley 10, New Jersey, proposing the issuance of a regulation to provide for the safe use of sulfadimethoxine boluses for the treatment of foot rot, pneumonia, shipping fever in cattle, and calf diphtheria.

Dated: June 11, 1965.

MALCOLM R. STEPHENS,
Assistant Commissioner for Regulations.

[F.R. Doc. 65-6362; Filed, June 16, 1965; 8:47 a.m.]

NATIONAL DAIRY PRODUCTS CORP.

Notice of Withdrawal of Petition for Food Additives Fatty Acids

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b), 72 Stat. 1786; 21 U.S.C. 348(b)), the following notice is issued:

In accordance with § 121.52 *Withdrawal of petitions without prejudice* of the procedural food additive regulations (21 CFR 121.52), National Dairy Products Corp., 801 Waukegan Road, Glenview, Ill., has withdrawn its petition (FAP 5A1618), published in the FEDERAL REGISTER of December 12, 1964, proposing the issuance of an amendment to § 121.1070(d)(1) to provide for the addition of "emulsifier" to the listed functions of fatty acids used in food.

The withdrawal of this petition is without prejudice to a future filing.

Dated: June 11, 1965.

MALCOLM R. STEPHENS,
Assistant Commissioner for Regulations.

[F.R. Doc. 65-6363; Filed, June 16, 1965; 8:48 a.m.]

CIVIL AERONAUTICS BOARD

SKY COURIER, INC., ET AL.

Notice of Proposed Approval

Application of Sky Courier, Inc., et al., for approval of control and interlocking relationships under sections 408 and 409 of the Federal Aviation Act of 1958, as amended, Docket 16106.

Notice is hereby given, pursuant to the statutory requirements of section 408(b), that the undersigned intends to issue the attached order under delegated authority. Interested persons are hereby afforded a period of 15 days from date of service within which to file comments or request a hearing with respect to the action proposed in the order.

Dated at Washington, D.C., June 14, 1965.

[SEAL] J. W. ROSENTHAL,
Chief, Routes and Agreements Division, Bureau of Economic Regulation.

ORDER APPROVING CONTROL AND INTERLOCKING RELATIONSHIPS

Petition of Sky Courier, Inc., Cross Armored Carrier Corp., Arthur DeBevoise, Alexander C. Allen, Merritt T. Kennedy, John Kevin Murphy, Docket 12093; for amendment of order approving control and interlocking relationships.

Application of Sky Courier, Inc., et al., Docket 16106; for approval of control and interlocking relationships under sections 408 and 409 of the Federal Aviation Act of 1958, as amended.

The Board, by Order E-17376 adopted August 29, 1961, in Docket 12093, approved under section 408 of the Federal Aviation Act of 1958, as amended (the Act), the control by Arthur DeBevoise of (1) Cross Armored Carrier Corp. (Cross), an intrastate motor carrier which in turn controlled Sky Courier, Inc. (Sky), an air freight forwarder, and (2) various other motor carriers, including Armored Carrier Corp. (Armored). Such order also approved under section 409 of the Act interlocking relationships resulting from the positions of certain individuals with these companies.

On April 28, 1965, an application was filed for approval of Mr. DeBevoise's acquisition through Armored of 100 percent of the stock of Pony Express, Inc. (Pony), while he continues to hold the interests approved by Order E-17376.[1] The application also requested approval of interlocking relationships resulting from the holding by such individuals of the following positions:

Individual	Sky	Pony
Arthur DeBevoise	President and director.	President and director.
John Kevin Murphy	Executive vice president and director.	Executive vice president and director.
Alexander C. Allen	Secretary-treasurer and director.	Vice president and director.

The application states that Pony is a motor carrier operating only within the State of Florida, and that it is engaged solely in a local parcel delivery business in an area north of Miami under a certificate issued by the Florida Railroad and Public Utilities Commission.

No adverse comments or requests for a hearing have been received.

Notice of intent to dispose of the application without a hearing has been published in the FEDERAL REGISTER, and a copy of such notice has been furnished by the Board to the Attorney General not later than the day following the date of such publication, both in accordance with the requirements of section 408(b) of the Act.

Upon consideration of the application, it is concluded that Pony is a common carrier within the meaning of section 408 of the Act, and that the control of Pony by Mr. DeBevoise, while he continues to control Sky, is subject to section 408 of the Act. However, it has been further concluded that such relationships do not affect the control of an air carrier directly engaged in the operation of aircraft in air transportation, do not result in creating a monopoly and do not restrain competition or jeopardize another air carrier not a party to the acquisition of control. Furthermore, no person disclosing a substantial interest in this proceeding is currently requesting a hearing, and it is found that the public interest does not require a hearing. It therefore appears that approval of the control relationships would not be inconsistent with the public interest.[2]

It is also concluded that interlocking relationships within the scope of section 409(a) of the Act will exist between the companies as a result of the holding by Messrs. DeBevoise, Allen, and Murphy of the positions described herein. However, it is further concluded that the parties have made a due showing in the form and manner prescribed that such interlocking relationships will not adversely affect the public interest.

Pursuant to authority duly delegated by the Board in the Board's Regulations, 14 CFR 385.13 and 385.3, it is found that the foregoing control relationships should be approved under section 408(b) of the Act, without a hearing, that the interlocking relationships should be approved under section 409, and that the above-mentioned petition filed in Docket 12093 should be dismissed.

Accordingly, it is ordered:

1. That the control by Mr. DeBevoise of Sky and Pony be and it hereby is approved;

2. That, subject to the provisions of Part 251 of the Board's Economic Regulations, as now in effect or hereafter amended, the interlocking relationships existing by reason of the holding by Messrs. DeBevoise, Allen, and Murphy of the positions described herein be and they hereby are approved;

3. That, subject to the provisions of Part 251 of the Board's Economic Regulations, the individual applicants are authorized to hold, generally, in addition to the positions specifically requested, directorships or offices within the same group of affiliated companies[3] to which they may be hereafter elected or appointed; and

4. That the petition, filed March 24, 1965, in Docket 12093 be and it hereby is dismissed.

Persons entitled to petition the Board for review of this order pursuant to the Board's Regulations, 14 CFR 385.50, may file such petitions within 5 days after the date of service of this order.

This order shall be effective and become the action of the Civil Aeronautics Board upon expiration of the above period unless within such period a petition for review thereof is filed, or the Board gives notice that it will review this order on its own motion.

By J. W. ROSENTHAL,
Chief, Routes and Agreements Division, Bureau of Economic Regulation.

[SEAL] HAROLD R. SANDERSON,
Secretary.

[F.R. Doc. 65-6368; Filed, June 16, 1965; 8:48 a.m.]

[Docket No. 15353; Order E-22299]

INTERNATIONAL AIR TRANSPORT ASSOCIATION

Order Relating to Specific Commodity Rates

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 11th day of June 1965.

There has been filed with the Board, pursuant to section 412(a) of the Federal Aviation Act of 1958 (the Act) and Part 261 of the Board's Economic Regulations, an agreement between various air carriers, foreign air carriers, and other car-

[1] This application supersedes a petition for similar relief filed Mar. 24, 1965, in Docket 12093. Such petition will be dismissed in view of the instant action.

[2] It has been decided not to enforce the doctrine expressed in Sherman Control and Interlocking Relationships, 15 CAB 876 (1952), and to consider the application on its merits.

[3] Pony Express, Inc., and the companies named in Order E-17250.

riers, embodied in the resolutions of Joint Conference 3–1, of the International Air Transport Association (IATA), and adopted pursuant to the provisions of Resolution 590 dealing with specific commodity rates.

The agreement, adopted pursuant to unprotested notices to the carriers and promulgated in IATA Status Report No. 21, names a rate under a new specific commodity description as set forth below. The effect of this change would be to reduce the rates applicable to the commodities involved by approximately 60.6 percent.

Item 1701—Essential Oils and Aromatics, 151 cents per kg., minimum weight 45 kgs., Sydney to West Coast.

The Board, acting pursuant to sections 102, 204(a), and 412 of the Act, does not find the subject agreement to be adverse to the public interest or in violation of the Act, provided that approval thereof is conditioned as hereinafter ordered.

Accordingly, it is ordered, That:

Agreement CAB 16169, R–15, be approved, provided that such approval shall not constitute approval of the specific commodity description contained therein for purposes of tariff publication.

Any air carrier party to the agreement, or any interested person, may, within 15 days from the date of service of this order, submit statements in writing containing reasons deemed appropriate, together with supporting data, in support of or in opposition to the Board's action herein. An original and 19 copies of the statements should be filed with the Board's Docket Section. The Board may, upon consideration of any such statements filed, modify or rescind its action herein by subsequent order.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON, *Secretary.*

[F.R. Doc. 65-6369; Filed, June 16, 1965; 8:48 a.m.]

[Docket No. 15853; Order No. E-22308]

INTERNATIONAL AIR TRANSPORT ASSOCIATION

Order Relating to Specific Commodity Rates

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 14th day of June 1965.

There has been filed with the Board pursuant to section 412(a) of the Federal Aviation Act of 1958 (the Act) and Part 261 of the Board's Economic Regulations, an agreement[1] between various air carriers, foreign air carriers, and other carriers, embodied in the resolutions of Traffic Conference 1 of the International Air Transport Association (IATA). The agreement, which has been assigned CAB Agreement number 18362, was adopted at meetings of the Venice Cargo Conference May 5 through May 27, 1965, and carries an early effectiveness date of June 15, 1965.

The agreement relates to the specific commodity rates to be applicable within the Western Hemisphere. Insofar as United States points are concerned, the agreement, as set forth in the attachment, adds rates to new points under existing commodity descriptions and names rates under new commodity descriptions. The effect of these changes would be to reduce the rates applicable to the commodities involved. Such reductions range from approximately 7.7 percent to 53.3 percent.

The Board, acting pursuant to sections 102, 204(a) and 412 of the Act, does not find the above-described agreement, promulgated in IATA Memorandum TC1/Resolution 557, to be adverse to the public interest or in violation of the Act, provided that approval thereof is conditioned as hereinafter ordered.

Accordingly, it is ordered That:

Agreement CAB 18362 be approved, provided that such approval shall not constitute approval of the specific commodity descriptions contained therein for purposes of tariff publication.

Any air carrier party to the agreement, or any interested person, may, within 15 days from the date of service of this order, submit statements in writing containing reasons deemed appropriate, together with supporting data, in support of or in opposition to the Board's action herein. An original and 19 copies of the statements should be filed with the Board's Docket Section. The Board may, upon consideration of any such statements filed, modify or rescind its action herein by subsequent order.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON, *Secretary.*

[F.R. Doc. 65-6370; Filed, June 16, 1965; 8:48 a.m.]

[1] Agreement filed as part of original document.

DELAWARE RIVER BASIN COMMISSION

WATER RESOURCES PROJECTS

Notice of Hearing

Notice is hereby given that the Delaware River Basin Commission will hold a public hearing on Wednesday, June 23, 1965. The hearing will be on the proposal to amend the Comprehensive Plan by the addition thereto of the five water resources projects described below.

1. *City of Bridgeton, N.J.* A proposal by the city of Bridgeton to withdraw subsurface water from a well located within the city limits. The well would extend 115 feet deep to the Cohansey Formation and is expected to yield an average of 520 gpm. To be used for water supply purposes in the city's system, the water would be discharged to the Cohansey River after secondary treatment and chlorination.

2. *Borough of Sellersville, Pa.* A proposal by the borough of Sellersville to construct a new well required to supplement existing municipal water supply. To be known as Well No. 4, the project is expected to yield about 500 gpm. After passing through the municipal system water will discharge to the East Branch of Perkiomen Creek after treatment.

3. *Borough of Palmyra, N.J.* A proposal by the borough of Palmyra, Burlington County, to make additions and alterations to an existing sewage treatment plant. The capacity of the plant would be increased from 0.3 to 0.7 mgd. Discharge is to the Delaware River a short distance upstream from the Tacony-Palmyra Bridge.

4. *Borough of South Coatesville, Pa.* A proposal by the borough of South Coatesville, Chester County, to combine the wastes from four sewerage districts now serving the borough into a single system for discharge into a new secondary sewage treatment plant. The proposed new treatment plant will discharge to the West Branch of the Brandywine Creek. The plant is designed to remove at least 90 percent of the BOD.

5. *Borough of Morrisville, Pa.* A proposal by the borough of Morrisville, Bucks County, to enlarge an existing sewage treatment plant in order to treat sewage from the borough of Yardley and parts of Lower Makefield Township. Capacity of the plant would be increased from 1.78 mgd to 2.50 mgd. After treatment, sewage discharges to the Delaware River at river mile 133.

More detailed information about the above projects may be examined at the office of the Commission.

The hearing will take place in Room 1308 of the Pennsylvania State Office Building, Broad and Spring Garden Streets in Philadelphia, beginning at 2 p.m. All persons wishing to testify are requested to register in advance with the Secretary to the Commission; telephone, 609–883–9500.

W. BRINTON WHITALL, *Secretary.*

JUNE 10, 1965.

[F.R. Doc. 65-6310; Filed, June 16, 1965; 8:46 a.m.]

FEDERAL MARITIME COMMISSION

[Docket No. 65-14]

INBOUND CARGO AT NEW YORK HARBOR

Free Time and Demurrage Practices; First Supplemental Order

The Commission, by order served May 12, 1965, instituted an investigation, upon its own motion, of free time and demurrage regulations and practices on import cargo at New York Harbor.

The terminal operators, carriers, and terminal conference named in Appendix A were not named as respondents in the original order.

It is ordered, That the parties named in Appendix A below be made parties respondent in this proceeding, that notice of this order be published in the FEDERAL REGISTER and that a copy thereof

and other notices in this proceeding be served upon all respondents.

By the Commission.

[SEAL] THOMAS LISI, *Secretary.*

APPENDIX A

Alcoa Steamship Co., 17 Battery Place, New York, N.Y., 10004.
American Asia Lines, Inc., 150 Broadway, New York, N.Y., 10038.
American Independence Line, Inc., Atlas Maritime Agencies, agent, 17 Battery Place, New York, N.Y., 10004.
American Union Transport, Inc., 17 Battery Place, New York, N.Y.
Blue Funnel Line, Funch, Edye & Co., agents, 25 Broadway, New York, N.Y., 10004.
Booth Line, Booth American Shipping Corp., agent, 17 Battery Place, New York, N.Y., 10004.
Clipper Steamship Corp., 17 Battery Place, New York, N.Y., 10004.
Coldemar Line, 17 Battery Place, New York, N.Y., 10004.
Columbus Line, Inc., 26 Broadway, New York, N.Y., 10004.
Constellation Line, Constellation Navigation Inc., agent, 65 Broad Street, New York, N.Y.
Crescent Line, Ltd., 85 Broad Street, New York, N.Y., 10004.
Daido Line, A. L. Burbank & Co., Ltd., 120 Wall Street, New York, N.Y., 10005.
Davie Transport Co., Inc., 39 Broadway, New York, N.Y., 10006.
Dominican Steamship Line, T. J. Stevenson & Co., Inc., agent, 80 Broad Street, New York, N.Y., 10004.
Flomerca Caribbean Line, American Hemisphere Marine Agencies, Inc., agent, 26 Broadway, New York, N.Y., 10004.
Furness, Withy & Co., Ltd., 34 Whitehall Street, New York, N.Y., 10004.
Iceland Steamship Co., Ltd., A. L. Burbank & Co., Ltd., agent, 120 Wall Street, New York, N.Y., 10005.
Ilno Lines, Kerr Steamship Co., Inc., agent, 51 Broad Street, New York, N.Y., 10004.
Incres Line, Incres Line Agency, Inc., agent, 39 Broadway, New York, N.Y., 10006.
Japan Line, Ltd., A. L. Burbank & Co., Ltd., agent, 120 Wall Street, New York, N.Y., 10005.
Manz Line, Norton, Lilly & Co., Inc., agent, 26 Beaver Street, New York, N.Y., 10004.
Mexican Line, Smith & Johnson, agents, 11 Broadway, New York, N.Y., 10004.
Morace Stevedoring Corp., 17 State Street, New York, N.Y.
Motorships, Inc., 17 Battery Place, New York, N.Y., 10004.
National Hellenic American Line, Cosmopolitan Shipping Co., Inc., agent, 85 Broad Street, New York, N.Y., 10004.
New York Terminal Conference, 17 Battery Place, New York, N.Y., 10004.
Sea-Land Service, Inc., Post Office Box 1050, Elizabeth, N.J.
Seasons Navigation Corp., 17 Battery Place, New York, N.Y., 10004.
Seatrain Lines, Inc., 595 River Road, Edgewater, N.J., 07020.
Spanish Line, Garcia & Diaz, Inc., agent, 25 Broadway, New York, N.Y., 10004.
Standard Fruit & Steamship Co., Pier 13, East River, New York, N.Y., 10005.
T. J. Stevenson & Co., Inc., 80 Broad Street, New York, N.Y., 10004.
Thai Lines, Ltd., Motorships, Inc., agent, 17 Battery Place, New York, N.Y., 10004.
United Fruit Co., Pier 3, North River, New York, N.Y., 10006.
Wallenius Line, Motorships, Inc., agent, 17 Battery Place, New York, N.Y., 10004.
West Coast Line, Inc., 60 Broad Street, New York, N.Y., 10004.
Weyerhaeuser Line, 21 State Street, New York, N.Y., 10004.

[F.R. Doc. 65-6364; Filed, June 16, 1965; 8:48 a.m.]

No. 116——7

COMMISSION OF PUBLIC DOCKS, PORTLAND, OREG., AND MATSON NAVIGATION CO.

Notice of Agreement Filed for Approval

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1321 H Street NW., Room 301; or may inspect agreement at the offices of the District Managers, New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments with reference to an agreement including a request for hearing, if desired, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C., 20573, within 15 days after publication of this notice in the FEDERAL REGISTER. A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter), and the comments should indicate that this has been done.

Notice of agreement filed for approval by:

Portland Public Docks, 3070 Northwest Front Avenue, Portland, Oreg., 97210.

Agreement No. T–1806, between the Commission of Public Docks, Portland, Oreg. (Commission) and Matson Navigation Co. (Matson) provides for a 10-year lease of certain terminal properties to Matson at Pier 2, Terminal 4, Portland. The Commission agrees to make certain improvements and installations of equipment. Matson will receive the exclusive assignment and use of a container storage and parking area; the first right or privilege to use the truck yard scale and a livestock container wash rack and adjacent area; a right of common usage of Berth 1 with the first right or privilege to use one of the cranes thereon; and the first right or privilege to the use of Berth 2. Matson agrees to vacate Berth 1 and adjacent area upon the Commission's request if its vessels are not actually engaged in loading or unloading and the Commission shall similarly clear the area and adjacent berth to permit loading and unloading of Matson's container vessels. All of Matson's cargo moving over the premises shall be subject to the Commission's effective terminal tariff, with the exception of the services and facilities charge. Matson guarantees to the Commission (1) an animal basic minimum payment of $100,000; (2) $40,000 annually for use of a Matson-type gantry crane; (3) an additional payment of $30 for each loaded outbound container in excess of 3,500 per contract year subject to a maximum payment of $40,000 per contract year; and (4) payment for all labor and other costs of operation of the Matson-type gantry crane. Matson will perform all terminal service or services required in the movement of cargo in or over the premises moving to or from vessels operated or controlled by Matson. Agreement No. T–1806 will supersede and cancel Agreement No. 8965 between the same parties.

Dated: June 14, 1965.

By order of the Federal Maritime Commission.

THOMAS LISI, *Secretary.*

[F.R. Doc. 65-6365; Filed, June 16, 1965; 8:48 a.m.]

FEDERAL POWER COMMISSION

[Docket No. RP65-49]

ATLANTIC SEABOARD CORP.

Notice of Extension of Time

JUNE 9, 1965.

Upon consideration of the motion for extension of time for service of prepared testimony and exhibits filed on May 27, 1965, by counsel for Atlantic Seaboard Corp. in the above-designated proceeding, and the answers thereto filed by Washington Gas Light Co. and Baltimore Gas & Electric Co. on June 3, 1965, and June 8, 1965, respectively;

Notice is hereby given that the times set forth in ordering Paragraph (H) of order issued May 13, 1965, in this proceeding are extended as follows: Atlantic Seaboard Corp. shall serve the prepared testimony and exhibits constituting its case-in-chief, together with statements A through M, and O and P in accordance with § 154.63(b)(3) of the Commission's regulations under the Natural Gas Act, upon all parties on or before June 25, 1965, in accordance with the schedule contained in the motion filed herein on May 27, 1965, excepting only that it shall serve all such prepared testimony on or before July 12, 1965; Staff shall serve its prepared testimony and exhibits on or before September 24, 1965; and intervenors proposing to present evidence shall serve their prepared testimony and exhibits on or before October 5, 1965.

Further, notice is hereby given that the prehearing conference in the proceeding presently scheduled for September 27, 1965, is hereby postponed to be held on October 12, 1965.

JOSEPH H. GUTRIDE, *Secretary.*

[F.R. Doc. 65-6311; Filed, June 16, 1965; 8:46 a.m.]

[Docket No. CP65-390]

DELTA NATURAL GAS CO., INC.

Notice of Application

JUNE 10, 1965.

Take notice that on June 7, 1965, Delta Natural Gas Co., Inc. (Applicant), 120 South Main Street, Winchester, Ky., filed in Docket No. CP65-390 an application pursuant to section 7(a) of the Natural Gas Act for an order of the Commission directing Tennessee Gas Transmission Co. (Tennessee) to establish physical connection with Applicant's proposed facilities and to sell and deliver natural gas to Applicant for resale and distribution in the unincorpo-

rated town of Jeffersonville, Montgomery County, Ky., and environs, all as more fully set forth in the application on file with the Commission and open to public inspection.

Applicant proposes to construct and operate a distribution system within the town of Jeffersonville at an estimated cost of $35,887.17 and requests an order directing Tennessee to provide up to 2,000 Mcf of natural gas per day through the proposed connection.

The total volumes of natural gas for Applicant's estimated annual and peak day requirements is as follows:

	First year	Second year	Third year
Annual (Mcf)	15,770	17,330	19,020
Peak day (Mcf)	184	202	223

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C., 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before July 8, 1965.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 65-6312; Filed, June 16, 1965; 8:46 a.m.]

[Docket Nos. E-7090, E-7193]

GEORGIA POWER CO.

Order Returning Settlement Proposal To Presiding Examiner

JUNE 9, 1965.

Counsel for Georgia Power Co. (Georgia Power), joined by counsel for the intervenor Power Section of the Georgia Municipal Association (Power Section), during the course of hearings in these proceedings on May 21, 1965, offered on the record a proposal for the settlement of all issues in this proceeding. On May 26, 1965, the Presiding Examiner certified the proposal to the Commission for consideration.

Georgia Power has approved the terms of the settlement proposal, but the record indicates that only 2 of the 50 municipalities have accepted the settlement proposal. There is nothing in the record to indicate the views of the other 48 municipalities. Furthermore, the record indicates that Georgia Power's offer of settlement is contingent upon its unconditional acceptance by all 50 municipalities who are members of the Power Section. Therefore, consideration of the proposal by the Commission at this time would be premature and the settlement proposal should be returned to the Presiding Examiner.

The Commission orders: The Settlement proposal of Georgia Power and the Power Section, certified to the Commission by the Presiding Examiner on May 26, 1965, is hereby returned to the Presiding Examiner.

By the Commission.

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 65-6313; Filed, June 16, 1965; 8:46 a.m.]

[Docket No. CP65-391]

UNITED GAS PIPE LINE CO.

Notice of Application

JUNE 10, 1965.

Take notice that on June 7, 1965, United Gas Pipe Line Co. (Applicant), Post Office Box 1407, Shreveport, La., 71102, filed in Docket No. CP65-391 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of facilities for the sale of natural gas to Louisiana Plywood Corp. (Louisiana), all as more fully set forth in the application which is on file with the Commission and open to public inspection.

The application states that Louisiana is constructing a plywood plant near Wyatt, Winn Parish, La., and estimates that it will require 336,600 Mcf of natural gas during the third year of operations.

Applicant requests authorization to construct and operate approximately 1.9 miles of 2-inch pipeline, a positive meter station and appurtenances, beginning on Applicant's 30-inch Refugio-Sterlington main line in Jackson Parish, La., and extending in a generally southerly direction to terminate at the delivery station in Winn Parish.

The estimated cost of the proposed facilities is $41,581, which will be financed from current working funds.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C., 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (157.10) on or before July 8, 1965.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no protest or petition to intervene is filed within the time required herein, and the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a protest or petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 65-6314; Filed, June 16, 1965; 8:46 a.m.]

[Docket No. CP65-387]

ZENITH GAS SYSTEM, INC.[1]

Notice of Application

JUNE 10, 1965.

Take notice that on June 2, 1965, Zenith Gas System, Inc. (Applicant), Alva, Okla., filed in Docket No. CP65-387 an application pursuant to section 7(b) of the Natural Gas Act for permission and approval to abandon a field sale of natural gas to Cities Service Gas Co. (Cities), from the Blanche Sterling Gas Unit in the Hardtner Field, Barber County, Kans., and the facilities used to provide such service, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

The sales were made pursuant to a 20-year contract between Applicant and Cities dated January 10, 1957. The application states that the well from which the sale was made has long since been depleted and has been plugged and abandoned since the last production from the well in 1962. By letter agreement dated May 15, 1963, Applicant and Cities agreed to terminate and cancel their contract for the sale of gas from the well.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C., 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (157.10) on or before July 8, 1965.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the commission on this application if no protest or petition to intervene is filed within the time required herein, and the Commission on its own review of the matter finds that permission and approval for the proposed abandonment are required by the public convenience and necessity. If a protest or petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 65-6315; Filed, June 16, 1965; 8:46 a.m.]

[1] Now Zenith Natural Gas Co.

FEDERAL RESERVE SYSTEM

BOSTON STOCK EXCHANGE AND PHILADELPHIA - BALTIMORE-WASHINGTON STOCK EXCHANGE

Order Approving Unlisted Trading Privileges

In the matter of the applications of the Boston Stock Exchange and Philadelphia-Baltimore-Washington Stock Exchange for unlisted trading privileges in the capital stock of The Chase Manhattan Bank.

There has come before the Board of Governors, pursuant to section 12(f) of the Securities Exchange Act of 1934 (15 U.S.C. 78l), applications by the Boston Stock Exchange and Philadelphia-Baltimore-Washington Stock Exchange for unlisted trading privileges in the capital stock, $12.50 par value, of The Chase Manhattan Bank, which security is listed and registered on the New York Stock Exchange.

Appropriate notice of receipt of the applications and opportunity for a hearing has been given by the Board and no request for a hearing with respect to the applications has been received.

Upon consideration of all the circumstances, the Board finds that the extension of unlisted trading privileges to this security on these exchanges is appropriate in the public interest and for the protection of investors.

It is hereby ordered, That the said applications for unlisted trading privileges in the aforesaid security be and hereby are approved.

Dated at Washington, D.C., this 9th day of June 1965.

By order of the Board of Governors.[1]

[SEAL] MERRITT SHERMAN,
Secretary.

[F.R. Doc. 65-6293; Filed, June 16, 1965; 8:45 a.m.]

FIRST NATIONAL CORP.

Order Extending Period of Time Prescribed by Proviso in Order of Approval

In the matter of the application of First National Corp., Appleton, Wis., for prior approval of acquisition of voting shares of First National Bank of Appleton, and Valley National Bank, a proposed new bank, both of Appleton, Wis.

Whereas, by order dated February 25, 1965, the Board of Governors, pursuant to section 3(a)(1) of the Bank Holding Company Act of 1956 (12 U.S.C. 1842(a)(1)) and § 222.4(a)(1) of Federal Reserve Regulation Y (12 CFR 222.4(a)(1)), approved an application on behalf of First National Corp., a proposed Wisconsin corporation, pursuant to which it would become a bank holding company through the acquisition of 80 percent or more of the voting shares of First National Bank of Appleton and Valley National Bank, a proposed new bank, both of Appleton, Wis.; and said order was made subject to the proviso "that the acquisition so approved shall not be consummated * * * (b) later than 3 months after said date (of order)", and "that Valley National Bank be opened for business within 6 months (of the date of the Board's order)"; and

Whereas, First National Corp. has applied to the Board for an extension of the time within which the approved acquisition may be consummated and within which Valley National Bank is to be opened for business; and it appearing to the Board that reasonable cause has been shown for the extensions of time requested, and that such extensions would not be inconsistent with the public interest;

It is hereby ordered, That the Board's order of February 25, 1965, as published in the FEDERAL REGISTER on March 4, 1965 (30 F.R. 2833), be, and it hereby is, amended so that the proviso relating to the dates by which the acquisition approved shall be consummated, and Valley National Bank opened for business, shall read: "(b) later than October 1, 1965, and provided, further, that Valley National Bank shall be opened for business no later than December 31, 1965."

Dated at Washington, D.C., this 10th day of June 1965.

By order of the Board of Governors.

[SEAL] MERRITT SHERMAN,
Secretary.

[F.R. Doc. 65-6294; Filed, June 16, 1965; 8:45 a.m.]

[1] Voting for this action: Governors Robertson, Shepardson, Daane, and Maisel. Absent and not voting: Chairman Martin and Governors Balderston and Mitchell.

SECURITIES AND EXCHANGE COMMISSION

[812-1775]

CONSTITUTION MUTUAL FUND, INC.

Notice of Filing of Application for Exemption

JUNE 11, 1965.

Notice is hereby given that Constitution Mutual Fund, Inc. ("Fund"), 3156 Wilshire Boulevard, Los Angeles, Calif., 90005, a registered open-end diversified investment company, has filed an application pursuant to section 6(c) of the Investment Company Act of 1940 ("Act") for an order exempting the Fund from the provisions of sections 15(a), 16(a), and 32(a) of the Act. Fund seeks to be exempted from these provisions to the extent that they require approval by the Fund's stockholders of an investment advisory contract between the Fund and Constitution Investment Management Co., election by the Fund's stockholders of the Fund's initial board of directors, and ratification by the Fund's stockholders of the selection of independent public accountants. The exemptive order would be effective until the first annual meeting of the stockholders of the Fund, which is scheduled to be held on December 13, 1965. All interested persons are referred to the application which is on file with the Commission for a statement of the representations therein, which are summarized below.

The Fund was organized under the laws of the State of California on September 21, 1964, and on October 16, 1964, the Fund registered under the Investment Company Act and filed with the Commission a registration statement under the Securities Act of 1933 (File No. 2-22861) with respect to the proposed public offering of 400,000 shares of its common stock. The Fund has not yet commenced operations and will not have any stockholders until it sells it shares after the registration statement becomes effective.

On September 28, 1964, the Fund entered into a management contract with the firm of Constitution Investment Management Co. The management contract as amended was approved at a meeting of the Fund's board of directors on April 6, 1965. The Fund's Initial Subscription Application, which will be signed by all persons who subscribe to the Fund's initial net worth of $100,000 and who will constitute the initial stockholders of the Fund, provides for the approval of the amended management contract by these subscribers. In addition, the investment advisory contract will be submitted to stockholders for ratification or rejection at the first annual meeting of stockholders.

Similarly, the present directors of the Fund have not been elected by the Fund's stockholders as required by section 16(a) of the Act and such election, which is not possible prior to the proposed issuance of common stock of the Fund, will be held at the first annual meeting of stockholders.

On September 28, 1964, the board of directors of the Fund appointed the firm of William C. Harker, CPA, 510 South Spring Street, Los Angeles, Calif. as independent public accountant for the Fund. The continued employment of William C. Harker, CPA, will be subject to ratification or rejection by the Fund's stockholders at the first annual meeting of stockholders.

Section 6(c) of the Act provides that the Commission, by order upon application, may conditionally or unconditionally exempt any person or transaction from any provision of the Act or of any rule or regulation thereunder, if and to the extent that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Notice is further given that any interested person may, not later than June 29, 1965, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C., 20549. A copy of such request shall be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon the Fund at the address stated above. Proof of such service (by affidavit or in case of an attorney-at-law by certificate) shall be filed contemporaneously with the request. At any time after said date as provided by Rule O-5 of the rules and regulations promulgated under the Act, an order disposing of the matter herein may be issued by the Commission upon the basis of the information stated in this notice, unless an order for hearing upon said proposal shall be issued upon request or upon the Commission's own motion.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 65-6305; Filed, June 16, 1965; 8:46 a.m.]

[File No. 7-2442]

FLYING TIGER LINE, INC.

Notice of Application for Unlisted Trading Privileges and of Opportunity for Hearing

JUNE 11, 1965.

In the matter of application of the Philadelphia - Baltimore - Washington Stock Exchange, for unlisted trading privileges in a certain security.

The above-named national securities exchange has filed an application with the Securities and Exchange Commission pursuant to section 12(f)(1)(B) of the Securities Exchange Act of 1934 and Rule 12f-1 thereunder, for unlisted trading privileges in the common stock of the following company, which security is listed and registered on one or more other national securities exchanges: The Flying Tiger Line, Inc., File 7-2442.

Upon receipt of a request, on or before June 28, 1965, from any interested person, the Commission will determine whether the application shall be set down for hearing. Any such request should state briefly the nature of the interest of the person making the request and the position he proposes to take at the hearing, if ordered. In addition, any interested person may submit his views or any additional facts bearing on the said application by means of a letter addressed to the Secretary, Securities and Exchange Commission, Washington 25, D.C., not later than the date specified. If no one requests a hearing, this application will be determined by order of the Commission on the basis of the facts stated therein and other information contained in the official files of the Commission pertaining thereto.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 65-6306; Filed, June 16, 1965; 8:46 a.m.]

[812-1767]

IMPERIAL FUND, INC., ET AL.

Notice of Filing of Application for Order Exempting Sale by Open-End Company of Shares at Other Than Public Offering Price

JUNE 9, 1965.

In the matter of Imperial Fund, Inc., Imperial Equity Corp., Imperial Financial Services, Inc.; 10709 Wayzata Boulevard, Minnetonka, Minn. (812-1767).

Notice is hereby given that Imperial Fund, Inc. ("Fund"), a Minnesota corporation and a registered open-end investment company, has filed an application pursuant to section 6(c) of the Investment Company Act of 1940 ("Act") for an order exempting from the provisions of section 22(d) of the Act a proposed offer of its shares at net asset value to shareholders of Imperial Equity Corp. ("Equity"), a registered closed-end investment company. Equity and Imperial Financial Services, Inc., the principal underwriter for Fund, have joined in the application. Section 22(d) of the Act provides, in pertinent part, that no registered investment company shall sell any redeemable security issued by it to any person except at the current offering price described in the prospectus. All interested persons are referred to the application as filed with the Commission for a complete statement of the representations therein which are summarized below.

In March 1963, Fund caused Equity to be organized and transferred to it certain of Fund's assets including all of Fund's investments which were nonmarketable. In return for the assets transferred, Equity issued to the shareholders of Fund one share of its common stock for each share of Fund held.

In September 1964, shareholders of Equity approved a resolution to sell its assets and distribute the proceeds to shareholders. A plan of complete liquidation of Equity will be submitted to its shareholders at a meeting scheduled to be held in the future. If the plan is adopted, Equity proposes to make cash distributions. Fund proposes to offer Equity shareholders the opportunity to invest their cash distributions in shares of Fund at net asset value. The offer will be made to essentially the same group of shareholders who originally received Equity shares. Fund offers its shares to the public at net asset value plus a sales charge.

Notice is further given that any person may, not later than June 28, 1965, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C., 20549. A copy of such request shall be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon applicant at the address stated above. Proof of such service (by affidavit or in case of an attorney-at-law by certificate) shall be filed contemporaneously with the request. At any time after said date, as provided by Rule O-5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the showing contained in said application, unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 65-6307; Filed, June 16, 1965; 8:46 a.m.]

[812-1728]

IMPERIAL EQUITY CORP. AND IMPERIAL LAND CO.

Notice of Filing of Application for Order Exempting Transactions

JUNE 9, 1965.

Notice is hereby given that Imperial Equity Corporation ("Imperial Equity"), 10709 Wayzata Boulevard, Minnetonka, Minn., registered under the Investment Company Act of 1940 ("Act") as a closed-end nondiversified management company, and Imperial Land Co. ("Imperial Land"), a real estate holding company all of the outstanding voting stock of which is owned by Imperial Equity (collectively hereinafter called "Applicants"), have filed an application for an order pursuant to sections 6(c) and 17(b) of the Act. Applicants seek to exempt from the provisions of section 17(a) of the Act certain transactions incident to an Agreement, dated August 17, 1964, between Imperial Equity, Imperial Land and two companies registered under the Act as open-end diversified investment companies, Imperial Capital Fund ("Imperial Capital") and Imperial Fund, Inc. ("Imperial Fund"). The Agreement is designed to settle certain claims of the parties to it arising out of transactions discussed below. All interested persons are referred to the application on file with the Commission for a full statement of Applicants' representations, which are summarized below.

Transactions leading to the agreement. Imperial Land and Imperial Fund became affiliated persons of each other on June 1, 1961, as a result of the acquisition by Imperial Fund of 250 shares of capital stock of Imperial Land. Subsequently, during the continuance of such affiliation, Imperial Land issued to Imperial Fund (a) $575,000 principal amount of its convertible debentures (increasing Imperial Fund's holdings thereof to $700,000 principal amount) and (b) 1,750 shares of its capital stock, which, with a subsequent acquisition from another source, increased Imperial Fund's holdings to 2,240 shares. During the period March through July 1962 Imperial Capital purchased from Imperial Land convertible debentures in the aggregate amount of $350,000. During July and November 1962. Imperial Fund converted the debentures into 7,000 shares, increasing its holdings of Imperial Land's capital stock to 9,240 shares. If effect were given to the conversion of Imperial Fund's holdings of Imperial Land debentures into Imperial Land common stock, the only outstanding debentures of Imperial Land would have been the $350,000 principal amount of debentures held by Imperial Capital.

Thereafter, Imperial Fund organized Imperial Equity and, on March 25, 1963, it transferred to Imperial Equity all of its nonmarketable securities, a small amount of cash and some marketable securities in exchange for all of the stock of Imperial Equity. Imperial Fund then distributed all of the stock of Imperial Equity to its stockholders on a pro rata basis. The 9,240 shares of capital stock of Imperial Land were included in the assets transferred, and, as a result, Imperial Land and Imperial Equity became, and continue to be, affiliated persons of each other.

Subsequently, Imperial Equity asserted that the conversion by Imperial Fund in 1962 of the $700,000 principal amount of the convertible debentures into common stock of Imperial Land violated the Act, and that Imperial Equity was entitled to rescind the conversion and resume its status as a convertible debenture holder. Over the objections of Imperial Capital, Imperial Equity surrendered 7,000 shares of Imperial Land's common stock in exchange for $700,000 principal amount of the convertible debentures.

At the time Imperial Equity resumed its position as the holder of $700,000 of the convertible debentures, Imperial Capital was the holder of $350,000 principal amount of such debentures, with $50,000 principal amount having been purchased from Imperial Land during July 1962, the month in which Imperial Fund elected to convert $200,000 of the convertible debentures.

The conflicting claims. After Imperial Equity resumed its position as holder of convertible debentures of Imperial Land and prior to the settlement agreement of August 17, 1964, Imperial Equity claimed that it was entitled to be the holder of $700,000 principal amount, 6 percent convertible debentures issued by Imperial Land and that such holdings ranked part passu with the $350,000 principal amount of the convertible debentures held by Imperial Capital. Imperial Capital claimed that Imperial Equity was not entitled to be considered the holder of any of the convertible debentures, and that its holdings were the only outstanding convertible debentures.

Settlement of the claims. Insofar as the Agreement concerns Imperial Equity and Imperial Land, it includes terms which, in effect, provide that new convertible debentures are to be exchanged for the convertible debentures presently claimed by Imperial Equity. Imperial Equity will waive a portion of the interest accrued on the debentures, and interest will be paid on certain portions of advances made by Imperial Equity.

By virtue of the ownership by Imperial Equity of all of the outstanding stock of Imperial Land, Imperial Land is an affiliated person of Imperial Equity under section 2(a)(3)(B) of the Act. Section 17 of the Act prohibits, inter alia, an affiliated person (Imperial Land) of a registered investment company (Imperial Equity), acting as principal, from knowingly selling any security or other property to such registered investment company, unless the Commission grants an application for exemption.

Any action previously taken carrying out the terms of the Agreement is to be rescinded if the parties do not obtain appropriate relief from the Commission pursuant to section 6(c) of the Act.

The Agreement of settlement provides in pertinent part as follows:

1. Imperial Equity is recognized as the holder of $700,000 principal amount of the convertible debentures, modified as follows: Imperial Equity (and its predecessor in interest, Imperial Fund) waive interest on $200,000 of the convertible debentures from July, 1962 to November 1, 1963, and on $500,000 of convertible debentures from November, 1962 to November 1, 1963. The $1,050,000 principal amount of convertible debentures outstanding will not bear interest after July 2, 1964; interest on the convertible debentures due Imperial Capital on July 2, 1964, and considered owing to Imperial Equity for the period November 1, 1963, until July 2, 1964, will be payable on the respective interest payment dates following July 2, 1964.

2. Imperial Equity and Imperial Fund waive all claims for interest on advances made to Imperial Land for the period from the date of each advance to August 1, 1964. From and after August 1, 1964, Imperial Equity will be entitled to interest at the rate of 6 percent annually payable semiannually on that portion of the outstanding balance of advances previously or subsequently made which exceeds $330,000. All advances made by Imperial Equity prior to and subsequent to the date of the Agreement shall be senior to, and will be entitled to priority over, the $1,050,000 of convertible debentures in payment of principal and interest (to the extent interest is payable on the advances as described above).

3. Of the $350,000 principal amount of the convertible debentures held by Imperial Capital, $50,000 principal amount are considered entitled to priority as to payment of principal over the other convertible debentures.

Notice is further given that any interested person may, not later than June 28, 1965, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the above matters accompanied by a statement as to the nature of his interest, the reason for such request and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C., 20549. A copy of such request shall be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon the applicants at the address set forth above. Proof of such service (by affidavit or in case of an attorney-at-law by certificate) shall be filed contemporaneously with the request. At any time after said date, as provided by Rule 0-5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the information stated in said application unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 65-6308; Filed, June 16, 1965; 8:46 a.m.]

[File No. 7-2436]

NORTHWEST AIRLINES, INC.

Notice of Application for Unlisted Trading Privileges and of Opportunity for Hearing

JUNE 11, 1965.

In the matter of application of the Boston Stock Exchange, for unlisted trading privileges in a certain security.

The above-named national securities exchange has filed an application with the Securities and Exchange Commission pursuant to section 12(f)(1)(B) of the Securities Exchange Act of 1934 and Rule 12f-1 thereunder, for unlisted trading privileges in the common stock of the following company, which security is listed and registered on one or more other national securities exchanges: Northwest Airlines, Inc., File 7-2436.

Upon receipt of a request, on or before June 28, 1965, from any interested person, the Commission will determine whether the application shall be set down for hearing. Any such request should state briefly the nature of the interest of the person making the request and the position he proposes to take at the hearing, if ordered. In addition, any interested person may submit his views or any additional facts bearing on the said application by means of a letter addressed to the Secretary, Securities and Exchange Commission, Washington 25, D.C., not later than the date specified. If no one requests a hearing, this application will be determined by order of the Commission on the basis of the facts stated therein and other information contained in the official files of the Commission pertaining thereto.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 65-6309; Filed, June 16, 1965; 8:46 a.m.]

INTERSTATE COMMERCE COMMISSION

[Notice 354]

MOTOR CARRIER ALTERNATE ROUTE DEVIATION NOTICES

JUNE 11, 1965.

The following letter-notices of proposals to operate over deviation routes for operating convenience only have been filed with the Interstate Commerce Commission, under the Commission's Deviation Rules Revised, 1957 (49 CFR 211.1(c)(8)) and notice thereof to all interested persons is hereby given as provided in such rules (49 CFR 211.1(d)(4)).

Protests against the use of any proposed deviation route herein described may be filed with the Interstate Commerce Commission in the manner and form provided in such rules (49 CFR 211.1(e)) at any time, but will not oper-

ate to stay commencement of the proposed operations unless filed within 30 days from the date of publication.

Successively filed letter-notices of the same carrier under the Commission's Deviation Rules Revised, 1957, will be numbered consecutively for convenience in identification and protests if any should refer to such letter-notices by number.

MOTOR CARRIERS OF PROPERTY

No. MC 3560 (Deviation No. 5), GENERAL EXPRESSWAYS, INC., 1205 South Platte River Drive, Denver, Colo., 80223, filed May 27, 1965. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions over a deviation route as follows: From Gary, Ind., over Interstate Highway 80 to junction Interstate Highway 80S, thence over Interstate Highway 80S to junction Interstate Highway 76, thence over Interstate Highway 76 to Philadelphia, Pa., thence over access roads to junction New Jersey Turnpike.

Thence over New Jersey Turnpike to junction Interstate Highway 95, near Elizabeth, N.J., thence over Interstate Highway 95 to Newark, N.J., and thence over access roads to Jersey City, N.J., and return over the same route for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities over pertinent service routes as follow: (1) From Chicago, Ill., over U.S. Highway 20 to junction Ohio Highway 120, thence over Ohio Highway 120 to Toledo, Ohio, thence over Ohio Highway 2 to Lorain, Ohio, thence over Ohio Highway 57 to junction Ohio Highway 254, thence over Ohio Highway 254 to Cleveland, Ohio, thence over U.S. Highway 20 to junction U.S. Highway 62, thence over U.S. Highway 62 to Buffalo, N.Y., thence over New York Highway 384 to Niagara Falls, N.Y.; (2) from Cleveland, Ohio, over U.S. Highway 422 to junction Ohio Highway 8, and thence over Ohio Highway 8 to Canton, Ohio; (3) from Canton, Ohio, over U.S. Highway 30 to junction Pennsylvania Turnpike near Irwin, Pa., thence over Pennsylvania Turnpike to junction U.S. Highway 11, thence over U.S. Highway 11 to Harrisburg, Pa., thence over U.S. Highway 22 to junction unnumbered highway near Paxtonia, Pa., thence over unnumbered highway via Paxtonia, Manadahill, Grantville, East Hanover, Jonestown, and Fredericksburg, Pa., to junction U.S. Highway 22, thence over U.S. Highway 22 to junction unnumbered highway near Bethel, Pa., thence over unnumbered highway via Bethel and Strausstown, Pa., to junction U.S. Highway 22, thence over U.S. Highway 22 to junction unnumbered highway near Walbert, Pa., thence over unnumbered highway via Allentown, Bethlehem, Butztown, and Wilson, Pa., to Easton, Pa., thence over U.S. Highway 22 to junction unnumbered highway (formerly U.S. Highway 22).

Thence over unnumbered highway to Clinton, N.J., thence over unnumbered highway via Annandale, Lebanon, Potterstown, and Whitehouse, N.J., to junction U.S. Highway 22, thence over U.S. Highway 22 to junction New Jersey Highway 28, and thence over New Jersey Highway 28 to junction U.S. Highway 1 near Elizabeth, N.J.; (4) from Canton, Ohio, to Harrisburg as specified above, thence over U.S. Highway 230 to Lancaster, Pa., thence over U.S. Highway 30 to junction Business Route U.S. Highway 30 (formerly U.S. Highway 30), thence over Business Route U.S. Highway 30 to Downingtown, Pa., and thence over U.S. Highway 322 to junction U.S. Highway 1 near Chadds Ford, Pa., and (5) from Boston "* * * over U.S. Highway 1 via Philadelphia, Pa., to Washington, D.C. (also from Philadelphia over U.S. Highway 13 to junction U.S. Highway 40, thence over U.S. Highway 40 to Baltimore, Md., and thence over U.S. Highway 1 to Washington, D.C.), and return over the same routes.

No. MC 15737 (Deviation No. 6), ATLANTIC COAST FREIGHT LINES, INC., 3200 James Street, Baltimore 30, Md., filed May 27, 1965. Carrier proposes to operate as a common carrier, by motor vehicle, of *general commodities*, with certain exceptions, over deviation routes as follow: (1) From Richmond, Va., over Interstate Highway 95, to junction U.S. Highway 350, (2) from junction U.S. Highway 350 and Interstate Highway 495, over Interstate Highway 495 to junction Interstate Highway 295, thence over Interstate Highway 295 to junction U.S. Highway 50 and (3) from junction U.S. Highway 350 and Interstate Highway 495, thence over Interstate Highway 495 to junction U.S. Highway 50, and return over the same routes, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: From New York, N.Y., over U.S. Highway 1 to junction U.S. Highway 13, thence over U.S. Highway 13 to Philadelphia, Pa., thence by ferry or bridge to Camden, N.J., thence over U.S. Highway 130 to junction U.S. Highway 40, thence over U.S. Highway 40 to Baltimore, Md., thence over U.S. Highway 1 to Richmond, Va., and return over the same route.

No. MC 19778 (Deviation No. 4), THE MILWAUKEE MOTOR TRANSPORTATION COMPANY, Suite 506, Union Station, 516 West Jackson Boulevard, Chicago 6, Ill., filed May 28, 1965. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Madison, Wis., over Interstate Highway 90 to Tomah, Wis., and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities over pertinent service routes as follow: (1) From Portage, Wis., over U.S. Highway 16 to junction U.S. Highway 51, thence over U.S. Highway 51 to junction U.S. Highway 151, thence over U.S. Highway 151 to Madison, Wis., and (2) from Milwaukee, Wis., over U.S. Highway 41 to junction U.S. Highway 16, thence over U.S. Highway 16 to La Crosse, and return over the same routes.

No. MC 30073 (Deviation No. 10), JOHNSON FREIGHT LINES CO., INC., 248 Chester Avenue SE., Post Office Box 1918, Atlanta 1, Ga., filed May 24, 1965. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: Between Nashville, Tenn., and Louisville, Ky., over Interstate Highway 65 for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: From Nashville, Tenn., over U.S. Highway 31E to junction Kentucky Highway 70, thence over Kentucky Highway 70 to Cave City, Ky. (also from Nashville over U.S. 31W), thence over U.S. Highway 31W to Louisville, Ky., thence over U.S. Highway 42 to Cincinnati, Ohio, and return over the same route.

No. MC 30073 (Deviation No. 11), JOHNSON FREIGHT LINES CO., INC., 248 Chester Avenue SE., Post Office Box 1918, Atlanta 1, Ga., filed May 24, 1965. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions over a deviation route as follows: From Nashville, Tenn., over Interstate Highway 24 to Chattanooga, Tenn., thence over Interstate Highway 75 to Atlanta, Ga., and return over the same route for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: Between Nashville, Tenn., and Atlanta, Ga., over U.S. Highway 41.

No. MC 42487 (Deviation No. 38), CONSOLIDATED FREIGHTWAYS CORPORATION OF DELAWARE, 175 Linfield Drive, Menlo Park, Calif., filed May 24, 1965. Carrier proposes to operate as a *common carrier* by motor vehicle, of *general commodities* with certain exceptions, over a deviation route as follows: From Indianapolis, Ind., over Interstate Highway 465 to junction Interstate Highway 69, thence over Interstate Highway 69 to junction U.S. Highway 20, and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities over pertinent service routes as follows: (1) From Chicago, Ill., over U.S. Highway 41 to junction U.S. Highway 52, thence over U.S. Highway 52 to junction Indiana Highway 28, thence over Indiana Highway 28 to junction U.S. Highway 35, thence over U.S. Highway 35 to junction Ohio Highway 4, and thence over Ohio Highway 4 to Cincinnati, Ohio; (2) from Chicago, Ill., over U.S. Highway 41 to junction U.S. Highway 52, thence over U.S. Highway 52 to junction Indiana Highway 28, thence over Indiana Highway 28 to junction Indiana Highway 9, thence over Indiana Highway 9 via Anderson, Ind., to junction Indiana Highway 67 and thence over Indiana Highway 67 to Indianapolis, Ind.; (3) between Fort Wayne and Huntington, Ind., over U.S. Highway 24; (4) between Marion and Huntington, Ind., over Indiana Highway 9; (5) from Indianapolis, Ind., over Indiana Highway 67 to junction Indiana Highway 9, thence over Indiana Highway 9 to Anderson, Ind., thence over Indiana Highway 32 to Muncie, Ind., thence over Indiana Highway 67 to the Indiana-Ohio State line, thence over Ohio Highway 29 to St. Marys, Ohio, thence over U.S. Highway 33 to junction unnumbered highway (formerly portion U.S. Highway 33) and thence over unnumbered highway to Wapakoneta, Ohio; (6) from Muncie, Ind., over unnumbered highway (formerly portion U.S. Highway 35), to Saint Anthony, Ind., thence over U.S. Highway 35 to Jonesboro, Ind., thence over Indiana Highway 15 (formerly Indiana Highway 21), to Marion; (7) between Fort Wayne and Elkhart, Ind., over U.S. Highway 33, and return over the same routes.

No. MC 42614 (Deviation No. 1), CHICAGO & NORTH WESTERN RAILWAY COMPANY, 400 West Madison Street, Chicago 6, Ill. Applicant's attorney: Eugene D. Anderson, Jr. (same address as applicant's), filed May 24, 1965. Carrier proposes to operate as a *common carrier*, by motor vehicle of *general commodities* with certain exceptions, over a deviation route as follows: From Galt, Ill., over U.S. Highway 30 to junction Tollway 30 at Sugar Grove, Ill., thence over Tollway 30 to Berkeley, Ill., and return over the same route for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities over pertinent service routes as follows: (1) Between Galt and Berkeley, Ill., over Alternate U.S. Highway 30, and (2) between St. Charles and Aurora, Ill., over Illinois Highway 31 (also over Illinois Highway 25).

No. MC 114877 (Deviation No. 2), CARGO-IMPERIAL FREIGHT LINES, INC., 91 Mountain Road, Burlington, Mass., filed May 17, 1965. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: from Utica, N.Y., to Rome, N.Y., over New York Highway 49, thence over New York Highway 365 to Verona, N.Y., thence over New York Highway 31 to Jack's Reef, N.Y., thence over Interstate Highway 90 to Montezuma Swamps, thence over New York Highway 5 to Waterloo, N.Y., thence over New York Highway 96 to Pittaford, N.Y., thence over New York Highway 252 to Rochester, N.Y.; also from junction New York Highway 31 and Interstate Highway 81, thence over Interstate Highway 81 to Syracuse, N.Y., thence over New York Highway 48 to junction New York Highway 31, and return over the same routes for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: From Rochester, N.Y., to Waterloo, N.Y., over New York Highway 96 (also over New York Highway 5 from Batavia, N.Y., to Waterloo, N.Y.), thence over New York Highway 5 to Albany, N.Y., and return over the same route.

MOTOR CARRIERS OF PASSENGERS

No. MC 29935 (Deviation No. 1), THE BLUE LINE, INC., 147 Pineywoods Avenue, Springfield, Mass. Applicant's attorney: Thomas W. Murrett, 410 Asylum Street, Hartford, Conn., 06103, filed May 28, 1965. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *passengers and their baggage*, and *express*, and *newspapers*, in the same vehicle with passengers over a deviation route as follows: From Springfield, Mass., over Interstate Highway 91 to Hartford, Conn., thence over Connecticut Highway 2 to Colchester, Conn., thence over Connecticut Highway 85 to New London, Conn., and return over the same route for operating convenience only. The notice indicates that the carrier is presently authorized to transport passengers and the same property over a pertinent service route as follows: From Springfield, Mass., over Massachusetts Highway 83 to the Massachusetts-Connecticut State line, thence over Connecticut Highway 83 to Somers, Conn., thence over Connecticut Highway 20 to Stafford Springs, Conn., thence over Connecticut Highway 32 to New London, Conn., and return over the same route.

No. MC 29935 (Deviation No. 2), THE BLUE LINE, INC., 147 Pineywoods Avenue., Springfield, Mass. Applicant's attorney: Thomas W. Murrett, 410 Asylum Street, Hartford, Conn., 06103, filed May 28, 1965. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *passengers and their baggage*, and *express*, and *newspapers*, in the same vehicle with passengers, from Springfield, Mass., over Interstate Highway 91 to Hartford, Conn., thence over Connecticut Highway 2 to Yantic, Conn., and return over the same route for operating convenience only. The notice indicates that the carrier is presently authorized to transport passengers and the same property over a pertinent service routes as follows: (1) From Harrisburg, Pa., over U.S. Highway 15 to Dillsburg, Pa., thence over Pennsylvania Highway 194 to Hanover, Pa.; (2) between Gettysburg and Dillsburg, Pa., over U.S. Highway 15; (3) from Baltimore, Md., over U.S. Highway 140 (formerly Maryland Highway 30) to Reisterstown, Md., thence over Maryland Highway 30 to the Maryland-Pennsylvania State line, and thence over Pennsylvania Highway 94 to Hanover, Pa.; (4) between York Springs, and Hanover, Pa., over Pennsylvania Highway 94; and (5) from Gettysburg, Pa., over U.S. Highway 15 to Frederick, Md., thence over U.S. Highway 240 to Washington, D.C., and return over the same routes.

By the Commission.

[SEAL] BERTHA F. ARMES, *Acting Secretary.*

[F.R. Doc. 65-6264; Filed, June 16, 1965; 8:45 a.m.]

[Notice 781]

MOTOR CARRIER APPLICATIONS AND CERTAIN OTHER PROCEEDINGS

JUNE 11, 1965.

The following publications are governed by the new Special Rule 1.247 of the Commission's rules of practice, published in the FEDERAL REGISTER, issue of December 3, 1963, which became effective January 1, 1964.

The publications hereinafter set forth reflect the scope of the applications as filed by applicants, and may include descriptions, restrictions, or limitations which are not in a form acceptable to the Commission. Authority which ultimately may be granted as a result of the applications here noticed will not necessarily reflect the phraseology set forth in the application as filed but also will eliminate any restrictions which are not acceptable to the Commission.

No. MC 127280 (REPUBLICATION), filed May 19, 1965, published FEDERAL REGISTER issue June 9, 1965, and republished this issue. Applicant: OWASCO VALLEY TRUCKING COMPANY, INC., Moravia, N.Y. Applicant's attorney: Wilmer B. Hill, Transportation Building, Washington, D.C., 20006. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Sugar*, dry, in bulk, from Montezuma, Cayuga County, N.Y., to points in Connecticut, Delaware, Maine, Maryland, Massachusetts, Michigan, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Vermont, Virginia, West Virginia, and the District of Columbia. NOTE: Common control may be involved. The purpose of this republication is to show hearing information.

HEARING: July 13, 1965, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Isadore Freidson.

No. MC 95876 (Sub-No. 39) (REPUBLICATION), filed January 25, 1965, published FEDERAL REGISTER, issue of February 10, 1965, and republished this issue, after Order of Commission. Applicant: ANDERSON TRUCKING SERVICE, INC., St. Cloud, Minn. By application filed January 25, 1965, applicant seeks a certificate of public convenience and necessity authorizing operation, in interstate or foreign commerce, as a common carrier by motor vehicle, over irregular routes, of granite, between points in Llano and Gillespie Counties, Tex., on the one hand, and, on the other,

points in Burnet County, Tex. An order, Operating Rights Board No. 1, dated May 28, 1965, served June 4, 1965, finds that the present and future public convenience and necessity require operation by applicant, in interstate or foreign commerce, as a *common carrier* by motor vehicle, over irregular routes, of *granite* from points in Llano and Gillespie Counties, Tex., to points in Alabama, Arkansas, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Mississippi, Missouri, Michigan, Minnesota, Montana, Nebraska, New York, North Carolina, Oklahoma, Ohio, Pennsylvania, North Dakota, South Carolina, South Dakota, Tennessee, Kentucky, Louisiana, and Wisconsin; and that because it is possible that other parties, who have relied upon the notice of the application as published, may have an interest in and would be prejudiced by the lack of proper notice of the authority described in the findings in this order, a notice of the authority actually granted will be published in the FEDERAL REGISTER and issuance of a certificate in this proceeding will be withheld for a period of 30 days from the date of such publication, during which period any proper party in interest may file an appropriate protest or other pleading.

No. MC 111729 (Sub-No. 42), filed January 18, 1965, published FEDERAL REGISTER, issue of February 10, 1965, and republished this issue, after Order of Commission. Applicant: ARMORED CARRIER CORPORATION, Bayside, N.Y. By application filed January 18, 1965, as amended, applicant seeks a certificate of public convenience and necessity authorizing operation, in interstate or foreign commerce, as a common carrier by motor vehicle, over irregular routes, of the commodities, and from, to, or between the points substantially as indicated below, except that applicant requests that the service sought be limited to shippers other than banks and banking institutions and exclude "plant removals". An order, Operating Rights Board No. 1, dated May 28, 1965, served June 4, 1965, finds that the present and future public convenience and necessity require operation by applicant, in interstate or foreign commerce, as a *common carrier* by motor vehicle, over irregular routes of *business papers and records, and audit and accounting media*, between points in Allegheny County, Pa., on the one hand, and, on the other, points in Wayne County, Mich., and that because it is possible that other parties, who have relied upon the notice of the application as published, may have an interest in and would be prejudiced by the lack of proper notice of the authority described in the findings in this order, a notice of the authority actually granted will be published in the FEDERAL REGISTER, and any proper party in interest may file an appropriate pleading within a period of 30 days from the date of such publication.

No. MC 111729 (Sub-No. 48), filed February 10, 1965, published FEDERAL REGISTER, issue of March 3, 1965, and republished this issue after Order of Commission. Applicant: ARMORED CARRIER CORPORATION, Bayside, N.Y. By application filed February 10, 1965, applicant seeks a certificate of public convenience and necessity authorizing operation, in interstate or foreign commerce, as indicated below. An order, Operating Rights Board No. 1, dated May 28, 1965, served June 4, 1965, finds that the present and future public convenience and necessity require operation by applicant, in interstate or foreign commerce, as a *common carrier* by motor vehicle, over irregular routes, (a) of *whole human blood* and *blood derivatives*, between Cleveland, Ohio, and Detroit, Mich., and (b) of *business papers, records, used stamp books, stock replenishment orders, and audit and accounting media* (except cash letters), (1) between Skokie, Ill., on the one hand, and, on the other, Davenport, Clinton, Dubuque, and Burlington, Iowa, (2) between Des Moines, Iowa, on the one hand, and, on the other, Waterloo, Iowa, and Omaha, Nebr., (3) between Indianapolis, Ind., and Anderson, Ind., and (4) between Detroit, Mich., and Lansing, Mich., subject to the restrictions that the authority granted in (2), (3), and (4) is restricted to the transportation of traffic (A) having an immediately prior or subsequent movement by air, and (B) moving between Skokie, Ill., on the one hand, and, on the other, Waterloo, Iowa, Omaha, Nebr., Anderson, Ind. and Lansing, Mich., and that because it is possible that other parties, who have relied upon the notice of the application as published, may have an interest in and would be prejudiced by the lack of proper notice of the authority described in the findings in this order, a notice of the authority actually granted will be published in the FEDERAL REGISTER and, for a period of 30 days from the date of such publication, any proper party in interest may file an appropriate pleading.

No. MC 112750 (Sub-No. 206) (REPUBLICATION), filed September 4, 1964, published FEDERAL REGISTER, issue of September 24, 1964, and republished this issue after order. Applicant: ARMORED CARRIER CORPORATION, Bayside, N.Y. By application filed September 4, 1964, as amended, applicant seeks a certificate of public convenience and necessity, authorizing operation, in interstate or foreign commerce, as a common carrier by motor vehicle, over irregular routes, of the commodities and between the points substantially as indicated below, except that applicant requests the inclusion of the commodities named "of all kinds" and the exclusion of plant removals. An order, Operating Rights Board No. 1, dated May 28, 1965, served June 4, 1965, finds that the present and future public convenience and necessity require operation by applicant, in interstate or foreign commerce, as a *common carrier* by motor vehicle, over irregular routes, of *business papers, records*, and *audit and accounting media* (except cash letters) between Detroit, Mich., on the one hand, and, on the other, points in Ohio (except points in the Cleveland, Ohio, commercial zone, as defined by the Commission); and that because it is possible that other parties, who have relied upon the notice of the application as published, may have an interest in and would be prejudiced by the lack of proper notice of the authority described in the findings in this order, a notice of the authority actually granted will be published in the FEDERAL REGISTER and any proper party in interest may file an appropriate pleading within a period of 30 days from the date of such publication.

No. MC 115232 (Sub-No. 3) (REPUBLICATION), filed December 31, 1964, published FEDERAL REGISTER, issue of January 20, 1965, and republished this issue after Order of Commission. Applicant: OVERLAND MOTOR EXPRESS, INC., doing business as BOULDER-DENVER TRUCK LINE, Boulder, Colo. By application filed December 31, 1964, applicant seeks a certificate of public convenience and necessity authorizing operation, in interstate or foreign commerce, as a common carrier by motor vehicle, over irregular routes, of general commodities (except those of unusual value, Classes A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading), between points within 5 miles of Boulder, Colo., including Boulder, limited to shipments having a prior or subsequent movement over applicant's authorized regular route between Boulder and Denver, Colo. An order, Operating Rights Board No. 1, dated May 28, 1965, served June 4, 1965, finds that the present and future public convenience and necessity require operation by applicant, in interstate or foreign commerce, as a *common carrier*, by motor vehicle, over regular routes, of *general commodities* (except those of unusual value, Classes A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading) between Boulder County, Colo., as off-route points in connection with applicant's otherwise authorized regular-route operations between Boulder and Denver, Colo.; and that because it is possible that other parties, who have relied upon the notice of the application as published, may have an interest in and would be prejudiced by the lack of proper notice of the authority described in this order, a notice of the authority actually granted will be published in the FEDERAL REGISTER, and issuance of a certificate in this proceeding will be withheld for a period of 30 days from the date of such publication, during which period any proper party in interest may file an appropriate protest or other pleading.

No. MC 115841 (Sub-No. 163) (REPUBLICATION), filed January 21, 1964, published FEDERAL REGISTER, issue of February 6, 1964, and republished this issue. Applicant: COLONIAL REFRIGERATED TRANSPORTATION, INC., Birmingham, Ala. Applicant's attorney: John H. Joyce, 26 North College, Fayetteville, Ark. By application filed January 21, 1964, as amended, applicant seeks a certificate of public convenience and necessity authorizing operation, in interstate or foreign commerce, as a common

carrier, by motor vehicle, over irregular routes, of canned and bottled goods, from Siloam Springs, Ark., and points within 10 miles thereof, Gentry, Ark., and the town of Kansas, Okla., to points in Louisiana, Tennessee (except Memphis), Mississippi, Alabama, Georgia, Florida, North Carolina, and South Carolina, restricted against the transportation of liquid commodities, in bulk, in tank vehicles. The application was referred to Hearing Examiner Joseph A. Reilly, for hearing and the recommendation of an appropriate order thereon. Hearing was held September 15, 1964, at Little Rock, Ark. A report and order, which became effective January 27, 1965, finds that the present and future public convenience and necessity require operation by applicant as a *common carrier* by motor vehicle, in interstate or foreign commerce, as a common carrier, over irregular routes, of (1) *canned and bottled goods*, and (2) *canned dog food*, from Siloam Springs, Ark., and points within 10 miles thereof, Gentry, Ark., and the town of Kansas, Okla., to points in Louisiana, Tennessee (except Memphis), Mississippi, Alabama, Georgia, Florida, North Carolina, and South Carolina. However, inasmuch as it is possible that interested parties have relied upon the notice of the application as published in the FEDERAL REGISTER, and may be prejudiced by the lack of notice of the addition of the above commodities, the findings herein will be published in the FEDERAL REGISTER, and the issuance of a certificate authorizing the operations contained in the findings will be withheld for 30 days from the date of such publication, during which period any interested party adversely affected may file an appropriate pleading with the Commission.

No. MC 117119 (Sub-No. 139) (REPUBLICATION), filed February 10, 1964, published FEDERAL REGISTER, issues of February 26, and March 4, 1964, and republished this issue. Applicant: WILLIS SHAW FROZEN EXPRESS, INC., Elm Springs, Ark. Applicant's attorney: John H. Joyce, 26 North College, Fayetteville, Ark. By application filed February 10, 1964, as amended, applicant seeks a certificate of public convenience and necessity authorizing operation, in interstate or foreign commerce, of foodstuffs, from Siloam Springs, Ark., and points within 10 miles thereof, Gentry, Ark., and the town of Kansas, Okla., to points in Arizona, California, Colorado, Idaho, Minnesota, Montana, Nevada, New Mexico, North Dakota, Oregon, South Dakota, Utah, Washington, and Wyoming; restricted (1) Against the transportation of liquid commodities, in bulk, in tank vehicles; and (2) on traffic consisting of canned goods destined to Colorado from points in Arkansas, to the partial unloading of volume or truckload shipments, the balance of which is delivered elsewhere. The application was referred to Hearing Examiner Joseph A. Reilly, for hearing and the recommendation of an appropriate order thereon. Hearing was held on September 15, 1964, at Little Rock, Ark. A report and order, which became effective January 27, 1965, finds that the present and future public convenience and necessity require operation by applicant as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, of (1) *foodstuffs* and (2) *canned and frozen animal food*, from Siloam Springs, Ark., and points within 10 miles thereof, Gentry, Ark., and the town of Kansas, Okla., to points in Arizona, California, Colorado, Idaho, Minnesota, Montana, Nevada, New Mexico, North Dakota, Oregon, South Dakota, Utah, Washington, and Wyoming; restricted in (1) against the transportation of liquid commodities, in bulk, in tank vehicles. However, inasmuch as it is possible that interested parties have relied upon the notice of the application as published in the FEDERAL REGISTER, and may be prejudiced by the lack of notice of the addition of the above commodities, the finding herein will be published in the FEDERAL REGISTER, and the issuance of a certificate authorizing the operations contained in the findings will be withheld for 30 days from the date of such publication, during which period any interested party adversely affected may file an appropriate pleading with the Commission.

No. MC 126906 (REPUBLICATION), filed January 21, 1965, published FEDERAL REGISTER, issue of February 17, 1965, and republished this issue after Order of Commission. Applicant: CLIFFORD A. MILLIKEN, JR., doing business as NORTH COUNTRY DELIVERY SERVICE, Conway, N.H. By application filed January 21, 1965, applicant seeks a certificate of public convenience and necessity authorizing operation, in interstate or foreign commerce, as a common carrier by motor vehicle, over irregular routes, of such commodities as are dealt in by retail department stores or mail-order houses, and automotive parts, in retail delivery service, between the points indicated below. An order, by Operating Rights Board No. 1, dated May 28, 1965, served June 4, 1965, finds that the present and future public convenience and necessity require operation by applicant, in interstate or foreign commerce, as a *common carrier* by motor vehicle, over irregular routes, of *general commodities* (except household goods as defined by the Commission, Classes A and B explosives, commodities in bulk, and those requiring special equipment), between Conway, N.H., on the one hand, and, on the other, Fryeburg, Bridgeton, Brownfield, and Kezar Falls, Maine, in retail delivery service; and that because it is possible that other parties, who have relied upon the notice of the application as published, may have an interest in and would be prejudiced by the lack of proper notice of the authority described in the findings in this order, a notice of the authority actually granted will be published in the FEDERAL REGISTER and issuance of a certificate in this proceeding will be withheld for a period of 30 days from the date of such publication, during which period any proper party in interest may file an appropriate protest or other pleading.

No. MC 126998 (REPUBLICATION), filed February 18, 1965, published FEDERAL REGISTER, issue of March 10, 1965, and republished this issue after Order of Commission. Applicant: JACK BRAYMAN, doing business at J. B. TRUCKING CO., Jamaica, N.Y. By application filed February 18, 1965, applicant seeks a permit authorizing operations, in interstate or foreign commerce, as a contract carrier by motor vehicle, over irregular routes, of groceries, from, and to, the points indicated below. An order, Operating Rights Board No. 1, dated May 28, 1965, served June 4, 1965, finds that operation by applicant, in interstate or foreign commerce, as a *contract carrier*, by motor vehicle, over irregular routes, of *such commodities as are dealt in by wholesale, retail, and chain grocery and food business houses*, under a continuing contract with Associated Food Stores, Inc., of Jamaica, N.Y., from the warehouse site of Associated Food Stores, Inc., at New York, N.Y., to points in Connecticut, will be consistent with the public interest and the national transportation policy; and that because it is possible that other parties, who have relied upon the notice of the application as published, may have an interest in, and would be prejudiced by, the lack of proper notice of the authority described in the findings in this order, a notice of the authority actually granted will be published in the FEDERAL REGISTER and issuance of a permit in this proceeding will be withheld for a period of 30 days from the date of such publication, during which period any proper party in interest may file an appropriate protest or other pleading.

NOTICE OF FILING OF PETITIONS

No. MC 30637 (Sub-Nos. 45, 226, and 229) (PETITION FOR MODIFICATION OF EXISTING CERTIFICATES IN ACCORDANCE WITH THE DECISION OF THE COMMISSION IN NO. MC-C-3024, *National Automobile Transporters Association Petition for Declaratory Order*, 91 M.C.C. 395), filed May 14, 1965. Petitioner: KENOSHA AUTO TRANSPORT CORPORATION, Kenosha, Wis. Petitioner's attorney: Paul F. Sullivan, Suite 1250, Federal Bar Building, 1815 H Street NW., Washington, D.C., 20006. Petitioner states that it holds the following authority (pertinent herein): No. MC-30837, fifth granting paragraph under Part (A): New automobiles, new chassis, new bodies, and parts thereof, in initial movements, in truckaway service, over irregular routes, from places of manufacture and assembly at Kenosha, Wis., to points in Illinois, Indiana, Iowa, Minnesota, Missouri, Montana, Nebraska, North Dakota, South Dakota, Virginia, West Virginia, Wisconsin, and those in that part of Wyoming north of a line beginning at the Nebraska-Wyoming State line, near Van Tassell, Wyo., and extending along U.S. Highway 26 to Shoshoni, thence along U.S. Highway 320 to Riverton, thence along Wyoming Highway 287 to junction U.S. Highway 287, thence along U.S. Highway 287 to Moran, thence along U.S. Highway 187 to junction Wyoming Highway 22, and thence along Wyoming Highway 22 to the Idaho-Wyoming State line. No. MC-30837, 10th granting paragraph, Part (A): New automobiles, trucks, trailers, chassis, tractors, and parts and equipment thereof, in initial movements, in truckaway service, over irregular routes, from points of manufacture and assembly at Kenosha

and Racine, Wis., to points in Ohio and the Lower Peninsula of Michigan.

No. MC–30837 (Sub-No. 45), new automobiles, new trucks, new tractors, new truck bodies, and new chassis, show equipment and advertising matter used in connection with the distribution and sale of motor vehicles, in initial movements, in truckaway service, over irregular routes, from Kenosha, Wis., to the District of Columbia, and to points and places in Alabama, Arkansas, Connecticut, Delaware, Florida, Georgia, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Mississippi, New Hampshire, New Jersey, New York, North Carolina, Pennsylvania, Rhode Island, South Carolina, Tennessee, Utah and Vermont, traversing Illinois, Indiana, Iowa, Nebraska, Missouri, Ohio, South Dakota, Virginia, and West Virginia for operating convenience only. No. MC–30837 (Sub-No. 194), automobiles, in initial movements, in truckaway service, over irregular routes, from Kenosha, Wis., to points in California, Nevada, Oregon, and Washington, with no transportation for compensation on return except as otherwise authorized. No. MC–30837 (Sub-No. 226), motor vehicles (not including trailers) in initial movements, in truckaway service, over irregular routes, from Kenosha, Wis., to points in that part of Wyoming on and south of a line beginning at the Wyoming-Nebraska State line, near Van Tassell, Wyo., and extending along U.S. Highway 20 to Shoshoni, Wyo., thence along Wyoming Highway 789 to Riverton, Wyo.

Thence along U.S. Highway 287 to Moran, Wyo., thence along U.S. Highway 187 to junction Wyoming Highway 22, and thence along Wyoming Highway 22 to the Wyoming-Idaho State line, with no transportation for compensation on return except as otherwise authorized. No. MC–30837 (Sub-No. 229), automobiles, in initial movements, in truckaway service, over irregular routes, from Kenosha, Wis., to points in Idaho, with no transportation for compensation on return except as otherwise authorized. By the instant petition, petitioner seeks modification of the above-referred-to certificates. In order to allow the States concerned to be served in secondary, truckaway movements from various railheads (which fluctuate or change from time to time), it is requested that all of the initial rights set forth above, which pertain to American Motors traffic, be reissued in a new consolidated certificate and that there be added to such new certificate the following: "New automobiles, and parts thereof, in secondary movements, in truckaway service, over irregular routes, between points in Arkansas, California, Connecticut, Delaware, Idaho, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Missouri, Mississippi, Montana, Nebraska, Nevada, New Hampshire, New Jersey, New York, North Carolina, North Dakota, Ohio, Oregon, Pennsylvania, Rhode Island, South Dakota, Tennessee, Utah, Vermont, Virginia, Washington, West Virginia, Wisconsin, Wyoming, and the District of Columbia, restricted to the transportation of vehicles manufactured or assembled at Kenosha, Wis., and having an immediately prior movement by rail. Any person or persons desiring to participate in this proceeding, may, within 30 days from the date of this publication in the FEDERAL REGISTER, file an appropriate pleading, consisting of an original and six copies each.

No. MC 113617 and No. MC 113617 (Sub-No. 12) (PETITION FOR MODIFICATION), filed May 12, 1965. Petitioner: HIGHWAY TRANSPORT COMPANY, INC., Des Moines, Iowa. Petitioner's representative: William A. Landau, 1307 East Walnut Street, Des Moines, Iowa, 50306. Petitioner files this petition for modification and amendment of its existing certificates in accordance with decision of the Commission in No. MC–C–3024, *National Automobile Transporters Association—Petition for Declaratory Order*, 91 M.C.C. 395. Petitioner holds authority (herein pertinent) as follows: No. MC 113617, IRREGULAR ROUTES: *Automobiles*, in initial movements, in truckaway service, and *automobile show equipment, automobile show paraphernalia*, and *advertising matter*, used in connection with the distribution and sale of motor vehicles, from Kenosha, Wis., to points in Colorado, Kansas, and Nebraska, with no transportation for compensation on return except as otherwise authorized. *New automobiles*, and *parts*, in initial movements, in truckaway service, from Kenosha, Wis., to points in Iowa, with no transportation for compensation on return except as otherwise authorized. *Foreign-made automobiles*, in truckaway service, from Kenosha, Wis., to points in Colorado, Nebraska, Kansas, and that part of Iowa bounded by a line beginning at Sidney, Iowa, and extending north along U.S. Highway 275 to Council Bluffs, Iowa, thence along U.S. Highway 75 to Rock Rapids, Iowa, thence east along Iowa Highway 9 to Osage, Iowa, thence south along U.S. Highway 218 to Waterloo, Iowa.

Thence along U.S. Highway 63 to Bloomfield, Iowa, and thence west along Iowa Highway 2 to point of beginning, including points on the indicated portions of the highways specified, with no transportation for compensation on return except as otherwise authorized. No. MC 113617 SUB 12, *New automobiles*, in initial movements, in truckaway service, from Kenosha, Wis., to Moberly, Mo., Harristown, Ill., and points in that part of Illinois on and south of U.S. Highway 36, that part of Missouri on and east of a line beginning at the Missouri-Iowa State line and extending along U.S. Highway 63 to Jefferson City, Mo., and thence along U.S. Highway 54 to Preston, Mo., and thence along U.S. Highway 65 to the Missouri-Arkansas State line, that part of Kentucky on and west of a line beginning at the Kentucky-Indiana State line and extending along U.S. Highway 41 to Henderson, Ky., thence along U.S. Highway 60 to junction Alternate U.S. Highway 41, thence along Alternate U.S. Highway 41 to Madisonville, Ky., thence along U.S. Highway 41 to Hopkinsville, Ky., and thence along Alternate U.S. Highway 41 to the Kentucky-Tennessee State line, and points in Marion, Boone, Madison, Benton, Washington, Greene, and Clay Counties, Ark., with no transportation for compensation on return except as otherwise authorized. *New foreign-made automobiles*, in secondary movements, in truckaway service, from Kenosha, Wis., to points in Missouri, that part of Illinois on and south of U.S. Highway 36, that part of Kentucky on and west of a line beginning at the Kentucky-Indiana State line and extending along U.S. Highway 41 to Hopkinsville, Ky., and thence along Alternate U.S. Highway 41 to the Kentucky-Tennessee State line, and points in Marion, Boone, Madison, Benton, Washington, Greene, and Clay Counties, Ark., with no transportation for compensation on return except as otherwise authorized; from Kenosha, Wis., to points in and south of Adams, Schuyler, Cass, Menard, Sangamon, Macon, Moultrie, Douglas, and Edgar Counties, Ill., points in Vermillion, Parke, Vigo, Clay, Sullivan, Greene, Knox, Daviess, Martin, Orange, Gibson, Pike, Dubois, Crawford, Posey, Vanderburgh, Warrick, Spencer, and Perry Counties, Ind., points in Kentucky in and west of Hancock, Ohio, Muhlenberg, and Todd Counties, Ky., with no transportation for compensation on return except as otherwise authorized.

RESTRICTION: The authority granted in the paragraph next above is restricted against the transportation of shipments from Kenosha, Wis., to points in that part of Illinois on and south of U.S. Highway 36, that part of Kentucky on and west of a line beginning at the Kentucky-Indiana State line and extending along U.S. Highway 41 to Hopkinsville, Ky., and thence along Alternate U.S. Highway 41 to the Kentucky-Tennessee State line; from Kenosha, Wis., to Murfreesboro, Tenn., with no transportation for compensation on return except as otherwise authorized. RESTRICTION: The authority granted in the paragraph next above is restricted to the transportation of (1) shipments tacked at Murfreesboro, Tenn., with other authority of carrier wherein Murfreesboro is an authorized point of service, for movement beyond that point, and (2) shipments tendered at Murfreesboro, Tenn., to connecting motor carriers for movement beyond that point; *Automobiles, trucks, and buses*, in initial movements, in truckaway service, from Kenosha, Wis., to Murfreesboro, Tenn., with no transportation for compensation on return except as otherwise authorized.

RESTRICTION: The authority granted in the paragraph next above is restricted to the transportation of (1) shipments tacked in Murfreesboro, Tenn., with other authority of carrier wherein Murfreesboro is an authorized point for service, for movement beyond that point, and (2) shipments tendered at Murfreesboro, Tenn., to connecting motor carriers for movement beyond that point. *Automobiles, trucks, and buses* (except trailers), as described in the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, in initial movements, in truckaway service, from Kenosha, Wis., to points in Missouri, points in Illinois in and south of Adams, Schuyler, Cass, Menard, Sangamon, Macon, Moultrie, Douglas, and Edgar Counties, Ill., points in Vermillion, Parke, Vigo, Clay, Sullivan, Greene, Knox, Daviess, Martin, Orange, Gibson, Pike, Dubois, Crawford, Posey, Vanderburgh, Warrick, Spencer, and Perry Counties, Ind., points in Kentucky in and west of Hancock, Ohio, Muhlenberg, and Todd Counties, Ky., with no transportation for compensation on return except as otherwise authorized. *New automobiles*, in secondary movements, in truckaway service, over irregular routes, between points in Colorado, Iowa, Kansas, Missouri, Nebraska, points in Illinois in and south of Adams, Schuyler, Cass, Menard, Sangamon, Macon, Moultrie, Douglas, and Edgar Counties, Ill., points in Vermillion, Parke, Vigo, Clay, Sullivan, Greene, Knox, Daviess, Martin, Orange, Gibson, Pike, Dubois, Crawford, Posey, Vanderburgh, Warrick, Spencer, and Perry Counties, Ind.; points in Kentucky in and west of Hancock, Ohio, Muhlenburg, and Todd Counties, Ky., points in Marion, Boone, Madison, Benton, Washington, Greene, and Clay Counties, Ark., and Murfreesboro, Tenn., restricted to the transportation of vehicles manufactured or assembled at Kenosha, Wis., and which have had an immediately prior movement by rail." Any person or persons desiring to participate in this proceeding, may, within 30 days from the date of this publication in the FEDERAL REGISTER, file an appropriate pleading, consisting of an original and six copies each.

APPLICATIONS UNDER SECTIONS 5 AND 210a(b)

The following applications are governed by the Interstate Commerce Commission's special rules governing notice of filing of applications by motor carriers of property or passengers under sections 5(a) and 210a(b) of the Interstate Commerce Act and certain other proceedings with respect thereto (49 CFR 1.240).

MOTOR CARRIERS OF PROPERTY

No. MC–F–8635 (SCOBIE'S TRANSPORT LTD.—CONTROL—HOMER WHITE, INC., AND LORNE SCOBIE, SR., AND LORNE SCOBIE, JR.), published in the January 8, 1964, issue of the FEDERAL REGISTER on page 216. By petition to amend filed June 3, 1965, applicant states that since the filing of the instant application, the common and preferred shares of stock of SCOBIE'S TRANSPORT LTD., have been acquired by HUSBAND TRANSPORT LTD., London, Ontario, Canada, and in turn by CANADIAN NATIONAL TRANSPORTATION LTD., and CANADIAN NATIONAL REALTIES, LTD., in trust for CANADIAN NATIONAL RAILWAY COMPANY, which is now affiliated by ownership of shares with CENTRAL VERMONT RAILWAY, INC., GRAND TRUNK WESTERN RAILROAD, and DULUTH, WINNIPEG & PACIFIC RAILWAY COMPANY, each of which conduct rail operations in the United States pursuant to authority issued under Part I of the Act.

No. MC–F–9131 (SIGNAL TRUCKING SERVICE, LTD.—CONTROL—PAXTON TRUCKING CO.), published in the June 3, 1963, issue of the FEDERAL REGISTER on page 7361. Application filed June 8, 1965, for temporary authority under section 210a(b). NOTE: F.D. No. 23677 was filed concurrently.

No. MC–F–9144. Authority sought for control and merger by BURTON LINES, INC., 673 South Scales Street, Reidsville, N.C., of the operating rights and property of H.W. MILLER TRUCKING COMPANY, Ellis Road, Durham, N.C., and for acquisition by C. S. BURTON, LINDA R. BURTON, both of 815 South Main Street, Reidsville, N.C., and GEORGE E. MARTIN, JR., 1206 Maiden Lane, Reidsville, N.C., of control of such rights and property through the transaction. Applicants' attorneys: James E. Wilson and Edward G. Villalon, both of 716 Perpetual Building, Washington 4, D.C. Operating rights sought to be controlled and merged: *General commodities*, with certain specified exceptions, and numerous other specified commodities, as a *common carrier*, over regular and irregular routes, from, to, and between specified points in the States of North Carolina, Virginia, West Virginia, Ohio, Pennsylvania, Maryland, South Carolina, Georgia, Delaware, Tennessee, Alabama, New York, Connecticut, Massachusetts, Texas, Maine, Vermont, New Hampshire, Rhode Island, Mississippi, Arkansas, Florida, Kentucky, New Jersey, Michigan, and the District of Columbia, with certain restrictions, serving various intermediate points, as more specifically described in Docket No. MC–110284 and Subnumbers thereunder; and *steel girders*, used in building construction work, not to exceed 12 feet in length and 1,000 pounds in weight as a *contract carrier* over irregular routes, between points in North Carolina, South Carolina, and Virginia. RESTRICTION: The operations authorized herein are limited to be a transportation service to be performed under a continuing contract, or contracts, with Spanall of the Southeast, Inc., of Durham, N.C. This notice does not purport to be a complete description of all of the operating rights of the carrier involved. The foregoing summary is believed to be sufficient for purposes of public notice regarding the nature and extent of this carrier's operating rights, without stating, in full, the entirety, thereof. BURTON LINES, INC., is authorized to operate as a *common carrier* in Virginia, North Carolina, South Carolina, Maryland, West Virginia, Florida, Georgia, Kentucky, New Jersey, New York, Ohio, Tennessee, and the District of Columbia. Application has not been filed for temporary authority under section 210a(b).

No. MC–F–9145. Authority sought for control and merger by EAZOR EXPRESS, INC., Eazor Square, Pittsburgh, Pa., 15201, of the operating rights and property of OHIO SOUTHERN EXPRESS, INC., 1293 Loveless Avenue, Atlanta, Ga., and for acquisition by THOMAS A. EAZOR, also of Pittsburgh, Pa., of control of such rights and property through the transaction. Applicants' attorneys: Carl L. Steiner, 39 South La Salle Street, Chicago 2, Ill., and Jacob P. Billig, 743 Investment Building, Washington, D.C. Operating rights sought to be controlled and merged: *General commodities*, excepting, among others, household goods and commodities in bulk, as a *common carrier*, over irregular routes, between the site of The Ford Motor Company Lorain Assembly Plant, located at the intersection of U.S. Highway 6 (Ohio Highway 2) and Baumhardt Road, Brownhelm Township, Lorain County, Ohio, on the one hand, and, on the other, Atlanta, Albany, Columbus, and Fort Benning, Ga., and points in Georgia, within 100 miles of Atlanta, Ga.; *general commodities*, with exceptions as stated above, in collection and delivery service, between points in that part of Georgia and Tennessee within 15 miles of Chattanooga, Tenn., including Chattanooga; *general commodities*, except those of unusual value, Class A and B explosives, tobacco, liquor, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading, between Atlanta, Albany, Columbus, and Fort Benning, Ga., and points in Georgia within 100 miles of Atlanta, Ga., on the one hand, and, on the other, Parkersburg, and Charleston, W. Va., Akron, Ohio, and points in Ohio within 25 miles of Akron, Ohio; and *general commodities*, except those of unusual value, Class A and B explosives, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading, in truckload lots, restricted to the transportation of traffic between the above-specified authorized Georgia points, on the one hand, and, on the other, points in West Virginia, and points in that part of Pennsylvania, on and west of U.S. Highway 219, via the gateway of Belpre, Ohio, between Belpre (Washington County), Ohio, on the one hand, and, on the other, points in West Virginia, and points in that part of Pennsylvania on and west of U.S. Highway 219. Vendee is authorized to operate as a *common carrier* in Pennsylvania, New York, Illinois, Ohio, West Virginia, Indiana, and Wisconsin. Application has been filed for temporary authority under section 210a(b).

No. MC–F–9146. Authority sought for purchase by GENERAL HIGHWAY EXPRESS, INC., Post Office Box 179, 140 Parkwood Boulevard, Sidney, Ohio, of a portion of the operating rights of M & M Trucking Co., Post Office Box 7037, 1240 Emmitt Road, Akron 6, Ohio, and for acquisition by PAUL B. LONG, 140 Parkwood Boulevard, Sidney, Ohio, of control of such rights through the purchase. Applicant's attorney: A. Charles Tell, 44 East Broad Street, Columbus, Ohio, 43215. Operating rights sought to be transferred: A portion of the certificate of registration, in Docket No. MC–85561 Sub-8, covering the transportation of property, as a common carrier, in intrastate commerce, within the State of Ohio. Vendee is authorized to operate as a common carrier, under a certificate of

registration, in the State of Ohio. Application has not been filed for temporary authority under section 210a(b). NOTE: Docket No. MC-97841 Sub-11 is a matter directly related. Applicant filed a conversion application, Docket No. MC-97841 Sub-9, prior to this application.

No. MC-F-9147. Authority sought (1) for purchase by GUS VANDERPOL AND HENRY VANDERPOL, doing business as OAK HARBOR FREIGHT LINES, 3414 Second Avenue, South, Seattle 4, Wash., of the partnership interest of JOHN VANDERPOL, in the partnership JOHN VANDERPOL, GUS VANDERPOL, AND HENRY VANDERPOL, doing business as OAK HARBOR FREIGHT LINES, 3414 Second Avenue, South, Seattle 4, Wash.; and (2) for control by GUS VANDERPOL and HENRY VANDERPOL of PENINSULA TRUCK LINES, INC., 3414 Second Avenue, South, Seattle 4, Wash., through the purchase by the latter of the stock interest in the latter held by JOHN VANDERPOL. Applicants' attorney: Carl A. Jenson, 400 Central Building, Seattle 4, Wash. Operating rights sought to be (1) transferred and (2) controlled: (JOHN VANDERPOL, GUS VANDERPOL, AND HENRY VANDERPOL, doing business as OAK HARBOR FREIGHT LINES); *general commodities*, excepting, among others, household goods and commodities in bulk, as a *common carrier*, over regular routes, between Seattle, Wash., and Oak Harbor, Wash., serving certain intermediate and off-route points, one alternate route for operating convenience only; *general commodities*, with exceptions as stated above (other than heavy machinery), over irregular routes, between Mount Vernon, Wash., and points in that part of Skagit County, Wash., west of U.S. Highway 99, on the one hand, and, on the other, points on Widby Island, Wash.; and *household goods*, as defined by the Commission, between points on Whidbey Island, Wash., and in Skagit County, Wash., on the one hand, and, on the other, points in Island, Skagit, Snohomish, and King Counties, Wash. (PENINSULA TRUCK LINES, INC.); *general commodities*, excepting, among others, household goods and commodities in bulk, as a *common carrier*, over regular routes, between Seattle, Wash., and Port Townsend and Port Angeles, Wash.; *general commodities*, between Seattle, Wash., and Port Angeles, Wash., serving all intermediate points between junction unnumbered highway and Washington Highway 9E and Port Angeles and certain off-route points. Application has been filed for temporary authority under section 210a (b).

By the Commission.

BERTHA F. ARMES,
Acting secretary.

[F.R. Doc. 65-6265; Filed June 16, 1965; 8:45 a.m.]

FOURTH SECTION APPLICATIONS FOR RELIEF

JUNE 14, 1965.

Protests to the granting of an application must be prepared in accordance with Rule 1.40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 39836—*Cement and related articles to Cincinnati, Ohio.* Filed by Southwestern Freight Bureau, agent (No. B-8732), for interested rail carriers. Rates on cement and related articles, in carloads, from points in Arkansas, Louisiana, Missouri, Oklahoma, and Texas, also Calvert, N. Mex., to Cincinnati, Ohio, and points grouped therewith.

Grounds for relief—Market competition.

Tariff—Supplement 13 to Southwestern Freight Bureau, agent, tariff I.C.C. 4582.

FSA No. 39837—*Cement and related articles from Lime Kiln, Md.* Filed by Traffic Executive Association-Eastern Railroads, agent (E.R. No. 2782), for interested rail carriers. Rates on cement and related articles, in carloads, from Lime Kiln, Md., to points in Alabama, Arkansas, Florida, Georgia, Kentucky, Louisiana, Mississippi, North Carolina, South Carolina, Ohio, Tennessee, and Virginia.

Grounds for relief—Market competition.

Tariff—Traffic Executive Association-Eastern Railroads, agent, tariff I.C.C. C-521.

By the Commission.

[SEAL] BERTHA F. ARMES,
Acting Secretary.

[F.R. Doc. 65-6356; Filed, June 16, 1965; 8:47 a.m.]

[Notice 1191]

MOTOR CARRIER TRANSFER PROCEEDINGS

JUNE 14, 1965.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 179), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC-67200. By order of June 11, 1965, the Transfer Board approved on reconsideration, the transfer to Rite-Way Trucking Co., Inc., Fort Dodge, Iowa, of that portion of the operating rights of Direct Transports, Inc., Kansas City, Kans., in Certificate No. MC-29116, issued November 4, 1964, authorizing the transportation of general commodities, excluding household goods, commodities in bulk, and other specified commodities, between Leon, Iowa, and St. Joseph, Mo., between Leon, Iowa, and Des Moines, Iowa, between Eagleville, Mo., and Kansas City, Kans., and between Eagleville, Mo., and St. Joseph, Mo. Frank W. Taylor, Jr., 1221 Baltimore, Kansas City, Mo., attorney for applicants.

No. MC-FC-67489. By order of June 10, 1965, the Transfer Board approved the transfer to T. Arthur O'Day, Corry, Pa., of a portion of certificate in No. MC-109370, issued May 4, 1955, to Paul L. Hunter and Francis C. Hunter, a partnership, doing business as Hunter Moving and Storage, Union City, Pa., authorizing the transportation of: General commodities, with exceptions including household goods and commodities in bulk, between Union City, Pa., on the one hand, and, on the other, points in Pennsylvania and New York within 25 miles of Union City, except Erie, Pa., and, household goods, as defined by the Commission, between Union City, Pa., on the one hand, and, on the other, points in Chautauqua, Cattaraugus, and Erie Counties, N.Y., and those in Ashtabula, Geauga, Cuyahoga, Trumbull, and Mahoning Counties, Ohio. William W. Knox, 23 West 10th Street, Erie, Pa., attorney for applicants.

No. MC-FC-67876. By order of June 9, 1965, the Transfer Board approved the transfer to Nathan T. Flowers, doing business as Nathan T. Flowers Trucking Co., Route No. 3, Smithfield, N.C., of the operating rights issued by the Commission April 27, 1962, under Certificate No. MC-124050, to Nathan T. Flowers and Nelson R. Jones, a partnership, doing business as Flowers & Jones Trucking Co., Route No. 3, Smithfield, N.C., authorizing the transportation, over irregular routes, of fertilizer, in bags or containers, from Norfolk, Va., to points in that part of North Carolina east of U.S. Highway 15 (except Henderson).

No. MC-FC-67915. By order of June 10, 1965, the Transfer Board approved the transfer to Clayton U. Beatty, doing business as Beatty Truck Line, Lyndon, Kans., of Certificate No. MC-6075 issued December 13, 1954, to George Boyd, Lyndon, Kans., authorizing the transportation, over regular routes, of livestock, grain, hay, and straw, between Lyndon, Kans., and Kansas City, Mo., serving intermediate point of Kansas City, Kans., and intermediate and off-route points within 8 miles of Lyndon; and building material, agricultural implements, hardware, household goods, and feed, from Kansas City, Mo., to Lyndon, Kans., serving no intermediate points; and, over irregular routes; fruits, hay, and farm products, from points in Missouri to Lyndon, Kans.; livestock, from Vassar, Kans., and points within 10 miles of Vassar, to Kansas City, Mo., and Kansas City, Kans.; and livestock and feed, from Kansas City, Mo., and Kansas City, Kans., to Vassar, Kans., and points within 10 miles of Vassar. Leonard W. McAnarney, Buffon Building, Lyndon, Kans., representative for applicants.

[SEAL] BERTHA F. ARMES,
Acting Secretary.

[F.R. Doc. 65-6357; Filed, June 16, 1965; 8:47 a.m.]

CUMULATIVE LIST OF CFR PARTS AFFECTED—JUNE

The following numerical guide is a list of the parts of each title of the Code of Federal Regulations affected by documents published to date during June.

3 CFR (Page)
PROCLAMATIONS:
3658 — 7695
EXECUTIVE ORDERS:
May 14, 1915 (revoked in part by PLO 3673) — 7752
Oct. 30, 1916 (revoked in part by PLO 3664) — 7750
6143 (revoked in part by PLO 3691) — 7823
6276 (revoked in part by PLO 3691) — 7823
6285 (revoked in part by PLO 3693) — 7824
6583 (revoked in part by PLO 3691) — 7823
7655 (revoked in part by PLO 3661) — 7521
10530 (superseded in part by EO 11228) — 7739
10682 (superseded by EO 11228) — 7739
10800 (superseded in part by EO 11228) — 7739
10835 (superseded by EO 11228) — 7739
10903 (superseded in part by EO 11228) — 7739
11227 — 7369
11228 — 7739
11229 — 7741

5 CFR
213 — 7271, 7311, 7425, 7426, 7473, 7515, 7557, 7595, 7645, 7646, 7701.
630 — 7557

7 CFR
16 — 7426
28 — 7426
29 — 7385
30 — 7385
34 — 7385
51 — 7595
160 — 7385
718 — 7427
722 — 7271, 7385, 7809
724 — 7646
728 — 7434
730 — 7272, 7811
750 — 7311
775 — 7515
845 — 7273
908 — 7311, 7435, 7647
909 — 7273
910 — 7435, 7647
911 — 7647
915 — 7436
917 — 7473–7475
923 — 7648
944 — 7436, 7743
958 — 7596
970 — 7274
1421 — 7475, 7811
1427 — 7814
PROPOSED RULES:
29 — 7494
51 — 7396
52 — 7524
911 — 7501
915 — 7501

7 CFR—Continued (Page)
PROPOSED RULES—Continued
916 — 7284
991 — 7825
1002 — 7839
1068 — 7721
1133 — 7284
1138 — 7288

8 CFR
103 — 7516
264 — 7312

9 CFR
51 — 7596
74 — 7274
201 — 7275, 7649
PROPOSED RULES:
94 — 7445
101 — 7608
103 — 7608
201 — 7662, 7721

10 CFR
PROPOSED RULES:
150 — 7445, 7662

12 CFR
1 — 7371
17 — 7275
218 — 7743
PROPOSED RULES:
545 — 7316

13 CFR
107 — 7597, 7651

14 CFR
37 — 7637
39 — 7275, 7371, 7372, 7638, 7701, 7816
71 — 7276, 7312, 7372, 7373, 7517, 7557, 7558, 7598, 7639, 7702, 7703, 7744, 7816–7818
73 — 7744, 7745
75 — 7702, 7745
95 — 7639
97 — 7374, 7598
121 — 7703
141 — 7517
151 — 7484
221 — 7558
241 — 7704
PROPOSED RULES:
37 — 7663
39 — 7573
61 — 7292
71 — 7316, 7396, 7502, 7503, 7524, 7525, 7573, 7612, 7613, 7663–7666, 7723, 7761, 7840.
73 — 7503, 7724
75 — 7761

16 CFR
13 — 7652, 7653, 7655, 7657, 7658, 7660, 7661

17 CFR
240 — 7276
249 — 7566, 7568

18 CFR
8 — 7313
157 — 7280

19 CFR (Page)
1 — 7569, 7704
4 — 7598
10 — 7819
PROPOSED RULES:
22 — 7756

21 CFR
8 — 7484, 7705
20 — 7280
27 — 7484
120 — 7280, 7385, 7485, 7569
121 — 7280, 7386, 7485–7487, 7518, 7519, 7570, 7599, 7705–7707.
141a — 7707
141d — 7487
146a — 7707
146c — 7707
146d — 7487
PROPOSED RULES:
20 — 7292
121 — 7501

22 CFR
204 — 7571

24 CFR
203 — 7599
221 — 7708

25 CFR
1 — 7520
41 — 7745
42 — 7746

26 CFR
1 — 7281, 7805
20 — 7708
25 — 7708
48 — 7809
301 — 7809
PROPOSED RULES:
1 — 7493, 7721

28 CFR
0 — 7599, 7709, 7819
16 — 7488
42 — 7386
43 — 7819

29 CFR
5 — 7819
1501 — 7748
1502 — 7748
1503 — 7748
PROPOSED RULES:
1504 — 7608

32 CFR
562 — 7710
750 — 7748
753 — 7748
1001 — 7389

33 CFR
124 — 7314

38 CFR
1 — 7389
3 — 7390, 7489
36 — 7521

39 CFR
15 — 7390
16 — 7390, 7748

39 CFR—Continued Page

22 7391
23 7391
24 7391
25 7391
43 7392
45 7392
46 7394
114 7748
122 7748

41 CFR

5B-2 7436
8-1 7437
8-2 7437, 7599
8-3 7599
8-7 7600
8-14 7600
8-15 7601
8-16 7602
8-75 7602
8-95 7603
9-51 7749
9-53 7819
9-56 7749
9-58 7750
101-18 7820
101-20 7820
101-38 7489

42 CFR

57 7394, 7395

43 CFR

18 7394
2230 7605
3540 7606
4110 7606

PUBLIC LAND ORDERS:

5 (see PLO 3677) 7820
993 (revoked in part by PLO 3692) 7823
729 (revoked by PLO 3706) 7754
1757 (revoked in part by PLO 3673) 7752
3565 (correction) 7820

43 CFR—Continued Page

PUBLIC LAND ORDERS—Continued

3598 (corrected by PLO 3675) 7753
3646 (corrected by PLO 3680) 7821
3661 7521
3662 7606
3663 7750
3664 7750
3665 7750
3666 7751
3667 7751
3668 7751
3669 7751
3670 7751
3671 7752
3672 7752
3673 7752
3674 7752
3675 7753
3676 7753
3677 7820
3678 7821
3679 7821
3680 7821
3681 7821
3682 7821
3683 7821
3684 7821
3685 7822
3686 7822
3687 7822
3688 7753
3689 7822
3690 7823
3691 7823
3692 7823
3693 7824
3694 7824
3706 7754

45 CFR

60 7371

46 CFR

146 7437
221 7490

46 CFR—Continued Page

309 7697
527 7490

PROPOSED RULES:

248 7291
290 7722
380 7722
533 7574

47 CFR

0 7521, 7755
1 7419
31 7711
33 7711
73 7314, 7711
89 7522
97 7755

PROPOSED RULES:

1 7446
17 7446
73 7446, 7525, 7666, 7671, 7673.

48 CFR

201 7754
211 7754

49 CFR

72 7420
73 7420
74 7423
77 7423
78 7423
79 7425
95 7522
192 7491
193 7522

50 CFR

3 7315
10 7571
32 7523
33 7282, 7572, 7824
253 7607
260 7282
262 7444
266 7282

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FEDERAL REGISTER

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Pages 7863–7938

Agencies in this issue—

Agricultural Research Service
Area Redevelopment Administration
Atomic Energy Commission
Civil Aeronautics Board
Civil Service Commission
Consumer and Marketing Service
Federal Aviation Agency
Federal Communications Commission
Federal Maritime Commission
Federal Trade Commission
Food and Drug Administration
Interstate Commerce Commission
Land Management Bureau
Securities and Exchange Commission

Detailed list of Contents appears inside.



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Contents

AGRICULTURAL RESEARCH SERVICE
Rules and Regulations
Imports and exports; commuted travel time allowances 7893

AGRICULTURE DEPARTMENT
See Agricultural Research Service; Consumer and Marketing Service.

AREA REDEVELOPMENT ADMINISTRATION
Rules and Regulations
Retraining subsistence payments; effective period of program 7894

ATOMIC ENERGY COMMISSION
Rules and Regulations
Public contracts and property management; miscellaneous amendments:
Extraordinary contractual actions to facilitate the national defense 7887
Inspection and acceptance 7886
Procurement forms 7887
Notices
IIT Research Institute; issuance of facility license amendment 7931

CIVIL AERONAUTICS BOARD
Notices
S. A. Empresa de Viacao Aerea Rio Grandense; hearing 7931

CIVIL SERVICE COMMISSION
Rules and Regulations
Excepted service:
Health, Education, and Welfare Department 7895
Navy Department; correction 7895
Peace Corps 7895

COMMERCE DEPARTMENT
See Area Redevelopment Administration.

CONSUMER AND MARKETING SERVICE
Rules and Regulations
Avocados grown in South Florida; shipments limitation 7893
Milk in Great Basin marketing area; suspension of certain provision 7893
Seeds; miscellaneous amendments 7887
Proposed Rule Making
Milk in Southern Michigan and Muskegon, Mich., marketing areas; decision 7903

FEDERAL AVIATION AGENCY
Rules and Regulations
Airworthiness directives:
Canadair Model CL-44D4 aircraft 7876
Fairchild Model F-27 aircraft 7876
Hartzell Model HC-12x20 propellers 7876
Control zones:
Alterations (3 documents) 7877, 7879, 7884
Designation 7877
Control zones and transition areas:
Alteration 7884
Alterations and designations (5 documents) 7878, 7880, 7881
Control zones, control area extensions, and transition areas; revocation, alteration, and designation (8 documents) 7877–7879, 7881–7884
Transition areas:
Alteration and designation 7885
Description; correction 7886
Designations (5 documents) 7885, 7886
Transition area and control area extension; designation and revocation 7883
Standard instrument approach procedures; miscellaneous amendments 7887
Proposed Rule Making
VOR Federal airways; alteration 7929
Notices
Coral Television Corp.; final determination of hazard to air navigation 7931

FEDERAL COMMUNICATIONS COMMISSION
Proposed Rule Making
Table of assignments, television broadcast stations 7920
Notices
Hearings, etc.:
Lampasas Broadcasting Corp. (KCYL) 7932
United States of America et al. (2 documents) 7932

FEDERAL MARITIME COMMISSION
Proposed Rule Making
Time for filing and commenting on certain agreements 7930
Notices
West Coast of Italy, Sicilian and Adriatic Ports/North Atlantic Range Conference; agreement 7934

FEDERAL TRADE COMMISSION
Rules and Regulations
Guide for avoiding deceptive use of word "mill" in textile industry 7894

FOOD AND DRUG ADMINISTRATION
Rules and Regulations
Drugs; furaltadone, procaine penicillin G 7896
Food additives:
Disodium EDTA 7895
Furaltadone, procaine penicillin G 7896
Slimicides 7896

HEALTH, EDUCATION, AND WELFARE DEPARTMENT
See Food and Drug Administration.

INTERIOR DEPARTMENT
See Land Management Bureau.

INTERSTATE COMMERCE COMMISSION
Rules and Regulations
Railroad safety appliance standards; track motor cars and push cars 7901
Notices
Fourth section applications for relief 7936
Georgia & Florida Railway; rerouting and diversion of traffic; amendment 7936

LAND MANAGEMENT BUREAU
Rules and Regulations
Public land orders:
Alaska:
Partly revoking Executive order 7901
Revocation of previous order 7900
Withdrawing land for use of Air Force Department as recreation sites; revocation of previous order 7899
California:
Opening of lands 7897
Withdrawal of land for public recreation sites 7900
Colorado, California, and Arizona; withdrawal for protection of natural areas on public lands; correction and partial revocation of previous order 7899
Idaho; partial revocation of previous order 7900
New Mexico; partial revocation of previous order 7897
Oregon; powersite restoration, cancellation, revocation; opening of lands 7898
Washington:
Partial revocation of reclamation withdrawal 7897
Revocation in whole or in part of Forest Service administrative sites 7897
Notices
New Mexico; proposed withdrawal and reservation of lands 7931

SECURITIES AND EXCHANGE COMMISSION
Notices
Chatham Corp.; hearing, etc 7935

List of CFR Parts Affected

(Codification Guide)

The following numerical guide is a list of the parts of each title of the Code of Federal Regulations affected by documents published in today's issue. A cumulative list of parts affected, covering the current month to date, appears at the end of each issue beginning with the second issue of the month.

A cumulative guide is published separately at the end of each month. The guide lists the parts and sections affected by documents published since January 1, 1965, and specifies how they are affected.

3 CFR

EXECUTIVE ORDERS:
July 10, 1912 (revoked in part by PLO 3699) 7898
Dec. 12, 1917 (revoked in part by PLO 3699) 7898
8278 (revoked in part by PLO 3705) 7901

5 CFR

213 (3 documents) 7895

7 CFR

201 7887
915 7893
1136 7893
PROPOSED RULES:
1040 7903
1042 7903

9 CFR

97 7893

13 CFR

305 7894

14 CFR

39 (3 documents) 7876
71 (26 documents) 7877–7886
97 7867
PROPOSED RULES:
71 7929

16 CFR

14 7894

21 CFR

121 (3 documents) 7895, 7896
146a 7896

41 CFR

9–14 7886
9–16 7887
9–17 7887

43 CFR

509 (revoked in part by PLO 3695) 7897
1350 (revoked by PLO 3700) 7899
1752 (revoked by PLO 3704) 7900
1898 (revoked in part by PLO 3703) 7900
3530 (revoked in part by PLO 3701) 7899
3695 7897
3696 7897
3697 7897
3698 7897
3699 7898
3700 7899
3701 7899
3702 7900
3703 7900
3704 7900
3705 7901

46 CFR

PROPOSED RULES:
521 7930

47 CFR

PROPOSED RULES:
73 7929

49 CFR

131 7901

Rules and Regulations

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Agency

[Reg. Docket No. 6649; Amdt. 430]

PART 97—STANDARD INSTRUMENT APPROACH PROCEDURES

Miscellaneous Amendments

The amendments to the standard instrument approach procedures contained herein are adopted to become effective when indicated in order to promote safety. The amended procedures supersede the existing procedures of the same classification now in effect for the airports specified therein. For the convenience of the users, the complete procedure is republished in this amendment indicating the changes to the existing procedures.

As a situation exists which demands immediate action in the interests of safety in air commerce, I find that compliance with the notice and procedure provisions of the Administrative Procedure Act is impracticable and that good cause exists for making this amendment effective within less than 30 days from publication.

In view of the foregoing and pursuant to the authority delegated to me by the Administrator (24 F.R. 5662), Part 97 (14 CFR Part 97) is amended as follows:

1. By amending the following low or medium frequency range procedures prescribed in § 97.11(a) to read:

LFR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
Windsor VOR	QG LFR (final)	Direct	1700	T–dn*	500–1	500–1	500–1
				C–d	600–1	600–1	600–1½
				C–n	600–2	600–2	600–2
				A–dn	600–2	600–2	600–2
				Following minimums apply if aircraft equipped with dual low-frequency capability and Peach Int received:			
				C–dn	600–1	600–1	600–1½

Procedure turn E side of crs. 142 Outbnd, 322 Inbnd, 2000' within 10 miles.
Minimum altitude over facility on final approach crs. 1700'.
Crs and distance, QG LFR to airport, 322°—7.9 miles; Peach Int to airport, 322°—4.2 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 7.9 miles after passing QG LFR or 4.2 miles after passing Peach Int, climb to 2700' and proceed direct to MDS RBn or, when directed by ATC, (1) make right-climbing turn to 2000' and return to QG LFR or (2) make right climbing turn to 2000' and proceed direct to QG VOR.
AIR CARRIER NOTE: Sliding scale not authorized.
*300–1 (takeoff authorized on Runway 33L only.
MSA within 25 miles of facility: N–2000'; E–1900'; S–2400'; W–2800'.

City, Detroit; State, Mich.; Airport name, Detroit City; Elev., 620'; Fac. Class., SBRAZ (Windsor LFR); Ident., QG; Procedure No. 1, Amdt. 12; Eff. Date, 19 June 65; Sup. Amdt. No. 11; Dated, 20 Mar. 65

2. By amending the following automatic direction finding procedures prescribed in § 97.11(b) to read:

ADF STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
				T–d*	2300–3	2300–2	2300–2
				T–n	NA	NA	NA
				C–d	2300–3	2300–2	2300–2
				C–n	NA	NA	NA
				A–dn	NA	NA	NA

Procedure turn E side of crs, 351° Outbnd, 171° Inbnd, 3000' within 10 miles (nonstandard to avoid high terrain to the W).
Minimum altitude over facility on final approach crs, 3800'.
Facility on airport.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0.6 mile of BML RBn, make a right-climbing turn to 8000' on crs of 351° within 10 miles of BML RBn. Hold N of BML RBn, 171° Inbnd, 1-minute left turns.
NOTE: (1) Facility must be monitored aurally during this procedure. (2) Facility owned and operated by the State of New Hampshire.
Shuttle: From 6700' to 8000' on crs of 351° from facility within 10 miles, 171° Inbnd. All turns to the E.
*IFR climbout procedure: Climb N of facility, shuttle to 6700' on crs of 351° within 10 miles of BML RBn, 171° Inbnd, all turns to the E.
Other change: Deletes transition from Cascade Int and air carrier note.
MSA within 25 miles of facility: 090°–180°—8200'; 180°–270°—7400'; 270°–090°—8600'.

City, Berlin; State, N.H.; Airport name, Berlin Municipal; Elev., 1135'; Fac. Class., HW; Ident., BML; Procedure No. 1, Amdt. 4; Eff. Date, 19 June 65; Sup. Amdt. No. 3; Dated, 7 Oct. 61

ADF STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

Transition: From—	Transition: To—	Transition: Course and distance	Transition: Minimum altitude (feet)	Ceiling and visibility minimums: Condition	2-engine or less: 65 knots or less	2-engine or less: More than 65 knots	More than 2-engine, more than 65 knots
Denver VOR	LOM	Direct	7000	T–dn°	500–1	500–1	500–1½
Strasburg Int	LOM	Direct	7000	C–dn	500–1	500–1	500–1½
Kiowa VOR	Watkins Int	Direct	7500	S–dn–26L/R	500–1	500–1	500–1
Watkins Int	LOM (final)	Direct	7000	A–dn	500–2	500–2	500–2
Broomfield Int	LOM	Direct	7000				
Englewood (EGW) RBn	LOM	Direct	7000				
Franktown Int	LOM	Direct	7500				

Radar vectoring authorized in accordance with approved patterns.
Procedure turn N side of crs, 076° Outbnd, 256° Inbnd, 7000′ within 10 miles.
Minimum altitude over facility on final approach crs, 7000′.
Crs and distance, facility to airport, 256°—5.5 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 5.5 miles after passing LOM, turn right, climb to 7000′ on 345° bearing from DE LOM within 20 miles or, when directed by ATC, turn right, climb to 7000′ direct to DEN VOR.
°Westbound (180° through 330°) IFR departures must comply with published Denver SID's or with radar vectors.

City, Denver; State, Colo.; Airport name, Stapleton International; Elev., 5331′; Fac. Class., LOM; Ident., DE; Procedure No. 1, Amdt. 27; Eff. Date, 19 June 65; Sup. Amdt. No. 26; Dated, 26 Oct. 63

QG LFR	MDS RBn	Direct	2700	T–dn°	600–1	600–1	600–1
QG VOR	MDS RBn	Direct	2700	C–dn	600–1	600–1	600–1½
PTK VOR	MDS RBn	Direct	2700	S–dn–13	600–1	600–1	600–1
SVM VOR	MDS RBn	Direct	2700	A–dn	600–2	600–2	600–2
Troy Int	MDS RBn (final)	Direct	2400				

Procedure turn E side of crs, 326° Outbnd, 146° Inbnd, 2700′ within 10 miles.
Minimum altitude over facility on final approach crs, 2400′.
Crs and distance, facility to airport, 146°—5.7 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 5.7 miles after passing MDS RBn, climb to 2000′ and proceed direct to QG LFR or, when directed by ATC, (1) climb to 2000′ and proceed direct to QG VOR or (2) make left-climbing turn to 2700′ and proceed to Oak Int via QG VOR R–274.
AIR CARRIER NOTE: Sliding scale not authorized.
°300–1 takeoff authorized on Runway 33L only.
MSA within 25 miles of facility: 000°–090°—1800′; 090°–180°—2200′; 180°–270°—2700′; 270°–360°—2800′.

City, Detroit; State, Mich.; Airport name, Detroit City; Elev., 626′; Fac. Class., MHW; Ident., MDS; Procedure No. 1, Amdt. 7; Eff. Date, 19 June 65; Sup. Amdt. No. 6; Dated, 20 Mar. 65

				T–dn°	500–1	500–1	NA
				T–cat	1000–2	1000–2	NA
				C–dn	1000–1½	1000–1½	NA
				C–cat	1500–2	1500–2	NA
				A–dn	NA	NA	NA

Procedure turn S side of crs, 263° Outbnd, 083° Inbnd, 3500′ within 10 miles.
Minimum altitude over facility on final approach crs, 3400′.
Crs and distance, facility to airport, 083°—2.7 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 2.7 miles after passing LCI RBn, climb straight ahead to 2000′, make left-climbing turn to LCI RBn at 3500′. Hold W of LCI RBn, 083° Inbnd, 1-minute right turns.
NOTES: (1) Facility must be monitored aurally during this procedure. (2) Facility owned and operated by State of New Hampshire.
Other change: Deletes transitions and air carrier notes.
°No takeoffs on Runway 17. After takeoff from Runways 26 or 35, make right-climbing turn to intercept LCI RBn, 063° bearing, heading 263° to LCI at 2000′ or above. Continue climb in holding pattern W of LCI RBn, 063° Inbnd, 1-minute right turns until reaching MEA for direction of flight. After takeoff from Runway 8, make left-climbing turn to LCI RBn at 2000′ or above, continue climb in holding pattern until reaching MEA for direction of flight.
‡Night operations on Runways 8–26 only. All circling to be conducted N of Runways 8–26.
MSA within 25 miles of facility: 000°–090°—5200′; 090°–180°—3400′; 180°–270°—3000′; 270°–360°—4800′.

City ,Laconia; State, N.H.; Airport name, Laconia Municipal; Elev., 502′; Fac. Class., MHW; Ident., LCI; Procedure No. 1, Amdt. 3; Eff. Date, 19 June 65; Sup. Amdt. No. 2; Dated, 16 Apr. 55

				T–dn	800–1	800–1	800–1½
				C–dn	800–1	800–1	800–1½
				S–dn–35	800–1	800–1	800–1
				A–dn	800–2	800–2	800–2

Procedure turn E side of crs, 172° Outbnd, 352° Inbnd, 2200′ within 10 miles.
Minimum altitude over facility on final approach, 1100′.
Crs and distance, facility to airport, 352°—3.5 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 3.5 miles after passing RBn, make right-climbing turn to MHT RBn at 2200′. Hold S of MHT RBn, 352° Inbnd, 1-minute right turns.
NOTES: (1) Facility must be monitored aurally during this procedure. (2) Facility owned and operated by the State of New Hampshire. (3) Approach from a holding pattern not authorized. Procedure turn required.
CAUTION: 680′ terrain (0.75 mile E of Runway 36).
MSA within 25 miles of facility: 000°–090°—2500′; 090°–180°—1800′; 180°–360°—3200′.

City, Manchester; State, N.H.; Airport name, Grenier Field (Manchester Municipal); Elev., 223′; Fac. Class., MHW; Ident., MHT; Procedure No. 1, Amdt. 2; Eff. Date, 19 June 65; Sup. Amdt. No. 1; Dated, 11 Aug. 62

ADF STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

Transition: From—	Transition: To—	Transition: Course and distance	Transition: Minimum altitude (feet)	Ceiling and visibility minimums: Condition	2-engine or less: 65 knots or less	2-engine or less: More than 65 knots	More than 2-engine, more than 65 knots
Arcola Int	MTO RBn	Direct	2400	T–dn	300–1	300–1	200–½
Casey Int	MTO RBn	Direct	2400	C–dn	700–1	700–1	700–1½
				S–dn–6	700–1	700–1	700–1
				A–dn°	NA	NA	NA
				The following minimums apply if Etna Int received:			
				C–dn	400–1	500–1	500–1½
				S–dn–6	400–1	400–1	400–1

Procedure turn E side of crs, 226° Outbnd, 045° Inbnd, 2200′ within 10 miles.
Minimum altitude over facility on final approach crs, 1400′.
Facility on airport.
Crs and distance, Etna Int to airport, 045°—3.5 miles. Etna Int to RBn 3.9 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0.0 mile of MTO RBn, climb to 2200′ on crs of 045°, turn right and return to MTO RBn, hold SW, 1ubnd crs, 045°, right turns.
NOTE: No weather available.
NOTE: Private facility operated by Coles County Airport authority.
°Alternate minimums of 800–2 authorized for air carriers with approved weather service.

City, Mattoon-Charleston; State, Ill.; Airport name, Coles County Memorial; Elev., 721′; Fac. Class., HW; Ident., MTO (Private facility); Procedure No. 1, Amdt. 2; Eff. Date, 19 June 65; Sup. Amdt. No. 1; Dated, 22 Feb 64

MGM VOR	LOM	Direct	1800	T–dn	300–1	300–1	200–½
Benton Int	LOM (final)	Direct	1700	C–dn	400–1	500–1	500–1½
Calhoun Int	LOM	Direct	1800	S–dn–6	400–1	400–1	400–1
Swift Creek Int	LOM	Direct	1800	A–dn	800–2	800–2	800–2
Sellers Int	LOM	Direct	2300				

Radar vectoring authorized in accordance with approved patterns.
Procedure turn S side of crs, 273° Outbnd, 093° Inbnd, 1700′ within 10 miles.
Minimum altitude over facility on final approach crs, 1700′.
Crs and distance, facility to airport, 093°—5.1 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 5.1 miles after passing MGM LOM, climb to 2000′ on R–127 MGM VOR within 20 miles or, when directed by ATC, climb to 2000′ on crs of 093° from MGM LOM within 15 miles.
CAUTION: Tower, 987′ 8 miles E.
CAUTION NOTE: Night operation Runways 15–33 not authorized due lack of obstruction and runway lights.
NOTE: Aircraft executing missed approach may, after being reidentified, be radar controlled.
MSA within 25 miles of facility: 000°–090°—2200′; 090°–180°—2600′; 180°–270°—1800′; 270°–360°—2200′.

City, Montgomery; State, Ala.; Airport name, Dannelly Field; Elev., 221′; Fac. Class., LOM; Ident., MG; Procedure No. 1, Amdt. 6; Eff. Date, 19 June 65; Sup. Amdt. No. 5; Dated, 17 Apr. 65

Amboy VHF Int	LOM (final)	Direct	1000	T–dn	300–1	300–1	200–½
Chatham RBn	LOM	Direct	1000	C–dn°	300–1	300–1	600–1½
				S–dn–4	600–1	600–1	600–1
				A–dn°	800–2	800–2	800–2
				°The following minimums apply to turbojet aircraft when circling W of Runways 4–22 centerlines authorized.			
				C–dn	900–2	900–2	900–2
				A–dn	900–2	900–2	900–2

Radar vectoring authorized in accordance with approved radar patterns.
Procedure turn W side of crs, 217° Outbnd, 037° Inbnd, 1600′ within 10 miles (nonstandard due to ATC).
Minimum altitude over facility on final approach crs, 1600′
Crs and distance, facility to airport, 037°—4.0 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.0 miles after passing LOM, climb to 1000′ on crs, 037° from LOM, then make left-climbing turn to 2000′ direct to Chatham RBn. Hold NE Chatham RBn 2000′, 1-minute right turns, 1ubnd crs, 241°.
CAUTION: Building 986′, 2.2 miles N of airport.
MSA within 25 miles of facility: 000°–270°—1600′; 270°–000°—2000′.

City, Newark; State, N.J.; Airport name, Newark; Elev., 18′; Fac. Class., LOM; Ident., EW; Procedure No. 1, Amdt. 12; Eff. Date, 19 June 65; Sup. Amdt. No. 17; Dated, 28 Mar. 64

				T–d	800–1	NA	NA
				C–d	900–1	NA	NA
				C–a	NA	NA	NA
				A–dn	NA	NA	NA

Radar transitions authorized in accordance with approved patterns of Newark approach control.
Procedure turn N side of crs, 067° Outbnd, 247° Inbnd, 2300′ within 10 miles.
Minimum altitude over facility on final approach crs, 2000′.
Crs and distance, facility to airport, 254°—4.7 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.7 miles after passing PNJ Radio Beacon, climb to 2000′ on direct crs to Chatham RBn. Hold NE 1-minute right turns, 1nbnd crs, 241°.
MSA within 25 miles of facility: 270°–180°—2600′; 180°–270°—2100′.

City, Paterson; State, N.J.; Airport name, Totowa Wayne; Elev., 169′; Fac. Class., MHW; Ident., PNJ; Procedure No. 1, Amdt. Orig.; Eff. Date, 19 June 65

ADF STANDARD INSTRUMENT APPROACH PROCEDURES—Continued

Transition: From—	Transition: To—	Transition: Course and distance	Transition: Minimum altitude (feet)	Ceiling and visibility minimums: Condition	2-engine or less: 65 knots or less	2-engine or less: More than 65 knots	More than 2-engine, more than 65 knots
ENE VOR	PW LOM	Direct	2100	T-dn	500-1	500-1	500-1½
Freeport Int	PW LOM	Direct	2100	C-dn	600-1	600-1	600-1½
				S-dn-11	500-1	500-1	500-1
				A-dn	600-2	600-2	600-2

Procedure turn S side of crs, 292° Outbnd, 112° Inbnd, 2100' within 10 miles of LOM.
Minimum altitude over facility on final approach crs, 1800'.
Crs and distance, facility to airport, 112°—3.4 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 5.4 miles after passing Portland LOM, climb to 1000' on crs, 112° within 10 miles of LOM, then make a right-climbing turn to PW LOM at 2100'. Hold W of PW LOM, 112° Inbnd, 1-minute right turns.
MSA within 25 miles of facility: 000°–090°—3000'; 090°–180°—1300'; 180°–270°—2100'; 270°–360°—2800'.

City, Portland; State, Maine; Airport name, Portland Municipal; Elev. 60'; Fac. Class., LOM; Ident., PW; Procedure No. 1, Amdt. 3; Eff. Date, 19 June 65; Sup. Amdt. No. 2; Dated, 25 Aug. 62

PIE VOR	AMP RBn	Direct	1500	T-dn*	500-1	500-1	500-1
				C-dn	700-1	700-1	700-1½
				S-dn-3	600-1	600-1	500-1
				A-dn	NA	NA	NA

Radar vectoring authorized in accordance with approved patterns.
Procedure turn N side of crs, 266° Outbnd, 086° Inbnd, 1500' within 10 miles. Dus MacDill AFB traffic.
Minimum altitude over facility on final approach crs 1000'.
Crs and distance, facility to airport, 086°—3.7 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 5.7 miles after passing AMP RBn, turn left, intercept 083° bearing from AMP RBn, climbing to 1600' within 20 miles.
NOTES: (1) Aircraft executing missed approach may, after being reidentified, be radar controlled. (2) Air carrier use not authorized. Weather and communications service not available at this airport.
CAUTION: 451' towers immediately N of airport. Unicom available.
*500-1 required for N and NW takeoffs.
MSA within 25 miles of facility: 000°–090°—1600'; 090°–180°—2200'; 180°–270°—1600'; 270°–360°—1000'.

City, Tampa; State, Fla.; Airport name, Peter O. Knight; Elev., 9'; Fac. Class., H-SAB; Ident., AMP; Procedure No. 1, Amdt. 1; Eff. Date, 19 June 65; Sup. Amdt. No. Orig.; Dated, 27 Oct. 62

PIE VOR	LOM	Direct	1800	T-dn*	300-1	300-1	300-1½
AMP RBn	LOM	Direct	1500	C-dn	500-1	500-1	500-1½
				S-dn-18L	400-1	400-1	400-1
				A-dn	600-2	600-2	600-2

Radar vectoring authorized in accordance with approved patterns.
Procedure turn W side N crs, 001° Outbnd, 181° Inbnd, 1400' within 10 miles.
Minimum altitude over facility on final approach crs, 1200'.
Crs and distance, facility to airport, 181°—4.0 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.0 miles after passing LOM, turn right, proceed direct to PIE VOR climbing to 1600' or, when directed by ATC, climb to 1600' on direct bearing to AMP RBn.
NOTE: Aircraft executing missed approach may, after being reidentified, be radar controlled.
CAUTION: 210' radio tower, 1 mile WSW of airport.
Other changes: Deletes transition from Wilson Int.
*200-½ absolute minimum for takeoff Runway 27.
MSA within 25 miles of facility: 000°–090°—1500'; 090°–180°—2200'; 180°–270°—1600'; 270°–360°—1200'.

City, Tampa; State, Fla.; Airport name, Tampa International; Elev., 27'; Fac. Class., LOM; Ident., TP; Procedure No. 1, Amdt. 18; Eff. Date, 19 June 65; Sup. Amdt. No. 17; Dated, 22 Aug. 64

PIE VOR	AMP RBn	Direct	1800	T-dn*	300-1	300-1	300-1½
				C-dn	500-1	500-1	500-1½
				S-dn-23L	500-1	500-1	500-1
				A-dn	600-2	600-2	600-2
				If directed by ATC, aircraft will maintain 3000' until passing AMP RBn and the following minimums will apply:			
				C-dn	800-1	800-1	800-1½

Radar vectoring authorized in accordance with approved patterns.
Procedure turn E side of crs, 181° Outbnd, 001° Inbnd, 1800' within 10 miles.
Minimum altitude over facility on final approach crs, 1500'.
Crs and distance, facility to Runway 36L, 001°—6.1 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 6.1 miles after passing AMP RBn, climb to 1500' on bearing of 001° from AMP RBn within 20 miles.
NOTE: Aircraft executing missed approach procedure may, after being reidentified, be radar controlled.
CAUTION: 210' radio tower, 1 mile WSW of airport.
*200-½ absolute minimum for takeoff Runway 27.
MSA within 25 miles of facility: 000°–090°—1900'; 090°–180°—2200'; 180°–270°—1600'; 270°–360°—1600'.

City, Tampa; State, Fla.; Airport name, Tampa International; Elev., 27'; Fac. Class., H-SAB; Ident., AMP; Procedure No. 2, Amdt. 2; Eff. Date, 19 June 65; Sup. Amdt. No. Dated, 22 Aug. 64

3. By amending the following very high frequency omnirange (VOR) procedures prescribed in § 97.11(c) to read:

VOR STANDARD INSTRUMENT APPROACH PROCEDURES

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.
If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition: From—	Transition: To—	Transition: Course and distance	Transition: Minimum altitude (feet)	Ceiling and visibility minimums: Condition	2-engine or less: 65 knots or less	2-engine or less: More than 65 knots	More than 2-engine, more than 65 knots
				T-dn	300-1	300-1	NA
				C-dn	600-1	600-1	NA
				A-dn	600-2	600-2	NA

Procedure turn S side of crs, 230° Outbnd, 050° Inbnd, 2800' within 10 miles.
Minimum altitude over facility on final approach crs, 2800'.
Crs and distance, facility to airport, 050°—3.5 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 6.5 miles after passing PQI VORTAC, make a right-climbing turn to the PQI VORTAC at 2800'. Hold SW of the PQI VORTAC on R-230, 1-minute right turns, 050° Inbnd.
CAUTION: 825' antenna (0.5 mile NW of airport).
Other changes: Deletes transitions.
MSA within 25 miles of facility: 000°–180°—3100'; 180°–270°—2700'; 270°–360°—3100'.

City, Caribou; State, Maine; Airport name, Caribou Municipal; Elev., 622'; Fac. Class., BVORTAC; Ident., PQI; Procedure No. 1, Amdt. 2; Eff. Date, 19 June 65; Sup. Amdt. No. 1; Dated, 5 Nov. 60

				T-dn*	300-1	300-1	300-1
				C-dn	1000-3	1000-3	1000-3
				A-dn	1000-3	1000-3	1000-3
				If aircraft equipped to receive DME and Bishop DME Fix received, the following minimums are authorized:			
				C-dn	400-1	400-1	400-1½
				S-dn	400-1	400-1	500-1½

Procedure turn N side of crs, 021° Outbnd, 201° Inbnd, 7400' within 10 miles. Beyond 10 miles not authorized.
Minimum altitude over facility on final approach crs, 7400'.
Crs and distance, facility to airport, 201°—13.2 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 10.0 miles after passing CPR VOR, climb to 8000' on R-201 CPR VOR within 20 miles or, when directed by ATC, climb to 8000' on W crs of ILS within 10 miles of LMM.
MSA within 25 miles of facility: 000°–090°—8300'; 090°–180°—10,300'; 180°–270°—10,000'; 270°–360°—8200'.
*Southeastbound (154° through 155°) IFR departures: On V–19 cross Deer Creek Int at or above 9000'; On V–65 cross Mountain Int at or above 10,000'.

City, Casper; State, Wyo.; Airport name, Casper Air Terminal; Elev., 5349'; Fac. Class., BVORTAC; Ident., CPR; Procedure No. 1, Amdt. 6; Eff. Date, 19 June 65 or upon conversion of CPR RBn.; Sup. Amdt. No. 5; Dated, 26 Dec. 64

Windsor LFR	Windsor VOR	Direct	2000	T-dn@	800-1	800-1	800-1
				C-d	1000-1	1000-1	1000-1½
				C-a	1000-2	1000-2	1000-2
				A-dn	1000-2	1000-2	1000-2
				Following minimums apply when aircraft equipped with VOR and ADF receivers and Inland Int received:			
				C-dn	600-1	600-1	600-1½

Procedure turn E side of crs, 142° Outbnd, 322° Inbnd, 2000' within 10 miles.
Minimum altitude over QG VOR on final approach, 2000'.
Crs and distance, QG VOR to airport, 328°—12.3 miles; Island Int to airport, 328°—4.2 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 12.3 miles after passing QG VOR, climb to 2700' on QG VOR R-328 and proceed to Oak Int or, when directed by ATC, (1) make right-climbing turn to 2000' and return to Windsor VOR or (2) make right-climbing turn to 2000' and proceed direct to QG LFR.
AIR CARRIER NOTE: Sliding scale not authorized.
@300-1 takeoff authorized Runway 33L.
MSA within 25 miles of facility: 000°–090°—1900'; 090°–180°—1800'; 180°–270°—2400'; 270°–360°—2800'.

City, Detroit; State, Mich.; Airport name, Detroit City; Elev., 626'; Fac. Class., BVOR; Ident., QG; Procedure No. 1, Amdt. 2; Eff. Date, 19 June 65; Sup. Amdt. No. 1; Dated, 20 Mar. 65

Troy Int	Oak Int (final)	Direct	2400	T-dn*	800-1	800-1	800-1
Belle Int	Oak Int	Direct	2700	C-dn	900-1	900-1	900-1½
				A-dn	800-2	800-2	800-2

Procedure turn N side of crs, 223° Outbnd, 143° Inbnd, 2700' within 10 miles of Oak Int.
Minimum altitude over Oak Int on final approach crs, 2400'.
Crs and distance Oak Int to airport, 143°—5.1 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 5.1 miles after passing Oak Int, climb to 2000' and proceed direct to QG VOR or, when directed by ATC, (1) climb to 2000' and proceed direct to QG LFR or (2) make climbing left turn to 2700' and proceed to Oak Int via QG VOR R-323.
NOTE: Dual VOR required.
AIR CARRIER NOTE: Sliding scale not authorized.
*300-1 takeoff authorized on Runway 33L only. MSA within 25 miles of facility: 000°–090°—1900'; 090°–180°—1800'; 180°–270°—2400'; 270°–360°—2800'.

City, Detroit; State, Mich.; Airport name, Detroit City; Elev., 626'; Fac. Class., BVOR; Ident., QG; Procedure No. 2, Amdt. 2; Eff. Date, 19 June 65; Sup. Amdt. No. 1; Dated, 20 Mar. 65

				T-dn	800-1	800-1	800-1
				C-d	900-1	900-1	900-1½
				C-a	900-2	900-2	900-2
				A-dn	900-2	900-2	900-2

Procedure turn E side of crs, 160° Outbnd, 340° Inbnd, 2600' within 10 miles.
Minimum altitude over facility on final approach crs, 2600'.
Crs and distance, facility to airport 340°—9.4 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 9.4 miles after passing FAR VORTAC, climb to 2800' on R-340 within 20 miles or, when directed by ATC, make left-climbing turn to intercept R-261, climb to 2800' on R-261 within 20 miles.
NOTE: When authorized by ATC, DME may be used to position aircraft for straight-in approach at 2800' between R-101 clockwise to R-261 via 6-mile DME arc with the elimination of procedure turn.
MSA within 25 miles of facility: 000°–090°—2400'; 090°–270°—2800'; 270°–360°—2300'.

City, Fargo; State, N. Dak.; Airport name, Hector Field; Elev., 900'; Fac. Class., BVORTAC; Ident., FAR; Procedure No. 1, Amdt. Orig.; Eff. Date, 19 June 65

VOR STANDARD INSTRUMENT APPROACH PROCEDURES—Continued

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
				T-dn	300-1	*200-1	*300-1½
				C-dn	400-1	*500-1	*800-1½
				S-dn-33	400-1	*400-1	*400-1
				A-dn	800-2	*800-2	*800-2

Procedure turn E side of crs, 146° Outbnd, 326° Inbnd, 1300' within 10 miles.
Minimum altitude over facility on final approach crs, 1300'.
Crs and distance, facility to airport, 326°—4.3 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.3 miles after passing LFK VOR, turn left, climb to 2000' on R-310 within 10 miles.
Other change: Deletes note regarding areas obstruction data.
*Heavier aircraft use caution due runway load bearing ability.
MSA within 25 miles of facility: 000°-090°—1900'; 090°-180°—1700'; 180°-270°—1800'; 270°-360°—3000'.

City, Lufkin; State, Tex.; Airport name, Angelina County; Elev., 280'; Fac. Class., BVORTAC; Ident., LFK; Procedure No. 1, Amdt. 8; Eff. Date, 10 June 65; Sup. Amdt. No. 7; Dated, 17 Oct. 64

				T-dn	300-1	300-1	300-1½
				C-dn	600-1	600-1	600-1½
				S-dn-35	600-1	600-1	600-1
				A-dn	800-2	800-2	800-2

Procedure turn E side of crs, 157° Outbnd, 337° Inbnd, 2200' within 10 miles.
Minimum altitude over facility on final approach crs, 1100'.
Crs and distance, facility to airport, 337°—4.2 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.2 miles after passing MHT VOR, make right-climbing turn to MHT VOR at 2200'. Hold SW of MHT VOR on R-157, 1-minute right turns, 337° Inbnd.
CAUTION: 480' terrain (0.75 mile E of Runway 35).
MSA within 25 miles of facility: 000°-090°—2800'; 090°-180°—1900'; 180°-360°—3300'.

City, Manchester; State, N.H.; Airport name, Greiner Field (Manchester Municipal); Elev., 233'; Fac. Class., L-BVORTAC; Ident., MHT; Procedure No. 1, Amdt. 2; Eff. Date, 19 June 65; Sup. Amdt. No. 1; Dated, 11 Aug. 62

				T-dn	300-1	300-1	300-1½
				C-dn	400-1	400-1	800-1½
				S-d-33	400-1	400-1	400-1
				A-dn	800-2	800-2	800-2

Radar vectoring authorized in accordance with approved patterns.
Procedure turn E side crs, 135° Outbnd, 315° Inbnd, 2000' within 10 miles.
Minimum altitude over facility on final approach crs, 1800'.
Crs and distance, facility to airport, 315°—5.6 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 5.6 miles after passing MGM VOR, climb to 2000' on R-318 within 20 miles of MGM VOR or, when directed by ATC, turn left, climb to 2000' on W crs MGM ILS within 20 miles.
NOTES: (1) Night operation Runways 15-33 not authorized due lack of obstruction and runway lights. (2) When authorized by ATC, DME may be used from R-035 clockwise to R-150 within 15 miles at 2000' and from R-150 to R-240 within 15 miles at 2200' to position aircraft for straight-in approach with the elimination of procedure turn. (3) Aircraft executing missed approach may, after being radar identified, be radar controlled.
MSA within 25 miles of facility: 000°-090°—2000'; 090°-180°—2800'; 180°-270°—2800'; 270°-360°—2000'.

City, Montgomery; State, Ala.; Airport name, Dannelly Field; Elev., 221'; Fac. Class., BVORTAC; Ident., MGM; Procedure No. 1, Amdt. 12; Eff. Date, 19 June 65; Sup. Amdt. No. 11; Dated, 17 Apr. 65

4. By amending the following terminal very high frequency omnirange (TerVOR) procedures prescribed in § 97.13 to read:

TERMINAL VOR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.
If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
				T-dn%	2200-3	2200-2	2200-2
				C-dn	2700-3	2700-2	2700-2
				A-dn	3000-3	3000-2	3000-3

Procedure turn S side of crs, 288° Outbnd, 108° Inbnd, 10,200' within 10 miles.
Minimum altitude over facility on final approach crs, 9000'.
Facility on Airport.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0.0 mile after passing ELY VOR, right turn climb to 11,000' on R-150 within 18 miles of ELY VOR. No turns authorized prior to reaching 10,600'.
%Departure procedures: Climb clear of clouds over the airport to 8500'.
MSA within 25 miles of facility: 000°-090°—13,100'; 090°-180°—14,100; 180°-270°—11,900'; 270°-360°—11,300'.

City, Ely; State, Nev.; Airport name, Ely (Yelland Field); Elev., 6356'; Fac. Class., BVOR; Ident., ELY; Procedure No. TerVOR R-206, Amdt. 1; Eff. Date, 19 June 65; Sup. Amdt. No. Orig.; Dated, 26 Mar. 65

5. By amending the following very high frequency omnirange-distance measuring equipment (VOR/DME) procedures prescribed in § 97.15 to read:

VOR/DME STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.
If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
CON VOR via R-192	Page Int or 15-mile DME Fix MHT R-340 (final).	Direct	8000	T-dn	300-1	300-1	300-1½
		Direct	1900	C-dn	600-1	600-1	600-1½
Page Int or 15-mile DME Fix MHT R-340	11-mile DME Fix MHT R-340 (final)	Direct	1400	S-dn-17	500-1	500-1	500-1
11-mile DME Fix MHT R-340	9-mile DME Fix MHT R-340 (final)	Direct	800	A-dn	800-2	800-2	800-2
9-mile DME Fix MHT R-340	7-mile DME Fix MHT R-340 (final)						

Procedure turn W side of crs, 340° Outbnd, 160° Inbnd, 3000' within 10 miles of Page Int.
Minimum altitude over 15-mile DME Fix on final approach crs, 3000'; over 11-mile DME Fix, 1900'; over 9-mile DME Fix, 1400'; over 7-mile DME Fix, 800'.
Crs and distance, 7-mile DME Fix to airport, 160°—1.6 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished at 8.4-mile DME Fix, climb to 2300' direct to MHT VOR. Hold SE of MHT VOR on R-167, 1-minute right turns, 337° Inbnd.
NOTE: Procedure turn not required on transition from CON VOR to Page Int at 3000'.
CAUTION: 480' terrain (0.75 mile E of Runway 35).
MSA within 25 miles of facility: 000°-090°—2800'; 090°-180°—1800'; 180°-360°—3300'.

City, Manchester; State, N.H.; Airport name, Greiner Field (Manchester Municipal); Elev., 233'; Fac. Class., L-BVORTAC; Ident., MHT; Procedure No. VOR/DME-1, Amdt. 1; Eff. Date, 19 June 65; Sup. Amdt. No. Orig.; Dated, 10 Apr. 65

Hartstene Int/19-mile DME Fix R-345	OLM VOR	Direct	3000	T-dn%	300-1	300-1	300-1½
Harbor Int/10.0-mile DME Fix R-345	OLM VOR (final)	Direct	1800	C-dn	700-1	700-1	700-1½
Bayside Int	OLM VOR	Direct	1000	S-dn	NA	NA	NA
				A-dn	800-2	800-2	800-2
				If aircraft equipped with VOR and DME or VOR and ADF receivers, and Budd Int is identified the following minimums apply:			
				C-dn	600-1	600-1	600-1½
				S-dn-17	600-1	600-1	600-1

Radar vectoring authorized utilizing McChord radar in accordance with approved patterns.
Procedure turn W side of crs, 345° Outbnd, 165° Inbnd, 3000' within 15 miles.
Minimum altitude over Budd Int on final approach crs, 800'; over OLM VOR 800'.
Crs and distance, Budd Int to airport, 165°—5.0 miles OLM VOR on airport.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0.0 mile after passing OLM VOR, climb to 3000' on R-173 within 15 miles of OLM VOR; or when directed by ATC, turn left, climb to 3000' on R-345 within 15 miles of OLM VOR.
NOTE: When authorized by ATC, DME may be used within 20 miles at 2000' between R-315 clockwise to R-018 of OLM VOR to position aircraft for straight-in approach with elimination of procedure turn.
CAUTION: Restricted area 4.7 miles E of airport.
%Takeoffs all runways: Climb on R-345 OLM VORTAC within 10 miles so as to cross OLM VORTAC at or above 1600' westbound on V-304.
MSA within 25 miles of facility: 000°-090°—2700'; 090°-180°—4000'; 180°-270°—3700'; 270°-360°—3800'.

City, Olympia; State, Wash.; Airport name, Olympia Municipal; Elev., 206'; Fac. Class., L-BVORTAC; Ident., OLM; Procedure No. VOR/DME No. 1, Amdt. 4; Eff. Date, 19 June 65; Sup. Amdt. No. 3; Dated, 15 May 65

6. By amending the following instrument landing system procedures prescribed in § 97.17 to read:

ILS STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.
If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
DEN VOR	LOM	Direct	7000	T-dn $ 60	200-1	200-1	200-1½
Broomfield Int	LOM	Direct	7000	C-dn	# 400-1	800-1	800-1½
Derby Int	LOM	Direct	7000	S-dn-26L/%	200-½	200-½	200-½
Strasburg Int	LOM	Direct	7000	A-dn	600-2	800-2	800-2
Kiowa VOR	Watkins Int	Direct	7600				
Watkins Int	LOM (final)	Direct	7000				
Bennett Int	LOM	Direct	7000				
Brighton Int	LOM	Direct	7000				
Franktown Int	LOM	Direct	7600				
Englewood RBn	LOM	Direct	7000				
DEN VOR	Watkins Int	Direct	7000				

Radar vectoring authorized in accordance with approved patterns.
Procedure turn N side of E crs, 076° Outbnd, 256° Inbnd, 7080' within 10 miles.
Minimum altitude at glide slope interception Inbnd, 7090'.
Altitude of glide slope and distance to approach end of runway at OM, 6976'—5.5 miles; at MM, 5551'—0.6 mile.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished, turn right, climbing to 7090' direct to DEN VOR or, when directed by ATC, turn right and climb to 7090' on the 345° bearing from DE LOM.
CAUTION: 5570' tank, 0.8 mile SE of DEN MM. 5521' beacon, 1.5 miles S of airport.
#500-1 required for circling S of airport due to obstructions (see caution note).
*400-1 required when glide slope not utilized. 400-¾ authorized, except for 4-engine turbojet aircraft, with operative high-intensity runway lights. 400-½ authorized, except for 4-engine turbojet aircraft with operative ALS.
%Runway visual range 2400' also authorized for landing on Runway 26L; provided that all components of the ILS, high-intensity runway lights, approach lights, condenser discharge flashers, and all related airborne equipment are operating satisfactorily. Descent below 5551' shall not be made unless visual contact with the approach lights has been established or the aircraft is clear of clouds.
$Runway visual range 2400' also authorized for takeoff on Runway 26L in lieu of 200-½ when 200-½ is authorized; provided that high-intensity runway lights are operational.
$Westbound (193° through 330°) IFR departures must comply with published Denver SID's or with radar vectors.

City, Denver; State, Colo.; Airport name, Stapleton International; Elev., 5331'; Fac. Class., ILS; Ident., I-DEN; Procedure No. ILS-26L, Amdt. 30; Eff. Date, 19 June 65; Sup. Amdt. No. 29; Dated, 14 Mar. 64

ILS STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	3-engine or less		More than 3-engine, more than 65 knots
					65 knots or less	More than 65 knots	
LEX VOR	LE LOM	Direct	2600	T-dn	300–1	300–1	300–1½
McAfee Int	LE LOM	Direct	2500	C-dn	400–1	400–1	400–1½
Richmond Int	LE LOM	Direct	2600	S-dn-4°	300–¾	300–¾	300–¾
Chaplin Int	Keene Int	Via R-264 LEX VOR.	2500	A-dn	600–2	600–2	600–2
Keene Int	LE LOM (final)	Direct	2000				

Procedure turn N side of crs, 222° Outbnd, 042° Inbnd, 2000' within 10 miles (nonstandard due to more favorable terrain).
Minimum altitude at glide slope Int Inbnd, 2000'.
Altitude of glide slope and distance to approach end of runway at OM, 2000'—3.5 miles; at MM, 1199'—0.5 mile.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished, climb to 2600' on crs, 042° to the Fayette Int. Hold N, 1-minute right turns, 222° Inbnd, 042° Outbnd.
CAUTION: Glide slope point of touchdown approximately 1450' in from approach end of runway.
*400–1 required when glide slope not utilized; 400–¾ authorized, except for 4-engine turbojet aircraft, with operative ALS.

City, Lexington; State, Ky.; Airport name, Blue Grass; Elev., 978'; Fac. Class., ILS; Ident., I-LEX; Procedure No. ILS-4, Amdt. 5; Eff. Date, 19 June 65; Sup. Amdt. No. 4; Dated, 20 Feb. 64

Lexington VOR	Fayette Int	Direct	2800	T-dn	300–1	300–1	300–1
Lexington LOM	Fayette Int	Direct	2800	C-dn	500–1	500–1	500–1½
Centerville Int	Fayette Int (final)	Direct	2500	S-dn-22°	400–1	400–1	400–1
				A-dn	800–2	800–2	800–2

Procedure turn N side NE crs, 042° Outbnd, 222° Inbnd, 2800' within 10 miles.
Back crs, no glide slope.
Minimum altitude over Fayette Int, 2300'.
Crs and distance, Fayette Int to airport, 222°—4.8 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.8 miles after passing Fayette Int, climb to 2000' on SW crs ILS to Lexington LOM within 10 miles.
NOTE: Procedure authorized only when aircraft equipped to receive ILS and VOR simultaneously.
*400–¾ authorized, except for 4-engine turbojet aircraft, with operative high-intensity runway lights.

City, Lexington; State, Ky.; Airport name, Blue Grass; Elev., 978'; Fac. Class., ILS Ident., I-LEX; Procedure No. ILS-22 (back crs), Amdt. 4; Eff. Date, 19 June 65; Sup. Amdt. No. 3; Dated, 21 Mar. 64

MGM VOR	LOM	Direct	1800	T-dn##	300–1	300–1	300–1½
Benton Int	LOM (final)	Direct	1700	C-dn	400–1	500–1	500–1½
Calhoun Int	LOM	Direct	1800	S-dn-26°	300–1¼	300–1¼	300–1¼
Swift Creek Int	LOM	Direct	1800	A-dn	600–2	600–2	600–2
Sellers Int	LOM	Direct	2500				

Radar vectoring authorized in accordance with approved patterns.
Procedure turn S side crs, 273° Outbnd, 093° Inbnd, 1700' within 10 miles.
Minimum altitude at glide slope Int Inbnd, 1700'.
Altitude of glide slope and distance to approach end of runway at OM, 1700'—5.1 miles; at MM, 435'—0.6 mile.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished turn right, climb to 2000' on R-127 MGM VOR within 20 miles or, when directed by ATC, climb to 2000' on crs of 093° from MGM LOM within 15 miles.
CAUTION: Tower, 967'—8 miles E.
CAUTION NOTE: Night operations Runways 15-33 not authorized due to lack of obstruction and runway lights.
NOTE: Aircraft executing missed approach may, after being reidentified, be radar controlled. *400–¾ required when glide slope not utilized. 400–½ authorized, except for 4-engine turbojet aircraft, with operative ALS.
#Runway visual range 2400' also authorized for landing on Runway 9; provided, that all components of the ILS, high-intensity runway lights, approach lights, condenser discharge flashers, and all related airborne equipment are in satisfactory operating condition. Descent below 421' shall not be made unless visual contact with the approach lights has been established or the aircraft is clear of clouds.
##Runway visual range 2400' also authorized for takeoff on Runway 9 in lieu of 200–½ when 200–½ authorized providing high-intensity runway lights are operational.

City, Montgomery; State, Ala.; Airport name, Dannelly Field; Elev., 221'; Fac. Class., ILS; Ident., I-MGM; Procedure No. ILS-9, Amdt. 11; Eff. Date, 19 June 65; Sup. Amdt. No. 10; Dated, 17 Apr. 65

				T-dn	300–1	300–1	300–1
				C-dn	400–1	500–1	500–1½
				S-dn-27°	400–1	400–1	400–1
				A-dn	800–2	500–2	500–2

Radar vectoring authorized in accordance with approved patterns.
No procedure turn. Radar control will not descend aircraft below 2000' until 6 miles from end of runway on final.
Minimum altitude over 6-mile Radar Fix on final approach crs, 2000'.
Crs and distance, 6-mile Radar Fix to airport 273°—6.0 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 6.0 miles after passing 6-mile Radar Fix, climb to 2000' on W crs of MGM ILS within 20 miles.
NOTES: (1) Aircraft executing missed approach may, after being reidentified, be radar controlled. (2) MGM approach radar must be in operation for vector to final approach crs.
*400–¾ authorized, except for 4-engine turbojet aircraft, with operative high-intensity runway lights.

City, Montgomery; State, Ala.; Airport name, Dannelly Field; Elev., 221'; Fac. Class., ILS; Ident., I-MGM; Procedure No. ILS-27 (back crs), Amdt. Orig.; Eff. Date, 19 June 65

ILS STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
Amboy VHF Int	LOM (final)	Direct	1600	T-dn**	300–1	300–1	300–1
Chatham RBn	LOM	Direct	2000	C-dn %	600–1	600–1	600–1½
				S-dn-4°§	200–½	200–½	200–½
				A-dn %	600–2	600–2	600–2
				%The following minimums apply to turbojet aircraft when circling W of Runways 4-22 centerlines extended.			
				C-dn	900–2	900–2	900–2
				A-dn	900–2	900–2	900–2

Radar transitions authorized in accordance with approved radar patterns.
Procedure turn W side of SW crs, 217° Outbnd, 037° Inbnd, 1600' within 10 miles (nonstandard due to ATC).
Minimum altitude at glide slope intercept Inbnd, 1589'.
Altitude of glide slope and distance to approach end of runway at OM, 1551'—4.9 miles; at MM, 269'—0.6 mile.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished, climb to 2000' on 037° crs from LOM to intercept of LGA VOR R-262, make left turn and proceed to Morristown VHF Int at 2000', hold SW 1-minute left turns Inbnd crs, 061°.
CAUTION: Building 608', 2.2 miles N of airport.
*Runway visual range 2000' also authorized for takeoff and landing on Runway 4; provided that all components of the ILS, high-intensity runway lights, approach lights condenser discharge flashers, and all related airborne equipment are in satisfactory operating condition. Descent below 218' shall not be made unless visual contact with the approach lights has been established or the aircraft is clear of clouds.
**Runway visual range 2000' also authorized for takeoff on Runway 4 in lieu of 200–½ when 200–½ authorized, providing high-intensity runway lights are operational.
#600–1 required with glide slope inoperative.

City, Newark; State, N.J.; Airport name, Newark; Elev., 18'; Fac. Class., ILS; Ident., I-EWR; Procedure No. ILS-4, Amdt. 18; Eff. Date, 19 June 65; Sup. Amdt. No.17; Dated, 20 Mar. 64

ENE VOR	PW LOM	Direct	2100	T-dn	300–1	300–1	300–1
Freeport Int	PW LOM	Direct	2100	C-dn	600–1	600–1	600–1½
				S-dn-11°	300–¾	300–¾	300–¾
				A-dn	800–2	800–2	800–2

Procedure turn S side of crs, 292° Outbnd, 112° Inbnd, 2100' within 10 miles.
Minimum altitude at glide slope intercept Inbnd, 1800'.
Altitude of glide slope and distance to approach end of runway at OM, 1740'—5.4 miles at MM, 273'—0.6 mile.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished, climb to 1000' on crs, 112° within 10 miles, then make a right-climbing turn to PW LOM at 2100'. Hold W of PW LOM, 112° Inbnd, 1-minute right turns.
*500–¾ required with glide slope inoperative.

City, Portland: State, Maine; Airport name, Portland Municipal; Elev., 68'; Fac. Class., ILS; Ident., I-PWM; Procedure No. ILS-11, Amdt. 4; Eff. Date, 19 June 65; Sup. Amdt. No. 3; Dated, 4 May 63

PIE VOR	LOM	Direct	1500	T-dn#%	300–1	300–1	300–1
AMP RBn	LOM	Direct	1500	C-dn	500–1	500–1	500–1½
Wilson Int	LOM (final)	Direct	1300	S-dn-13L##	200–½	200–½	200–½
				A-dn	600–2	600–2	600–2

Radar vectoring authorized in accordance with approved pattern.
Procedure turn W side of crs, 091° Outbnd, 181° Inbnd, 1400' within 10 miles.
Minimum altitude at glide slope intercept Inbnd, 1200'.
Altitude of glide slope and distance to approach end of runway at LOM, 1171'—4.0 miles; at MM, 215'—0.5 mile.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished, turn right to 225°, climb to 1600' on R-060/R-260 PIE VOR within 20 miles or, when directed by ATC, climb to 1600' on S crs of ILS or 181° crs from LOM within 20 miles.
NOTE: Aircraft executing missed approach may, after being reidentified, be radar controlled.
CAUTION: 210' radio tower, 1 mile WSW of airport.
%200–½ absolute minimum for takeoff Runway 27.
#Runway visual range 2400' also authorized for takeoff on Runway 13L in lieu of 200–½ when 200–½ is authorized, provided high-intensity runway lights are operational.
##Runway visual range 2400' also authorized for landing on Runway 13L, provided all components of the ILS, high-intensity runway lights, approach lights, condenser discharge flashers, and all related airborne equipment are operating satisfactorily. Descent below 227' shall not be made unless visual contact with the approach lights has been established or the aircraft is clear of the clouds.
*400–¾ required when glide slope not utilized. 400–½ authorized, except for 4-engine turbojet aircraft, with operative ALS.

City, Tampa; State, Fla.; Airport name, Tampa International; Elev., 27'; Fac. Class., ILS; Ident., I-TPA; Procedure No. ILS-13L, Amdt. 21; Eff. Date, 19 June 65; Sup. Amdt. No. 20; Dated, 30 Jan. 65

7. By amending the following radar procedures prescribed in § 97.19 to read:

RADAR STANDARD INSTRUMENT APPROACH PROCEDURES

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet, MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If a radar instrument approach is conducted at the below named airport, it shall be in accordance with the following instrument procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitude(s) shall correspond with those established for en route operation in the particular area or as set forth below. Positive identification must be established with the radar controller. From initial contact with radar to final authorized landing minimums, the instructions of the radar controller are mandatory except when (A) visual contact is established on final approach at or before descent to the authorized landing minimums, or (B) at pilot's discretion if it appears desirable to discontinue the approach, except when the radar controller may direct otherwise prior to final approach, a missed approach shall be executed as provided below when (A) communication on final approach is lost for more than 5 seconds during a precision approach, or for more than 30 seconds during a surveillance approach; (B) directed by radar controller; (C) visual contact is not established upon descent to authorized landing minimums; or (D) if landing is not accomplished.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
All directions	Radar Site	Within 20 miles	2000	Surveillance approach			
				T-dn	300-1	300-1	200-½
				C-dn 0	500-1	400-1	300-1¼
				C-dn 3, 15, 30, 34, 33	400-1	300-1	300-1½
				S-dn 6	500-1	500-1	500-1
				S-dn 15, 24, 33*	400-1	400-1	400-1
				S-dn-2, 20	400-1	400-1	400-1
				A-dn	800-2	800-2	800-2

If visual contact not established upon descent to authorized landing minimums or if landing not accomplished, climb to 2000' on runway heading, proceed direct to HFW VOR. Hold NE, R-025 1-minute left turns.

*400-¾ authorized, except for 4-engine turbojet aircraft, with operative high-intensity runway lights.

City, Richmond; State, Va.; Airport name, Richard E. Byrd; Elev., 167'; Fac. Class. and Ident., Richmond Radar; Procedure No. 1, Amdt. 1; Eff. Date, 19 June 65; Supp. Amdt. No. Orig.; Dated, 4 Nov. 61

These procedures shall become effective on the dates specified therein.

(Secs. 307(c), 313(a), 601, Federal Aviation Act of 1958; 49 U.S.C. 1348(c), 1354(a), 1421; 72 Stat. 740, 752, 775)

Issued in Washington, D.C., on May 12, 1965.

HARRY A. TURNPAUGH,
Acting Director, Flight Standards Service.

[F.R. Doc. 65-5233; Filed, June 17, 1965; 8:45 a.m.]

[Docket No. 6469; Amdt. 39-86]

PART 39—AIRWORTHINESS DIRECTIVES

Canadair Model CL-44D4 Aircraft

Amendment 39-35 (30 F.R. 2134), AD 65-4-4, requires inspection and replacement or modification of the main landing gear uplock actuators on Canadair Model CL-44D4 aircraft. The manufacturer has now issued a service bulletin which pertains to this subject, therefore the AD is revised to reflect this bulletin in the parenthetical reference statement.

Since this amendment provides a clarification only, and imposes no additional burden on any person, notice and public procedure hereon are unnecessary and the amendment may be made effective in less than 30 days.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (25 F.R. 6489), § 39.13 of Part 39 of the Federal Aviation Regulations, Amendment 39-35 (30 F.R. 2134), AD 65-4-4, is amended by amending the parenthetical reference statement to read as follows: "(Canadair Service Bulletin No. CL44D4-381 pertain Service Information Circular No. 336-CL44D4 and to this subject.)"

This amendment becomes effective June 18, 1965.

(Secs. 313(a), 601 and 603, Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421, 1423))

Issued in Washington, D.C., on June 14, 1965.

C. W. WALKER,
Acting Director, Flight Standards Service.

[F.R. Doc. 65-6383; Filed, June 17, 1965; 8:45 a.m.]

[Docket No. 6599; Amdt. 39-85]

PART 39—AIRWORTHINESS DIRECTIVES

Fairchild Model F-27 Aircraft

A proposal to amend Part 39 of the Federal Aviation Regulations to include an airworthiness directive requiring modification of the actuator shaft to flap gear box connecting shaft universal joints on Fairchild Model F-27 aircraft was published in 30 F.R. 5643.

Interested persons have been afforded an opportunity to participate in the making of the amendment. No objections were received.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (25 F.R. 6489), § 39.13 of Part 39 (14 CFR Part 39), is hereby amended by adding the following new airworthiness directive:

FAIRCHILD. Applies to Model F-27 aircraft Serial Numbers 1 through 95.

Compliance required within the next 50 hours' time in service after the effective date of this AD unless already accomplished.

To prevent further malfunctions of the actuator shaft to flap gear box connecting shaft universal joints resulting in an asymmetric flap condition, accomplish the following:

Modify the actuator shaft to flap gear box connecting shaft universal joints in accordance with Fairchild Service Bulletin No. 27-95, dated June 18, 1963, or later FAA-approved revision, or an equivalent approved by the Chief, Engineering and Manufacturing Branch, FAA Eastern Region.

The amendment shall become effective July 18, 1965.

(Secs. 313(a), 601 and 603, Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421, 1423))

Issued in Washington, D.C., on June 14, 1965.

C. W. WALKER,
Acting Director, Flight Standards Service.

[F.R. Doc. 65-6384; Filed, June 17, 1965; 8:45 a.m.]

[Docket No. 6256; Amdt. 39-84]

PART 39—AIRWORTHINESS DIRECTIVES

Hartzell Model HC-12X20 Propellers

A proposal to amend Part 39 of the Federal Aviation Regulations to revise Amendment 39-14, 29 F.R. 17797, AD 64-28-1, as amended by Amendment 39-53, 30 F.R. 4533, Hartzell Model HC-12X20 propellers equipped with C-49-2B and C-49-2C hub spiders, by amending the applicability provision of the directive to include hub spiders with Serial Numbers 4220 through 5400 was published in 30 F.R. 5532.

Interested persons have been afforded an opportunity to participate in the making of the amendment. No objections were received.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (25 F.R. 6489), § 39.13 of Part 39 of the Federal Aviation Regulations, Amendment 39-14, 29 F.R. 17797, AD 64-28-1, as amended by Amendment 39-53, 30 F.R. 4533, is further amended by changing the applicability statement to read:

Applies to Models HC-12X20-1, -2, -3, -5, and -7B propellers equipped with C-49-2B and C-49-2C hub spiders having Serial Numbers 4220 through 5400 installed on Downer (Republic) RC-3; Navion, Navion A; and Grumman G-44 Series aircraft.

This amendment becomes effective July 18, 1965.

(Secs. 313(a), 601 and 603, Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421, 1423))

Issued in Washington, D.C. on June 14, 1965.

C. W. WALKER,
Acting Director, Flight Standards Service.

[F.R. Doc. 65-6385; Filed, June 17, 1965; 8:45 a.m.]

[Airspace Docket No. 65-EA-1]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Designation of Control Zone

On pages 3452 and 3453 of the FEDERAL REGISTER for March 16, 1965, the Federal Aviation Agency published proposed regulations which would designate a part-time control zone for Hazleton Airport, Hazleton, Pa.

Interested parties were given 45 days after publication in which to submit written data or views. No objections to the proposed regulations have been received.

In view of the foregoing, the proposed regulations are hereby adopted effective 0001 e.s.t., August 19, 1965.

(Sec. 307(a), Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348))

Issued in Jamaica, N.Y. on May 26, 1965.

WAYNE HENDERSHOT,
Acting Director, Eastern Region.

Amend § 71.171 of Part 71 so as to designate a Hazleton, Pa., control zone described as follows:

HAZLETON, PA.

Within a 5-mile radius of the center, 40°59'11" N., 75°59'38" W. of Hazleton Airport, Hazleton, Pa.; within 2 miles each side of the Hazleton VOR 263° and 083° radials extending from the 5-mile radius zone to 6 miles W of the VOR and within 2 miles each side of the 076° and 276° bearings from the Hazleton RBN extending from the 5-mile radius zone to 6 miles E of the RBN. This control zone is effective from 0700-2000 hours Monday thru Friday, 0700-1700 hours Saturday and 0900-2000 hours Sunday, local time.

[F.R. Doc. 65-6386; Filed, June 17, 1965; 8:45 a.m.]

[Airspace Docket No. 65-EA-4]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Control Zone

On page 3453 of the FEDERAL REGISTER for March 16, 1965, the Federal Aviation Agency published proposed regulations which would alter the Findlay, Ohio, control zone to provide an additional extension premised on the 248° bearing of the Findlay RBN.

Interested parties were given 45 days after publication in which to submit written data or views. No objections to the proposed regulations have been received.

In view of the foregoing, the proposed regulations are hereby adopted effective 0001 e.s.t., August 19, 1965.

(Sec. 307(a), Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348))

Issued in Jamaica, N.Y., on May 26, 1965.

WAYNE HENDERSHOT,
Acting Director, Eastern Region.

Amend § 71.171 of Part 71 of the Federal Aviation Regulations so as to delete the description of the Findlay, Ohio, control zone and insert in lieu thereof:

Within a 5-mile radius of the center, 41°00'55" N., 83°40'15" W. of Findlay Airport, Findlay, Ohio, excluding the portion within a 1-mile radius of the center, 40°57'40" N., 83°35'45" W. of Luts Airport, Findlay, Ohio; within 2 miles each side of the Findlay VOR 046° radial extending from the 5-mile radius zone to the VOR; within 2 miles each side of the Findlay RBN 178° bearing extending from the 5-mile radius zone to 8 miles S of the RBN; and within 2 miles each side of the Findlay RBN 348° bearing extending from the 5-mile radius zone to 8 miles SW of the RBN.

[F.R. Doc. 65-6387; Filed, June 17, 1965; 8:45 a.m.]

[Airspace Docket No. 64-EA-11]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Revocation of Control Area Extensions and Transition Area; Alteration of Control Zone; Designation of Control Zone and Transition Areas

On pages 1257 and 1258 of the FEDERAL REGISTER for February 5, 1965, the Federal Aviation Agency published proposed regulations which would revoke the Evansville, Ind., and Owensboro, Ky., control area extensions, and the Samsville, Ill., transition area; revoke the Evansville control zone extension; designate a part-time control zone for Owensboro-Daviess County Airport, Owensboro, Ky., designate a 700-foot transition area over Dress Memorial Airport, Evansville, Ind.; Henderson Airport, Henderson, Ky.; Owensboro-Daviess County Airport; Madisonville Airport, Madisonville, Ky.; and a 1,200-foot transition area for Evansville, Ind.

Interested parties were given 30 days after publication in which to submit written data or views. No objections to the proposed regulations have been received.

In view of the foregoing, the proposed regulations are hereby adopted effective 0001 e.s.t., July 22, 1965, except as follows:

1. In Item 4 in the last line of the text material, delete the phrase "2300 c.s.t. daily" and insert in lieu thereof "2200 local time daily."

(Sec. 307(a), Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348))

Issued in Jamaica, N.Y., on May 13, 1965.

WAYNE HENDERSHOT,
Acting Director, Eastern Region.

1. Amend § 71.165 of Part 71 Evansville, Ind., by deletion of the Evansville, Ind., control area extension.

2. Amend § 71.165 of Part 71 Owensboro, Ky., by deletion of the Owensboro, Ky., control area extension.

3. Amend § 71.171 of Part 71 Evansville, Ind., by deleting all words after "* * * Dress Memorial Airport, Evansville, Ind.," and inserting after the aforesaid words the following geographical position, "38°02'13" N., 87°31'58" W.".

4. Amend § 71.171 of Part 71 by establishing an Owensboro, Ky., control zone described as follows:

OWENSBORO, KY.

Within a 5-mile radius of the center of Owensboro-Daviess County Airport, Owensboro, Ky., 37°44'32" N., 87°09'57" W. and within 2 miles each side of the Owensboro VOR 184° radial extending southerly from the 5-mile radius zone for 8 miles from the VOR; within 2 miles each side of the Owensboro VOR 222° radial extending southwesterly from the 5-mile radius zone for 8 miles, from the VOR, said control zone effective 0600 to 2200 local time daily.

5. Amend § 71.181 of Part 71 by designating an Evansville, Ind., transition area described as follows:

EVANSVILLE, IND.

That airspace extending upward from 700 feet above the surface within a 7-mile radius of the center of Dress Memorial Airport, Evansville, Ind., 38°02'13" N., 87°31'58" W. and within 2 miles each side of the Evansville VOR 060° radial extending easterly from the 7-mile radius area to the VOR and within 8 miles NW and 5 miles SE of the ILS localizer NE course extending northeasterly from the OM for 12 miles.

That airspace extending upward from 1,200 feet above the surface bounded by a line beginning at 38°57'00" N., 86°30'00" W. to 37°26'00" N., 86°30'00" W. to 37°17'50" N., 87°18'00" W. to 37°12'50" N., 87°39'30" W. to 37°30'00" N., 88°30'00" W. to 38°39'00" N., 88°30'00" W. to 38°39'00" N., 88°00'00" W. to 38°57'00" N., 88°00'00" W. to point of beginning, excluding the portion which coincides with the Harrisburg, Ill., transition area.

6. Amend § 71.181 of Part 71 by designating a Henderson, Ky., transition area described as follows:

HENDERSON, KY.

That airspace extending upward from 700 feet above the surface within a 5-mile radius of the center 37°47'30" N., 87°40'50" W., of

Henderson Airport, Henderson, Ky., within 2 miles each side of the Evansville VOR 152° radial extending from the 5-mile radius to the VOR, said area effective sunrise to sunset daily, excluding the portion which coincides with the Evansville 700-foot transition area.

7. Amend § 71.181 of Part 71 by designating a Madisonville, Ky., transition area described as follows:

MADISONVILLE, KY.

That airspace extending upward from 700 feet above the surface within a 5-mile radius of the center 37°21'17" N., 87°24'02" W. of Madisonville Airport, Madisonville, Ky., and within 2 miles each side of the Central City VOR 236° radial extending from the 5-mile radius area to the VOR, said area effective from sunrise to sunset daily.

8. Amend § 71.181 of Part 71 by designating an Owensboro, Ky., transition area described as follows:

OWENSBORO, KY.

That airspace extending upward from 700 feet above the surface within a 7-mile radius of the center 37°44'32" N., 87°09'57" W. of the Owensboro-Daviess County Airport, Owensboro, Ky., and within 5 miles NW and 8 miles SE of the Owensboro VOR 222° radial extending southwesterly from the VOR for 12 miles and within 5 miles W and 8 miles E of the Owensboro VOR 184° radial extending southerly from the VOR for 12 miles.

9. Amend § 71.181 of Part 71 by deleting the Samsville, Ill., transition area.

[F.R. Doc. 65-6388; Filed, June 17, 1965; 8:45 a.m.]

[Airspace Docket No. 65-EA-18]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Control Zone and Designation of Transition Areas

On page 3713 of the FEDERAL REGISTER for March 20, 1965, the Federal Aviation Agency published proposed regulations which would alter the Watertown, N.Y., control zone, designate a 700-foot transition area over Watertown Municipal Airport, Watertown, N.Y., and establish a 1,200-foot Watertown, N.Y., transition area.

Interested parties were given 45 days after publication in which to submit written data or views. No objections to the proposed regulations have been received.

In view of the foregoing, the proposed regulations are hereby adopted effective 0001 e.s.t., August 19, 1965.

(Sec. 307(a), Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348))

Issued in Jamaica, N.Y., on May 26, 1965.

WAYNE HENDERSHOT,
Acting Director, Eastern Region.

1. Amend § 71.171 of Part 71 of the Federal Aviation Regulations so as to delete the description of the Watertown, N.Y., control zone and insert in lieu thereof:

That airspace within a 5-mile radius of the center, 43°59'20" N., 76°01'20" W. of Watertown Municipal Airport, Watertown, N.Y., and within 2 miles each side of the Watertown VOR 214° radial extending from the 5-mile radius to 8 miles SW of the VOR.

2. Amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to designate a 700- and 1,200-foot Watertown, N.Y., transition area described as follows:

WATERTOWN, N.Y.

That airspace extending upward from 700 feet above the surface within a 7-mile radius of the center, 43°59'20" N., 76°01'20" W. of Watertown Municipal Airport, Watertown, N.Y., and within 2 miles each side of the Watertown, N.Y., VOR 214° radial extending from the 7-mile radius to 8 miles SW of the VOR.

That airspace extending upward from 1,200 feet above the surface within the area bounded by a line beginning at: 44°16'00" N., 76°40'00" W. to 44°16'00" N., 76°10'00" W. to 43°52'00" N., 76°21'00" W. to 43°32'00" N., 76°23'00" W. to 43°44'00" N., 75°49'00" W. to 43°52'00" N., 75°54'00" W. to point of beginning.

[F.R. Doc. 65-6389; Filed, June 17, 1965; 8:45 a.m.]

[Airspace Docket No. 64-EA-36]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Revocation of Control Area Extension and Transition Areas; Alteration of Control Zones; Designation and Alteration of Transition Areas

On pages 1120, 1121, and 1122 of the FEDERAL REGISTER for February 3, 1965, the Federal Aviation Agency published proposed regulations which would revoke the Philipsburg, Pa., control area extension, the Slate Run, Pa., Stonyfork, Pa., Williamsport, Pa., transition areas, and alter the control zones of Philipsburg, Pa., Wilkes-Barre, Pa., and Williamsport, Pa. They would also designate a 700-foot transition area over Mid-State Airport, Philipsburg, Pa., University Park Airport, State College, Pa., Williamsport-Lycoming County Airport, Williamsport, Pa., Wilkes-Barre-Scranton Airport, Wilkes-Barre, Pa., Hazleton Airport, Hasleton, Pa., and Mount Pocono Airport, Mount Pocono, Pa. A 1,200-foot Wilkes-Barre, Pa., transition area would also be designated.

Since the proposed regulations were promulgated, it has been determined that the Agency will decommission the Williamsport LFR and Hughesville RBN with cancellation of the associated instrument approach procedures.

It was noted after promulgation of the notice that the effect of revoking the Williamsport transition area and establishing such an area over the Williamsport-Lycoming County Airport, Williamsport, Pa., actually resulted in an alteration to the transition area. However, this result requires a rewording of Item 8 of the notice.

These changes to the proposed regulations are less restrictive in nature and therefore the public interest does not require the 30-day notice for these changes.

Interested parties were given 45 days after publication in which to submit written data or views. No objection to the proposed regulations have been received.

In view of the foregoing, the proposed regulations are hereby adopted effective 0001 e.s.t., July 22, 1965, except as follows:

1. In Item 3 delete the text material and insert in lieu thereof new text material.

2. In Item 8 delete all the material therein and insert in lieu thereof new material.

(Sec. 307(a), Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348))

Issued in Jamaica, N.Y., on May 18, 1965.

WAYNE HENDERSHOT,
Acting Director, Eastern Region.

1. Amend § 71.165 of Part 71 of the Federal Aviation Regulations by deleting the Philipsburg, Pa., control area extension.

2. Amend § 71.171 of Part 71 of the Federal Aviation Regulations by deleting the description of the Wilkes-Barre, Pa., control zone and inserting in lieu thereof:

Within a 5-mile radius of the center 41°-20'17" N., 75°43'28" W. of Wilkes-Barre-Scranton Airport, Wilkes-Barre, Pa., and within 2 miles each side of the airport ILS localiser SW course extending SW from the 5-mile radius zone for 2 miles SW of the OM.

3. Amend § 71.171 of Part 71 of the Federal Aviation Regulations by deleting the description of the Williamsport, Pa., control zone and inserting in lieu thereof the following:

Within a 5-mile radius of the center, 41°-14'30" N., 76°56'20" W., of Williamsport-Lycoming County Airport, Williamsport, Pa.; within 2 miles each side of the Williamsport ILS localiser E course extending from the 5-mile radius zone to the Picture Rocks RBN; within 2 miles each side of the centerline of Runway 12 extended from the 5-mile radius zone to 8 miles SE of the end of the runway; within 2 miles each side of the centerline of Runway 27 extended from the 5-mile radius zone to 10.5 miles W of the end of the runway; within 2 miles each side of the centerline of Runway 30 extended from the 5-mile radius zone to 7 miles NW of the end of the runway; and within 2 miles each side of the centerline of Runway 33 extended from the 5-mile radius zone to 5.5 miles NW of the end of the runway.

4. Amend § 71.171 of Part 71 of the Federal Aviation Regulations by deleting the description of the Philipsburg, Pa., control zone and inserting in lieu thereof the following:

Within a 5-mile radius of the center 40°-53'05" N., 78°05'15" W. of Mid-State Airport, Philipsburg, Pa., within 2 miles each side of the Philipsburg VOR 247° radial extending from the 5-mile radius zone to the VOR; within 2 miles each side of the 162° bearing from the Philipsburg RBN extending from the 5-mile radius zone to the RBN and within 2 miles each side of the 333° bearing from the Philipsburg VHF/DF station extending from the 5-mile radius zone to 6 miles NW of the station.

5. Amend § 71.181 of Part 71 of the Federal Aviation Regulations by designating a Wilkes-Barre, Pa., 700- and 1,200-foot transition area described as follows:

WILKES-BARRE, PA.

That airspace extending upward from 700 feet above the surface within a 12-mile radius of the center 41°20'17" N., 75°43'28" W. of Wilkes-Barre-Scranton Airport, Wilkes-Barre, Pa., within 2 miles each side of the airport ILS localiser SW course extending from the 12-mile radius area for 7 miles.

That airspace extending upward from 1,200 feet above the surface bounded by a line beginning at 41°28'30" N., 75°29'00" W. to 42°00'00" N., 75°26'30" W. to 42°00'00" N., 75°00'00" W. to 41°31'00" N., 75°07'00" W. to 40°56'16" N., 75°11'04" W. to 41°00'00" N., 75°15'00" W. to 41°00'00" N., 75°45'00" W. to 40°55'20" N., 76°43'00" W. to 40°46'20" N., 76°41'30" W. to 40°47'37" N., 76°58'04" W. to 40°36'00" N., 77°55'00" W. to 40°44'06" N., 78°19'53" W. to 40°56'00" N., 78°28'00" W. to 40°55'00" N., 78°38'00" W. to 41°00'-00" N., 78°35'20" W. to 41°38'00" N., 78°18'-00" W. to 41°56'30" N., 78°10'00" W. to 41°55'00" N., 77°58'00" W. to 41°52'30" N., 77°33'15" W. to 41°48'40" N., 77°33'40" W. to 41°45'05" N., 77°01'05" W. to 41°39'30" N., 77°02'20" W. to point of beginning.

6. Amend § 71.181 of Part 71 of the Federal Aviation Regulations by designating a Mount Pocono, Pa., 700-foot transition area described as follows:

MOUNT POCONO, PA.

That airspace extending upward from 700 feet above the surface within a 7-mile radius of the center 41°07'40" N., 75°22'20" W. of Mount Pocono Airport, Mount Pocono, Pa., within 2 miles each side of the 008° bearing from the Tobyhanna RBN extending from the 7-mile radius area for 8 miles N of the RBN.

7. Amend § 71.181 of Part 71 of the Federal Aviation Regulations by designating a Hazleton, Pa., 700-foot transition area described as follows:

HAZLETON, PA.

That airspace extending upward from 700 feet above the surface within a 7-mile radius of the center 40°59'11" N., 75°59'36" W. of Hazleton Airport, Hasleton, Pa., within 2 miles each side of the 076° bearing from the Hasleton RBN extending from the 7-mile radius area to 8 miles E of the RBN and within 2 miles each side of the Hasleton VOR 263° radial extending from the 7-mile radius area to 8 miles W of the VOR.

8. Amend § 71.181 of Part 71 of the Federal Aviation Regulations by deleting the description of the Williamsport, Pa., transition area and insert in lieu thereof the following description:

WILLIAMSPORT, PA.

That airspace extending upward from 700 feet above the surface within a 12-mile radius of the center, 41°14'30" N., 76°55'20" W., of the Williamsport-Lycoming County Airport, Williamsport, Pa.; within 5 miles N and 8 miles S of the Williamsport ILS localiser E course extending from the 12-mile radius area to 12 miles E of the Picture Rocks RBN; and within 2 miles each side of the centerline of Runway 27 extended from the 12-mile radius area to 14 miles W of the end of the runway.

9. Amend § 71.181 of Part 71 of the Federal Aviation Regulations by designating a 700-foot Philipsburg, Pa., transition area described as follows:

PHILIPSBURG, PA.

That airspace extending upward from 700 feet above the surface within a 10-mile radius of the center, 40°58'05" N., 78°05'15" W., of Mid-State Airport, Philipsburg, Pa., within 2 miles each side of the Philipsburg VOR 067° radial extending from the 10-mile radius area to 8 miles NE of the VOR; within 2 miles each side of the 342° bearing from the Philipsburg RBN extending from the 10-mile radius area to 8 miles NW of the RBN.

10. Amend § 71.181 of Part 71 of the Federal Aviation Regulations by designating a 700-foot State College, Pa., transition area described as follows:

STATE COLLEGE, PA.

That airspace extending upward from 700 feet above the surface within a 5-mile radius of the center, 40°51'35" N., 77°50'59" W., of University Park Airport, State College, Pa., excluding that portion which coincides with Philipsburg, Pa., transition area.

11. Amend § 71.181 of Part 71 of the Federal Aviation Regulations by deleting the Williamsport, Pa., Stonyfork, Pa., and Slate Run, Pa., transition areas.

[F.R. Doc. 65-6390; Filed, June 17, 1965; 8:45 a.m.]

[Airspace Docket No. 65-EA-36]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Control Zone

The Federal Aviation Agency is amending § 71.171 of Part 71 of the Federal Aviation Regulations which would alter the Blackstone, Va., control zone (29 F.R. 17587) so as to restrict the effective time of duration from 24 hours daily to a period from 0600 to 2200 hours local time.

The proposed alteration of the control zone is required due to the reduction in weather service provided by the Blackstone FSS to a 16 hour schedule. On the basis of the revised weather service the control zone requires alteration to coincide with hours of weather service.

In view of the fact that the change in the control zone is less restrictive in nature than the existing rule, the public interest does not require the necessary 30 days notice.

In view of the foregoing, § 71.171 of Part 71 of the Federal Aviation Regulations is amended effective July 22, 1965, as follows:

1. Amend § 71.171 of Part 71 of Federal Aviation Regulations, so as to add the sentence "This control zone is effective from 0600 to 2000 hours local time." to the present text material.

(Sec. 307(a), Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348))

Issued in Jamaica, N.Y., May 11, 1965.

WAYNE HENDERSHOT,
Acting Director, Eastern Region.

[F.R. Doc. 65-6391; Filed, June 17, 1965; 8:45 a.m.]

[Airspace Docket No. 64-EA-57]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Control Zone, Designation of Transition Areas, and Revocation of Control Area Extension

On pages 1123 and 1124 of the FEDERAL REGISTER for February 3, 1965, the Federal Aviation Agency published proposed regulations which would revoke the Toledo, Ohio, control area extension; designate a 700-foot transition area over Toledo Express Airport, Toledo, Ohio; Progess Field, Fremont, Ohio; Bryan-Defiance Memorial Airport, Defiance, Ohio, and a part-time 700-foot transition area over Toledo Municipal Airport, Toledo, Ohio; and University Airport, Bowling Green, Ohio; designate a 1,200-foot transition area for the Toledo, Ohio, terminal complex and alter the Toledo, Ohio, control zone.

Interested parties were given 45 days after publication of the proposed regulations to submit written views and data. No objections to the proposed regulations were received.

In view of the foregoing the proposed regulations are hereby adopted effective 0001 e.s.t. July 22, 1965.

(Sec. 307(a), Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348))

Issued in Jamaica, N.Y., on April 28, 1965.

WAYNE HENDERSHOT,
Acting Director, Eastern Region.

1. Amend § 71.165 of Part 71 of the Federal Aviation Regulations by deleting the Toledo, Ohio control area extension.

2. Amend § 71.171 of Part 71 of the Federal Aviation Regulations by deleting the description of the Toledo, Ohio control zone and substituting in lieu thereof as follows:

TOLEDO, OHIO

Within a 5-mile radius of the center of Toledo Express Airport, Toledo, Ohio 41°35'-15" N., 83°48'23" W.; within 2 miles each side of the airport ILS localizer SW course extending from the 5-mile radius zone to OM; within 2 miles each side of the airport ILS localiser NE course extending NE from the 5-mile radius zone for 7.5 miles from the localizer and within 2 miles each side of the Waterville VOR 318° radial extending from the 5-mile radius zone to 7 miles northwest of the VOR.

3. Amend § 71.181 of Part 71 of the Federal Aviation Regulations by designating a 700- and 1,200-foot Toledo, Ohio transition area described as follows:

TOLEDO, OHIO

That airspace extending upward from 700 feet above the surface within a 7-mile radius of the center of the Toledo Express Airport, Toledo, Ohio 41°35'15" N., 83°48'23" W.; within 2 miles each side of the Waterville VOR 318° radial extending from the 7-mile radius area to the VOR; within 5 miles N and 8 miles S of the airport ILS localiser SW course extending SW from the OM for 12 miles; within 2 miles N and 3 miles S of the airport ILS localiser NE course extending NE from the 7-mile radius area for 9 miles from the localizer.

That airspace extending upward from 1,200 feet above the surface bounded by a line beginning at: 41°44'00" N., 84°28'00" W. to 41°41'00" N., 84°16'00" W. to 41°45'05" N., 84°11'45" W. to 41°45'30" N., 83°19'45" W. to 41°50'39" N., 83°08'47" W. to 41°35'41" N., 82°54'24" W. to 41°30'00" N., 82°52'00" W. then counterclockwise along an arc with a radius of 12 miles from Griffin-Sandusky Airport (41°26'00" N., 82°39'00" W.) to 41°18'30" N., 82°49'30" W. to 41°14'00" N., 82°57'00" W., 41°11'00" N., 83°19'00" W. to 41°18'00" N., 84°07'00" W. to 41°00'00" N., 84°02'15" W. to 41°00'00" N., 84°40'00" W. to

41°21'00" N., 84°40'00" W. to 41°32'00" N., 84°31'00" W. to point of beginning.

4. Amend § 71.181 of Part 71 of the Federal Aviation Regulations by designating a part time Waterville, Ohio, 700-foot transition area described as follows:

WATERVILLE, OHIO

That airspace extending upward from 700 feet above the surface within a 5-mile radius of the center of Toledo Municipal Airport, Toledo, Ohio, 41°33'50" N., 83°28'50" W.; within a 4-mile radius of the center of University Airport, Bowling Green, Ohio, 41°23'-17" N., 83°38'02" W.; within 2 miles each side of the Waterville VOR 047° radial extending the 5-mile radius area to the VOR; and within 2 miles each side of the Waterville VOR 356° radial extending from the 4-mile radius area to the VOR, excluding that area that coincides with the Toledo, Ohio, transition area. The transition area shall be in effect from sunrise to sunset.

5. Amend § 71.181 of Part 71 of the Federal Aviation Regulations by designating a Fremont, Ohio, 700-foot transition area described as follows:

FREMONT, OHIO

That airspace extending upward from 700 feet above the surface within a 4-mile radius of the center of Progress Field, Fremont, Ohio, 41°19'50" N., 83°09'46" W. and within 2 miles each side of the Fremont radio beacon 198° bearing extending from the 4-mile radius area for 4 miles.

6. Amend § 71.181 of Part 71 of the Federal Aviation Regulations by designating a Defiance, Ohio, 700-foot transition area described as follows:

DEFIANCE, OHIO

That airspace extending upward from 700 feet above the surface within a 4-mile radius of the center of Bryan-Defiance Memorial Airport, Defiance, Ohio, 41°20'30" N., 84°25'-30" W. and within 2 miles each side of the Defiance RBN 299° bearing extending NW from the 4-mile radius area for 4 miles.

[F.R. Doc. 65-6392; Filed, June 17, 1965; 8:46 a.m.]

[Airspace Docket No. 64-EA-59]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Control Zone and Designation of Transition Areas

On page 1124 of the FEDERAL REGISTER for February 3, 1965, the Federal Aviation Agency published proposed regulations which would alter the London, Ky., control zone, designate a 700-foot transition area over the London Airport (since renamed Corbin-London Memorial Airport), London, Ky. and a 1,200-foot transition area for the London, Ky. terminal area.

Interested parties were given 45 days in which to submit written views or data. No objection to the proposed regulations were received.

In view of the foregoing the proposed regulations are hereby adopted effective 0001 e.s.t. July 22, 1965, except as follows:

1. In items 1 and 2 delete reference to the "London Airport" and insert in lieu thereof the name "Corbin-London Memorial Airport."

(Sec. 307(a), Federal Aviation Act 1958 (72 Stat. 749; 49 U.S.C. 1348))

Issued in Jamaica, N.Y., on April 28, 1965.

WAYNE HENDERSHOT,
Acting Director, Eastern Region.

1. Amend § 71.171 of Part 71 of the Federal Aviation Regulations by deleting the description of the London, Ky., control zone and inserting in lieu thereof the following:

Within a 5-mile radius of the center 37°05'20" N., 84°04'27" W. of Corbin-London Memorial Airport, London, Ky., and within 2 miles each side of the London VOR 205° radial extending SW from the 5-mile radius zone for 5 miles.

2. Amend § 71.181 of Part 71 of the Federal Aviation Regulations by designating a 700- and 1,200-foot London, Ky., transition area described as follows:

LONDON, KY.

That airspace extending upward from 700 feet above the surface within an 8-mile radius of the center 37°05'20" N., 84°04'27" W. of Corbin-London Memorial Airport, London, Ky., and within 2 miles each side of the London VOR 205° radial extending from the 8-mile radius area to 8 miles SW of the VOR.

That airspace extending upward from 1200 feet above the surface bounded by a line beginning at 36°50'00" N., 84°18'00" W. to 37°13'00" N., 84°18'00" W. to 37°13'00" N., 83°32'00" W. to 36°50'00" N., 83°32'00" W. to the point of beginning.

[F.R. Doc. 65-6393; Filed, June 17, 1965; 8:46 a.m.]

[Airspace Docket No. 64-EA-64]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Control Zone and Designation of Transition Areas

On page 1125 of the FEDERAL REGISTER for February 3, 1965, the Federal Aviation Agency published proposed regulations which would alter the Roanoke, Va., control zone, designate a 700-foot transition area over Roanoke Municipal (Woodrum) Airport, Roanoke, Va.; Ingalls Field, Hot Springs, Va., and Greenbrier Airport, White Sulphur Springs, W. Va.; designate a 1200-foot Roanoke, Va., transition area.

Interested parties were given 45 days after publication of the proposed regulations in which to submit written data or views. No objections to the proposed regulations were received.

In view of the foregoing the proposed regulations are hereby adopted effective 0001 e.s.t., July 22, 1965, except as follows:

1. In Item 1 delete the reference to "SSE" and insert in lieu thereof "S".

(Sec. 307(a), Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348))

Issued in Jamaica, N.Y., on April 28, 1965.

WAYNE HENDERSHOT,
Acting Director, Eastern Region.

1. Amend § 71.171 of Part 71 of the Federal Aviation Regulations by deleting the description of the Roanoke, Va., control zone and inserting in lieu thereof the following:

ROANOKE, VA.

Within a 5-mile radius of the center 37°19'30" N., 79°58'35" W., of Roanoke Municipal (Woodrum) Airport, Roanoke, Va.; within 2 miles each side of the Woodrum VOR 122° radial extending SE from the 5-mile radius zone for 3 miles; within 2 miles each side of the Woodrum VOR 166° radial extending 5 from the 5-mile radius zone for 2 miles; within 2 miles each side of the Woodrum VOR 246° radial extending SW from the 5-mile radius zone to 2 miles.

2. Amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to designate a 700- and 1,200-foot Roanoke, Va., transition area described as follows:

ROANOKE, VA.

That airspace extending upward from 700 feet above the surface within a 7-mile radius of the center 37°19'30" N., 79°58'35" W., of Roanoke Municipal (Woodrum) Airport; within 2 miles each side of the Woodrum VOR 166° radial extending from the 7-mile radius area to the Red Hill Fan Marker; within 2 miles each side of the Woodrum VOR 246° radial extending from the 7-mile radius area for 15.5 miles SW of the VOR; within 5 miles SW and 8 miles NE of the Woodrun VOR 122° radial extending SE from the 7-mile radius for 30 miles from the VOR.

That airspace extending upward from 1,200 feet above the surface bounded by a line beginning at 38°14'00" N., 80°35'00" W., to 38°20'00" N., 80°15'00" W., to 38°10'00" N., 79°30'00" W., to 37°00'00" N., 79°30'00" W., to 37°00'00" N., 80°25'20" W., thence via a 15 NM arc centered at Pulaski VOR (37° 05'15" N., 80°42'47" W.) to 37°20'00" N., 80°49'00" W., to the point of beginning.

3. Amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to designate a 700-foot White Sulphur Springs, W. Va., transition area described as follows:

WHITE SULPHUR SPRINGS, W. VA.

That airspace extending upward from 700 feet above the surface within an 11-mile radius of the center 37°47'00" N., 80°20'00" W., of Greenbrier Airport, White Sulphur Springs, W. Va.; within 2 miles each side of the White Sulphur Springs VOR 043° radial extending from the 11-mile radius area to 15.5 miles NE of the VOR; and within 2 miles each side of the White Sulphur Springs VOR 154° radial extending from the 11-mile radius area to 12.5 miles SE of the VOR. This transition area shall be in effect from sunrise to sunset.

4. Amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to designate a 700-foot Hot Springs, Va., transition area described as follows:

HOT SPRINGS, VA.

That airspace extending upward from 700 feet above the surface within a 6-mile radius of the center 37°57'00" N., 79°49'00" W., of Ingalls Field, Hot Springs, Va., and within 2 miles each side of the Hot Springs RBN 066° bearing extending from the 6-mile radius area to 8 miles NE of the RBN.

[F.R. Doc. 65-6394; Filed, June 17, 1965; 8:46 a.m.]

[Airspace Docket No. 64-EA-65]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Control Zone and Designation of Transition Areas

On pages 1125 and 1126 of the FEDERAL REGISTER for February 3, 1965, the Federal Aviation Agency published proposed regulations which would alter the Lynchburg, Va., control zone, designate a 700-foot transition area over the Lynchburg-Preston Glenn Airport, Lynchburg Va., and a 1200-foot Lynchburg, Va., transition area.

Interested parties were given 45 days after publication of the proposed regulations in which to submit written data or views. No objections to the proposed regulations were received.

In view of the foregoing the proposed regulations are hereby adopted effective 0001 e.s.t. July 22, 1965.

(Sec. 307(a), Federal Aviation Agency Act of 1958 (72 Stat. 749; 49 U.S.C. 1348))

Issued in Jamaica, N. Y., on April 26, 1965.

WAYNE HENDERSHOT,
Acting Director, Eastern Region.

1. Amend § 71.171 of Part 71 of the Federal Aviation Regulations by deleting the description of the Lynchburg, Va., control zone and substituting in lieu thereof the following:

Within a 5-mile radius of the center 37°-19'40" N., 79°12'05" W., of Lynchburg-Preston Glenn Airport, Lynchburg, Va., excluding the airspace within 1-mile radius of the center 37°22'00" N., 79°07'00" W., of Falwell Airport, Lynchburg, Va., and within 2 miles each side of the ILS localizer SW course extending SW from the 5-mile radius zone for 1 mile.

2. Amend § 71.181 of Part 71 of the Federal Aviation Regulations by designating a Lynchburg, Va., 700- and 1,200-foot transition area described as follows:

LYNCHBURG, VA.

That airspace extending upward from 700 feet above the surface within an 8-mile radius of the center 37°19'40" N., 79°12'05" W., of Lynchburg-Preston Glenn Airport, Lynchburg, Va.; within 2 miles each side of the airport ILS localizer SW course extending from the 8-mile radius area to the Evington RBN; within 2 miles each side of the Lynchburg VORTAC 201° radial extending from the 8-mile radius area to 8 miles SW of the VORTAC, within 2 miles each side of the Lynchburg VORTAC 070° radial extending from the 8-mile radius area to 11 miles E of the VORTAC.

That airspace extending upward from 1,200 feet above the surface bounded by a line beginning at 37°40'00" N., 79°30'00" W., to 37°40'00" N., 78°14'30" W., to 37°00'00" N., 78°38'00" W., to 37°00'00" N., 79°30'00" W., to the point of beginning.

[F.R. Doc. 65-6395; Filed, June 17, 1965; 8:46 a.m.]

[Airspace Docket No. 64-EA-66]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Control Zone and Designation of Transition Areas

On pages 2106 and 2107 of the FEDERAL REGISTER for February 16, 1965, the Federal Aviation Agency published proposed regulations which would alter the Bridgeport, Conn., control zone (29 F.R. 1107) and designate a 700-foot transition area over Bridgeport Municipal Airport, Bridgeport, Conn., and Tweed-New Haven Airport, New Haven, Conn., and a 1200-foot transition area for the Bridgeport, Conn., terminal area.

Interested parties were given 45 days after publication in which to submit written data or views. No objections to the proposed regulations have been received.

In view of the foregoing, the proposed regulations are hereby adopted effective 0001 e.s.t. July 22, 1965.

(Sec. 307(a), Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348))

Issued in Jamaica, N.Y., on May 11, 1965.

WAYNE HENDERSHOT,
Acting Director, Eastern Region.

1. Amend § 71.171 of Part 71 of the Federal Aviation Regulations by deleting the description of the Bridgeport, Conn., control zone and inserting in lieu thereof the following:

Within a 5-mile radius of the center 41°-09'41" N., 73°07'35" W., of Bridgeport Municipal Airport, Bridgeport, Conn.; within 2 miles each side of the Bridgeport VOR 036° and 229° radials, extending from the 5-mile radius zone to 7 miles NE and 7 miles SW of the VOR.

2. Amend § 71.181 of Part 71 of the Federal Aviation Regulations by designating a 700- and 1,200-foot Bridgeport, Conn., transition area described as follows:

BRIDGEPORT, CONN.

That airspace extending upward from 700 feet above the surface within a 7-mile radius of the center 41°09'41" N., 73°07'35" W., of the Bridgeport Municipal Airport, Bridgeport, Conn.; within 2 miles each side of the Bridgeport VOR 229° radial extending SW from the 7-mile radius area for 1 mile; within a 7-mile radius of the center 41°15'51" N., 72°53'11" W., of Tweed-New Haven Airport, New Haven, Conn.; within 5 miles W and 8 miles E of the New Haven VOR 122° radial extending from the New Haven VOR for 12 miles; within 5 miles E and 5 miles W of the Hartford, Conn., VOR 228° radial extending NE from the Bridgeport 7-mile radius area for 24 miles; within 5 miles E and 5 miles W of the Poughkeepsie, N.Y., VOR 140° radial extending NW from the Bridgeport 7-mile radius area for 11 miles, within 5 miles N and 5 miles S of the Carmel, N.Y., VOR 065° radial extending from the Carmel VOR to 17 miles NE of the VOR; within 5 miles N and 5 miles S of the Carmel VOR 093° radial extending from the Carmel VOR to 28 miles E of the VOR, excluding those portions that coincide with the White Plains, N.Y., transition area.

That airspace extending upward from 1,200 feet above the surface bounded by a line beginning at 41°31'00" N., 73°30'00" W. to 41°31'00" N., 73°20'00" W. to 41°49'00" N., 73°16'00" W. to 41°31'00" N., 72°46'00" W. to 41°18'00" N., 72°30'30" W. to 41°00'00" N., 72°46'00" W. to 41°00'00" N., 73°33'00" W. to 41°10'00" N., 73°33'00" W. to 41°20'00" N., 73°23'00" W. to 41°25'00" N., 73°30'00" W. to point of beginning.

[F.R. Doc. 65-6396; Filed, June 17, 1965; 8:46 a.m.]

[Airspace Docket No. 64-EA-70]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE AND REPORTING POINTS

Alteration of Control Zones, Designation of Transition Areas, and Revocation of Control Area Extension and Transition Area

On pages 3713 and 3714 of the FEDERAL REGISTER for March 20, 1965, the Federal Aviation Agency published proposed regulations which would alter the Johnstown, Pa., and Martinsburg, Pa., control zones; designate 700-foot transition areas over the Johnstown-Cambria County Airport, Johnstown, Pa., Blair County Airport, Martinsburg, Pa., Indiana County Jimmy Stewart Field, Indiana, Pa., Westmoreland-Latrobe Airport, Latrobe, Pa., and Cumberland Municipal Airport, Cumberland, Md.; designate a 1,200-foot Johnstown, Pa., transition area; revoke the Altoona, Pa., control area extension and St. Thomas, Pa., transition area.

Interested parties were given 45 days after publication in which to submit written data or views. No objections to the proposed regulations have been received.

In view of the foregoing, the proposed regulations are hereby adopted effective 0001 e.s.t., August 19, 1965, except as follows:

1. Under Item 2 at the end of the text material, add the phrase "and during specific dates and times established in advance by a Notice to Airmen."

2. In Item 8 of the text material, line 6, delete the figures "093°" and insert in lieu thereof the figures "091°."

(Sec. 307(a), Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348))

Issued in Jamaica, N.Y., on May 26, 1965.

WAYNE HENDERSHOT,
Acting Director, Eastern Region.

1. Amend § 71.165 of Part 71 of the Federal Aviation Regulations so as to delete the Altoona, Pa., control area extension.

2. Amend § 71.171 of Part 71 of the Federal Aviation Regulations so as to delete the description of the Johnstown, Pa., control zone and insert in lieu thereof:

Within a 5-mile radius of the center, 40°18'55" N., 78°50'00" W., of Johnstown-Cambria County Airport, Johnstown, Pa.; within 2 miles each side of the Johnstown VOR 044° radial extending from the 5-mile radius zone to 7 miles NE of the Johnstown VOR; within 2 miles each side of the Johnstown VOR 215° radial extending from the 5-mile radius zone to 7 miles SW of the Johnstown VOR; within 2 miles each side of the Johnstown VOR 320° radial extending from the 5-mile radius zone to 6 miles NW of the Johnstown VOR effective from 0700 to 2100 hours, e.s.t., daily and during specific dates and times established in advance by a Notice to Airmen.

3. Amend § 71.171 of Part 71 of the Federal Aviation Regulations so as to delete the description of the Martinsburg, Pa., control zone and insert in lieu thereof:

Within a 5-mile radius of the center, 40°-17'50" N., 78°19'10" W., of Blair County Airport, Martinsburg, Pa.

4. Amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to designate a 700- and 1,200-foot Johnstown, Pa., transition area described as follows:

JOHNSTOWN, PA.

That airspace extending upward from 700 feet above the surface within a 7-mile radius of the center, 40°18'55" N., 78°50'00" W. of Johnstown-Cambria County Airport, Johnstown, Pa.; within 2 miles each side of the Johnstown VOR 320° radial extending from the 7-mile radius area to 8 miles NW of the VOR; within 2 miles each side of the Johnstown VOR 044° radial extending from the 7-mile radius area to 8 miles NE of the VOR; and within 5 miles NW and 8 miles SE of the Johnstown 215° radial extending from the VOR to 12 miles SW of the VOR.

That airspace extending upward from 1,200 feet above the surface bounded by a line beginning at 40°33'00" N., 79°32'00" W., to 40°-55'00" N., 78°38'00" W. to 40°55'00" N., 78°-28'00" W. to 40°44'06" N., 78°19'53" W. to 40°36'00" N., 77°55'00" W. to 40°10'00 N., 77°56'00" W. to 40°10'00" N., 77°37'00" W. to 39°50'00" N., 77°22'00" W. to 39°50'00" N., 77°47'00" W. to 39°30'00" N., 78°30'00" W. to 39°30'00" N., 78°58'00" W. to 39°25'-00" N., 78°58'00" W. to 39°25'00" N., 79°20'-00" W. to 40°02'00" N., 79°51'30" W. thence counterclockwise along a 37-mile arc of the Imperial, Pa., VOR to the point of beginning.

5. Amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to designate a 700-foot Martinsburg, Pa., transition area described as follows:

MARTINSBURG, PA.

That airspace extending upward from 700 feet above the surface within a 7-mile radius of the center, 40°17'50" N., 78°19'10" W. of Blair County Airport, Martinsburg, Pa.

6. Amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to designate a 700-foot Latrobe, Pa., transition area described as follows:

LATROBE, PA.

That airspace extending upward from 700 feet above the surface within a 5-mile radius of the center, 40°18'35" N., 79°29'56" W. of Westmoreland-Latrobe Airport, Latrobe, Pa., and within 2 miles each side of the Latrobe VOR 014° radial extending from the 5-mile radius area to 8 miles N of the VOR.

7. Amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to designate a 700-foot Cumberland, Md., transition area described as follows:

CUMBERLAND, MD.

That airspace extending upward from 700 feet above the surface within a 7-mile radius of the center, 39°36'56" N., 78°45'51" W. of Cumberland Municipal Airport, Cumberland, Md., and within 6 miles E and 5 miles W of the Cumberland RBN 019° bearing, extending from the 7-mile radius area to 11 miles N of the RBN.

8. Amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to designate a 700-foot Indiana, Pa., transition area described as follows:

INDIANA, PA.

That airspace extending upward from 700 feet above the surface within a 6-mile radius of the center, 40°37'57" N., 79°06'18" W. of Indiana County Jimmy Stewart Airport, Indiana, Pa., and within 2 miles each side of the 091° bearing from the Indiana RBN extending from the 6-mile radius area to 7 miles E of the RBN.

9. Amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to delete the St. Thomas, Pa., transition area.

[F.R. Doc. 65-6397; Filed, June 17, 1965; 8:46 a.m.]

[Airspace Docket No. 64-EA-73]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Control Zones, Designation of Transition Areas, and Revocation of Control Area Extensions

On pages 2107 and 2108 of the FEDERAL REGISTER for February 16, 1965, the Federal Aviation Agency published proposed regulations which would alter the Bowling Green, Ky., and Paducah, Ky., control zones, designate a 700-foot transition area over Bowling Green-Warren County Airport, Bowling Green, Ky., and Barkley Field, Paducah, Ky.; revoke the control area extensions of Bowling Green, Ky., and Paducah, Ky., Twelve-hundred foot Bowling Green and Paducah, Ky., transition areas will also be designated.

Interested parties were given 45 days after publication in which to submit written data or views. No objections to the proposed regulations have been received.

In view of the foregoing, the proposed regulations are hereby adopted effective 0001 e.s.t., August 19, 1965.

(Sec. 307(a), Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348))

Issued in Jamaica, N. Y., on May 26, 1965.

WAYNE HENDERSHOT,
Acting Director, Eastern Region.

1. Amend § 71.165 of Part 71 of the Federal Aviation Regulations so as to revoke the Bowling Green and Paducah, Ky., control area extensions.

2. Amend § 71.171 of Part 71 of the Federal Aviation Regulations by deleting the description of the Bowling Green, Ky., control zone and inserting in lieu thereof the following:

Within a 4-mile radius of the center 36°57'55" N., 86°25'10" W. of Bowling Green-Warren County Airport, Bowling Green, Ky.; and within 2 miles each side of the Bowling Green VOR 206° radial extending from the 4-mile radius zone to 6.5 miles SW of the VOR.

3. Amend § 71.171 of Part 71 of the Federal Aviation Regulations by deleting the description of the Paducah, Ky., control zone and inserting in lieu thereof the following:

Within a 4-mile radius of the center 37°03'40" N., 88°46'20" W. of Barkley Field, Paducah, Ky.; and within 2 miles each side of the Paducah VOR 225° and 045° radials extending from the 4-mile radius zone to 3 miles SW of the VOR.

4. Amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to designate a 700- and 1,200-foot Bowling Green, Ky., transition area described as follows:

BOWLING GREEN, KY.

That airspace extending upward from 700 feet above the surface within a 6-mile radius of the center 36°57'55" N., 86°25'10" W. of the Bowling Green-Warren County Airport, Bowling Green, Ky.; within 2 miles each side of the Bowling Green VOR 206° radial extending from the 6-mile radius area to 8 miles SW of the VOR.

That airspace extending upward from 1,200 feet above the surface bounded by a line beginning at the western boundary of V-7 at 37°01'00" N. to 37°03'15" N., 87°00'00" W. to 37°04'00" N., 86°18'25" W. to 36°45'30" N., 86°18'25" W. to the intersection of 86°36'00" W. and a 36-mile arc centered at Nashville Metropolitan Airport, Nashville, Tenn., thence counterclockwise along the arc to the western boundary of V-7, to the point of beginning.

5. Amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to designate a 700- and 1,200-foot Paducah, Ky., transition area described as follows:

PADUCAH, KY.

That airspace extending upward from 700 feet above the surface within a 6-mile radius of the center 37°03'40" N., 88°46'20" W. of Barkley Field, Paducah, Ky.; within 2 miles each side of the Paducah VOR 225° radial extending from the 6-mile radius area to 8 miles SW of the VOR.

That airspace extending upward from 1,200 feet above the surface bounded by a line beginning at 37°13'25" N., 88°46'00" W. to 37°04'00" N., 88°23'00" W. to 36°44'50" N., 86°52'25" W. to 36°54'10" N., 89°06'10" W. to the point of beginning.

[F.R. Doc. 65-6398; Filed, June 17, 1965; 8:46 a.m.]

[Airspace Docket No. 64-EA-79]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Control Zone, Designation of Transition Areas, and Revocation of Control Area Extension

On page 2108 of the FEDERAL REGISTER for February 16, 1965, the Federal Aviation Agency published proposed regulations which would alter the Elkins, W. Va., control zone (29 F.R. 17586), designated a 700-foot transition area over Elkins-Randolph County Airport, Elkins, W. Va., and revoke the Elkins, W. Va., control area extension (29 F.R. 17563).

A 1,200-foot Elkins, W. Va., transition area would also be designated.

Interested parties were given 45 days after publication in which to submit written data or views. No objections to the proposed regulations have been received.

In view of the foregoing, the proposed regulations are hereby adopted effective 0001 e.s.t., July 22, 1965.

(Sec. 307(a), Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348))

Issued in Jamaica, N.Y., on May 11, 1965.

WAYNE HENDERSHOT,
Acting Director, Eastern Region.

1. Amend § 71.165 of Part 71 of the Federal Aviation Regulations so as to revoke the Elkins, W. Va., control area extension.

2. Amend § 71.171 of Part 71 of the Federal Aviation Regulations so as to delete the description of the Elkins, W. Va., control zone and substitute in lieu thereof the following:

ELKINS, W. VA.

Within a 5-mile radius of the center 38°53'25" N., 79°51'25" W. of Elkins-Randolph County Airport, Elkins, W. Va.; and within 2 miles each side of a line bearing 097° from the Elkins Radio Range extending from the 5-mile radius zone to 8 miles NE of the range, effective sunrise to sunset.

3. Amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to designate a 700- and 1,200-foot Elkins, W. Va., transition area described as follows:

ELKINS, W. VA.

That airspace extending upward from 700 feet above the surface within a 7-mile radius of the center 38°53'25" N., 79°51'25" W. of Elkins-Randolph County Airport, Elkins, W. Va.; within 2 miles each side of the Elkins VOR 098° radial extending from the 7-mile radius area to the VOR; within 5 miles each side of the Elkins VOR 070° radial extending from 11 miles E to 23 miles E of the VOR, effective sunrise to sunset.

That airspace extending upward from 1,200 feet above the surface bounded by a line beginning at: 39°10'00" N., 79°55'00" W. to 39°06'00" N., 79°42'00" W. to 38°58'00" N., 79°38'00" W. to 38°46'00" N., 79°43'00" W. to 38°44'00" N., 80°00'00" W. to 38°49'00" N., 80°23'00" W. to 38°59'00" N., 80°22'00" W. to the point of beginning.

[F.R. Doc. 65-6399; Filed, June 17, 1965; 8:46 a.m.]

[Airspace Docket No. 64-EA-79]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Designation of Transition Areas and Revocation of Control Area Extension

On page 2110 of the FEDERAL REGISTER for February 16, 1965, the Federal Aviation Agency published proposed regulations which would designate a 700-foot transition area over Berlin Airport, Berlin, N.H.; and Whitefield Airport, Whitefield, N.H.; revoke the Berlin, N.H., control area extension and designate a 1,200-foot Berlin, N.H. transition area.

Interested parties were given 45 days after publication of the proposed regulations to submit written data or views. No objections to the proposed regulations were received.

In view of the foregoing the proposed regulations are hereby adopted effective 0001 e.s.t. July 22, 1965.

(Sec. 307(a), Federal Aviation Act 1958 (72 Stat. 749; 49 U.S.C. 1348))

Issued in Jamaica, N.Y., on April 28, 1965.

WAYNE HENDERSHOT,
Acting Director, Eastern Region.

1. Amend § 71.165 of Part 71 of the Federal Aviation Regulations so as to revoke the Berlin, N.H., control area extension.

2. Amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to designate a 700- and 1,200-foot Berlin, N.H., transition area described as follows:

BERLIN, N.H.

That airspace extending upward from 700 feet above the surface within a 7-mile radius of the center 44°34'20" N., 71°10'35" W. of Berlin Airport, Berlin, N.H.; and within 2 miles each side of the 234° bearing from the Berlin RBN extending from the 7-mile radius area to 9 miles N of the RBN, effective sunrise to sunset.

That airspace extending upward from 1,200 feet above the surface beginning at 44°54'00" N., 71°10'00" W. to 44°51'00" N., 70°55'00" W. to 44°39'00" N., 71°03'00" W. to 44°22'00" N., 71°02'00" W. to 44°13'00" N., 71°45'00" W. to 44°25'00" N., 71°52'00" W. to 44°36'00" N., 71°30'00" W. to 44°47'00" N., 71°28'00" W. to point of beginning.

3. Amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to designate a 700-foot Whitefield, N.H., transition area described as follows:

WHITEFIELD, N.H.

That airspace extending upward from 700 feet above the surface within a 5-mile radius of the center 44°21'58" N., 71°33'07" W. of Whitefield, N.H., Airport; within 2 miles each side of the 248° bearing from the Whitefield, N.H., RBN extending from the 5-mile radius area to 8 miles W of the RBN, effective sunrise to sunset.

[F.R. Doc. 65-6400; Filed, June 17, 1965; 8:46 a.m.]

[Airspace Docket No. 65-EA-107]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Revocation of Transition Areas and Control Area Extension; Alteration of Control Zones and Designation of Transition Areas

On pages 2108 and 2109 of the FEDERAL REGISTER for February 16, 1965, the Federal Aviation Agency published proposed regulations which would revoke the Elkland, Pa., Montrose, Pa., Greene, N.Y., and Watkins Glen, N.Y., transition areas; revoke the Binghamton, N.Y., and Elmira, N.Y., control area extensions; alter the Binghamton, Elmira, and Ithaca, N.Y., control zones; designate 700-foot transition areas over Chemung County Airport, Elmira, N.Y., Tompkins County Airport, Ithaca, N.Y., Broome County Airport, Binghamton, N.Y., and Wellsville Municipal Airport, Wellsville, N.Y.; establish a 1,200-foot Elmira, N.Y., transition area.

Interested parties were given 45 days after publication in which to submit written data or views. No objections to the proposed regulations have been received.

In view of the foregoing, the proposed regulations are hereby adopted effective 0001 e.s.t., July 22, 1965, except as follows:

1. In Items 2 and 7 in the text material under lines 4 and 5, respectively, delete the word "VORTAC" and insert in lieu thereof "VOR".

2. Under Item 4 in the text material, line 14 delete the phrase "excluding the area within a 1-mile radius of the Ithaca Municipal Airport."

3. In Item 6 in the text material in line 9 after the words "ILS NE insert the word "localizer".

(Sec. 307(a), Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348))

Issued in Jamaica, N.Y., on May 13, 1965.

WAYNE HENDERSHOT,
Acting Director, Eastern Region.

1. Amend § 71.165 of Part 71 of the Federal Aviation Regulations by deleting the Binghamton, N.Y., and Elmira, N.Y., control area extensions.

2. Amend § 71.171 of Part 71 of the Federal Aviation Regulations by deleting the description of the Binghamton, N.Y., control zone and inserting in lieu thereof the following:

BINGHAMTON, N.Y.

Within a 5-mile radius of the center of Broome County Airport, Binghamton, N.Y., 42°12'25" N., 75°58'46" W.; within 2 miles each side of the Binghamton VOR 066° radial extending from the 5-mile radius zone to the VOR and within 2 miles each side of the airport ILS localizer SE course extending from the 5-mile radius zone to 2 miles SE of the OM.

3. Amend § 71.171 of Part 71 of the Federal Aviation Regulations by deleting the description of the Elmira, N.Y., control zone and inserting in lieu thereof the following:

ELMIRA, N.Y.

Within a 5-mile radius of the center of Chemung County Airport, Elmira, N.Y., 42°-09'37" N., 76°53'35" W.; within 2 miles each side of the Elmira VOR 057° radial extending from the 5-mile radius zone to the VOR; within 2 miles each side of the airport ILS localizer NE course extending from the 5-mile radius zone to 2 miles NE of the OM; within 2 miles each side of the centerline of Runway 1 extended northerly from the 5-mile radius zone for 3 miles; within 2 miles each side of the centerline of Runway 10 extended easterly from the 5-mile radius zone for 1 mile; within 2 miles each side of the centerline of Runway 19 extended southerly from the 5-mile radius zone for 2 miles and within 2 miles each side of the centerline of Runway 28 extended westerly from the 5-mile radius zone for 4 miles.

4. Amend § 71.171 of Part 71 of the Federal Aviation Regulations by deleting the description of the Ithaca, N.Y., control zone and inserting in lieu thereof the following:

ITHACA, N.Y.

Within a 4-mile radius of the center 42°-29'25" N., 76°27'30" W., of Tompkins County Airport, Ithaca, N.Y., within 2 miles each side of the Ithaca VOR 305° radial extending from the 4-mile radius zone to 9 miles NW of the VOR; within 2 miles each side of the Ithaca VOR 144° radial extending from the 4-mile radius zone to 7.5 miles SE of the VOR; within 2 miles each side of the Ithaca VOR 117° radial extending from the 4-mile radius zone to 7.5 miles SE of the VOR and within 2 miles each side of the Ithaca VOR 058° radial extending NE from the 4-mile radius zone to 7.5 miles NE of the VOR. This control zone is effective Monday through Friday, 0600-2300; Saturday 0600-2100; Sunday, 0900-2300 local time.

5. Amend § 71.181 of Part 71 of the Federal Aviation Regulations by designating an Ithaca, N.Y., 700-foot transition area as follows:

ITHACA, N.Y.

That airspace extending upward from 700 feet above the surface within a 12-mile radius of the center 42°29'25" N., 76°27'30" W. of Tompkins County Airport, Ithaca, N.Y., and within 5 miles SW and 8 miles NE of the Ithaca VOR 305° radial extending from the VOR to a point 12 miles NW, excluding that portion which overlies the Elmira, N.Y., transition area.

6. Amend § 71.181 of Part 71 of the Federal Aviation Regulations by designating an Elmira, N.Y., 700- and 1,200-foot transition area as follows:

ELMIRA, N.Y.

That airspace extending upward from 700 feet above the surface within a 12-mile radius of the center of Chemung County Airport, Elmira, N.Y., 42°09'37" N., 76°59'35" W. within 2 miles each side of the Elmira VOR 237° radial extending SW from the 12-mile radius area for 8 miles SW of the VOR; within 5 miles SE and 8 miles NW of the airport ILS NE localiser course extending from the 12-mile radius area to 12 miles NE of the Alpine RBN.

That airspace extending upward from 1,200 feet above the surface beginning at 42°41'-30" N., 76°23'00" W. to 42°40'00" N., 75°30'-00" W. to 42°10'00" N., to 75°25'00" W. to 41°28'30" N., 75°29'00" W., to 41°39'30" N., 77°02'20" W. to 41°45'05" N., 77°01'05" W. to 41°48'40" N., 77°33'40" W. to 41°52'30" N., 77°33'15" W. to 41°55'00" N., 77°56'00" W. to 42°32'00" N., 77°58'00" W. to 42°32'00" N., 77°36'00" W. to 42°40'00" N., 77°22'30" W. to point of beginning.

7. Amend § 71.181 of Part 71 of the Federal Aviation Regulations by designating a Binghamton, N.Y., 700-foot transition area as follows:

BINGHAMTON, N.Y.

That airspace extending upward from 700 feet above the surface within a 7-mile radius of the center of Broome County Airport, 42°-12'35" N., 75°58'46" W.; within 2 miles each side of the Binghamton VOR 066°-246° radial extending SW from the 7-mile radius area for 8 miles from the VOR; within 2 miles each side of the airport ILS localiser SE course extending from the 7-mile radius area to the Binghamton RBN.

8. Amend § 71.181 of Part 71 of the Federal Aviation Regulations by designating a Wellsville, N.Y., 700-foot transition area as follows:

WELLSVILLE, N.Y.

That airspace extending upward from 700 feet above the surface within a 9-mile radius of the center of Wellsville Municipal Airport, Wellsville, N.Y., 42°06'15" N., 77°58'30" W. and within 2 miles each side of the Wellsville VOR 205° radial extending from the 9-mile radius area for 8 miles from the VOR.

9. Amend § 71.181 of Part 71 of the Federal Aviation Regulations by deleting the Elkland, Pa., Greene, N.Y., Montrose, Pa., and Watkins Glen, N.Y., transition areas.

[F.R. Doc. 65-6401; Filed, June 17, 1965; 8:46 a.m.]

[Airspace Docket No. 65-SW-1]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Control Zone and Transition Area

On April 2, 1965, a notice of proposed rule making was published in the FEDERAL REGISTER (30 F.R. 4321) stating that the Federal Aviation Agency proposed to alter the controlled airspace in the Amarillo, Tex., terminal area.

Interested persons were afforded an opportunity to participate in the rule making through submission of comments. All comments received were favorable.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0001 e.s.t., August 19, 1965, as hereinafter set forth.

1. In § 71.171 (29 F.R. 17562), the Amarillo, Tex., control zone is amended to read:

AMARILLO, TEX.

That airspace within a 5-mile radius of the Amarillo AFB/Municipal Airport (latitude 35°13'10" N., longitude 101°43'40" W.); within 2 miles each side of the Amarillo VORTAC 221° radial, extending from the 5-mile radius zone to the VORTAC; and within 2 miles each side of the extended centerline of the Amarillo AFB/Municipal Airport Runway 21, extending from the 5-mile radius zone to 4.5 miles SW of the lift-off end of the runway.

2. In § 71.181 (29 F.R. 17645) the Amarillo, Tex., transition area is amended to read as follows:

AMARILLO, TEX.

That airspace extending upward from 700 feet above the surface within a 20-mile radius of the Amarillo AFB/Municipal Airport (latitude 35°13'10" N., longitude 101°-42'40" W.); and that airspace extending upward from 1,200 feet above the surface bounded by a line beginning at latitude 36°-01'00" N., longitude 101°34'00" W.; to latitude 35°58'00" N., longitude 101°15'00" W.; to latitude 35°43'00" N., longitude 100°29'-00" W.; to latitude 35°28'00" N., longitude 100°29'00" W.; to latitude 35°28'00" N., longitude 100°50'00" W.; to latitude 35°13'-00" N., longitude 100°50'00" W.; to latitude 35°13'00" N., longitude 101°10'00" W.; to latitude 34°59'00" N., longitude 101°10'00" W.; to latitude 34°59'00" N., longitude 101°-27'00" W.; to latitude 34°40'00" N., longitude 101°36'00" W.; to latitude 34°40'00" N., longitude 102°18'00" W.; to latitude 35°09'-00" N., longitude 102°25'00" W.; to latitude 35°32'00" N., longitude 102°09'00" W.; to latitude 35°44'00" N., longitude 102°23'00" W.; to latitude 35°54'00" N., longitude 102°-10'00" W.; to latitude 35°40'00" N., longitude 101°54'00" W.; to latitude 35°43'00" N., longitude 101°44'00" W.; to latitude 35°-59'00" N., longitude 101°30'00" W.; to point of beginning; and that airspace extending upward from 8,000 feet m.s.l. within 5 miles each side of the Amarillo VORTAC 297° radial, extending from the 1,200-foot area boundary to 52 miles NW of the VORTAC; excluding the portion of the transition area with a floor of 8,000 feet m.s.l. that lies within federal airways.

(Sec. 307(a), Federal Aviation Act of 1958 (49 U.S.C. 1348))

Issued in Fort Worth, Tex., on June 10, 1965.

A. L. COULTER,
Acting Director, Southwest Region.

[F.R. Doc. 65-6402; Filed, June 17, 1965; 8:46 a.m.]

[Airspace Docket No. 65-SW-3]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Control Zone

On April 2, 1965, a notice of proposed rule making was published in the FEDERAL REGISTER (30 F.R. 4321) stating that the Federal Aviation Agency proposed to alter the Oklahoma City, Okla. (Tinker AFB), control zone.

Interested persons were afforded an opportunity to participate in the rule making through submission of comments. All comments received were favorable.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0001 e.s.t., August 19, 1965, as hereinafter set forth.

In § 71.171 (29 F.R. 17622), the Oklahoma City, Okla. (Tinker AFB), control zone is amended to read as follows:

OKLAHOMA CITY, OKLA. (TINKER AFB)

That airspace within a 5-mile radius of Tinker AFB (latitude 35°24'50" N., longitude 97°23'35" W.); within 2 miles each side of the Tinker AFB VOR 360° radial, extending from the 5-mile radius zone to 12 miles N of the VOR; within 2 miles each side of the Tinker AFB TACAN 002° radial, extending from the 5-mile radius zone to 8 miles N of the TACAN; and within 2 miles each side of the Tinker AFB TACAN 188° radial, extending from the 5-mile radius zone to 2.5 miles S of the TACAN.

(Sec. 307(a), Federal Aviation Act of 1958 (49 U.S.C. 1348))

Issued in Forth Worth, Tex., on June 10, 1965.

A. L. COULTER,
Acting Director, Southwest Region.

[F.R. Doc. 65-6403; Filed, June 17, 1965; 8:46 a.m.]

[Airspace Docket No. 64-WE-4]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Control Zone, Revocation of Control Area Extensions and Transition Area, Designation of Transition Area

On April 14, 1965, a notice of proposed rule making was published in the FEDERAL REGISTER (30 F.R. 4766) stating that the Federal Aviation Agency proposed the alteration of controlled airspace in the Portland, Oreg., terminal area.

Interested persons were afforded an opportunity to participate in the rule making through submission of comments. All comments received were favorable.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0001 e.s.t., August 19, 1965, as hereinafter set forth.

In § 71.171 (29 F.R. 17626), the Portland, Oreg., control zone is amended to read:

PORTLAND, OREG.

Within a 5-mile radius of Portland International Airport (latitude 45°35'20" N., longitude 122°35'35" W.); within 2 miles each side of the Portland VORTAC 180° radial, extending from the 5-mile radius zone to 5 miles S of the VORTAC; within 2 miles SW and 2.5 miles NE of the Portland Runway 10R ILS localiser NW course, extending from the 5-mile radius zone to 1 mile NW of the OM, and within 2 miles NE and 2.5 miles SW of the Portland Runway 28R ILS localiser SE course, extending from the 5-mile radius zone to 1 mile NW of the OM, excluding the portion within the Troutdale, Oreg., control zone.

In § 71.165 (29 F.R. 17557), the following control area extensions are revoked:

A. Portland, Oreg.

B. Newberg, Oreg.

In § 71.181 (29 F.R. 17677), the Longview, Wash., transition area is revoked.

In § 71.181 (29 F.R. 17643), the following transition area is added:

PORTLAND, OREG.

That airspace extending upward from 700 feet above the surface within a 23-mile radius of the Portland International Airport (latitude 45°35'20" N., longitude 122°35'35" W.), and within 2 miles each side of the Newberg, Oreg., VORTAC 007° radial, extending from the 23-mile radius area to the VORTAC; that airspace extending upward from 1,200 feet above the surface within a 30-mile radius of the Portland International Airport and the airspace NW of Portland extending from the 30-mile radius area bounded on the S by latitude 45°38'00" N., on the W by longitude 123°17'00" W., and on the N by V-112; that airspace extending upward from 4,500 feet m.s.l. NW of Portland bounded on the S by V-112, on the W by longitude 123°17'00" W., on the N by latitude 46°11'00" N., and on the E by V-99, that airspace N of Portland extending from the 30-mile radius area bounded on the W by V-99, on the N by latitude 46°25'00" N., and on the E by V-287; that airspace extending upward from 6,500 feet m.s.l. W of Portland extending from the 30-mile radius area bounded on the SE by V-99, on the W by V-27, and on the N by V-112, that airspace N of Portland extending from the 30-mile radius area bounded on the W by V-287, on the N by the arc of a 40-nautical mile radius circle centered on McChord AFB, Tacoma, Wash. (latitude 47°-08'20" N., longitude 122°28'05" W.), and on the E by longitude 123°16'00" W.; that airspace extending upward from 8,500 feet m.s.l. NE, E, and SE of Portland within a 60-mile radius of the Portland Airport, extending from the 30-mile radius area clockwise from the Portland VORTAC 036° radial to the E boundary of V23E, excluding the airspace within Federal airways and the airspace within the arcs of 44- and 60-mile radius circles centered on the Portland Airport bounded on the N by the Portland VORTAC 118° radial and on the S by the Newberg, Oreg., VORTAC 092° radial.

(Sec. 307(a), Federal Aviation Act of 1958, as amended (72 Stat. 749; 49 U.S.C. 1348))

Issued in Los Angeles, Calif., on June 10, 1965.

LEE E. WARREN,
Acting Director, Western Region.

[F.R. Doc. 65-6404; Filed, June 17, 1965; 8:46 a.m.]

[Airspace Docket No. 65-EA-2]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration and Designation of Transition Areas

On page 3453 of the FEDERAL REGISTER for March 16, 1965, the Federal Aviation Agency published proposed regulations which would alter the 1200-foot Ogdensburg, N.Y., transition area and add a 700-foot transition area over Ogdensburg Municipal Airport, Ogdensburg, N.Y.

Interested parties were given 45 days after publication in which to submit written data or views. No objections to the proposed regulations have been received.

In view of the foregoing, the proposed regulations are hereby adopted effective 0001 e.s.t., August 19, 1965.

(Sec. 307(a), Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348))

Issued in Jamaica, N.Y., on May 26, 1965.

WAYNE HENDERSHOT,
Acting Director, Eastern Region.

Amend § 71.181 of Part 71 so as to delete the description of the Ogdensburg, N.Y., Transition Area and insert in lieu thereof:

That airspace extending upward from 700 feet above the surface within a 5-mile radius of the center, 44°40'32" N., 75°28'08" W. of Ogdensburg Municipal Airport, Ogdensburg, N.Y., excluding the portion over Canada; within 2 miles each side of a 077° bearing from the Ogdensburg radio beacon extending from the 5-mile radius to 8 miles east of the radio beacon.

That airspace extending upward from 1,200 feet above the surface beginning at 44°16'00" N., 75°30'00" W. to 44°16'00" N., 76°10'00" W., thence NE along the U.S./Canadian border to 44°58'00" N., 75°05'00" W. to 44°42'00" N., 75°05'00" W. to point of beginning.

[F.R. Doc. 65-6406; Filed, June 17, 1965; 8:46 a.m.]

[Airspace Docket No. 65-EA-6]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Designation of Transition Area

On pages 2952 and 2953 of the FEDERAL REGISTER for March 6, 1965, the Federal Aviation Agency published proposed regulations which would establish a 700-foot transition area over North Central State Airport, Smithfield, R.I.

Interested parties were given 45 days after publication in which to submit written data or views. No objections to the proposed regulations have been received.

In view of the foregoing, the proposed regulations are hereby adopted effective 0001 e.s.t., July 22, 1965.

(Sec. 307(a), Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348))

Issued in Jamaica, N.Y., on May 11, 1965.

WAYNE HENDERSHOT,
Acting Director, Eastern Region.

Amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to designate a 700-foot Smithfield, R.I., transition area described as follows:

SMITHFIELD, R.I.

That airspace extending upward from 700 feet above the surface within a 5-mile radius of the center, 41°55'21" N., 71°29'30" W. of North Central State Airport, Smithfield, R.I., and within 2 miles east and 5 miles west of the Providence, R.I., VOR 347° radial extending from the 5-mile radius to the VOR, excluding the portion that overlaps the Providence 700-foot transition area.

[F.R. Doc. 65-6406; Filed, June 17, 1965; 8:46 a.m.]

[Airspace Docket No. 65-EA-8]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Designation of Transition Areas

On page 2953 of the FEDERAL REGISTER for March 6, 1965, the Federal Aviation Agency published proposed regulations which would designate a 700-foot transition area over Rhea Airport, Clarion, Pa., and a 1200-foot Clarion, Pa., transition area.

Interested parties were given 45 days after publication in which to submit written data or views. No objections to the proposed regulations have been received.

In view of the foregoing, the proposed regulations are hereby adopted effective 0001 e.s.t., July 22, 1965, except as follows:

1. In the text material for the transition area, lines 12 and 13 delete the points "40°55'00" N., 78°28'00" W.," and insert in lieu thereof "40°57'00" N., 78°37'00" W."

(Sec. 307(a), Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348))

Issued in Jamaica, N.Y., on May 18, 1965.

WAYNE HENDERSHOT,
Acting Director, Eastern Region.

Amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to designate a 700- and 1,200-foot Clarion, Pa., Transition Area described as follows:

CLARION, PA.

That airspace extending upward from 700 feet above the surface within a 5-mile radius of the center, 41°14'22" N., 79°25'54" W. of Rhea Airport, Clarion, Pa., and within 2 miles each side of the Clarion VOR 016° radial extending from the 5-mile radius area to the VOR. This transition area is effective from sunrise to sunset, daily.

That airspace extending upward from 1,200 feet above the surface bounded by a line beginning at 41°17'00" N., 79°15'00" W. to 41°03'00" N., 79°15'00" W. to 40°57'00" N., 78°37'00" W. to 40°55'00" N., 78°38'00" W. to a point on the Imperial VOR 37-mile arc at 40°33'00" N. thence counterclockwise along this arc to 80°08'00" W. to the Clarion VOR to the point of beginning.

[F.R. Doc. 65-6407; Filed, June 17, 1965; 8:46 a.m.]

[Airspace Docket No. 65-EA-14]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Designation of Transition Area

On pages 3453 and 3454 of the FEDERAL REGISTER for March 16, 1965, the Federal Aviation Agency published proposed regulations which would designate a 700-foot transition area over Chester Airport, Chester, Conn.

Interested parties were given 45 days after publication in which to submit written data or views. No objections to the proposed regulations have been received.

In view of the foregoing, the proposed regulations are hereby adopted effective 0001 e.s.t., August 19, 1965.

(Sec. 307(a), Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348))

Issued in Jamaica, N.Y., on May 26, 1965.

WAYNE HENDERSHOT,
Acting Director, Eastern Region.

Amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to designate a 700-foot Chester, Conn., Transition Area described as follows:

CHESTER, CONN.

That airspace extending upward from 700 feet above the surface within a 5-mile radius of the center, 41°23'01" N., 72°30'20" W. of Chester Airport, Chester, Conn., and within 2 miles each side of the Madison VOR 062° radial extending from the 5-mile radius to the VOR.

[F.R. Doc. 65-6406; Filed, June 17, 1965; 8:46 a.m.]

[Airspace Docket No. 64-EA-62]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Designation of Transition Areas

On page 1126 of the FEDERAL REGISTER for February 3, 1965, the Federal Aviation Agency published proposed regulations which would designate a 700-foot transition area over New River Valley Airport, Dublin, Va., and a 1,200-foot transition area for the Dublin, Va., terminal area.

Interested parties were given 45 days in which to submit written data or views. No objection to the proposed regulations were received.

In view of the foregoing the proposed regulations are hereby adopted effective 0001 e.s.t., July 22, 1965.

(Sec. 307(a), Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348))

Issued in Jamaica, N.Y., on April 28, 1965.

WAYNE HENDERSHOT,
Acting Director, Eastern Region.

Amend § 71.181 of Part 71 of the Federal Aviation Regulations by designating a Dublin, Va., 700- and 1,200-foot transition area described as follows:

DUBLIN, VA.

That airspace extending upward from 700 feet above the surface within a 6-mile radius of the center 37°06'30" N., 80°41'00" W., of New River Valley Airport, Dublin, Va.; within 2 miles each side of the Pulaski VOR 206° radial extending from the 5-mile radius area to 8 miles SW of the VOR; within 2 miles each side of a line bearing 245° from latitude 37°06'00" N., longitude 80°44'30" W., extending from 6-mile radius area to 8 miles SW of 37°06'00" N., 80°44'30" W.

That airspace extending upward from 1,200 feet above the surface bounded by a line beginning at 37°10'00" N., 80°57'00" W., to 37°10'00" N., 80°51'30" W., to 37°30'00" N., 80°49'00" W., thence clockwise along a 15-mile arc centered on the Pulaski VOR (37°-05'16" N., 80°42'43" W.) to 37°00'00" N., 80°25'30" W., to 36°46'40" N., 80°07'40" W., to 36°36'30" N., 80°06'30" W., to 36°30'00" N., 80°57'00" W., to the point of beginning.

[F.R. Doc. 65-6409; Filed, June 17, 1965; 8:46 a.m.]

[Airspace Docket No. 64-EA-66]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Transition Area Description; Correction

On page 6579 of the FEDERAL REGISTER for May 13, 1965, the Federal Aviation Agency published a regulation to designate a 1200-foot Danville, Va., transition area. It has been determined that the description of said transition area omitted the use of a direction to proceed along the 35 mile radius arc. To eliminate any ambiguity the description will be amended to provide a counterclockwise direction.

Because the correction is of a clarifying nature the public interest does not require the 30 day notice.

The subject regulation is hereby amended as follows:

1. Under Item 2, second paragraph of the text material, insert the word "counterclockwise" after the word "thence" and before the word "along."

(Sec. 307(a), Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348))

Issued in Jamaica, N.Y., on May 20, 1965.

WAYNE HENDERSHOT,
Acting Director, Eastern Region.

[F.R. Doc. 65-6410; Filed, June 17, 1965; 8:47 a.m.]

[Airspace Docket No. 64-EA-67]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Designation of Transition Areas

On pages 2110 and 2111 of the FEDERAL REGISTER for February 16, 1965, the Federal Aviation Agency published proposed regulations which would designate a 700-foot transition area over and for the terminal area of Westchester County Airport, White Plains, N.Y. A 1200-foot White Plains, N.Y., transition area would also be designated.

Interested parties were given 45 days after publication in which to submit written data or views. No objections to the proposed regulations have been received.

In view of the foregoing, the proposed regulations are hereby adopted effective 001 e.s.t., July 22, 1965.

(Sec. 307(a), Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348))

Issued in Jamaica, N.Y., on May 11, 1965.

WAYNE HENDERSHOT,
Acting Director, Eastern Region.

Amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to designate a 700- and 1,200-foot White Plains, N.Y., transition area described as follows:

WHITE PLAINS, N.Y.

That airspace extending upward from 700 feet above the surface bounded by a line beginning at: 41°16'00" N., 74°06'00" W. to 41°18'00" N., 74°00'00" W. to 41°19'00" N., 74°00'00" W. to 41°19'00" N., 73°57'00" W. to 41°27'00" N., 73°54'00" W. to 41°27'00" N., 73°47'00" W. to 41°19'00" N., 73°43'00" W. to 41°35'00" N., 73°30'00" W. to 41°30'00" N., 73°23'00" W. to 41°10'00" N., 73°33'00" W. to 41°00'00" N., 73°33'00" W. to 40°50'00" N., 73°43'00" W. to 41°01'00" N., 74°00'00" W. to 41°07'30" N., 73°57'00" W. to 41°10'30" N., 74°09'00" W. to the point of beginning.

That airspace extending upward from 1,200 feet above the surface bounded by a line beginning at: 41°31'00" N., 73°54'00" W. to 41°31'00" N., 73°30'00" W. to 41°25'00" N., 73°30'00" W. to 41°19'00" N., 73°43'00" W. to 41°27'00" N., 73°47'00" W. to 41°27'00" N., 73°54'00" W. to the point of beginning.

[F.R. Doc. 65-6411; Filed, June 17, 1965; 8:47 a.m.]

Title 41—PUBLIC CONTRACTS AND PROPERTY MANAGEMENT

Chapter 9—Atomic Energy Commission

PART 9-14—INSPECTION AND ACCEPTANCE

Miscellaneous Amendments

Section 9-14.000, *Scope of part*, is revised to read as follows:

§ 9-14.000 Scope of part.

This part implements and supplements FPR 1-14 by prescribing the policies and requirements for inspection and acceptance under contracts for supplies and services, including construction contracts.

The following section is added:

§ 9-14.000-50 Policy, cost-type contractor procurement.

All of FPR 1-14 and this AECPR 9-14 constitute specific provisions which the contracting officer shall bring to the attention of Class A and Class B cost-type contractors as constituting areas which require appropriate treatment in the development of statements of contractor procurement practices in order to carry out the basic AEC procurement policy set forth in AECPR § 9-1.5203.

§§ 9-14.101, 9-14.201 [Deleted]

Section 9-14.101, *General*, and § 9-14.201, *General*, are deleted.

The following new section is added:

§ 9-14.108 Government inspection of supplies under subcontracts.

The limitations in FPR 1-14.108 do not apply to procurements by cost-type contractors for the account of AEC.

§ 9-14.5001 [Amended]

In § 9-14.5001 *Inspection and acceptance requirements*, subparagraph (4) under paragraph (a) is deleted and paragraphs (a)(3) and (b) are revised to read as follows:

§ 9-14.5001 Inspection and acceptance requirements.

(a) • • •

(3) Instructions issued by Headquarters divisions, offices or Managers of Field Offices.

(b) The instructions referred to in subparagraph (3) of paragraph (a) of this section shall not be inconsistent with the contract or this part.

• • • • • •

§ 9-14.5003 [Amended]

In § 9-14.5003 *Construction contracts*, paragraph (b) is deleted and reserved.

(Sec. 161, Atomic Energy Act of 1954, as amended, 68 Stat. 948, 42 U.S.C. 2201; sec. 205 of the Federal Property and Administrative Services Act of 1949, as amended, 63 Stat. 390, 40 U.S.C. 486)

Effective date. These regulations are effective upon publication in the FEDERAL REGISTER.

For the U.S. Atomic Energy Commission.

Dated at Germantown, Md., this 11th day of June 1965.

R. J. HART,
Acting Director, Division of Contracts.

[F.R. Doc. 65-6431; Filed, June 17, 1965; 8:48 a.m.]

PART 9-16—PROCUREMENT FORMS

Miscellaneous Amendments

Delete §§ 9-16.051 *Applicability*, and 9-16.5001 *Applicability*, and add the following:

§ 9-16.051-1 Applicability.

This part and FPR 1-16 are applicable to direct procurements of supplies, nonpersonal services, and construction.

§ 9-16.051-2 Policy, cost-type contractor procurement.

All of FPR 1-16 and this AECPR 9-16 constitute specific provisions which the contracting officer shall bring to the attention of Class A and Class B cost-type contractors as constituting areas which require appropriate treatment in the development of statements of contractor procurement practices in order to carry out the basic AEC procurement policy set forth in AECPR § 9-1.5203. It is recognized that the contract forms and outlines may need appropriate adaptation when used by cost-type contractors.

§ 9-16.5001 Applicability.

The AEC contract outlines set forth herein are applicable to all AEC direct procurement which is within the scope of the various categories covered by the outlines. With respect to AEC policy on cost-type contractor procurement, see § 9-16.051-2. The exchange of information between AEC Field Offices concerning adaptation of these contract outlines for subcontract purposes is authorized and encouraged.

(Sec. 161, of the Atomic Energy Act of 1954, as amended, 68 Stat. 948, 42 U.S.C. 2201; sec. 205, of the Federal Property and Administrative Services Act of 1949, as amended, 63 Stat. 390, 40 U.S.C. 486)

Effective date. These amendments are effective upon publication in the FEDERAL REGISTER.

For the U.S. Atomic Energy Commission.

Dated at Germantown, Md., this 11th day of June 1965.

JOSEPH L. SMITH,
Director, Division of Contracts.

[F.R. Doc. 65-6433; Filed, June 17, 1965; 8:48 a.m.]

PART 9-17—EXTRAORDINARY CONTRACTUAL ACTIONS TO FACILITATE THE NATIONAL DEFENSE

Policy, Cost-Type Contractor Procurement

The following section is added:

§ 9-17.000-50 Policy, cost-type contractor procurement.

There are no provisions in FPR 1-17 or in this part which the contracting officer shall bring to the attention of cost-type contractors as constituting areas which require appropriate treatment in the development of statements of contractor procurement practices.

(Sec. 161, Atomic Energy Act of 1954, as amended, 68 Stat. 948, 42 U.S.C. 2201; sec. 205, Federal Property and Administrative Services Act of 1949, as amended, 63 Stat. 390, 40 U. S. C. 486)

Effective date. This amendment is effective upon publication in the FEDERAL REGISTER.

For the U.S. Atomic Energy Commission.

Dated at Germantown, Md., this 10th day of June 1965.

JOSEPH L. SMITH,
Director, Division of Contracts.

[F.R. Doc. 65-6433; Filed, June 17, 1965; 8:48 a.m.]

Title 7—AGRICULTURE

Chapter I—Consumer and Marketing Service (Standards, Inspections, Marketing Practices), Department of Agriculture

SUBCHAPTER K—FEDERAL SEED ACT

PART 201—FEDERAL SEED ACT REGULATIONS

Miscellaneous Amendments

On February 11, 1965, there was published in the FEDERAL REGISTER (28 F.R. 1945) a notice of rule making and hearing with respect to proposed amendments to the regulations (7 CFR Part 201, as amended) under the Federal Seed Act, as amended (7 U.S.C. 1551 et seq.). After consideration of all relevant matters presented at the hearing and in writing, pursuant to said notice, and under authority of section 402 of the Federal Seed Act, the proposed amendments to the regulations are hereby adopted as so published except as indicated below:

1. The proposed amendment of §§ 201.2, 201.46, 201.58, and 201.221a, referred to in proposal 1 of the notice, is not adopted.

2. The amendment of § 201.31, referred to in proposal 2 of the notice, is changed to substitute the name "Tenderette" for "Tendercrop" preceding "Tendercrop, white seeded."

3. The amendment of § 201.31a, referred to in proposal 3 of the notice, is changed to delete the chemical names following generic or coined names given for the same substance.

4. The amendment of § 201.34(e), referred to in proposal 4 of the notice, to add a new subparagraph (8) is changed by amending the heading to read "Sorghum-sudangrass hybrids", to change the spelling of "Hydan 37" and "Hydan 38" to "Hidan 37" and "Hidan 38", and to insert in alphabetical order the variety name "Su-Graze."

5. The amendment of table 1, in § 201.46, referred to in proposal 5 of the notice, is changed by deleting the asterisks in said table.

6. The proposed amendment of paragraph (a) in § 201.47, referred to in proposal 7 of the notice, is not adopted.

7. The amendment of paragraph (a) and (a)(2) of § 201.56-2, referred to in proposal 12 of the notice, is changed by deleting the words "and/or decayed" from the last sentence of paragraph (a) and "or decay" from subdivision (iv) of paragraph (a)(2).

8. The amendment of table 2, paragraph (c) in § 201.58, referred to in proposal 15, with respect to the requirement for testing sorghum almum in column 7 is changed to read "add 'Upon the 10th day of test, clip or pierce the distal end of ungerminated seeds.'"

It does not appear that further notice of rule making or other public procedure with respect to this matter would make additional information available to this Department, and therefore under section 4 of the Administrative Procedure Act (5 U.S.C. 1003) it is found upon good cause that further notice of rule making and other public procedure on the amendments are unnecessary and impracticable.

The amendments of the regulations as hereby adopted shall become effective 30 days after publication in the FEDERAL REGISTER.

Done at Washington, D.C., this 15th day of June 1965.

CLARENCE H. GIRARD,
Deputy Administrator, Regulatory Programs.

§ 201.31 [Amended]

1. Section 201.31 is amended by inserting in alphabetical order in the two lists of garden bean varieties the following:

Bush Blue Lake.
Executive.
Abunda.

Sprite.
VIP.
Tenderette.
Tendercrop, white seeded.

§ 201.31a [Amended]

2. Section 201.31a(c)(2) is amended by deleting the list of chemical names and inserting the following:

Aldrin, technical
Demeton
Dieldrin
p-Dimethylaminobensenediazo sodium sulfonate
Endrin
Ethion
Heptachlor
Mercurials, all types
Parathion
Phorate
Toxaphene
O-O-Diethyl-O-(isopropyl-4-methyl-6-pyrimidyl) thiophosphate
O,O-Diethyl-S-2-(ethylthio) ethyl phosphorodithioate

§ 201.34 [Amended]

3. Section 201.34(e) is amended as follows:

a. In subparagraph (1) *Bean (Vegetable snapbeans)* insert in the list of variety names in alphabetical order the following:

Abunda.
Bountiful Canner.
Bush Blue Lake.
Gallatin No. 50.
Higrade.
Improved Higrade.
New Top Notch Golden Wax.
Slenderwhite.
Slimgreen.
Tendergreen No. 32304.

b. In subparagraph (6) under the subheading *Sorghum, hybrid* insert in the list of variety names in appropriate order the following:

388.
400B.
400C.
400E.
400F.
401.
410B.
410C.
410E.
411.
413.
Apache.
Beefbuilder T.
C-44B.
C-45.
Cheyenne.
Coastal S.
Coastal T.
Colorado 585.
Colorado 604.
Colorado 606.
Comanche.
Co-op T-700.
Crop Guard.
D-55.
Dairy D.
Double T.
Duet.
F-60.
F-65.
F-70.
FS-300R.
Ga. 609.
Ga. 615.
Gaucho.
Ho-K.
Horizon 79.
Kiowa.
KS 602.
KS 605.
KS 622.
KS 701.
Lindsey 744.
Lindsey 755.
NB 304F.
NB 305F.
NB 504.
NB 505.
OK 612.
OK 613.
OK 632.
P.A.G. 405.
P.A.G. 425.
P.A.G. 430.
P.A.G. 435.
P.A.G. 465.
P.A.G. 515.
P.A.G. 605.
P.A.F. 625.
R-106.
R-108.
R-211.
R-212.
R-214.
Raider B.
Ranger A.
Ranger B.
Redhead.
Red Raider A.
Rico.
Rocket.
Rocket A.
RS 616.
RS 619.
RS 621.
RS 622.
RS 623.
RS 624.
RS 640.
RS 905.
S-212.
S-214.
Sandfighter.
SD 252 F.
SD 441.
SD 451.
Shorty 33.
Shorty 40.
Shorty 50.
Tasco.
T-E 55.
T-E 66.
T-E 77.
T-E Goldmaker.
T-E Grainmaster.
T-E Yieldmaker.
Titan.
Titan R.
Triple T.
Ute.
WAC 700.

c. Add a new subparagraph "(8) *Sorghum-sudangrass hybrids*" together with a list of varieties as follows:

Ga-Su.
Grazer.
Grazer 21.
Grazer 22.
Grazer A.
Greenlan.
Green M.
Honey Sweet.
Hidan 37.
Hidan 38.
Hy-King-Su.
Hy-Su.
Kow Kandy.
Lindsey 77F.
NB 2505.
S-100.
Sudine.
Su-Graze.
Sweet Sioux.
SX-11.
SX-12.
T-E Grasemaster.
T-E Haygrazer.

4. Section 201.42 is amended to read as follows:

§ 201.42 Small containers.

In sampling seed in small containers that it is not practical to sample as required in § 201.41, a portion of one unopened container or one or more entire unopened containers may be taken to supply a minimum size sample, as required in § 201.43.

§ 201.46 [Amended]

5. Section 201.46 is amended as follows:

a. Delete from the second sentence of paragraph (c) the words "whole gram" and insert the words "half gram".

b. Delete Table 1—Weight of the working sample, and insert the following Table 1.

TABLE 1—WEIGHT OF WORKING SAMPLE

Name of seed	Minimum weight for purity analysis	Minimum weight for noxious-weed seed examination	Approximate number of seeds per gram
AGRICULTURAL SEED	*Grams*	*Grams*	*Number*
Alfalfa—*Medicago sativa*	5	50	500
Alfilaria—*Erodium circutarium*	5	50	140
Alyceclover—*Alysicarpus vaginalis*	5	50	665
Bahiagrass—*Paspalum notatum*:			
Var. Pensacola	5	50	
All other vars.	7	50	365
Barley—*Hordeum vulgare*	100	500	30
Bean:			
Adzuki—*Phaseolus angularis*	300	300	11
Field—*Phaseolus vulgaris*	300	300	4
Mung—*Phaseolus aureus*	100	300	24
Beet, field—*Beta vulgaris*	50	300	55
Beet, sugar—*Beta vulgaris*	31	300	55
Beggarweed, Florida—*Desmodium tortuosum*	5	50	100
Bentgrass:			
Colonial (incl. Astoria and Highland)—*Agrostis tenuis*	½	25	12,000–20,000
Creeping—*Agrostis palustris*	½	25	17,195
Velvet—*Agrostis canina*	½	25	23,810
Bermudagrass, common—*Cynodon dactylon*	1	25	3,940
Bermudagrass, giant—*Cynodon sp.*	1	25	2,820
Bluegrass:			
Bulbous—*Poa bulbosa*	2	25	1,020
Canada—*Poa compressa*	1	25	5,500
Glaucantha—*Poa glaucantha*	1	25	
Kentucky (all vars.)—*Poa pratensis*	1	25	4,800
Nevada—*Poa nevadensis*	1	25	2,305
Rough—*Poa trivialis*	1	25	5,600
Texas—*Poa arachnifera*	1	25	2,500
Wood—*Poa nemoralis*	1	25	7,095
Bluestem:			
Big—*Andropogon gerardi*	7	50	335
Little—*Andropogon scoparius*	5	50	500
Sand—*Andropogon hallii*	10	50	225
Yellow—*Andropogon ischaemum*	2	50	
Brome:			
Field—*Bromus arvensis*	5	75	430
Mountain—*Bromus marginatus*	20	125	140
Smooth—*Bromus inermis*	7	50	300
Broomcorn—*Sorghum vulgare* var. *technicum*	40	300	90
Buckwheat—*Fagopyrum esculentum*	50	300	45
Buffalograss—*Buchloe dactyloides*:			
(Burs)	20	300	110
(Caryopses)	5	50	740
Buffelgrass—*Pennisetum ciliare*:			
(Fascicles)	50	50	
(Caryopses)	5	50	480
	31	31	1,940
Burclover, California—*Medicago hispida* (in bur)	50	300	
Burclover, California—*Medicago hispida* (out of bur)	7	50	375
Burclover, spotted—*Medicago arabica* (in bur)	30	200	50
Burclover, spotted—*Medicago arabica* (out of bur)	5	50	550
Burnet, little—*Sanguisorba minor*	15	150	110
Buttonclover—*Medicago orbicularis*	7	150	225
Canarygrass—*Phalaris canariensis*	50	150	150
Canarygrass, reed—*Phalaris arundinacea*	5	25	1,200
Carpetgrass—*Axonopus affinis*	1	25	2,475
Castorbean—*Ricinus communis*	500	500	5
Chess, soft—*Bromus mollis*	200	200	555
Chickpea—*Cicer arietinum*	500	500	2
Clover:			
Alsike—*Trifolium hybridum*	2	10	1,500
Berseem—*Trifolium alexandrinum*	8	10	455
Cluster—*Trifolium glomeratum*	8	10	2,925
Crimson—*Trifolium incarnatum*	15	50	330
Kenya—*Trifolium semipilosum*	8	10	
Ladino—*Trifolium repens*	3	10	
Lappa—*Trifolium lappaceum*	2	10	1,935
		15	150

See footnotes at end of table.

TABLE 1—WEIGHT OF WORKING SAMPLE—Continued

Name of seed	Minimum weight for purity analysis	Minimum weight for noxious-weed seed examination	Approximate number of seeds per gram
AGRICULTURAL SEED—continued	*Grams*	*Grams*	*Number*
Clover—Continued			
Large hop—*Trifolium procumbens* (*T. campestre*)	5	50	800
Persian—*Trifolium resupinatum*	5	50	800
Red—*Trifolium pratense*	10	50	280
Rose—*Trifolium hirtum*	10	50	280
Small hop—*Trifolium dubium*	5	50	800
Strawberry—*Trifolium fragiferum*	10	50	800
Sub—*Trifolium subterraneum*	10	50	125
White—*Trifolium repens*	10	50	800
Corn:			
Field—*Zea mays*	1,000	1,000	8
Pop—*Zea mays* var. *everta*	1,000	1,000	8
Cotton—*Gossypium* spp	1,000	1,000	8
Cowpea—*Vigna sinensis*	1,000	1,000	8
Crested dogtail—*Cynosurus cristatus*	1,000	1,000	375
Crotalaria:			
Lance—*Crotalaria lanceolata*	50	50	80
Showy—*Crotalaria spectabilis*	50	50	20
Slenderleaf—*Crotalaria intermedia*	50	50	200
Striped—*Crotalaria mucronata*	50	50	315
Sunn—*Crotalaria juncea*	50	50	200
Crownvetch—*Coronilla varia*	50	50	880
Dallisgrass—*Paspalum dilatatum*	10	50	670
Dichondra—*Dichondra repens*	5	50	11,925
Dropseed, sand—*Sporobolus cryptandrus*	½	25	
Emmer—*Triticum dicoccum*	100	500	25
Fescue:			
Chewings—*Festuca rubra* var. *commutata*	2	25	1,200
Hair—*Festuca capillata*	2	25	2,300
Hard—*Festuca ovina* var. *duriuscula*	2	25	740
Meadow—*Festuca elatior*	2	25	285
Red—*Festuca rubra*	2	25	455
Sheep—*Festuca ovina*	2	25	740
Tall—*Festuca arundinacea*	2	25	285
Flax—*Linum usitatissimum*	15	150	90
Grama:			
Blue—*Bouteloua gracilis*	2	50	1,975
Side-oats—*Bouteloua curtipendula* (Other than caryopses)	2	50	630
(Caryopses)	5	50	1,600
Guar—*Cyamopsis tetragonoloba*	25	300	30
Guineagrass—*Panicum maximum*	50	300	2,200
Hardinggrass—*Phalaris* var. *stenoptera*	3	50	740
Hemp—*Cannabis sativa*	10	50	45
Indiangrass, yellow—*Sorghastrum nutans*	7	50	260
Japanese lawngrass—*Zoysia japonica*	7	50	4,000
Johnsongrass—*Sorghum halepense*	10	150	125
Kudzu—*Pueraria thunbergiana*	50	300	40
Lentil—*Lens culinaris*	½	50	
Lespedeza:			
Korean—*Lespedeza stipulacea*	2	25	125
Sericea or Chinese—*Lespedeza cuneata* (L. sericea)	2	25	300
Siberian—*Lespedeza hedysaroides*	2	25	250
Striate (Common, Kobe, Tenn. 76) *Lespedeza striata*	2	25	1,500
Lovegrass, sand—*Eragrostis brizoides*	2	25	1,500
Lovegrass, weeping—*Eragrostis curvula*	2	25	1,500
Lupine:			
Blue—*Lupinus angustifolius*	50	300	7
White—*Lupinus albus*	50	300	9
Yellow—*Lupinus luteus*	50	300	
Maidencane—*Panicum hemitomon*	5	50	1,200
Medic, black—*Medicago lupulina*	2	10	285
Millet:			
Brownton—*Panicum ramosum*	10	50	305
Foxtail, Such as Common, White Wonder, German, Hungarian, Siberian, or Golden—*Setaria italica*	3	50	670
Japanese barnyard—*Echinochloa crusgalli* var. *frumentacea*	10	150	220
Pearl—*Pennisetum glaucum*	15	150	195
Proso—*Panicum miliaceum*	10	150	160
Molassesgrass—*Melinis minutiflora*	½	25	15,000
Mustard:			
Black—*Brassica nigra*	2	50	1,265
White—*Brassica hirta*	15	150	160

See footnotes at end of table.

TABLE 1—WEIGHT OF WORKING SAMPLE—Continued

Name of seed	Minimum weight for purity analysis	Minimum weight for noxious-weed seed examination	Approximate number of seeds per gram
	Grams	*Grams*	*Number*
AGRICULTURAL SEED—continued			
Wheatgrass—Continued			
Streambank—*Agropyron riparium*	10	50	370
Tall—*Agropyron elongatum*	15	50	140
Western—*Agropyron smithii*	10	50	333
Wildrye:			
Canada—*Elymus canadensis*	10	50	200
Russian—*Elymus junceus*	5	50	400
VEGETABLE SEED			
Artichoke—*Cynara scolymus*	100	500	24
Asparagus—*Asparagus officinalis*	100	500	25
Asparagusbean—*Vigna sesquipedalis*	300	500	8
Beans:			
Garden—*Phaseolus vulgaris*	500	500	4
Lima—*Phaseolus lunatus* var. *macrocarpus*	500	500	2
Runner—*Phaseolus coccineus*	500	500	1
Beet—*Beta vulgaris*	50	300	60
Broadbean—*Vicia faba*	500	500	
Broccoli—*Brassica oleracea* var. *botrytis*	10	50	315
Brussels sprouts—*Brassica oleracea* var. *gemmifera*	10	50	315
Burdock, great—*Arctium lappa*	15	100	
Cabbage—*Brassica oleracea* var. *capitata*	10	50	315
Cabbage, Chinese (Petsai)—*Brassica pekinensis*	5	50	635
Cabbage, tronchuda—*Brassica oleracea* var. *tronchuda*	10	50	
Cardoon—*Cynara cardunculus*	100	500	
Carrot—*Daucus carota*	5	50	620
Cauliflower—*Brassica oleracea* var. *botrytis*	10	50	315
Celeriac—*Apium graveolens* var. *rapaceum*	1	25	3,350
Celery—*Apium graveolens* var. *dulce*	1	25	2,520
Chard, Swiss—*Beta vulgaris* var. *cicla*	50	300	66
Chicory—*Chichorium intybus*	5	50	940
Chives—*Allium schoenoprasum*	10	50	
Citron—*Citrullus vulgaris*	500	500	11
Collards—*Brassica oleracea* var. *acephala*	10	50	315
Corn, sweet—*Zea mays*	500	500	
Cornsalad—*Valerianella locusta* var. *olitoria*:			
Vars. Fullhearted and Dark Green Fullhearted	5	50	
All other varieties	10	50	280
Cowpea—*Vigna sinensis*	200	500	5
Cress:			
Garden—*Lepidium sativum*	5	50	425
Upland—*Barbarea verna*	2	25	1,160
Water—*Rorippa nasturtium-aquaticum*	1	50	5,170
Cucumber—*Cucumis sativus*	75	500	10
Dandelion—*Taraxacum officinale*	2	25	1,345
Eggplant—*Solanum melongena* var. *esculentum*	10	50	220
Endive—*Cichorium endivia*	3	50	940
Kale—*Brassica oleracea* var. *acephala*	10	50	315
Kale, Chinese—*Brassica oleracea* var. *alboglabra*	10	50	
Siberian—*Brassica napus* var. *pabularia*	10	50	
Kohlrabi—*Brassica oleracea* var. *gongylodes*	10	50	315
Leek—*Allium porrum*	7	50	760
Lettuce—*Lactuca sativa*	1	50	880
Muskmelon (cantaloupe)—*Cucumis melo*	50	500	45
Mustard—*Brassica juncea*	5	50	780
Mustard, spinach—*Brassica perviridis*	5	50	535
Okra—*Hibiscus esculentus*	100	500	10
Onion—*Allium cepa*	7	50	340
Onion, Welsh—*Allium fistulosum*	10	50	
Pak-choi—*Brassica chinensis*	5	50	535
Parsley—*Petroselinum hortense* (*P. crispum*)	2	50	460
Parsnip—*Pastinaca sativa*	5	50	430
Pea—*Pisum sativum*	500	500	3
Pepper—*Capsicum spp.*	15	150	185
Pumpkin—*Cucurbita pepo*	500	500	5
Radish—*Raphanus sativus*	30	300	75
Rhubarb—*Rheum rhaponticum*	50	300	90
Rutabaga—*Brassica napus* var. *napobrassica*	5	50	430
Salsify—*Tragopogon porrifolius*	50	300	65
Sorrel—*Rumex acetosa*	2	50	1,085
Soybean—*Glycine max*	500	500	5–13
Spinach—*Spinacia oleracea*	25	150	105
Spinach, New Zealand—*Tetragonia expansa*	300	500	14
Squash—*Cucurbita moschata* and *C. maxima*	300	500	14
Tomato—*Lycopersicon esculentum*	1	50	300
Tomato, husk—*Physalis pubescens*	2	25	1,240
Turnip—*Brassica rapa*	5	50	530
Watermelon—*Citrullus vulgaris*	200	500	11

[1] Rhizomatous derivatives of a Johnsongrass × sorghum cross or a Johnsongrass × Sudangrass cross.

§ 201.47 [Amended]

6. Section 201.47 is amended as follows:

Paragraph (d) is amended by deleting the phrases "(except *Agrostis* species)" and "(except *Agrostis* species, which shall be determined by count)".

7. Section 201.48 (b) and (i) are amended to read as follows:

§ 201.48 Kind or variety considered pure seed.

* * * * *

(b) Pieces of broken and otherwise damaged seeds that are larger than one-half the original size, except as provided in paragraph (i) of this section.

* * * * *

(i) Insect-damaged seeds, provided the damage is entirely internal, or the opening in the testa is not sufficiently large to allow the size of the remaining mass of tissue to be readily determined. (Not applicable to chalcid-damaged seeds. See § 201.51(a)(4).)

* * * * *

§ 201.50 [Amended]

8. Section 201.50 is amended by inserting in the first sentence before the word "or" the word "sporocarps" and by adding at the end of the section "(For single seeds of *Juncus* see § 201.51(10).)".

§ 201.51 [Amended]

9.A. Section 201.51(a) is amended so that the heading would read as follows: "(a) Seeds and seed-like structures from crop plants—" and subparagraph (1) is amended to read as follows: "(1) Pieces of broken or otherwise damaged seeds one-half the original size or less. (See § 201.48(b) and (i).)"

B. Section 201.51(b) is amended as follows:

a. Delete the heading "Weed plants—" following "(b)" and insert the following: "Seeds and seed-like structures from weed plants which by visual examination (including the use of transmitted light or dissection) can be demonstrated as falling within the following categories—"

b. Subparagraph (2) reads as follows:

(2) Damaged caryopses of grasses, including free caryopses of quackgrass, *Agropyron repens*, with over one-half the root-shoot axis missing (the scutella excluded); Immature grasses—florets of quackgrass in which the caryopses are less than one-third the length of the palea and free caryopses devoid of embryo; Undeveloped grasses—glumes and florets devoid of both embryo and endosperm.

c. Subparagraph (4) reads as follows:

(4) Undeveloped seed units, devoid of both embryo and endosperm, such as occur in the following plant families: Sedge (*Cyperaceae*), buckwheat (*Polygonaceae*), morning-glory (*Convolvulacede*), nightshade (*Solanaceae*), and sunflower (*Compositae*). Cocklebur (*Xanthium* spp.) burs are to be dissected to determine whether or not seeds are present. (See § 201.52.)

d. Delete subparagraph (6).

e. Renumber subparagraph (7) and amend to read as follows:

(6) Dodder (*Cuscuta*): Seeds devoid of embryos. Questionable seeds should be sectioned. Questionable seeds include those that may have normal or near normal color, but are slightly swollen, dimpled, or with "pin-point" holes. Seeds that are ashy gray to creamy white in color are inert.

f. Renumber subparagraph (8) and amend to read as follows:

(7) Buckhorn (*Plantago lanceolata*): Black seeds with no brown color evident, whether shriveled or plump. (The color of questionable seeds shall be determined by the use of a stereoscopic microscope with magnification of approximately 10× and a fluorescent lamp with two 15-watt daylight type tubes.)

g. Subparagraph (9) would be renumbered (8) and subparagraph (10) renumbered as (9).

§ 201.51a [Amended]

10. Section 201.51a is amended as follows:

a. In the last sentence of the lead paragraph delete "is" between the words "test" and "made" and insert "may be."

b. Add a new paragraph (c) as follows:

(c) With exception of chewings fescue, these methods are not applicable to the kinds listed when they occur in mixtures of kinds.

§ 201.56–2 [Amended]

11. Section 201.56–2 is amended as follows:

a. Paragraph (a) reads as follows:

(a) Lettuce: The interpretations of lettuce seedlings are made only at the end of the test period. When used to describe seedling structures, "normal length" means that length attained by a vigorous sample of the same variety of lettuce as the one being tested when both are placed under the same test conditions. Necrosis on lettuce cotyledons is manifested by softened, grayish, blackish, or reddish areas on the cotyledons. (This necrosis first appears on the midrib and lateral veins and should not be confused with the natural pigmentation or insect injury. Seedlings with extensive necrotic areas on the cotyledons are slower in growth and shorter than those without such affected areas.)

(1) Normal seedlings include those that have (i) roots over half the usual length for vigorous seedlings; (ii) hypocotyls over half the usual length for vigorous seedlings, with no cracks or lesions extending into the central conducting tissues; (iii) two cotyledons free of necrosis (the hypocotyl and root should be more than half normal length); and (iv) an epicotyl entirely free of decay.

(2) Abnormal seedlings include those that have (i) no roots, or roots clearly less than half normal length with root tips blunt, swollen, or discolored; (ii) a hypocotyl clearly less than half normal length, or severely twisted or grainy, or with cracks or lesions extending into the central conducting tissue; (iii) only one cotyledon; (iv) either cotyledon showing any degree of necrosis (the hypocotyl and root are usually less than half normal length), or swollen cotyledons (usually grayish or darkened) with extremely short or vestigial hypocotyl and root (seed coat usually adhering to the cotyledons); or (v) no epicotyl or if the epicotyl shows any degree of decay or necrosis.

b. Paragraph (b)(1)(iv) reads as follows:

(iv) One complete cotyledon or two broken cotyledons with half or more original cotyledon tissue remaining attached to the seedling (epicotyl must be present);

c. Paragraph (b)(2)(v) reads as follows:

(v) Part of one cotyledon or two broken cotyledons with less than half of the original cotyledon tissue remaining attached.

d. In paragraph (b)(2) delete subparagraph (viii) and insert the following: "(viii) epicotyl absent; or (ix) various combinations of the abnormalities described."

12. Section 201.56–5 is amended as follows:

Paragraph (d) reads as follows:

§ 201.56–5 Grass family (Gramineal).

* * * * *

(d) *Sorghum* spp. (1) Normal seedlings include those that have (i) one vigorous primary root, usually with well-developed lateral branches by the end of the test period; (ii) short primary root, but with at least two vigorous lateral roots; (iii) well-developed green leaves not badly split, regardless of whether coleoptiles are split; (iv) slight infection by fungi, provided none of the essential seedling structures have been damaged; (v) red coloration on the roots and on the coleoptile of the shoot, caused by natural pigments, provided the seedling is otherwise normal.

(2) Abnormal seedlings include those that have (i) no roots; (ii) weak, spindly, or short primary root, and less than two vigorous lateral roots (often associated with decay of the grain); (iii) no plumule, but only the sheath or coleoptile; (iv) a shortened plumule, extending no more than one-half the way up through the coleoptile; (v) a spindly, pale plumule, usually associated with moldy seeds; (vi) shattered and longitudinally split plumules, with or without splitting of the coleoptile; (vii) decayed plumules, provided the decay is not due to improper testing conditions (the plumules usually appear weak and show decay near the point of attachment of the grain, which is usually decayed); or (viii) various combinations of the abnormalities described.

* * * * *

§ 201.56–6 [Amended]

13. Section 201.56–6 is amended as follows:

a. Delete following the wording in paragraph (b)(1)(iv) the word "or" and insert after the wording in "(v)" the following: "or (vi) at least one complete cotyledon or two broken cotyledons with half or more of the cotyledon tissue remaining attached to the seedling."

b. Delete the word "or" following paragraph (b)(2)(v) and all of paragraph (b)(2)(vi) and insert the following:

(vi) Part of one cotyledon or two broken cotyledons with less than half of the cotyledon tissue remaining attached; or (vii) various combinations of the abnormalities described.

§ 201.58 [Amended]

14. Section 201.58 is amended as follows:

a. Paragraph (a)(2) reads as follows:

(2) *Light.* Cool white fluorescent light shall be provided where light is required in table 2. The light intensity shall be 75 to 125 foot-candles (750–1,250 lux). (The light intensity for nondormant seed and during seedling development may be as low as 25 foot-candles to enable the essential structures to be evaluated with greater certainty.) The seeds shall be illuminated for at least 8 hours every 24 hours except when transferred to a low temperature germinator during the weekend. When seeds are germinated at alternating temperatures they shall be illuminated during high temperature periods. Seeds for which light is prescribed shall be germinated on top of the substratum except for ryegrass fluorescence tests.

b. Insert after the second sentence in paragraph (a)(8) the following wording: "The temperature shall be determined at the substratum level and shall be as uniform as possible throughout the germination chamber. (A sharp alternation of temperature, such as obtained by hand transfer, may be beneficial in breaking dormancy.)"

c. Paragraph (a)(9) reads as follows:

(9) Paper substrata must be free of chemicals toxic to germinating seed and seedling growth. If root injury occurs from toxicity of a paper substratum or from the use of potassium nitrate, retests shall be made on soil or on a substratum moistened with water.

d. Paragraph (b)(9) reads as follows:

(9) *Rice (Oryza sativa)—Alternate method:* Plant the seeds in moist sand. On the seventh day of the test add water to a depth of one-fourth inch above the sand level and leave for the remainder of the test. Only a final count is made. Dormant seeds: Presoak 24 to 48 hours in 40° C. water. For deeply dormant seeds, presoak 24 hours in 1,000 p.p.m. ethylene chlorohydrin or 5 percent solution of sodium hypochlorite (clorox at bottle strength).

e. Paragraph (b)(11) reads as follows:

(11) *Trifolium, Medicago, Melilotus, and Vicia faba; temperature requirements.* A temperature of 18° C. is desirable for *Trifolium* spp., *Medicago* spp., *Melilotus* spp., and *Vicia faba*.

f. Revise table 2 in paragraph (c) with respect to the requirements for testing the agricultural and vegetable seeds as listed below:

Wheatgrass—Continued	
Standards created	Col. 2—delete "20–30"; add "15–25".
	Col. 1—delete "Alternate Method" and delete requirements in all columns pertaining to alternate method.
Intermediate	Col. 2—delete "20–30"; add "15–25".
	Col. 1—delete "including var. Merion" and add "all vars.".
	Col. 2—delete "10–30" and add "15–25".
	Col. 7—add "do".
	Col. 6—delete "Light."; add "do".
	Col. 1—delete "Alternate Method" and delete requirements in all columns pertaining to alternate method.
Pubescent	Col. 2—delete "20–30"; add "15–25".
	Col. 6—delete "Light"; add "do".
	Col. 7—add "do".
	Col. 1—delete "Alternate Method" and delete requirements in all columns pertaining to alternate method.
Siberian	Col. 6—delete "Light; KNO_3"; add "do".
Slender	Col. 7—add "do".
	Col. 2—delete "20–30"; add "15–25; 10–30".
	Col. 6—delete "Light"; add "do".
	Col. 7—delete "then place at 20–30° C. for 4 days.".
Streambank	Col. 2—delete "20–30"; add "15–25".
	Col. 6—delete "Light"; add "do".
	Col. 1—delete "Alternate Method" and delete requirements in all columns pertaining to alternate method.
Tall	Col. 2—delete "20–30"; add "15–25".
	Col. 7—add "do".
	Col. 1—delete "Alternate Method" and delete requirements in all columns pertaining to alternate method.
Western	Col. 2—add "15–25".
	Col. 6—add "do".
	Col. 7—add "and prechill at 5° or 10° C. for 7 days" after "soil".
Wildrye: Russian	Col. 6—add "do".
Celery	Col. 7—delete "KNO_3 and prechill at 10° C. for 3 days.".
Cornsalad	Col. 7—delete "or 15° C.".
Cress: Garden	Col. 6—delete "Light".
	Col. 7—delete "Test at 15° C. and light."; add "Light".
Add "Upland—Barbara ve[r]sa" under "Cress" in alphabetical order.	Col. 2—add "P.TB".
	Col. 3—add "20–30".
	Col. 4—add "4".
	Col. 5—add "7".
	Col. 6—add "Light; KNO_3".
Endive	Col. 7—delete "See par. (a) (9) and (b) (8).". Add "See par. (b) (6).".
Lettuce	Col. 6—delete "photos 2417, 2418, 19589, 19590.".
Pepper	Col. 2—delete "P"; add "T".
Spinach	Col. 2—add "TP".
Tomato	Col. 2—add "T".
Watermelon	Col. 2—delete "15"; add "25".

§ 201.58a [Amended]

15. Section 201.58a is amended as follows:

a. Add the following subparagraph (3) to paragraph (a):

(3) Varieties of annual or perennial ryegrass having as a characteristic a percentage of fluorescence less than 100 percent for an annual variety or more than 5 percent for a perennial variety shall not be subjected to the formulas in subparagraphs (1) and (2) of this paragraph for a determination as to kind.

b. Delete "biennial" in each place in which it occurs in paragraph (b).

§ 201.102 [Amended]

16. Section 201.102 is amended by changing the percentage specified for veldtgrass from 35 to 25 and by inserting in alphabetical order in the list of kinds of seed and percentages as follows:

Sorghum almum	65
Johnsongrass	65

[F.R. Doc. 65–6440; Filed, June 17, 1965; 8:49 a.m.]

Chapter IX—Consumer and Marketing Service (Marketing Agreements and Orders; Fruits, Vegetables, Tree Nuts), Department of Agriculture

[Avocado Order 7, Amdt. 1]

PART 915—AVOCADOS GROWN IN SOUTH FLORIDA

Limitation of Shipments

Findings. (1) Pursuant to the marketing agreement, as amended, and this part (Order No. 915, as amended), regulating the handling of avocados grown in south Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations of the Avocado Administrative Committee, established under the aforesaid marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of avocados, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable, unnecessary, and contrary to the public interest to give preliminary notice, engage in public rule making procedure, and postpone the effective date of this amendment until 30 days after publication thereof in the FEDERAL REGISTER (5 U.S.C. 1001–1011) in that the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective, as hereinafter set forth, in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation of such effective time; and good cause exists for making the provisions hereof effective not later than the date hereinafter set forth. A reasonable determination as to the quality and the time of maturity of avocados must await the development of the crop; a determination as to the stage of maturity of the varieties of avocados covered by this amendment was made at the meeting of the Avocado Administrative Committee on June 9, 1965. After consideration of all available information relative to the growing conditions prevailing during the current season, recommendations and supporting information for such maturity regulations were submitted to the Department; such meeting was held to consider recommendation for such regulation after giving due notice thereof, and interested parties were afforded opportunity to submit their views at this meeting; the provisions hereof are identical with the aforesaid recommendations of the committee and information concerning such provisions has been disseminated among the handlers of avocados; and compliance with the provisions hereof will not require of handlers any preparation therefor which cannot be completed by the effective time hereof.

(b) It is, therefore, ordered that the provisions of paragraph (b) of § 915.307 (30 F.R. 7240) are hereby amended by revising in Table I, certain dates and minimum weights and diameters applicable to the Fuchs and Dr. Dupuis varieties of avocados, clarifying the name of the Dr. Dupuis variety and adding in such table the K–5 variety so that after such revision and addition the portion of such Table I relating to such varieties reads as follows:

Variety (1)	Date (2)	Minimum weight or diameter (3)	Date (4)	Minimum weight or diameter (5)	Date (6)	Minimum weight or diameter (7)	Date (8)
Fuchs	8–21–65	14 oz. 3⁵⁄₁₆ in.	7– 5–65	12 oz. 3⁹⁄₁₆ in.	7–26–65	10 oz. 2¹¹⁄₁₆ in.	8–9–65
K–5	7–12–65	14 oz.	7–26–65	12 oz.	8– 9–65		
Dr. Dupuis #2	7–12–65	14 oz.	8–23–65				

(c) The provisions of this amendment shall become effective at 12:01 a.m., e.s.t., June 21, 1965.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: June 15, 1965.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 65–6441; Filed, June 17, 1965; 8:49 a.m.]

Chapter X—Consumer and Marketing Service (Marketing Agreements and Orders; Milk), Department of Agriculture

[Milk Order 136]

PART 1136—MILK IN GREAT BASIN MARKETING AREA

Order Suspending Certain Provision

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and of the order regulating the handling of milk in the Great Basin marketing area (7 CFR Part 1136), it is hereby found and determined that:

(a) The following provision of the order no longer tends to effectuate the declared policy of the Act for the month of May 1965:

In § 1136.11(a) "there is disposed of on routes fluid milk products equal to not less than 40 percent of the receipts during the month at such plant of producer milk and receipts at the plant of fluid milk products from plants described pursuant to paragraph (b) of this section, and."

Notice of proposed rule making, public procedures thereon, and 30 days notice of the effective date hereof are impractical, unnecessary, and contrary to the public interest in that:

(1) This suspension order does not require of persons affected substantial or extensive preparation prior to the effective date.

(2) This suspension order is necessary to reflect current marketing conditions and to maintain orderly marketing conditions in the marketing area.

(3) This suspension order will reduce for the month of May 1965, requirements for pool plant qualifications of distributing plants. A suspension order effective January 1, 1965, for the period of January 1, 1965, through July 31, 1965, reduced the percentage of fluid milk products required to be distributed on routes to 40 percent in all months. This action will eliminate for May 1965, the 40 percent requirement. To be qualified as a pool distributing plant for the month of May 1965, a plant must have disposed of on routes in the marketing area fluid milk products equal to not less than 15 percent of the fluid milk product disposition from the plant on routes.

Proponent states that increased production and a decrease in Class I sales have made it impossible for the cooperative association to maintain pool plant status during May 1965, for all of its plants which have been pool plants in previous months.

(4) This suspension action is based on a request by Federated Dairy Farms, Inc. Members of this cooperative association represent in excess of two-thirds of the producers in the Great Basin marketing area. This suspension will permit dairy farmers who have supplied the fluid requirements of the market in previous months to maintain producer status for the month of May.

Therefore, good cause exists for making this order effective on date of signature.

It is therefore ordered, That the aforesaid provision of the order is hereby suspended for the month of May 1965.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Effective date. On date of signature.

Signed at Washington, D.C., on June 14, 1965.

JOHN A. SCHNITTKER,
Acting Secretary.

[F.R. Doc. 65–6418; Filed, June 17, 1965; 8:47 a.m.]

Title 9—ANIMALS AND ANIMAL PRODUCTS

Chapter I—Agricultural Research Service, Department of Agriculture

PART 97—OVERTIME SERVICES RELATING TO IMPORTS AND EXPORTS

Administrative Instructions Prescribing Commuted Travel Time Allowances

Pursuant to the authority conferred upon the Director of the Animal Inspection and Quarantine Division by § 97.1 of the regulations concerning overtime

services relating to imports and exports, effective August 18, 1964 (9 CFR 97.1), administrative instructions (9 CFR 97.2) effective July 30, 1963, as amended May 18, 1964 (29 F.R. 6318), December 7, 1964 (29 F.R. 16316) and April 12, 1965 (30 F.R. 4609) prescribing the commuted travel time that shall be included in each period of overtime or holiday duty, are hereby amended by adding to or deleting from the respective "lists" therein, as follows:

WITHIN METROPOLITAN AREA

ONE HOUR

Delete: Bellingham, Wash.

OUTSIDE METROPOLITAN AREA

ONE HOUR

Add: Porthill, Idaho (served from Eastport, Idaho).
Delete: Lynden, Wash. (served from Blaine, Wash.).

TWO HOURS

Delete: Tacoma, Wash. (served from Seattle, Wash.).
Add: Bellingham, Wash. (served from Blaine, Wash.).
Add: Lynden, Wash. (served from Blaine, Wash.).

THREE HOURS

Delete: Fort Angeles, Wash. (served from Seattle, Wash.).
Delete: Anacortes, Wash. (served from Bellingham, Wash.).
Add: Tacoma, Wash. (served from Seattle, Wash.).

FOUR HOURS

Add: Anacortes, Wash. (served from Blaine or Seattle, Wash.).
Add: Hueneme, Calif. (served from San Pedro, Calif.).
Add: Ontario, Calif. (served from San Pedro, Calif.).

SIX HOURS

Add: Port Angeles, Wash. (served from Seattle, Wash.).
Add: Edwards Air Force Base, Calif. (served from San Pedro, Calif.).
Add: March Field, Calif. (served from San Pedro, Calif.).
Add: San Luis Obispo (served from San Pedro, Calif.).

These commuted travel time periods have been established as nearly as may be practicable to cover the time necessarily spent in reporting to and returning from the place at which the employee performs such overtime or holiday duty when such travel is performed solely on account of such overtime or holiday duty. Such establishment depends upon facts within the knowledge of the Animal Inspection and Quarantine Division.

It is to the benefit of the public that these instructions be made effective at the earliest practicable date. Accordingly, pursuant to the provisions of section 4 of the Administrative Procedure Act (60 Stat. 238) it is found upon good cause that notice and public procedure on these instructions are impracticable, unnecessary, and contrary to the public interest, and good cause is found for making these instructions effective less than 30 days after publication in the FEDERAL REGISTER.

These revised administrative instructions shall be effective on and after June 21, 1965.

(64 Stat. 561; 5 U.S.C. 576)

Done at Hyattsville, Md., this 15th day of June 1965.

L. C. HERMSTAD,
Director, Animal Inspection and Quarantine Division.

[F.R. Doc. 65-6443; Filed, June 17, 1965; 8:50 a.m.]

Title 13—BUSINESS CREDIT AND ASSISTANCE

Chapter III—Area Redevelopment Administration, Department of Commerce

PART 305—RETRAINING SUBSISTENCE PAYMENTS

Subpart A—Introduction

EFFECTIVE PERIOD OF PROGRAM

Part 305 of the regulations of the Area Redevelopment Administration, as published in the FEDERAL REGISTER of October 24, 1961 (26 F.R. 9933-9943), as amended, is hereby further amended as follows:

Section 305.2 of Subpart A is revised to read as follows:

§ 305.2 Effective period of program.

Retraining payments shall be payable in accordance with the terms of section 17 of the Act to trainees enrolled in training programs approved under section 16 of the Act for any week beginning on or after May 1, 1961, or on or after the date of the agreement with the State, whichever is later.

In accordance with the provisions of section 4 of the Administrative Procedure Act (5 U.S.C. 1003) it has been found that notice and hearing on the aforesaid Part 305 is unnecessary for the reason that all matters therein relate to agency management, personnel, loans, grants, or benefits; and for the reason that because of the nature of these rules, such notice and hearing would serve no useful purpose. The provisions of this part of Chapter III of Title 13 are effective as of this date.

Dated: June 11, 1965.

WILLIAM L. BATT, Jr.,
Area Redevelopment Administrator.

[F.R. Doc. 65-6382; Filed, June 17, 1965; 8:45 a.m.]

Title 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

PART 14—ADMINISTRATIVE INTERPRETATIONS

Guide for Avoiding Deceptive Use of Word "Mill" in Textile Industry

Over the years the Commission has received and acted on a number of complaints that sellers of textile products were misrepresenting themselves as manufacturers by use of the word "mill" in their trade name, in advertising, promotional material, and on stationery, business forms, etc. These Guides are designed to assist others in a similar position in avoiding such unfair and deceptive practices as are violative of the Federal Trade Commission Act.

The Commission has a duty to move against violators and obtain compliance with the laws it administers. However, as an administrative agency, the Commission believes the more knowledge businessmen have with respect to the requirements of such laws the more likelihood there is that compliance with them will be obtained.

If a businessman knows what the legal pitfalls are, he can steer his business policies to avoid them. Furthermore, such knowledge is most useful in determining when competitors are trying to use illegal methods. In other words, it pays for a businessman to know what his rights are as well as his obligations.

Since the Guide is not intended to serve as comprehensive or precise statements of law, but rather as a practical aid to the honest businessman who seeks to conform his conduct to the requirements of fair and legitimate merchandising, it will be of no assistance to the few whose aim is to walk as close as possible to the line between legal and illegal conduct. It is to be considered as a guide, and not as a fixed rule of "do's" and "don'ts," or detailed statements of the Commission's enforcement policies. The fundamental spirit of the Guide will govern its application.

§ 14.14 Guide for avoiding deceptive use of word "mill."

(a) *General rule.* Simply stated, the general rule is that the word "mill" should not be used in the corporate, business, or trade name of any person or concern handling textiles, or in any other manner, unless the person or concern actually owns and operates or directly and absolutely controls the manufacturing facility in which all textile materials which are sold under that name are produced.

(b) *The requirement of operational control.* (1) For a firm to qualify as a bona fide mill it must exercise direct and absolute control over the milling facility in which its merchandise is produced. Contracting to have milling operations performed by others will not qualify one as a mill.

(2) A distributor who furnishes yarns and other materials to a knitting mill for manufacture into garments according to the distributor's specifications is not a mill because it does not exercise direct and absolute operational control over the milling operations. A firm having a written "lease" with a mill whereby the mill allocated five of its looms and the workers at such looms to manufacture ribbon for the jobber from materials supplied by, and according to instructions from, the jobber is not a mill for the same reason. Even if a jobber takes the entire output of a mill, he does not thereby become a mill.

(c) *Examples of deceptive usage of the word "mill."* Illustrative situations in which use of "mill" in designating trade status has been found to be deceptive are the following:

(1) A corporation which purchased unfinished silk and rayon cloth from weavers or manufacturers, caused such cloth to be dyed, printed, or processed into finished dry goods by others and sold such goods to retailers, members of the cutting up trade and others;

(2) A tailor who made made-to-measure suits but did not produce the cloth from which the suits were made;

(3) A selling agent who represented a number of suit fabric manufacturers;

(4) An independent retailer who claimed to be a "mill's outlet."

(d) *Exception to general rule.* (1) Under the exceptional circumstances set forth below, the Commission may permit a nonmanufacturing concern to continue to use the word "mill" in its trade name provided that it is accompanied by a qualifying phrase which clearly states that the concern is not a mill and does not own or operate a facility which manufactures textiles. This exception only applies if (i) the name of the concern has become a valuable business asset and its loss would result in a substantial hardship and (ii) the qualifying phrase will eliminate all possibility of deception.

(2) Factors to be taken into consideration in determining whether a trade name has become a valuable business asset the loss of which would become a hardship are as follows:

(i) Extent and period of time during which the name has been used;

(ii) Funds and efforts expended in establishing and promoting the name;

(iii) The extent of the goodwill enjoyed by the company;

(iv) The adverse effect on the company that could reasonably be expected if use of the word "mill" had to be discontinued.

(Secs. 5, 6, 38 Stat. 719, as amended, 721; 15 U.S.C. 45, 46)

Effective: September 16, 1965.

By direction of the Commission.

[SEAL] JOSEPH W. SHEA,
Secretary.

[F.R. Doc. 65-6373; Filed, June 17, 1965; 8:45 a.m.]

Title 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 213—EXCEPTED SERVICE

Department of the Navy; Correction

In Federal Register Document 65-6100 appearing in the issue for June 11, 1965, at page 7595, the word "Jimi" appearing in the 4th and 13th lines should be spelled "Jima".

(R.S. 1753, sec. 2, 22 Stat. 403, as amended; 5 U.S.C. 631, 633; E.O. 10577, 19 F.R. 7521, 3 CFR, 1954-58 Comp., p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] MARY V. WENZEL,
Executive Assistant to the Commissioners.

[F.R. Doc. 65-6429; Filed, June 17, 1965; 8:47 a.m.]

No. 117——5

PART 213—EXCEPTED SERVICE

Department of Health, Education, and Welfare

Section 213.3116(f) is amended to reflect the current designation of the President's Council on Physical Fitness. Effective on publication in the FEDERAL REGISTER, the headnote and subparagraph (1) of paragraph (f) of § 213.3116 is amended as set out below.

§ 213.3116 Department of Health, Education, and Welfare.

* * * * *

(f) *The President's Council on Physical Fitness.* (1) Three staff assistants, The President's Council on Physical Fitness.

* * * * *

(R.S. 1753, sec. 2, 22 Stat. 403, as amended; 5 U.S.C. 631, 633; E.O. 10577, 19 F.R. 7521, 3 CFR, 1954-58 Comp., p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] MARY V. WENZEL,
Executive Assistant to the Commissioners.

[F.R. Doc. 65-6428; Filed, June 17, 1965; 8:47 a.m.]

PART 213—EXCEPTED SERVICE

Peace Corps

Section 213.3360 is amended to show the exception under Schedule C of the position of Confidential Assistant to the Director. Effective on publication in the FEDERAL REGISTER, paragraph (aa) is added to § 213.3360 as set out below.

§ 213.3360 Peace Corps.

* * * * *

(aa) One Confidential Assistant to the Director.

(R.S. 1753, sec. 2, 22 Stat. 403, as amended; 5 U.S.C. 631, 633; E.O. 10577, 19 F.R. 7521, 3 CFR, 1954-58 Comp., p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] MARY V. WENZEL,
Executive Assistant to the Commissioners.

[F.R. Doc. 65-6430; Filed, June 17, 1965; 8:48 a.m.]

Title 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

SUBCHAPTER B—FOOD AND FOOD PRODUCTS

PART 121—FOOD ADDITIVES

Subpart C—Food Additives Permitted in Feed and Drinking Water of Animals or for the Treatment of Food-Producing Animals

DISODIUM EDTA

The Commissioner of Food and Drugs, having evaluated the data submitted in a petition (FAP 1C0421), filed by Geigy Chemical Corp., Sawmill River Road, Ardsley, N.Y., and other relevant data, has concluded that the food additive regulations should be amended to provide the conditions under which disodium EDTA may be safely used in feed for ruminants. Therefore, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1)), and under the authority delegated to the Commissioner by the Secretary of Health, Education, and Welfare (21 CFR 2.90), Subpart C of the food additive regulations is amended by adding thereto a new section, as follows:

§ 121.271 Disodium EDTA.

The food additive disodium EDTA (disodium ethylenediaminetetraacetate) may be safely used in ruminant feeds, in accordance with the following prescribed conditions:

(a) The food additive contains a minimum of 99 percent disodium ethylenediaminetetraacetate dihydrate ($C_{10}H_{14}O_8N_2Na_2 \cdot 2H_2O$).

(b) It is used to solubilize trace minerals in aqueous solutions, which are then added to ruminant feeds.

(c) It is used or intended for use in an amount not to exceed 240 parts per million (0.024 percent) of the additive in finished feed.

(d) To assure safe use of the additive the label and labeling shall bear:

(1) The name of the additive; and

(2) Adequate mixing directions to insure that the chelated trace-mineral mix is uniformly blended throughout the feed.

Any person who will be adversely affected by the foregoing order may at any time within 30 days from the date of its publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington, D.C., 20201, written objections thereto, preferably in quintuplicate. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof.

Effective date. This order shall be effective on the date of its publication in the FEDERAL REGISTER.

(Sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1))

Dated: June 11, 1965.

GEO. P. LARRICK,
Commissioner of Food and Drugs.

[F.R. Doc. 65-6435; Filed, June 17, 1965; 8:48 a.m.]

PART 121—FOOD ADDITIVES

Subpart C—Food Additives Permitted in Feed and Drinking Water of Animals or for the Treatment of Food-Producing Animals

SUBCHAPTER C—DRUGS

PART 146a—CERTIFICATION OF PENICILLIN AND PENICILLIN-CONTAINING DRUGS

Furaltadone, Procaine Penicillin G

A. The Commissioner of Food and Drugs, having evaluated the data submitted in a petition (PAP 4C1453) filed by Eaton Laboratories, Division of The Norwich Pharmacal Co., Post Office Box 191, Norwich, N.Y., and other relevant material, has concluded that the food additive regulations should be amended to provide safe conditions of use for an additional formulation for the treatment of bovine mastitis. Therefore, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1)), and under the authority delegated to the Commissioner by the Secretary of Health, Education, and Welfare (21 CFR 2.90), § 121.249(a) is amended by adding thereto a new subparagraph (5), as follows:

§ 121.249 Food additives for use in milk-producing animals.

* * * * * *

(a) * * *

(5) (i) It is sterile. It contains the following in each 15 milliliters of suspension:

Furaltadone (5-(morpholinomethyl)-3-[(5-nitrofurfurylidene)amino] - 2 - oxazolidinone)—500 milligrams.
Procaine penicillin G—100,000 units.
Vehicle: Peanut oil containing 2 percent aluminum monostearate.

(ii) Treat lactating cows with 15 milliliters of suspension in each infected quarter immediately after milking and allow to remain in the quarter until the next milking. Repeat at 12- and 24-hour intervals if necessary.

(iii) Milk taken from animals during treatment and for 96 hours (8 milkings) after the latest treatment must not be used for food.

* * * * * *

(Sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1))

B. Under the authority vested in the Secretary of Health, Education, and Welfare by the Federal Food, Drug, and Cosmetic Act (sec. 507, 59 Stat. 643 as amended; 21 U.S.C. 357) and delegated to the Commissioner of Food and Drugs by the Secretary (21 CFR 2.90), § 146a.45 (a) of the antibiotic regulations is amended by changing the second, fifth, and sixth sentences to read as set forth below. As amended, paragraph (a) reads as follows:

§ 146a.45 Procaine penicillin G in oil.

(a) *Standards of identity, strength, quality, and purity.* Procaine penicillin G in oil is a suspension of procaine penicillin G in refined peanut oil or sesame oil, with or without the addition of one or more suitable and harmless dispersing agents and with or without the addition of a hardening agent. If it is intended solely for veterinary use and is conspicuously so labeled, it may contain furaltadone in accordance with § 121.249(a)(5) of this chapter, nitrofurazone, or corticotropin. Its potency is 300,000 units per milliliter, except if it is packaged and labeled solely for veterinary use. Its moisture content is not more than 1.4 percent. It is sterile, unless it is packaged and labeled solely for udder instillations of cattle or subcutaneous injection in fowl, except that it is sterile if it is packaged and labeled solely for udder instillations of cattle and it contains furaltadone. The procaine penicillin G used conforms to the requirements of § 146a.44(a), except if the procaine penicillin G in oil is packaged and labeled solely for udder instillations of cattle and is not required to be sterile, the penicillin used is exempt from the requirements of paragraph (a) (2), (3), and (4) of that section, or if packaged and labeled solely for subcutaneous injection in fowl, the procaine penicillin G used is exempt from the requirements of paragraph (a) (2) and (3) of that section. The sesame oil and peanut oil used conform to the standards prescribed therefor by the U.S.P. The hardening agent is a refined hydrogenated and deodorized peanut oil free from rancidity; it has an iodine value of not more than 10; its free fatty acid content as oleic acid is not more than one-tenth of 1 percent and its melting point is 64° C. ±2° C.

* * * * * *

(Sec. 507, 59 Stat. 463 as amended; 21 U.S.C. 357)

Any person who will be adversely affected by the foregoing order may at any time within 30 days from the date of its publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington, D.C., 20201, written objections thereto, preferably in quintuplicate. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof.

Effective date. This order shall be effective on the date of its publication in the FEDERAL REGISTER.

(Secs 409(c)(1), 507, 59 Stat. 463 as amended, 72 Stat. 1786; 21 U.S.C. 348(c)(1), 357)

Dated: June 11, 1965.

GEO. P. LARRICK,
Commissioner of Food and Drugs.

[F.R. Doc. 65-6437; Filed, June 17, 1965; 8:49 a.m.]

PART 121—FOOD ADDITIVES

Subpart F—Food Additives Resulting From Contact With Containers or Equipment and Food Additives Otherwise Affecting Food

SLIMICIDES

The Commissioner of Food and Drugs, having evaluated the data in a petition (FAP 5B1547) filed by Syracuse University Research Corp., 1075 Comstock Avenue, Syracuse, N.Y., 13210, and other relevant material, has concluded that the food additive regulations should be amended to provide for the use of an additional item in the preparation of slimicides used in the manufacture of paper and paperboard intended for food-contact use. Therefore, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1)), and under the authority delegated to the Commissioner by the Secretary of Health, Education, and Welfare (21 CFR 2.90), § 121.2505(c) is amended by inserting alphabetically in the list of substances a new item, as follows:

§ 121.2505 Slimicides.

* * * * *

(c) * * *

List of substances	Limitations
* * *	* * *
1,3,6,8-Tetraazotricyclo[6.2.1.1 ^{3,6}] dodecane.	
* * *	* * *

* * * * * *

Any person who will be adversely affected by the foregoing order may at any time within 30 days from the date of its publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington, D.C., 20201, written objections thereto, preferably in quintuplicate. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof.

Effective date. This order shall be effective on the date of its publication in the FEDERAL REGISTER.

(Sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1))

Dated: June 11, 1965.

GEO. P. LARRICK,
Commissioner of Food and Drugs.

[F.R. Doc. 65-6436; Filed, June 17, 1965; 8:48 a.m.]

Title 43—PUBLIC LANDS: INTERIOR

Chapter II—Bureau of Land Management, Department of the Interior

APPENDIX—PUBLIC LAND ORDERS

[Public Land Order 3695]

[New Mexico 0555689]

NEW MEXICO

Partial Revocation of Public Land Order No. 509 of July 30, 1948

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

1. Public Land Order No. 509 of July 30, 1948, which withdrew public lands in the State of New Mexico for use by the Department of the Army for expansion of the water supply at Alamogordo Air Field, is hereby revoked so far as it affects the following described land:

NEW MEXICO PRINCIPAL MERIDIAN

T. 17 S., R. 10 E.,
Sec. 20, NE¼, E½NW¼, S½SW¼, E½SE¼.

The areas described aggregate 400 acres. The land lies approximately 6 miles south of Alamogordo, N. Mex. Topography consists of very rough foothills bisected by several arroyos. Soils are shallow and gravelly, with large boulders covering much of the surface. Vegetation consists of native browse with a sparse grass cover.

2. The State of New Mexico has waived the preference right of application afforded it by R.S. 2276 as amended (43 U.S.C. 852).

3. At 10 a.m., on July 16, 1965, the lands shall be open to the operation of the public land laws generally, including the mining and the mineral leasing laws, subject to valid existing rights, the provisions of existing withdrawals, and the requirements of applicable law. All valid applications received at or prior to 10 a.m., on July 16, 1965, shall be considered as simultaneously filed at that time. Those filed thereafter shall be considered in the order of filing.

Inquiries concerning the lands should be addressed to the Manager, Land Office, Bureau of Land Management, Post Office Box 1449, Santa Fe, N. Mex.

JOHN A. CARVER, JR.,
Under Secretary of the Interior.

JUNE 10, 1965.

[F.R. Doc. 65-6335; Filed, June 17, 1965; 8:45 a.m.]

[Public Land Order 3696]

[Sacramento 078468]

CALIFORNIA

Opening of Lands Subject to Section 24 of the Federal Power Act

By virtue of the authority contained in section 24 of the Act of June 10, 1920 (41 Stat. 1075; 16 U.S.C. 818), as amended, and pursuant to the determination of the Federal Power Commission in DA-1049-California, it is ordered as follows:

Subject to valid existing rights, the provisions of existing withdrawals and the requirements of applicable law, the following described lands in the Klamath National Forest, withdrawn in Powersite Classification No. 116, shall at 10 a.m., on July 16, 1965, be open to such forms of disposition as may by law be made of national forest lands, subject to the provisions of section 24 of the Federal Power Act of June 10, 1920, supra:

KLAMATH NATIONAL FOREST

HUMBOLDT MERIDIAN

T. 16 N., R. 7 E.,
Sec. 11, those portions of lots 5, 6, and S½SW¼ lying N of the Klamath River.

The areas described aggregate 9.2 acres, in Siskiyou County.

The lands have been open to applications and offers under the mineral leasing laws, and to location under the United States mining laws.

JOHN A. CARVER, JR.,
Under Secretary of the Interior.

JUNE 10, 1965.

[F.R. Doc. 65-6336; Filed, June 17, 1965; 8:45 a.m.]

[Public Land Order 3697]

[Washington 05697]

WASHINGTON

Revocation in Whole or in Part of Forest Service Administrative Sites

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952 (17 F.R. 4831), it is ordered as follows:

1. The departmental orders which withdrew national forest lands as national forest administrative sites, are hereby revoked so far as they affect the following described lands:

WILLAMETTE MERIDIAN

GIFFORD PINCHOT NATIONAL FOREST

(a) Trapper Creek Site (order of 12-18-08).

T. 5 N., R. 6 E. (unsurveyed),
Sec. 25, part.
T. 5 N., R. 7 E. (unsurveyed),
Sec. 31, part.

Aggregating approximately 95 acres.

(b) Packwood Lake Site (order of 6-9-08).

T. 13 N., R. 10 E. (unsurveyed),
Sec. 28, part.

Containing about 2.50 acres.

MT. BAKER NATIONAL FOREST

(a) Trout Marsh Site (order of 11-28-06).

T. 40 N., R. 10 E.,
Sec. 22, S½NW¼SW¼.

Containing about 20 acres.

(b) Station 33 (order of 11-28-06).

T. 37 N., R. 12 E.,
Sec. 21, part of lot 2.

Containing about 10 acres.

OKANOGAN NATIONAL FOREST

Ventura Site (order of 10-26-06).

T. 36 N., R. 19 E.,
Sec. 5, part.

Containing about 40 acres.

UMATILLA NATIONAL FOREST

(a) Pataha Site (order of 7-23-08).

T. 9 N., R. 42 E.,
Sec. 3, SW¼NW¼.

Containing about 40 acres.

(b) Administrative Site No. 1 (order of 1-15-08).

T. 9 N., R. 42 E.,
Sec. 1, SE¼NW¼;
Sec. 2, lot 1.

Containing about 91.49 acres.

OKANOGAN NATIONAL FOREST

Ventura Site (order of 10-26-06).

T. 37 N., R. 19 E.,
Sec. 17, part.

Containing about 20 acres.

The areas described aggregate approximately 319 acres in Okanogan, Garfield, Skamania, Lewis, Snohomish, and Whatcom Counties.

2. At 10 a.m., on July 16, 1965, the lands will be open to such forms of disposition as may by law be made of national forest lands.

JOHN A. CARVER, JR.,
Under Secretary of the Interior.

JUNE 10, 1965.

[F.R. Doc. 65-6337; Filed, June 17, 1965; 8:45 a.m.]

[Public Land Order 3698]

[Washington 05777]

WASHINGTON

Partial Revocation of Reclamation Withdrawal

By virtue of the authority contained in section 3 of the Act of June 17, 1902 (32 Stat. 388; 43 U.S.C. 416) as amended and supplemented, it is ordered as follows:

1. The order of the Bureau of Reclamation dated June 1, 1947, concurred in by the Bureau of Land Management on June 18, 1947, withdrawing lands for the Columbia Basin Project, is hereby revoked so far as it affects the following described lands:

WILLAMETTE MERIDIAN

T. 15 N., R. 23 E.,
Sec. 2, lots 1, 2, S½NE¼, S½;
Sec. 10, lots 1, 4, 5, 8;
Sec. 12;
Sec. 14;
Sec. 24, N½;
Sec. 28, NW¼SW¼.
T. 15 N., R. 24 E.,
Sec. 2, lots 1, 2, 3, 4;
Sec. 4, lots 1, 2, 3, 4;
Sec. 6;
Sec. 8;
Sec. 10, W½E½, SW¼;
Sec. 12, N½, SW¼;
Sec. 14;
Sec. 18;
Sec. 20, N½, N½S½;
Sec. 22, N¼, N½S½;
Sec. 24, N½.
T. 15 N., R. 25 E.,
Sec. 2;
Sec. 4;
Sec. 8, S½;
Sec. 10;
Sec. 12;
Sec. 18.

T. 15 N., R. 26 E.,
Sec. 4, S½N½, S½;
Sec. 6, N½, SW¼, W½SE¼, SE¼SE¼;
Sec. 8;
Sec. 10;
Sec. 12;
Sec. 18, N½N½.
T. 15 N., R. 27 E.,
Sec. 6;
Sec. 10, S½NE¼, NW¼, S½;
Sec. 12, S½;
Sec. 14;
Sec. 24, N½N½.

The areas described aggregate 16,174.93 acres in Grant County, of which lots 1, 2, 3, and 4, of sec. 4, T. 15 N., R. 24 E., have been patented.

The lands are located on the top or slopes of the Saddle Mountains. Vegetative cover is brush and native grasses and forbs.

2. Until 10 a.m., on December 9, 1965, the State of Washington shall have a preferred right of application to select the public lands as provided by R.S. 2276, as amended (43 U.S.C. 852). After that date and hour the lands shall become subject to operation of the public land laws generally, subject to valid existing rights, the provisions of existing withdrawals, and the requirements of applicable law. All valid applications received at or prior to 10 a.m., on July 16, 1965, shall be considered as simultaneously filed at that time. Those filed thereafter shall be considered in the order of filing.

3. The lands have been open to applications and offers under the mineral leasing laws. They will be open to location under the United States mining laws after 10 a.m., on December 9, 1965.

Inquiries concerning the lands should be addressed to the Officer in Charge, District Field Office, Bureau of Land Management, Spokane, Wash.

JOHN A. CARVER, Jr.,
Under Secretary of the Interior.

JUNE 10, 1965.

[F.R. Doc. 65-6338; Filed, June 17, 1965; 8:45 a.m.]

[Public Land Order 3699]

[Oregon 013543; 013543; 013544]

OREGON

Powersite Restoration No. 599; Powersite Cancellations No. 184 and No. 185; Revocation of Certain Power Withdrawals; Opening Lands Subject to Section 24, Federal Power Act

By virtue of the authority vested in the President by section 1 of the Act of June 25, 1910 (36 Stat. 847; 43 U.S.C. 141), and pursuant to Executive Order No. 10355 of May 26, 1952 (17 F.R. 4831), and by virtue of the authority contained in the Acts of March 3, 1879 (20 Stat. 394; 43 U.S.C. 31), June 9, 1916 (39 Stat. 218), and 1950 Reorganization Plan No. 3 (64 Stat. 1262; 5 U.S.C. 133z-15, note), and by virtue of the authority contained in section 24 of the Act of June 10, 1920 (41 Stat. 1075; 16 U.S.C. 818), as amended, and pursuant to the determination of the Federal Power Commission docketed as DA-493-Oregon, it is ordered as follows:

1. The Executive Orders of July 10, 1912, and December 12, 1917, establishing Powersite Reserves No. 285, and Nos. 661 and 664, respectively, and the departmental orders of December 12, 1917, and January 21, 1927, creating Water Power Designation No. 14 and Powersite Classification No. 164, respectively, are hereby revoked so far as they affect the following described lands:

WILLAMETTE MERIDIAN

T. 17 S., R. 1 E.,
Sec. 16, SE¼NE¼, NW¼NW¼, NE¼SW¼, and SW¼SW¼;
Sec. 19, lot 10.
T. 16 S., R. 2 E.,
Sec. 34, SW¼SE¼.
T. 17 S., R. 2 E.,
Sec. 1, lot 3.
T. 16 S., R. 3 E.,
Sec. 32, S½NW¼.
T. 17 S., R. 3 E.,
Sec. 5, lot 5;
Sec. 9, NE¼NE¼.
T. 16 S., R. 4 E.,
Sec. 11, SW¼SW¼;
Sec. 21, SE¼SE¼;
Sec. 22, SW¼SW¼.
T. 15 S., R. 5 E. (unsurveyed),
Sec. 31, SW¼NW¼, NW¼SW¼, S½SW¼, and SE¼.
T. 16 S., R. 5 E.,
Sec. 6, E½ and E½W½;
Sec. 7, E½, E½W½, and SW¼SW¼;
Sec. 13, N½NW¼;
Sec. 14, lots, 3, 4, 5, N½NE¼, NE¼NW¼, and S½SW¼;
Sec. 15, lots 9, 10, N½SE¼SW¼, N½SW¼SE¼, and SE¼SE¼;
Sec. 16, lots 8 and 9;
Sec. 17, SW¼NW¼, and N½N½NW¼SW¼;
Sec. 18, SE¼NE¼, NE¼SE¼SW¼, and S½SE¼SW¼;
Sec. 21, SE¼NE¼, and W½NW¼;
Sec. 22, S½NW¼, NE¼SW¼, and NW¼SE¼;
Sec. 24, SE¼NE¼, SE¼NW¼, and N½SW¼.
T. 17 S., R. 5 E. (unsurveyed),
All lands withdrawn under Power Site Classification No. 164 within secs. 16 and 34 and all other lands in said township not also withdrawn by Public Land Order No. 1808 for the use of the Corps of Engineers for the Cougar Project.
T. 18 S., R. 5 E. (unsurveyed),
All lands situated within one-fourth mile of South Fork McKenzie River which, on the basis of latest protraction data, lie within secs. 2, 4, 10, 11, 13, 14, 15, 22, 35, and 36.
T. 18 S., R. 5½ E. (unsurveyed),
All those tracts originally described in Power Site Classification No. 164 as being within one-fourth mile of South Fork McKenzie River in secs. 33 and 33 and now more properly described on the basis of latest protraction data as being in secs. 31 and 32, T. 18 S., R. 6 E.
T. 19 S., R. 5½ E. (unsurveyed),
All lands within one-fourth mile of South Fork McKenzie River which on the basis of latest protraction data lie in secs. 1, 2, 3, 4, and 5.
T. 14 S., R. 6 E.,
Sec. 36, E½NE¼ and SE¼.
T. 15 S., R. 6 E.,
Sec. 1, NE¼;
Sec. 2, SE¼SE¼;
Sec. 12, S½NE¼;
Sec. 13, S½NE¼ and N½SE¼;
Sec. 22, All portions within one-fourth mile of Deer Creek or one-half mile of McKenzie River;
Sec. 27, All portions within one-half mile of McKenzie River;
Sec. 34, All portions within one-half mile of McKenzie River;
Sec. 35, W½W½ and all lands withdrawn in Power Site Classification No. 164 lying within one-half mile of McKenzie River and Ollalie Creek and within one-fourth mile of Deer Creek from its mouth to a point one mile upstream, all within secs. 1, 2, 11, 12, 13, 14, 23, 23, 34, 26, 27, 34 and 35 except those tracts in the N½NE¼ of sec. 11 SE¼SW¼ of sec. 12, and E½NW¼ of sec. 13.
T. 16 S., R. 6 E.,
Sec. 1, lots 8, 13, NE¼SW¼, and S½SW¼;
Sec. 2, lots 11 to 23 incl., 27, 28, and 29;
Sec. 7, lot 4 and SE¼SW¼;
Sec. 9, lots 7, 8, 9, 10, 11, 12, and S½NW¼;
Sec. 10, lots 13, 14, and E½SE¼;
Sec. 11, lots 10 to 18 incl., SE¼SW¼, NE¼SE¼, and S½SE¼;
Sec. 12, NW¼, and NW¼SW¼;
Sec. 13, lots 3, 4, 5, 6, and 7;
Sec. 14, lots 4, 5, 9, SW¼, NW¼SE¼, and S½SE¼;
Sec. 15, SE¼NE¼, NW¼, N½SE¼, and SE¼SE¼;
Sec. 16, N½;
Sec. 17, lots 2, 3, 9, S½N½, N½S½, SE¼SW¼, and SW¼SE¼;
Sec. 18, lots 7, 8, 11, and NE¼SE¼;
Sec. 19, lots 5, 6, and 7;
Sec. 20, S½SE¼;
Sec. 21, SW¼, N½SE¼, and SW¼SE¼;
Sec. 23, N½N½;
Sec. 24, lots 1 to 11 incl., 13, and SW¼SE¼;
Sec. 26, lots 3, 4, 5, 6, 7, 8, and SW¼NW¼;
Sec. 27, NE¼, E½NW¼, and SE¼;
Sec. 28, NW¼NE¼, S½NE¼, and E½NW¼;
Sec. 30, lots 1 and 2;
Sec. 35, lots 1, 2, 3, 4, 7, and 8;
Sec. 36, W½NW¼, and E½SW¼.
T. 17 S., R. 6 E. (unsurveyed),
All lands as originally withdrawn in Powersite Classification No. 164 in said township except those which, on the basis of latest protraction data, are more properly described as lying within one-fourth mile of Horse Creek and Separation Creek in sec. 1, T. 17 S., R. 6 E., and in secs. 13 and 14, T. 17 S., R. 6½ E.
T. 18 S., R. 6 E., (unsurveyed),
All those lands as originally withdrawn in Powersite Classification No. 164 lying within one-fourth mile of Horse Creek, now more properly described on the basis of latest protraction data as being in secs. 34, 35, and 36, T. 17 S., R. 6½ E., and in sec. 1, T. 18 S., R. 6½ E.
T. 14 S., R. 7 E.,
Sec. 6, lots 1, 2, 3, 4, 5, 6, 7, and 8;
Sec. 9, lot 1 and NW¼SW¼;
Sec. 17, E½ and E½SW¼;
Sec. 20, NW¼NW¼, S½SW¼, and SW¼SE¼;
Sec. 30, E½;
Sec. 31, lots 1, 2, 3, 4, NE¼, E½NW¼, and NE¼SW¼.
T. 17 S., R. 7 E.,
All lands as originally withdrawn in Power Site Classification No. 164 except those more properly described on the basis of latest protraction data as lying within one-fourth mile of Separation Creek and being in secs. 21, 22, 23, 27, and 28.
T. 18 S., R. 7 E.,
Sec. 7;
Sec. 8, S½N½ and N½S½;
Sec. 9, SW¼;
Sec. 15, SW¼;
Sec. 16;
Sec. 17, N½ and SE¼;
Sec. 21, N½ and SE¼;
Sec. 22;
Sec. 23;
Sec. 26, N½;
Sec. 27, N½.

The areas described, including the public, national forest, and revested Oregon and California Railroad grant lands, aggregate approximately 20,262 acres.

Most of the lands are in the Willamette National Forest.

2. In DA-493-Oregon, the Federal Power Commission vacated the withdrawals created pursuant to the filing of applications for preliminary permits, and licenses, for Projects Nos. 852, 1068, and 2059, for the following described lands:

WILLAMETTE MERIDIAN

T. 17 S., R. 3 E.,
Sec. 5, lot 5.
T. 14 S., R. 6 E.,
Sec. 36, SE¼NE¼, NE¼SE¼, and S½SE¼.
T. 15 S., R. 6 E.,
Sec. 1, NE¼;
Sec. 12, S½NE¼.
T. 16 S., R. 6 E.,
Sec. 3, lots 1, 2, 7, 10, 11, 14, and 15;
Sec. 10, lot 5 and N½NW¼.
T. 13 S., R. 7 E.,
Sec. 31, lot 1, N½NE¼, and NE¼NW¼;
Sec. 32, NW¼NW¼, S½NW¼, E½SW¼, and SW¼SE¼.
T. 14 S., R. 7 E.,
Sec. 5, lots 2, 5, 6, 7, 8, SW¼NE¼, and SE¼SE¼;
Sec. 8, lots 1 to 8, inclusive;
Sec. 9, lot 1, SW¼NW¼, and NW¼SW¼;
Sec. 17, NE¼, SE¼SW¼, N½SE¼, and SW¼SE¼;
Sec. 20, S½SW¼, and SW¼SE¼;
Sec. 29, NW¼ and W½SW¼;
Sec. 30, E½;
Sec. 31, lots 2, 3, 4, NE¼, E½NW¼, NE¼SW¼, and N½SE¼;
Sec. 32 NW¼NW¼.
T. 15 S., R. 7 E.,
Sec. 6, lot 1.

The areas described aggregate approximately 3,292 acres. About 1,500 acres form a part of the lands described in paragraph 1, of the order.

3. In DA-493-Oregon, the Federal Power Commission determined that the value of the following described lands will not be injured or destroyed for purposes of power development by location, entry, or selection under the appropriate public land laws, subject to the provisions of section 24 of the Federal Power Act:

WILLAMETTE MERIDIAN

T. 17 S., R. 1 E.,
Sec. 16, lots 1 to 7 incl., NE¼NE¼ and SW¼NE¼.
T. 16 S., R. 2 E.,
Sec. 28, lot 9;
Sec. 33, lot 2;
Sec. 35, lot 6.
T. 17 S., R. 2 E.,
Sec. 1, lot 4;
Sec. 2, lot 4.
T. 16 S., R. 3 E.,
Sec. 31, lots 7, 8, 9, and 10.
T. 17 S., R. 3 E.,
Sec. 3, lot 2 except the north 20 acres;
Sec. 4, lots 5, 6, 7, and NW¼NW¼;
Sec. 5, lots 1, 4, and NE¼SE¼;
Sec. 9, lots 3, 4, 5, S½NE¼, SE¼NW¼ and NE¼SW¼.

The areas described aggregate approximately 1,041 acres.

4. Until 10 a.m. on December 9, 1965, the State of Oregon shall have the preferred right of application to select the public lands for school indemnity purposes, as provided by R.S. 2276, as amended (43 U.S.C. 852).

5. At 10 a.m. on December 9, 1965, the public lands shall be open to the operation of the public land laws generally, subject to valid existing rights, the provisions of existing withdrawals, and the requirements of applicable law. All valid applications received at or prior to 10 a.m. on December 9, 1965, shall be considered as simultaneously filed at that time. Those received thereafter shall be considered in the order of filing.

6. The national forest lands and revested Oregon and California Railroad grant lands shall be open at 10 a.m. on July 16, 1965, to such forms of disposition as may by law be made of such lands.

7. Any disposals of the lands described in paragraph 2 of this order shall be subject to the provisions of section 24 of the Federal Power Act, supra, as specified by the Federal Power Commission in its determination.

8. The lands have been open to applications and offers under the mineral leasing laws, and to location under the United States mining laws.

Inquiries concerning the lands should be addressed to the Manager, Land Office, Bureau of Land Management, Portland, Oregon.

JOHN A. CARVER, Jr.,
Under Secretary of the Interior.

JUNE 10, 1965.

[F.R. Doc. 65-6339; Filed, June 17, 1965; 8:45 a.m.]

[Public Land Order 3700]

[Anchorage 023000]

ALASKA

Withdrawing Lands for Use of Department of the Air Force as Recreation Sites; Revoking Public Land Order No. 1350 of October 23, 1956

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952 (17 F.R. 4831), it is ordered as follows:

1. Subject to valid existing rights, the following described public lands are hereby withdrawn from all forms of appropriation under the public lands laws, including the mining laws (ch. 2, Title 30 U.S.C.), but not from leasing under the mineral leasing laws and reserved for use of the U.S. Air Force as recreational sites:

SEWARD MERIDIAN

Naknek Recreation Camp Site No. 1

T. 18 S., R. 44 W. (Unsurveyed),
Sec. 4, S½NE¼SW¼SW¼, N½SE¼SW¼SW¼, and SW¼SE¼SW¼SW¼.

Naknek Recreation Camp Site No. 2

T. 17 S., R. 44 W.,
Sec. 35, N½SE¼NE¼SE¼ and N½S½SE¼NE¼SE¼.
T. 17 S., R. 43 W. (Unsurveyed),
Sec. 30, SW¼NW¼NW¼SW¼ and NW¼SW¼NW¼SW¼.

The areas described aggregate 20.26 acres.

2. Public Land Order No. 1350 of October 23, 1956, which withdrew the following described lands for use of the Department of the Air Force as recreational sites, is hereby revoked:

Naknek Recreational Camp Site No. 1

Beginning at a point where N latitude 58°-38' line intersects the mean high water mark on the NW shore of the Naknek River, in the vicinity of Naknek Air Force Base, Alaska, thence:
Southerly 410 feet along high water mark;
W. 520 feet;
N. 750 feet;
E. 625 feet;
S. 375 feet to the point of beginning.

The tract described contains approximately 10 acres.

Naknek Recreational Camp Site No. 2

Beginning at a point where W longitude 156°36' line intersects the mean high water mark on the N shore of the Naknek River near the confluence of Naknek Lake, thence:
N. 625 feet;
E. 750 feet;
S. 400 feet to the said high water mark on the N shore of the Naknek River; thence meandering southwesterly along the mean high water mark of Naknek River 770 feet to the point of beginning.

The tract described contains approximately 10 acres.

3. Until 10 a.m. on September 9, 1965, the State of Alaska shall have a preferred right to select the lands described in paragraph 2 hereof as provided by the act of July 28, 1956 (70 Stat. 709; 48 U.S.C. 46-3b), and section 6(g) of the Alaska Statehood Act of July 7, 1958 (72 Stat. 339), and the regulations in 43 CFR 2222.9.

4. This order shall not otherwise become effective to change the status of the lands described in paragraph 2 hereof until after 10 a.m. on September 9, 1965, at which time the lands shall be open to the operation of the public land laws generally, including the mining laws, subject to valid existing rights, the provisions of existing withdrawals, and the requirements of applicable law. All valid applications, received at or prior to 10 a.m. on September 9, 1965, shall be considered as simultaneously filed at that time. Those received thereafter shall be considered in the order of filing.

Inquiries concerning the lands should be addressed to the Manager, Land Office, Bureau of Land Management, Anchorage, Alaska.

JOHN A. CARVER, Jr.,
Under Secretary of the Interior.

JUNE 10, 1965.

[F.R. Doc. 65-6340; Filed, June 17, 1965; 8:45 a.m.]

[Public Land Order 3701]

[Misc-027702]

COLORADO, CALIFORNIA, AND ARIZONA

Withdrawal for Protection of Natural Areas on the Public Lands; Correction and Partial Revocation of Public Land Order No. 3530 of January 29, 1965

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952 (17 F.R. 4831), it is ordered as follows:

1. Subject to valid existing rights, the following described public lands which are under the jurisdiction of the Secretary of the Interior, are hereby with-

drawn from all forms of appropriation under the public land laws, including the mining laws (Chap. 2, Title 30, U.S.C.), for the protection of unique scientific and recreation values:

COLORADO

SIXTH PRINCIPAL MERIDIAN

Sand Dune Area

T. 10 N., R. 70 W.,
Sec. 1, lot 1, SE¼NE¼, and NE¼SE¼.

Containing 120.07 acres in Jackson County.

CALIFORNIA

MOUNT DIABLO MERIDIAN

Piute Cypress Areas

T. 27 S., R. 32 E.,
Sec. 24, SE¼ and E½SW¼;
Sec. 25, NE¼ and NE¼NW¼.

Containing 440 acres in Kern County.

ARIZONA

GILA AND SALT RIVER MERIDIAN

Turbinella and Gambel Oak Area

T. 39 N., R. 13 W.,
Sec. 18, lots 3 and 4, and E½SW¼.

Containing 153.96 acres Mohave County.

2. The description of lands withdrawn for the rare lizard and snake area, by Public Land Order No. 3530, is amended to read:

COLORADO

NEW MEXICO PRINCIPAL MERIDIAN

Rare Lizard and Snake Area

T. 36 N., R. 20 W.,
Sec. 22, lots 3, 4, 7, 8, and SE¼;
Sec. 27, lots 1, 2, 5, and 6.

Containing 443.39 acres in Montezuma County.

3. Public Land Order No. 3530 of January 29, 1965, is hereby revoked so far as it affects the following described lands:

ARIZONA

GILA AND SALT RIVER MERIDIAN

Turbinella and Gambel Oak Area

T. 39 N., R. 14 W.,
Sec. 12, SE¼ and E½SW¼.

Containing 240 acres in Mohave County.

CALIFORNIA

MOUNT DIABLO MERIDIAN

Piute Cypress Area

T. 27 S., R. 35 E.,
Sec. 24, SE¼ and E½SW¼;
Sec. 25, NE¼ and NE¼NW¼.

Containing 440 acres in Kern County.

4. At 10 a.m., on December 9, 1965, the lands released from withdrawal by paragraphs 2 and 3 of this order, shall be open to disposition under the public land laws generally, subject to valid existing rights the provisions of existing withdrawals, and the 6-month preference right filing period afforded certain States by R.S. 2276 as amended.

5. The withdrawal made by paragraph 1 of this order does not alter the applicability of the public land laws governing the use of the lands under leases, license or permit, or governing the disposal of their mineral and vegetative resources other than under the mining laws.

JOHN A. CARVER, JR.,
Under Secretary of the Interior.

JUNE 10, 1965.

[F.R. Doc. 65-6341; Filed, June 17, 1965; 8:46 a.m.]

[Public Land Order 3702]

[Sacramento 075663]

CALIFORNIA

Withdrawal of Land for Public Recreation Site

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952 (17 F.R. 4831), it is ordered as follows:

1. Subject to valid existing rights and to the limitations imposed by paragraph 3 of this order, the following described public lands, which are under the jurisdiction of the Secretary of the Interior, are hereby withdrawn from all forms of appropriation under the public land laws, including the mining laws (Chap. 2, Title 30, U.S.C.), and reserved for a public recreation site:

MOUNT DIABLO MERIDIAN

T. 33 N., R. 11 W.,
Sec. 1, lot 12, NW¼NE¼SW¼, and NE¼NW¼SW¼.

The areas described contain approximately 60 acres.

2. The withdrawal made by this order does not alter the applicability of the public land laws governing the use of the lands under lease, license, or permit, or governing the disposal of their mineral and vegetative resources, other than under the mining laws.

3. Nothing in this order shall prevent the filing of an application by the State of California for the disposition of the lands withdrawn by this order under the Recreation and Public Purposes Act, as amended (43 U.S.C., secs. 869–869.4).

JOHN A. CARVER, JR.,
Under Secretary of the Interior.

JUNE 10, 1965.

[F.R. Doc. 65-6342; Filed, June 17, 1965; 8:46 a.m.]

[Public Land Order 3703]

[Idaho 08855]

IDAHO

Partial Revocation of Public Land Order No. 1898 of July 13, 1959

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952 (17 F.R. 4831), it is ordered as follows:

1. Public Land Order No. 1898 of July 13, 1959, so far as it reserved the following described public lands under the jurisdiction of the Secretary of the Interior as a safety measure for the protection of the public, is hereby revoked:

BOISE MERIDIAN

T. 6 S., R. 2 E.,
Sec. 34.

T. 7 S., R. 4 E.,
Sec. 3, S½.

The areas described aggregate 960 acres in Owyhee County.

The land has a long, gentle eastward slope with a few small knolls. Soils are predominantly a deep silt loam, slightly gravelly in places. Principal vegetation is shadscale.

2. The area has been used by the Department of the Air Force as a bombing range. That Department has had the lands thoroughly searched. The lands have been cleared of all explosive ordnance and residue reasonably possible to detect. However, all buried ordnance may not have been detected. To that extent, use of the land involves danger.

3. Until 10 a.m., on December 9, 1965, the State of Idaho shall have a preferred right of application to select the lands as provided by R.S. 2276, as amended (43 U.S.C. 852). After that date and hour the lands shall become subject to application, petition, location and selection generally, including applications and offers under the mineral leasing laws, subject to valid existing rights, the provisions of existing withdrawals, and the requirements of applicable law. All valid applications received at or prior to 10 a.m., on July 16, 1965, shall be considered as simultaneously filed at that time. Those filed thereafter shall be considered in the order of filing.

4. The lands will be open to location under the United States mining laws after 10 a.m., on December 9, 1965.

Inquiries concerning the lands should be addressed to the Manager, Land Office, Bureau of Land Management, Boise, Idaho.

JOHN A. CARVER, JR.,
Under Secretary of the Interior.

JUNE 10, 1965.

[F.R. Doc. 65-6343; Filed, June 17, 1965; 8:46 a.m.]

[Public Land Order 3704]

[Anchorage 026640]

ALASKA

Revocation of Public Land Order No. 1752 of November 12, 1958

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952 (17 F.R. 4831), it is ordered as follows:

1. Public Land Order No. 1752 of November 12, 1958, which withdrew the following described land for use of the Department of the Air Force for military purposes, is hereby revoked:

SEWARD MERIDIAN

T. 5 S., R. 13 W.,
Sec. 29, SW¼NE¼, S½NW¼, SW¼, and NW¼SE¼.

The areas described aggregate 320 acres of public and nonpublic lands. The lands are located about 5 miles N. of Homer, Alaska. The soil is shallow, supporting a vegetative cover of native grasses and scattered stands of spruce and aspen. Seventy acres of the lands, being the S½SE¼NW¼, NE¼SW¼, S½NW¼NW¼SE¼, and N½SW¼NW¼SE¼, have been patented.

2. Until 10 a.m., on September 9, 1965, the State of Alaska shall have a preferred right to select the public lands as provided by the Act of July 28, 1956 (70 Stat. 709; 48 U.S.C. 46–3b), section 6(g) of the Alaska Statehood Act of July 7, 1958 (72 Stat. 339), and the regulations in 43 CFR 2222.9 (formerly 43 CFR, Part 76).

3. This order shall not otherwise become effective to change the status of the public lands until 10 a.m., on September 9, 1965. At that time they shall be open to the operation of the public land laws generally, including the mining and mineral leasing laws, subject to valid existing rights, the provisions of existing withdrawals, and the requirements of applicable law. All valid applications except preference rights applications from the State of Alaska received at or prior to 10 a.m., on July 16, 1965, will be considered as simultaneously filed at that time. Those received thereafter will be considered in the order of filing.

Inquiries concerning the lands should be addressed to the Manager, Land Office, Bureau of Land Management, Anchorage, Alaska.

JOHN A. CARVER, JR.,
Under Secretary of the Interior.

JUNE 10, 1965.

[F.R. Doc. 65-6344; Filed, June 17, 1965; 8:46 a.m.]

[Public Land Order 3705]

[Anchorage 061629]

ALASKA

Partly Revoking Executive Order No. 8278 of October 28, 1939

By virtue of the authority vested in the President by section 1 of the Act of June 25, 1910 (36 Stat. 847; 43 U.S.C. 141), and pursuant to Executive Order No. 10355 of May 26, 1952 (17 F.R. 4831), it is ordered as follows:

1. Executive Order No. 8278 of October 28, 1939, withdrawing the eastern portion of Kodiak Island for naval purposes, is hereby revoked so far as it affects the following described lands:

GIBSON COVE AREA

KODIAK ISLAND, ALASKA

Starting at corner No. 1 of U.S. Survey No. 2539, which is located at latitude 57°47' N. and longitude 152°26'30" W., and is the true point of beginning of this description; thence
W. 7,700 feet to a point on the 1–2 line of USS 2539;
S. 45°00' E. to a point on the 3–4 line of USS 1673;
N. 363.36 feet to corner No. 3 of USS 1673;
E. 2,459.82 feet to corner No. 2 of USS 1673;
S. 990.0 feet to corner No. 1, meander corner of USS 1673; thence following the meanders of USS 1673 around the head of Gibson Cove;
S. 50°00' W., 84.48 feet to a point;
S. 02°30' W., 208.56 feet to a point;
S. 16°45' E., 267.76 feet to a point;
S. 50°30' E., 177.54 feet to a point;
N. 79°00' E., 322.74 feet to a point;
N. 53°30' E., 711.48 feet to a point;
S. 22°30' E., 176.22 feet to a point;
S. 29°15' W., 403.26 feet to a point;
S. 51°45' W., 338.02 feet to a point; thence
S. 37°30' W., 554.40 feet to corner No. 5, meander corner of USS 1673;
W. 831.30 feet to a point on the 4–5 line of USS 1673;
S. 45°00' E., to a point on the 11–12 line of USS 2539;
N. 05°05'30" W., 8,486.68 feet to corner No. 1 of USS 2539, which is the true point of beginning of this description.

The tract described contains 654.51 acres.

The tract consists mainly of water and marginal lands lying on the northerly shore of St. Paul Harbor on Kodiak Island. About ten acres are the subject of a withdrawal application filed by the Bureau of Sport Fisheries and Wildlife. This tract, therefore, will remain segregated in accordance with the regulations in 43 CFR 2311.1–2(a) (formerly CFR 295.11a) until final action upon the application has been taken.

2. Until 10 a.m., on September 9, 1965, the State of Alaska shall have a preferred right to select the lands as provided by the Act of July 28, 1956 (70 Stat. 709, 48 U.S.C. 46–3b) and section 6g of the Act of July 7, 1958 (72 Stat. 339). After that date and hour the lands shall become subject to settlement and to application, petition, location and selection generally, subject to valid existing rights, the provisions of existing withdrawals, and the requirements of applicable law and procedures. All valid applications received at or prior to 10 a.m., on July 16, 1965, shall be considered as simultaneously filed at that time. Those filed thereafter shall be considered in the order of filing.

3. The lands have been open to applications and offers under the mineral leasing laws, and to location for metalliferous minerals. They will be open to location under the United States mining laws for nonmetalliferous minerals after 10 a.m., on September 9, 1965.

Inquiries concerning the lands should be addressed to the Manager, Land Office, Bureau of Land Management, Anchorage, Alaska.

JOHN A. CARVER, JR.,
Under Secretary of the Interior.

JUNE 10, 1965.

[F.R. Doc. 65-6345; Filed, June 17, 1965; 8:46 a.m.]

Title 49—TRANSPORTATION

Chapter I—Interstate Commerce Commission

SUBCHAPTER A—GENERAL RULES AND REGULATIONS

[No. 33246]

PART 131—UNITED STATES SAFETY APPLIANCE STANDARDS (RAILROAD)

Track Motorcars and Pushcars

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D.C., this 20th day of May A.D. 1965.

It appearing, that notice of proposed rule making was issued in the above-entitled proceeding on August 17, 1957 (22 F.R. 6623), pursuant to section 4(a) of the Administrative Procedure Act (5 U.S.C. 1003), for the purpose of giving effect to the holding of the Supreme Court of the United States in The Baltimore and Ohio Railroad Company v. Daniel T. Jackson (353 U.S. 325 decided May 13, 1957);

It further appearing, that hearing on the matter and things has been held;

And it further appearing, that the Division has, on the date hereof, made and filed its report in this proceeding containing its findings of fact and conclusions thereon, which said report is hereby referred to and made a part hereof; and good cause appearing therefor:

It is ordered, That 49 CFR Part 131, be, and the same is hereby, amended, effective January 1, 1967, by adding thereto two new sections, § 131.25 *Track motorcars (self-propelled 4-wheel cars which can be removed from the rails by men)* and § 131.26 *Pushcars*, reading as follows:

§ 131.25 Track motorcars (self-propelled 4-wheel cars which can be removed from the rails by men).

(a) *Handbrakes (includes foot operated brake).* Each track motorcar shall be equipped with an efficient handbrake so located that it can be safely operated while the car is in motion. Each handbrake shall be equipped with a ratchet or other suitable device which will provide a means of keeping the brake applied when car is not in motion.

NOTE: The requirements of this rule will be satisfied if the ratchet or other suitable device operates in connection with at least one handbrake on track motorcars that may be equipped with more than one such brake.

(b) *Handholds.* One or more safe and suitable handholds conveniently located shall be provided. Each handhold shall be securely fastened to car.

(c) *Sill steps or footboards.* Each track motorcar shall be equipped with safe and suitable sill steps or footboards conveniently located and securely fastened to car when bed or deck of track motorcar is more than 24 inches above top of rail.

(d) *Couplers.* When used to haul other cars, each track motorcar shall be equipped with a coupler at each end where such cars are coupled (1) which provides a safe and secure attachment, (2) which can be coupled or uncoupled without the necessity of men going between the ends of the cars.

§ 131.26 Pushcars.

(a) *Handbrakes.* When used to transport persons, each pushcar shall be equipped with an efficient handbrake so located that it can be safely operated while the car is in motion.

(b) *Handholds (includes handles).* Each pushcar shall be provided with one or more secure handholds. When used to transport persons, each pushcar shall be provided with one or more safe and suitable handholds conveniently located above the top of the bed of each pushcar.

(c) *Sill steps or footboards.* When used to transport persons, each pushcar shall be equipped with safe and suitable

sillsteps or footboards conveniently located and securely fastened to car, when bed or deck of pushcar is more than 24 inches above top of rail.

(d) *Couplers.* When moved together with other vehicles, each pushcar shall be equipped with a coupler at each end where such vehicles are coupled (1) which provides a safe and secure attachment, and (2) which can be coupled or uncoupled without the necessity of men going between the ends of the cars.

NOTE: Sections 131.25 and 131.26 are applicable only when the vehicles governed thereby are coupled together and moved together.

(Sec. 25, 41 Stat. 498, as amended; 49 U.S.C. 26. Secs. 2, 3, 36 Stat. 298; 45 U.S.C. 11, 12. Interpret or apply secs. 4, 6, 27 Stat. 531, 532; 45 U.S.C. 4, 6. Sec. 1, 32 Stat. 943; 45 U.S.C. 8. Sec. 4, 36 Stat. 299, as amended; 45 U.S.C. 13)

Notice of this order shall be given to the general public by depositing a copy thereof in the office of the Secretary of the Commission at Washington, D.C., and by filing it with the Director, Office of the Federal Register.

By the Commission, Division 3.

[SEAL] BERTHA F. ARMES, *Acting Secretary.*

[F.R. Doc. 65-6419; Filed, June 17, 1965; 8:47 a.m.]

Proposed Rule Making

DEPARTMENT OF AGRICULTURE

Consumer and Marketing Service

[7 CFR Parts 1040, 1042]

[Docket Nos. AO-225-A14, AO-240-A7]

MILK IN SOUTHERN MICHIGAN AND MUSKEGON, MICH., MARKETING AREAS

Decision on Proposed Amendments to Tentative Marketing Agreements and to Orders

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held at Lansing, Mich., on November 16-20 and November 30, 1964, pursuant to notice thereof issued on October 20, 1964 (29 F.R. 14544), and supplemental notice thereof which was issued November 2, 1964 (29 F.R. 14990).

Upon the basis of the evidence introduced at the hearing and the record thereof, the Deputy Administrator, Regulatory Programs, on April 27, 1965 (30 F.R. 6163; F.R. Doc. 65-4591) filed with the Hearing Clerk, United States Department of Agriculture, his recommended decision containing notice of the opportunity to file written exceptions thereto.

The material issues, findings and conclusions, rulings, and general findings of the recommended decision (30 F.R. 6163; F.R. Doc. 65-4591) are hereby approved and adopted and set forth in full herein subject to the following modifications:

1. Under issue 2(a), *Price zones*, paragraphs 25-33 are revised by substituting 15 paragraphs, the third and fourth from last paragraphs are revised by substituting three paragraphs and two new paragraphs are added at the end of the issue.

2. Under issue 2(c), *Pool plant requirements*, paragraphs 13-16 are revised by substituting six paragraphs.

3. A new paragraph is added at the end of issue 2(d), *Classes of utilization*.

4. A new paragraph is added at the end of issue 2(d), *Computation of plant shrinkage*.

5. Under issue 2(e), *Adjusted uniform price*, three new paragraphs are added after paragraph seven.

The material issues on the record of the hearing relate to:

1. Merger of Orders No. 40 and No. 42 and expansion of the marketing area.

2. Appropriate provisions of the consolidated order concerning:

(a) Location differentials;

(b) Class I price and butterfat differentials;

(c) Pool plant requirements;

(d) Classification of milk;

(e) The adjusted uniform price for milk not under the base-excess plan;

(f) Method of pooling;

(g) Milk diverted to Southern Michigan plants from plants regulated by other Federal orders; and

(h) Administrative and miscellaneous provisions.

Findings and conclusions. The following findings and conclusions on the material issues are based on evidence presented at the hearing and the record thereof:

1. *Merger of Orders No. 40 and No. 42 and expansion of the marketing area.* The Southern Michigan and the Muskegon orders should be consolidated. The marketing area of the combined orders should be expanded to cover territory in 18 additional Michigan counties, to wit., all of Alpena, Montmorency, Alcona, Oscoda, Iosco, Ogemaw, Roscommon, Missaukee, Gladwin, Osceola, Lake, Mason, Newaygo, and Oceana Counties and the unregulated parts of Arenac, Clare, Allegan, and Presque Isle Counties. The territory covered by the new order should be called the "Southern Michigan marketing area". The Muskegon order should be revoked.

The Agricultural Marketing Agreement Act specifies that orders shall regulate only the handling of agricultural commodities, or products thereof, which are in the current of interstate or foreign commerce, or which directly burden, obstruct or affect interstate or foreign commerce. Milk handling under the proposed order is in the current of, and burdens, obstructs or affects, interstate commerce in milk and milk products. Milk from farms in Indiana and Ohio is supplied to various Michigan handlers who would be regulated under the consolidated order. These handlers are in direct competition in distribution with handlers who purchase milk produced in Michigan. Handlers and cooperatives in the consolidated market either manufacture milk surplus to bottling needs or ship such milk to manufacturing plants. Some of the products manufactured from producer milk at these plants are shipped outside the State of Michigan.

Merger of orders. Merger of the Southern Michigan and Muskegon orders and expansion of the marketing area were proposed by nine cooperative associations operating in the markets. Proponents testified that the area they proposed has become so closely integrated from a marketing and distribution standpoint that its regulation under a single order now is appropriate. They also said that such a merger and expansion of the orders would more nearly encompass the current major sales territories of handlers in the market and insure uniform pricing to producers of milk distributed throughout such area in the interest of both producers and handlers. Merger of the orders was not opposed.

Southern Michigan is the larger of the two markets proposed for merger. The Southern Michigan marketing area includes most of the central and southeastern portion of the Michigan Lower Peninsula. It extends from Detroit on the east to beyond Grand Rapids and Kalamazoo on the west. Over 300 million pounds of producer milk are pooled under the order each month. The Muskegon marketing area includes territory in three counties in western Michigan. It borders the western edge of the Southern Michigan area. Muskegon and Holland, its principal cities, are both within 40 miles of Grand Rapids in the Southern Michigan area. About 10 million pounds of milk are pooled under the Muskegon order each month.

A close sales relationship has developed between these adjacent markets. The intermarket competition developed as a byproduct of plant expansion and improvements in milk transportation. Handlers in both markets in recent years have increased the capacity of their plants to reduce unit processing costs and to obtain higher returns through increased volume. An enlargement of distribution areas accompanied the increase in plant size. Competition was encouraged by the similar health requirements in the two-market area.

With the expansion of distribution areas, a substantial number of routes originating in each of the present marketing areas now extend into the other. Handlers from several cities in the western portion of the Southern Michigan marketing area have entered the Muskegon market. Grand Rapids handlers, for example, have established regular routes in both Muskegon and Holland. Southern Michigan handlers from Kalamazoo and Carson City have acquired milk routes in Holland. Although in lesser volumes, Muskegon handlers likewise have acquired business in the Southern Michigan marketing area. Most of their sales are in the portion of the Southern Michigan area closest to Muskegon, but some of their routes extend as far east as Greenville, Mich., in Montcalm County.

Under these conditions of close competition, packaged milk sales accounts shift between these markets. Shifts of this type can cause sharp movements in producer blend prices, particularly in the Muskegon market. When large accounts change hands across market lines, Class I use and blend prices move up in one market and down in the other even though Class I use in total is not changed. This type of transfer creates no serious problem in the present Southern Michigan market because of its size. In Muskegon, however, where Class I use is about 6 million pounds, or only 3 percent of the Southern Michigan total, any substantial loss of large accounts, such as supermarkets, for example, can cause significant monthly blend price changes.

The intensity of intermarket competition has increased in recent months. Southern Michigan handlers in particular have increased the proportion of their business in the Muskegon marketing area. The inroads made by the Southern Michigan handlers have reduced

blend prices in Muskegon. Should these acquisitions continue, a major portion of the Muskegon Class I sales would be lost to Muskegon producers. If this happens, Muskegon producer prices can be expected to be subject to variability and frequent readjustment as the Muskegon market attempts to equilibrate with the producer prices of the Southern Michigan market. Shifts of this type sometimes take a considerable amount of time. During the adjustment period the incomes of Muskegon producers would be significantly affected making it difficult for them to operate efficiently.

The overlap of distribution and supply routes has progressed to the point that a separate Muskegon market for producers no longer can be distinguished. In this connection there is strong competition between Southern Michigan and Muskegon handlers for supplies of milk. Handlers in the two markets buy their milk from overlapping milksheds. In Ottawa County, for example, 237 producers sell to Southern Michigan handlers and 185 sell to Muskegon handlers. The relationship is similar in Oceana County. There are 54 producers in that county who ship to Southern Michigan handlers and 40 producers who ship to Muskegon handlers. The Muskegon market has become, in effect, an integral part of the larger Southern Michigan area.

To eliminate these problems the Muskegon order should be merged with Southern Michigan under a marketwide pool. By providing proportionate sharing among all producers of total Class I sales in the market, the merger will stabilize prices and eliminate much of the present price uncertainty connected with shifts of sales accounts back and forth between the markets. Under a merged order there would be no decline in producer incomes attributable to the effects of intermarket competition at the resale level.

As a corollary matter in accomplishing an order merger efficiently and equitably, the assets in the administrative funds of both orders should be consolidated. All currently regulated handlers who contributed to the administrative funds of the separate orders will continue to be regulated under the merged order. Since no handlers would fall from regulation and the liabilities of each of the present funds would be paid from the consolidated fund, it is equitable to employ accumulated monies to defray such liabilities and to carry over any minor balances to be used for administrative costs of the merged order.

Virtually all producers who contributed to the market service funds of the present orders also will continue to supply the expanded market. This makes consolidation of the marketing service funds appropriate since contributing producers would continue to receive similar market services for accumulated monies remaining in the market service funds.

Similarly, merger of the producer-settlement fund balances is warranted because most of the producers for the new market currently supply one or the other market. Producers from the present markets will make up more than 99 percent of the total. Nearly all the money in the separate funds therefore will be reflected in the blend prices of the producers whose money makes up the fund reserves. Under these circumstances, there would be little object in distributing the producer-settlement fund reserves to producers under the separate orders and again accumulating the required reserve for the consolidated order. This would increase administrative expense and would add virtually nothing to returns of producers under the present orders.

Interest should be charged under the consolidated order on overdue payments to and from the administrative, marketing service and producer-settlement funds. Both of the present orders include this requirement. It encourages the prompt payments required for effective operation of the order. Also, following the effective date of the merged order, accrued interest should be payable under the consolidated order on any overdue obligations incurred and still outstanding under the present Southern Michigan and Muskegon orders. This will insure payment of all obligations required by the now separate orders and enhance orderly transition to the merged order.

Basically, the provisions of the present Southern Michigan order will be the provisions of the consolidated order. This was contemplated by proponents of the merger. Most of the provisions of Order No. 40 have worked satisfactorily in the dominant Southern Michigan market which currently regulates about 95 percent of the milk to be covered by the new order. Further, many of the provisions in the present Muskegon order are similar to those in the present Southern Michigan order. In general, Order No. 40 provisions therefore should work satisfactorily as the basic provisions of the consolidated order. Certain of the Order No. 40 provisions are expressly modified herein, of course, in accordance with proposals considered at the hearing. These modifications are discussed in the findings and conclusions on the other material issues of the hearing.

Marketing area expansion. The marketing area of the consolidated order should include also the counties of Alpena, Montmorency, Alcona, Oscoda, Iosco, Ogemaw, Roscommon, Missaukee, Gladwin, Osceola, Lake, Mason, Newaygo, and Oceana in Michigan. Further, the portions of Arenac, Clare, and Allegan Counties which are not now included under either the Muskegon or Southern Michigan order and the part of Presque Isle County which is not within the Upstate Michigan order should be added to the marketing area. Such territory has become a primary distribution area for handlers regulated by the present orders.

Most of this new territory lies between the marketing areas of Orders No. 40 and No. 42 and the Upstate Michigan (Order No. 43) marketing area. It includes all unregulated territory in a band of 16 counties which begins at midstate on the west and extends generally northeastward across the entire Lower Peninsula of Michigan. Southern Michigan and Muskegon regulated handlers have important distribution outlets throughout this entire area. From their plants in Flint, Bay City, Saginaw, Lansing, Carson City, Grand Rapids, and Muskegon, they sell milk in virtually every sizable community in these counties.

Nearly two-thirds of the milk sold throughout the 16 counties is distributed by Southern Michigan and Muskegon handlers. Including the above area in the marketing area would bring under full regulation as pool handlers six known distributors who engage primarily in the sale of milk in fluid form but who are not now under any order. Such distributors referred to in the record are located in Scottville (Mason County), Ludington (Mason County), Lake City (Missaukee County), Marion (Osceola County), Reed City (Osceola County), and Tawas City (Iosco County), Mich. There was no opposition by any of the latter distributors or by any other persons to adding such counties to the marketing area.

At present no supervised, classified pricing plan prevails in any of the above areas. Most of the unregulated handlers located in the counties maintain relatively high Class I use at their plants and commonly pay a flat price for their milk regardless of utilization. This practice provides them opportunity to buy milk for sale there in fluid form at prices considerably below the minimum Class I prices required to be paid by regulated handlers. For example, an unregulated handler from Scottville, Mich., purchases milk without regard to utilization at a price equal to the blend price received by Muskegon area producers. Farmers selling milk to this handler do not consistently supply his full plant needs, however, and supplemental milk is bought from the nearby Muskegon market. The proportion of his dairy farmer supply utilized in Class I regularly exceeds that of the Muskegon market by a considerable margin. Payment on the basis of the Muskegon area blend price (which for the first 9 months of 1964 reflected an average Class I use of 60 percent of producer receipts) provided a significantly lower price for this distributor as compared to regulated handlers who are required to pay not less than minimum order Class I prices.

The marketing area should be extended to cover the above-mentioned counties in order to assure regulated handlers that as to these areas of distribution currently unregulated competitors will not be afforded significant price advantage on milk for fluid distribution there. There was general support by both handlers and producer associations in the Southern Michigan and Muskegon markets for inclusion of the above counties in the marketing area.

Newaygo County is located south of the above group of counties. It borders Muskegon and Kent Counties in which are located Muskegon and Grand Rapids—major cities in the present marketing areas. Newaygo County thus is adjacent to other important sales territories of regulated handlers. Moreover, Muskegon, Grand Rapids, and Lansing regulated handlers distribute 65 percent of all milk sold within this county.

Producers who supply the Newaygo County unregulated distributor testified in opposition to the inclusion of Newaygo County on the basis that such distributor pays for milk on a classified price basis. There is no assurance at present, however, that all fluid milk sold from his plant is paid for at a price equivalent to the minimum Class I price required to be paid by regulated handlers selling in the county. Full regulation is required to place this unregulated distributor on the same price and accounting basis as his regulated competitors.

In Allegan County, which is located south of Muskegon, an Order No. 40 handler from Kalamazoo, Mich., has important distribution. Also, two Order No. 40 handlers and an Order No. 42 handler have plants located in this county. The most populous portion of the county and a majority of the milk sold in the county already are under regulation. The record indicates the possibility that there may be one unregulated handler distributing in the county. There was no opposition to including the remainder of the county in the marketing area.

Territory occupied by local, state, or Federal reservations, installations, or institutions geographically located within the defined marketing area should be part of the area to be regulated. Waterfront facilities and craft moored thereat which are within such area also should be covered. Such government facilities and waterfront locations on Lake Erie and Lake Michigan are important sales outlets for regulated handlers. They should be included in the marketing area in order that regulated handlers will not be forced to compete at a disadvantage with unregulated distributors for such business. The order should specify clearly that all premises within such facilities are to be considered as part of the marketing area and that all handlers distributing there are subject to the terms of the order which are applicable to their operations.

All producer milk received at regulated plants must be made subject to classified pricing under the order regardless of whether it is disposed of within or outside the marketing area. Otherwise, the effect of the order would be nullified and the orderly marketing process would be jeopardized.

If only a pool handler's "in area" sales were subject to classification, pricing, and pooling, a regulated handler with Class I sales both inside and outside the marketing area could assign any value he chose to his outside sales. He thereby could reduce the average cost of all of his Class I milk below that of other regulated handlers having all, or substantially all, of their Class I sales within the marketing area. Unless all milk of such a handler were fully regulated under the order, he in effect would not be subject to effective price regulation. The absence of effective classification, pricing, and pooling of such milk would disrupt orderly marketing conditions within the regulated marketing area and could lead to a complete breakdown of the order. If a pool handler were free to value a portion of his milk at any price he chooses, it would be impossible to enforce uniform prices to all fully regulated handlers or a uniform basis of payment to the producers who supply the market. It is essential, therefore, that the order price all the producer milk received at a pool plant regardless of the point of disposition.

Class I milk may be sold within the regulated marketing area from certain plants not under any Federal order. One source of such milk is a plant located outside the marketing area which distributes in the marketing area less than 600 pounds of milk per day. Such a plant is made exempt from regulation because it is not considered to be a significant competitive factor in this large market. Another source of milk not subject to full regulation is a plant which fails to qualify as a pool distributing plant because its distribution of fluid milk products on routes is less than required for pooling status. However, significant amounts of milk could be distributed in the marketing area from this latter source which would have a disruptive effect on marketing unless some method is used to integrate it into the regulatory plan. There is, of course, no way to treat such unregulated milk uniformly with regulated milk other than than to regulate it fully. Nevertheless, it has been concluded that the application of "partial" regulation to plants of the latter type would not jeopardize orderly marketing conditions within the regulated marketing area under present circumstances. Official notice is taken of the June 19, 1964, decision (29 F.R. 9002) supporting amendments to several orders, including the Southern Michigan and Muskegon orders, which deal with the treatment of unregulated milk in the regulatory scheme.

Under the method of partial regulation continued in the consolidated order, the operator of a partially regulated distributing plant is afforded the options of: (1) Paying an amount equal to the difference between the Class I price and the uniform price on all Class I sales made in the marketing area, (2) purchasing at the Class I price under any Federal order sufficient Class I milk to cover his disposition within the marketing area, or (3) paying his dairy farmers an amount not less than the value of all their milk computed on the basis of the classification and pricing provisions of the order (the latter is an amount equal to the order obligation for milk which is imposed on fully regulated handlers).

While all fluid milk sales of the partially regulated plant are not necessarily priced on the same basis as fully regulated milk, the provisions described are, however, adequate under most circumstances to prevent sales in the marketing area of milk not fully regulated (pooled) from adversely affecting the operation of the order and the fully regulated milk.

2. (a) *Location differentials.* The location adjustment rates applicable to Class I and producer prices under the order should be modified to reflect more accurately the location values of milk delivered to various points in the Southern Michigan marketing area.

Price zones. Historically, Detroit distributing plants relied for a major proportion of their milk supplies on milk assembled at and transshipped from country receiving stations and supply plants located beyond a 50-mile radius from the city. Milk was delivered to the country plant locations in cans. In recent years there has been a general conversion by producers throughout the milkshed to the bulk tank method of delivery and such method now is dominant in the market. Approximately 85 percent of the producer milk is being shipped from farm to plant in this way. Virtually all distributing plants outside Detroit and its environs are fully supplied directly from producers' farms by the bulk tank method. This is particularly the case in cities such as Flint, Bay City, Saginaw, Lansing, Kalamazoo, Grand Rapids, and Muskegon.

The Metropolitan Detroit area includes approximately 50 percent of the population of the marketing area and requires about 100 million pounds of Class I milk per month (one-third of the producer milk in the market). The fact that bulk tank routes may extend as far as 100 miles from the plant, as compared to a 50-mile maximum distance of direct-delivery can routes a few years ago, has resulted in a fourfold increase in the direct-shipment procurement area available to Detroit distributing plants. Today approximately 15 percent of the producers' farms are located within 50 miles of Detroit while about 60 percent of the farms are within 100 miles of Detroit. Thus, on a direct-shipment basis there are within 100 miles of the city supplies adequate to Detroit's fluid needs. Although nearly one-third of the Detroit fluid requirements still are furnished through country receiving plant assembly, bulk tank handling has made it practicable to supply all distributing plants in the Detroit area on a direct farm-to-plant basis.

The location adjustment rate structure under the present Southern Michigan order was adopted in February 1960, based upon evidence adduced at a hearing held in January 1959. With the nearly complete conversion to bulk tanks since that time and an improved highway network in southern Michigan with superhighways connecting most of the principal urban centers with Detroit, there has been a great increase in efficiency in handling. Because of the resultant reduced costs, the location values of milk in various parts of the milkshed have been altered significantly since 1959.

The problem of location pricing at hand is essentially one of recognizing in the minimum price structure the new reduced cost patterns for moving raw milk to various plant outlets and insuring an adequate supply to each of the several consuming centers in the marketing area which in several instances are located in principal producing counties of southern Michigan. Concerning the Metropolitan Detroit area, the present minimum price structure does not provide sufficient incentive for bulk tank producers within direct-delivery range of the city to ship directly to Detroit since they may realize a higher net return for delivering their milk to Zone I distributing plants outlying from Detroit or to country supply plants which are generally closer to their farms. This is the result primarily of inadequate compensation to the direct-delivery pro-

ducer relative to producers at outlying plants to offset higher hauling costs to Detroit caused by the lack of adequate return to direct-delivery producers on their excess milk (over base), the longer distance traveled, and the increased time consumed by haulers under congested traffic conditions.

Because Detroit is by far the largest of the consuming centers in the marketing area and must obtain the largest volumes and reach the farthest distances for milk as compared to other marketing area cities, it is in important competition with some of the other cities for supplies. Most other cities of the marketing area need reach out a radius of only 10–25 miles in order to find necessary supplies. These secondary consuming centers compete with each other for supplies and their hauling rates are very similar. Also, the hauling rates to the latter for farm-to-plant delivery generally are lower than for farms in similar vicinity shipping to Detroit. There is a tendency, however, for Detroit to draw milk in competition with such markets as Jackson and Lansing and for the latter in turn to compete with cities to their west, such as Kalamazoo, Grand Rapids, and Muskegon. A reasonable schedule of location adjustments should recognize this competition in supply procurement and, in the interest of marketing efficiency, encourage the movement of producer milk needed at fluid market outlets at the lowest possible cost to producers.

Producer associations in the market submitted a variety of proposals on location pricing. Several associations proposed area zoning which would modify the area zone structure in the present Southern Michigan order by employing a plus 3-cent "direct-delivery" differential on producer milk delivered from farms to Metropolitan Detroit plants and reducing the range of minus adjustments applicable on such milk delivered to plants in zones outside the present Zone I (zero differential) from a range of 7–20 cents to a range of 3–15 cents, generally in proportion to distance from Zone I. Zone boundaries would be modified to some extent. Another association proposed a somewhat similar price structure with the same plus direct-delivery differential but with lesser differentials applicable in outlying zones.

Another producer proposal would apply a minus differential of 5 cents at all supply plants wherever located, or, contrariwise, a direct-delivery differential of 5 cents at all distributing plants. One association proposed that the consolidated order provide only a plus 5-cent direct-delivery differential at Detroit plants with no minus adjustments at other locations.

Handler proposals varied from one suggesting complete elimination of location differentials to retention of the present zone structure. Several handlers suggested that either no direct-delivery differential should apply at Detroit plants or a differential anould apply only on Class I or base milk rather than on all deliveries of the producer. One handler proposed adoption of location adjustments strictly on mileage zoning (in contrast to area zoning), as employed in the Detroit order before the marketing area was enlarged in February 1960.

Adjustments to producer prices for location should reflect the relative value of milk delivered to city distributing plants as compared to milk delivered to supply plants and receiving stations.

Historically, location adjustment rates in the market were based on the cost of moving milk from receiving (assembly) plants outlying from Detroit distributing plants. With bulk tanks the direct-delivery area has expanded so that all distributing plants in the market are now within range of an adequate supply by direct-delivery. Direct-delivery by bulk tank has become the most prevalent method of delivery in the market and represents the lowest cost method of getting milk from the farm to the population centers in the market. With the development of bulk tank handling the need for country receiving stations is diminishing. In general, the variation in bulk tank hauling rates based on distance traveled is about 1 cent per 10 miles radius from the plant. Typical hauling rates on routes up to a 20-mile radius are 20 cents, up to a 75-mile radius 25 cents, and up to a 120-mile radius 30 cents.

Under the past method of supplying Detroit's needs for whole milk; i.e., the receipt of milk at country receiving stations and its transshipment to city bottling plants, the order specified certain rates for location of plant as an allowance for movement of the milk from the country plant to the city. These rates were (and still are) applicable to Class I and base prices. However, the handler of the city distributing plant purchasing from a country plant operated by a cooperative customarily has paid, over and above the Class I price at the country receiving plant location, a plant handling charge and any transportation charge applied in excess of the location adjustment allowed under the order. At the time of the hearing the additional transportation charge most commonly imposed by cooperative sellers was 5 cents per hundredweight and the country plant handling charge was 14 cents per hundredweight. In certain other instances the proprietary handler incurs the equivalent of such cost of country receiving by operating his own receiving station.

The value to a handler of direct-delivered milk is related to the lowest cost of an alternative supply which meets his requirements. When abundant supplies are available from a relatively large number of producers who are delivering to nearby pool plants and being paid the order minimum prices, only a small increment is needed to induce an adequate supply of direct-delivered milk at a given location. If the best alternative source is direct receipts from producers in a more distant area, direct delivery from the nearby producers is worth the price which must be paid in the more distant territory plus the additional cost of transporting milk from that distant territory. If the best alternative supply is milk from a country supply plant, the worth of direct-delivery milk will be related to the class price at that plant plus the charge for country plant handling and hauling.

The extra value of milk received at the city location as compared to its value when received at the country assembly point has been well established in the past by the prices and charges necessary to induce movement of the needed supplies to Detroit. This value relationship has been altered, however, by the fact of the relatively new and lower cost bulk tank delivery method, but a higher value of milk delivered at Detroit still prevails. Even with bulk tank handling the Class I price level at Detroit must be sufficiently above the levels at outlying plant locations in the milkshed to induce the delivery of whole milk to Detroit for its principal uses there.

Bulk tank handling in this area has progressed to the point that the most likely alternative source to replace nearby milk for Detroit is direct receipts from producers in a more distant territory. Therefore, the relative location values of producer milk under today's conditions are reflected in the differences in hauling cost to deliver to a Detroit plant as compared to delivery to an outlying plant. In order to encourage the delivery of milk to Detroit (and to the other consuming centers) by the most efficient means, these differences in cost should be reflected in the minimum price structure to producers. As part of a modified location pricing plan, a "direct-delivery differential", or plus zone adjustment, on all milk of the producer direct-delivered from farms to plants located in and near Metropolitan Detroit, as proposed by several producer groups, therefore should be adopted.

While the focal point of the location price structure in the marketing area is Detroit, there are, however, several important secondary markets or population centers within the marketing area at varying distances from Detroit. The location price structure therefore should be such that adequate supplies of milk will be attracted to these cities as well as to Detroit. To accomplish these purposes a zone price structure similar to the one presently employed in the Southern Michigan order, but appropriately modified to fit today's marketing conditions, will best reflect the location utility of milk at various other points in the marketing area and milkshed.

A direct-delivery differential of 4 cents per hundredweight should be applicable to all milk received from farms at plants located in the townships of Royal Oak and Southfield of Oakland County and in those portions of Wayne County other than the townships of Northville, Plymouth, Canton, Van Buren, Sumpter, Livonia, Nankin, Romulus, Huron, Taylor, Brownstown, Monguagon, and Grosse Isle. This area represents the most densely populated urban area of Metropolitan Detroit.

Under the present Southern Michigan order there is no price differential between Detroit and the outlying cities of Ann Arbor, Pontiac, Port Huron, Flint, Saginaw, and Bay City, which together constitute the population centers of present Zone I which are outlying from Metropolitan Detroit. A 4-cent per hundredweight differential at Metropolitan Detroit plant locations relative to the remainder of Zone I as defined in this

decision (which varies slightly from present Zone I) on milk direct-delivered to plants so located should provide an adequate return to producers to offset the relatively high cost of hauling to plants in this congested portion of the marketing area.

Some producer associations proposed that the direct-delivery zone price be 3 cents per hundredweight while others proposed that it be as much as 5 cents per hundredweight. Proponents of the 3-cent differential stated that it takes at least 3 cents per hundredweight additional to induce haulers to negotiate the congested traffic condition in Detroit as compared to hauling the milk to plants in the fringe area or suburbs of the city. One witness stated that hauling rates into Detroit from the "thumb" area to the north average about 5 cents greater than hauling rates on milk from the same area delivered to Pontiac (25 miles north of the City Hall in Detroit). Other witnesses stated that hauling rates on some routes originating about 60 miles west of Detroit were 5 cents greater into Detroit than to plants in the vicinity of the farms.

Ideally, the amount of the differential should reflect the added direct-delivery cost of transporting milk to Detroit plants compared to delivery to other Zone I plants and various supply plants. Since these plants are at varying distances from near-in Detroit plants, it is not possible to establish one differential which precisely reflects the additional hauling costs to such plants from each other location. However, the amount of the differential between Detroit and nearby cities should not be significantly greater than the added hauling cost involved in order that plants in these nearby cities may be assured of supplies. In view of all the evidence a differential of 4 cents should be adequate between Detroit and such other plants.

As a "direct-delivery" differential, the 4-cent differential at Detroit plants should be paid by the handler directly to the producer (rather than to all producers through the producer-settlement fund) for all milk delivered to such plants.[1] Such payment will tend to reflect the location utility of all milk shipped by the individual producer—not just his base milk. The present Southern Michigan order does not reflect a location adjustment in the price for "excess milk". In the latter circumstance the added hauling cost paid by a producer on delivery of his milk to a Detroit plant, rather than to the plant closest to his farm, results in a reduction in his net return for milk in excess of base. Thus, the new provision for a direct-delivery differential payable directly to the producer is designed to offset, in large part, the extra cost of shipping such milk to the Detroit location as compared to shipping the same milk to a plant located nearer his farm. The encouragement to the producer to deliver all his milk by this means for bottling use will benefit all producers through the overall savings in transportation made possible.

It was objected that in some instances such application will mean that the direct-delivery differential will be paid on milk which the handler actually utilizes in Class II. It is concluded, however, that the differential should be payable on all milk so received by all plants in the designated area regardless of the type of operations conducted in the plant. All the milk delivered by producers to the designated area is available for the fluid market. Moreover, any milk utilized for other than fluid purposes, as well as for fluid requirements, in an area of highly deficit production, such as the city of Detroit and its environs, requires delivery from more distant production areas. Since milk customarily is manufactured into Class II products by producer organizations in outlying areas in the milkshed, the producer should not be placed in the position of taking a return on any part of his milk delivered to the city location lower than he would receive at a country supply plant, taking into account the lower cost of hauling to the latter plant. Thus, if the handler requires delivery directly to Detroit, it is not unreasonable to require reimbursement to the producer for the extra cost of such delivery relative to transporting to the country plant location whether a Class I or Class II use is intended at the city location.

The application of the direct-delivery differential in this manner may be compared with the cost of milk to the handler for Class II use at the city under the interplant delivery system. Prior to the use of bulk tanks Detroit handlers obtained most of their milk supplies through country supply plants and some still do. Except for an 8 percent allowance over actual Class I needs (to cover day-to-day sales variations), such a handler receives no location credit under the order on transfers of milk from supply plants for Class II use. Such pricing provisions recognize that the transportation charges on the finished dairy products, such as butter or nonfat dry milk, are minimal as compared with the hauling cost on whole milk and that milk can be readily processed into Class II manufactured dairy products at country locations. Handlers desiring whole milk for Class II processing in the city pay the transportation cost and plant handling charges on any whole milk transhipped to Detroit from country plants for such uses. Consequently; the handler who receives direct-delivered milk has the alternative of paying the extra charges incidental to purchasing through a country plant to obtain whole milk for such use at the city.

It is concluded that adoption of the direct-delivery differential will promote orderly marketing by assisting to induce an adequate supply at near-in Detroit plants by efficient means of handling, encouraging a further shift from country receiving to the more economical direct shipment from farms to city plants, insuring that the potential savings from such handling method will be returned to producers, better equalizing handlers' costs, and compensating the direct-delivery producer for the added cost he incurs in delivering directly to the city location.

The location adjustment structure outside the present Zone I (zero differential) should be revised in recognition of the general reduction in transportation costs resulting from bulk tank delivery and to reflect net differences in cost associated with distance relative to delivery to Zone I. A precise description of each of the various price zones, which vary to some extent from their counterparts under the present Southern Michigan order, is set forth in § 1040.54 of the order included in this decision. For purposes of the discussion below, however, references of a more general nature are sufficient.

In view of the plus 4-cent differential for delivery to Detroit, the present differential for that portion of the present Zone II lying west of Zone I of minus 7 cents should be changed to minus 3 cents. This part of the present Zone II includes the territory lying approximately 50–90 miles west of Detroit and encompasses the territory surrounding the cities of Jackson (75 miles from Detroit) and Lansing (90 miles from Detroit) as well as the pool supply (manufacturing) plants at Adrian (70 miles) and Mason (80 miles). Further described, this territory includes Lenawee, Jackson, Ingham, Livingston, and Washtenaw (western portion only) Counties.

Taking the direct-delivery differential into account, this results in the same location price difference between plants in this zone and Detroit plants as now prevails. It also will result in a 3-cent difference between Zone II and the relatively nearby plants in Zone I outside the Metropolitan Detroit area.

The remainder of the present Zone II (east of Zone I) includes the lower portion of Lapeer County with a supply plant located at Imlay City. This plant is in a sparsely populated area 30 miles east of the city of Flint (Zone I) and 50 miles north of Detroit.

The recommended decision provided for a minus 3-cent differential for this portion of the present Zone II, and the southern portion of Tuscola and Sanilac Counties. In their exceptions the cooperative which operates two of the three pool plants in this area contended that the amount of the minus differential in this territory should be a minus 5 cents to provide sufficient incentive to producers in the area to deliver their milk to Detroit. After careful review of the record evidence in light of exceptions, it is concluded that a minus 5-cent differential should be fixed at plants in Lapeer County, the northern portion of St. Clair County and the southern portions of Tuscola and Sanilac Counties (Zone III).

The exceptions emphasize the record testimony that unlike the Zone II territory lying west of Zone I this portion of the "thumb" area of the state lying 50–80 miles north of Detroit has no local population centers such as Lansing and Jackson which require substantial quantities of milk for fluid use locally within the production area. Nor does it have the fast roadways to Detroit as in the

[1] As later discussed, a producer's milk is considered as delivered to a given zone plant location for the entire month if at least 65 percent of the monthly deliveries are made there.

case of Zone II areas in the direction of Jackson and Lansing. Thus, it is appropriate to provide for a slightly greater (additional 2 cents) incentive to the producer in this area to move his milk to Detroit than is needed for equally distant territory west of Detroit.

A minus 5-cent differential at pool plants located at Imlay City, Brown City, and Peck in this lower "thumb" Zone III territory will provide a 5-cent transportation incentive for producers to deliver their milk to Zone I cities of Flint, Pontiac, and Port Huron and a 9-cent incentive to ship direct to Detroit rather than such local plants.

It is appropriate that additional milk produced in this close-in area be moved to Zone I cities (including Detroit) for fluid use, as the opportunities to supply milk by bulk tank increase. Zones I, II and the lower "thumb" area in combination include about 75 percent of the population of the marketing area but only about 40 percent of the producer milk. Class I milk requirements for this combined area are about 145 million pounds per month and production within the area is about 130 million pounds per month.

As in the case of the lower "thumb" area exceptor pointed out that the recommended reduction in the amount of the location adjustment applicable in the upper "thumb" area likewise should be adjusted by 2 cents, to a minus 7 cents rather than a minus 5 cents.

This upper "thumb" area covers territory from approximately 80 miles to 125 miles from Detroit. Thus, it could be expected that there would be a range of 4 cents difference in hauling rates to Detroit from various locations within the area. Pool plants in this area are located at Bad Axe and Sebewaing, 107 and 114 miles, respectively, from Detroit. A minus 7-cent differential at these locations in combination with a plus 4-cent differential at Detroit will provide producers an 11-cent price difference to deliver their milk to Detroit plants compared to local plants. In consideration of these distances from Detroit, the revised differential will better reflect the prevailing 1-cent per ten miles hauling rate by bulk tank described in the record. Thus, this upper "thumb" area of Huron County and the northern portion of Tuscola and Sanilac Counties should be included in Zone IV.

The territory lying within approximately 50 miles west of Zone I cities of Flint, Saginaw, and Bay City should be included in Zone III—minus 5 cents. It includes the counties of Arenac, Gladwin, Midland, Isabella, Gratiot, Clinton, Shiawassee, Eaton, and portions of Bay, Saginaw, Montcalm, and Ionia.

A 5-cent differential in this area will reflect closely the additional cost to a producer to have his milk hauled to a plant in the Zone I "corridor" cities of Flint, Saginaw, and Bay City.

Calhoun, Branch, and Hillsdale Counties which are located on the western edge of Zone II should be in Zone IV—minus 7 cents. In the recommended decision the Zone III minus 5-cent differential was provided for this area between the cities of Jackson and Battle Creek. After a careful review of the record in light of exceptions, it is concluded that the location adjustment in this area should be the same as at Battle Creek and Kalamazoo.

There is a pool supply plant (receiving station) located at Litchfield in the northwestern corner of Hillsdale County. It was pointed out in the exceptions that if this plant were provided with a higher price than at plants in the cities of Battle Creek and Kalamazoo there would be undue incentive to producers in the territory south of these cities to ship their milk to the supply plant rather than to fluid milk outlets in Battle Creek and Kalamazoo. In addition, an additional 2 cents in the differential will provide greater assurance that producers in this area will ship their milk directly to fluid milk outlets in Detroit when needed there.

Zones I, II, III, and the portions of Zone IV described above together comprise about 80 percent of the population in the marketing area while about 65 percent of the total market supply is produced within this combined territory. It is estimated, however, that while about 160 million pounds of milk per month are needed for Class I use within this area (within about 120 miles of Detroit), about 215 million pounds of milk per month are produced therein. Although this area has less production relative to fluid needs as compared to the remainder of the market, there nevertheless is more than an adequate supply of milk for fluid use within this 120-mile range of Detroit.

The location differential structure in the remainder of the market therefore should be formulated so as not to encourage milk to be attracted to the southeastern part of the market as it is unneeded there for fluid use. Such a price structure will tend to maximize net returns to producers by not encouraging the employment of unneeded milk hauling facilities. Nevertheless, as in other zones, location differentials in the remaining surplus production area should be kept in practical relationship to the cost of hauling to the deficit area (Zone I). Milk in production areas such as the western and northern portions of the Lower Peninsula, where milk produced exceeds local fluid market requirements, has a value in Class I closely related to the price in the nearest area where the milk may be put to fluid use less the cost of transporting milk to such area.

A principal change needed in the present location adjustment structure is a reduction in the amount of minus adjustment applicable at plants on the western side of the state, i.e., plants in and around the cities of Grand Rapids, Muskegon, Holland, Kalamazoo, and Battle Creek. These cities and their neighboring territory in the counties of Muskegon, Ottawa, Kent, Oceana, Newaygo, Mecosta, Allegan, Barry, Van Buren, Kalamazoo, Berrien, Cass, St. Joseph, and the western portions of Branch, Calhoun, Ionia, and Montcalm Counties have about 17 percent of the population of the market and 24 percent of the available supply of producer milk.

The cities in the western side of the State now are connected to the cities to the east by superhighways, making it relatively easy and inexpensive to move milk from this area towards markets in central and eastern parts of the State. However, under the present Southern Michigan order the area west of Lansing and Jackson is divided into three zones, where prices are 5, 8, and 13 cents, respectively, lower than the level applicable at Lansing and Jackson plants. Such differentials have tended to encourage some producers under the order to seek markets to the east in other location zones where the higher zone prices more than offset the extra hauling cost.

The zoning proposals of the several cooperatives called for one western zone encompassing all the cities on the western side of the State with a minus location differential 3 to 4 cents greater than the amount applicable at Lansing and Jackson. In this connection they stated that in February 1963 the associations began paying producers under their premium price plan on the basis of a location adjustment schedule different from the one under the present Southern Michigan order for the purpose of discouraging the movement of milk out of the lower priced western zone into the higher priced zones since the milk was not needed in the latter zones.

It is appropriate to adjust prices in the western cities relative to the central and eastern cities so as to reflect as nearly as possible current differences in direct-delivery hauling rates between zones. To accomplish this the western portion of the market should be divided into two price zones. The cities of Battle Creek, Kalamazoo, Grand Rapids, and the adjacent areas should be in one zone to be designated Zone IV. The cities of Holland, Muskegon, and the western tier of counties should be in the other zone—Zone V. The differential in Zone IV should be minus 7 cents (or 4 cents under the price at Lansing and Jackson). A 4-cent difference closely reflects the additional direct-delivery cost of shipping milk to Jackson from farms located in the vicinity of Battle Creek, which is about 40 miles west of Jackson. Similarly, it is about 40 miles between Lansing and the pool manufacturing plant at Saranac, another alternative outlet for milk from the Grand Rapids area.

Kalamazoo and Grand Rapids are only 20 miles west of Battle Creek and Saranac, respectively. Any differential in prices between these respective locations would tend to encourage producers to ship their milk east of these cities, particularly to the manufacturing plant in Saranac. A 2-cent higher price at Kalamazoo relative to the tier of counties to the west will tend to insure supplies to this city relative to the pool manufacturing plant located in Allegan County which also represents a ready alternative outlet for those milk producers west of the city. To assure that adequate supplies will be delivered to these cities at minimum transportation cost they should be in the 7-cent differential zone. Specifically, this Zone IV should include the counties of Mecosta, Kent, Barry, Kalamazoo, St. Joseph, Calhoun, Branch, Hillsdale, and the western portion of Montcalm and Ionia Counties.

The differential in the western tier of counties (Zone V) should be minus 9 cents (making the price 2 cents below that at Grand Rapids and Kalamazoo). The cities of Holland and Muskegon are located in this area on the edge of Lake Michigan and are about 30 and 40 miles, respectively, from Grand Rapids. Since these cities are located next to the lake on their western side, their milk supplies must be procured generally to the east toward the Grand Rapids procurement area. A differential in excess of 2 cents below the price at Grand Rapids would tend to encourage producers in the western tier of counties near Muskegon and Holland to ship their milk to Grand Rapids. A 2-cent differential, however, should not tend to encourage producers in the western-most portion of these counties to ship to Grand Rapids. In addition, Muskegon and Holland are located somewhat north and south, respectively, of Grand Rapids and thereby would be able to attract supplies from such directions in competition with a 2-cent higher price at Grand Rapids.

If the western tier of counties were in the same price zone as Grand Rapids and Kalamazoo, there would be no incentive for producers located there to ship their milk to these cities as the manufacturing plants located in Allegan and Ottawa Counties are closer to their farms. On the other hand, if the prices at Grand Rapids and Kalamazoo were fixed more than 4 cents lower than the price in the eastern markets of Lansing and Jackson, there would be a tendency for producers located on the eastern edge of these cities to ship their milk eastward. These two cities, in turn, would be forced to rely on supplies located to the west. It is concluded that the price structure provided herein will tend to attract adequate supplies to these western Michigan cities as well as reflect the location utility of milk in the area in relation to the Detroit level.

In their zoning proposals producer groups placed Berrien County (in the southwestern corner of the state) in a separate zone with a differential of 4 to 6 cents lower than the price at Kalamazoo. This county lies 40–60 miles west of Kalamazoo and is bordered on the west by Lake Michigan. Thus, plants in this area must procure supplies to the east toward Kalamazoo in Cass, Van Buren, and Allegan Counties and, accordingly, must pay producers a price competitive with what they would receive by shipping to Kalamazoo. A price in this county, 2 cents less than at Kalamazoo, should attract needed supplies from the western portion of the lakeside counties while a greater differential would tend to encourage such producers to ship to Kalamazoo.

The western tier of counties from Muskegon on south (Muskegon, Ottawa, Allegan, Van Buren, Cass, Berrien) therefore should be in the minus 9-cent zone.

The remainder of the Lower Peninsula (all territory lying north of the aforementioned zones) should be divided into three zones with differentials which closely reflect the additional direct-ship hauling costs therefrom to the nearest cities in Zone I as compared with hauling costs to local plants within such zones. As previously discussed, this additional hauling cost is about 1 cent per 10 miles.

The first of these three zones should be an extension of Zone V (9 cents) on the west side of the state and continue northeastward across the state above Zones IV and III. Specifically, this would extend Zone V to include Newaygo, Oceana, Mason, Lake, Osceola, Clare, Missaukee, Roscommon, Ogemaw, and Iosco Counties. The only presently regulated plant in this area is a pool supply plant at Evart in Osceola County which is about 85 miles northwest of Saginaw and Bay City (Zone I). It is expected, however, that six bottling plants within this group of counties will become regulated by the inclusion of this territory in the marketing area. A minus 9-cent differential will reflect the location utility of milk at all such plants in this zone relative to prices at principal cities in the market.

The next zone (Zone VI) should include the counties of Alcona, Oscoda, Crawford, Kalkaska, Grand Traverse, Wexford, and Manistee. This tier of counties (next to Zone V) is about 30 miles wide. A minus 12-cent differential is appropriate for this zone.

The recommended decision included Mason and Oceana Counties in Zone VI rather than Zone V. Following consideration of an exception on the appropriate price zone for these two counties, it is concluded that the location differential in these counties should be the same amount as in Lake and Newaygo Counties. As in the case of Berrien County, these two counties (Mason and Oceana) are lakeside counties. Thus, plants located therein tend to compete for supplies back inland with plants in Newaygo, Muskegon, Mecosta, and Osceola Counties. The 3-cent lower price provided in the recommended decision would have provided undue incentive for producers in these counties to ship their milk to such other plants and thereby not assure adequate supplies at the two bottling plants in the lakeside counties. Thus, it is appropriate that Mason and Oceana Counties be included in Zone V rather than Zone VI.

The remaining Lower Peninsula counties of Alpena, Montmorency, Presque Isle, Cheboygan, Otsego, Emmet, Charlevoix, Antrim, Leelanau, and Benzie should be in a minus 15-cent zone (Zone VII). This would reflect the location utility of milk at plants in this area relative to the zero zone (Bay City, the northernmost city in the zero zone, is about 150 miles south of Zone VII). The only pool plants in Zone VII are located at East Jordan and Hillman.

This zone differential structure includes all the territory in the Lower Michigan Peninsula and thereby includes the locations of all plants which are currently pooled under either of the orders to be consolidated and those of the additional plants which will be brought under regulation by expansion of the marketing area. However, in the event plants located outside the above zones should become pool plants, provision should be made to assure their proper price alignment with the plants in the specified zones. The most likely locations of such plants are south of the Michigan State line in the States of Ohio and Indiana. A differential of the amount provided for the zone nearest to the plant plus 1 cent for each 10 miles that such a plant is located beyond the nearest point in such zone will assure proper price alignment with plants located in the specified zone areas as well as reasonably to reflect transportation costs based on distance.

Certain other exceptions also related to the recommended zone location differentials. Generally, such exceptions called for a modification of the recommended zone structure so as to better accommodate the movement of milk to manufacturing plants as opposed to the modifications adopted herein in the interest of insuring more milk to bottling plants.

After careful review of such exceptions in connection with the record, however, it is concluded that the location adjustments zones and rates set forth herein reflect the record evidence on the difference in prevailing hauling rates by bulk tank trucks to more distant city bottling plants compared to county manufacturing plants located nearest the farms. Thus, the schedule of rates adopted will effectuate the policy of the act by helping to assure adequate supplies of milk for fluid uses and promote orderly marketing by employing location adjustment rates whereby net returns to producers at most locations will not differ significantly whether their milk is directed to fluid milk outlets in the marketing area or to nearby manufacturing plants.

Transfer adjustments. The transfer adjustment credits to handlers operating distributing plants, on milk received from other pool plants and allocated to Class I, should be modified to reflect the amount applicable at the location of the transferor plant under the aforementioned schedule of location differentials.

Certain producer associations proposed that transfer adjustment credits be modified by applying a schedule of allowances for interplant movements different from the rates applicable to Class I and base prices and that all such transfer credits be discontinued after a period of 2 years. In support of the proposed change, proponents stated that the cost of moving milk a given distance from one plant to another plant frequently is greater than the difference in direct-delivery costs for the respective locations. The proposed adjustment rate is 10 cents per hundredweight plus 1 cent more for each 10 miles, or portion thereof, that the transferor plant is located more than 50 miles from the City Hall in Detroit. Proponent contended that this schedule would be adequate to cover the transportation cost of moving milk from supply plants to bottling plants in Detroit.

The 2-year limit on the proposal was based on the estimated completion date of the conversion from can to bulk tank handling in the market. Thus, proponents contend, the proposals would tend to equalize handler costs on milk from supply plants with that which is direct-delivered from farms.

The proposed transfer credits would not be significantly different from the

zone location differential rates adopted herein where the transfer is between plants which are both located beyond 50 miles from the City Hall in Detroit since both rate schedules are based on a prevailing hauling cost of 1 cent per 10 miles (earlier explained).

The proposed transfer credit schedule indicates that there is an additional 5 cents "fixed cost" in transporting between plants as compared to differences in rates for direct-delivery hauling. Application of the 1 cent per 10 mile rate within the 0–50 mile zone (where the proposed rate was 10 cents) would leave a residual of 5 cents. Thus, handlers could be expected to pay 5 cents more per hundredweight for transferred milk than for direct-delivery milk under the zone transfer credit schedule.

A transfer adjustment credit to handlers which is greater than the Class I price differences by zones is not necessary to achieve adequate supplies at distributing plants and would tend to provide less incentive to use the most efficient means of getting milk to the market.

There are several handlers in the market who currently are paying an extra 5 cents per hundredweight (transportation) to obtain supply plant milk. Presumably there is some advantage to the particular handler in obtaining milk from supply plants which is worth the extra cost in light of the currently available alternative of receiving direct-delivery milk. By employing only one schedule of location adjustment credits under the order, each handler will be in a position to choose the method of obtaining a milk supply which best suits his needs without burdening the producers' price with transportation charges higher than are required by direct-delivery made at their expense.

Several producer associations proposed further that the location adjustment credits on transfers of milk from supply plants be limited to the actual volume of Class I milk processed (less receipts of other milk allocated to such class) rather than apply to 108 percent of Class I volume in the plant as under the present Southern Michigan order. This proposal would require the handler purchasing from country supply plants to pay the interplant transportation cost on all (rather than on a portion of) such receipts of whole milk which are utilized as Class II use in his city distributing plant.

Proponents contended that because of the change to bulk tank handling in the market whereby all plants can be adequately supplied on a direct-delivery basis, there is no need to assure that the market be supplied through transshipments from supply plants by allowing an extra margin beyond Class I sales volume in computing the handler's transfer credit. To the extent that such credit could be attributed to assuring some unnecessary reserve of milk at bottling plants, it would seem appropriate to adopt the proposal. However, there are pertinent aspects of the provision which are not appreciably affected by the change to bulk tank handling.

Under the classification and accounting provisions of the order, shrinkage and inventory of fluid milk products on hand at the end of the month are in Class II. There are also daily variations in demand for fluid items which cannot be forecast with exactness. Thus, as a practical matter, it is virtually impossible for a distributing plant to utilize as Class I, all milk brought in from country plants. The provisions of the order adopted herein afford the same net return to producers for milk so used at Detroit distributing plants irrespective of whether it is obtained directly from the farm or through a supply plant. Elimination of the transfer credit would return a higher net price to producers for milk moved to the city through supply plants than that which is obtained on a direct-shipped basis. In view of such circumstances it is appropriate that the order continue to provide a reasonable margin in the amount of transferred milk on which transportation credit is allowed. It is concluded that the present order provision accomplishes this purpose and should be continued.

Deliveries divided between zones. Several cooperatives proposed that location adjustments applicable to payments to producers for base milk and milk to be paid for at the uniform price or adjusted uniform price should be at the rate applicable to Class I milk (not including the 4-cent direct-delivery differential previously adopted herein). It was proposed further that in the case of any producer whose milk is physically received at plants in more than one price zone during the month, the location adjustment should be the weighted average of the adjustments for the respective plant locations, provided that if 65 percent of a producer's milk were delivered to plants in a single zone during the month, all milk of such producer for the month would be priced at such zone.

The location differential rate schedule is such that when taken in combination with the producer's hauling rate it reflects the location utility of the milk. Thus, under ordinary circumstances, the producer would receive about the same net return at each zone location and therefore would be indifferent as to whether his milk is shipped to a nearby supply plant or to a more distant distributing plant in a closer-in zone.

Distributing plants receiving direct-delivered bulk tank milk ordinarily will rely on such supplies for their full weekly needs, the only exception being when supplemental, or emergency, supplies are required from supply plants. On the other hand, on nonbottling days such as weekends, or where for other reason surplus accumulates at the distributing plant, some of the bulk tank milk may be diverted therefrom to manufacturing plants. At certain of the distributing plants, however, milk received, including weekend supplies, is "banked" at the plant for later use on heavy bottling days.

For each zone except Zone I (which includes Detroit) there are few, if any, instances when diversion to a supply plant as compared to delivery to a distributing plant means a change in pricing zone. On milk customarily delivered to fulfill the needs of Zone I distributing plants, however, the diversion of such milk to manufacturing use on certain days of the week is likely to involve movement to a lower-priced zone. Thus, there is present the question of appropriate pricing of the milk on days of diversion to another price zone.

Milk which was never intended to be utilized to fulfill Zone I fluid requirements, and with respect to which the greater transportation cost to such zone was not incurred, should not be paid for at the Zone I price. The possibility of assigning more producer milk to a higher-priced zone than is needed for zone requirements, which extra milk is diverted to another zone, should be minimized by adopting the proposal to apply the weighted average of the zone rates based upon the respective deliveries to each zone. Contrariwise, milk which is intended to fulfill such Zone I requirements, and which is regularly and substantially so used, should receive the price for Zone I where ordinarily received even though it sometimes may be diverted for the convenience of the handler. The delivery of 65 percent or more of the producer's milk to Zone I is reasonable evidence of the continuing need of such milk for zone requirements and thus warrants the pricing of all milk of the producer according to that zone.

The assignment of milk to plants for pricing on the above basis will serve orderly marketing by encouraging an optimum adjustment of supplies to zone needs. It will also make possible uniform payment to producers whose milk is cutomarily received at Zone I plants and thus is made fully available for fluid use, irrespective of whether the receiving handler holds all such milk in the zone or chooses to divert on weekends to a lower priced zone.

It is recognized that careful accounting practice will be required to determine the milk eligible for Zone I pricing. While it may be expected from the record that producers will be assigned rather consistently to given plants, thus reducing the administrative problem of determining whether the producer's milk has met the delivery requirement of the provision, we may not dismiss entirely the possibility of some administrative difficulty in such regard. The provision has merit, however, and should not be denied on this potentiality.

(b) *Class I milk prices.* The Class I price should be established at the general level (annual basis) which prevails currently in the Southern Michigan market. The method of determining the Class I price should provide for a uniform monthly differential adjusted by a supply-demand formula similar to that now provided for under the Southern Michigan order.

General level of Class I price. The present annual level of Class I milk prices fixed under the terms of the Southern Michigan order market should be continued.

Several producer organizations proposed that the stated Class I differential be uniform in all months at $1.43 f.o.b. Zone I, the average of the present seasonal differentials ($1.23 and $1.63) under the Southern Michigan order. They proposed further that in the event a supply-demand adjustor is deemed a

necessary adjunct to the Class I pricing formula, the present Southern Michigan order supply-demand adjustor be continued, modified principally with respect to the maximum amount, plus or minus, by which such formula may adjust the Class I differential during any month. In effect, producer proposals relative to the level of the Class I differential, together with their proposal to modify the supply-demand adjustor, would result in an immediate 20-cent per hundredweight increase in Class I price for the consolidated market as compared to that currently prevailing in the Southern Michigan market. A more detailed discussion of the supply-demand formula is set forth elsewhere in these findings.

Representatives from certain independent milk dealers operating in major cities of western Michigan (Battle Creek, Kalamazoo, Grand Rapids, and Muskegon) were strongly opposed to any change which would result in a higher Class I price level under the consolidated order. They testified that their respective areas have been more than adequately supplied with milk. They contended that conditions in these areas make it economically impossible for them to absorb any increase in Class I cost and pointed to intensive resale competition with milk distributors from the South Bend and Fort Wayne, Ind., and Toledo, Ohio, markets.

In view of the supply of milk in excess of bottling needs in the Southern Michigan and Muskegon markets (43 percent and 41 percent, respectively, during 1964) and no indication of milk shortage in the foreseeable future, an increase in the minimum Class I price above current levels would not be warranted. It is concluded, therefore, that while as stated below, seasonality in the Class I price differential should be removed, nevertheless it should be fixed at a level which, taking into account the adjustments occasioned by revisions in location pricing, will not be significantly different from the annual average now prevailing.

Therefore, the Class I differential under the merged and expanded order should be $1.40, a reduction of 3 cents from the average differential under the present Southern Michigan order. Such 3-cent adjustment on all Class I milk will return about the same total amount of money to producers as is returned to them under the present Southern Michigan and Muskegon orders.

The plus 4-cent direct-delivery differential applicable at metropolitan Detroit plants will apply to about one-half of all the Class I milk and to a significant proportion of the Class II milk. Thus, it would require about a 2-cent reduction in the price on all Class I milk in the merged market to return the same amount of money to producers under this particular provision. The Class I milk outside metropolitan Detroit is about equally divided between plants in the remainder of the present zero zone (where no change is made in the location adjustment) and the other zones. The weighted average change in the location adjustments in zones other than the zero zone (including Muskegon) is about a plus 7.6 cents. This increase in price would apply to about one-fourth of the milk under the combined orders and amount to nearly two cents on all Class I milk. The net effect of all changes in location adjustment rates amounts to about four cents on all Class I milk. The application of the present Southern Michigan supply-demand adjustment of minus 45 cents to the volume of Class I milk under the present Muskegon order accounts for an additional 1-cent reduction on all Class I milk to be covered by the merged order. The latter amount should be offset against the other reductions, however. Consequently, it is appropriate to adjust the $1.43 average Class I differential under the present Southern Michigan order to $1.40 under the combined order.

Although certain handlers favored the adoption of the producer proposal aimed at effecting an increase of 20 cents per hundredweight in the level of Class I price, their interest in this matter was principally related to the effect such an increase in price might have in lessening the amounts of the negotiated premiums (above the order Class I prices) in the markets.

Seasonal Class I price differentials. The Class I price differentials $1.63 and $1.23 on a seasonal basis should be replaced with a uniform monthly differential of $1.40 at Zone I plants. This differential represents the 12-month average of the present seasonal differentials of the Southern Michigan market, adjusted only to the extent of offsetting the increase in price level which otherwise would result from the changes made in zone pricing and the adoption of a direct-delivery differential, as discussed above.

As previously stated, several producer groups proposed that the Class I differential be uniform in all months and that such differential be $1.43 per hundredweight at Detroit. They cited as their reasons for a uniform Class I price differential the more even seasonal pattern of production which has prevailed in recent years, due in large part to the almost complete changeover from can cooling and interplant shipment of milk to the present-day bulk tank cooling and shipment and the presence of the base-excess plan of payment.

They pointed out in this connection that the necessarily large investment associated with the acquisition of farm bulk tank equipment has encouraged dairy farmers to enlarge their operations and to even out milk deliveries throughout the year in order to make the most efficient use of such equipment. Producers contended further that the base plan currently in both orders (and proposed for inclusion also in the consolidated order) likewise furnishes incentive for evenness of deliveries and that a uniform monthly Class I differential would tend to enhance the effectiveness of the plan.

A uniform Class I differential throughout the year should be adopted. The amplitude of change from the month of seasonally lowest production to that of highest production is quite small indicating the achievement of a relatively level seasonal production pattern for the fluid market. This is evidenced by monthly seasonal indexes of producer milk receipts in each market computed from data for the 4-year period 1961 through 1964.[1] The month of July 1963, for example, shows an index of 93 percent compared to an index of 104 for May 1964. Similarly the July–May indexes for the preceding 12-month periods of July 1962–May 1963 and July 1961–May 1962 were 93–105 percent and 94–107 percent, respectively.

The seasonal patterns of milk production in both the Southern Michigan and Muskegon markets are in reasonable alignment. During the 12-month period of July 1963, through June 1964, the monthly index of producer receipts for the Muskegon order market varied at the most by 3.1 percent from that of the Southern Michigan order market and on the average for the 12-month period reflected variance at a rate of only one-half of 1 percent per month.

The relatively even production pattern currently prevailing will be encouraged by continuance of the base plan now a part of both orders. The somewhat higher uniform prices during the spring months of generally higher production which would result from a level Class I differential will enhance the plan by encouraging producers to keep their bases due to widening the difference between the base and excess prices during the flush production months.

There was no opposition by either handler or producer groups to the proposal to eliminate the seasonal pattern of Class I pricing. Indeed, a number of handlers, as well as the producer groups, indicated their support for such a change.

In view of the above considerations, it is concluded that the substitution in the consolidated order of a uniform monthly Class I price differential for the present seasonal differentials is appropriate and should be adopted.

Supply-demand adjustor. A supply-demand adjustor which would retain the essential features of that which is now a part of the Southern Michigan Class I pricing formula should be included in the consolidated order.

Several producer associations suggested use of the present Southern Michigan supply-demand adjustor, with slight modification, in the event of a determination that such a method of adjusting prices should be made a part of the consolidated order. The Muskegon order Class I pricing provisions do not contain a supply-demand factor. As stated earlier, the producer proposal would modify the Southern Michigan formula by changing the limit (upward or downward) by which the action of the "adjustor" may affect the price per hundredweight in any month from a maximum of 45 cents to a maximum of 25 cents. They suggested also that the supply-demand formula computation should include the producer receipts and Class I sales of all handlers to be fully regu-

[1] Indexes computed by the "moving average" method whereby the ratios of daily average receipts of producer milk for the month to a 12-month moving average of such receipts (center on the seventh month) are computed.

lated by the consolidated order rather than only the receipts and sales of present Southern Michigan order handlers.

A supply-demand factor should be included as one of the components of the Class I pricing scheme of the consolidated order. The purpose of a supply-demand adjustment provision is to adjust promptly the minimum Class I price upward or downward as the supply of producer milk changes in relation to Class I sales. This purpose is consistent with the criteria of the Agricultural Marketing Agreement Act, as amended, which provides that the prices to be fixed under the authority of such Act shall be reasonable in view of market supply and demand conditions, assure a sufficient quantity of pure and wholesome milk, and be in the public interest. The automatic adjustment of Class I prices in response to changes in the relation between supplies and Class I sales is designed to carry out in the market the price objective of the Act through encouragement of supplies at the levels needed for fluid requirements.

The present supply-demand formula under the Southern Michigan order provides for the adjustment of the Class I price primarily on the basis of the market's supply-sales relationship in the most recent 2-month period (current utilization percentage) in relation to a "norm". Instead of using a specified schedule of seasonal adjustment factors, as in some other orders, the formula provides a method of computing the monthly norms which is designed to provide automatic "updating" for seasonal variations in the market. The average level of Class I utilization[3] in the most recent 2-month period is converted to an "annual" basis by using a seasonal index calculated from market data for the preceding 26-month period. The Class I price is decreased, or increased, when the most recent 2-month data indicate an annual level of market supply more, or less, than 136.7 percent of Class I use.

A schedule of stated monthly standard utilization percentages (norms) which averages 136.7 percent of producer receipts to Class I utilization should be adopted in lieu of the present system for computing monthly "norms" as now provided in southern Michigan.

The seasonal patterns of producer receipts and of Class I sales in the Southern Michigan market during the period 1962–1964 have not changed significantly. During this time, the relationship of supply to Class I utilization was greatest during the May–June period used to compute the July norm. Conversely, the supply generally was lowest in relation to Class I sales during the October–November period, the period used to compute the December norms. The relatively close seasonal alignment of norms computed for the 3-year period is illustrated by the fact that the July norms for the years 1962, 1963, and 1964 were only 12.4, 12.7, and 12.5 percent, respectively, higher than the December norms for the same years.

In light of these conditions the present mechanics of the Southern Michigan supply-demand adjustor may be simplified by specifying a schedule of monthly norms to replace the more complex system of calculating norms as now provided. In order that the market administrator may announce the Class I price early in the month to which it applies, as proposed elsewhere in these findings, it is necessary to provide that the adjustor be computed on the basis of the receipts-sales relationship for the second and third months preceding the pricing month in lieu of the first- and second-month period employed in the present Southern Michigan order. A temporary provision is included to permit the market administrator to employ the receipts and utilization data for the second and third months prior to the effective date of the consolidated order as established for handlers and pool plants pursuant to the provisions of the prior Southern Michigan and Muskegon orders.

It is not expected that the combining of the receipts and sales of the two subject markets in computing current utilization percentage will alter significantly the amount of the supply-demand adjustment called for by the formula. The ratios of Class I utilization to producer receipts in the two markets are very nearly the same. The volume of milk priced under the Muskegon order is only about 3 percent of the volume of milk priced under the present Southern Michigan order. Also, it is anticipated that the effect upon the supply-sales relationship resulting from the regulation of additional handlers through expansion of the marketing area will be negligible. It is estimated that the volume of milk marketed by such presently unregulated handlers will represent less than 1 percent of the milk to be priced under the amended order.

Even with use of the expanded sales and receipts data in the formula computation, the formula is expected to result in computed adjustments to the Class I price differentials closely approximating those which would result if the more complex formula provisions of the present Southern Michigan order were adopted. This is appropriate inasmuch as there was no testimony to support any significant revision of the general level of norms presently called for under the present Southern Michigan order formula. The following schedule of norms has been constructed to fit this general level and should be adopted:

Month for which price is being computed	Preceding months used in computation	Standard utilization percentage
January	October, November	131
February	November, December	136
March	December, January	134
April	January, February	132
May	February, March	133
June	March, April	135
July	April, May	141
August	May, June	142
September	June, July	143
October	July, August	139
November	August, September	136
December	September, October	133

[3] The percentage which the volume of producer milk is of Class I utilization in the market as reported by handlers is referred to in these findings as "Class I utilization percentage".

The 45-cent maximum amount by which the present Southern Michigan order formula may adjust the Class I price differential plus or minus during any month should not be changed in the revised formula.

The supply of milk in the Southern Michigan order market in recent years has been increasing at a more rapid rate than the demand for Class I milk. During 1961 receipts from producers were 159 percent of Class I sales. Similarly, the years 1962, 1963, and 1964 show a relationship of 170, 172, and 175 percent, respectively. The supply-demand adjustor during this period has resulted in minus supply-demand adjustments to the Class I price. Since May 1961 the computed adjustment has been in excess of the minus 45-cent per hundredweight limit set by the order. As a consequence, the minus 45-cent limit has been the adjustment to Class I price from May 1961 to date.

During this same period, however, producers have been obtaining negotiated premium prices for milk going into fluid bottling use which, on a monthly average, have exceeded the 45-cent supply-demand adjustment. These premium, or "super pool", prices have negated the effectiveness of the supply-demand adjustment and make its actual effect indeterminable.

The 175 percent production-sales relationship for 1964 represents a 38 percentage point deviation from the 136.7 "norm" provided for in the present formula. Of this 38 percentage point deviation only 15 points are actually reflected in the 45-cent effective adjustment now prevailing in the market. It is not appropriate, therefore, to consider any change in the limit of adjustment as now provided for under the Southern Michigan order which would have the effect of raising the Class I price level.

Producers suggested the possibility of a "regional" supply-demand adjustor under which the sales and receipts of certain nearby orders, as well as those of the two subject markets, might be included for purposes of establishing "norms" and of computing current utilization percentages. They further suggested limiting the amount of supply-demand adjustment in a manner which would maintain a certain fixed alignment of Class I prices with the Toledo (Northwestern Ohio order) market. Sufficient evidence was not offered, however, which would support adoption of these suggestions at this time.

Other changes relating to Class I price. The order should provide that the Class I price be computed on the basis of the basic formula price (Minnesota-Wisconsin average manufacturing price) for the preceding month rather than for the current month as at present.

This is a modification of present provisions of both orders and will make it possible for the market administrator to announce the Class I price early in the month to which it applies. Both orders presently provide for such announcement on or before the fifth day of the month following the pricing month.

The revised procedure for computation of the Class I price will be consistent with more recent Class I pricing procedures in other Federal orders. Producers and handlers will be in position to know the exact Class I price early in the month to which it applies and it will promote Class I alignment with other nearby orders. Public announcement of the Class I price would be made by the market administrator on or before the sixth day of the month for which such price is applicable.

Butterfat differentials. Handler and producer butterfat differentials in the consolidated order should be maintained at the same level as those in the present Southern Michigan and Muskegon orders. Class I, Class II, and producer butterfat differentials in the existing orders are computed by multiplying the Chicago 92-score butter price for the current month by 0.113.

A witness for one association of producers proposed that the factor used to compute the handler and producer butterfat differentials be increased to 0.120. The effect of such an increase on the cost of milk to handlers would be to increase butterfat prices and decrease prices of the skim milk component.

Butterfat differentials should not be changed. Current prices and butterfat differentials have attracted supplies of producer milk which contain a higher percentage of butterfat than the average butterfat content of the Class I products made from such milk.[4] In Southern Michigan for the recent period of January 1963 through October 1964, the butterfat content of producer milk averaged 0.6 point (0.06 percent) higher than that of Class I milk. Muskegon producer milk during this same period averaged 2.2 points (0.22 percent) higher in butterfat content than Class I milk. Thus, on the average each hundredweight of producer milk used in Class I in Southern Michigan and Muskegon yielded 0.06 of a pound and 0.22 of a pound, respectively, of butterfat destined for manufacturing uses.

Based on October 1964 figures, the proposed higher differential would have increased the price of Class II butterfat from 68.55 cents to 73.67 cents per pound. There was no evidence by proponent to show that handlers or the cooperatives who are handling the market surpluses could afford to take either current or any additional amounts of surplus butterfat at this higher price. The proponent cooperative does not engage in processing operations.

There are indications also that the demand for butterfat for Class I milk items in the market is declining relative to the skim milk component. In Southern Michigan skim milk sales for the first 10 months of 1964 were up 9 percent from this period a year earlier. By contrast, sales of half and half, coffee cream, and whipping cream during this 10-month period of 1964 increased less than 1 percent from the same period in 1963. Also a "fortified" product containing only 2 percent butterfat recently was introduced in Southern Michigan. Sales of this product climbed from 1.2 million pounds during December 1963 to 2.6 million pounds in October 1964. Low-fat Class I products, therefore, have increased substantially while sales of products with high fat content have either expanded at a slower rate or have declined. Market data do not support higher butterfat prices.

[4] Omcial notice is taken of the price announcements of the market administrator for 1963–64 for Southern Michigan and Muskegon and of the Milk Market Bulletin for Southern Michigan for 1963–64.

(c) *Pool plant requirements.* The provisions governing "pool plant" status should be modified to base pool status for supply plants operated by a cooperative association on the proportion of member producer milk which is moved directly from farms, or transferred from its own plant, to distributing plants. Such a provision is appropriate to realize efficiencies in handling the market supply of milk.

Performance requirements for pool plant status are the means of identifying and qualifying producer milk for participation in the marketwide pool. A "distributing" plant qualifies for pool status on the basis of the percentage of the milk received at the plant which is distributed on routes in the form of fluid milk products. A "supply" plant qualifies for pool status on the basis of milk transshipped to pool distributing plants. Producer milk which is associated with either type of pool plant, either by being physically received at the plant or by diversion therefrom, is qualified as pool milk. This method of qualifying producer milk at country supply plants for pooling has become inadequate under the bulk tank method of moving milk from farm to plant.

Handling of milk by bulk tank is displacing the traditional function of the supply plant as the principal means of assembling milk for shipment to Detroit. About two-thirds of the milk received at Detroit plants now is shipped by bulk tank directly from the farms where it is produced. As previously stated, it is practicable to furnish all such plants by this means. With the increase in bulk tank handling, much of the milk which was formerly qualified for pool status through supply plant shipment (by first being received at such plants and transshipped to distributing plants) is moved directly from the farms to distributing plants. Country assembly, or receiving, stations are fast disappearing. Milk received at supply plants now represents the residual supplies in the market. A principal function of the country supply plant with manufacturing facilities today is providing an outlet for producer milk on weekends and, to some extent, for daily and seasonal reserves rather than providing an assembly point for shipment to the fluid market.

Most of the supply plants affected by this situation are operated by cooperative associations. In this market most handlers depend on cooperative associations for their supplies of milk and such associations must provide the necessary manufacturing facilities to take care of reserve supplies on the days that proprietary handlers do not need the milk.

Because of these conditions, cooperative associations proposed that the bulk tank milk which a cooperative, as the handler, causes to be shipped directly from farms to distributing plants be included with the milk shipped from its plants as the basis for qualifying for pool status additional milk which is moved from farms to manufacturing plants.

An alternative proposal suggested by a proprietary handler would permit a cooperative to qualify its supply plants for pool status on the basis of the proportion of the milk of all member producers which is delivered to pool plants of other handlers, whether or not the cooperative is the handler on any such milk. The order now contains such a provision but cooperative witnesses stated that it is not adequate to fit all situations. For example, one cooperative operates its own distributing plant as well as a supply plant and such provision does not allow any pooling qualification credit for its supply plant with respect to milk formerly received there but which is now moved to its distributing plant directly from farms.

Supply plant performance requirements aid in assuring adequate supplies of milk for the market by providing a means whereby those producers who regularly provide supplies for the market can share in the proceeds from Class I sales. Such sharing in the Class I sales of the market provides assurance that the necessary supplies of milk will be available when needed. To be effective in accomplishing this purpose the performance requirements should assure that the principal function of the supply plant is supplying the Class I outlets (pool distributing plants) and that the milk received at such a plant is part of a supply on which the market may depend.

The present supply plant performance standard for pooling under the Southern Michigan order requires that 25 percent or the "call percentage", whichever is higher, of receipts at a supply plant actually be shipped to distributing plants. The call percentage is a variable performance standard designed to require shipment of more than 25 percent of the milk at each supply plant as the market administrator estimates the additional need at distributing plants. The present cooperative "balancing" plant provision permits qualification of a cooperative plant when at least two-thirds of the milk of producers who are members of the association is delivered to pool plants of other handlers.

Adoption of additional cooperative "balancing" plant performance requirements based on the association of cooperative member milk to pool distributing plants should be made to overcome the difficulties cooperatives have experienced in maintaining pool plant status for their supply plants under the present provision which, in certain instances, requires the movement of bulk tank milk to such plants for reshipment when it is needed at distributing plants. However, the requirements on a cooperative should be such as to establish that its major function is supplying pool distributing plants.

Proponent cooperatives suggested that the minimum performance standard for their balancing plants be established at 25 percent or the call percentage. The

25 percent standard was adopted under the Detroit order about 10 years ago when the marketing area was limited to Detroit and the nearby cities of Ann Arbor, Pontiac, and Port Huron. At that time a substantial proportion of the market's fluid milk requirements was assembled through supply plants. Detroit handlers now obtain about two-thirds of their supplies on a direct-delivery basis. In addition the marketing area was expanded in 1960 to include substantial additional territory and now it is being further expanded. All plants in the outlying territory, which account for about 50 percent of the Class I use under the order have always obtained supplies on a direct-delivery basis. Thus, about five-sixths of the fluid milk needs of distributing plants are now obtained on a direct-delivery basis. The use of such direct receipts from member producers of a cooperative association along with shipments from its supply plant to determine an overall standard for pooling the supply plant requires a substantially higher percentage of "shipments" than the 25 percent figure would indicate.

The order should provide that a plant operated by a cooperative association be a pool plant if at least one-half of the total member producer milk of the cooperative is moved either directly from the farm or from its plants to pool distributing plants. In addition, pool status should be provided under the order for a plant operated by a cooperative association if at least one-half of the milk received at all pool distributing plants is member producer milk of the cooperative.

A cooperative which delivers a majority of its total member producer milk to pool distributing plants is sufficiently identified with the market to assure, under normal circumstances, that its milk is available to distributing plants. A cooperative which supplies the majority of the aggregate requirements of all pool distributing plants in the market likewise may be considered a principal source of the market's regular supplies. Any cooperative which serves the market by making its milk available for the market's Class I milk needs also has the burden of disposing of the reserve supplies associated with such fluid milk need. Thus, it is appropriate that such cooperatives be provided the opportunity to pool their balancing plants on a basis which permits efficiency in their marketing operations.

In their exceptions to the recommended decision, certain cooperative associations suggested that the pool plant provisions of the order should provide for an alternative performance requirement based on 50 percent of member milk being supplied to pool distributing plants on a 12-month moving average.

In support of the modification, exceptors pointed out that there are several conditions in the market which may cause an unanticipated disqualification of a cooperative balancing plant which is required to meet a monthly performance standard. Such conditions include a temporary flush in production due to a favorable change in weather and the shifting of large wholesale accounts.

An additional performance standard based on the average proportion of deliveries to distributing plants during the second through thirteenth preceding months is appropriate since it would tend to add stability to the market by allowing such a cooperative significantly associated with the market time to make adjustments in its operations in order to maintain pool status. However, such provision should be limited to a plant which has been associated with the market as a pool plant during each month of such performance period and also should not relieve the plant from meeting any call percentage which may be applicable for the current month.

The recommended decision provided for a modification of the distributing plant performance requirement which permits exclusion of receipts certified by a cooperative association which operates no milk plant as having been delivered for manufacturing use by diversion from other pool plants.

As stated in the recommended decision, this provision was used in only one instance in the market to provide for the efficient disposition of a cooperative's reserve supply.

In their exceptions to the recommended decision, the cooperative which has employed the provision, along with other exceptors, pointed out that the provision is no longer necessary. Under the circumstances, it is appropriate that the provision be deleted.

The present Southern Michigan order includes a seasonal performance standard for pool distributing plants. To qualify for pool status as such distribution of fluid milk products on routes must be at least 55 percent during each of the months of October through March, and 45 percent during other months, of receipts from producers and supply plants. In addition, automatic pool status is provided during April through September for those plants which meet the 55 percent requirement during each of the previous months of October through March.

The order should provide pool plant status for a plant from which 50 percent of milk receipts are distributed on routes during the current month or either of the two preceding months. This will conform more adequately to the various utilization patterns in the market.

In view of the relatively uniform supply-sales balance which now occurs during all months of the year, it is appropriate that the order employ a uniform requirement of 50 percent in all months. The provision which provides automatic pool plant status during the months of April through September on the basis of performance during the preceding October through March should be replaced with one which provides for pool plant status if the 50 percent requirement is met in either of the 2 preceding months. There appears to be no uniform pattern of monthly Class I utilization at distributing plants in all areas of the expanded marketing area. Handlers in certain areas of the market have a greater volume of Class I sales during the summer vacation season while others have higher sales volume during the fall and winter months, particularly those handlers who have a substantial proportion of their business in school milk contracts. Such a provision will also allow time to adjust plant operations to meet pooling requirements in the event of unanticipated shifts between handlers of large sales accounts such as military contracts or chain store accounts.

Call percentage. With certain modifications the "call percentage" provision of the present Southern Michigan order should be included in the consolidated order.

Under present Order No. 40 a supply plant must ship to distributing plants at least 25 percent of its receipts or the percentage thereof which is "called" by the market administrator, whichever is higher, in order to qualify as a pool plant. To compute the call percentage the market administrator first estimates for all regulated distributing plants the monthly Class I requirements plus a 15-percent operating margin. From this figure are subtracted the expected receipts of milk at such plants directly from producers' farms and from supply plants which regularly ship their entire available milk supply to distributing plants during August through March. The remaining Class I milk is divided by estimated receipts for the month at supply plants other than those which ship their entire supply as described above. The resultant percentage figure then is reduced by one-fourth (to lessen the chance of calling more than actually needed) in arriving at the effective call percentage.

It was proposed that the call provision be updated to exclude from the computation the Class I milk and the receipts of those distributing plants which no longer regularly receive milk from supply plants. The proposal would determine the call percentage by using only the figures of distributing plants which had received milk from supply plants during each of the most recent 12 months.

The proposed revision should be adopted. Changes have occurred in the market which make the present method of computing the call percentage obsolete. In 1955 when the call percentage first became effective in the then Detroit order, a major portion of the regulated distributors received milk from supply plants. Since that time two important changes have taken place. One is an increase in the amount of milk delivered directly from farms to Detroit bottling plants in bulk tanks. The other is that with expansion of the marketing area since 1955 to cover most of southern Michigan, a large number of handlers who receive no milk from supply plants have come under regulation.

Consequently, today only 28 of the approximately 115 distributing plants in the Southern Michigan market receive milk from supply plants. No distributing plants in the present Muskegon marketing area regularly receive milk from supply plants. Under the call provision which was designed for the earlier period, shortages or surpluses at the other distributing plants obscure the adequacy of supply levels at the 28 distributing plants which still receive their milk from supply plants. The provision no longer accurately measures the degree to which supply plants should be required to ship to insure adequate supplies at Detroit for bottling.

By computing the call percentage as modified, the quantities needed by distributors from supply plants would be clearly indicated and the provision would encourage the needed shipments.

An additional change should be made to coordinate the call percentage with the revised standards for pool plant qualifications. It is provided that a cooperative may pool a supply plant whenever (1) at least 50 percent of the receipts at all pool distributing plants is the cooperative's member producer milk, or (2) at least 50 percent of the association's total member producer milk is moved to pool distributing plants. The new provision would pool in one unit both the milk received at the cooperative's supply plants and the milk shipped directly from member farms to the distributing plants.

Milk at several supply plants of the cooperatives undoubtedly will pool under the new provisions. To assure that the supplies of milk at these plants, as well as bulk tank receipts, will be available to the market, any cooperative should be subject to the call percentage with respect to all its member producer milk. In order to pool their supply plant milk, the cooperatives, therefore, would be required to keep their milk supplies available for Class I use when needed. The call percentage would not be applicable to the member producer milk of a cooperative qualifying under the new provision, however, until the call percentage exceeded the 50-percent minimum identification with pool distributing plants, established for such cooperative's member producer milk.

With the recommended modifications the call percentage will assist in insuring an adequate supply of milk for fluid use at all times.

(d) *Classification of milk.* The definitions of Class I milk and Class II milk in the present Southern Michigan order should be adopted in the consolidated order with only minor modifications.

Classes of utilization. The present Southern Michigan order includes in Class I all skim milk and butterfat disposed of as any "fluid milk product" which is not accounted for as Class II milk. "Fluid milk products" include milk, skim milk, flavored milk, buttermilk, yogurt, cream (except frozen, whipped and sour cream), and any mixture of milk or skim milk and cream, including half and half, for consumption in fluid form.

Throughout the proposed marketing area the above fluid items must be made from milk approved for fluid use by health authorities. Consequently, to produce such milk farmers must get a return for it which is commensurate with the higher production and delivery costs associated with milk under health inspection requirements for bottling. To insure production of an adequate supply of milk for fluid use, the above products which require milk approved by health authorities should be included in Class I to be priced at the Class I price level.

This Class I milk definition is also quite similar to the one in the present Muskegon order. It differs only with respect to sour cream which is a Class I item in Muskegon. The Muskegon order classification of this product should not apply, however, because in the remainder of the consolidated marketing area handlers are not required to make this item from milk inspected and approved for fluid use.

With the principal exception of Class II shrinkage, the Class II milk definition of the present Southern Michigan order should be adopted also. Class II milk in the Southern Michigan order includes milk used to produce items which are not included in the fluid milk product definition. Handlers generally are not required to make these products from milk approved for fluid use. These Class II items compete in a common market with products made from manufacturing grade milk. Milk used to produce these products should remain in Class II.

This classification will permit competitive pricing of such milk and will enable cooperatives and handlers to manufacture and dispose of milk which is in excess of the fluid needs of the market. Certain other nonfluid items and month-end inventories are also included in Class II in the present Southern Michigan order. This classification for such products has worked satisfactorily and should be retained.

In the exceptions it was requested that a change be made in the provisions covering the classification of bulk transfers of cream to nonpool plants to clarify the effect of such provisions as to transfers to any unregulated nonpool plant located in a State other than Pennsylvania, New Jersey, New York, or New England. Both § 1040.43 (c) and (d) of the order are involved with cream transfers from pool plants to plants not under this or another Federal order. Proponents indicate that confusion has arisen as to the meaning of § 1040.43(c) in relation to (d). In response to the exceptions taken, the wording of such paragraphs has been modified to clarify the circumstances under which each applies.

Computation of plant shrinkage. The Class II shrinkage allowance as provided for under the current Southern Michigan order should be continued in the consolidated order, modified principally to permit a division of allowable shrinkage with respect to bulk tank deliveries of producer milk to a pool plant by a cooperative association operating in the capacity of a handler on such milk.

Under the present terms of both orders a maximum allowable shrinkage of 2 percent is permitted the handler of a pool plant with respect to producer milk receipts and certain bulk receipts of fluid milk products from other order plants and from unregulated supply plants. No shrinkage is allowed for handling at a supply plant or to a cooperative association as a handler on bulk tank milk deliveries to pool distributing plants. In such cases the full allowance for shrinkage is passed on to the transferee plant.

Several producer groups proposed an allowance to the cooperative of shrinkage up to one-half of 1 percent of the farm weights when it is the first handler on such bulk tank milk, and 1½ percent to the pool distributing plant handler who receives such milk from the cooperative.

Producers point out that in recent years the conversion from can to bulk tank has been at a rapid pace, accentuating the need for division in the assignment of shrinkage. Loss may occur, they contend, from adherence of milk to the side of the farm bulk tank, in the transfer from bulk tank to a farm pick-up tanker, and in the transfer from tanker to the plant of receipt.

It is concluded that the proposed division of shrinkage on bulk tank milk for which a cooperative association is a handler should be adopted.

As previously indicated, the trend to bulk tank operations in recent years has been significant with more than 85 percent of producer milk receipts under the two orders in combination now in bulk tanks. From market experience with bulk tanks the average difference between the sum of individual farm weights and the scale weight taken at the plant approaches one-half of 1 percent. This is in line with experience in other Federal order markets where a shrinkage allowance of one-half of 1 percent for the function of receiving and cooling alone has been determined to be reasonable.

The division of shrinkage between a cooperative association as a handler on bulk tank milk (allowance of up to one-half percent shrinkage) and the transferee handler who actually processes, bottles, and distributes the milk (allowance of up to 1½ percent shrinkage) together with the other terms adopted herewith will assure the cooperative handler a reasonable share of the total allowable shrinkage. The cooperative association as the first receiving handler of producer milk in bulk tank would be held accountable to the producer-settlement fund for any differences in the quantities of milk received from producers based upon farm measurements, and the total quantity of milk which the purchasing handler claims as received at his plant from the cooperative.

However, when the transferee-handler purchases such milk from the cooperative on the basis of the farm weights, the cooperative, of course, experiences no shrinkage. In such cases the order should continue to provide that actual shrinkage experienced by the transferee-handler up to 2 percent will be allowed him provided the market administrator is notified in advance on this basis of transaction. Similarly, when the handler operating the distributing plant purchases directly from producers without an intermediary handler involved, the maximum allowance for shrinkage at the plant would be continued at 2 percent.

Three handlers in the market objected to any change in shrinkage provisions which would divide the present maximum allowance of 2 percent. They held that if dipstick measurement at the farm

is properly handled, no shortage need exist. Two of the handlers so testifying alleged their actual plant shrinkage to be in excess of 1½ percent, the maximum amount of allowable shrinkage proposed to be permitted a pool distributing plant handler with respect to bulk purchases of milk by transfer from a cooperative association handler. In actual practice the handlers testifying purchase their producer milk supplies on the basis of farm weights and tests. Therefore, in such circumstance such handlers would not be denied the entire maximum 2-percent allowance under the terms proposed.

No provision is made for shrinkage allowance on milk diversions to nonpool plants. Although such an allowance is now provided for under both orders, little if any milk is handled in such manner in these markets. The expanded Southern Michigan market has ample pool plant manufacturing facilities for handling fluid milk reserves and it is not expected that the situation will change in the foreseeable future. Any variance in weights and tests associated with such a diversion is a matter that can be handled in the terms of sale between the diverting handler and the operator of the plant which physically receives the milk. This modification will eliminate the need for including additional order language without material effect upon handlers.

In their exceptions three cooperative associations requested that provision also be made for a half percent shrinkage allowance to any cooperative pool supply plant with respect to producer milk transferred in bulk to pool distributing plants. Although a proposal concerning this matter was made at the hearing, it was not adequately supported by evidence on the record. Record testimony on shrinkage was directed to that related to milk shipped by cooperative handlers in bulk tanks as discussed above.

(e) *Adjusted uniform price.* The method of computing the adjusted uniform price (applicable to milk not under the base-excess plan) should be modified.

It was proposed that the provision for an "adjusted" uniform price be modified. The adjusted uniform price applies only to producer milk for which no "base" has been computed, such as milk of a new producer, and to milk for which the producer has relinquished his computed base. At the present time the adjusted uniform price in each market is the computed uniform price reduced by a specified monthly percentage of the difference between the computed uniform price and the price (Class II) which is required to be paid for excess milk (over base). The present applicable monthly percentages involved in the adjustment are January through March, 30; April, May, and June, 50; July, 15; and August through December, 5. The producers' proposal would substitute an adjustment percentage of 30 for the months of July through December in lieu of the present percentages of 15 and 5.

The purpose of the base-excess plan is to encourage producers to achieve and maintain evenness in their deliveries of milk throughout the year. This can best be accomplished when there is a high degree of conformance to the plan and individual producers generally do not find it possible to relinquish their bases so as to gain temporary price advantage over producers who remain on base.

Proponents testified that under the present plan individual producers have found advantage in relinquishing bases; also, that as a consequence the effectiveness of the base plan, as a means of maintaining even production throughout the year, has been reduced significantly and will be reduced further unless the order is modified to mitigate this advantage.

The effect of the proposal would be to reduce the returns for milk which is delivered as "no base" milk in the months of July through December. At present the reduction in the uniform price paid for such milk in July is 15 percent of the difference between the market blend, or uniform price, and the excess milk price. In August through December the adjustment is limited to a reduction of only 5 percent of such difference in prices.

Some increase in the percentage reduction in the months of July through December is appropriate to insure effectiveness of the base plan. However, in view of the relatively even production pattern achieved in this market, there is no apparent reason why a uniform price reduction as great as 50 percent of the difference between the uniform and excess prices (as currently applies in April, May, and June) is needed in any month to accomplish the general objective of the provision. A flat reduction of 25 percent of such difference in prices should be sufficient in all months to offset, except in the most unusual cases, any gain in returns to a producer from relinquishing base as compared to returns accruing to other producers who remain on base while at the same time not constituting a deterrent to those individual producers who enter the market for the first time. Thus, the general objective of insuring the effectiveness of the base plan in the interest of an orderly market may be achieved without any significant increase in average adjustment to the uniform price all months considered.

Proponents further recognized that the expansion of the marketing area would result in regulation of certain plants now unregulated and thus bring under order pricing the milk of a number of additional dairy farmers who have not made a base under the terms of either order. Accordingly, they offered alternative proposals for integrating the milk of such dairy farmers into the base-excess payment plan. Any such dairy farmer could (1) provide actual records of his deliveries for the base-forming period on which a base could be computed, or (2) be paid the full (unadjusted) market blend price until such time as he had shipped through a full base-forming period. The purpose of these alternative procedures is to avoid any price penalty to such dairy farmers who could be brought under the plan without prior knowledge of it.

The recommended decision concluded that the dairy farmers who supply milk to the currently unregulated handlers in the counties to be added to the marketing area should be accorded the proposed alternatives. In the exceptions it was pointed out that the recommended decision would require such producers to begin making base as soon as the expanded order would become effective. Exceptors contended that this would provide such producers too little time to adjust their production for base-making. It was suggested that they be permitted to delay the establishment of bases until August–December 1966 and that they be paid the uniform, rather than the adjusted uniform, price until February 1, 1967. One exceptor suggested that producers who supply any newly regulated plant be paid the full uniform price until they had completed a full base-forming period. In this case the full uniform price would apply whether the plant became newly regulated because of expansion of the marketing area or for other reasons.

Producers who supply any newly regulated plant should be given adequate time to prepare for base-making. The provision of the recommended decision should be changed to give producers who enter the market as the result of original qualification of the plant as a pool plant the option to receive the full uniform price until the second February 1 after the plant first became pooled. This will provide any such producer adequate time to adjust his production before making base if such time is needed.

In order to insure the correct basis of payment, producers who elect to be paid the unadjusted uniform price should be required to notify the market administrator of the election of this option before the end of the month such option would become effective.

The merger of the Muskegon order into the Southern Michigan order raises the question of the validity of bases previously made under the former order. Proponents suggested that bases made under the rules of such order be recognized until all producers under the consolidated order receive recomputed bases for the following year in the normal manner. In view of the similarity of present base-excess plans under the two orders, the use of bases in effect under each of the present orders will result in a reasonable distribution of producer returns during any such temporary period under a consolidated order. Therefore, it is not necessary or appropriate to extend in such instances the option of payment at the unadjusted blend price as in the case of completely new shippers. Present producers under the separate orders, however, should continue to have the privilege of relinquishing base under the option of the adjusted uniform price as described above.

(f) *Method of pooling.* Marketwide pooling provisions which are now included in both Southern Michigan and Muskegon orders should be retained in the consolidated order. Marketwide pooling is required in this market to maintain orderly marketing.

A marketwide pool is necessary to distribute among all producers the burden of carrying the reserve milk supply for the market and thus to insure orderly disposal of such reserve milk. The reserve supplies of the Southern Michigan market are unevenly distributed among pool plants. With somewhat lesser differences, this is also true in the Muskegon market. At one extreme are the supply plants with manufacturing facilities, nearly all of which are operated by cooperatives. Conversely, the great majority of the proprietary distributing plants ordinarily receive only enough producer milk to supply their Class I needs. Relatively few distributing plants maintain manufacturing facilities although certain of such plants process cottage cheese. It is at the cooperative supply plants that most of the reserve milk for the market is carried and manufactured. This relieves most proprietary handlers from directly disposing of their daily and seasonal surpluses.

A proposal for individual-handler pools was made at the hearing. Under individual-handler pools producers who deliver their milk to supply plants in this market would receive prices considerably lower than those who ship to distributing plants with high Class I utilization. The difference in such prices conceivably could be nearly as wide as the difference between the Class I and Class II prices. Thus, the major part of the burden of reserve milk would be reflected in prices to producers at supply plants, while producers delivering to proprietary distributing plants would enjoy virtually a Class I return for all their milk. Cooperatives thus would be handicapped in maintaining efficient facilities for the orderly disposition of milk destined for manufacturing and in assembling milk for shipment to the fluid market. A change to handler pooling undoubtedly would force producers and handlers to develop new methods of handling market supplies of milk, in all probability with reduced efficiency in marketing and an unstable price situation for producers generally.

Marketwide pooling has enabled cooperative associations to develop manufacturing facilities for the efficient handling of the reserve supplies, and yet to be in position to return to their producers the same price as is paid by those handlers who do not assume any direct responsibility of carrying reserve supplies or of providing for their disposition when not needed for bottling. To enable the continued efficient handling of reserve milk, market pooling should be continued.

Market pooling is needed also to provide stable producer prices. Certain sales practices are prevalent which, under handler pooling, could cause wide, unpredictable swings in producer prices at individual plants. It is becoming commonplace for handlers to sell milk in large amounts to wholesale outlets—generally supermarkets or chain store accounts. Competition among handlers for these accounts is keen, and the accounts change hands frequently. When this happens, the percentage of Class I use of the handler can change significantly. Under an individual-handler pool, the producers at a single plant would absorb the entire gain or loss of such an account and an equal loss or gain in sales, as the case may be, would be reflected in the producer blend prices at another plant. In such instances, producer prices at the plants involved could fluctuate markedly. Changes in excess of 25 cents per hundredweight or more could result. It is difficult for individual producers to plan their operations efficiently when prices can vary to this extent simply because of the change of an account from one handler to another.

When such shifts in sales between pool handlers take place under a marketwide pool, however, there is no resulting change in producer prices. This is so because market Class I utilization in the aggregate is prorated over all producers. The greater stability of producer prices under marketwide pooling will assist producers in planning their operations.

An alternative proposal was submitted for consideration in the event marketwide pooling is continued. Under the alternative proposal handlers selling primarily "special milks" would be permitted, upon meeting several requirements, to pay their producers the respective utilization values of milk in their own plants through individual-handler pools.

It was suggested that to become eligible for such "limited" individual-handler pooling, "special milks" might have such identifying characteristics as: (a) milk from a single breed of cow, (b) milk for which the applicable health requirements for production are more stringent than for market milk meeting normal health restrictions, (c) milk of fat, solids-not-fat and protein content higher than that of regular milk, (d) milk with brand differentiation, such as "Golden Guernsey", "All-Jersey", "Certified", etc., or (e) milk produced by farmers belonging to a recognized sales and merchandising organization. Four types of milk presumably would qualify immediately for individual-handler pooling provided the additional proposed requirements below were met. These are: Certified milk, "immune" milk, Golden Guernsey milk, and All-Jersey milk. Other types also could qualify if and when a specified standard, as "special milk", were met.

In addition, any "special milk" would be derived solely from milk separately produced, handled, and processed so as to preserve its physical identification at all times. Also, the plant would have to maintain "special milk" sales in amounts not less than 70 percent of the total Class I sales of the plant. Plants failing to maintain this percentage would re-enter the marketwide pool. Finally, any separate handler pool would be subject to producer approval. A favorable vote by 90 percent of the "special milk" producers at the plant would make the individual-handler pool effective.

The record does not provide grounds for the conclusion that the identifying characteristics suggested distinguish "special milk" from other milk in the market for pricing and pooling purposes. No showing was made in the record that there is an inherent value attached to any of the types of milk referred to which is not reflected at present in the price and butterfat differential provision of the order. For example, at the present time "All-Jersey" milk at retail is available to consumers at the same retail price as regular milk.

Further, even if "special milks" could be feasibly identified apart from regular milk on their intrinsic value, it would not be appropriate to provide for their separate pooling. Separate pooling would place the producers remaining in the marketwide pool at a disadvantage. The "special milk" handler could shift the burden of his surplus milk to the marketwide pool by dropping individual producers when production exceeds sales of the "special milk." These producers then could enter a plant in the marketwide pool and share in its Class I sales. When the milk was needed again at the plant handling "special milk," the producers could return to the latter plant. Such practice, of course, would result in market pooling of the plant's surplus without enabling producers in the marketwide pool to share in any Class I returns from the sales of "special milk."

Another feature of the proposal also would cause adverse effect on producers in the market pool. A requirement of the proposal is that a handler shall maintain 70 percent of his Class I business in "special milk" in order to have an individual-handler pool. Therefore, by varying the percentage of his business under the label or other designation as "special milk" a handler could shift his plant back and forth between the market pool and his own pool to suit his own advantage. For example, if a handler's Class I utilization rose above the market average, he could, on seeing a milk procurement advantage, withdraw from the marketwide pool and pay his producers the use value for their milk based on his own utilization. Should the Class I use of such a handler fall below the market average, he could re-enter the marketwide pool to draw from the equalization fund simply by reducing his sales designated as "special milk" below the 70-percent minimum. Again, producers of the "special milk" plant would share in the market pool's Class I sales at such times, but never would share their Class I sales with the other producers.

It should be further noted that the class and uniform prices to producers fixed by the order are minimums and that any value which should accrue to producers providing milk for special purposes may be bargained over and above the order level which is geared to providing an adequate supply of milk of generally acceptable market quality.

In view of the foregoing, the proposals for individual handler pools are denied.

(g) *Milk diverted from plants under another order.* When milk is diverted to a pool plant from a nonpool plant which is regulated under another order, provision should be made to preclude pooling the same milk under two orders. Contrariwise, provision should be made to preclude pooling milk which is diverted from a pool plant to another order plant and is subject to pooling under such other order.

The Southern Michigan order now provides for the allocation of milk transferred between pool plants and plants regulated under other orders. Order 40 does not set forth clearly, however, the status of a dairy farmer whose milk is diverted between a pool plant and a plant subject to regulation under a different

order. Under bulk tank handling milk may be moved between order markets directly from farms, particularly along the southern border of Michigan where the production area is common to several regulated markets.

Two proposals were made to specify the producer status of a dairy farmer when his milk is received at a pool plant by diversion from an other order plant. One proposal, by certain cooperative associations, would assign such dairy farmer producer status when a greater quantity of his milk is delivered during the month to a Southern Michigan order distributing plant than is physically received at a distributing plant under the other order. It was testified that milk has been diverted from the Northwestern Ohio order market to a Southern Michigan order distributing plant and that the order should clearly specify whether such milk is to be treated as producer milk or as other source milk. It was proposed by the producer groups that producer status be automatic when a majority of the producer's milk is delivered to the Southern Michigan pool plant. Another proposal, made by a proprietary handler, would exempt from producer milk status any milk received by diversion from another order plant. Thus, the determining factor would be the limit placed on diversions pursuant to the other order. In this connection the handler witness cited the provisions of the Northwestern Ohio order which allow diversion of an individual producer's milk on all but four days of the month.

The allocation provisions of the Southern Michigan order provide that bulk milk received from another order plant can be designated Class II use by both handlers if so reported, otherwise such other source milk is allocated pro rata to the handler's utilization in the same manner as producer milk. No change in the allocation provision was at issue. However, this provision is relevant in determining whether milk received by diversion from another regulated market should be designated producer milk. In the event that such milk is diverted for intended Class II use it would be appropriate to exempt the milk from producer milk status as it may be the most convenient outlet for disposing of reserve supplies of the market from which diverted. However, in the event such milk is not specifically diverted for Class II use, some reasonable limit on the diversion as other source milk is appropriate. Otherwise, supplies which were historically associated with another market could be shifted to the Southern Michigan market on a direct-delivery basis in the same manner as the milk of regular producers without actually becoming producer milk.

A limit based upon majority shipment is reasonable since if more milk is shipped to Southern Michigan order pool plants than to plants under the other order, the primary association is with the Southern Michigan market. Such producer status should be based on the quantities of such milk which is delivered to all pool plants (exclusive of that milk for which Class II use is requested) rather than just distributing plants, since milk delivered to supply plants can be allocated to Class I use under some circumstances. However, since the provisions of a neighboring order would not necessarily exempt such milk from producer status thereunder even if otherwise subject to pooling in the Southern Michigan market, the provision should be constructed to preclude pooling producer milk under both the Southern Michigan order and another order at the same time. Consequently, if the other order does not release the milk for pooling under the Southern Michigan order, it must remain under the other order.

The present Southern Michigan and Muskegon orders place no limits on the amount of milk which may be diverted to nonpool plants during the month and retain status as pooled milk. There was no proposal and no evidence calling for a limitation on such shipments out of the market in excess of which the milk would lose its status as producer (pool) milk.

However, in the event diversion is made to a nonpool plant which is an other order plant, the milk should not be subject to pooling under both orders. In order to avoid duplication of regulation, it is provided in the consolidated order that milk diverted to an other order plant will lose its status as pool milk under the Southern Michigan order immediately upon becoming subject to pooling under the other order as producer milk as defined therein.

(h) *Administrative and miscellaneous provisions.* The maximum rate of administrative assessment under the consolidated order to cover administrative costs should be 2 cents per hundredweight. The maximum deduction to cover costs of marketing services to producers should be 5 cents per hundredweight. The above rates are the same as those in the present Southern Michigan order. Muskegon order maximums are 4 cents for administrative assessment and 7 cents for marketing services.

Administrative and marketing service costs per hundredweight of milk under the merged order should average about the same as under the present Southern Michigan order. This is so because present Southern Michigan order plants and producers will account for most of the milk in the market. About 95 percent of the producer milk under the consolidated order will be received at plants which are regulated by the present Southern Michigan order. A very high percentage of the producers for whom the market administrator will perform marketing services ship to these Southern Michigan plants also. While maximum administrative assessment and marketing service rates on milk which is now received at Muskegon order plants are somewhat higher than on milk under the Southern Michigan order, it is expected that in view of the substantially greater volumes involved under a combined order, the effective rates on such milk need not be higher than those provided in the present Southern Michigan order.

Rulings on proposed findings and conclusions. Briefs and proposed findings and conclusions were filed on behalf of certain interested parties. These briefs, proposed findings and conclusions and the evidence in the record were considered in making the findings and conclusions set forth above. To the extent that the suggested findings and conclusions filed by interested parties are inconsistent with the findings and conclusions set forth herein, the requests to make such findings or reach such conclusions are denied for the reasons previously stated in this decision.

General findings. The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid orders and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) The tentative marketing agreements and the orders, as hereby proposed to be amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act;

(b) The parity prices of milk as determined pursuant to section 2 of the Act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the marketing areas, and the minimum prices specified in the proposed marketing agreements and the orders, as hereby proposed to be amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest;

(c) The tentative marketing agreements and the orders, as hereby proposed to be amended, will regulate the handling of milk in the same manner as, and will be applicable only to persons in the respective classes of industrial and commercial activity specified in, a marketing agreement upon which a hearing has been held;

(d) All milk and milk products handled by handlers, as defined in this order, are in the current of interstate commerce or directly burden, obstruct, or affect interstate commerce in milk or its products; and

(e) It is hereby found that the necessary expense of the market administrator for the maintenance and functioning of such agency will require the payment by each handler, as his pro rata share of such expense, 2 cents per hundredweight or such lesser amount as the Secretary may prescribe, with respect to:

(1) Producer milk (including milk of such handler's own production);

(2) Other source milk allocated to Class I pursuant to § 1040.46(a) (3) and (7) and the corresponding steps of § 1040.46(b); and

(3) Class I milk disposed of in the marketing area from partially regulated distributing plants that exceeds the hundredweight of Class I milk received during the month at such plant from pool plants and other order plants.

Rulings on exceptions. In arriving at the findings and conclusions, and the regulatory provisions of this decision, each of the exceptions received was carefully and fully considered in conjunction with the record evidence pertaining thereto. To the extent that the findings and conclusions, and the regulatory provisions of this decision are at variance with any of the exceptions, such exceptions are hereby overruled for the reasons previously stated in this decision.

Marketing agreement and order. Annexed hereto and made a part hereof are two documents entitled respectively, "Marketing Agreement Regulating the Handling of Milk in the Southern Michigan Marketing Area," and "Order Amending the Order Regulating the Handling of Milk in the Southern Michigan Marketing Area" (which is a consolidation of and amendment to the orders regulating the handling of milk in the Southern Michigan and Muskegon, Mich., marketing areas), which have been decided upon as the detailed and appropriate means of effectuating the foregoing conclusions.

It is hereby ordered, That all of this decision, except the attached marketing agreement, be published in the FEDERAL REGISTER. The regulatory provisions of said marketing agreement are identical with those contained in the order as hereby proposed to be amended by the attached order which will be published with this decision.

Referendum order; determination of representative period; and designation of referendum agent. It is hereby directed that a referendum be conducted to determine whether the issuance of the attached order, as amended and as hereby proposed to be amended, regulating the handling of milk in the Southern Michigan marketing area, is approved or favored by the producers, as defined under the terms of the order, as amended and as hereby proposed to be amended, and who, during the representative period, were engaged in the production of milk for sale within the aforesaid marketing area.

The month of March 1965, is hereby determined to be the representative period for the conduct of such referendum.

George Irvine is hereby designated agent of the Secretary to conduct such referendum in accordance with the procedure for the conduct of referenda to determine producer approval of milk marketing orders (15 F.R. 5177), such referendum to be completed on or before the 30th day from the date this decision is issued.

Signed at Washington, D.C., on June 15, 1965.

JOHN A. SCHNITTKER,
Under Secretary.

PART 1040—MILK IN SOUTHERN MICHIGAN MARKETING AREA

Subpart—Order Regulating Handling

Order[1] Amending the Order Regulating the Handling of Milk in the Southern Michigan Marketing Area

DEFINITIONS

Sec.
1040.1 Act.
1040.2 Secretary.
1040.3 U.S.D.A.
1040.4 Person.
1040.5 Cooperative association.
1040.6 Southern Michigan marketing area.
1040.7 Handler.
1040.8 Producer.
1040.9 Producer-handler.
1040.10 Producer milk.
1040.11 Other source milk.
1040.12 Fluid milk product.
1040.13 Route.
1040.14 Distributing plant.
1040.15 Supply plant.
1040.16 Pool plant.
1040.17 Call percentage.
1040.18 Nonpool plant.
1040.19 Base milk.
1040.20 Excess milk.

MARKET ADMINISTRATOR

1040.25 Market administrator.
1040.26 Powers.
1040.27 Duties.

HANDLER REPORTS, RECORDS, AND FACILITIES

1040.30 Monthly reports of receipts and utilization.
1040.31 Other reports.
1040.32 Records and facilities.
1040.33 Retention of records.

CLASSIFICATION OF MILK

1040.40 Skim milk and butterfat to be classified.
1040.41 Classes of utilization.
1040.42 Shrinkage.
1040.43 Transfers.
1040.44 Responsibility of handlers.
1040.45 Computation of skim milk and butterfat in each class.
1040.46 Allocation of skim milk and butterfat classified.

MINIMUM CLASS PRICES

1040.50 Basic formula price.
1040.51 Class I milk price.
1040.52 Class II milk price.
1040.53 Handler butterfat differential.
1040.54 Location adjustments to handlers.
1040.55 Use of equivalent prices.

DETERMINATION OF UNIFORM PRICES TO PRODUCERS

1040.60 Computation of the net pool obligation of each pool handler.
1040.61 Computation of the 3.5 percent value of all milk.
1040.62 Computation of uniform price.
1040.63 Adjusted uniform price.
1040.64 Excess milk price.
1040.65 Computation of uniform price for base milk.
1040.66 Obligations of handler operating a partially regulated distributing plant.
1040.67 Notification.

BASE RULES

1040.70 Determination of base.
1040.71 Application of bases.
1040.72 Relinquishing a base.

PAYMENTS FOR MILK

1040.80 Time and method of payment to producers.
1040.81 Location differentials to producers and on nonpool milk.
1040.82 Producer butterfat differential.
1040.83 Producer-equalization fund.
1040.84 Payments to the producer-equalization fund.
1040.85 Payment from the producer-equalization fund.
1040.86 Expense of administration.
1040.87 Marketing services.
1040.88 Adjustment of accounts.
1040.89 Overdue accounts.

APPLICATION OF PROVISIONS

1040.90 Handler exemption.
1040.91 Handlers subject to other Federal orders.
1040.92 Producer-handler exemption.
1040.93 Special reporting dates.

EFFECTIVE TIME, SUSPENSION, OR TERMINATION

1040.100 Termination of obligations.
1040.101 Effective time.
1040.102 Suspension or termination.
1040.103 Continuing obligations.
1040.104 Liquidation.

MISCELLANEOUS PROVISIONS

1040.110 Agents.
1040.111 Separability of provisions.

AUTHORITY: The provisions of this Part 1040 issued under secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674.

§ 1040.0 Findings and determinations.

The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the Southern Michigan marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order as hereby amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(2) The parity prices of milk, as determined pursuant to section 2 of the Act, are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the order as hereby amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest;

(3) The said order as hereby amended, regulates the handling of milk in the

[1] This order shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders have been met.

same manner as, and is applicable only to persons in the respective classes of industrial or commercial activity specified in, a marketing agreement upon which a hearing has been held.

(4) All milk and milk products handled by handlers, as defined in the order as hereby amended, are in the current of interstate commerce or directly burden, obstruct, or affect interstate commerce in milk or its products; and

(5) It is hereby found that the necessary expense of the market administrator for the maintenance and functioning of such agency will require the payment by each handler, as his pro rata share of such expense, two cents per hundredweight or such lesser amount as the Secretary may prescribe, with respect to:

(i) Producer milk (including milk of such handler's own production);

(ii) Other source milk allocated to Class I pursuant to § 1040.46(a) (3) and (7) and the corresponding steps of § 1040.46(b); and

(iii) Class I milk disposed of in the marketing area from a partially regulated distributing plant that exceeds the hundredweight of Class I milk received during the month at such plant from pool plants and other order plants.

Order relative to handling. It is therefore ordered, that on and after the effective date hereof, the orders regulating the handling of milk in the Southern Michigan and Muskegon, Mich., marketing areas shall be amended and consolidated into one order and the handling of milk in the consolidated marketing area, redefined as the Southern Michigan marketing area, shall be in conformity to, and in compliance with, the terms and conditions of Part 1040 as hereby amended. Part 1042 is hereby revoked and Part 1040 is hereby amended as follows:

The provisions of the proposed marketing agreement and order amending the order contained in the recommended decision issued by the Deputy Administrator, Regulatory Programs, on April 27, 1965, and published in the FEDERAL REGISTER on May 1, 1965 (30 F.R. 6163; F.R. Doc. 65-4591), subject to a revision of §§ 1040.16, 1040.43, 1040.54, 1040.70, and 1040.72, shall be and are the terms and provisions of this order amending the order and the order is set forth in full herein.

DEFINITIONS

§ 1040.1 Act.

"Act" means Public Act No. 10, 73d Congress, as amended, and as re-enacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.).

§ 1040.2 Secretary.

"Secretary" means the Secretary of Agriculture of the United States, or any officer or employee of the United States authorized to exercise the powers and to perform the duties of the Secretary of Agriculture.

§ 1040.3 U.S.D.A.

"U.S.D.A." means the United States Department of Agriculture.

§ 1040.4 Person.

"Person" means any individual, partnership, corporation, association, or any other business unit.

§ 1040.5 Cooperative association.

"Cooperative association" means any cooperative marketing association of producers, which the Secretary determines, after application by the association:

(a) To be qualified under the provisions of the act of Congress of February 18, 1922, as amended, known as the "Capper-Volstead Act";

(b) To have full authority in the sale of milk of its members and is engaged in making collective sales or marketing milk or its products for its members; and

(c) To have all of its activities under the control of its members.

§ 1040.6 Southern Michigan marketing area.

"Southern Michigan marketing area", hereinafter referred to as the "marketing area", means all territory geographically within the places listed below, together with all piers, docks, and wharves connected therewith and all craft moored thereat, and all territory wholly or partly therein occupied by government (municipal, State, or Federal) reservations, installations, institutions, or other similar establishments:

MICHIGAN COUNTIES

Alcona.	Mason.
Allegan.	Missaukee.
Alpena.	Monroe (Ash and Berlin townships only).
Arenac.	Montcalm.
Barry.	Montmorency.
Bay.	Muskegon.
Calhoun.	Newaygo.
Clare.	Oakland.
Clinton.	Ottawa.
Eaton.	Oceana.
Genesee.	Ogemaw.
Gladwin.	Osceola.
Gratiot.	Oscoda.
Huron.	Presque Isle (Krakow and Presque Isle townships only).
Ingham.	Roscommon.
Ionia.	Saginaw.
Iosco.	St. Clair.
Isabella.	Sanilac.
Jackson.	Shiawassee.
Kalamazoo.	Tuscola.
Kent.	Washtenaw.
Lake.	Wayne.
Lapeer.	
Livingston.	
Macomb.	
Mecosta.	
Midland.	

§ 1040.7 Handler.

"Handler" means:

(a) Any person who operates a pool plant;

(b) Any person who operates a partially regulated distributing plant;

(c) Any cooperative association with respect to milk of its member producers which is delivered directly from the farm to the pool plant of another handler in a tank truck owned, operated by, or under contract to such cooperative association for the account of such cooperative association (such milk shall be considered as having been received by such cooperative association at a location identical to that of the pool plant to which it is delivered);

(d) Any cooperative association with respect to producer milk diverted from a pool plant to a nonpool plant for the account of such association;

(e) Any person in his capacity as the operator of an other order plant from which fluid milk products are distributed on routes in the marketing area or shipped to a pool plant; and

(f) Any producer-handler.

§ 1040.8 Producer.

"Producer" means any person, other than a producer-handler under any Federal order, who produces milk, approved by any duly constituted health authority for fluid consumption in the marketing area, which is moved to a pool plant, or to any other plant by diversion from a pool plant. The term shall include such a person with respect to milk diverted to a pool plant from an other order plant (unless designated for Class II use) during any month in which the quantity diverted is greater than the quantity of milk physically received from such person at the plant from which diverted and such milk is exempt from the pooling provisions of the other order.

§ 1040.9 Producer-handler.

"Producer-handler" means a person who:

(a) Operates a dairy farm and a milk plant from which fluid milk products are distributed in the marketing area and who received fluid milk products only from his own production or by transfer from a pool plant; and

(b) Provides proof that (1) the care and management of all dairy animals and other resources necessary to produce the entire volume of fluid milk products handled (excluding receipts by transfer from a pool plant); and (2) the operation of the processing business is the personal enterprise and risk of such person.

§ 1040.10 Producer milk.

"Producer milk" means all skim milk and butterfat contained in milk received from producers at a pool plant or by a cooperative association in its capacity as a handler pursuant to § 1040.7 (c) and (d) and that diverted to a nonpool plant by the operator of a pool plant, except milk which is subject to pooling under another Federal order.

§ 1040.11 Other source milk.

"Other source milk" means all skim milk and butterfat contained in:

(a) Receipts during the month of fluid milk products except (1) receipts from other pool plants, (2) producer milk and (3) that received from a cooperative association pursuant to § 1040.7(c); and

(b) Products, other than fluid milk products, from any source (including those produced at the pool plant) which are reprocessed or converted to another product in the pool plant during the month.

§ 1040.12 Fluid milk product.

"Fluid milk product" means milk, skim milk, flavored milk, buttermilk, yogurt, cream (exclusive of frozen and sour cream), and any mixture in fluid form of cream and milk or skim milk (except

storage cream, aerated cream products, ice cream mix, evaporated or condensed milk and sterilized products packaged in hermetically sealed containers).

§ 1040.13 Route.

"Route" means a delivery (including a delivery by a vendor or sale from a plant or plant store) of any fluid milk product (except bulk cream) classified as Class I to a wholesale or retail outlet other than a delivery to any milk plant.

§ 1040.14 Distributing plant.

"Distributing plant" means a plant in which milk approved by any duly constituted health authority for fluid consumption in the marketing area is processed or packaged and from which fluid milk products in consumer-type packages or dispenser units are distributed on routes in the marketing area.

§ 1040.15 Supply plant.

"Supply plant" means a plant in which milk approved by any duly constituted health authority for fluid consumption in the marketing area is assembled and either processed or shipped in the form of a bulk fluid milk product to another milk processing plant.

§ 1040.16 Pool plant.

"Pool plant" means:

(a) A distributing plant, other than a producer-handler plant or plants exempt pursuant to § 1040.90 and § 1040.91, from which total distribution of fluid milk products on routes during the month or during either of the 2 months immediately preceding is not less than 50 percent of receipts of producer milk and fluid milk products from supply plants and cooperative associations pursuant to § 1040.7(c).

(b) A supply plant which during the month meets one of the performance requirements specified in subparagraph (1), (2), (3), or (4) of this paragraph and any applicable call percentage: *Provided*, That all supply plants which are operated by one handler, or all the supply plants for which a handler is responsible for meeting the performance requirements of this paragraph (b) under a marketing agreement certified to the market administrator by both parties may be considered as a unit for the purpose of meeting the performance requirements of subparagraphs (1), (2), (3), or (4) of this paragraph (b) upon written notice to the market administrator specifying the plants to be considered as a unit and the period during which such consideration shall apply. Such notice, and notice of any change in designation, shall be furnished on or before the fifth working day following the month to which the notice applies. In any months of February through September a unit shall not contain any plant which was not qualified as a pool plant either individually or as a member of a unit during the previous October through January.

(1) A plant from which not less than 25 percent or the call percentage, whichever is higher, of receipts of producer milk and receipts for which a cooperative association is the handler pursuant to § 1040.7(c), less any milk disposed of from the plant as Class I other than by transfer to pool plants of other handlers, is moved to a pool distributing plant. If such plant has met the required percentage during each of the months of October through January, it shall be a pool plant for each of the following months of February through September during which it meets any announced call percentage.

(2) A plant operated by a cooperative association which supplies pool distributing plants with member producer milk, either by shipment from such plant or by direct delivery from the farm; in a total amount not less than one-half or the call percentage, whichever is higher, of the aggregate receipts of fluid milk products at all pool distributing plants.

(3) A plant operated by a cooperative association which supplies pool distributing plants, either by shipment from such supply plant or by direct delivery from the farm, (i) not less than one-half of its total member producer milk in the current month, or (ii) if such plant were a pool plant in each of the preceding 13 months, not less than one-half of its total member producer's milk for the second through the 13th preceding months, except that in either case an announced call percentage exceeding 50 percent in the current month must be met.

(4) A plant operated by a cooperative association which supplies pool plants of other handlers, by direct delivery from the farm, with not less than two-thirds or the call percentage, whichever is higher, of its total member producer milk.

§ 1040.17 Call percentage.

"Call percentage" means the percentage computed by the market administrator in addition to the minimum percentage pooling requirements applicable to supply plants and cooperative associations under § 1040.16(b). A call percentage of not less than 25 percent may be computed and announced for each month except April, May, June, and July as follows:

(a) Estimate the pounds of Class I milk utilization for the month, including an additional 15 percent thereof as an operating margin, at pool distributing plants that received milk from pool supply plants pursuant to § 1040.16(b) during each of the immediately preceding 12 months;

(b) Subtract from the Class I milk estimated pursuant to paragraph (a) of this section, the estimated pounds of milk which will be received at such pool distributing plants during the month from (1) producers' farms, (2) pool plants pursuant to § 1040.16(b) that regularly shipped their entire available supply of producer milk to pool plants in each month of the immediately preceding August through March period, and (3) cooperative associations pursuant to § 1040.7(c);

(c) Divide the remaining pounds of Class I milk by the estimated receipts of producer milk at pool plants pursuant to § 1040.16(b) except those described in paragraph (b)(2) of this section (after subtracting any milk estimated to be disposed of as Class I other than transfers to other pool plants);

(d) Multiply the result by 0.75;

(e) The announcement of the call percentage shall be made on or before the first day of the month to which it applies and shall set forth the data on which the estimates of Class I utilization and supplies are based together with appropriate explanatory comments on the computations involved;

(f) The market administrator may reduce the call percentage at any time during the month if he determines that more milk than is needed for Class I use is being delivered to distributing plants.

§ 1040.18 Nonpool plant.

"Nonpool plant" means any milk receiving, manufacturing, or processing plant other than a pool plant. The following categories of nonpool plants are further defined as follows:

(a) "Other order plant" means a plant that is fully subject to the class pricing and pooling provisions of another order issued pursuant to the Act.

(b) "Producer-handler plant" means a plant operated by a producer-handler as defined under this or any other Federal order issued pursuant to the Act.

(c) "Partially regulated distributing plant" means a nonpool plant that is neither an other order plant nor a producer-handler plant and from which fluid milk products in consumer-type packages or dispenser units are distributed on routes in the marketing area during the month.

(d) "Unregulated supply plant" means a nonpool plant that is neither an other order plant nor a producer-handler plant and from which a fluid milk product approved by any duly constituted health authority for fluid consumption in the marketing area is shipped during the month to a pool plant.

§ 1040.19 Base milk.

"Base milk" means the amount of milk delivered by a producer each month which is not in excess of his base computed pursuant to § 1040.70 multiplied by the number of days for which his milk production is delivered during the month.

§ 1040.20 Excess milk.

"Excess milk" means milk delivered by a producer each month in excess of his base milk.

MARKET ADMINISTRATOR

§ 1040.25 Market administrator.

The agency for the administration of this part shall be a market administrator, selected by the Secretary, who shall be entitled to such compensation as may be determined by, and shall be subject to removal by, the Secretary.

§ 1040.26 Powers.

The market administrator shall have the following powers with respect to this part:

(a) To administer its terms and provisions;

(b) To receive, investigate, and report to the Secretary complaints of violations;

(c) To make rules and regulations to effectuate its terms and provisions; and

(d) To recommend amendments to the Secretary.

§ 1040.27 Duties.

The market administrator shall perform all duties necessary to administer the terms and provisions of this part, including, but not limited to, the following:

(a) Within 30 days following the date on which he enters upon his duties, execute and deliver to the Secretary a bond, effective as of the date on which he enters upon such duties and conditioned upon the faithful performance of such duties, in an amount and with surety thereon satisfactory to the Secretary;

(b) Employ and fix the compensation of such persons as may be necessary to enable him to administer its terms and provisions;

(c) Obtain a bond in a reasonable amount and with reasonable surety thereon covering each employee who handles funds entrusted to the market administrator;

(d) Pay, out of the funds provided by § 1040.86:

(1) The cost of his bond and of the bonds of his employees;

(2) His own compensation; and

(3) All other expenses, except those incurred under § 1040.87, necessarily incurred by him in the maintenance and functioning of his office and in the performance of his duties;

(e) Keep such books and records as will clearly reflect the transactions provided in this part, and, upon request by the Secretary, surrender the same to such other person as the Secretary may designate;

(f) Publicly announce, unless otherwise directed by the Secretary, by posting in a conspicuous place in his office, and by such other means as he deems appropriate, the name of any person who, within 10 days after the day upon which he is required to perform such acts, has not made:

(1) Reports pursuant to §§ 1040.30 and 1040.31; or

(2) Payments pursuant to §§ 1040.80 through 1040.87;

(g) Calculate a base for each producer in accordance with § 1040.70 and advise the producer and the handler receiving the milk of such base;

(h) Submit his books and records to examination by the Secretary and furnish such information and reports as may be requested by the Secretary;

(i) Audit records of all handlers to verify the reports and payments required pursuant to the provisions of this part;

(j) Prepare and disseminate to producers, handlers and the public, general information which does not reveal confidential information;

(k) Compute and publicly announce the prices determined for each month as follows:

(1) On or before the sixth day of each month, the Class I price computed pursuant to § 1040.51 for the current month; and the Class II price computed pursuant to § 1040.52 and the handler and producer butterfat differentials computed pursuant to §§ 1040.53 and 1040.82, for the preceding month; and

(2) On or before the 11th day of each month, the uniform price, the adjusted uniform price, the price for base milk and the price for excess milk for the preceding month, computed pursuant to §§ 1040.62, 1040.63, 1040.64, and 1040.65.

(l) Whenever required for purposes of allocating receipts from other order plants pursuant to § 1040.46(a)(8) and the corresponding step of § 1040.46(b), the market administrator shall estimate and publicly announce the utilization (to the nearest whole percentage) in each class during the month of skim milk and butterfat, respectively, in producer milk of all handlers. Such estimate shall be based upon the most current available data and shall be final for such purpose;

(m) Report to the market administrator of the other order, as soon as possible after the report of receipts and utilization for the month is received from a handler who has received fluid milk products from an other order plant, the classification to which such receipts are allocated pursuant to § 1040.46 pursuant to such report, and thereafter any change in such allocation required to correct errors disclosed in verification of such report; and

(n) Furnish to each handler operating a pool plant who has shipped fluid milk products to an other order plant, the classification to which the skim milk and butterfat in such fluid milk products were allocated by the market administrator of the other order on the basis of the report of the receiving handler; and, as necessary, any changes in such classification arising in the verification of such report.

HANDLER REPORTS, RECORDS, AND FACILITIES

§ 1040.30 Monthly reports of receipts and utilization.

On or before the fifth working day of each month, each handler other than a handler exempt pursuant to §§ 1040.90, 1040.91, or 1040.92, shall report to the market administrator for the preceding month in the detail and on the forms prescribed by the market administrator as follows:

(a) The quantities of skim milk and butterfat contained in:

(1) Milk received from producers (or from qualified dairy farmers, in case of a nonpool plant) including the aggregate quantities of base milk, excess milk, and milk to be paid for either at the uniform or adjusted uniform price;

(2) Fluid milk products received from other pool plants and cooperative associations pursuant to § 1040.7(c),

(3) All other source milk; and

(4) Inventories of fluid milk products on hand at the beginning of the month;

(b) The utilization of all skim milk and butterfat required to be reported pursuant to paragraph (a) of this section. Such report by each handler pursuant to § 1040.7(b) shall include a separate statement showing the respective amounts of skim milk and butterfat disposed of on routes in the marketing area as Class I milk; and

(c) Such other information as the market administrator may prescribe.

§ 1040.31 Other reports.

(a) Each producer-handler and each handler described in §§ 1040.90 and 1040.91 shall make reports at such time and in such manner as the market administrator may request; and

(b) On or before the 20th day of each month each handler who received milk from producers shall report his producer payroll for the preceding month which shall show:

(1) The pounds of base milk and pounds of excess milk, or the pounds of milk to be paid for at the uniform or adjusted uniform price, received from each producer, and the percentage of butterfat contained therein;

(2) The amount and date of payment to each producer (or to a cooperative association); and

(3) The nature and amount of each deduction or charge involved in the payments referred to in subparagraph (2) of this paragraph.

§ 1040.32 Records and facilities.

Each handler shall maintain and make available to the market administrator during the usual hours of business such accounts and records of all of his operations and such facilities as are necessary to verify reports, or to ascertain the correct information with respect to (a) the receipts and utilization or disposition of all skim milk and butterfat received, including all milk products received and disposed of in the same form; (b) the weights and tests for butterfat, skim milk, and other contents of all milk and milk products handled; and (c) payments to producers and cooperative associations.

§ 1040.33 Retention of records.

All books and records required under this part to be made available to the market administrator shall be retained by the handler for a period of 3 years to begin at the end of the month to which such books and records pertain. If within such 3-year period, the market administrator notifies a handler in writing that the retention of such books and records, or of specified books and records, is necessary in connection with a proceeding under section 8c(15)(A) of the act or a court action specified in such notice, the handler shall retain such books and records until further written notification from the market administrator. The market administrator shall give further written notification to the handler promptly upon the termination of the litigation or when the records are no longer necessary in connection therewith.

CLASSIFICATION OF MILK

§ 1040.40 Skim milk and butterfat to be classified.

All skim milk and butterfat received at a pool plant which is required to be reported pursuant to § 1040.30 shall be classified pursuant to §§ 1040.41 through 1040.46.

§ 1040.41 Classes of utilization.

Subject to the conditions set forth in §§ 1040.43 and 1040.44, the classes of utilization shall be as follows:

(a) *Class I milk.* Class I milk shall be all skim milk and butterfat:

(1) Disposed of in the form of a fluid milk product except as provided in paragraph (b)(2), (3), and (4) of this section; and

(2) Not accounted for as Class II milk.

(b) *Class II milk.* Class II milk shall be:

(1) Skim milk and butterfat used to produce any product other than a fluid milk product;

(2) Skim milk and butterfat disposed of in fluid milk products in bulk form to any commercial food processing establishment for use in food products prepared for consumption off the premises;

(3) Skim milk and butterfat disposed of as livestock feed or skim milk dumped subject to prior notification to and inspection (at his discretion within 18 hours) by the market administrator;

(4) Skim milk represented by the nonfat milk solids added to a fluid milk product which is in excess of the weight of an equivalent volume of fluid milk products prior to such addition;

(5) Skim milk and butterfat in frozen cream;

(6) Skim milk and butterfat contained in inventory of fluid milk products on hand at the end of the month;

(7) Skim milk and butterfat, respectively, in shrinkage as computed pursuant to § 1040.42 (a) and (b); and

(8) Skim milk and butterfat, respectively, in shrinkage assigned pursuant to § 1040.42(d)(ii).

§ 1040.42 Shrinkage.

The market administrator shall allocate shrinkage to a handler's receipts as follows:

(a) The quantities of skim milk and butterfat, respectively, to be classified as Class II pursuant to § 1040.41(b)(7) shall not exceed 2 percent (except as provided in paragraph (b) of this section) with respect to skim milk and butterfat received as follows:

(i) Producer milk physically received at a pool plant;

(ii) Bulk receipts of fluid milk products from other order plants or from unregulated supply plants, exclusive of the quantities for which Class II was requested by the handler(s) involved.

(b) Two percent with respect to receipts from a cooperative association handler under § 1040.7(c) if settlement with the association is on the basis of weights and tests determined at the farm and the market administrator is so notified of such basis of settlement on or before the handler submits his monthly report pursuant to § 1040.30; otherwise the maximum shrinkage allowance to the handler on such milk shall be 1½ percent and to the association handler one-half percent.

(c) In computing shrinkage, producer milk received at a pool supply plant and transferred in bulk from such plant to a pool distributing plant shall be subtracted from the producer milk receipts at the first plant and added to the producer milk receipts at the second plant.

(d) When a handler has receipts of other source milk, shrinkage shall be allocated pro rata to skim milk and butterfat, respectively, in:

(i) Producer milk and other receipts of milk specified in paragraphs (a) and (b) of this section; and

(ii) Other source milk exclusive of that specified in paragraph (a) of this section.

§ 1040.43 Transfers.

Skim milk or butterfat in the form of a fluid milk product shall be classified:

(a) At the utilization indicated by the operators of both plants, otherwise as Class I milk, if transferred from a pool plant to the pool plant of another handler except as provided in § 1040.44(b), subject in either event to the following conditions:

(1) The skim milk or butterfat so assigned to either class shall be limited to the amount thereof remaining in such class in the transferee plant after computations pursuant to § 1040.46(a)(1) through (8) and the corresponding steps of § 1040.46(b);

(2) If the transferor plant received during the month other source milk to be allocated pursuant to § 1040.46(a)(3), the skim milk and butterfat so transferred shall be classified so as to allocate the least possible Class I utilization to such other source milk; and

(3) If the transferor handler received during the month other source milk to be allocated pursuant to § 1040.46(a)(7) or (8) and the corresponding steps of § 1040.46(b), the skim milk and butterfat so transferred up to the total of such receipts shall not be classified as Class I milk to a greater extent than would be applicable to a like quantity of such other source milk received at the transferee plant;

(b) As Class I milk, if transferred from a pool plant to a producer-handler;

(c) As Class II milk, if transferred in the form of cream in bulk to a nonpool plant that is neither an other order plant nor a producer-handler plant if the handler claims Class II utilization and such nonpool plant is located in Pennsylvania, New Jersey, New York, or New England, otherwise assignment of cream transferred shall be pursuant to paragraph (d) or (e) of this section;

(d) As Class I milk if transferred or diverted in bulk to a nonpool plant that is neither an other order plant nor a producer-handler plant, unless the requirements of subparagraphs (1) and (3) of this paragraph are met, in which case the skim milk and butterfat so transferred or diverted shall be classified in accordance with the assignment resulting from subparagraph (3) of this paragraph:

(1) The transferring or diverting handler claims classification pursuant to the assignment set forth in subparagraph (3) of this paragraph in his report submitted to the market administrator pursuant to § 1040.30 for the month within which such transaction occurred;

(2) The operator of such nonpool plant maintains books and records showing the utilization of all skim milk and butterfat received at such plant which are made available if requested by the market administrator for the purpose of verification; and

(3) The skim milk and butterfat so transferred shall be classified on the basis of the following assignment of utilization at such nonpool plant in excess of receipts of packaged fluid milk products from all pool plants and other order plants:

(i) Any Class I utilization disposed of on routes in the marketing area shall be first assigned to the skim milk and butterfat in the fluid milk products so transferred or diverted from pool plants, next pro rata to receipts from other order plants and thereafter to receipts from dairy farmers who the market administrator determines constitute regular sources of supply of milk for such nonpool plant;

(ii) Any Class I utilization disposed of on routes in the marketing area of another order issued pursuant to the Act shall be first assigned to receipts from plants fully regulated by such order, next pro rata to receipts from pool plants and other order plants not regulated by such order, and thereafter to receipts from dairy farmers who the market administrator determines constitute regular sources of supply for such nonpool plant;

(iii) Class I utilization in excess of that assigned pursuant to subdivision (i) and (ii) of this subparagraph shall be assigned first to remaining receipts from dairy farmers who the market administrator determines constitute the regular source of supply for such nonpool plant and Class I utilization in excess of such receipts shall be assigned pro rata to unassigned receipts at such nonpool plant from all pool and other order plants;

(iv) To the extent that Class I utilization is not so assigned to it, the skim milk and butterfat so transferred shall be classified as Class II milk; and

(e) As follows, if transferred to an other order plant in excess of receipts from such plant in the same category as described in subparagraph (1), (2), or (3) of this paragraph:

(1) If transferred in packaged form, classification shall be in the classes to which allocated as a fluid milk product under the other order;

(2) If transferred in bulk form, classification shall be in the classes to which allocated as a fluid milk product under the other order (including allocation under the conditions set forth in subparagraph (3) of this paragraph);

(3) If the operators of both the transferor and transferee plants so request in the reports of receipts and utilization filed with their respective market administrators, transfers in bulk form shall be classified as Class II to the extent of the Class II utilization (or comparable utilization under such other order) available for such assignment pursuant to the allocation provisions of the transferee order;

(4) If information concerning the classification to which allocated under the other order is not available to the market administrator for purposes of establishing classification pursuant to this paragraph, classification shall be as Class I, subject to adjustment when such information is available;

(5) For purposes of this paragraph, if the transferee order provides for more

than two classes of utilization, milk allocated to a class consisting primarily of fluid milk products shall be classified as Class I, and milk allocated to other classes shall be classified as Class II; and

(6) If the form in which any fluid milk product is transferred to another order plant is not defined as a fluid milk product under such other order, classification shall be in accordance with the provisions of § 1040.41.

§ 1040.44 Responsibility of handlers.

(a) Except as provided in paragraph (b) of this section, all skim milk and butterfat shall be classified as Class I utilization unless the handler who first receives such skim milk or butterfat proves to the market administrator that such skim milk or butterfat should be classified otherwise.

(b) Milk in bulk delivered by a cooperative association as a handler under § 1040.7(c) or from the pool plant of a cooperative association to a handler's pool plant shall be classified according to use or disposition by the latter handler and the value thereof at the class prices shall be included in his net pool obligation pursuant to § 1040.60.

§ 1040.45 Computation of skim milk and butterfat in each class.

For each month the market administrator shall correct for mathematical and other obvious errors in the monthly report submitted by each handler, and compute the total pounds of skim milk and butterfat, respectively, in Class I and Class II utilization for such handler. If any of the water contained in the milk from which a product is made is removed before the product is utilized or disposed of by a handler, the pounds of skim milk disposed of in such product shall be considered to be an amount equivalent to the nonfat milk solids contained in such product, plus all of the water normally associated with such solids in the form of whole milk.

§ 1040.46 Allocation of skim milk and butterfat classified.

After making the computations pursuant to § 1040.45, the market administrator shall determine for each handler the classification of producer milk and milk received pursuant to § 1040.44(b) as follows:

(a) Skim milk shall be allocated in the following manner:

(1) Subtract from the total pounds of skim milk in Class II the pounds of skim milk classified as Class II pursuant to § 1040.41(b)(7);

(2) Subtract from the remaining pounds of skim milk in each class the pounds of skim milk in fluid milk products received in packaged form from other order plants as follows:

(i) From Class II milk, the lesser of the pounds remaining or 2 percent of such receipts; and

(ii) From Class I milk, the remainder of such receipts;

(3) Subtract in the order specified below from the pounds of skim milk remaining in each class, in series beginning with Class II, the pounds of skim milk in each of the following:

(i) Other source milk in a form other than a fluid milk product;

(ii) Receipts of fluid milk products that are not approved by a duly constituted health authority for fluid consumption in the marketing area or which are from unidentified sources; and

(iii) Receipts of fluid milk products from a producer-handler, as defined under this or any other Federal order;

(4) Subtract, in the order specified below, from the pounds of skim milk remaining in Class II, but not in excess of such quantity:

(i) Receipts of fluid milk products from an unregulated supply plant:

(*a*) For which the handler requests Class II utilization; or

(*b*) Which are in excess of the pounds of skim milk determined by subtracting from 125 percent of the pounds of skim milk remaining in Class I milk the sum of the pounds of skim milk in producer milk, receipts from a cooperative association pursuant to § 1040.7(c), receipts from pool plants of other handlers, and receipts in bulk from other order plants; and

(ii) Receipts of fluid milk products in bulk from an other order plant in excess of similar transfers to such plant, if Class II utilization was requested by the operator of such plant and the handler;

(5) Subtract from the pounds of skim milk remaining in each class, in series beginning with Class II, the pounds of skim milk in inventory of fluid milk products on hand at the beginning of the month;

(6) Add to the remaining pounds of skim milk in Class II milk the pounds subtracted pursuant to subparagraph (1) of this paragraph;

(7) Subtract from the pounds of skim milk remaining in each class, pro rata to such quantities, the pounds of skim milk in receipts of fluid milk products from unregulated supply plants which were not subtracted pursuant to subparagraph (4)(i) of this paragraph;

(8) Subtract from the pounds of skim milk remaining in each class, in the following order, the pounds of skim milk in receipts of fluid milk products in bulk from an other order plant(s), in excess in each case of similar transfers to the same plant, which were not subtracted pursuant to subparagraph (4)(ii) of this paragraph:

(i) In series beginning with Class II, the pounds determined by multiplying the pounds of such receipts by the larger of the percentage of estimated Class II utilization of skim milk announced for the month by the market administrator pursuant to § 1040.27(i) or the percentage that Class II utilization remaining is of the total remaining utilization of skim milk of the handler; and

(ii) From Class I, the remaining pounds of such receipts;

(9) Subtract from the pounds of skim milk remaining in each class the pounds of skim milk received in fluid milk products from other pool plants according to the classification assigned pursuant to § 1040.43(a);

(10) If the pounds of skim milk remaining in both classes exceed the pounds of skim milk in producer milk and milk received pursuant to § 1040.44(b), subtract such excess from the pounds of skim milk remaining in each class in series beginning with Class II. Any amount so subtracted shall be known as "overage";

(b) Butterfat shall be allocated in accordance with the procedure outlined for skim milk in paragraph (a) of this section; and

(c) Combine the amounts of skim milk and butterfat determined pursuant to paragraphs (a) and (b) of this section into one total for each class and determine the weighted average butterfat content of such milk in each class.

Minimum Class Prices

§ 1040.50 Basic formula price.

The basic formula price shall be the average price per hundredweight for manufacturing grade milk, f.o.b. plants in Wisconsin and Minnesota, as reported by the U.S.D.A. for the month. Such price shall be adjusted to a 3.5 percent butterfat basis by a butterfat differential rounded to the nearest one-tenth cent computed at 0.12 times the simple average of the daily wholesale selling prices (using the midpoint of any price range as one price) of Grade A (92-score) bulk creamery butter per pound at Chicago, as reported by the U.S.D.A. for the month. The basic formula price shall be rounded to the nearest full cent.

§ 1040.51 Class I milk price.

Subject to the provisions of §§ 1040.53 and 1040.54, the minimum price per hundredweight to be paid by each handler, f.o.b. his plant, for milk of 3.5 percent butterfat content received from producers or from a cooperative association during the month which is classified as Class I milk shall be as follows:

(a) To the basic formula price for the preceding month add $1.40 and add or subtract a "supply-demand adjustment" of not more than 45 cents computed pursuant to paragraph (b) of this section.

(b) A "supply-demand adjustment" shall be computed for the month as follows:

(1) Divide the total pounds of producer milk for the second and third months next preceding by the total pounds of Class I milk for the same months, multiply the result by 100 and round to the nearest whole number. Such receipts and utilization data for months prior to the effective date of this part to be used for such computation shall be those established for handlers and pool plants pursuant to the provisions of the prior Southern Michigan and Muskegon orders. The result shall be known as the "current utilization percentage."

(2) Multiply by $0.03 the number of percentage points that the "current utilization percentage" is above (subtract) or below (add) the applicable standard utilization percentage listed below:

Month for which price is being computed	Preceding months used in computation	Standard utilization percentage
January	October, November	131
February	November, December	135
March	December, January	134
April	January, February	123
May	February, March	108
June	March, April	120
July	April, May	141
August	May, June	147
September	June, July	148
October	July, August	139
November	August, September	106
December	September, October	133

§ 1040.52 Class II milk price.

The minimum price per hundredweight to be paid by each handler, f.o.b. his plant, for milk of 3.5 percent butterfat content received from producers or from a cooperative association during the month which is classified as Class II milk shall be the basic formula price for the month: *Provided*, That such Class II price shall not be more than the sum of paragraphs (a) and (b) of this section plus 10 cents, rounded to the nearest cent:

(a) From the average Chicago butter price for the month described in § 1040.50 subtract 3 cents and multiply the remainder by 4.2; and

(b) From the weighted average of carlot prices per pound of spray process, nonfat dry milk for human consumption, f.o.b., manufacturing plants in the Chicago area, as published from the 26th day of the immediately preceding month to the 25th day of the current month by the U.S.D.A., deduct 5.5 cents, and multiply by 8.2.

§ 1040.53 Handler butterfat differential.

There shall be added to or subtracted from, the price of milk for each class as computed pursuant to §§ 1040.51 and 1040.52, for each one-tenth of 1 percent that the average butterfat test of the milk in each class is above or below 3.5 percent, as the case may be, an amount equal to the average Chicago butter price for the month as described in § 1040.50 multiplied by 0.113 and the result rounded to the nearest one-tenth of a cent.

§ 1040.54 Location adjustments to handlers.

(a) For producer milk received at a pool plant and classified as Class I milk without movement to another pool plant and for other source milk for which a location adjustment is applicable, the price computed pursuant to § 1040.51 shall be reduced pursuant to subparagraph (1) or (2) of this paragraph on the basis of the applicable rate per hundredweight for the location of such plant.

(1) *Zone rates.* For a plant located within the following described territory, the applicable zone rates shall be as follows:

Michigan Counties

Zone I—No adjustment:

Genesee.
Oakland.
Macomb.
Wayne.
Monroe.
St. Clair (except Berlin, Riley, Mussey, Emmett, Lynn, Brockway, Greenwood, Grant, and Burtchville townships).
Washtenaw (except Manchester, Bridgewater, Sharon, Freedom, Sylvan, Lima, Lyndon, and Dexter townships).
Saginaw (except Jonesfield, Richland, Lakefield, Fremont, Marion, Brant, Chapin, Brady, Chesaning, and Maple Grove townships).
Bay (except Gibson, Mt. Forest, Pinconning, Garfield, and Fraser townships).

Zone II—3 cents:

Ingham.
Livingston.
Jackson.
Lenawee.
Washtenaw (all the townships excluded from Zone I).

Zone III—5 cents:

Lapeer.
St. Clair (all the townships excluded from Zone I).
Sanilac (except Greenleaf, Austin, Minden, Delaware, Evergreen, Argyle, Wheatland, Marion, Forester, Lamotte, Moore, Custer, and Bridgehampton townships).
Tuscola (except Denmark, Juniata, Indianfields, Wells, Kingston, Gilford, Fairgrove, Almer, Ellington, Novesta, Wisner, Akron, Columbia, Elmwood, and Birkland townships).
Arenac.
Bay (all the townships excluded from Zone I).
Gladwin.
Midland.
Isabella.
Montcalm (except Reynolds, Winfield, Cato, Belvidere, Pierson, Maple Valley, Pine, Douglass, Montcalm, Sidney, Eureka, and Fairplain townships).
Gratiot.
Saginaw (all the townships excluded from Zone I).
Clinton.
Shiawassee.
Ionia (except Otisco, Orleans, Keene, Easton, Boston, Berlin, Campbell, and Odessa townships).
Eaton.

Zone IV—7 cents:

Sanilac (all the townships excluded from Zone III).
Tuscola (all the townships excluded from Zone III).
Huron.
St. Joseph.
Branch.
Hillsdale.
Calhoun.
Kalamazoo.
Barry.
Ionia (all the townships excluded from Zone III).
Kent.
Montcalm (all the townships excluded from Zone III).
Mecosta.

Zone V—9 cents:

Berrien.
Cass.
Van Buren.
Allegan.
Ottawa.
Muskegon.
Newaygo.
Lake.
Osceola.
Clare.
Missaukee.
Roscommon.
Ogemaw.
Iosco.
Mason.
Oceana.

Zone VI—12 cents:

Alcona.
Oscoda.
Crawford.
Kalkaska.
Grand Traverse.
Wexford.
Manistee.

Zone VII—15 cents:

Alpena.
Montmorency.
Otsego.
Antrim.
Leelanau.
Benzie.
Charlevoix.
Emmet.
Cheboygan.
Presque Isle.

(2) *Mileage rate.* For any plant at a location outside the territory specified in the preceding paragraph (a)(1), the applicable adjustment rate per hundredweight shall be based on the shortest highway distance between the plant and the nearest point in such territory as determined by the market administrator, and shall be the amount of the zone differential applicable at such point plus one cent for each 10 miles or fraction thereof from such point.

(b) For fluid milk products transferred in bulk from a pool plant to a pool plant described in § 1040.16(a), the operator of the transferee plant shall receive credit at the applicable zone or mileage rate, based on the location of the transferor plant. The total volume on which such credit is computed shall be limited to the amount by which 108 percent of Class I disposition at the transferee plant is in excess of the sum of receipts at such plant (1) from producers, (2) from cooperative associations pursuant to § 1040.7(c), and (3) from other order plants and unregulated supply plants which are assigned in Class I, such assignment of receipts from the transferor plant to be pro rata to receipts of fluid milk products from all transferor pool plants.

§ 1040.55 Use of equivalent prices.

If for any reason a price quotation required by this part for computing class prices or for any other purpose is not available in the manner described, the market administrator shall use a price determined by the Secretary to be equivalent to the price which is required.

Determination of Uniform Prices to Producers

§ 1040.60 Computation of the net pool obligation of each pool handler.

The net pool obligation of each pool handler during each month shall be a sum of money computed by the market administrator as follows:

(a) Multiply the quantity of milk in each class, as computed pursuant to § 1040.46(c), by the applicable class prices;

(b) Add the amount obtained from multiplying the overage deducted from each class pursuant to § 1040.46(a)(10) and the corresponding step of § 1040.46(b) by the applicable class prices;

(c) Add the amount obtained from multiplying the difference between the Class II price for the preceding month and the Class I price for the current month by the hundredweight of skim milk and butterfat subtracted from Class I pursuant to § 1040.46(a)(5) and the corresponding step of § 1040.46(b);

(d) Add an amount equal to the difference between the Class I and Class II price values at the pool plant of the skim milk and butterfat subtracted from Class I pursuant to § 1040.46(a)(3) and the corresponding step of § 1040.46(b); and

(e) Add the value at the Class I price, adjusted for location of the nonpool plant(s) from which an equivalent volume was received, of the skim milk and butterfat subtracted from Class I pursuant to § 1040.46(a)(7) and the corresponding step of § 1040.46(b).

§ 1040.61 Computation of the 3.5 percent value of all milk.

For each month the market administrator shall compute the 3.5 percent value of all milk by:

(a) Combining into one total the individual values of milk of all handlers computed pursuant to § 1040.60;

(b) Adding if the weighted average butterfat test of all milk represented in paragraph (a) of this section is less than 3.5 percent, or subtracting if the weighted average butterfat test of such milk is more than 3.5 percent, an amount computed by multiplying the total pounds of butterfat represented by the difference of such average butterfat test from 3.5 percent by the butterfat differential provided in § 1040.82 multiplied by 10;

(c) Adding the aggregate of the values of the applicable location adjustments pursuant to § 1040.81(a)(1); and

(d) Adding not less than one-half of the unobligated balance in the producer-equalization fund.

§ 1040.62 Computation of uniform price.

For each month the market administrator shall compute a uniform price as follows:

(a) Divide the aggregate value computed pursuant to § 1040.61 by the sum of the following:

(1) The total hundredweight of producer milk; and

(2) The total hundredweight for which a value is computed pursuant to § 1040.60(e); and

(b) Subtract not less than 6 nor more than 7 cents from the price computed pursuant to paragraph (a) of this section.

§ 1040.63 Adjusted uniform price.

For the purpose of payments pursuant to § 1040.70(c) the uniform price computed pursuant to § 1040.62 shall be adjusted by deducting therefrom 25 percent of the difference between the uniform price and the excess milk price, rounded to the nearest cent.

§ 1040.64 Excess milk price.

For each month, the excess price shall be the price of Class II milk, determined pursuant to § 1040.52, rounded to the nearest cent.

§ 1040.65 Computation of uniform price for base milk.

(a) Multiply the total pounds of excess milk for the month by the excess milk price;

(b) Multiply the total amount of milk to be paid for at the uniform price pursuant to § 1040.70 (d) and (e)(2) by the uniform price for the month;

(c) Multiply the total amount of milk to be paid for at the adjusted uniform price pursuant to § 1040.70(c) by the adjusted uniform price for the month;

(d) Subtract the total values arrived at in paragraphs (a), (b), and (c) of this section and § 1040.84(b)(2) from the total 3.5 percent value of all producer milk arrived at in § 1040.61;

(e) Divide the resultant value by the total hundredweight of base milk; and

(f) Subtract not less than 6 cents nor more than 7 cents. The resultant hundredweight price shall be the uniform price of base milk of 3.5 percent butterfat content.

§ 1040.66 Obligations of handler operating a partially regulated distributing plant.

Each handler who operates a partially regulated distributing plant shall pay to the market administrator for the producer-equalization fund on or before the 25th day after the end of the month either of the amounts (at the handler's election) calculated pursuant to paragraph (a) or (b) of this section. If the handler fails to report pursuant to § 1040.30 the information necessary to compute the amount specified in paragraph (a) of this section, he shall pay the amount computed pursuant to paragraph (b) of this section:

(a) An amount computed as follows:

(1)(i) The obligation that would have been computed pursuant to § 1040.60 at such plant shall be determined as though such plant were a pool plant. For purposes of such computation, receipts at such nonpool plant from a pool plant or an other order plant shall be assigned to the utilization at which classified at the pool plant or other order plant and transfers from such nonpool plant to a pool plant or an other order plant shall be classified as Class II milk if allocated to such class at the pool plant or other order plant and be valued at the uniform price of the respective order if so allocated to Class I milk. There shall be included in the obligation so computed a charge in the amount specified in § 1040.60(e) and a credit in the amount specified in § 1040.84(b)(2) with respect to receipts from an unregulated supply plant, unless an obligation with respect to such plant is computed as specified below in this subparagraph.

(ii) If the operator of the partially regulated distributing plant so requests, and provides with his report pursuant to § 1040.30 similar reports with respect to the operations of any other nonpool plant which serves as a supply plant for such partially regulated distributing plant by shipments to such plant during the month equivalent to the requirements of § 1040.16(b), with agreement of the operator of such plant that the market administrator may examine the books and records of such plant for purposes of verification of such reports, there will be added the amount of the obligation computed at such nonpool supply plant in the same manner and subject to the same conditions as for the partially regulated distributing plant.

(2) From this obligation there will be deducted the sum of (i) the gross payments made by such handler for milk received during the month from dairy farmers at such plant and like payments made by the operator of a supply plant(s) included in the computations pursuant to subparagraph (1) of this paragraph for an amount of milk equivalent to that received from such supply plant, and (ii) any payment to the producer-settlement fund of another order under which such plant is also a partially regulated distributing plant.

(b) An amount computed as follows:

(1) Determine the respective amounts of skim milk and butterfat disposed of as Class I milk on routes in the marketing area;

(2) Deduct (except that deducted under a similar provision of another order issued pursuant to the act) the respective amounts of skim milk and butterfat received as Class I milk at the partially regulated distributing plant from pool plants and other order plants;

(3) Combine the amounts of skim milk and butterfat remaining into one total and determine the weighted average butterfat content; and

(4) From the value of such milk at the Class I price applicable at the location of the nonpool plant, subtract its value at the uniform price pursuant to § 1040.62 at the same location or at the Class II price, whichever is higher.

§ 1040.67 Notification.

On or before the 12th day after the end of each month the market administrator shall notify each handler of:

(a) The amounts and values of his milk in each class and the total of such amounts and values;

(b) The base of any producer delivering milk to the handler which was not used in making payments for the previous month;

(c) The amount due such handler from the producer-equalization fund or the amount to be paid by such handler to the producer-equalization fund, as the case may be; and

(d) The totals of the minimum amounts to be paid by such handler pursuant to §§ 1040.80, 1040.84, 1040.86, 1040.87, and 1040.88.

BASE RULES

§ 1040.70 Determination of base.

(a) A producer who delivered milk on at least 122 days during the period August 1 through December 31, inclusive, of any year shall have a base computed by the market administrator to be applicable, subject to § 1040.72, for the 12-month period beginning the following February 1, equal to his daily average milk deliveries from the date on which milk was first delivered in the period to the end of such August 1–December 31 period: *Provided*, That a producer who had a base on December 1 and whose average of daily deliveries for the August 1–December 31 period is less than such base shall have a base computed by subtracting from his previous base any amount by which 90 percent of his previous base exceeds such average of daily deliveries;

(b) A producer with an established base who does not forfeit his base pursuant to § 1040.71(c) but who fails to deliver milk on at least 122 days of the August 1 through December 31 period shall have his base for the 12 months beginning the following February 1 computed by dividing the total pounds shipped during the period by 122;

(c) Except as provided in paragraphs (d) and (e) of this section a producer who has no base shall be paid until February 1 following the August–December period within which he establishes a base pursuant to paragraph (a) of this section at not less than the adjusted uniform price computed pursuant to § 1040.63;

(d) Whenever total receipts of producer milk by all handlers during the month are less than 112.5 percent of the total Class I utilization of all milk by handlers during such month, all producers and cooperative associations shall be paid not less than the uniform price for all milk delivered; and

(e) When a plant first becomes a pool plant any producer (except a producer as defined in the Muskegon order in the month prior to the effective date of this paragraph) delivering to such plant may:

(1) Establish a base on deliveries of milk to such plant for the preceding August–December period certified by submission of delivery receipts or other evidence satisfactory to the market administrator, except the base of a producer applicable pursuant to the Muskegon order in the month immediately preceding the effective date of this paragraph shall be his base pursuant to this section through January 31, 1966; or

(2) Elect payment at not less than the uniform price computed pursuant to § 1040.62 until the second February 1, after such plant first became a pool plant. Such election must be made on or before the end of the first month for which it is effective.

§ 1040.71 Application of bases.

(a) A base shall apply to deliveries of milk by the producer for whose account milk was delivered during the base period, and upon death may be transferred to a member or members of the deceased producer's immediate family;

(b) Bases may be transferred under the following conditions upon written notice by the holder of the base to the market administrator on or before the last day of the month that such base is to be transferred;

(1) Upon retirement or entry into military service of a producer, the entire base may be transferred to a member or members of his immediate family;

(2) Bases may be held jointly and if such joint holding is terminated the base may be divided among the joint holders as specified in writing to the market administrator; and

(3) Two or more producers with bases may combine those bases upon the formation of a bona fide partnership; and

(c) A producer who does not deliver milk to any handler for 45 consecutive days shall forfeit his base except that the following producers may retain their bases without loss for 12 months:

(1) A producer who suffers the complete loss of his barn as a result of fire or windstorm; or

(2) A producer for whom loss of 50 percent or more of the milk herd from brucellosis or bovine tuberculosis, is shown by evidence issued under State or Federal authority.

§ 1040.72 Relinquishing a base.

A producer notifying the market administrator that he relinquishes his established base shall be paid pursuant to the provisions of § 1040.70(c) beginning with the first day of the month in which such notification is received by the market administrator until the next February 1.

PAYMENTS FOR MILK

§ 1040.80 Time and method of payment to producers.

(a) Except as provided by paragraph (b) of this section, on or before the 15th day of each month, each handler (except a cooperative association) shall pay each producer for milk received from him during the preceding month, not less than an amount of money computed by multiplying the total pounds of such milk by the applicable uniform prices computed pursuant to §§ 1040.62, 1040.63, 1040.64, or 1040.65 adjusted by the location and butterfat differentials pursuant to §§ 1040.81 and 1040.82 less the payment made pursuant to paragraph (d) of this section and any proper deductions authorized by the producer. If by such date such handler has not received full payment for such month pursuant to § 1040.85 he may reduce such payments uniformly per hundredweight for all producers, by an amount not in excess of the per hundredweight reduction in payment from the market administrator; however, the handler shall make such balance of payment to those producers to whom it is due on or before the date for making payments pursuant to this paragraph next following that on which such balance of payment is received from the market administrator;

(b) Upon receipt of a written request from a cooperative association which the Secretary determines is authorized by its members to collect payment for their milk and receipt of a written promise to reimburse the handler the amount of any actual loss incurred by him because of any improper claim on the part of the association, each handler shall pay to the cooperative association on or before the second day prior to the end of the month an amount equal to the payments authorized pursuant to paragraph (d) of this section, and on or before the 13th day of each month, in lieu of payments pursuant to paragraph (a) of this section, an amount equal to the gross sum due for all such milk received from certified members, less amounts owing by each member-producer to the handler for supplies purchased from him on prior written order or as evidenced by a delivery ticket signed by the producer.

(1) Each handler shall submit to the cooperative association written information on or before the sixth working day of each month which shows for each such member-producer:

(i) The total pounds of milk received from him during the preceding month;

(ii) The total pounds of butterfat contained in such milk;

(iii) The number of days on which milk was received; and

(iv) The amounts withheld by the handler in payment for supplies sold.

(2) A copy of each such request, promise to reimburse and certified list of members shall be filed simultaneously with the market administrator by the association and shall be subject to verification at his discretion, through audit of the records of the cooperative association pertaining thereto. Exceptions, if any, to the accuracy of such certification by a producer claimed to be a member, or by a handler shall be made by written notice to the market administrator, and shall be subject to his determination;

(3) The foregoing payment and the submission of information pursuant to subparagraph (1) of this paragraph, shall be made with respect to milk of each producer whom the cooperative association certifies is a member, which is received on and after the first day of the month next following receipt of such certification through the last day of the month next preceding receipt of notice from the cooperative association of a termination of membership or until the original request is rescinded in writing by the association.

(c) On or before the 13th day after the end of each month, each handler shall pay a cooperative association, which is a handler with respect to milk received by him from a pool plant operated by such cooperative association, or by bulk tank delivery pursuant to § 1040.7(c), not less than an amount computed by multiplying the uniform price for base milk subject to the location adjustment, if any, applicable at the transferee plant as provided by § 1040.81 and the butterfat differential provided by § 1040.82, by the total hundredweight of milk received by such handler from the cooperative association.

(d) On or before the last day of each month for producer milk received during the first 15 days of the month at not less than the Class II milk price for the preceding month.

§ 1040.81 Location differentials to producers and on nonpool milk.

(a) Subject to the conditions of paragraph (b) of this section, in making payments to producers or cooperative associations pursuant to § 1040.80 each handler:

(1) May deduct for base milk and milk to be paid for at the uniform price or adjusted uniform price the rate per hundredweight applicable pursuant to § 1040.54(a) (1) or (2) for the location of the plant at which the milk was first physically received;

(2) Shall add not less than 4 cents per hundredweight with respect to milk received from producers and cooperative associations pursuant to § 1040.7(c) at a pool plant located within the townships of Royal Oak and Southfield in Oakland County and in those portions of Wayne County other than the townships of Northville, Plymouth, Canton, Van Buren, Sumpter, Livona, Nankin, Romulus, Huron, Taylor, Brownstown, Monguagon, and Grosse Isle, all in the State of Michigan.

(b) When milk of an individual producer is physically received at more than one location (including any nonpool plant) during the month, the location differential rate shall be the weighted average (rounded to the nearest one-half cent) of the amounts computed for the respective locations, except that if 65 percent or more of such producer's milk is delivered to a plant or plants at which the same rate is applicable, such rate

shall be applicable to all deliveries of such producer during the month regardless of point of delivery.

(c) For purposes of computation pursuant to § 1040.84 and § 1040.85, the uniform price shall be adjusted at the rates set forth in § 1040.54 applicable at the location of the nonpool plant from which the other source milk was received.

§ 1040.82 Producer butterfat differential.

In making payments pursuant to § 1040.80, the base price and excess price or the uniform prices shall be increased or decreased for each one-tenth of 1 percent of butterfat content that the milk received from each producer or a cooperative association is above or below 3.5 percent, as the case may be, by the butterfat differential computed under § 1040.53 rounded to the nearest one-half cent.

§ 1040.83 Producer-equalization fund.

The market administrator shall establish and maintain a separate fund, known as the "producer-equalization fund" into which he shall deposit all payments received pursuant to §§ 1040.66 and 1040.84 and out of which he shall make all payments pursuant to § 1040.85.

§ 1040.84 Payments to the producer-equalization fund.

On or before the 13th day after the end of the month each handler shall pay to the market administrator the amount, if any, by which the total amounts specified in paragraph (a) of this section exceed the amounts specified in paragraph (b) of this section;

(a) The sum of:

(1) The net pool obligation computed pursuant to § 1040.60 for such handler; and

(2) In the case of a cooperative association which is a handler, the value, at the uniform price for base milk, of milk delivered to other handlers pursuant to § 1040.44(b).

(b) The sum of:

(1) The value of such handler's producer milk as specified in § 1040.80, excluding any applicable location differential pursuant to § 1040.81(a)(2); and

(2) The value at the uniform price(s) applicable at the location of the plant(s), from which received (not to be less than the value at the Class II price) with respect to other source milk for which a value is computed pursuant to § 1040.60 (e).

§ 1040.85 Payments from the producer-equalization fund.

On or before the 14th day after the end of each month the market administrator shall pay to each handler the amount, if any, by which the amount computed pursuant to § 1040.84(b) exceeds the amount computed pursuant to § 1040.84(a). The market administrator shall offset any payment due any handler against payments due from such handler. If the balance in the producer-equalization fund is insufficient to make all payments to all handlers pursuant to this paragraph, the market administrator shall reduce uniformly such payments and shall complete such payments as soon as the necessary funds become available.

§ 1040.86 Expense of administration.

As his pro rata share of the expense of administration of the order, each handler shall pay to the market administrator on or before the 13th day after the end of the month 2 cents per hundredweight, or such lesser amount as the Secretary may prescribe, with respect to:

(a) Producer milk (including milk of such handler's own production);

(b) Other source milk allocated to Class I pursuant to § 1040.46(a) (3) and (7) and the corresponding steps of § 1040.46(b); and

(c) Class I milk disposed of in the marketing area from partially regulated distributing plants that exceeds the hundredweight of Class I milk received during the month at such plant from pool plants and other order plants.

§ 1040.87 Marketing services.

(a) Except as set forth in paragraph (b) of this section, each handler, in making payments pursuant to § 1040.80(a) for milk received from each producer (including milk of such handler's own production) at a plant not operated by a cooperative association of which such producer is a member, shall deduct 5 cents per hundredweight, or such amount not exceeding 5 cents per hundredweight as the Secretary may prescribe, and, on or before the 13th day after the end of each month, shall pay such deductions to the market administrator. Such moneys shall be used by the market administrator to verify weights, samples, and tests of milk received from producers and to provide producers with market information, such services to be performed by the market administrator or by an agent engaged by and responsible to him;

(b) In the case of producers whose milk is received at a plant not operated by a cooperative association of which such producers are members, for which payment is not made pursuant to § 1040.80 (b) or (c), and for whom a cooperative association is actually performing the services described in paragraph (a) of this section, as determined by the Secretary, each handler shall make, in lieu of the deductions specified in paragraph (a) of this section, such deductions from payments required pursuant to § 1040.80 as may be authorized by such producers, and pay such deductions on or before the 13th day after the end of the month to the cooperative association rendering such services of which such producers are members.

§ 1040.88 Adjustment of accounts.

Whenever audit by the market administrator of any handler's reports, books, records, or accounts discloses adjustments to be made, for any reason, which result in moneys due:

(a) To the market administrator from such handler;

(b) To such handler from the market administrator; or

(c) To any producer or cooperative association from such handler, the market administrator shall promptly notify such handler of any such amount due, and payment thereof shall be made on or before the next date for making payment set forth in the provisions under which such error occurred, following the fifth day after such notice.

§ 1040.89 Overdue accounts.

Any unpaid obligation of a handler or of the market administrator pursuant to §§ 1040.84, 1040.85, 1040.86, 1040.87, and 1040.88 shall be increased one-half of 1 percent on the first day of the month next following the due date of such obligation and on the first day of each month thereafter until such obligation is paid.

APPLICATION OF PROVISIONS

§ 1040.90 Handler exemption.

A handler who operates a plant, other than a plant described in § 1040.16(b), located outside the marketing area from which fluid milk products are disposed of within the marketing area on a route(s) but from which the disposition of fluid milk products on all routes operated wholly or partly within the marketing area averages less than 600 pounds per day for the month, and from which no milk is transferred to other handlers, shall be exempt for such month from all provisions of this part except §§ 1040.31, 1040.32, and 1040.33.

§ 1040.91 Handlers subject to other Federal orders.

A handler who operates a plant at which during the month milk is fully subject to the classification, pricing, and payment provisions of another marketing agreement or order issued pursuant to the act and the disposition of fluid milk products in the other Federal marketing area exceeds that in the Southern Michigan marketing area shall be exempt for such month from all provisions of this part except §§ 1040.31, 1040.32, and 1040.33.

§ 1040.92 Producer-handler exemption.

A producer-handler shall be exempt from all provisions of this part except §§ 1040.31, 1040.32, and 1040.33.

§ 1040.93 Special reporting dates.

When a holiday prevents normal business activities on any day except Sunday during the first 15 days of the month, those of the dates specified in §§ 1040.27 (k)(2), 1040.30, 1040.31(b), 1040.66, 1040.80, 1040.84, 1040.85, 1040.86, and 1040.87 which follows such holiday shall be postponed by the number of days lost as a result of such holiday.

EFFECTIVE TIME, SUSPENSION OR TERMINATION

§ 1040.100 Termination of obligations.

(a) The obligation of any handler to pay money required to be paid under the terms of this part shall, except as provided in paragraphs (b) and (c) of this section, terminate 2 years after the last day of the month during which the market administrator receives the handler's report of utilization of the milk involved in such obligation, unless within such 2-year period the market administrator notifies the handler in writing that such money is due and payable. Service of such notice shall be complete upon mailing to the handler's last known address, and it shall contain, but need not be limited to the following information:

(1) The amount of the obligation;

(2) The month(s) during which the milk, with respect to which the obligation exists, was received or handled; and

(3) If the obligation is payable to one or more producers or to a cooperative association, the name of such producers or association, or if the obligation is payable to the market administrator, the account for which it is to be paid;

(b) If a handler fails or refuses, with respect to any obligation under this part, to make available to the market administrator or his representatives all books or records required by this order to be made available, the market administrator may, within the 2-year period provided for in paragraph (a) of this section, notify the handler in writing of such failure or refusal. If the market administrator so notifies a handler, the said 2-year period with respect to such obligation shall not begin to run until the first day of the month following the month during which such books and records pertaining to such obligation are made available to the market administrator or his representatives;

(c) Notwithstanding the provisions of paragraphs (a) and (b) of this section, a handler's obligation under this part to pay money shall not be terminated with respect to any transaction involving fraud or willful concealment of a fact, material to the obligation, on the part of the handler against whom the obligation is sought to be imposed; and

(d) Any obligation on the part of the market administrator to pay a handler any money which such handler claims to be due him under the terms of this part shall terminate 2 years after the end of the month during which the milk involved in the claim was received if an underpayment is claimed, or 2 years after the end of the month during which the payment (including deduction or setoff by the market administrator) was made by the handler if a refund on such payment is claimed, unless such handler, within the applicable period of time, files, pursuant to section 8c(15)(A) of the Act, a petition claiming such money.

§ 1040.101 Effective time.

The provisions of this part, or of any amendment hereto, shall become effective at such time as the Secretary may declare and shall continue in force until suspended or terminated.

§ 1040.102 Suspension or termination.

The Secretary shall, whenever he finds that this part, or any provision thereof, obstructs or does not tend to effectuate the declared policy of the Act, terminate or suspend the operation of this part or any such provision thereof.

§ 1040.103 Continuing obligations.

If, upon the suspension or termination of any or all provisions of this part, there are any obligations thereunder the final accrual or ascertainment of which requires further acts by any person (including the market administrator), such further acts shall be performed notwithstanding such suspension or termination.

§ 1040.104 Liquidation.

Under the suspension or termination of the provisions of this part, except this section, the market administrator, or such other liquidating agent as the Secretary may designate, shall, if so directed by the Secretary, liquidate the business of the market administrator's office, dispose of all property in his possession or control, including accounts receivable, and execute and deliver all assignments or other instruments necessary or appropriate to effectuate any such disposition. If a liquidating agent is so designated, all assets, books, and records of the market administrator shall be transferred promptly to such liquidating agent. If, upon such liquidation, the funds on hand exceed the amounts required to pay outstanding obligations of the office of the market administrator and to pay necessary expenses of liquidation and distribution, such excess shall be distributed to contributing handlers and producers, in an equitable manner.

MISCELLANEOUS PROVISIONS

§ 1040.110 Agents.

The Secretary may, by designation in writing, name any officer or employee of the United States to act as his agent or representative in connection with any of the provisions of this part.

§ 1040.111 Separability of provisions.

If any provision of this part, or its application to any person or circumstances, is held invalid the application of such provisions, and of the remaining provisions of this part, to other persons or circumstances shall not be affected thereby.

[F.R. Doc. 65-6442; Filed, June 17, 1965; 8:50 a.m.]

FEDERAL AVIATION AGENCY

[14 CFR Part 71]

[Airspace Docket No. 65-CE-35]

VOR Federal Airways

Proposed Alteration

The Federal Aviation Agency is considering amendments to Part 71 of the Federal Aviation Regulations that would alter, in part, VOR Federal airways Nos. 14, 88, 191, 210, 426, 604, and 859.

Interested persons may participate in the proposed rule making by submitting such written data, views, or arguments as they may desire. Communications should identify the airspace docket number and be submitted in triplicate to the Director, Central Region, Attention: Chief, Air Traffic Division, Federal Aviation Agency, 4825 Troost Avenue, Kansas City, Mo., 64110. All communications received within 45 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendments. The proposals contained in this notice may be changed in the light of comments received.

An official docket will be available for examination by interested persons at the Federal Aviation Agency, Office of the General Counsel, Attention: Rules Docket, 800 Independence Avenue SW., Washington, D.C., 20553. An informal docket also will be available for examination at the office of the Regional Air Traffic Division Chief.

In accordance with the application of CAR Amendment 60-21/60-29, the Federal Aviation Agency proposes to raise the floors of the following airway segments from 700 feet to 1,200 feet above the surface as hereinafter set forth.

1. V-14 from Neosho, Mo., to Findlay, Ohio.

2. V-88 from Springfield, Mo., to the intersection of the Richwood, Mo., 086° T (078° M) and the St. Louis, Mo., 170° T (180° M) radials.

3. V-191 from Farmington, Mo., to Rhinelander, Wis.

4. V-210 from Kansas City, Mo., to the intersection of the Indianapolis 069° T (068° M) and the Fort Wayne, Ind., 187° T (187° M) radials.

5. V-426 for the entire airway.

6. V-804 from the intersection of the Rosewood, Ohio, 261° T (262° M) and the Indianapolis, Ind., 069° T (068° M) radials, to Kansas City, Mo.

7. V-859 from the intersection of the Joliet, Ill., 067° T (065° M) and the Roberts, Ill., 008° T (005° M) to Neosho, Mo.

These amendments are proposed under the authority of sec. 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348).

Issued in Washington, D.C., on June 11, 1965.

DANIEL E. BARROW,
Chief, Airspace Regulations and Procedures Division.

[F.R. Doc. 65-6412; Filed, June 17, 1965; 8:47 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 73]

[Docket No. 16006]

TABLE OF ASSIGNMENTS, FM BROADCAST STATIONS

Notice of Extension of Time To File Reply Comments

In the matter of amendment of § 73.202, Table of Assignments, FM Broadcast Stations (New Albany, Ohio, Decatur, Ind., Elizabethton, Tenn., Ocean City, N.J., Oakland (Western) Md., Fairmont and Keyser, W. Va., Aiken, S.C., and Louisville, Ga., Copperhill, Clinton, Dayton, and Oak Ridge, Tenn., Winter Park and Leesburg, Fla., Crossville and Athens, Tenn., and Tucson, Ariz.), Docket No. 16006, RM-694, RM-739, RM-740, RM-743, RM-731, RM-750, RM-736, RM-675, RM-745, RM-693, RM-751.

1. On May 7, 1965, the Commission issued a notice of proposed rule making (FCC 65-386) in the above-entitled matter inviting comments on a number of proposed changes in the FM Table of Assignments. The time for filing comments in the proceeding was specified as June 7, 1965, and for filing reply com-

ments June 18, 1965. On June 10, 1965, Oakland Radio Station Corp., petitioner in RM-731, filed a request for an extension of time in which to file reply comments from June 18, 1965, to July 16, 1965.

2. Petitioner states that in its request in RM-731 it proposed the assignment of Channel 243 to Oakland, Md., and that two other parties have offered counterproposals which would assign this channel to other communities by making additional changes in the Table. Petitioner submits that it will need the additional time to study these counterproposals with a view to seeking a solution which would obviate the conflicts.

3. We are of the view that the requested extension is warranted in this case. Accordingly, notice is hereby given that the time for filing reply comments in this proceeding, insofar as RM-731 only is concerned, is extended to July 16, 1965.

4. This action is taken pursuant to the authority contained in sections 4(i), 5(d)(1) and 303(r) of the Communications Act of 1934, as amended, and § 0.281(d)(8) of the Commission's rules and regulations.

Adopted: June 14, 1965.

Released: June 15, 1965.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 65-6424; Filed, June 17, 1965; 8:47 a.m.]

FEDERAL MARITIME COMMISSION

[46 CFR Part 521]

[Docket No. 65-21]

TIME FOR FILING AND COMMENTING ON CERTAIN AGREEMENTS

Notice of Proposed Rule Making

Notice is hereby given pursuant to section 4 of the Administrative Procedure Act (5 U.S.C. 1003) and sections 15 and 43 of the Shipping Act, 1916 (46 U.S.C. 814, 841(a)), that the Federal Maritime Commission is considering the promulgation of certain rules and regulations specifying (1) the time within which applications for extension of approved agreements due to terminate by their own terms, and modifications and cancellations of other approved agreements, must be filed, and (2) the publication of notice of filing of agreements and modifications under section 15, and applications under section 14(b), and the time allowed for the filing of comments, protests, or requests for hearing by interested persons in regard thereto. Title 46, CFR, would be amended by adding a new Part 521 as follows:

PART 521—TIME FOR FILING AND COMMENTING ON CERTAIN AGREEMENTS

Subpart A—Agreement Provisions

§ 521.1 Statement of policy.

Some approved agreements on file with the Commission contain a provision specifying the date for their termination. In some instances amendments have been filed with the Commission extending the termination date of such agreements only a short time before the agreement was due to expire. It is the responsibility of the Commission to disapprove, cancel or modify, by order, after notice and hearing, any agreement, or any modification or cancellation thereof, whether or not previously approved by it, that it finds to be unjustly discriminatory or unfair as between carriers, shippers, exporters, importers, or ports, or between exporters from the United States and their foreign competitors, or to operate to the detriment of the commerce of the United States, or to be contrary to the public interest, or to be in violation of the Shipping Act, 1916, and to approve all other agreements, modifications, or cancellations. In order to discharge these responsibilities, sufficient time must be allowed for the Commission to comprehensively analyze and consider every agreement, modification, and cancellation to determine whether or not they are lawful in the light of the above defined standards.

§ 521.2 Time within which modifications and notices of cancellations must be filed.

In effectuation of the policy set forth in § 521.1, all modifications and/or notices of cancellations of approved agreements between carriers, or between carriers and other persons subject to the Act, or between other persons subject to the Act, must be filed within the following specified times:

(a) Application for extension of an approved agreement due to terminate by its own terms, must be filed so that the Commission will receive the application not less than sixty (60) days prior to the date on which the approved agreement would otherwise terminate.

(b) Modification of an approved agreement, other than as designated in (a) hereof, must be filed not less than sixty (60) days prior to the date it is intended that action will begin, change, or cease as a result of the provision(s) of the modification.

(c) Notice of cancellation of an approved agreement must be filed not less than sixty (60) days prior to the effective date of cancellation unless otherwise provided for in the agreement.

§ 521.3 Failure to file.

Failure to file, at least sixty (60) days in advance of the termination date, an application for the extension of an approved agreement due to terminate by its own terms, will result in the approved agreement terminating prior to Commission action on the filed amendment, unless satisfactory justification for waiver of this provision is submitted.

Subpart B—Notice to Interested Persons

§ 521.10 Notice of filing of agreements and modifications under Section 15 of the Act, and applications under Section 14(b) of the Act.

(a) Notice to interested persons: Notice to interested persons of the filing of such agreements, modifications, and applications shall be given by publication in the FEDERAL REGISTER of the applicant's name and address, appropriate identification by Federal Maritime Commission number, and a statement setting forth in general terms the provisions of the agreements, modifications, and applications, together with a statement establishing a time limit within which comments, protests, and request for hearing must be filed by interested persons.

(b) Failure seasonably to file comments, protests, or requests for hearing will be construed as a waiver of opposition to approval of such agreements, modifications, and applications.

Interested parties may participate in this proposed rule making proceeding by submitting an original and 15 copies of written statements, data, views, or arguments pertaining thereto and any request for oral argument to the Secretary, Federal Maritime Commission, not later than 30 days from the date of publication of this notice in the FEDERAL REGISTER.

By the Commission.

[SEAL] THOMAS LISI,
Secretary.

[F.R. Doc. 65-6436; Filed, June 17, 1965; 8:49 a.m.]

Notices

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

NEW MEXICO

Notice of Proposed Withdrawal and Reservation of Lands

The Forest Service, U.S. Department of Agriculture, has filed an application, Serial Number New Mexico 0557261, for the withdrawal of lands described below, from all forms of appropriation including the general mining but not the mineral leasing laws. The applicant desires the land for recreation purposes.

For a period of 30 days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the undersigned officer of the Bureau of Land Management, Department of the Interior, State Director, Post Office Box 1449, Santa Fe, N. Mex., 87501.

The authorized officer of the Bureau of Land Management will undertake such investigations as are necessary to determine the existing and potential demand for the lands and their resources. He will also undertake negotiations with the applicant agency with the view of adjusting the application to reduce the area to the minimum essential to meet the applicant's needs, to provide for the maximum concurrent utilization of the lands for purposes other than the applicant's, to eliminate lands needed for purposes more essential than the applicant's, and to reach agreement on the concurrent management of the lands and their resources.

He will also prepare a report for consideration by the Secretary of the Interior who will determine whether or not the lands will be withdrawn as requested by the Forest Service.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

If circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

The lands involved in the application are:

NEW MEXICO PRINCIPAL MERIDIAN, N. MEX.

La Cueva Recreation Site Extension

T. 11 N., R. 4 E.,
Sec. 2: Lots 7, 8, E½SE¼SE¼SE¼, N½SW¼, S½SW¼SW¼, W½W½SW¼SE¼SW¼;
Sec. 3: Lots 7, 8, E½SE¼;
Sec. 10: Lots 11, 12;
Sec. 11: Lots 12, 13, 14, 15, E½E½NE¼NE¼, W½W½NE¼NE¼, NW¼NW¼, SE¼NE¼.

Sandia Crest Tramway Recreation Site

T. 11 N., R. 4 E.,
Sec. 11: Lots 16, 17;
Sec. 12: S½ less HES 268 (unsurveyed);
Sec. 13: N½ within NF (unsurveyed).

The area described contains 874.26 acres.

MICHAEL T. SOLAN,
Manager.

[F.R. Doc. 65-6417; Filed, June 17, 1965; 8:47 a.m.]

ATOMIC ENERGY COMMISSION

[Docket No. 50-1]

IIT RESEARCH INSTITUTE

Notice of Issuance of Facility License Amendment

Please take notice that the Atomic Energy Commission has issued, effective as of the date of issuance, Amendment No. 7, set forth below, to Facility License No. R-3, as amended. The License authorizes IIT Research Institute to operate its homogeneous solution type nuclear reactor located in Chicago, Ill. The amendment authorizes an increase to 10 grams from 3.5 grams in the amount of contained uranium 235 which may be contained in neutron measuring instruments incorporated in the facility, as described in the application for license amendment dated May 14, 1965.

The Commission has found that:

(1) The application for amendment complies with the requirements of the Atomic Energy Act of 1954, as amended, and the Commission's regulations set forth in Title 10, Chapter I, CFR;

(2) The issuance of the amendment will not be inimical to the common defense and security or to the health and safety of the public;

(3) Prior public notice of proposed issuance of this amendment is not required since the amendment does not involve significant hazards considerations different from those previously evaluated.

Within fifteen (15) days from the date of publication of this notice in the FEDERAL REGISTER, the licensee may file a request for a hearing and any person whose interest may be affected by this proceeding may file a petition for leave to intervene. Requests for a hearing and petitions to intervene shall be filed in accordance with the provisions of the Commission's rules of practice (10 CFR Part 2). If a request for a hearing or a petition for leave to intervene is filed within the time prescribed in this notice, the Commission will issue a notice of hearing or an appropriate order.

For further details with respect to this amendment, see (1) the licensee's application for license amendment dated May 14, 1965, and (2) the Safety Evaluation prepared by the Test and Power Reactor Safety Branch of the Division of Reactor Licensing, both of which are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. A copy of item (2) may be obtained at the Commission's Public Document Room or upon request addressed to the Atomic Energy Commission, Washington, D.C., 20545, Attention: Director, Division of Reactor Licensing.

Dated at Bethesda, Md., this 11th day of June 1965.

For the Atomic Energy Commission.

SAUL LEVINE,
Chief, Test and Power Reactor Safety Branch, Division of Reactor Licensing.

[License No. R-3, as amended, Amdt. 7]

License No. R-3, as amended, issued to IIT Research Institute, is hereby further amended in the following respect: Paragraph 2.b(2) is changed to read as follows:

"2.b.(2) 10 grams of contained uranium 235 in neutron measuring instruments incorporated in the facility; and"

This amendment is effective as of the date of issuance.

Date of issuance: June 11, 1965.

For the Atomic Energy Commission.

SAUL LEVINE,
Chief, Test and Power Reactor Safety Branch, Division of Reactor Licensing.

[F.R. Doc. 65-6434; Filed, June 17, 1965; 8:48 a.m.]

CIVIL AERONAUTICS BOARD

[Docket 16009]

S. A. EMPRESA DE VIACAO AEREA RIO GRANDENSE (VARIG)

Notice of Hearing

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that a hearing in the above-entitled proceeding is assigned to be held on July 13, 1965, at 10 a.m., e.d.s.t., in Room 1027, Universal Building, Connecticut and Florida Avenues NW., Washington, D.C., before the undersigned Examiner.

Dated at Washington, D.C., June 14, 1965.

[SEAL] WALTER W. BRYAN,
Hearing Examiner.

[F.R. Doc. 65-6429; Filed, June 17, 1965; 8:47 a.m.]

FEDERAL AVIATION AGENCY

[OE Docket No. 65-SO-5]

CORAL TELEVISION CORP.

Order Entering Final Determination of Hazard to Air Navigation

The Coral Television Corp., Miami, Fla., submitted a petition for public hearing (30 F.R. 7121) pursuant to § 77.37 of the Federal Aviation Regulations, in appeal of the Determination of Hazard to Air Navigation issued in OE Docket No. 65-SO-5 (30 F.R. 5396), for

the proposed construction of a television antenna structure near Key Biscayne, Fla.

The case file and petition have been fully examined. It has been determined that the grounds offered in the petition as the basis for obtaining a public hearing do not constitute adequate foundations for the grant of a hearing. Therefore, pursuant to § 77.37, Federal Aviation Regulations, the petition for a public hearing is hereby denied and the Determination of Hazard to Air Navigation issued in OE Docket No. 65-SO-5 is final as of this date.

Issued in Washington, D.C., on June 10, 1965.

N. E. HALABY,
Administrator.

[F.R. Doc. 65-6413; Filed, June 17, 1965; 8:47 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 15997; FCC 65M-773]

LAMPASAS BROADCASTING CORP. (KCYL)

Order Continuing Hearing

In re application of Lampasas Broadcasting Corp. (KCYL), Lampasas, Tex., Docket No. 15997, File No. BP-16383; for construction permit.

To formalize the agreements and rulings made on the record at a prehearing conference held on June 14, 1965, in the above-entitled matter concerning the future conduct of this proceeding;

It is ordered, This 14th day of June 1965, that:

Exchange of exhibits is scheduled for August 16, 1965;

Exchange of rebuttal exhibits, if any, is scheduled for September 24, 1965;

Notification of witnesses is scheduled for September 30, 1965; and

Hearing presently scheduled for July 14, 1965, is continued to October 5, 1965.

Released: June 15, 1965.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 65-6425; Filed, June 17, 1965; 8:47 a.m.]

[Docket No. 14040; FCC 65M-770]

UNITED STATES OF AMERICA ET AL.

Order Scheduling Hearing

Regarding United States of America, by the Administrator of General Services, Washington, D.C., complainant v. American Telephone and Telegraph Co. et al., defendants, Docket No. 14040.

It is ordered, This 11th day of June 1965, that Arthur A. Gladstone shall serve as the presiding officer in the above-entitled proceeding; that the hearings therein shall commence at 10 a.m., on July 27, 1965; and that a prehearing conference shall be convened at 10 a.m., on June 30, 1965; *and, it is further ordered*, That all proceedings shall be held in the Offices of the Commission, Washington, D.C.

Released: June 14, 1965.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 65-6426; Filed, June 17, 1965; 8:47 a.m.]

[Docket No. 14040; FCC 65-508]

UNITED STATES OF AMERICA ET AL.

Memorandum Opinion and Order Assigning Matter for Public Hearing

Regarding United States of America, by the Administrator of General Services, Washington, D.C., complainant v. American Telephone and Telegraph Co. et al.,[1] defendants, Docket No. 14040.

The Commission has before it:

(1) The above-entitled formal complaint filed April 5, 1961, by the Administrator of General Services (GSA) on behalf of the executive agencies of the United States requesting damages from the American Telephone and Telegraph Co. (A.T. & T.) and 30 other communications carriers for alleged unlawful charges for private line services furnished to complainant since September 1, 1956;

(2) Answers to the above-entitled complaint filed by A.T. & T. and the Bell System companies on May 11, 1961, by the Carolina Telephone and Telegraph Co. on May 11, 1961, and by the Lemhi Telephone Co., on May 12, 1961;

(3) A Motion To Dismiss filed May 11, 1961, by A.T. & T. and the defendant Bell System companies requesting the Commission to dismiss the above-entitled complaint; and

(4) An opposition to the Motion To Dismiss filed by complainant on June 1, 1961, and the reply to such opposition filed by A.T. & T. and the defendant Bell System companies on June 12, 1961.

2. Complainant alleges that section 203(c) of the Communications Act of 1934, as amended, has been violated by defendants in that (a) complainant makes extensive use of both single and multiple line circuits of defendants and since September 1, 1956, defendants have demanded and collected payment from complainant for multiple private line services and channels at the higher rates set forth in A.T. & T. Tariff FCC Nos. 135 (hereafter referred to as Tariff 135) and A.T. & T. Tariff FCC No. 208 (hereafter referred to as Tariff 208) for single private line telephone and telegraph channels and services rather than at the lower rates set forth in the A.T. & T. Tariff FCC 231 (hereafter referred to as Tariff 231), applicable to multiple private line services and channels; and in that (b) defendants have failed or refused, in other instances, to apply Tariff 231 without a prior, specific request therefor.

3. Complainant further alleges that section 202 of the Act has been violated by the defendants in that complainant has requested defendants to consider and treat complainant as a single customer in the application of Tariff 231 but the defendants have failed and refused to do so and such failure has subjected complainant to undue or unreasonable prejudice or disadvantage in charges for communication services so as to constitute unjust and unreasonable discrimination against complainant.

4. Complainant further alleges that section 201 of the Act has been violated by defendants in that (a) defendants' failure or refusal automatically to apply Tariff 231 to complainant's use of multiple channel services has resulted in payment of excessive, unreasonable and unlawful charges and in that (b) defendants' failure to recognize complainant as a single customer for the application of Tariff 231 has likewise resulted in payment of excessive, unreasonable, and unlawful charges.

5. In an appendix to the complaint, complainant details a partial listing of the damages resulting from the alleged violations of the Act in a total amount of approximately $84,938.50, and, because of the asserted impracticability of itemizing all of the damages, complainant requests the Commission to undertake and supervise an audit to ascertain and fix the exact amount of damages, with an unspecified amount of interest, to be awarded complainant.

6. A.T. & T. and the Bell System defendants (hereafter referred to as A.T. & T.) in their joint answer deny any violation of the Act and allege affirmatively that Tariff 231 is a separate and distinct service offering different from that offered in Tariffs 135 and 208; that A.T. & T. has at all times been ready and willing to accept orders from departments and agencies of the U.S. Government for service under Tariff 231 when properly tendered by those having authority to do so, and has at all times been ready and willing to treat the total of all Government agencies as a single customer if the Government would undertake the necessary administrative steps to order its services in such way; that Tariff 231 cannot be applied automatically in the absence of an order for service thereunder; that the various agencies of the United States cannot be treated as a single customer unless they order service as a single customer; that the complaint is barred by the limitations of section 415 (c) of the Communications Act of 1934, as amended (hereafter referred to as section 415(c)), since all of the specific allegations of overcharge appended to the complaint relate to matters over 1 year old; and that the general allegations of unspecified damages do not meet the requirements of the Commission's rules governing the details that should go into formal complaints.

7. Defendant Lemhi Telephone Co., specifically adopts the answer of A.T. & T. and The Carolina Telephone and Telegraph Co., in a separate answer, raises essentially the same points asserted by A.T. & T.

8. A.T. & T. moves to dismiss the complaint on the grounds that: (1) As a matter of law, Tariff 231 does not apply unless the customer orders service thereunder; (2) Tariff 231 is a separate and distinct service offering, not an alternative rate schedule, with significant differences between the offering under Tariff 231 and services under Tariffs 135 and 208; (3) there is no allegation of facts in the complaint showing that the defendants have refused to apply Tariff 231 when properly requested to do so; (4) the Commission has no jurisdiction of the complaint under the limitations imposed by section 415; and (5) the complaint seeks alleged overcharges without pleading them with the specificity required by the Commission's rules.

9. Complainant opposes the Motion To Dismiss on the grounds that: (a) There is no requirement in Tariff 231 that the customer must specifically request the application of Tariff 231 and defendants must therefore automatically collect charges named in tariffs applicable to the service involved; (b) there are no real differences between the single and multiple channel service offerings except the rates; (c) the Government is one person; (d) the limitation provisions of section 415(c) do not apply to the U.S. Government under the traditional immunity of the Government to statutes of limitation; and (e) it is not practicable for complainant to be more specific in its allegations of damages because of the number of channels and services and the resulting billings which are involved.

10. Upon careful review of the pleadings we are persuaded that, unless the above-entitled complaint is barred by the time limitations imposed by section 415(c) the complaint and answers present issues which, in part at least, as hereafter discussed, should be investigated and determined by means of a public hearing. Therefore, we shall first turn our attention to the contentions of the parties with respect to the applicability of section 415(c).

11. Section 415(c), in pertinent part, reads as follows:

> For recovery of overcharges action at law shall be begun or complaint filed with the Commission against carriers within 1 year from the time the cause of action accrues, and not after, * * * 49 U.S.C. 415(c), 1958 ed.

According to the legislative history of the Communications Act, section 415(c) was adapted from section 16(3) of the Interstate Commerce Act, as it then existed in 1934 and as it then applied to both communications and transportation, with section 415(c) shortening the period of limitation applicable to communications services from 2 years to 1 year. Senate Report No. 781, 73 Cong., 2d Session, page 11 (1934); House Report No. 850, 73 Cong., 2d Session, page 8 (1934).

12. The tabulation appended to the complaint lists the billings in dispute as occurring between September 1, 1956, and November 27, 1959; the latter date being more than a year prior to the April 6, 1961, filing date of the complaint. Thus, A.T. & T. argues that section 415(c) bars the complaint. In support of this argument, A.T. & T. relies upon cases that have held, with respect to nongovernmental parties, that section 16(3) of the Interstate Commerce Act, 49 U.S.C. 16(3), 1958 ed., hereafter referred to as section 16(3), defines the jurisdiction of the Interstate Commerce Commission. U.S. Ex. Rel. Louisville Cement Co. v. Interstate Commerce Comm'n., 246 U.S. 638 (1918); Midstate Horticultural Co. Inc. v. Pennsylvania R.R. Co., 320 U.S. 356 (1943) and A.T. & T., maintains that, since section 415(c) of the Communications Act of 1934 is patterned after section 16(3), those decisions are binding upon the Commission in respect to this claim. In opposition, GSA contends that the 1-year limitation imposed by section 415(c) is not applicable where the Government is the complainant, since statutes of limitations do not run against the Government unless Congress has clearly manifested its intent that they shall apply to the Government and that Congress has not so expressed that intent in the limitation provisions of section 415(c). GSA relies principally upon the decision in United States v. DeQueen and Eastern R.R. Co., 271 F. 2d 597 (8th Cir. 1959) and cases cited in that decision.

13. This is a question of first impression with this Commission and assistance and guidance in resolving the question must be drawn from the legislative history of section 16(3) from which section 415(c) was adapted, and from the construction that has been placed upon section 16(3), and similar statutes of limitations, by the Interstate Commerce Commission and the courts.

14. The Interstate Commerce Commission has held that section 16(3), as originally enacted and as it existed when section 415 of our Act was adopted, was applicable to complaints for overcharges filed by the United States against railroad carriers. United States v. Director General, 80 ICC 143 (1923), United States v. Southern Ry. Co., 286 ICC 203 (1952). However, the rationale of these rulings by the Interstate Commerce Commission has not been accepted by the courts that have been called upon to construe the same or analogous statutory provisions.

15. In the DeQueen Case, supra, the U.S. Court of Appeals for the Eighth Circuit dealt with the application of section 16(3) to a claim by the Commodity Credit Corporation against a railroad for overcharges and held that traditional governmental immunity from statutes of limitation and laches applied to claims for overcharges by the Government unless Congress clearly manifested an intention to make the statutes applicable to Government suits, and, since there was no such expressed policy in section 16(3), it was held by the court to be inapplicable to the Government's claim for overcharges. Following the DeQueen Case, the U.S. District Court for the Southern District of New York, in United States v. Yale Transport Corp., 184 F. Supp. 42 (S.D.N.Y. 1960), adopted the reasoning of the DeQueen Case and held that section 204(a) of the Interstate Commerce Act, the companion motor carrier statute of limitation, was inapplicable to a Government suit for overcharges against a motor carrier. Similarly, the U.S. Court of Appeals for the 10th Circuit, in Stewart v. United States, 327 F. 2d 201 (10th Cir. 1964), considered precisely the same question, and stated that "while there is certainly room for doubt * * * we will adopt the reasoning of DeQueen and Yale Transport, as consistent with traditional notions of governmental immunity, in the absence of an expressed congressional intent to subject the Government to such limitations" and thereupon held that the same motor carrier statute of limitations could not be interposed as a jurisdictional bar to a Government claim for overcharges.

16. All of the decisions cited in the foregoing paragraphs pertained to cases arising prior to 1958 when Congress made significant amendments in section 16(3). Thus, in 1958 Congress amended section 16(3) by adding the following new paragraph:

> (1) The provisions of this paragraph (3) shall extend to and embrace all transportation of property or passengers for or on behalf of the United States in connection with any action brought before the Commission or any court by or against carriers subject to this chapter: *Provided, however*, That with respect to such transportation of property or passengers for or on behalf of the United States, the periods of limitation herein provided shall be extended to include 3 years from the date of (A) payment of charges for the transportation involved, or (B) subsequent refund for overpayment of such charges, or (C) deduction made under section 66 of this title, whichever is later. 72 Stat. 859, 860, 49 U.S.C. § 16(3)(c)(1), 1958 ed.

Similar amendments were made in all of the other companion statutes of limitations in the Interstate Commerce Act, 49 U.S.C. 394a, 908, 1006a, 1958 ed. Therefore, while section 16(3) and its associated statutes have been amended since 1934 specifically to subject the government expressly to the application of these statutes of limitations, no such amendment has been made by Congress in section 415 of the Communications Act.

17. Before discussing further the 1958 amendments, the problem before us can be viewed in better perspective by considering the other side of the statutory coin as it existed prior to the 1958 amendments. Section 16(3) applied both to suits by shippers against carriers for overcharges and to suits by carriers against shippers for undercharges. Prior to 1958, section 16(3) of the Interstate Commerce Act was uniformly construed by the U.S. Court of Claims as being inapplicable to suits brought by railroad carriers against the Government for undercharges in the Court of Claims. Southern Pacific Co. v. United States, 62 Ct. Cl. 391 (1926); Seaboard Air Line R.R. Co. v. United States, 113 Ct. Cl. 437, 83 F. Supp. 1012 (1949); Union Pacific RR. Co. v. United States, 114 Ct. Cl. 714, 86 F. Supp. 907 (1949). See also: United States v. Western Pacific Railroad Co., 352 U.S. 59; 1 L. Ed. 2d. 126 (1956). The Court of Claims consistently ruled that section 16(3) of the ICC Act, as it was worded prior to

[1] See App. A.

1958 did not apply to suits against the Government in the Court of Claims notwithstanding that section 16(3) stated expressly, as does section 415 of our Act, that all actions at law by carriers for recovery of undercharges should be brought within the prescribed period. Instead the Court of Claims has held that the 6-year statute of limitations, applicable generally to suits filed in the Court of Claims, should apply in all suits by carriers against the Government for undercharges. 28 U.S.C. 2501, 1958 ed.

18. As a consequence of the foregoing Court decisions, Congress, as heretofore stated, amended section 16(3) and its companion provisions in 1958 so as to make them apply specifically and expressly to suits by the Government against carriers for overcharges. At the same time Congress balanced the equities and changed the other side of the coin so as to impose upon the carriers the same limitations in their suits against the Government as would thereafter apply to suits by the Government. The legislative history of the amendments indicates clearly that Congress recognized that all these interrelated statutes of limitations, as they were prior to 1958, had to be amended if the limitations of section 16(3) were to be made applicable to the Government. The Senate Committee report includes the following statement:

> In the interest of fairness to all concerned, the Committee believes that a 2-year statute of limitations, now applicable to commercial shippers, should be applied to shipments and transportation of persons by the Government. Likewise, it believes that carriers subject to the Act should be clearly bound by the same 2-year period of limitations rather than the 6-year period now available to the carriers for suits against the Government. Senate Report No. 334, 85th Congress, Second Session, U.S. Code, Congressional and Administrative News, 1958, page 3925.

19. With the foregoing precedents and legislative history before us, it seems clear that we are constrained to adopt the view that section 415(c), which has not been amended to apply specifically to the Government, does not apply to the complaint herein. Moreover, the U.S. Supreme Court has laid down the principles that statutes which in general terms divest preexisting rights do not apply to the sovereign unless specifically named, United States v. United Mine Workers, 330 U.S. 258 (1947), and that any statute or rule that limits the right of the sovereign must be strictly construed in favor of the sovereign. Dupont de Nemours and Co. v. Davis, 264 U.S. 456 (1924).

20. We find and conclude, therefore, on the basis of all of the foregoing that section 415(c) is inapplicable to the above-entitled complaint.

21. With respect to the remaining grounds for dismissal set forth in the motion there is one other that should be disposed of at this time. A.T. & T. takes the position that there are significant differences between the offerings under Tariff 231 and the offerings under Tariffs 135 and 208 and complainant alleges that they are like service. We see no need to try this issue in the hearing that we are ordering in the light of the Commission's decision in the Private Line Rate Case that the services in Tariff FCC 231 are like those offered in Tariffs FCC 135 and 208. (34 FCC 217, 319).

22. Finally, we shall dispose at this time of one further point raised by the pleadings. Complainant asks the Commission to supervise an audit to determine the amount of damages over and above those specifically pleaded in the complaint. We believe that this request should be denied and that complainant should file whatever further or additional complaints it may wish to file setting out, in the detail required by our rules, such other and additional damages which it may wish to claim so that defendants may have an adequate opportunity to answer any such further or additional claims and be heard thereon.

ORDER

Accordingly, it is ordered, That pursuant to sections 206 through 209 of the Communications Act of 1934, a public hearing shall be held at a time and place hereinafter designated on the issues presented by the above-entitled Complaint and Answers thereto, except for those issues specifically excluded by the following ordering paragraphs hereof;

It is further ordered, That defendants' plea that section 415(c) of the Communications Act of 1934 bars the above-entitled complaint is hereby denied;

It is further ordered, That defendants' plea that the offerings and services under A.T. & T. Tariff FCC 231 are significantly different from the offerings and services under A.T. & T. Tariffs FCC 135 and 208 is hereby denied;

It is further ordered, That the request of complainant for the Commission to supervise an audit to determine the alleged damages not specifically pleaded in the complaint shall be and the same is hereby denied;

It is further ordered, That defendants' Motion To Dismiss is hereby denied but without prejudice to reasserting those contentions therein that are not specifically disposed of in the foregoing ordering paragraphs; and

It is further ordered, That a copy of this order shall be served upon the complainant and all defendants herein.

Adopted: June 9, 1965.

Released: June 15, 1965.

FEDERAL COMMUNICATIONS COMMISSION,[1]
[SEAL] BEN F. WAPLE,
Secretary.

APPENDIX A

DEFENDANTS (CONCURRING CARRIERS)

Bell Telephone Co. of Nevada; San Francisco, Calif.
Bell Telephone Co. of Pennsylvania, The; Philadelphia, Pa.
Camden Rural Telephone Co.; Camden, Mich.
Carolina Telephone and Telegraph Co.; Tarboro, N.C.
Chesapeake and Potomac Telephone Co., The; Washington, D.C.
Chesapeake and Potomac Telephone Co. of Maryland, The; Baltimore, Md.
Chesapeake and Potomac Telephone Co. of Virginia, The; Richmond, Va.
Chesapeake and Potomac Telephone Co. of West Virginia, The; Charleston, W. Va.
Cincinnati and Suburban Bell Telephone Co., The; Cincinnati, Ohio.
Citizens Telephone Co.; Covington, Ky.
Diamond State Telephone Co., The; Philadelphia, Pa.
Harrison Telephone Co., The; Harrison, Ohio
Illinois Bell Telephone Co.; Chicago, Ill.
Indiana Bell Telephone Co., Inc.; Indianapolis, Ind.
Lenhi Telephone Co.; St. Paul, Minn.
Michigan Bell Telephone Co.; Detroit, Mich.
Mountain States Telephone and Telegraph Co., The; Denver, Colo.
New England Telephone and Telegraph Co.; Boston, Mass.
New Jersey Bell Telephone Co.; Newark, N.J.
New York Telephone Co.; New York, N.Y.
Norfolk and Carolina Telephone and Telegraph Co., The; Elizabeth City, N.C.
Norfolk and Carolina Telephone and Telegraph Co. of Virginia, The; Elizabeth City, N.C.
Northwestern Bell Telephone Co.; Omaha, Nebr.
Ohio Bell Telephone Co., The; Cleveland, Ohio.
Pacific Telephone and Telegraph Co., The; San Francisco, Calif.
Rio Virgin Telephone Co., Inc.; Mesquite, Nev.
Southern Bell Telephone and Telegraph Co.; Atlanta, Ga.
Southern New England Telephone Co, The; New Haven, Conn.
Southwestern Bell Telephone Co.; St. Louis, Mo.
Wisconsin Telephone Co.; Milwaukee, Wis.

[F.R. Doc. 65-6427; Filed, June 17, 1965; 8:47 a.m.]

[1] Commissioner Bartley absent; Commissioner Loevinger abstaining from voting.

FEDERAL MARITIME COMMISSION

[Docket No. 65-20]

WEST COAST OF ITALY, SICILIAN AND ADRIATIC PORTS/NORTH ATLANTIC RANGE CONFERENCE

Notice of Investigation and Hearing Regarding Agreement

The West Coast of Italy, Sicilian and Adriatic Ports/North Atlantic Range Conference (W.I.N.A.C.), operates under approved Agreement 2846-13. The Commission has information indicating that the Conference has failed to admit promptly to Conference membership Admiralty Lines, Ltd., a Liberian corporation which is represented by Interseas Shipping Corp. in the United States, in accordance with the provisions of Article 25 of said Agreement 2846-13.

Admiralty Lines, Ltd., operates time-chartered vessels of Norwegian registry in the Mediterranean trade, and has filed a tariff with the Federal Maritime Commission pursuant to section 18(b)(1) of the Shipping Act, 1916, naming rates and charges in this and other trades in which it offers and advertises service.

Admiralty Lines, Ltd., has applied for membership in W.I.N.A.C. and has not been admitted thereto. Since it is a non-conference line offering direct service from Italian ports to United States North Atlantic ports, it has been unable to obtain profitable cargoes due to the maintenance by the Conference of a dual rate system. This applicant appears to have the qualifications necessary to engage in common carrier operations in this trade and to have met the requirements of Article 25 of the Conference agreement with respect to admission to Conference membership.

Whereas, section 15 of the Shipping Act, 1916, provides, in effect, that no agreement shall continue to be approved if it fails to provide reasonable and equal terms and conditions for admission to conference membership, and

Whereas, the Commission's General Order 9 (46 CFR 523.1) et seq., sets forth rules to effectuate and implement the foregoing provisions of section 15 of the Shipping Act, 1916, and provides, in section 523.2(c), that:

> No carrier which has complied with the conditions set forth in paragraph (a) of this section shall be denied admission or readmission to membership.

Now therefore, it is ordered, That, pursuant to sections 15 and 22 of the Act, an investigation be and is hereby instituted to determine whether continued approval should be given to Agreement No. 2846-13.

It is further ordered, That the member lines of Agreement 2846-13, as listed in Appendix A below, are hereby made respondents in this proceeding; and

It is further ordered, That the matter be assigned for hearing before an examiner of the Commission's Office of Hearing Examiners at a date and place to be hereafter determined and announced by the Chief Examiner; and

It is further ordered, That a copy of this order be served upon the respondents and published in the FEDERAL REGISTER; and

It is further ordered, That persons other than respondents who desire to become parties to this proceeding and to participate herein shall promptly notify the Secretary, Federal Maritime Commission, Washington, D.C., 20573, and shall file with the Secretary, Federal Maritime Commission, a petition for leave to intervene in accordance with Rule 5(n) of the Commission's rules of practice and procedure on or before June 30, 1965, with copy to each of the respondents.

It is further ordered, That all future notices issued by or on behalf of the Commission in this proceeding, including notice of time and place of hearing or prehearing conference, shall be mailed directly to all parties of record.

By order of the Commission.

[SEAL] THOMAS LISI,
Secretary.

APPENDIX A

American Export Isbrandtsen Lines, Inc., 26 Broadway, New York, N.Y., 10004.
American President Lines, Ltd., 601 California Street, San Francisco 8, Calif.
Compagnie Fabre Societe Generale de Transports Maritimes, Commander Shipping Co., General Agents, 17 State Street, New York, N.Y., 10004.
Concordia Line, Boise-Griffin Steamship Co., Inc., General Agents, 90 Broad Street, New York, N.Y., 10004.
Dampskibsselskabet Torm, Peralta Shipping Corp., General Agents, 85 Broad Street, New York, N.Y., 10004.

Giacomo Costa Fu Andrea, Overseas Consolidated Co., Ltd., General Agents, 26 Broadway, New York, N.Y., 10004.
Hansa Line-Deutsche Dampfschiffahrts, Gesellschaft "Hansa," F. W. Hartmann & Co., Inc., General Agents, 120 Wall Street, New York, N.Y., 10005.
"Italia" Societa per Azioni de Navigazione (Italian Line), 1 Whitehall Street, New York, N.Y., 10004.
Hellenic Lines, Ltd., 39 Broadway, New York, N.Y., 10006.
Moller-Maersk Line, A.P., Moller Steamship Co., Inc., General Agents, 67 Broad Street, New York, N.Y., 10004.
National Hellenic-American Line, Cosmopolitan Shipping Co., Inc., General Agents, 42 Broadway, New York, N.Y., 10004.
Prudential Lines, Inc., 1 Whitehall Street, New York, N.Y., 10004.
Van Nievelt Goudriaan & Co.'s Stoomvaart Maatschappij N.V. (Constellation Line), Constellation Navigation Inc., General Agents, 86 Broad Street, New York, N.Y., 10004.
Villain and Fassio E., Compagnia Internazionale, Di Genova (Fassio Line), Norton, Lilly, and Co., Inc., General Agents, 26 Beaver Street, New York, N.Y., 10004.
Jugoslavenska Linijska Plovidba (Jugolinija), Cross Ocean Shipping Co., Inc., General Agents, 17 Battery Place, New York, N.Y., 10004.
Zim Israel Navigation Co., Ltd., American-Israeli Shipping Co., Inc., General Agents, 42 Broadway, New York, N.Y., 10004.

[F.R. Doc. 65-6429; Filed, June 17, 1965; 8:49 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[811-922]

CHATHAM CORP.

Notice of Filing of Application for Order Declaring Company Has Ceased To Be an Investment Company

JUNE 14, 1965.

Notice is hereby given that an application has been filed by Chatham Corp., formerly Townsend Corp. of America ("applicant"), 38 Chatham Road, Short Hills, N.J., a Delaware corporation and a closed-end, nondiversified management investment company registered under the Investment Company Act of 1940 ("Act"), seeking an order pursuant to section 8(f) of the Act declaring that the applicant has ceased to be an investment company. All interested persons are referred to the application on file with the Commission for a full statement of the representations therein which are summarized below.

Effective December 31, 1964, Townsend Management Co. ("TMC") and Resort Airlines, Inc., were merged into the applicant, which became the surviving corporation under its present name. In proceedings entitled Securities & Exchange Commission v. Townsend Corp. of America et al. (D.N.J., Civil Action No. 336-61), it was ordered, among other things, that the applicant divest itself of various investment securities, and submit to vote of its shareholders a proposal to authorize a change in the nature of the applicant's business so as to cease to be an investment company and to file the instant application. The application states that on April 5, 1965, the applicant's shareholders authorized such actions.

The applicant states that the nature of its business has so changed that it is no longer an investment company as defined in section 3(a) of the Act, and that it does not propose to engage in activities which would constitute it an investment company within the provisions of that section. With particular reference to section 3(a)(3) of the Act, the applicant represents that the value of its investment securities is substantially less than 40 per centum of the value of the relevant assets described in such section. The applicant states that its investment securities consist of (i) 40,000 shares of the Class B common stock of Federated Investors, Inc., which it has been ordered to divest, and which it intends actively to seek to do, (ii) 5,000 shares of the common stock of Townsend Growth Fund, Inc., which are expected to be liquidated in due course in connection with pending proceedings with respect to that company under chapter X of the Bankruptcy Act, and (iii) a nominal amount of interests in producing oil and gas leases. The bulk of the applicant's other assets consists of cash, U.S. Treasury Bills, and securities of majority or wholly owned subsidiary companies in the broadcasting, engraving-printing, and recreation resort businesses.

Notice is further given that any interested person may, not later than July 2, 1965, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C., 20549. A copy of such request shall be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon the applicant at the address stated above. Proof of such service (by affidavit or in case of an attorney-at-law by certificate) shall be filed contemporaneously with the request. At any time after such date, as provided by Rule 0-5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the information stated in said application unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 65-6414; Filed, June 17, 1965; 8:47 a.m.]

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATIONS FOR RELIEF

JUNE 15, 1965.

Protests to the granting of an application must be prepared in accordance with Rule 1.40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 39838—*Joint motor-rail rates—Eastern Central.* Filed by The Eastern Central Motor Carriers Association, Inc., agent (No. 343), for interested carriers. Rates on commodities moving on class and commodity rates over joint routes of applicant rail and motor carriers, between points in central States territory, on the one hand, and points in middle Atlantic and New England territories, on the other.

Grounds for relief—Motor-truck competition.

Tariff—26th revised page 47–A to Eastern Central Motor Carriers Association, Inc., agent, tariff MF–I.C.C. A–230.

FSA No. 39839—*Joint motor-rail rates—Eastern Central.* Filed by The Eastern Central Motor Carriers Association, Inc., agent (No. 344), for interested carriers. Rates on commodities moving on class and commodity rates over joint routes of applicant rail and motor carriers, between points in middle Atlantic and New England territories, on the one hand, and points in central States, middlewest and southwestern territories, on the other.

Grounds for relief—Motor-truck competition.

Tariff—26th revised page 47–A to Eastern Central Motor Carriers Association, Inc., agent, tariff MF–I.C.C. A–230.

FSA No. 39840—*Joint motor-rail rates—Eastern Central.* Filed by The Eastern Central Motor Carriers Association, Inc., agent (No. 345), for interested carriers. Rates on commodities moving on class and commodity rates over joint routes of applicant rail and motor carriers, between points in middle Atlantic and New England territories, on the one hand, and points in central States, and middlewest territories, on the other.

Grounds for relief—Motor-truck competition.

Tariff—26th revised page 47–A to Eastern Central Motor Carriers Association, Inc., agent, tariff MF–I.C.C. A–230.

FSA No. 39841—*Joint motor-rail rates—Eastern Central.* Filed by The Eastern Central Motor Carriers Association, Inc., agent (No. 346), for interested carriers. Rates on commodities moving on class and commodity rates over joint routes of applicant rail and motor carriers, between points in central States territory, on the one hand, and points in middle Atlantic and New England territories, on the other.

Grounds for relief—Motor-truck competition.

Tariff—35th revised page 222 to Eastern Central Motor Carriers Association, Inc., agent, tariff MF–I.C.C. A–230.

FSA No. 39842—*Joint motor-rail rates—Eastern Central.* Filed by The Eastern Central Motor Carriers Association, Inc., agent (No. 347), for interested carriers. Rates on commodities moving on class and commodity rates over joint routes of applicant rail and motor carriers, between points in middle Atlantic and New England territories, on the one hand, and points in middlewest and southwestern territories, on the other.

Grounds for relief—Motor-truck competition.

Tariff—35th revised page 222 to Eastern Central Motor Carriers Association, Inc., agent, tariff MF–I.C.C. A–230.

FSA No. 39843—*Liquefied petroleum gas from points in Oklahoma.* Filed by Southwestern Freight Bureau, agent (No. B–8741), for interested rail carriers. Rates on liquefied petroleum gas (including butane or propane), in tank carloads, from Hocker, Laverne, and Mocane, Okla., on the M–K–T Railroad, and Beaver, Hough, and Straight, Okla., on the BM&E, to points in Illinois Freight Association, southern, southwestern, and western trunkline territories.

Grounds for relief—Emergency routing of traffic.

FSA No. 39844—*Joint motor-rail rates—Central and Southern.* Filed by The Central and Southern Motor Freight Tariff Association, Inc., agent (No. 93), for interested carriers. Rates on commodities moving on class and commodity rates over joint routes of applicant rail and motor carriers, from and to points in Illinois and Missouri, on the one hand, and points in southern territory, on the other.

Grounds for relief—Motor-truck competition.

Tariff—Supplement 58 to Central and Southern Motor Freight Tariff Association, Inc., agent, tariff MF–I.C.C. 286.

FSA No. 39845—*Asphalt to points in North Dakota.* Filed by Western Trunk Line Committee, agent (No. A–2409), for interested rail carriers. Rates on asphalt (asphaltum), natural, byproduct or petroleum, other than paint, stain or varnish, also road oil and wax tailings, in tank carloads, from Casper, Cody, Sinclair, and Thermopolis, Wyo., to specified

Grounds for relief—Market competition.

Tariff—Supplement 8 to Western Trunk Line Committee, agent, tariff I.C.C. A–4572.

FSA No. 39846—*Chlorine to Doe Run, Ky.* Filed by O. W. South, Jr., agent (No. A4706), for interested rail carriers. Rates on liquefied chlorine, in tank carloads, subject to minimum shipment of 275 tons of 2,000 pounds, from Saltville, Va., to Doe Run, Ky.

Grounds for relief—Market competition.

Tariff—Supplement 13 to Southern Freight Association, agent, tariff I.C.C. S–517.

FSA No. 39847—*Wheat flour to points in southern territory.* Filed by O. W. South, Jr., agent (No. A4705), for interested rail carriers. Rates on wheat flour, in carloads, from Decatur, Guntersville, and Sheffield, Ala., Chattanooga, and Knoxville, Tenn. (applicable on shipments from beyond by rail), to points in southern territory.

Grounds for relief—Ex-barge rate relationship.

Tariff—Supplement 29 to Southern Freight Association, agent, tariff I.C.C. S–478.

By the Commission.

[SEAL] BERTHA F. ARMES, *Acting Secretary.*

[F.R. Doc. 65–6420; Filed, June 17, 1965; 8:47 a.m.]

[Second Rev. S.O. 562; Pfahler's ICC Order 170, Amdt. 9]

GEORGIA & FLORIDA RAILWAY

Diversion and Rerouting of Traffic

Upon further consideration of Pfahler's ICC Order No. 170 (Georgia & Florida Railway) and good cause appearing therefor:

It is ordered, That:

Pfahler's ICC Order No. 170 be, and it is hereby, amended by substituting the following paragraph (g) for paragraph (g) thereof:

(g) Expiration date: This order shall expire at 11:59 p.m., December 31, 1965, unless otherwise modified, changed, suspended, or annulled.

It is further ordered, That this amendment shall become effective at 11:59 p.m., June 30, 1965, and that this order shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and per diem agreement under the terms of that agreement, and by filing it with the Director, Office of the Federal Register.

Issued at Washington, D.C., June 14, 1965.

INTERSTATE COMMERCE COMMISSION,
[SEAL] R. D. PFAHLER, *Agent.*

[F.R. Doc. 65–6421; Filed, June 17, 1965; 8:47 a.m.]

CUMULATIVE LIST OF CFR PARTS AFFECTED—JUNE

The following numerical guide is a list of the parts of each title of the Code of Federal Regulations affected by documents published to date during June.

3 CFR — Page

PROCLAMATIONS:
3658 — 7695

EXECUTIVE ORDERS:
July 10, 1912 (revoked in part by PLO 3699) — 7898
May 14, 1915 (revoked in part by PLO 3673) — 7752
Oct. 30, 1916 (revoked in part by PLO 3664) — 7750
Dec. 12, 1917 (revoked in part by PLO 3699) — 7898
6143 (revoked in part by PLO 3691) — 7823
6276 (revoked in part by PLO 3691) — 7823
6285 (revoked in part by PLO 3693) — 7824
6583 (revoked in part by PLO 3691) — 7823
7655 (revoked in part by PLO 3661) — 7521
8278 (revoked in part by PLO 3705) — 7901
10530 (superseded in part by EO 11228) — 7739
10682 (superseded by EO 11228) — 7739
10800 (superseded in part by EO 11228) — 7739
10835 (superseded by EO 11228) — 7739
10903 (superseded in part by EO 11228) — 7739
11227 — 7369
11228 — 7739
11229 — 7741

5 CFR
213 — 7271, 7311, 7425, 7426, 7473, 7515, 7557, 7595, 7645, 7646, 7701, 7895.
630 — 7557

7 CFR
16 — 7426
28 — 7426
29 — 7385
30 — 7385
34 — 7385
51 — 7595
160 — 7385
201 — 7887
718 — 7427
722 — 7271, 7385, 7809
724 — 7646
728 — 7434
730 — 7272, 7811
750 — 7311
775 — 7515
845 — 7272
908 — 7311, 7435, 7647
909 — 7273
910 — 7435, 7647
911 — 7647
915 — 7436, 7893
917 — 7473–7475
923 — 7648
944 — 7436, 7743
958 — 7596
970 — 7274
1136 — 7893
1421 — 7475, 7811
1427 — 7814

PROPOSED RULES:
29 — 7494
51 — 7396
52 — 7524
911 — 7501
915 — 7501
916 — 7284
991 — 7825
1002 — 7839
1040 — 7903
1042 — 7903
1068 — 7721
1133 — 7284
1138 — 7288

8 CFR
103 — 7516
264 — 7312

9 CFR
51 — 7596
74 — 7274
97 — 7893
201 — 7275, 7649

PROPOSED RULES:
94 — 7445
101 — 7608
103 — 7608
201 — 7662, 7721

10 CFR

PROPOSED RULES:
150 — 7445, 7662

12 CFR
1 — 7371
17 — 7275
218 — 7743

PROPOSED RULES:
545 — 7316

13 CFR
107 — 7597, 7651
305 — 7894

14 CFR
37 — 7637
39 — 7275, 7371, 7372, 7638, 7701, 7816, 7876
71 — 7276, 7312, 7372, 7373, 7517, 7557, 7558, 7598, 7639, 7702, 7703, 7744, 7816–7818, 7877–7886.
73 — 7744, 7745
75 — 7702, 7745
95 — 7639
97 — 7374, 7598, 7867
121 — 7703
141 — 7517
151 — 7484
221 — 7558
241 — 7704

PROPOSED RULES:
37 — 7663
39 — 7573
61 — 7292
71 — 7316, 7396, 7502, 7503, 7524, 7525, 7573, 7612, 7613, 7663–7666, 7723, 7761, 7840, 7929.

14 CFR—Continued — Page

PROPOSED RULES—Continued
73 — 7503, 7724
75 — 7761

16 CFR
13 — 7652, 7653, 7655, 7657, 7658, 7660, 7661
14 — 7894

17 CFR
240 — 7276
249 — 7566, 7568

18 CFR
8 — 7313
157 — 7280

19 CFR
1 — 7569, 7704
4 — 7598
10 — 7819

PROPOSED RULES:
22 — 7756

21 CFR
8 — 7484, 7705
20 — 7280
27 — 7484
120 — 7280, 7385, 7485, 7560
121 — 7280, 7386, 7485–7487, 7518, 7519, 7570, 7599, 7705–7707, 7895, 7896.
141a — 7707
141d — 7487
146a — 7707, 7896
146c — 7707
146d — 7487

PROPOSED RULES:
20 — 7292
121 — 7501

22 CFR
204 — 7571

24 CFR
203 — 7599
221 — 7708

25 CFR
1 — 7520
41 — 7745
42 — 7746

26 CFR
1 — 7281, 7805
20 — 7708
25 — 7708
48 — 7809
301 — 7809

PROPOSED RULES:
1 — 7493, 7721

28 CFR
0 — 7599, 7709, 7819
16 — 7488
42 — 7386
43 — 7819

29 CFR
5 — 7819
1501 — 7748
1502 — 7748
1503 — 7748

PROPOSED RULES:
1504 — 7608

32 CFR

	Page
562	7710
750	7748
753	7748
1001	7389

33 CFR

124	7314

38 CFR

1	7389
3	7390, 7489
36	7521

39 CFR

15	7390
16	7390, 7748
22	7391
23	7391
24	7391
25	7391
43	7392
45	7392
46	7394
114	7748
122	7748

41 CFR

5B–2	7436
8–1	7437
8–2	7437, 7599
8–3	7599
8–7	7600
8–14	7600
8–15	7601
8–16	7602
8–75	7602
8–95	7603
9–14	7886
9–16	7887
9–17	7887
9–51	7749
9–53	7819
9–56	7749
9–58	7750
101–18	7820
101–20	7820
101–36	7489

42 CFR

57	7394, 7395

43 CFR

18	7394
2230	7605
3540	7606
4110	7606
PUBLIC LAND ORDERS:	
5 (see PLO 3677)	7820
509 (revoked in part by PLO 3695)	7897

43 CFR—Continued

	Page
PUBLIC LAND ORDERS—Continued	
729 (revoked by PLO 3706)	7754
993 (revoked in part by PLO 3692)	7823
1350 (revoked by PLO 3700)	7899
1752 (revoked by PLO 3704)	7900
1757 (revoked in part by PLO 3673)	7752
1898 (revoked in part by PLO 3703)	7900
3530 (revoked in part by PLO 3701)	7899
3565 (correction)	7820
3598 (corrected by PLO 3675)	7753
3646 (corrected by PLO 3680)	7821
3661	7521
3662	7606
3663	7750
3664	7750
3665	7750
3666	7751
3667	7751
3668	7751
3669	7751
3670	7751
3671	7752
3672	7752
3673	7752
3674	7752
3675	7753
3676	7753
3677	7820
3678	7821
3679	7821
3680	7821
3681	7821
3682	7821
3683	7821
3684	7821
3685	7822
3686	7822
3687	7822
3688	7753
3689	7822
3690	7823
3691	7823
3692	7823
3693	7824
3694	7824
3695	7897
3696	7897
3697	7897
3698	7897
3699	7898
3700	7899
3701	7899
3702	7900

43 CFR—Continued

	Page
PUBLIC LAND ORDERS—Continued	
3703	7900
3704	7900
3705	7901
3706	7754

45 CFR

60	7371

46 CFR

146	7437
221	7490
309	7627
527	7490
PROPOSED RULES:	
248	7391
290	7722
380	7722
521	7936
533	7574

47 CFR

0	7521, 7750
1	7419
31	7711
33	7711
73	7314, 7711
89	7522
97	7788
PROPOSED RULES:	
1	7446
17	7446
73	7446, 7525, 7666, 7671, 7673, 7929

48 CFR

201	7756
211	7754

49 CFR

72	7490
73	7490
74	7452
77	7422
78	7422
79	7422
95	7[illegible]
131	7901
192	7491
193	7523

50 CFR

3	7318
10	7571
32	7523
33	7282, 7572, 7[illegible]
253	7697
260	7[illegible]
262	7444
266	7[illegible]

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Pages 7939–7981

Agencies in this issue—

Agricultural Stabilization and Conservation Service
Agriculture Department
Atomic Energy Commission
Civil Aeronautics Board
Civil Service Commission
Commodity Credit Corporation
Consumer and Marketing Service
Federal Aviation Agency
Federal Maritime Commission
Federal Power Commission
Federal Reserve System
Food and Drug Administration
Indian Affairs Bureau
Interstate Commerce Commission
Post Office Department
Securities and Exchange Commission
Wage and Hour Division

Detailed list of Contents appears inside.



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Contents

AGRICULTURAL STABILIZATION AND CONSERVATION SERVICE
Rules and Regulations
Mainland cane sugar area; allotment of 1965 sugar quota 7945

AGRICULTURE DEPARTMENT
See also Agricultural Stabilization and Conservation Service; Commodity Credit Corporation; Consumer and Marketing Service.
Notices
Designation of areas for emergency loans:
South Dakota 7969
Texas 7969

ATOMIC ENERGY COMMISSION
Proposed Rule Making
Computation of quantities of special nuclear material in agreement states for purposes of exemption 7963

CIVIL AERONAUTICS BOARD
Notices
Hearings, etc.:
American Airlines, Inc., and Mohawk Airlines, Inc. 7971
International Air Transport Association 7973
Trans World Airlines, Inc. 7972

CIVIL SERVICE COMMISSION
Rules and Regulations
Position classification and pay; retroactive effective date and appeals 7962

COMMODITY CREDIT CORPORATION
Rules and Regulations
Naval stores; advances to producers 7948
Notices
Sales of certain commodities; June sales list 7965

CONSUMER AND MARKETING SERVICE
Rules and Regulations
Handling limitations:
Lemons grown in California and Arizona 7947
Valencia oranges grown in Arizona and designated part of California 7947
Nectarines grown in California; shipment limitations 7948

FEDERAL AVIATION AGENCY
Rules and Regulations
Restricted area and controlled airspace; alteration 7949
Standard instrument approach procedures; miscellaneous amendments 7950
Proposed Rule Making
Emergency flotation equipment 7963

FEDERAL MARITIME COMMISSION
Notices
Express Forwarding & Storage Co. et al.; agreements filed for approval 7973

FEDERAL POWER COMMISSION
Notices
Hearings, etc.:
Great Lakes Transmission Co. et al 7976
Idaho Power Co 7977
Shell Oil Co 7977

FEDERAL RESERVE SYSTEM
Notices
Commercial and Savings Bank of St. Clair County; order approving consolidation of banks 7978

FOOD AND DRUG ADMINISTRATION
Rules and Regulations
Dressings for foods; optional ingredients 7943
Drugs; tetracycline hydrochloride and oxytetracycline 7944
Food additives:
Adhesives 7943
Boiler water additives 7943
Cellophane 7943
Closures with sealing gaskets 7944
Notices
Difco Laboratories; cancellation of opportunity for hearing regarding suspension of antibiotic batch certification services 7971

HEALTH, EDUCATION, AND WELFARE DEPARTMENT
See Food and Drug Administration.

INDIAN AFFAIRS BUREAU
Notices
Area Directors; redelegation of authority regarding irrigation matters 7971

INTERIOR DEPARTMENT
See Indian Affairs Bureau.

INTERSTATE COMMERCE COMMISSION
Rules and Regulations
Car service:
Denver and Rio Grande Western Railroad 7945
Union Pacific Railroad 7945
Notices
Fourth section application for relief 7979

LABOR DEPARTMENT
See Wage and Hour Division.

POST OFFICE DEPARTMENT
Notices
Organization and administration; Bureau of Personnel 7969

SECURITIES AND EXCHANGE COMMISSION
Notices
Hearings, etc.:
Continental Vending Machine Corp 7978
Lazard Freres & Co 7979

WAGE AND HOUR DIVISION
Rules and Regulations
Puerto Rico; wage rates:
Fabric and leather glove industry 7940
Leather, leather goods, and related products industry 7948

CONTENTS

List of CFR Parts Affected

(Codification Guide)

The following numerical guide is a list of the parts of each title of the Code of Federal Regulations affected by documents published in today's issue. A cumulative list of parts affected, covering the current month to date, appears at the end of each issue beginning with the second issue of the month.

A cumulative guide is published separately at the end of each month. The guide lists the parts and sections affected by documents published since January 1, 1965, and specifies how they are affected.

5 CFR

511 7962
531 7962

7 CFR

814 7945
908 7947
910 7947
916 7948
1438 7948

10 CFR

PROPOSED RULES:
150 7963

14 CFR

71 7949
73 7949
97 7950
PROPOSED RULES:
121 7963

21 CFR

25 7943
121 (4 documents) 7943, 7944
141c 7944
148n 7944

29 CFR

602 7946
603 7949

49 CFR

95 (2 documents) 7945

Rules and Regulations

Title 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

SUBCHAPTER B—FOOD AND FOOD PRODUCTS

PART 25—DRESSINGS FOR FOODS

French Dressing; Confirmation of Effective Date of Order Amending Standard To Permit Calcium Carbonate and Sodium Hexametaphosphate as Optional Ingredients

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (secs. 401, 701, 52 Stat. 1046, 1055, as amended, 70 Stat. 919; 72 Stat. 948; 21 U.S.C. 341, 371) and in accordance with the authority delegated to the Commissioner of Food and Drugs by the Secretary of Health, Education, and Welfare (21 CFR 2.90), notice is given that no objections were filed to the order published in the FEDERAL REGISTER of April 27, 1965 (30 F.R. 5831), that amended the standard for french dressing (21 CFR 25.2) to permit calcium carbonate and sodium hexametaphosphate to be used in combination with the optional emulsifying ingredients now permitted. Accordingly, the amendment promulgated by that order will become effective June 26, 1965.

(Secs. 401, 701, 52 Stat. 1046, 1055, as amended, 70 Stat. 919; 72 Stat. 948; 21 U.S.C. 341, 371)

Dated: June 14, 1965.

JOHN L. HARVEY,
Deputy Commissioner of Food and Drugs.

[F.R. Doc. 65-6464; Filed, June 18, 1965; 8:47 a.m.]

PART 121—FOOD ADDITIVES

Subpart D—Food Additives Permitted in Food for Human Consumption

BOILER WATER ADDITIVES

The Commissioner of Food and Drugs has evaluated data in a petition (FAP 5A1535) filed by Dearborn Chemical Co., Post Office Box 337, Lake Zurich, Ill., 60047, and other relevant material, and has concluded that the food additive regulation should be amended to provide for safe use of sodium polyacrylate as a boiler water additive. Therefore, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409 (c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1)), and under the authority delegated to the Commissioner by the Secretary of Health, Education, and Welfare (21 CFR 2.90), § 121.1088(c) is amended by inserting in alphabetical sequence a new item, as follows:

§ 121.1088 Boiler water additives.

(c) List of substances:

	Limitations
Sodium polyacrylate	

Any person who will be adversely affected by the foregoing order may at any time within 30 days from the date of its publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington, D.C., 20201, written objections thereto, preferably in quintuplicate. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof.

Effective date. This order shall be effective on the date of its publication in the FEDERAL REGISTER.

(Sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1))

Dated: June 14, 1965.

JOHN L. HARVEY,
Deputy Commissioner of Food and Drugs.

[F.R. Doc. 65-6465; Filed, June 18, 1965; 8:47 a.m.]

PART 121—FOOD ADDITIVES

Subpart F—Food Additives Resulting From Contact With Containers or Equipment and Food Additives Otherwise Affecting Food

CELLOPHANE

The Commissioner of Food and Drugs, having evaluated the data in a petition (FAP 4B1378) filed by British Cellophane Limited, Bath Road, Bridgwater, Somerset, England, and other relevant material, has concluded that the food additives regulations should be amended to provide for the use of an additional substance as an optional component of food-packaging cellophane. Therefore, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409 (c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1)), and under the authority delegated to the Commissioner by the Secretary of Health, Education, and Welfare (21 CFR 2.90), § 121.2507(c) is amended by inserting alphabetically in the list of substances a new item, as follows:

§ 121.2507 Cellophane.

(c) List of substances:

	Limitations (residue and limits of addition expressed as percent by weight of finished packaging cellophane)
Distearic acid ester of di(hydroxy-ethyl)diethylenetriamine monoacetate.	0.06 percent.

Any person who will be adversely affected by the foregoing order may at any time within 30 days from the date of its publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington, D.C., 20201, written objections thereto, preferably in quintuplicate. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof.

Effective date. This order shall be effective on the date of its publication in the FEDERAL REGISTER.

(Sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1))

Dated: June 14, 1965.

JOHN L. HARVEY,
Deputy Commissioner of Food and Drugs.

[F.R. Doc. 65-6467; Filed, June 18, 1965; 8:48 a.m.]

PART 121—FOOD ADDITIVES

Subpart F—Food Additives Resulting From Contact With Containers or Equipment and Food Additives Otherwise Affecting Food

ADHESIVES; COMPONENTS OF PAPER AND PAPERBOARD IN CONTACT WITH DRY FOOD

The Commissioner of Food and Drugs, having evaluated the data in petitions (FAP Nos. 5B1682, 5B1683) filed by The Dow Chemical Co., Post Office Box 467, Midland, Mich., 48641, and other relevant material, has concluded that the food additive regulations should be amended to provide for the use of additional monomers in polymers used in food-packaging adhesives and as components of paper and paperboard in contact with dry food. Therefore, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(c)(1), 72

Stat. 1786; 21 U.S.C. 348(c)(1)), and under the authority delegated to the Commissioner by the Secretary of Health, Education, and Welfare (21 CFR 2.90), the food additive regulations are amended in the following respects:

1. Section 121.2520(c)(5) is amended by inserting alphabetically under the item "Polymers * * *" in the list "Components of Adhesives" the following monomer:

§ 121.2520 Adhesives.

* * * * * *

(c) * * *

(5) * * *

Components of Adhesives	Substances and Limitations
* * *	* * *
Polymers: Homopolymers and copolymers of the following monomers:	
* * *	* * *
Isobutyl acrylate.	
* * *	* * *

2. Section 121.2571(b)(2) is amended by inserting alphabetically in the list of monomers under the item "Polymers: Homopolymers and copolymers * * *" two new monomers, as follows:

§ 121.2571 Components of paper and paperboard in contact with dry food.

* * * * * *

(b) * * *

(2) * * *

List of substances	Limitations
* * *	* * *
Polymers: Homopolymers and copolymers of the following monomers:	Basic polymer.
* * *	
2-Hydroxyethyl acrylate.	
Isobutyl acrylate.	
* * *	* * *

Any person who will be adversely affected by the foregoing order may at any time within 30 days from the date of its publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington, D.C., 20201, written objections thereto, preferably in quintuplicate. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof.

Effective date. This order shall be effective on the date of its publication in the FEDERAL REGISTER.

(Sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1))

Dated: June 14, 1965.

JOHN L. HARVEY,
Deputy Commissioner of Food and Drugs.

[F.R. Doc. 65-6466; Filed, June 18, 1965; 8:47 a.m.]

PART 121—FOOD ADDITIVES

Subpart F—Food Additives Resulting From Contact With Containers or Equipment and Food Additives Otherwise Affecting Food

CLOSURES WITH SEALING GASKETS

The Commissioner of Food and Drugs, having evaluated the data in a petition (FAP 3B1162) filed by Firestone Synthetic Rubber and Latex Co., Division of Firestone Tire and Rubber Co., 381 West Wilbeth Road, Akron, Ohio, 44301, and other relevant material, has concluded that the food additive regulations should be amended to provide for the use of polybutadiene in the manufacture of closure-sealing gaskets for food containers. Therefore, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1)), and under the authority delegated to the Commissioner by the Secretary of Health, Education, and Welfare (21 CFR 2.90), § 121.2550(b)(5) is amended by inserting alphabetically in Table 1 a new item, as follows:

§ 121.2550 Closures with sealing gaskets for food containers.

* * * * * *

(b) * * *

(5) * * *

TABLE 1

List of substances	Limitations (expressed as percent by weight of closure-sealing gasket composition)
* * *	* * *
Polybutadiene.	
* * *	* * *

Any person who will be adversely affected by the foregoing order may at any time within 30 days from the date of its publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington, D.C., 20201, written objections thereto, preferably in quintuplicate. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof.

Effective date. This order shall be effective on the date of its publication in the FEDERAL REGISTER.

(Sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1))

Dated: June 14, 1965.

JOHN L. HARVEY,
Deputy Commissioner of Food and Drugs.

[F.R. Doc. 65-6468; Filed, June 18, 1965; 8:48 a.m.]

SUBCHAPTER C—DRUGS

PART 141c—CHLORTETRACYCLINE (OR TETRACYCLINE) AND CHLORTETRACYCLINE- (OR TETRACYCLINE-) CONTAINING DRUGS; TESTS AND METHODS OF ASSAY

PART 148n—OXYTETRACYCLINE

Tetracycline Hydrochloride; Oxytetracycline

In the matter of amending the regulations for tetracycline hydrochloride and oxytetracycline (21 CFR 141c.218, 141c.235, 148n.1, 148n.5) to provide for a change in the pyrogen tests for the subject drugs:

The Commissioner of Food and Drugs has evaluated the comments received in response to the notice of proposed rule making in the above-identified matter published in the FEDERAL REGISTER of March 31, 1965 (30 F.R. 4205), and has concluded that the amendments should issue as proposed. Therefore, as provided in the Federal Food, Drug, and Cosmetic Act (sec. 507, 59 Stat. 463, as amended; 21 U.S.C. 357), and under the authority delegated to the Commissioner by the Secretary of Health, Education, and Welfare (21 CFR 2.90), §§ 141c.218, 141c.235, 148n.1, and 148n.5 are amended as hereinafter set forth:

1. Section 141c.218(c) is amended to read as follows:

§ 141c.218 Tetracycline hydrochloride.

* * * * *

(c) *Pyrogens.* Proceed as directed in § 141a.3 of this chapter, using as a test dose 1.0 milliliter per kilogram of a solution containing 5.0 milligrams of tetracycline hydrochloride per milliliter of sterile, pyrogen-free distilled water.

* * * * *

2. Section 141c.235(d) is amended to read as follows:

§ 141c.235 Tetracycline hydrochloride-oleandomycin phosphate for aqueous injection.

* * * * *

(d) *Pyrogens.* Proceed as directed in § 141a.3 of this chapter, using as a test dose 1.0 milliliter per kilogram of a solution containing 5.0 milligrams of tetracycline hydrochloride and 2.5 milligrams of oleandomycin phosphate per milliliter of sterile, pyrogen-free distilled water.

* * * * *

3. Section 148n.1(b)(4) is amended to read as follows:

§ 148n.1 Oxytetracycline.

* * * * *

(b) * * *

(4) *Pyrogens.* Proceed as directed in § 141a.3 of this chapter, using as a test dose 1.0 milliliter per kilogram of a solution containing 5.0 milligrams of oxytetracycline per milliliter, prepared by dissolving 40 milligrams in 2.0 milliliters of 0.1*N* hydrochloric acid and diluting with the required amount of sterile, pyrogen-free distilled water.

* * * * *

4. Section 148n.5(b)(4) is amended to read as follows:

§ 148n.5 Oxytetracycline intramuscular solution.

* * * * *

(b) * * *

(4) *Pyrogens.* Proceed as directed in § 141a.3 of this chapter, using as a test dose 1.0 milliliter per kilogram of a solution containing 5.0 milligrams of oxytetracycline per milliliter of sterile, pyrogen-free distilled water.

* * * * *

Effective date. This order shall become effective on the date of its publication in the FEDERAL REGISTER.

(Sec. 507, 59 Stat. 463, as amended; 21 U.S.C. 357)

Dated: June 14, 1965.

JOHN L. HARVEY,
Deputy Commissioner of Food and Drugs.

[F.R. Doc. 65-6469; Filed, June 18, 1965; 8:48 a.m.]

Title 49—TRANSPORTATION

Chapter I—Interstate Commerce Commission

SUBCHAPTER A—GENERAL RULES AND REGULATIONS

[S.O. 951; Amdt. 3]

PART 95—CAR SERVICE

Union Pacific Railroad Authorized To Operate Over Industrial Trackage of Freeport Center, Inc.; Expiration Date

At a session of the Interstate Commerce Commission, Safety and Service Board No. 1, held in Washington, D.C., on the 15th day of June A.D. 1965.

Upon further consideration of Service Order No. 951 (29 F.R. 1386, 8419, 18427) and good cause appearing therefor:

It is ordered, That:

Section 95.951(a) *Union Pacific Railroad authorized to operate over industrial trackage of the Freeport Center, Inc.*, of Service Order No. 951, be, and it is hereby amended by substituting the following paragraph (f) for paragraph (f) thereof:

§ 95.951 Service Order 951.

* * * * *

(f) Expiration date: This order shall expire at 11:59 p.m., July 5, 1965, unless otherwise modified, changed, suspended, or annulled by order of this Commission.

Effective date: This amendment shall become effective at 11:59 p.m., June 30, 1965.

(Secs. 1, 12, 15, 24 Stat. 379, 383, 384, as amended; 49 U.S.C. 1, 12, 15. Interprets or applies secs. 1(10–17), 15(4), 40 Stat. 101, as amended 54 Stat. 911, 49 U.S.C. 1(10–17), 15(4))

It is further ordered, That copies of this amendment shall be served upon the Department of Business Regulation—Public Service Commission, State of Utah, and upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D.C., and by filing it with the Director, Office of the Federal Register.

By the Commission, Safety and Service Board No. 1.

[SEAL] BERTHA F. ARMES,
Acting Secretary.

[F.R. Doc. 65-6456; Filed, June 18, 1965; 8:46 a.m.]

[S.O. 952; Amdt. 3]

PART 95—CAR SERVICE

Denver and Rio Grande Western Railroad Authorized To Operate Over Industrial Trackage of Freeport Center, Inc.; Expiration Date

At a session of the Interstate Commerce Commission, Safety and Service Board No. 1, held in Washington, D.C., on the 15th day of June A.D. 1965.

Upon further consideration of Service Order No. 952 (29 F.R. 1386, 8419, 18427) and good cause appearing therefor:

It is ordered, That:

Section 95.952(a) *Denver and Rio Grande Western Railroad authorized to operate over industrial trackage of the Freeport Center, Inc.*, of Service Order No. 952, be, and it is hereby amended by substituting the following paragraph (f) for paragraph (f) thereof:

§ 95.952 Service Order 952.

* * * * *

(f) Expiration date: This order shall expire at 11:59 p.m., July 5, 1965, unless otherwise modified, changed, suspended, or annulled by order of this Commission.

Effective date: This amendment shall become effective at 11:59 p.m., June 30, 1965.

(Secs. 1, 12, 15, 24 Stat. 379, 383, 384, as amended; 49 U.S.C. 1, 12, 15. Interprets or applies secs. 1(10–17), 15(4), 40 Stat. 101, as amended, 54 Stat. 911, 49 U.S.C. 1(10–17), 15(4))

It is further ordered, That copies of this amendment shall be served upon the Department of Business Regulation—Public Service Commission, State of Utah, and upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D.C., and by filing it with the Director, Office of the Federal Register.

By the Commission, Safety and Service Board No. 1.

[SEAL] BERTHA F. ARMES,
Acting Secretary.

[F.R. Doc. 65-6457; Filed, June 18, 1965; 8:46 a.m.]

Title 7—AGRICULTURE

Chapter VIII—Agricultural Stabilization and Conservation Service (Sugar), Department of Agriculture

SUBCHAPTER B—SUGAR REQUIREMENTS AND QUOTAS

[Sugar Reg. 814.3, Amdt. 5]

PART 814—ALLOTMENT OF SUGAR QUOTA MAINLAND CANE SUGAR AREA

1965

Basis and purpose. This amendment is issued under section 205(a) of the Sugar Act of 1948, as amended (61 Stat. 922), hereinafter called the "Act", for the purpose of amending Sugar Regulation 814.3 (30 F.R. 4746), which established allotments for the Mainland Cane Sugar Area for the calendar year 1965.

This amendment is necessary to substitute final data for estimated data on 1964 crop sugar production, 1964 sugar marketings and January 1, 1965, sugar inventories on the basis of data which have become a part of the official records of the Department and to establish allotments of the entire Mainland Cane Sugar Area Quota on the basis of such final data.

Effective date. Allotments established in this order for all processors are larger than the allotments established in S.R. 814.3 (30 F.R. 4746). To afford adequate opportunity to plan and to market the additional quantities of sugar in an orderly manner, it is imperative that this amendment becomes effective as soon as possible. Accordingly, it is hereby found that compliance with the 30-day effective date requirement of the Administrative Procedure Act (60 Stat. 237) is impracticable and contrary to the public interest and consequently, this amendment shall be effective upon publication in the FEDERAL REGISTER.

In accordance with paragraph (7) of the findings and conclusions set forth in S.R. 814.3 Amdt. 4 (30 F.R. 4746), and pursuant to paragraph (e) of such regulation, paragraph (6) of such findings and conclusions is amended to read as follows:

(6) The quantity of sugar and the percentages referred to in paragraph (5) above, reflecting final data on 1964 crop processings, 1964 marketings and January 1, 1965, inventories, for determining 1965 allotments are set forth in the following table:

Processor	Processings of sugar [1]		Average quota marketings, 1962–64		Ability to market					Processor's basic allotment [2]		Processor's adjusted allotment [3] (short tons, raw value)
					Effective inventory, Jan. 1, 1965	New-crop quota marketings		Measures used				
						Average 1962–64	"Shares" of difference [4]	Column (5) plus column (7)	Percent of total	Percent of total	Short tons, raw value	
	Short tons, raw value	Percent of total	Short tons, raw value	Percent of total	Short tons, raw value							
	(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)	(11)	(12)
Albania Sugar Co.	10,667	0.910	11,865	1.262		10,447	4,098	4,098	0.495	0.866	8,109	7,950
Alma Plantation, Ltd.	10,881	.922	11,287	1.224	98	10,602	4,194	4,290	.479	.900	8,064	7,975
J. Aron & Co., Inc.	17,058	1.463	17,765	1.926	536	17,765	6,969	7,504	.839	1.631	12,855	12,679
Billeaud Sugar Factory	11,740	1.007	9,359	1.015	2,841	8,661	3,397	5,238	.597	.947	8,474	8,390
Breaux Bridge Sugar Cooperative	10,395	.866	8,401	.911	2,120	7,979	3,130	5,250	.597	.819	7,328	7,257
Wm. T. Burton Industries, Inc.	7,908	.678	6,945	.852	5,088	4,000	1,569	7,255	.811	.700	6,264	6,202
Caire & Graugnard	8,407	.550	6,790	.734	905	6,664	2,322	3,127	.349	.547	4,895	4,847
Cajun Sugar Cooperative, Inc.	17,695	1.518		.000	17,695			17,695	1.974	1.304	11,668	13,249
Caldwell Sugars, Cooperative, Inc.	15,662	1.346	14,258	1.762		13,944	6,284	6,284	.702	1.206	11,653	11,518
Catherine Sugar Co., Inc.	5,945	.510	4,826	.509	1,796	4,598	1,799	3,597	.401	.488	4,366	4,323
Columbia Sugar Co.	8,446	.724	9,079	.984	626	8,506	3,326	3,972	.444	.726	6,443	6,379
Cora-Texas Manufacturing Co., Inc.	7,057	.606	7,858	.830	5,707	4,562	1,797	5,504	.615	.626	5,817	5,760
Dugas & LeBlanc, Ltd.	14,598	1.276	14,053	1.740		13,013	5,261	5,261	.702	1.255	11,230	11,119
Duhe & Bourgeois Sugar Co.	11,825	1.014	13,319	1.444		12,253	4,799	4,799	.536	1.004	8,904	8,895
Erath Sugar Co., Ltd.	7,768	.666	8,175	.886	1,575	7,403	2,927	4,502	.503	.577	6,099	5,998
Evan Hall Sugar Cooperative, Inc.	23,407	2.008	26,451	2.869		25,720	10,088	10,088	1.127	2.004	17,933	17,756
Frisco Cane Co., Inc.	3,357	.288	3,283	.350	749	2,829	1,110	1,859	.208	.284	2,541	2,516
Glenwood Cooperative, Inc.	16,479	1.414	18,241	1.978		18,241	7,154	7,154	.798	1.434	12,564	12,440
Helvetia Sugar Cooperative, Inc.	12,225	1.049	14,023	1.524	155	13,157	5,160	5,315	.596	1.003	9,423	9,330
Iberia Sugar Cooperative, Inc.	19,914	1.708	19,329	2.098	5,430	17,111	6,711	12,141	1.357	1.715	15,247	15,196
LaFourche Sugar Co.	19,327	1.658	21,397	2.320		21,253	8,338	8,338	.931	1.645	14,720	14,575
Harry L. Laws & Co., Inc.	14,734	1.264	10,325	1.117	4,004	9,878	3,874	7,878	.847	1.171	10,479	10,375
Levert-St. John, Inc.	16,396	1.424	15,267	1.657	1,719	14,905	5,848	7,565	.844	1.355	12,125	12,005
Louisa Cooperative	12,141	1.041	11,239	1.220	1,708	11,456	4,494	6,202	.693	1.038	9,199	9,108
Louisiana State Penitentiary	2,471	.213	2,495	.270	118	2,373	930	1,048	.117	.208	1,834	1,816
Meeker Sugar Cooperative, Inc.	11,923	1.023	7,513	.815	7,668	4,426	1,736	9,404	1.051	1.067	8,472	8,743
Milliken & Farwell, Inc.	14,682	1.260	14,256	1.546	62	14,108	5,533	5,595	.626	1.199	10,640	10,544
M. A. Patout & Son, Ltd.	16,490	1.415	17,742	1.923	877	16,907	6,631	7,508	.817	1.297	12,501	12,379
Poplar Grove Planting & Refining Co.	9,474	.813	9,313	1.010	2,149	8,323	3,264	5,413	.605	.811	7,257	7,185
Reserve Sugar Co.	4,112	.353		.000	4,112			4,112	.459	.308	2,726	2,684
Savoie Industries	14,713	1.262	15,211	1.788		15,379	5,344	5,344	.714	1.258	11,213	11,102
St. James Sugar Cooperative, Inc.	18,749	1.608	16,106	1.753	5,263	13,041	5,115	13,308	1.487	1.518	14,432	14,338
St. Mary Sugar Cooperative, Inc.	14,860	1.276	16,545	1.704		16,403	6,434	6,434	.719	1.208	11,947	11,835
South Coast Corp.	59,257	5.086	75,990	8.268	66,062	19,895	7,411	67,473	7.540	5.752	56,425	59,623
Southdown, Inc.	43,118	3.699	36,286	5.053	18,760	27,513	10,792	29,552	2.968	3.828	34,264	33,926
Sterling Sugars, Inc.	26,851	2.303	29,822	3.243	695	25,095	11,877	12,573	1.371	2.296	21,584	21,361
J. Supple's Sons Planting Co., Inc.	5,637	.484	5,518	.707	1,177	4,367	1,713	2,890	.323	.385	4,028	3,994
Valentine Sugars, Inc.	13,305	1.141	15,231	1.669	3,434	8,725	3,422	5,946	.768	1.106	10,452	10,349
Vida Sugars, Inc.	6,101	.523	6,408	.695	879	6,106	2,430	2,928	.314	.516	4,617	4,571
A. Wilbert's Sons Lumber & Shingle Co.	8,950	.852	10,964	1.191		10,826	4,247	4,247	.475	.645	7,562	7,487
Young's Industries, Inc.	8,698	.738	6,954	.754	5,078	3,401	2,511	5,589	.625	.731	6,541	6,476
Louisiana subtotal	563,328	50.606	595,075	68.541	159,752	473,868	183,469	345,253	38.582	50.902	466,083	453,616
Atlantic Sugar Association	27,080	2.325		.000	27,080			27,080	3.026	1.909	17,488	20,310
Florida Sugar Corp.	12,635	1.084	11,532	1.281	6,071	5,491	2,134	10,725	1.143	1.121	10,121	10,021
Glades Co. Sugar Growers Cooperative, Association	41,282	3.589	12,144	1.317	41,282	2,114	839	42,001	4.704	3.329	29,781	30,946
Okeelanta Sugar Refining, Inc. (Inc. Fellsmere)	68,762	6.028	52,959	5.842	68,962	21,345	8,450	75,130	8.398	7.084	65,075	66,056
Osceola Farms Co.	47,479	4.068	21,314	2.311	43,538	8,579	3,362	46,702	5.219	3.847	35,220	34,971
South Florida Sugar Co., Inc.	10,881	.923	3,873	.203	10,722	741	291	11,023	1.233	.847	7,579	8,049
Sugarcane Growers Cooperative of Fla.	102,047	8.754	50,020	5.419	102,089	8,734	3,456	105,455	11.786	8.723	78,147	77,375
Talisman Sugar Corp.	26,101	2.229	1,004	.130	25,101	515	202	26,303	2.939	1.967	17,602	19,576
U.S. Sugar Corp.	254,245	19.226	151,951	19.727	179,048	67,630	26,459	205,575	22.973	20.063	179,704	177,900
Florida subtotal	572,432	50.104	336,287	36.456	504,252	115,388	45,245	549,988	61.443	48.038	439,917	441,234
Total, all mainland cane	1,165,760	100.000	922,362	100.000	664,135	589,226	230,715	894,850	100.000	100.000	894,550	894,850

[1] The higher of either the production of sugar from 1964 crop sugarcane or 85 percent of the average production from the 1962 and 1963 crops of sugarcane.

[2] The difference between 895,000 tons (basic quota for 1965 established by S.R. 811, effective Jan. 1, 1965, less 130 tons for Louisiana State University) and total Jan. 1, 1965, effective inventories for all processors amounting to 664,135 tons. This difference of 230,715 tons prorated on the basis of each processor's average 1962–64 new-crop marketings.

[3] Determined by weighting "processings" column (3) by 60 percent, "marketings", column (4) by 20 percent and "ability", column (9) by 20 percent.

[4] Basic allotments adjusted to provide each allottee a minimum allotment equal to 75 percent of his Jan. 1, 1965, effective inventory.

Pursuant to provisions of section 205(a) of the Act and in accordance with paragraph (c) of § 814.3 of this chapter, paragraph (a) of such § 814.3 is amended to read as follows:

§ 814.3 Allotment of the 1965 Sugar Quota for the Mainland Cane Sugar Area.

(a) The 1965 sugar quota for the Mainland Cane Sugar Area of 895,000 short tons, raw value, is hereby allotted to the following processors in the quantities which appear opposite their respective names:

Processors	Allotments, short tons, raw value
Albania Sugar Co.	7,930
Alma Plantation, Ltd.	7,975
J. Aron & Co., Inc.	12,679
Billeaud Sugar Factory	8,390
Breaux Bridge Sugar Cooperative	7,257
Wm. T. Burton Industries, Inc.	6,202
Caire & Graugnard	4,847
Cajun Sugar Cooperative, Inc.	13,249
Caldwell Sugars Cooperative, Inc.	11,518
Catherine Sugar Co., Inc.	4,323
Columbia Sugar Co.	6,379
Cora-Texas Manufacturing Co., Inc.	5,760
Dugas & LeBlanc, Ltd.	11,119
Duhe & Bourgeois Sugar Co.	8,895
Erath Sugar Co., Ltd.	5,998
Evan Hall Sugar Cooperative, Inc.	17,756
Frisco Cane Co., Inc.	2,516
Glenwood Cooperative, Inc.	12,440
Helvetia Sugar Cooperative, Inc.	9,330
Iberia Sugar Cooperative, Inc.	15,196
LaFourche Sugar Co.	14,575
Harry L. Laws & Co., Inc.	10,375
Levert-St. John, Inc.	12,005
Louisa Cooperative	9,108
Louisiana State Penitentiary	1,816
Louisiana State University	180
Meeker Sugar Cooperative, Inc.	8,745
Milliken & Farwell, Inc.	10,544
Erath Sugar Co., Ltd.	5,998
Evan Hall Sugar Cooperative, Inc.	17,756
Frisco Cane Co., Inc.	2,516
Glenwood Cooperative, Inc.	12,440
Helvetia Sugar Cooperative, Inc.	9,330
Iberia Sugar Cooperative, Inc.	15,196
LaFourche Sugar Co.	14,575
Harry L. Laws & Co., Inc.	10,375
Levert-St. John, Inc.	12,005
Louisa Cooperative	9,108
Louisiana State Penitentiary	1,816
Louisiana State University	180
Meeker Sugar Cooperative, Inc.	8,745
Milliken & Farwell, Inc.	10,544
M. A. Patout & Son, Ltd.	12,379
Poplar Grove Planting & Refining Co.	7,185
Reserve Sugar Co.	2,684
Savoie Industries	11,102
St. James Sugar Cooperative, Inc.	14,338
St. Mary Sugar Cooperative, Inc.	11,835
South Coast Corp.	59,623
Southdown, Inc.	33,926
Sterling Sugars, Inc.	20,361
J. Supple's Sons Planting Co., Inc.	3,994
Valentine Sugars, Inc.	10,349
Vida Sugars, Inc.	4,571
A. Wilbert's Sons Lumber & Shingle Co.	7,487
Young's Industries, Inc.	6,476
Louisiana subtotal	453,616
Atlantic Sugar Association	20,310
Florida Sugar Corp.	10,021
Glades Co. Sugar Growers Cooperative, Association	30,946
Okeelanta Sugar Refinery, Inc.	66,056
Osceola Farms Co.	34,971
South Florida Sugar Co., Inc.	8,049
Sugarcane Growers Cooperative of Fla.	77,375
Talisman Sugar Corp.	19,576
U.S. Sugar Corp.	177,900
Florida subtotal	441,234
Total, all mainland cane	895,000

(Sec. 403, 61 Stat. 932; 7 U.S.C. 1153. Interprets or applies secs. 206, 209; 61 Stat. 926, as amended, 928; 7 U.S.C. 1115, 1119)

Issued at Washington, D.C., this 15th day of June 1965.

H. D. GODFREY,
Administrator, Agricultural Stabilization and Conservation Service.

[F.R. Doc. 65-6451; Filed, June 18, 1965; 8:45 a.m.]

Chapter IX—Consumer and Marketing Service (Marketing Agreements and Orders; Fruits, Vegetables, Tree Nuts), Department of Agriculture

[Valencia Orange Reg. 125]

PART 908—VALENCIA ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

Limitation of Handling

§ 908.425 Valencia Orange Regulation 125.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 908, as amended (7 CFR Part 908), regulating the handling of Valencia oranges grown in Arizona and designated part of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations and information submitted by the Valencia Orange Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such Valencia oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 1001–1011) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for Valencia oranges and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such Valencia oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on June 17, 1965.

(b) *Order.* (1) The respective quantities of Valencia oranges grown in Arizona and designated part of California which may be handled during the period beginning at 12:01 a.m., P.s.t., June 20, 1965, and ending at 12:01 a.m., P.s.t., June 27, 1965, are hereby fixed as follows:

(i) District 1: 350,000 cartons;

(ii) District 2: 350,000 cartons;

(iii) District 3: Unlimited movement.

(2) As used in this section, "handled," "handler," "District 1," "District 2," and "District 3," and "carton" have the same meaning as when used in said amended marketing agreement and order.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: June 18, 1965.

PAUL A. NICHOLSON,
Acting Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 65-6575; Filed, June 18, 1965; 11:30 a.m.]

[Lemon Reg. 166]

PART 910—LEMONS GROWN IN CALIFORNIA AND ARIZONA

Limitation of Handling

§ 910.466 Lemon Regulation 166.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 910, as amended (7 CFR Part 910), regulating the handling of lemons grown in California and Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such lemons, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 1001–1011) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for lemons and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such lemons; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on June 15, 1965.

(b) *Order.* (1) The respective quantities of lemons grown in California and Arizona which may be handled during the period beginning at 12:01 a.m., P.s.t., June 20, 1965, and ending at 12:01 a.m., P.s.t., June 27, 1965, are hereby fixed as follows:

(i) District 1: Unlimited movement;

(ii) District 2: 325,500 cartons;

(iii) District 3: Unlimited movement.

(2) As used in this section, "handled," "District 1," "District 2," "District 3," and "carton" have the same meaning as when used in the said amended marketing agreement and order.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Processors	Allotments, short tons, raw value
M. A. Patout & Son, Ltd.	12,379
Poplar Grove Planting & Refining Co.	7,185
Reserve Sugar Co.	2,684
Savoie Industries	11,102
St. James Sugar Cooperative, Inc.	14,338
St. Mary Sugar Cooperative, Inc.	11,835
South Coast Corp.	59,623
Southdown, Inc.	33,926
Sterling Sugars, Inc.	20,361
J. Supple's Sons Planting Co., Inc.	3,994
Valentine Sugars, Inc.	10,349
Vida Sugars, Inc.	4,571
A. Wilbert's Sons Lumber & Shingle Co.	7,487
Young's Industries, Inc.	6,476
Louisiana subtotal	453,616
Atlantic Sugar Association	20,310
Florida Sugar Corp.	10,021
Glades Co. Sugar Growers Cooperative, Association	30,946
Okeelanta Sugar Refinery, Inc.	66,056
Osceola Farms Co.	34,971
South Florida Sugar Co., Inc.	8,049
Sugarcane Growers Cooperative of Fla.	77,375
Talisman Sugar Corp.	19,576
U.S. Sugar Corp.	177,900
Florida subtotal	441,234
Total, all mainland cane	895,000

(Sec. 403, 61 Stat. 932; 7 U.S.C. 1153. Interprets or applies secs. 206, 209; 61 Stat. 926, as amended, 928; 7 U.S.C. 1115, 1119)

Issued at Washington, D.C., this 15th day of June 1965.

H. D. GODFREY,
Administrator, Agricultural Stabilization and Conservation Service.

[F.R. Doc. 65-6451; Filed, June 18, 1965; 8:45 a.m.]

Chapter IX—Consumer and Marketing Service (Marketing Agreements and Orders; Fruits, Vegetables, Tree Nuts), Department of Agriculture

[Valencia Orange Reg. 125]

PART 908—VALENCIA ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

Limitation of Handling

§ 908.425 Valencia Orange Regulation 125.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 908, as amended (7 CFR Part 908), regulating the handling of Valencia oranges grown in Arizona and designated part of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations and information submitted by the Valencia Orange Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such Valencia oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 1001–1011) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for Valencia oranges and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such Valencia oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on June 17, 1965.

(b) *Order.* (1) The respective quantities of Valencia oranges grown in Arizona and designated part of California which may be handled during the period beginning at 12:01 a.m., P.s.t., June 20, 1965, and ending at 12:01 a.m., P.s.t., June 27, 1965, are hereby fixed as follows:

(i) District 1: 350,000 cartons;

(ii) District 2: 350,000 cartons;

(iii) District 3: Unlimited movement.

(2) As used in this section, "handled," "handler," "District 1," "District 2," and "District 3," and "carton" have the same meaning as when used in said amended marketing agreement and order.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: June 18, 1965.

PAUL A. NICHOLSON,
Acting Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 65-6575; Filed, June 18, 1965; 11:30 a.m.]

[Lemon Reg. 166]

PART 910—LEMONS GROWN IN CALIFORNIA AND ARIZONA

Limitation of Handling

§ 910.466 Lemon Regulation 166.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and

Dated: June 17, 1965.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 65-6508; Filed, June 18, 1965; 8:49 a.m.]

[Nectarine Order 6]

PART 916—NECTARINES GROWN IN CALIFORNIA

Limitation of Shipments

§ 916.323 Nectarine Order 6.

(a) *Findings.* (1) Notice was published in the June 2, 1965, issue of the FEDERAL REGISTER (30 F.R. 7284) that consideration was being given to a proposal regarding the establishment of size limitations to be applicable to specified varieties of nectarines pursuant to the provisions of the marketing agreement and Order 916 (7 CFR Part 916), regulating the handling of nectarines grown in California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674).

After consideration of all relevant matters presented, including the proposals set forth in the aforesaid notice which were submitted by the Nectarine Administrative Committee (established pursuant to the said marketing agreement and order), it is hereby found that the regulation hereinafter set forth is in accordance with the provisions of the said marketing agreement and order and will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (5 U.S.C. 1001–1011) and good cause exists for making the provisions thereof effective not later than the date hereinafter specified because the shipments of the specified varieties of such nectarines are expected to begin on or about the effective date hereof, the notice of rule-making concerning this regulation and effective date was published on June 2, 1965 (30 F.R. 7284), and compliance with this regulation will not require of handlers any preparation therefor which cannot be completed by the effective time hereof.

(b) *Order.* (1) During the period beginning at 12:01 a.m., P.s.t., June 27, 1965, and ending at 12:01 a.m., P.s.t., November 1, 1965, no handler shall handle any package or container of Early Le Grand, Grand Prize, Granderli, Royal Grand, Freedom, Grandeur, Le Grand, Late Le Grand, Golden Grand, Gold King, Red Grand, Marigold, September Grand, or Regal Grand nectarines unless:

(i) Such nectarines, when packed in a No. 26 standard lug box, or in a No. 27 standard lug box, are of a size that will pack, in accordance with the requirements of a standard pack, not more than 88 nectarines in the respective lug box; or

(ii) Such nectarines, when packed in any container other than in a No. 26 standard lug box, or in a No. 27 standard lug box, measure not less than two and one-quarter (2¼) inches in diameter: *Provided,* That not to exceed ten (10) percent, by count, of the nectarines in any such container may fail to meet such diameter requirement.

(2) When used herein, "diameter" and "standard pack" shall have the same meaning as set forth in the United States Standards for Nectarines (§§ 51.3145–51.3159); "No. 26 standard lug box" and "No. 27 standard lug box," respectively, shall have the same meaning as set forth in section 828.4 of the Agricultural Code of California, and all other terms shall have the same meaning as when used in the marketing agreement and order.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: June 16, 1965.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 65-6452; Filed, June 18, 1965; 8:45 a.m.]

Chapter XIV—Commodity Credit Corporation, Department of Agriculture

SUBCHAPTER B—LOANS, PURCHASES, AND OTHER OPERATIONS

[Amdt. 1]

PART 1438—NAVAL STORES

Advances to Producers

1. Section 1438.1604, *Advances to producers,* of regulations published April 20, 1965, in 30 F.R. 5573, is amended to revise the limitation on date of Producer's Offer and to read as follows:

§ 1438.1604 Advances to producers.

Each producer desiring to obtain advances will execute a Producer's Marketing Agreement with ATFA. Eligible naval stores will be deemed tendered for advance by the producer to ATFA only when such naval stores have been (a) processed (except where unprocessed rosin content in oleoresin is offered for advance), (b) placed in storage in the custody of an approved warehouseman who has entered into and is fully complying with a Warehouse Agreement (ATFA Form 2—1965) with ATFA, or in the custody of ATFA acting under a Storage Agreement with CCC, and (c) offered for advance on a Producer's Offer (ATFA Form 4—1965) (the date of which, unless a first offer and dated not later than July 1, 1965, will be not later than thirty (30) days from the date of delivery of eligible naval stores to a processor, but in no event later than December 31, 1965). Advances will not be made on any naval stores offered by a producer later than December 31, 1965. If there are any liens or encumbrances on the naval stores offered for advance, proper waivers are required on a Lienholders' Waiver and Agreement (ATFA Form 3—1965). All processing charges, including the cost of the eligible metal drums for rosin, and all storage and other warehouse charges to the date of tender for advance will be borne by the producer.

Effective date: Date of filing with office of Federal Register.

Signed at Washington, D.C., on June 15, 1965.

H. D. GODFREY,
Executive Vice President, Commodity Credit Corporation.

[F.R. Doc. 65-6453; Filed, June 18, 1965; 8:46 a.m.]

Title 29—LABOR

Chapter V—Wage and Hour Division, Department of Labor

SUBCHAPTER A—REGULATIONS

PART 602—LEATHER, LEATHER GOODS, AND RELATED PRODUCTS INDUSTRY IN PUERTO RICO

Wage Rates

Pursuant to section 5 of the Fair Labor Standards Act of 1938 (29 U.S.C. 205), and by means of Administrative Order No. 590 (30 F.R. 3883), the Secretary of Labor appointed and convened Industry Committee No. 73–A. Administrative Order No. 590 referred to Industry Committee No. 73–A the question of the minimum wage rate or rates to be paid under section 6(c) of the Act to employees in the leather, leather goods, and related products industry in Puerto Rico and gave due notice of the hearing of the Committee, as provided in 29 CFR 511.2.

Subsequent to an investigation and a hearing conducted pursuant to the notice, the Committee filed with the Administrator a report containing its findings of fact and recommendations with respect to the matters referred to it.

Accordingly, as authorized and required by section 8 of the Fair Labor Standards Act of 1938 (29 U.S.C. 208), Reorganization Plan No. 6 of 1950 (3 CFR 1949–53 Comp., p. 1004), and General Order No. 45–A of the Secretary of Labor (15 F.R. 3290), the recommendations of Industry Committee No. 73–A are hereinafter published in these amendments to 29 CFR 602.2.

Effective July 5, 1965, 29 CFR 602.2 (a) (1) (i), (2) (i), (3) (i), (4) (i), (5) (i), and (b) (1) are amended to read as follows:

§ 602.2 Wage rates.

* * * * * * *

(a) * * *

(1) *Belt classification.* (i) The minimum wage for this classification is $1.10 an hour.

* * * * * * *

(2) *Hide curing classification.* (i) The minimum wage for this classification is $1.25 an hour.

* * * * * * *

(3) *Sporting and athletic goods classification.* (i) The minimum wage for this classification is $9.5 cents an hour.

* * * * * * *

(4) *Leather tanning and finishing classification.* (i) The minimum wage for this classification is 89.5 cents an hour.

* * * * * * *

(5) *General classification.* (i) The minimum wage for this classification is 88 cents an hour.

* * * * * * *

(b) *New coverage classification.* (1) The minimum wage for this classification is 88 cents an hour.

* * * * * * *

(Sec. 8, 52 Stat. 1064, as amended; 29 U.S.C. 208)

Signed at Washington, D.C., this 15th day of June 1965.

CLARENCE T. LUNDQUIST,
Administrator.

[F.R. Doc. 65-6471; Filed, June 18, 1965; 8:48 a.m.]

PART 603—FABRIC AND LEATHER GLOVE INDUSTRY IN PUERTO RICO

Wage Rates

Pursuant to section 5 of the Fair Labor Standards Act of 1938 (29 U.S.C. 205), and by means of Administrative Order No. 590 (30 F.R. 3833), the Secretary of Labor appointed and convened Industry Committee No. 73–B. Administrative Order No. 590 referred to Industry Committee No. 73–B the question of the minimum wage rate or rates to be paid under section 6(c) of the Act to employees in the fabric and leather glove industry in Puerto Rico and gave due notice of the hearing of the Committee, as provided in 29 CFR 511.2.

Subsequent to an investigation and a hearing conducted pursuant to the notice, the Committee filed with the Administrator a report containing its findings of fact and recommendations with respect to the matters referred to it.

Accordingly, as authorized and required by section 8 of the Fair Labor Standards Act of 1938 (29 U.S.C. 208), Reorganization Plan No. 6 of 1950 (3 CFR 1949–53 Comp., p. 1004), and General Order No. 45–A of the Secretary of Labor (15 F.R. 3290), the recommendations of Industry Committee No. 73–B are hereinafter published in this revision of 29 CFR 603.2.

Effective July 5, 1965, 29 CFR 603.2 is amended to read as follows:

§ 603.2 Wage rates.

The fabric and leather glove industry in Puerto Rico is divided into five classifications. Wages at rates not less than those prescribed in this section shall be paid under section 6(c) of the Fair Labor Standards Act of 1938 by every employer to each of his employees in each of the classifications in the fabric and leather glove industry in Puerto Rico who in any workweek is engaged in commerce or in the production of goods for commerce or is employed in an enterprise engaged in commerce or in the production of goods for commerce as those terms are defined in section 3 of the Act.

(a) *Previously covered classifications.* The classifications in this paragraph (a) apply to all activities of employees in the fabric and leather glove industry in Puerto Rico to which section 6 of the Act applies without reference to the Fair Labor Standards Amendments of 1961.

(1) *Hand-sewing on fabric gloves classification.* (i) The minimum wage for this classification is 30 cents an hour.

(ii) This classification is defined as the operations of hand-sewing, hand-embroidering, hand-embellishing, ornamental hand-stitching, hand-drawing of threads, and similar hand operations involving decorative effects on fabric gloves (gloves or mittens manufactured from woven or knitted fabric), except mending, repairing, sewing of labels, tacking, and similar operations on fabric gloves that are wholly or chiefly machine-sewn.

(2) *Hand-sewing on leather gloves classification.* (i) The minimum wage for this classification is 52 cents an hour.

(ii) This classification is defined as the operations of hand-sewing, hand-embroidering, hand-embellishing, ornamental hand-stitching, hand-drawing of threads, and similar hand operations involving decorative effects on leather gloves (gloves or mittens manufactured from leather or from leather in combination with other material), except mending, repairing, sewing of labels, tacking, and similar operations on leather gloves that are wholly or chiefly machine-sewn.

(3) *Other operations on hand-sewn gloves classification.* (i) The minimum wage for this classification is 85 cents an hour.

(ii) This classification is defined as all operations on hand-sewn gloves (gloves or mittens manufactured primarily by a hand-sewing process), except operations included in the hand-sewing on fabric gloves classification and the hand-sewing on leather gloves classification, as defined herein.

(4) *Machine and other operations on machine-sewn gloves classification.* (i) The minimum wage for this classification is $1.05 an hour.

(ii) This classification is defined as the operations of machine-sewing, cutting, laying-off, pressing, sizing, banding, packaging of primarily machine-sewn gloves, and all other operations on machine-sewn gloves (gloves or mittens manufactured primarily by a machine-sewing process) except operations included in the other classifications of the industry.

(b) *New coverage classification.* (1) The minimum wage for this classification is $1.05 an hour.

(2) This classification is defined as all activities of employees in the fabric and leather glove industry in Puerto Rico to whom section 6 of the Act applies only by reason of the Fair Labor Standards Amendments of 1961.

(Sec. 8, 52 Stat. 1064, as amended; 29 U.S.C. 208)

Signed at Washington, D.C., this 15th day of June 1965.

CLARENCE T. LUNDQUIST,
Administrator.

[F.R. Doc. 65-6472; Filed, June 18, 1965; 8:49 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Agency

[Airspace Docket No. 65–AL–1]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

PART 73—SPECIAL USE AIRSPACE

Alteration of Restricted Area and Controlled Airspace

On March 25, 1965, a notice of proposed rule making was published in the FEDERAL REGISTER (30 F.R. 3885) stating that the Federal Aviation Agency was considering amendments to Parts 71 and 73 of the Federal Aviation Regulations that would alter Restricted Area R–2202 at Big Delta, Alaska, designate an additional restricted area at Big Delta, and alter the continental control area.

Interested persons were afforded an opportunity to participate in the rule making through submission of comments, but no comments were received.

In consideration of the foregoing, Parts 71 and 73 of the Federal Aviation Regulations are amended, effective 0001 e.s.t., July 22, 1965, as hereinafter set forth.

1. In § 73.22 (29 F.R. 17730) the following actions are taken:

a. Restricted Area R–2202 is amended by deleting "R–2202 Big Delta, Alaska" and substituting "R–2202A Big Delta, Alaska" therefor.

b. Restricted Area R–2202B is added as follows:

R–2202B BIG DELTA, ALASKA

Boundaries. Beginning at latitude 64°04'–30" N., longitude 146°40'00" W.; to latitude 64°19'50" N., longitude 147°34'00" W.; to latitude 64°24'40" N., longitude 147°25'35" W.; to latitude 64°10'45" N., longitude 146°–45'15" W.; thence along the east bank of the Little Delta River to the point of beginning.

Designated altitudes. Surface to 5,000 feet above ground level.

Time of designation. 0900 to 1700 hours, local time, daily.

Controlling agency. Federal Aviation Agency, Fairbanks ARTC Center.

Using agency. Commander, Alaskan Air Command, Elmendorf AFB, Alaska.

2. In § 71.151 (29 F.R. 17550, 19185) "R–2202 Big Delta, Alaska" is deleted and "R–2202A Big Delta, Alaska" is substituted therefor.

(Sec. 307(a) of the Federal Aviation Act of 1958; 49 U.S.C. 1348)

Issued in Washington, D.C., on June 16, 1965.

CLIFFORD P. BURTON,
Acting Director, Air Traffic Service.

[F.R. Doc. 65-6506; Filed, June 18, 1965; 8:49 a.m.]

[Reg. Docket No. 6971; Amdt. 431]

PART 97—STANDARD INSTRUMENT APPROACH PROCEDURES

Miscellaneous Amendments

The amendments to the standard instrument approach procedures contained herein are adopted to become effective when indicated in order to promote safety. The amended procedures supersede the existing procedures of the same classification now in effect for the airports specified therein. For the convenience of the users, the complete procedure is republished in this amendment indicating the changes to the existing procedures.

As a situation exists which demands immediate action in the interests of safety in air commerce, I find that compliance with the notice and procedure provisions of the Administrative Procedure Act is impracticable and that good cause exists for making this amendment effective within less than 30 days from publication.

In view of the foregoing and pursuant to the authority delegated to me by the Administrator (24 F.R. 5662), Part 97 (14 CFR Part 97) is amended as follows:

1. By amending the following low or medium frequency range procedures prescribed in § 97.11(a) to read:

LFR Standard Instrument Approach Procedures

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for an route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
Burley VOR	BY LFR	Direct	6000	T–dn*	300–1	300–1	NA
				C–dn	300–1	300–1	NA
				S–dn–20	400–1	400–1	NA
				A–dn	800–2	800–2	NA

Procedure turn W side NE crs, 006° Outbnd, 186° Inbnd, 6000' within 10 miles.
Minimum altitude over facility on final approach crs, 6980'.
Crs and distance, facility to airport, 186°—2.3 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 2.3 miles after passing BY LFR, make a climbing right turn direct to BY LFR. Climb to 6000' on NE crs within 10 miles.
*500–1 required for takeoff on Runways 10, 28, and 24.
%Takeoff all runways: Shuttle climb on the 272° Radial of the Burley VORTAC within 20 miles to minimum altitude required for direction of flight.
Direction of flight: E V4, MCA 8,500'; SE V101, MCA 8,000'.
MSA within 25 miles of facility: 000°–090°—8200'; 090°–180°—11,400'; 180°–270°—8700'; 270°–360°—8100'.

City, Burley; State, Idaho; Airport name, Burley Municipal; Elev., 4150'; Fac. Class., SBMRAZ; Ident., BY; Procedure No. 1, Amdt. 9; Eff. date, 26 June 65; Sup. Amdt. No. 8; Dated, 30 Nov. 64

PROCEDURE CANCELLED, EFFECTIVE 24 JUNE 1965.

City, Helena; State, Mont.; Airport name, Helena County-City; Elev., 3873'; Fac. Class., SBMRAZ; Ident., HN; Procedure No. 1, Amdt. 8; Eff. date, 22 Feb. 64; Sup. Amdt. No. 7; Dated, 18 Mar. 64

PROCEDURE CANCELLED, EFFECTIVE 24 JUNE 1965.

City, Needles; State, Calif.; Airport name, Municipal; Elev., 900'; Fac. Class., BMRLZ; Ident., ED; Procedure No. 1, Amdt. 8; Eff. date, 1 Dec. 62; Sup. Amdt. No. 4; Dated, 12 Feb. 65

2. By amending the following automatic direction finding procedures prescribed in § 97.11(b) to read:

ADF Standard Instrument Approach Procedures

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for an route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
Boston VOR	BE LOM	Direct	2000	T–dn	300–1	300–1	200–½
Manchester VOR	BE LOM	Direct	3000	C–dn	600–1	600–1	600–1½
Framingham Int	BE LOM	Direct	3000	S–dn–11	300–1	300–1	300–1
Hollis Int	BE LOM	Direct	3000	A–dn	800–2	800–2	800–2
Millbury Int	BE LOM	Direct	2500				
Lawrence VOR	BE LOM	Direct	3000				
Lawrence RBn	BE LOM	Direct	2000				

Radar vectoring is authorized in accordance with approved patterns by BOS APC.
Procedure turn N side of crs, 292° Outbnd, 112° Inbnd, 1600' within 10 miles.
Minimum altitude over facility on final approach crs, 1300'.
Crs and distance, facility to airport 112°—4.0 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.0 miles after passing BE LOM, make left-climbing turn to 2000' direct to LWM RBn. Hold SW of LWM RBn, 051° Inbnd, 1-minute right turns, or when directed by ATC, climb straight ahead to 800', make right-climbing turn to 1600' direct to BE LOM. Hold W of BE LOM, 112° Inbnd, 1-minute left turns.
CAUTION: 570' tower, 3 miles NE of airport. 368' stack, SE side of airport. 398' antenna (0.9 mile SE of airport).
MSA within 25 miles of facility: 000°–090°—2000'; 090°–180°—2600'; 180°–270°—3000'; 270°–360°—3600'.

City, Bedford; State, Mass.; Airport name, Hanscom Field; Elev., 133'; Fac. Class., HW; Ident., (LOM) BE; Procedure No.1, Amdt. 4; Eff. date, 26 June 65; Sup. Amdt. No. 3; Dated, 5 June 65

ADF Standard Instrument Approach Procedures—Continued

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
CYS VOR	LOM	Direct	7600	T–dn	300–1	300–1	200–½
Divide Int	LOM	Direct	7000	C–dn	500–1	500–1	500–1½
Egbert Int	LOM	Direct	7000	S–dn–26	400–1	400–1	400–1
Carpenter Int	LOM	Direct	7000	A–dn	800–2	800–2	800–2

Procedure turn S side of crs, 082° Outbnd, 262° Inbnd, 7000' within 10 miles.
Minimum altitude over facility on final approach crs, 7800'.
Crs and distance, facility to airport, 262°—5.1 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 5.1 miles after passing LOM, turn left, climb to 9000' on 167° magnetic bearing from CY LOM within 10 miles or, when directed by ATC, turn right, climb to 9000' on R–349 CYS VOR within 10 miles.
Other change: Final deleted from transition Egbert Int to LOM.

City, Cheyenne; State, Wyo.; Airport name, Cheyenne Municipal; Elev., 6150'; Fac. Class., LOM; Ident., CY; Procedure No. 1, Amdt. 2; Eff. date, 26 June 65; Sup. Amdt. No. 1; Dated, 11 Jan. 64

API VOR	LOM	Direct	2500	T–dn	300–1	300–1	200–½
Surf Int	LOM	Direct	2500	C–dn	500–1	500–1	500–1½
Big Run Int	LOM	Direct	2500	S–dn–13R and L*	500–1	500–1	500–1
MX RBn	LOM	Direct	2500	A–dn	800–2	800–2	800–2
Griffith Int	MX RBn	Direct	2500				

Radar vectoring authorized in accordance with approved patterns.
Procedure turn W side of crs, 312° Outbnd, 132° Inbnd, 2500' within 10 miles.
Minimum altitude over facility on final approach crs, 2200'.
Crs and distance, facility to airport, 132°—5.0 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 5.0 miles after passing LOM, make right turn, climb to 2300' and proceed to Peotone VOR Inbnd on R–001.
*400' straight-in minimums authorized provided descent below 1100', not made until past ADF bearing 209° from MDW RBn.
MSA within 25 miles of facility: 000°–090°—2600'; 090°–180°—2100'; 180°–270°—2400'; 270°–360°—2000'.

City, Chicago; State, Ill.; Airport name, Chicago-Midway; Elev., 619'; Fac. Class., LOM; Ident., MD; Procedure No. 1, Amdt. 22; Eff. date, 26 June 65; Sup. Amdt. No. 21; Dated, 7 Nov. 64

Lakewood Int	OR LOM (final)	Via OBK R–271 and bearing 138° to OR LOM.	2300	T–dn	300–1	300–1	200–½
ORD VOR	OR LOM	Direct	2500	C–dn	400–1	400–1	400–1½
OBK VOR	OR LOM	Direct	2500	S–dn–14R	400–1	400–1	400–1
Warren Int	OR LOM	Direct	2500	A–dn	800–2	800–2	800–2
Niles Int	ORD VOR	Direct	2500				
Deerfield Int	OR LOM	Direct	2500				
Elgin Int	OR LOM	Direct	2500				

Radar vectoring authorized in accordance with approved patterns.
Procedure turn W side of crs, 315° Outbnd, 135° Inbnd, 2500' within 10 miles.
Minimum altitude over facility on final approach crs, 2200'.
Crs and distance, facility to airport, 135°—5.3 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 5.2 miles after passing OR LOM, turn right to heading 155° and climb to 1500' then make right-climbing turn to 2500' and proceed to DPA VOR via DPA R–035 or as directed by ATC, turn right to heading of 156° and climb to 1500', then make right-climbing turn to 2500' and proceed to Elgin Int via ORD R–271.
NOTE: Runway 14R, LOM named ROMEO; Runway 14L, LOM named LIMA.
CAUTION: Takeoffs on Runway 27, when weather is below 2000'–3, will intercept ORD VOR R–280 and climb to 2000' before proceeding westbound. Takeoffs on Runway 22L, when weather is below 2000'–3, will intercept ORD VOR R–306 and climb to 2000' before proceeding westbound.
MSA within 25 miles of facility: 000°–090°—2100'; 090°–180°—2600'; 180°–270°—2600'; 270°–360°—2200'.

City, Chicago; State, Ill.; Airport name, Chicago-O'Hare International; Elev., 667'; Fac. Class., LOM; Ident., OR; Procedure No. 1, Amdt. 6; Eff. date, 26 June 65; Sup. Amdt. No. 5; Dated, 18 Jan. 64

Lakewood Int	OH LOM (final)	Via OBK R–271 and 315° bearing from LOM.	2300	T–dn	300–1	300–1	200–½
Warren Int	OH LOM	Direct	2500	C–dn	400–1	400–1	400–1½
Niles Int	OH LOM	Direct	2500	S–dn–14L	400–1	400–1	400–1
Deerfield Int	OH LOM	Direct	2500	A–dn	800–2	800–2	800–2
OBK VOR	OH LOM	Direct	2500				

Radar vectoring authorized in accordance with approved patterns.
Procedure turn W side of NW crs, 315° Outbnd, 135° Inbnd, 2500' within 10 miles.
Minimum altitude over LOM on final approach crs, 2200'.
Crs and distance, facility to airport, 135°—5.7 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 5.7 miles after passing OH LOM turn left to heading of 120° and climb to 1500', make left-climbing turn to 3500' and proceed to Evanston Int, via ORD R–075.
NOTE: Runway 14R-LOM named ROMEO; Runway 14L, LOM named LIMA.
CAUTION: Takeoffs on Runway 27, when weather is below 2000'–3, will intercept ORD VOR R–280 and climb to 2000' before proceeding westbound. Takeoffs on Runway 22L, when weather is below 2000'–3, will intercept ORD VOR R–306 and climb to 2000' before proceeding westbound.
Other change: Deletes note regarding radar missed approach.
MSA within 25 miles of facility: 000°–090°—2100'; 090°–180°—2600'; 180°–270°—2600'; 270°–360°—2200'.

City, Chicago; State, Ill.; Airport name, Chicago-O'Hare International; Elev., 667'; Fac. Class., LOM; Ident., OH; Procedure No. 2, Amdt. 6; Eff. date, 26 June 65; Sup. Amdt. No. 5; Dated, 18 Jan. 65

ADF STANDARD INSTRUMENT APPROACH PROCEDURES—Continued

Transition From—	To—	Course and distance	Minimum altitude (feet)	Ceiling and visibility minimums: Condition	2-engine or less: 65 knots or less	2-engine or less: More than 65 knots	More than 2-engine, more than 65 knots
Papi Int	LOM	Direct	2200	T–dn	800–1	800–1	800–1½
Warren Int	ORD VOR	Direct	2200	C–dn	400–1	800–1	800–1½
ORD VOR	LOM	Direct	2200	S–dn–27	400–1	400–1	400–1
OBK VOR	LOM	Direct	2200	A–dn	800–2	800–2	800–2
Lakewood Int	ORD VOR	Via OBK R–271 and ORD R–306.	2500				
Deerfield Int	LOM	Direct	2500				
Niles Int	LOM	Direct	2500				

Radar vectoring authorized in accordance with approved radar patterns.
Procedure turn N side of crs, 088° Outbnd, 268° Inbnd, 2200′ within 10 miles.
Minimum altitude over facility on final approach crs, 2100′.
Crs and distance, facility to airport, 268°—4.5 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.5 miles after passing IA LOM, climb to 3500′ on crs of 268° and proceed direct to DPA VOR or as directed by, make climb to 2600′ on crs of 268° and proceed to Elgin Int via ORD R–271 or make right turn, climb to 2500′, proceed direct to OBK VOR via OBK R–170.
NOTE: LOM named Taft.
CAUTION: Takeoffs on Runway 27, when weather is below 2000′–3, will intercept ORD R–260 and climb to 2000′ before proceeding westbound. Takeoffs on Runway 22L, when weather is below 2000′–3, will intercept ORD VOR R–306 and climb to 2000′ before proceeding westbound.
Other change: Deletes note regarding radar missed approach.
MSA within 25 miles of facility: 000°–090°—11600′; 090°–180°—2000′; 180°–270°—2600′; 270°–360°—2800′.

City, Chicago; State, Ill.; Airport name, Chicago-O'Hare International; Elev., 667′; Fac. Class., LOM; Ident., IA; Procedure No. 3, Amdt. 5; Eff. date, 26 June 65; Sup. Amdt. No. 4; Dated, 1 Feb. 64

CGT VOR	Stack Int	Via CGT R–356 and bearing 138° from RV LOM.	3400	T–dn	800–1	800–1	800–1½
				C–dn	400–1	800–1	800–1½
				S–dn–32L	400–1	400–1	400–1
				A–dn	800–2	800–2	800–2
API VOR	Stack Int (final not authorized)	Direct	3500				
Niles Int	Stack Int	Via API R–088 and bearing 138° from RV LOM.	3500				
Stack Int	RV LOM (final)	Direct	2300				
ORD VOR	Stack Int (final not authorized)	Direct	3500				
OBK VOR	Stack Int (final not authorized)	Direct	3400				
Lakewood Int	ORD VOR	Via OBK VOR R–271 and ORD R–306.	3400				

Radar transitions to final approach crs authorized. Aircraft may be released for final approach Inbnd to RV LOM on final approach crs to cross RV LOM at 2300′.
Procedure turn E side of crs, 138° Outbnd, 318° Inbnd, 3500′ within 10 miles of Stack Int.
Minimum altitude over RV LOM on final approach crs, 2300′, over Stack Int 3500′.
Crs and distance, RV LOM to airport, 318°—5.6 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 5.6 miles after passing RV LOM, turn left to 300° heading, climb to 1500′, then make left-climbing turn to 3500′ and proceed direct to DPA VOR.
NOTES: (1) Functioning VOR receiver required unless a radar vector to final approach crs is obtained. (2) Runway 32L LOM named River Grove; Runway 32R RBn named Indian.
CAUTION: Takeoffs on Runway 27 when weather is below 2000′–3 will intercept ORD VOR R–250 and climb to 2000′ before proceeding westbound. Takeoffs on Runway 32L when weather is below 2000′–3 will intercept ORD VOR R–306 and climb to 2000′ before proceeding westbound.
Other change: Deletes note regarding radar missed approach. Deletes note regarding VASI.
MSA within 25 miles of facility: 000°–090°—1900′; 090°–180°—2600′; 180°–270°—2300′; 270°–360°—2600′.

City, Chicago; State, Ill.; Airport name, Chicago-O'Hare International; Elev., 667′; Fac. Class., LOM; Ident., RV; Procedure No. 4, Amdt. 2; Eff. date, 26 June 65; Sup. Amdt. No. 1; Dated, 30 Jan. 65

CGT VOR	Park Int	Via CGT R–356 and bearing 138° from IDN RBn.	3400	T–dn	800–1	800–1	800–1½
				C–dn	400–1	800–1	800–1½
				S–dn–32R	400–1	400–1	400–1
				A–dn	800–2	800–2	800–2
API VOR	Park Int (final not authorized)	Direct	3400				
Niles Int	Park Int	Via API R–088 and bearing 138° from IDN RBn.	3300				
ORD VOR	Park Int (final not authorized)	Direct	3300				
OBK VOR	Park Int (final not authorized)	Direct	3400				
Park Int	IDN RBn (final)	Direct	2300				
Lakewood Int	ORD VOR	Via OBK R–271 and ORD VOR R–306.	3500				

Radar transitions on final approach crs authorized. Aircraft may be released for final approach Inbnd to IDN RBn on final approach to IDN RBn at 2300′.
Procedure turn E side of crs, 138° Outbnd, 318° Inbnd, 3500′ within 10 miles of Park Int.
Minimum altitude over IDN RBn on final approach crs, 2300′, over Park Int on final approach crs, 3000′.
Crs and distance, IDN RBn to airport 318°—5.7 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 5.7 miles after passing IDN RBn, turn right to 335° heading, climb to 1500′, then make right-climbing turn to 3500′ and proceed to Evanston Int via ORD R–075.
NOTES: (1) Functioning VOR receiver required unless a radar vector to final approach crs is obtained. (2) Evanston Int named Indian.
CAUTION: Takeoffs on Runway 27 when weather is below 2000–3 will intercept ORD VOR R–250 and climb to 2000′ before proceeding westbound. Takeoffs on Runway 32L when weather is below 2000′–3 will intercept ORD VOR R–306 and climb to 2000′ before proceeding westbound.
Other change: Deletes note regarding radar missed approach.
MSA within 25 miles of facility: 000°–090°—1900′; 090°–180°—2600′; 180°–270°—2300′; 270°–360°—2600′.

City, Chicago; State, Ill.; Airport name, Chicago-O'Hare International; Elev., 667′; Fac. Class., MHW; Ident., IDN; Procedure No. 5, Amdt. 2; Eff. date, 26 June 65; Sup. Amdt. No. 1; Dated, 30 Jan. 65

ADF STANDARD INSTRUMENT APPROACH PROCEDURES—Continued

Transition From—	To—	Course and distance	Minimum altitude (feet)	Ceiling and visibility minimums: Condition	2-engine or less: 65 knots or less	2-engine or less: More than 65 knots	More than 2-engine, more than 65 knots
PIH VOR	LOM	Direct	7000	T–dn*	300–1	800–1	300–1
Falls Int	LOM	Direct	7000	C–dn*	500–1	500–1	500–1½
				S–dn–21	400–1	400–1	400–1
				A–dn	800–2	800–2	800–2

Radar vectoring authorized in accordance with approved patterns.
Procedure turn N side of crs, 018° Outbnd, 198° Inbnd, 7000′ within 10 miles.
Minimum altitude over facility on final approach crs, 6800′.
Crs and distance, facility to airport 207°—3.7 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 3.7 miles after passing LOM, climb to 6800′ on 281° crs from PI LOM within 15 miles.
CAUTION: High terrain, SE through SW of airport.
*Circling not authorized S of airport.
%Takeoff all runways: Shuttle climb on the 284° Radial of the PIH VOR within 20 miles to minimum crossing altitude required for direction of flight. All turns N side of 284° Radial.
Direction of flight: S V21, V287, MCA 7300′; E 053° Radial, MCA 6700′.
MSA within 25 miles of facility: 000°–090°—10,300′; 090°–180°—10,300′; 180°–270°—8000′; 270°–360°—6800′.

City, Pocatello; State, Idaho; Airport name, Pocatello Municipal; Elev., 4445′; Fac. Class., LOM; Ident., PI; Procedure No. 1, Amdt. 7; Eff. date, 26 June 65; Sup. Amdt. No. 6; Dated, 27 May 65

RKS VOR	LOM	Direct	9300	T–dn%	800–1	800–1	800–1½
				C–dn	700–1	700–1	700–1½
				A–dn	800–2	800–2	800–2

Procedure turn N side of crs, 074° Outbnd, 254° Inbnd, 9200′ within 10 miles.
Minimum altitude over facility on final approach crs, 8600′.
Crs and distance, facility to airport, 254°—3.9 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 3.9 miles after passing LOM, climb to 10,600′ on 254° crs from LOM within 10 miles.
%Takeoff all runways: Shuttle climb on the 263° Radial of the Rock Springs VORTAC within 15 miles to minimum crossing altitude required for direction of flight.
Direction of flight: N and E V187, V235, V4, V6, V810. MCA 8000′; S V157, 183° Radial, MCA 8500′; W V4, V48, V354, V6, 306° Radial, MCA 7800′.
MSA within 25 miles of facility: 000°–090°—9100′; 090°–180°—9700′; 180°–270°—9700′; 270°–360°—9700′.

City, Rock Springs; State, Wyo.; Airport name, Rock Springs Municipal; Elev., 7082′; Fac. Class., LOM; Ident., RK; Procedure No. 1, Amdt. 2; Eff. date, 26 June 65; Sup. Amdt. No. 1; Dated, 27 May 65

PROCEDURE CANCELLED, EFFECTIVE 24 JUNE 1965, OR UPON DECOMMISSIONING OF FACILITY.

City, Sheridan; State, Wyo.; Airport name, Sheridan County; Elev., 4021′; Fac. Class., BH; Ident., SHR; Procedure No. 1, Amdt. 4; Eff. date, 30 May 64; Sup. Amdt. No. 3; Dated, 11 Apr. 64

3. By amending the following very high frequency omnirange (VOR) procedures prescribed in § 97.11(c) to read:

VOR STANDARD INSTRUMENT APPROACH PROCEDURES

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.
If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition From—	To—	Course and distance	Minimum altitude (feet)	Ceiling and visibility minimums: Condition	2-engine or less: 65 knots or less	2-engine or less: More than 65 knots	More than 2-engine, more than 65 knots
Burley LFR	BYI VOR	Direct	6000	T–dn*%	300–1	800–1	NA
Basilton Int	BYI VOR (final)	Direct	5300	C–dn	500–1	500–1	NA
				A–dn	800–2	800–2	NA

Procedure turn S side crs, 272° Outbnd, 092° Inbnd, 6000′ within 10 miles.
Minimum altitude over facility on final approach crs, 5300′.
Crs and distance, facility to airport, 108°—4.3 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.3 miles after passing BYI VOR, turn left, climb to 7000′ on R–084 within 20 miles.
*500–1 required for takeoff Runways 10, 28, and 24.
%Takeoff all runways: Shuttle climb on the 272° Radial of the Burley VORTAC within 20 miles to minimum altitude required for direction of flight.
Direction of flight: E V4, MCA 5,300′; SE V101, MCA 5,000′.
MSA within 25 miles of facility: 000°–090°—8800′; 090°–180°—11,400′; 180°–270°—8700′; 270°–360°—6100′.

City, Burley; State, Idaho; Airport name, Burley Municipal; Elev., 4130′; Fac. Class., BVORTAC; Ident., BYI; Procedure No. 1, Amdt. 4; Eff. date, 26 June 65; Sup. Amdt. No. 3; Dated, 30 Nov. 63

CYS LOM	CYS VOR	Direct	7000	T–dn	800–1	800–1	800–1½
				C–dn	800–1	800–1	800–1½
				A–dn	800–2	800–2	800–2

Procedure turn W side of crs, 016° Outbnd, 196° Inbnd, 7900′ within 10 miles.
Minimum altitude over facility on final approach crs, 7200′.
Crs and distance, facility to airport, 196°—3.7 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 3.7 miles after passing CYS VOR, climb to 8000′ on R–167 within 10 miles of CYS VOR.
NOTES. (1) Final approach from holding pattern at VOR not authorized. (2) Procedure turn required.

City, Cheyenne; State, Wyo.; Airport name, Cheyenne Municipal; Elev., 6130′; Fac. Class., BVORTAC; Ident., CYS; Procedure No. 1, Amdt. 5; Eff. date, 26 June 65; Sup. Amdt. No. 4; Dated, 22 Feb. 64

VOR STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

Transition From—	Transition To—	Course and distance	Minimum altitude (feet)	Ceiling and visibility minimums: Condition	2-engine or less: 65 knots or less	2-engine or less: More than 65 knots	More than 2-engine, more than 65 knots
				T-dn% T-cn% C-dn C-cn A-dn A-cn	1000-2 1000-3 1000-2 1000-3 1000-2 1000-3	1000-2 1000-3 1000-2 1000-3 1000-2 1000-3	1000-2 1000-3 1000-2 1000-3 1000-2 1000-3

Procedure turn N side of crs, 000° Outbnd, 270° Inbnd, 4500′ within 10 miles. Not authorized beyond 10 miles.
Minimum altitude over facility on final approach crs, 5000′.
Crs and distance, facility to airport, 282°—7.3 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 6.0 miles after passing EED VOR, turn right and climb to 6000′ on R–322 within 20 miles.
NOTE: Final approach from holding pattern at EED VOR not authorized. Procedure turn required.
Other change: Deletes transition from Needles LFE.
%Takeoffs all runways: Climb heading 045° to intercept and climb via EED VOR R–331 within 20 miles to recross EED VOR at 6000′, then via assigned route. Procedure turn W of crs.
MSA within 25 miles of facility: 000°–090°—8100′; 090°–180°—8100′; 180°–270°—6700′; 270°–360°—8600′.

City, Needles; State, Calif.; Airport name, Needles Municipal; Elev., 913′; Fac. Class., BVORTAC; Ident., EED; Procedure No. 1, Amdt. 4; Eff. date, 24 June 65; Sup. Amdt. No. 3; Dated, 1 Dec. 62

				T-dn% C-dn° S-dn-3 A-dn	800-1 800-2 500-1 800-2	800-1 800-1 500-1 800-2	800-½ 800-1½ 500-1 800-2

Radar vectoring authorized in accordance with approved patterns.
Procedure turn N side of crs, 234° Outbnd, 054° Inbnd, 6800′ within 10 miles. All turns N side of crs; high terrain S.
Minimum altitude over facility on final approach crs, 5400′.
Crs and distance, facility to airport, 062°—3.1 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 3.1 miles after passing PIH VOR, climb to 7000′ on R–015 within 15 miles.
NOTE: Final approach from holding pattern at PIH VOR not authorized, procedure turn required.
CAUTION: High terrain, located SE through SW of airport.
°Circling not authorized S of airport.
%Takeoff all runways: Shuttle climb on the 234° Radial of the PIH VOR within 20 miles to minimum crossing altitude required for direction of flight. All turns N side of 234° Radial.
Direction of flight: S V21, V257, MCA 7300′; E 053° Radial, MCA 6700′.
MSA within 25 miles of facility: 000°–090°—10,300′; 090°–180°—10,300′; 180°–270°—8600′; 270°–360°—8600′.

City, Pocatello; State, Idaho; Airport name, Pocatello Municipal; Elev., 4449′; Fac. Class., BVOR; Ident., PIH; Procedure No. 1, Amdt. 6; Eff. date, 26 June 65; Sup. Amdt. No. 5; Dated, 27 May 65

				T-dn% C-dn° A-dn	800-1 700-1 1200-2	800-1 700-1 1200-2	200-½ 700-1½ 1200-2

Procedure turn to N side of crs, 081° Outbnd, 261° Inbnd, 9200′ within 10 miles.
Minimum altitude over Salt Int on final approach crs, 8600′; over VOR, 8000′.
Crs and distance, Salt Int to VOR, 261°—2.1 miles; VOR to airport, 267°—1.9 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 1.9 miles after passing RKS VOR, climb to 10,000′ on R–286 within 20 miles.
NOTE: If Salt Int is used, ADF equipment required.
°If Salt Int not received, minimums of 1200–1 apply.
%Takeoff all runways: Shuttle climb on the 243° Radial of the Rock Springs VORTAC within 15 miles to minimum crossing altitude required for direction of flight.
Direction of flight: N and E V187, V235, V4, V6, V810, MCA 8000′; S V187, 152° Radial, MCA 8500′; W V4, V63, V356, V8, 308° Radial, MCA 7500′.
MSA within 25 miles of facility 000°–090°—9100′; 090°–180°—9700′; 180°–270°—9700′; 270°–360°—9700′.

City, Rock Springs; State, Wyo.; Airport name, Rock Springs Municipal; Elev., 6752′; Fac. Class., BVORTAC; Ident., RKS; Procedure No. 1, Amdt. 8; Eff. date, 26 June 65; Sup. Amdt. No. 7; Dated, 27 May 65

				T-d T-c C-d C-c A-dn	900-1 800-2 500-1 800-2 800-2	NA NA NA NA NA	NA NA NA NA NA

Procedure turn S side of crs, 246° Outbnd, 066° Inbnd, 6200′ within 10 miles.
Minimum altitude over facility on final approach crs, 8000′.
Crs and distance, facility to airport, 066°—3.0 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 3.0 miles after passing SNY VOR, climb to 6300′ on SNY R–077 within 15 miles, turn right and return to SNY VOR.
CAUTION: 4787′ tower, 2.0 miles S of airport. Aircraft on W, E, and SE takeoffs climb to 6800′ prior to turning toward tower.
Restricted area R–4701 located 10 miles NW of airport.
MSA within 25 miles of facility 045°–315°—6000′; 315°–045°—8400′.

City, Sidney; State, Nebr.; Airport name, Sidney Municipal; Elev., 4300′; Fac. Class., H–BVOR; Ident., SNY; Procedure No. 1, Amdt. 3; Eff. date, 24 June 65; Sup. Amdt. No. 2; Dated, 22 Dec. 56

VOR STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

Transition From—	Transition To—	Course and distance	Minimum altitude (feet)	Ceiling and visibility minimums: Condition	2-engine or less: 65 knots or less	2-engine or less: More than 65 knots	More than 2-engine, more than 65 knots
				T-dn° C-dn°° C-cn°° A-dn	800-1 800-1 800-2 800-2	800-1 800-1 800-2 800-2	800-1½ 600-1½ 800-2 800-2

Procedure turn E side of crs, 159° Outbnd, 339° Inbnd, 2900′ within 10 miles.
Minimum altitude over facility on final approach crs, 2800′.
Crs and distance, facility to airport, 339°—4.9 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.9 miles after passing VOR, make right-climbing turn to 2900′, return to VOR. Hold SE on R–159, 1-minute right turns, 339° Inbnd.
AIR CARRIER NOTE: Sliding scale not authorized.
°When weather is less than 1400–2 aircraft taking off Runway 12, climb to 3000′ on runway heading prior to turning westbound. Runways 9 or 30, climb to 3000′ on runway heading prior to turning N or westbound. Runway 23 make left-climbing turn to 3000′ prior to turning westbound. Runway 4 turn right, climb to 3000′ prior to turning W or northbound due to 2546′ TV antenna, 3 miles WSW and 1904′ tower, 3.5 miles N of airport. 1400–2 minimums apply for aircraft taking off on Runway 27. Night takeoffs and landings not authorized, Runways 9–27.
°°Circling not authorized in area W of Wisconsin River.
MSA within 25 miles of facility: 000°–090°—2500′; 090°–180°—2800′; 180°–270°—2800′; 270°–360°—2800′.

City, Wausau; State, Wis.; Airport name, Wausau Municipal; Elev., 1201′; Fac. Class., BVOR; Ident., AUW; Procedure No. 1, Amdt. 6; Eff. date, 24 June 65; Sup. Amdt. No. 5; Dated, 20 June 64

4. By amending the following terminal very high frequency omnirange (TerVOR) procedures prescribed in § 97.13 to read:

TERMINAL VOR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.
If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition From—	Transition To—	Course and distance	Minimum altitude (feet)	Ceiling and visibility minimums: Condition	2-engine or less: 65 knots or less	2-engine or less: More than 65 knots	More than 2-engine, more than 65 knots
Beacon Int	VOR	Direct	2500	T-dn C-dn S-d-12 A-dn For aircraft equipped with DME and 3-mile DME Fix received:	300-1 700-1 700-1 NA	300-1 700-1 700-1 NA	200-½ 700-1½ 700-1 NA
				C-dn S-d-12	400-1 400-1	400-1 400-1	400-1½ 400-1

Procedure turn N side of crs, 321° Outbnd, 141° Inbnd, 2200′ within 10 miles.
Minimum altitude over facility on final approach crs, 1400′.
Crs and distance, breakoff point to runway, 136°—0.9 mile.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0.9 mile after passing OBK VOR make left-climbing turn to 2800′, return to OBK VOR. Hold E on R–061; crs Inbnd, 271°, right turns, 1 minute.
NOTES: (1) Radar transitions to final approach crs, authorized by Chicago approach control in accordance with approved patterns. Aircraft may be released without procedure turn 5.0 miles from OBK VOR. (2) No weather available. (3) Cancel IFR flight plan with O'Hare approach control when landing assured.
Other change: Deletes transition from Acorn Int. Deletes note regarding radar missed approach.
MSA within 25 miles of facility: 000°–090°—2100′; 090°–180°—2800′; 180°–270°—2800′; 270°–360°—2800′.

City, Chicago (Wheeling); State, Ill., Airport name, Chicagoland; Elev., 660′; Fac. Class., BVORTAC; Ident., OBK; Procedure No. TerVOR–13, Amdt. 2; Eff. date, 26 June 65; Sup. Amdt. No. 1; Dated, 10 Apr. 65

Beacon Int	VOR	Direct	2800	T-dn C-dn S-dn-22 A-dn For aircraft equipped with DME and 3-mile DME Fix received:	300-1 600-1 600-1 NA	300-1 600-1 600-1 NA	200-½ 600-1½ 600-1 NA
				C-dn S-dn-22	400-1 400-1	400-1 400-1	400-1½ 400-1

Procedure turn N side of crs, 045° Outbnd, 225° Inbnd, 3000′ within 10 miles.
Minimum altitude over facility on final approach crs, 1300′.
Crs and distance, breakoff point to Runway 22, 223°—0.3 mile.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0.6 mile after passing OBK VOR, make right-climbing turn to 2900′, return to OBK VOR. Hold E on R–091; crs Inbnd, 271°, right turns, 1-minute.
NOTES: (1) Radar transitions to final approach crs, authorized by Chicago approach control in accordance with approved patterns. Aircraft may be released without procedure turn at least 5 miles from OBK VOR. (2) No weather available. (3) Cancel IFR flight plan with O'Hare approach control when landing assured.
Other changes: Deletes transitions from Acorn Int and ORD VOR. Deletes note regarding radar missed approach.
MSA within 25 miles of facility: 000°–090°—2100′; 090°–180°—2800′; 180°–270°—2800′; 270°–360°—2200′.

City, Chicago (Wheeling); State, Ill.; Airport name, Chicagoland; Elev., 660′; Fac. Class., BVORTAC; Ident, OBK; Procedure No. TerVOR–22, Amdt. 2; Eff date, 26 June 65; Sup. Amdt. No. 1; Dated, 10 Apr. 65

TERMINAL VOR STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

Transition From—	To—	Course and distance	Minimum altitude (feet)	Ceiling and visibility minimums: Condition	2-engine or less: 65 knots or less	2-engine or less: More than 65 knots	More than 2-engine, more than 65 knots
				T-dn	300-1	300-1	200-½
				C-d	600-1	600-1	600-1½
				C-n	600-2	600-2	600-2
				S-dn-13	600-1	600-1	600-1
				A-dn	800-2	800-2	800-2

Procedure turn W side of crs, 314° Outbnd, 134° Inbnd, 2600' within 10 miles.
Minimum altitude over facility on final approach crs, 1800'.
Facility on airport.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0.0 mile after passing VOR, climb to 2600' on R-123 within 10 miles.
MSA within 25 miles of facility: 000°–090°—2000'; 090°–180°—2700'; 180°–270°—2600'; 270°–360°—2600'.

City, International Falls; State, Minn.; Airport name, Falls International; Elev., 1180'; Fac. Class., BVOR; Ident., INL; Procedure No. TerVOR-13, Amdt. 2; Eff. date, 26 June 65; Sup. Amdt. No. 1; Dated, 24 Apr. 65

				T-dn	300-1	300-1	200-½
				C-d	400-1	400-1	400-1½
				C-n	400-2	400-2	400-2
				S-dn-31	400-1	400-1	400-1
				A-dn	800-2	800-2	800-2

Procedure turn E side of crs, 123° Outbnd, 303° Inbnd, 2800' within 10 miles.
Minimum altitude over facility on final approach crs, 1600'.
Facility on airport.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0.0 mile after passing VOR, make left-climbing turn to 2600' on R-123 within 10 miles.
MSA within 25 miles of facility: 000°–090°—2600'; 090°–180°—2700'; 180°–270°—2600'; 270°–360°—2600'.

City, International Falls; State, Minn.; Airport name, Falls International; Elev., 1180'; Fac. Class., BVOR; Ident., INL; Procedure No. TerVOR-31, Amdt. 2; Eff. date, 26 June 65; Sup. Amdt. No. 1; Dated, 24 Apr. 65

AUW VOR	Rosholt Int	Direct	2800	T-dn	300-1	300-1	NA
Rosholt Int	Plover Int (final)	Direct	2200	C-d	600-1	600-1	NA
				C-n	600-2	600-2	NA
				S-dn-21	600-1	600-1	NA
				A-dn*	800-2	800-2	NA
				The following minimums apply for aircraft equipped with dual-omni receivers operating simultaneously and Plover Int received:			
				C-d	400-1	400-1	NA
				C-n	400-2	400-2	NA
				S-dn-21	400-1	400-1	NA

Procedure turn W side of crs, 022° Outbnd, 202° Inbnd, 2800' within 10 miles.
Minimum altitude over facility on final approach crs, 1700'.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0.0 mile of STE VOR, make left-climbing turn to 3000' on R-126 STE VOR within 15 miles.
AIR CARRIER NOTE: Alternate minimums authorized 24 hours daily for air carriers with weather reporting service.
*Alternate minimums authorized only during hours of control zone operation at the airport.
Other change: Deletes caution note.
MSA within 25 miles of facility: 000°–090°—2600'; 090°–180°—2600'; 180°–270°—2600'; 270°–360°—2600'.

City, Stevens Point; State, Wis.; Airport name, Stevens Point Municipal; Elev., 1107'; Fac. Class., BVOR; Ident., STE; Procedure No. TerVOR-21, Amdt. 4; Eff. date, 26 June 65; Sup. Amdt. No. 3; Dated, 29 Aug. 64

				T-dn	800-1	800-1	NA
				C-d	700-1	700-1	NA
				C-n	700-2	700-2	NA
				S-dn-30	700-1	700-1	NA
				A-dn*	800-2	800-2	NA
				The following minimums apply for aircraft equipped with dual-omni receivers operating simultaneously and Patrick Int received:			
				C-d	400-1	400-1	NA
				C-n	400-2	400-2	NA
				S-dn-30	400-1	400-1	NA

Procedure turn E side of crs, 169° Outbnd, 256° Inbnd, 2800' within 10 miles of STE VOR.
Minimum altitude over facility on final approach crs, 1800'.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0.0 mile of STE VOR, climb to 3000' on R-279 STE VOR within 15 miles.
AIR CARRIER NOTE: Alternate minimums authorized 24 hours daily for air carriers with weather reporting service at the airport.
Other change: Deletes caution note.
*Alternate minimums authorized only during hours of control zone operation.
MSA within 25 miles of facility: 000°–090°—2500'; 090°–180°—2500'; 180°–270°—2200'; 270°–360°—3800'.

City, Stevens Point; State, Wis. Airport name, Stevens Point Municipal; Elev., 1107'; Fac. Class., BVOR; Ident., STE; Procedure No. TerVOR-30, Amdt. 4; Eff. date, 26 June 65; Sup. Amdt. No. 3; Dated, 29 Aug. 64

TERMINAL VOR STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

Transition From—	To—	Course and distance	Minimum altitude (feet)	Ceiling and visibility minimums: Condition	2-engine or less: 65 knots or less	2-engine or less: More than 65 knots	More than 2-engine, more than 65 knots
Rock Creek Int	TWF VOR	Direct	8000	T-dn%	300-1	300-1	200-½
				C-dn	500-1	500-1	500-1½
				S-dn-26	500-1	500-1	500-1
				A-dn*	NA	NA	NA

Procedure turn N side of crs, 086° Outbnd, 266° Inbnd, 5600' within 10 miles.
Minimum altitude over facility on final approach crs, 4600'.
Facility on airport.
Crs and distance, breakoff point to approach end of Runway 26, 258°—0.3 mile.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0.0 mile of TWF VOR, turn right, climb to 5600' on R-208 within 20 miles.
*Alternate minimums of 800-2 authorized for air carrier with weather reporting service available at the airport.
%Takeoff all runways: Shuttle climb on the 080° Radial of TWF VOR within 10 miles to minimum crossing altitude required for direction of flight.
Direction of flight: SE, MCA 5,800'.
MSA within 25 miles of facility: 000°–180°—6100'; 180°–240°—7800'; 240°–000°—6000'.

City, Twin Falls; State, Idaho; Airport name, Twin Falls Municipal (Joslin Field); Elev., 4146'; Fac. Class., BVOR; Ident., TWF; Procedure No. VOR-25, Amdt. 8; Eff. date, 26 June 65; Sup. Amdt. No. 4; Dated, 30 Nov. 63

5. By amending the following very high frequency omnirange-distance measuring equipment (VOR/DME) procedures prescribed in § 97.15 to read:

VOR/DME STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.
If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition From—	To—	Course and distance	Minimum altitude (feet)	Ceiling and visibility minimums: Condition	2-engine or less: 65 knots or less	2-engine or less: More than 65 knots	More than 2-engine, more than 65 knots
15-mile DME Fix R-081	7-mile DME Fix R-081	Direct	9200	T-dn%	300-1	300-1	200-½
7-mile DME Fix R-081	3-mile DME Fix R-081	Direct	8100	C-dn	400-1	400-1	400-1½
3-mile DME Fix R-081	RKS VOR (final)	Direct	7300	S-dn-26	400-1	400-1	400-1
				A-dn	800-2	800-2	800-2

Procedure turn N side of crs, 081° Outbnd, 261° Inbnd, 9200' within 10 miles.
Crs and distance, facility to airport, 267°—1.9 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished at 1.9-mile DME Fix R-267, climb to 10,000' on R-205 within 20 miles.
NOTE: When authorized by ATC, DME may be used within 15 miles between radials 010° clockwise to 081° at 9800' to position aircraft for final approach, with the elimination of a procedure turn.
%Takeoff all runways: Shuttle climb on the 243° Radial of the Rock Springs VORTAC within 15 miles to minimum crossing altitude required for direction of flight.
Direction of flight: N and E V187, V285, V4, V6, V830, MCA 8000'; S V187, 153° Radial, MCA 8800'; W V4, V45, V364, V6, 308° Radial, MCA 7800'.
MSA within 25 miles of facility: 000°–090°—9100'; 090°–180°—9700'; 180°–270°—9700'; 270°–360°—9700'.

City, Rock Springs; State, Wyo.; Airport name, Rock Springs Municipal; Elev., 6762'; Fac. Class., BVORTAC; Ident., RKS; Procedure No. VOR/DME No. 1, Amdt. 5; Eff. date, 26 June 65; Sup. Amdt. No. 4; Dated, 27 May 65

6. By amending the following instrument landing system procedures prescribed in § 97.17 to read:

ILS STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
Boston VOR	BE LOM	Direct	2000	T-dn	300-1	300-1	200-½
Manchester VOR	BE LOM	Direct	2000	C-dn	400-1	400-1	400-1
Framingham Int	BE LOM	Direct	2000	S-dn-11°	300-1	300-1	300-1
Millbury Int	BE LOM	Direct	2000	A-dn	600-2	600-2	600-2
Hollis Int	BE LOM (final)*	Direct	2000	Glide slope inoperative:			
Lawrence VOR	BE LOM	Direct	2000	S-dn-11	600-1	600-1	600-1
Lawrence RBn	BE LOM	Direct	2000				

Radar vectoring by BOS APC is authorized in accordance with approved patterns.
Procedure turn N side of crs, 292° Outbnd, 112° Inbnd, 1600' within 10 miles.
Minimum altitude at glide slope Int Inbnd, 1600'.
Altitude of glide slope and distance to approach end of runway at OM, 1459', 4.0 miles at MM, 357' 0.6 mile.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished make left-climbing turn to 2000' direct to LWM VOR. Hold SW of LWM VOR, 026° Inbnd, 1-minute right turns, or when directed by ATC, climb straight ahead to 500', make right-climbing turn to 1600' direct to BE RBn. Hold W of BE RBn, 112° Inbnd, 1-minute left turns.
CAUTION: 570' tower, 3 miles NE of airport. 366' stack, SE side of airport. 366' antenna (0.9 mile SE of airport).
*After interception of localizer crs Inbnd, descent on glide slope to cross the outer marker at 1459' on final approach is authorized.

City, Bedford; State, Mass.; Airport name, Hanscom Field; Elev., 133'; Fac. Class., ILS; Ident., I-BED; Procedure No. ILS-11, Amdt. 6; Eff. date, 26 June 65; Sup. Amdt. No. 5; Dated, 5 June 65

Silver Crown VHF Int	LOM	Direct	8000	T-dn	300-1	300-1	200-½
CYS VOR	LOM	Direct	7000	C-dn	400-1	500-1	500-1½
Divide Int	LOM	Direct	7000	S-dn-20	300-1	300-1	300-1
Egbert VHF Int	LOM	Direct	7000	A-dn	600-2	600-2	600-2
Carpenter Int	LOM	Direct	7000				
Hillsdale VHF/DME Int#	LOM (final)	Direct	7300				

Procedure turn S side of crs, 032° Outbnd, 212° Inbnd, 7000' within 10 miles.
Minimum altitude at glide slope Int Inbnd, 7500'.
Altitude of glide slope and distance to approach end of runway at OM, 7509'—5.1 miles, at MM, 6312'—0.6 mile.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished, turn left, climb to 9000' on the 167° bearing from YS LMM within 10 miles or, when directed by ATC, turn right, climb to 8000' on R-349 CYS VOR within 10 miles.
NOTE: When authorized by ATC, DME may be used from 15 miles to 10 miles at 9000' between CYS radial 349° clockwise to radial 167° to position aircraft over Hillsdale DME Fix for final approach with elimination of the procedure turn.
Other change: Deletes transition from CYS RBn.
#Aircraft westbound on localizer determine Hillsdale Int by intersection of localizer E crs and GLL R-343.

City, Cheyenne; State, Wyo.; Airport name, Cheyenne Municipal; Elev., 6126'; Fac. Class., ILS; Ident., I-CYS; Procedure No. ILS-26, Amdt. 19; Eff. date, 26 June 65; Sup. Amdt. No. 15; Dated, 11 Jan. 64

				T-dn	300-1	300-1	200-½
				C-dn	500-1	500-1	500-1½
				S-dn-13 E°	300-½	300-½	300-½
				A-dn	600-2	600-2	600-2

Radar vectoring to final approach crs, required in accordance with approved patterns.
Procedure turn not authorized.
Minimum altitude at glide slope intercept Inbnd, 2500'.
Altitude of glide slope and distance to approach end of runway at LOM, 2258'—5.0 miles; at LMM, 868'—0.6 mile.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished, make right turn, climb to 2300' and proceed to EON VOR Inbnd on R-001.
NOTE: Glide slope not useable Inbnd from MM. Satisfactory for authorized minimums.
CAUTION: False crs may be received from localizer when more than 060° from crs.
Other change: Deletes note regarding radar missed approach.
°300-1 required with glide slope inoperative, 400-1 straight-in minimums authorized provided descent below 1100', not made until past ADF bearing 200° from MDW RBn.

City, Chicago; State, Ill.; Airport name, Chicago-Midway; Elev., 619'; Fac. Class., ILS; Ident., I-MDW; Procedure No. ILS-13R, Amdt. 22; Eff. date, 26 June 65; Sup. Amdt. No. 21; Dated, 7 Nov. 64

Lakewood Int	OH LOM (final)	Via OBK R-271 and NW crs NW crs OHA ILS.	2500	T-dn%	300-1	500-1	500-1½
				C-dn	400-1	500-1	500-1½
				S-dn-14L#	300-½	300-½	300-½
				A-dn	600-2	600-2	600-2
Niles Int	ORD VOR	Direct	2800				
ORD VOR	OH LOM	Direct	2500				
Warren Int	LOM	Direct	2800				
Deerfield Int	OH LOM	Direct	2500				
OBK VOR	OH LOM	Direct	2500				

Radar vectoring authorized in accordance with approved patterns.
Procedure turn W side of NW crs, 313° Outbnd, 133° Inbnd, 2800' within 10 miles.
Minimum altitude at glide slope interception Inbnd, 2800'.
Altitude of glide slope and distance to approach end of runway at LOM, 2481'—5.7 miles; at LMM, 900'—0.6 mile.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished, turn left to a heading of 130° and climb to 1500', make left-climbing turn to 3000' and proceed to Evanston Int via ORD R-075.
NOTES: Runway 14R, LOM named ROMEO; Runway 14L, LOM named LIMA; no approach lights.
CAUTIONS: Takeoffs Runway 27 when weather is below 2000'-3 will intercept ORD VOR R-280 and climb to 2000' before proceeding westbound. Takeoffs Runway 32L when weather is below 2000'-3 will intercept ORD R-306 and climb to 2000' before proceeding westbound. When conducting a parallel approach, Parallel ILS 14R and L procedure must be used.
#400-1 required when glide slope not utilized; 400-½ authorized, except for 4-engine turbojet aircraft, with operative high intensity runway lights.
%Runway visual range 2400', also authorized for takeoff on Runways 14L, 14R, and 32L in lieu of 200-½ when 200-½ is authorized, provided high-intensity runway lights are operational.

City, Chicago; State, Ill.; Airport name, Chicago-O'Hare International; Elev., 667'; Fac. Class., ILS; Ident., I-OHA; Procedure No. ILS-14L, Amdt. 8; Eff. date, 26 June 65; Sup. Amdt. No. 7; Dated, 27 Feb. 65

ILS STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
Lakewood Int	OR LOM (final)	Via OBK R-271 and NW crs ORD ILS.	2300	T-dn#	300-1	300-1	200-½
				C-dn	400-1	500-1	500-1½
ORD VOR	OR LOM	Direct	2500	S-dn-14R*%	200-½	200-½	200-½
Warren Int	OR LOM	Direct	2800	A-dn	600-2	600-2	600-2
Elgin Int	OR LOM	Direct	2800				
Niles Int	ORD VOR	Direct	2800				
Deerfield Int	OR LOM	Direct	2500				
OBK VOR	OR LOM	Direct	2500				

Radar vectoring authorized in accordance with approved patterns.
Procedure turn W side of crs, 318° Outbnd, 138° Inbnd, 2500' within 10 miles.
Minimum altitude at glide slope interception Inbnd 2200'.
Altitude of glide slope and distance to approach end of runway at LOM, 2122'—5.3 miles; at LMM, 861'—0.5 mile.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished, turn right to a heading of 155° and climb to 1500', then make a right-climbing turn to 2500' and proceed to DPA VOR via R-085 or, when directed by ATC, turn right to heading of 155° and climb to 1500', then make right-climbing turn to 2500' and proceed to Elgin Int via ORD R-271.
CAUTION: When conducting a parallel approach, parallel ILS 14R&L procedure must be used.
NOTE: Final approach from holding pattern not applicable. Procedure turn required.
NOTE: Runway 14R, LOM named ROMEO; Runway 14L, LOM named LIMA.
CAUTION: Takeoffs on Runway 27, when weather is below 2000'-3, will intercept ORD VOR R-280 and climb to 2000' before proceeding westbound. Takeoffs on Runway 32L, when weather is below 2000'-3, will intercept ORD VOR R-306 and climb to 2000' before proceeding westbound.
Other change: Deletes note regarding radar missed approach.
%400-½ required when glide slope not utilized; 400-½ authorized, except for 4-engine turbojet aircraft, with operative ALS.
*Runway visual range of 2400' also authorized for landing on Runway 14R; provided, that all components of the ILS, high-intensity runway lights, approach lights, condenser discharge flashers, and all related airborne equipment are operating satisfactorily. Descent below the authorized landing minimum altitude of 867' shall not be made unless visual contact with the approach lights has been established or the aircraft is clear of clouds.
#Runway visual range 2400' also authorized for takeoff on Runways 14L, 14R, and 32L in lieu of 200-½ when 200-½ is authorized, providing high-intensity runway lights are operational.

City, Chicago; State, Ill.; Airport name, Chicago-O'Hare International; Elev., 667'; Fac. Class., ILS; Ident., I-ORD; Procedure No. ILS-14R, Amdt. 10; Eff. date, 26 June 65; Sup. Amdt. No. 9; Dated, 30 Jan. 65

Meadows Int	Lima OM (final when GS not utilized)	Direct	2500	T-dn	300-1	300-1	200-½
				C-dn	NA	NA	NA
				S-dn-14R#	200-½	200-½	200-½
				S-dn-14L*%	300-½	300-½	300-½
				A-dn	600-2	600-2	600-2

Procedure turn not authorized. Radar vectoring to final approach crs, required.
Crs, Romeo LOM to Runway 14R, 138°; Lima LOM to Runway 14L, 138°.
Minimum altitude at glide slope interception Inbnd, 14R-2200'; 14L-3200' (3000' when authorized by ATC).
Altitude of glide slope and distance to approach end of runway at OM, 14R: 2132'—5.3 miles, 14L: 2481'—5.7 miles; at MM, 14R: 861'—0.5 mile, 14L: 900'—0.6 mile.
When advised by the controller or if visual contact not established upon descent to authorized landing minimums or if landing not accomplished, Runway 14R: turn right to heading of 155° and climb to 1800', then make right-climbing turn to 3000' and proceed to DPA VOR via R-085. Runway 14L: turn left to heading of 120° and climb to 1500', make left-climbing turn to 3500' and proceed to Evanston Int via ORD R-075.
Other change: Deletes note regarding radar missed approach.
*No approach lights.
#S-dn-14R: 400-½ required when glide slope not utilized; 400-½ authorized, except for 4-engine turbojet aircraft, with operative ALS.
S-dn-14L: 400-1 required when glide slope not utilized; 400-½ authorized, except for 4-engine turbojet aircraft, with operative high-intensity runway lights.
NOTES: (1) Use of this procedure is mandatory when conducting a parallel ILS approach, and is authorized only when airborne 75 mc (or ADF), and localizer receivers are operating simultaneously. A Radar Fix in lieu of Meadows Intersection will be provided upon pilot's request. (2) When any required airborne receiver in note (1) is malfunctioning or a parallel approach is not desired, immediate notification of approach control is mandatory. (3) When advised that parallel operations are in progress, the pilot will check his authorization and restrictions for Runways 14L and R, and be prepared to accept or reject an approach to either. (4) When advised by ATC, pilot shall monitor both control frequency and localizer voice continuously during the remainder of the approach.

City, Chicago; State, Ill.; Airport name, Chicago-O'Hare International; Elev., 667'; Fac. Class., ILS; Ident., I-ORD & I-OHA; Procedure No. Parallel ILS-14R & L, Amdt. 3; Eff. date, 26 June 65; Sup. Amdt. No. 2; Dated, 4 July 64

Papi Int	LOM	Direct	2300	T-dn%	300-1	300-1	200-½
ORD VOR	LOM	Direct	2300	C-dn	400-1	400-1	400-1½
OBK VOR	LOM	Direct	2300	S-dn-27*	200-½	200-½	200-½
Lakewood Int	ORD VOR	Via OBK R-271 and ORD R-306.	2700	A-dn	600-2	600-2	600-2
Niles Int	LOM	Direct	2500				
Warren Int	ORD VOR	Direct	2800				
Deerfield Int	LOM	Direct	2300				

Radar vectoring authorized in accordance with approved patterns.
Procedure turn N side E crs, 088° Outbnd, 268° Inbnd, 2200' within 10 miles.
Minimum altitude at glide slope interception Inbnd, 2200'.
Altitude of glide slope and distance to approach end of runway at LOM, 2130'—4.5 miles; at MM, 860'—0.6 mile.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished, climb to 3500' on a crs of 268° and proceed direct to DPA VOR or climb to 2800' on crs of 268° and proceed to Elgin Int via ORD R-271 or make right turn, climb to 2800', proceed to OBK VOR via OBK R-170.
NOTE: Runway 27 LOM named Taft.
CAUTION: Takeoffs on Runway 27, when weather is below 2000-3, will intercept ORD VOR R-280 and climb to 2000' before proceeding westbound. Takeoffs on Runway 32L, when weather is below 2000-3, will intercept ORD VOR R-306 and climb to 2000' before proceeding westbound.
Other change: Deletes note regarding radar missed approach.
%Runway visual range 2400', also authorized for takeoff on Runways 14L, 14R, and 32L in lieu of 200-½ when 200-½ is authorized, providing high-intensity runway lights are operational.
*400-½ required when glide slope not utilized; 400-½ authorized, except for 4-engine turbojet aircraft, with operative ALS.

City, Chicago; State, Ill.; Airport name, Chicago-O'Hare International; Elev., 667'; Fac. Class., ILS; Ident., I-IAC; Procedure No. ILS-27, Amdt. 6; Eff. date, 26 June 65; Sup. Amdt. No. 5; Dated, 30 Jan. 65

ILS STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 55 knots
					55 knots or less	More than 55 knots	
CGT VOR	Stack Int	Via CGT R-356 and SE crs RVG ILS.	3500	T-dn%	300-1	300-1	300-1½
				C-dn	400-1	500-1	500-1½
API VOR	Stack Int (final not authorized)	Direct	3500	S-dn-32L%	200-½	200-½	200-½
Niles Int	Stack Int	Via API R-088 and SE crs RVG ILS.	3500	A-dn	600-2	600-2	600-2
ORD VOR	Stack Int (final not authorized)	Direct	3500				
OBK VOR	Stack Int (final not authorized)	Direct	3500				
Stack Int	LOM (final)	Direct	2300				
Lakewood Int	ORD VOR	Via OBK R-271 and ORD VOR R-356.	2300				

Radar transition to final approach crs authorized. Aircraft may be released for final approach Inbnd to LOM on final approach crs to cross LOM at 2300'.
Procedure turn E side of crs, 136° Outbnd, 318° Inbnd, 3500' within 10 miles of Stack Int.
Minimum altitude at glide slope intercept Inbnd 2300', over Stack Int 3500'.
Crs and distance, LOM to airport, 318°—5.6 miles.
Altitude of glide slope and distance to approach end of runway at LOM 2282'—5.6 miles; at MM, 951'—0.6 mile.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished, turn left to 300° heading climb to 1300', then make left-climbing turn to 3500' and proceed direct to DPA VOR.
NOTES: (1) Functioning VOR receiver required unless a radar vector to final approach crs is obtained. (2) 400-¾ required without glide slope; 400-½ authorized, except for 4-engine turbojet aircraft, with operative ALS. (3) Runway 32L LOM named River Grove. Runway 32R RBn named Indian. (4) 1460' tower, 5.5 miles W, 1413' tower, 4.9 miles W.
CAUTION: Takeoffs on Runway 27 when weather is below 2000-3 will intercept ORD VOR R-280 and climb to 2000' before proceeding westbound. Takeoffs on Runway 32L when weather is below 2000-3 will intercept ORD VOR R-306 and climb to 2000' before proceeding westbound.
Other change: Deletes note regarding radar missed approach. Deletes note regarding VASI.
%Runway visual range of 2400' also authorized for landing on 32L provided that all components of the ILS, high-intensity runway lights, approach lights, condenser discharge flashers, and all related airborne equipment are operating satisfactorily. Descent below authorized landing minimum altitude of 867' shall not be made unless visual contact with the approach lights has been established or aircraft is clear of clouds. Runway visual range 2400' also authorized for takeoff on Runways 14L, 14R, and 32L in lieu of 200-½ when 200-½ is authorized, providing high-intensity runway lights are operational.

City, Chicago; State, Ill.; Airport name, Chicago-O'Hare International; Elev., 667'; Fac. Class., ILS; Ident., I-RVG; Procedure No. ILS-32L, Amdt. 3; Eff. date, 26 June 65; Sup. Amdt. No. 2; Dated, 13 Feb. 65

CGT VOR	Park Int	Via CGT R-356 and SE crs OHA ILS.	3500	T-dn%	300-1	300-1	300-1½
				C-dn	400-1	500-1	500-1½
API VOR	Park Int (final not authorized)	Direct	3500	S-dn-32R*	400-1	400-1	400-1
Niles Int	Park Int	Via API R-088 and SE crs OHA ILS.	3500	A-dn	600-2	600-2	600-2
ORD VOR	Park Int (final not authorized)	Direct	3500				
OBK VOR	Park Int (final not authorized)	Direct	3500				
Park Int	IDN RBn (final)	Direct	2300				
Lakewood Int	ORD VOR	Via OBK R-271 and ORD VOR R-356.	3500				

Radar transition to final approach crs authorized. Aircraft may be released for final approach Inbnd to IDN RBn on final approach crs to cross IDN RBn at 2300'.
Procedure turn E side of crs, 136° Outbnd, 318° Inbnd, 3500' within 10 miles of Park Int.
Minimum altitude over IDN RBn on final approach crs, 2300'; over Park Int 3500'.
Crs and distance, IDN RBn to airport, 318°—5.7 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 5.7 miles after passing IDN RBn, turn right to 338° heading, climb to 1500' then make right-climbing turn to 3500' and proceed to Evanston Int via ORD VOR R-075.
NOTES: (1) Functioning VOR receiver required unless a radar vector to final approach crs is obtained. (2) No glide slope, middle compass locator or approach lights. (3) LOM 32L named River Grove, RBn 32R named Indian.
CAUTION: Takeoffs on Runway 27 when weather is below 2000'-3 will intercept ORD VOR R-280 and climb to 2000' before proceeding westbound. Takeoffs on Runway 32L when weather is below 2000'-3 will intercept ORD VOR R-306 and climb to 2000' before proceeding westbound.
Other change: Deletes note regarding radar missed approach.
*400-¾ authorized, except for 4-engine turbojet aircraft, with operative high-intensity runway lights.
%Runway visual range 2600', also authorized for takeoff on Runways 14L, 14R, and 32L in lieu of 200-½ when 200-½ authorized, providing high-intensity runway lights are operational.

City, Chicago; State, Ill.; Airport name, Chicago-O'Hare International; Elev., 667'; Fac. Class., ILS; Ident., I-OHA; Procedure No. ILS-32R (back crs), Amdt. 6; Eff. date, 26 June 65; Sup. Amdt. No. 4; Dated, 30 Jan. 65

ILS STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 55 knots
					55 knots or less	More than 55 knots	
Sally Int	LOM	Direct	1800	T-dn%	300-1	300-1	300-1½
Wave Int	LOM	Direct	1800	C-dn	400-1	500-1	500-1½
Tibby VOR	Turtle Int	Direct	1800	S-dn-10R*	200-½	200-½	200-½
MSY VOR	LOM	Direct	1800	A-dn	600-2	600-2	600-2
French Int	LOM	Direct	1400				
Turtle Int	LOM (final)	Direct	1800				

Radar may be used to position aircraft for a final approach 5 miles W of LOM with the elimination of a procedure turn. Radar vectoring authorized in accordance with approved procedures.
Procedure turn E side of crs, 279° Outbnd, 099° Inbnd, 1800' within 10 miles.
Minimum altitude at glide slope intercept Inbnd, 1800'.
Altitude of glide slope and distance to approach end of runway at OM, 1780'—6.6 miles; at MM, 1800'—0.6 mile.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished, climb to 2000' on E crs, ILS within 20 miles or when directed by ATC, (1) turn left, climb to 1500' on R-064 MSY VOR or (2) turn right, climb to 1500' on R-175 MSY VOR or (3) turn left, climb to 1500' on R-030 MSY VOR, all within 20 miles of MSY VOR.
CAUTION: 409' radio tower, 2.3 miles N of airport.
*400-¾ required when glide slope not utilized; 400-½ authorized, except for 4-engine turbojet aircraft, with operative ALS.
%Runway visual range 2400' also authorized for takeoff on Runway 10 in lieu of 200-½ when 200-½ is authorized, provided high-intensity runway lights are operational.
#Runway visual range 2400' also authorized for landing on Runway 10, provided all components of the ILS, high-intensity runway lights, approach lights, condenser discharge flashers, and all related airborne equipment are in satisfactory operating condition. Descent below 209' shall not be made unless visual contact with the approach lights has been established or the aircraft is clear of clouds.

City, New Orleans; State, La.; Airport name, New Orleans International (Moisant); Elev., 3'; Fac. Class., ILS; Ident., I-MSY; Procedure No. ILS-10, Amdt. 17; Eff. date, 26 June 65; Sup. Amdt. No. 16; Dated, 10 Apr. 65

PIH VOR	LOM	Direct	7000	T-dn%	300-1	300-1	300-1½
Falls Int	LOM	Direct	7000	C-dn***	500-1	500-1	500-1½
IDA VOR	NE Crs of localizer**	185°—20 miles	7400	S-dn-21*	300-½	300-½	300-½
				A-dn	600-2	600-2	600-2

Radar vectoring authorized in accordance with approved patterns.
Procedure turn N side of NE crs, 027° Outbnd, 207° Inbnd, 7000' within 10 miles. Not authorized beyond 10 miles.
Minimum altitude at glide slope intercept Inbnd, 7000'.
Altitude of glide slope and distance to approach end of runway at OM, 8510'—6.7 miles; at MM, 4060'—0.6 mile.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished, climb to 6500' on R-294 PIH VOR within 15 miles or, when directed by ATC, climb to 6800' on 231° crs from PI LOM within 15 miles.
CAUTION: High terrain, SE through SW of airport.
*400-¾ required when glide slope not utilized. 400-½ authorized, except for 4-engine turbojet aircraft, with operative SALS.
**Maintain 7400' until intercept of glide slope, descend on glide slope to cross LOM at 5510'.
***Circling not authorized S of airport.
%Takeoff all runways: Shuttle climb on the 294° Radial of the PIH VOR within 20 miles to minimum crossing altitude required for direction of flight. All turns N side of 294° Radial.
Direction of flight: S V21, V257, MCA 7300 E 083° Radial, MCA 6700'.

City, Pocatello; State, Idaho; Airport name, Pocatello Municipal; Elev., 4449'; Fac. Class., ILS; Ident., I-PIH; Procedure No. ILS-21, Amdt. 7; Eff. date, 26 June 65; Sup. Amdt. No. 6; Dated, 27 May 65

Hallville DME Int*	LOM (final)	Direct	9600	T-dn%	300-1	300-1	300-1½
RKS VOR	LOM	Direct	9200	C-dn#	400-1	500-1	500-1½
				S-dn-25R	200-½	200-½	200-½
				A-dn	600-2	600-2	600-2

Procedure turn N side E crs, 074° Outbnd, 254° Inbnd, 9200' within 10 miles of LOM.
Minimum altitude at glide slope intercept Inbnd, 8600'.
Altitude of glide slope and distance to approach end of runway at OM, 7820'—3.9, miles; at MM, 6950'—0.6 mile.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished, climb to 10,000' on W crs of localizer, 254° Outbnd, within 10 miles of LOM or, when directed by ATC, climb to 10,000' on R-268 RKS VOR within 20 miles.
AIR CARRIER NOTES: Sliding scale not authorized.
CAUTION: Without glide slope, maintain 9600' until over OM Inbnd.
NOTE: When authorized by ATC, DME may be used within 20 miles at 9700' to position aircraft over Hallville DME Int for final approach with the elimination of procedure turn.
*Maintain 8600' until intercept of glide slope, descend on glide slope to cross LOM at 7820'.
#If glide slope not used, 700' minimums apply; straight-in minimums not authorized.
%Takeoff all runways: Shuttle climb on the 265° Radial of the Rock Springs VORTAC within 15 miles to minimum crossing altitude required for direction of flight.
Direction of flight: N and E V187, V238, V4, V6, V810, MCA 8000'; S V187, 155° Radial, MCA 8800'; W V4, V48, V884, V6, 305° Radial, MCA 7800'.

City, Rock Springs; State, Wyo.; Airport name, Rock Springs Municipal; Elev., 6752'; Fac. Class., ILS; Ident., I-RKS; Procedure No. ILS-25, Amdt. 14; Eff. date, 26 June 65; Sup. Amdt. No. 13; Dated, 27 May 65

These procedures shall become effective on the dates specified therein.

(Secs. 307(c), 313(a), 601, Federal Aviation Act of 1958; 49 U.S.C. 1348 (c), 1354(a), 1421; 72 Stat. 749, 752, 775)

Issued in Washington, D.C., on May 21, 1965.

C. W. WALKER,
Acting Director, Flight Standards Service.

[F.R. Doc. 65-6705; Filed, June 18, 1965; 12:03 p.m.]

Title 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 511—POSITION CLASSIFICATION UNDER THE CLASSIFICATION ACT SYSTEM

PART 531—PAY UNDER THE CLASSIFICATION ACT SYSTEM

Retroactive Effective Date and Appeals to the Commission

1. Section 511.703(a) is amended to bring the time limit on classification appeals under that paragraph into line with the prevailing 10-day limit on other appeals to the Commission. Paragraph (a) of § 511.703 is amended as set out below.

§ 511.703 Retroactive effective date.

(a) *Downgrading or loss of compensation.* The effective date of a classification action resulting from an appeal decision reversing in whole or part either a downgrading or other classification action that resulted in a reduction of compensation shall be made retroactive to the date of adverse action when the initial appeal to either the department or the Commission was submitted not later than 10 calendar days after the effective date of the action taken as a result of the classification decision. However, when the appeal decision raises the grade of the position above its grade immediately preceding the downgrading, retroactivity will apply only to the extent of restoration to the grade immediately preceding the downgrading. The right to a retroactive effective date provided by this section is preserved on subsequent appeal from a department classification action to the Commission when the appeal is filed not later than 10 calendar days following receipt of written notification of final administrative decision or 10 calendar days after the effective date of the action taken as a result of the classification decision, whichever is later.

* * * * *

(Sec. 2, 61 Stat. 727 and sec. 1101, 63 Stat. 971; 5 U.S.C. 1052, 1072)

2. Section 531.516(c) is amended to bring the time limit on salary retention appeals under that paragraph into line with the prevailing 10-day limit on other appeals to the Commission. Paragraph (c) of § 531.516 is amended as set out below.

§ 531.516 Appeals to the Commission.

* * * * *

(c) *Time limit—(1) General.* Except as provided in subparagraph (2) of this paragraph, an employee may submit an appeal to the Commission at any time after his receipt of a decision to deny or terminate salary retention but not later than 10 calendar days after his demotion or reassignment has been effected.

(2) *Exceptions.* When an employee appeals a decision to deny or terminate salary retention to the department under established procedures, other than those based on Subpart B of Part 771 of this chapter, the time limit on an appeal to the Commission is not later than 10 calendar days after receipt of the notice of final decision on the appeal to the department. The Commission may extend the time limits in this paragraph when the employee shows that he was not informed of his right of appeal or of the applicable time limit and was not otherwise aware of that right or that time limit, or that he was prevented by circumstances beyond his control from appealing within the time limit.

* * * * *

(Sec. 1101, 63 Stat. 971; 5 U.S.C. 1072; sec. 507 as added by 70 Stat. 291, as amended; 5 U.S.C. 1107)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] MARY V. WENZEL,
Executive Assistant to the Commissioners.

[F.R. Doc. 65-6455; Filed, June 16, 1965; 8:46 a.m.]

Proposed Rule Making

ATOMIC ENERGY COMMISSION

[10 CFR Part 150]

COMPUTATION OF QUANTITIES OF SPECIAL NUCLEAR MATERIAL IN AGREEMENT STATES FOR PURPOSES OF EXEMPTION

Notice of Proposed Rule Making

Subsection 274b of the Atomic Energy Act of 1954, as amended, authorizes the Commission to enter into agreements with individual States for the discontinuance of Commission regulatory authority under the Act, with respect to certain atomic energy materials. Among those materials are special nuclear materials in quantities not sufficient to form a critical mass.

The Commission has, thus far, entered into agreements with nine States[1] pursuant to subsection 274b. It has also promulgated a regulation, 10 CFR Part 150, to carry out such agreements.

Section 150.10 of Part 150 exempts persons in agreement States who manufacture, produce, receive, possess, use, or transfer special nuclear material in quantities not sufficient to form a critical mass from the requirements for a license contained in the Act and from the Commission's licensing regulations. Paragraph (a) of § 150.11 sets out the quantities of special nuclear materials which are deemed to be not sufficient to form a critical mass. Paragraph (b) of that section provides, in effect, that in determining whether the exemption applies, the total quantity of special nuclear material which a person is authorized to receive, possess or use anywhere in a particular agreement State at any one time shall be included in the quantity computed under paragraph (a).

The Commission is now considering amending § 150.11(b) to provide that in determining whether the exemption of § 150.10 applies at any particular plant or other authorized location of use, only the material which the person is authorized to receive, possess, or use at that plant or location at any one time need be included in the computation. Even though the total quantity of special nuclear material which a person is authorized to possess or use within an agreement State may be sufficient to form a critical mass, no problems of accidental criticality are presented so long as the quantity of material possessed and used at any separate location at any one time is insufficient to form a critical mass.

Pursuant to the Atomic Energy Act of 1954, as amended, and the Administrative Procedure Act of 1946, notice is hereby given that adoption of the following amendment to 10 CFR Part 150 is contemplated. All interested persons who desire to submit written comments or suggestions for consideration in connection with the proposed amendment should send them to the Secretary, U.S. Atomic Energy Commission, Washington, D.C., 20545, within 30 days after initial publication of this notice in the FEDERAL REGISTER. Comments received after that period will be considered if it is practicable to do so, but assurance of consideration cannot be given except as to comments filed within the period specified.

Paragraph (b) of § 150.11 is amended to read as follows:

§ 150.11 Critical mass.

* * * * *

(b) To determine whether the exemption granted in § 150.10 applies to the receipt, possession or use of special nuclear material at any particular plant or other authorized location of use, a person shall include in the quantity computed according to paragraph (a) of this section the total quantity of special nuclear material which he is authorized to receive, possess or use at the plant or other location of use at any one time.

(Secs. 161, 274, 68 Stat. 948, 73 Stat. 688; 42 U.S.C. 2201, 2021)

Dated at Washington, D.C., this 1st day of June 1965.

For the Atomic Energy Commission.

W. B. McCOOL,
Secretary.

[F.R. Doc. 65-5876; Filed, June 4, 1965; 8:47 a.m.]

FEDERAL AVIATION AGENCY

[14 CFR Part 121]

[Regulatory Docket No. 6713; Notice 65-12]

EMERGENCY FLOTATION EQUIPMENT

Notice of Proposed Rule Making

The Federal Aviation Agency is considering amending Part 121 of the Federal Aviation Regulations to require that each large airplane used in any overwater operation under that part be equipped with either a life preserver or some other flotation means (such as buoyant seat cushions) for each occupant.

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should identify the regulatory docket or notice number and be submitted in duplicate to the Federal Aviation Agency, Office of the General Counsel, Attention: Rules Docket, 800 Independence Avenue SW., Washington, D.C., 20553. All communications received on or before August 18, 1965, will be considered by the Administrator before taking action upon the proposed rule. The proposals contained in this notice may be changed in the light of comments received. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons.

For the past several years the Federal Aviation Agency has considered requiring the carrying of life preservers or some other flotation means for each occupant of a large airplane operated by an air carrier or commerical operator in those overwater operations now covered by Part 121 of the Federal Aviation Regulations. In 1959, the Agency amended Part 4b (§ 4b.647) of the Civil Air Regulations (now FAR Part 25), to require that each large airplane for which application for a type certificate is made after October 1, 1959, must be equipped either with life preservers or an approved individual flotation means for each occupant.

FAR § 121.339(a) provides as follows:

(a) Except where the Administrator, by amending the operations specifications of the certificate holder, requires the carriage of all or any specific items of equipment listed below for any overwater operation, or upon application of the certificate holder, the Administrator allows deviation for a particular extended overwater operation, no person may operate an airplane in extended overwater operations without having on the airplane the following equipment:

(1) A life preserver equipped with an approved survivor locator light, for each occupant of the airplane.

Therefore, under the present rules, a life preserver or some other flotation means for each occupant is required for (1) each large airplane for which application for a type certificate was made after October 1, 1959, (2) extended overwater operations conducted under Part 121, and (3) any Part 121 overwater operation for which the Administrator specifically requires the carrying of such equipment. In view of the large number of operations under Part 121 that are not extended overwater operations but that do require some overwater flight (such as over large lakes and rivers or along the coast line), especially immediately after takeoff or before landing, the Agency believes that at least the minimum ditching survival equipment, such as life preservers or other flotation means, should be carried on all overwater flights conducted under Part 121.

In "A Study of United States Air Carrier Water Accidents July 1954–June 1964," staff members of the Civil Aeronautics Board recommended "On aircraft being operated on other than extended overwater flights, flotation equipment at least to the extent of buoyant seat cushions, should be required." This recommendation was based in part on the fact that of the 22 United States air carrier accidents over the 10-year period

[1] Referred to hereinafter as "agreement States."

involving land planes terminating their flights in water, at least 7 involved operations for which no flotation equipment was required. On one of these flights the survival of 28 passengers and 5 crewmembers was almost 100 percent attributable to the presence of buoyant seat cushions, even though not required for that flight.

The Agency has made a study to determine how many large airplanes in the present air carrier and commercial operator fleet would be affected by this proposal. The Agency finds that of the 148,336 passenger seats that are presently available in that fleet, 105,936 are either in airplanes equipped for extended overwater flight or have other flotation means available. Thus, this proposal, if adopted, would potentially affect less than one-third of the passenger seats available in the large airplanes now being used by air carriers and commercial operators operating under Part 121.

Furthermore, of the 42,400 seats that could be affected by this proposal, 35,432 are in 2 and 4 reciprocating engine powered aircraft. Since, if adopted, the Agency proposes to make this amendment effective March 1, 1967, the normal conversion to turbine engine powered aircraft will undoubtedly further reduce the number of seats potentially affected since most if not all of the replacement aircraft will already be equipped with some form of individual flotation device. Accordingly, the Agency believes that the economic effect of this proposed rule would be slight and is more than justified by the added level of safety that would be achieved. The Agency has based its economic estimates on the actual cost (including installation) of flotable seat cushions commercially available and that meet the standards of TSO–C72.

In consideration of the foregoing, it is proposed to amend Part 121 of the Federal Aviation Regulations by adding a new § 121.340 to read as follows:

§ 121.340 Emergency flotation means.

After March 1, 1967, no person may operate a large airplane in any overwater operation unless it is equipped with life preservers in accordance with § 121.339(a)(1) or with an approved flotation means for each occupant. This means must be within easy reach of each seated occupant and must be readily removable from the airplane.

This amendment is proposed under the authority of sections 313(a), 601, and 604 of the Federal Aviation Act of 1958 (49 U.S.C. 1354, 1421, and 1424).

Issued in Washington, D.C., on June 14, 1965.

C. W. WALKER,
Acting Director,
Flight Standards Service.

[F.R. Doc. 65-6445; Filed, June 16, 1965; 8:45 a.m.]

Notices

DEPARTMENT OF AGRICULTURE

Commodity Credit Corporation

SALES OF CERTAIN COMMODITIES

June 1965 CCC Monthly Sales List

Notice to buyers. Pursuant to the policy of Commodity Credit Corporation issued October 12, 1954 (19 F.R. 6669), and subject to the conditions stated therein as well as herein, the commodities listed below are available for sale and, where noted, for redemption of payment-in-kind certificates on the price basis set forth.

The prices at which Commodity Credit Corporation commodity holdings are available for sale during June 1965 are as announced by the U.S. Department of Agriculture. The following commodities are available: Butter, cheddar cheese, nonfat dry milk, cotton (upland and extra long staple), wheat, corn, oats, barley, rye, rice, grain sorghum, dry edible beans, peanuts, flax and linseed oil.

Pea and dark red kidney beans have been added to the sales list and are also available for approved CCC credit.

Beginning in mid-May, CCC-owned wheat purchased with Export Commodity Certificates could be milled and exported as flour.

Corn, oats, barley or grain sorghum, as determined by CCC, will be sold for unrestricted use for "Dealers' Certificates" issued under the emergency livestock feed program. Grain delivered against such certificates will be sold at the applicable current market price, determined by CCC.

In the following listing of commodities and sales prices or method of sales, "unrestricted use" applies to sales which permit either domestic or export use and "export" applies to sales which require export only. CCC reserves the right to determine the class, grade, quality and available quantity of commodities listed for sale.

The CCC Monthly Sales List, which varies from month to month as additional commodities become available or commodities formerly available are dropped, is designed to aid in moving CCC's inventories into domestic or export use through regular commercial channels.

If it becomes necessary during the month to amend this list in any material way—such as by the removal or addition of a commodity in which there is general interest or by a significant change in price or method of sale—an announcement of the change will be sent to all persons currently receiving the list by mail from Washington. To be put on this mailing list, address: Director, Procurement and Sales Division, Agricultural Stabilization and Conservation Service, U.S. Department of Agriculture, Washington, D.C., 20250.

Interest rates per annum under the CCC Export Credit Sales Program (Announcement GSM–3) for June 1965 are 4½ percent for periods up to and including 12 months, and 5 percent for periods from over 12 months up to a maximum of 36 months. Commodities currently offered for sale by CCC, plus tobacco from CCC loan stocks, are available for export sale under the CCC Export Credit Sales Program as provided under specific commodity listings. Commodities from private stocks now eligible for financing under the CCC Export Credit Sales Program include wheat, wheat flour, bulgur, corn, cornmeal, barley, oats, rye, grain sorghum, upland and extra long staple cotton, tobacco, milled and brown rice, cottonseed oil, soybean oil, and dairy products.

The following commodities are available for programming under Title IV, P.L. 480, private trade agreements: Wheat, corn, rice, grain sorghum, upland and extra long staple cotton, tobacco from CCC loan stocks, butter, cheese, and nonfat dry milk. In addition, other surplus agricultural commodities are also eligible for Title IV programming. Information on commodities available under this program, and current information on interest rates and other phases of the program may be obtained from the Office of the General Sales Manager, Foreign Agricultural Service, U.S. Department of Agriculture, Washington, D.C., 20250.

The following commodities are currently available for barter: Barley, cotton (upland and extra long staple), tobacco, wheat, corn, grain sorghum, butter and nonfat dry milk. (In addition, free market stocks of cottonseed and soybean oils are eligible for barter programming.) This list is subject to change from time to time.

The CCC will entertain offers from responsible buyers for the purchase of any commodity on the current list. Offers accepted by CCC will be subject to the terms and conditions prescribed by the Corporation. These terms include payment by cash or irrevocable letter of credit before delivery of the commodity, and the conditions require removal of the commodity from CCC stocks within a reasonable period of time. Where sales are for export, proof of exportation is also required, and the buyer is responsible for obtaining any required U.S. Government export permit or license. Purchases from CCC shall not constitute any assurance that any such permit or license will be granted by the issuing authority.

Applicable announcements containing all terms and conditions of sale will be furnished upon request. For easy reference a number of these announcements are identified by code number in the following list. Interested persons are invited to communicate with the Agricultural Stabilization and Conservation Service, USDA, Washington, D.C., 20250, with respect to all commodities or—for specified commodities—within the designated ASCS Commodity Office.

Commodity Credit Corporation reserves the right to amend, from time to time, any of its announcements. Such amendments shall be applicable to and be made a part of the sale contracts thereafter entered into.

CCC reserves the right to reject any or all offers placed with it for the purchase of commodities pursuant to such announcements.

CCC reserves the right to refuse to consider an offer, if CCC does not have adequate information of financial responsibility of the offerer to meet contract obligations of the type contemplated in this announcement. If a prospective offerer is in doubt as to whether CCC has adequate information with respect to his financial responsibility, he should either submit a financial statement to the office named in the invitation prior to making an offer, or communicate with such office to determine whether such a statement is desired in his case. When satisfactory financial responsibility has not been established, CCC reserves the right to consider an offer only upon submission by offerer of a certified or cashier's check, a bid bond, or other security, acceptable to CCC, assuring that if the offer is accepted, the offerer will comply with any provisions of the contract with respect to payment for the commodity and the furnishing of performance bond or other security acceptable to CCC.

Disposals and other handling of inventory items often result in small quantities at given locations or in qualities not up to specifications. These lots are offered by the appropriate ASCS office promptly upon appearance and therefore, generally, they do not appear in the monthly Sales List.

On sales for which the buyer is required to submit proof to CCC of exportation the buyer shall be regularly engaged in the business of buying or selling commodities and for this purpose shall maintain a bona fide business office in the United States, its territories or possessions and have a person, principal, or resident agent upon whom service of judicial process may be had.

Prospective buyers for export should note that generally, sales to United States Government agencies, with only minor exceptions will constitute domestic unrestricted use of the commodity.

Commodity Credit Corporation reserves the right, before making any sales, to define or limit export areas.

The Department of Commerce, Bureau of International Commerce, pursuant to regulations under the Export Control Act of 1949, prohibits the exportation or re-exportation by anyone of any commodities under this program to Cuba, the Soviet Bloc or Communist-controlled areas of the Far East includ-

ing Communist China, North Korea, and the Communist-controlled area of Vietnam, except under validated license issued by the U.S. Department of Commerce, Bureau of International Commerce.

For all exportations, one of the destination control statements specified in Commerce Department Regulations (Comprehensive Export Schedule § 379.10(c)) is required to be placed on all copies of the shipper's export declaration, all copies of the bill of lading, and all copies of the commercial invoices. For additional information as to which destination control statement to use, the exporter should communicate with the Bureau of International Commerce or one of the field offices of the Department of Commerce.

Exporters should consult the applicable Commerce Department regulations for more detailed information if desired and for any changes that may be made therein.

SALES PRICE OR METHOD OF SALE

WHEAT, BULK

Unrestricted use.

A. *Nonstorable.* Such dispositions of nonstorable wheat as CCC may designate will be made at not less than market price, as determined by CCC.

B. *Availability information.* For information on the disposition of nonstorable wheat, contact the Evanston, Kansas City, Minneapolis, or Portland ASCS grain office shown at the end of this sales list.

All sales of storable wheat for unrestricted use are suspended until further notice.

Export.

Sales will be made pursuant to the following announcements:

A. Announcement GR–345 (Revised August 25, 1964) as amended for export under the wheat export payment-in-kind program.

B. Announcement GR–346 (Revised September 8, 1964) as amended for export as flour.

C. Announcement GR–261 (Revision 2, January 9, 1961, as amended and supplemented) for export as wheat and under Announcement GR–262 (Revision 2, January 9, 1961, as amended) for export as flour for application under arrangements for barter and approved CCC credit sales only at prices determined daily. Hard winter wheat will not be sold through West Coast ports under Announcements GR–261 or GR–262.

D. *Available.* Evanston, Kansas City, Minneapolis, and Portland ASCS grain offices.

CORN, BULK

Unrestricted use.

A. *Redemption of domestic payment-in-kind certificates.* Such CCC dispositions of corn as CCC may designate will be in redemption of certificates or rights represented by pooled certificates under a feed grain program. The price at which corn shall be valued for such dispositions shall be the highest of (a) market price as determined by CCC, (b) a minimum price for such corn as determined by CCC and, (c) the payment-in-kind formula price for such redemptions. Such formula price shall be the 1964 price-support loan rate for the class, grade, and quality of the corn plus the amount shown in C of this unrestricted use section applicable for the storage point involved.

B. *General sales.*

1. *Storable.* Such CCC dispositions of storable corn, as CCC may designate as general sales, will be made during the month at market price, but not less than the Agricultural Act of 1949 formula minimum price for such sales which is 105 percent[2] of the applicable 1964 price-support rate (published price-support rate plus 15 cents per bushel) for the class, grade, and quality of the corn, plus the amount shown in C of this unrestricted use section, applicable to the storage point involved. Examples of these formula minimum prices are shown in C below. For corn in store at other than the point of production, the freight from point of production to the present point of storage will also be added. CCC will normally make general sales of corn when dispositions of such corn are not being made against domestic payment-in-kind certificates.

2. *Nonstorable.* Such dispositions of nonstorable corn as CCC may designate as general sales will be made at not less than market price, as determined by CCC.

C. *Markups and Agricultural Act of 1949 formula price examples (per bushel).*

Markup in cents in store at—		Examples of in-store[1] formula minimum prices No. 2 yellow corn (14 percent MT. and 2 percent F.M.) (exrail or barge in dollars)	
Production point	Other points	Terminal	General sales price
Cents 12	*Cents* 13½	Minneapolis, Minn.[3] Chicago, Ill.[4]	$1.40¼ 1.65½

D. *Availability information.* For information on CCC corn sales and payments-in-kind from bin sites, contact ASCS State or county offices. For information on the disposition of corn from other locations, contact the Evanston, Kansas City, Minneapolis or Portland ASCS grain offices shown at the end of this sales list.

Export.

Sales for barter and credit are made at the applicable export market price, as determined by CCC; export payment-in-kind rates, if any, are deducted in arriving at barter and credit sales prices. Sales for export commodity certificates are made at the applicable domestic market price. The statutory minimum price referred to in the price adjustment provisions of the following export sales announcements is 105 percent of the applicable price-support rate plus the adjustment referred to in C of the unrestricted use section for corn. Sales will be made pursuant to the following announcements:

A. Announcement GR–368 (Revised March 1, 1965), feed grain export payment-in-kind program, at interior locations.

B. Announcement GR–212 (Revision 2, Jan. 9, 1961), for application to approved CCC barter and credit sales except that limited West Coast terminal stocks are available for export sale. (Barter, credit and other designated sales.)

C. *Available.* Evanston, Kansas City, Minneapolis, and Portland ASCS grain offices.

GRAIN SORGHUM, (BULK)

Unrestricted use.

A. *Redemption of domestic payment-in-kind certificates.* Such CCC dispositions of grain sorghum, as CCC may designate will be in redemption of certificates or rights represented by pooled certificates under a feed grain program. The minimum price at which grain sorghum shall be valued for such dispositions shall be market price, but not less than the payment-in-kind formula price for such redemption. Such formula price shall be the applicable 1964 price-support loan rate for the class, grade, and quality of the grain sorghum, plus the amount shown in C of this unrestricted use section applicable to the type of carrier involved.

B. *General sales.*

1. *Storable.* Such CCC dispositions of storable grain sorghum, as CCC may designate as general sales, will be made during the month at market price, but not less than the Agricultural Act of 1949 formula minimum price for such sales which is 105 percent[2] of the applicable 1964 price-support rate (published price-support loan rate plus 23 cents per hundredweight) for the class, grade, and quality of the grain sorghum, plus the amount shown in C of this unrestricted use section applicable to the type of carrier involved. If delivery is outside the area of production, applicable freight will be added. Examples of these formula minimum prices are shown in C below. CCC will normally make general sales of grain sorghum when dispositions of such grain sorghum are not being made against domestic payment-in-kind certificates.

2. *Nonstorable.* Such dispositions of nonstorable grain sorghum as CCC may designate as general sales will be made at not less than market price, as determined by CCC.

C. *Markups and Agricultural Act of 1949 formula price examples (per hundredweight).*

Markup in cents received by—		Examples of in-store[1] formula minimum prices for No. 2 or better grain sorghum (exrail or barge in dollars)	
Truck	Rail or barge	Terminal	General sales price
Cents 13½	*Cents* 12½	Kansas City, Mo.	$2.70½

D. *Availability information.* For information on CCC grain sorghum sales and payments-in-kind from bin sites, contact ASCS State or county offices. For information on the disposition of grain sorghum from other locations, contact the Kansas City, Evanston, Portland, or Minneapolis ASCS grain office shown at the end of this sales list.

Export.

Sales are made at the applicable export market price, as determined by CCC; export payment-in-kind rates, if any, are deducted in arriving at barter and credit sales prices. The statutory minimum price referred to in the price adjustment provisions of the following export sales announcements is 105 percent of the applicable price-support rate plus the adjustment referred to in C of the unrestricted use section for grain sorghum. Sales will be made pursuant to the following announcements:

A. Announcement GR–368 (Revised March 1, 1965), feed grain export payment-in-kind program.

B. Announcement GR–212 (Revision 2, January 9, 1961), (for application to arrangements for barter, approved CCC credit and other designated sales).

C. *Available.* Evanston, Kansas City, Minneapolis, and Portland ASCS grain offices.

BARLEY, BULK

Unrestricted use.

A. *Redemption of domestic payment-in-kind certificates.* Such CCC dispositions of barley as CCC may designate, will be in redemption of certificates or rights represented by pooled certificates under a feed grain program. The minimum price at which barley shall be valued for such dispositions shall be market price, as determined by CCC, but not less than the payment-in-kind formula price for such redemptions. Such formula price shall be the applicable 1964 price-support loan rate for the class, grade, and quality of the barley, plus the amount shown in C of this unrestricted use section, applicable to the type of carrier involved.

B. *General sales.*

1. *Storable.* Such CCC dispositions of storable barley, as CCC may designate as general sales, will be made during the month at market price, but not less than the Agricultural Act of 1949 formula minimum price for such sales which is 105 percent[2] of the applicable 1964 price support rate (published price-support loan rate plus 12 cents per bushel) for the class, grade, and quality of the barley, plus the amount shown in C of this unrestricted use section, applicable to the type of carrier involved. Examples of these formula minimum prices are shown in C below. If delivery is outside the area of production, applicable freight will be added. CCC will normally make general sales of barley when dispositions of such barley are not being made against domestic payment-in-kind certificates.

2. *Nonstorable.* At not less than market price as determined by CCC.

C. *Markups and Agricultural Act of 1949 formula price examples (per bushel).*

Markup in cents received by—		Examples of in-store[1] formula minimum prices for No. 3 or better barley (exrail or barge in dollars)	
Truck	Rail or barge	Terminal	General sales price
Cents 18½	*Cents* 13½	Minneapolis, Minn. Kansas City, Mo.	$1.34½ 1.36½

D. *Availability information.* For information on CCC barley sales from bin sites, contact ASCS State or county offices. For information on the disposition of barley from other locations, contact the Evanston, Kansas City, Minneapolis, or Portland ASCS grain office shown at the end of this sales list.

Export.

Sales are made at the applicable export market price, as determined by CCC; export payment-in-kind rates, if any, are deducted in arriving at barter and credit sales prices. The statutory minimum price referred to in the price adjustment provisions of the following export sales announcements is 105 percent of the applicable price-support rate plus the adjustment referred to in C of the unrestricted use section for barley. Sales will be made pursuant to the following announcements:

A. Announcement GR–368 (Revised March 1, 1965), feed grain export payment-in-kind program.

B. Announcement GR–212 (Revision 2, January 9, 1961), for application to approved CCC barter (except on West Coast) and credit sales.

C. *Available.* Evanston and Kansas City ASCS offices. Stocks in Duluth or Minneapolis will be available through the Minneapolis ASCS grain office.

OATS, BULK

Unrestricted use.

A. *Storable.* Market price, as determined by CCC, but not less than the Agricultural Act of 1949 formula price which is 105 percent[2] of the applicable 1964 price-support rate for the class, grade, and quality of the oats plus the amount shown below applicable to the storage point involved. For oats in-store at other than the point of production, the freight from point of production to the present point of storage will also be added.

Per bushel markup in-store at—		Examples of per bushel formula minimum prices basis in-store[1]		
Production point	Other points	Terminal	Grade and class	Price
Cents 13½	*Cents* 18	Chicago, Ill.[4]...	No. 2 XHWO.	$0.96½
		Minneapolis, Minn.[3]		.86¼

C. *Nonstorable* (as available). At not less than the market price as determined by CCC.

D. *Availability information.* Sales at bin sites are made through the ASCS county offices; at other locations through the Evanston, Kansas City, Minneapolis, or Portland ASCS grain offices.

Export.

Sales are made at the applicable export market price, as determined by CCC; export payment-in-kind rates, if any, are deducted in arriving at credit sales prices. The statutory minimum price referred to in the price adjustment provisions of the following export sales announcements is 105 percent of the applicable price-support rate plus the adjustment referred to in B of the unrestricted use section for oats. Sales will be made pursuant to the following announcements except that oats will not be sold for applications to Title I or Title IV, Public Law 480 purchase authorizations or for barter:

A. Announcement GR–368 (Revised March 1, 1965), feed grain export payment-in-kind program.

B. Announcement GR–212 (Revision 2, January 9, 1961), for application to approved CCC credit and other designated sales.

C. *Available.* Evanston, Kansas City, Minneapolis, and Portland ASCS grain office.

RYE, BULK

Unrestricted use.

A. *Storable.* Market price, as determined by CCC, but not less than the Agricultural Act of 1949 formula price which is 105 percent[2] of the applicable 1964 price-support rate for the class, grade, and quality of the grain plus the respective amount shown below applicable to the type of carrier involved. If delivery is outside the area of production applicable freight will be added to the above.

B.

Per bushel markup received by—		Examples of per bushel formula minimum price (exrail or barge)		
Truck	Rail or barge	Terminal	Class and grade	Price
Cents 19½	*Cents* 12½	Minneapolis, Minn.	No. 2 or better (or No. 3 on TW only).	$1.40½

C. *Nonstorable* (as available). At not less than market price as determined by CCC.

D. *Availability information.* Sales at bin sites are made through ASCS county offices; at other locations through the Evanston, Kansas City, Minneapolis, or Portland ASCS grain offices.

Export.

Sales are made at the applicable export market price, as determined by CCC; export payment-in-kind rates, if any, are deducted in arriving at credit sales prices. The statutory minimum price referred to in the price adjustment provisions of the following export sales announcements is 105 percent of the applicable price-support rate plus the adjustment referred to in B of the unrestricted use section for rye. Sales will be made pursuant to the following announcements except that rye will not be sold for applications to Title I, or Title IV, Public Law 480 purchase authorizations or for barter.

A. Announcement GR–368 (Revised March 1, 1965), feed grain export payment-in-kind program.

B. Announcement GR–212 (Revision 2, January 9, 1961), for application to approved CCC credit and other designated sales.

C. *Available.* Evanston, Kansas City, and Portland ASCS offices; also Minneapolis ASCS grain office for rye stored in terminals in Minneapolis.

RICE, ROUGH

Unrestricted use.

Market price but not less than 1964 loan rate plus 5 percent plus 44 cents per hundredweight, basis in store.

Export.

As milled or brown under Announcement GR–369, revision III, rice export program—payment-in-kind, and under GR–379, Revision I, for approved credit sales.

Availability information. Prices, quantities, and varieties of rough rice available from Kansas City ASCS Commodity Office.

DRY EDIBLE BEANS (BAGGED)

Unrestricted use.

Domestic market price but not less than the following minimum price per hundredweight for U.S. No. 1 f.o.b. indicated points of production. Amount of paid-in-freight to be added as applicable. For other grades and locations adjust by applicable 1964 price-support differentials.

Class	Prices per hundredweight	Area of production
Pea	7.65	Michigan.
Red Kidney	9.35	Michigan.

COTTON, UPLAND

Unrestricted use.

A. Competitive bid under the terms and conditions of Announcement NO–C–16, as amended (Sale of Upland Cotton for Unrestricted Use). Under this announcement, upland cotton acquired under price-support programs will be sold at the highest price offered but in no event at less than the higher of (a) 105 percent of the current loan rate for such cotton, plus reasonable carrying charges, or (b) the market price for such cotton, as determined by CCC.

B. Competitive offers under the terms and conditions of Announcement NO–C–26 (Disposition of Upland Cotton—for exchange of PIK certificates or rights in the certificate pool for upland cotton), as amended. Upland cotton may be acquired at its domestic market price which shall be the highest price offered but not less than the minimum price determined by CCC.

Export.

A. *CCC cash sales for export.* Competitive bid under the terms and conditions of Announcement CN–EX–25 (Cotton Export Program—Sales—1964–66 Marketing Years) and NO–C–20 (Sale of Upland Cotton—Cotton Export Program—1964–66 Marketing Years), as amended.

B. *CCC credit sales and barter.* Competitive bid under the terms and conditions of Announcement CN–EX–23 (Purchase of Upland Cotton for Export under the Export Credit Sales Program), Announcement CN–EX–24 (Acquisition of Upland Cotton for Export under the Barter Program), and Announcement NO–C–28 (Sale of Upland Cotton—CCC Credit and Barter Programs—1964–66 Marketing Years), as amended.

See footnotes at end of document.

COTTON, EXTRA LONG STAPLE

Unrestricted use.

Competitive bid under the terms and conditions of Announcements NO–C–6 (Revised July 22, 1960), as amended, and NO–C–10, as amended. Under these announcements extra long staple cotton (domestically grown) will be sold at the highest price offered but in no event at less than the higher of (a) 115 percent of the current support price for such cotton plus reasonable carrying charges, or (b) the domestic market price as determined by CCC.

Export.

A. *CCC cash sales for export.* Competitive bid under the terms and conditions of Announcements CN–EX–20 (Foreign-grown Extra Long Staple Cotton Export Program) and NO–C–28 (Sale of Foreign-grown Extra Long Staple Cotton).

Competitive bid under the terms and conditions of Announcements CN–EX–22 (Extra Long Staple Cotton Export Program) and NO–C–27 (Sale of Extra Long Staple Cotton), as amended.

B. *CCC credit sales and barter.* Competitive bid under the terms and conditions of Announcement CN–EX–26 (Purchase of Extra Long Staple Cotton for Export under the Export Credit Sales Program), Announcement CN–EX–27 (Acquisition of Extra Long Staple Cotton for Export under the Barter Program), and Announcement NO–C–27 (Sale of Extra Long Staple Cotton), as amended.

Availability information. Sale of cotton will be made by the New Orleans ASCS Commodity Office and catalogs for upland cotton and extra long staple cotton showing quantities, qualities, and location may be obtained for a nominal fee from that office.

PEANUTS, SHELLED OR UNSHELLED (FARMERS STOCK)

Unrestricted use.

U.S. Extra Large and U.S. Medium—1962 crop. Competitive bids pursuant to Peanut Announcement 3 Revised, at the higher of the market or minimum prices determined by CCC which reflect not less than 105 percent of the support price plus reasonable carrying charges.

Domestic crushing or export.

Competitive bids pursuant to CCC Peanut Announcement 1 (Revised), January 4, 1962, Amendments 1 through 4 thereto, Supplement 1, March 3, 1964, and Appendix 1 thereto and terms of weekly lot list(s).

Export.

U.S. Extra Large and U.S. Medium-Shelled Virginia type. Competitive bids pursuant to same terms and conditions set forth in the preceding paragraph.

When stocks are available lot lists are issued by GFA Peanut Association, Camilla, Ga., Peanut Growers Cooperative Marketing Association, Franklin, Va., Southwestern Peanut Growers' Association, Gorman, Tex.

FLAXSEED, BULK

Unrestricted use.

A. *Storable.* Market price basis in store,[1] but not less than the applicable 1964 support price for the class, grade, and quality of flaxseed plus 14½ cents per bushel, and plus the respective amount shown below, applicable to the type of carrier involved. If delivery is outside the area of production applicable freight will be added to the above.

B.

Markup per bushel received by—		Examples of minimum prices (exrail or barge)		
Truck	Rail or barge	Terminal	Class and grade	Price
Cents 21½	*Cents* 19¼	Minneapolis..	No. 1.....	$2.41

See footnotes at end of document.

C. *Nonstorable* (as available). At not less than market price as determined by CCC.

D. *Available.* Through the Minneapolis Grain Merchandising ASCS office.

Export.

Under Announcement PS–GR–4 dispositions of flaxseed, as designated by CCC, will be in redemption of export PIK certificates at the domestic market price as determined by CCC.

Available. Through the Minneapolis Grain Merchandising ASCS office.

LINSEED OIL, RAW, BULK

Export.

Under Announcement PS–GR–4 dispositions of raw linseed oil, as designated by CCC, will be in redemption of export PIK certificates at the domestic market price as determined by CCC.

Available. Through the Minneapolis ASCS Commodity Office.

DAIRY PRODUCTS

Sales are in carlots only in-store at storage location of products.

Submission of offers.

Submit offers to the Minneapolis ASCS Commodity Office.

NONFAT DRY MILK

Unrestricted use.

Announced prices, under LD–29, as amended: Spray process, U.S. Extra Grade, 16.40 cents per pound.

Export.

A. Payment-in-kind under SM–7 (Revision 1).

B. Competitive bid, under MP–10, pursuant to invitation to bid to be issued by Minneapolis ASCS Commodity Office.

BUTTER

Unrestricted use.

Announced prices, under LD–29, as amended: 63.0 cents per pound—New York, Pennsylvania, New Jersey, New England, and other States bordering the Atlantic Ocean and Gulf of Mexico. 62.25 cents per pound—Washington, Oregon, and California. All other States 63.0 cents per pound.

Export.

A. Payment-in-kind under SM–7 (Revision 1).

B. Competitive bid under Announcement MP–10, pursuant to invitations to bid to be issued by Minneapolis ASCS Commodity Office.

CHEDDAR CHEESE (STANDARD MOISTURE BASIS)

Unrestricted use.

Announced prices under LD–29, as amended: 41.25 cents per pound—New York, Pennsylvania, New England, New Jersey, and other States bordering the Atlantic Ocean and Pacific Ocean and the Gulf of Mexico. All other States 40.25 cents per pound.

Export.

Competitive bid under Announcement MP–10, pursuant to invitation to bid to be issued by Minneapolis ASCS Commodity Office. Announced prices under MP–10.

Any cheese offered but not sold under the invitation to bid issued pursuant to MP–10 will be offered for sale through the following Monday noon at prices announced by press release from the Minneapolis ASCS Commodity Office each Tuesday.

FOOTNOTES:

[1] The delivery basis for these examples is "in-store", and market prices will be on the same basis. The formula price delivery basis for bin site sales will be f.o.b.

[2] To compute, multiply applicable support price by 1.05, round product up to nearest whole cent and add amount shown in the appropriate table and any applicable freight.

[3] On sales made on a protein basis, the loan rate shall be increased by the applicable market or loan bulletin protein premium for the protein content of the wheat, whichever is higher. On sales made on a sedimentation basis, the loan rate shall be increased by the applicable loan bulletin sedimentation premium for the sedimentation value of the wheat. On sales made on a combined sedimentation and protein basis, the loan rate shall be adjusted by the applicable loan bulletin sedimentation and protein premiums and discounts for the respective sedimentation value and protein contents of the wheat.

[4] Woodford County, Ill., origin.

[5] Redwood County, Minn., origin.

USDA AGRICULTURAL STABILIZATION AND CONSERVATION SERVICE OFFICES

GRAIN OFFICES

Evanston ASCS Commodity Office, 2301 Howard Street, Evanston, Ill., 60202. Telephone: Long distance—University 9–0600 (Evanston Exchange). Local—Rogers Park 1–5000 (Chicago, Ill.).

Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Kentucky, Maine, Maryland, Massachusetts, Michigan, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Virginia, Vermont, and West Virginia.

Branch Office—Minneapolis ASCS Branch Office, 910 Grain Exchange Building, Minneapolis, Minn., 55415. Telephone: 334–3051.

Minnesota, Montana, North Dakota, South Dakota, and Wisconsin.

Kansas City ASCS Commodity Office, 8930 Ward Parkway (P.O. Box 205), Kansas City, Mo., 64141. Telephone: Emerson 1–0660.

Alabama, Arkansas, Colorado, Kansas, Louisiana, Mississippi, Missouri, Nebraska, New Mexico, Oklahoma, Texas, and Wyoming.

Branch Office—Portland ASCS Branch Office, 1218 Southwest Washington Street, Portland, Oreg., 97205. Telephone: 226–3361.

Alaska, Hawaii, Idaho, Nevada, Oregon, Utah, and Washington (Domestic and Export Sales), Arizona and California (Export sales only).

Branch Office—Berkeley ASCS Branch Office, 2020 Milvia Street, Berkeley, Calif., 94704. Telephone: Thornwall 1–5121.

Arizona and California (Domestic sales only).

PROCESSED COMMODITIES OFFICE—(ALL STATES)

Minneapolis ASCS Commodity Office, 6400 France Avenue, South Minneapolis, Minn., 55410. Telephone: 334–3200.

COTTON OFFICES—(ALL STATES)

New Orleans ASCS Commodity Office, Wirth Building, 120 Marais Street, New Orleans, La., 70112. Telephone: 527–7706.

REGIONAL SALES MANAGER OFFICES

Representative of General Sales Manager, New York Area: Joseph Reidinger, 80 Lafayette Street, New York, N.Y., 10013. Telephone: Rector 2–8000.

Representative of General Sales Manager, West Coast Area: Callan B. Duffy, Appraisers' Building, Room 802, 630 Sansome Street, San Francisco, Calif., 94111. Telephone: 556–6185.

(Sec. 4, 62 Stat. 1070, as amended; 15 U.S.C. 714b. Interpret or apply sec. 407, 63 Stat. 1066; sec. 105, 63 Stat. 1051, as amended by 76 Stat. 612; secs. 303, 306, and 307, 76 Stat. 614–617; 7 U.S.C. 1427; and 1441 (note))

Signed at Washington, D.C., on June 11, 1965.

H. D. GODFREY,
Executive Vice President,
Commodity Credit Corporation.

[F.R. Doc. 65–6380; Filed, June 18, 1965; 8:45 a.m.]

Office of the Secretary

SOUTH DAKOTA

Designation of Areas for Emergency Loans

For the purpose of making emergency loans pursuant to section 321 of the Consolidated Farmers Home Administration Act of 1961 (7 U.S.C. 1961), it has been determined that in the hereinafter-named counties in the State of South Dakota natural disasters have caused a need for agricultural credit not readily available from commercial banks, cooperative lending agencies, or other responsible sources.

SOUTH DAKOTA

Butte. Lawrence.

Pursuant to the authority set forth above, emergency loans will not be made in the above-named counties after December 31, 1966, except to applicants who previously received emergency or special livestock loan assistance and who can qualify under established policies and procedures.

Done at Washington, D.C., this 16th day of June 1965.

ORVILLE L. FREEMAN,
Secretary.

[F.R. Doc. 65–6473; Filed, June 18, 1965; 8:49 a.m.]

TEXAS

Extension of Designation of Areas for Emergency Loans

For the purpose of making emergency loans pursuant to section 321 of the Consolidated Farmers Home Administration Act of 1961 (7 U.S.C. 1961), it has been determined that in the hereinafter-named counties in the State of Texas the disasters for which such counties are presently designated have caused a continuing need in those counties for agricultural credit not readily available from commercial banks, cooperative lending agencies, or other responsible sources.

Texas:	*Present designation*
Deaf Smith	29 F.R. 13121
Oldham	29 F.R. 13121

Pursuant to the authority set forth above, emergency loans will not be made in the above-named counties after June 30, 1966, except to applicants who previously received emergency or special livestock loan assistance and who can qualify under established policies and procedures.

Done at Washington, D.C., this 16th day of June 1965.

ORVILLE L. FREEMAN,
Secretary.

[F.R. Doc. 65–6474; Filed, June 18, 1965; 8:49 a.m.]

POST OFFICE DEPARTMENT

ORGANIZATION AND ADMINISTRATION

Bureau of Personnel

The Statement of the Department's Organization and Administration as published in the FEDERAL REGISTER of May 26, 1965 at pages 6982–7017 is amended by revising section 822.8 to show the new organizational and functional statement for Bureau of Personnel which was effective May 24, 1965. As so amended, section 822.8 reads as follows:

822.8 *Assistant Postmaster General, Bureau of Personnel.*

a. Represents and acts for the Postmaster General and takes final action on all personnel management matters relating to industrial relations, compensation, administration, and employee training at professional and educational institutions.

b. Represents and acts for the Postmaster General in dealings with employee organizations; maintains liaison with the legislative and executive branches and agencies of Government on personnel matters.

c. Directs the formulation of plans, policies, programs, regulations, and procedures required for the development and maintenance of an effective personnel management program throughout the Postal Establishment.

d. Exercises the appointive powers of the Postmaster General with respect to employees in the departmental service, considering the recommendations of the bureaus and offices concerned.

e. Administers the incentive awards program and authorizes awards as provided by law and regulation.

f. Provides following services concerning negotiated contracts over $2,500 (other than for mail transportation and real estate):

(1) Advises the contracting officer on all postal personnel provisions including safety, training, compensation, and any other matters affecting postal employees.

(2) Provides technical assistance, as required, in the preparation and administration of negotiated contracts.

g. Serves as Employment Policy Officer for the Post Office Department. Has primary responsibility for Equal Employment Opportunity in the Postal Establishment.

.81 *Executive Assistant to the Assistant Postmaster General.*

a. Serves as principal staff aide to the Assistant Postmaster General relieving him of important day-to-day activities, including answers to urgent requests from important Government officials, top departmental officials and sources outside the Federal Government; work on special projects; and interviews with important visitors.

b. Reviews incoming and outgoing correspondence, requests and reports directed to Assistant Postmaster General; prepares the Bureau budget, special reports, administrative staff orders; coordinates with other bureaus, offices and other Federal agencies on all matters pertaining to administrative management of the Bureau's functions.

c. Maintains coordination between the planning and operating functions of the Bureau by keeping each Deputy informed of developments affecting his responsibilities.

d. Acts for the Assistant Postmaster General in directing the activities of the departmental Personnel Office.

.811 *Special Assistant to the Assistant Postmaster General.*

a. Assists the Executive Assistant on management projects—preparation of the budget, obtaining data for special reports, and other administrative duties essential to management of the Bureau.

b. Works on special projects assigned by the Assistant Postmaster General or the Executive Assistant which are of immediate importance to the Assistant Postmaster General and other top level headquarters officials.

.812 *Departmental Personnel Office.*

a. Formulates and recommends policies and develops procedures relating to personnel matters affecting departmental (headquarters) employees.

b. Provides staff guidance and technical assistance to headquarters bureaus and offices on all matters of personnel administration affecting headquarters personnel.

c. Administers the provisions of the Classification Act of 1949, the Departmental Wage Board, and section 15 of Public Law 600 (5 U.S.C. 55a); takes final action on personnel actions covered by such provisions.

d. Administers applicable policies, programs, and procedures with respect to headquarters employees relating to recruiting; testing, placement, and separations; training; performance rating; safety and health; suggestions and awards; relations with employee organizations; and employee services.

e. Maintains direct relations with the Civil Service Commission on all headquarters personnel matters except policy matters.

f. Processes formal personnel transactions, maintains central personnel records, issues personnel reports, and conducts official correspondence relative to proposed, current, and former headquarters employees.

g. Represents the Bureau of Personnel in civil defense planning and security control.

.82 *Deputy Assistant Postmaster General (Industrial Relations).*

a. Assists the Assistant Postmaster General and acts for him in his absence or at his request.

b. Directs the establishment and maintenance of an effective labor relations program for the entire Postal Establishment under the provisions of Executive Order 10988.

c. Represents the Assistant Postmaster General on interagency groups concerned with labor-management relations.

d. Conducts negotiations and consultation with recognized employee organizations at the national level.

e. Exercises responsibility for the solution of operating personnel management problems including answers to inquiries and requests from the White House, the Congress, other Federal agencies, employees and employee organizations.

f. Directs the establishment and maintenance of all fringe benefits, programs and employee services within the Postal Establishment.

g. Provides administrative supervision of the Board of Appeals and Review to attain full utilization of staff resources

and proper attention to established management practices.

.821 *Special Assistant (Industrial Relations).*

a. Serves as principal technical advisor to Deputy Assistant Postmaster General (Industrial Relations) on labor relations, personnel management operating problems and employee benefits and services.

b. Serves on national negotiation team; chairs labor-management subcommittee meetings; maintains liaison with national officers of recognized employee organizations.

c. Represents the Deputy Assistant Postmaster General as requested on interagency labor-management committees and study groups; at arbitration or unfair labor practices hearings; and in meetings with other labor-management groups.

.822 *Board of Appeals and Review.*

a. Serves as final appellate level for decisions on adverse action appeals and equal employment opportunity appeals within the Postal Establishment.

b. Reviews and recommends management actions on employee grievances appealed to the Department.

c. Determines the need for investigation on adverse action or equal employment opportunity appeals when additional information is required to reach an equitable decision on the appeal.

d. Represents the Department as requested by the Assistant Postmaster General or Deputy Assistant Postmaster General (Industrial Relations) in hearings and in discussions with the Civil Service Commission, President's Committee on Equal Employment Opportunity, and other Federal agencies on matters pertaining to employee appeals.

.823 *Labor Relations Division.*

a. Develops and issues instructions and guidance on the conduct of labor-management activities throughout the Postal Establishment including recognition, negotiations, review of contracts, labor-management meetings, and contacts with employee organizations.

b. Analyzes and evaluates labor-management staff activities at regional and local levels; reviews local negotiating procedures, agreements and application of national agreement; prepares format for written agreements, election format and procedures, and reports requirements.

c. Controls and edits all personnel issuances assuring proper technical review, interbureau clearance and coordination, as required, with employee organizations. Refers personnel issuances to Personnel Operations Division for technical review, as required.

d. Prepares agenda and minutes of national consultation and negotiation sessions, prepares and edits final draft of National Agreement.

e. Supervises conduct of national and local employee organization representation elections, audits returns and prepares certification for final approval.

f. Provides staff representatives to assist Deputy Assistant Postmaster General (Industrial Relations) and Special Assistant on negotiation and consultation teams; at subcommittee meetings; and in interbureau discussions of labor-management problems.

g. Processes violations of Code of Fair Labor Practices and Standards of Conduct. Reviews invalidations, refers to Personnel Operations Division, as required, for technical analysis.

.824 *Personnel Operations Division.*

a. Interprets existing policies, regulations, procedures, national labor-management agreements and rules pertaining to personnel management in the Postal Service and drafts issuances to guide Postal officials.

b. Conducts research on the origin and intent of personnel laws, Civil Service rules, Executive Orders, and other regulations applying to the Postal Service, utilizing the services of the Office of the General Counsel as required.

c. Prepares drafts of new personnel management proposals or reviews proposals prepared by planning staff to assure technical adequacy before presentation to employee organizations and publication.

d. Drafts answers to technical operating personnel questions or problems referred from the White House, the Congress, Regional Directors, or postal installation heads.

e. Supplies technical support to Department's negotiation and consultation teams on personnel management procedures and regulations.

f. Adjudicates employee promotion appeals and prepares brief for Assistant Postmaster General decision.

.825 *Employee Benefits and Services Division.*

a. Provides technical guidance to the Postal Establishment in the administration of all employee services and benefits including retirement, life insurance, health benefits, unemployment compensation, injury compensation, leave, cafeterias, vending machines, welfare funds, employee organization convention budgets, code of ethics, suggestions and awards and uniform allowance.

b. Prepares issuances explaining procedures and regulations; responds to inquiries on technical questions, maintains liaison with Civil Service Commission and other appropriate Federal agencies to resolve regulatory and procedural problems pertaining to employee benefits and services.

c. Processes suggestions and awards received at headquarters, recommending appropriate action by the Department.

d. Reviews and recommends action on contracts for cafeterias, vending machines, and other contracts pertaining to employee services, coordinating with General Counsel and other bureaus, as required.

.83 *Deputy Assistant Postmaster General (Plans and Programs).*

a. Assists the Assistant Postmaster General and acts for him at his request.

b. Directs the planning staff in the development, test and installation of new personnel management programs and techniques.

c. Evaluates the effectiveness of present personnel programs and prepares changes to meet current and anticipated needs.

d. Represents the Assistant Postmaster General on interagency study groups on employment, placement, compensation, training, safety and health.

e. Develops and maintains an equal employment opportunity program under provisions of Executive Order 10925.

.831 *Compensation Division.*

a. Develops and maintains a system for evaluating and classifying all positions in the postal field service. Ranks authorized standard and individual positions, except those in salary levels 18, 19, and 20, and such other positions as the Assistant Postmaster General, Bureau of Personnel, may specify.

b. Conducts surveys and establishes procedures and guidelines for proper maintenance of position standards and adherence to approved position ranking criteria.

c. Develops procedures for hearing appeals and conducting reviews of actions taken under the postal field service classification system.

d. Promulgates instructions and allowance tables, in accord with legal requirements, covering basic compensation, overtime, compensatory time, holiday pay, night differential, longevity pay, periodic step increases, equipment maintenance allowances, heavy duty compensation, and per diem allowances for mobile service personnel.

e. Conducts research on compensation practices and trends in private industry and Government services; submits recommendations for legislation, including fringe pay benefits; and assists in formulating departmental position on other legislative proposals affecting the compensation of postal employees or of the entire Federal service.

.832 *Training and Development Division.*

a. Advises and assists the Assistant Postmaster General on matters affecting or relating to the training of officers and employees in the departmental and field services of the Post Office Department.

b. Identifies needs for, develops and recommends establishment or modification of policy, legal, regulatory and procedural requirements pertinent to training and to the procurement and use of training services, facilities, supplies and equipment in the Postal Establishment.

c. Initiates, conducts, administers contracts for and supervises research into new training concepts, methods, facilities, supplies, and equipment. Initiates actions to apply these for improvement of postal training.

d. Represents the Post Office Department in relationships with private and other public organizations, both domestic and international, concerning training matters of mutual interest.

e. Within the framework of established policy, laws, regulations and procedures, insures that line managers throughout the Postal Establishment may receive the qualified staff guidance and assistance they need to carry out their responsibility for identifying training needs and for planning, providing, evaluating, and following up on training of personnel under their jurisdiction.

f. Evaluates plans for proposed training projects to determine whether they (1) embody effective training principles and practices; (2) comply with policy, legal and regulatory requirements; (3) recommends concurrence or non-currence with training plans to the Assistant Postmaster General; and (4) evaluates the manner in which training programs and activities are executed in relation to approved training plans. Makes recommendations for appropriate changes to improve such programs and activities.

g. Provides technical guidance to regional training staffs.

.833 *Employment and Placement Division.*

a. Formulates and recommends policies and develops procedures relating to recruiting, examining, employing, placing, promoting, disciplining, and separating personnel in the Postal Establishment.

b. Determines the need for employee examining and testing in conjunction with affected bureaus and offices and, in collaboration with the Civil Service Commission, develops and directs the application of a program of suitable examinations and tests.

c. Plans and promotes special emphasis programs, including employment of women, equal employment opportunity, employing the physically handicapped and mentally retarded.

.834 *Safety and Health Division.*

a. Develops and maintains an effective safety and health program for the Postal Establishment, in conjunction with other Bureaus and Offices, covering health hazards, fire prevention and protection, transport and traffic safety, first aid and medical services, and safety aspects of property and equipment conservation and utilization.

b. Provides consulting service on safety and health matters to management officials throughout the Postal Establishment.

c. Provides official representation of the Department with other agencies of the Government and with outside organizations on safety and health matters of a national character.

(R.S. 161, as amended; 5 U.S.C. 22, 39 U.S.C. 309, 501)

LOUIS J. DOYLE,
General Counsel.

[F.R. Doc. 65-6454; Filed, June 18, 1965; 8:46 a.m.]

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

[Order 551, Amdt. 106]

AREA DIRECTORS

Redelegation of Authority Regarding Irrigation Matters; Wapato Satus Irrigation Unit

JUNE 14, 1965.

Order 551 (an order by which the Commissioner of Indian Affairs redelegates authority to Bureau Area Directors), as amended, is further amended by the addition of a new paragraph under the heading "Functions Relating to Indian Irrigation Projects" to read as follows:

SEC. 206. *Redesignation of lands capable of being served—Wapato Satus Irrigation Unit.* Redesignation from time to time of the lands that are capable of being served by the irrigation works of the Wapato Satus Unit as contained in section 6 of the Act of September 26, 1961 (75 Stat. 680).

JOHN O. CROW,
Acting Commissioner.

[F.R. Doc. 65-6450; Filed, June 18, 1965; 8:45 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[Docket No. 8AS-1]

DIFCO LABORATORIES

Cancellation of Opportunity for Hearing Regarding Suspension of Antibiotic Batch Certification Services

In accordance with the provisions of section 507 of the Federal Food, Drug, and Cosmetic Act, 21 U.S.C. 357, and the regulations appearing in Title 21, Chapter I, Code of Federal Regulations, § 146.6, there was published in the FEDERAL REGISTER of April 10, 1965 (30 F.R. 4693), a notice of opportunity for hearing addressed to Difco Laboratories, Detroit, Mich. The purpose of the proposed hearing was to consider the issue of whether antibiotic batch certification services to Difco Laboratories should be suspended upon grounds specifically set forth in this notice.

The company initially elected to avail itself of this opportunity for hearing but thereafter changed this election and withdrew its request for this hearing. Difco Laboratories, during the course of conferences and the exchange of written communications, has given the Food and Drug Administration assurance that the company will maintain manufacturing control and record keeping procedures for sensitivity discs which meet Food and Drug Administration requirements, and will permit adequate inspection within the scope of the Food and Drug Administration's Authority.

The Commissioner of Food and Drugs, by virtue of the authority vested in the Secretary by the provisions of the Federal Food, Drug, and Cosmetic Act (secs. 507, 701, 52 Stat. 1055 as amended, 59 Stat. 463 as amended; 21 U.S.C. 357, 371) and delegated to him by the Secretary (21 CFR 2.90), and based on the assurance made by Difco Laboratories and the results of a recent inspection of the facilities of this company, hereby rescinds the proposal to suspend the antibiotic certification services to Difco Laboratories.

Therefore, it is ordered, That the opportunity for hearing issued April 6, 1965, published in the FEDERAL REGISTER of April 10, 1965 (30 F.R. 4693), is canceled.

Dated: June 14, 1965.

JOHN L. HARVEY,
Commissioner of Food and Drugs.

[F.R. Doc. 65-6470; Filed, June 18, 1965; 8:48 a.m.]

CIVIL AERONAUTICS BOARD

[Docket No. 13781; Order E-22822]

AMERICAN AIRLINES, INC., AND MOHAWK AIRLINES, INC.

Mutual Aid Agreement; Order Requesting Briefs and Setting Oral Argument

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 16th day of June 1965.

Pursuant to section 412 of the Federal Aviation Act of 1958, as amended (the Act), American Airlines, Inc. (American), and Mohawk Airlines, Inc. (Mohawk), have requested board approval of a mutual aid agreement between them.

The American-Mohawk Pact resembles the Trunkline Mutual Aid Pact in certain respects.[1] Thus, the various strike situations in which payments become due are the same in both agreements and, in each case, are to be made on the basis of preliminary estimates. Both provide for the arbitration of disputes relative to the right to receive, and the duty to make, payments.[2] Both exist on a year-to-year basis, terminable on December 31 of any year on 60 days' prior notice. And in the event of disapproval by the Board of the Pact, the terms of each agreement provide that any payment(s) already made will become the obligation(s) of the receiving carrier to the paying carrier.

However, there are two significant differences between the American-Mohawk Pact and the Trunkline Mutual Aid Pact. One is the absence in the American-Mohawk Pact of any provision for the guarantee of a minimum level of receipts for the struck carrier measured in terms of estimated operating expenses. Another is that the American-Mohawk Pact involves a subsidized carrier, Mohawk. And deriving from the latter, a third important consideration is that, pursuant to American-Mohawk Pact, the subsidized carrier would be reimbursed by American only for direct expenses incurred from the carriage of unabled American traffic.[3]

In the Mutual Aid Pact Investigation, theoretically there was before us the

[1] Mutual Aid Pact Investigation, Docket 9977, Order E-21044, July 10, 1964.

[2] The instant agreement extends this provision to any dispute reflecting the amount of payment.

[3] We have made clear our view that the real cost of a local service operation is derived by recognizing that the carriage of traffic involves expenses other than direct operating expenses. See Subpart K to 14 CFR Part 302, August 27, 1963.

question of what effect, if any, payments to or by a subsidized carrier pursuant to a mutual aid pact would have on the payment of federal subsidy. However, no subsidized carrier was a member of the pact than under consideration. And no serious consideration had been given to the extension of the pact to include a subsidized carrier, or carriers. Hence, our decision did not deal with the ramifications of a mutual aid pact involving a subsidized carrier.

Given all of these considerations, we have concluded it to be desirable that the Board be afforded the benefit of the views of interested parties as to the public interest considerations bearing on a mutual aid pact involving a subsidized carrier, particularly as to those points of difference between the instant agreement and the Trunkline Mutual Aid Pact. And we shall invite briefs and hear oral argument addressed to these matters.

Accordingly, it is ordered:

1. That the parties hereto, and any interested third parties, shall submit to the Board within 60 days of the date of issuance of this order, briefs addressed to the issue of whether the public convenience and necessity require Board approval of the mutual aid agreement between American Airlines, Inc., and Mohawk Airlines, Inc., in Docket 13781, Agreement CAB 16488;

2. That the Board shall set the matters in Docket 13781, Agreement CAB 16488, for oral argument at a place and time hereafter to be announced;

3. That the following be and they hereby are made parties to this proceeding: American Airlines, Inc.; Mohawk Airlines, Inc.; Air Line Pilots Association, International; Airline Dispatchers Association; Brotherhood of Railway and Steamship Clerks; Flight Engineers International Association; International Association of Machinists; and Transport Workers Union; and

4. That this order shall be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON, *Secretary.*

[F.R. Doc. 65-6461; Filed, June 18, 1965; 8:47 a.m.]

[Docket No. 16248; Order E-22221]

TRANS WORLD AIRLINES, INC.

Proposed Reduced Rates on Phonograph Records; Order of Investigation and Suspension

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 16th day of June 1965.

By tariff revision posted May 18, 1965, for effectiveness July 2, 1965, Trans World Airlines, Inc. (TWA), proposes to establish rates on phonograph records and record blanks from Dayton, Ohio to Los Angeles and San Francisco, Calif., at minimum weights of 100, 1,000, 2,000, 3,000, 5,000, and 10,000 pounds. The proposed rates represent reductions of 20.9 to 27.0 percent from the standard service general commodity rates in these markets and yield 12.8 to 16.1 cents per ton-mile.

In support of its filing, TWA states that there are approximately 128,000 pounds of the subject commodity moving monthly from the Dayton area to West Coast points via all modes of transportation, and that approximately 75,000 pounds of such traffic currently moves on deferred air service via other points and the balance via surface transportation.

TWA alleges that a shipper has represented that if the proposed rates become effective the shipper would discontinue its warehouses on the West Coast and ship substantially more tonnage by air. If the new rates are not approved, however, TWA contends the shipper will utilize surface transportation and a substantial tonnage will be lost to air. The Richmond (Indiana) Record Pressings, Inc., has filed a statement in support of the proposed rates in which it states that its present use of deferred air freight (via truck to Indianapolis) has been found to be too slow, and that the proposed rates would result in its increased use of air freight as its West Coast warehousing would be discontinued. TWA states that the proposed rates are above surface rates, the traffic involved is relatively dense, the rate levels are similar to other westbound specific commodity rates in other westbound markets, and are anticipated to result in substantial increased revenues without diluting current revenues of any carrier.

The Flying Tiger Line Inc. (Flying Tiger) and The Slick Corp. (Slick), have filed complaints, seeking suspension and investigation. In summary, the complainants variously allege (1) that TWA's proposal is designed to divert another carrier's traffic by uneconomic pricing tactics; (2) that the rates (a) are lower than TWA's current eastbound rates on this traffic; (b) are at a level lower than Flying Tiger's general commodity blocked-space rates and lower than those proposed by TWA in its blocked-space tariff, CAB No. 135, rejected by the Board; (c) are at a level considerably lower than the Group 897 specific commodity rates, which included phonograph records, recently proposed by TWA, suspended by the Board (Order E-21882) and since withdrawn by TWA (Order E-22231); and (d) constitute another attempt to establish uneconomic rates which the Board also suspended (Order E-22064). The complainants further contend that the proposed rates are as much as 10.7 percent lower than the currently used combined truck-deferred air freight service via Chicago.[2]

In answer to the complaints, TWA further states that the TWA cost figures submitted by Tiger are outdated and not representative of TWA's current experienced fully allocated jet cargo costs, which are such that the yields from the proposed rates will be compensatory and adequately cover the costs of carrying the traffic.

[2] A comparison of combined all-air services (standard and deferred) via St. Louis and Kansas City vs. the proposed rates also indicates the rates proposed herein to be the lower.

Upon consideration of the complaints and other relevant matters, the Board finds that the proposed tariff revisions may be unjust, unreasonable, or unduly discriminatory, or unduly preferential, or unduly prejudicial, or otherwise unlawful, and should be investigated. The Board has suspended and set for investigation tariff revisions proposing reduced specific commodity rates on certain Chicago-California movements of phonograph records.[1] In the foregoing order, the Board declared that the proposals would have effected significant reductions which had not been adequately justified by consideration either of costs or of traffic promotion. The current proposal has similar deficiencies.

TWA has presented no factual support for the proposed rates in terms of costs of providing the service, or the basis on which the rates were constructed. In view of these deficiencies the Board has concluded to suspend the proposed rates pending an investigation wherein the questions of traffic development and economic justification can be adequately explored.

Accordingly, pursuant to the Federal Aviation Act of 1958 and particularly sections 204(a) and 1002 thereof,

It is ordered, That:

1. An investigation be instituted to determine whether the rates and provisions on Commodity Group No. 396 from Dayton, Ohio, to Los Angeles, Calif., and San Francisco, Calif., via the Routing "TW" appearing on 34th, 35th, and 36th Revised Pages 159 of Airline Tariff Publishers, Inc., Agent, CAB No. 12 (Agent J. Aniello series) and rules, regulations, or practices affecting such rates and provisions are, or will be, unjust or unreasonable, unjustly discriminatory, unduly preferential, unduly prejudicial, or otherwise unlawful, and if found to be unlawful to determine and prescribe the lawful rates and provisions and rules, regulations or practices affecting such rates and provisions;

2. Pending hearing and decision by the Board, the rates and provisions on Commodity Group No. 396 from Dayton, Ohio, to Los Angeles, Calif., and San Francisco, Calif., via the Routing "TW" appearing on 34th, 35th, and 36th Revised Pages 159 of Airline Tariff Publishers, Inc., Agent, CAB No. 12 (Agent J. Aniello series) are suspended and their use deferred to and including September 29, 1965, unless otherwise ordered by the Board and that no changes be made therein during the period of suspension except by order or special permission of the Board;

3. The complaints of The Flying Tiger Line Inc., in Docket 16202 and The Slick Corp., in Docket 16260 are dismissed, except to the extent granted herein;

4. The proceeding herein be assigned for hearing before an Examiner of the Board at a time and place hereafter to be designated; and

5. Copies of this order shall be filed with the tariff and served upon The Flying Tiger Line Inc., Trans World Airlines, Inc., and The Slick Corp., which are hereby made parties to this proceeding.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON, *Secretary.*

[F.R. Doc. 65-6462; Filed, June 18, 1965; 8:47 a.m.]

[1] Order E-22064, dated Apr. 21, 1965.

[Docket No. 16236; Order E-22219]

INTERNATIONAL AIR TRANSPORT ASSOCIATION

Order Relating to Specific Commodity Rates

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 16th day of June 1965.

There has been filed with the Board, pursuant to section 412(a) of the Federal Aviation Act of 1958 (the Act) and Part 261 of the Board's Economic Regulations, an agreement between various air carriers, foreign air carriers, and other carriers, embodied in the resolutions of Traffic Conference 1 of the International Air Transport Association (IATA), and adopted pursuant to the provisions of Resolution 590 (Commodity Rates Board).

The agreement, adopted pursuant to unprotested notices to the carriers and promulgated in IATA Memoranda as set forth in the attachment hereto,[1] (1) names rates for new points under an existing commodity description, and (2) names rates under a new commodity description. Further, the agreement revises the commodity description for Item 4782 (IATA Memorandum TC1/Rates 2162) to read "Sewing Machines and parts thereof."

The Board, acting pursuant to sections 102, 204(a), and 412 of the Act, does not find the subject agreement to be adverse to the public interest or in violation of the Act, provided that approval thereof is conditioned as hereinafter ordered.

Accordingly, it is ordered:

That Agreement CAB 17666, R-119, R-121, and R-122, be approved, provided that such approval shall not constitute approval of the specific commodity descriptions contained therein for purposes of tariff publication.

Any air carrier party to the agreement, or any interested person, may, within 15 days from the date of service of this order, submit statements in writing containing reasons deemed appropriate, together with supporting data, in support of or in opposition to the Board's action herein. An original and 19 copies of the statements should be filed with the Board's Docket Section. The Board may, upon consideration of any such statements filed, modify or rescind its action herein by subsequent order.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON, *Secretary.*

[F.R. Doc. 65-6463; Filed, June 18, 1965; 8:47 a.m.]

[1] Filed as part of original document.

FEDERAL MARITIME COMMISSION

EXPRESS FORWARDING & STORAGE CO., INC., ET AL.

Notice of Agreements Filed for Approval

Notice is hereby given that the following freight forwarder cooperative working agreements have been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreements at the Washington office of the Federal Maritime Commission, 1321 H Street NW., Room 301. Comments with reference to an agreement including a request for hearing, if desired, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C., 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. A copy of any such statement or request for a hearing should also be forwarded to each of the parties to the agreement (as indicated hereinafter), and the comments should indicate that this has been done.

Unless otherwise indicated, these agreements are nonexclusive, cooperative working arrangements under which the parties may perform freight forwarding services for each other. Forwarding and service fees are to be agreed upon on each transaction. Ocean freight compensation is to be divided as agreed between the parties.

Express Forwarding & Storage Co., Inc., New York, N.Y., and Geo. S. Bush & Co., Inc., Seattle, Wash. FF-2045

Royal Shipping Co., Long Island, N.Y., and Wall Shipping Co., Inc., Baltimore, Md. FF-2047

Sea-Lanes Shipping Co., Inc., New York, N.Y., and Cavalier Shipping Co., Inc., Norfolk, Va. FF-2048

John S. James, Savannah, Ga., and Judson Sheldon International, Los Angeles, Calif. FF-2049

Paul Sustek Co., Philadelphia, Pa., and Karl Schroff & Associates, Inc., New York, N.Y. FF-2050

Export Enterprises, Inc., Philadelphia, Pa., and New York, N.Y., and A & M Custom Brokers Co., Boston, Mass. FF-2051

J. T. Steeb & Co., Inc., Portland, Oreg., and Guy B. Barham Co., Los Angeles, Calif. FF-2052

The Hipage Co., Inc., Norfolk, Va., and M. A. Graser-Rothe, Cincinnati, Ohio. FF-2053

Robert M. McCoy, Jacksonville, Fla., and Natural, Nydegger Transport Corp., New York, N.Y. FF-2055

Argus Shipping Co., Inc., New York, N.Y., and J. S. Lipinski Co., Toledo, Ohio. FF-2056

J. T. Steeb & Co., Inc., Portland, Oreg., and Oceanic Forwarding Co., San Francisco, Calif. FF-2059

Peter A. Bernacki, Inc., Philadelphia, Pa., and James Loudon & Co., Inc., Los Angeles, Calif. FF-2061

F. L. Kraemer & Co., New York, N.Y., and Mid-American Shipping Service, Chicago, Ill. FF-2062

American Union Transport Forwarding, Inc., New York, N.Y., and General Shipping Co., Inc., Tampa, Fla. FF-2065

Chas. Kurz Co., Philadelphia, Pa., and Eljay Export Service Co., New York, N.Y. FF-2067

D. Hauser, Inc., New York, N.Y., and John S. Connor, Inc., Baltimore, Md. FF-2068

William H. Masson, Inc., Baltimore, Md., and Intra-Mar Shipping Corp., New York, N.Y. FF-2069

William H. Masson, Inc., Baltimore, Md., and Export Service & Trading Co., New York, N.Y. FF-2070

Samuel Shapiro & Co., Inc., Baltimore, Md., and V. G. Nahrgang Co., Detroit, Mich. FF-2071

Dumont Shipping Co., Inc., New York, N.Y., and Wedemann & Godknecht, Inc., Baltimore, Md. FF-2072

J. T. Steeb & Co., Inc., Portland, Oreg., and Carmichael Forwarding Service, Los Angeles, Calif. FF-2073

General Foreign Freight Forwarders, Norfolk, Va., and F. X. Coughlin Co., Detroit, Mich. FF-2077

Export Service & Trading Co., New York, N.Y., and T. R. Speden, New Orleans, La. FF-2078

Inge & Co., Inc., New York, N.Y., and Carlo International & Co., Fort Lauderdale, Fla. FF-2080

Inge & Co., Inc., New York, N.Y., and Pistorino & Co., Boston, Mass. FF-2081

The Hipage Co., Inc., Norfolk, Va., and Milton C. Merion, Philadelphia, Pa. FF-2082

Argus Shipping Co., Inc., New York, N.Y., and Terra-Marine Shipping Co., San Francisco, Calif. FF-2085

Luigi Serra, Inc., New York, N.Y., and John S. Connor, Inc., Baltimore, Md. FF-2086

Mas International Corp., New York, N.Y., and The Cottman Co., Baltimore, Md. FF-2087

Coastal Forwarders, Charleston, S.C., and P. John Hanrahan, Inc., New York, N.Y. FF-2089

Export Service & Trading Co., New York, N.Y., and Godwin Shipping Co., Inc., Mobile, Ala. FF-2090

W. O. Smith & Co., Inc., Norfolk, Va., and Hilton & Son, New York, N.Y. FF-2091

Gallagher & Ascher Co., Chicago, Ill., and Intra-Mar Shipping Corp., New York, N.Y. FF-2093

Wilfred Schade & Co., Inc., Newport News, Va., and G. Karmel Forwarding, Inc., New York, N.Y. FF-2097

Sea-Lanes Shipping Co., Inc., New York, N.Y., and Paul Sustek Co., Philadelphia, Pa. FF-2098

General Foreign Freight Forwarders, Norfolk, Va., and Schafer & Krebs, Inc., New York, N.Y. FF-2099

Francesco Parisi, Inc., New York, N.Y., and Bevon International, Inc., Charleston, S.C. FF-2103

International Expediters, Inc., New York, N.Y., and Wm. R. Neal, Inc., Buffalo, N.Y. FF-2105

Hudson Shipping Co., Inc., New York, N.Y., and Mader & Co., Miami, Fla. FF-2106

Freedman & Slater, Inc., New York, N.Y., and C. L. Hutchins & Co., Inc., San Diego, Calif. FF-2107

Allen Forwarding Co., Philadelphia, Pa., and La Salle International Freight Forwarding Corp., New York, N.Y. FF-2108

Seaboard Forwarding Co., Inc., New York, N.Y., and Frederick Richards, Inc., Charleston, S.C. FF-2109

Haras & Co., Inc., Jersey City, N.J., and Ellis Forwarding Co., Houston, Tex. FF-2110

Chas. Kurz Co., Philadelphia, Pa., and Foreign Shipping Service, Inc., New York, N.Y. FF-2111

Express Forwarding & Storage Co., Inc., New York, N.Y., and International Shipping Services, Inc., Houston, Tex. FF-2113
Behring Shipping Co., Inc., New York, N.Y., and Carmichael Forwarding Service, Inc., Los Angeles, Calif. FF-2123
F. V. Valdes & Co., Inc., San Francisco, Calif., and Al G. Wichterich & Co., New Orleans, La. FF-2124
Chas. Kurz Co., Philadelphia, Pa., and Correntino Shipping, Inc., New York, N.Y. FF-2128
J. T. Steeb & Co., Inc., Portland, Oreg., and F. V. Valdes & Co., Inc., San Francisco, Calif. FF-2129
Henry A. Wess, Inc., Cincinnati, Ohio, and William R. Rowe, San Francisco, Calif. FF-2130
International Expediters, Inc., New York, N.Y., and Freedman & Slater, Inc., Albany, N.Y. FF-2133
Wedemann & Godknecht, Inc., New York, N.Y., and M. E. Dey & Co., Inc., Milwaukee, Wis. FF-2134
Ingo & Co., Inc., New York, N.Y., and J. S. Lipinski Co., Toledo, Ohio FF-2135
John S. James, Savannah, Ga., and Wall Shipping, Washington, D.C. FF-2139
E. Sidney Stockwell Co., Inc., Boston, Mass., and Eljay Export Service Co., New York, N.Y. FF-2138
Leyden Shipping Corp., New York, N.Y., and Frederick Richards, Inc., Charleston, S.C. FF-2140
W. O. Smith & Co., Inc., Norfolk, Va., and G. Karmel Forwarding Inc., New York, N.Y. FF-2142
General Foreign Freight Forwarders, Norfolk, Va., and F. V. Marotta, Inc., New York, N.Y. FF-2143
Tone Forwarding Corp., New York, N.Y., and William H. Masson, Inc., Baltimore, Md. FF-2144
General Foreign Freight Forwarders, Norfolk, Va., and Wall Shipping Co., Inc., Baltimore Md. FF-2145
Frank P. Dow Co., Inc., San Francisco, Calif., and Milton C. Marion, Philadelphia, Pa. FF-2146
The J. P. Fleisig Co., New York, N.Y., and Coastal Forwarders, Charleston, S.C. FF-2148
The J. P. Fleisig Co., New York, N.Y., and Reedy Forwarding Co., Inc., Miami, Fla. FF-2149
Chas. Kurz Co., Philadelphia Pa., and Merit Shipping Co., New York, N.Y. FF-2150
Seaway Forwarding Co., Cleveland, Ohio, and Milton C. Merion, Philadelphia, Pa. FF-2151
Norton & Ellis, Norfolk, Va., and Sada Trading Co., New York, N.Y. FF-2152
F. J. Herbelin Forwarding Co., Inc., Houston, Tex., and Hirschbach & Smith, Inc., New York, N.Y. FF-2153
Rohner, Gehrig & Co., Inc., New York, N.Y., and W. D. Wall Traffic Service, San Jose, Calif. FF-2154
Rohner, Gehrig & Co., Inc., New York, N.Y., and Chas. Kurz Co., Philadelphia, Pa. FF-2155
Person & Weidhorn, Inc., New York, N.Y., and Frederick Richards, Inc., Charleston, S.C. F-F2156
Chas. Kurz Co., Philadelphia, Pa., and Wilson's American Co., Inc., New York, N.Y. FF-2157
G. S. Doyle Co., Inc., New York, N.Y., and The Hipage Co., Inc., Norfolk, Va. FF-2158
G. S. Doyle Co., Inc., New York, N.Y., and Robert M. McCoy, Jacksonville, Fla. FF-2159
J. D. Smith Inter-Ocean, Inc., New York, N.Y., and R. B. Comar, Inc., Charleston, S.C. FF-2160
Cavalier Shipping Co., Inc., Norfolk, Va., and Samuel Godwin's Sons, New York, N.Y. FF-2161
Samuel Shapiro & Co., Inc., Baltimore, Md., and Kersten Shipping Agency, Inc., New York, N.Y. FF-2162
F. J. Herbelin Forwarding Co., Inc., Houston, Tex., and Berry & McCarthy Shipping Co., Inc., San Francisco, Calif. FF-2163
Behring-South Ports Shipping, Inc., Houston, Tex., and Paul A. Boulo, Mobile, Ala. FF-2164
The Cottman Co., Baltimore, Md., and Raney Forwarding Co., Inc., New York, N.Y. FF-2165
F. V. Marotta, Inc., New York, N.Y., and Coastal Forwarders, Charleston, S.C. FF-2166
F. V. Marotta, Inc., New York, N.Y., and John S. Connor, Inc., Baltimore, Md. FF-2167
Wilson's American Forwarding Co., New York, N.Y., and Frank P. Dow Co., Inc., Washington, Oregon, and California FF-2168
Amersped, Inc., New York, N.Y., and Samuel Shapiro & Co., Inc., Baltimore, Md. FF-2169
M. E. Dey & Co., Inc., Milwaukee, Wis., and Barr Shipping Co., Inc., New York, N.Y. FF-2171
M. E. Dey & Co., Inc., Milwaukee, Wis., and Norman G. Jensen, Inc., Minneapolis, Minn. FF-2172
Francesco Parisi, Inc., New York, N.Y., and Blaser & Mericle, Inc., Cleveland, Ohio. FF-2173
William H. Masson, Inc., Baltimore, Md., and Academy Forwarding Corp., New York, N.Y. FF-2174
Peter A. Bernacki, Inc., Philadelphia, Pa., and Latin American Cargo Expediter, Inc., Miami, Fla. FF-2175
Ralph Valls, Corpus Christi, Tex., and Behring-South Ports Shipping, Inc., Houston, Tex. FF-2176
Inge & Co., Inc., New York, N.Y., and Chase, Leavitt & Co., Portland, Maine FF-2177
General Foreign Freight Forwarders, Norfolk, Va., and Harsa & Co., Inc., New York, N.Y. FF-2178
J. D. Richardson Co., Detroit, Mich., and Pitt & Scott Corp., New York, N.Y. FF-2179
J. S. Lipinski Co., Toledo, Ohio, and Hudson Shipping Co., Inc., New York, N.Y. FF-2180
Dumont Shipping Co., Inc., New York, N.Y., and W. G. Carroll, Savannah, Ga. FF-2181
Cavalier Shipping Co., Inc., Norfolk, Va., and D. Hauser, Inc., New York, N.Y. FF-2182
Tomas Shipping Co., Inc., New York, N.Y., and R. G. Hobelmann & Co., Inc., Baltimore, Md. FF-2183
W. R. Filbin & Co., Inc., Detroit, Mich., and D. C. Andrews & Co., Inc., New York, Illinois, Louisiana, Maryland, and Massachusetts FF-2184
F. V. Marotta, Inc., New York, N.Y., and Paul Sustek Co., Philadelphia, Pa. FF-2190
Gallagher & Ascher Co., Chicago, Ill., and James Loudon & Co., Inc., Los Angeles, Calif. FF-2191
International Expediters, Inc., New York, N.Y., and John M. Brining, Mobile, Ala. FF-2192
Paul Sustek Co., Philadelphia, Pa., and Forwarding Services, Inc., New York, N.Y. FF-2194
International Expediters, Inc., New York, N.Y., and Edward B. Bacon Grain Co., Portland, Maine FF-2195
Chas. Kurz Co., Philadelphia, Pa., and Safeway Shipping Co., Inc., New York, N.Y. FF-2196
Safeway Shipping Co., Inc., New York, N.Y., and Frank P. Dow Co., Inc., Seattle, Wash., San Francisco, Calif., Los Angeles, Calif., and Portland, Oreg. FF-2197
Express Forwarding & Storage Co., Inc., New York, N.Y., and Paul A. Boulo & Co., Mobile, Ala. FF-2198
H. E. Schurig & Co. of Louisiana, New Orleans, La., and Transport Masters International, Inc., New York, N.Y. FF-2199
Trade-Lanes Shipping Corp., New York, N.Y., and Virginia Shipping Co., Norfolk, Va. FF-2201
W. O. Smith & Co., Inc., Norfolk, Va., and Cobal International, Inc., New York, N.Y. FF-2202
Gallagher & Ascher Co., Chicago, Ill., and L. E. Coppersmith, Inc., Los Angeles, Calif. FF-2203
Chas. Kurz Co., Philadelphia, Pa., and Transport Masters International, Inc., New York, N.Y. FF-2204
International Expediters, Inc., New York, N.Y., and Wilmington Shipping Co., Wilmington, N.C. FF-2205
W. O. Smith & Co., Inc., New York, N.Y. and branches, and Transport Masters International, Inc., New York, N.Y. FF-2207
Safeway Shipping Co., Inc., New York, N.Y., and Peter A. Bernacki, Inc., Philadelphia, Pa., and Schiller Park, Ill. FF-2210
Ralph Valls, Corpus Christi, Tex., and Barta Forwarding Co., Inc., Brownsville, Tex. FF-2213
Cavalier Shipping Co., Inc., Norfolk, Va., and A. F. Burstrom & Co., Inc., Detroit, Mich. FF-2220
Virginia Shipping Co., Norfolk, Va., and Milton C. Merion, Philadelphia, Pa. FF-2221
John H. Paunce, Inc., Philadelphia, Pa., and Wilmington Shipping Co., Wilmington, N.C. FF-2223
Castelazo and Associates, Los Angeles, Calif., and Geo. S. Bush & Co., Inc., Portland, Oreg. FF-2225
Castelazo and Associates, Los Angeles, Calif., and Geo. S. Bush & Co., Inc., Seattle, Wash. FF-2226
Transport Masters International, Inc., New York, N.Y., and Robert L. Keller, Miami, Fla. FF-2227
Heidi's, Inc., New York, N.Y., and W. B. Zanes & Co., Houston, Tex. FF-2228
United Forwarders Service, Inc., New York, N.Y., and Dotiff & Co., Inc., Boston, Mass. FF-2229
M. E. Dey & Co., Inc., Milwaukee, Wis., and Nordstrom Freighting Corp., New York, N.Y. FF-2230
M. E. Dey & Co., Inc., Milwaukee, Wis., and Intersped, Inc., and Gerhard & Hey Co., Inc., New York, N.Y. FF-2231
Tomas Shipping Co., Inc., New York, N.Y., and Charleston Overseas Forwarders, Inc., Charleston, S.C. FF-2232
Meisner Shipping Service, New York, N.Y., and Coastal Forwarders, Charleston, S.C. FF-2234
Buckley & Co., New York, N.Y., and George W. Wise, Jr., Savannah, Ga FF-2236
Wilfred Schade & Co., Inc., Newport News, Va., and Carolina Forwarding Corp., Wilmington, N.C. FF-2238
Argus Shipping Co., Inc., New York, N.Y., and Anderson Shipping Co., Savannah, Ga. FF-2240
William H. Masson, Inc., Baltimore, Md., and A. J. De May & Co., Inc., New York, N.Y. FF-2241
Coastal Forwarders, Charleston, S.C., and Hilson & Son, New York, N.Y. FF-2242
Heidi's, Inc., New York, N.Y., and Pistorino & Co., Boston, Mass. FF-2243

Tomas Shipping Co., Inc., New York, N.Y., and J. G. E. Williams, Inc., New Orleans, La. FF-2244
J. S. Lipinski Co., Toledo, Ohio, and General Foreign Freight Forwarders, Norfolk, Va. FF-2245
Almac Shipping Co., Inc., New York, N.Y., and General Foreign Freight Forwarders, Norfolk, Va. FF-2246
A. F. Burstrom & Son, Inc., Detroit, Mich., and Express Forwarding & Storage Co., Inc., New York, N.Y. FF-2248
Trade-Lanes Shipping Corp., New York, N.Y., and Mid-America Shipping Service, Chicago, Ill. FF-2249
W. O. Smith & Co., Inc., New York, N.Y., and branches, Lunham & Reeve, Inc., New York, N.Y. FF-2250
W. O. Smith & Co., Inc., New York, N.Y., and Smith & Kelly Co., Savannah, Ga. FF-2251
J. S. Lipinski Co., Toledo, Ohio, and Barr Shipping Co., Inc., New York, N.Y. FF-2252
Wedemann & Godknecht, Inc., New York, N.Y., and W. G. Carroll & Co., Inc., Atlanta and Savannah, Ga. FF-2253
Karr, Ellis & Co., Inc., New York, N.Y., and Edward R. Bacon Grain Co., Portland, Maine FF-2254
Triangle Forwarding Corp., New York, N.Y., and Karl Schroff & Associates, Inc., Chicago, Ill. FF-2255

Morris Friedman & Co., Philadelphia, Pa., is party to the following agreements, the terms of which are identical. The other parties are:

Master Shipping Agency, Inc., New York, N.Y. FF-2114
Seair Forwarding Co., Inc., New York, N.Y. FF-2115
Eljay Export Service Co., New York, N.Y. FF-2116
Crystal Shipping Co., New York, N.Y. FF-2117
Star Foreign Freight Forwarding, Inc., New York, N.Y. FF-2118
Meyer Shipping Co., New York, N.Y. FF-2119
Midland Pacific Shipping Co., New York, N.Y. FF-2120
Argus Shipping Co., Inc., New York, N.Y. FF-2121
Robbins Forwarding Co., New York, N.Y. FF-2123

Baker, Irons & Dockstader, Inc., New York, N.Y., is party to the following agreements, the terms of which are identical. The other parties are:

Herbert B. Moller, Jacksonville, Fla. FF-2043
Anderson Shipping Co., Savannah, Ga. FF-2044

Agreement FF-2060 between C. S. Greene & Co., Inc., Chicago, Ill., and Haras & Co., Jersey City, N.J., is a cooperative working arrangement whereunder forwarding and service fees are $3.50 for Passing Shipper's Export declaration only; additional services (such as issuing dock receipts; tracing, etc.) as agreed; $7.50 forwarding and service fee per ocean bill of lading. Ocean freight brokerage to be divided on the basis of 50 percent to Haras & Co., and 50 percent to C. S. Greene & Co., Inc.

Agreement FF-2131 between Peter A. Bernacki, Inc., New York, N.Y., and Schiller Park, Ill., and Marine Forwarding Co., Inc., New York, N.Y., is a cooperative working arrangement whereunder ocean freight brokerage is to be divided between the parties as agreed. This division of brokerage will be restricted to those shipments handled on behalf of each other. Where only papers are presented on behalf of each other, no brokerage will be divided. Forwarding and service fees are subject to negotiation.

C. H. Powell Co., Inc., New York, N.Y., is party to the following agreements, the terms which are identical. The other parties are:

J. E. Lowden & Co., San Francisco, Calif FF-2054
Coastal Forwarders, Charleston, S.C. FF-2057
John H. Paunce, Inc., Philadelphia, Pa FF-2058
I. C. Harris & Co., Detroit, Mich. FF-2063
Fillette, Green & Co., of Tampa, Tampa, Fla. FF-2064
Palmetto Shipping Co., Charleston, S.C FF-2126
H. P. Lambert Co., Inc., of Louisiana, New Orleans, La. FF-2112

Sunshine Forwarders, Inc., Jacksonville, Fla., is party to the following agreements, the terms of which are identical. The other parties are:

Hilton & Son, New York, N.Y. FF-2046
Barnadine Shipping Co., Inc., New York, N.Y. FF-2079
Nordstrom Freighting Corp., New York, N.Y. FF-2094
Fabius & Co., Inc., New York, N.Y. FF-2095
Alonso Shipping Co., New Orleans, La. FF-2200
Inter-Maritime Forwarding Co., Inc., New York, N.Y. FF-2220

Forwarding and service fees are to be as follows:

Bermuda and Nassau	$2.50
All other countries:	
To pass completed export declarations	1.25
To pass completed bills of lading	1.25
To prepare or complete and pass export declarations	2.50
To prepare or complete and pass bills of lading	2.50
Preparation of Consul documents	5.00
Consular documents (at cost).	
Telephone calls, teletypes, or telegrams (at cost).	

Ocean freight brokerage is to be divided equally on a 50/50 basis between both parties.

Seaway Forwarding Co., Cleveland, Ohio, is party to the following agreements, the terms which are identical. The other parties are:

Robbins Forwarding Co., New York, N.Y. FF-2074
Argus Shipping Co., Inc., New York, N.Y. FF-2075
Import & Export Service Co., Grand Rapids, Mich. FF-2076
Inter-Maritime Forwarding Co., Inc., New York, N.Y. FF-2096

Daniel F. Young, Inc., New York, N.Y., is party to the following agreements, the terms which are identical. The other parties are:

Karl Schroff & Associates, Inc., Chicago, Ill. FF-2084
M. E. Dey & Co., Inc., Milwaukee, Wis. FF-2125
Norman G. Jensen, Inc., Minneapolis, Minn. FF-2100
The J. D. Richardson Co., Detroit, Mich. FF-2101
Seaway Forwarding Co., Cleveland, Ohio. FF-2127
Wm. R. Neal, Inc., Port Huron, Mich. FF-2170

Agreement FF-2066 between Pranoren Shipping Corp., New York, N.Y., and F. B. Vandegrift & Co., Inc., Philadelphia, Pa., is a cooperative working arrangement whereunder ocean freight brokerage is not to be divided between the parties.

Agreement FF-2136 between Trans International Forwarders, Inc., New York, N.Y., and Circle Forwarders, Inc., Detroit, Mich., is a cooperative working arrangement whereunder the sum of $5.00 will be paid as a handling fee for each shipment. Freight compensation is to be retained by the originating forwarder.

Agreement FF-2137 between Trans International Forwarders, Inc., New York, N.Y., and Black & Geddes, Philadelphia, Pa., is a cooperative working arrangement whereunder the sum of $2.00 will be paid as a handling fee for each shipment. Freight compensation is to be retained by the originating forwarders.

Agreement FF-2209 between Atlas Forwarding Co., Inc., New York, N.Y., and Stevens Shipping Co., Savannah, Ga., is a cooperative working agreement whereunder compensation received from ocean carriers in the form of freight brokerage shall not be shared by the parties. All compensation of this nature will be received only by the originating forwarder.

Silvey Shipping Co., Inc., New York, N.Y., is party to the following agreements, the terms which are identical. The other parties are:

Lyons Export & Import, Inc., Chicago, Ill. FF-2213
Ralph Valls, Corpus Christi, Tex. FF-2214
Stone & Downer Co., Boston, Mass. FF-2215
Heide & Co., Inc., Wilmington, N.C. FF-2216
F. J. Herbelin Forwarding Co., Inc., Houston and Galveston, Tex. FF-2217
Ellis Forwarding Co., Houston, Tex. FF-2218
F. H. Shallus Co., Baltimore, Md. FF-2219

Agreement FF-2104 between Frontier Freight Forwarders, Inc., Miami, Fla., and G. Karmel Forwarding, Inc., New York, N.Y., is a cooperative working arrangement whereunder ocean freight brokerage is to be divided between the parties on a 50-percent basis for each of the parties. The division of brokerage will be restricted to those shipments handled on behalf of each other. Forwarding and service fees are subject to negotiation and agreement on each transaction.

Agreement FF-2193 between Carolina Forwarding Corp. (Party A), Wilmington, N.C., and Major Forwarding Co., Inc. (Party B), New York, N.Y., is a cooperative working arrangement whereunder party (b) agrees to pay party (a) $3.00 for completing and processing export declarations. Ocean freight compensation is to be retained by party (b) who will perform the booking of the space.

Agreement FF-2208 between Terramar Shipping Co., Inc., New York, N.Y., and Coastal Forwarders, Charleston, S.C., is a cooperative working arrangement whereunder ocean freight is to be paid to the freight forwarder who receives the original freight forwarding instructions from the exporter. Forwarding and service fees are subject to negotiation and agreement.

Cosmos Shipping Co., Inc., New York, N.Y., is party to the following agreements, the terms which are identical. Forwarding and service fees are subject to negotiation and agreement on each transaction. Ocean freight brokerage to be retained by Cosmos Shipping Co., Inc. The other parties are:

Chas. Kurz Co., Philadelphia, Pa.---- FF-2211
George W. Wise, Jr., Savannah, Ga.--- FF-2063
Circle Forwarders, Inc., Detroit, Mich ---------- FF-2237

Agreement FF-2247 between Almac Shipping Co., Inc., New York, N.Y., and Charleston Overseas Forwarders, Inc., Charleston, S.C., is a cooperative working arrangement whereunder forwarding and service fees are $3.00 per shipment. Special services remain subject to negotiation and agreement on each transaction, depending upon the services performed. Ocean freight brokerage is to be divided between the parties as agreed, which agreement is to be based upon the extent of the contribution if any in obtaining and handling of the freight made by the party seeking participation. This division of brokerage is restricted to those shipments handled by the parties hereto on behalf of each other.

J. T. Steeb & Co., Inc., Portland, Oreg., is party to the following agreements, the terms which are identical. The other parties are:

L. E. Coppersmith, Inc., San Francisco, Calif.---------- FF-2188
James Loudon & Co., Inc., Los Angeles, Calif., and branches------- FF-2189

Wedemann & Godknecht, Inc., New York, N.Y., is party to the following agreements, the terms which are identical. The other parties are:

Southern Shipping Co., Savannah, Ga.---------- FF-2185
Smith & Kelly Co., Savannah, Ga.-- FF-2186

THOMAS LISI,
Secretary.

JUNE 16, 1965.

[F.R. Doc. 65-6460; Filed, June 18, 1965; 8:47 a.m.]

FEDERAL POWER COMMISSION

[Docket No. CP65-171 etc.]

GREAT LAKES GAS TRANSMISSION CO. ET AL.

Order Setting for Hearing, Date of Hearing and Procedures

JUNE 11, 1965.

Regarding Great Lakes Gas Transmission Co., Midwestern Gas Transmission Co., Michigan Wisconsin Pipe Line Co., Docket Nos. CP65-171, CP65-172, CP65-173, CP65-349, CP65-350, CP65-351, CP65-357, CP65-358, CP65-359.

The above-docketed applications of Great Lakes Gas Transmission Co. (Great Lakes), Midwestern Gas Transmission Co. (Midwestern), and Michigan Wisconsin Pipe Line Co. (Michigan Wisconsin) have been tendered for filing and were the subject of Commission notices issued on January 4, 1965, May 11, 1965, and May 20, 1965, respectively. In essence both the Great Lakes applications on the one hand, and, the combined applications of Midwestern and Michigan Wisconsin on the other, seek authorization under sections 3 and 7 of the Natural Gas Act and under Executive Order 10485, for the construction, operation, maintenance, and connection of facilities at three separate locations on the international border between the United States and Canada for the importation and exportation of natural gas from and to Canada. The applications are more fully described in the notices mentioned above.

The applications tendered by Midwestern and Michigan Wisconsin are mutually exclusive with those tendered by Great Lakes and if acceptable for filing under our rules and regulations, must be consolidated for the purpose of holding comparative hearings. However, the applications tendered for filing by Michigan Wisconsin have been found to be deficient under our regulations.[1] Since the Midwestern filings are interdependent with Michigan Wisconsin's filings we are not, at this time, consolidating those applications with those of Great Lakes. We believe, however, that the existing deficiencies in the potentially competitive applications is not cause for delaying designating a hearing date on the Great Lakes applications. The Great Lakes applications have been on file (and accepted for filing) for a considerable period. The pendency of a motion filed with the Commission seeking to consolidate the Great Lakes applications with that of Northern Natural Gas Co. in Docket No. CP64-255 (Phase II) precluded the setting of a hearing date for the Great Lakes proposal. The aforesaid motion was disposed of by Commission Opinion No. 463, issued on June 2, 1965. While the hearing ordered herein is thus presently applicable to Great Lakes only, we are prescribing procedures applicable to all of the above-captioned applicants so as to avoid procedural delays in the event that the deficiencies in Michigan Wisconsin's applications are timely cured.

The Commission orders:

(A) Motions filed after June 22, 1965, seeking consolidation of applications with the instant proceeding will be denied except in extraordinary circumstances and for good cause shown and where to do so would not disrupt or delay the orderly procedure herein being ordered or have a resultant prejudicial effect on any applicant referred to in the instant order. However, in no event will we consolidate any application with the instant proceeding which is filed after June 23, 1965, and which seeks authority to serve some or all of the markets sought to be served by the instant applications or is otherwise competitive with said applications. In all other respects, § 157.11(a) of the Commission's regulation will be applicable to any such competitive applications filed after June 23, 1965.

(B) Any modification or supplement to any application herein mentioned or subsequently consolidated herewith, filed after June 30, 1965, will be rejected except where to do so would not disrupt or delay the orderly procedure herein being ordered or have a resultant prejudicial effect on one or more of the other applicants. Nothing contained in this ordering paragraph shall be deemed diminutive of the Presiding Examiner's or the Commission's authority contained in § 1.11(b) of the Commission's rules of practice and procedure.

(C) Additional protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C., 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 and 1.10) on or before July 2, 1965.

(D) Applicants and all interveners in support of any of the instant applications will serve their direct presentations, to be relied upon at the hearing, by July 9, 1965, upon the Commission, the Commission's staff, all applicants herein, and upon all petitioners who have filed to intervene as of July 2, 1965, unless the Commission, by the time set for service of such testimony and exhibits, has issued an order denying certain petitioners' intervention.

(E) All applicants who may have filed a competitive application other than those mentioned in the instant order, or who filed a motion for consolidation of any other application with the instant proceeding on or prior to June 23, 1965, are hereby required to serve their direct presentation as provided in ordering paragraph (D) unless, by the time set for the service of testimony and exhibits, the Commission issues an order denying consolidation of any such applications.

(F) Similarly, all parties required to serve their testimony and exhibits under order paragraph (D) will also serve by said date copies of such testimony and exhibits on any party falling within the scope of ordering paragraph (E).

(G) Motions to strike any of the testimony and exhibits served in compliance with the aforegoing paragraphs (D), (E), and (F), will be served on all parties mentioned in said paragraphs, the Commission, and the Commission's staff by July 21, 1965.

(H) Pursuant to the authority conferred on the Federal Power Commission by the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held on July 27, 1965, at 10 a.m., e.d.s.t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D.C., respecting the matters set forth in the instant order or any other order issued in the instant proceeding prior to said date of hearing.

(I) The hearing set for the above date will commence with a formal prehearing conference. Consequently the presence of witnesses to adopt and sponsor testimony and exhibits, previously served, will not be required on said date. The Examiner, on the given date will, among other things usually disposed of during prehearing conferences,

(a) Entertain oral responses to the motions to strike previously filed.

(b) Identify for the record all testimony and exhibits.

(c) Explore the areas, if any, in which issues might be stipulated.

(d) Determine whether parties will agree to a waiver of cross-examination of any offered testimony thus eliminating the necessity of physically presenting a sponsoring witness for said testimony and/or exhibits.

(e) Rule upon all requests for additional information which may have been made, or which may be made on the date of hearing.

(J) On the basis of his evaluation of what will have transpired at the prehearing conference the Presiding Examiner will prescribe the procedures for the future course of the instant proceeding, taking appropriate steps to insure its earliest practical completion.

(K) The procedures set forth herein shall not be construed as a waiver of the Commission's right under § 157.13(c) to reject the applications of Michigan Wisconsin in the event that the deficiencies in its application are not cured within the time prescribed by the Commission's letter heretofore referred to.

By the Commission.

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 65-6447; Filed, June 18, 1965; 8:45 a.m.]

[1] Commission letter of June 8, 1965, to Michigan Wisconsin.

[Docket No. E-7229]

IDAHO POWER CO.

Order Suspending Rate Filing and Providing for Hearing

JUNE 11, 1965.

Idaho Power Co. (Company), on May 14, 1965, tendered for filing pursuant to section 205 of the Federal Power Act, a proposed change in a rate schedule increasing Company's obligation to furnish service to Wells Rural Electric Co. (Wells) at 69 kv at Company's substation situated in Wells, Nev. The proffered change in rate schedule has been designated as Idaho Power Co.'s Supplement No. 1 to Rate Schedule FPC No. 31.

The proposed rate schedule would amend an earlier agreement of March 17, 1960 (Idaho Power Co.'s Rate Schedule No. 31), by increasing the Wells' contract demand at the Company's Wells, Nev., substation from 6,250 to 8,400 kw.

Prior to October 1960, the electric needs of Wells and Elko Lamoille Power Co. (Elko) were covered by those entities' own generating resources. Under agreements executed in March of 1960 by Company separately with Wells and Elko, Company undertook to build a 130-mile 138-kv line from its King substation in Idaho to Wells, Nev., and a 138/69-kv substation at Wells, Nev., solely to serve Elko and Wells.

Pursuant to § 5.5 of Company's Rate Schedule No. 31, Wells paid Company $550,000 "connection charge" as its share of the cost of constructing the transmission line and substation. Wells obtained that sum under a 35-year loan from the Rural Electrification Administration. By letter of April 11, 1963, the Commission staff asked Company to explain the basis for the $550,000 payment by Wells as contrasted with the payment provision contained in Company's agreement with Elko (which by that time had been acquired by a corporation now called Nevada Power Co.). In reply by letter of May 21, 1963, Company informed the Commission staff that:

* * * The load of the Wells company has increased from 894 kw in October 1960, their first month of service under the contract, to 3,280 kw in April 1963, and it is anticipated that their demand will approximate 3,000 kw during the ensuing year. Since under their normal load growth experience their demand in the next 10 years would approximate the 6,250 kw contracted for, and since the original term of the contract is for 15 years,[1] a letter agreement has been submitted to the Wells company wherein the contract amount is increased to 8,400 kw, which was in accordance with the request of the Wells company.

Thereafter, Wells and Company on October 20, 1964, entered into an amendatory agreement (Company's Supplement No. 1 to its FPC Rate Schedule No. 31) increasing the initial capacity provided at the Wells substation for Wells from 2,500 kw to 4,000 kw and increasing the ultimate capacity provided for that customer at that point from 6,250 kw to 8,400 kw.

Subsequent to the filing of Company's Supplement No. 1 to its Rate Schedule 31, by letter of May 21, 1965, the staff by letter referred the agreement to Wells for any comment it wished to make. In reply by letter of May 28, 1965, the Manager of Wells stated:

For your information the amendment came about as follows: At the time the $550,000.00 connection charge was agreed to it was estimated that it represented approximately one-fourth of the cost of the facilities to be installed and would entitle us to 6,250 kw. After the line was completed, we received a statement from Idaho Power Co. which showed that the $550,000 more nearly represented one-third of the cost of the facilities. We wrote them stating that due to the line costing less than estimated that it appeared that we should be entitled to a refund of $140,000.00 or increase in capacity as the $550,000.00 was approximately one-third of the cost of the facilities.

We then received the amendment from Idaho Power Co. with no mention of possible refund. Due to conditions at the time it appeared that the increased capacity would be to our advantage so the amendment was approved.

We now wish to have your letter reviewed by the Board before further action is taken.

Supplement No. 1 to Company's Rate Schedule FPC No. 31 may have the effect of unduly restricting this Commission in carrying out its regulatory duties under the provisions of the Federal Power Act. Unless suspended by order of the Commission, that supplement will become effective pursuant to the provisions of the Federal Power Act on June 14, 1965. If Company's Supplement No. 1 to Rate Schedule FPC No. 31 were not suspended Wells might lose any remaining recourse under the Federal Power Act for requesting a refund of $140,000 from Company in lieu of an increased capacity entitlement. Accordingly, we are hereby suspending Supplement No. 1 to Company's Rate Schedule FPC No. 31 for 1 day.

The Commission further finds:

In view of the foregoing, it is necessary and appropriate for the purposes of the Federal Power Act that the Commission, pursuant to the authority of that Act, particularly sections 205, 206, 308, and 309 thereof:

(1) To accept Supplement No. 1 to Idaho Power Co.'s Rate Schedule FPC No. 31 for filing to become effective on June 14, 1965;

(2) To enter upon a hearing concerning the lawfulness of Idaho Power Co.'s filed rate schedule as supplemented providing for service to Wells Rural Electric Co. in the manner provided in proposed Supplement No. 1 to Company's Rate Schedule FPC No. 31, and that the operation or effectiveness of such proposed supplemental rate schedule under the Federal Power Act be suspended and the use thereof deferred, all as hereinafter provided.

The Commission orders:

(A) A public hearing be held concerning the lawfulness of Company's Rate Schedule FPC No. 31 as supplemented by Supplement No. 1 thereto, at a time and place to be specified by notice of the Secretary.

(B) Pending such hearing and decision thereon, the operation under the Federal Power Act of the proffered rate schedule supplement referred to in paragraph (A) above, is suspended and the use thereof deferred until June 15, 1965. On that date, the proffered rate schedule supplement shall take effect in the manner prescribed by the Federal Power Act, subject to further order of the Commission.

(C) During the period of suspension Company's Rate Schedule FPC No. 31 on file with the Commission shall remain and continue in effect.

(D) Unless otherwise ordered by the Commission, Company shall not change the terms or provisions of its proffered rate schedule supplement referred to in paragraph (A) above until this proceeding has been disposed of, or until the period of suspension has expired.

(E) Notices of intervention or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C., 20426, in accordance with the Commission's rules of practice and procedure (18 CFR 1.8 or 1.37) on or before July 16, 1965.

By the Commission.

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 65-6448; Filed, June 18, 1965; 8:45 a.m.]

[1] Company's Rate Schedule FPC No. 31 extends through Dec. 31, 1978, and thereafter for 5-year periods unless terminated upon 1 year's prior notice.

[Docket No. RI65-475]

SHELL OIL CO.

Order Accepting Decreased Rate Filing

JUNE 11, 1965.

Shell Oil Co. (Shell), on May 13, 1965, submitted an amended rate increase filing under its FPC Gas Rate Schedule No. 126 proposing an increased rate of

21.05 cents instead of 23.05 cents per Mcf (both rates are inclusive of applicable tax reimbursement) for gas sold to Gas Gathering Corp. (Gas Gathering) from the Happytown Field, St. Martin Parish, south Louisiana. Gas Gathering resells the subject gas to Transcontinental Gas Pipe Line Corp. pursuant to its FPC Gas Rate Schedule No. 2. The previous rate increase filing, designated as Supplement No. 6 to Shell's FPC Gas Rate Schedule No. 126, was suspended in Docket No. RI65–475 until July 1, 1965, by the Commission's order issued January 29, 1965. The amended filing reflects a decrease of $27,010 from the previously filed annual amount.

In view of Shell's prior rate increase, Gas Gathering would be entitled to increase its resale rate to 25.55 cents per Mcf, Shell's 23.05 cents per Mcf rate plus 2.5 cents service charge, and consequently exceeds the Commission's announced triggering level of 23.55 cents per Mcf in south Louisiana. Shell states that it did not intend its increase to 23.05 cents per Mcf to exceed or be the basis of any other producer's rate to exceed such triggering level, and, to effectuate this intention, submitted this amended notice of change, reducing the aforesaid rate increase from 23.05 to 21.05 cents per Mcf.

Under the circumstances, we believe that Shell's decreased rate should be accepted for filing to become effective, subject to refund, upon the conclusion of the suspension period (July 1, 1965) for the previously filed rate increase in Docket No. RI65–475.

Shell requests waiver of the statutory notice period in order to permit its proposed rate decrease to become effective as of January 1, 1965. Good cause has not been shown for waiving the 30-day notice requirement provided in section 4(d) of the Natural Gas Act to permit an earlier effective date for Shell's rate filing and such request is denied.

The Commission finds: It is necessary and proper in carrying out the provisions of the Natural Gas Act and the regulations thereunder to accept the notice of change listed in Appendix A hereto to become effective, subject to refund, upon the conclusion of the suspension period (July 1, 1965) for the previously filed rate increase in Docket No. RI65–475.

The Commission orders: The notice of change designated in Appendix A hereof is accepted for filing to become effective, subject to refund, upon the conclusion of the suspension period (July 1, 1965) for the previously filed rate increase in Docket No. RI65–475.

By the Commission.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

APPENDIX A

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual decrease	Date filing tendered	Effective date	Date suspended until—	Cents per Mcf: Rate in effect	Cents per Mcf: Proposed decreased rate	Rate in effect subject to refund in dockets Nos.
RI64–475	Shell Oil Co., 50 West 50th St., New York 20, N.Y., Attention: Mr. F. C. Sweat.	126	[1] 1 to 6	Gas Gathering Corp. (Happytown Field, St. Martin Parish, south La).	[2](871,576)	5–12–65	[3] 2–1–65	7–1–65	[7] 15.75	[4] [6] 21.05	RI65–475

[1] Amends filing of Dec. 31, 1964, which is suspended in Docket No. RI65–475, until July 1, 1965.
[2] Reflects a decrease of $27,010 annually from the previously reported amount of $98,866.
[3] Upon expiration of statutory notice from Jan. 1, 1965. Previous filing suspended in Docket No. RI65–475 until July 1, 1965, 5 months from Feb. 1, 1965.
[4] Instant filing represents a fractured rate increase. Contractually entitled to file for a 7.3-cent per Mcf increase.
[5] Pressure base is 14.625 p.s.i.a.
[6] Includes applicable tax reimbursement.
[7] Settlement rate approved by Commission order issued Aug. 1, 1962, in Docket Nos. G–9446, et al.

[F.R. Doc. 65–6440; Filed, June 18, 1965; 8:45 a.m.]

FEDERAL RESERVE SYSTEM

COMMERCIAL AND SAVINGS BANK OF ST. CLAIR COUNTY

Order Approving Consolidation of Banks

In the matter of the application of The Commercial and Savings Bank of St. Clair County for approval of consolidation with Yale State Bank.

There has come before the Board of Governors, pursuant to the Bank Merger Act of 1960 (12 U.S.C. 1828(c)), an application by The Commercial and Savings Bank of St. Clair County, St. Clair, Mich., a State member bank of the Federal Reserve System, for the Board's prior approval of the consolidation of that bank and Yale State Bank, Yale, Mich., under the charter and title of the former. As an incident to the consolidation, the sole office of Yale State Bank would be operated as a branch of The Commercial and Savings Bank of St. Clair County. Notice of the proposed consolidation, in form approved by the Board has been published pursuant to said Act.

Upon consideration of all relevant material in the light of the factors set forth in said Act, including reports furnished by the Comptroller of the Currency, the Federal Deposit Insurance Corporation, and the Attorney General on the competitive factors involved in the proposed consolidation:

It is hereby ordered, For the reasons set forth in the Board's Statement[1] of this date, that said application be and hereby is approved: *Provided,* That said consolidation shall not be consummated (a) within 7 calendar days after the date of this order or (b) later than 3 months after said date.

Dated at Washington, D.C., this 14th day of June 1965.

By order of the Board of Governors.[2]

[SEAL] MERRITT SHERMAN, *Secretary.*

[F.R. Doc. 65–6444; Filed, June 18, 1965; 8:45 a.m.]

[1] Filed as part of the original document. Copies available upon request to the Board of Governors of the Federal Reserve System, Washington, D.C., 20551, or to the Federal Reserve Bank of Chicago. Dissenting statement of Governor Robertson also filed as part of the original document and available upon request.

[2] Voting for this action: Chairman Martin, and Governors Balderston, Shepardson, Mitchell, Daane, and Maisel. Voting against this action: Governor Robertson.

SECURITIES AND EXCHANGE COMMISSION

[File No. 1–3421]

CONTINENTAL VENDING MACHINE CORP.

Order Suspending Trading in Securities

JUNE 15, 1965.

The common stock, 10 cents par value, of Continental Vending Machine Corp., being listed and registered on the American Stock Exchange and having unlisted trading privileges on the Philadelphia-Baltimore-Washington Stock Exchange, and the 6 percent convertible subordinated debentures due September 1, 1976, being listed and registered on the American Stock Exchange, pursuant to provisions of the Securities Exchange Act of 1934; and

It appearing to the Securities and Exchange Commission that the summary suspension of trading in such securities on such Exchanges and otherwise than on a national securities exchange is required in the public interest and for the protection of investors:

It is ordered, Pursuant to sections 15(c)(5) and 19(a)(4) of the Securities Exchange Act of 1934, that trading in such securities on the American Stock Exchange, the Philadelphia-Baltimore-Washington Stock Exchange and otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period June 16, 1965, through June 25, 1965, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 65–6446; Filed, June 18, 1965; 8:45 a.m.]

[812–1601]

LAZARD FRERES & CO.

Notice of Filing of Application for Order Exempting Transaction Between Affiliated Persons

JUNE 17, 1965.

Notice is hereby given that Lazard Freres & Co. ("Lazard") 44 Wall Street, New York, N.Y., 10005, a registered broker-dealer under the Securities Exchange Act of 1934, has filed an application pursuant to section 17(b) of the Investment Company Act of 1940 ("Act") for an order of the Commission exempting from the provisions of section 17(a) of the Act a proposed transaction whereby Lazard may participate as one of a group of underwriters in a standby commitment with respect to the unsubscribed portion of an aggregate of about 300,000 shares of common stock of National Steel Corp. ("National") presently owned by The M. A. Hanna Co. ("Hanna"), a registered closed-end investment company, which shares will be offered by Hanna to its shareholders in a rights offering pursuant to a registration statement filed under the Securities Act of 1933. Section 17(a), as here pertinent, makes it unlawful for an affiliated person of a registered investment company, or an affiliated person of such a person, to sell to or buy from such company any security or property unless the Commission upon application grants an exemption from such prohibition, after finding that the terms of the proposed transaction are reasonable and fair and do not involve overreaching and that the proposed transaction is consistent with the policy of the registered investment company and the general purposes of the Act. All interested persons are referred to the application on file with the Commission for a statement of the representations made therein which are summarized below.

Lazard is an affiliated person of an affiliated person of Hanna under section 2(a)(3) of the Act. A partner of Lazard is a director of General Reinsurance Corp. Hanna owns more than 5 percent of the voting stock of General Reinsurance Corp.

The application states that it is understood that Hanna will enter into a standby commitment with a group of investment bankers with respect to the sale to the general public of unsubscribed shares of National, and that Lazard anticipates that, in the ordinary course of business, it may be invited to participate in the distribution. The application further states that Lazard did not participate in any discussions or negotiations which led to the decision by Hanna to make the offering of National shares, and that the extent of Lazard's participation in the distribution, if any, cannot be determined at this time.

Lazard requests an exemption from section 17(a) to permit it, acting as one of a group of underwriters, to enter into a standby commitment with Hanna with respect to no more than 10 percent of all shares of National to be offered by Hanna to its shareholders and subject to the conditions that Lazard will not act as manager or comanager of the underwriting group and will not receive or be allowed a rate of gross commission, spread or other compensation greater than the rate allowed any other underwriter participating in the distribution.

Notice is further given that any interested person may, not later than June 28, 1965, at 5:30 p.m. submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C., 20549. A copy of such request shall be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon applicant at the address stated above. Proof of such service (by affidavit or in case of an attorney-at-law by certificate) shall be filed contemporaneously with the request. At any time after said date, as provided by Rule 0–5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the information stated in said application, unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 65–6512; Filed, June 18, 1965; 8:49 a.m.]

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATIONS FOR RELIEF

JUNE 16, 1965.

Protests to the granting of an application must be prepared in accordance with Rule 1.40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 39848—*Grain and grain products from Kansas and Oklahoma points.* Filed by Chicago, Rock Island & Pacific Railroad Co. (No. 900), for itself and interested rail carriers. Rates on grain, also soybeans, wheat flour, and bulgur, in carloads, from specified points in Kansas and Oklahoma, to Mobile, Ala., Gulfport and Pascagoula, Miss. (for export).

Grounds for relief—Rate relationship.

Tariff—Supplement 22 to Chicago, Rock Island & Pacific Railroad Co., tariff I.C.C. C–13743.

FSA No. 39849—*Proportional rates on corn and corn products to Kankakee, Ill.* Filed by Traffic Executive Association-Eastern Railroads, agent (E.R. No. 2784), for interested rail carriers. Rates on corn and corn products, in carloads, from points in Illinois on the Kankakee Belt Line branch of The New York Central Railroad Co., to Kankakee, Ill., applicable only on traffic destined to points in central, trunkline and New England territories.

Grounds for relief—Barge and motor-truck competition.

Tariffs—Supplement 42 to The New York Central Railroad Co., tariff I.C.C. 2382 and other schedules named in the application.

FSA No. 39850—*Fertilizer and fertilizer materials to points in Utah.* Filed by Southwestern Freight Bureau, agent (No. B–8738), for interested rail carriers. Rates on fertilizer, fertilizer compounds, fertilizer materials, superphosphate, and urea, in carloads, from points in southwestern territory, to points in Utah.

Grounds for relief—Market competition.

Tariff—Supplement 100 to Southwestern Freight Bureau, agent, tariff I.C.C. 4493.

FSA No. 39851—*Unground barytes to Natrium, W. Va.* Filed by Missouri Pacific Railroad Co. (No. 1133), for itself, and on behalf of The Baltimore & Ohio Railroad Co. Rates on barytes (not ground), not further processed than washed, jigged, tabled, crushed, or decrepitated, in carloads, subject to minimum shipment of 350 tons of 2,000 pounds, in not more than five cars, from Lumtie and Potosi, Mo., to Natrium, W. Va.

Grounds for relief—Market competition.

Tariff—Supplement 3 to Missouri Pacific Railroad Co., tariff I.C.C. 341.

FSA No. 39853—*Iron or steel articles to Bay St. Louis, Miss.* Filed by Illinois Freight Association, agent (No. 288), for interested rail carriers. Rates on iron or steel articles, viz.: Plate or sheet, noibn, galvanized or plain, corrugated or not corrugated in carloads, from Granite City, Ill., to Bay St. Louis, Miss.

Grounds for relief—Reestablish rate relationship.

Tariff—Supplement 37 to Illinois Freight Association, agent, tariff I.C.C. 1033.

AGGREGATE OF INTERMEDIATES

FSA No. 39852—*Unground barytes to Natrium, W. Va.* Filed by Missouri Pacific Railroad Co. (No. 1134), for interested rail carriers. Rates on barytes (not ground), not further processed than washed, jigged, tabled, crushed, or decrepitated, in carloads, subject to minimum shipment of 350 tons of 2,000 pounds in not more than five cars, from Lumtie and Potosi, Mo., to Natrium, W. Va.

Grounds for relief—Maintenance of depressed rates published to meet market competition without use of such rates as factors in constructing combination rates.

Tariff—Supplement 3 to Missouri Pacific Railroad Co., tariff I.C.C. 341.

By the Commission.

[SEAL] BERTHA F. ARMES, *Acting Secretary.*

[F.R. Doc. 65-6458; Filed, June 18, 1965; 8:47 a.m.]

CUMULATIVE LIST OF CFR PARTS AFFECTED—JUNE

The following numerical guide is a list of the parts of each title of the Code of Federal Regulations affected by documents published to date during June.

3 CFR

	Page
PROCLAMATIONS:	
3658	7695
EXECUTIVE ORDERS:	
July 10, 1912 (revoked in part by PLO 3699)	7898
May 14, 1915 (revoked in part by PLO 3673)	7752
Oct. 30, 1916 (revoked in part by PLO 3664)	7750
Dec. 12, 1917 (revoked in part by PLO 3699)	7898
6143 (revoked in part by PLO 3691)	7823
6276 (revoked in part by PLO 3691)	7823
6285 (revoked in part by PLO 3693)	7824
6583 (revoked in part by PLO 3691)	7822
7655 (revoked in part by PLO 3661)	7521
8278 (revoked in part by PLO 3705)	7901
10530 (superseded in part by EO 11228)	7739
10682 (superseded by EO 11228)	7739
10800 (superseded in part by EO 11228)	7739
10835 (superseded by EO 11228)	7739
10903 (superseded in part by EO 11228)	7739
11227	7369
11228	7739
11229	7741

5 CFR

	Page
213	7271, 7311, 7425, 7426, 7473, 7515, 7557, 7595, 7645, 7646, 7701, 7895.
511	7962
531	7962
630	7557

7 CFR

	Page
16	7426
28	7426
29	7385
30	7385
34	7385
51	7595
160	7385
201	7887
718	7427
722	7271, 7385, 7809
724	7646
728	7434
730	7272, 7811
750	7311
775	7515
814	7945
845	7273
908	7311, 7435, 7647, 7947
909	7273
910	7435, 7647, 7947
911	7647
915	7436, 7893
916	7948
917	7473–7475
923	7648
944	7436, 7743
958	7596
970	7274
1136	7893
1421	7475, 7811
1427	7814
1438	7948
PROPOSED RULES:	
29	7494
51	7396
52	7524
911	7501
915	7501
916	7284
991	7825
1002	7839
1040	7903
1042	7903
1068	7721
1133	7284
1138	7288

8 CFR

	Page
103	7516
264	7312

9 CFR

	Page
51	7596
74	7274
97	7893
201	7275, 7649
PROPOSED RULES:	
94	7445
101	7608
103	7608
201	7662, 7721

10 CFR

	Page
PROPOSED RULES:	
150	7445, 7662, 7963

12 CFR

	Page
1	7371
17	7275
218	7743
PROPOSED RULES:	
545	7316

13 CFR

	Page
107	7597, 7651
305	7894

14 CFR

	Page
37	7637
39	7275, 7371, 7372, 7638, 7701, 7816, 7876
71	7276, 7312, 7372, 7373, 7517, 7557, 7558, 7598, 7639, 7702, 7703, 7744, 7816–7818, 7877–7886, 7949.
73	7744, 7745, 7949
75	7702, 7745
95	7639
97	7374, 7598, 7867, 7950
121	7703
141	7517
151	7484
221	7558
241	7704
PROPOSED RULES:	
37	7663
39	7573
61	7292
71	7316, 7396, 7502, 7503, 7524, 7525, 7573, 7612, 7613, 7663–7666, 7723, 7761, 7840, 7929.
73	7503, 7724
75	7761
121	7963

16 CFR

	Page
13	7652, 7663, 7655, 7657, 7658, 7660, 7661
14	7894

17 CFR

	Page
240	7276
249	7566, 7568

18 CFR

	Page
8	7313
157	7280

19 CFR

	Page
1	7569, 7704
4	7598
10	7819
PROPOSED RULES:	
22	7756

21 CFR

	Page
8	7484, 7705
20	7280
25	7943
27	7484
120	7280, 7385, 7485, 7569
121	7280, 7386, 7485–7487, 7518, 7519, 7570, 7599, 7705–7707, 7895, 7896, 7943, 7944.

21 CFR—Continued

	Page
141a	7707
141c	7944
141d	7487
146a	7707, 7896
146c	7707
146d	7487
148n	7944
PROPOSED RULES:	
20	7292
121	7501

22 CFR

	Page
204	7571

24 CFR

	Page
203	7599
221	7708

25 CFR

	Page
1	7520
41	7745
42	7746

26 CFR

	Page
1	7281, 7805
20	7708
25	7708
48	7809
301	7809
PROPOSED RULES:	
1	7493, 7721

28 CFR

	Page
0	7599, 7709, 7819
16	7488
42	7386
43	7819

29 CFR

	Page
5	7819
602	7948
603	7949
1501	7748
1502	7748
1503	7748
PROPOSED RULES:	
1504	7608

32 CFR

	Page
562	7710
750	7748
753	7748
1001	7389

33 CFR

	Page
124	7314

38 CFR

	Page
1	7389
3	7390, 7489
36	7521

39 CFR

	Page
15	7390
16	7390, 7748
22	7391
23	7391
24	7391
25	7391
43	7392
45	7392
46	7394
114	7748
122	7748

41 CFR

	Page
5B–2	7436
8–1	7437
8–2	7437, 7599
8–3	7599
8–7	7600
8–14	7600
8–15	7601
8–16	7602
8–75	7602
8–95	7603
9–14	7886
9–16	7887
9–17	7887
9–51	7749
9–53	7819
9–56	7749
9–58	7750
101–18	7820
101–20	7820
101–38	7489

42 CFR

	Page
57	7394, 7395

43 CFR

	Page
18	7394
2230	7605
3540	7606
4110	7606
PUBLIC LAND ORDERS:	
5 (see PLO 3677)	7820
509 (revoked in part by PLO 3695)	7897
729 (revoked by PLO 3706)	7754
993 (revoked in part by PLO 3692)	7823
1350 (revoked by PLO 3700)	7899
1752 (revoked by PLO 3704)	7900
1757 (revoked in part by PLO 3673)	7752
1898 (revoked in part by PLO 3703)	7900
3530 (amended and revoked in part by PLO 3701)	7899
3565 (correction)	7820
3598 (corrected by PLO 3675)	7753
3646 (corrected by PLO 3680)	7821
3661	7521
3662	7606
3663	7750
3664	7750
3665	7750
3666	7751
3667	7751
3668	7751
3669	7751
3670	7751
3671	7752
3672	7752
3673	7752
3674	7752
3675	7753
3676	7753
3677	7820
3678	7821
3679	7821
3680	7821
3681	7821
3682	7821
3683	7821
3684	7821
3685	7822
3686	7822
3687	7822

43 CFR—Continued

	Page
PUBLIC LAND ORDERS—Continued	
3688	7753
3689	7822
3690	7823
3691	7823
3692	7823
3693	7824
3694	7824
3695	7897
3696	7897
3697	7897
3698	7897
3699	7898
3700	7899
3701	7899
3702	7900
3703	7900
3704	7900
3705	7901
3706	7754

45 CFR

	Page
60	7371

46 CFR

	Page
146	7437
221	7490
309	7697
527	7490
PROPOSED RULES:	
248	7291
290	7722
380	7722
521	7930
533	7574

47 CFR

	Page
0	7521, 7755
1	7419
31	7711
33	7711
73	7314, 7711
89	7522
97	7755
PROPOSED RULES:	
1	7446
17	7446
73	7446, 7525, 7666, 7671, 7673, 7929

48 CFR

	Page
201	7754
211	7754

49 CFR

	Page
72	7420
73	7420
74	7423
77	7423
78	7423
79	7425
95	7522, 7945
131	7901
192	7491
193	7522

50 CFR

	Page
3	7315
10	7571
32	7523
33	7282, 7572, 7824
253	7607
260	7282
262	7444
266	7282

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Pages 7983–8026

Agencies in this issue—

Agricultural Stabilization and Conservation Service
Agriculture Department
Alien Property Office
Atomic Energy Commission
Civil Service Commission
Coast Guard
Commodity Credit Corporation
Consumer and Marketing Service
Defense Department
Federal Aviation Agency
Federal Communications Commission
Federal Power Commission
Federal Trade Commission
Food and Drug Administration
Foreign Assets Control Office
Interior Department
Interstate Commerce Commission
Labor Standards Bureau
Land Management Bureau
Securities and Exchange Commission
Social Security Administration
Treasury Department
Wage and Hour Division

Detailed list of Contents appears inside.



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Contents

AGRICULTURAL STABILIZATION AND CONSERVATION SERVICE

Rules and Regulations

Cotton, upland, 1964 and succeeding crops; transfer of acreage affected by natural disaster ... 7987

Sugar, 1965 crop; proportionate shares for farms:
- Beet, domestic ... 7987
- Cane, mainland ... 7988

Proposed Rule Making

Tobacco, flue-cured; determination to be made regarding referendum of May 4, 1965 ... 8000

AGRICULTURE DEPARTMENT

See also Agricultural Stabilization and Conservation Service; Consumer and Marketing Service; Commodity Credit Corporation.

Notices

Great Plains Conservation Program; Mitchell County, Kansas ... 8016

ALIEN PROPERTY OFFICE

Notices

Mojsiewicz, Mordka; intention to return vested property ... 8016

ATOMIC ENERGY COMMISSION

Notices

General Dynamics Corp.; issuance of construction permit ... 8017

CIVIL SERVICE COMMISSION

Rules and Regulations

Excepted service:
- Commerce Department ... 7987
- Defense Department ... 7987
- Small Business Administration ... 7987

COAST GUARD

Notices

James River; closure to navigation during sea trials of "Enterprise" ... 8015

COMMODITY CREDIT CORPORATION

Rules and Regulations

Loan and purchase programs, 1965:
- Beans, dry edible ... 7988
- Grain sorghum ... 7991

CONSUMER AND MARKETING SERVICE

Rules and Regulations

Milk in Inland Empire marketing area; order suspending certain provisions ... 7988

Proposed Rule Making

Milk in Inland Empire marketing area; decision ... 8000

DEFENSE DEPARTMENT

Rules and Regulations

Fees for copying, certification, and search of records ... 7997

FEDERAL AVIATION AGENCY

Rules and Regulations

Airworthiness directive; Lockheed Model 1329 aircraft ... 7993

Control zone; alteration ... 7994

Control zone and transition area; alteration ... 7993

Federal airway; alteration of designation ... 7994

Jet route; alteration of description ... 7995

Jet route and continental control area; alteration ... 7994

Restricted area; redesignation ... 7994

Transition area; description; correction ... 7994

Proposed Rule Making

Control zone, alteration; and designation of transition area and control zone ... 8007

Federal airways, alteration; and revocation of control area extension ... 8008

Jet routes; revocation ... 8008

Life preservers; withdrawal of proposal ... 8006

Minimum altitudes for use of automatic pilot ... 8009

Transition area; alteration ... 8007

FEDERAL COMMUNICATIONS COMMISSION

Rules and Regulations

Industrial, scientific, and medical equipment; procedure for prototype certification ... 7998

Proposed Rule Making

Television broadcast signals; distribution by community antenna television systems ... 8009

Notices

Communications Satellite Corp.; inquiry ... 8018

Standard broadcast applications ready and available for processing ... 8017

Hearings, etc.:

Chapman Radio and Television Co. and Anniston Broadcasting Co ... 8017

Charlottesville Broadcasting Corp. (WINA) and WBXM Broadcasting Co., Inc ... 8017

Fidelity Radio, Inc., et al ... 8017

Regional Broadcasting Corp. and Evergreen Enterprises, Inc ... 8017

Triple C Broadcasting Corp. (WLOR) ... 8018

Webster County Broadcasting Co. and Holmes County Broadcasting Co. (WXTN) ... 8018

FEDERAL POWER COMMISSION

Notices

Hearings, etc.:

El Paso Natural Gas Co. et al ... 8019

Public Utility District No. 1, Chelan County, Wash ... 8020

Southwestern Power Administration ... 8020

Wisconsin Public Service Corp ... 8021

FEDERAL TRADE COMMISSION

Rules and Regulations

Fallout shelters; guides for advertising ... 7995

FOOD AND DRUG ADMINISTRATION

Rules and Regulations

Food additives; odorless light petroleum hydrocarbons ... 7996

Pesticide chemicals in or on raw agricultural commodities; tolerances and exemptions ... 7996

FOREIGN ASSETS CONTROL OFFICE

Notices

Chinese-style garments imported directly from Hong Kong; available certification ... 8015

HEALTH, EDUCATION, AND WELFARE DEPARTMENT

See Food and Drug Administration; Social Security Administration.

INTERIOR DEPARTMENT

See also Land Management Bureau.

Notices

Hope, Alvin C.; statement of changes in financial interests ... 8016

INTERSTATE COMMERCE COMMISSION

Notices

Motor carrier transfer proceedings ... 8024

JUSTICE DEPARTMENT

See Alien Property Office.

LABOR DEPARTMENT

See Labor Standards Bureau; Wage and Hour Division.

LABOR STANDARDS BUREAU

Rules and Regulations

Child labor; state certificates of age ... 7997

(Continued on next page)

CONTENTS

LAND MANAGEMENT BUREAU

Rules and Regulations

Oregon; public land order; correction 7998

Notices

Arizona; order providing for opening of public lands 8016

SECURITIES AND EXCHANGE COMMISSION

Proposed Rule Making

Statement of eligibility and qualification:
Corporate trustees 8009
Individual trustees 8012

Notices

Hearings, etc.:
J. I. Case Co. et al 8021
Lear-Siegler, Inc., et al 8021

SOCIAL SECURITY ADMINISTRATION

Rules and Regulations

Federal old-age, survivors and disability insurance; child's insurance benefits; time when dependency requirement must be met 7995

TREASURY DEPARTMENT

See also Coast Guard; Foreign Assets Control Office.

Notices

Antidumping; tentative determinations:
Hardboard from South Africa 8015
Headboards from Yugoslavia 8016

WAGE AND HOUR DIVISION

Proposed Rule Making

Driver salesmen; definition 8005

Notices

Certificates authorizing employment of full-time students working outside school hours in retail or service establishments at special minimum rates 8021
Certificates authorizing employment of learners at special minimum rates 8022

List of CFR Parts Affected

(Codification Guide)

The following numerical guide is a list of the parts of each title of the Code of Federal Regulations affected by documents published in today's issue. A cumulative list of parts affected, covering the current month to date, appears at the end of each issue beginning with the second issue of the month.

A cumulative guide is published separately at the end of each month. The guide lists the parts and sections affected by documents published since January 1, 1965, and specifies how they are affected.

5 CFR

213 (3 documents) 7987

7 CFR

722 7987
850 7987
855 7988
1133 7988
1421 (2 documents) 7988, 7991
PROPOSED RULES:
724 8000
1133 8000

14 CFR

39 7993
71 (5 documents) 7993, 7994
73 7994
75 (2 documents) 7994, 7995
PROPOSED RULES:
37 8006
71 (3 documents) 8007, 8008
75 8008
121 8009

16 CFR

14 7995

17 CFR

PROPOSED RULES:
260 8009
269 (2 documents) 8009, 8012

20 CFR

404 7995

21 CFR

120 7996
121 7996

29 CFR

1500 7997
PROPOSED RULES:
541 8005

32 CFR

288 7997

43 CFR

PUBLIC LAND ORDERS:
3528 7998

47 CFR

18 7998
PROPOSED RULES:
21 8009
74 8009
91 8009

Rules and Regulations

Title 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 213—EXCEPTED SERVICE

Department of Defense

Section 213.3306 is amended to show the exception under Schedule C of the position of Aide to the Vice President. Effective on publication in the FEDERAL REGISTER, subparagraph (42) is added to paragraph (a) of § 213.3306 as set out below.

§ 213.3306 Department of Defense.

(a) *Office of the Secretary.* • • •

(42) Aide to the Vice President.

• • • • • •

(R.S. 1753, sec. 2, 22 Stat. 403, as amended; 5 U.S.C. 631, 633; E.O. 10577, 19 F.R. 7521, 3 CFR, 1954–58 Comp., p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] MARY V. WENZEL,
Executive Assistant to the Commissioners.

[F.R. Doc. 65-6501; Filed, June 21, 1965; 8:46 a.m.]

PART 213—EXCEPTED SERVICE

Department of Commerce

Section 213.3314 is amended to show that the position of Deputy Under Secretary for Transportation (Policy) is no longer excepted under Schedule C, and that the position of Director, Office of Transportation Policy Development, is excepted under Schedule C. Effective on publication in the FEDERAL REGISTER, subparagraph (18) of paragraph (a) of § 213.3314 is revoked and subparagraph (34) is added to paragraph (a) as set out below.

§ 213.3314 Department of Commerce.

(a) *Office of the Secretary.* • • •

(18) [Revoked]

• • • • • •

(34) Director, Office of Transportation Policy Development.

• • • • • •

(R.S. 1753, sec. 2, 22 Stat. 403, as amended; 5 U.S.C. 631, 633; E.O. 10577, 19 F.R. 7521, 3 CFR, 1954–58 Comp., p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] MARY V. WENZEL,
Executive Assistant to the Commissioners.

[F.R. Doc. 65-6500; Filed, June 21, 1965; 8:46 a.m.]

PART 213—EXCEPTED SERVICE

Small Business Administration

Section 213.3332 is amended to show the exception under Schedule C of an additional position of Special Assistant to the Administrator. Effective on publication in the FEDERAL REGISTER, paragraph (h) of § 213.3332 is amended as set out below.

§ 213.3332 Small Business Administration.

• • • • • •

(h) Two Special Assistants to the Administrator.

• • • • • •

(R.S. 1753, sec. 2, 22 Stat. 403, as amended; 5 U.S.C. 631, 633; E.O. 10577, 19 F.R. 7521, 3 CFR, 1954–58 Comp., p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] MARY V. WENZEL,
Executive Assistant to the Commissioners.

[F.R. Doc. 65-6502; Filed, June 21, 1965; 8:46 a.m.]

Title 7—AGRICULTURE

Chapter VII—Agricultural Stabilization and Conservation Service (Agricultural Adjustment), Department of Agriculture

[Amdt. 19]

PART 722—COTTON

Subpart—Acreage Allotment Regulations for 1964 and Succeeding Crops of Upland Cotton

TRANSFER OF COTTON ACREAGE AFFECTED BY NATURAL DISASTER

This amendment is issued pursuant to the Agricultural Adjustment Act of 1938, as amended (52 Stat. 31, as amended; 7 U.S.C. 1281 et seq.).

(a) The purpose of this amendment is to designate States and counties that have been affected by a natural disaster within the meaning of section 344(n) of the Act for the 1965 crop.

(b) In order that determinations with respect to transfers of acreage for the 1965 crop may be made prior to the end of the cotton planting season, it is essential that this amendment be made effective as soon as possible. Accordingly, it is hereby determined and found that compliance with the notice, public procedure requirements, and the 30-day effective date requirements of section 4 of the Administrative Procedure Act (60 Stat. 238; 5 U.S.C. 1003) is impracticable and contrary to the public interest and this amendment shall be effective upon filing of this document with the Director, Office of the Federal Register.

The Acreage Allotment Regulations for the 1964 and Succeeding Crops of Upland Cotton (28 F.R. 11041, as amended) are amended as follows:

Paragraph (f) of § 722.226 of the regulations is amended by adding at the end thereof the following additional designated counties in Arkansas:

§ 722.226 Transfer of farm cotton acreage affected by a natural disaster.

• • • • • •

(f) *Designated States and counties affected by a natural disaster for 1965.*

• • •

ARKANSAS

Craighead. Lawrence. Poinsett.

• • • • • •

(Secs. 344(n), 375; 78 Stat. 177, 52 Stat. 66, as amended; 7 U.S.C. 1344(n), 1375)

Effective date. Date of filing this document with the Director, Office of the Federal Register.

Signed at Washington, D.C., on June 17, 1965.

H. D. GODFREY,
Administrator, Agricultural Stabilization and Conservation Service.

[F.R. Doc. 65-6520; Filed, June 21, 1965; 8:48 a.m.]

Chapter VIII—Agricultural Stabilization and Conservation Service (Sugar), Department of Agriculture

SUBCHAPTER G—DETERMINATION OF PROPORTIONATE SHARES

[S.D. 850.147, Rev. 1, Amdt. 2]

PART 850—DOMESTIC BEET SUGAR PRODUCING AREA

Proportionate Shares for Farms; 1965 Crop

Pursuant to the provisions of section 302 of the Sugar Act of 1948, as amended, § 850.147 (29 F.R. 15801, 17029) is hereby amended by adding the following to paragraph (p):

§ 850.147 Proportionate shares for farms in the domestic beet sugar area.

• • • • • •

(p) *Eligibility for payment under the Act.* • • •

Notwithstanding the foregoing provisions of this paragraph (p), if the operator of any farm, which is located in a county designated in Part 718 of this title, as a county in which farm operators' certification of the acreage and land use may be accepted with respect to sugarbeets in lieu of a farm inspection and measurement, fails to file a timely report as required under such Part 718 of this title or files a timely report showing that the acreage of sugarbeets is

within the proportionate share for the farm and it is later determined by the county or State committee that such acreage is in excess of the proportionate share and was knowingly incorrectly reported by the farm operator, no payment shall be made with respect to such farm.

* * * * * *

Statement of bases and considerations. Part 718, Chapter VII of Title 7 authorizes farm operator certification of acreage and land use with respect to the production of sugarbeets in certain designated counties. Further, it provides that farm operators report their crop acreages by predetermined dates.

This amendment provides that no Sugar Act payment will be made with respect to a farm located in a designated county if the operator thereof fails to file a timely report of acreage or knowingly files a report which shows that the acreage of sugarbeets is within the proportionate share but which is later determined by the county or State committee to exceed such share.

This amendment is issued to insure that adequate, timely and accurate data are furnished to county committees to enable such committees to determine compliance with section 301(b) of the Sugar Act.

Accordingly, I hereby find and conclude that the foregoing amendment will effectuate the applicable provisions of the Act.

(Sec. 403, 61 Stat. 932; 7 U.S.C. 1153, secs. 301, 302, 61 Stat. 929, 930, as amended; 7 U.S.C. 1131, 1132)

Effective date. Date of publication.

Signed at Washington, D.C., on June 16, 1965.

JOHN A. SCHNITTKER,
Acting Secretary.

[F.R. Doc. 65-6521; Filed, June 21, 1965; 8:48 a.m.]

[S.D. 855.10, Rev. 1, Amdt. 3]

PART 855—MAINLAND CANE SUGAR AREA

Proportionate Shares for Farms; 1965 Crop

Pursuant to the provisions of sections 302 and 403 of the Sugar Act of 1948, as amended, § 855.10 (29 F.R. 13595, 14102, 17029) is hereby amended by adding a new subdivision (vi) to subparagraph (4) of paragraph (h) to read as follows:

§ 855.10 Proportionate shares for sugarcane farms in the Mainland Cane Sugar Area for the 1965 crop.

* * * * *

(h) *Eligibility for payment under act.*
* * *

(4) * * *

(vi) If the operator of any farm, which is located in a county designated in Part 718 of this title, as a county in which farm operators' certification of the acreage and land use may be accepted with respect to sugarcane in lieu of a farm inspection and measurement, fails to file a timely report as required under such Part 718 of this title or files a timely report showing that the acreage of sugarcane is within the proportionate share for the farm and it is later determined by the county or State committee that such acreage is in excess of the proportionate share and was knowingly incorrectly reported by the farm operator, no payment shall be made with respect to such farm.

Statement of bases and considerations. Part 718, Chapter VII of Title 7, authorizes farm operator certification of acreage and land use with respect to the production of sugarcane in certain designated counties. Further, it provides that farm operators report their crop acreages by predetermined dates.

This amendment provides that no Sugar Act payment will be made with respect to a farm located in a designated county if the operator thereof fails to file a timely report of acreage or knowingly files a report which shows that the acreage of sugarcane is within the proportionate share but which is later determined by the county or State committee to exceed such share.

This amendment is issued to insure that adequate, timely, and accurate data are furnished to county committees to enable such committees to determine compliance with section 301(b) of the Sugar Act.

Accordingly, I hereby find and conclude that the foregoing amendment will effectuate the applicable provisions of the Act.

(Sec. 403, 61 Stat. 932; 7 U.S.C. 1153, secs. 301, 302, 61 Stat. 929, 930, as amended; 7 U.S.C. 1131, 1132)

Effective date. Date of publication.

Signed at Washington, D.C., on June 16, 1965.

JOHN A. SCHNITTKER,
Acting Secretary.

[F.R. Doc. 65-6522; Filed, June 21, 1965; 8:48 a.m.]

Chapter X—Consumer and Marketing Service (Marketing Agreements and Orders; Milk), Department of Agriculture

[Milk Order 133]

PART 1133—MILK IN INLAND EMPIRE MARKETING AREA

Order Suspending Certain Provisions

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and of the order regulating the handling of milk in the Inland Empire marketing area (7 CFR Part 1133), it is hereby found and determined that:

(a) The following provisions of the order no longer tend to effectuate the declared policy of the Act for the month of July 1965:

(1) In § 1133.12(c)(1), the language which reads "during the months of December through June"; and

(2) In § 1133.15(c)(1), the language which reads "during any of the months of December through June".

(b) Thirty days' notice of the effective date hereof is impractical, unnecessary, and contrary to the public interest in that:

(1) This suspension order does not require of persons affected substantial or extensive preparation prior to the effective date;

(2) This suspension order is necessary to reflect current marketing conditions and to maintain orderly marketing conditions in the marketing area;

(3) This suspension order will permit handlers to divert producer milk from pool plants to nonpool plants during the month of July 1965. The order presently provides for diversions only during the months of December through June. This extension of diversion privileges will facilitate the economical movement of increasing supplies of producer milk not needed for fluid use to nonpool plants for manufacturing. Plants pooled under the order have only limited manufacturing facilities; and

(4) The modification of the present diversion privileges was one of the issues considered at a public hearing held in Spokane, Wash., on April 14, 1965. As announced in a final decision based on the record of this hearing, it has been concluded that some diversion of producer milk is necessary during all months. The remaining portion of the amendatory procedure cannot be completed by July 1. Pending approval and issuance of a proposed amended order, it is appropriate that this suspension action be taken.

Therefore, good cause exists for making this order effective July 1, 1965.

It is therefore ordered, That the aforesaid provisions of the order are hereby suspended for the month of July 1965.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Effective date. July 1, 1965.

Signed at Washington, D.C., on June 17, 1965.

JOHN A. SCHNITTKER,
Under Secretary.

[F.R. Doc. 65-6523; Filed, June 21, 1965; 8:49 a.m.]

Chapter XIV—Commodity Credit Corporation, Department of Agriculture

SUBCHAPTER B—LOANS, PURCHASES, AND OTHER OPERATIONS

[CCC Grain Price Support Regs., 1965-Crop Dry Edible Bean Supp.]

PART 1421—GRAINS AND SIMILARLY HANDLED COMMODITIES

Subpart—1965-Crop Dry Edible Bean Loan and Purchase Program

The General Regulations Governing Price Support for the 1964 and Subsequent Crops (29 F.R. 2686), issued by the Commodity Credit Corporation which contain regulations of a general nature with respect to price support operations are supplemented for the 1965-crop of dry edible beans as follows:

Sec.
1421.2440 Purpose.
1421.2441 Applications and loans—final dates.
1421.2442 Eligible beans.
1421.2443 Determination of quality for loans.

Sec.
1421.2444 Determination of quantity for loans.
1421.2445 Warehouse receipts.
1421.2446 Warehouse charges and packaging.
1421.2447 Service charges.
1421.2448 Maturity of loans.
1421.2449 Inspection certificates.
1421.2450 Settlement.
1421.2451 Storage in-transit.
1421.2452 Support rates.

AUTHORITY: The provisions of this subpart issued under sec 4, 62 Stat. 1070, as amended; 15 U.S.C. 714b. Interpret or apply sec. 5, 62 Stat. 1072, secs. 301, 401, 63 Stat. 1053, 15 U.S.C. 714c, 7 U.S.C. 1421, 1441.

§ 1421.2440 Purpose.

This subpart contains program provisions which, together with the applicable provisions of the General Regulations Governing Price Support for the 1964 and Subsequent Crops and the Cooperative Marketing Association Eligibility Requirements for Price Support in Part 1425 of this chapter (30 F.R. 6907), and any amendments thereto, apply to loans and purchases made under the 1965-crop Dry Edible Bean Price Support Program.

§ 1421.2441 Applications and loans—final dates.

Producers desiring to participate in this program must file an application for price support not later than March 31, 1966. Producers whose applications are approved may obtain price support loans through March 31, 1966.

§ 1421.2442 Eligible beans.

(a) *General.* In order to be eligible for price support, the beans must be merchantable for use as food or feed or for other use as determined by CCC and must meet the additional requirements of this section.

(1) *Classes.* The beans must be dry edible beans of the classes Pea, Medium White, Great Northern, Small White, Flat Small White, Pink, Small Red, Pinto, Dark Red Kidney, Light Red Kidney, Western Red Kidney, Large Lima, and Baby Lima.

(2) *Contamination and poisonous substances.* The beans must not be contaminated by rodents, birds, insects, or other vermin or contain mercurial compounds or other substances poisonous to man or animals.

(b) *Warehouse stored.* In order to be eligible for a warehouse stored loan, the beans must also be (1) stored in an approved warehouse, and (2) represented by warehouse receipts, or warehouse receipts and supplemental certificates, calling for delivery of beans grading No. 2 or better and containing not more than 18 percent moisture.

§ 1421.2443 Determination of quality for loans.

(a) *Quality.* The class, grade, and all other quality factors shall be in accordance with the Official U.S. Standards for Beans, whether or not such determinations are made on the basis of an official inspection.

(b) *Loans.* If the beans are stored in an approved warehouse, loans will be made on the class and grade of beans required to be delivered by the warehouse receipt, or supplemental certificate if applicable, representing such beans.

§ 1421.2444 Determination of quantity for loans.

(a) *In warehouse—(1) Commingled.* The amount of a loan on eligible beans stored commingled in an approved warehouse shall be based on the net weight which is called for delivery by the warehouse receipt representing such beans pledged as security for the loan, or by the supplemental certificate if applicable.

(2) *Identity preserved.* The amount of a loan on the quantity of eligible beans stored identity preserved in an approved warehouse shall be based on a percentage, as determined by the State committee, of the net weight specified on the warehouse receipt representing such beans which is pledged as security for the loan, or on the supplemental certificate if applicable. Such percentage shall not exceed 95 percent of the net weight so specified. The State committee's determination shall be made on a statewide basis or for specified areas within the State. The county committee may lower such percentage on an individual basis when determined to be in the best interest of CCC.

(b) *On farm.* The quantity of beans placed under farm storage loan shall be determined in accordance with § 1421.67 on the basis of a percentage of the estimated net weight of the beans stored in approved farm storage covered by the chattel mortgage or if the beans have not been processed, on the basis of a percentage of the estimated net weight of the sound beans so stored as determined by an inspection by a representative of the county committee. Such quantity shall be expressed in whole units of 100 pounds.

§ 1421.2445 Warehouse receipts.

(a) *General.* Warehouse receipts representing beans in approved warehouse storage placed under warehouse storage loan, delivered in satisfaction of a farm storage loan or for purchase must meet the requirements of this section and the General Regulations Governing Price Support for 1964 and Subsequent Crops and any amendments thereto.

(b) *Grade and class.* A separate warehouse receipt must be submitted for each grade and class of beans.

(c) *Entries.* Each warehouse receipt or supplemental certificate properly identified with the warehouse receipt, must show (1) net weight, (2) class, (3) grade, (4) whether the beans will be packaged in jute or paper bags on delivery, and (5) in the case of "identity-preserved" beans, the warehouse receipt shall show the lot number, and must be accompanied by a supplemental certificate executed by the producer in which he assumes responsibility for the quantity and quality of beans indicated thereon. When the beans have not been processed prior to issuance of the warehouse receipt, the warehouse receipt or the supplemental certificate must also show the gross weight, moisture, and percentage of total defects of the beans received and the quantity and quality which the warehouseman guarantees to deliver.

§ 1421.2446 Warehouse charges and packaging.

(a) *Warehouse charges.* Prior to the time that the beans are placed under warehouse-storage loans, or acquired by CCC, the producer shall arrange for payment of storage, bagging, processing, inspection, and all other charges (except receiving and loading out charges in the warehouse in which the beans are acquired by CCC) accruing through the maturity date for loans. Such charges shall include the cost of movement to a normal railroad shipping point if the warehouse is not located on a railroad, and any unpiling, turning, repiling, or other charges, except loading out charges, incident to official weight and grade determinations on identity-preserved beans. CCC will assume warehouse storage charges in accordance with the Bean Storage Agreement accruing after the maturity date for loans for beans acquired by CCC.

(b) *Packaging.* The producer must arrange for the beans to be packaged 100 pounds net weight in new jute or multiwall paper bags prior to their delivery to CCC. Bags must be marked to show the commodity name and class, the net weight, and the name and address of the packer. The bags in which the beans are packed must meet the specifications of subparagraph (1) or (2) of this paragraph:

(1) *Jute bags.* The bags must be made of 36 inch, extra quality 10.4 ounce or heavier jute. Bag seams must be as strong as the full strength of the cloth.

(2) *Multiwall paper bags.* Paper bags must meet the requirements of Federal Specification UU–S–48 as supplemented. The walls shall be either Class A Heavy Duty Shipping Sack Kraft or Class F Heavy Duty Extensible Shipping Sack Kraft Papers. The bag shall be open-mouth style constructed of four walls of either 2/50# and 2/60# 220 pounds total basis weight Class A paper or 4/50# 200 pounds total basis weight Class F paper. The outer wall shall be treated (mechanically or chemically) for antiskid properties. The bottom and top of the bag shall be closed by sewing through all walls with 12/6 needle and 12/5 cotton looper thread, or with a single thread chain stitch, Type 101, with a 12/6 cotton thread (other threads of equivalent strength are permitted). Stitches shall be spaced 3.0 to 3.6 to the inch. The manufactured end of the bag shall be sewn at a depth of not less than three-eighths inch nor more than three-fourths inch and shall incorporate a 2½-inch minimum width 70-pound nominal basis weight, flat, creped, or extensible kraft paper. After filling, the top of the bag shall be machine sewn at a depth of not less than three-eighths inch.

§ 1421.2447 Service charges.

A charge of 1 cent per hundredweight will be made for the quantity of beans acquired by CCC and shall be handled in accordance with § 1421.60(b).

§ 1421.2448 Maturity of loans.

Unless demand is made earlier, loans will mature on April 30, 1966.

§ 1421.2449 Inspection certificates.

Except in the case of loans on beans stored commingled in an approved warehouse, settlement with the producer on all beans acquired by CCC will be based on the class, grade, and quality shown on the official lot inspection certificate. Such inspection certificate shall be dated not earlier than 30 days prior to the applicable maturity date. The cost of Federal or Federal-State lot inspections as required by this section and § 1421.2450 shall not be for the account of CCC.

§ 1421.2450 Settlement.

Settlement for eligible beans acquired by CCC under loan or by purchase will be made with the producer as provided in § 1421.72 and this section.

(a) *Commingled warehouse stored.* Settlement for eligible beans stored commingled in an approved warehouse and acquired by CCC under a loan or by purchase shall be made on the basis of the class, grade, and quality and net weight which are called for delivery by the warehouse receipt representing such beans or the supplemental certificate, if applicable.

(b) *Other storage.* Settlement for eligible beans acquired under loan or purchase not stored commingled in an approved warehouse shall be made on the basis of the class, grade, and quality shown on Federal or Federal-State lot inspection certificates and on the basis of the quantity shown on official weight certificates. Such certificates dated not earlier than 30 days prior to the applicable maturity date shall be furnished the county committee at the time of delivery. The weight of bagged beans stored other than commingled in an approved warehouse shall be the net weight of the lot as determined under the preceding provisions of this paragraph, or a quantity determined by multiplying the number of bags by 100 pounds, whichever is smaller.

§ 1421.2451 Storage in-transit.

Reimbursement will be made by CCC to producers or warehousemen for paid-in freight on beans stored in approved warehouses, subject to the following conditions:

(a) The movement from point of origin to storage point must be an "inline" movement as determined by CCC, and must be no greater than 100 miles from the point of production unless otherwise approved by CCC prior to the date of shipment.

(b) The freight must have been paid by the person claiming reimbursement and he must not have been otherwise reimbursed.

(c) The warehousemen must furnish the descriptive data on all freight bills or transit tonnage slips on all eligible beans received into the storage facility at the time and in the manner stipulated in the Bean Storage Agreement.

(d) The freight bills or transit tonnage slips must be made available to CCC in accordance with the provisions of the Bean Storage Agreement.

(e) Not more than one transit stop must have been used on billing.

(f) The freight bills must be otherwise acceptable to CCC under the terms of the Bean Storage Agreement.

(g) Reimbursement for paid-in freight under this section will be made by the appropriate ASCS commodity office subsequent to actual acquisition of the beans by CCC.

§ 1421.2452 Support rates.

The support rate for beans placed under a loan other than a loan on beans stored in an approved warehouse, shall be the applicable basic support rate specified in paragraph (a) of this section, for the county in which the beans were produced adjusted as provided in paragraph (d) of this section. The support rate for loans on beans stored in approved warehouse storage and for settlement of all loans and purchases shall be the applicable support rate specified in paragraph (a) of this section for the county in which the beans were produced, adjusted in accordance with the provisions of this section and the provisions of § 1421.74 and in the case of settlements adjusted for such other discounts as may be established by CCC as applicable to the class, grade, and quality of beans acquired by CCC. Except in the case of large lima beans, if the beans have been moved by truck to approved storage in a higher support rate county, or if the warehouseman guarantees delivery by truck to approved storage or on track in a higher support rate county, the support rate shall be the support rate for the county in which the beans are stored or to which delivery is guaranteed.

(a) *Basic county support rates.* The basic county support rates per 100 pounds net weight for beans of all classes grading U.S. No. 1 are as follows:

Class and area	Rate per 100 pounds U.S. No. 1
Pinto:	
Area I—All counties in New Mexico except McKinley, Rio Arriba, San Juan, Taos, and Valencia	$6.57
Area II—All counties in Kansas, Nebraska, Oklahoma, and Texas. In Colorado, the counties of Adams, Arapahoe, Baca, Bent, Boulder, Cheyenne, Clear Creek, Crowley, Denver, Douglas, Elbert, El Paso, Fremont, Gilpin, Huerfano, Jefferson, Kiowa, Kit Carson, Larimer, Las Animas, Lincoln, Logan, Morgan, Otero, Phillips, Prowers, Pueblo, Sedgwick, Teller, Washington, Weld, and Yuma. In Wyoming, the counties of Goshen, Laramie, and Platte	6.47
Area III—In New Mexico, the counties of McKinley, and Valencia	6.37
Area IV—All counties in Arizona, California, South Dakota, and Utah. In Wyoming all counties except Goshen, Laramie, and Platte. In Colorado, all counties not in Area II. In New Mexico, the counties of Rio Arriba, San Juan, and Taos	6.27
Area V—All counties in Washington	5.97
Area VI—All counties in other States	6.07
Great Northern:	
Area I—All counties in Minnesota, Nebraska, and North Dakota. In Colorado, all counties east of 106 degrees longitude. In Wyoming, the counties of Goshen, Laramie, and Platte	$7.21
Area II—All counties in South Dakota. All counties in Wyoming except Goshen, Laramie, and Platte	7.01
Area III—All counties in Montana. In Idaho, the counties of Ada, Bannock, Bear Lake, Bingham, Boise, Canyon, Caribou, Cassia, Elmore, Franklin, Gem, Godding, Jerome, Lincoln, Minidoka, Oneida, Owyhee, Payette, Power, and Twin Falls. In Oregon, Malheur County	6.81
Area IV—All counties in other States	6.71
Pea and Medium White:	
Area I—All counties in Michigan, New York, Maine, Minnesota, and Wisconsin	6.65
Area II—All counties in other States	6.15
Small White and Flat Small White	7.52
Dark Red Kidney	8.26
Light Red Kidney	8.70
Western Red Kidney	8.70
Pink	7.32
Small Red:	
Area I—All counties in Idaho and Colorado	7.47
Area II—All counties in Washington	7.37
Area III—All counties in other States	7.43
Large Lima:	
Area I—In California, counties of Monterey, Orange, San Luis Obispo, Santa Barbara, Ventura, Los Angeles, and San Diego	10.39
Area II—All other counties in California	10.34
Baby Lima	8.59

(b) *Premium.*

	Cents per 100 pounds
Grade U.S. CHP (Pea beans)	25
Grade U.S. CHP (All other beans)	10
Grade U.S. Extra No. 1	10

(c) *Discount.*

	Cents per 100 pounds
Grade U.S. No. 2	25
Paper package	09

(d) *Deduction for processing charges.* In the case of beans which have not been processed (i.e., commercially cleaned), the rate shall be reduced by the following amounts (except for beans stored commingled in an approved warehouse):

	Dollars per 100 pounds from U.S. No. 1 rate
All States except Michigan and New York	$1.00
Michigan, Pea beans only	1.00
Michigan, other classes	1.50
New York	2.00

Effective upon publication in the FEDERAL REGISTER.

Signed at Washington, D.C., on June 17, 1965.

H. D. GODFREY,
Executive Vice President,
Commodity Credit Corporation.

[F.R. Doc. 65-6525; Filed, June 21, 1965; 8:48 a.m.]

[CCC Grain Price Support Regs., 1965-Crop Grain Sorghum Supp.]

PART 1421—GRAINS AND SIMILARLY HANDLED COMMODITIES

Subpart—1965-Crop Grain Sorghum Loan and Purchase Program

The General Regulations Governing Price Support for the 1964 and Subsequent Crops (29 F.R. 2686) issued by the Commodity Credit Corporation which contain regulations of a general nature with respect to price support loan and purchase operations are supplemented for the 1965-crop of grain sorghum as follows:

Sec.
1421.2541 Purpose.
1421.2542 Availability.
1421.2543 Compliance requirements.
1421.2544 Eligible grain sorghum.
1421.2545 Determination of quality.
1421.2546 Determination of quantity.
1421.2547 Warehouse receipts.
1421.2548 Service charges.
1421.2549 Warehouse charges.
1421.2550 Maturity of loans.
1421.2551 Support rates.

AUTHORITY: The provisions of this subpart issued under sec. 4, 62 Stat. 1070 as amended; 15 U.S.C. 714b. Interpret or apply sec. 5, 62 Stat. 1072, secs. 105, 401, 63 Stat. 1051 as amended; 15 U.S.C. 714c, 7 U.S.C. 1421, 1441.

§ 1421.2541 Purpose.

This supplement contains additional program provisions which, together with the applicable provisions of the General Regulations Governing Price Support for the 1964 and Subsequent Crops and any amendments thereto (referred to herein as "general regulations"), apply to loans and purchases for 1965-crop grain sorghum.

§ 1421.2542 Availability.

Producers desiring to participate in this program must file an application for price support not later than February 28, 1966. Loans will be available through February 28, 1966.

§ 1421.2543 Compliance requirements.

(a) A producer shall not be eligible for a loan or a purchase unless he is eligible to receive a price support payment on grain sorghum of the 1965 crop under the 1964 and 1965 Feed Grain Program Regulations (29 F.R. 590 and any amendments thereto) on the farm on which the grain sorghum tendered for loan or purchase is produced, except as provided in paragraphs (b) and (c) of this section.

(b) The requirements of this section shall not apply to grain sorghum (1) produced on a farm in compliance with the New Farm Provisions of the 1964 and 1965 Feed Grain Program Regulations, as amended, or (2) produced in Alaska or produced in any other area of the United States where the 1964 and 1965 Feed Grain Program is not applicable on grain sorghum of the 1965 crop and price support payments are not made on such grain sorghum because of an emergency created by drought or other disaster or in order to prevent or alleviate a shortage in the supply of the commodity.

(c) A producer shall be eligible for a loan or a purchase even though he has not received a price support payment on grain sorghum of the 1965 crop under the 1964 and 1965 Feed Grain Program Regulations if he would be eligible for a payment except for the fact that (1) he has declined a price support payment, or (2) the grain sorghum has been produced on land owned by the Federal Government and leased subject to restrictions prohibiting the receipt of Federal payments for diversion of acreage but not prohibiting the production of grain sorghum.

§ 1421.2544 Eligible grain sorghum.

(a) *General.* In order to be eligible for price support, grain sorghum must be merchantable for food or feed or for other uses, as determined by CCC, and must not contain mercurial compounds or other substances poisonous to man or animals.

(b) *Warehouse stored loan grade requirements.* In order to be eligible for a warehouse storage loan, grain sorghum must also meet the following requirements:

(1) The grain sorghum must grade No. 4 or better, except for moisture, and in addition may carry the special grade designation "Smutty."

(2) The grain sorghum must not grade "Weevily" unless the warehouse receipt for the grain sorghum is accompanied by a supplemental certificate which indicates the warehouseman will deliver grain sorghum (i) which does not grade "Weevily" and (ii) which is otherwise of an eligible grade and quality. The grade, grading factors, and the quantity shown on the supplemental certificate must be as specified in § 1421.2547(c).

(3) The grain sorghum must not contain over 14 percent moisture unless the warehouse receipt is accompanied by a supplemental certificate which indicates the warehouseman will deliver grain sorghum containing not over 14 percent moisture and which is otherwise of an eligible quality. The grade, grading factors, and the quantity shown on the supplemental certificate must be as specified in § 1421.2547(c).

§ 1421.2545 Determination of quality.

The class, grade, grading factors, and all other quality factors shall be based on the Official Grade Standards of the United States for Grain · Sorghum, whether or not such determinations are made on the basis of an official inspection.

§ 1421.2546 Determination of quantity.

When the quantity is determined by weight, a unit of 100 pounds shall be 100 pounds of grain sorghum free of dockage.

(a) *In warehouse.* The quantity of grain sorghum on which a warehouse storage loan shall be made and the quantity delivered to or acquired by CCC in an approved warehouse shall be the net weight specified on the warehouse receipt or on the supplemental certificate, if applicable. If the grain sorghum has been dried or blended to reduce the moisture content, the quantity specified on the warehouse receipt or the supplemental certificate, if applicable, shall represent the quantity after drying or blending, and such quantity shall reflect a minimum shrink in the receiving weight of 1.2 times the percentage difference of the moisture content of the grain sorghum, when received, and 14 percent.

(b) *On farm.* The quantity of eligible grain sorghum which may be placed under farm storage loan shall be determined in accordance with § 1421.67 of the general regulations. The quantity acquired by CCC from farm storage under a loan or purchase shall be determined by weight. In determining the quantity of sacked grain sorghum by weight, a deduction of three-fourths of a pound for each sack shall be made.

(c) *Dockage.* When the quantity is determined by weight, the percentage of dockage shall be determined and the weight of such dockage shall be deducted from the gross weight in determining the net quantity.

§ 1421.2547 Warehouse receipts.

Warehouse receipts tendered to CCC in connection with a loan or purchase must meet the requirements of this section.

(a) *Separate receipt.* A separate warehouse receipt must be submitted for each grade and class of grain sorghum.

(b) *Entries.* Each warehouse receipt, or the warehouseman's supplemental certificate (in duplicate) properly identified with the warehouse receipt, must show: (1) Gross and net weight, (2) class, (3) grade (including special grades), (4) test weight, (5) moisture, (6) dockage, (7) any other grading factor(s) when such factor(s) and not test weight determine the grade, (8) whether the grain sorghum arrived by rail, truck, or barge and (9) the date the grain sorghum was received or deposited in warehouse.

(c) *Where warehouse receipt shows "Weevily" or moisture over 14 percent.* If a warehouse receipt tendered for loan indicates the grain sorghum grades "Weevily" or contains over 14 percent moisture, the warehouse receipt must be accompanied by a supplemental certificate as provided in § 1421.2544(b), in order for the grain sorghum to be eligible for price support. The grade, grading factors, and the quantity to be delivered must be shown on the supplemental certificate as follows: (1) When the warehouse receipt shows "Weevily" and the grain sorghum has been conditioned to correct the "Weevily" condition, the supplemental certificate must show the same grade without the "Weevily" designation and the same grading factors and quantity as shown on the warehouse receipt; (2) when the warehouse receipt indicates moisture over 14 percent and the grain sorghum has been dried or blended, the supplemental certificate must show the grade, grading factors, and quantity after drying or blending the grain sorghum to a moisture content of not over 14 percent. The quantity shown on the supplemental certificate shall reflect a drying or blending shrink as specified in § 1421.2546; (3) the supplemental certificate must state

that no lien for processing will be claimed by the warehouseman from Commodity Credit Corporation or any subsequent holder of the warehouse receipt; (4) in the case of conditions specified in subparagraphs (1) and (2) of this paragraph, the grade, grading factors, and the quantity shown on the supplemental certificate shall supersede the entries for such items on the warehouse receipt.

(d) *Liens.* The warehouse receipts may be subject to liens for warehouse charges only to the extent indicated in § 1421.2549.

(e) *Freight bill requirements.* Warehouse receipts representing grain sorghum which has been shipped by rail or water from a country shipping point to a designated terminal point, or shipped by rail or water from a country shipping point to a storage point and stored in transit to a designated terminal point, must be accompanied by registered freight bills or by a certificate containing similar information. These registered freight bills or certificates must be representative as to origin and date of movement of the grain sorghum and must reflect the total freight from origin to the designated terminal point including penalty for out-of-line haul, if any. The form of these certificates shall be prescribed by the ASCS commodity office and shall be signed by the warehouseman and may be made a part of the supplemental certificate.

§ 1421.2548 Service charges.

A charge of 1 cent per hundredweight will be made for the quantity of grain sorghum delivered to CCC. Such charge shall be handled in accordance with § 1421.60(b) of the general regulations.

§ 1421.2549 Warehouse charges.

(a) *Handling and storage liens.* Warehouse receipts and the grain sorghum represented thereby stored in an approved warehouse operating under the Uniform Grain Storage Agreement may be subject to liens for warehouse handling and storage charges at not to exceed the Uniform Grain Storage Agreement rates from the date the grain sorghum is deposited in the warehouse for storage. Warehouse receipts and the grain sorghum represented thereby stored in an approved warehouse operated by an Eastern common carrier may be subject to liens for warehouse elevation (receiving and delivering) and storage charges from the date of deposit at rates approved by the Interstate Commerce Commission. In no event shall a warehouseman be entitled to satisfy the lien by sale of the grain sorghum when CCC is holder of the warehouse receipt.

(b) *Deduction of storage charges—UGSA warehouses.* The table shown below provides the deduction for storage charges to be made from the amount of the loan or purchase price in the case of grain sorghum stored in an approved warehouse operated under the Uniform Grain Storage Agreement. Such deduction shall be based on entries shown on the warehouse receipts. If written evidence is submitted with the warehouse receipt that all warehouse charges except receiving and loading out charges have been prepaid through the applicable loan maturity date, no storage deductions shall be made. If such written evidence is not submitted, the date to be used for computing the storage deduction on grain sorghum stored in approved warehouses operating under the Uniform Grain Storage Agreement shall be the latest of the following: (1) The date the grain sorghum was received or deposited in warehouse, (2) the date storage charges start, or (3) the day following the date through which the storage charges have been paid.

SCHEDULE OF DEDUCTIONS FOR STORAGE CHARGES FOR MATURITY DATE OF NO LATER THAN MARCH 31, 1966

Date the storage charges start:	Amount of deduction (cents per hundredweight)
Prior to May 28, 1965	21
May 28–June 11, 1965	20
June 12–June 26, 1965	19
June 27–July 11, 1965	18
July 12–July 26, 1965	17
July 27–Aug. 10, 1965	16
Aug. 11–Aug. 25, 1965	15
Aug. 26–Sept. 9, 1965	14
Sept. 10–Sept. 24, 1965	13
Sept. 25–Oct. 9, 1965	12
Oct. 10–Oct. 24, 1965	11
Oct. 25–Nov. 8, 1965	10
Nov. 9–Nov. 23, 1965	9
Nov. 24–Dec. 8, 1965	8
Dec. 9–Dec. 23, 1965	7
Dec. 24, 1965–Jan. 7, 1966	6
Jan. 8–Jan. 22, 1966	5
Jan. 23–Feb. 6, 1966	4
Feb. 7–Feb. 21, 1966	3
Feb. 22–Mar. 8, 1966	2
Mar. 9–Mar. 31, 1966	1

(c) *Deduction of storage charges—Eastern common carriers.* In the case of grain sorghum stored in an approved warehouse operated by an Eastern common carrier, there shall be deducted in computing the loan or purchase price the amount of the approved tariff rate for storage (not including elevation), which will accumulate from the date of deposit through the applicable maturity date unless written evidence is submitted with the warehouse receipt that such charges have been prepaid. The State office shall advise county offices of the applicable charges. Where the producer presents evidence showing the elevation charges have been prepaid, the amount of the storage charges to be deducted shall be reduced by the amount of the elevation charges prepaid by the producer.

§ 1421.2550 Maturity of loans.

Loans mature on demand but not later than March 31, 1966.

§ 1421.2551 Support rates.

Basic support rates per hundredweight for grain sorghum grading No. 2 or better and containing not over 14 percent moisture will be published as an amendment to this section at a later date. Farm stored loans will be made at the applicable basic support rate adjusted for the discount for Weed Control Laws where applicable. The support rate for warehouse stored loans and for grain sorghum acquired under a loan or purchase shall be the applicable basic support rate adjusted in accordance with the following provisions of this section and in the case of settlement of loans and purchases as further provided in § 1421.72.

(a) *Support rates at designated terminal markets.* (1) The basic support rates established for designated terminal markets apply to grain sorghum shipped on a domestic interstate freight rate basis. The basic support rate at the designated terminal market for any grain sorghum shipped at other than the domestic interstate freight rate shall be reduced by the amount by which the freight rate paid is less than the domestic interstate freight rate. (2) The basic support rates established for designated terminal markets also apply to grain sorghum which has been shipped by rail or water from a country shipping point to one of the designated terminal markets, as evidenced by paid freight bills duly registered for transit privileges. If the amount of paid-in freight is insufficient to guarantee the minimum proportional domestic interstate freight rate, if any, from the terminal market to a recognized market determined by the appropriate ASCS commodity office, there shall be deducted from the applicable basic support rate the amount by which the amount of freight actually paid in is less than the amount required to be paid in to guarantee out-bound movement at the minimum proportional domestic interstate freight rate. If the grain sorghum is stored at any designated terminal market and neither registered freight bills nor registered freight certificates are presented, the basic support rate shall be reduced by the actual amount of paid-in freight required to guarantee the proportional out-bound rate from the terminal market to a recognized market determined by the appropriate ASCS commodity office. (3) In determining the support rate for grain sorghum received by truck and stored at any designated terminal market, there shall be deducted from the applicable basic support rate the actual amount of paid-in freight required to guarantee the proportional out-bound rate from the terminal market to a recognized market determined by the appropriate ASCS commodity office, plus 6 cents per hundredweight. (4) Notwithstanding the foregoing provisions of this paragraph, in determining the support rate for grain sorghum shipped by rail or water and stored at any of the following terminal markets there shall be deducted from the applicable basic support rate, the transportation cost, if any may be incurred, as determined by the appropriate ASCS commodity office, for moving the grain sorghum to a tidewater facility located within the same switching limits:

Long Beach, Los Angeles, Oakland, San Francisco, Stockton, and Wilmington, Calif.
Baton Rouge and New Orleans, La.
Astoria and Portland, Oreg.
Beaumont, Brownsville, Corpus Christi, Galveston, Houston, and Port Arthur, Tex.

Kalama, Longview, Seattle, Tacoma, and Vancouver, Wash.

(5) Notwithstanding the foregoing provisions of this paragraph, in determining the support rate for grain sorghum received by truck and stored at any of the terminal markets listed in subparagraph (4) of this paragraph, there shall be deducted from the applicable basic support rate an amount of 6 cents per hundredweight, plus the transportation cost, if any, as determined by the appropriate ASCS commodity office, for moving the grain sorghum to a tidewater loading facility located within the same switching limits.

(b) *Support rates for grain sorghum in approved warehouse storage at other than designated terminal markets.* In determining the support rate for grain sorghum which is shipped by rail or water and which is stored in approved warehouses (other than those situated in the designated terminal markets), there shall be deducted from the basic support rate for the appropriate designated terminal market, as determined by CCC, an amount equal to the transit balance, if any, of the through-freight rate from the point of origin for such grain sorghum to such terminal market: *Provided*, That on any grain sorghum shipped at other than the domestic interstate freight rate, the basic support rate shall be further reduced by the amount by which the freight rate paid is less than the amount of the domestic interstate freight rate from the point of origin of such grain sorghum to the point of destination or appropriate terminal market: *And provided further*, That in the case of grain sorghum stored at any railroad transit point, taking a penalty by reason of out-of-line movement to the appropriate designated market, or for any other reason, there shall be added to such transit balance an amount equal to the cost of any out-of-line movement to the appropriate designated market or other cost incurred in storing grain sorghum in such position.

(c) *Basic county support rates.* (1) The applicable support rate for farm-storage loans and for grain stored in approved country warehouse-storage, except as otherwise provided in paragraph (b) of this section and subparagraph (2) of this paragraph will be determined from the basic county support rate established for the county in which the grain sorghum is stored. (2) If two or more approved warehouses are located in the same or adjoining towns, villages, or cities, having the same domestic interstate freight rate, such towns, villages, or cities shall be deemed to constitute one shipping point and the same basic county support rate shall apply even though such warehouses are not all located in the same county. Such support rate shall be the highest support rate of the counties involved.

(d) *Discounts.* The basic support rate shall be adjusted as applicable by discounts as follows:

Reason:	Discount (cents per hundredweight)
Class—Mixed Grain Sorghum	8
Grade:	
No. 3 (not over 14 percent moisture)	3
No. 4 (not over 14 percent moisture)	5
Smutty	5
Weed control laws (see § 1421.74)	15
Other discounts to be determined by CCC for settlement purposes	

NOTE: Discounts are cumulative except only one grade discount shall be applied.

Effective date. Upon publication in the FEDERAL REGISTER.

Signed at Washington, D.C., on June 17, 1965.

H. D. GODFREY,
Executive Vice President,
Commodity Credit Corporation.

[F.R. Doc. 65-6526; Filed, June 21, 1965; 8:48 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Agency

[Docket No. 6702; Amdt. 39-87]

PART 39—AIRWORTHINESS DIRECTIVES

Lockheed Model 1329 Aircraft

Pursuant to the authority delegated to me by the Administrator (25 F.R. 6489), an airworthiness directive was adopted on June 13, 1965, and made effective immediately as to all known U.S. operators of Lockheed Model 1329 aircraft. The directive requires inspection of the elevator counterweight attach bolts and replacement of any found to be of improper length.

Since it was found that immediate corrective action was required, notice and public procedure thereon was impracticable and contrary to the public interest and good cause existed for making the airworthiness directive effective immediately as to all known U.S. operators of Lockheed Model 1329 aircraft by individual telegrams dated June 13, 1965. These conditions still exist and the airworthiness directive is hereby published in the FEDERAL REGISTER as an amendment to § 39.13 of Part 39 of the Federal Aviation Regulations to make it effective as to all persons.

LOCKHEED. Applies to Model 1329 aircraft Serial Numbers 5001 through 5068.

Compliance required before further flight except that one flight may be made in accordance with the provisions of FAR 21.197 for the purpose of obtaining inspection and rework.

To prevent loss of elevator inboard counterweights accomplish the following:

(a) Remove empennage trailing edge fairing installation P/N JE114 to gain access to inboard elevator counterweights and their attach bolts P/N AN 174H10A.

(b) Remove aft outboard and two inboard attach bolts one at a time and measure shank length. Replace bolts with AN 174H10A bolt if shank length is less than 1.016 inch. Torque to 70–100 inch-pounds.

(c) Back off forward outboard attach bolt eight turns. If bolt is still engaged, retorque to 70–100 inch-pounds. If bolt is not engaged at eight turns, but is engaged at least four turns, retorque to 70–100 inch-pounds. Replace any bolt having less than a four turn engagement with a AN 174H10A bolt. This can be accomplished by disconnecting the vertical push-pull rod from elevator horn on side being worked. Then remove torque tube flange bolt connecting the elevator. This will free elevator assembly so that counterweight can be rotated sufficiently for bolt access. Upon completion reassemble, torque and safety wire bolts.

(d) Inspect two aft adjustment weight attach bolts, if installed, for proper length. Correct length is at least one thread extending through barrel nut. Replace as required with AN 174H( )A bolt to obtain proper length. Torque to 70–100 inch-pounds.

(e) Safety wire in pairs with MS20995C40 or equivalent, the attach bolt head of the two outboard, the two inboard and the two aft adjustment weight attach bolts, if installed.

(f) Replace empennage trailing edge fairing.

(g) At the next 100-hour inspection, remove and replace any forward outboard attach bolt found by inspection of paragraph (c) to have less than eight turn engagement, with AN 174H10A bolt torqued to 70–100 inch-pounds and safety wired per paragraph (e).

(Lockheed Service Bulletin 329–206 covers this same subject.)

NOTE: It is requested that the results of this inspection be reported to the FAA, Engineering and Manufacturing Branch, Southern Region, Post Office Box 20636, Atlanta, Ga., 30320.

This amendment becomes effective upon publication in the FEDERAL REGISTER for all persons except those to whom it was made effective immediately by telegram dated June 13, 1965.

(Secs. 313(a), 601 and 603 of the Federal Aviation Act of 1958; 49 U.S.C. 1354(a), 1421, 1423)

Issued in Washington, D.C., on June 16, 1965.

G. S. MOORE,
Director, Flight Standards Service.

[F.R. Doc. 65-6476; Filed, June 21, 1965; 8:45 a.m.]

[Airspace Docket No. 65-SW-24]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Control Zone and Transition Area

The purpose of this amendment to Part 71 of the Federal Aviation Regulations is to alter the El Dorado, Ark., control zone and transition area to eliminate the controlled airspace based on the El Dorado RBN. This action is necessary due to the decommissioning of the RBN. Since this amendment is less restrictive in nature and imposes no additional burden on any person, notice and public procedures hereon are unnecessary and the amendment may be made effective immediately.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective immediately, as hereinafter set forth.

1. In § 71.171 (29 F.R. 17596) the El Dorado, Ark., control zone is amended to read:

That airspace within a 5-mile radius of Goodwin Airport, El Dorado, Ark. (latitude 33°19'05" N., longitude 92°43'45" W.).

2. In § 71.181 (29 F.R. 17660) the El Dorado, Ark., transition area is amended to read:

EL DORADO, ARK.

That airspace extending upward from 700 feet above the surface within 5 miles SE and 8 miles NW of the El Dorado VOR 059° radial, extending from the VOR to 12 miles NE; that airspace extending upward from 1,200 feet above the surface within 5 miles SE and 8 miles NW of the El Dorado VOR 059° and 239° radials, extending from 7 miles SW to 13 miles NE of the VOR, and within 5 miles each side of the El Dorado VOR 233° radial, extending from the El Dorado VOR to 23 miles SW of Goodwin Airport.

(Sec. 307(a) of the Federal Aviation Act of 1958; 49 U.S.C. 1348)

Issued in Fort Worth, Tex., on June 12, 1965.

A. L. COULTER,
Acting Director, Southwest Region.

[F.R. Doc. 65-6477; Filed, June 21, 1965; 8:45 a.m.]

[Airspace Docket No. 65-WE-63]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Control Zone

The purpose of this amendment to Part 71 of the Federal Aviation Regulations is to alter the Pendleton, Oreg., control zone.

The Pendleton control zone extension is presently designated with reference to the Pendleton Radio Range. This facility is being converted to an SABH, non-IFR, type beacon and the prescribed instrument approach procedure is being canceled. Therefore, action is taken herein to revoke the control zone extension based on this facility.

Since this amendment is minor in nature and imposes no additional burden on any person, notice and public procedure hereon are unnecessary.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0001 e.s.t., September 16, 1965, as hereinafter set forth.

In § 71.171 (29 F.R. 17624), the Pendleton, Oreg., control zone is amended to read:

PENDLETON, OREG.

Within a 5-mile radius of Pendleton Airport (latitude 45°41'50" N., longitude 118°50'20" W.)

(Sec. 307(a) of the Federal Aviation Act of 1958, as amended; 72 Stat. 749; 49 U.S.C. 1348)

Issued in Los Angeles, Calif., on June 9, 1965.

LEE E. WARREN,
Acting Director, Western Region.

[F.R. Doc. 65-6478; Filed, June 21, 1965; 8:45 a.m.]

[Airspace Docket No. 65-CE-4]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Transition Area; Designation; Correction

On May 7, 1965, Federal Register Document 65-4795 was published in the FEDERAL REGISTER (30 F.R. 6384) and proposed to amend, in part, §§ 71.165, 71.171, and 71.181 of the Federal Aviation Regulations. In this final rule, paragraph (3), concerning the proposed description of the Goodland, Kans., transition area, contained certain editorial discrepancies. Action is taken herein to correct these discrepancies.

Since this amendment is editorial in nature and imposes no additional burden on any person, notice and public procedure hereon are unnecessary, and the effective date of the final rule, as initially adopted, may be retained.

In consideration of the foregoing, effective immediately, Federal Register Document 65-4795 (30 F.R. 6384) is amended as follows:

3. In § 71.181 (29 F.R. 17643) the following is added:

GOODLAND, KANS.

That airspace extending upward from 700 feet above the surface within a 6-mile radius of the Goodland, Kans., Municipal Airport (latitude 39°21'45" N., longitude 101°42'00" W.); and within 2 miles each side of the Goodland VORTAC 022° radial, extending from the 6-mile radius to 8 miles N of the VORTAC; and that airspace extending upward from 1,200 feet above the surface within 5 miles E and 8 miles W of the Goodland VORTAC 022° radial extending from the VORTAC to 13 miles N of the VORTAC, and within 5 miles E and 8 miles W of the Goodland VORTAC 352° and 172° radials, extending from 2 miles S of the VORTAC to 12 miles N of the VORTAC.

(Sec. 307(a) of the Federal Aviation Act of 1958; 49 U.S.C. 1348)

Issued in Kansas City, Mo., on June 10, 1965.

KIRBY L. BRANNON,
Acting Director, Central Region.

[F.R. Doc. 65-6479; Filed, June 21, 1965; 8:45 a.m.]

[Airspace Docket No. 65-WA-10]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Designation of VOR Airway

On May 29, 1965, Federal Register Document 65-5630 was published in the FEDERAL REGISTER (30 F.R. 7224) effective July 22, 1965. This document contained an amendment to Part 71 of the Federal Aviation Regulations wherein VOR Federal airway No. 311 was designated from Berlin, N.H., to Sherbrooke, Quebec, excluding the portion within Canada. The Canadian Department of Transport has advised that the V-311 designator is presently assigned to an airway between Nova Scotia and Newfoundland and requested the Berlin to Sherbrooke airway be assigned the V-322 designator. Accordingly, action is taken herein to reflect this reassignment of airway number.

Since this amendment is editorial in nature, notice and public procedure hereon are unnecessary and the effective date of the rule is retained.

In consideration of the foregoing, effective immediately, Federal Register Document 65-5630 (30 F.R. 7224) is altered as hereinafter set forth.

The description of V-311 is amended by substituting the numerical designator "V-322" for "V-311."

(Sec. 307(a) of the Federal Aviation Act of 1958; 49 U.S.C. 1348)

Issued in Washington, D.C., on June 15, 1965.

DANIEL E. BARROW,
Chief, Airspace Regulations and Procedures Division.

[F.R. Doc. 65-6480; Filed, June 21, 1965; 8:45 a.m.]

[Airspace Docket No. 65-CE-18]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

PART 75—ESTABLISHMENT OF JET ROUTES

Alteration of Jet Route and Continental Control Area

On March 23, 1965, a notice of proposed rule making was published in the FEDERAL REGISTER (30 F.R. 3785) stating that the Federal Aviation Agency was considering amendments to Parts 71 and 75 of the Federal Aviation Regulations that would realign Jet Route No. 18 from Salina, Kans., direct to Kirksville, Mo., and that would include Restricted Area R-3602 in the continental control area.

Interested persons were afforded an opportunity to participate in the proposed rule making through the submission of comments. All comments received were favorable.

In consideration of the foregoing, Parts 71 and 75 of the Federal Aviation Regulations are amended, effective 0001 e.s.t., August 19, 1965, as hereinafter set forth.

1. In § 75.100 (29 F.R. 17776), Jet Route No. 18 is amended by deleting "Kansas City, Mo.;" from the text.

2. In § 71.151 (29 F.R. 17550), "R-3602 Manhattan, Kans." is added to the text.

(Sec. 307(a) of the Federal Aviation Act of 1958; 49 U.S.C. 1348)

Issued in Washington, D.C., on June 14, 1965.

DANIEL E. BARROW,
Chief, Airspace Regulations and Procedures Division.

[F.R. Doc. 65-6481; Filed, June 21, 1965; 8:45 a.m.]

[Airspace Docket No. 65-SW-2]

PART 73—SPECIAL USE AIRSPACE

Redesignation of Restricted Area

On March 13, 1965, a notice of proposed rule making was published in the FEDERAL REGISTER (30 F.R. 3391) stating that the Federal Aviation Agency was considering an amendment to Part 73 of the Federal Aviation Regulations that would redesignate Restricted Area R-5114 at Fort Wingate, N. Mex.

Interested persons were afforded an opportunity to participate in the proposed rule making through the submission of comments. Due consideration was given to all relevant matter presented.

The Air Transport Association of America offered no objection to the proposal, provided a substitute airway for the approved off-airway route traversing a portion of R-5114 and used by Frontier Airlines be reestablished. The Albuquerque, N. Mex., ARTC Center will continue the procedures for the handling of traffic, during the periods of time R-5114 is activated, in the same manner as in the past.

In consideration of the foregoing, Part 73 of the Federal Aviation Regulations is amended, effective 0001 e.s.t., July 22, 1965, as hereinafter set forth.

In § 73.51 (29 F.R. 17756) R-5114 is designated as follows:

R-5114 FORT WINGATE, N. MEX.

Boundaries. Beginning at lat. 35°27'00" N., long. 108°35'00" W.; to lat. 35°11'00" N., long. 108°13'00" W.; to lat. 35°04'40" N., long. 108°24'00" W.; to lat. 35°24'00" N., long. 108°36'00" W.; to the point of beginning.

Designated altitudes. Surface to unlimited.

Time of designation. Sunrise to sunset August 1, 1965–December 31, 1966, as published in NOTAM's 24 hours in advance of use.

Controlling agency. Federal Aviation Agency, Albuquerque ARTC Center.

Using agency. Commander, Air Force Missile Development Center, Holloman AFB, N. Mex.

(Sec. 307(a) of the Federal Aviation Act of 1958; 49 U.S.C. 1348)

Issued in Washington, D.C., on June 15, 1965.

ARCHIE W. LEAGUE,
Director, Air Traffic Service.

[F.R. Doc. 65-6482; Filed, June 21, 1965; 8:45 a.m.]

[Airspace Docket No. 65-WA-37]

PART 75—ESTABLISHMENT OF JET ROUTES

Alteration of Jet Route Description

The purpose of this amendment to Part 75 of the Federal Aviation Regulations is to redescribe the termination point of Jet Route No. 14 by using radials of the Richmond, Va., VOR and the Coyle, N.J., VOR.

J-14 presently is described, in part, from Richmond to the intersection of the Richmond 039° and the Yardley, Pa., 205° radials. Most flights proceeding over Richmond via this route continue to Coyle rather than to Yardley. For this reason, action is taken herein to redescribe the termination point of this jet route with radials from Richmond and Coyle in lieu of Richmond and Yardley. Use of the Yardley and Richmond radials provides a 14° angle, whereas use of the Coyle and Richmond radials provides a 16° angle. Further, this action would reduce chart clutter by eliminating the depiction of the Yardley radials.

Since this amendment renders no change in airspace designation or jet route alignment, is essentially editorial and therefore minor in nature, notice and public procedure hereon are unnecessary.

In consideration of the foregoing, Part 75 of the Federal Aviation Regulations is amended, effective 0001 e.s.t., August 19, 1965, as hereinafter set forth.

In § 75.100 (29 F.R. 17776, 30 F.R. 3378), the text of J-14 is amended by deleting "Yardley, Pa., 205° radials." and substituting "Coyle, N.J., 235° radials." therefor.

(Sec. 307(a) of the Federal Aviation Act of 1958; 49 U.S.C. 1348)

Issued in Washington, D.C., on June 15, 1965.

DANIEL E. BARROW,
Chief, Airspace Regulations and Procedures Division.

[F.R. Doc. 65-6483; Filed, June 21, 1965; 8:45 a.m.]

Title 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

PART 14—ADMINISTRATIVE INTERPRETATIONS

Guides for Advertising Fallout Shelters

The Federal Trade Commission has approved a revision in its 1961 Guides for Advertising Fallout Shelters so that the Guides will be technically consistent with revised "Official Standards" for fallout shelters as established by the Office of Civil Defense, Department of Defense, in Technical Memorandum 61-3 entitled "Technical Requirements for Fallout Shelters" revised and published under date of March 1965.

In the first paragraph (a)(1) of the Guides under the heading of *Definitions—Fallout Shelter*—the figure "100" which appears three times has been changed to "40".

Accordingly, paragraph (a)(1) of § 14.5 is amended to read as follows:

§ 14.5 Guides for advertising fallout shelters.

(a) *Definition.*—(1) *Fallout Shelter.* (i) A structure which, when properly installed, has a protection factor against fallout gamma radiation of at least 40.

(ii) Protection factor is the relative reduction in the amount of radiation that would be received by a person in a shelter compared with the amount which he would receive is unprotected. For example, an unprotected person would receive 40 times more radiation than a person in a shelter with a protection factor of 40.

• • • • •

(Secs. 5, 6, 38 Stat. 719, as amended, 721; 15 U.S.C. 45, 46)

By direction of the Commission.

[SEAL] JOSEPH W. SHEA,
Secretary.

[F.R. Doc. 65-6505; Filed, June 21, 1965; 8:46 a.m.]

Title 20—EMPLOYEES' BENEFITS

Chapter III—Social Security Administration, Department of Health, Education, and Welfare

[Reg. No. 4, further amended]

PART 404—FEDERAL OLD-AGE, SURVIVORS, AND DISABILITY INSURANCE (1950——)

Subpart D—Child's Insurance Benefits; Time When Dependency Requirement Must Be Met

Regulations No. 4, as amended, of the Social Security Administration (20 CFR 404.1 et seq.) are further amended as follows:

Paragraph (a) of § 404.323 is amended to read as follows:

§ 404.323 Child's insurance benefits; time at which child must be dependent upon parent.

(a) *Months after August 1958.* For months after August 1958, based on applications filed after August 27, 1958, the dependency requirement must be met:

(1) If the parent is living, at the time the application for child's insurance benefits is filed, except as provided in subparagraph (4) of this paragraph; or

(2) If the parent has died, at the time of the parent's death; or

(3) If the parent had a period of disability which continued until he became entitled to disability or old-age insurance benefits (or, if he has died, until the month of his death), at the beginning of such period of disability, or at the time he became entitled to such benefits.

(4) If the parent is entitled to disability insurance benefits, dependency of the child may not be established at the time specified in subparagraph (1) of this paragraph unless such child:

(i) Is the natural child or stepchild of such parent (including a natural child or stepchild of such parent who was legally adopted by such parent); or

(ii) Was legally adopted by such parent before the end of the 24-month period beginning with the month after the month in which the parent most recently became entitled to disability insurance benefits, and (a) proceedings for such adoption had been instituted by the parent in or before the month in which such parent's period of disability began, and such period of disability has continued until the time of such adoption, or (b) such adopted child was living with such parent in the month in which such period of disability began.

• • • • •

(Secs. 202, 205, and 1102, 64 Stat. 483, as amended, 53 Stat. 1368, as amended, 49 Stat.

647, as amended; sec. 5, Reorganization Plan No. 1 of 1953, 67 Stat. 18, 631; 42 U.S.C. 402, 405, and 1902)

Effective date. The foregoing amendment shall become effective upon publication in the FEDERAL REGISTER.

Dated: May 27, 1965.

[SEAL] ROBERT M. BALL,
Commissioner of Social Security.

Approved: June 15, 1965.

ANTHONY J. CELEBREZZE,
Secretary of Health, Education, and Welfare.

[F.R. Doc. 65-6515; Filed, June 21, 1965; 8:47 a.m.]

Title 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

SUBCHAPTER B—FOOD AND FOOD PRODUCTS

PART 120—TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

Further Extension of Effective Date of Public Law 86-139 as It Affects Section 408 of the Federal Food, Drug, and Cosmetic Act

Under the provisions of Public Law 86-625 (sec. 3, 78 Stat. 1002; 7 U.S.C. 135 note) and under the authority delegated to the Commissioner of Food and Drugs by the Secretary of Health, Education, and Welfare (21 CFR 2.90), the Commissioner has further extended the effective date of Public Law 86-139 as it affects section 408 of the Federal Food, Drug, and Cosmetic Act for certain specified uses of nematocides, plant regulators, defoliants, or desiccants. The list previously published in § 120.37 is amended by changing the item listed below to read as indicated:

§ 120.37 Further extensions of effective date of Public Law 86-139 as it affects section 408 of the Federal Food, Drug, and Cosmetic Act.

* * * * *

Product	Specified uses or restrictions	Effective date of statute extended to—
* * *	* * *	* * *
2,3,5,6-Tetrachloronitrobenzene.	On potatoes to inhibit sprouting.	Dec. 31, 1965

Notice and public procedure are not necessary prerequisites to the promulgation of this order, and I so find, since extensions of time, under certain conditions, for the effective date of the Nematocide, Plant Regulator, Defoliant, and Desiccant Amendment of 1959 were contemplated by the statute, as amended, as a relief of restrictions on the agricultural industry.

Effective date. This order shall become effective on the date of signature.

(Public Law 86-139 (73 Stat. 388 as amended 75 Stat. 42, 78 Stat. 1003; 7 U.S.C. 135 note))

Dated: June 16, 1965.

JOHN L. HARVEY,
Deputy Commissioner of Food and Drugs.

[F.R. Doc. 65-6516; Filed, June 21, 1965; 8:47 a.m.]

PART 121—FOOD ADDITIVES

Subpart D—Food Additives Permitted in Food for Human Consumption

Subpart F—Food Additives Resulting From Contact With Containers or Equipment and Food Additives Otherwise Affecting Food

ODORLESS LIGHT PETROLEUM HYDROCARBONS

The Commissioner of Food and Drugs has evaluated data in a petition (FAP 1L0425) filed by the American Petroleum Institute, 1271 Avenue of the Americas, New York 20, N.Y., and other relevant material, and has concluded that food additive regulations should issue to prescribe the safe use of odorless light petroleum hydrocarbons. Therefore, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1)) and under the authority delegated to the Commissioner by the Secretary of Health, Education, and Welfare (21 CFR 2.90), Part 121 is amended by adding two new sections and by amending §§ 121.1099, 121.2519, 121.2520, and 121.2557, as follows:

1. Section 121.1099(a)(3) is amended by alphabetically inserting in the table a new item in those items bracketed. The affected portion reads as follows:

§ 121.1099 Defoaming agents.

* * * * *

(a) * * *

(3) * * *

Substances	Limitations
* * *	* * *
Mineral oil: Conforming with § 121.1146.	
Odorless light petroleum hydrocarbons: Conforming with § 121.1182.	
Petrolatum: Conforming with § 121.1166.	Not more than 180 p.p.m. in yeast, measured as hydrocarbons.
Petroleum wax: Conforming with § 121.1156.	
Synthetic isoparaffinic petroleum hydrocarbons: Conforming with § 121.1154.	

* * * * *

2. The following new section is added to Subpart D:

§ 121.1182 Odorless light petroleum hydrocarbons.

Odorless light petroleum hydrocarbons may be safely used in food, in accordance with the following prescribed conditions:

(a) The additive is a mixture of liquid hydrocarbons derived from petroleum or synthesized from petroleum gases. The additive is chiefly paraffinic, isoparaffinic, or naphthenic in nature.

(b) The additive meets the following specifications:

(1) Odor is faint and not kerosenic.

(2) Initial boiling point is 300° F. minimum.

(3) Final boiling point is 650° F. maximum.

(4) Ultraviolet absorbance limits determined by method specified in § 121.2589(b)(1)(ii), as follows:

Wavelength	Maximum absorbance per centimeter optical pathlength
mμ	
280-289	4.0
290-299	3.3
300-329	2.3
330-360	0.8

(c) The additive is used as follows:

Use	Limitations
As a defoamer in processing beet sugar and yeast.	Complying with § 121.1099.
As a flont on fermentation fluids in the manufacture of vinegar and wine to prevent or retard access of air, evaporation, and wild yeast contamination during fermentation.	In an amount not to exceed good manufacturing practice.
In the froth-flotation cleaning of vegetables.	Do.

3. Section 121.2519(d)(3) is amended by alphabetically inserting therein a new item, as follows:

§ 121.2519 Defoaming agents used in the manufacture of paper and paperboard.

* * * * *

(d) * * *

(3) * * *

Odorless light petroleum hydrocarbons.

* * * * *

4. Section 121.2520(c)(5) is amended by alphabetically inserting in the list "Components of Adhesives" a new item, as follows:

§ 121.2520 Adhesives.

* * * * *

(c) * * *

(5) * * *

Odorless light petroleum hydrocarbons.

* * * * *

5. In § 121.2557(d)(3), the table is changed by deleting the item "Petroleum oil, aliphatic" and by alphabetically inserting therein a new item, as follows:

§ 121.2537 Defoaming agents used in coatings.

* * * * *

(d) * * *

(3) * * *

List of substances	Limitations
* * *	* * *
Odorless light petroleum hydrocarbons.	As defined in § 121.2594.

* * * * *

6. The following new section is added to Subpart F:

§ 121.2594 Odorless light petroleum hydrocarbons.

Odorless light petroleum hydrocarbons may be safely used, as a component of nonfood articles intended for use in contact with food, in accordance with the following prescribed conditions:

(a) The additive is a mixture of liquid hydrocarbons derived from petroleum or synthesized from petroleum gases. The additive is chiefly paraffinic, isoparaffinic, or naphthenic in nature.

(b) The additive meets the following specifications:

(1) Odor is faint and not kerosenic.

(2) Initial boiling point is 300° F. minimum.

(3) Final boiling point is 650° F. maximum.

(4) Ultraviolet absorbance limits determined by method specified in § 121.2589(b)(1)(ii), as follows:

Wavelength	Maximum absorbance per centimeter optical pathlength
mμ	
280-289	4.0
290-299	3.3
300-329	2.3
330-360	0.8

(c) The additive is used as follows:

Use	Limitations
As a plasticizer and absorber oil in the manufacture of polyolefin articles authorized for food contact use.	In an amount not to exceed that required to produce intended effect, consistent with good manufacturing practice.
As a lubricant of fibers of textiles authorized for food contact use.	At a use level not to exceed 0.15 percent by weight of finished fibers.
As a component of adhesives.	Complying with § 121.2520.
As a defoamer in the manufacture of paper and paperboard.	Complying with § 121.2510.
As a defoamer in coatings.	Complying with § 121.2557.

Any person who will be adversely affected by the foregoing order may at any time within 30 days from the date of its publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington, D.C., 20201, written objections thereto, preferably in quintuplicate. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof.

Effective date. This order shall be effective on the date of its publication in the FEDERAL REGISTER.

(Sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1))

Dated: June 15, 1965.

JOHN L. HARVEY,
Deputy Commissioner of Food and Drugs.

[F.R. Doc. 65-6517; Filed, June 21, 1965; 8:47 a.m.]

Title 29—LABOR

Chapter XIII—Bureau of Labor Standards, Department of Labor

PART 1500—CHILD LABOR REGULATIONS, ORDERS AND STATEMENTS OF INTERPRETATION

State Certificates of Age

The age, employment, or working certificates or permits of several States are designated in 29 CFR 1500.21 as having the same force and effect as Federal certificates of age issued under section 3(1) of the Fair Labor Standards Act of 1938 (52 Stat. 1061 as amended; 29 U.S.C. 203).

In a document promulgated on June 25, 1964, and published in the FEDERAL REGISTER on July 2, 1964 (29 F.R. 8375), it was provided that these designations would expire on June 30, 1965.

Pursuant to section 3(1) and section 11(b) of the Fair Labor Standards Act of 1938 (52 Stat. 1061 and 1066 as amended; 29 U.S.C. 203 and 211), and Reorganization Plan No. 2 of 1946 (3 CFR 1943-1948 Comp., p. 1064), I hereby extend the designations contained in 29 CFR 1500.21 until June 30, 1966.

Signed at Washington, D.C., this 16th day of June 1965.

W. WILLARD WIRTZ,
Secretary of Labor.

[F.R. Doc. 65-6506; Filed, June 21, 1965; 8:46 a.m.]

Title 32—NATIONAL DEFENSE

Chapter I—Office of the Secretary of Defense

SUBCHAPTER F—RECORDS

PART 288—SCHEDULE OF FEES AND CHARGES FOR COPYING, CERTIFICATION, AND SEARCH OF RECORDS

Fees

Section 288.6 of Part 288 has been revised as follows:

§ 288.6 Exhibit A—Schedule of Fees.

EXHIBIT A

SCHEDULE OF FEES

Applicable to authorized services of copying, certifications, and search of records rendered to the public by components of the Department of Defense. Requests involving:

	Fee
1. Training and education:	
a. Transcripts:	
Original copy	$1.00
Each additional copy	.50
(Includes requests for transcripts of graduation from military academies and schools.)	
b. Certificates:	
Original copy	.50
Each additional copy	.25
(Includes all requests for certificates, verification of attendance, and course completion from service schools and other facilities.)	
2. Medical and dental records of civilians (includes requests for information from or copies of medical records, including clinical records, outpatient records, dental records, and loan of X-rays):	
Up to and including two typewritten or two reproduced pages	2.50
Each additional typewritten page	1.25
Each additional photo copy	.25
Loan of each X-ray	1.00
3. Medical and dental records of uniformed services personnel and their dependents when request is received from other than the member or their dependent (includes requests for information from or copies of medical records, including clinical records, outpatient records, dental records, and loan of X-rays):	
Up to and including two typewritten or two reproduced pages	2.50
Each additional typewritten page	1.25
Loan of each X-ray	1.00
Each additional photo copy	.25
4. Military membership and record:	
a. Address of record, each	1.50
b. Certificate in lieu, statement of verification of service, or report of separation, each	2.50
c. Copy or extract of order or other record (excluding medical, dental, and X-ray records), each	2.25
d. Furnishing information on decorations and awards to service organizations	2.00
5. Photography:	
a. Still pictorial or documentary photographic prints, black and white, and not more than three prints may be sold from any individual negative on each order. Unlisted standard sizes of black and white prints may be furnished, if available, at proportionate fees.	
8 x 10 single weight glossy finish, 1st print	.90
2d and 3d prints, each	.40
8 x 10 double weight matte finish, 1st print	.95
2d and 3d prints, each	.45
11 x 14 double weight matte finish, 1st print	1.15
2d and 3d prints, each	.45
16 x 20 double weight matte finish, 1st print	1.35
2d and 3d prints, each	.60
20 x 24 double weight matte finish, 1st print	1.50
2d and 3d prints, each	.70
35mm color transparencies (cardboard mount), each	1.10
4 x 5 color transparencies or color negative, each	6.00
8 x 10 color transparencies or color negative, each	10.00
(In quantities not to exceed three copies of any one view).	
Color prints will not be furnished for public use.	

	Fee
5. Photography—Continued	
b. Aerial photographic prints, contact prints, or exact negative sizes, single weight glossy or double weight semimatte.	
7 x 9 or 9 x 9, in quantities:	
1–5, $1.00 each print.	
6–100, $5.00 plus $0.85 for each print over 5 and up to 100.	
101–1000, $86.75 plus $0.65 for each print over 100 and up to 1,000.	
Over 1,000, $670.75 plus $0.60 for each print over 1,000.	
9 x 18 in quantities:	
1–5, $2.00 for each print.	
6–100, $10.00 plus $1.70 each print over 5 and up to 100.	
101–1,000, $171.50 plus $1.30 for each print over 100 and up to 1,000.	
Over 1,000, $1,341.50 plus $1.20 for each print over 1,000.	
c. Aerial Photographic Indexes and Mosaic copies in any number size 20 x 24, each $1.30.	
d. Reproduction of Cover Overlays:	
Transparent foil film overlays, each	$1.50
Transparent paper overlays each	.60
Transparent paper plot maps, per square foot	.10
Photostat plot maps (maximum size 17½ x 23), each	.65
e. Motion Picture: 16 MM. or 35 mm. black and white unedited footage and/or optical sound track, per foot	.10
Color unedited footage:	
16 mm., per foot	.20
16 mm., internegative	.25
35 mm., per foot	
Viewing or release print, each	.25
Separation master positive (3 required)	.75
Color interpositive, each	.55
Color, internegative, each	.55
Magnetic Tape (per foot):	
16 mm. (Direct Dubb), each	.06
35 mm. (Direct Dubb), each	.06
Searching (including overhead):	
Each hour or fraction thereof per hour)	7.00
All film used in duplication to furnish a requested end product shall be charged for on a per foot basis.	
Minimum charge (including stock search) per order	10.00
6. Construction and engineering information:	
Copies of aerial photographic maps, specifications, permits, charts, blueprints, and other technical engineering documents.	
Searching, per hour or fraction thereof (including overhead costs)	3.00
First print	.50
Each additional print of same document	.25
7. Copies of medical articles and illustrations. Standards contained in reference (a) of the basic instruction will be utilized in computing costs.	
8. Claims and Litigations:	
a. Requests from litigants pertaining to private litigation (if not covered in 2 or 3 above).	
Searching per hour or fraction thereof (including overhead costs)	3.00
Processing per hour—minimum charge one-half hour	3.00
Each photocopy	.25
Certification and validation with seal, each	.75
Certification and validation without seal, each	.50

	Fee
8. Claims and Litigations—Con.	
b. Requests pertaining to cases in which the United States is a party and where court rules provide for reproduction of records without cost to the Government.	
Searching per hour or fraction thereof (including overhead costs)	$3.00
Processing per hour—minimum charge one-half hour	3.00
Each photocopy	.25
Certification and validation with seal, each	.75
Certification and validation without seal, each	.50
c. Furnishing information from Investigative Reports, e.g., automobile collision investigations, safety reports.	
Searches, overhead, analysis and preparation of report (per hour—minimum charge one-half hour)	3.00
9. General:	
Charges for any additional services not specifically provided above and consistent with the provisions of the basic instruction will be made by the respective military department at the following rates:	
Searching per hour or fraction thereof (including overhead costs)	3.00
Processing per hour—minimum charge one-half hour	3.00
Each photocopy	.25
Certification and validation with seal, each	.75
Certification and validation without seal, each	.50
Review of application for authorization to solicit members of the military services for the purchase of life insurance on U.S. military installations in foreign areas	125.00
Hand drawn plots and sketches (see hour minimum charge, $2.00)	3.50

MAURICE W. ROCHE,
Director, Correspondence and Directives Division, OASD (Administration).

[F.R. Doc. 65–6511; Filed, June 21, 1965; 8:47 a.m.]

Title 43—PUBLIC LANDS: INTERIOR

Chapter II—Bureau of Land Management, Department of the Interior

APPENDIX—PUBLIC LAND ORDERS

[Public Land Order 3528]

[Oregon 014931]

OREGON

Powersite Restoration No. 619; Powersite Cancellation No. 209; Partly Revoking Certain Powersite Withdrawals

Correction

In F.R. Doc. 65–872, appearing at page 885 of the issue for Thursday, January 28, 1965, the land description for section 10, under T. 2 N., R. 18 E., should read as follows: "Sec. 10, SW¼NW¼SE¼ and NE¼SW¼;".

Title 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

[FCC 65–617]

PART 18—INDUSTRIAL, SCIENTIFIC, AND MEDICAL EQUIPMENT

Prototype Certification Procedure

Report and order. 1. The Commission has reviewed the present procedure for prototype certification of industrial heating equipment and has concluded that a simpler procedure can be instituted without loss of effectiveness of regulation and with considerable saving of processing time and paperwork to both equipment manufacturers and the Commission.

2. Most heaters today are certificated on the basis of measurements made by the manufacturer on a prototype of the heater. The present procedure for certificating these industrial heaters requires the manufacturer to supply three copies of the report of radiation measurements plus installation instructions to the purchaser of each industrial heater. The purchaser then need merely complete Part I of FCC Form 724 (and companion Part II when applicable) attesting that he has followed the installation instructions; and send one copy of this completed form together with the measurements report and installation instructions to the Commission's Washington office, one copy to the Commission's engineer in charge of the area field office where the industrial heater is to be located, and retain the third copy with the equipment.

3. Thus if 100 units of a prototype are sold, the manufacturer must reproduce and distribute 300 copies of the report of measurements and installation instructions and 200 copies of these documents find their way into the FCC files as attachments to FCC Form 724 submitted by each user.

4. The Commission has reviewed this procedure and concluded that it can safely dispense with this multiple filing of duplicate copies of the same report, and thereby eliminate a substantial amount of paperwork on the part of the manufacturer of the equipment, the purchaser, and the Commission itself. It has accordingly revised its certification requirements for prototype certification of industrial heaters.

5. The new prototype certification procedure will permit the manufacturer to submit to the Commission's Washington office one copy of completed Part III of FCC Form 724, together with a report of radio frequency measurements on the prototype. The manufacturer may then identify production units which are similar to the prototype by providing a certification seal for each unit. The purchaser, in certificating these industrial heating units, will be required to complete and file with the Commission's Washington office and also with the appropriate field office only Part I (and Part II when applicable) of FCC Form 724 certifying that the manufacturer's installation instructions have been followed. FCC Form 724 has been revised to accommodate this simplified procedure for prototype certification of industrial heating equipment. This form must be used for prototype certification of industrial heating equipment and may also be used for certification of any single unit of ISM equipment.

6. Triple copies of the five-or-more-page measurements report will no longer be required of the manufacturer for the hundreds of units subsequently produced and sold. Multiple reviewing and filing by the Commission's Washington office and by its field offices of thousands of duplicate measurements reports formerly contained in each certification will be eliminated, effecting a saving of processing time and filing space.

7. By this same order the Commission is making an editorial change in § 18.118 (a) to correct the reference from Subpart F to Subpart D.

8. Since the amendments adopted herein impose no new requirements but rather simplify an existing procedure, compliance with the notice, procedural, and effective date provisions of section 4 of the Administrative Procedure Act is unnecessary.

9. The amendments adopted herein are issued pursuant to authority contained in sections 4(i) and 303(r) of the Communications Act of 1934, as amended.

10. *Accordingly, it is ordered,* This 16th day of June 1965, that, effective July 1, 1965, FCC Form 724 is revised [1] and Part 18 is amended as set forth below. Revised FCC Form 724 is available from the Commission's offices in Washington, D.C., or from any of its engineering field offices.

(Sec. 4, 48 Stat. 1066, as amended; 47 U.S.C. 154; interprets or applies sec. 303, 48 Stat. 1082, as amended; 47 U.S.C. 303)

[1] Filed as part of original document.

Released: June 17, 1965.

FEDERAL COMMUNICATIONS COMMISSION,[2]
[SEAL] BEN F. WAPLE,
Secretary.

Part 18 is amended as follows:

1. The text of § 18.114 is amended to read as follows:

§ 18.114 Prototype certification permitted.

(a) Provision for prototype certification is made on the basis that production units can be expected to exhibit the same radiation characteristics as those of the prototype. Acceptance of prototype certification is based on representations and field strength measurements made by the manufacturer of industrial heating equipment.

(b) The procedure for prototype certification is set out in §§ 18.125 and 18.126.

2. The text of §§ 18.116 (b) and (c) is amended to read as follows:

§ 18.116 Certificate to be filed with Commission.

* * * * *

(b) For equipment which carries the manufacturer's prototype certification label, the certificate shall consist of Part I and Part II, if applicable, of FCC Form 724.

(c) For equipment which does not carry the manufacturer's prototype certification label, the certificate shall consist of Parts I, II, if applicable, and III of FCC Form 724 plus the report of radiation measurement pursuant to § 18.109. A facsimile copy of the properly completed and signed Part III of FCC Form 724 may be submitted in lieu of the original thereof.

3. The text of § 18.118(a) is amended to read as follows:

[2] Commissioner Cox absent.

§ 18.118 Rejection of certificate.

(a) A certificate that is incomplete or otherwise does not meet the requirements of Subpart D of this part may be rejected.

4. Insert new §§ 18.125 and 18.126 to read as follows:

§ 18.125 Prototype certification procedure.

(a) Manufacturers desiring to prototype certificate their equipment, must file all the information set out in § 18.126. A separate prototype certificate shall be filed for each type of equipment.

(b) Receipt of each prototype certificate will be acknowledged subject to review at a later date.

(c) After filing the required information, the equipment may be identified with a label carrying the following statement:

The (name of manufacturer) has prototype certificated this equipment to the FCC as complying with Part 18 of its rules.

(d) The identifying label may be part of the equipment nameplate. If separate therefrom, the label shall be attached to the equipment in the vicinity of the nameplate.

§ 18.126 Information to be filed for prototype certification.

(a) Original of Part III of FCC Form 724 properly completed and signed.

(b) Report of radiation measurements pursuant to § 18.109.

(c) Installation instructions to be furnished to purchaser of the equipment.

(d) A statement certifying that production will be adequately controlled to insure that all units produced are capable of operating in compliance with the technical requirements of this subpart. This statement shall be signed by a responsible official authorized to sign for the manufacturer and shall show his title.

[F.R. Doc. 65–6526; Filed, June 21, 1965; 8:48 a.m.]

Proposed Rule Making

DEPARTMENT OF AGRICULTURE

Agricultural Stabilization and Conservation Service

[7 CFR Part 724]

FLUE-CURED TOBACCO

Notice of Determination To Be Made With Respect to Referendum Held May 4, 1965

Pursuant to the Agricultural Adjustment Act of 1938, as amended, and as further amended by the addition of section 317 by Public Law 89–12, approved April 16, 1965, the Secretary under section 317(b) is preparing to determine whether more than 66⅔ per centum of the farmers voting in the special referendum on flue-cured (Types 11, 12, 13, and 14) tobacco held on May 4, 1965, approved marketing quotas on an acreage-poundage basis for the 3 marketing years beginning July 1, 1965, July 1, 1966, and July 1, 1967, in lieu of quotas on an acreage basis for those marketing years.

Consideration will be given to any data, views, and recommendations pertaining to the proposed determination which are submitted in writing. Such submissions shall be addressed to the Director, Policy and Program Appraisal Division, Agricultural Stabilization and Conservation Service, U.S. Department of Agriculture, Washington, D.C., 20250, and must be postmarked not later than 10 days after the publication of this notice in the FEDERAL REGISTER. All written submissions made pursuant to this notice will be available for public inspection at such times and places and in a manner convenient to the public business (7 CFR Part 1.27).

Signed at Washington, D.C., on June 18, 1965.

ORVILLE L. FREEMAN,
Secretary.

[F.R. Doc. 65–6604; Filed, June 18, 1965; 4:35 p.m.]

Consumer and Marketing Service

[7 CFR Part 1133]

[Docket No. AO–275–A11]

MILK IN INLAND EMPIRE MARKETING AREA

Decision on Proposed Amendments to Tentative Marketing Agreement and to Order

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held at Spokane, Wash., on April 14, 1965, pursuant to notice there-

of issued on March 15, 1965 (30 F.R. 3606).

Upon the basis of the evidence introduced at the hearing and the record thereof, the Deputy Administrator, Regulatory Programs, on May 26, 1965 (30 F.R. 7284; F.R. Doc. 65–5696), filed with the Hearing Clerk, U.S. Department of Agriculture, his recommended decision containing notice of the opportunity to file written exceptions thereto.

The material issues, findings and conclusions, rulings, and general findings of the recommended decision (30 F.R. 7284; F.R. Doc. 65–5696) are hereby approved and adopted and are set forth in full herein:

The material issues on the record of the hearing relate to:

1. Marketing area;
2. Diversion of producer milk;
3. Accounting for receipts of other source milk; and
4. Class I price supply-demand adjuster.

Findings and conclusions. The following findings and conclusions on the material issues are based on evidence presented at the hearing and the record thereof:

1. *Marketing area.* The villages of Juliaetta and Kendrick in Latah County, Idaho, should continue to be included in the Inland Empire marketing area.

These villages are located about 4 miles apart in the very southern-most portion of the defined marketing area. Their combined population at the time of the 1960 U.S. census was 811. Fluid milk products are distributed in the two villages by the operator of a partially-regulated distributing plant and by two fully regulated handlers.

The operator of the partially-regulated distributing plant proposed that Juliaetta and Kendrick be deleted from the defined marketing area. The adoption of this proposal was desired so that the handler no longer would be required to make what were described by a witness as "penalty payments" to the producer-settlement fund with respect to the in-area fluid milk sales in these villages. It was contended that by eliminating such payments the farmers supplying the handler with milk would be relieved of the burden of these payments which they themselves had mutually agreed to bear.

Proponent's Class I sales in the marketing area are not sufficient to cause his plant to be fully regulated under the order. As a "fringe area" handler, however, he is subject to regulation with respect to those fluid milk sales which he makes in the marketing area. The decision of the Assistant Secretary issued June 19, 1964 (29 F.R. 9214), concerning proposed amendments to this order sets forth in considerable detail the need and basis for the pricing of fluid milk distributed in the marketing area from a plant not regulated under the order. Such amendments became effective August 1, 1964 (29 F.R. 10990).

Proponent has three options with respect to his obligations under the order on his in-area sales. He may elect to pay to the producer-settlement fund any amount by which the classified use value of his total milk receipts exceeds his actual payments to dairy farmers. Under this option, it is necessary for the handler to submit to the market administrator sufficient information concerning his processing and distribution operations so that his obligation may be computed as though the plant were a pool plant. This option, often referred to by the industry as the "Wichita option", is advantageous to an unregulated handler who pays his farmers the equivalent of the order class prices. Under a second option, proponent may elect to pay to the producer-settlement fund the difference between the order Class I price and weighted average price of all producer milk in the market, each applicable at the location of the handler's plant, with respect to each hundredweight of Class I milk he distributes within the marketing area. If he desires not to obligate himself for this type of pool payment, he may, under the third option, offset his in-area sales by purchasing Class I milk from pool plants or plants regulated under other orders.

Proponent has been meeting his order obligation on his in-area sales by paying to the producer-settlement fund the difference between the order Class I price and weighted average price of all producer milk. The handler's payments to the farmers supplying him milk are sufficiently high, however, that if he were to elect the Wichita option his obligation under the order would be limited merely to administrative assessments. The handler is aware of the opportunity to reduce his pool obligations by use of the Wichita option.

The order provides proponent with a means through which relief from the obligations of which there is complaint may be obtained. There is no indication that the conditions under which it was found appropriate to include these villages in the marketing area have changed in a manner which warrants changing the marketing area boundaries for proponent's purpose. Accordingly, the proposal is denied.

2. *Diversion of producer milk.* The present diversion provisions should be changed to allow limited diversions of producer milk to nonpool plants in all months of the year. Such limits should be based on a certain percentage of the combined deliveries of milk by producers to all pool plants, including eligible diversions. The order should provide also that two or more cooperative associations may have their allowable diversions computed on the basis of the combined deliveries of milk by their producer members.

Presently, producer milk may not be diverted to a nonpool plant during any of the months of July through November. In the other months of the year, producer milk may be diverted without limit to a nonpool plant by either a cooperative association or a proprietary handler. However, a producer whose milk is so diverted must have delivered milk to a pool plant during some portion of the immediately preceding period of July through November.

A cooperative association proposed that diversion of producer milk to nonpool plants be allowed during any month but on a limited basis. In the case of a cooperative association, diversions would be limited to 25 percent in each of the months of December through August, and 15 percent in each of the other months, of the total producer milk received at all pool plants during the month from the association's members. Similar limitations would be applicable in the case of a proprietary handler except that the limits would relate to milk of producers who are not members of a cooperative association. Under the proposal, diversions in excess of such percentages would not be producer milk and the diverting handler would specify the dairy farmers whose milk is ineligible as such. In addition, milk of a producer must be delivered to a pool distributing plant on at least three days during the month if any of his milk is diverted during the months of September through November. The association further proposed that two or more cooperative associations be allowed to compute their allowable diversions on a combined basis. The proposal was supported by the other cooperative association in the market.

The proposal as published in the hearing notice was modified at the hearing by proponent in two respects. In its original form the proposal would have priced diverted milk at the location of the plant to which it was diverted rather than at the location of the plant from which diverted as the order now provides. Also, the proposal would have excluded from producer status a farmer whose milk was diverted to a nonpool plant where it would be classified and priced under another Federal order. Proponent abandoned both provisions. Inasmuch as these provisions were not supported by proponent or other persons, they are not considered herein.

Diversion provisions similar to those proposed and supported at the hearing should be adopted. The present order provisions concerning the diversion of producer milk to nonpool plants do not facilitate the orderly and economical disposal of milk which is in excess of the fluid needs of the market. The problems of handling excessive producer milk supplies have been such that in 1962 and 1963 it was necessary to suspend for the months of July and August the order provision which prohibits any diversion of producer milk in those months. Similar suspension action was again necessary in 1964, but in this case for the months of July through November. Thus, in 1964 unlimited diversion was, in effect, allowed throughout the entire year.

Annual receipts of producer milk in the market have increased steadily since 1961 without a corresponding increase in the Class I utilization of such milk. Between 1961 and 1964 producer receipts increased 13.9 percent while producer milk in Class I increased only 6.5 percent. For the period of July through November, when diversion of producer milk to nonpool plants is not allowed, producer receipts increased 18.8 percent between 1961 and 1964. The use of producer milk in Class I in this 5-month period increased only 4.2 percent.

It has been necessary to channel the increasing supplies of milk in excess of the fluid needs of the market into manufactured products. Plants pooled under the Inland Empire order have only limited manufacturing facilities. Consequently, such milk must be moved to nonpool plants where the milk can be handled. During those months when diversions are not allowed, however, extra plant handling and transportation is required in disposing of the milk. Such milk must be moved first from the farm to a pool plant and then be transferred to a nonpool plant where it can be manufactured. This arrangement for handling excess milk is uneconomical.

In view of the increased milk supplies, particularly during the fall months, and the limited manufacturing facilities at pool plants, it is therefore appropriate to provide under the order that milk may be diverted to nonpool plants during any month of the year. Accordingly, the order should provide that a cooperative association may divert to a nonpool plant during each of the months of September through November up to 15 percent of the total milk of its producer members. For each of the remaining months of December through August the diversion limitation should be 25 percent. The operator of a pool plant should have the same diversion privileges as a cooperative association. The diversion limitation in this case, though, should apply to the percentage of milk received (or diverted) from producers who are not members of a cooperative association exercising its diversion privilege.

While allowing diversions in all months is desirable, it is necessary that limits be applied. This will assure that producer milk which is being pooled is associated with the fluid market. The absence of diversion limitations for all months of the year would encourage the procurement of additional milk for manufacturing use without regard for the fluid requirements of the market.

The level of the percentage limits stated above will accommodate the amount of milk which the proponent association must divert. The association assumes the responsibility of handling and disposing of its member milk which is in excess of the fluid needs of the market. During the months of seasonally high production, this burden becomes greater as handlers being supplied in part by the association rely to a greater extent, or even entirely, on milk from nonmembers for their fluid requirements. In 1964, the association diverted to nonpool plants 16.8 percent of its total member milk. In July of that year the association diverted 23.6 percent of its member milk to a nonpool plant.

The higher percentage limit for the months of December through August relative to the limit for the remaining months recognizes the seasonally greater production of milk and the consequent need for diverting a larger proportion of the total producer milk supply. The present order provisions already reflect this in that no diversion limits exist for the December through June period. Evidence indicates that the months of July and August should be included in the period for which more liberal diversion limits are provided. In 1964, both cooperative associations in the market diverted more member milk during these 2 months than during any of the remaining months of the year.

The diversion provisions proposed herein will provide handlers with the opportunity to reduce the hauling distances now involved in moving excess milk to nonpool plants during the fall months. The manufacturing plants to which surplus milk is normally moved are located at Moses Lake, Wash., and Sandpoint, Idaho. In 1964, milk was moved also to a more distant plant at Ellensburg, Wash., because of the inability of the Moses Lake plant to handle a sufficient amount of the surplus milk. All three plants are located a considerable distance from the pool plants at which producer milk is normally received for processing and packaging. Such pool plants are located in either the Spokane, Wash., area or in Coeur d'Alene, Idaho. Under the method of computing diversion limits on the basis of the combined deliveries of producers, handlers may take advantage of the relative location of producers' farms and the plants to which milk must be moved. The milk of producers whose farms are located near pool plants may be moved on a regular basis to such plants while milk of more-distant producers may be moved to the more-distant nonpool plants.

One cooperative association moves regularly to the Moses Lake plant on an every-other-day basis about 50,000 pounds of producer milk from farms located in the vicinity of Pullman, Wash., and Moscow, and Cottonwood, Idaho. The other cooperative association has farm bulk tank pick-up routes in the Bonners Ferry and Sandpoint, Idaho, areas and diverts this producer milk to the Sandpoint manufacturing plant. In these situations, it is not practical to require the milk to be moved first to pool plants and then to the distant nonpool plants for manufacturing. More than 50 miles of hauling may be saved, for example, in the direct movement of milk from farms to the Moses Lake plant. Even greater transportation savings are possible with respect to milk diverted to Sandpoint.

Evidence indicates that member milk of a cooperative association is commingled with nonmember milk when moved by a plant operator from certain farms to his plant. The order should provide, therefore, that the operator of a pool plant may divert the milk of producer members of a cooperative association which is commingled on a tank truck at the time of delivery from the farm with milk of nonmembers who are

shipping to the handler's plant. Under this arrangement the member milk involved should be included with the handler's nonmember milk in determining the handler's diversion limits. The total amount of the cooperative association's member milk on which the association's diversion limits are based should be reduced by the amount of member milk involved. The plant operator and the association should notify the market administrator of an agreement to such an arrangement. With such a provision, plant operators will not be limited in maximizing the benefits of the diversion allowances.

Two or more cooperative associations should be allowed to have the amount of their allowable diversions computed on the basis of the combined deliveries of milk by their member producers. This arrangement should not be effective unless each association involved has filed such a request with the market administrator, however. Under this provision cooperative associations would be provided the opportunity to mutually arrange the handling of excess milk in a manner which could minimize the cost of moving producer milk to nonpool manufacturing plants.

As indicated previously, some limit on diversions is necessary to assure that a producer whose milk is diverted has demonstrated a reasonable association with the Class I market. A limitation computed on a percentage basis, however, could result in a producer's milk never being received at a pool plant. The order therefore should require minimum deliveries of his milk to pool plants. If any of his milk is diverted during the months of September, October, or November, milk of the producer should be delivered to a pool plant on at least 6 days (3 days in the case of every-other-day delivery) during the month. A producer who begins supplying the market any time during the period of December through August should be required to have his milk received at a pool plant on at least 1 day before any of his milk is diverted to a nonpool plant.

It is necessary that the order provide for the treatment of milk which is diverted in excess of the limits proposed herein. Such milk should not be considered as producer milk. The diverting handler should be required to specify the producers whose milk is to be considered ineligible as such. In the absence of any designation, producer milk status should be forfeited with respect to all milk diverted by the handler. When excessive diversions occur under the circumstance where two cooperative associations are computing their allowable diversions on a combined basis, the association whose diversions have exceeded the limits when computed on an individual association basis should be the handler accountable for designating the excessive diversions.

3. *Accounting for receipts of other source milk.* The manner in which nonfluid milk products utilized by a handler are now accounted for under the order should be modified.

The order now provides that a handler must report as a receipt of other source milk all nonfluid milk products obtained from any source (including those processed at his plant) which are reprocessed or converted to another product in the plant during the month. This would be the case regardless of the classification of the product in which such receipts are used. All receipts and utilization of nonfluid milk products are required to be reported on a skim milk equivalent basis. A handler is not accountable under the order for any disappearance of nonfluid milk products not so reprocessed.

A cooperative association which operates a pool plant proposed that nonfluid milk products which are used to produce a Class II or Class III product not be included in a handler's report of receipts and utilization. The association proposed, however, that receipts of nonfluid milk products which a handler cannot account for as having been utilized be included in his receipts of other source milk to be accounted for under the order. Under the proposal a reasonable shrinkage allowance would be provided. The association further proposed that a handler be required to submit a monthly reconciliation of all nonfluid milk products handled at his plant during the month.

The witness for the proponent association contended that adoption of the proposal would simplify the compilation and auditing of handlers' monthly reports of receipts and utilization which are submitted to the market administrator. It was further contended that market statistics would reflect more realistically the receipts and utilization of milk if those nonfluid milk products which are used to produce manufactured products were not required to be reported and accounted for on a skim milk equivalent basis.

The order should be changed so that handlers would not be required to include in their reports of receipts and utilization nonfluid milk products which are used to produce Class II and Class III products. Handlers should report, however, any disappearance of nonfluid milk products not otherwise accounted for. Such products would be reported and accounted for on a skim milk equivalent basis.

Handlers presently are required to differentiate on their monthly reports of utilization the manufactured milk products in which nonfluid milk products, such as nonfat dry milk and condensed skim milk, are used. Nonfluid milk products used to produce manufactured milk products are classified as Class III milk regardless of the classification of the resulting manufactured product. Under the Inland Empire order, most of the manufactured products in which nonfluid milk products are used are those for which utilization of fluid milk products is classified as Class II milk. It is thus necessary that the skim milk and butterfat used to produce ice cream, ice cream mix, frozen desserts, cocoa mixes and cottage, pot and bakers' cheeses be distinguished between that in fluid milk products and that in nonfluid milk products, since classification of milk in these uses is determined on the basis of source.

The principal advantage of skim milk equivalent accounting is that all receipts are thereby accounted for on a common basis, which facilitates assignment of receipts from various sources to the total classified use of a handler's plant or plants. Under the Inland Empire order, however, nonfluid milk products used in the production of other manufactured products are classified in the class (Class III) to which they are first assigned in the allocation sequence. Therefore, accounting for such products as other source milk on a skim milk equivalent basis merely results in an offset in the same class between identical quantities reported as used to produce and reported as a receipt of other source milk. If both items are omitted from the report, returns to producers will in no way be affected.

It is concluded that the other source milk definition with respect to nonfluid milk products reprocessed or converted to another product in the plant during the month should be restricted to those reprocessed in connection with or converted to a fluid milk product. As a conforming change the classification provision (§ 1133.41(c)(7)) for Class III classification of nonfluid milk products used to produce certain designated manufactured products is eliminated.

To assure that the effectiveness of the classification and pricing of producer milk is not weakened, the amount of any disappearance of such products, for which utilization or disposition cannot be established by the records handlers are now required to keep, should be included in handlers' receipts of other source milk. No special shrinkage allowance with respect to the disappearance of nonfluid milk products should be provided. No need for such an allowance was established on the record.

4. *Class I price supply-demand adjuster.* The standard utilization percentages, or "norms", which are used in computing the supply-demand adjustment of the Class I price should be revised to reflect a different seasonal pattern.

The present order contains a formula for automatically adjusting the Class I price as supply and demand conditions in the market change in relation to a predetermined "normal" market situation. Under this formula a current "Class I utilization percentage", indicating the relationship of producer supplies to Class I milk sales during the second and third months preceding the month for which the Class I price is being determined, is computed. This ratio is then compared with the standard considered as normal for the corresponding months of the year. The norm for each month is expressed as a range of 4-percentage points. This range allows minor aberrations in the supply-sales relationship without an adjustment of the Class I price.

The order provides that the monetary rate of adjustment for each percentage point of deviation of the current Class I utilization percentage from the norm shall be 1 cent per hundredweight. The amount of total adjustment is increased if deviations from the norms of like direction and of equal or lesser amounts were computed for one or both of the preceding 2 months. Under this arrangement the amount of monetary adjustment for variations in the supply-demand relationship from the standards adopted are nominal when such variations first appear. The adjustment increases progressively, however, as a variation of like direction and amount persists.

A cooperative association proposed that the range of the percentage norms now set forth in the order be widened so that there may be a greater fluctuation than at present in the supply-sales relationship without any adjustment in the Class I price. Under the proposal, the seasonal variation of the percentage norms also would be changed. The association further proposed that the monetary adjustment per percentage point of deviation of the supply-sales relationship from the norms be reduced to one-half of the present rate. The witness for the association contended that the present supply-demand adjuster is too "sensitive". It was contended that because of the relatively small volumes of Class I milk and producer supplies in this market, minor changes in either of these quantities can result in undue adjustments of the Class I price.

The standard utilization percentages should be revised only for the purpose of changing their seasonal variation. The attached proposed order reflects the new percentage norms which should be used in computing supply-demand adjustments. While the seasonal variation of the norms is changed, the annual relationship of producer receipts used in Class I milk is maintained at 73 percent, the level presently reflected in the order. No change should be made in the present one-cent rate of monetary adjustment per point of deviation. The change in the percentage norms proposed herein should not change the annual level of the Class I price.

The percentage norms in the order should reflect the seasonal variation in the market of the relationship of producer milk supplies to Class I sales. The norms set forth in the attached proposed order are based on the supply-sales relationship experienced in this market since February 1962. Data indicate that the seasonal variation of the norms for the pricing months of March, April, May, June, and December should reflect a somewhat higher level of producer milk used in Class I than is presently reflected. The percentage norms for the pricing months of July through November, on the other hand, should be lowered.

Revision of the seasonal variation of the norms in this manner will cause any adjustments of the Class I price to be based on a more realistic measurement of the deviation of the current supply-sales relationship from the pattern recently prevailing in the market. The Class I price thus will reflect more accurately the relative need for producer milk to meet the fluid milk requirements of the market.

Evidence does not indicate that widening the range of the norms to seven percentage points and decreasing by one-half the rate of adjustment per point of deviation, as proponent suggests, is warranted. The purpose of the supply-demand adjuster is to reflect automatically in the Class I price significant changes in the relationship of producer supplies to Class I sales. The modification proponent suggests would lessen considerably the responsive and timely measurement of such changes. Other than some failure to reflect accurately seasonal changes in utilization, adjustments of the Class I price have been appropriate to conditions in the market.

In support of the proposal, the association's witness described the depressing effect upon the Class I price of the influx of additional milk from new producers with relatively large herds. Such milk supplies newly added to the market cannot be considered in this case, however, as a temporary change in the total milk supply for the market. The change in the supply situation should be reflected in the Class I price to the extent the change is a deviation from the "normal" supply-demand relationship.

Any change in the supply-demand adjustment mechanism which would result in increasing the level of the Class I price is not appropriate under the present circumstance of increasing producer milk supplies in this market relative to Class I sales as described earlier herein. Proponent's suggested modifications would have increased the Class I price about 3.5 cents per hundredweight had they been in effect during a recent 3-year period. Such a price increase would encourage the production of additional supplies of milk not presently needed for fluid use.

Rulings on proposed findings and conclusions. Briefs and proposed findings and conclusions were filed on behalf of certain interested parties. These briefs, proposed findings and conclusions and the evidence in the record were considered in making the findings and conclusions set forth above. To the extent that the suggested findings and conclusions filed by interested parties are inconsistent with the findings and conclusions set forth herein, the requests to make such findings or reach such conclusions are denied for the reasons previously stated in this decision.

General findings. The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) The tentative marketing agreement and the order, as hereby proposed to be amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(b) The parity prices of milk as determined pursuant to section 2 of the Act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the marketing area, and the minimum prices specified in the proposed marketing agreement and the order, as hereby proposed to be amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(c) The tentative marketing agreement and the order, as hereby proposed to be amended, will regulate the handling of milk in the same manner as, and will be applicable only to persons in the respective classes of industrial and commercial activity specified in, a marketing agreement upon which a hearing has been held.

Rulings on exceptions. In arriving at the findings and conclusions, and the regulatory provisions of this decision, the exception received was carefully and fully considered in conjunction with the record evidence pertaining thereto. To the extent that the findings and conclusions, and the regulatory provisions of this decision are at variance with the exception, such exception is hereby overruled for the reasons previously stated in this decision.

Marketing agreement and order. Annexed hereto and made a part hereof are two documents entitled respectively, "Marketing Agreement Regulating the Handling of Milk in the Inland Empire Marketing Area", and "Order Amending the Order Regulating the Handling of Milk in the Inland Empire Marketing Area", which have been decided upon as the detailed and appropriate means of effectuating the foregoing conclusions.

It is hereby ordered, That all of this decision, except the attached marketing agreement, be published in the FEDERAL REGISTER. The regulatory provisions of said marketing agreement are identical with those contained in the order as hereby proposed to be amended by the attached order which will be published with this decision.

Referendum order; determination of representative period; and designation of referendum agent. It is hereby directed that a referendum be conducted to determine whether the issuance of the attached order, as amended and as hereby proposed to be amended, regulating the handling of milk in the Inland Empire marketing area, is approved or favored by the producers, as defined under the terms of the order, as amended and as hereby proposed to be amended, and who, during the representative period, were engaged in the production of milk for sale within the aforesaid marketing area.

The month of April 1965 is hereby determined to be the representative period for the conduct of such referendum. James A. Burger is hereby designated agent of the Secretary to conduct such referendum in accordance with the procedure for the conduct of referenda to determine producer approval of milk marketing orders (15 F.R. 5177), such referendum to be completed on or before the 30th day from the date this decision is issued.

Signed at Washington, D.C., on June 17, 1965.

JOHN A. SCHNITTKER,
Under Secretary.

Order[1] Amending the Order Regulating the Handling of Milk in the Inland Empire Marketing Area

§ 1133.0 Findings and determinations.

The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the Inland Empire marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order as hereby amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(2) The parity prices of milk, as determined pursuant to section 2 of the Act, are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the order as hereby amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(3) The said order as hereby amended, regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial or commercial activity specified in, a marketing agreement upon which a hearing has been held.

Order relative to handling. It is therefore ordered, that on and after the effective date hereof, the handling of milk in the Inland Empire marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as amended and as hereby amended, as follows:

The provisions of the proposed marketing agreement and order amending the order contained in the recommended decision issued by the Deputy Administrator, Regulatory Programs, on May 26, 1965, and published in the FEDERAL REGISTER on June 2, 1965 (30 F.R. 7284; F.R. Doc. 65–5696), shall be and are the terms and provisions of this order, and are set forth in full herein:

[1] This order shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders have been met.

1. In § 1133.12, paragraph (c) is revised to read as follows:

§ 1133.12 Producer milk.

* * * * *

(c) With respect to diversions to nonpool plants:

(1) A cooperative association may divert for its account, pursuant to paragraph (b)(1) of this section, the milk of any member producer eligible for diversion. The total quantity of milk so diverted, however, may not exceed 15 percent in the months of September, October, and November, or 25 percent in other months, of its total member milk received at all pool plants and diverted therefrom during the month. Two or more cooperative associations may have their allowable diversions computed on the basis of the combined deliveries of milk by their member producers if each association has filed in writing with the market administrator a request for such computation;

(2) A handler operating a pool plant may divert for his account, pursuant to paragraph (a)(2) of this section, milk of any producer eligible for diversion, other than a member of a cooperative association which diverts milk pursuant to subparagraph (1) of this paragraph. The total quantity of milk so diverted, however, may not exceed 15 percent in the months of September, October, and November, or 25 percent in other months, of the milk received at and diverted from such pool plant during the month from producers who are not members of a cooperative association which diverts milk pursuant to subparagraph (1) of this paragraph;

(3) The operator of a pool plant may divert the milk of any producer member of a cooperative association which is commingled on a tank truck at the time of delivery from the farm with milk of nonmember producers if the association and the plant operator each has filed in writing with the market administrator prior to any such diversion an agreement to such an arrangement designating the producer(s) involved. In such case, the total quantity of milk deliveries on which the diversion limits for the association are based shall be reduced by the total deliveries and diversions of member producers whose milk is diverted by the plant operator and the diversion limits for the plant operator shall be increased by a like amount;

(4) Milk diverted in excess of the limits specified shall not be considered as producer milk, and the diverting handler shall specify the producers whose milk is ineligible as producer milk. If a handler fails to designate such producers, producer milk status shall be forfeited with respect to all milk diverted by the handler;

(5) Producers eligible for diversion are those whose milk has been received at the pool plant prior to diversion from such plant (but not necessarily in the current month). Producers eligible for diversion in the months of September, October, or November must in addition have their milk received at a pool plant on at least 6 days (3 days in the case of every-other-day delivery) during the current month; and

(6) For the purpose of location adjustments pursuant to §§ 1133.53 and 1133.81, diverted milk shall be considered to have been received at the location of the plant from which diverted.

2. In § 1133.13, paragraph (b) is revised to read as follows:

§ 1133.13 Other source milk.

* * * * *

(b) Products, other than fluid milk products, from any source (including those processed at the plant) which are reprocessed in connection with, or converted to, a fluid milk product in the plant during the month, and any disappearance during the month of nonfluid milk products not otherwise accounted for.

3. In § 1133.15(c), subparagraph (1) is revised to read as follows:

§ 1133.15 Handler.

* * * * *

(c) * * *

(1) From a pool plant to a nonpool plant; and

* * * * *

§ 1133.41 [Amended]

4. In § 1133.41(c), subparagraph (7) is revoked.

§ 1133.44 [Amended]

5. In § 1133.44(a), the reference "paragraph (d)" is revised to read "paragraph (b)".

6. In § 1133.51(d), the table at the end of subparagraph (4) is revised to read as follows:

§ 1133.51 Class prices.

* * * * *

(d) * * *

(4) * * *

Month for which price applies	Months used in computation	Standard utilization percentage	
		Minimum	Maximum
January	October–November	79	82
February	November–December	78	79
March	December–January	74	77
April	January–February	75	78
May	February–March	74	77
June	March–April	72	75
July	April–May	67	70
August	May–June	62	65
September	June–July	63	66
October	July–August	67	70
November	August–September	72	75
December	September–October	78	81

* * * * *

§ 1133.82 [Amended]

7. In § 1133.82, the reference "§ 1133.80(a)" is revised to read "§ 1133.80(b)".

§ 1133.87 [Amended]

8. In § 1133.87, the reference "§ 1133.80(a)" wherever it appears is revised to read "§ 1133.80(b)".

§ 1133.88 [Amended]

9. In § 1133.88, the reference "§ 1133.44(d)" is revised to read "§ 1133.44(b)".

[F.R. Doc. 65–6524; Filed, June 21, 1965; 8:48 a.m.]

DEPARTMENT OF LABOR

Wage and Hour Division

[29 CFR Part 541]

DRIVER SALESMEN

Proposed Definition

On March 5, 1964, a proposal was made (29 F.R. 3206) to consider what changes, if any, should be made in the definition and delimitation of the term "outside salesman" (29 CFR 541.5) as it applies to driver salesmen (29 CFR 541.505) by reason of the increased importance of this subject resulting from the increased coverage of the Fair Labor Standards Act of 1938 (29 U.S.C. 201) provided by the Fair Labor Standards Amendments of 1961 (Public Law 87–30).

All relevant matter appearing in the transcript of oral proceedings held pursuant to the proposal and in all written presentations as well as all other pertinent information that has come to my attention has been considered. I have concluded that no change in the regulation defining "outside salesman" (29 CFR 541.5) is needed, but that an amplification of the interpretation of that regulation as it applies to driver salesmen is needed. Accordingly, pursuant to the authority in section 13(a)(1) of the Fair Labor Standards Act of 1938 (29 U.S.C. 213(a)(1)) and General Order No. 45–A of the Secretary of Labor (15 F.R. 3290), I hereby propose to amend 29 CFR 541.505 to read as set forth below.

Any person interested in this proposal may file a written statement of data, views, or argument regarding it with the Administrator of the Wage and Hour and Public Contracts Divisions, U.S. Department of Labor Building, 14th Street and Constitution Avenue NW., Washington, D.C., 20210, within 30 days after this notice is published in the FEDERAL REGISTER.

The proposed revised section reads as follows:

§ 541.505 Driver salesmen.

(a) Where drivers who deliver to an employer's customers the products distributed by the employer also perform functions concerned with the selling of such products, and questions arise as to whether such an employee is employed in the capacity of outside salesman, all the facts bearing on the content of the job as a whole must be scrutinized to determine whether such an employee is really employed for the purpose of making sales rather than for the service and delivery duties which he performs, and, if so, whether he is customarily and regularly engaged in making sales and his performance of nonexempt work is sufficiently limited to come within the tolerance permitted by § 541.5. The employee may qualify as an employee employed in the capacity of outside salesman if, and only if, the facts clearly indicate that he is employed for the purpose of making sales and that he is customarily and regularly engaged in such activity within the meaning of the Act and this part. As in the case of outside salesmen whose jobs do not involve delivery of products to customers, the employee's chief duty or primary function must be the making of sales or the taking of orders if he is to qualify under the definition in § 541.5. He must be a salesman by occupation. If he is, all work that he performs which is actually incidental to and in conjunction with his own sales effort is exempt work. All other work of such an employee is nonexempt work.

(b) Employees who may perform a combination of selling or sales promotion activities with product deliveries are employed in a number of industries. Distributors of carbonated beverages, beer, bottled water, food and dairy products of various kinds, cigars and other nonfood products commonly utilize such employees, variously known as routemen, route drivers, route salesmen, dealer salesmen, distributor salesmen, or driver salesmen. Some such employees deliver at retail to customers' homes; others deliver on wholesale routes to such customers as retail stores, restaurants, hospitals, hotels, taverns, and other business establishments. Whether such an employee qualifies as an outside salesman under the regulations depends, as stated in paragraph (a) of this section, on the content of the job as a whole and not on its title or designation or the kind of business in which the employer is engaged. Hearings in 1964 concerning the application of § 541.5 to such employees demonstrated that there is great variation in the nature and extent of sales activity and its significance as an element of the job, as among drivers whose duties are performed with respect to different products or different industries and also among drivers engaged in the same industry in delivering products to different types of customers. In some cases the facts may make it plain that such an employee is employed for the purpose of making sales; in other cases the facts are equally clear that he is employed for another purpose. Thus, there is little question that a routeman who provides the only sales contact between the employer and the customers, who calls on customers and takes orders for products which he delivers from stock in his vehicle or procures and delivers to the customer on a later trip, and who receives compensation commensurate with the volume of products sold, is employed for the purpose of making sales. It is equally clear, on the other hand, that a routeman whose chief duty is to transport products sold by the employer through vending machines and to keep such machines stocked, in good operating condition, and in good locations, is not selling his employer's product or employed for the purpose of making sales but is employed for purposes which, although important to the promotion of sales to customers using the machines, plainly cannot characterize the employee as a salesman by occupation. In other cases there may be more difficulty in determining whether the employee is employed for the purpose of making sales, within the meaning of this part. The facts in such cases must be weighed in the light of the principles stated in paragraph (a) of this section, giving due consideration to the factors discussed in subsequent paragraphs of this section.

(c) One source of difficulty in determining the extent to which a route driver may actually be engaged in "making sales" arises from the fact that such a driver often calls on established customers day after day or week after week, delivering a quantity of his employer's products at each call. Plainly, such a driver is not "making sales" when he delivers orders to customers to whom he did not make the initial sale in amounts which are exactly or approximately prearranged by customer or contractual arrangement or in amounts specified by the customer and not significantly affected by solicitations of the customer by the delivering driver. Making such deliveries, as well as recurring deliveries the amounts of which are determined by the volume of sales by the customer since the previous delivery rather than by any sales effort of the driver, do not qualify the driver as an outside salesman nor are such deliveries and the work incident thereto directly to the making or soliciting of sales by the driver so as to be considered exempt work. On the other hand, route drivers are "making sales" when they actually obtain or solicit, at the stops on their routes, orders for their employer's products from persons who have authority to commit the customer for purchases. A driver who calls on new prospects for customers along his route and attempts to convince them of the desirability of accepting regular delivery of goods is likewise engaged in sales activity and is making sales to those from whom he obtains a commitment. Also, a driver salesman calling on established customers on his route, carrying an assortment of the articles which his employer sells, may be making sales by persuading regular customers to accept delivery of increased amounts of goods or of new products, even though the initial sale or agreement for delivery of the employer's products may have been made by someone else. Work which is performed incidental to and in conjunction with such sales activities will also be considered exempt work, provided such solicitation of the customer is frequent and regular. Incidental activities include loading the truck with the goods to be sold by the driver salesman, driving the truck, delivering the products sold, removing empty containers for return to the employer, and collecting payment for the goods delivered.

(d) Neither delivery of goods sold by others nor sales promotion work as such constitutes "making sales" within the meaning of § 541.5; delivery men and promotion men are not employed "in the capacity of outside salesman" for purposes of section 13(a)(1) of the Act although both delivery work and promotion work are exempt work when performed by a true outside salesman as an incident to his own sales or efforts to sell. The distinction between the making of sales and the promotion of sales is explained in more detail in the discussion and illustrations contained in § 541.504. Under the principles there stated a route driver, just as any other employee, must have as his chief duty and primary func-

tion the making of sales in the sense of obtaining and soliciting commitments to buy from the persons upon whom he calls if he is to qualify under the regulations as an employee employed in the capacity of outside salesman. For this reason, a route driver primarily engaged in making deliveries to his employer's customers and performing activities intended to promote sales by the customers, including placing point-of-sale and other advertising materials, price stamping commodities, arranging merchandise on shelves or in coolers or cabinets, rotating stock according to date, and cleaning and otherwise servicing display cases, is not employed in the capacity of an outside salesman by reason of such work. Such work is nonexempt work for purposes of this part unless it is performed as an incident to or in conjunction with sales actually made by the driver to such customers. If the driver who performs such functions actually takes orders or obtains commitments from such customers for the products which he delivers, and the performance of the promotion work is in furtherance of his own sales efforts, his activities for that purpose in the customer's establishment would be exempt work.

(e) As indicated in paragraph (a) of this section, whether a route driver can qualify as an outside salesman depends on the facts which establish the content of his job as a whole. Accordingly, in borderline cases a determination of whether the driver is actually employed for the purpose of, is customarily and regularly engaged in, and has as his chief duty and primary function the making of sales, may involve consideration of such factors as a comparison of his duties with those of other employees engaged as (1) truck drivers and (2) salesmen; possession of a salesman's or solicitor's license when such license is required by law or ordinances; presence or absence of customary or contractual prearrangements concerning amounts of products to be delivered; description of the employee's occupation in union contracts; the employer's specifications as to qualifications for hiring; sales training; attendance at sales conferences; method of payment; proportion of earnings directly attributable to sales effort; and other factors that may have a bearing on the relationship to sales of the employee's work. However, where it is clear that an employee performs nonexempt work in excess of the amount permitted by § 541.5, he would be nonexempt in any event and consideration of such factors as the foregoing would not be pertinent.

(f) The following examples will further illustrate the factual situations in which, under the principles discussed previously in this section, routemen engaged in recurrent deliveries of goods may qualify or may fail to qualify for exemption as outside salesmen.

(1) A retail routeman who regularly calls on established retail customers to deliver goods of generally prearranged amounts and kinds may also exert considerable effort not only to keep such customers satisfied to continue their orders for such goods but also to make such customers aware of other products which he would like to sell to them and to offer to take orders for such products or for increased amounts of the products which he is already delivering to the customer. In addition, he may call at prospective retail customers' homes for the purpose of persuading such persons to order the goods which he sells. A routeman who customarily and regularly calls on customers for these purposes and takes orders from them for products which he delivers to them, in addition to those products for which delivery has been prearranged, who is in practical effect his employer's exclusive sales contact with such customers, and whose earnings are in large part directly attributable to sales made to such customers, will be considered to be employed in the capacity of outside salesman and within the exemption provided by section 13(a)(1) of the Act if he does not perform nonexempt work in excess of the tolerance permitted by § 541.5.

(2) A routeman who calls on retail stores which are among his employer's established customers may also qualify for exemption as an outside salesman notwithstanding the goods he delivers to them are of kinds and in amounts which are generally prearranged. Other facts may show that making sales is his chief duty and primary function and that he is customarily and regularly engaged in performing this function. Thus, such a routeman whose regular calls on established customers involve not only delivery of prearranged items but also active efforts to persuade such customers to continue or increase their orders for such goods and to solicit their orders for other kinds of products which he offers for sale, who also calls on retail stores which are prospective customers, talks to persons who are authorized to order goods for such stores, and solicits orders from them for the goods which he sells, and whose compensation is based primarily on the volume of sales attributable to his efforts, will be considered exempt as an outside salesman if he does not perform nonexempt work in excess of the tolerance permitted by § 541.5.

(3) If a routeman delivers goods to branch business establishments whose personnel have no authority to place orders or make commitments with respect to the kinds and amounts of such goods, and if the kinds and amounts of goods delivered are not determined pursuant to orders placed by the authorized personnel of the customer's enterprise as a result of sales solicitation by the routeman, it is clear that the routeman's calls on such branch establishments are not a part of the making of sales by him or incidental to sales made by him. If such work is his chief duty or primary function or if he spends a greater proportion of the workweek in such work than is allowed for nonexempt work under § 541.5, such a routeman cannot qualify for exemption as an "outside salesman".

(4) A routeman who delivers to supermarkets after the enterprise has been persuaded, by a salesman of the routeman's employer, to accept delivery of goods, and whose functions other than such deliveries are primarily to arrange merchandise, rotate stocks, place point-of-sale and other advertising materials, and engage in other activities which are intended to promote sales by the supermarkets of the goods he has delivered, is not employed primarily for the purpose of selling and is not customarily and regularly engaged in making sales. Rather, he is employed primarily to deliver goods and to perform activities in the supermarkets of a nature usually performed by store employees not employed as salesmen. Such a routeman is not employed in the capacity of outside salesman within the exemption provided by section 13(a)(1).

(5) Some employees are engaged in a combination of activities involving delivery, the selling of services, and the performance of the services. For example, some drivers call on customers for the purpose of selling pesticides and, if a sale is consummated, applying the pesticides on the customer's property. Such employees, like those referred to in § 541.501(e), are not exempt as outside salesmen. They are primarily engaged in delivery or service functions, not in outside selling.

(Sec. 13, 52 Stat. 1067, 29 U.S.C. 213)

Signed at Washington, D.C., this 17th day of June 1965.

CLARENCE T. LUNDQUIST,
Administrator.

[F.R. Doc. 65-6507; Filed, June 21, 1965; 8:47 a.m.]

FEDERAL AVIATION AGENCY

[14 CFR Part 37]

[Regulatory Docket No. 1892]

LIFE PRESERVERS

Withdrawal of Notice of Proposed Rule Making

The Federal Aviation Agency has had under consideration a proposal to amend Part 514 of the Regulations of the Administration by amending the Technical Standard Order, Life Preservers—TSO-C13d. Effective January 4, 1965, Part 514 of the Regulations of the Administrator was recodified as Part 37 of the Federal Aviation Regulations without substantive change.

This Technical Standard Order contains minimum performance requirements for life preservers for use on civil aircraft of the United States engaged in overwater operations. The reasons for the proposal were set forth in the explanatory statement of a notice of proposed rule making that was published in the FEDERAL REGISTER (28 F.R. 8218) on August 9, 1963, and circulated to the public as Notice No. 63-31. Interested persons were afforded an opportunity to participate in the proposed rule making through submission of comments.

Notice No. 63-31 was intended to incorporate standards for a survivor locator light and to convert industry standards into the form of a self-contained Agency standard without substantive change. However, comments received on Notice No. 63-31 pointed out that substantive changes to the preserver standards had been introduced. Due to the urgency of the requirement, it was decided to issue a separate Technical Standard Order for survivor locator lights and to take separate action on the remainder of Notice No. 63-31 dealing with the life preserver standard at a later date. The TSO-C85, Survivor Locator Lights, was published in the FEDERAL REGISTER (29 F.R. 5943) on May 6, 1964.

Based on the comments received to Notice No. 63-31 and current studies conducted by the Agency, the issuance of an adopted rule based on the proposed life preserver standards in the notice is not justified at this time.

The Agency intends to continue its studies of the present life preserver standards and may issue a new notice of proposed rule making if these studies indicate a change in the TSO is needed.

In consideration of the foregoing, the remainder of Notice No. 63-31 dealing with the life preserver standard is hereby withdrawn.

This withdrawal shall become effective on publication in the FEDERAL REGISTER.

This withdrawal is made under the authority of sections 313(a) and 601 of the Federal Aviation Act of 1958 (42 Stat. 752, 775; 49 U.S.C. 1354(a), 1421).

Issued in Washington, D.C., on June 15, 1965.

C. W. WALKER,
Acting Director,
Flight Standards Service.

[F.R. Doc. 65-6484; Filed, June 21, 1965; 8:45 a.m.]

[14 CFR Part 71]

[Airspace Docket No. 65-SO-76]

CONTROL ZONE, TRANSITION AREA

Proposed Alteration and Designation

The Federal Aviation Agency is considering amendments to Part 71 of the Federal Aviation Regulations that would alter the Melbourne, Fla., control zone, designate the Cocoa, Fla., control zone and designate the Melbourne, Fla., transition area.

As parts of these proposals relate to the navigable airspace outside the United States, this notice is submitted in consonance with the ICAO International Standards and Recommended Practices.

Applicability of International Standards and Recommended Practices, by the Air Traffic Service, FAA, in areas outside domestic airspace of the United States is governed by Article 12 and Annex 11 to the Convention on International Civil Aviation (ICAO), which pertains to the establishment of air navigation facilities and services necessary to promoting the safe, orderly, and expeditious flow of civil air traffic. Its purpose is to insure that civil flying on international air routes is carried out under uniform conditions designed to improve the safety and efficiency of air operations.

The International Standards and Recommended Practices in Annex 11 apply in those parts of the airspace under the jurisdiction of a contracting State, derived from ICAO, wherein air traffic services are provided and also whenever a contracting state accepts the responsibility of providing air traffic services over high seas or in airspace of undetermined sovereignty. A contracting state accepting such responsibility may apply the International Standards and Recommended Practices to civil aircraft in a manner consistent with that adopted for airspace under its domestic jurisdiction.

In accordance with Article 3 of the Convention on International Civil Aviation, Chicago, 1944, state aircraft are exempt from the provisions of Annex 11 and its Standards and Recommended Practices. As a contracting state, the United States agreed by Article 3(d) that its State aircraft will be operated in international airspace with due regard for the safety of civil aircraft.

Since this action involves, in part, the designation of navigable airspace outside the United States, the Administrator has consulted with the Secretary of State and the Secretary of Defense in accordance with the provisions of Executive Order 10854.

Interested persons may participate in the proposed rule making by submitting such written data, views, or arguments as they may desire. Communications should identify the airspace docket number and be submitted in triplicate to the Director, Southern Region, Attention: Chief, Air Traffic Division, Federal Aviation Agency, Post Office Box 20636, Atlanta, Ga., 30320. All communications received within 45 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendments. The proposals contained in this notice may be changed in the light of comments received.

An official docket will be available for examination by interested persons at the Federal Aviation Agency, Office of the General Counsel, Attention: Rules Docket, 800 Independence Avenue SW., Washington, D.C., 20553. An informal docket also will be available for examination at the office of the Regional Air Traffic Division Chief.

The Federal Aviation Agency, having completed a comprehensive review of the terminal airspace structure requirements in the Melbourne, Fla., terminal area, including studies attendant to the implementation of the provisions of CAR Amendments 60-21/60-29, proposes the following airspace actions:

1. The Melbourne, Fla., control zone would be amended to be that airspace within a 5-mile radius of John F. Kennedy Memorial Airport (latitude 28°06'-05" N., longitude 80°38'10" W.); within 2 miles each side of the 267° True bearing from the Melbourne radio beacon, extending from the 5-mile radius zone to 8 miles West of the radio beacon; within 2 miles each side of the Melbourne VOR 100° True radial, extending from the 5-mile radius zone to 8 miles E of the VOR; within 2 miles each side of the Melbourne VOR 262° True radial, extending from the 5-mile radius zone to 8 miles W of the VOR; excluding that portion which coincides with the Cocoa, Fla. (Patrick AFB) control zone.

2. The Cocoa, Fla. (Patrick AFB) control zone would be designated as that airspace within a 5-mile radius of Patrick AFB (latitude 28°14'05" N., longitude 80°36'35" W.); within 2 miles each side of the Patrick AFB TACAN 025° True radial, extending from the 5-mile radius zone to 8 miles NE of the TACAN; and within 2 miles each side of the Melbourne, Fla., VOR 007° True radial, extending from the 5-mile radius zone to 4 miles NE of the VOR.

3. The Melbourne, Fla., transition area would be designated as that airspace extending upward from 700 feet above the surface within a 7-mile radius of the John F. Kennedy Memorial Airport (latitude 28°06'05" N., longitude 80°-38'10" W.); within a 7-mile radius of Patrick AFB (latitude 28°14'05" N., longitude 80°36'35" W.); that airspace extending upward from 1,200 feet above the surface within the arc of a 25-mile radius circle centered at the Patrick AFB, excluding that portion within the arc of a 35-mile radius circle centered at Herndon Municipal Airport, Orlando, Fla. (latitude 28°32'40" N., longitude 81°19'55" W.).

The proposed amendments are necessary to provide protection for aircraft executing instrument approach and departure procedures at Patrick AFB and John F. Kennedy Memorial Airport.

Certain minor revisions to prescribed instrument procedures would be effected in conjunction with the actions proposed herein, but operational complexities would not be increased nor would aircraft performance characteristics or present landing minimums be affected adversely.

Specific details of the changes to procedures and minimum instrument flight rules altitudes that would be required may be examined by contacting the Chief, Airspace Utilization Branch, Air Traffic Division, Southern Region, FAA, Post Office Box 20636, Atlanta, Ga., 30320.

These amendments are proposed under sections 307(a) and 1110 of the Federal Aviation Act of 1958 (49 U.S.C. 1348, 1510), and Executive Order 10854 (24 F.R. 9565).

Issued in Washington, D.C., on June 15, 1965.

DANIEL E. BARROW,
Chief, Airspace Regulations and Procedures Division.

[F.R. Doc. 65-6485; Filed, June 21, 1965; 8:45 a.m.]

[14 CFR Part 71]

[Airspace Docket No. 65-WE-5]

TRANSITION AREA

Proposed Alteration

The Federal Aviation Agency is considering an amendment to Part 71 of the Federal Aviation Regulations which would alter the Lamar, Colo., transition area.

The Lamar transition area is presently designated as that airspace extending upward from 1,200 feet above the surface within 10 miles S and 7 miles N of the Lamar VOR 099° and 279° radials, extending from 20 miles E to 9 miles W of

the VOR excluding the airspace within Federal airways.

To complete the implementation of CAR Amendments 60–21/60–29 in the Lamar, Colo., terminal area, the Federal Aviation Agency is considering the following airspace action:

Redesignate the Lamar transition area as that airspace extending upward from 700 feet above the surface within a 6-mile radius of Lamar Airport (latitude 38°04'10" N., longitude 102°41'25" W.) and within 2 miles each side of the Lamar VOR 180° and 360° radials, extending from the 6-mile radius area to 8 miles N of the VOR; that airspace extending upward from 1,200 feet above the surface within 8 miles W and 6 miles E of the Lamar VOR 180° and 360° radials, extending from 15 miles S to 13 miles N of the VOR.

The floors of the airways that traverse the transition area proposed herein would automatically coincide with the floors of the transition area.

The Lamar transition area is required to provide protection for aircraft executing prescribed instrument approach, departure and holding procedures conducted within the Lamar terminal area.

Interested persons may submit such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Director, Western Region, Attention: Chief, Air Traffic Division, Federal Aviation Agency, 5651 West Manchester Avenue, Post Office Box 90007, Airport Station, Los Angeles, Calif., 90009. All communications received within 45 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Division Chief. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

A public Docket will be available for examination by interested persons in the office of the Regional Counsel, Federal Aviation Agency, 5651 West Manchester Avenue, Los Angeles, Calif., 90045.

This amendment is proposed under the authority of section 307(a) of the Federal Aviation Act of 1958, as amended (72 Stat. 749; 49 U.S.C. 1348).

Issued in Los Angeles, Calif., on June 11, 1965.

LEE E. WARREN,
Acting Director, Western Region.

[F.R. Doc. 65–6486; Filed, June 21, 1965; 8:46 a.m.]

[14 CFR Part 71]

[Airspace Docket No. 65–WE–37]

VOR FEDERAL AIRWAYS AND CONTROL AREA EXTENSION

Proposed Alteration and Revocation

The Federal Aviation Agency is considering amendments to Part 71 of the Federal Aviation Regulations that would establish segment floors, in part, for VOR Federal airways Nos. 85, 85 W alternate, 118, 26, 298, 298 S alternate, 187, 235, 19, 19 E alternate, and 247, and that would revoke the control area extension between V–298 and its S alternate from Dunoir, Wyo., to Casper, Wyo.

Interested persons may participate in the proposed rule making by submitting such written data, views, or arguments as they may desire. Communications should identify the airspace docket number and be submitted in triplicate to the Director, Western Region, Attention: Chief, Air Traffic Division, Federal Aviation Agency, 5651 West Manchester Avenue, Post Office Box 90007, Airport Station, Los Angeles, Calif., 90009. All communications received within 45 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendments. The proposals contained in this notice may be changed in the light of comments received.

An official docket will be available for examination by interested persons at the Federal Aviation Agency, Office of the General Counsel, Attention: Rules Docket, 800 Independence Avenue SW., Washington, D.C., 20553. An informal docket also will be available for examination at the office of the Regional Air Traffic Division Chief.

In consonance with the application of CAR Amendment 60–21/60–29 to airways in the Denver, Colo., and Salt Lake City, Utah, ARTCC Center areas, the Federal Aviation Agency proposes to establish floors on the above-mentioned airway segments as follows:

1. V–85/85 W alternate from Medicine Bow, Wyo., 1,200 feet a.g.l. to Casper, Wyo.

2. V–85 from Casper 1,200 feet a.g.l. to 29 miles W, thence 7,700 feet m.s.l. to 19 miles E of Riverton, Wyo., thence 1,200 feet a.g.l. to Riverton.

3. V–118 from Medicine Bow 8,500 feet m.s.l. to 10 miles NW of Laramie, Wyo., thence 1,200 feet a.g.l. to Laramie.

4. V–26 from Cherokee, Wyo., 1,200 feet a.g.l. to 11 miles NE, thence 11,100 feet m.s.l. to 36 miles SW of Casper, thence 1,200 feet a.g.l. to Casper.

5. V–298 from Dunoir, Wyo., 13,500 feet m.s.l. to 30 miles W of Boysen Reservoir, Wyo., thence 1,200 feet a.g.l. to 9 miles E of Boysen Reservoir, thence 10,500 feet m.s.l. to 48 miles W of Casper, thence 1,200 feet a.g.l. to Casper.

6. V–298 S alternate from Dunoir 13,000 feet m.s.l. to 51 miles NW of Riverton, Wyo., thence 11,000 feet to 36 miles NW of Riverton, thence 1,200 feet a.g.l. to 19 miles E of Riverton, thence 7,700 feet m.s.l. to 29 miles W of Casper, thence 1,200 feet a.g.l. to Casper.

7. V–187 from Riverton 1,200 feet a.g.l. to Boysen Reservoir.

8. V–235 from Rock Springs, Wyo., 1,200 feet a.g.l. to 24 miles NE, thence 10,700 feet m.s.l. to 55 miles SW of Casper, thence 1,200 feet a.g.l. to Casper.

9. V–19 from Casper 1,200 feet a.g.l. to 5 miles N, thence 7,100 feet m.s.l. to 5 miles S of Crazy Woman, Wyo., thence 1,200 feet a.g.l. to Sheridan, Wyo.

10. V–19 E alternate from Crazy Woman, 1,200 feet a.g.l. to Sheridan.

11. V–247 from Crazy Woman, 1,200 feet a.g.l. to 5 miles SE, thence 7,500 feet m.s.l. to Douglas, Wyo.

12. The control area extension between Victor 298 and its S alternate from Dunoir to Casper would be revoked since it is no longer required for air traffic control purposes.

The floors of 1,200 feet a.g.l. are required for climb to minimum en route altitudes, en route altitude changes, and aeronautical chart legibility.

These amendments are proposed under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348).

Issued in Washington, D.C., on June 15, 1965.

DANIEL E. BARROW,
Chief, Airspace Regulations and Procedures Division.

[F.R. Doc. 65–6487; Filed, June 21, 1965; 8:45 a.m.]

[14 CFR Part 75]

[Airspace Docket No. 65–WE–126]

JET ROUTES

Proposed Revocation

On February 28, 1964, a notice of proposed rule making was published in the FEDERAL REGISTER (29 F.R. 2792) stating that the Federal Aviation Agency was considering an amendment to Part 75 of the Federal Aviation Regulations which would revoke Jet Route No. 96 between Seattle, Wash., and the United States/Canadian border.

While this notice of proposed rule making was pending, Jet Route No. 505, overlying and identical with Jet Route No. 96, was designated at the request of the Canadian Department of Transport to provide route continuity between Kimberley, Quebec, Canada, and Seattle; e.g., so that the Canadian and United States jet routes between Seattle and Kimberley would carry the same identifiers. For the same reasons that J–96 was proposed for revocation, J–505 is proposed for revocation.

Therefore, the original notice of proposed rule making is hereby altered to include the proposed revocation of both J–96 and J–505.

In order to provide interested persons time to adequately evaluate this proposal as modified herein and an opportunity to submit additional written data, views, or arguments, the date for filing such material will be extended to July 26, 1965.

This supplementary notice of proposed rule making is proposed under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348).

Issued in Washington, D.C., on June 15, 1965.

DANIEL E. BARROW,
Chief, Airspace Regulations and Procedures Division.

[F.R. Doc. 65–6488; Filed, June 21, 1965; 8:45 a.m.]

[14 CFR Part 121]

[Reg. Docket No. 6722; Notice 65–13]

MINIMUM ALTITUDES FOR USE OF AUTOMATIC PILOT

Notice of Proposed Rule Making

The Federal Aviation Agency is considering amending § 121.579(b) of the Federal Aviation Regulations to authorize amendment of a certificate holder's operations specifications to permit the use of an automatic pilot with an approach coupler to touchdown when certain criteria are met.

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should identify the regulatory docket or notice number and be submitted in duplicate to the Federal Aviation Agency, Office of the General Counsel, Attention: Rules Docket, 800 Independence Avenue SW., Washington, D.C., 20553. All communications received on or before August 18, 1965, will be considered by the Administrator before taking action on the proposed rule. The proposals contained in this notice may be changed in the light of comments received. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons.

Even under the most favorable conditions, § 121.579(b) presently limits the use of an automatic pilot with an approach coupler to a minimum altitude of at least 50 feet above the terrain. The Agency believes that this limitation does not provide the flexibility that will be needed in the future to facilitate the efforts of the Agency, in collaboration with the aviation industry, to develop an all-weather landing system.

The development of a flight control guidance system with automatic capability to touchdown is one of the steps in the evolutionary process toward the ultimate goal of all-weather landings. Such systems have now been developed that function without any altitude loss. However, as previously stated, even if there was no altitude loss factor specified in the Airplane Flight Manual, § 121.579(b) requires the system to be disconnected no less than 50 feet above the terrain. Since airworthiness approval by the Agency is a prerequisite to using one of these systems, the Agency believes that once the airworthiness has been determined an operator can be allowed to use the system to touchdown without any adverse effect on safety. Before airworthiness approval of such a system is granted by the Agency, the manufacturer is required to show to the Administrator that the system meets rigid standards. These standards are such that, once met, the use of the system even without the arbitrary restrictions presently contained in § 121.579(b) will, in the opinion of the Agency, maintain a level of safety that is at least equal to that required by the present rule. Accordingly, once airworthiness approval has been obtained, the arbitrary restrictions presently contained in § 121.579(b) are no longer necessary.

In consideration of the foregoing, it is proposed to amend § 121.579(b) of Part 121 of the Federal Aviation Regulations by adding a flush sentence at the end of paragraph (b) to read as follows:

The Administrator may issue operations specifications prescribing appropriate requirements that deviate from the requirements of this section to permit use, to touchdown, of an approved flight control guidance system with automatic capability where that system as approved does not contain an altitude loss factor and where the Administrator finds that the deviation will not otherwise affect the general standards of safety required by this section.

This amendment is proposed under the authority of sections 313(a), 601, and 604 of the Federal Aviation Act of 1958 (49 U.S.C. 1354, 1421, and 1424).

Issued in Washington, D.C., on June 15, 1965.

C. W. WALKER,
Acting Director, Flight Standards Service.

[F.R. Doc. 65–6489; Filed, June 21, 1965; 8:45 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Parts 21, 74, and 91]

[Docket No. 15971; RM Nos. 636, 672, 742, 755, and 766]

TELEVISION BROADCAST SIGNALS

Distribution by Community Antenna Television Systems

Order. The Commission, having under consideration a request by the National Association of Broadcasters (NAB) for an extension of time until July 12, 1965, for filing comments on Part I and Paragraph 50 of the notice of inquiry and notice of proposed rule making in the above-captioned proceeding;

It appearing, that such request is grounded on the circumstance that its Board of Directors is meeting during the week of June 22, 1965, to consider the NAB's position on the policy considerations involved in the rule making proposal in Paragraph 50, and that this meeting will coincide with the June 25th date on which initial comment is presently due;

It further appearing, that any extension granted in order to obtain the NAB's position on Part I and Paragraph 50 should be as short as possible in view of the 2 months already afforded for initial comment and the public interest in a prompt resolution of these matters;

Accordingly, the Commission, pursuant to section 5(d) of the Communications Act of 1934, as amended, and § 0.251 of the Commission's rules, *orders*, This 16th day of June 1965, that the times for filing comments and reply comments on Part I and Paragraph 50 of this proceeding are extended to July 9, 1965, and August 6, 1965, respectively.

Released: June 16, 1965.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 65–6529; Filed, June 21, 1965; 8:48 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[17 CFR Parts 260, 269]

[Release No. 39–222]

STATEMENT OF ELIGIBILITY AND QUALIFICATION OF CORPORATE TRUSTEES; DELAYING AMENDMENTS

Notice of Proposed Rule Making

Notice is hereby given that the Securities and Exchange Commission has under consideration a proposed new Rule 7a–9 (17 CFR 260.7a–9), and certain proposed amendments to Form T–1 (listed and described at 17 CFR 269.1), under the Trust Indenture Act of 1939.

The proposed new Rule 7a–9 would provide for the filing with an application for the qualification of an indenture under the Act, or as an amendment to such an application which has not become effective, an amendment which would delay the effectiveness of the application until a further amendment superseding the delaying amendment is filed, or until the Commission accelerates the effective date upon request of the obligor. Applications for qualification of an indenture are required to be filed in those cases, not otherwise exempt, where the securities to be issued under the indenture are not required to be registered under the Securities Act of 1933. Rule 473 under the Securities Act (17 CFR 230.473) makes similar provision for the filing of delaying amendments to registration statements under that Act. The text of the proposed Rule 7a–9 follows:

§ 260.7a–9 Delaying amendments.

(a) An amendment in the following form filed with an application for qualification, or as an amendment to such an application which has not become effective, shall be deemed to be filed on such date or dates as may be necessary to delay the effective date of such application for the period specified in such amendment:

The obligor hereby amends this application for qualification on such date or dates as may be necessary to delay its effectiveness until (i) the 20th day after the filing of a further amendment which specifically states that it shall supersede this amendment, or (ii) such date as the Commission, acting pursuant to section 307(c) of the Act, may determine upon the written request of the obligor.

(b) An amendment pursuant to paragraph (a) which is filed with an application for qualification shall be set forth on the facing page thereof. Any such

amendment filed after the filing of the application may be made by letter or telegram and may be signed by the agent for service. Any amendment filed to supersede an amendment filed pursuant to paragraph (a) may also be made by letter or telegram. Every such telegraphic amendment shall be confirmed in writing within a reasonable time by filing a signed copy of the amendment. Such confirmation shall not be deemed an amendment.

Form T–1 under the Trust Indenture Act of 1939 is prescribed for statements of eligibility and qualification of corporations designated to act as trustees under indentures qualified under that Act. The purpose of the proposed amendments to the form is to clarify and simplify the form in certain respects. The principal amendments are briefly described below:

1. The General Instructions to the form would be placed at the beginning of the form instead of following the facing sheet. The purpose of this change is to give greater prominence to the instructions and to avoid interrupting the continuity of the form proper.

2. The facing sheet of the form would be amended to require, in addition to the information now required, the name of the State or other jurisdiction in which the obligor was incorporated or organized, its I.R.S. employer identification number and the address of its principal executive offices. The Commission's electronic data processing program requires the use of a single number for each issuer. The I.R.S. employer identification number, which is readily available, would provide a means whereby all filings made with respect to a particular issuer under one or more Act can be readily identified through the use of its equipment.

3. Item 1 calls for certain general information with respect to the trustee. This item would be amended to call for a statement as to whether the trustee is authorized to exercise corporate trust powers. This is one of the qualifications of corporate trustees required by the Act.

4. Item 3 of the existing form calls for the names, addresses and positions with the trustee of each director and executive officer of the trustee. This item would be deleted since the information, insofar as pertinent, is called for by new Item 5 which requires information with respect to interlocking directorates and similar relationships between the trustee, or any of its directors or executive officers, and the obligor or underwriter.

5. New Item 3 calls for certain information as to voting securities of the trustee. It is proposed to delete the requirement that the amount authorized be stated and that a brief outline of the voting rights be given, since this information does not appear to be essential in determining the eligibility and qualification of the trustee.

6. New Item 4 calls for certain information with respect to other indentures under which the trustee may be acting as trustee. The purpose of the item is to indicate whether any conflict of interest would arise by reason of the trustee acting as trustee under the indenture to be qualified and under such other indentures. The item would be amended to require a statement whether the securities to be issued under the indenture to be qualified would rank equally with the securities issued under such other indentures.

7. New Item 5 calls for information as to certain relationships between the trustee and the obligor or underwriters. It is proposed to delete two of the instructions to the item for the purpose of reducing the amount of detail required in answer to the item. It is also proposed to add a new instruction providing that where the chairman of the board of directors of the trustee acts as the trustee's principal executive officer he shall be so treated for the purpose of the item whether or not he is designated as executive officer.

8. New Item 8 calls for information with respect to securities of the obligor held by the trustee. Two tables are provided, one for voting securities and the other for other securities. It is proposed to combine the two tables into a single table in which information may be given as to the holdings of all classes of securities. The item would be further amended to provide that no information need be given with respect to any class of securities where the amount which the trustee owns beneficially or holds as collateral security for obligations in default does not exceed 1 percent of the outstanding securities of the class. Such amounts do not appear to be significant in relation to the eligibility and qualification of the trustee.

9. New Item 9 calls for information with respect to securities of underwriters owned or held by the trustee. Instruction 2 permitting the omission of amounts not in excess of 1 percent of the outstanding securities of the class would be deleted and Instruction 4 to Item 8 would be made applicable by reference.

10. New Item 10 calls for certain information as to the ownership or holdings by the trustee of voting securities of certain affiliates or security holders of the obligor. It is proposed to delete paragraph (b) of the item which requires a brief outline of the voting rights of each such class of securities, since this information does not appear to be essential to a determination of the eligibility and qualification of the trustee. The instruction to this item would be amended to make Instruction 4 to Item 8 applicable to this item also.

11. The existing Item 13, which calls for the trustee's latest report of condition published pursuant to the requirements of its State, Federal, or other regulatory authority, would be deleted and the report would be required as an exhibit to the statement of eligibility and qualification.

12. The listing of the contents of the statement of eligibility and qualification would be deleted and a new Item 12 would call for a list of the exhibits filed as a part of the statement. This change is in line with the provisions of the Commission's more recently adopted forms.

13. The signature clause of the form would be amended by deleting the requirement that the seal of the trustee be affixed and attested. This is in accord with the Commission's current practice.

A copy of Form T–1 as proposed to be amended is attached hereto.

The foregoing action is proposed pursuant to the Trust Indenture Act of 1939, particularly sections 307, 308, 309, 310, and 319 thereof.

All interested persons are invited to submit their views and comments on the proposed rule and amendments, in writing, to the Securities and Exchange Commission, Washington, D.C., 20549, on or before July 9, 1965. Except where it is requested that such communications not be disclosed, they will be considered available for public inspection.

By the Commission, June 10, 1965.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

§ 269.1 Form T–1.

Form T–1 shall be used for statements of eligibility and qualification of corporations designated to act as trustees under trust indentures to be qualified pursuant to section 305 or 307 of the Trust Indenture Act of 1939.

SECURITIES AND EXCHANGE COMMISSION

Washington, D.C., 20549

FORM T–1

FOR STATEMENTS OF ELIGIBILITY AND QUALIFICATION UNDER THE TRUST INDENTURE ACT OF 1939 OF CORPORATIONS DESIGNATED TO ACT AS TRUSTEES

General Instructions

A. Rule as to the Use of Form T–1.

Form T–1 shall be used for statements of eligibility and qualification of corporations designated to act as trustees under trust indentures to be qualified pursuant to section 305 or 307 of the Trust Indenture Act of 1939.

B. Application of General Rules and Regulations.

The General Rules and Regulations under the Trust Indenture Act of 1939 are applicable to statements of eligibility and qualification on this form. Attention is particularly directed to Rules 0–1 (17 CFR 260.0–1) and 0–2 (17 CFR 260.0–2) as to the meaning of terms used in the rules and regulations. Attention is also directed to Rule 8a–3 (17 CFR 260.8a–3) regarding the filing of statements of eligibility and qualification and to Rule 7a–16 (17 CFR 260.7a–16) regarding the inclusion of items, the differentiation between items and answers, and the omission of instructions.

C. Calculation of Percentages of Securities.

The percentages of securities required by this form are to be calculated in accordance with the provisions of Rule 10b–1 (17 CFR 260.10b–1).

D. Scope of Items and Instructions.

The items and instructions require information only as to the trustee, unless the context clearly shows otherwise.

E. When an Obligation Is Deemed To Be in Default.

An obligation shall be deemed to be in default when a default in payment of principal shall have continued for 30 days or more and shall not have been cured.

F. Items Relating to Underwriters—Meaning of "Principal Underwriter."

Wherever any item of the form requires information with respect to an underwriter for the obligor the information is to be given as to every person who, within 3 years prior to the date of filing the statement of eligibility and qualification, acted as an underwriter of any security of the obligor outstanding on the date of filing the statement and as to every proposed principal underwriter of the securities proposed to be offered. The term "principal underwriter", as used in this instruction, means an underwriter in privity of contract with the issuer of the securities as to which he is an underwriter.

SECURITIES AND EXCHANGE COMMISSION

Washington, D.C., 20549

FORM T–1

STATEMENT OF ELIGIBILITY AND QUALIFICATION UNDER THE TRUST INDENTURE ACT OF 1939 OF A CORPORATION DESIGNATED TO ACT AS TRUSTEE

(Exact name of trustee as specified in its charter)

(Address of trustee's principal executive offices)

(Exact name of obligor as specified in its charter)

(State or other jurisdiction of incorporation or organization)

(I.R.S. employer identification No.)

(Address of principal executive offices)

(Zip Code)

(Title of the indenture securities)

Item 1. General information.

Furnish the following information as to the trustee—

(a) State or other sovereign power under the laws of which organized.

(b) Name and address of each examining or supervising authority to which it is subject.

(c) Whether it is authorized to exercise corporate trust powers.

Item 2. Affiliations with obligor and underwriters.

If the obligor or any underwriter for the obligor is an affiliate of the trustee, describe each such affiliation.

Instructions. 1. The term "affiliate" is defined in Rule 0–2 (17 CFR 260.0–2) of the General Rules and Regulations under the Act. Attention is also directed to Rule 7a–26 (17 CFR 260.7a–26).

2. Include the name of each such affiliate and the names of all intermediary affiliates, if any. Indicate the respective percentage of voting securities or other bases of control giving rise to the affiliation.

Item 3. Voting securities of the trustee.

Furnish the following information as to each class of voting securities of the trustee:

As of ---------- (insert date within 31 days).

Col. A	Col. B
Title of class	*Amount outstanding*

Instruction. The term "voting security" is defined in section 303(16) of the Act.

Item 4. Trusteeships under other indentures.

If the trustee is a trustee under another indenture under which any other securities, or certificates of interest or participation in any other securities, of the obligor are outstanding, furnish the following information:

(a) Title of the securities outstanding under each such other indenture.

(b) A brief statement of the facts relied upon as a basis for the claim that no conflicting interest within the meaning of section 310(b)(1) of the Act arises as a result of the trusteeship under any such other indenture, including a statement whether the indenture securities will rank equally with the securities issued under such other indenture.

Item 5. Interlocking directorates and similar relationships with the obligor or underwriters.

If the trustee or any of the directors or executive officers of the trustee is a director, officer, partner, employee, appointee, or representative of the obligor or of any underwriter for the obligor, identify each such person having any such connection and state the nature of each such connection.

Instructions. 1. The term "underwriter" as used in this item does not refer to any person who is not currently engaged in the business of underwriting.

2. The terms "employee", "appointee", and "representative", as used in this item, do not include connections in the capacity of transfer agent, registrar, custodian, paying agent, fiscal agent, escrow agent, or depositary, or in any other similar capacity or connections in the capacity of trustee, whether under an indenture or otherwise.

3. The term "executive officer", as defined in section 303(6) of the Act, includes a chairman of the board of directors who performs the functions of an executive officer, whether or not he is designated as such.

Item 6. Voting securities of the trustee owned by the obligor or its officials.

Furnish the following information as to the voting securities of the trustee owned beneficially by the obligor and each director, partner, and executive officer of the obligor.

As of ---------- (insert date within 31 days).

Col. A	Col. B
Name of owner	*Title of class*
Col. C	Col. D
Amount owned beneficially	*Percentage of voting securities represented by amount given in Col. C*

Instructions. 1. Names of persons who do not own beneficially any of the securities specified may be omitted.

2. No information need be given in any case where the amount of voting securities of the trustee, owned beneficially by the obligor and its directors, partners, and executive officers, taken as a group, does not exceed 1 percent of the outstanding voting securities of the trustee.

Item 7. Voting securities owned by underwriters or their officials.

Furnish the following information as to the voting securities of the trustee owned beneficially by each underwriter for the obligor and each director, partner, and executive officer of each such underwriter.

As of ---------- (insert date within 31 days).

Col. A	Col. B
Name of owner	*Title of class*
Col. C	Col. D
Amount owned beneficially	*Percentage of voting securities represented by amount given in Col. C*

Instructions. Instruction 1 to Item 6 shall be applicable to this item.

2. The name of each director, partner, or executive officer required to be given in Column A shall be set forth under the name of the underwriter of which he is a director, partner, or executive officer.

3. No information need be given in any case where the amount of voting securities of the trustee owned beneficially by an underwriter and its directors, partners, and executive officer, taken as a group, does not exceed 1 percent of the outstanding voting securities of the trustee.

Item 8. Securities of the obligor owned or held by the trustee.

Furnish the following information as to securities of the obligor owned beneficially or held as collateral security for obligations in default by the trustee:

As of ---------- (insert date within 31 days).

Col. A	Col. B
Title of class	*Whether the securities are voting or nonvoting securities*
Col. C	Col. D
Amount owned beneficially or held as collateral security for obligations in default	*Percent of class represented by amount given in Col. C*

Instructions. 1. As used in this item, the term "securities" includes only such securities as are generally known as corporate securities, but shall not include any note or other evidence of indebtedness issued to evidence an obligation to repay monies lent to a person by one or more banks, trust companies, or banking firms, or any certificate of interest or participation in any such note or evidence of indebtedness.

2. For the purposes of this item the trustee shall not be deemed the owner or holder of (a) any security which it holds as collateral security (as trustee or otherwise) for an obligation which is not in default, or (b) any security which it holds as collateral security under the indenture to be qualified, irrespecitve of any default thereunder, or (c) any security which it holds as agent for collection, or as custodian, escrow agent, or depositary, or in any similar representative capacity.

3. No information need be furnished under this item as to holdings by the trustee of securities already issued under the indenture to be qualified or securities issued under any other indenture under which the trustee is also trustee.

4. No information need be given with respect to any class of securities where the amount of securities of the class which the trustee owns beneficially or holds as collateral security for obligations in default does not exceed 1 percent of the outstanding securities of the class.

Item 9. Securities of underwriters owned or held by the trustee.

If the trustee owns beneficially or holds as collateral security for obligations in default any securities of an underwriter for the obligor, furnish the following information as to each class of securities of such underwriter any of which are so owned or held by the trustee.

As of ---------- (insert date within 31 days).

Col. A	Col. B
Name of issuer and title of class	*Amount outstanding*
Col. C	Col. D
Amount owned beneficially or held as collateral security for obligations in default by trustee	*Percent of class represented by amount given in Col. C*

Instructions. Instructions 1, 2, and 4 to Item 8 shall be applicable to this item.

Item 10. Ownership or holding by the trustee of voting securities of certain affiliates or security holders of the obligor.

If the trustee owns beneficially or holds as collateral security for obligations in default

voting securities of a person who, to the knowledge of the trustee (1) owns 10 percent or more of the voting securities of the obligor or (2) is an affiliate, other than a subsidiary, of the obligor, furnish the following information as to the voting securities of such person.

As of ---------- (insert date within 31 days).

Col. A	Col. B
Name of issuer and title of class	*Amount outstanding*
Col. C	**Col. D**
Amount owned beneficially or held as collateral security for obligations in default by trustee	*Percent of class represented by amount given in Col. C*

Instruction. Instructions 1, 2, and 4 to Item 8 shall be applicable to this item.

Item 11 Ownership or holdings by the trustee of any securities of a person owning 50 percent or more of the voting securities of the obligor.

If the trustee owns beneficially or holds as collateral security for obligations in default any securities of a person who, to the knowledge of the trustee, owns 50 percent or more of the voting securities of the obligor, furnish the following information as to each class of securities of such person any of which are so owned or held by the trustee.

As of ---------- (insert date within 31 days).

Col. A	Col. B
Name of issuer and title of class	*Amount outstanding*
Col. C	**Col. D**
Amount owned beneficially or held as collateral security for obligations in default by trustee	*Percent of class represented by amount given in Col. C*

Instruction. Instructions 1, 2, and 4 to Item 8 shall be applicable to this item.

Item 12. List of exhibits.

List below all exhibits filed as a part of this statement of eligibility and qualification.

SIGNATURE

Pursuant to the requirements of the Trust Indenture Act of 1939 the trustee, ----------, a corporation organized and existing under the laws of ----------, has duly caused this statement of eligibility and qualification to be signed on its behalf by the undersigned, thereunder duly authorized, all in the city of ----------, and State of ----------, on the ------ day of ------, 19--.

(Trustee)

By ----------
(Name and title)

Instruction as to signature. The name of each person signing the statement of eligibility and qualification shall be typed or printed beneath the signature.

INSTRUCTIONS AS TO EXHIBITS

Subject to Rule 7a–29 (17 CFR 260.7a–29) permitting incorporation of exhibits by reference, the following exhibits are to be filed as a part of the statement of eligibility and qualification of the trustee:

Exhibit T1A. (a) A copy of the articles of association of the trustee as now in effect.

(b) A copy of the certificate of authority of the trustee to commence business, if not contained in the articles of association.

(c) A copy of the authorization of the trustee to exercise corporate trust powers, if such authorization is not contained in the documents specified in paragraph (a) or (b) above.

Exhibit T1B. A copy of the existing bylaws of the trustee, or instruments corresponding thereto.

Exhibit T1C. A copy of each indenture referred to in Item 5.

Exhibit T1D. The consents of the trustee required by section 321(b) of the Act.

Exhibit T1E. A copy of the latest report of condition of the trustee published pursuant to law or the requirements of its supervising or examining authority.

(Secs. 307, 308, 309, 310, and 319, 53 Stat. 1156, 1157, and 1173; 15 U.S.C. 77ggg, 77hhh, 77iii, 77jjj, and 77sss)

[F.R. Doc. 65–6513; Filed, June 21, 1965; 8:47 a.m.]

[17 CFR Part 269]

[Release No. 30–228]

STATEMENTS OF ELIGIBILITY AND QUALIFICATION OF INDIVIDUAL TRUSTEES

Notice of Proposed Rule Making

Notice is hereby given that the Securities and Exchange Commission has under consideration certain proposed amendments to Form T–2 (listed and described at 17 CFR 269.2) under the Trust Indenture Act of 1939.

Form T–2 is prescribed for statements of eligibility and qualification of individuals designated to act as trustees under indentures qualified under the above-mentioned Act. The purpose of the proposed amendments to the form is to clarify and simplify the form in certain respects. The principal amendments are briefly described below.

1. The facing sheet of the form would be amended to require, in addition to the information now required, the Social Security number of the trustee. The Commission's electronic data processing program requires the use of a single number for each person filing material with it. The Social Security number, which is readily available, would provide a means whereby all filings made with respect to a particular person under one or more Acts can be readily identified through the use of its equipment.

2. Item 2 calls for certain information with respect to other indentures under which the trustee may be acting as trustee. The purpose of the item is to indicate whether any conflict of interest would arise by reason of the trustee acting as trustee under the indenture to be qualified and under such other indentures. The item would be amended to require a statement whether the securities to be issued under the indenture to be qualified would rank equally with the securities issued under such other indentures.

3. Item 3 calls for information as to certain relationships between the trustee and the obligor or underwriters. It is proposed to delete two of the instructions to the item for the purpose of reducing the amount of detail required in answer to the item.

4. Item 4 calls for information with respect to securities of the obligor held by the trustee. Two tables are provided, one for voting securities and the other for other securities. It is proposed to combine the two tables into a single table in which information may be given as to the holdings of all classes of securities.

5. Item 4 would be further amended to provide that no information need be given with respect to any class of securities where the amount which the trustee owns beneficially or holds as collateral security for obligations in default does not exceed 1 percent of the outstanding securities of the class. Such amounts are not significant in relation to the eligibility and qualification of the trustee.

6. Item 5 calls for information with respect to securities of underwriters owned or held by the trustee. The new Instruction 4 to Item 4 would be made applicable to this item.

7. Item 6 calls for certain information as to the ownership or holdings by the trustee of voting securities of certain affiliates or security holders of the obligor. It is proposed to delete paragraph (b) of the item which requires a brief outline of the voting rights of each such class of securities, since this information does not appear to be essential to a determination of the eligibility and qualification of the trustee. The instruction to this item would be amended to make Instruction 4 to Item 4 applicable to this item also.

8. Item 7 calls for information as to the ownership or holdings by the trustee of securities of a person owning 50 percent or more of the voting securities of the obligor. Instruction 4 to Item 4 would be made applicable to this item.

9. The listing of the contents of the statement of eligibility and qualification would be deleted and a new Item 8 would call for a list of the exhibits filed as a part of the statement. This change is in line with the provisions of the Commission's more recently adopted form.

10. The signature clause of the form would be amended by deleting the requirement of an attesting signature in view of the fact that no seal is required to be affixed.

A copy of Form T–2 as proposed to be amended is attached hereto.

The foregoing action is proposed pursuant to the Trust Indenture Act of 1939, particularly sections 307, 308, 309, 310 and 319 thereof.

All interested persons are invited to submit their views and comments on the proposed amendments, in writing, to the Securities and Exchange Commission, Washington, D.C., 20549, on or before July 9, 1965. Except where it is requested that such communications not be disclosed, they will be considered available for public inspection.

By the Commission, June 10, 1965.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

§ 269.2 Form T–2.

Form T–2 shall be used for statements of eligibility and qualification of individuals designated to act as trustees under trust indentures to be qualified pursuant to section 305 or 307 of the Trust Indenture Act of 1939.

SECURITIES AND EXCHANGE COMMISSION

Washington, D.C. 20549

FORM T–2*

FOR STATEMENTS OF ELIGIBILITY AND QUALIFICATION UNDER THE TRUST INDENTURE ACT OF 1939 OF INDIVIDUALS DESIGNATED TO ACT AS TRUSTEES

(Name of Trustee)

(Social Security Number)

(Business address: street, city, state, and zip code)

(Name of obligor)

(Title of indenture securities)

Item 1. Affiliations with obligor and underwriters.

If the obligor or any underwriter for the obligor is an affiliate of the trustee, describe each such affiliation.

Instructions. 1. The term "affiliate" is defined in Rule 0–2 (17 CFR 260.0–2) of the General Rules and Regulations under the Act. It should be noted that a corporation or other business entity may be an affiliate of an individual within the meaning of the definition. Attention is also directed to Rule 7a–26 (17 CFR 260.7a–26).

2. Include the name of each such affiliate and the names of all intermediary affiliates, if any. Indicate the respective percentage of voting securities or other bases of control giving rise to the affiliation.

Item 2. Trusteeships under other indentures.

If the trustee is trustee under another indenture under which any other securities, or certificates of interest or participation in any other securities, of the obligor are outstanding, file a copy of each such indenture as an exhibit and furnish the following information:

(a) Title of such other securities.

(b) A brief statement of the facts relied upon by the trustee as a basis for the claim that no conflicting interest within the meaning of section 310(b)(1) of the Act arises as a result of the trusteeship under such other indenture, including a statement whether the indenture securities will rank equally with the securities issued under such other indenture.

Instruction. Attention is directed to Rule 7a–29 (17 CFR 260.7a–29) permitting incorporation of exhibits by reference.

Item 3. Certain relationships between the trustee and the obligor or an underwriter.

If the trustee is a director, officer, partner, employee, appointee, or representative of the obligor or of any underwriter for the obligor, state the nature of each such connection.

Instructions. 1. The term "underwriter" as used in this item does not refer to any person who is not currently engaged in the business of underwriting.

2. The terms "employee", "appointee", and "representative", as used in this item, do not include connections in the capacity of transfer agent, registrar, custodian, paying agent, fiscal agent, escrow agent, or depositary or in other similar capacity or connections in the capacity of trustee, whether under an indenture or otherwise.

Item 4. Securities of the obligor owned or held by the trustee.

Furnish the following information as to securities of the obligor owned beneficially by the trustee or held by the trustee as collateral security for obligations in default:

As of ---------- (insert date within 31 days).

Col. A	Col. B
Title of class	*Whether the securities are voting or nonvoting securities*
Col. C	**Col. D**
Amount owned beneficially or held as collateral security for obligations in default	*Percent of class represented by amount given in Col. C*

Instructions. 1. As used in this item, the term "securities" includes only such securities as are generally known as corporate securities, but shall not include any note or other evidence of indebtedness issued to evidence an obligation to repay monies lent to a person by one or more banks, trust companies, or banking firms, or any certificate of interest or participation in any such note or evidence of indebtedness.

2. For the purposes of this item the trustee shall not be deemed the owner or holder of (a) any security which it holds as collateral security (as trustee or otherwise) for an obligation which is not in default, or (b) any security which it holds as collateral security under the indenture to be qualified, irrespective of any default thereunder, or (c) any security which it holds as agent for collection, or as custodian, escrow agent, or depositary, or in any similar representative capacity.

3. No information need be furnished under this item as to holdings by the trustee of securities already issued under the indenture to be qualified or securities issued under any other indenture under which the trustee is also trustee.

4. No information need be given with respect to any class of securities where the amount of securities of the class which the trustee owns beneficially or holds as collateral security for obligations in default does not exceed 1 percent of the outstanding securities of the class.

Item 5. Securities of underwriters owned or held by the trustee.

If the trustee owns beneficially or holds as collateral security for obligations in default any securities of an underwriter for the obligor, furnish the following information as to each class of securities of such underwriter any of which are so owned or held by the trustee.

As of ---------- (insert date within 31 days).

Col. A	Col. B
Name of issuer and title of class	*Amount outstanding*
Col. C	**Col. D**
Amount owned beneficially or held as collateral security for obligations in default	*Percent of class represented by amount given in Col. C*

Instruction. Instructions 1, 2, and 4 to Item 4 shall be applicable to this item.

Item 6. Holdings by the trustee of voting securities of certain affiliates or principal holders of voting securities of the obligor.

If the trustee owns beneficially or holds as collateral security for obligations in default voting securities of a person who, to the knowledge of the trustee (1) owns 10 percent or more of the voting securities of the obligor or (2) is an affiliate, other than a subsidiary, of the obligor, furnish the following information as to the voting securities of such person.

As of ---------- (insert date within 31 days).

Col. A	Col. B
Name of issuer and title of class	*Amount outstanding*
Col. C	**Col. D**
Amount owned beneficially or held as collateral security for obligations in default	*Percentage of voting securities represented by amount given in Col. C*

Instruction. Instructions 1, 2, and 4 to Item 4 shall be applicable to this item.

Item 7. Holdings by the trustee of any securities of a person owning 50 percent or more of the voting securities of the obligor.

If the trustee owns beneficially or holds as collateral security for obligations in default any securities of a person who, to the knowledge of the trustee, owns 50 percent or more of the voting securities of the obligor, furnish the following information as to each class of securities of such person any of which are so owned or held by the trustee.

As of ---------- (insert date within 31 days).

Col. A	Col. B
Name of issuer and title of class	*Amount outstanding*
Col. C	**Col. D**
Amount owned beneficially or held as collateral security for obligations in default	*Percent of class represented by amount given in Col. C*

Instruction. Instructions 1, 2, and 4 to Item 4 shall be applicable to this item.

Item 8. List of exhibits.

List below all exhibits filed as a part of this statement of eligibility and qualification.

SIGNATURE

Pursuant to the requirements of the Trust Indenture Act of 1939, I, ----------, have signed this statement of eligibility and qualification in the city of ---------- and State of ----------, on the ------ day of ------, 19--.

(Signature of trustee)

GENERAL INSTRUCTIONS

A. *Rule as to Use of Form T–2.*

Form T–2 shall be used for statements of eligibility and qualification of individuals designated to act as trustees under trust indentures to be qualified pursuant to section 305 or 307 of the Trust Indenture Act of 1939.

B. *Application of General Rules and Regulations.*

The General Rules and Regulations under the Trust Indenture Act of 1939 are applicable to statements of eligibility and qualification on this form. Attention is particularly directed to Rules 0–1 (17 CFR 260.0–1) and 0–2 (17 CFR 260.0–2) as to the meaning of terms used in the rules and regulations. Attention is also directed to Rule 5a–3 (17 CFR 260.5a–3) regarding the filing of statements of eligibility and qualification and to Rule 7a–16 (17 CFR 260.7a–16) regarding the inclusion of items, the differentiation between items and answers, and the omission of instructions.

C. *Calculation of Percentages of Securities.*

The percentages of securities required by this form are to be calculated in accordance

*For the rule as to the use of this form, see Instruction A of the General Instructions at the end of the form.

with the provisions of Rule 10b–1 (17 CFR 240.10b–1).

D. *Scope of Items and Instructions.*

The items and instructions require information only as to the trustee, unless the context clearly shows otherwise.

E. *When an Obligation Is Deemed To Be in Default.*

An obligation shall be deemed to be in default when a default in payment of principal shall have continued for 30 days or more and shall not have been cured.

F. *Items Relating to Underwriters—Meaning of "Principal Underwriter".*

Wherever any item of the form requires information with respect to an underwriter for the obligor the information is to be given as to every person who, within 3 years prior to the date of filing the statement of eligibility and qualification, acted as an underwriter of any security of the obligor outstanding on the date of filing the statement and as to every proposed principal underwriter of the securities proposed to be offered. The term "principal underwriter," as used in this instruction, means an underwriter in privity of contract with the issuer of the securities as to which he is an underwriter.

(Secs. 307, 308, 309, 310, and 319, 86 Stat. 1156, 1157, and 1173; 15 U.S.C. 77ggg, 77hhh, 77iii, 77jjj, and 77sss)

[F.R. Doc. 65–6514; Filed, June 21, 1965; 8:47 a.m.]

Notices

DEPARTMENT OF THE TREASURY

Coast Guard

[CGFR 65–29]

JAMES RIVER

Closure to Navigation During Sea Trials of Enterprise

By virtue of the authority vested in me as Commandant, United States Coast Guard, by Treasury Department Order 120 dated July 31, 1950 (15 F.R. 6521) and Executive Order 10173, as amended by Executive Orders 10277 and 10352, I hereby affirm for publication in the FEDERAL REGISTER the order of O. C. Rohnke, Rear Admiral, United States Coast Guard, Commander, Fifth Coast Guard District, who has exercised authority as District Commander, such order reading as follows:

SPECIAL NOTICE JAMES RIVER

Under the authority of Title II of the Espionage Act of June 15, 1917 (40 Stat. 220), as amended and Executive Order 10173, as amended, I declare that the following area is a prohibited area on:

Tuesday, 22 June 1965
Wednesday, 23 June 1965
Thursday, 24 June 1965

during sea trials of "Enterprise" (CVA(N)65).

The waters of the James River, Norfolk-Newport News Harbor, Virginia within the coordinates of Latitude 36 degrees 59 minutes 10 seconds North, Longitude 76 degrees 26 minutes 31 seconds West; thence westerly to Latitude 36 degrees 58 minutes 42 seconds North, Longitude 76 degrees 27 minutes 32 seconds West; thence southeasterly to Latitude 36 degrees 58 minutes 10 seconds North, Longitude 76 degrees 26 minutes 59 seconds West; thence northeasterly to Latitude 36 degrees 58 minutes 29 seconds North, Longitude 76 degrees 26 minutes 14 seconds West.

Upstream and downstream limits of this prohibited area will be marked by two special purpose buoys, painted with orange and white horisontal bands.

No vessel may anchor in this prohibited area on any of the three dates.

No person or vessel may remain in or enter this prohibited area while "Enterprise" is underway or anchored in the prohibited area.

The Captain of the Port may be assisted by employees and facilities of any state or political subdivision thereof or any Federal Agency.

For violation of this order Title II of the Espionage Act of June 15, 1917 (40 Stat. 220), as amended, provides:

"If any owner, agent, master, officer, or person in charge, or any member of the crew of any such vessel fails to comply with any regulation or rule issued or order given under the provisions of this title, or obstructs or interferes with the exercises of any power conferred by this title, the vessel, together with her tackle, apparel, furniture, and equipment, shall be subject to seizure and forfeiture to the United States in the same manner as merchandise is forfeited for violation of the customs revenue laws; and the person guilty of such failure, obstruction, or interference shall be fined not more than $10,000 or imprisoned not more than two years, or both.

"If any other person knowingly fails to comply with any regulation or rule issued or order given under the provisions of this title, or knowingly obstructs or interferes with the exercise of any power conferred by this title, he shall be punished by imprisonment for not more than ten years and may, at the discretion of the court, be fined not more than $10,000."

Dated: June 18, 1965.

G. A. KNUDSEN,
Rear Admiral, U.S. Coast Guard,
Acting Commandant.

[F.R. Doc. 65–6605; Filed, June 21, 1965; 8:48 a.m.]

Office of Foreign Assets Control

IMPORTATION OF CHINESE-STYLE GARMENTS

Available Certifications by Government of Hong Kong

Notice is hereby given that certificates of origin issued by the Department of Commerce and Industry of the Government of Hong Kong under procedures agreed upon between that Government and the Foreign Assets Control are available with respect to the importation into the United States directly, or on a through bill of lading, from Hong Kong of the following additional commodity:

Chinese-style garments, regardless of material from which made and whether or not containing any brocade, embroidery or lace.

[SEAL] MARGARET W. SCHWARTZ,
Director,
Office of Foreign Assets Control.

[F.R. Doc. 65–6459; Filed, June 21, 1965; 8:45 a.m.]

Office of the Secretary

[Antidumping—AA 643.3–H]

HARDBOARD FROM SOUTH AFRICA

Notice of Tentative Determination

JUNE 15, 1965.

Information was received on November 3, 1964, that hardboard imported from South Africa was being sold at less than fair value within the meaning of the Antidumping Act, 1921, as amended.

I hereby make a tentative determination that hardboard imported from South Africa is not being, nor likely to be, sold at less than fair value within the meaning of section 201(a) of the Antidumping Act, 1921, as amended (19 U.S.C. 160(a)).

Statement of reasons on which this tentative determination is based. It was ascertained that only two sizes of standard grade hardboard (⅛ inch and 3/16 inch) and a substandard product known as semi-hard underlayment board were regularly imported from South Africa during the period under consideration.

There is no statutory relationship within the meaning of section 207 of the Antidumping Act between the manufacturer and any United States importers. Sales of standard grade hardboard in the home market were negligible in comparison with sales for export to countries other than the United States. Sales of semi-hard underlayment board were confined to the United States. There was no evidence to indicate sales of similar underlayment board either for home consumption or to third countries. Consequently, comparisons were made between purchase price and the net adjusted price to third countries, or constructed value, as applicable.

Purchase price was computed on the basis of the C&F prices from which were deducted inland freight, forwarding, and wharfage charges, and ocean freight.

Adjustments taken into consideration in arriving at the adjusted net price of standard ⅛ inch and 3/16 inch hardboard to third countries comprised sales commissions, the cost to the manufacturer of a quality warranty to the users of this merchandise, and the cost of extending credit to purchasers in third countries. None of these items apply in sales to United States purchasers.

Constructed value of underlayment board was computed on the basis of cost of materials, labor, and fabrication, plus the statutory minima for general expenses and profit.

In all instances, appropriate adjustments were made for packing cost differentials.

Purchase price was found not to be lower than adjusted third country price or constructed value as applicable. The manufacturer has given assurances that its continuing policy will be to avoid sales at prices below fair value within the meaning of the Antidumping Act.

Such written submissions as interested parties may care to make with respect to the contemplated action will be given appropriate consideration by the Secretary of the Treasury.

If any person believes that any information obtained by the Bureau of Customs in the course of this antidumping proceeding is inaccurate or that for any other reason the tentative determination is in error, he may request in writing that the Secretary of the Treasury afford him an opportunity to present his views in this regard.

Any such written submissions or requests should be addressed to the Commissioner of Customs, 2100 K Street NW., Washington, D.C., 20226, in time to be received by his office not later than 30 days from the date of publication of this notice in the FEDERAL REGISTER.

This tentative determination and the statement of reasons therefor are published pursuant to § 14.8(a) of the Customs regulations (19 CFR 14.8(a)).

[SEAL] JAMES A. REED,
Assistant Secretary
of the Treasury.

[F.R. Doc. 65–6509; Filed, June 21, 1965; 8:47 a.m.]

[Antidumping—AA 643.9-B]

HEADBOARDS FROM YUGOSLAVIA

Notice of Tentative Determination

JUNE 15, 1965.

Information was received on September 28, 1964, that headboards, manufactured of wood, imported from Yugoslavia, were being sold at less than fair value within the meaning of the Antidumping Act, 1921, as amended.

I hereby make a tentative determination that headboards, manufactured of wood, imported from Yugoslavia are not being, nor likely to be, sold at less than fair value within the meaning of section 201(a) of the Antidumping Act, 1921, as amended (19 U.S.C. 160(a)).

Statement of reasons on which this tentative determination is based. Sales to the United States customers were outright transactions involving none of the relationships outlined in section 207 of the Antidumping Act. The headboards are made exclusively for the United States market. Neither such nor similar headboards are sold in the home market or to third countries; therefore, purchase price was compared with constructed value for fair value purposes. It was also determined that neither such nor similar headboards are imported from other countries.

The constructed value computation, accordingly, was confined to the costs, general expenses, and profits pertaining to the headboards imported from Yugoslavia. In past cases involving other merchandise from Yugoslavia, such data was found to be consistent with that pertaining to imports from other countries. In the absence of controverting information, the substantiating material furnished in the instant case is deemed controlling.

Purchase price was calculated by deducting the transportation costs from the delivered prices for this merchandise with an adjustment made for export commission.

The data used in calculating constructed value, except for profit, was furnished by the seller. The profit figure was adjusted to accord with the actual return based on the net purchase price computed ex-factory, exclusive of commission. The profit represents that of the industry as a whole with respect to merchandise of the same general class or kind and meets the minimum required by the statute. The general expenses also meet the minimum statutory requirements. Purchase price was not lower than constructed value.

Such written submissions as interested parties may care to make with respect to the contemplated action will be given appropriate consideration by the Secretary of the Treasury.

If any person believes that any information obtained by the Bureau of Customs in the course of this antidumping proceeding is inaccurate or that for any reason the tentative determination is in error, he may request in writing that the Secretary of the Treasury afford him an opportunity to present his views in this regard.

Any such written submissions or requests should be addressed to the Commissioner of Customs, 2100 K Street NW., Washington, D.C., 20226, in time to be received by his office not later than 30 days from the date of publication of this notice in the FEDERAL REGISTER.

This tentative determination and the statement of reasons therefor are published pursuant to § 14.8(a) of the Customs regulations (19 CFR 14.8(a)).

[SEAL] JAMES A. REED,
Assistant Secretary of the Treasury.

[F.R. Doc. 65-6510; Filed, June 21, 1965; 8:47 a.m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

MORDKA MOJSIEWICZ

Notice of Intention To Return Vested Property

Pursuant to section 32(f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., and Property, and Location

Mordka Mojsiewicz, Avenue Paul Vaillant Couturier 87, La Courneuve near Paris, France; Claim No. 66788; Vesting Order Nos. 17889 and 18118; $1,014.62 in the Treasury of the United States.

For the Attorney General.

Executed at Washington, D.C., on June 15, 1965.

[SEAL] ANTHONY L. MONDELLO,
Deputy Director, Office of Alien Property.

[F.R. Doc. 65-6475; Filed, June 21, 1965; 8:45 a.m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[Arizona 034206]

ARIZONA

Order Providing for Opening of Public Lands

JUNE 15, 1965.

1. In an exchange of lands made under the provisions of section 8 of the Act of June 28, 1934 (48 Stat. 1269), as amended June 26, 1936 (49 Stat. 1976), the following described lands have been reconveyed to the United States:

GILA AND SALT RIVER MERIDIAN, ARIZ.

T. 40 N., R. 16 W.,
Sec. 16, 8½.

The area described aggregates 320.00 acres.

2. The lands are located in Mohave County, approximately 6 miles west-southwest of Littlefield. Topography is roughly rolling and cut by washes. Soils are sandy loam to silt loam. Vegetation consists of creosote brush, white burr sage, Joshua trees, and other miscellaneous vegetation.

3. No application for these lands will be allowed under the homestead, desert land, or any other nonmineral public land law unless the lands have already been classified as valuable, or suitable for such type of application, or shall be so classified upon consideration of a petition-application. Any petition-application that is filed will be considered on its merits. The lands will not be subject to occupancy or disposition until they have been classified.

4. Inquiries concerning these lands shall be addressed to: U.S. Bureau of Land Management, Arizona Land Office, 3022 Federal Building, Phoenix, Ariz., 85025.

FRED J. WEILER,
State Director.

[F.R. Doc. 65-6490; Filed, June 21, 1965; 8:46 a.m.]

Office of the Secretary

ALVIN C. HOPE

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past 6 months:

(1) None.
(2) None.
(3) None.
(4) None.

This statement is made as of June 1, 1965.

Dated: June 14, 1965.

ALVIN C. HOPE.

[F.R. Doc. 65-6504; Filed, June 21, 1965; 8:46 a.m.]

DEPARTMENT OF AGRICULTURE

Office of the Secretary

GREAT PLAINS CONSERVATION PROGRAM

Mitchell County, Kans.

Designation of counties within the Great Plains area of the 10 Great Plains States where the Great Plains Conservation Program is specifically applicable.

For the purpose of making contracts based upon an approved plan of farming operations pursuant to the Act of August 7, 1956 (70 Stat. 1115, 16 U.S.C. 590p(b)), as amended, the following county in the following State is designated as susceptible to serious wind erosion by reason of its soil types, terrain, and climatic and other factors.

KANSAS

Mitchell.

Done at Washington, D.C., this 17th day of June 1965.

JOHN A. BAKER,
Assistant Secretary.

[F.R. Doc. 65-6527; Filed, June 21, 1965; 8:48 a.m.]

ATOMIC ENERGY COMMISSION

[Docket No. 50-327]

GENERAL DYNAMICS CORP.

Notice of Issuance of Construction Permit

Please take notice, that, no request for a formal hearing having been filed following publication of the notice of proposed action in the FEDERAL REGISTER, the Atomic Energy Commission has issued, effective as of the date of issuance, Construction Permit No. CPRR-89 authorizing construction of a Thermionic Research TRIGA nuclear reactor on the corporation's laboratory site at Torrey Pines Mesa, Calif.

The permit, as issued, was substantially as set forth in the notice of proposed issuance of construction permit published in the FEDERAL REGISTER, May 27, 1965, 30 F.R. 7120, except that the latest completion date specified in the permit has been extended to February 1, 1966, from October 15, 1965, pursuant to a request by the applicant dated May 28, 1965, and the findings set forth in the notice have been incorporated in the construction permit.

Dated at Bethesda, Md., this 14th day of June 1965.

For the Atomic Energy Commission.

SAUL LEVINE,
Chief, Test and Power Reactor Safety Branch, Division of Reactor Licensing.

[F.R. Doc. 65-6513; Filed, June 21, 1965; 8:48 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[FCC 65-538]

STANDARD BROADCAST APPLICATIONS READY AND AVAILABLE FOR PROCESSING

JUNE 17, 1965.

Notice is hereby given, pursuant to the Commission's action of May 19, 1965, that the following application will be ready and available for processing July 26, 1965.

BP-7260 KIEV, Glendale, Calif., Southern California Broadcasting Co., Has: 870 kc, 250 w, Day, Req: 870 kc, 5 kw, Day.

The attention of any party in interest desiring to file a pleading against this application pursuant to section 309(d)(1) of the Communications Act of 1934, as amended, is directed to § 1.580(i) of the Commission rules for provisions governing the time of filing and other requirements related to such pleadings.

Adopted: June 16, 1965.

FEDERAL COMMUNICATIONS COMMISSION,[1]
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 65-6531; Filed, June 21, 1965; 8:48 a.m.]

[Docket Nos. 15856, 15857; FCC 65M-700]

CHAPMAN RADIO AND TELEVISION CO. AND ANNISTON BROADCASTING CO.

Order Continuing Hearing

In re applications of William A. Chapman and George K. Chapman doing business as Chapman Radio and Television Co., Anniston, Ala., Docket No. 15856, File No. BPCT-3317; Anniston Broadcasting Co., Anniston, Ala., Docket No. 15857, File No. BPCT-3320; for construction permit for new television broadcast station (Channel 70).

On the unopposed oral request of counsel for applicants, because of the pendency of a pleading which may obviate a hearing: *It is ordered*, This 16th day of June 1965, that the hearing is further rescheduled from June 22 to July 29, 1965, subject to action on that pleading.

Released: June 17, 1965.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 65-6532; Filed, June 21, 1965; 8:48 a.m.]

CHARLOTTESVILLE BROADCASTING CORP. (WINA) AND WBXM BROADCASTING CO., INC.

Order Continuing Prehearing Conference

In re applications of Charlottesville Broadcasting Corp. (WINA), Charlottesville, Va., Docket No. 15861, File No. BP-15768; WBXM Broadcasting Co., Inc., Springfield, Va., Docket No. 15862, File No. BP-15808; for construction permits.

The Hearing Examiner having under consideration a "Petition For Extension Of Time" filed June 14, 1965, by WGAY, Inc., in the above-entitled matter, said petition requesting that oppositions to a joint petition of applicants for leave to amend may be filed June 28, 1965, instead of June 17, 1965, and

It appearing, that the instant petitioner has the consent of the applicants and the Broadcast Bureau for such extension and for immediate consideration, and

It further appearing, that good cause has been shown for granting the petition and also that a postponement of the hearing is a necessary consequent of an overall appraisal of the case it it now stands;

[1] Commissioner Cox absent.

It is ordered, This 15th day of June 1965, that the aforesaid petition of WGAY, Inc., is granted and that, accordingly, the date for filing oppositions to the applicants' joint petition for leave to amend is changed from June 17, 1965, to June 28, 1965; and

It is further ordered, That the further prehearing conference now scheduled for June 25, 1965, is postponed to a date to be hereafter announced in a subsequent order of the Hearing Examiner.

Released: June 16, 1965.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 65-6533; Filed, June 21, 1965; 8:48 a.m.]

[Docket Nos. 16020, 16022; FCC 65M-777]

FIDELITY RADIO, INC., ET AL.

Order Continuing Prehearing Conference

In re applications of Fidelity Radio, Inc., Louisville, Ky., Docket No. 16020, File No. BPH-3981; Producers, Inc., Louisville, Ky., Docket No. 16021, File No. BPH-4396; WHAS, Inc., Louisville, Ky., Docket No. 16022, File No. BPH-4630; for construction permits.

It is ordered, This 15th day of June 1965, that, by reason of illness of the presiding Hearing Examiner in the above-entitled proceeding, the prehearing conference presently scheduled for June 17, 1965, at 9 a.m., by agreement of counsel is hereby continued to June 29, 1965, at 10 a.m., in the Offices of the Commission, Washington, D.C.

Released: June 16, 1965.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 65-6534; Filed, June 21, 1965; 8:48 a.m.]

[Docket Nos. 15975, 15976; FCC 65M-774]

REGIONAL BROADCASTING CORP. AND EVERGREEN ENTERPRISES, INC.

Order Continuing Hearing

In re applications of Regional Broadcasting Corp., Loveland, Colo., Docket No. 15975, File No. BPH-4708; Evergreen Enterprises, Inc., Loveland, Colo., Docket No. 15976, File No. BPH-4779; for construction permits.

The Hearing Examiner having under consideration the desirability of changing the date for commencement of hearing;

It appearing, that a prehearing conference was held on June 11, 1965, at which there was discussion of dates for various procedural steps preliminary to hearing and it was determined that the hearing itself could best be expedited by changing the present date:

It is ordered, This 14th day of June 1965, that the date for commencement of

hearing is continued from June 28 to September 21, 1965.

Released: June 15, 1965.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 65-6535; Filed, June 21, 1965; 8:48 a.m.]

[Docket No. 14760; FCC 65M-776]

TRIPLE C BROADCASTING CORP. (WLOR)

Order Regarding Procedural Dates

In re application of Triple C Broadcasting Corp. (WLOR), Thomasville, Ga., Docket No. 14760, File No. BP-14988; for construction permit.

As a result of agreements reached upon the record of a prehearing conference held this date in the above-entitled matter: *It is ordered*, This 15th day of June 1965:

1. Exhibits shall be exchanged on or before July 9, 1965;

2. Notification of witnesses shall occur on or before July 15, 1965; and

3. The hearing is scheduled to commence at 10 a.m., July 19, 1965, in the Commission's offices, Washington, D.C.

Released: June 16, 1965.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 65-6536; Filed, June 21, 1965; 8:48 a.m.]

[Docket Nos. 16025, 16026; FCC 65M-783]

WEBSTER COUNTY BROADCASTING CO. AND HOLMES COUNTY BROADCASTING CO. (WXTN)

Order Continuing Prehearing Conference

In re applications of William E. Hardy and James E. Myers doing business as Webster County Broadcasting Co., Eupora, Miss., Docket No. 16025, File No. BP-16372; Marvin L. Mathis, Robin H. Mathis, Ralph C. Mathis & John B. Skelton, Jr., doing business as Holmes County Broadcasting Co. (WXTN), Lexington, Miss., Docket No. 16026, File No. BP-16601; for construction permits.

The Hearing Examiner having under consideration a letter request dated June 15, 1965, from counsel for William E. Hardy and James E. Myers doing business as Webster County Broadcasting Co., requesting that the prehearing conference be continued to June 28, 1965, at 10 a.m.;

It appearing, that good cause has been shown for a grant of the request and that the other parties to the proceeding have no objection to a grant thereof:

It is ordered, This 16th day of June 1965, that the above-mentioned request, be, and the same is, hereby granted, and that the prehearing conference presently scheduled for June 17, 1965, at 9 a.m., be, and the same is, hereby continued to June 28, 1965, at 10 a.m., in Room 6505, New Post Office Building, Washington, D.C.

Released: June 16, 1965.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 65-6537; Filed, June 21, 1965; 8:48 a.m.]

[Docket No. 16058; FCC 65-523]

COMMUNICATIONS SATELLITE CORP.

Notice of Inquiry Regarding Telecommunications Services

In the matter of authorised entities and authorized users under the Communications Satellite Act of 1962; Docket No. 16058.

1. The Commission has received requests from several concerns, including press association, a newspaper, a television network, and an airline company, for information regarding procedures by which such concerns might be authorized to obtain directly from the Communications Satellite Corp. telecommunications services via the commercial communication satellite system. Also, on May 28, 1965, the Corporation filed with the Commission its initial tariff, effective June 27, 1965, offering channels of communication only to communications common carriers. In its letter transmitting the tariff, the Corporation stated that in the event that it may be determined that any other entity, foreign or domestic, is authorized to obtain channels directly from the Corporation, it would expect to supplement its tariff in order to provide such channels.

2. The foregoing present issues concerning the extent to which, as a matter of law, entities in the United States other than communications common carriers, can be authorized under the Communications Satellite Act of 1962, to obtain telecommunication services directly from the Communications Satellite Corp.; the extent to which, as a matter of policy, such entities should be authorized to obtain services directly from the Corporation; the nature of the services that may be furnished and the type of entities which may be deemed eligible to obtain such services; the nature and extent of the authorization required in order for such entities to obtain such service from the Corporation; and the policies and procedures which the Commission should establish to govern applications for such authorization.

3. The provisions of the Satellite Act make clear that it was the intent of Congress that the Corporation would have, as its principal domestic operating function, the furnishing for hire of channels of communication to communications common carriers authorized by the Commission, pursuant to the Communications Act of 1934, as amended, to provide services by means of communications satellites (sections 103(7) and 305(a)(2) of the Satellite Act). While the Satellite Act leaves open the question of whether the Corporation may be permitted to furnish satellite service or channels directly to users other than communications common carriers, it would appear, from an overall reading of the legislative history that any such activity which might be authorized should be a limited one and should be consistent with the Corporation's primary role as a "common carrier's carrier." The provisions of the Satellite Act are not explicit with respect to the circumstances and conditions pursuant to which persons or entities other than common carriers may be authorized to obtain service directly from the Corporation, nor does the Satellite Act specify who, with the exception of the U.S. Government, these other persons or entities may be, or the services which they may be authorized to obtain. Section 305 of the Act, upon which the aforementioned requests are predicated, defines the powers and purposes of the Corporation. In paragraph (a)(2) thereof it is provided that the Corporation is authorized to—

> furnish, for hire, channels of communication to United States communications common carriers and to other authorized entities, foreign and domestic;

Paragraph (b)(4) provides that "for the accomplishment" of the above purpose the Corporation may, among other things:

> • • • contract with authorized users, including the United States Government, for the services of the communications satellite system • • •[1]

4. Neither the term "authorized entities", as used in section 305(a)(2), nor the term "authorized users", as used in section 305(b)(4), are specifically defined anywhere in the Act. Nor is there any provision in the Act which specifically indicates the procedures, standards or criteria which are to govern the authorization of any such entity or user, although the Commission is empowered by section 201(c)(11) of the Act to "make rules and regulations to carry out the provisions of this Act."

5. The extent to which the Corporation may engage in furnishing channels of communication or the services of the communications satellite system directly to users in the United States can, of course, have significant and far-reaching effects upon the structure, economics, and operations of the commercial telecommunications system of the United States. The Commission thus attaches the utmost importance to the interpretation and application that should properly be given to the above provisions of the Act in connection with the disposition of requests by entities seeking authorization to obtain services directly from the Corporation and in establishing policies to govern our actions in this area.

[1] The term "communications satellite system" as used in the Act has reference to "a system of communications satellites in space" together with associated control and command equipment, and does not include satellite terminal stations (sections 103 (1) and (2)).

6. Accordingly, the Commission is issuing this notice of inquiry in order to obtain the views and comments of interested persons concerning the following specific questions in light of the pertinent provisions of the Communications Satellite Act and its legislative history:

(a) The extent to which, as a matter of law, persons, and entities in the United States, other than communications common carriers, can be authorized to obtain telecommunications channels or services directly from the Corporation (parties submitting comments on this question should do so in separate legal briefs);

(b) The extent to which, as a matter of policy, such persons or entities should be authorized to obtain channels or services directly from the Corporation;

(c) The nature and scope of services that can and should be furnished and the types of persons or entities who can and should be deemed eligible to obtain such services;

(d) The nature and extent of the authorization required in order for any such person or entity to obtain channels or services directly from the Corporation;

(e) The policies and procedures which the Commission should establish to govern the issuance of any such authorizations and the showing to be made in support thereof, with due regard for the operational, economic, and other public interest considerations involved.

7. Pursuant to applicable procedures set forth in § 1.415 of the Commission's rules, interested persons may file comments with supporting briefs on or before October 1, 1965, and reply comments on or before November 1, 1965. In accordance with the provisions of § 1.51 of the Commission's rules, an original and 19 copies of all statements, briefs, or comments shall be furnished this Commission.

Adopted: June 16, 1965.

Released: June 16, 1965.

FEDERAL COMMUNICATIONS COMMISSION,[2]
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 65-6530; Filed, June 21, 1965; 8:48 a.m.]

[2] Commissioner Cox absent.

FEDERAL POWER COMMISSION

[Docket No. CP64-211 etc.]

EL PASO NATURAL GAS CO. ET AL.

Order Consolidating Proceedings, Granting Intervention and Denying Motion To Rescind Temporary Certificate and To Dismiss Application

JUNE 14, 1965.

Regarding El Paso Natural Gas Co., Docket Nos. CP64-211, CP62-176; Socony Mobil Oil Co., Docket No. CI62-825; Phillips Petroleum Co., Docket No. CI64-719; The Pure Oil Co., Docket No. CI64-1085; The Atlantic Refining Co., Docket No. CI64-1130; Gulf Oil Corp., Docket No. CI64-1153; Skelly Oil Co., Docket No. CI64-1225; Midwest Oil Corp., Docket CI64-1429; Dalco Oil Co., Docket No. CI64-1442; W. Watson LaForce, Docket No. CI65-61; George T. Abell, Docket No. CI65-878; M. B. Rudman, et al., Docket No. CI65-930.

By notices of March 2, and April 27, 1965, the matters presented by the above-designated docketed applications were consolidated for a May 11, 1965, hearing. That hearing was subsequently postponed until further notice.

The notices of March 2, and April 27, consolidated the application of El Paso Natural Gas Co. (El Paso) filed in Docket No. CP64-211, with those of the above-captioned independent producers. Dates of March 30, and May 25, 1965, were prescribed for petitions to intervene.[1]

A petition for leave to intervene in these consolidated proceedings and in each individual docket with the exception of Docket Nos. CI65-878 and CI65-930 was filed March 29, 1965, by San Diego Gas and Electric Co.

A petition for leave to intervene in these consolidated proceedings and in each individual docket with the exception of Docket No. CI65-878 was filed by Pacific Gas and Electric Co., on March 29, 1965.

A petition for leave to intervene and a notice of intervention in these consolidated proceedings and in every individual docket were filed, respectively, by Southern California Gas Co. and Southern Counties Gas Co. of California, jointly, and by the people of the State of California and the Public Utilities Commission of the State of California.

A petition to intervene in these consolidated proceedings and in only the application in Docket No. CP64-211 was filed by Gulf Pacific Pipeline Co. (Gulf Pacific). Phillips Petroleum Co., on April 13, Gulf Oil Co., on April 16, Dalco Oil Co., on April 19, Pure Oil Co., on April 20, and Skelly Oil Co., on April 23, 1965, filed answers in opposition to intervention in these proceedings by Gulf Pacific.

Gulf Pacific is an applicant competitive with El Paso in the comparative proceedings in Transwestern Pipeline Co., et al., Docket No. CP63-204, et al. Gulf Pacific contends that the facilities for which permanent certification is sought by El Paso in the present proceedings in Docket No. CP64-211 are generally the same as those proposed by El Paso in the aforementioned comparative proceedings.[2] Contending that the filing of duplicate applications by El Paso for essentially the same facilities is improper, Gulf Pacific asserts that not only should the temporary certificate issued December 11, 1964, be rescinded, but that the application itself should be dismissed.

The application of El Paso in the aforementioned competitive proceedings, in Docket No. CP63-204, et al., while including supply facilities generally the same as involved herein are allegedly required for two distinct purposes. In the competitive proceedings El Paso proposes construction and operation of these facilities solely to indicate an ability to attach reserves to supply up to an additional 575,000 Mcf of natural gas daily to distributors in California. In its present application El Paso asserts a need for substantially the same facilities solely to augment overall system reserves, without any further sales. It is possible, therefore, that in the interval of time from the filing of its application in the comparative proceeding, the alternative need of these same facilities developed. It is a contested matter that should be determined at a formal hearing.

The filing of amendments to applications in the competitive proceeding was barred after November 14, 1963, by Commission order of August 22, 1963, in that proceeding, to offset any disruptive effect there. If capable of substantiation, El Paso's filing of an additional application in Docket No. CP64-211, for generally the same facilities, but for a separate and distinct purpose does not, at this time, appear disruptive of the comparative proceeding. There appears therefore to be no good cause to delay proceedings in this present application until after Commission decision in the latter proceedings.

As a matter of sound administrative procedure, the filing or consideration of two or more applications for the same facilities is generally not proper. El Paso claims, however, that the gas involved in the applications here in issue will be of great value to its system operations regardless of whether it is found to be necessary as part of its gas supply should we decide to certificate its alternative proposal in Transwestern Pipeline Co., et al., Docket No. CP63-204, et al. It asserts further that a number of the contracts have provisions which leave the producers free to sell their gas elsewhere if no certificate is granted by December 31, 1965, and that even if the Transwestern case supra is decided by that date, it is quite possible that such a decision would not involve certification of these sales. We think that in these circumstances a separate hearing on the applications consolidated here is appropriate. We shall require El Paso to show that the need for the facilities and reserves proposed herein is consistent with the market and reserve showing presented by El Paso in the comparative proceeding. El Paso must also show that the acquisition of reserves and construction and operation of facilities as proposed are consistent with the public convenience and necessity independent of its applications in the Transwestern case.

Gulf Pacific also seeks to rescind the temporary certificate issued December 11, 1964, to El Paso for a portion of the facilities involved herein. Gulf Pacific contends that this grant of a temporary

[1] The notice of Apr. 27, concerned material amendments to several of the above-listed independent producer applications filed subsequent to the original notice of Mar. 2, 1965, and the consolidation of the additional filings of George T. Abell and M. B. Rudman, et al., in Docket Nos. CI65-878 and CI65-930. Pursuant to this latter notice persons not having previously intervened on Mar. 30, were requested to do so by May 25, 1965.

[2] Hearings in these proceedings have concluded and a briefing period through Aug. 2, 1965, was prescribed by the Presiding Examiner.

certificate was contrary to § 2.57 of the rules of practice and procedure. The provisions of that section, in relation to the temporary certification granted for the comparatively minor enlargements or extensions, do not require a previous notice or hearing. To preclude any possibility that any interest of Gulf Pacific was or will be adversely affected by the grant of this temporary certificate, or by issuance of any permanent certificate, Gulf Pacific will be granted intervention in all matters involved herein. In addition, Gulf Pacific may renew its motions to rescind the temporary certificate and to dismiss the application at the conclusion of the hearing in these proceedings.

One further application shall be considered herein. On January 30, 1962, El Paso filed an application in Docket No. CP62–176 pursuant to section 7 of the Natural Gas Act to construct and operate facilities for the purchase and transportation of natural gas in Pecos County, Tex., all as more fully set forth in the application on file with the Commission and open to public inspection. That application is directly related to the matter described above, and therefore that docket is consolidated herein. This application was previously noticed by the Commission on May 24, 1962, 27 F.R. 5157 (1962) (Pub. June 4, 1962) and a temporary certificate for construction and operation of the facilities therein was issued September 27, 1962. Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C., 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before June 30, 1965. Those parties granted intervention by this order will be considered as intervenors in all the matters in these presently consolidated proceedings. Those parties therefore, need not refile for intervention in the additional and individual docket consolidated by this order unless they desire to do so.

The Commission orders:

(A) The matters involved in the application filed in Docket No. CP62–176 are related to the matters involved in these proceedings and are hereby consolidated for formal hearing.

(B) Good cause has not been shown by Gulf Pacific Pipeline Co. for granting its motion to rescind the temporary certificate issued to El Paso Natural Gas Co. in Docket No. CP64–211; to dismiss El Paso's application therein; or to delay these proceedings until after Commission decision in the proceedings in Transwestern Pipeline Co. et al., Docket No. CP63–204, et al. The motions are denied without prejudice, however, to Gulf Pacific renewing its motions at the conclusion of the hearing in this proceeding. After El Paso Natural Gas Co. has submitted the information requested by our staff which is necessary to evaluate the proposal a date for hearing will be fixed by subsequent order of the Commission.

(C) The aforementioned petitioners are hereby permitted to intervene in these consolidated proceedings and in the individual dockets as requested, subject to the rules and regulations of the Commission: *Provided, however,* That the participation of each intervenor shall be limited to matters affecting asserted rights and interests as specifically set forth in their petitions for leave to intervene; And, *Provided, further,* That the admission of each intervener shall not be construed as recognition by the Commission that it might be aggrieved because of any order or orders of the Commission entered in these proceedings.

(D) The motions of Gulf Oil Co., Skelly Oil Co., Dalco Oil Co., Pure Oil Co., and Phillips Petroleum Co. in opposition to the petition of Gulf Pacific Pipeline Co. to intervene in these proceedings are denied.

By the Commission.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F.R. Doc. 65–6492; Filed, June 21, 1965; 8:46 a.m.]

[Project No. 2151]

CHELAN COUNTY, WASH.

Notice of Amended Application for License for Unconstructed Project

JUNE 14, 1965.

Public notice is hereby given that amended application has been filed under the Federal Power Act (16 U.S.C. 791a–825r) by Public Utility District No. 1 of Chelan County, Wash. (correspondence to: Kirby Billingsley, Manager, Public Utility District No. 1 of Chelan County, Post Office Box 1231, Wenatchee, Wash.) for license for unconstructed Project No. 2151, to be located on the Wenatchee River, a tributary of the Columbia River in the vicinity of the towns of Dryden, Leavenworth, and Plain, and the north shore of Lake Wenatchee, in Chelan County, Wash., and affecting lands of the United States within the Wenatchee National Forest.

As described in the application, the proposed project would consist of:

(a) Chiwawa Hydroelectric Development: (1) Impervious core earth fill dam on Chiwawa River upstream from Big Meadow Creek, maximum height 240 feet, crest length 1,840 feet, 3700 feet of auxilliary dike; an ungated spillway; (2) reservoir surface 4,900 acres at elevation 2,545 feet capacity 400,000 acre-feet of usable storage with 110-foot drawdown; (3) two intake structures; 30,000 feet of 18-foot concrete lined tunnel to (4) surge tank; (5) two steel penstocks; (6) Dirty Face Mountain powerhouse containing, one 80 MW conventional unit, two pump generator units, of 20 MW and 45 MW respectively operating under a gross head of approximately 672 feet; (7) 230 KV transmission line 21 miles long; (8) fish handling facilities and (9) other appurtenant facilities. (b) Beaver Creek Hydroelectric Development: (1) An earth fill dam 2,100 feet long, 80 feet maximum height plus a 270-foot concrete gravity section containing cut-off wall, gate controlled spillway, intake structure and powerhouse, across Wenatchee River upstream from juncture of Beaver Creek; (2) reservoir, surface (including Lake Wenatchee) 3,950 acres at elevation 1873 feet, usable capacity 82,000 acre feet with 10-foot drawdown; (3) two intakes; (4) powerhouse containing 2 generating units of 4,000 KW and 10,000 KW respectively operating under a head of about 60 feet; (5) 34 KV transmission line about 11 miles long; (6) fish handling facilities and (7) other appurtenant facilities. (c) Leavenworth Hydroelectric Development: (1) An earth fill dam 1,060 feet long plus a 90-foot long concrete gated spillway section, 90 feet maximum dam height, across Wenatchee River, just upstream from Chiwaukum Creek; (2) reservoir, surface 720 acres, at elevation 1,750 feet usable capacity 6,000 acre-feet with 10-foot drawdown; (3) intake at entrance to 37,000-foot tunnel 17 feet in diameter to (4) two steel penstocks; (5) Leavenworth powerhouse containing two generating units of 90 MW and 40 MW respectively, operating under a gross head of about 620 feet; (6) 230 KV transmission line 18 miles long; (7) fish handling facilities and (8) other appurtenant facilities. (d) Dryden Hydroelectric Development: (1) A new concrete diversion dam with a gated spillway constructed on site of existing diversion dam, raising water elevation 11 feet; (2) 3,600 foot long canal to forebay; (3) intake to new powerhouse containing two 10 MW units operating under a gross head of 87 feet; (4) two steel penstocks; (5) existing distribution system will be used for transmission of power; (6) fish handling facilities and (7) other appurtenant facilities.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C., 20426, in accordance with the rules of practice and procedure of the Commission (18 CFR 1.8 or 1.10). The last day upon which protests or petitions may be filed is July 26, 1965. The application is on file with the Commission for public inspection.

JOSEPH H. GUTRIDE, *Secretary.*

[F.R. Doc. 65–6493; Filed, June 21, 1965; 8:46 a.m.]

[Docket No. E–6943]

SOUTHWESTERN POWER ADMINISTRATION

Notice of Request for Approval of Rates and Charges

JUNE 14, 1965.

Notice is hereby given that the U.S. Department of the Interior, on behalf of the Southwestern Power Administration, has filed with the Federal Power Commission for confirmation and approval, pursuant to the provisions of the Flood Control Act of 1944 (58 Stat. 887), for the sale of the total output of the Narrows Dam Project to the Tex-La Electric Cooperative, Inc. Approval is requested for the period from July 1, 1965, through June 30, 1970.

The Narrows Project is located on the Little Missouri River in southwestern Arkansas. At present, two generating units with a total name-plate capacity of 17,000 kilowatts are in operation at the project, and the Corps of Engineers has under construction a third 8,500 kilowatt unit expected to commence operation during the fiscal year 1968. Under the present contractual arrangements, the annual consideration for the sale of power to Tex-La is $300,000. After the addition of the aforementioned third generating unit, Tex-La will pay $367,992 per year.

Any person desiring to make comments or suggestions for Commission considera-

tion with respect to the attached schedule of rates and charges, should submit the same in writing on or before June 30, 1965, to the Federal Power Commission, Washington, D.C., 20426.

JOSEPH H. GUTRIDE, *Secretary.*

[F.R. Doc. 65–6494; Filed, June 21, 1965; 8:46 a.m.]

[Project No. 2522]

WISCONSIN PUBLIC SERVICE CORP.

Notice of Application for License for Constructed Project

JUNE 14, 1965.

Public notice is hereby given that application has been filed under the Federal Power Act (16 U.S.C. 791a–825r) by Wisconsin Public Service Corp. (correspondence to: C. A. McKenna, Secretary, Wisconsin Public Service Corp., 1029 North Marshall Street, Milwaukee, Wis., 53201) for a license for constructed project No. 2522, known as Johnson Falls Hydroelectric Station, located on the Peshtigo River in Marinette County, Wis., in the vicinity of unincorporated community of Crivitz in the Town of Stephenson.

The existing project consists of: (A) A dam 511 feet long consisting of: (1) A taintor gate and spillway section about 141 feet long; (2) an intake section 69 feet long; (3) a concrete wing wall about 113 feet long; and (4) an earth fill section about 188 feet long; (B) a reservoir of 130.5 acres at normal pool elevation 1,042 feet; (C) a concrete, brick, and structural steel powerhouse containing two vertical turbines of 2,500 hp each, connected to two generators of 1,980 kw each for a total installed capacity of 3,960 kw; (D) an outdoor substation containing four 1,333 kva single phase transformers and two oil circuit breakers; and (E) appurtenant electrical and mechanical facilities.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C., 20426, in accordance with the rules of practice and procedure of the Commission (18 CFR 1.8 or 1.10). The last day upon which protests or petitions may be filed is July 26, 1965. The application is on file with the Commission for public inspection.

JOSEPH H. GUTRIDE, *Secretary.*

[F.R. Doc. 65–6495; Filed, June 21, 1965; 8:46 a.m.]

SECURITIES AND EXCHANGE COMMISSION

J. I. CASE CO. ET AL.

Notice of Applications for Unlisted Trading Privileges and of Opportunity for Hearing

JUNE 16, 1965.

In the matter of applications of the Midwest Stock Exchange; for unlisted trading privileges in certain securities.

The above-named national securities exchange has filed applications with the Securities and Exchange Commission pursuant to section 12(f)(1)(B) of the Securities Exchange Act of 1934 and rule 12f–1 thereunder, for unlisted trading privileges in the common stocks of the following companies, which securities are listed and registered on one or more other national securities exchanges:

J. I. Case Co., File 7–2443; Continental Air Lines, Inc., File 7–2444; Control Data Corp., File 7–2445; First Charter Financial Corp., File 7–2446; General Aniline & Film Corp., File 7–2447; Honeywell Inc., File 7–2448; E. J. Korvette Inc., File 7–2449.

Upon receipt of a request, on or before July 1, 1965, from any interested person, the Commission will determine whether the application with respect to any of the companies named shall be set down for hearing. Any such request should state briefly the title of the security in which he is interested, the nature of the interest of the person making the request, and the position he proposes to take at the hearing, if ordered. In addition, any interested person may submit his views or any additional facts bearing on any of the said applications by means of a letter addressed to the Secretary, Securities and Exchange Commission, Washington, 25, D.C., not later than the date specified. If no one requests a hearing with respect to any particular application, such application will be determined by order of the Commission on the basis of the facts stated therein and other information contained in the official files of the Commission pertaining thereto.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 65–6490; Filed, June 21, 1965; 8:46 a.m.]

LEAR-SIEGLER, INC., ET AL.

Notice of Applications for Unlisted Trading Privileges and of Opportunity for Hearing

JUNE 16, 1965.

In the matter of applications of the Midwest Stock Exchange; for unlisted trading privileges in certain securities.

The above-named national securities exchange has filed applications with the Securities and Exchange Commission pursuant to section 12(f)(1)(B) of the Securities Exchange Act of 1934 and Rule 12f–1 thereunder, for unlisted trading privileges in the common stocks of the following companies, which securities are listed and registered on one or more other national securities exchanges:

Lear-Siegler, Inc., File 7–2450, McDonnell Aircraft Corp., File 7–2451, National Steel Corp., File 7–2452, Outboard Marine Corp., File 7–2453, Southern California Edison Co., File 7–2454, Xerox Corp., File 7–2455.

Upon receipt of a request, on or before July 1, 1965, from any interested person, the Commission will determine whether the application with respect to any of the companies named shall be set down for hearing. Any such request should state briefly the title of the security in which he is interested, the nature of the interest of the person making the request, and the position he proposes to take at the hearing, if ordered. In addition, any interested person may submit his views or any additional facts bearing on any of the said applications by means of a letter addressed to the Secretary, Securities and Exchange Commission, Washington 25, D.C., not later than the date specified. If no one requests a hearing with respect to any particular application, such application will be determined by order of the Commission on the basis of the facts stated therein and other information contained in the official files of the Commission pertaining thereto.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 65–6491; Filed, June 21, 1965; 8:46 a.m.]

DEPARTMENT OF LABOR

Wage and Hour Division

CERTIFICATES AUTHORIZING EMPLOYMENT OF FULL-TIME STUDENTS WORKING OUTSIDE OF SCHOOL HOURS IN RETAIL OR SERVICE ESTABLISHMENTS AT SPECIAL MINIMUM WAGES

Notice is hereby given that pursuant to section 14 of the Fair Labor Standards Act of 1938 (52 Stat. 1060, as amended, 29 U.S.C. 201 et seq.), the regulation on employment of full-time students (29 CFR Part 519), and Administrative Order No. 579 (28 F.R. 11524), the establishments listed in this notice have been issued special certificates authorizing the employment of full-time students working outside of school hours at hourly wage rates lower than the minimum wage rates otherwise applicable under section 6 of the act. The effective and expiration dates are as indicated below. Pursuant to § 519.6(b) of the regulation, the minimum certificate rates are not less than 85 percent of the minimum applicable under section 6 of the act.

The following certificates were issued pursuant to paragraphs (c) and (g) of § 519.6 of 29 CFR Part 519, providing for an allowance not to exceed the proportion of the total number of hours worked by full-time students at rates below $1 an hour to the total number of hours worked by all employees in the establishment during the base period, or 10 percent, whichever is less, in occupations of the same general classes in which the establishment employed full-time students at wages below $1 an hour in the base period.

S. S. Kresge Co., variety store; No. 505, Chicago, Ill.; 6–3–65 to 6–2–66.

S. S. Kresge Co., variety store; No. 704, Dallas, Tex.; 5–13–65 to 5–12–66.

Parker's Food Stores, food store; No. 1, Wilmington, N.C.; 5–24–65 to 5–23–66.

R & G Market, Inc., food store; 523 South 17th Street, Manhattan, Kans.; 6-3-65 to 6-2-66.

O. P. Skaggs, food store; 620 West State Street, Grand Island, Nebr.; 5-17-65 to 5-16-66.

T. G. & Y. Stores Co., variety store; 4966 Old Shell Road, Mobile, Ala.; 5-25-65 to 4-30-66.

The following certificates were issued to establishments coming into existence after May 1, 1960, under paragraphs (c), (d), (g), and (h) of § 519.6 of 29 CFR Part 519. The certificates permit the employment of full-time students at rates of not less than 85 percent of the minimum applicable under section 6 of the act in the classes of occupations listed, and provide for limitations on the percentage of full-time student hours of employment at rates below the applicable statutory minimum to total hours of employment of all employees. The percentage limitations vary from month to month between the minimum and maximum figures indicated.

Neisner Bros., Inc., variety store; No. 66, Clermont, Fla.; sales clerks, stock clerks, and clerical; 10 percent for each month; 5-20-65 to 5-19-66.

Parker's Food Store, food store; No. 4, Wilmington, N.C.; bag boys, carry-out boys, stock clerks, produce helper, and janitorial; between 7.4 and 10 percent; 5-24-65 to 5-23-66.

Rose's Stores, Inc., variety store; No. 157, Morristown, Tenn.; sales clerks, stock clerks, clerical, and checkers; between 1.7 and 7.8 percent; 5-20-65 to 5-19-66.

Skag-Way Stores, Inc., food store; 4911 South 72d Street, Omaha, Nebr.; carry-out boys; 10 percent for each month; 5-17-65 to 5-16-66.

T. G. & Y. Stores Co., variety store; No. 264, Waco, Tex.; clerical, sales clerks, and stock clerks; 10 percent for each month; 5-21-65 to 5-20-66.

Each certificate has been issued upon the representations of the employer which, among other things, were that employment of full-time students at special minimum rates is necessary to prevent curtailment of opportunities for employment, and the hiring of full-time students at special minimum rates will not tend to displace full-time employees. The certificates may be annulled or withdrawn, as indicated therein, in the manner provided in Part 528 of Title 29 of the Code of Federal Regulations. Any person aggrieved by the issuance of any of these certificates may seek a review or reconsideration thereof within 15 days after publication of this notice in the FEDERAL REGISTER pursuant to the provisions of 29 CFR 519.9.

Signed at Washington, D.C., this 10th day of June 1965.

ROBERT G. GRONEWALD,
Authorized Representative of the Administrator.

[F.R. Doc. 65-6497; Filed, June 21, 1965; 8:46 a.m.]

CERTIFICATES AUTHORIZING EMPLOYMENT OF LEARNERS AT SPECIAL MINIMUM RATES

Notice is hereby given that pursuant to section 14 of the Fair Labor Standards Act of 1938 (52 Stat. 1060, as amended, 29 U.S.C. 201 et seq.), and Administrative Order No. 579 (28 F.R. 11524) the firms listed in this notice have been issued special certificates authorizing the employment of learners at hourly wage rates lower than the minimum wage rates otherwise applicable under section 6 of the act. The effective and expiration dates, occupations, wage rates, number or proportion of learners and learning periods, for certificates issued under general learner regulations (29 CFR 522.1 to 522.9), and the principal product manufactured by the employer are as indicated below. Conditions provided in certificates issued under the supplemental industry regulations cited in the captions below are as established in those regulations.

Apparel Industry Learner Regulations (29 CFR 522.1 to 522.9, as amended, and 29 CFR 522.20 to 522.25, as amended).

The following learner certificates were issued authorizing the employment of 10 percent of the total number of factory production workers for normal labor turnover purposes. The effective and expiration dates are indicated.

Barad Lingerie Co. of Salem, Salem, Mo.; effective 5-21-65 to 5-20-66 (ladies' sleepwear).

Blue Bell, Inc., Seminole, Okla.; effective 5-14-65 to 5-13-66 (men's and boys' dungarees).

Decaturville Sportswear Co., Inc., Decaturville, Tenn.; effective 5-16-65 to 5-15-66 (ladies' sportswear).

Michael Berkowitz Co., Frostburg, Md.; effective 5-19-65 to 5-18-66 (men's pajamas).

Cal-Crest Outerwear, Inc., 1500 Grace Street, Murphysboro, Ill.; effective 5-26-65 to 5-24-66 (men's cloth-lined and unlined jackets and parkas).

Glen Lyon Brassiere & Corset Co., Inc., 44 Carey Avenue, Wilkes-Barre, Pa.; effective 5-19-65 to 5-18-66 (corsets and allied garments).

Landress-Smith Corp., Hoschton, Ga.; effective 5-18-65 to 5-17-66 (men's and boys' sport slacks).

The H. D. Lee Co., Inc., Jasper, Ga.; effective 5-20-65 to 5-19-66 (men's casual pants).

Mode O'Day Co., 2955 South Main, Salt Lake City, Utah; effective 6-3-65 to 6-2-66 (women's and children's dresses).

Niemor Contractors, 310 Sherman Avenue, Newark, N.J.; effective 5-14-65 to 5-13-66 (men's and boys' casual outerwear jackets).

Phillips-Van Heusen Corp., Des Arc, Ark.; effective 5-22-65 to 5-21-66 (dress shirts).

Phillips-Van Heusen Corp., Patton, Pa.; effective 6-2-65 to 6-1-66 (dress shirts).

Piedmont Shirt Co., Poinsett Highway, Greenville, S.C.; effective 5-14-65 to 5-13-66 (men's and boys' dress and sport shirts).

Pikeville Sportswear Co., Pikeville, Tenn.; effective 5-31-65 to 5-30-66 (men's and boys' sport shirts).

Prepmore Apparel, Inc., Russellville, Ala.; effective 5-26-65 to 5-25-66 (boys' sport and dress shirts).

Putnam Manufacturing Co., Post Office Box 718, Cookeville, Tenn.; effective 5-16-65 to 5-15-66 (men's work pants).

Rappahannock Sportswear Co., Inc., 2108 Airport Avenue, Fredericksburg, Va.; effective 5-19-65 to 5-18-66 (men's and ladies' slacks).

Reed Manufacturing Co., Inc., 307 South Spring Street, Tupelo, Miss.; effective 5-15-65 to 5-14-66 (men's work clothing, boys' slacks, shorts, and dungarees).

Fred Ronald Manufacturing Co., Parsons, Kans.; effective 5-14-65 to 5-13-66 (boys' slacks).

Scranton Pants Manufacturing Co., 614 Wyoming Avenue, Scranton, Pa.; effective 5-23-65 to 5-22-66 (men's dress pants).

H. B. Spoont Co., 12 East Coal Street, Shenandoah, Pa.; effective 5-14-65 to 5-13-66 (women's ski jackets, etc.).

Twin Cities Manufacturing Co., Inc., White Hall, Ill.; effective 5-19-65 to 5-18-66 (women's, misses' and juniors' dresses).

Wellington Manufacturing Co., Okolona, Miss.; effective 5-23-65 to 5-22-66 (men's and ladies' slacks).

Williamson-Dickie Manufacturing Co., 509 West Vickery, Fort Worth, Tex.; effective 5-19-65 to 5-18-66 (men's and boys' slacks).

J. M. Wood Manufacturing Co., Inc., 226 South Sixth Street, Waco, Tex.; effective 5-18-65 to 5-17-66 (men's and boys' jeans, work pants and shirts, etc.).

The following learner certificates were issued for normal labor turnover purposes. The effective and expiration dates and the number of learners authorized are indicated.

Connie Fashions, Inc., 10-20 North West Street, Shenandoah, Pa.; effective 5-19-65 to 5-18-66; 10 learners (women's dresses).

Lyons Garment Co., Inc., 112 Foundry Street, Athens, Ga.; effective 5-25-65 to 5-24-66; 10 learners (men's dress pants).

Newport Dress Factory, 28 South Third Street, Newport, Pa.; effective 5-17-65 to 5-16-66; 10 learners (women's dresses).

Rock Hall Manufacturing Co., Rock Hall, Kent County, Md.; effective 5-28-65 to 5-25-66; 10 learners (men's and boys' knit shirts).

Tamaqua Garment Co., Tamaqua, Pa.; effective 5-18-65 to 5-17-66; 10 learners (women's dresses).

The following learner certificates were issued for plant expansion purposes. The effective and expiration dates and the number of learners authorized are indicated.

The H. D. Lee Co., Inc., Jasper, Ga.; effective 5-20-65 to 11-19-65; 10 learners (men's casual pants).

Phillips-Van Heusen Corp., Section, Ala.; effective 6-1-65 to 11-30-65; 60 learners (dress shirts).

Prepmore Apparel, Inc., Russellville, Ala.; effective 5-18-65 to 11-12-65; 40 learners (boys' dress and sport shirts).

Rawlings Manufacturing Division, Licking, Mo.; effective 5-17-65 to 11-16-65; 50 learners (athletic uniforms).

Glove Industry Learner Regulations (29 CFR 522.1 to 522.9, as amended, and 29 CFR 522.60 to 522.66, as amended).

The Glove Corp., Hebor Springs, Ark.; effective 5-18-65 to 11-17-65; 30 learners for plant expansion purposes (work gloves).

N. Churchill Manufacturing Co., Inc., 844 North Pearl Street, Centralia, Wash.; effective 5-25-65 to 5-24-66; 10 learners for normal labor turnover purposes (men's work gloves).

Hosiery Industry Learner Regulations (29 CFR 522.1 to 522.9, as amended, and 29 CFR 522.40 to 522.43, as amended).

Ballston Knitting Co., Inc., Ballston Spa, N.Y.; effective 5-19-65 to 5-18-66; 5 percent of the total number of factory production workers for normal labor turnover purposes (seamless).

Ballston Knitting Co., Inc., Stillwater, N.Y.; effective 5-19-65 to 5-18-66; 5 percent of the total number of factory production workers for normal labor turnover purposes (seamless).

Elisabeth City Hosiery Mills, Elisabeth City, N.C.; effective 5-20-65 to 5-19-66; 5 percent of the total number of factory production workers for normal labor turnover purposes (ladies' nylon hosiery).

Rawlings Manufacturing Division, Licking, Mo.; effective 5-17-65 to 11-16-65; 10 learners for plant expansion purposes (athletic stockings).

Knitted Wear Industry Learner Regulations (29 CFR 522.1 to 522.9, as amended, and 29 CFR 522.30 to 522.35, as amended).

Gloray Knitting Mills, Inc., Robesonia, Pa.; effective 5-21-65 to 5-20-66; 5 percent of the total number of factory production workers for normal labor turnover purposes (men's and boys' knitted sweaters).

Rawlings Manufacturing Division, Licking, Mo.; effective 5-17-65 to 11-16-65; 15 learners for plant expansion purposes (athletic jerseys).

Reidler Knitting Mills, Inc., 757 West Broad Street, Hazleton, Pa.; effective 5-29-65 to 5-28-66; 5 percent of the total number of factory production workers for normal labor turnover purposes (men's, women's, and children's underwear).

Regulations Applicable to the Employment of Learners (29 CFR 522.1 to 522.9, as amended).

The following learner certificates were issued in Puerto Rico to the companies hereinafter named. The effective and expiration dates, learner rates, occupations, learning periods, and the number of learners authorized to be employed, are indicated.

Aristocrat Corp., Carpenter Road 318, Hato Rey, P.R.; effective 5-15-65 to 5-14-66; 10 learners for normal labor turnover purposes in the occupation of sewing machine operating, for a learning period of 320 hours at the rates of 92 cents an hour for the first 160 hours and $1.03 an hour for the remaining 160 hours (brassieres).

Becton, Dickinson & Co., S.A. (P.R.), Apartado "S", Juncos, P.R.; effective 4-12-65 to 10-11-65; 35 learners for plant expansion purposes in the occupation of basic hand and/or machine production operations in the manufacture of thermometers and thermometer tubes, for a learning period of 480 hours at the rates of $1.00 an hour for the first 240 hours and $1.13 an hour for the remaining 240 hours (thermometers).

Becton, Dickinson & Co., S.A. (P.R.), Apartado "S", Juncos, P.R.; effective 4-12-65 to 4-11-66; 15 learners for normal labor turnover purposes in the occupation of basic hand and/or machine production operations in the manufacture of thermometers and thermometer tubes, for a learning period of 480 hours at the rates of $1.00 an hour for the first 240 hours and $1.13 an hour for the remaining 240 hours (thermometers).

Caribbean Novelty Co., Inc., Post Office Box 209, Vieques, P.R.; effective 4-1-65 to 3-31-66; 5 learners for normal labor turnover purposes in the occupation of bowtying, for a learning period of 160 hours at the rate of 77 cents an hour (ribbon bows for women's underwear).

Caribe Scolding Locks Corp., Apartado 325, San German, P.R.; effective 4-5-65 to 10-4-65; 24 learners for plant expansion purposes in the occupation of automatic bobbypin machine operating, for a learning period of 240 hours at the rate of 75 cents an hour (bobbypins).

Caribe Sports Co., Inc., Apartado 595, San German, P.R.; effective 4-12-65 to 4-11-66; 13 learners for normal labor turnover purposes in the occupations of: (1) Sewing machine operating, hand lacing, each for a learning period of 320 hours at the rates of 65 cents an hour for the first 160 hours and 75 cents an hour for the remaining 160 hours; and (2) die and clicker machine operating, leather stamping, eyeletting, shell lay-off, turning machine operating, final glove lay-off, leather regrading, final inspecting, each for a learning period of 160 hours at the rate of 65 cents an hour (baseballs, boxing and striking bag gloves, and golf club head covers).

Catherine Needle Craft, Inc., Calle Comercio 60, Apartado 68, Mayaguez, P.R.; effective 4-23-65 to 4-22-66; 18 learners for normal labor turnover purposes in the occupation of sewing machine operating, for a learning period of 480 hours at the rates of 92 cents an hour for the first 320 hours and $1.03 an hour for the remaining 160 hours (brassieres).

Clairex Corp. of Puerto Rico, Apartado 601, Roosevelt, Hato Rey, P.R.; effective 5-3-65 to 5-3-66; five learners for normal labor turnover purposes in the single occupation of basic hand and/or machine production operations: Photocell assembling, inspecting and testing, for a learning period of 480 hours at the rates of $1.00 an hour for the first 240 hours and $1.13 an hour for the remaining 240 hours (photoelectric cells).

Juana Diaz Co., Inc., Apartado E, Ponce, P.R.; effective 4-22-65 to 4-21-66; 15 learners for normal labor turnover purposes in the occupation of sewing machine operating, for a learning period of 480 hours at the rates of 92 cents an hour for the first 320 hours and $1.13 an hour for the remaining 160 hours (brassieres and girdles).

Economy Industries, Inc., Apartado 305, Rio Grande, P.R.; effective 5-17-65 to 5-16-66; 14 learners for normal labor turnover purposes in the occupation of sewing machine operating, final pressing, each for a learning period of 320 hours at the rates of 75 cents an hour for blouses and 83 cents an hour for dresses for the first 160 hours, and 88 cents an hour for blouses and 98 cents an hour for dresses for the remaining 160 hours (ladies' blouses and dresses).

Elastic Bandage Corp. of Puerto Rico, Carretera 30, Km. 14.9, Apartado BB, Juncos, P.R.; effective 5-3-65 to 5-2-66; five learners for normal labor purposes in the occupation of machine operating; weaving, Schweiter machine operating, finishing and packing machine operating, loom fixing, each for a learning period of 240 hours at the rate of 78 cents an hour (elastic bandages).

Elastic Bandage Corp. of Puerto Rico, Carretera 30, Km. 14.9, Apartado BB, Juncos, P.R.; effective 5-3-65 to 11-2-65; 19 learners for plant expansion purposes in the occupation of machine operating: weaving, Schweiter machine operating, finishing and packing machine operating, loom fixing, each for a learning period of 240 hours at the rate of 78 cents an hour (elastic bandages).

Fina Knitting, Carretera 2, Km. 1.4, Hato Tejas, Bayamon, P.R.; effective 5-3-65 to 11-2-65; 18 learners for plant expansion purposes in the occupation of knitting machine operating, for a learning period of 240 hours at the rate of 78 cents an hour (knitted fabric).

General Electric Wiring Devices, Inc., Apartado 274, Juana Diaz, P.R.; effective 4-12-65 to 4-11-66; 27 learners for normal labor turnover purposes in the occupation of riod of 480 hours at the rates of $1.00 an hour for the first 240 hours and $1.13 an hour for the remaining 240 hours (electrical wiring devices).

Hamlin International Ti Tuque, Carretera 2, Apartado "H", Ponce, P.R., effective 5-3-65 to 11-2-65; 20 learners for plant expansion purposes in the occupation of white room assembly, resistive welding, tool and diemaking, electroplating, final inspecting, each for a learning period of 480 hours at the rates of 98 cents an hour for the first 240 hours and $1.03 an hour for the remaining 240 hours (miniature reed switches).

J S L Corp., Carretera 647, Km. 0.5, Barrio Bajura, Apartado 435, Vega Alta, P.R.; effective 4-12-65 to 4-11-66; five learners for normal labor turnover purposes in the single occupation of basic hand and/or machine production operations: Assembly of specialized precision aircraft-aerospace mechanic handtools, for a learning period of 480 hours at the rates of 94 cents an hour for the first 240 hours and $1.10 an hour for the remaining 240 hours (specialized aerospace-mechanic handtools).

Midland Knitting Mills, Inc., Apartado 267, San German, P.R.; effective 4-26-65 to 4-25-66; 15 learners for normal labor turnover purposes in the occupations of: (1) Knitting, topping, looping, each for a learning period of 480 hours at the rates of 88 cents an hour for the first 240 hours and $1.03 an hour for the remaining 240 hours; and (2) machine stitching, pressing, each for a learning period of 320 hours at the rates of 88 cents an hour for the first 160 hours and $1.03 an hour for the remaining 160 hours (ladies' sweaters).

Miton Co., Inc., Apartado 605, Aibonito, P.R.; effective 4-12-65 to 4-11-66; 10 learners for normal labor turnover purposes in the occupations of machine stitching, laying off, each for a learning period of 480 hours at the rates of 75 cents an hour for the first 240 hours and 86 cents an hour for the remaining 240 hours (ladies' gloves).

Mohawk Products, Inc., Calle Comercio 66, Apartado 501, Aguadilla, P.R.; effective 4-12-66 to 10-11-65; 15 learners for plant expansion purposes in the occupations of: (1) Stitching machine operating, for a learning period of 320 hours at the rates of 65 cents an hour for the first 160 hours and 75 cents an hour for the remaining 160 hours, and (2) die and clicker machine operating, final inspecting, each for a learning period of 160 hours at the rate of 65 cents an hour (athletic gloves).

Morovis Manufacturing Co., Ruta 155, Km. 48.7, Apartado 458, Morovis, P.R.; effective 5-3-65 to 5-2-66; 10 learners for normal labor turnover purposes in the occupation of machine operating, fixing, each for a learning period of 240 hours at the rate of 83 cents an hour (yarn).

Northridge Knitting Mills, Inc., Apartado 267, San German, P.R.; effective 4-26-65 to 4-25-66; 10 learners for normal labor turnover purposes in the occupations of: (1) Knitting, topping, looping, each for a learning period of 480 hours at the rates of 88 cents an hour for the first 240 hours and $1.03 an hour for the remaining 240 hours, and (2) machine stitching, pressing, each for a learning period of 320 hours at the rates of 88 cents an hour for the first 160 hours and $1.03 an hour for the remaining 160 hours (ladies' sweaters).

Overseas Sports Co., Inc., Apartado 3226, Marina Station, Mayaguez, P.R.; effective 4-12-65 to 4-11-66; 33 learners for normal labor turnover purposes in the occupation of handsewing baseballs and softballs, for a learning period of 320 hours at the rates of 65 cents an hour for the first 160 hours and 75 cents an hour for the remaining 160 hours (baseballs and softballs).

Perfect Bra Co. of Puerto Rico, Inc., Plant No. 1, Apartado 356, Caguas, P.R.; effective 4-1-65 to 3-31-66; 27 learners for normal labor turnover purposes in the occupation of sewing machine operating, for a learning period of 480 hours at the rates of 92 cents an hour for the first 320 hours and $1.03 an hour for the remaining 160 hours (brassieres).

Perfect Bra Co. of Puerto Rico, Inc., Plant No. 2, Apartado 397, Aguas Buenas, P.R.; effective 4-1-65 to 3-31-66; 27 learners for normal labor turnover purposes in the occupation of sewing machine operating, for a learning period of 480 hours at the rates of 92 cents an hour for the first 320 hours and $1.03 an hour for the remaining 160 hours (brassieres).

Rebmar, Inc., Carr. Morovis, Coromal, P.R.; effective 4-15-66 to 10-14-65; 89 learners for plant expansion purposes in the occupations of: (1) Sewing machine operating, for a learning period of 320 hours at the rate of 78 cents an hour; (2) automatic sewing ma-

Rawlings Manufacturing Division, Licking, Mo.; effective 5-17-65 to 11-16-65; 10 learners for plant expansion purposes (athletic stockings).

Knitted Wear Industry Learner Regulations (29 CFR 522.1 to 522.9, as amended, and 29 CFR 522.30 to 522.35, as amended).

Gloray Knitting Mills, Inc., Robesonia, Pa.; effective 5-21-65 to 5-20-66; 5 percent of the total number of factory production workers for normal labor turnover purposes (men's and boys' knitted sweaters).

Rawlings Manufacturing Division, Licking, Mo.; effective 5-17-65 to 11-16-65; 15 learners for plant expansion purposes (athletic jerseys).

Reidler Knitting Mills, Inc., 757 West Broad Street, Hazleton, Pa.; effective 5-29-65 to 5-28-66; 5 percent of the total number of factory production workers for normal labor turnover purposes (men's, women's, and children's underwear).

Regulations Applicable to the Employment of Learners (29 CFR 522.1 to 522.9, as amended).

The following learner certificates were issued in Puerto Rico to the companies hereinafter named. The effective and expiration dates, learner rates, occupations, learning periods, and the number of learners authorized to be employed, are indicated.

Aristocrat Corp., Carpenter Road 318, Hato Rey, P.R.; effective 5-15-65 to 5-14-66; 10 learners for normal labor turnover purposes in the occupation of sewing machine operating, for a learning period of 320 hours at the rates of 92 cents an hour for the first 160 hours and $1.03 an hour for the remaining 160 hours (brassieres).

Becton, Dickinson & Co., S.A. (P.R.), Apartado "S", Juncos, P.R.; effective 4-12-65 to 10-11-65; 35 learners for plant expansion purposes in the occupation of basic hand and/or machine production operations in the manufacture of thermometers and thermometer tubes, for a learning period of 480 hours at the rates of $1.00 an hour for the first 240 hours and $1.13 an hour for the remaining 240 hours (thermometers).

Becton, Dickinson & Co., S.A. (P.R.), Apartado "S", Juncos, P.R.; effective 4-12-65 to 4-11-66; 15 learners for normal labor turnover purposes in the occupation of basic hand and/or machine production operations in the manufacture of thermometers and thermometer tubes, for a learning period of 480 hours at the rates of $1.00 an hour for the first 240 hours and $1.13 an hour for the remaining 240 hours (thermometers).

Caribbean Novelty Co., Inc., Post Office Box 209, Vieques, P.R.; effective 4-1-65 to 3-31-66; 5 learners for normal labor turnover purposes in the occupation of bowtying, for a learning period of 160 hours at the rate of 77 cents an hour (ribbon bows for women's underwear).

Caribe Scolding Locks Corp., Apartado 325, San German, P.R.; effective 4-5-65 to 10-4-65; 24 learners for plant expansion purposes in the occupation of automatic bobbypin machine operating, for a learning period of 240 hours at the rate of 75 cents an hour (bobbypins).

Caribe Sports Co., Inc., Apartado 595, San German, P.R.; effective 4-12-65 to 4-11-66; 13 learners for normal labor turnover purposes in the occupations of: (1) Sewing machine operating, hand lacing, each for a learning period of 320 hours at the rates of 65 cents an hour for the first 160 hours and 75 cents an hour for the remaining 160 hours; and (2) die and clicker machine operating, leather stamping, eyeletting, shell lay-off, turning machine operating, final glove lay-off, leather regrading, final inspecting, each for a learning period of 160 hours at the rate of 65 cents an hour (baseballs, boxing and striking bag gloves, and golf club head covers).

Catherine Needle Craft, Inc., Calle Comercio 60, Apartado 68, Mayaguez, P.R.; effective 4-23-65 to 4-22-66; 18 learners for normal labor turnover purposes in the occupation of sewing machine operating, for a learning period of 480 hours at the rates of 92 cents an hour for the first 320 hours and $1.03 an hour for the remaining 160 hours (brassieres).

Clairex Corp. of Puerto Rico, Apartado 601, Roosevelt, Hato Rey, P.R.; effective 5-3-65 to 5-3-66; five learners for normal labor turnover purposes in the single occupation of basic hand and/or machine production operations: Photocell assembling, inspecting and testing, for a learning period of 480 hours at the rates of $1.00 an hour for the first 240 hours and $1.13 an hour for the remaining 240 hours (photoelectric cells).

Juana Diaz Co., Inc., Apartado E, Ponce, P.R.; effective 4-22-65 to 4-21-66; 15 learners for normal labor turnover purposes in the occupation of sewing machine operating, for a learning period of 480 hours at the rates of 92 cents an hour for the first 320 hours and $1.13 an hour for the remaining 160 hours (brassieres and girdles).

Economy Industries, Inc., Apartado 305, Rio Grande, P.R.; effective 5-17-65 to 5-16-66; 14 learners for normal labor turnover purposes in the occupation of sewing machine operating, final pressing, each for a learning period of 320 hours at the rates of 75 cents an hour for blouses and 83 cents an hour for dresses for the first 160 hours, and 88 cents an hour for blouses and 98 cents an hour for dresses for the remaining 160 hours (ladies' blouses and dresses).

Elastic Bandage Corp. of Puerto Rico, Carretera 30, Km. 14.9, Apartado BB, Juncos, P.R.; effective 5-3-65 to 5-2-66; five learners for normal labor purposes in the occupation of machine operating; weaving, Schweiter machine operating, finishing and packing machine operating, loom fixing, each for a learning period of 240 hours at the rate of 78 cents an hour (elastic bandages).

Elastic Bandage Corp. of Puerto Rico, Carretera 30, Km. 14.9, Apartado BB, Juncos, P.R.; effective 5-3-65 to 11-2-65; 19 learners for plant expansion purposes in the occupation of machine operating: weaving, Schweiter machine operating, finishing and packing machine operating, loom fixing, each for a learning period of 240 hours at the rate of 78 cents an hour (elastic bandages).

Fina Knitting, Carretera 2, Km. 1.4, Hato Tejas, Bayamon, P.R.; effective 5-3-65 to 11-2-65; 18 learners for plant expansion purposes in the occupation of knitting machine operating, for a learning period of 240 hours at the rate of 78 cents an hour (knitted fabric).

General Electric Wiring Devices, Inc., Apartado 274, Juana Diaz, P.R.; effective 4-12-65 to 4-11-66; 27 learners for normal labor turnover purposes in the occupation of molding, assembling, each for a learning period of 480 hours at the rates of $1.00 an hour for the first 240 hours and $1.13 an hour for the remaining 240 hours (electrical wiring devices).

Hamlin International Ti Tuque, Carretera 2, Apartado "H", Ponce, P.R., effective 5-3-65 to 11-2-65; 20 learners for plant expansion purposes in the occupation of white room assembly, resistive welding, tool and diemaking, electroplating, final inspecting, each for a learning period of 480 hours at the rates of 98 cents an hour for the first 240 hours and $1.03 an hour for the remaining 240 hours (miniature reed switches).

J S L Corp., Carretera 647, Km. 0.5, Barrio Bajura, Apartado 435, Vega Alta, P.R.; effective 4-12-65 to 4-11-66; five learners for normal labor turnover purposes in the single occupation of basic hand and/or machine

production operations: Assembly of specialized precision aircraft-aerospace mechanic handtools, for a learning period of 480 hours at the rates of 94 cents an hour for the first 240 hours and $1.10 an hour for the remaining 240 hours (specialized aerospace-mechanic handtools).

Midland Knitting Mills, Inc., Apartado 267, San German, P.R.; effective 4-26-65 to 4-25-66; 15 learners for normal labor turnover purposes in the occupations of: (1) Knitting, topping, looping, each for a learning period of 480 hours at the rates of 88 cents an hour for the first 240 hours and $1.03 an hour for the remaining 240 hours; and (2) machine stitching, pressing, each for a learning period of 320 hours at the rates of 88 cents an hour for the first 160 hours and $1.03 an hour for the remaining 160 hours (ladies' sweaters).

Miton Co., Inc., Apartado 605, Aibonito, P.R.; effective 4-12-65 to 4-11-66; 10 learners for normal labor turnover purposes in the occupations of machine stitching, laying off, each for a learning period of 480 hours at the rates of 75 cents an hour for the first 240 hours and 86 cents an hour for the remaining 240 hours (ladies' gloves).

Mohawk Products, Inc., Calle Comercio 66, Apartado 501, Aguadilla, P.R.; effective 4-12-66 to 10-11-65; 15 learners for plant expansion purposes in the occupations of: (1) Stitching machine operating, for a learning period of 320 hours at the rates of 65 cents an hour for the first 160 hours and 75 cents an hour for the remaining 160 hours, and (2) die and clicker machine operating, final inspecting, each for a learning period of 160 hours at the rate of 65 cents an hour (athletic gloves).

Morovis Manufacturing Co., Ruta 155, Km. 48.7, Apartado 458, Morovis, P.R.; effective 5-3-65 to 5-2-66; 10 learners for normal labor turnover purposes in the occupation of machine operating, fixing, each for a learning period of 240 hours at the rate of 83 cents an hour (yarn).

Northridge Knitting Mills, Inc., Apartado 267, San German, P.R.; effective 4-26-65 to 4-25-66; 10 learners for normal labor turnover purposes in the occupations of: (1) Knitting, topping, looping, each for a learning period of 480 hours at the rates of 88 cents an hour for the first 240 hours and $1.03 an hour for the remaining 240 hours, and (2) machine stitching, pressing, each for a learning period of 320 hours at the rates of 88 cents an hour for the first 160 hours and $1.03 an hour for the remaining 160 hours (ladies' sweaters).

Overseas Sports Co., Inc., Apartado 3226, Marina Station, Mayaguez, P.R.; effective 4-12-65 to 4-11-66; 33 learners for normal labor turnover purposes in the occupation of handsewing baseballs and softballs, for a learning period of 320 hours at the rates of 65 cents an hour for the first 160 hours and 75 cents an hour for the remaining 160 hours (baseballs and softballs).

Perfect Bra Co. of Puerto Rico, Inc., Plant No. 1, Apartado 356, Caguas, P.R.; effective 4-1-65 to 3-31-66; 27 learners for normal labor turnover purposes in the occupation of sewing machine operating, for a learning period of 480 hours at the rates of 92 cents an hour for the first 320 hours and $1.03 an hour for the remaining 160 hours (brassieres).

Perfect Bra Co. of Puerto Rico, Inc., Plant No. 2, Apartado 397, Aguas Buenas, P.R.; effective 4-1-65 to 3-31-66; 27 learners for normal labor turnover purposes in the occupation of sewing machine operating, for a learning period of 480 hours at the rates of 92 cents an hour for the first 320 hours and $1.03 an hour for the remaining 160 hours (brassieres).

Rebmar, Inc., Carr. Morovis, Coromal, P.R.; effective 4-15-66 to 10-14-65; 89 learners for plant expansion purposes in the occupations of: (1) Sewing machine operating, for a learning period of 320 hours at the rate of 78 cents an hour; (2) automatic sewing ma-

chine operating, riveting, eyeletting and marking machine operating, each for a learning period of 160 hours at the rate of 75 cents an hour, and (3) final inspecting, for a learning period of 240 hours at the rate of 75 cents an hour (canvas products).

Sagner International, Inc., 151 Marina Street, Post Office 4128, San Juan, P.R.; effective 4-1-65 to 3-31-66; 10 learners for normal labor turnover purposes in the occupation of sewing machine operating, for a learning period of 480 hours at the rates of 79 cents an hour for the first 240 hours and 92 cents an hour for the remaining 240 hours (men's slacks).

Sally Manufacturing Corp., Apartado 268, Juana Diaz, P.R.; effective 4-26-65 to 9-30-65; 34 learners for plant expansion purposes in the occupation of sewing machine operating, for a learning period of 480 hours at the rates of 92 cents an hour for the first 320 hours and $1.03 an hour for the remaining 160 hours (brassieres).

Stewart Bruce Corp., Carpenter Road 318, Hato Rey, P.R.; effective 5-15-65 to 5-14-66; five learners for normal labor turnover purposes in the occupation of sewing machine operating, for a learning period of 320 hours at the rates of 92 cents an hour for the first 160 hours and $1.03 an hour for the remaining 160 hours (girdles).

W. O. Tobacco Corp., Calle Ruiz Belvis, Apartado 576, Caguas, P.R.; effective 4-19-65 to 4-18-66; 30 learners for normal labor turnover purposes in the occupation of sorting, sizing, each for a learning period of 240 hours at the rate of 75 cents an hour (wrapper type tobacco).

Weststone Knitting Mills, Inc., Apartado 267, San German, P.R.; effective 4-26-65 to 4-25-66; 10 learners for normal labor turnover purposes in the occupations of: (1) Knitting, topping, looping, each for a learning period of 480 hours at the rates of 88 cents an hour for the first 240 hours and $1.03 an hour for the remaining 240 hours; and (2) machine stitching, pressing, each for a learning period of 320 hours at the rates of 88 cents an hour for the first 160 hours and $1.03 an hour for the remaining 160 hours (ladies' sweaters).

Each learner certificate has been issued upon the representations of the employer which, among other things, were that employment of learners at special minimum rates is necessary in order to prevent curtailment of opportunities for employment, and that experienced workers for the learner occupations are not available. Any person aggrieved by the issuance of any of these certificates may seek a review or reconsideration thereof within 15 days after publication of this notice in the FEDERAL REGISTER pursuant to the provisions of 29 CFR 522.9. The certificates may be annulled or withdrawn, as indicated therein, in the manner provided in 29 CFR Part 528.

Signed at Washington, D.C., this 11th day of June 1965.

ROBERT G. GRONEWALD,
Authorized Representative of the Administrator.

[F.R. Doc. 65-6496; Filed, June 21, 1965; 8:46 a.m.]

INTERSTATE COMMERCE COMMISSION

[Notice 1102]

MOTOR CARRIER TRANSFER PROCEEDINGS

JUNE 17, 1965.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 179), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC-67648. By order of June 16, 1965, the Transfer Board approved the transfer to Bonded Warehouse Co., a corporation, Fort Worth, Tex., of Certificate No. MC-44053 issued December 17, 1957, to C. M. McElhannon, doing business as Bonded Warehouse Co., Fort Worth, Tex., authorizing the transportation over irregular routes of household goods between points in Texas, on the one hand, and, on the other, points in Illinois, Louisiana, Missouri, New Mexico, and Oklahoma; between points in Texas, on the one hand, and, on the other, points in Kansas, Colorado, and Wyoming; and between points in Orange and Jefferson Counties, Tex., on the one hand, and, on the other, points in Louisiana, Arkansas, Oklahoma, Mississippi, Alabama, Florida, and Georgia. Reagan Sayers, 304 Century Life Building, Fort Worth, Tex., 76102, attorney for applicants.

[SEAL] BERTHA F. ARMES,
Acting Secretary.

[F.R. Doc. 65-6518; Filed, June 21, 1965; 8:48 a.m.]

CUMULATIVE LIST OF CFR PARTS AFFECTED—JUNE

The following numerical guide is a list of the parts of each title of the Code of Federal Regulations affected by documents published to date during June.

3 CFR

	Page
PROCLAMATIONS:	
3658	7695
EXECUTIVE ORDERS:	
July 10, 1912 (revoked in part by PLO 3699)	7698
May 14, 1915 (revoked in part by PLO 3673)	7752
Oct. 30, 1916 (revoked in part by PLO 3664)	7750
Dec. 12, 1917 (revoked in part by PLO 3699)	7698
6143 (revoked in part by PLO 3691)	7823
6276 (revoked in part by PLO 3691)	7823
6285 (revoked in part by PLO 3693)	7824
6583 (revoked in part by PLO 3691)	7823
7655 (revoked in part by PLO 3661)	7521
8278 (revoked in part by PLO 3705)	7901
10530 (superseded in part by EO 11228)	7739
10682 (superseded by EO 11228)	7739
10800 (superseded in part by EO 11228)	7739
10835 (superseded by EO 11228)	7739
10903 (superseded in part by EO 11228)	7739
11227	7369
11228	7739
11229	7741

5 CFR

213	7271, 7311, 7425, 7426, 7473, 7515, 7557, 7595, 7645, 7646, 7701, 7895, 7987
511	7962
531	7962
630	7557

7 CFR

16	7426
28	7426
29	7385
30	7385
34	7385
51	7595
160	7385
201	7387
718	7427
722	7271, 7385, 7809, 7987
724	7646
728	7434
730	7272, 7811
750	7311
775	7515
814	7945
845	7273
850	7987
855	7988
908	7311, 7435, 7647, 7947
909	7273
910	7435, 7647, 7947
911	7647
915	7436, 7992
916	7948
917	7473-7475
923	7648
944	7436, 7743
958	7596
970	7274
1133	7988
1136	7893
1421	7475, 7811, 7988, 7991
1427	7814
1438	7948
PROPOSED RULES:	
29	7494
51	7396
52	7524
724	8000
911	7501
915	7501
916	7284
991	7825
1002	7839
1040	7903
1042	7903
1068	7721
1133	7284, 8000
1138	7288

8 CFR

103	7516
264	7312

9 CFR

51	7596
74	7274
97	7893
201	7275, 7649
PROPOSED RULES:	
94	7445
101	7608
103	7608
201	7662, 7721

10 CFR

PROPOSED RULES:	
150	7445, 7662, 7963

12 CFR

1	7371
17	7275
218	7743
PROPOSED RULES:	
545	7316

13 CFR

107	7597, 7651
305	7894

14 CFR

37	7637
39	7275, 7371, 7372, 7638, 7701, 7816, 7876, 7993.
71	7276, 7312, 7372, 7373, 7517, 7557, 7558, 7598, 7639, 7702, 7703, 7744, 7816-7818, 7877-7886, 7949, 7993, 7994.
73	7744, 7745, 7949, 7994
75	7702, 7745, 7994, 7995
95	7639
97	7374, 7598, 7867, 7950
121	7703
141	7517
151	7484
221	7558
241	7704
PROPOSED RULES:	
37	7663, 8006
39	7573
61	7292
71	7316, 7396, 7502, 7503, 7524, 7525, 7573, 7612, 7613, 7663-7666, 7723, 7761, 7840, 7929, 8007, 8008.
73	7503, 7724
75	7761, 8008
121	7963, 8009

16 CFR

13	7652, 7653, 7655, 7657, 7658, 7660, 7661
14	7894, 7995

17 CFR

240	7276
249	7566, 7568
PROPOSED RULES:	
260	8009
269	8009, 8012

18 CFR

8	7313
157	7280

19 CFR

1	7569, 7704
4	7598
10	7819
PROPOSED RULES:	
22	7756

20 CFR

404	7995

21 CFR

8	7484, 7705
20	7280
25	7943
27	7484
120	7280, 7385, 7485, 7569, 7996
121	7280, 7386, 7485-7487, 7518, 7519, 7570, 7599, 7705-7707, 7895, 7896, 7943, 7944, 7996.
141a	7707
141c	7944
141d	7487
146a	7707, 7896
146c	7707
146d	7487
148n	7944
PROPOSED RULES:	
20	7292
121	7501

22 CFR

204	7571

24 CFR

203	7599
221	7708

25 CFR

1	7520
41	7745
42	7746

26 CFR

1	7281, 7805
20	7708
25	7708
48	7809
301	7809

26 CFR—Continued Page

PROPOSED RULES:
1 ..... 7493, 7721

28 CFR
0 ..... 7599, 7709, 7819
16 7488
42 7386
43 7819

29 CFR
5 7819
602 7948
603 7949
1500 7997
1501 7748
1502 7748
1503 7748
PROPOSED RULES:
541 8005
1504 7608

32 CFR
288 7997
562 7710
750 7748
753 7748
1001 7389

33 CFR
124 7314

38 CFR
1 7389
3 ..... 7390, 7489
36 7521

39 CFR
15 7390
16 ..... 7390, 7748
22 7391
23 7391
24 7391
25 7391
43 7392
45 7392
46 7394
114 7748
122 7748

41 CFR
5B–2 7436
8–1 7437
8–2 ..... 7437, 7599
8–3 7599
8–7 7600
8–14 7600
8–15 7601
8–16 7602
8–75 7602
8–95 7603
9–14 7886
9–16 7887
9–17 7887
9–51 7749
9–53 7819
9–56 7749
9–58 7750
101–18 7820

41 CFR—Continued Page
101–20 7820
101–38 7489

42 CFR
57 ..... 7394, 7395

43 CFR
18 7394
2230 7605
3540 7606
4110 7606
PUBLIC LAND ORDERS:
5 (see PLO 3677) 7820
509 (revoked in part by PLO 3695) 7897
729 (revoked by PLO 3706) 7754
993 (revoked in part by PLO 3692) 7823
1350 (revoked by PLO 3700) 7899
1752 (revoked by PLO 3704) 7900
1757 (revoked in part by PLO 3673) 7752
1898 (revoked in part by PLO 3703) 7900
3528 (corrected) 7998
3530 (amended and revoked in part by PLO 3701) 7899
3565 (correction) 7820
3598 (corrected by PLO 3675) 7753
3646 (corrected by PLO 3680) 7821
3661 7521
3662 7606
3663 7750
3664 7750
3665 7750
3666 7751
3667 7751
3668 7751
3669 7751
3670 7751
3671 7752
3672 7752
3673 7752
3674 7752
3675 7753
3676 7753
3677 7820
3678 7821
3679 7821
3680 7821
3681 7821
3682 7821
3683 7821
3684 7821
3685 7822
3686 7822
3687 7822
3688 7753
3689 7822
3690 7823
3691 7823
3692 7823
3693 7824
3694 7824
3695 7897
3696 7897
3697 7897

43 CFR—Continued Page
PUBLIC LAND ORDERS—Continued
3698 7897
3699 7898
3700 7899
3701 7899
3702 7900
3703 7900
3704 7900
3705 7901
3706 7754

45 CFR
60 7371

46 CFR
146 7437
221 7490
309 7697
527 7490
PROPOSED RULES:
248 7291
290 7722
380 7722
521 7930
533 7574

47 CFR
0 ..... 7521, 7756
1 7418
18 7990
31 7711
33 7711
73 ..... 7314, 7711
89 7522
97 7756
PROPOSED RULES:
1 7446
17 7446
21 8069
73 ..... 7446, 7525, 7666, 7671, 7673, 7929
74 8069
91 8069

48 CFR
201 7718
211 7718

49 CFR
72 7429
73 7429
74 7429
77 7429
78 7429
79 7429
95 ..... 7522, 7940
131 7901
192 7491
193 7523

50 CFR
3 7312
10 7572
32 7523
33 ..... 7282, 7572, 7524
253 7697
260 7282
262 7444
266 7282

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Pages 8027–8088

Agencies in this issue—

Agriculture Department
Atomic Energy Commission
Civil Aeronautics Board
Civil Service Commission
Consumer and Marketing Service
Federal Aviation Agency
Federal Communications Commission
Federal Maritime Commission
Federal Power Commission
Federal Trade Commission
Internal Revenue Service
Interstate Commerce Commission
Post Office Department
Small Business Administration
Veterans Administration
Weather Bureau

Detailed list of Contents appears inside.



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Contents

AGRICULTURE DEPARTMENT
See also Consumer and Marketing Service.
Notices
Nebraska; designation and extension of areas for emergency loans ... 8071

ATOMIC ENERGY COMMISSION
Notices
Philadelphia Electric Co.; extension of completion date ... 8071

CIVIL AERONAUTICS BOARD
Proposed Rule Making
Foreign air carrier permits authorizing charter transportation only; terms, conditions, and limitations ... 8062
Notices
IATA traffic conference; agreement regarding specific commodity rates ... 8071

CIVIL SERVICE COMMISSION
Notices
Executive Director, District of Columbia Redevelopment Land Agency; manpower shortage ... 8071

COMMERCE DEPARTMENT
See Weather Bureau.

CONSUMER AND MARKETING SERVICE
Rules and Regulations
Grain standards; change in agency name ... 8031
Hay and straw standards, and inspection and certification; change of agency name ... 8031
Limes grown in Florida; expenses and rate of assessment ... 8031
Peaches, Elberta; grades and sizes ... 8031
Proposed Rule Making
Cotton, American upland; withdrawal of proposal ... 8049
Milk in certain marketing areas:
Great Basin; suspension of provision ... 8049
Rio Grande Valley; decision ... 8050

FEDERAL AVIATION AGENCY
Rules and Regulations
Airworthiness certificates; effectiveness ... 8032
Airworthiness directives:
Boeing Models 707 and 720 Series aircraft ... 8033
Lockheed Models 1049C, D, E, G, and H Series aircraft ... 8033
Lycoming Models TIVO and VO-540 Series engines ... 8034
Marvel-Schebler carburetors, certain models ... 8034
Control zone; alteration ... 8036
Control zones and transition areas:
Alteration, designations, and revocation ... 8035
Alterations and designation ... 8036
Designation ... 8036
Control zone, transition areas, and control area extension; alteration, revocation, and designation ... 8035
Federal aid to airports; miscellaneous amendments ... 8037
Transition areas:
Alteration and designation ... 8037
Designations (2 documents) ... 8037
Proposed Rule Making
Airworthiness directive; Boeing Models 707 and 720 Series aircraft ... 8062

FEDERAL COMMUNICATIONS COMMISSION
Rules and Regulations
Table of assignment, FM broadcast stations ... 8048
Proposed Rule Making
Table of assignments, FM broadcast stations (2 documents) ... 8067
Notices
Hearings, etc.:
American Telephone and Telegraph Co ... 8071
Beard, Sam H., and Southeastern Broadcasting Co., Inc. (WKLF-FM) ... 8072
Clay County Broadcasting Co. and Wilderness Road Broadcasting Co ... 8072
Downriver Broadcasting Assn ... 8073
Kent-Sussex Broadcasting Co ... 8073
Symphony Network Association, Inc., and Chapman Radio and Television Co ... 8073

FEDERAL MARITIME COMMISSION
Notices
Board of Port Commissioners of City of Oakland et al.; agreement filed for approval ... 8073
Free time and demurrage practices on inbound cargo at New York harbor; hearing ... 8074
Seatrain Lines, Inc., and Puerto Rican Forwarding Co., Inc.; hearing ... 8074

FEDERAL POWER COMMISSION
Notices
Hearings, etc.:
Consolidated Gas Supply Corp. and United Fuel Gas Co ... 8079
Florida Gas Transmission Co ... 8078
Kewanee Oil Co. et al ... 8074
Natural Gas Pipeline Company of America ... 8079
South Georgia Natural Gas Co ... 8079

FEDERAL TRADE COMMISSION
Rules and Regulations
Prohibited trade practices:
Alaskan Fur Co., Inc., et al ... 8042
Cyn Les Sportswear, Inc., et al ... 8043
Nancy Greer, Inc ... 8043

INTERNAL REVENUE SERVICE
Rules and Regulations
Income taxes:
Dividends received; deduction for certain dividends paid by foreign corporations ... 8044
Tax adjustments in determining earnings and profits of certain foreign corporations ... 8044

INTERSTATE COMMERCE COMMISSION
Notices
Finance applications ... 8086
Fourth section applications for relief (2 documents) ... 8085, 8086
Motor carrier:
Alternate route deviation notices ... 8082
Applications and certain other proceedings ... 8083
Intrastate applications ... 8085

POST OFFICE DEPARTMENT
Rules and Regulations
What may be mailed at second class rates; supplements ... 8048
Proposed Rule Making
Supplements to publications with second class mailing privileges ... 8049

SMALL BUSINESS ADMINISTRATION
Notices
Delegations of authority to conduct program activities in certain areas:
Middle Atlantic ... 8080
Pacific Coastal ... 8080
Rocky Mountain ... 8080
Southeastern ... 8080
Disaster area declarations:
Kansas ... 8081
Missouri ... 8082
Texas (2 documents) ... 8081, 8082

TREASURY DEPARTMENT
See Internal Revenue Service.

VETERANS ADMINISTRATION
Rules and Regulations
Life insurance, U.S. government and national service; miscellaneous amendments ... 8047

WEATHER BUREAU
Rules and Regulations
Charges for services ... 8042

List of CFR Parts Affected

(Codification Guide)

The following numerical guide is a list of the parts of each title of the Code of Federal Regulations affected by documents published in today's issue. A cumulative list of parts affected, covering the current month to date, appears at the end of each issue beginning with the second issue of the month.

A cumulative guide is published separately at the end of each month. The guide lists the parts and sections affected by documents published since January 1, 1965, and specifies how they are affected.

7 CFR

26 8031
57 8031
68 8031
911 8031
917 8031

PROPOSED RULES:

28 8049
1136 8049
1138 8050

14 CFR

21 8032
39 (4 documents) 8033, 8034
71 (8 documents) 8035–8037
91 8032
151 8037

PROPOSED RULES:

39 8062
214 8062

15 CFR

503 8042

16 CFR

13 (3 documents) 8042, 8043

26 CFR

1 (2 documents) 8044

38 CFR

6 8047
8 8047

39 CFR

22 8048

PROPOSED RULES:

22 8049

47 CFR

73 8048

PROPOSED RULES:

73 (2 documents) 8067

Rules and Regulations

Title 7—AGRICULTURE

Chapter I—Consumer and Marketing Service (Standards, Inspections, Marketing Practices), Department of Agriculture

PART 26—GRAIN STANDARDS

Change of Agency Name

Pursuant to the provisions of section 8 of the United States Grain Standards Act (7 U.S.C. 84), §§ 26.2 (i), (j), and (p), 26.29(m)(3), 26.30a, 26.87, and 26.88 of the regulations (7 CFR 26.2 (i), (j), and (p), 26.29(m)(3), 26.30a, 26.87, and 26.88) and § 26.116 of the standards (7 CFR 26.116) issued under said Act are hereby amended by changing the phrase "Agricultural Marketing Service" wherever it appears therein to "Consumer and Marketing Service."

Statement of considerations. These amendments are of an organizational nature. They merely reflect the change in the name of the agency which administers the United States Grain Standards Act and make no substantive change in the regulations or standards. It is found under section 4 of the Administrative Procedure Act (5 U.S.C. 1003) that notice and other public procedure regarding the amendments are unnecessary, and good cause is found for making the amendments effective in less than 30 days after the publication thereof in the FEDERAL REGISTER.

They shall become effective upon publication in the FEDERAL REGISTER.

(Sec. 8, 39 Stat. 486; 7 U.S.C. 84; 30 F.R. 16210, 30 F.R. 1260, 2160)

Done at Washington, D.C., this 18th day of June 1965.

G. R. GRANGE,
Deputy Administrator, Marketing Services, Consumer and Marketing Service.

[F.R. Doc. 65-6576; Filed, June 22, 1965; 8:47 a.m.]

PART 57—UNITED STATES STANDARDS FOR HAY AND STRAW

PART 68—REGULATIONS AND STANDARDS FOR INSPECTION AND CERTIFICATION OF CERTAIN AGRICULTURAL COMMODITIES AND PRODUCTS THEREOF

Change of Agency Name

Pursuant to the provisions of section 205(b) of the Agricultural Marketing Act of 1946, as amended (7 U.S.C. 1624(b)), §§ 68.2 (e) and (f), 68.42a (e) and (g), and 68.49 of the regulations (7 CFR 68.2 (e) and (f), 68.42a (e) and (g), and 68.49) and §§ 57.1 (e) and (i) (note), 57.2 (a) (6) and (b) (2), 57.12 (note), and 57.51(a) (2) of the standards for hay and straw (7 CFR 57.1 (e) and (i) (note), 57.2 (a) (6) and (b) (2), 57.12 (note), and 57.51(a) (2)) issued under said Act are hereby amended by changing the phrase "Agricultural Marketing Service" wherever it appears therein to "Consumer and Marketing Service."

Statement of considerations. These amendments are of an organizational nature. They merely reflect the change in the name of the agency which administers the regulations and standards in Part 57 and Part 68 (7 CFR Parts 57, 68) under the Agricultural Marketing Act of 1946 and make no substantive change in the regulations or standards. It is found under section 4 of the Administrative Procedure Act (5 U.S.C. 1003) that notice and other public procedure regarding the amendments are unnecessary, and good cause is found for making the amendments effective in less than 30 days after the publication thereof in the FEDERAL REGISTER.

These amendments shall become effective upon publication in the FEDERAL REGISTER.

(Sec. 205, 60 Stat. 1090; 7 U.S.C. 1624(b); 30 F.R. 16210; 30 F.R. 1260, 2160)

Done at Washington, D.C., this 18th day of June 1965.

G. R. GRANGE,
Deputy Administrator, Marketing Services, Consumer and Marketing Service.

[F.R. Doc. 65-6577; Filed, June 22, 1965; 8:47 a.m.]

Chapter IX—Consumer and Marketing Service (Marketing Agreements and Orders; Fruits, Vegetables, Tree Nuts), Department of Agriculture

PART 911—LIMES GROWN IN FLORIDA

Expenses and Rate of Assessment

On June 8, 1965, notice of rule making was published in the FEDERAL REGISTER (30 F.R. 7501) regarding proposed expenses and the related rate of assessment for the period beginning April 1, 1965, and ending March 31, 1966, pursuant to the marketing agreement, as amended, and Order No. 911, as amended (7 CFR Part 911), regulating the handling of Limes grown in the State of Florida. This regulatory program is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674). After consideration of all relevant matters presented, including the proposals set forth in such notice which were submitted by the Florida Lime Administrative Committee (established pursuant to said marketing agreement and order), it is hereby found and determined that:

§ 911.205 Expenses and rate of assessment.

(a) *Expenses.* Expenses that are reasonable and likely to be incurred by the Florida Lime Administrative Committee during the period April 1, 1965, through March 31, 1966, will amount to $9,816.

(b) *Rate of assessment.* The rate of assessment for said period, payable by each handler in accordance with § 911.41, is fixed at $0.02 per bushel of limes.

It is hereby further found that good cause exists for not postponing the effective date hereof until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 1001–1011) in that (1) the relevant provisions of said marketing agreement and this part require that the rate of assessment herein fixed shall be applicable to all assessable limes handled during the aforesaid period, and (2) such period began on April 1, 1965, and said rate of assessment will automatically apply to all such limes beginning with such date.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: June 18, 1965.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 65-6606; Filed, June 22, 1965; 8:49 a.m.]

[Elberta Peach Reg. 1]

PART 917—FRESH BARTLETT PEARS, PLUMS, AND ELBERTA PEACHES GROWN IN CALIFORNIA

Grades and Sizes

§ 917.361 Elberta Peach Regulation 1.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 917, as amended (7 CFR Part 917), regulating the handling of fresh Bartlett pears, plums, and Elberta peaches grown in the State of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations of the Elberta Peach Commodity Committee, established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of Elberta peaches, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable, unnecessary, and contrary to the public interest to give preliminary notice, engage in public rule making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (5 U.S.C. 1001–1011) in that, as hereinafter set forth, the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient;

a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective not later than June 23, 1965. A reasonable determination as to the supply of, and the demand for, such peaches must await the development of the crop and adequate information thereon was not available to the Elberta Peach Commodity Committee until May 27, 1965; recommendation as to the need for, and the extent of, regulation of shipments of such peaches was made at the meeting of said committee on May 27, 1965, after consideration of all available information relative to the supply and demand conditions for such peaches, at which time the recommendation and supporting information were submitted to the Department; necessary supplemental data for consideration in connection with the specifications of the provisions were not available until June 17, 1965; shipments of the current crop of such peaches are expected to begin on or about June 23, 1965, and this section should be applicable to all shipments of such peaches in order to effectuate the declared policy of the act; and compliance with the provisions of this section will not require of handlers any preparation therefor which cannot be completed by the effective time hereof.

(b) *Order.* (1) During the period beginning at 12:01 a.m., P.s.t., June 23, 1965, and ending at 12:01 a.m., P.s.t., November 1, 1965, no shipper shall ship:

(i) Any package or container of Elberta peaches unless such peaches meet the requirements of the U.S. No. 1 grade: *Provided,* That with respect to ripe Elberta peaches, a tolerance of 10 percent, by count, for bruises not causing serious damage is allowed in addition to the tolerances provided for such U.S. No. 1 grade;

(ii) Any package or container of Elberta peaches unless at least 85 percent, by count, of such peaches are well matured (as such term is defined in subparagraph (2) of this paragraph);

(iii) Any lot of packages or containers of Elberta peaches if more than three (3) percent, by count, of the peaches in such lot are immature;

(iv) Any package or container of Elberta peaches unless at least 85 percent of the Elberta peaches contained in such package or container measure not less than 2⅜ inches in diameter: *Provided,* That Elberta peaches (*a*) when packed in a 12B California peach box, which are of the size that will pack, in accordance with the requirements prescribed for a standard pack, 65 peaches in said box, or (*b*) when packed in either a No. 26 standard lug box or a No. 27 standard lug box, which are of the size that will pack, in accordance with the requirements prescribed for a standard pack, not more than 80 peaches in the respective lug box, shall be deemed to meet the said minimum diameter requirement: *And provided, further,* That for the purpose of determining whether ripe Elberta peaches meet the said standard pack requirements, such peaches may be fairly tightly packed rather than tightly packed.

(2) Peaches which are "well matured" means peaches which, at the time of picking, (i) have shoulders and sutures well filled out and smooth; (ii) have skin which is at least very light green to yellowish green in color; (iii) have flesh that is yellow or straw color with only a small portion usually next to the skin being greenish yellow or greenish straw color; (iv) have flesh which shows some juiciness; and (v) yield very slightly to moderate pressure at the suture or tip.

(3) Section 917.143 sets forth the requirements with respect to the inspection and certification of shipments of Elberta peaches. Such section also prescribes the conditions which must be met if any shipment is to be made without prior inspection and certification. Notwithstanding that shipments may be made without inspection and certification, each shipper shall comply with all grade and size regulations applicable to the respective shipment.

(4) Terms used in the amended marketing agreement and order shall, when used herein, have the same meaning as given to the respective term in said amended marketing agreement and order; "U.S. No. 1," "bruises," "defects," "damage," "serious damage," "standard pack," "tightly packed," and "fairly tightly packed" shall have the same meaning as when used in the U.S. Standards for Peaches (§§ 51.1210–51.1223 of this title); "No. 26 standard lug box" and "No. 27 standard lug box," respectively, shall have the same meaning as set forth in section 828.4 of the Agricultural Code of California; "No. 12B California peach box" shall have the same meaning as set forth in section 828.25 of the Agricultural Code of California; and "diameter" shall mean the distance through the widest portion of the cross section of a peach at right angles to a line running from the stem to the blossom end.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: June 18, 1965.

FLOYD F. HEDLUND,
Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 65–6607; Filed, June 22, 1965; 8:49 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Agency

[Docket No. 1528; Amdts. 21–1, 91–19]

PART 21—CERTIFICATION PROCEDURES FOR PRODUCTS AND PARTS

PART 91—GENERAL OPERATING AND FLIGHT RULES

Effectiveness of Airworthiness Certificates

The purpose of this amendment is to clarify the regulation governing the duration of airworthiness certificates with respect to the performance of alterations. In addition, the details of the revision to the format of airworthiness certificates as specified in the Notice on this matter are set forth herein. This action is based on the proposal published in the FEDERAL REGISTER (27 F.R. 12720) and issued as Draft Release 62–55.

While Draft Release 62–55 proposed to amend sections of Parts 1 and 43 of the Civil Air Regulations, these regulations have subsequently been recodified as Parts 21 and 91 respectively, of the Federal Aviation Regulations. These amendments are therefore made to the appropriate sections of the recodified parts.

As proposed in the Draft Release, § 21.181(a) (formerly § 1.64) is amended to make it clear that an airworthiness certificate remains in effect as long as alterations, as well as maintenance, are performed in accordance with Parts 43 and 91 of the Federal Aviation Regulations. In addition, § 91.163 (formerly § 43.20) is amended to include alterations within the prohibition provided therein. In connection with these amendments, there were comments suggesting that the regulations should make it clear that alterations must also be "accomplished in accordance with the pertinent portions of the applicable airworthiness requirements • • •." As amended, the regulations now require that alterations be accomplished in accordance with Part 43, which in turn requires that alterations be performed on the basis of approved technical data and that after alteration the aircraft, airframe, aircraft engine, propeller or appliance worked on must be at least equal to its original or properly altered condition. Thus, under the current provisions of Part 43 the applicable airworthiness requirements must be considered during the performance of alterations. For this reason, the Agency does not believe that a general reference to the applicable airworthiness requirement as suggested is necessary or would serve any useful purpose.

At the time that the Draft Release was issued, the term "maintenance" included preventive maintenance. However, as now defined, maintenance does not include preventive maintenance. There fore to make these regulations consistent with the proposal, §§ 21.181(a) and 91.163 are amended to specifically include preventive maintenance.

In addition to the foregoing, the proposal would have amended the regulation governing the duration of airworthiness certificates to require that an aircraft be in a condition for safe operation in addition to requiring that maintenance and alterations on the aircraft be performed in accordance with Parts 43 and 91 of the Federal Aviation Regulations. However, since the requirement for the performance of maintenance and alterations in accordance with Parts 43 and 91 is designed to assure that the aircraft is in a condition for safe operation, the proposed amendment appears to be unnecessary and could be misleading. For these reasons, the regulation has not been changed as proposed.

Certain other clarifying changes proposed in Draft Release 62–55 have subsequently been incorporated into the regulations. In this connection, during the recodification program a clarification was incorporated into § 21.181(a) specifying that an airworthiness certificate is effective as long as the aircraft for which it is issued is registered in the United States. Moreover, § 91.27(a) was recently amended to provide the clarification concerning special flight permits which was proposed in Draft Release 62–55.

Draft Release 62–55 proposed that the regulations (formerly § 43.20) be amended to require that an aircraft be inspected and found to be in a condition for safe operation whenever the approved operating limitations for the aircraft had been exceeded. The comments received concerning this proposal pointed out the problems involved in establishing compliance with this requirement, indicating that it was unworkable and subject to many interpretations. On the other hand, as recodified, the regulations now expressly provide that the pilot in command is responsible for determining whether his aircraft is in condition for safe flight and require him to discontinue the flight when unairworthy mechanical or structural conditions occur. In view of the foregoing the proposed requirement is not being adopted.

The Draft Release referred to the Agency's plans to revise the format of airworthiness certificates. In this connection, as proposed, the new format will reflect the amendments set forth herein and will provide for the enumeration of any exceptions to full compliance with the applicable comprehensive and detailed national airworthiness requirements in accordance with the Convention on International Civil Aviation (ICAO). It was proposed to add an explanatory note to the regulations to the effect that the airworthiness certificate would identify any exemptions from the applicable airworthiness requirements that had been granted for an aircraft. However, the Agency does not now consider that such a note is necessary or appropriate. Moreover, it has subsequently been determined by the Agency that at this time the revised airworthiness certificate need only be issued for aircraft certificated in the normal, utility, acrobatic, and transport category. In addition, it should be emphasized that this amendment does not require the exchange of present certificates. Certificates in the new format will simply be issued in the future to persons applying for airworthiness certification.

There was also a general comment made with respect to the need for definitions of the terms "airworthy" and "airworthiness" in the regulations. While the Agency is aware of the problems referred to in this comment, the recommended action goes beyond the scope of the notice in this matter.

Interested persons have been afforded an opportunity to participate in the making of this amendment and due consideration has been given to all relevant matters presented.

In consideration of the foregoing, Parts 21 and 91 of the Federal Aviation Regulations are amended effective September 21, 1965, as follows:

1. Section 21.181(a) of Part 21 is amended to read as follows:

§ 21.181 Duration.

(a) Unless sooner surrendered, suspended, revoked or a termination date is otherwise established by the Administrator, an airworthiness certificate is effective as long as the maintenance, preventive maintenance, and alterations are performed in accordance with Parts 43 and 91 of this chapter and the aircraft is registered in the United States.

• • • • •

2. The title of Subpart C of Part 91 is amended to read as follows:

Subpart C—Maintenance, Preventive Maintenance, and Alterations

3. Section 91.161(a) is amended to read as follows:

§ 91.161 Applicability.

(a) This subpart prescribes rules governing the maintenance, preventive maintenance, and alteration of U.S. registered aircraft operating in the United States.

• • • • •

4. Section 91.163(b) of Part 91 is amended to read as follows:

§ 91.163 General.

• • • • •

(b) No person may perform maintenance, preventive maintenance, or alterations on an aircraft other than as prescribed in this subpart and other applicable regulations, including Part 43 of this chapter.

(Secs. 313(a), 601, 603, Federal Aviation Act of 1958; 49 U.S.C. 1354, 1421, 1423)

Issued in Washington, D.C., on June 17, 1965.

N. E. HALABY,
Administrator.

[F.R. Doc. 65–6546; Filed, June 22, 1965; 8:45 a.m.]

[Docket No. 6491; Amdt. 39–90]

PART 39—AIRWORTHINESS DIRECTIVES

Boeing Models 707 and 720 Series Aircraft

A proposal to amend Part 39 of the Federal Aviation Regulations to include an airworthiness directive requiring inspection and replacement of the nose gear drag brace lock rod upper attachment bolts on Boeing Models 707 and 720 Series aircraft was published in 30 F.R. 2470.

Interested persons have been afforded an opportunity to participate in the making of the amendment. One comment requested the bolt replacement interval be increased to 7,000 hours' time in service. Since the problem is one of fatigue, and no substantiation was presented to establish the integrity of the bolts in excess of 6,000 hours, the replacement interval has not been changed.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (25 F.R. 6489), § 39.13 of Part 39 of the Federal Aviation Regulations is amended by adding the following new airworthiness directive:

BOEING. Applies to Models 707 and 720 Series aircraft noted in Boeing Service Bulletin No. 2073(R–1).

Compliance required as indicated.

Investigation of a recent failure of the nose gear drag brace lock rod upper attachment bolt, which resulted in the affected aircraft landing with the nose gear retracted, indicates that this bolt is susceptible to fatigue failures and requires replacement.

(a) Bolt P/N BAC B30ABP6–37 shall be replaced as follows:

(1) Bolts having 5,400 or more hours' time in service on the effective date of this AD shall be replaced in accordance with paragraph (3) within 600 hours' time in service after the effective date of this AD.

(2) Bolts having less than 5,400 hours' time in service on the effective date of this AD shall be replaced in accordance with paragraph (3) prior to the accumulation of 6,000 hours' time in service.

(3) Replace nose gear drag brace lock rod upper attachment bolts P/N BAC B30ABP6–37 with a new bolt of the same part number or with Standard Pressed Steel Co. bolt SFH 22–6–35, Vol-Shan Manufacturing Co. bolt VS 2545H6F35T, or a bolt approved by the Chief, Aircraft Engineering Division, FAA Western Region.

(4) Bolts P/N BAC B30ABP6–37 installed in accordance with paragraph (3) shall be repetitively replaced thereafter within each 6,000 hours' time in service from the last replacement unless they are replaced with Standard Pressed Steel Co. bolt SFH 22–6–35, Vol-Shan Manufacturing Co. bolt VS 2545H-6F35T, or a bolt approved by the Chief, Aircraft Engineering Division, FAA Western Region.

(b) Operators who have not kept records of hours' time in service on nose gear drag brace lock rod upper attachment bolts shall substitute airplane hours' time in service in lieu thereof.

(Boeing Service Bulletin No. 2073(R–1) covers this same subject.)

This amendment becomes effective July 23, 1965.

(Sec. 313(a), 601, 603, Federal Aviation Act of 1958; 49 U.S.C. 1354(a), 1421, 1423)

Issued in Washington, D.C., on June 17, 1965.

HARRY A. TURNPAUGH,
Acting Director, Flight Standards Service.

[F.R. Doc. 65–6547; Filed, June 22, 1965; 8:45 a.m.]

[Docket No. 6442; Amdt. 39–88]

PART 39—AIRWORTHINESS DIRECTIVES

Lockheed Models 1049 C, D, E, G, and H Series Aircraft

A proposal to amend Part 39 of the Federal Aviation Regulations to include an airworthiness directive requiring inspection of the wing rear beam cap fitting at intervals of 3,500 hours on Lockheed Models 1049 C, D, E, G, and H Series aircraft was published in 30 F.R. 845.

Interested persons have been afforded an opportunity to participate in the making of the amendment. Comments received as a result of the notice indicated that three air carriers presently using aircraft in the subject series inspect the affected fittings at intervals of 4,000, 4,200, and 5,500 hours' time in service, respectively. The Agency has determined, after coordination with the manufacturer, that there is insufficient evidence

to justify extension of the inspection intervals without further substantiation.

In support of the request for extended inspection intervals, a comment stated that the standard paragraph contained in the notice regarding changes in the repetitive inspection periods, while intended to provide relief, has not proven to be a satisfactory solution. The Agency believes that the standard paragraph, if properly implemented by the operators, does in fact provide a satisfactory solution in accordance with the intent of the Federal Aviation Regulations.

A comment stated that one operator, had, on initial inspection of its fleet, found no cracked fittings. However, a Mechanical Reliability Report of April 26, 1964, from that operator reports that an inspection by it revealed a cracked fitting and that the fitting was replaced.

Another comment indicated that an operator's analysis of failed fittings does not bear out the contention in the notice that the grain direction is the primary cause of failure. The Agency has found that more recent failures reported have indicated that fatigue cracking occurs at high service time on fittings with properly oriented grain direction in some cases and low time cracks are caused by improperly oriented material grain direction in others. It should be noted, however, that the subject notice did not mention the cause of the fitting cracking. The reference probably intended by the comment is to early correspondence with the operator regarding the fitting.

In consideration of the foregoing and pursuant to the authority delegated to me by the Administrator (25 F.R. 6489), § 39.13 of Part 39 of the Federal Aviation Regulations is amended by adding the following new airworthiness directive:

LOCKHEED. Applies to Models 1049C, 1049D, 1049E, 1049G, and 1049H Series aircraft. Compliance required as indicated.

To detect cracked beam cap tie-in fittings, accomplish the following:

(a) Inspect the beam cap tie-in fittings, Lockheed P/Ns 311134L and 311134R, on the upper forward face of the rear spar at Wing Stations 80L and 80R for cracks in the area of the 0.16 inch radius near the center of the fitting, using dye penetrant or an FAA-approved equivalent as specified in paragraph (b) or (c) as applicable.

(b) Inspect fittings with 20,000 or more hours' time in service on the effective date of this AD in accordance with paragraph (a) within the next 350 hours' time in service unless already accomplished within the last 3,150 hours' time in service, and at intervals thereafter not to exceed 3,500 hours' time in service from the last inspection.

(c) Inspect fittings with less than 20,000 hours' time in service on the effective date of this AD in accordance with paragraph (a) within 350 hours' time in service after the effective date of this AD unless already accomplished, and—

(1) If the fittings had 16,850 or more hours' time in service at the time of the inspection, reinspect at intervals not to exceed 3,500 hours' time in service from the last inspection;

(2) If the fittings had less than 16,850 hours' time in service at the time of the inspection, reinspect before the accumulation of 20,350 hours' time in service and at intervals thereafter not to exceed 3,500 hours' time in service from the last inspection.

(d) Replace any fitting found cracked with a new fitting of the same part number before further flight.

(e) Operators who have not kept records of hours' time in service on individual fittings shall substitute airplane hours' time in service in lieu thereof.

(f) Upon request of the operator, an FAA maintenance inspector, subject to prior approval of the Chief, Aircraft Engineering Division, FAA Western Region, may adjust the repetitive inspection intervals specified in this AD to permit compliance at an established inspection period of the operator if the request contains substantiating data to justify the increase for such operator.

This supersedes Amendment 694 (29 F.R. 2944), AD 64-6-5, as amended by Amendment 732 (29 F.R. 6681).

This amendment becomes effective July 23, 1965.

(Secs. 313(a), 601, 603, Federal Aviation Act of 1958; 49 U.S.C. 1354(a), 1421, 1423)

Issued in Washington, D.C., on June 17, 1965.

HARRY A. TURNPAUGH,
Acting Director,
Flight Standards Service.

[F.R. Doc. 65-6542; Filed, June 22, 1965; 8:45 a.m.]

[Docket No. 6605; Amdt. 39-89]

PART 39—AIRWORTHINESS DIRECTIVES

Lycoming Models TIVO and VO-540 Series Engines

A proposal to amend Part 39 of the Federal Aviation Regulations to supersede Amendment 713, 29 F.R. 5163, AD 64-8-3, with a new directive requiring replacement of the older connecting rods with a new strengthened connecting rod assembly and to include both Models VO-540 and TIVO-540 Series Lycoming engines was published in 30 F.R. 5907.

Interested persons have been afforded an opportunity to participate in the making of the amendment. No objections were received.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (25 F.R. 6489), § 39.13 of Part 39 of the Federal Aviation Regulations, is hereby amended by adding the following new airworthiness directive:

LYCOMING. Applies to Model VO-540 Series engines with Serial Numbers 102-43 through 484-43, 486-43 through 587-43, 589-43 through 599-43, 602-43 through 618-43, 623-43 through 626-43, 628-43 through 675-43, 677-43 through 679-43, 681-43, 682-43, 684-43 through 686-43, 688-43 through 693-43, 696-43 through 701-43, 704-43, 706-43, 711-43 through 743-43, 747-43 through 750-43, 753-43, 761-43, 763-43, 764-43 through 769-43, 775-43 through 808-43, 810-43 through 1014-43, 1016-43 through 1069-43, 1072-43, 1073-43, 1076-43 through 1125-43, 1127-43 through 1136-43, 1138-43 through 1187-43, 1189-43 through 1191-43, 1193-43 through 1201-43, 1208-43, and to Model TIVO-540 Series engines with Serial Numbers 105-57, 109-57, 115-57 through 117-57, 124-57.

Compliance required as indicated.

To prevent further failures of connecting rods, P/N 71947 and P/N 73174, accomplish the following:

(a) Replace connecting rod assemblies, P/N 71947 and P/N 73174, with a new rod assembly, P/N 75548, before further flight following any engine operation during which the engine speed has exceeded 3,500 r.p.m.

(b) Replace connecting rod assemblies, P/N 71947 and P/N 73174, with 400 or more hours' time in service on the effective date of this AD with connecting rod assembly, P/N 75548, within the next 150 hours' time in service.

(c) Replace connecting rod assemblies, P/N 71947 and P/N 73174, with less than 400 hours' time in service on the effective date of this AD with connecting rod assembly, P/N 75548, prior to 550 hours' time in service.

(d) Replacement of connecting rod assemblies required by paragraphs (a), (b), and (c), shall be accomplished in accordance with the instructions in Lycoming Service Bulletin No. 303 or later FAA-approved revision.

This supersedes Amendment 713, 29 F.R. 5163, AD 64-8-3.

This amendment becomes effective July 23, 1965.

(Secs. 313(a), 601, 603, Federal Aviation Act of 1958; 49 U.S.C. 1354(a), 1421, 1423)

Issued in Washington, D.C., on June 17, 1965.

HARRY A. TURNPAUGH,
Acting Director,
Flight Standards Service.

[F.R. Doc. 65-6549; Filed, June 22, 1965; 8:45 a.m.]

[Docket No. 6230; Amdt. No. 39-91]

PART 39—AIRWORTHINESS DIRECTIVES

Marvel-Schebler Models MA-3, MA-3A, MA-3SPA, MA-4SPA, MA-4-5, MA-4-5AA, and MA-6 Carburetors

Amendment 39-11 (29 F.R. 16317), AD 64-27-2, as amended by Amendment 39-37 (30 F.R. 2134) requires inspection, parts replacement, installation of the positive retraction float valve assembly, and safetying of the bowl screws by the use of safety wire on Marvel-Schebler Models MA-3, MA-3A, MA-3SPA, MA-4SPA, MA-4-5, MA-4-5AA, and MA-6 Carburetors. The Agency has determined that the use of hexagonal head cap screws with special lock washers may be substituted for screws and safety wire on certain carburetors without adversely affecting safety. Therefore the AD is revised to permit the use of these screws and lock washers.

Since this amendment provides an alternative means of compliance and imposes no additional burden on any person, notice and public procedure hereon are unnecessary and the amendment may be made effective in less than 30 days.

In consideration of the foregoing and pursuant to the authority delegated to me by the Administrator (25 F.R. 6489), § 39.13 of Part 39 of the Federal Aviation Regulations, Amendment 39-11 (29 F.R. 16317), AD 64-27-2, as amended by Amendment 39-37 (30 F.R. 2134), is further amended by adding the following new sentence at the end of paragraph (e): "Use of ¼-28 x ⅜ UNF-2A hexagonal head cap screws with Marvel-Schebler special lock washer P/N 78-A97 is an acceptable alternate for the screw and safety wire procedure on Model MA-4-5, MA-4-5AA, and MA-6 carburetors."

This amendment becomes effective June 23, 1965.

(Secs. 313(a), 601, 603, Federal Aviation Act of 1958; 49 U.S.C. 1354(a), 1421, 1423)

Issued in Washington, D.C. on June 16, 1965.

HARRY A. TURNPAUGH,
Acting Director,
Flight Standards Service.

[F.R. Doc. 65-6550; Filed, June 22, 1965; 8:45 a.m.]

[Airspace Docket No. 64-EA-2]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Control Zone and Transition Area, Revocation of Control Area Extension and Designation of Transition Area

On pages 3783 and 3784 of the FEDERAL REGISTER for March 23, 1965, the Federal Aviation Agency published proposed regulations which would alter the Hopkinsville, Ky., control zone, the Hopkinsville, Ky., transition area, revoke the Hopkinsville, Ky., control area extension and designate a 700-foot Hopkinsville, Ky. (Hopkinsville-Christian County), transition area.

Interested parties were given 45 days after publication in which to submit written data or views. No objections to the proposed regulations have been received.

In view of the foregoing, the proposed regulations are hereby adopted effective 0001 e.s.t., August 19, 1965, except as follows:

1. Under Item 3 of the text material, line 6, delete the figures "044°" and insert in lieu thereof "045°".

2. Under Item 3 of the text material, second paragraph, line 9, delete the coordinates "37°17'50" N., 87°18'00" W." and insert in lieu thereof "the W edge of V7 at latitude 37°17'50" N.".

(Sec. 307(a), Federal Aviation Act of 1958; 72 Stat. 749; 49 U.S.C. 1348)

Issued in Jamaica, N.Y., on June 7, 1965.

W. E. CULLINAN, JR.,
Acting Director, Eastern Region.

1. Amend § 71.165 of Part 71 of the Federal Aviation Regulations so as to delete the Hopkinsville, Ky., control area extension.

2. Amend § 71.171 of Part 71 of the Federal Aviation Regulations so as to delete the description of the Hopkinsville, Ky., control zone and insert in lieu thereof:

Within a 5-mile radius of the center, 36°40'11" N., 87°29'13" W. of Campbell Army Airfield, excluding the area within a 1.5-mile radius of the center of Outlaw Field, Clarksville, Tenn.; within 2 miles each side of the Campbell VOR 226° radial extending from the 5-mile radius zone to the VOR and within 2 miles each side of the Campbell TACAN 049° radial extending from the 5-mile radius zone to 8 miles NE of the TACAN.

3. Amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to delete the Hopkinsville, Ky., Transition Area and insert in lieu thereof a 700-, 1,200-, and 2,500-foot Hopkinsville, Ky. (Campbell AAF), transition area described as follows:

HOPKINSVILLE, KY. (CAMPBELL AAF)

That airspace extending upward from 700 feet above the surface within a 14-mile radius of the center, 36°40'11" N., 87°29'13" W. of Campbell Army Airfield; within 5 miles SE and 8 miles NW of the Campbell RBN 045° bearing extending from the 14-mile radius area to 12 miles NE of the RBN; within 5 miles NW and 8 miles SE of the Clarksville, Tenn., VOR 064° radial extending from the 14-mile radius area to 12 miles NE of the VOR.

That airspace extending upward from 1,200 feet above the surface within the area bounded on the E by V7, on the SE by V87, on the S by V16N and V140, and by a line commencing at the N edge of V140 at 37°55'15" W. to 36°28'00" N., 88°19'50" W. to 36°34'45" N., 88°08'00" W. to 36°44'45" N., 88°09'55" W. to 36°53'20" N., 88°07'05" W. to 37°12'50" N., 87°39'30" W. to the W edge of V7 at latitude 37°17'50" N.

That airspace extending upward from 2,500 feet MSL within 5 miles each side of the Paducah, Ky., VOR 109° radial bounded on the E by the aforementioned 1,200-foot transition area and on the W by a line between 36°54'00" N., 88°42'15" W. and 37°01'30" N., 88°36'00" W.

4. Amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to designate a part-time 700-foot Hopkinsville, Ky (Hopkinsville-Christian County), transition area described as follows:

HOPKINSVILLE, KY. (HOPKINSVILLE-CHRISTIAN COUNTY)

That airspace extending upward from 700 feet above the surface within a 5-mile radius of the center, 36°51'21" N., 87°27'30" W. of Hopkinsville-Christian County Airport, Hopkinsville, Ky., excluding that portion within the Hopkinsville, Ky. (Campbell AAF), Transition Area. This transition area is effective from sunrise to sunset, daily.

[F.R. Doc. 65-6551; Filed, June 22, 1965; 8:45 a.m.]

[Airspace Docket No. 64-EA-58]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration, Designation and Revocation of Control Zones and Designation of Transition Areas

On pages 1993 and 1994 of the FEDERAL REGISTER for February 12, 1965, the Federal Aviation Agency published proposed regulations which would alter the control zone of Windsor Locks, Conn.; designate a part-time control zone for East Hartford, Conn.; designate a 700-foot transition area over Bradley Field, Windsor Locks, Conn., and over Windham Airport, Willimantic, Conn., and revoke the Hartford, Conn., control zone. A 1200-foot Hartford, Conn., transition area would also be designated, and a 700-foot transition area over Rentschler Field, Hartford, Conn.

Interested parties were given 45 days after publication in which to submit written data or views. Simsbury Flying Service objected to the inclusion of Simsbury Airport in the Windsor Locks, Conn., control zone on the grounds of a hardship to its operations. However, Simsbury Airport is included in the presently existing Windsor Locks control zone, and the proposed alteration does not place any additional burden on any user of Simsbury Airport. Further, because of its physical location, and resultant effect on instrument approach procedures to Bradley Field, Simsbury Airport cannot be excluded at this time.

In view of the foregoing, the proposed regulations are hereby adopted effective 0001 e.s.t., August 19, 1965.

(Sec. 307(a) Federal Aviation Act of 1958; 72 Stat. 749; 49 U.S.C. 1348)

Issued in Jamaica, N.Y., on June 4, 1965.

WAYNE HENDERSHOT,
Acting Director, Eastern Region.

1. Amend § 71.171 of Part 71 of the Federal Aviation Regulations by deleting the Windsor Locks, Conn., control zone description and insert in lieu thereof the following:

Within a 5-mile radius of the center 41°56'24" N., 72°41'10" W. of Bradley Field, Windsor Locks, Conn., and including a 1-mile radius of the center 41°54'58" N., 72°46'39" W. of Simsbury Airport, Simsbury, Conn.; within 2 miles each side of the airport ILS localizer SW course extending from the 5-mile radius zone to 6 miles S of the OM; within 2 miles each side of the centerline of Runway 19 extended from the 5-mile radius zone to 6 miles S of the end of the runway; within 2 miles each side of the centerline of Runway 15 extended from the 5-mile radius zone to 6 miles SE of the end of the runway; within 2 miles each side of the airport ILS localizer NE course extending from the 5-mile radius zone to 6 miles NE of the localizer; within 2 miles each side of the centerline of Runway 1 extended from the 5-mile radius zone to 6 miles north of the end of the runway; within 2 miles each side of the centerline of Runway 33 extended from the 5-mile radius zone to 7 miles NW of the end of the runway.

2. Amend § 71.171 of Part 71 of the Federal Aviation Regulations by revoking the Hartford, Conn., control zone.

3. Amend § 71.171 of Part 71 of the Federal Aviation Regulations by designating a part-time East Hartford, Conn., control zone described as follows:

EAST HARTFORD, CONN.

Within a 5-mile radius of the center 41°-45'08" N., 72°37'21" W. of Rentschler Field, East Hartford, Conn.; within 2 miles each side of the Hartford VOR 334° radial extending from the 5-mile radius zone to the VOR; within 2 miles each side of a line bearing 191° from the Hartford RBN extending from the 5-mile radius zone to 7 miles S of the RBN; and within 2 miles each side of the centerline of Runway 14 extended from the 5-mile radius zone to 7 miles SE of the end of the runway. This control zone is effective from 0700 to 2300 hours local time, daily.

4. Amend § 71.181 of Part 71 of the Federal Aviation Regulations by designating a 700- and 1,200-foot Hartford, Conn., transition area described as follows:

HARTFORD, CONN.

That airspace extending upward from 700 feet above the surface within a 9-mile radius of the center 41°56'24" N., 72°41'10" W. of Bradley Field, Windsor Locks, Conn.; within 2 miles each side of the airport ILS localizer SW course extending from the 9-mile radius area to 8 miles SW of the OM; within 3 miles each side of the centerline of Runway 33 extended from the 9-mile radius area to 13 miles NW of the end of the runway; within 2 miles each side of the centerline of Runway 6 extended from the 9-mile radius area to 12 miles NE of the end of the runway; within a 10-mile radius of the center of Bradley Field extending clockwise between lines bearing 327° to 028° from the airport; within a 9-mile radius of the center 41°45'08" N., 72°-37'21" W. of Rentschler Field, East Hartford, Conn.; within a 13-mile radius of Rentschler Field extending clockwise from 110° to 240° bearing from the airport; within 5 miles NW and 5 miles SE of the Hartford VOR 223° radial extending from the VOR to a point 15 miles SW.

That airspace extending upward from 1,200 feet above the surface bounded by a line beginning at 42°02'00" N., 72°07'00" W. to 41°55'00" N., 71°59'00" W. to 41°40'00" N., 72°08'00" W. to 41°18'00" N., 72°30'30" W. to 41°31'00" N., 72°46'00" W. to 41°49'00" N., 73°16'00" W. to 42°02'00" N., 73°16'00" W. to the point of beginning.

5. Amend § 71.181 of Part 71 of the Federal Aviation Regulations by designating a 700-foot Willimantic, Conn., transition area described as follows:

WILLIMANTIC, CONN.

That airspace extending upward from 700 feet above the surface within an 8-mile radius of the center 41°44'40" N., 72°10'46" W. of Windham Airport, Willimantic, Conn.; within 2 miles each side of the centerline of Runway 9 extended from the 8-mile radius area to 9.5 miles E of the end of the runway; within 2 miles each side of the Norwich VOR 323° radial extended from the 8-mile radius area to the VOR; and within 2 miles each side of the centerline of Runway 27 extended from the 8-mile radius area to 9 miles W of the end of the runway. This transition area shall be in effect from sunrise to sunset.

[F.R. Doc. 65-6552; Filed, June 22, 1965; 8:45 a.m.]

[Airspace Docket No. 64-EA-77]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Control Zones, Transition Area and Designation of Transition Areas

On pages 3784 and 3785 of the FEDERAL REGISTER for March 23, 1965, the Federal Aviation Agency published proposed regulations which would alter the Concord, N.H., and Manchester, N.H., control zones; alter the Laconia, N.H., transition area; designate a 700-foot floor transition area over Boire Field, Nashua, N.H., Concord Municipal Airport, Concord, N.H., and Grenier Field, Manchester, N.H. A 1,200-foot floor Concord, N.H., transition area would also be designated.

Interested parties were given 45 days after publication in which to submit written data or views. No objections to the proposed regulations have been received. Subsequent to the issuance of the notice of proposed rule making, the Grenier Field instrument approach procedure, AL-246-VOR/DME-1 final approach course was altered from 327° to 325°. Further the Concord radio beacon was renamed the Pembroke radio beacon and for purposes of clarity, the coordinates of said radio beacon will be included in the final rule.

In view of the foregoing, the proposed regulations are hereby adopted effective 0001 e.s.t., August 19, 1965, except as follows:

1. Under Item 1 of the text material, line 7, delete the words "Concord RBN" and insert in lieu thereof the words "Pembroke RBN (43°10'57" N., 71°28'18" W.)".

2. Under Item 2 of the text material, line 10, delete the figures "327°" and insert in lieu thereof "325".

(Sec. 307(a), Federal Aviation Act of 1958; 72 Stat. 749; 49 U.S.C. 1348)

Issued in Jamaica, N.Y., on June 7, 1965.

W. E. CULLINAN, Jr.,
Acting Director, Eastern Region.

1. Amend § 71.171 of Part 71 of the Federal Aviation Regulations so as to delete the Concord, N.H., control zone and insert in lieu thereof:

CONCORD, N.H.

Within a 5-mile radius of the center, 43°12'10" N., 71°30'10" W. of Concord Municipal Airport, Concord, N.H.; within 2 miles each side of the Concord VOR 265° radial extending from the 5-mile radius zone to 7 miles W of the VOR; within 2 miles each side of the 136° bearing from the Pembroke RBN (43°10'57" N., 71°28'18" W.), extending from the 5-mile radius zone to 7 miles SE of the radio beacon; within 2 miles each side of the centerline of Runway 35 extended from the 5-mile radius zone to 6 miles N of the end of the runway.

2. Amend § 71.171 of Part 71 of the Federal Aviation Regulations so as to delete the Manchester, N.H., control zone and insert in lieu thereof:

MANCHESTER, N.H.

Within a 5-mile radius of the center, 42°55'55" N., 71°26'20" W. of Grenier Field, Manchester, N.H.; within 2 miles each side of the 157° bearing from the Manchester RBN extending from the 5-mile radius zone to 6 miles S of the RBN; within 2 miles each side of the Manchester VOR 142° and 322° radials extending from the 5-mile radius zone to 6 miles SE of the VOR; within 2 miles each side of the Manchester VOR 325° radial extending from the 5-mile radius zone to 13 miles NW of the VOR effective from 0600 to 2300 hours, local time, daily.

3. Amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to designate a 700- and 1,200-foot transition area described as follows:

CONCORD, N.H.

That airspace extending upward from 700 feet above the surface bounded by a line beginning at 43°29'00" N., 71°23'00" W. to 42°49'00 N., 71°11'00" W. to 42°43'00" N., 71°23'00" W. to 42°43'00" N., 71°36'00" W. to 42°54'00" N., 71°45'00" W. to 42°57'00" N., 71°40'00" W. to 43°17'00" N., 71°46'00" W. to point of beginning.

That airspace extending upward from 1,200 feet above the surface bounded by a line beginning at 43°53'00" N., 71°05'00" W. to 42°43'00" N., 71°15'00" W. to 42°43'00" N., 71°40'00" W. to 42°55'00" N., 72°00'00" W. to 43°35'00" N., 71°55'00" W. to 43°45'00" N., 71°09'00" W. to point of beginning

4. Amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to delete the description of the Laconia, N.H., transition area and insert in lieu thereof:

LACONIA, N.H.

That airspace extending upward from 700 feet above the surface within a 5-mile radius of the center, 43°34'24" N., 71°25'30" W. of Laconia Airport, Laconia, N.H.; within 2 miles each side of the 247° bearing from the Laconia RBN extending from the 5-mile radius area to 8 miles SW of the RBN.

[F.R. Doc. 65-6553; Filed, June 22, 1965; 8:46 a.m.]

[Airspace Docket No. 65-EA-17]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Designation of Control Zone and Transition Area

On pages 4138 and 4139 of the FEDERAL REGISTER for March 30, 1965, the Federal Aviation Agency published proposed regulations which would designate an Aberdeen, Md., control zone and a 700-foot transition area over Phillips Army Airfield, Aberdeen, Md.

Interested parties were given 45 days after publication in which to submit written data or views. No objections to the proposed regulations have been received.

In view of the foregoing, the proposed regulations are hereby adopted effective 0001 e.s.t., August 19, 1965.

(Sec. 307(a), Federal Aviation Act of 1958; 72 Stat. 749; 49 U.S.C. 1348)

Issued in Jamaica, N.Y., on June 7, 1965.

W. E. CULLINAN, Jr.,
Acting Director, Eastern Region.

1. Amend § 71.171 of Part 71 of the Federal Aviation Regulations so as to designate an Aberdeen, Md., control zone:

ABERDEEN, MD.

Within a 5-mile radius of the center, 39°26'18" N., 76°10'13" W. of Phillips AAF and within 2 miles each side of the Aberdeen RBN 029° bearing extending from the 5-mile radius zone to 6 miles NE of the RBN.

2. Amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to designate a 700-foot Aberdeen, Md., transition area described as follows:

ABERDEEN, MD.

That airspace extending upward from 700 feet above the surface within a 7-mile radius of the center, 39°28'18" N., 76°10'13" W. of Phillips AAF, Aberdeen, Md., and within 2 miles each side of the Aberdeen RBN 029° bearing extending from the 7-mile radius area to 8 miles NE of the RBN.

[F.R. Doc. 65-6554; Filed, June 22, 1965; 8:46 a.m.]

[Airspace Docket No. 65-WE-70]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Control Zone

The purpose of this amendment to Part 71 of the Federal Aviation Regulations is to alter the description of the China Lake, Calif., control zone.

In the description of the China Lake, Calif., control zone published in the FEDERAL REGISTER on December 15, 1964 (29 F.R. 17591), the lengths of the control zone extensions were inadvertently described as extending from the 5-mile radius zone to 3 miles N and SE of the TACAN. Accordingly, action is taken herein to reflect the correct length of the control zone extensions.

Since this amendment is editorial in nature and imposes no additional burden on any person, notice and public procedure hereon is unnecessary and the amendment may be made effective immediately.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, as hereinafter set forth.

In § 71.171 (29 F.R. 17591) the China Lake, Calif., control zone is amended to read:

CHINA LAKE, CALIF.

Within a 5-mile radius of NAF China Lake (latitude 35°41'15" N., longitude 117°41'35" W.); within a 1-mile radius of Ridgecrest Airport, Calif. (latitude 35°36'40" N., longitude 117°40'25" W.) and within 2 miles each side of the NAF China Lake TACAN 350° and 140° radials extending from the 5-mile radius zone to 8 miles N and SE of the TACAN.

This amendment shall become effective upon the date of publication in the FEDERAL REGISTER.

(Sec. 307(a), Federal Aviation Act of 1958, as amended; 72 Stat. 749; 49 U.S.C. 1348)

Issued in Los Angeles, Calif., on June 15, 1965.

JOSEPH H. TIPPETS,
Director, Western Region.

[F.R. Doc. 65-6555; Filed, June 22, 1965; 8:46 a.m.]

[Airspace Docket No. 65-EA-15]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Designation of Transition Area

On page 4138 of the FEDERAL REGISTER for March 30, 1965, the Federal Aviation Agency published proposed regulations which would designate a 700-foot transition area over Westerly State Airport, Westerly, R.I.

Interested parties were given 45 days after publication in which to submit written data or views. No objections to the proposed regulations have been received.

In view of the foregoing, the proposed regulations are hereby adopted effective 0001 e.s.t., August 19, 1965.

(Sec. 307(a), Federal Aviation Act of 1958; 72 Stat. 749; 49 U.S.C. 1348)

Issued in Jamaica, N.Y., on June 7, 1965.

W. E. CULLINAN, Jr.,
Acting Director, Eastern Region.

Amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to designate a 700-foot Westerly, R.I., transition area described as follows:

WESTERLY, R.I.

That airspace extending upward from 700 feet above the surface within a 5-mile radius of the center, 41°20'50" N., 71°43'14" W. of Westerly State Airport, Westerly, R.I.; within 5 miles each side of the Groton, Conn., VOR 064° radial extending from the 5-mile radius area to the VOR; within 2 miles each side of the Norwich, Conn., VORTAC 162° radial extending from 19 to 25 miles S of the VORTAC, excluding the portion coincident with the Groton, Conn., transition area.

[F.R. Doc. 65-6556; Filed, June 22, 1965; 8:46 a.m.]

[Airspace Docket No. 65-EA-19]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Transition Area and Designation of Transition Areas

On page 4139 of the FEDERAL REGISTER for March 30, 1965, the Federal Aviation Agency published proposed regulations which would alter the 1,200-foot DeLancey, N.Y., transition area, designate a 700-foot transition area over Cooperstown Airport, Cooperstown, N.Y., and over Sidney Municipal Airport, Sidney, N.Y.

Interested parties were given 45 days after publication in which to submit written data or views. No objections to the proposed regulations have been received.

In view of the foregoing, the proposed regulations are hereby adopted effective 0001 e.s.t., August 19, 1965 except as follows:

Under Item 2 of the text material, line 8, insert after the words "Sidney radio beacon" the coordinates "42°20'03" N., 75°22'10" W.".

(Sec. 307(a), Federal Aviation Act of 1958; 72 Stat. 749; 49 U.S.C. 1348)

Issued in Jamaica, N.Y., on June 7, 1965.

W. E. CULLINAN, Jr.,
Acting Director, Eastern Region.

1. Amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to delete the description of the DeLancey, N.Y., transition area and insert in lieu thereof:

That airspace extending upward from 1,200 feet above the surface within the area bounded by a line beginning at: 42°40'00" N., 75°30'00" W. to 42°10'00" N., 75°25'00" W. to 42°00'00" N., 75°26'30" W. to 42°00'00" N., 75°00'00" W. to 42°01'00" N., 74°30'00" W. to 43°00'00" N., 74°30'00" W. to point of beginning.

2. Amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to designate a 700-foot Sidney, N.Y., transition area described as follows:

SIDNEY, N.Y.

That airspace extending upward from 700 feet above the surface within a 5-mile radius of the center, 42°16'30" N., 75°24'45" W. of Sidney Airport, Sidney, N.Y.; within 2 miles each side of the Rockdale VOR 219° radial extending from the 5-mile radius to the VOR; within 2 miles each side of a bearing 048° from the Sidney radio beacon 42°20'03" N., 75°22'10" W. extending from the 5-mile radius to 8 miles NE of the radio beacon.

3. Amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to designate a 700-foot Cooperstown, N.Y., transition area described as follows:

COOPERSTOWN, N.Y.

That airspace extending upward from 700 feet above the surface within a 7-mile radius of the center, 42°42'45" N., 74°56'30" W. of Cooperstown Airport, Cooperstown, N.Y., effective from sunrise to sunset, daily.

[F.R. Doc. 65-6557; Filed, June 22, 1965; 8:46 a.m.]

[Airspace Docket No. 65-EA-22]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Designation of Transition Area

On pages 4139 and 4140 of the FEDERAL REGISTER for March 30, 1965, the Federal Aviation Agency published proposed regulations which would designate a part-time 700-foot transition area over Pitman Airport, Pitman, N.J.

Interested parties were given 45 days after publication in which to submit written data or views. No objections to the proposed regulations have been received.

In view of the foregoing, the proposed regulations are hereby adopted effective 0001 e.s.t., August 19, 1965.

(Sec. 307(a), Federal Aviation Act of 1958; 72 Stat. 749; 49 U.S.C. 1348)

Issued in Jamaica, N.Y. on June 7, 1965.

W. E. CULLINAN, Jr.,
Acting Director, Eastern Region.

Amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to designate a 700-foot Pitman, N.J., transition area described as follows:

PITMAN, N.J.

That airspace extending upward from 700 feet above the surface within a 4-mile radius of the center, 39°45'00" N., 75°06'00" W. of Pitman Airport, Pitman, N.J., and within 2 miles each side of the Woodstown, N.J., VOR 047° radial extending from the 4-mile radius area to the VOR, excluding that portion within the Philadelphia, Pa., transition area, effective from sunrise to sunset, daily.

[F.R. Doc. 65-6558; Filed, June 22, 1965; 8:46 a.m.]

[Docket No. 6227; Amdt. 151-8]

PART 151—FEDERAL AID TO AIRPORTS

Miscellaneous Amendments

The purposes of this amendment to Part 151 of the Federal Aviation Regulations are to reflect the amendments to the Federal Airport Act (49 U.S.C. 1101-1120) made by P.L. 88-280, and to limit the eligibility of field maintenance equipment buildings as items included in an airport development project under the Federal-aid airport program, as required by section 13(b) of that act. This action is taken on the basis of notice of proposed rule making 64-44 that was published in the FEDERAL REGISTER on October 7, 1964 (29 F.R. 13129).

The majority of the comments received

unfavorable action by local agencies may being

The majority of the comments received in response to the notice approved the proposed amendments implementing P.L. 88–280. As stated in the notice, P.L. 88–280 provides for grants for advance planning and engineering; adds Guam to the areas eligible for Federal aid; requires proposals and projects to be reasonably consistent with plans of public agencies for the development of the area; requires sponsor assurances as to restricting the use of land adjacent to the airport to purposes compatible with airport operations; authorizes record keeping requirements; and provides for access to sponsor records for audit and examination. The Federal Aviation Agency proposed to implement P.L. 88–280 by adding to Part 151 a new Subpart D—Rules and Procedures for Advance Planning and Engineering Proposals, and a new § 151.26, *Procedures: application; compatible land use information;* and by amending several existing sections of Part 151. Several editorial changes to affected sections were also proposed.

Several comments dealt with amendments affecting existing sections of Part 151. Proposed § 151.3 was objected to because it limits the eligibility for Federal-aid airport program grants to work at an airport included in the National Airport Plan. However, under section 9(a) of the act, only work at an airport that is listed in the National Airport Plan is eligible for a Federal-aid airport program grant.

One comment objected that the proposed provisions of § 151.5(d) relating to stage construction and those of § 151.7 (b) relating to consolidation of small projects are inconsistent. These provisions as proposed in the notice are substantively the same as they were before. Section 151.7(b) requires consolidation of small projects to save administrative expense. Section 151.5(d) provides for the division of projects, not into smaller projects but into successive stages of development over 2 or more fiscal years because Federal funds appropriated for aid to airports in any year should not be tied up for payments to become due on a project in later years but should, if possible, be used in that year for other projects. Thus, there is no inconsistency.

Amended section 9(d)(1) of the Federal Airport Act states: "All such projects and advance planning and engineering proposals shall be subject to the approval of the Administrator, which approval shall be given only if he is satisfied that the project or advance planning and engineering proposal is reasonably consistent with plans (existing at the time of approval of the project or advance planning and engineering proposal) of public agencies for the development of the area in which the airport is located and will contribute to the accomplishment of the purposes of this Act * * *." The Agency proposed to implement the statutory requirement by adding new subparagraph (4) to § 151.39(a), and by a new § 151.129 (b) in new Subpart D. One comment suggested that a better course for the Agency would be to require local agencies to tailor their plans to the airport development program. While such voluntary action by local agencies may bring about the consistency contemplated by the act, section 9(d)(1) does not authorize the Agency to "require" it. However, §§ 151.39(a)(4) and 151.129(b) are modified from the proposed provision to reflect all of the language quoted above from section 9(d)(1). These sections are otherwise unchanged.

Several comments were received on proposed new Subpart D that relates exclusively to advance planning and engineering grants now authorized by new section 8 of the act. Some comments object to proposed § 151.111(c)(1), that excludes airports identified in the National Airport Plan as large or medium hubs served by air carrier service from eligibility for advance planning and engineering grants. The Agency adheres to its determination that grants for advance planning and engineering be limited to airports in smaller communities that may otherwise find it difficult to properly plan an airport development project because of the limited availability of necessary funds. Sponsors of airport development projects at large or medium hub airports can be expected to advance these initial costs of planning and engineering. Most advance planning and engineering costs are eligible for inclusion in the resulting airport development project under § 151.41, if there was no advance planning and engineering grant.

New § 151.121 states in full sponsor's assurance that it will comply with the exclusive rights provision of section 308 (a) of the Federal Aviation Act of 1958 (49 U.S.C. 1349(a)). This section was not proposed in its present form in Notice 64–44, but, in proposed § 151.119(b)(1) (renumbered as § 151.131(b)(1) herein), the Agency stated that sponsors of advance planning and engineering proposals would be required to give this assurance in Part I of the Advance Planning Agreement, FAA Form 3732. Since the assurance is stated in full here, it can be incorporated by reference into Part I of the Advance Planning Agreement. Thus, there is no substantive change from the notice.

Section 151.123 is adopted as proposed in the notice. One comment expressed concern that § 151.123(a) might prevent the inclusion of advance planning and engineering costs in airport development projects under § 151.41. Of course, advance planning costs will not be eligible for inclusion in an airport development project if they were included in an advance planning and engineering proposal grant. However, where the sponsor is not eligible, or has not applied, for an advance planning and engineering grant, advance planning costs are eligible for inclusion in an airport development project grant under § 151.41. It may bear re-emphasizing that costs incurred before the advance planning agreement is executed are not eligible for inclusion in the advance planning grant.

Several comments suggested that certain additional advance planning cost items be listed in § 151.125(b). These cost items were airport location studies to assure compatibility with air traffic control and navigation aid requirements, airport capacity and delay analyses at the planning stage, property line surveys, and aerial surveys. All these specific items are deemed to be included in the general categories of allowable costs stated in § 151.125(b), as adopted. The list is not an exclusive enumeration. However, the Agency has added a new subparagraph (6) to § 151.125(b) to make incidental costs eligible, that would not have been incurred otherwise, and that are necessary to accomplish the proposal. Except for this addition, § 151.125 is adopted as proposed in the notice.

The Agency has added a reference in § 151.131(a) to the sponsor's representation that it will comply with new Part 15 of the Federal Aviation Regulations. Part 15, *Nondiscrimination in Federally Assisted Programs of the Federal Aviation Agency—Effectuation of Title VI of the Civil Rights Act of 1964*, adopted by the Administrator and approved by the President, was effective on January 30, 1965 (29 F.R. 19238). Section 15.7 requires each sponsor to give an assurance at the time of application for Federal financial assistance that it will comply with Part 15. This assurance is contained in Part II of the Advance Planning Proposal, FAA Form 3731. This reference does not involve any substantive change.

Other editorial changes not involving any substantive amendments are included in the amendments implementing P.L. 88–280. For example, the sections in new Subpart D are renumbered, and an unnecessary citation in § 151.57(b) is deleted.

Also contained in notice 64–44 was a proposed amendment to § 151.93(a) which would make field maintenance equipment buildings eligible items for inclusion in airport development projects in only 15 specific States listed. Several comments objected to the idea of limiting in any way Federal-aid airport program participation in the construction of field maintenance equipment buildings. However, section 13(b) of the act, as amended, provides: "* * * The following shall not be allowable project costs: * * * (2) The cost of construction of any part of an airport building except such of those buildings intended to house facilities or activities directly related to the safety of persons at the airport." Applied to field maintenance equipment buildings, this Congressional mandate makes them eligible items only to the extent that they house snow removal and abrasive spreading equipment and provide minimum protection for sand and other abrasive material, and only where the climate is such that, unless the equipment and abrasives are housed, immediate availability under extreme weather conditions is not assured. Otherwise, the direct relation to the safety of persons at the airport, which the act requires, does not exist. Fire and rescue equipment buildings continue to be eligible items in any airport development project, but any buildings are ineligible that do not relate directly to the safety of persons at the airport.

One comment suggested that the Agency should use an additional criterion based on snowfall. However, while the amount of snowfall in an area determines the need for the snow removal and abrasive spreading equipment, and for the abrasive material, it is the extreme low temperature in an area that causes the need for housing the equipment and material to assure its immediate availability. Therefore, the Agency retains the criterion stated in the notice as the sole criterion.

However, the Agency has adopted another amendment urged in several comments to § 151.93(a). These comments argued that by basing eligibility of airports on the mean daily minimum temperature of entire States, the Agency failed to take into account that local areas, in States not eligible in their entirety, may meet or exceed the climatic criterion. Several States have winter climates that vary from relatively mild areas to severly cold areas. Accordingly, the Agency has added a provision that permits field maintenance equipment buildings to be included in an airport development project on any airport located in an area that meets the temperature criterion. The sponsor must show that the area had a mean daily minimum temperature of zero degrees Fahrenheit, or less, for at least 20 days each year for the 5 years preceding its application. This showing is based on U.S. Department of Commerce Weather Bureau statistics if they are available, or, if these statistics are not available, upon other evidence satisfactory to the Administrator.

In consideration of the foregoing, effect July 23, 1965, Part 151 of Chapter I of Title 14 of the Code of Federal Regulations is amended as hereinafter set forth.

(Secs. 1–15 and 17–21, Federal Airport Act; 49 U.S.C. 1101–1114, and 1116–1120, and sec. 308(a), Federal Aviation Act of 1958; 49 U.S.C. 1349(a))

Issued in Washington, D.C., on June 16, 1965.

N. E. HALABY,
Administrator.

1. By amending § 151.3 to read as follows:

§ 151.3 National airport plan.

(a) Under the Federal Airport Act, the FAA prepares each year a "National Airport Plan" for developing public airports in the United States, Puerto Rico, the Virgin Islands, and Guam. In terms of general location and type of development, the National Airport Plan specifies the maximum limits of airport development that is necessary to provide a system of public airports adequate to anticipate and meet the needs of civil aeronautics.

(b) If, within the forecast period, an airport will have a substantial aeronautical necessity, it may be included in the National Airport Plan. Only work on an airport included in the current Plan is eligible for inclusion in the Federal-aid Airport Program to be undertaken within currently available appropriations and authorizations. However, the inclusion of an airport in the National Airport Plan does not commit the United States to include it in the Federal-aid Airport Program. In addition, the local community concerned is not required to proceed with planning or development of an airport included in the National Airport Plan.

2. By amending § 151.5 to read as follows:

§ 151.5 General policies.

(a) *Airport layout plan.* As used in this part, "airport layout plan" means the basic plan for the layout of an eligible airport that shows, as a minimum—

(1) The present boundaries of the airport and of the offsite areas that the sponsor owns or controls for airport purposes, and of their proposed additions;

(2) The location and nature of existing and proposed airport facilities (such as runways, taxiways, aprons, terminal buildings, hangars, and roads) and of their proposed modifications and extensions; and

(3) The location of existing and proposed non-aviation areas, and of their existing improvements.

All airport development under the Federal-aid Airport Program must be done in accordance with an approved airport layout plan. Each airport layout plan, and any change in it, is subject to FAA approval. The Administrator's signature on the face of an original airport layout plan, or of any change in it, indicates FAA approval. The FAA approves an airport layout plan only if the airport development is sound and meets applicable requirements.

(b) *Safe, useful, and usable unit.* Except as provided in paragraph (d) of this section, each advance planning and engineering proposal or airport development project must provide for the planning or development of—

(1) An airport or unit of an airport that is safe, useful, and usable; or

(2) An additional facility that increases the safety, usefulness, or usability of an airport.

(c) *National defense needs.* The needs of national defense are fully considered in administering the Federal-aid Airport Program. However, approval of an advance planning and engineering proposal or a project application is limited to planning or airport development necessary for civil aviation.

(d) *Stage development.* In any case in which airport development can be accomplished more economically under stage construction, federal funds may be programmed in advance for the development over two or more years under two or more grant agreements. In such a case, the FAA makes a tentative allocation of funds for both the current and future fiscal years, rather than allocating the entire federal share in one fiscal year. A grant agreement is made only during the fiscal year in which funds are authorized to be obligated. Advance planning and engineering grants are not made under this paragraph.

3. By amending § 151.7 to read as follows:

§ 151.7 Grants of funds: general policies.

(a) *Compliance with sponsorship requirements.* The FAA authorizes the expenditure of funds under the Federal-aid Airport Program for airport planning and engineering or for airport development only if the Administrator is satisfied that the sponsorship requirements have been or will be met under existing and proposed agreements with the United States with respect to the airport involved.

(b) *Small proposals and projects.* Unless there is otherwise a special need for United States participation, the FAA includes an advance planning and engineering proposal or an airport development project in the Federal-aid Airport Program only if—

(1) The advance planning and engineering proposal involves more than $1,000 in United States funds; and

(2) The project application involves more than $5,000 in United States funds.

Whenever possible, the sponsor must consolidate small projects on a single airport in one grant agreement even though the airport development is to be accomplished over a period of years.

(c) *Previously obligated work.* Unless the Administrator specifically authorizes it, no advance planning and engineering proposal or project application may include any planning, engineering, or construction work included in a prior agreement with the United States obligating the sponsor or any other non-United States public agency to do the work, and entitling the sponsor or any other non-United States public agency to payment of United States funds for all or part of the work.

4. By amending the heading of Subpart B to read as follows:

Subpart B—Rules and Procedures for Airport Development Projects

5. By adding a new § 151.26 to Subpart B, to read as follows:

§ 151.26 Procedures: applications; compatible land use information.

Each sponsor must state in its application the action that it has taken to restrict the use of land adjacent to or in the immediate vicinity of the airport to activities and purposes compatible with normal airport operations including landing and take-off of aircraft. The sponsor's statement must include information on—

(a) Any property interests (such as airspace easements or title to airspace) acquired by the sponsor to assure compatible land use, or to protect or control aerial approaches;

(b) Any zoning laws enacted or in force restricting the use of land adjacent to or in the vicinity of the airport, or assuring protection or control of aerial approaches, whether or not enacted by the sponsor; and

(c) Any action taken by the sponsor to induce the appropriate government authority to enact zoning laws restricting the use of land adjacent to or in the vicinity of the airport, or assuring protection or control of aerial approaches, when the sponsor lacks the power to zone the land.

§ 151.27 [Amended]

6. By amending paragraph (b) of § 151.27 as follows:

a. By striking out the words "master plan layout" in subparagraphs (1) and (2) and inserting the words "airport layout plan" in place thereof.

b. By striking out the words "this Part" in subparagraph (2) and inserting the words "Subparts B and C" in place thereof.

§§ 151.31, 151.33, 151.41, 151.54, 151.67 [Amended]

7. By amending §§ 151.31, 151.33, 151.41, 151.54, and 151.67, by striking out the words "this Part" wherever they appear therein and inserting the words "Subparts B and C" in place thereof.

§ 151.35 [Amended]

8. By amending § 151.35 as follows:

a. By amending the heading to read as follows:

§ 151.35 *Airport development and facilities to which Subparts B and C apply.*

b. By striking out the words "this Part" in paragraphs (a) and (b) and inserting the words "Subparts B and C" in place thereof.

§ 151.37 [Amended]

9. By amending § 151.37 as follows:

a. By striking out the words "the Virgin Islands," in paragraph (a) and inserting the words "the Virgin Islands, Guam," in place thereof.

b. By striking out the words "this Part" in subparagraph (3) of paragraph (b) and inserting the words "Subparts B and C" in place thereof.

c. By amending the last sentence of the section to read as follows:

For the purpose of paragraph (a) of this section, the United States, or an agency thereof, is not eligible for a project under Subparts B and C, unless the project—

(1) Is located in Puerto Rico, the Virgin Islands, or Guam;

(2) Is in or is in close proximity to a national park, a national recreation area, or a national monument; or

(3) Is in a national forest or a special reservation for United States purposes.

§ 151.39 [Amended]

10. By amending § 151.39 as follows:

a. By redesignating subparagraphs (4) and (5) of paragraph (a) as subparagraphs (5) and (6).

b. By adding new subparagraph (4) to paragraph (a) to read as follows:

(4) The Administrator is satisfied that the project is reasonably consistent with existing plans of public agencies for the development of the area in which the airport is located and will contribute to the accomplishment of the purposes of the Federal-aid Airport Program;

c. By striking out the words "this Part" in paragraphs (a) and (b) and inserting the words "Subparts B and C" in place thereof.

d. By adding a new paragraph (c) to read as follows:

(c) A project for acquiring land that has been or will be donated to the sponsor is not eligible for inclusion in the Federal-aid Airport Program, unless the project also includes other items of airport development that would require a sponsor's contribution equal to or more than the United States share of the estimated value of the donated land.

§ 151.55 [Amended]

11. By amending § 151.55(d) to read as follows:

(d) The sponsor shall allow the Administrator and the Comptroller General of the United States, or an authorized representative of either of them, access to any of its books, documents, papers, and records that are pertinent to grants received under the Federal-aid Airport Program for the purposes of accounting and audit. Appropriate FAA personnel may make progress audits at any time during the project, upon notice to the sponsor. If work is suspended on the project for an appreciable period of time, an audit will be made before any semi-final payment is made. In each case an audit is made before the final payment.

§ 151.57 [Amended]

12. By amending § 151.57 by striking out the citation "(29 CFR 5.6(a)(1))" at the end of paragraph (b).

13. By amending the heading of Subpart C to read as follows:

Subpart C—Project Programming Standards

§§ 151.73, 151.75 [Amended]

14. By amending §§ 151.73, and 151.75, and Appendices A and D, by striking out the words "master plan layout" wherever they appear therein and inserting the words "airport layout plan" in place thereof.

§ 151.87 [Amended]

15. By amending § 151.87 by striking out the reference "§ 151.25" in paragraph (d) and inserting the reference "§ 151.43 (d)" in place thereof.

16. By amending paragraph (a) of § 151.93 to read as follows:

§ 151.93 Buildings; utilities; sidewalks; parking areas; and landscaping.

(a) Only buildings or parts of buildings intended to house facilities or activities directly related to the safety of persons at the airport, including fire and rescue equipment buildings, are eligible items under the Federal-aid Airport Program. To the extent they are necessary to house snow removal and abrasive spreading equipment, and to provide minimum protection for abrasive materials, field maintenance equipment buildings are eligible items—

(1) In any airport development project in the State of Alaska, Colorado, Idaho, Iowa, Montana, Michigan, Maine, Minnesota, Nebraska, New Hampshire, North Dakota, South Dakota, Vermont, Wisconsin, or Wyoming; and

(2) In any airport development project for an airport in a location having a mean daily minimum temperature of zero degrees Fahrenheit, or less, for at least 20 days each year for the 5 years preceding the year when Federal aid is requested under § 151.21(a), based on the statistics of the U.S. Department of Commerce Weather Bureau if available, or other evidence satisfactory to the Administrator.

* * * * *

§ 151.95 [Amended]

17. By amending paragraph (g) of § 151.95 by striking out the reference "§ 151.89" in subparagraph (1) and inserting the reference "§ 151.91" in place thereof.

18. By adding a new Subpart D to read as follows:

Subpart D—Rules and Procedures for Advance Planning and Engineering Proposals

Sec.

151.111 Advance planning proposals: general.
151.113 Advance planning proposals: sponsor eligibility.
151.115 Advance planning proposals: cosponsorship and agency.
151.117 Advance planning proposals: procedures; application.
151.119 Advance planning proposals: procedures; funding.
151.121 Procedures: offer; sponsor assurances.
151.123 Procedures: offer; amendment; acceptance; advance planning agreement.
151.125 Allowable advance planning costs.
151.127 Accounting and audit.
151.129 Payments.
151.131 Forms.

AUTHORITY: The provisions of this Subpart D issued under secs. 1–15 and 17–21, Federal Airport Act; 49 U.S.C. 1101–1114, and 1116–1120; and sec. 308(a), Federal Aviation Act of 1958; 49 U.S.C. 1349(a).

§ 151.111 Advance planning proposals: general.

(a) Each advance planning and engineering proposal must relate to an airport layout plan or plans and specifications for the development of a new airport, or the further development of an existing airport. Each proposal must relate to a specific airport, either existing or planned, and may not be for general area planning.

(b) Each proposal for the development or further development of an airport must have as its objective either the development of an airport layout plan, under § 151.5(a), or the development of plans designed to lead to a project application, under §§ 151.21(c) and 151.27, or both.

(c) Each proposal must relate to planning and engineering for an airport that—

(1) Is in a location shown on the National Airport Plan; and

(2) Is not identified in the National Airport Plan as served by scheduled air carrier service in a large or medium hub.

(d) Each proposal must relate to future airport development projects eligible under Subparts B and C.

§ 151.113 Advance planning proposals: sponsor eligibility.

The sponsor of an advance planning and engineering proposal must be a public agency, as defined in § 151.37(a), and must be legally, financially, and otherwise able to—

(a) Make the certifications, representations, and warranties required in the advance planning proposal, FAA Form 3731;

(b) Enter into and perform the advance planning agreement;

(c) Provide enough funds to pay all estimated proposal costs not borne by the United States; and

(d) Meet any other applicable requirements of the Federal Airport Act and this subpart.

§ 151.115 Advance planning proposals: cosponsorship and agency.

Any two or more public agencies desiring to jointly participate in an advance planning proposal may cosponsor it. The cosponsorship and agency requirements and procedures set forth in § 151.33, except § 151.33(a)(1), also apply to advance planning proposals. In addition, the sponsor eligibility requirements set forth in § 151.113 must be met by each participating public agency.

§ 151.117 Advance planning proposals: procedures; application.

(a) Each eligible sponsor desiring to obtain federal aid for the purpose of advance planning and engineering must submit a completed FAA Form 3731, "Advance Planning Proposal", to the District Airport Engineer whose office is in the district where the sponsor is located.

(b) The airport layout plan, if in existence, must accompany the advance planning proposal. If the advance planning proposal includes preparation of plans and specifications, enough details to identify the items of development to be covered by the plans and specifications must be shown. The proposal must be accompanied by evidentiary material establishing the basis for the estimated costs under the proposal, such as an offer from an engineering firm containing a schedule of services and charges therefor.

§ 151.119 Advance planning proposals: procedures; funding.

The funding information required by § 151.23, except the last sentence, also is required in connection with an advance planning proposal. The sponsor's share of estimated proposal costs may not consist of or include the value of donated labor, materials, or equipment.

§ 151.121 Procedures: offer; sponsor assurances.

Each sponsor must adopt the following covenant implementing the exclusive rights provisions of section 308(a) of the Federal Aviation Act of 1958, that is incorporated by reference into Part I of the Advance Planning Agreement:

The sponsor will not grant or permit any exclusive right for the use of the airport forbidden by section 308(a) of the Federal Aviation Act of 1958, and will otherwise comply with all applicable laws. In furtherance of the policy of FAA under this covenant, the sponsor agrees that, unless authorized by the Administrator, it will not, either directly or indirectly, grant or permit any person, firm, or corporation, the exclusive right for the conduct of any aeronautical activities on the airport, including but not limited to, charter flights, pilot training, aircraft rental and sightseeing, aerial photography, crop dusting, aerial advertising and surveying, air carrier operations, aircraft sales and services, sale of aviation petroleum products whether or not conducted in conjunction with other aeronautical activity, repair and maintenance of aircraft, sale of aircraft parts, and any other activities which because of their direct relationship to the operation of aircraft can be regarded as an aeronautical activity. The sponsor further represents that it can, and agrees that it will, take positive steps to terminate any such existing exclusive right by July 17, 1967 or at the earliest renewal or cancellation date applicable to the exclusive right agreement, whichever occurs first. However, the prohibition against granting or permitting an exclusive right as set forth herein in no way alters the rights or obligations of the sponsor under a surplus property instrument of transfer pursuant to which surplus property was conveyed to the sponsor by the United States pursuant to section 13(g) of the Surplus Property Act of 1944 (50 U.S.C. 1622(g)).

§ 151.123 Procedures: offer; amendment; acceptance; advance planning agreement.

(a) The procedures and requirements of § 151.29 also apply to approved advance planning proposals. FAA's offer and the sponsor's acceptance constitute an advance planning grant agreement between the sponsor and the United States. The United States does not pay any of the advance planning costs incurred before the advance planning grant agreement is executed.

(b) No grant is made unless the sponsor intends to begin airport development within three years after the date of sponsor's written acceptance of a grant offer. The sponsor's intention must be evidenced by an appropriate written statement in the proposal.

§ 151.125 Allowable advance planning costs.

(a) The United States' share of the allowable costs of an advance planning proposal is stated in the advance planning grant agreement, but is not more than 50 percent of the total cost of the necessary and reasonable planning and engineering services.

(b) The allowable advance planning costs consist of planning and engineering expenses necessarily incurred in effecting the advance planning proposal. Allowable cost items include—

(1) Location surveys, such as preliminary topographic and soil exploration;

(2) Site evaluation;

(3) Preliminary engineering, such as stage construction outlines, cost estimates, and cost/benefit evaluation reports;

(4) Contract drawings and specifications;

(5) Testing; and

(6) Incidental costs incurred to accomplish the proposal, that would not have been incurred otherwise.

(c) To qualify as allowable, the advance planning costs paid or incurred by the sponsor must be—

(1) Reasonably necessary and directly related to the planning or engineering included in the proposal as approved by FAA;

(2) Reasonable in amount; and

(3) Verified by sufficient evidence.

§ 151.127 Accounting and audit.

The requirements of § 151.55 relating to accounting and audit of project costs are also applicable to advance planning proposal costs. However, the requirement of segregating and grouping costs applies only to § 151.55(a) (5) and (7) classifications.

§ 151.129 Payments.

(a) The United States' share of advance planning costs is paid in two installments unless the advance planning grant agreement provides otherwise. Upon request by sponsor, the first payment may be made in an amount not more than 50 percent of the maximum obligation of the United States stipulated in the advance planning grant agreement upon certification by sponsor that 50 percent or more of the proposed work has been completed. The final payment is made upon the sponsor's request after—

(1) The conditions of the advance planning grant agreement have been met;

(2) Evidence of cost of each item has been submitted; and

(3) Audit of submitted evidence or audit of sponsor's records, if considered desirable by FAA, has been made.

(b) When the advance planning proposal relates to the selection of an airport site, the advance planning grant agreement provides that Federal funds are paid to the sponsor only after the site is selected and the Administrator is satisfied that the site selected for the airport is reasonably consistent with existing plans of public agencies for development of the area in which the site is located, and will contribute to the accomplishment of the purposes of the Federal-aid Airport Program.

§ 151.131 Forms.

The forms used for the purpose of obtaining an advance planning and engineering grant are as follows:

(a) *Advance planning proposal, FAA Form 3731* (1) *Part I.* This part of the form contains a request for the grant of Federal funds under the Federal Airport Act for the purpose of aiding in financing a proposal for the development of an airport layout plan or plans, or both, designed to lead to a project application, with spaces provided for inserting information needed for considering the request, including the location of the airport, a description of the plan or plans to be developed, and the estimate of planning and engineering costs.

(2) *Part II.* This part of the form includes the sponsor's representation that it will comply with the provisions of Part 15 of the Federal Aviation Regulations (14 CFR Part 15), and representations concerning its legal authority to undertake the proposal, the availability of funds for its share of the proposal costs, its intention to initiate construction of a safe, useful and usable airport facility shown on an airport layout plan developed under the proposal, or initiate the construction of the item or items of airport development shown on the plans

developed under the proposal and designed to lead to a project application, or both, within three years after the date of acceptance of the offer. It also includes the sponsor's representation as to the method of financing the intended construction, approval of other agencies, defaults, possible disabilities, and a statement concerning acceptance to be executed by the sponsor and certified by its attorney.

(b) *Advance planning agreement, FAA Form 3732*—(1) *Part I.* This part of the form contains an offer by the United States to pay a specified percentage not to exceed 50% of the allowable proposal costs, as described therein, on specific terms relating to the carrying out of the proposal, allowability of costs, payment of the United States' share and sponsor's agreement to comply with the exclusive rights provision of section 308(a) of the Federal Aviation Act of 1958.

(2) *Part II.* This part of the form contains the acceptance of the offer by the sponsor, execution of the acceptance by the sponsor, and the certification by the sponsor's attorney.

[F.R. Doc. 65-6560; Filed, June 22, 1965; 8:46 a.m.]

Title 15—COMMERCE AND FOREIGN TRADE

Chapter V—Weather Bureau, Department of Commerce

PART 503—SCHEDULE OF CHARGES FOR SERVICES

Part 503 of Chapter V of Subtitle B of Title 15 of the Code of Federal Regulations is revised to read as follows:

§ 503.1 Charges for furnishing copies of weather records.

(a) Duplicating machine copies:

(1) Ozalid, bruning, and similar processes:	
(i) Synoptic maps and charts:	
(a) Up to 360 sq. in. (per copy)	$0.21
(b) 361 to 510 sq. in. (per copy)	.22
(c) 511 to 800 sq. in. (per copy)	.24
(d) 801 to 1,000 sq. in. (per copy)	.25
(e) 1,001 to 1,220 sq. in. (per copy)	.28
(f) Above 1,220 sq. in. $0.29 for first 1,220 sq. in. and $0.02 for each additional 144 sq. in.	
(ii) Other than synoptic maps and charts:	
8 x 10 ½ (per print)	.10
Over 8 x 10½ (per sq. ft.)	.07
(2) Photocopy prints (photostat, etc.):	
8½ x 11 or smaller	.35
9 x 12 to 12 x 17	.50
14 x 17 to 18 x 24	.65
(3) Thermofax copies or direct contact prints:	
8½ x 11	.11
Larger than 8½ x 11 (per sq. ft.)	.16
(4) Transcopy prints:	
8½ x 10	.40
10 x 12	.40
(5) Xerox copies (maximum size 9 x 14)	.12

(b) Photography:

(1) Prints, black and white:	
(i) Contact:	
8 x 10	$0.35
11 x 14	.50
14 x 17	.70
16 x 20	1.00
20 x 24	1.25
30 x 40	2.25
(ii) Enlargements by conventional processes:	
5 x 7	.45
8 x 10	.60
11 x 14	1.00
20 x 24	1.50
(iii) Enlargements from available microfilm using microfilm-printing equipment, e.g., 3M Reader-Printer, Xerox 1824 Printer:	
Up to 18 x 24	.35
(2) Microfilm:	
(i) Negative film (one or two pages to exposure on panchromatic contrast film) 35 mm	.05
Per frame or exposure 16 mm	.04
(ii) Film copy (excluding radar film printed to register and meteorological satellite film) Silver halide process, diazo process, or Kalvar process, unsprocketed, from negative of uniform density 35 mm	6.00
Per reel 16 mm	5.50
(Reels are approximately 100 ft. in length and the price includes spool and box.)	

SPECIAL PRICE NOTE: A single 100-foot reel of 35 mm diazo microfilm, unsprocketed, containing a month of data of the Daily Series, Synoptic Weather Maps, Part II Northern Hemisphere Data Tabulations, will be furnished at $4.00 per reel on a current continuing subscription basis. When furnished on an irregular and/or noncurrent basis, the regular price per reel will apply.

(iii) Film copy, radar film, sprocketed, printed to register. Positive only.	
Per reel, approximately 100 ft. 35 mm	9.00
Per reel (see note on length below) 16 mm	7.00

NOTE: If copies from original photography on 16 mm camera, the length is approximately 100 feet. If reduced from original photography on 35 mm camera, the length is approximately 50 feet.

(iv) Film copy, meteorological satellite, silver halide process, sprocketed, positive or negative, per reel, approximately 100 feet. 35 mm	6.50
(3) Microfiche, ozalid, negative only, 4" x 6" or 5" x 8".	

SPECIAL PRICE NOTE: A set of 5" x 8" microfiche cards, one for each day of the month, containing a month of data in the Daily Series, Synoptic Weather Maps, Part II, Northern Hemisphere Data Tabulations, will be furnished for $5.00 a month, on a current continuing subscription basis. When furnished on an irregular and/or noncurrent basis, the regular price per microfiche will apply.

(c) Time spent by field station employees in performing the following services will be charged at the rate of $4.40 per hour if services are performed during the normal working hours, or at the rate of $5.73 per hour if performed on overtime.

(1) Hand transcription of official meteorological records.

(2) Searching map or record files to assemble material.

(3) Unbinding and reassembling bound volumes of maps or records preparatory to making ozalid, photostat, or other reproductions.

NOTE: A minimum charge of $2.00 will be made for a single order on any of the items in this Exhibit except that this minimum charge shall not apply to single orders at a field station for preliminary Local Climatological Data prepared on government equipment.

(59 Stat. 1067, sec. 501, 65 Stat. 290, 5 U.S.C. 606, 140)

Effective date. July 1, 1965.

R. C. GHUSS,
Acting Chief of Weather Bureau.

[F.R. Doc. 65-6572; Filed, June 22, 1965; 8:46 a.m.]

Title 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket C-892]

PART 13—PROHIBITED TRADE PRACTICES

Alaskan Fur Co., Inc., et al.

Subpart—Advertising falsely or misleadingly: § 13.30 *Composition of goods:* 13.30–30 Fur Products Labeling Act; § 13.155 *Prices:* 13.155–15 Comparative, 13.155–45 Fictitious marking, 13.155–85 Sales below cost. Subpart—Invoicing products falsely: § 13.1108 *Invoicing products falsely:* 13.1108–45 Fur Products Labeling Act. Subpart—Misbranding or mislabeling: § 13.1185 *Composition:* 13.1185–30 Fur Products Labeling Act; § 13.1212 *Formal regulatory and statutory requirements:* 13.1212–30 Fur Products Labeling Act; § 13.1255 *Manufacture or preparation:* 13.1255–30 Fur Products Labeling Act; § 13.1325 *Source or Origin:* 13.1325–70 Place: 13.1325–70(e) Fur Products Labeling Act. Subpart—Misrepresenting oneself and goods—prices: § 13.1811 *Fictitious marking.* Subpart—Neglecting, unfairly or deceptively, to make material disclosure: 13.1845 *Composition:* 13.1845–30 Fur Products Labeling Act; § 13.1852 *Formal regulatory and statutory requirements:* 13.1852–35 Fur Products Labeling Act; § 13.1865 *Manufacture or preparation:* 13.1865–40 Fur Products Labeling Act; § 13.1900 *Source or origin:* 13.1900–40 Fur Products Labeling Act: 13.1900–40(b) Place.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; sec. 3, 65 Stat. 179; 15 U.S.C. 45, 69f) [Cease and desist order, Alaskan Fur Co., Inc. et al., Kansas City, Mo., Docket C-892, Apr. 15, 1965]

In the Matter of Alaskan Fur Company, Inc., a Corporation, and Meyer Finkel, Myron Wang, and M. Leonard Markel, Individually and as Officers of Said Corporation

Consent order requiring Kansas City, Mo., retailers and wholesalers of fur products to cease mislabeling, falsely invoicing, and deceptively advertising fur products in alleged violation of the Fur Products Labeling Act, by failing to disclose on labels the country of origin of imported furs; failing to use the term "Natural" on labels, invoices, and in newspaper advertisements to describe furs which were not bleached, dyed, or artificially colored; failing to show the true animal name of furs on invoices and in advertisements; misrepresenting savings in newspaper ads and window signs through fictitious prices, and failing to maintain adequate records to support such pricing claims.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

It is ordered, That respondents Alaskan Fur Co., Inc., a corporation and its officers, and Meyer Finkel, Myron Wang and M. Leonard Markel, individually and as officers of said corporation and respondents' representatives, agents and employees, directly or indirectly, or through any corporate or other device in connection with the introduction into commerce or the sale, advertising or offering for sale in commerce, or the transportation or distribution in commerce of any fur product; or in connection with the sale, advertising, offering for sale, transportation or distribution, of any fur product which is made in whole or in part of fur which has been shipped and received in commerce as the terms "commerce" "fur" and "fur product" are defined in the Fur Products Labeling Act do forthwith cease and desist from:

A. Misbranding fur products by:

1. Failing to affix labels to fur products showing in words and in figures plainly legible all of the information required to be disclosed by each of the subsections of section 4(2) of the Fur Products Labeling Act.

2. Failing to set forth the term "Natural" as part of the information required to be disclosed on labels under the Fur Products Labeling Act and the rules and regulations promulgated thereunder to describe fur products which are not pointed, bleached, dyed, tip-dyed or otherwise artificially colored.

B. Falsely or deceptively invoicing fur products by:

1. Failing to furnish invoices as the term "invoice" is defined in the Fur Products Labeling Act showing in words and figures, plainly legible all the information required to be disclosed in each of the subsections of section 5(b)(1) of the Fur Products Labeling Act.

2. Failing to set forth the term "natural" as part of the information required to be disclosed on invoices under the Fur Products Labeling Act and rules and regulations promulgated thereunder to describe fur products which were not pointed, bleached, dyed, tip-dyed or otherwise artificially colored.

C. Falsely or deceptively advertising fur products through the use of any advertisement, representation, public announcement or notice which is intended to aid, promote or assist, directly or indirectly in the sale or offering for sale of any fur product, and which:

1. Represents, directly or by implication in advertising or otherwise, that a purchase of respondents' product made at less than the ticketed price or purported regular or former price, is a reduction from or savings on such price, unless the respondents are able to establish that such price is, in fact, the regular bona fide price at which the said respondents have sold or expect to make substantial sales.

2. Fails to set forth in words and figures plainly legible all the information required to be disclosed by each of the subsections of section 5(a) of the Fur Products Labeling Act.

3. Fails to set forth the term "Natural" as part of the information required to be disclosed in advertisements under the Fur Products Labeling Act and rules and regulations promulgated thereunder to describe fur products which are not pointed, bleached, dyed, tip-dyed or otherwise artificially colored.

D. Making claims and representations of the types covered by subsections (a)(b), (c), and (d) of Rule 44 of the rules and regulations promulgated under the Fur Products Labeling Act unless there are maintained by respondents full and adequate records disclosing the facts upon which such claims and representations are based.

It is further ordered, That the respondents herein shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with this order.

Issued: April 15, 1965.

By the Commission.

[SEAL] JOSEPH W. SHEA,
Secretary.

[F.R. Doc. 65-6562; Filed, June 22, 1965; 8:46 a.m.]

[Docket C-891]

PART 13—PROHIBITED TRADE PRACTICES

Cyn Les Sportswear, Inc., et al.

Subpart—Misbranding or mislabeling: § 12.1185 *Composition:* 13.1185–90 Wool Products Labeling Act.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 39 Stat. 719, as amended, secs. 2–5, 54 Stat. 1128–1130; 15 U.S.C. 45, 68) [Cease and desist order, Cyn Les Sportswear, Inc., et al., New York, N.Y., Docket C-891, Apr. 9, 1965]

In the Matter of Cyn Les Sportswear, Inc., a Corporation, and Jack Haber and Samuel Haber, Individually and as Officers of Said Corporation

Consent order requiring a New York City importer of wool products to cease the alleged violations of the Wool Products Labeling Act by misbranding the fiber content of wool products, such as labeling certain sweaters as "70 percent Mohair, 30 percent Wool", when said sweaters contained substantially different fibers and amounts than represented; and using the term "Mohair" in lieu of the word "Wool" on labels to describe certain fibers that were not entitled to such designation.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

It is ordered, That respondents Cyn Les Sportswear, Inc., a corporation and its officers, and Jack Haber and Samuel Haber, individually and as officers of said corporation, and respondents' representatives, agents and employees, directly or through any corporate or other device, do forthwith cease and desist from introducing into commerce, or offering for sale, selling, transporting, distributing, or delivering for shipment in commerce, wool sweaters or any other wool products, as "commerce" and "wool product" are defined in the Wool Products Labeling Act of 1939.

1. Which are falsely or deceptively stamped, tagged, labeled or otherwise identified as to the character or amount of the constituent fibers contained therein.

2. To which is affixed a label wherein the term "Mohair" is used in lieu of the word "Wool" in setting forth the required information on labels affixed to such wool products unless the fibers described as "Mohair" are entitled to such designation and are present in at least the amount stated.

It is further ordered, That the respondents herein shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with this order.

Issued: April 9, 1965.

By the Commission.

[SEAL] JOSEPH W. SHEA,
Secretary.

[F.R. Doc. 65-6563; Filed, June 22, 1965; 8:46 a.m.]

[Docket 8630]

PART 13—PROHIBITED TRADE PRACTICES

Nancy Greer, Inc.

Subpart—Discriminating in price under Sec. 2, Clayton Act—payment for services or facilities for processing or sale under 2(d): § 13.824 *Advertising expenses;* § 13.825 *Allowances for services or facilities.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply Sec. 2, 49 Stat. 1526, as amended; 15 U.S.C. 13) [Cease and desist order, Nancy Greer, Inc., New York, N.Y., Docket 8630, Apr. 9, 1965]

Consent order requiring a New York City manufacturer of wearing apparel products, having sales in excess of $4,900,000 in 1960, to cease making discriminatory payments for advertising, promotional services, and other facilities and services to certain favored customers as compensation for promoting the sale of its wearing apparel products—such as paying promotional allowances of $4,499 during 1961 and $3,951 during 1962 to a favored customer in Philadelphia, while not making such payments available on proportionally equal terms to all customers competing

with favored customer in the sale of such products of respondent, and postponing effective date of the order until further order of the Commission.

The order to cease and desist, including further order postponing effective date of said order, is as follows:

It is ordered, That respondent Nancy Greer, Inc., a corporation, its officers, directors, agents, representatives and employees, directly or through any corporate or other device, in the course of its business in commerce, as "commerce" is defined in the Clayton Act, as amended, do forthwith cease and desist from: Paying or contracting for the payment of anything of value to, or for the benefit of, any customer of the respondent as compensation or in consideration for advertising or promotional services, or any other service or facility, furnished by or through such customer in connection with the handling, sale or offering for sale of wearing apparel products manufactured, sold or offered for sale by respondent, unless such payment or consideration is made available on proportionally equal terms to all other customers competing with such favored customer in the distribution or resale of such products.

It is further ordered, That the effective date of the order to cease and desist be, and it hereby is, postponed until further order of the Commission.

Issued: April 9, 1965.

By the Commission.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 65-3564; Filed, June 22, 1965; 8:46 a.m.]

Title 26—INTERNAL REVENUE

Chapter I—Internal Revenue Service, Department of the Treasury

SUBCHAPTER A—INCOME TAX

[T.D. 6829]

PART 1—INCOME TAX; TAXABLE YEARS BEGINNING AFTER DECEMBER 31, 1953

Tax Adjustments in Determining Earnings and Profits of Certain Foreign Corporations

In order to extend the time within which the Director of International Operations may notify other United States shareholders of certain accounting actions taken on behalf of a foreign corporation by controlling United States shareholders, § 1.964-1 of the Income Tax Regulations (26 CFR Part 1) is amended by revising subdivision (iv) of paragraph (c)(4) to read as follows:

§ 1.964-1 Determination of the earnings and profits of a foreign corporation.

* * * * *

(c) *Tax adjustments.* * * *

(4) *Effect of action by controlling United States shareholders.* * * *

(iv) Was notified by the Director of International Operations of the action taken—

(*a*) Within 61 days after the last day (including extensions of time) prescribed with respect to the taxable year of the foreign corporation by subparagraph (3)(ii) of this paragraph for filing the written statement described in such subparagraph, or

(*b*) Within 180 days after the close of the first taxable year in which such shareholder becomes a United States shareholder,

whichever is later.

* * * * *

Because this Treasury decision amends existing regulations merely by extending the time within which certain actions may be taken, it is hereby found unnecessary to issue this Treasury decision with notice and public procedure thereon under section 4(a) of the Administrative Procedure Act, approved June 11, 1946, or subject to the effective date limitation of section 4(c) of such Act.

(Sec. 7805, Internal Revenue Code of 1954; 68A Stat. 917; 26 U.S.C. 7805)

[SEAL] SHELDON S. COHEN, *Commissioner of Internal Revenue.*

Approved: June 17, 1965.

STANLEY S. SURREY, *Assistant Secretary of the Treasury.*

[F.R. Doc. 65-6582; Filed, June 22, 1965; 8:47 a.m.]

[T.D. 6830]

PART 1—INCOME TAX; TAXABLE YEARS BEGINNING AFTER DECEMBER 31, 1953

Dividends Received Deduction for Certain Dividends Paid by Foreign Corporations

On March 30, 1965, notice of proposed rule making was published in the FEDERAL REGISTER (30 F.R. 4133) with respect to the amendment of the Income Tax Regulations (26 CFR Part 1) to conform the regulations under sections 243, 245, and 861 of the Internal Revenue Code of 1954 to section 3 of the Act of September 14, 1960 (Public Law 86-779, 74 Stat. 998), and to conform the regulations under section 243 in part to section 214(a) of the Revenue Act of 1964 (78 Stat. 52). The amendment of the regulations as proposed is hereby adopted, subject to the changes set forth below:

PARAGRAPH 1. Section 1.243-3, as set forth in paragraph 2 to the notice of proposed rule making, is changed by revising paragraphs (c) and (d).

PAR. 2. Paragraph (a) of § 1.861-3, as set forth in paragraph 5 to the notice of proposed rule making, is changed by revising subparagraph (3) thereof.

[SEAL] SHELDON S. COHEN, *Commissioner of Internal Revenue.*

Approved: June 17, 1965.

STANLEY S. SURREY, *Assistant Secretary of the Treasury.*

In order to conform the Income Tax Regulations (26 CFR Part 1) under sections 243, 245, and 861 of the Internal Revenue Code of 1954 to section 3 of the Act of September 14, 1960 (Public Law 86-779, 74 Stat. 998), and to conform the regulations under section 243 in part to section 214(a) of the Revenue Act of 1964 (78 Stat. 52), such regulations are amended as follows:

PARAGRAPH 1. Section 1.243 is amended by revising section 243 and the historical note to read as follows:

§ 1.243 Statutory provisions; dividends received by corporations.

SEC. 243. *Dividends received by corporations*—(a) *General rule.* In the case of a corporation, there shall be allowed as a deduction an amount equal to the following percentages of the amount received as dividends from a domestic corporation which is subject to taxation under this chapter:

(1) 85 percent, in the case of dividends other than dividends described in paragraph (2) or (3);

(2) 100 percent, in the case of dividends received by a small business investment company operating under the Small Business Investment Act of 1958; and

(3) 100 percent, in the case of qualifying dividends (as defined in subsection (b)(1)).

(b) *Qualifying dividends*—(1) *Definition.* For purposes of subsection (a)(3), the term "qualifying dividends" means dividends received by a corporation which, at the close of the day the dividends are received, is a member of the same affiliated group of corporations (as defined in paragraph (5)) as the corporation distributing the dividends, if—

(A) Such affiliated group has made an election under paragraph (2) which is effective for the taxable years of its members which include such day, and

(B) Such dividends are distributed out of earnings and profits of a taxable year of the distributing corporation ending after December 31, 1963—

(i) On each day of which the distributing corporation and the corporation receiving the dividends were members of such affiliated group, and

(ii) For which an election under section 1562 (relating to election of multiple surtax exemptions) is not effective.

(2) *Election.* An election under this paragraph shall be made for an affiliated group by the common parent corporation, and shall be made for any taxable year of the common parent corporation at such time and in such manner as the Secretary or his delegate by regulations prescribes. Such election may not be made for an affiliated group for any taxable year of the common parent corporation for which an election under section 1562 is effective. Each corporation which is a member of such group at any time during its taxable year which includes the last day of such taxable year of the common parent corporation must consent to such election at such time and in such manner as the Secretary or his delegate by regulations prescribes. An election under this paragraph shall be effective—

(A) For the taxable year of each member of such affiliated group which includes the last day of the taxable year of the common parent corporation with respect to which the election is made (except that in the case of a taxable year of a member beginning in 1963 and ending in 1964, if the election is effective for the taxable year of the common parent corporation which includes the last day of such taxable year of such member, such election shall be effective for such taxable year of such member, if such member consents to such election with respect to such taxable year), and

(B) For the taxable year of each member of such affiliated group which ends after the last day of such taxable year of the common parent corporation but which does not include such date, unless the election is terminated under paragraph (4).

(3) *Effect of election.* If an election by an affiliated group is effective with respect to a taxable year of the common parent corporation, then under regulations prescribed by the Secretary or his delegate—

(A) No member of such affiliated group may consent to an election under section 1562 for such taxable year,

(B) The members of such affiliated group shall be treated as one taxpayer for purposes of making the elections under section 901(a) (relating to allowance of foreign tax credit) and section 904(b)(1) (relating to election of overall limitation), and

(C) The members of such affiliated group shall be limited to one—

(i) $100,000 minimum accumulated earnings credit under section 535(c)(2) or (3),

(ii) $100,000 limitation for exploration expenditures under section 615(a) and (b),

(iii) $400,000 limitation for exploration expenditures under section 615(c)(1),

(iv) $25,000 limitation on small business deduction of life insurance companies under sections 804(a)(4) and 809(d)(10), and

(v) $100,000 exemption for purposes of estimated tax filing requirements under section 6016 and the addition to tax under section 6655 for failure to pay estimated tax.

(4) *Termination.* An election by an affiliated group under paragraph (2) shall terminate with respect to the taxable year of the common parent corporation and with respect to the taxable years of the members of such affiliated group which include the last day of such taxable year of the common parent corporation if—

(A) *Consent of members.* Such affiliated group files a termination of such election (at such time and in such manner as the Secretary or his delegate by regulations prescribes) with respect to such taxable year of the common parent corporation, and each corporation which is a member of such affiliated group at any time during its taxable year which includes the last day of such taxable year of the common parent corporation consents to such termination, or

(B) *Refusal by new member to consent.* During such taxable year of the common parent corporation such affiliated group includes a member which—

(i) Was not a member of such group during such common parent corporation's immediately preceding taxable year, and

(ii) Such member files a statement that it does not consent to the election at such time and in such manner as the Secretary or his delegate by regulations prescribes.

(5) *Definition of affiliated group.* For purposes of this subsection, the term "affiliated group" has the meaning assigned to it by section 1504(a), except that for such purposes sections 1504(b)(2) and 1504(c) shall not apply.

(6) *Special rules for insurance companies.* If an election under this subsection is effective for the taxable year of an insurance company subject to taxation under section 802 or 821—

(A) Part II of subchapter B of chapter 6 (relating to certain controlled corporations) shall be applied without regard to section 1563(a)(4) (relating to certain insurance companies) and section 1563(b)(2)(D) (relating to certain excluded members) with respect to such company and the other corporations which are members of the controlled group of corporations (as determined under section 1563 without regard to subsections (a)(4) and (b)(2)(D)) of which such company is a member, and

(B) For purposes of paragraph (1), a distribution by such company out of earnings and profits of a taxable year for which an election under this subsection was not effective, and for which such company was not a component member of a controlled group of corporations within the meaning of section 1563 solely by reason of section 1563(b)(2)(D), shall not be a qualifying dividend.

(c) *Special rules for certain distributions.* For purposes of subsection (a)—

(1) Any amount allowed as a deduction under section 591 (relating to deduction for dividends paid by mutual savings banks, etc.) shall not be treated as a dividend.

(2) A dividend received from a regulated investment company shall be subject to the limitations prescribed in section 854.

(3) Any dividend received from a real estate investment trust which, for the taxable year of the trust in which the dividend is paid, qualifies under part II of subchapter M (section 856 and following) shall not be treated as a dividend.

(4) Any dividend received which is described in section 244 (relating to dividends received on preferred stock of a public utility) shall not be treated as a dividend.

(d) *Certain dividends from foreign corporations.* For purposes of subsection (a) and for purposes of section 246, any dividend from a foreign corporation from earnings and profits accumulated by a domestic corporation during a period with respect to which such domestic corporation was subject to taxation under this chapter (or corresponding provisions of prior law) shall be treated as a dividend from a domestic corporation which is subject to taxation under this chapter.

[Sec. 243 as amended by sec. 57(b), Technical Amendments Act 1958 (73 Stat. 1645); secs. 3(a) and 10(g), Act of Sept. 14, 1960 (Pub. Law 86-779, 74 Stat. 998, 1009); sec. 214(a) Rev. Act 1964 (78 Stat. 52).]

PAR. 2. The following new section is inserted immediately after § 1.243-2:

§ 1.243-3 Certain dividends from foreign corporations.

(a) *In general.* (1) In determining the deduction provided in section 243(a), section 243(d) provides that a dividend received from a foreign corporation after December 31, 1959, shall be treated as a dividend from a domestic corporation which is subject to taxation under chapter 1 of the Code, but only to the extent that such dividend is out of earnings and profits accumulated by a domestic corporation during a period with respect to which such domestic corporation was subject to taxation under chapter 1 of the Code (or corresponding provisions of prior law). Thus, for example, if a domestic corporation accumulates earnings and profits during a period or periods with respect to which it is subject to taxation under chapter 1 of the Code (or corresponding provisions of prior law) and subsequently such domestic corporation reincorporates in a foreign country, any dividends paid out of such earnings and profits after such reincorporation are eligible for the deduction provided in section 243(a)(1) and (2).

(2) Section 243(d) and this section do not apply to dividends paid out of earnings and profits accumulated (i) by a corporation organized under the China Trade Act, 1922, (ii) by a domestic corporation during any period with respect to which such corporation was exempt from taxation under section 501 (relating to certain charitable, etc. organizations) or 521 (relating to farmers' cooperative associations), or (iii) by a domestic corporation during any period to which section 931 (relating to income from sources within possessions of the United States) applied.

(b) *Establishing separate earnings and profits accounts.* A foreign corporation shall, for purposes of section 243(d), maintain a separate account for earnings and profits to which it succeeds which were accumulated by a domestic corporation, and such foreign corporation shall treat such earnings and profits as having been accumulated during the accounting periods in which earned by such domestic corporation. Such foreign corporation shall also maintain such a separate account for the earnings and profits, or deficit in earnings and profits, accumulated by it or accumulated by any other corporations to the earnings and profits of which it succeeds.

(c) *Effect of dividends on earnings and profits accounts.* Dividends paid out of the accumulated earnings and profits (see section 316(a)(1)) of such foreign corporation shall be treated as having been paid out of the most recently accumulated earnings and profits of such corporation. A deficit in an earnings and profits account for any accounting period shall reduce the most recently accumulated earnings and profits for a prior accounting period in such account. If there are no accumulated earnings and profits in an earnings and profits account because of a deficit incurred in a prior accounting period, such deficit must be restored before earnings and profits can be accumulated in a subsequent accounting period. If a dividend is paid out of earnings and profits of a foreign corporation which maintains two or more accounts (established under the provisions of paragraph (b) of this section) with respect to two or more accounting periods ending on the same day, then the portion of such dividend considered as paid out of each account shall be the same proportion of the total dividend as the amount of earnings and profits in that account bears to the sum of the earnings and profits in all such accounts.

(d) *Illustration.* The application of the principles of this section in the determination of the amount of the dividends received deduction may be illustrated by the following example:

Example. On December 31, 1960, corporation X, a calendar-year corporation organized in the United States on January 1, 1958, consolidated with corporation Y, a foreign corporation organized on January 1, 1958, which used an annual accounting period based on the calendar year, to form corporation Z, a foreign corporation not engaged in trade or business within the United States. Corporation Z is a wholly-owned subsidiary of corporation M, a domestic corporation. On January 1, 1961, corporation Z's accumulated earnings and profits of $31,000 are, under the provisions of paragraph (b) of this section, maintained in separate earnings and profits accounts containing the following amounts:

Earnings and profits accumulated for—	Domestic corporation X	Foreign corporation Y
1958	($1,000)	$11,000
1959	10,000	9,000
1960	5,000	(3,000)

Corporation Z had earnings and profits of $10,000 in each of the years 1961, 1962, and 1963 and makes distributions with respect to its stock to corporation M for such years in the following amounts:

1961	$14,000
1962	23,000
1963	16,000

(1) For 1961, a deduction of $3,400 is allowable to M with respect to the $14,000 distribution from Z, computed as follows:

(i) Dividend from current year earnings and profits (1961)	$10,000
(ii) Dividend from earnings and profits of corporation X accumulated for 1960	4,000
(iii) Deduction: 85 percent of $4,000 (the amount distributed from the accumulated earnings and profits of corporation X)	3,400

(2) For 1962, a deduction of $6,970 is allowable to corporation M with respect to the $23,000 distribution from corporation Z, computed as follows:

(i) Dividend from current year earnings and profits (1962)	$10,000
(ii) Dividend from earnings and profits of corporation X accumulated for:	
1960	$1,000
1959: $9,000 (i.e., $10,000 − $1,000) divided by $15,000 (i.e., $9,000+$9,000 −$3,000) multiplied by $12,000 (i.e., $23,000−$11,000)	7,200
Total	8,200
(iii) Dividend from earnings and profits of corporation Y accumulated for: 1959: $6,000/$15,000×$12,000	4,800
(iv) Deduction: 85 percent of $8,200 (the amount distributed from the accumulated earnings and profits of corporation X)	6,970

(3) For 1963, a deduction of $1,530 is allowable to M with respect to the $16,000 distribution from Z, computed as follows:

(i) Dividend from current year earnings and profits (1963)	$10,000
(ii) Dividend from earnings and profits of corporation X accumulated for 1959: Earnings and profits remaining after 1962 distribution (i.e., $9,000−$7,200)	1,800
(iii) Dividend from earnings and profits of corporation Y accumulated for 1959: Earnings and profits remaining after 1962 distribution (i.e., $6,000−$4,800)	1,200
1958	3,000
(iv) Deduction: 85 percent of $1,800 (the amount distributed from the accumulated earnings and profits of corporation X)	1,530

PAR. 3. Section 1.245–1 is amended by revising paragraph (a) to read as follows:

§ 1.245–1 Deduction for dividends received from certain foreign corporations.

(a) (1) A corporation is allowed a deduction under section 245 for dividends received from a foreign corporation (other than a foreign personal holding company as defined in section 552) which is subject to taxation under chapter 1 of the Code if, for an uninterrupted period of not less than 36 months ending with the close of the foreign corporation's taxable year in which the dividends are paid, such foreign corporation has been engaged in trade or business within the United States and has derived 50 percent or more of its gross income from sources within the United States. If the foreign corporation has been in existence less than 36 months as of the close of the taxable year in which the dividends are paid, then the applicable uninterrupted period to be taken into consideration in lieu of the uninterrupted period of 36 or more months is the entire period such corporation has been in existence as of the close of such taxable year. An uninterrupted period which satisfies the twofold requirement with respect to business activity and gross income may start at a date later than the date on which the foreign corporation first commenced an uninterrupted period of engaging in trade or business within the United States, but the applicable uninterrupted period is in any event the longest uninterrupted period which satisfies such twofold requirement.

(2) To the extent that a dividend received from a foreign corporation is treated as a dividend from a domestic corporation in accordance with section 243(d) and § 1.243–3, it shall not be treated as a dividend received from a foreign corporation for purposes of this section.

* * * * *

PAR. 4. Section 1.861 is amended by revising subparagraph (B) of, and by adding a subparagraph (C) to, subsection (a) (2) and by revising the historical note. These revised and added provisions read as follows:

§ 1.861 Statutory provisions; income from sources within the United States.

SEC. 861. *Income from sources within the United States.*—(a) *Gross income from sources within the United States.* * * *

(2) *Dividends.* * * *

(B) From a foreign corporation unless less than 50 percent of the gross income of such foreign corporation for the 3-year period ending with the close of its taxable year preceding the declaration of such dividends (or for such part of such period as the corporation has been in existence) was derived from sources within the United States as determined under the provisions of this part; but only in an amount which bears the same ratio to such dividends as the gross income of the corporation for such period derived from sources within the United States bears to its gross income from all sources; but dividends from a foreign corporation shall, for purposes of subpart A of part III (relating to foreign tax credit), be treated as income from sources without the United States to the extent exceeding the amount of the deduction allowable under section 245 in respect of such dividends, or

(C) From a foreign corporation to the extent that such amount is required by section 243(d) (relating to certain dividends from foreign corporations) to be treated as dividends from a domestic corporation which is subject to taxation under this chapter, and to such extent subparagraph (B) shall not apply to such amount.

* * * * *

[Sec. 861 as amended by sec. 3(b), Act of Sept. 14, 1960 (Pub. Law 86–779, 74 Stat. 998)]

PAR. 5. Paragraph (a) of § 1.861–3 is amended to read as follows:

§ 1.861–3 Dividends.

(a) *General*—(1) *Dividends included in gross income.* Gross income from sources within the United States includes a dividend (as defined by section 316 and the regulations thereunder) described in subparagraph (2), (3), or (4) of this paragraph.

(2) *Dividend from a domestic corporation.* A dividend described in this subparagraph is a dividend from a domestic corporation other than a domestic corporation entitled to the benefits of section 931, and other than a domestic corporation less than 20 percent of the gross income of which is shown to the satisfaction of the district director (or, if applicable, the Director of International Operations) to have been derived from sources within the United States, as determined under the provisions of sections 861 to 864, inclusive, and the regulations thereunder, for the 3-year period ending with the close of the taxable year of such corporation preceding the declaration of such dividend, or for such part of such period as the corporation has been in existence.

(3) *Dividend from a foreign corporation.* A dividend described in this subparagraph is a dividend from a foreign corporation (other than a dividend to which subparagraph (4) of this paragraph applies) unless less than 50 percent of such foreign corporation's gross income for the 3-year period ending with the close of its taxable year preceding the declaration of such dividend, or for such part of such period as it has been in existence, was derived from sources within the United States, as determined under the provisions of part I (section 861 and following), subchapter N, chapter 1 of the Code, and the regulations thereunder; but only in an amount which bears the same ratio to such dividend as the gross income of the corporation for such period derived from sources within the United States bears to its gross income from all sources. However, for purposes of sections 901 to 905, inclusive, and the regulations thereunder, relating to the foreign tax credit, a dividend from a foreign corporation shall be treated as income from sources without the United States to the extent exceeding the amount of the deduction allowable under section 245 in respect of such dividend.

(4) *Dividend from a foreign corporation succeeding to earnings of a domestic corporation.* A dividend described in this subparagraph is a dividend from a foreign corporation, if such dividend is received by a corporation after December 31, 1959, but only to the extent that such dividend is treated by such recipient corporation under the provisions of § 1.243–3 as a dividend from a domestic corporation subject to taxation under chapter 1 of the Code. To the extent that this subparagraph applies to a dividend received from a foreign corporation, subparagraph (3) of this paragraph shall not apply to such dividend.

* * * * *

(Sec. 7805, Internal Revenue Code of 1954; 68A Stat. 917; 26 U.S.C. 7805)

[F.R. Doc. 65–6583; Filed, June 22, 1965; 8:48 a.m.]

Title 38—PENSIONS, BONUSES, AND VETERANS' RELIEF

Chapter I—Veterans Administration

PART 6—UNITED STATES GOVERNMENT LIFE INSURANCE

PART 8—NATIONAL SERVICE LIFE INSURANCE

Miscellaneous Amendments

1. In Part 6, §§ 6.19 and 6.96 are revised to read as follows:

§ 6.19 Revival of insurance.

(a) If the sole reason death, total permanent disability or total disability benefits under a policy of U.S. Government life insurance cannot be granted is because the policy was lapsed, such policy shall be deemed to have been in force by payment of premiums if (1) the policyholder died or became totally and permanently disabled or totally disabled, on or after date of promulgation (Mar. 5, 1964) and before the next anniversary date of his policy following the date of lapse, and (2) regular dividends, accruing on such policy as the result of premiums paid since the last anniversary date, which are not payable until after the date of death, total permanent disability or total disability of the policyholder, are sufficient to have maintained that policy in force on a premium-paying basis to the required date so that death benefits in case of death or total permanent disability benefits in the case of total permanent disability or total disability benefits in the case of total disability, which otherwise could be granted under the provisions of the contract except for the lapse, may be granted. No total disability provision or total permanent disability provision will be placed in force under this paragraph unless it lapsed at the same time as the life insurance and both the life insurance and the disability provision attached thereto are placed in force under this paragraph and benefits may be granted under the terms of such provision. The unpaid premiums on such insurance shall be collected from such dividends and from any other benefits payable under the policy.

(b) If the sole reason death, total permanent disability or total disability benefits under a policy of U.S. Government life insurance cannot be granted is because the policy was lapsed and there was due and payable to the policyholder on the date of lapse unpaid dividends, refundable premiums, pure insurance risk credits, other refundable credits, or total permanent disability or total disability benefit payments, resulting from the policyholder's U.S. Government life insurance which are of sufficient amount to maintain the insurance in force on a premium-paying basis to the date of death or the beginning of total permanent disability or total disability the unpaid monies will be applied to pay premiums. However, the unpaid monies will not be applied in such cases unless death benefits, total permanent disability or total disability benefits may be granted under the provisions of the contract. No total disability provision or total permanent disability provision will be placed in force under this paragraph unless it lapsed at the same time as the life insurance and both the life insurance and the disability provision attached thereto are placed in force under this paragraph and disability benefits may be granted under the terms of such provision. This paragraph shall be applicable only in cases where the policyholder dies or becomes totally disabled or totally and permanently disabled on or after June 1, 1965.

(c) If the sole reason death benefits under a United States Government life insurance contract cannot be granted is because the life insurance was lapsed, such insurance shall be deemed to have been in force on the date of death if (1) the policyholder died within 61 days of the due date of the premium in default and (2) the contract prior to such lapse had been in force for five years or more. In such cases the unpaid premium or premiums shall be deducted from the amount of insurance payable. This paragraph shall be applicable only in cases where the policyholder dies on or after June 1, 1965.

§ 6.96 Special dividends.

Any special U.S. Government life insurance dividend that may be declared shall be paid in cash. Such special dividends shall not be accepted to accumulate on deposit or as a dividend credit. Except as provided in § 6.19(b), unpaid special dividends shall not be available to pay premiums.

2. In § 6.168, paragraph (D) is amended to read as follows:

§ 6.168 Total permanent disability provision for U.S. Government life insurance on the special endowment at age 96 plan policy.

* * * * *

(D) Premiums paid to cover a period during which waiver is effective shall be refunded in cash, without interest, and, except as provided in § 6.19(b), no part of such amount will be used to pay premiums unless specifically authorized in writing by the insured prior to lapse and then only to pay premiums falling due after such authorization. The premiums refundable under this provision shall be paid to the insured, if living, otherwise to the person entitled to the proceeds of this policy.

* * * * *

3. In Part 8, §§ 8.7c and 8.26a are revised to read as follows:

§ 8.7c Revival of insurance.

(a) If the sole reason death or total disability benefits under a participating policy of National Service life insurance cannot be granted is because the policy was lapsed, such policy shall be deemed to have been in force under premium-paying conditions if (1) the policyholder died or became totally disabled, on or after date of promulgation (Mar. 5, 1964) and before the next anniversary date of his policy following the date of lapse, and (2) regular dividends, accruing on such policy as the result of premiums paid since the last anniversary date which are not payable until after the date of death or total disability of the policyholder, are sufficient to have maintained that policy in force on a premium-paying basis to the required date so that death benefits in the case of death or total disability benefits in the case of total disability, which otherwise could be granted under the provisions of the contract except for the lapse, may be granted. No total disability income provision will be placed in force under this paragraph unless it lapsed at the same time as the life insurance and both are placed in force under this paragraph and benefits may be granted under the terms of such provision. The unpaid premiums on such insurance shall be collected from such dividends and from any other benefits payable under the policy.

(b) If the sole reason death or total disability benefits under a policy of National Service life insurance cannot be granted is because the policy was lapsed and there was due and payable to the policyholder on the date of lapse unpaid dividends, refundable premiums, pure insurance risk credits, other refundable credits, or total disability benefit payments, resulting from the policyholder's National Service life insurance which are of sufficient amount to maintain the insurance in force on a premium-paying basis to the date of death or the beginning of total disability the unpaid monies will be applied to pay premiums. However, the unpaid monies will not be applied in such cases unless death benefits or total disability benefits may be granted under the provisions of the contract. No total disability income provision will be placed in force under this paragraph unless it lapsed at the same time as the life insurance and both are placed in force under this paragraph and disability benefits may be granted under the terms of such provision. This paragraph shall be applicable only in cases where the policyholder dies or becomes totally disabled on or after June 1, 1965.

(c) If the sole reason death benefits under a National Service life insurance contract cannot be granted is because the life insurance was lapsed, such insurance shall be deemed to have been in force on the date of death if (1) the policyholder died within 61 days of the due date of the premium in default and (2) the contract prior to such lapse had been in force for five years or more. In such cases the unpaid premium or premiums shall be deducted from the amount of insurance payable. This paragraph shall be applicable only in cases where the policyholder dies on or after June 1, 1965.

§ 8.26a Special dividends.

Any special National Service life insurance dividend declared prior to January 1, 1952, shall be paid in cash. Such special dividends shall not be accepted

to accumulate on deposit and, except as provided in § 8.7c(b), shall not be available to pay premiums.

4. In § 8.41, paragraph (c) is amended to read as follows:

§ 8.41 Effective date of premium waiver.

• • • • •

(c) Premiums paid to cover a period during which the waiver is effective shall be refunded in cash, without interest, and, except as provided in § 8.7c(b), no part of such amount will be used to pay premiums unless specifically authorized in writing by the insured prior to lapse and then only to pay premiums falling due after such authorization.

(72 Stat. 1114; 38 U.S.C. 210)

These VA regulations are effective June 1, 1965.

Approved: June 17, 1965.

By direction of the Administrator.

[SEAL] CYRIL F. BRICKFIELD,
Deputy Administrator.

[F.R. Doc. 65-6584; Filed, June 22, 1965; 8:48 a.m.]

Title 39—POSTAL SERVICE

Chapter I—Post Office Department

PART 22—SECOND CLASS

What May Be Mailed at Second Class Rates; Supplements

Regulations contained in § 22.4(d) of Title 39, Code of Federal Regulations, as amended by 29 F.R. 16252, which relate to supplements to publications with second-class mailing privileges, are hereby amended for the purpose of providing additional guidelines for publishers.

Problems have arisen lately at many post offices relating to the acceptance of preprinted advertising supplements. The increased use of this type of material and conflicting rulings by various post offices make it essential that this matter be promptly clarified through a revision of existing regulations. Advance notice would delay clarification for publishers and postmasters and in some instances would penalize mailers who meet the requirements. Therefore, it is necessary to make these regulations effective upon publication in the FEDERAL REGISTER.

The amendments made in this document will be effective upon publication in the FEDERAL REGISTER and remain in effect for a period of 90 days. As so amended, § 22.4(d) reads as follows:

§ 22.4 What may be mailed at the second-class rates.

• • • • •

(d) *Supplements.* Issues may include supplements subject to the following conditions:

(1) The supplement must be germane to the issue, and prepared in order to complete it, having been omitted for want of space, time, or greater convenience.

(2) Publishers must be paid at advertising rates and charges for carrying preprinted advertising supplements germane to the issue which are furnished to them by advertisers or others.

(3) Publications which are distinct from and independent of the regular issue, such as catalogs, circulars, handbills, posters, and other special advertisements, and which are, therefore, not germane to the issue, may not be inserted as supplements.

(4) A supplement must bear the title of the publication preceded by the words "Supplement to."

(5) Supplements must be folded and mailed with the regular issue.

(6) Bound periodicals must observe the provisions of paragraph (h) of this section.

• • • • •

NOTE: The corresponding Postal Manual section is 132.44.

(R.S. 161, as amended; 5 U.S.C. 22, 39 U.S.C. 501, 4351-4370)

HARVEY H. HANNAH,
Acting General Counsel.

[F.R. Doc. 65-6580; Filed, June 22, 1965; 8:47 a.m.]

Title 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

[Docket No. 15970, RM 719; FCC 65-541]

PART 73—RADIO BROADCAST SERVICES

Table of Assignments; FM Broadcast Stations, Albion and Marshall, Mich.

Report and order. 1. The Commission has under consideration its notice of proposed rule making, FCC 65-327, issued on April 22, 1965, and printed in the FEDERAL REGISTER on April 27, 1965 (30 F.R. 5360) inviting comments on a proposal advanced by Triad Stations, Inc., to amend the FM Table of Assignments so as to add Channel 244A to Albion, Mich., as follows:

City	Channel No.	
	Present	Proposed
Albion, Mich.	285A	244A, 285A

2. Albion is a community of 12,749 persons and is located in Calhoun County, which has a population of 138,858 persons. It has an unlimited time AM station and one Class A FM assignment, Channel 285A. Marshall, a community of 6,736 persons, also in Calhoun County and its county seat, has no FM channel assigned. The largest city in the county is Battle Creek, which has one Class B assignment. The licensees of the two AM stations at Albion and Marshall (WALM and WMBR respectively) have filed applications for the sole FM assignment, both specifying Marshall as the station location under the "25 mile rule". These applications, BPH-4131, Docket 15548 and BPH-4327, Docket 15614, have been designated for a comparative hearing.

3. Triad Stations, Inc., urges that the proposal would provide Marshall with its first local nighttime service, that it would provide the area with a choice of services, would eliminate the delay in the inauguration of FM service, and that it would conform to all the rules. Since Channel 244A is technically feasible in a rather large area the notice invited comments on its possible use elsewhere. No comments were directed to this matter. No oppositions were filed to the proposal.

4. The Commission is of the view that the proposed addition of a second Class A assignment to Albion would serve the public interest since it would provide the area with multiple FM services, conform to all the rules, expedite the institution of new radio services in the area, and would not adversely affect any other station or assignment.

5. Authority for the adoption of the amendment contained herein is contained in sections 4(i), 303, and 307(b) of the Communications Act of 1934, as amended.

6. In view of the foregoing: *It is ordered*, That effective July 26, 1965, the FM Table of Assignments, § 73.202 of the rules and regulations, is amended, insofar as the community named is concerned, to read as follows:

City	Channel No.
Albion, Mich.	244A, 285A

7. *It is further ordered*, That this proceeding is terminated.

(Sec. 4, 48 Stat. 1066, as amended; 47 U.S.C. 154; interpret or apply secs. 303, 307, 48 Stat. 1082, 1083; 47 U.S.C. 303, 307)

Adopted: June 16, 1965.

Released: June 18, 1965.

FEDERAL COMMUNICATIONS COMMISSION,[1]
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 65-6595; Filed, June 22, 1965; 8:48 a.m.]

[1] Commissioner Cox absent.

Proposed Rule Making

POST OFFICE DEPARTMENT

[39 CFR Part 22]

SUPPLEMENTS TO PUBLICATIONS WITH SECOND-CLASS MAILING PRIVILEGES

Notice of Proposed Rule Making

Notice is hereby given of proposed rule making consisting of a proposed revision of paragraph (d), of § 22.4 of Title 39, Code of Federal Regulations, for the purpose of providing additional guidelines for publishers regarding the acceptance of preprinted advertising supplements to publications with second-class mailing privileges.

Although the procedures in 39 CFR 22.4 relate to a proprietary function of the Government, it is the desire of the Postmaster General voluntarily to observe the rule making requirements of the Administrative Procedure Act (5 U.S.C. 1003) in order that patrons of the postal service may have an opportunity to present written views concerning the procedures. Accordingly, such written views may be submitted to the Director, Classification and Special Services Division, Bureau of Operations, Post Office Department, Washington, D.C., 20260, at any time prior to the thirtieth day following the date of publication of this notice in the FEDERAL REGISTER.

The proposed § 22.4(d) reads as follows:

§ 22.4 What may be mailed at the second-class rates.

• • • • •

(d) *Supplements.* Issues may include supplements subject to the following conditions:

(1) The supplement must be germane to the issue, and prepared in order to complete it, having been omitted for want of space, time, or greater convenience.

(2) Publishers must be paid at advertising rates and charges for carrying preprinted advertising supplements germane to the issue which are furnished to them by advertisers or others.

(3) Publications which are distant from and independent of the regular issue, such as catalogs, circulars, handbills, posters, and other special advertisements, and which are, therefore, not germane to the issue, may not be inserted as supplements.

(4) A supplement must bear the title of the publication preceded by the words "Supplement to."

(5) Supplements must be folded and mailed with the regular issue.

(6) Bound periodicals must observe the provisions of paragraph (h) of this section.

• • • • •

NOTE: The corresponding Postal Manual section is 132.44.

(R.S. 161, as amended; 5 U.S.C. 22, 39 U.S.C. 501, 4351-4370)

HARVEY H. HANNAH,
Acting General Counsel.

[F.R. Doc. 65-6581; Filed, June 22, 1965; 8:47 a.m.]

DEPARTMENT OF AGRICULTURE

Consumer and Marketing Service

[7 CFR Part 28]

AMERICAN UPLAND COTTON

Withdrawal of Notice of Proposed Rule Making

On May 5, 1965, a notice of proposed rule making was published in the FEDERAL REGISTER (30 F.R. 6255) regarding the proposed addition of a new descriptive standard for Strict Good Ordinary Light Spotted cotton and a new physical standard for Strict Good Ordinary Spotted cotton to the current Official Cotton Standards of the United States for the Grade of American Upland Cotton (7 CFR Part 28, Subpart C), pursuant to authority contained in sections 6 and 10 of the U.S. Cotton Standards Act, as amended (42 Stat. 1518, 1519; 7 U.S.C. 56, 61) and in section 4854 of the Internal Revenue Code of 1954 (68A Stat. 580; 26 U.S.C. 4854).

Statement of considerations leading to withdrawal of proposed standards. The proposed physical standard for Strict Good Ordinary Spotted cotton was displayed for interested persons at numerous locations in the United States during April and May. This proposed standard was also displayed at overseas locations by Signatory Associations to the Universal Cotton Standards Agreement.

Interested persons and cotton associations were given an opportunity to submit written data, views, and arguments in connection with the proposed standards to the Hearing Clerk of the U.S. Department of Agriculture not later than June 7, 1965. Written and oral data, views, and arguments were also received at the Universal Cotton Standards Conference held in Memphis, Tenn. on June 3-4, 1965. Cotton shipper associations, cotton exchanges, cotton manufacturing associations, cotton producer associations, cotton ginner associations, and overseas Signatory Associations of the Universal Cotton Standards Agreement were represented at this conference. All these segments of the cotton industry except cotton producer associations and cotton ginner associations oppose promulgation of the proposed new standards. Due to the unacceptability of these standards to so many segments of the industry, it is concluded that they would serve little useful purpose at this time in promoting orderly and efficient marketing of cotton. Therefore, the proposal as issued in the FEDERAL REGISTER on May 5, 1965 (30 F.R. 6255) is hereby withdrawn in its entirety.

Dated: June 17, 1965.

G. R. GRANGE,
Deputy Administrator, Marketing Services.

[F.R. Doc. 65-6578; Filed, June 22, 1965; 8:47 a.m.]

[7 CFR Part 1136]

MILK IN GREAT BASIN MARKETING AREA

Notice of Proposed Suspension of Certain Provision of Order

Notice is hereby given that, pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), the suspension of certain provision of the order regulating the handling of milk in the Great Basin marketing area is being considered for the months of June and July 1965.

The provision proposed to be suspended is "there is disposed of on routes fluid milk products equal to not less than 40 percent of the receipts during the month at such plant of producer milk and receipts at the plant of fluid milk products from plants described pursuant to paragraph (b) of this section, and", appearing in § 1136.11(a), relating to pool plant qualifications for an approved plant which disposes of fluid milk products on routes in the marketing area.

This action was requested by the major cooperative associations in the marketing area. Petitioners stated that this suspension is necessary to enable cooperative associations to maintain pool plant status during the months of June and July in view of the necessity for the cooperatives to handle the reserve milk supplies for the other handlers in the marketing area.

All persons who desire to submit written data, views, or arguments in connection with the proposed suspension should file the same with the Hearing Clerk, Room 112-A, Administration Building, U.S. Department of Agriculture, Washington, D.C., 20250, not later than 3 days from the date of publication of this notice in the FEDERAL REGISTER. All documents filed should be in quadruplicate.

All written submissions made pursuant to this notice will be made available for public inspection at the office of the Hearing Clerk during regular business hours (§ 1.27(b)).

Signed at Washington, D.C., on June 18, 1965.

CLARENCE H. GIRARD,
Deputy Administrator, Regulatory Programs.

[F.R. Doc. 65-6608; Filed, June 22, 1965; 8:49 a.m.]

[7 CFR Part 1138]

[Docket No. AO-338-A4]

MILK IN RIO GRANDE VALLEY MARKETING AREA

Decision on Proposed Amendments to Tentative Marketing Agreement and Order

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing order (7 CFR Part 900), a public hearing was held at Albuquerque, on March 31 and April 1, 1965, pursuant to notice thereof issued on March 18, 1965 (30 F.R. 3781).

Upon the basis of the evidence introduced at the hearing and the record thereof, the Deputy Administrator, on May 28, 1965 (30 F.R. 7288; F.R. Doc. 65-5736), filed with the Hearing Clerk, U.S. Department of Agriculture, his recommended decision containing notice of the opporunity to file written exceptions thereto.

The material issues, findings and conclusions, rulings, and general findings of the recommended decision (30 F.R. 7288; F.R. Doc. 65-5736) are hereby approved and adopted and are set forth in full herein:

The material issues on the record of the hearing relate to:

1. Pricing of diverted milk;
2. A cooperative association as a handler of milk delivered in farm bulk tanks to pool plants;
3. The Class I price and location differentials;
4. A fall incentive or "Louisville" plan of payments to producers;
5. Payments to producers on a base and excess plan; and
6. Miscellaneous and conforming changes.

This decision is concerned with issues No. 3 through No. 6. Issues No. 1 and No. 2 were dealt with in an earlier decision. No evidence was received pertaining to proposals in the hearing notice to revise the producer butterfat differentials and modify the method of classifying inventory. Therefore, no further action on these matters will be taken.

Findings and conclusions. The following findings and conclusions pertaining to issues No. 3 through No. 6 are based on evidence presented at the hearing and the record thereof.

3. *The Class I price and location differentials.* The seasonal Class I price differentials in the Rio Grande Valley order through February 1967 should be at the rate of $2.25 during the months of July through February and $1.95 during the months of March through June. Three pricing zones should be provided within the marketing area. The Class I differentials stated above would be applicable in Zone I which includes 20 New Mexico counties and El Paso County, Tex., in which the cities of Albuquerque, Alamogordo, Las Cruces, Santa Fe, and El Paso are located. The Class I differentials in each of the remaining zones should be 15 cents less than those for Zone I. The Class I price should be adjusted during this period by a supply-demand adjustor equal to the simple average of the supply-demand adjustments effective for the same month under the orders for the Wichita, Oklahoma Metropolitan, North Texas, Central Arizona, Great Basin, and Eastern Colorado marketing areas. The Class I milk price should be reduced 15 cents at pool plants located outside the marketing area more than 100 miles from the nearest of the county courthouses in Bernalillo and Santa Fe Counties, N. Mex., and El Paso, Tex. The present rate of 1 cent for each 10 miles, or fraction thereof, beyond 110 miles should be retained.

The Class I differentials above the basic formula price are currently $2.35 for the months of July through February and $2.05 March through June at Albuquerque and Santa Fe and 10 cents higher at El Paso, Tex. The Class I milk price at a plant located more than 100 miles from each of the county courthouses in Albuquerque and Santa Fe, N. Mex., or El Paso, Tex., is reduced 15 cents, plus 1 cent for each 10 miles, or fraction thereof, that such plant is more than 110 miles from the nearest of the respective courthouses. Location differentials are computed from Albuquerque or Santa Fe, N. Mex., except that if the resulting Class I milk price is greater, location adjustments are computed from El Paso. The Class I price at present is further adjusted by the simple average of the supply-demand adjustments effective for the same month in the North Texas, Oklahoma Metropolitan and Wichita milk orders.

Testimony was received on several proposals affecting the Class I milk price and location adjustments to handlers and producers. Proposals with respect to the Class I milk price were (1) to extend the present pricing scheme indefinitely; (2) provide a uniform monthly differential of $2.25 above the basic formula price; (3) increase the price at El Paso by 22 cents per hundredweight; and (4) further adjust the Class I milk price by using the simple average of supply-demand adjustments in six markets (Lubbock-Plainview, Texas Panhandle, and Central Arizona in addition to the three markets now used). Proposals affecting location adjustments provided for eliminating all minus adjustments to the east and south of Albuquerque or merely to review present adjustments to handlers and producers at each pool plant location to determine their continued feasibility.

Producer milk classified as Class I (including inventory reclassified) approximated 264 million pounds of milk during 1963 and was about 265 million pounds in 1964. Total receipts from all producers were 310 million pounds in 1963 and 320 million pounds in 1964. Producers located in the marketing area produced from 85 to 90 percent of this milk while producers located outside the marketing area in the States of Arizona, Colorado, Kansas, and Utah produced from 10 to 15 percent of the producer milk supply for the Rio Grande Valley market. (Official notice is taken of the June 1964 issue of the Market Administrator Bulletin showing producer milk production by area.)

Receipts of other source fluid milk were about 36 million pounds each year during 1963-1964. Approximately 31 million pounds of this other source milk was allocated to Class I milk. The total amount of milk diverted or transferred to nonpool plants for surplus disposal also was 31 million pounds each year.

On the basis of the facts found hereafter, it is concluded that prices at pool plants within the Rio Grande Valley marketing area should be determined by pricing zones rather than by mileages from central points as presently provided. Zone I should include 20 New Mexico counties and El Paso County, Tex., in which are located the principal cities of Albuquerque, Santa Fe, and El Paso. Zone II should include San Juan County, N. Mex., and the three Colorado counties in the marketing area. Zone III should include the seven New Mexico counties of Chaves, Curry, De Baca, Eddy, Lea, Quay, and Roosevelt. While identical price treatment is provided herein for Zones II and III, these zones are separated by Zone I; Zone II lies northwest of Zone I while Zone III lies east of Zone I.

The population of Zone I is approximately 1 million. The principal centers of population are Santa Fe, Albuquerque, Alamogordo, Las Cruces, and El Paso. Consumers in Zone I are served by 12 handlers, 5 of which are located in El Paso, 4 in Albuquerque and 1 each in Alamogordo, Las Cruces, and Santa Fe. The Class I price at these plants is presently 10 cents per hundredweight higher than at plants located in Albuquerque and Santa Fe. It is at pool plants located in Zone I that milk directly from farms located outside the marketing area in the States of Arizona, Colorado, Kansas, and Utah has been received. The milk from Colorado farms was no longer being received at pool plants at the time of the hearing. Bulk milk from Waterloo, Iowa, 1,250 miles distance from El Paso, Tex., is received regularly at a pool plant in El Paso. It is at pool plants in this zone where almost all of the 31 million pounds of other source fluid milk is received and from which 21 million pounds of producer milk were diverted or transferred long distances to nonpool plants.

The population of Zone II is about 90 thousand. Pool plants are located at Aztec and Farmington, N. Mex., and Durango, Colo., from 180 to 220 miles northwest of Albuquerque and Santa Fe. From these three plants approximately five million pounds of milk were diverted and/or transferred to nonpool plants. Packaged fluid milk products from a plant regulated under the Great Basin Federal milk order are distributed in this zone. Location differentials at these plants now range from 23 to 26 cents per hundredweight.

Zone III has a population of 226 thousand with the principal centers located at Artesia, Carlsbad, Clovis, Hobbs, Lovington, Portales, Roswell, and Tucumcari, N. Mex. There are four pool plants located in this zone. Location adjustments at these pool plants are presently a minus 15 cents at Roswell, 22 cents at Tucumcari and 26 cents at the two plants in Clovis. These plants are located 170 to 200 miles from Albuquerque and Santa Fe. The two plants in Clovis are 300 miles and the plant in Roswell is 200 miles from El Paso. It is approximately 100 miles from Clovis to plants regulated by other Federal milk orders in Amarillo and Lubbock, Tex. Packaged fluid milk products move extensively in and out of Zone III. A pool distributing plant in Santa Fe (Zone I) maintains distribution points in Hobbs and Roswell.

A new pool distributing plant was established at Clovis in May 1963 from which fluid milk products are now distributed in Albuquerque, N. Mex., and El Paso, Tex., in Zone I. Distribution also is made from this plant in Amarillo, Lubbock, and as far east as Midland, Tex. Handlers located in Amarillo and Lubbock also distribute fluid milk products in Zone III. Dairy farmers located in Roosevelt County, N. Mex., directly south of Clovis, are a source of supply for plants regulated by this order as well as for plants regulated by the Texas Panhandle and Lubbock-Plainview Federal milk orders. Approximately the same amount of milk as in Zone II, five million pounds, has been moved from plants located in Zone III to nonpool plants, although the total volume of milk produced in Zone III is three times that in Zone II.

Since the establishment in May 1963 of a new distributing plant at Clovis, N. Mex., very little, if any, milk from farms in Roosevelt County has been shipped to pool plants in El Paso. This record also discloses that the pool plant located at Roswell does not move milk either in bulk or packaged form into El Paso but does have route disposition throughout most of Zone III. The plant at Roswell is now associated both from the standpoint of supply and sales area with other plants in Zone III. It is for this reason that Chaves County, in which the city of Roswell is located, is included as a part of Zone III.

Thus, even though local production of milk was only about 90 percent of the Class I sales of the market in 1964, more than 10 percent of locally produced milk was moved to distant manufacturing plants while producer milk and other source milk from distant points were being received in the market. It is at the principal population centers of Albuquerque, Santa Fe, and El Paso (Zone I) that nearby production is least adequate for Class I needs, but these are also the areas from which more than two-thirds of diversions for manufacturing use occur and at which nearly all the distant supplies are received for fluid use. It is obvious that these are extensive uneconomic movements of milk with respect to the supply of the Rio Grande Valley market.

While the record does not establish the fact that the uneconomic movements of milk are a direct result of improper Class I pricing, it is important under present circumstances that order pricing be such as not to price locally produced milk out of the Class I market, thus causing its uneconomic movement to manufacturing while more distant supplies are acquired by handlers in replacement. Since such movements have been associated with the supply for Zone I plants, it is in the pricing for this area that price reductions are indicated.

A decrease of 10 cents per hundredweight in the Class I price at plants located in Albuquerque, Santa Fe, and Roswell and 20 cents at plants located at Alamogordo, Las Cruces, and El Paso, with only minor changes in Class I prices at plant locations in Zones II and III, will provide an alignment of prices at various plants both within and outside the marketing area which should be conducive to the maximum use of local supplies of milk for Class I use. With these price adjustments, it is possible that the utilization of producer milk in Class I can be increased to a level that will provide returns to producers at the uniform prices producers have been receiving during the past 2 years. Producer returns would then be increased by savings in the excessive transportation costs now incurred with respect to their milk.

There are no significant changes in the Class I prices for plants located in Zones II and III, except for that already noted for Roswell. The annual average Class I differential for the four pool plants in these two zones is $1.99. As provided herein, the average annual Class I differential for all plants located in Zones II and III would be $2.00. The alignment of prices with nearby Federal orders makes it necessary to maintain about the present price level for plants in Zones II and III. Class I and blend prices at Clovis, N. Mex., are in close alignment with the Class I and blend prices under the Texas Panhandle order. While some greater variations are shown in comparison with Class I and blend prices under the Lubbock-Plainview order, prices at Clovis, N. Mex., are presently in reasonable alignment with such prices.

Seasonal pricing should be retained. Substantial supplies of milk are received at pool plants from two different sources with seasonal price variations amounting to 45 cents per hundredweight, as compared to 30 cents in this market. In order that local milk may be competitive the Class I price should continue to be adjusted downward during the four months of March through June. Moreover, it is provided that another look should be taken at the level of the Class I price, as well as seasonal and supply-demand adjustments, sometime before March 1, 1967. This period of time should provide sufficient basic data by late 1966 for a hearing to determine any necessary adjustments to the price to be effective March 1, 1967.

The Class I price should continue to be adjusted by the supply-demand adjustments in the Wichita, Kansas, North Texas, and Oklahoma Metropolitan milk orders. These three markets continue either directly or indirectly to influence both the supply of milk and the competitive sales conditions in the Rio Grande Valley market. It is appropriate, however, to include, in addition, the supply-demand adjustments of the Great Basin, Eastern Colorado, and Central Arizona milk orders. Milk produced in the supply areas of each of these markets has recently been received as producer milk under the Rio Grande Valley order. Also, packaged fluid milk products priced under the Great Basin order are distributed in the Rio Grande Valley marketing area. Producer price changes in these markets affect the availability of supplies for the Rio Grande Valley market. It is expected that the influence of the simple average of the supply-demand adjustments in these six markets will tend to level out any large adjustment that might occur in any one market and thus provide a reasonable but effective adjustment to the Class I price for this market. On the basis of adjustments effective for the past 2 years, future supply-demand adjustments to the Class I price in the Rio Grande Valley market should be somewhat more appropriate. The proposal to use supply-demand adjustments of the Texas Panhandle and Lubbock-Plainview orders is not practical because the Panhandle order does not have a supply-demand factor and such adjustment of the Lubbock-Plainview price is already considered in this order through use of the North Texas order adjustment.

Conditions that so far have prevailed in the Rio Grande Valley market have been such that local supply-demand relationships have not provided a sufficiently accurate basis for adjustment of future prices. For that reason, the Rio Grande Valley price should continue to be adjusted on the basis of price adjustments in other markets which influence the availability of supplies of milk and competitive sales conditions in the Rio Grande Valley market.

Location differentials applying to plants located outside the marketing area and more than 100 miles from the nearest of the county courthouses in Bernalillo and Santa Fe Counties, N. Mex., and El Paso, Tex., should be 15 cents per hundredweight. The present rate of 1 cent for every 10 miles, or fraction thereof, beyond 110 miles should be retained. This rate represents the approximate cost of hauling milk over long distances. On the basis of the facts previously stated, the proposals to eliminate all minus location differentials to the east and south of Albuquerque and Santa Fe and to increase the Class I price at El Paso by 22 cents per hundredweight are denied.

Location adjustments to producers for milk received at pool plants located in Zones II and III or at pool plants located outside the marketing area and more than 110 miles from the three basing points of Albuquerque, Santa Fe, and El Paso should be at the same rate as those provided for handlers.

4. *A fall incentive or "Louisville" plan of payments to producers.* A fall incentive (or "Louisville") plan of payment to producers should not be adopted at this time.

A handler who proposed that the Class I differential of the order should be the same in all months of the year also proposed that under this system payments to producers be varied seasonally by a fall incentive payment plan. The uniform price to producers would be reduced 20 cents per hundredweight March

through June. This money would be withheld and the funds thus accumulated would be distributed to producers in the uniform prices for the months of September through December.

Producer groups generally opposed the adoption of such a payment plan for producers and requested that if consideration should be given to the adoption of such a proposal that it should be deferred until at least March 1, 1966.

Since it has already been concluded in this decision under the findings with respect to Class I prices that seasonal pricing should be maintained, it is concluded that a "take-out" and "pay-back" plan for paying producers is not necessary to provide additional seasonality of returns to producers at this time.

5. *Payments to producers on a base and excess plan.* A system of paying producers on a base and excess plan should not be adopted.

A proposal for use of a base-excess plan was made by one cooperative association. Support for the proposal was offered by another association on condition that satisfactory arrangements could be negotiated with respect to matters not connected with the plan.

Due to substantial changes in producer members and the groups of producers supplying the market, it is impossible to determine the extent to which seasonal variation in production per farm has affected market supplies of milk. Evidence was presented to show that a group of producers, representative of those who had supplied the market continuously since 1962, had varied seasonal patterns of production. These data, however, may not be representative of all producers now supplying the market. Neither were the data extensive enough to determine the provisions appropriate for a base-excess plan for this market.

Further consideration of a base-excess plan should be deferred until more complete data concerning seasonal patterns of production are available and producer acceptance of such a plan is more clear-cut.

Rulings on proposed findings and conclusions. Briefs and proposed findings and conclusions were filed on behalf of certain interested parties. These briefs, proposed findings and conclusions and the evidence in the record were considered in making the findings and conclusions set forth above. To the extent that the suggested findings and conclusions filed by interested parties are inconsistent with the findings and conclusions set forth herein, the requests to make such findings or reach such conclusions are denied for the reasons previously stated in this decision.

General findings. The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) The tentative marketing agreement and the order, as hereby proposed to be amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(b) The parity prices of milk as determined pursuant to section 2 of the Act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the marketing area, and the minimum prices specified in the proposed marketing agreement and the order, as hereby proposed to be amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(c) The tentative marketing agreement and the order, as hereby proposed to be amended, will regulate the handling of milk in the same manner as, and will be applicable only to persons in the respective classes of industrial and commercial activity specified in, a marketing agreement upon which a hearing has been held.

Rulings on exceptions. In arriving at the findings and conclusions, and the regulatory provisions of this decision, each of the exceptions received was carefully and fully considered in conjunction with the record evidence pertaining thereto. To the extent that the findings and conclusions, and the regulatory provisions of this decision are at variance with any of the exceptions, such exceptions are hereby overruled for the reasons previously stated in this decision.

Marketing agreement and order. Annexed hereto and made a part hereof are two documents entitled, respectively, "Marketing Agreement Regulating the Handling of Milk in the Rio Grande Valley Marketing Area," and "Order Amending the Order Regulating the Handling of Milk in the Rio Grande Valley Marketing Area," which have been decided upon as the detailed and appropriate means of effectuating the foregoing conclusions.

It is hereby ordered, That all of this decision, except the attached marketing agreement, be published in the FEDERAL REGISTER. The regulatory provisions of said marketing agreement are identical with those contained in the order as hereby proposed to be amended by the attached order which will be published with this decision.

Determination of representative period. The month of April 1965 is hereby determined to be the representative period for the purpose of ascertaining whether the issuance of the attached order, as amended and as hereby proposed to be amended, regulating the handling of milk in the Rio Grande Valley marketing area, is approved or favored by producers, as defined under the terms of the order, as amended and as hereby proposed to be amended, and who, during such representative period, were engaged in the production of milk for sale within the aforesaid marketing area.

Signed at Washington, D.C., on June 18, 1965.

ORVILLE L. FREEMAN,
Secretary.

Order[1] Amending the Order Regulating the Handling of Milk in the Rio Grande Valley Marketing Area

DEFINITIONS

Sec.
1138.1 Act.
1138.2 Secretary.
1138.3 Department.
1138.4 Person.
1138.5 Cooperative association.
1138.6 Rio Grande Valley marketing area.
1138.7 Producer.
1138.8 Producer-handler.
1138.9 Handler.
1138.10 Pool plant.
1138.11 Nonpool plant.
1138.12 Producer milk.
1138.13 Other source milk.
1138.14 Fluid milk product.
1138.15 Route.

MARKET ADMINISTRATOR

1138.20 Designation.
1138.21 Powers.
1138.22 Duties.

REPORTS, RECORDS, AND FACILITIES

1138.30 Reports of receipts and utilization.
1138.31 Payroll reports.
1138.32 Other reports.
1138.33 Reports to cooperative associations.
1138.34 Records and facilities.
1138.35 Retention of records.
1138.36 Accounting periods.

CLASSIFICATION

1138.40 Skim milk and butterfat to be classified.
1138.41 Classes of utilization.
1138.42 Shrinkage.
1138.43 Responsibility of handlers and reclassification of milk.
1138.44 Transfers.
1138.45 Computation of skim milk and butterfat in each class.
1138.46 Allocation of skim milk and butterfat classified.

MINIMUM PRICES

1138.50 Basic formula price.
1138.51 Class prices.
1138.52 Location adjustments to handlers.
1138.53 Butterfat differentials to handlers.
1138.54 Use of equivalent prices.

APPLICATION OF PROVISIONS

1138.60 Producer-handlers.
1138.61 Plants subject to other Federal orders.
1138.62 Obligations of handler operating a partially regulated distributing plant.

DETERMINATION OF UNIFORM PRICE

1138.70. Computation of the net pool obligation of each pool handler.
1138.71 Computation of uniform prices.
1138.72 Notification of handlers.

PAYMENTS

1138.80 Payment to producers.
1138.81 Location differentials to producers and on nonpool milk.
1138.82 Butterfat differential to producers.
1138.83 Producer-settlement fund.
1138.84 Payments to the producer-settlement fund.
1138.85 Payments out of the producer-settlement fund.
1138.86 Adjustment of accounts.
1138.87 Marketing services.
1138.88 Expense of administration.
1138.89 Termination of obligations.

[1] This order shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders have been met.

EFFECTIVE TIME, SUSPENSION, OR TERMINATION

Sec.
1138.90 Effective time.
1138.91 Suspension or termination.
1138.92 Continuing obligations.
1138.93 Liquidation.

MISCELLANEOUS PROVISIONS

1138.100 Agents.
1138.101 Separability of provisions.

AUTHORITY: The provisions of this Part 1138 issued under secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674.

The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the Rio Grande Valley marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order as hereby amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(2) The parity prices of milk, as determined pursuant to section 2 of the Act, are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the order as hereby amended are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(3) The said order as hereby amended, regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial or commercial activity specified in, a marketing agreement upon which a hearing has been held.

Order relative to handling. It is therefore ordered, that on and after the effective date hereof the handling of milk in the Rio Grande Valley marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as amended and as hereby amended, as follows:

The provisions of the proposed marketing agreement and order amending the order contained in the recommended decision issued by the Deputy Administrator, on May 28, 1965 (30 F.R. 7288; F.R. Doc. 65–5736), shall be and are the terms and provisions of this order, and are set forth in full in the following complete amended order. The provisions affected by this decision are: §§ 1138.51 (a), 1138.52, and 1138.81.

DEFINITIONS

§ 1138.1 Act.

"Act" means Public Act No. 10, 73d Congress, as amended, and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.).

§ 1138.2 Secretary.

"Secretary" means the Secretary of Agriculture of the United States, or any officer or employee of the United States authorized to exercise the powers or to perform the duties of the Secretary of Agriculture.

§ 1138.3 Department.

"Department" means the United States Department of Agriculture or such other Federal agency authorized to perform the price reporting functions specified in this part.

§ 1138.4 Person.

"Person" means any individual, partnership, corporation, association, or other business unit.

§ 1138.5 Cooperative association.

"Cooperative association" means any cooperative marketing association which the Secretary determines, after application by the association:

(a) To be qualified under the provisions of the act of Congress of February 18, 1922, as amended, known as the "Capper-Volstead Act";

(b) To have full authority in the sale of milk of its members and to be engaged in making collective sales of or marketing milk or its products for its members; and

(c) Has its entire activities under the control of its members.

§ 1138.6 Rio Grande Valley marketing area.

"Rio Grande Valley marketing area," hereinafter called the "marketing area," means all the territory within the boundaries of the counties of Bernalillo, Chaves, Curry, De Baca, Dona Ana, Eddy, Grant, Guadalupe, Harding, Lea, Lincoln, Los Alamos, Luna, McKinley, Mora, Otero, Quay, Rio Arriba, Roosevelt, Sandoval, San Juan, San Miguel, Santa Fe, Sierra, Socorro, Taos, Torrance, Valencia, all in the State of New Mexico; El Paso in the State of Texas; and Archuleta, Montezuma, and La Plata, in the State of Colorado.

§ 1138.7 Producer.

"Producer" means any person, other than a producer-handler as defined in any order (including this part) issued pursuant to the Act, who produces milk eligible for distribution as Grade A milk in compliance with the fluid milk product requirements of a duly constituted health authority, whose milk is:

(a) Received at a pool plant; or

(b) Diverted from a pool plant to a nonpool plant except a plant at which such milk is classified and priced under the provisions of another order issued pursuant to the Act, for the account of the diverting handler, subject to the following conditions:

(1) A cooperative association may divert for its account the milk of any member producer, whose milk is received at a distributing pool plant for at least three days during the month, without limit during the other days of such month. However, the total quantity of milk so diverted may not exceed 25 percent in the months of March, April, May, June, July, and December and 15 percent in other months of its member producer milk received at all pool plants during the month. Diversions in excess of such percentages shall not be considered producer milk, and the diverting cooperative shall specify the dairy farmers whose milk is ineligible as producer milk. Two or more cooperative associations may have their allowable diversions computed on the basis of the combined deliveries of milk by their member producers provided each association has filed such a request in writing with the market administrator.

(2) A handler in his capacity as the operator of a distributing pool plant may divert for his account the milk of any producer, other than a member of a cooperative association which has diverted milk pursuant to subparagraph (1) of this paragraph, whose milk is received at his pool plant for at least 3 days during the month, without limit during the other days of such month. However, the total quantity of milk so diverted may not exceed 25 percent in the months of March, April, May, June, July, and December and 15 percent in other months of the milk received at such pool plant during the month from producers who are not members of a cooperative association which has diverted milk pursuant to subparagraph (1) of this paragraph. Divisions in excess of such percentages shall not be considered producer milk, and the diverting handler shall specify the dairy farmers whose milk is ineligible as producer milk;

(3) For purposes of the requirements of § 1138.10, milk diverted for the account of the operator of a pool plant shall be included in the receipts of the pool plant from which diverted; and

(4) For the purposes of location adjustments pursuant to §§ 1138.52 and 1138.81, milk diverted to a nonpool plant shall be considered to have been received at the location of the pool plant from which diverted when the farm on which the milk is produced is located within the marketing area and at the location of the nonpool plant where received when the farm on which the milk is produced is located outside the marketing area.

§ 1138.8 Producer-handler.

(a) "Producer-handler" means any person who processes and packages milk from his own farm production, who distributes any portion of such milk on routes within the marketing area, and who receives no fluid milk products from other dairy farmers or from any source other than a pool plant and receipts from pool plants shall not be in excess of

11,000 pounds per month or, any person who processes and packages certified milk from his own farm production and disposes of such milk to another plant and who receives no milk from any source except his certified herd: *Provided*, That any person who desires to qualify as a producer-handler shall furnish to the market administrator for his verification, subject to review by the Secretary, evidence that the care and management of all the dairy animals and other resources necessary to produce the entire amount of fluid milk products handled (excluding receipts from pool plants) is the personal enterprise of and at the personal risk of such person and the operation of the processing and distribution business is the personal enterprise of and at the personal risk of the same person.

(b) In the case of a producer-handler of certified milk, the certified dairy herd and the milk plant in which the certified milk is handled shall be considered one business unit and shall not include milk which is delivered to other handlers' plants from a non-certified herd maintained on the same farm.

(c) A governmental agency which operates a milk plant shall be considered a producer-handler: *Provided*, That the plant operated by such agency shall be a pool plant if bulk milk is delivered during the month by such governmental agency to another plant which is a pool plant and a written request is filed by the agency with the market administrator asking that its plant be considered a pool plant. If such a plant is made a pool plant at the request of the governmental agency for one month and thereafter resumes the status of a nonpool plant it shall not be eligible for pool plant status again until it has been a nonpool plant for 12 consecutive months.

§ 1138.9 Handler.

"Handler" means:

(a) Any person in his capacity as the operator of one or more pool plants or of a nonpool plant from which Class I milk is disposed of on a route(s) in the marketing area, or from which Grade A milk is shipped to a pool plant pursuant to § 1138.10(a).

(b) A cooperative association with respect to the milk of any member producer which such cooperative association causes to be diverted from a pool plant to a nonpool plant for the account of such cooperative association.

(c) A cooperative association with respect to the milk of its member producers which is received from the farm for delivery to the pool plant of another handler in a tank truck owned and operated by or under contract to such cooperative association, if the cooperative association notified the market administrator and the operator of the pool plant to whom the milk is delivered, in writing prior to the first day of the month in which the milk is delivered, that it elects to be a handler for such milk. For purposes of location adjustments to producers such milk is considered to have been received from producers by the cooperative association at the location of the pool plant to which it is delivered.

§ 1138.10 Pool plant.

"Pool plant" means any plant meeting the conditions of paragraph (a) or (b) of this section during the month except the plant of a handler exempted in § 1138.60 or § 1138.61.

(a) Any plant hereinafter referred to as a "distributing pool plant" in which fluid milk products are pasteurized or packaged and from which not less than 15 percent of the total Class I sales of such plant or 10,000 pounds daily (average), whichever is less, are made in the marketing area on routes: *Provided*, That the total quantity of Class I milk disposed from such plant during the month is not less than 50 percent of such plant's receipts of Grade A milk, which receipts shall include all milk diverted from such pool plant to a nonpool plant by the handler operating such pool plant;

(b) Any plant hereinafter referred to as a "supply pool plant" from which during the month not less than 50 percent of its dairy farm supply of Grade A milk is moved to plants from each of which a volume of Class I milk not less than 50 percent of its receipts of Grade A milk is disposed of on routes during the month and Class I milk disposed of in the marketing area on routes is at least 15 percent of such receipts or a daily average of 10,000 pounds, whichever is less.

§ 1138.11 Nonpool plant.

"Nonpool plant" means any milk receiving, manufacturing or processing plant other than a pool plant. The following categories of nonpool plants are further defined as follows:

(a) "Other order plant" means a plant that is fully subject to the pricing and pooling provisions of another order issued pursuant to the Act.

(b) "Producer-handler plant" means a plant operated by a producer-handler as defined in any order (including this part) issued pursuant to the Act.

(c) "Partially regulated distributing plant" means a nonpool plant that is neither an other order plant nor a producer-handler plant, from which fluid milk products labeled Grade A in consumer-type packages or dispenser units are distributed on routes in the marketing area during the month.

(d) "Unregulated supply plant" means a nonpool plant from which fluid milk products eligible for distribution in the marketing area under a Grade A label are moved to a pool plant qualified pursuant to § 1138.10 and which is not an other order plant nor a producer-handler plant.

§ 1138.12 Producer milk.

"Producer milk" means all skim milk and butterfat in milk produced by a producer and received at a pool plant directly from producers or diverted pursuant to § 1138.7.

§ 1138.13 Other source milk.

"Other source milk" means all skim milk and butterfat contained in:

(a) Receipts during the month of fluid milk products except (1) receipts from other pool plant, (2) producer milk, and (3) opening inventory; and

(b) Products, other than fluid milk products, from any source (including those produced at the plant) which are reprocessed or converted to another product in the plant during the month, and any disappearance of nonfluid milk products not otherwise accounted for.

§ 1138.14 Fluid milk product.

"Fluid milk product" means milk, skim milk, buttermilk, flavored milk, milk drinks (plain or flavored), reconstituted milk or skim milk, fortified milk (including "dietary" milk products), concentrated milk, sweet cream and any mixture of milk, skim milk, or sweet cream except frozen cream, frozen dessert mixes, ice cream mix, evaporated or condensed milk or skim milk, aerated cream products, and sterilized products in hermetically sealed containers; and eggnog, yogurt and sour cream and cultured sour cream mixes shall be considered as fluid milk products only if disposed of under a Grade A label.

§ 1138.15 Route.

"Route" means any delivery to retail or wholesale outlets (including delivery by a vendor or a sale from a plant or plant store) of any fluid milk product, other than a delivery to a pool plant or nonpool plant.

Market Administrator

§ 1138.20 Designation.

The agency for the administration of this part shall be a market administrator, selected by the Secretary, who shall be entitled to such compensation as may be determined by, and shall be subject to removal at, the discretion of the Secretary.

§ 1138.21 Powers.

The market administrator shall have the following powers with respect to this part:

(a) To administer its terms and provisions;

(b) To receive, investigate, and report to the Secretary complaints of violations;

(c) To make rules and regulations to effectuate its terms and provisions; and

(d) To recommend amendments to the Secretary.

§ 1138.22 Duties.

The market administrator shall perform all duties necessary to administer the terms and provisions of this part, including but not limited to the following:

(a) Within 45 days following the date on which he enters upon his duties, or such lesser period as may be prescribed by the Secretary, execute and deliver to the Secretary a bond, effective as of the date on which he enters upon his duties, in an amount and with surety thereon satisfactory to the Secretary;

(b) Employ and fix the compensation of such persons as may be necessary to enable him to administer the terms and provisions of this part;

(c) Obtain a bond in a reasonable amount and with reasonable surety thereon covering each employee who handles funds entrusted to the market administrator;

(d) Pay out of the funds received by § 1138.88 the cost of his bond and those of his employees, his own compensation, and all other expenses (except those incurred under § 1138.87) necessarily incurred by him in the maintenance and functioning of his office and in the performance of his duties;

(e) Keep such books and records as will clearly reflect the transactions provided for, and upon request by the Secretary, surrender the same to such other person as the Secretary may designate;

(f) Submit his books and records to examination by the Secretary and furnish such information and reports as may be requested by the Secretary;

(g) Verify all reports and payments of each handler, by audit of such handler's records and the records of any other handler or person upon whose utilization the classification of skim milk and butterfat for such handler depends; and by such other means as are necessary;

(h) Publicly announce, at his discretion, unless otherwise directed by the Secretary, by posting in a conspicuous place in his office and by such other means as he deems appropriate, the name of any person who, within 10 days after the date upon which he is required to perform such acts, has not made (1) reports pursuant to §§ 1138.30 to 1138.33, or (2) payments pursuant to §§ 1138.80 to 1138.88;

(i) Publicly announce by posting in a conspicuous place in his office and by such other means as he deems appropriate, and mail to each handler at his last known address, the prices determined for each month as follows:

(1) On or before the 5th day of each month, the Class I price and butterfat differential for the month computed pursuant to §§ 1138.51(a) and 1138.53(a), respectively;

(2) On or before the 5th day of each month, the Class II price and butterfat differential for the preceding month, computed pursuant to §§ 1138.51(b) and 1138.53(b), respectively;

(3) On or before the 12th day of each month, the uniform price for producer milk computed pursuant to § 1138.71, and the butterfat differential computed pursuant to § 1138.82, for the preceding month;

(j) On or before the 13th day after the end of each month, report to each cooperative association which so requests the amount and class utilization of producer milk delivered by members of such cooperative association to each handler receiving such milk. For the purpose of this report the milk so received shall be prorated to each class in accordance with the total utilization of producer milk by such handler; and

(k) Prepare and make available for the benefit of producers, consumers, and handlers, such general statistics and such information concerning the operations hereof as are appropriate to the purpose and functioning of this part and which do not reveal confidential information.

(l) Whenever required for purpose of allocating receipts from other order plants pursuant to § 1138.46(a)(8) and the corresponding step of § 1138.46(b), the market administrator shall estimate and publicly announce the utilization (to the nearest whole percentage) in each class during the month of skim milk and butterfat, respectively, in producer milk of all handlers. Such estimate shall be based upon the most current available data and shall be final for such purpose;

(m) Report to the market administrator of the other order, as soon as possible after the report of receipts and utilization for the month is received from a handler who has received fluid milk products from an other order plant, the classification to which such receipts are allocated pursuant to § 1138.46 pursuant to such report, and thereafter any change in such allocation required to correct errors disclosed in verification of such report; and

(n) Furnish to each handler operating a pool plant who has shipped fluid milk products to an other order plant, the classification to which the skim milk and butterfat in such fluid milk products were allocated by the market administrator of the other order on the basis of the report of the receiving handler; and, as necessary, any changes in such classification arising in the verification of such report.

Reports, Records and Facilities

§ 1138.30 Reports of receipts and utilization.

On or before the eighth day after the end of each month, the following handlers shall report to the market administrator in the detail and on forms prescribed by the market administrator for each plant as follows:

(a) Each handler who operates pool plant(s) shall report:

(1) The receipts of producer milk, the average butterfat test, and the pounds of butterfat contained therein;

(2) The quantities of skim milk and butterfat contained in fluid milk products received from other handlers;

(3) The quantities of skim milk and butterfat contained in receipts of other source milk;

(4) The pounds of skim milk and butterfat contained in all fluid milk products on hand at the beginning and at the end of the month;

(5) The utilization of all skim milk and butterfat required to be reported pursuant to this section;

(6) The disposition of fluid milk products in the marketing area on routes; and

(7) Such other information with respect to receipts and utilization as the market administrator may prescribe;

(b) Each handler who operates a partially regulated distributing plant shall report as required in paragraph (a) of this section, except that receipts in Grade A milk shall be reported in lieu of those in producer milk; and

(c) Each cooperative association shall report with respect to milk for which it is a handler pursuant to either § 1138.9 (b) or (c) as follows:

(1) Receipts of skim milk and butterfat from producers;

(2) Utilization of skim milk and butterfat for which it is the handler pursuant to § 1138.9(b);

(3) The quantities delivered to each pool plant of another handler pursuant to § 1138.9(c);

(4) The name and number of days of delivery, with the address of any producer not previously reported, the total pounds of milk and the pounds of butterfat received from each producer; and

(5) Such other information as the market administrator may require.

§ 1138.31 Payroll reports.

(a) On or before the 20th day of each month, each handler who operates pool plant(s) and each handler who operates nonpool plants and has elected to make payments pursuant to § 1138.62(a) shall submit to the market administrator his payroll for receipts during the preceding month which shall show:

(1) The name and the days of delivery of each producer with the address of any producer for whom such information was not furnished previously;

(2) The total pounds of milk, the average butterfat test thereof, and the pounds of butterfat received from each producer and cooperative association;

(3) The amount of payment to each producer and cooperative association;

(4) The nature and amount of any deduction or charges involved in such payments; and

(5) Each handler making payments pursuant to § 1138.62(a) shall report the information required pursuant to paragraph (a) of this section. In such reports receipts in Grade A milk from dairy farmers shall be reported in lieu of those in producer milk, and payments to dairy farmers delivering such milk shall be reported in lieu of payments to producers.

§ 1138.32 Other reports.

Each producer-handler, each handler operating a nonpool plant other than a handler making payments pursuant to § 1138.62(a), and each handler required to report pursuant to § 1138.61 shall make reports to the market administrator at such time and in such manner as the market administrator may prescribe.

§ 1138.33 Reports to cooperative associations.

Each handler who receives milk from producers for which payment is to be made to a cooperative association pursuant to § 1138.80(c) shall report on or before the 8th day after the end of the month to such cooperative association with respect to each such producer, on forms approved by the market administrator, as follows:

(a) The days of delivery, the total pounds of milk, and the average butterfat test of milk received from such producer during the month;

(b) The amount or rate and nature of any deductions; and

(c) The amount of any payments due such producer pursuant to § 1138.86.

§ 1138.34 Records and facilities.

Each handler shall maintain and make available to the market administrator during the usual hours of business such accounts and records of his operations and such facilities as are necessary for the market administrator to verify

or establish the correct data with respect to:

(a) The receipt and utilization of all skim milk and butterfat handled in any form;

(b) The weights and tests for butterfat and other content of all products handled;

(c) The pounds of skim milk and butterfat contained in or represented by all items of products on hand at the beginning and end of each month; and

(d) Payments to producers and cooperative associations, including any deductions, and the disbursement of money so deducted.

§ 1138.35 Retention of records.

All books and records required under this order to be made available to the market administrator shall be retained by the handler for a period of three years to begin at the end of the month to which such books and records pertain: *Provided*, That if, within such three-year period, the market administrator notifies the handler in writing that the retention of such books and records, or of specified books and records, is necessary in connection with a proceeding under section 8c(15)(a) of the Act or a court action specified in such notice, the handler shall retain such books and records, or specified books and records, until further written notification from the market administrator. In either case, the market administrator shall give further written notification to the handler promptly upon the termination of the litigation or when the records are no longer necessary in connection therewith.

§ 1138.36 Accounting periods.

A handler may account for receipts, utilization and classification of milk at his pool plant(s) for two periods within a month, each period not to be less than seven days, in the same manner as for a month if he provides to the market administrator in writing not less than twenty-four hours prior to the end of an accounting period notification of his intention to use two accounting periods.

CLASSIFICATION

§ 1138.40 Skim milk and butterfat to be classified.

All skim milk and butterfat which is required to be reported pursuant to § 1138.30 shall be classified by the market administrator, pursuant to the provisions of §§ 1138.41 through 1138.46. If any of the water contained in the milk from which a product is made is removed before the product is utilized or disposed of by a handler, the pounds of skim milk used or disposed of in such product shall be considered to be an amount equivalent to the nonfat milk solids contained in such products, plus all the water originally associated with such solids.

§ 1138.41 Classes of utilization.

Subject to the conditions set forth in §§ 1138.42 through 1138.46, the classes of utilization shall be as follows:

(a) *Class I milk.* Class I milk shall be all skim milk and butterfat:

(1) Disposed of in the form of fluid milk products except:

(i) Fluid milk products classified as Class II pursuant to subparagraphs (2), (3), (5), and (6) of paragraph (b) of this section; and

(ii) Fluid milk products which are fortified with additional milk solids shall be Class I in an amount equal only to the weight of an equal volume of an unfortified product of the same butterfat content; and

(2) Not specifically accounted for as Class II utilization.

(b) *Class II milk.* Class II milk shall be all skim milk and butterfat:

(1) Used to produce any product other than a fluid milk product;

(2) Disposed of as livestock feed;

(3) In skim milk dumped after prior notification to and opportunity for verification by the market administrator;

(4) In inventory of fluid milk products on hand at the end of the month;

(5) The weight of skim milk in fluid milk products which is exempted from Class I pursuant to paragraph (a)(1)(ii) of this section;

(6) Disposed of in fluid milk products in bulk form to any commercial food processing establishment for use in food products prepared for consumption off the premises;

(7) In shrinkage allocated to receipts of skim milk and butterfat pursuant to § 1138.42(b)(1) but not in excess of:

(i) 2 percent of receipts of milk received directly from producers; plus

(ii) 1.5 percent of receipts from a cooperative association in its capacity as a handler pursuant to § 1138.9(c), except that if the handler operating the pool plant notifies the market administrator that he is purchasing such milk on the basis of farm weights determined from farm bulk tank calibrations and individual producer tests, the applicable percentage shall be 2 percent; plus

(iii) 1.5 percent of receipts of milk received in bulk tank lots from other pool plants; plus

(iv) 1.5 percent of receipts of fluid milk products in bulk tank lots from an other order plant, exclusive of the quantity for which Class II utilization was requested by the operator of such plant and the handler; plus

(v) 1.5 percent of receipts of fluid milk products in bulk tank lots from unregulated supply plants, exclusive of the quantity for which Class II utilization was requested by the handler; less

(vi) 1.5 percent of milk disposed of in bulk tank lots to pool plants (when the exceptions specified in subdivision (ii) of this subparagraph applies, the applicable percentage shall be two percent); and

(8) In shrinkage of skim milk and butterfat, respectively, assigned pursuant to § 1138.42(b)(2).

§ 1138.42 Shrinkage.

The market administrator shall allocate shrinkage over a handler's receipts as follows:

(a) Compute the total shrinkage of skim milk and butterfat, respectively, for each plant; and

(b) Prorate the resulting amounts between:

(1) The maximum pounds of skim milk and butterfat pursuant to § 1138.41(b)(7) divided by 0.02; and

(2) The pounds of skim milk and butterfat in other source milk exclusive of that specified in § 1138.41(b)(7).

§ 1138.43 Responsibility of handlers and reclassification of milk.

(a) All skim milk and butterfat shall be Class I milk unless the handler who first receives such skim milk or butterfat proves to the market administrator that such skim milk or butterfat should be classified otherwise.

(b) Any skim milk or butterfat shall be reclassified if verification by the market administrator discloses that the original classification was incorrect.

(c) For the purposes of §§ 1138.41 through 1138.46, 1138.50 through 1138.54, and 1138.70 through 1138.72, milk delivered by a cooperative association in its capacity as a handler pursuant to § 1138.9(c) shall be classified and allocated as producer milk according to the use or disposition by the receiving handler and the value thereof at class prices shall be included in the receiving handler's net pool obligation pursuant to § 1138.70. For purposes of location adjustments pursuant to § 1138.52 and administrative expense pursuant to § 1138.88, such milk shall be treated as producer milk of the receiving handler.

§ 1138.44 Transfers.

Skim milk or butterfat in the form of a fluid milk product shall be classified:

(a) At the utilization mutually indicated in writing to the market administrator by the operators of both plants on or before the 8th day after the end of the delivery period within which such transfer occurred, otherwise as Class I milk, if transferred from a pool plant to another pool plant subject to the following conditions:

(1) The skim milk or butterfat so assigned to either class shall be limited to the amount thereof remaining in such class in the transferee plant after computations pursuant to § 1138.46(a)(8) and the corresponding step of § 1138.46(b);

(2) If the transferor plant received during the month other source milk to be allocated pursuant to § 1138.46(a)(3) and the corresponding step of § 1138.46(b), the skim milk and butterfat so transferred shall be classified so as to allocate the least possible Class I utilization to such other source milk; and

(3) If the transferor handler received during the month other source milk to be allocated pursuant to § 1138.46(a) (7) and (8) and the corresponding steps of § 1138.46(b), the skim milk and butterfat so transferred up to the total of such receipts shall not be classified as Class I milk to a greater extent than would be applicable to a like quantity of such other source milk received at the transferee plant;

(b) As Class I milk, if transferred from a pool plant to a producer-handler;

(c) As Class I milk, if transferred in consumer packages to a nonpool plant which is not an other order plant;

(d) As Class I milk, if transferred or diverted in bulk to a nonpool plant that is neither an other order plant nor a producer-handler plant unless the requirements of subparagraphs (1) and (2) of this paragraph are met, in which case the skim milk and butterfat so transferred or diverted shall be classified in accordance with the assignment resulting from subparagraph (3) of this paragraph:

(1) The transferring or diverting handler claims classification pursuant to the assignment set forth in subparagraph (3) of this paragraph in his report submitted to the market administrator pursuant to § 1138.30 for the month within which such transaction occurred;

(2) The operator of such nonpool plant maintains books and records showing the utilization of all skim milk and butterfat received at such plant which are made available if requested by the market administrator for the purpose of verification; and

(3) The skim milk and butterfat so transferred shall be classified on the basis of the following assignment of utilization at such nonpool plant in excess of receipts of packaged fluid milk products from all pool plants and other order plants:

(i) Any Class I utilization disposed of on routes in the marketing area shall be first assigned to the skim milk and butterfat in the fluid milk products so transferred or diverted from pool plants, next pro rata to receipts from other order plants and thereafter to receipts from dairy farmers who the market administrator determines constitute regular sources of supply of Grade A milk for such nonpool plant;

(ii) Any Class I utilization disposed of on routes in the marketing area of another order issued pursuant to the Act shall be first assigned to receipts from plants fully regulated by such order, next pro rata to receipts from pool plants and other order plants not regulated by such order, and thereafter to receipts from dairy farmers who the market administrator determines constitue regular sources of supply for such nonpool plant;

(iii) Class I utilization in excess of that assigned pursuant to subdivisions (i) and (ii) of this subparagraph shall be assigned first to remaining receipts from dairy farmers who the market administrator determines constitute the regular source of supply for such nonpool plant and Class I utilization in excess of such receipts shall be assigned pro rata to unassigned receipts at such nonpool plant from all pool and other order plants;

(iv) To the extent that Class I utilization is not so assigned to it, the skim milk and butterfat so transferred shall be classified as Class II milk; and

(v) If any skim milk or butterfat is transferred to a second nonpool plant under this paragraph, the same conditions of audit, classification, and allocation shall apply.

(e) As follows, if transferred to an other order plant in excess of receipts from such plant in the same category as described in subparagraph (1), (2) or (3) of this paragraph:

(1) If transferred in packaged form, classification shall be in the classes to which allocated as a fluid milk product under the other order;

(2) If transferred in bulk form, classification shall be in the classes to which allocated as a fluid milk product under the other order (including allocation under the conditions set forth in subparagraph (3) of this paragraph);

(3) If the operators of both the transferor and transferee plants so request in the reports of receipts and utilization filed with their respective market administrators, transfers in bulk form shall be classified as Class II to the extent of the Class II utilization (or comparable utilization under such other order) available for such assignment pursuant to the allocation provisions of the transferee order;

(4) If information concerning the classification to which allocated under the other order is not available to the market administrator for purposes of establishing classification pursuant to this paragraph, classification shall be as Class I, subject to adjustment when such information is available;

(5) For purposes of this paragraph, if the transferee order provides for more than two classes of utilization, milk allocated to a class consisting primarily of fluid milk products shall be classified as Class I, and milk allocated to other classes shall be classified as Class II; and

(6) If the form in which any fluid milk product is transferred to an other order plant is not defined as a fluid milk product under such other order, classification shall be in accordance with the provisions of § 1138.41.

§ 1138.45 Computation of skim milk and butterfat in each class.

For each month, the market administrator shall correct for mathematical and other obvious errors, the report submitted by each handler pursuant to § 1138.30 and compute the total pounds of skim milk and butterfat, respectively, in each class at each of the plants of such handler.

§ 1138.46 Allocation of skim milk and butterfat classified.

After making the computations pursuant to § 1138.45, the market administrator shall determine the classification of producer milk received at each pool plant for each handler each month as follows:

(a) Skim milk shall be allocated in the following manner:

(1) Subtract from the total pounds of skim milk in Class II the pounds of skim milk classified as Class II pursuant to § 1138.41(b)(7);

(2) Subtract from the remaining pounds of skim milk in each class as follows:

(i) From Class I milk, the pounds of skim milk that were received from a producer-handler as packaged, certified fluid milk products and were disposed of in the same form as received;

(ii) From Class II milk, with respect to the pounds of skim milk in fluid milk products received in packaged form from other order plants, the lesser of the pounds remaining or two percent of such receipts; and

(iii) From Class I milk, the remainder of the receipts specified in subdivision (ii) of this subparagraph;

(3) Subtract in the order specified below from the pounds of skim milk remaining in each class, in series beginning with Class II, the pounds of skim milk in each of the following:

(i) Other source milk in a form other than that of a fluid milk product;

(ii) Receipts of fluid milk products for which Grade A certification is not established, or which are from unidentified sources; and

(iii) Receipts of fluid milk products from a producer-handler, as defined under this or any other Federal order, except that subtracted pursuant to subparagraph (2)(i) of this paragraph;

(4) Subtract, in the order specified below, from the pounds of skim milk remaining in Class II:

(i) The pounds of skim milk in receipts of fluid milk products from unregulated supply plants for which the handler requests Class II utilization, but not in excess of the pounds of skim milk remaining in Class II;

(ii) The pounds of skim milk remaining in receipts of fluid milk products from unregulated supply plants which are in excess of the pounds of skim milk determined as follows:

(a) Multiply the pounds of skim milk remaining in Class I (excluding Class I transfers between pool plants of the handler) at all pool plants of the handler by 1.25;

(b) Subtract from the result the sum of the pounds of skim milk at all such plants in producer milk, in receipts from other pool handlers and in receipts in bulk from other order plants; and

(c) Multiply any resulting plus quantity by the percentage that receipts of skim milk in fluid milk products from unregulated supply plants remaining at this plant is of all such receipts remaining at all pool plants of such handler, after any deductions pursuant to subdivision (i) of this subparagraph.

Should such computation result in a quantity to be subtracted from Class II which is in excess of the pounds of skim milk remaining in Class II, the pounds of skim milk in Class II shall be increased to the quantity to be subtracted and the pounds of skim milk in Class I shall be decreased a like amount. In such case the utilization of skim milk at other pool plant(s) of such handler shall be adjusted in the reverse direction by an identical amount in sequence beginning with the nearest other pool plant of such handler at which such adjustment can be made.

(iii) The pounds of skim milk in receipts of fluid milk products in bulk from an other order plant in excess of similar transfers to such plant, but not in excess of the pounds of skim milk remaining in Class II milk, if Class II utilization was requested by the operator of such plant and the handler;

(5) Subtract from the pounds of skim milk remaining in each class, in series

beginning with Class II, the pounds of skim milk in inventory of fluid milk products on hand at the beginning of the month;

(6) Add to the remaining pounds of skim milk in Class II milk the pounds subtracted pursuant to subparagraph (1) of this paragraph;

(7) (i) Subtract from the pounds of skim milk remaining in each class, pro rata to the total pounds of skim milk remaining in each class in all pool plants of the receiving handler, the pounds of skim milk in receipts of fluid milk products from unregulated supply plants that were not subtracted pursuant to subparagraph (4) (i) or (ii) of this paragraph;

(ii) Should such proration result in the amount to be subtracted from any class exceeding the pounds of skim milk remaining in such class in the pool plant at which such skim milk was received, the pounds of skim milk in such class shall be increased to the amount to be subtracted and the pounds of skim milk in the other class shall be decreased a like amount. In such case the utilization of milk at other pool plant(s) of such handler shall be adjusted in the reverse direction by an identical amount in sequence beginning with the nearest other pool plant of such handler at which such adjustment can be made;

(8) Subtract from the pounds of skim milk remaining in each class the pounds of skim milk in receipts of fluid milk products in bulk from an other order plant, in excess in each case of similar transfers to the same plant, that were not subtracted pursuant to subparagraph (4) (iii) of this paragraph pursuant to the following procedure:

(i) Subject to the provisions of subdivisions (ii) and (iii) of this subparagraph, such subtraction shall be pro rata to whichever of the following represents the higher proportion of Class II milk:

(a) The estimated utilization of skim milk in each class, by all handlers, as announced for the month pursuant to § 1138.22(1); or

(b) The pounds of skim milk in each class remaining at all pool plants of the handler;

(ii) Should proration pursuant to subdivision (i) of this subparagraph result in the total pounds of skim milk to be subtracted from Class II at all pool plants of the handler exceeding the pounds of skim milk remaining in Class II at such plants, the pounds of such excess shall be subtracted from the pounds of skim milk remaining in Class I after such proration at the pool plants at which received;

(iii) Except as provided in subdivision (ii) of this subparagraph, should proration pursuant to either subdivision (i) or (ii) of this subparagraph result in the amount to be subtracted from either class exceeding the pounds of skim milk remaining in such class in the pool plant at which such skim milk was received, the pounds of skim milk in such class shall be increased to the amount to be subtracted and the pounds of skim milk in the other class shall be decreased a like amount. In such case the utilization of milk at other pool plant(s) of such handler shall be adjusted in the reverse direction by an identical amount in sequence beginning with the nearest other pool plant of such handler at which such adjustment can be made.

(9) Subtract from the pounds of skim milk remaining in each class the pounds of skim milk received in fluid milk products from other pool plants according to the classification assigned pursuant to § 1138.44; and

(10) If the pounds of skim milk remaining in both classes exceed the pounds of skim milk in producer milk, subtract such excess from the pounds of skim milk remaining in each class in series beginning with Class II. Any amount so subtracted shall be known as "overage";

(b) Butterfat shall be allocated in accordance with the procedure outlined for skim milk in paragraph (a) of this section; and

(c) Combine the amounts of skim milk and butterfat determined pursuant to paragraphs (a) and (b) of this section into one total for each class and determine the weighted average butterfat content of producer milk in each class.

Minimum Prices

§ 1138.50 Basic formula price.

The basic formula price shall be the average price per hundredweight for manufacturing grade milk, f.o.b. plants in Wisconsin and Minnesota, as reported by the United States Department of Agriculture for the month. Such price shall be adjusted to a 3.5 percent butterfat basis by a butterfat differential rounded to the nearest one-tenth cent computed at 0.12 times the simple average of the daily wholesale selling prices (using the midpoint of any price range as one price) of Grade A (92-score) bulk creamery butter per pound at Chicago, as reported by the United States Department of Agriculture for the month. The basic formula price shall be rounded to the nearest full cent.

§ 1138.51 Class prices.

Subject to the provisions of §§ 1138.52 and 1138.53, the class prices per hundredweight for the month shall be as follows:

(a) *Class I milk.* During the period from the effective date of this order until March 1, 1967, the price for Class I milk at plants located in Zone I (comprising all the counties in the marketing area except those specified in § 1138.53 as comprising Zones II and III) shall be the basic formula price for the preceding month plus $2.25 during each of the months July through February and plus $1.95 during each of the months March through June. This price shall be increased or decreased by a supply-demand adjustment equal to the simple average of the supply-demand adjustments effective for the same month pursuant to the provisions of the Wichita, Kans. (Part 1073 of this chapter); Oklahoma Metropolitan (Part 1106 of this chapter); North Texas (Part 1126 of this chapter); Central Arizona (Part 1131 of this chapter); Great Basin (Part 1136 of this chapter); and Eastern Colorado (Part 1137 of this chapter) milk marketing orders. If the supply-demand adjustment in any of these markets is limited in its effect by another provision of the respective order, the supply-demand adjustment to be used in this computation shall be the net adjustment which determines the Class I price in such market.

(b) *Class II milk.* For the months of July through February, the price per hundredweight for Class II milk shall be obtained by adding together the amounts calculated pursuant to subparagraphs (1) and (2) of this paragraph, and for the months of March through June shall be such total less 13 cents:

(1) Subtract 3 cents from the average butter price specified in § 1138.50 and multiply the remainder by 4.2; and

(2) From the weighted average of carlot prices per pound for nonfat dry milk, spray process, for human consumption, f.o.b. manufacturing plants in the Chicago area, as published for the period from the 26th day of the preceding month through the 25th day of the current month by the Department, deduct 5.5 cents and multiply the remainder by 8.16.

§ 1138.52 Location adjustments to handlers.

(a) For milk received from producers at a pool plant located in Zone II (comprising the counties of Archuleta, La Plata, and Montezuma, Colo., and San Juan, N. Mex.) and in Zone III (comprising the counties of Eddy, Chaves, Curry, De Baca, Lea, Quay, and Roosevelt, N. Mex.) which is classified as Class I milk or assigned Class I location adjustment credit pursuant to paragraph (c) of this section, and for other source milk to which a location adjustment is applicable, the price computed pursuant to § 1138.51(a) shall be reduced by 15 cents;

(b) For milk received from producers at a pool plant located outside the marketing area and more than 100 miles by the shortest highway distance, as determined by the market administrator, from the nearest of the county courthouses in Bernalillo or Santa Fe Counties, N. Mex., or El Paso, Tex., and which is classified as Class I milk or assigned Class I location adjustment credit pursuant to paragraph (c) of this section and for other source milk to which a location adjustment is applicable, the price computed pursuant to § 1138.51(a) shall be reduced by 15 cents and by an additional cent for each 10 miles or fraction thereof, that such distance calculated from the Bernalillo, Santa Fe or El Paso County Courthouse, whichever is nearer, exceeds 110 miles;

(c) For purposes of calculating such adjustment, bulk transfers of fluid milk products between pool plants shall be assigned Class I disposition at the transferee plant, in excess of the sum of receipts at such plant from producers and the pounds assigned as Class I to receipts from other order plants and unregulated supply plants. Such assignment is to be made first to transferor plants at which no location adjustment credit is applicable and then in sequence beginning with the plant at which the least location adjustment would apply.

§ 1138.53 Butterfat differentials to handlers.

For milk containing more or less than 3.5 percent butterfat, the class prices pursuant to § 1138.51 shall be increased or decreased, respectively, for each one-tenth of one percent of butterfat by the appropriate rate rounded in each case to the nearest one-tenth cent, determined as follows:

(a) *Class I milk.* Multiply the butter price specified in § 1138.50 for the preceding month by 1.25 and divide the result by 10, and

(b) *Class II milk.* Multiply the butter price specified in § 1138.50 by 1.15 and divide the result by 10.

§ 1138.54 Use of equivalent prices.

If for any reason a price quotation required by this part for computing class prices or for other purposes is not available in the manner described, the market administrator shall use a price determined by the Secretary to be equivalent to the price which is required.

Application of Provisions

§ 1138.60 Producer-handlers.

Sections 1138.40 through 1138.47, 1138.50 through 1138.54, 1138.70 through 1138.72, and 1138.80 through 1138.88 shall not apply to a producer-handler.

§ 1138.61 Plants subject to other Federal orders.

A plant specified in paragraph (a) or (b) of this section shall be exempted from all the provisions of this part, except that the operator of such plant shall, with respect to total receipts and utilization or disposition of skim milk and butterfat at the plant, make reports to the market administrator at such time and in such manner as the market administrator may require and allow verification of such reports by the market administrator:

(a) Any plant qualified pursuant to § 1138.10(a) which disposes of a lesser volume of Class I milk in the Rio Grande Valley marketing area than in a marketing area where the handling of milk is regulated pursuant to another order issued pursuant to the Act, and which is subject to the classification and pricing provisions of such other order; and

(b) Any plant qualified pursuant to § 1138.10(b) for any portion of the period March through July, inclusive, that the milk of producers at such plant is subject to the classification and pricing provisions of another order issued pursuant to the Act and the Secretary determines that such plant should be exempted from this part.

§ 1138.62 Obligations of handler operating a partially regulated distributing plant.

Each handler who operates a partially regulated distributing plant shall pay to the market administrator for the producer-settlement fund on or before the 25th day after the end of the month either of the amounts (at the handler's election) calculated pursuant to paragraph (a) or (b) of this section. If the handler fails to report pursuant to §§ 1138.30(h) and 1138.31 the information necessary to compute the amount specified in paragraph (a), he shall pay the amount computed pursuant to paragraph (b) of this section:

(a) An amount computed as follows:

(1) (i) The obligation that would have been computed pursuant to § 1138.70 at such plant shall be determined as though such plant were a pool plant. For purposes of such computation, receipts at such nonpool plant from a pool plant or an other order plant shall be assigned to the utilization at which classified at the pool plant or other order plant and transfers from such nonpool plant to a pool plant or an other order plant shall be classified as Class II milk if allocated to such class at the pool plant or other order plant and be valued at the uniform price of the respective order if so allocated to Class I milk. There shall be included in the obligation so computed a charge in the amount specified in § 1138.70(e) and a credit in the amount specified in § 1138.84(b)(2) with respect to receipts from an unregulated supply plant, unless an obligation with respect to such plant is computed as specified in subdivision (ii) of this subparagraph;

(ii) If the operator of the partially regulated distributing plant so requests, and provides with his reports pursuant to §§ 1138.30(h) and 1138.31 similar reports with respect to the operations of any other nonpool plant which serves as a supply plant for such partially regulated distributing plant by shipments to such plant during the month equivalent to the requirements of § 1138.10(b), with agreement of the operator of such plant that the market administrator may examine the books and records of such plant for purposes of verification of such reports, there will be added the amount of the obligation computed at such nonpool supply plant in the same manner and subject to the same conditions as for the partially regulated distributing plant.

(2) From this obligation there will be deducted the sum of (i) the gross payments made by such handler for Grade A milk received during the month from dairy farmers at such plant and like payments made by the operator of a supply plant(s) included in the computations pursuant to subparagraph (1) of this paragraph, and (ii) any payments to the producer-settlement fund of another order under which such plant is also a partially regulated distributing plant;

(b) An amount computed as follows:

(1) Determine the respective amounts of skim milk and butterfat disposed of as Class I milk on routes in the marketing area;

(2) Deduct the respective amounts of skim milk and butterfat received as Class I milk at the partially regulated distributing plant from pool plants and other order plants, except that deducted under a similar provision of another order issued pursuant to the Act;

(3) Combine the amounts of skim milk and butterfat remaining into one total and determine the weighted average butterfat content; and

(4) From the value of such milk at the Class I price applicable at the location of the nonpool plant, subtract its value at the uniform price applicable at such location (not to be less than the Class II price).

Determination of Uniform Price

§ 1138.70 Computation of the net pool obligation of each pool handler.

The net pool obligation of each pool handler for each pool plant and of each cooperative association in its capacity as a handler pursuant to § 1138.9 (b) or (c) during each month shall be a sum of money computed by the market administrator as follows:

(a) Multiply the quantity of producer milk in each class, as computed pursuant to § 1138.46(c), by the applicable class prices (adjusted pursuant to §§ 1138.52 and 1138.53);

(b) Add the amount obtained from multiplying the pounds of overage deducted from each class pursuant to § 1138.46(a)(10) and the corresponding step of § 1138.46(b) by the applicable class prices;

(c) Add the amount obtained by multiplying the difference between the Class II price for the preceding month and the Class I price for the current month by the hundredweight of skim milk and butterfat subtracted from Class I pursuant to § 1138.46(a)(5) and the corresponding step of § 1138.46(b);

(d) Add an amount equal to the difference between the value at the Class I price applicable at the pool plant and the value at the Class II price, with respect to skim milk and butterfat in other source milk subtracted from Class I pursuant to § 1138.46(a)(3) and the corresponding step of § 1138.46(b);

(e) Add an amount equal to the value at the Class I price, adjusted for location of the nearest nonpool plant(s) from which an equivalent weight was received, with respect to skim milk and butterfat subtracted from Class I pursuant to § 1138.46(a)(7) and the corresponding step of § 1138.46(b).

§ 1138.71 Computation of uniform prices.

For each month the market administrator shall compute the uniform price per hundredweight of milk received from producers as follows:

(a) Combine into one total the values computed pursuant to § 1138.70 for all handlers who filed the reports prescribed by § 1138.30 for the month and who made the payments pursuant to §§ 1138.80 and 1138.84 for the preceding month;

(b) Add an amount equal to the sum of the deductions for location differentials computed pursuant to § 1138.81;

(c) Subtract an amount equal to the sum of the amounts to be added for location differentials computed pursuant to § 1138.81;

(d) Subtract, if the average butterfat content of the milk specified in paragraph (f) of this section is more than 3.5 percent, or add, if such butterfat content is less than 3.5 percent, an amount computed by multiplying the amount by which the average butterfat content of such milk varies from 3.5 percent by the butterfat differential computed pursuant to § 1138.82 and multiplying the result by the total hundredweight of such milk;

(e) Add an amount equal to not less than one-half of the unobligated balance

in the producer-settlement fund;

(f) Divide the resulting amount by the sum of the following for all handlers included in these computations:

(1) The total hundredweight of producer milk; and

(2) The total hundredweight for which a value is computed pursuant to § 1138.70(e); and

(g) Subtract not less than four cents nor more than five cents per hundredweight. The result shall be the "uniform price" for milk received from producers.

§ 1138.72 Notification of handlers.

On or before the 12th day after the end of each month, the market administrator shall mail to each handler, at his last known address, a statement showing:

(a) The amount and value of his producer milk in each class and the total thereof;

(b) The uniform price computed pursuant to § 1138.71 and the producer location and butterfat differentials computed pursuant to §§ 1138.81 and 1138.82; and

(c) The amounts to be paid by such handler pursuant to §§ 1138.84, 1138.86, 1138.87, and 1138.88 and the amount due such handler pursuant to § 1138.85.

PAYMENTS

§ 1138.80 Payment to producers.

Except as provided in paragraphs (c) and (e) of this section, each handler, except a cooperative association, shall make payment to each producer from whom milk is received as specified in paragraphs (a) and (b) of this section:

(a) On or before the last day of the month, to each producer who had not discontinued shipping milk to such handler before the 28th day of the month, an advance payment with respect to milk received during the first 15 days of the month at the uniform price for the preceding month, less 30 cents for March receipts and plus 30 cents for July receipts and less authorized deductions;

(b) On or before the 16th day after the end of each month, for milk received during such month, an amount computed at not less than the applicable uniform price per hundredweight pursuant to § 1138.71, subject to the butterfat differential computed pursuant to § 1138.82 and location adjustment computed pursuant to § 1138.81, plus or minus adjustments for errors made in previous payments to such producers and less (1) payments made pursuant to paragraph (a) of this section, (2) marketing service deductions pursuant to § 1138.87 and (3) proper deductions authorized in writing by such producer: *Provided*, That if by such date such handler has not received full payment for such delivery period pursuant to § 1138.85 he may reduce his total payment to all producers uniformly by not more than the amount of reduction in payment from the market administrator; the handler shall, however, complete such payments not later than the date for making such payments pursuant to this paragraph next following receipt of the balance from the market administrator.

(c)(1) Upon receipt of a written request from a cooperative association which the market administrator determines is authorized by its members to collect payment for their milk and receipt of a written promise to reimburse the handler the amount of any actual loss incurred by him because of any improper claim on the part of the cooperative association each handler shall pay to the cooperative association on or before the second day prior to the date of payment to producers in lieu of payments pursuant to paragraphs (a) and (b), respectively, of this section an amount equal to the sum of the individual payments otherwise payable to such producers. The foregoing payment shall be made with respect to milk of each producer whom the cooperative association certifies is a member effective on and after the first day of the calendar month next following receipt of such certification through the last day of the month next preceding receipt of notice from the cooperative association of a termination of membership or until the original request is rescinded in writing by the cooperative association.

(2) A copy of each such request, promise to reimburse and certified list of members shall be filed simultaneously with the market administrator by the cooperative association and shall be subject to verification at his discretion, through audit of the records of the cooperative association pertaining thereto. Exceptions, if any, to the accuracy of such certification by a producer claimed to be a member, or by a handler, shall be made by written notice to the market administrator and shall be subject to his determination.

(d) In making payments to producers pursuant to paragraphs (b) and (c) of this section, each handler shall furnish each producer or cooperative association from whom he has received milk with a supporting statement which shall show for each month:

(1) The month and the identity of the handler and of the producer;

(2) The total pounds and the average butterfat content of milk received from such producer;

(3) The minimum rate or rates at which payment to such producer is required pursuant to this order;

(4) The rate which is used in making the payment if such rate is other than the applicable minimum rate;

(5) The amount or the rate per hundredweight and nature of each deduction claimed by the handler; and

(6) The net amount of payment to such producer.

(e) Each handler who receives milk for which a cooperative association is the handler pursuant to § 1138.9(c), shall, on or before the second day prior to the date payments are due individual producers, pay such cooperative association for such milk as follows:

(1) An advance payment for milk received during the first 15 days of the month at the rate specified in paragraph (a) of this section; and

(2) In making final settlement, the value of such milk at the applicable uniform price, less the amount of advance payment made on such milk.

§ 1138.81 Location differential to producers.

(a) For producer milk received at pool plants located in Zones II and III or at pool plants located outside the marketing area and more than 100 miles, as determined by the market administrator, from the nearest of the county courthouses in El Paso County, Tex., or Bernalillo, or Santa Fe Counties, N. Mex., there shall be deducted an adjustment for each such plant for all milk at the rates specified in pursuant to § 1138.52;

(b) For purposes of computations pursuant to §§ 1138.84 and 1138.85, the uniform price shall be adjusted at the rates set forth in § 1138.52 applicable at the location of the nonpool plant from which the milk was received.

§ 1138.82 Butterfat differential to producers.

In making payments pursuant to § 1138.80, there shall be added to or subtracted from the uniform price for each one-tenth of one percent that the average butterfat content of the milk received from the producer is above or below 3.5 percent, respectively, an amount computed by multiplying the pounds of butterfat in producer milk allocated to each class by the appropriate butterfat differential for such class as determined pursuant to § 1138.53, dividing by the total butterfat in producer milk, and rounding to the nearest tenth of a cent.

§ 1138.83 Producer-settlement fund.

The market administrator shall establish and maintain a separate fund known as the "producer-settlement fund" into which he shall deposit all payments made by handlers pursuant to §§ 1138.62, 1138.84, and 1138.86 and out of which he shall make all payments pursuant to §§ 1138.85 and 1138.86: *Provided*, That any payments due any handler shall be offset by any payments due from such handler.

§ 1138.84 Payments to the producer-settlement fund.

On or before the 13th day after the end of the month each handler shall pay to the market administrator the amount, if any, by which the total amounts specified in paragraph (a) of this section exceed the amounts specified in paragraph (b) of this section:

(a) The sum of:

(1) The total of the net pool obligation computed pursuant to § 1138.70 for such handler; and

(2) In the case of a cooperative association which is a handler, the minimum amount due from other handlers pursuant to § 1138.80(e); and

(b) The sum of:

(1) The value of such handler's producer milk at the applicable uniform prices specified in § 1138.80; and

(2) The value at the uniform price(s) applicable at the location of the plant(s) from which received (not to be less than the value at the Class II price) with respect to other source milk for

which a value is computed pursuant to § 1138.70(e).

§ 1138.85 Payments out of the producer-settlement fund.

On or before the 14th day after the end of each month the market administrator shall pay to each handler the amount, if any, by which the amount computed pursuant to § 1138.84(b) exceeds the amount computed pursuant to § 1138.84(a). If at such time the balance in the producer-settlement fund is insufficient to make all payments pursuant to this section, the market administrator shall reduce uniformly such payments and shall complete such payments as soon as the funds are available.

§ 1138.86 Adjustment of accounts.

Whenever audit by the market administrator of any handler's reports, books, records, or accounts or other verification discloses errors resulting in moneys due a producer or the market administrator from such handler or due such handler from the market administrator, the market administrator shall promptly notify such handler of any amount so due and payment thereof shall be made on or before the next date for making payments as set forth in the provisions under which such error occurred. Whenever such audit discloses errors resulting in moneys due such handler from the market administrator, payment shall be made on or before the next date for making payments as set forth in the provisions under which such error occurred.

§ 1138.87 Marketing services.

(a) Except as set forth in paragraph (b) of this section, each handler in making payments to producers other than himself for milk pursuant to § 1138.80, shall deduct 6 cents per hundredweight, or such lesser amount as may be prescribed by the Secretary, and shall pay such deductions to the market administrator on or before the 16th day after the end of the month. Such money shall be used by the market administrator to provide market information and to check the accuracy of the testing and weighing of milk for producers who are not receiving such services from a cooperative association;

(b) In the case of producers who are members of a cooperative association which the Secretary has determined is actually performing the services set forth in paragraph (a) of this section, each handler shall make, in lieu of the deduction specified in paragraph (a) of this section, such deductions from the payments to be made to producers as may be authorized by the membership agreement or marketing contract between the cooperative association and its members, and on or before the 16th day after the end of each month, the handler shall pay the aggregate amount of such deductions to the cooperative association, furnishing a statement showing the amount of the deduction and the quantity of milk on which the deduction was computed from each producer.

§ 1138.88 Expense of administration.

As his pro rata share of the expense of administration of the order, each handler shall pay to the market administrator on or before the 16th day after the end of the month four cents per hundredweight or such lesser amount as the Secretary may prescribe, with respect to (a) producer milk including such handler's own production, (b) other source milk allocated to Class I pursuant to § 1138.46(a)(2)(i); (3) and (7) and the corresponding steps of § 1138.46(b), and (c) Class I milk disposed of from a partially regulated distributing plant on routes in the marketing area that exceeds Class I milk received during the month at such plant from pool plants and other order plants: *Provided*, That if such handler elects pursuant to § 1138.36 to use two accounting periods in any month the applicable rate of assessment for such handler shall be the rate set forth above multiplied by two or such lesser rate as the Secretary may determine is demonstrated as appropriate in terms of the particular cost of administering the additional accounting period.

§ 1138.89 Termination of obligations.

The provisions of this section shall apply to any obligation under this order for the payment of money.

(a) The obligation of any handler to pay money required to be paid under the terms of this order shall, except as provided in paragraphs (b) and (c) of this section, terminate two years after the last day of the month during which the market administrator received the handler's utilization report on the milk involved in such obligation, unless within such 2-year period the market administrator notifies the handler in writing that such money is due and payable. Service of such notice shall be complete upon mailing to the handler's last known address, and it shall contain, but need not be limited to, the following information:

(1) The amount of the obligation;

(2) The months during which the milk, with respect to which the obligation exists, was received or handled; and

(3) If the obligation is payable to one or more producers or to a cooperative association, the names of such producers or cooperative associations, or if the obligation is payable to the market administrator, the account for which it is to be paid.

(b) If a handler fails or refuses, with respect to any obligation under this part, to make available to the market administrator all books and records required by this part to be made available, the market administrator may, within the 2-year period provided for in paragraph (a) of this section, notify the handler in writing of such failure or refusal. If the market administrator so notifies a handler, the said 2-year period, with respect to such obligation shall not begin to run until the first day of the month following the month during which all such books and records pertaining to such obligations are made available to the market administrator.

(c) Notwithstanding the provisions of paragraphs (a) and (b) of this section, a handler's obligation under this part to pay money shall not be terminated with respect to any transaction involving fraud or willful concealment of a fact, material to the obligation, on the part of the handler against whom the obligation is sought to be imposed.

(d) Any obligation on the part of the market administrator to pay a handler any money which such handler claims to be due him under the terms of this part shall terminate two years after the end of the calendar month during which the milk involved in the claim was received if an underpayment is claimed, or two years after the end of the calendar month during which the payment (including deduction or offset by the market administrator) was made by the handler, if a refund on such payment is claimed, unless such handler, within the applicable period of time, files, pursuant to section 8c(15)(A) of the Act, a petition claiming such money.

EFFECTIVE TIME, SUSPENSION OR TERMINATION

§ 1138.90 Effective time.

The provisions of this part or any amendment thereto, shall become effective at such time as the Secretary may declare and shall continue in force until suspended or terminated.

§ 1138.91 Suspension or termination.

The Secretary shall, whenever he finds that any or all provisions of this part, or any amendment thereto, obstruct or do not tend to effectuate the declared policy of the Act, terminate or suspend the operation of any or all provisions of this order or any amendment thereto. This part shall terminate in any event whenever the provisions of the Act authorizing it cease to be in effect.

§ 1138.92 Continuing obligations.

If upon suspension or termination of any or all provisions of this part, or any amendment thereto, there are any obligations thereunder, the final accrual or ascertainment of which requires further acts by any persons (including the market administrator), such further acts shall be performed notwithstanding such suspension or termination.

§ 1138.93 Liquidation.

(a) Upon the suspension or termination of any or all provisions of this part, the market administrator, or such other liquidating agent as the Secertary may designate, shall, if so directed by the Secretary, liquidate the business of the market administrator's office, dispose of all property in his possession or control including accounts receivable, and execute and deliver all assignments or other instruments necessary or appropriate to effectuate any such disposition.

(b) If a liquidating agent is so designated, all assets, books, and records of the market administrator shall be trans-

ferred promptly to such liquidating agent. If upon such liquidation, the funds on hand exceed the amounts required to pay outstanding obligations of the office of the market administrator and to pay necessary expenses of liquidating and distribution, such excess shall be distributed to contributing handlers and producers in an equitable manner.

MISCELLANEOUS PROVISIONS

§ 1138.100 Agents.

The Secretary may, by designation in writing, name any officer or employee of the United States to act as his agent and representative in connection with any of the provisions of this part.

§ 1138.101 Separability of provisions.

If any provisions of this part, or its application to any person or circumstances, is held invalid, the application of such provision, and of the remaining provisions of this order, to other persons or circumstances shall not be affected thereby.

[F.R. Doc. 65-6609; Filed, June 22, 1965; 8:49 a.m.]

FEDERAL AVIATION AGENCY

[14 CFR Part 39]

[Docket No. 6726]

AIRWORTHINESS DIRECTIVES

Boeing Models 707B, 707C, and 720B Series Airplanes

The Federal Aviation Agency is considering amending Part 39 of the Federal Aviation Regulations by adding an airworthiness directive applicable to Boeing 707B, 707C, and 720B Series airplanes requiring modification of the forward thrust reverser indicating light switch striker bracket. There have been failures of the brackets on the subject aircraft resulting in false indication of reverser operation. Since this condition is likely to exist or develop in other aircraft of the same type design, the proposed AD would require replacement of the existing bracket on the subject model aircraft.

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should identify the docket number and be submitted in duplicate to the Federal Aviation Agency, Office of the General Counsel, Attention: Rules Docket, 800 Independence Avenue SW., Washington, D.C., 20553. All communications received on or before July 23, 1965, will be considered by the Administrator before taking action upon the proposed rule. The proposals contained in this notice may be changed in the light of comments received. All comments will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons.

This amendment is proposed under the authority of sections 313(a), 601, and 603 of the Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421, 1423).

In consideration of the foregoing, it is proposed to amend § 39.13 of Part 39 of the Federal Aviation Regulations by adding the following new airworthiness directive:

BOEING. Applies to Models 707B, 707C, and 720B Series Aircraft.

Compliance required within the next 1,200 hours' time in service after the effective date of this AD unless already accomplished.

The forward thrust reverser indicating light switch striker bracket may be distorted by reverser actuation impact loads resulting in false indications of reverser operation. To correct this condition, accomplish the following:

(a) Replace existing sheet metal striker brackets, P/N 65-11396-1, with cast striker bracket, P/N 69-31381-1 or equivalent in accordance with Boeing Service Bulletin 2039 dated December 21, 1964, or later FAA approved revisions.

(b) Approval of any equivalent means shall be processed through the Aircraft Engineering Division, FAA Western Region, Los Angeles, Calif.

Issued in Washington, D.C., on June 16, 1965.

HARRY A. TURNPAUGH,
Acting Director,
Flight Standards Service.

[F.R. Doc. 65-6561; Filed, June 22, 1965; 8:46 a.m.]

CIVIL AERONAUTICS BOARD

[14 CFR Part 214]

[Economic Regs. Docket No. 16206]

TERMS, CONDITIONS AND LIMITATIONS OF FOREIGN AIR CARRIER PERMITS AUTHORIZING CHARTER TRANSPORTATION ONLY

Notice of Proposed Rule Making

JUNE 18, 1965.

Notice is hereby given that the Civil Aeronautics Board has under consideration amendments to its Economic Regulations (14 CFR 200 et seq.) to promulgate a new Part 214 governing charter foreign air transportation of persons pursuant to a foreign air carrier permit authorizing charter transportation only.

The principal features of the proposed amendments are described in the Explanatory Statement set forth below. The amendments are proposed under the authority of sections 204(a) and 402 of the Federal Aviation Act of 1958 (72 Stat. 743, 49 U.S.C. 1324; 72 Stat. 757, 49 U.S.C. 1372).

Interested persons may participate in the proposed rule making through submission of ten (10) copies of written data, views, or arguments pertaining thereto, addressed to the Docket Section, Civil Aeronautics Board, Washington, D.C., 20428. All relevant matter in communications received on or before July 23, 1965, will be considered by the Board. Copies of all such communications will be available for examination by interested persons in the Docket Section of the Board, Room 710, Universal Building, 1825 Connecticut Avenue NW., Washington, D.C., 20428, upon receipt thereof.

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON,
Secretary.

Explanatory statement. Passenger charters by foreign air carriers authorized to engage in charter transportation only (hereinafter, foreign charter carriers) are presently governed by Part 295 of the Board's Economic Regulations—a regulation which also governs transatlantic passenger charters by supplemental carriers.[1] In the foreign charter carriers' permits it is stated that the Board's use of Part 295 is not necessarily permanent and that at some future date the Board may deem it appropriate to adopt a new regulation applying only to the foreign charter carriers.

The Board has tentatively concluded that some of the provisions of Part 295 should not apply to the foreign charter carriers, and that other provisions of Part 295 should be modified insofar as they apply to the foreign charter carriers. Rather than unduly complicating Part 295 by these modifications, it now seems appropriate to promulgate a new regulation applying only to passenger charters by foreign charter carriers. The proposed rule set forth below, a new Part 214, would regulate the foreign charter carriers on the basis of the provisions of Part 295, subject to the following modifications:[2]

1. *Reporting and record retention.* The foreign charter carriers, unlike the transatlantic supplemental carriers, are subject to a limitation on the number of U.S. originated flights they may operate in relation to the number of charter flights they operate from their country of registry. To insure effective monitoring of this restriction it is necessary that the carriers be required to file an annual report giving pertinent information about each charter flight operated.[3] However, it also appears possible to eliminate the Statement of Supporting Information which §§ 295.5, 295.22, and 295.36 now require be completed for every flight. Since the proposed annual report requires less information than would a Statement of Supporting Information for each flight, the result of these proposals will be a reduction in the carriers' reporting obligations.

The proposed § 214.6 would shift from Part 249 to the new Part 214 the record retention requirements to which the foreign charter carriers are now subject. The foreign charter carriers would be required to retain their records at a place within the United States where the records could be inspected by an authorized representative of the Board or the Federal Aviation Agency. A similar requirement is imposed on foreign air carriers operating off-route charters (see § 212.7 of the Board's Economic Regulations).

2. *"Split charter" provisions.* In view of the fact that the certificated transatlantic supplemental carriers are authorized to operate so-called "split charters" (see Transatlantic Charter Investigation, Orders E-20530, E-20531, February 24, 1964), the definition of "charter flights" in § 295.2 includes a definition of split charters.[4] In the new Part 214 it would not be appropriate to have an unrestricted definition of split charters because the first three foreign charter carriers to be issued permits were not granted split charter authority.[5] On the other hand, a definition of split charters is desirable because Sudflug and Adria were granted split charter authority and their permits contemplate that split charter will be defined in the Board's regulations. In view of these considerations we have tentatively concluded that the definition of charter flight in Part 214 should encompass split charters, but that the definition should be subject to a proviso that the split charter provisions do not apply with respect to a foreign carrier whose permit states, as do the permits of Caledonian, British Eagle and KAR-AIR oy, that the carrier has authority to engage in "planeload" charter foreign air transportation of persons.

3. *Elimination of certain "terms of service" requirements.* Section 295.14(b) through (d) requires carriers to maintain specified insurance coverage, and to provide substitute transportation and pay incidental expenses with respect to delays on flights. Not all foreign charter carriers are now subject to these requirements—the permits of KAR-AIR oy, Sudflug, and Adria state that the carriers are not to be subject to § 295.14 (b), (c), and (d)—and the Board has tentatively concluded that the other foreign charter carriers should also be free of insurance and substitute transportation requirements.

The Board imposed insurance and substitute transportation requirements on the supplemental carriers in response to an expression of legislative intent in the supplemental air carrier legislation, P.L. 87-528.[6] There has been no similar expression of legislative intent with respect to the foreign charter carriers. Although we do not believe that the Board lacks statutory authority to impose insurance and substitute transportation requirements on foreign charter carriers, we have concluded that for the present these matters are best left to each carrier's home country. We will, of course, expect these carriers to make adequate provisions for the protection of passengers, and should difficulties arise in this regard, the Board will take appropriate action.

Proposed rule. It is proposed to issue a new Part 214 of the Board's Economic Regulations (14 CFR Part 214) as follows:

[1] See the permits of Caledonian Airways (Prestwick), Ltd. (Caledonian), Order E-19710 (June 18, 1963); British Eagle International Airlines, Ltd. (British Eagle), Order E-20617 (Mar. 27, 1964); KAR-AIR oy, Order E-21684 (Jan. 15, 1965); Sudflug, Sudeutsche Fluggesellschaft mbH Order E-22116 (May 3, 1965), (Sudflug); Adria Airways, Order E-22117 (May 3, 1965) (Adria).

[2] In addition to the modifications discussed below, certain editorial changes are required by the fact that the new regulation will govern a different class of carrier and somewhat different geographical areas than does Part 295.

[3] The date, the points served, the charterer, and the number of one-way and round trip passengers carried.

[4] See § 295.2(b) in which a charter flight is defined, in part, as "air transportation performed by a direct air carrier on a time, mileage, or trip basis where * * * one-half the capacity of an aircraft has been engaged by a person for his own use or by a representative or representatives of a group for the use of such group and the remaining half of the capacity of such aircraft has been engaged by another person for his own use or by a representative or representatives of a second group (provided no such representative is professionally engaged in the formation of groups for the transportation or in the solicitation or sale of transportation services)."

[5] See fn. 1, supra. KAR-AIR oy's permit indicates that it was not given split charter authority. British Eagle's and Caledonian's permits authorize only "planeload" charters, and at the time these permits were issued Part 295 did not include a definition of split charters.

[6] 76 Stat. 143, July 10, 1962. The legislation made liability insurance coverage mandatory for supplemental carriers, and imposed upon the Board the duty of prescribing the terms, conditions, and amounts of such coverage. P.L. 87-528 further provided that the Board might prescribe regulations requiring supplemental carriers to make appropriate compensation to passengers when the carriers fail to perform their contractual obligations. See section 401(n) of the Federal Aviation Act of 1958, added by P.L. 87-528.

PART 214—TERMS, CONDITIONS, AND LIMITATIONS OF FOREIGN AIR CARRIER PERMITS AUTHORIZING CHARTER TRANSPORTATION ONLY

Sec.
214.1 Applicability.
214.2 Definitions.
214.3 Waiver.
214.4 Separability.
214.5 Reporting.
214.6 Record retention.

Subpart A—Provisions Relating to Pro Rata Charters

214.10 Applicability of subpart.

REQUIREMENTS RELATING TO FOREIGN AIR CARRIERS

214.11 Solicitation and formation of a chartering group.
214.12 Pretrip notification.
214.13 Tariffs to be on file.
214.14 Terms of service.
214.15 Agent's commission.
214.16 Prohibition against payments or gratuities.

REQUIREMENTS RELATING TO TRAVEL AGENTS

214.20 Prohibition against double compensation.
214.21 Prohibition against payments or gratuities.

REQUIREMENTS RELATING TO THE CHARTERING ORGANIZATION

214.30 Solicitation of charter participants.
214.31 Passengers on charter flights.
214.32 Participation of immediate families in charter flights.
214.33 Charter costs.
214.34 Statements of charges.
214.35 Passenger manifests.

Subpart B—Provisions Relating to Single Entity Charters

214.39 Applicability of subpart.
214.40 Tariffs to be on file.
214.41 Terms of service.
214.42 Commissions paid to travel agents.

Subpart C—Provisions Relating to Mixed Charters

214.50 Applicable rules.

Subpart D—Procedure for Advisory Opinion on the Eligibility of a Charterer

214.60 Advisory opinion.

§ 214.1 Applicability.

This part establishes the terms, conditions, and limitations applicable to charter foreign air transportation of persons pursuant to foreign air carrier permits authorizing the holder to engage in charter transportation only.

§ 214.2 Definitions.

(a) "Charter foreign air transportation of persons" means charter flights in air transportation performed pursuant to a permit which is issued under section 402 of the Act and which authorizes the holder to engage in charter transportation only.

(b) "Charter flight" means air transportation performed by a direct foreign air carrier on a time, mileage, or trip basis where (1) the entire capacity of one or more aircraft has been engaged for the movement of persons and their personal baggage—

(i) By a person for his own use (including a direct air carrier when such aircraft is engaged solely for the transportation of company personnel or commercial passenger traffic in cases of emergency); or

(ii) By a representative (or representatives acting jointly) of a group for the use of such group (provided no such representative is professionally engaged in the formation of groups for the transportation, or in the solicitation, or sale of transportation services);

or (2) one-half the capacity of an aircraft has been engaged by a person for his own use or by a representative or representatives of a group for the use of such group and the remaining half of the capacity of such aircraft has been engaged by another person for his own use or by a representative or representatives of a second group (provided no such representative is professionally engaged in the formation of groups for the transportation, or in the solicitation, or sale of transportation services):

Provided, That the definition of "charter flight" in subparagraph (2) of this paragraph shall not apply with respect to any foreign air carrier whose permit states that it has authority to engage in "planeload" charter foreign air transportation of persons:

Provided further, That with the consent of the charterer, the direct foreign air carrier may utilize any unused space for the transportation of the carrier's own personnel and property.

(c) "Pro rata charter" means a charter the cost of which is divided among the passengers transported.

(d) "Single entity charter" means a charter the cost of which is borne by the charterer and not by individual passengers, directly, or indirectly.

(e) "Mixed charter" means a charter the cost of which is borne, or pursuant to contract may be borne, partly by the charter participants and partly by the charterer.

(f) "Person" means any individual, firm, association, partnership, or corporation.

(g) "Travel agent" means any person engaged in the formation of groups for transportation, or in the solicitation, or sale of transportation services.

(h) "Charter group" means that body of individuals who shall actually participate in the charter flight.

(i) "Charter organization" means that organization, group, or other entity from whose members (and their immediate families) a charter group is derived.

(j) "Immediate family" means only the following persons who are living in the household of a member of a charter organization, namely, the spouse, dependent children, and parents, of such member.

(k) "Bona fide members" means those members of a charter organization who have not joined the organization merely to participate in the charter as the result of solicitation directed to the general public. Presumptively persons are not bona fide members of a charter organization unless they are members at the time the organization first gives notice to its members of firm charter plans and unless they have actually been members for a minimum period of 6 months prior to the starting flight date. This presumption will not be applicable in the case of charters composed of (1) students and educational staff of a single school, and immediate families thereof, (2) employees of a single Government agency, industrial plant, or mercantile establishment, and immediate families thereof, or (3) participants in a formal academic study course abroad. In the case of all other charters, rebuttal to this presumption may be offered for the Board's consideration by request for waiver.

(l) "Solicitation of the general public" means:

(1) A solicitation going beyond the bona fide members of an organization (and their immediate families). This includes air transportation services offered by a foreign air carrier under circumstances in which the services are advertised in mass media, whether or not the advertisement is addressed to members of a specific organization, and regardless of who places or pays for the advertising. Mass media shall be deemed to include radio and television, and newspapers and magazines. Advertising in such media as newsletters or periodicals of membership organizations, industrial plant newsletters, college radio stations, and college newspapers shall not be considered advertising in mass media to the extent that

(i) The advertising is placed in a medium of communication circulated mainly to members of an organization that would be eligible to obtain charter service, and

(ii) The advertising states that the charter is open only to members of the organization referred to in subdivision (i) of this subparagraph, or only to members of a subgroup thereof. In this context, a subgroup shall be any group with membership drawn primarily from members of the organization referred to in subdivision (i) of this subparagraph:

Provided, That this paragraph shall not be construed as prohibiting air carrier advertising which offers charter services to bona fide organizations, without reference to a particular organization or flight.

(2) The solicitation, without limitation, of the members of an organization so constituted as to ease of admission to membership, and nature of membership, as to be in substance more in the nature of a segment of the public than a private entity.

§ 214.3 Waiver.

A waiver of any of the provisions of this part may be granted by the Board upon the submission by a foreign air carrier of a written request therefor not less than 30 days prior to the flight to which it relates: *Provided*, Such a waiver is in the public interest and it appears to the Board that special or unusual circumstances warrant a departure from the provisions set forth herein.

§ 214.4 Separability.

If any provision of this part or the application thereof to any air transportation, person, class of person, or circumstance is held invalid, neither the remainder of the part nor the application of such provision to other air transportation, persons, classes of persons, or circumstances shall be affected thereby.

§ 214.5 Reporting.

(a) Thirty days after the end of each calendar year, each foreign air carrier operating pursuant to this part shall file with the Board's Bureau of Economic Regulation a report setting forth the following information pertaining to each charter flight performed during said year pursuant to this part:

(1) Date of trip;
(2) Points served;
(3) Number of round-trip and one-way passengers;
(4) Name of chartering organization.

§ 214.6 Record retention.

Every foreign air carrier operating pursuant to this part shall retain true copies of the following documents for a period of 2 years at a place in the United States where such documents may be inspected at any proper time by an authorized representative of the Board or the Federal Aviation Agency: Every charter contract, all post-flight reports and vouchers submitted therewith, all passenger manifests including those filed by charterers, and proof of the commission paid to any travel agent by the carrier.

Subpart A—Provisions Relating to Pro Rata Charters

§ 214.10 Applicability of this subpart.

This subpart sets forth the special rules applicable to pro rata charters.

Requirements Relating to Foreign Air Carriers

§ 214.11 Solicitation and formation of a chartering group.

(a) A carrier shall not engage, directly, or indirectly, in any solicitation of individuals (through personal contact, advertising, or otherwise) as distinguished from the solicitation of an organization for a charter trip.

(b) A carrier shall not employ, directly, or indirectly, any person for the purpose of organizing and assembling members of any organization, club, or other entity into a group to make the charter flight.

§ 214.12 Pretrip notification.

Upon a charter flight date being reserved by the carrier or its agent, the carrier shall provide the prospective charterer with a copy of this Part 214.[1] The charter contract shall include a provision that the charterer, and any agent thereof, shall only act with regard to the charter in a manner consistent with this part and that the charterer shall within due time submit to the carrier such information as specified in §§ 214.34 and 214.35, and submit to each charter participant the information identified in § 214.34.

§ 214.13 Tariffs to be on file.

Prior to performing any foreign air transportation governed by this part, a foreign air carrier shall have on file with the Board a currently effective tariff showing all rates, fares, and charges for the use of the entire capacity of one or more aircraft in such foreign air transportation and showing all rules, regulation practices, and services in connection with such foreign air transportation, including eligibility requirements for charter groups not inconsistent with those established in this part. A foreign air carrier which is authorized to operate charter flights as defined in § 214.2(b)(2) shall not operate any such charters in foreign air transportation until the foreign air carrier has on file with the Board a tariff showing all rates, fares, and charges for the use of one-half the capacity of one or more aircraft in such foreign air transportation and showing all rules, regulation practices, and services in connection with such foreign air transportation, including eligibility requirements for charter groups not inconsistent with those established in this part.

§ 214.14 Terms of service.

(a) The total charter price and other terms of service rendered pursuant to this part shall conform to those set forth in the applicable tariff on file with the Board and in force at the time of the respective charter flight and the contract must be for the entire capacity of one or more aircraft (in the case of foreign carriers authorized to operate charter flights as defined in § 214.2(b)(2) the contract may be for one-half the capacity of one or more aircraft). Where a carrier's charter charge computed according to a mileage tariff includes a charge for ferry mileage, the carrier shall refund to the charterer any sum charged for ferry mileage which is not in fact flown in the performance of the charter: *Provided*, That the carrier shall not charge the charterer for ferry mileage flown in addition to that stated in the contract unless such mileage is flown for the convenience of and at the express direction of the charterer.

(b) The carrier shall require full payment of the total charter price or the posting of a satisfactory bond for full payment prior to the commencement of the air transportation.

(c) In the case of a round-trip charter, one-way passengers shall not be carried except that up to 5 percent of the charter group may be transported one way in each direction. This provision shall not be construed as permitting knowing participation in any plan whereby each leg of a round trip is chartered separately in order to avoid the 5 percent limitation aforesaid. In the case of a charter contract calling for two or more round trips, there shall be no intermingling of passengers and each plane-load group (or in the case of carriers authorized to operate charter flights as defined in § 214.2(b)(2) each one-half plane-load group) shall move as a unit in both directions.

§ 214.15 Agent's commission.

The carrier shall not pay its agent a commission or any other benefits, directly or indirectly, in excess of 5 percent of the total charter price as set forth in the carrier's charter tariff on file with the Board, or more than the commission related to charter flights paid to an agent by a carrier certificated to render regular service on the same route, whichever is greater. The carrier shall not pay any commission whatsoever to an agent if the agent receives a commission from the charterer for the same service.

§ 214.16 Prohibition against payments or gratuities.

A carrier shall make no payments nor extend gratuities of any kind, directly, or indirectly, to any member of a chartering organization in relation either to air transportation or land tours or otherwise. Nothing in this section shall preclude a carrier from paying a commission (within the limits of § 214.15) to a member of a chartering organization if such member is its agent, or restrict a carrier from offering to each member of the charter group such advertising and good will items as are customarily extended to individually ticketed passengers (e.g., a canvas traveling bag or a money exchange computer).

Requirements Relating to Travel Agents

§ 214.20 Prohibition against double compensation.

A travel agent may not receive a commission from both the direct foreign air carrier and the charterer for the same service.

§ 214.21 Prohibition against payments or gratuities.

A travel agent shall make no payments nor extend gratuities of any kind, directly, or indirectly, to any member of a chartering organization whether in relation to air transportation or otherwise. Nothing in this section shall restrict a travel agent from offering to each member of the charter group such advertising and good will items as are customarily extended to individually ticketed passengers (e.g., a canvas traveling bag or a money exchange computer).

Requirements Relating to the Chartering Organization

§ 214.30 Solicitation of charter participants.

As the following terms are defined in § 214.2, members of the charter group may be solicited only from among the bona fide members of an organization, club, or other entity, and their immediate families, and may not be brought together by means of a solicitation of the general public.

§ 214.31 Passengers on charter flights.

Only bona fide members of the charterer, and their immediate families, may participate as passengers on a charter flight. The charterer must maintain a central membership list, available for inspection by the carrier or Board representative, which shows the date each person became a member.[2] Where the charterer is engaging round-trip transportation, one-way passengers shall not participate in the charter flight except as provided in § 214.14(c). When more than one round trip is contracted for, intermingling between flights or reforming of plane-load groups (or in the case of carriers authorized to operate charter flights under § 214.2(b)(2) one-half plane-load groups) shall not be permitted and each such group must move as a unit in both directions.

§ 214.32 Participation of immediate families in charter flights.

The immediate family of any bona fide member of a charter organization may participate in a charter flight.

§ 214.33 Charter costs.

(a) The costs of charter flights shall be prorated equally among all charter passengers and no charter passenger shall be allowed free transportation; except that (1) children under 12 years of age may be transported at a charge less than the equally prorated charge; (2) children under 2 years of age may be transported free of charge.

(b) The charterer shall not make charges to the charter participants which exceed the actual costs incurred in consummating the charter arrangements, nor include as a part of the assessment for the charter flight any charge for purposes of charitable donations. All charges related to the charter flight arrangements collected from the charter participants which exceed the actual costs thereof shall be refunded to the participants in the same ratio as the charges were collected.

(c) Reasonable administrative costs of organizing the charter may be divided among the charter participants. Such costs may include a reasonable charge for compensation to members of the charter organizations for actual labor and personal expenses incurred by them. Such charge shall not exceed $300 (or $500 where the charter participants number more than 80) per round-trip flight. Neither the organizers of the charter, nor any member of the chartering organization, may receive any gratuities or compensation, direct or indirect, from the carrier, the travel agent, or any organization which provides any service to the chartering organization whether of an air transportation nature or otherwise. Nothing in this section shall preclude a member of a chartering organization who is the carrier's agent from receiving a commission from the carrier (within the limits of § 214.15), or prevent any member of the charter group from accepting such advertising and good will items as are customarily extended to individually ticketed passengers (e.g., a canvas traveling bag or a money exchange computer).

(d) If the total expenditures, including among other items compensation to members of the chartering organization, referred to in paragraph (c) of this section, but exclusive of expenses for air transportation or land tours, exceed $750 per round-trip flight, such expenditures shall be supported by properly authenticated vouchers to be given to the carrier with the "Post Flight Report" required pursuant to § 214.34.

§ 214.34 Statements of charges.

(a) Any announcements or statements by the charterer to prospective charter participants of the anticipated individual charge for the charter shall clearly identify the portion of the charges to be separately paid for the air transportation, for the land tour, and for the administrative expenses of the charter.

(b) Within 15 days after completion of each one-way or round-trip flight the charterer shall complete and supply to each charter participant and the foreign air carrier involved a detailed report showing the charge per passenger transported and the charterer's total receipts and expenditures. The report shall be submitted in the form of, and contain such information including the above as more fully specified by, the "Post Flight Report" set forth below.

§ 214.35 Passenger manifests.

(a) Prior to each one-way or round-trip flight a manifest shall be filed by the charterer with the foreign air carrier showing the names and addresses of the persons to be transported and specifying the relationship of each such person to the charterer (by designating opposite his name one of the three relationship categories hereinafter described). The manifest may include "stand-by" participants (by name, address, and relationship to charterer).

(b) The relationship of a prospective passenger shall be classified under one

[1] Copies of this part are available by purchase from the Superintendent of Documents, Washington, D.C., 20402. Single copies will be furnished without charge on written request to the Publications Section, Civil Aeronautics Board, Washington, D.C., 20428.

[2] Where the charter is based on employment in one entity or student status at a college, records of the corporation, agency or college will suffice to meet this requirement.

of the following categories and specified on the passenger manifest as follows:

(1) A bona fide member of the chartering organization at the time the organization first gave notice to its members of firm charter plans and will have been a bona fide member of the chartering organization for at least 6 months prior to the starting flight date. Specify on the passenger manifest as "(1) member."

(2) The spouse, dependent child, or parent of a bona fide member who lives in such member's household. Specify on the passenger manifest as "(2) spouse" or "(2) dependent child" or "(2) parent." Also give name and address of member relative where such member is not a prospective passenger.

(3) Bona fide members of entities consisting only of persons from a study group, or a college campus, or employed by a single Government agency, industrial plant, or mercantile company, or persons whose proposed participation in the charter flight was permitted by the Board pursuant to request for waiver. Specify on the passenger manifest as "(3) special" or "(3) member" (where participants are from a study or campus group, or from a Government agency, industrial plant, or mercantile company).

(c) In the case of a round-trip flight, the above information must be shown for each leg of the flight and any variations between the eastbound and westbound trips must be explained on the manifest.

(d) Attached to such manifest must be a certification, signed by a duly authorized representative of the charterer, reading:

The attached list of persons includes every individual who may participate in the charter flight. Every person as identified on the attached list (1) was a bona fide member of the chartering organization at the time the chartering organization first gave notice to its members or firm charter plans, and will have been a member for at least 6 months prior to the starting flight date, or (2) is a bona fide member of an entity consisting of (a) students and educational staff of a single school, or (b) employees of a single Government agency, industrial plant, or mercantile establishment, or (3) is a person whose participation has been specifically permitted by the Civil Aeronautics Board, or (4) is the spouse, dependent child, or parent of a person described hereinbefore and lives in such person's household, or (5) is a bona fide participant in a charter composed of participants in a formal academic study course abroad.

(Signature)

Subpart B—Provisions Relating to Single Entity Charters

§ 214.39 Applicability of subpart.

This subpart sets forth the special rules applicable to single entity charters.

§ 214.40 Tariffs to be on file.

The provisions of § 214.13 shall apply to charters under this subpart.

§ 214.41 Terms of service.

(a) The total charter price and other terms of service shall conform to those set forth in the applicable tariff filed in accordance herewith and the contract shall be for the entire capacity of one or more aircraft, or, if a foreign air carrier is authorized to operate charters as defined in § 214.2(b)(2), for one-half the capacity of one or more aircraft.

§ 214.42 Commissions paid to travel agents.

No direct foreign aircarrier shall pay a travel agent any commission in excess of 5 percent of the total charter price or more than the commission related to charter flights paid to an agent by a carrier certificated to fly the same route, whichever is greater.

Subpart C—Provisions Relating to Mixed Charters

§ 214.50 Applicable rules.

The rules set forth in Subpart A of this part shall apply in the case of mixed charters.

Subpart D—Procedure for Advisory Opinion on the Eligibility of a Charterer

§ 214.60 Advisory opinion.

A foreign air carrier or prospective charterer may request an advisory opinion from the Bureau of Economic Regulation, Civil Aeronautics Board, Washington, D.C., 20428, regarding the eligibility of the prospective charterer to obtain charter service in accordance with this part. The Bureau's opinion will be based on the representations submitted and shall not be binding upon the Board in any proceeding in which the lawfulness of the respective charter may be in issue. Such representations should include complete information as to the chartering organization (purposes, activities, date founded, membership requirements, and fees); the purpose of the charter trip; the requirements for participation in the charter; how charter participants were solicited; and the anticipated charges to the participants.

CHARTER POST FLIGHT REPORT

Instructions:

The charterer shall complete and file a report in this form with the foreign air carrier within 15 days of each one-way or round-trip charter flight. A report in this form shall also be furnished each charter participant by the charterer within 15 days after completion of each one-way or round-trip charter flight.

1. Name of carrier: _____
2. Name of chartering organization: _____
3. Analysis of charterer's receipts:

(a) _____ (No. of one-way passengers)
× _____ (Charge per passenger,[1] including amounts later refunded)
= _____

(b) _____ (No. of round-trip passengers)
× _____ (Charge per passenger,[1] including amounts later refunded)
= _____

(c) Receipts from other sources (explain) = _____

(d) Total receipts [(a)+(b)+(c)] = _____

4. Analysis of charterer's expenditures:

Item of expenditure[2]	Paid to[3]	Amount

Total[4] _____

Verification[5]

State of _____ } ss:[6]
County of _____ }

I, _____, being duly sworn, hereby (Name)
depose and say that this report has been prepared by me or under my direction, that I have carefully examined it and that to the best of my knowledge and belief it is a complete and accurate statement, and a copy hereof has been distributed to each charter participant.

_____ (Signature of person in charge of charter arrangements.)

Sworn to before me this day, the _____ of _____, 19__.

_____ (Signature of person administering oath. Also, set forth here below the name, address, and authority of such person.)

[SEAL]

[1] If charter cost was not divided equally among *all* participants actually transported, indicate clearly the individual amounts collected and the number of passengers paying each such amount.

[2] As a separate item there should be listed here a total of all the amounts refunded to the charter participants; also list separately air transportation, land tour, and administrative expenses, and break down administrative expenses so as to show such items as postage and printing, and to show compensation for labor and personal expenses paid to any member of chartering organization.

[3] Disclose any relationship to chartering organization.

[4] If this item does not agree with item 3(d), submit an explanatory statement as to the reasons therefor. If the total expenditures (including among other items compensation to members of the chartering organization but exclusive of expenses for air transportation or land tours) exceed $750 per round trip, such expenditures shall be fully supported by vouchers submitted to and retained by the foreign air carrier operating the charter. Such vouchers must cover all expenditures made on behalf of the chartering group including any expenditures for banquets, gifts, local transit, etc.

[5] Whoever, having taken an oath before a competent—person—that he will testify, declare, depose, or certify truly, or that any written testimony, declaration, deposition, or certificate by him subscribed, is true, willfully and contrary to such oath states or subscribes any material matter which he does not believe to be true, is guilty of perjury, and shall, except as otherwise expressly provided by law, be fined not more than $2,000 or imprisoned not more than 5 years, or both. Title 18, U.S.C. § 1621.

[6] If the verification is executed in a foreign country the name of the country should be indicated here. The verification should be before a person authorized by the laws of the jurisdiction in which the verification is executed to administer oaths or affirmations.

[F.R. Doc. 65-6610; Filed, June 22, 1965; 8:49 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 73]

[Docket No. 16063; FCC 65-543]

FM BROADCAST STATIONS

Proposed Table of Assignments; Abbeville, Ala.

1. Notice is hereby given of proposed rule making in the above-entitled matter.

2. The Commission has under consideration § 73.202 of its rules insofar as it pertains to the assignment of Channel 249A to Abbeville, Ala. and Channel 247 to Bainbridge, Ga. While these assignments are in conformance with § 73.208 (a)(4) of the rules, a problem has been brought to our attention concerning the location of sites in the Bainbridge area which would meet the required separation (65 miles) to the reference point in Abbeville. The substitution of Channel 232A for 249A at Abbeville would remove this problem. Channel 232A can be assigned to Abbeville in conformance with all the separation rules and without adversely affecting any other station or assignment. Comments are therefore invited on the following:

City	Channel No.	
	Present	Proposed
Abbeville, Ala.	249A	232A

3. Authority for the adoption of the amendments proposed herein is contained in sections 4 (i) and (j), 303, and 307(b) of the Communications Act of 1934, as amended.

4. Pursuant to applicable procedures set out in § 1.415 of the Commission's rules, interested persons may file comments on or before July 16, 1965, and reply comments on or before July 26, 1965. All submissions by parties to this proceeding or by persons acting in behalf of such parties must be made in written comments, reply comments or other appropriate pleadings.

5. In accordance with the provisions of § 1.419 of the rules, an original and 14 copies of all comments, replies, pleadings, briefs, and other documents shall be furnished the Commission.

Adopted: June 16, 1965.

Released: June 18, 1965.

FEDERAL COMMUNICATIONS COMMISSION,[1]

[SEAL] BEN F. WAPLE, *Secretary.*

[F.R. Doc. 65-6596; Filed, June 22, 1965; 8:48 a.m.]

[47 CFR Part 73]

[Docket No. 16062; FCC 65-542]

FM BROADCAST STATIONS

Proposed Table of Assignments

In the matter of amendment of § 73.202 *Table of assignments*, FM Broadcast Stations (Portage and Shawano, Wis., Murray, Ky., New Port Richey and Clearwater, Fla., Scott City, Kans., Maquoketa and Cedar Rapids, Iowa, Fairmont, W. Va., Galesburg, Ill., Prestonsburg, Ky., Austin and Georgetown, Tex., Bellevue Ohio, Dalhart, Tex., Las Cruces, N. Mex., Petersburg, Va., Witchita, Kans., Fergus Falls, Minn., Pittsfield, Ill.); Docket No. 16063, RM-720, RM-756, RM-757, RM-763, RM-759, RM-762, RM-767, RM-768, RM-770, RM-771, RM-769, RM-777.

1. Notice is hereby given of proposed rule making in connection with the above-listed requests to change the FM Table of Assignments, § 73.202 of the Commission's rules and regulations. All of the proposals conform to the minimum mileage separation rules. All of the proposed assignments within 250 miles of the United States-Canadian border require coordination with the Canadian Government under the terms of the the Canadian-United States FM Agreement of 1947 and the Working Arrangement of 1963. All populations are from the 1960 U.S. Census unless otherwise stated.

2. *RM-720: Portage, Wis.* On April 6, 1965, Comstock Publishing Co., licensee of radio station WPDR(AM), Portage, Wis., filed an amended petition for rule making seeking the assignment of a first FM channel, 261A, to Portage by substituting Channel 261A for 262 at Shawano, Wis., as follows:

City	Channel No.	
	Present	Proposed
Portage, Wis.		261A
Shawano, Wis.	262, 274	261A, 274

Portage, population 7,822, is the county seat and largest community in Columbia County, which has a population of 36,708 persons. WPDR, a daytime-only station, is the only radio station in Portage. Shawano has a population of 6,103 persons and is the county seat and largest community in Shawano County, population 32,006. An application has been filed for Channel 262 and this would have to be amended in the event the proposal is adopted to the remaining Class C assignment, Channel 274. Shawano also has an unlimited time AM station. Petitioner urges that its proposal would provide Portage with its first FM assignment, that it would provide this community and its vicinity with its first local nighttime service, and that it would achieve a better distribution of available facilities. Finally, petitioner submits that the assignment will comply with all the separation requirements at a site to be found (about 2 miles out of town).

3. The Commission is of the view that the proposal merits rule making in order that all interested parties may submit their views and relevant data. Since we have been reluctant to mix Class A and B or C assignments in the same city, we also invite comments on whether Channel 261A should be assigned to Shawano. Comments are therefore invited on the following:

City	Channel No.	
	Present	Proposed
Portage, Wis.		261A
Shawano, Wis.	262, 274	261A, 274

4. *RM-756: Murray, Ky.* On April 7, 1965, Michael R. Freeland, doing business as Murray Broadcasting Co., prospective applicant for a new station at Murray, Ky., filed a petition requesting the assignment of Channel 279 to Murray. Murray is the largest city and county seat of Calloway County. It has a population of 9,303 persons and Calloway County has a population of 20,972 persons. The nearest large city is Paducah, approximately 38 miles away. There is but one AM station in the county, WNBS, a Class IV station. Petitioner submits that the proposal conforms to all the rules, that it would provide a first primary FM service to the area, and that an application will be filed for the proposed assignment in the event it is adopted. It also points out that Murray is the home of Murray State College, which has an enrollment of over 2,300 students.

5. We are of the view that the proposal warrants consideration and invite comments on the following:

City	Channel No.	
	Present	Proposed
Murray, Ky.		279

6. *RM-763: Clearwater, Fla; RM-757: New Port Richey, Fla.* On April 8, 1965, Richey Airwaves, Inc., licensee of radio station WGUL(AM), New Port Richey, Fla., filed a petition requesting the assignment of Channel 250 to New Port Richey. This community has a population of 3,520 persons and is located in Pasco County, which has a population of 36,785 persons. The only station in the community is WGUL, a daytime-only station. New Port Richey is about 27.5 miles from Tampa and 39 miles from St. Petersburg. Petitioner recognizes that New Port Richey is the type of community which does not merit the assignment of a Class C channel but advances several arguments in favor of the assignment. It urges that the area is a fast-growing one and predicts that within 20 years the entire area between St. Petersburg and New Port Richey will constitute one metropolitan area; that there is a need to serve the outlying areas to the north of the city; that from a business standpoint, a New Port Richey assignment must be a Class C in order to compete with the Class C stations in Clearwater and St. Petersburg;[1] and that the assignment of Channel 250 to this community will not preclude any needed assignment elsewhere in the State.

7. On April 13, 1965, John K. Pringle, prospective applicant for a new FM station in Clearwater, Fla., filed a petition requesting the addition of Channel 250 to

[1] No mention is made of Tampa, which has four Class C assignments and is closer to New Port Richey than is St. Petersburg.

[1] Commissioner Cox absent.

Clearwater. Since Clearwater and New Port Richey are only about 26 miles apart, the two requests are mutually exclusive. Clearwater has a population of 34,653 persons and is part of the Tampa-St. Petersburg metropolitan area. It has one FM station which operates on Channel 239, on daytime-only and one Class IV AM station. Mr. Pringle urges that Clearwater merits a second competitive FM service, that it is large enough to warrant a second FM assignment, and that the proposal conforms to all the separation rules.

8. The Commission is of the view that rule making is warranted on these two conflicting requests and invites comments on the following alternative plans:

ALTERNATIVE I

City	Channel No.	
	Present	Proposed
New Port Richey, Fla.	----	269

ALTERNATIVE II

Clearwater, Fla.	239	239, 269

In Alternative I comments are also invited on the question as to whether New Port Richey merits a Class C assignment in view of our general policy to assign Class B or C channels to the larger cities and metropolitan areas and Class A channels to the smaller communities.

9. *RM–759: Scott City, Kans.* On April 9, 1965, George Basil Anderson and Florence L. Anderson doing business as The Broadcasters of Scott City, licensee of radio Station KFLA (daytime-only station) and permittee of Station KFLA–FM, Scott City, Kansas, filed a petition for rule making requesting the substitution of Class C Channel 233 for Class A Channel 232A at Scott City. Scott City is a community of 3,555 located in west central Kansas. It is the largest town and county seat of Scott County, population 5,228 persons. The nearest community of over 10,000 population is Garden City (11,811), about 35 miles distant. Petitioner urges that the assignment of a Class C channel to this community would be consistent with the Commission's policy of making exceptions to the general principles—of assigning Class C channels only to the large cities and metropolitan areas—where the small community is far removed from any large city and is located in a rural area with sparsely settled populations. Petitioner submits that a Class C station here would serve all or portions of several counties none of which have a population over 16,093 persons and that it would serve a "substantial white area."

10. We are of the view that the petitioner's proposal should be considered and invite comments on the following:

City	Channel No.	
	Present	Proposed
Scott City, Kans.	232A	233

Since the proposal would delete Channel 232A on which KFLA–FM has a construction permit, appropriate steps will be taken in the event the proposal is adopted.

11. *RM–762: Maquoketa, Iowa.* On April 13, 1965, Jackson County Broadcasting Co., licensee of radio Station KMAQ(AM), Maquoketa, Iowa, filed a petition requesting rule making to assign a first Class A Channel to Maquoketa by one of two alternative methods as follows:

ALTERNATIVE I

City	Channel No.	
	Present	Proposed
Maquoketa, Iowa	----	272A
Cedar Rapids, Iowa	243, 251, 275, 283	243, 251, 276A, 283

ALTERNATIVE II

Maquoketa, Iowa	----	237A
Muscatine, Iowa	237A, 289	289

Maquoketa has a population of 5,909 and is the county seat and largest community in Jackson County, population 20,754. It is located about 30 miles south of Dubuque, Iowa. The only station in operation there is a daytime-only AM one. Petitioner submits that under Alternative I Cedar Rapids would still have three Class C and one Class A assignment and that there are no applications on file for the unoccupied assignments, Channels 243 and 275. With respect to Alternative II petitioner points out that this proposal would leave one Class C assignment in Muscatine and that no party has applied for the unoccupied Channel 237A. Petitioner urges that Maquoketa and the surrounding area needs and merits an FM assignment, that no interest has been shown in the assignments proposed to be deleted, and that the proposals conform to all the separation rules.

12. We are of the view that Maquoketa merits the assignment of a first Class A channel and that rule making to this end should be instituted. However, we believe that if either alternative should be explored that it should be the first one. Cedar Rapids, with a population of 92,035, has been assigned four Class C assignments. It has five AM stations, three of which operate unlimited time. Muscatine has one Class C and one Class A FM assignment. Its population is 20,997. It has but one AM station and this operates daytime-only. We are therefore of the view that we should explore Alternative I only and invite comments on the following:

City	Channel No.	
	Present	Proposed
Maquoketa, Iowa	----	272A
Cedar Rapids, Iowa	243, 251, 275, 283	243, 251, 276A, 283

We also invite comments on the proposed mixture of A and C channels in Cedar Rapids.

13. *RM–767: Fairmont, W. Va.* On April 19, 1965, Broadcast Enterprises, Inc., licensee of radio Station WMMN (AM), Fairmont, W. Va., filed a petition requesting rule making to assign a first Class B assignment to Fairmont by making other changes in the table as follows:

City	Channel No.	
	Present	Proposed [1]
Oakland (Western) Md.	244	243
Fairmont, W. Va.	261A, 276A	250, 276A
Keyser, W. Va.	240A	261A
Clarksburg, W. Va.	234A, 249A, 283	234A, 249A, 283

[1] The changes in Oakland, and Keyser have already been proposed by another party in RM–731, Docket No. 16008. The instant proposal differs from the earlier petition only in that it places Channel 250 in Fairmont instead of Channel 261A, and in the additional change in Clarksburg.

Fairmont has a population of 27,477 persons and is the county seat and largest city in Marion County (population 63,717). It has an unlimited time AM station (WMMN) and a Class IV AM station in addition to the two Class A FM assignments. Petitioner points out that the nearby counties are of comparable size and that both Clarksburg (18 miles) and Morgantown (15 miles) each have a Class B assignment. Petitioner urges that a broadcast facility in Fairmont must be at least equal in coverage to be able to compete effectively for national and regional advertisers. Finally, petitioner states that the proposed assignment of Channel 250 to Fairmont would conform to all the spacing requirements provided a site is selected about 4 miles out of town. No applications are on file for the assignments proposed to be changed.

14. We have been reluctant to mix Class A and Class B or C assignments in the same community in order to avoid, if possible, competitive inequality. However, in this instance we are of the view that comments should be invited on the petitioner's proposal in order that all interested parties may submit their views. We therefore invite comments on the following:

City	Channel No.	
	Present	Proposed
Fairmont, W. Va.	261A, 276A	250, 276A
Clarksburg, W. Va.	234A, 249A, 283	234A, 249A, 283

15. *RM–768: Galesburg, Ill.* On April 20, 1965, Galesburg Broadcasting Corp., licensee of radio Station WGIL(AM), Galesburg, Ill., filed a petition requesting the addition of FM Channel 235 to Galesburg as follows: [2]

[2] Petitioner also proposed to delete Channel 236 from Hannibal, Mo., and to substitute therefor Channel 237A. Channel 235 was deleted from Hannibal in Docket 15690. See Second Report and Order, FCC 65–356 issued on April 30, 1965. In that same Order, Channel 269 was assigned to Mexico, Mo. Thus, Channel 237A would not be technically feasible in Hannibal since these two communities are less than the required 65 miles for assignments two channels removed. No consideration will therefore be given to that portion of the proposal which concerns Hannibal.

City	Channel No.	
	Present	Proposed
Galesburg, Ill.	272A	235, 272A

Galesburg has a population of 37,243 persons. It is the county seat and largest city of Knox County, which has a population of 61,280. In addition to the Class A FM assignment, Galesburg has two AM stations, WGIL (a Class IV station) and WAIK (daytime-only). Petitioner urges that a wide-area FM station is needed to serve this area which now has minimal AM service, that Galesburg is the type of city for which the Class B channels were designed, and that the proposal would conform to all the rules.

16. We have been reluctant to mix Class A and B assignments in the same community but believe, however, that comments should be invited on the proposal in this case. Comments are therefore invited on the proposal outlined above.

17. *RM–770: Prestonsburg, Ky.* On April 21, 1965, Stephens Industries, Inc., licensee of radio Station WPRT(AM), Prestonsburg, Ky., filed a petition requesting rule making looking toward the addition of Channel 255 to that community. Prestonsburg (population 3,133) is the county set and largest community of Floyd County, which has a population of 41,642 persons. It has two daytime-only AM stations and one FM station on Channel 238. Class A Channel 288A is also assigned to Prestonsburg but is unoccupied and not applied for. Petitioner states that Prestonsburg is the business, civic and social center for the county, that the community and surrounding area have no local nighttime AM outlets and so must rely on FM for nighttime aural service, and that it is remote from any large city or metropolitan area. Petitioner urges that its proposal would remove the existing mixture of Class A and C assignments; that it would provide a competitive balance of service as between the two AM operators; and that the extremely rugged terrain in the area makes a Class C assignment more appropriate than a Class A. Finally, petitioner takes note of the Commission's policy of making Class A assignments in the smaller communities and Class B and C in the large cities and metropolitan areas but contends that Prestonsburg merits a departure from this general policy in view of the fact that the community is remote from large cities and surrounded by rural areas deserving of a wide-coverage FM assignment.

18. It is by no means apparent that the making of a second Class C assignment to a community the size of Prestonsburg is warranted. This is especially so since the nearby and larger communities of Paintsville and Pikeville have only one Class A assignment each. However, in view of the relatively small area in which Channel 255 may be assigned in conformance with the minimum spacing rules we are inviting comments on petitioner's proposal. We also invite comments on the question as to whether the proposed additional assignment will preclude any future needed assignments in the general area.[4] Comments are therefore invited on the following:

City	Channel No.	
	Present	Proposed
Prestonsburg, Ky.	238, 288A	238, 255

19. *RM–777: Austin, Tex.* KVET Broadcasting Co., Inc., on May 6, 1965, filed a petition requesting rule making to amend the table as follows:

City	Channel No.	
	Present	Proposed
Austin, Tex.	229, 234, 238, 252A, 265	229, 234, 238, 252A, 264 280A
Georgetown, Tex.	265A	

Petitioner is the prospective assignee of radio Station KVET(AM) at Austin. It is submitted that the only available FM assignment in Austin is Channel 234 and that in order to meet the required spacings to other assignments a site must be selected in a narrow wedge-shaped area to the south-southwest of the city and that from such a location an uneconomic tower height or transmitter power would have to be used. Petitioner therefore urges that for all practical purposes the assignment on Channel 234 is not available to Austin and requests that Channel 264, which can be assigned in full conformance with all the rules by the substitution in Georgetown, be assigned to Austin.

20. The Commission is of the view that the petitioner's proposal merits rule making. Since, however, use of Channel 234 may not be feasible in Austin we believe that it would be best to substitute Channel 264 for 234, and therefore invite comments on the following:

City	Channel No.	
	Present	Proposed
Austin, Tex.	229, 234, 238, 252A, 265	229, 238, 252A, 264 280A
Georgetown, Tex.	265A	

21. *RM–769: Bellevue, Ohio.* On April 21, 1965, The Gazette Publishing Co., prospective applicant for a new FM station in Bellevue, filed a petition requesting the assignment of Channel 221A to Bellevue. Bellevue, a community of 8,286 persons, has no radio station or FM assignment. Petitioner urges that there is a need for a local radio station in this community which has a large population and substantial resources to make it feasible.

22. The Commission is of the view that comments should be invited on the petitioner's proposal and requests comments on the following:

[4] This should include a showing on the impact the addition of Channel 255 will have on possible assignments on other related channels.

City	Channel No.	
	Present	Proposed
Bellevue, Ohio	----	221A

23. *RM–771: Petersburg, Va.* On April 23, 1965 Smiles of Virginia, Inc., licensee of radio Station WPVA, Petersburg-Colonial Heights, Va., filed a petition looking toward the assignment of a second Class A FM assignment to Petersburg. Petersburg has a population of 36,750 persons. It has two AM stations, a daytime-only and a Class IV. The sole FM assignment, Channel 257A, has been requested by the two AM station licensees in the area. Petitioner urges that adoption of the second channel is warranted, that it would serve the needs of the residents for a second FM service, and that it would conform to all the separation requirements at a site about 4 miles outside of the city.

24. The Commission believes that comments should be invited on the proposal and asks for comments on the following:

City	Channel No.	
	Present	Proposed
Petersburg, Va.	257A	237A, 257A

25. *Change on the Commission's own motion.* It has come to our attention that the assignments of Channel 232A to Dalhart, Tex., and of Channel 237A to Las Cruces, N. Mex., do not meet the required spacings. We are therefore proposing the following substitutions:

City	Channel No.	
	Present	Proposed
Dalhart, Tex.	232A	240A
Las Cruces, N. Mex.	237A	260A

26. *Wichita, Kans., Fergus Falls, Minn., and Pittsfield, Ill.* In addition to the above proposals made by interested parties, we wish to make some additional changes in the table on our motion. Channel 262 was previously authorized to Station KFH–FM at Wichita, Kans., at a very short spacing to Station KTOP–FM at Topeka on the same channel (about 130 miles as against the required 180 miles). KFH–FM is now operating on Channel 250. In the event Channel 262 is deleted, Wichita would still have five Class C assignments. It also has six AM stations, four of which are unlimited time, one Class IV and one daytime-only. Channel 254 is assigned to Moorhead, Minn., while Channel 256 is assigned to Fergus Falls, at a distance of only 50 miles. Since the required separation is 65 miles another assignment will have to be substituted at Fergus Falls to remove the shortage. Likewise the assignment of Channel 228A at Pittsfield, Ill., is short-spaced to Channel 228 at St. Louis, Mo., and needs a replacement. Comments are therefore invited on the following changes:

City	Channel No.	
	Present	Proposed
Wichita, Kans.	280, 282, 287, 275, 279, 297	280, 287, 275, 279, 297
Fergus Falls, Minn.	263, 236	263, 277
Pittsfield, Ill.	269A	269A

27. Authority for the adoption of the amendment proposed herein is contained in sections 4(i), 303, and 307(b) of the Communications Act of 1934, as amended.

28. Pursuant to applicable procedures set out in § 1.415 of the Commission's rules, interested parties may file comments on or before July 20, 1965, and reply comments on or before July 30, 1965. All submissions by parties to this proceeding or by persons acting in behalf of such parties must be made in written comments, reply comments or other appropriate pleadings.

29. In accordance with the provisions of § 1.419 of the rules, an original and 14 copies of all written comments, replies, pleadings, briefs, or other documents shall be furnished the Commission.

Adopted: June 16, 1965.

Released: June 18, 1965.

FEDERAL COMMUNICATIONS COMMISSION,[1]
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 65-6597; Filed, June 23, 1965; 8:49 a.m.]

[1] Commissioner Cox absent.

Notices

DEPARTMENT OF AGRICULTURE

Office of the Secretary

NEBRASKA

Designation and Extension of Areas for Emergency Loans

For the purpose of making emergency loans pursuant to section 321 of the Consolidated Farmers Home Administration Act of 1961 (7 U.S.C. 1961), it has been determined that in the hereinafter-named counties in the State of Nebraska a natural disaster has caused a need for agricultural credit not readily available from commercial banks, cooperative lending agencies, or other responsible sources.

NEBRASKA

Dawson.	Logan.
Gosper.	McPherson.
Lincoln.	

It has also been determined that in the hereinafter-named counties in the State of Nebraska the above-mentioned natural disaster has caused a continuing need for agricultural credit not readily available from commercial banks, cooperative lending agencies, or other responsible sources.

Nebraska	*Previous designation*
Cheyenne	29 F.R. 11934
Deuel	29 F.R. 11934
Garden	29 F.R. 11934
Kimball	29 F.R. 11934

Pursuant to the authority set forth above, emergency loans will not be made in the above-named counties after June 30, 1966, except to applicants who previously received emergency or special livestock loan assistance and who can qualify under established policies and procedures.

Done at Washington, D.C., this 17th day of June 1965.

ORVILLE L. FREEMAN,
Secretary.

[F.R. Doc. 65-6579; Filed, June 22, 1965; 8:47 a.m.]

ATOMIC ENERGY COMMISSION

[Docket No. 50-171]

PHILADELPHIA ELECTRIC CO.

Notice of Extension of Completion Date

Please take notice that the Atomic Energy Commission has issued an order extending to October 31, 1965, the latest completion date specified in Construction Permit No. CPPR-12 for construction of the high temperature, gas-cooled power demonstration reactor being constructed near Peach Bottom, Pa.

Copies of the order and of the application by Philadelphia Electric Co. are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C.

Dated at Bethesda, Md., this 16th day of June 1965.

For the Atomic Energy Commission.

R. L. DOAN,
Director, Division of Reactor Licensing.

[F.R. Doc. 65-6594; Filed, June 22, 1965; 8:48 a.m.]

CIVIL AERONAUTICS BOARD

[Docket No. 15353; Order E-22328]

INTERNATIONAL AIR TRANSPORT ASSOCIATION

Order Relating to Specific Commodity Rates

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 17th day of June 1965.

Agreement adopted by Traffic Conference 1 of the International Air Transport Association relating to specific commodity rates; Docket 15353, Agreement C.A.B. 17666, R-120.

Pursuant to section 412(a) of the Federal Aviation Act of 1958 (the Act) and Part 261 of the Board's Economic Regulations, there has been filed with the Board an agreement between various air carriers, foreign air carriers, and other carriers, embodied in the resolutions of Traffic Conference 1 of the International Air Transport Association (IATA), and adopted pursuant to the provisions of Resolution 590 dealing with specific commodity rates.

The agreement, adopted pursuant to unprotested notices to the carriers and promulgated in IATA Memorandum TC1/Rates 2158, names rates for horses and cattle from Lima to Panama City [1] as set forth below. Although the rates are substantially higher than the otherwise applicable general cargo rates, they are consistent with those now applied under the same description from Buenos Aires or Santiago to Panama City.

Item 1051—Horses and Cattle:
61 cents per kg., minimum weight 500 kgs.
54 cents per kg., minimum weight 1500 kgs.
Lima to Panama City.

The Board, acting pursuant to sections 102, 204(a), and 412 of the Act, does not find the subject agreement to be adverse to the public interest or in violation of the Act: *Provided*, That approval thereof is conditioned as hereinafter ordered.

Accordingly, it is ordered:

That Agreement C.A.B. 17666, R-120, be approved, provided that such approval shall not constitute approval of the specific commodity description contained therein for purposes of tariff publication.

[1] Rates applicable to and from Panama City also apply to and from Balboa.

Any air carrier party to the agreement, or any interested person, may, within 15 days from the date of service of this order, submit statements in writing containing reasons deemed appropriate, together with supporting data, in support of or in opposition to the Board's action herein. An original and 19 copies of the statements should be filed with the Board's docket section. The Board may, upon consideration of any such statements filed, modify or rescind its action herein by subsequent order.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON,
Secretary.

[F.R. Doc. 65-6611; Filed, June 22, 1965; 8:50 a.m.]

CIVIL SERVICE COMMISSION

EXECUTIVE DIRECTOR, DISTRICT OF COLUMBIA REDEVELOPMENT LAND AGENCY

Notice of Manpower Shortage

Under the provisions of section 7(b) of the Administrative Expenses Act of 1946, as amended, relating to the payment of travel and transportation expenses of appointees, the Civil Service Commission has found, that as of May 25, 1965, there is a manpower shortage for the position of Executive Director, GS-301-18, District of Columbia Redevelopment Land Agency.

This finding terminates with the first appointment to the position after that date.

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] MARY V. WENZEL,
Executive Assistant to the Chairman.

[F. R. Doc. 65-6593; Filed, June 22, 1965; 8:48 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 14154; FCC 65-524]

AMERICAN TELEPHONE AND TELEGRAPH CO.

Memorandum Opinion and Order

In the matter of American Telephone and Telegraph Co., Docket No. 14154; regulations and charges for developmental line switched service.

1. United Air Lines, Inc., has filed a "Petition for Equitable Relief," dated April 16, 1965. In its petition United requests the Commission to grant a postponement in the cancellation date from July 1, 1965, to September 22, 1965, or

such earlier date upon which United's new communication facilities are available for service, of the Developmental Line Switched Teletypewriter Service, provided in American Telephone and Telegraph Co., Tariff F.C.C. No. 252, and related provisions of Tariff F.C.C. Nos. 133 and 245. The Western Union Telegraph Co. filed an opposition to the petition. Subsequently, Western Union requested permission to withdraw its opposition. American Telephone and Telegraph Co. filed a statement in support of the petition.

2. On July 24, 1963, the Commission issued its decision in the "WADS Case," 35 F.C.C. 149 (1963). In this case the Commission concluded that the Developmental Line Switched Teletypewriter Service resulted in undue preferences in violation of section 202(a) of the Communications Act of 1934, 47 U.S.C. 202 (a). However, the Commission permitted A.T. & T. to continue this service pending the filing of new WADS tariff schedules. Subsequently, A.T. & T. advised the Commission that it had decided not to file a new WADS tariff. The Commission, in a Memorandum Opinion and Order, FCC 64-621, released July 14, 1964, found that the termination of the developmental service upon 30 days' notice would cause serious disruption of the operation and economy of certain subscribers. In view of this, it ordered the service canceled on July 1, 1965. United seeks a postponement of this date to September 22, 1965.

3. United, in support of its petition, states that it has made a diligent effort to replace its Developmental Service by July 1, 1965. In this regard United alleges that it entered into a final contract for the construction of the new system on May 4, 1964, and that the contractor guaranteed completion of the system by July 1, 1965. This date took into consideration possible delays in meeting construction schedules. However, for reasons beyond United's control the completion date of the system has been delayed to August 22, 1965. The reasons given by United for the delays are an unusually severe winter which delayed the construction of buildings, difficulties in obtaining certain critical equipment, and unforeseen problems in the design of the highly complex systems. Moreover, United alleges that when it found that delays in the construction schedule were developing it immediately took steps, involving substantial additional expense, to minimize such delays. United asserts that it is continuing to do everything possible to complete the system ahead of the August 22 date. As previously stated United anticipates that the new system will be installed by August 22. However, it asserts that the system cannot be fully and completely checked out until all of the programs are running with the total processing load applied, and it needs additional time to work out any problems that may develop during the checkout period. Therefore, it requests an additional 30 days from time of installation to check out the system. Finally, United contends that there are no alternative communications systems such as TWX that it can use during the interim period. United asserts that unless the Commission grants its petition it will be without adequate communications during this period and, literally and legally, could not operate as an air carrier. According to United the need for communications by an airline goes far beyond the requirements of an ordinary business. It contends that without communications an airline cannot operate and that the Federal Aviation Agency requires a complete planning of communications capability and reliability before issuing an operating certificate to an air carrier.

4. A.T. & T. has filed a statement in support of United's petition. Further, A.T. & T. in a supplemental filing has indicated that, because of the large volume of the traffic generated by United, its ordinary TWX facilities will be physically incapable of handling such traffic.

5. The Commission has considered all of the documents filed and concludes that United be granted the relief it has requested. We believe that United has made a determined effort to have its new communications system in operation by July 1. However, for reasons and circumstances beyond its control it has failed to meet this deadline. Moreover, it appears that existing TWX facilities could not handle the large volume of messages that would result if United switched to this system during the interim period. The Commission finds that if the July 1 cancellation date is not postponed United will suffer irreparable injury. The Commission is of the opinion that it is in the public interest to extend the cancellation date of the Developmental Service from July 1, 1965, to September 22, 1965.

Accordingly, it is ordered, This 16th day of June 1965, that:

(1) United Air Lines "Petition For Equitable Relief" is granted;

(2) American Telephone and Telegraph Co., Tariff F.C.C. No. 252 and such amended schedules of Tariff F.C.C. Nos. 133 and 245 as related thereto, be canceled by midnight, September 22, 1965, unless previously canceled as indicated below;

(3) American Telephone and Telegraph Co. shall amend Tariff F.C.C. No. 252 to delete all points not presently served and to delete service to each separate point immediately upon that service no longer being required by a present subscriber at that point.

Released: June 18, 1965.

FEDERAL COMMUNICATIONS COMMISSION,[1]
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 65-6590; Filed, June 22, 1965; 8:49 a.m.]

[Docket Nos. 15947, 15948; FCC 65M-796]

SAM H. BEARD AND SOUTHEASTERN BROADCASTING CO., INC. (WKLF-FM)

Order Regarding Extension of Procedural Dates

In re applications of Sam H. Beard, Clanton, Ala., Docket No. 15947, File No. BPH-4395; Southeastern Broadcasting Co., Inc. (WKLF-FM), Clanton, Ala., Docket No. 15948, File No. BPH-4417; for construction permits.

The Hearing Examiner having under consideration a "Petition for Extension of Time" filed on June 17, 1965, by counsel for Southeastern Broadcasting Co., Inc., requesting that certain procedural dates heretofore scheduled be continued to the new dates listed below;

It appearing, that the request for extension of procedural dates is necessitated by the recent illness of counsel for Southeastern Broadcasting Co., Inc., that counsel for the other parties have informally consented to the grant of the subject petition, and that they waived the 4-day waiting rule otherwise applicable so as to permit immediate action thereon; and

It further appearing, that good cause is shown for granting the extension in procedural dates as requested:

Accordingly, it is ordered, This 17th day of June 1965, that the "Petition for Extension of Time" filed on June 17, 1965, by counsel for Southeastern Broadcasting Co., Inc., is granted, and the procedural dates in question are extended as follows:

Procedure	From—	To—
Exchange of exhibits	June 17, 1965	July 8, 1965
Notification on cross-examination of witnesses	June 27, 1965	July 20, 1965
Commencement of hearing	July 7, 1965	July 28, 1965

Released: June 18, 1965.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 65-6599; Filed, June 22, 1965; 8:49 a.m.]

[Docket Nos. 16060, 16061; FCC 65-539]

CLAY COUNTY BROADCASTING CO. AND WILDERNESS ROAD BROADCASTING CO.

Order Designating Applications for Consolidated Hearing on Stated Issues

In re applications of John E. White, Calvin C. Smith, Jack C. Hall, and Cloyd Smith doing business as Clay County Broadcasting Co., Manchester, Ky., Docket No. 16060, File No. BPH-4596, Requests: 103.1 mc, #276; 1.5 kw; 432 ft.; The Wilderness Road Broadcasting Co., Manchester, Ky., Docket No. 16061, File No. BPH-4655, Requests: 103.1 mc, #276; 3 kw; 300 ft.; for construction permits.

At a session of the Federal Communications Commission held at its offices in Washington, D.C., on the 16th day of June 1965;

The Commission having under consideration the above-captioned and described applications;

It appearing, that, except as indicated by the issues specified below, each of the applicants is legally, technically and otherwise qualified to construct and operate as proposed; that The Wilderness Road Broadcasting Co. is financially qualified but, for the reasons hereinafter indicated, it cannot be determined that the Clay County Broadcasting Co. is financially qualified; and

It further appearing, that, by letter of January 19, 1965, the Clay County Broadcasting Co. was advised that the balance sheets of the partners were incomplete and that it could not be determined that the partners have cash and/or liquid assets available in the amounts necessary to meet the commitments to make capital contributions; that, in response to the Commission's letter, the applicant indicated that the firm has on deposit with the First State Bank of Manchester the sum of $10,000; and

It further appearing, that $12,000 are needed by the Clay County Broadcasting Co. to cover the costs of construction and initial operation of the proposed station, and therefore it cannot be determined if the Clay County Broadcasting Co. is financially qualified; and

It further appearing, that, in view of the foregoing, the Commission is unable to make the statutory finding that a grant of either of the applications would serve the public interest, convenience and necessity and is of the opinion that the applications must be designated for hearing in a consolidated proceeding on the issues set forth below:

It is ordered, That, pursuant to section 309(e) of the Communications Act of 1934, as amended, the applications are designated for hearing in a consolidated proceeding, at a time and place to be specified in a subsequent Order, upon the following issues:

1. To determine whether the Clay County Broadcasting Co. is financially qualified to construct and operate its proposed station.

2. To determine, on a comparative basis, which of the proposals would better serve the public interest, convenience and necessity in the light of the evidence adduced pursuant to the foregoing issue and the record made with respect to the significant differences between the applicants as to:

(a) The background of each having a bearing on the applicant's ability to own and operate the proposed FM broadcast station.

(b) The proposals of each of the applicants with respect to management and operation of the proposed station.

(c) The programming services proposed in each of the applications.

3. To determine, in the light of the evidence adduced pursuant to the foregoing issues, which of the applications should be granted.

It is further ordered, That, to avail themselves of the opportunity to be heard, the applicants herein, pursuant to § 1.221(c) of the Commission rules, in person or by attorney, shall, within 20 days of the mailing of this Order, file with the Commission in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this Order.

It is further ordered, That the applicants herein shall, pursuant to section 311(a)(2) of the Communications Act of 1934, as amended, and § 1.594 of the Commission's rules, give notice of the hearing, either individually or, if feasible and consistent with the rules, jointly, within the time and in the manner prescribed in such rule, and shall advise the Commission of the publication of such notice as required by § 1.594(g) of the rules.

It is further ordered, That the issues with respect to the application of the Wilderness Road Broadcasting Co. may be enlarged by the Examiner on his own motion or on petition properly filed by a party to the proceeding and upon sufficient allegations of fact in support thereof, by the addition of the following issue: To determine whether the funds available to the applicant will give reasonable assurance that the proposals set forth in the application will be effectuated.

Released: June 18, 1965.

FEDERAL COMMUNICATIONS COMMISSION,[1]
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 65-6600; Filed, June 22, 1965; 8:49 a.m.]

[Docket No. 14293; FCC 65M-800]

DOWNRIVER BROADCASTING ASSOCIATION

Order Scheduling Prehearing Conference

In re application of Robert R. Groth, Eugene A. Robinson and Rev. Lawrence Kenneth Zank, doing business as The Downriver Broadcasting Association, Napoleon, Ohio, Docket No. 14293, File No. BP-15412; for construction permit.

A further prehearing conference in the above-entitled proceeding will be held on Wednesday, June 23, 1965, beginning at 9 a.m. in the offices of the Commission, Washington, D.C.

It is so ordered, This the 17th day of June 1965.

Released: June 18, 1965.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 65-6601; Filed, June 22, 1965; 8:49 a.m.]

[Docket No. 15995; FCC 65M-801]

KENT-SUSSEX BROADCASTING CO.

Order Continuing Hearing

In re application of H. M. Griffith, Jr., and C. V. Lundstedt, a partnership doing business as the Kent-Sussex Broadcasting Co., Docket No. 15995, File No. BR-2885; for renewal of license of Station WKSB, Milford, Del.

The Hearing Examiner having under consideration a letter dated June 15, 1965, from counsel for the applicant requesting a continuance of the hearing to September 8, 1965;

It appearing, that the complexity and seriousness of the facts involved in this proceeding require extensive study and that the Broadcast Bureau has acceded to the request:

It is ordered, This 17th day of June 1965, that the hearing is continued from July 28 to September 8, 1965.

Released: June 18, 1965.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 65-6602; Filed, June 22, 1965; 8:49 a.m.]

[Docket Nos. 15460, 15461; FCC 65M-795]

SYMPHONY NETWORK ASSOCIATION, INC., AND CHAPMAN RADIO AND TELEVISION CO.

Order Regarding Procedural Dates

In re applications of Symphony Network Association, Inc., Fairfield, Ala., Docket No. 15460, File No. BPCT-3238; William A. Chapman and George K. Chapman, doing business as Chapman Radio and Television Co., Homewood, Ala., Docket No. 15461, File No. BPCT-3282; for construction permits for a new television broadcast station.

The Hearing Examiner having for consideration the Commission's Fourth Report and Order in Docket No. 14229, released on June 8, 1965, and the Supplement No. 1 thereto, adopted on June 16, 1965;

It appearing, that further hearing procedures are inappropriate pending the filing and disposition of petitions for leave to amend pursuant to the said Commission releases:

It is ordered, This 17th day of June 1965, that all the procedural dates herein are suspended pending further order of the Hearing Examiner.

Released: June 18, 1965.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 65-6603; Filed, June 22, 1965; 8:49 a.m.]

FEDERAL MARITIME COMMISSION

BOARD OF PORT COMMISSIONERS OF CITY OF OAKLAND ET AL.

Notice of Agreement Filed for Approval

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1321 H Street NW., Room 301; or may inspect agreement at the offices of the District Managers, New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments with reference to an agreement including a request for hearing, if desired, may be sub-

[1] Commissioner Cox absent.

[1] Commissioner Cox absent.

mitted to the Secretary, Federal Maritime Commission, Washington, D.C., 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter), and the comments should indicate that this has been done.

Notice of agreement filed for approval by:

Pillsbury, Madison & Sutro, 225 Bush Street, San Francisco, Calif., 94104.

Agreement No. 8565–1, between the Board of Port Commissioners of the City of Oakland, West Coast Checkerboard Elevator Co. (West Coast) and Montana Flour Mills Co. (Montana), modifies the basic agreement which grants an exclusive franchise to West Coast Checkerboard for the operation of a public utility wharfinger business on certain property in the Port of Oakland for the shipping, receipt, and storage of agricultural commodities in bulk only. The purpose of the modification is to provide for the assignment of the franchise from West Coast to Montana which, Montana, in turn, has assigned to its subsidiary, Montana Elevator Co.

Dated: June 18, 1965.

By order of the Federal Maritime Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 65–6590; Filed, June 22, 1965; 8:48 a.m.]

[No. 65–14]

INBOUND CARGO AT NEW YORK HARBOR

Free Time and Demurrage Practices; Notice of Hearing Procedure and Dates

JUNE 18, 1965.

At the prehearing conference on June 15, 1965, there was determined a hearing procedure to be followed in this proceeding. The dates for the steps in the procedure as suggested and agreed upon by the parties are set out below, along with a summary of the procedure, so that interested persons and parties not present at the prehearing conference may be informed:

(1) Interveners or other parties desiring to petition for amendment or clarification of the Commission's order and supplemental order of investigation shall file their petitions on or before July 15, 1965.

(2) Replies to said petitions for amendment or clarification shall be filed on or before August 2, 1965.

(3) Interveners, Hearing Counsel, and any party generally advocating a change in the status quo in this proceeding shall submit the direct testimony of their witnesses in the form of verified statements of these witnesses, including any attached exhibits, serving copies of the statements on all parties and the Examiner, and retaining the original copy for offering of same into the record. These verified statements shall be served on or before October 1, 1965.

(4) Requests to cross-examine witnesses submitting statements next above will be made by letter from counsel with copies to all parties and the Examiner. These requests to cross-examine will be served on or before October 15, 1965.

(5) Oral hearing for cross-examination as requested above will commence on October 25, 1965, in New York City.

(6) Respondents and any party generally advocating no change in the status quo shall submit the direct testimony of their witnesses in the form of verified statements, including any attached exhibits on or before November 29, 1965, serving copies on the parties and Examiner.

(7) Requests to cross-examine witnesses submitting statements next above will be made by letter served on or before December 13, 1965, with copies to the parties and Examiner.

(8) Oral hearing for cross-examination as requested next above will commence on January 10, 1966, in New York City. At this time arrangements for any necessary rebuttal will be made.

(9) In the event that cross-examination of any witness is not requested, or is waived, the verified statement of that witness will be received into the record when offered by counsel. One request to cross-examine a witness by any party is sufficient to make that witness subject to cross-examination by other parties. As agreed at the prehearing conference, the service list shall include counsel appearing at that conference plus counsel representing interveners who intervene later.

Notice of this hearing procedure will be published in the FEDERAL REGISTER.

CHARLES E. MORGAN,
Presiding Examiner.

[F.R. Doc. 65–6591; Filed, June 22, 1965; 8:48 a.m.]

[Docket No. 65–22]

SEATRAIN LINES, INC. AND PUERTO RICAN FORWARDING CO., INC.

Freight Transportation in Trailers to Puerto Rico at Rates Other Than Those Specified in Tariffs; Investigation and Hearing

Seatrain Lines, Inc., is a common carrier by water operating in the domestic offshore commerce between U.S. ports and ports in Puerto Rico and has on file with this agency its tariff FMC–F No. 1, among others.

Puerto Rican Forwarding Co., Inc., is a nonvessel operating common carrier by water serving the United States/Puerto Rico trade, and has tariffs covering said service on file with this agency.

It appears, that between May 1963 and August 1964, Puerto Rican Forwarding Co., Inc., directly or indirectly received from Seatrain Lines, Inc., cash allowances on cargo in trailers shipped to Puerto Rico by Puerto Rican Forwarding Co., Inc., and by other shippers. Such allowances were not sanctioned by provisions in Seatrain's tariffs filed pursuant to the Intercoastal Shipping Act, 1933.

It further appears, that due to the aforementioned carrier practices, (1) Puerto Rican Forwarding Co., Inc., may have violated section 16, first paragraph, Shipping Act, 1916, by knowingly and willfully obtaining transportation via Seatrain Lines, Inc., at less than applicable tariff rates and charges; (2) Seatrain Lines, Inc., may have violated section 16, (first), Shipping Act, 1916, by giving Puerto Rican Forwarding Co., Inc., undue and unfair preference and advantage as compared to other shippers similarly situated; (3) Seatrain Lines, Inc., may have allowed Puerto Rican Forwarding Co., Inc., through an unjust or unfair device or means to obtain transportation of property at less than its tariff rates and charges in violation of section 16, (second), Shipping Act, 1916; and (4) Seatrain Lines, Inc., may have remitted a portion of the rates and charges otherwise applicable in its filed tariff in violation of section 2, Intercoastal Shipping Act, 1933.

Now, therefore, it is ordered, That an investigation be, and it is hereby instituted, pursuant to sections 16 and 22 of the Shipping Act, 1916, and section 2, Intercoastal Shipping Act, 1933, to determine whether the above described practices and activities of Seatrain Lines, Inc., and Puerto Rican Forwarding Co., Inc., violated section 16, Shipping Act, 1916, or section 2, Intercoastal Shipping Act, 1933.

It is further ordered, That (1) the investigation herein ordered be assigned for public hearing before an examiner of the Commission's Office of Hearing Examiners, at a date and place to be announced; (2) Seatrain Lines, Inc., and Puerto Rican Forwarding Co., Inc., be and are hereby made respondents in this proceeding; and (3) a copy of this order shall forthwith be served upon said respondents; (4) the said respondents be duly notified of the time and place of the hearing herein ordered; and (5) this order and notice of the said hearing be published in the FEDERAL REGISTER.

(SEAL) THOMAS LISI,
Secretary.

[F.R. Doc. 65–6592; Filed, June 22, 1965; 8:48 a.m.]

FEDERAL POWER COMMISSION

[Docket No. G–3025, etc.]

KEWANEE OIL CO. ET AL.

Findings and Order

JUNE 14, 1965.

Findings and order after statutory hearing issuing certificates of public convenience and necessity, amending certificates, permitting and approving abandonment of service, terminating certificates, canceling docket number, substituting respondents, making successors, corespondents, redesignating proceedings, requiring filing of agreements and undertakings and accepting related rate schedules and supplements for filing.

Each of the Applicants listed herein has filed an application pursuant to section 7 of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale and delivery of natural gas in interstate commerce, for permission and approval to abandon service, or a petition to amend an existing certificate authorization, all as more fully described in the respective applications and petitions (and any supplements or amendments thereto) which are on file with the Commission.

The Applicants herein have filed related FPC Gas Rate Schedules and propose to initiate or abandon, add or delete natural gas service in interstate commerce as indicated by the tabulation herein. All sales certificated herein are either equal to or below the ceiling prices established by the Commission's Statement of Policy 61–1, as amended, or involve sales for which permanent certificates have been previously issued.

Signal Oil and Gas Co. (Operator), et al., Applicant in Docket No. G–3058, proposes to continue the sale of natural gas heretofore authorized in said docket pursuant to John I. Moore, et al., FPC Gas Rate Schedule No. 1, which rate schedule will be redesignated as that of Signal. Moore filed an increase in rate under his rate schedule which increase was suspended in Docket No. RI60–120[1] and has not been made effective. Accordingly, Signal will be substituted as respondent in said proceeding, and the proceeding will be redesignated.

CRA, Inc., Applicant in Docket Nos. G–9924 and G–13870, proposes to continue the sale of natural gas heretofore authorized in said dockets and made pursuant to Cyprus Oil Co. (Operator), et al., FPC Gas Rate Schedule No. 1 and Cyprus Oil Co., FPC Gas Rate Schedule No. 3, respectively. Cyprus' rate schedules will be redesignated as those of Applicant. The presently effective rate under Cyprus' Rate Schedule No. 1 is in effect subject to refund in Docket No. G–18695.[2] Cyprus has filed an increased rate under its Rate Schedule No. 3 which was suspended in Docket No. RI63–438[2] and has not been made effective. Applicant has filed motions to be made respondent in each of the rate proceedings. Accordingly, Applicant will be made corespondent in the proceeding pending in Docket No. G–18695 and will be substituted as respondent in the proceeding pending in Docket No. RI63–438, the proceedings will be redesignated, and Applicant will be required to file an agreement and undertaking in Docket No. G–18695 to assure the refund of any amounts collected by it in excess of the amount determined to be just and reasonable in said proceeding.

Wrightsman Petroleum Co., certificate holder in Docket No. CI61–1690, has amended its certificate of incorporation to change its name to Wrightsman Investment Co. Accordingly, the certificate issued in Docket No. CI61–1690 will be amended, the related FPC gas rate schedule will be redesignated, and the rate proceedings pending in Docket Nos. G–20540[1] and RI65–174 will be redesignated to reflect the change in name.

E. J. Dunigan, Jr., Trustee, Applicant in Docket No. CI62–409, proposes to continue the sale of natural gas heretofore authorized in said docket and made pursuant to E. J. Dunigan, Jr., FPC Gas Rate Schedule No. 1. Said rate schedule will be redesignated as that of E. J. Dunigan, Jr., Trustee. The presently effective rate under said rate schedule is in effect subject to refund in Docket No. RI64–586. Accordingly, E. J. Dunigan, Jr., Trustee, will be made corespondent in said proceeding, the proceeding will be redesignated, and E. J. Dunigan, Jr., Trustee, will be required to file an agreement and undertaking to assure the refund of any amounts collected by him as of February 1, 1965, in excess of the amount determined to be just and reasonable in said proceeding.

After due notice, a notice of intervention by the Public Service Commission of the State of New York was filed on September 16, 1963, in Docket No. CI61–1183. Notice of withdrawal of the intervention by intervener was filed on May 7, 1965. No other petitions to intervene, notices of intervention, or protests to the granting of any of the respective applications or petitions in this order have been received.

At a hearing held on June 10, 1965, the Commission on its own motion received and made a part of the record in these proceedings all evidence including the applications, amendments, and exhibits thereto, submitted in support of the respective authorizations sought herein, and upon consideration of the record.

The Commission finds:

(1) Each Applicant herein is a "natural-gas company" within the meaning of the Natural Gas Act as heretofore found by the Commission or will be engaged in the sale of natural gas in interstate commerce for resale for ultimate public consumption, subject to the jurisdiction of the Commission, and will, therefore, be a "natural-gas company" within the meaning of said Act upon the commencement of the service under the respective authorizations granted hereinafter.

(2) The sales of natural gas hereinbefore described, as more fully described in the respective applications, amendments and/or supplements herein, will be made in interstate commerce, subject to the jurisdiction of the Commission, and such sales by the respective Applicants, together with the construction and operation of any facilities subject to the jurisdiction of the Commission necessary therefor, are subject to the requirements of subsections (c) and (e) of section 7 of the Natural Gas Act.

(3) The sales of natural gas by the respective Applicants, together with the construction and operation of any facilities subject to the jurisdiction of the Commission necessary therefor, are required by the public convenience and necessity and certificates therefor should be issued as hereinafter ordered and conditioned.

(4) The respective Applicants are able and willing properly to do the acts and to perform the services proposed and to conform to the provisions of the Natural Gas Act and the requirements, rules, and regulations of the Commission thereunder.

(5) It is necessary and proper in carrying out the provisions of the Natural Gas Act that Docket No. CI65–1034 should be canceled and that the application filed therein should be processed as a petition to amend the certificate issued in Docket No. CI62–589 permitting Applicant to include the sale of natural gas from acreage acquired from predecessor in Docket No. G–13228.

(6) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act and the public convenience and necessity require that the certificate authorizations heretofore issued by the Commission in Docket Nos. G–3025, G–3058, G–3894, G–9924, G–13228, G–13870, CI61–2, CI61–737, CI61–1183, CI61–1690, CI62–409, CI62–589, CI62–614, I62–1218, CI63–555, CI63–1162, CI64–847, and CI65–453 should be amended as hereinafter ordered.

(7) The sales of natural gas proposed to be abandoned by the respective Applicants, as hereinbefore described, all as more fully described in the tabulation herein and in the respective applications, are subject to the requirements of subsection (b) of section 7 of the Natural Gas Act, and such abandonments should be permitted and approved as hereinafter ordered.

(8) The certificates of public convenience and necessity heretofore issued to the respective Applicants herein relating to the abandonments hereinafter permitted and approved should be terminated.

(9) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act that Signal Oil and Gas Co. (Operator), et al., should be substituted in lieu of John I. Moore, et al., as respondent in the proceeding pending in Docket No. RI60–120, and said proceeding should be redesignated accordingly.

(10) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act that CRA, Inc. (Operator), et al., should be made a corespondent in the proceeding pending Docket No. G–18695 and that CRA, Inc., should be substituted as respondent in the proceeding pending in Docket No. RI63–438, that said proceedings should be redesignated accordingly, and the CRA, Inc. (Operator), et al., should be required to file an agreement and undertaking in Docket No. G–18695.

(11) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act that the proceedings pending in Docket Nos. G–20540 and RI65–174 should be redesignated to reflect the change in name of the respondent therein from Wrightsman Petroleum Co. to Wrightsman Investment Co.

(12) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act that E. J. Dunigan, Jr., Trustee, should be made a corespondent in the proceeding pending in Docket No. RI64–586, that said proceeding should be redesignated accordingly, and that E. J. Dunigan, Jr., Trustee, should be

[1] Consolidated with Docket No. AR61–1, et al.

[2] Consolidated with Docket No. AR64–2, et al.

required to file an agreement and undertaking.

(13) The respective related rate schedules and supplements as designated or redesignated in the tabulation herein should be accepted for filing as hereinafter ordered.

The Commission orders:

(A) Certificates of public convenience and necessity be and the same are hereby issued, upon the terms and conditions of this order, authorizing the sales by the respective Applicants herein of natural gas in interstate commerce for resale, together with the construction and operation of any facilities subject to the jurisdiction of the Commission necessary for such sales, all as hereinbefore described and as more fully described in the respective applications, amendments, supplements, and exhibits in this proceeding.

(B) The certificates granted in paragraph (A) above are not transferable and shall be effective only so long as Applicants continue the acts or operations hereby authorized in accordance with the provisions of the Natural Gas Act and the applicable rules, regulations, and orders of the Commission.

(C) The grant of the certificates issued in paragraph (A) above shall not be construed as a waiver of the requirements of section 4 of the Natural Gas Act or of Part 154 or Part 157 of the Commission's regulations thereunder, and is without prejudice to any findings or orders which have been or may hereafter be made by the Commission in any proceeding now pending or hereafter instituted by or against the respective Applicants. Further, our action in this proceeding shall not foreclose nor prejudice any future proceedings or objections relating to the operation of any price or related provisions in the gas purchase contracts herein involved. Nor shall the grant of the certificates aforesaid for service to the particular customers involved imply approval of all of the terms of the respective contracts, particularly as to the cessation of service upon termination of said contracts, as provided by section 7(b) of the Natural Gas Act. Nor shall the grant of the certificates aforesaid be construed to preclude the imposition of any sanctions pursuant to the provisions of the Natural Gas Act for the unauthorized commencement of any sales of natural gas subject to said certificates.

(D) The grant of the certificates issued herein on all applications filed after April 15,1965, is upon the condition that no increase in rate shall be filed prior to the applicable date, as indicated by footnotes 7 and 17 in the attached tabulation, which would exceed the ceiling prescribed for the given area by paragraph (d) of the Commission's Statement of General Policy 61–1, as amended.

(E) The certificate issued herein in Docket No. CI65–1001 is hereby conditioned as follows:

(a) The total initial price shall not exceed 15 cents per Mcf at 14.65 p.s.i.a.,

(b) In the event the Commission amends its Policy Statement No. 61–1 by adjusting the boundary between the Panhandle Area and the Oklahoma "Other" Area so as to increase the initial wellhead price for new gas in the area of the sales involved herein, Amerada may thereupon substitute the new rate reflecting the amounts of such increase and thereafter collect such new rate prospectively in lieu of the initial rate herein required; and

(c) The allowance for the take-or-pay provisions in the related rate schedule are subject to the ultimate disposition with respect to such provisions in the rule making proceeding in Docket No. R–199, but Amerada will not be required to file take-or-pay provisions for less than 80 percent of the annual contract quantity.

(F) The certificate issued herein in Docket No. CI65–1041 is subject to the same terms and conditions approved by the Commission in the order issued March 30, 1964, Pan American Petroleum Corp., et al., Docket No. G–19417, et al.

(G) The certificate authorizations heretofore issued to the respective Applicants in Docket Nos. G–3894, CI61–2, CI61–737, CI62–589, CI62–814, CI63–1162, and CI64–847 are hereby amended by adding thereto or deleting therefrom authorization to sell natural gas to the same purchasers and in the same areas as covered by the original authorizations, pursuant to the rate schedule supplements as indicated in the tabulation herein.

(H) The certificate heretofore issued in Docket No. G–13228 is hereby amended by deleting therefrom authorization granted herein in Docket No. CI62–589.

(I) The certificates heretofore issued in Docket Nos. G–3025, G–3058, G–0924, G–13870, CI61–1183, CI62–409, CI62–1218, and CI63–555 are hereby amended by changing the certificate holders to the respective successors in interest as indicated in the tabulation herein.

(J) The certificate heretofore issued in Docket No. CI61–1690 is hereby amended to reflect the change in name from Wrightsman Petroleum Co. to Wrightsman Investment Co.

(K) The certificate heretofore issued in Docket No. CI65–453 is hereby amended to reflect Applicant as Operator and the related rate schedule is redesignated as Amerada Petroleum Corp. (Operator), et al.

(L) Permission for and approval of the abandonment of service by the respective Applicants, as hereinbefore described and as more fully described in the respective applications herein are hereby granted.

(M) The certificates heretofore issued in Docket Nos. G–2980 and CI63–1117 are hereby terminated.

(N) Docket No. CI65–1034 is hereby canceled.

(O) Signal Oil and Gas Co. (Operator), et al., is hereby substituted in lieu of John I. Moore, et al., as respondent in the proceeding pending in Docket No. RI60–120, and said proceeding is redesignated accordingly.[2]

(P) CRA, Inc. (Operator), et al., be and it is hereby made a corespondent in the proceeding pending in Docket No. G–18695 and is hereby substituted in lieu of Cyprus Oil Co., as respondent in the proceeding pending in Docket No. RI63–438, and said proceedings are redesignated accordingly.[4]

(Q) Within 30 days from the issuance of this order, CRA, Inc. (Operator), et al., shall execute, in the form set out below, and shall file with the Secretary of the Commission an acceptable agreement and undertaking in Docket No. G–18695 to assure the refund of any amount collected by it as of January 1, 1964, together with interest at the rate of 6 percent per annum, in excess of the amount determined to be just and reasonable in said proceeding. Unless notified to the contrary by the Secretary of the Commission within 30 days from the date of submission, such agreement and undertaking shall be deemed to have been accepted for filing.

(R) The proceedings pending in Docket Nos. G–20540 and RI65–174 be and the same are hereby redesignated to reflect the change in name of the respondent therein from Wrightsman Petroleum Co. to Wrightsman Investment Co.

(S) E. J. Dunigan, Jr., Trustee, be and he is hereby made a corespondent in the proceeding pending in Docket No. RI64–586, and said proceeding is redesignated accordingly.[5]

(T) Within 30 days from the issuance of this order, E. J. Dunigan, Jr., Trustee, shall execute, in the form set out below, and shall file with the Secretary of the Commission an acceptable agreement and undertaking in Docket No. RI64–586 to assure the refund of any amount collected by him as of February 1, 1964, together with interest at the rate of 7 percent per annum, in excess of the amount determined to be just and reasonable in said proceeding. Unless notified to the contrary by the Secretary of the Commission within 30 days from the date of submission, such agreement and undertaking shall be deemed to have been accepted for filing.

(U) Parties herein made respondents in the proceedings pending in Docket Nos. G–18695 and RI64–586 shall comply with the refunding and reporting procedure required by the Natural Gas Act and § 154.102 of the regulations thereunder, and the agreements and undertakings filed in said dockets by said respondents shall remain in full force and effect until discharged by the Commission.

(V) The respective related rate schedules and supplements as indicated in the tabulation herein are hereby accepted for filing; further, the rate schedules relating to the successions herein are hereby redesignated and accepted, subject to the applicable Commission regulations under the Natural Gas Act to be effective on the dates as indicated in the tabulation herein.

By the Commission.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[2] Signal Oil and Gas Co. (Operator), et al.

[4] Cyprus Oil Co. (Operator), et al., and CRA, Inc. (Operator), et al., Docket No. G–18695; CRA, Inc., Docket No. RI63–438.

[5] E. J. Dunigan, Jr., and E. J. Dunigan, Jr., Trustee.

Docket No. and date filed	Applicant	Purchaser, field, and location	FPC rate schedule to be accepted: No.	Supp.	Description and date of document
G–3025 E 4–26–65	Kerr-McGee Oil Co. (Operator) et al. (successor to Estate of F. C. Deemer).	United Natural Gas Co., Appalachian Field, Clearfield and Jefferson Counties, Pa.	7		Estate of F. C. Deemer, FPC GRS No. 1, Notice of succession 4–24–65.
				1	Assignment 8–25–65 [1]
			7	2	Assignment 8–26–65 [1]
			7	3	Effective date: 1–1–65
G–3058 E 4–6–65	Signal Oil & Gas Co. (Operator), et al. (successor to John I. Moore, et al.).	El Paso Natural Gas Co., Northwest Todd Field, Crockett County, Tex.	12		Jolley, et al., FPC GRS No. 1.
			12	1–3	Supplement No. 1–3.
			12	4	Notice of succession 2–9–65.
			12	5	Assignment 12–1–64 [1]
			46	17	Effective date: 1–1–64. Supplement No. 17 to Supplement 2–4–65. [3] [6]
G–3924 C 5–20–65	The Atlantic Refining Co.	United Gas Pipe Line Co., South Cabeza Creek Field, Goliad County, Tex.	12		Cyprus Oil Co. (Operator), et al., FPC GRS No. 1.
			12	1	Supplement No. 1.
G–3924 E 4–19–65	CRA, Inc. (Operator), et al. (successor to Cyprus Oil Co. (Operator), et al.).	Union Texas Petroleum, a Division of Allied Chemical Corp., Bauer Ranch Field, Jefferson County, Tex.	12		Notice of succession 4–12–65.
			12	2	Assignment 7–9–64 [1]
			12	3	Assignment 1–1–65 [1]
G–13870 E 4–15–65	CRA, Inc. (successor to Cyprus Oil Co.).	United Gas Pipe Line Co., North Indian Hills Field, Montgomery County, Tex.	13		Cyprus Oil Co., FPC GRS No. 1.
			13	1–3	Supplement Nos. 1–3.
			13		Notice of succession 4–15–65.
C161–3 C 4–26–65 [7]	Ohmlee-Michaels Drilling Co. (Operator), et al.	Kansas-Nebraska Natural Gas Co., Inc., Acreage in Texas County, Okla.	13	4	Agreement 7–9–64 [1]
C161–737 D 4–26–65	Shell Oil Co.	Transwestern Pipeline Co., Flowers Field, Ochiltree, Roberts and Lipscomb Counties, Tex.	40	9	Effective date: 1–1–65 Letter agreement 4–13–65 [1]
C161–1183 E 4–5–65	Southeastern Public Service Co. (Operator), et al. (successor to Acco Oil & Gas Co (Operator), et al.	Transwestern Gas Transmission Co. and Hubbard Area, Wheeler County, Tex.	243	4	Letter agreement 2–24–65. [1]
			4		Acco Oil and Gas Co. (Operator), et al., Supplement No. 1, Notice of succession (undated).
C161–1690 3–29–65 [8]	Wrightsman Investment Co. (formerly Wrightsman Petroleum Co.).	El Paso Natural Gas Co., Cruse Downs Field, Lea County, N. Mex.	4	1	Assignment 11–1–62.
			1		Wrightsman Petroleum Co., FPC GRS No. 1.
			1	1–4	Supplement Nos. 1–4.
			1		Notice of change in name 3–29–65.
			1	5	Amendment to certificate of incorporation 11–17–64.
C163–69 E 4–12–65	E. J. Dunigan, Jr., Trustee (successor to E. J. Dunigan, Jr.).	El Paso Natural Gas Co., South Erick Field, Beckham County, Okla.	1		E. J. Dunigan, Jr., FPC GRS No. 1.
			1	1–2	Supplement Nos. 1–2.
			1		Notice of succession 4–12–65.
C163–514 C 4–26–65	J. H. Cordell, et al.	American Louisiana Pipe Line Co., Calcasieu Pass Field, Cameron Parish, La.	1	3	Assignment 9–1–64 [1]
			2	1	Effective date: 9–1–64. Amendatory agreement 7–13–65 [1]

Filing Code: A—Initial service.
B—Abandonment.
C—Amendment to add acreage.
D—Amendment to delete acreage.
E—Succession.
F—Partial succession.
See footnotes at end of table.

Docket No. and date filed	Applicant	Purchaser, field, and location	FPC rate schedule to be accepted: No.	Supp.	Description and date of document
G–3025 E 4–26–65	Kerr-McGee Oil Co. (Operator) et al. (successor to Estate of F. C. Deemer).	United Natural Gas Co., Appalachian Field, Clearfield and Jefferson Counties, Pa.	7		Estate of F. C. Deemer, FPC GRS No. 1, Notice of succession 4–24–65.
				1	Assignment 8–25–65 [1]
			7	2	Assignment 8–26–65 [1]
			7	3	Effective date: 1–1–65
G–3058 E 4–6–65	Signal Oil & Gas Co. (Operator), et al. (successor to John I. Moore, et al.).	El Paso Natural Gas Co., Northwest Todd Field, Crockett County, Tex.	12		Jolley, et al., FPC GRS No. 1.
			12	1–3	Supplement No. 1–3.
			12		Notice of succession 2–9–65.
			12	5	Assignment 12–1–64 [1]
			46	17	Effective date: 1–1–65. Supplement No. 17 to Supplement 2–4–65. [3] [6]
G–3924 C 5–20–65	The Atlantic Refining Co.	United Gas Pipe Line Co., South Cabeza Creek Field, Goliad County, Tex.	12		Cyprus Oil Co. (Operator), et al., FPC GRS No. 1.
			12	1	Supplement No. 1.
G–3924 E 4–19–65	CRA, Inc. (Operator), et al. (successor to Cyprus Oil Co. (Operator), et al.).	Union Texas Petroleum, a Division of Allied Chemical Corp., Bauer Ranch Field, Jefferson County, Tex.	12		Notice of succession 4–12–65.
			12	2	Assignment 7–9–64 [1]
			12	3	Assignment 1–1–65 [1]
G–13870 E 4–15–65	CRA, Inc. (successor to Cyprus Oil Co.).	United Gas Pipe Line Co., North Indian Hills Field, Montgomery County, Tex.	13		Cyprus Oil Co., FPC GRS No. 1.
			13	1–3	Supplement Nos. 1–3.
			13		Notice of succession 4–15–65.
C161–3 C 4–26–65 [7]	Ohmlee-Michaels Drilling Co. (Operator), et al.	Kansas-Nebraska Natural Gas Co., Inc., Acreage in Texas County, Okla.	13	4	Agreement 7–9–64 [1]
C161–737 D 4–26–65	Shell Oil Co.	Transwestern Pipeline Co., Flowers Field, Ochiltree, Roberts and Lipscomb Counties, Tex.	40	9	Effective date: 1–1–65 Letter agreement 4–13–65 [1]
C161–1183 E 4–5–65	Southeastern Public Service Co. (Operator), et al. (successor to Acco Oil & Gas Co (Operator), et al.	Transwestern Gas Transmission Co. and Hubbard Area, Wheeler County, Tex.	243	4	Letter agreement 2–24–65. [1]
			4		Acco Oil and Gas Co. (Operator), et al., Supplement No. 1, Notice of succession (undated).
C161–1690 3–29–65 [8]	Wrightsman Investment Co. (formerly Wrightsman Petroleum Co.).	El Paso Natural Gas Co., Cruse Downs Field, Lea County, N. Mex.	4	1	Assignment 11–1–62.
			1		Wrightsman Petroleum Co., FPC GRS No. 1.
			1	1–4	Supplement Nos. 1–4.
			1		Notice of change in name 3–29–65.
			1	5	Amendment to certificate of incorporation 11–17–64.
C163–69 E 4–12–65	E. J. Dunigan, Jr., Trustee (successor to E. J. Dunigan, Jr.).	El Paso Natural Gas Co., South Erick Field, Beckham County, Okla.	1		E. J. Dunigan, Jr., FPC GRS No. 1.
			1	1–2	Supplement Nos. 1–2.
			1		Notice of succession 4–12–65.
C163–514 C 4–26–65	J. H. Cordell, et al.	American Louisiana Pipe Line Co., Calcasieu Pass Field, Cameron Parish, La.	1	3	Assignment 9–1–64 [1]
			2	1	Effective date: 9–1–64. Amendatory agreement 7–13–65 [1]

Filing Code: A—Initial service.
B—Abandonment.
C—Amendment to add acreage.
D—Amendment to delete acreage.
E—Succession.
F—Partial succession.
See footnotes at end of table.

Docket No. and date filed	Applicant	Purchaser, field, and location	FPC rate schedule to be accepted		
			Description and date of document	No.	Supp.
CI65-1047..... A 4-26-65 [17]	Pan American Petroleum Corp.	Northern Natural Gas Co., Northwest Lemon Field, Haskell County, Kans.	Contract 5-6-60 [18]	416	.....
			Assignment 4-26-62 [19]	416	1
			Assignment 4-26-62 [20]	416	2
			Assignment 4-26-62 [21]	416	3
			Assignment 4-25-62 [22]	416	4
CI65-1049 (CI62-1117). [1] 4-26-65	Monsanto Co. (Operator), et al.	Southern Natural Gas Co., Merit Field, Simpson County, Miss.	Notice of cancellation 4-22-65 [23]	89	1
CI65-1051 (G-2980). [1] 4-26-65	Sunray DX Oil Co.....	Arkansas Louisiana Gas Co., Jefferson Field, Marion County, Tex.	Notice of cancellation 4-22-65 [23]	85	9
CI65-1137..... A 5-3-65 [7]	The Ballard & Cordell Corp.	Trunkline Gas Co., Cowpen Creek Field, Beauregard Parish, La.	Contract 3-8-65 [1].....	1	.....

[1] Covers acreage in Clearfield County.
[2] Covers acreage in Jefferson County.
[3] Assignment of interest from John L. Moore, et al., to Signal Oil and Gas Co. (Operator), et al.
[4] Includes agreement deleting indefinite pricing provisions (provided for in Supplement No. 10) insofar as the added acreage is concerned.
[5] Effective date: Date of initial delivery.
[6] Conveys acreage dedicated under Cyprus Oil Co., FPC GRS Nos. 1 and 3, respectively. From Cyprus Mines Corp. and Phelps Dodge Corp. to CRA, Inc.
[7] July 1, 1967, moratorium date pursuant to Commission's Statement of General Policy 61-1, as amended.
[8] Deletes casinghead gas from a 640-acre unit because the buyer is unable to take such gas into its system and has agreed to the release.
[9] Effective date: Date of this order.
[10] Amendment to the certificate filed to reflect the change in corporate name only.
[11] Assignment from E. J. Dunigan, Jr., to E. J. Dunigan, Jr., Trustee.
[12] Assigns property from W. A. and Anne C. MacNaughtan (sole stockholders of Lignum Oil Co.) to Oil & Gas Property Management, Inc.
[13] Conveys acreage from surface to base of Luling Sand from Carri to coastal States.
[14] Conveys acreage below base of Luling Sand from Carri to coastal States.
[15] Deletes acreage insofar as the Lower Morrow Formation is concerned.
[16] Source of gas depleted.
[17] Jan. 1, 1968, moratorium date pursuant to Commission's Statement of General Policy 61-1, as amended.
[18] Assignment of interest from J. Glenn Turner, Mary Francis, and William G. Webb to Northern Natural.
[19] Eliminates indefinite pricing provisions of contract dated Jan. 11, 1962, in compliance to temporary certificate issued Mar. 12, 1964 (filed May 3, 1965).
[20] By letter filed Apr. 29, 1965, Applicant requests that its certificate be amended by also authorizing the sales of natural gas as Operator and to reflect the designation "(Operator), et al."
[21] No related rate filing.
[22] By letter filed May 20, 1965, Applicant agreed to accept a permanent certificate as conditioned herein.
[23] Application filed in Docket No. CI65-1034 will be treated as a petition to amend the certificate issued to Pan American in Docket No. CI62-589 to include the subject acreage acquired from Cities Service in Docket No. G-12228. Docket No. CI65-1034 will be canceled.
[24] Adds additional 280 net acres to the contract's dedication of 460 net acres; assignment covers only the acreage down to a depth of 7,100 feet.
[25] Assignment is from Cities Service Oil Co. and covers 320 acres; 87.5 percent is assigned to Applicant and 12.5 percent of the acreage is assigned to Van-Grimso Oil Co. (Basic contract on file as Cities Service FPC GRS No. 182; presently effective rate thereunder is 17.0 cents per Mcf including B.t.u. adjustment.)
[26] Although the contractual price is 16.8 cents per Mcf, Applicant has agreed to accept a permanent certificate subject to the conditions contained in Commission Order of Mar. 30, 1964, in Docket No. G-19417 et al., which limits the initial price to 15.0 cents per Mcf.
[27] Adopts terms and provisions of contract dated Oct. 15, 1962 (Supplement No. 1).
[28] Adopts terms and provisions of contract dated Oct. 4, 1963 (Supplement No. 1).
[29] Between John R. LeBosquet, et al., and buyer; LeBosquet has made no filings with the Commission, since acreage was nonproducing.
[30] Conveys acreage from H. M. Gillespie, et al.; Courtney R. Davis, et al.; H. M. Gillespie; and H. M. Gillespie and John R. LeBosquet, respectively, to Pan American.

Suggested Agreement and Undertaking

BEFORE THE
FEDERAL POWER COMMISSION

[Docket No. _____]

(Name of Respondent)

Agreement and undertaking of (Name of Respondent) to comply with refunding and reporting provisions of section 154.102 of the Commission's regulations under the Natural Gas Act.

(Name of Respondent), hereby agrees and undertakes to comply with the refunding and reporting provisions of section 154.102 of the Commission's regulations under the Natural Gas Act insofar as they are applicable to the proceeding in Docket No. _____ (and has caused this agreement and undertaking to be executed and sealed in its name by its officers, thereupon duly authorized in accordance with the terms of the resolution of its board of directors, a certified copy of which is appended hereto) [1] this _____ day of _____, 196..

By _____
(Name of Respondent)

Attest:

[F.R. Doc. 65-6496; Filed, June 22, 1965; 8:45 a.m.]

[1] If a corporation.

[Docket No. CP65-399]

FLORIDA GAS TRANSMISSION CO.

Notice of Application

JUNE 15, 1965.

Take notice that on June 9, 1965, Florida Gas Transmission Co. (Applicant), Post Office Box 44, Winter Park, Fla., 32790, filed in Docket No. CP65-393 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of natural gas facilities and the transportation and delivery of additional quantities of natural gas to Florida Power and Light Co. (Power Company), all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant seeks authorization to construct, in two phases during 1967 and 1968, and operate the following new facilities:

(1) Twenty 30-inch mainline loops at various points between Eunice, La., and Brooker, Fla., comprising approximately 269.23 miles of mainline looping;

(2) Seven 26-inch mainline loops at various points between Eunice, La., and Fort Pierce, Fla., comprising approximately 208.63 miles of 26-inch mainline looping;

(3) A total of 121.98 miles of 24-inch mainline loops on Applicant's main transmission line between Fort Pierce, Fla., and the mainline terminus south of Miami, Fla.;

(4) One 22-inch gas supply lateral approximately 60 miles in length from E. White Lake Field in southern Louisiana to Applicant's existing 24-inch main near Krotz Springs, La., and approximately 32.4 miles of new 12- to 24-inch lateral pipelines and one 12-inch lateral pipeline loop extending from Applicant's facilities to the respective power plants of Power Co. located at Turkey Point, Port Everglades, Cape Kennedy, and Riviera, Fla.;

(6) Five meter and regulator stations; and

(7) New compressor units totaling 20,700 horsepower at 10 compressor stations at various locations east of Station No. 9, near Franklinton, La.

The application states that the proposed facilities are designed to increase the annual average day capacity of Applicant's system by 200,000 MMB.t.u. (approximately 192,000 Mcf) and that such additional capacity will be utilized to transport natural gas purchased by Power Company from Pan American Petroleum Corp. (Pan American) and Austral Oil Co., Inc. (Austral), from an input point or points in the State of Louisiana to steam electric generating plants of Power Company located at 10 separate locations in the State of Florida. Applicant proposes to transport an annual average daily quantity of 100,000 MMB.t.u. for Power Company during 1967 and an annual average daily quantity of 200,000 MMB.t.u. thereafter.

Applicant states that it has executed a transportation agreement with Power Company for the proposed service and a gas purchase contract among Pan American, Austral, Power Company and Applicant for the purchase and delivery of the quantities of natural gas proposed to be transported by Applicant.

The estimated total cost of construction of the proposed facilities is $93,200,000, which will be financed through the sale of bonds, debentures, preferred stock, and through the use of internally generated funds.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C., 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (157.10) on or before July 12, 1965.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no protest or petition to intervene is filed within the time required herein, if the certificate is required by the public convenience and necessity. If a protest or petition for leave to intervene is timely filed, or if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a protest or petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 65-6567; Filed, June 22, 1965; 8:46 a.m.]

[Docket No. CP65-397]

NATURAL GAS PIPELINE COMPANY OF AMERICA

Notice of Application

JUNE 16, 1965.

Take notice that on June 11, 1965, Natural Gas Pipeline Co., of America (Applicant), 122 South Michigan Avenue, Chicago, Ill., 60603, filed in Docket No. CP65-397 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of a 720 BHP compressor station at Applicant's Keota Storage Field (Keota) and the withdrawal testing of such Field, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant estimates that there will be approximately 1,000,000 Mcf of natural gas in Keota by December 1, 1965, pursuant to the first phase of testing. Applicant proposes to conduct withdrawal testing during the winter of 1965-66 to evaluate the capabilities of Keota to deliver gas. Applicant further states that the proposed compression facilities are necessary to withdraw the gas from storage. No new customers or additional service is proposed.

The estimated cost of construction of the proposed facilities is $344,000, which cost will be met from funds on hand.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C., 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (157.10) on or before July 15, 1965.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no protest or petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a protest or petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 65-6569; Filed, June 22, 1965; 8:46 a.m.]

[Docket No. CP65-392]

SOUTH GEORGIA NATURAL GAS CO.

Notice of Application

JUNE 15, 1965.

Take notice that on June 9, 1965, South Georgia Natural Gas Co. (Applicant), Post Office Box 1279, Thomasville, Ga., 31792, filed in Docket No. CP65-392 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of certain natural gas facilities for use in the sale of natural gas to the City of Jasper, Fla., for resale, and the Occidental Corporation of Florida (Occidental), all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes to construct and operate a total of 27 miles of pipeline ranging from 3 to 6 inches in diameter and metering and regulating facilities and appurtenances. The pipeline is to connect with Applicant's present system at a point approximately 10 miles north of the Florida Power Corp's plant and extend in an easterly direction to the vicinity of Purvis Still, Fla., with a lateral line from the proposed main line to provide gas deliveries to Jasper. Occidental is to receive deliveries at the terminus of Applicant's proposed new main pipeline.

The estimated cost of the proposed facilities is $546,000, which will be financed from cash on hand.

Applicant estimates that Jasper will require third year annual and peak day volumes of 49,224 Mcf and 590 Mcf, respectively. Occidental is estimated to require 500,000 Mcf during the third year of operations.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C., 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (157.10) on or before July 9, 1965.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no protest or petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a protest or petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 65-6570; Filed, June 22, 1965; 8:46 a.m.]

[Docket No. CP65-394]

CONSOLIDATED GAS SUPPLY CORP. AND UNITED FUEL GAS CO.

Notice of Application

JUNE 15, 1965.

Take notice that on June 9, 1965, Consolidated Gas Supply Corp. (Consolidated), 445 West Main Street, Clarksburg, W. Va., 26302, and United Fuel Gas Co. (United), Post Office Box 1273, Charleston, W. Va., 25325, filed in Docket No. CP65-394 a joint application pursuant to sections 7(b) and 7(c) of the Natural Gas Act for permission and approval for United to abandon certain natural gas compression facilities and for a certificate of public convenience and necessity authorizing the construction and operation of certain metering facilities and the exchange and delivery of natural gas, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Pursuant to their agreement of December 10, 1963, Consolidated and United propose the following exchange of natural gas: Consolidated would deliver into the available system of Gas Transport, Inc., in Jackson County, W. Va., for the account of United, not in excess of 1,000 Mcf per day of natural gas gathered by Consolidated. United would deliver into the available system of Consolidated in Raleigh County, W. Va., not in excess of 2,000 Mcf per day of natural gas gathered by United. The difference in volumes thus exchanged, less 20 percent thereof which is considered to be the cost of transportation, would be delivered by Consolidated into United's system through an existing interconnection in Kanawha County, W. Va.

The application states that the proposed exchange will permit Consolidated and United to terminate the use of two compressor stations which are presently required and to utilize, to a greater extent, previously installed pipeline facilities.

United seeks permission and approval to abandon its Wingrove Compressor Station in Raleigh County, W. Va., stating that it will have no further usefulness if the exchange is authorized.

United proposes to install and operate the necessary measuring facilities at the proposed points of interconnection in Jackson and Raleigh Counties. Consolidated would install and operate the necessary measuring and regulating fa-

cilities at the existing point of interconnection in Kanawha County, W. Va.

The total cost of construction of all the proposed facilities is $7,800, which will be financed from cash on hand.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C., 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (157.10) on or before July 12, 1965.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no protest or petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate and permission and approval for the proposed abandonment are required by the public convenience and necessity. If a protest or petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 65-6571; Filed, June 22, 1965; 8:46 a.m.]

SMALL BUSINESS ADMINISTRATION

[Delegation of Authority 30; Middle Atlantic Area, Amdt. 2]

MIDDLE ATLANTIC AREA

Delegation of Authority To Conduct Program Activities in Regional Offices

Pursuant to the authority delegated to the Area Administrator by Delegation of Authority No. 30 (Revision 10), 30 F.R. 972 as amended, 30 F.R. 2742; Delegation of Authority No. 30, 30 F.R. 3254 as amended, 30 F.R. 5778, is further amended by revising Item I.C. and Item II to read as follows:

I. * * *

C. *Procurement and management assistance.* 1. (Only to the Regional Directors, Philadelphia, Cleveland, Richmond, Baltimore, and Washington, D.C.) to approve applications for Certificates of Competency received from small business concerns which are located within the geographical jurisdiction of their area offices when the total volume of the contract to be awarded as a result of the issuance of a COC does not exceed $100,000 * *

2. (Only to the Regional Directors, Philadelphia, Cleveland, Richmond, Baltimore, and Washington, D.C.) to deny an application for a Certificate of Competency when the regional director agrees with an adverse survey report as to production or credit, unless application for an SBA loan is being filed, which if approved, might change the credit aspects of the case. * *

* * * * *

II. The specific authority delegated in subsection I.A. 12, subsections I.C. 1 and 2 and subsection I.D. 1 cannot be redelegated. These are indicated by asterisks (**). The specific authority in the remaining subsections may be redelegated to appropriate subordinate positions within the regions.

* * * * *

Effective date. May 28, 1965.

EDWARD N. ROSA,
Area Administrator,
Middle Atlantic Area.

[F.R. Doc. 65-6538; Filed, June 22, 1965; 8:45 a.m.]

[Delegation of Authority 30; Rocky Mountain Area, Amdt. 1]

ROCKY MOUNTAIN AREA

Delegation of Authority To Conduct Program Activities in Regional Offices

Pursuant to the authority delegated to the Area Administrator by Delegation of Authority No. 30 (Revision 10), 30 F.R. 972, as amended, 30 F.R. 2742; Delegation of Authority 30, 30 F.R. 2741, is hereby amended by deleting the words "Helena, Montana," from Item II thereof and adding the words "Helena, Montana," to Item I thereof. As amended, Items I and II read, in pertinent parts, as follows:

I. * * * the following authority is hereby redelegated to the Regional Directors of Denver, Salt Lake City, Sioux Falls, Omaha, Wichita, and Helena within the Rocky Mountain Area:

* * * * *

II. To the Regional Directors of Casper and Fargo, within the Rocky Mountain Area, the following authority is hereby redelegated:

* * * * *

Effective date. June 3, 1965.

GEORGE E. SAUNDERS,
Area Administrator,
Rocky Mountain Area.

[F.R. Doc. 65-6539; Filed June 22, 1965; 8:45 a.m.]

[Delegation of Authority 30; Atlanta, Amdt. 1]

SOUTHEASTERN AREA

Delegation of Authority To Conduct Program Activities in Regional Offices

Pursuant to the authority vested in the Area Administrator by Delegation of Authority 30 (Revision 10), 30 F.R. 972, as amended, 30 F.R. 2742, Delegation of Authority 30 (Atlanta), 30 F.R. 2884, is hereby amended as follows:

1. Reference in Item II to the Regional Directors of Birmingham, Ala., Charlotte, N.C., Columbia, S.C., Louisville, Ky., Jacksonville, Fla., and Nashville, Tenn., is deleted.

2. Item I is revised to read as follows:

I. Pursuant to the authority delegated to the Area Administrator by Delegation of Authority 30 (Revision 10) 30 F.R. 972, as amended, 30 F.R. 2742, the following authority is hereby redelegated to the Regional Directors of the Atlanta, Birmingham, Charlotte, Columbia, Jackson, Jacksonville, Louisville, Miami, and Nashville Regional Offices within the Southeastern Area:

* * * * *

Effective date. May 3, 1965.

JAMES F. HOLLINGSWORTH,
Area Administrator,
Southeastern Area.

[F.R. Doc. 65-6540; Filed, June 22, 1965; 8:45 a.m.]

[Delegation of Authority 30; Pacific Coastal Area Revision 1]

PACIFIC COASTAL AREA

Delegation of Authority To Conduct Program Activities in Regional Offices

I. Pursuant to the authority delegated to the Area Administrator by Delegation of Authority 30 (Revision 10), 30 F.R. 972, as amended, 30 F.R. 2742, the following authority is hereby redelegated to the Regional Directors of Anchorage, Boise, Honolulu, Los Angeles, Phoenix, Portland, San Francisco, Seattle, and Spokane, within the Pacific Coastal Area.

A. *Financial assistance.* 1. To approve business and disaster loans not exceeding $350,000 (SBA's share).

2. To decline business and disaster loans of any amount.

3. To disburse approved loans.

4. To enter into business loans and disaster loan participation agreement with banks.

5. To approve section 502 as follows:

a. Direct loans not exceeding $50,000.

b. Participation loans when the bank's share is 10 percent or more—not to exceed $100,000.

6. To decline loan applications in the categories described in Item I.A.5 above.

7. To execute loan authorizations for Washington approved loans and for loans approved under delegated authority, said execution to read as follows:

(Name), *Administrator,*
By ----------
(Name)
Regional Director,
(City)

8. To cancel, reinstate, modify, and amend authorizations for business or disaster loans.

9. To extend the disbursement period on all loan authorizations or undisbursed portions of loans.

10. To approve, when requested, in advance of disbursement, conformed copies of notes and other closing documents; and certify to the participating bank that such documents are in compliance with the participation authorization.

11. To approve service charges by participating bank not to exceed 2 percent per annum on the outstanding principal balance of construction loans and loans involving accounts receivable and inventory financing.

12. To establish disaster field offices upon receipt of advice of the designation of a disaster area; to advise on the making of disaster loans; to appoint as a processing representative any bank in the disaster area; and to close disaster field offices when no longer advisable to maintain such offices.**

13. To take all necessary actions in connection with the administration, servicing, collection, and liquidation of all loans and other obligations or assets, including collateral purchased; and to do and perform and to assent to the doing and performance of, all and every act and thing requisite and proper to effectuate the granted powers, including without limiting the generality of the foregoing:

a. The assignment, endorsement, transfer, and delivery (but in all cases without representation, recourse, or warranty) of notes, claims, bonds, debentures, mortgages, deeds of trust, contracts, patents, and applications therefor, licenses, certificates of stock, and of deposit, and any other liens, powers, rights, charges on and interest in or to property of any kind, legal and equitable, now or hereafter held by the Small Business Administration, or its Administrator;

b. The execution and delivery of contract of sale or of lease or sublease, quitclaim, bargain, and sale or special warranty deeds, bills of sale, leases, subleases, assignments, subordinations, releases (in whole or part) of liens, satisfaction pieces, affidavits, proofs of claim in bankruptcy or other estates and such other instruments in writing as may be appropriate and necessary to effectuate the foregoing.

c. The approval of bank applications for use of liquidity privilege under the loan guaranty plan.

B. [Reserved]

C. *Procurement and management assistance (Los Angeles, San Francisco, and Seattle only).* 1. To approve applications for Certificates of Competency received from Small Business concerns which are located within the geographical jurisdiction of their Regional office when the total value of the contract to be awarded as a result of the issuance of a COC does not exceed $100,000.**

2. To deny an application for a Certificate of Competency when the Regional Director agrees with an adverse survey report as to production or credit, unless application for an SBA loan is being filed, which if approved, might change the credit aspects of the case.**

D. *Administration.* 1. To advertise regarding the public sale of (a) collateral in connection with the liquidation of loans, and (b) acquired property.**

2. To purchase reproductions of loan documents, chargeable to the revolving fund, requested by U.S. Attorneys in foreclosure cases.

3. To (a) purchase all office supplies and expendable equipment, including all desk top items, and rent regular office equipment; (b) contract for repair and maintenance of equipment and furnishings; (c) contract for services required in setting up and dismantling and moving SBA exhibits and (d) issue Government Bills of Lading.

4. In connection with the establishment of Disaster Loan Offices, to (a) obligate Small Business Administration to reimburse General Services Administration for the rental of office space; (b) rent office equipment; and (c) procure (without dollar limitation) emergency supplies and materials.

5. To rent motor vehicles from the General Services Administration and to rent garage space for the storage of such vehicles when not furnished by this Administration.

E. *Eligibility determinations.* To determine eligibility of applicants for assistance under any program of the Agency in accordance with Small Business Administration standards and policies.

F. *Size determinations—Los Angeles, Calif., San Francisco, Calif., and Seattle, Wash. only.* To make initial size determinations in all cases within the meaning of the Small Business Size Standards Regulations, as amended, and further, to make product classification decisions for financial assistance purposes only. Product classifications decisions for procurement purposes are made by contracting officers.

II. [Reserved]

III. The specific authority delegated in subsection I.A.12; subsections I.C.1 and 2 and subsection I.D.1 herein cannot be redelegated. These are indicated by asterisks (**). The specific authority in the remaining subsections may be redelegated to appropriate subordinate positions within the Regions.

IV. All authority delegated herein may be exercised by any Small Business Administration employee designated as Acting Regional Director.

V. All authority previously delegated is hereby rescinded without prejudice to actions taken under such previous delegations of authority prior to the date hereof.

Effective date. May 21, 1965.

WILLIAM S. SCHUMACHER,
Area Administrator,
Pacific Coastal Area.

[F.R. Doc. 65-6541; Filed, June 22, 1965; 8:45 a.m.]

[Declaration of Disaster Area 532]

TEXAS

Declaration of Disaster Area

Whereas, it has been reported that during the month of May 1965, because of the effects of certain disasters, damage resulted to residences and business property located in Wichita County in the State of Tex.; Texas

Whereas, the Small Business Administration has investigated and has received other reports of investigations of conditions in the area affected;

Whereas, after reading and evaluating reports of such conditions, I find that the conditions in such area constitute a catastrophe within the purview of the Small Business Act, as amended.

Now, therefore, as Executive Administrator of the Small Business Administration, I hereby determine that:

1. Applications for disaster loans under the provisions of section 7(b) (1) of the Small Business Act, as amended, may be received and considered by the offices below indicated from persons or firms whose property, situated in the aforesaid County and areas adjacent thereto, suffered damage or destruction resulting from hail storm and accompanying conditions occurring on or about May 27, 1965.

OFFICE

Small Business Administration Regional Office, 1025 Elm Street, Dallas, Tex., 75202.

2. A temporary office will be established in Wichita Falls, Tex., address to be announced locally.

3. Applications for disaster loans under the authority of this Declaration will not be accepted subsequent to December 31, 1965.

Dated: June 1, 1965.

ROSS D. DAVIS,
Executive Administrator.

[F.R. Doc. 65-6542; Filed, June 22, 1965; 8:45 a.m.]

[Declaration of Disaster Area 533]

KANSAS

Declaration of Disaster Area

Whereas, it has been reported that during the month of June 1965, because of the effects of certain disasters, damage resulted to residences and business property located in Butler County in the State of Kansas;

Whereas, the Small Business Administration has investigated and has received other reports of investigations of conditions in the area affected;

Whereas, after reading and evaluating reports of such conditions, I find that the conditions in such area constitute a catastrophe within the purview of the Small Business Act, as amended.

Now, therefore, as Executive Administrator of the Small Business Administration, I hereby determine that:

1. Applications for disaster loans under the provisions of section 7(b) (1) of the Small Business Act, as amended, may be received and considered by the offices below indicated from persons or firms whose property, situated in the aforesaid county and areas adjacent thereto, suffered damage or destruction resulting from floods and accompanying conditions occurring on or about June 5, 1965.

OFFICE

Small Business Administration Regional Office, 120 South Market Street, Wichita, Kans., 67202.

2. Temporary offices will be established as are necessary, addresses to be announced locally.

3. Applications for disaster loans under the authority of this Declaration will

not be accepted subsequent to December 31, 1965.

Dated: June 8, 1965.

ROSS D. DAVIS,
Executive Administrator.

[F.R. Doc. 65-6543; Filed, June 22, 1965; 8:45 a.m.]

[Declaration of Disaster Area 534]

TEXAS

Declaration of Disaster Area

Whereas, it has been reported that during the month of June 1965, because of the effects of certain disasters, damage resulted to residences and business property located in Terrell County in the State of Texas;

Whereas, the Small Business Administration has investigated and has received other reports of investigations of conditions in the area affected;

Whereas, after reading and evaluating reports of such conditions, I find that the conditions in such area constitute a catastrophe within the purview of the Small Business Act, as amended.

Now, therefore, as Acting Deputy Administrator of the Small Business Administration, I hereby determine that:

1. Applications for disaster loans under the provisions of section 7(b)(1) of the Small Business Act, as amended, may be received and considered by the offices below indicated from persons or firms whose property, situated in the aforesaid county and areas adjacent thereto, suffered damage or destruction resulting from floods and accompanying conditions occurring on or about June 11, 1965.

OFFICE

Small Business Administration Regional Office, 1616 19th Street, Lubbock, Tex. 79401.

2. A temporary disaster office will be established in Sanderson, Tex., address to be announced locally.

3. Applications for disaster loans under the authority of this Declaration will not be accepted subsequent to December 31, 1965.

Dated: June 14, 1965.

HAROLD A. GALLOWAY,
Acting Deputy Administrator.

[F.R. Doc. 65-6544; Filed, June 22, 1965; 8:45 a.m.]

[Declaration of Disaster Area 535]

MISSOURI

Declaration of Disaster Area

Whereas, it has been reported that during the month of June 1965, because of the effects of certain disasters, damage resulted to residences and business property located in Stone County in the State of Missouri;

Whereas, the Small Business Administration has investigated and has received other reports of investigations of conditions in the area affected;

Whereas, after reading and evaluating reports of such conditions, I find that the conditions in such area constitute a catastrophe within the purview of the Small Business Act, as amended.

Now, therefore, as Acting Deputy Administrator of the Small Business Administration, I hereby determine that:

1. Applications for disaster loans under the provisions of section 7(b)(1) of the Small Business Act, as amended, may be received and considered by the offices below indicated from persons or firms whose property, situated in the aforesaid county and areas adjacent thereto, suffered damage or destruction resulting from floods and accompanying conditions occurring on or about June 12, 1965.

OFFICE

Small Business Administration Regional Office, 911 Walnut Street, Kansas City, Mo., 64106.

2. A temporary disaster office will be established at Reeds Spring, Mo., address to be announced locally.

3. Applications for disaster loans under the authority of this Declaration will not be accepted subsequent to December 31, 1965.

Dated: June 14, 1965.

HAROLD A. GALLOWAY,
Acting Deputy Administrator.

[F.R. Doc. 65-6545; Filed, June 22, 1965; 8:45 a.m.]

INTERSTATE COMMERCE COMMISSION

[Notice 355]

MOTOR CARRIER ALTERNATE ROUTE DEVIATION NOTICES

JUNE 18, 1965.

The following letter-notices of proposals to operate over deviation routes for operating convenience only have been filed with the Interstate Commerce Commission, under the Commission's Deviation Rules Revised, 1957 (49 CFR 211.1(c)(8)) and notice thereof to all interested persons is hereby given as provided in such rules (49 CFR 211.1(d)(4)).

Protests against the use of any proposed deviation route herein described may be filed with the Interstate Commerce Commission in the manner and form provided in such rules (49 CFR 211.1(e)) at any time, but will not operate to stay commencement of the proposed operations unless filed within 30 days from the date of publication.

Successively filed letter-notices of the same carrier under the Commission's Deviation Rules Revised, 1957, will be numbered consecutively for convenience in identification and protests if any should refer to such letter-notices by number.

MOTOR CARRIERS OF PROPERTY

No. MC 19553 (Deviation No. 1), KNOX MOTOR SERVICE, INC., Post Office Box 359, Rockford, Ill., filed June 2, 1965. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions over a deviation route as follows: Between U.S. By-Pass Highway 20, and Interstate Highway 90, and junction Interstate Highway 90, and Wisconsin Highway 15 (east of Beloit, Wis.), over Interstate Highway 90, for operating convenience only. The notice indicates that the carrier is authorized to transport the same commodities over a pertinent service route as follows: Between Rockford, Ill., and Wisconsin Highway 15 (east of Beloit, Wis.), over U.S. Highway 51.

No. MC 19553 (Deviation No. 2), KNOX MOTOR SERVICE, INC., Post Office Box 359, Rockford, Ill., filed June 2, 1965. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions over a deviation route as follows: From Rockford, Ill. over U.S. By-Pass Highway 20 to junction Interstate Highway 90, thence over Interstate Highway 90 to Chicago, Ill., and return over the same route for operating convenience only. The notice indicates that the carrier is authorized to transport the same commodities over a pertinent service route as follows: Between Rockford and Chicago, Ill. over U.S. Highway 20.

No. MC 29988 (Deviation No. 18), DENVER CHICAGO TRUCKING COMPANY, INC., 45th and Jackson Streets, Denver, Colo. Applicant's attorney: Edward G. Bazelon, 39 South La Salle Street, Chicago, Ill., filed June 8, 1965. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Denver, Colo., over Interstate Highway 70 to junction Interstate Highway 15, at or near Cove Fort, Utah, thence over Interstate Highway 15 to junction Interstate Highway 10, at or near San Bernardino, Calif., thence over Interstate Highway 10 to Los Angeles, Calif., and return over the same route for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: From Denver, Colo., over U.S. Highway 85 to Los Lunas, N. Mex., thence over New Mexico Highway 6 to junction U.S. Highway 66, thence over U.S. Highway 66 to junction U.S. Highway 89, near Ashfork, Ariz., thence over U.S. Highway 89 to Wickenburg, Ariz., thence over U.S. Highway 60 to junction U.S. Highway 99, thence over U.S. Highway 99 to Los Angeles, Calif., and return over the same route.

No. MC 29988 (Deviation No. 19), DENVER CHICAGO TRUCKING COMPANY, INC., 45th and Jackson Streets, Denver, Colo. Applicant's attorney: Edward G. Bazelon, 39 South La Salle Street, Chicago, Ill., 60603, filed June 8, 1965. Carrier proposed to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Chicago, Ill., over Interstate Highway 80 to junction Interstate Highway 95, near Ridgefield Park, N.J., and thence over Interstate Highway 95 to New York, N.Y., and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows:

From Chicago, Ill., over U.S. Highway 20 to junction U.S. Highway 62, near Hamburg, N.Y., thence over U.S. Highway 62 to Buffalo, N.Y., thence over New York Highway 130 to junction U.S. Highway 20, thence over U.S. Highway 20 via Avon, Auburn, and Lafayette, N.Y., to Albany, N.Y. (also from Buffalo over New York Highway 5 to Albany), and thence over U.S. Highway 9 (also over U.S. Highway 9W), to New York, N.Y., and return over the same route.

No. MC 50544 (Deviation No. 2), THE TEXAS AND PACIFIC MOTOR TRANSPORT COMPANY, 1507 Pacific Avenue, Dallas 1, Tex., filed June 4, 1965. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions over a deviation route as follows: Between El Paso, Tex., and Van Horn, Tex., over Interstate Highway 10, for operating convenience only. The notice indicates that the carrier is authorized to transport the same commodities over a pertinent service route as follows: Between El Paso, Tex. and Van Horn, Tex. over U.S. Highway 80.

No. MC 52752 (Deviation No. 1), WESTERN TRANSPORTATION COMPANY, 1300 West 35th Street, Chicago, Ill., 60609. Applicant's attorney: Edward G. Bazelon, 39 South La Salle Street, Chicago, Ill., 60603, filed June 11, 1965. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Chicago, Ill., over Interstate Highway 55 to junction Interstate Highway 80, thence over Interstate Highway 80 to Des Moines, Iowa, and return over the same route for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: From Chicago, Ill., over U.S. Highway 66 to junction Alternate U.S. Highway 66, thence over Alternate U.S. Highway 66 to Joliet, Ill. (also from Chicago over Illinois Highway 4A to Joliet), thence over U.S. Highway 6 to Briarbluff, Ill., thence over unnumbered highway via Colona, and Carbon Cliff, Ill., to junction Illinois Highway 92, thence over Illinois Highway 92 to Moline, Ill., and thence over U.S. Highway 6 to Des Moines, and return over the same route.

No. MC 52752 (Deviation No. 2), WESTERN TRANSPORTATION COMPANY, 1300 West 35th Street, Chicago, Ill., 60609. Applicant's attorney: Edward G. Bazelon, 39 South La Salle Street, Chicago, Ill., 60603, filed June 11, 1965. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities* with certain exceptions, over a deviation route as follows: From Chicago, Ill., over Interstate Highway 90 to junction U.S. Toll 30, thence over U.S. Toll 30 to junction Illinois Highway 55, thence over Illinois Highway 55 to junction U.S. Highway 30, and thence over U.S. Highway 30 to Rock Falls, Ill., and return over the same route for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: From Chicago, Ill., over Alternate U.S. Highway 30 via Dixon, Ill., to junction U.S. Highway 30, thence over U.S. Highway 30 to junction Iowa Highway 131, thence over Iowa Highway 131 to Belle Plaine, Iowa, thence over Iowa Highway 212 to junction U.S. Highway 30, thence over U.S. Highway 30 to junction U.S. Highway 169, and thence over U.S. Highway 169 to Fort Dodge, Iowa, and return over the same route.

No. MC 96498 (Deviation No. 4), BONIFIELD BROS. TRUCK LINES, INC., 1200 East 2d Street, Metropolis, Ill. Applicant's representative: R. W. Burgess, 8514 Midland, St. Louis, Mo., 63114, filed June 2, 1965. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions over a deviation route as follows: From Paducah, Ky., over U.S. Highway 60 to Henderson, Ky., thence over U.S. Highway 41 to Evansville, Ind., and return over the same route for operating convenience only. The notice indicates that the carrier is authorized to transport the same commodities over a pertinent service route as follows: From Paducah, Ky., over U.S. Highway 45 to Norris City, Ill., thence over Illinois Highway 1 to Crossville, Ill., and thence over U.S. Highway 460 to Evansville, Ind., and return over the same route.

No. MC 123057 (Deviation No. 1), JAMES RICCIARDI & SONS, INC., 203 Fillmore Street, Staten Island, N.Y., 10301. Applicant's attorney: Morton E. Kiel, 140 Cedar Street, New York, N.Y., filed June 2, 1965. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions over a deviation route as follows: From junction U.S. Highways 1 and 130 over U.S. Highway 130 to Camden, N.J., thence over city streets to Philadelphia, Pa., and return over the same route, for operating convenience only. The notice indicates that the carrier is authorized to transport the same commodities over a pertinent service route as follows: * * * between New York, N.Y., and Philadelphia, Pa., over U.S. Highway 1.

MOTOR CARRIER OF PASSENGERS

No. MC 2890 (Deviation No. 52), AMERICAN BUSLINES, INC., 1805 Leavenworth Street, Omaha 2, Nebr., filed June 7, 1965. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *passengers and their baggage*, and *express*, and *newspapers*, in the same vehicle with passengers, over a deviation route as follows: From junction U.S. Highway 80 and Interstate Highway 10, east of McNary, Tex., via Interstate Highway 10 to junction Interstate Highway 20 east of Kent, Tex., thence via Interstate Highway 20 to Fort Worth, Tex., and return over the same route for operating convenience only. The notice indicates that the carrier is presently authorized to transport passengers and the same property over a pertinent service route as follows: * * * From Dallas, Tex., over U.S. Highway 80 to Weatherford, Tex., thence over U.S. Highway 180 via Breckenridge, Tex., to Albany, Tex., thence over Texas Highway 351 to Abilene, Tex. (also from Weatherford, Tex., over U.S. Highway 80 to Abilene, Tex.), thence over U.S. Highway 80 to Lazy "E" Station, N. Mex. * * *, and return over the same route.

By the Commission.

[SEAL] BERTHA P. ARMES,
Acting Secretary.

[F.R. Doc. 65-6546; Filed, June 22, 1965; 8:45 a.m.]

[Notice No. 783]

MOTOR CARRIER APPLICATIONS AND CERTAIN OTHER PROCEEDINGS

JUNE 18, 1965.

The following publications are governed by the new Special Rule 1.247 of the Commission's rules of practice, published in the FEDERAL REGISTER, issue of December 3, 1963, which became effective January 1, 1964.

The publications hereinafter set forth reflect the scope of the applications as filed by applicants, and may include descriptions, restrictions, or limitations which are not in a form acceptable to the Commission. Authority which ultimately may be granted as a result of the applications here noticed will not necessarily reflect the phraseology set forth in the application as filed, but also will eliminate any restrictions which are not acceptable to the Commission.

APPLICATIONS ASSIGNED FOR ORAL HEARING

MOTOR CARRIERS OF PROPERTY

No. MC 42487 (Sub-No. 600) (AMENDMENT), filed May 11, 1964, published FEDERAL REGISTER issue May 27, 1964, amended April 13, 1965, and republished as amended this issue. Applicant: CONSOLIDATED FREIGHTWAYS CORPORATION OF DELAWARE, 175 Linfield Drive, Menlo Park, Calif. Applicant's attorney: William B. Adams, Pacific Building, Portland 4, Oreg. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petrochemicals*, in bulk, in tank vehicles, (a) between points in Oregon, and (b) between points in Oregon, on the one hand, and, on the other, points in California. NOTE: Common control may be involved. The purpose of this republication is to show applicant "not only intends to render service between the points specified in the application but also to tack such authority with its existing authority to transport petroleum products so as to render a through service in the transportation of petrochemicals (chemicals derived from petroleum), between points in Oregon and California, on the one hand, and, on the other, points in Washington, points in Canyon, Ada, Gem, Payette, and Washington Counties, Idaho, and points in Idaho in and north of Idaho County, Idaho, and those points in Montana on and west of U.S. Highway 91. This would be accomplished by tacking the applied for authority with applicant's present authority in MC 42487, Sub-302."

HEARING: July 27, 1965, at the New Federal Office Building, 450 Golden Gate

Avenue, San Francisco, Calif., before Joint Board No. 11.

No. MC 52657, No. MC 52657 (Sub-No. 6), No. MC 52657 (Sub-No. 214), and No. MC 52657 (Sub-No. 350), (PETITION FOR MODIFICATION OF EXISTING CERTIFICATES PURSUANT TO AND IN ACCORDANCE WITH THE DECISION OF THE COMMISSION IN NO. MC-C-3024, *National Automobile Transporters Association-Petition for Declaratory Order*, 91 M.C.C. 395), filed May 27, 1965. Petitioner: ARCO AUTO CARRIERS, INC., 2140 West 79th Street, Chicago, Ill. Petitioner's attorneys: Glenn W. Stephens and Adolph J. Bieberstein, 121 West Doty Street, Madison, Wis., 53703. Petitioner holds authority (here pertinent), as follows: (A) MC 52657 page 1, first paragraph: "New automobiles, new trucks, new tractors, new trailers, new chassis, and parts thereof, restricted to initial movements, * * * in truckaway service, * * * "From places of manufacture and assembly in Kenosha and Racine, Wis., to points and places in Illinois, Iowa, Indiana, Michigan, Ohio, and Wisconsin." (B) MC 52657 (Sub-No. 6), page 1, first paragraph: "New automobiles, new trucks, new tractors, new trailers, new chassis, new bodies, and parts thereof, * * *, restricted to initial movements, in truckaway service, "From places of manufacture and assembly at Kenosha, and Racine, Wis., to Omaha, Nebr., and points and places in Missouri, Minnesota, and Kentucky." (C) MC 52657 (Sub-No. 214), page 1, paragraph 2: "New automobiles, new chassis, new bodies, and parts thereof, * * * in initial movements, in truckaway service, over irregular routes, "From places of manufacture and assembly at Kenosha, Wis., to points and places in Nebraska (except Omaha), North Dakota, and South Dakota, with no transportation for compensation on return except as otherwise authorized."

(D) MC 52657 (Sub-No. 350), page 1, paragraph 1: "New automobiles, new trucks, new tractors, new truck bodies, and new chassis, * * * in initial movements, in truckaway service, "From Kenosha, Wis., to the District of Columbia and to points and places in Alabama, Arkansas, Connecticut, Delaware, Florida, Georgia, Kansas, Louisiana, Maine, Maryland, Massachusetts, Montana, Mississippi, New Hampshire, New Jersey, New York, North Carolina, Pennsylvania, Rhode Island, South Carolina, Tennessee, Utah, Vermont, Virginia, West Virginia, and Wyoming, traversing Kentucky, Ohio, Indiana, Illinois, Michigan, Missouri, Iowa, Nebraska, Colorado, Minnesota, South Dakota, and North Dakota, for operating convenience only." By the instant petition, petitioner seeks modification of the authority set forth above, in order to render a secondary service to the same destinations from railheads established from time to time, to avoid difficulties of tacking or combining rights and to offer an efficient service to the shipper. In order for it to continue to participate in the movement from such fluctuating railheads it requests the modification of its existing authority, set forth above, by adding thereto the following: "New automobiles, new chassis, new bodies, and parts thereof, in secondary movements, in truckaway service, over irregular routes, between points in Arkansas, Connecticut, Delaware, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Montana, Nebraska, New Hampshire, New Jersey, New York, North Carolina, North Dakota, Ohio, Pennsylvania, Rhode Island, South Dakota, Tennessee, Utah, Vermont, Virginia, West Virginia, Wisconsin, Wyoming, and the District of Columbia, restricted to the transportation of vehicles manufactured or assembled at Kenosha, Wis., and which may have had an immediately prior movement by rail." Any person or persons desiring to participate in this proceeding, may, within 30 days from the date of publication in the FEDERAL REGISTER, file an appropriate pleading, consisting of an original and six copies each.

APPLICATIONS FOR CERTIFICATES OR PERMITS WHICH ARE TO BE PROCESSED CONCURRENTLY WITH APPLICATIONS UNDER SECTION 5 GOVERNED BY SPECIAL RULE 1.240 TO THE EXTENT APPLICABLE

No. MC 97841 (Sub-No. 11), filed June 9, 1965. Applicant: GENERAL HIGHWAY EXPRESS, INC., 140 Parkwood Boulevard, Sidney, Ohio. Applicant's attorney: A. Charles Tell, 44 East Broad Street, Columbus, Ohio, 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over regular and irregular routes, transporting: REGULAR ROUTES: *General commodities* (except Classes A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between Belpre, Ohio, and Bridgeport, Ohio, over Ohio Highway 7, serving all intermediate points; IRREGULAR ROUTES: (1) *General commodities* (except Classes A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between Cincinnati and Summitville, Ohio, and points in North Township, Harrison County, Ohio, on the one hand, and, on the other, points in Ohio; and (2) *household goods* as defined by the Commission, *office furniture* and *fixtures*, between points in Hamilton County, Ohio, on the one hand, and, on the other, points in Ohio. NOTE: This is a matter directly related to MC-F 9146, published in FEDERAL REGISTER issue of June 17, 1965.

APPLICATIONS UNDER SECTIONS 5 AND 210a(b)

The following applications are governed by the Interstate Commerce Commission's special rules governing notice of filing of applications by motor carriers of property or passengers under sections 5(a) and 210a(b) of the Interstate Commerce Act and certain other proceedings with respect thereto (49 CFR 1.240).

MOTOR CARRIERS OF PROPERTY

No. MC-F-9148. Authority sought for purchase by TRI-STATE MOTOR TRANSIT CO., Post Office Box 113, Joplin, Mo., of a portion of the operating rights of McLEAN TRUCKING COMPANY, Post Office Box 213, Winston-Salem, N.C. Applicants' attorneys: David G. MacDonald, 1000 16th Street NW., Washington 36, D.C., and Max G. Morgan, 450 American National Building, Oklahoma City, Okla. Operating rights sought to be transferred: (A) *Classes A and B explosives*, as a *common carrier*, over regular routes, between St. Louis, Mo., and Davenport, Iowa, Chicago, Ill., Evansville and Richmond, Ind., Columbus, Ohio, and Louisville, Ky., between Keokuk, Iowa, and Cleveland, Ohio, between Peoria, Ill., and Indianapolis, Ind., between Peoria, Ill., and Cincinnati, Ohio, between Davenport, Iowa, and Sterling, Ill., between Clinton, Iowa, and Cleveland, Ohio, between Dayton, Ohio, and Wright Field and Fairfield Air Depot, Ohio, between Cleveland, Ohio, and Danville, Ill., Indianapolis, Ind., and Louisville, Ky., between Toledo, Ohio, and Detroit, Mich., between Chicago and Joliet, Ill., and Youngstown, Columbus, and Cincinnati, Ohio, Muncie, Anderson, and Evansville, Ind., and Memphis, Tenn., between Veedersburg, Ind., and Nashville, Tenn., between South Bend, Ind., and Nashville, Tenn., between Litchfield, Ill., and Louisville, Ky., between Wenona, Ill., and Argos, Ind., between Fort Madison, Iowa, and the Illinois-Indiana State line, between Keokuk, Iowa, and Champaign, Ill., between Niota, Ill., and Keokuk, Iowa, between Keokuk, Iowa, and Quincy, Ill., between junction unnumbered highway (formerly portion Illinois Highway 13) and Illinois Highway 148, approximately 5 miles south of Herrin, Ill., and Princeton, Ind., between junction Illinois Highways 1 and 119 and junction Indiana Highway 28 and unnumbered county road near Vine, Ind., between Hutsonville, Ill., and Sullivan, Ind., between Cairo, Ill., and Wickliffe, Ky., between certain specified points in Illinois, Indiana, Kentucky, and Tennessee, serving various intermediate and off-route points.

(B) Between Cincinnati, Ohio, and Fulton, Ky., between Cincinnati, Ohio, and the Kentucky-Tennessee State line, between certain specified points in Kentucky, serving various intermediate and off-route points; (C) between Cincinnati, Ohio, and Nashville, Tenn., between Greenville, Ky., and Clarksville, Tenn., between Russellville, Ky., and Milan, Tenn., between Fulton, Ky., and junction U.S. Highways 45E and 45W, between certain specified points in Kentucky and Tennessee, serving various intermediate and off-route points; (D) between Paris, Tenn., and Murray, Ky., between Paris, Tenn., and junction Kentucky Highways 97 and 94, between certain specified points in Tennessee and Kentucky, serving all intermediate points on specified routes; (E) between Owensboro, Ky., and Springfield, Tenn., serving all intermediate points with conditions; (F) between Memphis, Tenn., and Cairo, Ill., serving no intermediate or off-route points, with restrictions; (G) between Evansville, Ind., and Owensboro, Ky., serving certain intermediate points; (H) between Owensboro, Ky., and Cincinnati, Ohio, serving no intermediate or off-route points; (I) between certain specified points in Ohio, between Portland, Ind., and junction unnumbered highway (formerly portion U.S. Highway 25) and U.S. Highway 30N at or near Beaver Dam, Ohio, serving certain intermediate points; (J) between junction Illinois Highway 29 and U.S. Highway 136 (formerly portion Illinois Highway 119) near Allen Station, Ill., and junction U.S. Highway 136 (formerly Illinois Highway 119) and U.S. Highway 150, between Peoria, Ill., and Rock Island, Ill., between the site of the Blue Grass Ordnance Depot, Ky., and Cincinnati, Ohio, between the site of the Blue Grass Ordnance Depot, Ky., and Louisville, Ky., serving certain intermediate points, numerous alternate routes for operating convenience only; between junction Tennessee Highway 18 and U.S. Highway 45, near Jackson, Tenn., and Bolivar, Tenn., serving all intermediate points, and the off-route point of Toone, Tenn., with restriction. Vendee is authorized to operate as a *common carrier* in all States in the United States (except Alaska, Hawaii, North Carolina, and South Carolina), and the District of Columbia. Application has not been filed for temporary authority under section 210a(b).

No. MC-F-9149. Authority sought for purchase by CHAIR CITY MOTOR EXPRESS COMPANY, 1011 South 11th Street, Sheboygan, Wis., 53082, of a portion of the operating rights of HENSEL TRANSFER & WAREHOUSE COMPANY, 1209 South 11th Street, Sheboygan, Wis., 53082, and for acquisition by ELDRED A. BECKER, 1024 Main Avenue, Sheboygan, Wis., of control of such rights through the purchase. Applicants' attorney: John L. Bruemmer, 121 West Doty Street, Madison, Wis., 53703. Operating rights sought to be transferred: *New furniture*, uncrated, over irregular routes, as a *common carrier*, from the town of Sheboygan Falls, Wis., to points in Iowa, Illinois, and Indiana. Vendee is authorized to operate as a *common carrier* in Wisconsin, Illinois, Iowa, and Indiana. Application has not been filed for temporary authority under section 210a(b). NOTE: No MC-40978 Sub-8 is concurrently filed.

By the Commission.

[SEAL] BERTHA F. ARMES, *Acting Secretary.*

[F.R. Doc. 65-6567; Filed, June 22, 1965; 8:48 a.m.]

NOTICE OF FILING OF MOTOR CARRIER INTRASTATE APPLICATIONS

JUNE 18, 1965.

The following applications for motor common carrier authority to operate in intrastate commerce seek concurrent motor carrier authorization in interstate or foreign commerce within the limits of the intrastate authority sought, pursuant to section 206(a)(6) of the Interstate Commerce Act, as amended October 15, 1962. These applications are governed by special rule 1.245 of the Commission's rules of practice, published in the FEDERAL REGISTER, issue of April 11, 1963, page 3533, which provides, among other things, that protests and requests for information concerning the time and place of State Commission hearings or other proceedings, any subsequent changes therein, and any other related matters shall be directed to the State Commission with which the application is filed and shall not be addressed to or filed with the Interstate Commerce Commission.

State Docket No. assigned 7894 CCT, filed April 5, 1965. Applicant: GEORGE A. DOBBERT, doing business as KNOLLENBERG'S MOTOR TRANSFER CO., 500 South Garland Street, Orlando, Fla. Applicant's attorney: J. B. Rodgers, Jr., 227 North Magnolia Avenue, Orlando, Fla. Certificate of public convenience and necessity sought to operate a freight service as follows: Transportation of: *General commodities* (except (1) heavy hauling as construed by orders of the Commission; (2) household goods as defined by the Commission rule; (3) money, negotiable and nonnegotiable securities and other valuables; (4) Classes A and B explosives; (5) livestock; (6) commodities requiring refrigeration; and (7) liquid and dry commodities in bulk from Orlando, Fla., and points in Brevard County, Fla., to points in the counties of Orange, Lake, Marion, Volusia, Brevard, Seminole, Osceola, and Polk, and from points within the named counties to Orlando, Fla., and points in Brevard County, Fla.

HEARING: July 19, 1965, at 9:30 a.m. Whitefield Building, 700 South Adams Street., Tallahassee, Fla. Requests for procedural information including the time for filing protests, concerning this application should be addressed to the Florida Public Utilities Commission, Tallahassee, Fla., 32301, and should not be directed to the Interstate Commerce Commission.

State Docket No. assigned 47598, filed May 19, 1965. Applicant: C-LINE EXPRESS, 525 Silverado Trail, Napa, Calif. Applicant's representative: C. R. Nickerson, 9 First Street, Room 626, San Francisco, Calif., 94105. Certificate of public convenience and necessity sought to operate a freight service as follows: Transportation of: *General commodities* (except (1) used household goods and personal effects not packed in accordance with the crated property requirements set forth in Note 1 below; (2) automobiles, trucks, and buses, viz.: New and used, finished or unfinished passenger automobiles (including jeeps), ambulances, hearses, and taxis; freight automobiles, automobile chassis, trucks, truck chassis, truck trailers, truck and trailers combined, buses and bus chassis; (3) livestock, viz.: Bucks, bulls, calves, cattle, cows, dairy cattle, ewes, goats, hogs, horses, kids, lamb, oxen, pigs, sheep, sheep camp outfits, sows, steers, stags or swine; (4) commodities requiring protection from heat by use of ice (either water or solidified carbon dioxide) or by mechanical refrigeration; (5) liquids, compressed gases, commodities in semiplastic form, and commodities in suspension in liquids in bulk, in tank trucks, tank trailers, tank semitrailers, or a combination of such highway vehicles; (6) commodities when transported in bulk in dump trucks or in hopper-type trucks; (7) commodities when transported in motor vehicles equipped for mechanical mixing in transit; and (8) high explosives).

NOTE 1: Crated property means property securely packed in salesmen's hand sample cases, suitcases, overnight or boston bags, briefcases, hatboxes, valises, traveling bags, trunks, lift vans, barrels, boxes, cartons, crates, cases, baskets, pails, kits, tubs, drums, bags (jute, cotton, burlap, or gunny), or bundles (completely wrapped in jute, cotton, burlap, gunny, fiberboard, or straw matting), between San Francisco, Oakland, Vallejo, Napa, Yountville, Oakville, Rutherford, St. Helena, Calif., and all intermediate points located on U.S. Highway 40 between San Francisco-Oakland and the junction of U.S. Highway 40 and California State Highway 29 on said Highway 29 between its junction with U.S. Highway 40 and Calistoga, also off-route points of Benicia and Mont La Salle, on the one hand, and, on the other, Mankas Corner (off-route), Knoxville, Monticello Dam, Moskowite's Corners, Pope Valley, Steele Canyon Park, all intermediate points located on or within 25 miles laterally of the following described U.S. State or unnumbered highways, including all of the Lake Berryessa resort aren: (a) Between Napa and Moskowite's Corners via California State Highway 121, (b) between Moskowite's Corners and Knoxville via California State Highway 128 and Knoxville Road, (c) between Knoxville and St. Helena via Knoxville Road to Pope Valley junction, thence via Pope Canyon Road to Pope Valley, thence via unnumbered highways to St. Helena, (d) between Moskowite's Corners and Rutherford via California State Highway 128, (e) between Moskowite's Corners and Steele Canyon Park via Steele Canyon Road, (f) between Moskowite's Corners and Monticello Dam via California State Highway 128, (g) between Monticello Dam and its junction with U.S. Highway 40 via California State Highway 128 and Pleasants Valley Road, and (h) between Vallejo and Cordelia via U.S. Highway 40, thence Suisun Valley Road to Markas Corners Junction, thence via Wooden Valley Road to its junction with California State Highway 121.

HEARING: Date, time, and place for hearing not known at this time. Requests for procedural information, including the time for filing protests, concerning this application should be addressed to the California Public Utilities Commission, California State Building, San Francisco, Calif., 94102, and should not be directed to the Interstate Commerce Commission.

By the Commission.

[SEAL] BERTHA F. ARMES, *Acting Secretary.*

[F.R. Doc. 65-6569; Filed, June 22, 1965; 8:48 a.m.]

FOURTH SECTION APPLICATIONS FOR RELIEF

JUNE 17, 1965.

Protests to the granting of an application must be prepared in accordance with

Rule 1.40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 39854—*Commodities between points in Texas.* Filed by Texas-Louisiana Freight Bureau, agent (No. 543), for interested rail carriers. Rates on ethylene dibromide, coal tar pitch, and oleomargarine, in carloads, from, to, and between points in Texas, over interstate routes through adjoining States.

Grounds for relief—Intrastate rates and maintenance of rates from and to points in other States not subject to the same conditions.

Tariff—Supplement 34 to Texas-Louisiana Freight Bureau, agent, tariff I.C.C. 996.

FSA No. 39856—*Substituted service—UP, et al., for Allied Van Lines, Inc., et al.* Filed by Household Goods Carriers' Bureau, agent (No. 72), for interested carriers. Rates on property loaded in highway trailers between Chicago and Peoria, Ill., St. Paul, Minn., Kansas City, and St. Louis, Mo., Omaha, Nebr., and Milwaukee, Wis., on the one hand, and points in California and Washington, also Denver, Colo., Nampa, Idaho, Great Falls, Mont., Portland, Oreg., and Salt Lake City, Utah, on the other.

Grounds for relief—Motortruck competition.

Tariff—Supplement 4 to Household Goods Carriers' Bureau, agent, tariff MF-I.C.C. 124.

AGGREGATE OF INTERMEDIATES

FSA No. 39855—*Commodities between points in Texas.* Filed by Texas-Louisiana Freight Bureau, agent (No. 544), for interested rail carriers. Rates on petroleum coke and petroleum coke breeze, ethylene dibromide, coal tar pitch, and oleomargarine, in carloads, from, to, and between points in Texas, over interstate routes through adjoining States.

Grounds for relief—Maintenance of depressed rates published to meet intrastate competition without use of such rates as factors in constructing combination rates.

Tariff—Supplement 34 to Texas-Louisiana Freight Bureau, agent, tariff I.C.C. 998.

By the Commission.

[SEAL] BERTHA F. ARMES, *Acting Secretary.*

[F.R. Doc. 65-6555; Filed, June 22, 1965; 8:48 a.m.]

FOURTH SECTION APPLICATION FOR RELIEF

JUNE 18, 1965.

Protests to the granting of an application must be prepared in accordance with Rule 1.40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 39857—*Petroleum naphtha to points in Texas.* Filed by Southwestern Freight Bureau, agent (No. B-8740), for and on behalf of Missouri-Kansas-Texas Railroad Co. Rates on petroleum naphtha, in tank carloads, from Cushing, Cleveland, and Tulsa, Okla., to Houston and Texas City, Tex.

Grounds for relief—Market competition.

Tariff—Supplement 34 to Southwestern Freight Bureau, agent, tariff I.C.C. 4549.

By the Commission.

[SEAL] BERTHA F. ARMES, *Acting Secretary.*

[F.R. Doc. 65-6573; Filed, June 22, 1965; 8:46 a.m.]

[Notice 22]

FINANCE APPLICATIONS

JUNE 18, 1965.

The following publications are governed by the Interstate Commerce Commission's general requirements governing notice of filing of applications under sections 20a except (12) and 214 of the Interstate Commerce Act. The Commission's order of May 20, 1964, providing for such publication of notice, was published in the FEDERAL REGISTER issue of July 31, 1964 (29 F.R. 11126) and became effective October 1, 1964.

All hearings and prehearing conferences, if any, will be called at 9:30 a.m., U.S. standard time unless otherwise specified.

F.D. No. 23690—By application filed June 9, 1965, Reading Co., Reading Terminal, Philadelphia, Pa., 19107, seeks authority under Section 20a of the Interstate Commerce Act to pledge not more than $1,500,000 of its First & Refunding Mortgage 3½ percent Bonds, Series D, due May 1, 1995. Applicant's attorney: Lockwood W. Fogg, Jr., general attorney, 415 Reading Terminal, Philadelphia, Pa., 19107. Protests must be filed no later than 15 days from date of publication in the FEDERAL REGISTER.

F.D. No. 23691—By application filed June 15, 1965, Sabine River & Northern Railroad Co., care of Hugh Q. Buck, president, 8th Floor, Bank of the Southwest Building, Houston, Tex., 77002, seeks authority under section 20a of the Interstate Commerce Act to issue 5,000 shares of common capital stock for $1,000,000 cash and debentures in the amount of $1,500,000. Applicant's attorney: Jefferson D. Giller, 8th Floor, Bank of the Southwest Building, Houston, Tex., 77002. Protests must be filed no later than 15 days from date of publication in the FEDERAL REGISTER.

F.D. No. 23693—By application filed June 14, 1965, Trariscon Lines, a California corporation, 360 Bendix Building, 1206 South Maple Avenue, Los Angeles, Calif., 90015, seeks authority under section 214 of the Interstate Commerce Act to increase its capital stock from 1,000,000 shares of the par value of $1.25 per share to 2,000,000 shares of the par value of $0.625 per share by a stock split on a 2-for-1 basis. Applicant's attorneys: H. C. Shurtleff, vice president, Finance, Transcon Lines, 1206 South Maple Avenue, Los Angeles, Calif., 90015, and Arthur Preston, Esq., 5670 Wilshire Boulevard, 15th Floor, Los Angeles, Calif., 90036. Protests must be filed no later than 15 days from date of publication in the FEDERAL REGISTER.

F.D. No. 23695—By application filed June 16, 1965, Central Wisconsin Motor Transport Co., Post Office Box 200, Wisconsin Rapids, Wis., seeks authority under section 214 of the Interstate Commerce Act to issue 113,121 shares of its common capital stock pursuant to a declaration of a 40 percent stock dividend. Applicant's attorney: Jack Goodman, Axelrod, Goodman & Steiner, 39 South La Salle Street, Chicago, Ill., 60603. Protests must be filed no later than 15 days from date of publication in the FEDERAL REGISTER.

By the Commission.

[SEAL] BERTHA F. ARMES, *Acting Secretary.*

[F.R. Doc. 65-6574; Filed, June 22, 1965; 8:47 a.m.]

CUMULATIVE LIST OF CFR PARTS AFFECTED—JUNE

The following numerical guide is a list of the parts of each title of the Code of Federal Regulations affected by documents published to date during June.

3 CFR (Page)

PROCLAMATIONS:
3658 — 7695

EXECUTIVE ORDERS:
July 10, 1912 (revoked in part by PLO 3699) — 7898
May 14, 1915 (revoked in part by PLO 3673) — 7752
Oct. 30, 1916 (revoked in part by PLO 3664) — 7750
Dec. 12, 1917 (revoked in part by PLO 3699) — 7898
6143 (revoked in part by PLO 3691) — 7823
6276 (revoked in part by PLO 3691) — 7823
6285 (revoked in part by PLO 3693) — 7824
6583 (revoked in part by PLO 3691) — 7823
7655 (revoked in part by PLO 3661) — 7521
8278 (revoked in part by PLO 3705) — 7901
10530 (superseded in part by EO 11228) — 7739
10682 (superseded by EO 11228) — 7739
10800 (superseded in part by EO 11228) — 7739
10835 (superseded by EO 11228) — 7739
10903 (superseded in part by EO 11228) — 7739
11227 — 7369
11228 — 7739
11229 — 7741

5 CFR
213 — 7271, 7311, 7425, 7426, 7473, 7515, 7557, 7595, 7645, 7646, 7701, 7895, 7987
511 — 7962
531 — 7962
630 — 7557

7 CFR
16 — 7426
26 — 8031
28 — 7426
29 — 7385
30 — 7385
34 — 7385
51 — 7595
57 — 8031
68 — 8031
160 — 7385
201 — 7887
718 — 7427
722 — 7271, 7385, 7809, 7987
724 — 7646
728 — 7434
730 — 7272, 7811
750 — 7311
775 — 7515
814 — 7945
845 — 7273
850 — 7987
855 — 7988
908 — 7311, 7435, 7647, 7947
909 — 7273
910 — 7435, 7647, 7947
911 — 7647, 8031
915 — 7436, 7893
916 — 7948
917 — 7473–7475, 8031
923 — 7648
944 — 7436, 7743
958 — 7596
970 — 7274
1133 — 7988
1136 — 7893
1421 — 7475, 7811, 7988, 7991
1427 — 7814
1438 — 7948

PROPOSED RULES:
28 — 8049
29 — 7494
51 — 7396
52 — 7524
724 — 8000
911 — 7501
915 — 7501
916 — 7284
991 — 7825
1002 — 7839
1040 — 7903
1042 — 7903
1068 — 7721
1133 — 7284, 8000
1136 — 8049
1138 — 7283, 8050

8 CFR
103 — 7516
264 — 7312

9 CFR
51 — 7596
74 — 7274
97 — 7893
201 — 7275, 7649

PROPOSED RULES:
94 — 7445
101 — 7608
103 — 7608
201 — 7662, 7721

10 CFR

PROPOSED RULES:
150 — 7445, 7662, 7963

12 CFR
1 — 7371
17 — 7275
218 — 7743

PROPOSED RULES:
545 — 7316

13 CFR
107 — 7597, 7651
305 — 7894

14 CFR
21 — 8032
37 — 7637
39 — 7275, 7371, 7372, 7638, 7701, 7816, 7876, 7993, 8033, 8034.
71 — 7276, 7312, 7372, 7373, 7517, 7557, 7558, 7598, 7639, 7702, 7703, 7744, 7816–7818, 7877–7886, 7949, 7993, 7994, 8035–8037.
73 — 7744, 7745, 7949, 7994
75 — 7702, 7745, 7994, 7995
91 — 8032
95 — 7639
97 — 7374, 7598, 7867, 7950
121 — 7703
141 — 7517
151 — 7484, 8037
221 — 7558
241 — 7704

PROPOSED RULES:
37 — 7663, 8006
39 — 7573, 8062
61 — 7292
71 — 7316, 7396, 7502, 7503, 7524, 7525, 7573, 7612, 7613, 7663–7666, 7723, 7761, 7840, 7929, 8007, 8008.
73 — 7503, 7724
75 — 7761, 8008
121 — 7963, 8009
214 — 8062

15 CFR
503 — 8042

16 CFR
13 — 7652, 7653, 7655, 7657, 7658, 7660, 7661, 8042, 8043.
14 — 7894, 7995

17 CFR
240 — 7276
249 — 7566, 7568

PROPOSED RULES:
260 — 8009
269 — 8009, 8012

18 CFR
8 — 7313
157 — 7280

19 CFR
1 — 7569, 7704
4 — 7598
10 — 7819

PROPOSED RULES:
22 — 7756

20 CFR
404 — 7995

21 CFR
8 — 7484, 7705
20 — 7280
25 — 7943
27 — 7484
120 — 7280, 7385, 7485, 7569, 7996
121 — 7280, 7386, 7485–7487, 7518, 7519, 7570, 7599, 7705–7707, 7895, 7896, 7943, 7944, 7996.
141a — 7707
141c — 7944
141d — 7487
146a — 7707, 7896
146c — 7707
146d — 7487
148n — 7944

PROPOSED RULES:
20 — 7292
121 — 7501

22 CFR
204 — 7571

24 CFR

	Page
203	7590
221	7700

25 CFR

1	7520
41	7745
42	7746

26 CFR

1	7281, 7805, 8044
20	7708
25	7708
48	7809
301	7809
PROPOSED RULES:	
1	7493, 7721

28 CFR

0	7599, 7700, 7819
16	7488
42	7386
43	7819

29 CFR

5	7819
602	7948
603	7949
1500	7997
1501	7748
1502	7748
1503	7748
PROPOSED RULES:	
541	8005
1504	7608

32 CFR

288	7997
562	7710
750	7748
753	7748
1001	7389

33 CFR

124	7314

38 CFR

1	7389
3	7390, 7489
6	8047
8	8047
36	7521

39 CFR

15	7390
16	7390, 7748
22	7391, 8048
23	7391
24	7391
25	7391
43	7392
45	7392
46	7394
114	7748
122	7748
PROPOSED RULES:	
22	8049

41 CFR

5B–2	7436
8–1	7437
8–2	7437, 7599
8–3	7599
8–7	7600
8–14	7600
8–15	7601

41 CFR—Continued

	Page
8–16	7602
8–75	7602
8–95	7603
9–14	7886
9–16	7887
9–17	7887
9–51	7749
9–53	7819
9–56	7749
9–58	7750
101–18	7820
101–20	7820
101–38	7489

42 CFR

57	7394, 7395

43 CFR

18	7394
2230	7605
3540	7606
4110	7606
PUBLIC LAND ORDERS:	
5 (see PLO 3677)	7820
509 (revoked in part by PLO 3695)	7897
729 (revoked by PLO 3706)	7754
993 (revoked in part by PLO 3692)	7823
1350 (revoked by PLO 3700)	7899
1752 (revoked by PLO 3704)	7900
1757 (revoked in part by PLO 3673)	7752
1898 (revoked in part by PLO 3703)	7900
3528 (corrected)	7998
3530 (amended and revoked in part by PLO 3701)	7899
3565 (correction)	7820
3598 (corrected by PLO 3675)	7753
3646 (corrected by PLO 3680)	7821
3661	7521
3662	7606
3663	7750
3664	7750
3665	7750
3666	7751
3667	7751
3668	7751
3669	7751
3670	7751
3671	7752
3672	7752
3673	7752
3674	7752
3675	7753
3676	7753
3677	7820
3678	7821
3679	7821
3680	7821
3681	7821
3682	7821
3683	7821
3684	7821
3685	7822
3686	7822
3687	7822
3688	7753
3689	7822
3690	7823
3691	7823
3692	7823

43 CFR—Continued

	Page
PUBLIC LAND ORDERS—Continued	
3693	7824
3694	7824
3695	7897
3696	7897
3697	7897
3698	7897
3699	7898
3700	7899
3701	7899
3702	7900
3703	7900
3704	7900
3705	7901
3706	7754

45 CFR

60	7371

46 CFR

146	7437
221	7490
309	7697
527	7490
PROPOSED RULES:	
248	7291
290	7722
380	7722
521	7930
533	7574

47 CFR

0	7521, 7755
1	7419
18	7998
31	7711
33	7711
73	7314, 7711, 8048
89	7522
97	7755
PROPOSED RULES:	
1	7446
17	7446
21	8009
73	7446, 7525, 7666, 7671, 7673, 7929, 8067
74	8009
91	8009

48 CFR

201	7754
211	7754

49 CFR

72	7420
73	7420
74	7423
77	7423
78	7423
79	7425
95	7522, 7945
131	7901
192	7491
193	7522

50 CFR

3	7315
10	7571
32	7523
33	7282, 7572, 7824
253	7607
260	7283
262	7444
266	7283

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FEDERAL REGISTER

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Agencies in this issue—

Atomic Energy Commission
Civil Service Commission
Commodity Credit Corporation
Consumer and Marketing Service
Federal Aviation Agency
Federal Communications Commission
Federal Power Commission
Federal Reserve System
Food and Drug Administration
Immigration and Naturalization Service
Interior Department
Interstate Commerce Commission
Land Management Bureau
Maritime Administration
Securities and Exchange Commission

Detailed list of Contents appears inside.



THE NATIONAL ARCHIVES OF THE UNITED STATES • 1934 •

Volume 78

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[88th Cong., 2d Sess.]

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Contents

AGRICULTURE DEPARTMENT
See Commodity Credit Corporation; Consumer and Marketing Service.

ATOMIC ENERGY COMMISSION
Rules and Regulations
Contract cost principles and procedures; miscellaneous amendments ... 8109
Notices
Tennessee; proposed agreement for assumption of certain AEC regulatory authority ... 8112

CIVIL SERVICE COMMISSION
Rules and Regulations
Excepted service; Federal Power Commission ... 8093

COMMERCE DEPARTMENT
See Maritime Administration.

COMMODITY CREDIT CORPORATION
Rules and Regulations
Cotton loan program ... 8096
Setoff, withholding and stop payment policies of CCC ... 8094

CONSUMER AND MARKETING SERVICE
Rules and Regulations
Avocados grown in South Florida; expenses and rate of assessment ... 8093
Poultry soups; postponement of effective date of amendments ... 8093
Standards, inspections, and marketing practices; change of agency name ... 8093
Proposed Rule Making
Cherries grown in Washington; expenses and rate of assessment, 1965–66, and carryover of unexpended funds ... 8110

FEDERAL AVIATION AGENCY
Rules and Regulations
Agricultural aircraft operations ... 8104
Control zone; cancellation of modification ... 8103
Control zones, control area extensions, and transition areas; alterations, designations, and revocation (3 documents) ... 8102, 8103
Control zone and transition area; designation ... 8103
Transition area; revocation ... 8103
Proposed Rule Making
Federal airway; extension ... 8110
Transition area; designation ... 8111

FEDERAL COMMUNICATIONS COMMISSION
Notices
Hearings, etc.:
Clay County Broadcasting Co. and Wilderness Road Broadcasting Co ... 8115
Oklahoma Press Publishing Co. (KBIX) (2 documents) ... 8115
Syracuse Television, Inc., et al ... 8117
WTCN Television, Inc. (WTCN-TV) et al ... 8118

FEDERAL POWER COMMISSION
Notices
Hearings, etc.:
Carolina Power & Light Co. and South Carolina Electric & Gas Co ... 8121
Cities Service Gas Co. et al ... 8123
El Paso Natural Gas Products Co ... 8118
Hanley Co. et al ... 8122
Michigan Wisconsin Pipe Line Co ... 8119
Sharples and Company Properties et al ... 8121
Thomas N. Berry & Co. et al ... 8120

FEDERAL RESERVE SYSTEM
Notices
Citizens Bank; approval of bank consolidation ... 8118

FOOD AND DRUG ADMINISTRATION
Rules and Regulations
Neomycin sulfate-polymyxin B sulfate-gramicidin ophthalmic solution ... 8109
Notices
Filing of petitions:
Food additives:
American Cyanamid Co ... 8114
Celanese Corporation of America ... 8114
Elanco Products Co.; withdrawal ... 8115
Pesticide chemicals:
Hercules Powder Co ... 8115
Wallace & Tiernan, Inc ... 8115

HEALTH, EDUCATION, AND WELFARE DEPARTMENT
See Food and Drug Administration.

IMMIGRATION AND NATURALIZATION SERVICE
Rules and Regulations
Nonimmigrant classes; special requirements for admission, extension, and maintenance of status ... 8102

INTERIOR DEPARTMENT
See also Land Management Bureau.
Notices
Bureau of Commercial Fisheries; authority delegation ... 8114

INTERSTATE COMMERCE COMMISSION
Notices
Finance applications ... 8145
Lyrla, Keith H.; changes in financial interests ... 8145
Motor carrier:
Broker, water carrier and freight forwarder applications ... 8123
Transfer proceedings ... 8145
Railroads; rerouting and diversion of traffic:
Atchison, Topeka and Santa Fe Railway Co. and Denver and Rio Grande Western Railroad Co ... 8144
Atchison, Topeka and Santa Fe Railway Co. et al ... 8144
Chicago, Rock Island and Pacific Railroad Co. et al ... 8144
National Motor Equipment Interchange; agreement ... 8145

JUSTICE DEPARTMENT
See Immigration and Naturalization Service.

LAND MANAGEMENT BUREAU
Notices
Alaska; termination of proposed withdrawal and reservation of lands ... 8114

MARITIME ADMINISTRATION
Proposed Rule Making
Utilization of appropriations made available for construction-differential subsidy; statement of general policy ... 8110

SECURITIES AND EXCHANGE COMMISSION
Rules and Regulations
Equity securities; exemption from registration; correction ... 8109

List of CFR Parts Affected

(Codification Guide)

The following numerical guide is a list of the parts of each title of the Code of Federal Regulations affected by documents published in today's issue. A cumulative list of parts affected, covering the current month to date, appears at the end of each issue beginning with the second issue of the month.

A cumulative guide is published separately at the end of each month. The guide lists the parts and sections affected by documents published since January 1, 1965, and specifies how they are affected.

5 CFR

213 8093

7 CFR

Ch. I 8093
81 8093
915 8093
1408 8094
1427 8096
PROPOSED RULES:
923 8110

8 CFR

214 8102

14 CFR

71 (6 documents) 8102, 8103
137 8104
PROPOSED RULES:
71 (2 documents) 8110, 8111

17 CFR

240 8109

21 CFR

148i 8109

41 CFR

9-15 8109

46 CFR

PROPOSED RULES:
251 8110

Rules and Regulations

Title 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 213—EXCEPTED SERVICE

Federal Power Commission

Section 213.3329 is amended to show the exception under Schedule C of a third position of Private Secretary in the Office of the Chairman. Effective on publication in the FEDERAL REGISTER, paragraph (a) of § 213.3329 is amended as set out below.

§ 213.3329 Federal Power Commission.

(a) Three Private Secretaries in the Office of the Chairman, one Confidential Assistant to the Chairman, and one Private Secretary, and one Confidential Assistant to each other Commissioner.

* * * * *

(R.S. 1753, sec. 2, 22 Stat. 403, as amended; 5 U.S.C. 631, 633; E.O. 10577, 19 F.R. 7521, 3 CFR, 1954–1958 Comp., p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] MARY V. WENZEL,
Executive Assistant to the Commissioners.

[F.R. Doc. 65-6639; Filed, June 23, 1965; 8:48 a.m.]

Title 7—AGRICULTURE

Chapter I—Consumer and Marketing Service (Standards, Inspections, Marketing Practices), Department of Agriculture

SUBCHAPTER D—REGULATIONS UNDER THE POULTRY PRODUCTS INSPECTION ACT

PART 81—INSPECTION OF POULTRY AND POULTRY PRODUCTS

Further Postponement of Effective Date of Certain Amendments With Respect to Poultry Soups

The effective date of the provisions of §§ 81.134 and 81.208 of the regulations under the Poultry Products Inspection Act, as amended (21 U.S.C. 451 et seq.), as set forth in the amendments of the regulations published on July 7, 1964 (29 F.R. 8456), insofar as such provisions relate to soups (whether dehydrated, canned or otherwise prepared) containing poultry ingredients, is hereby postponed until August 1, 1965, pursuant to the authority of said Act. During such period of postponement, the provisions of § 81.208 (a) and (b) of the regulations, as published August 15, 1962 (27 F.R. 8098, 7 CFR 81.208 (Supp. 1963)), shall be in effect with respect to such soups.

This action is necessary in order to afford equitable treatment to all poultry soup processors in view of the issuance of a preliminary injunction on behalf of one processor of dehydrated soups in an action which is pending in the U.S. District Court for the District of New Jersey. In order to accomplish its purpose, this action must be made effective on July 1, 1965, when a prior order (30 F.R. 7239) of postponement of effective date expires. Therefore, under section 4 of the Administrative Procedure Act (5 U.S.C. 1003), it is found for good cause that notice of rule making and other public procedure with respect to this action are impracticable and good cause is found for making it effective less than 30 days after publication hereof in the FEDERAL REGISTER.

(Sec. 14, 71 Stat. 447, 21 U.S.C. 463; 29 F.R. 16210, as amended; 30 F.R. 1260, as amended; 30 F.R. 2160)

This action shall become effective on July 1, 1965.

Done at Washington, D.C., this 21st day of June 1965.

G. R. GRANGE,
Deputy Administrator, Marketing Services.

[F.R. Doc. 65-6638; Filed, June 23, 1965; 8:46 a.m.]

MISCELLANEOUS AMENDMENTS TO CHAPTER

Change of Agency Name

In Chapter I of Title 7, Parts 101 through 108 and 110 through 113 are amended as follows:

Pursuant to the provisions of section 28 of the United States Warehouse Act (7 U.S.C. 268), §§ 101.2(h), 102.2(g), 103.2(f), 104.2(g), 105.2(g), 106.2(h), 107.2(g), 108.2(h), 110.2(h), 111.2(f), 112.2(h), and 113.2(g) of the regulations (7 CFR 101.2(h), 102.2(g), 103.2(f), 104.2(g), 105.2(g), 106.2(h), 107.2(g), 108.2(h), 110.2(h), 111.2(f), 112.2(h), and 113.2(g)) issued under said Act are each hereby amended to read as follows:

Service. The Consumer and Marketing Service of the Department.

Statement of considerations. These amendments are of an organizational nature. They merely reflect the change in name of the agency which administers the U.S. Warehouse Act and make no substantive change in the regulations. It is found under section 4 of the Administrative Procedure Act (5 U.S.C. 1003) that notice and other public procedure regarding the amendments are unnecessary, and good cause is found for making the amendments effective in less than 30 days after the publication thereof in the FEDERAL REGISTER.

They shall become effective upon publication in the FEDERAL REGISTER.

(Sec. 28, 39 Stat. 486; 7 U.S.C. 268; 29 F.R. 16210; 30 F.R. 1260, 2160)

Done at Washington, D.C., this 18th day of June 1965.

CLARENCE H. GIRARD,
Deputy Administrator, Regulatory Programs, Consumer and Marketing Service.

[F.R. Doc. 65-6629; Filed, June 23, 1965; 8:46 a.m.]

Chapter IX—Consumer and Marketing Service (Marketing Agreements and Orders; Fruits, Vegetables, Tree Nuts), Department of Agriculture

PART 915—AVOCADOS GROWN IN SOUTH FLORIDA

Expenses and Rate of Assessment

On June 8, 1965, notice of rule making was published in the FEDERAL REGISTER (30 F.R. 7501) regarding proposed expenses and the related rate of assessment for the period beginning April 1, 1965, and ending March 31, 1966, pursuant to the marketing agreement, as amended, and Order No. 915, as amended (7 CFR Part 915), regulating the handling of avocados grown in south Florida. This regulatory program is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674). After consideration of all relevant matters presented, including the proposals set forth in such notice which were submitted by the Avocado Administrative Committee (established pursuant to said marketing agreement and order), it is hereby found and determined that:

§ 915.204 Expenses and rate of assessment.

(a) *Expenses.* Expenses that are reasonable and likely to be incurred by the Avocado Administrative Committee during the period April 1, 1965, through March 31, 1966, will amount to $11,266.

(b) *Rate of assessment.* The rate of assessment for said period, payable by each handler in accordance with § 915.41, is fixed at $0.025 per bushel of avocados.

It is hereby further found that good cause exists for not postponing the effective date hereof until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 1001–1011) in that (1) the relevant provisions of said marketing agreement and this part require that the rate of assessment herein fixed shall be applicable to all assessable avocados handled during the aforesaid period, and (2) such period began on April 1, 1965, and said rate of assessment will auto-

matically apply to all such avocados beginning with such date.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: June 18, 1965.

PAUL A. NICHOLSON,
Acting Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 65–6630; Filed, June 23, 1965; 8:46 a.m.]

Chapter XIV—Commodity Credit Corporation, Department of Agriculture

SUBCHAPTER A—GENERAL REGULATIONS AND POLICIES

PART 1408—SETOFF, WITHHOLDING AND STOP PAYMENT POLICIES OF COMMODITY CREDIT CORPORATION

GENERAL

Sec.
1408.1 Purpose.
1408.2 Definitions.
1408.3 Applicability of regulations of the Secretary of Agriculture, Part 13, Title 7, Code of Federal Regulations.

DEBTS DUE CCC

1408.4 Setoff.
1408.5 Withholding.
1408.6 Stop payment.

SETOFF POLICY APPLICABLE TO OTHER AGENCIES OF THE UNITED STATES

1408.7 Debts due ASCS or C & MS.
1408.8 Debts due other agencies.
1408.9 Requests for setoff against amounts payable to debtors by CCC.

MISCELLANEOUS

1408.10 Notice to debtor.
1408.11 Conditions under which setoff, withholding, or stop payment actions will not be taken.
1408.12 Order of priority of setoffs.
1408.13 Rights of debtors.
1408.14 Assignments.
1408.15 Interest.
1408.16 Debtors operating under more than one name.
1408.17 Responsibility of agents of or contractors with CCC.
1408.18 Administration.

AUTHORITY: The provisions of this Part 1408 issued under sec. 4(d), 62 Stat. 1071; 15 U.S.C. 714b.

GENERAL

§ 1408.1 Purpose.

This part states the policies of CCC and the conditions under which (a) debts owing to CCC will be set off against amounts payable to debtors by CCC, (b) requests will be made by CCC to other agencies of the United States for setoff against amounts payable by them to such debtors, and (c) debts owing to other agencies of the United States may be set off against amounts payable to debtors by CCC. This part also states the policies and the conditions under which actions will be taken to withhold or stop payment of amounts due debtors by CCC. The provisions of this part shall not apply to the collection of amounts due CCC under a contract by deduction from amounts otherwise payable under the same contract, since the collection of amounts due CCC in such cases is necessary to determine the amount properly payable under the contract.

§ 1408.2 Definitions.

(a) The term "setoff" means the application of a specified amount from amounts payable to a debtor as liquidation, in whole or in part, of an amount owed by the debtor.

(b) The term "withholding" means the taking of action temporarily to prevent the payment of a specified amount from amounts payable to a debtor.

(c) The term "stop payment" means the taking of action temporarily to prevent the payment of all amounts payable to a debtor under one or more contracts.

(d) The term "CCC" means the Commodity Credit Corporation.

(e) The term "ASCS" means the Agricultural Stabilization and Conservation Service of the Department of Agriculture.

(f) The term "C&MS" means the Consumer and Marketing Service of the Department of Agriculture.

(g) The term "other agencies" includes any department, establishment, commission, administration, authority, board, bureau, or service of the United States, or any corporation other than CCC all of the capital stock of which is owned by the United States.

(h) The term "Executive Vice President" means the Executive Vice President of CCC.

(i) The term "in kind" means a payment-in-kind certificate.

§ 1408.3 Applicability of regulations of the Secretary of Agriculture, Part 13, Title 7, Code of Federal Regulations.

The provisions of this part are not applicable to withholding or setoff action taken against amounts approved by Agricultural Stabilization and Conservation county committees for disbursement to persons under programs administered by the Department of Agriculture, or any agency thereof. The regulations governing such administrative action are contained in Part 13 of this Title 7, Code of Federal Regulations.

DEBTS DUE CCC

§ 1408.4 Setoff.

(a) Debts due CCC shall be set off, in whole or in part, against amounts payable to debtors by CCC, either in cash or in kind, where the following conditions apply:

(1) The debtor has been given a reasonable opportunity to pay.

(2) The debtor has been notified that the debt will be collected by setoff.

(3) There is no legal bar to enforcement of the debt.

(4) The debtor has not disputed the validity of the amount of the debt or, if disputed, there is no reasonable basis to support the debtor's position or both of the following conditions apply:

(i) Compromise settlement cannot be effected and referral of the debt for legal action is not considered feasible because the amount of the debt is too small to warrant litigation, or there is good reason to believe the debtor may be unable financially to satisfy a judgment by the time the courts would render a decision, and there are no issues involved requiring court adjudication in the interest of program operations.

(ii) The setoff has been approved by an authorized claims official of CCC.

(b) A judgment in favor of CCC, or in favor of the United States on a claim of CCC, shall be set off against amounts payable to a debtor by CCC but, prior to taking such action, the approval of the Department of Justice (U.S. Attorney) shall be obtained.

(c) A debt due under the Civil Frauds Statute, section 231 of Title 31, United States Code, shall be set off against amounts payable to the debtor by CCC, if the Department of Justice has authorized setoff.

(d) Debts due CCC from rail carriers for overcharges or for loss or damage shall be set off against amounts due such carriers under freight bills involving shipments on commercial bills of lading, in the following cases:

(1) Any overcharge debt if:

(i) The carrier, without reasonable justification, has declined payment of the debt or has failed to pay the debt after being given a reasonable opportunity, and

(ii) The period of limitation prescribed in section 16(3)(i), Title 49, United States Code, has not expired.

(2) Any loss or damage debt of less than $150 if:

(i) Demand for payment was made on the carrier within the period of time specified in the bill of lading.

(ii) The carrier has declined payment of the debt without reasonable justification,

(iii) The period of limitation prescribed in the bill of lading has not expired, and

(iv) The debt cannot be grouped with other similar debts against the same carrier, making a total of $150 or more.

(3) Any loss or damage debt if the debt can be set off against the bill for transportation charges on the shipment on which the loss or damage occurred.

(4) Any overcharge or loss or damage debt due CCC on which the applicable period of limitation has run may be set off against any amounts owing by CCC to the carrier which are subject to a defense of limitation.

(e) If a CCC debt which is subject to collection by setoff under this part cannot be so collected because of insufficient amounts payable to debtor by CCC, CCC shall request another agency of the United States to set off the debt against amounts payable to the debtor in any case where CCC has information that amounts are payable to the debtor by that agency.

§ 1408.5 Withholding.

Withholding shall be made from amounts payable to a debtor by CCC, either in cash or in kind, to insure that the interests of CCC and the United States will be protected, in the following cases:

(a) Where there has been a serious breach of contract or violation of program requirements and the withholding action is considered necessary to protect the financial interests of CCC.

(b) Where there is substantial evidence of violations of criminal or civil frauds statutes and criminal prosecution or civil frauds action is of primary importance to program operations of CCC.

(c) Where prior experience with the debtor indicates that collection will be difficult if amounts payable to the debtor are not withheld.

(d) Where there is doubt that the debtor will be financially able to pay a judgment on the claim of CCC.

(e) When a judgment on a claim of CCC has been obtained.

(f) Where requested by the Department of Justice.

§ 1408.6 Stop payment.

Stop payment shall be made of all amounts payable to a debtor by CCC in any of the cases described in § 1408.5 where the facts available are insufficient to determine the amount to be withheld or where it is determined that the circumstances with respect to the debtor's acts are sufficiently serious that all payments to the debtor should be stopped immediately in order to protect the interests of the United States.

SETOFF POLICY APPLICABLE TO OTHER AGENCIES OF THE UNITED STATES

§ 1408.7 Debts due ASCS or C&MS.

Debts due the United States under ASCS or C&MS programs shall be set off against amounts payable to debtors by CCC in cash. In effecting such setoffs, the provisions set forth in this part with respect to the collection by setoff of debts due CCC shall be followed.

§ 1408.8 Debts due other agencies.

Debts due any other agency shall be set off against amounts payable to debtors by CCC in cash in the following cases:

(a) The agency, the Department of Justice, or the General Accounting Office, submits a request in writing and furnishes information identifying payments to be made by CCC to the debtor: *Provided*, That, if the debt is due a corporate agency and has not been reduced to judgment, such agency must agree to save CCC harmless from liability.

(b) The Internal Revenue Service has filed a notice of lien in accordance with the Internal Revenue Code and has requested setoff, or has served a Notice of Levy in accordance with section 6331 of the Internal Revenue Code, Title 26 of the United States Code, against money payable to the debtor.

§ 1408.9 Requests for setoff against amounts payable to debtors by CCC.

(a) Indebtedness to CCC, ASCS and C&MS shall be set off in accordance with instructions issued by ASCS, without a request for setoff having been made to the appropriate ASCS commodity or State office.

(b) Setoffs to recover indebtedness to agencies other than those described in paragraph (a) of this section shall be made only upon filing of a request or Notice of Levy in accordance with § 1408.8 which shall be mailed or delivered to the appropriate ASCS commodity or State office, and shall comply with the following:

(1) In addition to the requirements prescribed in § 1408.8, each request for setoff and Notice of Levy shall be signed by an authorized representative of the creditor agency.

(2) Each request or Notice of Levy shall state the amount of the indebtedness separately as to principal and interest, and interest (if any) shall be computed to a date shown in the request. If the creditor agency desires that additional interest be computed on the principal, a daily or monthly interest factor per dollar of principal shall be shown in the request. The amount to be set off shall not exceed the principal sum owed by the debtor plus interest computed in accordance with the request.

(3) Each request shall also state the name and address of the debtor and a brief description of the indebtedness, including identification of the court judgment, if any.

(4) If a notice of lien has been filed in accordance with the provisions of the Internal Revenue Code, section 6323 of Title 26, United States Code, the request or Notice of Levy shall also state the place and date of filing such notice of lien.

MISCELLANEOUS

§ 1408.10 Notice to debtor.

The debtor shall be notified whenever any setoff, withholding or stop payment action has been taken.

§ 1408.11 Conditions under which setoff, withholding, or stop payment actions will not be taken.

Setoff, withholding or stop payment actions will not be taken in the following cases:

(a) Where legal action to enforce the debt due CCC has been barred by a statutory or contract period of limitation, except as provided in § 1408.4(d)(4).

(b) Where collection of a debt has been barred by a discharge in bankruptcy and the debt has not been revived by an action of the debtor.

(c) Where payments against which the setoff would be made are due under freight bills involving shipments on commercial bills of lading, except as provided in paragraph (d) of § 1408.4.

(d) Where the amount payable to the debtor is to be used to satisfy a prior lien on property pledged or mortgaged to secure a CCC loan or sold to CCC. However, any amount exceeding the amount of the prior lien shall be available for withholding or setoff.

(e) Except as provided in § 1408.14, where the amount payable to the debtor is to be used to make payments under an assignment accepted pursuant to contract provisions or program regulations.

(f) When such action will unduly interfere with program operations.

(g) If the debt is in an amount of $3.00 or less.

§ 1408.12 Order of priority of setoffs.

(a) Debts shall be collected by setoff in the following order of priority:

(1) Debts to CCC.

(2) Debts to ASCS and C&MS.

(3) Debts to other agencies of the Department of Agriculture.

(4) Debts to the Internal Revenue Service.

(5) Debts to other agencies.

(b) Within each priority grouping in paragraph (a) of this section, the order of setoff shall be the chronological order of the dates the requests for setoff were received.

§ 1408.13 Rights of debtors.

Setoffs made pursuant to this part shall not deprive a debtor of any right he might otherwise have to contest the justness of the debt involved in the setoff action either by administrative appeal or by legal action except where the setoff is agreed to by the debtor.

§ 1408.14 Assignments.

(a) Notwithstanding any assignment of amounts payable under a CCC contract, CCC may set off against such amounts to collect:

(1) Any amounts due CCC under the provisions of the contract.

(2) Any amounts for which a contractor is indebted to the United States for taxes, with respect to which a notice of lien was filed or a Notice of Levy was served in accordance with the provisions of the Internal Revenue Code of 1954 (26 U.S.C. 6323; 6331) or any amendments or modifications thereof, prior to acknowledgment by CCC of receipt of the notice of assignment.

(3) Any amounts, other than amounts specified in subparagraphs (1) and (2) of this paragraph, due CCC or any other agency of the United States, if CCC notified the assignee of such amounts to be set off at the time acknowledgment was made of receipt of notice of such assignment.

(b) Any indebtedness of a contractor to any agency of the United States which may not be set off pursuant to paragraph (a) of this section, may be set off against any amount due and payable under the contract which remains after deduction of amounts (including interest and other charges) owing by the contractor to the assignee for which the assignment was made.

(c) Notwithstanding any assignment of amounts payable under a CCC contract, CCC may withhold or stop payment of any such amounts in any instance where such action is deemed necessary to protect the interests of the United States as provided in §§ 1408.5 and 1408.6, pending a determination of possible setoff action under this part.

§ 1408.15 Interest.

Interest shall not be paid on delayed payments unless required by contract or in special circumstances as may be determined by the Executive Vice President, or his designee.

§ 1408.16 Debtors operating under more than one name.

Any action authorized by the provisions of this part may be taken against amounts payable to a debtor who operates businesses under more than one name, provided there is identical ownership.

§ 1408.17 Responsibility of agents of or contractors with CCC.

Agents of or contractors with CCC shall carry out the policies stated in this part, if the contract entered into with CCC provides that they shall do so. In carrying out these policies such agents or contractors shall follow the requirements and conditions set forth in this part.

§ 1408.18 Administration.

The policies set forth in this part shall be carried out through the appropriate divisions and offices of ASCS.

Effective date. Upon publication in the FEDERAL REGISTER.

Signed at Washington, D.C., on June 18, 1965.

H. D. GODFREY,
Executive Vice President,
Commodity Credit Corporation.

[F.R. Doc. 65-6654; Filed, June 23, 1965; 8:49 a.m.]

SUBCHAPTER B—LOANS, PURCHASES, AND OTHER OPERATIONS

PART 1427—COTTON

Subpart—Cotton Loan Program Regulations

In order to incorporate program changes, the regulations issued by Commodity Credit Corporation, published in 28 F.R. 5712, 28 F.R. 12794, 29 F.R. 11145, 29 F.R. 12422, 29 FR. 12957, and 29 F.R. 14874 as the Cotton Loan Program Regulations, are hereby revised to read as follows:

Sec.
1427.1351 General statement.
1427.1352 Definitions.
1427.1353 Administration.
1427.1354 Availability of loans.
1427.1355 Eligible producer.
1427.1356 Eligible cotton.
1427.1357 Forms and authorizations.
1427.1358 Approved storage.
1427.1359 Weight, loan rate, and amount.
1427.1360 Preparation of documents.
1427.1361 Disbursement of loans.
1427.1362 Service charges.
1427.1363 Clerk fees.
1427.1364 Liens.
1427.1365 Setoffs.
1427.1366 Classification of cotton.
1427.1367 Interest rate.
1427.1368 Maturity.
1427.1369 Warehouse receipts and insurance.
1427.1370 Loans on order bills of lading.
1427.1371 Loans on cotton to be reconcentrated.
1427.1372 Custodial offices.
1427.1373 Loss of or damage to pledged cotton.
1427.1374 Transfer of producer's interest in loan cotton.
1427.1375 Repayment of loan by producer.
1427.1376 Cotton cooperative marketing association loans.
1427.1377 Death, incompetency, or disappearance.
1427.1378 Special procedure where full loan value advanced.

AUTHORITY: The provisions of this subpart issued under secs. 4, 5, 62 Stat. 1070, as amended; secs. 101, 103, 401, 63 Stat. 1051, as amended; 15 U.S.C. 714 b and c; 7 U.S.C. 1441, 1444, 1421.

§ 1427.1351 General statement.

(a) The regulations in this subpart, including any amendments and the annual supplement hereto, set forth the requirements with respect to loans on cotton of the 1965 crop and each subsequent crop for which an annual supplement to these regulations is issued. Loans will be made available by CCC to eligible cotton producers on eligible upland cotton and eligible extra long staple cotton through county offices. For other than cotton cooperative marketing association loans, each producer shall obtain his loan(s) through a county office and is responsible for delivering the loan documents to the county office for disbursement. County committees may approve loan clerks at convenient locations to assist producers in preparing loan documents.

(b) Disbursement of Form A loan proceeds will be made by county offices.

§ 1427.1352 Definitions.

As used in the regulations of this subpart, and in all instructions, forms, and documents in connection therewith, the words and phrases listed in this section shall have the meaning assigned to them herein unless the context or subject matter otherwise requires.

(a) *General.* The following words or phrases: "person", "State Executive Director", "county office manager", and "farm", respectively, shall each have the same meaning as the definition of such term contained in the regulations pertaining to Reconstitution of Farms, Allotments, and Bases, Part 719 of this title and any amendment thereto.

(b) *CCC.* The term "CCC" shall mean Commodity Credit Corporation.

(c) *New Orleans Office.* The term "New Orleans Office" shall mean the New Orleans Agricultural Stabilization and Conservation Service Commodity Office, 120 Marais Street, New Orleans, La., 70112.

(d) *State committee.* The term "State committee" shall mean the Agricultural Stabilization and Conservation State Committee and shall include only the State committee and not its representative.

(e) *County committee.* The term "county committee" shall mean the Agricultural Stabilization and Conservation county committee and shall include only the county committee and not its representative.

(f) *County office.* The term "county office" shall mean the Agricultural Stabilization and Conservation Service county office.

(g) *Loan clerk.* The term "loan Clerk" shall mean a person approved by CCC to assist producers in preparing loan documents other than in the county office.

(h) *Charges.* The term "charges" shall mean all fees, costs, and expenses paid by CCC incident to insuring or reinsuring, carrying, handling, storing, conditioning, and otherwise protecting the interest in the loan collateral or CCC and the producer.

(i) *Other definitions.* "Flat-packed", "water-packed", "mixed-packed", "reginned", and "repacked" cotton shall have the same meanings as the definitions of such terms contained in the regulations in Chapter I, Part 28, Section 28.1—28.184 (Regulations of the Department of Agriculture under the U.S. Cotton Standards Act) of this title and any amendment thereto.

§ 1427.1353 Administration.

(a) The Farmer Programs Division, Agricultural Stabilization and Conservation Service, will administer the provisions of this subpart under the general supervision and direction of the Deputy Administrator, State and County Operations, Agricultural Stabilization and Conservation Service, in accordance with program provisions and policy determined by the CCC Board and the Executive Vice President, CCC. In the field, the program will be administered through State committees, county committees, and the New Orleans Office.

(b) Forms will be available at State and county offices and the New Orleans Office and from loan clerks.

(c) State and county committees and employees thereof, loan clerks, the New Orleans Office and employees thereof do not have authority to modify or waive any of the provisions of this subpart or any amendment or supplement thereto.

(d) No delegation herein to a State or county committee or to the New Orleans Office shall preclude the Executive Vice President, CCC, or his designee, from determining any question arising under the program or from reversing or modifying any determination made by a State or county committee or by the New Orleans Office.

§ 1427.1354 Availability of loans.

(a) *Warehouse-storage loans.* Loans on cotton represented by warehouse receipts will be available to eligible producers on:

(1) Eligible upland cotton produced in the continental United States and stored at approved warehouses.

(2) Eligible extra long staple cotton produced in an area designated in the following subparagraphs for the particular type of extra long staple cotton and stored at approved warehouses:

(i) American-Egyptian cotton produced in Cochise, Gila, Graham, Maricopa, Pima, Pinal, Santa Cruz, and Yuma Counties, Ariz.; Imperial and Riverside Counties, Calif.; Chaves, Dona Ana, Eddy, Hidalgo, Luna, Otero, and Sierra Counties, N. Mex.; and Brewster, Culberson, El Paso, Hudspeth, Loving, Pecos, Presidio, Reeves, and Ward Counties, Tex.

(ii) Sea Island and Sealand cotton produced in Berrien, Cook, and Lanier Counties, Ga.; and Alachua, Bradford, Columbia, Hamilton, Jefferson, Lake, Levy, Madison, Marion, Orange, Putnam, Seminole, Sumter, Suwannee, Union, and Volusia Counties, Fla., and Sea Island cotton produced in Puerto Rico.

(b) *Bill of lading loans.* Loans on cotton represented by bills of lading will be available as provided in § 1427.1370.

(c) *Period of availability of loans.* Loans on a crop of cotton will be available from the beginning of harvest of the crop through April 30 following the calendar year in which such crop is grown. Notes for loans must be signed by the producer and delivered to the county office that is to disburse the loans within this period of loan availability. Loans on cotton represented by a bill of lading will be available in any area only during the period specified by the New Orleans office. Whenever the final date of availability falls on a nonworkday for county offices, the applicable final date of availability shall be extended to include the next workday.

§ 1427.1355 Eligible producer.

An eligible producer is any individual, partnership, corporation, association, trust, estate, or other legal entity, a State or political subdivision thereof, or an agency of such State or political subdivision producing eligible upland cotton or eligible extra long staple cotton in the capacity of landowner, landlord, tenant, or sharecropper. If eligible cotton is produced on a farm by a landlord and his share tenant or sharecropper, a loan may be obtained only as follows:

(a) If the cotton is divided among the producers entitled to share in such cotton, each landlord, tenant, or sharecropper may obtain a loan on his separate share.

(b) If the cotton is not divided, (1) all producers having a share in the cotton may obtain a joint loan on such cotton, or (2) the landlord may obtain a loan on cotton in which both he and one or more share tenants or sharecroppers have an interest if he has the legal right to do so. In such cases the share tenants or sharecroppers must be paid their pro rata share of the loan proceeds and their pro rata share of any additional proceeds received from the cotton. In no case shall a share tenant or sharecropper obtain a loan individually on cotton in which a landlord has an interest. Except as provided above, two or more producers may not obtain a joint loan on their cotton.

§ 1427.1356 Eligible cotton.

Upland cotton produced by eligible producers in the continental United States or extra long staple cotton produced by eligible producers in an area designated in § 1427.1354 for the particular type of extra long staple cotton is eligible cotton if it meets the following requirements:

(a) Such cotton must be tendered for loan within the availability period of § 1427.1354(c) and must be cotton of a crop for which loans are available, as provided in an annual supplement to these regulations.

(b) Such cotton must have been produced on a farm on which the acreage planted to such kind and crop of cotton does not exceed the acreage allotment for the farm for such kind and crop of cotton. For the purposes of this subpart, the acreage planted shall be the acreage planted as determined for purposes of cotton marketing quotas, and the acreage allotment for a farm for upland or extra long staple cotton for such crop shall be the acreage allotment determined for the farm for such kind and crop of cotton under Title III of the Agricultural Adjustment Act of 1938, as amended. The upland or extra long staple cotton acreage on the farm for such crop will not be deemed to be in excess of the acreage allotment for such kind and crop of cotton for the farm unless the acreage allotment is knowingly exceeded. If the producer operating the farm is notified that such acreage allotment has been exceeded and is given a period of time for adjusting his acreage, and if the planted acreage is not adjusted to such acreage allotment within the period allowed under the notice, the acreage allotment for the farm shall be deemed to have been knowingly exceeded by the producers having an interest in the cotton.

(c) If such cotton is upland cotton and was produced on a farm for which an agreement to participate in the Cotton Domestic Allotment Program was filed for such crop of cotton, the final planted acreage of upland cotton on the farm for such crop must not exceed the farm domestic allotment for upland cotton for the farm for such crop, as determined by CCC in accordance with the applicable Cotton Domestic Allotment Program regulations.

(d) Such cotton must be of a grade and staple length specified in (1) the schedule of premiums and discounts, or (2) the schedule of loan rates for extra long staple cotton, contained in the applicable annual supplement to these regulations and must be represented by a warehouse receipt meeting the requirements of § 1427.1369 or by a bill of lading meeting the requirements of § 1427.1370.

(e) Such cotton must not be flat-packed, water-packed, mixed-packed, reginned, or repacked; upland cotton must not have been reduced more than two grades because of preparation; extra long staple cotton must have been ginned on a roller gin and must not have been designated as "waste" or reduced in grade for any reason.

(f) Such cotton must be in existence and in good condition.

(g) Such cotton must not be compressed to high density.

(h) The producer or association tendering the cotton for a loan must have the legal right to pledge it as security for a loan.

(i) If such cotton was produced on land owned by the Federal Government, it must not have been produced in violation of the provisions of the lease. If such cotton was produced on any other land owned by the Federal Government which is being occupied without lease or permit, such cotton shall not be eligible cotton.

(j) The producer or association tendering such cotton must not have previously sold and repurchased such cotton or placed it under CCC loan and redeemed it.

(k) Each bale of cotton must weigh not less than 350 nor more than 625 pounds, gross weight, including any bagging allowance authorized under § 1427.1359(a).

(l) Cotton compressed to a standard density, whether compressed by a warehouseman or at a gin, must have not less than eight bands.

(m) Each bale must be adequately packaged in new material manufactured for cotton bale covering, except that used jute and sugar sack bagging will be acceptable if such bagging is clean and in sound condition. Bagging manufactured from sisal and other hard fibers will not be acceptable. The bagging must adequately protect the cotton. Heads of bales must be completely covered.

(n) Each bale must bear the gin bale number.

(o) To be eligible for price support, the beneficial interest in the cotton must (except as provided in § 1427.1355) be in the producer tendering the cotton for loan (or in the producer-member delivering the cotton to the cooperative marketing association which tenders the cotton for a loan) and must have always been in him or in him and a former producer whom he succeeded before it was harvested. To meet the requirements of succession to a former producer, the right, responsibilities, and interest of the former producer with respect to the farming units on which the cotton was produced shall have been substantially assumed by the person claiming succession. Mere purchase of the crop prior to harvest without acquisition of any additional interest in the farming unit shall not constitute succession. The county committee shall determine whether the requirements with respect to succession have been met.

§ 1427.1357 Forms and authorizations.

The following documents must be delivered by producers in connection with every loan except loans made pursuant to § 1427.1376:

(a) Cotton Classification Memorandum, Form 1 or Form A3 for each bale showing the classification (including micronaire reading for upland cotton, if required by the annual supplement hereto) assigned by a board of cotton examiners of the United States Department of Agriculture.

(b) Lien Waiver, Form CCC-679 (referred to in this subpart as "Form 679"), if used in lieu of execution of Lienholder's Waiver on Form A in accordance with the provisions of § 1427.1364.

(c) Additional documents for warehouse-stored cotton:

(1) Cotton Producer's Note, Form CCC Cotton A (referred to in this subpart as "Form A").

(2) Warehouse receipts complying with the provisions of § 1427.1369.

(d) Additional documents for bill of lading cotton:

(1) Form A executed within an area as provided in § 1427.1370 and during the period such loans are available.

(2) Order bill of lading in form acceptable to CCC and representing the cotton tendered as security for the loan.

(3) If the receiving agency is not a warehouseman, Weight and Condition Certificates complying with the provisions of § 1427.1370.

(4) Receiving Agency Certificate in form prescribed by CCC.

(e) Loan documents executed by an administrator, executor, or trustee: Loan documents executed by an administrator, executor, or trustee will be acceptable

only where valid in law. State documentary revenue stamps shall be affixed to loan documents where required by law.

(f) *Powers of Attorney.* A producer who desires to appoint an attorney-in-fact to act in his place and stead in obtaining loans shall use Power of Attorney, Form ASCS–211 (referred to in this subpart as "Form 211"), except that a power of attorney on another form will be accepted if it is determined by CCC to be legally sufficient and if the producer is unable to execute Form 211. The original or facsimile of the power of attorney or a copy certified by a notary public as a true and correct copy must be filed with the county office disbursing the loan proceeds and with the county office maintaining custody of the loan documents, if not the same.

§ 1427.1358 Approved storage.

Except as provided otherwise in § 1427.1370, cotton will be accepted as security for loans only if stored at warehouses approved by CCC. When the warehouseman receives notice from CCC that a loan has been made by CCC on a bale of cotton, he shall, if such cotton is not stored within his warehouse, promptly place such cotton within the warehouse. Warehousemen desiring approval of their facilities should communicate with the New Orleans office. The names of approved warehouses may be obtained from the New Orleans office or from State or county offices. Storage charges paid by a producer on cotton which is later pledged to CCC as security for a loan will not be refunded by CCC. If cotton is redeemed from the loan, the person removing the cotton from storage shall pay all unpaid charges at the warehouseman's established tariff rate.

§ 1427.1359 Weight, loan rate, and amount.

(a) *Weight.* Loans will be made on the gross weight of upland cotton and on the net weight of extra long staple cotton. The gross weight of the bale shall be the gross weight shown on the warehouse receipt if the loan is made on cotton represented by warehouse receipts or on the Weight and Condition Certificate (see § 1427.1370(c)) if the loan is made on cotton represented by order bills of lading. Notes for loans on cotton pledged on reweights will not be accepted if CCC determines that such reweights reflect an increase in weight due to the absorption of moisture. In making loans on upland cotton covered with bagging made of cotton material manufactured specifically for covering cotton bales, an allowance of not to exceed seven pounds per bale will be added to the gross weight of the bale: *Provided*, That the allowance to be added to the gross weight of the bale shall not exceed an amount which will reflect a normal tare weight of 21 pounds for bagging and ties for the bale. In order to encourage improved wrapping methods and compensate for resulting reduced tare weight in making loans on upland cotton wrapped with material under the Cotton Experimental Bale Packaging Program sponsored by the National Cotton Council, Memphis, Tenn., there will be added to the gross weight of the bale an allowance equal to the number of pounds shown on the program bale tag to be necessary to adjust to normal tare weight of 21 pounds. The bale tag must identify the bale with the program and must also show the actual tare weight of the bale. No allowances other than those provided for in this section will be made.

(b) *Loan rate.* (1) The base loan rate for Middling 1-inch upland cotton (except for the special condition upland cotton provided for in this section) of each crop at each approved warehouse will be stated in the schedule of base loan rates for upland cotton by warehouse locations contained in the supplement to these regulations for such crop. This schedule will be available at county offices.

(2) The premium or discount applicable to each other eligible grade and staple length of upland cotton of each crop and the premium or discount, if any, for each micronaire reading will also be contained in the supplement to the regulations of this subpart for such crop.

(3) The loan rate for upland cotton for which the classification memorandum shows a reduction in grade because of the presence of extraneous matter (such as grass, bark, oil, sand, motes, etc.) or because of spindle twist shall be one-half cent a pound less than the loan rate for the quality (grade and staple length) to which the cotton is reduced.

(4) The loan rate for upland cotton which is "wasty" shall be 3 cents a pound less than the loan rate for the quality (grade and staple length) shown on the classification memorandum for the cotton. Cotton is wasty if so designated on the official classification memorandum or if the classification memorandum shows a micronaire reading of 2.6 or less.

(5) The loan rate for upland cotton for which the classification card shows a reduction in grade because of the presence of extraneous matter or spindle twist and which is also "wasty" shall be 3½ cents a pound less than the loan rate for the quality (grade and staple length) shown on the classification memorandum for the cotton.

(6) Loan rates for extra long staple cotton of each crop will be contained in the supplement to these regulations for such crop.

(c) *Amount.* The amount due the producer will be determined by multiplying the weight, as determined under paragraph (a) of this section by the applicable loan rate, as determined under paragraph (b) of this section less any unpaid warehouse receiving charge, if applicable, as provided in § 1427.1369. After a loan is made, CCC will not increase the amount of the loan due to any subsequent redetermination of the weight or quality of the cotton.

§ 1427.1360 Preparation of documents.

(a) *Preparation of loan forms.* The producer may obtain assistance in preparing and executing loan forms from his county office or from a loan clerk. All applicable blanks on the loan forms shall be filled in with typewriter or ballpoint pen: Documents containing additions, alterations, or erasures, may be rejected by CCC. All copies shall be clearly legible, and the copies shall contain all information contained on the original, including all signatures.

(b) *Marketing cards.* The producer must present his marketing card to the loan clerk or county office.

(1) When the marketing card is either a Form MQ–76—Upland or a Form MQ–76—ELS, the producer is eligible to obtain a loan on cotton produced on the farm of the kind for which the card was issued, subject to the other provisions of this subpart.

(2) When the marketing card is either a Form MQ–77—Upland or a Form MQ–77—ELS and the box following the words "Not eligible unless loan documents prepared in county office" contains an "X", or when a marketing certificate is presented in lieu of a marketing card, in order for the producer to obtain a loan on his cotton, the loan documents must be prepared by and the loan disbursed by the county office in which the farm marketing quota records are maintained.

(3) When the marketing card is either a Form MQ–77—Upland or a Form MQ–77—ELS and the box following the words "Not eligible for price support" contains an "X", the cotton produced on the farm of the kind for which such card is issued is not eligible for a loan.

(c) *Schedule of pledged cotton.* All cotton pledged as security for a loan must be stored in the same warehouse but may be of different grades and staple lengths. Not more than 500 bales of upland cotton or 200 bales of extra long staple cotton may be pledged as security for a loan on one Form A.

(d) *Producer's request for payment.* The spaces provided on Form A for the producer to request payment of the proceeds must be completed.

(e) *Execution of loan forms.* Loan forms shall not be signed in blank under any circumstances. A Form A must be signed by the producer in the presence of the loan clerk or county office employee who witnesses the producer's signature, except that loan documents for nonresident producers may be prepared in the county office and mailed to the producer for signature. All applicable entries must be completed on the Form A prior to the time the form is signed by either the producer or by the witness. The loan clerk or county office employee shall not sign as witness on his own or his spouse's Form A. A loan clerk or county office employee who, under power of attorney, executes the Form A on behalf of the producer shall not sign as witness on the Form A.

§ 1427.1361 Disbursement of loans.

Disbursement of each loan will be made by any county office located in the cotton producing area by means of loan drafts drawn on CCC by the county office. If a producer tenders the loan documents for disbursement to a county office more convenient to him than the county office which keeps the farm program records for the farm on which the cotton was produced, the loan clerk who prepared the loan documents, or his employer if applicable, must have entered into a

Form CCC–810–1, Supplement to Cotton Loan Program Clerk's Agreement, with the county committee having jurisdiction over the county office to which the loan documents are tendered for disbursement. The producer or his agent shall not present the Form A for disbursement unless the cotton covered by the Form A is in existence and in good condition. If the cotton is not in existence and in good condition at the time of disbursement, the producer shall immediately return the loan draft issued in payment of the loan, or if the loan draft has been negotiated, shall promptly refund the proceeds.

§ 1427.1362 Service charges.

No service charge will be collected by CCC or by loan clerks except authorized clerk fees as provided in § 1427.1363.

§ 1427.1363 Clerk fees.

Loan clerks may, and county offices shall, collect fees from producers for preparing loan documents not to exceed the fees shown in the following schedule:

Number of bales on note:	Maximum fee allowed
1	25 cents.
2–6	25 cents plus 15 cents for each bale over 1.
7 and over	$1 plus 10 cents for each bale over 6.

§ 1427.1364 Liens.

Cotton tendered for loan must be free and clear of all liens except the warehouseman's lien for those charges which are authorized in the storage agreement with CCC. The signatures of the holders of all such existing liens on cotton tendered as security for a loan, such as landlords, laborers, or mortgagees, must be obtained on the Lienholder's Waiver on each Form A, except that in lieu of signing the Lienholder's Waiver on each Form A, the lienholder may waive his lien on all cotton of that crop produced on a farm by use of Form 679. A fraudulent representation as to prior liens or otherwise will render the producer personally liable and subject him, and any other person who causes the fraudulent representation to be made, to criminal prosecution under the provisions of the Commodity Credit Corporation Charter Act. A joint disbursement of loan proceeds to the producer and the lienholder does not satisfy the requirement that lienholders must execute the Lienholder's Waiver.

§ 1427.1365 Setoffs.

(a) If any installment(s) on any loan made available by CCC on farm-storage facilities or mobile drying equipment is payable under the provisions of the note evidencing such loan out of any amount due the producer under the program provided for in this subpart, the producer must designate CCC as payee of such amount to the extent of such installment(s), but not to exceed that portion of the amount remaining after deduction of clerk fees and amounts due prior lienholders.

(b) If the producer is indebted to CCC, or if the producer is indebted to any other agency of the United States, and such indebtedness is listed on the county debt record, amounts due the producer under the program provided for in this subpart, after deduction of amounts payable under paragraph (a) of this section, shall be applied to such indebtedness, as provided in the Secretary's Setoffs and Withholdings Regulations, Part 13 of this title and any amendments thereto.

(c) In any case referred to in paragraphs (a) and (b) of this section, the producer's marketing card will indicate that he must go to the county office in the county in which the farm records are maintained and have his loan documents prepared and disbursed. Any amount which is to be set off must be entered in the space provided in the Cotton Producer's Note by the county office.

(d) Compliance with the provisions of this section shall not deprive the producer of any right he otherwise has to contest the justness of the indebtedness involved in the setoff action, either by administrative appeal or by legal action.

§ 1427.1366 Classification and micronaire readings of cotton.

(a) References made to "classification" in this subpart shall include micronaire readings, if applicable, for upland cotton. All cotton tendered for loan must be classed by a USDA Board of Cotton Examiners (referred to in this subpart as "the board") and tendered on the basis of such classification. A Cotton Classification Memorandum Form 1 must be based upon a representative sample drawn in accordance with instructions to samplers drawing samples for organized improvement groups under the Smith-Doxey Program. If the producer's cotton has not been sampled for a Form 1 classification, the warehouseman shall sample such cotton and forward the samples to the board serving the district in which the cotton is located. Such warehouseman must be licensed by the Consumer and Marketing Service, U.S. Department of Agriculture, to draw samples for submission to the board. A Cotton Classification Memorandum Form A3 must be inserted in each such sample. A Tag List and Record Sheet, Form CCC–812 (referred to in this subpart as "Form 812"), must be prepared by the warehouseman, listing each sample included in a shipment to the board. A copy of such Form 812 shall be included with the samples, and the original and two copies must be mailed separately to the board. The board will enter the classification of each bale on the Form 812 and return a copy of such form to the warehouseman. The Cotton Classification Memorandum Form A3 will be returned to the producer by the board. If a sample has been submitted for a Form 1 or Form A3 classification, another sample shall not be drawn and forwarded to a board except for a review classification. Where review classification is not involved, if through error or otherwise two or more samples from the same bale are submitted for classification, the loan rate shall be based on the classification having the lower loan value. If a Form 1 or Form A3 review classification is obtained, the loan value of the cotton represented thereby will be based on such review classification.

(b) A classification charge of 35 cents per bale shall be collected from the producer by the warehouseman for all cotton for which samples are submitted to a board for a Form A3 classification or for a Form A3 review classification. The boards will bill warehouseman at the end of each month for such charges. Payment of these bills shall be made by check or money order payable to "Commodity Credit Corporation" and mailed to the New Orleans Office.

§ 1427.1367 Interest rate.

Each loan (and charges, if applicable) shall bear interest from the date (s) of disbursement at the rate(s) announced in a separate notice published in the FEDERAL REGISTER.

§ 1427.1368 Maturity.

(a) Loans mature on July 31 following the calendar year in which the loan cotton was grown or upon such earlier date as CCC may make demand for payment. Whenever the maturity date falls on a nonworkday for county offices, the applicable date of maturity shall be extended to include the next workday.

(b) Upon the maturity and nonpayment of the note, CCC is authorized without notice to the producer to sell, transfer, and deliver the cotton, or documents evidencing title thereto, at such time, in such manner, and upon such terms and conditions as CCC may determine, at any cotton exchange, or elsewhere, or through any agency, at public or private sale, for immediate or future delivery, and without demand, advertisement, or notice of the time and place of sale or adjournment thereof or otherwise; and, upon such sale, CCC may become the purchaser of the whole or any part of such cotton. Any overplus remaining from the proceeds received therefrom, after deducting from such proceeds the amount of the loan, charges, and interest, shall be paid to the producer or to his personal representative without right of assignment to or substitution of any other person.

(c) On or after maturity and nonpayment of the note, title to the cotton shall, at CCC's election, without a sale thereof, vest in CCC, and CCC shall have no obligation to pay for any market value which such cotton may have in excess of the amount of the loan and charges plus interest.

(d) To avoid administrative costs of making small payments and handling small accounts, amounts of $3 or less will be paid to the producer only upon his request. Deficiencies of $3 or less, including interest, may be disregarded unless demand for payment is made by CCC.

§ 1427.1369 Warehouse receipts and insurance.

Only negotiable machine card-type warehouse receipts, acceptable to CCC and issued by approved warehouses, which provide for delivery of the cotton to bearer or are properly assigned by endorsement in blank so as to vest title in the holder of the receipt, will be acceptable. The warehouse receipt must contain the gin bale number, must show that the cotton is covered by fire insur-

ance, and must be dated on or prior to the date the producer signs the note. Open yard endorsement, if any, on the warehouse receipt must have been rescinded with the legend "Open yard disclaimer deleted" with appropriate warehouseman's signature. Each receipt must set out in its written or printed terms a description by tag number and gross weight of the bale represented thereby, including bagging weight allowance as specified in § 1427.1359(a), if any, and all other facts and statements required to be stated in the written or printed terms of a warehouse receipt under the provisions of section 2 of the Uniform Warehouse Receipts Act. Warehouse receipts reflecting an alteration in the weight of the bale will not be accepted by CCC unless they bear, on the face of the receipt, the following legend, or similar wording approved by CCC, duly executed by an authorized warehouse representative:

Corrected weight _____

_____
(Name of warehouse)

By _____

Date _____

Block warehouse receipts will not be accepted except on cotton to be reconcentrated pursuant to § 1427.1371. If the warehouse receipt does not show that warehouse receiving charges have been paid, the amount of the loan will be reduced by the amount specified in the warehouseman's tariff for receiving charges. In such cases, the receiving charges will be paid to the warehouseman by CCC after loan maturity if the cotton is not redeemed from the loan, or at time of shipment, if the cotton is ordered shipped by CCC while in loan status.

§ 1427.1370 Loans on order bills of lading.

(a) Loans on cotton represented by order bills of lading will be available only in areas and during the periods specified by the New Orleans office where there is a shortage of storage space and where the necessary arrangements for handling the cotton have been made.

(b) Cotton represented by order bills of lading will be eligible for a loan only when it is shipped by an approved receiving agency as agent for the producer. Warehousemen, ginners, and other responsible parties in areas where such loans are available, may be approved by CCC to act as receiving agencies. A receiving agency shall enter into a receiving agency agreement with CCC. When receiving agencies are approved, notifications will be given by letter or by published lists.

(c) A producer in any such area who is unable to find storage space in his local area and who wishes to obtain such a loan should deliver his cotton to a receiving agency with the request that it ship the cotton as agent for the producer, in accordance with shipping instructions furnished by CCC, to an approved warehouse where storage space is available. The receiving agency shall complete the Schedule of Pledged Cotton on Form A. If the receiving agency is not a warehouseman, it shall have the cotton weighed by a public or licensed weigher and obtain a Weight and Condition Certificate in the form prescribed by CCC. The receiving agency shall also execute the Receiving Agency's Certificate. The receiving agency shall ship the cotton, secure order bills of lading in a form acceptable to CCC, and deliver to the producer the bills of lading, together with Form A, classification memorandums, and Weight and Condition Certificate (if any). If the receiving agency is a warehouseman, it may collect fees for warehouse charges as permitted for the crop year, and a fee of not to exceed 10 cents per bale to cover the costs of preparation of shipping documents. If the receiving agency is not a warehouseman, it shall, for the purpose of payment of gin compression only, be considered as a warehouseman and shall be permitted to collect from CCC charges for gin compression, as provided in the storage agreement for the crop year between CCC and approved warehouses, and shall be permitted to collect from producers a fee not in excess of the fee set forth in the Receiving Agency Agreement executed by the receiving agency, and shall post in a conspicuous place a notice showing the fee to be charged producers. Loans shall be made at the full loan rate at the point where the receiving agency receives the cotton. CCC shall pay warehouse storage charges on cotton tendered by the producer for a loan under this section if the receiving agency is a warehouseman.

§ 1427.1371 Loans on cotton to be reconcentrated.

Loans on cotton to be reconcentrated shall be available only on cotton stored at warehouses approved by the New Orleans office in areas where there is a shortage of storage space. The warehouseman shall enter into a reconcentration agreement with CCC. Warehouse receipts covering cotton to be reconcentrated under a reconcentration agreement must be in a form acceptable to CCC and must provide for delivery of the cotton to the order of CCC. Block warehouse receipts covering cotton to be reconcentrated under a reconcentration agreement will be accepted. A producer who desires to obtain a loan in this manner should request the warehouseman to issue a warehouse receipt to him in the form specified above and must furnish written authorization to the warehouseman for the reconcentration of the cotton after which the warehouseman will ship the cotton. The Forms A and warehouse receipts covering cotton to be reconcentrated under a reconcentration agreement must show the reconcentration order number under which the cotton will be shipped. The producer shall obtain a loan by use of these documents in the usual manner, and after receipt of the loan documents, CCC will surrender the warehouse receipts to the warehouseman.

§ 1427.1372 Custodial offices.

Forms A, collateral warehouse receipts, cotton classification memorandums, and related documents will be maintained in custody of the county office which keeps the farm records for the farm on which the cotton was produced until they are repaid or until maturity date of the loan, whichever is earlier.

§ 1427.1373 Loss of or damage to pledged cotton.

In any case where loss of or damage to cotton occurs while such cotton is pledged to CCC, CCC shall have the right to determine and file claims against any liable parties for the resulting loss. Upon determination of the identity of the bales of loan cotton lost or damaged, CCC will give credit on the producer's note for the loan value (including charges and interest) of such cotton. If the proceeds of the claim exceed the loan value of such cotton, the excess proceeds shall be remitted to the producer or to the party repaying the loan if the loan has been repaid.

§ 1427.1374 Transfer of producer's interest in loan cotton.

If a producer desires to sell his equity in upland or extra long staple cotton pledged as security for a loan, he must use a Form CCC Cotton 813, Release of Warehouse Receipts (referred to in this subpart as "Form 813"), for this purpose. Blank copies of this form may be obtained from county offices. Information required to complete Form 813 is contained on the "Producer's Copy" of the Form A. If the "Producer's Copy" of the Form A has been lost or destroyed, he may obtain a duplicate from the county office maintaining custody of the loan documents. The equity purchaser must have executed the "Certificate of Purchaser" on each Form 813 which is submitted. If the equity purchaser does not transfer to another his interest in the cotton, he must also execute the "Redemption Request on Form 813 and deliver the form to the county office maintaining custody of the loan documents within 7 business days after the date the producer executes the Producer's Equity Transfer Agreement" on the form or the equity transfer will be void. If the equity purchaser transfers to another his interest in the cotton covered by the Form 813, the transferee must execute the "Transferee's Redemption Request" on the form and deliver the form to the county office maintaining custody of the loan documents within 7 business days after the date the producer executes the "Producer's Equity Transfer Agreement" on the form or the equity transfer will be void. The warehouse receipts (and the classification memorandum, if requested) covering the bales of cotton being redeemed from the loan will be delivered to the equity purchaser or his transferee upon payment of the loan, charges and interest within 5 business day after the Form 813 is delivered to the county office, or, if the equity purchaser or transferee requests the warehouse receipts (and classification memorandums, if applicable) be forwarded to a bank for payment, upon payment of the loan, charges, and interest within 5 business days after the receipts are received by such bank. County offices and banks may accept valid cotton payment-in-kind certificates in payment of all or part of the amount due on the upland cotton being redeemed. Repayments will not be accepted after CCC acquires the cotton. All charges assessed by the bank to which the warehouse receipts are sent must be paid by the person redeeming the cotton. If payment is not effected within the applicable 5-business-day period and prior to the time at which the loan matures and CCC acquires the cotton, whichever is earlier, the equity transfer will be void. A producer who desires to appoint an attorney-in-fact to act in his place and stead in selling his equity in loan cotton shall use Form 211 except that a power of attorney on another form will be accepted if it is determined by CCC to be legally sufficient and if the producer is unable to execute Form 211. The original or facsimile of the power of attorney or a copy certified by a notary public as a true and correct copy must be filed with the county office which has custody of the loan documents. If the attorney-in-fact desires to act under the power of attorney, he must execute and file with the county office which has custody of the loan documents an Agreement of Attorney-in-Fact, Form CCC-815 (referred to in this subpart as "Form 815") covering such crop. A Form 813 executed by an attorney-in-fact shall be void and will not be recognized by CCC if the attorney-in-fact does not file the required Form 815.

§ 1427.1375 Repayment of loan by producer.

(a) If a producer desires to redeem one or more bales of cotton pledged to CCC as security for a loan, he may receive the warehouse receipts and the classification memorandum applicable to such cotton upon payment of the loan, charges, and interest applicable to the bales of cotton being redeemed at the county office which has custody of the loan documents. He may also request the warehouse receipts (and classification memorandums) be forwarded to a bank for payment, in which case the amount of the loan, charges, and interest must be paid to the bank within 5 business days after the receipts are received by the bank. Repayments will not be accepted after CCC acquires the cotton. All charges assessed by the bank to which the receipts are sent must be paid by the producer. If the "Producer's Copy" of Form A has been lost or destroyed, he may obtain a duplicate from the county office which has custody of the loan documents.

(b) A producer who desires to appoint an attorney-in-fact to act in his place and stead to redeem his loan cotton shall use Form 211, except that a power of attorney on another form will be accepted if it is determined by CCC to be legally sufficient and if the producer is unable to execute Form 211. The original or facsimile of the power of attorney or a copy certified by a notary public as a true and correct copy must be filed with the county office which has custody of the loan documents. The attorney-in-fact must execute and file with the county office which has custody of the loan documents a Form 815 as provided in § 1427.1374, and the attorney-in-fact will not be allowed to redeem cotton pursuant to the power of attorney if he does not file the required Form 815. The attorney-in-fact shall not make any purchases of cotton covered by the power of attorney for his own account or as agent for others, and he shall make an accounting to the producer for the sales proceeds in each case in which the attorney-in-fact redeems any of the producer's loan cotton and sells it. If the attorney-in-fact holds powers of attorney from more than one producer, he may not pool their loan cotton which he redeems or the proceeds therefrom nor make settlement with such producers on a pool basis upon sale of the cotton.

§ 1427.1376 Cotton cooperative marketing association loans.

A cotton cooperative marketing association which meets the eligibility requirements established by CCC in Part 1425 of this title and any amendment thereto, may enter into a Cotton Cooperative Loan Agreement with CCC which provides for price support through the association to its producer-members. Copies of the form of agreement will be furnished to the association by CCC. The loan rates under this agreement will be the same as for loans made to individual producers on Forms A and eligibility requirements for cotton and producers tendering cotton to the association and other loan provisions will be similar to those for Form A loans made to individual producers. Valid cotton payment-in-kind certificates may be used in payment of the amount due on upland cotton being redeemed.

§ 1427.1377 Death, incompetency, or disappearance.

In the case of death, incompetency, or disappearance of any producer who is entitled to the payment of any proceeds in settlement of a loan, payment shall, upon proper application to the county office which disbursed the loan, be made to the person or persons who would be entitled to such producer's payment as provided in the regulations entitled Payment Due Persons Who Have Died, Disappeared, or Have Been Declared Incompetent, Part 707 of this title and any amendment thereto.

§ 1427.1378 Special procedure where full loan value advanced.

(a) *Purpose.* This special procedure is provided to assist persons or firms which in the course of their regular business of handling cotton for producers have made advances to eligible producers on eligible cotton to be placed under price support loans and desire to obtain credit at a financial institution for the amounts advanced.

(b) *Eligible Documents.* This special procedure shall apply only to loan documents covering cotton on which a person or firm has advanced to the producers (including payments to prior lienholders and other creditors) the full loan value of the cotton as shown on the Forms A, except for authorized loan clerk fees, and is entitled to reimbursement from the proceeds of the loans for the amounts advanced, and has been authorized by the producers to deliver the loan documents to the county office for disbursement.

(c) *Preparation of Notes.* The Forms A shall be prepared by an approved loan clerk who is the person who made the loan advances or is an employee of the person or firm which made the loan advances and shall show the entire proceeds of the loans for disbursement to the financial institution which is to allow credit to the person or firm which made the loan advances or to such financial institution and such person or firm as joint payees.

(d) *Delivery of Notes to County Office.* The Forms A and related documents as required by § 1427.1357 shall be mailed or delivered to the county office which keeps the farm records for the farms on which the cotton was produced. The documents shall be accompanied by a transmittal schedule in triplicate showing:

(1) The name and address of the county office.

(2) The name and address of the person or firm which made the loan advances.

(3) The name and address of the financial institution.

(4) The producer's name, number of bales and loan amount for each note.

(5) The total number of bales and total amount of notes.

(6) A certification signed by the person or firm which made the loan advances as follows: I (we) certify with respect to the loan documents covered by this schedule that I (we) have made loan advances to the producers for the full loan value of the cotton as shown on the Form A notes.

(7) A certification by the financial institution as follows: We certify that we have allowed credit to the account of the person or firm identified above for the total amount of this schedule subject to adjustment for the amount of any notes not acceptable for disbursement.

Upon receipt of the loan documents and transmittal schedule, the county office will stamp one copy of the transmittal schedule to indicate receipt of the documents and return the copy to the financial institution.

(e) *Disbursement of loans.* The county office will review the loan documents prior to disbursement and will return to the financial institution any documents determined to be not acceptable because of errors or ineligibility. The county office will disburse the loans for which loan documents are acceptable. Loan drafts will be issued to the payee indicated on the Form A and will be mailed to the address shown for such payee on the notes with a copy of the transmittal schedule. The loan drafts will be dated as of the dates loan documents acceptable to CCC were delivered to the county office or, if received by mail, the date of mailing as indicated by postmark.

(f) *Investment of Funds by the Financial Institution.* If the financial institution is eligible to participate under the regulations covering Participation of Financial Institutions in Cotton Loan Pools, the financial institution shall, for the purpose of such regulations, be deemed to have invested funds in the loan drafts as of the dates thereof and

may earn interest from such dates by

inspect and rebut any evidence consid-

may earn interest from such dates by entering such dates as the dates of investment in converting the loan drafts to certificates and otherwise complying with the regulations covering Participation of Financial Institutions in Cotton Loan Pools. The financial institution must secure the endorsement of any joint payee on such loan drafts.

Effective date. This subpart shall become effective upon filing with the FEDERAL REGISTER for publication.

Signed at Washington, D.C., on June 18, 1965.

H. D. GODFREY,
Executive Vice President,
Commodity Credit Corporation.

[F.R. Doc. 65-6653; Filed, June 21, 1965; 4:50 p.m.]

Title 8—ALIENS AND NATIONALITY

Chapter I—Immigration and Naturalization Service, Department of Justice

PART 214—NONIMMIGRANT CLASSES

Special Requirements for Admission, Extension, and Maintenance of Status

The following amendments to Chapter I of Title 8 of the Code of Federal Regulations are hereby prescribed:

1. Subdivision (i) of subparagraph (2) *Supporting evidence* of paragraph (h) *Temporary employees* of § 214.2 *Special requirements for admission, extension, and maintenance of status* is amended to read as follows:

(i) *Petition for alien of distinguished merit and ability.* A petitioner seeking to accord an alien a classification under section 101(a)(15)(H)(i) of the Act shall annex to the petition documentation, certifications, affidavits, degrees, diplomas, writings, reviews, and any other evidence attesting to the fact that the beneficiary is a person of distinguished merit and ability and that the services the beneficiary is to perform require a person of such merit and ability. School records, diplomas, and similar documentation submitted must reflect periods of attendance, courses of study, and similar pertinent data. Affidavits submitted by present or former employers or recognized experts certifying to the expertise of the beneficiary shall be in sufficient detail to be self-explanatory concerning the beneficiary's experience and ability, and must set forth the manner in which the affiant acquired such information. Copies of any contracts between the petitioner and beneficiary shall also be annexed to the petition. In adjudicating the petition, the district director shall consider all the evidence submitted, and such other evidence as he may independently require or procure to assist his adjudication. If an adverse decision is proposed, the petitioner shall be notified and invited to inspect and rebut any evidence considered which was not submitted by him. The decision of the district director shall set forth the pertinent facts adduced from the evidence considered and give the specific reasons for the decision in the light of the facts and the relating provisions of section 101(a)(15)(H)(i). Managers, trainers, musical accompanists, and other persons determined by the district director to be necessary for successful performance by the beneficiary of a petition approved for classification under section 101(a)(15)(H)(i) may also be accorded such classification if included in the same or a separate petition.

2. Subparagraph (4) *Special classes* of paragraph (h) *Temporary employees* of § 214.2 *Special requirements for admission, extension, and maintenance of status* is amended by deleting the penultimate sentence thereof.

(Sec. 103, 66 Stat. 173; 8 U.S.C. 1103)

This order shall be effective on the date of its publication in the FEDERAL REGISTER. Compliance with the provisions of section 4 of the Administrative Procedure Act (60 Stat. 238; 5 U.S.C. 1003) as to notice of proposed rule making and delayed effective date is unnecessary in this instance because the rules prescribed by the order relate to agency procedure.

Dated: June 18, 1965.

RAYMOND F. FARRELL,
Commissioner of
Immigration and Naturalization.

[F.R. Doc. 65-6645; Filed, June 23, 1965; 8:48 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Agency

[Airspace Docket No. 65-CE-25]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Control Zone, Designation of Transition Area and Revocation of Control Area Extension

On March 16, 1965, a notice of proposed rule making was published in the FEDERAL REGISTER (30 F.R. 3455) stating that the Federal Aviation Agency proposed to alter the controlled airspace in the vicinity of Huron, S. Dak.

Interested persons were afforded an opportunity to participate in the rule making through the submission of comments. The only comment received was from the Air Transport Association, wherein they endorsed the proposed actions.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended effective 0001 e.s.t., August 19, 1965, as hereinafter set forth.

(1) In § 71.165 (29 F.R. 17557) the Huron, S. Dak., control area extension is revoked in its entirety.

(2) In § 71.171 (29 F.R. 17581) the Huron, S. Dak., control zone is amended to read:

HURON, S. DAK.

Within a 5-mile radius of Howes Airport, Huron, S. Dak. (latitude 44°23'00" N., longitude 98°13'39" W.); and within 2 miles each side of the Huron VOR 194° radial, extending from the 5-mile radius zone to the VOR.

(3) In § 71.181 (29 F.R. 17643) the following transition area is added:

HURON, S. DAK.

That airspace extending upward from 700 feet above the surface within 7 miles NE and 8 miles SW of the Huron ILS localizer NW and SE courses extending from 6 miles SE to 14 miles NW of the outer marker.

(Sec. 307(a) of the Federal Aviation Act of 1958; 49 U.S.C. 1348)

Issued in Kansas City, Mo., on June 14, 1965.

EDWARD C. MARSH,
Director, Central Region.

[F.R. Doc. 65-6613; Filed, June 23, 1965; 8:45 a.m.]

[Airspace Docket No. 65-CE-26]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Designation of Transition Areas, Alteration of Control Zone and Revocation of Control Area Extension

On March 31, 1965, a notice of proposed rule making was published in the FEDERAL REGISTER (30 F.R. 4207) stating that the Federal Aviation Agency proposed to alter the controlled airspace in the Des Moines, Iowa, and Newton, Iowa, terminal areas.

Interested persons were afforded an opportunity to participate in the rule making through the submission of comments. The only comments received were from the Air Transport Association, expressing their concurrence in the proposed actions.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended effective 0001 e.s.t., August 19, 1965, as hereinafter set forth.

(1) In § 71.165 (29 F.R. 17557) the Des Moines, Iowa, control area extension is revoked in its entirety.

(2) In § 71.171 (29 F.R. 17581) the Des Moines, Iowa, control zone is amended to read:

DES MOINES, IOWA

Within a 5-mile radius of the Des Moines Municipal Airport (latitude 41°32'10" N., longitude 93°39'26" W.); and within 2 miles each side of the Des Moines VORTAC 356° radial, extending from the 5-mile radius zone to the VORTAC; and within 2 miles each side of the Des Moines ILS localizer SE and NW courses extending from the 5-mile radius zone SE to the LOM and NW to 6 miles NW of the NW end of the Des Moines Municipal Airport Runway 12.

(3) In § 71.181 (29 F.R. 17643) the following transition areas are added:

DES MOINES, IOWA

That airspace extending upward from 700 feet above the surface within an 18-mile radius of Des Moines Municipal Airport (latitude 41°32'10" N., longitude 93°39'26" W.); and that airspace extending upward from 1,200 feet above the surface beginning NE of Des Moines at latitude 42°00'00" N., longitude 92°53'00" W., thence W along latitude 42°00'00" N. to and S along longitude 94°00'00" W., to and W along the S edge of V-172, to and S along longitude 94°42'00" W., to and E along the N edge of V-6, to longitude 94°25'00" W., thence SE to latitude 40°56'30" N., longitude 93°54'00" W., thence E to latitude 41°10'00" N., longitude 92°53'00" W., thence N to the point of beginning.

NEWTON, IOWA

That airspace extending upward from 700 feet above the surface within a 4-mile radius of the Newton Municipal Airport (latitude 41°40'40" N., longitude 93°01'25" W.); and within 2 miles each side of the Newton VOR 149° radial extending from the 4-mile radius area to the VOR.

(Sec. 307(a) of the Federal Aviation Act of 1958; 49 U.S.C. 1348)

Issued in Kansas City, Mo., on June 14, 1965.

EDWARD C. MARSH,
Director, Central Region.

[F.R. Doc. 65-6614; Filed, June 23, 1965; 8:45 a.m.]

[Airspace Docket No. 65-CE-30]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Designation of Control Zone and Transition Area

On April 8, 1965, a notice of proposed rule making was published in the FEDERAL REGISTER (30 F.R. 4553) stating that the Federal Aviation Agency proposed to designate controlled airspace in the Columbus, Nebr., terminal area.

Interested persons were afforded an opportunity to participate in the rule making through submission of comments. Due consideration was given to all relevant matters presented. The Air Transport Association offered no objection to the airspace designation as proposed. A request to have Brandt's Airstrip near Columbus, Nebr., excluded from the proposed control zone was received from Mr. Norman Brandt, owner of said airstrip. The Agency has determined that the control zone cannot be adjusted so as to exclude the Brandt Airstrip without impairing safety.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0001 e.s.t., August 19, 1965, as hereinafter set forth.

(1) In § 71.171 (29 F.R. 17581) the following control zone is added:

COLUMBUS, NEBR.

Within a 5-mile radius of the Columbus Municipal Airport (latitude 41°26'50" N., longitude 97°20'26" W.), and within 2 miles each side of the Columbus VOR 340° and 141° radials, extending from the 5-mile radius zone to 8 miles N and SE of the VOR, and within 2 miles each side of the 330° bearing from the Columbus RBN, extending from the 5-mile radius zone to 8 miles NW of the RBN. This control zone shall be effective during the times established by a Notice to Airmen and continuously published in the Airman's Information Manual.

(2) In § 71.181 (29 F.R. 17643) the following transition area is added:

COLUMBUS, NEBR.

That airspace extending upward from 700 feet above the surface within a 6-mile radius of the Columbus Municipal Airport (latitude 41°26'50" N., longitude 97°20'26" W.), and within 8 miles NE and 5 miles SW of the Columbus VOR 141° radial extending from the VOR to 13 miles SE, and within 8 miles W and 5 miles E of the Columbus VOR 340° radial extending from the VOR to 12 miles N and within 8 miles SW and 5 miles NE of the 330° and 150° bearings from the Columbus RBN extending from 2 miles SE of the RBN to 12 miles NW of the RBN.

(Sec. 307(a) of the Federal Aviation Act of 1958; 49 U.S.C. 1348)

Issued in Kansas City, Mo., on June 14, 1965.

EDWARD C. MARSH,
Director, Central Region.

[F.R. Doc. 65-6615; Filed, June 23, 1965; 8:45 a.m.]

[Airspace Docket No. 65-CE-37]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Control Zone, Designation of Transition Area and Revocation of Control Area Extension

On April 7, 1965, a notice of proposed rule making was published in the FEDERAL REGISTER (30 F.R. 4490) stating that the Federal Aviation Agency proposed to alter the controlled airspace in the vicinity of Watertown, S. Dak.

Interested persons were afforded an opportunity to participate in the rule making through the submission of comments. The only comment received was from the Air Transport Association, wherein they expressed their concurrence with the proposed alteration.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended effective 0001 e.s.t., August 19, 1965, as hereinafter set forth.

(1) § 71.165 (29 F.R. 17557) the Watertown, S. Dak., control area extension is revoked in its entirety.

(2) § 71.171 (29 F.R. 17581) the Watertown, S. Dak., control zone is amended to read:

WATERTOWN, S. DAK.

Within a 5-mile radius of Watertown, S. Dak., Municipal Airport (latitude 44°54'-35" N., longitude 97°09'30" W.), within 2 miles each side of the Watertown VOR 185° radial, extending from the 5-mile radius zone to 11 miles S of the VOR, and within 2 miles each side of the 146° bearing from Watertown Municipal Airport, extending from the 5-mile radius zone to 12 miles SE of the airport.

(3) In § 71.181 (29 F.R. 17643) the following transition area is added:

WATERTOWN, S. DAK.

That airspace extending from 700 feet above the surface within a 9-mile radius of Watertown, S. Dak., Municipal Airport (latitude 44°54'35" N., longitude 97°09'30" W.), within 2 miles each side of the Watertown VOR 185° radial extending from the 9-mile radius area to 20 miles S of the VOR, and within 5 miles E and 8 miles W of the Watertown VOR 006° radial extending from the VOR to 12 miles N of the VOR; and that airspace extending upward from 1,200 feet above the surface south of Watertown bounded on the E by longitude 96°50'00" W., on the S by latitude 44°34'00" N., on the W by longitude 97°21'00" W. and on the N by latitude 44°56'00" N., the airspace northwest of Watertown within 5 miles NE and 8 miles SW of the Watertown VOR 297° radial extending from the VOR to 30 miles NW of the VOR, and the airspace north of Watertown within 6 miles W and 5 miles E of the Watertown VOR 006° radial extending from the VOR to 39 miles N of the VOR.

(Sec. 307(a) of the Federal Aviation Act of 1958; 49 U.S.C. 1348)

Issued in Kansas City, Mo., on June 14, 1965.

EDWARD C. MARSH,
Director, Central Region.

[F.R. Doc. 65-6616; Filed, June 23, 1965; 8:45 a.m.]

[Airspace Docket No. 65-CE-57]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Withdrawal of Rule Modifying Control Zone

A rule modifying a certain portion of the Aberdeen, S. Dak., control zone, to be effective July 22, 1965, was published in the FEDERAL REGISTER on May 13, 1965 (30 F.R. 6578).

This airspace was to be modified due to the scheduled conversion of the Aberdeen, S. Dak., L/MF radio range to a radio beacon on July 22, 1965. The Federal Aviation Agency is now considering whether this radio facility will be needed. Therefore, the radio range will not be converted. Accordingly, the rule is being withdrawn.

In consideration of the foregoing, notice is hereby given that the rule contained in Airspace Docket No. 65-CE-57 is withdrawn. By reason of the foregoing, the Aberdeen, S. Dak., control zone will continue to include that airspace designated as "Aberdeen R.R. S course, extending from the 5-mile radius zone to 8 miles S of the R.R." until further notification by the Federal Aviation Agency.

(Sec. 307(a) of the Federal Aviation Act of 1958; 49 U.S.C. 1348)

Issued in Kansas City, Mo., on June 14, 1965.

EDWARD C. MARSH,
Director, Central Region.

[F.R. Doc. 65-6617; Filed, June 23, 1965; 8:45 a.m.]

[Airspace Docket No. 65-WE-66]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Revocation of Transition Area

The purpose of this amendment to § 71.181 of the Federal Aviation Regulations is to revoke the Essex, Calif., transition area.

The Federal Aviation Agency has determined that the Essex, Calif., transi-

tion area is no longer required for air traffic control purposes and, therefore, is no longer justified as an assignment of controlled airspace. Action is taken herein to revoke the Essex, Calif., transition area.

Since this amendment is minor in nature and imposes no additional burden on any person, notice and public procedure hereon are unnecessary and the amendment may be made immediately.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended as hereinafter set forth.

Section 71.181 (29 F.R. 17662) is amended by revoking the following transition area:

Essex, Calif.

This amendment shall become effective upon the date of publication in the FEDERAL REGISTER.

(Sec. 307(a) of the Federal Aviation Act of 1958, as amended; 72 Stat. 749; 49 U.S.C. 1348)

Issued in Los Angeles, Calif., on June 15, 1965.

JOSEPH H. TIPPETS,
Director, Western Region.

[F.R. Doc. 65-6618; Filed, June 23, 1965; 8:46 a.m.]

[Docket No. 1464]

PART 137—AGRICULTURAL AIRCRAFT OPERATIONS

This amendment adds a new Part 137—Agricultural Aircraft Operations, to the Federal Aviation Regulations.

This amendment was originally proposed as a notice of proposed rule making issued as Draft Release No. 62-47 and published in the FEDERAL REGISTER on November 7, 1962 (27 F.R. 10848). As a result of the comments received the proposal was modified and republished in the FEDERAL REGISTER September 10, 1964, with a notice of public hearing (29 F.R. 12781). The new part basically follows the modified proposal contained in that notice of public hearing.

A large number of written comments were received on both notices. In addition, many oral comments were received at the public hearing held on November 5, 1964, at Oklahoma City, Okla. The Agency wishes to thank all those who have so contributed. The comments received have been very helpful in resolving the many issues involved in this rule making action. All comments have been carefully considered. It is only with the full participation of the aviation community that the Agency can be assured that its regulations are fair and adequately meet only demonstrated needs.

A large number of comments objected to the establishment of Agricultural Aircraft operator certificates and rules. These comments were based mostly upon the assumption that: (1) The regulations are unnecessary and discriminatory with respect to the aerial applicators since similar controls are not placed upon ground applicators, (2) agricultural aircraft operations are now adequately controlled by the States, (3) the Agency does not have the statutory authority to require an operating certificate of the type proposed in these regulations.

The legal authority of the Agency was discussed in the original proposal (Draft Release No. 62-47) and at the public hearing conducted by the Agency. Section 307(c) of the Federal Aviation Act of 1958 (49 U.S.C. 1348(c)) authorizes and directs the Administrator to prescribe, among other things, regulations for the protection of persons and property on the ground. The legislative history of this provision which did not appear in the previous provisions of the Civil Aeronautics Act of 1938, indicates the intent of the Congress to authorize the Administrator to place restrictions upon aircraft engaged in crop dusting and spraying as are necessary for the protection of persons and property on the ground. In addition, section 607 of the Act (49 U.S.C. 1427) provides ample authority for the Administrator to issue certificates not only for flight schools but for other air agencies, such as agricultural aircraft operators, as may be necessary in the interest of the public.

As stated at the public hearing, the Agency is not persuaded that the existence of some local laws relieves the Administrator of his statutory duty to prescribe adequate and uniform regulations not only for the safety of flight, but for the protection of persons and property on the ground. To perform this duty properly, we have concluded that this new Part 137 is necessary. The use of a certificate of waiver for agricultural aircraft operations has not been entirely satisfactory. By nature it is a negative approach as it authorizes nonobservance of air traffic rules without any control over the dispensing of the economic poisons from the aircraft. At the hearing concerning the buildup of pesticides in certain areas of this country, conducted by the Subcommittee on Reorganization and International Organizations of the U.S. Senate Government Operations Committee, in April of 1964, the need for regulations controlling the dispensing of economic poisons was brought to the attention of the Agency.

Whether similar controls should be adopted for operators of ground equipment used in the dispensing of agricultural chemicals is not, of course, a matter for decision by this Agency. However, to the extent that the dispensing of agricultural chemicals involves the use of aircraft, it is the responsibility of this Agency to decide whether additional controls are necessary for safety of the aircraft in flight and for the protection of persons and property on the ground. Moreover, this responsibility is not affected by the absence of similar controls by State and local governments over other means of dispensing.

In substance, Part 137 as adopted herein provides that an applicant for an agricultural aircraft operator certificate, or the person who is to be his chief supervisor, must pass tests on his knowledge of agricultural materials and their application and his agricultural aircraft flying skill. In addition, each pilot in command must pass a similar test. The knowledge test is designed to show his understanding of safe agricultural aircraft operations and the proper handling and dispensing of economic poisons and other agricultural chemicals and materials. The flight test is designed to show that he possesses sufficient skill in performing basic agricultural aircraft flight maneuvers with an aircraft loaded to its gross weight. A "grandfather" clause would exempt from the knowledge test and the flight test requirements any person who holds a currently effective certificate of waiver at the time he applies for an agricultural aircraft operator certificate, and whose record of operation under the waiver has not disclosed any question regarding the safety of his flying or his competence in dispensing agricultural materials and chemicals. Pilots who have a satisfactory record while working for such operators are also covered by the grandfather clause.

The rules of Part 137 are directed to the safety of agricultural aircraft operations and the dispensing of materials during such operations. No attempt has been made to establish flight procedures for specific crops or to direct the use of particular application techniques, nor do the rules prescribe the kinds of chemicals or other materials to be used. However, it does prohibit the dispensing of economic poisons for a use other than that for which it is registered with the U.S. Department of Agriculture, contrary to any safety instructions on its label, or in violation of any federal law or regulation. Limitation of the use of an economic poison to its registered use with the Department of Agriculture which has federal responsibility for economic poisons registered for use, will assure its safety and efficacy in agricultural aircraft operations. The rules do not, of course, relieve the agricultural aircraft operator of the responsibility of complying with any State or local laws enacted pursuant to health and police powers relating to the dispensing of agricultural materials and chemicals. As in the past, compliance with such rules is a matter for the appropriate State or local authorities rather than this Agency.

As a result of the comments received and a further review within the Agency a number of changes have been made to the modified proposal. The changes are discussed in detail below.

1. Definitions of "agricultural aircraft operation", and "economic poison" have been added. These definitions follow generally the definitions of these terms as proposed in the original notice.

Written and oral comments received in response to the proposal objected to the use of the term "economic poison" in referring to certain agricultural chemicals and herbicides used in agricultural aircraft operations. These objections were based upon the contention that those chemicals and herbicides are not, in most cases, harmful to animal life, or because the public would associate the word poison with injury or death and thus object to its use.

The term "economic poison" as used in the Federal Insecticide, Fungicide and Rodenticide Act is defined in 7 U.S.C. 135. Since the regulation is intended to refer to economic poisons as defined by that Act, it would serve no useful purpose to give them a different name under these regulations.

Other comments in regard to definitions strongly recommended the definition of the term "congested area" as contained in the original draft release. This definition was removed from the subsequent proposal because it was in conflict with the term as it is used in § 91.79 of the Federal Aviation Regulations. A congested area, as proposed in the original draft release and as recommended by the comments, would be determined by whether an emergency landing over the area would create a hazard to persons or property. Under § 91.79 the aircraft must remain above certain altitudes over a congested area and, except during takeoff or landing, it must in all cases be operated at an altitude allowing, if a power unit fails, an emergency landing without undue hazard to persons or property on the surface.

In view of the conflict between these definitions it has not been incorporated in this part. Instead, the regulations as adopted herein prescribe operating rules for operations over congested areas and over other than congested areas. If, as in the past, an operation is to be conducted over a congested area the rules permit the operation to be conducted with both single and multi-engine aircraft. Moreover, as in the past the operation may also be conducted below the altitudes prescribed in § 91.79 when necessary for the accomplishment of the agricultural aircraft operation under prescribed conditions and limitations which are basically the same as those issued in conjunction with the issuance of the former certificate of waiver. The Agency believes that this procedure will provide a maximum of safety consistent with the operation.

2. The substance of proposed § 137.13 *Designation of certificate* has been included in § 137.1.

3. The last three words "or otherwise terminated" have been dropped from proposed § 137.19 (now § 137.13) to make it clear that, if an agricultural aircraft operator complies with this section, his present certificate of waiver is extended and does not terminate on its own termination date.

4. A new § 137.17 has been added on how certificates issued under the new part can be amended. This is consistent with other FAR's and will provide procedures for the amendment of a certificate by either the Administrator or the holder of the certificate.

5. The limitations upon the private agricultural aircraft operator are the same as those contained in the draft release. As adopted in § 137.35 the private agricultural aircraft operator may not conduct operations over property unless he is the owner or lessee of the property, or has ownership or other property (legal) interest in the crops located on the property. In addition, he may not conduct operations for compensation or hire, or over a congested area.

6. The "twilight" limitation in proposed § 137.31(k) (now § 137.47) has been dropped as unnecessary in view of the one-mile viability requirement of that section.

7. Proposed §§ 137.33 and 137.37 (now §§ 137.49 and 137.51(b)) have been modified to limit the no hazard prohibition to persons or property on the surface. This modification is in keeping with the intent of the proposal to prohibit flights at such altitudes as to create a hazard to persons or property on the surface. A similar amendment has been made to proposed § 137.31(c) (now § 137.37) to conform with section 307(c) of the Federal Aviation Act of 1958.

8. The prohibitions respecting the dispensing of economic poisons contained in proposed § 137.31(d) (now § 137.39) have been changed to correspond with recommendations made by the U.S. Department of Agriculture at the public hearing. Since the Federal label does not carry a list of the disapproved uses of an economic poison, the rule has been changed to prohibit the use of the poison for a use other than that for which it is registered with the U.S. Department of Agriculture. In addition, the prohibition against the use of the poison contrary to instructions on the label relating to aerial application has been deleted because the labels do not as a rule give instructions for aerial applications.

9. The knowledge and skill requirements for pilots contained in proposed § 137.31(h) (now § 137.41(c)) now apply to the pilot in command rather than any pilot as contained in the proposal.

10. Section 137.51(b)(4) as adopted permits single engine agricultural aircraft operations over a congested area. This modification of the proposal is in accordance with the statement made by the Agency representative at the public hearing.

11. The experience requirements for operation over a congested area contained in proposed § 137.39(b) (now § 137.53(b)) apply to the pilot in command rather than any pilot as contained in the proposal.

12. In view of the many comments opposed to any additional paperwork by the operators, the Agency reviewed the record and report keeping requirements of the proposal and has concluded that the annual report contained in § 137.53 of the proposal could be eliminated. Those records specified in § 137.51 of the proposal for commercial operators are needed by the Agency for the proper discharge of its responsibilities and have been retained in § 137.71 of this rule.

13. A new § 137.77 has been added which requires the holder of a certificate issued to him under this part to return the certificate to the FAA whenever he ceases to conduct operations under the certificate. This provision is similar to that contained in other parts of the regulations and is needed by the Agency to keep its records current.

14. One comment strongly urged the issuance of an "Agricultural Rating" as a part of the pilot certificate for those pilots used in agricultural aircraft operations. This pilot rating procedure for the rating of the individual pilots was recommended in lieu of the proposed system of issuing an Agricultural Aircraft Operator Certificate to the owner or operator of the company or other organization conducting the business. While this recommendation has merit, the Agency does not believe it will adequately accomplish the objectives of an Agricultural Aircraft Operator Certificate. The recommended pilot rating, issued on the basis of his previous experience in agricultural aircraft operations, would only relate to the competency of the pilot. The Agency would still be required to issue certificates of waiver with appropriate conditions and limitations for those operations requiring deviations from Part 91. As previously stated in the initial proposal contained in Draft Release No. 62-47, the use of the certificate of waiver has not been entirely satisfactory. It is only required if operations are to be conducted below the minimum altitudes, or in deviation of other provisions of Part 91. In effect, it constitutes an authorization to deviate from regulations under specified conditions and limitations, instead of a certification by the Agency that a particular person has shown that he meets specified qualifications in regard to aircraft and personnel to safely conduct agricultural aircraft operations in accordance with prescribed operating rules. The Agency believes that the latter certificate, issued, amended, suspended, or revoked within the framework of the provisions of the Federal Aviation Act of 1958, is a more desirable method to administer its responsibilities under that Act. Moreover, it will provide the applicant for, or the holder of, that certificate with the procedural benefits contained in the Act for the issuance, amendment, suspension, or revocation of a certificate which are not afforded to him under the certificate of waiver.

15. Comments received from representatives of State and local governments conducting their own aerial insecticide work for the abatement of mosquitoes and other pests which may affect the public health, have requested a clarification of the application of the regulation to those operations. Although these comments did not express general objection to compliance with the rules, one comment indicated that because of the emergency nature of the operations it would be impossible to comply with the notice requirements of proposed § 137.35.

An aircraft used exclusively in the service of any government or of any political subdivision thereof, and not engaged in carrying persons or property for compensation or hire, is a public aircraft within the meaning of the Federal Aviation Act of 1958. Public aircraft and the operators of such aircraft are not required to comply with the certification rules of the Federal Aviation Regulations. They must, however, comply with the air traffic or flight rules of Part 91 and this part, including the aircraft dispensing rules as prescribed under section 307(c) of the Act. Therefore, even though a State or local government engaging in agricultural aircraft operations is not required to comply with the certification requirements of this part when using public aircraft, it may elect to do so.

To clarify the application of this part to agricultural aircraft operations conducted with public aircraft, § 137.11(c) of the certification rules of Subpart B

now includes a provision that an agricultural aircraft operator certificate is not needed for those operations. Section 137.29(b) also specifies the sections of the operating rules that are not applicable to public aircraft.

With respect to emergency operations it is to be noted that as proposed in the notice of public hearing, and as adopted herein under § 137.1(b), a deviation from the operating rules of this part (Subpart C) is permitted to the extent necessary for relief and welfare activities approved by an agency of the United States, or of a State or local government. The Agency believes that this provision provides adequate authority for deviations from the notice and other requirements of that subpart as may be necessary under the circumstances of each case. However, in order to properly administer the use of such deviation by the operators concerned, a new paragraph (c) has been added to § 137.1 which will require the operator to submit a report of the deviations to the FAA. In view of the foregoing clarification of the applicability of the part, no distinction has been made between civil or public aircraft wherever the word aircraft is used.

Part 137 will become effective on January 1, 1966. This date will give all persons concerned approximately 6 months in which to prepare for operating under the new part.

Interested persons have been afforded an opportunity to participate in the making of this regulation, and due consideration has been given to all relevant matter presented.

In view of the foregoing, and, in addition, in consideration of the reasons set forth in both the notice of proposed rule making and the notice of public hearing, Title 14 of the Code of Federal Regulations is amended by adding a new Part 137—Agricultural Aircraft Operations, reading as hereinafter set forth, effective January 1, 1966.

Issued in Washington, D.C., on June 17, 1965.

N. E. HALABY,
Administrator.

Subpart A—General

Sec.
137.1 Applicability.
137.3 Definition of terms.

Subpart B—Certification Rules

137.11 Certificate required.
137.13 Continuance of existing authority.
137.15 Application for certificate.
137.17 Amendment of certificate.
137.19 Certification requirements.
137.21 Duration of certificate.

Subpart C—Operating Rules

137.29 General.
137.31 Aircraft requirements.
137.33 Carrying of certificate.
137.35 Limitations on private agricultural aircraft operator.
137.37 Hazardous dispensing.
137.39 Economic poison dispensing.
137.41 Personnel.
137.43 Airport traffic areas and control zones.
137.45 Nonobservance of airport traffic pattern.
137.47 Operation without position lights.
137.49 Operation over other than congested areas.
137.51 Operation over congested areas: general.
137.53 Operation over congested areas: pilots and aircraft.
137.55 Business name: commercial agricultural aircraft operator.
137.57 Availability of certificate.
137.59 Inspection authority.

Subpart D—Records and Reports

137.71 Records: commercial agricultural aircraft operator.
137.75 Change of address.
137.77 Termination of operations.

AUTHORITY: The provisions of this Part 137 issued under secs. 313(a), 307(c), 601 and 607 of the Federal Aviation Act of 1958; 49 U.S.C. 1354(a), 1348(c), 1421, and 1427.

Subpart A—General

§ 137.1 Applicability.

(a) This part prescribes rules governing—

(1) Agricultural aircraft operations within the United States; and

(2) The issue of commercial and private agricultural aircraft operator certificates for those operations.

(b) In a public emergency, a person conducting agricultural aircraft operations under this part may, to the extent necessary, deviate from the operating rules of this part for relief and welfare activities approved by an agency of the United States or of a State or local government.

(c) Each person who, under the authority of this section, deviates from a rule of this part shall, within 10 days after the deviation send to the nearest FAA District Office a complete report of the aircraft operation involved, including a description of the operation and the reasons for it.

§ 137.3 Definition of terms.

For the purposes of this part—

"Agricultural aircraft operation" means the operation of an aircraft for the purpose of (1) dispensing any economic poison, (2) dispensing any other substance intended for plant nourishment, soil treatment, propagation of plant life, or pest control, or (3) for engaging in other activities directly affecting agriculture, horticulture, or forest preservation; and

"Economic poison" means (1) any substance or mixture of substances intended for preventing, destroying, repelling, or mitigating any insects, rodents, nematodes, fungi, weeds, and other forms of plant or animal life or viruses, except viruses on or in living man or other animals, which the Secretary of Agriculture shall declare to be a pest, and (2) any substance or mixture of substances intended for use as a plant regulator, defoliant or desiccant.

Subpart B—Certification Rules

§ 137.11 Certificate required.

(a) Except as provided in § 137.13 and paragraph (c) of this section, no person may conduct agricultural aircraft operations without, or in violation of, an agricultural aircraft operator certificate issued under this part.

(b) Notwithstanding Part 133 of this chapter, an operator may, if he complies with this part, conduct agricultural aircraft operations with a rotorcraft with external dispensing equipment in place without a rotorcraft external-load operator certificate.

(c) A Federal, State, or local government conducting agricultural aircraft operations with public aircraft need not comply with this subpart.

§ 137.13 Continuance of existing authority.

Any person conducting agricultural aircraft operations under a certificate of waiver issued by the Administrator that is in effect on the day before the date on which this part becomes effective may continue to operate under that certificate if he applies for an agricultural aircraft operator certificate before the effective date of this part. Unless the certificate of waiver is sooner suspended or revoked, this extension of authority terminates when he is given notice of final action on his application.

§ 137.15 Application for certificate.

An application for an agricultural aircraft operator certificate is made on a form and in a manner prescribed by the Administrator, and filed with the FAA District Office that has jurisdiction over the area in which the applicant's home base of operations is located.

§ 137.17 Amendment of certificate.

(a) The Administrator may amend an agricultural aircraft operator certificate—

(1) On his own initiative, under section 609 of the Federal Aviation Act of 1958 (49 U.S.C. 1429) and Part 13 of this chapter; or

(2) Upon application by the holder of that certificate.

(b) An application to amend an agricultural aircraft operator certificate is submitted on a form and in a manner prescribed by the Administrator. The applicant must file the application with the FAA District Office having jurisdiction over the area in which the applicant's home base of operations is located at least 15 days before the date that he proposes the amendment become effective, unless a shorter filing period is approved by that office.

(c) The Administrator grants a request to amend a certificate if he determines that safety in air commerce and the public interest so allow.

(d) Within 30 days after receiving a refusal to amend, the holder may petition the Administrator personally to reconsider the refusal.

§ 137.19 Certification requirements.

(a) *General.* An applicant for a private agricultural aircraft operator certificate is entitled to that certificate if he shows that he meets the requirements of paragraphs (b), (d), and (e) of this section. An applicant for a commercial agricultural aircraft operator certificate is entitled to that certificate if he shows that he meets the requirements of paragraphs (c), (d), and (e) of this section. However, if an applicant applies for an agricultural aircraft operator certificate containing a prohibition against the dispensing of economic poisons, that applicant is not required to demonstrate the knowledge required in paragraphs (e)(1)(ii) through (iv) of this section.

(b) *Private operator—pilot.* The applicant must hold a current U.S. private, commercial, or airline transport pilot certificate and be properly rated for the aircraft to be used.

(c) *Commercial operator—pilots.* The applicant must have available the services of at least one person who holds a current U.S. commercial or airline transport pilot certificate and who is properly rated for the aircraft to be used. The applicant himself may be the person available.

(d) *Aircraft.* The applicant must have at least one certificated and airworthy aircraft, equipped for agricultural operation.

(e) *Knowledge and skill tests.* The applicant must show, or have the person who is designated as the chief supervisor of agricultural aircraft operations for him show, that he has satisfactory knowledge and skill regarding agricultural aircraft operations, as described in subparagraphs (1) and (2) of this paragraph. However, an applicant need not comply with this paragraph if, at the time he applies for an agricultural aircraft operator certificate, he holds a current certificate of waiver for conducting agricultural aircraft operations or the person who is to supervise agricultural aircraft operations for him holds such a certificate, and if his record of operation under the waiver has not disclosed any question regarding the safety of his flight operations or his competence in dispensing agricultural materials or chemicals.

(1) The test of knowledge consists of the following:

(i) Steps to be taken before starting operations, including survey of the area to be worked.

(ii) Safe handling of economic poisons and the proper disposal of used containers for those poisons.

(iii) The general effects of economic poisons and agricultural chemicals on plants, animals, and persons, with emphasis on those normally used in the areas of intended operations; and the precautions to be observed in using poisons and chemicals.

(iv) Primary symptoms of poisoning of persons from economic poisons, the appropriate emergency measures to be taken, and the location of poison control centers.

(v) Performance capabilities and operating limitations of the aircraft to be used.

(vi) Safe flight and application procedures.

(2) The test of skill consists of the following maneuvers that must be shown in any of the aircraft specified in paragraph (d) of this section, and at that aircraft's maximum certificated take-off weight, or the maximum weight established for the special purpose load, whichever is greater:

(i) Short-field and soft-field takeoffs (airplanes and gyroplanes only).

(ii) Approaches to the working area.

(iii) Flare-outs.

(iv) Swath runs.

(v) Pullups and turnarounds.

(vi) Rapid deceleration (quick stops) in helicopters only.

§ 137.21 Duration of certificate.

An agricultural aircraft operator certificate is effective until it is surrendered, suspended, or revoked. The holder of an agricultural aircraft operator certificate that is suspended or revoked shall return it to the Administrator.

Subpart C—Operating Rules

§ 137.29 General.

(a) Except as provided in paragraph (b) of this section this subpart prescribes rules that apply to persons and aircraft used in agricultural aircraft operations conducted under this part.

(b) Sections 137.31 through 137.35, 137.41, and 137.53, through 137.59 do not apply to persons and aircraft used in agricultural aircraft operations conducted with public aircraft.

§ 137.31 Aircraft requirements.

No person may operate an aircraft unless that aircraft—

(a) Meets the requirements of § 137.19(d); and

(b) Is equipped with a suitable and properly installed shoulder harness for use by each pilot.

§ 137.33 Carrying of certificate.

No person may operate an aircraft unless a facsimile of the agricultural aircraft operator certificate, under which the operation is conducted, is carried on that aircraft. The facsimile shall be presented for inspection upon the request of the Administrator or any Federal, State, or local law enforcement officer.

§ 137.35 Limitations on private agricultural aircraft operator.

No person may conduct an agricultural aircraft operation under the authority of a private agricultural aircraft operator certificate—

(a) For compensation or hire;

(b) Over a congested area; or

(c) Over any property unless he is the owner or lessee of the property, or has ownership or other property interest in the crop located on that property.

§ 137.37 Hazardous dispensing.

No persons may dispense, or cause to be dispensed, from an aircraft, any material or substance in a manner that creates a hazard to persons or property on the surface.

§ 137.39 Economic poison dispensing.

No person may dispense or cause to be dispensed from an aircraft, any economic poison that is registered with the U.S. Department of Agriculture under the Federal Insecticide, Fungicide, and Rodenticide Act of 1947 (as amended)—

(a) For a use other than that for which it is registered;

(b) Contrary to any safety instructions or use limitations on its label; or

(c) In violation of any law or regulation of the United States.

§ 137.41 Personnel.

(a) *Information.* The holder of an agricultural aircraft operator certificate shall insure that each person used in the holder's agricultural aircraft operation is informed of that person's duties and responsibilities for the operation.

(b) *Supervisors.* No person may supervise an agricultural aircraft operation unless he has met the knowledge and skill requirements of § 137.19(e).

(c) *Pilot in command.* No person may act as pilot in command of an aircraft unless he holds a pilot certificate and rating prescribed by § 137.19 (b) or (c), as appropriate to the type of operation conducted. In addition, he must demonstrate to the holder of the Agricultural Aircraft Operator Certificate conducting the operation that he has met the knowledge and skill requirements of § 137.19(e). If the holder of that certificate has designated a person under § 137.19(e) to supervise his agricultural aircraft operations the demonstration must be made to the person so designated. However, a demonstration of the knowledge and skill requirement is not necessary for any pilot in command who—

(1) Is, at the time of the filing of an application by an agricultural aircraft operator, working as a pilot in command for that operator; and

(2) Has a record of operation under that applicant that does not disclose any question regarding the safety of his flight operations or his competence in dispensing agricultural materials or chemicals.

§ 137.43 Airport traffic areas and control zones.

(a) Except for flights to and from a dispensing area, no person may operate an aircraft within an airport traffic area, or within a control zone having an operative control tower, unless authorization for that operation has been obtained from the control tower concerned.

(b) No person may operate an aircraft in weather conditions below VFR minimums within a control zone not having an operative control tower unless authorization for that operation has been obtained from the appropriate ATC facility.

§ 137.45 Nonobservance of airport traffic pattern.

Notwithstanding Part 91 of this chapter, the pilot in command of an aircraft may deviate from an airport traffic pattern when authorized by the control tower concerned. At an airport without a functioning control tower, the pilot in command may deviate from the traffic pattern if—

(a) Prior coordination is made with the airport management concerned;

(b) Deviations are limited to the agricultural aircraft operation;

(c) Except in an emergency, landing and takeoffs are not made on ramps, taxiways, or other areas of the airport not intended for such use; and

(d) The aircraft at all times remains clear of, and gives way to, aircraft conforming to the traffic pattern for the airport.

§ 137.47 Operation without position lights.

Notwithstanding Part 91 of this chapter, an aircraft may be operated without position lights if prominent unlighted

objects are visible for at least 1 mile and takeoffs and landings at—

(a) Airports with a functioning control tower are made only as authorized by the control tower operator; and

(b) Other airports are made only with the permission of the airport management and no other aircraft operations requiring position lights are in progress at that airport.

§ 137.49 Operation over other than congested areas.

Notwithstanding Part 91 of this chapter, an aircraft may be operated over other than congested areas below 500 feet above the surface and closer than 500 feet to persons, vessels, vehicles, and structures, if the operations are conducted without creating a hazard to persons or property on the surface.

§ 137.51 Operation over congested areas: general.

(a) Notwithstanding Part 91 of this chapter, an aircraft may be operated over a congested area at altitudes required for the proper accomplishment of the agricultural aircraft operation if the operation is conducted—

(1) With the maximum safety to persons and property on the surface, consistent with the operation; and

(2) In accordance with the requirements of paragraph (b) of this section.

(b) No person may operate an aircraft over a congested area except in accordance with the requirements of this paragraph.

(1) Prior written approval must be obtained from the appropriate official or governing body of the political subdivision over which the operations are conducted.

(2) Notice of the intended operation must be given to the public by some effective means, such as daily newspapers, radio, television, or door-to-door notice.

(3) A plan for each complete operation must be submitted to, and approved by appropriate personnel of the Federal Aviation Agency District Office having jurisdiction over the area where the operation is to be conducted. The plan must include consideration of obstructions to flight; the emergency landing capabilities of the aircraft to be used; and any necessary coordination with air traffic control.

(4) Single engine aircraft must be operated as follows:

(i) Except for helicopters, no person may take off a loaded aircraft, or make a turnaround over a congested area.

(ii) No person may operate an aircraft over a congested area below the altitudes prescribed in Part 91 of this chapter except during the actual dispensing operation, including the approaches and departures necessary for that operation.

(iii) No person may operate an aircraft over a congested area during the actual dispensing operation, including the approaches and departures for that operation, unless it is operated in a pattern and at such an altitude that the aircraft can land, in an emergency, without endangering persons or property on the surface.

(5) Multiengine aircraft must be operated as follows:

(i) No person may take off a multiengine airplane over a congested area except under conditions that will allow the airplane to be brought to a safe stop within the effective length of the runway from any point on takeoff up to the time of attaining, with all engines operating at normal takeoff power, 105 percent of the minimum control speed with the critical engine inoperative in the takeoff configuration or 115 percent of the power-off stall speed in the takeoff configuration, whichever is greater, as shown by the accelerate stop distance data. In applying this requirement, takeoff data is based upon still-air conditions, and no correction is made for any uphill gradient of 1 percent or less when the percentage is measured as the difference between elevation at the end points of the runway divided by the total length. For uphill gradients greater than 1 percent, the effective takeoff length of the runway is reduced 20 percent for each 1-percent grade.

(ii) No person may operate a multiengine airplane at a weight greater than the weight that, with the critical engine inoperative, would permit a rate of climb of at least 50 feet per minute at an altitude of at least 1,000 feet above the elevation of the highest ground or obstruction within the area to be worked or at an altitude of 5,000 feet, whichever is higher. For the purposes of this subdivision, it is assumed that the propeller of the inoperative engine is in the minimum drag position; that the wing flaps and landing gear are in the most favorable positions; and that the remaining engine or engines are operating at the maximum continuous power available.

(iii) No person may operate any multiengine aircraft over a congested area below the altitudes prescribed in Part 91 of this chapter except during the actual dispensing operation, including the approaches, departures, and turnarounds necessary for that operation.

§ 137.53 Operation over congested areas: pilots and aircraft.

(a) *General.* No person may operate an aircraft over a congested area except in accordance with the pilot and aircraft rules of this section.

(b) *Pilots.* Each pilot in command must have at least—

(1) 25 hours of pilot-in-command flight time in the make and basic model of the aircraft, at least 10 hours of which must have been acquired within the preceding 12 calendar months; and

(2) 100 hours of flight experience as pilot in command in dispensing agricultural materials or chemicals.

(c) *Aircraft.* (1) Within the preceding 100 hours of time in service, each aircraft must have—

(i) Had a 100-hour or periodic inspection by a person authorized by Part 65 or 145 of this chapter; or

(ii) Been maintained under a progressive inspection system.

(2) If other than a helicopter, it must be equipped with a device capable of jettisoning at least one-half of the aircraft's maximum authorized load of agricultural material within 45 seconds. If the aircraft is equipped with a device for releasing the tank or hopper as a unit, there must be a means to prevent inadvertent release by the pilot or other crewmember.

§ 137.55 Business name: commercial agricultural aircraft operator.

No person may operate under a business name that is not shown on his commercial agricultural aircraft operator certificate.

§ 137.57 Availability of certificate.

Each holder of an agricultural aircraft operator certificate shall keep that certificate at his home base of operations and shall present it for inspection on the request of the Administrator or any Federal, State, or local law enforcement officer.

§ 137.59 Inspection authority.

Each holder of an agricultural aircraft operator certificate shall allow the Administrator at any time and place to make inspections, including on-the-job inspections, to determine compliance with applicable regulations and his agricultural aircraft operator certificate.

Subpart D—Records and Reports

§ 137.71 Records: commercial agricultural aircraft operator.

(a) Each holder of a commercial agricultural aircraft operator certificate shall maintain and keep current, at the home base of operations designated in his application, the following records:

(1) The name and address of each person for whom agricultural aircraft services were provided;

(2) The date of the service;

(3) The name and quantity of the material dispensed for each operation conducted; and

(4) The name, address, and certificate number of each pilot used in agricultural aircraft operations and the date that pilot met the knowledge and skill requirements of § 137.19(c).

(b) The records required by this section must be kept at least 12 months and made available for inspection by the Administrator upon request.

§ 137.75 Change of address.

Each holder of an agricultural aircraft operator certificate shall notify the FAA in writing in advance of any change in the address of his home base of operations.

§ 137.77 Termination of operations.

Whenever a person holding an agricultural aircraft operator certificate ceases operations under this part, he shall surrender that certificate to the FAA District Office last having jurisdiction over his operation.

NOTE: The recordkeeping and reporting requirements contained herein have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

[F.R. Doc. 65-6619; Filed, June 23, 1965; 8:46 a.m.]

Title 17—COMMODITY AND SECURITIES EXCHANGES

Chapter II—Securities and Exchange Commission

PART 240—GENERAL RULES AND REGULATIONS, SECURITIES EXCHANGE ACT OF 1934

Commission Action; Correction

In the document revising Part 240 of Chapter II of Title 17 of the Code of Federal Regulations, published on pages 6114 and 6115 in the FEDERAL REGISTER dated April 30, 1965, the following corrections are made:

1. The reference to "§§ 240.13a11-1 and 240.12h-2)" in the first sentence under *Commission action* should read "§§ 240.3a11-1 and 240.12h-2".

2. The parenthetical reference to "§ 240.13a11-1" in the concluding paragraph of the document should read "§ 240.3a11-1".

By the Commission, June 18, 1965.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 65-6620; Filed, June 23, 1965; 8:46 a.m.]

Title 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

SUBCHAPTER C—DRUGS

PART 148i—NEOMYCIN SULFATE

Neomycin Sulfate-Polymyxin B Sulfate-Gramicidin Ophthalmic Solution

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 507, 59 Stat. 463 as amended; 21 U.S.C. 357) and under the authority delegated to the Commissioner of Food and Drugs by the Secretary of Health, Education, and Welfare (21 CFR 2.90), §148i.20(a)(3)(ii)(d)(2) is amended to provide for a special sampling procedure in regard to sterility testing. As amended, the affected portion reads as follows:

§ 148i.20 Neomycin sulfate-polymyxin B sulfate-gramicidin ophthalmic solution.

(a) * * *
(3) * * *
(ii) * * *
(*d*) * * *

(2) For sterility testing: 20 immediate containers, collected at regular intervals throughout each filling operation, except that if the product is sterilized after filling, a representative sample consisting of 10 immediate containers from each sterilizer load. If only 1 sterilizer load is involved, the sample shall consist of 20 immediate containers.

* * * * * *

Notice and public procedure and delayed effective date are unnecessary prerequisites to the promulgation of this order, and I so find, since the change, which provides a sampling procedure appropriate to the subject drug when it is sterilized after filling into final containers rather than before, is of a technical, noncontroversial nature and is consistent with the requirements that the drug be safe and efficacious.

Effective date. This order shall be effective on the date of its publication in the FEDERAL REGISTER.

(Sec. 507, 59 Stat. 463 as amended; 21 U.S.C. 357)

Dated: June 18, 1965.

GEO. P. LARRICK, *Commissioner of Food and Drugs.*

[F.R. Doc. 65-6647; Filed, June 23, 1965; 8:48 a.m.]

Title 41—PUBLIC CONTRACTS AND PROPERTY MANAGEMENT

Chapter 9—Atomic Energy Commission

PART 9-15—CONTRACT COST PRINCIPLES AND PROCEDURES

Miscellaneous Amendments

The following section is added:

§ 9-15.000-50 Policy, cost-type contractor procurement.

The following subpart of FPR 1-15 and this AECPR 9-15 constitute specific provisions which the contracting officer shall bring to the attention of Class A and Class B cost-type contractors as constituting areas which require appropriate treatment in the development of statements of contractor procurement practices in order to carry out the basic AEC procurement policy set forth in AECPR § 9-1.5203:

Subpart or part	*Subject*
FPR 1-15.3	Principles for Determining Applicable Costs Under Research Contracts With Educational Institutions.
AECPR 9-15	Contract Cost Principles and Procedures.

Section 9-15.5005-4 *Cost determination based on audit*, paragraph (a) is revised to read as follows:

§ 9-15.5005-4 Cost determination based on audit.

(a) The amount reimbursable under cost-type contracts shall be determined in accordance with the terms of the respective contracts on the basis of audit. In the event that the contractual terms differ or are inconsistent (see § 9-15.5003 for approval of deviations) with the principles stated herein the contractual terms control. The audit is performed directly by AEC (or by the cognizant Federal agency pursuant to arrangements made by the AEC) in the case of cost-type contracts. Contracting officers shall assure that cost-type prime contractors assume the responsibility for audit of subcontractors (and provide for the audit of lower tier subcontractors by the subcontractor immediately preceding in the contractual chain) except as noted in this paragraph. Exceptions may be made to this general principle of subcontractors being audited by the next higher-tier contractor, where the latter is interrelated with the subcontractor involved, does not have the necessary audit facilities or for other reasons is not in a position to perform the subcontract audit in a manner satisfactory to the AEC. In the event of such exception, the subcontract audit responsibility shall rest with the successively higher-tier contractor (or ultimately AEC), but responsibility for determining the costs reimbursable to the subcontractor remains with the next higher-tier contractor on the basis of such audit.

Section 9-15.5008, the heading is revised to read as follows:

§ 9-15.5008 Negotiated fixed-price contracts where costs incurred are a factor in determining the amount payable.

§ 9-15.5008-1 [Amended]

§ 9-15.5008-1 *General policy*, in paragraph (a), line 4, the words "and subcontracts" are deleted.

(Sec. 161, Atomic Energy Act of 1954, as amended, 68 Stat. 948, 42 U.S.C. 2201; sec. 205, Federal Property and Administrative Services Act of 1949, as amended, 63 Stat. 390, 40 U.S.C. 486)

Effective date. These amendments are effective upon publication in the FEDERAL REGISTER.

Dated at Germantown, Md., this 17th day of June 1965.

For the U.S. Atomic Energy Commission.

R. J. HART, *Acting Director, Division of Contracts.*

[F.R. Doc. 65-6646; Filed, June 23, 1965; 8:48 a.m.]

Proposed Rule Making

DEPARTMENT OF AGRICULTURE

Consumer and Marketing Service

[7 CFR Part 923]

SWEET CHERRIES GROWN IN WASHINGTON

Proposed Approval of Expenses and Fixing of Rate of Assessment for 1965–66 Fiscal Year and Carryover of Unexpended Funds

Consideration is being given to the following proposals submitted by the Washington Cherry Marketing Committee, established under the marketing agreement and Order No. 923 (7 CFR Part 923) regulating the handling of sweet cherries grown in Washington, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), as the agency to administer the terms and provisions thereof:

(a) That expenses that are reasonable and likely to be incurred by said committee, during the period beginning April 1, 1965, and ending March 31, 1966, will amount to $7,845.

(b) That there be fixed, at $1.00 per ton of sweet cherries, the rate of assessment payable by each handler in accordance with § 923.41 of the aforesaid marketing agreement and order.

All persons who desire to submit written data, views, or arguments in connection with the aforesaid proposals shall file the same, in quadruplicate, with the Hearing Clerk, U.S. Department of Agriculture, Room 112, Administration Building, Washington, D.C., 20250, not later than the 10th day after the publication of this notice in the FEDERAL REGISTER. All written submissions made pursuant to this notice will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

Dated: June 21, 1965.

PAUL A. NICHOLSON,
Acting Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 65–6655; Filed, June 23, 1965; 8:49 a.m.]

DEPARTMENT OF COMMERCE

Maritime Administration

[46 CFR Part 251]

UTILIZATION OF APPROPRIATIONS MADE AVAILABLE FOR CONSTRUCTION-DIFFERENTIAL SUBSIDY

Proposed Statement of General Policy

Pursuant to sec. 204(b), Merchant Marine Act, 1936, as amended (46 U.S.C. 1114) and in accordance with the provisions of sec. 3(a)(3), Administrative Procedure Act (5 U.S.C. 1002(a)(3)), notice is hereby given that the Maritime Subsidy Board is contemplating the adoption of a "Statement of General Policy" relative to its evaluation of applications for construction-differential subsidy.

While the subsidy program is exempt from the requirements of sec. 4, Administrative Procedure Act (5 U.S.C. 1003), the Board invites interested parties to submit any written data or views on the contemplated aforesaid policy for consideration by the Board, in triplicate, to the Secretary, Maritime Subsidy Board, Washington, D.C., 20235, by close of business on August 2, 1965.

Upon adoption by the Board of a "Statement of General Policy", the Board will publish same and thereafter apply the policy to future applications for construction-differential subsidy.

It is proposed that the following "Statement of General Policy" be added as Appendix No. 2 to § 251.1 of this part:

§ 251.1 Applications for construction-differential subsidy under Title V, Merchant Marine Act, 1936, as amended

* * * * *

1. The appropriations available for the payment of construction-differential subsidy by the Maritime Subsidy Board necessarily are limited. Present replacement program schedules for individual operators repeatedly have been revised and extended in recent years in accordance with the operating-differential subsidy contracts. It is possible that further delay will occur in the replacement of some of the vessels required to be replaced pursuant to the existing contractual obligations of those operators under operating-differential subsidy contracts with the Government. These standards are designed to provide better guidance for the operators and the Government in making the judgments necessary in selecting from among competing applications for limited funds. This policy statement is not intended to effect a reprograming of funds presently appropriated to named operators contrary to their desire. It will apply prospectively only, in the request for and allocation of future appropriations and of funds subsequently made available by voluntary reprograming of replacement schedules.

2. To provide for the maximum expansion of the American Merchant Marine, in number of vessels and shipping capability, the Board intends in allocating Federal financial assistance for construction or reconstruction of vessels to give priority to those proposals which it considers will utilize such appropriations to obtain the greatest shipping capability and productivity possible. In making its determinations under this policy, the Maritime Subsidy Board will consider the relative shipping capability it deems will result from proposals in terms of projected construction-differential subsidy, operating-differential subsidy and operator's return on investment.

Dated: June 22, 1965.

By order of the Maritime Subsidy Board.

JAMES S. DAWSON, Jr.,
Secretary.

[F.R. Doc. 65–6705; Filed, June 23, 1965; 9:47 a.m.]

FEDERAL AVIATION AGENCY

[14 CFR Part 71]

[Airspace Docket No. 65–AL–8]

FEDERAL AIRWAY

Proposed Extension

The Federal Aviation Agency is considering an amendment to Part 71 of the Federal Aviation Regulations that would extend Alaskan VOR Federal airway No. 444 from Fairbanks, Alaska, to Bettles, Alaska, via the intersection of the Fairbanks 307° T (279° M) and the Bettles 155° T (128° M) radials.

Interested persons may participate in the proposed rule making by submitting such written data, views, or arguments as they may desire. Communications should identify the airspace docket number and be submitted in triplicate to the Director, Alaskan Region, Attention: Chief, Air Traffic Division, Federal Aviation Agency, 632 Sixth Avenue, Anchorage, Alaska, 99501. All communications received within 45 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. The proposal contained in this notice may be changed in the light of comments received.

An official docket will be available for examination by interested persons at the Federal Aviation Agency, Office of the General Counsel, Attention: Rules Docket, 800 Independence Avenue SW., Washington, D.C., 20553. An informal docket also will be available for examination at the office of the Regional Air Traffic Division Chief.

Effective July 22, 1965, V–444 will be extended from Fairbanks direct to Big Delta, Alaska. To provide route continuity with this extension, the airspace action set forth above is proposed. Further, it would provide a numbered airway between Fairbanks and Bettles for aircraft equipped with VOR navigation instruments.

This amendment is proposed under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348).

Issued in Washington, D.C., on June 17, 1965.

H. B. HELSTROM,
Acting Chief, Airspace Regulations and Procedures Division.

[F.R. Doc. 65–6621; Filed, June 23, 1965; 8:46 a.m.]

[14 CFR Part 71]

[Airspace Docket No. 65–WE–60]

TRANSITION AREA

Proposed Designation

The Federal Aviation Agency is considering an amendment to Part 71 of the Federal Aviation Regulations which would designate a transition area at Montrose, Colo.

The FAA, having completed a comprehensive review of the terminal airspace structure requirements in the Montrose, Colo., terminal area, including studies attendant to the implementation of the provisions of CAR Amendments 60–21/60–29, proposes the following airspace action:

Designate the Montrose transition area as that airspace extending upward from 700 feet above the surface within a 7-mile radius of Montrose County Airport (latitude 38°29'52" N., longitude 107°53'28" W.), and that airspace extending upward from 1,200 feet above the surface within 5 miles NE and 8 miles SW of a 315° bearing from the Montrose RBN (latitude 38°30'00" N., longitude 107°54'00" W.), extending from the RBN to 12 miles NW of the RBN.

This proposed transition area would provide protection for aircraft executing prescribed instrument procedures in the Montrose County terminal area.

The floors of the airways which traverse the transition area proposed herein would automatically coincide with the floors of the transition area.

Interested persons may submit such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Director, Western Region, attention: Chief, Air Traffic Division, Federal Aviation Agency, 5651 West Manchester Avenue, Post Office Box 90007, Airport Station, Los Angeles, Calif., 90009. All communications received within 45 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Division Chief. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

A public Docket will be available for examination by interested persons in the office of the Regional Counsel, Federal Aviation Agency, 5651 West Manchester Avenue, Los Angeles, Calif., 90045.

This amendment is proposed under the authority of section 307(a) of the Federal Aviation Act of 1958, as amended (72 Stat. 749; 49 U.S.C. 1348).

Issued in Los Angeles, Calif., on June 15, 1965.

JOSEPH H. TIPPETS,
Director, Western Region.

[F.R. Doc. 65–6622; Filed, June 23, 1965; 8:46 a.m.]

Notices

ATOMIC ENERGY COMMISSION

STATE OF TENNESSEE

Proposed Agreement for Assumption of Certain AEC Regulatory Authority

Notice is hereby given that the U.S. Atomic Energy Commission is publishing for public comment, prior to action thereon, a proposed agreement received from the Governor of the State of Tennessee for the assumption of certain of the Commission's regulatory authority pursuant to section 274 of the Atomic Energy Act of 1954, as amended.

A resume, prepared by the State of Tennessee and summarizing the State's proposed program, was also submitted to the Commission and is set forth below as an appendix to this notice. Attachments referenced in the appendix are included in the complete text of the program. A copy of the program, including proposed Tennessee regulations, is available for public inspection in the Commission's Public Document Room, 1717 H Street NW., Washington, D.C., or may be obtained by writing to the Director, Division of State and Licensee Relations, United States Atomic Energy Commission, Washington, D.C., 20545. All interested persons desiring to submit comments and suggestions for the consideration of the Commission in connection with the proposed agreement should send them, in triplicate, to the Secretary, U.S. Atomic Energy Commission, Washington, D.C., 20545, within 30 days after initial publication in the FEDERAL REGISTER.

Exemptions from the Commission's regulatory authority which would implement this proposed agreement, as well as other agreements which may be entered into under section 274 of the Atomic Energy Act, as amended, were published as Part 150 of the Commission's regulations in FEDERAL REGISTER issuance of February 14, 1962; 27 F.R. 1351. In reviewing this proposed agreement, interested persons should also consider the aforementioned exemptions.

Dated at Washington, D.C., this 28th day of May 1965.

For the Atomic Energy Commission.

W. B. McCOOL,
Secretary.

PROPOSED AGREEMENT BETWEEN THE UNITED STATES ATOMIC ENERGY COMMISSION AND THE STATE OF TENNESSEE FOR DISCONTINUANCE OF CERTAIN COMMISSION REGULATORY AUTHORITY AND RESPONSIBILITY WITHIN THE STATE PURSUANT TO SECTION 274 OF THE ATOMIC ENERGY ACT OF 1954, AS AMENDED

Whereas, the United States Atomic Energy Commission (hereinafter referred to as the Commission) is authorized under section 274 of the Atomic Energy Act of 1954, as amended (hereinafter referred to as the Act) to enter into agreements with the Governor of any state providing for discontinuance of

the regulatory authority of the Commission within the State under chapters 6, 7, and 8, and section 161 of the Act with respect to byproduct materials, source materials, and special nuclear materials in quantities not sufficient to form a critical mass; and

Whereas, the Governor of the State of Tennessee is authorized under section 53-3103 of the Tennessee Code Annotated to enter into this Agreement with the Commission; and

Whereas, the Governor of the State of Tennessee certified on May 1, 1965, that the State of Tennessee (hereinafter referred to as the State) has a program for the control of radiation hazards adequate to protect the public health and safety with respect to the materials within the State covered by this Agreement, and that the State desires to assume regulatory responsibility for such materials; and

Whereas, the Commission found on _____ 1965, that the program of the State for the regulation of the materials covered by this Agreement is compatible with the Commission's program for the regulation of such materials and is adequate to protect the public health and safety; and

Whereas, the State and the Commission recognize the desirability and importance of cooperation between the Commission and the State in the formulation of standards for protection against hazards of radiation and in assuring that State and Commission programs for protection against hazards of radiation will be coordinated and compatible; and

Whereas, the Commission and the State recognize the desirability of reciprocal recognition of licenses and exemption from licensing of those materials subject to this Agreement; and

Whereas, this Agreement is entered into pursuant to the provisions of the Atomic Energy Act of 1954, as amended;

Now, therefore, it is hereby agreed between the Commission and the Governor of the State, acting in behalf of the State, as follows:

ARTICLE I

Subject to the exceptions provided in articles II, III, and IV, the Commission shall discontinue, as of the effective date of this Agreement, the regulatory authority of the Commission in the State under chapters 6, 7, and 8, and section 161 of the Act with respect to the following materials:

A. Byproduct materials;

B. Source materials; and

C. Special nuclear materials in quantities not sufficient to form a critical mass.

ARTICLE II

This Agreement does not provide for discontinuance of any authority and the Commission shall retain authority and responsibility with respect to the regulation of:

A. The construction and operation of any production or utilization facility;

B. The export from or import into the United States of byproduct, source, or special nuclear material, or of any production or utilization facility.

C. The disposal into the ocean or sea of byproduct, source, or special nuclear waste materials as defined in regulations or orders of the Commission;

D. The disposal of such other byproduct, source, or special nuclear materials as the Commission from time to time determines by regulation or order should, because of the hazards or potential hazards thereof, not be so disposed of without a license from the Commission.

ARTICLE III

Notwithstanding this Agreement, the Commission may from time to time by rule, regulation, or order, require that the manufacturer, processor, or producer of any equipment, device, commodity, or other product containing source, byproduct, or special nuclear materials shall not transfer possession or control of such product except pursuant to a license or an exemption from licensing issued by the Commission.

ARTICLE IV

This Agreement shall not affect the authority of the Commission under subsection 161 b or i of the Act to issue rules, regulations, or orders to protect the common defense and security, to protect restricted data or to guard against the loss or diversion of special nuclear material.

ARTICLE V

The Commission will use its best efforts to cooperate with the State and other agreement States in the formulation of standards and regulatory programs of the State and the Commission for protection against hazards of radiation and to assure that State and Commission programs for protection against hazards of radiation will be coordinated and compatible. The State will use its best efforts to cooperate with the Commission and other agreement States in the formulation of standards and regulatory programs of the State and the Commission for protection against hazards of radiation and to assure that the State's program will continue to be compatible with the program of the Commission for the regulation of like materials. The State and the Commission will use their best efforts to keep each other informed of proposed changes in their respective rules and regulations and licensing, inspection and enforcement policies and criteria, and to obtain the comments and assistance of the other party thereon.

ARTICLE VI

The Commission and the State agree that it is desirable to provide for reciprocal recognition of licenses for the materials listed in article I licensed by the other party or by any agreement State. Accordingly, the Commission and the State agree to use their best efforts to develop appropriate rules, regulations, and procedures by which such reciprocity will be accorded.

ARTICLE VII

The Commission, upon its own initiative after reasonable notice and opportunity for hearing to the State, or upon request of the Governor of the State, may terminate or suspend this Agreement and reassert the licensing and regulatory authority vested in it under the Act if the Commission finds that such termination or suspension is required to protect the public health and safety.

ARTICLE VIII

This Agreement shall become effective on September 1, 1965, and shall remain in effect unless, and until such time as it is terminated pursuant to article VII.

POLICIES AND PROCEDURES FOR THE LICENSING AND REGULATION OF RADIOACTIVE MATERIALS

FOREWORD

These documents present a brief description of the practices, capabilities, and proposed activities of the Radiological Health Service, Tennessee Department of Public

Health, insofar as they would relate to assumption of certain regulatory functions of the U.S. Atomic Energy Commission.

Under section 274 of the Atomic Energy Act of 1954 as amended, the Atomic Energy Commission is authorized to enter into agreement with the Governor of a State, whereby it may transfer certain licensing and regulatory control of byproduct, source, and special nuclear materials, in quantities not sufficient to form a critical mass, to a State. Relinquishment of such authority by the Atomic Energy Commission and subsequent assumption by the State is made when the Atomic Energy Commission has evaluated and accepted the competency of the State to administer such licensing and regulatory authority; and certain authorities are reserved to the Atomic Energy Commission.

The Tennessee Act of 1957 entitled Atomic Energy and Nuclear Materials, as amended in 1961, authorizes the Governor of Tennessee to enter an agreement with the Atomic Energy Commission relating to the regulation of byproduct, source, and special nuclear material and to appoint a radiation advisory group. The Radiological Health Service Act of 1959 and as amended in 1961 and in 1963 designates the Tennessee Department of Public Health as the department responsible for the control of ionizing radiation; makes mandatory the registration of all sources of radiation except those which are licensed or exempted under the rules and regulations of the Tennessee Department of Public Health. Further the Radiological Health Service Act authorizes the department to formulate rules and regulations necessary for the control of ionizing radiation.

To this narrative are attached the Radiological Health Service Act, the Atomic Energy and Nuclear Materials Act, and the various resumes, regulations, and outlines of proposed practices and activities to be undertaken by the Radiological Health Service, Tennessee Department of Public Health, pursuant to an agreement between the Atomic Energy Commission and the Governor of Tennessee.

History. The first attention given to problems created by ionizing radiation in Tennessee came in 1945 with the passage of the State Industrial Hygiene Service Act. Consideration was then given to industrial radiation exposures along with other problems of occupational health. This included problems of radiation exposures in the work areas from radiographic testing and exposures from X-ray machines as used in industrial clinics.

The next year, the U.S. Atomic Energy Act of 1946 was passed and with it came the civilian use of radioactive byproduct material. From the time the U.S. Atomic Energy Commission began to inspect the users of these materials, the State was interested, and when the Commission began to invite State officials along on inspection tours, State health personnel took advantage of the opportunity to see these installations and the uses to which radioisotopes were being applied.

To keep abreast of this newly developing field, members of the Industrial Hygiene Service attended various radiation courses offered by the U.S. Public Health Service. These courses varied from basic training in radiological health to more advanced courses in management of nuclear emergencies.

In 1951, a regulation was adopted to control the use of shoe fitting fluoroscopes. As a result, many users voluntarily chose to discontinue their use when advised of the potential hazard of excessive radiation exposure presented by these devices. By close surveillance, those remaining in service were brought into compliance with the regulation. This means of controlling the use of shoe fluoroscopes was considered appropriate at the time.

Recently, however, the Health Department was successful in having a law enacted making the display or use of these machines illegal.

As time progressed, various attempts were made by the State Health Department to draft legislative bills which would provide specifically for control of all radiation sources.

A bill was passed by the General Assembly in 1957, but it did not provide for regulatory activities essential to a comprehensive State radiation control program.

This Act of 1957 was important in other ways, as it was primarily a declaration of State policy in support of peaceful uses of atomic energy. It provided for an advisory committee on atomic energy which would keep the Governor of the State informed on and encourage activity in, the various associated fields such as workmen's compensation, insurance, nuclear industry, nuclear education and health and safety. This Act was amended in 1961 to authorize the Governor to enter, at his discretion, an agreement with the U.S. Atomic Energy Commission.

At the next meeting of the General Assembly, 2 years later, the Health Department presented a bill which would provide for a comprehensive radiation control program. It would create within the Tennessee Department of Public Health, the Radiological Health Service. This bill was passed and contained, among others, the following provisions:

1. Created an agency whose sole function was radiation control activities.

2. Gave the Commissioner of Public Health authority to adopt rules and regulations which would have the effect of law and provided for inspection.

3. Required the registration of all owners and possessors of radiation sources.

4. As later amended, authorized the adoption of rules and regulations which would provide for licensing of radioactive materials and exempted them from registration.

Since enactment of this legislation, the Radiological Health Service has registered all known sources of radiation in the State, has inspected most of the radiation producing machines registered and made recommendations for correction where necessary. Follow-up programs were also conducted to determine compliance.

The scope of these activities can be illustrated by a consideration of the accelerated dental and medical X-ray survey programs which were followed during the summer months of 1961 through 1963. During that period, 1,100 dental X-ray units and approximately 1,500 medical X-ray units were inspected.

The Radiological Health Service has a well equipped radiological laboratory and is presently establishing calibration for the various instruments and will as soon as possible institute the various monitoring programs which are necessary to keep abreast of radiation in the environment.

PROGRAM DESCRIPTION

The Radiation Control Program will be conducted by the Radiological Health Service, Tennessee Department of Public Health.

Licensing and registration. The State Program will control all sources of ionizing radiation. Provisions have been made for the issuance of both specific and general licenses. The specific license will be issued to authorize possession of radioactive materials not exempted or generally licensed by the Department. Requirements for the possession of byproduct, source, and special nuclear materials will be comparable to those of the U.S. Atomic Energy Commission. In addition, regulations provide that the Department will require radioactive materials licenses for naturally occurring radioactive materials such as radium and accelerator-produced isotopes of nonexempt quantities. All other sources of radiation such as medical and dental X-ray machines will be registered.

The licensing program will be essentially identical to that presently employed by the U.S. Atomic Energy Commission, and will cover post-licensing inspections. Prelicensing evaluations will be made when necessary. With respect to human use of radioactive materials, a committee of not less than three qualified physicians will be available for consultation and recommendations concerning license applications.

Inspection. The Tennessee Department of Public Health, Radiological Health Service, proposes to conduct future inspectional activities to determine compliance with State regulations and to determine adequacy of the licensee's radiation protection program. Inspections will be comparable to the type now undertaken by the Division of Compliance of the U.S. Atomic Energy Commission. Inspections will be performed by personnel qualified in radiological health. Competency in this field of work has been developed through joint participation of State health personnel with Atomic Energy Commission inspectors. It is estimated that the Tennessee Department of Public Health has been represented in 75 percent of all Atomic Energy Commission inspections made in Tennessee during the last 5 years.

The following frequency for the inspection of Tennessee licenses is planned but may be either increased or decreased depending upon individual circumstances:

Industrial Radiographers—once each 6 months.

Operations involving waste disposal—once each 6 months.

Industrial, Special Licenses—once each 6 months.

Industrial, Broad Licenses—once each 12 months.

Academic—once each 24 months.

Medical and Hospital—once each 24 months.

Others—Based on hazards associated with the program.

Before the termination of each inspection, the inspector will confer with the licensee to discuss the results of his inspection, presenting tentative oral recommendations or suggestions. During this meeting he will answer questions on the regulatory program.

The inspector will submit in writing comprehensive reports to the Director of the Radiological Health Service relating facts and circumstances observed during the inspection. The report will enumerate violations, if any, and include recommendations. Recommendations made by field personnel will be subject to the critical review of senior members of the Radiological Health Service.

Licensees will be informed of the results of all inspections, orally at the time of inspection or by letter or notice from the department.

It is expected that most licensed activities will be inspected at least once in each 2 years. Most of the inspections will be scheduled visits, but a significant number may be on an unannounced basis.

Compliance. If only minor items of noncompliance, such as improper signs, failure to label, etc., are involved which the licensee agrees in writing to correct at the time of the inspection, no further action will be taken by the department, except that corrective action will be reviewed during the next inspection.

If the inspection reveals noncompliance of a more serious nature, the licensee will be required to correct such items within a time period to be specified by the department based upon the degree of hazard involved. The licensee will be required to inform the department in writing within 30 days, or less if specified, as to corrective action taken and the date completed. The department will then conduct a follow-up inspection or the matter will be reviewed during the next reg-

ular inspection to assure that corrective action has in fact been accomplished. The legal recourses which may be taken by the Radiological Health Service are cited within the Tennessee Code Annotated.

Enforcement. When in the judgment of the Radiological Health Service a person is engaged or about to engage in acts or practices constituting a violation of the Act, rules, regulations or orders, the State's Attorney General may, at the request of the department, make application for a court order to enjoin such acts or practices or direct compliance.

Should the Radiological Health Service determine that an emergency exists, it shall have the authority to impound or to order the impounding of any source whether licensed or not in the possession of any person who is not equipped to observe or fails to observe the provisions of the Tennessee Act on Radiological Health or any rules and regulations issued thereunder. In the case of violation, section 53-3312 of the Tennessee Code Annotated provides for appropriate penalties by fine or imprisonment or both.

The full legal procedures normally will be employed only in those instances where there is continued noncompliance after notice, willful negligence on the part of the licensee, or where a serious potential hazard exists.

Of special importance is the provision under section 53-3307, Tennessee Code Annotated, which empowers the Commissioner of Public Health or his duly authorized representatives to enter upon any premises in the line of duty.

Staffing. The Radiological Health Service Act of 1959 gives the Commissioner of Public Health the responsibility for administering the Act.

Curtis P. McCammon, M.D., has been appointed by the Commissioner as Director of Radiological Health and Industrial Hygiene Services. Functionally the Service Director has been named by the Commissioner of Public Health to serve as the State's Radiation Control Officer. Administratively, the Director is responsible to Cecil B. Tucker, M.D., Director of the Division of Preventable Diseases.

Mr. J. A. Bill Graham, Assistant Director of Radiological Health and a Radiological Physicist, has technical and administrative supervision of the broad Radiation Control Program. Mr. Graham also is in charge of the licensing program and supervises the review and evaluation of applications for licenses.

Mr. Charles P. West, Radiological Physicist, with the assistance of Mr. Graham will conduct inspections and generally administer on site aspects of the licensing and regulatory program.

Assisting with the inspection of industrial licensees and registrants will be Industrial Hygiene Engineers of the Industrial Hygiene Service, their chief function being the inspection of specifically licensed industrial gauges.

As new radiological physicists are employed, they will assume duties in licensee inspection after receiving training in the broad aspects of the Radiation Control Program. Present plans provide for the hiring of two additional radiological physicists and one radiological chemist. The chemist will be engaged not only in sample preparation and counting, but also in the collection of environmental samples.

When replacement of present personnel is necessary or new personnel are employed, these will be required to have equivalent capabilities in radiological health now demonstrated by incumbent personnel.

Reciprocity. Regulations of the department provide for the recognition of licenses issued by the U.S. Atomic Energy Commission or other agreement states.

Hearings. Section 53-3306 of the Radiological Health Service Act provides for public participation, where appropriate, in the issuance of rules or regulations. Section 53-3307 of the Act provides that a recipient of a notice of violation of the Act or rules and regulations under the Act may request and receive a hearing by the Commissioner of Health.

Section 53-3307 further authorizes the issuance of an order which shall be effective immediately in those instances where the Radiological Health Service finds that immediate action is necessary to protect persons or property from radiation hazards. Emergency orders shall be complied with immediately upon receipt thereof; but the person affected may within 30 days after service of such an emergency order request and receive a hearing.

Any person aggrieved by an order issued under this section, after hearing, is entitled to judicial review thereof by a writ of certiorari as provided for by Tennessee law.

In any action by the department in granting, suspending or revoking a license, the Commissioner of Health will provide an opportunity for a hearing to any person whose interest may be affected.

[F.R. Doc. 65-5790; Filed, June 2, 1965; 8:49 a.m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[Anchorage 060160]

ALASKA

Notice of Termination of Proposed Withdrawal and Reservation of Lands

JUNE 17, 1965.

Notice of an application, Serial No. Anchorage 060160, for withdrawal and reservation of lands was published as Federal Register Document 63-10944 on page 11083 of the issue for October 16, 1963. The applicant agency has canceled its application so far as it involves the lands described below. Therefore, pursuant to the regulations contained in 43 CFR Part 2311 (formerly 43 CFR Part 295), such lands will be, at 10 a.m., on June 28, 1965, relieved of the segregative effect of the above mentioned application.

The lands involved in this notice of termination are:

SNETTISHAM PROJECT

A strip of land, not exceeding 1 mile in width, extending from the west side of Speel River Arm to within 2 miles of the town of Juneau, Alaska.

The area described aggregates approximately 10,415 acres.

J. A. HAGANS,
Acting Manager, Anchorage District and Land Office.

[F.R. Doc. 65-6631; Filed, June 23, 1965; 8:47 a.m.]

Office of the Secretary

BUREAU OF COMMERCIAL FISHERIES

Departmental Manual; Delegation of Authority

The following material is a portion of the Departmental Manual and the numbering system is that of the Manual.

PART 241—BUREAU OF COMMERCIAL FISHERIES

CHAPTER 3—FEDERAL REGISTER DOCUMENTS

241.3.1 *Delegation of authority.* The Director, Bureau of Commercial Fisheries, is authorized, subject to those exceptions listed in 241 DM 3.2, to exercise all of the authority of the Secretary of the Interior to issue regulations relating to commercial fisheries (Title 50 CFR, Chapter II).

241.3.2 *Exceptions.* The Director, Bureau of Commercial Fisheries, is not authorized to issue the following types of amendments or additions to the Code of Federal Regulations:

A. Regulations regarding the issuance of cease and desist orders in cases involving monopoly or restraint of trade.

STEWART L. UDALL,
Secretary of the Interior.

JUNE 17, 1965.

[F.R. Doc. 65-6627; Filed, June 23, 1965; 8:46 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

AMERICAN CYANAMID CO.

Notice of Withdrawal of Petition for Food Additive Chlortetracycline

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b), 72 Stat. 1786; 21 U.S.C. 348(b)), the following notice is issued:

In accordance with § 121.52 *Withdrawal of petitions without prejudice* of the procedural food additive regulations (21 CFR 121.52), American Cyanamid Co. Agricultural Division, Post Office Box 400, Princeton, N.J., has withdrawn its petition (FAP 4C1442), published in the FEDERAL REGISTER of July 21, 1964 (29 F.R. 9808), proposing the amendment of § 121.208(d) to provide for the safe use of chlortetracycline in the feed of beef cattle by deleting from the "Limitations" column in table 6, items 4, 5, 6, 7, and 8, the words "not to be administered within 48 hours of slaughter" and concurrently the amendment of § 121.1014(d) to change the tolerance of 0.1 part per million to 1.0 part per million for residues of chlortetracycline in uncooked kidney, liver and muscle of beef cattle.

The withdrawal of this petition is without prejudice to a future filing.

Dated: June 17, 1965.

MALCOLM R. STEPHENS,
Assistant Commissioner for Regulations.

[F.R. Doc. 65-6648; Filed, June 23, 1965; 8:48 a.m.]

CELANESE CORP. OF AMERICA

Notice of Filing of Petition for Food Additive 1,3-Butylene Glycol

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348(b)(5)), notice is given that a petition (FAP 5A1781) has been filed by Celanese Corp. of America, 522 Fifth Avenue, New York, N.Y., 10036, proposing an amendment to § 121.1176 *1,3-butylene glycol* to provide for a change in existing specifications for 1,3-butylene glycol. As amended, the specific gravity of the additive would be from 1.004 to 1.006 at 20/20° C. and the distillation range would be from 200° C. to 215° C.

Dated: June 17, 1965.

MALCOLM R. STEPHENS,
Assistant Commissioner for Regulations.

[F.R. Doc. 65-6649; Filed, June 23, 1965; 8:48 a.m.]

HERCULES POWDER CO.

Notice of Filing of Petition Regarding Pesticide Chemical and Food Additive DDT

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (secs. 408(d)(1), 409(b)(5), 68 Stat. 512, 72 Stat. 1786; 21 U.S.C. 346a(d)(1), 348(b)(5)), notice is given that a petition (PP 5F0435) has been filed by Hercules Powder Co., Inc., Wilmington, Del., 19899, proposing the establishment of a tolerance of 1.5 parts per million for residues of the insecticide DDT in or on threshed soybeans.

The petition (FAP 5H1772) also proposes the establishment of a food additive tolerance of 6 parts per million for residues of DDT in soybean oil as a result of carryover and concentration from application to the growing soybeans.

The analytical method proposed in the petitions for determining residues of DDT is the gas chromatography method.

Dated: June 17, 1965.

MALCOLM R. STEPHENS,
Assistant Commissioner for Regulations.

[F.R. Doc. 65-6651; Filed, June 23, 1965; 8:49 a.m.]

ELANCO PRODUCTS CO.

Notice of Withdrawal of Petition for Food Additive Tylosin

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b), 72 Stat. 1786; 21 U.S.C. 348(b)), the following notice is issued:

In accordance with § 121.52 *Withdrawal of petitions without prejudice* of the procedural food additive regulations (21 CFR 121.52), Elanco Products Co., a Division of Eli Lilly & Co., Indianapolis, Ind., 46206, has withdrawn its petition (FAP 3D1095) published in the FEDERAL REGISTER of May 22, 1963 (28 F.R. 5097), proposing that § 121.217 *Tylosin* be amended to provide for the safe use of a free-choice protein feeding supplement containing tylosin for swine for growth promotion and feed efficiency.

The withdrawal of this petition is without prejudice to a future filing.

Dated: June 17, 1965.

MALCOLM R. STEPHENS,
Assistant Commissioner for Regulations.

[F.R. Doc. 65-6650; Filed, June 23, 1965; 8:48 a.m.]

WALLACE & TIERNAN, INC.

Notice of Filing of Petition Regarding Pesticide Chlorosulfamic Acid

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(d)(1), 68 Stat. 512; 21 U.S.C. 346a(d)(1)), notice is given that a petition (PP 5F0451) has been filed by Wallace & Tiernan, Inc., Post Office Box 178, Newark, N.J., 07101, proposing the establishment of tolerances, expressed as sulfamic acid, for residues of sulfamate ion from postharvest application of the fungicide chlorosulfamic acid in or on the raw agricultural commodities named:

Eight parts per million in or on asparagus, carrots, cauliflower, celery, potatoes, and radishes.

The analytical method proposed in the petition for determining residues of sulfamic acid consists of reacting the residue in an acidified extract with a known amount of nitrite, followed by the colorimetric determination of the excess nitrite.

Dated: June 18, 1965.

MALCOLM R. STEPHENS,
Assistant Commissioner for Regulations.

[F.R. Doc. 65-6652; Filed, June 23, 1965; 8:49 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket Nos. 16060, 16061; FCC 65M-804]

CLAY COUNTY BROADCASTING CO. AND WILDERNESS ROAD BROADCASTING CO.

Order Scheduling Hearing

In re applications of John E. White, Calvin C. Smith, Jack C. Hall, and Cloyd Smith, doing business as Clay County Broadcasting Co., Manchester, Ky., Docket No. 16060, File No. BPH-4596; The Wilderness Road Broadcasting Co., Manchester, Ky., Docket No. 16061, File No. BPH-4655; for construction permits.

It is ordered, This 18th day of June 1965, that Thomas H. Donahue shall serve as the presiding officer in the above-entitled proceeding; that the hearings therein shall commence at 10 a.m., on September 16, 1965; and that a prehearing conference shall be convened at 9 a.m., on July 15, 1965; *and, it is further ordered,* That all proceedings shall be held in the Offices of the Commission, Washington, D.C.

Released: June 21, 1965.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 65-6640; Filed, June 23, 1965; 8:48 a.m.]

[Docket No. 16059; FCC 65M-803]

OKLAHOMA PRESS PUBLISHING CO. (KBIX)

Order Scheduling Hearing

In re application of Oklahoma Press Publishing Co. (KBIX), Muskogee, Okla., Docket No. 16059, File No. BP-15844; for construction permit.

It is ordered, This 18th day of June 1965, that Forest L. McClenning shall serve as the presiding officer in the above-entitled proceeding; that the hearings therein shall commence at 10 a.m., on September 23, 1965; and that a prehearing conference shall be convened at 2 p.m., on July 28, 1965; *and it is further ordered,* That all proceedings shall be held in the Offices of the Commission, Washington, D.C.

Released: June 21, 1965.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 65-6641; Filed, June 23, 1965; 8:48 a.m.]

[Docket No. 16059; FCC 65-536]

OKLAHOMA PRESS PUBLISHING CO. (KBIX)

Memorandum Opinion and Order Designating Application for Hearing on Stated Issues

In re application of Oklahoma Press Publishing Co. (KBIX), Muskogee, Okla., Docket No. 16059, File No. BP-15844; has: 1490 kc, 250 w, U, Class IV; requests: 1490 kc, 250 w, 1 kw-LS, U, Class IV; for construction permit.

1. The Commission has before it for consideration (a) the above application; (b) a petition to deny, filed September 3, 1963, by Horace C. Boren, licensee of Station KMUS, Muskogee, Okla.; and (c) related pleadings.[1]

[1] Before the Commission are: (1) The aforementioned petition to deny; (2) an opposition thereto, filed Sept. 16, 1963, by the applicant; (3) a reply to the opposition, filed Sept. 26, 1963; (4) a supplement to petition to deny and an addendum thereto, filed Oct. 16 and 20, 1964, respectively, by Boren; (5) comments of the applicant, filed Oct. 30, 1964; (6) a reply and supplement thereto by Boren, filed Nov. 12 and 13, 1964; (7) a motion to strike, filed Nov. 17, 1964, by the applicant; (8) an opposition to the motion to strike, filed Nov. 24, 1964, by Boren; and (9) a reply to the opposition to strike, filed Nov. 25, 1964, by the applicant.

2. In view of the nature of this case, a brief summary of pertinent prior events is appropriate. The application was granted over the objection of Horace C. Boren on June 3, 1964. Thereafter, on June 24, 1964, in the U.S. Court of Appeals for the District of Columbia Circuit, Boren filed a notice of appeal[2] alleging, inter alia, that the Commission's action in granting the KBIX application "* * * was based upon an ex parte investigation and violated due process requirements." On July 1, 1964, the Commission adopted an order (FCC 64-605) vacating the grant pending further consideration of the application and instructing the General Counsel to move the Court for a remand of the case. By letter dated September 16, 1964, the Commission sent the parties a copy of the staff's investigation report[3] and invited comments. Thereafter, the parties filed the pleading listed in footnote 1(5), et seq.

3. In his petition to deny and the supplement thereto, Boren claims that the KBIX proposal does not comply with § 73.24(g) of the Commission's rules because the population within the KBIX blanket area (1 v/m contour) exceeds the permissible number.[4] Specifically, it is alleged that the population within the proposed 1 v/m contour would be 828. A maximum of only 417 would be permitted, since the proposal would encompass 41,748 persons within its 25 mv/m contour. Boren further alleges that, due to conditions in the vicinity of KBIX's rooftop antenna system, the KMUS signal is subject to extensive interference within the former's 1 v/m contour area and that this disruption of service would be greatly increased if KBIX is permitted to increase power to 1,000 watts. KBIX argues that the KMUS pleadings are procedurally defective; that the population within the 1 mv/m area is within the limits prescribed by § 73.24(g); and that Boren used unsound procedures in making his population and interference studies. The applicant further contends that whatever interference KMUS receives within the blanket area is minimal and that no complaints have been received in recent years. In its motion to strike the Boren reply and supplemental reply, filed November 12 and 13, 1964, KBIX asserts that the Commission's letter of September 16, 1964, invited only "comments" by Boren and "reply comments" by the applicant and that "reply comments" by Boren were neither requested nor authorized.

4. The KBIX claim that Boren's petition to deny is procedurally defective is based on § 1.580(i) of the rules which requires factual allegations—other than those of which official notice may be taken—to be supported by affidavit "of a person or persons with personal knowledge thereof." It is clear that at least a portion of the KMUS engineering affidavit is deficient in that the engineer-affiant patently relies on Boren's population count. Thus, it can be said that certain factual allegations were unsupported by affidavit of a person with "personal knowledge thereof." This defect, however, is cured in the reply to KBIX's opposition, wherein Boren himself swears that "this detailed population count was carried out by me personally, under the direction and supervision of * * * a consulting radio engineer."

5. With respect to the applicant's attempt to strike Boren's reply and supplemental reply, the Commission finds that KBIX relies inordinately on a literal interpretation of the September 16 letter. However, the reply and its supplement are essentially cumulative and argumentative in nature. As such, they have no decisional significance and their content will be disregarded. Accordingly, it will be unnecessary to make a specific finding with respect to the motion to strike and it will be dismissed as moot.

6. With regard to the two central issues of the controversy—i.e., alleged interference to KMUS and potential violation of § 73.24(g)—the Commission finds, under section 309(d) of the Communications Act of 1934, as amended, that Boren has raised substantial and material questions of fact with respect to one issue but not the other. Station KMUS operates on 1380 and KBIX on 1490 kilocycles. Since the stations are separated in frequency by 110 kilocycles there can be no legally cognizable interference under the Commission's rules within the respective normally protected service areas. However, it is possible that the presence of a high-intensity signal in the order of 1 v/m may have a deleterious effect on the reception capability of radio receivers even though the undesired 1 v/m signal is removed in frequency by 110 kilocycles from the frequency of the desired station. In order to hold blanketing interference within reason, the Commission imposed a relative population limit within the pertinent contour. In the present case we have conflicting affidavits from both parties. KMUS alleges that the proposed 1 v/m contour would cover an area having a population of 828 persons. KBIX takes exception to KMUS's delineation of the area and steadfastly maintains that less than 300 persons are present. Both sets of pleadings contain affidavits from competent electrical engineers which cannot be reconciled. For this reason we believe that a bona fide dispute exists that cannot be resolved short of hearing.

7. Except as indicated by the issues below, the applicant is legally, technically, financially, and otherwise qualified to construct and operate as proposed. However, the Commission is unable to make the statutory findings that a grant of the application would serve the public interest, convenience, and necessity, and is of the opinion that it must be designated for hearing on the issues set forth below:

Accordingly, it is ordered, That, pursuant to section 309(e) of the Communications Act of 1934, as amended, the application is designated for hearing at a time and place to be specified in a subsequent order, upon the following issues:

1. To determine the areas and populations which may be expected to gain or lose primary service from the proposed operation of Station KBIX and the availability of other primary service to such areas and populations.

2. To determine whether the proposed operation of Station KBIX is in compliance with § 73.24(g) of the Commission's rules concerning population within the 1 v/m contour and, if not, whether circumstances exist which would warrant a waiver of said Section.

3. To determine, in the light of the evidence adduced pursuant to the foregoing issues, whether a grant of the application would serve the public interest, convenience, and necessity.

It is further ordered, That Horace C. Boren is made a party to the proceeding.

It is further ordered, That the petition to deny by Horace C. Boren is granted to the extent indicated above and is denied in all other respects.

It is further ordered, That the motion to strike by Oklahoma Press Publishing Co. is dismissed as moot.

It is further ordered, That, in the event of a grant of the application, the construction permit shall contain the following conditions:

Permittee shall accept such interference as may be imposed by existing 250-watt Class IV stations in the event they are subsequently authorized to increase power to 1,000 watts.

Permittee shall submit with the application for license antenna resistance measurements made in accordance with section 73.54 of the Commission rules.

Permittee shall accept such interference as may be imposed in event KWRW, Guthrie, Okla., is subsequently authorized a daytime power increase from 100 watts to 500 watts.

It is further ordered, That, to avail themselves of the opportunity to be heard, the applicant and party respondent herein, pursuant to § 1.221(c) of the Commission rules, in person or by attorney, shall, within 20 days of the mailing of this order, file with the Commission in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this order.

It is further ordered, That the applicant herein shall, pursuant to section 311(a)(2) of the Communications Act of 1934, as amended, and § 1.594 of the Commission's rules, give notice of the hearing, within the time and in the manner prescribed in such rule, and shall advise the Commission of the publication of such notice as required by § 1.594(g) of the rules.

Adopted: June 16, 1965.

Released: June 18, 1965.

FEDERAL COMMUNICATIONS COMMISSION,[5]

[SEAL] BEN F. WAPLE, *Secretary.*

[F.R. Doc. 65-6642; Filed, June 23, 1965; 8:48 a.m.]

[2] Horace C. Boren v. Federal Communications Commission, Case No. 18,722.

[3] The report detailed the results of a field engineering survey of the population and alleged blanketing conditions within the KBIX 1 v/m contour.

[4] Sec. 73.24(g) provides that an application will be granted only after a satisfactory showing that the population within the 1 v/m contour, if over 300 persons, does not exceed 1 percent of the population within the 25 mv/m contour.

[5] Commissioner Cox absent.

[Docket Nos. 14368 etc.; FCC 65-527]

SYRACUSE TELEVISION, INC., ET AL.

Memorandum Opinion and Order Remanding Proceeding

In re applications of Syracuse Television, Inc., Syracuse, N.Y., Docket No. 14368, File No. BPCT-2924; W.R.G. Baker Radio and Television Corp., Syracuse, N.Y., Docket No. 14369, File No. BPCT-2930; Onondaga Broadcasting, Inc., Syracuse, N.Y., Docket No. 14370, File No. BPCT-2931; WAGE, Inc., Syracuse, N.Y., Docket No. 14371, File No. BPCT-2932; Syracuse Civic Television Association, Inc., Syracuse, N.Y., Docket No. 14372, File No. BPCT-2933; Six Nations Television Corp., Syracuse, N.Y., Docket No. 14444, File No. BPCT-2957; Salt City Broadcasting Corp., Syracuse, N.Y., Docket No. 14445, File No. BPCT-2958; George P. Hollingbery, Syracuse, N.Y., Docket No. 14446, File No. BPCT-2968; for construction permits for new television broadcast stations.

1. The Commission has before it (a) a petition to vacate decision and reopen the record, jointly filed on February 23, 1965, by Syracuse Television, Inc. and five other of the above applicants;[1] (b) the pleadings responsive or relating thereto;[2] and (c) all other matters of record herein.

2. The Commission's decision in this proceeding was released on January 22, 1965;[3] in brief, it granted the Baker application, and denied those of the eight other applicants seeking a construction permit for a new television broadcast station on Channel 9 in Syracuse, N.Y. Unknown to the Commission at the time of the grant to Baker was the fact that, on December 31, 1964, the State of New York had instituted a civil antitrust proceeding against (among others) a number of New York State plumbing contractors, among them, the Edward Joy Co., which is almost wholly owned by the families of T. Frank Dolan, Jr., and Leonard P. Markert, two of Baker's principal stockholders.[4] Dolan and Markert are two of five persons each owning 17.27 percent of Baker's stock, Dolan serving as president of Baker, and Markert serving as a vice president thereof.[5]

3. A copy of the New York complaint is attached to the joint petition to reopen. In general, it charges that the defendants have, for many years, agreed, arranged, and conspired among themselves and others to restrain competition in the building construction industry in the State of New York for the purpose of establishing and maintaining a monopoly in the industry. In furtherance of the alleged conspiracy, the defendants are said by the complaint to have engaged or participated in 18 acts or series of acts generally relating to the submission of bids for the plumbing work involved in public building construction projects; the classification of the type of work to be included in plumbing contracts; and the selling and/or installing of plumbing supplies, the prices to be charged therefor, and the circumstances under which such supplies should be sold and/or installed. Twelve specifications of damage are listed in the complaint, among them, that the State's awarding authority for the construction of academic facilities has suffered coercion, delays, and increased costs, and that competition in the sale and installation of plumbing equipment has been abridged and restrained. The complaint, which is verified by a Deputy Assistant Attorney General of the State of New York, seeks permanent injunctive and other curative relief, and monetary penalties for the alleged past violations of the applicable laws.

4. Based on the complaint, the petitioners seek a reopening of the record, a remand of the proceeding to the Hearing Examiner, and further hearing on issues inquiring as to Dolan's and Markert's involvement in the alleged misconduct; Baker's failure to notify the Commission of the complaint; and whether Baker possesses the requisite character qualifications to be a Commission licensee. Notwithstanding denials by Baker of any wrongdoing by the Joy Company or its officials, the Commission believes that the complaint raises serious public interest questions that can only be resolved through the hearing process. Accordingly, the Commission is granting the substance of the petition to reopen, and is remanding the proceeding to the Hearing Examiner for further hearing on issues essentially the same as those proposed by the petitioners.[6]

5. Although Baker suggests that its denials and affirmative showings are sufficient to warrant a rejection of the petition to reopen, it does not object to a further hearing. Its principal concerns are that the petitioners be required to assume the burden of proof as to the charges in the complaint; and that it be furnished, 30 days prior to the commencement of the formal hearing, with information as to the specific matters to be relied upon by the petitioners, the witnesses they intend to call, and the nature of the evidence to be offered. The Commission's Broadcast Bureau also contends for greater specificity, and would require the petitioners to support the petition to reopen, within 60 days, "with facts as to the nature and extent of the involvement of the principals of Baker in the allegations of unlawful conduct made by the State of New York."

6. The argument as to the "burden of proof" appears to be one of semantics only, since petitioners "adopt and offer to prove the charges in the complaint."[7]

7. The question as to the specificity of the petition and the complaint is only slightly more troublesome. A fair reading of the complaint (adopted in the petition) compels a conclusion that it is as specific as it can be without a revelation of the whole of the precise overt acts and evidence to be relied upon. And it may be noted here that Baker was able, in its verified answer, to make point-by-point denials of wrongdoing by the Joy Company—notwithstanding its contention that "the New York State action makes no charges against the Edward Joy Co. which are sufficiently specific to inform it of any acts of wrongdoing." But the foregoing is not to say that Baker must approach the further hearing without more complete information as to the witnesses to be called and the nature of the particular evidence to be presented. In the interests of fair play and orderly procedure, and to make the remand proceeding something more than a means of unduly extending the existing interim operation on Channel 9, the Commission believes it incumbent upon the petitioner to give Baker reasonable notice of the witnesses to be called and the matters as to which such witnesses will

[1] The 5 other joint petitioners are Onondaga Broadcasting, Inc., WAGE, Inc., Syracuse Civic Television Association, Inc., Six Nations Television Corp., and George P. Hollingbery. Hereinafter, the applicants will usually be referred to in the abbreviated fashions utilized in the decision.

[2] The other pleadings are the verified answer and reply filed by Baker on Mar. 25, 1965; the response filed by the Commission's Broadcast Bureau on Mar. 26, 1965; the joint reply filed by the 6 joint petitioners on Apr. 16, 1965; and the statement of position filed by Salt City Broadcasting Corp. on Apr. 16, 1965.

[3] The decision was released sub nom. Veterans Broadcasting Co., Inc., and is reported at 38 FCC 25 and 4 R.R. 2d 375. By order released Mar. 2, 1965, FCC 65-156, the Commission granted a petition by Veterans requesting a dismissal of its application with prejudice.

[4] Question 10(e) of sec. II of the Commission's broadcast application form (Form FCC 301) inquires as to whether there is pending in any court or administrative body against the applicant or any party to the application, any action involving, among other things, "restraints and monopolies and combinations, contracts, or agreements in restraint of trade, or of using unfair methods of competition." The question was answered in the negative in Baker's original application, and Baker did not amend its application following the filing of the New York complaint, notwithstanding the provisions of sec. 1.65 of the Commission's rules.

[5] It appears that Dolan has been president, treasurer, and a director of the Joy Company since 1936, and that he personally owns 7 percent of the company's stock. Markert has apparently never participated in the management of the Joy Company, and his personal holdings (if any) in the company are not disclosed in the original application. Markert's son, Leonard P. Markert, Jr., is said to be vice president, secretary, a director, and general manager of the company, and to have been active in the Syracuse Master Plumbers Association over the past 8 years. Both Markert, Jr., and the association are named as defendants in the complaint, although neither Dolan nor Markert, Sr., are.

[6] Unlike the petitioners' issues, however, the Commission's do not call for the Hearing Examiner to make a new comparative determination among the applicants. In light of the fact that a decision has already been rendered in the proceeding, it is more appropriate that the Hearing Examiner merely determine whether the evidence adduced makes advisable the selection of a new recipient for the permit.

[7] The Commission does not read petitioners' "offer to prove the charges in the complaint" as extending to the issue concerning Baker's failure to amend its application. With respect to this issue, and one (specified by the Commission) inquiring as to the relationship between Baker and the Joy Company, the Commission believes that the burden of proceeding with the evidence more appropriately belongs with Baker.

respectively be examined. The Commission reads petitioners' reply (par. 14) as agreeing to this procedure, their offer conditioned only on Baker's agreeing to follow the same procedure with respect to its case. The Commission anticipates no problem here, and leaves to the discretion of the Hearing Examiner the question of what constitutes reasonable notice.

8. In connection with the foregoing, the petitioners' reply indicates that the New York proceeding will commence shortly. If this be so, there would seem to be a good opportunity for the increased use of stipulations and other procedures designed to speed up the hearing process. Such procedures substantially shortened the previous hearing, and the Hearing Officer is urged again to make full use of his authority to utilize them, to the end that the hearing be expedited and kept within practicable limits.

9. The remaining question has to do with Salt City's right to participate in the further hearing. In brief, various of the parties have dropped Salt City from the caption of the proceeding on the theory that, because Salt City has neither sought reconsideration of the decision nor appealed it under section 402 of the Communications Act, it is no longer involved in the proceeding. These parties have overlooked the fact, however, that section 405 of the Act provides that appeals need not be taken until 30 days after Commission action on all petitions for reconsideration.[3] Consequently, Salt City, as much as the petitioners, is still in the case, with full rights of participation in the further hearing.

In view of the foregoing, *It is ordered*, This 16th day of June 1965, (a) that the Joint Petition to Vacate Decision and Reopen the Record, filed on February 23, 1965, by Syracuse Television, Inc. et al., is granted to the extent hereinabove indicated; (b) that the hearing record herein is reopened: and (c) that the proceeding is remanded, to the Hearing Officer who presided originally, for further hearing on the following issues:

(1) To determine whether the Edward Joy Co. or its owners, officers, directors, or other officials, have engaged in violations of the New York State antitrust laws or in other anticompetitive activities in the building construction and/or plumbing industries in the State of New York.

(2) To determine the relationship, in terms of ownership and/or control, between the Edward Joy Co. and the W.R.G. Baker Radio and Television Corp.

(3) To determine the circumstances regarding the failure of Baker to inform the Commission, pursuant to § 1.65 of the Commission's rules, of the filing of an antitrust complaint against the Edward Joy Co. by the State of New York.

(4) To determine, in light of the evidence adduced with respect to the preceding issues, whether Baker should be disqualified or, if not, whether a substantial demerit should be assessed against this applicant, warranting a further comparative evaluation of the applications in this proceeding.

It is further ordered, That the burden of proof shall be on Baker, except that as to Issue (1), the burden shall be on the petitioners.

It is further ordered, That the Hearing Examiner make full use of his authority to utilize, among other procedures, prehearing conferences and the filing of stipulations as to facts and issues, with the objective of refining the issues, expediting the proceeding, and keeping the further hearing within practicable limits.

Released: June 17, 1965.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 65-6643; Filed, June 23, 1965; 8:48 a.m.]

[3] See Florida Gulfcoast Broadcasters, Inc., FCC 62R-163, 24 R.R. 800.

[Docket Nos. 15841-15843; FCC 65M-805]

WTCN TELEVISION, INC. (WTCN-TV) ET AL.

Order Continuing Hearing

In re applications of WTCN Television, Inc. (WTCN-TV), Minneapolis, Minn., Docket No. 15841, File No. BPCT-2850; Midwest Radio-Television, Inc. (WCCO-TV), Minneapolis, Minn., Docket No. 15842, File No. BPCT-3292; United Television, Inc. (KMSP-TV), Minneapolis, Minn., Docket No. 15843, File No. BPCT-3293; for construction permits.

It is ordered, This 21st day of June 1965, that because of the pendency of certain interlocutory pleadings before the Commission, Review Board, and Hearing Examiner, and as well as a conflict of hearing schedules, the hearing now scheduled for July 19, 1965, be and the same is hereby rescheduled for September 22, 1965, 10 a.m., in the Commission's Offices, Washington, D.C.;

It is further ordered, That respondents' replies or negative exhibits shall be exchanged on or before June 30, 1965, in lieu of June 23, 1965, and that the notification of witnesses desired for cross-examination shall be accomplished on or before September 1, 1965, in lieu of July 1, 1965.

Released: June 21, 1965.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 65-6644; Filed, June 23, 1965; 8:48 a.m.]

FEDERAL RESERVE SYSTEM

CITIZENS BANK

Order Approving Consolidation of Banks

In the matter of the application of Citizens Bank for approval of consolidation with Security State Bank, Gayville, S. Dak., Farmers State Bank, and The Security State Bank.

There has come before the Board of Governors, pursuant to the Bank Merger Act of 1960 (12 U.S.C. 1828(c)), an application by Citizens Bank, Vermillion, S. Dak., a State member bank of the Federal Reserve System, for the Board's prior approval of the consolidation of that bank and Security State Bank, Gayville, S. Dak., Gayville, South Dakota, Farmers State Bank, Tabor, S. Dak., and The Security State Bank, Wakonda, S. Dak., under the charter and title of the applicant. As an incident to the consolidation, the four offices of the Gayville, Tabor, and Wakonda banks would be operated as branches of the applicant bank. Notice of the proposed consolidation, in form approved by the Board, has been published pursuant to said Act.

Upon consideration of all relevant material in the light of the factors set forth in said Act, including reports furnished by the Comptroller of the Currency, the Federal Deposit Insurance Corporation, and the Attorney General on the competitive factors involved in the proposed consolidation,

It is hereby ordered, For the reasons set forth in the Board's Statement[1] of this date, that said application be and hereby is approved, provided that said consolidation shall not be consummated (a) within 7 calendar days after the date of this order or (b) later than 3 months after said date.

Dated at Washington, D.C., this 17th day of June 1965.

By order of the Board of Governors.[2]

[SEAL] MERRITT SHERMAN,
Secretary.

[F.R. Doc. 65-6612; Filed, June 23, 1965; 8:45 a.m.]

[1] Filed as part of the original document. Copies available upon request to the Board of Governors of the Federal Reserve System, Washington, D.C., 20551, or to the Federal Reserve Bank of Minneapolis.

[2] Voting for this action: Chairman Martin, and Governors Robertson, Shepardson, Mitchell, Daane, and Maisel. Absent and not voting: Governor Balderston.

FEDERAL POWER COMMISSION

[Docket No. RI65-635]

EL PASO NATURAL GAS PRODUCTS CO.

Order Providing for Hearing on and Suspension of Proposed Change in Rate, and Allowing Rate Change To Become Effective Subject to Refund

JUNE 16, 1965.

Respondent named herein has filed a proposed change in rate and charge of a currently effective rate schedule for the sale of natural gas under Commission jurisdiction, as set forth in Appendix A hereof.

The proposed changed rate and charge may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

[4] Commissioner Cox absent; Commissioner Wadsworth not participating.

The Commission finds: It is in the public interest and consistent with the Natural Gas Act that the Commission enter upon a hearing regarding the lawfulness of the proposed change, and that the supplement herein be suspended and its use be deferred as ordered below.

The Commission orders: (A) Under the Natural Gas Act, particularly sections 4 and 15, the regulations pertaining thereto (18 CFR Ch. I), and the Commission's rules of practice and procedure, a public hearing shall be held concerning the lawfulness of the proposed change.

(B) Pending hearing and decision thereon, the rate supplement herein is suspended and its use deferred until date shown in the "Date Suspended Until" column, and thereafter until made effective as prescribed by the Natural Gas Act: *Provided, however*, That the supplement to the rate schedule filed by Respondent shall become effective subject to refund on the date and in the manner herein prescribed if within 20 days from the date of the issuance of this order Respondent shall execute and file under its above-designated docket number with the Secretary of the Commission its agreement and undertaking to comply with the refunding and reporting procedure required by the Natural Gas Act and § 154.102 of the regulations thereunder, accompanied by a certificate showing service of a copy thereof upon the purchaser under the rate schedule involved. Unless Respondent is advised to the contrary within 15 days after the filing of its agreement and undertaking, such agreement and undertaking shall be deemed to have been accepted.

(C) Until otherwise ordered by the Commission, neither the suspended supplement, nor the rate schedule sought to be altered, shall be changed until disposition of this proceeding or expiration of the suspension period.

(D) Notices of intervention or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C., 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 and 1.37(f)) on or before August 2, 1965.

By the Commission.

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

APPENDIX A

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until—	Cents per Mcf: Rate in effect	Cents per Mcf: Proposed decreased rate	Rate in effect subject to refund in docket Nos.
RI65-635...	El Paso Natural Gas Products Co.,[1] Post Office Box 3986, Odessa, Tex., Attention: John A. Woodward, Vice-President and General Counsel.	8	10	El Paso Natural Gas Co. (acreage in San Juan County, N. Mex.) (San Juan Basin Area).	(5241)	5-17-65	[2] 6-17-65	[2] 6-18-65	[7] 14.05625	[4] [6] 12.0495	RI64-142.

[1] A wholly owned subsidiary of El Paso Natural Gas Co.
[2] The stated effective date is the first day after expiration of the required statutory notice.
[3] The suspension period is limited to 1 day.
[4] Renegotiated rate increase.
[5] Pressure base is 15.025 p.s.i.a.
[6] For gas well gas produced from the Gallup Formation only (the contract covers the sale of gas produced from the Dakota and Gallup Formations).
[7] Includes 1.0 cent per Mcf minimum guarantee for liquids.

APPENDIX A

El Paso Natural Gas Products Co.'s (Products Company) renegotiated rate decrease consists of a 1.0 cent reduction and elimination of a 1.0 cent per Mcf guarantee for liquids. Products Company's wells produce from the Dakota and Gallup formations. Due to pressure difficulties concerning the Gallup gas wells the parties agreed to a 1.0 cent per Mcf reduction in price and deletion of a contractually provided 1.0 cent per Mcf minimum guarantee for liquids as consideration for reduction in line pressure from 500 p.s.i.g. to 250 p.s.i.g. The agreement pertains only to the sale of gas produced from the Gallup formation. Products Company's notice of change constitutes a decrease in rate from 14.063625 cents[6] to 12.0495 cents per Mcf for the Gallup formation low pressure gas. While the proposed rate of 12.0495 cents per Mcf is below the San Juan Basin area ceiling for increased rates, in light of the pressure reduction the gas involved here is not considered to be of pipeline quality within the meaning of the policy statement. Taking into account this reduction in pressure the proposed decreased rate may exceed on a comparable basis the ceiling for pipeline quality gas in this area, and therefore should be suspended for one day as hereinbefore ordered.

[F.R. Doc. 65-6566; Filed, June 23, 1965; 8:45 a.m.]

[6] Previously suspended and is in effect subject to refund in Docket No. RI64-142.

[Docket No. CP65-396]

MICHIGAN WISCONSIN PIPE LINE CO.

Notice of Application

JUNE 17, 1965.

Take notice that on June 11, 1965, Michigan Wisconsin Pipe Line Co. (Applicant), 1 Woodward Avenue, Detroit, Mich., 48226, filed in Docket No. CP65-396 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of 12.2 miles of 12-inch loop and 26.0 miles of 16-inch loop line on its lateral extending to Madison, Wis., all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant states that the proposed facilities would complete the looping of its Madison lateral and are required to correct low-pressure conditions experienced during the 1964-65 heating season and to assure continuity of firm service to communities served from the line. No new service is proposed as a result of the construction.

The estimated cost of construction of the new facilities is $1,925,000, which is to be financed as a part of Applicant's overall financing program which will utilize bank loans after the expenditure of treasury funds.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C., 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (157.10) on or before July 15, 1965.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no protest or petition to intervene is filed within the time required herein, and the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a protest or petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 65-6625; Filed, June 23, 1965; 8:46 a.m.]

[Docket No. G–10843 etc.]

THOMAS N. BERRY & CO. ET AL.

Notice of Applications for Certificates, Abandonment of Service, and Petitions To Amend Certificates [1]

JUNE 15, 1965.

Thomas N. Berry & Co. (Operator), et al. (successor to Barrett Petroleum Co.), and other applicants listed herein, Docket Nos. G–10843, et al.

Take notice that each of the Applicants listed herein has filed an application or petition pursuant to section 7 of the Natural Gas Act for authorization to sell natural gas in interstate commerce or to abandon service heretofore authorized as described herein, all as more fully described in the respective applications and amendments which are on file with the Commission and open to public inspection.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C., 20426, in accordance with the Rules of Practice and Procedure (18 CFR 1.8 or 1.10) on or before July 8, 1965.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on all applications in which no protest or petition to intervene is filed within the time required herein, if the Commission on its own review of the matter believes that a grant of the certificates or the authorization for the proposed abandonment is required by the public convenience and necessity. Where a protest or petition for leave to intervene is timely filed, or where the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given: *Provided, however,* That pursuant to § 2.56, Part 2, Statement of General Policy and Interpretations, Chapter I of Title 18 of the Code of Federal Regulations, as amended, all permanent certificates of public convenience and necessity granting applications, filed after April 15, 1965, without further notice, will contain a condition precluding any filing of an increased rate at a price in excess of that designated for the particular area of production for the period prescribed therein unless at the time of filing such certificate application, or within the time fixed herein for the filing of protests or petitions to intervene the Applicant indicates in writing that it is unwilling to accept such a condition. In the event Applicant is unwilling to accept such condition the application will be set for formal hearing.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

JOSEPH H. GUTRIDE,
Secretary.

[1] This notice does not provide for consolidation for hearing of the several matters covered herein, nor should it be so construed.

Docket No. and date filed	Applicant	Purchaser, field, and location	Price per Mcf	Pressure base
G–10843 E 6-7-65	Thomas N. Berry & Co. (Operator), et al. (successor to Barrett Petroleum Co.), Post Office Box 111, Stillwater, Okla.	Cities Service Gas Co., Eureka Field, Grant County, Okla.	[2] 13.25 [3] 10.75	14.65
C180-494 D 6-7-65	Allen Burr (Operator), et al., 2208 South Coast Bldg., Houston, Tex., 77002 (partial abandonment).	Sylo Gas Co., North Fannin Field, Goliad County, Tex.	Depleted	
C181-219 E 6-1-65	Hal Begle, et al., (successor to E. P. Campbell), c/o W. L. Smith, agent, Box 763, Hobbs, N. Mex.	El Paso Natural Gas Co., Jalmat Pool, Lea County, N. Mex.	9.0	14.65
V182-961 [4] E 6-1-65	Texoro Petroleum Corp. (successor to The Texstar Corp.), 2008 National Bank of Commerce Bldg., San Antonio 5, Tex., 78205.	American Louisiana Pipe Line Co., W. Little Chenier Perdue Field, Cameron Parish, La.	[5] 22.26	15.025
C163-265 C 6-4-65	Forest Oil Corp., et al., 1300 National Bank of Commerce Bldg., San Antonio, Tex., 78205.	Michigan Wisconsin Pipe Line Co., Wheelock Unit, Woodward County, Okla.	20.495	14.65
C163-337 C 6-7-65 [6]	Pan American Petroleum Corp., Post Office Box 591, Tulsa, Okla., 74102.	Michigan Wisconsin Pipe Line Co., Woodward Gas Area, Woodward County, Okla.	[7] 21.845	14.65
C165-616 C 6-3-65	BTA Oil Producers (Operator), et al., 104 South Pecos, Midland, Tex.	El Paso Natural Gas Co., Spraberry Trend Area, Reagan County, Tex.	16.0	14.65
C165-671 U 6-3-65	John L. Cox (Operator), et al., 205 V & J Tower, Midland, Tex.	El Paso Natural Gas Co., Rocker B Ranch Area, Reagan County, Tex.	16.0	14.65
C165-699 C 6-7-65	Tenneco Oil Co., Post Office Box 2511, Houston, Tex., 77001.	Tennessee Gas Transmission Co., Ellis Field, Acadia Parish, La.	19.5	15.025
C165-1264 A 5-5-65	The Pure Oil Co., 200 East Golf Rd., Palatine, Ill., 60067.	Arkansas Louisiana Gas Co., Southeast Ames Field, Major County, Okla.	15.0	14.65
C165-1265 A 5-28-65	Texas Gas Exploration Corp., 1111 First City National Bank Bldg., Houston, Tex., 77002.	Texas Gas Transmission Corp., Midland Field, Muhlenberg County, Ky.	15.0	15.025
C165-1266 A 5-4-65	Carl Perkins, d.b.a. Flanagan Lease, R.F.D. 3, Pennsboro, W. Va., 26415.	Equitable Gas Co., Clay District, Ritchie County, W. Va.	25.0	15.325
C165-1267 A 6-3-65	Sinclair Oil & Gas Co. (Operator), et al., Post Office Box 521, Tulsa, Okla., 74102.	El Paso Natural Gas Co., Kansas Hugoton and Panoma-Council Grove Fields, Grant and Stanton Counties, Kans.	15.0	14.65
C165-1268 A 5-3-65	Sun Oil Co. (SW Division), 1608 Walnut St., Philadelphia, Pa., 19103.	Lone Star Gas Co., Shamburger Lake Field, Smith County, Tex.	[8] 14.40	14.65
C165-1269 A 5-4-65	C. Arnold Brown, 913 Kennedy Bldg., Tulsa, Okla.	Cities Service Gas Co., North Hardtner Field, Barber County, Kans.	14.0	14.65
C165-1270 A 5-4-65	Edwin G. Bradley, 825 Union Center Bldg., Wichita, Kans., 67202.	Panhandle Eastern Pipe Line Co., Lerado Field, Reno County, Kans.	15.0	14.65
C165-1271 B 5-3-65	Sinclair Oil & Gas Co. (Operator), et al., Post Office Box 521, Tulsa, Okla., 74102.	Cities Service Gas Co., Kansas-Hugoton Field, Grant and Stanton Counties, Kans.	[9]	
C165-1272 A 5-5-65	James G. Maynard, d.b.a. Maynard Oil Co. (Operator), et al., c/o John H. MacDonald, agent, 2715 Mercantile Bank Bldg., Dallas, Tex., 75201.	Natural Gas Pipeline Co. of America, acreage in Wise County, Tex.	[10a] 16.0	14.65
C165-1273 A 6-4-65	Edwin L. Cox, 2100 Adolphus Tower, Dallas, Tex., 75202.	Natural Gas Pipeline Co. of America, acreage in Beaver County, Okla.	17.0	14.65
C165-1274 A 6-4-65	Anadarko Production Co., Post Office Box 351, Liberal, Kans., 67901.	Natural Gas Pipeline Co. of America, S. E. Boyd Field, Beaver County, Okla.	17.0	14.65
C165-1275 A 6-4-65	Sinclair Oil & Gas Co., Post Office Box 521, Tulsa, Okla., 74102.	Cities Service Gas Co., Bishop Field, Ellis County, Okla.	17.0	14.65
C165-1276 A 6-4-65	Anadarko Production Co., Post Office Box 351, Liberal, Kans., 67901.	Kansas-Nebraska Natural Gas Co., Inc., Dombey Field, Beaver County, Okla.	[11] 11.0 [12] 13.0	14.65
C165-1277 B 6-4-65	H. N. Rinehart, Hetra, c/o E. D. Rinehart, agent, Cairo, W. Va.	Consolidated Gas Supply Corp., Grant District, Ritchie County, W. Va.	Uneconomical	
C165-1278 A 6-7-65	Thomas E. Berry, Post Office Box 538, Stillwater, Okla., 74074, and C. R. Walbert, 2621 First National Bldg., Oklahoma City, Okla., 73102.	Arkansas Louisiana Gas Co., Acreage in Haskell County, Okla.	14.0	14.65
C165-1279 A 6-7-65	Carl E. Gungoll and Henry H. Gungoll, Post Office Box 861, Enid, Okla.	Panhandle Eastern Pipe Line Co., South Teegarden Field, Woods County, Okla.	17.0	14.65
C165-1280 F 5-21-65	Pubco Petroleum Corp. (successor to Betty Jean Mudge Stahl, et al.), [13] Post Office Box 1419, Albuquerque, N. Mex., 87103.	El Paso Natural Gas Co., Aztec Pictured Cliffs Formation Gas Field, San Juan County, N. Mex.	15.0	15.025
C165-1281 A 6-7-65	William I. Forbes, et al., 940 Maplewood Rd., Wayne, Pa.	Consolidated Gas Supply Corp., DeKalb District, Gilmer County, W. Va.	25.0	15.325
C165-1282 B 5-28-65	Naico Oil and Gas Inc., 923 Americana Bldg., Houston, Tex., 77002.	Kansas-Nebraska Natural Gas Co., Inc., Minto Field, Logan County, Okla.	Uneconomical	
C165-1283 A 6-7-65	Tenneco Oil Co., Post Office Box 2511, Houston, Tex., 77001.	Mississippi River Transmission Corp., Woodlawn Field, Harrison County, Tex.	15.0	14.65

Filing Code: A—Initial service.
B—Abandonment.
C—Amendment to add acreage.
D—Amendment to delete acreage.
E—Succession.
F—Partial succession.

See footnotes at end of table.

Docket No. and date filed	Applicant	Purchaser, field, and location	Price per Mcf	Pressure base
C165-1284 A 6-7-65	Thomas E. Berry, Post Office Box 538, Stillwater, Okla., 74074, and C. R. Walbert, 2621 First National Bldg., Oklahoma City, Okla., 73102.	Arkansas Louisiana Gas Co., Acreage in La Flore County, Okla.	15.0	14.65
C165-1285 A 6-9-65	A. J. Curtis, et al., c/o W. J. Fellers, eighth Floor, Amarillo Bldg., Amarillo, Tex.	Kansas-Nebraska Natural Gas Co., Inc., Dombey Field, Texas County, Okla.	15.0	14.65
C165-1286 A 6-9-65	Rincon Oil & Gas Corp., 1120 Mercantile Securities Bldg., Dallas, Tex., 75201.	El Paso Natural Gas Co., Dakota Field, Rio Arriba County, N. Mex.	15.0	15.025
C165-1287 B 6-7-65	W. A. Box & Claude L. Box, d.b.a. W. A. Box & Son equipment Co., [14] 1701 Hampton Dr., Wichita Falls, Tex.	Transwestern Pipeline Co., Acreage in Lipscomb County, Tex.	[15]	
C165-1288 B 6-9-65	The Jupiter Corp., 810 Texas National Bank Bldg., Houston, Tex.	Texas Eastern Transmission Corp., West Weesatche Field, Goliad County, Tex.	Depleted	
C165-1289 B 6-7-65	J. C. Trahan, Drilling Contractor, Inc. (Operator), et al., 2625 Line Ave., Shreveport, La.	United Gas Pipe Line Co., Ansley Field, Hancock County, Miss.	Depleted	
C165-1290 B 6-7-65	The Tarpon Oil Corp., 2625 Line Ave., Shreveport, La.	do	[15]	
C165-1291 D 6-7-65	J. C. Trahan, Drilling Contractor, Inc. (Operator), et al., 2625 Line Ave., Shreveport, La.	The Tarpon Oil Corp., Ansley Field, Hancock County, Miss.	Depleted	

[1] Lewis A Lease.
[2] Lewis B Lease.
[3] Effective rates subject to refund in Docket No. G–20439.
[4] Consolidated with G–13221, et al.
[5] Includes 1.50 cents per Mcf tax reimbursement.
[6] Rate in effect subject to refund in Docket No. RI62–336.
[7] Adds acreage acquired from Shell Oil Co., Docket No. CI61–624.
[8] Includes 1.0 cent adjustment for B.t.u. content and 1.045 cents tax reimbursement.
[9] Includes 0.49 cent per Mcf tax reimbursement.
[10] Contract has expired. Applicant has contracted with another purchaser.
[10a] Includes 0.0075 cent estimated B.t.u. adjustment and 0.0025 cent per Mcf dehydration adjustment.
[11] Above base of Wolfcampion.
[12] Below base of Wolfcampion.
[13] Certificated under Docket No. G–10795—E. W. Mudge, Jr., et al.
[14] Successor in interest to Armour Properties.
[15] Operation of lease has resulted in a monthly loss.
[16] Producing properties assigned to purchaser.

[F.R. Doc. 65–6566; Filed, June 23, 1965; 8:45 a.m.]

[Docket No. G–6080 etc.]

SHARPLES AND CO. PROPERTIES ET AL.

Notice of Applications

JUNE 17, 1965.

Sharples and Co. Properties (Operator) et al. (successor to Williams Brothers Co.), Docket No. G–6080; Pan American Petroleum Corp. (successor to Williams Brothers Co.), Docket No. G–7500; Williams Brothers Co. (successor to Sharples and Co. Properties (Operator) et al.), Docket No. CI63–202; Williams Brothers Co. (successor to Pan American Petroleum Corp.), Docket No. CI65–135.

Take notice that Applicants herein have filed applications pursuant to section 7(c) of the Natural Gas Act for authorization to sell natural gas from various portions of the W½, section 48, township 5 South, T & P Railway Survey, block 37, Reagan County, Tex., from the surface to the base of the Lower Spraberry Formation which properties have been acquired by Applicants as a result of a cross-assignment between the Sharples Oil Corp. (succeeded to by Sharples and Co. Properties) and Hudson Oil & Metals Co. (succeeded to first by W. H. Hudson Co. and then by Williams Brothers Co.) and between Hudson Oil & Metals Co. and Pan American Petroleum Corp. All sales are to El Paso Natural Gas Co. Details of the subject applications are more fully set forth in the applications which are on file with the Commission and open to public inspection.

On November 16, 1964, Sharples filed in Docket No. G–6080 an application, together with related rate schedule supplements, to amend the order issuing a certificate of public convenience and necessity in said docket to reflect the conveyance to Williams of an undivided one-half interest in the N½NW¼ and the addition of an undivided one-half interest in the S½NW¼ acquired from Williams. Sales from the acquired acreage have heretofore been authorized in Docket No. CI63–202. The predecessor's presently effective rate is 11.0 cents per Mcf at 14.65 p.s.i.a.

On August 17, 1964, Williams filed in Docket No. CI63–202 an application together with related rate schedule supplements, to amend the order issuing a certificate of public convenience and necessity in said docket to reflect the conveyance to Sharples of an undivided one-half interest in the S½NW¼ and the addition of an undivided one-half interest in the N½NW¼ acquired from Sharples. Sales from the acquired acreage have heretofore been authorized in Docket No. G–6080. The predecessor's presently effective rate is 10.0 cents per Mcf at 14.65 p.s.i.a.

On July 20, 1964, Williams filed in Docket No. CI65–135 an application, together with a related rate schedule and supplements, for a certificate of public convenience and necessity to reflect the conveyance to Pan American of an undivided one-half interest in the N½SW¼ and the acquisition from Pan American of an undivided one-half interest in the S½SW¼. Sales from the acquired acreage have heretofore been authorized in Docket No. G–7500. Williams has filed Pan American's contract as its rate schedule for sales from the acquired acreage. Pan American's presently effective rate is 18.243 cents per Mcf at 14.65 p.s.i.a. in effect subject to refund in Docket No. RI65–111.

On March 20, 1961, Pan American filed in Docket No. G–7500 an application together with related rate schedule supplements, to amend the order issuing a certificate of public convenience and necessity in said docket to reflect the conveyance to Williams of an undivided one-half interest in the S½SW¼, the acquisition from Williams of an undivided one-half interest in the N½SW¼, and the deletion of the acquired interest from Williams's contract and the addition thereof to Pan American's contract. Sales from the acquired acreage have heretofore been authorized in Docket No. CI63–202. The predecessors' presently effective rate is 11.0 cents per Mcf at 14.65 p.s.i.a.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C., 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before July 15, 1965.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on all applications in which no protest or petition to intervene is filed within the time required herein, if the Commission on its own review of the matter believes that a grant of the certificate or certificate amendments is required by the public convenience and necessity. Where a protest or petition for leave to intervene is timely filed, or where the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 65–6626; Filed, June 23, 1965; 8:46 a.m.]

[Docket No. E–7227]

CAROLINA POWER & LIGHT CO. AND SOUTH CAROLINA ELECTRIC & GAS CO.

Notice of Application

JUNE 17, 1965.

Take notice that on June 10, 1965, a joint application was filed with the Federal Power Commission by Carolina Power & Light Co., (Carolina Power) and South Carolina Electric & Gas Co. (South Carolina Electric), seeking an order, pursuant to section 203 of the Federal Power Act authorizing the sale by Carolina Power of certain of its electrical transmission facilities to South Carolina Electric.

Carolina Power is incorporated under the laws of the State of North Carolina

with its principal business office at Raleigh, N.C., and is engaged in the generation, transmission, distribution, and sale to the public of electricity as a public utility in various parts of the States of North Carolina and South Carolina. Its service territory presently embraces all or part of 49 counties in North Carolina and 13 counties in South Carolina.

South Carolina Electric is incorporated under the laws of the State of South Carolina with its principal business office at Columbia, S.C., and renders electric service to the public in the central, southeastern, and southwestern sections of North Carolina comprising about 40 percent of the geographical area of the State including parts or all of 24 counties in South Carolina. It also renders natural gas service to the public in the cities of Charleston and Columbia and their environs.

Carolina Power proposes to transfer to South Carolina Electric the following described facilities: 39 miles of transmission line facilities extending from the switchyard structure of South Carolina Electric's Saluda hydroelectric plant to the midpoint of the line span crossing the Wateree River, including all wood poles and two steel towers, 35½ miles of 397,500 CM, 27/6 ACSR conductor, 3½ miles of 4/0, 12-strand copper conductor, 39 miles of two ⅝" S.M. overhead ground wires for lightning protection, all hardware and support wires attached to the structures, together will all right-of-way easements owned by the company and upon which said line is located. According to the application, the consideration for the proposed transfer will be $331,000.

The above-described facilities constitute a 115 kv transmission line. They have been and are being used for the interchange of electricity between the systems of Carolina Power and South Carolina Electric. According to the application, after the proposed sale, the proposed use of the facilities will be generally the same as the present use thereof and for the transmission of electricity by South Carolina Electric within its own system. The application states that the above-described facilities lie wholly within the service territory of South Carolina Electric and it is anticipated that when they are integrated with South Carolina Electric's other facilities, they can be maintained and operated more efficiently and effectively for the transmission of electricity within South Carolina Electric's own system and for the interchange of electricity between the systems of South Carolina Electric and Carolina Power. According to the application, the sale of the facilities to South Carolina Electric will relieve Carolina Power of substantial annual expenses in the operation and maintenance thereof.

Any person desiring to be heard or to make any protest with reference to said application should on or before July 7, 1965, file with the Federal Power Commission, Washington, D.C., 20426, petitions or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). The application is on file and available for public inspection.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 65-6623; Filed, June 23, 1965; 8:46 a.m.]

[Docket No. RI65-633 etc.]

HANLEY CO. ET AL.

Order Accepting Rate Filing, Providing for Hearings on and Suspension of Proposed Changes in Rates [1]

JUNE 16, 1965.

Hanley Co. et al. (and other Respondent listed herein), Docket No. RI65-633, et al.

The above-named Respondents have tendered for filing proposed changes in presently effective rate schedules for sales of natural gas subject to the jurisdiction of the Commission. The proposed changes, which constitute increased rates and charges, are designated as follows:

APPENDIX A

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until—	Cents per Mcf: Rate in effect	Cents per Mcf: Proposed increased rate	Rate in effect subject to refund in docket Nos.
RI65-633...	Hanley Co., et al., 400 Davis Bldg., Dallas, Tex., 75202, Attention: Mr. E. R. Barry.	35	[2] 4	El Paso Natural Gas Co. (Spraberry Area, Reagan County, Tex.).	$2,191	5-19-65	[3] 6-19-65	Accepted	11.0	[4] 16.216	
		35	5	(R.R. District No. 7-c) (Permian Basin Area).	.....	5-19-65	[3] 6-19-65	11-19-65	.....	.....	
RI65-634...	Graham-Michaelis Drilling Co., 111 North Broadway, Wichita, Kans., 67202.	55	3	Northern Natural Gas Co. (Hansford Morrow Field, Hansford County, Tex.) (R.R. District No. 10).	1,725	5-21-65	[5] 6-22-65	11-22-65	[6] 16.5	[7] [8] 17.5	

[2] Agreement dated Oct. 20, 1964, which provides for instant rate and 1.0 cent per Mcf increase for 3-year period following Aug. 1, 1966, and each succeeding 5-year period commencing Aug. 1, 1966; deletes indefinite pricing provisions; revises effective date of tax reimbursement increases from date of contract to Jan. 1, 1960; adds provisions covering operations of properties under unitization agreement.

[3] The stated effective date is the effective date proposed by respondent.

[4] Renegotiated rate increase.

[5] Pressure base is 14.65 p.s.i.a.

[6] Periodic rate increase.

[7] Subject to a downward B.t.u. adjustment.

[8] The stated effective date is the first day after expiration of the required statutory notice.

Hanley Co. et al. (Hanley), tendered for filing an Agreement dated October 20, 1964, as part of their renegotiated rate increase suspended herein. The Agreement provides for the instant increased rate and 1.0 cent per Mcf increase for 3-year period following August 1, 1966, and each succeeding 5-year period commencing August 1, 1969; deletes indefinite pricing provisions; revises effective date of tax reimbursement increases from date of contract to January 1, 1950; adds provisions covering operations of properties under unitization agreement. Said Agreement has been designated as Supplement No. 4 to Hanley's FPC Gas Rate Schedule No. 35 and should be accepted for filing as hereinafter ordered.

Hanley and Graham-Michelis Drilling Co.'s proposed increased rates and charges exceed the applicable area price levels for increased rates as set forth in the Commission's Statement of General Policy No. 61-1, as amended (18 CFR Ch. I, Part 2, § 2.56).

The proposed changed rates and charges may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds:

(1) Good cause has been shown that the Agreement dated October 20, 1964, designated as Supplement No. 4 to Hanley's FPC Gas Rate Schedule No. 35, should be accepted for filing and permitted to become effective as of June 19, 1965, the date of expiration of the required statutory notice.

(2) It is necessary and proper in the public interest and to aid in the enforcement of the provision of the Natural Gas Act that the Commission enter upon hearings concerning the lawfulness of the proposed changes, and that the above-designated supplements be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Supplement No. 4 to Hanley's FPC Gas Rate Schedule No. 35 is hereby accepted for filing and permitted to become effective as of June 19, 1965.

(B) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the Regulations under the Natural Gas Act (18 CFR Ch. I), public hearings shall be held upon dates to be fixed by notices from the Secretary concerning the lawfulness of the proposed increased rates and charges contained in the above-designated supplements.

(C) Pending hearings and decisions thereon, the above-designated rate supplements are hereby suspended and the use thereof deferred until the date indicated in the above "Date Suspended Until" column, and thereafter until such further time as they are made effective in the manner prescribed by the Natural Gas Act.

[1] Does not consolidate for hearing or dispose of the matters herein.

(D) Neither the supplements hereby suspended, nor the rate schedules sought to be altered thereby, shall be changed until these proceedings have been disposed of or until the periods of suspension have expired, unless otherwise ordered by the Commission.

(E) Notices of intervention or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C., 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 and 1.37 (f)) on or before August 16, 1965.

By the Commission.

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 65-6566; Filed, June 23, 1965; 8:45 a.m.]

[Docket No. RP 64-9 etc.]

CITIES SERVICE GAS CO. ET AL.

Notice of Further Extension of Time

JUNE 17, 1965.

Cities Service Gas Co., Docket No. RP64-9; Columbian Fuel Corp., Docket Nos. RI61-316, RI61-518, RI62-49; Cities Service Oil Co., Docket Nos. RI63-485, RI65-269.

Upon consideration of the status of the above-designated matters and the extension heretofore granted by notice issued May 25, 1965, extending the time within which to file testimony and exhibits;

Notice is hereby given that a further extension of time is granted to and including July 19, 1965, within which staff counsel shall serve its testimony and exhibits on all parties; and to and including August 2, 1965, within which intervenors proposing to present evidence on the affiliated purchased gas cost issue shall serve their testimony and exhibits upon all parties.

Further, notice is hereby given that the prehearing conference presently scheduled to commence on July 13, 1965, is postponed to August 12, 1965, at 10 a.m., in a hearing room of the Federal Power Commission, 441 G Street N.W., Washington, D.C.

By direction of the Commission.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 65-6624; Filed, June 23, 1965; 8:46 a.m.]

INTERSTATE COMMERCE COMMISSION

[Notice 784]

MOTOR CARRIER, BROKER, WATER CARRIER, AND FREIGHT FORWARDER APPLICATIONS

JUNE 18, 1965.

The following applications are governed by Special Rule 1.247 [1] of the Commission's general rules of practice (49 CFR 1.247), published in the FEDERAL REGISTER, issue of December 3, 1963, effective January 1, 1964. These rules provide, among other things, that a protest to the granting of an application must be filed with the Commission within 30 days after date of notice of filing of the application is published in the FEDERAL REGISTER. Failure seasonably to file a protest will be construed as a waiver of opposition and participation in the proceeding. A protest under these rules should comply with § 1.40 of the general rules of practice which requires that it set forth specifically the grounds upon which it is made and specify with particularity the facts, matters, and things relied upon, but shall not include issues or allegations phrased generally. Protests not in reasonable compliance with the requirements of the rules may be rejected. The original and six (6) copies of the protest shall be filed with the Commission, and a copy shall be served concurrently upon applicant's representative, or applicant if no representative is named. If the protest includes a request for oral hearing, such request shall meet the requirements of § 1.247(d)(4) of the special rule. Subsequent assignment of these proceedings for oral hearing, if any, will be by Commission order which will be served on each party of record.

The publications hereinafter set forth reflect the scope of the applications as filed by applicants, and may include descriptions, restrictions, or limitations which are not in a form acceptable to the Commission. Authority which ultimately may be granted as a result of the applications here noticed will not necessarily reflect the phraseology set forth in the application as filed, but also will eliminate any restrictions which are not acceptable to the Commission.

No. MC 409 (Sub-No. 22), filed June 1, 1965. Applicant: O. E. POULSON, INC., Elm Creek, Nebr. Applicant's attorney: J. Max Harding, Box 2028, Lincoln, Nebr., 68501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Commodities* in bulk, and *damaged or rejected shipments* of the above specified commodities, between points in Nebraska. NOTE: Applicant states the above proposed operation will be restricted against the movement of petroleum products in bulk; against the movement of fertilizer or fertilizer mixtures from LaPlatte, Nebr.; and against the movement of inedible animal fats and blends thereof, from points in Nebraska to Omaha and Nebraska City, Nebr. If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr.

No. MC 1150 (Sub-No. 28), filed May 27, 1965. Applicant: HEEREN TRUCKING COMPANY, INC., 114 Second Avenue, East, Lemmon, S. Dak. Applicant's attorney: Ronald R. Johnson (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum and petroleum products*, in bulk, in tank vehicles, from Aberdeen, S. Dak., and points within fifteen (15) miles thereof, to points in Slope, Bowman, Hettinger, Adams, Grant, Sioux, Emmons, Logan, and McIntosh Counties, N. Dak., and *rejected shipments* of the commodities specified above on return. NOTE: If a hearing is deemed necessary, applicant requests it be held at Pierre, S. Dak.

No. MC 1641 (Sub-No. 65), filed May 27, 1965. Applicant: PEAKE TRANSPORT SERVICE, INC., Box 366, Chester, Nebr. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Anhydrous ammonia, amonia nitrate, urea, nitric acid, sulphuric acid, and fertilizer solutions*, liquid, in bulk, in tank vehicles, from the plant site of the American Cyanamid Co. at South River, Mo. (located near Palmyra), in Marion County, Mo., to points in Arkansas, Illinois, Indiana, Iowa, Kansas, Kentucky, Michigan, Minnesota, Missouri, Nebraska, North Dakota, Ohio, Oklahoma, South Dakota, Tennessee, Texas, and Wisconsin. NOTE: If a hearing is deemed necessary, applicant requests it be held at St. Louis, Mo.

No. MC 1936 (Sub-No. 21), filed June 2, 1965. Applicant: B & P MOTOR EXPRESS, INC., 51st Street and A.V.R.R., Pittsburgh, Pa. Applicant's attorney: John A. Vuono, 1515 Park Building, Pittsburgh, Pa., 15222. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, livestock, commodities in bulk, and those requiring special equipment), between Fort Wayne, Ind., and Toledo, Ohio, over U.S. Highway 24, serving no intermediate points as an alternate route for operating convenience only in connection with carrier's authorized regular route operations. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 2392 (Sub-No. 40), filed May 27, 1965. Applicant: WHEELER TRANSPORT SERVICE, INC., Box 432, Genoa, Nebr. Applicant's attorney: Leonard A. Jaskiewicz, 1155 15th Street, 600 Madison Building, Washington, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Anhydrous ammonia, ammonium nitrate, urea, nitric acid, sulphuric acid, and fertilizer solutions*, liquid, in bulk, in tank vehicles, from the plant site of the American Cyanamid Co. at South River, Mo. (located near Palmyra) in Marion County, Mo., to points in Arkansas, Illinois, Indiana, Iowa, Kansas, Kentucky, Michigan, Minnesota, Missouri, Nebraska, North Dakota, Ohio, Oklahoma, South Dakota, Tennessee, Texas, and Wisconsin, and *damaged and rejected shipments* of the commodities specified above, on return. NOTE: If a hearing is deemed necessary, applicant requests it be held at St. Louis, Mo.

No. MC 2840 (Sub-No. 2), filed May 27, 1965. Applicant: L. E. BAGLEY CO., INC., 600 Willow Street, Manchester, N.H. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined in *Practices of Motor Common Carriers of Household Goods*, 17 M.C.C. 467, between points in

[1] Copies of Special Rule 1.247 can be obtained by writing to the Secretary, Interstate Commerce Commission, Washington, D.C., 20423.

New Hampshire. NOTE: If a hearing is deemed necessary, applicant requests it be held at Concord, N.H.

No. MC 10761 (Sub-No. 175), filed June 1, 1965. Applicant: TRANSAMERICAN FREIGHT LINES, INC., 1700 North Waterman Avenue, Detroit 9, Mich. Applicant's attorney: Howell Ellis, Suite 616-618 Fidelity Building, 111 Monument Circle, Indianapolis 4, Ind. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Conduit, pipe and tubing*, serving Sherman, Tex., as an off-route point in connection with applicant's regular route operation between Dallas, Tex., and Oklahoma City, Okla. NOTE: If a hearing is deemed necessary, applicant requests it be held at Dallas, Tex.

No. MC 11207 (Sub-No. 233), filed May 28, 1965. Applicant: DEATON TRUCK LINE, INC., 3409 10th Avenue, North, Birmingham, Ala. Applicant's attorney: A. Alvis Layne, Pennsylvania Building, Washington, D.C., 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), (1) between Atlanta, Ga., on the one hand, and, on the other, Monroe and Shreveport, La., Dallas and Fort Worth, Tex., and points within ten (10) miles of Dallas and Fort Worth, Tex., and (2) between New Orleans, La., on the one hand, and, on the other, Baton Rouge, La., Orange, Beaumont, Texas City, and Houston, Tex., and points within ten (10) miles of Houston (no local service between New Orleans and the points named is sought). NOTE: Applicant states it proposes to tack the authority sought with the authority presently held by it in Docket No. MC 11207 (Sub-Nos. 47, 182 and 203), authorizing operations in the States of Alabama, Louisiana, Mississippi, Georgia, and Florida. If a hearing is deemed necessary, applicant requests it be held at Atlanta, Ga., Dallas, Tex., or Washington, D.C.

No. MC 18088 (Sub-No. 37), filed June 4, 1965. Applicant: FLOYD & BEASLEY TRANSFER COMPANY, INC., Post Office Drawer 8, Sycamore, Ala. Applicant's attorney: John W. Cooper, 805 Title Building, Birmingham, Ala., 35203. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Textile products and materials and supplies* used or consumed in the production thereof and *textile machinery and parts*, between points in Alabama, on the one hand, and, on the other, points in Georgia, Tennessee, Alabama, and South Carolina. NOTE: Applicant states no duplication of authority is sought. If a hearing is deemed necessary, applicant requests it be held at Atlanta, Ga., Birmingham, Ala., and Montgomery, Ala.

No. MC 29566 (Sub-No. 99) (AMENDMENT), filed March 1, 1965, published in FEDERAL REGISTER issue, March 25, 1965, and republished as amended this issue. Applicant: SOUTHWEST FREIGHT LINES, INC., 1400 Kansas Avenue, Kansas City, Kans. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts and articles distributed by meat packinghouses*, as described in sections A and C, of appendix I, to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk, in tank vehicles), from Lexington, Nebr. and points within five (5) miles thereof, Minden, Nebr., and points within five (5) miles thereof, and Darr, Nebr., and points wtihin five (5) miles thereof, to points in Arkansas, Illinois, Iowa, Kansas, Missouri, Oklahoma, and the Indiana portion of the Chicago commercial zone, and Memphis, Tenn. NOTE: The purpose of this republication is to add the origin points of Darr, Nebr., and points within five (5) miles thereof. If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr.

No. MC 29566 (Sub-No. 105), filed June 1, 1965. Applicant: SOUTHWEST FREIGHT LINES, INC., 1400 Kansas Avenue, Kansas City, Kans. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Ammonium nitrate, urea, fertilizer, fertilizer materials, and fertilizer ingredients*, other than liquid, from the plantsite of the American Cyanamid Co. at South River, Mo. (located near Palmyra), in Marion County, Mo., to points in Arkansas, Illinois, Iowa, Kansas, Missouri, Nebraska, and Oklahoma. NOTE: If a hearing is deemed necessary, applicant requests it be held at St. Louis, Mo.

No. MC 29886 (Sub-No. 206), filed June 1, 1965. Applicant: DALLAS & MAVIS FORWARDING CO., INC., 4000 West Sample Street, South Bend, Ind. Applicant's attorney: Charles Pieroni (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Truck bodies, cabs, hoists, liftgates, trailers, mixers, spreaders*, and *containers* (except containers having a capacity of 5 gallons or less or having a capacity of 9 cubic feet or less), moving in mixed, solid loads, and (2) *materials, supplies* and *parts* used in the manufacture, assembly or servicing of the above described commodities when moving in mixed loads with any of such commodities, from Galion, Bucyrus, Cardington, and Lima, Ohio, to points in the United States. NOTE: Applicant states that it presently holds authority to perform a part of the above service under its Certificate No. MC 29886 (Sub-No. 180), but no duplicating authority is sought herein. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Cleveland, Ohio.

No. MC 30844 (Sub-No. 183), filed May 27, 1965. Applicant: KROBLIN REFRIGERATED XPRESS, INC., Post Office Box 218, Sumner, Iowa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Sodium linear alkylate sulfonate*, in bags and drums, from Fredonia, Wis., to Sumner, Iowa. NOTE: If a hearing is deemed necessary, applicant requests it be held at Des Moines, Iowa.

No. MC 31600 (Sub-No. 591), filed May 27, 1965. Applicant: P. B. MUTRIE MOTOR TRANSPORTATION, INC., Calvary Street, Waltham, Mass. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry plastic materials*, in bulk, in tank or hopper type vehicles, from Freetown, Mass., to points in Rhode Island. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 42261 (Sub-No. 91), filed June 1, 1965. Applicant: LANGER TRANSPORT CORP., Route 1 and Foot of Danforth Avenue, Jersey City, N.J. Applicant's attorney: Samuel B. Zinder, 140 Cedar Street, New York 6, N.Y. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals*, dry, in bulk, in tank and hopper type vehicles, between Passaic, N.J., and points in Mason County, W. Va. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 45656 (Sub-No. 10), filed June 1, 1965. Applicant: ANDERSON TRUCK LINE, INC., 115 Powell Avenue, Lenoir, N.C. Applicant's attorney: Vaughan S. Winborne, Capital Club Building, Raleigh, N.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Veneers and other wood products*, said commodities to be used in the manufacturing of furniture, from points in Georgia to Lenoir, N.C., and those points in North Carolina within 50 miles of Lenoir, N.C. NOTE: If a hearing is deemed necessary, applicant requests it be held at Charlotte, N.C.

No. MC 45656 (Sub-No. 11), filed June 1, 1965. Applicant: ANDERSON TRUCK LINE, INC., 115 Powell Avenue, Lenoir, N.C. Applicant's attorney: Vaughan S. Winborne, Capital Club Building, Raleigh, N.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New furniture*, (1) from Conover, N.C., and points within 2 miles thereof, and points in Caldwell County, N.C., to points in Virginia, Georgia, and Maryland, and (2) from Marion, N.C. to points in that part of Georgia on and south of U.S. Highway 280. NOTE: Applicant states any duplicating authority in (1) above will be canceled and in (2) it holds authority from Marion to the north part of Georgia. If a hearing is deemed necessary, applicant requests it be held at Charlotte, N.C.

No. MC 50069 (Sub-No. 324), filed June 1, 1965. Applicant: REFINERS TRANSPORT AND TERMINAL CORPORATION, 111 West Jackson Boulevard, Chicago 4, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Anhydrous ammonia, ammonium nitrate, urea, nitric acid, sulphuric acid, and fertilizer solutions*, in bulk, in tank vehicles, from the plantsite of the American Cyanamid Co. at or near South River, Mo., to points in Arkansas, Illinois,

Indiana, Iowa, Kansas, Kentucky, Michigan, Missouri, Minnesota, Nebraska, North Dakota, Ohio, Oklahoma, South Dakota, Tennessee, Texas, and Wisconsin. NOTE: If a hearing is deemed necessary, applicant requests it be held at St. Louis, Mo.

No. MC 52709 (Sub-No. 266), filed June 2, 1965. Applicant: RINGSBY TRUCK LINES, INC., 3201 Ringsby Court, Denver, Colo., 80216. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between Laramie, Wyo., and Craig, Colo.: From Laramie over Wyoming Highway 230 to the Wyoming-Colorado State line, thence over Colorado Highway 127 to junction Colorado Highway 125, thence over Colorado Highway 125 to junction Colorado Highway 14 at or near Walden, Colo., thence over Colorado Highway 14 to junction U.S. Highway 40, thence over U.S. Highway 40 to Craig, and return over the same route, serving no intermediate points, but serving Laramie, Wyo., for purpose of joinder only. NOTE: If a hearing is deemed necessary, applicant requests it be held at Denver, Colo.

No. MC 61396 (Sub-No. 136), filed May 27, 1965. Applicant: HERMAN BROS. INC., 2501 North 11th Street, Omaha, Nebr. Applicant's attorney: Leonard Jaskiewicz, 600 Madison Building, 1155 15th Street NW., Washington, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Anhydrous ammonia, ammonium nitrate, urea, nitric acid, sulphuric acid, and fertilizer solutions*, liquid, in bulk, in tank vehicles, from the plantsite of American Cyanamid Co., at South River, Mo. (located near Palmyra), in Marion County, Mo., to points in Arkansas, Illinois, Indiana, Iowa, Kansas, Kentucky, Michigan, Missouri, Minnesota, Nebraska, North Dakota, Ohio, Oklahoma, South Dakota, Tennessee, Texas, and Wisconsin. NOTE: If a hearing is deemed necessary, applicant requests it be held at St. Louis, Mo.

No. MC 61403 (Sub-No. 128), filed May 27, 1965. Applicant: THE MASON AND DIXON TANK LINES, INC., Eastman Road, Kingsport, Tenn. Applicant's attorney: W. C. Mitchell, 140 Cedar Street, New York 6, N.Y. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Methyl methacrylate monomer*, in bulk, in tank vehicles, from Pace, Fla., to points in Maryland and New Jersey. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 61403 (Sub-No. 129), filed June 1, 1965. Applicant: THE MASON AND DIXON TANK LINES, INC., Eastman Road, Kingsport, Tenn. Applicant's attorney: W. C. Mitchell, 140 Cedar Street, New York 6, N.Y. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Corn syrup, and liquid sugar and blends thereof*, in bulk, in tank vehicles, from Cullman, Ala., to points in Georgia. NOTE: If a hearing is deemed necessary applicant requests it be held at Atlanta, Ga., or Washington, D.C.

No. MC 61788 (Sub-No. 22), filed June 1, 1965. Applicant: GEORGIA FLORIDA ALABAMA TRANSPORTATION COMPANY, a corporation, Post Office Box 1327, Dothan, Ala. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except Classes A and B explosives, household goods as defined by the Commission, commodities of unusual value, commodities in bulk, commodities requiring special equipment and those injurious or contaminating to other lading), serving points in Russell County, Ala., as off-route points in connection with applicant's regular route operations between Dothan, Ala., and Columbus, Ga. NOTE: If a hearing is deemed necessary, applicant requests it to be held at Columbus, Ga.

No. MC 63101 (Sub-No. 5), filed June 1, 1965. Applicant: KEENE'S TRANSFER, INC., Post Office Box 87, Tomah, Wis. Applicant's attorney: John T. Porter, 708 First National Bank Building, Madison, Wis., 53703. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages*, from La Crosse and Sheboygan, Wis., to South Beloit, Ill. NOTE: If a hearing is deemed necessary, applicant requests it be held at Madison, Wis.

No. MC 64904 (Sub-No. 65), filed May 25, 1965. Applicant: HENNIS FREIGHT LINES, INC., Post Office Box 612, Winston-Salem, N.C., 27102. Applicant's representative: Frank C. Phillips (same address as applicant's). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Steel billits*, on flatbed trailers, from Steelton, Ky., to West Allis, Wis., and *refused and rejected shipments*, on return. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 71096 (Sub-No. 53) (CORRECTION), filed May 10, 1965, published FEDERAL REGISTER issue June 3, 1965, and republished as corrected this issue. Applicant: NORWALK TRUCK LINES, INC., 180 Milan Avenue, Norwalk, Ohio. Applicant's representative: Marion M. Emery, 6055 Flanders Road, Sylvania, Ohio. The above entitled caption was published in error. The purpose of this republication is to correctly show the name of the company to be Norwalk Truck Lines, *Inc.*

No. MC 73656 (Sub-No. 2), filed May 27, 1965. Applicant: GERO BROS. MOVERS, INC., 53 Main Street, Burlington, Vt. Applicant's attorney: Robert J. Gallagher, 111 State Street, Boston, Mass., 02109. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Uncrated new furniture*, between points in Vermont, on the one hand, and, on the other, points in Maine, New Hampshire, Massachusetts, Rhode Island, Connecticut, New York, New Jersey, Delaware, Maryland, Virginia, Ohio, Pennsylvania, Indiana, Illinois, and the District of Columbia. NOTE: If a hearing is deemed necessary, applicant requests it be held at Burlington, Vt.

No. MC 76177 (Sub-No. 302), filed June 1, 1965. Applicant: BAGGETT TRANSPORTATION COMPANY, a corporation, 2 South 32d Street, Birmingham, Ala. Applicant's attorney: Alan E. Serby, Suite 1600 First Federal Building, Atlanta, Ga. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving points in Russell County, Ala., as off-route points in connection with applicant's authorized regular route authority. NOTE: If a hearing is deemed necessary, applicant requests it be held at Columbus, Ga.

No. MC 78632 (Sub-No. 122), filed June 4, 1965. Applicant: HOOVER MOTOR EXPRESS COMPANY, INC., Post Office Box 2408, Jacksonville, Fla. Applicant's attorney: Jack Goodman, 39 South La Salle Street, Chicago, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading), serving East Troy, Wis., as an off-route point in connection with applicant's presently authorized regular route operations between Chicago, Ill., and Milwaukee, Wis. NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Milwaukee, Wis.

No. MC 85934 (Sub-No. 35), filed June 1, 1965. Applicant: MICHIGAN TRANSPORTATION COMPANY, a corporation, 3601 Wyoming Avenue, Dearborn, Mich. Applicant's attorney: Rex Eames, 1600 Buhl Building, Detroit, Mich. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lime and limestone products*, from River Rouge, Mich., to points in Illinois, Indiana, Iowa, Kentucky, Ohio, Missouri, New York, Pennsylvania, Wisconsin, and West Virginia. NOTE: If a hearing is deemed necessary, applicant requests it be held at Lansing, Mich.

No. MC 92983 (Sub-No. 471), filed June 1, 1965. Applicant: ELDON MILLER, INC., Post Office Drawer 617, Kansas City, Mo., 64141. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fats and oils*, including blends and products thereof, in bulk, from points in Idaho and Montana, to points in Kansas and Nebraska. NOTE: If a hearing is deemed necessary, applicant requests it be held at Kansas City, Mo.

No. MC 93003 (Sub-No. 42), filed June 1, 1965. Applicant: CARROLL TRUCKING COMPANY, a corporation, Huntington, W. Va. Authority sought to operate as a *common carrier*, by motor

vehicle, over irregular routes, transporting: *Iron and steel* and *iron and steel articles*, between points in Kentucky. NOTE: If a hearing is deemed necessary, applicant requests it be held at Louisville, Ky.

No. MC 93734 (Sub-No. 6), filed June 1, 1965. Applicant: DE WITT TRANSFER AND STORAGE COMPANY, a corporation, 6060 North Figueroa Street, Los Angeles, Calif. Applicant's attorney: Carl H. Fritze, 1010 Wilshire Boulevard, Los Angeles, Calif. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in Los Angeles, Orange, San Diego, Imperial, Ventura, San Bernardino, Riverside, Kern, Santa Barbara, Alameda, Contra Costa, Marin, San Francisco, San Mateo, Santa Clara, Santa Cruz, and Solano Counties, Calif. NOTE: Applicant states it seeks no duplication of existing authority. If a hearing is deemed necessary, applicant requests it be held at Los Angeles, Calif.

No. MC 94350 (Sub-No. 68), filed June 1, 1965. Applicant: TRANSIT HOMES, INC., 210 West McBee Avenue, Post Office Box 1075, Greenville, S.C. Applicant's attorney: Henry P. Willimon, Box 1075, Greenville, S.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Trailers*, designed to be drawn by passenger automobiles, travel trailers, and campers, from points in Montgomery County, Va., to points in Louisiana and those in the States east of the Mississippi River; namely, Alabama, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Kentucky, Maine, Maryland, Massachusetts, Michigan, Mississippi, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Vermont, Virginia, West Virginia, Wisconsin, and the District of Columbia, and *damaged or rejected shipments*, on return. NOTE: If a hearing is deemed necessary, applicant requests it to be held at Richmond, Va.

No. MC 94350 (Sub-No. 69), filed June 1, 1965. Applicant: TRANSIT HOMES, INC., 210 West McBee Avenue, Post Office Box 1628, Greenville, S.C. Applicant's attorney: Henry P. Willimon, Box 1075, Greenville, S.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Campers, camper coaches*, and *trailers* designed to be drawn by passenger automobiles, in initial movement, from points in Hancock and Winnebago Counties, Iowa, to points in the United States (except Alaska and Hawaii), and *damaged and rejected shipments*, on return. NOTE: If a hearing is deemed necessary, applicant requests it be held at Des Moines, Iowa.

No. MC 94350 (Sub-No. 70), filed June 2, 1965. Applicant: TRANSIT HOMES, INC., 210 West McBee Avenue, Post Office Box 1628, Greenville, S.C. Applicant's attorney: Henry P. Willimon, Box 1075, Greenville, S.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Trailers* designed to be drawn by passenger automobiles, in initial movements, from points in Hart County, Ky., to points in the United States (except Alaska and Hawaii), and *damaged and rejected shipments*, on return. NOTE: If a hearing is deemed necessary, applicant requests it be held at Frankfort, Ky.

No. MC 94350 (Sub-No. 71), filed June 3, 1965. Applicant: TRANSIT HOMES, INC., 210 West McBee Avenue, Post Office Box 1628, Greenville, S.C. Applicant's attorney: Henry P. Willimon, Box 1075, Greenville, S.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Trailers* designed to be drawn by passenger automobiles, in initial movements, from points in Morgan County, Colo., to points in Louisiana, and those in States west of the Mississippi River; namely, Arizona, Arkansas, California, Colorado, Idaho, Iowa, Kansas, Minnesota, Missouri, Montana, Nebraska, Nevada, New Mexico, North Dakota, Oklahoma, Oregon, South Dakota, Texas, Utah, Washington, and Wyoming, and *damaged* and *rejected shipments*, on return. NOTE: If a hearing is deemed necessary, applicant requests it be held at Denver, Colo.

No. MC 94350 (Sub-No. 72), filed June 3, 1965. Applicant: TRANSIT HOMES, INC., 210 West McBee Avenue, Post Office Box 1628, Greenville, S.C. Applicant's attorney: Henry P. Willimon, Box 1075, Greenville, S.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Portable paper balers*, from Ventura, Calif., to points in the continental United States, including Alaska, and *damaged* and *rejected shipments*, on return. NOTE: If a hearing is deemed necessary, applicant requests it be held at San Francisco, Calif.

No. MC 94350 (Sub-No. 73), filed June 4, 1965. Applicant: TRANSIT HOMES, INC., 210 West McBee Avenue, Post Office Box 1628, Greenville, S.C. Applicant's attorney: Henry P. Willimon, Box 1075, Greenville, S.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Portable buildings* traveling on their own or removable undercarriages which are designed to be joined together to form a complete structure, equipped with hitch ball coupler (excluding trailers or mobile homes designed to be drawn by passenger automobiles, and oil field or industrial buildings), from points in Virginia to points in Louisiana and points in States east of the Mississippi River; namely, Alabama, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Kentucky, Maine, Maryland, Massachusetts, Michigan, Mississippi, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Vermont, Virginia, West Virginia, Wisconsin, and the District of Columbia, and *damaged and rejected shipments* on return. NOTE: If a hearing is deemed necessary, applicant requests it be held at Richmond, Va.

No. MC 95224 (Sub-No. 3), filed May 26, 1965. Applicant: R. COMEAU, INC., Lime Street, Post Office Box 132, Adams, Mass. Applicant's representative: William L. Mobley, Rooms 311–315, 1694 Main Street, Springfield 3, Mass. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lime, limestone, and limestone products*, from Adams, Mass., to points in Cheshire, Hillsboro, Merrimack, Rockingham, Strafford, and Sullivan Counties, N.H., those in Rutland and Windsor Counties, Vt., and those in New Jersey on and north of New Jersey Highway 33. NOTE: If a hearing is deemed necessary, applicant requests it be held at Albany, N.Y.

No. MC 96339 (Sub-No. 8), filed May 27, 1965. Applicant: ARROW MOVING AND STORAGE CO., INC., Post Office Box 136, 1509 Bent Avenue, Cheyenne, Wyo. Applicant's attorney: Ward A. White, Post Office Box 578, 1600 Van Lennen Avenue, Cheyenne, Wyo. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Telephone, telegraph and powerline equipment, materials, and supplies*, between Cheyenne, Wyo., on the one hand, and, on the other, points within sixty (60) miles of Cheyenne, Wyo. NOTE: If a hearing is deemed necessary, applicant requests it be held at Cheyenne, Wyo.

No. MC 98088 (Sub-No. 11), filed June 1, 1965. Applicant: LINDLEY TRUCKING SERVICE, INC., 1701 Grand Avenue, Granite City, Ill. Applicant's attorney: B. W. La Tourette, Jr., Suite 1230, Boatmen's Bank Building, St. Louis, Mo. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, liquid commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading), serving the plantsite of American Cyanamid Co. at South River, Mo. (located near Palmyra, Mo.), as an off-route point in connection with applicant's presently authorized regular route operations. NOTE: If a hearing is deemed necessary, applicant requests it be held at St. Louis, Mo.

No. MC 99090 (Sub-No. 5), filed June 1, 1965. Applicant: YATES TRUCK LINES, INC., Maud, Ky. Applicant's attorney: Robert M. Pearce, Central Building, 1033 State Street, Bowling Green, Ky. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer, fertilizer ingredients and component fertilizer raw materials, and returned and rejected shipments*, between points in Kentucky. NOTE: If a hearing is deemed necessary, applicant requests it to be held at Louisville, Ky.

No. MC 99744 (Sub-No. 2), filed May 10, 1965. Applicant: VICTOR GROTHAUS, doing business as GROTHAUS EXPRESS, 201 East Fourth Street, Kingsley, Iowa. Applicant's attorney: J. F. Edell, 510 Professional Building, Kansas City, Mo., 64106. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, between Sioux City, and Schaller, Iowa;

from Sioux City over U.S. Highway 20 to junction Iowa Highway 110, thence over Iowa Highway 110 to Schaller and return over the same route, serving the intermediate points of Moville, Correctionville, and Cushing, Iowa, and the off-route points of Lawton, Holstein, Kingsley, Pierson, Washta, Quimby, Anthon, Oto, Battle Creek, Ida Grove, Galva, Union Township School, and Grand Meadow Consolidated School, Iowa. NOTE: If a hearing is deemed necessary, applicant requests it be held at Sioux City, Iowa.

No. MC 106400 (Sub-No. 54), filed May 28, 1965. Applicant: KAW TRANSPORT COMPANY, a corporation, 701 North Sterling, Sugar Creek, Mo. Applicant's attorney: Leonard A. Jaskiewicz, Madison Building, 1155 Fifteenth Street NW., Washington, D.C., 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Anhydrous ammonia, ammonium nitrate, urea, nitric acid, sulphuric acid, and fertilizer solutions*, liquid, in bulk, in tank vehicles, from the plantsite of the American Cyanamid Co. at South River, Mo. (located near Palmyra), in Marion County, Mo., to points in Arkansas, Illinois, Indiana, Iowa, Kansas, Kentucky, Michigan, Minnesota, Missouri, Nebraska, North Dakota, Ohio, Oklahoma, South Dakota, Tennessee, Texas, and Wisconsin. NOTE: If a hearing is deemed necessary, applicant requests it be held at St. Louis, Mo.

No. MC 106451 (Sub-No. 5), filed May 26, 1965. Applicant: COOK MOTOR LINES, INC., Box 1391, Akron, Ohio. Applicant's attorney: A. Charles Tell, Columbus Center, 100 East Broad Street, Columbus, Ohio. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), (1) between Huntington and New Martinsville, W. Va., from Huntington over U.S. Highway 2 to New Martinsville, and return over the same route, (2) between Huntington and Alloy, W. Va., from Huntington over U.S. Highway 60 to Alloy, and return over the same route, (3) between Point Pleasant and Charleston, W. Va., from Point Pleasant over U.S. Highway 35 to Charleston, and return over the same route, (4) between Charleston and Parkersburg, W. Va., from Charleston over U.S. Highway 21 (including Interstate Highway 77) to Parkersburg, and return over the same route, (5) between Mineralwells and Spencer, W. Va., from Mineralwells over West Virginia Highway 14 to Spencer, and return over the same route, (6) between Mason and Franklin, W. Va., from Mason over U.S. Highway 33 to Franklin and return over the same route, (7) between Parkersburg and Romney, W. Va., from Parkersburg over U.S. Highway 50 to Romney, and return over the same route, (8) between New Martinsville and Buckhannon, W. Va., from New Martinsville over West Virginia Highway 20 to Buckhannon, and return over the same route, (9) between Wheeling and Elkins, W. Va., from Wheeling over U.S. Highway 250 to Elkins, and return over the same route, (10) between Morgantown and Weston, W. Va., from Morgantown over U.S. Highway 19 to Weston, and return over the same route, (11) between Keyser and Franklin, W. Va., from Keyser over U.S. Highway 220 to Franklin, and return over the same route. NOTE: Applicant states that service is to be restricted against service to points south of U.S. Highway 60. Service is proposed to and from all terminal and intermediate points and off-route points located in Ohio, Marshall, Wetzel, Tyler, Pleasants, Wood, Jackson, Mason, Cabell, Putnam, Kanawha, Fayette, Wirt, Roane, Calhoun, Gilmer, Lewis, Upshur, Randolph, Pendleton, Ritchie, Doddridge, Harrison, Taylor, Tucker, Preston, Grant, Mineral, Hampshire, Marion, Barbour, Monongalia, and Hardy Counties, W. Va. (except that service to and from the terminal and intermediate points of Huntington, Charleston, and Parkersburg, W. Va., shall be only for the purpose of joinder and interchange with other motor carriers). If a hearing is deemed necessary, applicant requests it be held at Charleston, W. Va.

No. MC 106674 (Sub-No. 15), filed June 4, 1965. Applicant: OSBORNE TRUCKING CO., INC., 709 South 13th Street, Post Office Box 82, Vincennes, Ind. Applicant's attorney: Thomas F. Kilroy, 1815 H Street NW., Washington, D.C., 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Acids, chemicals, fertilizer, and fertilizer ingredients*, between points in Illinois, Indiana, Iowa, Kansas, Minnesota, Missouri, Nebraska, South Dakota, and Wisconsin. NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or St. Louis, Mo.

No. MC 107107 (Sub-No. 348), filed May 27, 1965. Applicant: ALTERMAN TRANSPORT LINES, INC., Post Office Box 458, Allapattah Station, Miami, Fla. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dairy products, whipped topping, dessert topping, bakers' topping and nondairy coffee cream*, in mechanically refrigerated vehicles, from Jacksonville, Fla., to Chicago, Ill. NOTE: If a hearing is deemed necessary, applicant requests it be held at Jacksonville, Fla.

No. MC 107403 (Sub-No. 626), filed June 4, 1965. Applicant: MATLACK, INC., 10 West Baltimore Avenue, Lansdowne, Pa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals*, in bulk, between points in St. Charles Parish, La., on the one hand, and, on the other, points in the United States (except Alaska and Hawaii). NOTE: If a hearing is deemed necessary, applicant requests it be held at New Orleans, La.

No. MC 107515 (Sub-No. 515), filed June 1, 1965. Applicant: REFRIGERATED TRANSPORT CO., INC., 290 University Avenue SW., Atlanta, Ga., 30310. Applicant's attorney: Paul M. Daniell, Suite 1600, First Federal Building, Atlanta, Ga., 30303. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from Ayden, N.C., to points in Virginia. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 107544 (Sub-No. 71), filed June 3, 1965. Applicant: LEMMON TRANSPORT COMPANY, INC., Post Office Box 580, Marion, Va. Applicant's attorney: Harry C. Ames, Jr., Transportation Building, Washington, D.C., 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Nitrogen tetroxide*, in bulk, in specially designed tank trailers, between Hercules, Calif., Cape Kennedy, Fla., Lewis Research Center, near Cleveland, Ohio, missile sites at or near Davis-Monthan Air Force Base, Ariz., Little Rock Air Force Base, Ark., and McConnell Air Force Base, Kans., Denver, Colo., and points within 25 miles thereof. NOTE: Applicant is also authorized to conduct operations as a contract carrier in Permit No. MC 113959 and subs thereunder, therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 107839 (Sub-No. 76), filed May 27, 1965. Applicant: DENVER-ALBUQUERQUE MOTOR TRANSPORT, INC., 5135 York Street, Denver, Colo. Applicant's attorney: Edward T. Lyons, Jr., Suite 420, Denver Club Building, Denver, Colo., 80202. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Oleomargarine*, from Dallas, Tex., to points in Utah, Idaho, Montana, Washington, and Oregon. NOTE: If a hearing is deemed necessary, applicant requests it to be held at Oklahoma City, Okla.

No. MC 107839 (Sub-No. 77), filed June 1, 1965. Applicant: DENVER-ALBUQUERQUE MOTOR TRANSPORT, INC., 5135 York Street, Denver, Colo. Applicant's attorney: Edward T. Lyons, Jr., Suite 420, Denver Club Building, Denver, Colo. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, and meat byproducts, dairy products, articles distributed by meat packinghouses*, and *such commodities* as are used by meat packers in the conduct of their business when destined to and for use by meat packers, as described in sections A, B, C, and D of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, from Greeley, Colo., to points in Alabama, Arkansas, Florida, Georgia, Iowa, Kansas, Kentucky, Louisiana, Mississippi, Missouri, Nebraska, North Carolina, Oklahoma, South Carolina, Tennessee, and Texas. NOTE: If a hearing is deemed necessary, applicant does not specify place.

No. MC 108053 (Sub-No. 67), filed June 3, 1965. Applicant: LITTLE AUDREY'S TRANSPORTATION COMPANY, INC., Post Office Box 709, Fremont, Nebr. Applicant's attorney: David Axelrod, 39 South La Salle Street, Chicago 3, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from Fairmont and Winnebago, Minn., to points in Idaho, Ore-

gon, Washington, California, Nevada, Utah, and Montana. NOTE: If a hearing is deemed necessary, applicant requests it be held at Minneapolis, Minn.

No. MC 108185 (Sub-No. 29), filed June 1, 1965. Applicant: DIXIE HIGHWAY EXPRESS, INC., 1900 Vanderbilt Road, Birmingham, Ala. Applicant's attorney: Paul M. Daniell, 1600 First Federal Building, Atlanta, Ga., 30303. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk and those requiring special equipment), serving points in Russell County, Ala., as off-route points in connection with applicant's authorized regular-route operations. NOTE: If a hearing is deemed necessary, applicant requests it be held at Columbus, Ga.

No. MC 108449 (Sub-No. 202), filed June 1, 1965. Applicant: INDIANHEAD TRUCK LINE, INC., 1947 West County Road "C", St. Paul, Minn., 55113. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Ammonium nitrate, urea, fertilizer materials, and fertilizer ingredients*, other than liquid, from the plantsite of the American Cyanamid Co. located at South River (Marion County), Mo., to points in Arkansas, Illinois, Indiana, Iowa, Kansas, Kentucky, Michigan, Minnesota, Missouri, Nebraska, North Dakota, Ohio, Oklahoma, South Dakota, Tennessee, Texas, and Wisconsin. NOTE: If a hearing is deemed necessary, applicant requests it be held at St. Louis, Mo.

No. MC 109397 (Sub-No. 120), filed June 1, 1965. Applicant: TRI-STATE MOTOR TRANSIT CO., a corporation, Post Office Box 113, Joplin, Mo. Applicant's attorney: Max G. Morgan, 443–54 American National Building, Oklahoma City 2, Okla. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Classes A, B, and C explosives, blasting supplies, nitro-carbo-nitrates, and ammonium nitrate*, between Ordill, Ill., and points within ten (10) miles thereof, on the one hand, and, on the other, points in Connecticut, Maryland, New Jersey, New York, North Carolina, Pennsylvania, South Carolina, Tennessee, Virginia, and West Virginia. NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 109497 (Sub-No. 13), filed May 26, 1965. Applicant: A. F. COMER TRANSPORT SERVICE, INC., Post Office Box 711, Rocky Mount, N.C. Applicant's attorney: Louis Resnek, 5009 Keokuk Street, Washington, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer and fertilizer materials*, in bulk, in tank motor vehicles, from Chesapeake, Va., and points in Virginia within 15 miles thereof, to points in North Carolina. NOTE: If a hearing is deemed necessary, applicant requests it be held at Raleigh, N.C.

No. MC 110505 (Sub-No. 61), filed June 1, 1965. Applicant: RINGLE TRANSPORT, INC., 405 South Grant Avenue, Fowler, Ind. Applicant's attorney: Robert C. Smith, 512 Illinois Building, Indianapolis 4, Ind. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Roofing cement* and *wood preservatives*, from Michigan City, Ind., to points in Illinois, Ohio, Michigan, Kentucky, and Wisconsin. NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 110525 (Sub-No. 730), filed May 27, 1965. Applicant: CHEMICAL LEAMAN TANK LINES, INC., 520 East Lancaster Avenue, Downingtown, Pa. Applicant's attorneys: Leonard A. Jaskiewicz, 1155 15th Street NW., Madison Building, Washington, D.C. and Edwin H. van Deusen, 520 East Lancaster Avenue, Dowingtown, Pa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Anhydrous ammonia, ammonium nitrate, urea, nitric acid, sulphuric acid, and fertilizer solutions*, liquid, in bulk, in tank vehicles, from the plant site of the American Cyanamid Co., at South River, Mo. (located near Palmyra) in Marion County, Mo., to points in Arkansas, Illinois, Indiana, Iowa, Kansas, Kentucky, Michigan, Minnesota, Missouri, Nebraska, North Dakota, Ohio, Oklahoma, South Dakota, Tennessee, Texas, and Wisconsin. NOTE: If a hearing is deemed necessary, applicant requests it be held at St. Louis, Mo.

No. MC 110988 (Sub-No. 120) (AMENDMENT), filed March 9, 1965, published FEDERAL REGISTER issue March 25, 1965, and republished as amended this issue. Applicant: KAMPO TRANSIT, INC., 200 West Cecil Street, Neenah, Wis. Applicant's attorney: E. Stephen Heisley, Transportation Building, Washington, D.C., 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Acids, chemicals, fertilizers* and *fertilizer ingredients* from East Dubuque, Ill. and points in Illinois within 10 miles thereof, to points in Arkansas, Illinois, Indiana, Iowa, Kansas, Kentucky, Michigan, Minnesota, Missouri, Nebraska, Ohio, Oklahoma, North Dakota South Dakota, and Wisconsin. NOTE: The purpose of this republication is to add the destination States of Arkansas, Kentucky, Michigan, Ohio, Oklahoma, and North Dakota. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 110988 (Sub-No. 129), filed June 4, 1965. Applicant: KAMPO TRANSIT, INC., 200 West Cecil Street, Neenah, Wis. Applicant's attorney: Harry C. Ames, Jr., Transportation Building, Washington, D.C., 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Ammonium nitrate, urea, fertilizer materials, and fertilizer ingredients*, other than liquid, from the plant site of the American Cyanamid Co. at South River Mo. (located near Palmyra) in Marion County, Mo., to points in Arkansas, Illinois, Indiana, Iowa, Kansas, Kentucky, Michigan, Minnesota, Missouri, Nebraska, North Dakota, Ohio, Oklahoma, South Dakota, Tennessee, Texas, and Wisconsin. NOTE: If a hearing is deemed necessary, applicant requests it be held at St. Louis, Mo.

No. MC 111231 (Sub-No. 66), filed May 28, 1965. Applicant: JONES TRUCK LINES, INC., 610 East Emma Avenue, Springdale, Ark. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Composition building boards, accessories and materials* incidental to the transportation and installation thereof, from Greenville, Miss., to points in Illinois, Missouri, and Kansas. NOTE: If a hearing is deemed necessary, applicant requests it be held at Memphis, Tenn.

No. MC 111401 (Sub-No. 175), filed June 1, 1965. Applicant: GROENDYKE TRANSPORT, INC., 2510 Rock Island Boulevard, Post Office Box 632, Enid, Okla. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Anhydrous ammonia, ammonium nitrate, urea, nitric acid, sulphuric acid and fertilizer solutions*, liquid, in bulk, in tank vehicles, from the plantsite of the American Cyanamid Co. at South River, Mo. (located near Palmyra) in Marion County, Mo., to points in Arkansas, Illinois, Indiana, Iowa, Kansas, Kentucky, Michigan, Minnesota, Missouri, Nebraska, North Dakota, Ohio, Oklahoma, South Dakota, Tennessee, Texas, and Wisconsin. NOTE: If a hearing is deemed necessary, applicant requests it be held at St. Louis, Mo.

No. MC 111729 (Sub-No. 86), filed June 4, 1965. Applicant: ARMORED CARRIER CORPORATION, 222–17 Northern Boulevard, Bayside, N.Y. Applicant's attorney: Russell S. Bernhard, 1625 K Street NW., Washington 6, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Business papers, records, and audit and accounting media* (except cash letters), between Natick, Mass., on the one hand, and, on the other, Logan Airport, Boston, Mass., limited to handling of traffic having a prior or subsequent out-of-State movement by air. NOTE: Applicant states the proposed operations will be subject to the following restriction: No service shall be performed under the authority granted herein for any bank or banking institution; namely, any national bank, State bank, Federal Reserve bank, savings and loan association, or savings bank. Applicant is also authorized to conduct operations as a contract carrier in Permit MC 112750 and subs thereunder, therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests it to be held at Boston, Mass.

No. MC 111729 (Sub-No. 87), filed June 4, 1965. Applicant: ARMORED CARRIER CORPORATION, 222–17 Northern Boulevard, Bayside, N.Y. Applicant's attorney: Russell S. Bernhard, 1625 K Street NW., Washington 6, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Business papers, records,*

and audit and accounting media (except cash letters), between O'Hare Field, Chicago, Ill., on the one hand, and on the other, Champaign, Joliet, Rock Island and Springfield, Ill., and Racine, Wis., limited to handling of traffic having a prior or subsequent out-of-state movement by air. NOTE: Applicant states in the above operations no service will be performed for any bank or banking institution; namely, any national bank, State bank, Federal Reserve Bank, savings and loan association or savings bank. Applicant is also authorized to conduct operations as a contract carrier in Permit MC 112750 and subs thereunder, therefore, dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Boston, Mass.

No. MC 111729 (Sub-No. 88), filed June 4, 1965. Applicant: ARMORED CARRIER CORPORATION, 222–17 Northern Boulevard, Bayside, N.Y. Applicant's attorney: Russell S. Bernhard Commonwealth Building, 1625 K Street NW., Washington 6, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Exposed film and prints* (except motion picture film used primarily for commercial theater and television exhibition), (a) from points in West Virginia, to Detroit, Mich.; (b) from points in La Crosse County, Wis. (except La Crosse, Wis.), to Aurora, Ill.; (2) *processed film and prints* (except motion picture film used primarily for commercial theater and television exhibition), *complimentary replacement film, labels, envelopes, packaging materials, and advertising literature* moving therewith, (a) from Detroit, Mich., to points in West Virginia; (b) from Aurora, Ill., to points in La Crosse County, Wis. (except La Crosse, Wis.); (3) *whole human blood and blood derivatives*, between Toledo, Ohio, on the one hand, and, on the other, Detroit, Mich., and (4) *business papers, records, and audit and accounting media* (except cash letters), (a) between Cincinnati, Ohio, on the one hand, and, on the other, Boyers, Pa. and Ashland, Ky., and (b) between Cleveland, Ohio, on the one hand, and, on the other, points in Michigan and West Virginia. NOTE: Applicant states in the above operations no service will be performed for any bank or banking institution; namely, any national bank, State bank, Federal Reserve Bank, savings and loan association, or savings bank. Applicant is also authorized to conduct operations as a contract carrier in Permit MC 112750 and subs thereunder, therefore, dual operations may be involved. If a hearing is deemed necessary, applicant requests it to be held at Detroit, Mich.

No. MC 111729 (Sub-No. 89), filed June 4, 1965. Applicant: ARMORED CARRIER CORPORATION, 222–17 Northern Boulevard, Bayside, N.Y. Applicant's attorney: Russell S. Bernhard, 1625 K Street NW., Washington 6, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Business papers, records, and audit and accounting media* (except cash letters), between Boston, Mass., on the one hand, and, on the other, Poughkeepsie, N.Y., and (2) *checks* (except cash letters), from Concord, N.H., to Boston, Mass. NOTE: Applicant states the proposed operations will be subject to the following restriction: No service shall be performed under the authority granted herein for any bank or banking institution; namely, any national bank, State bank, Federal Reserve bank, savings and loan association, or savings bank. Applicant is also authorized to conduct operations as a contract carrier in Permit MC 112750 and subs, therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Boston, Mass.

No. MC 111812 (Sub-No. 291), filed May 28, 1965. Applicant: MIDWEST COAST TRANSPORT, INC., Wilson Terminal Building, Post Office Box 747, Sioux Falls, S. Dak. Applicant's attorney: Donald L. Stern, 630 City National Bank Building, Omaha, Nebr. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts, and articles distributed by meat packinghouses* (except hides and commodities in bulk, in tank vehicles), from points in Dawson and Kearney Counties, Nebr., to points in Arizona, California, Idaho, Montana, New Mexico, Nevada, Oregon, Utah, Washington, and Wyoming. NOTE: If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr.

No. MC 112223 (Sub-No. 71), filed June 1, 1965. Applicant: QUICKIE TRANSPORT COMPANY, a corporation, 501 11th Avenue South, Minneapolis, Minn. Applicant's attorney: Earl Hacking, 503 11th Avenue South, Minneapolis, Minn. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Manufactured dry fertilizer*, in bulk, from Pine Bend, Minn., and points within five (5) miles thereof to points in Iowa, North Dakota, and Wisconsin. NOTE: If a hearing is deemed necessary, applicant requests it be held at Minneapolis, Minn.

No. MC 112617 (Sub-No. 200), filed June 1, 1965. Applicant: LIQUID TRANSPORTERS, INC., Post Office Box 5135, Cherokee Station, Louisville, 5, Ky. Applicant's attorney: Leonard A. Jaskiewicz, 600 Madison Building, 1155 15th Street NW., Washington, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Anhydrous ammonia, ammonium nitrate, urea, nitric acid, sulphuric acid, and fertilizer solutions*, liquid, in bulk, in tank vehicles, from the plantsite of the American Cyanamid Co. at South River, Mo. (located near Palmyra), in Marion County, Mo., to points in Arkansas, Illinois, Indiana, Iowa, Kansas, Kentucky, Michigan, Minnesota, Missouri, Nebraska, North Dakota, Ohio, Oklahoma, South Dakota, Tennessee, Texas, and Wisconsin. NOTE: If a hearing is deemed necessary, applicant requests it be held at St. Louis, Mo.

No. MC 112822 (Sub-No. 54), filed May 28, 1965. Applicant: EARL BRAY, INC., Post Office Box 1191, Linwood and North Streets, Cushing, Okla. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Ammonium nitrate, urea, fertilizer materials, and fertilizer ingredients* (other than liquid), from the plantsite of the American Cyanamid Co. at South River, Mo. (located near Palmyra), in Marion County, Mo., to points in Arkansas, Illinois, Indiana, Iowa, Kansas, Kentucky, Michigan, Minnesota, Missouri, Nebraska, North Dakota, Ohio, Oklahoma, South Dakota, Tennessee, Texas, and Wisconsin. NOTE: If a hearing is deemed necessary, applicant requests it be held at St. Louis, Mo.

No. MC 112822 (Sub-No. 55), filed May 28, 1965. Applicant: EARL BRAY, INC., Post Office Box 1191, Linwood and North Streets, Cushing, Okla. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Anhydrous ammonia, ammonium nitrate, urea, nitric acid, sulphuric acid, and fertilizer solutions*, liquid, in bulk, in tank vehicles, from the plantsite of American Cyanamid Co., at South River, Mo. (located near Palmyra), in Marion County, Mo., to points in Arkansas, Illinois, Indiana, Iowa, Kansas, Kentucky, Michigan, Minnesota, Missouri, Nebraska, North Dakota, Ohio, Oklahoma, South Dakota, Tennessee, Texas, and Wisconsin. NOTE: If a hearing is deemed necessary, applicant requests it be held at St. Louis, Mo.

No. MC 113325 (Sub-No. 44), filed May 28, 1965. Applicant: SLAY TRANSPORTATION CO., INC., 2001 South Seventh Street, St. Louis, Mo. Applicant's attorney: Chester A. Zyblut, 1000 Connecticut Avenue NW., Washington, D.C., 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals*, including fertilizer compounds, in bulk, from Peru, Ill., to points in Indiana, Ohio, Michigan, Wisconsin, Minnesota, Iowa, and Missouri. NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 113434 (Sub-No. 17), filed May 26, 1965. Applicant: GRA-BELL TRUCK LINE, INC., 679 Lincoln Avenue, Holland, Mich. Applicant's attorney: Wilhelmina Boersma, 2850 Penobscot Building, Detroit, Mich. Authority

sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canned goods*, from the distribution center of Michigan Fruit Canners located approximately two (2) miles west of Coloma, Mich., to points in Indiana, Illinois, Ohio, and Wisconsin, and *rejected shipments* of the commodities specified above, on return. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Chicago, Ill.

No. MC 113666 (Sub-No. 21), filed June 4, 1965. Applicant: FREEPORT TRANSPORT, INC., 1200 Butler Road, Freeport, Pa. Applicant's attorney: Leonard A. Jaskiewicz, Madison Building, 1155 15th Street NW., Washington, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Ammonium nitrate, urea, fertilizer materials, and fertilizer ingredients*, other than liquid, from the plantsite of the American Cyanamid Co. at South River, Mo. (located near Palmyra), in Marion County, Mo., to points in Arkansas, Illinois, Indiana, Iowa, Kansas, Kentucky, Michigan, Minnesota, Missouri, Nebraska, North Dakota, Ohio, Oklahoma, South Dakota, Tennessee, Texas, and Wisconsin. NOTE: If a hearing is deemed necessary, applicant requests it be held at St. Louis, Mo.

No. MC 113678 (Sub-No. 146), filed May 26, 1965. Applicant: CURTIS, INC., 770 East 51st Avenue, Denver, Colo. Applicant's attorney: Duane W. Acklie, Post Office Box 2028, Lincoln, Nebr. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Confectionery, candy, cocoa, coatings, compounds, and cough drops*, from Reading, Elizabethtown and Lititz, Pa., to points in Alabama, Arkansas, Colorado, Illinois, Indiana, Iowa, Louisiana, Kansas, Michigan, Kentucky, Minnesota, Missouri, Nebraska, New Mexico, North Dakota, Ohio, Oklahoma, South Dakota, Tennessee, and Wisconsin. NOTE: If a hearing is deemed necessary, applicant does not specify place.

No. MC 113678 (Sub-No. 147), filed June 4, 1965. Applicant: CURTIS, INC., 770 East 51st Avenue, Denver, Colo., 80216. Applicant's attorney: Duane W. Acklie, Post Office Box 2028, Lincoln, Nebr. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Dairy products*, (2) *returned dairy products*, (3) *commodities* exempt from economic regulations pursuant to provisions of section 206(b)(6) when moving in the same vehicle at the same time with dairy products and/or returned dairy products, from points in Arizona, California, Colorado, Idaho, Montana, Nevada, New Mexico, Oregon, Utah, Washington, and Wyoming to points in Minnesota and Wisconsin and *empty containers or other such incidental facilities* used in transporting the above described commodities, on return. NOTE: If a hearing is deemed necessary, applicant requests it be held at Minneapolis, Minn.

No. MC 113828 (Sub-No. 88), filed May 27, 1965. Applicant: O'BOYLE TANK LINES, INCORPORATED, 4048 Cordell Avenue, Washington 14, D.C. Applicant's attorney: William P. Sullivan, 1825 Jefferson Place NW., Washington, D.C., 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum and petroleum products*, as described in appendix XIII to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 (except petroleum chemicals as defined in appendix XV to the Description case cited above), in bulk, in tank vehicles, from points in Butler County, Pa., to points in Connecticut, Delaware, New Hampshire, New Jersey, New York, Massachusetts, Maine, Rhode Island, and Vermont. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 113828 (Sub-No. 89), filed May 27, 1965. Applicant: O'BOYLE TANK LINES, INCORPORATED, 4048 Cordell Avenue, Washington 14, D.C. Applicant's attorney: William P. Sullivan, 1825 Jefferson Place NW., Washington, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Sorbitol*, in bulk, in tank vehicles, from the plantsite of Merck & Co. located at Danville, Pa., to Richmond, Va. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 113843 (Sub-No. 88), filed May 27, 1965. Applicant: REFRIGERATED FOOD EXPRESS, INC., 316 Summer Street, Boston, Mass. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products and meat byproducts, and articles distributed by meat packinghouses*, as described in sections A and C of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, from Detroit, Mich., to points in Ohio. NOTE: If a hearing is deemed necessary, applicant requests it be held at Detroit, Mich.

No. MC 113974 (Sub-No. 15), filed June 2, 1965. Applicant: PITTSBURGH & NEW ENGLAND TRUCKING CO., a corporation, 211 Washington Avenue, Dravosburg, Pa. Applicant's attorney: Henry M. Wick, Jr., 1515 Park Building, Pittsburgh, Pa., 15222. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel and iron and steel articles* as described in appendix V to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, between Allenport and Monessen, Pa., on the one hand, and, on the other, points in Indiana, Illinois, and the Lower Peninsula of Michigan. NOTE: If a hearing is deemed necessary, applicant requests it be held at Pittsburgh, Pa.

No. MC 114004 (Sub-No. 59), filed June 1, 1965. Applicant: CHANDLER TRAILER CONVOY, INC., 8828 New Benton Highway, Little Rock, Ark. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Boats, and boat accessories, and boat trailers*, from points in Texas (except the Traveler warehouse in Tyler, Tex., and Austin, Tex.), to points in the continental United States, including Alaska. NOTE: If a hearing is deemed necessary, applicant requests it be held at Dallas, Tex.

No. MC 114194 (Sub-No. 104), filed June 1, 1965. Applicant: KREIDER TRUCK SERVICE, INC., 8003 Collinsville Road, East St. Louis, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Glues and adhesives*, in bulk, from points in the Kansas City, Mo.-Kansas City, Kans., commercial zone, to points in Missouri, Kansas, Oklahoma, Texas, Colorado, Nebraska, Arkansas, and Louisiana, and *rejected shipments* of the commodities specified above, on return. NOTE: If a hearing is deemed necessary, applicant requests it be held at St. Louis, Mo., or Kansas City, Kans.

No. MC 114725 (Sub-No. 22), filed June 1, 1965. Applicant: WYNNE TRANSPORT SERVICE, INC., 1528 North 11th Street, Omaha, Nebr. Applicant's attorney: J. Max Harding, Box 2028, Lincoln, Nebr. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry fertilizer, and urea*, in bulk and in bags, from Nebraska City, Nebr., to points in Iowa, Kansas, Minnesota, Missouri, North Dakota, and South Dakota, and *damaged and rejected shipments* of the commodities specified above, on return. NOTE: If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr.

No. MC 114725 (Sub-No. 23), filed June 1, 1965. Applicant: WYNNE TRANSPORT SERVICE, INC., 1528 North 11th Street, Omaha, Nebr. Applicant's attorney: J. Max Harding, Box 2028, Lincoln, Nebr. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Commodities*, in bulk, and *damaged and rejected shipments* of commodities specified, between points in Nebraska. NOTE: Applicant states the proposed service to be restricted against (1) the movement of petroleum products, in bulk, against (2) the movement of fertilizer or fertilizer mixtures, from La Platta, Nebr., and against (3) the movement of inedible animal fats and blends thereof, from points in Nebraska to Omaha and Nebraska City, Nebr. If a hearing is deemed necessary, applicant requests it to be held at Omaha, Nebr.

No. MC 115669 (Sub-No. 51), filed June 1, 1965. Applicant: HOWARD N. DAHLSTEN, doing business as DAHLSTEN TRUCK LINE, Post Office Box 95, Clay Center, Nebr. Applicant's attorney: Donald L. Stern, 630 City National Bank Building, Omaha, Nebr. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Ammonium nitrate, urea, fertilizer materials and fertilizer ingredients* (other than liquid), from the plantsite of the American Cyanamid Co. at South River, Mo. (located near Palmyra), in Marion County, Mo., to points in Arkansas, Illinois, Indiana, Iowa, Kansas, Kentucky, Michigan, Minnesota, Missouri, Nebraska, North Dakota, Ohio, Oklahoma, South Dakota, Tennessee, Texas, and Wisconsin. NOTE: If a hearing is deemed necessary, applicant requests it be held at St. Louis, Mo.

No. MC 116077 (Sub-No. 182), filed June 1, 1965. Applicant: ROBERTSON

TANK LINES, INC., Post Office Box 9527, 5700 Polk Avenue, Houston, Tex., 77011. Applicant's attorney: Thomas E. James, 721 Brown Building, Austin, Tex., 78701. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid and dry sugar*, in bulk, in tank and hopper vehicles, from points in Louisiana to points in Alabama, Arkansas, Florida, Georgia, Illinois, Indiana, Kentucky, Mississippi, Missouri, North Carolina, South Carolina, Tennessee, Texas, and Virginia. NOTE: Applicant states no duplicating authority sought. If a hearing is deemed necessary, applicant requests it to be held at New Orleans, La.

No. MC 116142 (Sub-No. 14), filed June 2, 1965. Applicant: BEVERAGE TRANSPORTATION, INC., Post Office Box 423, York, Pa. Applicant's attorney: S. Harrison Kahn, Suite 733 Investment Building, Washington, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Advertising material* in conjunction with the transportation of malt beverages, (1) from Baltimore, Md., to points in New York and Pennsylvania; (2) from Lebanon, Pa., to Newark, N.J.; (3) from Newark, N.J., to points in New Jersey; (4) from Natick, Mass., to Lebanon and Hudson, Pa.; (5) from Newark, N.J., to Baltimore, Md.; (6) from Philadelphia, Pa., to points in New Jersey; (7) from Pittsburgh, Pa., to Wilmington, Del., the District of Columbia, and points in Maryland, and that part of New York on and west of New York Highway 19; (8) from Harrisburg, Pa., to Baltimore, Md.; (9) from New York, N.Y., to Pittsburgh, Pa.; (10) from Cumberland and Baltimore, Md., and New York and Buffalo, N.Y., to Harrisburg, Pa.; (11) from Cincinnati, Ohio, to Upper Darby, Pa.; (12) from Detroit, Mich., to Pittsburgh, Pa.; (13) from Trenton, N.J., to points in Pennsylvania (except points in Philadelphia, Chester and Delaware Counties, Pa.); (14) from Baltimore, Md., to Philadelphia, Pa., and points in New Jersey; (15) from Detroit, Mich., to Harrisburg, Lancaster, and York, Pa.; (16) from Cleveland, Ohio, to points in Pennsylvania on and east of U.S. Highway 15; (17) from Cumberland, Md., to York and Lancaster, Pa.; (18) from Latrobe, Pa., to points in Maryland and New Jersey; (19) from New York, N.Y., and Newark, N.J., to York, Pa., and points in Pennsylvania within 35 miles thereof; (20) from Utica, N.Y., to points in Pennsylvania, and points in that part of New Jersey on and south of U.S. Highway 22 from the New Jersey-Pennsylvania State line to Hillside, N.J., and on and south of the boundary line between Essex and Union Counties, N.J., from Hillside, N.J., to the eastern boundary line of New Jersey.

(21) From Baltimore, Md., to York, Pa., (22) from Williamsport, Pa., to points on Long Island, N.Y., and points in New Jersey, Maryland, Virginia, and the District of Columbia, and (23) from Newark, N.J., to Olean, Hornell, and Jamestown, N.Y., and points in that portion of New York (except Albany, Syracuse, Utica, Saratoga Springs, and Saran Lake, N.Y.), on the north of U.S. Highway 20 from the Massachusetts-New York State line to junction Alternate U.S. Highway 20 at or near East Bloomfield, N.Y., thence along Alternate U.S. Highway 20 to junction U.S. Highway 62 at or near Big Tree, N.Y., and thence along unnumbered New York Highway to Lake Erie. NOTE: Applicant states it is presently authorized to transport malt beverages from and to all of the points named herein, and seeks authority to transport advertising material only as an incidental movement in connection with and as part of the transportation of malt beverages. If a hearing is deemed necessary, applicant requests it be held at Newark, N.J.

No. MC 117119 (Sub-No. 210), filed June 1, 1965. Applicant: WILLIS SHAW FROZEN EXPRESS, INC., Elm Springs, Ark. Applicant's attorney: John H. Joyce, 26 North College, Fayetteville, Ark. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Animal and poultry drugs, tonics, and medicines, and insecticides, and disinfectants, and supplies used in preparation and packaging of these commodities*, in vehicles equipped with mechanical refrigeration (except commodities in bulk, in tank vehicles), from Vineland, N.J., to points in Minneapolis, Minn., and Davenport, and Des Moines, Iowa. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 117119 (Sub-No. 211), filed June 1, 1965. Applicant: WILLIS SHAW FROZEN EXPRESS, INC., Elm Springs, Ark. Applicant's attorney: John H. Joyce, 26 North College, Fayetteville, Ark. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Animal and poultry drugs, tonics, and medicines, and insecticides and disinfectants and supplies*, used in preparation and packaging of these commodities, in vehicles equipped with mechanical refrigeration (except commodities in bulk, in tank vehicles), from Vineland, N.J., to Forest, Miss. NOTE: If a hearing is deemed necessary, applicant requests it be held at Jackson, Miss.

No. MC 117119 (Sub-No. 212), filed June 1, 1965. Applicant: WILLIS SHAW FROZEN EXPRESS, INC., Elm Springs, Ark. Applicant's attorney: John H. Joyce, 26 North College, Fayetteville, Ark. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Animal and poultry drugs, tonics, and medicines, and insecticides, and disinfectants*, and *supplies*, used in preparation and packaging of these commodities, in vehicles equipped with mechanical refrigeration (except commodities in bulk, in tank vehicles), from Vineland, N.J., to Los Angeles, Calif. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 117439 (Sub-No. 15), filed May 28, 1965. Applicant: BULK TRANSPORT INC., U.S. Highway 190, Post Office Box 89, Port Allen, La. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Cement*, in bulk, in tank and hopper-type vehicles, from New Orleans and Baton Rouge, La. to points in Alabama and Florida. NOTE: If a hearing is deemed necessary, applicant requests it be held at New Orleans or Baton Rouge, La.

No. MC 117954 (Sub-No. 19), filed May 24, 1965. Applicant: H. L. HERRIN, JR., 4928 Jefferson Highway, Post Office Box 23339, New Orleans, La., 70121. Applicant's attorney: Harold R. Ainsworth, 2307 American Bank Building, New Orleans 12, La. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bananas*, from Freeport, Tex., to points in Arkansas, Colorado, Iowa, Kansas, Louisiana, Minnesota, Missouri, Nebraska, New Mexico, North Dakota, Oklahoma, South Dakota, and Texas. NOTE: If a hearing is deemed necessary, applicant requests it be held at New Orleans, La.

No. MC 118130 (Sub-No. 16), filed June 1, 1965. Applicant: BEN HAMRICK, INC., 2000 Chelsea Drive West, Fort Worth, Tex. Applicant's attorney: M. Ward Bailey, 24th Floor, Continental Life Building, Fort Worth, Tex., 76102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods* (except frozen meats), from Kansas City, Kans., and Kansas City, Mo., to points in Alabama, Arkansas, Georgia, Louisiana, Mississippi, Tennessee, and Texas, and *exempt commodities*, on return. NOTE: If a hearing is deemed necessary, applicant requests it be held at Kansas City, Mo.

No. MC 118130 (Sub-No. 17), filed June 1, 1965. Applicant: BEN HAMRICK, INC., 2000 Chelsea Drive West, Fort Worth, Tex. Applicant's attorney: M. Ward Bailey, 24th Floor, Continental Life Building, Fort Worth, Tex., 76102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products and meat byproducts, dairy products, and articles distributed by meat packinghouses*, as described in sections A, B, and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, from points in Colorado, on and north of U.S. Highway 40 and on and east of U.S. Highway 87, to points in North Carolina, South Carolina, Georgia, Alabama, and Florida, and *exempt commodities*, on return. NOTE: If a hearing is deemed necessary, applicant does not specify place of hearing.

No. MC 118130 (Sub-No. 18), filed June 1, 1965. Applicant: BEN HAMRICK, INC., 2000 Chelsea Drive West, Fort Worth, Tex. Applicant's attorney: M. Ward Bailey, Continental Life Building, Fort Worth 2, Tex. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bananas*, from Freeport, Tex., to points in Arkansas, Colorado, Iowa, Kansas, Louisiana, Minnesota, Missouri, Nebraska, New Mexico, North Dakota, South Dakota, Oklahoma, and Texas. NOTE: If a hearing is deemed necessary, applicant requests it be held at Wichita, Kans.

No. MC 118130 (Sub-No. 19), filed June 1, 1965. Applicant: BEN HAMRICK,

INC., 2000 Chelsea Drive West, Fort Worth, Tex. Applicant's attorney: M. Ward Bailey, Continental Life Building, Fort Worth 2, Tex. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from Belvidere, Ill., to points in Alabama, Arkansas, Iowa, Florida, Georgia, Louisiana, Mississippi, Missouri, Nebraska, Kansas, Oklahoma, Tennessee, and Texas, and *exempt commodities*, on return. NOTE: If a hearing is deemed necessary, applicant does not specify a location.

No. MC 118130 (Sub-No. 20), filed June 1, 1965. Applicant: BEN HAMRICK, INC., 2000 Chelsea Drive West, Fort Worth, Tex. Applicant's attorney: M. Ward Bailey, Continental Life Building, Fort Worth 2, Tex. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products and meat byproducts, dairy products, and articles distributed by meat packinghouses*, as described in sections A, B, and C of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, from points in Dakota County, Nebr., to points in Alabama, Arkansas, California, Colorado, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Michigan, Mississippi, Missouri, North Carolina, Ohio, Oklahoma, South Carolina, Tennessee, Texas, Virginia, West Virginia, and Wisconsin, and *exempt commodities*, on return. NOTE: If a hearing is deemed necessary, applicant does not specify a location.

No. MC 118130 (Sub-No. 21), filed June 1, 1965. Applicant: BEN HAMRICK, INC., 2000 Chelsea Drive West, Fort Worth, Tex. Applicant's attorney: M. Ward Bailey, 24th Floor, Continental Life Building, Fort Worth, Tex., 76102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from points in Hidalgo County, Tex., to points in Alabama, Arkansas, Colorado, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Michigan, Minnesota, Mississippi, Missouri, Nebraska, North Carolina, Ohio, Oklahoma, South Carolina, Tennessee, Virginia, West Virginia, and Wisconsin, and *exempt commodities*, on return. NOTE: If a hearing is deemed necessary, applicant does not specify place of hearing.

No. MC 118130 (Sub-No. 22), filed June 1, 1965. Applicant: BEN HAMRICK, INC., 2000 Chelsea Drive West, Fort Worth, Tex. Applicant's attorney: M. Ward Bailey, 24th Floor, Continental Life Building, Fort Worth, Tex., 76102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Prepared foodstuffs* requiring refrigeration, from Denison, Tex., to points in Arkansas, Louisiana, Mississippi, Missouri, and Mobile, Ala., and Pensacola, Fla., and *exempt commodities*, on return. NOTE: If a hearing is deemed necessary, applicant requests it be held at Dallas, Tex.

No. MC 118130 (Sub-No. 23), filed June 1, 1965. Applicant: BEN HAMRICK, INC., 2000 Chelsea Drive West, Forth Worth, Tex. Applicant's attorney: M. Ward Bailey, 24th Floor, Continental Life Building, Fort Worth, Tex., 76102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, and meat byproducts, dairy products, and articles distributed by meat packinghouses*, as described in sections A, B, and C of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, from Wichita, Kans., to points in Alabama, Arkansas, California, Colorado, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Michigan, Mississippi, Missouri, North Carolina, Ohio, Oklahoma, South Carolina, Tennessee, Texas, Virginia, West Virginia, and Wisconsin, and *exempt commodities* on return. NOTE: The purpose of this republication is to add Sioux City, Iowa, as an origin point. If a hearing is deemed necessary, applicant does not specify place of hearing.

No. MC 118130 (Sub-No. 24), filed June 1, 1965. Applicant: BEN HAMRICK, INC., 2000 Chelsea Drive West, Fort Worth, Tex. Applicant's attorney: M. Ward Bailey, Continental Life Building, Forth Worth, Tex. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from Russellville, Ark., to points in Alabama, Arizona, California, Colorado, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Michigan, Minnesota, Mississippi, Missouri, Nebraska, North Carolina, Ohio, Oklahoma, South Carolina, Tennessee, Texas, Virginia, West Virginia, and Wisconsin, and *exempt commodities* on return. NOTE: Applicant does not specify place of hearing if one is deemed necessary.

No. MC 118130 (Sub-No. 25), filed June 1, 1965. Applicant: BEN HAMRICK, INC., 2000 Chelsea Drive West, Fort Worth, Tex. Applicant's attorney: M. Ward Bailey, Continental Life Building, Fort Worth, Tex. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, and meat byproducts, dairy products, and articles distributed by meat packinghouses*, as described in sections A, B, and C of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, from (1) Lexington, Nebr., and points within 5 miles thereof, (2) Minden, Nebr., and points within 5 miles thereof, and (3) Darr, Nebr., and points within 5 miles thereof, to points in Alabama, Arizona, Arkansas, California, Colorado, Florida, Georgia, Idaho, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Michigan, Minnesota, Mississippi, Missouri, Nevada, North Carolina, Ohio, Oklahoma, Oregon, South Carolina, Tennessee, Texas, Utah, Virginia, Washington, West Virginia, and Wisconsin, and *exempt commodities* on return. NOTE: Applicant does not specify place of hearing if one is deemed necessary.

No. MC 118196 (Sub-No. 29) (AMENDMENT), filed March 15, 1965, published in FEDERAL REGISTER issue of April 1, 1965, and republished as amended this issue. Applicant: RAYE & COMPANY TRANSPORTS, INC., Post Office Box 613, Hiway 71 North, Carthage, Mo. Applicant's attorney: Harry Ross, Warner Building, Washington, D.C., 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts, dairy products and articles distributed by meat packinghouses*, as defined by the Commission, from points in Dakota County, Nebr., and Sioux City, Iowa, to points in California, Arizona, Washington, Oregon, Nevada, Idaho, Montana, Wyoming, Utah, Colorado, New Mexico, North Dakota, South Dakota, Kansas, Iowa, Minnesota, Wisconsin, Missouri, Oklahoma, Arkansas, Texas, Louisiana, Illinois, Mississippi, Alabama, Georgia, Florida, and Tennessee. NOTE: The purpose of this republication is to add Sioux City, Iowa, as an origin point. If a hearing is deemed necessary, applicant requests it be held at Des Moines, Iowa, or Omaha, Nebr.

No. MC 119422 (Sub-No. 31), filed June 1, 1965. Applicant: EE-JAY MOTOR TRANSPORTS, INC., 15th and Lincoln, East St. Louis, Ill. Applicant's attorney: Ernest A. Brooks II, 1301–02 Ambassador Building, St. Louis, Mo., 63101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Limestone, limestone products, and mineral filler*, from points in Monroe County, Ill., to points in Missouri on and east of U.S. Highway 65. NOTE: If a hearing is deemed necessary, applicant requests it be held at St. Louis, Mo.

No. MC 119485 (Sub-No. 1), filed June 3, 1965. Applicant: HURDMAN BROS. LIMITED, Innes Road, Mobile Route No. 1, Ottawa 7, Ontario, Canada. Applicant's representative: William D. Traub, 10 East 40th Street, New York, N.Y., 10016. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Commodities*, the transportation of which because of size or weight requires the use of special equipment, *related machinery parts, related contractors' materials* and *supplies* when their transportation is incidental to the transportation of commodities which by reason of size or weight require special equipment, between the ports of entry located on the international boundary line between the United States and Canada located along the St. Lawrence River westward from and including Rooseveltown, N.Y., to and including Alexandria Bay, N.Y., on the one hand, and, on the other, points in New York, New Jersey, Pennsylvania, Maine, New Hampshire, Vermont, Connecticut, Massachusetts, and Rhode Island, restricted to traffic moving in foreign commerce, originating at or destined to points in Canada. NOTE: If a hearing is deemed necessary, applicant requests it be held at New York, N.Y.

No. MC 119531 (Sub-No. 40), filed June 3, 1965. Applicant: DIECKBRADER EXPRESS, INC., 5391 Wooster Road, Cincinnati, Ohio. Applicant's attorney: Charles W. Singer, 33 North La Salle Street, Chicago, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Glassware and glass containers*, with or without caps, covers or stoppers, and *paper cartons*, used in the packing of glassware and glass containers, from Winchester, Ind., to points in Illinois,

Kentucky, Michigan, Missouri, Ohio, and Wisconsin, and *damaged and rejected shipments* of the commodities specified above, on return. NOTE: If a hearing is deemed necessary, applicant does not specify any particular place.

No. MC 119641 (Sub-No. 56), filed June 1, 1965. Applicant: RINGLE EXPRESS, INC., 405 South Grant Avenue, Fowler, Ind. Applicant's attorney: Robert C. Smith, 512 Illinois Building, Indianapolis 4, Ind. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Tractors* (not including tractors with vehicle beds, bed frames or fifth wheels, or those, which because of size or weight, require the use of special equipment), and *attachments and parts therefor* when transported in the same vehicle, at the same time, from New Orleans, La., to points in Alabama located within and west of Madison, Morgan, Cullman, Walker, Fayette, Pickins, Greene, Hale, Marengo, Clarke, and Baldwin Counties, Ala.; points in Arkansas located within and south of Lee, Monroe, Arkansas, Jefferson, Grant, Hot Spring, Pike, Howard, and Sevier Counties, Ark.; points in Kentucky located within and west of Breckinridge, Grayson, Hart, Green, Adair, Russell, and Wayne Counties, Ky.; and points in Louisiana, Mississippi, and Tennessee (except those located within Marion, Sequatchie, Hamilton, Rhea, Meigs, McMinn, Bradley, Monroe, and Polk Counties, Tenn.), and *damaged and rejected shipments*, on return. NOTE: If a hearing is deemed necessary, applicant requests it be held at New Orleans, La.

No. MC 119702 (Sub-No. 16), filed May 28, 1965. Applicant: STAHLY CARTAGE COMPANY, a corporation, 130–A Hillsboro Avenue, Edwardsville, Ill. Applicant's attorney: Leonard A. Jaskiewicz, Madison Building, 1155 15th Street NW., Washington, D.C., 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Anhydrous ammonia, ammonium nitrate, urea, nitric acid, sulphuric acid, and fertilizer solutions*, liquid, in bulk, in tank vehicles, from the plantsite of the American Cyanamid Co. at South River, Mo. (located near Palmyra), in Marion County, Mo., to points in Arkansas, Illinois, Indiana, Iowa, Kansas, Kentucky, Michigan, Minnesota, Missouri, Nebraska, North Dakota, Ohio, Oklahoma, South Dakota, Tennessee, Texas, and Wisconsin. NOTE: If a hearing is deemed necessary applicant requests it be held at St. Louis, Mo.

No. MC 119767 (Sub-No. 83), filed May 24, 1965. Applicant: BEAVER TRANSPORT CO., a corporation, 100 South Calumet Street, Burlington, Wis. Applicant's representative: Fred H. Figge (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Offal*, derived from the slaughter and/or processing of livestock, poultry, and/or fish, (1) from Austin, Minn., and Detroit, Mich., to points in Illinois, and (2) from Glasgow, Ky., to points in Illinois and Wisconsin. NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 119767 (Sub-No. 85), filed June 4, 1965. Applicant: BEAVER TRANSPORT CO., a corporation, 100 South Calumet Street, Burlington, Wis. Applicant's representative: Fred H. Figge (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts, dairy products, and frozen foods*, restricted against the transportation of commodities in bulk, from points in Coles County, Ill., to points in Kentucky. NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 119934 (Sub-No. 95), filed May 28, 1965. Applicant: ECOFF TRUCKING, INC., 625 East Broadway, Fortville, Ind. Applicant's attorney: Leonard A. Jaskiewicz, Madison Building, 1155 15th Street NW., Washington, D.C., 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Anhydrous ammonia, ammonium nitrate, urea, nitric acid, sulphuric acid, and fertilizer solutions*, liquid, in bulk, in tank vehicles, from the plantsite of the American Cyanamid Co. at South River, Mo. (located near Palmyra), in Marion County, Mo., to points in Arkansas, Illinois, Indiana, Iowa, Kansas, Kentucky, Michigan, Minnesota, Missouri, Nebraska, North Dakota, Ohio, Oklahoma, South Dakota, Tennessee, Texas, and Wisconsin. NOTE: If a hearing is deemed necessary, applicant requests it be held at St. Louis, Mo.

No. MC 119934 (Sub-No. 96), filed June 1, 1965. Applicant: ECOFF TRUCKING, INC., Fortville, Ind. Applicant's attorney: Robert C. Smith, 512 Illinois Building, Indianapolis, Ind. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Flour*, in bulk from Decatur, Ill., to Indianapolis, Ind., and *damaged and rejected shipments* of the commodity specified above, on return. NOTE: If a hearing is deemed necessary, applicant requests it be held at Indianapolis, Ind.

No. MC 123393 (Sub-No. 59) (AMENDMENT), filed March 15, 1965, published FEDERAL REGISTER issue April 1, 1965, and republished as amended this issue. Applicant: BILYEU REFRIGERATED TRANSPORT CORPORATION, 1914 East Blaine Street, Springfield, Mo. Applicant's attorney: Herman W. Huber, 101 East High Street, Jefferson City, Mo. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts and articles distributed by meat packinghouses*, as described in appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, from points in Dakota County, Nebr., and Sioux City, Iowa, to points in Maine, Vermont, New Hampshire, Rhode Island, Massachusetts, Connecticut, New York, Pennsylvania, New Jersey, Maryland, Delaware, West Virginia, Virginia, North Carolina, South Carolina, Alabama, Georgia, Florida, Missouri, and Washington, D.C., and *exempt commodities*, on return. NOTE: The purpose of this republication is to add the origin point of Sioux City, Iowa. If a hearing is deemed necessary, applicant requests it be held at Des Moines, Iowa, or Omaha, Nebr.

No. MC 124078 (Sub-No. 131) (AMENDMENT), filed March 15, 1965, published FEDERAL REGISTER issue April 1, 1965, and republished as amended this issue. Applicant: SCHWERMAN TRUCKING CO., a corporation, 611 South 28th Street, Milwaukee, Wis. 53246. Applicant's attorney: James R. Ziperski, 611 South 28th Street, Milwaukee, Wis., 53246. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer, fertilizer ingredients, acids, and chemicals*, in bulk, in tank vehicles, from East Dubuque, Ill., and points in Illinois, within 10 miles thereof, to points in Illinois, Indiana, Iowa, Kansas, Minnesota, Missouri, Nebraska, South Dakota, Wisconsin, Ohio, Kentucky, and Michigan. NOTE: The purpose of this republication is to (1) delete anhydrous ammonia and fertilizer materials; (2) restrict the commodity description to bulk, in tank vehicles and (3) add the destination States of Ohio, Kentucky, and Michigan. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 124147 (Sub-No. 3) filed June 1, 1965. Applicant: ALAN P. GEREG, INC., 32 Holley Street, Danbury, Conn. Applicant's attorney: Sidney L. Goldstein, 109 Church Street, New Haven, Conn. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Gravel and sand*, from points in Dutchess County, N.Y., to points in Fairfield and Litchfield Counties, Conn. NOTE: If a hearing is deemed necessary, applicant requests it be held at Hartford, Conn.

No. MC 124174 (Sub-No. 35), filed June 14, 1965. Applicant: MOMSEN TRUCKING COMPANY, a corporation, Highways 71 and 18 North, Box 309, Spencer, Iowa, 51301. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Anhydrous ammonia* and *fertilizer solutions*, in bulk, in tank vehicles, and *dry fertilizers and fertilizer compounds*, from the plantsite of Cominco Products, Inc. located at or near Hoag, Nebr., to points in Iowa, Kansas, South Dakota, Minnesota, Missouri, and Illinois. NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr.

No. MC 124796 (Sub-No. 13), filed May 27, 1965. Applicant: CONTINENTAL CONTRACT CARRIER CORP., 7236 East Slauson, Los Angeles, Calif. Applicant's attorney: J. Max Harding, Box 2028, Lincoln, Nebr. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Upholstery and carpet tacking rims, strips, and nails, adhesive cement, iron and steel doors, and hardware therefor, mechanic hand tools, advertising materials, and racks, and stands therefor*, from points in Los Angeles, Orange, and Riverside Counties, Calif., points in Clark County, Wash., points in Multnomah County, Oreg., and points in Montgomery County, Ohio, to points in the

United States (except points in Maine, Vermont, New Hampshire, Alaska, and Hawaii). NOTE: Applicant states the proposed service is limited to a continuing contract with Roberts Consolidated Industries, Inc., of City of Industry, Calif. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Los Angeles, Calif.

No. MC 125915 (Sub-No. 2), filed June 1, 1965. Applicant: WAYNE INGERSOLL, doing business as INGERSOLL TRANSFER, Rural Route 1, Waverly, Iowa. Applicant's attorney: William B. Meoney, First National Bank Building, Waverly, Iowa. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Beverage preparation*, dry, from Chilton, Wis., to Waverly, Iowa. NOTE: Applicant states that the proposed operation will be under contract with Carnation Co., Waverly, Iowa (general offices Carnation Building, Los Angeles, Calif.). If a hearing is deemed necessary, applicant requests it be held at Des Moines, Iowa.

No. MC 125932 (Sub-No. 2), filed May 24, 1965. Applicant: KENZIE BIDDLE AND GENE PLAUGHER, a partnership, doing business as BIDDLE & PLAUGHER, Rural Route No. 1, Foster, Ky. Applicant's attorney: Jack B. Josselson, Atlas Bank Building, Cincinnati, Ohio, 45202. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Milk products, milk byproducts, and fruit juices, fruit drinks, and fruit segments*, in containers (except such products when unfrozen and in hermetically sealed containers), from the plantsite of French Bauer, division of The Co-Operative Pure Milk Association, located at Cincinnati, Ohio, to points in Kentucky, east of a line beginning at the Kentucky-Indiana State line and extending along U.S. Highway 421 to junction U.S. Highway 127, thence along U.S. Highway 127 to the Kentucky-Tennessee State line, including points on and within three (3) miles of the indicated portions of the highways specified. NOTE: Applicant states the purpose of the above proposed operation is to add the origin point of the plantsite to applicant's present authority. If a hearing is deemed necessary, applicant requests it be held at Cincinnati, Ohio.

No. MC 125966 (Sub-No. 3), filed June 9, 1965. Applicant: JOHNSON BROTHERS TRUCKING CO., a corporation, 516 Valley Drive SE., Vienna, Va. Applicant's attorney: Louis Reznek, 5009 Keokuk Street, Washington 16, D.C. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Brick, cement, cinder and concrete block, sand, gravel, lintel, flue-lining, fire-place dampers, clean-out doors, and ash-dumps*, from Washington, D.C., points in Montgomery, Charles, and Prince Georges Counties, Md., to Herndon, Va. NOTE: Applicant states the proposed service to be for the account of the Cherrydale Cement Block Co., of Herndon, Va. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 125996 (Sub-No. 3), filed May 24, 1965. Applicant: JENSEN TRUCKING CO., INC., 807 Washington Street, Gothenburg, Nebr. Applicant's attorney: Duane W. Acklie, Post Office Box 3028, Lincoln, Nebr., 68501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Commercial feeds and feed ingredients*, (1) between points in Idaho, on the one hand, and, on the other, points in Arkansas, Colorado, Montana, Nevada, New Mexico, Utah, and Wyoming, and (2) from points in Iowa, to points in Nebraska on and west of U.S. Highway 281. NOTE: If a hearing is deemed necessary, applicant requests it be held at Lincoln, Nebr.

No. MC 126899 (Sub-No. 14), filed June 1, 1965. Applicant: USHER TRANSPORT, INC., 1415 South Third Street, Paducah, Ky. Applicant's attorney: George M. Catlett, Suite 703–706, McClure Building, Frankfort, Ky. Authority sought to operate a *common carrier*, by motor vehicle, over irregular routes, transporting: *Blends of liquid sugar with corn syrup, corn sugars and syrups, and blends thereof, invert sugar, liquid sugar, and syrup, and flavoring*, in bulk, in tank trucks, from Cincinnati, Ohio, to points in Kentucky, West Virginia, Tennessee, Indiana, and Pennsylvania, and *damaged and rejected shipments*, on return. NOTE: If a hearing is deemed necessary, applicant requests it be held at Cincinnati, Ohio.

No. MC 127172 (AMENDMENT) filed April 19, 1965, published FEDERAL REGISTER issue of May 5, 1965, amended June 7, 1965, and republished as amended this issue. Applicant: PHILIP MARGOLIES, doing business as BI-STATE CARRIERS, 140 Clyde Street, Evanston, Ill., 60202. Applicant's representative: George S. Mullins, 4704 West Irving Park Road, Chicago, Ill., 60641. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Camp baggage, including all personal effects of children and/or adults*, while going to or from camp or while at camp, (1) between Chicago, Ill., and points in De Kalb, Cook, Du Page, Grundy, Kane, Kendall, Kankakee, Lake, McHenry, and Will Counties, Ill., on the one hand, and, on the other, points in Michigan, Minnesota, and Wisconsin and (2) between points in Michigan, Minnesota, and Wisconsin. NOTE: The purpose of this republication is to add ten (10) counties in Illinois to authority sought in (1) above. Applicant states the proposed operations will be seasonal between May 1st and October 30th both inclusive, of each year. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 127203, filed April 23, 1965. Applicant: GREENHOUSE HAULERS, INC., 430 West Bagley Road, Berea, Ohio. Applicant's attorney: George S. Maxwell, Suite 948, Leader Building, Cleveland, Ohio, 44114. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Vegetable packinghouse products*, from Berea, Ohio to points in Ohio, Michigan, Indiana, Illinois, Wisconsin, Kentucky, West Virginia, Virginia, Pennsylvania, Maryland, Delaware, New Jersey, and New York, and *materials and supplies* used and sold by the shipper and *refused, rejected, and damaged shipments*, on return. NOTE: If a hearing is deemed necessary, applicant requests it to be held at Columbus, Ohio.

No. MC 127215 (Sub-No. 1), filed May 28, 1965. Applicant: KENDRICK CARTAGE CO., a corporation, Post Office Box 63, Salem, Ill. Applicant's attorney: Leonard A. Jaskiewicz, 1155 Fifteenth Street NW., Washington, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Anhydrous ammonia, ammonium nitrate, urea, nitric acid, sulphuric acid, and fertilizer solutions*, liquid, in bulk, in tank vehicles, from the plantsite of the American Cyanamid Co. at South River, Mo. (located near Palmyra), in Marion County, Mo., to points in Arkansas, Illinois, Indiana, Iowa, Kansas, Kentucky, Michigan, Minnesota, Missouri, Nebraska, North Dakota, Ohio, Oklahoma, South Dakota, Tennessee, Texas, and Wisconsin. NOTE: If a hearing is deemed necessary, applicant requests it be held at St. Louis, Mo.

No. MC 127215 (Sub-No. 2), filed June 4, 1965. Applicant: KENDRICK CARTAGE COMPANY, a corporation, Post Office Box 63, Salem, Ill. Applicant's attorney: Leonard A. Jaskiewicz, Madison Building, 1155 15th Street NW., Washington, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Ammonium nitrate, urea, fertilizer materials, and fertilizer ingredients* (other than liquid), from the plantsite of the American Cyanamid Co. at South River, Mo. (located near Palmyra), in Marion County, Mo., to points in Arkansas, Illinois, Indiana, Iowa, Kansas, Kentucky, Michigan, Minnesota, Missouri, Nebraska, North Dakota, Ohio, Oklahoma, South Dakota, Tennessee, Texas, and Wisconsin. NOTE: Applicant has contract carrier authority under MC 110117 and Subs thereunder, therefore, dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at St. Louis, Mo.

No. MC 127221 (AMENDMENT), filed April 26, 1965, published in FEDERAL REGISTER issue of May 19, 1965, amended June 10, 1965, and republished as amended this issue. Applicant: WILLIAM C. RACINE, 2676 Carpenter Road, Lapeer, Mich. Applicant's attorney: Walter N. Bieneman, Suite 1700, One Woodward Avenue, Detroit, Mich., 48226. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Prepared foods*, requiring mechanically refrigerated equipment, in shipper-owned and carrier-owned trailers, between Kalamazoo and Flint, Mich., on the one hand, and, on the other, points in Michigan. NOTE: The purpose of this republication is to broaden the scope of authority sought by adding Flint, Mich., to the territorial description. Applicant states

that the above proposed service will be performed under continuing contract with Dean Foods Co., Chicago, Ill. If a hearing is deemed necessary, applicant requests it be held at Lansing, Mich.

No. MC 127304 filed May 26, 1965. Applicant: CLEAR WATER TRUCK COMPANY, INC., 410 Fourth National Bank Building, Wichita, Kans. Applicant's attorney: James F. Miller, Suite N–13 Medical and Professional Building, 7501 Mission Road, Shawnee Mission, Kans. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Fluorochloro hydrocarbons*, including monofluoromethane, dichlorofluoromethane, and monochlorodifluoromethane, in containers, in cylinders, and in bulk, from Wichita, Kans., to points in the United States (except Alaska and Hawaii). NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Wichita, Kans.

MOTOR CARRIERS OF PASSENGERS

No. MC 3647 (Sub-No. 373), filed June 8, 1965. Applicant: PUBLIC SERVICE COORDINATED TRANSPORT, a corporation, 180 Boyden Avenue, Maplewood, N.J. Applicant's attorney: Richard Fryling (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers and their baggage* and *express* and *newspapers*, in the same vehicle with passengers, (1) between junction U.S. Highway 1 and Milltown Road in North Brunswick Township, N.J., and Trenton, N.J., over U.S. Highway 1, serving all intermediate points, restricted against the transporting of passengers between New York, N.Y., on the one hand, and, on the other, points along U.S. Highway 1; between junction U.S. Highways 1 and 130 in North Brunswick Township, N.J., and junction U.S. Highway 1 and Stout's Lane in South Brunswick Township, N.J.; (2) between junction U.S. Highway 1 and New Jersey County Highway 571 in West Windsor Township, N.J., and junction New Jersey County Highway 571 and New Jersey Highway 33 in Hightstown, N.J., over New Jersey County Highway 571, serving all intermediate points. NOTE: Applicant states that it intends to segment the above two routes with its existing routes and the proposed routes as described in MC 3647 (Sub-No. 368). If a hearing is deemed necessary, applicant requests it be held at Newark, N.J.

No. MC 60325 (Sub-No. 5), filed April 9, 1965. Applicant: JEFFERSON TRANSPORTATION COMPANY, a corporation, 1114 Currie Avenue, Minneapolis, Minn. Applicant's attorney: D. C. Nolan, 402 Iowa State Bank Building, Iowa City, Iowa. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers and their baggage and express, newspapers*, and *mail*, in the same vehicle with passengers, (1) between Minneapolis, Minn., and Kansas City, Mo., over Interstate Highway 35, serving all intermediate points; (2) between junction Interstate Highway 35 and U.S. Highway 18 and Mason City, Iowa, over U.S. Highway 18, serving all intermediate points; (3) between junction Interstate Highway 35 and Iowa Highway 106 and Mason City, Iowa, over Iowa Highway 106, serving all intermediate points; and (4) between junction Interstate Highway 35 and U.S. Highway 20 and Iowa Falls, Iowa, over U.S. Highway 20, serving all intermediate points. NOTE: If a hearing is deemed necessary, applicant requests it be held at Minneapolis, Minn.

No. MC 123655 (Sub-No. 3), filed June 1, 1965. Applicant: SOUTHERN TIER STAGES, INC., 375 State Street, Binghamton, N.Y. Applicant's attorney: James E. Wilson, Perpetual Building, 1111 E Street NW., Washington 4, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers and their baggage, and express* in the same vehicle with passengers, between Montrose, Pa., and Scranton, Pa., from Montrose over Pennsylvania Highway 29 to Tunkhannock, Pa., thence over Pennsylvania Highway 307 to Scranton, and return over the same route, serving all intermediate points. NOTE: If a hearing is deemed necessary, applicant requests it be held at Scranton, Pa.

No. MC 127302, filed May 25, 1965. Applicant: FOX RIVER BUS LINES, INC., 1014–1018–1024 West Wisconsin Avenue, Appleton, Wis. Applicant's attorney: William C. Dineen, 412 Empire Building, 710 North Plankinton Avenue, Milwaukee, Wis., 53203. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage* in the same vehicle with passengers, in round trip charter operations, beginning and ending at points in Winnebago and Outagamie Counties, Wis., and extending to points in the United States (except Alaska, Hawaii, California, Oregon, Washington, Montana, Idaho, Utah, Arizona, and Nevada). NOTE: If a hearing is deemed necessary, applicant requests it be held at Appleton, Wis.

APPLICATION FOR BROKERAGE LICENSE

MOTOR CARRIER OF PROPERTY

No. MC 12956, filed May 28, 1965. Applicant: ROBERT E. SWANSON, doing business as SWANSON BROKERAGE, 1211 South Sixth Street, Stillwater, Minn. For a license (BMC 4) to engage in operations as a *broker* at Stillwater, Minn., in arranging for the transportation in interstate or foreign commerce, of *general commodities* (except articles of unusual value, Classes A and B explosives, household good and commodities injurious or contaminating to other lading), between points in the United States, including the ports of entry located on the international boundary line between the United States and Canada.

APPLICATION FOR FREIGHT FORWARDERS

FREIGHT FORWARDER OF PROPERTY

No. FF–317 (VANPAC CARRIERS, INC.) FREIGHT FORWARDER APPLICATION, filed June 7, 1965. Applicant: VANPAC CARRIERS, INC., 2114 MacDonald Avenue, Richmond, Calif. Applicant's attorney: Alan F. Wohlstetter, 1 Farragut Square South, Washington, D.C., 20006. Authority sought under part IV of the Interstate Commerce Act as a *freight forwarder* in interstate or foreign commerce, in the forwarding of *used household goods, used automobiles, and unaccompanied baggage*, between points in the United States, including Alaska and Hawaii.

APPLICATIONS FOR WATER CARRIERS

WATER CARRIERS OF PROPERTY

No. W–5 (Sub-No. 5) (IGERT—EXTENSION—ARKANSAS RIVER), filed June 7, 1965. Applicant: IGERT, Post Office Box 606, Paducah, Ky. Applicant's attorney: John C. Lovett, Lovett Building, Benton, Ky. Application of Igert filed June 7, 1965, for a revised certificate authorizing extension of its operations to include operation as a *common carrier* by water in interstate or foreign commerce, by non-self-propelled vessels with the use of separate towing vessels in the transportation of *general commodities*, and by towing vessels in the performance of general towage (a) between ports and points along the Verdigris River and its tributaries and the Arkansas River and its tributaries from Catoosa, Okla., to the confluence of the Arkansas River with the Mississippi River, including the Arkansas Post Canal and the White River, and (b) between ports and points specified in (a) above, on the one hand, and, on the other, ports and points on the rivers and waterways which applicant is presently authorized to serve; namely, between ports and points along the Tennessee River and its tributaries, the Cumberland River, and its tributaries, below and including Carthage, Tenn., the Green River and its tributaries, and the Ohio River below and including the mouth of the Green River.

No. W–114 (Sub-No. 3) (ARROW TRANSPORTATION CO.—EXTENSION—ARKANSAS RIVER), filed June 10, 1965. Applicant: ARROW TRANSPORTATION COMPANY, Sheffield, Ala. Applicant's attorney: John C. Lovett, Lovett Building, Benton, Ky. Application of Arrow Transportation Co. filed June 10, 1965, for a revised certificate authorizing extension of its operations to include operation as a *common carrier* by water in interstate or foreign commerce, by non-self-propelled vessels with the use of separate towing vessels in the transportation of *general commodities*, and by towing vessels in the performance of general towage, (1) between ports and points along the Arkansas River and its tributaries and the Verdigris River and its tributaries from Catoosa, Okla., to the confluence of the Arkansas River with the Mississippi River, including the Arkansas Post Canal and the White River, and (2) between ports and points specified in (1) above, on the one hand, and, on the other, ports and points along the Tennessee River and its tributaries and ports and points along the Ohio and Mississippi Rivers from Louisville, Ky., to St. Louis, Mo., inclusive.

No. W–381 (Sub-No. 12) (FEDERAL BARGE LINES, INC.—EXTENSION—ARKANSAS RIVER), filed June 10, 1965. Applicant: FEDERAL BARGE LINES, INC., 611 East Marceau Street, St. Louis, Mo. Application of Federal Barge Lines,

Inc. filed June 10, 1965, for a revised certificate authorizing extension of its operations to include operation as a *common carrier* by water in interstate or foreign commerce, by non-self-propelled vessels with the use of separate towing vessels in the transportation of *general commodities* and by towing vessels in the performance of general towage (a) between ports and points along the Verdigris River and the Arkansas River from Catoosa, Okla., to the confluence of the Arkansas River with the Mississippi River including the Arkansas Post Canal; and (b) between ports and points specified in (a) above, on the one hand, and, on the other, ports and points which applicant is presently authorized to serve pursuant to its certificate of public convenience and necessity issued February 17, 1964, in Docket No. W-381, as amended.

No. W-923 (Sub-No. 13) (GULF-CANAL LINES, INC.—EXTENSION—ARKANSAS RIVER) filed June 10, 1965. Applicant: GULF-CANAL LINES, INC., 611 East Marceau Street, St. Louis, Mo. Application of Gulf-Canal Lines, Inc. filed June 10, 1965, for a revised certificate authorizing extension of its operations to include operation as a *common carrier* by water in interstate or foreign commerce, by non-self-propelled vessels with the use of separate towing vessels in the transportation of *general commodities*, and by towing vessels in the performance of general towage between ports and points along the Verdigris River and the Arkansas River from Catcoosa, Okla., to the confluence of the Arkansas River with the Mississippi River including the Arkansas Post Canal, on the one hand, and, on the other, ports and points which applicant is presently authorized to serve pursuant to its certificate of public convenience and necessity issued March 24, 1964, in Docket No. W-923, as amended.

APPLICATIONS IN WHICH HANDLING WITHOUT ORAL HEARING HAS BEEN REQUESTED

MOTOR CARRIERS OF PROPERTY

No. MC 531 (Sub-No. 189), filed May 24, 1965. Applicant: YOUNGER BROTHERS, INC., 4904 Griggs Road, Houston, Tex. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Aluminum powder*, in bulk, in tank vehicles, from Alcoa, Tenn., and Louisville, Ky., to Westlake, La.

No. MC 1824 (Sub-No. 35), filed February 26, 1965. Applicant: PRESTON TRUCKING COMPANY, INC., 151 Easton Boulevard, Preston, Md. Applicant's attorney: William J. Little, 1513 Fidelity Building, Baltimore, Md., 21201. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except dangerous explosives, livestock, household goods as defined in *Practices of Motor Common Carriers of Household Goods*, 17 M.C.C. 467, commodities in bulk, and those requiring special equipment), (1) between Baltimore, Md., and Pittsburgh, Pa.; from Baltimore over U.S. Highway 40 to Hagerstown, Md., thence over U.S. Highway 11 to Chambersburg, Pa., thence over U.S. Highway 30 to Pittsburgh, and return over the same route, serving all intermediate points and all off-route points within 10 miles of the above specified highways; (2) between Baltimore, Md., and Buffalo, N.Y.; from Baltimore over U.S. Highway 111 to Lemoyne, Pa., thence over U.S. Highway 15 to junction U.S. Highway 20, thence over U.S. Highway 20 to junction New York Highway 130, thence over New York Highway 130 to Buffalo, and return over the same route, serving all intermediate points and all off-route points within 10 miles of the above specified highways; (3) between Baltimore, Md., and Rochester, N.Y.; from Baltimore over U.S. Highway 111 to Lemoyne, Pa., thence over U.S. Highway 15 to Rochester, and return over the same route, serving all intermediate points and all off-route points within 10 miles of the above specified highways; (4) between Baltimore, Md., and Syracuse, N.Y.; from Baltimore over U.S. Highway 111 to Lemoyne, Pa.

Thence over U.S. Highway 11 to Syracuse, and return over the same route, serving all intermediate points and all off-route points within 10 miles of the above specified highways, and as off-route points all points on and within 10 miles of New York Highway 57 between Syracuse and Fulton, N.Y., including Fulton; and the off-route point of Utica, N.Y., (5) between Wilmington, Del., and Pittsburgh, Pa.; from Wilmington over Delaware Highway 48 to junction Delaware Highway 41, thence over Delaware Highway 41 to the Delaware-Pennsylvania State line, thence over Pennsylvania Highway 41 (via Gap, Pa.) to junction U.S. Highway 30, thence over U.S. Highway 30 to junction U.S. Highway 230, thence over U.S. Highway 230 to Harrisburg, Pa., thence over Pennsylvania Turnpike to Pittsburgh, and return over the same route, serving all intermediate points and off-route points within 10 miles of above specified numbered highways; (6) between Philadelphia, Pa., and Buffalo, N.Y., from Philadelphia over U.S. Highway 309 to junction U.S. Highway 11, thence over U.S. Highway 11 to junction U.S. Highway 20, thence over U.S. Highway 20 to junction New York Highway 130, thence over New York Highway 130 to Buffalo, and return over the same route, serving all intermediate points and off-route points within 10 miles of the above specified highways; (7) between Philadelphia, Pa., and Rochester, N.Y.; from Philadelphia over U.S. Highway 309 to junction U.S. Highway 11, thence over U.S. Highway 11 to junction U.S. Highway 20, thence over U.S. Highway 20 to junction U.S. Highway 15, thence over U.S. Highway 15 to Rochester, and return over the same route, serving all intermediate points and off-route points within 10 miles of the above specified highways; (8) between Philadelphia, Pa., and Syracuse, N.Y.; from Philadelphia over U.S. Highway 309 to junction U.S. Highway 11, thence over U.S. Highway 11 to Syracuse, and return over the same route, serving all intermediate points and off-route points within 10 miles of the above specified highways, and as off-route points all points on and within 10 miles of New York Highway 57 between Syracuse and Fulton, N.Y., including Fulton and the off-route point of Utica, N.Y.; (9) between Jersey City, N.J., and Buffalo, N.Y.; from Jersey City over U.S. Highway 22 to junction New Jersey Highway 69.

Thence over New Jersey Highway 69 to junction U.S. Highway 46, thence over U.S. Highway 46 to junction U.S. Highway 611, thence over U.S. Highway 611 to junction Pennsylvania Highway 307, thence over Pennsylvania Highway 307 to Scranton, Pa., thence over U.S. Highway 11 to junction U.S. Highway 20, thence over U.S. Highway 20 to junction New York Highway 130, thence over New York Highway 130 to Buffalo, and return over the same route, serving all intermediate and off-route points within 10 miles of U.S. Highway 11, all intermediate and off-route points on and within 10 miles of U.S. Highway 20 and New York Highway 130, and the off-route points on and within 10 miles of U.S. Highway 15 between the junction of U.S. Highways 20 and 15 and Rochester, N.Y., including Rochester, N.Y.; (10) between Jersey City, N.J., and Syracuse, N.Y.; from Jersey City over U.S. Highway 22 to junction New Jersey Highway 69, thence over New Jersey Highway 69 to junction U.S. Highway 46, thence over U.S. Highway 46 to junction U.S. Highway 611, thence over U.S. Highway 611 to junction Pennsylvania Highway 307, thence over Pennsylvania Highway 307 to Scranton, Pa., thence over U.S. Highway 11 to Syracuse, and return over the same route, serving all intermediate and off-route points within 10 miles of U.S. Highway 22, all intermediate and off-route points on and within 10 miles of U.S. Highway 11 between Scranton, Pa., and Syracuse, N.Y., and the off-route point of Utica, N.Y., and all off-route points on and within 10 miles of New York Highway 57 between Syracuse and Fulton, N.Y., including Fulton; (11) between Jersey City, N.J., and Syracuse N.Y.; from Jersey City over U.S. Highway 9W (also over U.S. Highway 9 to Poughkeepsie, N.Y., thence over Hudson River Bridge to U.S. Highway 9W) to junction New York Highway 5, thence over New York Highway 5 to Utica, N.Y.

Thence over New York Thruway to Syracuse, and return over the same route, serving all intermediate and off-route points on and within 10 miles of U.S. Highways 9, 9W and New York Highway 5, between Jersey City, N.J., and Utica, N.Y.; (12) between Jersey City, N.J., and Pittsburgh, Pa.; from Jersey City over U.S. Highway 22 to junction U.S. Highway 222, thence over U.S. Highway 222 to junction U.S. Highway 30, thence over U.S. Highway 30 to Pittsburgh, and return over the same route, serving all intermediate and off-route points on and within 10 miles of U.S. Highways 22, 222, and 30 between Jersey City, N.J., and Gettysburg, Pa., and all intermediate and off-route points on and within 10 miles of U.S. Highway 30 between Chambersburg, Pa., and Pittsburgh, Pa.; (13) between Jersey City, N.J., and Harrisburg, Pa.; from Jersey City over U.S. Highway 22 to junction U.S. Highway 222, thence over U.S. Highway 222 to junction U.S. Highway 322, thence over U.S. Highway 322 to junction U.S. Highway 422, thence over U.S. Highway 422 to Harrisburg, and return over the same route, serving all intermediate points and the off-route points within 10 miles of the above specified highways; (14) between Washington, D.C., and Pittsburgh, Pa.; from Washington over Interstate Highway 495 to junction Interstate Highway 70S, thence over Interstate Highway 70S to junction U.S. Highway 40, thence over U.S. Highway 40 to junction Interstate Highway 70, thence over Interstate Highway 70 to junction Pennsylvania Highway 126, thence over Pennsylvania Highway 126 to junction Pennsylvania Turnpike, thence over Pennsylvania Turnpike to Pittsburgh, and return over the same route, serving no intermediate points; and (15) between Pittsburgh, Pa., and Syracuse, N.Y.; from Pittsburgh over U.S. Highway 19 to junction Interstate Highway 90, thence over Interstate Highway 90 to Syracuse, and return over the same route, serving no intermediate points, serving Buffalo and Rochester, N.Y., as off-route points. NOTE: This application is filed pursuant to MC-C 4366, effective May 1, 1964, which provides the special rules for conversion of irregular to regular route motor carrier operations. SPECIAL NOTE: Protests to this application may be filed within 45 days instead of 30 days.

No. MC 4941 (Sub-No. 17), filed February 25, 1965. Applicant: QUINN FREIGHT LINES, INC., 1093 North Montello Street, Brockton, Mass. Applicant's attorney: Mary E. Kelley, 10 Tremont Street, Boston, Mass. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities requiring special equipment, and those injurious or contaminating to other lading), (1) between Brockton and Gloucester, Mass., from Brockton over Massachusetts Highway 28 to junction of Massachusetts Highway 128, thence over Massachusetts Highway 128 to Gloucester, and return over the same route, serving all intermediate points, (2) between Brockton and Worcester, Mass., from Brockton over Massachusetts Highway 27 to its junction with Massachusetts Highway 9, thence over Massachusetts Highway 9 to Worcester, and return over the same route, serving all intermediate points, (3) between Brockton, Mass., and Providence, R.I., from Brockton over Massachusetts Highway 123 to its junction with U.S. Highway 1, thence over U.S. Highway 1 to Providence, and return over the same route, serving all intermediate points, (4) between Boston and Fall River, Mass., from Boston over Southeast Expressway to its junction with Massachusetts Highway 128, thence over Massachusetts Highway 128 to its junction with Massachusetts Highway 24, thence over Massachusetts Highway 24 to Fall River, and return over the same route, serving all intermediate points, (5) between Brockton and New Bedford, Mass., from Brockton over Massachusetts Highway 28 to Middleboro, Mass.

Thence over Massachusetts Highway 18 to New Bedford, and return over the same route, serving all intermediate points, (6) between Brockton and Plymouth, Mass., from Brockton over Massachusetts Highway 27 to its junction with Massachusetts Highway 3A, thence over Massachusetts Highway 3A to Plymouth, and return over the same route, serving all intermediate points, (7) between Taunton, Mass., and Providence, R.I., from Taunton over U.S. Highway 44 to Providence and return over the same route, serving all intermediate points, (8) between New Bedford, Mass., and Providence, R.I., from New Bedford over U.S. Highway 6 to Providence, and return over the same route, serving all intermediate points, (9) between Manchester, N.H., and Derby Line, Vt., from Manchester over Interstate Highway 93 to Plymouth, N.H. (also from Manchester over U.S. Highway 3A to its junction with New Hampshire Highway 25 at Rumney, N.H.), thence over New Hampshire Highway 25 to Haverhill, N.H., thence over New Hampshire Highway 10 to Wells River, Vt., thence over U.S. Highway 5 to the port of entry on the international boundary line between the United States and Canada located at Derby Line, Vt., and return over the same route, serving all intermediate points, (10) between Manchester and Berlin, N.H., from Manchester over Interstate Highway 93 to New Hampton, N.H., thence over New Hampshire Highway 104 to Meredith, N.H., thence over New Hampshire Highway 25 to West Ossipee, N.H., thence over New Hampshire Highway 16 to Berlin, and return over the same route, serving all intermediate points, (11) between Manchester and Berlin, N.H., from Manchester over U.S. Highway 3 to Suncook, N.H., thence over New Hampshire Highway 28 to Ossipee, N.H. (also from Manchester over U.S. Highway 3 to Meredith, N.H., thence over New Hampshire Highway 25 to its junction with New Hampshire Highway 16 at West Ossipee); thence over New Hampshire Highway 16 to Berlin, and return over the same route, serving all intermediate points, (12) between Portsmouth, N.H., and Albany, N.Y., (a) from Portsmouth over New Hampshire Highway 101 to Keene, N.H., thence over New Hampshire Highway 9 to the New Hampshire-Vermont State line, thence over Vermont Highway 9 to the New York-Vermont State line.

Thence over New York Highway 7 to Albany, and return over the same route, serving all intermediate points, (b) from Portsmouth, over New Hampshire Highway 101 to Manchester, N.H., thence over Interstate Highway 93 to Andover, Mass., thence over Interstate Highway 495 to Southville, Mass., thence over Interstate Highway 90 to Selkirk, N.Y., thence over Interstate Highway 87 to Albany, N.Y. (also from Andover, Mass., over Interstate Highway 495 to Littleton, Mass., thence over Massachusetts Highway 2 to its junction with New York Highway 2, thence over New York Highway 2 to Watervliet, N.Y., thence over New York Highway 32 to Albany), and return over the same route, serving all intermediate points, (13) between Manchester, N.H., and Rutland, Vt., from Manchester over Interstate Highway 93 to Bow, N.H., thence over Interstate Highway 89 to Hopkinton, N.H., thence over New Hampshire Highway 103 to New Hampshire-Vermont State line, thence over Vermont Highway 131 to Ludlow, Vt., thence over Vermont Highway 103 to Clarendon, Vt., thence over U.S. Highway 7 to Rutland, Vt., and return over the same route, serving all intermediate points, (14) between Keene, N.H., and Rutland, Vt., from Keene, N.H., over New Hampshire Highway 12 to its junction with U.S. Highway 5, thence over U.S. Highway 5 to its junction with Vermont Highway 103, thence over Vermont Highway 103 to Clarendon, Vt., thence over U.S. Highway 7 to Rutland, and return over the some route, serving all intermediate points, (15) between White River Junction and Rutland, Vt., from White River Junction over U.S. Highway 4 to Rutland, and return over the same route, serving all intermediate points, (16) between Manchester and Littleton, N.H., (a) from Manchester over Interstate Highway 93 to Littleton; and (b) from Manchester over U.S. Highway 3 to Franconia, N.H.

Thence over New Hampshire Highway 18 to Littleton, and return over the same routes, serving all intermediate points, (17) between White River Junction and South Royalton, Vt., from White River Junction over Vermont Highway 14 to South Royalton, and return over the same route, serving all intermediate points, (18) between Plymouth and Groveton, N.H., from Plymouth over U.S. Highway 3 to Groveton, and return over the same route, serving all intermediate points, (19) between Littleton and Whitefield, N.H., from Littleton over New Hampshire Highway 116 to Whitefield, and return over the same route, serving all intermediate points, (20) between Wells River and Burlington, Vt., from Wells River over U.S. Highway 302 to Montpelier, Vt., thence over Interstate Highway 89 to Burlington, and return over the same route, serving all intermediate points, (21) between Burlington, Vt., and port of entry on the international boundary line between the United States and Canada, located at Highgate Springs, Vt., from Burlington over U.S. Highway 7 to port of entry on the international boundary line between the United States and Canada, located at Highgate Springs, Vt., and return over the same route, serving all intermediate points, (22) between St. Albans, Vt., and port of entry on the international boundary line between the United States and Canada, located at Richford, Vt., from St. Albans over Vermont Highway 105 to Richford, thence over Vermont Highway 13 to the international boundary line between the United States and Canada, near Richford, and return over the same route, serving all intermediate points, (23) between Bennington and Rutland, Vt., from Bennington over U.S. Highway 7

to Rutland, and return over the same route, serving all intermediate points, (24) between Swanton, Vt., and Platts-

ginia Highway 92 to its junction with West Virginia Highway 7, thence over

thence over U.S. Highway 11 to junction with Virginia Highway 42, thence over

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and return over the same routes, and (c)

to Rutland, and return over the same route, serving all intermediate points, (24) between Swanton, Vt., and Plattsburgh, N.Y., from Swanton over Vermont Highway 78 to its junction with U.S. Highway 2, thence over U.S. Highway 2 to Rouses Point, N.Y.

Thence over U.S. Highway 11 to Champlain, N.Y., thence over U.S. Highway 9 to Plattsburgh, and return over the same route, serving all intermediate points, (25) between Burlington, Vt., and ports of entry on the international boundary line between the United States and Canada, located at Rouses Point and Champlain, N.Y., (a) from Burlington over U.S. Highway 2 to Rouses Point, thence over Vermont Highway 9B to international boundary line between the United States and Canada (also from Rouses Point over U.S. Highway 11 to Champlain, N.Y., thence over U.S. Highway 9 to the international boundary line between the United States and Canada), and return over the same route, serving all intermediate points, (26) between Springfield, Mass., and Wells River, Vt., from Springfield over U.S. Highway 5 to Wells River, and return over the same route serving all intermediate points, (27) between Plattsburgh and Glens Falls, N.Y., from Plattsburgh over Interstate Highway 87 to Glens Falls, and return over the same route, serving all intermediate points, (28) between Fitchburg, Mass., and Keene, N.H., from Fitchburg, over Massachusetts Highway 12 to Massachusetts-New Hampshire State line, thence over New Hampshire Highway 12 to Keene, and return over the same route, serving all intermediate points, (29) between Clarksburg and Newell, W. Va., from Clarksburg over U.S. Highway 19 to its junction with West Virginia Highway 20, thence over West Virginia Highway 20 to its junction with West Virginia Highway 2, thence over West Virginia Highway 2 to Newell, and return over the same route, serving all intermediate points, (30) between Clarksburg and Moundsville, W. Va., from Clarksburg over U. S. Highway 19 to Fairmont.

Thence over U.S. Highway 250 to Moundsville, and return over the same route, serving all intermediate points, (31) between Clarksburg and Sistersville, W. Va., from Clarksburg, over U.S. Highway 50 to Salem, thence over West Virginia Highway 23 to its junction with West Virginia Highway 18, thence over West Virginia Highway 18 to Sistersville, and return over the same route, serving all intermediate points, (32) between Clarksburg and Parkersburg, W. Va., from Clarksburg over U.S. Highway 50 to Parkersburg, and return over the same route, serving all intermediate points, and the off-route point of Harrisville, (33) between Pike and Parkersburg, W. Va., from Pike over U.S. Alternate Highway 50 to its junction with West Virginia Highway 2, thence over West Virginia Highway 2 to Parkersburg, and return over the same route, serving all intermediate points, (34) between Clarksburg and Kingwood, W. Va., from Clarksburg over U.S. Highway 50 to its junction with West Virginia Highway 92, thence over West Virginia Highway 92 to its junction with West Virginia Highway 7, thence over West Virginia Highway 7 to Kingwood, and return over the same route, serving all intermediate points, (35) between Clarksburg and Morgantown, W. Va., (a) from Clarksburg over U.S. Highway 50 to its junction with U.S. Highway 119, thence over U.S. Highway 119 to Morgantown; and (b) from Clarksburg over U.S. Highway 50 to Bridgeport, thence over West Virginia Highway 73 to Morgantown, and return over the same routes, serving all intermediate points, (36) between Morgantown and Reedsville, W. Va., from Morgantown over West Virginia Highway 7 to Reedsville, and return over the same route, serving all intermediate points, (37) between Fairmont and Hoard, W. Va., from Fairmont over U.S. Highway 19 to Morgantown.

Thence over U.S. Highway 119 to Hoard, and return over the same route, serving all intermediate points, (38) between Clarksburg and Elkins, W. Va., from Clarksburg over West Virginia Highway 20 to its junction with U.S. Highway 119, thence over U.S. Highway 119 to Buckhannon, thence over U.S. Highway 33 to Elkins, and return over the same route, serving all intermediate points, (39) between Clarksburg and Harding, W. Va., from Clarksburg over West Virginia Highway 20 to its junction with West Virginia Highway 57, thence over West Virginia Highway 57 to its junction with U.S. Highway 250, thence over U.S. Highway 250 to Harding, and return over the same route, serving all intermediate points, (40) between Clarksburg and Huntington, W. Va., from Clarksburg over U.S. Highway 19 to its junction with West Virginia Highway 4, thence over West Virginia Highway 4 to Huntington, and return over the same route, serving all intermediate points, (41) between Weston and Clendenin, W. Va., from Weston over U.S. Highway 119 to Clendenin, and return over the same route, serving all intermediate points, (42) between Charleston and Parkersburg, W. Va., from Charleston over U.S. Highway 21 to Parkersburg, and return over the same route, serving all intermediate points, and the off-route point of Ravenswood, (43) between Charleston and Williamson, W. Va., from Charleston over U.S. Highway 119 to Williamson, and return over the same route, serving all intermediate points, (44) between Philippi and Parsons, W. Va., from Philippi over U.S. Highway 250 to its junction with West Virginia Highway 38, thence over West Virginia Highway 38 to its junction with West Virginia Highway 72, thence over West Virginia Highway 72 to Parsons, and return over the same route, serving all intermediate points, (45) between Charleston and Bluefield, W. Va., from Charleston over West Virginia Turnpike to Princeton.

Thence over U.S. Highway 19 to Bluefield, and return over the same route, serving all intermediate points, (46) between Baltimore, Md., and Charleston, W. Va., from Baltimore, Md., over U.S. Highway 40 to its junction with U.S. Highway 340, thence over U.S. Highway 340 to its junction with U.S. Highway 11, thence over U.S. Highway 11 to junction with Virginia Highway 42, thence over Virginia Highway 42 to its junction with U.S. Highway 60, thence over U.S. Highway 60 to Charleston, and return over the same route, serving all intermediate points, (47) between Wheeling and Valley Grove, W. Va., from Wheeling over U.S. Highway 40 to Valley Grove, and return over the same route, serving all intermediate points, (48) between Baltimore, Md., and Clarksburg, W. Va., (a) from Baltimore over U.S. Highway 40 to its junction with U.S. Highway 340, thence over U.S. Highway 340 to Berryville, Va., thence over Virginia Highway 7 to Winchester, Va., thence over U.S. Highway 50 to Clarksburg, and return over the same route, serving all intermediate points, and (b) from Baltimore over U.S. Highway 40 to its junction with Interstate Highway 695, thence over Interstate Highway 695 to its junction with Maryland Highway 26, thence over Maryland Highway 26 to Frederick, Md., thence over U.S. Highway 340 to Berryville, Va., thence over Virginia Highway 7 to Winchester, Va., thence over U.S. Highway 50 to Clarksburg, W. Va., and return over the same route, serving all intermediate points in West Virginia and Garrett County, Md., (49) between Baltimore, Md., and Wheeling, W. Va., from Baltimore over U.S. Highway 40 to Wheeling, and return over the same route, serving all intermediate points in West Virginia, Hagerstown and Cumberland, Md., and those in Garrett County, Md., (50) between Pittsburgh, Pa., and Baltimore, Md., (a) from Pittsburgh over Pennsylvania Highway 51 to its junction with Interstate Highway 70S.

Thence over Interstate Highway 70S to its junction with Pennsylvania Turnpike located at New Stanton, thence over Pennsylvania Turnpike to Harrisburg, Pa., thence over Interstate Highway 83 to Baltimore, and return over the same route, serving all intermediate points and off-route points within forty-five (45) miles of Pittsburgh, Pa., (b) from Pittsburgh over Pennsylvania Highway 51 to its junction with Interstate Highway 70S, thence over Interstate Highway 70S to its junction with Pennsylvania Turnpike located at New Stanton, thence over Pennsylvania Turnpike to Breezewood, Pa., thence over Interstate Highway 70 to Hancock, Md. thence over U.S. Highway 40 to Baltimore, and return over the same route, serving all intermediate points and off-route points within forty-five (45) miles of Pittsburgh, Pa., and (c) from Pittsburgh over Pennsylvania Highway 51 to Uniontown, Pa., thence over U.S. Highway 40 to Baltimore, and return over the same route, serving all intermediate points and off-route points within forty-five (45) miles of Pittsburgh, Pa. NOTE: Common control may be involved. This application is filed pursuant to MC-C-4366, effective May 1, 1964, which provides the special rules for conversion of irregular route to regular-route motor carrier operations. SPECIAL NOTE: Protests to this application may be filed within 45 days instead of 30 days.

No. MC 22195 (Sub-No. 110), filed May 28, 1965. Applicant: DAN DUGAN TRANSPORT COMPANY, a corporation, Post Office Box 946, 41st and Grange Avenue, Sioux Falls, S. Dak. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid fertilizer and fertilizer solutions*, in bulk, (1) from Barnesville, Minn., to points in North Dakota, and (2) from Fargo, Grand Forks, Grafton, and Wahpeton, N. Dak., to points in Minnesota, and *rejected or returned shipments* of the above-specified commodities, on return in (1) and (2) above. NOTE: Applicant states no duplicating authority sought.

No. MC 35628 (Sub-No. 264), filed June 4, 1965. Applicant: INTERSTATE MOTOR FREIGHT SYSTEM, 134 Grandville SW., Grand Rapids, Mich. Applicant's attorney: Leonard D. Verdier, Jr., Michigan Trust Building, Grand Rapids, Mich., 49502. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except Classes A and B explosives, household goods as defined by the Commission, and commodities in bulk), serving applicant's terminal located on Ohio Highway 18, approximately 5¾ miles west of the corporate limits of Youngstown, Ohio, as an off-route point in connection with applicant's authorized regular-route operation to and from Youngstown, Ohio.

No. MC 37473 (Sub-No. 23), filed March 1, 1965. Applicant: DETROIT-PITTSBURGH MOTOR FREIGHT, INC., 5324 Grant Avenue, Cuyahoga Heights, Ohio. Applicant's attorney: James R. Stiverson, 50 West Broad Street, Columbus 15, Ohio. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: (A) *General commodities* (except those of unusual value, and except dangerous explosives, livestock, household goods as defined in *Practices of Motor Common Carriers of Household Goods*, 17 M.C.C. 467, and commodities in bulk), between Canton, Ohio, and points in Pennsylvania and West Virginia within 50 miles of Pittsburgh, Pa., as off-route points in conjunction with applicant's existing regular-route authority; (B) *iron and steel articles*, as described in appendix V to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 (except commodities which by reason of their size or weight require the use of special equipment or special handling), (1) between Cleveland, Ohio, and Indianapolis, Ind.: (a) From Cleveland over U.S. Highway 6 to junction Ohio Highway 53, thence over Ohio Highway 53 to junction Ohio Highway 12, thence over Ohio Highway 12 to junction U.S. Highway 30, thence over U.S. Highway 30 to Fort Wayne, Ind., thence over Indiana Highway 3 to junction U.S. Highway 40, thence over U.S. Highway 40 to Indianapolis, and return over the same routes, (b) from Cleveland over U.S. Highway 6 to junction Ohio Highway 53, thence over Ohio Highway 53 to junction Ohio Highway 12, thence over Ohio Highway 12 to junction U.S. Highway 30, thence over U.S. Highway 30 to Fort Wayne, Ind., thence over U.S. Highway 24 to junction U.S. Highway 31, thence over U.S. Highway 31 to Indianapolis, and return over the same routes, and (c) from Cleveland over U.S. Highway 6 to junction Ohio Highway 53, thence over Ohio Highway 53 to junction Ohio Highway 12, thence over Ohio Highway 12 to junction U.S. Highway 30, thence over U.S. Highway 30 to Fort Wayne, Ind., thence over U.S. Highway 24 to junction Indiana Highway 37, thence over Indiana Highway 37 to Indianapolis, and return over the same routes; (2) between Cleveland, Ohio, and Louisville, Ky.: (a) From Cleveland over U.S. Highway 6 to junction Ohio Highway 53, thence over Ohio Highway 53 to junction Ohio Highway 12, thence over Ohio Highway 12 to junction U.S. Highway 30, thence over U.S. Highway 30 to Fort Wayne, thence over Indiana Highway 3 to junction U.S. Highway 40, thence over U.S. Highway 40 to Indianapolis, Ind., thence over U.S. Highway 31 to Louisville, and return over the same routes; (3) between Cleveland, Ohio, and Chicago, Ill.; (a) From Cleveland over Interstate Highways 80/90 to Chicago, and return over the same route, (b) from Cleveland, Ohio, over U.S. Highway 20 to Chicago, and return over the same route, and (c) from Cleveland, Ohio, over U.S. Highway 20 to Toledo, Ohio, thence over U.S. Highway 24 to Fort Wayne, Ind., thence over U.S. Highway 30 to junction U.S. Highway 41, thence over U.S. Highway 41 to Chicago, Ill., and return over the same routes; (4) between Detroit, Mich., and Bay City, Mich.: (a) From Detroit over U.S. Highway 10 to Bay City, and return over the same route, and (b) from Detroit over Interstate Highway 75 to Bay City, Mich., and return over the same route; (5) between Detroit, Mich., and Midland, Mich.: From Detroit over U.S. Highway 10 to Flint, Mich., at junction U.S. Highway 10 and U.S. Highway 23.

Thence over U.S. Highway 23 to Saginaw, Mich., thence over Michigan Highway 47 to junction Michigan Highway 20, thence over Michigan Highway 20 to Midland, Mich., and return over the same routes; (6) between Detroit, Mich., and Grand Rapids, Mich.: (a) From Detroit over U.S. Highway 16 to junction U.S. Highway 127, thence over U.S. Highway 127 to Lansing, Mich., and junction Interstate Highway 96, thence over Interstate Highway 96 to Grand Rapids, Mich., and return over the same routes, (b) from Detroit over Interstate Highway 96 to Grand Rapids, Mich., and return over the same route, and (c) from Detroit, Mich., over U.S. Highway 16 to junction U.S. Highway 23, thence over U.S. Highway 23 to junction Michigan Highway 21, thence over Michigan Highway 21 to Grand Rapids, Mich., and return over the same routes; (7) between Detroit, Mich., and Kalamazoo, Mich.: From Detroit over Michigan Highway 14 to Ann Arbor, Mich., and junction Interstate Highway 94, thence over Interstate Highway 94 to Kalamazoo, Mich., serving the off-route points of Jackson and Battle Creek, and return over the same routes, serving all intermediate points in connection with each of the above-described routes, B (1) through (7) inclusive, and (c) *iron and steel and articles thereof* other than machinery, serving points in Pennsylvania on and west of U.S. Highway 119 from the Pennsylvania-West Virginia State line to Indiana, and on and south of U.S. Highway 422 to Porterville, on and west of U.S. Highway 19 to Erie, those in Ohio and Indiana on and north of U.S. Highway 40, those in West Virginia on and north of U.S. Highway 50, those in Michigan on and south of a line beginning at Muskegon and extending along Michigan Highway 20 to Bay City.

Thence along Michigan Highway 25 from Bay City to Port Austin, and thence along U.S. Highway 25 from Port Austin to Port Huron, except from Weirton, W. Va., to Adrian, Detroit, Flint, Niles, and Pontiac, Mich., from Pittsburgh, Aliquippa, and Apollo, Pa., to Detroit and Wyandotte, Mich., Canton and Toledo, Ohio, and from Canton, Ohio, to Girard, Pa. (except that warm air furnaces and air-conditioning equipment and supplies shall not be transported from Medina, Ohio); from points in Pennsylvania and West Virginia within the territory described above, to Chicago, Ill., Columbus, Ind., Cincinnati and Dayton, Ohio, and Louisville, Ky., and from points in Ohio on and north of U.S. Highway 40, to Chicago, Ill., Columbus, Ind., and Louisville, Ky. (except that warm air furnaces and air-conditioning equipment and supplies shall not be transported from Medina, Ohio). The above-three paragraphs as off-route points in conjunction with applicant's existing regular-route authority between Pittsburgh, Pa., and Detroit, Mich.; between Canton, Ohio, and Pittsburgh, Pa.; and between Canton, Ohio, and Detroit, Mich. NOTE: This application is filed pursuant to MC-C-4366, effective May 1, 1964, which provides the special rules for conversion of irregular to regular-route motor carrier operations. SPECIAL NOTE: Protests to this application may be filed within 45 days instead of 30 days.

No. MC 52110 (Sub-No. 86) (AMENDMENT), filed February 25, 1965, published FEDERAL REGISTER issue April 1, 1965, amended April 30, 1965, and republished as amended this issue. Applicant: BRADY MOTORFRATE, INC., 1223 6th Avenue, Des Moines, Iowa. Applicant's attorney: Homer E. Bradshaw, Suite 510, Central National Building, Des Moines, Iowa. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, bullion, livestock, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), (14) between Chicago, Ill., and St. Paul, Minn., (a) from Chicago, over Interstate Highway 90 to junction U.S. Highway 51, thence over U.S. Highway 51, to junction U.S. Highway 12, thence over U.S. Highway 12 to junction Interstate Highway 94, thence over Interstate Highway 94 to junction U.S. Highway 12, thence over U.S. Highway 12 to St. Paul, Minn., and return over the same route, serving no intermediate points, and (b) from Chicago, over Interstate Highway 90 to junction Interstate Highway 94, thence over Interstate Highway 94 to St. Paul, and return over the same route, serving no intermediate points. NOTE: The purpose of

this republication is to include the service as proposed above in described route (14), which was inadvertently omitted from original application and not previously published. This application is filed pursuant to MC-C-4366, effective May 1, 1964, which provides the special rules for conversion of irregular route to regular route motor carrier operations. SPECIAL NOTE: Protests to this application may be filed within 45 days instead of 30 days.

No. MC 52793 and Sub-Nos. 1, 2, 3, and 7 (PETITION TO REOPEN GRANDFATHER PROCEEDINGS FOR PURPOSE OF CORRECTING CERTIFICATES), filed May 24, 1965. Petitioner: BEKINS VAN LINES CO., 333 South Center Street, Hillside, Ill. Petitioners attorneys: Russell S. Bernhard, 1625 K Street NW., Washington, D.C., 20006, and Eldon R. Clawson, 1335 South Figueroa Street, Los Angeles, Calif., 90015. Petitioner states that it is a household goods carrier operating in the 48 contiguous States of the United States and the District of Columbia. On March 16, 1943, in No. MC-52793 (Sub-No. 7), petitioner was granted authority to operate between points in Oregon, Washington, Idaho, Nevada, Montana, Wyoming, Utah, and Colorado. On September 6, 1946, in No. MC 52793 (also encompassing Subs 4, 5 and 6), it was granted authority to operate between points in the other 37 States and the District of Columbia. It holds authority in MC 52793 (Sub-No. 1), to operate between Seattle, Tacoma, and Spokane, Wash., on the one hand, and, on the other, points in California, and between points in Washington, on the one hand, and, on the other, points in Oregon and Idaho, other than those within 50 miles of Spokane. In MC 52793 Sub 2 it holds authority between points in Oregon and those in Cowlitz, Clark, Akamania, and Klickitat Counties, Wash., on the one hand, and, on the other, points in Idaho and California, and those in Washington, except points in Washington within 50 miles of Portland, Oreg., and between Portland, Oreg., on the one hand, and, on the other, points in Montana, Utah, and Colorado. In MC 52793 Sub-No. 3 it holds authority between points in Colorado, on the one hand, and, on the other, points in Kansas, Nebraska, Utah, and Wyoming.

Petitioner states that recently it was brought to its attention that it was performing direct operations between points in the eight western States and points in the other 37 (now 40) States, whereas the manner in which its authorities read would require all operations to and from the eight-State territory (Sub-No. 7) to be conducted through the "Oregon-California gateway" provided by the Sub 2 authority or through the "Colorado-Nebraska/Kansas gateway" provided by the Sub 3 authority. By the instant petition, petitioner requests that the Commission reopen its grandfather proceedings and reissue its it a single certificate which will clearly authorize it to operate directly between all points covered by the eight-State authority, on the one hand, and, on the other, all points in the 37-State and the District of Columbia-authority issued in the lead docket. Petitioner has also filed an application to accomplish the same purpose in No. MC 52793 (Sub-No. 18), which is also published in this issue of the FEDERAL REGISTER. Any person or persons desiring to participate in this proceeding, may, within 30 days from the date of this publication in the FEDERAL REGISTER, file an appropriate pleading, consisting of an original and 6 copies each.

No. MC 52793 (Sub-No. 18) filed May 24, 1965. Applicant: BEKINS VAN LINES CO., a corporation, 333 South Center Street, Hillside, Ill. Applicant's attorney: Russell S. Bernhard, 1625 K Street NW., Washington 6, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in Colorado, Idaho, Montana, Nevada, Oregon, Utah, Washington, and Wyoming, on the one hand, and, on the other, points in Alabama, Arizona, Arkansas, California, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Iowa (except points within 50 miles of Omaha, Nebr.), Kansas, Kentucky, Louisiana, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Nebraska (except points within 50 miles of Sioux City, Iowa), New Jersey, New Mexico, New York, North Carolina, North Dakota, Ohio, Oklahoma, Pennsylvania, Rhode Island, South Carolina, South Dakota, Tennessee, Texas, Virginia, West Virginia, Wisconsin, and the District of Columbia; (2) between points in Nebraska within 50 miles of Sioux City, Iowa, on the one hand, and, on the other points in the United States (except Sioux City, Iowa, and points in Alaska and Hawaii), and (3) between points in Iowa within 50 miles of Omaha, Nebr., on the one hand, and on the other, points in the United States (except Omaha, Nebr., and points in Alaska and Hawaii). NOTE: Common control may be involved.

Applicant states that this application does not involve any new or additional operations by applicant. The purpose of the application is to correct certain ambiguities existing in applicant's grandfather authority. This application was filed in conjunction with a simultaneous petition to reopen the grandfather proceeding for the same purpose, published this issue.

No. MC 75651 (Sub-No. 50), filed March 1, 1965. Applicant: R. C. MOTOR LINES, INC., 2500 Laura Street, Jacksonville, Fla., 32203. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: (A) *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), (1) between Augusta, Ga., and Albany, Ga.; from Augusta over U.S. Highway 1 to junction U.S. Highway 221, thence over U.S. Highway 221 to junction U.S. Highway 319, thence over U.S. Highway 319 to Dublin, Ga., thence over Georgia Highway 257 to Albany and return over the same routes serving all intermediate points, (2) between Augusta, Ga., and Columbus, Ga.; from Augusta over U.S. Highway 278 to Warrenton, Ga., thence over Georgia Highway 16 to Sparta, Ga., thence over Georgia Highway 22 to Milledgeville, Ga., thence over Georgia Highway 49 to Macon, Ga., thence over U.S. Highway 80 to Columbus and return over the same routes serving all intermediate points, (3) between Augusta, Ga., and Atlanta, Ga.; (a) from Augusta over U.S. Highway 78 to Athens, Ga., thence over U.S. Highway 29 to Lawrenceville, Ga., thence over access roads to Interstate Highway 85, thence over Interstate Highway 85 to Atlanta, and return over the same route, serving all intermediate points and (b) from Augusta over Georgia Highway 28 to junction South Carolina Highway 28, thence over South Carolina Highway 28 to junction U.S. Highway 221.

Thence over U.S. Highway 221 to junction Georgia Highway 104, thence over Georgia Highway 104 to junction Georgia Highway 47, thence over Georgia Highway 47 to Lincolnton, Ga., thence over U.S. Highway 378 to Washington, Ga., thence to Atlanta as specified above over U.S. Highways 78, 29, and Interstate Highway 85, and return over the same routes, serving all intermediate points; (4) between Savannah, Ga., and Albany, Ga.: (a) From Savannah over U.S. Highway 80 to junction U.S. Highway 280, thence over U.S. Highway 280 to junction Georgia Highway 257, and thence over Georgia Highway 257 to Albany, and return over the same routes, serving all intermediate points; and (b) from Savannah over U.S. Highway 17 to junction U.S. Highway 82, thence over U.S. Highway 82 to Albany, and return over the same routes, serving all intermediate points; (5) between Savannah, Ga., and Atlanta, Ga.: (a) From Savannah over U.S. Highway 80 to Macon, thence over Georgia Highway 87 to junction U.S. Highway 23 and thence over U.S. Highway 23 to Atlanta, and return over the same routes, serving all intermediate points, (b) from Savannah to Macon as specified above, thence over Interstate Highway 75 to Atlanta, and return over the same routes, serving all intermediate points, and (c) from Savannah over Interstate Highway 16 to Macon, thence over Interstate Highway 75 to Atlanta, and return over the same routes, serving all intermediate points; (6) (a) between Albany, Ga., and Macon, Ga.: From Albany over Georgia Highway 257 to junction Interstate Highway 75, thence over Interstate Highway 75 to Macon; (b) between Albany, Ga., and Columbus, Ga.: From Albany over U.S. Highway 82 to Dawson, Ga.

Thence over Georgia Highway 55 to junction U.S. Highway 280, thence over U.S. Highway 280 to Columbus; (c) between Albany, Ga., and Atlanta, Ga.: From Albany over U.S. Highway 19 to Atlanta, and (d) between Columbus, Ga., and Atlanta, Ga.: From Columbus over Georgia Highway 85 (and 85E or 85W) to Atlanta, and return over the same routes in 6 (a), (b), (c), and (d), above serving no intermediate points except for joinder purposes only, as alternate routes for operating convenience only, in connection with applicant's regular route operations; (7) between Augusta, Ga., and Greer, S.C.: From Augusta over U.S. Highway 25 to Greenville, S.C., thence over U.S. Highway 29 to Greer and return over the same route serving all intermediate points, (8) between Camden, S.C., and Bishopville, S.C.: From Camden over South Carolina Highway 34 to Bishopville and return over the same route serving all intermediate points, (9) between Charleston, S.C., and Society Hill, S.C.: From Charleston over U.S. Highway 52 to Society Hill and return over the same route serving all intermediate points, (10) between Charleston, S.C., and Wilmington, N.C.: From Charleston over U.S. Highway 17 to Wilmington and return over the same route serving all intermediate points, (11) between Charlotte, N.C., and Atlanta, Ga.: (a) From Charlotte over U.S. Highway 29 to Atlanta, and return over the same route, serving all intermediate points, and (b) from Charlotte over Interstate Highway 85 to Atlanta, and return over the same route, serving all intermediate points; (12) between Charlotte, N.C., and Greensboro, N.C.: (a) From Charlotte over U.S. Highway 29 to Greensboro, and return over the same route serving all intermediate points; and (b) from Charlotte over Interstate Highway 85 to Greensboro and return over the same route, serving all intermediate points; (13) between Charlotte, N.C., and Raleigh, N.C.: From Charlotte over North Carolina Highway 49 to junction U.S. Highway 64.

Thence over U.S. Highway 64 to Raleigh and return over these routes serving all intermediate points, (14) between Charlotte, N.C., and Society Hill, S.C.: From Charlotte over U.S. Highway 74 to junction U.S. Highway 601, thence over U.S. Highway 601 to Pageland, S.C., thence over South Carolina Highway 9 to Cheraw, S.C., thence over U.S. Highway 52 to Society Hill and return over these routes serving all intermediate points, (15) between Columbia, S.C., and Winston-Salem, N.C.: (a) From Columbia over U.S. Highway 21 to Statesville, thence over U.S. Highway 64 to junction U.S. Highway 158, thence over U.S. Highway 158 to Winston-Salem, and return over the same routes, serving all intermediate points; (b) from Columbia to Statesville as specified above, thence over Interstate Highway 40 to Winston-Salem, and return over the same routes, serving all intermediate points, (16) between Columbia, S.C., and Aberdeen, N.C.: From Columbia over U.S. Highway 1 to junction South Carolina-North Carolina Highway 177, thence over South Carolina-North Carolina Highway 177 to junction U.S. Highway 1, thence over U.S. Highway 1 to Aberdeen and return over these routes serving all intermediate points, (17) between Columbia, S.C., and Greer, S.C.: (a) From Columbia over Interstate Highway 26 to junction South Carolina Highway 146, thence over South Carolina Highway 146 to junction U.S. Highway 221, thence over U.S. Highway 221 to junction South Carolina Highway 101, thence over South Carolina Highway 101 to Greer, and return over the same route, serving all intermediate points; (b) from Columbia, S.C., as specified above over Interstate Highway 26 to Spartanburg.

Thence over U.S. Highway 29 to Greer, and return over the same routes, serving all intermediate points; and (c) from Columbia, S.C., as specified above over Interstate Highway 26 to junction U.S. Highway 276, thence over U.S. Highway 276 to Greenville, thence over U.S. Highway 29 to Greer, and return over the same routes, serving all intermediate points, (18) between Columbia, S.C., and Sumter, S.C.: from Columbia over U.S. Highway 378 to Sumter and return over the same route serving all intermediate points, (19) between Darlington, S.C., and Hartsville, S.C.: from Darlington over South Carolina Highway 151 to Hartsville, and return over the same route serving all intermediate points, (20) between Greer, S.C., and Asheville, N.C.: from Greer over South Carolina Highway 14 to junction U.S. Highway 176, thence over U.S. Highway 176 to junction U.S. Highway 25, thence over U.S. Highway 25 to Asheville, and return over these routes serving, all intermediate points, (21) between Raleigh, N.C., and Durham, N.C.: from Raleigh over U.S. Highway 70 to Durham, and return over the same route serving all intermediate points, (22) between Raleigh, N.C., and junction U.S. Highway 301: from Raleigh over U.S. Highway 401 to junction North Carolina Highway 561, thence over North Carolina Highway 561 to junction North Carolina Highway 48, thence over North Carolina Highway 48 to junction U.S. Highway 158, thence over U.S. Highway 158 to junction U.S. Highway 301, and return over the same route serving all intermediate points, (23) between Raleigh, N.C., and Wilson, N.C.: from Raleigh over U.S. Highway 64 to junction U.S. Highway 264, thence over U.S. Highway 264 to Wilson and return over the same route serving all intermediate points, (24) between Rocky Mount, N.C., and Zebulon, N.C.: from Rocky Mount over U.S. Highway 64 to Zebulon and return over the same route serving all intermediate points, (25) between Sumter, S.C., and Wilmington, N.C.: (a) from Sumter over U.S. Highway 76 to Wilmington, and return over the same route, serving all intermediate points, and (b) from Sumter over U.S. Highway 378 to Conway, S.C., thence over South Carolina Highway 90 to junction U.S. Highway 17.

Thence over U.S. Highway 17 to Wilmington, and return over the same routes, serving all intermediate points; (26) between Wilmington, N.C. and Cherry Point, N.C.: from Wilmington over U.S. Highway 17 to junction North Caroline Highway 172, thence over North Carolina Highway 172 via Camp Lejeune Marine Base to junction North Carolina Highway 24, thence over North Carolina Highway 24 to junction unnumbered highway connecting North Carolina Highway 24 and U.S. Highway 70, thence over this unnumbered highway to junction U.S. Highway 70, thence over U.S. Highway 70 to Havelock, thence over North Carolina Highway 101 to Cherry Point Marine Air Station, and return over the same route serving all intermediate points, (27) between Wilmington, N.C., and Wilson, N.C.: from Wilmington over U.S. Highway 117 to junction U.S. Highway 301, thence over U.S. Highway 301 to Wilson, and return over the same route serving all intermediate points, (28) between Wilson, N.C., and junction U.S. Highways 401 and 1: from Wilson over North Carolina Highway 58 to junction U.S. Highway 401, thence over U.S. Highway 401 to junction U.S. Highway 1, and return over the same route serving all intermediate points, (29) between Columbia, S.C. and Atlanta, Ga.: (a) from Columbia over U.S. Highway 378 to junction U.S. Highway 78, then over U.S. Highway 78 to junction Georgia Highway 44, thence over Georgia Highway 44 to Union Point, Ga., thence over U.S. Highway 278 to Atlanta, and return over the same routes, serving all intermediate points, (b) from Columbia to Union Point, Ga. as described above.

Thence over U.S. Highway 278 to junction Interstate Highway 20, thence over Interstate Highway 20 to Atlanta, and return over the same route, serving all intermediate points, (30) between Fayetteville, N.C., and Pee Dee, S.C.: from Fayetteville over Interstate Highway 95 to junction U.S. Highway 301, thence over U.S. Highway 301 to Pee Dee and return over the same routes serving all intermediate points. (31) Applicant states: Service proposed to and from all points and places in Georgia, North Carolina, and South Carolina as off-route points in connection with carrier's present and proposed regular routes. (32) Service proposed to and from all points and places within 25 miles of Newark, N.J., as off-route points in connection with carrier's present and proposed regular routes. (B) *Commodities* classified as Class A, Class B, or Class C explosives in the Commission's rules and regulations governing the transportation of explosives and other dangerous articles; *ammunition* not included within the commodities classified by the Commission as Class A, Class B, or Class C explosives; *component parts of ammunition*, and *empty containers thereof*, over regular routes, serving St. Juliens Creek, Va., and points and places within 35 miles thereof, and Jacksonville, Fla., and points and places with 35 miles thereof, as off-route points in connection with carrier's present regular routes between Baltimore, Md. and Jacksonville, Fla. NOTE: This application is filed pursuant to MC-C 4366, effective May 1, 1964, which provides the special rules for conversion of irregular to regular motor carrier operations. SPECIAL NOTE: Protests to this application may be filed within 45 days instead of 30 days.

No. MC 106373 (Sub-No. 29), filed February 26, 1965. Applicant: THE SERVICE TRANSPORT CO., a corporation, 11910 Harvard Avenue, Cleveland, Ohio. Applicant's attorney: James R. Stiverson, 50 West Broad Street, Columbus, 15, Ohio. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: (A) *Plaster, plasterboard, wallboard, lime products*, and *gypsum prod-*

ucts, (1) from Akron, N.Y., over New York Highway 93 to junction New York Highway 5, thence over New York Highway 5 to New York-Pennsylvania State line, thence over Pennsylvania Highway 5 to Erie, Pa., thence over U.S. Highway 19 to Pittsburgh, serving all intermediate points, and off-route points within 30 miles of Pittsburgh and Washington, Pa., (2) from Akron, N.Y., over New York Highway 93 to junction New York Highway 5, thence over New York Highway 5 to Buffalo, thence over U.S. Highway 20 to Toledo, Ohio, serving the intermediate and off-route points of Akron, Ashtabula, Cleveland, Conneaut, Columbia Station, Grafton, and Jefferson, Ohio, (3) from Akron, N.Y., over New York Highway 93 to junction New York Highway 5, thence over New York Highway 5 to Buffalo, thence over U.S. Highway 20 to junction Ohio Highway 7, thence over Ohio Highway 7 to junction Ohio Highway 62, thence over Ohio Highway 62 to Canton, serving the intermediate and off-route points of Hubbard, New Milford, Warren, and Youngstown, Ohio, (4) Oakfield, N.Y., over New York Highway 63 to junction New York Highway 5.

Thence over New York Highway 5 to New York-Pennsylvania State line, thence over Pennsylvania Highway 5 to Erie, thence over U.S. Highway 19 to Pittsburgh, serving all intermediate points, and the off-route points within 30 miles of Pittsburgh and Washington, Pa., (5) from Oakfield, N.Y., over New York Highway 63 to junction New York Highway 5, thence over New York Highway 5 to Buffalo, thence over U.S. Highway 20 to Toledo, Ohio, serving the intermediate and off-route points of Akron, Ashtabula, Cleveland, Conneaut, Columbia Station, Grafton, and Jefferson, Ohio, (6) from Oakfield, N.Y., over New York Highway 63 to junction New York Highway 5, thence over New York Highway 5 to Buffalo, thence over U.S. Highway 20 to junction Ohio Highway 7, thence over Ohio Highway 7 to junction Ohio Highway 62, thence over Ohio Highway 62 to Canton, serving the intermediate and off-route points of Hubbard, New Milford, Warren, and Youngstown, Ohio, (B) *Iron and steel articles and iron and steel products:* (7) From Cleveland, Ohio, over presently authorized routes to Pittsburgh, Pa., thence over U.S. Highway 22 to Newark, N.J., thence over U.S. Highways 1 and 9 to New York City, N.Y., serving the intermediate and off-route points of Carlstadt, Fairfield, Elizabeth, Jersey City, Randolph, Paterson, Port Newark, and Garwood, N.J., Brooklyn, Bronx, Long Island City, Farmingdale, Plainview, and Maspeth, N.Y., (8) from Cleveland, Ohio, over presently authorized routes to Pittsburgh, Pa., thence over U.S. Highway 30 to Philadelphia, Pa., serving the intermediate and off-route points of York, West Point, Bristol, Bustleton, Primos, Greenville, Scranton, and Lancaster, Pa., (9) from Cleveland, Ohio, over presently authorized routes to Pittsburgh, Pa., thence over U.S. Highway 30 to McConnellsburg.

Thence over Pennsylvania Highway 16 to Pennsylvania-Maryland State line, thence over Maryland Highway 97 to junction U.S. Highway 140, thence over U.S. Highway 140 to Baltimore, Md., serving the intermediate point of Westminister, Md., (10) from Cleveland, Ohio, over presently authorized routes to Rochester, N.Y., thence over Interstate Highway 90 to junction U.S. Highway 9, thence over U.S. Highway 9 to Poughkeepsie, N.Y., serving the intermediate and off-route points of Auburn, Endicott, Rome, Syracuse, Utica, Wellsville, Ogdensburg, Cortland, Gloversville, Kingston, Mineville, Schenectady, LeRoy, and Albany, N.Y., (11) from Cleveland, Ohio, over presently authorized routes to Buffalo, N.Y., thence over U.S. Highway 20 to junction U.S. Highway 9, thence over U.S. Highway 9 to Poughkeepsie, N.Y., serving the intermediate and off-route points of Auburn, Endicott, Rome, Syracuse, Utica, Wellsville, Ogdensburg, Cortland, Gloversville, Kingston, Mineville, Schenectady, LeRoy, and Albany, N.Y., (12a) from Buffalo, N.Y., over presently authorized routes to Ohio Highway 7, thence over Ohio Highway 7 to junction U.S. Highway 22, thence over U.S. Highway 22 to Cincinnati, Ohio; (b) from Buffalo, N.Y., over presently authorized routes to Cleveland, Ohio, thence over Interstate Highway 71 to Cincinnati, serving the intermediate and off-route points of Columbus, Lebanon, and Dayton, Ohio, (13) from Buffalo, N.Y., over U.S. Highway 219 to Johnstown, Pa., serving no intermediate points, (14) from Buffalo, N.Y., over presently authorized routes to Fostoria, Ohio, thence over Ohio Highway 12 to Findlay, thence over U.S. Highway 25 to junction U.S. Highway 33, thence over U.S. Highway 33 to junction U.S. Highway 127, thence over U.S. Highway 127 to junction Ohio Highway 219.

Thence over Ohio Highway 219 to Coldwater, Ohio, serving no intermediate points, (15) from Detroit, Mich., over presently authorized routes to Pittsburgh, Pa., thence over U.S. Highway 30 to McConnellsburg, thence over Pennsylvania Highway 16 to Pennsylvania-Maryland State line, thence over Maryland Highway 97 to junction U.S. Highway 140, thence over U.S. Highway 140 to Baltimore, Md., serving no intermediate points, (16) from Detroit, Mich., over presently authorized routes to Pittsburgh, Pa., thence over U.S. Highway 30 to Philadelphia, Pa., serving no intermediate points, (17) from Detroit, Mich., over presently authorized routes to Pittsburgh, Pa., thence over U.S. Highway 22 to Newark, N.J., thence over U.S. Highways 1 and 9 to New York City, N.Y., serving the off-route point of Harrison, N.J., (18) from Pittsburgh, Pa., over presently authorized routes to Buffalo, N.Y., thence over New York Highway 5 to Syracuse, serving all intermediate and off-route points within 30 miles of Pittsburgh, Pa., and serving the intermediate and off-route points of Ellicottville, Groton, Painted Post, and Webster, N.Y.; (19) (a) from Pittsburgh, Pa., over U.S. Highway 22 to Cincinnati, Ohio, serving all intermediate and off-route points within 30 miles of Pittsburgh, (b) from Pittsburgh, Pa., over U.S. Highway 19 to junction U.S. Highway 40, thence over U.S. Highway 40 to junction U.S. Highway 25 and Interstate Highway 75, thence over U.S. Highway 25 and Interstate Highway 75 to Cincinnati, Ohio, serving all intermediate and off-route points within 30 miles of Pittsburgh, Pa., and serving the intermediate and off-route points of Troy, Springfield, Dayton, Lancaster, Vandalia, and Greenville, Ohio; (20) from Pittsburgh, Pa., over presently authorized routes to Mansfield, Ohio.

Thence over U.S. Highway 30S to Marion, serving all intermediate and off-route points within 30 miles of Pittsburgh, Pa.; (21) from Johnstown, Pa., over U.S. Highway 219 to junction U.S. Highway 422, thence over U.S. Highway 422 to Butler, thence over presently authorized routes to Cleveland, Ohio, serving no intermediate points, (22) from Canton and Massillon, Ohio, over presently authorized routes to Buffalo, N.Y., thence over U.S. Highway 20 to junction U.S. Highway 11, thence over U.S. Highway 11 to Syracuse, N.Y., serving the intermediate and off-route points of Rome, Auburn, and Groton, N.Y.; (23) from junction U.S. Highways 20 and 11 over U.S. Highway 11 to Binghamton, N.Y., serving the intermediate and off-route points of Endicott and Ithaca, N.Y.; (24) from Canton and Massillon, Ohio, over presently authorized routes to Pittsburgh, Pa., thence over U.S. Highway 30 to McConnellsburg, Pa., thence over Pennsylvania Highway 16 to the Pennsylvania-Maryland State line, thence over Maryland Highway 97 to junction U.S. Highway 140, thence over U.S. Highway 140 to Baltimore, Md., serving no intermediate points, (25) from Canton and Massillon, Ohio, over presently authorized routes to Pittsburgh, Pa., thence over U.S. Highway 30 to Philadelphia, serving the off-route point of Phoenixville, Pa.; (26) from Canton and Massillon, Ohio, over presently authorized routes to Butler, Pa., thence over Pennsylvania Highway 68 to junction U.S. Highway 219, thence over U.S. Highway 219 to Bradford, Pa., serving no intermediate points, (27) from McDonald, Youngstown, and Warren, Ohio, over presently authorized routes to Buffalo, N.Y., thence over U.S. Highway 20 to junction U.S. Highway 11, thence over U.S. Highway 11 to Syracuse, N.Y., serving the intermediate and off-route points of East Liverpool, Ohio, and Syracuse, N.Y., (28) from McDonald, Youngstown, and Warren, Ohio, over presently authorized routes to Rochester, N.Y., serving the intermediate point of LeRoy, N.Y.; (29) from McDonald, Youngstown, and Warren, Ohio, over presently authorized routes to Jamestown, N.Y.

Thence over New York Highway 17 to junction New York Highway 305, thence over New York Highway 305 to Cuba, N.Y., serving no intermediate points, (30) from Fairless Hills, Pa., over U.S. Highway 1 to junction Pennsylvania Highway 413, thence over Pennsylvania Highway 413 to junction U.S. Highway 202, thence over U.S. Highway 202 to junction Pennsylvania Highway 313, thence over Pennsylvania Highway 313 to junction U.S. Highway 309, thence over U.S. Highway 309 to junction U.S. Highway 22, thence over U.S. Highway 22 to Pittsburgh, Pa., thence over presently authorized routes to Cleveland, Ohio, serving the intermediate and off-route points of Canton, Warren, and Youngstown, Ohio; (31) from Coatesville, Pa., over U.S. Highway 30 to junction U.S. Highway 230, thence over U.S. Highway 230 to junction U.S. Highway 22, thence over U.S. Highway 22 to Pittsburgh, Pa., thence over presently authorized routes to Cleveland, Ohio, serving the intermediate and off-route points of Canton, Warren, and Youngstown, Ohio; (32) from Bethlehem, Pa., over U.S. Highway 22 to Pittsburgh, thence over presently authorized routes to Cleveland, Ohio, serving the intermediate and off-route points of Canton, Warren, and Youngstown, Ohio; (33) from Martins Ferry, Yorkville, and Steubenville, Ohio, over Ohio Highway 7 to junction Ohio Highway 170, thence over Ohio Highway 170 (portion formerly Ohio Highway 90) to Youngstown, thence over presently authorized routes to Buffalo, N.Y., thence over U.S. Highway 20 to Albany, N.Y., serving the intermediate and off-route points of Schenectady, Seneca Falls, Syracuse, New York Mills, Batavia, Fairport, and Utica, N.Y.; (34) from Martins Ferry, Yorkville, and Steubenville, Ohio, over Ohio Highway 7 to junction U.S. Highway 6, thence over U.S. Highway 6 to junction U.S. Highway 220.

Thence over U.S. Highway 220 to junction New York Highway 17, thence over New York Highway 17 to Binghamton, serving no intermediate points, (35) from Beechbottom, Follansbee, and Weirton, W. Va., over U.S. Highway 22 to junction Pennsylvania Highway 18, thence over Pennsylvania Highway 18 to junction U.S. Highway 20, thence over U.S. Highway 20 to Albany, N.Y., serving the intermediate and off-route points of Schenectady, Seneca Falls, Syracuse, New York Mills, Batavia, Fairport, and Utica, N.Y.; (36) from Beechbottom, Follansbee, and Weirton, W. Va., over U.S. Highway 22 to junction Pennsylvania Highway 18, thence over Pennsylvania Highway 18 to junction U.S. Highway 6, thence over U.S. Highway 220, thence over U.S. Highway 220 to junction New York Highway 17, thence over New York Highway 17 to Binghamton, N.Y., serving no intermediate points. Alternate routes for operating convenience only in connection with applicant's above proposed regular-route operations: (1) From Cleveland, Ohio, over the Ohio Turnpike to junction Pennsylvania Turnpike, thence over Pennsylvania Turnpike to New Jersey Turnpike, thence over New Jersey Turnpike to Holland Tunnel, thence by Holland Tunnel to New York, N.Y.; (2) from Cleveland, Ohio, over Interstate Highway 90 to junction New York State Thruway, thence over New York State Thruway to junction U.S. Highway 9, thence over U.S. Highway 9 to New York City, N.Y.

NOTE: Duplication of authority will be eliminated. This application is filed pursuant to MC-C-4366, effective May 1, 1964, which provides the special rules for conversion of irregular route to regular motor carrier operations. SPECIAL NOTE: Protests to this application may be filed within 45 days instead of 30 days.

No. MC 114194 (Sub-No. 107), filed June 4, 1965. Applicant: KREIDER TRUCK SERVICE, INC., 8003 Collinsville Road, East St. Louis, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Brake fluid*, in bulk, from St. Louis, Mo., to points in California and Michigan, and *rejected shipments* of the commodity specified above, on return.

No. MC 116063 (Sub-No. 70), filed June 1, 1965. Applicant: WESTERN-COMMERCIAL TRANSPORT, INC., 2400 Cold Springs Road, Box 270, Fort Worth, Tex. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Sugars and syrups and blends thereof*, from the plantsite of Holly Sugar Corp., located near Hereford, Tex., to points in Colorado and Texas.

No. MC 116886 (Sub-No. 24), filed February 26, 1965. Applicant: HOWELL'S MOTOR FREIGHT, INCORPORATED, 2210 Winston Avenue SW., Roanoke, Va. Applicant's attorney: R. Roy Rush, 300 Shenandoah Building, Roanoke, Va., 24004. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Such merchandise* as is dealt in by wholesale, retail and chain grocery and food business houses, (1) between Roanoke and Lynchburg, Va., over U.S. Highway 460, serving all intermediate points, (2) between Roanoke and Harrisonburg, Va., over Interstate Highway 81-U.S. Highway 11, serving all intermediate points, (3) between Roanoke and Danville, Va., from Roanoke over U.S. Highway 220 to Martinsville, thence over U.S. Highway 58 to Danville, and return over the same route, serving all intermediate points, and (4) between Roanoke and Wytheville, Va., over Interstate Highway 81-U.S. Highway 11, serving all intermediate points. NOTE: This application is filed pursuant to MC-C-4366, effective May 1, 1964, which provides the special rules for conversion of irregular route to regular motor carrier operations. SPECIAL NOTE: Protests to this application may be filed within 45 days instead of 30 days.

No. MC 116886 (Sub-No. 26), filed June 1, 1965. Applicant: HOWELL'S MOTOR FREIGHT, INCORPORATED, 2210 Winston Avenue SW., Roanoke, Va. Applicant's attorney: R. Roy Rush, 300 Shenandoah Building, Post Office Box 614, Roanoke, Va., 24004. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products, meat byproducts, dairy products and articles distributed by meat packinghouses*, as defined in sections A, B, and C of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, from Norfolk, Va., to points in that part of Virginia on and east of U.S. Highway 15 and points in that part of North Carolina on and east of U.S. Highway 15 and north of U.S. Highway 64.

MOTOR CARRIERS OF PASSENGERS

No. MC 36524 (Sub-No. 10), filed May 27, 1965. Applicant: MISSOURI TRANSIT LINES, INC., Rollins Street, Macon, Mo. Applicant's attorney: Joseph R. Nacy, 117 West High Street, Post Office Box 352, Jefferson City, Mo., 65102. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers and their baggage* and *express* and *newspapers*, in the same vehicle with passengers, serving the junction U.S. Highway 66 and Missouri Highway 125 and the junction U.S. Highway 66 and Laclede County Route "Y", as intermediate points in connection with applicant's authorized regular-route operations between junction U.S. Highway 54 and Missouri Highway 17 and Springfield, Mo. NOTE: Applicant states that the purpose of this application is to abandon that portion of its presently authorized regular-route operation set out in Certificate No. 36524, as follows: "• • • (also from junction U.S. Highway 66 and unnumbered highway near Conway, Mo., over unnumbered highway to junction U.S. Highway 66 near Strafford, Mo.; also from junction U.S. Highway 66 and unnumbered highway over unnumbered highway to Conway, Mo.; • • • also from junction U.S. Highway 66 and Missouri Highway 125 over Missouri Highway 125 to Strafford, Mo.); • • •" and substitute in lieu thereof, the intermediate points proposed above.

No. MC 45626 (Sub-No. 56), filed May 24, 1965. Applicant: VERMONT TRANSIT CO., INC., 135 St. Paul Street, Burlington, Vt. Applicant's attorney: L. C. Major, Jr., 2001 Massachusetts Avenue NW., Washington, D.C., 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers and their baggage*, and *express* and *newspapers* in the same vehicle with passengers, (1) between Boston, Mass. and White River Junction, Vt., from Boston over access roads to Interstate Highway 93, thence over Interstate Highway 93 to junction Interstate Highway 193, thence over Interstate Highway 193 to junction Everett Turnpike, thence over Everett Turnpike to junction Interstate Highway 89, thence over Interstate Highway 89 to White River Junction, and return over the same route, serving the intermediate points of Manchester, Concord, Warner, New London and Lebanon, N.H.; (2) between junction Interstate Highways 93 and 193 and junction Interstate Highway 93 and Everett Turnpike, over Interstate Highway 93, serving via access roads from and to Interstate Highway 93, the intermediate point of Manchester, N.H.; and (3) serving the junction of New Hampshire Highways 4A and 11 near Potter Place as an intermediate point in connection with applicant's existing regular-route authority in Certificate No. MC 45626 between Concord, N.H. and White River Junction, Vt.

By the Commission.

[SEAL] BERTHA F. ARMES, *Acting Secretary*.

[F.R. Doc. 65-6588; Filed, June 23, 1965; 8:45 a.m.]

[Second Rev. S.O. 562; Amended Pfahler's ICC Order 187]

ATCHISON, TOPEKA AND SANTA FE RAILWAY CO. ET AL.

Diversion or Rerouting of Traffic

In the opinion of R. D. Pfahler, agent, The Atchison, Topeka & Santa Fe Railway Co., The Denver & Rio Grande Western Railroad Co., and The Colorado and Southern Railway Co. are unable to transport traffic routed over their lines because of flooding at Palmer Lake, Colo.

It is ordered, That:

(a) Rerouting traffic: The Atchison, Topeka & Santa Fe Railway Co., The Denver & Rio Grande Western Railroad Co. and The Colorado & Southern Railway Co., and their connections, being unable to transport traffic in accordance with shippers' routing because of floods at Palmer Lake, Colo., are hereby authorized to divert or reroute such traffic over any available route to expedite the movement, regardless of the routing shown on the waybill. The billings covering all such cars rerouted shall carry a reference to this order as authority for the rerouting.

(b) Concurrence of receiving roads to be obtained: The railroad desiring to divert or reroute traffic under this order shall receive the concurrence of other railroads to which such traffic is to be diverted or rerouted before the rerouting or diversion is ordered.

(c) Notification to shippers: Each carrier rerouting cars in accordance with this order shall notify each shipper at the time each car is rerouted or diverted and shall furnish to such shipper the new routing provided under this order.

(d) Inasmuch as the diversion or rerouting of traffic by said agent is deemed to be due to carrier's disability, the rates applicable to traffic diverted or rerouted by said agent shall be the rates which were applicable at the time of shipment on the shipments as originally routed.

(e) In executing the directions of the Commission and of such agent provided for in this order, the common carriers involved shall proceed even though no contracts, agreements, or arrangements now exist between them with reference to the divisions of the rates of transportation applicable to said traffic; divisions shall be, during the time this order remains in force, those voluntarily agreed upon by and between said carriers; or upon failure of the carriers to so agree, said divisions shall be those hereafter fixed by the Commission in accordance with pertinent authority conferred upon it by the Interstate Commerce Act.

(f) Effective date: This order shall become effective at 1 p.m., June 18, 1965.

(g) Expiration date: This order shall expire at 11:59 p.m., June 30, 1965, unless otherwise modified, changed, suspended, or annulled.

It is further ordered, That this order shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and per diem agreement under the terms of that agreement and by filing it with the Director, Office of the Federal Register.

Issued at Washington, D.C., June 18, 1965.

INTERSTATE COMMERCE COMMISSION,
[SEAL] R. D. PFAHLER,
Agent.

[F.R. Doc. 65-6632; Filed, June 23, 1965; 8:47 a.m.]

[Second Rev. S.O. 562; Pfahler's ICC Order 188]

CHICAGO, ROCK ISLAND AND PACIFIC RAILROAD CO.

Diversion or Rerouting of Traffic

In the opinion of R. D. Pfahler, agent, the Chicago, Rock Island & Pacific Railroad Co. is unable to transport traffic routed over its line because of flooding at Limon and Colorado Springs, Colo.

It is ordered, That:

(a) Rerouting traffic: The Chicago, Rock Island & Pacific Railroad Co. and its connections, being unable to transport traffic in accordance with shippers' routing because of flooding at Limon and Colorado Springs, Colo., is hereby authorized to divert or reroute such traffic over any available route to expedite the movement, regardless of the routing shown on the waybill. The billing covering all such cars rerouted shall carry a reference to this order as authority for the rerouting.

(b) Concurrence of receiving roads to be obtained: The railroad desiring to divert or reroute traffic under this order shall receive the concurrence of other railroads to which such traffic is to be diverted or rerouted before the rerouting or diversion is ordered.

(c) Notification to shippers: Each carrier rerouting cars in accordance with this order shall notify each shipper at the time each car is rerouted or diverted and shall furnish to such shipper the new routing provided under this order.

(d) Inasmuch as the diversion or rerouting of traffic by said agent is deemed to be due to carrier's disability, the rates applicable to traffic diverted or rerouted by said agent shall be the rates which were applicable at the time of shipment on the shipments as originally routed.

(e) In executing the directions of the Commission and of such agent provided for in this order, the common carriers involved shall proceed even though no contracts, agreements, or arrangements now exist between them with reference to the divisions of the rates, of transportation applicable to said traffic; divisions shall be, during the time this order remains in force, those voluntarily agreed upon by and between said carriers; or upon failure of the carriers to so agree, said divisions shall be those hereafter fixed by the Commission in accordance with pertinent authority conferred upon it by the Interstate Commerce Act.

(f) Effective date: This order shall become effective at 10 a.m., June 18, 1965.

(g) Expiration date: This order shall expire at 11:59 p.m., June 30, 1965, unless otherwise modified, changed, suspended, or annulled.

It is further ordered, That this order shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and per diem agreement under the terms of that agreement and by filing it with the Director, Office of the Federal Register.

Issued at Washington, D.C., June 18, 1965.

INTERSTATE COMMERCE COMMISSION,
[SEAL] R. D. PFAHLER,
Agent.

[F.R. Doc. 65-6634; Filed, June 23, 1965; 8:47 a.m.]

[Second Rev. S.O. 562; Pfahler's ICC Order 187]

ATCHISON, TOPEKA & SANTA FE RAILWAY CO. AND DENVER & RIO GRANDE WESTERN RAILROAD CO.

Diversion or Rerouting of Traffic

In the opinion of R. D. Pfahler, agent, The Atchison, Topeka & Santa Fe Railway Co. and The Denver & Rio Grande Western Railroad Co. are unable to transport traffic routed over their lines because of flooding at Palmer Lake, Colo.

It is ordered, That:

(a) Rerouting traffic: The Atchison, Topeka & Santa Fe Railway Co. and The Denver & Rio Grande Western Railroad Co. and their connections, being unable to transport traffic in accordance with shippers' routing because of floods at Palmer Lake, Colo., are hereby authorized to divert or reroute such traffic over any available route to expedite the movement, regardless of the routing shown on the waybill. The billing covering all such cars rerouted shall carry a reference to this order as authority for the rerouting.

(b) Concurrence of receiving roads to be obtained: The railroad desiring to divert or reroute traffic under this order shall receive the concurrence of other railroads to which such traffic is to be diverted or rerouted before the rerouting or diversion is ordered.

(c) Notification to shippers: Each carrier rerouting cars in accordance with this order shall notify each shipper at the time each car is rerouted or diverted and shall furnish to such shipper the new routing provided under this order.

(d) Inasmuch as the diversion or rerouting of traffic by said agent is deemed to be due to carrier's disability, the rates applicable to traffic diverted or rerouted by said agent shall be the rates which were applicable at the time of shipment on the shipments as originally routed.

(e) In executing the directions of the Commission and of such agent provided for in this order, the common carriers involved shall proceed even though no contracts, agreements, or arrangements now exist between them with reference to the divisions of the rates of transportation applicable to said traffic; divisions shall be, during the time this order remains in force, those voluntarily agreed upon by and between said carriers; or upon failure of the carriers to so agree, said divisions shall be those hereafter

fixed by the Commission in accordance with pertinent authority conferred upon it by the Interstate Commerce Act.

(f) Effective date: This order shall become effective at 4 p.m., June 17, 1965.

(g) Expiration date: This order shall expire at 11:59 p.m., June 30, 1965, unless otherwise modified, changed, suspended, or annulled.

It is further ordered, That this order shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and per diem agreement under the terms of that agreement and by filing it with the Director, Office of the Federal Register.

Issued at Washington, D.C., June 17, 1965.

INTERSTATE COMMERCE COMMISSION,
[SEAL] R. D. PFAHLER,
Agent.

[F.R. Doc. 65-6633; Filed, June 23, 1965; 8:47 a.m.]

[Section 5a, Application 68; Amdt. 2]

NATIONAL MOTOR EQUIPMENT INTERCHANGE; AGREEMENT

JUNE 21, 1965.

The Commission is in receipt of an application in the above-entitled and numbered proceeding for approval of amendments to the agreement therein approved under the provisions of section 5a of the Interstate Commerce Act.

Filed June 10, 1965 by:

Roland Rice, Rice, Carpenter and Carraway, Suite 618, Perpetual Building, 1111 E Street NW., Washington, D.C., 20004.

Amendments involved: Change the agreement so as to (1) permit common carriers by rail and water to become parties thereto, without right to serve on the board of directors, as officer of the association, or on certain committees, and (2) create office of second vice president.

The application may be inspected at the office of the Commission in Washington, D.C.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 20 days from the date of this notice. As provided by the general rules of practice of the Commission, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing.

By the Commission, division 2.

[SEAL] BERTHA F. ARMES,
Acting Secretary.

[F.R. Doc. 65-6635; Filed, June 23, 1965; 8:47 a.m.]

No. 121——6

[Notice 33]

FINANCE APPLICATIONS

JUNE 21, 1965.

The following publications are governed by the Interstate Commerce Commission's General Requirements governing notice of filing of applications under sections 20a except (12) and 214 of the Interstate Commerce Act. The Commission's order of May 20, 1964, providing for such publication of notice, was published in the FEDERAL REGISTER issue of July 31, 1964 (29 F.R. 11126), and became effective October 1, 1964.

All hearings and prehearing conferences, if any, will be called at 9:30 a.m., U.S. standard time unless otherwise specified.

F.D. No. 23699—By application filed June 17, 1965, Quinn Freight Lines, Inc., 1093 North Montello Street, Brockton, Mass., seeks authority under section 214 of the Interstate Commerce Act to issue (1) an installment note in the principal amount of $200,000 bearing interest at the rate of 5¾ percent per annum and (2) an installment note in the principal amount of $220,000 bearing interest at the rate of 5¾ percent per annum. Applicant's attorney: Mary E. Kelley, 10 Tremont Street, Boston, Mass., 02108. Protests must be filed no later than 15 days from date of publication in the FEDERAL REGISTER.

F.D. No. 23700—By application filed June 17, 1965, United Van Lines, Inc., 1 United Drive, Fenton, Mo., seeks authority under section 214 of the Interstate Commerce Act to issue promissory notes in principal amounts not exceeding, in the aggregate, the sum of $1,750,000 in accordance with a Revolving Credit Agreement. Applicant's attorney: G. M. Rebman, Rebman, Le Tourette & Gunn, Suite 1230, Boatmen's Bank Building, St. Louis, Mo., 63102. Protests must be filed no later than 15 days from date of publication in the FEDERAL REGISTER.

By the Commission.

[SEAL] BERTHA F. ARMES,
Acting Secretary.

[F.R. Doc. 65-6636; Filed, June 23, 1965; 8:47 a.m.]

KEITH H. LYRLA

Statement of Changes in Financial Interests

Pursuant to subsection 302(c), Part III, Executive Order 10647 (20 F.R. 8769) "Providing for the Appointment of Certain Persons under the Defense Production Act of 1950, as amended," I hereby furnish for filing with the Office of the Federal Register for publication in the FEDERAL REGISTER the following information showing any changes in my financial interests and business connections as heretofore reported and published (20 F.R. 10086, 21 F.R. 3475, 21 F.R. 9198, 22 F.R. 3777, 22 F.R. 9450, 23 F.R. 3798, 23 F.R. 9501, 24 F.R. 4187, 24 F.R. 9502, 25 F.R. 102, 26 F.R. 1692, 26 F.R. 6284, 27 F.R. 634, 27 F.R. 6409, 28 F.R. 197, 28 F.R. 7059, 29 F.R. 585, 29 F.R. 8386 and 30 F.R. 769) during the period from January 1, 1965, through June 30, 1965.

Financial interests—No changes.

Business connections:

Illinois Central Industries, Inc.—Comptroller.
Illinois Central Railroad Co.—Comptroller.
Waterloo Railroad—Director, Vice President and Auditor.
Blue Island Railroad—Comptroller.
Madison Coal Corp.—Comptroller.
Mississippi Valley Corp.—Comptroller.
Kensington & Eastern Railroad Co.—Director, Comptroller.
Kensington & Eastern Railroad Co. of Indiana—Director, Comptroller.
The South Chicago Railroad Co.—Director, Comptroller.

Dated: June 14, 1965.

KEITH H. LYRLA.

[F.R. Doc. 65-6637; Filed, June 23, 1965; 8:47 a.m.]

[Notice 1193]

MOTOR CARRIER TRANSFER PROCEEDINGS

JUNE 21, 1965.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 179), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC-67544. By order of June 17, 1965, the Transfer Board approved the transfer to Little Dixie Xpress, Ltd., Ft. Smith, Ark., of the operating rights in the Certificate of Registration in No. MC-121385 (Sub-No. 1), issued March 16, 1964, to J. R. McConnell, Jr., Ft. Smith, Ark., evidencing the right of the holder thereof to engage in interstate or foreign commerce, corresponding in scope to the service authorized by the Class "B" Permit No. 14620, dated March 26, 1962, issued by the Corporation Commission of Oklahoma. Bruce Shaw, 212 Merchants National Bank Building, Ft. Smith, Ark., attorney for applicants.

No. MC-FC-67761. By order of June 17, 1965, the Transfer Board approved the transfer to Barrick Transfer Co., Inc., 301 North Chicago Street, Lincoln, Ill., of the Certificate of Registration in No. MC-56925 (Sub-No. 2), issued January 7, 1964, to Lewis A. Barrick, doing business as Barrick Transfer Co., 301 North Chicago Street, Lincoln, Ill., authorizing transportation in interstate or foreign commerce corresponding in scope to the grant of authority in State Certificate No. 5652MC, issued May 22, 1956, by the Illinois Commerce Commission.

No. MC-FC-67818. By order of the transportation of: Household goods machinery, cream, salt, household

No. MC–FC–67818. By order of June 17, 1965, the Transfer Board approved the transfer to N. H. Bryan and C. W. Eads, a partnership, doing business as Riverton-Big Horn Freight Lines, Casper, Wyo., of the operating rights issued by the Commission July 31, 1944, to Eldon R. Lynn, doing business as Lovell Freight Line, Lovell, Wyo., under Certificate No. MC–52539, authorizing the transportation, over regular route, of general commodities, except household goods, commodities in bulk, and other specified commodities, between Lovell, Wyo., and Billings, Mont. Robert S. Stauffer, 1510 East 20th Street, Cheyenne, Wyo., attorney for transferee. R. B. Bowman, Post Office Box 517, Lovell, Wyo., attorney for transferor.

No. MC–FC–67853. By order of June 17, 1965, the Transfer Board approved the transfer to Raymond E. Weiss, Parkston, S. Dak., 57366, of Certificate No. MC–106951 issued August 6, 1952, to Dewey Benson, Parkston, S. Dak., 57366, authorizing the transportation, over irregular routes, of livestock, between Parkston, S. Dak., and points within 15 miles thereof, on the one hand, and, on the other, Sioux City, Iowa; grain and emigrant movables, between Parkston, S. Dak., and points within 15 miles thereof, on the one hand, and, on the other, points in Iowa and Minnesota; oil and grease in containers, plaster, commercial feed, seeds, lumber, shingles, cement blocks, brick, farm machinery, and tile, from Sioux City to Parkston; and lumber, shingles, cement blocks, brick, farm machinery, and tile, from Sioux City to points within 15 miles of Parkston except Ethan, Dimock, Rockport, Milltown, Hillside, Bearsley, Tripp, and Delmont, S. Dak.

No. MC–FC–67861. By order of June 17, 1965, the Transfer Board approved the transfer to Charles William Katich, doing business as Hayes Transfer, Centerville, Iowa, of the Certificate in No. MC–96534, issued September 14, 1945, to Carl D. Hayes, doing business as Hayes Transfer, Centerville, Iowa, authorizing the transportation of: Household goods and emigrant movables, between points in Appanoose County, Iowa, on the one hand, and, on the other, points in Illinois, Minnesota, Missouri, and Nebraska. Marvin V. Colton, 300½ North 12th Street, Centerville, Iowa, attorney for applicants.

No. MC–FC–67868. By order of June 17, 1965, the Transfer Board approved the transfer to Raymond H. Wilson, doing business as Wilson Transfer Co., Quinton, Okla., of the operating rights in Certificates Nos. MC–60117 and MC–60117 (Sub-No. 1) issued June 28, 1949, and October 15, 1948, respectively, to George Wilson, doing business as Wilson Transfer, Quinton, Okla., authorizing the transportation, over specified regular routes, of general commodities, with the usual exceptions, between Quinton, Okla., and McAlester, Okla., and Fort Smith, Ark. John B. Baumert, 108½ East Choctaw, McAlester, Okla., attorney for applicants.

No. MC–FC–67873. By order of June 17, 1965, the Transfer Board approved the transfer to Hahn Truck Line, Inc., an Oklahoma Corp., Oklahoma City, Okla., of the operating rights of Hahn Truck Line, Inc., a Kansas Corp., South Hutchinson, Kans., in Certificates Nos. MC–117765, MC–117765 (Sub-No. 1), MC–117765 (Sub-No. 2), MC–117765 (Sub-No. 3), MC–117765 (Sub-No. 11), MC–117765 (Sub-No. 12), MC–117765 (Sub-No. 13), MC–117765 (Sub-No. 14), and MC–117765 (Sub-No. 17), issued August 9, 1960, February 24, 1960, September 9, 1960, April 29, 1959, December 30, 1961, January 6, 1964, December 10, 1963, September 23, 1964, and August 14, 1964, respectively, authorizing the transportation over irregular routes, of dry fertilizer materials, in bulk and in bags, greases, lubricating oil, and anti-freeze, in containers, salt and salt products, lubricating oils and greases, in containers, agricultural implements, and machinery, fence posts, lumber, cotton gin machinery, cottonseed products, livestock, combines, and tractors, agricultural implements, and farm and road machinery, cream, salt, household sprays, anti-freeze, salt, in bulk and in bags, mineral feed mixtures and lime, mineral mixtures, for animal or poultry feed, and lime (ground or pulverized limestone), mineral mixtures and pepper, animal and poultry mineral feed mixtures and pepper, and malt beverages and advertising matter for the sale of such beverages, from, to, and between specified points in Arkansas, Colorado, Illinois, Indiana, Iowa, Kansas, Minnesota, Missouri, Nebraska, North Dakota, Oklahoma, South Dakota, Texas, and Wisconsin, varying with the commodities transported. Rufus H. Lawson, 106 Bixler Building, 2400 Northwest 23d Street, Oklahoma City 7, Oklahoma, attorney for applicants.

No. MC–FC–67902. By order of June 17, 1965, the Transfer Board approved the transfer to Frantz Transfer, Inc., Wilkes-Barre, Pa., of the operating rights of Marian F. Frantz and Frances E. LaBar, a partnership, doing business as Frantz Transfer, Wilkes-Barre, Pa., in Certificate No. MC–74460, issued June 28, 1963, authorizing the transportation, over irregular routes, of general commodities, excluding household goods and commodities in bulk, and other specified commodities, between Wilkes-Barre, Pa., and points within 10 miles of Wilkes-Barre, household goods, between Wilkes-Barre, Pa., and points within 10 miles of Wilkes-Barre, on the one hand, and, on the other, points in New York, New Jersey, Connecticut, Indiana, Ohio, Maryland, Delaware, West Virginia, and the District of Columbia, and butter, eggs, meat, and packinghouse products, between Wilkes-Barre and Scranton, Pa., on the one hand, and, on the other, Binghamton, Johnson City, Endicott, and Narrowsburg, N.Y., and points in Pennsylvania within 80 miles of Wilkes-Barre. Mitchell Jenkins, 1000 Blue Cross Building, Wilkes-Barre, Pa., 18701, attorney for applicants.

[SEAL] BERTHA P. ARMES,
Acting Secretary.

[F.R. Doc. 65-6638; Filed, June 23, 1965; 8:48 a.m.]

CUMULATIVE LIST OF CFR PARTS AFFECTED—JUNE

The following numerical guide is a list of the parts of each title of the Code of Federal Regulations affected by documents published to date during June.

3 CFR

	Page
PROCLAMATIONS:	
3658	7695
EXECUTIVE ORDERS:	
July 10, 1912 (revoked in part by PLO 3699)	7898
May 14, 1915 (revoked in part by PLO 3673)	7752
Oct. 30, 1916 (revoked in part by PLO 3664)	7750
Dec. 12, 1917 (revoked in part by PLO 3699)	7898
6143 (revoked in part by PLO 3691)	7823
6276 (revoked in part by PLO 3691)	7823
6285 (revoked in part by PLO 3693)	7824
6583 (revoked in part by PLO 3691)	7823
7655 (revoked in part by PLO 3661)	7521
8278 (revoked in part by PLO 3705)	7901
10530 (superseded in part by EO 11228)	7739
10682 (superseded by EO 11228)	7739
10800 (superseded in part by EO 11228)	7739
10835 (superseded by EO 11228)	7739
10903 (superseded in part by EO 11228)	7739
11227	7369
11228	7739
11229	7741

5 CFR

	Page
213	7271, 7311, 7425, 7426, 7473, 7515, 7557, 7595, 7645, 7646, 7701, 7895, 7987, 8093.
511	7962
531	7962
630	7557

7 CFR

	Page
Ch. I	8093
16	7426
26	8031
28	7426
29	7385
30	7385
34	7385
51	7595
57	8031
68	8031
81	8093
160	7385
201	7887
718	7427
722	7271, 7385, 7809, 7987
724	7646
728	7434
730	7272, 7811
750	7311
775	7515
814	7945
845	7273
850	7987
855	7988
908	7311, 7435, 7647, 7947
909	7273
910	7435, 7647, 7947
911	7647, 8031
915	7436, 7893, 8093
916	7948
917	7473–7475, 8031
923	7648
944	7436, 7743
958	7596
970	7274
1133	7988
1136	7893
1408	8094
1421	7475, 7811, 7988, 7991
1427	7814, 8096
1438	7948
PROPOSED RULES:	
28	8049
29	7494
51	7396
52	7524
724	8000
911	7501
915	7501
916	7284
923	8110
991	7825
1002	7839
1040	7903
1042	7903
1068	7721
1133	7284, 8000
1136	8049
1138	7288, 8050

8 CFR

	Page
103	7516
214	8102
264	7312

9 CFR

	Page
51	7596
74	7274
97	7893
201	7275, 7649
PROPOSED RULES:	
94	7445
101	7608
103	7608
201	7662, 7721

10 CFR

	Page
PROPOSED RULES:	
150	7445, 7662, 7963

12 CFR

	Page
1	7371
17	7275
218	7743
PROPOSED RULES:	
545	7316

13 CFR

	Page
107	7597, 7651
305	7894

14 CFR

	Page
21	8032
37	7637
39	7275, 7371, 7372, 7638, 7701, 7816, 7876, 7993, 8033, 8034.
71	7276, 7312, 7372, 7373, 7517, 7557, 7558, 7598, 7639, 7702, 7703, 7744, 7816–7818, 7877–7886, 7949, 7993, 7994, 8035–8037, 8102, 8103.
73	7744, 7745, 7949, 7994
75	7702, 7745, 7994, 7995
91	8032
95	7639
97	7374, 7598, 7867, 7950
121	7703
137	8104
141	7517
151	7484, 8037
221	7558
241	7704
PROPOSED RULES:	
37	7663, 8006
39	7573, 8062
61	7292
71	7316, 7396, 7502, 7503, 7524, 7525, 7573, 7612, 7613, 7663–7666, 7723, 7761, 7840, 7929, 8007, 8008, 8110, 8111
73	7503, 7724
75	7761, 8008
121	7963, 8009
214	8062

15 CFR

	Page
503	8042

16 CFR

	Page
13	7652, 7653, 7655, 7657, 7658, 7660, 7661, 8042, 8043.
14	7894, 7995

17 CFR

	Page
240	7276, 8109
249	7566, 7568
PROPOSED RULES:	
260	8009
269	8009, 8012

18 CFR

	Page
8	7313
157	7280

19 CFR

	Page
1	7569, 7704
4	7598
10	7819
PROPOSED RULES:	
22	7756

20 CFR

	Page
404	7995

21 CFR

	Page
8	7484, 7705
20	7280
25	7943
27	7484
120	7280, 7385, 7485, 7569, 7996
121	7280, 7386, 7485–7487, 7518, 7519, 7570, 7599, 7705–7707, 7895, 7896, 7943, 7944, 7996.
141a	7707
141c	7944
141d	7487
146a	7707, 7896

21 CFR—Continued

	Page
146c	7707
146d	7707
148e	7707
148i	7707
148j	7707
148n	7707
148o	7707
148q	7707
148r	7707
148s	7707
148w	7707
148y	7707
149b	7707
149c	7707
149d	7707
149e	7707
149f	7707
149g	7707
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149nnnnnnnnnnnnn	7707
149ooooooooooooo	7707
149ppppppppppppp	7707
149qqqqqqqqqqqqq	7707
149rrrrrrrrrrrrr	7707
149sssssssssssss	7707
149ttttttttttttt	7707
149uuuuuuuuuuuuu	7707
149vvvvvvvvvvvvv	7707
149wwwwwwwwwwwww	7707
149xxxxxxxxxxxxx	7707
149yyyyyyyyyyyyy	7707
149zzzzzzzzzzzzz	7707
149aaaaaaaaaaaaaa	7707
149bbbbbbbbbbbbbb	7707
149cccccccccccccc	7707
149dddddddddddddd	7707
149eeeeeeeeeeeeee	7707
149ffffffffffffff	7707
149gggggggggggggg	7707
149hhhhhhhhhhhhhh	7707
149iiiiiiiiiiiiii	7707
149jjjjjjjjjjjjjj	7707
149kkkkkkkkkkkkkk	7707
149llllllllllllll	7707
149mmmmmmmmmmmmmm	7707
149nnnnnnnnnnnnnn	7707
149oooooooooooooo	7707
149pppppppppppppp	7707
149qqqqqqqqqqqqqq	7707
149rrrrrrrrrrrrrr	7707
149ssssssssssssss	7707
149tttttttttttttt	7707
149uuuuuuuuuuuuuu	7707
149vvvvvvvvvvvvvv	7707
149wwwwwwwwwwwwww	7707
149xxxxxxxxxxxxxx	7707
149yyyyyyyyyyyyyy	7707
149zzzzzzzzzzzzzz	7707
149aaaaaaaaaaaaaaa	7707
149bbbbbbbbbbbbbbb	7707
149ccccccccccccccc	7707
149ddddddddddddddd	7707
149eeeeeeeeeeeeeee	7707
149fffffffffffffff	7707
149ggggggggggggggg	7707
149hhhhhhhhhhhhhhh	7707
149iiiiiiiiiiiiiii	7707
149jjjjjjjjjjjjjjj	7707
149kkkkkkkkkkkkkkk	7707
149lllllllllllllll	7707
149mmmmmmmmmmmmmmm	7707
149nnnnnnnnnnnnnnn	7707
149ooooooooooooooo	7707
149ppppppppppppppp	7707
149qqqqqqqqqqqqqqq	7707
149rrrrrrrrrrrrrrr	7707
149sssssssssssssss	7707
149ttttttttttttttt	7707
149uuuuuuuuuuuuuuu	7707
149vvvvvvvvvvvvvvv	7707
149wwwwwwwwwwwwwww	7707
149xxxxxxxxxxxxxxx	7707
149yyyyyyyyyyyyyyy	7707
149zzzzzzzzzzzzzzz	7707
149aaaaaaaaaaaaaaaa	7707
149bbbbbbbbbbbbbbbb	7707
149cccccccccccccccc	7707
149dddddddddddddddd	7707
149eeeeeeeeeeeeeeee	7707
149ffffffffffffffff	7707
149gggggggggggggggg	7707
149hhhhhhhhhhhhhhhh	7707
149iiiiiiiiiiiiiiii	7707
149jjjjjjjjjjjjjjjj	7707
149kkkkkkkkkkkkkkkk	7707
149llllllllllllllll	7707
149mmmmmmmmmmmmmmmm	7707
149nnnnnnnnnnnnnnnn	7707
149oooooooooooooooo	7707
149pppppppppppppppp	7707
149qqqqqqqqqqqqqqqq	7707
149rrrrrrrrrrrrrrrr	7707
149ssssssssssssssss	7707
149tttttttttttttttt	7707
149uuuuuuuuuuuuuuuu	7707
149vvvvvvvvvvvvvvvv	7707
149wwwwwwwwwwwwwwww	7707
149xxxxxxxxxxxxxxxx	7707
149yyyyyyyyyyyyyyyy	7707
149zzzzzzzzzzzzzzzz	7707
149aaaaaaaaaaaaaaaaa	7707
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149ddddddddddddddddd	7707
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149ggggggggggggggggg	7707
149hhhhhhhhhhhhhhhhh	7707
149iiiiiiiiiiiiiiiii	7707
149jjjjjjjjjjjjjjjjj	7707
149kkkkkkkkkkkkkkkkk	7707
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149mmmmmmmmmmmmmmmmm	7707
149nnnnnnnnnnnnnnnnn	7707
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149qqqqqqqqqqqqqqqqq	7707
149rrrrrrrrrrrrrrrrr	7707
149sssssssssssssssss	7707
149ttttttttttttttttt	7707
149uuuuuuuuuuuuuuuuu	7707
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149wwwwwwwwwwwwwwwww	7707
149xxxxxxxxxxxxxxxxx	7707
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149dddddddddddddddddd	7707
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149ffffffffffffffffff	7707
149gggggggggggggggggg	7707
149hhhhhhhhhhhhhhhhhh	7707
149iiiiiiiiiiiiiiiiii	7707
149jjjjjjjjjjjjjjjjjj	7707
149kkkkkkkkkkkkkkkkkk	7707
149llllllllllllllllll	7707
149mmmmmmmmmmmmmmmmmm	7707
149nnnnnnnnnnnnnnnnnn	7707
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149qqqqqqqqqqqqqqqqqq	7707
149rrrrrrrrrrrrrrrrrr	7707
149ssssssssssssssssss	7707
149tttttttttttttttttt	7707
149uuuuuuuuuuuuuuuuuu	7707
149vvvvvvvvvvvvvvvvvv	7707
149wwwwwwwwwwwwwwwwww	7707
149xxxxxxxxxxxxxxxxxx	7707
149yyyyyyyyyyyyyyyyyy	7707
149zzzzzzzzzzzzzzzzzz	7707
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149bbbbbbbbbbbbbbbbbbb	7707
149ccccccccccccccccccc	7707
149ddddddddddddddddddd	7707
149eeeeeeeeeeeeeeeeeee	7707
149fffffffffffffffffff	7707
149ggggggggggggggggggg	7707
149hhhhhhhhhhhhhhhhhhh	7707
149iiiiiiiiiiiiiiiiiii	7707
149jjjjjjjjjjjjjjjjjjj	7707
149kkkkkkkkkkkkkkkkkkk	7707
149lllllllllllllllllll	7707
149mmmmmmmmmmmmmmmmmmm	7707
149nnnnnnnnnnnnnnnnnnn	7707
149ooooooooooooooooooo	7707
149ppppppppppppppppppp	7707
149qqqqqqqqqqqqqqqqqqq	7707
149rrrrrrrrrrrrrrrrrrr	7707
149sssssssssssssssssss	7707
149ttttttttttttttttttt	7707
149uuuuuuuuuuuuuuuuuuu	7707
149vvvvvvvvvvvvvvvvvvv	7707
149wwwwwwwwwwwwwwwwwww	7707
149xxxxxxxxxxxxxxxxxxx	7707
149yyyyyyyyyyyyyyyyyyy	7707
149zzzzzzzzzzzzzzzzzzz	7707
149aaaaaaaaaaaaaaaaaaaa	7707
149bbbbbbbbbbbbbbbbbbbb	7707
149cccccccccccccccccccc	7707
149dddddddddddddddddddd	7707
149eeeeeeeeeeeeeeeeeeee	7707
149ffffffffffffffffffff	7707
149gggggggggggggggggggg	7707
149hhhhhhhhhhhhhhhhhhhh	7707
149iiiiiiiiiiiiiiiiiiii	7707
149jjjjjjjjjjjjjjjjjjjj	7707
149kkkkkkkkkkkkkkkkkkkk	7707
149llllllllllllllllllll	7707
149mmmmmmmmmmmmmmmmmmmm	7707
149nnnnnnnnnnnnnnnnnnnn	7707
149oooooooooooooooooooo	7707
149pppppppppppppppppppp	7707
149qqqqqqqqqqqqqqqqqqqq	7707
149rrrrrrrrrrrrrrrrrrrr	7707
149ssssssssssssssssssss	7707
149tttttttttttttttttttt	7707
149uuuuuuuuuuuuuuuuuuuu	7707
149vvvvvvvvvvvvvvvvvvvv	7707
149wwwwwwwwwwwwwwwwwwww	7707
149xxxxxxxxxxxxxxxxxxxx	7707
149yyyyyyyyyyyyyyyyyyyy	7707
149zzzzzzzzzzzzzzzzzzzz	7707
149aaaaaaaaaaaaaaaaaaaaa	7707
149bbbbbbbbbbbbbbbbbbbbb	7707
149ccccccccccccccccccccc	7707
149ddddddddddddddddddddd	7707
149eeeeeeeeeeeeeeeeeeeee	7707
149fffffffffffffffffffff	7707
149ggggggggggggggggggggg	7707
149hhhhhhhhhhhhhhhhhhhhh	7707
149iiiiiiiiiiiiiiiiiiiii	7707
149jjjjjjjjjjjjjjjjjjjjj	7707
149kkkkkkkkkkkkkkkkkkkkk	7707
149lllllllllllllllllllll	7707
149mmmmmmmmmmmmmmmmmmmmm	7707
149nnnnnnnnnnnnnnnnnnnnn	7707
149ooooooooooooooooooooo	7707
149ppppppppppppppppppppp	7707
149qqqqqqqqqqqqqq

21 CFR—Continued Page

146c ... 7707
146d ... 7487
148i ... 8109
148n ... 7944
PROPOSED RULES:
20 ... 7292
121 ... 7501

22 CFR

204 ... 7571

24 CFR

203 ... 7599
221 ... 7708

25 CFR

1 ... 7520
41 ... 7745
42 ... 7746

26 CFR

1 ... 7281, 7805, 8044
20 ... 7708
25 ... 7708
48 ... 7809
301 ... 7809
PROPOSED RULES:
1 ... 7493, 7721

28 CFR

0 ... 7599, 7709, 7819
16 ... 7488
42 ... 7386
43 ... 7819

29 CFR

5 ... 7819
602 ... 7948
603 ... 7949
1500 ... 7997
1501 ... 7748
1502 ... 7748
1503 ... 7748
PROPOSED RULES:
541 ... 8005
1504 ... 7608

32 CFR

288 ... 7997
562 ... 7710
750 ... 7748
753 ... 7748
1001 ... 7389

33 CFR

124 ... 7314

38 CFR

1 ... 7389
3 ... 7390, 7489
6 ... 8047
8 ... 8047
36 ... 7521

39 CFR

15 ... 7390
16 ... 7390, 7748
22 ... 7391, 8048
23 ... 7391
24 ... 7391
25 ... 7391
43 ... 7392
45 ... 7392
46 ... 7394
114 ... 7748
122 ... 7748
PROPOSED RULES:
22 ... 8049

41 CFR

5B-2 ... 7436
8-1 ... 7437

41 CFR—Continued Page

8-2 ... 7437, 7599
8-3 ... 7599
8-7 ... 7600
8-14 ... 7600
8-15 ... 7601
8-16 ... 7602
8-75 ... 7602
8-95 ... 7603
9-14 ... 7886
9-15 ... 8109
9-16 ... 7887
9-17 ... 7887
9-51 ... 7749
9-53 ... 7819
9-56 ... 7749
9-58 ... 7750
101-18 ... 7820
101-20 ... 7820
101-38 ... 7489

42 CFR

57 ... 7394, 7395

43 CFR

18 ... 7394
2230 ... 7605
3540 ... 7606
4110 ... 7606
PUBLIC LAND ORDERS:
5 (see PLO 3677) ... 7820
509 (revoked in part by PLO 3695) ... 7897
729 (revoked by PLO 3706) ... 7754
993 (revoked in part by PLO 3692) ... 7823
1350 (revoked by PLO 3700) ... 7899
1752 (revoked by PLO 3704) ... 7900
1757 (revoked in part by PLO 3673) ... 7752
1898 (revoked in part by PLO 3703) ... 7900
3528 (corrected) ... 7998
3530 (amended and revoked in part by PLO 3701) ... 7899
3565 (correction) ... 7820
3598 (corrected by PLO 3675) ... 7753
3646 (corrected by PLO 3680) ... 7821
3661 ... 7521
3662 ... 7606
3663 ... 7750
3664 ... 7750
3665 ... 7750
3666 ... 7751
3667 ... 7751
3668 ... 7751
3669 ... 7751
3670 ... 7751
3671 ... 7752
3672 ... 7752
3673 ... 7752
3674 ... 7752
3675 ... 7753
3676 ... 7753
3677 ... 7820
3678 ... 7821
3679 ... 7821
3680 ... 7821
3681 ... 7821
3682 ... 7821
3683 ... 7821
3684 ... 7821
3685 ... 7822
3686 ... 7822
3687 ... 7822
3688 ... 7753
3689 ... 7822

43 CFR—Continued Page

PUBLIC LAND ORDERS—Continued
3690 ... 7823
3691 ... 7823
3692 ... 7823
3693 ... 7824
3694 ... 7824
3695 ... 7897
3696 ... 7897
3697 ... 7897
3698 ... 7897
3699 ... 7898
3700 ... 7899
3701 ... 7899
3702 ... 7900
3703 ... 7900
3704 ... 7900
3705 ... 7901
3706 ... 7754

45 CFR

60 ... 7371

46 CFR

146 ... 7437
221 ... 7490
309 ... 7697
527 ... 7490
PROPOSED RULES:
248 ... 7201
251 ... 8110
290 ... 7722
380 ... 7722
521 ... 7930
533 ... 7574

47 CFR

0 ... 7521, 7755
1 ... 7419
18 ... 7998
31 ... 7711
33 ... 7711
73 ... 7314, 7711, 8048
89 ... 7522
97 ... 7755
PROPOSED RULES:
1 ... 7446
17 ... 7446
21 ... 8009
73 ... 7446, 7525, 7666, 7671, 7673, 7929, 8067
74 ... 8009
91 ... 8009

48 CFR

201 ... 7754
211 ... 7754

49 CFR

72 ... 7420
73 ... 7420
74 ... 7423
77 ... 7423
78 ... 7423
79 ... 7425
95 ... 7522, 7945
131 ... 7901
192 ... 7491
193 ... 7522

50 CFR

3 ... 7315
10 ... 7571
32 ... 7523
33 ... 7262, 7572, 7824
253 ... 7607
260 ... 7282
262 ... 7444
266 ... 7282

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Agencies in this issue—

Agency for International Development
Agricultural Stabilization and Conservation Service
Civil Service Commission
Consumer and Marketing Service
Federal Aviation Agency
Federal Communications Commission
Federal Housing Administration
Federal Maritime Commission
Fish and Wildlife Service
Food and Drug Administration
General Services Administration
Indian Affairs Bureau
Interior Department
Internal Revenue Service
Interstate Commerce Commission
Land Management Bureau
Maritime Administration
Securities and Exchange Commission
Small Business Administration

Detailed list of Contents appears inside.



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Contents

AGENCY FOR INTERNATIONAL DEVELOPMENT
Notices
Investment guaranties; delegation of authority 8170

AGRICULTURAL STABILIZATION AND CONSERVATION SERVICE
Rules and Regulations
Flue-cured tobacco not eligible for price support; determination 8153

AGRICULTURE DEPARTMENT
See Agricultural Stabilization and Conservation Service; Consumer and Marketing Service.

CIVIL SERVICE COMMISSION
Notices
Nurses; adjustment of minimum rate and rate range 8173

COMMERCE DEPARTMENT
See Maritime Administration.

CONSUMER AND MARKETING SERVICE
Rules and Regulations
Food stamp program; definitions 8155
Irish potatoes grown in certain designated counties in Idaho and Malheur County, Oreg.; shipment limitations 8154

FEDERAL AVIATION AGENCY
Rules and Regulations
Airworthiness directives; Fairchild Camera and Instrument Corporation Model 5424( ) Series flight data recorder 8155
Alterations:
Control zone and transition area (2 documents) 8156
Federal airway 8156
Jet route 8158
Jet route descriptions 8158
Transition area designation 8157
Control zone; designation 8156
Restricted area, jet route, Federal airways, and controlled airspace; designation and alterations 8157
Transition area description; correction 8157
Transition areas; designation 8157
Proposed Rule Making
Federal airways; proposed designation 8166

FEDERAL COMMUNICATIONS COMMISSION
Rules and Regulations
UHF television channels; fostering expanded use 8154
Proposed Rule Making
Television broadcast stations; multiple ownership 8166
Notices
Interim policy concerning acquisition of broadcast stations 8173
Hearings, etc.:
KXYZ Television, Inc., and Crest Broadcasting Co. 8173
Skylark Corp., and Kingston Broadcasters, Inc. 8174
Syracuse Television, Inc., et al. 8174
United Artists Broadcasting, Inc. (2 documents) 8174
WHOO Radio, Inc. (WHOO) 8174

FEDERAL HOUSING ADMINISTRATION
Rules and Regulations
Delegations of basic authority and functions; miscellaneous amendments 8159

FEDERAL MARITIME COMMISSION
Rules and Regulations
Further interpretation of the Shipping Act 8162
Notices
Agreements filed for approval:
American President Lines, Ltd., and American Mail Line, Ltd 8175
American West African Freight Conference 8175
Grace Line, Inc., and Moore-McCormack Lines, Inc. (2 documents) 8175, 8176
Moore-McCormack Lines, Inc., et al.; proposed cancellation of agreements 8176
Philippine Forwarding Co., Inc.; application for freight forwarder license 8175

FISH AND WILDLIFE SERVICE
Notices
Captain Ahab, Inc.; notice of hearing regarding construction differential subsidy 8171

FOOD AND DRUG ADMINISTRATION
Rules and Regulations
Maneb; tolerance for residues 8158
Proposed Rule Making
Piperonyl butoxide and pyrethrins in outer layer of multiwall paper bags; proposal to establish tolerances for residues 8165
Notices
Dow Chemical Co.; filing of petition for food additives components of paper and paperboard 8172
Elanco Products Co.; withdrawal of petition regarding food additives 8172

GENERAL SERVICES ADMINISTRATION
Rules and Regulations
Management of buildings and grounds; vending stands operated by blind persons 8160

HEALTH, EDUCATION, AND WELFARE DEPARTMENT
See Food and Drug Administration.

HOUSING AND HOME FINANCE AGENCY
See Federal Housing Administration.

INDIAN AFFAIRS BUREAU
Rules and Regulations
Flathead Indian Irrigation Project, Mont.; operation and maintenance charges 8160

INTERIOR DEPARTMENT
See also Fish and Wildlife Service; Indian Affairs Bureau; Land Management Bureau.
Notices
Agua Caliente Indian Reservation; adoption and application of State and local laws 8172

INTERNAL REVENUE SERVICE
Rules and Regulations
Temporary regulations under Interest Equalization Tax Act 8160

INTERSTATE COMMERCE COMMISSION
Rules and Regulations
Car service; expiration dates (2 documents) 8163
Notices
Midland Valley Railroad Co.; diversion or rerouting of traffic 8177
Motor carrier transfer proceedings 8176

LAND MANAGEMENT BUREAU
Notices
Grazing District Advisory Board elections; general procedures 8170

MARITIME ADMINISTRATION
Rules and Regulations
Establishment of construction reserve funds; correction 8162

(Continued on next page)

SECURITIES AND EXCHANGE COMMISSION

Notices

Alabama Power Co.; proposed issue and sale of bonds and stock at competitive bidding 8176

SMALL BUSINESS ADMINISTRATION

Notices

Kansas; declaration of disaster area 8177

Midwest Capital Corp.; order revoking license 8177

STATE DEPARTMENT

See Agency for International Development.

TREASURY DEPARTMENT

See Internal Revenue Service.

List of CFR Parts Affected

(Codification Guide)

The following numerical guide is a list of the parts of each title of the Code of Federal Regulations affected by documents published in today's issue. A cumulative list of parts affected, covering the current month to date, appears at the end of each issue beginning with the second issue of the month.

A cumulative guide is published separately at the end of each month. The guide lists the parts and sections affected by documents published since January 1, 1965, and specifies how they are affected.

7 CFR

724 8153
945 8154
1600 8155

14 CFR

39 8155
71 (8 documents) 8156, 8157
73 8157
75 (3 documents) 8157, 8158
PROPOSED RULES:
71 8166

21 CFR

120 8158
PROPOSED RULES:
121 8165

24 CFR

200 8159

25 CFR

221 8160

26 CFR

147 8160

41 CFR

101–19 8160

46 CFR

287 8162
530 8162

47 CFR

73 8164
PROPOSED RULES:
73 8166

49 CFR

95 (2 documents) 8163

Rules and Regulations

Title 7—AGRICULTURE

Chapter VII—Agricultural Stabilization and Conservation Service (Agricultural Adjustment), Department of Agriculture

SUBCHAPTER B—FARM ACREAGE ALLOTMENTS AND MARKETING QUOTAS

PART 724—BURLEY, FLUE-CURED, FIRE-CURED, DARK AIR-CURED, VIRGINIA SUN-CURED, CIGAR-BINDER (TYPES 51 AND 52), CIGAR-FILLER AND BINDER (TYPES 42, 43, 44, 53, 54 AND 55), AND MARYLAND TOBACCO

Subpart—Determination and Announcement With Respect to Grade N_2 Flue-Cured Tobacco and Other Grades of Flue-Cured Tobacco Not Eligible for Price Support

§ 724.34v Basis and purpose.

(a) Section 724.34w is issued under the Agricultural Adjustment Act of 1938, as amended, particularly by Public Law 89–12 (79 Stat. 66), approved April 16, 1965 (7 U.S.C. 1281 et seq.), to announce the determination that no action will be taken pursuant to the proviso in paragraph (1) of subsection (g) of section 317 of the Act with respect to flue-cured tobacco of the 1965 crop for the 1965–66 marketing year.

(b) Notice that the Secretary was preparing to make certain determinations under Public Law 89–12 was published in the FEDERAL REGISTER on April 21, 1965 (30 F.R. 5641–5643). This notice did not specifically cover the determination made herein but in response thereto 39 letters were received regarding the proviso in paragraph (g)(1). All of these comments except one were opposed to the Secretary taking any action under the proviso. The determinations made pursuant to the notice were published in the FEDERAL REGISTER of May 1, 1965 (30 F.R. 6144–6146), and in the Basis and Purpose section of such determinations it was stated that no determination was being made with respect to the proviso at that time, since no marketing experience under the acreage-poundage program was then available. Since that time numerous requests have been received by the Department to make either an affirmative or a negative determination under the proviso so that all flue-cured tobacco farmers could adjust their harvesting and market preparation of the 1965 crop with knowledge as to whether N_2 and other grades of tobacco not eligible for price support would be exempted from marketing restrictions under Public Law 89–12. The harvesting of flue-cured tobacco has begun in the southern part of the flue-cured area. It is determined now that enough information is available to make a determination under the proviso even though no marketings have been made under the acreage-poundage program. It is hereby determined that because of the facts existing with respect to the harvesting of flue-cured tobacco of the 1965 crop compliance with the notice, public procedure requirements, and the 30-day effective date requirements of section 4 of the Administrative Procedure Act (60 Stat. 238; 5 U.S.C. 1003) is impracticable, unnecessary, and contrary to the public interest, and this determination shall be effective upon publication in the FEDERAL REGISTER.

(c) The proviso in paragraph (g)(1) of Public Law 89–12 relating to acreage-poundage quotas for tobacco reads as follows:

". . . *Provided, however,* If the Secretary, in his discretion, determines it is desirable to encourage the marketing of grade N_2 tobacco, or any grade of tobacco not eligible for price support, in order to meet the normal demands of export and domestic markets, he may authorize the marketing of such tobacco in a marketing year without the payment of penalty or deduction from subsequent quotas to the extent of 5 per centum of the farm marketing quota for the farm on which the tobacco was produced.

The flue-cured tobacco supply in the aggregate is far in excess of consumption requirements (30 F.R. 6144–6146). Table 1, attached as Exhibit A, shows the sales of N_2 and No-grade tobacco by years with averages for the period 1955–64 compared with total producer sales of all grades of flue-cured tobacco. These tobaccos were graded N_2, or were designated as No-grade because they failed to meet the criteria for classification into any grade eligible to receive price support. Tobacco in these categories typically has sold at prices ranging down from mandatory levels established at the lower end of the loan rate schedule, and N_2 and No-grade tobaccos compete with price-supported grades, principally those making up the lower end of the loan rate schedule. Above normal quantities of N_2 and No-grade tobacco that are purchased, and which displace the lower priced grades receiving mandatory price support, impose an unwarranted burden on the price support program.

The 1963 and 1964 crop marketings were not only very large, but were characterized by an unusually large proportion of N_2 and No-grade tobacco. The quantity of flue-cured tobacco in these categories in 1960–62 marketings averaged 64 million pounds; in 1963, however, the N_2 and No-grade categories jumped to 95 million pounds, and in 1964 rose further to about 116 million pounds. Stated another way, annual marketings of N_2 and No-grade tobacco during the last 2 years averaged more than 41 million pounds larger than the average of the preceding 3 years (1960–62). These disproportionately large marketings of N_2 and No-grade flue-cured in the past 2 years imply that above-normal quantities of tobacco in these categories are now a part of stocks holdings, since, customarily, tobacco must be aged about 2 years or longer before being used in manufactured products. Quarterly data collected on stocks held by dealers and manufacturers are not reported by grades or detailed categories. However, an appraisal of the data on flue-cured tobacco holdings of some segments of the trade particularly interested in flue-cured tobacco falling in the lower price ranges, shows that their holdings on April 1, 1964, were 41 percent higher, and by April 1, 1965, were 80 percent higher, than the 1961–63 average for the April 1 date.

It is anticipated that a substantial quantity of N_2 and No-grade tobacco will be marketed from the 1965 crop since many producers did not increase their tobacco acreage to the maximum extent permitted under the acreage-poundage program and will therefore choose to market all or most of their actual production in order to fill their poundage quota. The already existing and anticipated supply of N_2 and No-grade tobacco is considered to be fully adequate. Thus, it is not deemed desirable to encourage the marketing of grade N_2 tobacco, or any grade of tobacco not eligible for price support, of the 1965 flue-cured crop in order to meet the normal demands of export and domestic markets by authorizing the marketing of such tobacco in the 1965–66 marketing year without the payment of penalty or deduction from subsequent quotas for the farms on which the tobacco was produced, which would otherwise be required. In addition to the adequate supplies of N_2 and No-grade tobacco, about 40 million pounds of lower grades of price-supported flue-cured tobacco are available in the inventory of the flue-cured tobacco of the Flue-Cured Tobacco Cooperative Stabilization Corporation. These tobaccos consist of groups of grades for which the 1964 support price loan rate was less than 40 cents per pound and for most grades was well under 40 cents per pound. These grades are competitive on a price basis with nonsupported N_2 and No-grade tobacco.

§ 724.34w Determination.

It is determined that it is not desirable to encourage the marketing of grade N_2 tobacco, or any grade of tobacco not eligible for price support, of the 1965 flue-cured crop in the marketing year 1965–66 in order to meet the normal demands of export and domestic markets. Therefore no authorization will be issued permitting the marketing of such tobacco in the 1965–66 marketing year without the payment of penalty or deduction from subsequent quotas for the farms on which such tobacco was produced which would be required in the absence of the issuance of such an authorization.

(Secs. 317, 375, 52 Stat. 66, as amended, 79 Stat. 66; 7 U.S.C. 1314c, 1375, Public Law 89–12, approved Apr. 16, 1965)

Effective date. Publication in the FEDERAL REGISTER.

Signed at Washington, D.C., this 22d day of June 1965.

JOHN A. SCHNITTKER,
Under Secretary.

EXHIBIT A

TABLE 1—ESTIMATED SALES OF N_2 AND NO-GRADE FLUE-CURED TOBACCO—TYPES 11–14 [1] 1965–64 CROPS

Crop	N_2 1,000 pounds	No-grade 1,000 pounds	Total N_2+ No-grade 1,000 pounds	Producers' sales all grades 1,000 pounds	Percent total N_2+ No-grade sales
1965	19, 813	38, 869	58, 711	1, 478, 522	3.97
1964	26, 158	17, 571	43, 729	1, 421, 615	3.08
1963	19, 484	9, 182	28, 636	972, 701	2.94
1962	30, 486	6, 944	37, 430	1, 079, 603	3.47
1961	57, 151	11, 572	68, 952	1, 076, 453	6.41
1960	54, 791	10, 302	65, 093	1, 247, 223	5.23
1959	36, 417	12, 652	51, 069	1, 248, 932	4.09
1958	64, 316	11, 122	75, 448	1, 400, 306	5.39
1957	74, 095	20, 435	94, 522	1, 364, 175	6.93
1954	83, 636	34, 066	118, 772	1, 576, 825	8.40
Average (1955–59)	30, 618	16, 880	47, 498	1, 206, 910	3.94
Average (1955–64)	46, 639	17, 300	63, 939	1, 266, 913	5.05
Average (1960–63)	32, 507	11, 302	43, 809	1, 296, 897	4.93
Average (1963–64)	77, 887	27, 251	105, 148	1, 371, 534	7.67

[1] Based on weighted percentage of market news sample.

[F.R. Doc. 65–6703; Filed, June 24, 1965; 8:49 a.m.]

Chapter IX—Consumer and Marketing Service (Marketing Agreements and Orders; Fruits, Vegetables, Tree Nuts), Department of Agriculture

PART 945—IRISH POTATOES GROWN IN CERTAIN DESIGNATED COUNTIES IN IDAHO AND MALHEUR COUNTY, OREG.

Limitation of Shipments

Findings. (a) Pursuant to Marketing Agreement No. 98 and Order No. 945, as amended (7 CFR Part 945), regulating the handling of Irish potatoes grown in the production area defined therein, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674) and upon the basis of recommendations and information submitted by the Idaho-Eastern Oregon Potato Committee, established pursuant to the said marketing agreement and order, and other available information, it is hereby found that the limitation of shipments regulation as hereinafter established, limited the grade, size, and quality of such potatoes will tend to effectuate the declared policy of the act and thereby maintaining orderly marketing conditions and tending to increase returns to producers of such potatoes.

(b) It is hereby found that it is impractiasable and contrary to the public interest to give preliminary notice, and engage in public rule making procedure, and postpone the effective date of this section until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 1003) in that (1) producers and handlers have operated under the marketing order program since 1948; (2) the section establishes the same grade, size, quality, and maturity regulations which were made effective July 1, 1964, at the beginning of last season; (3) regulations (§ 945.323) are in effect at this time which would otherwise continue until July 17, 1965; (4) information regarding the Committee's recommendation has been disseminated to producers and handlers in the production area, and (5) to maximize benefits to growers of the 1965 crop Idaho potatoes by making this section effective as of July 1, 1965.

Order. The provisions of § 945.323 (7 CFR 945.323) are hereby terminated as of the effective time of § 945.324.

§ 945.324 Limitation of shipments.

During the period from July 1, 1965, through June 30, 1966, no person shall handle any lot of potatoes unless such potatoes meet the requirements of paragraphs (a) and (b) of this section, or unless such potatoes are handled in accordance with paragraphs (c), (d), and (e) of this section.

(a) *Minimum quality requirements*—(1) *Grade.*—All varieties—U.S. No. 2, or better grade.

(2) *Size*—(i) *Round red varieties.* 1⅞ inches minimum diameter.

(ii) *All other varieties.* 2 inches minimum diameter or 4 ounces minimum weight.

(iii) *All varieties.* Size B if U.S. No. 1, or better grade.

(3) *Cleanliness*—(i) *Kennebec variety.* Not more than "slightly dirty."

(ii) *All other varieties.* "Generally fairly clean."

(b) *Minimum maturity requirements*—(1) *White Rose variety.* "Moderately skinned" which means that not more than 10 percent of the potatoes in any lot may have more than one-half of the skin missing or "feathered."

(2) *All other varieties.* "Slightly skinned" which means that not more than 10 percent of the potatoes in any lot may have more than one-fourth of the skin missing or "feathered."

(3) *Exceptions.* (i) Subject to compliance with subdivision (iii) of this subparagraph, any lot of potatoes not exceeding a total of 50 hundredweight of each variety may be handled for any producer without regard to the foregoing maturity requirements.

(ii) If an officially inspected lot of potatoes meets the foregoing maturity requirements but fails to meet the grade and size requirements, the lot may be regraded. If, after regrading, such lot then meets the grade and size requirements but fails to meet the maturity requirements, as indicated by the applicable Federal-State inspection certificate, such lot if not exceeding 100 hundredweight shall be exempt from the foregoing maturity requirements: *Provided*, That the handler complies with subdivision (iii) of this subparagraph.

(iii) Prior to each shipment of potatoes exempt from the foregoing maturity requirements, the handler thereof shall report to the committee the name and address of the producer of such potatoes, and each such shipment shall be handled as an identifiable entity.

(c) *Special purpose shipments.* (1) The minimum grade, size, cleanliness, and maturity requirements set forth in paragraphs (a) and (b) of this section shall not be applicable to shipments of potatoes for any of the following purposes:

(i) Certified seed;
(ii) Charity;
(iii) Starch;
(iv) Canning or freezing;
(v) Dehydration;
(vi) Experimentation.

(2) The minimum grade, size, cleanliness, and maturity requirements set forth in paragraphs (a) and (b) of this section shall be applicable to shipments of potatoes for each of the following purposes:

(i) Export: *Provided*, That potatoes of a size not smaller than 1½ inches in diameter may be shipped if the potatoes grade not less than U.S. No. 2; and

(ii) Potato chipping or prepeeling: *Provided*, That potatoes of a size not smaller than 1⅝ inches in diameter may be shipped if the potatoes grade not less than Idaho Utility, or Oregon Utility, grade.

(d) *Safeguards.* Each handler making shipments of potatoes for starch, canning or freezing, dehydration, experimentation, export, potato chipping, or for prepeeling pursuant to paragraph (c) of this section shall:

(1) First, apply to the committee for and obtain a Certificate of Privilege to make each shipment;

(2) Pay assessments on such shipment, except shipments for canning or freezing;

(3) Have each shipment inspected, except shipments for canning or freezing;

(4) Upon request by the committee, furnish reports of each shipment pursuant to the applicable Certificate of Privilege;

(5) At the time of applying to the committee for a Certificate of Privilege, or promptly thereafter, furnish the committee with a receiver's or buyer's certification that the potatoes so handled are to be used only for the purpose stated in the application and that such receiver will complete and return to the committee such periodic receiver's reports that the committee may require;

(6) Mail to the office of the committee a copy of the bill of lading for each Certificate of Privilege shipment promptly after the date of shipment;

(7) Bill each shipment directly to the applicable processor or receiver.

(e) *Minimum quantity exception.* Each handler may ship up to, but not to exceed, 5 hundredweight of potatoes any day without regard to the inspection and assessment requirements of this part, but this exception shall not apply to any portion of a shipment that exceeds 5 hundredweight of potatoes.

(f) *Definitions.* The terms "U.S. No. 1," "U.S. No. 2," "Size B," "fairly clean," and "slightly dirty" shall have the same meaning as when used in the U.S. Standards for Potatoes (§§ 51.1540—51.1556 of this title), including the tolerances set forth therein. The term "generally fairly clean" means that at least 90 percent of the potatoes in a given lot are "fairly clean." The term "prepeeling" means potatoes which are clean, sound, fresh tubers prepared commercially in a prepeeling plant by washing, removal of the outer skin or peel, trimming, and sorting preparatory to sale in one or more of the styles of peeled potatoes described in § 52.2422 (U.S. Standards for Grades of Peeled Potatoes, §§ 52.2421—52.2433 of this title). The terms "Idaho Utility grade" and "Oregon Utility grade" shall have the same meanings as when used in the respective standards for potatoes for the respective States. Other terms used in this section shall have the same meaning as when used in Marketing Agreement No. 98 and Order No. 945, both as amended.

(g) *Applicability to imports.* Pursuant to § 608e–1 of the Act and § 980.1, *Import regulations* (§ 980.1 of this chapter), Irish potatoes imported into the United States during the period July 1 through September 30, 1965, shall meet the grade, size, quality, and maturity requirements specified in paragraphs (a) and (b) of this section. From October 1, 1965, through June 30, 1966, imports of long varieties of potatoes shall meet the grade, size, quality, and maturity requirements applicable to long varieties specified in paragraphs (a) and (b) of this section.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: June 22, 1965.

PAUL A. NICHOLSON,
Acting Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 65–6704; Filed, June 24, 1965; 8:49 a.m.]

Chapter XVI—Consumer and Marketing Service (Food Stamp Program), Department of Agriculture

[Amdt. 1]

PART 1600—GENERAL INFORMATION AND DEFINITIONS

Definitions

Part 1600 of the regulations governing the Food Stamp Program, as revised and reissued in 30 F.R. 4315, April 2, 1965, is amended as follows:

Section 1600.2 is amended to read as follows:

§ 1600.2 Definitions.

For the purpose of this chapter, the term:

(a) "Application form" means C&MS forms "Retailer Application for Authorization to Participate in the Food Stamp Program" or "Wholesaler Application for Authorization to Participate in the Food Stamp Program," or both as required by the context.

(b) "Authorization" means the approval by C&MS of retail food stores and wholesale food concerns to participate in the Program.

(c) "Authorization card" means the C&MS form which evidences approval of a retail food store or a wholesale food concern to participate in the Program.

(d) "Bank" means member and nonmember banks of the Federal Reserve System.

(e) "Coupon" means any coupon, stamp, or type of certificate issued pursuant to the provisions of this chapter for the purchase of eligible food.

(f) "C&MS" means the Consumer and Marketing Service of the U.S. Department of Agriculture.

(g) "Coupon allotment" means the total value of coupons issued to a household during each month or other time period not in excess of 1 month.

(h) "Department" means the U.S. Department of Agriculture.

(i) "Eligible food" means any food or food product for human consumption except alcoholic beverages, tobacco, those foods which are identified on the package as being imported, and meat and meat products which are imported.

(j) "Eligible household" means a household that lives in a project area and whose income and resources are determined to be a substantial limiting factor in the attainment of a nutritionally adequate low-cost diet.

(k) "Federal fiscal year" means a period of 12 calendar months beginning with July 1 of any calendar year and ending with June 30 of the following calendar year.

(l) "Federally aided public assistance program" means any of the following programs authorized in the Social Security Act of 1935, as amended: Old-Age Assistance, Aid to Families with Dependent Children, Aid to the Blind, and Aid to the Permanently and Totally Disabled.

(m) "Federal reserve banks" means the 12 Federal Reserve Banks and their 24 branches.

(n) "Firm" means a retail food store or a wholesale food concern.

(o) "Food retailer" means any individual, partnership, corporation or other legal entity owning or operating a retail food store.

(p) "Food wholesaler" means any individual, partnership, corporation or other legal entity owning or operating a wholesale food concern.

(q) "Free coupon(s)" mean(s) that portion of the coupon allotment that is in excess of the amount paid by an eligible household for its coupon allotment.

(r) "Head of the household" means the member of the household in whose name application is made for participation in the Program.

(s) "Household" means a group of related or nonrelated individuals, who are not residents of an institution or boarding house, but who are living as one economic unit sharing common cooking facilities and for whom food is customarily purchased in common. It shall also mean a single individual living alone who has cooking facilities and who purchases and prepares food for home consumption.

(t) "Program" means the Food Stamp Program conducted under the Food Stamp Act of 1964 (P.L. 88–525, 78 Stat. 703) and the provisions of this chapter.

(u) "Project area" means the political subdivision within a State which has been approved for participation in the Program by the Department.

(v) "Purchase requirement" means the amount to be paid by an eligible household for its coupon allotment.

(w) "Redemption certificate" means C&MS Forms: "Retail Merchants Food Stamp Program Redemption Certificate"; or "Wholesalers Food Stamp Program Redemption Certificate," or both as required by the context.

(x) "Retail food store" means an establishment, including a recognized department thereof, or a house-to-house trade route which sells eligible food to households for home consumption.

(y) "State" means any 1 of the 50 States or the District of Columbia.

(z) "State agency" means the agency of the State government, including the local offices thereof, which has the responsibility for the administration of the federally aided public assistance programs within the State, and, in those States where such assistance programs are operated on a decentralized basis, it includes the counterpart local agencies which administer such assistance programs for the State agency.

(aa) "State issuing agency" means another agency of the State government to which the State agency delegates its statewide administrative responsibilities in connection with the issuance of coupons.

(bb) "Wholesale food concern" means an establishment which sells eligible food to retail food stores for resale to households.

ROY W. LENNARTSON,
Associate Administrator.

Approved: June 21, 1965.

GEORGE L. MEHREN,
Assistant Secretary.

[F.R. Doc. 65–6675; Filed, June 24, 1965; 8:47 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Agency

[Docket No. 6818; Amdt. 39–92]

PART 39—AIRWORTHINESS DIRECTIVES

Fairchild Camera and Instrument Corp. Model 5424 ( ) Series Flight Data Recorder

AD 65–5–3 (Amendment 39–38, 30 F.R. 2256), requires the modification of Fairchild Camera and Instrument Corporation Model 5424 ( ) flight data recorders. That airworthiness directive requires the modification to be performed in accordance with Fairchild

Field Service Bulletin No. 159, dated September 1, 1964.

Fairchild has issued a revised service bulletin on this modification. Since compliance with either the original or revised service bulletin is satisfactory, the airworthiness directive is being amended to allow compliance with either bulletin. In addition, the AD is being amended to preclude the need for further amendment of the directive in the event that other FAA-approved revisions are issued in the future.

Since this amendment imposes no additional burden on any person, but is relaxatory in nature, compliance with the notice and public procedure provisions of the Administrative Procedure Act is unnecessary and good cause exists for making it effective upon publication in the FEDERAL REGISTER.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (25 F.R. 6489), § 39.13 of Part 39 of the Federal Aviation Regulations (14 CFR 39) is hereby amended by amending Amendment 39-38 (AD 65-5-3, 30 F.R. 2256) as follows:

1. By amending the last paragraph to read:

Replace the front panel assembly with a reinforced front panel assembly and install two stainless steel sideplates in accordance with Fairchild Field Service Bulletin No. 159 dated September 1, 1964, or No. FDR-159 (revised), dated November 24, 1964, or later FAA-approved revision.

This amendment shall become effective June 25, 1965.

(Secs. 313(a), 601, and 603 of the Federal Aviation Act of 1958; 49 U.S.C. 1354(a), 1421, and 1423)

Issued in Washington, D.C., on June 21, 1965.

JAMES F. RUDOLPH,
Acting Director,
Flight Standards Service.

[F.R. Doc. 65-6659; Filed, June 24, 1965; 8:45 a.m.]

[Airspace Docket No. 64-SW-66]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Control Zone and Transition Area

Correction

In F.R. Doc. 65-4101, appearing at page 5623, in the issue for Wednesday, April 21, 1965, the following change should be made: In the 45th line of the New Orleans, La., transition area description, the phrase "91°00'00" W." should read "89°18'00" W.".

[Airspace Docket No. 65-CE-76]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Control Zone and Transition Area

The purpose of this amendment to Part 71 of the Federal Aviation Regulations is to alter the controlled airspace in the Liberal, Kans., terminal area.

Central Airlines has decommissioned their "MH" facility at Liberal, Kans. The associated Special ADF approach procedure which was predicated upon this facility has also been canceled. Therefore, the controlled airspace required for the special ADF approach procedure is no longer needed and is released by this alteration of the Liberal Kans., control zone and transition area.

Since this amendment is less restrictive in nature and imposes no additional burden on any person, notice and public procedure are unnecessary and the amendment may become effective without regard to the 30-day statutory period.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0001 e.s.t., August 19, 1965, as hereinafter set forth.

1. In § 71.171 (29 F.R. 17581) the Liberal, Kans., control zone is amended to read:

LIBERAL, KANS.

Within a 5-mile radius of Liberal Municipal Airport (latitude 37°03'30" N., longitude 100°57'30" W.), and within 2 miles each side of the 328°, 025° and 153° radials of the Liberal VOR, extending from the 5-mile radius zone to 8 miles NW, N, and SE of the VOR. This control zone shall be effective during the times established by a Notice to Airmen and continuously published in the Airman's Information Manual.

2. In § 71.181 (29 F.R. 17643) the Liberal, Kans., transition area is amended to read:

LIBERAL, KANS.

That airspace extending upward from 700 feet above the surface within a 9-mile radius of Liberal Municipal Airport (latitude 37°02'30" N., longitude 100°57'30" W.), and within 5 miles NE and 8 miles SW of the 328° radial of the Liberal VOR, extending from the VOR to 12 miles NW; and that airspace extending upward from 1,200 feet above the surface within 5 miles E and 8 miles W of the 025° radial of the Liberal VOR, extending from the VOR to 12 miles N, and within 6 miles SW and 9 miles NE of the 153° radial of the Liberal VOR, extending from the VOR to 14 miles SE.

(Sec. 307(a) of the Federal Aviation Act of 1958; 49 U.S.C. 1348)

Issued in Kansas City, Mo., on June 14, 1965.

EDWARD C. MARSH,
Director, Central Region.

[F.R. Doc. 65-6660; Filed, June 24, 1965; 8:45 a.m.]

[Airspace Docket No. 64-EA-80]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Designation of Control Zone

On page 1995 of the FEDERAL REGISTER for February 12, 1965, the Federal Aviation Agency published proposed regulations which would designate a control zone over Trumbull Airport, Groton, Conn.

Interested parties were given 30 days after publication in which to submit written data or views. Pilgrim Airlines through a Mr. Joseph M. Fugere, while concurring in the designation of the control zone objected to the inclusion of Elizabeth Airport, Fishers Island, N.Y., because of its hardship effect upon its operation between Elizabeth Airport and Waterford, Conn. Pilgrim Airlines commented that because of the extreme variation in weather conditions between Trumbull Airport and Elizabeth Airport, that operations could be conducted VFR between Elizabeth and Waterford Airports many times when Trumbull Airport was IFR. The AL-5049-VOR-Radial 210 instrument approach procedure is being altered from the 210° to the 216° magnetic radial. This alteration will permit the exclusion of Elizabeth Airport for the proposed Groton, Conn., control zone.

In view of the foregoing, the proposed regulations are hereby adopted effective 0001 e.s.t., August 19, 1965, except as follows:

Under Item 1, line 10 of the text material delete "196°" and insert in lieu thereof "202°".

Further, delete in the text material on line 15 commencing with the word "including" and all after up to and including the words "Fishers Island, N.Y." on line 17. In the text material after the last sentence add the phrase "and during specific dates and times established in advance by a Notice to Airmen."

(Sec. 307(a) of the Federal Aviation Act of 1958; 72 Stat. 749; 49 U.S.C. 1348)

Issued in Jamaica, N.Y., on June 11, 1965.

WAYNE HENDERSHOT,
Acting Director, Eastern Region.

1. Amend § 71.171 of Part 71 of the Federal Aviation Regulations so as to designate a part-time control zone for Groton, Conn., described as follows:

GROTON, CONN.

Within a 4-mile radius of the center 41°-19'50" N., 72°02'50" W. of Trumbull Airport, Groton, Conn.; within 2 miles each side of the Groton VOR 047° radial extending from the 4-mile radius zone to 7 miles NE of the VOR; within 2 miles each side of the Groton VOR 126° radial extending from the 4-mile radius zone to 5.5 miles SE of the VOR; within 2 miles each side of the Groton VOR 202° radial extending from the 4-mile radius zone to 6.5 miles S of the VOR and within 2 miles each side of the 216° and 244° bearings from the Groton RBN extending from the 4-mile radius zone to 6.5 miles SW of the RBN. This control zone is effective from 0530 to 2300 hours Monday through Saturday and 0900 to 2300 hours Sunday, local time.

[F.R. Doc. 65-6661; Filed, June 24, 1965; 8:45 a.m.]

[Airspace Docket No. 65-AL-13]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Federal Airway

The purpose of this amendment to Part 71 of the Federal Aviation Regulations is to alter and extend Alaskan VOR Federal airway No. 510 from Big Lake, Alaska, to McGrath, Alaska, via the intersection of the Big Lake 294° T (268° M) and the McGrath 122° T (099° M) radials.

The western terminus of V-510 is near Puntilla Lake, Alaska, where it joins Alaskan VOR Federal airway No. 440. The minimum en route altitude (MEA) on the segment of V-440 W of the intersection of V-510 is 11,000 feet m.s.l. The realignment and extension of V-510 from Big Lake to McGrath via the above-stated intersection permits the reduction of the MEA to 10,000 feet m.s.l. for the portion of the airway W of Puntilla Lake, thereby facilitating the movement of IFR traffic operating between Anchorage, Alaska, and McGrath via Big Lake.

Since this amendment involves a very minor change in the present airspace structure, notice and public procedure hereon are unnecessary.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0001 e.s.t., August 19, 1965, as hereinafter set forth.

In § 71.125 (29 F.R. 17546), V-510 is amended to read as follows:

V-510 From McGrath, Alaska, via INT of McGrath 122° and Big Lake, Alaska, 294° radials; Big Lake; to INT of Big Lake 078° radial and Sheep Mountain, Alaska, RBN 343° bearing.

(Sec. 307(a) of the Federal Aviation Act of 1958; 49 U.S.C. 1348)

Issued in Washington, D.C., on June 18, 1965.

H. B. HELSTROM,
Acting Chief, Airspace Regulations and Procedures Division.

[F.R. Doc. 65-6662; Filed, June 24, 1965; 8:45 a.m.]

[Airspace Docket No. 65-SW-62]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Transition Area Designation

On April 27, 1965, Federal Register Document 65-4337 was published in the FEDERAL REGISTER (30 F.R. 5827) which, in part, designated the Mineral Wells, Tex., transition area.

Subsequent to the publication of this rule in the FEDERAL REGISTER, it was discovered that the height of the floor of the Mineral Wells, Tex., transition area had inadvertently been omitted from the description. Accordingly, Federal Register Document 65-4337 is corrected herein.

Since this amendment will impose no additional burden on any person, notice and public procedures hereon are unnecessary and the effective date of the rule may be retained as initially adopted.

In consideration of the foregoing, paragraph 12 of Federal Register Document No. 65-4337 is amended, effective immediately, to read as follows:

In § 71.181 (29 F.R. 17643) the following transition area is added:

MINERAL WELLS, TEX.

That airspace extending upward from 700 feet above the surface within a 6-mile radius of Mineral Wells Airport (latitude 32°46'55" N., longitude 98°02'05" W.); within 8 miles each side of the 140° bearing from the Mineral Wells RBN, extending from the 6-mile radius area to 9 miles SE of the RBN and within 2 miles each side of the Mineral Wells VORTAC 197° radial, extending from the 6-mile radius area to 8 miles SE of the VORTAC.

(Sec. 307(a) of the Federal Aviation Act of 1958; 49 U.S.C. 1348)

Issued in Fort Worth, Tex., on June 17, 1965.

HENRY L. NEWMAN,
Director, Southwest Region.

[F.R. Doc. 65-6663; Filed, June 24, 1965; 8:45 a.m.]

[Airspace Docket No. 64-EA-66]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Correction to Transition Area Description

On page 8579 of the FEDERAL REGISTER for May 13, 1965, the Federal Aviation Agency published a regulation to designate a 1,200-foot Danville, Va., transition area. It has been determined that a longitude coordinate in the description of the 1,200-foot transition area was in error by approximately 10 seconds. Therefore, the purpose of this correction is to delete the erroneous coordinate and insert in lieu thereof a correct one.

Because the correction is of a clarifying nature the public interest does not require the 30-day notice.

The subject regulation is hereby amended as follows:

1. Under Item 2, second paragraph of the text material delete the coordinate "80°25'26" W.", and insert in lieu thereof, "80°26'10" W.".

(Sec. 307(a) of the Federal Aviation Act of 1958, 72 Stat. 749; 49 U.S.C. 1348)

Issued in Jamaica, N.Y., on June 4, 1965.

WAYNE HENDERSHOT,
Acting Director, Eastern Region.

[F.R. Doc. 65-6664; Filed, June 24, 1965; 8:45 a.m.]

[Airspace Docket No. 64-EA-75]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Designation of Transition Areas

On page 3785 of the FEDERAL REGISTER for March 23, 1965, the Federal Aviation Agency published proposed regulations which would designate a part-time 700-foot floor transition area over Aeroflex-Andover Airport, Andover, N.J., and a 1200-foot floor Andover, N.J., transition area.

Interested parties were given 45 days after publication in which to submit written data or views. No objections to the proposed regulations have been received.

In view of the foregoing, the proposed regulations are hereby adopted effective 0001 e.s.t., August 19, 1965.

(Sec. 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348)

Issued in Jamaica, N.Y., on June 7, 1965.

W. E. CULLINAN, JR.,
Acting Director, Eastern Region.

Amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to designate a 700- and 1,200-foot Andover, N.J., Transition Area described as follows:

That airspace extending upward from 700 feet above the surface within a 7-mile radius of the center, 41°00'00" N., 74°44'00" W. of Aeroflex-Andover Airport, Andover, N.J., and within 5 miles north and 8 miles south of the Stillwater, N.J., VOR 263° radial extending from the VOR to 12 miles west of the VOR effective from sunrise to sunset daily.

That airspace extending upward from 1,200 feet above the surface bounded by a line beginning at: 41°19'00" N., 74°29'00" W.; 40°49'00" N., 74°37'00" W.; 40°48'00" N., 75°00'00" W.; 40°56'18" N., 75°11'04" W.; 41°21'00" N., 75°07'00" W. to point of beginning.

[F.R. Doc. 65-6665; Filed, June 24, 1965; 8:46 a.m.]

[Airspace Docket No. 65-WA-36]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

PART 73—SPECIAL USE AIRSPACE

PART 75—ESTABLISHMENT OF JET ROUTES

Designation of Restricted Area and Alterations of Jet Route, Federal Airways, and Controlled Airspace

On April 30, 1965, a notice of proposed rule making was published in the FEDERAL REGISTER (30 F.R. 6121) stating that the Federal Aviation Agency was considering amendments to Parts 71, 73, and 75 of the Federal Aviation Regulations that would designate a restricted area at Cudjoe Key, Fla., and that would alter pertinent portions of Blue Federal airway No. 19, VOR Federal airways Nos. 3 and 35, Jet Route No. 53 and Control 1408 to reflect the restricted area designation.

Although not proposed in the notice, action is taken herein to delete from the descriptions of VOR Federal airways Nos. 51 and 157 the phrase "The portion outside the United States has no upper limit." Jet Route No. 53 and its associated controlled airspace would overlie these airways outside the continental control area. Since these amendments are editorial in nature, compliance with section 4 of the Administrative Procedure Act is unnecessary.

Interested persons were afforded an opportunity to participate in the proposed rule making through the submission of comments. Due consideration was given to all relevant matter presented.

The National Business Aircraft Association, although concurring with the need for the research effort, considers the balloon tether a potential hazard to pilots who may not be aware of the restricted area. Further, it recommended that the cable be marked every 500 feet with streamers for daylight observation and

lights during daylight. Section 121.11 of

lights during darkness. Section 101.11 of Part 101 of the Federal Aviation Regulations, concerning moored balloons, kites, and unmanned rockets, exempts persons operating moored balloons within restricted areas from the lighting and marking requirements as set forth in § 101.17. Additionally, a satisfactory method for marking and lighting a balloon tether, such as that to be used in the restricted airspace, has not been developed. Use of existing methods would seriously derogate the primary objective of the research mission. However, the Air Force has stated that it is accelerating research to develop such a method and in the interim have agreed to install a searchlight in the center of the restricted area to be operated during hours of darkness when the area is in use for the purpose designated. A steady light beam, directed upward, will assist pilots in identifying the restricted area. The Federal Aviation Agency considers that the operation of a searchlight will enhance safety by supplementing the designation of the restricted area.

In consideration of the foregoing, Parts 71, 73, and 75 of the Federal Aviation Regulations are amended, effective 0001 e.s.t., August 19, 1965, as herein set forth.

1. In § 71.109 (29 F.R. 17507), B–19 is amended to read as follows:

B–19 From Key West, Fla., RBN, via the INT of the Key West, RBN 039° and the Perrine, Fla., RBN 232° bearings; to Perrine RBN.

2. Section 71.123 (29 F.R. 17509, 30 F.R. 6241) is amended as follows:

a. In V–3, "INT of Key West 078° and Miami, Fla., 205° radials;" is deleted and "INT of Yey West 085° and Miami, Fla., 205° radials;" is substituted therefor.

b. In V–35 "INT of Key West 078° and Miami, Fla., 153° radials;" is deleted and "INT of Key West 085° and Bimini, Bahama, 216° radials; INT of Bimini 216° and Miami, Fla., 153° radials;" is substituted therefor.

c. In V–51 "The portion outside the United States has no upper limit." is deleted.

d. In V–157 "The portion outside the United States has no upper limit." is deleted.

3. Section 71.161 (29 F.R. 17552) is amended by adding Jet Route No. 53 as follows:

Jet Route No. 53 from Key West, Fla., to Miami, Fla.

4. In § 71.163 (29 F.R. 17552) Control 1408 is amended by adding to the text "The airspace within R–2916 is excluded."

5. Section 73.29 (29 F.R. 17739) is amended by adding Restricted Area R–2916 as follows:

R–2916 CUBJOE KEY, FLA.

Boundaries: A circular area 4 statute miles in diameter centered at latitude 24°49'01" N., longitude 81°30'30" W.

Designated altitudes: Surface to 14,000 feet m.s.l.

Time of designation: Continuous.

Using agency: U.S. Air Force Cambridge Laboratory, Office of Aerospace Research, U.S. Air Force, L. G. Hanscom Field, Bedford, Mass.

6. In § 75.100 (29 F.R. 17776) Jet Route No. 53 is amended by deleting everything before "West Palm Beach, Fla.;" and substituting therefor "From Key West, Fla., via Miami, Fla.;" and adding at end of text "The portion within Canada is excluded."

(Secs. 307(a) and 1110 of the Federal Aviation Act of 1958; 49 U.S.C. 1348, 1510 and Executive Order 10854; 24 F.R. 9565)

Issued in Washington, D.C., on June 18, 1965.

ARCHIE W. LEAGUE,
Director, Air Traffic Service.

[F.R. Doc. 65–6666; Filed, June 24, 1965; 8:46 a.m.]

[Airspace Docket No. 65–SW–16]

PART 75—ESTABLISHMENT OF JET ROUTES

Alteration of Jet Route

The purpose of this amendment to Part 75 of the Federal Aviation Regulations is to delete the Crown Point, N. Mex., VOR from the description of Jet Route No. 76.

Jet Route No. 76 presently is designated, in part, from the Tuba City, Ariz., VORTAC, via the Crown Point, N. Mex., VOR, to the Las Vegas, N. Mex., VORTAC. The Federal Aviation Agency plans to decommission the Crown Point VOR as a phase in the improvement of the jet route structure in this area. Therefore, action is taken herein to delete this facility from the description of J–76.

Since the alteration and alignment of J–76 resulting from the deletion of the Crown Point VOR from the description of the route is very negligible, the amendment is minor in nature and notice and public procedure thereon is unnecessary.

In consideration of the foregoing, Part 75 of the Federal Aviation Regulations is amended, effective 0001 e.s.t., August 19, 1965, as hereinafter set forth.

In § 75.100 (29 F.R. 17776), J–76 is amended as follows:

In the text of Jet Route No. 76 "Tuba City, Ariz., Crown Point, N. Mex.;" is deleted and "Tuba City, Ariz.;" is substituted therefor.

(Sec. 307(a) of the Federal Aviation Act of 1958; 49 U.S.C. 1348)

Issued in Washington, D.C., on June 18, 1965.

H. B. HELSTROM,
Acting Chief, Airspace Regulations and Procedures Division.

[F.R. Doc. 65–6667; Filed, June 24, 1965; 8:46 a.m.]

[Airspace Docket No. 65–WA–39]

PART 75—ESTABLISHMENT OF JET ROUTES

Alterations of Jet Route Descriptions

The purpose of these amendments to Part 75 of the Federal Aviation Regulations is to make editorial changes in the descriptions of segments of Jet Routes Nos. 70 and 93.

Presently J–70 is designated, in part, from the INT of the Portland, Oreg., 318° and the Seattle, Wash., 247° radials (over the site of the Hoquiam, Wash., VOR) via Seattle. J–93 is presently designated, in part, from the INT of the Medford, Oreg., 339° and the Portland, Oreg., 222° radials (over the site of the Newport, Oreg., VOR) via Portland.

On May 27, 1965, a rule was published in the FEDERAL REGISTER (30 F.R. 7099) that established Jet Route No. 19 between Oakland, Calif., and Seattle, Wash., effective July 22, 1965. J–19 will be aligned, in part, from North Bend, Oreg., via Newport, Oreg. to Hoquiam, Wash., J–70 and J–93 are aligned over the Hoquiam and Newport VORs, respectively, but specific references to these facilities are not used in the text of the descriptions. With the designation of J–19, such reference can be made in the descriptions of J–70 and J–93. This will reduce chart clutter and will facilitate the portrayal of these routes on aeronautical charts.

Since these alterations are editorial in nature, notice and public procedure hereon are unnecessary.

In consideration of the foregoing, Part 75 of the Federal Aviation Regulations is amended, effective 0001 e.s.t., August 19, 1965, as hereinafter set forth.

Section 75.100 (29 F.R. 17776) is amended as follows:

1. In the text of J–70 "From the INT of the Portland, Oreg., 318° and the Seattle, Wash., 247° radials via Seattle;" is deleted and "From Hoquiam, Wash., via Seattle, Wash.;" is substituted therefor.

2. In the text of J–93, "From the INT of the Medford, Oreg., 339° and the Portland, Oreg., 222° radials via Portland;" is deleted and "From Newport, Oreg., via Portland, Oreg.;" is substituted therefor.

(Sec. 307(a) of the Federal Aviation Act of 1958; 49 U.S.C. 1348)

Issued in Washington, D.C., on June 18, 1965.

H. B. HELSTROM,
Acting Chief, Airspace Regulations and Procedures Division.

[F.R. Doc. 65–6668; Filed, June 24, 1965; 8:46 a.m.]

Title 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

SUBCHAPTER B—FOOD AND FOOD PRODUCTS

PART 120—TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

Maneb; Tolerance for Residues

A petition (PP 5F0439) was filed with the Food and Drug Administration by E. I. du Pont de Nemours & Co., Inc., Wilmington, Del., 19898, requesting the establishment of a tolerance of 45 parts per million for residues of the fungicide maneb (manganous ethylenebisdithiocarbamate) calculated as zinc ethylenebisdithiocarbamate, in or on sugarbeet tops.

The Secretary of Agriculture has certified that this pesticide chemical is useful for the purpose for which a tolerance is being established.

After consideration of the data submitted in the petition and other relevant material which show that the tolerance established in this order will protect the public health, and by virtue of the authority vested in the Secretary of Health, Education, and Welfare by the Federal Food, Drug, and Cosmetic Act (sec. 408 (d)(2), 68 Stat. 512; 21 U.S.C. 346a(d)(2)) and delegated to the Commissioner of Food and Drugs by the Secretary (21 CFR 2.907), § 120.110 is amended by adding thereto, in numerical sequence, a new tolerance reading as follows:

§ 120.110 *Maneb; tolerances for residues.*

* * * * *

45 parts per million in or on sugarbeet tops.

* * * * *

Any person who will be adversely affected by the foregoing order may at any time within 30 days from the date of its publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington, D.C., 20201, written objections thereto, preferably in quintuplicate. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof.

Effective date. This order shall be effective on the date of its publication in the FEDERAL REGISTER.

(Sec. 408(d)(2), 68 Stat. 512; 21 U.S.C. 346a(d)(2))

Dated: June 21, 1965.

GEO. P. LARRICK,
Commissioner of Food and Drugs.

[F.R. Doc. 65–6669; Filed, June 24, 1965; 8:46 a.m.]

Title 24—HOUSING AND HOUSING CREDIT

Chapter II—Federal Housing Administration, Housing and Home Finance Agency

SUBCHAPTER A—GENERAL

PART 200—INTRODUCTION

Subpart D—Delegations of Basic Authority and Functions

In Part 200 in the Table of Contents the pertinent section headings are amended to read as follows:

Sec.
200.81 Data Processing Officer and Deputy.
200.106 Associate Deputy Commissioner for Operations and Deputy; Associate Deputy Commissioner for Management; Zone Operations Commissioners; Directors, Deputy Directors, Assistant Directors, and Administrative Officers and Chief Clerks in FHA Field Offices; Multifamily Housing Representatives; Assistant Commissioner for Administration; Director of Personnel and Deputy.

In § 200.77 paragraph (a) is amended to read as follows:

§ 200.77 *Assistant Commissioner-Comptroller and Deputy.*

* * * * *

(a) To be responsible for coordination and general supervision of the Procedures Branch, the Financial Reports Branch, the Accounting Branch, the Data Processing Branch, the Insurance Branch, and the Fiscal Branch.

* * * * *

Section 200.78 is amended to read as follows:

§ 200.78 *Accounts Officer and Deputy.*

To the position of Accounts Officer, and under his general supervision to the position of Deputy Accounts Officer, there is delegated the following basic authority and functions:

(a) To direct the activities of the Accounting Branch.

(b) To devise and establish accounting procedures and policies and to maintain official accounting records for all activities of the Administration.

(c) To devise and establish procedures and policies and to maintain official records for all home properties and mortgages held by the Commissioner.

(d) To provide technical advice and guidance to all organizational elements of the Administration in the fields of accounting, including property and mortgage servicing accounting.

(e) To maintain liaison with the General Accounting Office, Treasury Department and other agencies of the Government on accounting matters and to collaborate with such departments and agencies in the formation of accounting programs.

(f) To maintain liaison with the Federal National Mortgage Association, its regional offices and servicers, and other Government agencies on matters pertaining to the sale and insurance of Commissioner-held mortgages.

(g) To endorse mortgage notes for insurance and to take any action necessary to consummate the sale of Commissioner-held mortgages to purchasers of such mortgages.

(h) To develop and maintain a program for the fiscal servicing of Commissioner-held home mortgages including the execution of vouchers for expenditures from mortgagors' escrow accounts.

(i) To execute vouchers for payment of taxes on home properties where title is vested in the Commissioner and for payment of excess proceeds to effect final settlement with mortgagees on certificates of claim under provisions of the National Housing Act.

(j) To act with the Assistant Commissioner-Comptroller and under his direction in the determination of basic policies on accounting and the fiscal servicing of home property and mortgage note accounts.

Section 200.81 is amended to read as follows:

§ 200.81 *Data Processing Officer and Deputy.*

To the position of Data Processing Officer, and under his general supervision to the position of Deputy Data Processing Officer, there is delegated the following basic authority and functions:

(a) To direct the activities of the Data Processing Branch.

(b) To devise and establish automatic data processing procedures and policies and to provide an integrated electronic data processing service to all organizational elements of the FHA including consultative and advisory services relating to feasibility studies, systems design, programing and cost analyzing proposed conversions to such processing.

(c) To provide technical advice and guidance to all organizational elements of the Administration in the field of data processing.

(d) To maintain liaison with the Interagency ADP Committee, the Bureau of the Budget, the General Services Administration, the Office of the Administrator, and other agencies of the Government on data processing matters, and to collaborate with such departments and agencies in the development of data processing programs and policies.

(e) To act with the Assistant Commissioner-Comptroller and under his direction in the determination of basic data processing policies.

In § 200.106 paragraph (a) is amended to read as follows:

§ 200.106 *Associate Deputy Commissioner for Operations and Deputy; Associate Deputy Commissioner for Management; Zone Operations Commissioners; Directors, Deputy Directors, Assistant Directors, and Administrative Officers and Chief Clerks in FHA Field Offices; Multifamily Housing Representatives; Assistant Commissioner for Administration; Director of Personnel; and Deputy Director of Personnel.*

(a) To the Associate Deputy Commissioner for Operations; Deputy to Associate Deputy Commissioner for Operations; Associate Deputy Commissioner for Management; Zone Operations Commissioners; Directors, Deputy Directors, Assistant Directors, Administrative Officers, and Chief Clerks in FHA Field Offices; Multifamily Housing Representatives; the Assistant Commissioner for Administration; the Director of Personnel; and the Deputy Director of Personnel, pursuant to 5 U.S.C. 16a, there is delegated the authority to administer the oath required by section 1757, Revised Statutes, as amended (5 U.S.C. 16) incident to entrance into the executive branch of the Federal Government, or any other oath, required by law in connection with employment therein, such oath to be administered without charge

or fee and to have the same force and effect as oaths administered by officers having seals.

* * * * *

(Sec. 2, 48 Stat. 1246, as amended; sec. 211, 52 Stat. 23, as amended; sec. 607, 55 Stat. 61, as amended; sec. 712, 62 Stat. 1281, as amended; sec. 907, 66 Stat. 301, as amended; sec. 807, 69 Stat. 651, as amended; 12 U.S.C. 1703-1715b, 1742, 1747k, 1748f, 1750f)

Issued at Washington, D.C., June 18, 1965.

PHILIP N. BROWNSTEIN,
Federal Housing Commissioner.

[F.R. Doc. 65-6676; Filed, June 24, 1965; 8:47 a.m.]

Title 25—INDIANS

Chapter I—Bureau of Indian Affairs, Department of the Interior

SUBCHAPTER T—OPERATION AND MAINTENANCE

PART 221—OPERATION AND MAINTENANCE CHARGES

Flathead Indian Irrigation Project, Montana

On page 6523 of the FEDERAL REGISTER of May 12, 1965, there was published a notice of intention to amend §§ 221.24, 221.26, and 221.28 of Title 25, Code of Federal Regulations, dealing with the irrigable lands of the Flathead Indian Irrigation Project, Mont., that are subject to the jurisdiction of the several irrigation districts. The purpose of the amendments is to establish the lump sum assessment against the Flathead, Mission, and Jocko Valley Districts within the Flathead Indian Irrigation Project for the 1966 season.

Interested persons were given 30 days within which to submit written comments, suggestions, or objections with respect to the proposed amendments. No comments, suggestions, or objections have been received, and the proposed amendments are hereby adopted without change as set forth below.

Sections 221.24, 221.26, and 221.28 are amended to read as follows:

§ 221.24 Charges.

Pursuant to a contract executed by the Flathead Irrigation District, Flathead Indian Irrigation Project, Mont., on May 12, 1928, as supplemented and amended by later contracts dated February 27, 1929; March 28, 1934; August 26, 1936, and April 5, 1950, there is hereby fixed for the season of 1966 an assessment of $267,925.86 for the operation and maintenance of the irrigation system which serves that portion of the project within the confines and under the jurisdiction of the Flathead Irrigation District. This assessment involves an area of approximately 79,488.27 acres, which does not include any land held in trust for Indians and covers all proper general charges and project overhead.

§ 221.26 Charges.

Pursuant to a contract executed by the Mission Irrigation District, Flathead Indian Irrigation Project, Mont., on March 7, 1931, approved by the Secretary of the Interior on April 21, 1931, as supplemented and amended by later contracts dated June 2, 1934, June 6, 1936, and May 16, 1951, there is hereby fixed, for the season of 1966 an assessment of $50,486.27 for the operation and maintenance of the irrigation system which serves that portion of the project within the confines and under the jurisdiction of the Mission Irrigation District. This assessment involves an area of approximately 14,703.81 acres, which does not include any land held in trust for Indians and covers all proper general charges and project overhead.

§ 221.28 Charges.

Pursuant to a contract executed by the Jocko Valley Irrigation District, Flathead Indian Irrigation Project, Mont., on November 13, 1934, approved by the Secretary of the Interior on February 26, 1935, as supplemented and amended by later contracts dated August 26, 1936, and April 18, 1950, there is hereby fixed for the season of 1966 an assessment of $21,068.57 for the operation and maintenance of the irrigation system which served that portion of the project within the confines and under the jurisdiction of the Jocko Valley Irrigation District. This assessment involves an area of approximately 6,812.67 acres, which does not include any lands held in trust for Indians and covers all proper general charges and project overhead.

NED O. THOMPSON,
Acting Area Director.

[F.R. Doc. 65-6672; Filed, June 24, 1965; 8:46 a.m.]

Title 26—INTERNAL REVENUE

Chapter I—Internal Revenue Service, Department of the Treasury

SUBCHAPTER D—MISCELLANEOUS EXCISE TAXES

[T.D. 6831]

PART 147—TEMPORARY REGULATIONS UNDER THE INTEREST EQUALIZATION TAX ACT

Interest Equalization Tax

The following amendment to the temporary regulations prescribed under section 4917 of the Internal Revenue Code of 1954, as added by the Interest Equalization Tax Act, approved September 2, 1964 (Pub. Law 88-563), is hereby adopted:

Paragraph (c) of § 147.4-1 is amended to read as follows:

§ 147.4-1 Exclusion for original or new issues where required for international monetary stability.

* * * * *

(c) *Notice of acquisition under Executive Order No. 11175.*—(1) *Manner of filing.* Except as otherwise provided in the instructions accompanying the form, each United States person claiming an exclusion of original or new Canadian stock or debt obligations under section 4917(a) in accordance with Executive Order No. 11175 shall file the notice of acquisition required under this section on Form 3779 with the Commissioner of Internal Revenue (Attention: Treasury, IET), Washington, D.C., 20224, and such notice shall set forth the information required by the form.

(2) *Time of filing.*—(i) *Acquisitions occurring after July 18, 1963, and before June 25, 1965.* The notice of acquisition referred to in paragraph (a) of this section with respect to acquisitions occurring after July 18, 1963, and before June 25, 1965, shall be filed on or before August 2, 1965.

(ii) *Acquisitions occurring on or after June 25, 1965.* The notice of acquisition with respect to acquisitions occurring on or after June 25, 1965, shall be filed not before the date of such acquisition but on or before the last day of the month following the month in which such acquisition occurs.

(3) *Extensions of time.* Extensions of the time within which a notice of acquisition must be filed will be granted for good cause upon request made to the district director (or, if applicable, the Director of International Operations, Washington, D.C., 20225) with whom the acquiring United States person files his income tax return.

Because this Treasury decision provides rules which are procedural in nature, it is hereby found impracticable to issue this Treasury decision with notice and public procedure thereon under section 4(a) of the Administrative Procedure Act, approved June 11, 1946, or subject to the effective date limitations of section 4(c) of such Act.

(Sec. 7805 of the Internal Revenue Code of 1954; 68A Stat. 917; 26 U.S.C. 7805)

[SEAL] BERTRAND M. HARDING,
Acting Commissioner of Internal Revenue.

Approved: June 23, 1965.

STANLEY S. SURREY,
Assistant Secretary of the Treasury.

[F.R. Doc. 65-6737; Filed, June 24, 1965; 8:50 a.m.]

Title 41—PUBLIC CONTRACTS AND PROPERTY MANAGEMENT

Chapter 101—Federal Property Management Regulations

SUBCHAPTER D—PUBLIC BUILDINGS AND SPACE

PART 101-19—MANAGEMENT OF BUILDINGS AND GROUNDS

Subpart 101-19.2—Vending Stands Operated by Blind Persons

Part 101-19 is amended by the addition of the following new Subpart 101-19.2:

Subpart 101-19.2—Vending Stands Operated by Blind Persons

Sec.
101-19.200 Scope of subpart.
101-19.201 Administration policy.
101-19.202 Cooperation in establishing facilities.
101-19.203 Leased property.
101-19.204 Application for permits.

Sec.
101-19.205 Terms of permit.
101-19.206 Protection from competition.
101-19.207 Enforcement procedures.
101-19.208 Review.
101-19.209 Report.

AUTHORITY: The provisions of this Subpart 101-19.2 issued under sec. 1, 49 Stat. 1560; 66 Stat. 663; 20 U.S.C. 107.

§ 101-19.200 Scope of subpart.

(a) This subpart contains the regulations assuring the granting of preference to blind persons licensed under the provisions of the Randolph-Sheppard Act (49 Stat. 1559, as amended by 68 Stat. 663, 20 U.S.C. 107) for the operation of vending stands and machines. They are issued after consultation with the Department of Health, Education, and Welfare and approval by the Bureau of the Budget (20 F.R. 2747).

(b) The regulations in this subpart shall apply to Federal property owned, leased, or occupied by the United States over which General Services Administration has control of the maintenance, operation, and protection, except space used by Post Office Department as workrooms, swing rooms, and locker rooms. Vending machines and stands in these rooms are governed by regulations issued by the Post Office Department.

§ 101-19.201 Administration policy.

Blind persons licensed by State licensing agencies designated by the Secretary of Health, Education, and Welfare, under the provisions of the Randolph-Sheppard Act, shall be given preference in the operation of vending stands and/or machines on any General Services Administration controlled property in which vending stands and/or machines may be properly and satisfactorily operated by such persons without unduly inconveniencing the General Services Administration or adversely affecting the interests of the United States.

§ 101-19.202 Cooperation in establishing facilities.

(a) The Commissioner, Public Buildings Service, General Services Administration, and his representatives shall cooperate with the Department of Health, Education, and Welfare and designated State licensing agencies in making surveys looking toward the establishment and operation of vending stands by blind persons. In this connection, it is the policy of General Services Administration to approve vending stands in all buildings having a population sufficient to support such a stand, except where the physical limitations of the building or economic factors make the establishment of a stand infeasible.

(b) Consideration shall be given to the inclusion of vending facilities during the planning, design, and construction of new buildings and the alteration of existing buildings. This includes buildings or portions thereof to be leased by or under lease to the Government.

(c) Where it is determined that vending facilities to be operated by the blind may be installed, the State licensing agency shall be so notified and the necessary permit agreed upon and issued.

§ 101-19.203 Leased property.

If stands and/or vending machines are to be installed on leased property, the necessary approval of the lessor shall be obtained prior to the issuance of a permit.

§ 101-19.204 Application for permits.

Applications shall be made in writing on the appropriate form, submitted to the Buildings Manager, and approved by the Chief, Buildings Management Division of the appropriate General Services Administration regional office.

§ 101-19.205 Terms of permit.

Every permit shall describe the location of the vending stand and vending machines located other than on the stand premises and shall be subject to the following provisions:

(a) The permit shall be issued in the name of the applicant State licensing agency. The State licensing agency shall:

(1) Prescribe such procedures as are necessary to assure that in the selection of operators and employees for vending stands there shall be no discrimination because of race, creed, color, or national origin.

(2) Take the necessary action (i) to assure that operators of vending stands do not discriminate by segregation or otherwise against any person or persons because of race, creed, color, or national origin in furnishing, or by refusing to furnish, to such person or persons the use of any vending stand facility, including any and all services, privileges, accommodations, and activities provided thereby, and (ii) to assure compliance by such operators with Title VI of the Civil Rights Act of 1964 and the regulations of the General Services Administration issued pursuant thereto which are set forth in Subpart 101-6.2 of this chapter and specifically made applicable to the provision of free space and utilities by GSA for vending stands operated by blind persons under section 1 of the Randolph-Sheppard Act (20 U.S.C. 107) by § 101-6.217(k) of this chapter.

(b) The permit shall be for an indefinite term.

(c) No charge shall be made to the State licensing agency for the use of Government furnished space or for maintenance and repair of the building structure in and adjacent to the vending stand areas, including any necessary, initial, and periodical painting and decorating; for utilities required to operate vending stands and vending machines; or, for repairing and replacing floor coverings, and cleaning windows; and, for providing other related building services in accordance with the normal level of building service programs applicable to the Federal property on which the stand is located.

(d) Cleaning, including floor scrubbing and waxing, necessary for sanitation and to maintain vending areas at stands and machines in an orderly condition at all times and other building services not provided under the normal level of building service programs applicable to the property, the installation, maintenance, repair, replacement, servicing, and removal of vending stand equipment; and, additional wiring, electrical, or plumbing connections which may not be provided for in the planning, design, and construction of new buildings and the alteration of existing buildings, shall be without cost to the General Services Administration. (See § 101-19.202(b).)

(e) Items sold at vending stands operated by the blind may consist of newspapers, periodicals, publications, prepackaged confections, tobacco products, articles dispensed automatically or in containers or in wrappings in which they are placed before receipt by the vendor, and such other articles as may be determined by the State licensing agency to be suitable for a particular location and approved by the Chief, Buildings Management Division. Periodicals and publications which have been judicially determined to be patently offensive and appealing to prurient interest shall not be sold.

(f) Vending facilities shall be operated in compliance with applicable local and State health, sanitation, and building codes or ordinances and such standards as may be prescribed by the Chief, Buildings Management Division.

(g) Installation, modification, relocation, removal, and renovation of vending facilities shall be subject to the prior approval and supervision of the Chief, Buildings Management Division. Costs of relocations initiated by the State licensing agency shall be paid by the State licensing agency. Costs of relocations initiated by the Chief, Buildings Management Division shall be borne by the General Services Administration.

§ 101-19.206 Protection from competition.

(a) All income from vending machines shall be offered to the State licensing agency operating a vending stand or stands on the same property except the income from vending machines which may be assigned by contract or agreement with others. Such income shall be made available to the licensing agency only for assignment to operators of vending stands on the property (limited to income from those machines which would be in reasonable proximity to a vending stand and would otherwise be in direct competition with such stand), and, for program-wide purposes for which set aside funds may be used, in accordance with section 2(3) of the Randolph-Sheppard Act (20 U.S.C. 107(3)), and the regulations of the Department of Health, Education, and Welfare (45 CFR 403.8), namely:

(1) Maintenance and replacement of equipment;

(2) The purchase of new equipment;

(3) Management services;

(4) Assuring a fair minimum return to operators of vending stands.

(b) Under such conditions and circumstances as are mutually agreed upon between the Regional Administrator, General Services Administration, and the Commissioner of Vocational Rehabilitation, Department of Health, Educa-

tion, and Welfare, and after consultation with the sponsoring Federal agency or agencies, employee welfare and recreational groups may share in the operation of or the income from vending machines to the extent agreed upon by these officials not to exceed 50 percent of the net proceeds. (The term "net proceeds", for the purpose of this subsection is defined as the total commissions which would normally be paid by a vending company, less any amount customarily deposited into the miscellaneous receipts of the Treasury.) In all such cases appropriate reimbursement shall be made to General Services Administration by such employee groups for utility services based on the extent to which they share in the vending machine arrangement. (See Report to the Congress of the United States from the Comptroller General dated March 29, 1963, B-114874.)

(c) On property where a vending stand permit has been approved, agreements assigning income from vending machines to employee welfare and recreational groups, unless otherwise covered by an agreement pursuant to paragraph (b) of this section, shall:

(1) Terminate (in cases where a stand exists);

(2) Not be formed;

(3) Terminate when a vending stand starts operation on the property.

(d) On property where a vending stand permit has been approved.

(1) All arrangements pertaining to the operation of vending stands not provided by contract or by permits issued to designated State licensing agencies shall terminate within 6 months.

(2) Permission to operate vending stands shall be granted only by permits to designated State licensing agencies, or by contract with others, such as a necessary basic food service operation.

§ 101-19.207 Enforcement procedures.

(a) The authorization for the establishment of a vending stand, the regulations and standards of General Services Administration, the State licensing agency, and the Department of Health, Education, and Welfare (45 CFR 403) shall regulate the operation of vending stands and machines.

(b) Ordinarily, day-to-day matters pertaining to the operation of the vending stand shall be resolved by the Buildings Manager with the blind operator of the vending stand and, when appropriate, with the State licensing agency.

(c) Violations of the regulations and standards, and unresolved matters shall be reported in writing by the Chief, Buildings Management Division, General Services Administration to the State licensing agency.

(d) Upon failure to reach agreement on any unresolved matter, the question shall be referred to the appropriate Regional Administrator, General Services Administration, who will consult with the Department of Health, Education, and Welfare, regional office, and the designated State licensing agency.

§ 101-19.208 Review.

(a) If the Regional Administrator and the State licensing agency fail to reach agreement concerning the granting of a permit for a vending stand, the revocation or modification of a permit, the suitability of the stand location, the assignment of vending machine proceeds, the methods of operation of the stand, or other terms of the permit (including articles which may be sold), the State licensing agency shall be allowed the right to appeal such disagreements to the Administrator of General Services, Washington, D.C., 20405.

(b) A full report shall be obtained from the Regional Administrator from whose decision the appeal is being taken.

(c) Designated State licensing agencies shall have the right to present their arguments orally and in writing at each step of review. The Department of Health, Education, and Welfare shall be consulted for general advice on program activities and objectives. A final decision of the Administrator of General Services shall be rendered within 90 days of the filing of the appeal.

(d) Notification of the decision on appeal and the action taken thereon shall be reported to the State licensing agency and to the Department of Health, Education, and Welfare.

§ 101-19.209 Report.

At the end of each fiscal year, the General Services Administration shall report to the Department of Health, Education, and Welfare, the total number of applications for vending stand locations received from State licensing agencies; the number accepted, the number denied, and the number still pending.

Effective date: This subpart shall be effective upon publication in the FEDERAL REGISTER.

Dated: June 19, 1965.

LAWSON B. KNOTT, JR.,
Administrator of General Services.

Approved: June 19, 1965.

CHARLES L. SCHULTZE,
Director, Bureau of the Budget.

[F.R. Doc. 65-6730; Filed, June 24, 1965; 8:50 a.m.]

Title 46—SHIPPING

Chapter II—Maritime Administration, Department of Commerce

SUBCHAPTER C—REGULATIONS AFFECTING SUBSIDIZED VESSELS AND OPERATORS

[General Order 38, 2d Rev.]

PART 287—ESTABLISHMENT OF CONSTRUCTION RESERVE FUNDS

Resolution or Agreement of the Taxpayer; Correction

In F.R. Doc. 65-5643 appearing in the FEDERAL REGISTER issue of May 29, 1965 (30 F.R. 7215), the "Note" at the end of paragraph (b) of § 287.6 (30 F.R. 7217), should read as follows:

NOTE: The resolutions referred to in this section shall be retained 2 years after a final release or settlement agreement is completed between the Maritime Administration/Maritime Subsidy Board and the taxpayer.

JAMES S. DAWSON, JR.,
Secretary.

JUNE 22, 1965.

[F.R. Doc. 65-6707; Filed, June 24, 1965; 8:49 a.m.]

Chapter IV—Federal Maritime Commission

SUBCHAPTER B—REGULATIONS AFFECTING MARITIME CARRIERS AND RELATED ACTIVITIES

PART 530—INTERPRETATIONS AND STATEMENTS OF POLICY

Further Interpretation of the Shipping Act, 1916

On April 11, 1964, the Commission published in the FEDERAL REGISTER (29 F.R. 5041) a further interpretation of the Shipping Act, 1916 (46 CFR 530.5). The purpose of the interpretation was to advise the public that certain types of leases, licenses, assignments, or other agreements of similar character for the use of terminal property or facilities would not require filing with the Commission under section 15, of the Act.

That section is hereby revoked and the following is substituted therefor:

§ 530.5 Further interpretation of the Shipping Act, 1916.

(a) *Introduction.* Section 1 of the Shipping Act, 1916, provides, in part, that:

The term "other person subject to this act" means any person not included in the term "common carrier by water", carrying on the business of forwarding or furnishing wharfage, dock, warehouse, or other terminal facilities in connection with a common carrier by water.

Section 15 of the Shipping Act, 1916, provides, in part:

That every common carrier by water, or other person subject to this Act, shall file immediately with the Commission a true copy, or, if oral, a true and complete memorandum, of every agreement with another such carrier or other person subject to this Act, or modification or cancellation thereof, to which it may be a party or conform in whole or in part, fixing or regulating transportation rates or fares; giving or receiving special rates, accommodations, or other special privileges or advantages; controlling, regulating, preventing, or destroying competition; pooling or apportioning earnings, losses, or traffic; allotting ports or restricting or otherwise regulating the number and character of sailings between ports; limiting or regulating in any way the volume or character of freight or passenger traffic to be carried; or in any manner providing for an exclusive, preferential, or cooperative working arrangement • • •

Particular leases, licenses, assignments, or other agreements of similar character for the use of terminal property or facilities may or may not be subject to section 15. The Federal Maritime Commission issues this interpretation of sections 1 and 15 to assist the public in determining (1) whether such agreements are between "other persons subject to this Act", and (2) whether they fall within the standards of section 15. Where doubt exists, such leases, licenses, assignments, or agreements should be submitted to the Commission for examination.

(b) *When parties to terminal agreements are considered persons subject to the Act.* Any person, firm, company, corporation, or government subdivision providing marine terminal services, or which owns or leases property used as a terminal, in connection with a common carrier by water, including, but not limited to the following designated categories, is an "other person subject to this Act":

(1) Railroads, who provide terminal facilities for the interchange of waterborne cargo in connection with common carriers by water as defined in section 1 of the Shipping Act, 1916;

(2) Landlords, when not acting merely in the capacity of a lessor of realty, but who maintain some control over lessee's rates or competitive practices either by unilateral action or by mutual agreement;

(3) Carloaders and unloaders, truckloaders and unloaders, when furnishing equipment or labor, except when such person performs service for a terminal operator who publishes a tariff covering such service;

(4) Operators of shipside grain elevators, bulk loaders, tank farms, and lumberyard facilities handling cargo in connection with a common carrier by water;

(5) Stevedores when engaged in performing any of the duties of terminal operators.

(c) *When agreements between persons subject to the Act are required to be filed.* Agreements between persons subject to the Act covering the lease, license, or assignment of terminal facilities are required to be filed when they:

(1) Fix or regulate rates, rules, regulations, or charges by requiring lessee to:

(i) Be competitive with other operators or port areas;

(ii) Conform to rates, rules, or regulations established by lessor or participate in lessor's tariff;

(iii) Submit tariffs for approval by lessor; or

(iv) Assess rates based upon standards set by lessor.

(2) Give or receive special rates, accommodations, or privileges by:

(i) Deviating from established tariff charges through a fixed rental in lieu of tariff rates, or rental payment based on tariff charges with a maximum payment established; or

(ii) Granting the right of first refusal on the lease of additional facilities or property where such lease would limit competition.

(3) Control, regulate, prevent, or destroy competition by:

(i) Granting the right to operate within an area beyond the leased area, to the exclusion of competitors;

(ii) Restricting right of carrier to select his own stevedore; except at general cargo terminals where the lessee provides stevedoring services, and other terminals in the port are available to carriers;

(iii) Excluding certain carriers or classes of carriers from berthing in the port;

(iv) Obligating lessee to discriminate against one carrier or shipper in favor of another; or

(v) Restricting or limiting lessee's right to handle cargo.

(4) Provide for an exclusive, preferential, or cooperative working arrangement by agreeing to pool facilities, labor, or resources for terminal operations.

(5) Provide that earnings or losses received from a marine terminal operation shall be divided between two or more persons subject to the Act; except that rental payments based directly upon the amount of cargo handled will not be considered an apportionment of earnings.

(d) *When terminal agreements are not required to be filed.* Agreements covering the lease, license, or assignment of marine terminal facilities are not subject to section 15, Shipping Act, 1916, when they:

(1) Are between two persons either of whom is not subject to the Act;

(2) Do not include terminal facilities for the handling of cargo or passengers moving in foreign or interstate ocean commerce;

(3) Are not related to terminal facilities which handle, or hold themselves out to handle, common carrier vessels in foreign or interstate ocean commerce;

(4) Cover only lease of space to stevedores for offices and/or for storage of gear, provided that rental for such space is a fixed amount not in excess of $10,000 annually;

(5) Concern routine day-to-day terminal operations involving the temporary assignment of berth, wharf, or pipeline, or the rental of equipment, when provided for in a tariff or by a license or permit form which has been previously been determined to be not subject to section 15;

(6) Concern terminal services, the charges for which appear in a tariff and are available to all applicants on equal terms.

By the Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 65-6678; Filed, June 24, 1965; 8:47 a.m.]

Title 49—TRANSPORTATION

Chapter I—Interstate Commerce Commission

SUBCHAPTER A—GENERAL RULES AND REGULATIONS

[Sixth Revised S.O. 95; Amdt. 3]

PART 95—CAR SERVICE

Appointment of Refrigerator Car Agent; Expiration Date

At a session of the Interstate Commerce Commission, Safety and Service Board No. 1, in Washington, D.C., on the 21st day of June A.D. 1965.

Upon further consideration of Sixth Revised Service Order No. 95 (27 F.R. 6234; 28 F.R. 6610; 29 F.R. 8419) and good cause appearing therefor:

It is ordered, That:

Section 95.95(a) *Appointment of refrigerator car agent* of Sixth Revised Service Order No. 95, be, and it is hereby amended by substituting the following paragraph (d) for paragraph (d) thereof:

(d) *Expiration date.* This order shall expire at 11:59 p.m., June 30, 1966, unless otherwise modified, changed, suspended, or annulled by the order of this Commission.

Effective date: This amendment shall become effective at 11:59 p.m., June 30, 1965.

(Secs. 1, 12, 15, 24 Stat. 379, 383, 384, as amended; 49 U.S.C. 1, 12, 15. Interprets or applies secs. 1(10-17), 15(4), 40 Stat. 101, as amended, 54 Stat. 911; 49 U.S.C. 1(10-17), 15(4))

It is further ordered, That a copy of this amendment shall be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this amendment be given to the general public by depositing a copy in the Office of the Secretary of the Commission at Washington, D.C., and by filing it with the Director, Office of the Federal Register.

By the Commission, Safety and Service Board No. 1.

[SEAL] BERTHA F. ARMES,
Acting Secretary.

[F.R. Doc. 65-6685; Filed, June 24, 1965; 8:47 a.m.]

[S.O. 950; Amdt. 3]

PART 95—CAR SERVICE

Chicago, Burlington & Quincy Railroad Co. Authorized To Operate Over Trackage of Union Pacific Railroad; Expiration Date

At a session of the Interstate Commerce Commission, Safety and Service Board No. 1, held in Washington, D.C., on the 21st day of June A.D., 1965.

Upon further consideration of Service Order No. 950 (29 F.R. 565, 5757, 18427) and good cause appearing therefor:

It is ordered, That:

Section 95.950 (a) *The Chicago, Burlington & Quincy Railroad authorized to operate over trackage of Union Pacific Railroad* of Service Order No. 950, be, and it is hereby amended by substituting the following paragraph (d) for paragraph (d) thereof:

(d) *Expiration date.* This order shall expire at 11:59 p.m., December 31, 1965, unless otherwise modified, changed, suspended, or annulled by the order of this Commission.

Effective date: This amendment shall become effective at 11:59 p.m., June 30, 1965.

(Secs. 1, 12, 15, 24, Stat. 379, 383, 384, as amended; 49 U.S.C. 1, 12, 15. Interprets or applies secs. 1(10-17), 15(4), 40 Stat. 101, as amended, 54 Stat. 911; 49 U.S.C. 1(10-17), 15(4))

It is further ordered, That copies of this order and direction shall be served upon the State Corporation Commission of Kansas and upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D.C., and

by filing it with the Director, Office of the Federal Register.

By the Commission, Safety and Service Board No. 1.

[SEAL] BERTHA F. ARMES, *Acting Secretary.*

[F.R. Doc. 65-6686; Filed, June 24, 1965; 8:47 a.m.]

Title 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

[Docket No. 14229; FCC 65-544]

PART 73—RADIO BROADCAST SERVICES

Fostering Expanded Use of UHF Television Channels

Supplement No. 1 to fourth report and order. 1. On June 4, 1965, the Commission adopted a revised Table of Assignments for UHF television broadcast channels developed through the use of the Commission's electronic computer (FCC 65-504, 30 F.R. 7711, released June 8, 1965). The revised plan was constructed around the framework of existing authorized channels, with the selection of new assignments being made on the basis of the impact on remaining available assignments. Consequently, the channels selected for individual cities differed in most cases from those in the earlier assignment table that was superseded except for those which were retained because of an authorized facility.

2. The Commission did not wish to impose a "freeze" on new UHF construction during the course of this proceeding, and therefore applications were accepted and processed, with some designated for hearing, while the new table was being developed. In the early phases of the development it was possible to adjust the new table to accommodate such formal actions by the Commission. As the new table neared completion it became impractical to adapt to new grants or designations.

3. In the cases of those applications designated for hearing, an effort was made to retain the original channel in the new table. However, the computer was permitted to choose a different channel if such a choice would result in a substantially more efficient over-all assignment plan. Since a different choice was made in many of the cities and in some cases a choice of channels was provided, it is now necessary to specify the channel which is substituted for the channel initially involved in the hearing. Where there is a choice of new channels, the lower available one is specified.

4. Accordingly, the applicants involved in the following hearings are hereby ordered to amend their applications to the extent necessary to specify operation on the channels designated below as substituted for those originally applied for: [1]

Docket No.	City	Applicant	Channel No. Applied for	Channel No. To be substituted
15712	Houston, Tex.	United Artists Broadcasting, Inc. (BPCT-3166)	39	26
15368	Lorain, Ohio	United Artists Broadcasting, Inc. (BPCT-3165)	61	43
15230	Cleveland, Ohio	The Superior Broadcasting Corp. (BPCT-3241)	65	61
15459	Springfield, Ill.	Midwest Television, Inc. (BPCT-3246)	26	49
15460	Fairfield, Ala.	Symphony Network Association, Inc. (BPCT-3235).	54	21
15461	Homewood, Ala.	William A. Chapman and George K. Chapman, doing business as Chapman Radio and Television Co. (BPCT-3252).	54	21
15519	Columbus, Ohio	Farragut Television Corp. (BPCT-3319)	40	47
15520	....do	Peoples Broadcasting Corp. (BPCT-3323)	40	47
15686	Chicago, Ill.	Frederick B. Livingston and Thomas L. Davis, doing business as Chicagoland TV Co. (BPCT-3116).	38	50
15708	....do	Chicago Federation of Labor and Industrial Union Council (BPCT-3439).	38	50
15714	Fort Worth, Tex.	Trinity Broadcasting Co. (BPCT-3172)	20	49
15628	Houston, Tex.	KXYZ Television, Inc. (BPCT-3220)	29	26
15627	....do	Crest Broadcasting Co. (BPCT-3202)	29	26
15654	Anniston, Ala.	William A. Chapman and George K. Chapman, doing business as Chapman Radio and Television Co. (BPCT-3317).	70	40
15657	....do	Anniston Broadcasting Co. (BPCT-3230)	70	40
15671	Baltimore, Md.	Kirway Television Corp. (BPCT-3085)	72	45
15676	....do	Chesapeake Engineering Placement Service, Inc. (BPCT-4479).	72	45
15682	St. Paul, Minn.	Associated Television Corp. (BPCT-3218)	23	29
15933	....do	Dell O. Gustafson, trading as Capitol City Television Co. (BPCT-3428).	23	29

5. *It is further ordered,* That:

(a) The proceedings in the above-listed hearing cases are stayed, until the applicant or applicants involved have given written notice of their intention to amend their applications to specify the new channel listed above; at which time such proceedings shall proceed except as to issues affected by the new assignment and necessity for amendment; [2]

(b) Such written notice shall be received at the Commission on or before July 6, 1965; if not received by that time the application will be dismissed with prejudice;

(c) Amendments to specify the new channel assignments, including all of the new engineering information and specifications required by the changed assignment, shall be filed on or before August 10, 1965; if not filed by that date the application will be dismissed with prejudice.[3]

6. *It is further ordered,* That, for reasons stated in footnote 1, above, effective July 29, 1965, the Table of Television Assignments, § 73.606 of the Commission's rules, is amended to read as follows with respect to the city listed (authority for this change in the rules is contained in sections 4(i), 303 and 307 (b) of the Communications Act of 1934, as amended):

City	Channel Nos.
Hagerstown, Md.	40, *85

(Sec. 4, 48 Stat. 1066, as amended; 47 U.S.C. 154. Interpret or apply secs. 303, 307, 48 Stat. 1082, 1083; 47 U.S.C. 303, 307)

Adopted: June 16, 1965.

Released: June 18, 1965.

FEDERAL COMMUNICATIONS COMMISSION,[4]

[SEAL] BEN F. WAPLE, *Secretary.*

[F.R. Doc. 65-6690; Filed, June 24, 1965; 8:48 a.m.]

[1] In the case of the substitution at Baltimore, Md., listed below, use of either new Baltimore channel (45 or 83) would involve a slight short spacing with one of the two new Hagerstown assignments, with respect to one of the Baltimore applicants who proposes a transmitter site 6 miles from the center of that city. We have selected Channel 45 as the substitute, and therefore Channel 31 is being deleted at Hagerstown. There are no authorized UHF stations or applications for Hagerstown. An effort will be made to find a replacement channel for that community, which will presently have one commercial and one educational assignment remaining.

[2] The applications as amended will remain in hearing status, the hearings to be limited to those applications now involved. As we have previously held, where one television channel is substituted for another which is the subject of a hearing proceeding, the substituted channel need not be opened to new applicants. Austin A. Harrison, FCC 64-1017, 3 R.R. 2d 847.

In some cases listed above, another new UHF assignment is available in addition to that specified as the substitute. In these situations, where there are competing applicants one applicant may wish to amend to the other channel rather than continuing in the competitive hearing. He may do so, subject to the usual rules concerning amendments and also to meeting required minimum mileage separations, and if so may go through the notification and amendment procedure mentioned on the basis of the other channel rather than the specified channel. Applicants so electing will be removed from hearing status.

[3] Since the amendments involved are required by changes in the Commission's Rules, and in light of the pending rule making proceeding (Docket No. 15881) looking toward noncharge of the usual filing fee in cases where amendment of an application is required by such changes, it is appropriate to waive the fee requirement in these cases, as long as the only changes proposed are those in channel and necessary engineering changes. No fee will be required in these cases. As we have stated previously, we expect grantees of UHF construction permits to proceed diligently and expeditiously to construct their stations. If such diligence appears lacking, we will seriously consider making other use of the channel involved.

[4] Commissioner Cox absent.

Proposed Rule Making

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Part 121]

PIPERONYL BUTOXIDE AND PYRETHRINS IN THE OUTER PLY OF MULTIWALL PAPER BAGS

Proposal To Establish Tolerances for Residues

The Commissioner of Food and Drugs, having evaluated the data in a petition (FAP 4H1455) submitted by Fairfield Chemicals, FMC Corporation, Middleport, N.Y., has concluded that certain food additive regulations should be amended and new regulations should be issued to provide for the safe use of piperonyl butoxide and pyrethrins in the outer ply of multiwall paper bags. Based upon information in the petition and other relevant material which show that these chemicals do migrate to the contents of the bag, the Commissioner has concluded that the prior sanction granted for the use of pyrethrins in combination with piperonyl butoxide in outer plies of multiwall bags, on the basis that these substances would not reasonably be expected to migrate to food, should be withdrawn and tolerances should be established for the residues that result. Therefore, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409, 72 Stat. 1785 et seq.; 21 U.S.C. 348) and under the authority delegated to the Commissioner by the Secretary of Health, Education, and Welfare (21 CFR 2.90), it is proposed by the Commissioner that Part 121 be amended as hereinafter indicated.

1. It is proposed to amend Subpart C by adding the following new sections:

§ 121.____ **Piperonyl butoxide.**

The food additive piperonyl butoxide may be safely used in accordance with the following prescribed conditions:

(a) It is used or intended for use in combination with pyrethrins for control of insects in the outer ply of multiwall paper bags in amounts not exceeding 60 milligrams per square foot. Such treated bags are to be used only for dried feeds that contain 4 percent fat, or less.

(b) It is used in combination with pyrethrins, whereby the amount of piperonyl butoxide is equal to 10 times the amount of pyrethrins in the formulation.

(c) A tolerance of 10 parts per million is established for residues of piperonyl butoxide in or on dried feeds which contain 4 percent fat, or less, when present as the result of its use in the outer ply of multiwall paper bags.

(d) To assure safe use of the additive, its label and labeling shall conform to that registered with the U.S. Department of Agriculture.

§ 121.____ **Pyrethrins.**

The food additive pyrethrins may be safely used in accordance with the following prescribed conditions:

(a) It is used or intended for use in combination with piperonyl butoxide for control of insects in the outer ply of multiwall paper bags in amounts not exceeding 6 milligrams per square foot. Such treated bags are to be used only for dried feeds that contain 4 percent fat, or less.

(b) It is used in combination with piperonyl butoxide, whereby the amount of pyrethrins is equal to 10 percent of the amount of piperonyl butoxide in the formulation.

(c) A tolerance of 1 part per million is established for residues of pyrethrins in or on dried feeds that contain 4 percent fat, or less, when present as the result of its use in the outer ply of multiwall paper bags.

(d) To assure safe use of the additive, its label and labeling shall conform to that registered with the U.S. Department of Agriculture.

2. It is proposed to revise §§ 121.1074 and 121.1075 in Subpart D to read as follows:

§ 121.1074 **Piperonyl butoxide.**

The food additive piperonyl butoxide may be safely used in accordance with the following prescribed conditions:

(a) It is used or intended for use in combination with pyrethrins for control of insects:

(1) In cereal grain mills and milled cereal grain products storage areas.

(2) In the outer ply of multiwall paper bags in amounts not exceeding 60 milligrams per square foot. Such treated bags are to be used only for dried foods that contain 4 percent fat, or less.

(b) It is used in combination with pyrethrins, whereby the amount of pyrethrins is equal to 10 times the amount of piperonyl butoxide in the formulation.

(c) A tolerance of 10 parts per million is established for residues of piperonyl butoxide in or on:

(1) Milled fractions derived from cereal grains, when present therein as a result of its use in cereal grain mills and milled cereal grain products storage areas.

(2) Dried foods that contain 4 percent fat, or less, when present as the result of its use in the outer ply of multiwall paper bags.

(d) To assure safe use of the additive, its label and labeling shall conform to that registered with the U.S. Department of Agriculture.

§ 121.1075 **Pyrethrins.**

The food additive pyrethrins may be safely used in accordance with the following prescribed conditions:

(a) It is used or intended for use in combination with piperonyl butoxide for control of insects:

(1) In cereal grain mills and milled cereal grain products storage areas.

(2) In the outer ply of multiwall paper bags in amounts not exceeding 6 milligrams per square foot. Such treated bags are to be used only for dried foods that contain 4 percent fat, or less.

(b) It is used in combination with piperonyl butoxide, whereby the amount of pyrethrins is equal to 10 percent of the amount of piperonyl butoxide in the formulation.

(c) A tolerance of 1 part per million is established for residues of pyrethrins in or on:

(1) Milled fractions derived from cereal grains, when present as a result of its use in cereal grain mills and milled cereal grain products storage areas.

(2) Dried foods that contain 4 percent fat, or less, when present as the result of its use in the outer ply of multiwall paper bags.

(d) To assure safe use of the additive, its label and labeling shall conform to that registered with the U.S. Department of Agriculture.

3. It is proposed to amend § 121.2001 (h) by deleting the following item:

§ 121.2001 **Substances employed in the manufacture of food packaging materials.**

* * * * * * *

(h) * * *

Pyrethrins in combination with piperonyl butoxide in outside plies of multiwall bags.

4. It is proposed to amend Subpart F in the following respects:

a. By deleting from § 121.2571(b) the following item:

§ 121.2571 **Components of paper and paperboard in contact with dry food.**

* * * * * * *

(b) * * *

List of Substances	*Limitations*
Pyrethrins in combination with piperonyl butoxide.	In outside plies of multiwall bags.

b. By adding the following new section.

§ 121.____ **Piperonyl butoxide and pyrethrins as components of outer ply of multiwall paper bags.**

Piperonyl butoxide in combination with pyrethrins may be safely used for insect control in the outer ply of multiwall paper bags that are intended for use in contact with dried feed in compliance with §§ 121.____ and 121.____, or that are intended for use in contact with dried food in compliance with §§ 121.1074 and 121.1075.

Any interested person may, within 30 days from the date of publication of this notice in the FEDERAL REGISTER, file with

the Hearing Clerk, Department of

Dunoir. The floor of the segment from 47 a specified maximum number of stations

competitive principles are particularly

the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington, D.C., 20201, written comments, preferably in quintuplicate, on this proposal. Comments may be accompanied by a memorandum or brief in support thereof.

Dated: June 21, 1965.

GEO. P. LARRICK,
Commissioner of Food and Drugs.

[F.R. Doc. 65-6700; Filed, June 24, 1965; 8:48 a.m.]

FEDERAL AVIATION AGENCY

[14 CFR Part 71]

[Airspace Docket No. 65-WE-39]

FEDERAL AIRWAYS

Proposed Designation

The Federal Aviation Agency is considering amendments to Part 71 of the Federal Aviation Regulations that would establish floors on portions of VOR Federal airways Nos. 4, 4 S alternate, 253, 298, 500, and 507.

Interested persons may participate in the proposed rule making by submitting such written data, views, or arguments as they may desire. Communications should identify the airspace docket number and be submitted in triplicate to the Director, Western Region, Attention: Chief, Air Traffic Division, Federal Aviation Agency, 5651 West Manchester Avenue, Post Office Box 90007, Airport Station, Los Angeles, Calif., 90009. All communications received within 45 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendments. The proposals contained in this notice may be changed in the light of comments received.

An official docket will be available for examination by interested persons at the Federal Aviation Agency, Office of the General Counsel, Attention: Rules Docket, 800 Independence Avenue SW., Washington, D.C., 20553. An informal docket also will be available for examination at the office of the Regional Air Traffic Division Chief.

If the proposals, as set forth above, are adopted, floors would be established on the pertinent airway segments as follows:

1. V-4 from Baker, Oreg., 1,200 feet above the surface (AGL) to 87 nautical miles W of Burley, Idaho, thence 7,500 feet m.s.l. to 39 nautical miles W of Burley, thence 1,200 feet AGL to Burley.

V-4 S alternate from Baker 1,200 feet AGL to Boise, Idaho. The 1,200 feet AGL floor is required for climb to minimum en route altitude and for aeronautical chart legibility. The 7,500 feet m.s.l. segment would provide additional uncontrolled airspace for operations at Gooding Airport, Idaho.

2. V-253 from McCall, Idaho, 9,900 feet m.s.l. to 30 nautical miles N of Boise, thence 1,200 feet AGL to Twin Falls, Idaho. The 1,200 feet AGL segments are required for en route to minimum en route altitudes.

3. V-298 from McCall 9,900 feet m.s.l. for 41 nautical miles E thence 14,500 feet m.s.l. to 47 nautical miles W of DuBoise, Idaho, thence 1,200 feet AGL to 15 nautical miles W of Dunoir, Wyo., thence 13,000 feet m.s.l. to Dunoir. The floor of the segment from 47 nautical miles W of DuBoise to 15 nautical miles W of Dunoir could be established at 500 feet below the minimum en route altitude. However, because of mountainous terrain, crossing altitudes at DuBoise, four minimum en route altitudes and 1,200 feet AGL floors proposed for V-21 and V-257 at DuBoise, a floor of 1,200 feet AGL for this segment of Victor 298 would enhance charting legibility.

4. V-500 from John Day, Oreg., 1,200 feet AGL to 30 nautical miles SE, thence 10,500 feet m.s.l. to 62 nautical miles NW of Boise, thence 1,200 feet AGL to Boise. The 1,200 feet AGL floors are required for climb to the minimum en route altitude.

5. V-507 from Rome, Oreg., 8,500 feet m.s.l. to 81 nautical miles SW of Boise, thence 1,200 feet AGL to Boise. The 1,200 feet AGL floor is required for climb to minimum en route altitudes.

These amendments are proposed under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348).

Issued in Washington, D.C., on June 18, 1965.

H. B. HELSTROM,
Acting Chief, Airspace Regulations and Procedures Division.

[F.R. Doc. 65-6669; Filed, June 24, 1965; 8:46 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 73]

[Docket No. 16068; FCC 65-547]

MULTIPLE OWNERSHIP OF TELEVISION BROADCAST STATIONS

Notice of Proposed Rule Making

1. Notice is hereby given of proposed rule making in the above-entitled matter.

2. Sections 73.35(b), 73.240(b), and 73.636(a)(2) of the Commission's rules are generally known as the "concentration of control" rules. These provisions are designed to further two important objectives under the Communications Act: Maximum competition among broadcasters and the greatest possible diversity of programing sources and viewpoints. The rules provide that no license for an AM, FM, or television station will be granted to any party if the grant "would result in a concentration of control" in the particular broadcast service "in a manner inconsistent with public interest, convenience, or necessity." A number of specific factors are to be considered in determining whether there will be a concentration of control contrary to public interest,[1] but such a concentration is in any event deemed to exist if any party has an interest in more than a specified maximum number of stations in each service. For AM and for FM, the maximum number of stations is seven; for television it is also seven, but no more than five television stations may be VHF.

3. The history of Commission concern in this important area goes back over 25 years. The first ownership rule was adopted in 1940, and pertained to FM stations. 5 F.R. 2382. It provided that no person should own or control more than one station except upon a showing that competition would be fostered or a distinct service rendered, and that an undue concentration of control would not result. It further provided that the ownership or control of more than six stations would be considered a concentration of control inconsistent with the public interest. In 1941 a substantially similar rule was adopted for television stations, except that the maximum number of stations was limited to three. 6 F.R. 2282, 2284-5. In 1944 the three-station limitation was raised to five. 9 F.R. 5442. In Sherwood B. Brunton, 11 FCC 407 (1946), the Commission, in effect established a seven-station limitation with respect to ownership of AM stations. In December 1953, the Commission considered the question of multiple ownership in all three services, and essentially adopted the present rules. 18 F.R. 7796. The television rule then adopted allowed a maximum of only five stations. The rule was amended the following year to allow ownership of two additional UHF stations. 11 Pike and Fischer, R.R. 1519.

4. Thus, the concentration of control rules were adopted in substantially their present form in 1953.[2] Our experience with the television service, specifically, is that the present limit of seven stations, no more than five of which can be VHF, is not appropriate for all licensees wherever located. We have become particularly concerned about television multiple ownership in the largest population centers. In the paragraphs which follow, we discuss this problem in more detail and propose what we believe to be an appropriate change in the television multiple ownership rule.

5. With respect to the AM and FM services we are continuing to study the appropriateness of the present limitations. As of this time, we have not reached a conclusion as to whether we should initiate further limitations on the ownership of these facilities.

CONCENTRATION IN THE LARGE MARKETS

6. It is axiomatic that American industry generally should be effectively competitive and that undue concentrations of power should be avoided. These propositions are accepted national policy. They are imbedded in the Communications Act as well as in the antitrust statutes and they underlie the American free enterprise system. Basic competitive principles are particularly important in the licensing of broadcast stations: First, because we are dealing with the most influential of all communications media; and second, because we are required for technical reasons to limit and control entry into the broadcast field. The second factor is a very substantial limitation on the free, competitive system as it operates in most other industries. If entrepreneurs could launch new VHF stations in the top 50 markets on the basis of the usual market criteria—i.e., the profitability of existing stations, the increases in the capital value of stations, and the opportunities for growth—we have no doubt but that the number of new VHF stations would be substantially greater. But the opportunity for free entry into the VHF marketplace is not available because of frequency limitations.

7. Our concern with growing concentration of control in the largest markets has led to an interim policy regarding further acquisitions of television stations. On December 18, 1964, we issued a public notice stating that until more comprehensive proposals regarding multiple ownership in large cities were formulated, it would be our practice, barring a compelling affirmative showing, to designate for hearing any application for acquisition of a VHF television station in the 50 top television markets filed by a party already owning 1 or more stations in 1 of these markets.[3] In support of this action, the notice set forth the following statistical summary of multiple television ownership in the largest markets:

The top 10 markets include almost 40 percent of all TV households (roughly 20 million homes). Within these markets are 40 VHF stations, of which 37 are held by multiple owners and the remaining 3 are licensed to companies owning daily newspapers in the same cities. Similarly, the top 50 markets include almost 75 percent of all TV homes: Within these markets are 156 VHF stations, of which 111 (71 percent) are licensed to multiple ownership interests while 17 of the remaining 45 stations have joint interests with daily newspapers in the same markets. Moreover, there is a clearly discernible pattern of the largest multiple owners concentrating their holdings in the largest markets. Thus, the 8 multiple owners holding the maximum allowable number of 5 VHF stations have 40 VHF stations, of which 22 are located in the top 10 markets, 32 in the top 25 markets, and 38 in the top 50 markets.

8. Not only is the level of concentration in the larger markets at a high point but it has been increasing. The table below compares the level of multiple ownership in 1956 and 1964:

[1] The wording of the AM rule and the FM rule is the same: "In determining whether there is such a concentration of control, consideration will be given to the facts of each case with particular reference to such factors as the size, extent, and location of areas served, the number of people served, classes of stations involved, and the extent of other competitive service to the areas in question." The language of the television rule is identical except that there is no reference to "classes of stations involved."

[2] The Commission's authority to promulgate rules placing an absolute numerical limitation on the number of stations which can be owned was sustained in United States v. Storer Broadcasting Co., 351 U.S. 192 (1956). On remand, the U.S. Court of Appeals held that the rules were not unreasonable, Storer Broadcasting Co. v. United States, 99 U.S. App. D.C. 369, 240 F. 2d 55 (1956).

TOP 50 MARKETS: MULTIPLE OWNERSHIP DIFFERENTS, 1956 AND 1964

	1956	1964
Total VHF stations	230	156
Number of VHF stations licensed to multiple owners	78	111
Percent of VHF stations under multiple ownership	57.7	71.2
Number of VHF stations licensed to nonmultiple owners	80	45
Number of separate owners of VHF stations	55	91
Increase in number of VHF stations in 5 years		36
Decrease in number of single VHF owners		10

9. This table shows, among other things, that while the total number of commercial VHF stations in the top 50 markets increased by 26 between 1956 and 1964, the number of separate owners increased by only 3. The number of single station owners decreased from 55 to 45, or 18 percent. Not shown in the table is another important fact: Of the 91 separate owners in the top 50 markets, 28 (31 percent) now control 93 VHF stations, or 60 percent of the total.

10. These statistics reflect an apparent trend toward more VHF stations coming under group ownership in the largest population centers and a corresponding decline in the number of single station owners. We are concerned that, under the current limit of 5 VHF stations per owner, there may be a continuation of this trend until the present figure of 91 owners in the top 50 markets is reduced to a much lower number.[4] We are also concerned that the future growth of UHF—which has its greatest immediate potential in these large markets—may follow the VHF pattern. Therefore, to deal with this trend in VHF and provide for effective preventive action now in the UHF field, we are proposing to revise § 73.636(a)(2) to provide substantially as follows:[5]

a. No person may have interests in more than 3 television stations within the 50 largest television markets, and no more than 2 of these 3 stations may be VHF.

b. No divestiture of existing facilities would be required, but the new provisions would be applied to applications for new stations, and (with some exceptions described within) to applications for assignments and transfers.

c. Subject to other portions of the rules, the present maximum limitation of seven television stations, of which no more than five may be VHF, would remain unchanged.

11. *The top-50-market concept.* We are proposing the 50-market cutoff for 3 reasons. These are: (a) The substantial degree of ownership concentration reached in these markets; (b) the high proportion of the total population resident in these areas and consequently the very large audiences reached by the individual VHF stations; and (c) the availability of ample economic support for individual, local ownership of both VHF and UHF stations in these markets.

12. We have already described the extent of ownership concentration in the top 50 markets. Further statistics show clearly that as market size declines, the incidence of multiple ownership decreases. The following table shows the incidence of multiple ownership in various categories within the top 100 markets:

Market size	Number of VHF stations	Number of VHF stations under multiple ownership	Percent of VHF stations under multiple ownership
1-10	40	37	92.5
11-25	49	32	65.3
26-50	67	42	62.7
51-75	64	34	53.1
76-100	46	20	43.5

Thus, the tendency toward concentration of ownership, while substantial in markets below the top 50, is not as high.

13. With respect to the population consideration, we have noted that roughly speaking the top 50 markets include almost 75 percent of all television homes. By comparison the top 75 markets include about 85 percent of television homes, and the top 100 markets, roughly 90 percent. Thus, the increments of additional television homes covered decrease markedly as between the top 50 and the next 50 markets: 75 percent as against 15 percent. In proposing to curb ownership in the top 50 markets we are actually recognizing one of the chief criticisms which has been made of the present rule—i.e., that it treats ownership of 5 "big" stations the same as ownership of 5 "small" stations.

14. Similarly, with respect to the matter of economic support, no one can validly argue that multiple ownership is required in order to provide capital for the establishment or continuation of television service in the top 50 markets. And while we are not holding that multiple ownership is needed, for example, in the lower end of the top 100 markets, these smaller markets do report lower perstation revenues and a larger incidence of "losing" stations.[6]

15. In any event, although we believe there are sound grounds for selecting the top 50 markets as a reasonable cutoff, we shall consider carefully any arguments that may be advanced in this proceeding for a different cutoff level.

16. *The specific numerical limitation.* Parties are also invited to comment on the specific numerical limit proposed—

[3] Public Notice, FCC 64-1171, Dec. 18, 1964. Applications to acquire 2 or more VHF stations in the top 50 markets by a party not already owning stations in these markets are also subject to the hearing requirement. The 50 largest markets listed in the notice are as ranked by the American Research Bureau, based on the net weekly circulation of the largest station in the market.

[4] The mathematical limit under our present rules—with no further increase in VHF stations assigned to these markets—would be 32 owners. We do not, of course, anticipate such an extreme reduction, but we do feel that these figures illustrate the large remaining potential for further concentration of ownership.

[5] The text of the proposed rule is set out in the attached appendix. We are also, today, issuing a public notice modifying the interim policy announced Dec. 18, 1964, to conform to the proposed rules discussed in this notice of proposed rule making.

[6] See Table 12, "TV Broadcast Financial Data—1963," Public Notice No. 64732.

three stations, no more than two of which may be VHF. In proposing this figure, we are well aware that no specific ownership limitation describes an abstract point beyond which, in every case, public injury occurs. Our proposal is derived, rather, from experience. Based upon the large populations in the top 50 markets, the great trend toward concentration which has occurred under the present rule, the present distribution of ownership, and the remaining potential for competition, we feel that the proposed limit is more reasonable than is the present rule. Commenting parties should therefore address themselves to this question: Is the existing ownership limit, the one proposed here, or some other regulation, best suited to present circumstances?

17. *Television ownership below the maximum limits.* The existing rule lists various factors to be considered in determining whether there is undue concentration of control below the maximum level of seven television stations or five VHF stations, including the "size, extent, and location of areas served, the number of people served, classes of stations involved and the extent of other competitive service to the areas in question." The proposed rule retains this list of evidentiary factors. We recognize that many of the reasons underlying our more restrictive ownership proposals for the top 50 markets apply also, to a substantial degree, in markets not very far below the top 50. In such cases, we would continue to make use of the ad hoc process to examine acquisition of stations within the maximum five-VHF plus two-UHF limit. In this context, we request comments as to whether or not the present list of evidentiary factors should be expanded to include other factors, such as the overall effect on a local competitive situation of an added multiple owner, the nature of any distinctive program service a multiple owner may seek to offer, etc.

18. *Additional questions.* We specifically request comments on several other questions bearing on the desirability of a more restrictive ownership rule in the top 50 markets:

(a) Is multiple ownership necessary for a licensee to undertake program production in competition with networks and other program suppliers? If so, what degree of multiple ownership is necessary?

(b) Will the proposed rules have any effect on the possibilities for establishment of a fourth television network?

(c) Is there any necessary correlation between a licensee's ability to present "quality" programing and multiple ownership? If there is any such correlation, is it strong enough to outweigh the strong policy considerations favoring the widest possible diversity of ownership?

(d) Given the fact that we propose no compulsory divestiture of existing stations, what long-term increase in diversity of ownership may the proposed rules be expected to accomplish? More specifically, what increases in the number of individual owners in the top 50 markets may be expected as a result of assignments and transfers and the growth of UHF?

19. In preparing comments regarding the proposed rule change, we request that parties be guided by the following considerations: We regard the question of our statutory authority to issue rules in this area as well settled. Therefore, comments should focus upon the question of need for the changed rules and the appropriateness of the specific rule proposed. In arguing need, or lack of need, for a new rule, parties may submit programing showings in a manner which seeks to demonstrate that the programing was made possible solely by virtue of a multiple ownership situation which could not arise under the proposed rule. Parties opposing the proposed rule should concentrate primarily upon the question of public benefits which may be ascribed to multiple ownership in excess of the level proposed herein. In short, the issue posed is not as between multiple ownership and single ownership, but as between the present level and a more limited degree of such ownership.

20. Because the questions involved here are of considerable importance, oral presentations before the Commission en banc would be appropriate and helpful. We will schedule oral argument after comments and reply comments are received, and all interested parties will be afforded an opportunity to participate.

PETITIONS FOR RECONSIDERATION OF DECEMBER 18, 1964, PUBLIC NOTICE ANNOUNCING INTERIM POLICY

21. In the public notice of December 18, 1964, we indicated that the interim policy adopted therein would be used pending the formulation of more comprehensive proposals following our study of concentration. The results of this study are reflected in the present notice of proposed rule making and the attached appendix. We shall therefore terminate the interim policy adopted on December 18, 1964. That policy will be replaced by a new interim policy conforming to the above proposal and therefore less restrictive in its application. See separate public notice, announcing a new policy based on the rule proposed in the appendix hereto, pending the outcome of the present proceeding.

22. In the circumstances, it is appropriate to comment on three timely petitions for reconsideration of the action taken in the December 18 public notice,[1] which requested that the policy of that notice either be rescinded or that its effectiveness be stayed indefinitely. The petitioners variously urge: (1) That the policy is an arbitrary announcement by the Commission that it will not expeditiously carry out the processing of applications under the provisions of section 309(a) of the Act; (2) that there is no evidence that the trend to increases in multiple ownership of television stations, especially in the major markets, has had deleterious effects with regard to competition or diversification, and there is no urgent or compelling concern about these matters; (3) that, therefore, the action was arbitrary and capricious; (4) that the action of the Commission in adopting the interim policy was nominally procedural but in effect substantive because the knowledge that certain applications for acquisition of VHF stations by or from multiple owners in the major markets will be designated for hearing—a type of procedure that may be long and time consuming—will stop the flow of such applications and that the proposed policy should have been presented through the rule making process; and (5) that this will defeat rather than promote the Commission's objectives of fostering competition and diversity in program presentations.

23. The contention that our interim procedure is improper, and that it should not be adopted without rule making proceedings, misses the purpose and effect of our interim policy. During the interim period, we are not applying the proposed rule. Application of the rule would mean the dismissal of applications in conflict with it, in the absence of a meritorious petition for waiver. We do not propose such a procedure during the interim period. On the contrary, what we do propose is to designate for hearing applications concerning which we do not feel able to make a finding that a grant would serve the public interest. This procedure is required by the Communications Act. Section 309 of the Act provides for a grant only where the Commission can find that a grant will serve the public interest. Under section 309 (e), if the Commission for any reason is unable to make that finding, it is required to designate the application for hearing. Our interim policy is necessary to prevent the compounding of situations which we believe may be contrary to the public interest. In this situation, we could not justify making grants without hearing.

24. The policy has a valid basis, and is not arbitrary or capricious. In the public notice, after setting forth facts concerning multiple ownership in recent years, we mentioned that the trend toward concentration in the VHF service was sufficiently serious to require the immediate adoption of an interim policy. Petitioners allege that there is no evidence that this trend has had a deleterious effect with regard to the ultimate goals of the multiple ownership rules. The preceding discussion gives in greater detail the basis of our concern and, in our opinion, shows a need for the policy adopted. They also controvert the contention that the interim policy will inhibit rather than promote the Commission's objectives of fostering competition and diversity of programing.

25. Authority for the adoption of the proposed amendments is contained in 4 (i) and (j) and 303 of the Communications Act of 1934, as amended.

26. Pursuant to applicable procedures set out in section 1.415 of the Commission's rules, interested parties may file on or before October 1, 1965, and reply comments on or before November 1, 1965. All relevant and timely comments and reply comments will be considered by the Commission before final action is taken in this proceeding. In reaching its decision in this proceeding, the Commission may also take into account other relevant information before it, in addition to the specific comments invited by this notice.

27. In accordance with the provisions of § 1.419 of the rules, an original and 14 copies of all comments, replies, pleadings, briefs, and other documents shall be furnished the Commission.

28. In view of the discussion appearing in paragraphs above: *It is ordered*, That the petitions for reconsideration named in footnote [1], above, are granted, insofar as they are consistent with the action taken in the public notice adopted today, and in other respects are denied. *It is further ordered*, That said petitions will be filed in the present Docket No. 16068 to be considered as comments herein, without prejudice, however, to the filing of other comments, and of reply comments, in accordance with the provisions of paragraphs 26 and 27 above.

Adopted: June 21, 1965.

Released: June 21, 1965.

FEDERAL COMMUNICATIONS COMMISSION,[2]

[SEAL] BEN F. WAPLE, *Secretary.*

[1] By WLAC-TV, Inc.; Meredith Broadcasting Co.; and by 96 television stations which filed a joint petition.

[2] See dissenting statement of Commissioner Hyde (to be issued at a later date). Dissenting statement of Commissioner Lee filed as part of original document; Commissioner Wadsworth dissenting.

It is proposed to amend § 73.636(a)(2) and to add a new Note 5 at the end of the section to read as follows:

§ 73.636 Multiple ownership.

(a) • • •

• • • • • •

(2) Such party, or any stockholder, officer, or director of such party, directly or indirectly owns, operates, controls, or has any interest in, or is an officer or director of any other television broadcast station if the grant of such license would result in a concentration of control of television broadcasting in a manner inconsistent with public interest, convenience, or necessity. In determining whether there is such a concentration of control, consideration will be given to the facts of each case with particular reference to such factors as the size, extent, and location of area served, the number of people served, and the extent of other competitive service to the areas in question. The Commission, however, will in any event consider that there would be such a concentration of control contrary to the public interest, convenience or necessity for any party or any of its stockholders, officers, or directors to have a direct or indirect interest in, or be stockholders, officers, or directors of any of the following:

(i) More than seven television broadcast stations, no more than five of which may be in the VHF band.

(ii) More than 2 television broadcast stations or more than 2 VHF television broadcast stations in the 50 largest television markets. The market size will be determined by the ranking of the American Research Bureau, on the basis of net weekly circulation for the most recent year. Any party believing that the ranking describes his particular circumstances inaccurately, or wishing to suggest another ranking, may do so and such suggestions will be considered on their merits.

• • • • • •

NOTE 5: Paragraph (a)(2) of this section will not be applied so as to require divestiture, by any licensee, of broadcast facilities owned prior to ----------, 1965. That paragraph will not apply to applications for assignment of license or transfer of control filed in accordance with §§ 1.540(b) or 1.541 (b) of this chapter, or to applications for assignment of license or transfer of control to heirs or legatees by will or intestacy if the assignment or transfer to the heirs or legatees does not create interests proscribed by the paragraph. Paragraph (a)(2) will apply to all applications for new stations, and to all other applications for assignment or transfer. Commonly owned stations or stations prohibited by paragraph (a)(2) may not be assigned or transferred to a single person, group, or entity except as provided in this note.

[F.R. Doc. 65-6691; Filed, June 24, 1965; 8:45 a.m.]

Notices

DEPARTMENT OF STATE

Agency for International Development

INVESTMENT GUARANTIES

Delegation of Authority

Pursuant to the authority delegated to me by the Delegation of Authority No. 39 from the Administrator of AID, dated April 13, 1964 (29 F.R. 5355), I hereby delegate the following functions:

1. To the Chief of the Investment Guaranties Division:

(A) Authority to consent to transfers and assignments of any contract of guaranty issued under section 221(b)(1) of the Foreign Assistance Act of 1961, under section 111(b)(3) of the Economic Cooperation Act, and under section 413(b)(4) of the Mutual Security Act of 1954, provided that such transfers and assignments run to individuals or entities meeting the requirements for eligibility as established under the foregoing Acts.

(B) Authority to issue written notice of delinquency to any investor who has failed to pay any fee due under any contract of guaranty issued under section 221(b)(1) of the Foreign Assistance Act of 1961, under section 111(b)(3) of the Economic Cooperation Act, and under section 413(b)(4) of the Mutual Security Act of 1954, and to refuse to make a transfer or pay compensation to any such investor, who shall not pay the delinquent fee within thirty (30) days following said written notice of delinquency, for any event which occurred subsequent to the failure to pay the fee due.

2. The authorities delegated herein may not be redelegated and shall be exercised in accordance with agency policies, regulations, and procedures.

3. References in this Delegation of Authority to any Act shall be deemed to be references to such Act as amended from time to time.

4. This Delegation of Authority shall be deemed effective as of the date on which it is signed and includes ratification of all acts taken prior hereto which are consistent with the terms and scope of this Delegation of Authority.

A. W. HOAGLAND,
Assistant Administrator, Development Finance and Private Enterprise.

APRIL 26, 1965.

[F.R. Doc. 65-6671; Filed, June 24, 1965; 8:46 a.m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

GENERAL PROCEDURES FOR GRAZING DISTRICT ADVISORY BOARD ELECTIONS

Pursuant to the authority delegated to the Director, Bureau of Land Management through the provisions of the grazing regulations 43 CFR 4114.1-2, notice is hereby given that the General Procedures for Grazing District Advisory Board Elections, as approved December 12, 1958, are revised to read as indicated below. These procedures shall be followed for all grazing district advisory board elections, except wildlife representatives. The regulations governing appointment of advisory board members, oath, and term of office, removal and vacancies, organization and duties of district advisers are found in 43 CFR 4114.1.

1. Definition of Terms; Qualification Requirements.
2. General.
3. Optional Election Procedures.

OPTION I—NOMINATING AND VOTING IN PERSON

(a) Nominations.
(b) Voting.
(c) Action following election.

OPTION II—NOMINATING AND VOTING BY MAIL

(a) Nominations.
(b) Voting.
(c) Action following return of ballots.

OPTION III—NOMINATING IN PERSON AND VOTING BY MAIL

(a) Nominations.
(b) Voting.
(c) Action following return of ballots.

4. Amendments.
5. Status of District Advisers.

1. Definition of Terms; Qualification Requirements:

A. *Nominee.* A qualified person who is nominated. To qualify as a nominee, a person must be a holder of a regular license or permit in the district, predominate in the class of livestock (cattle or sheep) on the basis of the number of AUM's of Federal Range qualifications,[1] and make grazing use in the same precinct[2] as the district adviser position. At the option of the District Manager following recommendation of the Advisory Board, precinct representation may be designated as being unclassified as to cattle or sheep.

To qualify as a nominee for a free use district adviser position, a person must be the holder of an active free use grazing license for use within the district.

Seconding of nominations will not be required.

B. *Nominator.* A qualified person who nominates a nominee. Qualifications of a nominator are the same as a nominee.

C. *Elector.* One who is qualified to elect. The qualifications of an elector are the same as those of a nominee except that he need not be from the precinct since voting is districtwide. An elector may cast only one vote for each district adviser position and vote only for candidates representing the class of livestock in which he predominates as defined under 2-A above.

D. *Candidate.* One who qualified as a nominee and who is nominated in accordance with the election option which is followed.

E. *District Manager.* Is the manager of the district and is the person who is the authorized representative of the Bureau of Land Management to conduct Advisory Board elections.

F. *Judges.* Persons who are selected by the district manager or his authorized representative to certify nominations and/or elections. A judge may be selected districtwide and must qualify as an elector. There shall be at least two judges at each nomination and election place or places.

G. *Registration list (Register).* All registration lists will be prepared on a form approved by the Director. This provides a listing of qualified persons developed for the following uses:

For nominations. This is a list by precinct[2] of regular licensees, and permittees, or qualified representative, with a breakdown by class of livestock (1) cattle and horses and (2) sheep and goats; the free use licensees will not be broken down by class of livestock or precinct and will be listed separately.

For elections. This is a districtwide list of regular licensees, and permittees, or their qualified representative, with a breakdown by class of livestock (1) cattle and horses and (2) sheep and goats; the free use licensees will not be broken down by class of livestock or precinct and will be listed separately. This is merely a consolidation of the nomination lists.

2. General:

A. A person who has interests in more than one license or permit can vote only once in a given election except that in cases where the operations under each license or permit are distinctly separate entities or in situations where more than one district is involved, then 3-J below shall apply.

B. Where the license or permit involves two or more persons, the parties involved shall designate in writing one of the members to represent their operation in district adviser elections. This name shall be that placed on the registration lists.

C. The holder of a regular license or permit may be represented in advisory board elections by a person designated in writing who may otherwise be authorized to do business with the Bureau for the holder's operation, i.e. Range Manager, Foreman, Attorney, etc. This name shall be placed on the registration lists.

D. A person whose name does not appear on the registration list shall not be allowed to nominate or vote, except where the district manager determines that such name was omitted by error; if otherwise, the nomination or vote shall be void.

E. If an individual is nominated for more than one precinct or for a precinct and a districtwide position, he must designate the position for which he wishes to be the nominee prior to balloting.

F. In the case of a tie vote, the district manager, in the presence of the judges, shall make a choice by lot.

G. A free-use licensee is eligible to nominate and vote for only one free-use candidate and for no other candidate.

H. The district manager will give adequate public notice of the time and place of the nomination and election of district advisers.

I. A minor may nominate or vote if otherwise qualified, except that upon request of his natural or legal guardian, the guardian may nominate or vote in behalf of the minor.

J. A person who is a licensee or permittee in more than one district may participate in the election of district advisers in each district. In cases where he is not the sole holder of any such license or permit, then 3-B or 3-C above shall apply.

K. Proxies will not be permitted in nominations or voting.

3. Optional Election Procedures:

The district manager, after recommendation by the advisory board and concurrence of the State Director, shall designate one of the following optional election procedures to be followed in the election of grazing district advisers except the wildlife member:

OPTION I

NOMINATING AND VOTING IN PERSON

A. *Nominations.* (1) The district manager will notify all persons qualified to be nominators and/or electors of the time and place or places where the nomination and election meeting or meetings will be held.

(2) Prior to the meetings, the district manager will prepare the registration lists.

(3) The persons qualified to be nominators shall gather at the time and place or places designated in the notice.

(4) Judges will be designated by the district manager or his authorized representative at each meeting place if there is more than one.

(5) Persons then present who are qualified as nominators may nominate qualified candidates for district advisers. Nominations will cease at the time previously designated by the district manager or his authorized representative.

(6) The judges will complete a "certificate of nominations" in a single copy on a form approved by the Director and present it to the district manager or his authorized representative.

B. *Voting.* (1) Polling places shall remain open on the day of the election from 2 p.m. to 5 p.m. or until all electors present at 5 p.m. shall have voted unless the district manager, after recommendation by the advisory board, has designated other hours.

(2) Registration lists of electors must be available.

(3) A list of candidates should be posted at the meeting place.

(4) The judges designated may be the same persons who were judges for taking nominations.

(5) No elector shall receive a ballot until he has been qualified and has signed the registration list (Register).

(6) Write-ins are permissible; however, the write-in candidate must qualify the same as a nominee and the write-in elector must qualify as to class of livestock.

(7) Before receiving a ballot, any elector may be challenged by any other elector qualified in the district and, thereupon, the judges may require the challenged elector to answer such questions concerning his qualification to vote as they deem necessary. Upon his failure or refusal to answer the questions satisfactorily, he shall not be permitted to register but he may, upon request, receive and mark a ballot which shall remain uncounted until his right to vote has been determined by the recommendation of the judges and decision of the district manager.

(8) Any candidate may designate a qualified elector as his representative to remain in the polling place during the casting and counting of the ballots and to act as challenger.

C. *Action following election.* (1) After the polls have been closed and those present have voted, the judges will count the votes and prepare a "report of the election" to the district manager or his authorized representative in a single copy of a form approved by the Director. The judges shall attach to this report the ballots and registration list.

(2) The district manager will complete a "notice of results" of the advisory board election in triplicate on a form approved by the Director and submit two copies to the State Director for his consideration and approval in accordance with 43 CFR 4114.1-3.

OPTION II

NOMINATING AND VOTING BY MAIL

A. *Nominations.* (1) The district manager will notify each person qualified to be a nominator, by mail at his address of record, including therewith a list of persons qualified as nominees. Such notice will explain his opportunity to nominate qualified persons of his choice.

(2) Nominations may be by letter or by forms provided with the nomination notice; in either case they must be signed by the nominator.

(3) Nominations must be returned by the date shown on the notice, and within five (5) days of this date the nominations will be assembled and certified as to qualifications of the nominees and nominators by the judges previously selected in accordance with 2-F above.

(4) The judges will complete a "certificate of nominations" in a single copy on a form approved by the Director and present it to the district manager or his authorized representative.

(5) The district manager will contact each nominee on the "certificate of nominations" and give him the opportunity to decline (in writing) the nomination.

B. *Voting.* (1) From the certificate of nominations, the district manager will prepare ballots listing the name of the qualified candidates by class of livestock and precinct if applicable. Ballots should provide adequate space for write-in candidates.

(2) Within fifteen (15) days following the nomination period, the district manager will mail the ballots with necessary instructions and providing for a secret ballot. The elector shall complete his ballot and shall return it in the official envelope provided for its return. The envelope must be signed by the elector in the space provided therefor; failure to sign will void the ballot.

C. *Action following return of ballots.* (1) Ballots must be returned by the date given in the instructions, and within five (5) days of this date the ballots will be counted and checked against the registration list (Register) by the election judges.

(2) The judges will complete a "certificate of returns" in a single copy on a form approved by the Director and submit it to the district manager or his authorized representative together with the ballots and registration list.

(3) The district manager will complete a "notice of results" of the advisory board election in triplicate on a form approved by the Director and submit two copies to the State Director for his consideration and approval in accordance with 43 CFR 4114.1-3.

OPTION III

NOMINATING IN PERSON AND VOTING BY MAIL

A. *Nominations.* Nominations shall be conducted in accordance with procedures for nominations, Item A under Option I above.

B. *Voting.* Within fifteen (15) days following the nomination meeting or meetings, the district manager will prepare and mail ballots to all electors in accordance with the procedures for Voting, Item B under Option II above.

C. *Action following return of ballots.* The ballots shall be counted, the votes tabulated, and certificates of returns executed in accordance with the procedures in Item C of Option II above.

4. Amendments:

These general procedures may be amended, modified, or supplemented by order of the Director, Bureau of Land Management, effective upon publication in the FEDERAL REGISTER.

5. Status of District Advisers:

Members of District advisory boards are Federal employees and are, therefore, subject to the conflict of interest statutes. Pursuant thereto, each elected district advisor will be required to file with the State Director a confidential statement of employment and financial interest prior to his appointment.

CHARLES H. STODDARD,
Director.

JUNE 21, 1965.

[F.R. Doc. 65-6674; Filed, June 24, 1965; 8:46 a.m.]

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[1] Does not include suspended nonuse.

[2] This precinct requirement would not apply to districtwide positions.

[2] For districtwide positions the list would be by district.

Fish and Wildlife Service

[Docket No. Sub-B-94]

CAPTAIN AHAB, INC.

Notice of Hearing

Captain Ahab, Inc., New Bedford, Mass., has applied for a fishing vessel

construction differential subsidy to aid require a front end setback of more

construction differential subsidy to aid in the construction of an 88-foot over-all steel vessel to engage in the fishery for scallops, groundfish, lobster and swordfish.

Notice is hereby given pursuant to the provisions of the United States Fishing Fleet Improvement Act (P.L. 88-498) and notice and hearing on subsidies (50 CFR Part 257) that a hearing in the above-entitled proceedings will be held on August 3, 1965, at 10 a.m., e.d.t., in Room 3356, Interior Building, 18th and C Streets NW., Washington, D.C. Any person desiring to intervene must file a petition of intervention with the Director, Bureau of Commercial Fisheries, as prescribed in 50 CFR Part 257 at least 10 days prior to the date set for the hearing. If such petition of intervention is granted, the place of the hearing may be changed to a field location. Telegraphic notice will be given to the parties in the event of such a change along with the new location.

RALPH C. BAKER,
Acting Director,
Bureau of Commercial Fisheries.

JUNE 21, 1965.

[F.R. Doc. 65-6673; Filed, June 24, 1965; 8:46 a.m.]

Office of the Secretary

AGUA CALIENTE INDIAN RESERVATION

Adoption and Application of State and Local Laws

Pursuant to section 1.4(b), Title 25, Code of Federal Regulations (30 F.R. 7520), the Secretary of the Interior does hereby adopt and make applicable, except as hereinafter provided, all of the laws, ordinances, codes, resolutions, rules, or other regulations of the State of California, and the city of Palm Springs, Calif., now existing or as they may be amended or enacted in the future, limiting, zoning, or otherwise governing, regulating, or controlling the use or development of any real or personal property, including water rights, leased from or held or used under agreement with and belonging to any Indian or Indian tribe, band, or community that is held in trust by the United States or is subject to a restriction against alienation imposed by the United States and located on those portions of the Agua Caliente Indian Reservation situated within the exterior boundaries of the city of Palm Springs, Calif.

Exceptions. The following portions of the Palm Springs Zoning Ordinance are not adopted and made applicable to said portions of the Agua Caliente Indian Reservation:

7. The front and side yard requirements of the R-4, Large Scale Hotel and Apartment House Zone, and the R-4-VP, Vehicle Parking and Large Scale Hotel and Apartment House and Limited Commercial Retail Zone, insofar as they require a front yard setback of more than 20 feet and a side yard setback of more than 10 feet on an interior lot or the interior side of a corner lot or more than 15 feet on the street side of a corner lot;

2. The density provisions of the R-4, Large Scale Hotel and Apartment House Zone, and the R-4-VP, Vehicle Parking and Large Scale Hotel and Apartment House and Limited Commercial Retail Zone, insofar as they limit the maximum number of dwelling units per site to less than one dwelling unit for each 500 square feet of net lot area;

3. The Performance Standards of the R-4, Large Scale Hotel and Apartment House Zone, and the R-4-VP, Vehicle Parking and Large Scale Hotel and Apartment House and Limited Commercial Retail Zone, which require the development of percentages of the site area as usable landscaped open space and outdoor living and recreation area, insofar as such percentages exceed the amount of site area which must be used for front, rear, and side yards as specified in exception 1 hereof, plus an area equal to that portion of said yards used for parking;

4. The provisions of the Palm Springs Zoning Ordinance which require setbacks for high-rise buildings in excess of 1 foot of horizontal setback distance for each 1 foot of vertical rise of the building across the short dimension of the lot and 1½ feet of horizontal setback distance for each 1 foot of vertical rise of the building across the long dimension of the lot, as measured from the exterior lines of the site; the provisions of said ordinance which require obtaining a conditional use permit before a high-rise building can be constructed which otherwise meets the high-rise requirements as qualified above;

5. The yard requirements for a commercial building in the C-1AA, Large Scale Retail Commercial Zone, and the landscaping requirements insofar as they require more than 10 percent of the building site to be landscaped;

6. The automobile off-street parking requirements in the C-1AA, Large Scale Retail Commercial Zone, insofar as they require more than a minimum setback of 5 feet from any street; and

7. The provisions of the C-1AA, Large Scale Retail Commercial Zone, insofar as they require more than a minimum total of 5,000 square feet of floor space in buildings in one or more stories.

Nothing contained in this notice shall be construed to in any way alter or limit the provisions of sections 2(b) and 4 (b) and (c) of the Act of August 15, 1953 (67 Stat. 588).

Nothing contained in this notice shall be construed to in any way alter, limit or abridge any vested rights to real or personal property, including water rights, belonging to any Indian or Indian tribe, band or community that is held in trust by the United States or is subject to a restriction against alienation imposed by the United States.

The Secretary of the Interior may by appropriate notice expressly revoke the adoption and application of any such laws, ordinances, codes, resolutions, rules, or other regulations if he determines such revocation to be in the best interests of the Indian owner or owners in achieving the highest and best use of their property.

JOHN A. CARVER, Jr.,
Acting Secretary of the Interior.

JUNE 22, 1965.

[F.R. Doc. 65-6731; Filed, June 24, 1965; 8:50 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

DOW CHEMICAL CO.

Notice of Filing of Petition for Food Additives Components of Paper and Paperboard

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348(b)(5)), notice is given that a petition (FAP 5B1769) has been filed by The Dow Chemical Co., Post Office Box 467, Midland, Mich., 48641, proposing that paragraph (b)(2) of § 121.2526 *Components of paper and paperboard in contact with aqueous and fatty foods* be amended to provide for the use of 2-hydroxyethyl acrylate as a monomer in the copolymerization of styrene-butadiene copolymers for use in coatings intended for contact with food only of the types identified under VII, VIII, and IX of table 1 in § 121.2526(c).

Dated: June 17, 1965.

MALCOLM R. STEPHENS,
Assistant Commissioner for Regulations.

[F.R. Doc. 65-6732; Filed, June 24, 1965; 8:48 a.m.]

ELANCO PRODUCTS CO.

Notice of Withdrawal of Petitions for Food Additives Amprolium, Hygromycin B, Penicillin, and Tylosin

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b), 72 Stat. 1786; 21 U.S.C. 348(b)), the following notice is issued:

In accordance with § 121.52 *Withdrawal of petitions without prejudice* of the procedural food additive regulations (21 CFR 121.52), Elanco Products Co., a division of Eli Lilly & Co., Indianapolis, Ind., 46206, has withdrawn its petitions (FAP 4C1185, FAP 4D1186) published in the FEDERAL REGISTER of January 21, 1964 (29 F.R. 506), proposing that § 121.213 *Hygromycin B* be amended to provide for the safe use in chicken feed of certain combinations of hygromycin B, amprolium, and tylosin and also hygromycin B, amprolium, tylosin, and penicillin for prevention of coccidiosis and for growth promotion and feed efficiency.

The withdrawal of these petitions is without prejudice to a future filing.

Dated: June 21, 1965.

MALCOLM R. STEPHENS,
Assistant Commissioner for Regulations.

[F.R. Doc. 65-6702; Filed, June 24, 1965; 8:49 a.m.]

CIVIL SERVICE COMMISSION

NURSES

Notice of Adjustment of Minimum Rate and Rate Range

1. Under authority of section 504 of the Federal Salary Reform Act of 1962, as amended, and Executive Order 11073, the Civil Service Commission has increased the minimum salary rate and the rate range for positions of Nurse, GS-610-5. The revised rate range for this occupational level is:

	Per Annum Rates									
Grade	*1*	*2*	*3*	*4*	*5*	*6*	*7*	*8*	*9*	*10*
GS-5	$5,165	$5,330	$5,495	$5,660	$5,825	$5,990	$6,155	$6,320	$6,485	$6,650

2. Geographic coverage in Staten Island, New York, N.Y.

3. The effective date will be the first day of the first pay period beginning on or after June 18, 1965.

4. All new employees in the specified occupational levels will be hired at the new minimum rates.

5. As of the effective date, all agencies will process a pay adjustment to increase the pay of employees on the rolls in the affected occupational level. An employee who immediately prior to the effective date was receiving basic compensation at one of the rates of the statutory rate range, shall receive compensation at the corresponding numbered rate authorized by this notice on and after such date.

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] MARY V. WENZEL,
Executive Assistant to the Commissioners.

[F.R. Doc. 65-6656; Filed, June 24, 1965; 8:45 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[FCC 65-548]

BROADCAST STATIONS

Interim Policy Concerning Acquisition

JUNE 21, 1965.

1. In Public Notice, FCC 64-1171, issued December 18, 1964, 29 F.R. 18309, December 24, 1964, the Commission set forth briefly the policy underlying the multiple ownership rules. It also presented information showing a marked increase in the extent of multiple ownership of television broadcast stations, particularly with regard to VHF stations in the largest markets. The Commission stated that it considered this trend in the largest markets to be of such import that the immediate adoption of an interim policy was necessary for handling applications involving the acquisition of VHF stations in the top 50 markets.

2. After having pointed out that it was presently conducting an extensive study of problems dealing with concentration and diversification of the broadcast media and of allied interests in other public opinion media, the Commission announced the following interim policy pending the formulation of more comprehensive proposals:

Absent a compelling affirmative showing, we will designate for hearing any application filed after December 18, 1964, for acquisition of a VHF station in one of the top 50 television markets, if the applicant or any party thereto already owns or has interests in 1 or more VHF stations in the top 50 markets; we shall treat likewise any application to acquire interests in 2 or more VHF stations in these markets if the applicant now has no interest in VHF stations in these 50 markets. We are adopting this policy because, under presently existing circumstances, we cannot normally make the required finding that grant of an application for a second VHF station in the top 50 markets will serve the public interest without giving the proposal the detailed scrutiny of a hearing. (The top 50 markets were selected by using the 1963 American Research Bureau ranking based on net weekly circulation.)

3. Our study, referred to above, is now completed, and we have formulated a more definitive proposal concerning television concentration. Our proposal is set forth in the Appendix to a notice of proposed rule making, adopted today in Docket No. 16068, which instituted a rule making proceeding on the subject.[1] After the receipt of comments and reply comments in that proceeding we shall hold oral argument before the Commission en banc in which all interested parties may participate.

4. Now that our rule making proposal has been prepared, we are rescinding the previous policy and substituting for it the following interim policy (based on this proposal) to be followed until the completion of the proceeding in Docket No. 16068. We are of the opinion that the problem of television concentration of control in the largest markets is of sufficient seriousness to require this action. We further believe that the policy should include the designation of certain matters for hearing because, under present circumstances, we cannot normally make the required public interest finding with regard to the matters involved without the full examination that a hearing provides.

[1] F.R. Doc. 65-6691, Proposed Rule Making Section, *supra*.

5. Accordingly, pending the termination of the rule making proceeding in Docket No. 16068, the following policy is adopted with regard to applications involving multiple ownership.

6. Absent a compelling affirmative showing to the contrary, we will designate for hearing any application filed after June 21, 1965, for a new television station, assignment of license, or transfer of control, the grant of which would result in the applicant or any party thereto having interests in violation of those set forth in proposed § 73.636(a)(2)(ii) below. Divestiture will not be required, but commonly owned stations in excess of the number set forth in the proposed rule which are proposed to be assigned or transferred to a single person, group, or entity will be designated for hearing. However, no hearing will be designated in any of the foregoing situations which involve applications for assignment or transfer of control filed in accordance with § 1.540(b) or § 1.541(b) of the Commission's rules, or applications for assignment or transfer of control to heirs or legatees by will or intestacy if the assignment or transfer does not create common interests which would be proscribed by the above-mentioned section.

7. Petitions for reconsideration of the interim policy adopted in the public notice of December 18, 1964, were filed by various parties. These petitions were, for the most part, denied. The order of denial and details of our consideration of those petitions appear in paragraphs 21-24, of the notice of proposed rule making in Docket No. 16068 adopted today.

Adopted: June 21, 1965.

FEDERAL COMMUNICATIONS COMMISSION,[2]
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 65-6692; Filed, June 24, 1965; 8:45 a.m.]

[Docket Nos. 15826, 15827; FCC 65M-809]

KXYZ TELEVISION, INC., AND CREST BROADCASTING CO.

Order Regarding Procedural Dates

In re applications of KXYZ Television, Inc., Houston, Tex., Docket No. 15826, File No. BPCT-3220; Crest Broadcasting Co., Houston, Tex., Docket No. 15827, File No. BPCT-3302; for construction permit for new television broadcast station.

The Hearing Examiner having for consideration (1) a Motion for Continuance, filed by KXYZ Television, Inc., on June 16, 1965, together with pleadings filed in supplement and response thereto; and (2) Supplement No. 1 to Fourth Report and Order in Docket No. 14229, released by the Commission on June 18, 1965;

It appearing, that the subject petition seeks continuance of the hearing presently scheduled to commence on June 28, 1965;

It further appearing, that the said Supplement No. 1 stays further proceed-

[2] Commissioners Hyde, Lee, and Wadsworth dissenting.

ing in this and other hearings until the applicants give notice of intention to amend their applications on or before July 6, 1965, and that such stay renders moot petitioners' request for relief;

It is ordered, This 22d day of June 1965, that the subject petition is dismissed; that all presently scheduled procedural dates are set aside; and that further proceedings herein are stayed pending further order of the Hearing Examiner to be released subsequent to July 6, 1965.

Released: June 22, 1965.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 65-6693; Filed, June 24, 1965; 8:48 a.m.]

[Docket Nos. 15436, 15437; FCC 65M-607]

SKYLARK CORP. AND KINGSTON BROADCASTERS, INC.

Order Scheduling Prehearing Conference

In re applications of Skylark Corp., Kingston, N.Y., Docket No. 15436, File No. BPH-4256; Kingston Broadcasters, Inc., Kingston, N.Y., Docket No. 15437, File No. BPH-4357; for construction permits.

It is ordered, This 18th day of June 1965, that the hearing now scheduled for July 12 will be converted to a further prehearing conference to be held at 9 a.m.

Released: June 21, 1965.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 65-6694; Filed, June 24, 1965; 8:48 a.m.]

[Docket No. 14968 etc.; FCC 65M-611]

SYRACUSE TELEVISION, INC., ET AL.

Order Scheduling Prehearing Conference

In re applications of: Syracuse Television, Inc., Syracuse, N.Y., Docket No. 14368, File No. BPCT-2924; W. R. G. Baker Radio and Television Corp., Syracuse, N.Y., Docket No. 14369, Filed No. BPCT-2930; Onondaga Broadcasting, Inc., Syracuse, N.Y., Docket No. 14370, File No. BPCT-2931; WAGE, Inc., Syracuse, N.Y, Docket No. 14371, File No. BPCT-2932; Syracuse Civic Television Association, Inc., Syracuse, N.Y., Docket No. 14372, File No. BPCT-2933; Six Nations Television Corp., Syracuse, N.Y., Docket No. 14444, File No. BPCT-2957; Salt City Broadcasting Corp., Syracuse, N.Y., Docket No. 14445, File No. BPCT-2958; George P. Hollingbery, Syracuse, N.Y., Docket No. 14446, File No. BPCT-2968; for construction permits for new television broadcast stations.

The Hearing Examiner having under consideration the Commission's Memorandum Opinion and Order in the above-entitled proceeding, released June 17, 1965 (FCC 65-527);

It is ordered, This 21st day of June 1965, that a prehearing conference shall be convened, at 10 a.m., Friday, July 9, 1965, at the Commission's offices, Washington, D.C.; and

It is ordered further, That the parties or their counsel are to be prepared, during the prehearing conference, to agree upon a specific schedule for the development of the record under the new issues framed by the Commission.

Released: June 22, 1965.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 65-6695; Filed, June 24, 1965; 8:48 a.m.]

[Docket No. 15219; FCC 65M-613]

UNITED ARTISTS BROADCASTING, INC.

Order Regarding Procedural Dates

In re application of United Artists Broadcasting, Inc., Houston, Tex., Docket No. 15213, Filed No. BPCT-3166; for construction permit for new television broadcast station.

The Hearing Examiner having under consideration the Commission's Fourth Report and Order in Docket No. 14229, released June 8, 1965, and Supplement No. 1 thereto adopted June 16, 1965; and

It appearing, that further hearing procedures in the above-entitled matter are inappropriate pending the filing and disposition of a petition for leave to amend pursuant to the said Commission releases;

It is ordered, This 21st day of June 1965, that all the procedural dates herein are suspended pending further order of the Hearing Examiner.

Released: June 22, 1965.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 65-6696; Filed, June 24, 1965; 8:48 a.m.]

[Docket No. 15248; FCC 65M-613]

UNITED ARTISTS BROADCASTING, INC.

Order Regarding Procedural Dates

In re application of United Artists Broadcasting, Inc., Lorain, Ohio, Docket No. 15248, File No. BPCT-3168; for construction permit for new television broadcast station.

The Hearing Examiner having under consideration the Commission's Fourth Report and Order in Docket No. 14229, released June 8, 1965, and Supplement No. 1 thereto adopted June 16, 1965; and

It appearing, that further hearing procedures in the above-entitled matter are inappropriate pending the filing and disposition of a petition for leave to amend pursuant to the said Commission releases;

It is ordered, This 21st day of June 1965, that all the procedural dates herein are suspended pending further order of the Hearing Examiner.

Released: June 22, 1965.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 65-6697; Filed, June 24, 1965; 8:48 a.m.]

[Docket No. 15985; FCC 65M-614]

WHOO RADIO, INC. (WHOO)

Order Scheduling Prehearing Conference

In re application of WHOO Radio, Inc. (WHOO), Orlando, Fla., Docket No. 15985, File No. BP-13708; for construction permit.

A further prehearing conference in the above-entitled proceeding will be held on Tuesday, July 6, 1965, beginning at 9 a.m., in the offices of the Commission, Washington, D.C.

The matters to be considered will include but will not be limited to the following:

1. The engineering matters to be presented under Issue 2, the requested waiver of § 73.24(g) of the Commission's Rules.

2. What engineering showing, if any, will be made or attempted by the engineers for Clarke Broadcasting Corp., licensee of Station WLOF, Orlando, Fla., and The Outlet Co., licensee of Station WDBO, Orlando, Fla., concerning the ability of the applicant to maintain properly and satisfactorily the service contours of Station WHOO operating as proposed.

3. The type of material which Clarke Broadcasting Corp. and The Outlet Co. propose to offer in evidence pertaining to the manner in which Station WHOO operating as proposed would affect adversely the ability of either or both of these parties to continue to operate their respective radio stations in the public interest.

4. The necessity of revising the time schedule agreed upon at the earlier prehearing conference held on May 24, 1965.

The attorneys and engineers for Clarke Broadcasting Corp. (WLOF) and The Outlet Co. (WDBO), will familiarize themselves with the contents of the record of the prehearing conference of May 24, 1965.

It is so ordered, This, the 18th day of June 1965.

Released: June 22, 1965.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 65-6698; Filed, June 24, 1965; 8:48 a.m.]

FEDERAL MARITIME COMMISSION

[Docket No. 65-32]

PHILIPPINE FORWARDING CO., INC.

Application for Freight Forwarder License

On January 19, 1962, pursuant to section 44, Shipping Act, 1916 (Public Law 87-254, 46 U.S.C. 841(b)), Philippine Forwarding Co., Inc., 150 Nassau Street, New York, N.Y., filed application for a license as an independent ocean freight forwarder. After consideration of the application Philippine Forwarding Co., Inc. was notified of the approval of its application subject to the condition that the required independent ocean freight forwarder surety bond be filed.

However, subsequent to the approval notification and prior to the issuance of a license information was obtained by the Commission which indicates that Philippine Forwarding Co., Inc. is neither fit, willing, nor able to carry on the business of forwarding for others. Accordingly, by letter dated March 24, 1965, the Managing Director rescinded the conditional approval and notified Philippine Forwarding Co., Inc. of the Commission's intent to deny its application. The specific grounds for denial of the application are as follows:

(1) Applicant has failed to promptly pay over to oceangoing common carriers, and other persons when due, all funds advanced by principals for the payment of charges, debts, or obligations in connection with forwarding transactions, thereby violating Rule 510.23(f) of Federal Maritime Commission General Order 4;

(2) Applicant prepared and filed fraudulent documentation in violation of Rules 510.23(c&h) of General Order 4;

(3) Applicant is not financially fit to qualify for a license;

(4) Applicant has not maintained the standard of responsibility required of licensees.

The applicant has now requested the opportunity to show at a hearing that denial of the application would not be warranted.

Therefore it is ordered, Pursuant to sections 22 and 44, Shipping Act, 1916 (46 U.S.C. 821, 841(b)), that a proceeding is hereby instituted to determine whether Philippine Forwarding Co., Inc. qualifies for a license within the meaning of section 44 of the Shipping Act, 1916 (46 U.S.C. 841(b));

It is further ordered, That Philippine Forwarding Co., Inc. be made respondent in this proceeding and that the matter be assigned for hearing before an examiner of the Commission's Office of Hearing Examiners at a date and place to be announced by the Chief Examiner;

It is further ordered, That a notice of this order be published in the FEDERAL REGISTER, and that a copy thereof and notice of hearing be served upon respondent;

It is further ordered, That any persons, other than respondent, who desire to become a party to this proceeding and to participate therein, shall file a petition to intervene with the Secretary, Federal Maritime Commission, Washington, D.C., 20573, with a copy to respondent, on or before July 2, 1965, and

It is further ordered, That all future notices issued by or on behalf of the Commission in this proceeding, including notice of time and place of hearing or prehearing conference, shall be mailed directly to all parties of record.

By the Commission.

[SEAL] THOMAS LISI,
Secretary.

[F.R. Doc. 65-6679; Filed, June 24, 1965; 8:47 a.m.]

AMERICAN PRESIDENT LINES, LTD., AND AMERICAN MAIL LINE, LTD.

Notice of Agreement Filed for Approval

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1321 H Street NW., Room 301; or may inspect agreement at the offices of the District Managers, New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments with reference to an agreement including a request for hearing, if desired, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C., 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the comments should indicate that this has been done.

Notice of agreement filed for approval by:

Mr. S. G. Holmes, Manager Rates and Conferences, American President Lines, International Building, 601 California Street, San Francisco, Calif., 94108.

Agreement 9467 between American President Lines Ltd. (originating carrier), and American Mail Lines, Ltd. (delivering carrier), covers a through billing arrangement on cargo from ports of call of the originating carrier in Okinawa to ports of call of the delivering carrier on the Pacific coasts of the United States and Canada with transhipment at Yokohama or Kobe, Japan.

Dated: June 21, 1965.

By order of the Federal Maritime Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 65-6680; Filed, June 24, 1965; 8:47 a.m.]

AMERICAN WEST AFRICAN FREIGHT CONFERENCE

Notice of Agreement Filed for Approval

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1321 H Street NW., Room 301; or may inspect agreement at the offices of the District Managers, New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments with reference to an agreement including a request for hearing, if desired, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C., 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the comments should indicate that this has been done.

Notice of agreement filed for approval by:

Mr. John K. Cunningham, Chairman, American West African Freight Conference, 80 Broad Street, New York, N.Y., 10004.

Agreement 7680-19, between the member lines of the American West African Freight Conference, amends the basic agreement for the purpose of clarifying the provisions of the agreement with respect to the nature of the vote required to take action thereunder, defines the character of the several types of votes that may be cast and sets forth the quorum required before a meeting may be conducted thereunder.

Dated: June 21, 1965.

By order of the Federal Maritime Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 65-6681; Filed, June 24, 1965; 8:47 a.m.]

GRACE LINE, INC., AND MOORE-McCORMACK LINES, INC.

Notice of Agreement Filed for Approval

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1321 H Street NW., Room 301; or may inspect agreement at the offices of the District Managers, New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments with reference to an agreement including a re-

quest for hearing, if desired, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C., 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the comments should indicate that this has been done.

Notice of agreement filed for approval by:

Mr. Robert C. Alsop, Vice President and Counsel, Grace Line Inc., 3 Hanover Square, New York, N.Y., 10004.

Agreement 9469, between Grace Line Inc. (Grace) and Moore-McCormack Lines, Inc. (Moore-McCormack), provides for Moore-McCormack to act as Grace's general passenger agent in Argentina, Brazil, Uruguay, Denmark, Norway, and Sweden to solicit and book passengers on Grace's vessels, to issue tickets, to accept bookings and collect fares from travel agents in accordance with the terms and conditions set forth in the agreement.

Dated: June 21, 1965.

By order of the Federal Maritime Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 65-6682; Filed, June 24, 1965; 8:47 a.m.]

MOORE-McCORMACK LINES, INC., ET AL.

Notice of Proposed Cancellation of Agreement

Notice is hereby given that a request for cancellation of the following agreement, pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814) has been filed with the Commission.

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1321 H Street NW., Room 301; or may inspect agreements at the offices of the District Managers, New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments with reference to an agreement including a request for hearing, if desired, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C., 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the comments should indicate that this has been done.

Notice of request for cancellation of Agreement 7549, filed by:

Mr. M. J. Kelly, Assistant Vice President, Moore-McCormack Lines, Inc., 2 Broadway, New York, N.Y., 10004.

Agreement 7549, between Moore-McCormack Lines, Inc., Swedish American Line, and Transatlantic Steamship Co., Ltd., covers an arrangement for the scheduling of weekly sailings of vessels of the Swedish Companies and Moore-McCormack, for the purpose of maintaining a regular service and approximately even distribution of freight between the carriers, eastbound and westbound, in the trade between New York and ports in Sweden.

Dated: June 21, 1965.

By order of the Federal Maritime Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 65-6683; Filed, June 24, 1965; 8:47 a.m.]

MOORE-McCORMACK LINES, INC., AND GRACE LINE, INC.

Notice of Agreement Filed for Approval

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1321 H Street NW., Room 301; or may inspect agreement at the offices of the District Managers, New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments with reference to an agreement including a request for hearing, if desired, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C., 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the comments should indicate that this has been done.

Notice of agreement filed for approval by:

Mr. Robert C. Alsop, Vice President and Counsel, Grace Line, Inc., Three Hanover Square, New York, N.Y., 10004.

Agreement 9468, between Moore-McCormack Lines, Inc. (Moore-McCormack) and Grace Line, Inc. (Grace), provides for Grace to act as Moore-McCormack's general passenger agent in Central America and the North and West Coasts of South America to solicit and book passengers on Moore-McCormack's vessels, to issue tickets, to accept bookings and collect fares from travel agents in accordance with the terms and conditions set forth in the agreement.

Dated: June 21, 1965.

By order of the Federal Maritime Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 65-6684; Filed, June 24, 1965; 8:47 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 70-4260]

ALABAMA POWER CO.

Notice of Proposed Issue and Sale of First Mortgage Bonds and Preferred Stock at Competitive Bidding

JUNE 21, 1965.

Notice is hereby given that Alabama Power Co. ("Alabama"), 600 North 18th Street, Birmingham, Ala., 35202, an exempt holding company and an electric utility subsidiary company of The Southern Co., a registered holding company, has filed an application and an amendment thereto with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating section 6(b) of the Act and Rule 50 promulgated thereunder as applicable to the proposed transactions. All interested persons are referred to the application, on file at the office of the Commission, for a statement of the transactions therein proposed which are summarized below.

Alabama proposes to issue and sell, subject to the competitive bidding requirements of Rule 50 under the Act, $40,000,000 principal amount of First Mortgage Bonds, -- percent Series due 1995. The interest rate of the new bonds (which will be a multiple of one-eighth of 1 percent) and the price, exclusive of accrued interest, to be paid to Alabama (which will be not less than 99 percent nor more than 102¾ percent of the principal amount thereof) will be determined by the competitive bidding. The new bonds will be issued under the indenture dated as of January 1, 1942, between Alabama and Chemical Bank New York Trust Co., successor trustee, as heretofore supplemented and as to be further supplemented by a supplemental indenture to be dated as of the first day of the calendar month in which such new bonds are issued.

Alabama also proposes to issue and sell, subject to the competitive bidding requirements of Rule 50 under the Act, 70,000 shares of its cumulative preferred stock, par value $100 per share. The dividend rate of the new preferred stock (which will be a multiple of 0.04 percent) and the price, exclusive of accrued dividends, to be paid to Alabama (which will be not less than $100 nor more than $102.75 per share) will be determined by the competitive bidding. Alabama's charter will be amended to allow for and to establish the terms of the new preferred stock. The general provisions which apply to Alabama's preferred stocks of all classes which are now or may hereafter be authorized or created are set forth in the joint agreement of merger between Alabama and Birmingham Electric Co. In addition to the terms and conditions therein, Alabama has agreed to the additional terms and conditions applicable to its preferred stocks that were imposed by the order of the Commission dated March 15, 1961, in File No. 70-3941 (Holding Company Act Release No. 14389).

The proceeds from the issuance and sale of the new bonds and new preferred stock will be applied by Alabama, together with funds available from other sources, to finance its 1965 construction program (presently estimated at $93,300,000), to reimburse its treasury for the retirement of previously outstanding bonds, to pay short-term bank loans, and for other lawful purposes.

The issuance and sale of the new bonds and the new preferred stock have been expressly authorized by the Alabama Public Service Commission, the State commission of the State in which Alabama is organized and doing business. The application states that no Federal commission, other than this Commission, has jurisdiction over the transactions proposed. Estimates of fees and expenses to be incurred in connection with the proposed transactions are to be filed by amendment.

Notice is further given that any interested person may, not later than July 13, 1965, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said application which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C., 20549. A copy of such request should be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon the applicant at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed contemporaneously with the request. At any time after said date, the application, as amended or as it may be further amended, may be granted as provided in Rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 65-6670; Filed, June 24, 1965; 8:46 a.m.]

SMALL BUSINESS ADMINISTRATION

[Declaration of Disaster Area 526]

KANSAS

Declaration of Disaster Area

Whereas, it has been reported that during the month of June 1965, because of the effects of certain disasters, damage resulted to residences and business property located in the State of Kansas;

Whereas, the Small Business Administration has investigated and has received other reports of investigations of conditions in the areas affected;

Whereas, after reading and evaluating reports of such conditions, I find that the conditions in such areas constitute a catastrophe within the purview of the Small Business Act, as amended.

Now, therefore, as Executive Administrator of the Small Business Administration, I hereby determine that:

1. Applications for disaster loans under the provisions of section 7(b)(1) of the Small Business Act, as amended, may be received and considered by the offices below indicated from persons or firms whose property, situated in the aforesaid State and areas adjacent thereto, suffered damage or destruction resulting from floods and accompanying conditions occurring on or about June 9, 1965.

[OFFICE

Small Business Administration Regional Office, 301 Board of Trade Building, 120 South Market Street, Wichita, Kans., 67201.

2. Temporary offices will be established in such areas as are necessary, addresses to be announced locally.

3. Applications for disaster loans under the authority of this Declaration will not be accepted subsequent to December 31, 1965.

Dated: June 11, 1965.

ROSS D. DAVIS,
Executive Administrator.

[F.R. Doc. 65-6667; Filed, June 24, 1965; 8:45 a.m.]

[License No. 07-0023]

MIDWEST CAPITAL CORP.

Order Revoking License of Small Business Investment Company

Whereas, Midwest Capital Corp. was incorporated under the laws of the State of Illinois on April 20, 1961, solely to perform the functions of a small business investment company.

Whereas, Midwest Capital Corp. was licensed by the Small Business Administration on June 12, 1961, as a small business investment company.

Whereas, section 308 of the Small Business Investment Act of 1958, as amended, provides that the license of a small business investment company may be forfeited if said small business investment company is determined and adjudged by a court of the United States to have violated, or failed to comply with, the provisions of the Small Business Investment Act,

Whereas, suit was filed by the Small Business Administration against Midwest Capital Corp. and others for issuance of an injunction, determination, and adjudication of violation and appointment of a receiver,

Whereas, the Federal District Court for the Northern District of Illinois in Civil Action No. 63 C 1434 determined and adjudged noncompliance with and violations of the Act and the regulations promulgated thereunder, to wit:

(a) Midwest Capital Corp. failed to keep proper financial records and failed to file its annual report and audit with the Small Business Administration, which was due July 1, 1963;

(b) As of August 12, 1963, Midwest Capital Corp. maintained no proper business office;

(c) Midwest Capital Corp. made loans and disbursed funds which did not and were not intended to inure to the benefit of small business concerns as defined in the Act;

(d) Midwest Capital Corp. disbursed funds for the sole purpose of benefiting its own corporate officers; and

(e) Midwest Capital Corp. made a loan to an eleemosynary institution which was not a small business concern within the meaning of the Act.

Now therefore, as Deputy Administrator for Investment of the Small Business Administration and by the authority vested in me by the Small Business Investment Act of 1958, as amended, I hereby revoke License No. 07-0023 issued to Midwest Capital Corp. and cause notice of this revocation to be served upon HARRY A. ASH, receiver of Midwest Capital Corp., and to be published in the FEDERAL REGISTER.

Dated: June 18, 1965.

SMALL BUSINESS ADMINISTRATION,
ROBERT B. LEISY,
Acting Deputy Administrator for Investment.

[F.R. Doc. 65-6668; Filed, June 24, 1965; 8:45 a.m.]

INTERSTATE COMMERCE COMMISSION

[Rev. S.O. 562; Pfahler's ICC Order 176, Amdt. 2]

MIDLAND VALLEY RAILROAD CO.

Diversion and Rerouting of Traffic

Upon further consideration of Pfahler's ICC Order No. 176 (Midland Valley Railroad Co.) and good cause appearing therefor:

It is ordered, That:

Pfahler's ICC Order No. 176 be, and it is hereby, amended by substituting the following paragraph (g) for paragraph (g) thereof:

(g) Expiration date: This order shall expire at 11:59 p.m., December 31, 1965, unless otherwise modified, changed, suspended, or annulled.

It is further ordered, That this amendment shall become effective at 11:59 p.m., June 30, 1965, and that this order shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and per diem agreement under the terms of that agreement, and by filing it with the Director, office of the Federal Register.

Issued at Washington, D.C., June 22, 1965.

INTERSTATE COMMERCE COMMISSION,
[SEAL] R. D. PFAHLER,
Agent.

[F.R. Doc. 65-6687; Filed, June 24, 1965; 8:49 a.m.]

[Notice 1194]

MOTOR CARRIER TRANSFER PROCEEDINGS

JUNE 22, 1965.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 179), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC-67903. By order of June 17, 1965, the Transfer Board approved the transfer to Leonard Brothers Transport Co., Inc., Topeka, Kans., of the operating rights issued by the Commission November 19, 1956, under Certificate No. MC-13547, to H. R. Leonard and Doyle B. Leonard, a partnership, doing business as Leonard Brothers Transport Co., Topeka, Kans., authorizing the transportation, over regular routes, of general commodities, except commodities in bulk, household goods, and other specified commodities, between Topeka, Kans., and Atchison, Kans., serving all intermediate points; between Topeka, Kans., and Leavenworth, Kans., serving all intermediate points; and the off-route points of Fort Leavenworth, Kans., between Kansas City, Mo., and Topeka, Kans., serving all intermediate points, and all off-route points in the Kansas City, Mo.-Kansas City, Kans., commercial zone. James H. Hope, % Janders, Hope & Bulkley, 641 Harrison, Topeka, Kans., attorneys for applicants.

No. MC-FC-67917. By order of June 17, 1965, the Transfer Board approved the transfer to Grant Cowie, doing business as Fastest Way Motor Freight, Spokane, Wash., of Certificate No. MC-59455, issued January 21, 1954, to John Mahoney, doing business as Spokane-Northeast Motor Freight, Spirit Lake, Idaho, authorizing the transportation of general commodities, excluding household goods and commodities in bulk, over regular routes, between Spirit Lake, Idaho, and Spokane, Wash., serving the intermediate points of Twin Lakes, Rathdrum, and Hauser Junction, Idaho, and Newman Lake Station, Wash., and the off-route points bordering the Twin Lakes, Idaho, and between Spirit Lake, Idaho, and the southern boundary of the Village of Old Town, Idaho, serving all intermediate and off-route points on and within a radius of 10 miles east and west of the indicated segment of Idaho Highway 41 (except the Village of Old Town, Newport, Washington, Albany Falls, and Priest River, Idaho). Hugh A. Dressel, 702 Old National Bank Building, Spokane, Wash., 99201, representative for applicants.

No. MC-FC-67918. By order of June 17, 1965, the Transfer Board approved the transfer to Sherwood L. Yergey and David A. Yergey, a partnership, doing business as Yergey's Moving and Storage, Pottstown, Pa., of Certificate No. MC-21900, issued December 12, 1949, to Oscar E. Yergey, Pottstown, Pa., authorizing the transportation, over irregular routes, of household goods, over irregular routes, between Pottstown, Pa., and points within 15 miles of Pottstown, on the one hand, and, on the other, points in New York and New Jersey; and cloth and cloth products, between Pottstown, Pa., Bridgeton, N.J., and Newburgh, N.Y. Sherwood L. Yergey, 152 High Street, Pottstown, Pa., 19464, attorney for applicants.

No. MC-FC-67919. By order of June 17, 1965, the Transfer Board approved the transfer to Nyari Trucking, Inc., Bryan, Ohio, of Permit No. MC-117132 issued September 5, 1958, to Paul Nyari, Bryan, Ohio, authorizing the transportation of scrap metals, in dump vehicles, between Bryan and Defiance, Ohio, on the one hand, and, on the other, points in Indiana and Michigan. Earl J. Thomas, Thomas Building, Post Office Drawer 70, 5844-5866, North High Street, Worthington, Ohio, 43085, representative for applicants.

No. MC-FC-67924. By order of June 17, 1965, the Transfer Board approved the transfer to Saul Goldberg, doing business as J. Goldberg & Son, Yonkers, N.Y., of the operating rights of Raymond Vanderberg & Son, Inc., New Rochelle, N.Y., in Certificate No. MC-94926, issued by the Commission February 27, 1963, authorizing the transportation of household goods, over irregular routes, between points in Westchester County, N.Y., on the one hand, and, on the other, points in New York, New Jersey, Pennsylvania, Connecticut, Massachusetts, and Rhode Island. Alvin Altman, 1776 Broadway, New York, N.Y., 10019, attorney for applicants.

No. MC-FC-67927. By order of June 17, 1965, the Transfer Board approved the transfer to Brake Trucking, Inc., Springfield, Ill., of the operating rights in Certificate No. MC-125477 (Sub-No. 1), issued April 14, 1964, to James F. Brake, Springfield, Ill., authorizing the transportation, over irregular routes, of wooden kitchen cabinets and related cases, and components thereof, crated, from Kreamer, Pa., to points in Illinois, Indiana, Iowa, Missouri, and Wisconsin. Robert T. Lawley, 306 Reisch Building, Springfield, Ill., attorney for applicants.

No. MC-FC-67929. By order of June 17, 1965, the Transfer Board approved the transfer to Mary K. Sheppo, doing business as M. Sheppo, Saint Clair, Pa., of the operating rights in Certificates Nos. MC-112809 and MC-112809 (Sub-No. 1), issued August 3, 1954, and January 23, 1962, respectively, to Michael Sheppo, Jr., Frackville, Pa., authorizing the transportation of coal; malt beverages, in bottles, cans, and barrels; and bottles, cans, barrels, cardboard cartons, and malt cereal and grain flakes used in the manufacture of beer, from and to specified points in Pennsylvania, New Jersey, and New York, varying with the commodities transported. John E. Lavelle, Professional Building, Ashland, Pa., 17921, attorney for applicants.

[SEAL] BERTHA F. ARMES,
Acting Secretary.

[F.R. Doc. 65-6689; Filed, June 24, 1965; 8:48 a.m.]

CUMULATIVE LIST OF CFR PARTS AFFECTED—JUNE

The following numerical guide is a list of the parts of each title of the Code of Federal Regulations affected by documents published to date during June.

3 CFR

	Page
PROCLAMATIONS:	
3658	7695
EXECUTIVE ORDERS:	
July 10, 1912 (revoked in part by PLO 3699)	7898
May 14, 1915 (revoked in part by PLO 3673)	7752
Oct. 30, 1916 (revoked in part by PLO 3664)	7750
Dec. 12, 1917 (revoked in part by PLO 3699)	7898
6143 (revoked in part by PLO 3691)	7823
6276 (revoked in part by PLO 3691)	7823
6285 (revoked in part by PLO 3693)	7824
6583 (revoked in part by PLO 3691)	7823
7655 (revoked in part by PLO 3661)	7521
8278 (revoked in part by PLO 3705)	7901
10530 (superseded in part by EO 11228)	7739
10682 (superseded by EO 11228)	7739
10800 (superseded in part by EO 11228)	7739
10835 (superseded by EO 11228)	7739
10903 (superseded in part by EO 11228)	7739
11227	7369
11228	7739
11229	7741

5 CFR

	Page
213	7271, 7311, 7425, 7426, 7473, 7515, 7557, 7595, 7645, 7646, 7701, 7895, 7967, 8093.
511	7962
531	7962
630	7567

7 CFR

	Page
Ch. I	8093
16	7426
26	8031
28	7426
29	7385
30	7385
34	7385
51	7595
57	8031
68	8031
81	8093
160	7385
201	7887
718	7427
722	7271, 7385, 7609, 7987
724	7646, 8153
728	7424
730	7272, 7811
750	7311
775	7515
814	7945
845	7273
850	7987
855	7988
908	7311, 7435, 7647, 7947
909	7373
910	7435, 7647, 7947
911	7647, 8031
915	7436, 7893, 8093
916	7948
917	7473–7475, 8031
923	7648
944	7436, 7743
945	8154
958	7596
970	7274
1133	7988
1136	7893
1403	8094
1421	7475, 7811, 7988, 7991
1427	7814, 8096
1438	7948
1600	8155
PROPOSED RULES:	
28	8049
29	7494
51	7396
52	7524
724	8000
911	7501
915	7501
916	7284
923	8110
991	7825
1002	7839
1040	7903
1042	7903
1068	7721
1133	7284, 8000
1136	8049
1138	7288, 8050

8 CFR

	Page
103	7516
214	8102
264	7312

9 CFR

	Page
51	7596
74	7274
97	7893
201	7275, 7649
PROPOSED RULES:	
94	7445
101	7608
103	7608
201	7662, 7721

10 CFR

	Page
PROPOSED RULES:	
150	7445, 7662, 7963

12 CFR

	Page
1	7371
17	7275
218	7743
PROPOSED RULES:	
545	7316

13 CFR

	Page
107	7597, 7651
308	7894

14 CFR

	Page
21	8032
37	7637
39	7275, 7371, 7372, 7638, 7701, 7816, 7876, 7993, 8033, 8034, 8155.
71	7276, 7312, 7372, 7373, 7517, 7557, 7558, 7598, 7639, 7702, 7703, 7744, 7816–7818, 7877–7886, 7949, 7993, 7994, 8035–8037, 8102, 8103, 8156, 8157.
73	7744, 7745, 7949, 7994, 8157
75	7702, 7745, 7994, 7995, 8157, 8158
91	8032
95	7639
97	7374, 7598, 7667, 7950
121	7703
137	8104
141	7517
151	7484, 8037
221	7558
241	7704
PROPOSED RULES:	
37	7663, 8006
39	7573, 8062
61	7292
71	7316, 7396, 7502, 7503, 7524, 7525, 7573, 7612, 7613, 7663–7666, 7723, 7761, 7840, 7929, 8007, 8008, 8110, 8111, 8166.
73	7503, 7724
75	7761, 8008
121	7963, 8009
214	8062

15 CFR

	Page
503	8042

16 CFR

	Page
13	7652, 7653, 7655, 7657, 7658, 7660, 7661, 8042, 8043.
14	7894, 7995

17 CFR

	Page
240	7276, 8109
249	7566, 7568
PROPOSED RULES:	
260	8009
269	8009, 8012

18 CFR

	Page
8	7313
157	7280

19 CFR

	Page
1	7569, 7704
4	7598
10	7819
PROPOSED RULES:	
22	7756

20 CFR

	Page
404	7995

21 CFR

	Page
8	7484, 7705
20	7280
25	7943
27	7484
120	7280, 7385, 7485, 7569, 7998, 8158
121	7280, 7386, 7485–7487, 7518, 7519, 7570, 7599, 7705–7707, 7895, 7896, 7943, 7944, 7996.
141a	7707
141c	7944
141d	7487
146a	7707, 7896

21 CFR—Continued Page

146c 7707
146d 7487
148i 8109
148n 7944
PROPOSED RULES:
20 7292
121 7501, 8165

22 CFR
204 7571

24 CFR
200 8159
203 7599
221 7706

25 CFR
1 7520
41 7745
42 7746
221 8160

26 CFR
1 7261, 7805, 8044
20 7708
25 7708
48 7809
147 8160
301 7809
PROPOSED RULES:
1 7493, 7721

28 CFR
0 7599, 7709, 7819
16 7488
42 7386
43 7819

29 CFR
5 7819
602 7948
603 7949
1500 7997
1501 7748
1502 7748
1503 7748
PROPOSED RULES:
541 8005
1504 7603

32 CFR
288 7997
562 7710
750 7748
753 7748
1001 7389

33 CFR
124 7314

38 CFR
1 7389
3 7390, 7489
6 8047
8 8047
36 7521

39 CFR
15 7390
16 7390, 7748
22 7391, 8048
23 7391
24 7391
25 7391
43 7392
45 7392
46 7394
114 7748
122 7748
PROPOSED RULES:
22 8049

41 CFR Page

5B-2 7436
8-1 7437
8-2 7437, 7599
8-3 7599
8-7 7600
8-14 7600
8-15 7601
8-16 7602
8-75 7602
8-95 7603
9-14 7386
9-15 8109
9-16 7887
9-17 7887
9-51 7749
9-53 7819
9-56 7749
9-58 7750
101-18 7820
101-19 8160
101-20 7820
101-38 7489

42 CFR
57 7394, 7395

43 CFR
18 7394
2230 7605
3540 7606
4110 7606
PUBLIC LAND ORDERS:
5 (see PLO 3677) 7820
509 (revoked in part by PLO 3695) 7897
729 (revoked by PLO 3706) 7754
993 (revoked in part by PLO 3692) 7823
1350 (revoked by PLO 3700) 7899
1752 (revoked by PLO 3704) 7900
1757 (revoked in part by PLO 3673) 7752
1898 (revoked in part by PLO 3703) 7900
3528 (corrected) 7998
3530 (amended and revoked in part by PLO 3701) 7899
3565 (correction) 7820
3598 (corrected by PLO 3675) 7752
3646 (corrected by PLO 3680) 7821
3661 7521
3662 7606
3663 7750
3664 7750
3665 7750
3666 7751
3667 7751
3668 7751
3669 7751
3670 7751
3671 7752
3672 7752
3673 7752
3674 7752
3675 7753
3676 7753
3677 7820
3678 7821
3679 7821
3680 7821
3681 7821
3682 7821
3683 7821
3684 7821
3685 7822
3686 7822
3687 7822
3688 7753
3689 7822

43 CFR—Continued Page

PUBLIC LAND ORDERS—Continued
3690 7823
3691 7823
3692 7823
3693 7824
3694 7824
3695 7897
3696 7897
3697 7897
3698 7897
3699 7898
3700 7899
3701 7899
3702 7900
3703 7900
3704 7900
3705 7901
3706 7754

45 CFR
60 7571

46 CFR
146 7437
221 7490
287 8162
309 7597
527 7490
530 8162
PROPOSED RULES:
248 7291
251 8110
290 7722
380 7722
521 7930
533 7574

47 CFR
0 7521, 7755
1 7419
16 7998
31 7711
33 7711
73 7314, 7711, 8048, 8164
89 7523
97 7755
PROPOSED RULES:
1 7446
17 7446
21 8009
73 7446, 7525, 7666, 7671, 7673, 7929, 8067, 8166.
91 8009

48 CFR
201 7754
211 7754

49 CFR
72 7420
73 7420
74 7423
77 7423
78 7423
79 7423
95 7522, 7945, 8163
131 7901
192 7491
193 7522

50 CFR
3 7315
10 7571
32 7523
33 7282, 7572, 7824
253 7607
260 7282
262 7444
266 7282

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FEDERAL REGISTER

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Agencies in this issue—

Agricultural Research Service
Atomic Energy Commission
Civil Aeronautics Board
Civil Service Commission
Consumer and Marketing Service
Customs Bureau
Education Office
Engineers Corps
Federal Aviation Agency
Federal Communications Commission
Federal Maritime Commission
Federal Power Commission
Federal Trade Commission
General Services Administration
Indian Affairs Bureau
Interior Department
Interstate Commerce Commission
Maritime Administration
National Park Service
Post Office Department
Securities and Exchange Commission
Treasury Department
Veterans Administration

Detailed list of Contents appears inside.



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Contents

AGRICULTURAL RESEARCH SERVICE
Rules and Regulations
Quarantine; pink bollworm; exemption of certain articles from requirements ... 8221

AGRICULTURE DEPARTMENT
See Agricultural Research Service; Consumer and Marketing Service.

ARMY DEPARTMENT
See Engineers Corps.

ATOMIC ENERGY COMMISSION
Rules and Regulations
Licensing of byproduct material ... 8185
Proposed Rule Making
Computation of quantities of special nuclear material in agreement States for purposes of exemption ... 8228
Notices
Curators of University of Missouri; extension of completion date ... 8236
Department of Water and Power, City of Los Angeles; hearing ... 8237
General Electric Co.; proposed issuance of construction permit and facility license amendment ... 8236

CIVIL AERONAUTICS BOARD
Notices
Hearings, etc.:
Portland-Seattle nonstop investigation ... 8243
West Coast Airlines, Inc. ... 8243

CIVIL SERVICE COMMISSION
Rules and Regulations
Position classification and pay; effective date of amendment ... 8216

COMMERCE DEPARTMENT
See Maritime Administration.

CONSUMER AND MARKETING SERVICE
Rules and Regulations
Fruit grown in Arizona and California; handling limitations:
Lemons ... 8222
Oranges, Valencia ... 8221
Proposed Rule Making
Milk in certain marketing areas:
Memphis, Tenn., et al.; extension of time for filing briefs ... 8228
Minneapolis-St. Paul; hearing ... 8227
Nectarines grown in California; expenses and rate of assessment, 1965–66, and carryover of unexpended funds ... 8226
Pigs, feeder; standards for grades ... 8225

CUSTOMS BUREAU
Notices
Handkerchiefs produced in Philippines; tariff classification ... 8231

DEFENSE DEPARTMENT
See Engineers Corps.

EDUCATION OFFICE
Notices
Federal financial assistance in construction of noncommercial educational television broadcast facilities; applications accepted for filing ... 8231

ENGINEERS CORPS
Rules and Regulations
Navigation; Ohio and Mississippi Rivers ... 8203

FEDERAL AVIATION AGENCY
Rules and Regulations
Airworthiness directives:
Beech Model 35 aircraft ... 8203
Douglas Model DC-3 Series aircraft ... 8203
Lockheed Model 1329 aircraft (2 documents) ... 8203, 8204
Vickers Viscount Model 810 Series aircraft ... 8204
Standard instrument approach procedures; miscellaneous amendments ... 8205
Proposed Rule Making
Airworthiness directives:
Lockheed 188A/188C Series aircraft ... 8228
Vickers Viscount aircraft, certain models ... 8229

FEDERAL COMMUNICATIONS COMMISSION
Rules and Regulations
Frequency allocations; correction ... 8222
Notices
Communications Satellite Corp.:
Investigation ... 8238
Prehearing conference ... 8243
Hearings, etc.:
Integrated Communications Systems, Inc., of Massachusetts ... 8242
Jobbins, Charles W., et al. ... 8242

FEDERAL MARITIME COMMISSION
Notices
Port of Seattle and Sea-Land Service, Inc.; agreement filed for approval ... 8237
Sotelo, George R., and Universal Forwarding Co.; revocation of license ... 8238

FEDERAL POWER COMMISSION
Notices
Hearings, etc.:
El Paso Natural Gas Co. ... 8243
High Plains Natural Gas Co. ... 8243
Midhurst Oil Corp. ... 8244
Northern Natural Gas Co. ... 8245
Texas Gas Transmission Corp. ... 8245
Wisconsin Michigan Power Co. ... 8245

FEDERAL TRADE COMMISSION
Rules and Regulations
General procedures; voluntary compliance ... 8216

GENERAL SERVICES ADMINISTRATION
Rules and Regulations
Procurement; standard real property lease forms ... 8217

HEALTH, EDUCATION, AND WELFARE DEPARTMENT
See Education Office

INDIAN AFFAIRS BUREAU
Proposed Rule Making
Maintenance of land records and title documents ... 8225

INTERIOR DEPARTMENT
See also Indian Affairs Bureau; National Park Service.
Notices
Ponca Tribe of native Americans of Nebraska; membership roll ... 8231

INTERSTATE COMMERCE COMMISSION
Proposed Rule Making
Motor service on interstate highways; passengers and property ... 8229
Notices
Fourth section applications for relief ... 8247
Organization; assignment of work, business, and functions ... 8246

MARITIME ADMINISTRATION
Notices
Moore-McCormack Lines, Inc., application for approval of certain cruises ... 8238

NATIONAL PARK SERVICE
Rules and Regulations
Military parks; licensed guides ... 8222

POST OFFICE DEPARTMENT
Rules and Regulations
Second class; mail classification and rates ... 8224

(Continued on next page)

CONTENTS

SECURITIES AND EXCHANGE COMMISSION

Notices

Hearings, etc...
Belock Instrument Corp..... 8246
Penn Fuel Gas, Inc..... 8246

TREASURY DEPARTMENT

See also Customs Bureau.

Notices

Galvanized ware from Canada; determination of sales at not less than fair value..... 8231

VETERANS ADMINISTRATION

Rules and Regulations

National service life insurance.... 8224

List of CFR Parts Affected

(Codification Guide)

The following numerical guide is a list of the parts of each title of the Code of Federal Regulations affected by documents published in today's issue. A cumulative list of parts affected, covering the current month to date, appears at the end of each issue beginning with the second issue of the month.

A cumulative guide is published separately at the end of each month. The guide lists the parts and sections affected by documents published since January 1, 1965, and specifies how they are affected.

5 CFR

511..... 8216
531..... 8216

7 CFR

301..... 8221
908..... 8221
910..... 8222

PROPOSED RULES:
53..... 8225
916..... 8226
1068..... 8227
1097..... 8228
1102..... 8228
1108..... 8228

10 CFR

30..... 8185
31..... 8189
32..... 8193
33..... 8198
34..... 8198
35..... 8200
36..... 8201

PROPOSED RULES:
150..... 8228

14 CFR

39 (5 documents)..... 8203, 8204
97..... 8205

PROPOSED RULES:
39 (2 documents)..... 8228, 8229

16 CFR

1..... 8216

25 CFR

PROPOSED RULES:
120..... 8226

33 CFR

207..... 8203

36 CFR

25..... 8222

38 CFR

8..... 8224

39 CFR

22..... 8224

41 CFR

1–1..... 8217
1–16..... 8217

47 CFR

2..... 8222

49 CFR

PROPOSED RULES:
211..... 8229

Rules and Regulations

Title 10—ATOMIC ENERGY

Chapter I—Atomic Energy Commission

LICENSING OF BYPRODUCT MATERIAL

On December 17, 1964, the Commission issued for public comment (29 F.R. 17915) a proposed recodification of its regulations—"Licensing of Byproduct Material", 10 CFR Part 30 and "Radiation Safety Requirements for Radiographic Operations", 10 CFR Part 31. Public comments indicate that the recodification is a desirable step toward simplifying the format of these regulations. Public comments also included some additional suggestions for further revisions of Parts 30 and 31. These suggested changes are being evaluated by the Commission staff in conjunction with other revisions which may be published at a later date.

In the recodification, common requirements applicable to all byproduct material licensing are retained in Part 30 while the remainder of the sections are relocated in proposed new parts designated Parts 31,[1] 32, 33, 34, 35, and 36, each of which is applicable to certain classes or categories of uses or users of byproduct material. The requirements of Parts 31–36 are in addition to those of Part 30 and other applicable provisions in the Commission's regulations.

The parts as recodified are:

Part 30—Rules of General Applicability to Licensing of Byproduct Material. This part includes licensing and related provisions which apply generally to all byproduct material users, licensees or applicants for licenses, and includes such matters as definitions; exemptions; general requirements for specific licenses; common terms and conditions of licenses; inspections, records and tests; and enforcement procedures.

Part 31—General Licenses for Certain Quantities of Byproduct Material and Byproduct Material Contained in Certain Items. This part includes general licenses for quantities of and items containing byproduct material. It does not include general licenses for export and certain of the general licenses for import, which are set out in Part 36, or general licenses for medical uses which are set out in Part 35.

Part 32—Specific Licenses to Manufacture, Distribute, or Import Exempted and Generally Licensed Items Containing Byproduct Material. This part includes the special requirements applicable to specific licenses to manufacture, distribute, or import byproduct material or items containing byproduct material for distribution to persons exempted under Part 30 or generally licensed under Parts 31 or 35.

Part 33—Specific Licenses of Broad Scope for Byproduct Material. This part includes provisions applicable to licenses for multiple quantities and types of byproduct material under which activities involving the use of byproduct material in processing for distribution and research and development are carried on.

Part 34—Licenses for Radiography and Radiation Safety Requirements for Radiographic Operations. This part includes the licensing requirements for use of sealed sources in radiography (presently set out in § 30.24 (g) of Part 30) and the radiation safety requirements for persons holding licenses for radiography now contained in Part 31.

Part 35—Human Uses of Byproduct Material. This part includes the special requirements for (1) licensing of individual physicians for human use of byproduct material, (2) licensing of human use of byproduct material in sealed sources and (3) licensing of human use of byproduct material in institutions, now set out in § 30.24 (a), (b) and (c) of Part 30. It also includes a general license for medical use of certain quantities of byproduct material, now set out in § 30.29.

Part 36—Export and Import of Byproduct Material. This part includes the requirements for specific licenses, the general licenses and other provisions relating to export and import of byproduct material.

A cross-reference table has been placed at the end of each part to permit easy comparison of the old regulations with the new. Parts 30–36 include the substance of applicable rules or amendments adopted and made effective during the period between the date of the notice (Dec. 17, 1964), and the effective date of the rule set forth below. The text of the amendment set forth below is substantially the same as the text of the proposed rule published on December 17, 1964, except for the following:

1. The text of § 30.12 (§ 30.6 of the present regulation) has been revised to reflect the amendment of § 30.6 which was published in the FEDERAL REGISTER on October 20, 1964, and became effective January 18, 1965.

2. The text of § 31.5 (30.21(c) of the present regulation) and § 32.51 (30.24(f) of the present regulation) has been revised to reflect the amendments of §§ 30.21(c) and 30.24(f) which were published in the FEDERAL REGISTER on January 7, 1965, and became effective February 6, 1965.

3. The text of § 30.16 (30.12 of the present regulation) and § 31.7 (30.21(d) of the present regulation) §§ 32.15, 32.16, 32.17, 32.40, 32.53, 32.54, 32.55, 32.56, 32.101 (30.24(j) and 30.24(m) of the present regulation) has been revised to reflect the amendments of §§ 30.12, 30.21 (d), 30.24(j), and 30.24(m) which were published in the FEDERAL REGISTER on March 13, 1965, and became effective April 12, 1965.

4. The text of § 30.14 (30.9 of the present regulation) has been revised to reflect the amendments of § 30.9 which were published in the FEDERAL REGISTER on April 3, 1965, to be effective May 3, 1965.

5. The text of §§ 36.21 (30.33(b) of the present regulation), has been revised to reference the list of countries in § 36.50, Schedule A, rather than referencing "* * * Cuba or countries or areas now or hereafter listed as Subgroup A countries or destinations in § 371.3 of the comprehensive export schedule of the United States Department of Commerce (15 CFR 371.3)." The term "Subgroup A countries" is no longer used in the export regulations of the Department of Commerce. Other minor editorial changes have been made in Part 36.

6. The text of Part 32 has been revised to include § 32.70 (30.24(k) of the present regulation) and Part 35 has been revised to include § 35.31 (30.29 of the present regulation). §§ 30.24(k) and 30.29 were added to Part 30 by amendments which were published in the FEDERAL REGISTER on May 13, 1965, to be effective June 12, 1965.

The purpose of the recodification of Part 30 is to simplify and clarify the format of the present regulations, so that persons subject to byproduct material licensing regulations can conveniently use and understand them. No substantive changes have been made and the requirements under the present regulations are not changed by the recodification.

Pursuant to the Atomic Energy Act of 1954, as amended, and the Administrative Procedure Act of 1946, the Commission is amending Chapter I of Title 10 of the Code of Federal Regulations by deleting Parts 30 and 31 and substituting therefor new Parts 30, 31, 32, 33, 34, 35, and 36 reading as hereinafter set forth. This amendment is published as a document subject to codification to be effective sixty (60) days after publication in the FEDERAL REGISTER.

(Sec. 161, 68 Stat. 948; 42 U.S.C. 2201)

Dated at Washington, D.C., this 27th day of May 1965.

For the Atomic Energy Commission.

W. B. MCCOOL,
Secretary.

[1] The provisions of present Part 31 are incorporated in a Part 34, and Part 31 is reassigned to General Licenses for Certain Quantities of Byproduct Material and Byproduct Material Contained in Certain Items.

PART 30—RULES OF GENERAL APPLICABILITY TO LICENSING OF BYPRODUCT MATERIAL

GENERAL PROVISIONS

Sec.
30.1 Purpose and scope.
30.2 Resolution of conflict.
30.3 Activities requiring license.
30.4 Definitions.

Sec.
30.5 Interpretations.
30.6 Communications.

EXEMPTIONS

30.11 Exemptions from licensing.
30.12 Persons using byproduct material under certain Atomic Energy Commission contracts.
30.13 Carriers.
30.14 Exempt concentrations.
30.15 Certain luminous timepieces.
30.16 Lock illuminators installed in automobile locks.
30.17 Balances of precision.

LICENSES

30.31 Types of licenses.
30.32 Applications for specific licenses.
30.33 General requirements for issuance of specific licenses.
30.34 Terms and conditions of licenses.
30.35 References in licenses outstanding on effective date of recodification of this part.
30.36 Expiration of licenses.
30.37 Applications for renewal of licenses.
30.38 Applications for amendment of licenses.
30.39 Commission action on applications to renew or amend.

RECORDS, INSPECTIONS AND TESTS

30.51 Records.
30.52 Inspections.
30.53 Tests.

ENFORCEMENT

30.61 Modification and revocation of licenses.
30.62 Right to withhold or recall byproduct material.
30.63 Violations.

SCHEDULES

30.70 Schedule A—Exempt concentrations.

AUTHORITY: The provisions of this Part 30 issued under sec. 161, 68 Stat. 948; 42 U.S.C. 2201. Interpret or apply secs. 81, 82, 152, 183, 68 Stat. 935, 953, 954; 42 U.S.C. 2111, 2112, 2232, 2233. For the purposes of sec. 223, 68 Stat. 958; 42 U.S.C. 2273, § 30.34(c) issued under sec. 161b., 68 Stat. 948; 42 U.S.C. 2201 (b) and §§ 30.51 and 30.52 issued under sec. 161 p., 68 Stat. 950; 42 U.S.C. 2201(p).

GENERAL PROVISIONS

§ 30.1 Purpose and scope.

This part prescribes rules governing licensing of byproduct material under the Atomic Energy Act of 1954, as amended (68 Stat. 919), and exemptions from the licensing requirements permitted by section 81 of the Act, applicable to all persons in the United States.

§ 30.2 Resolution of conflict.

The requirements of this part are in addition to, and not in substitution for, other requirements of this chapter. In any conflict between the requirements in this part and a specific requirement in another part of the regulations in this chapter, the specific requirement governs.

§ 30.3 Activities requiring license.

Except for persons exempt as provided in this part and Part 150 of this chapter, no person shall manufacture, produce, transfer, receive, acquire, own, possess, use, import or export byproduct material except as authorized in a specific or general license issued pursuant to the regulations in this chapter.

§ 30.4 Definitions.

As used in this part and Parts 31–36 of this chapter:

(a) "Act" means the Atomic Energy Act of 1954, including any amendments thereto;

(b) Terms defined in section 11 of the Act shall have the same meaning when used in the regulations in this part and Parts 31–36 to the extent such terms are not specifically defined in this part;

(c) "Agreement State" means any State with which the Commission has entered into an effective agreement under subsection 274b. of the Act. "Non-agreement State" means any other State;

(d) "Byproduct material" means any radioactive material (except special nuclear material) yielded in or made radioactive by exposure to the radiation incident to the process of producing or utilizing special nuclear material;

(e) "Commission" means the Atomic Energy Commission and its duly authorized representatives;

(f) "Curie" means that amount of radioactive material which disintegrates at the rate of 37 billion atoms per second;

(g) "Government agency" means any executive department, commission, independent establishment, corporation, wholly or partly owned by the United States of America which is an instrumentality of the United States, or any board, bureau, division, service, office, officer, authority, administration, or other establishment in the executive branch of the Government;

(h) "Human use" means the internal or external administration of byproduct material, or the radiation therefrom, to human beings;

(i) "License", except where otherwise specified means a license for byproduct material issued pursuant to the regulations in this chapter;

(j) "Microcurie" means that amount of radioactive material which disintegrates at the rate of 37 thousand atoms per second;

(k) "Person" means (1) any individual, corporation, partnership, firm, association, trust, estate, public or private institution, group, Government agency other than the Commission, any State or any political subdivision of, or any political entity within a State, any foreign government or nation or any political subdivision of any such government or nation, or other entity; and (2) any legal successor, representative, agent, or agency of the foregoing;

(l) "Physician" means an individual licensed by a State or territory of the United States, the District of Columbia or the Commonwealth of Puerto Rico to dispense drugs in the practice of medicine;

(m) "Production facility" means production facility as defined in the regulations contained in Part 50 of this chapter;

(n) "Radiographer" means any individual who performs or who, in attendance at the site where the sealed source or sources are being used, personally supervises radiographic operations and who is responsible to the licensee for assuring compliance with the requirements of the Commission's regulations and the conditions of the license;

(o) "Radiographer's assistant" means any individual who, under the personal supervision of a radiographer, uses radiographic exposure devices, sealed sources or related handling tools, or survey instruments in radiography;

(p) "Radiography" means the examination of the structure of materials by nondestructive methods, utilizing sealed sources of byproduct materials;

(q) "Research and development" means (1) theoretical analysis, exploration, or experimentation; or (2) the extension of investigative findings and theories of a scientific or technical nature into practical application for experimental and demonstration purposes, including the experimental production and testing of models, devices, equipment, materials and processes. "Research and development" as used in this part and Parts 31–36 does not include the internal or external administration of byproduct material, or the radiation therefrom, to human beings;

(r) "Sealed source" means any byproduct material that is encased in a capsule designed to prevent leakage or escape of the byproduct material;

(s) "Source material" means source material as defined in the regulations contained in Part 40 of this chapter;

(t) "Special nuclear material" means special nuclear material as defined in the regulations contained in Part 70 of this chapter;

(u) "United States", when used in a geographical sense, includes all territories and possessions of the United States, the Canal Zone and Puerto Rico;

(v) "Utilization facility" means a utilization facility as defined in the regulations contained in Part 50 of this chapter.

§ 30.5 Interpretations.

Except as specifically authorized by the Commission in writing, no interpretation of the meaning of the regulations in this part and Parts 31–36 by any officer or employee of the Commission other than a written interpretation by the General Counsel will be recognized to be binding upon the Commission.

§ 30.6 Communications.

Except where otherwise specified, all communications and reports concerning the regulations in this part and Parts 31–36 and applications filed under them, should be addressed to the Director of Regulation, U.S. Atomic Energy Commission, Washington, D.C., 20545. Communications, reports and applications may be delivered in person at the Commission's offices at 1717 H Street NW., Washington, D.C.; at 4915 St. Elmo Avenue, Bethesda, Md.; or at Germantown, Md.

EXEMPTIONS

§ 30.11 Exemptions from licensing.

The Commission may upon the application of any interested person, or upon its own initiative, exempt certain classes or quantities of byproduct material or kinds of uses or users from the requirements for a license set forth in section 81 of the Act and in the regulations in this part and Parts 31–36 when it makes a finding that the exemption of such classes or quantities of such material or such kinds of uses or users will not constitute an unreasonable risk to the common defense and security and to the health and safety of the public.

§ 30.12 Persons using byproduct material under certain Atomic Energy Commission contracts.

Any prime contractor of the Commission is exempt from the requirements for a license set forth in sections 81 and 82 of the Act and from the regulations in this part to the extent that such contractor, under his prime contract with the Commission, manufactures, produces, transfers, receives, acquires, owns, possesses, uses, imports, or exports byproduct material for: (a) The performance of work for the Commission at a United States Government-owned or controlled site, including the transportation of byproduct material to or from such site and the performance of contract services during temporary interruptions of such transportation; (b) research in, or development, manufacture, storage, testing or transportation of, atomic weapons or components thereof; or (c) the use or operation of nuclear reactors or other nuclear devices in a United States Government-owned vehicle or vessel. In addition to the foregoing exemptions, any prime contractor or subcontractor of the Commission is exempt from the requirements for a license set forth in sections 81 and 82 of the Act and from the regulations in this part to the extent that such prime contractor or subcontractor manufactures, produces, transfers, receives, acquires, owns, possesses, uses, imports or exports byproduct material under his prime contract or subcontract when the Commission determines that the exemption of the prime contractor or subcontractor is authorized by law; and that, under the terms of the contract or subcontract, there is adequate assurance that the work thereunder can be accomplished without undue risk to the public health and safety. Any person exempt from licensing under this part prior to the effective date of this amendment who would otherwise be required by virtue of this section to obtain a license shall continue to be so exempt on an interim basis. Such interim exemption shall expire 60 days from the effective date of this amendment, unless within said 60-day period either an application for a license covering the activity or an application for an appropriate exemption under this section is filed with the Commission. If either such application is filed within such 60-day period, the interim exemption shall remain in effect until final action in the matter is taken by the Commission.

§ 30.13 Carriers.

Common and contract carriers and the United States Post Office Department are exempt from the regulations in this part and Parts 31–36 and the requirements for a license set forth in section 81 of the Act to the extent that they transport byproduct material in the regular course of their business as carriers.

§ 30.14 Exempt concentrations.

(a) Except as provided in paragraphs (c) and (d) of this section, any person is exempt from the requirements for a license set forth in section 81 of the Act and from the regulations in this part and Parts 31–36 of this chapter to the extent that such person receives, possesses, uses, transfers, owns or acquires products or materials containing byproduct material in concentrations not in excess of those listed in § 30.70.

(b) This section shall not be deemed to authorize the import of byproduct material or products containing byproduct material.

(c) A manufacturer, processor, or producer of a product or material in an agreement State is exempt from the requirements for a license set forth in section 81 of the Act and from the regulations in this part and Parts 31, 32, 33, 34 and 36, to the extent that he transfers byproduct material contained in a product or material in concentrations not in excess of those specified in § 30.70 and introduced into the product or material by a licensee holding a specific license issued by an agreement State or the Commission expressly authorizing such introduction. This exemption does not apply to the transfer of byproduct material contained in any food, beverage, cosmetic, drug, or other commodity or product designed for ingestion or inhalation by, or application to, a human being.

(d) No person may introduce byproduct material into a product or material knowing or having reason to believe that it will be transferred to persons exempt under this section or equivalent regulations of an agreement State, except in accordance with a license issued pursuant to § 32.11 of this chapter or the general license provided in § 150.20 of Part 150.

§ 30.15 Certain luminous timepieces.

(a) Except for persons who apply tritium to luminous timepieces or hands or dials and persons who import for sale or distribution luminous timepieces or hands or dials containing tritium, any person is exempt from the requirements for a license set forth in section 81 of the Act and from the regulations in Parts 20 and 30–36 of this chapter to the extent that such person receives, possesses, uses, transfers, exports, owns or acquires luminous timepieces or hands or dials containing tritium.

(b) Any person who desires to apply tritium to luminous timepieces or hands or dials for sale or distribution, or desires to import for sale or distribution luminous timepieces or hands or dials containing tritium, should apply for a specific license, pursuant to § 32.14 of this chapter, which license states that the luminous timepieces or hands or dials may be distributed by the licensee to persons exempt from the regulations pursuant to paragraph (a) of this section.

§ 30.16 Lock illuminators installed in automobile locks.

Any person is exempt from the requirements for a license set forth in section 81 of the Act and from the regulations in Parts 20 and 30–36 of this chapter to the extent that he receives, possesses, uses, transfers, exports, owns or acquires lock illuminators each containing not more than 15 millicuries of tritium or 2 millicuries of promethium 147 installed in an automobile lock. The manufacture, installation into automobile locks, or importation for sale or distribution of lock illuminators whether or not installed in automobile locks, is not included in this exemption, but may be authorized by a specific license under the provisions of Part 32 of this chapter.

§ 30.17 Balances of precision.

(a) Except for persons who apply tritium to balances of precision or the parts thereof and persons who import for sale or distribution balances of precision or the parts thereof containing tritium, any person is exempt from the requirements for a license set forth in section 81 of the Act and from the regulations in Parts 20 and 30–36 of this chapter to the extent that he receives, possesses, uses, transfers, exports,[1] owns or acquires such balances or balance parts, provided that each balance part contains not more than 0.5 millicurie of tritium and each balance contains not more than 1.0 millicurie of tritium.

(b) Any person who desires to apply tritium to balances of precision or the parts thereof for sale or distribution or desires to import for sale or distribution balances of precision or the parts thereof containing tritium, should apply for a specific license, pursuant to § 32.18 of this chapter, which license states that the balances of precision or the parts thereof may be distributed by the licensee to persons exempt from the regulations pursuant to paragraph (a) of this section.

LICENSES

§ 30.31 Types of licenses.

Licenses for byproduct material are of two types: General and specific. Specific licenses are issued to named persons upon applications filed pursuant to the regulations in this part and Parts 32–36. General licenses are effective without the filing of applications with the Commission or the issuance of licensing documents to particular persons.

§ 30.32 Applications for specific licenses.

(a) Applications for specific licenses should be filed on Form AEC–313, "Application for Byproduct Material License", with the Director, Division of Materials Licensing, U.S. Atomic Energy Commission, Washington, D.C., 20545. Applications may be filed in person at the Commission's offices at 1717 H Street NW., Washington, D.C.; at 4915 St. Elmo Avenue, Bethesda, Md.; or at Germantown, Md. Information contained in previous applications, statements or reports filed with the Commission may be incorporated by reference, provided that such references are clear and specific.

(b) The Commission may at any time after the filing of the original application, and before the expiration of the license, require further statements in order to enable the Commission to determine whether the application should be

[1] Export shipment of precision balances is subject to the licensing authority and regulations of the Department of Commerce. Issuance of an exemption by the Atomic Energy Commission for export of tritium contained in balances of precision or the parts thereof does not relieve any person from complying with the licensing requirements and regulations of the Department of Commerce.

granted or denied or whether a license should be modified or revoked.

(c) Each application shall be signed by the applicant or licensee or a person duly authorized to act for and on his behalf.

(d) An application for license filed pursuant to the regulations in this part and Parts 32–36 will be considered also as an application for licenses authorizing other activities for which licenses are required by the Act, provided that the application specifies the additional activities for which licenses are requested and complies with regulations of the Commission as to applications for such licenses.

§ 30.33 General requirements for issuance of specific licenses.

(a) An application for a specific license will be approved if:

(1) The application is for a purpose authorized by the Act;

(2) The applicant's proposed equipment and facilities are adequate to protect health and minimize danger to life or property;

(3) The applicant is qualified by training and experience to use the material for the purpose requested in such manner as to protect health and minimize danger to life or property; and

(4) The applicant satisfies any special requirements contained in Parts 32–36.

(b) Upon a determination that an application meets the requirements of the Act, and the regulations of the Commission, the Commission will issue a specific license authorizing the possession and use of byproduct material (Form AEC 374, "Byproduct Material License").

§ 30.34 Terms and conditions of licenses.

(a) Each license issued pursuant to the regulations in this part and the regulations in Parts 31–36 shall be subject to all the provisions of the Act, now or hereafter in effect, and to all valid rules, regulations and orders of the Commission.

(b) No license issued or granted pursuant to the regulations in this part and Parts 31–36, nor any right under a license shall be transferred, assigned or in any manner disposed of, either voluntarily or involuntarily, directly or indirectly, through transfer of control of any license to any person, unless the Commission shall, after securing full information, find that the transfer is in accordance with the provisions of the Act and shall give its consent in writing.

(c) Each person licensed by the Commission pursuant to the regulations in this part and Parts 31–36 shall confine his possession and use of the byproduct material to the locations and purposes authorized in the license. Except as otherwise provided in the license, a license issued pursuant to the regulations in this part and Parts 31–36 shall carry with it the right to receive, acquire, own, possess and import byproduct material and to transfer such material to other licensees within the United States authorized to receive such material.

(d) Each license issued pursuant to the regulations in this part and Parts 31–36 shall be deemed to contain the provisions set forth in section 183b.–d., inclusive, of the Act, whether or not these provisions are expressly set forth in the license.

(e) The Commission may incorporate, in any license issued pursuant to the regulations in this part and Parts 31–36, at the time of issuance, or thereafter by appropriate rule, regulation or order, such additional requirements and conditions with respect to the licensee's receipt, possession, use and transfer of byproduct material as it deems appropriate or necessary in order to:

(1) Promote the common defense and security;

(2) Protect health or to minimize danger to life or property;

(3) Protect restricted data;

(4) Require such reports and the keeping of such records, and to provide for such inspections of activities under the license as may be necessary or appropriate to effectuate the purposes of the Act and regulations thereunder.

§ 30.35 References in licenses outstanding on effective date of recodification of this part.

References to sections of Parts 30 and 31 and to Parts 30 and 31 in licenses outstanding on the effective date of this recodification shall be deemed to be references to the sections of Parts 30–36 and to Parts 30–36 superseding those denoted in the outstanding licenses.

§ 30.36 Expiration of licenses.

Except as provided in § 30.37(b), each specific license shall expire at the end of the day, in the month and year stated therein.

§ 30.37 Applications for renewal of licenses.

(a) Applications for renewal of a specific license shall be filed in accordance with § 30.32.

(b) In any case in which a licensee, not less than thirty (30) days prior to the expiration of his existing license, has filed an application in proper form for renewal or for a new license, such existing license shall not expire until the application has been finally determined by the Commission.

§ 30.38 Applications for amendment of licenses.

Applications for amendment of a license shall be filed in accordance with § 30.32 and shall specify the respects in which the licensee desires his license to be amended and the grounds for such amendment.

§ 30.39 Commission action on applications to renew or amend.

In considering an application by a licensee to renew or amend his license the Commission will apply the applicable criteria set forth in § 30.33 and Parts 32–36 of this chapter.

RECORDS, INSPECTIONS AND TESTS

§ 30.51 Records.

Each person who receives byproduct material pursuant to a license issued pursuant to the regulations in this part and Parts 31–36 shall keep records showing the receipt, transfer, export and disposal of such byproduct material.

§ 30.52 Inspections.

(a) Each licensee shall afford to the Commission at all reasonable times opportunity to inspect byproduct material and the premises and facilities wherein byproduct material is used or stored.

(b) Each licensee shall make available to the Commission for inspection, upon reasonable notice, records kept by him pursuant to the regulations in this chapter.

§ 30.53 Tests.

Each licensee shall perform, or permit the Commission to perform, such tests as the Commission deems appropriate or necessary for the administration of the regulations in this part and Parts 31–36, including tests of:

(a) Byproduct material;

(b) Facilities wherein byproduct material is utilized or stored;

(c) Radiation detection and monitoring instruments; and

(d) Other equipment and devices used in connection with the utilization or storage of byproduct material.

ENFORCEMENT

§ 30.61 Modification and revocation of licenses.

(a) The terms and conditions of each license issued pursuant to the regulations in this part and Parts 31–36 shall be subject to amendment, revision or modification by reason of amendments to the Act, or by reason of rules, regulations and orders issued in accordance with the terms of the Act.

(b) Any license may be revoked, suspended or modified, in whole or in part, for any material false statement in the application or any statement of fact required under section 182 of the Act, or because of conditions revealed by such application or statement of fact or any report, record or inspection or other means which would warrant the Commission to refuse to grant a license on an original application, or for violation of, or failure to observe any of the terms and provisions of the Act or of any rule, regulation or order of the Commission.

(c) Except in cases of willfulness or those in which the public health, interest or safety requires otherwise, no license shall be modified, suspended or revoked unless, prior to the institution of proceedings therefor, facts or conduct which may warrant such action shall have been called to the attention of the licensee in writing and the licensee shall have been accorded an opportunity to demonstrate or achieve compliance with all lawful requirements.

§ 30.62 Right to withhold or recall byproduct material.

The Commission may withhold, recall or order the withholding or recall of byproduct material from any licensee who is not equipped to observe or fails to observe such safety standards to protect health as may be established by the Commission, or who uses such materials in violation of law or regulation of the Commission, or in a manner other than as disclosed in the application therefor or approved by the Commission.

§ 30.63 Violations.

An injunction or other court order may be obtained prohibiting any violation of any provision of the Act or any regulation or order issued thereunder. Any person who willfully violates any provision of the Act or any regulation or order issued thereunder may be guilty of a crime and, upon conviction, may be punished by fine or imprisonment or both, as provided by law.

SCHEDULES

§ 30.70 Schedule A—Exempt concentrations.

Element (atomic number)	Isotope	Column I Gas concentration μc/ml [1]	Column II Liquid and solid concentration μc/ml [1]
Antimony (51)	Sb 122		3×10^{-4}
	Sb 124		2×10^{-4}
	Sb 125		1×10^{-3}
Argon (18)	A 37	1×10^{-3}	
	A 41	4×10^{-7}	
Arsenic (33)	As 73		5×10^{-3}
	As 74		5×10^{-4}
	As 76		2×10^{-4}
	As 77		8×10^{-4}
Barium (56)	Ba 131		2×10^{-3}
	Ba 140		3×10^{-4}
Beryllium (4)	Be 7		2×10^{-2}
Bismuth (83)	Bi 206		4×10^{-4}
Bromine (35)	Br 82	4×10^{-7}	3×10^{-3}
Cadmium (48)	Cd 109		2×10^{-3}
	Cd 115m		3×10^{-4}
	Cd 115		3×10^{-3}
Calcium (20)	Ca 45		9×10^{-4}
	Ca 47		5×10^{-4}
Carbon (6)	C 14	1×10^{-6}	8×10^{-3}
Cerium (58)	Ce 141		9×10^{-4}
	Ce 143		4×10^{-4}
	Ce 144		1×10^{-4}
Cesium (55)	Cs 131		2×10^{-3}
	Cs 134m		6×10^{-3}
	Cs 134		9×10^{-5}
Chlorine (17)	Cl 38	9×10^{-7}	4×10^{-3}
Chromium (24)	Cr 51		2×10^{-3}
Cobalt (27)	Co 57		5×10^{-3}
	Co 58		1×10^{-3}
	Co 60		5×10^{-4}
Copper (29)	Cu 64		3×10^{-3}
Dysprosium (66)	Dy 165		4×10^{-3}
	Dy 166		4×10^{-4}
Erbium (68)	Er 169		9×10^{-4}
	Er 171		1×10^{-3}
Europium (63)	Eu 152 (T/2=9.2 Hrs)		6×10^{-4}
	Eu 156		2×10^{-3}
Fluorine (9)	F 18	2×10^{-6}	6×10^{-3}
Gadolinium (64)	Gd 153		2×10^{-3}
	Gd 159		8×10^{-4}
Gallium (31)	Ga 72		3×10^{-4}
Germanium (32)	Ge 71		2×10^{-3}
Gold (79)	Au 198		2×10^{-3}
	Au 199		8×10^{-4}
	Au 200		2×10^{-3}
Hafnium (72)	Hf 181		7×10^{-4}
Hydrogen (1)	H 3	5×10^{-6}	3×10^{-2}
Indium (49)	In 113m		1×10^{-3}
	In 114m		2×10^{-4}
Iodine (53)	I 126	3×10^{-9}	5×10^{-4}
	I 131	3×10^{-9}	2×10^{-4}
	I 132	8×10^{-8}	6×10^{-4}
	I 133	1×10^{-8}	7×10^{-4}
	I 134	2×10^{-7}	1×10^{-3}
Iridium (77)	Ir 190		3×10^{-4}
	Ir 192		4×10^{-4}
	Ir 194		3×10^{-4}
Iron (26)	Fe 55		8×10^{-3}
	Fe 59		6×10^{-4}
Krypton (36)	Kr 85m	1×10^{-6}	
	Kr 85	3×10^{-6}	
Lanthanum (57)	La 140		2×10^{-4}
Lead (82)	Pb 203		4×10^{-3}
Lutetium (71)	Lu 177		1×10^{-3}
Manganese (25)	Mn 52		3×10^{-4}
	Mn 54		1×10^{-3}
	Mn 56		1×10^{-3}
Mercury (80)	Hg 197m		2×10^{-3}
	Hg 197		3×10^{-3}
	Hg 203		7×10^{-4}
Molybdenum (42)	Mo 99		2×10^{-3}
Neodymium (60)	Nd 147		6×10^{-4}
	Nd 149		3×10^{-3}
Nickel (28)	Ni 65		1×10^{-3}
Niobium (Columbium) (41)	Nb 95		1×10^{-3}
	Nb 97		9×10^{-3}
Osmium (76)	Os 185		7×10^{-4}
	Os 191m		3×10^{-2}
	Os 191		2×10^{-3}
	Os 193		8×10^{-4}
Palladium (46)	Pd 103		3×10^{-3}
	Pd 109		9×10^{-4}
Phosphorus (15)	P 32		2×10^{-4}
Platinum (78)	Pt 191		1×10^{-3}
	Pt 193m		1×10^{-2}
	Pt 197m		1×10^{-3}
	Pt 197		1×10^{-3}
Potassium (19)	K 42		3×10^{-3}
Praseodymium (59)	Pr 142		3×10^{-4}
	Pr 143		5×10^{-4}
Promethium (61)	Pm 147		2×10^{-3}
	Pm 149		4×10^{-4}
Rhenium (75)	Re 183		6×10^{-3}
	Re 186		9×10^{-4}
	Re 188		6×10^{-4}
Rhodium (45)	Rh 103m		1×10^{-1}
	Rh 105		1×10^{-3}
Rubidium (37)	Rb 86		7×10^{-4}
Ruthenium (44)	Ru 97		4×10^{-3}
	Ru 103		8×10^{-4}
	Ru 105		1×10^{-3}
	Ru 106		1×10^{-4}
Samarium (62)	Sm 153		8×10^{-4}
Scandium (21)	Sc 46		4×10^{-4}
	Sc 47		9×10^{-4}
	Sc 48		3×10^{-4}
Selenium (34)	Se 75		3×10^{-3}
Silicon (14)	Si 31		8×10^{-3}
Silver (47)	Ag 105		1×10^{-3}
	Ag 110m		3×10^{-4}
	Ag 111		6×10^{-4}
Sodium (11)	Na 24		2×10^{-3}
Strontium (38)	Sr 89		1×10^{-3}
	Sr 91		7×10^{-4}
	Sr 92		7×10^{-4}
Sulfur (16)	S 35	9×10^{-6}	9×10^{-4}
Tantalum (73)	Ta 182		4×10^{-4}
Technetium (43)	Tc 96m		1×10^{-1}
	Tc 96		1×10^{-3}
Tellurium (52)	Te 125m		2×10^{-3}
	Te 127m		6×10^{-4}
	Te 127		3×10^{-3}
	Te 129m		3×10^{-4}
	Te 131m		6×10^{-4}
	Te 132		3×10^{-4}
Terbium (65)	Tb 160		4×10^{-4}
Thallium (81)	Tl 200		4×10^{-3}
	Tl 201		3×10^{-3}
	Tl 202		1×10^{-3}
	Tl 204		1×10^{-3}
Thulium (69)	Tm 170		5×10^{-4}
	Tm 171		5×10^{-3}
Tin (50)	Sn 113		9×10^{-4}
	Sn 125		2×10^{-4}
Tungsten (Wolfram) (74)	W 181		4×10^{-3}
Vanadium (23)	W 187		4×10^{-4}
Xenon (54)	Y 48		3×10^{-3}
	Xe 131m	4×10^{-6}	
	Xe 133	6×10^{-6}	
	Xe 135	1×10^{-6}	
Ytterbium (70)	Yb 175		1×10^{-3}
Yttrium (39)	Y 90		2×10^{-4}
	Y 91m		3×10^{-2}
	Y 91		8×10^{-4}
	Y 92		6×10^{-4}
	Y 93		3×10^{-4}
Zinc (30)	Zn 65		1×10^{-3}
	Zn 69m		7×10^{-4}
	Zn 69		2×10^{-3}
Zirconium (40)	Zr 95		6×10^{-4}
	Zr 97		2×10^{-4}
Beta and/or gamma emitting byproduct material not listed above with half-life less than 3 years.			1×10^{-3}

NOTE 1: Many radioisotopes disintegrate into isotopes which are also radioactive. In expressing the concentrations in Schedule A, the activity stated is that of the parent isotope and takes into account the daughters.

NOTE 2: For purposes of § 30.14 where there is involved a combination of isotopes, the limit for the combination should be derived as follows:

Determine for each isotope in the product the ratio between the concentration present in the product and the exempt concentration established in Schedule A for the specific isotope when not in combination. The sum of such ratios may not exceed "1" (i.e., unity).

Example:

$$\frac{\text{Concentration of Isotope A in Product}}{\text{Exempt concentration of Isotope A}} + \frac{\text{Concentration of Isotope B in Product}}{\text{Exempt concentration of Isotope B}} \leq 1$$

[1] Values are given only for those materials normally used as gases.

[2] μc/gm for solids.

CROSS REFERENCE TABLE

New section	Old section
30.1	30.1, 30.2
30.2	New
30.3	30.3
30.4	30.4
30.5	30.5
30.6	New
30.11	30.8
30.12	30.6
30.13	30.7
30.14	30.9, 30.32(f)
30.15	30.10
30.16	30.12
30.17	30.14
30.31	30.20
30.32	30.22
30.33	30.23, 30.31(a)
30.34	30.32(a)–(d), 30.31(b), 30.36
30.35	New
30.36	30.34
30.37	30.35
30.38	30.36
30.39	30.37
30.51	30.41
30.52	30.43
30.53	30.44
30.61	30.51
30.62	30.52
30.63	30.61
30.70	30.73

PART 31—GENERAL LICENSES FOR CERTAIN QUANTITIES OF BYPRODUCT MATERIAL AND BYPRODUCT MATERIAL CONTAINED IN CERTAIN ITEMS

Sec.

31.1 Purpose and scope.
31.2 Terms and conditions.
31.3 Certain devices and equipment.
31.4 Certain quantities of byproduct material.
31.5 Certain measuring, gauging or controlling devices.
31.6 General license to install devices generally licensed in § 31.5.
31.7 Luminous safety devices for use in aircraft.
31.8 Americium 241 in the form of calibration or reference sources.
31.9 General license to own byproduct material.

SCHEDULES

31.100 Schedule A—Generally licensed quantities.

AUTHORITY: The provisions of this Part 31 issued under sec. 161, 68 Stat. 948; 42 U.S.C. 2201. Interpret or apply secs. 81, 82, 183, 68 Stat. 935, 954; 42 U.S.C. 2111, 2112, 2233. For the purpose of sec. 223, 68 Stat. 958; 42 U.S.C. 2273, § 31.2(b) issued under sec. 161b., 68 Stat. 948; 42 U.S.C. 2201(b).

§ 31.1 Purpose and scope.

This part establishes general licenses for certain quantities of byproduct material and byproduct material contained in certain items. Part 30 of this chapter also contains provisions applicable to the subject matter of this part.

§ 31.2 Terms and conditions.

(a) The general licenses provided in this part are subject to the provisions of §§ 30.14(d), 30.34 (a) to (e), 30.51 to 30.63 and Parts 20 and 36 of this chapter [1] unless indicated otherwise in the language of the general license.

[1] Attention is directed particularly to the provisions of the regulations in Part 20 of this chapter which relate to the labeling of containers.

(b) Persons who transfer, receive, acquire, own, possess, use or import items and quantities of byproduct material pursuant to the general licenses provided in §§ 31.3 and 31.4:

(1) Shall not effect an increase in the radioactivity of said items or quantities by adding other radioactive material thereto, by combining byproduct material from two or more such items or quantities, or by altering them in any other manner so as to increase thereby the rate of radiation therefrom;

(2) Shall not administer externally or internally, or direct the administration of, said items or quantities or any part thereof to a human being for any purpose, including, but not limited to, diagnostic, therapeutic, and research purposes;

(3) Shall not add, or direct the addition of, said items or quantities or any part thereof to any food, beverage, cosmetic, drug, or other product designed for ingestion or inhalation by, or application to, a human being;

(4) Shall not include said items or quantities or any part thereof in any device, instrument, apparatus (including component parts and accessories thereto) intended for use in diagnosis, treatment or prevention of disease in human beings or animals or otherwise intended to affect the structure or any function of the body of human beings or animals.

§ 31.3 Certain devices and equipment.

A general license is hereby issued to transfer, receive, acquire, own, possess and use byproduct material incorporated in the following devices or equipment which have been manufactured, tested and labeled by the manufacturer in accordance with the specifications contained in a specific license issued to him by the Commission.

(a) *Static elimination device.* Devices designed for use as static eliminators which contain, as a sealed source or sources, byproduct material consisting of a total of not more than 500 microcuries of polonium 210 per device.

(b) *Spark gap and electronic tubes.* Spark gap tubes and electronic tubes which contain byproduct material consisting of not more than 5 microcuries per tube of cesium 137, or nickel 63, or krypton 85 gas, or not more than one microcurie per tube of cobalt 60.

(c) *Light meter.* Devices designed for use in measuring or determining light intensity which contain, as a sealed source or sources, byproduct material consisting of a total of not more than 200 microcuries of strontium 90 per device.

(d) *Ion generating tube.* Devices designed for ionization of air which contain, as a sealed source or sources, byproduct material consisting of a total of not more than 500 microcuries of polonium 210 per device or of a total of not more than 50 millicuries of hydrogen 3 (tritium) per device.

§ 31.4 Certain quantities of byproduct material.

A general license is hereby issued to transfer, receive, acquire, own, possess, use and import the quantities of byproduct material listed in § 31.100, Schedule A, provided that no person shall at any one time possess or use, pursuant to the general licensing provisions of this section, more than a total of ten such scheduled quantities.

§ 31.5 Certain measuring, gauging or controlling devices.

(a) Subject to the provisions of this section, a general license is hereby issued to own, receive, acquire, possess and use byproduct material when contained in devices designed and manufactured for the purpose of detecting, measuring, gauging or controlling thickness, density, level, interface location, radiation, leakage, or qualitative or quantitative chemical composition, or for producing light or an ionized atmosphere.

(b) The general license contained in this section applies only to devices which have been:

(1) Manufactured in accordance with the specifications contained in a specific license issued by the Commission to the manufacturer of the device pursuant to § 32.51 of this chapter, or in accordance with the specifications contained in a specific license issued to the manufacturer by an agreement State; and

(2) Installed on the premises of the general licensee by a person authorized to install such devices under a specific license issued to the installer by the Commission pursuant to Parts 30 and 32 or by an agreement State, provided that the specific license referred to in subparagraph (1) of this paragraph contains provisions authorizing the transfer of such devices to, and the installation of such devices in the premises of, general licensees.

(c) The general license contained in this section applies only to devices which (1) are labeled in accordance with the provisions of the specific license which authorizes the distribution of the device to general licensees, and (2) bear a label containing the following or a substantially similar statement which contains the information called for in the following statement:

This device, generally licensed pursuant to § 31.5 of 10 CFR, Part 31 [1] has been manufactured and distributed pursuant to license No. ——— issued by ——— (insert either "Atomic Energy Commission" or name of agreement State, whichever is applicable).

———
(Name of supplier)

(d) Persons who own, receive, acquire, possess or use a device pursuant to the general license contained in this section:

(1) Shall not transfer, abandon or dispose of the device except by transfer to a person authorized by a specific license from the Commission or an agreement State to receive such device and shall furnish to the Director of the appropriate Atomic Energy Commission Regional Compliance Office listed in Appendix "D" of Part 20 of this chapter, "Standards for Protection Against Radiation", within 30 days after any transfer, a report containing the name of the manufacturer of the device, the type of device, the manufacturer's serial number of the device, and the name and address of the person receiving the device;

(2) Shall assure that all labels affixed to the device at the time of receipt and bearing the statement, "Removal of this label is prohibited by regulations of the Atomic Energy Commission", are maintained thereon and shall comply with all instructions contained in such labels;

(3) Shall have the device tested for leakage of radioactive material and proper operation of the on-off mechanism and indicator, if any, at the time of installation of the device or replacement of the byproduct material on the premises of the general licensee and thereafter at no longer than six-month intervals or at such longer intervals not to exceed three years as are specified in the label required by § 31.5(c); provided that devices containing only krypton need not be tested for leakage, and devices containing only tritium need not be tested for any purpose;

(4) Shall have the tests required by subparagraph (3) of this paragraph and all other services involving the radioactive material, its shielding and containment, performed by the supplier or other person holding a specific license from the Commission or an agreement State to manufacture, install or service such devices;

(5) Shall, within 30 days after the occurrence of a failure of or damage to the shielding of the radioactive material or the on-off mechanism or indicator or upon the detection of 0.005 microcurie or more of removable radioactive material, furnish to the Director of the appropriate Atomic Energy Commission Regional Compliance Office listed in Appendix "D" of Part 20 of this chapter, "Standards for Protection Against Radiation", a report containing the name of the manufacturer of the device, the type of device, the manufacturer's serial number of the device and a brief description of the event and the remedial action taken; and shall maintain records of all tests performed on the devices as required under this section, including the dates and results of the tests and the names of the persons conducting the tests;

(6) Upon the occurrence of a failure of or damage to, or any indication of a possible failure of or damage to, the shielding or containment of the radioactive material or the on-off mechanism or indicator, shall immediately suspend operation of the device until it has been repaired by the supplier or other person holding a specific license from the Commission or an agreement State to manufacture, install or service such devices, or disposed of by transfer to a person authorized to receive the byproduct material contained in the device; and

(7) Shall be exempt from the requirements of Part 20 of this chapter, except that such persons shall comply with the provisions of §§ 20.402 and 20.403 of this chapter.

(e) Persons who possess byproduct material pursuant to this general license shall not export such byproduct material without a specific license from the Commission authorizing such export.

[1] Devices acquired not more than 6 months after the effective date of this recodification, may bear labels referring instead to "§ 30.21(c) of 10 CFR, Part 30," until the label is replaced.

§ 31.6 General license to install devices generally licensed in § 31.5.

Any person who holds a specific license issued by an agreement State authorizing the holder to manufacture, install or service a device described in § 31.5 within such agreement State is hereby granted a general license to install and service such device in any non-agreement State; *Provided*, That:

(a) Such person shall file a report with the Director, Division of Materials Licensing, U.S. Atomic Energy Commission, Washington, D.C., 20545, within 30 days after the end of each calendar quarter in which any device is transferred or installed. Each such report shall identify each general licensee under § 31.5 by name and address, the type of device transferred, and the quantity and type of byproduct material contained in the device.

(b) The device has been manufactured, labeled, installed, and serviced in accordance with applicable provisions of the specific license issued to such person by the agreement State.

(c) Such person assures that any labels required to be affixed to the device under regulations of the agreement State which licensed manufacture of the device bear a statement that "Removal of this label is prohibited by the regulations of the Atomic Energy Commission."

(d) Such person shall furnish to each general licensee to whom he transfers such device or on whose premises he installs such device a copy of the general license contained in § 31.5.

§ 31.7 Luminous safety devices for use in aircraft.

(a) A general license is hereby issued to own, receive, acquire, possess and use tritium or promethium 147 contained in luminous safety devices for use in aircraft, provided each device contains not more than four curies of tritium or 100 millicuries of promethium 147 and that each device has been manufactured, assembled or imported in accordance with a license issued under the provisions of § 32.53 of this chapter or manufactured or assembled in accordance with a specific license issued by an agreement State which authorizes manufacture or assembly of the device for distribution to persons generally licensed by the agreement State.

(b) Persons who own, receive, acquire, possess or use luminous safety devices pursuant to the general license in this section are exempt from the requirements of Part 20 of this chapter, except that they shall comply with the provisions of §§ 20.402 and 20.403 of this chapter.

(c) This general license does not authorize the manufacture, assembly, repair or import of luminous safety devices containing tritium or promethium 147.

(d) This general license does not authorize the export of luminous safety devices containing tritium or promethium 147 except in accordance with the provisions of Part 36 of this chapter.

(e) This general license does not authorize the ownership, receipt, acquisition, possession or use of promethium 147 contained in instrument dials.

§ 31.8 Americium 241 in the form of calibration or reference sources.

(a) A general license is hereby issued to those persons listed below to own, receive, acquire, possess, use and transfer, in accordance with the provisions of paragraphs (b) and (c) of this section, americium 241 in the form of calibration or reference sources:

(1) Any person in a non-agreement State who holds a specific license issued by the Commission which authorizes him to receive, possess, use and transfer byproduct material, source material, or special nuclear material; and

(2) Any Government agency, as defined in § 30.4(g) of this chapter, which holds a specific license issued by the Commission which authorizes it to receive, possess, use and transfer byproduct material, source material, or special nuclear material.

(b) The general license in paragraph (a) of this section applies only to calibration or reference sources which have been manufactured in accordance with the specifications contained in a specific license issued by the Commission to the manufacturer or importer of the sources pursuant to § 32.57 of this chapter or in accordance with the specifications contained in a specific license issued to the manufacturer by an agreement State which authorizes manufacture of the sources for distribution to persons generally licensed by the agreement State.

(c) The general license in paragraph (a) of this section is subject to the provisions of §§ 30.14(d), 30.34 (a) to (e), and 30.51 to 30.63 of this chapter, and to the provisions of Part 20 of this chapter. In addition, persons who own, receive, acquire, possess, use and transfer one or more calibration or reference sources pursuant to this general license:

(1) Shall not possess at any one time, at any one location of storage or use, more than 5 microcuries of americium 241 in such sources;

(2) Shall not receive, possess, use or transfer such source unless the source, or the storage container, bears a label which includes the following statement or a substantially similar statement which contains the information called for in the following statement:

The receipt, possession, use and transfer of this source, Model ———, Serial No. ———, are subject to a general license and the regulations of the United States Atomic Energy Commission or of a State with which the Commission has entered into an agreement for the exercise of regulatory authority. Do not remove this label.

CAUTION — RADIOACTIVE MATERIAL — THIS SOURCE CONTAINS AMERICIUM 241. DO NOT TOUCH RADIOACTIVE PORTION OF THIS SOURCE.

———
(Name of manufacturer or importer)

(3) Shall not transfer, abandon, or dispose of such source except by transfer to a person authorized by a license from the Commission or an agreement State to receive the source.

(4) Shall store such source, except when the source is being used, in a closed container adequately designed and constructed to contain americium 241 which might otherwise escape during storage.

(5) Shall not use such source for any purpose other than the calibration of radiation detectors or the standardization of other sources.

(d) This general license does not authorize the manufacture or import of calibration or reference sources containing americium 241.

(e) This general license does not authorize the export of calibration or reference sources containing americium 241.

§ 31.9 General license to own byproduct material.

A general license is hereby issued to own byproduct material without regard to quantity. Notwithstanding any other provision of this chapter, a general licensee under this paragraph is not authorized to manufacture, produce, transfer, receive, possess, use, import or export byproduct material, except as authorized in a specific license.

SCHEDULES

§ 31.100 Schedule A—Generally licensed quantities.

The following quantities of byproduct material are generally licensed pursuant to § 31.4.

Byproduct material	Column No. I — Not as a sealed source (microcuries)	Column No. II — As a sealed source (microcuries)
Antimony (Sb 124)	1	10
Arsenic 76 (As 76)	10	10
Arsenic 77 (As 77)	10	10
Barium 140—Lanthanum 140 (Ba-La 140)	1	10
Beryllium (Be 7)	50	50
Cadmium 109—Silver 109 (CdAg 109)	10	10
Calcium 45 (Ca 45)	10	10
Carbon 14 (C14)	50	50
Cerium 144 — Praseodymium (CePr 144)	1	10
Cesium—Barium 137 (CsBa 137)	1	10
Chlorine 36 (Cl 36)	1	10
Chromium 51 (Cr 51)	50	50
Cobalt 60 (Co 60)	1	10
Copper 64 (Cu 64)	50	50
Europium 154 (Eu 154)	1	10
Fluorine 18	50	50
Gallium 72 (Ga 72)	10	10
Germanium 71 (Ge 71)	50	50
Gold 198 (Au 198)	10	10
Gold 199 (Au 199)	10	10
Hydrogen 3 (Tritium) (H 3)	250	250
Indium 114 (In 114)	1	10
Iodine 131 (I 131)	10	10
Iridium 192 (Ir 192)	10	10
Iron 55 (Fe 55)	50	50
Iron 59 (Fe 59)	1	10
Lanthanum 140 (La 140)	10	10
Manganese 52 (Mn 52)	1	10
Manganese 54 (Mn 54)	50	50
Molybdenum 99 (Mo 99)	10	10
Nickel 59 (Ni 59)	1	10
Nickel 63 (Ni 63)	1	10
Niobium 95 (Nb 95)	10	10
Palladium 109 (Pd 109)	10	10
Palladium 109—Rhodium 109 (Pd-Rh 109)	50	50
Phosphorus 32 (P 32)	10	10
Polonium 210 (Po 210)	0.1	1
Potassium 42 (K 42)	10	10
Praseodymium 143 (Pr 143)	10	10
Promethium 147 (Pm 147)	10	10
Rhenium 186 (Re 186)	10	10
Rhodium 105 (Rh 105)	10	10
Rubidium 86 (Rb 86)	10	10
Ruthenium 106—Rhodium 106 (RuRh 106)	1	10
Samarium 153 (Sm 153)	10	10
Scandium 46 (Sc 46)	1	10
Silver 105 (Ag 105)	1	10
Silver 111 (Ag 111)	10	10
Sodium 22 (Na 22)	10	10
Sodium 24 (Na 24)	10	10
Strontium 89 (Sr 89)	1	10

Byproduct material	Column No. I — Not as a sealed source (microcuries)	Column No. II — As a sealed source (microcuries)
Strontium 90—Yttrium 90 (Sr Y)	0.1	1
Sulfur 35 (S 35)	80	80
Tantalum 182 (Ta 182)	10	10
Technetium 96 (Tc 96)	1	10
Technetium 98 (Tc 98)	1	10
Tellurium 127 (Te 127)	10	10
Tellurium 129 (Te 129)	1	10
Thallium 204 (Tl 204)	80	80
Tin 113 (Sn 113)	10	10
Tungsten 185 (W 185)	10	10
Vanadium 48 (V 48)	1	10
Yttrium 90 (Y 90)	1	10
Yttrium 91 (Y 91)	1	10
Zinc 65 (Zn 65)	10	10
Beta and/or Gamma emitting byproduct material not listed above.	1	10

CROSS REFERENCE TABLE

New section	Old section
31.1	New
31.2	30.21(b)
31.3	30.21(a)(1), 30.71
31.4	30.21(a)(2)
31.5	30.21(c)(1)–(5)
31.6	30.21(c)(6)
31.7	30.21(d)
31.8	30.21(e)
31.9	30.21(f)
31.100	30.72

PART 32—SPECIFIC LICENSES TO MANUFACTURE, DISTRIBUTE, OR IMPORT EXEMPTED AND GENERALLY LICENSED ITEMS CONTAINING BYPRODUCT MATERIAL

Sec.

32.1 Purpose and scope.

Subpart A—Exempt Concentrations and Items

32.11 Introduction of byproduct material in exempt concentrations into products or materials, and transfer of ownership or possession: requirements for license.
32.12 Same: Material transfer reports.
32.13 Same: Prohibition of introduction.
32.14 Certain luminous timepieces: requirements for license to apply or import tritium.
32.15 Certain automobile lock illuminators: requirements for license to install or import.
32.16 Same: quality control.
32.17 Same: material transfer reports.
32.18 Balances of precision: requirements for license to apply or import tritium.
32.19 Same: material transfer reports.
32.40 Schedule A—Prototype tests for automobile lock illuminators.

Subpart B—Generally Licensed Items

32.51 Certain measuring, gauging or controlling devices generally licensed under § 31.5 of this chapter: requirements for license to distribute.
32.52 Same: material transfer reports.
32.53 Luminous safety devices for use in aircraft: requirements for license to manufacture, assemble, repair or import.
32.54 Same: labeling of devices.
32.55 Same: quality control; prohibition of transfer.
32.56 Same: material transfer reports.
32.57 Calibration or reference sources containing Americium 241: requirements for license to manufacture or import.
32.58 Same: labeling of devices.
32.59 Same: leak testing of each source.
32.60 Same: material transfer reports.
32.70 Manufacture and distribution of byproduct materials for medical use under general license.
32.101 Schedule B—Prototype tests for luminous safety devices for use in aircraft.
32.102 Schedule C—Prototype tests for calibration or reference sources containing Americium 241.

Subpart C—Quality Control Sampling Procedures

32.110 Quality control sampling procedures under certain specific licenses.

AUTHORITY: The provisions of this Part 32 issued under sec. 161, 68 Stat. 948; 42 U.S.C. 2201. Interpret or apply secs. 81, 182, 183, 68 Stat. 935, 953, 954; 42 U.S.C. 2111, 2232, 2233.

§ 32.1 Purpose and scope.

(a) This part prescribes requirements for the issuance of specific licenses to persons who manufacture, distribute or import items containing byproduct material for distribution to (1) persons exempted from the licensing requirements of Part 30 of this chapter, or (2) persons generally licensed under Parts 31 or 35 of this chapter. This part also prescribes certain regulations governing holders of such licenses. In addition, this part prescribes requirements for the issuance of specific licenses to persons who introduce byproduct material into a product or material owned by or in the possession of the licensee or another and regulations governing holders of such licenses.

(b) The provisions and requirements of this part are in addition to, and not in substitution for, other requirements of this chapter. In particular, the provisions of Part 30 of this chapter apply to applications and licenses subject to this part.

Subpart A—Exempt Concentrations and Items

§ 32.11 Introduction of byproduct material in exempt concentrations into products or materials, and transfer of ownership or possession: requirements for license.

An application for a specific license authorizing the introduction of byproduct material into a product or material owned by or in the possession of the licensee or another and the transfer of ownership or possession of the product or material containing the byproduct material will be approved if the applicant:

(a) Satisfies the general requirements specified in § 30.33 of this chapter;

(b) Provides a description of the product or material into which the byproduct material will be introduced, intended use of the byproduct material and the product or material into which it is introduced, method of introduction, initial concentration of the byproduct material in the product or material, control methods to assure that no more than the specified concentration is introduced into the product or material, estimated time interval between introduction and transfer of the product or material, and estimated concentration of the radioisotopes in the product or material at the time of transfer; and

(c) Provides reasonable assurance that the concentrations of byproduct material at the time of transfer will not exceed the concentrations in § 30.70, that reconcentration of the byproduct material in concentrations exceeding those in § 30.70 is not likely, that use of lower concentrations is not feasible, and that the product or material is not likely to be incorporated in any food, beverage, cosmetic, drug or other commodity or product designed for ingestion or inhalation by, or application to, a human being.

§ 32.12 Same: Material transfer reports.

Each person licensed under § 32.11 shall file a report in duplicate with the Director, Division of Materials Licensing, United States Atomic Energy Commission, Washington, D.C., 20545, describing the type and quantity of each product or material into which byproduct material has been introduced during the reporting period, name and address of the person who owns or possesses the product or material into which byproduct material has been introduced, the type and quantity of byproduct material introduced into each such product or material, and the initial concentrations of byproduct material in the product or material at time of transfer of the byproduct material by the licensee. The report shall be submitted within 30 days after the end of each calendar year in which the licensee introduces byproduct material into a product or material pursuant to a license granted under § 32.11.

§ 32.13 Same: Prohibition of introduction.

No person may introduce byproduct material into a product or material knowing or having reason to believe that it will be transferred to persons exempt under § 30.14 of this chapter or equivalent regulations of an agreement State, except in accordance with a license issued pursuant to § 32.11 or the general license provided in § 150.20 of Part 150.

§ 32.14 Certain luminous timepieces: requirements for license to apply or import tritium.

An application for a specific license to apply tritium contained in luminous compounds to timepieces or hands or dials, or to import timepieces or hands or dials containing tritium for use pursuant to § 30.15 of this chapter will be approved if:

(a) The applicant satisfies the general requirements specified in § 30.33 of this chapter;

(b) The applicant submits sufficient information relating to the chemical and physical composition and characteristics of the luminous compound(s), the method of application of each compound, quality control procedures and prototype testing of luminous dials; and

(c) The tritium is bound in the luminous compound in a non-water-soluble and non-labile form and the compound is bound to the dials or hands. The tritium will be considered to be properly bound to the dials and hands if there is no visible flaking or chipping and the total loss of tritium does not exceed 5 percent of the total tritium when prototype dials and hands are subjected to the following tests in the order specified below:

(1) Attachment of dials to a vibrating fixture and vibration at a rate of not less than 26 cycles per second and a vibration acceleration of not less than 2 G for a period of not less than one hour; and

(2) Attachment of the hub ends of the hands to a clamp and bending of hands over a one-inch diameter cylinder; and

(3) Total immersion of the dials and hands used in the tests described in subparagraphs (1) and (2) of this paragraph in 100 milliliters of water at room temperature for a period of 24 consecutive hours and analysis of the test water for its radioactive material content by liquid scintillation counting or other equally sensitive method.

(d) Not more than a total of 25 millicuries of tritium will be applied per timepiece; and

(e) Not more than a total of 5 millicuries of tritium will be applied per hand and not more than 15 millicuries will be applied per dial (bezels when used shall be considered as part of the dial).

§ 32.15 Certain automobile lock illuminators: requirements for license to install or import.

An application for a specific license to install lock illuminators into automobile locks, or to import for sale or distribution lock illuminators in automobile locks for use pursuant to § 30.16 of this chapter will be approved if:

(a) The applicant satisfies the general requirements specified in § 30.33 of this chapter;

(b) The applicant submits sufficient information regarding the lock illuminators pertinent to evaluation of the potential radiation exposure, including:

(1) Chemical and physical form and maximum quantity of tritium or promethium 147 in each lock illuminator;

(2) Details of construction and design of the lock illuminator;

(3) Details of the method of binding or containing the tritium or promethium 147;

(4) Details of the method of installing the lock illuminators into the automobile lock so that the lock illuminator is not readily removable from the automobile lock;

(5) Procedures for and results of prototype testing to demonstrate that the lock illuminator will not become detached from the lock and the tritium or promethium 147 will not be released to the environment under the most severe conditions likely to be encountered in normal use of the lock illuminator;

(6) Quality control procedures to demonstrate that production lots of the lock illuminators will meet the specifications established by the Commission for such lock illuminators;

(7) Any additional information, including experimental studies and tests, required by the Commission to facilitate determination of the safety of the lock illuminator.

(c) Each lock illuminator will contain no more than 15 millicuries of tritium or 2 millicuries of promethium 147. The levels of radiation from each lock illuminator containing promethium 147 will not exceed 1 millirad per hour at 1 centimeter from any surface when measured through 50 milligrams per square centimeter of absorber.

(d) The Commission determines that:

(1) The tritium or promethium 147 is bound in the luminous compound in a nonwater soluble and nonlabile form, and the compound is incorporated and bound in the lock illuminator in such a manner that the tritium or promethium 147 will not be released under the most severe conditions which are likely to be encountered in normal use and handling;

(2) The tritium or promethium 147 is incorporated in the lock illuminator so as to preclude direct physical contact by any person with the tritium or promethium 147.

(3) The method of installing the lock illuminator into the automobile lock is such that the lock illuminator will not become detached from the lock under the most severe conditions which are likely to be encountered in normal use and handling;

(4) The device consisting of the automobile lock with the installed lock illuminator has been subjected to the prototype tests and meets the requirements prescribed by § 32.40, Schedule A.

§ 32.16 Same: quality control.

Each person licensed under § 32.15 shall:

(a) Maintain quality control in the manufacture of lock illuminators, or the installation of lock illuminators into automobile locks;

(b) Subject production lots to such quality control tests as may be required as a condition of the license issued under § 32.15 sampled in accordance with § 32.110; and

(c) Visually inspect each device in production lots and reject any device which has an observable physical defect that could affect containment of the tritium or promethium 147.

§ 32.17 Same: material transfer reports.

Each person licensed under § 32.15 shall file an annual report with the Director, Division of Materials Licensing, U.S. Atomic Energy Commission, Washington, D.C., 20545, which shall state the total quantity of tritium or promethium 147 transferred to other persons under § 30.16 of this chapter, during the reporting period, in the form of lock illuminators contained in automobile locks. Such report shall identify by name and address all persons to whom a total of more than 5 curies of tritium or promethium 147 were distributed under § 30.16 of this chapter during the reporting period. Each report shall cover the year ending June 30 and shall be filed within 30 days thereafter.

§ 32.18 Balances of precision: requirements for license to apply or import tritium.

An application for a specific license to apply tritium to balances of precision or the parts thereof, or to import balances of precision or the parts thereof containing tritium, for use pursuant to § 30.17 of this chapter will be approved if:

(a) The applicant satisfies the general requirements specified in § 30.33 of this chapter; and

(b) The applicant submits sufficient information regarding the balance parts pertinent to evaluation of the potential radiation exposure, including:

(1) Chemical and physical form and maximum quantity of tritium in each balance part;

(2) Details of construction and design of the balance part;

(3) Details of the method of incorporation and binding of the tritium in the balance part;

(4) Procedures for and results of prototype testing of balance parts to demonstrate that the tritium contained in each part will not be released or be removed from the part under normal conditions of use of the balance;

(5) Details of quality control procedures to be followed in the fabrication of balance parts containing tritium; and

(6) Any additional information, including experimental studies and tests, required by the Commission to facilitate determination of the safety of the balance part.

(c) Each balance part will contain no more than 0.5 millicurie of tritium and each balance will contain no more than 1.0 millicurie of tritium.

(d) The Commission determines that:

(1) The method of incorporation and binding of the tritium in the balance part is such that the tritium will not be released or be removed from the part under normal conditions of use and handling; and

(2) The tritium is incorporated or enclosed in the balance part so as to preclude direct physical contact with the tritium by any person under ordinary circumstances of use.

§ 32.19 Same: material transfer reports.

Each person licensed under § 32.18 shall file an annual report with the Director, Division of Materials Licensing, U.S. Atomic Energy Commission, Washington, D.C., 20545, which shall state the total quantity of tritium transferred to other persons under § 30.17 of this chapter, during the reporting period, in the form of balances of precision or the parts thereof. Each report shall cover the year ending June 30 and shall be filed within 30 days thereafter.

§ 32.40 Schedule A—Prototype tests for automobile lock illuminators.

An applicant for a license pursuant to § 32.15 shall conduct the following prototype tests on each of five prototype devices, consisting of the automobile lock with the installed illuminator, in the following order:

(a) The device shall be subjected to 100 hours of accelerated weathering in a suitable weathering machine which simulates the most severe conditions of normal use;

(b) The device shall be dropped upon a concrete or iron surface in a 3-foot free gravitational fall, or shall be subjected to an equivalent treatment in a test device

simulating such a fall. The drop test shall be repeated 100 times from random orientations;

(c) The device shall be attached to a vibratory fixture and vibrated at a rate of not less than 26 cycles per second and a vibration acceleration of not less than 2 G for a period of not less than 1 hour;

(d) On completion of the foregoing tests, the device shall be immersed in 30 inches of water for 24 hours and shall show no visible evidence of water entry into the lock illuminator. Absolute pressure of the air above the water shall then be reduced to 1 inch of mercury. Lowered pressure shall be maintained for 1 minute or until air bubbles cease to be given off by the water, whichever is the longer. Pressure shall then be increased to normal atmospheric pressure. Any evidence of bubbles emanating from within the lock illuminator, or water entering the lock illuminator, shall be considered leakage;

(e) After each of the tests prescribed by this section, each device shall be examined for evidence of physical damage and for loss of tritium or promethium 147. Any evidence of damage to or failure of any device which could affect the containment of the tritium or promethium 147 in such devices shall be cause for rejection of the design on which such prototype devices were constructed or manufactured if the damage or failure is attributable to design defect. Loss of tritium or promethium 147 from each tested device shall be measured both by sampling the immersion test water used in paragraph (d) of this section and by wiping with filter paper the entire accessible area of the lock illuminator. Measurements of tritium or promethium 147 shall be made in an apparatus calibrated to measure tritium or promethium 147, as appropriate. If more than 0.1 percent of the original amount of tritium or promethium 147 in the device is found in the immersion test water of the test in paragraph (d) of this section, or if more than 2,200 disintegrations per minute of tritium or promethium 147 on the filter paper is measured after any of the tests in paragraphs (a) to (d) of this section the device shall be rejected.

Subpart B—Generally Licensed Items

§ 32.51 Certain measuring, gauging or controlling devices generally licensed under § 31.5 of this chapter: requirements for license to distribute.

An application for a specific license to distribute devices, containing byproduct material, designed and manufactured for the purpose of detecting, measuring, gauging or controlling thickness, density, level, interface location, radiation, leakage, or qualitative or quantitative chemical composition, or for producing light or an ionized atmosphere, to persons generally licensed under § 31.5 of this chapter will be approved if:

(a) The applicant satisfies the general requirements specified in § 30.33 of this chapter; and

(b) The applicant submits sufficient information relating to the design, manufacture, prototype testing, quality control procedures, labeling, proposed uses and potential hazards of the device to provide reasonable assurance that:

(1) The byproduct material contained in the device will not be lost;

(2) No person would receive a radiation exposure to a major portion of his body in excess of 0.5 rem in a year under ordinary circumstances of use;

(3) The device can be safely operated by persons not having training in radiological protection; and

(4) The byproduct material within the device would not be accessible to unauthorized persons.

(c) In describing the label or labels and contents thereof to be affixed to the device, the applicant should separately indicate those instructions and precautions which are necessary to assure safe operation of the device. Such instructions and precautions shall be contained on labels bearing the statement, "Removal of this label prohibited by regulations of the Atomic Energy Commission."

(d) In the event the applicant desires that the device be tested for proper operation of the on-off mechanism and indicator, if any, and for leakage of radioactive material, subsequent to the initial tests required by § 31.5(d)(3) of this chapter, at intervals longer than six months but not exceeding three years, he shall include in his application sufficient information to demonstrate that such longer interval is justified by performance characteristics of the device or similar devices, and by design features which have a significant bearing on the probability or consequences of leakage of radioactive material from the device. In determining the acceptable interval for test of leakage of radioactive material, the Commission will consider information on particulars which include, but are not necessarily limited to:

(1) Primary containment (source capsule);

(2) Protection of primary containment;

(3) Method of sealing containment;

(4) Containment construction materials;

(5) Form of contained radioactive material;

(6) Maximum temperature withstood during prototype tests;

(7) Maximum pressure withstood during prototype tests;

(8) Maximum quantity of contained radioactive material;

(9) Radiotoxicity of contained radioactive material; and

(10) Operating experience with identical devices or similarly designed and constructed devices.

§ 32.52 Same: material transfer reports.

Each licensee authorized under § 32.51 to distribute the devices described therein to generally licensed persons shall:

(a) Report to the Director, Division of Materials Licensing, U.S. Atomic Energy Commission, Washington, D.C., 20545, all transfers of such devices to persons generally licensed under § 31.5 of this chapter. Such report shall identify each general licensee by name and address, the type of device transferred, and the quantity and type of byproduct material contained in the device. The report shall be submitted within 30 days after the end of each calendar quarter in which such a device is transferred to generally licensed persons; and

(b) Furnish to each general licensee to whom he transfers such device a copy of the general license contained in § 31.5 of this chapter.

§ 32.53 Luminous safety devices for use in aircraft: requirements for license to manufacture, assemble, repair or import.

An application for a specific license to manufacture, assemble, repair or import luminous safety devices containing tritium or promethium 147 for use in aircraft, for distribution to persons generally licensed under § 31.7 of this chapter, will be approved if:

(a) The applicant satisfies the general requirements specified in § 30.33 of this chapter;

(b) The applicant submits sufficient information regarding each device pertinent to evaluation of the potential radiation exposure, including:

(1) Chemical and physical form and maximum quantity of tritium or promethium 147 in each device;

(2) Details of construction and design;

(3) Details of the method of binding or containing the tritium or promethium 147;

(4) Procedures for and results of prototype testing to demonstrate that the tritium or promethium 147 will not be released to the environment under the most severe conditions likely to be encountered in normal use;

(5) Any quality control procedures proposed as alternatives to those prescribed by § 32.55;

(6) Any additional information, including experimental studies and tests, required by the Commission to facilitate a determination of the safety of the device.

(c) Each device will contain no more than four curies of tritium or 100 millicuries of promethium 147. The levels of radiation from each device containing promethium 147 will not exceed 0.5 millirad per hour at 10 centimeters from any surface when measured through 50 milligrams per square centimeter of absorber.

(d) The Commission determines that:

(1) The method of incorporation and binding of the tritium or promethium 147 in the device is such that the tritium or promethium 147 will not be released under the most severe conditions which are likely to be encountered in normal use and handling of the device;

(2) The tritium or promethium 147 is incorporated or enclosed so as to preclude direct physical contact by any person with it;

(3) The device is so designed that it cannot easily be disassembled; and

(4) The device has been subjected to and has satisfactorily passed the prototype tests prescribed by § 32.101, Schedule B.

§ 32.54 Same: labeling of devices.

A person licensed under § 32.53 to manufacture, assemble or import devices containing tritium or promethium 147 for distribution to persons generally licensed under § 31.7 of this chapter shall affix to each device a label which shall include the manufacturer's or importer's license number, the radiation symbol prescribed by § 20.203(a) of this chapter, a statement that the device contains tritium or promethium 147, as appropriate, and is generally licensed by the USAEC pursuant to § 31.7 of this chapter, and such other information as may be required by the Commission, including disposal instructions when appropriate. If the Commission determines that labeling on the device is not feasible and that an unreasonable risk to the health and safety of the public will not be created, it may dispense with the labeling of the device on condition that a leaflet bearing the prescribed information is enclosed in the container in which the device is shipped.

§ 32.55 Same: quality control; prohibition of transfer.

(a) Each person licensed under § 32.53 shall visually inspect each device and shall reject any which has an observable physical defect that could affect containment of the tritium or promethium 147.

(b) Each person licensed under § 32.53 shall subject a number of devices from each production lot, sampled in accordance with § 32.110, to the following quality control procedures:

(1) Each device shall be immersed in 30 inches of water for 24 hours and shall show no visible evidence of water entry. Absolute pressure of the air above the water shall then be reduced to 1 inch of mercury. Lowered pressure shall be maintained for 1 minute or until air bubbles cease to be given off by the water, whichever is the longer. Pressure shall then be increased to normal atmospheric pressure. Any device which leaks as evidenced by bubbles emanating from within the device, or water entering the device, shall be rejected.

(2) The immersion test water from the preceding test in subparagraph (1) of this paragraph shall be measured for tritium or promethium 147 content by an apparatus that has been calibrated to measure tritium or promethium 147, as appropriate. If more than 0.1 percent of the original amount of tritium or promethium 147 in any device is found to have leaked into the immersion test water, the leaking device shall be rejected.

(3) The levels of radiation from each device containing promethium 147 shall be measured. Any device which has a radiation level in excess of 0.5 millirad per hour at 10 centimeters from any surface when measured through 50 milligrams per square centimeter of absorber, shall be rejected.

(c) An application for a license or for amendment of a license may include a description of quality control procedures proposed as alternatives to those prescribed by paragraph (b) of this section, and proposed criteria for acceptance under those procedures. The Commission will approve the proposed alternative procedures if the applicant demonstrates that they will assure the rejection of any device which has a leakage rate exceeding 0.1 percent of the original quantity of tritium or promethium 147 in any 24-hour period.

(d) No person licensed under § 32.53 shall transfer to persons generally licensed under § 31.7 of this chapter any luminous safety device which has been tested and rejected under the criteria and procedures specified in this section.

§ 32.56 Same: material transfer reports.

Each person licensed under § 32.53 shall file an annual report with the Director, Division of Materials Licensing, United States Atomic Energy Commission, Washington, D.C., 20545, which shall state the total quantity of tritium or promethium 147 transferred to persons generally licensed under § 31.7 of this chapter. The report shall identify each general licensee by name, state the kinds and numbers of luminous devices transferred, and specify the quantity of tritium or promethium 147 in each kind of device. Each report shall cover the year ending June 30 and shall be filed within thirty (30) days thereafter.

§ 32.57 Calibration or reference sources containing americium 241: requirements for license to manufacture or import.

An application for a specific license to manufacture or import calibration or reference sources containing americium 241, for distribution to persons generally licensed under § 31.8 of this chapter, will be approved if:

(a) The applicant satisfies the general requirements of § 30.33 of this chapter;

(b) The applicant submits sufficient information regarding each type of calibration or reference source pertinent to evaluation of the potential radiation exposure, including:

(1) Chemical and physical form and maximum quantity of americium 241 in the source;

(2) Details of construction and design;

(3) Details of the method of incorporation and binding of the americium 241 in the source;

(4) Procedures for and results of prototype testing of sources, which are designed to contain more than 0.005 microcurie of americium 241, to demonstrate that the americium 241 contained in each source will not be released or be removed from the source under normal conditions of use;

(5) Details of quality control procedures to be followed in manufacture of the source;

(6) Description of labeling to be affixed to the source or the storage container for the source;

(7) Any additional information, including experimental studies and tests, required by the Commission to facilitate a determination of the safety of the source.

(c) Each source will contain no more than 5 microcuries of americium 241.

(d) The Commission determines, with respect to any type of source containing more than 0.005 microcurie of americium 241, that:

(1) The method of incorporation and binding of the americium 241 in the source is such that the americium 241 will not be released or be removed from the source under normal conditions of use and handling of the source; and

(2) The source has been subjected to and has satisfactorily passed the prototype tests prescribed by § 32.102, Schedule C.

§ 32.58 Same: labeling of devices.

Each person licensed under § 32.57 shall affix to each source, or storage container for the source, a label which shall contain sufficient information relative to safe use and storage of the source and shall include the following statement or a substantially similar statement which contains the information called for in the following statement:

The receipt, possession, use and transfer of this source, Model ....., Serial No. ....., are subject to a general license and the regulations of the United States Atomic Energy Commission or of a State with which the Commission has entered into an agreement for the exercise of regulatory authority. Do not remove this label.

CAUTION — RADIOACTIVE MATERIAL — THIS SOURCE CONTAINS AMERICIUM 241. DO NOT TOUCH RADIOACTIVE PORTION OF THIS SOURCE.

(Name of manufacturer or importer)

§ 32.59 Same: leak testing of each source.

Each person licensed under § 32.57 shall perform a dry wipe test upon each source containing more than 0.1 microcurie of americium 241 prior to transferring the source to a general licensee under § 31.8 of this chapter. This test shall be performed by wiping the entire radioactive surface of the source with a filter paper with the application of moderate finger pressure. The radioactivity on the paper shall be measured by using radiation detection instrumentation capable of detecting 0.005 microcurie of americium 241. If any such test discloses more than 0.005 microcurie of radioactive material, the source shall be deemed to be leaking or losing americium 241 and shall not be transferred to a general licensee under § 31.8 of this chapter.

§ 32.60 Same: material transfer reports.

Each person licensed under § 32.57 shall file an annual report with the Director, Division of Materials Licensing, U.S. Atomic Energy Commission, Washington, D.C., 20545, which shall state the total quantity of americium 241 transferred to persons generally licensed under § 31.8 of this chapter. The report shall identify each general licensee by name and address, state the kinds and numbers of sources transferred, and specify the quantity (in microcuries) of americium 241 in each kind of source. Each report shall cover the calendar year and shall be filed within thirty (30) days after the end of each calendar year.

§ 32.70 Manufacture and distribution of byproduct materials for medical use under general license.

An application for a specific license to distribute byproduct material for use by physicians under the general license of § 35.31 of this chapter will be approved if:

(a) The applicant satisfies the general requirements specified in § 30.33 of this chapter;

(b) The applicant submits evidence that the byproduct material is to be manufactured, labeled, and packaged in accordance with a new drug application which the Commissioner of Food and Drugs, Food and Drug Administration,

has approved, or in accordance with a license for a biologic product issued by the Secretary, Department of Health, Education, and Welfare;

(c) The following statement, or a substantially similar statement which contains the information called for in the following statement, appears on the label affixed to the container or appears in the leaflet or brochure which accompanies the package:

This radioactive drug may be received, possessed and used only by physicians licensed to dispense drugs in the practice of medicine. Its receipt, possession, use and transfer are subject to the regulations and a general license of the United States Atomic Energy Commission or of a State with which the Commission has entered into an agreement for the exercise of regulatory authority.

(Name of manufacturer)

§ 32.101 Schedule B—Prototype tests for luminous safety devices for use in aircraft.

An applicant for a license pursuant to § 32.53 shall conduct prototype tests on each of five prototype luminous safety devices for use in aircraft as follows:

(a) *Temperature-altitude test.* The device shall be placed in a test chamber as it would be used in service. A temperature-altitude condition schedule shall be followed as outlined in the following steps:

Step 1. The internal temperature of the test chamber shall be reduced to −62° C. (−80° F.) and the device shall be maintained for at least 1 hour at this temperature at atmospheric pressure.

Step 2. The internal temperature of the test chamber shall be raised to −54° C. (−65° F.) and maintained until the temperature of the device has stabilized at −54° C. at atmospheric pressure.

Step 3. The atmospheric pressure of the chamber shall be reduced to 83 millimeters of mercury absolute pressure while the chamber temperature is maintained at −54° C.

Step 4. The internal temperature of the chamber shall be raised to −10° C. (+14° F.) and maintained until the temperature of the device has stabilized at −10° C., and the internal pressure of the chamber shall then be adjusted to atmospheric pressure. The test chamber door shall then be opened in order that frost will form on the device, and shall remain open until the frost has melted but not long enough to allow the moisture to evaporate. The door shall then be closed.

Step 5. The internal temperature of the chamber shall be raised to +85° C. (185° F.) at atmospheric pressure. The temperature of the device shall be stabilized at +85° C. and maintained for 2 hours. The device shall then be visually inspected to determine the extent of any deterioration.

Step 6. The chamber temperature shall be reduced to +71° C. (160° F.) at atmospheric pressure. The temperature of the device shall be stabilized at +71° C. for a period of 30 minutes.

Step 7. The chamber temperature shall be reduced to +55° C. (130° F.) at atmospheric pressure. The temperature of the device shall be stabilized at this temperature for a period of 4 hours.

Step 8. The internal temperature of the chamber shall be reduced to +30° C. (86° F.) and the pressure to 126 millimeters of mercury absolute pressure and stabilized. The device shall be maintained under these conditions for a period of 4 hours.

Step 9. The temperature of the test chamber shall be raised to +35° C. (95° F.) and the pressure reduced to 83 millimeters of mercury absolute pressure and stabilized. The device shall be maintained under these conditions for a period of 30 minutes.

Step 10. The internal pressure of the chamber shall be maintained at 83 millimeters of mercury absolute pressure and the temperature reduced to +20° C. (68° F.) and stabilized. The device shall be maintained under these conditions for a period of 4 hours.

(b) *Vibration tests.* This procedure applies to items of equipment (including vibration isolating assemblies) intended to be mounted directly on the structure of aircraft powered by reciprocating, turbojet, or turbo-propeller engines or to be mounted directly on gas-turbine engines. The device shall be mounted on an apparatus dynamically similar to the most severe conditions likely to be encountered in normal use. At the end of the test period, the device shall be inspected thoroughly for possible damage. Vibration tests shall be conducted under both resonant and cycling conditions according to the following Vibration Test Schedule (Table I):

VIBRATION TEST SCHEDULE

TABLE I

[Times shown refer to one axis of vibration]

Type	Vibration at room temperature	Vibration at 160° F. (71° C.)	Vibration at −65° F. (−54° C.)
	Minutes	Minutes	Minutes
Resonance	60	15	15
Cycling	90	15	15

(1) *Determination of resonance frequency.* Individual resonance frequency surveys shall be conducted by applying vibration to each device along each of any set of three mutually perpendicular axes and varying the frequency of applied vibration slowly through a range of frequencies from 5 cycles per second to 500 cycles per second with the double amplitude of the vibration not exceeding that shown in Figure 1 for the related frequency.

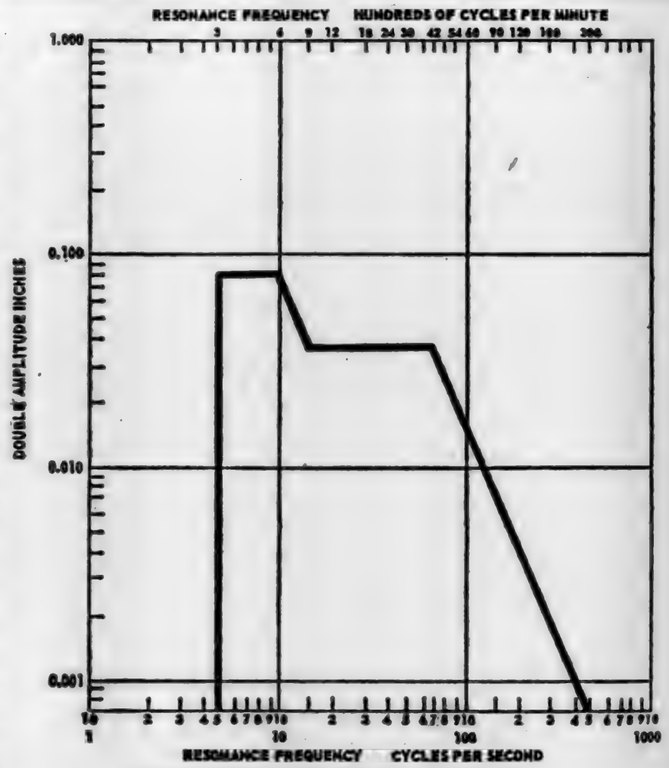


FIGURE 1—Amplitude of vibration at resonance frequency.

(2) *Resonance tests.* The device shall be vibrated at the determined resonance frequency for each axis of vibration for the periods and temperature conditions shown in Table I and with the applied double amplitude specified in Figure 1 for that resonance frequency. When more than one resonant frequency is encountered with vibration applied along any one axis, the test period may be accomplished at the most severe resonance or the period may be divided among the resonant frequencies, whichever is considered most likely to produce failure. When resonant frequencies are not apparent within the specified frequency range, the specimen shall be vibrated for periods twice as long as those shown for resonance in Table I at a frequency of 55 cycles per second and an applied double amplitude of 0.060 inch.

(3) *Cycling.* Devices to be mounted only on vibration isolators shall be tested by applying vibration along each of three mutually perpendicular axes of the device with an applied double amplitude of 0.060 inch and the frequency cycling between 10 and 55 cycles per second in 1-minute cycles for the periods and temperature conditions shown in Table I. Devices to be installed in aircraft without vibration isolators shall be tested by applying vibration along each of three mutually perpendicular axes of the device with an applied double amplitude of 0.036 inch or an applied acceleration of 10G, whichever is the limiting value, and the frequency cycling between 10 and 500 cycles per second in 15-minute cycles for the periods and temperature conditions shown in Table I.

(c) *Accelerated weathering tests.* The device shall be subjected to 100 hours of accelerated weathering in a suitable weathering machine. Panels of Corex D glass shall surround the arc to cut off the ultraviolet radiation below a wavelength of 2,700 angstroms. The light of the carbon arcs shall fall directly on the face of the device. The temperature at the sample shall be maintained at 50° C. plus or minus 3° C. Temperature measurements shall be made with a black panel thermometer.

(d) *Shock test.* The device shall be dropped upon a concrete or iron surface in a 3-foot free gravitational fall, or shall be subjected to equivalent treatment in a test device simulating such a free fall. The drop test shall be repeated 100 times from random orientations.

(e) *Hermetic seal and waterproof test.* On completion of all other tests prescribed by this section, the device shall be immersed in 30 inches of water for 24 hours and shall show no visible evidence of water entry. Absolute pressure of the air above the water shall then be reduced to 1 inch of mercury. Lowered pressure shall be maintained for 1 minute or until air bubbles cease to be given off by the water, whichever is the longer. Pressure shall then be increased to normal atmospheric pressure. Any evidence of bubbles emanating from within the device, or water entering the device, shall be considered leakage.

(f) *Observations.* After each of the tests prescribed by this section, each device shall be examined for evidence of physical damage and for loss of tritium or promethium 147. Any evidence of damage to or failure of any device which could affect containment of the tritium or promethium 147 shall be cause for rejection of the design if the damage or failure is attributable to a design defect. Loss of tritium or promethium 147 from each tested device shall be measured by wiping with filter paper an area of at least 100 square centimeters on the outside surface of the device, or by wiping the entire surface area if it is less than 100 square centimeters. The amount of tritium or promethium 147 in the water used in the hermetic seal and waterproof test prescribed by test paragraph (e) of this section shall also be measured. Measurements shall be made in an apparatus calibrated to measure tritium or promethium 147, as appropriate. The detection on the filter paper of more than 2,200 disintegrations per minute of tritium or promethium 147 per 100 square centimeters of surface wiped or in the water of more than 0.1 percent of the original amount of tritium or promethium 147 in any device shall be cause for rejection of the tested device.

§ 32.102 Schedule C—Prototype tests for calibration or reference sources containing americium 241.

An applicant for a license pursuant to § 32.57 shall, for any type of source which is designed to contain more than 0.005 microcurie of americium 241, conduct prototype tests, in the order listed, on each of five prototypes of such source, which contains more than 0.005 microcurie of americium 241, as follows:

(a) *Initial measurement.* The quantity of radioactive material deposited on the source shall be measured by direct counting of the source.

(b) *Dry wipe test.* The entire radioactive surface of the source shall be wiped with filter paper with the application of moderate finger pressure. Removal of radioactive material from the source shall be determined by measuring the radioactivity on the filter paper or by direct measurement of the radioactivity on the source following the dry wipe.

(c) *Wet wipe test.* The entire radioactive surface of the source shall be wiped with filter paper, moistened with water, with the application of moderate finger pressure. Removal of radioactive material from the source shall be determined by measuring the radioactivity on the filter paper after it has dried or by direct measurement of the radioactivity on the source following the wet wipe.

(d) *Water soak test.* The source shall be immersed in water at room temperature for a period of 24 consecutive hours. The source shall then be removed from the water. Removal of radioactive material from the source shall be determined by direct measurement of the radioactivity on the source after it has dried or by measuring the radioactivity in the residue obtained by evaporation of the water in which the source was immersed.

(e) *Dry wipe test.* On completion of the preceding tests in this section, the dry wipe test described in paragraph (b) of this section shall be repeated.

(f) *Observations.* Removal of more than 0.005 microcurie of radioactivity in any test prescribed by this section shall be cause for rejection of the source design. Results of prototype tests submitted to the Commission shall be given in terms of radioactivity in microcuries and percent of removal from the total amount of radioactive material deposited on the source.

Subpart C—Quality Control Sampling Procedures

§ 32.110 Quality control sampling procedures under certain specific licenses.

(a) Each production lot of devices licensed under §§ 32.14, 32.15, or 32.53 shall be sampled in accordance with Sampling Table A in this section. If the permissible number of rejects specified in Sampling Table A for a lot of that size is exceeded, all devices in that lot shall be sampled or the entire lot rejected. If ten (10) or more successive lots have been tested and none of them includes a larger number of rejects than specified in Sampling Table A, the succeeding lots may be sampled in accordance with Sampling Table B in this section.

(b) If any lot sampled in accordance with Sampling Table B includes a larger number of rejects than specified in Sampling Table B for a lot of that size, all devices in that lot shall be sampled or the entire lot rejected. Succeeding lots shall be sampled in accordance with the provisions of paragraph (a) of this section.

(c) Sampling Table A:

Lot size	Sample size	Permissible number of rejects
Less than 18	All	0
18–110	18	0
111–180	25	0
181–300	35	0
301–500	50	1
501–800	75	2
801–1, 300	110	3
1, 301–3, 200	150	4
3, 201–8, 000	225	5
8, 001–22, 000	300	7

(d) Sampling Table B:

Lot size	Sample size	Permissible number of rejects
Less than 8	All	0
8–110	3	0
111–180	5	0
181–300	7	1
301–500	10	1
501–800	15	1
801–1, 300	22	2
1, 301–3, 200	30	2
3, 201–8, 000	45	3
8, 001–22, 000	60	4

CROSS REFERENCE TABLE

New section	Old section
32.1	New
32.11	30.24(h) (1)
32.12	30.24(h) (2)
32.13	30.32(f)
32.14	30.24(i)
32.15	30.24(m) (1) (i)–(iv)
32.16	30.24(m) (2)
32.17	30.24(m) (3)
32.18	30.24(o) (1)
32.19	30.24(o) (2)
32.40	30.24(m) (1) (v) (a)–(e)
32.51	30.24(f)
32.52	30.32(e)
32.53	30.24(j) (1) (i)–(iv)
32.54	30.24(j) (1) (vi)
32.55	30.24(j) (2)
32.56	30.24(j) (3)
32.57	30.24(n) (1) (i)–(iv)
32.58	30.24(n) (2)
32.59	30.24(n) (3)
32.60	30.24(n) (4)
32.70	30.24(k)
32.101	30.24(j) (1) (v) (a)–(f)
32.102	30.24(n) (1) (v)
32.110	30.25

PART 33—SPECIFIC LICENSES OF BROAD SCOPE FOR BYPRODUCT MATERIAL

Sec.
33.1 Purpose and scope.

REQUIREMENTS FOR SPECIFIC LICENSES

33.11 Licenses for multiple quantities or types of byproduct material for use in research and development.
33.12 Licenses for multiple quantities or types of byproduct material for use in processing.

AUTHORITY: The provisions of this Part 33 issued under sec. 161, 68 Stat. 948; 42 U.S.C. 2201. Interpret or apply secs. 81, 182, 183, 68 Stat. 935, 953, 954; 42 U.S.C. 2111, 2232, 2233.

§ 33.1 Purpose and scope.

This part prescribes requirements for the issuances of specific licenses of broad scope for byproduct material and certain regulations governing holders of such licenses. The provisions and requirements of this part are in addition to, and not in substitution for, other requirements of this chapter. In particular, the provisions of Part 30 of this chapter apply to applications and licenses subject to this part.

REQUIREMENTS FOR SPECIFIC LICENSES

§ 33.11 Licenses for multiple quantities or types of byproduct material for use in research and development.

An application for a specific license for multiple quantities or types of byproduct material for use in research and development will be approved if:

(a) The applicant satisfies the general requirements specified in § 30.33 of this chapter; and

(b) The applicant has received a reasonable number of licenses for a variety of radioisotopes for a variety of research and development uses; and

(c) The applicant has established an isotope committee (composed of such persons as a radiological safety officer, a representative of the business office, and one or more persons trained or experienced in the safe use of radioactive materials) which will review and approve, in advance of purchase of radioisotopes, proposals for such uses; and

(d) The applicant has appointed a radiological safety officer who will advise on or be available for advice and assistance on radiological safety problems.

§ 33.12 Licenses for multiple quantities or types of byproduct material for use in processing.

An application for a specific license for multiple quantities and types of byproduct material for use in processing for distribution to other authorized persons will be approved if:

(a) The applicant satisfies the general requirements specified in § 30.33 of this chapter; and

(b) The applicant has received a reasonable number of licenses for processing and distribution of a variety of radioisotopes; and

(c) The applicant has appointed a radiological safety officer who will advise on or be available for advice and assistance on radiological safety problems.

CROSS REFERENCE TABLE

New section	Old section
33.1	New
33.11	30.24(d)
33.12	30.24(e)

PART 34—LICENSES FOR RADIOGRAPHY AND RADIATION SAFETY REQUIREMENTS FOR RADIOGRAPHIC OPERATIONS

Sec.
34.1 Purpose and scope.
34.2 Definitions.
34.3 Applications for specific licenses.

Subpart A—Specific Licensing Requirements

34.11 Issuance of specific licenses for use of sealed sources in radiography.

Subpart B—Radiation Safety Requirements

EQUIPMENT CONTROL

34.21 Limit on levels of radiation for radiographic exposure devices and storage containers.
34.22 Locking of radiographic exposure devices and storage containers.
34.23 Storage precautions.
34.24 Radiation survey instruments.
34.25 Leak testing, repair, tagging, opening, modification and replacement of sealed sources.
34.26 Quarterly inventory.
34.27 Utilization logs.

PERSONAL RADIATION SAFETY REQUIREMENTS FOR RADIOGRAPHERS AND RADIOGRAPHERS' ASSISTANT

34.31 Limitations
34.32 Operating and emergency procedures.
34.33 Personnel monitoring control.

PRECAUTIONARY PROCEDURES IN RADIOGRAPHIC OPERATIONS

34.41 Security.
34.42 Posting.
34.43 Radiation surveys and survey records.

EXEMPTIONS

34.51 Applications for exemptions.
Appendix A.

AUTHORITY: The provisions of this Part 34 issued under sec. 161, 68 Stat. 948; 42 U.S.C. 2201. Interpret or apply secs. 81, 182, 183, 68 Stat. 935, 953, 954; 42 U.S.C. 2111, 2232, 2233.

§ 34.1 Purpose and scope.

This part prescribes requirements for the issuance of licenses for the use of sealed sources containing byproduct material and radiation safety requirements for persons using such sealed sources in radiography. The provisions and requirements of this part are in addition to, and not in substitution for, other requirements of this chapter. In particular, the provisions of Part 30 of this chapter apply to applications and licenses subject to this part. Nothing in this part shall apply to uses of byproduct material for medical diagnosis or therapy.

§ 34.2 Definitions.

As used in this part:

(a) "Radiography" means the examination of the structure of materials by nondestructive methods, utilizing sealed sources of byproduct materials;

(b) "Radiographer" means any individual who performs or who, in attendance at the site where the sealed source or sources are being used, personally supervises radiographic operations and who is responsible to the licensee for assuring compliance with the requirements of the Commission's regulations and the conditions of the license;

(c) "Radiographer's assistant" means any individual who, under the personal supervision of a radiographer, uses radiographic exposure devices, sealed sources or related handling tools, or radiation survey instruments in radiography;

(d) "Radiographic exposure device" means any instrument containing a sealed source fastened or contained therein, in which the sealed source or shielding thereof may be moved, or otherwise changed, from a shielded to unshielded position for purposes of making a radiographic exposure;

(e) "Sealed source" means any byproduct material that is encased in a capsule designed to prevent leakage or escape of the byproduct material;

(f) "Storage container" means a device in which sealed sources are transported or stored.

§ 34.3 Applications for specific licenses.

Applications for specific licenses for use of sealed sources in radiography shall be filed on Form AEC 313R, "Application for Byproduct Material License—Use of Sealed Sources in Radiography."

Subpart A—Specific Licensing Requirements

§ 34.11 Issuance of specific licenses for use of sealed sources in radiography.

An application for a specific license for use of sealed sources in radiography will be approved if:

(a) The applicant satisfies the general requirements specified in § 30.33 of this chapter;

(b) The applicant will have an adequate program for training radiographers and radiographers' assistants and submits to the Commission a schedule or description of such program which specifies the:

(1) Initial training;

(2) Periodic training;

(3) On-the-job training;

(4) Means to be used by the licensee to determine the radiographer's knowledge and understanding of and ability to comply with Commission regulations and licensing requirements, and the operating and emergency procedures of the applicant; and

(5) Means to be used by the licensee to determine the radiographer's assistant's knowledge and understanding of and ability to comply with the operating and emergency procedures of the applicant;

(c) The applicant has established and submits to the Commission satisfactory written operating and emergency procedures as described in § 34.32;

(d) The applicant will have an adequate internal inspection system, or other management control, to assure that Commission license provisions, Commission regulations, and the applicant's operating and emergency procedures are followed by radiographers and radiographers' assistants;

(e) The applicant submits a description of its over-all organizational structure pertaining to the radiography program, including specified delegations of authority and responsibility for operation of the program; and

(f) The applicant who desires to conduct his own leak tests has established adequate procedures to be followed in leak testing sealed sources, for possible leakage and contamination and submits to the Commission a description of such procedures including:

(1) Instrumentation to be used,

(2) Method of performing test, e.g., points on equipment to be smeared and method of taking smear, and

(3) Pertinent experience of the person who will perform the test.

Subpart B—Radiation Safety Requirements

EQUIPMENT CONTROL

§ 34.21 Limits on levels of radiation for radiographic exposure devices and storage containers.

Radiographic exposure devices measuring less than four (4) inches from the sealed source storage position to any exterior surface of the device shall have no radiation level in excess of 50 milliroentgens per hour at six (6) inches from any exterior surface of the device. Radiographic exposure devices measuring a minimum of four (4) inches from the sealed source storage position to any exterior surface of the device, and all storage containers for sealed sources or for radiographic exposure devices, shall have no radiation level in excess of 200 milliroentgens per hour at any exterior surface, and ten (10) milliroentgens per hour at one meter from any exterior surface. The radiation levels specified are with the sealed source in the shielded (i.e., "off") position.

§ 34.22 Locking of radiographic exposure devices and storage containers.

Each radiographic exposure device shall be provided with a lock or outer locked container designed to prevent unauthorized or accidental removal or exposure of a sealed source and shall be kept locked at all times except when under the direct surveillance of a radiographer or radiographer's assistant, or as may be otherwise authorized pursuant to § 34.41. Each storage container likewise shall be provided with a lock and kept locked when containing sealed sources except when the container is under the direct surveillance of a radiographer or radiographer's assistant.

§ 34.23 Storage precautions.

Locked radiographic exposure devices and storage containers shall be physically secured to prevent tampering or removal by unauthorized personnel.

§ 34.24 Radiation survey instruments.

The licensee shall maintain sufficient calibrated and operable radiation survey instruments to make physical radiation surveys as required by this part and Part 20 of this chapter. Each radiation survey instrument shall be calibrated at intervals not to exceed three (3) months and after each instrument servicing and a record maintained of the latest date of calibration. Instrumentation required by this section shall have a range such that two milliroentgens per hour through one roentgen per hour can be measured.

§ 34.25 Leak testing, repair, tagging, opening, modification and replacement of sealed sources.

(a) The replacement of any sealed source fastened to or contained in a radiographic exposure device and leak testing, repair, tagging, opening or any other modification of any sealed source shall be performed only by persons specifically authorized by the Commission to do so.

(b) Each sealed source shall be tested for leakage at intervals not to exceed 6 months. In the absence of a certificate from a transferor that a test has been made within the 6 months prior to the transfer, the sealed source shall not be put into use until tested.

(c) The leak test shall be capable of detecting the presence of 0.005 microcurie of removable contamination on the sealed source. An acceptable leak test for sealed sources in the possession of a radiography licensee would be to test at the nearest accessible point to the sealed source storage position, or other appropriate measuring point, by a procedure to be approved pursuant to § 34.11 (f). Records of leak test results shall be kept in units of microcuries and maintained for inspection by the Commission.

(d) Any test conducted pursuant to paragraphs (b) and (c) of this section which reveals the presence of 0.005 microcurie or more of removable radioactive material shall be considered evidence that the sealed source is leaking. The licensee shall immediately withdraw the equipment involved from use and shall cause it to be decontaminated and repaired or to be disposed of, in accordance with Commission regulations. A report shall be filed, within 5 days of the test, with the Director, Division of Materials Licensing, U.S. Atomic Energy Commission, Washington, D.C., 20545, describing the equipment involved, the test results, and the corrective action taken. A copy of such report shall be sent to the Director of the appropriate Atomic Energy Commission Regional Compliance Office listed in Appendix D of Part 20 of this chapter "Standards for Protection Against Radiation."

(e) A sealed source which is not fastened to or contained in a radiographic exposure device shall have permanently attached to it a durable tag at least one (1) inch square bearing the prescribed radiation caution symbol in conventional colors, magenta or purple on a yellow background, and at least the instructions: "Danger—Radioactive Material—Do Not Handle—Notify Civil Authorities if Found."

§ 34.26 Quarterly inventory.

Each licensee shall conduct a quarterly physical inventory to account for all sealed sources received and possessed under his license. The records of the inventories shall be maintained for inspection by the Commission, and shall include the quantities and kinds of byproduct material, location of sealed sources, and the date of the inventory.

§ 34.27 Utilization logs.

Each licensee shall maintain current logs, which shall be kept available for inspection by the Commission at the address specified in the license, showing for each sealed source the following information:

(a) A description (or make and model number) of the radiographic exposure device or storage container in which the sealed source is located;

(b) The identity of the radiographer to whom assigned; and

(c) The plant or site where used and dates of use.

PERSONAL RADIATION SAFETY REQUIREMENTS FOR RADIOGRAPHERS AND RADIOGRAPHERS' ASSISTANTS

§ 34.31 Limitations.

(a) The licensee shall not permit any person to act as a radiographer until such person:

(1) Has been instructed in the subjects outlined in Appendix A of this part and shall have demonstrated understanding thereof;

(2) Has received copies of and instruction in the regulations contained in this part and the applicable sections of Part 20 of this chapter, AEC license(s), and the licensee's operating and emergency procedures, and shall have demonstrated understanding thereof; and

(3) Has demonstrated competence to use the radiographic exposure devices, sealed sources, related handling tools and survey instruments which will be employed in his assignment.

(b) The licensee shall not permit any person to act as a radiographer's assistant until such person:

(1) Has received copies of and instructions in the licensee's operating and emergency procedures, and shall have demonstrated understanding thereof; and

(2) Has demonstrated competence to use under the personal supervision of the radiographer the radiographic exposure devices, sealed sources, related handling tools and radiation survey instruments which will be employed in his assignment.

§ 34.32 Operating and emergency procedures.

The licensee's operating and emergency procedures shall include instructions in at least the following:

(a) The handling and use of licensed sealed sources and radiographic exposure devices to be employed such that no person is likely to be exposed to radiation doses in excess of the limits established in Part 20 of this chapter "Standards for Protection Against Radiation";

(b) Methods and occasions for conducting radiation surveys;

(c) Methods for controlling access to radiographic areas;

(d) Methods and occasions for locking and securing radiographic exposure devices, storage containers and sealed sources;

(e) Personnel monitoring and the use of personnel monitoring equipment;

(f) Transporting sealed sources to field locations, including packing of radiographic exposure devices and storage containers in the vehicles, posting of vehicles and control of the sealed sources during transportation;

(g) Minimizing exposure of persons in the event of an accident;

(h) The procedure for notifying proper persons in the event of an accident; and

(i) Maintenance of records.

§ 34.33 Personnel monitoring control.

(a) The licensee shall not permit any person to act as a radiographer or as a radiographer's assistant unless, at all times during radiographic operations, each such person shall wear a film badge and either a pocket dosimeter or pocket chamber. Pocket dosimeters and pocket chambers shall be capable of measuring doses from zero to at least 200 milliroentgens. A film badge shall be assigned to and worn by only one person.

(b) Pocket dosimeters and pocket chambers shall be read and doses recorded daily. A film badge shall be immediately processed if a pocket chamber or pocket dosimeter is discharged beyond its range. The film badge reports received from the film badge processor and records of pocket dosimeter and pocket chamber readings shall be maintained for inspection by the Commission.

PRECAUTIONARY PROCEDURES IN RADIOGRAPHIC OPERATIONS

§ 34.41 Security.

During each radiographic operation the radiographer or radiographer's assistant shall maintain a direct surveillance of the operation to protect against unauthorized entry into a high radiation area, as defined in Part 20 of this chapter, except (a) where the high radiation area is equipped with a control device or an alarm system as described in § 20.203(c)(2) of this chapter, or (b) where the high radiation area is locked to protect against unauthorized or accidental entry.

§ 34.42 Posting.

Notwithstanding any provisions in § 20.204(c) of this chapter, areas in which radiography is being performed shall be conspicuously posted as required by § 20.203 (b) and (c) (1) of this chapter.

§ 34.43 Radiation surveys and survey records.

(a) No radiographic operation shall be conducted unless calibrated and operable radiation survey instrumentation as described in § 34.24 is available and used at each site where radiographic exposures are made.

(b) A physical radiation survey shall be made after each radiographic exposure during a radiographic operation to determine that the sealed source has been returned to its shielded condition.

(c) A physical radiation survey shall be made to determine that each sealed source is in its shielded condition prior to securing the radiographic exposure device and storage container as specified in § 34.22.

(d) Records shall be kept of the surveys required by paragraph (c) of this section and maintained for inspection by the Commission.

EXEMPTIONS

§ 34.51 Applications for exemptions.

The Commission may, upon application by any licensee or upon its own initiative, grant such exemptions from the requirements of the regulations in this part as it determines are authorized by law and will not result in undue hazard to life or property.

APPENDIX A

I. Fundamentals of radiation safety.
A. Characteristics of gamma radiation.
B. Units of radiation dose (mrem) and quantity of radioactivity (curie).
C. Hazards of excessive exposure of radiation.
D. Levels of radiation from licensed material.
E. Methods of controlling radiation dose.
1. Working time.
2. Working distances.
3. Shielding.
II. Radiation detection instrumentation to be used.
A. Use of radiation survey instruments.
1. Operation.
2. Calibration.
3. Limitations.
B. Survey techniques.
C. Use of personnel monitoring equipment.
1. Film badges.
2. Pocket dosimeters.
3. Pocket chambers.
III. Radiographic equipment to be used.
A. Remote handling equipment.
B. Radiographic exposure devices.
C. Storage containers.
IV. The requirements of pertinent Federal Regulations.
V. The licensee's written operating and emergency procedures.

CROSS REFERENCE TABLE

New section	Old section
34.1	New
34.2	31.8 (a)–(f)
34.3	New
34.11	30.34(g)
34.21	31.101
34.22	31.102
34.23	31.103
34.24	31.104
34.25	31.105
34.26	31.106
34.27	31.107
34.31	31.201
34.32	31.202
34.33	31.203
34.41	31.301
34.42	31.302
34.43	31.303
34.51	31.401
Appendix A	Appendix A, Part 31

PART 35—HUMAN USES OF BYPRODUCT MATERIAL

Sec.
35.1 Purpose and scope.
35.2 License requirements.
35.3 Definitions.

SPECIFIC LICENSES

35.11 Specific licenses for human use of byproduct material in institutions.
35.12 Specific licenses to individual physicians for human use of byproduct material.
35.13 Specific licenses for human use of byproduct material in sealed sources.

GENERAL LICENSES

35.31 General license for medical use of certain quantities of byproduct material.

AUTHORITY: The provisions of this Part 35 issued under sec. 161, 68 Stat. 948; 42 U.S.C. 2201. Interpret or apply secs. 81, 182, 183, 68 Stat. 935, 953, 954; 42 U.S.C. 2111, 2232, 2233.

§ 35.1 Purpose and scope.

This part prescribes regulations governing the licensing of byproduct material for human uses. It includes special requirements for issuance of specific licenses authorizing human use of byproduct material, general licenses for human use of byproduct material of specified types and forms, and certain regulations governing the holders of such specific and general licenses. The provisions and requirements of this part are in addition to, and not in substitution for, other requirements of this chapter. In particular, the provisions of Part 30 of this chapter apply to applications and licenses subject to this part.

§ 35.2 License requirements.

No person subject to the regulations in this chapter shall receive, possess, use or transfer byproduct material for any human use except in accordance with a specific or general license issued pursuant to the regulations in this part and Part 30 of this chapter or with an exemption under Part 30 of this chapter.

§ 35.3 Definitions.

As used in this part:

(a) "Human use" means the internal or external administration of byproduct material, or the radiation therefrom, to human beings;

(b) "Physician" means an individual licensed by a State or territory of the United States, the District of Columbia or the Commonwealth of Puerto Rico to dispense drugs in the practice of medicine.

SPECIFIC LICENSES

§ 35.11 Specific licenses for human use of byproduct material in institutions.

An application by an institution for a specific license for human use of byproduct material will be approved if:

(a) The applicant satisfies the general requirements specified in § 30.33 of this chapter;

(b) The applicant has appointed a medical isotopes committee of at least three members to evaluate all proposals for research, diagnosis, and therapeutic use of radioisotopes within that institution. Membership of the committee should include physicians expert in internal medicine, hematology, therapeutic radiology, and a person experienced in assay of radioisotopes and protection against ionizing radiations;

(c) The applicant possesses adequate facilities for the clinical care of patients;

(d) The physician designated on the application as the individual user has substantial experience in the proposed use, the handling and administration of radioisotopes and, where applicable, the clinical management of radioactive patients; and

(e) If the application is for a license to use unspecified quantities or multiple types of byproduct material, the applicant has previously received a reasonable number of licenses for a variety of byproduct materials for a variety of human uses.

§ 35.12 Specific licenses to individual physicians for human use of byproduct material.

An application by an individual physician for a specific license for human use of byproduct material will be approved if:

(a) The applicant satisfies the general requirements specified in § 30.33 of this chapter;

(b) The applicant has access to a hospital possessing adequate facilities to hospitalize and monitor the applicant's radioactive patients whenever it is advisable; and

(c) The applicant has extensive experience in the proposed use, the handling and administration of radioisotopes, and where applicable, the clinical management of radioactive patients. (The physician shall furnish suitable evidence of such experience with his application. A statement from the medical isotope committee in the institution where he acquired his experience, indicating its amount and nature, may be submitted as evidence of such experience.)

§ 35.13 Specific licenses for human use of byproduct material in sealed sources.

An application for a specific license for use of a sealed source for human use will be approved if:

(a) The applicant satisfies the general requirements specified in § 30.33 of this chapter; and

(b) The applicant or, if the application is made by an institution, the individual user (1) has specialized training in the therapeutic use of the radioactive device considered (teletherapy unit, beta applicator, etc.) or has experience equivalent to such training; and (2) is a physician.

§ 35.31 General license for medical use of certain quantities of byproduct material.

(a) A general license is hereby issued to any physician to receive, possess, transfer, or use for any of the following stated diagnostic uses, in accordance with the provisions of paragraphs (b), (c), and (d) of this section, the following byproduct materials in capsules, disposable syringes or other forms of prepackaged individual doses:

(1) Iodine 131 as sodium iodide (NaI^{131}) for measurement of thyroid uptake;

(2) Iodine 131 as iodinated human serum albumin (IHSA) for determinations of blood and blood plasma volume;

(3) Iodine 125 as iodinated human serum albumin (IHSA) for determinations of blood and blood plasma volume;

(4) Cobalt 58 for the measurement of intestinal absorption of cyanocobalamin;

(5) Cobalt 60 for the measurement of intestinal absorption of cyanocobalamin;

(6) Chromium 51 as sodium radiochromate for determination of red blood cell volumes and studies of red blood cell survival time.

NOTE: Section 33.70 of this chapter requires manufacturers of radiopharmaceuticals which are under the general license in this paragraph to include the following statement in the label affixed to the container or in the leaflet or brochure which accompanies the radiopharmaceutical:

This radioactive drug may be received, possessed, and used only by physicians licensed to dispense drugs in the practice of medicine. Its receipt, possession, use, and transfer are subject to the regulations and a general license of the United States Atomic Energy Commission or of a State with which the Commission has entered into an agreement for the exercise of regulatory authority.

(Name of manufacturer)

(b) No physician shall receive, possess, use, or transfer byproduct material pursuant to the general license established by paragraph (a) of this section until he has filed Form AEC-482, "Registration Certificate—Medical Use of Byproduct Material Under General License" with the Director, Division of Materials Licensing, U.S. Atomic Energy Commission, Washington, D.C., 20545, and received from the Commission a validated copy of the Form AEC-482 with registration number assigned. The registrant shall furnish on Form AEC-482 the following information and such other information as may be required by that form:

(1) Name and address of the registrant;

(2) A statement that the registrant is a duly licensed physician authorized to dispense drugs in the practice of medicine, and specifying the license number and the State in which such license is valid; and

(3) A statement that the registrant has appropriate radiation measuring instruments to carry out the diagnostic procedures for which he proposes to use byproduct material under the general license of § 35.31 of this chapter and that he is competent in the use of such instruments.

(c) A physician who receives, possesses, or uses a pharmaceutical containing byproduct material pursuant to the general license established by paragraph (a) of this section shall comply with the following:

(1) He shall not possess at any one time, pursuant to the general license in paragraph (a) of this section, more than:

(i) 200 microcuries of iodine 131,
(ii) 200 microcuries of iodine 125,
(iii) 5 microcuries of cobalt 58,
(iv) 5 microcuries of cobalt 60, and
(v) 200 microcuries of chromium 51.

(2) He shall store the pharmaceutical until administered in the original shipping container or a container providing equivalent radiation protection;

(3) He shall use the pharmaceutical only for the uses authorized by paragraph (a) of this section;

(4) He shall not administer the pharmaceutical to a woman with confirmed pregnancy or to a person under 18 years of age;

(5) He shall not transfer the byproduct material to a person who is not authorized to receive it pursuant to a license issued by the Commission or an agreement State, or in any manner other than in the unopened, labeled shipping container as received from the supplier, except by administering it to a patient.

(d) The registrant possessing or using byproduct material under the general license of paragraph (a) shall report in duplicate to the Director, Division of Materials Licensing, any changes in the information furnished by him in the "Registration Certificate—Medical Use of Byproduct Material Under General License," Form AEC-482. The report shall be submitted within 30 days after the effective date of such change.

(e) Any person using byproduct material pursuant to the general license of paragraph (a) of this section is exempt from the requirements of Part 20 of this chapter with respect to the byproduct materials covered by the general license.

CROSS REFERENCE TABLE

New section	Old section
35.1	New
35.2	New
35.3	30.4 (e) and (i)
35.11	30.34(a)
35.12	30.34(b)
35.13	30.34(c)
35.31	30.29

PART 36—EXPORT AND IMPORT OF BYPRODUCT MATERIAL

Sec.
36.1 Purpose and scope.
36.2 Communications.
36.3 License requirements for export of byproduct material.

SPECIFIC LICENSES

Sec.
36.11 Applications for specific licenses.
36.12 Issuance of specific licenses for export of byproduct material.

GENERAL LICENSES

36.21 Export of certain byproduct material to countries other than Schedule A countries.
36.22 Export of certain quantities of tritium and polonium 210.
36.23 Export of americium 241.

SCHEDULES

36.50 Schedule A.

AUTHORITY: The provisions of this Part 36 issued under sec. 161, 68 Stat. 948; 42 U.S.C. 2201. Interpret or apply secs. 81, 82, 182, 183, 68 Stat. 935, 953, 954; 42 U.S.C. 2111, 2112, 2232, 2233.

§ 36.1 Purpose and scope.

This part prescribes regulations governing specific licenses for the export of byproduct material and establishes certain general licenses for the export from and import into the United States of byproduct material. The provisions and requirements of this part are in addition to, and not in substitution for, other requirements of this chapter. In particular, the provisions of Part 30 of this chapter apply to applications and licenses subject to this part.

§ 36.2 Communications.

(a) All communications and reports concerning the regulations in this part with regard to export should be addressed to the Director, Division of State and Licensee Relations, U.S. Atomic Energy Commission, Washington, D.C., 20545.

(b) All communications and reports concerning the regulations in this part with regard to import should be addressed to the Director, Division of Materials Licensing, U.S. Atomic Energy Commission, Washington, D.C., 20545.

(c) Communications and reports may be delivered in person at the Commission's offices at 1717 H Street NW., Washington, D.C.; at 4915 St. Elmo Avenue, Bethesda, Md.; or at Germantown, Md.

§ 36.3 License requirements for export of byproduct material.

(a) No person shall export byproduct material from the United States except as authorized pursuant to the regulations in this part and Part 30.

(b) No person shall export byproduct material from the United States knowing or having reason to believe that it is to be reexported directly or indirectly, in whole or in part, from the country of ultimate destination shown on the export license, shipper's export declaration, bill of lading, or commercial invoice, unless either:

(1) The reexport has been authorized by the Commission; or

(2) At the time of export, the material may be exported directly from the United States to the new country of ultimate destination under the terms of one of the general licenses established in this part.

SPECIFIC LICENSES

§ 36.11 Applications for specific licenses.

Applications for specific licenses for export of byproduct material from the United States shall be filed in triplicate on Form AEC–7 with the Director, Division of State and Licensee Relations, U.S. Atomic Energy Commission, Washington, D.C., 20545. Applications may also be filed in person at the Commission's offices at 1717 H Street NW., Washington, D.C.; at 4915 St. Elmo Avenue, Bethesda, Md.; or at Germantown, Md.

§ 36.12 Issuance of specific licenses for export of byproduct material.

The Commission may, upon application by an interested person, issue a license authorizing the export of byproduct material to a country or destination listed in § 36.50, Schedule A, for the export of byproduct material in quantities or forms not authorized for export under general license if, in the opinion of the Commission, the proposed export would not be inimical to the common defense and security.

GENERAL LICENSES

§ 36.21 Export of certain byproduct material to countries other than Schedule A countries.

Any licensee may export byproduct material covered by his license to any country or destination not listed in § 36.50, Schedule A: *Provided*, That the authority conferred by this section shall apply only to byproduct material having an atomic number from 3 to 83, inclusive, and to tritium when contained in luminous safety devices installed in aircraft and distributed as generally licensed items pursuant to § 31.7 of this chapter.

§ 36.22 Export of certain quantities of tritium and polonium 210.

(a) A general license is hereby issued authorizing any person to export from the United States to any foreign country except Poland or Rumania or countries or destinations listed in § 36.50, Schedule A, 5,000 curies of tritium and 5,000 curies of polonium 210 in a calendar quarter. Not more than 1,000 curies of tritium may be exported by any person to any one country or destination in a calendar quarter and not more than 100 curies of tritium may be exported by any person in a single shipment under this general license. Exports under this general license may be in one or more of the following forms or products only:

(1) Tritium activated luminous paint;
(2) Tritium labeled organic compounds;
(3) Tritiated accelerator targets;
(4) Polonium 210 static eliminators;
(5) Polonium 210 neutron sources;
(6) Tritium or polonium 210 calibration standards;
(7) Luminescent light sources;
(8) Tritium sources for chromatography instruments;
(9) Electron tubes; or
(10) Tritium as a contaminant of helium 3 in a concentration not to exceed 2.5 millicuries of tritium per liter of helium 3.[1]

(b) A person exporting byproduct material pursuant to the general license established by paragraph (a) of this section, shall file with the Collector of Customs, or the Postmaster, one copy, in addition to those otherwise required, of the Shipper's Export Declaration, covering each export, marked for transmittal to the Director, Division of State and Licensee Relations, U.S. Atomic Energy Commission, Washington, D.C., 20545. In addition to such other information as may be required, the following information shall be included in the Shipper's Export Declaration: Identification of the byproduct material; the quantity in curies; and the ratio of tritium to the total quantity of hydrogen if the material is tritium-activated luminous paint.

§ 36.23 Export of americium 241.

A general license designated AEC–GRO–BMG is hereby issued authorizing any person to export americium 241 from the United States to any foreign country except Poland or Rumania or countries or destinations listed in § 36.50, Schedule A.

SCHEDULES

§ 36.50 Schedule A.

(a) Albania.
(b) Bulgaria.
(c) China, including Manchuria (and excluding Taiwan (Formosa)) (includes Inner Mongolia; the provinces of Tsinghai and Sikang; Sinkiang; Tibet; the former Kwantung Leased Territory, the present Port Arthur Naval Base Area and Liaoning Province).
(d) Communist-controlled area of Viet Nam.
(e) Cuba.
(f) Czechoslovakia.
(g) East Germany (Soviet Zone of Germany and the Soviet Sector of Berlin).
(h) Estonia.
(i) Hungary.
(j) Latvia.
(k) Lithuania.
(l) North Korea.
(m) Outer Mongolia.
(n) Union of Soviet Socialist Republics.

CROSS REFERENCE TABLE

New section	*Old section*
36.1	New
36.2	New
36.3	30.33 (a) and (b)
36.11	New
36.12	30.33(e)
36.21	30.33(b)
36.22	30.33 (d) and (f)
36.23	30.33(g)
36.50	30.75

[F.R. Doc. 65–5834; Filed, June 25, 1965; 10:14 a.m.]

[1] Export shipments of helium gas are subject to the licensing authority and regulations of the Department of State. Issuance of a specific or general license by the Commission for tritium contained in helium 3 does not relieve any person from complying with the licensing requirements and regulations of the Department of State applicable to the export of helium 3.

Title 33—NAVIGATION AND NAVIGABLE WATERS

Chapter II—Corps of Engineers, Department of the Army

PART 207—NAVIGATION REGULATIONS

Ohio and Mississippi Rivers

Pursuant to the provisions of section 7 of the River and Harbor Act of August 8, 1917 (40 Stat. 266; 33 U.S.C. 1), § 207.300 is hereby amended modifying paragraph (q) and prescribing a new paragraph (aa) to prohibit boaters and fishermen from certain areas of the locks and dams, in the Upper Mississippi River, effective 30 days after publication in the FEDERAL REGISTER, as follows:

§ 207.300 Ohio River, Mississippi River above Cairo, Ill.; and their tributaries; use, administration, and navigation.

* * * * *

(q) *Trespass on lock property.* Trespass on locks or dams or other U.S. property pertaining to the locks or dams is strictly prohibited. Parties committing any injury to the locks or dams or to any part thereof will be responsible therefor. Any person committing a willful injury to any U.S. property will be prosecuted. No fishing will be permitted from lock walls, guide walls, or guard walls of any lock, except in areas designated and posted by the responsible District Engineer as fishing areas.

* * * * *

(aa) *Special regulation applicable to Mississippi River locks and dams.* All waters of the Upper Mississippi River immediately above and below each dam, as posted by the respective District Engineers, are hereby designated as restricted areas. No vessel or other floating craft shall enter any such restricted area at any time. The limits of the restricted areas at each dam will be determined by the responsible District Engineer and marked by signs and flashing red lights installed in conspicuous and appropriate places.

(Regs., June 10, 1965, 1507–32 (Ohio and Mississippi Rivers, Ill.)—ENGCW–ON; sec. 7, 40 Stat. 266; 33 U.S.C. 1)

J. C. LAMBERT,
Major General, U.S. Army,
The Adjutant General.

[F.R. Doc. 65–6797; Filed, June 25, 1965; 8:47 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Agency

[Docket No. 6738; Amdt. 39–96]

PART 39—AIRWORTHINESS DIRECTIVES

Beech Models H35, J35, K35, and 35–33 Series Aircraft

There have been failures of the alternator supporting brackets on Beech Model 35 aircraft equipped with Ellingsworth Products Co., Inc. Alternator Kit Number 195660 installed under STC SA1–377. Such a failure could result in a loose alternator, loss of electrical power, and damage to other engine parts. Since this condition is likely to exist or develop in other products of the same type design, an airworthiness directive is being issued to require inspection and replacement where necessary of alternator supporting brackets on these aircraft.

As a situation exists which demands immediate adoption of this regulation, it is found that notice and public procedure hereon are impracticable and good cause exists for making this amendment effective in less than 30 days.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (25 F.R. 6489), § 39.13 of Part 39 of the Federal Aviation Regulations is amended by adding the following new airworthiness directive:

BEECH. Applies to Models H35, J35, K35, and 35–33 Series aircraft equipped with Ellingsworth Products Co., Inc. Alternator Kit Number 195660 installed under STC SA1–377.

Compliance required within the next 25 hours' time in service after the effective date of this AD, and thereafter at intervals not to exceed 50 hours' time in service from the last inspection.

To prevent further failures of the alternator support bracket, accomplish the following:

(a) Remove alternator supporting brackets, P/N 195814, 195820, 195836, 195838, 195840 and 626131, thoroughly clean and inspect for elongated bolt holes.

(b) Inspect brackets not having elongated bolt holes, for cracks using dye penetrant or magnetic particle method or FAA-approved equivalent.

(c) Replace brackets having elongated bolt holes or cracks with unused parts of the same part number or FAA-approved equivalent before further flight.

(d) Upon request of the operator, an FAA maintenance inspector, subject to prior approval of the Chief, Engineering and Manufacturing Branch, FAA Eastern Region, may adjust the repetitive inspection intervals specified in this AD to permit compliance at an established inspection period of the operator if the request contains substantiating data to justify the increase for such operator.

This amendment becomes effective June 28, 1965.

(Secs. 313(a), 601, and 603, Federal Aviation Act of 1958; 49 U.S.C. 1354(a), 1421, 1423)

Issued in Washington, D.C., on June 22, 1965.

G. S. MOORE,
Director,
Flight Standards Service.

[F.R. Doc. 65–6710; Filed, June 25, 1965; 8:45 a.m.]

[Docket No. 1367; Amdt. 39–98]

PART 39—AIRWORTHINESS DIRECTIVES

Douglas Model DC–3 Series Aircraft

Amendment 536 (28 F.R. 1371), AD 63–4–1, as revised by Amendments 569 (28 F.R. 5232) and 627 (28 F.R. 10637), requires inspection and modification of the wing lower surface attach angles and doublers on Douglas Model DC–3 Series aircraft. Subsequent to the issuance of Amendment 627, the Agency determined that modification in accordance with Douglas Service Bulletin No. 262 and Douglas Service Sketch No. 624 is equivalent to that required by the AD. Accordingly, the AD is being further amended to provide that modification may be accomplished in accordance with Service Bulletin No. 262 and Service Sketch No. 624, provided that the modification in accordance with Sketch 624 is accomplished at each subsequent replacement of the wing attach angles and doublers.

Since this amendment provides an alternative means of compliance and imposes no additional burden on any person, notice and public procedure hereon are unnecessary and the amendment may be made effective in less than 30 days.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (25 F.R. 6489), § 39.13 of Part 39 of the Federal Aviation Regulations, Amendment 536 (28 F.R. 1371), AD 63–4–1, as amended by Amendments 569 (28 F.R. 5232) and 627 (28 F.R. 10637), Douglas Model DC–3 Series aircraft, is further amended by adding the following to the end of paragraph (b)(4): "In accomplishing the center wing lower surface rework described in Douglas Service Bulletin DC–3 No. 262, a skin splice between the front and center spar may be accomplished in accordance with Douglas Service Sketch No. 624. In these cases, rework in accordance with Sketch No. 624 must be accomplished at each subsequent replacement of the wing attach angles and doublers."

This amendment becomes effective June 26, 1965.

(Sec. 313(a), 601, and 603 of the Federal Aviation Act of 1958; 49 U.S.C. 1354(a), 1421, 1423)

Issued in Washington, D.C., on June 22, 1965.

G. S. MOORE,
Director,
Flight Standards Service.

[F.R. Doc. 65–6711; Filed, June 25, 1965; 8:45 a.m.]

[Docket No. 6730; Amdt. 39–94]

PART 39—AIRWORTHINESS DIRECTIVES

Lockheed Model 1329 Aircraft

There have been instances of failure in the rudder cable turnbarrel lockwire on the subject model aircraft allowing the AN 155–32 turnbarrel to back off the RM–4–4 rod end, thus releasing the rudder cable from the arm of the JE–99 rudder torque tube assembly. Inspection has revealed that the JC 300–14 lockwire plate was not free to rotate, causing the lockwire to flex during rudder movement, leading to failure. Since this condition is likely to exist or develop in other products of the same type design, an airworthiness directive is being issued to require inspection and repair as necessary of the affected parts.

As a situation exists which demands immediate adoption of this regulation, it is found that notice and public procedure hereon are impracticable and good cause exists for making this amendment effective in less than 30 days.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (25 F.R. 6489), § 39.13 of Part 39 of the Federal Aviation Regulations is amended by adding the following new airworthiness directive:

LOCKHEED. Applies to Model 1329 Aircraft Serial Numbers 5001 through 5057.

Compliance required within the next 25 hours' time in service after the effective date of this AD unless already accomplished.

To prevent further failures in the rudder cable turnbarrel lockwire, accomplish the following:

(a) Gain access to the JE–99 torque tube assembly through the JF214–79 doors, left and right, on fuselage-to-empennage fairing.

(b) Inspect pivot joint of each JE–99 torque arm for installation of NAS43HT4–6 spacer.

(c) Check for freedom of movement of JC300–14 lockwire plates. If installed, the NAS43HT4–6 spacer provides freedom of movement of JC300–14 lockwire plate.

(d) If NAS43HT4–6 spacers are installed and JC300–14 lockwire plates move freely, secure JF214–79 doors and return aircraft to service.

(e) If inspection reveals missing spacer, install NAS43HT4–6 spacer, secure JF214–79 doors, and return aircraft to service.

(Lockheed Alert Service Bulletin No. 329–203, dated May 13, 1965 covers this subject.)

This amendment becomes effective June 26, 1965.

(Secs. 313(a), 601, and 603 of the Federal Aviation Act of 1958; 49 U.S.C. 1354(a), 1421, 1423)

Issued in Washington, D.C., on June 21, 1965.

G. S. MOORE,
Director,
Flight Standards Service.

[F.R. Doc. 65–6712; Filed, June 25, 1965; 8:45 a.m.]

[Docket No. 6731; Amdt. 39–95]

PART 39—AIRWORTHINESS DIRECTIVES

Lockheed Model 1329 Aircraft

There have been instances of improper wiring of the engine fire and overheat detector systems on the subject model aircraft resulting in improper warning indications, such as an engine fire warning showing up as an engine overheat condition. Since this condition is likely to exist or develop in other products of the same type design, an airworthiness directive is being issued to require inspection of the engine fire (forward) and overheat (aft) detector electrical systems to ascertain that each detector is properly connected to the correct fire warning control unit.

As a situation exists which demands immediate adoption of this regulation, it is found that notice and public procedure hereon are impracticable and good cause exists for making this amendment effective in less than 30 days.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (25 F.R. 6489), § 39.13 of Part 39 of the Federal Aviation Regulations is amended by adding the following new airworthiness directive:

LOCKHEED. Applies to Model 1329 Aircraft Serial Numbers 5001 through 5057.

Compliance required within the next 25 hours' time in service after the effective date of this AD unless already accomplished.

To prevent improper engine fire and overheat warning indications, accomplish the following:

Inspect in the following manner all engine fire (forward) and overheat (aft) detector electrical systems to ascertain that each detector is properly connected to the correct fire warning control unit:

(a) Disconnect electrical connector from the control unit corresponding to the detector element to be checked.

(b) Connect one lead of a Simpson 260 meter, or equivalent, to pin C or D of the fire warning control unit connector, ships, wiring, and one lead to ground.

(c) Set the meter to read a resistance of 10,000 ohms or greater, depending on the unit being checked and the temperature of the unit.

(d) Apply heat to a segment of the detector element being checked, using a heater blower with a temperature range of 500° to 750° F., or equivalent, and observe the meter reading. The blower should be held approximately ½'' from the element. Make sure no wind interferes to cut down the heat conduction to the element and to assure a good meter reading.

(e) In approximately 5 to 10 seconds of elapsed time after application of heat, the meter reading should decrease at a moderate rate. A decreasing resistance reading indicates correct wire connections.

(f) After the above procedure is followed and the results are not as required, a complete check of the fire warning circuitry for the engine in error must be made using Lockheed Drawing No. JR156 (wiring diagram). Correct all discrepancies.

(g) When all circuits are in proper operating condition, the aircraft may be returned to service.

Other means of compliance with the requirements of this directive may be utilized if approved by the Chief, Engineering and Manufacturing Branch, FAA Southern Region.

(Lockheed Alert Service Bulletins Nos. 329–202 and 329–202A cover this same subject.)

This amendment becomes effective June 26, 1965.

(Secs. 313(a), 601, and 603 of the Federal Aviation Act of 1958; 49 U.S.C. 1354(a), 1421, 1423)

Issued in Washington, D.C., on June 21, 1965.

G. S. MOORE,
Director,
Flight Standards Service.

[F.R. Doc. 65–6713; Filed, June 25, 1965; 8:45 a.m.]

[Docket No. 6500; Amdt. 39–93]

PART 39—AIRWORTHINESS DIRECTIVES

Vickers Viscount Model 810 Series Aircraft

A proposal to amend Part 39 of the Federal Aviation Regulations to include an airworthiness directive requiring inspection of the door locking mechanisms and repair of any found defective on Vickers Viscount Model 810 Series aircraft was published in 30 F.R. 2682.

Interested persons have been afforded an opportunity to participate in the making of the amendment. A comment requested that the compliance time be extended from 250 landings to 700 landings on the basis of availability of parts. The extension of compliance time for certain aircraft is acceptable to the Agency because of other safety checks provided for in the AD and in the manufacturer's cabled instructions issued to all operators on May 31, 1963. The extension for those aircraft is therefore incorporated into this directive.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (25 F.R. 6489), § 39.13 of Part 39 of the Federal Aviation Regulations is amended by adding the following new airworthiness directive.

VICKERS. Applies to Viscount Model 810 Series aircraft.

Compliance required as indicated.

To prevent further failures of entrance doors during pressurized flight:

(a) Within the next 250 landings after the effective date of this AD, accomplish the following:

(1) Visually inspect the door locking mechanism of each entrance door in accordance with paragraph B.1 of Vickers-Armstrong Preliminary Technical Leaflet No. 112, Issue 2. Repair any found defective before further flight.

(2) Inspect for position accuracy the check markings applied to each claw and fuselage aperture. Where no such markings exist they must be applied in accordance with Figure 2 of P.T.L. No. 112, Issue 2, or an FAA approved equivalent.

(b) Within the next 700 landings after the effective date of this AD, on aircraft fitted with airsteps or other installed equipment which obscures any claw from view, incorporate Vickers-Armstrongs Modification G.1964 (remote position visual indicator) or an FAA-approved equivalent.

(c) Within the next 1,000 landings after the effective date of this AD, and thereafter at intervals not to exceed 1,000 landings from the last inspection, inspect the door locking mechanism of each entrance door for condition and correct operation, in accordance with paragraph C of P.T.L. No. 112, Issue 2. Repair any found defective before further flight.

(d) For the purpose of complying with this AD, subject to acceptance by the assigned FAA maintenance inspector, the number of landings may be determined by dividing each aircraft's hours' time in service by the operator's fleet average time from takeoff to landing for the aircraft type.

(Vickers-Armstrongs Preliminary Technical Leaflet No. 112, Issue 2, dated August 6, 1964 (800/810 Series), and Modification G.1964 cover this subject.)

This amendment becomes effective July 26, 1965.

(Secs. 313(a), 601, and 603 of the Federal Aviation Act of 1958; 49 U.S.C. 1354(a), 1421, 1423)

Issued in Washington, D.C., on June 21, 1965.

G. S. MOORE,
Director,
Flight Standards Service.

[F.R. Doc. 65–6714; Filed, June 25, 1965; 8:46 a.m.]

[Reg. Docket No. 6978; Amdt. 498]

PART 97—STANDARD INSTRUMENT APPROACH PROCEDURES

Miscellaneous Amendments

The amendments to the standard instrument approach procedures contained herein are adopted to become effective when indicated in order to promote safety. The amended procedures supersede the existing procedures of the same classification now in effect for the airports specified therein. For the convenience of the users, the complete procedure is republished in this amendment indicating the changes to the existing procedures.

As a situation exists which demands immediate action in the interests of safety in air commerce, I find that compliance with the notice and procedure provisions of the Administrative Procedure Act is impracticable and that good cause exists for making this amendment effective within less than 30 days from publication.

In view of the foregoing and pursuant to the authority delegated to me by the Administrator (24 F.R. 5662), Part 97 (14 CFR Part 97) is amended as follows:

1. By amending the following low or medium frequency range procedures prescribed in § 97.11(a) to read:

LFR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	

PROCEDURE CANCELLED EFFECTIVE 8 JULY 1965 OR UPON DECOMMISSIONING OF FACILITY.

City, Lubbock; State, Tex.; Airport name, Municipal; Elev., 3256'; Fac. Class., SBMRLZ; Ident., LX; Procedure No. 1, Admt. 11; Eff. date, 16 Dec. 61; Sup. Amdt.No. 10; Dated, 25 Feb. 61

PROCEDURE CANCELLED EFFECTIVE 8 JULY 1965, OR UPON CONVERSION OF FACILITY.

City, Shreveport; State, La.; Airport name, Shreveport Downtown; Elev., 170'; Fac. Class., SBRAZ; Ident., ST; Procedure No. 1, Amdt. 12; Eff. date, 25 May 63; Sup. Amdt. No. 11; Dated, 24 Feb. 65

2. By amending the following automatic direction finding procedures prescribed in § 97.11(b) to read:

ADF STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
CRP VOR	LOM	Direct	3000	T–dn	300–1	300–1	300–1¼
CRP RBn	LOM	Direct	2000	C–dn*	400–1	400–1	300–1¼
Mathis Int	Edroy Int	Direct	1600	B–dn–12°	400–1	400–1	400–1
Edroy Int	LOM (final)	Direct	1400	A–dn	800–2	800–2	800–2

Radar vectoring authorized in accordance with approved patterns.
Procedure turn W side of crs, 307° Outbnd, 127° Inbnd, 2000' within 10 miles.
Minimum altitude over facility on final approach crs, 1400'.
Crs and distance, facility to airport, 127°—4.5 miles; Tank fix to airport, 127°—2.0 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.5 miles after passing LOM, proceed to Pago VHF Int via 127° bearing from CRP LOM and CRP VOR R–122 climbing to 2000' or, when directed by ATC, turn left, proceed direct to CRP VOR climbing to 2000'.
*If Tank fix not received, descent below 700' not authorized.
MSA within 25 miles of facility: 000°–090°—1400'; 090°–180°—2000'; 180°–270°—2100'; 270°–360°—1800'.

City, Corpus Christi; State, Tex.; Airport name, Corpus Christi International; Elev., 49'; Fac. Class., LOM; Ident., CR; Procedure No. 1, Amdt. 11; Eff. date, 3 July 65; Sup. Amdt. No. 10; Dated, 27 Feb. 65

ADF STANDARD INSTRUMENT APPROACH PROCEDURES—Continued

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
Salem VOR	LOM	Direct	2000	T–dn	300–1	300–1	300–1½
Carleton VOR	LOM (final)	Direct	1900	C–dn	400–1	500–1	500–1½
YTP LOM	LOM	Direct	2200	S–dn–3L and R	400–1	400–1	400–1
Creek Int	LOM (final)	Direct	1900	A–dn	800–2	800–2	800–2
Dundee Int	LOM	Direct	2000				
Dundee Int	Creek Int	Via R–250 CRL VOR.	2200				

Radar vectoring authorized in accordance with approved patterns.
Procedure turn E side of crs, 212° Outbnd, 032° Inbnd, 2200′ within 10 miles.
Minimum altitude over facility on final approach crs, 1900′.
Crs and distance, facility to Runway 3L, 032°—4.2 miles; to Runway 3R, 032°—5.0 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.2 miles after passing LOM, left turn, climb to 2700′ and proceed to Ford RBn or, when directed by ATC, (1) Make right turn, climb to 2200′ and proceed to Park Int via QG VOR R–208, or (2) Make right turn, climb to 2300′ and proceed to Rockwood Int via SVM–VOR R–142.
Other change: Deletes note regarding radar missed approach.
MSA within 25 miles of the facility: 000°–090°—2800′; 090°–180°—2300′; 180°–270°—2200′; 270°–360°—2000′.

City, Detroit: State, Mich.; Airport name, Detroit Metropolitan Wayne County; Elev., 630′; Fac. Class., LOM; Ident., DT; Procedure No. 1, Amdt. 12; Eff. date, 3 July 65; Sup. Amdt. No. 11; Dated, 19 Dec. 64

Dundee Int	Mooreville Int	Via VWV R–337	2400	T–dn	300–1	300–1	300–1½
Dundee Int	LOM	Direct	2400	C–dn	500–1	500–1	500–1½
Mooreville Int	LOM (final)	Direct	2200	S–dn–5R and L	500–1	500–1	500–1
Salem VOR	LOM	Direct	2000	A–dn	800–2	800–2	800–2
Express Int	LOM	Direct	2400				
Bridgewater VHF Int	LOM	Direct	2400				
Bridgewater VHF Int	Mooreville Int	Via CRL R–290	2400				

Radar vectoring authorized in accordance with approved patterns.
Procedure turn W side of crs, 220° Outbnd, 040° Inbnd, 2400′ within 10 miles.
Minimum altitude over facility on final approach crs, 2200′.
Crs and distance, facility to airport, 040°—5.0 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 5.0 miles after passing LOM, climb to 2700′ on crs 040° to Ford RBn or, when directed by ATC, make left turn, climb to 2600′ to SVM VOR on SVM R–170.
Other change: Deletes note regarding radar missed approach.
MSA within 25 miles of facility: 000°–090°—2800′; 090°–180°—2400′; 180°–270°—2400′; 270°–360°—2800′.

City, Detroit; State, Mich.; Airport name, Willow Run; Elev., 710′; Fac. Class., LOM; Ident., YI; Procedure No. 1, Amdt. 18; Eff. date, 3 July 65; Sup. Amdt. No. 12; Dated, 28 Nov. 63

PROCEDURE CANCELLED EFFECTIVE 3 JULY 1965, OR UPON DECOMMISSIONING OF FACILITY.

City, El Dorado; State, Ark.; Airport name, Goodwin Field; Elev., 277′; Fac. Class., BMH; Ident., ELD; Procedure No. 1, Amdt. 1; Eff. date, 22 Feb. 64; Sup. Amdt. No. Orig.; Dated, 30 June 62

SBN VOR	SB LOM	Direct	2500	T–dn	300–1	300–1	300–1
North Liberty Int	SB LOM	Direct	2500	C–dn	500–2	500–2	500–2
GSH VOR	SB LOM	Direct	2000	A–dn	NA	NA	NA
GSH RBn	SB LOM	Direct	2000				

Procedure turn N side of crs, 264° Outbnd, 084° Inbnd, 2200′ within 10 miles.
Minimum altitude over facility on final approach crs, 2200′.
Crs and distance, facility to airport 084°—6.5 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 9.8 miles after passing SB LOM, climb to 2200′, make left turn, return to SB LOM.
NOTES: (1) No weather reporting service. Obtain South Bend weather and altimeter setting before conducting IFR approach. (2) Radar vectoring to final approach crs to eliminate procedure turn authorized by Chicago Center Radar. Minimum radar vectoring altitude within 20 miles, 2800′ except 2900′ from 2 to 9 miles, 148° CW to 210°.
MSA within 25 miles of facility: 000°–180°—3000′; 180°–360°—2900′.

City, Elkhart; State, Ind.; Airport name, Elkhart Municipal; Elev., 779′; Fac. Class., LOM; Ident., SB; Procedure No. 1, Amdt. Orig.; Eff. date, 3 July 65

HOU VOR	AAP	Direct	1800	T–dn	300–1	300–1	300–1
Fairbanks Int	AAP	Direct	1800	C–dn	600–1	600–1	600–1½
Arcola Int	AAP	Direct	2500	A–dn	NA	NA	NA
Rosenberg Int	AAP	Direct	1600				
Cypress Int	AAP	Direct	1700				
HOU RBn	AAP	Direct	1800				

Radar vectoring authorized in accordance with approved patterns.
Procedure turn W side of crs, 344° Outbnd, 164° Inbnd, 1600′ within 10 miles.
Minimum altitude over facility on final approach crs, 800′.
Crs and distance, facility to airport, 165°—0.4 mile.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0.4 mile after passing AAP RBn, turn right, climb to 2000′ on crs of 270° from the AAP RBn within 10 miles.
NOTES: No weather service. Unicom 24 hours 122.8 and 122.1. Procedure not authorized for air carrier. Runways 80′ wide. Private facility approved for public use.
MSA within 25 miles of facility: 000°–090°—1800′; 090°–180°—2600′; 180°–270°—1800′; 270°–360°—1600′.

City, Houston; State, Tex.; Airport name, Andrau Airpark; Elev., 86′; Fac. Class., MHW; Ident., AAP; Procedure No. 1, Amdt. 7; Eff. date, 3 July 65; Sup. Amdt. No. 6; Dated, 22 May 65

Sugar Loaf Int	PLV RBn	Direct	2500	T–dn	300–1	300–1	300–1
Herndon VORTAC	PLV RBn	Direct	2000	C–dn	400–1	500–1	500–1½
Lovettsville Int	PLV RBn	Direct	2500	S–dn	NA	NA	NA
				A–dn	NA	NA	NA

Radar vectoring authorized in accordance with approved patterns.
Procedure turn N side of crs, 088° Outbnd, 268° Inbnd, 2200′ within 10 miles.
Minimum altitude over facility on final approach crs 1500′.
Crs and distance, facility to airport, 268°—4.7 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.7 miles after passing PLV RBn, make left-climbing turn direct to PLV RBn at 2200′. Hold E, 268° Inbnd, 1-minute right turns.
MSA within 25 miles of facility: 180°–000°—3000′; 000°–180°—2100′.

City, Leesburg; State, Va.; Airport name, Godfrey; Elev., 380′; Fac. Class., MHW; Ident., PLV; Procedure No. 1, Amdt. Orig.; Eff. date, 3 July 65

ADF STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
Lubbock VOR	LOM	Direct	4000	T–dn	300–1	300–1	300–1½
Int R–114 LBB and bearing 349° to LOM	LOM	Direct	4000	C–dn	400–1	400–1	500–1½
Plainview VOR R–184 and bearing 169° to LOM	LOM (final)	Direct	4500	S–dn–17R	400–1	400–1	400–1
				A–dn	800–2	800–2	800–2

Procedure turn E side N crs, 349° Outbnd, 169° Inbnd, 4000′ within 10 miles. Beyond 10 miles not authorized. Nonstandard due to ATC requirements. All maneuvering to be made on E side of crs.
Minimum altitude over facility on final approach crs, 4500′.
Crs and distance, facility to airport, 169°—3.8 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 3.8 miles after passing LOM, climb to 5100′ on track 169° within 20 miles or, when directed by ATC, turn left, climb to 5000′ on R–110 LBB VOR within 20 miles.
NOTE: When authorized by ATC, DME may be used to orbit at 15 miles at 5100′ to position aircraft for a final approach with the elimination of a procedure turn.
Other changes: Deletes transitions from Lubbock LFR and Int E crs LX LFR and bearing 349° to LOM.
CAUTION: 4068′ MSL tower, 7.5 miles S of airport on missed approach.
MSA within 25 miles of facility: 000°–090°—4600′; 090°–270°—5100′; 270°–360°—4600′.

City, Lubbock; State, Tex.; Airport name, Municipal; Elev., 3259′; Fac. Class., LOM; Ident., LB; Procedure No. 1, Amdt. 9; Eff. date, 3 July 65; Sup. Amdt. No. 8; Dated, 29 July 61

OSH VOR	LOM	Direct	2800	T–dn	300–1	300–1	300–1½
				C–dn	400–1	400–1	400–1½
				S–dn–9	400–1	400–1	400–1
				A–dn	800–2	800–2	800–2

Radar vectoring to final approach crs authorized in accordance with approved patterns.
Procedure turn S side of Crs, 269° Outbnd, 089° Inbnd, 2600′ within 10 miles.
Minimum altitude over facility on final approach crs, 2500′.
Crs and distance, facility to airport, 089°—3.7 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 3.7 miles after passing LOM, climb to 2600′ on 089° bearing of LOM within 15 miles, or when directed by ATC, make right-climbing turn to LOM, then continue climb to 2600′ on 269° bearing from LOM within 10 miles of LOM.
NOTES: (1) Procedure not authorized when control tower not in operation. (2) Aircraft on missed approach may be radar controlled after radar identification. (3) Night takeoffs and landings authorized on Runways 9, 27, 18, 36 only.
Other change: Deletes caution note.
MSA within 25 miles of facility: 000°–360°—2700′.

City, Oshkosh; State, Wis.; Airport name, Winnebago County; Elev., 795′; Fac. Class., LOM; Ident., GS; Procedure No. 1, Amdt. 4; Eff. date, 3 July 65; Sup. Amdt. No. 3; Dated, 29 Aug. 64

Fishers Int	LOM	Direct	2000	T–dn	300–1	300–1	300–1½
Rochester VOR	LOM	Direct	2000	C–dn	500–1	600–1	600–1½
Marion Int	LOM	Direct	2200	A–dn	800–2	800–2	800–2

Radar transitions and vectoring authorized in accordance with approved radar patterns.
Procedure turn N side of E crs, 097° Outbnd, 277° Inbnd, 2000′ within 10 miles of LOM.
Minimum altitude over facility on final approach crs, 2000′; over MM, 1300′.
Crs and distance, facility to airport, 277°—4.5 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.5 miles after passing Rochester LOM, make right-climbing turn to 3000′, intercept R–298 of Rochester VOR, proceed to Spencerport Int. Hold W, 1-minute left turns 118° Inbnd, or when directed by ATC, within 4.5 miles after passing LOM, climb to 2000′ on 277° bearing from Rochester LOM, turn left, return to Rochester LOM. Hold E 1-minute right turns 097° Inbnd.
AIR CARRIER NOTE: Takeoff on runway 13 and landing on runway 30 not authorized.
MSA within 25 miles of facility: 000°–090°—1900′; 090°–180°—2600′; 180°–270°—3100′; 270°–360°—2100′.

City, Rochester; State, N.Y.; Airport name, Rochester-Monroe County; Elev., 560′; Fac. Class., LOM; Ident., RO; Procedure No. 1, Amdt. 12; Eff. date, 3 July 65; Sup. Amdt. No. 11; Dated, 21 Aug. 65

SHV VOR	SHV RBn	Direct	2800	T–dn	300–1	300–1	300–1
BAD VOR	SHV RBn	Direct	2800	C–dn	600–1½	600–1½	600–1½
				A–dn	800–2	800–2	800–2

Radar vectoring authorized in accordance with Shreveport approach control radar approved patterns.
Procedure turn E side of crs, 333° Outbnd, 153° Inbnd, 2800′ within 10 miles. Nonstandard due to traffic.
Minimum altitude over facility on final approach crs, 1300′.
Crs and distance, facility to airport, 153°—1.6 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 1.6 miles after passing SHV H, turn left, climb to 1700′ on the 088° bearing from the SHV H, within 20 miles.
CAUTION: 469′ TV tower, located 1.6 miles S of airport; two 2049′ TV antennas located 13 miles NW.
Radar site located on Barksdale AFB.
MSA within 25 miles of facility: 000°–270°—1700′; 270°–360°—3000′.

City, Shreveport; State, La.; Airport name, Shreveport Downtown; Elev., 179′; Fac. Class., BH; Ident., SHV; Procedure No. 1, Amdt. Orig., or upon conversion of facility; Eff. date, 3 July 65

Hartness Int	SFD RBn	Direct	2800	T–d	1700–2	1700–2	NA
				T–n	NA	NA	NA
				C–d	1700–2	1700–2	NA
				C–n	NA	NA	NA
				S–dn	NA	NA	NA
				A–dn	NA	NA	NA

Procedure turn E side of crs, 200° Outbnd, 020° Inbnd, 2800′ within 10 miles.
Minimum altitude over facility on final approach crs, 2300′.
Crs and distance, facility to airport, 020°—2.6 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0.0 mile of SFD RBn, make right-climbing turn to 3000′ direct to SFD RBn. Hold SW of SFD RBn, 020° Inbnd, right turns, 1 minute.
IFR departure procedure: To assure vertical clearance over Mt. Ascutney, 3150′ peak 9.0 miles NNE of Springfield MHW, pilots will be cleared to climb in the Springfield MHW holding pattern to 3800′ before proceeding northeastbound. V–151W Lebanon, MEA 5000′.
NOTES: (1) Beacon must be monitored aurally during this approach. (2) Approach out of a holding pattern not authorized. Procedure turn required.
CAUTION: 2089′ mountain range 3 miles NW of airport. Mt. Ascutney 3150′ mountain peak 7 miles NE of airport.
Other change: Deletes minimum safe altitude 6200′ within 25 miles.
MSA within 25 miles of facility: 000°–090°—4500′; 090°–180°—4000′; 180°–270°—3000′; 270°–360°—3800′.

City, Springfield; State, Vt.; Airport name, Hartness Municipal; Elev., 575′; Fac. Class., MHWZ; Ident., SFD; Procedure No. 1, Amdt. 3; Eff. date, 3 July 65; Sup. Amdt. No. 2; Dated, 12 June 65

3. By amending the following very high frequency omnirange (VOR) procedures prescribed in § 97.11(c) to read:

VOR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
				T-dn	300-1	300-1	*300-1
				C-dn	700-1	700-1	700-1½
				S-dn-16R	700-1	700-1	700-1
				A-dn	800-2	800-2	800-2

Radar vectoring authorized in accordance with approved patterns.
Procedure turn W side of crs, 007° Outbnd, 187° Inbnd, 2600′ within 10 miles.
Minimum altitude over facility on final approach crs, 1800′.
Crs and distance, facility to airport, 175°—5.1 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 5.1 miles after passing VOR, turn right, climb to 3000′ on R–139 within 15 miles or, when directed by ATC, turn left, climb to 2000′ on R–135 within 20 miles.
CAUTION: Tank 355′ 1.2 miles W of final approach crs, 2.3 miles NW of airport.
Other changes: Deletes transitions. Deletes reference to 2.4-mile DME Fix. Deletes note for substitution of radar. Deletes descent restriction.
*300–1½ authorized on Runways 16R, 34L, 12R, and 30L only.
MSA within 25 miles of facility: 000°–090°—2100′; 090°–180°—2000′; 180°–270°—3000′; 270°–360°—2400′.

City, Austin; State, Tex.; Airport name, Robert Mueller Municipal; Elev., 681′; Fac. Class., BVORTAC; Ident., AUS; Procedure No. 1, Amdt. 14; Eff. date, 3 July 65; Sup. Amdt. No. 14; Dated, 16 Jan. 65

				T-dn*	300-1	300-1	300-1
				C-dn	800-1	800-1	800-1½
				A-dn	NA	NA	NA

Procedure turn W side of crs, 206° Outbnd, 026° Inbnd, 8000′ within 15 miles.
Minimum altitude over facility on final approach crs, 6000′.
Crs and distance, facility to airport, 031°—2.1 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 2.1 miles after passing BAM VOR, turn left immediately and climb to 9000′ on R–200 within 15 miles.
*Takeoff all runways. Climb SW bound on the 240° Radial of BAM VOR to 8000′, recross the VOR at 9000′ or above. Procedure turn authorized W of crs after reaching 8000′.
MSA within 25 miles of facility: 000°–090°—6400′; 090°–180°—10,700′; 180°–270°—10,800′; 270°–360°—9600′.

City, Battle Mountain; State, Nev.; Airport name, Battle Mountain; Elev., 4832′; Fac. Class., BVORTAC; Ident., BAM; Procedure No. 1, Amdt. 4; Eff. date, 3 July 65; Sup. Amdt. No. 3; Dated, 28 Sept. 61

				T-dn	300-1	300-1	300-1
				C-dn	500-1	500-1	500-1½
				S-dn-16	400-1	400-1	400-1
				A-dn*	800-2	800-2	800-2

Procedure turn E side of crs, 321° Outbnd, 141° Inbnd, 4300′ within 10 miles. Nonstandard due to ATC requirement.
All turns to be made on E side of crs.
Minimum altitude over facility on final approach crs, 3800′.
Crs and distance, facility to airport, 141°—5.1 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 5.1 miles after passing BGS VOR, climb to 4100′ on BGS VOR R–141 within 20 miles.
NOTE: Weather and communications service not available to general public at Howard County Airport.
*Alternate usage authorized for air carriers only.
MSA within 25 miles of the facility: 000°–090°—3900′; 090°–180°—4100′; 180°–270°—4000′; 270°–360°—4300′.

City, Big Spring; State, Tex.; Airport name, Howard County; Elev., 2302′; Fac. Class., BVOR; Ident., BGS; Procedure No. 1, Amdt. 6; Eff. date, 3 July 65; Sup. Amdt. No. 5; Dated, 19 Sept. 64

CRP RBn	CRP VOR	Direct	2200	T-dn	300-1	300-1	300-1
Taft Int	CRP VOR (final)	Direct	1500	C-d	700-1	700-1	700-1½
				C-a	700-2	700-2	700-2
				S-d-17	700-1	700-1	700-1
				S-a-17	700-2	700-2	700-2
				A-dn	800-2	800-2	800-2

Radar vectoring authorized in accordance with approved patterns.
Procedure turn W side of crs, 011° Outbnd, 191° Inbnd, 2000′ within 10 miles.
Minimum altitude over facility on final approach crs, 1500′.
Crs and distance, facility to airport, 191°—7.9 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 7.9 miles after passing CRP VOR, turn left, intercept CRP VOR R–182 and proceed to Pogo Int climbing to 2000′.
MSA within 25 miles of facility: 000°–090°—1400′; 090°–180°—1400′; 180°–270°—2100′; 270°–360°—1500′.

City, Corpus Christi; State, Tex.; Airport name, Corpus Christi International; Elev., 43′; Fac. Class., H–BVORTAC; Ident., CRP; Procedure No. 1, Amdt. 9; Eff. date, 3 July 65; Sup. Amdt. No. 8; Dated, 27 Feb. 65

VOR STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
GSH RBn	Skeeter Int	Direct	2200	T-dn	300-1	300-1	300-1
GSH VOR	Skeeter Int	Direct	2200	C-dn	500-1	500-1	500-1½
SBN VOR	Skeeter Int	Direct	2200	A-dn	NA	NA	NA
SB LOM	Skeeter Int	Direct	2200				
Cass Int	Skeeter Int (final)	Direct	2200				

Procedure turn N side of crs, 101° Outbnd, 281° Inbnd, 2200′ within 10 miles of Skeeter Int.
Minimum altitude over Skeeter Int on final approach crs, 2200′.
Crs and distance, Skeeter Int to airport, 281°—5.1 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 5.1 miles after passing Skeeter Int, make right-climbing turn to 2200′ and return to Skeeter Int, or when directed by ATC, climb to 2200′, proceed direct to SBN VOR.
NOTES: 1. No weather reporting service. Obtain South Bend weather and altimeter setting before conducting IFR approach. 2. Dual VOR or VOR and DME required. 3. When authorized by ATC, 26-mile DME arc at 2600′ may be used between SBN VOR R–070 CW to R–140 to position aircraft for straight in approach with elimination of procedure turn. 4. Radar vectoring to final approach crs to eliminate procedure turn authorized by Chicago Center Radar.
Minimum radar vectoring altitude within 10 miles of Skeeter Int 2300′; within 20 miles of Skeeter Int 2000′. MSA within 25 miles of facility: 000°–180°—3000′; 180°–000°—2200′.

City, Elkhart; State, Ind.; Airport name, Elkhart Municipal; Elev., 779′; Fac. Class., L–BVORTAC; Ident., SBN; Procedure No. 1, Amdt. Orig.; Eff. date, 3 July 65

				T-dn	400-1	400-1	NA
				C-dn	700-1	700-1	NA
				S-dn	NA	NA	NA
				A-dn	NA	NA	NA

Procedure turn S side of crs, 277° Outbnd, 097° Inbnd, 3000′ within 10 miles.
Minimum altitude over facility on final approach crs, 2000′.
Crs and distance, facility to airport 097°—1.9 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 1.9 miles after passing GDM VORTAC, make a left-climbing turn to 3000′; return to GDM VORTAC. Hold W of VORTAC on R–277°, right turns, 1 minute, 097° Inbnd.
MSA within 25 miles of facility: 000°–090°—4800′; 090°–180°—3800′; 180°–270°—2600′; 270°–360°—3600′.

City, Gardner; State, Mass.; Airport name, Gardner Municipal; Elev., 980′; Fac. Class., BVORTAC; Ident., GDM; Procedure No. 1, Amdt. Orig.; Eff. date, 3 July 65

				T-dn	300-1	300-1	200-½
				C-d	700-1	700-1	700-1½
				C-a	700-2	700-2	700-2
				S-d-28	700-1	700-1	700-1
				S-a-28	700-2	700-2	700-2
				A*	NA	NA	NA

Procedure turn W side of crs, 240° Outbnd, 169° Inbnd, 5600′ within 10 miles.
Minimum altitude over facility on final approach crs, 5100′.
Crs and distance, facility to airport, 169°—7.3 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 7.3 miles after passing LAA VOR, turn right, climbing to 6000′ direct to LAA VOR.
CAUTION: Procedure not wholly within controlled airspace.
*Alternate minimums of 800–2 authorized for air carriers with weather reporting service available at airport.
MSA within 25 miles of facility: 000°–270°—6300′; 270°–360°—5900′.

City, Lamar; State, Colo.; Airport name, Lamar Municipal; Elev., 3873′; Fac. Class., H–BVOR; Ident., LAA; Procedure No. 1, Amdt. Orig.; Eff. date, 3 July 65

				T-dn	300-1	300-1	200-½
				C-d	700-1	700-1	700-1½
				C-a	700-2	700-2	700-2
				A-dn	NA	NA	NA

Procedure turn E side of crs, 136° Outbnd, 316° Inbnd, 2200′ within 10 miles.
Minimum altitude over facility on final approach crs 1800′.
Crs and distance, facility to airport, 316°—0.3 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0.3 miles after passing LRD VOR, climb to 2500′ on LRD R–316 within 20 miles.
CAUTION: Final approach crosses Laredo AFB where extensive jet training is being conducted.
MSA within 25 miles of facility: 000°–360°—2200′.

City, Laredo; State, Tex.; Airport name, Laredo Municipal; Elev., 462′; Fac. Class., H–BVORTAC; Ident., LRD; Procedure No. 1, Amdt. 2; Eff. date, 3 July 65; Sup. Amdt. No. 1; Dated, 20 Mar. 65

				T-dn	800-1	800-1	200-½
				C-dn	600-1	600-1	600-1½
				S-dn-36	600-1	600-1	600-1
				A-dn	800-2	800-2	800-2

Procedure turn E side of crs, 157° Outbnd, 337° Inbnd, 2200′ within 10 miles.
Minimum altitude over facility on final approach crs, 1100′.
Crs and distance, facility to airport, 337°—4.2 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.2 miles after passing MHT VOR, make right-climbing turn to MHT VOR at 2200′. Hold SE of MHT VOR on R–157, 1-minute right turns, 337° Inbnd.
CAUTION: 480′ terrain (0.75 mile E of Runway 35).
MSA within 25 miles of facility: 000°–090°—2600′; 090°–180°—1800′; 180°–360°—2300′.

City, Manchester; State, N.H.; Airport name, Grenier Field (Manchester Municipal); Elev., 233′; Fac. Class., L–BVORTAC; Ident., MHT; Procedure No. 1, Amdt. 8; Eff. date, 3 July 65; Sup. Amdt. No. 2; Dated, 19 June 65

VOR STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

From—	To—	Course and distance	Minimum altitude (feet)	Condition	Ceiling and visibility minimums: 2-engine or less: 65 knots or less	2-engine or less: More than 65 knots	More than 2-engine, more than 65 knots
				T-dn	400-1	400-1	NA
				C-dn	700-1	700-1	NA

Radar vectors authorized in accordance with Stewart approved radar patterns.
Procedure turn N side of crs, 000° Outbnd, 270° Inbnd, 3100' within 10 miles.
Minimum altitude over facility on final approach crs, 3100'.
Crs and distance, facility to airport, 264°—7.0 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 7.0 miles after passing SWF VOR, climb on crs 264° to 2500' within 10 miles then make right-climbing turn, proceed direct to SWF VOR at 3100'. Hold E R-090 1-minute left turns.
Other change: Deletes alternate minimums.
MSA within 25 miles of the facility: 000°-090°—3000'; 090°-270°—2800'; 270°-360°—4000'.

City, Montgomery; State, N.Y.; Airport name, Orange County; Elev., 361'; Fac. Class., VOR; Ident., SWF; Procedure No. 1, Amdt. 2; Eff. date, 3 July 65; Sup. Amdt. No. 1; Dated, 27 Mar. 65

From—	To—	Course and distance	Minimum altitude (feet)	Condition	Ceiling and visibility minimums: 2-engine or less: 65 knots or less	2-engine or less: More than 65 knots	More than 2-engine, more than 65 knots
Opal Int	Wood Int (final)	Direct	1500	T-dn	800-1	800-1	800-1
				C-dn	800-1	800-1	800-1
				A-dn	800-2	800-2	800-2

Procedure turn not authorized.
Minimum altitude over Wood Int or 4.3-mile Radar Fix on final approach crs, 1500'.
Crs and distance, Wood Int or 4.3-mile Radar Fix to airport, 226°—4.3 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.3 miles after passing Wood Int or the 4.3-mile Radar Fix, turn right, climb to 1500' on MSY VOR R-064 within 20 miles.
NOTE: New Orleans Radar (Moisant Airport) authorized to position aircraft on final approach in accordance with approved patterns.
MSA within 25 miles of facility: 000°-090°—1500'; 090°-180°—2100'; 180°-270°—1800'; 270°-360°—1500'.

City, New Orleans; State, La.; Airport name, New Orleans Lakefront; Elev., 10'; Fac. Class., BVORTAC; Ident., MSY; Procedure No. 2, Amdt. Orig.; Eff. date, 3 July 65

4. By amending the following terminal very high frequency omnirange (TerVOR) procedures prescribed in § 97.13 to read:

TERMINAL VOR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.
If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

From—	To—	Course and distance	Minimum altitude (feet)	Condition	Ceiling and visibility minimums: 2-engine or less: 65 knots or less	2-engine or less: More than 65 knots	More than 2-engine, more than 65 knots
Bellwood Int	OLU VOR	Direct	4000	T-dn	800-1	800-1	800-1½
				C-dn	700-1	700-1	700-1½
				C-n	700-2	700-2	700-2
				S-dn-32	700-1	700-1	700-1
				A-dn	NA	NA	NA
				During hours control zone effective:			
				C-n	800-1	800-1	800-1½
				C-n	800-2	800-2	800-2
				S-dn-32	800-1	800-1	800-1
				A-dn	800-2	800-2	800-2

Procedure turn E side of crs, 131° Outbnd, 311° Inbnd, 2000' within 10 miles.
Minimum altitude over facility on final approach crs, 2000'.
Facility on airport. Breakoff point to Runway 32, 320°—0.5 mile.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 6.0 mile after passing OLU VOR, turn right, climbing to 3000' on R-131 within 10 miles, make left turn and return to OLU VOR.
NOTES: (1) When 1922' tower, 2.5 miles W of airport is not visible on takeoff, maintain runway heading 140-320 as appropriate until 3000' before turning toward tower. (2) Altimeter setting from LNK FSS during hours control zone not effective.
CAUTION: 1922' tower, 2.5 miles W of airport.
MSA within 25 miles of facility: 000°-360°—3000'.

City, Columbus; State, Nebr.; Airport name, Columbus Municipal; Elev., 1442'; Fac. Class., TBVOR; Ident., OLU; Procedure No. TerVOR-32, Amdt. Orig.; Eff. date, 3 July 65

From—	To—	Course and distance	Minimum altitude (feet)	Condition	Ceiling and visibility minimums: 2-engine or less: 65 knots or less	2-engine or less: More than 65 knots	More than 2-engine, more than 65 knots
LSE VOR	Midway Int	Direct	2800	T-dn	*400-1	*400-1	#400-1
ONA VOR	Holman Int	Direct	2800	T-dn	*400-1½	*400-1¼	#400-1¼
ODI VOR	Midway Int	Direct	2800	C-dn	800-1	800-1	800-1¼
Holman Int	Midway Int (final)	Direct	2100	C-n	800-2	800-2	800-2
				S-dn-13R	400-1	400-1	400-1
				A-dn	800-2	800-2	800-2

Procedure turn W side of crs, 316° Outbnd, 136° Inbnd, 2800' within 10 miles of Midway Int.
Minimum altitude over Midway Int on final approach crs, 2100'.
Facility on airport.
Crs and distance, Midway Int to VOR, 136°—6.1 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0.0 mile after passing LSE VOR, make immediate right-climbing turn, climb to 2800' on LSE VOR R-318 within 10 miles.
NOTES: (1) Procedure authorized only for aircraft equipped with dual omni receivers operating simultaneously. (2) Final approach from holding pattern at Midway Int not authorized. Procedure turn required.
*800-1 authorized on Runways 31 and 36.
#200-½ authorized on Runways 31 and 36.
¢When weather is below 800-2 aircraft departing Runways 3, 13, 18, and 21, flight below 1000' beyond 2 miles of airport is prohibited between radials 040 and 270, inclusive of the LSE VOR.
$400-¾ authorized, except for 4-engine turbojet aircraft, with operative high-intensity runway lights.
MSA within 25 miles of facility: 000°-090°—2800'; 090°-180°—2000'; 180°-270°—2500'; 270°-360°—2800'.

City, La Crosse; State, Wis.; Airport name, La Crosse Municipal; Elev., 663'; Fac. Class., T-BVOR; Ident., LSE; Procedure No. TerVOR-13, Amdt. 7; Eff. date, 3 July 65

TERMINAL VOR STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

From—	To—	Course and distance	Minimum altitude (feet)	Condition	Ceiling and visibility minimums: 2-engine or less: 65 knots or less	2-engine or less: More than 65 knots	More than 2-engine, more than 65 knots
LAS VOR	Pittman Int	Direct	8000	T-dn*	800-1	800-1	800-1½
Gypsum Int	Hoover Int	Direct	8500	C-dn	800-1	800-1	800-1½
Mead Int	Fort Int	Direct	6500	S-dn-26°	400-1	400-1	400-1
Fort Int	Hoover Int	Direct	5000	A-dn	800-2	800-2	800-2
Hoover Int	Pittman Int (final)	Direct	4300				
BLD VOR	Pittman Int (final)	Direct	4300				
#							

Procedure turn S side of crs, 079° Outbnd, 259° Inbnd, 8000' within 10 miles of Pittman Int.
Minimum altitude over Pittman Int on final approach crs, 4300'.
Crs and distance, Pittman Int to airport, 256°—4.0 miles, VOR on airport. Breakoff point to runway, 1.1 miles, 256°.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 6.0 miles after passing Pittman, climb via R-079 to LAS VOR, turn right, climb to 8000' on R-066 to Kids Int.
%Takeoff all directions. IFR departures must comply with published Las Vegas SID's.
*400-¾ authorized, except for 4-engine turbojet aircraft, with operative high-intensity runway lights.
MSA within 25 miles of facility: 000°-180°—7300'; 180°-270°—12,100'; 270°-360°—12,100'.

City, Las Vegas; State, Nev.; Airport name, McCarran Field; Elev., 2171'; Fac. Class., H-BVORTAC; Ident., LAS; Procedure No. VOR-25, Amdt. Orig.; Eff. date, 3 July 65

From—	To—	Course and distance	Minimum altitude (feet)	Condition	Ceiling and visibility minimums: 2-engine or less: 65 knots or less	2-engine or less: More than 65 knots	More than 2-engine, more than 65 knots
Genesco VOR	Rush Int	Direct	2800	T-dn	800-1	800-1	800-1¼
				C-dn	600-1	600-1	600-1½
				A-dn	800-2	800-2	800-2
				If 5-mile Radar Fix is received the following minimums apply:			
				S-dn-1	400-1	400-1	400-1

Radar transitions and vectoring authorized in accordance with radar patterns.
Procedure turn E side of crs, 171° Outbnd, 351° Inbnd, 2200' within 10 miles.
Facility on airport.
Minimum altitude over facility on final approach crs, 1200', 1000' if 5-mile Radar Fix received.
Crs and distance, breakoff point to approach end of Runway 1, 007°—0.4 mile.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0.0 mile of ROC VOR, make left-climbing turn to 2000', intercept R-208 of Rochester VOR, proceed to Spencerport Int. Hold W, 1-minute left turns, 118° Inbnd.
CAUTION: Tower, 980' 2.3 miles N, Tower, 946' 2.6 miles SW of airport.
AIR CARRIER NOTE: Takeoff on Runway 13 and landing on Runway 30 not authorized.
MSA within 25 miles of facility: 000°-090°—2100'; 090°-180°—3800'; 180°-270°—3100'; 270°-360°—3800'.

City, Rochester; State, N.Y.; Airport name, Rochester-Monroe County; Elev., 560'; Fac. Class., BVOR; Ident., ROC; Procedure No. TerVOR-1, Amdt. 9 Eff. date, 3 July 65; Sup. Amdt. No. 8; Dated, 31 Aug. 65

From—	To—	Course and distance	Minimum altitude (feet)	Condition	Ceiling and visibility minimums: 2-engine or less: 65 knots or less	2-engine or less: More than 65 knots	More than 2-engine, more than 65 knots
				T-dn	800-1	800-1	800-1½
				C-dn	800-1	800-1	800-1½
				S-dn-10	800-1	800-1	800-1
				A-dn	800-2	800-2	800-2
				If 5-mile Radar Fix is received the following minimums apply:			
				S-dn-10*	400-1	400-1	400-1

Radar transitions and vectoring authorized in accordance with radar patterns.
Procedure turn S side of crs, 280° Outbnd, 100° Inbnd, 2600' within 10 miles.
Minimum altitude over facility on final approach crs, 1100', 1000' if 5-mile Radar Fix received.
Facility on airport.
Crs and distance, breakoff point to approach end Runway 10, 097°—0.5 mile.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0.0 mile of Rochester VOR, climb to 3000' on R-100, turn right, intercept R-134, proceed Outbnd to Fishers Int. Hold SE, 1-minute left turns, 324° Inbnd.
CAUTION: Tower, 980' 2.3 miles N, tower, 946' 2.6 miles SW of airport.
AIR CARRIER NOTE: Takeoff on Runway 13 and landing on Runway 30 not authorized.
*400-¾ authorized, except for 4-engine turbojet aircraft, with operative high-intensity runway lights.
MSA within 25 miles of facility: 000°-090°—2100'; 090°-180°—3800'; 180°-270°—3100'; 270°-360°—3800'.

City, Rochester; State, N.Y.; Airport name, Rochester-Monroe County; Elev., 560'; Fac. Class., BVOR; Ident., ROC; Procedure No. TerVOR-10, Amdt. 4; Eff. date, 3 July 65; Sup. Amdt. No. 3; Dated, 13 Aug. 65

From—	To—	Course and distance	Minimum altitude (feet)	Condition	Ceiling and visibility minimums: 2-engine or less: 65 knots or less	2-engine or less: More than 65 knots	More than 2-engine, more than 65 knots
BHV VOR	DTN VOR	Direct	2000	T-dn	800-1	800-1	800-1
BAD VOR	DTN VOR	Direct	2000	C-dn	600-1½	600-1½	600-1¼
Cotton Int	DTN VOR	Direct	2000	S-dn-14	800-1	800-1	800-1
Tee Vee Int	Lee Int (final)	Direct	1650	A-dn	800-2	800-2	800-2
Lee Int	DTN VOR (final)	Direct	700				

Radar vectoring authorized in accordance with approved patterns and may be used to determine TEE VEE and LEE INTS.
Procedure turn N side of crs, 311° Outbnd, 131° Inbnd, 3000' within 10 miles. Beyond 10 miles not authorized.
Minimum altitude over facility on final approach crs, 700'; over Lee Int, 1200'.
Facility on airport.
Crs and distance, Lee Int to VOR, 131°—6.2 miles; breakoff point to end of Runway 14, 133°—0.7 mile.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0.0 mile after passing DTN VOR, climb on the DTN R-131 to 1800' within 20 miles.
CAUTION: 2049' Towers, 13 miles NW; 376' tower, 1.5 miles NW of airport on approach path. Numerous other towers and smokestacks in area surrounding field.
Other change: Deletes air carrier restriction.
#Operating dual VOR receivers or radar service required for execution of this procedure, or minimum altitude over DTN VOR is 2000'.
MSA within 25 miles of facility: 000°-090°—1800'; 090°-180°—1700'; 180°-270°—1400'; 270°-360°—3100'.

City, Shreveport; State, La.; Airport name, Shreveport Downtown; Elev., 179'; Fac. Class., VOR; Ident., DTN; Procedure No. TerVOR-14, Amdt. 8; Eff. date, 3 July 65; Sup. Amdt. No. 4; Dated, 23 Jan. 65

5. By amending the following very high frequency omnirange-distance measuring equipment (VOR/DME) procedures prescribed in § 97.15 to read:

VOR/DME STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less: 65 knots or less	2-engine or less: More than 65 knots	More than 2-engine, more than 65 knots
Georgetown DME Fix**	AUS VORTAC (final)	Direct	1900	T-dn	300-1	300-1	*300-1
				C-dn	400-1	400-1	400-1½
				S-dn-16R	400-1	400-1	400-1
				A-dn	800-2	800-2	800-2

Radar vectoring authorized in accordance with approved patterns.
Procedure turn W side of crs, 007° Outbnd, 187° Inbnd, 2500' within 10 miles.
Minimum altitude over facility on final approach crs, 1800'; over 2.4-miles DME Fix on R-175 AUS VORTAC 1300'.**
Crs and distance, facility to airport, 175°—3.1 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 5.1 miles after passing VOR, turn right, climb to 3000' on R-189 within 15 miles or, when directed by ATC, turn left, climb to 2000' on R-126 within 20 miles.
*200-½ authorized on Runways 16R, 34L, 12R, and 30L only.
**Radar Fixes may be used in lieu of Georgetown DME and 2.4-mile DME Fixes.
MSA within 25 miles of facility: 000°-090°—2100'; 090°-180°—2000'; 180°-270°—3000'; 270°-360°—2400'.

City, Austin; State, Tex.; Airport name, Robert Mueller Municipal; Elev., 631'; Fac. Class., BVORTAC; Ident., AUS; Procedure No. 1, Amdt. Orig.; Eff. date, 3 July 65

10-mile DME Fix R-017	5-mile DME Fix R-017	Direct	1100	T-dn	200-1	200-1	200-½
5-mile DME Fix R-017	Houston VOR (final)	Direct	800	C-dn	400-1	400-1	400-1½
				S-dn-21*	400-1	400-1	400-1
				A-dn	800-2	800-2	800-2

Radar vectoring authorized in accordance with approved patterns.
Radar Fix may be used in lieu of DME Fix.
Procedure turn W side of crs, 017° Outbnd, 197° Inbnd, 1800' within 10 miles.
Minimum altitude over 5-mile Fix on final approach crs, 1500', over VOR 800'.
Crs and distance, breakoff point to approach end Runway 21, 218°—9.7 mile.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 6.0 mile of HOU VOR, climb to 2500' on R-218 within 20 miles.
CAUTION: 1849' tower, approximately 13 miles SW of HOU VOR. 1238' tower, approximately 11 miles SSE of HOU VOR.
*400-¾ authorized, except for 4-engine turbojet aircraft, with operative high-intensity runway lights.
MSA within 25 miles of facility: 000°-090°—1600'; 090°-180°—2300'; 180°-270°—2800'; 270°-360°—1800'.

City, Houston; State, Tex.; Airport name, William P. Hobby; Elev., 50'; Fac. Class., H-BVORTAC; Ident., HOU; Procedure No. VOR/DME-2, Amdt 6; Eff. date, 3 July 65; Sup. Amdt. No. 5; Dated, 22 May 65

LAS VOR	7.6-mile DME Fix R-079	Direct	6000	T-dn*	300-1	300-1	300-½
20-mile DME Fix R-079	17-mile DME Fix R-079	Direct	6000	C-dn	500-1	500-1	500-1½
Mead Int	22-mile DME Fix R-079	Direct	6000	S-dn-25*	400-1	400-1	400-1
22-mile DME Fix R-079	17-mile DME Fix R-079	Direct	5000	A-dn	800-2	800-2	800-2
17-mile DME Fix R-079	7.6-mile DME Fix R-079 (final)	Direct	4800				
BLD VOR	7.6-mile DME Fix R-079 (final)	Direct	4800				

Procedure turn S side of crs 079° Outbnd, 259° Inbnd, 6000' within 10 miles of 7.6-mile DME Fix.
Minimum altitude over 7.6-mile DME Fix on final approach crs, 4800'.
Crs and distance, 7.6-mile DME Fix to airport, 259°—6.0 miles, VOR on airport. Breakoff point to runway, 1.1 miles, 256.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished at 1.5-mile DME Fix R-079, climb via R-079 to LAS VOR, turn right, climb to 5000' on R-066 to Kids Int.
NOTE: When authorized by ATC, DME may be used at 15 miles at 9000' altitude from LAS R-030 to LAS R-211 to position aircraft for a straight-in approach with the elimination of the procedure turn.
*%Takeoff all directions. IFR departures must comply with published Las Vegas SID's.
*400-¾ authorized, except for 4-engine turbojet aircraft, with operative high-intensity runway lights.
MSA within 25 miles of facility: 000°-180°—7300'; 180°-270°—13,100'; 270°-360°—12,100'.

City, Las Vegas; State, Nev.; Airport name, McCarran Field; Elev., 2171'; Fac. Class., H-BVORTAC; Ident., LAS; Procedure No. VOR/DME No. 4, Amdt. Orig.; Eff. date, 3 July 65

28-mile Fix on R-113	12-mile Fix on R-113	Direct	4800	T-dn	300-1	300-1	300-½
12-mile Fix on R-113	10-mile Fix on R-113	Direct	4300	C-dn	400-1	400-1	400-1½
				S-dn-30	400-1	400-1	400-1
				A-dn	800-2	800-2	800-2

When authorized by ATC, DME may be used to orbit at 15 miles at 5100' to position aircraft for a final approach with elimination of a procedure turn.
Procedure turn E side of crs, 118° Outbnd, 298° Inbnd, 4600' within 10 miles.
Minimum altitude over 10-mile Fix on R-113 on final approach crs, 4300'.
Crs and distance, 10-mile Fix to airport, 298°—4.3 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished at 8.7-mile DME Fix on R-113, proceed direct to LBB VOR, climbing to 4800', continue on R-293 within 15 miles.
CAUTION: 3358' water tower located on E side of airport.
MSA within 25 miles of facility: 000°-090°—4900'; 090°-270°—5100'; 270°-360°—4600'.

City, Lubbock; State, Tex.; Airport name, Municipal; Elev., 3269'; Fac. Class., L-BVORTAC; Ident., LBB; Procedure No. VOR/DME No. 2, Amdt. 1; Eff. date, 3 July 65; Sup. Amdt. No. Orig.; Dated, 27 Apr. 65

VOR/DME STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less: 65 knots or less	2-engine or less: More than 65 knots	More than 2-engine, more than 65 knots
				T-dn	300-1	300-1	300-1
				C-dn	400-1	400-1	400-1½
				S-dn-26	400-1	400-1	400-1
				A-dn	800-2	800-2	800-2

Procedure turn N side of crs, 105° Outbnd, 285° Inbnd, 4900' within 20 miles.
Minimum altitude over 10-mile DME Fix on R-105 on final approach crs, 4300'.
Crs and distance, 10-mile Fix to airport, 284°—4.1 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished at 8.9-mile DME Fix on R-105 proceed direct to LBB VORTAC, climbing to 4500' continue on R-293 within 15 miles.
NOTE: When authorized by ATC, DME may be used to orbit at 15 miles at 5100' to position aircraft for a final approach with the elimination of a procedure turn.
CAUTION: 3380' water tower located on E side of airport.
MSA within 25 miles of facility: 000°-090°—4600'; 090°-270°—5100'; 270°-360°—4600'.

City, Lubbock; State, Tex.; Airport name, Municipal; Elev., 3269'; Fac. Class., L-BVORTAC; Ident., LBB; Procedure No. VOR/DME No. 3, Amdt. Orig.; Eff. date, 3 July 65

ALO VORTAC	4.0-mile DME Fix R-114	Direct	3100	T-dn	200-1	200-1	200-½
				C-dn	400-1	400-1	400-1½
				S-dn-08E	400-1	400-1	400-1
				A-dn	800-2	800-2	800-2

Procedure turn E side of crs, 114° Outbnd, 294° Inbnd, 3100' between 4- and 14-mile DME Fix R-114.
Minimum altitude over 4.0-mile DME Fix R-114 on final approach crs, 2000'.
Crs and distance, 4.0-mile DME Fix R-114 to airport, 294°—3.6 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished at 0.4-mile DME Fix R-114, climb to 3100' on R-302 to Shell Rock Int and hold NW 122° Inbnd with left turns.
NOTE: (1) When authorized by ATC, DME may be used to position aircraft for straight-in approach at 3100' between R-089 clockwise to R-230 via 10-mile DME arc with the elimination of procedure turn. (2) Final approach from holding pattern at 4.0-mile DME Fix R-114 not authorized. Procedure turn required.
*400-¾ authorized, except for 4-engine turbojet aircraft, with operative high-intensity runway lights.
MSA within 25 miles of facility: 000°-180°—3100'; 180°-090°—2400'.

City, Waterloo; State, Iowa; Airport name, Waterloo Municipal; Elev., 870'; Fac. Class., L-BVORTAC; Ident., ALO; Procedure No. VOR/DME No. 1, Amdt. 2; Eff. date, 3 July 65; Sup. Amdt. No. 1; Dated, 1 Apr. 65

6. By amending the following instrument landing system procedures prescribed in § 97.17 to read:

ILS STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less: 65 knots or less	2-engine or less: More than 65 knots	More than 2-engine, more than 65 knots
Pogo Int	LOM	Direct	3000	T-dn	300-1	300-1	300-½
CRP VOR	LOM	Direct	3000	C-dn	#400-1	400-1	500-1½
CRP RBn	LOM	Direct	3000	S-dn-13S	300-1½	300-1½	300-1½
Sinton Int	LOM	Direct	3000	A-dn	800-2	800-2	800-2
Mathis Int	Edroy Int	Direct	1400				
Edroy Int	LOM (final)	Direct	1400				

Radar vectoring authorized in accordance with approved patterns.
Procedure turn W side of crs, 307° Outbnd, 127° Inbnd, 2000' within 10 miles.
Minimum altitude at glide slope intercept Inbnd, 1400'.
Altitude of glide slope and distance to approach end of runway at LOM, 1370'—4.8 miles; at LMM, 344'—0.6 mile.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished, proceed to Pogo Int via ILS SE CRS and CRP VOR R-182 climbing to 2000' or, when directed by ATC, turn left, proceed direct to CRP VOR climbing to 3000'.
#800-¾ required if glide slope not utilized.
#4500-1 required if glide slope not utilized.

City, Corpus Christi; State, Tex.; Airport name, Corpus Christi International; Elev., 49'; Fac. Class., ILS; Ident., I-CRP; Procedure No. ILS-13, Amdt. 10; Eff. date, 3 July 65; Sup. Amdt. No. 9; Dated, 27 Feb. 65

Salem VOR	LOM	Direct	2000	T-dn*	300-1	300-1	300-½
YIP LOM	LOM	Direct	2500	C-dn	400-1	400-1	400-1½
Creek Int	LOM (final)	Direct	1900	S-dn-27L**	300-1½	300-1½	300-1½
Carleton VOR	LOM (final)	Via CRL R-216 and Loc Crs.	1900	S-dn-9R#	400-1	400-1	400-1
				A-dn	800-2	800-2	800-2
Dundee Int	LOM	Direct	2200				
Dundee Int	Creek Int	Via CRL R-280	2200				

Radar vectoring authorized in accordance with approved patterns.
Procedure turn E side of crs, 212° Outbnd, 032° Inbnd, 2200' within 10 miles.
Minimum altitude at glide slope intercept Inbnd, 1900'.
Altitude of glide slope and distance to approach end of runway at LOM, 1813'—4.2 miles; at LMM, 541'—0.6 mile.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished make left-climbing turn to 2700' and proceed to Ford RBn or, when directed by ATC, climb to 2300' and proceed to Park Int via QG VOR R-293.
Other change: Deletes note regarding radar missed approach.
*800-¾ required when glide slope not utilized. 400-½ authorized, except for 4-engine turbojet aircraft, with operative ALS.
#Crs and distance, OM to Runway 9R, 092°—4.0 miles.
*Runway visual range of 2400' authorized for takeoff in lieu of 200-½ when 200-½ is authorized, providing high-intensity runway lights are in satisfactory operating condition.
**Runway visual range 2400' also authorized for landing on Runway 3L; provided that all components of the ILS, high-intensity runway lights, approach lights, condenser discharge flashers, and all related airborne equipment are operating satisfactory. Descent below the authorized landing minimum altitude of 859' shall not be made unless visual contact with the approach lights has been established or the aircraft is clear of clouds.

City, Detroit; State, Mich.; Airport name, Detroit Metropolitan Wayne County; Elev., 639'; Fac. Class., ILS; Ident., I-DTW; Procedure No. ILS-3L-R, Amdt. 12; Eff. date, 3 July 65; Sup. Amdt. No. 11; Dated, 19 Dec. 64

ILS STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

Transition From—	Transition To—	Course and distance	Minimum altitude (feet)	Ceiling and visibility minimums: Condition	2-engine or less: 65 knots or less	2-engine or less: More than 65 knots	More than 2-engine, more than 65 knots
Mocreville Int	LOM (final)	Direct	2200	T–dn*	300–1	300–1	300–1
Salem VOR	LOM	Direct	2000	C–dn	400–1	400–1	400–1½
Bridgewater VHF Int	LOM	Direct	1600	S–dn–8R**	200–½	200–½	200–½
Bridgewater VHF Int	Mocreville Int	Via CRL R–280	2400	S–dn–8L	400–1	400–1	400–1
Dundee Int	LOM	Direct	2400	A–dn	600–2	600–2	600–2
Dundee Int	Mocreville Int	Via VWV R–357	1800				
Express Int	LOM	Direct	2400				

Radar vectoring authorized in accordance with approved patterns.
Procedure turn W side of crs, 236° Outbnd, 056° Inbnd, 2400′ within 10 miles.
Minimum altitude of glide slope interception Inbnd, 2300′.
Altitude of glide slope and distances to approach end of runway at OM, 2361′—4.0 miles; at MM, 932′—0.5 mile.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished, make left turn, climb to 2600′ to Salem VOR on R–170 or, when directed by ATC, climb to 2700′ on NE crs YIP ILS to Ford RBn.
Other change: Deletes note regarding radar missed approach.
*Runway visual range 2400′ authorized for takeoff in lieu of 300–1 when 200–½ is authorized, providing high-intensity runway lights are in satisfactory operating condition.
‡Runway visual range 2400′ also authorized for landing on Runway 5R; provided, that all components of the ILS, high-intensity runway lights, approach lights, condenser discharge flashers, and all related airborne equipment are in satisfactory operating condition. Descent below 916′ shall not be made unless visual contact with the approach lights has been established or the aircraft is clear of clouds.
**400–½ required when glide slope not utilized. 400–½ authorized, except for 4-engine turbojet aircraft, with operative ALS.

City, Detroit; State, Mich.; Airport name, Willow Run; Elev., 716′; Fac. Class., ILS; Ident., I–YIP; Procedure No. ILS–5R&L, Amdt. 17; Eff. date, 3 July 65; Sup. Amdt. No. 16; Dated, 23 Nov. 63

Lubbock VOR	LOM	Direct	4800	T–dn	300–1	300–1	300–1
Int R–114 LBB and N crs ILS	LOM	Direct	4600	C–dn	400–1	500–1	500–1½
Plainview VOR 184–R and N crs ILS	LOM (final)	Direct	4000	S–dn–17R	200–½	200–½	200–½
				A–dn	600–2	600–2	600–2

Procedure turn E side N crs, 340° Outbnd, 160° Inbnd, 4600′ within 10 miles. Beyond 10 miles not authorized. Nonstandard due to ATC requirements. All maneuvering to be made on E side of crs.
Minimum altitude at glide slope interception Inbnd, 4300′.
Altitude of glide slope and distance to approach end of runway at OM, 4300′—3.8 miles; at MM, 3400′—0.6 mile.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished, climb to 5100′ on S crs ILS 160° within 20 miles or, when directed by ATC, turn left, climb to 5000′ on R–110 LBB within 20 miles.
NOTE: When authorized by ATC, DME may be used to orbit at 15 miles at 5100′ to position aircraft for a final approach with the elimination of a procedure turn.
CAUTION: 4065′ tower, 7.5 miles S of airport on missed approach.

City, Lubbock; State, Tex.; Airport name, Municipal; Elev., 3309′; Fac. Class., ILS; Ident., I–LBB; Procedure No. ILS–17R, Amdt. 9; Eff. date, 3 July 65; Sup. Amdt. No. 8; Dated, 29 July 61

Lubbock VOR	Broadway Int	Direct	5400	T–dn	300–1	300–1	300–1
V–76N	Broadway Int (final)	Via LBB R–154 and Back Crs LBB ILS LOC	**5100	C–dn	400–1	400–1	500–1½
				S–dn–35L‡	400–1	400–1	400–1
				A–dn	800–2	800–2	800–2

Procedure turn E side S crs, 169°Outbnd, 349° Inbnd, 5100′ within 10 miles of Broadway Int.
No glide slope, minimum altitude Broadway Int, 4000′, distance to approach end of runway at Broadway Int, 4.0 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.0 miles after passing Broadway Int, climb to 5000′ on N crs ILS or, when directed by ATC, climb to 5000′ on R–110 LBB within 25 miles.
NOTE: When authorized by ATC, DME may be used to orbit at 15 miles at 5100′ to position aircraft for a final approach with the elimination of a procedure turn.
CAUTION: 3386′ water tower located on E side of airport.
Other change: Deletes transition from Lubbock LFR to Broadway Int. Deletes note narrow localizer crs 4°.
‡400–½ authorized, except for 4-engine turbojet aircraft, with operative high-intensity runway lights.
** Descent to 4600′ not authorized until established on localizer crs.

City, Lubbock; State, Tex.; Airport name, Municipal; Elev., 3309′; Fac. Class., ILS; Ident., I–LBB; Procedure No. ILS–35L (back crs), Amdt. 4; Eff. date, 3 July 65; Sup. Amdt. No. 3; Dated, 3 Jan. 59

OSH VOR	LOM	Direct	1900	T–dn	300–1	300–1	300–1
				C–dn	400–1	500–1	500–1½
				S–dn–9‡	300–¾	300–¾	300–¾
				A–dn*	700–2	700–2	700–2

Radar vectoring to final approach crs authorized in accordance with approved patterns.
Procedure turn S side of crs, 289° Outbnd, 069° Inbnd, 2800′ within 15 miles.
Minimum altitude at glide slope interception Inbnd, 2600′.
Altitude of glide slope and distance to approach end of runway at OM, 2488′—3.7 miles; at MM, 1001′—0.6 mile.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished, climb to 3000′ on E crs of ILS within 15 miles or, when directed by ATC, make right-climbing turn to 2600′ on E–165 OSH VOR within 15 miles.
NOTES: (1) No approach lights. (2) Aircraft on missed approach may be radar controlled after radar identification. (3) Night takeoffs and landings authorized on Runways 9, 27, 18, and 36 only.
Other change: Deletes caution note.
*Alternate minimums authorized only during hours of control zone operation.
‡400–1 required when glide slope not utilized. 400–¾ authorized, except for 4-engine turbojet aircraft, with operative high-intensity runway lights.

City, Oshkosh; State, Wis.; Airport name, Winnebago County; Elev., 796′; Fac. Class., ILS; Ident., I–OSH; Procedure No. ILS–9, Amdt. 0; Eff. date, 3 July 65; Sup. Amdt. No. 8; Dated, 29 Aug. 64

ILS STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

Transition From—	Transition To—	Course and distance	Minimum altitude (feet)	Ceiling and visibility minimums: Condition	2-engine or less: 65 knots or less	2-engine or less: More than 65 knots	More than 2-engine, more than 65 knots
Shell Rock Int	LOM (final)	Direct	2800	T–dn	300–1	300–1	300–1
New Hartford Int	LOM	Direct	2600	C–dn	400–1	500–1	500–1½
Waverly Int	LOM	Direct	2800	S–dn–12*	200–½	200–½	200–½
ALO VOR	LOM	Direct	2800	A–dn	600–2	600–2	600–2
Hirnbeck Int	LOM	Direct	2800				

Procedure turn W side of crs, 302° Outbnd, 122° Inbnd, 2800′ within 10 miles.
Minimum altitude at glide slope interception Inbnd, 2800′.
Altitude of glide slope and distance to approach end of runway at LOM, 2229′—4.5 miles; at LMM, 1067′—0.5 mile.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished, climb to 2600′ on the ALO VOR R–093 within 20 miles or, when directed by ATC, (1) climb to 2500′ on the ALO VOR R–140 within 20 miles, (2) climb to 2800′ on SE crs of ILS within 10 miles.
NOTE: When authorized by ATC, ALO DME may be used to position aircraft for straight-in approach at 2800′ between R–204 clockwise to R–349 via 12-mile DME arc with the elimination of procedure turn.
*400–1 required when glide slope not utilized. 400–½ authorized, except for 4-engine turbojet aircraft, with operative high-intensity runway lights. 400–¼ authorized, except for 4-engine turbojet aircraft, with operative ALS.

City, Waterloo; State, Iowa; Airport name, Waterloo Municipal; Elev., 870′; Fac. Class., ILS; Ident., I–ALO; Procedure No. ILS–12, Amdt. 7; Eff. date, 3 July 65; Sup. Amdt. No. 6; Dated, 1 Apr. 65

7. By amending the following radar procedures prescribed in § 97.19 to read:

RADAR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet, MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.
If a radar instrument approach is conducted at the below named airport, it shall be in accordance with the following instrument procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitude(s) shall correspond with those established for en route operation in the particular area or as set forth below. Positive identification must be established with the radar controller. From initial contact with radar to final authorized landing minimums, the instructions of the radar controller are mandatory except when (A) visual contact is established on final approach at or before descent to the authorized landing minimums, or (B) at pilot's discretion if it appears desirable to discontinue the approach, except when the radar controller may direct otherwise prior to final approach, a missed approach shall be executed as provided below when (A) communication on final approach is lost for more than 5 seconds during a precision approach, or for more than 20 seconds during a surveillance approach; (B) directed by radar controller; (C) visual contact is not established upon descent to authorized landing minimums; or (D) if landing is not accomplished.

Transition From—	Transition To—	Course and distance	Minimum altitude (feet)	Ceiling and visibility minimums: Condition	2-engine or less: 65 knots or less	2-engine or less: More than 65 knots	More than 2-engine, more than 65 knots
All directions		0–7 miles	2000	Precision approach			
330°	030°	7–25 miles	2000				
030°	260°	7–20 miles	2300	T–dn*	300–1	300–1	300–1
250°	330°	7–20 miles	2500	C–dn	400–1	500–1	500–1½
All directions		20–25 miles	2600	S–dn–8R**	200–½	200–½	200–½
025°	360°	25–30 miles	2600	S–dn–8L	400–1	400–1	400–1
350°	180°	25–30 miles	2700	A–dn	800–2	800–2	800–2
Radar control will provide 1000′ vertical clearance within a 3-mile radius of 1240′ tower 10 miles west and 1737′, 1736′, and 1749′ tower, 17.5 to 19.5 miles NE of airport.				Surveillance approach			
				T–dn	300–1	300–1	300–1
				C–dn–9L	400–1	400–1	400–1½
				S–dn–9L‡	400–1	400–1	400–1
				C–dn–14, 36, 4L–R.	500–1	500–1	500–1½
				S–dn–14, 36, 4L–R.	500–1	500–1	500–1
				22 L–R, 18, 27 L–R, and 22:			
				C–dn	500–1	500–1	500–1½
				S–dn‡‡	400–1	400–1	400–1
				A–dn	800–2	800–2	800–2

Radar terminal area transition altitudes—all bearings are from the radar site with sector azimuths progressing clockwise.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished, Runways 22L, 22R, 27R, 27L, 14, and 18, climb to 2300′ and proceed to YIP LOM. Runways 9L, 9R, 9L, 36, and 22, climb to 2600′, proceed to SVM VOR on R–170. Aircraft executing missed approach may after being reidentified, be radar controlled.
‡Surveillance approaches straight-in to Runway 9R not authorized due to antenna location and ground clutter.
*Runway visual range 2400′ authorized for takeoff in lieu of 300–1 when 200–½ authorized, providing high-intensity runway lights are in satisfactory operating condition.
**Runway visual range 2400′ authorized for landing on Runway 5R; provided that all components of the PAR, high-intensity runway lights, approach lights, condenser discharge flashers, and all related airborne equipment are operating satisfactorily. Descent below authorized landing minimum altitude of 916′ shall not be made unless visual contact with the approach lights has been established or the aircraft is clear of clouds.
‡‡Runway 22L—400–½ authorized, except for 4-engine turbojet aircraft, with operative high-intensity runway lights.

City, Detroit; State, Mich.; Airport name, Willow Run; Elev., 716′; Fac. Class and Ident., Willow Run radar; Procedure No. 1, Amdt. 12; Eff. date, 3 July 65; Sup. Amdt. No. 12; Dated, 10 Oct. 64

RADAR STANDARD INSTRUMENT APPROACH PROCEDURES—Continued

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
000° 000° 000°	360° 360° 360°	Within: 0–10 miles 10–20 miles 20–40 miles	3000 3500 4000	Surveillance approach			
				T–dn°	300–1	300–1	200–½
				C–dn‡	500–1	500–1	500–1½
				S–dn–19L/R	500–1	500–1	500–1
				S–dn–28L/R⅝	400–1	400–1	400–1
				A–dn	800–2	800–2	800–2
				Precision approach			
				S–dn–28R§	200–½¢	200–½¢	200–½
				A–dn	800–2	600–2	600–2

If visual contact not established upon descent to authorized landing minimums or if landing not accomplished, Runways 19L/R: Turn left, climb to 2600' on SFO VOR R-101, or E crs of SFO ILS localizer within 10 miles. Runways 28L/R: Climb to 3000' on SFO VOR R-281, or W crs of SFO ILS localizer within 15 miles. Runways 10L/R Climb to 2500' on SFO VOR R-101, or E crs of SFO ILS localizer within 10 miles.

CAUTION: Execute missed approach with best climb on ILS W crs, or R-281. Standard clearance not provided over terrain 1000' 4 miles W of airport.

*IFR departures must comply with published San Francisco SID's, or be radar vectored.

*Runway visual range 2400' also authorized for takeoff on Runway 28R in lieu of 200–½ when 300–½ authorized; providing high-intensity runway lights are operational.

‡1000' ceiling required for circling approaches to Runways 1R/L.

⅝400–⅝ authorized, except for 4-engine turbojet aircraft, with operative high-intensity runway lights.

¢400–½ authorized, except for 4-engine turbojet aircraft, with operative ALS.

§Runway visual range 2400' also authorized for landing on Runway 28R; provided that all components of the P.A.R. high-intensity runway lights, approach lights, condenser discharge flashers, and all related airborne equipment are operating satisfactorily. Descent below the authorized landing minimum altitude of 212' shall not be made unless visual contact with the approach lights has been established or the aircraft is clear of clouds.

City, San Francisco; State, Calif.; Airport name, San Francisco International; Elev., 12'; Fac. Class. and Ident., San Francisco Radar; Procedure No. 1, Amdt. 8; Eff. date, 3 July 65; Sup. Amdt. No. 7; Dated, 5 June 65

These procedures shall become effective on the dates specified therein.

(Secs. 307(c), 313(a), 601, Federal Aviation Act of 1958; 49 U.S.C. 1348(c), 1354(a), 1421; 72 Stat. 749, 752, 775)

Issued in Washington, D.C., May 27, 1965.

C. W. WALKER,
Acting Director, Flight Standards Service.

[F.R. Doc. 65-5805; Filed, June 25, 1965; 8:45 a.m.]

Title 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

SUBCHAPTER A—PROCEDURES AND RULES OF PRACTICE

PART 1—GENERAL PROCEDURES

Voluntary Compliance; Public Information

The Commission announces the following changes in Part 1 of Chapter I of Title 16. The changes to be effective as of date of publication in the FEDERAL REGISTER.

Section 1.21 of Subpart C is amended to read as follows:

§ 1.21 Voluntary compliance.

The Commission, when it has information indicating that a person or persons may be engaging in a practice which may involve violation of a law administered by it, and if it deems the public interest will be fully safeguarded thereby, may afford such person or persons the opportunity to have a matter disposed of on an informal nonadjudicatory basis. In determining whether the public interest will be fully safeguarded through such informal administrative action, the Commission will consider (1) the nature and gravity of the alleged violation; (2) the prior record and good faith of the parties involved; and (3) other factors, including, where appropriate, adequate assurance of voluntary compliance.

Section 1.132(f) of Subpart M is amended to read as follows:

§ 1.132 Public information.

* * * * *

(f) Reports of compliance, describing the manner and form in which respondents allege they have complied with the Commission's orders to cease and desist, and written assurances of voluntary compliance which are accepted under § 1.21 (excluding matters disposed of under § 1.84) are available at the principal office of the Commission for inspection and copying at reasonable times, unless at the time a report of compliance or an assurance of voluntary compliance was filed the party filing it requested that it be classified as confidential, showing justification therefor, and the Commission, with due regard to statutory restrictions, its rules and the public interest, granted the request.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46)

Issued: June 22, 1965.

By direction of the Commission.

[SEAL] JOSEPH W. SHEA,
Secretary.

[F.R. Doc. 65-6742; Filed, June 25, 1965; 8:48 a.m.]

Title 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 511—POSITION CLASSIFICATION UNDER THE CLASSIFICATION ACT SYSTEM

PART 531—PAY UNDER THE CLASSIFICATION ACT SYSTEM

Retroactive Effective Date and Appeals to the Commission

In Federal Register Document 65-6455 appearing in the issue for June 19, 1965, at page 7962, amending Part 511.703(a) and Part 531.516(c), the effective date was omitted. The effective date for both amendments is 60 days after June 19, 1965.

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] MARY V. WENZEL,
Executive Assistant to the Commissioners.

[F.R. Doc. 65-6741; Filed, June 25, 1965; 8:48 a.m.]

Title 41—PUBLIC CONTRACTS AND PROPERTY MANAGEMENT

Chapter 1—Federal Procurement Regulations

PART 1–1—GENERAL

PART 1–16—PROCUREMENT FORMS

New Standard Government Real Property Lease Forms

This amendment prescribes standard forms of leases for real property to be used by Federal agencies in procuring space.

In Part 1–1—General:

In Subpart 1–1.0—Regulation System:

1. Section 1–1.002 *Purpose* is amended as follows:

§ 1–1.002 Purpose.

This subpart establishes the Federal Procurement Regulations System for the codification and publication of uniform policies and procedures applicable to Federal agencies in the procurement of personal property and nonpersonal services (including construction) and the procurement of real property by lease, except as limited by the provisions of § 1–1.004. The system includes regulations prescribed by the Administrator of General Services, called the Federal Procurement Regulations (FPR), as well as individual agency procurement regulations which implement and supplement the FPR.

2. Section 1–1.004–1 *Leases of real property* is added as follows:

§ 1–1.004–1 Leases of real property.

The FPR apply to leases of real property only to the extent explicitly stated in specific FPR provisions. Subpart 1–1.0 and 1–1.2 apply to leases of real property.

In Subpart 1–1.2—Definition of Terms: Section 1–1.209 is amended as follows:

§ 1–1.209 Procurement.

"Procurement" means the acquisition (and directly related matters), from non-Federal sources, of personal property and nonpersonal services (including construction) by such means as purchasing, renting, leasing (including real property), contracting, or bartering, but not by seizure, condemnation, donation, or requisition.

In Part 1–16—Procurement Forms:

Part 1–16 is amended by adding a new Subpart 1–16.6 as follows:

Subpart 1–16.6—Forms of Leases for Real Property

Sec.
1–16.600 Scope of subpart.
1–16.601 Forms prescribed.
1–16.602 Conditions of use.
1–16.602–1 Standard Form 2, U.S. Government Lease for Real Property.
1–16.602–2 Standard Form 2–A, General Provisions and Instructions, U.S. Government Lease for Real Property.
1–16.602–3 Standard Form 2–B, U.S. Government Lease for Real Property (Short Form).
1–16.603 Modifications, deviations, and exceptions.

AUTHORITY: The provisions of this Subpart 1–16.6 are issued under sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c).

Subpart 1–16.6—Forms of Leases for Real Property

§ 1–16.600 Scope of subpart.

This subpart prescribes forms of leases for procuring real property. Illustrations of these forms are contained in Subpart 1–16.9.

§ 1–16.601 Forms prescribed.

The following standard forms of leases for real property are prescribed for use by Federal agencies in procuring real property by lease, by advertising, or negotiation, subject to the conditions in this Subpart 1–16.6:

(a) Standard Form 2, February 1965 edition, U.S. Government Lease for Real Property.

(b) Standard Form 2–A, February 1965 edition, General Provisions and Instructions, U.S. Government Lease for Real Property.

(c) Standard Form 2–B, February 1965 edition, U.S. Government Lease for Real Property (Short Form).

§ 1–16.602 Conditions of use.

Standard Forms 2, 2–A, and 2–B need not be used outside the United States and its possessions.

§ 1–16.602–1 Standard Form 2, U.S. Government Lease for Real Property.

(a) The use of this form is not limited by any maximum or minimum rental.

(b) Standard Form 2–A is made a part of Standard Form 2 by the provisions of Standard Form 2.

(c) The following automatic renewal clause may be used in lieu of clause 5 of Standard Form 2 by agencies having authority to use automatic renewals:

This lease shall be automatically renewed from year to year without further notice unless and until the Government shall give notice of termination in accordance with clause 4: *Provided*, That adequate appropriations are available from year to year for the payment of rentals, and *Provided further*, That this lease shall in no event extend beyond _____.

§ 1–16.602–2 Standard Form 2–A, General Provisions and Instructions, U.S. Government Lease for Real Property.

(a) Whenever it is determined necessary or desirable to include provisions for restoration, the following may be substituted for clause 4 of Standard Form 2–A:

The Government shall have the right during the existence of this lease to make alterations, attach fixtures, and erect additions, structures, or signs in or upon the premises hereby leased, which fixtures, additions, or structures shall be and remain the property of the Government and may be removed by the Government prior to the expiration or termination of this lease. The lessor may, upon not less than _____ days' written notice to the Government, before termination of the lease, require restoration of the leased premises. In this event, prior to the expiration or termination of this lease, or prior to relinquishment of possession, whichever first occurs, the Government shall, at its sole election, either:

(1) restore the premises to the same condition as that existing at the time of entering upon the same under this lease, reasonable and ordinary wear and tear and damage by the elements or by circumstances over which the Government has no control excepted, or

(2) pay to the lessor a sum of money representing either the diminution in the fair market value of the property due to the failure to restore, or the actual cost of restoration, whichever is the lesser amount.

(b) The content of clauses 1 through 5 of Standard Form 2–A may be modified to any extent deemed appropriate by the agency.

§ 1–16.602–3 Standard Form 2–B, U.S. Government Lease for Real Property (Short Form).

(a) This short form lease may be used when the amount of rental does not exceed $2,000 per annum.

(b) Where the parties desire to include renewal provisions in the lease, an appropriate clause may be inserted as follows:

(1) For term renewal, add to clause 3 of Standard Form 2–B—"* * * may be renewed by the Government by giving at least _____ days' notice in writing to the lessor before the lease would otherwise expire, said notice to be computed commencing with the day after the date of mailing."

(2) Agencies having authority to use automatic renewals may use an alternate insertion to clause 3, as follows: "* * * will automatically renew itself, unless terminated by the Government as hereinafter provided."

(c) The content of clauses 1 through 4 of Standard Form 2–B may be modified to any extent deemed appropriate by the agency.

§ 1–16.603 Modifications, deviations, and exceptions.

(a) The deviation procedure of § 1–1.009 is applicable to the lease forms prescribed in this Subpart 1–16.6.

(b) Additional terms, conditions, and provisions may be used in the prescribed forms of leases for real property under circumstances similar to those described in § 1–16.104.

(c) Leases of vacant land are excluded from the provisions of this Subpart 1–16.6.

Subpart 1–16.7 is reserved.

Subpart 1–16.9—Illustrations of Forms, is amended by adding § 1–16.901–2 *Standard Form 2, U.S. Government Lease for Real Property;* § 1–16.901–2A *Standard Form 2–A, General Provisions and Instructions, U.S. Government Lease for Real Property;* and § 1–16.901–2B *Standard Form 2–B, U.S. Government Lease for Real Property (Short Form)*, as follows:

§ 1–16.901–2 Standard Form 2, U.S. Government Lease for Real Property.

(a) Page 1 of Standard Form 2.

STANDARD FORM 2
FEBRUARY 1965 EDITION
GENERAL SERVICES
ADMINISTRATION
FPR (41 CFR) 1–16.601

U.S. GOVERNMENT
LEASE FOR REAL PROPERTY

DATE OF LEASE | LEASE NO.

THIS LEASE, made and entered into this date by and between

whose address is

and whose interest in the property hereinafter described is that of

hereinafter called the Lessor, and the UNITED STATES OF AMERICA, hereinafter called the Government:

WITNESSETH: The parties hereto for the considerations hereinafter mentioned, covenant and agree as follows:

1. The Lessor hereby leases to the Government the following described premises:

to be used for

2. TO HAVE AND TO HOLD the said premises with their appurtenances for the term beginning on

_____ through _____, subject to termination and renewal rights as may be hereinafter set forth.

3. The Government shall pay the Lessor annual rent of $_____

at the rate of $_____ per _____ in arrears. Rent for a lesser period shall be prorated. Rent checks shall be made payable to:

4. The Government may terminate this lease at any time by giving at least _____ days' notice in writing to the Lessor and no rental shall accrue after the effective date of termination. Said notice shall be computed commencing with the day after the date of mailing.

5. This lease may be renewed at the option of the Government, for the following terms and at the following rentals:

provided notice be given in writing to the Lessor at least _____ days before the end of the original lease term or any renewal term; all other terms and conditions of this lease shall remain the same during any renewal term. Said notice shall be computed commencing with the day after the date of mailing.

3-169

(b) Page 2 of Standard Form 2.

6. The Lessor shall furnish to the Government, as part of the rental consideration, the following:

7. The following are attached and made a part hereof: The General Provisions and Instructions (Standard Form 2A, _____ edition).

8. The following changes were made in this lease prior to its execution:

IN WITNESS WHEREOF, the parties hereto have hereunto subscribed their names as of the date first above written.

LESSOR

BY _____ (Signature) _____ (Signature)

IN PRESENCE OF:

_____ (Signature) _____ (Address)

UNITED STATES OF AMERICA

BY _____ (Signature) _____ (Official title)

STANDARD FORM 2
FEBRUARY 1965 EDITION

☆U.S. GOVERNMENT PRINTING OFFICE:1965—O-775-124,894-2

SPECIMEN

§ 1–16.901–2A Standard Form 2–A, General Provisions and Instructions, U.S. Government Lease for Real Property.

(a) Page 1 of Standard Form 2–A.

STANDARD FORM 2–A
FEBRUARY 1965 EDITION
GENERAL SERVICES
ADMINISTRATION
FPR (41 CFR) 1–16.601

GENERAL PROVISIONS AND INSTRUCTIONS

U.S. Government Lease for Real Property

1. SUBLETTING THE PREMISES.

The Government may sublet any part of the premises but shall not be relieved from any obligations under this lease by reason of any such subletting.

2. MAINTENANCE OF PREMISES.

The Lessor shall maintain the demised premises, including the building and any and all equipment, fixtures, and appurtenances, furnished by the Lessor under this lease in good repair and tenantable condition, except in case of damage arising from the act or the negligence of the Government's agents or employees. For the purpose of so maintaining said premises and property, the Lessor may at reasonable times, and with the approval of the authorized Government representative in charge, enter and inspect the same and make any necessary repairs thereto.

3. DAMAGE BY FIRE OR OTHER CASUALTY.

If the said premises be destroyed by fire or other casualty this lease shall immediately terminate. In case of partial destruction or damage, so as to render the premises untenantable, as determined by the Government, the Government may terminate the lease by giving written notice to the Lessor within fifteen (15) days thereafter; if so terminated no rent shall accrue to the Lessor after such partial destruction or damage; and if not so terminated the rent shall be reduced proportionately by supplemental agreement hereto effective from the date of such partial destruction or damage.

4. ALTERATIONS.

The Government shall have the right during the existence of this lease to make alterations, attach fixtures and erect additions, structures or signs in or upon the premises hereby leased, which fixtures, additions or structures so placed in, upon or attached to the said premises shall be and remain the property of the Government and may be removed or otherwise disposed of by the Government.

5. CONDITION REPORT.

A joint physical survey and inspection report of the demised premises shall be made as of the effective date of this lease, reflecting the then present condition, and will be signed on behalf of the parties hereto.

6. COVENANT AGAINST CONTINGENT FEES.

The Lessor warrants that no person or selling agency has been employed or retained to solicit or secure this lease upon an agreement or understanding for a commission, percentage, brokerage, or contingent fee, excepting bona fide employees or bona fide established commercial or selling agencies maintained by the Lessor for the purpose of securing business. For breach or violation of this warranty the Government shall have the right to annul this lease without liability or in its discretion to deduct from the rental price or consideration, or otherwise recover, the full amount of such commission, percentage, brokerage, or contingent fee. (Licensed real estate agents or brokers having listings on property for rent, in accordance with general business practice, and who have not obtained such licenses for the sole purpose of effecting this lease, may be considered as bona fide employees or agencies within the exception contained in this clause.)

7. OFFICIALS NOT TO BENEFIT.

No Member of or Delegate to Congress, or Resident Commissioner shall be admitted to any share or part of this lease contract, or to any benefit that may arise therefrom; but this provision shall not be construed to extend to this lease contract if made with a corporation for its general benefit.

8. ASSIGNMENT OF CLAIMS.

Pursuant to the provisions of the Assignment of Claims Act of 1940, as amended (41 U.S.C. 203, 41 U.S.C. 15), if this lease provides for payments aggregating $1,000 or more, claims for monies due or to become due the Lessor from the Government under this contract may be assigned to a bank, trust company, or other financing institution, including any Federal lending agency, and may thereafter be further assigned or reassigned to any such institution. Any such assignment or reassignment shall cover all amounts payable under this contract and not already paid, and shall not be made to more than one party, except that any such assignment or reassignment may be made to one party as agent or trustee for two or more parties participating in such financing. Notwithstanding any provisions of this contract, payments to an assignee of any monies due or to become due under this contract shall not, to the extent provided in said Act, as amended, be subject to reduction or set-off.

9. EQUAL OPPORTUNITY CLAUSE.

(The following clause is applicable unless this contract is exempt under the rules and regulations of the President's Committee on Equal Employment Opportunity (41 CFR, Chapter 60).)

During the performance of this contract (Lease), the Contractor (Lessor) agrees as follows:

(a) The Contractor will not discriminate against any employee or applicant for employment because of race, creed, color, or national origin. The Contractor will take affirmative action to ensure that applicants are employed, and that employees are treated during employment, without regard to their race, creed, color, or national origin. Such action shall include, but not be limited to, the following: employment, upgrading, demotion or transfer; recruitment or recruitment advertising; layoff or termination; rates of pay or other forms of compensation; and selection for training, including apprenticeship. The Contractor agrees to post in conspicuous places, available to employees and applicants for employment, notices to be provided by the Contracting Officer setting forth the provisions of this nondiscrimination clause.

(b) The Contractor will, in all solicitations or advertisements for employees placed by or on behalf of the Contractor, state that all qualified applicants will receive consideration for employment without regard to race, creed, color, or national origin.

(c) The Contractor will send to each labor union or representative of workers with which he has a collective bargaining agreement or other contract or understanding, a notice, to be provided by the agency Contracting Officer, advising the said labor union or workers' representative of the Contractor's commitments under this nondiscrimination clause, and shall post copies of the notice in conspicuous places available to employees and applicants for employment.

(d) The Contractor will comply with all provisions of Executive Order No. 10925 of March 6, 1961, as amended, and of the rules, regulations, and relevant orders of the President's Committee on Equal Employment Opportunity created thereby.

(e) The Contractor will furnish all information and reports required by Executive Order No. 10925 of March 6, 1961, as amended, and by the rules, regulations, and orders of the said Committee, or pursuant thereto, and will permit access to his books, records, and accounts by the contracting agency and the Committee for purposes of investigation to ascertain compliance with such rules, regulations, and orders.

(f) In the event of the Contractor's noncompliance with the nondiscrimination clause of this contract or with any of

2-201

(b) Page 2 of Standard Form 2–A.

the said rules, regulations, or orders, this contract may be canceled, terminated, or suspended in whole or in part and the Contractor may be declared ineligible for further Government contracts in accordance with procedures authorized in Executive Order No. 10925 of March 6, 1961, as amended, and such other sanctions may be imposed and remedies invoked as provided in the said Executive Order or by rule, regulation, or order of the President's Committee on Equal Employment Opportunity, or as otherwise provided by law.

(g) The Contractor will include the provisions of paragraphs (a) through (g) in every subcontract or purchase order unless exempted by rules, regulations, or orders of the President's Committee on Equal Employment Opportunity issued pursuant to section 303 of Executive Order No. 10925 of March 6, 1961, as amended, so that such provisions will be binding upon each subcontractor or vendor. The Contractor will take such action with respect to any subcontract or purchase order as the contracting agency may direct as a means of enforcing such provisions, including sanctions for noncompliance: *Provided, however,* that in the event the Contractor becomes involved in, or is threatened with, litigation with a subcontractor or vendor as a result of such direction by the contracting agency, the Contractor may request the United States to enter into such litigation to protect the interests of the United States.

10. FACILITIES NONDISCRIMINATION.

(a) As used in this section, the term "facility" means stores, shops, restaurants, cafeterias, restrooms, and any other facility of a public nature in the building in which the space covered by this lease is located.

(b) The Lessor agrees that he will not discriminate by segregation or otherwise against any person or persons because of race, creed, color, or national origin in furnishing, or by refusing to furnish, to such person or persons the use of any facility, including any and all services, privileges, accommodations, and activities provided thereby. Nothing herein shall require the furnishing to the general public of the use of any facility customarily furnished by the Lessor solely to tenants, their employees, customers, guests, guests and invitees.

(c) It is agreed that the Lessor's noncompliance with the provisions of this section shall constitute a material breach of this lease. In the event of such noncompliance, the Government may take appropriate action to obtain compliance, may terminate this lease, or may pursue such other remedies as may be provided by law. In the event of termination, the Lessor shall be liable for all excess costs to the Government in acquiring substitute space, including but not limited to the cost of moving to such space. Substitute space shall be obtained in as close proximity to the Lessor's building as is feasible and moving costs will be limited to the actual expenses thereof as incurred.

(d) It is further agreed that from and after the date hereof the Lessor will, at such time as any agreement is to be entered into or a concession is to be permitted to operate, include or require the inclusion of the foregoing provisions of this section in every such agreement or concession pursuant to which any person other than the Lessor operates or has the right to operate any facility. Nothing herein contained, however, shall be deemed to require the Lessor to include or require the inclusion of the foregoing provisions of this section in any existing agreement or concession arrangement or one in which the contracting party other than the Lessor has the unilateral right to renew or extend the agreement or arrangement, until the expiration of the existing agreement or arrangement and the unilateral right to renew or extend. The Lessor also agrees that it will take any and all lawful actions as expeditiously as possible, with respect to any such agreement as the contracting agency may direct, as a means of enforcing the intent of this section, including, but not limited to, termination of the agreement or concession and institution of court action.

11. EXAMINATION OF RECORDS.

(NOTE.—This provision is applicable if this lease was negotiated without advertising.)

(a) The Lessor agrees that the Comptroller General of the United States or any of his duly authorized representatives shall, until the expiration of 3 years after final payment under this lease, have access to and the right to examine any directly pertinent books, documents, papers, and records of the Lessor involving transactions related to this lease.

(b) The Lessor further agrees to include in all his subcontracts hereunder a provision to the effect that the subcontractor agrees that the Comptroller General of the United States or his representatives shall, until the expiration of 3 years after final payment under this lease with the Government, have access to and the right to examine any directly pertinent books, documents, papers, and records of such subcontractor involving transactions related to the subcontract.

12. APPLICABLE CODES AND ORDINANCES.

The Lessor, as part of the rental consideration, agrees to comply with all codes and ordinances applicable to the ownership and operation of the building in which the leased space is situated and, at his own expense, to obtain all necessary permits and related items.

13. INSPECTION.

At all times after receipt of Bids, prior to or after acceptance of any Bid or during any construction, remodeling or renovation work, the premises and the building or any parts thereof, upon reasonable and proper notice, shall be accessible for inspection by the Contracting Officer, or by architects, engineers, or other technicians representing him, to determine whether the essential requirements of the solicitation or the lease requirements are met.

14. ECONOMY ACT LIMITATION.

If the rental specified in this lease exceeds $2,000 per year, the limitation of Section 322 of the Economy Act of 1932 as amended (40 U.S.C. 278a), shall apply.

15. FAILURE IN PERFORMANCE.

In the event of failure by the Lessor to provide any service, utility, maintenance or repairs required under this lease, the Government shall have the right to secure said services, utilities, maintenance or repairs and to deduct the cost thereof from rental payments.

16. LESSOR'S SUCCESSORS.

The terms and provisions of this lease and the conditions herein shall bind the Lessor, and the Lessor's heirs, executors, administrators, successors, and assigns.

17. INSTRUCTIONS.

(a) Whenever the lease is executed by an attorney, agent, or trustee on behalf of the Lessor, two authenticated copies of his power of attorney, or other evidence to act on behalf of the Lessor, shall accompany the lease.

(b) When the Lessor is a partnership, the names of the partners composing the firm shall be stated in the body of the lease. The lease shall be signed with the partnership name, followed by the name of the partner signing the same.

(c) Where the Lessor is a corporation, the lease shall be signed with the corporate name, followed by the signature and title of the officer or other person signing the lease on its behalf, duly attested, and, if requested by the Government, evidence of this authority so to act shall be furnished.

(d) When deletions or other alterations are made specific notation thereof shall be entered under clause 9 of the lease before signing.

(e) If the property leased is located in a State requiring the recording of leases, the Lessor shall comply with all such statutory requirements at Lessor's expense.

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STANDARD FORM 2–A
FEBRUARY 1965 EDITION

SPECIMEN

(b) Page 2 of Standard Form 2–B.

GENERAL PROVISIONS

1. MAINTENANCE OF PREMISES
The Lessee shall maintain the premises and property furnished under this lease in good repair and tenantable condition, excepting reasonable deterioration, obsolescence, inadequacy, and damage due to the elements, fire, casualty, or other cause not due to the fault or negligence of the Lessee, and shall not commit or suffer waste on the premises. The Lessee shall not be responsible for making structural repairs or alterations unless such work is necessitated by the failure of the Lessee to perform its maintenance obligations under this lease. The Government or its representatives may enter the premises at any reasonable time for the purpose of making inspections or repairs it deems necessary, and may, during the last 90 days of the lease term, display customary "For Rent" signs.

2. DAMAGE BY FIRE OR OTHER CASUALTY
If the said premises be destroyed by fire or other casualty this lease shall immediately terminate. In case of partial destruction or damage, so as to render the premises untenantable, as determined by the Government, the Government may terminate the lease by giving written notice to the Lessor within fifteen (15) days after such partial destruction or damage and thereupon the rent shall be reduced proportionately by supplemental agreement hereto effective from the date of such partial destruction or damage.

3. ALTERATIONS
The Government may make alterations, which fixtures or additions erected by the Lessee, or agreed to be erected by the Lessee, shall be the property of the Government.

4. CONDITION REPORT
A joint physical survey and inspection report of the demised premises shall be made as of the effective date of this lease, preparatory to the Lessee's occupancy, and will be signed on behalf of the parties hereto.

5. OFFICIALS NOT TO BENEFIT
No Member of or Delegate to Congress, or Resident Commissioner, after his election or his appointment, either before or after he has qualified and during the period that he may serve therefor, and no officer, agent, or employee of the Government of the United States, except as provided in the next succeeding sentence, shall be admitted to any share or part of this lease, or to any benefit that may arise therefrom; but this restriction shall not be construed to extend to this lease if made with a corporation for its general benefit.

6. APPLICABLE CODES AND ORDINANCES
The Lessee, as part of the rental consideration, shall comply with all municipal, county, State, and Federal laws, codes, and regulations applicable to the premises and the use and occupancy thereof, including but not limited to building and fire codes, and the Lessee shall procure all licenses and permits required for the use and occupancy of the premises for the purposes set forth herein. Compliance with the provisions of the Occupational Safety and Health Act of 1970 (Public Law 91-596) and the standards promulgated thereunder shall be a material part of the consideration for this lease.

7. LESSOR'S SUCCESSORS
The terms and provisions of this lease and the conditions herein shall bind and inure to the benefit of the Lessor and its successors, executors, administrators, and assigns.

8. COVENANT AGAINST CONTINGENT FEES
The Lessor warrants that no person or selling agency has been employed or retained to solicit or secure this lease upon an agreement or understanding for a commission, percentage, brokerage, or contingent fee, excepting bona fide employees or bona fide established commercial or selling agencies maintained by the Lessor for the purpose of securing business. For breach or violation of this warranty the Government shall have the right to annul this lease without liability or in its discretion to deduct from the rental consideration or otherwise recover, the full amount of such commission, percentage, brokerage, or contingent fee. (Added and extra charges for handling for the use of property for rent, in accordance with general trade practice, and who have not obtained such license for the sole purpose of effecting this lease, may be considered as bona fide employees or agencies within the exception contained in this clause.)

9. FACILITIES NONDISCRIMINATION
(a) As used in this section, the term "facility" means structure, premises, or portion thereof, including restrooms, and any other facility of a similar character, in the building in which the space covered by this lease is located.
(b) The Lessor agrees that he will not discriminate by segregation or otherwise against any person or persons because of race, creed, color, or national origin in furnishing, or by refusing to furnish, to such person or persons the use of any facility, including any and all services, privileges, accommodations, and activities provided thereby to the general public or the Government and made available in the space leased to the Government hereunder. Nothing contained in this section shall be construed to require the furnishing to any person or persons other than the Government of any facility, service, or privilege not furnished to the general public or the Government under the terms of this lease.
(c) It is agreed that the Lessor's noncompliance with the provisions of this section shall constitute a material breach of this lease. In the event of such noncompliance, the Government may take appropriate action to enforce compliance, may terminate this lease, or may pursue such other remedies as may be provided by law. In the event of termination, the Lessor shall be liable for all excess costs of the Government in securing similar space, plus moving costs, interest on any funds borrowed to finance the premises, and other damages. Termination shall be effected by serving a notice of termination on the Lessor setting forth the manner in which the Lessor is in noncompliance with this nondiscrimination clause. The penalties and remedies for noncompliance set forth in this section are not exclusive, however, and the Government may take any other action deemed necessary to enforce this clause, including but not limited to, referring the matter to the Department of Justice for court action to enforce the provisions of this section, including but not limited to, the enjoining of the premises owned or controlled by the Lessor.

10. EXAMINATION OF RECORDS
(NOTE: This provision is applicable if this lease was negotiated without advertising.)
The Lessor grants the Comptroller General of the United States or any of his duly authorized representatives, access to and the right to examine all books, records, papers, and documents related to this lease.

11. INSTRUCTIONS
Whenever the lease is executed by an attorney, agent, or officer of a corporation on behalf of the Lessor, the name of the Lessor shall appear above the signature of the person signing.

Effective date. This regulation is effective October 1, 1965, but may be observed earlier if the forms are available.

Dated: June 18, 1965.

LAWSON B. KNOTT, JR.,
Administrator of General Services.

[F.R. Doc. 65-6677; Filed, June 25, 1965; 8:45 a.m.]

§ 1-16.901-2B Standard Form 2-B, U.S. Government Lease for Real Property (Short Form).

(a) Page 1 of Standard Form 2-B.

STANDARD FORM 2-B
FEBRUARY 1965
EDITION
PRESCRIBED BY GSA
FPMR (41 CFR) 1-16.901

U.S. Government
Lease for Real Property (Short Form)

LEASE
DATE
NO.

The LESSOR leases to the UNITED STATES OF AMERICA, hereinafter called the GOVERNMENT, the described premises on the terms stated herein, including the conditions on the reverse hereof.

1. DESCRIPTION OF LEASED PREMISES

2. TERM. To have and to hold
For the term beginning _____, through _____,
Unless prior to that termination, this lease

3. RENTAL. The Government shall pay the Lessor rental as follows:
$ _____ per _____ in arrears. Rent for a lesser period shall be prorated.

4. TERMINATION. The Government may terminate this lease at any time by giving at least _____ days' written notice to the Lessor. Said notice shall be computed commencing with the day after the date of mailing.

5. USE. The premises shall be used and occupied by the Government for _____ or such other purposes as may be determined by the head thereof, or his duly authorized representative.

6. MAINTENANCE, UTILITIES, AND SERVICES. The Lessor shall furnish to the Government, as part of the consideration for rental, all utilities and services and make all repairs to the premises necessary to maintain the premises in good condition, except as otherwise provided for in this lease. The Lessor shall not be liable for any failure to furnish utilities or services when such failure is caused by conditions beyond the control of the Lessor or by fire or other casualty.

7. SUBLETTING AND ASSIGNMENT. The Government shall not assign this lease or sublet the premises or any part thereof without the consent of the Lessor, which consent shall not be unreasonably withheld.

8. HOLDING OVER. Any holding over by the Government after the termination of this lease shall not constitute a renewal or extension thereof or give the Government any rights in or to the premises except as expressly provided in this lease.

9. RESTORATION. The Government shall have a reasonable time within which to remove its property and to restore the premises to the condition existing at the commencement of the lease, reasonable wear and tear, damage by the elements, fire, casualty, or other cause not due to the fault or negligence of the Government excepted.

10. ADJUSTMENT OF RENTAL. The rental shall be adjusted as follows:
(a) Adjustments shall be made at the rate of $ _____ per _____ for each square foot by which the area of the premises is increased or decreased.
(b) Any such adjustment shall be effective as of the date the area is increased or decreased.
(c) Any such adjustment shall be computed on the basis of the square footage stated in this lease.
(d) Any such adjustment shall be made by supplemental agreement.

11. INSTRUCTIONS
Whenever the lease is executed by an attorney, agent, or officer of a corporation on behalf of the Lessor, the name of the Lessor shall appear above the signature of the person signing.

LESSOR

BY _____ (Signature)

TITLE _____ (Official title)

UNITED STATES OF AMERICA

BY _____ (Signature)

TITLE _____ (Official title)

(See Official Directions on reverse)

2-B(B)

REVISED

Title 7—AGRICULTURE

Chapter III—Agricultural Research Service, Department of Agriculture

[P.P.C. 630, 3d Rev.]

PART 301—DOMESTIC QUARANTINE NOTICES

Subpart—Pink Bollworm

ADMINISTRATIVE INSTRUCTIONS EXEMPTING CERTAIN ARTICLES FROM SPECIFIC REQUIREMENTS

Pursuant to the authority contained in § 301.52 of the pink bollworm quarantine (Notice of Quarantine No. 52, 7 CFR 301.52), issued under sections 8 and 9 of the Plant Quarantine Act of 1912, as amended (7 U.S.C. 161, 162) and section 106 of the Federal Plant Pest Act (7 U.S.C. 150ee), the administrative instructions appearing as 7 CFR 301.52a are hereby revised to read as follows:

§ 301.52a Administrative instructions exempting certain articles from requirements of regulations.

The following articles are exempted from the certification, permit, and treatment requirements of § 301.52–3 when they have not been exposed to infestation or when sanitation practices are maintained as prescribed by or to the satisfaction of the inspector:

(a) Compressed baled cotton lint, linters, and lint cleaner waste when such products have been given standard or equivalent compression.

(b) Baled cotton lint moving from the generally infested area into the eradication area when the lint is from seed cotton produced in the eradication area and moved to the generally infested area for ginning.

(c) Samples of cotton lint and cotton linters of the usual trade size.

(d) Cottonseed cake.

(e) Cottonseed meal.

(f) Kenaf and edible okra produced in the eradication area (Arkansas and Louisiana) or in Arizona, Oklahoma, or New Mexico.

(g) Edible okra produced in Texas during the period December 1 to May 31, inclusive, except that any edible okra produced after April 30 and consigned to California or Nevada, or to the counties of Yuma or Mohave in Arizona, is not exempted.

(h) Edible okra produced in Texas during the period June 1 to November 30, inclusive, moving to the District of Columbia or to the following States or parts of States for immediate processing or consumption therein, when the containers are marked as noncertified Texas okra by a stamp as required by the inspector: Colorado, Connecticut, Delaware, Idaho, Indiana, Iowa, Kansas, Maine, Maryland, Massachusetts, Michigan, Minnesota, Montana, Nebraska, New Hampshire, New Jersey, New York, North Dakota, Ohio, Oregon, Pennsylvania, Rhode Island, South Dakota, Utah, Vermont, Washington, West Virginia, Wisconsin, and Wyoming, and that part of Virginia, Missouri, Illinois, and Kentucky north of the 38th parallel.

(i) Cotton linters produced at an establishment operating under a dealer-carrier agreement and protected from reinfestation.

(Sec. 9, 37 Stat. 318, sec. 1067, 71 Stat. 33; 7 U.S.C. 162, 150ee. Interprets or applies sec. 8, 37 Stat. 318, as amended; 7 U.S.C. 161; 20 F.R. 16210, as amended, 20 F.R. 5801; 7 CFR 301.52)

These administrative instructions shall become effective June 25, 1965, when they shall supersede 7 CFR 301.52a, effective February 19, 1959.

The Director of the Plant Pest Control Division has found that facts exist as to the pest risk involved in the movement to certain localities of edible okra that is produced in Texas and meets the conditions set forth in these administrative instructions which make it safe to extend for 1 month the period during which such okra is exempt from the certification, permit, and treatment requirements of the regulations. Said Director has also found that facts exist as to the pest risk involved in the movement of cotton linters that are produced at an establishment operating under a dealer-carrier agreement and protected from reinfestation and meet the conditions set forth in these administrative instructions which make it safe to exempt such cotton linters from said requirements.

Accordingly, such okra has been exempted from the certification, permit, and treatment requirements of the regulations during the period from December 1 through May 31, unless it is consigned to California, Nevada, or Yuma or Mohave Counties in Arizona. When edible okra produced in Texas is consigned to California, Nevada, or the specified counties in Arizona, the exemption period that existed prior to this revision, December 1, through April 30, is still in effect. In addition, cotton linters that qualify under these administrative instructions have been added to the list of exempted articles.

Insofar as this revision relates to cotton linters, it relieves restrictions and should be made effective promptly in order to be of maximum benefit to persons subject to the restrictions which will be relieved hereby. With reference to the provisions relating to okra, the revision will relieve existing restrictions and notice and other public procedure would not make additional information available to the Department. Accordingly, under section 4 of the Administrative Procedure Act (5 U.S.C. 1003), it is found upon good cause that notice and other public procedure with respect to this revision are unnecessary, impracticable, and contrary to the public interest, and good cause is found for making the revision effective less than 30 days after publication in the FEDERAL REGISTER.

Done at Hyattsville, Md., this 22d day of June 1965.

[SEAL] E. D. BURGESS,
Director,
Plant Pest Control Division.

[F.R. Doc. 65-6732; Filed, June 25, 1965; 8:47 a.m.]

Chapter IX—Consumer and Marketing Service (Marketing Agreements and Orders; Fruits, Vegetables, Tree Nuts), Department of Agriculture

[Valencia Orange Reg. 126]

PART 908—VALENCIA ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

Limitation of Handling

§ 908.426 Valencia Orange Regulation 126.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 908, as amended (7 CFR Part 908), regulating the handling of Valencia oranges grown in Arizona and designated part of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations and information submitted by the Valencia Orange Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such Valencia oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 1001–1011) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for Valencia oranges and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such Valencia oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on June 24, 1965.

(b) *Order.* (1) The respective quantities of Valencia oranges grown in Arizona and designated part of California which may be handled during the period beginning at 12:01 a.m., P.s.t., June 27, 1965, and ending at 12:01 a.m., P.s.t., July 4, 1965, are hereby fixed as follows:

(i) District 1: 250,000 cartons;

(ii) District 2: 350,000 cartons;

(iii) District 3: Unlimited movement.

(2) As used in this section, "handled," "handler," "District 1," "District 2," and "District 3," and "carton" have the same meaning as when used in said amended marketing agreement and order.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: June 25, 1965.

PAUL A. NICHOLSON,
Acting Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 65–6843; Filed, June 25, 1965; 11:19 a.m.]

[Lemon Reg. 167]

PART 910—LEMONS GROWN IN CALIFORNIA AND ARIZONA

Limitation of Handling

§ 910.467 Lemon Regulation 167.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 910, as amended (7 CFR Part 910), regulating the handling of lemons grown in California and Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such lemons, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 1001–1011) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for lemons and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such lemons; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on June 22, 1965.

(b) *Order.* (1) The respective quantities of lemons grown in California and Arizona which may be handled during the period beginning at 12:01 a.m., P.s.t., June 27, 1965, and ending at 12:01 a.m., P.s.t., July 4, 1965, are hereby fixed as follows:

(i) District 1: Unlimited movement;

(ii) District 2: 232,500 cartons;

(iii) District 3: Unlimited movement.

(2) As used in this section, "handled," "District 1," "District 2," "District 3," and "carton" have the same meaning as when used in the said amended marketing agreement and order.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: June 24, 1965.

PAUL A. NICHOLSON,
Acting Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 65–6783; Filed, June 25, 1965; 8:49 a.m.]

Title 36—PARKS, FORESTS, AND MEMORIALS

Chapter I—National Park Service, Department of the Interior

PART 25—NATIONAL MILITARY PARKS: LICENSED GUIDE SERVICE REGULATIONS

License

On March 19, 1965, a notice of proposed rule making was published in the FEDERAL REGISTER (30 F.R. 3653), to amend § 25.2 of Title 36, Code of Federal Regulations. The purpose of this amendment is to provide additional service to the public during periods of heavy visitation through the licensing of temporary, as well as regular guides.

Interested persons were given 30 days within which to submit written comments, suggestions, or objections with respect to the proposed amendment. No comments, suggestions, or objections have been received, and the proposed amendment is hereby adopted without change and is set forth below. This amendment shall become effective immediately upon the date of its publication in the FEDERAL REGISTER, in order that the increased services may be available for the current season.

1. Section 25.2(e) is amended by deleting the words to the first colon and substituting therefor the following: "Each person licensed to act as a full-time guide will be issued a license in the following form:"

2. Section 25.2(f) is redesignated (g) and a new paragraph (f) is added to read:

(f) Each person licensed to act as a temporary or part-time guide, during periods of heavy visitation, will be issued a license in the following form:

_____
(Place)

_____
(Date)

_____, having successfully passed the examination prescribed for license, is hereby licensed to offer service as a guide to visitors. This license is issued subject to the condition that the licensee shall comply with all the rules and regulations prescribed for guide service by the Secretary of the Interior, copies of which have been furnished to him.

This license shall continue in effect for a period of _____ days beginning _____ unless revoked prior to the expiration of such period for failure to comply with the condition set out herein.

_____
Superintendent,
_____ *National Military Park.*

* * * * *

(60 Stat. 238, 5 U.S.C. 1003; 39 Stat. 535, 16 U.S.C. 3)

JOHN A. CARVER, Jr.,
Under Secretary of the Interior.

JUNE 21, 1965.

[F.R. Doc. 65–6726; Filed, June 25, 1965; 8:47 a.m.]

Title 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

[Docket No. 15722]

PART 2—FREQUENCY ALLOCATIONS AND RADIO TREATY MATTERS; GENERAL RULES AND REGULATIONS

Table of Frequency Allocations

In the matter of amendment of Part 2 of the Commission's rules to conform, to the extent practicable, with the Geneva (1959) Radio Regulations, as revised by the Space EARC, Geneva, 1963.

In the appendix to the report and order in the above-entitled matter, released May 20, 1965, FCC 65–416, § 2.106, the *Table of Frequency Allocations*, is corrected in part to read as shown in the appendix below.

Released: June 23, 1965.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

APPENDIX

Band (Mc/s)	Service	Band (Mc/s)	Service	Band (Mc/s)	Service	Band (Mc/s)	Service
1	2	3	4	5	6	7	8
1660–1664.4 (SAA)	METEOROLOGICAL AIDS. METEOROLOGICAL-SATELLITE. (SAA)	1660–1670	METEOROLOGICAL AIDS. METEOROLOGICAL-SATELLITE. RADIO ASTRONOMY.	2400–2500 (307)	FIXED. MOBILE. RADIOLOCATION.	2400–2500 (307)	FIXED. MOBILE. Radiolocation.
1664.4–1668.4 (SAA) (SAA)	METEOROLOGICAL AIDS. METEOROLOGICAL-SATELLITE. (SAA) Radio astronomy.	1670–1690	METEOROLOGICAL AIDS. METEOROLOGICAL-SATELLITE.	2450–2500 (SAA)		2450–2500 (307)	
1668.4–1670 (SAA)	METEOROLOGICAL AIDS. METEOROLOGICAL-SATELLITE. (SAA)	1690–1700	METEOROLOGICAL AIDS. METEOROLOGICAL-SATELLITE. (SAA)	2500–2690 (SAA)	FIXED. MOBILE except aeronautical mobile. BROADCASTING.	2500–2690 (NG38) (NG47)	FIXED.
1670–1690	METEOROLOGICAL AIDS. FIXED. MOBILE except aeronautical mobile.			2690–2700 (SAA)	RADIO ASTRONOMY.	2690–2700	RADIO ASTRONOMY.
1690–1700 (SAA)				2700–2900 (SAA) (307)	RADIOLOCATION.	2700–2900 (307)	

Band (Mc/s)	Allocation	Band (Mc/s)	Allocation	Band (Mc/s)	Allocation	Band (Mc/s)	Allocation
1	3	3	5	5	7	7	9
1660–1664.4 (SAA)	G. NG. (304) (US74) (US90) (US109) (US110)	1660–1670	G. NG. (304) (US74) (US90) (US109) (US110)	2400–2500 (307)	NG. (US41)	2400–2500 (307)	G. NG. (US41)
1664.4–1668.4 (SAA) (SAA)		1670–1690	G. NG.	2450–2500 (SAA)		2450–2500 (SAA)	
1668.4–1670 (SAA)		1690–1700	G. NG. (304A) (US90) (US109) (US110)	2500–2690 (SAA)	NG.	2500–2690 (SAA)	NG.
1670–1690				2690–2700 (SAA)	G. NG. (US74) (US109) (US110)	2690–2700 (SAA)	G. NG. (US74) (US109) (US110)
1690–1700 (SAA)				2700–2900 (SAA) (307)	NG. (US41)	2700–2900 (307)	

Band (Mc/s)	Service	Band (Mc/s)	Service	Band (Mc/s)	Service	Band (Mc/s)	Service
1	2	3	4	5	6	7	8
1660–1664.4 (SAA)	METEOROLOGICAL AIDS. METEOROLOGICAL-SATELLITE. (SAA)	1660–1670	METEOROLOGICAL AIDS. METEOROLOGICAL-SATELLITE. RADIO ASTRONOMY.	2400–2500 (307)	FIXED. MOBILE. RADIOLOCATION.	2400–2500	FIXED. MOBILE. Radiolocation.
1664.4–1668.4 (SAA) (SAA)	METEOROLOGICAL AIDS. METEOROLOGICAL-SATELLITE. (SAA) Radio astronomy.	1670–1690	METEOROLOGICAL AIDS. METEOROLOGICAL-SATELLITE.	2450–2500 (SAA)		2450–2500 (SAA)	
1668.4–1670 (SAA)	METEOROLOGICAL AIDS. METEOROLOGICAL-SATELLITE. (SAA)	1690–1700	METEOROLOGICAL AIDS. METEOROLOGICAL-SATELLITE. (SAA)	2500–2690 (SAA)	FIXED. MOBILE except aeronautical mobile. BROADCASTING.	2500–2690 (SAA)	FIXED. MOBILE except aeronautical mobile.
1670–1690	METEOROLOGICAL AIDS. FIXED. MOBILE except aeronautical mobile.			2690–2700 (SAA)	RADIO ASTRONOMY.	2690–2700 (SAA)	RADIO ASTRONOMY.
1690–1700 (SAA)				2700–2900 (SAA) (307)	RADIOLOCATION.	2700–2900 (307)	

Band (Mc/s)	Allocation	Band (Mc/s)	Allocation	Band (Mc/s)	Allocation	Band (Mc/s)	Allocation
1	3	3	5	5	7	7	9
1660–1664.4 (SAA)	G. NG. (304) (US74) (US90) (US109) (US110)	1660–1670	G. NG. (304) (US74) (US90) (US109) (US110)	2400–2500 (307)	NG. (US41)	2400–2500 (307)	G. NG. (US41)
1664.4–1668.4 (SAA) (SAA)		1670–1690	G. NG.	2450–2500 (SAA)		2450–2500 (SAA)	
1668.4–1670 (SAA)		1690–1700	G. NG. (304A) (US90) (US109) (US110)	2500–2690 (SAA)	NG.	2500–2690 (SAA)	NG.
1670–1690				2690–2700 (SAA)	G. NG. (US74) (US109) (US110)	2690–2700 (SAA)	G. NG. (US74) (US109) (US110)
1690–1700 (SAA)				2700–2900 (SAA) (307)	NG. (US41)	2700–2900 (307)	

Band (Mc/s)	Service	Band (Mc/s)	Service	Band (Mc/s)	Service	Band (Mc/s)	Service
1	2	3	4	5	6	7	8
1660–1664.4 (SAA)	METEOROLOGICAL AIDS. METEOROLOGICAL-SATELLITE. (SAA)	1660–1670	METEOROLOGICAL AIDS. METEOROLOGICAL-SATELLITE. RADIO ASTRONOMY.	2400–2500 (307)	FIXED. MOBILE. RADIOLOCATION.	2400–2500	FIXED. MOBILE. Radiolocation.
1664.4–1668.4 (SAA) (SAA)	METEOROLOGICAL AIDS. METEOROLOGICAL-SATELLITE. (SAA) Radio astronomy.	1670–1690	METEOROLOGICAL AIDS. METEOROLOGICAL-SATELLITE.	2450–2500 (SAA)		2450–2500 (SAA)	
1668.4–1670 (SAA)	METEOROLOGICAL AIDS. METEOROLOGICAL-SATELLITE. (SAA)	1690–1700	METEOROLOGICAL AIDS. METEOROLOGICAL-SATELLITE. (SAA)	2500–2690 (SAA)	FIXED. MOBILE except aeronautical mobile. BROADCASTING.	2500–2690 (SAA)	FIXED. MOBILE except aeronautical mobile.
1670–1690	METEOROLOGICAL AIDS. FIXED. MOBILE except aeronautical mobile.			2690–2700 (SAA)	RADIO ASTRONOMY.	2690–2700 (SAA)	RADIO ASTRONOMY.
1690–1700 (SAA)				2700–2900 (SAA) (307)	RADIOLOCATION.	2700–2900 (307)	

Band (Mc/s)	Allocation	Band (Mc/s)	Allocation	Band (Mc/s)	Allocation	Band (Mc/s)	Allocation
1	3	3	5	5	7	7	9
1660–1664.4 (SAA)	G. NG. (304) (US74) (US90) (US109) (US110)	1660–1670	G. NG. (304) (US74) (US90) (US109) (US110)	2400–2500 (307)	NG. (US41)	2400–2500 (307)	G. NG. (US41)
1664.4–1668.4 (SAA) (SAA)		1670–1690	G. NG.	2450–2500 (SAA)		2450–2500 (SAA)	
1668.4–1670 (SAA)		1690–1700	G. NG. (304A) (US90) (US109) (US110)	2500–2690 (SAA)	NG.	2500–2690 (SAA)	NG.
1670–1690				2690–2700 (SAA)	G. NG. (US74) (US109) (US110)	2690–2700 (SAA)	G. NG. (US74) (US109) (US110)
1690–1700 (SAA)				2700–2900 (SAA) (307)	NG. (US41)	2700–2900 (307)	

[F.R. Doc. 65–6747; Filed, June 25, 1965; 8:48 a.m.]

Title 38—PENSIONS, BONUSES, AND VETERANS' RELIEF

Chapter I—Veterans Administration

PART 8—NATIONAL SERVICE LIFE INSURANCE

National Service Life Insurance Granted Under Section 722(b) of Title 38, United States Code

In § 8.116(a), subparagraph (1) is amended to read as follows:

§ 8.116 National Service life insurance granted under section 722(b) of Title 38, United States Code.

(a) • • •

(1) Such person is determined to have been mentally incompetent from a service-connected disability, (i) at the time of release from active service, or (ii) during any part of the 1-year period from the date any disability is first determined by the Veterans Administration, by a rating made subsequent to discharge, to be service-connected or (iii) after release from active service but is not rated service-connected disabled by the Veterans Administration until after death; and (this subparagraph is effective on and after Jan. 1, 1959).

• • • • • •

(72 Stat. 1114; 38 U.S.C. 210)

Approved: June 22, 1965.

By direction of the Administrator.

[SEAL] CYRIL F. BRICKFIELD,
Deputy Administrator.

[F.R. Doc. 65-6738; Filed, June 28, 1965; 8:47 a.m.]

Title 39—POSTAL SERVICE

Chapter I—Post Office Department

PART 22—SECOND CLASS

Mail Classification and Rates

The regulations of the Post Office Department in § 22.2(b) are amended for the purpose of clarification and to show the action to be taken when a second-class publication is discontinued or does not maintain regular issuance. Also, § 22.4(d) is revised to provide that publishers must be paid at advertising rates for preprinted advertising supplements furnished by advertisers or others. The amendments to be effective upon publication in the FEDERAL REGISTER are as follows:

A. In § 22.2, amend paragraph (b) (1) to read as follows:

§ 22.2 Qualifications for second-class privileges.

• • • • •

(b) *Basic Qualifications*—(1) *Regular issuance.* Publishers must determine the number of issues they will publish each year and adopt a statement of frequency that will show at what regular intervals the issues will appear. Examples of statements of frequency are:

Daily.	Biweekly.
Weekly.	Semimonthly.
Monthly.	Weekly during school year.
Quarterly.	Four times a year in January, February, October, and November.
Monthly except during July and August.	
Semiweekly.	

A publication may not be published under a frequency that provides for less than four issues each year. Issues must be published regularly as called for by the statement of frequency. Publishers may change the number of issues scheduled and adopt a new statement of frequency by filing an application for second-class reentry. (See § 22.3(d)). When a publication fails to maintain regular issuance in accordance with its stated frequency, the postmaster will inform the publisher of the requirements and request compliance. If irregular issuance continues, or if the publication is discontinued, the postmaster will report all the facts, including the publisher's current mailing address, to the Classification and Special Services Division for determination as to whether proceedings should be instituted to revoke the second-class privilege. (See § 22.8.)

NOTE: The corresponding Postal Manual section is 132.221.

• • • • •

B. In § 22.4, paragraph (d) is amended by inserting a new subparagraph (2) and relettering subparagraphs (2) through (5) as subparagraphs (3) through (6) respectively. As so amended, paragraph (d) reads as follows:

§ 22.4 What may be mailed at second-class rates.

• • • • •

(d) *Supplements.* Issues may include supplements subject to the following conditions:

(1) The supplement must be germane to the issue, and prepared in order to complete it, having been omitted for want of space, time, or greater convenience.

(2) Publishers must be paid at advertising rates and charges for carrying preprinted advertising supplements germane to the issue which are furnished to them by advertisers or others.

(3) Publications which are distinct from and independent of the regular issue, such as catalogs, circulars, handbills, posters, and other special advertisments, and which are, therefore, not germane to the issue.

(4) A supplement must bear the title of the publication preceded by the words *Supplement to.*

(5) Supplements must be folded and mailed with the regular issue.

(6) Bound periodicals must observe the provisions of paragraph (h) of this section.

NOTE: The corresponding Postal Manual section is 132.44.

• • • • •

(R.S. 161, as amended; 5 U.S.C. 22, 39 U.S.C. 501, 4351-4370)

LOUIS J. DOYLE,
General Counsel.

[F.R. Doc. 65-6736; Filed, June 25, 1965; 8:47 a.m.]

Proposed Rule Making

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

[25 CFR Part 120]

MAINTENANCE OF LAND RECORDS AND TITLE DOCUMENTS

Notice of Proposed Rule Making

Basis and purpose. Notice is hereby given that pursuant to the authority vested in the Secretary of the Interior by sections 161, 463 and 465 of the Revised Statutes (5 U.S.C. 22; 25 U.S.C. 2 and 9). It is proposed to amend 25 CFR 120.1, Maintenance of Land Records and Title Documents, as set forth below

The purpose of this amendment is to establish the title plants serving one or more area offices as the office for the maintenance of departmental records pertaining to trust or restricted Indian lands and to permit the transfer of records to such plants. At the present time there are title plants at Aberdeen, S. Dak., serving the Aberdeen area; Billings, Mont., serving the Billings area; Portland, Oreg., serving the Portland and Sacramento areas; and Phoenix, Ariz., serving the Phoenix, Gallup, and Anadarko areas. It is contemplated that eventually the title plants will be consolidated into one. This amendment would also permit the transfer of records to the consolidated plant(s).

It is the policy of the Department of the Interior, whenever practicable, to afford the public an opportunity to participate in the rule making process. Accordingly, interested persons may submit written comments, suggestions, or objections with respect to the proposed amendment to the Bureau of Indian Affairs, Washington, D.C., 20240, within 30 days of the date of publication of this notice in the FEDERAL REGISTER.

Section 120.1 is amended to read as follows:

§ 120.1 Maintenance of land records and title documents.

The office(s) for the maintenance of records of the Department for trust or restricted Indian lands shall be the title plants that have been or may be established by the Bureau of Indian Affairs to serve its respective area offices as recording offices. At the time such a title plant is ready to undertake the maintenance of such records as to any trust or restricted Indian-owned lands under the jurisdiction of a particular area office, the Secretary of the Interior shall cause to be transferred from Washington, or from the area office previously having the custody of the official records to such title plant all the records and title documents pertaining to such lands. Upon such transfer of records to the appropriate title plant, the Secretary of the Interior shall have a notice published in the FEDERAL REGISTER of such action setting forth the effective date thereof. Thereafter, the custody and maintenance of land records and title documents as to such lands will rest with the title plant. Also, after such transfer, all documents which affect the title to trust or restricted lands for which the records have been so transferred shall be submitted to such title plant for recording. Nothing in this regulation shall prevent the consolidation of any title plants that have or may be established and the further transfer of records to such consolidated plant(s). The requirement of publication of notice shall apply to any further transfer.

JOHN A. CARVER, Jr.,
Under Secretary of the Interior.

JUNE 21, 1965

[F.R. Doc. 65-6726; Filed, June 25, 1965; 8:47 a.m.]

DEPARTMENT OF AGRICULTURE

Consumer and Marketing Service

[7 CFR Part 53]

GRADES OF FEEDER PIGS

Proposed Official U.S. Standards

Notice is hereby given in accordance with section 4 of the Administrative Procedure Act (5 U.S.C. 1003) that the Consumer and Marketing Service of the Department of Agriculture, under the provisions of sections 203 and 205 of the Agricultural Marketing Act of 1946, as amended (7 U.S.C. 1622 and 1624), is considering amending the provisions of the official U.S. standards for swine in §§ 53.150 and 53.151 and promulgating official U.S. standards for grades of feeder pigs to appear in §§ 53.158 and 53.159.

Statement of considerations. In 1918, a class and grade schedule for feeder pigs was formulated for use in livestock market news reporting. Following a slight revision of the schedule in 1926, tentative standards for grades of feeder pigs were developed and published in 1940, in U.S. Department of Agriculture Circular No. 569, "Market Classes and Grades of Swine." Since that date, those tentative standards have served as the basis for Federal and Federal-State market news reports on feeder swine. Changes in the tentative feeder swine standards to coordinate them with the standards for slaughter swine were not made in 1952, when official standards for slaughter swine and pork carcasses were developed and adopted.

In recent years the number of feeder pigs graded and sold in special sales has increased substantially. In line with this change in feeder pig marketing, a number of States have inaugurated grading programs based on their own standards. This increased interest and activity in the grading and marketing of feeder pigs has emphasized the need for official U.S. standards for grades of feeder pigs that are closely coordinated with the standards for grades of slaughter barrows and gilts. Such standards applied on a uniform basis throughout the country could result in further improvements in production and marketing and make market reports more meaningful and useful.

It is therefore proposed to:

1. Amend § 53.150 of the U.S. standards for swine to read as follows:

§ 53.150 Swine.

The official standards for swine developed by the U.S. Department of Agriculture provide for segregation first according to intended use—slaughter or feeder—then as to class, as determined by sex condition, and then as to grade, which is determined by the apparent relative excellence and desirability of the animal for a particular use. Differentiation between slaughter and feeder swine is based solely on their intended use rather than on specific identifiable characteristics of the swine. Slaughter swine are those which are intended for slaughter immediately or in the near future. Feeder swine are those which are intended for slaughter after a period of feeding.

2. Amend § 53.151 of the official U.S. standards for swine to read as follows:

§ 53.151 Slaughter and feeder swine classes.

There are five classes of slaughter and feeder swine. Definitions of the respective classes are as follows:

(a) *Barrow.* A barrow is a male swine castrated when young and before development of the secondary physical characteristics of a boar.

(b) *Gilt.* A gilt is a young female swine that has not produced young and has not reached an advanced stage of pregnancy.

(c) *Sow.* A sow is a mature female swine that shows evidence of having reproduced or has reached an advanced stage of pregnancy.

(d) *Boar.* A boar is an uncastrated male swine.

(e) *Stag.* A stag is a male swine castrated after development or beginning of development of the secondary physical characteristics of a boar. Typical stags are somewhat coarse and lack balance—the head and shoulders are more fully developed than the hindquarter parts, bones and joints are large, the skin is thick and rough, and the hair is coarse.

3. Promulgate new §§ 53.158 and 53.159 to read respectively:

§ 53.158 Application of standards for grades of feeder pigs.

(a) The grade of a feeder pig is determined by evaluating two general value-determining characteristics—its logical slaughter potential and its thriftiness.

(b) The logical slaughter potential of a thrifty feeder pig is its expected slaughter grade at a market weight of

200 to 230 pounds after a normal feeding period. In these feeder pig standards, logical slaughter potential is determined by a composite appraisal of the development of the muscular system and the skeletal system. Both of these factors have an important effect on the development of lean and fat as the animal grows and fattens, and therefore, on the expected slaughter and carcass grade.

(c) Thriftiness in a feeder pig is its apparent ability to gain weight rapidly and efficiently. Size for age, health, and other general indications of thriftiness are considered in appraising the thriftiness of feeder pigs.

(d) The standards provide for five grades of feeder pigs—U.S. No. 1, U.S. No. 2, U.S. No. 3, Medium, and Cull—corresponding in name to the five grades for slaughter swine and pork carcasses. The No. 1, No. 2, and No. 3 grades include all pigs which are thrifty. Differentiation between the No. 1, No. 2, and No. 3 grades is based entirely on differences in logical slaughter potential. Feeder pigs in the No. 1 grade have sufficient muscling and frame to reach a market weight of 200 to 230 pounds with a minimum of excess finish. Feeder pigs in the No. 2 and No. 3 grades usually have progressively less muscling and less frame and are expected to be overfinished when marketed at 200 to 230 pounds. The Medium and Cull grades include only pigs which lack thriftiness. If the causes of unthriftiness are corrected, the logical slaughter potential of pigs in the Medium and Cull grades will be the same as for pigs graded No. 1, No. 2, and No. 3. Differentiation between the Medium and Cull grades is based entirely on differences in thriftiness.

(e) Most feeder pigs are marketed when relatively young and before reaching a weight of 125 pounds. At this age, sex condition exerts little influence on the basic factors determining the feeder grade. Therefore, these standards are equally applicable for grading barrow, gilt, and boar pigs, although it is recognized that sex condition may influence the market price in some instances. It is assumed that boar pigs which are graded as feeder pigs will be castrated prior to developing the secondary physical characteristics of a boar. Sows, stags, and mature boars are seldom used as feeder animals, and these standards do not apply to those classes.

(f) Only one combination of muscling and skeletal characteristics is described in the standards for the No. 1, No. 2, and No. 3 grades. However, it should be recognized that pigs with thicker muscling and less frame or those with thinner muscling and greater frame than described in each of these grades also may be eligible for that grade. Since no attempt is made to describe the numerous combinations of characteristics that may qualify a feeder pig for a specific grade, making appropriate compensations for varying combinations of characteristics requires the use of sound judgment.

§ 53.159 Specifications for official United States standards for grades of feeder pigs.

(a) *U.S. No. 1.* Feeder pigs in this grade near the borderline of the U.S. No. 2 grade are slightly long in relation to width and have moderately thick muscling throughout. Thickness of muscling is particularly evident in moderately thick and full hams and shoulders. The back usually appears slightly full and well-rounded. They usually present a well-balanced, stylish appearance. Feeder pigs in this grade are expected to produce U.S. No. 1 grade carcasses when slaughtered at 200 to 230 pounds.

(b) *U.S. No. 2.* Feeder pigs in this grade near the borderline of U.S. No. 3 grade are slightly short in relation to width and have only slightly thick muscling throughout. The hams and shoulders are slightly thick and full and the back usually appears moderately full and thick. Feeder pigs in this grade are expected to produce U.S. No. 2 grade carcasses when slaughtered at 200 to 230 pounds.

(c) *U.S. No. 3.* Feeder pigs typical of the No. 3 grade are short and have rather thin muscling throughout. The hams are thin and rather flat, particularly in the lower parts toward the shanks. The back usually appears full and thick and the width at the topline usually is greater than at the underline. Feeder pigs in this grade are expected to produce U.S. No. 3 grade carcasses when slaughtered at 200 to 230 pounds.

(d) *Medium.* Feeder pigs in this grade near the borderline of the Cull grade usually are small for their age and appear unthrifty. They often have a rough, unkempt appearance indicating the effects of disease or poor care. The hams and shoulders usually are thin and flat and taper toward the shanks. The back is thin and lacks fullness. Pigs in this grade near the borderline of the U.S. No. 1, U.S. No. 2, and U.S. No. 3 grades are slightly small for their age and appear slightly unthrifty. It is recognized that Medium grade feeder pigs will produce No. 1, No. 2, or No. 3 grade carcasses when slaughtered at 200 to 230 pounds provided their unthrifty condition is corrected.

(e) *Cull.* Feeder pigs typical of this grade are very deficient in thriftiness and growthiness and often appear stunted or diseased. Hams and shoulders usually are very thin and flat and taper toward the shanks. They are narrow over the top and the back is thin and often slopes away from the center.

All persons who desire to submit written data, views, or arguments for consideration in connection with the proposed standards should file the same in duplicate, not later than 90 days from the date of publication of this notice in the FEDERAL REGISTER, with the Hearing Clerk, U.S. Department of Agriculture, Room 112, Administration Building, Washington, D.C., 20250, where they will be available for public inspection during official hours of business. (7 CFR 1.27 (b))

Done at Washington, D.C., this 23d day of June 1965.

G. R. GRANGE,
Deputy Administrator,
Marketing Services.

[F.R. Doc. 65-6751; Filed, June 25, 1965; 8:48 a.m.]

[7 CFR Part 916]

NECTARINES GROWN IN CALIFORNIA

Proposed Approval of Expenses and Fixing of Rate of Assessment for 1965–66 Fiscal Period and Carryover of Unexpended Funds

Consideration is being given to the following proposals submitted by the Nectarine Administrative Committee, established under the marketing agreement and Order No. 916 (7 CFR Part 916), regulating the handling of nectarines grown in California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), as the agency to administer the terms and provisions thereof: (1) That expenses that are reasonable and likely to be incurred by the Nectarine Administrative Committee, during the period from March 1, 1965, through February 28, 1966, will amount to $163,626; (2) that there be fixed, at $0.025 per standard lug box of nectarines, the rate of assessment payable by each handler in accordance with § 916.41 of the aforesaid marketing agreement and order; and (3) that unexpended assessment funds in excess of expenses incurred during the fiscal period ending February 28, 1966, be carried over as a reserve in accordance with § 916.42 of the said marketing agreement and order.

Terms used in the marketing agreement and order shall, when used herein, have the same meaning as is given to the respective term in said marketing agreement and order, and "standard lug box" shall mean the No. 26 standard lug box set forth in section 828.4 of the Agricultural Code of California.

All persons who desire to submit written data, views, or arguments in connection with the aforesaid proposals should file the same, in quadruplicate, with the Hearing Clerk, U.S. Department of Agriculture, Room 112, Administration Building, Washington, D.C., 20250, not later than the 10th day after the publication of this notice in the FEDERAL REGISTER. All written submissions made pursuant to this notice will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

Dated: June 22, 1965.

PAUL A. NICHOLSON,
Acting Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 65-6733; Filed, June 25, 1965; 8:47 a.m.]

[7 CFR Part 1068]

[Docket No. AO-178-A18]

MILK IN MINNEAPOLIS-ST. PAUL MARKETING AREA

Notice of Hearing on Proposed Amendments to Tentative Marketing Agreement and Order

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of a public hearing to be held at the Thunderbird Motel, 2201 East 78th Street, Minneapolis, Minn., beginning at 10 a.m., local time, on July 21, 1965, with respect to proposed amendments to the tentative marketing agreement and to the order, regulating the handling of milk in the Minneapolis-St. Paul marketing area.

The public hearing is for the purpose of receiving evidence with respect to the economic and marketing conditions which relate to the proposed amendments, hereinafter set forth, and any appropriate modifications thereof, to the tentative marketing agreement and to the order.

The proposal relative to a redefinition of the marketing area raises the issue whether the provisions of the present order would tend to effectuate the declared policy of the Act, if they are applied to the marketing area as proposed to be redefined and, if not, what modifications of the provisions of the order would be appropriate.

The proposed amendments, set forth below, have not received the approval of the Secretary of Agriculture.

Proposed by Clover Leaf Creamery; Dairy Distributors, Inc.; Ewald Brothers Sanitary Dairy; Farmington Dairy; Franklin Creamery; Hastings Cooperative Creamery; Maple Island Dairies, Inc.; Meyer Brothers Dairy Co.; Norris Creameries, Inc.; Northland Milk and Ice Cream Co.; Pederson Brothers Dairy; Schroeder Milk Co.; Summit Farms, Inc.; Superior Dairies, Inc.; and Delano Cooperative Creamery:

Proposal No. 1. Amend § 1068.4 to include all of Hennepin County, all of Dakota County, all of Washington County and the portion of Anoka County south of a line extending due west from the northwest corner of Washington County (all of Anoka County except the townships of Bethel, Burns, Linwood, Oak Grove, and St. Francis, and Bethel village) in the State of Minnesota.

Proposed by Twin City Milk Producers Ass'n; Farmers Cooperative Creamery; Land O'Lakes Creameries, Inc.; Ellsworth Cooperative Creamery; Baldwin Cooperative Creamery; St. Croix Valley Co-op Dairies; Buffalo Cooperative Creamery; and Rock Ridge Dairy Cooperative:

Proposal No. 2. Revise §§ 1068.53 and 1068.53 and in § 1068.53 amend the table of standard percentages to read as follows:

Month to which applicable:	Standard percentages
January	83
February	77
March	73
April	69
May	67
June	66
July	62
August	58
September	60
October	70
November	79
December	82

Proposal No. 3. Revise § 1068.56 (a) and (b) to read as follows:

§ 1068.56 Butterfat differentials to handlers.

* * * * * *

(a) *Class I milk.* To the simple average of the daily wholesale selling prices per pound (using the midpoint of any price range as one price) of Grade AA (93 score) butter at New York, as reported by the Department of Agriculture for the preceding month, add 20 percent, and divide the sum obtained by 10.

(b) *Class II milk.* To the simple average of the daily wholesale selling prices per pound (using the midpoint of any price range as one price) of Grade AA (93 score) butter at New York, as reported by the Department of Agriculture for the month, add 15 percent, and divide the sum obtained by 10.

Proposal No. 4. Revise § 1068.81 to read as follows:

§ 1068.81 Butterfat differential to producers.

The uniform prices pursuant to §§ 1068.71 and 1068.72 shall be increased or decreased for each one-tenth of one percent that the butterfat content of such milk is above or below 3.5 percent, respectively, at the rate determined by multiplying the pounds of butterfat in producer milk allocated to Class I and Class II milk pursuant to § 1068.46 by the respective butterfat differential for each class, dividing the sum of such values by the total pounds of such butterfat, and rounding the resultant figure to the nearest one-tenth cent.

Proposal No. 5. In § 1068.84 change "16th" to "18th".

Proposed by Twin City Milk Producers Association:

Proposal No. 6. Delete § 1068.75 *Computation of base for each producer;* § 1068.76 *Establishing new bases,* and § 1068.77 *Base rules* in their entirety and make any other changes which would be applicable and necessary as a result of removing the base and excess plan.

Proposed by Farmers Cooperative Creamery Company:

Proposal No. 7. Revise the proviso in § 1068.9(a) to read as follows: "*Provided,* That the total quantity of Class I milk disposed of from such plant during the month either inside or outside the marketing area, is equal to 20 percent or more of such plant's total receipts of skim milk and butterfat eligible for sale in fluid form as Grade A milk within the marketing area in any of the months of January through June, or to 50 percent or more of such total receipts in any of the months of July through December; or"

Proposal No. 8. In § 1068.41(a) add a new subparagraph (4) to read as follows:

§ 1068.41 Classes of utilization.

* * * * * *

(a) * * *

(4) Class I-A milk shall be all skim milk and butterfat disposed of as cottage cheese.

Proposal No. 9. Provide for the pricing of Class I-A milk 20 cents over the basic formula price.

Proposal No. 10. Revise the first sentence of § 1068.55 to read as follows:

§ 1068.55 Location differential to handlers.

The Class I and Class I-A price for producer milk and other source milk (for which a location adjustment is applicable) at a plant shall be reduced by the amount indicated below for the distance that such plant is located from the Minnesota Transfer Viaduct over University Avenue in St. Paul, Minn.

* * * * * *

Proposed by Land O'Lakes Creameries, Inc.:

Proposal No. 11. In § 1068.44 (d) and (e) change "100 miles" to "110 airline miles".

Proposal No. 12. In § 1068.41 change paragraph "(b)" to "(c)" and insert a new paragraph (b) to read as follows:

§ 1068.41 Classes of utilization.

* * * * * *

(b) *Class I–A milk.* Class I–A milk shall be:

(1) Skim milk and butterfat used to produce cottage cheese.

Proposal No. 13. Renumber § 1068.54 and add a new § 1068.54 to read as follows:

§ 1068.54 Class I–A price.

Subject to the differentials provided in §§ 1068.55 and 1068.56(a) the price per hundredweight for Class I–A milk shall be the Class II price, plus 10 cents.

Proposal No. 14. Designate the present provisions of § 1068.55 as paragraph (a) and add a new paragraph (b) as follows:

§ 1068.55 Location differential to handlers.

* * * * * *

(b) The Class I–A price for producer milk and other source milk (for which a location adjustment is applicable) at a plant shall be the amount computed according to § 1068.55(a) multiplied by 40 percent.

Proposed by the Dairy Division, Consumer and Marketing Service:

Proposal No. 15. Make such changes as may be necessary to make the entire marketing agreement and the order conform with any amendments thereto that may result from this hearing.

Copies of this notice of hearing and the order may be procured from the Market Administrator, Sanford A. Balgaard, 7703 Normandale Road, Minneapolis, Minn., or from the Hearing Clerk, Room 112–A,

Administration Building, U.S. Department of Agriculture, Washington, D.C., 20250 or may be there inspected.

Signed at Washington, D.C., on June 22, 1965.

CLARENCE H. GIRARD,
Deputy Administrator,
Regulatory Programs.

[F.R. Doc. 65-6734; Filed, June 25, 1965; 8:47 a.m.]

[7 CFR Parts 1097, 1102, 1108]

[Docket Nos. AO-219-A16, AO-237-A11, AO-243-A13]

MILK IN MEMPHIS, TENN., FORT SMITH, ARK., AND CENTRAL ARKANSAS MARKETING AREAS

Notice of Extension of Time for Filing Briefs on Record of Hearing

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given that the time for filing with the Hearing Clerk, proposed findings and conclusions and written arguments or briefs based upon the evidence received at the hearing held on May 20-21, 1965, in Memphis, Tenn., and in Little Rock, Ark., on May 24-25, 1965, on proposed amendments to the tentative marketing agreements and to the orders regulating the handling of milk in the Memphis, Tenn., Fort Smith, Ark., and Central Arkansas marketing areas, is hereby extended to July 1, 1965.

Signed at Washington, D.C., on June 22, 1965.

CLARENCE H. GIRARD,
Deputy Administrator,
Regulatory Programs.

[F.R. Doc. 65-6735; Filed, June 25, 1965; 8:47 a.m.]

ATOMIC ENERGY COMMISSION

[10 CFR Part 150]

COMPUTATION OF QUANTITIES OF SPECIAL NUCLEAR MATERIAL IN AGREEMENT STATES FOR PURPOSES OF EXEMPTION

Notice of Proposed Rule Making

Subsection 274b of the Atomic Energy Act of 1954, as amended, authorizes the Commission to enter into agreements with individual States for the discontinuance of Commission regulatory authority under the Act, with respect to certain atomic energy materials. Among those materials are special nuclear materials in quantities not sufficient to form a critical mass.

The Commission has, thus far, entered into agreements with nine States[1] pursuant to subsection 274b. It has also promulgated a regulation, 10 CFR Part 150, to carry out such agreements.

Section 150.10 of Part 150 exempts persons in agreement States who manufacture, produce, receive, possess, use, or transfer special nuclear material in quantities not sufficient to form a critical mass from the requirements for a license contained in the Act and from the Commission's licensing regulations. Paragraph (a) of § 150.11 sets out the quantities of special nuclear materials which are deemed to be not sufficient to form a critical mass. Paragraph (b) of that section provides, in effect, that in determining whether the exemption applies, the total quantity of special nuclear material which a person is authorized to receive, possess or use anywhere in a particular agreement State at any one time shall be included in the quantity computed under paragraph (a).

The Commission is now considering amending § 150.11(b) to provide that in determining whether the exemption of § 150.10 applies at any particular plant or other authorized location of use, only the material which the person is authorized to receive, possess, or use at that plant or location at any one time need be included in the computation. Even though the total quantity of special nuclear material which a person is authorized to possess or use within an agreement State may be sufficient to form a critical mass, no problems of accidental criticality are presented so long as the quantity of material possessed and used at any separate location at any one time is insufficient to form a critical mass.

Pursuant to the Atomic Energy Act of 1954, as amended, and the Administrative Procedure Act of 1946, notice is hereby given that adoption of the following amendment to 10 CFR Part 150 is contemplated. All interested persons who desire to submit written comments or suggestions for consideration in connection with the proposed amendment should send them to the Secretary, U.S. Atomic Energy Commission, Washington, D.C., 20545, within 30 days after initial publication of this notice in the FEDERAL REGISTER. Comments received after that period will be considered if it is practicable to do so, but assurance of consideration cannot be given except as to comments filed within the period specified.

Paragraph (b) of § 150.11 is amended to read as follows:

§ 150.11 Critical mass.

* * * * *

(b) To determine whether the exemption granted in § 150.10 applies to the receipt, possession or use of special nuclear material at any particular plant or other authorized location of use, a person shall include in the quantity computed according to paragraph (a) of this section the total quantity of special nuclear material which he is authorized to receive, possess or use at the plant or other location of use at any one time.

(Secs. 161, 274, 68 Stat. 948, 73 Stat. 688; 42 U.S.C. 2201, 2021)

Dated at Washington, D.C., this 1st day of June 1965.

For the Atomic Energy Commission.

W. B. MCCOOL,
Secretary.

[F.R. Doc. 65-5876; Filed, June 4, 1965; 8:47 a.m.]

[1] Referred to hereinafter as "agreement States."

FEDERAL AVIATION AGENCY

[14 CFR Part 39]

[Docket No. 6728]

AIRWORTHINESS DIRECTIVES

Lockheed 188A/188C Series Aircraft

The Federal Aviation Agency is considering amending Part 39 of the Federal Aviation Regulations by adding an airworthiness directive applicable to Lockheed 188A/188C Series aircraft. There have been reports of cracks occurring in the vertical stabilizer-to-fuselage attach channel, P/N 803179-5 of these aircraft. This channel, located at Fuselage Station 1117.6, is a part of the vertical-stabilizer torque box. Since this condition is likely to exist or develop in other aircraft of the same type design, the proposed AD would require repetitive inspections, and repair if cracks are found.

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should identify the docket number and be submitted in duplicate to the Federal Aviation Agency, Office of the General Counsel, Attention: Rules Docket, 800 Independence Avenue SW., Washington, D.C., 20553. All communications received on or before July 26, 1965, will be considered by the Administrator before taking action upon the proposed rule. The proposals contained in this notice may be changed in the light of comments received. All comments will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons.

This amendment is proposed under the authority of sections 313(a), 601, and 603 of the Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421, and 1423).

In consideration of the foregoing, it is proposed to amend § 39.13 of Part 39 of the Federal Aviation Regulations by adding the following new airworthiness directive:

LOCKHEED. Applies to Models 188A and 188C Series aircraft.

Compliance required as indicated.

To detect and repair cracks in the vertical stabilizer-to-fuselage attach channel, P/N 803179-5, located at Fuselage Station 1117.6, accomplish the following:

(a) For aircraft with 8,000 or more hours' time in service as of the effective date of this AD, comply with paragraph (c) within the next 150 hours' time in service unless accomplished within 1,350 hours' time in service prior to the effective date of this AD, and thereafter at intervals not to exceed 1,500 hours' time in service from the last inspection.

(b) For those aircraft with less than 8,000 hours' time in service as of the effective date of this AD, comply with (c) prior to the accumulation of 8,150 hours' time in service unless accomplished during the 1,350 hours' time in service from 6,650 hours' to 8,000 hours', and thereafter at intervals not to exceed 1,500 hours' time in service from the last inspection.

(c) Visually or by use of other FAA approved methods, inspect the vertical stabilizer-to-fuselage attach channel, P/N 803179-5, located at F. S. 1117.6 for cracks. If a crack is found, confirm crack end by inspection with dye penetrant or an FAA-approved equivalent.

(d) If a crack is found during the inspection required by paragraph (c), the following apply:

(1) If the crack length does not exceed 2 inches, before further flight stop drill the crack and install angles P/N 841309-101 and P/N 841309-102 in accordance with Lockheed drawing 841307 or an equivalent approved by the Chief, Aircraft Engineering Division, FAA Western Region. The aircraft may be ferried in accordance with the provisions of FAR 21.197 to the base at which the repairs are to be accomplished; and

(2) If the crack length exceeds 2 inches, before further flight replace the P/N 803179-5 channel with a new P/N 803179-5 channel and install angles P/N 841309-101 and P/N 841309-102 in accordance with Lockheed drawing 841307 or an equivalent approved by the Chief, Aircraft Engineering Division, FAA Western Region. The aircraft may be ferried in accordance with the provisions of FAR 21.197 to the base at which the repairs are to be accomplished.

(e) The periodic reinspection may be discontinued for aircraft on which the cracks are repaired in accordance with paragraph (d) and for aircraft with an uncracked P/N 803179-5 channel on which the P/N 841309-101 and P/N 841309-102 angles are installed in accordance with Lockheed drawing 841307 as a reinforcement or on which an equivalent reinforcement approved by the Chief, Aircraft Engineering Division, FAA Western Region is incorporated.

(f) Upon request of the operator, an FAA maintenance inspector, subject to prior approval of the Chief, Aircraft Engineering Division, FAA Western Region, may adjust the repetitive inspection intervals specified in this AD to permit compliance at an established inspection period of the operator if the request contains substantiating data to justify the increase for such operator.

(Lockheed Service Bulletin 80/8B-616A pertains to this same subject.)

Issued in Washington, D.C., on June 21, 1965.

JAMES F. RUDOLPH,
Acting Director,
Flight Standards Service.

[F.R. Doc. 65-6715; Filed, June 25, 1965; 8:46 a.m.]

[14 CFR Part 39]

[Docket No. 6729]

AIRWORTHINESS DIRECTIVES

Vickers Viscount Models 744, 745D, and 810 Series Aircraft

The Federal Aviation Agency is considering amending Part 39 of the Federal Aviation Regulations by adding an airworthiness directive applicable to Viscount Models 744, 745D, and 810 Series aircraft. There have been cases of severe corrosion on the bore surface of the support tubes of the engine mount assemblies, Drawing Nos. 70037 Sht. 3, 80237 Sht. 3, 80237 Sht. 35, and 81037 Sht. 29. Since this condition is likely to exist or develop in other aircraft of the same type design, the proposed AD would require inspection of the support tubes in accordance with British Aircraft Corporation Preliminary Technical Leaflet No. 252, 700 Series (for 744 and 745D aircraft), No. 117, 800/810 Series (for 810 Series aircraft) to determine if corrosion exists on the surface of the bore and, if corrosion exists, to determine its depth, and if required take remedial action on Viscount aircraft.

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should identify the docket number and be submitted in duplicate to the Federal Aviation Agency, Office of the General Counsel, Attention: Rules Docket, 800 Independence Avenue SW., Washington, D.C., 20553. All communications received on or before July 26, 1965, will be considered by the Administrator before taking action upon the proposed rule. The proposals contained in this notice may be changed in the light of comments received. All comments will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons.

This amendment is proposed under the authority of Sections 313(a), 601, and 603 of the Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421, and 1423).

In consideration of the foregoing, it is proposed to amend § 39.13 of Part 39 of the Federal Aviation Regulations by adding the following new airworthiness directive:

VICKERS. Applies to Viscount Models 744, 745D, and 810 Series aircraft.

Compliance required as indicated.

Cases of severe corrosion on the bore surfaces of the support tubes of the engine mount assemblies, Drawing Nos. 70037 Sht. 3, 80237 Sht. 3, 80237 Sht. 35, and 81037 Sht. 29 have been reported.

To correct this condition accomplish the following:

(a) Within the next 4,000 hours' time in service or at next engine overhaul period, whichever is the sooner, after the effective date of this AD, unless already accomplished, conduct an inspection of the support tubes in accordance with British Aircraft Corporation Preliminary Technical Leaflet No. 252, 700 Series (for 744 and 745D aircraft), No. 117, 800/810 Series (for 810 Series aircraft), to determine if corrosion exists on the surface of the bore and, if corrosion exists, to determine its depth.

(1) Accomplish the inspection by radiographic or ultrasonic methods as set forth in the appendices of the applicable Preliminary Technical Leaflet or by FAA-approved equivalent method.

(2) If, on inspection, no corrosion exists or the depth of existing corrosion does not exceed 0.080 inch subject the support tubes to the dewatering and reprotection scheme set forth in 4.5 of the applicable Preliminary Technical Leaflet. On completion of the reprotection scheme no further inspection is required.

(3) Where the depth of corrosion is in excess of 0.080 inch in any section of a support tube the tube in question must be replaced before further flight.

(b) In addition to the inspection and reprotection requirements in paragraph (a) accomplish the dewatering and reprotection scheme in paragraph 4.5 of the applicable Preliminary Technical Leaflet whenever the engine mount assembly is broken down for any reason. Accomplish the dewatering and reprotection after the end fittings have been assembled.

Issued in Washington, D.C., on June 21, 1965.

JAMES F. RUDOLPH,
Acting Director,
Flight Standards Service.

[F.R. Doc. 65-6716; Filed, June 25, 1965; 8:46 a.m.]

INTERSTATE COMMERCE COMMISSION

[49 CFR Part 211]

[Ex Parte No. MC-65, MC-66 (Sub-No. 2)]

MOTOR SERVICE ON INTERSTATE HIGHWAYS; PASSENGERS AND PROPERTY

Special Procedure and Service List

At a General Session of the Interstate Commerce Commission, held at its office in Washington, D.C., on the 16th day of June A.D. 1965.

It appearing, that on March 30, 1965, the Commission issued a notice of proposed rule making and order (30 F.R. 5384) in the above entitled proceedings instituting an investigation into the effect of the opening of the National System of Interstate and Defense Highways, and other limited access highways, upon the operations and services of motor common carriers of passengers and property operating over regular routes;

It further appearing, that in accordance with the notice of March 30, 1965, a prehearing conference was held in the proceedings on May 25, 1965, before Examiner C. Evans Brooks;

It further appearing, that substantial agreement among the parties present at the prehearing conference was reached as to the following matters:

(1) That the two proceedings embraced in the Commission's order of March 30, 1965, should be severed and handled separately.

(2) That, in spite of the fact that the two proceedings are to be severed, parties to both proceedings should be permitted to file identical statements in each proceeding should they wish to do so.

(3) That the proponents of the proposed rules in each proceeding will submit evidence to the extent possible with respect to all of the items listed on sheet 5 of the Commission's order of March 30, 1965.

(4) That in order to allow interested parties to develop their evidence fully, and to make effective use of the data to be submitted by the proponents and by the U.S. Department of Commerce, provision should be made for the filing of supplemental statements at a specified time following the filing of initial statements but prior to the time fixed for filing reply statements.

(5) That to the extent possible oral hearings should not be held and that all

pertinent evidence should be submitted in the form of verified statements of fact.

(6) That provision should be made for those parties wishing to cross-examine persons filing verified statements to request an opportunity for such cross-examination after the filing of reply statements.

(7) That parties should be permitted to file, together with their verified statements of fact, expressions of opinion and recommendations for disposing of the issue involved, but such expressions of opinion should be stated separately from the factual matter contained in the verified statements.

And it further appearing, that consideration has been given to the various views expressed by those reperesented at the prehearing conference with respect to the procedures to be followed by all parties to these proceedings, including any views, suggestions, and requests not specifically referred to in this order; that these proceedings are of such a nature as to require the issuance of special rules of procedure; and good cause appearing:

It is ordered, That:

(a) The proceedings in Ex Parte No. MC–65 and Ex Parte No. MC–65 (Sub-No. 2) be, and they are hereby severed for the purpose of making separate records in each, and for the recommendation of appropriate orders by the hearing examiner.

(b) These proceedings shall be handled, to the extent practicable, by the filing of verified statements and replies. Twenty-five copies of all such statements and replies, and of any other pleading, shall be filed with the Secretary, Interstate Commerce Commission, Washington, D.C., 20423. Any person who is a party to both these proceedings may, if desired, file identical statements or replies in each, in which case the Examiner and the Commission will consider, in each of the respective proceedings, only that portion of the particular statement or reply which is pertinent thereto. In lieu of verification under oath, the statements and replies may be made subject to the following declaration: "I solemnly declare that I have examined the foregoing statement or reply and that, to the best of my knowledge and belief the representations contained therein are true. (Signature)".

(c) All parties submitting verified statements or pleadings of any description in either proceeding shall serve copies of them on all other parties to that proceeding as listed in the appendix[1] to this order.

(d) On or before September 15, 1965, all parties to either proceeding shall file their initial verified statements with the Commission and shall serve the other parties named in the appendix hereto. Each verified statement shall set forth the position of the party making it with respect to the use by motor carriers of limited-access highways, and may include argument as well as statements of fact. Where both fact and argument are included in the same pleading, they shall be set forth under separate headings in the interest of clarity and understanding. Any attachments to verified statements or replies should be designated "Appendices" and numbered consecutively.

(e) Supplemental verified statements, if any, shall be filed with the Commission on or before November 5, 1965, and shall conform to the specifications set forth in paragraph (d) above.

(f) Replies to the initial and supplemental statements, if any, shall be filed with the Commission on or before December 10, 1965, and shall conform to the specifications set forth in paragraph (d) above.

(g) Any requests for cross-examination of persons submitting verified statements shall be filed with the Commission on or before December 30, 1965.

And it is further ordered, That a copy of this order be served upon all the parties hereto, that copies be mailed to the Governors of every State and to the Public Utilities Commission or Board, or similar regulatory bodies, in each State having jurisdiction over transportation by motor vehicle; that copies be posted in the office of the Secretary, Interstate Commerce Commission, Washington, D.C., for public inspection; that a copy be delivered to the Director, Office of the Federal Register for publication in the FEDERAL REGISTER as notice to all interested persons; and that a copy be placed in each field office of the Interstate Commerce Commission.

By the Commission.

[SEAL] BERTHA P. ARMES,
Acting Secretary.

[F.R. Doc. 65–6746; Filed, June 25, 1965; 8:46 a.m.]

[1] Appendix filed as part of original document.

Notices

DEPARTMENT OF THE TREASURY

Bureau of Customs

[017.33]

HANDKERCHIEFS PRODUCED IN THE PHILIPPINES

Notice of Proposed Tariff Classification

The cutting of handkerchief squares in the United States from imported fabric in which the separate identities of the handkerchiefs are so delineated that the "handkerchiefs" represented by such delineations are classifiable as separate tariff entities, rather than as material in the piece, does not result in "materials produced within the customs territory of the United States" for purposes of the definition of the term "Philippine article" in General Headnote 3(c)(iv), Tariff Schedules of the United States. Accordingly, a completed handkerchief made in the Philippines from such a handkerchief square is not a "Philippine article" within the meaning of that headnote.

Such an interpretation appears to be required in view of the definition in General Headnote 3(c)(iv) of the tariff schedules which provides:

> The term "Philippine article", as used in the schedules, means an article which is the product of the Philippines, but does not include any article produced with the use of materials imported into the Philippines which are products of any foreign country (except materials produced within the customs territory of the United States) if the aggregate value of such imported materials when landed at the Philippines port of entry, exclusive of any landing cost and Philippine duty, was more than 20 percent of the appraised customs value of the article imported into the customs territory of the United States.

Pursuant to § 16.10a(d) of the Customs Regulations (19 CFR 16.10a(d)), notice is hereby given that there is under review in the Bureau of Customs the existing practice of classifying these handkerchiefs as "Philippine articles".

Consideration will be given to any relevant data, views, or arguments pertaining to the correct tariff classification of this merchandise which are submitted in writing to the Bureau of Customs, Washington, D.C., 20226. To assure consideration, such communications must be received in the Bureau not later than 30 days from the date of publication of this notice. No hearings will be held.

[SEAL] LESTER D. JOHNSON,
Acting Commissioner of Customs.

Approved: June 21, 1965.

JAMES POMEROY HENDRICK,
Acting Assistant Secretary of the Treasury.

[F.R. Doc. 65–6739; Filed, June 25, 1965; 8:47 a.m.]

Office of the Secretary

[Antidumping—AA 045.2–c]

GALVANIZED WARE FROM CANADA

Determination of Sales at Not Less Than Fair Value

JUNE 21, 1965.

On May 12, 1965, there was published in the FEDERAL REGISTER a "Notice of Intent to Discontinue Investigation and to Make Determination That No Sales Exist Below Fair Value" because of termination of sales with respect to galvanized ware imported from Canada, manufactured by General Steel Wares Limited, Canada, and assurances that if resumed they would not be at less than fair value, and that such fact and assurances are considered to be evidence that there are not, and are not likely to be, sales below fair value.

No persuasive evidence or argument to the contrary having been presented within 30 days of the publication of the above-mentioned notice in the FEDERAL REGISTER, I hereby determine that because of the above-noted termination of sales, and assurances, galvanized ware imported from Canada, manufactured by General Steel Wares Limited, Canada, is not being, nor likely to be, sold at less than fair value within the meaning of section 201(a) of the Antidumping Act, 1921, as amended (19 U.S.C. 160(a)).

This determination and the statement of the reason therefor are published pursuant to section 201(c) of the Antidumping Act, 1921, as amended (19 U.S.C. 160(c)).

[SEAL] JAMES A. REED,
Assistant Secretary of the Treasury.

[F.R. Doc. 65–6740; Filed, June 25, 1965; 8:48 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of Education

FEDERAL FINANCIAL ASSISTANCE IN CONSTRUCTION OF NONCOMMERCIAL EDUCATIONAL TELEVISION BROADCAST FACILITIES

Notice of Acceptance for Filing Applications

Notice is hereby given that effective with this publication the following described applications, for Federal financial assistance in the construction of noncommercial educational television broadcast facilities are accepted for filing in accordance with 45 CFR 60.7:

St. John School Township of Lake County, Box 305, St. John, Ind., File No. 102, for the establishment of a new noncommercial educational television station on channel 66, St. John, Ind.

The Greater Cincinnati Television Educational Foundation, 2222 Chickasaw Street, Cincinnati, Ohio, File No. 103, to expand the operation of the noncommercial educational television broadcast station WCET operating on channel 48, Cincinnati, Ohio.

Nebraska Educational Television Commission, 12th and R Streets, Lincoln, Nebr., File No. 104, for the establishment of a new noncommercial educational television station of Channel 9, North Platte, Nebr.

Any interested person may, pursuant to 45 CFR 60.8, within 30 calendar days from the date of this publication, file comments regarding the above applications with the Director, Educational Television Facilities Program, U.S. Office of Education, Washington, D.C., 20203.

(76 Stat. 64, 47 U.S.C. 390)

RAYMOND J. STANLEY,
Director, Educational Television Facilities Program, U.S. Office of Education.

[F.R. Doc. 65–6749; Filed, June 25, 1965; 8:48 a.m.]

DEPARTMENT OF THE INTERIOR

Office of the Secretary

PONCA TRIBE OF NATIVE AMERICANS OF NEBRASKA

Notice of Membership Roll

There is listed below the membership roll of the Ponca Tribe of Native Americans of Nebraska which has been prepared pursuant to section 1 of the Act of September 5, 1962 (P.L. 87–629), 76 Stat. 429.

All appeals filed with the Secretary contesting the inclusion or omission of the name of any person on or from a proposed roll of the tribe as published in the FEDERAL REGISTER on February 24, 1965, have been disposed of by the Secretary of the Interior or under delegation of authority from the Secretary of the Interior to the Solicitor (210 DM 2.2A(4)(b), 24 F.R. 1348) and redelegation to the Associate Solicitor (Sol. Reg. 19, 29 F.R. 6449).

Pursuant to section 1 of the Act, supra, the adult enrollees shall be given an opportunity to indicate their agreement or disagreement to a division of the tribal assets in accordance with the Act, supra. In the event a majority of those voting thereon favor the division of assets, the following roll shall become a final membership roll of the Ponca Tribe of Native Americans of Nebraska as of the date notice of the election outcome appears in the FEDERAL REGISTER.

JOHN A. CARVER, JR.,
Acting Secretary of the Interior.

JUNE 22, 1965.

NOTICES

BUREAU OF INDIAN AFFAIRS—ABERDEEN AREA OFFICE

820 South Main Street, Aberdeen, S. Dak.

CERTIFICATION

Pursuant to section 1 of the Act of September 5, 1962 (76 Stat. 429), 25 CFR 49a.11 and the delegation of authority appearing in 30 F.R. 449, I hereby certify that to the best of my knowledge and belief, based upon information and evidence presented, the attached Membership Roll of the Ponca Tribe of Native Americans of Nebraska, consisting of twenty-six (26) pages and listing four hundred forty-two (442) persons, includes all persons eligible for enrollment pursuant to the Act, supra, and the information on said roll is believed to be correct.

MARTIN N. B. HOLM,
Area Director.

Dated: June 18, 1965.

ROLL—PONCA TRIBE OF NATIVE AMERICANS OF NEBRASKA

As authorized by the Act of Sept. 5, 1962 (76 Stat. 429)

Roll No.	Proposed roll No.	Name	Address	Sex	Date of birth	Degree Indian blood of the Ponca Tribe	Remarks
1	1	Ahdunko, Margaret Peoniea	1010 6th St., Yuma, Ariz	F	04-04-08	4/8	B-279.
2	2	Ahlers, Donalda Hansen	1415½ Court St., Sioux City, Iowa	F	02-15-21	1/8	B-127.
3	3	Allaway, Emmett Lee	314 West Kellogg Blvd., St. Paul, Minn	M	09-07-33	1/4	B-2.
4	4	Anderson, Allen Joe	Route 2, Mountain Home, Ark	M	06-14-47	1/8	A-260.
5	5	Anderson, August Gary	do	M	09-22-44	1/4	A-260.
6	6	Anderson, Elvera Kay	do	F	05-05-38	1/4	A-260.
7	7	Anderson, Harley Peter	do	M	06-09-42	1/8	A-260
8	8	Anderson, Jonny Gail	do	F	10-11-36	1/8	A-260.
9	9	Anderson, Julia Pappan	do	F	12-26-17	1/2	B-200.
10	10	Anderson, Truman Lee	do	M	09-08-50	1/8	A-260.
11	11	Arcoren, Beverly Fern	Box 428, Yankton, S. Dak	F	07-16-53	13/32	A-259.
12	12	Arcoren, Constance Joan	do	F	09-11-49	13/32	A-259.
13	13	Arcoren, Larry Conrad	do	M	04-15-51	13/32	A-259.
14	14	Arcoren, Manford Dale	do	M	03-14-47	13/32	A-259.
15	15	Arnold, Bertha Knudsen	Box 134, Verdel, Nebr	F	05-23-1897	4/8	B-172.
16	16	Arrow, Geneva Knudsen	General Delivery, Norfolk, Nebr	F	07-01-06	2/4	B-177.
17	17	Ashes, Custer Roy	Care of O. Buffalo, Route 4, Ponca City, Okla	M	09-22-21	7/8	AB-64.
18	18	Atchison, Gena Knudsen	3023½ Glendale Blvd., Los Angeles, Calif	F	1919	3/4	B-176.
19	19	Atchison, Luella A	do	F	05-25-21	3/8	AB-176.
20	20	Aungie, Emma Eckley	165 3d Ave., Anchorage, Alaska	F	01-20-11	1/16	B-252.
21	244	Aye, May Alberta Sherman	19036 116th southeast, Renton, Wash	F	10-05-18	1/8	B-359.
22	22	Bagent, Leona Sherman	Box 128, Mont Belvieu, Tex	F	06-05-10	1/8	B-332.
23	23	Bair, Gwendolyn G	V.F.W. Park, Norfolk, Nebr	F	05-13-21	13/16	AB-78.
24	24	Baker, Frederick	Care of Winifred C. Hoosse, 1622 East 9th, Stockton, Calif.	M	12-06-1896	1/8	B-4.
25	25	Baker, Kenneth Merle	220 Edgemont Ave., Salt Lake City, Utah	M	11-05-20	1/16	AB-4.
26	26	Baker, Leonard	17046 31st Ave. South, Seattle 88, Wash	M	12-30-16	1/16	B-9.
27	27	Baker, Marvin	264 Hurst St., Covina, Calif	M	07-08-19	1/16	B-4.
28	28	Baker, Melvin O	214 9th St., Pacific Grove, Calif	M	04-05-16	1/16	B-7.
29	29	Baker, Ralph Walter	Post Office Box 71, Blue Diamond, Nev	M	06-30-16	1/16	B-14.
30	30	Baker, Stephen	General Delivery, Seaside, Calif	M	1921	1/16	B-14.
31	30	Barker, Jennie E. Glick	General Delivery, Wagner, S. Dak	F	12-15-1870	1/8	B-109.
32	32	Bear, Gilbert Charles	Winnebago, Nebr	M	1895	4/4	B-18.
33	33	Bear, Milford W	416 West 3d Ave., Denver 23, Colo	M	12-20-14	3/4	B-27.
34	34	Bear, Violet M. Ducker	Box 86, Niobrara, Nebr	F	05-25-14	1/8	B-26.
35	35	Bear, William H	109 Iris, Denver 23, Colo	M	08-09-10	3/4	B-23.
36	36	Becker, Doris M	46 Brundage Pl., Sheridan, Wyo	F	08-24-08	1/16	AB-50.
37	37	Becker, Mabel E	106 South 18th, Hot Springs, S. Dak	F	06-21-06	1/16	B-25.
38	38	Bertelmann, Margaret F. Knudsen	1855 Beechwood Ave., Abilene, Tex	F	10-26-28	1/8	B-157.
39	39	Birdhead, Dean	V.F.W. Park, Norfolk, Nebr	M	02-26-28	13/16	B-31.
40	40	Birdhead, Leroy	Verdel, Nebr	M	13-26-33	13/16	B-32.
41	42	Birdhead, Otto J	Box 164, Verdel, Nebr	M	04-01-1926	3/4	B-28.
42	43	Birdhead, Rosanne Theresa	2620 North 17th Ave., Omaha, Nebr	F	12-30-53	13/32	A-31.
43	44	Black, Hannah Roy	Post Office Box 104, Blair, Okla	F	12-23-08	1/8	B-212.
44	45	Black Cole, Marvin	Wagner, S. Dak	M	01-01-38	15/16	B-72.
45	46	Black Cole, Robert	General Delivery, Wagner, S. Dak	M	07-05-01	4/4	B-71.
46	119	Blacksmith, Joseph	Lower Brule, S. Dak	M	13-03-21	1/2	B-305.
47	47	Boettger, Maxine B	V.F.W. Park, Norfolk, Nebr	F	07-30-28	13/16	A-28.
48	48	Bonga, Duane J	1101 Otis St., Papillion, Nebr	M	05-01-40	1/8	AB-55.
49	49	Boyd, Gerald Jean	7915 Easton, Box 3, Houston, Tex	M	06-08-19	1/16	B-20.
50	50	Boyd, Irene B	Post Office Box 87512, Webster, Tex	F	03-09-1926	1/8	B-26.
51	51	Boyd, Lavern H	7915 Easton, Box 3, Houston, Tex	M	07-21-14	1/16	B-37.
52	52	Boyd, Ralph Howard	Post Office Box 87512, Webster, Tex	M	09-16-17	1/16	B-38.
53	53	Boyd, Warren T	do	M	08-25-23	1/16	B-40.
54	54	Boyer, Berlin N. Knudsen Haight	3425 3d St., Detroit 1, Mich	F	06-17-21	5/16	B-130.
55	55	Branstiter, Leonard Ray	664 East Commonwealth Pl., Chandler, Ariz	M	08-13-33	1/16	B-1, Supplement.
56	57	Branstiter, Lucile O. Ducker	2720 East Willetta St., Phoenix 8, Ariz	F	06-05-11	1/8	B-26.
57	58	Branstiter, Theodore A. G	Rural Route No. 1, Niobrara, Nebr	M	10-15-31	1/16	AB-55.
58	59	Buffalo, Ida Rey	Route 4, Ponca City, Okla	F	12-12-1898	3/4	B-213.
59	60	Buffalo Chief, Ella Knudsen	111 Center St., Sioux City, Iowa	F	11-06-11	1/8	B-207.
60	61	Buffalo Chief, Elliot	do	M	01-17-07	29/32	A-43.
61	62	Buffalo Chief, Francine	Niobrara, Nebr	F	10-25-46	29/32	A-43.
62	63	Buffalo Chief, Luther (Broken Jaw)	111 Center St., Sioux City, Iowa	M	01-03-12	13/16	B-43.
63	64	Buffalo Chief, Patricia G	do	F	11-13-46	29/32	A-43.
64	65	Buffalo Chief, Ralph	do	M	05-10-44	29/32	A-43.
65	66	Butera, Dora Sherman Post	Care of Superintendent, Winnebago Agency, Winnebago, Nebr. *	F	08-14-08	1/8	B-204.
66	67	Carney, Rachel J. Eckley	4026 West Parker Ave., Chicago 26, Ill	F	10-29-18	1/16	B-28.
67	68	Chidquist, William Everett	1202 Country Club Rd., Casper, Wyo	M	11-13-27	1/32	AB-252.
68	71	Christensen, Francis J	204 Vaughn Court, Cheyenne, Wyo	M	09-16-18	5/16	B-42.
69	72	Christensen, Raymond	7843 Raritan, Denver, Colo	M	10-26-13	6/16	B-51.
70	73	Christensen, Rosalie Sherman	516 Wilhite Ave., Rapid City, S. Dak	F	11-16-1898	3/8	B-33.
71	74	Christensen, Wayne	Box 24, Capata, S. Dak	M	04-26-16	5/16	B-43.
72	70	Christianson, Delores Greenwall	510 New York St., Rapid City, S. Dak	F	1923	1/32	AB-11.
73	428	Clancy, Myrtle E. Porter	7043¼ West 2d St., Salt Lake City, Utah	F	13-15-1870	1/8	B-109.
74	75	Clemens, Clem Newton	27 Arkansas Ave., Henderson, Nev	M	12-13-31	3/16	B-221.
75	76	Clemens, David	Drawer U, Bridgeport, Nebr	M	01-29-08	1/16	B-44.
76	77	Clemens, Hattie Baker	20618 South Vermont Ave., Torrance, Calif	M	11-06-13	1/16	B-57.
77	78	Clemens, Robert D	1508 7th St., Coeur d'Alene, Idaho	F	1952	1/8	B-35.
			1609 South Ivanhoe St., Anaheim, Calif	M	10-07-33	1/16	B-39.

Symbols: B—Basic member.
A—Descendent applicant.
AB—Leftovies.
DOD—Date of Death.
BQ—Blood Quantum unconfirmed.
*No current address.
All numbers in remarks refer to Apr. 1, 1934, Ponca Census Roll.

Roll No.	Proposed roll No.	Name	Address	Sex	Date of birth	Degree Indian blood of the Ponca Tribe	Remarks
78	79	Cobiar, Helen Maria Post	5142 Autry Ave., Lakewood, Calif	F	02-26-17	1/16	B-284.
79	80	Cole, Gilbert	General Delivery, Ponca City, Okla	M	1899	15/16	B-26, aka Gilbert Black Ghost.
80	81	Coulter, Hazel M. Post	Hooper, Nebr	F	10-30-1896	1/8	B-74.
81	82	Courss, Stanley Leroy	7043½ West 2d St., Salt Lake City, Utah	M	03-21-18	1/16	B-13.
82	83	Cover, Amelia P. Rule	Care of Superintendent, Winnebago Agency, Winnebago, Nebr.*	F	1897	1/8	B-225.
83	84	Davis, Wilma Sherman	Box 98, Baldwin Circle Route, Lander, Wyo	F	08-10-20	1/8	B-208.
84	85	Deveney, Goldie M. Post McGraw	6043 6th Northwest, Seattle, Wash	F	09-29-1900	1/8	B-241.
85	424	Drappeaux, Arneva Faith	600 Elm Ave., Norfolk, Nebr	F	11-08-27	5/16	A-175.
86	86	Ducker, Daniel Reuben	203 Hereford St., Lincoln, Nebr	M	01-12-06	1/8	B-27.
87	87	Ducker, Earlwin F	10855 South Vernon Ave., Chicago 28, Ill	M	01-27-07	1/8	B-45.
88	88	Ducker, Rebecca Howe	Box 77, Niobrara, Nebr	F	04-08-1887	1/4	B-85.
89	89	Ducker, Richard M	Lynch, Nebr	M	04-12-16	1/8	B-49.
90	90	Ducker, Theodore Nami	9957 South State St., Chicago 28, Ill	M	12-08-12	1/8	B-37.
91	91	Eckley, Leo Edward	Box 11, Lakeview, Ark	M	01-22-14	1/16	B-61.
92	92	Eckley, Lloyd William	Riverview Route, Riverton, Wyo	M	07-27-21	1/16	B-64.
93	93	Eckley, Otto Mark	3126 C Ave., Northeast, Cedar Rapids, Iowa	M	10-26-09	1/16	B-60.
94	94	Eckley, Tolford E	Box 4, Riverton, Wyo	M	06-16-23	1/16	B-66.
95	95	Engen, John W	900 Dakin St., Chicago, Ill	M	08-21-1899	1/8	B-272.
96	96	Engen, Norman H	1009 South 2d St., Norfolk, Nebr	M	09-22-07	1/8	B-262.
97	97	Farmer, Sadie Laravie	11 South Rockford, Tulsa, Okla	F	08-26-07	1/2	AB-186.
98	98	Feather, Lamont	415 South 3d St., Ponca City, Okla	M	02-13-17	7/8	B-36.
99	99	Feather, Thelma Louise	Care of Superintendent, Winnebago Agency, Winnebago, Nebr.*	F	1917	7/8	B-36, aka Amy St. Pierre.
100	100	Fedde, Naomi D. Glick	Burke, S. Dak	F	12-02-15	1/16	B-117.
101	101	Fisher, Edna B	Care of Superintendent, Winnebago Agency, Winnebago, Nebr.*	F	1910	1/16	B-60.
102	276	Ford, Darlene J. Peterson	2916 Elm St., Omaha, Nebr	F	04-26-45	1/4	A-1.
103	103	Ford-Fyffe, Mildred Post	647 D. Mets Rd., Fort Lee, Va	F	04-05-23	1/16	B-291.
104	104	Forney, Katherine McLemore	6821 East 20th Pl., Tulsa, Okla	F	09-04-23	11/16	B-246.
105	105	Foster, Norma J. Suverkrubbe	409 Hickory St., Omaha, Nebr	F	02-09-27	1/4	A-259.
106	107	Franklin, Gordon Curtis	210 Southeast 1st, Toledo, Oreg	M	04-21-16	1/16	B-102.
107	108	Franklin, Harold	723 East 14th St., The Dalles, Oreg	M	04-13-08	1/16	B-101.
108	109	Gallagher, Mary Ellen Post	1308 East Baldwin, Orange, Calif	F	04-03-24	1/16	AB-253.
109	110	Gilpin, Josephine Roy	Niobrara, Nebr	F	04-07-13	7/8	B-307.
110	111	Glenn, Mardell Baker	7197 San Miguel Canyon Rd., Salinas, Calif	F	09-28-23	1/16	AB-4.
111	112	Glick, Dale R	9001 Lawn Ave., Brentwood, Mo	M	11-15-05	1/16	B-108.
112	113	Glick, John O	Care of Superintendent, Winnebago Agency, Winnebago, Nebr.*	M	1894	1/8	B-110, DOD 10-13-64.
113	114	Glick, Marvin S	55 East Anacka Dr., Eugene, Oreg	M	11-25-05	1/16	B-112.
114	115	Glick, Merl V	Box 218, Fort Washakie, Wyo	M	01-01-08	1/16	B-153.
115	116	Glick, Robert P	480 Amoretti St., Lander, Wyo	M	08-26-23	1/16	B-119.
116	117	Glick, Sanford	Valleyview Nursing Home, Wacos, Nebr	M	05-29-1880	1/8	B-120.
117	118	Glick, Taylor W	Box 723, Lander, Wyo	M	07-17-13	1/16	B-146.
118	119	Glick, Wilfred M	966 Washakie, Lander, Wyo	M	10-17-15	1/16	B-115.
119	121	Goldman, Ruby Knudsen Cuny	408 Vargas Ave., Norfolk, Nebr	F	04-10-28	3/8	AB-181.
120	122	Goodteacher, Vera K. Peniska	513 East 5th St., South Sioux City, Nebr	F	03-27-17	11/16	B-273.
121	123	Gosnell, Zella C. Hocking	405 North Melrose Dr., Vista, Calif	F	01-17-18	1/8	B-262.
122	124	Goss, Mamie Loomer	109 Delaware, Albany, N.Y	F	12-30-07	1/16	B-224.
123	126	Grant, Ada R	Route 4, Ponca City, Okla	F	09-16-16	5/8	B-194.
124	126	Grant, Jesse C	1128 Connecticut, Lawrence, Kans	M	08-11-12	5/8	B-122.
125	127	Green, Madeline Laravie	Niobrara, Nebr	F	08-16-20	5/8	B-209.
126	128	Greenwall, Berdie F. Baker	7043½ West 2d St., Salt Lake City, Utah	F	02-13-16	1/16	B-11.
127	129	Grenable, Edith E. Glick	Gregory, S. Dak	F	08-29-15	1/16	B-118.
128		Grubbs, Elaine Peniska	1309 Polk, Topeka, Kans	F	10-25-37	11/32	A-271.
129	130	Gutierres, Madeline R. Meyer	186 Alaska Ave., Charleston, S.C	F	09-17-24	1/32	AB-252.
130	131	Guyton, Beverly Ann	813 east 13th St., Yankton, S. Dak	F	12-01-41	1/4	A-196.
131	132	Hale, Flora Birdie Baker	Box 312, Circle, Mont	F	02-10-1900	1/8	B-3.
132	277	Hamilton, Barbara S. Peterson	2916 Elm St., Omaha, Nebr	F	04-05-42	1/4	A-1.
133	100	Hamilton, Elsie E. Sherman	1510 Chemawa Rd. Northeast, Salem, Oreg	F	05-09-1896	1/8	B-101.
134	133	Hamilton, Elven J	Walthill, Nebr	M	11-05-25	1/32	B-130.
135	134	Hamilton, George Russell	Post Office Box 244, San Martin, Calif	M	06-21-09	1/16	B-127.
136	135	Hamilton, Jay Lloyd	Box 892, Creighton, Nebr	M	03-17-1900	1/16	B-129.
137	136	Hansen, Rulo I	17531 Jersey Ave., Artesia, Calif	M	12-25-16	1/8	B-135.
138	137	Harley, Ethel Meyer	Route 3, Louisville Rd., Maryville, Tenn	F	02-05-32	1/32	AB-253.
139	138	Hawkins, Cora M. Glick	Box 443, Cascade, Idaho	F	11-30-1900	1/8	B-213.
140	139	Hawkins, Virgil	4925 Arvada St., Torrance, Calif	M	10-02-28	1/16	B-217.
141	140	Hawkins, William Robert	7941 Broadleaf Ave., Panorama City, Calif	M	10-30-30	1/16	B-218.
142	141	Hendry, Evelyn Howe	3915 Wabash Ave., Hammond, Ind	F	09-18-26	3/32	AB-145.
143	142	Hennek, Gail Howe	1615 Harrison St., Great Bend, Kans	F	08-11-09	1/8	B-153.
144	143	Hewitt, Mildred Secrest	Thayer, Iowa	F	09-15-13	9/16	AB-17.
145	144	Hoener, Winifred C. Baker	1622 East 8th, Stockton, Calif	F	04-04-08	1/16	B-5.
146	144	Holliday, Gladys LeClaire	Box 396, Fort Pierre, S. Dak	F	06-03-16	15/16	B-209.
147	145	Horine, Barbara Jean	Colchester, Ill	F	11-07-33	1/32	AB-56.
148	146	Hoskinson, Barbara D. Arrow	General Delivery, Norfolk, Nebr	F	08-28-46	3/8	A-177.
149	147	Howe, Arnold	Care of Superintendent, Winnebago Agency, Winnebago, Nebr.*	M	10-22-1875	1/4	B-139, DOD 7-15-63.
150	148	Howe, Clifford	215 Phillippa, Hinsdale, Ill	M	08-05-02	5/16	B-144.
151	149	Howe, Donald	Care of Superintendent, Winnebago Agency, Winnebago, Nebr.*	M	08-24-04	3/16	B-145, DOD 11-24-62.
152	150	Howe, Elmer E	1522 South 2d St., Arkansas City, Kans	M	12-22-01	3/8	B-147.
153	152	Howe, John Joseph	Care of Superintendent, Winnebago Agency, Winnebago, Nebr.*	M	11-01-1885	1/4	B-106, DOD 2-21-63.
154	153	Howe, Leo B	18272 Walter St., Lansing, Ill	M	01-22-06	3/16	B-157.
155	154	Howe, Levane V	11312 Prairie Ave., Chicago 28, Ill	M	01-28-12	3/16	B-142.
156	155	Howe, Marvin Clarence	3240½ North 24th St., Omaha 10, Nebr	M	04-05-18	3/8	B-150.
157	156	Howe, Milford Z	Route 1, Menominee, Wis	M	07-02-08	3/16	B-156.
158	157	Howe, Richard H	18272 Walter St., Lansing, Ill	M	05-29-34	3/32	AB-157.
159	158	Huber, Katherine L. Young	Lynch, Nebr	F	05-05-18	1/16	B-226.
160	159	Iron Thunder, Amelia D. Knudsen	609 Elm Ave., Norfolk, Nebr	F	10-10-16	5/8	B-175.
161	160	Iron Thunder, Ernest Richard	do	M	06-25-40	5/16	A-175.
162	161	Iron Thunder, Rita Ann	do	F	02-24-48	5/16	A-175.
163	162	Janis, Lorena Buffalo Chief	Route 1, Niobrara, Nebr	F	11-26-26	13/32	B-43.
164	163	Johnson, Darlene Stone Arrow	Box 428, Yankton, S. Dak	F	08-07-43	13/32	A-259.
165	163	Johnson, Kathleen M. Baker	1187 Phoenix, Seaside, Calif	F	09-05-24	1/16	AB-4.
166	164	Jones, LaVerne N. Coulter	2208 H St., Omaha 7, Nebr	F	04-05-29	1/8	B-76.
167	165	Jones, Loretta M. Howe	2709 Decatur, Omaha, Nebr	F	08-09-16	5/8	B-151.
168	166	Joy, Carole Arline	3516 Charles, Omaha, Nebr	F	06-21-33	11/32	A-272.
169	167	Joy, Irene Peniska	do	F	01-07-14	11/16	B-275.
170	168	Kawakami, Shirley M. Heskes	926 East 51st Ter., Kansas City, Mo	F	06-15-40	1/4	A-260.
171	169	Keeler, Lora Lee (Keeler)	Care of Superintendent, Winnebago Agency, Winnebago, Nebr.*	F	09-20-39	5/16	A-262.
172	170	Keeler, Winfred (Keeler)	do	M	10-05-36	5/8	B-208.
173	82	Kennedy, Marilyn L. Boyd	Post Office Box 87512, Webster, Tex	F	01-15-30	1/16	AB-38.
174	171	Kerrigan, Beverly A. Henken	8023 Kempridge, Houston 85, Tex	F	09-24-35	1/4	A-260.
175	172	Knudsen, Alexander H., Sr	General Delivery, Niobrara, Nebr	M	11-21-1891	5/8	B-183.

Roll No.	Proposed roll No.	Name	Address	Sex	Date of birth	Degree Indian blood of the Ponca Tribe	Remarks
176	173	Knudsen, Alex H.	Box 402, Lake Andes, S. Dak.	M	06-21-33	5/8	B-171.
177	174	Knudsen, Arlene D.	Box 134, Verdel, Nebr.	F	04-14-28	5/8	AB-164.
178	425	Knudsen, Bertha L.	Niobrara, Nebr.	F	10-13-81	3/4	A-189.
179	185	Knudsen, Eva M. Whitecoat	do.	F	06-06-21	7/8	B-267.
180	426	Knudsen, Joan Amelia	do.	F	03-01-49	3/4	A-190.
181	176	Knudsen, Joy Henry	620 Elm Ave., Norfolk, Nebr.	M	12-05-18	5/8	B-168.
182	177	Knudsen, Lavina Joey (Ulinda Ann)	Route 1, Niobrara, Nebr.	F	03-01-41	7/16	A-287.
183	178	Knudsen, Melvin G.	Niobrara, Nebr.	M	01-13-44	5/16	A-169.
184	179	Knudsen, Omar L.	do.	M	10-12-21	5/8	B-169.
185	180	Knudsen, Otto Jr.	Care of Superintendent, Winnebago Agency, Winnebago, Nebr.*	M	01-15-26	3/8	B-165.
186	181	Knudsen, Starling Burton	2801 18th Ave. South, Minneapolis 7, Minn.	M	12-31-19	5/16	B-179.
187	182	Knudsen, Thomas A.	Niobrara, Nebr.	M	09-14-48	5/16	A-165.
188	183	Knudsen, Thomas C., Jr.	do.	M	11-15-06	5/8	B-160.
189	184	Knudsen, William H.	Verdigre, Nebr.	M	12-16-41	5/16	A-168.
190	186	Lally, Tillie M. Engen	Box 194, Capitola, Calif.	F	10-10-03	1/8	AB-371.
191	187	Landrum, Evelyn E. Howe	Care of Superintendent, Winnebago Agency, Winnebago, Nebr.*	F	08-26-07	3/16	B-152.
192	188	Lapointe, Florence Laravie	Verdel, Nebr.	F	07-01-40	13/32	A-196.
193	189	Laravie, Benjamin	do.	M	09-12-09	1/2	B-196.
194	190	Laravie, Beverly Ann	Okreek, S. Dak.	F	02-20-49	13/32	A-200.
195	191	Laravie, Candice Eileen	Verdel, Nebr.	F	10-14-48	21/32	A-195.
196	192	Laravie, Carol Jean	do.	F	07-20-42	21/32	A-196.
197	193	Laravie, Daniel J.	Route 1, Niobrara, Nebr.	M	11-26-12	1/2	B-201.
198	194	Laravie, Daniel James, Jr.	Care of Superintendent, Winnebago Agency, Winnebago, Nebr.*	M	07-03-35	9/16	A-201.
199	195	Laravie, Helen	Verdel, Nebr.	F	03-12-13	1/2	B-198.
200	197	Laravie, Judith Marie	do.	F	04-20-46	21/32	A-196.
201	198	Laravie, Roger Dale	do.	M	08-10-44	21/32	A-198.
202		Laravie, Stanley	Care of Employment Assistance Officer, Fort Peck Agency, Poplar, Mont.	M	09-11-42	5/8	A-197.
203	201	LeClaire, Arthur	2916 Branson Ave., St. Louis 44, Mo.	M	03-18-15	3/8	AB-216.
204	202	LeClaire, Charles Henry	2040 Lompa Lane, Carson City, Nev.	M	08-26-24	7/8	AB-210.
205	203	LeClaire, Peter	Box 241, Colome, S. Dak.	M	09-15-1883	3/4	B-210.
206	206	Lehmkuhl, George	Care of Superintendent, Winnebago Agency, Winnebago, Nebr.*	M	1908	1/16	B-218.
207	205	Lehmkuhl, Leslie P.	E 12811 Shannon, Spokane, Wash.	M	04-22-12	1/16	B-218.
208	207	Lehmkuhl, Lloyd	416 Taft Pl., Gary, Ind.	M	12-11-10	1/16	B-214.
209	208	Lemkuhl, Taylor	N.A.S., Box 214, Patuxent River, Md.	M	05-11-50	1/16	B-279.
210	209	Leroy, Caroline Knudsen	Niobrara, Nebr.	F	07-23-14	5/8	B-165.
211	210	Leroy, Dennis Carrell	do.	M	04-12-47	3/4	A-188.
212	211	Leroy, Donald Louis	do.	M	04-12-47	3/4	A-195.
213		Leroy, Donna Jean	Care of Catherine Zephier, Okreek, S. Dak.	F	06-28-01	25/32	A-223.
214	212	Leroy, Freddie James	3516 Charles, Omaha, Nebr.	M	09-12-40	23/32	A-229.
215	214	Leroy, Jewel L.	Niobrara, Nebr.	F	08-12-54	11/32	A-165.
216		Leroy, John	Care of Leona Roy, 710¼ West 7th, Sioux City, Iowa.	M	09-24-38	7/16	A-215.
217	215	Leroy, Myrtis Mae	Niobrara, Nebr.	F	09-12-01	11/32	A-166.
218	216	Leroy, Otto Stephen	620 Verges Ave., Norfolk, Nebr.	M	06-18-45	9/16	A-221.
219	217	Leroy, Sandra Joyce	Niobrara, Nebr.	F	10-12-45	3/4	A-165.
220	218	Leroy, Viola Dorothy	do.	F	09-22-48	11/32	A-165.
221	219	Leroy, Wanda Marie	3516 Charles, Omaha, Nebr.	F	10-17-46	23/32	A-228.
222	220	Leroy, Willis Andrew	Niobrara, Nebr.	M	06-03-31	11/32	A-168.
223	221	Lessor, Jesse	346 East 17th St., Fremont, Nebr.	M	05-02-1881	1/8	B-225, aka Justus P.
224	222	Lessor, Norman	do.	M	06-22-08	1/16	B-227.
225	17	Lewis, Virginia Becker	106 South 18th, Hot Springs, S. Dak.	F	10-02-27	1/32	B-36.
226	231	Lind, Dorothy L. Baker	1622 East 8th St., Stockton, Calif.	F	06-25-26	1/16	AB-4.
227	232	Loomer, Alex Hale	Care of Superintendent, Winnebago Agency, Winnebago, Nebr.*	M	08-21-22	1/32	B-223.
228	234	Loomer, Bernard	4512 El Rancho Rd., Fort Worth, Tex.	M	04-26-08	1/16	B-228.
229	235	Loomer, Clarence B.	Box 536, Mills, Wyo.	M	07-30-04	1/16	B-220.
230	236	Loomer, Ernest	Box 584, Columbus, Nebr.	M	1906	1/16	B-230.
231	237	Loomer, Nellie M.	109 Delaware, Albany, N.Y.	F	01-11-14	1/16	B-232.
232	238	Loomer, Robert A.	Care of Superintendent, Winnebago Agency, Winnebago, Nebr.*	M	1900	1/32	B-224.
233	239	Loomer, Wayne L.	Box 403, Mills, Wyo.	M	1925	1/16	B-222.
234	240	Loomer, Zelma B.	Care of Superintendent, Winnebago Agency, Winnebago, Nebr.*	F	1914	1/32	B-222.
235	232	McBride, Grace Bear	Box 662, Wagner, S. Dak.	F	01-08-1889	4/4	B-226.
236	233	McCauley, Jennie Standing Bear	Macy, Nebr.	F	01-05-1894	3/4	B-229.
237	234	McCauley, Pearl L. Stabler	Care of Superintendent, Winnebago Agency, Winnebago, Nebr.	F	03-15-1894	3/4	B-240, DOD 9-27-64.
238	235	McDonald, Bernita H. McGraw	6712 7th Northwest, Seattle, Wash.	F	05-07-21	1/16	B-245.
239	236	McDonough, Nellie M. Post	5342 Autry Ave., Lakewood, Calif.	F	06-19-20	1/16	B-255.
240	237	McGraw, Calvin Donald	Box 715, Sitka, Alaska.	M	09-16-28	1/16	B-243.
241	238	McGraw, Dormand Clare	do.	M	09-16-28	1/16	B-246.
242	239	McGraw, Vernon Earl	Box 319, Sitka, Alaska.	M	09-23-16	1/16	B-242.
243		McKinney, Beulah L.	Care of Superintendent, Winnebago Agency, Winnebago, Nebr.	F	07-17-14	1/4	B-362, DOD 4-14-65.
244		McLemore, Jack	Route 1, Stillwell, Okla.	M	09-29-54	11/16	AB-247.
245	241	McLemore, Pauline Joy	810 West 68th St., Hialeah, Fla.	F	06-02-26	11/16	AB-247.
246	242	Mackey, Leonard Edwin	1042 Park Ave., Apt. 1, Omaha, Nebr.	M	05-05-23	1/8	B-230.
247	243	Madrigal, Marguerite Velasques	3219 Polk St., Omaha 7, Nebr.	F	06-24-39	11/32	A-270.
248	244	Medicineborn, Mary B.	Care of Superintendent, Winnebago Agency, Winnebago, Nebr.	F	1876	3/4	B-240, DOD 4-18-63.
249	198	Mensing, Nora Larson	Siren, Wis.	F	12-29-1895	1/16	B-207.
250	245	Meyer, Donald L.	Herman, Nebr.	M	05-06-30	1/32	AB-253.
251	246	Meyer, Pearline B. Ashes	Box 737, Hot Springs, S. Dak.	F	12-19-19	7/8	AB-94.
252	247	Meyers, Sylvesta Sherman Hanson	13714 Shaver, La Puente, Calif.	F	07-27-1897	1/4	B-124.
253	248	Miller, Jean M. Coulter	Box 655, Drexel, N.C.	F	10-20-23	1/16	AB-74.
254	249	Miller, Frederick J.	3422 South 208th St., Seattle, Wash.	M	09-26-14	9/16	B-251.
255	250	Miller, Mercedes Kundsen	409 Verges Ave., Norfolk, Nebr.	F	10-09-20	5/8	AB-181.
256	251	Murphy, Gloria L. Golden Howe	1614 8th Ave. South, Great Falls, Mont.	F	10-04-27	9/16	B-144.
257	252	Naveaux, Alice Baker Uhler	704½ West 2d St., Salt Lake City, Utah.	F	1877	1/8	B-40.
258	253	Newton, Ramona J. Bonga	7113 South 69th St., Omaha, Nebr.	F	07-11-28	1/8	B-40.
259	254	Nightser, Dean E.	2226 Avenue E, Council Bluffs, Iowa.	M	05-15-20	1/32	B-255.
260	255	O'Brien, Alice Couran	704½ West 2d St., Salt Lake City, Utah.	F	05-27-17	1/16	B-12.
261	256	Olson, Nina V. Lessor	130 East 18th St., Fremont, Nebr.	F	05-10-12	1/16	B-226.
262	257	Parsons, Irene V. Clemens	Post Office Box 1006, Coeur d'Alene, Idaho.	F	01-18-16	1/16	B-58.
263	258	Penska, Andrew, Sr.	1341 Furnas Ave., Lincoln, Nebr.	M	09-24-08	11/16	B-261.
264		Penska, Andrew, Jr.	do.	M	09-12-36	11/32	A-261.
265	259	Penska, Elwood J.	Niobrara, Nebr.	M	12-13-26	11/16	B-276.
266	260	Penska, Elwood James	do.	M	10-1-59	3/4	A-192.
267	261	Penska, Gwendolyn Lee	1883 Echo Park Ave., Los Angeles, Calif.	F	09-22-46	11/32	A-276.
268	262	Penska, Henry	3514 Seward St., Omaha, Nebr.	M	03-21-1891	5/8	B-266.
269		Penska, James D.	1261 Furnas Ave., Lincoln, Nebr.	M	04-25-39	11/32	A-261.
270	263	Penska, Joseph	Niobrara, Nebr.	M	03-25-03	5/8	B-267.

Roll No.	Proposed roll No.	Name	Address	Sex	Date of birth	Degree Indian blood of the Ponca Tribe	Remarks
271	264	Penska, Joseph Norman	Box 805, Priest River, Idaho.	M	04-27-33	5/8	AB-267.
272	265	Penska, Joseph Orsy	do.	M	08-13-03	5/16	A-267.
273	266	Penska, Lorenzo L.	1809 East 17th Ave., Denver 18, Colo.	M	11-18-23	11/16	B-275.
274	267	Penska, Lee	Niobrara, Nebr.	M	09-25-1889	5/8	B-268.
275	268	Penska, Leo S.	2575 Kallin Ave., Long Beach, Calif.	M	08-20-13	11/16	B-271.
276	269	Penska, Marion Lee	3434 Seward St., Omaha, Nebr.	M	01-09-36	11/32	A-271.
277	270	Penska, Mark	R.F.D., Bennett, Nebr.	M	09-18-37	11/16	B-277.
278	271	Penska, Mark Lee	do.	M	01-31-60	11/32	A-277.
279	272	Penska, Nanette Leigh	do.	F	12-09-51	11/32	A-277.
280	273	Penska, Paul	2080 Nadeau St., Los Angeles 1, Calif.	M	10-05-24	11/16	B-276.
281	274	Penska, Peggy Sue	Niobrara, Nebr.	F	05-21-62	3/4	A-278.
282	275	Penska, Stanley Robert	1421 Sherwood Ave., Omaha, Nebr.	M	12-15-39	11/32	A-271.
283	276	Person, Jean M. Iron Thunder	609 Elm Ave., Norfolk, Nebr.	F	09-19-43	5/16	A-175.
284	279	Peterson, Edith Ethel	2636 Avenue C, Council Bluffs, Iowa.	F	09-23-17	1/16	B-62.
285	280	Peterson, Larry Warner	2722 Howard St., Omaha, Nebr.	M	12-30-36	1/4	A-1.
286	281	Peterson, Lonnie Martin	do.	M	09-19-38	1/4	A-1.
287	282	Peterson, Mary Lou Post	214 East Monroe, Riverton, Wyo.	F	08-26-27	1/16	AB-288.
288	283	Picotte, Alfred J.	Verdel, Nebr.	M	08-20-43	1/4	A-195.
289	284	Picotte, Douglas H.	do.	M	03-06-47	1/4	A-195.
290	285	Picotte, Raymond A.	do.	M	06-13-46	1/4	A-195.
291	286	Picotte, Ronnie L.	do.	M	10-13-42	1/4	A-195.
292	288	Polly, May Male Sherman	Box 58, Whiting, Iowa.	F	04-05-1898	1/8	AB-241.
293	289	Post, Clyde V.	118 East Main St., Rapid City, S. Dak.	M	01-07-1906	1/8	B-285.
294	290	Post, Frank T.	Newell, S. Dak.	M	01-01-1891	1/8	B-286.
295	291	Post, Gordon Clark	214 East Monroe, Riverton, Wyo.	M	02-13-32	1/16	AB-289.
296	292	Post, Kenneth T.	Newell, S. Dak.	M	09-10-29	1/16	B-292.
297	293	Post, Laven T.	do.	M	04-22-20	1/16	B-290.
298	294	Prichard, Esther B. S. Bonga	6235 Karen St., Omaha, Nebr.	F	07-06-05	1/4	B-40.
299	295	Primeaux, Alice Rose Grant	Route 4, Ponca City, Okla.	F	08-14-06	5/8	B-121.
300	296	Primeaux, Isaac Wayne	Box 304, Wagner, S. Dak.	M	12-14-47	1/2	A-285.
301	299	Primeaux, Mary	513 Elm Ave., Norfolk, Nebr.	F	01-12-05	5/8	B-224.
302	300	Primeaux, Pearl B.	Rural Route 4, Ponca City, Okla.	F	02-24-1893	4/4	B-226.
303	301	Pugsley, Luretta M. McGraw	10745 Interlake Ave. N, Seattle, Wash.	F	06-26-19	1/16	B-244.
304	302	Purdy, Lorraine W. Hanson	144 Fir St., Henderson, Nev.	F	12-19-22	9/16	B-125.
305	303	Raymond, Deborah Ann	Marty, S. Dak.	F	01-23-59	13/32	A-227.
306	329	Raymond, Thomas	62 Turner Pl., Montgomery, Ala.	M	07-04-24	5/16	B-228.
307	304	Reeves, Mable Baker Couran	704½ West 2d St., Salt Lake City, Utah.	F	1896	1/8	B-10.
308	305	Reynolds, Evelyn F. Sherman	Niobrara, Nebr.	F	09-03-13	1/8	B-244.
309	309	Richards, Ethel M. Franklin	738 Northwest Coast St., Newport, Oreg.	F	04-27-22	1/8	B-108.
310	310	Richardson, Elsie J. Nightser	2226 Avenue E, Council Bluffs, Iowa.	F	08-10-01	1/32	B-254.
311	311	Ring, Mary L. Smith	965 Diamond St., San Diego, Calif.	F	05-27-27	1/8	B-266.
312	312	Robinette, Esther M. Howe Porter	2616 Vine Ave., Sioux City, Iowa.	F	08-16-1897	3/8	B-280.
313	313	Rockafellow, Elsie Mae	1228 North Martha, Sioux City, Iowa.	F	06-09-1896	3/8	B-250.
314	314	Ross, Harriet Frazier	Okreek, S. Dak.	F	10-08-1888	9/16	B-302.
315	315	Roth, Mildred Knudsen	708 West 11th, Ellis, Kans.	F	1922	3/8	B-180.
316	316	Rouse, Ernest Gilbert	Post Office Box 211, Sioux Falls, S. Dak.	M	13-04-34	3/4	AB-24.
317	317	Rouse, Minnie Bear	Post Office Box 201, Lake Andes, S. Dak.	F	11-30-01	4/4	B-24.
318	318	Roy, Joseph	Box 651, Ponca City, Okla.	M	10-23-1904	3/4	B-215.
319	320	Roy, Leona	710½ West 7th, Sioux City, Iowa.	F	10-24-15	7/8	B-216.
320	321	Roy, Louis, Jr.	Box 651, Ponca City, Okla.	M	04-22-22	7/8	B-217.
321	322	Roy, Louise	Care of Superintendent, Winnebago Agency, Winnebago, Nebr.*	F	1888	1/4	B-220, B.Q.
322	323	Roy, Stephen	Route 1, Niobrara, Nebr.	M	07-09-11	3/4	B-221.
323	324	Roy, Treva	Care of Superintendent, Winnebago Agency, Winnebago, Nebr.*	F	1920	1/4	B-210, B.Q.
324	325	Rulo, Byron	do.	M	1918	1/8	B-226.
325	326	Russel, Donna G. McGraw	Box 489, Anchorage, Alaska.	F	12-10-30	1/16	AB-241.
326	327	St. Cloud, Annabelle May	Niobrara, Nebr.	F	12-31-43	7/16	A-267.
327	328	St. Cloud, Gene George	do.	M	04-21-45	7/16	A-267.
328	329	St. Cloud, Karen	do.	F	06-10-53	7/16	A-267.
329	330	St. Cloud, Richard Norman	do.	M	10-27-47	7/16	A-267.
330	331	St. Cloud, Rita May	do.	F	03-03-51	7/16	A-267.
331	327	St. Cloud, Yvonne	Route 1, Niobrara, Nebr.	F	04-23-44	7/16	A-267.
332	328	Saiz, Janet Velasques	3219 Polk St., Omaha 7, Nebr.	F	04-11-36	11/32	A-270.
333	330	Schmidt, Ruby Pappan	Box 1082, Glendive, Mont.	F	1912	1/2	B-250.
334	331	Schulze, Doris J. Smith	2632 Aquarius, Drayton Plains, Mich.	F	05-01-30	1/8	AB-264.
335	332	Scuderi, Alena Rae	2294 Filbert St., San Francisco, Calif.	F	09-06-31	1/8	AB-281.
336	333	Severs, Verna Knudsen	Bannington, Nebr.	F	03-04-26	3/8	B-189.
337	334	Shay, Alice Youker	518 Jones St. Apt. 6, Sioux City, Iowa	F	04-11-05	1/4	B-235.
338	335	Sheppard, Opal J. Ducker	324 West Magnolia, San Antonio, Tex.	F	07-09-09	1/8	B-94.
339	336	Sherman, Cecil	Box 629, Thermopolis, Wyo.	M	01-07-07	1/8	B-331.
340	337	Sherman, Cora Rulo	98234 Garvey Ave., El Monte, Calif.	F	10-27-1909	1/4	B-73.
341	338	Sherman, David L.	960 Broadway Blvd., Reno, Nev.	M	09-06-12	1/8	B-334.
342	339	Sherman, Edgar Irwin	801 West 8th, Sioux City, Iowa.	M	12-10-1902	1/4	B-330.
343	340	Sherman, Frank T.	Verdel, Nebr.	M	02-07-24	1/8	B-340.
344	341	Sherman, Howard Orville	3119 Alma, No. 3, San Pedro, Calif.	M	10-15-53	1/8	B-337.
345	342	Sherman, Leo	Route 1, Box 8, Pleasant Grove, Calif.	M	01-14-15	1/8	B-335.
346	343	Sherman, Mark T.	Verdel, Nebr.	M	09-27-21	1/8	B-247.
347	345	Sherman, Raymond B.	Care of Superintendent, Winnebago Agency, Winnebago, Nebr.*	M	1913	1/4	B-358, B.Q.
348	346	Sherman, Teddy P.	Care of Earl Reynolds, Niobrara, Nebr.	M	09-29-39	1/8	B-340.
349	347	Sherman, Virgil	Rural Route 2, Keiser, Nebr.	M	12-30-33	1/8	B-334.
350	348	Sherman, Willard L.	Box 241, Route 3, Sumner, Wash.	M	05-08-34	1/8	B-364.
351	349	Sherman, William E.	Post Office Box 552, Walla Walla, Wash.	M	09-31-17	1/8	B-332.
352	350	Smith, Earl J.	6236 Karen St., Omaha, Nebr.	M	06-06-12	1/4	B-262.
353	351	Smith, James W.	2505 Spirit Lake Highway, Castle Rock, Wash.	M	01-14-32	1/8	AB-264.
354		Smith, Karla Kristine	6236 Karen St., Omaha, Nebr.	F	04-30-56	13/32	A-192.
355	352	Smith, Naomi Mary	do.	F	04-26-27	1/4	B-262.
356	353	Smith, Raymond, Jr.	845 South Silver Lake Rd., Castle Rock, Wash.	M	10-04-29	1/8	B-266.
357	354	Smith, Raymond L.	6236 Karen St., Omaha, Nebr.	M	01-07-08	1/8	B-264.
358	355	Smith, William Thomas	do.	M	06-24-07	1/4	B-267.
359	356	Solano, Patricia A.	Box 377, Niobrara, Nebr.	F	10-16-28	1/16	AB-264.
360	357	Spotted Wood, Debra Bernadette	Box 425, Yankton, S. Dak.	F	10-27-57	13/32	A-240.
361	358	Spotted Wood, Evelyn	do.	F	07-08-27	13/16	B-256.
362	359	Spotted Wood, Gloria Jean	do.	F	07-07-55	25/32	A-240.
363	360	Spotted Wood, Theodora Kim	do.	F	11-10-60	13/32	A-240.
364	361	Spotted Wood, Verna Bessie	do.	F	05-15-30	13/32	A-240.
365	362	Spotted Wood, Wilmer Henry	do.	M	09-09-55	13/32	A-240.
366	363	Standsbluck, Marilyn Levy	General Delivery, Ponca City, Okla.	F	08-22-35	3/8	A-218.
367	364	Stars, Belle Penska Standing Elk	Herrick, S. Dak.	F	01-31-1894	5/8	B-270.
368	365	Steinberg, Evelyn J. Couran	1016 West 56th, Sioux Falls, S. Dak.	F	09-19-19	1/16	B-78.
369	366	Stults, Goldie Pappan	409 Hickory St., Omaha, Nebr.	F	05-06-19	1/2	B-228.
370	368	Suverkrubbe, Harvey Frank	do.	M	07-11-31	1/4	A-125.
371	369	Suverkrubbe, Ronald Leon	do.	M	07-23-55	1/4	A-266.
372	370	Swanson, LeVerne	2852 North Ashland Ave., Chicago, Ill.	M	09-06-16	1/8	B-275.
373	371	Swope, Vivian V. Howe	Route 6, Merrill, Wis.	F	01-12-19	3/16	B-143.
374		Tate, Mabel Penska	Walker, La.	F	09-30-31	11/32	A-261.

Roll No.	Proposed roll No.	Name	Address	Sex	Date of birth	Degree Indian blood of the Ponca Tribe	Remarks
375	372	Taylor, Alex	Box 537, Norfolk, Nebr	M	05-15-36	11/16	B-374.
376	373	Taylor, Alex Ray	do	M	07-19-30	31/64	A-370.
377	374	Taylor, Barbara J. Laravie	110 South Pine, Norfolk, Nebr	F	08-30-28	1/4	A-165.
378	375	Taylor, Clifford C	Box 537, Norfolk, Nebr	M	09-13-32	21/32	AB-374.
379	377	Taylor, Colette Fay	do	F	07-07-59	31/64	A-376.
380	378	Taylor, Elizabeth Knudsen	Norfolk, Nebr	F	09-30-09	5/8	B-97.
381	379	Taylor, Jackie Marie	do	F	10-17-51	31/64	A-370.
382	380	Taylor, Oscar Leroy	Box 537, Norfolk, Nebr	M	08-02-28	21/32	B-376.
383	381	Taylor, Quentin Lee	do	M	05-30-53	31/64	A-376.
384	382	Taylor, Robert D	do	M	02-12-40	21/32	A-374.
385	383	Taylor, Shirley Ann	do	F	02-06-48	31/64	A-376.
386	384	Taylor, Stanford M	do	M	04-20-36	21/32	A-374.
387	385	Taylor, Terry Lyn	do	M	02-01-55	31/64	A-376.
388	386	Thayer, Edith A. Post	Care of Superintendent, Winnebago Agency, Winnebago, Nebr.	F	01-12-1881	1/8	B-376, DOD 6-26-64.
389	387	Thomas, Viola B. Howe	3240½ North 24th St., Omaha 10, Nebr	F	05-06-11	3/8	B-149.
390	388	Thompson, Markesta L. Porter	3151½ Plymouth, Sioux City, Iowa	F	09-13-25	3/16	B-263.
391	389	Tietgen, LaVerna G. Glick	Burke, S. Dak	F	01-04-10	1/16	B-111.
392	390	Tietgen, Robert W	Herrick, S. Dak	M	04-30-30	1/32	AB-111.
393	392	Vacha, Claudette Iron Thunder	600 Elm Ave., Norfolk, Nebr	F	07-13-44	5/16	A-175.
394	393	Velasques, Clara Peniska	3219 Polk St., Omaha, Nebr	F	04-13-10	11/16	B-270.
395	394	Velasques, Katherine	do	F	07-27-45	11/32	A-270.
396	395	Vesey, Wilma R. Hanson	5536 Ora St., San Jose, Calif	F	06-23-23	1/8	B-126.
397	397	Walkingsky, Orpah Primeaux	Route 4, Ponca City, Okla	F	07-25-32	3/4	AB-121.
398	31	Walters, Evelyn Bear	108 Inca, Denver, Colo	F	1915	3/4	B-52.
399	398	Wendsillo, Donabelle Mackey	1043 Park Ave., Apt. 1, Omaha, Nebr	F	10-05-36	1/8	B-227.
400	399	Wermuth, Bernice Baker	99 Ocean, Monterey, Calif	F	08-30-12	1/16	B-4.
401	400	Westerman, Herman F	Care of Superintendent, Winnebago Agency, Winnebago, Nebr.	M	1901	7/16	B-263.
402	432	Whitecoat, Carrie Sue	Niobrara, Nebr	F	02-16-57	7/16	A-267.
403	401	Wick, Bernice L. Lassor	10750 South Green St., Chicago, Ill	F	06-12-08	1/16	B-220.
404	402	Wilcox, Thelma Clemens	1101 6th St., Bremerton, Wash	F	05-19-12	1/16	B-58.
405	403	Wilson, Dolores L. Branstiter	913 East Coronado Rd., Phoenix 6, Ariz	F	04-13-23	1/16	AB-98.
406	404	Woodlee, Nelda A. Melton	308 West 47th St. N., Tulsa, Okla	F	03-28-37	1/4	A-193.
407	405	Wright, Alice M. Knudsen	Route 1, Niobrara, Nebr	F	10-15-02	5/8	B-172.
408	375	Wright, Calvin	Box 537, Norfolk, Nebr	M	06-15-50	3/16	A-97.
409	406	Wright, Cecilia E. Knudsen	212 East Jackson St., Rapid City, S. Dak	F	10-18-06	5/8	B-375.
410	407	Wright, Cheryl Laravie	General Delivery, Norfolk, Nebr	F	11-23-52	9/16	B-203.
411	408	Wright, Clayton Eugene	do	M	08-20-62	7/16	A-203.
412	409	Wright, Daniel James	do	M	08-26-59	7/16	A-203.
413	410	Wright, Deborah A	Box 537, Norfolk, Nebr	F	09-13-62	3/16	A-97.
414	411	Wright, Edwin C	do	M	06-24-45	3/16	A-97.
415	412	Wright, Gail Lynn	General Delivery, Norfolk, Nebr	F	09-26-62	7/16	A-203.
416	413	Wright, John Harold	do	M	07-12-60	7/16	A-203.
417	414	Wright, Laurel Ann	do	F	07-19-56	7/16	A-203.
418	415	Wright, Martin Lee	do	M	12-05-60	7/16	A-203.
419	416	Wright, Richard Alan	do	M	09-14-53	7/16	A-203.
420	417	Wright, Thomas C., Jr	Box 537, Norfolk, Nebr	M	10-10-51	3/16	A-97.
421	418	Wright, Thomas Vincent	General Delivery, Norfolk, Nebr	M	01-26-51	7/16	A-203.
422	419	Yellowhorse, Louis	Box 1753, Ponca City, Okla	M	08-22-06	7/8	B-390.
423	420	Yellowhorse, Theresa	do	F	11-15-1909	7/8	B-33.
424	421	Young, Grace Peniska	2281 Terraino Ave., Long Beach, Calif	F	06-07-05	5/8	B-264.
425	422	Zephier, Catherine M. Laravie	Okreek, S. Dak	F	08-15-26	5/8	B-199.
426	------	Veals, Edith D. Sherman	1119 Calla Ave., Imperial Beach, Calif	F	10-16-15	1/8	AB-355.
427	------	Sawyer, Darlene Y. Sherman	3196 Rocky Mountain Dr., San Jose, Calif	F	08-16-32	1/8	AB-343.
428	------	Baker, Donald Elvin	1225 North Azusa Ave., Azusa, Calif	M	01-25-28	1/16	AB-4.
429	------	Brownrigg, Donald L	Post Office Box 2082, Santa Monica, Calif	M	08-26-39	1/2	B-20.
430	------	Christensen, Orlin	Box 26, Capulin, S. Dak	M	10-15-22	9/16	B-Q.
431	------	Grant, Jesse C., Jr	Route 2, Box 336, Claremore, Okla	M	05-10-43	29/32	B-123.
432	------	Grant, Jesse C., III	do	M	08-30-60	29/64	B-123.
433	------	Grant, Verna Lee	do	F	08-14-09	29/64	B-123.
434	------	Mays, Patricia A. Brownrigg	Post Office Box 2082, Santa Monica, Calif	F	05-11-43	1/2	B-20.
435	------	Schmidt, Karla Rae	Box 1022, Glendive, Mont	F	08-26-40	1/4	B-259.
436	------	Spirit Track, Ylinda Ironbear	Box 441, Wimer, S. Dak	F	11-19-45	7/16	B-198.
437	------	Zephier, Valentino, Jr	Okreek, S. Dak	M	07-04-53	9/16	B-199.
438	------	Zephier, David Anthony	do	M	10-08-54	9/16	B-199.
439	------	Zephier, Sharon Kay	do	F	09-06-55	9/16	B-199.
440	------	Zephier, Jeffery Lynn	do	M	09-12-57	9/16	B-199.
441	------	Zephier, Patrice Ann	do	F	11-10-58	9/16	B-199.
442	------	Zephier, Michelle Marie	do	F	05-08-61	9/16	B-199.

[F.R. Doc. 65-6729; Filed, June 25, 1965; 8:45 a.m.]

ATOMIC ENERGY COMMISSION

[Docket No. 50-186]

CURATORS OF UNIVERSITY OF MISSOURI

Notice of Extension of Completion Date

Please take notice that the Atomic Energy Commission has issued an order extending to June 30, 1966, the latest completion date specified in Construction Permit No. CPRR-68 for construction of the 10,000 kilowatt (thermal) heterogeneous, light water-cooled and moderated pressurized tank research reactor being constructed on the University's campus at Columbia, Mo.

Copies of the order and of the application by The Curators of the University of Missouri are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C.

Dated at Bethesda, Md., this 17th day of June 1965.

For the Atomic Energy Commission.

R. L. Doan,
Director, Division of Reactor Licensing.

[F.R. Doc. 65-6705; Filed, June 25, 1965; 8:45 a.m.]

[Docket No. 50-24]

GENERAL ELECTRIC CO.

Notice of Proposed Issuance of Construction Permit and Facility License Amendment

General Electric Co. ("the licensee") is currently licensed under Facility License No. CX-4 to operate its Thermal Critical Assembly ("TCA") which is located in Building 105 of the licensee's Vallecitos Atomic Laboratory in Alameda County, Calif.

By application dated May 7, 1965, and addendum thereto dated May 21, 1965 ("the application"), the licensee requested authorization (1) to modify its TCA facility to permit the conduct of critical experiments using longer fuel elements, and (2) to operate the TCA facility as modified.

Please take notice that the Atomic Energy Commission ("the Commission") proposes to issue to General Electric Co. a construction permit, substantially as set forth in Appendix A, which would authorize modification of the TCA superstructure and installation of a reactor tank as described in the application.

Notice is also hereby given that upon completion of the modifications authorized by the construction permit the Commission may, without further prior public notice, issue an amendment to Facility License No. CX-4, substantially as set forth in Appendix B, to authorize operation of the TCA as modified. Prior to issuance of the license amendment the TCA will be inspected by representatives of the Commission to determine that the TCA has been modified in accordance with the provisions of the construction permit.

The Commission has found that:

A. The application complies with the requirements of the Atomic Energy Act of 1954, as amended, and the Commission's regulations set forth in Title 10, Chapter I, CFR;

B. The licensee is financially and technically qualified to undertake the modification of the TCA and to operate the TCA, as modified, in accordance with the Commission's regulations;

C. There is reasonable assurance that the public health and safety will not be endangered by the modification and subsequent operation of the modified TCA; and

D. Issuance of the proposed construction permit and facility license amendment will not be inimical to the common defense and security or to the health and safety of the public.

Within fifteen (15) days from the date of publication of this notice in the Federal Register, the licensee may file a request for a hearing, and any person whose interest may be affected by the proposed issuance of this construction permit and facility license amendment may file a petition for leave to intervene. A request for a hearing and petitions to intervene shall be filed in accordance with the provisions of the Commission's rules of practice, 10 CFR Part 2. If a request for a hearing or a petition for leave to intervene is filed within the time prescribed in this notice, a notice of hearing or an appropriate order will be issued. If no request for a hearing or petition for leave to intervene is filed within the time prescribed in this notice, the Commission will issue the construction permit fifteen (15) days from the date of publication of this notice in the Federal Register.

For further details with respect to this proposed issuance, see (1) the application and addendum thereto, and (2) the related safety evaluation prepared by the Research and Power Reactor Safety Branch of the Division of Reactor Licensing, both of which are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. A copy of item (2) above may be obtained at the Commission's Public Document Room, or upon request addressed to the Atomic Energy Commission, Washington, D.C., 20545, Attention: Director, Division of Reactor Licensing.

Dated at Bethesda, Md. this 21st day of June 1965.

For the Atomic Energy Commission.

Roger S. Boyd,
Chief, Research and Power Reactor Safety Branch, Division of Reactor Licensing.

Appendix A

Proposed Construction Permit

1. Facility License No. CX-4 authorizes the General Electric Co. ("the licensee") to operate its Thermal Critical Assembly ("TCA") located in Building 105 of the licensee's Vallecitos Atomic Laboratory in Alameda County, Calif. By application dated May 7, 1965, and addendum thereto dated May 21, 1965 ("the application"), the licensee requested authorization (1) to modify its existing TCA to permit the conduct of critical experiments using longer fuel elements, and (2) to operate the TCA as modified.

2. Pursuant to the Atomic Energy Act of 1954, as amended ("the Act"), and Title 10, Chapter I, CFR, Part 50, "Licensing of Production and Utilization Facilities," the Atomic Energy Commission ("the Commission") hereby issues a construction permit to General Electric Co. to authorize modification of the TCA superstructure and installation of a reactor tank as described in the application. This permit shall be deemed to contain and is subject to the conditions specified in §§ 50.54 and 50.55 of the Commission's regulations; is subject to all applicable provisions of the Act and rules, regulations and orders of the Commission now or hereafter in effect, and is subject to the additional conditions specified below:

A. The earliest and latest dates for completion of modification of the TCA are July 31, 1965, and December 31, 1965, respectively.

B. Modification of the TCA superstructure and installation of the reactor tank shall be accomplished in accordance with the procedures described in the application.

3. Upon completion of the modification of the TCA superstructure and installation of the reactor tank in accordance with the terms and conditions of this permit, upon finding that the TCA will operate in conformity with the provisions of the Act and rules and regulations of the Commission, and in the absence of any good cause being shown to the Commission why the granting of a license amendment would not be in accordance with the provisions of the Act, the Commission will, pursuant to the Act, issue an amendment to Facility License No. CX-4 authorizing operation of the TCA as modified.

For the Atomic Energy Commission.

Roger S. Boyd,
Chief, Research and Power Reactor Safety Branch, Division of Reactor Licensing.

Appendix B

Proposed Facility License Amendment

1. In accordance with the application for license amendment dated May 7, 1965, and addendum thereto dated May 21, 1965, Facility License No. CX-4, as amended, which authorizes General Electric Co. ("the licensee") to operate its Thermal Critical Assembly located in Building 105 of the licensee's Vallecitos Atomic Laboratory in Alameda County, Calif., is hereby amended as follows:

General Electric Co. is authorized to possess and operate its Thermal Critical Assembly as modified under the provisions of Construction Permit No. CPCX-24.

2. This amendment is effective as of the date of issuance.

For the Atomic Energy Commission.

Roger S. Boyd,
Chief, Research and Power Reactor Safety Branch, Division of Reactor Licensing.

[F.R. Doc. 65-6709; Filed, June 25, 1965; 8:45 a.m.]

[Docket No. 50-214]

DEPARTMENT OF WATER AND POWER, CITY OF LOS ANGELES

Order Reconvening Hearing

In accordance with the announcement made at interim conference held in Santa Monica on June 21, 1965,

Notice is hereby given that the hearing in this proceeding shall reconvene at 10 a.m. (local time), on July 19, 1965, in the Committee Room of the Civic Auditorium, Santa Monica, Calif.

Issued: June 23, 1965, Germantown, Md.

Atomic Safety and Licensing Board,
Samuel W. Jensch,
Chairman.

[F.R. Doc. 65-6781; Filed, June 25, 1965; 8:49 a.m.]

FEDERAL MARITIME COMMISSION

PORT OF SEATTLE AND SEA-LAND SERVICE, INC.

Notice of Agreement Filed for Approval

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1321 H Street NW., Room 301; or may inspect agreements at the offices of the District Managers, New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments with reference to an agreement including a request for hearing, if desired, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C., 20573, within 20 days after publication of this notice in the Federal Register. A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter), and the comments should indicate that this has been done.

Notice of agreement filed for approval by:

Port of Seattle, Post Office Box 1209, Seattle, Washington, 98111.

Agreement No. T-1808 between the Port of Seattle (Port) and Sea-Land Service, Inc. (Sea-Land) provides for the lease of a 45 ton mobile whirly crane at a monthly rental of $1,200. Port reserves the right of secondary use for which it must pay Sea-Land $7.50 per hour. The Port's terminal tariff lists rates for the

rental of mobile cranes which differ from the compensations contained in the agreement.

Dated: June 23, 1965.

By order of the Federal Maritime Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 65-6752; Filed, June 25, 1965; 8:48 a.m.]

GEORGE R. SOTELO AND UNIVERSAL FORWARDERS CO.

Revocation of License

Whereas, By letter dated February 1, 1965, the Commission notified George R. Sotelo doing business as Universal Forwarders Co., 95 Liberty Street, New York, N.Y., of its intent to revoke Independent Ocean Freight Forwarder License No. 362 because George R. Sotelo doing business as Universal Forwarders Co. (1) is an exporter of goods in the foreign commerce of the United States and therefore ineligible for licensing pursuant to the first section of the Shipping Act, 1916; (2) apparently obtained his license by furnishing false information to the Federal Maritime Commission in violation of 18 U.S.C. 1001; (3) apparently collected ocean freight compensation on shipments in which he had a beneficial interest in violation of section 16 of the Shipping Act, 1916 (46 U.S.C. 815); and (4) that by virtue of the foregoing, he is not fit and willing to carry on the business of forwarding and to conform to the provisions of the Shipping Act, 1916, and the requirements, rules, and regulations of the Commission issued thereunder; and

Whereas, George R. Sotelo doing business as Universal Forwarders Co. failed to request a hearing on the intended denial.

It is ordered, Pursuant to section 44 (d), Shipping Act, 1916 (46 U.S.C. 1245), that the independent ocean freight forwarder license of George R. Sotelo doing business as Universal Forwarders Co. be and is hereby revoked, 12:01 a.m., June 24, 1965.

It is further ordered, That George R. Sotelo doing business as Universal Forwarders Co. return Independent Ocean Freight Forwarder License No. 362 to the Commission for cancellation.

It is further ordered, That this order be published in the FEDERAL REGISTER.

By the Commission.

[SEAL] THOMAS LISI,
Secretary.

[F.R. Doc. 65-6753; Filed, June 25, 1965; 8:49 a.m.]

DEPARTMENT OF COMMERCE

Maritime Administration

MOORE-McCORMACK LINES, INC.

Notice of Application for Approval of Certain Cruises

Notice is hereby given that Moore-McCormack Lines, Inc., acting pursuant to Public Law 87-45, has applied to the Maritime Administration for approval of the following listed cruises:

Ship	Commences	Terminates	Itinerary
	1965	1965	
Argentina	Jan. 6	Jan. 14	Port Everglades, Kingston, Port au Prince, Nassau, Port Everglades, New York.
Do	Jan. 15	Jan. 23	New York, San Juan, St. Thomas, New York.
Brasil	Jan. 27	Feb. 7	New York, Barbados, St. Thomas, San Juan, New York.
Argentina	Mar. 29	Apr. 5	New York, Bermuda, New York.
Do	Apr. 6	Apr. 15	New York, Barbados, St. Thomas, San Juan, New York.
Do	Apr. 16	Apr. 23	New York, Norfolk, San Juan, St. Thomas, Norfolk, Baltimore.
Do	Apr. 24	Apr. 29	Baltimore, Bermuda, Baltimore.
Do	Apr. 30	May 4	Baltimore, Bermuda, Baltimore.
Do	May 6	May 16	Baltimore, San Juan, St. Thomas, Guadeloupe, Barbados, Trinidad, Curacao, Baltimore.
Do	May 19	May 24	Baltimore, Bermuda, Baltimore.
Do	May 25	May 31	Baltimore, Bermuda, Baltimore, New York.
Brasil	May 26	June 1	New York, Bermuda, New York.
Do	June 2	June 13	New York, Bermuda, San Juan, St. Thomas, Trinidad, Barbados, Martinique, New York.
Do	June 16	June 29	New York, Bermuda, San Juan, St. Thomas, Trinidad, Barbados, Martinique, New York.
Do	Sept. 15	Oct. 18	New York, Funchal, Casablanca, Valencia, Algiers, Cannes, Barcelona, Palma, Malaga, Lisben, Vigo, New York.
Do	Oct. 14	Oct. 27	New York, San Juan, St. Thomas, Trinidad, Barbados, Bermuda, New York.
Do	Oct. 28	Nov. 10	New York, San Juan, St. Thomas, Trinidad, Barbodas, Martinique, Bermuda, New York.
Do	Nov. 11	Nov. 16	New York, Bermuda, New York.
Argentina	Nov. 20	Dec. 8	New York, San Juan, St. Thomas, New York.
Do	Dec. 9	Dec. 22	New York, Port Everglades, Curacao, Barbados, Martinique, St. Thomas, San Juan, Port Everglades.
		1967	
Do	Dec. 23	Jan. 6	Port Everglades, Cristobal, Curacao, Trinidad, Barbados, San Juan, Nassau, Port Everglades.

Any person, firm, or corporation having any interest, within the meaning of Public Law 87-45, in the foregoing who desires to offer data, views, or arguments should submit the same in writing, in triplicate, to the Secretary, Maritime Subsidy Board, Washington, D.C., 20235, by the close of business on July 12, 1965. In the event an opportunity to present oral argument is also desired, specific reason for such request should be included. The Maritime Subsidy Board will consider these comments and views and take such action with respect thereto as in its discretion it deems warranted.

Dated: June 22, 1965.

By order of the Maritime Subsidy Board.

JAMES S. DAWSON, JR.,
Secretary.

[F.R. Doc. 65-6706; Filed, June 25, 1965; 8:45 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 16070; FCC 65-549]

COMMUNICATIONS SATELLITE CORP.

Memorandum Opinion and Order Instituting Investigation

In the matter of Communications Satellite Corp.; charges, practices, classifications, rates and regulations for and in connection with the leasing of voice grade and television channels to common carriers authorized by the Federal Communications Commission, between Andover, Maine, and a communications-satellite in connection with the establishment of communication paths between points in the United States and Europe for the transmission and reception of voice, record, data, telephoto, facsimile, television, and other signals.

Preliminary statement. 1. On May 28, 1965, the Communications Satellite Corp. (Comsat), filed with the Commission a tariff (FCC No. 1) proposed to become effective on June 27, 1965. According to the supporting data filed with it, the proposed tariff applies to an Early Capability System, which system, it is contemplated by Comsat, will remain in operation until replaced by the Global Communications Satellite System at the beginning of 1968. The Commission by letter of June 9, 1965, requested that Comsat provide additional data in explanation and justification of various aspects of the tariff. In response thereto, by letter dated June 16, 1965, supplemental information has been submitted to the Commission. In addition, comments were filed regarding a provision of the tariff by American Telephone and Telegraph Co. (A.T. & T.) and petitions for suspension of the tariff and a hearing thereon were filed by Columbia Broadcasting System, Inc. (CBS), National Broadcasting Company, Inc. (NBC), and American Broadcasting-Paramount Theatres, Inc. (ABC), on June 17, 1965.

Provisions of proposed tariff. 2. The proposed tariff provides for the establishment of rates and regulations applicable to voice grade and television channels provided in the system. The offer of service is made only to authorized communications common carriers for the transmission and reception of voice, record, data, telephoto, facsimile, television, and such other signals as may be appropriate under such authorized common carrier's filed tariffs. By the terms of Comsat's tariff, such rates and regulations apply only to service to be furnished between its earth terminal station in Andover, Maine, and a satellite and do not apply to the channels provided by a foreign communications entity between the satellite and a European earth terminal station; to the channels, facilities or services provided by such foreign entities at or beyond its terminal stations; or to the facilities or services provided by a domestic communications common carrier between points in the United States and Comsat's terminal station at Andover, Maine.

3. Comsat, pursuant to the tariff, offers to provide two-way voice channels, 16 hours per day (5 a.m.–9 p.m., New York time), 7 days per week, at a monthly rate of $4,200 per channel for a minimum period of not less than 1 month. Authorized carriers leasing such channels must make their own arrangements with European entities to complete the communication path from the satellite to points in Europe.

4. Comsat, pursuant to the tariff, plans initially to furnish television channels on an "occasional basis" subject to the availability of facilities (customer concurrence to release the required number of leased voice grade channels), atmospheric conditions, etc. This service is to be offered between the hours of 5 a.m.–9 p.m., New York City time for a minimum period of 30 minutes. Rates are $2,400 for the first 30 minutes of nonpeak hour time[1] and $3,625 for the first 30 minutes of peak hour time[2] per one-way black and white television channel. Rates for each additional consecutive 15 minute period are $475 for nonpeak hour time and $710 for peak hour time. Two-way rates for black and white television signals or one-way rate for color television signals are 150 percent of the above basic charges.

Discussion. 5. The proposed tariff and the rates and charges reflected therein are predicated upon Comsat's estimates of its revenue requirements for the establishment, maintenance and operation of the system for the period of proposed operation. These estimates are, in turn, based upon a series of assumptions made by Comsat which may be outlined as follows:

(a) The system is a developmental operational one which will be terminated on January 1, 1968.

(b) The satellites will have a maximum capacity of 240 two-way voice grade channels with a useful life in orbit of 18 months.

(c) In order to provide service between the end of June 1965 and December 31, 1967, it will be necessary to have a total of four launches based on an anticipation of one launch failure.

(d) Demand will grow from an estimated annual average of 108 channels for the months of July and August 1965, to 144 for the period September 1965 through December 1966 and to 204 channels for the period January 1967 through December 1967.

(e) Although more than one satellite will be available for service after June 1966, it will not be used to provide television service and there will be no demand at any time prior to January 1968 for more than 204 voice channels for service to Europe.

(f) Comsat is entitled to a rate of return of 12 percent after taxes.

(g) Revenue requirements are computed on the basis of 75 percent of the estimated investment and the accumulated research and development costs applicable to the Early Capability Program. The remaining 25 percent is considered applicable to a later system.

(h) Fifty percent of total salaries, travel, and overhead of Comsat should be allocated to the Early Capability Program and all such allocated expenses should be recovered during the program although only 75 percent of assignable investment is to be recovered.

6. Comsat is, of course, correct in approaching the Early Capability System as being both developmental and operational in view of all of its technical, economic and operational uncertainties. However, notwithstanding the fundamental appropriateness of the approach, we are nevertheless concerned with the reasonableness of Comsat's assumptions and the fact that the bases for such assumptions are not adequately explained or justified.

7. The most significant and basic assumption made by Comsat is that the satellites will have a useful life in orbit of 18 months and thereafter will not be available for service, or if available, will not be used to provide any appreciable net operating revenues. Although we have reviewed the document entitled "Reliability Prediction for HS-303" furnished by Comsat in support of its estimate of an 18-month lifetime in orbit, we are not satisfied that data contained therein is dispositive of the matter. In this connection, we note that two communications satellites presently in orbit, Telstar II and Syncom II, have been in orbit more than 18 months and are still operable. Furthermore, the System Summary with respect to Comsat's "Early Bird" HS-303 prepared by Hughes Aircraft, the builder of Early Bird, states: "The spacecraft [Early Bird] is being designed with an objective of 3 years of operating life." Under these circumstances, it appears to us that further examination of Comsat's estimate of an 18-month lifetime is warranted. The importance of this matter is underscored by the fact that the length of life in orbit is basic to Comsat's estimate of its revenue requirements and, in turn, to its entire rate structure. If, for example, a lifetime in excess of 2 years should prove realistic and reasonable at this time, Comsat's projected revenue requirements would be reduced materially. This is because with such a lifetime, Comsat would require only two rather than four launches to provide the quantum of service it contemplates.

8. Closely related to the question of lifetime in orbit as a factor in total investment in the system and the revenue requirements therefor, is the matter of launch failures.[3] Comsat estimates a failure probability of 25 percent. This is based in part on the fact that in four attempts to launch synchronous satellites, there has been one failure and that future launches will involve improved and changed rockets which have not as yet been used. Here again we recognise that there has not been enough experience to devise reliable estimates and acceptable statistical tables on the basis of which predictions can be made. However, it is pertinent to point out that the one failure in four referred to by Comsat took place in the case of Syncom I; that since then there have been three consecutive successful launches; that future launches are presently scheduled to be with a type of rocket that has an excellent record of success; and that the satellites to be launched will be of a tried and proven type. It is not clear what weight or consideration has been given by Comsat to these improvements in launch technology and experience in connection with its estimates of a probable launch failure of 25 percent. Here again, because of the substantial impact of any assumption as to launch failure probability on estimated revenue requirements, Comsat's assumptions in this regard require further examination.

9. A third area in which additional clarification and information is required from Comsat relates to its estimate of the number of channels which it expects to lease over the life of the Early Capability System. As set forth above, Comsat expects demand to be at an annual average of 108 channels for July and August 1965; 144 channels for the period September 1965 through December 1966; and 204 channels for the entire year 1967. We have reviewed these estimates in the light of past experience which has shown that there has been a rapid and steady growth in the demand for international voice grade channels. In fact, over the North Atlantic route, demand has constantly outpaced capacity and channels have been filled as soon as they become available. In view of the fact that revenue requirements per channel would be substantially decreased if the growth pattern for satellite communications follows established patterns of growth in demand for cable channels, we believe that Comsat's estimates require further examination.

10. The fourth area where there is insufficient data to justify Comsat's proposed charges is in the use of the satellite to provided television service. Revenue requirements are computed on the basis of an assumption that Comsat would derive only minimal net operating revenues from television service. In essence, Comsat's position is that its revenues will merely offset the payments it must make for surrender of the channels needed to provide television service. However, it appears that Comsat, in its calculations, does not take into consideration that television service might be provided via the facilities of the reserve satellite Comsat proposes to place into orbit in June 1966. Comsat estimates that it would lease between 200 and 300 hours of television time annually, notwithstanding the fact that requests for service for the period June 15 through September 1, 1965, were at an annual rate of 624 hours. Nevertheless, assuming that the 300 hour figure is more realistic and accepting Comsat data which show that about one-third would be in peak time and two-thirds would be in nonpeak time, it would appear that if the reserve satellite were used for television instead of compensating customers for surrender of their channels, Comsat could increase its revenues substantially.

11. The rates set forth in the Comsat proposed tariff are designed to produce

[1] Nonpeak hours are 5 a.m.–8 a.m. and 2 p.m.–9 p.m. (New York time).

[2] Peak hours are 8 a.m.–2 p.m. (New York time).

[3] As used herein, launch failure means that an operable satellite is not put into orbit either because of improper functioning of the rocket or because the satellite is not operable.

a rate of return of 12 percent after taxes. In support of this rate of return, Comsat alleges that it is subject to greater risks than the international communications common carriers for whom the Commission has allowed a maximum rate of return of 8½ percent.[4]

12. It is pertinent to note that by the apparent conservative nature of its assumptions, i.e. 18-month life in orbit, 25 percent launch failure conservative growth in channel demand with an assumed ceiling of 204 channels for all of 1967, and minimal net income from television, Comsat may have compensated for many of the risks which might distinguish it from the international communications common carriers. Secondly, even if it were to be assumed for this purpose that Comsat faces greater risks than the international carriers, no satisfactory data have been submitted in support of the almost 50 percent (8½ to 12 percent) differential in the rate of return over the maximum allowed such carriers.

13. Comsat assumes in its computations that it would pay normal Federal income taxes and predicated its revenue requirements on this assumption. In view of its past expenses and lack of operating revenues to date and the accounting treatment accorded these matters for tax purpose, it may have substantial tax loss carry forwards and little or no tax liability during the period under consideration (June 1965—December 1967).

14. We come now to certain additional matters which bear upon the reliability of Comsat's estimates of revenue requirements, which it includes in its proposals:

(a) To defer 25 percent of the investment cost identifiable with the Early Capability Program to the Global System;

(b) Not to defer any part of the operating expenses assigned to the Early Capability Program; and

(c) To assign 50 percent of Comsat's salaries, travel, and overhead expenses to the Early Capability Program while deferring the balance of such expenses to the Global System.

We recognize that it may be appropriate to defer some of the investment costs of the Early Capability Program and that an allocation of expenses between this program and the research, planning, and other activities associated with the basic Global System is essential. It appears to us that whatever reasoning may support the deferral of investment to the Global System may be equally applicable to the cost of operating such a system. If some part of the operation benefits a future system, there would appear to be a question as to why some part of the cost of operating the Early Capability System should not be borne by the basic Global System. On the basis of available information, we are not in the position to evaluate the reasonableness of the division of operating expenses or the allocations of investment costs proposed by Comsat nor to determine whether it is appropriate not to defer any of the operating expenses properly allocable to the Early Capability System to the Global System.

15. Aside from the foregoing basic problems to which the tariff gives rise, there are other problems presented by the tariff as a service offering. These include:

(a) *Discontinuance of service.* The tariff provides that Comsat may discontinue, without notice, the use of a voice grade channel or a television channel because of a departure by a common carrier user from certain of the requirements of the tariff. In light of the fact that the service offering is made only to United States communications common carriers for use in serving the public at large, discontinuance without notice, and without opportunity to rectify or to allow the Commission to pass upon the matter insofar as it may involve continuance of service to the public, could result in unreasonable discontinuance of service to the public.

(b) *Utilization of voice grade channels.* Comsat, under the tariff, apparently does not propose to permit its common carrier customers to establish a broad band capability by combining voice grade channels except upon advance notice to it, and its approval as to the technical feasibility thereof. In the absence of appropriate explanations and justifications, we are unable to determine whether such restraints on the common carrier customers are consistent with their statutory obligations to provide service to the general public in the most efficient and economical manner.

(c) *Creation of additional voice grade channels.* The terms of the tariff appear to prevent the creation of additional voice grade channels for TASI services.[5] In response to our inquiry, Comsat addressed itself to section C.1.(d) of its tariff and stated that this provision does not preclude the application of TASI equipment. Our inquiry, however, was addressed to another section of the tariff, C.1.(e) which states:

> An authorized common carrier pursuant to authorization of the Federal Communications Commission may create, from the voice grade channels leased from the corporation, additional channels for alternate or simultaneous voice and nonvoice communications or for nonvoice communications.

A.T. & T. in its comments also addressed itself to section C.1.(e) and expressed concern regarding its possible applicability. Under these circumstances, we believe that appropriate amendment of the tariff is essential to make it clear that the tariff provisions do not purport to prohibit TASI.

(d) *Service offering and interruption allowance.* Comsat's service offering is from its terminal station at Andover, Maine, to a communications-satellite. Comsat thereby assumes no responsibility for providing the availability of a through channel from ground station to ground station. While we recognize the unique character of Comsat's undertaking, nevertheless, questions are raised as to whether this offering is fully consistent with requirements of the Communications Satellite Act of 1962 (Satellite Act), that Comsat furnish, for hire, channels of communication to communications common carriers to provide global coverage. Furthermore, the allowance made in the tariff for interruptions of service and rates of charges are based on a service offering of 16 hours per day, 7 days per week despite the fact that the European counterparts may initially offer service for different hours per day or days of the week. Thus, the offering of service may not reflect the quantum of service which will actually be available.

(e) *Other matters.* The tariff provides that Comsat may "upon suitable notice, at a reasonable time, make such tests and adjustments as may be necessary to maintain the channels in satisfactory operating condition." In response to an inquiry as to why such testing and adjusting should not take place at a mutually agreed upon time in order not to interfere with service to the public, Comsat stated it believed that this requirement was implicit in the tariff language and that it had no objection to making the matter explicit if the Commission desires. It appears to us that this matter should be made explicit.

Finally, the tariff is not clear with respect to the practices Comsat proposes to follow in connection with (1) restoration of services in case of outages, interruptions or degradation, (2) allocation in case of shortage of facilities, and (3) allocation of new and additional facilities. Each of these matters require examination and resolution.

Petitions for suspension of tariff and a hearing thereon. 16. CBS, in support of its "Petition for suspension of tariff and for a hearing thereon," alleges that the proposed tariff (1) conflicts with national policy, (2) the proposed rate of charges is unreasonable and discriminatory, (3) the tariff prejudices the ultimate user, and (4) the proposed indemnity provisions of the tariff are unreasonable.

17. NBC, in its petition "For Suspension of Certain Provisions of Communications Satellite Tariff FCC No. 1," requests that we suspend and enter upon a hearing concerning the lawfulness of the provisions of the Comsat Tariff and in support of its petition alleges that: (1) The rates are unreasonably high and discriminatory, and (2) the minimum period of usage is unduly long. NBC also protests against the portions of the tariff which provide that all requests for television transmission are subject to approval or concurrence of the common carrier customers of the leased voice grade channels and states that the tariff should provide a mechanism for preemption of channels for television service for events of major importance.

18. ABC, in its petition, requests that we suspend the Comsat tariff and enter upon an investigation and hearing of the lawfulness thereof, and in support of its petition alleges that: (1) The rates are prohibitive, (2) the tariff makes no reference to authorized users, (3) the tariff contains no provision indicating that there will be actual access for television to the facility, (4) the tariff applies to the furnishing of channels only between Andover, Maine, and an appropriate satellite, (5) the minimum charge period is grossly excessive, and (6) in addition, exception is taken to other provisions of the tariff including those relating to testing and adjusting and liability of Comsat.

19. We must deny the foregoing petitions for suspension for the reasons set forth in paragraph 20, infra. We are, however, designating all matters raised by the tariff for hearing. At such hearing, the three networks which we are giving leave to intervene on notice of intent to do so, may present such evidence and arguments relevant to the issues specified as they deem appropriate. Insofar as CBS and ABC address themselves to the authorized user matter, two comments are pertinent. We have issued a notice of inquiry (Docket No. 16058) which will afford CBS and ABC and all other interested parties an opportunity to address themselves to this matter. Secondly, as is set forth more fully in our accompanying memorandum opinions and orders dealing with Comsat's application for authorization to operate the satellite system and the common carriers' application for authority pursuant to section 214 of the Communications Act of 1934, as amended, we are giving Comsat special temporary authority to serve the networks (and such others as we may authorize) directly pending resolution of the question of which entity or entities shall be licensed to provide television service. We wish to stress that our actions in this respect do not in any way prejudge any of the issues set forth in the aforesaid notice of inquiry relating to the authorized user question. Rather, this is a temporary measure designed to insure the available of capacity for television service pending a determination as to which authorized common carrier or carriers, if any, shall be permitted to provide this service. We further wish to emphasize that such authorization applies only to the Early Capability Program which is the first phase of the effort to establish a Global Satellite System and is developmental as well as operational in nature.

Conclusions. 20. It is clear from the foregoing that under ordinary circumstances, we would suspend the tariff and enter upon a hearing, with issues designed to resolve each of the matters raised and would thereafter issue an order prescribing such charges, practices, and regulations as are just and reasonable on the basis of the evidence adduced. We are, however, confronted by most unusual circumstances. At the time when the Communications Satellite Act of 1962 was passed, Congress declared it to be national policy

> * * * to establish, in conjunction and in cooperation with other countries, as expeditiously as practicable a commercial communications satellite system, as part of an improved global communications network, which will be responsive to public needs and national objectives * * * (Sec. 102(a) of the Satellite Act.)

Pursuant to this policy, the United States has entered into an Executive Agreement with some 43 nations looking toward the earliest possible establishment of commercial communications facilities via satellites. Entities designated by the respective signatory governments have become coowners of the system. Since initially all communications via the present satellite will originate or terminate in or transit the United States, any suspension of service via the satellite would have corresponding adverse effects on all countries which plan to make immediate use of the satellite facilities.

21. Another factor which must be considered results from the policy and purpose enunciated by Congress that:

> In effectuating this program, care and attention will be directed toward * * * the reflection of the benefits of this new technology in both quality of services and charges for such services. (Sec. 102(b) of the Satellite Act.)

This is supplemented by the specific duty placed upon the Commission to:

> prescribe such accounting regulations and systems and engage in such ratemaking procedures as will insure that any economies made possible by a communications satellite system are appropriately reflected in rates for public communication services; (sec. 201(c)(8) of the Satellite Act).

To the extent therefore that any of the concerns we set forth above regarding the reasonableness of the provisions of the proposed tariff are valid, Comsat may be charging rates that are in degradation of the aforementioned requirements and policies of the Congress.

22. We note that Comsat itself recognizes that its tariff presents unique problems. In its supporting data it states:

> In view of the problems involved in this respect and the need for consideration of the whole area of return and interest during construction, the Corporation proposes that the revenues obtained from satellite communications during the early capability period be excluded from income and placed in a deferred credit account. In due course, based on appropriate consideration of the problems, the amounts so deferred could then be reclassified in such fashion as may be appropriate.

We further note that in the additional information furnished on June 16, 1965, Comsat proposed that the Commission retain "full control" over any revenues in excess of a fair return. Specifically, it stated: "Under the procedure whereby all revenues of the Early Capability Program are carried in a deferred credit account, the Commission would have full control over any revenues in excess of a fair return and could require such adjustments of them as might be appropriate, such as the application of excess revenues against accumulated costs of the global system."

23. We agree with this statement in that it acknowledges the existence of certain problems that require definitive resolution. We also agree therefore that the accounting treatment proposed by Comsat, namely, to hold in abeyance the final classification of revenues until additional information is obtained from actual commercial operations, is consistent with the realities and uncertainties of the present situation. Unlike conventional ratemaking procedures where past experience and data are available on the basis of which reliable estimates may be made, with a reasonable approach to accuracy, most of the factors that enter into the ratemaking process are, in the present case, subject to little more than conjecture. As previously indicated, no such experience and data are available here. We therefore believe that the accounting treatment to be accorded the revenues from satellite communications as proposed by Comsat will facilitate regulatory examination and disposition of such revenues in a manner that will be fair to the customers and stockholders of Comsat and consistent with the public interest. In light of the foregoing, we deem it appropriate to accept the accounting proposal of Comsat with regard to revenues from satellite communications, namely, that the amounts so deferred shall be under "full control" of the Commission, and we will incorporate an appropriate provision in our order herein to effectuate this proposal.

24. One basic purpose of the Satellite Act is to insure that the economies made possible by the use of satellites for commercial communications are reflected in charges for services furnished to the general public. We recognize that the accounting treatment described above with respect to Comsat's revenues would not in itself effectuate this purpose. Accordingly, we will also condition the authorizations we are giving to the international common carriers pursuant to section 214 of the Communications Act of 1934, as amended, to require them to dispose of any sums which may be payable to them as a result of the ultimate disposition made of the aforementioned deferred accounts of Comsat in such manner as may be approved or directed by the Commission.

25. In view of the foregoing, we will permit the tariff to become effective except with respect to those provisions thereof concerning which suspension will not prevent the service from being offered. At the same time, we shall institute an investigation, pursuant to sections 203, 204, and 403 of the Communications Act of 1934, as amended, and section 201(c)(5) of the Communications Satellite Act of 1962 into the lawfulness of the tariff schedules in question.

Accordingly, it is ordered, This 22d day of June 1965, that pursuant to the provisions of section 204 of the Communications Act of 1934, as amended, and sections 201(c)(2) and 201(c)(5) of the Communications Satellite Act of 1962, that the provisions of section C.1.(c) and C.1.(e) of Tariff FCC No. 1 of the Communications Satellite Corp., insofar as these provisions purport to prohibit common carrier customers from using channels leased under the tariff to create additional voice grade channels for use for voice communications; C.1.(d) insofar as this provision purports to prohibit common carrier customers from combining two or more leased voice grade channels until the Communications Satellite Corp. has determined the technical feasibility of such combination; C.2. of said tariff, insofar as this provision purports to authorize the Communications Satellite Corp. to interrupt the use of a voice grade channel at any time because of a

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[4] Re Western Union Telegraph Co., 28 FCC 890 (1960), 25 PUR 3d 385.

[5] Time Assignment Speech Interpolation. A method of combining several voice channels to create additional voice channels by utilizing the silent periods in conversations.

departure from certain of the requirements of the tariff; and C.3. of said tariff insofar as this provision purports to authorize the Communications Satellite Corp. to make tests and adjustments without the mutual consent of the common carrier customer; are hereby suspended until the 25th day of September 1965, unless otherwise ordered by the Commission; and that during such period no change shall be made in said provisions unless authorized by special permission of the Commission; and

It is further ordered, That pursuant to the provisions of sections 201(c)(2) and 201(c)(5) of the Communications Satellite Act of 1962, and sections 201, 202, 204, 205, and 403 of the Communications Act of 1934, as amended, an investigation is hereby instituted into the lawfulness of the above-mentioned tariff; and

It is further ordered, That without limiting the scope of the investigation, inquiry shall be made into the following:

(a) Whether any of the charges, classifications, regulations, and practices contained in such tariff is or will be unjust and unreasonable within the meaning of section 201(c)(2) of the Communications Satellite Act of 1962 and section 201(b) of the Communications Act of 1934, as amended;

(b) Whether such tariff schedules will subject any person or class of persons to unjust or unreasonable discrimination or give any undue or unreasonable preference or advantage to any person, class of persons, or locality or subject any person, class of persons, or locality to any undue or unreasonable prejudice or disadvantage within the meaning of section 201(c)(2) of the Communications Satellite Act of 1962 and section 202(a) of the Communications Act of 1934, as amended;

(c) Whether the Commission should prescribe just and reasonable charges, classifications, regulations, and practices or the maximum and/or minimum charges to be hereafter followed with respect to the services governed by the above-mentioned tariff and if so, what charges, classifications, regulations, and practices should be prescribed; and

It is further ordered, That pursuant to the provisions of sections 201(c)(2) and 201(c)(5) of the Communications Satellite Act of 1962, and section 220 of the Communications Act of 1934, as amended, all revenues obtained from satellite communications by the Communications Satellite Corp. under the provision of the tariff shall be placed in a "Deferred Credit" account as proposed by the Communications Satellite Corp. and shall not be reclassified or otherwise disposed of in any manner, except as may be authorized or ordered by the Commission, until the investigation herein is concluded and the appropriate reclassification or disposition has been finally determined by the Commission; and

It is further ordered, That an expedited hearing shall be held on the provisions of the tariff suspended herein (i.e. secs. C.1.(c), C.1.(d), C.1.(e), C.2., and C.3.) at the Commission's offices in Washington, D.C., at a time to be hereafter specified by the Commission and that the Hearing Examiner hereafter to be designated to preside at the hearing herein shall certify the record to the Commission for decision without preparing either an initial decision or a recommended decision; and

It is further ordered, That a separate hearing shall be held on all other provisions of the tariff at the Commission's offices in Washington, D.C., at a time to be hereafter specified by the Commission and that the Hearing Examiner hereafter to be designated to preside at the hearing herein shall certify the record to the Commission for decision without preparing either an initial decision or a recommended decision; and

It is further ordered, That the Chief, Common Carrier Bureau, shall prepare and issue a recommended decision herein with respect to each of the hearings provided for herein; and

It is further ordered, That except to the extent that it is hereinabove granted, the petitions of Columbia Broadcasting System, Inc., National Broadcasting Co., Inc., and American Broadcasting-Paramount Theatres, Inc., are denied; and

It is further ordered, That the Communications Satellite Corp. is made a party respondent, that all common carriers granted authorization to lease channels from the Communications Satellite Corp. and Columbia Broadcasting System, Inc., National Broadcasting Co., Inc., and American Broadcasting-Paramount Theatres, Inc., are granted leave to intervene and participate fully in the proceedings, provided they file notice of intention to do so within 10 days after the release of this memorandum opinion and order.

Released: June 23, 1965.

FEDERAL COMMUNICATIONS COMMISSION,*

[SEAL] BEN F. WAPLE, *Secretary.*

[F.R. Doc. 65-6748; Filed, June 25, 1965; 8:48 a.m.]

* Commissioner Cox absent.

[Docket No. 15323; FCC 65M-816]

INTEGRATED COMMUNICATION SYSTEMS, INC., OF MASSACHUSETTS

Order Regarding Procedural Dates

In re application of Integrated Communication Systems, Inc. of Massachusetts, Boston, Mass., Docket No. 15323, File No. BPCT-3167; for construction permit for new television broadcast station.

Upon the Hearing Examiner's own motion, *it is ordered*, This 21st day of June 1965, that all procedural dates in the above-entitled matter are postponed pending the Commission's action necessarily precedent to the consummation of the proceeding.

Released: June 22, 1965.

FEDERAL COMMUNICATIONS COMMISSION,

[SEAL] BEN F. WAPLE, *Secretary.*

[F.R. Doc. 65-6749; Filed, June 25, 1965; 8:48 a.m.]

[Docket No. 15752-15766; FCC 65M-817]

CHARLES W. JOBBINS ET AL.

Order Regarding Procedural Dates

In re applications of:

Charles W. Jobbins, Costa Mesa—Newport Beach, Calif., Docket No. 15752, File No. BP-16157; Radio Southern California, Inc., Pasadena, Calif., Docket No. 15753, File No. BP-16158; Goodson-Todman Broadcasting, Inc., Pasadena, Calif., Docket No. 15754, File No. BP-16159; Orange Radio, Inc., Fullerton, Calif., Docket No. 15755, File No. BP-16160; Pacific Fine Music, Inc., Whittier, Calif., Docket No. 15756, File No. BP-16161; The Bible Institute of Los Angeles, Inc., Pasadena, Calif., Docket No. 15757, File No. BP-16162; C. D. Funk and George A. Baron, a partnership, doing business as Topanga Malibu Broadcasting Co., Topanga, Calif., Docket No. 15758, File No. BP-16164; California Regional Broadcasting Corp., Pasadena, Calif., Docket No. 15759, File No. BP-16165; Storer Broadcasting Co. (KGBS), Pasadena, Calif., Docket No. 15760, File No. BP-16166; Mitchell B. Howe, Peter Davis, Edwin M. Dillhoefer and C. Hunter Shelden, doing business as Pasadena Civic Broadcasting Co., Pasadena, Calif., Docket No. 15761, File No. BP-16167; Robert S. Morton, Arthur Hanisch, Macdonald Carey, Ben F. Smith, Donald C. McBain, Robert Breckner, Louis R. Vincenti, Robert C. Mardian, James B. Boyle, Robert M. Vaillancourt and Edwin Earl, doing business as Crown City Broadcasting Co., Pasadena, Calif., Docket No. 15762, File No. BP-16168; Pasadena Community Station, Inc., Pasadena, Calif., Docket No. 15763, File No. BP-16170; Voice of Pasadena, Inc., Pasadena, Calif., Docket No. 15764, File No. BP-16172; Western Broadcasting Corp., Pasadena, Calif., Docket No. 15765, File No. BP-16173; Pasadena Broadcasting Co., Pasadena, Calif., Docket No. 15766, File No. BP-16174; for construction permits.

To formalize change of procedural dates agreed to herein at the prehearing conference held on June 21, 1965, *it is ordered*, This 21st day of June 1965 that:

(1) The date for exchange of all exhibits to be offered in evidence of the direct affirmative cases is extended from June 28, 1965, to August 30, 1965;

(2) The date for notification of witnesses to be called for cross-examination is extended from July 6, 1965, to September 13, 1965;

(3) The date for commencement of hearing is extended from July 12, 1965, to September 29, 1965.

Released: June 22, 1965.

FEDERAL COMMUNICATIONS COMMISSION,

[SEAL] BEN F. WAPLE, *Secretary.*

[F.R. Doc. 65-6750; Filed, June 25, 1965; 8:48 a.m.]

[Docket No. 16070; FCC 65M-826]

COMMUNICATIONS SATELLITE CORP.

Order Scheduling Prehearing Conference

Charges, practices, classifications, rates, and regulations for and in connection with the leasing of voice-grade and television channels to common carriers authorized by the Federal Communications Commission, between Andover, Maine, and a communications-satellite in connection with the establishment of communication paths between points in the United States and Europe for the transmission and reception of voice, record, data, telephoto, facsimile, television, and other signals:

It is ordered, This 24th day of June 1965, that Arthur A. Gladstone shall serve as Presiding Officer in the hearings to be held in the above-entitled proceeding; that a prehearing conference in said proceeding shall be held in the Offices of the Commission, Washington, D.C., commencing at 10:30 a.m., July 1, 1965; that the hearing with regard to the provisions of respondent's proposed tariff which have been suspended shall be convened in the Offices of the Commission, Washington, D.C., on a date which shall be specified by the Presiding Officer during prehearing conference;[1] and that, upon completion of hearings and the prompt certification of the record to the Commission relative to said provisions of respondent's proposed tariff which have been suspended, the hearings upon all remaining provisions of respondent's proposed tariff shall be convened in the Offices of the Commission, Washington, D.C., on a date to be later specified by the Presiding Officer.

Released: June 24, 1965.

FEDERAL COMMUNICATIONS COMMISSION,

[SEAL] BEN F. WAPLE, *Secretary.*

[F.R. Doc. 65-6800; Filed, June 25, 1965; 8:50 a.m.]

[1] The following direction appears in the Commission's order designating this matter for hearing:

"*It is further ordered*, That an expedited hearing shall be held on the provisions of the tariff suspended herein * * *."

CIVIL AERONAUTICS BOARD

[Docket 16257]

PORTLAND-SEATTLE NONSTOP INVESTIGATION

Notice of Prehearing Conference

Notice is hereby given pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that a prehearing conference in the above-entitled matter is assigned to be held on July 14, 1965, at 10 a.m., e.d.s.t., in Room 607, Universal Building, Connecticut and Florida Avenues NW., Washington, D.C., before Examiner James S. Keith.

Dated at Washington, D.C., June 23, 1965.

[SEAL] FRANCIS W. BROWN, *Chief Examiner.*

[F.R. Doc. 65-6744; Filed, June 25, 1965; 8:48 a.m.]

[Docket 16288]

WEST COAST AIRLINES, INC.

Authority at Coeur d'Alene, Idaho, and Roseburg, Oreg.; Notice of Prehearing Conference

Notice is hereby given that a prehearing conference in the above-entitled matter is assigned to be held on July 15, 1965, at 10 a.m., e.d.s.t., in Room 607, Universal Building, Connecticut and Florida Avenues NW., Washington, D.C., before Associate Chief Examiner Thomas L. Wrenn.

Dated at Washington, D.C., June 23, 1965.

[SEAL] FRANCIS W. BROWN, *Chief Examiner.*

[F.R. Doc. 65-6745; Filed, June 25, 1965; 8:48 a.m.]

FEDERAL POWER COMMISSION

EL PASO NATURAL GAS CO.

[Docket No. CP65-400]

Notice of Application

JUNE 18, 1965.

Take notice that on June 16, 1965, El Paso Natural Gas Co. (Applicant), Post Office Box 1492, El Paso, Tex., 79999, filed in Docket No. CP65-400 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of certain facilities and the sale and delivery of natural gas to Washington Natural Gas Co. (Washington Natural), an existing customer, for transportation to and resale and general distribution in the communities of Toledo, Winlock, Fall City, Snoqualmie, and North Bend, Washington, and their respective environs, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes to construct and operate three measuring and regulating stations and appurtenances, one each for service to Toledo and Winlock and the third for service to Fall City, Snoqualmie, and North Bend. Deliveries to Washington Natural will be made at the outlets of the measuring stations and Washington Natural will transport the gas to points of resale and distribution in the communities.

Washington Natural estimates that the maximum daily and annual gas requirements during the third full year of the proposed service will be 1,310 Mcf and 171,425 Mcf, respectively.

The total cost of the facilities to be constructed by Applicant is estimated to be $21,400, which will be financed from currently available working funds.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C., 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (157.10) on or before July 19, 1965.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no protest or petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a protest or petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

GORDON M. GRANT, *Acting Secretary.*

[F.R. Doc. 65-6719; Filed, June 25, 1965; 8:46 a.m.]

[Docket No. CP65-401]

HIGH PLAINS NATURAL GAS CO.

Notice of Application

JUNE 21, 1965.

Take notice that on June 16, 1965, High Plains Natural Gas Co. (Applicant), 1717 Southland Center, Dallas 1, Tex., filed in Docket No. CP65-401 an application pursuant to section 7(b) of the Natural Gas Act for permission and approval to abandon the sale of natural gas produced in Texas and sold in interstate commerce to Canadian Valley Gas Co. (Canadian Valley) at Supply, Okla., and the facilities used by Applicant for the transportation of the gas incident to the sale, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant states that it has not transported or sold for resale any gas in interstate commerce since January 1964. Applicant proposes to abandon 52 miles of 6⅝-inch pipeline extending from the Warren Plant near Magic City, Wheeler County, Tex., to a "Y" in Hemphill County, Tex., and 68 miles of 6⅝-inch pipeline extending from the "Y" across the Texas-Oklahoma border to Supply, Okla., and facilities appurtenant to the pipeline.

Applicant proposes to continue the operation of the facilities in the sale and transportation of gas solely in intrastate commerce, including the sale of gas for resale to Canadian Valley. The application states that all gas sold to Canadian Valley is now produced, transported, sold, and consumed wholly within the State of Oklahoma and that no interstate gas is now involved in the sale.

The application further states that the proposal will result in a more dependable and adequate supply of gas for Applicant's customers in Texas and Oklahoma by utilizing supplies close to the customers.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C., 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (157.10) on or before July 19, 1965.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no protest or petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that permission and approval for the proposed abandonment are required by the public convenience and necessity. If a protest or petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

GORDON M. GRANT,
Acting Secretary.

[F.R. Doc. 65-6720; Filed, June 25, 1965; 8:46 a.m.]

[Docket No. G-18150 etc.]

MIDHURST OIL CORP.

Order Accepting Offer of Settlement, Permitting Withdrawal of Notice of Change, Requiring Filing of Notices of Change, Contract Amendment and Refunds, and Severing and Terminating Proceedings

JUNE 21, 1965.

On May 27, 1965, Midhurst Oil Corp. (Midhurst) Docket Nos. G-18150, RI62-414, and RI64-167 submitted an offer of settlement in these proceedings pursuant to section 1.18(c) of the Commission's rules of practice and procedure. It supplemented its offer by letter on the same date. The offer involves two sales of natural gas to Texas Eastern Transmission Corp. (TETC). One is a sale made under Midhurst's FPC Gas Rate Schedule No. 12 at a presently effective rate, being charged and collected subject to refund, of 15.6 cents per Mcf in the Mud Flats Field, Aransas County, Texas Railroad Commission District No. 4. The second is being made under Midhurst's FPC Gas Rate Schedule No. 19 at a presently effective rate of 13.8733 cents per Mcf in the Minoak Field, Bee County, Texas Railroad Commission District No. 2. Under its Rate Schedule No. 19, Midhurst has filed for an increased rate of 14.3733 cents which it proposed as the settlement rate. However, in its supplemental letter, Midhurst states that it will accept a settlement rate of 14.1 cents per Mcf under its Rate Schedule No. 19. The price levels set forth in the Statement of General Policy No. 61-1, as amended, for this area apply to sales of dehydrated natural gas with delivery at a central point in the field.[1] Texas Eastern in this area maintains a standard contract differential of 0.5 cent per Mcf for dehydration and central point delivery. The proposed 14.3733 cents rate for the sale of nondehydrated gas delivered at the wellhead is equivalent to a 14.8733 cents rate when the standard contract differential of 0.5 cent is taken into account, and is therefore on a comparable basis in excess of the 14.6 cents ceiling under the Second Amendment. We shall therefore consider the Midhurst supplemental letter as a withdrawal of its notice of change in rate and shall approve a settlement rate under its Rate Schedule No. 19 of 14.1 cents per Mcf at 14.65 p.s.i.a.

Additionally, Midhurst proposes to eliminate the periodic price escalation, price redetermination and favored-nation provisions from its Rate Schedule No. 19 and to substitute therefor 0.5 cent per Mcf escalations in rate occurring on the fifth day of February 1968 and 1973.

In regard to its Rate Schedule No. 12, Midhurst proposes a settlement rate of 15.0 cents per Mcf for the remaining life of the contract which expires in 1978. Consequently, it proposes to eliminate the favored-nation and periodic price escalation provision from the subject rate schedule.

Under the settlement proposal, as supplemented, Midhurst's annual revenue will be decreased approximately $500 from the present revenue, and it will refund approximately $1,000, exclusive of interest, to TETC. For all of the reasons set forth in our order issued in Humble Oil & Refining Co., Docket Nos. G-9287 et al., —— FPC —— (order issued July 8, 1964), we shall order Midhurst to retain the refund monies pending further order of the Commission. Comments to the offer of settlement were filed by TETC, The Brooklyn Union Gas Co. and Long Island Lighting Co. We have considered them, and our action herein is consistent therewith.

We desire to make it clear that acceptance of Midhurst's offer of settlement shall not be construed as approval of any future increased rate filed in accordance with its reservation of the right to file increases to cover future tax increases or periodic increases as provided in its offer of settlement, and is without prejudice to any findings or order of the Commission in any future proceedings, including area rate or other similar proceedings, involving Midhurst's rates and rate schedules.

The Commission finds: The proposed settlement of the above-designated proceedings, on the basis described herein, as more fully set forth in the offer of settlement filed with the Commission by Midhurst on May 27, 1965, as supplemented, is consistent with the Statement of General Policy No. 61-1, as amended, 18 CFR 2.56, and approval thereof as made effective and hereinafter ordered is in the public interest and is appropriate to carry out the provisions of the Natural Gas Act.

The Commission orders:

(A) The offer of settlement filed with the Commission by Midhurst May 27, 1965, as supplemented, is approved in accordance with the provisions of this order.

(B) The notice of change in rate to 14.3733 cents per Mcf filed by Midhurst on May 27, 1965, under its FPC Gas Rate Schedule No. 19 is considered withdrawn.

(C) Midhurst shall file, within 30 days of the issuance of this order, notices of change in rate providing for the settlement rates of 15.0 cents per Mcf under its Rate Schedule No. 12, and 14.1 cents per Mcf under its Rate Schedule No. 19.

(D) The contract amendment, designated as Supplement No. 6 to Midhurst's Rate Schedule No. 19, filed by it on May 27, 1965, is accepted for filing.

(E) Midhurst shall file within 30 days from the issuance of this order a contract amendment to its Rate Schedule No. 12 eliminating the favored-nation and periodic price escalation provisions therefrom.

(F) Midhurst shall compute the difference between the rates collected subject to refund and the settlement rate for sales to TETC in Docket Nos. RI62-414 and RI64-167, with applicable interest to the date of this order, and shall within 45 days from the date of issuance of this order submit a report to the Commission, with a copy to TETC, setting out the amount of refunds (showing separately the principal and applicable interest) the bases used for such determination, the period covered, and 10 days thereafter a letter from TETC agreeing to the correctness of such amounts.

(G) Midhurst shall retain the amounts shown in the report required under paragraph (F) above, subject to further order of the Commission directing the disposition of those amounts.

(H) If Midhurst elects to commingle these retained refunds with its general assets and use them for its corporate purposes, it shall pay interest thereon at the rate of 6 percent per annum on all funds thus available from August 16, 1965, to the date on which they are paid over to the person ultimately determined to be entitled thereto in a final order of the Commission.

(I) If Midhurst elects to deposit the retained refunds in a special escrow account, Midhurst shall tender for filing on or before August 16, 1965, an executed Escrow Agreement, conditioned as set out below, accompanied by certificate showing service of a copy thereof upon TETC. Unless notified to the contrary by the Secretary within 30 days from the date of filing thereof, the Escrow Agreement shall be deemed to be satisfactory and to have been accepted for filing. The Escrow Agreement shall be entered into between Midhurst and any bank or trust company used as a depositor for funds of the U.S. Government and the agreement shall be conditioned as follows:

(1) Midhurst, the bank or trust company, and the successors and assigns of each, shall be held and formally bound unto the Federal Power Commission for use and benefit of those entitled thereto, with respect to all amounts and the interest thereon deposited in a special escrow account, subject to such agreement, and such bank or trust company shall be bound to pay over to such person or persons as may be identified and designated by final order of the Commission and in such manner as may be therein specified, all or any portion of such deposits and the interest thereon.

(2) The bank or trust company may invest and reinvest such deposits in any short-term indebtedness of the United States or any agency thereof or in any form of obligation guaranteed by the United States which is, respectively, payable within 120 days as the said bank or trust company in the exercise of its sound discretion may select.

(3) Such bank or trust company shall be liable only for such interest as the invested funds described in paragraph (2) above will earn and no other interest may be collected from it.

(4) Such bank or trust company shall be entitled to such compensation as is fair, reasonable and customary for its services as such, which compensation shall be paid out of the escrow account to such bank or trust company. Said bank or trust company shall likewise be entitled to reimbursement for its reasonable expenses necessarily incurred in the administration of this escrow account, which reimbursement shall be made out of the escrow account.

(5) Such bank or trust company shall report to the Secretary quarterly, certifying the amount deposited in the bank or trust company for the quarterly period.

(J) Upon notification by the Secretary of the Commission that Midhurst has complied with the terms and conditions of this order, the rate and charge of 15.0 cents per Mcf under its Rate Schedule No. 12, and the rate and charge of 14.1 cents per Mcf of natural gas under its Rate Schedule No. 19 at 14.65 p.s.i.a., specified in its offer of settlement, as supplemented, shall be effective as of June 27, 1965, and the above-designated proceedings shall be deemed severed from the Texas Gulf Coast proceedings, Docket No. AR64-2; the proceedings in Docket Nos. RI62-414 and RI64-167 shall terminate, and Midhurst shall be relieved of its refund liability in Docket No. G-18150, all without further order of the Commission.

(K) The acceptance by Commission of Midhurst's offer of settlement, as supplemented, is without prejudice to any findings or determinations that may be made in any proceeding now pending, or hereafter instituted by or against Midhurst, and is without prejudice to claims or contentions which may be made by Midhurst, the Commission staff, or any affected party hereto, in any proceeding, including area rate or similar proceedings.

By the Commission.

[SEAL] GORDON M. GRANT,
Acting Secretary.

[F.R. Doc. 65-6721; Filed, June 25, 1965; 8:46 a.m.]

[1] Hassie Hunt Trust et al., Docket No. RI64-56 et al., order issued Sept. 27, 1966.

No. 123——9

[Docket No. CP65-399]

NORTHERN NATURAL GAS CO.

Notice of Application

JUNE 18, 1965.

Take notice that on June 14, 1965, Northern Natural Gas Co. (Applicant), 2223 Dodge Street, Omaha, Nebr., filed in Docket No. CP65-399 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of 3.8 miles of 3-inch branch line, a 2,000 horsepower unit at its Beaver Compressor Station and a measuring station for the sale and delivery of natural gas to Cominco Products, Inc. (Cominco), all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes to deliver Cominco's firm requirements of 2,200 Mcf per day and an estimated 821,810 Mcf per year. Cominco will use the gas in its nitrogen fertilizer plant under construction near Beatrice, Nebr.

The estimated cost of construction of the proposed facilities is $675,500, which is to be financed from cash on hand, reserve accruals and retained earnings.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C., 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (157.10) on or before July 16, 1965.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no protest or petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a protest or petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

GORDON M. GRANT,
Acting Secretary.

[F.R. Doc. 65-6722; Filed, June 25, 1965; 8:46 a.m.]

[Docket No. CP65-398]

TEXAS GAS TRANSMISSION CORP.

Notice of Application

JUNE 18, 1965.

Take notice that on June 11, 1965, Texas Gas Transmission Corp. (Applicant), 3600 Frederica Street, Owensboro, Ky., filed in Docket No. CP65-398 an application pursuant to sections 7(b) and 7(c) of the Natural Gas Act for permission and approval to abandon certain natural gas facilities at Applicant's Haughton, La., compressor station and a certificate of public convenience and necessity authorizing the construction and operation of a 1,320-horsepower compressor station, together with 3,500 feet of 12-inch pipeline and 3,200 feet of 10-inch pipeline to be located in the Midland Field, Muhlenberg County, Ky., all as more fully set forth in the application on file with the Commission and open to public inspection.

Applicant proposes to remove an existing 1,320-horsepower compressor unit from the Haughton, La., compressor station and install it in the Midland Field. Certain property associated with the unit at Haughton will be retired. No new service or sales are proposed.

The application states that the new facilities are required for Applicant to take into its system natural gas produced in the Midland Field. The estimated cost of the project is $473,110, which will be financed from funds on hand.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C., 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (157.10) on or before July 15, 1965.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no protest or petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate and permission and approval for the proposed abandonment are required by the public convenience and necessity. If a protest or petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

GORDON M. GRANT,
Acting Secretary.

[F.R. Doc. 65-6723; Filed, June 25, 1965; 8:47 a.m.]

[Project No. 2523]

WISCONSIN MICHIGAN POWER CO.

Notice of Application for License for Constructed Project

JUNE 21, 1965.

Public notice is hereby given that application has been filed under the Federal Power Act (16 U.S.C. 791a-825r) by Wisconsin Michigan Power Co. (correspondence to: J. S. Wells, vice president, Wisconsin Michigan Power Co., 807 South

Oneida Street, Appleton, Wis., 54910), for a license for constructed Project No. 2523, known as Oconto Falls Plant, located on Oconto River in the City of Oconto Falls, in Oconto County, Wis.

The existing project consists of: a 1,914-foot-long gravity type dam which develops a 28-foot operating head; a stone masonry powerhouse containing three 670-horsepower horizontal turbines and one 230-horsepower horizontal turbine connected to two 480-kilowatt generators, one 360-kilowatt generator, and one 120-kilowatt generator; and all other electrical and mechanical facilities necessary for the operation of the project.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C., 20426, in accordance with the rules of practice and procedure of the Commission (18 CFR 1.8 or 1.10). The last day upon which protests or petitions may be filed is August 2, 1965. The application is on file with the Commission for public inspection.

GORDON M. GRANT,
Acting Secretary.

[F.R. Doc. 65-6724; Filed, June 25, 1965; 8:47 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 1-3882]

BELOCK INSTRUMENT CORP.

Order Suspending Trading

JUNE 22, 1965.

The common stock, 50 cents par value, and the 6 percent convertible subordinated debentures, series A (due 1975), of Belock Instrument Corp., being listed and registered on the American Stock Exchange, pursuant to provisions of the Securities Exchange Act of 1934 and the 6 percent cumulative preferred stock and the 6 percent convertible subordinated debentures, series B (due 1975), being traded over the counter; and

It appearing to the Securities and Exchange Commission that the summary suspension of trading in such securities on such Exchange and otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to sections 15(c)(5) and 19(a)(4) of the Securities Exchange Act of 1934, that trading in such securities on the American Stock Exchange and otherwise than on a national securities exchange to be summarily suspended, this order to be effective for the period June 22, 1965, through July 1, 1965, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 65-6717; Filed, June 25, 1965; 8:46 a.m.]

[File No. 70-4286]

PENN FUEL GAS, INC., AND JOHN H. WARE

Notice of Proposed Acquisition by Holding Company of Capital Stock of a Newly Organized Company and Acquisition of Capital Stock of Associate Company by Said New Subsidiary Company

JUNE 22, 1965.

Notice is hereby given that Penn Fuel Gas, Inc. ("Penn Fuel"), a Pennsylvania corporation which, subject to certain conditions, is exempt as a holding company from the provisions of the Public Utility Holding Company Act of 1935 ("Act"), and John H. Ware ("Ware"), the president and an affiliate of Penn Fuel, 55 South Third Street, Oxford, Pa., 19363, have filed a joint application with this Commission, designating sections 9 and 10 of the Act as applicable to the proposed transactions. All interested persons are referred to the joint application, on file at the office of the Commission, for a statement of the transactions therein proposed which are summarized below.

Penn Fuel has 23 subsidiaries, of which 22 are gas utility companies incorporated in Pennsylvania and doing business solely in Pennsylvania, and 1 is a gas utility company incorporated in Maryland and doing business in Maryland and in an adjacent portion of Pennsylvania. Ware owns or controls, directly or indirectly, approximately 83 percent of the outstanding common stock of Penn Fuel and 100 percent of the stock of Oxford Gas Co., a Pennsylvania gas utility company.

Pursuant to authorization of this Commission (Holding Company Act Release No. 15230 (April 29, 1965)), Penn Fuel acquired from Mid-American Management Co. ("Mid-American"), a nonaffiliated company, all of the capital stock, consisting of 1,100 shares, par value $100 per share, of Shamokin Gas Co. ("Shamokin"), a Pennsylvania gas utility company engaged in supplying propane-air gas to the public in the city of Shamokin and the township of Coal, Northumberland County, Pa., and in the adjacent area. Penn Fuel's cost of the Shamokin capital stock was $248,125, subject to possible post-closing audit adjustments.

It is now proposed (1) that Penn Fuel acquire all of the capital stock (consisting of 400 shares, par value $50 per share) of Kulpmont Gas Co. ("Kulpmont"), a newly-organized Pennsylvania corporation, for $20,000 and (2) that thereupon Kulpmont acquire from Penn Fuel said 1,100 shares of capital stock of Shamokin at Penn Fuel's cost thereof, $248,125. The price to be paid by Kulpmont will be represented by an open account indebtedness of Kulpmont to Penn Fuel.

Following the acquisition of the Shamokin stock, and upon receipt of the necessary approval of the Pennsylvania Public Utility Commission (including approval of all relevant account entries), Kulpmont will acquire the assets of Shamokin by merger or liquidation, and Kulpmont's name will be changed to Shamokin Gas Co. The stated object of these transactions is to give the utility assets of Shamokin a cost basis, for tax and rate purposes, consistent with the present value of such assets as established by the arms'-length negotiations between Penn Fuel and Mid-American.

The joint application states that the Pennsylvania Public Utility Commission has jurisdiction over the transfer of the franchises and other assets of Shamokin to Kulpmont and the issuance of any stock by Kulpmont concurrently with and subsequent to such transfer. It is further stated that no other State commission and no Federal commission, other than this Commission, has jurisdiction over the proposed transactions. The fees and expenses to be incurred in connection with the proposed transactions are estimated not to exceed $1,500, and are to be paid by Penn Fuel.

Notice is further given that any interested person may, not later than July 12, 1965, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by the filing which he desires to controvert, or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C., 20549. A copy of such request should be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon the applicants at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed contemporaneously with the request. At any time after said date, the joint application, as filed or as it may be amended, may be granted as provided in Rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 65-6718; Filed, June 25, 1965; 8:46 a.m.]

INTERSTATE COMMERCE COMMISSION

ASSIGNMENT OF WORK, BUSINESS AND FUNCTIONS

Organization

JUNE 7, 1965.

The Interstate Commerce Commission has amended its Organization Minutes,

being assignment of work, business, and functions pursuant to section 17 of the Interstate Commerce Act, as amended, issue of March 7, 1961, revised to May 1, 1961 (26 F.R. 4773, 5167, 8434, 10991, and 12789; 27 F.R. 1234, 1747, 2500, 3830, and 9997; 28 F.R. 198, 896, and 8185; and 29 F.R. 3027, 4935, 11401, 12503, 14517, 16846, and 18403; 30 F.R. 5723) as follows:

Under the heading Assignment of Duties to Individual Commissioners, Item 6.3, *Vice Chairman of the Commission*, is amended by adding paragraph (n) reading as follows:

(n) Such other duties as may be delegated by the Chairman.

Under the heading *Reporting of Heads of Bureaus and Offices;* Item 9.1 is amended to read as follows:

9.1 All heads of offices and bureaus shall report to the Chairman. That will be done directly by the Managing Director, General Counsel and Secretary, and by the Director of the Office of Proceedings as to matters assigned to the Chairman. As to matters assigned to divisions 1, 2, and 3, the Director and three Deputy Directors of the Office of Proceedings shall report through the Chairman of the respective divisions. All bureau heads shall report through the Vice Chairman.

[SEAL] BERTHA F. ARMES,
Acting Secretary.

[F.R. Doc. 65-6705; Filed, June 25, 1965; 8:50 a.m.]

FOURTH SECTION APPLICATIONS FOR RELIEF

JUNE 22, 1965.

Protests to the granting of an application must be prepared in accordance with Rule 1.40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 39858—*Latex to Wayne, Mich.* Filed by O. W. South, Jr., agent (No. A4709), for interested rail carriers. Rates on latex (liquid crude rubber), in carloads and tank carloads, from Baton Rouge and North Baton Rouge, La., to Wayne, Mich.

Grounds for relief—Market competition.

Tariff—Supplement 83 to Southern Freight Association, agent, tariff I.C.C. S-265.

FSA No. 39859—*Fertilizer and fertilizer materials to southern territory.* Filed by O. W. South, Jr., agent (No. A4707), for interested rail carriers. Rates on fertilizer and fertilizer materials, in carloads, from Gulf, south Atlantic, and Virginia ports, to points in southern territory.

Grounds for relief—Rate relationship, short-line distance formula and grouping.

Tariff—Supplement 33 to Southern Freight Association, agent, tariff I.C.C. S-137.

FSA No. 39860—*Peat to southern territory.* Filed by O. W. South, Jr., agent (No. A4708), for interested rail carriers. Rates on peat, noibn, ground or not ground, in carloads, from Wilmington and Morehead City, N.C. (import traffic), to points in Georgia, North Carolina, South Carolina, Tennessee, and Virginia.

Grounds for relief—Rate relationship, short-line distance formula and grouping.

Tariff—Supplement 33 to Southern Freight Association, agent, tariff I.C.C. S-137.

FSA No. 39861—*Sulphuric acid to Charlotte, N.C.* Filed by O. W. South, Jr., agent (No. A4711), for interested rail carriers. Rates on sulphuric acid, in tank carloads, from Copperhill, Tenn., to Charlotte, N.C.

Grounds for relief—Market competition.

Tariff—Supplement 125 to Southern Freight Association, agent, tariff I.C.C. S-162.

FSA No. 39862—*Sulphur dioxide from Louisiana points.* Filed by O. W. South, Jr., agent (No. A4710), for interested rail carriers. Rates on sulphur dioxide, in tank carloads, from Baton Rouge and North Baton Rouge, La., to McIntyre and Huber, Ga., Catawba and Lugoff, S.C.

Grounds for relief—Market competition.

Tariff—Supplement 63 to Southern Freight Association, agent, tariff I.C.C. S-397.

By the Commission.

[SEAL] BERTHA F. ARMES,
Acting Secretary.

[F.R. Doc. 65-6688; Filed, June 24, 1965; 8:48 a.m.]

CUMULATIVE LIST OF CFR PARTS AFFECTED—JUNE

The following numerical guide is a list of the parts of each title of the Code of Federal Regulations affected by documents published to date during June.

3 CFR

	Page
PROCLAMATIONS:	
3658	7695
EXECUTIVE ORDERS:	
July 10, 1912 (revoked in part by PLO 3699)	7898
May 14, 1915 (revoked in part by PLO 3673)	7752
Oct. 30, 1916 (revoked in part by PLO 3664)	7750
Dec. 12, 1917 (revoked in part by PLO 3699)	7898
6143 (revoked in part by PLO 3691)	7823
6276 (revoked in part by PLO 3691)	7823
6285 (revoked in part by PLO 3693)	7824
6583 (revoked in part by PLO 3691)	7823
7655 (revoked in part by PLO 3661)	7531
8278 (revoked in part by PLO 3705)	7901
10530 (superseded in part by EO 11228)	7739
10682 (superseded by EO 11228)	7739

3 CFR—Continued

	Page
EXECUTIVE ORDERS—Continued	
10800 (superseded in part by EO 11228)	7739
10835 (superseded by EO 11228)	7739
10903 (superseded in part by EO 11228)	7739
11227	7369
11228	7739
11229	7741

5 CFR

213	7271, 7311, 7425, 7426, 7473, 7515, 7557, 7595, 7645, 7646, 7701, 7895, 7987, 8093.
511	7962, 8216
531	7962, 8216
630	7557

7 CFR

Ch. I	8093
16	7426
26	8031
28	7426
29	7385
30	7385
34	7385

7 CFR—Continued

	Page
51	7595
57	8031
68	8031
81	8093
160	7385
201	7887
301	8221
718	7427
722	7271, 7385, 7809, 7987
724	7646, 8153
728	7434
730	7272, 7811
750	7311
775	7515
814	7945
845	7273
850	7987
855	7988
908	7311, 7435, 7647, 7947, 8221
909	7273
910	7435, 7647, 7947, 8222
911	7647, 8031
915	7436, 7893, 8093
916	7948
917	7473–7475, 8031
923	7648
944	7436, 7743

7 CFR—Continued Page

945 8154
958 7596
970 7274
1133 7988
1136 7893
1408 8094
1421 7475, 7811, 7988, 7991
1427 7814, 8096
1438 7948
1600 8155
PROPOSED RULES:
28 8049
29 7494
51 7396
52 7524
53 8225
724 8000
911 7501
915 7501
916 7284, 8226
923 8110
991 7825
1002 7839
1040 7903
1042 7903
1068 7221, 8227
1097 8228
1102 8228
1108 8228
1133 7284, 8000
1136 8049
1138 7288, 8050

8 CFR

103 7516
214 8102
264 7312

9 CFR

51 7596
74 7274
97 7893
201 7275, 7649
PROPOSED RULES:
94 7446
101 7608
103 7608
201 7662, 7721

10 CFR

30 8185
31 8189
32 8192
33 8198
34 8198
35 8200
36 8201
PROPOSED RULES:
150 7445, 7662, 7963, 8228

12 CFR

1 7371
17 7275
218 7743
PROPOSED RULES:
545 7316

13 CFR

107 7597, 7651
305 7894

14 CFR

21 8032
37 7637
39 7275, 7371, 7372, 7638, 7701, 7816, 7876, 7993, 8033, 8034, 8155, 8203, 8204
71 7276, 7312, 7372, 7373, 7517, 7557, 7558, 7598, 7639, 7702, 7703, 7744, 7816–7818, 7877–7886, 7949, 7993, 7994, 8035–8037, 8102, 8103, 8156, 8157.

14 CFR—Continued Page

73 7744, 7745, 7949, 7994, 8157
75 7702, 7745, 7994, 7995, 8157, 8158
91 8032
95 7639
97 7374, 7598, 7667, 7950, 8205
121 7703
137 8104
141 7517
151 7494, 8037
221 7558
241 7704
PROPOSED RULES:
37 7663, 8006
39 7573, 8062, 8228, 8229
61 7292
71 7316, 7396, 7502, 7503, 7524, 7525, 7573, 7612, 7613, 7663–7666, 7723, 7761, 7840, 7929, 8007, 8008, 8110, 8111, 8166.
73 7503, 7724
75 7761, 8008
121 7963, 8009
214 8062

15 CFR

503 8042

16 CFR

1 8216
13 7652, 7653, 7655, 7657, 7658, 7660, 7661, 8042, 8043.
14 7894, 7995

17 CFR

240 7276, 8109
249 7566, 7568
PROPOSED RULES:
260 8009
269 8009, 8012

18 CFR

8 7313
157 7280

19 CFR

1 7569, 7704
4 7598
10 7819
PROPOSED RULES:
22 7756

20 CFR

404 7995

21 CFR

8 7484, 7705
20 7280
25 7943
27 7484
120 7280, 7385, 7485, 7569, 7996, 8158
121 7280, 7386, 7485–7487, 7518, 7519, 7570, 7599, 7705–7707, 7895, 7896, 7943, 7944, 7996.
141a 7707
141c 7944
141d 7487
146a 7707, 7896
146c 7707
146d 7487
148i 8109
148n 7944
PROPOSED RULES:
20 7292
121 7501, 8165

22 CFR

204 7571

24 CFR Page

200 8159
203 7599
221 7708

25 CFR

1 7520
41 7745
42 7748
221 8160
PROPOSED RULES:
120 8225

26 CFR

1 7281, 7805, 8044
20 7708
25 7708
48 7809
147 8160
301 7809
PROPOSED RULES:
1 7493, 7721

28 CFR

0 7599, 7709, 7819
16 7488
42 7388
43 7819

29 CFR

5 7819
602 7948
603 7949
1500 7997
1501 7748
1502 7748
1503 7748
PROPOSED RULES:
541 8005
1504 7608

32 CFR

288 7997
562 7710
750 7748
753 7748
1001 7389

33 CFR

124 7314
207 8203

36 CFR

25 8222

38 CFR

1 7389
3 7390, 7489
6 8047
8 8047, 8224
36 7521

39 CFR

15 7390
16 7390, 7748
22 7391, 8048, 8224
23 7391
24 7391
25 7391
43 7392
45 7392
46 7394
114 7748
122 7748
PROPOSED RULES:
22 8049

41 CFR

1–1 8217
1–16 8217
5B–2 7436
8–1 7437
8–2 7437, 7599
8–3 7599

41 CFR—Continued Page

8–7 7600
8–14 7600
8–15 7601
8–16 7602
8–75 7602
8–95 7603
9–14 7886
9–15 8109
9–16 7887
9–17 7887
9–51 7749
9–53 7819
9–56 7749
9–58 7750
101–18 7820
101–19 8160
101–20 7820
101–38 7489

42 CFR

57 7394, 7395

43 CFR

18 7394
2230 7605
3540 7606
4110 7606
PUBLIC LAND ORDERS:
5 (see PLO 3677) 7820
509 (revoked in part by PLO 3695) 7897
729 (revoked by PLO 3706) 7754
993 (revoked in part by PLO 3692) 7823
1350 (revoked by PLO 3700) 7899
1752 (revoked by PLO 3704) 7900
1757 (revoked in part by PLO 3673) 7752
1898 (revoked in part by PLO 3703) 7900
3528 (corrected) 7998
3530 (amended and revoked in part by PLO 3701) 7899
3565 (correction) 7820
3598 (corrected by PLO 3675) 7753
3646 (corrected by PLO 3680) 7821
3661 7521
3662 7606
3663 7750
3664 7750
3665 7750
3666 7751

43 CFR—Continued Page

PUBLIC LAND ORDERS—Continued
3667 7751
3668 7751
3669 7751
3670 7751
3671 7752
3672 7752
3673 7752
3674 7752
3675 7753
3676 7753
3677 7820
3678 7821
3679 7821
3680 7821
3681 7821
3682 7821
3683 7821
3684 7821
3685 7822
3686 7822
3687 7822
3688 7753
3689 7822
3690 7823
3691 7823
3692 7823
3693 7824
3694 7824
3695 7897
3696 7897
3697 7897
3698 7897
3699 7898
3700 7899
3701 7899
3702 7900
3703 7900
3704 7900
3705 7901
3706 7754

45 CFR

60 7371

46 CFR

146 7437
221 7490
287 8162
309 7697
527 7490
530 8162

46 CFR—Continued Page

PROPOSED RULES:
248 7291
251 8110
290 7722
380 7722
521 7930
533 7574

47 CFR

0 7521, 7755
1 7419
2 8222
18 7998
31 7711
33 7711
73 7314, 7711, 8048, 8164
89 7522
97 7755
PROPOSED RULES:
1 7446
17 7446
21 8009
73 7446, 7525, 7666, 7671, 7673, 7929, 8067, 8166.
91 8009

48 CFR

201 7754
211 7754

49 CFR

72 7420
73 7420
74 7423
77 7423
78 7423
79 7425
95 7522, 7945, 8163
131 7901
192 7491
193 7522
PROPOSED RULES:
211 8229

50 CFR

3 7315
10 7571
32 7523
33 7282, 7572, 7824
253 7607
260 7282
262 7444
266 7282

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FEDERAL REGISTER

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Pages 8251–8293

Agencies in this issue—

Agricultural Research Service
Agriculture Department
Alien Property Office
Atomic Energy Commission
Civil Service Commission
Consumer and Marketing Service
Customs Bureau
Defense Department
Education Office
Federal Aviation Agency
Federal Communications Commission
Federal Maritime Commission
Federal Power Commission
Food and Drug Administration
Forest Service
Geological Survey
Indian Affairs Bureau
Interior Department
Interstate Commerce Commission
Securities and Exchange Commission
Treasury Department

Detailed list of Contents appears inside.



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Contents

AGRICULTURAL RESEARCH SERVICE

Proposed Rule Making

Anti-hog-cholera serum and hog-cholera virus; recommended decision 8271

AGRICULTURE DEPARTMENT

See also Agricultural Research Service; Consumer and Marketing Service; Forest Service.

Notices

Colorado; designation and extension of areas for emergency loans 8282

ALIEN PROPERTY OFFICE

Notices

Becker, Anna, et al.; vested property, intention to return 8280

ATOMIC ENERGY COMMISSION

Notices

Oklahoma State University; extension of completion date 8281

CIVIL SERVICE COMMISSION

Notices

Podiatrist; notice of adjustment of minimum rates and rate ranges 8282

CONSUMER AND MARKETING SERVICE

Rules and Regulations

Apricots grown in designated counties in Washington; shipment limitations 8255

Fresh Bartlett pears, plums, and Elberta peaches grown in California; regulation by size 8255

Proposed Rule Making

Fresh Bartlett pears, plums, and Elberta peaches grown in California; expenses and rate of assessment 8273

Notices

West Alabama Stock Yards, Inc., et al.; notice of changes in names of posted stockyards 8282

CUSTOMS BUREAU

Rules and Regulations

Special classes of merchandise and customs bonds; coffee imports and exports 8265

DEFENSE DEPARTMENT

Notices

Defense Contract Audit Agency: organization and functions 8278

EDUCATION OFFICE

Rules and Regulations

Administration of vocational education; Federal allotments to States; miscellaneous amendments 8268

FEDERAL AVIATION AGENCY

Rules and Regulations

Airworthiness directives; United Data Control, Inc., Model F-542 Series flight data recorders 8263

Altimeter system requirements; miscellaneous amendments 8259

Biennial expiration and renewal of flight instructor certificates and increased supervision of student pilot activities 8256

Control area extension and transition area; revocation and designation 8264

Federal airways; alteration 8265

Federal airways and reporting points; alteration and designation 8264

Technical standard order authorizations; airborne weather radar equipment 8262

Proposed Rule Making

Airworthiness directives:

Bendix Model 756 starters and Lycoming engines 8273

de Havilland Model 104 "Dove" aircraft 8274

Douglas Model DC-8 aircraft 8274

Navion and Twin Navion aircraft 8275

Vickers Viscount 700 Series aircraft 8275

Vickers Viscount Model 744, 745D, and 810 Series aircraft 8275

Control area extension and transition area; proposed revocation and designation 8276

Transition area; proposed designation 8276

Notices

Petitions for review:

Motorola Communications and Electronics 8283

Triangle Publications, Inc. 8283

Valdes, Alfonso 8284

FEDERAL COMMUNICATIONS COMMISSION

Notices

Hearings, etc.:

Downriver Broadcasting Association 8285

Erway Television Corp., and Chesapeake Engineering Placement Service, Inc. 8285

Morgan Broadcasting Co., and Dick Broadcasting Co., Inc., of Tennessee 8285

Radio Ptione Communications, Inc., and American Radio-Telephone Service, Inc. 8285

FEDERAL MARITIME COMMISSION

Notices

Pacific Coast European Conference et al.; dual rate contract provisions 8285

FEDERAL POWER COMMISSION

Notices

Hearings, etc.:

Forest Oil Corp., et al 8286

Northern States Power Co. 8289

Pacific Gas Transmission Co. 8286

United Gas Pipe Line Co. 8289

FOOD AND DRUG ADMINISTRATION

Rules and Regulations

Food additives:

Adhesives 8267

Components of paper and paperboard in contact with aqueous and fatty foods 8267

Fungicide 2,6-dichloro-4-nitroaniline; tolerances for residues 8266

Notices

du Pont, E. I., de Nemours and Co., Inc.; filing of petition regarding pesticide division 8283

Enjay Laboratories; filing of petition regarding food additive zinc dibutyl dithiocarbamate 8283

FOREST SERVICE

Rules and Regulations

Timber; advertisements and bids 8268

GEOLOGICAL SURVEY

Notices

Idaho; phosphate and nonphosphate land classification order; correction 8281

HEALTH, EDUCATION, AND WELFARE DEPARTMENT

See Education Office; Food and Drug Administration.

INDIAN AFFAIRS BUREAU

Rules and Regulations

Licensed Indian traders; miscellaneous amendments 8267

Notices

Contracting officers and authorized representatives; delegation 8281

INTERIOR DEPARTMENT

See also Geological Survey; Indian Affairs Bureau.

Notices

Commissioner of Fish and Wildlife; Departmental Manual; delegation of authority 8281

(Continued on next page)

INTERSTATE COMMERCE COMMISSION

Rules and Regulations

Car service; expiration dates (3 documents) ---------- 8269

Notices

Fourth section applications for relief ---------- 8290

Motor carrier transfer proceedings (2 documents) ---------- 8290, 8291

JUSTICE DEPARTMENT

See Alien Property Office.

SECURITIES AND EXCHANGE COMMISSION

Notices

Idamont Oil & Mining Co.; order suspending trading ---------- 8290

TREASURY DEPARTMENT

See also Customs Bureau.

Notices

Forum Insurance Co.; surety company acceptable on Federal bonds ---------- 8278

List of CFR Parts Affected

(Codification Guide)

The following numerical guide is a list of the parts of each title of the Code of Federal Regulations affected by documents published in today's issue. A cumulative list of parts affected, covering the current month to date, appears at the end of each issue beginning with the second issue of the month.

A cumulative guide is published separately at the end of each month. The guide lists the parts and sections affected by documents published since January 1, 1965, and specifies how they are affected.

7 CFR

917 ---------- 8255
922 ---------- 8255
PROPOSED RULES:
917 ---------- 8273

9 CFR

PROPOSED RULES:
131 ---------- 8271

14 CFR

1 ---------- 8256
23 ---------- 8259
25 ---------- 8259
37 ---------- 8262
39 ---------- 8263
43 ---------- 8259
61 ---------- 8256
71 (3 documents) ---------- 8264, 8265
91 ---------- 8259
PROPOSED RULES:
39 (6 documents) ---------- 8273–8275
71 (2 documents) ---------- 8276

19 CFR

12 ---------- 8265
25 ---------- 8265

21 CFR

120 ---------- 8266
121 (2 documents) ---------- 8267

25 CFR

251 ---------- 8267

36 CFR

231 ---------- 8268

45 CFR

104 ---------- 8268

49 CFR

95 (3 documents) ---------- 8269

Rules and Regulations

Title 7—AGRICULTURE

Chapter IX—Consumer and Marketing Service (Marketing Agreements and Orders; Fruits, Vegetables, Tree Nuts), Department of Agriculture

[Plum Order 7, Amdt. 1]

PART 917—FRESH BARTLETT PEARS, PLUMS, AND ELBERTA PEACHES GROWN IN CALIFORNIA

Regulation by Sizes

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 917, as amended (7 CFR Part 917), regulating the handling of fresh Bartlett pears, plums, and Elberta peaches grown in the State of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations of the Plum Commodity Committee, established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of plums, in the manner herein provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable, unnecessary, and contrary to the public interest to give preliminary notice, engage in public rule making procedure, and postpone the effective date of this amendment until 30 days after publication thereof in the FEDERAL REGISTER (5 U.S.C. 1001–1011) in that the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the act is insufficient; and this amendment relieves restrictions on the handling of El Dorado plums grown in California.

(b) It is, therefore, ordered that the provisions of paragraph (b)(1)(i) of § 917.359 (Plum Order 7; 30 F.R. 7474) are hereby amended to read as follows:

(i) Such plums are of a size that, when packed in a standard basket, they will pack at least a 4 x 5 standard pack; and

(c) Nothing contained herein shall be construed (1) as affecting or waiving any right, duty, obligation, or liability which has arisen or which, prior to the effective time of the provisions hereof, may arise in connection with any provisions of said Plum Order 7; or (2) as releasing or extinguishing any violation of Plum Order 7 which has occurred or which, prior to the effective time of the provision hereof, may occur.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated, June 28, 1965, to be effective on and after 12:01 a.m., P.s.t., June 29, 1965.

PAUL A. NICHOLSON,
Acting Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 65-6908; Filed, June 28, 1965; 11:15 a.m.]

[Apricot Reg. 4]

PART 922—APRICOTS GROWN IN DESIGNATED COUNTIES IN WASHINGTON

Limitation of Shipments

§ 922.304 Apricot Regulation 4.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and this part (Order No. 922, as amended), regulating the handling of apricots grown in designated counties in Washington, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations of the Washington Apricot Marketing Committee, established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of apricots, in the manner herein provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (5 U.S.C. 1001–1011) in that, as hereinafter set forth, the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective not later than June 28, 1965. A reasonable determination as to the supply of, and the demand for, such apricots must await the development of the crop and adequate information thereon was not available to the Washington Apricot Marketing Committee until June 15, 1965; recommendation as to the need for, and the extent of, regulation of shipments of such apricots was made at the said meeting of the committee, after consideration of all available information relative to the supply and demand conditions for such apricots, at which time the recommendation and supporting information were submitted to the Department; necessary supplemental data for consideration in connection with the specifications of the provisions were not available until June 21, 1965; shipments of the current crop of such apricots will begin on or about June 28, 1965, and this section should be applicable, insofar as practicable, to all shipments of such apricots in order to effectuate the declared policy of the act; and compliance with the provisions of this section will not require of handlers any preparation therefor which cannot be completed by the effective time hereof.

(b) *Order.* (1) During the period beginning at 12:01 a.m., P.s.t., June 28, 1965, and ending at 12:01 a.m., P.s.t., October 1, 1965, no handler shall handle any container of apricots unless:

(i) Such apricots grade not less than Washington No. 1: *Provided,* That such apricots are at least reasonably uniform in color;

(ii) Such apricots measure not less than 1⅝ inches in diameter: *Provided,* That apricots of the Blenheim, Blenril, and Tilton varieties when packed in unlidded wooden boxes may measure not less than 1¼ inches: *And provided, further,* That not more than 10 percent, by count, of such apricots may fail to meet the applicable minimum diameter requirements; and

(iii) Such apricots when packed in lidded containers are row-faced: *Provided,* That this requirement shall not apply to apricots in experimental containers approved pursuant to § 922.110.

(2) All apricots handled during the period specified in this section are subject also to all applicable container restrictions which are in effect pursuant to this part during such period.

(3) Notwithstanding any other provision of this section, any individual shipment of apricots which (i) does not, in the aggregate, exceed 150 pounds may be handled without regard to the restrictions specified in this paragraph (grade, size, pack, and container) or in § 922.41 (Assessments) or § 922.55 (Certification); (ii) is sold at the orchard, is in excess of 150 pounds but not in excess of 500 pounds, and is for home use only and not for resale in commercial channels may be handled without regard to the restrictions in § 922.55 (Certification) or the pack and container requirements of this paragraph: *Provided,* That the fruit so shipped meets the grade and size requirements of this paragraph and is subject to § 922.41 (Assessments) and is reported to the committee on forms furnished by the committee in the manner specified therein.

(4) Terms used in the amended marketing agreement and order shall, when used herein, have the same meaning as is given to the respective term in said amended marketing agreement and order; "diameter" and "Washington No. 1" shall have the same meaning as when used in the Washington State Depart-

ment of Agriculture Official Standards for Apricots (1958); and "reasonably uniform in color" means that the apricots in the individual container do not show sufficient variation in color to materially affect the general appearance of the apricots.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: June 24 1965.

PAUL A. NICHOLSON,
Acting Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 65–6805; Filed, June 28, 1965; 8:49 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Agency

[Regulatory Docket No. 4081; Amdt. Nos. 1–9; 61–18]

PART 1—DEFINITIONS AND ABBREVIATIONS

PART 61—CERTIFICATION: PILOTS AND FLIGHT INSTRUCTORS

Biennial Expiration and Renewal of Flight Instructor Certificates and Increased Supervision of Student Pilot Activities

The purpose of these amendments to Parts 1 and 61 of the Federal Aviation Regulations is to provide for higher standards of flight instruction and closer control over student pilot activities. This action was published as a notice of proposed rule making and circulated as a Federal Aviation Agency Notice No. 64–18 (29 F.R. 4738).

It was proposed in Notice No. 64–18 to delete the definition of "dual instruction" now contained in Part 1 and to make certain amendments to Part 61 that will—

(1) Prohibit the giving of flight instruction required to qualify for a pilot certificate or rating by any person except a certificated flight instructor;

(2) Provide improved standards for the certification of flight instructors and raise the standards of flight instruction;

(3) Give a certificated flight instructor additional responsibilities; and

(4) Provide for closer supervision of student pilot activities. The comments received in response to Notice 64–18 were generally favorable to the proposed amendments.

The biennial expiration and renewal of flight instructor certificates (§ 61.9 (b)) was the most controversial item in the proposed amendments. Many arguments, for and against, were received in response to this item. However, while some of the comments that opposed the amendment were based upon the opinion that the renewal was unnecessary, others were based on an assumption that a re-testing on all items of the oral and flight test would be required for each renewal, regardless of the experience and competency of the applicant. Comments favoring the renewal requirement expressed a belief that there is a need for higher standards of flight instruction and that the proposed requirement should result in more proficient instructors and safer pilots. In view of the importance of this aspect of the proposal, the Agency carefully evaluated its position as set forth in the proposal and believes that the rule should be adopted as proposed. Under the proposed § 61.177, and as adopted in this rule, an applicant for the renewal of a flight instructor certificate should be prepared to take the practical tests prescribed by § 61.173 if his certificate has expired at the time of his application for renewal.

An applicant holding a current certificate at the time of application should also be prepared to take the practical tests prescribed in § 61.173. However, in the case of a flight instructor with a record of satisfactory training and performance by his students, the rule permits little or no retesting for the renewal. On the other hand, in the case of an instructor who has had little or no instructing activity, or if the performance of his students indicates a possible deficiency in his instructing techniques, a renewal test will be given the applicant on those items of the test prescribed in § 61.173 that the examining inspector believes are necessary to determine the applicant's continued competency. Instructions for the handling of renewal applications by inspectors and pertinent advisory material to the public will be issued well in advance of the time when renewals will first be required.

Section 61.21(a)(4) excepts an applicant for a type rating only from having a flight instructor's recommendation. In order to keep the requirements consistent in the case of retesting an applicant for a type rating only after failure, § 61.27(b) is amended to exclude the applicant for a type rating only from the requirements of obtaining a qualified flight instructor's recommendation before retesting.

The proposed general limitations in § 61.73(c) were generally favored by persons commenting on Notice No. 64–18. However, some expressed opposition to the requirements for flight instruction within the preceding 90 days and flight instructor authorization for each solo cross-country flight by a student pilot. The purpose of these requirements is to insure that the student pilot avails himself of the advice and counsel of a flight instructor during the important formative period of his training.

The Agency has considered the comments on these items and has determined that these requirements should not apply after a student pilot has acquired the aeronautical experience required for a private pilot certificate, and he has an endorsement by a flight instructor that the student pilot is considered capable of exercising solo cross-country privileges without a flight instructor's supervision and is considered competent to make solo flights, or solo cross-country flights, or both, without mandatory periodic flight checks. Present paragraph (c) is retained and proposed paragraphs (c) and (d) have been amended to provide for this exception and are redesignated as paragraphs (d) and (e) to § 61.73.

Some comments indicate that the words "flight plan" as used in proposed § 61.73(d) were misinterpreted as meaning a flight plan filed with air traffic control. The Agency, of course, encourages the filing of VFR flight plans; however, the words "flight plan" in this section meant the student's preflight preparation or planning for his flight. In order to eliminate misinterpretation, the words "student's preflight preparation and planning" are substituted for "flight plan" in new § 61.73(e).

A number of persons misinterpreted proposed § 61.170 as requiring that a flight instructor who instructs in airplanes must hold an instrument rating on his pilot certificate. An instrument rating is required only if the applicant wishes to be rated to give instrument flight instruction.

The proposed § 61.179 provides that required glider flight instruction may be given only by certificated glider flight instructors. However, a provision was included that would allow a commercial glider pilot to obtain a flight instructor certificate with a glider rating or a certificated flight instructor to obtain a glider rating on his certificate, if the applicant has given at least 10 hours of glider flight instruction as a commercial glider pilot within the 12 months before the date of his application. Representatives of several soaring clubs recommended a reduction in the 10-hour instruction requirement. They pointed out that most people who learn to fly gliders have had previous powered aircraft experience and, therefore, require little instruction for a glider checkout. The Agency has considered these comments and has determined that a requirement of 2 hours of flight instruction in gliders, including at least 10 flights, provides a reasonable basis on which to issue certificates or ratings under this special issue provision. Section 61.179 has been amended to indicate this change.

Proposed § 61.173(b)(2) in Notice 64–18 stated that an applicant would be tested on flight maneuvers appropriate to the instructor rating sought. The Agency intended to implement this section by issuing advisory material and guidelines covering the specific maneuvers. However, after considering comments received on this method, the Agency has determined that the specific maneuvers should be listed in the rule in order to give the widest circulation to the public. Advisory material and guidelines will be issued in addition to inserting the lists in the rule. Section 61.173(b)(2) has been changed to include lists of the appropriate flight maneuvers. These lists are substantially the same as those contained in the present regulations; however, they have been presented in a format that indicates more specific testing categories.

Interested persons have been afforded an opportunity to participate in the making of this regulation, and due consideration has been given to all relevant matter presented.

In consideration of the foregoing, Parts 1 and 61 of the Federal Aviation Regulations are amended effective September 26, 1965, as follows:

1. By striking out the definition "Dual instruction" in § 1.1 of Part 1.

2. By redesignating paragraphs (d) and (e) of § 61.3 of Part 61 as paragraphs (e) and (f), respectively, and adding a new paragraph (d) reading as follows:

§ 61.3 Certificates and ratings required.

* * * * * * *

(d) *Flight instructor certificates.* Except in the case of lighter-than-air flight instruction or as otherwise specifically provided, no person other than the holder of a flight instructor certificate issued by the Administrator with an appropriate rating on that certificate may—

(1) Give any of the flight instruction required to qualify for a solo flight, solo cross-country flight, or for the issue of a pilot or flight instructor certificate or rating;

(2) Endorse a pilot logbook to show that he has given any flight instruction; or

(3) Endorse a student pilot certificate.

Notwithstanding any other provision of this part, the holder of a commercial pilot certificate with a glider rating that was valid on September 25, 1965, may exercise the privileges of the holder of a flight instructor certificate with a glider rating on that certificate until September 26, 1966.

3. By amending § 61.9(b) to read as follows:

§ 61.9 Duration of certificates.

* * * * * * *

(b) *Flight instructor certificates.* (1) A limited flight instructor certificate expires at the end of the 24th month after the month in which it was issued, but the holder of an expired limited flight instructor certificate may obtain a flight instructor certificate under § 61.176.

(2) A flight instructor certificate issued before September 26, 1965, expires at the end of the holder's next birth month following September 1966, but the holder thereof may obtain another certificate under § 61.177.

(3) A flight instructor certificate issued or renewed after September 25, 1965, expires at the end of the 24th month after the month in which it was issued or renewed, but the holder thereof may obtain another certificate under § 61.177.

(4) A flight instructor certificate is effective only while the holder has a current pilot certificate as prescribed in § 61.172.

4. By striking out the words "or a commercial glider pilot" in § 61.17(c).

5. By amending § 61.21 to read as follows:

§ 61.21 Prerequisites for flight tests.

(a) To be eligible for a flight test for a certificate, or an aircraft or instrument rating issued under this part, the applicant must—

(1) Have passed the written test (if required) within the 24 months before the date he takes the flight test;

(2) Have the applicable aeronautical experience prescribed in this part;

(3) Hold a medical certificate appropriate to the certificate he seeks; and

(4) Except when applying for a type rating only, have a written statement (from a certificated flight instructor with an approprate rating on his flight instructor certificate) certifying that he has given the applicant flight instruction in preparation for the flight test and considers him ready to take the test.

(b) Notwithstanding subparagraphs (1) and (4) of paragraph (a) of this section, an applicant for an airline transport pilot certificate who has been continuously employed as a pilot or as a pilot assigned to flight engineer duties by, and has continuously participated in an approved pilot training program of, a U.S. air carrier or commercial operator since no later than 24 months after passing the written test, or has been continuously employed as a pilot by, and has continuously participated in a pilot training program of, a U.S. scheduled military air transportation service after passing the written test, may take the flight test for that certificate as long as he continues in that employment and pilot training program. In addition, subparagraph (4) of paragraph (a) of this section does not apply to an applicant for a pilot certificate with a lighter-than-air category or associated class rating.

6. By amending the parenthetical expression in § 61.27(a) to read "(other than an airline transport pilot certificate or associated rating or a pilot certificate with a lighter-than-air category or associated class rating)" and by amending § 61.27(b) to read as follows:

§ 61.27 Retesting after failure.

* * * * * * *

(b) *Flight test.* An applicant for a certificate or rating under this part (other than an applicant for a type rating only, an airline transport pilot certificate or associated rating, or a pilot certificate with a lighter-than-air category or associated class rating) who fails a flight test for that certificate or rating may apply for retesting upon presenting a statement from a certificated flight instructor with an appropriate rating on his flight instructor certificate that he has given additional instruction to the applicant and now considers the applicant ready for retesting.

7. By striking out the reference "§§ 61.47 or 61.177(c)" in § 61.39(a) and inserting the reference "§ 61.47" in place thereof.

8. By striking out the words "or a commercial glider pilot" in § 61.63(a)(2)(iii).

9. By striking out the parenthetical expression "(or a commercial glider pilot in the case of gliders)," in § 61.63(a)(3).

10. By striking out the word "and" at the end of § 61.65(b)(6) and adding a new subparagraph (8) reading as follows:

§ 61.65 Airplane operations: flight area limitations.

* * * * * * *

(b) * * *

(8) The use of the magnetic compass; and

* * * * * * *

11. By striking out the word "and" at the end of § 61.67(b)(2) and adding a new subparagraph (4) reading as follows:

§ 61.67 Rotorcraft operations: flight area limitations.

* * * * * * *

(b) * * *

(4) The use of the magnetic compass; and

* * * * * * *

12. By amending § 61.69(b) to read as follows:

§ 61.69 Glider operations: flight area limitations.

* * * * * * *

(b) He has received flight instruction (from a certificated flight instructor with an appropriate rating on his flight instructor certificate) in cross-country navigation by reference to aeronautical charts and the magnetic compass; and

* * * * * * *

13. By striking out the words ", or a commercial glider pilot," in § 61.69(c).

14. By adding the following new paragraphs at the end of § 61.73:

§ 61.73 General limitations.

* * * * * * *

(d) A student pilot may not operate an airplane or rotorcraft in solo flight unless within the preceding 90 days—

(1) He has received flight instruction in that category of aircraft from a certificated flight instructor with an appropriate rating on his flight instructor certificate;

(2) He has demonstrated to that flight instructor that he is competent to solo that category of aircraft; and

(3) That flight instructor has endorsed in the student pilot's logbook that he has given that flight instruction and found the student competent for solo flight.

However, this paragraph does not apply if the student pilot meets the requirements of paragraph (c) of this section, has acquired the aeronautical experience required for a private pilot certificate, and obtains an endorsement by a flight instructor that the student pilot is considered competent to make solo flights without mandatory periodic flight checks.

(e) A student pilot may not operate an airplane or rotorcraft in solo cross-country flight until a certificated flight instructor with an appropriate rating on his flight instructor certificate has reviewed the student's preflight preparation and planning, determined that the student is competent to make the flight, and has so endorsed the student's pilot logbook. The student must carry that logbook on each solo cross-country flight. However, a student pilot may perform repeated solo cross-country flights over a specified course of not more than 50 miles in length, without an endorsement for each flight, if a certificated flight instructor with an appropriate rating on his flight instructor certificate has—

(1) Given him flight instruction over the course in both directions, and in takeoffs and landings at both landing areas involved; and

(2) Found that the student is competent to make flights over the course without an authorization for each flight and has so endorsed the student's pilot logbook.

However, this paragraph does not apply if the student pilot has acquired the aeronautical experience required for a private pilot certificate and obtains an endorsement by a certificated flight instructor that the student pilot is considered competent to exercise solo cross-country privileges without a flight instructor's supervision.

15. By striking out the first sentence of § 61.131(d).

16. By amending Subpart F of Part 61 to read as follows:

Subpart F—Flight Instructors

Sec.
61.170 Eligibility requirements: general.
61.171 Aeronautical knowledge.
61.172 Aeronautical experience.
61.173 Aeronautical skill.
61.174 Flight instructor records.
61.175 Flight instructor ratings on pilot certificates.
61.176 Limited flight instructor certificates.
61.177 Renewal of flight instructor certificates.
61.178 Additional flight instructor ratings.
61.179 Special issue of a flight instructor certificate with a glider rating.
61.180 Limitations.

AUTHORITY: The provisions of this Subpart F issued under secs. 313(a), 601, and 602 of the Federal Aviation Act of 1958; 49 U.S.C. 1354, 1421, 1422.

§ 61.170 Eligibility requirements: general.

To be eligible for a flight instructor certificate wfiith an airplane, rotorcraft, or glider category rating, or an instrument rating, a person must hold a pilot rating in that category of aircraft, or an instrument rating or airline transport pilot certificate, as appropriate, and meet the aeronautical knowledge, experience, and skill requirements of this subpart.

§ 61.171 Aeronautical knowledge.

An applicant for a flight instructor certificate must pass a written test on—

(a) The fundamentals of flight instruction; and

(b) The performance and analysis of flight training maneuvers appropriate to the instructor rating sought.

§ 61.172 Aeronautical experience.

An applicant for a flight instructor certificate must hold a current—

(a) Airline transport pilot certificate;

(b) Commercial pilot certificate without ICAO instrument or night flight limitations endorsement; or

(c) Private pilot certificate and—

(1) Meet the aeronautical knowledge, experience, and skill requirements for the issue of a commercial pilot certificate appropriate to the category of aircraft in which he desires to give flight instruction; and

(2) Meet the ICAO commercial pilot night flight requirements if he seeks an airplane category rating.

§ 61.173 Aeronautical skill.

An applicant for a flight instructor certificate must perform the following procedures and maneuvers with regard to the giving of flight instruction appropriate to the rating sought:

(a) *Phase I—Oral and preflight tests.*

(1) Flight instructor procedures and responsibilities.

(2) Factors, conditions, and principles which control the learning process.

(3) Essential elements, objectives, and limitations of a lesson plan.

(4) Preparation of a lesson plan for flight instruction for a presolo student who has had little flight instruction or a lesson plan including the use of flight instruments, radio aids, and IFR flight clearances if the applicant is seeking an instrument rating. The lesson planned under Phase I is conducted under paragraph (b) of this section, with the examining FAA inspector acting as the student.

(b) *Phase II—Flight test.* The applicant must perform any of the following maneuvers (appropriate to the rating sought) as may be requested by the FAA inspector.

(1) Airplane:

(i) Normal Operations.

Preflight operations.
Radio communications.
Taxiing or sailing and docking.
Normal takeoffs and landings.
Straight and level flight.
Medium turns.
Steep turns.
Climbs and climbing turns.
Descents, with and without power, in straight flight and in turns.

(ii) Ground Reference Maneuvers.

Crosswind takeoffs and landings.
Short-field takeoffs and landings.
Soft-field takeoffs and landings.
Full-stall landings (nosewheel-type airplanes).
Wheel landings (tailwheel-type airplanes).
Power approaches.
Accuracy approaches and spot landings.
S turns across a road.
Turns about a point.
Pattern eights.
Rectangular courses and airport traffic patterns.
Slips.

(iii) Coordination Maneuvers.

720° power turns.
Gliding spirals.
Stalls and slow flight.
Chandelles.
Lazy eights.
Pylon eights.

(iv) Emergency Operations.

Forced landings.
Flight emergencies.
Emergency operation of aircraft equipment.
Engine-out emergencies (if multiengine airplane is used).
Control of airplane by reference to flight instruments.

(v) Cross-Country Navigation.

Dead reckoning.
Pilotage.
Radio navigation.

(vi) Spins. (The inspector may accept a logbook record of spin flight instruction in lieu of a demonstration. Such a record must indicate that the applicant has demonstrated satisfactory entries and recoveries from spins in both directions, and shall be certified by the flight instructor who conducted the flight instruction.)

(2) Rotorcraft (if helicopter used):

(i) Normal Operations.

Preflight operations.
Taxiing.
Vertical takeoff to hover.
Vertical landing from hover.
Normal departures from a hover.
Normal approaches to a hover.
Medium banked turns.

(ii) Precision Maneuvers.

Hovering: upwind, crosswind, and downwind.
Hovering turns.
Pattern flying, with constant and with changing headings.
S turns (at 500' altitude).
Rapid decelerations (quick stops).

(iii) Special Operations.

Simulated high-altitude takeoff.
Roll-on landing.
Crosswind takeoffs and landings.

(iv) Emergencies.

Emergency operation of equipment.
Autorotative landings, both to touchdown and with power recovery.
Loss of lift at altitude.
Engine failure in a hover.

(3) Rotorcraft (if gyroplane used):

(i) Normal Operations.

Preflight operations.
Taxiing or sailing and docking.
Normal takeoff and landing.
Airport traffic patterns.
Use of radio for voice communications.

(ii) Precision Maneuvers.

Turns about a point (45° bank at steepest point).
Gliding spirals about a point on the ground.
Right and left 720° power turns.
Maneuvering at minimum level flight airspeed.
Accuracy approaches and spot landings.

(iii) Special Operations.

Soft-field takeoff and landing (jump takeoff if gyroplane has this capability).
Roll-on landing and full flare landing.
Short-field takeoff and power approach and landing.
Entry and recovery from high rates of descent with and without power (recovery to be completed not lower than 300 feet above the surface).

(iv) Emergencies.

Forced landings (single engine only) and simulated emergencies.
Emergency operation of gyroplane equipment.

(v) Cross-Country Flight.

Cross-country flight planning.
Cross-country flying.
Cross-country flying emergencies.
Use of radio aids to VFR navigation.
Two-way radio communication.

(4) Glider:

(i) Preflight operation.
(ii) Aircraft tow.
(iii) Auto or winch tow.
(iv) Stalls and slow flight.
(v) Accuracy 180° approaches and landings.
(vi) Spins. (The inspector may accept a logbook record of spin flight instruction in gliders or light airplanes in lieu of a demonstration. Such a record must indicate that the applicant has demonstrated satisfactory entries and recoveries from spins in both directions, and shall be certified by the flight instructor who conducted the flight instruction.)
(vii) Spirals.

(5) Instrument:

(i) IFR Flight Planning.

Preparing an IFR flight log.
Preparing and filing an instrument flight plan.
Evaluating aircraft performance, range, and fuel requirements.
Use and limitations of required instruments and equipment.

(ii) IFR Flight Maneuvers.

Straight and level flight.
Turns, climbs, and descents.
Maneuvering at approach speeds, and stalls.
Steep turns.
Recovery from unusual attitudes.

(iii) Engine-out Maneuvers. (If test is taken in multiengine airplane.)

(iv) En route Procedures.

Copy and read-back of instrument flight plans.
Radio navigation, VOR, ADF, or LF ranges.
Radio orientation.
IFR emergencies, including use of partial panel.

(v) Terminal Area Operation.

Holding procedures.
Missed approach procedure.
Use of radar vectors and DF steers.
Compliance with departure and approach control instructions.

(vi) Standard Instrument Approach to authorized minimums (not more than 500 feet and 1 mile).

ILS.
VOR.
ADF.
LF range.

§ 61.174 Flight instructor records.

Each certificated flight instructor shall—

(a) Sign each person's logbook for each period of flight instruction that he has given that person;

(b) Record the name of each person to whom he has given flight instruction or whose studen pilot certificate he has endorsed as well as the date and type of each flight instruction period or endorsement;

(c) Record the name of each person for whom he has signed a recommendation for a written or practical test under this part, the kind of tests, and the date of recommendation; and

(d) Keep each record required by paragraphs (b) and (c) of this section separately, or in his logbook, for at least 3 years.

§ 61.175 Flight instructor ratings on pilot certificates.

A person who has a flight instructor rating endorsed on his pilot certificate may not exercise the privileges of that rating, but may be issued a flight instructor certificate if he passes the appropriate tests prescribed in § 61.173.

§ 61.176 Limited flight instructor certificates.

The holder of an expired limited flight instructor certificate may be issued a flight instructor certificate with the ratings previously held on his limited flight instructor certificate, if he passes the appropriate tests prescribed in § 61.173.

§ 61.177 Renewal of flight instructor certificates.

An applicant for the renewal of a flight instructor certificate must pass the practical test prescribed in § 61.173. However, if the applicant's certificate has not expired at the time application is made for renewal, the Administrator may, based upon the flight instruction record of the applicant, limit the test to those items that he finds are necessary to determine the continued competency of the applicant.

§ 61.178 Additional flight instructor ratings.

(a) The holder of a flight instructor certificate who applies for an additional rating on that certificate must—

(1) Hold a pilot rating in that category of aircraft, or an instrument rating or airline transport pilot certificate, as appropriate to the rating sought; and

(2) Pass the written and practical tests prescribed by §§ 61.171(b) and 61.173.

(b) The holder of a flight instructor certificate issued under § 61.179(b) must also show by satisfactory evidence that he has passed the written test prescribed by § 61.171(a).

§ 61.179 Special issue of a flight instructor certificate with a glider rating.

If the holder of a commercial pilot certificate with a glider rating shows the Administrator that he has given 2 hours of flight instruction, including at least 10 flights, as a commercial glider pilot within the 12 months immediately preceding the date of his application and before September 26, 1966, he is entitled to—

(a) A glider rating on his flight instructor certificate, if he holds a current flight instructor certificate; or

(b) A flight instructor certificate with a glider rating.

§ 61.180 Limitations.

(a) A certificated flight instructor may endorse a student pilot certificate for solo flight only if he determines that the holder has complied with section 61.83 or 61.71, as applicable, and is otherwise able to make solo flights.

(b) A certificated flight instructor may endorse a student pilot certificate for solo cross-country flight only if he determines that the holder has complied with section 61.86, 61.87, or 61.89, as applicable, and is otherwise able to make solo cross-country flights.

(c) A certificated flight instructor may endorse a student pilot certificate for solo flight in a different make or model of aircraft only if he determines that the holder can make solo flights safely in that aircraft.

(d) A certificated flight instructor may not authorize a student pilot to operate an aircraft in solo flight without first endorsing his student pilot certificate, unless it has previously been endorsed for that privilege by a certificated flight instructor.

(e) A certificated flight instructor may not give more than 8 hours of flight instruction a day nor more than 36 hours in any 7-day period.

The reporting and/or recordkeeping requirements contained herein have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

(Secs. 313(a), 601, and 602 of the Federal Aviation Act of 1958; 49 U.S.C. 1354, 1421, 1422)

Issued in Washington, D.C., on June 21, 1965.

N. E. HALABY,
Administrator.

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[Docket No. 1186; Amdts. 23-1, 25-5, 43-2, 91-20]

PART 23—AIRWORTHINESS STANDARDS: NORMAL, UTILITY, AND ACROBATIC CATEGORY AIRPLANES

PART 25—AIRWORTHINESS STANDARDS: TRANSPORT CATEGORY AIRPLANES

PART 43—MAINTENANCE, PREVENTIVE MAINTENANCE, REBUILDING, AND ALTERATION

PART 91—GENERAL OPERATING AND FLIGHT RULES

Altimeter System Requirements

The purpose of this amendment to Parts 23, 25, 43, and 91 of the Federal Aviation Regulations is to increase safety and improve airspace utilization by revising design requirements dealing with airplane altimeter systems and by prescribing periodic inspections of systems installed in airplanes operating under IFR conditions. This action was published as a notice of proposed rule making (29 F.R. 3310) and circulated as notice 64-14 dated March 12, 1964.

The need for the amendment results from recognition that altimeter system accuracy depends on good system design and is adversely affected by operations at higher altitudes and at higher airspeeds. Further degradation of system accuracy occurs in service caused primarily by static pressure system leaks and by instruments that have deviated from their original calibrations.

Agency action to upgrade altimeter system accuracy began with notice of proposed rule making (27 F.R. 4340) circulated as Draft Release No. 62-22 dated April 27, 1962. Among other provisions, Draft Release 62-22 proposed that the accuracy of the altimeter system of each new type aircraft be determined by an in-flight calibration of a number of production aircraft, with further provisions for inservice checks of altimeter system performance. Because standard methods of calibration remained to be developed, and because the project scope indicated that the end result might best be achieved by increments in several separate rule making actions, Draft Re-

lease No. 62-22 was withdrawn as a notice of proposed rule making although it did state the Agency's long-range program to upgrade altimeter system performance. Notice No. 64-14, on which this amendment is predicated, accordingly was limited in scope to design and check of airplane static pressure systems and test of altimeters.

Subsequent to Notice No. 64-14, the Federal Aviation Agency recodification program was completed. As explained in the Notice, recodification has not altered the substance of the rules. CAR § 3.665 is now FAR § 23.1325; CAR § 4b.612(b) is now FAR § 25.1325; proposed CAR § 18.31 and a portion of proposed FAR § 91.170 have become FAR Part 43, Appendix E. The appropriate FAR identification will be used hereinafter.

In response to the notice of proposed rule making, the Agency received several comments objecting to the overall proposed changes. The main thrust of these unfavorable comments was that the new rules would impose costs disproportionate to resulting increases in reliability, utility, or safety and that the accident record of airplanes operated under the general operating rules did not justify the proposed changes.

The Agency must reject any contention that revised rules upgrading the accuracy of altimeter systems are unwarranted. Surveys have revealed that a high percentage of airplanes have leaky static pressure systems. Accident reports in certain instances have pointed to altimeter errors; in other unexplained accidents, errors in instruments dependent on static pressure source may not be ruled out as contributing causes. If increased safety and more effective airspace utilization are to be achieved, all airplanes operated in IFR conditions must meet the same altimeter system equipment installation standards to operate in controlled airspace.

The changes and comments relating to the various specific parts of the Federal Aviation Regulations are discussed in the following paragraphs.

FAR § 23.1325. The notice of proposed rule making provided that the influence of airplane characteristics not seriously affect the accuracy of instruments having static pressure connections, further specified certain static system design and installation details, required a system proof test, and made provision for countering icing conditions.

Section 23.1325(a) has been amended to specify that static pressure connections be vented so that external forces least affect instrument accuracy. This change relaxes the requirement of the notice and parallels the wording in the comparable section of Part 25.

One commentator would delete the system proof test on the grounds that it does not reveal errors caused by a poorly designed or located static source, and that, in any event, such small static leaks as it might divulge do not result in static system errors. The Agency, however, considers the proof test a necessary part of certification because, after the design is completed, system leakage becomes the major criterion which cannot be ignored until its effect is proven inconsequential.

Two commentators objected to proof testing the static pressure system in each production airplane. The rule, however, does not require test of each production airplane although that would be one way to demonstrate conformity to the approved type design. As suggested by another commentator, sample testing and production flight check could be another acceptable means of showing conformity if there were a showing of an adequate quality control system and compliance with the equipment function and installation requirements of § 23.1301.

The Agency does not concur with various comments recommending that it adopt the Air Force static system leakage rate at an arbitrary specified altitude with associated instruments disconnected. Since many static system leaks occur at instrument disconnect points, it is considered that a realistic test for Part 23 airplanes should be made with the instruments connected. Section 23.1325 (b)(2) has been amended, however, to allow a reasonable leakage loss tolerance with associated instruments connected at the airplane maximum operating altitude.

With regard to negating the effect of icing conditions, one commentator recommended deleting the requirement altogether in low-performance airplanes operating under VFR conditions. Two other commentators recommended that a protected alternate source of static pressure be allowed, while a fourth recommended use of an optional ice-free static pressure source of less accuracy where calibration is given the pilot.

Since static vent icing may occur during both VFR and IFR conditions with hazardous consequences, the Agency believes there is ample justification for anti-icing as a certification requirement on all airplanes employing a static pressure system for required instruments. In response to the comments, the proposed rule has been expanded to permit the use of an alternate static source having a prescribed accuracy tolerance, and, where needed, a correction card.

FAR § 25.1325. The notice of proposed rule making altered the existing rule in part by adding an anti-icing provision, by specifying certain installation and design details plus a system proof test, and by allowing an altimeter correction device bypass instead of an alternate altimeter system.

Several commentators contended that the proof test would be unrealistic because no tolerance was provided and it was unclear whether the specified test pressure referred to differential or absolute pressure. Further comments variously recommended adoption of military requirements for leakage rate with associated instruments disconnected, adoption of a 400-foot per minute rate at 40,000 feet, and adoption of different system tolerances for pressurized and unpressurized airplanes. The Agency agrees with the comments concerning tolerance and pressure ambiguity, and, accordingly, has amended the requirement for type certification to include proof test at a pressure differential corresponding to the certificated maximum operating altitude. The rule has been further amended to specify a reasonable maximum leak rate of 100 feet per minute with associated instruments connected. The Agency does not agree with the recommendation for different system tolerances for pressurized and unpressurized airplanes since an altimeter system must perform satisfactorily in the most critical range when the airplane pressurization system fails.

The Agency does not concur with the contention of one commentator that the notice is arbitrary in specifying that pressure remain unaltered when exposed to continuous and intermittent maximum icing conditions. An airplane is certificated for a certain severity of icing condition which applies to all required installations including the altimeter.

Further comments to the effect that automatic correction devices be required for high altitude—high speed airplanes and that correction cards be used where automatic correction devices are not available, were either beyond the scope of the notice or already covered by current functional and installational requirements.

It was suggested that the intent of the requirement for a correction device bypass or alternate systems be clarified. The Agency feels, however, that the objective of the requirement is adequately stated and that it would be impractical to be more specific in an attempt to cover all possible design features.

FAR Part 43, Appendix E. The notice of proposed rule making described new altimeter instrument tests for scale error, hysteresis, after effect, friction, case leak, position error, and barometric scale error.

In the interest of organizational unity, this appendix has been expanded to encompass the details of the static pressure system test and inspection as proposed in § 91.170 in addition to the altimeter instrument tests.

In response to several comments, the static pressure system leakage test has been amended to allow a leakage tolerance instead of the requirement that the system be leak free.

A number of commentators objected to the cost of upgrading altimeter standards and recommended that tests for scale error, hysteresis, and friction be limited to the maximum operating altitude of the airplane in which installed. The Agency concurs and the rule is amended accordingly.

One commentator suggested that all standard atmosphere data be taken from the same source. The Agency concurs and has used "U.S. Standard Atmosphere, 1962" as the sole source for altitude-pressure-tolerance values.

A comment contending that five test altitudes for low-performance airplanes is sufficient was not supported by any justification. Also a comment suggesting that test points be selected that fall precisely on the instrument 20-foot scale marks was considered unjustified since in normal test procedures, one quarter

of a scale division is not difficult to estimate.

The Agency agrees that the 12-hour rest period at 29.92 inches Hg is an unnecessary hardship and has deleted it as a preliminary requirement in the scale error test.

One commentator recommended deletion of tests for hysteresis, after effect, friction, position error, and barometric scale error since scale error and case leak tests are sufficient to determine if the altimeter should be returned to service. Another comment stated that the barometric scale error test was too extensive. The Agency concurs that the position error test is unnecessary and it has been deleted. Other relief has been afforded by changing specified test points in the hysteresis test and reducing the barometric scale error test to only eight test pressures. The tests for hysteresis, after effect, friction, and barometric scale error are considered essential for checking the quality of the instrument and its indicating accuracy consistency and, therefore, have not been deleted.

The Agency did not adopt a recommendation that the 20,000 feet per minute rate of pressure change for the scale error test be reduced since no justification was presented.

Several commentators suggested creating new classes or categories of altimeters for different altitude ranges, with less stringent test criteria for those operating at the lower altitudes. The Agency does not concur in these recommendations since, for IFR operation, altimeter system test standards must be the same for all airplanes regardless of altitude of operation or whether the airplane is pressurized.

The Agency agrees with a recommendation that the altimeter be vibrated to remove friction effect before taking test readings and has amended the test procedure accordingly. However, a further recommendation that the vibration frequency be specified, if adopted, would impose an unnecessary burden since the purpose of vibration is to eliminate errors due to friction within the instrument.

In reply to a comment pointing to the impracticality of conducting each altimeter test at 29.92 inches Hg and 25 degrees C, the final rule has been changed so as to delete the 29.92 inches Hg pressure requirement and to prescribe appropriate allowances to be made when test temperatures are substantially different from an ambient of 25 degrees C.

FAR § 91.170. The notice of proposed rule making proposed this new requirement to provide for repetitive checks of the static pressure system in all general aviation airplanes and of altimeter instruments installed in airplanes operating under IFR conditions other than those coming under Part 121.

The amended § 91.170 properly charges the operator with responsibility for insuring that the airplane has been tested and inspected prior to flight in IFR conditions. The specific static pressure system test requirements have been removed from this section and incorporated into Part 43, Appendix E in order that the complete altimeter system test and inspection procedure be contained under one appropriate heading.

Three commentators indicated some confusion between the proposed 2-year inspection and the periodic airworthiness inspection of § 91.169 for aircraft having dual altimeters. New § 91.170 has been reworded to delete reference to periodic inspections and emphasize that the biennial special altimeter system inspection is a requirement independent of the annual or 100-hour inspection required by § 91.169. The final rule also emphasizes that each static system of a dual system, as well as each altimeter instrument, is to be inspected.

Two commentators pointed to hardships due to a shortage of Class I instrument repair stations. It is the Agency's position, however, that the new inspection requirements impose no undue hardship on operators since the inspection interval is long, and operations may be scheduled to place airplanes at repair stations. In any event, only IFR operations would be curtailed should the required inspection not take place. Some relief is afforded in the final rule by permitting the altimeter tests to be made by an appropriately rated repair facility rather than a certificated Class I instrument rated repair station.

Several commentators recommended in effect that the rule be extended to prescribe accuracy tolerances and periodic accuracy checks of instruments used in VFR conditions. While the recommendations have merit, they go beyond the scope of present rule making. Under the current regulations, when VFR flight conditions prevail, collision avoidance is primarily dependent on visual means rather than vertical separation by altimeter information.

The final rule has been changed to provide for a § 91.170 compliance date 1 year from the effective date of the amendment.

Interested persons have been afforded an opportunity to participate in the making of this amendment. All relevant matter submitted has been fully considered.

In consideration of the foregoing, Parts 23, 25, 43, and 91 of the Federal Aviation Regulations are amended effective July 29, 1965, as set forth below.

(Secs. 313(a), 601, and 603 of the Federal Aviation Act of 1958; 49 U.S.C. 1354(a), 1421, 1423)

Issued in Washington, D.C., on June 21, 1965.

N. E. HALABY,
Administrator.

1. Section 23.1325 is amended to read as follows:

§ 23.1325 Static pressure system.

(a) Each instrument provided with static pressure case connections must be so vented that the influence of airplane speed, the opening and closing of windows, airflow variations, moisture, or other foreign matter will least affect the accuracy of the instruments except as noted in paragraph (b)(3) of this section.

(b) If a static pressure system is necessary for the functioning of instruments, systems, or devices, it must comply with the provisions of subparagraphs (1) through (3) of this paragraph.

(1) The design and installation of a static pressure system must be such that—

(i) Positive drainage of moisture is provided;

(ii) Chafing of the tubing, and excessive distortion or restriction at bends in the tubing, is avoided; and

(iii) The materials used are durable, suitable for the purpose intended, and protected against corrosion.

(2) A proof test must be conducted to demonstrate the integrity of the static pressure system by evacuating the static pressure system until the pressure differential corresponds to that which would exist at the maximum altitude for which the airplane is type certificated, and by demonstrating that this pressure differential is maintained, without additional pumping for a period of 1 minute, with a loss not to exceed the equivalent of 100 feet of altitude.

(3) If a static pressure system is provided for any instrument, device, or system required by the operating rules of this chapter, each static pressure port must be designed or located in such manner that the correlation between air pressure in the static pressure system and true ambient atmospheric static pressure is not altered when the aircraft encounters icing conditions. An anti-icing means or an alternate source of static pressure may be used in showing compliance with this requirement. If the reading of the altimeter on the alternate static pressure system exceeds a 2 percent tolerance, a correction card may be used to show compliance with this requirement.

2. Section 25.1325 is amended by amending the catchline to read as follows, by amending paragraphs (b) and (c) to read as follows, and by adding a new paragraph (f) to read as follows:

§ 25.1325 Static pressure systems.

* * * * * *

(b) Each static port must be designed and located in such manner that the static pressure system performance is least affected by airflow variation, or by moisture or other foreign matter, and that the correlation between air pressure in the static pressure system and true ambient atmospheric static pressure is not changed when the airplane is exposed to the continuous and intermittent maximum icing conditions defined in Appendix C of this part.

(c) The design and installation of the static pressure system must be such that—

(1) Positive drainage of moisture is provided; chafing of the tubing and excessive distortion or restriction at bends in the tubing is avoided; and the materials used are durable, suitable for the purpose intended, and protected against corrosion; and

(2) It is airtight except for the port into the atmosphere.

A proof test must be conducted to demonstrate the integrity of the static pressure system. The proof test must be performed by evacuating the static pres-

sure system until the pressure differential corresponds to the pressure differential that would exist at the maximum altitude for which the airplane is type certificated and by demonstrating that this pressure differential is maintained, without additional pumping, for a period of 1 minute with a loss not to exceed 100 feet.

* * * * *

(f) If an altimeter system is fitted with a device that provides corrections to the altimeter indication, the device must be designed and installed in such manner that it can be bypassed when it malfunctions, unless an alternate altimeter system is provided. Each correction device must be fitted with a means for indicating the occurrence of reasonably probable malfunctions, including power failure, to the flight crew. The indicating means must be effective for any cockpit lighting condition likely to occur.

3. Part 43 is amended by adding the following new appendix:

APPENDIX E

ALTIMETER SYSTEM TEST AND INSPECTION

Each person performing the altimeter system tests and inspections required by § 91.170 shall comply with the following:

(a) Static pressure system:

(1) Ensure freedom from entrapped moisture and restrictions.

(2) Determine that leakage is within the tolerances established in § 23.1325 or § 25.1325, whichever is applicable.

(3) Determine that the static port heater, if installed, is operative.

(4) Ensure that no alterations or deformations of the airframe surface have been made that would affect the relationship between air pressure in the static pressure system and true ambient static air pressure for any flight condition.

(b) Altimeter:

(1) Test by an appropriately rated repair facility in accordance with the following subparagraphs. Unless otherwise specified, each test for performance may be conducted with the instrument subjected to vibration. When tests are conducted with the temperature substantially different from ambient temperature of approximately 25 degrees C., allowance shall be made for the variation from the specified condition.

(i) *Scale error.* With the barometric pressure scale at 29.92 inches of mercury, the altimeter shall be subjected successively to pressures corresponding to the altitude specified in Table I up to the maximum normally expected operating altitude of the airplane in which the altimeter is to be installed. The reduction in pressure shall be made at a rate not in excess of 20,000 feet per minute to within approximately 2,000 feet of the test point. The test point shall be approached at a rate compatible with the test equipment. The altimeter shall be kept at the pressure corresponding to each test point for at least 1 minute, but not more than 10 minutes, before a reading is taken. The error at all test points must not exceed the tolerances specified in Table I.

(ii) *Hysteresis.* The hysteresis test shall begin not more than 15 minutes after the altimeter's initial exposure to the pressure corresponding to the upper limit of the scale error test prescribed in subparagraph (1); and while the altimeter is at this pressure, the hysteresis test shall commence. Pressure shall be increased at a rate simulating a descent in altitude at approximately (but not exceeding) 20,000 feet per minute until within 2,000 feet of the first test point (50 percent of maximum altitude). The test point shall then be approached at a rate of approximately 2,000 feet per minute. The altimeter shall be kept at this pressure for at least 5 minutes, but not more than 15 minutes, before the test reading is taken. After the reading has been taken, the pressure shall be increased further, in the same manner as before, until the pressure corresponding to the second test point (40 percent of maximum altitude) is reached. The altimeter shall be kept at this pressure for at least 1 minute, but not more than 10 minutes, before the test reading is taken. After the reading has been taken, the pressure shall be increased further, in the same manner as before, until atmospheric pressure is reached. The reading of the altimeter at either of the two test points shall not differ by more than the tolerance specified in Table II from the reading of the altimeter for the corresponding altitude recorded during the scale error test prescribed in subparagraph (i).

(iii) *After effect.* Not more than 3 minutes after the completion of the hysteresis test prescribed in subparagraph (ii), the reading of the altimeter (corrected for any change in atmospheric pressure) shall not differ from the original atmospheric pressure reading by more than the tolerance specified in Table II.

(iv) *Friction.* The altimeter shall be subjected to a steady rate of decrease of pressure approximating 750 feet per minute. At each altitude listed in Table III, the change in reading of the pointers after vibration shall not exceed the corresponding tolerance listed in Table III.

(v) *Case leak.* The leakage of the altimeter case, when the pressure within it corresponds to an altitude of 18,000 feet, shall not change the altimeter reading by more than the tolerance shown in Table II during an interval of 1 minute.

(vi) *Barometric scale error.* At constant atmospheric pressure, the barometric pressure scale shall be set at each of the pressures (falling within its range of adjustment) that are listed in Table IV, and shall cause the pointer to indicate the equivalent altitude difference shown in Table IV with a tolerance of 25 feet.

(2) Altimeters which are of the air data computer type with associated computing systems may be tested in parts, by major components, to specifications developed by the manufacturer and acceptable to the Administrator.

(c) Records: Comply with the provisions of § 43.9 of this chapter as to content, form, and designation of the records.

TABLE I

(Ref: U.S. Standard Atmosphere, 1962)

ALTITUDE V. PRESSURE

Altitude (feet)	Equivalent pressure (inches of mercury)	Tolerance (feet)
−1,000	31.02	±20
0	29.92	20
500	29.38	20
1,000	28.86	20
1,500	28.33	25
2,000	27.82	20
3,000	26.82	20
4,000	25.84	25
5,000	23.98	40
8,000	22.22	60
10,000	20.58	80
12,000	19.03	90
14,000	17.58	100
16,000	16.22	110
18,000	14.94	120
20,000	13.75	130
22,000	12.64	140
26,000	11.10	155
30,000	8.89	180
35,000	7.04	205
40,000	5.54	230
45,000	4.36	255
50,000	3.43	280

TABLE II

TEST TOLERANCES

Test	Tolerance (feet)
Case Leak Test	±100
Hysteresis Test:	
First Test Point (50 percent of maximum altitude)	75
Second Test Point (40 percent of maximum altitude)	75
After Effect Test	90

TABLE III

FRICTION

Altitude (feet)	Tolerance (feet)
1,000	±70
2,000	70
3,000	70
5,000	70
10,000	80
15,000	90
20,000	100
25,000	120
30,000	140
35,000	160
40,000	180
50,000	250

TABLE IV

PRESSURE-ALTITUDE DIFFERENCE

Pressure (inches of Hg)	Altitude difference (feet)
30.10	−1727
29.50	−1340
29.00	−863
29.50	−392
29.92	0
30.50	+531
30.90	+893
30.99	+974

4. Part 91 is amended as follows:

(a) Section 91.161(b) is amended by adding the reference "91.170" between the references "91.169" and "91.171."

(b) By adding the following new section after § 91.169:

§ 91.170 Altimeter system tests and inspections.

(a) No person may operate an airplane in controlled airspace under IFR unless, within the preceding 24 calendar months, each static pressure system and each altimeter instrument has been tested and inspected and found to comply with Appendix E of Part 43. The altimeter must be tested by an appropriately rated repair station.

(b) Compliance with this section is not required until August 1, 1966.

[F.R. Doc. 65-6757; Filed, June 28, 1965; 8:48 a.m.]

[Docket No. 2073; Amdt. 37-2; Technical Standard Order C-63a]

PART 37—TECHNICAL STANDARD ORDER AUTHORIZATIONS

Airborne Weather Radar Equipment

The purpose of this amendment is to incorporate new environmental test procedures, which were developed to be more compatible with existing and anticipated aircraft environmental conditions, into the present minimum performance standards for airborne weather radar equipment operating within the radio-frequency bands of 5,350 to 5,470 Mc. and 9,300 to 9,500 Mc. This amendment also revises the minimum performance standards to require a minimum range capability based on the cruising speed of the aircraft. This action was published as a notice of proposed rule making and circulated as FAA Notice No. 63-44 (28 F.R. 12669).

Interested persons have been given an opportunity to comment on this regulation and due consideration has been given to all relevant matter presented.

The title and applicability section of the TSO have been revised to delete the inadvertent inclusion of ground mapping radar that was in the notice. Also, the applicability section of the standard has been amended to show that these standards are only applicable with respect to air carrier aircraft. This has been done since only air carrier aircraft are required to have this equipment approved. This change is consistent with the change made to the final rule on TSO C-66a (DME).

Comments were received objecting to the proposed limits for emission of radio-frequency energy. The commentators felt that these more stringent limits would increase the weight and cost of the units and that the limitations in the existing TSO have proven to be adequate and have not caused interference problems. The proposed standards on emission of spurious radio-frequency energy were the result of a study to revise the standards on all electrical and electronic systems used in aircraft. It was recognized that the emissions of airborne electronic systems are additive and that the limitations on each should prevent the total effect of all systems on an aircraft from exceeding an acceptable limit. These standards, as established by the study, have been incorporated in six TSO's which have recently been revised. However, in further considering the proposal in the light of the comments received, the Agency has determined that it poses a special problem to manufacture weather radar equipment to the proposed specification and some relaxation is necessary. Accordingly, a change in § 2.14 has been made to allow a slight increase of the level of spurious radio-frequency energy. This slight increase in one system when added to the radiated energy from other equipment is not expected to seriously increase the overall energy level. This relaxation, however, cannot be allowed on other equipment as the additive effect of such a relaxation would cause a noise problem.

One commentator suggested that care be shown in keeping the minimum standards high and broad enough to insure reliability and maintainability. The Agency provides for reliability of equipment through conservative component ratings and by conducting prescribed tests which cover extremes of environment conditions. The prescribed performance standards are made sufficiently exacting so that designers will consider maintainability of the equipment when designing it. Further, manufacturers are required to submit installation instructions to the Agency, so that when followed the equipment will perform in service as well as required in the performance tests. The Agency believes this procedure includes everything reasonably possible for the establishment of minimum standards to insure reliability and maintainability.

Comments were made that the TSO only covers the "c" and "x" bands of radar, and the TSO should not preclude the use of "k" band radar. Similarly, commentators suggested the TSO be expanded to include the "k" band. The Agency agrees that the TSO should not preclude the use of "k" band radar, and it does not. The "k" band was not included in the notice since an adequate basis for such standards was not available at that time. The Agency agrees that standards for "k" band radar should be provided and such standards are under consideration.

A final source of comment was a suggestion that the range capability table be expanded to cover at least 200 miles. The range capability factor is based on aircraft operational cruising speeds so that a pilot can have sufficient time within which to detect and avoid dangerous atmospheric areas. The range capability has been designed to provide a minimum time of 12 minutes of warning at subsonic speeds. Eventually, with the advent of supersonic aircraft, an increase in the range will be necessary. However, at this time no change has been made.

In addition to the foregoing, certain editorial corrections have been made in the revised performance standards referred to in this TSO. They do not involve any change in substance.

In consideration of the foregoing, § 37.168 of Part 37 is amended to read as follows, effective September 27, 1965.

§ 37.168 Airborne weather radar equipment operating within the radio-frequency bands of 5,350 to 5,470 Mc. and 9,300 to 9,500 Mc.—TSO C-63a.

(a) *Applicability.* This TSO prescribes the minimum performance standards that airborne weather radar equipment, to be used on U.S. civil aircraft engaged in air carrier operations, must meet in order to be identified with the applicable TSO marking. New models of such equipment which are to be so identified and which are manufactured on or after September 27, 1965, must meet the requirements set forth in the FAA Standard entitled "Minimum Performance Standards for Airborne Weather Radar Equipment Operating Within the Radio-Frequency Bands of 5,350 to 5,470 Mc. and 9,300 to 9,500 Mc.", dated March 15, 1965,[1] and Federal Aviation Agency document, "Environmental Test Procedures for Airborne Electronic Equipment, dated August 31, 1962.[1]

(b) *Marking.* (1) In addition to the markings specified in § 37.7, the equipment shall be marked to indicate the environmental extremes over which it has been designed to operate. There are six environmental test procedures outlined which have categories established. These should be identified on the nameplate by the words "Environmental Categories" or, as abbreviated, "Env. Cat." followed by six letters which identify the categories designated in the FAA document. Reading from left to right, the category designations shall appear on the nameplate in the following order so that they may be identified.

(i) Temperature-Altitude Test Category;

(ii) Vibration Test Category;

(iii) Audio-Frequency Magnetic Field Susceptibility Test Category;

(iv) Radio-Frequency Susceptibility Test Category;

(v) Emission of Spurious Radio-Frequency Energy Test Category; and

(vi) Explosion Test.

(2) Six classes of equipment based on range capability have been established in the FAA Standard under paragraph 2.4, Range Capability. The equipment shall be marked to indicate the distance range declared by the manufacturer.

(3) In some cases such as under the Temperature-Altitude Test Category, a manufacturer may wish to substantiate his equipment under two categories. In this case, the nameplate shall be marked with both categories in the space designated for that category by placing one letter above the other such as "Env. Cat. $\frac{A}{D}$BAAAX Class 3."

(4) Each separate component of equipment (antenna, synchronizer unit, indicator console, etc.) shall be identified with at least the manufacturer's name, TSO number, and the environmental categories over which the equipment component is designed to operate.

(c) *Data requirements.* In accordance with the provisions of § 37.5, the manufacturer shall furnish to the Chief, Engineering and Manufacturing Branch, Flight Standards Division, Federal Aviation Agency, in the region in which the manufacturer is located, the following technical data:

(1) Six copies of the manufacturer's operating instructions and equipment limitations;

(2) Six copies of the installation procedures with applicable schematic drawings, wiring diagrams, and specifications, indicating any limitations, restrictions, or other conditions pertinent to installation; and

(3) One copy of the manufacturer's test report.

(Sec. 313(a) and 601 of the Federal Aviation Act of 1958; 49 U.S.C. 1354(a), 1421)

Issued in Washington, D.C., on June 22, 1965.

G. S. MOORE,
Director, Flight Standards Service.

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[Docket No. 6361; Amdt. 39-97]

PART 39—AIRWORTHINESS DIRECTIVES

United Data Control, Inc., Model F-542, Series Flight Data Recorders

A proposal to amend Part 39 of the Federal Aviation Regulations to include an airworthiness directive requiring modifications to ensure containment of the magazine assembly within the frame of

[1] Copies may be obtained upon request addressed to Library Services Division, HQ-620, Federal Aviation Agency, Washington, D.C., 20553.

the recorder and to provide additional protection for the recording medium from crushing and puncturing forces on United Data Control, Inc., Model F-542, Series flight data recorders, was published in 29 F.R. 16430.

Interested persons have been afforded an opportunity to participate in the making of the amendment. A comment opposed, in principle, the issuance of this airworthiness directive to impose design changes to an item meeting the requirements of a technical standard order. The Agency appreciates this viewpoint but accident investigation has been hampered by the mechanical and fire damage sustained by flight recorders during accidents. Accordingly, preparation of proposed revisions to the minimum performance standards of the TSO for flight recorders has been undertaken and this AD is necessary to correct the condition of flight recorders presently installed.

Comments expressed concern on availability of parts and stringency of the compliance time. The Agency has determined that the necessary parts will be available in sufficient time to enable operators to comply with this AD within 8 months after its effective date, rather than 6 months as proposed, and the AD has been changed accordingly.

As proposed the AD would have required modification of the flight recorder in accordance with United Data Control Service Bulletin No. 10, dated September 15, 1964. Subsequent to the issuance of the proposal, the manufacturer amended that service bulletin by removing from it the magazine latch modification and by changing the attachment of the armor plates which were to be added along the side of the magazine. The mounting was changed to anchoring at only one end to prevent distorting the casting and changing the calibration of the recorder. The magazine latch modification is now described in Service Bulletin No. 12 dated January 15, 1965, and the remainder of the changes are described in Service Bulletin No. 10A, dated January 12, 1965. These changes would require the use of stainless steel studs in place of binder head screws in mounting the armor plates to the casting. The Agency considers that the total effect of these changes is minor in nature and does not change the essential purposes of the notice of proposed rule making.

This amendment is proposed under the authority of sections 313(a), 601, and 603 of the Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421, 1423).

In consideration of the foregoing, § 39.13 of Part 39 of the Federal Aviation Regulations is amended by adding the following airworthiness directive:

UNITED DATA CONTROL, INC. Applies to United Data Control, Inc., Model F-542, Series Flight data recorders installed in aircraft as required by applicable operating rules.

Compliance required within 8 months' time in service after the effective date of this AD, unless already accomplished.

To improve the crash survivability of the flight record, modify all United Data Control, Inc., Model F-542, Series flight data recorders, Serial Number 1200 and prior, in accordance with UDC Service Bulletins 10, dated September 15, 1964, "A" Revision dated January 12, 1965, and 12 dated January 15, 1965, as follows:

(a) Install UDC armor plates 100275 and 100276 and blocks 100277 and 100279 and studs 100278 on the sides of the case.

(b) Replace the front panel assembly with a UDC P/N 100198 armored front panel assembly.

(c) Replace the magazine latch assembly with a UDC P/N 100166 magazine latch assembly.

(d) Remove the nameplate from the old door, and attach it to the new door.

This amendment becomes effective July 29, 1965.

(Sec. 313(a), 601, and 603 of the Federal Aviation Act of 1958; 49 U.S.C. 1354(a), 1421, 1423)

Issued in Washington, D.C., on June 22, 1965.

G. S. MOORE,
Director, Flight Standards Service.

[F.R. Doc. 65-6756; Filed, June 28, 1965; 8:45 a.m.]

[Airspace Docket No. 65-WE-63]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Revocation of Control Area Extension and Designation of Transition Area

The purpose of these amendments to Part 71 of the Federal Aviation Regulations is to alter the controlled airspace in the Bryce Canyon, Utah, area.

A comprehensive review of the airspace requirements in the Bryce Canyon area, including studies attendant to the implementation of the provisions of CAR Amendments 60-21/60-29, has disclosed that the retention of the control area extension with a floor of 700 feet above the surface is no longer required for air traffic control purposes.

Therefore, the Federal Aviation Agency has determined that it would be in the public interest and in keeping with the intent of CAR Amendments 60-21/60-29 to revoke the existing Bryce Canyon control area extension and designate in lieu thereof a transition area with a floor of 11,500 feet MSL. The transition area would provide the controlled airspace required for the protection of aircraft executing prescribed holding procedures for the Bryce Canyon VORTAC.

Since the changes effected by these amendments are less restrictive in nature than the present requirements and impose no additional burden on any person, notice and public procedure hereon are unnecessary and the amendments may be made effective in less than 30 days.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended effective upon publication in the FEDERAL REGISTER, as hereinafter set forth.

In § 71.165 (29 F.R. 17560), the Bryce Canyon, Utah, control area extension is revoked.

In § 71.181 (29 F.R. 17643), the following transition area is added:

BRYCE CANYON, UTAH

That airspace extending upward from 11,500 feet MSL within 7 miles NW and 10 miles SE of the Bryce Canyon VORTAC 240° and 060° radials, extending from 20 miles SW to 9 miles NE of the VORTAC.

(Sec. 307(a) of the Federal Aviation Act of 1958, as amended; 72 Stat. 749; 49 U.S.C. 1348)

Issued in Los Angeles, Calif., on June 21, 1965.

JOSEPH H. TIPPETS,
Director, Western Region.

[F.R. Doc. 65-6759; Filed, June 28, 1965; 8:45 a.m.]

[Airspace Docket No. 64-EA-47]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Federal Airways and Designation of Reporting Point

On March 31, 1965, a notice of proposed rule making was published in the FEDERAL REGISTER (30 F.R. 4207) stating that the Federal Aviation Agency was considering amendments to Part 71 of the Federal Aviation Regulations that would alter segments of VOR Federal airways Nos. 1, 6, 31, 34, 36, 106, 116, 126, 146, 153, 157, 164, 273, 433, 445, 467, 487, 489, and 802, and designate the Kingston, N.Y., low altitude reporting point.

Interested persons were afforded an opportunity to participate in the proposed rule making through submission of comments. All comments received were favorable.

Subsequent to the publication of the notice, it has been determined that utilization of the Hartford, Conn., 280° True radial in lieu of the 279° True radial in the realignment of V-433 would permit this airway to terminate at the centerline of the segment of V-58 designated between Hartford and Poughkeepsie, N.Y. In addition, the extension of V-292 as a common airway segment with V-489 from Sparta, N.J., to the Budd Lake, N.J., Intersection would provide a preferred route (V-292) from the Boston, Mass./Providence, R.I., terminals to the Budd Lake Intersection which is the inbound fix for traffic landing at Newark, N.J. Accordingly, action is taken herein to incorporate these amendments.

Since these amendments are essentially minor in nature, compliance with section 4 of the Administrative Procedure Act is unnecessary.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0001 e.s.t., August 19, 1965, as hereinafter set forth.

1. Section 71.123 (29 F.R. 17509, 30 F.R. 1169, 4121) is amended as follows:

a. In V-1 "Kennedy; INT of Kennedy 359° and Carmel, N.Y., 205° radials; Carmel; to Poughkeepsie, N.Y." is deleted and "to Kennedy." is substituted therefor.

b. In V-6 everything after "Selinsgrove, Pa.;" is deleted and "INT of Selinsgrove 067° and Allentown, Pa., 283° radials; Allentown; to Solberg, N.J. The airspace within R-4803 is excluded." is substituted therefor.

c. In V-31 ", including a W alternate from Selinsgrove to Elmira via INT of Selinsgrove 342° and Elmira 187° radials;" is deleted.

d. In V-34 "INT of Huguenot, N.Y., 046° and Carmel, N.Y., 295° radials;" is deleted.

e. In V-36 "Sparta, N.J., to Riverhead, N.Y." is deleted and "to Sparta, N.J." is substituted therefor.

f. In V-106 "Thornhurst, Pa.;" is deleted and "INT of Selinsgrove 067° and Thornhurst, Pa., 237° radials; Thornhurst;" is substituted therefor.

g. In V-116 "to INT of Sparta 112° and Carmel, N.Y., 232° radials." is deleted and "INT of Sparta 108° and La Guardia, N.Y., 338° radials; to La Guardia." is substituted therefor.

h. In V-126 "to Riverhead, N.Y." is deleted and "INT of Huguenot 102° and Carmel, N.Y., 274° radials; Carmel; to INT of Carmel 093° and Norwich, Conn., 227° radials." is substituted therefor.

i. In V-146 everything before "Putnam, Conn.;" is deleted and "From Poughkeepsie, N.Y., via" is substituted therefor, and "The airspace within R-4104 shall be used only after obtaining prior approval from appropriate authority." is deleted.

j. In V-153 everything before "Wilkes-Barre, Pa.;" is deleted and "From INT of Sparta, N.J., 194° and Stillwater, N.J., 110° radials via Stillwater;" is substituted therefor.

k. In V-157 "From La Guardia, N.Y., to the INT of La Guardia 034° and Hartford, Conn., 245° radials." is deleted.

l. In V-164 "INT of Williamsport 125° and East Texas, Pa., 321° radials;" is deleted and "INT of Williamsport 129° and East Texas, Pa., 315° radials;" is substituted therefor.

m. In V-273 "From Huguenot, N.Y., via" is deleted and "From INT of Sparta, N.J., 194° and Stillwater, N.J., 110° radials via Stillwater;" is substituted therefor.

n. In V-292 "From Sparta, N.J., via" is deleted and "From INT of Sparta, N.J., 194° and Stillwater, N.J., 110° radials via Sparta;" is substituted therefor.

o. In V-433 everything after "La Guardia;" is deleted and "INT of La Guardia 059° and Carmel, N.Y., 127° radials; Bridgeport, Conn.; to INT of Bridgeport 005° and Hartford, Conn., 280° radials." is substituted therefor.

p. V-445 is amended to read:

V-445 From La Guardia, N.Y., to INT of La Guardia 034° and Hartford, Conn., 245° radials.

q. V-467 is amended to read:

V-467 From La Guardia, N.Y., to Madison, Conn.

r. In V-487 "From Poughkeepsie, N.Y., via" is deleted and "From INT of La Guardia, N.Y., 034° and Carmel, N.Y., 188° radials via Carmel; Poughkeepsie, N.Y.;" is substituted therefor.

s. In V-489 everything before "Kingston, N.Y.;" is deleted and "From INT Sparta, N.J., 194° and Stillwater, N.J., 110° radials via Sparta;" is substituted therefor and "The airspace within R-5206 shall be used only after obtaining prior approval from appropriate authority." is deleted.

t. In V-802 "INT of Selinsgrove 083° and Ravine 046° radials; Allentown, Pa.;" is deleted and "Selinsgrove 067° and Allentown, Pa., 283° radials; Allentown;" is substituted therefor.

2. Section 71.203 (29 F.R. 17711) is amended by adding the following: "Kingston, N.Y."

(Sec. 307(a) of the Federal Aviation Act of 1958; 49 U.S.C. 1348)

Issued in Washington, D.C., on June 23, 1965.

DANIEL E. BARROW,
Chief, Airspace Regulations and Procedures Division.

[F.R. Doc. 65-6760; Filed, June 28, 1965; 8:45 a.m.]

[Airspace Docket No. 64-WE-72]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Federal Airways

On March 2, 1965, a notice of proposed rule making was published in the FEDERAL REGISTER (30 F.R. 2682) stating that the Federal Aviation Agency proposed to alter VOR Federal airways Nos. 26 and 187 in the vicinity of Vernal, Utah.

Interested persons were afforded an opportunity to participate in the rule making through the submission of comments. All comments received were favorable.

Subsequent to the publication of the notice, it has been determined that the airspace between the main and the alternate segments of V-187 between Grand Junction, Colo., and Rock Springs, Wyo., is not required for air traffic control. Since release of this airspace will reduce the burden upon the public, notice and public procedure on this change is unnecessary.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0001 e.s.t., August 19, 1965, as hereinafter set forth.

Section 71.123 (29 F.R. 17509, 30 F.R. 4670, 6113) is amended as follows:

a. In V-26 "From Myton, Utah, via Cherokee, Wyo.;" is deleted and "From Myton, Utah, 79 MSL, via Vernal, Utah; 19 miles 12 AGL, 105 MSL Cherokee, Wyo.;" is substituted therefor.

b. In V-187 "Rock Springs, Wyo.;" is deleted and "Rock Springs, Wyo., including a W alternate from Grand Junction, 45 miles 103 MSL, 59 miles 86 MSL, 12 AGL Vernal, Utah; 15 miles 12 AGL, 110 MSL Rock Springs, Wyo. (excluding the airspace between the main segment and this alternate airway);" is substituted therefor.

(Sec. 307(a) of the Federal Aviation Act of 1958; 49 U.S.C. 1348)

Issued in Washington, D.C., on June 23, 1965.

DANIEL E. BARROW,
Chief, Airspace Regulations and Procedures Division.

[F.R. Doc. 65-6761; Filed, June 28, 1965; 8:45 a.m.]

Title 19—CUSTOMS DUTIES

Chapter I—Bureau of Customs, Department of the Treasury

[T.D. 56432]

PART 12—SPECIAL CLASSES OF MERCHANDISE

PART 25—CUSTOMS BONDS

Coffee Imports and Exports

The following regulations are promulgated under the authority conferred upon the President by section 2, subsections (1) and (2) of the International Coffee Agreement Act of 1965 (Public Law 89-23, 79 Stat. 112) which authority was delegated to the Secretary of the Treasury by Executive Order No. 11229, dated June 14, 1965 (30 F.R. 7741).

The regulations will prescribe procedures for the entry for consumption or withdrawal from warehouse for consumption of coffee imported from countries which are members of the International Coffee Organization and procedures to be followed in connection with the export or reexport of coffee from the United States.

I. Part 12 is amended by adding a new center head and section as follows:

IMPORTS AND EXPORTS UNDER INTERNATIONAL COFFEE AGREEMENT

§ 12.70 Regulations prescribed under the International Coffee Agreement Act of 1965.

(a) *Effective date.* The regulations in this section shall apply to coffee exported on and after July 1, 1965, from a country which is a member of the International Coffee Agreement of 1962 (14 UST 1911) and shall continue in effect during all times that the International Coffee Agreement and the International Coffee Agreement Act of 1965 (79 Stat. 112) remain in force and effect.

(b) *Certificate of origin and reexport.* No coffee imported from a country which is a member of the International Coffee Agreement of 1962 shall be admitted to entry for consumption in the customs territory of the United States unless there is presented for such coffee a valid certificate of origin or certificate of reexport prescribed under the Agreement, or unless a bond for the production of a proper certificate is filed as provided in paragraph (d) of this section. No coffee shall be exported from the United States unless there has been issued for each such shipment for which a certificate is required under the Agreement a certificate of reexport on customs Form 4469. A certificate of origin or reexport shall not be required for shipments of coffee proceeding through the United States on a through bill of lading nor for coffee entered for consumption in or reexported to Puerto Rico.

(c) *Entry at more than one port.* When portions of a single shipment requiring a certificate of origin or certificate of reexport are entered at different ports, the certificate of origin or reexport shall be surrendered to customs at the first port where a portion of the

shipment is entered. The importer or his agent may request the collector at that port to prepare and certify a certificate substantially in the form set out below to be presented to customs at succeeding ports where coffee is to be entered:

(Certificate of Origin) (Certificate of Reexport) issued by _____, (Name of country)
Reference No. _____ covering _____ of (Quantity of coffee)
_____, was filed at _____
(Kind of coffee) (Name of port)
with entry No. _____ dated _____, covering _____ of _____
(Quantity of coffee) (Kind of coffee)
Certified correct _____, 19__

_____
(Importer or his agent)

_____
(Collector of Customs)

This certificate shall be prepared in duplicate. The original shall be returned to the importer or his agent and may be presented to customs at succeeding ports in lieu of a certificate of origin or certificate of reexport provided the amount of coffee entered at succeeding ports does not exceed the difference between the amount shown on the original certificate of origin or reexport and the amount of coffee entered at preceding ports. If portions of a shipment are to be entered at more than two ports the certificate shall not be taken up until the last portion of the shipment is entered. The certificate shall be noted by customs at each port where a portion of the shipment is entered to show the amount of coffee entered at that port.

(d) *Acceptance of shipment without certificates of origin and reexport; bond.* If a certificate of origin or reexport is not available at the time of entry, the entry shall be accepted only if (1) the collector is satisfied that the failure to produce the required certificate is due to a cause beyond the control of the person for whom the entry is tendered, and (2) such person or his agent gives a bond on customs Forms 7551, 7553, or 7595 for the production of the required certificate. The amount of the bond shall be $5,000 or an amount equivalent to the estimated value of the coffee involved, whichever is lower, unless a larger amount is deemed necessary to insure compliance with these regulations. If a certificate in the required form is not produced within 3 months of the date of entry, liquidated damages in the full amount of the bond shall be assessed. Such liquidated damages may be cancelled upon the payment of a lesser amount to be determined by the Bureau if the importer produces satisfactory evidence that the shipment was authorized in accordance with the International Coffee Agreement, or that the failure to produce a certificate was not due to negligence or lack of good faith on the part of any party to the transaction. (Sec. 623, 46 Stat. 759, Sec. 2, 79 Stat. 112; 19 U.S.C. 1623, P.L. 89-23.)

2. To add certificates of origin and reexport required under the International Coffee Agreement to the list of documents excepted from the provision for treating any bond charge for the production of a missing document as satisfied upon payment of the sum of $25 as liquidated damages, § 25.17(a) is amended to read as follows:

§ 25.17 Nonproduction of documents; failure to redeliver packages; sums to be collected.

* * * * *

(a) Collectors of customs are hereby authorized to treat any bond charge for the production of a missing document as satisfied upon payment by the principal or surety of the sum of $25 as liquidated damages for each missing declaration of the consignee or other document, except shippers' export declarations, special customs and commercial invoices, and certificates of origin and certificates of reexport required under § 12.70 of this chapter, not produced within the time prescribed by law or regulations or any lawful extension of such time.

* * * * *

(Secs. 623, 624, 46 Stat. 679, as amended; 19 U.S.C. 1623, 1624)

[SEAL] LESTER D. JOHNSON,
Acting Commissioner of Customs.

Approved: June 22, 1965.

JAMES A. REED,
Assistant Secretary of the Treasury.

[F.R. Doc. 65-6654; Filed, June 28, 1965; 8:50 a.m.]

Title 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

SUBCHAPTER B—FOOD AND FOOD PRODUCTS

PART 120—TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

2,6-Dichloro-4-Nitroaniline; Tolerances for Residues

A petition was filed (PP 5F0434) with the Food and Drug Administration by The Upjohn Co., Kalamazoo, Mich., 49001, proposing the establishment of tolerances for residues of the fungicide 2,6-dichloro-4-nitroaniline.

After this petition was filed, the petitioner submitted a report of a completed reproduction study in rats to remove a deficiency cited in the notice of filing (30 F.R. 3723; March 20, 1965), and some of the tolerance levels originally requested were also changed.

The Secretary of Agriculture has certified that this pesticide chemical is useful for the purposes for which tolerances are being established.

After consideration of the data submitted in the petition and other relevant material which show that the tolerances established in this order will protect the public health, and by virtue of the authority vested in the Secretary of Health, Education, and Welfare by the Federal Food, Drug, and Cosmetic Act (sec. 408(d)(2), 68 Stat. 512; 21 U.S.C. 346a(d)(2)) and delegated to the Commissioner of Food and Drugs by the Secretary (21 CFR 2.90), the regulations for tolerances for pesticide chemicals in or on raw agricultural commodities (21 CFR Part 120) are amended as set forth below:

§ 120.3 [Amended]

1. By adding to § 120.3 *Tolerances for related pesticide chemicals*, in paragraph (e)(4), after the item 1,1-Dichloro-2,2-bis(p-ethylphenyl)ethane the new item:

2,6-Dichloro-4-nitroaniline.

2. By adding to Subpart C the following new section:

§ 120.200 2,6-Dichloro-4-nitroaniline; tolerances for residues.

Tolerances for residues of the fungicide 2,6-dichloro-4-nitroaniline are established as follows:

20 parts per million in or on apricots, nectarines, peaches (from preharvest and postharvest application), sweet cherries (from preharvest and postharvest application), snap beans.

15 parts per million in or on strawberries.

10 parts per million in or on grapes, lettuce, sweetpotatoes (from postharvest application).

5 parts per million in or on garlic, onions, tomatoes.

Unless otherwise specified, the tolerances prescribed in this section provide for residues from preharvest application only.

Any person who will be adversely affected by the foregoing order may at any time within 30 days from the date of its publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington, D.C., 20201, written objections thereto, preferably in quintuplicate. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof.

Effective date. This order shall be effective on the date of its publication in the FEDERAL REGISTER.

(Sec. 409(d)(2), 68 Stat. 512; 21 U.S.C. 346a(d)(2))

Dated: June 23, 1965.

GEO. P. LARRICK,
Commissioner of Food and Drugs.

[F.R. Doc. 65-6788; Filed, June 28, 1965; 8:47 a.m.]

PART 121—FOOD ADDITIVES

Subpart F—Food Additives Resulting From Contact With Containers or Equipment and Food Additives Otherwise Affecting Food

ADHESIVES

The Commissioner of Food and Drugs, having evaluated the data in a petition (FAP 5B1745) filed by American Cyanamid Co., Wayne, N.J., 07470, and other relevant material, has concluded that the food additive regulations should be amended to provide for the use of additional substances in the production of food-packaging adhesives. Therefore, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1)), and under the authority delegated to the Commissioner by the Secretary of Health, Education, and Welfare (21 CFR 2.90), § 121.2520(c)(5) is amended by the addition of a new substance, in alphabetical sequence, to the list "Components of Adhesives", as follows:

§ 121.2520 Adhesives.

* * * * *

(c) * * *
(5) * * *

Components of Adhesives	Substances and limitations
* * *	* * *
Polyester resin prepared from 2,2-dimethyl-1, 3-propanediol and tetrahydrophthalic acid.	* * *

* * * * *

Any person who will be adversely affected by the foregoing order may at any time within 30 days from the date of its publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington, D.C., 20201, written objections thereto, preferably in quintuplicate. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof.

Effective date. This order shall be effective on the date of its publication in the FEDERAL REGISTER.

(Sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1))

Dated: June 22, 1965.

GEO. P. LARRICK,
Commissioner of Food and Drugs.

[F.R. Doc. 65-6786; Filed, June 28, 1965; 8:47 a.m.]

PART 121—FOOD ADDITIVES

Subpart F—Food Additives Resulting From Contact With Containers or Equipment and Food Additives Otherwise Affecting Food

COMPONENTS OF PAPER AND PAPERBOARD IN CONTACT WITH AQUEOUS AND FATTY FOODS

The Commissioner of Food and Drugs, having evaluated the data in a petition (FAP 5B1718) filed by Monsanto Co., 800 North Lindbergh Boulevard, St. Louis, Mo., 63166, and other relevant material, has concluded that the food additive regulations should be amended to provide for the use of styrene-maleic anhydride copolymers in food-contact coatings for paper and paperboard intended for use in contact with aqueous and fatty foods. Therefore, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1)), and under the authority delegated to the Commissioner by the Secretary of Health, Education, and Welfare (21 CFR 2.90), § 121.2526(b)(2) is amended by inserting alphabetically in the list of substances the following new item:

§ 121.2526 Components of paper and paperboard in contact with aqueous and fatty foods.

* * * * *

(b) * * *
(2) * * *

List of substances	Limitations
* * *	* * *
Styrene-maleic anhydride copolymers.	For use only as a coating or component of coatings and limited for use at a level not to exceed 2 percent by weight of paper or paperboard substrate.
* * *	* * *

* * * * *

Any person who will be adversely affected by the foregoing order may at any time within 30 days from the date of its publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington, D.C., 20201, written objections thereto, preferably in quintuplicate. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof.

Effective date. This order shall be effective on the date of its publication in the FEDERAL REGISTER.

(Sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1))

Dated: June 22, 1965.

GEO. P. LARRICK,
Commissioner of Food and Drugs.

[F.R. Doc. 65-6787; Filed, June 28, 1965; 8:47 a.m.]

Title 25—INDIANS

Chapter I—Bureau of Indian Affairs, Department of the Interior

PART 251—LICENSED INDIAN TRADERS

Application for License and License Period

On March 18, 1965, a notice of proposed rule making was published in the FEDERAL REGISTER (30 F.R. 3598) stating that the Bureau of Indian Affairs was considering amendments to Part 251 of the Code of Federal Regulations, Title 25, Indians, that would (1) eliminate the requirement that licensed traders furnish a bond, (2) conform the license period to the period of the lease or permit held by the trader on Indian land, (3) add a fee of $5.00 for the issuance of a license, and (4) require licenses for itinerant peddlers.

Interested persons were afforded an opportunity to participate in the proposed rule making through the submission of comments, suggestions, or objections. No comments, suggestions, or objections were received within the 30-day period. In consideration of the foregoing, Part 251, Licensed Indian Traders, is amended as set out below, by amending §§ 251.9 and 251.11 and deleting § 251.10, effective on the date of publication of this notice in the FEDERAL REGISTER.

Sections 251.9 and 251.11 are amended to read as follows:

§ 251.9 Application for license.

(a) Application for license must be made in writing on Form 5-052, setting forth the full name and residence of the applicant; if a firm, the firm name and the name of each member thereof; the place where it is proposed to carry on the trade; the capital to be invested; the names of the clerks to be employed; and the business experience of the applicant. The application must be forwarded through the Superintendent to the Commissioner of Indian Affairs, accompanied by two satisfactory testimonials on Form 5-077 as to the character of the applicant and his employees and their fitness to be in the Indian country, and by an affidavit of the Superintendent on Form 5-053 that neither he nor any person for him has any interest, direct or in-

direct, present or prospective, in the proposed business or the profits arising therefrom, and that no arrangement for any benefit to himself or to any other person on his behalf is contemplated in case the license is granted. Licensed traders will be held responsible for the conduct of their employees.

(b) Itinerant peddlers or purveyors of foodstuffs and other merchandise shall be considered as traders and shall obtain a license or permit from the Superintendent setting forth the class of trade or peddling to be carried on, furnishing such character or credit references, or both, as may be required by the Superintendent. The period of the license for such itinerant peddlers shall be determined by the Superintendent.

(c) When a license or permit to trade is issued under the regulations in this Part 251, a fee of $5.00, payable when the license is issued, shall be levied against the licensee.

§ 251.10 [Deleted]

Section 251.10 *Bond requirements* is deleted in its entirety.

§ 251.11 License period.

Licenses to trade shall not be issued unless the proposed licensee has a right to the use of the land on which the business is to be conducted. The license period shall correspond to the period of the lease or permit held by the licensee on restricted Indian land, except that where the proposed licensee is the owner or beneficial owner or holds a use right to the land on which the business is to be conducted, the license period shall be fixed by the Commissioner of Indian Affairs or his authorized representative, but in no case shall the license period exceed 25 years.

JOHN A. CARVER, Jr.,
Under Secretary of the Interior.

JUNE 23, 1965.

[F.R. Doc. 65-6778; Filed, June 28, 1965; 8:47 a.m.]

Title 36—PARKS, FORESTS, AND MEMORIALS

Chapter II—Forest Service, Department of Agriculture

[Reg. S-6]

PART 221—TIMBER

Advertisements and Bids

In Part 221 of Title 36, Code of Federal Regulations, paragraph (a) of § 221.8 *Advertisements and bids* is amended to read as follows:

§ 221.8 Advertisements and bids.

(a) Except as otherwise provided, each sale in which the appraised value of the timber or other forest products exceeds $2,000 will be made only after advertisement for a period of 30 days or, if in the opinion of the officer authorizing the sale, the quantity, value, or other conditions justify, a longer period; and any sale of smaller appraised value will be advertised or informal bids solicited from possible purchasers if, in the judgment of the officer authorizing the sale, such action is deemed advisable.

When the Chief, Forest Service, determines that the sale of timber will assist in the reconstruction of any area of California, Oregon, Nevada, and Idaho damaged by flood or high waters during December 1964, and January and February 1965, the period of advertisement may be reduced to not less than 7 days. Such reduced advertising period shall not be used for sales scheduled for bidding after June 30, 1966.

* * * * *

(30 Stat. 35, as amended, 16 U.S.C. 476, 551. Interprets or applies sec. 3(d) of Public Law 86-41)

Done at Washington, D.C., this 24th day of June 1965.

JOHN A. BAKER,
Assistant Secretary.

[F.R. Doc. 65-6810; Filed, June 28, 1965; 8:50 a.m.]

Title 45—PUBLIC WELFARE

Chapter I—Office of Education, Department of Health, Education, and Welfare

PART 104—ADMINISTRATION OF VOCATIONAL EDUCATION; FEDERAL ALLOTMENTS TO STATES

Miscellaneous Amendments

Part 104 of Title 45 of the Code of Federal Regulations, dealing with programs of vocational education administered by State boards for vocational education under the Smith-Hughes, George-Barden, and supplementary Acts as amended and under the Vocational Educational Act of 1963, is amended by the provisions contained in the following paragraphs. These amendments are effective as of August 21, 1964, the date on which Part 104 was approved. State plan amendments in conformity with these amendments to the regulations may, at the option of the State, be made effective as of the effective date of the State plan, or any other date thereafter.

1. Subparagraph (1) of § 104.13(a) is amended to read as follows:

§ 104.13 Programs for vocational instruction.

* * * * *

(a) *Arrangements for instruction.*

(1) Such instruction will be provided either (i) with respect to funds provided under all the acts, by the State board or local educational agency in schools and classes conducted under public supervision and control meeting the criteria of subparagraph (2) of this paragraph, or (ii) with respect to funds provided under the 1963 Act, under contract with the State board or a local educational agency.

* * * * *

2. Paragraph (e) of § 104.25 is amended to read as follows:

§ 104.25 Requirements of work-study program.

The State plan shall provide that a work-study program meet the following requirements:

* * * * *

(e) *Maintenance of effort.* In each fiscal year during which a work-study program remains in effect, the local educational agency will expend for employment of its students an amount in State or local funds that is at least equal to the average annual expenditure for work-study programs of a similar nature during the 3 fiscal years preceding the fiscal year in which the work-study program of such local educational agency was approved.

* * * * *

3. Section 104.29 is amended to read as follows:

§ 104.29 Date of allowable expenditures.

Since the Federal Government participates only in amounts expended under the State plan, Federal financial participation shall be available only for expenditures which are made after the effective date of the State plan (as defined in § 104.2(a)), except as provided with respect to work-study programs in § 104.45(b).

4. Section 104.30 is revised to read as follows:

§ 104.30 Allotment availability.

Federal funds allotted or reallotted to a State under the acts shall be available only for expenditures for program activities or construction projects which are carried on under the plan and which are attributable to the fiscal year for which such allotments or reallotments are made. (See § 104.33.)

5. Section 104.33 is amended to read as follows:

§ 104.33 Determination of fiscal year's allotment to which expenditure is chargeable.

(a) Each allotment or reallotment to a State under the acts is made with respect to a fiscal year commencing on July 1 and ending the following June 30.

(b) For the purpose of earning the Federal allotments under the acts, State and local laws and regulations shall be followed by the State in determining to which Federal fiscal year an expenditure by the State board, local educational agency, or other participating agency or institution is chargeable, except as provided in paragraphs (c), (d), and the last sentence in this paragraph. Each State shall therefore use the accounting basis applicable to its State or local accounting. The State plan shall specify for State and local expenditures the particular accounting basis to be so used indicating precisely the acts or occurrences necessary to charge an expenditure to a particular time period for States or local purposes, and cite the authority under State law for such a basis. If the State or local educational agencies utilize a basis other than a cash accounting basis, the State plan shall indicate the time period or other factors governing the liquidation of obligations. In order for the State or local educational agencies to be on an obligation basis, an obligation shall mean only a bona fide commitment which is supported by a contract or other evidence of legal liability consistant with State purchasing procedures.

(c) For the purpose of the regulations of this part, an "expenditure" shall not include administrative approval of a program or project by the State board or local educational agency, or the advance or reimbursement by the State board of funds which are or will be expended by a local educational agency or other participating agency or institution under the State plan. None of such actions may be used as a basis for determining to which Federal fiscal year an expenditure by such board, agency, or institution is chargeable for the purpose of earning the Federal allotment, except as provided in paragraph (d) with respect to construction projects and paragraph (e) with respect to work-study programs.

(d) Notwithstanding the provisions of paragraphs (b) and (c) of this section, the State plan shall specify the basis for charging costs of construction to a Federal fiscal year which indicates precisely the acts or occurrences necessary to charge such costs to a particular time or time period and which is not in conflict with State and local laws, rules, regulations, and standards. (See § 104.31.) If such a basis results in charging the costs of construction to a date prior to that of entering into a construction contract, the State plan shall also indicate within what reasonable period of time after the date of charging the Federal allotment such construction contract must be entered into.

(e) Notwithstanding the provisions of paragraphs (b) and (c) of this section, expenditures for special summer work-study projects shall be charged to the allotment under section 13 of the Act for the fiscal year in which such projects have been approved for expenditure during the months of July and August immediately following such fiscal year.

6. Subparagraph (3) of § 104.42(c) is amended to read as follows:

§ 104.42 Matching purposes within specific allotments of Federal funds.

* * * * *

(c) *Allotments under Smith-Hughes and George-Barden Acts.* * * *

(3) Funds allocated by the States under the Smith-Hughes Act for salaries of teachers of home economics subjects pursuant to subparagraph (1)(i) of this paragraph, and funds allotted to the States under section 3(b) of the George-Barden Act for vocational education in home economics may be allocated by the States to each of the matching purposes specified in § 104.41(d) (2) and (3) and (e) (3) and (4), provided that in each fiscal year beginning after June 30, 1965, at least 10 percent of such allocations or allotments may be used only for home economics for gainful employment as specified in § 104.41(d) (2) and (e) (3).

Dated: June 17, 1965.

[SEAL] HENRY LOOMIS,
Acting U.S. Commissioner of Education.

Approved: June 23, 1965.

ANTHONY J. CELEBREZZE,
Secretary of Health, Education, and Welfare.

[F.R. Doc. 65-6789; Filed, June 28, 1965; 8:48 a.m.]

Title 49—TRANSPORTATION

Chapter I—Interstate Commerce Commission

SUBCHAPTER A—GENERAL RULES AND REGULATIONS

[Rev. S.O. 945; Amdt. 2]

PART 95—CAR SERVICE

St. Louis-San Francisco Railway Co. Authorized To Operate Over Certain Trackage of Southern Pacific Co.

At a session of the Interstate Commerce Commission, Safety and Service Board No. 1, held in Washington, D.C., on the 22d day of June A.D. 1965.

Upon further consideration of Revised Service Order No. 945 (28 F.R. 11735, 12256, 29 F.R. 7425, 18426) and good cause appearing therefor:

It is ordered, That § 95.945 The St. Louis-San Francisco Railway Co. authorized to operate over certain trackage of the Southern Pacific Co. (formerly T&NO) of Service Order No. 945, be, and it is hereby amended by substituting the following paragraph (d) for paragraph (d) thereof:

(d) **Expiration date:** This order shall expire at 11:59 p.m., December 31, 1965, unless otherwise modified, changed, suspended, or annulled by the order of this Commission.

Effective date. This amendment shall become effective at 11:59 p.m., June 30, 1965.

(Secs. 1, 12, 15, 24 Stat. 379, 383, 384, as amended; 49 U.S.C. 1, 12, 15 interprets or applies secs. 1(10-17), 15(4), 40 Stat. 101, as amended, 54 Stat. 911; 49 U.S.C. 1(10-17), 15(4))

It is further ordered, That copies of this order and direction shall be served upon the State Corporation Commission of Kansas and upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D.C., and by filing it with the Director, Office of the Federal Register.

By the Commission, Safety and Service Board No. 1.

[SEAL] BERTHA F. ARMES,
Acting Secretary.

[F.R. Doc. 65-6792; Filed, June 28, 1965; 8:48 a.m.]

[S.O. 948; Amdt. 2]

PART 95—CAR SERVICE

Chicago, Rock Island and Pacific Railroad Co. Authorized To Operate Over Trackage of Union Pacific Railroad

At a session of the Interstate Commerce Commission, Safety and Service Board No. 1, held in Washington, D.C., on the 22d day of June A.D. 1965.

Upon further consideration of Service Order No. 948 (29 F.R. 564, 5757, 18426) and good cause appearing therefor:

It is ordered, That § 95.948 The Chicago, Rock Island and Pacific Railroad Co. authorized to operate over trackage of Union Pacific Railroad, of Service Order No. 948, be and it is hereby amended by substituting the following paragraph (d) for paragraph (d) thereof:

(d) Expiration date: This order shall expire at 11:59 p.m., December 31, 1965, unless otherwise modified, changed, suspended, or annulled by order of this Commission.

Effective date. This amendment shall become effective at 11:59 p.m., June 30, 1965.

(Secs. 1, 12, 15, 24 Stat. 379, 383, 384, as amended; 49 U.S.C. 1, 12, 15, interprets or applies secs. 1(10-17), 15(4), 40 Stat. 101, as amended, 54 Stat. 911; 49 U.S.C. 1(10-17), 15(4))

It is further ordered, That copies of this order and direction shall be served upon the State Corporation Commission of Kansas and upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D.C., and by filing it with the Director, Office of the Federal Register.

By the Commission, Safety and Service Board No. 1.

[SEAL] BERTHA F. ARMES,
Acting Secretary.

[F.R. Doc. 65-6793; Filed, June 28, 1965; 8:48 a.m.]

[S.O. 949; Amdt. 3]

PART 95—CAR SERVICE

Atchison, Topeka & Santa Fe Railway Co. Authorized To Operate Over Trackage of Union Pacific Railroad

At a session of the Interstate Commerce Commission, Safety and Service Board No. 1, held in Washington, D.C., on the 22d day of June A.D., 1965.

Upon further consideration of Service Order No. 949 (29 F.R. 564, 5757, 18427) and good cause appearing therefor:

It is ordered, That § 95.949 *The Atchison, Topeka & Santa Fe Railway Co. authorized to operate over trackage of Union Pacific Railroad* of Service Order No. 949, be, and it is hereby amended by substituting the following paragraph (d) for paragraph (d) thereof:

(d) **Expiration date:** This order shall

as amended, 54 Stat. 911; 49 U.S.C. 1(10-17),

given to the general public by deposit-

(d) Expiration date: This order shall expire at 11:59 p.m., December 31, 1965, unless otherwise modified, changed, suspended, or annulled by order of this Commission.

Effective date. This amendment shall become effective at 11:59 p.m., June 30, 1965.

(Secs. 1, 12, 15, 24 Stat. 379, 383, 384, as amended; 49 U.S.C. 1, 12, 15: interprets or applies secs. 1(10–17), 15(4), 40 Stat. 101, as amended, 54 Stat. 911; 49 U.S.C. 1(10–17), 15(4))

It is further ordered, That copies of this order and direction shall be served upon the State Corporation Commission of Kansas and upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement, and that notice of this order shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D.C., and by filing it with the Director, Office of the Federal Register.

By the Commission, Safety and Service Board No. 1.

[SEAL] BERTHA P. ARMES, *Acting Secretary.*

[F.R. Doc. 65–6794; Filed, June 29, 1965; 8:46 a.m.]

Proposed Rule Making

DEPARTMENT OF AGRICULTURE

Agricultural Research Service

[9 CFR Part 131]

[Docket No. AO 16–A9]

HANDLING OF ANTI-HOG-CHOLERA SERUM AND HOG-CHOLERA VIRUS

Notice of Recommended Decision and Opportunity To File Written Exceptions on Proposed Amendment to Marketing Agreement and Order

Pursuant to the provisions of Public Law 320, 74th Congress, approved August 24, 1935 (49 Stat. 781; 7 U.S.C. 851–855) and the rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders applicable to anti-hog-cholera serum and hog-cholera virus (9 CFR Part 132), notice is hereby given of the filing with the Hearing Clerk of this recommended decision of the Administrator, Agricultural Research Service, U.S. Department of Agriculture, with respect to proposed amendment to the marketing agreement, as amended, and to the order, as amended, regulating the handling of anti-hog-cholera serum and hog-cholera virus.

Interested parties may file written exceptions to this recommended decision with the Hearing Clerk, U.S. Department of Agriculture, Washington, D.C., 20250, not later than the close of business on the 30th day after its publication in the FEDERAL REGISTER. Exceptions should be filed in quadruplicate. All written submissions made pursuant to this notice will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27 (b)).

Preliminary statement. The hearing on the record on which the proposed amendment, as hereinafter set forth, to the marketing agreement and the order, as amended, was conducted at Kansas City, Mo., on March 10, 1965, pursuant to notice thereof published in the FEDERAL REGISTER on February 9, 1965 (30 F.R. 1816).

The material issues on the record of the hearing relate to:

1. Revision of price filing requirements of the marketing agreement and order to prevent undue and excessive fluctuations in the market prices of the regulated products.

2. Initial price filing by new handlers.

Findings and conclusions. The following findings and conclusions on the material issues are based on evidence presented at the hearing and the record thereof.

1. The Marketing Agreement and Order should be amended to require that each handler's filed price list remain in effect at least 30 days, and to limit the extent a posted price, including discount, may be changed to a maximum of 10 percent with each new price list filed.

The declared purposes of the act, under which the marketing agreement and order were issued, is to insure the maintenance of an adequate supply of anti-hog-cholera serum and hog-cholera virus (hereinafter sometimes referred to as "serum," "virus," "vaccine," or "products") by regulating the marketing of such serum and virus in interstate and foreign commerce, and to prevent undue and excessive fluctuations and unfair methods of competition and unfair trade practices in such marketing.

Undue and excessive fluctuations became a major problem in the industry in 1964 when a combination of unforeseen events resulted in a series of fluctuations in the market prices and supplies of the regulated products which, in turn, adversely affected the production, marketing, and distribution processes necessary to effectuate the purposes of the Act. Such occurrences present economic problems of serious nature and concern to this industry, tend to discourage the maintenance of adequate supplies of serum and virus, and are contrary to the public interest.

The problem arose in early 1964, when considerable publicity was given the hog-cholera eradication program which stressed the importance of vaccination, and manufacturers were encouraged to produce more serum and virus, and wholesalers were encouraged to stock larger quantities of these immunizing products. As the eradication program progressed and the incidence of hog cholera diminished, vaccination of hogs decreased, and various State laws and regulations were promulgated to modify the types of vaccination approved or permitted. These factors resulted in some handlers having an oversupply of hog-cholera products, and their efforts to reduce such stocks led to a series of undue and excessive fluctuations in the market prices of such products. The matter was compounded by the fact other handlers were soon forced to adopt similar price changes in order to dispose of their inventories of hog-cholera products before the products became outdated.

The greatest fluctuations in market prices of these products occurred during the last 6 months of 1964. During this period there was a marked increase in number of new price lists filed and these frequently were accompanied with wide, and sometimes violent, swings in market prices.

As an example of the recent price fluctuations, one exhibit introduced into evidence at the hearing disclosed that a firm made five price changes between October 16, 1964, and November 6, 1964, for vaccine which must be used with serum. On October 16, the filed price of this vaccine was decreased 17 percent. On October 16, the filed price of this vaccine was again decreased 55 percent. On October 25, the filed price of this vaccine was increased 178 percent. On October 29, the filed price of this vaccine was again decreased 64 percent and on November 6, the filed price was increased 100 percent. While this instance is extreme, there are others showing as many fluctuations to a lesser degree. The present marketing agreement and order do not prevent a handler from making such changes in his posted prices other than to require that a handler's new price list remain on file in the office of the Control Agency for 3 days before it becomes effective, thus assuring that a price list will be in effect at least 3 days before a new list may be filed.

Price lists filed by handlers in 1962 numbered 375, and averaged 31 per month, and in 1963, the new price lists filed numbered 300 or an average of 25 per month. From January 1, 1964, to June 30, 1964, 174 new price lists were filed, or an average of 29 per month. It appears, therefore, that the normal number of new price lists filed for a 2½-year period ranged from 25 to 31 new price lists per month. However, during the last 6 months of 1964, 660 new price lists were filed or an average of 110 per month. If the month of December 1964 is excluded, the average number of new price lists for 5 months becomes 124. Thus, during the period of greatest fluctuations, the number of price filings were approximately 4 to 5 times more than normal. (Official notice was taken of all price lists filed since 1961.)

Such fluctuations are undesirable because they disrupt orderly marketing and distribution methods and lead directly to unstabilized market conditions with consequential fluctuations in supplies of serum and virus. All classes of handlers are affected.

The record also reflects that such fluctuations adversely affect and tend to deter the usual stocking by manufacturer and wholesaler handlers of the large inventories generally necessary to meet the normal and unexpected demands of the industry, especially since such fluctuations negate the economic incentive back of carrying these inventories.

Additionally, there is no indication that the ultimate user (owners of swine) received any benefit from these fluctuations. Usually, benefits from lower prices are not passed on to consumers until a price has been stabilized for a reasonable period of time.

Manufacturing of serum and virus is carried on under license, regulation, and supervision of the Agricultural Research Service of the U.S. Department of Agriculture pursuant to the provisions of the Virus-Serum-Toxin Act of Mar. 4, 1913[1] (of which official notice is taken), which prescribe the general conditions and methods of manufacture, and establish minimum requirements for quality.

[1] 37 Stat. 832, 21 U.S.C. 151–158.

Since the regulations and minimum requirements for all licensees are uniform, there is a high degree of uniformity of quality in the finished product which enters the market, and operational efficiency rather than individual characteristics and merit of the product is a major factor in the establishment of market prices. Therefore, when price fluctuations occur in the market, it becomes necessary for producers and other handlers to meet this competitive situation. It is the history of this industry that the lowest price in the market eventually determines the general price level to each buyer classification.

The original promulgation record (hearing of January 13 and 14, 1936, Omaha, Nebr., of which official notice was taken) and the record of this hearing contain adequate evidence that price stability, orderly marketing and distribution, and the maintenance of adequate supplies of serum and virus are interdependent. Instability of one directly influences fluctuations and instability in the others. Some important industry problems associated with such price fluctuations include the question of desirability of further production, permitting of stocks to deplete, handlers' reluctance to maintain stocks, difficulties in planning production because of abnormal purchases, inability to anticipate market requirements, and overstocking by some handlers and dealers which results in large inventories outside normal channels. Also, as these products are perishable, all have an expiration date and, therefore, overstocking may result in the use of inferior or worthless products, to the detriment of the products and the swine industry.

It is recognized that some fluctuations in prices are necessary. A handler must be permitted to increase or decrease prices to compensate for cost of production and distribution and to obtain a reasonable profit. At the same time it is recognized that if market stability is to be maintained these fluctuations must be reasonable.

The record in this hearing indicates that from the time the marketing agreement and order became effective in 1936, until 1963–64, there was reasonable stability in market prices in this industry; that during this period of nearly 30 years average industry market prices for such products did not fluctuate more than 10 percent per month.

Both manufacturer and wholesaler handlers testified in support of the proposed amendment and asserted that if undue and excessive fluctuations in market prices continued, production would be curtailed, or perhaps even discontinued by some producers, and wholesalers' stocks will become depleted to such an extent it will no longer be possible to insure the maintenance of adequate supplies of serum and virus readily available to swine owners. The handlers also testified that, in their opinion, the proposed amendment would not in any way inhibit or deter the entry of a new business entity into this industry.

No one appeared or gave testimony in opposition to the proposed amendment.

The amendment will have a stabilizing effect on market prices and supplies, with a consequent improvement of competitive positions among all classes of handlers, thereby aiding in the assurance of an adequate supply and maximum availability of serum and virus to the farmer, which is in the public interest and tends to effectuate the declared policy of the Act. It will discourage price changes of serum or virus which have no justification economically. It will also prevent unwarranted price changes such as those which occurred in 1964, where, for example, a price was decreased by 55 percent and very shortly thereafter raised by 178 percent, computed on the posted price effective at the time the change was made.

Each filed price list will be required to remain in effect for at least 30 days. After a price list has been in effect for 30 days, a new price list may be filed but the price, including discount, for each product to each class of buyer may not be increased or decreased more than 10 percent from the price for that product as set forth in the handler's price list which is in effect at that time. To avoid obvious evasion of this 30-day provision, a handler who completely discontinues or withdraws an effective price list without filing a new price list to be effective at the same time, shall not file a new price list for a period of at least 30 days thereafter, but such handler shall not be precluded from reinstating such previously filed price list within the 30-day period; and the reinstated price list shall remain in effect for at least 30 days after the effective date of reinstatement before a new price list may be filed by the handler.

Also, it is recognized that a price filing which effects the maximum reduction of 10 percent in a posted price of a product will necessitate the filing of more than one price increase in the posted price of the product to offset such price reduction and reestablish (or increase) the previous effective posted price.

The caption of the amendment has been modified and will more nearly reflect the contents contained in the amendment. The amendment has been paragraphed for purposes of clarity, in accordance with request of the proponents.

Several witnesses who appeared expressed concern for an orderly transition into effect of such an amendment, if it is approved in due course, and noted for the attention of the Secretary that as the proposed amendment provides that price lists shall remain in effect for at least 30 days, it is possible an effort might be made by a handler to obtain a particularly favorable price filing just prior to the effective date of the amendment, which would give the handler a special competitive advantage over other handlers. During the hearing several methods for preventing such a situation were suggested for consideration by the Secretary but no specific proposal was proffered.

Each method suggested would require the Secretary to establish or fix the initial price or range of prices that would be effective during the intial 30-day period the amendment was operative. However, the act authorizing establishment of this marketing agreement and order does not grant the Secretary the authority to fix prices.

The marketing agreement and order do, however, give the Secretary authority to suspend, pending investigation, any price list, term of sale or discount, in whole or in part, if he has reason to believe such price list, term of sale or discount is inequitable to consumers or handlers by reason of the fact it may cause immediate injury by impeding the carrying out of this order or the effectuation of the declared policy of the act or by creating an abuse of the privilege of exemption from the antitrust laws. If the Secretary finds, after an investigation and opportunity to be heard is afforded the handler whose price filing is questioned, that such price list, term of sale or discount, in whole or in part, is inequitable as measured by the standards set out in that section of the order, the Secretary may declare the filed price list to be ineffective (9 CFR 131.56).

It would therefore appear that in the event a handler should file a price or price list just prior to the effective date of the proposed amendment which would be in conflict with the standards contained in § 131.56 of the order (9 CFR 131.56) such price or price list may be subject to being suspended or being declared ineffective, pursuant to the provisions of § 131.56 of the order (9 CFR 131.56).

2. Initial price filing by new handlers. During the hearing the question was raised with respect to including a provision to assure that the initial prices filed by a new handler in the industry would not be disruptive but reasonably aligned with his competitors. Testimony concerning the matter is limited.

The situation to which the question relates and the appurtenant problems which might be expected to arise would appear to be similar in nature to the situation hereinbefore discussed concerning price filings just prior to the effective date of the amendment proposed herein, and the aforementioned standards in § 131.56 of the order (9 CFR 131.56) would appear equally applicable to price filings by new handlers. However, as no specific proposal was made to modify the proposed amendment with respect to regulation of price filings by new handlers, additional discussion is unnecessary and the matter will not be considered further herein.

Rulings on proposed findings and conclusions. One brief supporting the amendment was received on behalf of the Control Agency. The brief, proposed findings and conclusions and the evidence in the record were considered in making the findings and conclusions set forth above. To the extent that the suggested findings and conclusions filed by interested parties are inconsistent with the findings and conclusions set forth herein, the requests to make such findings or reach such conclusions are denied for the reasons previously stated in this decision.

General findings. The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of

the aforesaid marketing agreement and order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(1) The said marketing agreement, as amended, and as hereby proposed to be further amended, and all of the terms and conditions thereof will tend to effectuate the declared policy of the act;

(2) The order, as amended, and as hereby proposed to be further amended, regulates the handling of anti-hog-cholera serum and hog-cholera virus in the same manner as, and contains only such terms and conditions as are contained in the said marketing agreement upon which hearings have been held.

Recommended amendments to the marketing agreement and order, as amended. The following proposed amendment to the marketing agreement, as amended, and order, as amended, is recommended as the detailed and appropriate means by which the foregoing conclusions may be carried out. The regulatory provisions of the said agreement are identical with those contained in the following order.

Delete § 131.52 and substitute therefor the following:

§ 131.52 Price lists, effective date, new price lists.

(a) Each price list, including discounts and terms of sale, filed by a manufacturer or wholesaler handler shall be filed in the office of the Control Agency only during the designated business hours of such office. Each such price list shall, subject to the limitations set forth in § 131.54, only become effective after such price list has been on file in the office of the Control Agency for 3 days, and such price list shall remain in effect for at least 30 days thereafter.

(b) After a price list has been in effect for at least 30 days, a new price list, including discounts and terms of sale, may be filed: *Provided, however,* That the price, including discount, for each product for each classification of buyer set forth in the new price list shall not be decreased or increased more than 10 percent from the price for that product, including discount, for such classification of buyer as set forth in the handler's currently effective price list for that classification of buyer. A handler shall not file more than one price list within any 30-day period, and should an effective price list be discontinued or withdrawn, in full, by a handler without filing a new price list to be effective at the same time, a new price list shall not thereafter be filed by such handler for a period of at least 30 days provided, however, that such handler shall not be precluded from reinstating such previously filed price list within the 30-day period and such reinstated price list shall remain in effect for at least 30 days before a new price list may be filed by the handler.

(c) In the event a price list is mailed by registered letter or telegraphed to the office of the Control Agency, it shall be deemed to have been filed either (1) at the time during the usual business hours it is actually delivered in such office, or (2) at the time during usual business hours such communication would have been received, considering the usual time required for the means of communication used, in the absence of delays in transit, whichever time is earlier.

Done at Washington, D.C., this 24th day of June 1965.

R. J. ANDERSON,
Acting Administrator,
Agricultural Research Service.

[F.R. Doc. 65-6809; Filed, June 28, 1965; 8:49 a.m.]

Consumer and Marketing Service

[7 CFR Part 917]

FRESH BARTLETT PEARS, PLUMS, AND ELBERTA PEACHES GROWN IN CALIFORNIA

Expenses and Fixing of Rates of Assessment for 1965–66 Season

Consideration is being given to the following proposals submitted by the Control Committee, established under the marketing agreement, as amended, and Order No. 917, as amended (7 CFR Part 917), regulating the handling of fresh Bartlett pears, plums, and Elberta peaches grown in the State of California, effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), as the agency to administer the provisions thereof:

(a) That expenses not to exceed $77,480, as hereinafter established, are reasonable and likely to be incurred during the season ending February 28, 1966, by the Control Committee for the maintenance and functioning of such committee and the respective commodity committees established under the aforesaid amended marketing agreement and order:

(1) Bartlett pears, $14,333.45;
(2) Early varieties of plums, $26,571.06;
(3) Late varieties of plums, $35,571.07; and
(4) Elberta peaches, $12,004.42; and

(b) That there be fixed the following applicable rates of assessment payable by handlers in accordance with § 917.73:

(1) 1 cent ($0.01) per standard western pear box of Bartlett pears, or its equivalent in other containers or in bulk;

(2) 8 and ⅓ mills ($0.0083) per standard four-basket crate of early varieties of plums, or its equivalent in other containers or in bulk;

(3) 8 and ⅓ mills ($0.0083) per standard four-basket crate of late varieties of plums, or its equivalent in other containers or in bulk; and

(4) 8 and ⅓ mills ($0.0035) per California peach box of Elberta peaches, or its equivalent in other containers or in bulk.

Terms used in the amended marketing agreement and this part shall, when used herein, have the same meaning as is given to the respective term in said amended marketing agreement and this part.

All persons who desire to submit written data, views, or arguments in connection with the aforesaid proposals shall file the same, in quadruplicate, with the Hearing Clerk, U.S. Department of Agriculture, Room 112, Administration Building, Washington, D.C., 20250, not later than the 10th day after the publication of this notice in the FEDERAL REGISTER. All written submissions made pursuant to this notice will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

Dated: June 23, 1965.

PAUL A. NICHOLSON,
Acting Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 65-6784; Filed, June 28, 1965; 8:47 a.m.]

FEDERAL AVIATION AGENCY

[14 CFR Part 39]

[Docket No. 6736]

AIRWORTHINESS DIRECTIVES

Bendix Model 756 Starters on Lycoming Engines

AD 58–8–1 required the incorporation of a holdback spring assembly in certain Bendix Model 756 Series starters installed on Lycoming engines. Recent malfunction reports now indicate that this modification should be incorporated in all current Model 756 Series starters installed on Lycoming engines. Accordingly, it is proposed to issue a new airworthiness directive that would supersede AD 58–8–1 and include all such starters.

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should identify the docket number and be submitted in duplicate to the Federal Aviation Agency, Office of the General Counsel, Attention: Rules Docket, 800 Independence Avenue SW., Washington, D.C., 20553. All communications received on or before July 29, 1965, will be considered by the Administrator before taking action upon the proposed rule. The proposals contained in this notice may be changed in the light of comments received. All comments will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons.

This amendment is proposed under the authority of sections 313(a), 601, and 603 of the Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421, 1423).

In consideration of the foregoing, it is proposed to amend § 39.13 of Part 39 of the Federal Aviation Regulations by adding the following new airworthiness directive:

BENDIX. Applies to Bendix Model No. 756–9 C or E, –10C, –16A, –21 C or E, –22 C or E, –54C, –56 C or E, –62 C or D, –64 C or D, –74 A or B and –76A Starters installed on Lycoming engines.

Compliance required as indicated unless already accomplished.

To prevent starter jaw ratcheting, and assure positive starter jaw disengagement from the engine, thereby preventing jaw fracturing with associated possibility of engine failure, accomplish the following:

(a) Modify engine installed starters having less than 900 hours' time in service since new or since overhaul as of the effective date of this AD, in accordance with paragraphs (c) and (d) prior to 1,000 hours' time in service.

(b) Modify engine installed starters having 900 hours or more time in service since new or since overhaul as of the effective date of this AD, in accordance with paragraphs (c) and (d) within the next 100 hours' time in service after the effective date of this AD.

(c) Install Bendix Service Kit SK 111 in all aforementioned starters, which incorporates a holdback spring assembly to prevent jaw ratcheting.

(d) Modification is to be accomplished per Bendix/Utica Service Bulletin No. 41a and Addendums No. 1 and 2 dated October 17, 1957, August 26, 1959, February 15, 1963, and Service Bulletin No. 64 and Supplement No. 1 dated November 20, 1959, and May 10, 1965.

This supersedes AD 58-8-1.

Issued in Washington, D.C., on June 22, 1965.

G. S. MOORE,
Director, Flight Standards Service.

[F.R. Doc. 65-6763; Filed, June 28, 1965; 8:46 a.m.]

[14 CFR Part 39]

[Docket No. 6737]

AIRWORTHINESS DIRECTIVES

de Havilland Model 104 "Dove" Aircraft

The Federal Aviation Agency is considering amending Part 39 of the Federal Aviation Regulations to include an airworthiness directive for de Havilland Model 104 "Dove" aircraft. Pin-hole corrosion has been found in an engine mounting frame in service. Investigation revealed that the corrosion is attributable to condensation and collection of moisture inside the tubes. Corrosion of the tubular structure from the inside could be widespread and would likely remain undetected until an advanced state was reached. To correct this condition, this AD requires inspection of the tubular structure for evidence of internal corrosion and removal or repair of the frame if evidence of corrosion is found.

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should identify the docket number and be submitted in duplicate to the Federal Aviation Agency, Office of the General Counsel, Attention: Rules Docket, 800 Independence Avenue SW., Washington, D.C., 20553. All communications received on or before July 29, 1965, will be considered by the Administrator before taking action upon the proposed rule. The proposals contained in this notice may be changed in the light of comments received. All comments will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons.

This amendment is proposed under the authority of sections 313(a), 601, and 603 of the Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421, 1423).

In consideration of the foregoing, it is proposed to amend § 39.13 of Part 39 of the Federal Aviation Regulations by adding the following new airworthiness directive:

HAWKER SIDDELEY. Applies to de Havilland Model 104 "Dove" aircraft which do not incorporate Modification No. PP. 226.

Compliance required as indicated.

As a result of pin-hole corrosion being found in an engine mounting frame that had been in service for some years, and subsequent investigation having revealed that corrosion of the tubular structure from the inside could be widespread and likely remain undetected until an advanced state was reached, accomplish the following:

(a) Within 50 hours' time in service after the effective date of this AD, complete a visual inspection for any external evidence of internal corrosion of the tubular structure, P/N's 4EM.201A and .203A (i.e. paint blistering, pin holes, etc.).

NOTE: Particular attention should be given to the lower tubes and welded joints during the inspection required by paragraph (a).

(1) If any evidence of corrosion is found, remove the frame from service and comply with paragraph (d).

(2) If there is no evidence of corrosion, repeat the visual inspection every 150 hours' time in service from the last inspection. This inspection may be discontinued after compliance with paragraph (b) or (c).

(b) Within 1 year after the effective date of this AD and at intervals thereafter not to exceed 4 years from the last inspection, conduct an X-ray inspection of engine mounting frames Serial Numbers DHB/1 to DHB/1760 inclusive or prefixed by "DH/—" in accordance with paragraph (d).

(c) Within 2 years after the effective date of the AD and at intervals thereafter not to exceed 4 years from the last inspection, conduct an X-ray inspection of engine mounting frames Serial Number DHB/1761 and subsequent in accordance with paragraph (d).

(d) Conduct an X-ray inspection in accordance with Hawker Siddeley Aviation Ltd. Technical News Sheet CT (104) No. 190, Issue 1, dated August 24, 1964. If internal corrosion is found, replace or repair the engine mounting frame in accordance with de Havilland Division factory-approved instructions or an equivalent approved by the Chief, Aircraft Certification Division, FAA Europe, Africa, and Middle East Region. If no internal corrosion is found, the frame may be returned to service.

(e) Initial and repetitive inspections required in paragraphs (a), (b), and (c) may be discontinued upon the installation of an engine mounting frame incorporating Mod. No. PP. 226.

Issued in Washington, D.C., on June 22, 1965.

G. S. MOORE,
Director, Flight Standards Service.

[F.R. Doc. 65-6764; Filed, June 28, 1965; 8:46 a.m.]

[14 CFR Part 39]

[Docket No. 6124]

AIRWORTHINESS DIRECTIVES

Douglas Model DC-8 Aircraft

The Federal Aviation Agency has under consideration a proposal to amend Part 39 of the Federal Aviation Regulations to include an airworthiness directive for Douglas Model DC-8 aircraft. A notice of proposed rule making requiring inspection of the main landing gear strut piston assembly and repair or replacement of any parts found cracked was published in 29 F.R. 11537, and interested persons were invited to participate in the making of the proposed rule. In view of the comments received, changes of a substantive nature have been found to be necessary in the initial proposal. Therefore, in order to give interested persons an opportunity to comment on these changes, they have been incorporated into a new proposal and the notice of proposed rule making published in 29 F.R. 11537 is hereby withdrawn.

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should identify the docket number and be submitted in duplicate to the Federal Aviation Agency, Office of the General Counsel, Attention: Rules Docket, 800 Independence Avenue SW., Washington, D.C., 20553. All communications received on or before July 29, 1965, will be considered by the Administrator before taking action upon the proposed rule. The proposals contained in this notice may be changed in the light of comments received. All comments will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons.

This amendment is proposed under the authority of sections 313(a), 601, and 603 of the Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421, 1423).

DOUGLAS. Applies to Model DC-8 aircraft.

Compliance required as indicated.

To prevent further failures of the main landing gear strut piston due to cracking in the radius of the torque link lug, accomplish the following on landing gear strut piston assemblies, Douglas P/N 5596229, 5596349, 5719155, 5773028, 5773029, and 5773080:

(a) Unless already accomplished, rework assemblies having 4,000 or more hours' time in service on the effective date of this AD—

(1) In accordance with paragraph 2B of Douglas Service Bulletin No. 32-99, Revision No. 3, dated October 30, 1964, or an equivalent approved by the Chief, Aircraft Engineering Division, FAA Western Region, within 4,500 hours' time in service after the effective date of this AD; or

(2) In accordance with Douglas TWX MISC-108/DJW dated January 28, 1963, within 500 hours' time in service after the effective date of this AD and in accordance with paragraph 2A of Douglas Service Bulletin No. 32-99, Revision No. 3, dated October 30, 1964, or an equivalent approved by the Chief, Aircraft Engineering Division, FAA Western Region, within 4,500 hours' time in service after the effective date of this AD.

(b) Unless already accomplished, rework assemblies having less than 4,000 hours' time in service on the effective date of this AD—

(1) In accordance with paragraph 2B of Douglas Service Bulletin No. 32-99, Revision No. 3, dated October 30, 1964, or an equivalent approved by the Chief, Aircraft Engineering Division, FAA Western Region, before the accumulation of 8,500 hours' time in service; or

(2) In accordance with Douglas TWX MISC-108/DJW dated January 28, 1963, before the accumulation of 4,500 hours' time in service and in accordance with paragraph 2A of Douglas Service Bulletin No. 32-99, Revision No. 3, dated October 30, 1964, or an equivalent approved by the Chief, Aircraft Engineering Division, FAA Western Region, before the accumulation of 8,500 hours' time in service.

(c) Inspect assemblies with 4,000 or more hours' time in service on the effective date of this AD that have not been reworked in accordance with Douglas TWX MISC-108/DJW dated January 28, 1963, in the area of the radius between the main landing gear strut piston torque link lugs for cracks using a dye penetrant inspection method or an equivalent approved by the Chief, Aircraft Engineering Division, FAA Western Region, within 500 hours' time in service after the effective date of this AD unless already accomplished within the last 500 hours' time in service and thereafter at intervals not to exceed 1,000 hours' time in service from the last inspection.

(d) Inspect assemblies with less than 4,000 hours' time in service on the effective date of this AD that have not been reworked in accordance with Douglas TWX MISC-108/DJW in the area of the radius between the main landing gear strut piston torque link lugs for cracks using a dye penetrant inspection method or an equivalent approved by the Chief, Aircraft Engineering Division, FAA Western Region, before the accumulation of 4,500 hours' time in service unless already accomplished within the last 500 hours' time in service and thereafter at intervals not to exceed 1,000 hours' time in service from the last inspection.

(e) Replace any part having a crack 0.040 inch or more in depth with an undamaged part before further flight. Replace any part having a crack less than 0.040 inch in depth with an undamaged part before further flight or rework it in accordance with paragraph 2B of Douglas Service Bulletin No. 32-99, Revision No. 3, dated October 30, 1964, or an equivalent approved by the Chief, Aircraft Engineering Division, FAA Western Region, before further flight.

(f) Upon request of the operator, an FAA maintenance inspector, subject to prior approval of the Chief, Aircraft Engineering Division, FAA Western Region, may adjust the repetitive inspection intervals specified in this AD to permit compliance at an established inspection period of the operator if the request contains substantiating data to justify the increase for such operator.

Issued in Washington, D.C., on June 22, 1965.

G. S. MOORE,
Director, Flight Standards Service.

[F.R. Doc. 65-6765; Filed, June 28, 1965; 8:46 a.m.]

[14 CFR Part 39]

[Docket No. 1845]

AIRWORTHINESS DIRECTIVES

Navion and Twin Navion Aircraft

Amendment 624 (28 F.R. 10564), AD 63-21-5 requires replacement of the main and nosegear retraction links with new redesigned parts on Navion and Twin Navion aircraft. Since the issuance of this AD, parts have been installed as FAA-approved equivalent parts which do not completely conform to the required new design parts. It is proposed therefore to revise Amendment 624 to require that approval of equivalent parts must be obtained from an FAA Regional Engineering and Manufacturing Branch or Aircraft Engineering Division, as appropriate.

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should identify the docket number and be submitted in duplicate to the Federal Aviation Agency, Office of the General Counsel, Attention: Rules Docket, 800 Independence Avenue SW., Washington, D.C., 20553. All communications received on or before July 29, 1965, will be considered by the Administrator before taking action upon the proposed rule. The proposals contained in this notice may be changed in the light of comments received. All comments will be available, both before and after the closing date for comments, in the rules docket for examination by interested persons.

This amendment is proposed under the authority of sections 313(a), 601, and 603 of the Federal Aviation Act of 1958 (72 Stat. 752, 775, 776; 49 U.S.C. 1354(a), 1421, 1423).

In consideration of the foregoing, it is proposed to amend § 39.13 of Part 39 of the Federal Aviation Regulations, Amendment 624 (28 F.R. 10564), AD 63-21-5, Navion and Twin Navion aircraft, by adding a new paragraph (c) reading as follows:

(c) Approval of equivalent parts shall be obtained from an FAA Regional Engineering and Manufacturing Branch or Aircraft Engineering Division, as appropriate.

Issued in Washington, D.C., on June 22, 1965.

G. S. MOORE,
Director, Flight Standards Service.

[F.R. Doc. 65-6766; Filed, June 28, 1965; 8:46 a.m.]

[14 CFR Part 39]

[Docket No. 6735]

AIRWORTHINESS DIRECTIVES

Vickers Viscount 700 Series Aircraft

The Federal Aviation Agency is considering amending Part 39 of the Federal Aviation Regulations by revising Amendment 274 (26 F.R. 3021), AD 61-8-3, to coincide with revisions to the manufacturer's Preliminary Technical Leaflet (PTL) upon which the AD is based. The proposed revision would make the AD applicable to Model 744 aircraft since that model has been reinstated on Aircraft Specification No. A-814, and the PTL now includes all 700 Series aircraft. In accordance with current Agency practice, the revision would also base compliance with the AD on the number of landings rather than the number of flights, and the revision would provide a basis for estimating the number of landings for an operator who has not kept a record of them. Model 745D operators who have kept a record of flights for the purpose of complying with the present AD would be permitted to count each flight as one landing for the purpose of complying with the revision.

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they desire. Communication should identify the docket number and be submitted in duplicate to the Federal Aviation Agency, Office of the General Counsel, Attention: Rules Docket, 800 Independence Avenue SW., Washington, D.C., 20553. All communications received on or before July 29, 1965, will be considered by the Administrator before taking action on the proposed rule. The proposal contained in this notice may be changed in the light of comments received. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons.

This amendment is proposed under the authority of sections 313(a), 601, and 603 of the Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421, and 1423).

In consideration of the foregoing, it is proposed to amend § 39.13 of Part 39 of the Federal Aviation Regulations, Amendment 274 (26 F.R. 3021), AD 61-8-3, as follows:

1. The applicability statement is amended to read as follows:

VICKERS. Applies to Viscount Models 744 and 745D Series aircraft.

2. The compliance paragraph is amended to read as follows:

Compliance required as indicated, unless already accomplished.

3. Paragraph (a) is amended by striking out the words "600 flights" and inserting the words "600 landings" in place thereof.

4. Paragraph (c) is amended by striking out the words "Vickers-Armstrongs Preliminary Technical Leaflet (PTL 228) (700 Series)" and inserting the words "British Aircraft Corporation (Operating) Limited, Preliminary Technical Leaflet (PTL 228), Issue 2 (700 Series)" in place thereof.

5. The following new paragraph is added after paragraph (c):

(d) For the purpose of complying with this AD, subject to acceptance by the assigned FAA maintenance inspector, the number of landings may be determined by dividing each aircraft's hours' time in service by the operator's fleet average time from takeoff to landing for the aircraft type. Model 745D operators who have kept a record of flights prior to the effective date of this AD may account for them in complying with this AD by counting each flight as one landing.

6. The parenthetical reference statement is amended to read as follows:

(British Aircraft Corporation (Operating) Limited, PTL No. 228, Issue 2 (700 Series) covers this subject.)

Issued in Washington, D.C., on June 22, 1965.

G. S. MOORE,
Director, Flight Standards Service.

[F.R. Doc. 65-6767; Filed, June 28, 1965; 8:46 a.m.]

[14 CFR Part 39]

[Docket No. 6734]

AIRWORTHINESS DIRECTIVES

Vickers Viscount Model 744, 745D, and 810 Series Aircraft

The Federal Aviation Agency is considering amending Part 39 of the Federal Aviation Regulations by adding an airworthiness directive applicable to Vickers Viscount Model 744, 745D, and 810 Series aircraft equipped with Pyrene

fire extinguishers. As a result of an accident, tests have been conducted on the subject aircraft. The tests revealed improper operation of the fire extinguisher system when discharged by the electrical discharge facility. These failures allowed CO_2 to blow by the sealing washers and discharge through the side of the extinguisher head directly into the cockpit. Since this condition is likely to exist or develop in other aircraft of the same type design, the proposed AD would require inspection of the fire extinguishing systems that are equipped with electric discharge facility and repair as necessary on the subject aircraft.

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should identify the docket number and be submitted in duplicate to the Federal Aviation Agency, Office of the General Counsel, Attention: Rules Docket, 800 Independence Avenue SW., Washington, D.C., 20553. All communications received on or before July 29, 1965, will be considered by the Administrator before taking action upon the proposed rule. The proposals contained in this notice may be changed in the light of comments received. All comments will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons.

This amendment is proposed under the authority of sections 313(a), 601, and 603 of the Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421, 1423).

In consideration of the foregoing, it is proposed to amend § 39.13 of Part 39 of the Federal Aviation Regulations by adding the following new airworthiness directive:

VICKERS. Applies to Viscount Models 744, 745D, and 810 Series aircraft that are equipped with Pyrene fire extinguishers, Type DCD 2, DCD 2¼, DCD 10, or DCD 11.

Compliance required at first aircraft overhaul or within 6 months after the effective date of the AD, whichever occurs first, unless already accomplished.

To prevent further failures of Pyrene fire extinguishers of the subject models, accomplish the following:

(a) Overhaul, inspect, and test the fire extinguishing systems that are equipped with electric discharge facility, in accordance with revised requirements in British Aircraft Corporation (Weybridge Division) Preliminary Technical Leaflet No. 256 (700 Series), No. 120 (800/810 Series) (Amendment TR25 to Viscount Maintenance and Instruction Manuals and Amendment TR3 to the Accessories Manual cover the same subject). Subsequent overhaul of the fire extinguishing system must be carried out in accordance with these specified periods in the FAA-approved maintenance schedule.

(b) The spray ring system must be blown through with warm dry air to insure that the piping and discharge holes are free of obstructions during the overhaul of the aircraft at periods specified in the FAA-approved maintenance schedule.

Issued in Washington, D.C., on June 22, 1965.

G. S. MOORE,
Director, Flight Standard Service.

[F.R. Doc. 65-6768; Filed, June 28, 1965; 8:46 a.m.]

[14 CFR Part 71]

[Airspace Docket No. 64-WE-49]

CONTROL AREA EXTENSION AND TRANSITION AREA

Proposed Revocation and Designation

The Federal Aviation Agency is considering amendments to Part 71 of the Federal Aviation Regulations which would alter the controlled airspace in the Elko, Nev., terminal area.

The FAA has completed a comprehensive review of the terminal airspace structure requirements in the Elko, Nev., terminal area, including studies attendant to the implementation of the provisions of CAR Amendments 60-21/60-29, and proposes the following airspace actions:

1. Revoke the Elko, Nev., control area extension.

2. Designate the Elko, Nev., transition area as that airspace extending upward from 700 feet above the surface within 5 miles E and 8 miles W of the Elko VORTAC 177° radial, extending from the VORTAC to 12 miles S of the VORTAC; that airspace extending upward from 1,200 feet above the surface within a 12-mile radius of the Elko VORTAC, that airspace extending from the 12-mile radius area E of Elko bounded on the N by a line 5 miles S of and parallel to Wells, Nev., VOR 256° radial, on the E by longitude 115°29'00" W., and on the S by a line 5 miles S of parallel to the Elko VORTAC 091° radial, that airspace extending from the 12-mile radius area W of Elko bounded on the N by a line 5 miles SE of and parallel to the Battle Mountain, Nev., 062° radial, on the W by longitude 116°20'00" W., and on the S by a line 10 miles S of and parallel to the Elko VORTAC 258° radial and within 5 miles each side of the Elko VORTAC 154° radial, extending from the 12-mile radius area to 25 miles SE of the VORTAC; that airspace extending upward from 9,500 feet MSL S of Elko, extending from the 12-mile radius area bounded on the E by a line 5 miles W of and parallel to the Elko VORTAC 154° radial, on the S by the arc of a 29-mile radius circle centered on the Elko VORTAC, and on the W by a line 5 miles W of and parallel to the Elko VORTAC 177° radial; and that airspace extending upward from 12,500 feet MSL within the area bounded by the arcs of 29- and 34-mile radius circles centered on the Elko VORTAC, bounded on the E by V-293 and on the W by a line 5 miles W of and parallel to the Elko VORTAC 177° radial. Alteration of the Elko control zone would not be required.

The proposed Elko transition area would provide protection for aircraft executing prescribed instrument approach, departure, transition, and holding procedures conducted within the Elko terminal area.

At a future date, after adjacent terminal areas have been examined under the CAR Amendments 60-21/60-29 implementation program, it is planned that the floors of VOR airways connecting with and adjacent to Elko will be raised to 1,200 feet or more above the surface.

No revisions to the prescribed instrument procedures would be required based on the airspace actions proposed herein.

Interested persons may submit such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Director, Western Region, Attention: Chief, Air Traffic Division, Federal Aviation Agency, 5651 West Manchester Avenue, Post Office Box 90007, Airport station, Los Angeles, Calif., 90009. All communications received within 45 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Division Chief. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

A public docket will be available for examination by interested persons in the office of the Regional Counsel, Federal Aviation Agency, 5651 West Manchester Avenue, Los Angeles, Calif., 90045.

This amendment is proposed under the the authority of section 307(a) of the Federal Aviation Act of 1958, as amended (72 Stat. 749; 49 U.S.C. 1348).

Issued in Los Angeles, Calif., on June 21, 1965.

JOSEPH H. TIPPETS,
Director, Western Region.

[F.R. Doc. 65-6769; Filed, June 28, 1965; 8:46 a.m.]

[14 CFR Part 71]

[Airspace Docket No. 65-CE-77]

TRANSITION AREA

Proposed Designation

The Federal Aviation Agency is considering an amendment to Part 71 of the Federal Aviation Regulations which would designate controlled airspace in the Ames, Iowa, terminal area.

The Federal Aviation Agency, having completed a comprehensive review of the terminal airspace structure requirements in the Ames, Iowa, terminal area, proposes the following airspace action:

Designate the Ames, Iowa, transition area as that airspace extending upward from 700 feet above the surface within a 6-mile radius of the Ames Municipal Airport (latitude 41°59'25" N., longitude 93°37'05" W.) and within 5 miles SW and 8 miles NE of the 127° bearing from Ames Municipal Airport, extending from the airport to 12 miles SE.

The proposed transition area is being developed for the protection of aircraft executing a new instrument approach procedure. The proposed transition area will provide protection for aircraft during their departure when climbing above 700 feet above the surface and will also provide protection for aircraft executing the proposed instrument approach procedure during descent to 1,000 feet above the surface.

The proposed transition area would also encompass the Ames holding pattern.

A portion of the proposed transition area will underlie the Des Moines, Iowa, transition area which extends upward from 1,200 feet above the surface as proposed in Airspace Docket No. 65-CE-36, and published in the FEDERAL REGISTER (30 F.R. 4207).

The floors of the airways that would traverse the transition area proposed herein would automatically coincide with the floor of the transition area.

Specific details of the changes to procedures that would be required may be examined by contacting the Chief, Airspace Branch, Air Traffic Division, Central Region, Federal Aviation Agency, 4825 Troost Avenue, Kansas City, Mo., 64110.

Interested persons may submit such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Director, Central Region, Attention: Chief, Air Traffic Division, Federal Aviation Agency, 4825 Troost Avenue, Kansas City, Mo., 64110. All communications received within 45 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Division Chief. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The public Docket will be available for examination by interested persons in the office of the Regional Counsel, Federal Aviation Agency, 4825 Troost Avenue, Kansas City, Mo., 64110.

This amendment is proposed under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348).

Issued at Kansas City, Mo., on June 17, 1965.

ROBERT I. GALE,
Acting Director, Central Region.

[F.R. Doc. 65-6770; Filed, June 28, 1965; 8:46 a.m.]

adequacy of contractors' estimating pro-

2. Maintain appropriate liaison with

ENCLOSURE 1—DELEGATIONS OF AUTHORITY

Notices

DEPARTMENT OF THE TREASURY

Office of the Secretary

[Dept. Circ. 570, 1965; Rev. Supp. No. 1]

FORUM INSURANCE CO.

Surety Company Acceptable on Federal Bonds

JUNE 24, 1965.

A Certificate of Authority as an acceptable surety on Federal bonds has been issued by the Secretary of the Treasury to the following company under the Act of Congress approved July 30, 1947, 6 U.S.C. 6–13.

An underwriting limitation of $515,000.00 has been established for the company. Further details as to the extent and localities with respect to which the company is acceptable as surety on Federal bonds will appear in the next revision of Department Circular 570, to be issued as of June 1, 1966. Copies of the Circular, when issued, may be obtained from the Treasury Department, Bureau of Accounts, Surety Bonds Branch, Washington, D.C., 20226.

State in which incorporated, name of company, and location of principal executive Office. Rhode Island; Forum Insurance Company, Providence, Rhode Island.

[SEAL] JOHN K. CARLOCK,
Fiscal Assistant Secretary.

[F.R. Doc. 65-6790; Filed, June 28, 1965; 8:48 a.m.]

DEPARTMENT OF DEFENSE

Office of the Secretary

DEFENSE CONTRACT AUDIT AGENCY

Organization and Functions

The Secretary of Defense approved the following organizational statement on June 9, 1965:

Reference: DoD Directive 7600.2, "Department of Defense Audit Policies."

I. *General.* A. Pursuant to authority vested in the Secretary of Defense, a Defense Contract Audit Agency is hereby established as an agency of the Department of Defense under the direction, authority, and control of the Secretary of Defense and in accordance with Department of Defense policies, directives, and instructions.

B. No separate contract audit organization independent of the Defense Contract Audit Agency shall be established in the Department of Defense.

II. *Organization.* A. The Defense Contract Audit Agency shall consist of:

1. A Director, a Deputy Director, a headquarters establishment, and such subordinate field audit offices as may be established by the Director, Defense Contract Audit Agency, for the accomplishment of the Defense Contract Audit Agency mission. Field audit offices will include district/regional, branch, procurement liaison, contractor residency, and contract audit coordination offices.

2. Such other subordinate offices or establishments and activities as are herein or may be hereafter specifically assigned to the Defense Contract Audit Agency by the Secretary of Defense.

B. The chain of command shall run from the Secretary of Defense to the Director, Defense Contract Audit Agency.

III. *Scope and definitions.* A. The Defense Contract Audit Agency operations will be conducted on a worldwide basis.

B. Contract audit is defined as the professional auditing service provided by the Defense Contract Audit Agency to all elements of the Department of Defense, and to other governmental agencies as appropriate, which will permit the Defense Contract Audit Agency to meet the responsibilities and perform the functions enumerated in sections VI and VII of this Directive.

IV. *Purpose.* The purpose of contract auditing is to assist in achieving the objective of prudent contracting by providing those responsible for procurement and contract administration with financial information and advice on proposed or existing contracts and contractors, as appropriate. Audit services of the Defense Contract Audit Agency shall be utilized by procurement and contract administration activities to the extent appropriate in connection with the negotiation, administration, and settlement of contract payments or prices which are based on cost (incurred or estimated), or on cost analysis.

V. *Defense Contract Audit Advisory Council.* A. To advise the Secretary of Defense in the direction and control of the Defense Contract Audit Agency, a Defense Contract Audit Advisory Council is hereby established with membership as follows: The Deputy Secretary of Defense, Chairman; The Assistant Secretary of Defense (Comptroller), Alternate Chairman; The Assistant Secretary of Defense (Installations and Logistics); The Assistant Secretaries of the Military Departments (Financial Management) and (Installations and Logistics); The Director, Defense Supply Agency; and the Deputy Director, Contract Administration Services, Defense Supply Agency.

B. The Defense Contract Audit Advisory Council will be furnished an appropriate report at least twice a year by the Director, Defense Contract Audit Agency.

C. The Council will also be available for consultation with the Director, Defense Contract Audit Agency, on such matters as he or any member of the Council may bring before it. It will meet as regularly as necessary but not less frequently than semiannually.

D. The Assistant Secretary of Defense (Comptroller) will provide for furnishing Executive Secretarial services to the Council.

VI. *Responsibilities.* The Defense Contract Audit Agency, under the direction and operational control of its Director shall be responsible for:

A. Performing all necessary contract audit for the Department of Defense and providing accounting and financial advisory services regarding contracts and subcontracts to all Department of Defense components responsible for procurement and contract administration. These services will be provided in connection with negotiation, administration, and settlement of contracts and subcontracts.

B. Providing contract audit service to other Government agencies as may be appropriate.

VII. *Functions.* Under its Director, the Director, the Defense Contract Audit Agency will perform the following functions:

A. Audit, examine and/or review contractors' and subcontractors' accounts, records, documents, and other evidence; systems of internal control; accounting, costing, and general business practices and procedures; to the extent and in whatever manner is considered necessary to permit proper performance of the other functions described in B through J below.

B. Examine reimbursement vouchers received directly from contractors, under cost-type contracts, transmitting those vouchers approved for payment to the cognizant Disbursing Officer and issuing DD Forms 396, "Notice of Costs Suspended and/or Disapproved," with a copy to the cognizant contracting officer, with respect to costs claimed but not considered allowable. Where the contractor disagrees with a suspension or disallowance action by DCAA, and the difference cannot be resolved, the contractor may appeal in writing to the ACO who will make his determination in writing. In addition, the contracting officer may direct the issuance of DD Forms 396, "Notice of Costs Suspended and/or Disapproved," with respect to any cost which he has reason to believe should be suspended or disapproved.

C. Provide advice and recommendations to procurement and contract administration personnel on:

1. Acceptability of costs incurred under redeterminable, incentive, and similar-type contracts.

2. Acceptability of incurred costs and estimates of cost to be incurred as represented by contractors incident to the award, negotiation, modification, change, administration, termination, or settlement of contracts.

3. Adequacy of financial or accounting aspects of contract provisions.

4. Adequacy of contractors' accounting and financial management systems,

adequacy of contractors' estimating procedures and adequacy of property controls.

D. Assist responsible procurement or contract administration activities in their surveys of the purchasing-procurement systems of major contractors.

E. Direct audit reports to the Government management level having authority and responsibility to take action on the audit findings and recommendations.

F. Cooperate with other appropriate Department of Defense components on reviews, audits, analyses, or inquiries involving contractors' financial position or financial and accounting policies, procedures, or practices.

G. Establish and maintain liaison auditors as appropriate at major procuring and contract administration offices.

H. Review General Accounting Office reports and proposed responses thereto which involve significant contract or contractor activities for the purpose of assuring the validity of appropriate pertinent facts contained therein.

I. In an advisory capacity, attend and participate, as appropriate, in contract negotiation and other meetings where contract cost matters, audit reports, or related financial matters are under consideration.

J. Provide assistance, as requested in the development of procurement policies and regulations.

VIII. *Authority.* To discharge the responsibilities of the Agency, the Director, Defense Contract Audit Agency, or his designees, are specifically delegated authority to:

A. Have free and unrestricted access to, and direct communication with, all elements of the Department of Defense and other executive departments and agencies as necessary.

B. Operate and control all organizations, activities, and resources assigned or attached to the Defense Contract Audit Agency.

C. Establish Defense Contract Audit Agency facilities using wherever feasible, appropriate established physical facilities of the military departments or the Defense Supply Agency.

D. Obtain such information from any component of the Department of Defense as may be necessary for the performance of Defense Contract Audit Agency functions.

E. Centralize or consolidate the functions for which Defense Contract Audit Agency is responsible to the extent the Director deems feasible and desirable in consonance with the aims of maximum overall efficiency, economy, and effectiveness.

IX. *Relationships.* A. In the performance of his functions, the Director, Defense Contract Audit Agency shall:

1. Consult with the Defense Contract Audit Advisory Council to assure that the Council has adequate knowledge of Defense Contract Audit Agency plans for accomplishing the Defense Contract Audit Agency mission in support of programs to be carried on by the military departments, Defense Supply Agency, and other defense agencies.

2. Maintain appropriate liaison with other components of the Department of Defense, other agencies of the Executive Branch, and the General Accounting Office for the exchange of information and programs in the field of assigned responsibilities.

3. Make use of existing Department of Defense facilities and services, wherever practicable to achieve maximum efficiency and economy.

B. Primary staff supervision shall be provided to the Director, Defense Contract Audit Agency, on behalf of the Secretary of Defense, by the Assistant Secretary of Defense (Comptroller), who will prescribe principles and policies to be followed in connection with technical, organization, and administrative matters related to contract audit.

C. The military departments and other Department of Defense components shall provide support, within their respective fields of responsibility, to the Director, Defense Contract Audit Agency to assist in carrying out the assigned responsibilities and functions of the Agency. Programing, budgeting, and financing for such support will be in accordance with policies and procedures prescribed by the Assistant Secretary of Defense (Comptroller).

X. *Administration.* A. The Director shall be appointed by the Secretary of Defense.

B. The Deputy Director will be a qualified civilian and appointed by the Secretary of Defense.

C. The transfer of manpower authorizations to Defense Contract Audit Agency from other DoD components will be in accordance with established policies and procedures.

D. The appointment of other personnel to the Agency will be subject to the approval of the Director, Defense Contract Audit Agency. Regional managers will be qualified civilians.

E. The Defense Contract Audit Agency will be authorized such personnel, facilities, funds, and other administrative support as the Secretary of Defense deems necessary for the performance of its function. In this connection, programing, budgeting, financing, accounting, and reporting activities of the Defense Contract Audit Agency will be in accordance with policies and procedures established by the Assistant Secretary of Defense (Comptroller).

XI. *Implementation.* The Director, Defense Contract Audit Agency will assume assigned responsibility and functions of the Agency in accordance with the schedule to be approved by the Secretary of Defense.

XII. *Effective date.* This Directive is effective upon publication. Whenever the Defense Contract Audit Agency assumes responsibility for the function assigned to it under the terms of this Directive, all components of the Department of Defense will review their existing directives, instructions, and regulations for conformity, make necessary changes thereto within 90 days, and notify the Assistant Secretary of Defense (Administration) when the changes are completed.

ENCLOSURE 1—DELEGATIONS OF AUTHORITY

1. Pursuant to the authority vested in the Secretary of Defense, the Director, Defense Contract Audit Agency, or, in the absence of the Director, the person acting for him is hereby delegated, subject to the direction, authority, and control of the Secretary of Defense, and in accordance with Department of Defense policies, directives, and instructions, and pertinent OSD regulations, authority as required in the administration and operation of DCAA to:

a. Exercise the powers vested in the Secretary of Defense by section 204 of the National Security Act of 1947, as amended (5 U.S.C. 171d), and section 12 of the Administrative Expenses Act of 1946, as amended (5 U.S.C. 22a), pertaining to the employment, direction, and general administration of DCAA civilian personnel.

b. Fix rates of pay for wage board employees exempted from the Classification Act by section 202(7) of that Act on the basis of prevailing rates for comparable jobs in the locality where each installation is located. DCAA, in fixing such rates, shall follow the wage schedule established by the local wage board.

c. Establish such advisory committees and employ such part-time advisers as approved by the Secretary of Defense for the performance of DCAA functions pursuant to the provisions of 10 U.S.C. 173, 5 U.S.C. 55a, and the Agreement between the DoD and the Civil Service Commission on employment of experts and consultants, dated July 22, 1959.

d. Administer oaths of office incident to entrance into the Executive Branch of the Federal Government or any other oath required by law in connection with employment therein, in accordance with the provisions of the Act of June 26, 1943 (5 U.S.C. 16a), and designate in writing, as may be necessary, officers and employees of DCAA to perform this function.

e. Establish a DCAA Incentive Awards Board and pay cash awards to and incur necessary expenses for the honorary recognition of civilian employees of the Government whose suggestions, inventions, superior accomplishments, or other personal efforts, including special acts or services, benefit or affect DCAA or its subordinate activities in accordance with the provisions of the Act of September 1954 (5 U.S.C. 2123) and Civil Service Regulations.

f. In accordance with the provisions of the Act of August 26, 1950, as amended (5 U.S.C. 22–1); Executive Order 10450, dated April 27, 1953, as amended; and DoD Directive 5210.7, dated August 12, 1953 (as revised):

(1) Designate any position in DCAA as a "sensitive" position;

(2) Authorize, in case of an emergency, the appointment of a person to a sensitive position in the Agency for a limited period of time for whom a full field investigation or other appropriate investigation, including the National Agency Check, has not been completed; and

(3) Authorize the suspension, but not to terminate the services of an employee in the interest of national security in positions within DCAA.

g. Clear DCAA personnel and such other individuals as may be appropriate

o. (1) Establish and maintain appropriate Property Accounts for DCAA

Hildegard Lewandowski, 69 Igiaseggasse

g. Clear DCAA personnel and such other individuals as may be appropriate for access to classified Defense material and information in accordance with the provisions of DoD Directive 5210.8, dated February 15, 1962, "Policy on Investigation and Clearance of Department of Defense Personnel for Access to Classified Defense Information," and of Executive Order 10501, dated November 5, 1953, as amended.

h. Act as agent for the collection and payment of employment taxes imposed by Chapter 21 of the Internal Revenue Code of 1954 and, as such agent, make all determinations and certifications required or provided for under section 3122 of the Internal Revenue Code of 1954 and section 205(p) (1) and (2) of the Social Security Act, as amended (42 U.S.C. 405(p) (1) and (2)) with respect to DCAA employees.

i. Authorize and approve overtime work for DCAA civilian officers and employees in accordance with the provisions of § 550.1 of the Civil Service Regulations.

j. Authorize and approve:

(1) Travel for DCAA civilian officers and employees in accordance with the Standardized Government Travel Regulations, as amended (BOB Circular A-7, Revised);

(2) Temporary duty travel only for military personnel assigned or detailed to DCAA in accordance with Joint Travel Regulations for the Uniformed Services, dated April 1, 1951, as amended;

(3) Invitational travel to persons serving without compensation whose consultative, advisory, or other highly specialized technical services are required in a capacity that is directly related to or in connection with DCAA activities, pursuant to the provisions of section 5 of the Administrative Expenses Act of 1946, as amended (5 U.S.C. 73b-2).

k. Approve the expenditure of funds available for travel by military personnel assigned or detailed to DCAA for expenses incident to attendance at meetings of technical, scientific, professional, or other similar organizations in such instances where the approval of the Secretary of Defense or his designee is required by law (5 U.S.C. 174a). This authority cannot be redelegated.

l. Develop, establish, and maintain an active and continuing Records Management Program, pursuant to the provisions of section 506(b) of the Federal Records Act of 1950 (44 U.S.C. 396(b)).

m. Establish and use Imprest Funds for making small purchases of material and services other than personal for DCAA when it is determined more advantageous and consistent with the best interests of the Government, in accordance with the provisions of DoD Instruction 7280.1, dated January 5, 1962, and the Joint Regulation of the General Services Administration—Treasury Department—General Accounting Office, entitled "For Small Purchases Utilizing Imprest Funds."

n. Authorize the publication of advertisements, notices, or proposals in newspapers, magazines, or other public periodicals as required for the effective administration and operation of DCAA (44 U.S.C. 324).

o. (1) Establish and maintain appropriate Property Accounts for DCAA.

(2) Appoint Boards of Survey, approve reports of survey, relieve personal liability, and drop accountability for DCAA property contained in the authorized Property Accounts that has been lost, damaged, stolen, destroyed, or otherwise rendered unserviceable, in accordance with applicable laws and regulations.

p. Promulgate the necessary security regulations for the protection of property and places under the jurisdiction of the Director, Defense Contract Audit Agency, pursuant to paragraph III.A. and V.B. of DoD Directive 5200.8, dated August 20, 1954.

q. Establish and maintain, for the functions assigned, an appropriate publications system for the promulgation of regulations, instructions, and reference documents, and changes thereto, pursuant to the policies and procedures prescribed in DoD Directive 5025.1, dated March 7, 1961.

r. Enter into support and service agreements with the military departments, other DoD agencies, or other Government agencies as required for the effective performance of responsibilities and functions assigned to DCAA.

2. The Director, Defense Contract Audit Agency, may redelegate these authorities, as appropriate, and in writing, except as otherwise specifically indicated above or as otherwise provided by law or regulation.

3. This delegation of authorities is effective immediately.

MAURICE W. ROCHE,
Director, Correspondence and Directives Division, OASD (Administration).

[F.R. Doc. 65-6779; Filed, June 28, 1965; 8:47 a.m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

ANNA BECKER ET AL.

Notice of Intention To Return Vested Property

Pursuant to the Agreement entitled "Agreement Between the United States of America and the Republic of Austria Regarding the Return of Austrian Property, Rights, and Interests" which was signed at Washington on January 30, 1959, and ratified by the United States on March 4, 1964, notice is hereby given of intention to return, on or after 30 days from the day of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimants, Claim No., Property, and Location

Anna Becker, Borngasse, 6251 Steinbach, Kreis Limburg/Lahn, Germany; Claim No. 45583; $185.04 in the Treasury of the United States.

August Ahlborn, Schottenfeldgasse 25, Vienna VII, Austria, Claim No. 45636; $3,715.49 in the Treasury of the United States.

Hildegard Lewandowski, 69 Iglaseegasse, Vienna, XIX, Austria, Claim No. 59004; $41.75 in the Treasury of the United States.

Wilhelmine Gundacker, Jedlesser Strasse 66-94, Vienna XXI, Austria, Claim No. 63636; $58.08 in the Treasury of the United States.

Hedwig Grabher-Meier, Koenigshofstrasse 1, Lustenau, Austria; $137.31 in the Treasury of the United States; and Karolina Ruetz, Arlbergstrasse 96, Bregenz, Austria; $22.89 in the Treasury of the United States; and Maria Deuring, Rheindorferstrasse 31, Lustenau, Austria; $22.89 in the Treasury of the United States; and Anna Grabher, Lerchenfeldstrasse 2, Lustenau, Austria; $22.89 in the Treasury of the United States; and Rosina Fitz, Lerchenfeldstrasse 2, Lustenau, Austria; $22.88 in the Treasury of the United States; and Walter Grabher, Bahngasse 14, Lustenau, Austria; $22.89 in the Treasury of the United States; and Wilhelm Grabher, Hagenmahdsiedlung 74, Lustenau, Austria; $22.88 in the Treasury of the United States; and Alois Grabher, Gallusstrasse 38, St. Gallen, Switzerland, Claim No. 67014; $34.33 in the Treasury of the United States.

Annie Hebein, Trauttmansdorffgasse 28, Vienna XIII, Austria, Claim No. 67030; $309.59 in the Treasury of the United States.

Maria Stein, Starkfriedgasse 42, Vienna XIX, Austria, Claim No. 67081; $206.78 in the Treasury of the United States.

Springer-Verlag, Moelkerbastei 5, Vienna I, Austria, on behalf of the following authors or their heirs:

Friedrich Hecht, Alserstrasse 69, Vienna VIII, Austria; $82.60 in the Treasury of the United States.

Johann List, Heinrichstrasse 126, Graz, Austria; $27.83 in the Treasury of the United States.

Willibald Machu, Wohllebengasse 16, Vienna IV, Austria; $77.07 in the Treasury of the United States.

Josef Schintlmeister, Caberlastrasse 3, Dresden, East Germany; $15.05 in the Treasury of the United States.

Friedrich Chmelka, Herbeckstrasse 75/X/6, Vienna XVIII, Austria; $8.87 in the Treasury of the United States.

Christine Ritter; $81.36 in the Treasury of the United States; and Renate Ritter; $81.35 in the Treasury of the United States; and Rosa Ritter; $81.36 in the Treasury of the United States; and Rosa Ritter, as Guardian for Isabella Ritter, all of Halderstrasse 2, Linz, Austria; $81.36 in the Treasury of the United States; Erich Franz Fuhrmann Raaba 185, Post Graz, St. Peter, Austria; $11.32 in the Treasury of the United States; Margarete Fuhrmann, Polzergasse 31, Graz IX, Austria, Claim No. 44950; $3.78 in the Treasury of the United States.

Austro-Mechana, Ungargasse 2, Vienna III, Austria, on behalf of its members as follows:

Kurt Schlid, Halbgasse 6, Vienna VII, Austria; $7.22 in the Treasury of the United States; Emil Spitzer, Leopoldsgasse 9, Vienna II, Austria; $15.05 in the Treasury of the United States; Robert Stois, Elisabethstr. 16, Vienna I, Austria; $1.85 in the Treasury of the United States; Peter Wehle, Moehlstrasse 16, Munich, Germany; $12.41 in the Treasury of the United States; Karl Wewerka, Lindengasse 10, Vienna VII, Austria; $1.72 in the Treasury of the United States; Josef Hochmuth, Juchgasse 14, Vienna III, Austria; $44.00 in the Treasury of the United States; Kurt Asboth, Sauraugasse 2, Vienna XIII, Austria; $5.25 in the Treasury of the United States; Karl Bittner, Sedlitzkygasse 18/2, Vienna XI, Austria; $4.51 in the Treasury of the United States; Ludwig Krenn, Reindorfgasse 42, Vienna XV, Austria; $0.54 in the Treasury of the United States; Stefanie Kurner, Lerchenfelderstrasse 21, Vienna VII, Austria; $4.52 in the Treasury of the United States; Karl Lorens, Speisingerstrasse 113 c/1, Vienna XIII, Austria; $5.10 in the Treasury of the United States; Rudolf Oesterreicher, Siebensterngasse 31/7, Vienna VII, Austria; $0.60 in the Treasury of the United States; Gottfried Indra, Mahlerstrasse 11, Vienna I, Austria; $5.20 in the Treasury of the United States; Anton Profes, Formanekgasse 4, Vienna XIX, Austria; $7.52 in the Treasury of the United States; Viktor Hruby, Gumpendorferstr. 26, Vienna VI, Austria; $3.23 in the Treasury of the United States; Johann (a/k/a Hans) Lang, Lechetitzkygasse 23, Vienna XVIII, Austria; $0.73 in the Treasury of the United States; Josef Hadraba, Johann Strausgasse 30, Vienna IV, Austria; $4.83 in the Treasury of the United States; Karl Robitschek and Hedwig Robitschek, successors of Adolf Robitschek, deceased, Braunerstrasse 2, Vienna I, Austria; $3.53 in the Treasury of the United States; Karoline Marischka, successor of Ernst Marischka, deceased Blechturmgasse 10, Vienna IV, Austria; $4.51 in the Treasury of the United States; Austro-Mechana, Vienna III, Austria, Claim No. 41887 $36.94 in the Treasury of the United States for the benefit of members of Austro-Mechana as follows:

Name	Amount
Heinrich Berte	$0.33
Alexander Bicso	1.00
Felix Doermann	0.71
Austin Egen	0.28
Willy Engelberger	0.01
Karl Farkas	0.04
Karl Foederl	1.67
H. Frank Jr.	0.04
Hans Haller	0.02
Bruno Hardt-Warden	0.02
Josef Hochleithner	0.01
Franz Hohenberger	0.54
Alexander Hornig	1.00
Josef Hornig	1.00
Peter Igelhoff	0.01
Max Kalbeck	0.03
Alois Klampferer-Eckhardt	0.11
Karl Komsak	2.51
Michael Krauss-Krausenecker	0.02
Dr. Mahler	0.10
Joseph Messner	0.01
Hans Pfitzner	2.59
Hans Pfitzner	0.29
Aldo v. Pinelli	2.76
Fred Raymond	0.03
Edition Scala	0.85
Rudolf Siecotnsky	2.39
E. W. Spahn	0.01
Johann Strauss (Erben)	4.34
J. F. Wagner	1.81
Moritz West	1.37
Hugo Wiener	0.01
Wiener Musikverlag	0.03
Ferdinand Leicht	1.00

Executed at Washington, D.C., on June 23, 1965.

For the Attorney General.

[SEAL] ANTHONY L. MONDELLO,
Deputy Director, Office of Alien Property.

[F.R. Doc. 65-6754; Filed, June 28, 1965; 8:45 a.m.]

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

[Bureau Order 566, Amdt. 11]

CONTRACTING OFFICERS AND AUTHORIZED REPRESENTATIVES

Delegation

JUNE 23, 1965.

Order 566, as amended, is further amended by the revision of sec. 2 to read as follows:

SEC. 2. *Delegation of Contracting Officers and Contracting Officers' authorized representatives*—(a) *Contracting Officers.* • • •

(f) Chief, Field Technical Office, Branch of Plant Management, Littleton, Colo.

(g) Chief, Contract Management Section, Field Technical Office, Branch of Plant Management, Littleton, Colo.

(h) Engineering Adviser, Division of Administration.

• • • • • •

(b) *Contracting Officers' authorized representatives.* • • •

(1) *Headquarters Office Officials.* (a) Assistant Chief, Branch of Plant Design and Construction.[1]

(b) Chief, Contract Staff.[1]

(c) Chief, Architectural Section.[1]

(d) Chief, Operations Section.[1]

(e) Chief, Engineering Section.[1]

(f) Chief, Contract Construction Management Unit.[1]

(g) Chief, Civil Engineering Unit.[1]

(h) Chief, Electrical Engineering Unit.[1]

(i) Chief, Mechanical Engineering Unit.[1]

(j) Chief, Sanitary Engineering Unit.[1]

(k) Chief, Contract Management Section.[2]

(l) Engineering Adviser, Division of Administration.

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JOHN O. CROW,
Deputy Commissioner.

[F.R. Doc. 65-6791; Filed, June 28, 1965; 8:48 a.m.]

Geological Survey

[Idaho 20]

IDAHO

Phosphate and Nonphosphate Land Classification Order

Correction

In F.R. Doc. 65-5391, appearing in the issue for Saturday, May 22, 1965, at page 6948, under *Reclassified phosphate lands from nonphosphate lands*, line 10 of "T. 44 N., R. 44 E." should read "Sec. 25, SW¼, SW¼SE¼;".

Office of the Secretary

COMMISSIONER OF FISH AND WILDLIFE

Departmental Manual; Delegation of Authority

The delegations of authority published in the FEDERAL REGISTER on May 27, 1965 (30 F.R. 7116), and on June 4, 1965 (30 F.R. 7402), are further amended by the addition of 210 DM 1.6 as set forth below. The material is a portion of the Department Manual and the numbering system is that of the Manual.

PART 210—OFFICE OF THE SECRETARY

CHAPTER 1—SECRETARIAL OFFICERS

210.1.6 *The Commissioner of Fish and Wildlife.* The Commissioner of Fish and Wildlife, in addition to the functions he performs under his designation as Deputy Assistant Secretary for Fish and Wildlife and Parks, is the principal line assistant to the Assistant Secretary for Fish and Wildlife and Parks. In that capacity he is authorized to exercise the authority of the Assistant Secretary except for the limitations contained in 200 DM 1.4 and 1.5. The purpose of this delegation of authority is to provide material assistance to the Assistant Secretary in international fish and wildlife conferences; in the development, promotion, and conservation of commercial fisheries; and activities related to sport fisheries and wildlife, and national park areas.

A. The Commissioner may not redelegate this authority.

STEWART L. UDALL,
Secretary of the Interior.

JUNE 17, 1965.

[F.R. Doc. 65-6780; Filed, June 28, 1965; 8:47 a.m.]

[1] Located in the Branch of Plant Design and Construction, Albuquerque, N. Mex.

[2] Located in the Field Technical Office, Branch of Plant Management, Littleton, Colo.

ATOMIC ENERGY COMMISSION

[Docket No. 50-58]

OKLAHOMA STATE UNIVERSITY

Notice of Extension of Completion Date

Please take notice that the Atomic Energy Commission has issued an order extending to September 1, 1965, the latest completion date specified in Construction Permit No. CPRR-85 which authorizes Oklahoma State University to move its Model AGN-201, Serial No. 102 nuclear reactor from its location in the Chemical Engineering Building to the new engineering building on the University's campus in Stillwater, Okla.

Copies of the Commission's order and the application filed by Oklahoma State University are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C.

Dated at Bethesda, Md., this 22d day of June 1965.

For the Atomic Energy Commission.

E. G. CASE,
Acting Director, Division of Reactor Licensing.

[F.R. Doc. 65-6755; Filed, June 28, 1965; 8:45 a.m.]

DEPARTMENT OF AGRICULTURE

Consumer and Marketing Service

WEST ALABAMA STOCK YARDS, INC., ET AL.

Notice of Changes in Names of Posted Stockyards

It has been ascertained, and notice is hereby given, that the names of the livestock markets referred to herein, which were posted on the respective dates specified below as being subject to the provisions of the Packers and Stockyards Act, 1921, as amended (7 U.S.C. 181 et seq.), have been changed as indicated below.

ALABAMA

Original name of stockyard, location, and date of posting	*Current name of stockyard and date of change in name*
West Alabama Stock Yards, Inc., Eutaw, May 19, 1959.	West Alabama Stockyards, May 1, 1965.

ARIZONA

Yuma Livestock Auction, Inc., Yuma, Oct. 14, 1957.	Yuma Livestock Exchange, Feb. 8, 1965.

ARKANSAS

Rector Auction Sale Barn, Rector, Aug. 17, 1957.	Rector Auction Sale Barn, Inc., Feb. 15, 1965.

ILLINOIS

Brown County Sales Association, Mt. Sterling, Aug. 10, 1961.	Brown County Sales Association, June 24, 1964.
Olney Livestock Commission Co., Inc., Olney, Nov. 20, 1959.	Olney Livestock Commission Co., May 10, 1965.

IOWA

Albia Sales Co., Albia, Apr. 28, 1941	Albia Sales Co., Inc., Dec. 31, 1964.
Laurens Auction, Inc., Laurens, May 26, 1959	Reed Auction Co., May 13, 1965.

KANSAS

Fred Doll Livestock Sales Co., Larned, Apr. 26, 1950.	Larned Livestock Commission Co., Jan. 25, 1965.
Ness Livestock, Inc., Ness City, Apr. 17, 1950	Ness City Livestock Commission Co., May 19, 1965.

MINNESOTA

Southern Minnesota Livestock Co., Lafayette, Oct. 6, 1959.	Lafayette Livestock Yards, Mar. 8, 1965.
Le Sueur Livestock Commission Co., Inc., Le Sueur, Oct. 17, 1959.	Le Sueur Livestock Commission Co., Jan. 2, 1965.
Lewiston Sales Barn, Lewiston, Apr. 25, 1960	Lewiston Livestock Market, Apr. 1, 1965.

NEBRASKA

Baxter-Johnson Livestock Auction Co., Hastings, May 22, 1959.	Hastings Livestock Market Center, Jan. 1, 1965.

NEW YORK

Farmers Livestock Market, Bath, Aug. 30, 1960	Steuben County Livestock Market, Mar. 23, 1965.
Steuben County Livestock Market, Palmyra, Aug. 1, 1960.	N. Johnson Sons, Mar. 19, 1965.

OHIO

Western Ohio Livestock Exchange, Inc., Celina, June 10, 1959.	Western Ohio Livestock Exchange, Mar. 6, 1965.

PENNSYLVANIA

Danville Livestock Market, Inc., Danville, Nov. 23, 1959.	Montour Farmers Livestock Market, Inc., Apr. 30, 1965.

TENNESSEE

Shelbyville Livestock Auction Market, Shelbyville, May 8, 1959.	Shelbyville Stockyards, Apr. 5, 1965.

VIRGINIA

Suffolk Livestock Market, Suffolk, Aug. 7, 1961	Jarman Stockyard, Feb. 22, 1965.

WISCONSIN

Nerison Livestock Sales, Coon Valley, Oct. 27, 1960.	Equity Cooperative Livestock Sales Association, May 5, 1965.

Done at Washington, D.C., this 23d day of June 1965.

K. A. POTTER,
Acting Chief, Rates and Registrations Branch, Packers and Stockyards Division, Consumer and Marketing Service.

[F.R. Doc. 65-6906; Filed, June 28, 1965; 8:49 a.m.]

Office of the Secretary

COLORADO

Designation and Extension of Areas for Emergency Loans

For the purpose of making emergency loans pursuant to section 321 of the Consolidated Farmers Home Administration Act of 1961 (7 U.S.C. 1961), it has been determined that in the hereinafter-named county in the State of Colorado natural disasters have caused a need for agricultural credit not readily available from commercial banks, cooperative lending agencies, or other responsible sources.

COLORADO

Sedgwick.

It has also been determined that in the hereinafter-named counties in the State of Colorado the above-mentioned natural disasters have caused a continuing need for agricultural credit not readily available from commercial banks, cooperative lending agencies, or other responsible sources.

Colorado	*Previous designation*
Adams	29 F.R. 9544
Arapahoe	29 F.R. 9544
Baca	29 F.R. 7784
Bent	29 F.R. 9544
Boulder	29 F.R. 7784
Cheyenne	29 F.R. 9544
Crowley	29 F.R. 9544
Custer	29 F.R. 9544
Douglas	29 F.R. 9544
Elbert	29 F.R. 9544
El Paso	29 F.R. 9544
Huerfano	29 F.R. 9544
Jefferson	29 F.R. 9544
Kiowa	29 F.R. 9544
Kit Carson	29 F.R. 9544
Larimer	29 F.R. 7784
Las Animas	29 F.R. 9544
Lincoln	29 F.R. 9544
Logan	29 F.R. 11282
Morgan	29 F.R. 15876
Otero	29 F.R. 9544
Prowers	29 F.R. 9544
Pueblo	29 F.R. 9544
Washington	29 F.R. 15876
Weld	29 F.R. 7784

Pursuant to the authority set forth above, emergency loans will not be made in the above-named Colorado counties after December 31, 1966, except to applicants who previously received emergency or special livestock loan assistance and who can qualify under established policies and procedures.

Done at Washington, D.C., this 24th day of June 1965.

ORVILLE L. FREEMAN,
Secretary.

[F.R. Doc. 65-6808; Filed, June 28, 1965; 8:49 a.m.]

CIVIL SERVICE COMMISSION

PODIATRIST

Notice of Adjustment of Minimum Rates and Rate Ranges

1. Under authority of section 504 of the Federal Salary Reform Act of 1962, as amended, and Executive Order 11073, the Civil Service Commission has increased the minimum salary rates and the rate ranges for positions of Podiatrist, GS-668-9, 10, and 11. The revised rates for these occupational levels are:

PER ANNUM RATES

Grade	*1*	*2*	*3*	*4*	*5*	*6*	*7*	*8*	*9*	*10*
GS-9	$8,090	$8,935	$9,180	$9,425	$9,670	$9,915	$10,160	$10,405	$10,650	$10,895
GS-10	9,520	9,790	10,060	10,330	10,600	10,870	11,140	11,410	11,680	11,950
GS-11	10,420	10,715	11,010	11,305	11,600	11,895	12,190	12,485	12,780	13,075

2. Geographic coverage is the Washington, D.C., Metropolitan Area.

3. The effective date will be the first day of the first pay period beginning on or after June 18, 1965.

4. All new employees in the specified occupational levels will be hired at the new minimum rates.

5. As of the effective date, all agencies will process a pay adjustment to increase the pay of employees on the rolls in the affected occupational levels. An employee who immediately prior to the effective date was receiving basic compensation at one of the rates of the statutory rate range shall receive compensation at the corresponding numbered rate authorized by this notice on and after such date.

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] MARY V. WENZEL,
Executive Assistant to the Commissioners.

[F.R. Doc. 65-6839; Filed, June 28, 1965; 8:45 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

ENJAY LABORATORIES

Notice of Filing of Petition for Food Additive Zinc Dibutyl Dithiocarbamate

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348(b)(5)), notice is given that a petition (FAP 5B1642) has been filed by Enjay Laboratories, Post Office Box 45, Linden, N.J., proposing an amendment to § 121.2566 *Antioxidants and/or stabilizers for polymers* to provide for the safe use of zinc dibutyl dithiocarbamate as a stabilizer in isobutylene-isoprene copolymers complying with § 121.2590 at a level not to exceed 0.2 percent by weight of the isobutylene-isoprene copolymers limited to use in contact with foods only of the types identified in § 121.2526(c), Table 1, under types V, VII, VIII, and IX.

Dated: June 21, 1965.

MALCOLM R. STEPHENS,
Assistant Commissioner for Regulations.

[F.R. Doc. 65-6786; Filed, June 28, 1965; 8:46 a.m.]

E. I. DU PONT DE NEMOURS & CO., INC.

Notice of Filing of Petition Regarding Pesticide Diuron

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(d)(1), 68 Stat. 512; 21 U.S.C. 346a(d)(1)), notice is given that a petition (PP 5F0432) has been filed by E. I. du Pont de Nemours & Co., Inc., Wilmington, Del., 19898, proposing the establishment of tolerances for residues of the herbicide diuron in or on the raw agricultural commodities named:

7 parts per million in or on asparagus.

2 parts per million in or on barley hay, forage, and straw; clover hay and forage; oat hay, forage, and straw; pea hay and forage; rye hay, forage, and straw; sorghum fodder and forage; and vetch hay and forage.

1 part per million in or on apples, artichokes, barley grain, blackberries, blueberries, boysenberries, currants, dewberries, gooseberries, huckleberries, loganberries, oat grain, olives, pears, peas, raspberries, rye grain, sorghum grain, vetch seed; and in meat, fat, and meat byproducts of cattle, goats, hogs, horses, and sheep.

The analytical procedure proposed in the petition is that of Pease (Journal of Agricultural and Food Chemistry, vol. 10, p. 279 (1962)) based on the colorimetric method of Bleidner et al. (Journal of Agricultural and Food Chemistry, vol. 2, p. 476 (1954)) for monuron with modification for diuron, and using the chromatographic separation technique of Bleidner (ibid., p. 682).

Dated: June 23, 1965.

MALCOLM R. STEPHENS,
Assistant Commissioner for Regulations.

[F.R. Doc. 65-6799; Filed, June 28, 1965; 8:49 a.m.]

FEDERAL AVIATION AGENCY

[OE Docket No. 65-CE-13]

MOTOROLA COMMUNICATIONS AND ELECTRONICS

Notice of Petition for Review

The Agency's Central Regional Office issued the following determination of no hazard to air navigation (Aeronautical Study No. CE-OE-7620) in Kansas City, Mo., on May 18, 1965:

The Federal Aviation Agency has conducted an aeronautical study in accordance with § 77.19, Federal Aviation Regulations, to determine what effect the following described construction would have upon the safe and efficient utilization of navigable airspace.

Motorola Communications & Electronics proposes to construct a microwave tower near Pontiac, Mich., at latitude 42°42'07", longitude 83°14'35". The overall height of the structure would be 1,248 feet above mean sea level (300 feet above ground).

The proposed structure would be located 1.3 miles south/southeast of Allen Airport. It would exceed the standards for determining obstructions to air navigation in § 77.23(a)(5) of the Federal Aviation Regulations (200 feet above ground on a segment of VOR Federal Airway V-42 and V-42E).

The aeronautical study disclosed other structures of greater height are the controlling obstructions on this airway segment.

Therefore, pursuant to the authority delegated to me, it is found that the structure would have no substantial adverse effect upon the safe and efficient utilization of navigable airspace and it is hereby determined that the structure would not be a hazard to air navigation provided the structure is obstruction marked and lighted in accordance with FAA standards.

This determination is effective and will become final 30 days after the date of issuance unless an appeal is filed. If the appeal is denied, the determination will then become final as of the date of denial or 30 days after the issuance of the determination, whichever is later. Unless otherwise revised or terminated, a final determination hereunder will expire on November 18, 1966, or upon earlier abandonment of the construction proposal.

Notice to this office is required within 5 days after the construction reaches its greatest height.

Mr. James D. Ramsey, Director of the Michigan Department of Aeronautics, Capitol City Airport, Lansing, Mich., and Mr. J. C. Austin, Vice Chairman of the Oakland County Board of Auditors, Pontiac, Mich., have petitioned for a review pursuant to § 77.37 (30 F.R. 1837), Part 77, Federal Aviation Regulations, in appeal of the above determination. Therefore, the determination issued by the Agency's Central Regional Office in Aeronautical Study No. CE-OE-7620 is not and will not be a final determination pending final disposition of the petition.

Issued in Washington, D.C., on June 22, 1965.

JOSEPH VIVARI,
Acting Chief, Obstruction Evaluation Branch.

[F.R. Doc. 65-6771; Filed, June 28, 1965; 8:47 a.m.]

[OE Docket No. 65-EA-9]

TRIANGLE PUBLICATIONS, INC.

Notice of Petition for Review

The Agency's Eastern Regional Office issued the following determination of

hazard to air navigation (Aeronautical Study No. EA-OE-6243) in New York, N.Y., on May 13, 1965:

The Federal Aviation Agency has circularized the following construction proposal for aeronautical comment and has conducted a study to determine its effect upon the safe and efficient utilization of navigable airspace.

Triangle Publications, Inc. (WNHC-TV) proposes to construct a television antenna tower near Millbrook, Conn., at latitude 41°25'13" N., longitude 72°57'16" W. The tower would be 1,549 feet above mean sea level (829 feet above ground).

The proposed tower would be 2.5 miles southeast of the Bethany Airport and 5 miles northwest of the centerline of Federal Airway V167. It will exceed the 500-foot above ground standard in § 77.23(a)(1), Federal Aviation Regulations (revised May 1, 1965). Additionally, it would require an increase in the minimum obstruction clearance altitude of Federal Airway V167 between Wallingford and Sound Intersections from 1,800 to 2,000 feet. The proposed tower would not require increase in the minimum en route altitude of any airway.

Objections to the proposal were based primarily on the adverse effect the tower would have on Bethany Airport operations and on VFR en route traffic. Objections were also made based on the conclusion that the proposed tower would require an increase in minimum obstruction clearance altitude and/or the minimum en route altitude of Federal Airways V3, V251 and V167. The study disclosed that the proposed tower would have no adverse effect on these airways.

The study disclosed no evidence that a substantial volume of VFR en route traffic operates at low altitudes in proximity to the site of the proposed tower.

The study further disclosed that the proposed tower would have no substantial adverse effect on VFR en route traffic nor on instrument flight rules operations, procedures, or minimum flight altitudes.

Bethany Airport has one runway, aligned north/south (02-20), 2,400 feet in length. Traffic patterns for conventional aircraft are standard left and flown at 300 feet above the airport elevation (1,500 feet above mean sea level). Gliders fly a right traffic pattern at 600 feet. Entry into the traffic pattern by conventional aircraft is flown at 1,500 feet above mean sea level on a course which intersects the downwind leg at a 45 degree angle. The proposed tower would be located on the approximate course flown to enter the pattern for landing to the south and would be approximately 49 feet higher than the altitude of the aircraft. The proposed tower would be located within the student training area which serves the airport and within which aircraft operate as low at 500 feet above ground.

The Federal Aviation Agency's current Airport Facilities Record for Bethany Airport indicates there are 29 based aircraft and that aeronautical activity includes charter, rentals, glider towing, and flight instruction.

Based upon the aeronautical study, it is the finding of the Agency that the proposed structure would have a substantial adverse effect on aircraft operating at the Bethany Airport and would be detrimental to the safety of such aircraft.

Subsequent to discussion of the proposal at an airspace meeting on December 15, 1964, the proponent submitted evidence that he has obtained an option to purchase the lease on the airport property. Further, he has stated he will exercise such option and use the property for other than airport purposes if the effect on the airport activity is the single basis in the Agency's determination in this case. On this basis, the proponent has requested the Agency issue a Determination of No Hazard on the condition that the airport will be closed. The Agency has considered this evidence. However, it has decided that because of its direction under section 305 of the Federal Aviation Act of 1958, 49 U.S.C. 1346, to encourage and foster the development of civil aeronautics and air commerce, it cannot issue a decision which is conditioned upon the closure of an airport. To do so would be to give impetus to an action which is clearly contrary to the Agency's responsibility.

Therefore, pursuant to the authority delegated to me, it is found that the proposed structure would have a substantial adverse effect upon the safe and efficient utilization of navigable airspace; and, it is hereby determined that the proposed structure would be a hazard to air navigation.

This determination is effective and will become final 30 days after the date of issuance unless an appeal is filed. If the appeal is denied, the determination will then become final as of the date of the denial or 30 days after the issuance of the determination, whichever is later.

Triangle Publications, Inc., Philadelphia, Pa. (licensee of WNHC-TV Channel 8, New Haven, Conn.), has petitioned for a review pursuant to § 77.37 (30 F.R. 1837), Part 77, Federal Aviation Regulations, in appeal of the above determination. Therefore, the determination issued by the Agency's Eastern Regional Office in Aeronautical Study No. EA-OE-6243 is not and will not be a final determination pending final disposition of the petition.

Issued in Washington, D.C., on June 18, 1965.

JOSEPH VIVARI,
Acting Chief,
Obstruction Evaluation Branch.

[F.R. Doc. 65-6772; Filed, June 28, 1965; 8:47 a.m.]

[OE Docket No. 65-SO-8]

ALFONSO VALDES

Notice of Petition for Review

The Agency's Southern Regional Office issued the following determination of hazard to air navigation (Aeronautical Study No. SO-OE-5532) in East Point, Ga., on May 28, 1965:

The Federal Aviation Agency has circularized and studied the following proposal to determine the effect on the use of navigable airspace.

Mr. Alfonso Valdes proposes an office building in Santurce, P.R., at 18°24'32", 66°03'26", 250 feet AGL, 300 feet AMSL.

The proposed structure would be located in the San Juan control zone, approximately 22,350 feet SW of the Puerto Rico International Airport reference point, and would exceed § 77.23(a)(5) of the Federal Aviation Regulations because it would extend more than 200 feet above ground. Also, the proposed structure would be located in the final approach area for the standard instrument approach procedure AL-784-VOR-RWY 7 to the International Airport and would increase the landing minimums from 500 to 600 feet, thus violating § 77.23(a)(4).

The aeronautical study disclosed that the prevailing winds are from the E making it necessary for approaching aircraft to conduct instrument approaches from the W. The VOR approach to Runway 7 is the primary procedure since it permits the lowest landing minimums from the W. According to Agency records there were 1,079 instrument approaches to the airport in 1964. Approximately 95 percent of these approaches were made from the W using the VOR procedure.

During the aeronautical study the proponent amended the height of his proposed structure to 280 feet above mean sea level. Since 258 feet above mean sea level is the maximum height permissible at this site without affecting the landing minimums, the amendment did not mitigate the adverse effects found in the study.

The proposed structure, as originally submitted and amended, would have a substantial adverse effect upon the safe and efficient utilization of navigable airspace. Therefore, in accordance with Federal Aviation Regulations, Part 77, it is determined that the proposed structure would be a hazard to air navigation.

This determination will become final 30 days after the date of issuance unless a petition for review is filed in accordance with § 77.37. If the petition is denied the determination becomes final on the date of the denial or 30 days after the issuance of the determination, whichever is later.

Mr. Alfonso Valdes, San Juan, P.R., has petitioned for a review pursuant to § 77.37 (30 F.R. 1837), Part 77, Federal Aviation Regulations, in appeal of the above determination. Therefore, the determination issued by the Agency's Southern Regional Office in Aeronautical Study No. SO-OE-5533 is not and will not be a final determination pending final disposition of the petition.

Issued in Washington, D.C., on June 18, 1965.

JOSEPH VIVARI,
Acting Chief,
Obstruction Evaluation Branch.

[F.R. Doc. 65-6773; Filed, June 28, 1965; 8:47 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 14293; FCC 65M-822]

DOWNRIVER BROADCASTING ASSN.

Order Continuing Hearing

In re application of Robert G. Groth, Eugene A. Robinson and Rev. Lawrence Kenneth Zank, doing business as the Downriver Broadcasting Association, Napoleon, Ohio, Docket No. 14293, File No. BP-15412; for construction permit.

At the further prehearing conference held June 23, 1965, it was agreed that the time schedule previously approved by the Hearing Examiner in an order released April 14, 1965, could not be met, and that the following time schedule would hereafter be followed:

a. Applicant will exchange draft of engineering material and exhibits on or before close of business on July 7, 1965.

b. An informal conference under the supervision of the Broadcast Bureau engineer will be held on or before the close of business on July 16, 1965.

c. The applicant will exchange with all parties the final draft of all engineering exhibits which applicant will offer in evidence on or before the close of business on Friday, July 23, 1965.

d. The evidentiary hearing now scheduled for June 28, 1965, is rescheduled to begin on Wednesday, July 28, 1965.

It is so ordered, This the 23d day of June 1965.

Released: June 24, 1965.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 65-6801; Filed, June 28, 1965; 8:49 a.m.]

[Docket Nos. 15875, 15876; FCC 65M-821]

ERWAY TELEVISION CORP. AND CHESAPEAKE ENGINEERING PLACEMENT SERVICE, INC.

Order Regarding Procedural Dates

In re applications of Erway Television Corp., Baltimore, Md., Docket No. 15875, File No. BPCT-3058; Chesapeake Engineering Placement Service, Inc., Baltimore, Md., Docket No. 15876, File No. BPCT-3479; for construction permit for new television broadcast station (Channel 72).

The Hearing Examiner having under consideration the Supplement No. 1 to Fourth Report and Order in Docket No. 14229, released by the Commission on June 18, 1965;

It appearing, that the said Supplement No. 1 stays further proceeding in this and other hearings until the applicants give notice of intention to amend their applications on or before July 6, 1965;

It is ordered, This 23d day of June 1965, that all presently scheduled procedural dates are set aside; and that further proceedings herein are stayed pending further order of the Hearing Examiner.

Released: June 24, 1965.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 65-6802; Filed, June 28, 1965; 8:49 a.m.]

[Docket Nos. 15977, 15978; FCC 65M-819]

MORGAN BROADCASTING CO. AND DICK BROADCASTING CO., INC., OF TENNESSEE

Order Scheduling Prehearing Conference

In re applications of Harry J. Morgan trading as Morgan Broadcasting Co., Knoxville, Tenn., Docket No. 15977, File No. BPH-4503; Dick Broadcasting Co., Inc., of Tennessee, Knoxville, Tenn., Docket No. 15978, File No. BPH-4650; for construction permits.

The Hearing Examiner having under consideration a "Petition To Change Hearing Schedule" filed June 21, 1965, in the above-entitled matter by Dick Broadcasting Co., Inc., of Tennessee, and

It appearing, that all other parties agree to the request and that good cause for granting the petition has been shown.

It is ordered, This 23d day of June 1965, that the aforesaid petition is granted and that, accordingly, all procedural dates heretofore scheduled are canceled, and

It is further ordered, That in lieu of the hearing which had previously been scheduled for July 7, 1965, a further prehearing conference will be held on that date commencing at 9 a.m., in the Commission's offices in Washington, D.C.

Released: June 24, 1965.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 65-6803; Filed, June 28, 1965; 8:49 a.m.]

[Docket Nos. 15981, 15982; FCC 65M-820]

RADIO PHONE COMMUNICATIONS, INC., AND AMERICAN RADIO-TELEPHONE SERVICE, INC.

Order Scheduling Prehearing Conference

In re Applications of Radio Phone Communications, Inc., Docket No. 15981, File No. 269-C2-P-64; for a construction permit to establish new facilities in the Domestic Public Land Mobile Radio Service at Falls Church, Va.; American Radio-Telephone Service, Inc., Docket No. 15982, File No. 1134-C2-P-64; for a construction permit to modify the facilities of station KGA248 in the Domestic Public Land Mobile Radio Service at Washington, D.C.

The Hearing Examiner having under consideration a motion filed on June 22, 1965, by American Radio-Telephone Service, Inc., requesting that the prehearing conference in the above-entitled proceeding, presently scheduled for June 24, 1965, be continued to July 8, 1965, or to such time thereafter as the Hearing Examiner's schedule will permit; and

It appearing, that the principals of the applicants have reached an agreement, in principle, for the acquisition by American Radio-Telephone Service, Inc., of a 60-percent interest in Radio Phone Communications, Inc., and more time is necessary to prepare the necessary documents, and no useful purpose would be served by holding the prehearing conference as presently scheduled; and

It further appearing, that all other counsel have consented to an immediate consideration of this motion; that counsel for the other applicant fully supports the motion; and that counsel for the Common Carrier Bureau has given his consent to a 2 weeks' continuance of the prehearing conference;

It is ordered, This 23d day of June 1965, that the motion for continuance of the prehearing conference be and it is hereby granted; and the prehearing conference presently scheduled for June 24, 1965, be and it is hereby continued to July 8, 1965, at 10 a.m., in Washington, D.C.

Released: June 24, 1965.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 65-6804; Filed, June 28, 1965; 8:49 a.m.]

FEDERAL MARITIME COMMISSION

[Docket Nos. 1007, 1092, and 1057]

PACIFIC COAST EUROPEAN CONFERENCE ET AL.

Dual Rate Contract Provisions

Dual rate contract provisions for Pacific Coast European Conference, Latin America/Pacific Coast Steamship Conference, and Pacific Coast River Plate Brazil Conference.

Pursuant to the direction of the U.S. Court of Appeals for the Ninth Circuit in Pacific Coast European Conference et al. v. Federal Maritime Commission and United States of America (Nos. 19,237 19,238, and 19,239, Feb. 3, 1965), and in accordance with the provisions of section 4 of the Administrative Procedure Act (5 U.S.C. 1003 et seq.), the Federal Maritime Commission hereby gives notice that it intends to promulgate the following clauses as required for the dual rate contracts of the three conferences named above. The Court of Appeals found that the conferences were not given notice, as required by the Administrative Procedure Act, of the subject matter of these clauses, and this notice is intended to correct that deficiency. Interested parties may submit such comments, views, or arguments in regard to the clauses as they desire, by submitting same in an original and 15 copies within

twenty (20) days of the date of publication of this notice to the Secretary, Federal Maritime Commission, Washington, D.C., 20573.

The proposed clauses are:

The conference shall offer to the shipper a subscription to its tariffs at a reasonably compensatory price; however, the shipper shall be bound by all notices accomplished as aforesaid without regard to whether it subscribes to the conference tariff. Tariffs shall be open to the shipper's inspection at the conference offices and at each of the offices of the carriers during regular business hours.

The rates initially applicable under this agreement shall be deemed to have become effective with their original effective date through filing with the Federal Maritime Commission rather than to have become effective with the signing of this agreement and notices of proposed rate increases which are outstanding at the time this contract becomes effective shall run from the date of publication in the tariff rather than from the date of this agreement.

By the Commission.

[SEAL] THOMAS LISI, *Secretary.*

[F.R. Doc. 65-6857; Filed, June 28, 1965; 8:50 a.m.]

FEDERAL POWER COMMISSION

[Docket Nos. CP65-213—CP65-215]

PACIFIC GAS TRANSMISSION CO.

Order Vacating Order Granting Reconsideration

JUNE 18, 1965.

On May 26, 1965, Pacific Gas Transmission Co. (Pacific Transmission) filed a motion for reconsideration of the Commission's order of May 25, 1965, in which dates were fixed for the distribution of exhibits and testimony and for the setting of a prehearing conference in the above-styled proceedings.

On June 1, 1965, the Commission granted Pacific Transmission's motion for reconsideration. The Commission by its action adopted the accelerated time schedule that had been proposed by Pacific Transmission in its motion for reconsideration with the hope that the final determination of these proceedings could be expedited.

On June 3, 1965, and June 7, 1965, replies in opposition to the motion for reconsideration were timely filed by the Texas Independent Producers and Royalty Owners Association, Permian Basin Petroleum Association, West Central Texas Oil and Gas Association, the State of Texas, Jade Oil and Gas Co. and the California Gas Producers Association.

The replies filed by the above-named intervening parties disclosed that the order of the Commission issued on June 1, 1965, which adopted the accelerated schedule proposed by Pacific Transmission, was not appropriate. The Commission was not cognizant of the extensive review that the intervening parties intended to make with respect to Pacific Transmission's presentation when it adopted Pacific Transmission's proposal. The Commission will therefore vacate its order of June 1, 1965, and substitute the time schedule initially set forth in its order of May 25, 1965, in order to afford the intervening parties adequate time in which to prepare any presentation they may desire to make.

The Commission orders:

(A) The order issued on June 1, 1965, in the proceedings entitled Pacific Gas Transmission Co. et al., Docket Nos. CP65-213, et al., is vacated.

(B) A prehearing conference be convened in the proceedings entitled Pacific Gas Transmission Company, et al., Docket Nos. CP65-213, et al., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D.C., on July 22, 1965, at 10 a.m., e.d.s.t. The Chief Examiner will designate an appropriate officer of the Commission to preside at the prehearing conference and at the formal hearing of these matters, pursuant to the Commission's rules of practice and procedure.

(C) Any party desiring to file answering testimony to Pacific Gas Transmission Co.'s direct presentation shall serve such answering testimony upon all of the parties on or before July 15, 1965.

By the Commission.[1]

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F.R. Doc. 65-6776; Filed, June 28, 1965; 8:47 a.m.]

[Docket Nos. CI61-392, etc.]

FOREST OIL CORP. ET AL.

Findings and Order After Statutory Hearing

JUNE 18, 1965.

Each of the Applicants listed herein has filed an application pursuant to section 7 of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale and delivery of natural gas in interstate commerce, for permission and approval to abandon service, or a petition to amend an existing certificate authorization, all as more fully described in the respective applications and petitions (and any supplements or amendments thereto) which are on file with the Commission.

The Applicants herein have filed related FPC Gas Rate schedules and propose to initiate or abandon, add or delete natural gas service in interstate commerce as indicated by the tabulation herein. All sales certificated herein are either equal to or below the ceiling prices established by the Commission's Statement of Policy 61-1, as amended, or involve sales for which permanent certificates have been previously issued.

Sohio Petroleum Co., Applicant in Docket Nos. CI61-77,[2] CI61-79,[3] and CI63-126, proposes to continue the sale of natural gas heretofore authorized in said dockets and made pursuant to Prado Oil & Gas Co., FPC Gas Rate Schedule Nos. 1, 3, and 4, respectively. Said rate schedules will be redesignated as those of Sohio. Prado filed an increased rate under its FPC Gas Rate Schedule No. 4 which was suspended in Docket No. RI61-558[4] and has not been made effective. The presently effective rate under Prado's FPC Gas Rate Schedule No. 1 is in effect subject to refund in Docket No. RI63-393.[5] Sohio has filed motions to be substituted as respondent in each of the rate proceedings. Prado commenced the sales of natural gas authorized in Docket Nos. CI61-77 and CI61-79 pursuant to unconditioned temporary certificates. The certificate applications were consolidated with Skelly Oil Co., et al., Docket No. G-18368, et al., and permanent certificates were issued in the order accompanying Opinion No. 362 (28 FPC 401) at an "in line" rate. Inasmuch as there is a possibility that some portion of the initial rate collected for sales made pursuant to the temporary certificates will have to be refunded,[6] Prado will remain responsible for such refunds although it will no longer be the certificate holder. Sohio will be substituted as respondent in each of Prado's rate proceedings, the proceedings will be redesignated accordingly, and Sohio will be required to file an agreement and undertaking in Docket No. RI63-393 to assure the refund of any amount collected in excess of the amount determined to be just and reasonable in said proceeding.

Humble Oil & Refining Co., Applicant in Docket No. CI65-1158, proposes to continue in part the sale of natural gas heretofore authorized in Docket No. G-10091 and made pursuant to Hanley Co., FPC Gas Rate Schedule No. 12. Hanley's contract will also be accepted for filing as Humble's rate schedule. The presently effective rate under said rate schedule is in effect subject to refund in Docket No. RI65-56. Hanley collected for a locked-in period a prior increased rate subject to refund in Docket No. RI60-76.[7] Humble has filed a motion, together with an agreement and undertaking, to be made a corespondent in said proceedings. Accordingly, Humble will be made a corespondent in each of the rate proceedings, the proceedings will be redesignated, and the agreement and undertaking will be accepted for filing.

After due notice, petitions to intervene by the Long Island Lighting Co. and the Philadelphia Gas Works Division of the United Gas Improvement Co. were filed on June 5, and June 8, 1964, respectively, in Docket Nos. CI64-1017 and CI64-1065, respectively. Notices of withdrawal of the respective interventions by intervenors were filed on May 17, and May 26, 1965, respectively, in Docket Nos. CI64-1017 and CI64-1065, respectively. No other petitions to intervene, notices of intervention, or protests to the granting of any of the respective applications or petitions in this order have been received.

At a hearing held on June 16, 1965, the Commission on its own motion received and made a part of the record in these proceedings all evidence including the applications, amendments, and exhibits thereto, submitted in support of the respective authorizations sought herein, and upon consideration of the record,

The Commission finds:

(1) Each Applicant herein is a "natural-gas company" within the meaning of the Natural Gas Act as heretofore found by the Commission or will be engaged in the sale of natural gas in interstate commerce for resale for ultimate public consumption, subject to the jurisdiction of the Commission, and will, therefore, be a "natural-gas company" within the meaning of said Act upon the commencement of the service under the respective authorizations granted hereinafter.

(2) The sales of natural gas hereinbefore described, as more fully described in the respective applications, amendments and/or supplements herein, will be made in interstate commerce, subject to the jurisdiction of the Commission, and such sales by the respective Applicants, together with the construction and operation of any facilities subject to the jurisdiction of the Commission necessary therefor, are subject to the requirements of subsections (c) and (e) of section 7 of the Natural Gas Act.

(3) The sales of natural gas by the respective Applicants, together with the construction and operation of any facilities subject to the jurisdiction of the Commission necessary therefor, are required by the public convenience and necessity and certificates therefor should be issued as hereinafter ordered and conditioned.

(4) The respective Applicants are able and willing properly to do the acts and to perform the services proposed and to conform to the provisions of the Natural Gas Act and the requirements, rules, and regulations of the Commission thereunder.

(5) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act that the certificates authorizing the sales to which Applicant is successor in Docket Nos. CI64-1017 and CI64-1065 should be terminated.

(6) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act that Docket Nos. CI65-1161 and CI65-1162 should be canceled and that the applications filed therein should be processed as petitions to amend the certificates issued in Docket Nos. CI61-79 and CI61-77, respectively, by permitting the successor in interest to continue the services heretofore authorized.

(7) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act and the public convenience and necessity require that the certificate authorizations heretofore issued in Docket Nos. G-10091, CI61-77, CI61-79, CI61-392, CI61-1589, CI63-125, CI63-126, CI63-265, CI63-1376, and CI65-767 should be amended as hereinafter ordered.

(8) The sales of natural gas proposed to be abandoned by the respective Applicants, as hereinbefore described, all as more fully described in the tabulation herein and in the respective applications, are subject to the requirements of subsection (b) of section 7 of the Natural Gas Act, and such abandonments should be permitted and approved as hereinafter ordered.

(9) The certificates of public convenience and necessity heretofore issued to the respective Applicants herein relating to the abandonments hereinafter permitted and approved should be terminated.

(10) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act that Sohio Petroleum Co. should be substituted in lieu of Prado Oil & Gas Co. as respondent in the proceedings pending in Docket Nos. RI61-558 and RI63-393, that said proceedings should be redesignated accordingly, and that Sohio should be required to file an agreement and undertaking in Docket No. RI63-393.

(11) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act that Humble Oil & Refining Co. should be made a corespondent in the proceedings pending in Docket Nos. RI60-76 and RI65-56, that said proceedings should be redesignated accordingly, and that Humble's agreement and undertaking submitted in said proceedings should be accepted for filing.

(12) The respective related rate schedules and supplements as designated or redesignated in the tabulation herein should be accepted for filing as hereinafter ordered.

The Commission orders:

(A) Certificates of public convenience and necessity be and the same are hereby issued, upon the terms and conditions of this order, authorizing the sales by the respective Applicants herein of natural gas in interstate commerce for resale, together with the construction and operation of any facilities subject to the jurisdiction of the Commission necessary for such sales, all as hereinbefore described and as more fully described in the respective applications, amendments, supplements, and exhibits in this proceeding.

(B) The certificates granted in paragraph (A) above are not transferable and shall be effective only so long as Applicants continue the acts or operations hereby authorized in accordance with the provisions of the Natural Gas Act and the applicable rules, regulations, and orders of the Commission.

(C) The grant of the certificates issued in paragraph (A) above shall not be construed as a waiver of the requirements of section 4 of the Natural Gas Act or of Part 154 or Part 157 of the Commission's regulations thereunder, and is without prejudice to any findings or orders which have been or may hereafter be made by the Commission in any proceeding now pending or hereafter instituted by or against the respective Applicants. Further, our action in this proceeding shall not foreclose nor prejudice any future proceedings or objections relating to the operation of any price or related provisions in the gas purchase contracts herein involved. Nor shall the grant of the certificates aforesaid for service to the particular customers involved imply approval of all of the terms of the respective contracts, particularly as to the cessation of service upon termination of said contracts, as provided by section 7(b) of the Natural Gas Act. Nor shall the grant of the certificates aforesaid be construed to preclude the imposition of any sanctions pursuant to the provisions of the Natural Gas Act for the unauthorized commencement of any sales of natural gas subject to said certificates.

(D) The grant of the certificates issued herein on all applications filed after April 15, 1965, is upon the condition that no increase in rate shall be filed prior to the applicable date, as indicated by footnotes 6 and 25 in the attached tabulation, which would exceed the ceiling prescribed for the given area by paragraph (d) of the Commission's Statement of General Policy 61-1, as amended.

(E) The certificate authorizations heretofore issued to the respective Applicants in Docket Nos. CI61-1589 and CI65-767 are hereby amended by adding thereto authorization to sell natural gas to the same purchasers and in the same areas as covered by the original authorizations, pursuant to the rate schedule supplements as indicated in the tabulation herein.

(F) The certificate heretofore issued in Docket No. G-10091 is hereby amended by deleting therefrom authorization granted herein in Docket No. CI65-1158.

(G) The certificates heretofore issued in Docket Nos. CI61-392 and CI63-265 are hereby amended to cover the interests of coowners.

(H) The certificates heretofore issued in Docket Nos. CI61-77, CI61-79, CI63-125, CI63-126, and CI63-1376 are hereby amended by changing the certificate holders to the respective successors in interest as indicated in the tabulation herein.

(I) Permission for and approval of the abandonment of service by the respective Applicants, as hereinbefore described and as more fully described in the respective applications herein are hereby granted.

(J) In view of the abandonment authorization granted herein in Docket No. CI65-1148, the certificate heretofore issued in Docket No. G-10082 is hereby terminated and such authorization does not relieve Applicant of any refund obligation in the related rate suspension proceeding in Docket No. RI62-524.

(K) The certificates heretofore issued in Docket Nos. G-14836, G-19179, G-20203, G-20576, CI61-1159, and CI61-1273 are hereby terminated.

(L) Docket Nos. CI65-1161 and CI65-1162 are hereby canceled.

[1] Commissioner Bagge not participating.

[2] Sohio's application has been designated as Docket No. CI65-1162. This designation will be canceled and the application will be processed in Prado's Docket No. CI61-77.

[3] Sohio's application has been designated as Docket No. CI65-1161. This designation will be canceled and the application will be processed in Prado's Docket No. CI61-79.

[4] Consolidated with Docket No. AR64-1, et al.

[5] Consolidated with Docket No. AR64-2, et al.

[6] See P.S.C. of the State of New York v. F.P.C., 329 F. 2d 242, cert. denied sub nom. Prado Oil & Gas Co. v. F.P.C., 377 U.S. 963.

[7] Consolidated with Docket No. AR61-1, et al.

(M) Sohio Petroleum Co., be and it is hereby substituted in lieu of Prado Oil & Gas Co. as respondent in the proceedings pending in Docket Nos. RI61–558 and RI63–393, and said proceedings are redesignated accordingly.[7]

(N) Within 30 days from the issuance of this order, Sohio Petroleum Co. shall execute, in the form set out below, and shall file with the Secretary of the Commission an acceptable agreement and undertaking in Docket No. RI63–393 to assure the refund of any amount, together with interest at the rate of 7 percent per annum, collected in excess of the amount determined to be just and reasonable in said docket. Unless notified to the contrary by the Secretary of the Commission within 30 days from the date of submission, such agreement and undertaking shall be deemed to have been accepted for filing.

(O) Sohio Petroleum Co. shall comply with the refunding and reporting procedure required by the Natural Gas Act and § 154.102 of the regulations thereunder, and the agreement and undertaking filed by Sohio in Docket No. RI63–393 shall remain in full force and effect until discharged by the Commission.

(P) The authorization granted in Docket Nos. CI61–77 and CI61–79 does not relieve Prado Oil & Gas Co. from the responsibility for any refunds which finally may be ordered in said dockets for sales commenced pursuant to temporary certificates.

(Q) Humble Oil & Refining Co., be and it is hereby made a corespondent in the proceedings pending in Docket Nos. RI60–76 and RI65–56 insofar as said proceedings pertain to sales of natural gas made pursuant to Humble's FPC Gas Rate Schedule No. 374, said proceedings are redesignated accordingly,[8] and the agreement and undertaking submitted by Humble in said proceedings is hereby accepted for filing.

(R) Humble Oil & Refining Co. shall comply with the refunding and reporting procedure required by the Natural Gas Act and § 154.102 of the regulations thereunder, and the agreement and undertaking filed by Humble in Docket Nos. RI60–76 and RI65–56 shall remain in full force and effect until discharged by the Commission.

(S) The respective related rate schedules and supplements as indicated in the tabulation herein are hereby accepted for filing; further, the rate schedules relating to the successions herein are hereby redesignated and accepted, subject to the applicable Commission regulations under the Natural Gas Act to be effective on the dates as indicated in the tabulation herein.

By the Commission.

[SEAL] GORDON M. GRANT, *Acting Secretary.*

[7] Sohio Petroleum Co.

[8] Docket No. RI60–76, Hanley Co. (Operator), et al., DST Exploration Corp. (Operator), et al., and Humble Oil & Refining Co.; Docket No. RI65–56, Hanley Co. (Operator), et al., and Humble Oil & Refining Co.

Docket No. and date filed	Applicant	Purchaser, field, and location	FPC rate schedule to be accepted: Description and date of document	No.	Supp.
CI61–302 3–29–65 [1]	Forest Oil Corp et al.	El Paso Natural Gas Co., Clear Lake Field, Beaver County, Okla.	Assignment 12–1–64 [4]	25	4
CI61–1689 C 4–30–65 [6]	Texaco Inc.	Arkansas Louisiana Gas Co., Lassater Field, Marion County, Tex.	Amendment 3–22–65 [7]	287	5
CI62–125 E 4–12–65	Sohio Petroleum Co., (successor to Prado Oil and Gas Co.).	Northern Natural Gas Co., East Camrick Field, Beaver County, Okla.	Prado Oil and Gas Co., FPC GRS No. 2. Supplement Nos. 1–2 Notice of succession 4–9–65. [8] Effective date: 3–31–65.	115 118	1–2
CI63–126 E 4–15–65	do	Natural Gas Pipeline Co. of America, Southeast Camrick Field, Beaver County, Okla.	Prado Oil and Gas Co., FPC GRS No. 4. Supplement No. 1 Notice of succession 4–9–65. [8] Effective date: 3–31–65.	119 119	1
CI63–205 3–[illegible]–65 [1]	Forest Oil Corp., et al.	Michigan Wisconsin Pipe Line Co., Woodward Area, Major and Woodward Counties, Okla.	Assignment 12–1–64 [4]	27	6
CI63–1110 A 3–4–63 C 11–19–63	H. J. Mosser, Operator	The Atlee Corp., Tom Graham Field, Jim Wells County, Tex.	Contract 1–30–63 Amendment 11–5–63 Amendment 4–9–65 [9] [10]	0 0 0	1 2
CI63–1276 E 4–15–65	Sohio Petroleum Co., (successor to Prado Oil and Gas Co.).	Natural Gas Pipeline Co. of America, Camrick Field, Beaver County, Okla.	Prado Oil and Gas Co., FPC GRS No. 5. Notice of succession 4–9–65. [8] Effective date: 3–31–65.	120	
CI64–1017 A 3–10–64 (CI61–1275) (G–21201) [11]	Tennaco Oil Co. (successor to Tennaco Corp.).	Southern Natural Gas Co., Dexter Field, Walthall and Marion Counties, Miss.	Tennaco Corp., FPC GRS No. 43. Supplement No. 1 Notice of succession 1–9–64.	99 99	1
CI–64–1065 A 3–10–64 (CI61–1273) (G–14836) [11] CI65–767 C 5–3–65 [6]	Tennaco Oil Co. (Operator), et al. (successor to Tennaco Corp. (Operator), et al.). Southern Union Production Co.	United Gas Pipe Line Co., S. Tuleta and Normanna Fields, Bee County, Tex. El Paso Natural Gas Co., acreage in San Juan County, N. Mex.	Tennaco Corp., FPC GRS No. 90. Notice of succession 1–9–64. Supplemental agreement 3–18–65. [7]	109 15	1
CI65–1062 A 4–19–65 4–27–65 [6] [12]	Bridwell Oil Co.	United Gas Pipe Line Co., Williamson Field, San Patricio County, Tex.	Contract 3–1–46 [13] Supplemental agreement 2–1–46. [14] Amendment 9–6–49 [15] Amendment 3–15–62 [16] Amendment 2–1–65 [17] Supplemental agreement 3–1–65. [18] Amendment 6–30–65 [19] Amendment 3–29–65 [7] [20] Notice of cancellation 4–1–65. [21] [22]	11 11 11 11 11 11 11 1	1 2 3 4 5 6 7 1
CI65–1042 (G–11097) [23] B 4–19–65	True Oil Co. et al.	Kansas-Nebraska Natural Gas Co., Inc., Minto Field, Logan County, Colo.	Notice of cancellation 4–1–65. [21] [22]	1	1
CI65–1146 A 4–29–65	Fairman Drilling Co.	Consolidated Gas Supply Corp., Big Run Pool, Gaskill Township, Jefferson County, Pa.	Contract 1–14–65 [7]	44	
CI65–1147 (G–20576) B 4–29–65	Shell Oil Co.	The Manufacturers Light and Heat Co., Caledonia-Pike Area, Elk and Clearfield Counties, Pa.	Notice of cancellation 4–27–65. [21] [22]	238	1
CI65–1148 (G–10082) B 4–29–65	The Superior Oil Co.	Florida Gas Transmission Co., Obiate Field, Hidalgo County, Tex.	Notice of cancellation 4–27–65. [21] [22]	95	4
CI65–1149 A 4–30–65 [24]	Anadarko Production Co.	Northern Natural Gas Co., northeast Dower Field, Beaver County, Okla.	Contract 4–15–65 Letter Agreement 3–30–65. [25] Letter agreement 4–15–65. [27] [7]	88 88 88	1 2
CI65–1151 (CI61–1189) B 4–30–65	Lab Oil Co. (Operator), et al.	Coastal States Gas Producing Co., A & H Field, Duval County, Tex.	Notice of cancellation 4–26–65. [21] [22]	6	1
CI65–1155 A 5–3–65 [6]	The Waverly Oil Works Co.	Equitable Gas Co., Otter District, Braxton County, W. Va.	Contract 4–13–65 [7]	5	
A CI65–1158 (G–10091) F 5–3–65	Humble Oil & Refining Co. (successor to Hanley Co.)	El Paso Natural Gas Co., Spraberry Field, Reagan County, Tex.	Contract 4–13–65 [26] Letter agreement 10–5–65. [27] Supplemental agreement 10–26–49. [28] Supplemental agreement 12–7–60. Assignment 4–1–65 [29] Effective date: 4–1–65 Contract 4–2–65	274 274 274 274 276	1 2 4
CI65–1159 A 5–3–65 C 5–14–65 [6]	Tennaco Oil Co. et al.	El Paso Natural Gas Co., acreage in San Juan and Rio Arriba Counties, N. Mex., and LaPlata County, Colo.	Supplemental agreement 4–26–65. [7]	276	1

Filing Code: A—Initial service.
B—Abandonment.
C—Amendment to add acreage.
D—Amendment to delete acreage.
E—Succession.
F—Partial succession.

See footnotes at end of table.

Docket No. and date filed	Applicant	Purchaser, field, and location	FPC rate schedule to be accepted: Description and date of document	No.	Supp.
CI65–1161 (CI61–79) A 4–13–65 [30]	Sohio Petroleum Co. (successor to Prado Oil and Gas Co.).	South Texas Natural Gas Gathering Co., Prado Field, Jim Hogg County, Tex.	Prado Oil and Gas Co., FPC GRS No. 2 [31] Notice of succession 4–9–65. [8] Effective date: 3–31–65.	122	
CI65–1162 (CI61–77) A 4–13–65 [30]	do	do	Prado Oil and Gas Co., FPC GRS No. 1. [32] Supplement Nos. 1–3 Notice of succession 4–9–65. [8] Effective date: 3–31–65.	121 121	1–2
CI65–1166 A 5–4–65 [6]	Gulf Oil Corp.	Northern Natural Gas Co., Hansford (Upper Morrow) Field, Hansford County, Tex.	Contract 3–10–65 [7]	[illegible]	
CI65–1167 (G–19179) B 4–5–65	Oley Yeager	Pennzoil Co., Sheridan District, Lincoln County, W. Va.	Notice of cancellation 4–27–65. [21] [33]	1	3
CI65–1169 A 5–6–65 [34]	Gulf Oil Corp. (Operator), et al.	Panhandle Eastern Pipe Line Co., Ensal Field, Kiowa County, Kans.	Contract 3–10–65 Ratification agreement 4–8–65. [35] Ratification agreement 4–8–65. [37] [7]	297 297 297	1 2

[1] Omitted.
[2] Omitted.
[3] Applicant requests that its certificate be amended to cover the interests of coowners.
[4] Rate schedule filing consists of an assignment reflecting a change in interest only. No new dedication involved.
[5] Effective date: Date of transfer of interest involved.
[6] Jan. 1, 1968, moratorium date pursuant to Commission's Statement of General Policy 61–1, as amended.
[7] Effective date: Date of initial delivery.
[8] Applicant acquired subject properties from CMC Corp. via conveyance dated Mar. 12, 1965, effective Mar. 31, 1965. CMC had previously acquired the properties from Prado Oil and Gas Co. via conveyance dated Oct. 15, 1964, but had made no filings.
[9] Amends contract pricing provisions in compliance with temporary certificate to conform with Order No. 242.
[10] Effective date: Date of this order.
[11] Applicant is being authorized in Docket Nos. CI64–1017 and CI64–1065 to continue the sales authorized to the predecessor in Docket Nos. G–14836, G–20208 and CI61–1273. Docket Nos. G–14836, G–20208 and CI61–1273 will be terminated by this order.
[12] Amendment to the application to reflect a price of 13.4196 cents/Mcf in lieu of 13.25 cents/Mcf.
[13] Buyer shall reduce the price for gas ¾ cent/Mcf in the event buyer installs compression facilities. 1¼-cents reduction if the gas requires additional compression.
[14] Provides for a 1 year term from date of first deliveries.
[15] Amends contract price; provides new gas measurement basis; amends term to 10 year; adds acreage.
[16] Provides for certain tax reimbursement; defines gas measurement basis; amends contract price; extends term to 10 years.
[17] Amends delivery pressure; amends pricing provisions as follows: 13¼ cents to June 1, 1963, with 1.0 cent periodics each 5-year period; amends contract term to 50 years.
[18] Provides a 20-year term for gas from any and all acreage dedicated to the contract.
[19] Reserves sufficient gas for seller for use in any compression facilities; amends metering, gas measurement, and delivery provisions.
[20] Amends gas measurement provision; adds acreage.
[21] Docket previously terminated (inadvertently) by order issued May 20, 1963, in Docket No. C–2643 et al., Fain & MacGaha, et al.
[22] Source of gas depleted.
[23] Omitted.
[24] Omitted.
[25] July 1, 1967, moratorium date pursuant to Commission's Statement of General Policy 61–1, as amended.
[26] Establishes provisions for ownership of the helium gas constituent.
[27] Provides for the connection of well that does not meet the contract reserves requirements.
[28] Between Hanley Co. and El Paso Natural Gas Co.; on file as Hanley Co. FPC GRS No. 12.
[29] Adds acreage.
[30] Deletes favored nation clause from basic contract and establishes periodic rate increases.
[31] Transfers interest from Hanley Co. to Humble Oil & Refining Co.
[32] The applications filed in Docket Nos. CI65–1161 and CI65–1162 will be treated as petitions to amend the certificates issued in Docket Nos. CI61–79 and CI61–77, respectively, to reflect the succession of interest. Docket Nos. CI65–1161 and CI65–1162 will be canceled.
[33] Basic contract related to casinghead-gas only.
[34] Basic contract relates to gas-well gas only.
[35] Production of gas no longer economically feasible.
[36] Adoption of Gulf's contract by Francis Oil & Gas, Inc.
[37] Adoption of Gulf's contract by Herman George Kaiser.

[F.R. Doc. 65–6725; Filed, June 28, 1965; 8:45 a.m.]

[Docket No. E–7232]

NORTHERN STATES POWER CO.

Notice of Application

JUNE 23, 1965.

Take notice that on June 18, 1965, Northern States Power Co. (Applicant), a Minnesota corporation, qualified to do business in the States of North Dakota and South Dakota with its principal place of business office at Minneapolis, Minn., filed an application with the Federal Power Commission, pursuant to section 204 of the Federal Power Act, seeking an order authorizing it to issue 772,008 additional shares of its Common Stock.

Applicant proposes to issue and sell 772,008 additional shares of its Common Stock by (a) offering said shares to the holders of its Common Stock on the basis of one share for each 20 shares of record held on a date and at a price to be determined by the Applicant at a later day by mailing such holders a subscription warrant, (b) offering to its regular full time employees and those of its subsidiaries and to former employees now on retirement and receiving payments under a pension plan at the Subscription Price such of the additional Common Stock as shall not be subscribed for by the holders of the subscription warrants, and (c) selling at the subscription price, at competitive bidding such of the above shares of Common Stock as are not subscribed for by the holders of the subscription warrants or by the aforesaid employees.

Applicant also proposes to publish in the Wall Street Journal not later than 1 week prior to the time to be specified therein as the time up to which proposals will be received by Applicant, an invitation for proposals for the purchase from it of the unsubscribed stock.

According to the application, proceeds from the sale of the additional shares of Common Stock will be added to the general funds of the Applicant and will be used to retire all short-term bank loans outstanding at the time the proceeds are received and to provide funds for construction expenditures. The above mentioned bank loans, expected to aggregate $25,000,000 have been or will be incurred in connection with Applicant's 1965 construction program, expenditures for which are presently estimated at $51.6 million.

Any person desiring to be heard or to make any protest with reference to said application should on or before July 12, 1965, file with the Federal Power Commission, Washington, D.C., 20426, petitions or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). The application is on file and available for public inspection.

JOSEPH H. GUTRIDE, *Secretary.*

[F.R. Doc. 65–6775; Filed, June 28, 1965; 8:47 a.m.]

[Docket No. CP65–405]

UNITED GAS PIPE LINE CO.

Notice of Application

JUNE 23, 1965.

Take notice that on June 17, 1965, United Gas Pipe Line Co. (Applicant), Post Office Box 1407, Shreveport, La., 71102, filed in Docket No. CP65–405 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of natural gas facilities to be used for the sale and delivery of natural gas to Mississippi Power & Light Co. (Mississippi Power), Warren County, Miss., for an electric generating plant currently under construction, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant would construct and operate approximately 2.9 miles of 20-inch pipeline, an orifice meter station and appurtenant facilities in Warren County, Miss. The estimated annual and peak day requirements of natural gas for Mississippi Power's generating plant during the third year are 32,120,000 Mcf and 110,000 Mcf, respectively.

The estimated cost of construction of the proposed facilities is $435,912, which will be financed from current working funds.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C., 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (157.10) on or before July 19, 1965.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and

15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no protest or petition to intervene is filed within the time required herein, and the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a protest or petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 65-6777; Filed, June 28, 1965; 8:47 a.m.]

SECURITIES AND EXCHANGE COMMISSION

IDAMONT OIL & MINING CO.

Order Suspending Trading

JUNE 23, 1965.

The capital stock of Idamont Oil & Mining Co., certain fractional undivided interests and investment contracts relating to its mining properties, and options to acquire such stock and interests are being traded otherwise than on a national securities exchange; and

It appearing to the Securities and Exchange Commission that the summary suspension of such trading in such securities is required in the public interest and for the protection of investors;

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in the capital stock of Idamont Oil & Mining Co., certain fractional undivided interests and investment contracts relating to its mining properties, and options to acquire such stock and interests, otherwise than on a national securities exchange, be summarily suspended, this order to be effective for the period June 23, 1965, to July 2, 1965, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 65-6774; Filed, June 28, 1965; 8:47 a.m.]

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATIONS FOR RELIEF

JUNE 24, 1965.

Protests to the granting of an application must be prepared in accordance with Rule 1.40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 39863—*Furniture between points in official territory.* Filed by Traffic Executive Association-Eastern Railroads, agent (E.R. No. 2785), for interested rail carriers. Rates on furniture, in carloads, between points in official territory.

Grounds for relief—Market competition.

Tariff—Supplement 81 to Traffic Executive Association-Eastern Railroads, agent, tariff I.C.C. C-390.

FSA No. 39864—*Returned shipments of starch from, to, and within official territory.* Filed by Traffic Executive Association-Eastern Railroads, agent (E.R. No. 2786), for interested rail carriers. Rates on starch, in carloads, on shipments returned from original destinations to original points of shipment in official, Illinois Freight Association and western trunkline territories.

Grounds for relief—Carrier competition.

FSA No. 39865—*Petroleum products from Denver, Colo.* Filed by Western Trunk Line Committee, agent (No. A-2407), for interested rail carriers. Rates on residual fuel oil, distillate fuel oil, not suitable for illuminating purposes and gas oil, in tank carloads, from Denver, Colo., to points in Iowa, Minnesota, South Dakota, and Wisconsin.

Grounds for relief—Market competition.

Tariffs—Supplements 1 and 8 to Western Trunk Line Committee, agent, tariffs I.C.C. A-4593 and A-4572, respectively.

By the Commission.

[SEAL] BERTHA F. ARMES,
Acting Secretary.

[F.R. Doc. 65-6796; Filed, June 28, 1965; 8:48 a.m.]

[Notice 1195]

MOTOR CARRIER TRANSFER PROCEEDINGS

JUNE 24, 1965.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 179), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC-67874. By order of June 21, 1965, the Transfer Board approved the transfer to L. L. Smith Trucking, a corporation, Powell, Wyo., of the operating rights issued by the Commission July 27, 1948, under Certificate No. MC-107439 (Sub-No. 1) to C. C. Barnes and C. C. Simonson, a partnership, doing business as the Barnes Truck Co., Riverton, Wyo., authorizing the transportation, over regular routes, of general commodities, except household goods, and other specified commodities, between Riverton, Wyo., and Dubois Wyo., and machinery, materials, supplies, and equipment, incidental to, or used in, the construction, development, operation, and maintenance of facilities for the discovery, development, and production of natural gas and petroleum, between points in Montana, Wyoming, Colorado, North Dakota, South Dakota, and Nebraska, over irregular routes. Franklin S. Longan, Suite 319, Securities Building, Billings, Mont., attorney for applicants.

No. MC-FC-67876. By order of June 21, 1965, the Transfer Board approved the transfer to McCormick's Express, Third and Winslow Streets, Camden 4, N.J., of the operating rights in Permit No. MC-84444 (Sub-No. 3), issued August 7, 1963, to William H. McCormick, Rose A. McCormick, James A. McCormick, Joseph A. R. McCormick, and Elisabeth L. McCormick, a partnership, doing business as McCormick's Express, Third and Winslow Streets, Camden, N.J., authorizing the transportation, over irregular routes of paperboard, wallboard, fire extinguishing materials, waste paper, licorice root, licorice mass, powdered licorice, syrup, and woodpulp (except liquids in tank vehicles), from Camden, N.J., to points in Delaware, those in Maryland in and east of Frederick County, and those in Pennsylvania in and east of Bradford, Sullivan, Columbia, Montour, Northumberland, Dauphin, and York Counties, Pa., and waste paper and such supplies and equipment as are used by a licorice and paperboard manufacturer (except liquids in tank vehicles), from the destination points described above, to Camden, N.J., as restricted, and paperboard, wallboard, fire extinguishing materials, wastepaper, licorice root, licorice mass, powdered licorice, syrup, woodpulp, and such general supplies and equipment as are used by a licorice manufacturer, between Camden, N.J., on the one hand, and, on the other, New York and Long Island City, N.Y., and points in Pennsylvania within 30 miles of Philadelphia, Pa.

No. MC-FC-67920. By order of June 17, 1965, the Transfer Board approved the transfer to Westfair Transport Corp., South Norwalk, Conn., of certificate in No. MC-112718, issued November 4, 1964, to Paul K. Cleveland, doing business as Westfair Air Service, South Norwalk, Conn., authorizing the transportation of: General commodities, with the usual exceptions between Norwalk, Conn., and New York, N.Y., serving all intermediate points and certain named off-route points; motor and vegetable oil, between Stamford, Conn., and Boston, Mass., serving certain named intermediate and off-route points, general commodities with the usual exceptions between points in Connecticut and between New York, N.Y., on the one hand, and, on the other, certain named counties in New Jersey; new pianos, heavy machinery and equipment, and steel, between points in Connecticut on the one hand, and, on the other, points in Massachusetts, New Jersey, New York, and Rhode Island, and electrical equipment, telephone materials and patterns, and empty steel drums, between Stamford, Conn., on the one hand, and, on the other, points in a specified part of New Jersey. Reubin Kaminsky, 410 Asylum Street, Hartford, Conn., attorney at law.

[SEAL] BERTHA F. ARMES,
Acting Secretary.

[F.R. Doc. 65-6797; Filed, June 28, 1965; 8:48 a.m.]

[Notice 1196-A]

MOTOR CARRIER TRANSFER PROCEEDINGS

JUNE 29, 1965.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 179), appear below:

As provided in the Commission's general rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 30 days from the date of service of the order. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC-67345. By order of June 18, 1965, Division 3 acting as Appellate Division, approved the transfer to Atlantic Coast Import Carriers, Inc., 113 East 22d Street, Bayonne, N.J., of a portion of Certificate No. MC-115273 (Sub-No. 6), issued July 12, 1961, to Acme Carriers, Inc., South Kearny, N.J., authorizing the transportation of coffee beans and tea, and spices and nuts when transported in the same vehicle and at the same time with coffee beans and tea, over irregular routes, from points in the New York, N.Y., commercial zone, as defined by the Commission, to Cleveland and Toledo, Ohio, St. Louis, Mo., Valparaiso, Ind., and Milwaukee, Wis.; and from points in New Jersey within the New York, N.Y., commercial zone, as defined by the Commission, to Chicago, Ill. Edward M. Alfano, 2 West 45th Street, New York 36, N.Y., attorney for transferor.

[SEAL] BERTHA F. ARMES,
Acting Secretary.

[F.R. Doc. 65-6798; Filed, June 28, 1965; 8:49 a.m.]

CUMULATIVE LIST OF CFR PARTS AFFECTED—JUNE

The following numerical guide is a list of the parts of each title of the Code of Federal Regulations affected by documents published to date during June.

3 CFR

	Page
PROCLAMATIONS:	
3658	7695
EXECUTIVE ORDERS:	
July 10, 1912 (revoked in part by PLO 3699)	7898
May 14, 1915 (revoked in part by PLO 3673)	7752
Oct. 30, 1916 (revoked in part by PLO 3664)	7750
Dec. 12, 1917 (revoked in part by PLO 3699)	7898
6143 (revoked in part by PLO 3691)	7823
6276 (revoked in part by PLO 3691)	7823
6285 (revoked in part by PLO 3693)	7824
6583 (revoked in part by PLO 3691)	7823
7655 (revoked in part by PLO 3661)	7521
8278 (revoked in part by PLO 3705)	7901
10530 (superseded in part by EO 11228)	7739
10682 (superseded by EO 11228)	7739
10800 (superseded in part by EO 11228)	7739
10835 (superseded by EO 11228)	7739
10903 (superseded in part by EO 11228)	7739
11227	7369
11228	7739
11229	7741

5 CFR

	Page
213	7271, 7311, 7425, 7426, 7473, 7515, 7557, 7595, 7645, 7646, 7701, 7895, 7987, 8093.
511	7962, 8216
531	7962, 8216
630	7557

7 CFR

	Page
Ch. I	8093
16	7426
26	8031
28	7426
29	7385
30	7385
34	7385
51	7595
57	8031
68	8031
81	8093
160	7385
201	7887
301	8221
718	7427
722	7271, 7385, 7809, 7987
724	7646, 8153
728	7434
730	7272, 7811
750	7311
775	7515
814	7945
845	7273
850	7987
855	7988
908	7311, 7435, 7647, 7947, 8221
909	7273
910	7435, 7647, 7947, 8222
911	7647, 8031
915	7436, 7893, 8093
916	7948
917	7473-7475, 8031, 8255
922	8255
923	7648
944	7436, 7743
945	8154
958	7596
970	7274
1133	7988
1136	7893
1408	8094
1421	7475, 7811, 7988, 7991
1427	7814, 8096
1438	7948
1600	8155

7 CFR—Continued

	Page
PROPOSED RULES:	
28	8049
29	7494
51	7396
52	7524
53	8225
724	8000
911	7501
915	7501
916	7284, 8226
917	8273
923	8110
991	7825
1002	7839
1040	7903
1042	7903
1068	7221, 8227
1097	8228
1102	8228
1108	8228
1133	7284, 8000
1136	8049
1138	7288, 8050

8 CFR

	Page
103	7516
214	8102
264	7312

9 CFR

	Page
51	7596
74	7274
97	7893
201	7275, 7649
PROPOSED RULES:	
94	7445
101	7608
103	7608
131	8271
201	7662, 7721

10 CFR

	Page
30	8185
31	8189
32	8192
33	8198

10 CFR—Continued Page

34 ... 8198
35 ... 8200
36 ... 8201
PROPOSED RULES:
150 ... 7445, 7662, 7963, 8228

12 CFR

1 ... 7371
17 ... 7275
218 ... 7743
PROPOSED RULES:
545 ... 7316

13 CFR

107 ... 7597, 7651
305 ... 7894

14 CFR

1 ... 8256
21 ... 8032
23 ... 8259
25 ... 8259
37 ... 7637, 8262
39 ... 7275, 7371, 7372, 7638, 7701, 7816, 7876, 7993, 8033, 8034, 8155, 8203, 8204, 8263.
43 ... 8259
61 ... 8256
71 ... 7276, 7312, 7372, 7373, 7517, 7557, 7558, 7598, 7639, 7702, 7703, 7744, 7816–7818, 7877–7886, 7949, 7993, 7994, 8035–8037, 8102, 8103, 8156, 8157, 8264, 8265.
73 ... 7744, 7745, 7949, 7994, 8157
75 ... 7702, 7745, 7994, 7995, 8157, 8158
91 ... 8032, 8259
95 ... 7639
97 ... 7374, 7598, 7867, 7950, 8205
121 ... 7703
137 ... 8104
141 ... 7517
151 ... 7484, 8037
221 ... 7558
241 ... 7704
PROPOSED RULES:
37 ... 7663, 8006
39 ... 7573, 8062, 8226, 8229, 8273–8275
61 ... 7292
71 ... 7316, 7396, 7502, 7503, 7524, 7525, 7573, 7612, 7613, 7663–7666, 7723, 7761, 7840, 7929, 8007, 8008, 8110, 8111, 8166, 8276.
73 ... 7503, 7724
75 ... 7761, 8008
121 ... 7963, 8009
214 ... 8062

15 CFR

503 ... 8042

16 CFR

1 ... 8216
13 ... 7652, 7653, 7655, 7657, 7658, 7660, 7661, 8042, 8043.
14 ... 7894, 7995

17 CFR

240 ... 7276, 8109
249 ... 7566, 7568
PROPOSED RULES:
260 ... 8009
269 ... 8009, 8012

18 CFR

8 ... 7313
157 ... 7280

19 CFR Page

1 ... 7569, 7704
4 ... 7598
10 ... 7819
12 ... 8265
25 ... 8265
PROPOSED RULES:
22 ... 7756

20 CFR

404 ... 7995

21 CFR

8 ... 7484, 7705
20 ... 7280
25 ... 7943
27 ... 7484
120 ... 7280, 7385, 7485, 7569, 7996, 8158, 8266
121 ... 7280, 7386, 7485–7487, 7518, 7519, 7570, 7599, 7705–7707, 7895, 7896, 7943, 7944, 7996, 8267.
141a ... 7707
141c ... 7944
141d ... 7487
146a ... 7707, 7896
146c ... 7707
146d ... 7487
148i ... 8109
148n ... 7944
PROPOSED RULES:
20 ... 7292
121 ... 7501, 8165

22 CFR

204 ... 7571

24 CFR

200 ... 8159
203 ... 7599
221 ... 7708

25 CFR

1 ... 7520
41 ... 7745
42 ... 7746
221 ... 8160
251 ... 8267
PROPOSED RULES:
120 ... 8225

26 CFR

1 ... 7281, 7805, 8044
20 ... 7708
25 ... 7708
48 ... 7809
147 ... 8160
301 ... 7809
PROPOSED RULES:
1 ... 7493, 7721

28 CFR

0 ... 7599, 7709, 7819
16 ... 7488
42 ... 7388
43 ... 7819

29 CFR

5 ... 7819
602 ... 7948
603 ... 7949
1500 ... 7997
1501 ... 7748
1502 ... 7748
1503 ... 7748
PROPOSED RULES:
541 ... 8005
1504 ... 7608

32 CFR

288 ... 7997
562 ... 7710

32 CFR—Continued Page

750 ... 7748
753 ... 7748
1001 ... 7389

33 CFR

124 ... 7314
207 ... 8203

36 CFR

25 ... 8223
221 ... 8266

38 CFR

1 ... 7389
3 ... 7390, 7489
6 ... 8047
8 ... 8047, 8224
36 ... 7521

39 CFR

15 ... 7390
16 ... 7390, 7748
23 ... 7391, 8048, 8224
24 ... 7391
25 ... 7391
43 ... 7392
45 ... 7392
46 ... 7394
114 ... 7748
122 ... 7748
PROPOSED RULES:
22 ... 8049

41 CFR

1–1 ... 8217
1–16 ... 8217
5B–2 ... 7438
8–1 ... 7437
8–2 ... 7437, 7599
8–3 ... 7599
8–7 ... 7600
8–14 ... 7600
8–15 ... 7601
8–16 ... 7602
8–75 ... 7602
8–95 ... 7603
9–14 ... 7388
9–15 ... 8109
9–16 ... 7887
9–17 ... 7887
9–51 ... 7749
9–53 ... 7819
9–56 ... 7749
9–58 ... 7750
101–18 ... 7820
101–19 ... 8169
101–20 ... 7820
101–38 ... 7489

42 CFR

57 ... 7394, 7395

43 CFR

18 ... 7394
2230 ... 7606
3540 ... 7606
4110 ... 7606
PUBLIC LAND ORDERS:
5 (see PLO 3677) ... 7820
809 (revoked in part by PLO 3695) ... 7897
729 (revoked by PLO 3706) ... 7754
993 (revoked in part by PLO 3692) ... 7823
1360 (revoked by PLO 3700) ... 7899
1752 (revoked by PLO 3704) ... 7900
1757 (revoked in part by PLO 3673) ... 7752
1898 (revoked in part by PLO 3703) ... 7900
3528 (corrected) ... 7998

43 CFR—Continued Page

PUBLIC LAND ORDERS—Continued
3530 (amended and revoked in part by PLO 3701) ... 7899
3565 (correction) ... 7820
3598 (corrected by PLO 3675) ... 7753
3646 (corrected by PLO 3680) ... 7821
3661 ... 7521
3662 ... 7606
3663 ... 7750
3664 ... 7750
3665 ... 7750
3666 ... 7751
3667 ... 7751
3668 ... 7751
3669 ... 7751
3670 ... 7751
3671 ... 7752
3672 ... 7752
3673 ... 7752
3674 ... 7752
3675 ... 7753
3676 ... 7753
3677 ... 7820
3678 ... 7821
3679 ... 7821
3680 ... 7821
3681 ... 7821
3682 ... 7821
3683 ... 7821
3684 ... 7821
3685 ... 7822
3686 ... 7822
3687 ... 7822
3688 ... 7753
3689 ... 7822
3690 ... 7823
3691 ... 7823
3692 ... 7823
3693 ... 7824
3694 ... 7824
3695 ... 7897
3696 ... 7897
3697 ... 7897
3698 ... 7897
3699 ... 7898
3700 ... 7899
3701 ... 7899
3702 ... 7900
3703 ... 7900
3704 ... 7900
3705 ... 7901
3706 ... 7754

45 CFR

60 ... 7371
104 ... 8268

46 CFR

146 ... 7437
221 ... 7490
287 ... 8162
309 ... 7697
527 ... 7490
530 ... 8162
PROPOSED RULES:
248 ... 7291
251 ... 8110
290 ... 7722
380 ... 7722
521 ... 7930
533 ... 7574

47 CFR

0 ... 7521, 7755
1 ... 7419
2 ... 8222
18 ... 7998
31 ... 7711
33 ... 7711
73 ... 7314, 7711, 8048, 8164
89 ... 7522
97 ... 7755
PROPOSED RULES:
1 ... 7446
17 ... 7446
21 ... 8009
73 ... 7446, 7525, 7666, 7671, 7673, 7929, 8067, 8166.
91 ... 8009

48 CFR

201 ... 7754
211 ... 7754

49 CFR

72 ... 7420
73 ... 7420
74 ... 7423
77 ... 7423
78 ... 7423
79 ... 7425
95 ... 7522, 7945, 8163, 8269
131 ... 7901
192 ... 7491
193 ... 7522
PROPOSED RULES:
211 ... 8229

50 CFR

3 ... 7315
10 ... 7571
32 ... 7523
33 ... 7282, 7572, 7824
253 ... 7607
260 ... 7282
262 ... 7444
266 ... 7282

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FEDERAL REGISTER

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Agencies in this issue—

The President
Agency for International Development
Agricultural Research Service
Agriculture Department
Atomic Energy Commission
Civil Aeronautics Board
Civil Service Commission
Comptroller of the Currency
Consumer and Marketing Service
Federal Aviation Agency
Federal Maritime Commission
Federal Power Commission
Food and Drug Administration
General Services Administration
Indian Affairs Bureau
Interior Department
Interstate Commerce Commission
Land Management Bureau
Maritime Administration
National Bureau of Standards
National Park Service
Securities and Exchange Commission

Detailed list of Contents appears inside.



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Contents

THE PRESIDENT

MEMORANDUM

Memorandum of June 18, 1965; Use of ZIP Code system 8299

EXECUTIVE AGENCIES

AGENCY FOR INTERNATIONAL DEVELOPMENT

Notices

Principal U.S. diplomatic officer in Mali; authority delegation 8344

AGRICULTURAL RESEARCH SERVICE

Rules and Regulations

Interstate movement of diseased livestock; miscellaneous amendments 8327

AGRICULTURE DEPARTMENT

See also Agricultural Research Service; Consumer and Marketing Service.

Notices

Meat import limitations 8348

ATOMIC ENERGY COMMISSION

Rules and Regulations

Public contracts and property management:
Federal, State, and local taxes 8318
Procurement; justification and documentation 8319
Special and directed sources of supply 8318

CIVIL AERONAUTICS BOARD

Notices

Air Traffic Conference of America; agreement 8348
IATA; agreement regarding rate matters 8351
Hearings, etc.:
New Haven-Bridgeport case 8351
Reopened transatlantic charter investigation 8351
Transportes Aereos Nacionales, S. A., renewal case 8352

CIVIL SERVICE COMMISSION

Rules and Regulations

Excepted service; Agriculture Department 8301
Sick leave recredit 8301

Notices

Shorthand reporter; manpower shortage 8354

COMMERCE DEPARTMENT

See Maritime Administration; National Bureau of Standards.

COMPTROLLER OF THE CURRENCY

Rules and Regulations

Investment securities; Illinois Building Authority Bonds 8328

CONSUMER AND MARKETING SERVICE

Rules and Regulations

Milk in certain marketing areas:
Central Mississippi and Mississippi Gulf Coast; order terminating remaining provisions 8312
Delaware Valley; order suspending certain provisions 8301
Minneapolis-St. Paul; order suspending certain provisions 8312
Southern Michigan; amendment and consolidation of orders 8302

Proposed Rule Making

Milk in Quad Cities-Dubuque marketing area et al.; recommended decision 8337

Notices

Roy R. Chaney's Auction Sale et al.; deposting of stockyards 8348

FEDERAL AVIATION AGENCY

Rules and Regulations

Airworthiness directives:
Boeing Models 707 and 720 Series aircraft 8328
Boeing Models 707, 720, and 727 Series aircraft 8329
Lockheed Models 188A/188C Series aircraft (2 documents) 8329, 8330
Control zones:
Designation 8330
Modification of amendment 8331
Control zone, transition area, and control area extension; alteration, designation, and revocation 8330
Jet advisory areas; alteration and revocation 8331
Transition area; designation 8331

Proposed Rule Making

Airports; notice of construction, etc 8342
Control zone and transition areas; alteration and designations 8341

FEDERAL MARITIME COMMISSION

Notices

Alabama State Docks and American Liberty Tank Terminals, Ltd.; agreement filed for approval 8352

FEDERAL POWER COMMISSION

Rules and Regulations

Natural gas companies; annual report form, main line direct industrial sales 8331

Notices

Hearings, etc.:
City of Hamilton, Ohio 8352
Colorado Interstate Gas Co 8352
Natural Gas Pipeline Company of America 8353
Orange and Rockland Utilities, Inc 8353
Transcontinental Gas Pipe Line Corp 8353

FOOD AND DRUG ADMINISTRATION

Rules and Regulations

Color additives; provisional listings 8333
Drugs:
Records and reports concerning experience for which approval is in effect 8334
Sodium cloxacillin monohydrate capsules 8335
Food additives:
Lubricants with incidental food contact 8334
Urea-formaldehyde resins in molded articles 8334

Notices

Certain salts; establishment of temporary tolerances 8348

GENERAL SERVICES ADMINISTRATION

Rules and Regulations

Automotive vehicles; standard safety devices 8319

HEALTH, EDUCATION, AND WELFARE DEPARTMENT

See Food and Drug Administration.

INDIAN AFFAIRS BUREAU

Notices

Property matters; delegation of authority 8347

INTERIOR DEPARTMENT

See also Indian Affairs Bureau; Land Management Bureau; National Park Service.

Notices

Office of Territories; authority delegation 8348

(Continued on next page)

CONTENTS

INTERSTATE COMMERCE COMMISSION

Rules and Regulations

Motor carriers of property; emergency movements; rates:
Common carriers ... 8335
Contract carriers ... 8335

Proposed Rule Making

Motor service on interstate highways; property ... 8343

Notices

Finance applications ... 8370
Fourth section applications for relief ... 8375
Motor carrier:
Alternate route deviation notices ... 8370
Applications and certain other proceedings ... 8371
Broker, water carrier and freight forwarder applications ... 8354
Western Carriers Tariff Bureau; agreement ... 8375

LAND MANAGEMENT BUREAU

Notices

Idaho; opening of public lands ... 8347

MARITIME ADMINISTRATION

Notices

List of free world and Polish flag vessels arriving in Cuba since Jan. 1, 1963 ... 8345

NATIONAL BUREAU OF STANDARDS

Notices

WWVB, Ft. Collins, Colo., et al.; standards frequency and time broadcasts ... 8347

NATIONAL PARK SERVICE

Notices

Everglades National Park and Fort Jefferson National Monument, Florida; authority delegation ... 8347

SECURITIES AND EXCHANGE COMMISSION

Notices

International Hydrocarbons, Ltd.; hearing, etc ... 8344

STATE DEPARTMENT

See Agency for International Development.

TREASURY DEPARTMENT

See Comptroller of the Currency.

List of CFR Parts Affected

(Codification Guide)

The following numerical guide is a list of the parts of each title of the Code of Federal Regulations affected by documents published in today's issue. A cumulative list of parts affected, covering the current month to date, appears at the end of each issue beginning with the second issue of the month.

A cumulative guide is published separately at the end of each month. The guide lists the parts and sections affected by documents published since January 1, 1965, and specifies how they are affected.

3 CFR

PRESIDENTIAL DOCUMENTS OTHER THAN PROCLAMATIONS AND EXECUTIVE ORDERS:
Memo of June 18, 1965 ... 8299

5 CFR

213 ... 8301
630 ... 8301

7 CFR

1004 ... 8301
1040 ... 8302
1042 ... 8302
1068 ... 8312
1100 ... 8312
1107 ... 8312

PROPOSED RULES:
1063 ... 8340
1070 ... 8341
1078 ... 8341
1079 ... 8341

9 CFR

71 ... 8327

12 CFR

1 ... 8328

14 CFR

39 (4 documents) ... 8328–8330
71 (4 documents) ... 8330, 8331
75 ... 8331

PROPOSED RULES:
71 ... 8341
157 ... 8342

18 CFR

1 ... 8331
156 ... 8331
260 ... 8331

21 CFR

8 ... 8333
121 (2 documents) ... 8334
130 ... 8334
146a ... 8335

41 CFR

9–5 ... 8313
9–11 ... 8318
9–55 ... 8319
101–29 ... 8319

49 CFR

187 (2 documents) ... 8335

PROPOSED RULES:
211 ... 8343

Presidential Documents

Title 3—THE PRESIDENT

Memorandum of June 18, 1965

[USE OF ZIP CODE SYSTEM]

Memorandum for the Heads of Executive Departments and Agencies

THE WHITE HOUSE,
Washington, June 18, 1965.

The 5-digit ZIP Code system developed by the Post Office Department will

—contribute to the development of commerce and trade by speeding the delivery of business mail.

—increase the efficiency and economy of postal operations, with resultant benefits to the taxpayers.

—permit faster communications between individuals in both their business and personal affairs.

—keep our postal system abreast of improvements in other methods of communication.

—improve the accuracy of mail deliveries.

A complete transition to the ZIP Code system will not be accomplished without substantial effort by both the Post Office Department and the general public. The full use of ZIP coding by the Government itself is essential to the proper development of the system.

I expect, therefore, that the agencies of the Government will take the lead in adopting the ZIP Code system, including the pre-sorting of quantity mailings. The operations of Federal agencies should provide an example to private mailers who are expected to conform to the new system.

I have instructed the Postmaster General to issue regulations governing the use of the ZIP Code by all Federal agencies. These regulations will be designed to

—improve governmental services to the public.

—contribute to efficiency and economy in Government by improving the operations of all agencies, particularly those of the Post Office Department.

—provide an example to private mailers in the effective use of the ZIP Code system.

I shall expect each one of you to insure that his agency is ready to comply fully with the Postmaster General's regulations on the dates which he will specify in the regulations.

The Director of the Bureau of the Budget will take appropriate action to see that forms in use throughout the Federal Government are changed as may be necessary to provide the information required for ZIP coding of addresses on Government mailings.

This memorandum shall be published in the FEDERAL REGISTER.

LYNDON B. JOHNSON

[F.R. Doc. 65-6966; Filed, June 28, 1965; 2:52 p.m.]

Rules and Regulations

Title 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 213—EXCEPTED SERVICE

Department of Agriculture

Section 213.3313 is amended to show that the positions of Director, Agricultural Credit Services, his Confidential Assistant, and his Private Secretary, are no longer excepted under Schedule C. Effective on publication in the FEDERAL REGISTER, the headnote and subparagraphs (1), (2), and (3) of paragraph (l) of § 213.3313 are revoked.

(R.S. 1753, sec. 2, 22 Stat. 403, as amended; 5 U.S.C. 631, 633; E.O. 10577, 19 F.R. 7521, 3 CFR, 1954–1958 Comp., p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] MARY V. WENZEL,
Executive Assistant to the Commissioners.

[F.R. Doc. 65–6838; Filed, June 29, 1965; 8:47 a.m.]

PART 630—ABSENCE AND LEAVE

Sick Leave Recredit

Section 630.502(b) is amended to permit recredit of sick leave of former Federal employees who return to Federal service after working for the Appalachian Regional Commission. Paragraph (b) of § 630.502 is amended as set out below.

§ 630.502 Sick leave recredit.

* * * * *

(b) An employee who is separated from the Federal Government or the government of the District of Columbia is entitled to a recredit of his sick leave if he is reemployed in the Federal Government or the government of the District of Columbia, without a break in service of more than 3 years, and an employee who is employed by the Appalachian Regional Commission within 4 calendar days after separation from the Federal Government or the government of the District of Columbia is entitled to a recredit of his sick leave if he is reemployed by the Federal Government or government of the District of Columbia within 6 months after separation from a continuous period of employment with the Appalachian Regional Commission that exceeds 2 years and 6 months.

* * * * *

(Sec. 206, 65 Stat. 681; 5 U.S.C. 2065)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] MARY V. WENZEL,
Executive Assistant to the Commissioners.

[F.R. Doc. 65–6850; Filed, June 29, 1965; 8:48 a.m.]

Title 7—AGRICULTURE

Chapter X—Consumer and Marketing Service (Marketing Agreements and Orders; Milk), Department of Agriculture

[Milk Order No. 4]

PART 1004—MILK IN DELAWARE VALLEY MARKETING AREA

Order Suspending Certain Provisions

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and of the order regulating the handling of milk in the Delaware Valley marketing area (7 CFR Part 1004), it is hereby found and determined that:

(a) Pending a decision in the matter of proposed termination of the order (30 F.R. 6947) the following provisions of the order, for the reasons hereinafter specified, do not tend to effectuate the declared policy of the Act:

(1) In § 1004.50(a), the provision "through June 1965", and

(2) In § 1004.50(a)(4), the provision "and shall be an additional 20 cents more if the percentage of such receipts to such disposition is less than 126".

(b) Thirty days notice of the effective date hereof is impractical, unnecessary, and contrary to the public interest in that:

(1) This suspension order does not require of persons affected substantial or extensive preparation prior to the effective date.

(2) This suspension order is necessary to reflect current marketing conditions and to further orderly marketing conditions in the marketing area.

(3) This suspension action deactivates the provision which would terminate the Class I pricing formula on June 30, 1965 and the provision of the supply-demand adjustment mechanism in the Class I pricing formula which increases the quarterly Class I price 20 cents when the 12-month average ratio of producer receipts to total Class I sales drops below the standard ratio of 126. This action thus continues the Class I pricing provisions beyond June 30, 1965 and prevents effectuation of a 20-cent increase in the annual Class I price level, which increase would seriously endanger the Class I market for local producer milk because of resulting misalignment of price with prevailing prices in adjacent Federal order markets.

(4) A public hearing held in Philadelphia, Pa., on January 18–19, 1965, was called at the request of both producers and handlers to review the supply-demand adjustment provision of the Class I pricing formula and remove the June 30 termination date from the Class I pricing formula. At the hearing, interested parties took the position that any further increase in the Class I price level through action of the supply-demand adjustor would result in unreasonable price disparity between the Delaware Valley price and prices in adjacent Federal order markets. They requested modification of the pricing formula to preclude price changes of more than 20 cents through action of the supply-demand adjustor. With such modification it was their position that the formula would provide an appropriate price and, accordingly, the June 30 termination date should also be deleted.

(5) On request of handlers distributing in excess of 75 percent of the fluid milk sold in the marketing area similar suspension action was taken with reference to the supply-demand adjustment mechanism for the April–June quarter. A similar request was made for this action.

(6) On May 19, 1965, the Department issued a notice of proposed termination of the order and interested parties were given until June 11 to file written views, data and argument with reference to such proposed action. In addition, a public meeting was held in Philadelphia on June 8 to permit parties, as an alternative to filing written views, the opportunity to make oral presentations.

Termination of the order is under consideration because audits by the market administrator of the records of cooperative associations and milk dealers have revealed widespread practices resulting in undercutting of the established minimum order prices and it is believed that the order in its present form may no longer carry out the purposes established by Congress in authorizing the Federal milk order program.

Interested parties were almost unanimous in opposition to withdrawal of the order. A number of suggestions were made for opportunity for a hearing to consider modification of the pooling procedure. Accordingly, the Department has announced that a decision on the termination of the order will be held in abeyance pending consideration at a public hearing of proposals for modification of the present order provisions. Under these circumstances amendatory action at this time on matters considered at the January hearing would not be appropriate. However, unless this suspension action is taken there could be no effective order after June 30.

Therefore, good cause exists for making this order effective upon publication in the FEDERAL REGISTER.

It is therefore ordered, That the aforesaid provisions of the order are hereby suspended from the effective date hereof.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Effective date: Date of publication in the FEDERAL REGISTER.

Signed at Washington, D.C., on June 28, 1965.

GEORGE L. MEHREN,
Assistant Secretary.

[F.R. Doc. 65–6877; Filed, June 29, 1965; 8:50 a.m.]

[Milk Order No. 40]

PART 1040—MILK IN SOUTHERN MICHIGAN MARKETING AREA

PART 1042—MILK IN MUSKEGON, MICH., MARKETING AREA

Order Amending and Consolidating Orders

This order amends and consolidates under Part 1040 the order provisions of Parts 1040 (Southern Michigan) and 1042 (Muskegon, Mich.), combines and expands the marketing areas defined under these two orders; and redefines the new area as the Southern Michigan marketing area. Because of the merger of the orders into Part 1040, Part 1042 is no longer appropriate and, therefore, is revoked and reserved for future reassignment to other programs.

Subpart—Order Regulating Handling

DEFINITIONS

Sec.
1040.1 Act.
1040.2 Secretary.
1040.3 U.S.D.A.
1040.4 Person.
1040.5 Cooperative association.
1040.6 Southern Michigan marketing area.
1040.7 Handler.
1040.8 Producer.
1040.9 Producer-handler.
1040.10 Producer milk.
1040.11 Other source milk.
1040.12 Fluid milk product.
1040.13 Route.
1040.14 Distributing plant.
1040.15 Supply plant.
1040.16 Pool plant.
1040.17 Call percentage.
1040.18 Nonpool plant.
1040.19 Base milk.
1040.20 Excess milk.

MARKET ADMINISTRATOR

1040.25 Market administrator.
1040.26 Powers.
1040.27 Duties.

HANDLER, REPORTS, RECORDS, AND FACILITIES

1040.30 Monthly reports of receipts and utilization.
1040.31 Other reports.
1040.32 Records and facilities.
1040.33 Retention of records.

CLASSIFICATION OF MILK

1040.40 Skim milk and butterfat to be classified.
1040.41 Classes of utilization.
1040.42 Shrinkage.
1040.43 Transfers.
1040.44 Responsibility of handlers.
1040.45 Computation of skim milk and butterfat in each class.
1040.46 Allocation of skim milk and butterfat classified.

MINIMUM CLASS PRICES

1040.50 Basic formula price.
1040.51 Class I milk price.
1040.52 Class II milk price.
1040.53 Handler butterfat differential.
1040.54 Location adjustments to handlers.
1040.55 Use of equivalent prices.

DETERMINATION OF UNIFORM PRICES TO PRODUCERS

1040.60 Computation of the net pool obligation of each pool handler.
1040.61 Computation of the 3.5 percent value of all milk.
1040.62 Computation of uniform price.
1040.63 Adjusted uniform price.
1040.64 Excess milk price.
1040.65 Computation of uniform price for base milk.
1040.66 Obligations of handler operating a partially regulated distributing plant.
1040.67 Notification.

BASE RULES

1040.70 Determination of base.
1040.71 Application of bases.
1040.72 Relinquishing a base.

PAYMENTS FOR MILK

1040.80 Time and method of payment to producers.
1040.81 Location differentials to producers and on nonpool milk.
1040.82 Producer butterfat differential.
1040.83 Producer-equalization fund.
1040.84 Payments to the producer-equalization fund.
1040.85 Payment from the producer-equalization fund.
1040.86 Expense of administration.
1040.87 Marketing services.
1040.88 Adjustment of accounts.
1040.89 Overdue accounts.

APPLICATION OF PROVISIONS

1040.90 Handler exemption.
1040.91 Handlers subject to other Federal orders.
1040.92 Producer-handler exemption.
1040.93 Special reporting dates.

EFFECTIVE TIME, SUSPENSION, OR TERMINATION

1040.100 Termination of obligations.
1040.101 Effective time.
1040.102 Suspension or termination.
1040.103 Continuing obligations.
1040.104 Liquidation.

MISCELLANEOUS PROVISIONS

1040.110 Agents.
1040.111 Separability of provisions.

AUTHORITY: The provisions of this Part 1040 issued under secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674.

§ 1040.0 Findings and determinations.

The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the Southern Michigan marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order as hereby amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(2) The parity prices of milk, as determined pursuant to section 2 of the Act, are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the order as hereby amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest;

(3) The said order as hereby amended, regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial or commercial activity specified in, a marketing agreement upon which a hearing has been held.

(4) All milk and milk products handled by handlers, as defined in the order as hereby amended, are in the current of interstate commerce or directly burden, obstruct, or affect interstate commerce in milk or its products; and

(5) It is hereby found that the necessary expense of the market administrator for the maintenance and functioning of such agency will require the payment by each handler, as his pro rata share of such expense, two cents per hundredweight or such lesser amount as the Secretary may prescribe, with respect to:

(i) Producer milk (including milk of such handler's own production);

(ii) Other source milk allocated to Class I pursuant to § 1040.46(a) (3) and (7) and the corresponding steps of § 1040.46(b); and

(iii) Class I milk disposed of in the marketing area from a partially regulated distributing plant that exceeds the hundredweight of Class I milk received during the month at such plant from pool plants and other order plants.

(b) *Determinations.* It is hereby determined that:

(1) The refusal or failure of handlers (excluding cooperative associations specified in sec. 8c(9) of the Act) of more than 50 percent of the milk, which is marketed within the marketing area, to sign a proposed marketing agreement, tends to prevent the effectuation of the declared policy of the Act;

(2) The issuance of this order, amending the order, is the only practical means pursuant to the declared policy of the Act of advancing the interests of producers as defined in the order as hereby amended; and

(3) The issuance of the order amending the order is approved or favored by at least two-thirds of the producers who participated in a referendum and who during the determined representative period were engaged in the production of milk for sale in the marketing area.

Order relative to handling. It is therefore ordered, that on and after the effective date hereof, the orders regulating the handling of milk in the Southern Michigan and Muskegon, Mich., marketing areas shall be amended and consolidated into one order and the handling of milk in the consolidated marketing area, redefined as the Southern Michigan marketing area, shall be in conformity

to, and in compliance with, the terms and conditions of Parts 1040 as hereby amended. Part 1042 is hereby revoked and Part 1040 is hereby amended as follows:

DEFINITIONS

§ 1040.1 Act.

"Act" means Public Act No. 10, 73d Congress, as amended, and as re-enacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.).

§ 1040.2 Secretary.

"Secretary" means the Secretary of Agriculture of the United States, or any officer or employee of the United States authorized to exercise the powers and to perform the duties of the Secretary of Agriculture.

§ 1040.3 U.S.D.A.

"U.S.D.A." means the United States Department of Agriculture.

§ 1040.4 Person.

"Person" means any individual, partnership, corporation, association, or any other business unit.

§ 1040.5 Cooperative association.

"Cooperative association" means any cooperative marketing association of producers, which the Secretary determines, after application by the association:

(a) To be qualified under the provisions of the act of Congress of February 18, 1922, as amended, known as the "Capper-Volstead Act";

(b) To have full authority in the sale of milk of its members and is engaged in making collective sales or marketing milk or its products for its members; and

(c) To have all of its activities under the control of its members.

§ 1040.6 Southern Michigan marketing area.

"Southern Michigan marketing area", hereinafter referred to as the "marketing area", means all territory geographically within the places listed below, together with all piers, docks, and wharves connected therewith and all craft moored thereat, and all territory wholly or partly therein occupied by government (municipal, State, or Federal) reservations, installations, institutions, or other similar establishments:

MICHIGAN COUNTIES

Alcona.	Mason.
Allegan.	Missaukee.
Alpena.	Monroe (Ash and Berlin townships only).
Arenac.	Montcalm.
Barry.	Montmorency.
Bay.	Muskegon.
Calhoun.	Newaygo.
Clare.	Oakland.
Clinton.	Ottawa.
Eaton.	Oceana.
Genesee.	Ogemaw.
Gladwin.	Osceola.
Gratiot.	Oscoda.
Huron.	Presque Isle (Krakow and Presque Isle townships only).
Ingham.	Roscommon.
Ionia.	Saginaw.
Iosco.	St. Clair.
Isabella.	Sanilac.
Jackson.	Shiawassee.
Kalamazoo.	Tuscola.
Kent.	Washtenaw.
Lake.	Wayne.
Lapeer.	
Livingston.	
Macomb.	
Mecosta.	
Midland.	

§ 1040.7 Handler.

"Handler" means:

(a) Any person who operates a pool plant;

(b) Any person who operates a partially regulated distributing plant;

(c) Any cooperative association with respect to milk of its member producers which is delivered directly from the farm to the pool plant of another handler in a tank truck owned, operated by, or under contract to such cooperative association for the account of such cooperative association (such milk shall be considered as having been received by such cooperative association at a location identical to that of the pool plant to which it is delivered);

(d) Any cooperative association with respect to producer milk diverted from a pool plant to a nonpool plant for the account of such association;

(e) Any person in his capacity as the operator of an other order plant from which fluid milk products are distributed on routes in the marketing area or shipped to a pool plant; and

(f) Any producer-handler.

§ 1040.8 Producer.

"Producer" means any person, other than a producer-handler under any Federal order, who produces milk, approved by any duly constituted health authority for fluid consumption in the marketing area, which is moved to a pool plant, or to any other plant by diversion from a pool plant. The term shall include such a person with respect to milk diverted to a pool plant from an other order plant (unless designated for Class II use) during any month in which the quantity diverted is greater than the quantity of milk physically received from such person at the plant from which diverted and such milk is exempt from the pooling provisions of the other order.

§ 1040.9 Producer-handler.

"Producer-handler" means a person who:

(a) Operates a dairy farm and a milk plant from which fluid milk products are distributed in the marketing area and who received fluid milk products only from his own production or by transfer from a pool plant; and

(b) Provides proof that (1) the care and management of all dairy animals and other resources necessary to produce the entire volume of fluid milk products handled (excluding receipts by transfer from a pool plant); and (2) the operation of the processing business is the personal enterprise and risk of such person.

§ 1040.10 Producer milk.

"Producer milk" means all skim milk and butterfat contained in milk received from producers at a pool plant or by a cooperative association in its capacity as a handler pursuant to § 1040.7 (c) and (d) and that diverted to a nonpool plant by the operator of a pool plant, except milk which is subject to pooling under another Federal order.

§ 1040.11 Other source milk.

"Other source milk" means all skim milk and butterfat contained in:

(a) Receipts during the month of fluid milk products except (1) receipts from other pool plants, (2) producer milk and (3) that received from a cooperative association pursuant to § 1040.7(c); and

(b) Products, other than fluid milk products, from any source (including those produced at the pool plant) which are reprocessed or converted to another product in the pool plant during the month.

§ 1040.12 Fluid milk product.

"Fluid milk product" means milk, skim milk, flavored milk, buttermilk, yogurt, cream (exclusive of frozen and sour cream), and any mixture in fluid form of cream and milk or skim milk (except storage cream, aerated cream products, ice cream mix, evaporated or condensed milk and sterilized products packaged in hermetically sealed containers).

§ 1040.13 Route.

"Route" means a delivery (including a delivery by a vendor or sale from a plant or plant store) of any fluid milk product (except bulk cream) classified as Class I to a wholesale or retail outlet other than a delivery to any milk plant.

§ 1040.14 Distributing plant.

"Distributing plant" means a plant in which milk approved by any duly constituted health authority for fluid consumption in the marketing area is processed or packaged and from which fluid milk products in consumer-type packages or dispenser units are distributed on routes in the marketing area.

§ 1040.15 Supply plant.

"Supply plant" means a plant in which milk approved by any duly constituted health authority for fluid consumption in the marketing area is assembled and either processed or shipped in the form of a bulk fluid milk product to another milk processing plant.

§ 1040.16 Pool plant.

"Pool plant" means:

(a) A distributing plant, other than a producer-handler plant or plants exempt pursuant to § 1040.90 and § 1040.91, from which total distribution of fluid milk products on routes during the month or during either of the 2 months immediately preceding is not less than 50 percent of receipts of producer milk and fluid milk products from supply plants and cooperative associations pursuant to § 1040.7(c).

(b) A supply plant which during the month meets one of the performance requirements specified in subparagraph (1), (2), (3), or (4) of this paragraph and any applicable call percentage: *Provided*, That all supply plants which are operated by one handler, or all the supply plants for which a handler is responsible for meeting the performance requirements of this paragraph (b) under a marketing agreement certified to the market administrator by both par-

more milk than is needed for Class I use is being delivered to distributing plants.

§ 1040.18 Nonpool plant.

"Nonpool plant" means any milk receiving, manufacturing, or processing plant other than a pool plant. The following categories of nonpool plants are further defined as follows:

(a) "Other order plant" means a plant that is fully subject to the class pricing and pooling provisions of another order issued pursuant to the Act.

(b) "Producer-handler plant" means a plant operated by a producer-handler as defined under this or any other Federal order issued pursuant to the Act.

(c) "Partially regulated distributing plant" means a nonpool plant that is neither an other order plant nor a producer-handler plant and from which fluid milk products in consumer-type packages or dispenser units are distributed on routes in the marketing area during the month.

(d) "Unregulated supply plant" means a nonpool plant that is neither an other order plant nor a producer-handler plant and from which fluid milk products in consumer-type packages or dispenser units are distributed on routes in the marketing area during the month.

§ 1040.19 Base milk.

"Base milk" means the amount of milk delivered by a producer each month which is not in excess of his base computed pursuant to § 1040.70 multiplied by the number of days for which his milk production is delivered during the month.

§ 1040.20 Excess milk.

"Excess milk" means milk delivered by a producer each month in excess of his base milk.

MARKET ADMINISTRATOR

§ 1040.25 Market administrator.

The agency for the administration of this part shall be a market administrator, selected by the Secretary, who shall be entitled to such compensation as may be determined by, and shall be subject to removal by, the Secretary.

§ 1040.26 Powers.

The market administrator shall have the following powers with respect to this part:

(a) To administer its terms and provisions;

(b) To receive, investigate, and report to the Secretary complaints of violations;

(c) To make rules and regulations to effectuate its terms and provisions; and

(d) To recommend amendments to the Secretary.

§ 1040.27 Duties.

The market administrator shall perform all duties necessary to administer the terms and provisions of this part, including, but not limited to, the following:

(a) Within 30 days following the date on which he enters upon his duties, execute and deliver to the Secretary a bond, effective as of the date on which he enters upon such duties and conditioned upon the faithful performance of such duties, in an amount and with surety thereon satisfactory to the Secretary;

(b) Employ and fix the compensation of such persons as may be necessary to enable him to administer its terms and provisions;

(c) Obtain a bond in a reasonable amount and with reasonable surety thereon covering each employee who handles funds entrusted to the market administrator;

(d) Pay, out of the funds provided by § 1040.86:

(1) The cost of his bond and of the bonds of his employees;

(2) His own compensation; and

(3) All other expenses, except those incurred under § 1040.87, necessarily incurred by him in the maintenance and functioning of his office and in the performance of his duties;

(e) Keep such books and records as will clearly reflect the transactions provided in this part, and, upon request by the Secretary, surrender the same to such other person as the Secretary may designate;

(f) Publicly announce, unless otherwise directed by the Secretary, by posting in a conspicuous place in his office, and by such other means as he deems appropriate, the name of any person who, within 10 days after the day upon which he is required to perform such acts, has not made:

(1) Reports pursuant to §§ 1040.30 and 1040.31; or

(2) Payments pursuant to §§ 1040.80 through 1040.87;

(g) Calculate a base for each producer in accordance with § 1040.70 and advise the producer and the handler receiving the milk of such base;

(h) Submit his books and records to examination by the Secretary and furnish such information and reports as may be requested by the Secretary;

(i) Audit records of all handlers to verify the reports and payments required pursuant to the provisions of this part;

(j) Prepare and disseminate to producers, handlers and the public, general information which does not reveal confidential information;

(k) Compute and publicly announce the price determined for each month as follows:

(1) On or before the sixth day of each month, the Class I price computed pursuant to § 1040.51 for the current month; and the Class II price computed pursuant to § 1040.52 and the handler and producer butterfat differentials computed pursuant to §§ 1040.53 and 1040.82, for the preceding month; and

(2) On or before the 11th day of each month, the uniform price, the adjusted uniform price, the price for base milk and the price for excess milk for the preceding month, computed pursuant to §§ 1040.62, 1040.63, 1040.64, and 1040.65.

(l) Whenever required for purposes of allocating receipts from other order plants pursuant to § 1040.46(a)(8) and the corresponding step of § 1040.46(b), the market administrator shall estimate and publicly announce the utilization (to the nearest whole percentage) in each class during the month of skim milk and butterfat, respectively, in producer milk of all handlers. Such estimate shall be based upon the most current available data and shall be final for such purpose;

(m) Report to the market administrator of the other order, as soon as possible after the report of receipts and utilization for the month is received from a handler who has received fluid milk products from an other order plant, the classification to which such receipts are allocated pursuant to § 1040.46 pursuant to such report, and thereafter any change in such allocation required to correct errors disclosed in verification of such report; and

(n) Furnish to each handler operating a pool plant who has shipped fluid milk products to an other order plant, the classification to which the skim milk and butterfat in such fluid milk products were allocated by the market administrator of the other order on the basis of the report of the receiving handler; and, as necessary, any changes in such classification arising in the verification of such report.

HANDLER REPORTS, RECORDS AND FACILITIES

§ 1040.30 Monthly reports of receipts and utilization.

On or before the fifth working day of each month, each handler other than a handler exempt pursuant to §§ 1040.90, 1040.91, or 1040.92, shall report to the market administrator for the preceding month in the detail and on the forms prescribed by the market administrator as follows:

(a) The quantities of skim milk and butterfat contained in:

(1) Milk received from producers (or from qualified dairy farmers, in case of a nonpool plant) including the aggregate quantities of base milk, excess milk, and milk to be paid for either at the uniform or adjusted uniform price;

(2) Fluid milk products received from other pool plants and cooperative associations pursuant to § 1040.7(c);

(3) All other source milk; and

(4) Inventories of fluid milk products on hand at the beginning of the month;

(b) The utilization of all skim milk and butterfat required to be reported pursuant to paragraph (a) of this section. Such report by each handler pursuant to § 1040.7(b) shall include a separate statement showing the respective amounts of skim milk and butterfat disposed of on routes in the marketing area as Class I milk; and

(c) Such other information as the market administrator may prescribe.

§ 1040.31 Other reports.

(a) Each producer-handler and each handler described in §§ 1040.90 and 1040.91 shall make reports at such time and in such manner as the market administrator may request; and

(b) On or before the 20th day of each month each handler who received milk from producers shall report his producer payroll for the preceding month which shall show:

(1) The pounds of base milk and pounds of excess milk, or the pounds of milk to be paid for at the uniform or adjusted uniform price, received from each producer, and the percentage of butterfat contained therein;

(2) The amount and date of payment to each producer (or to a cooperative association); and

(3) The nature and amount of each deduction or charge involved in the payments referred to in subparagraph (2) of this paragraph.

§ 1040.32 Records and facilities.

Each handler shall maintain and make available to the market administrator during the usual hours of business such accounts and records of all of his operations and such facilities as are necessary to verify reports, or to ascertain the correct information with respect to (a) the receipts and utilization or disposition of all skim milk and butterfat received, including all milk products received and disposed of in the same form; (b) the weights and tests for butterfat, skim milk, and other contents of all milk and milk products handled; and (c) payments to producers and cooperative associations.

§ 1040.33 Retention of records.

All books and records required under this part to be made available to the market administrator shall be retained by the handler for a period of 3 years to begin at the end of the month to which such books and records pertain. If within such 3-year period, the market administrator notifies a handler in writing that the retention of such books and records, or of specified books and records, is necessary in connection with a proceeding under section 8c(15)(A) of the act or a court action specified in such notice, the handler shall retain such books and records until further written notification from the market administrator. The market administrator shall give further written notification to the handler promptly upon the termination of the litigation or when the records are no longer necessary in connection therewith.

CLASSIFICATION OF MILK

§ 1040.40 Skim milk and butterfat to be classified.

All skim milk and butterfat received at a pool plant which is required to be reported pursuant to § 1040.30 shall be classified pursuant to §§ 1040.41 through 1040.46.

§ 1040.41 Classes of utilization.

Subject to the conditions set forth in §§ 1040.43 and 1040.44, the classes of utilization shall be as follows:

(a) *Class I milk.* Class I milk shall be all skim milk and butterfat:

(1) Disposed of in the form of a fluid milk product except as provided in paragraph (b) (2), (3), and (4) of this section; and

(2) Not accounted for as Class II milk.

(b) *Class II milk.* Class II milk shall be:

(1) Skim milk and butterfat used to produce any product other than a fluid milk product;

(2) Skim milk and butterfat disposed of in fluid milk products in bulk form to any commercial food processing establishment for use in food products prepared for consumption off the premises;

(3) Skim milk and butterfat disposed of as livestock feed or skim milk dumped subject to prior notification to and inspection (at his discretion within 18 hours) by the market administrator;

(4) Skim milk represented by the nonfat milk solids added to a fluid milk product which is in excess of the weight of an equivalent volume of fluid milk products prior to such addition;

(5) Skim milk and butterfat in frozen cream;

(6) Skim milk and butterfat contained in inventory of fluid milk products on hand at the end of the month;

(7) Skim milk and butterfat, respectively, in shrinkage as computed pursuant to § 1040.42 (a) and (b); and

(8) Skim milk and butterfat, respectively, in shrinkage assigned pursuant to § 1040.42(d) (ii).

§ 1040.42 Shrinkage.

The market administrator shall allocate shrinkage to a handler's receipts as follows:

(a) The quantities of skim milk and butterfat, respectively, to be classified as Class II pursuant to § 1040.41(b) (7) shall not exceed 2 percent (except as provided in paragraph (b) of this section) with respect to skim milk and butterfat received as follows:

(1) Producer milk physically received at a pool plant;

ties may be considered as a unit for the purpose of meeting the performance requirements of subparagraphs (1), (2), (3), or (4) of this paragraph (b) upon written notice to the market administrator specifying the plants to be considered as a unit and the period during which such consideration shall apply. Such notice, and notice of any change in designation, shall be furnished on or before the fifth working day following the month to which the notice applies. In any months of February through September a unit shall not contain any plant which was not qualified as a pool plant either individually or as a member of a unit during the previous October through January.

(1) A plant from which not less than 25 percent or the call percentage, whichever is higher, of receipts of producer milk and receipts for which a cooperative association is the handler pursuant to § 1040.7(c), less any milk disposed of from the plant as Class I other than by transfer to pool plants of other handlers, is moved to a pool distributing plant. If such plant has met the required percentage during each of the months of October through January, it shall be a pool plant for each of the following months of February through September during which it meets any announced call percentage.

(2) A plant operated by a cooperative association which supplies pool distributing plants with member producer milk, either by shipment from such plant or by direct delivery from the farm, in a total amount not less than one-half or the call percentage, whichever is higher, of the aggregate receipts of fluid milk products at all pool distributing plants.

(3) A plant operated by a cooperative association which supplies pool distributing plants, either by shipment from such supply plant or by direct delivery from the farm, (i) not less than one-half of its total member producer milk in the current month, or (ii) if such plant were a pool plant in each of the preceding 13 months, not less than one-half of its total member producer's milk for the second through the 13th preceding months, except that in either case an announced call percentage exceeding 50 percent in the current month must be met.

(4) A plant operated by a cooperative association which supplies pool plants or other handlers, by direct delivery from the farm, with not less than two-thirds or the call percentage, whichever is higher, of its total member producer milk.

§ 1040.17 Call percentage.

"Call percentage" means the percentage computed by the market administrator in addition to the minimum percentage pooling requirements applicable to supply plants and cooperative associations under § 1040.16(b). A call percentage of not less than 25 percent may be computed and announced for each month except April, May, June, and July as follows:

(a) Estimate the pounds of Class I milk utilization for the month, including an additional 15 percent thereof as an operating margin, at pool distributing plants that received milk from pool supply plants pursuant to § 1040.16(b) during each of the immediately preceding 12 months;

(b) Subtract from the Class I milk estimated pursuant to paragraph (a) of this section, the estimated pounds of milk which will be received at such pool distributing plants during the month from (1) producers' farms, (2) pool plants pursuant to § 1040.16(b) that regularly shipped their entire available supply of producer milk to pool plants in each month of the immediately preceding August through March period, and (3) cooperative associations pursuant to § 1040.7(c);

(c) Divide the remaining pounds of Class I milk by the estimated receipts of producer milk at pool plants pursuant to § 1040.16(b) except those described in paragraph (b) (2) of this section (after subtracting any milk estimated to be disposed of as Class I other than transfers to other pool plants);

(d) Multiply the result by 0.75;

(e) The announcement of the call percentage shall be made on or before the first day of the month to which it applies and shall set forth the data on which the estimates of Class I utilization and supplies are based together with appropriate explanatory comments on the computations involved;

(f) The market administrator may reduce the call percentage at any time during the month if he determines that

(ii) Bulk receipts of fluid milk products from other order plants or from unregulated supply plants, exclusive of the quantities for which Class II was requested by the handler(s) involved.

(b) Two percent with respect to receipts from a cooperative association handler under § 1040.7(c) if settlement with the association is on the basis of weights and tests determined at the farm and the market administrator is so notified of such basis of settlement on or before the handler submits his monthly report pursuant to § 1040.30; otherwise the maximum shrinkage allowance to the handler on such milk shall be 1½ percent and to the association handler one-half percent.

(c) In computing shrinkage, producer milk received at a pool supply plant and transferred in bulk from such plant to a pool distributing plant shall be subtracted from the producer milk receipts at the first plant and added to the producer milk receipts at the second plant.

(d) When a handler has receipts of other source milk, shrinkage shall be allocated pro rata to skim milk and butterfat, respectively, in:

(i) Producer milk and other receipts of milk specified in paragraphs (a) and (b) of this section; and

(ii) Other source milk exclusive of that specified in paragraph (a) of this section.

§ 1040.43 Transfers.

Skim milk or butterfat in the form of a fluid milk product shall be classified:

(a) At the utilization indicated by the operators of both plants, otherwise as Class I milk, if transferred from a pool plant to the pool plant of another handler except as provided in § 1040.44(b), subject in either event to the following conditions:

(1) The skim milk or butterfat so assigned to either class shall be limited to the amount thereof remaining in such class in the transferee plant after computations pursuant to § 1040.46(a) (1) through (8) and the corresponding steps of § 1040.46(b);

(2) If the transferor plant received during the month other source milk to be allocated pursuant to § 1040.46(a)(3), the skim milk and butterfat so transferred shall be classified so as to allocate the least possible Class I utilization to such other source milk; and

(3) If the transferor handler received during the month other source milk to be allocated pursuant to § 1040.46(a) (7) or (8) and the corresponding steps of § 1040.46(b), the skim milk and butterfat so transferred up to the total of such receipts shall not be classified as Class I milk to a greater extent than would be applicable to a like quantity of such other source milk received at the transferee plant;

(b) As Class I milk, if transferred from a pool plant to a producer-handler;

(c) As Class II milk, if transferred in the form of cream in bulk to a nonpool plant that is neither an other order plant nor a producer-handler plant if the handler claims Class II utilization and such nonpool plant is located in Pennsylvania, New Jersey, New York, or New England, otherwise assignment of cream transferred shall be pursuant to paragraph (d) or (e) of this section;

(d) As Class I milk if transferred or diverted in bulk to a nonpool plant that is neither an other order plant nor a producer-handler plant, unless the requirements of subparagraphs (1) and (2) of this paragraph are met, in which case the skim milk and butterfat so transferred or diverted shall be classified in accordance with the assignment resulting from subparagraph (3) of this paragraph:

(1) The transferring or diverting handler claims classification pursuant to the assignment set forth in subparagraph (3) of this paragraph in his report submitted to the market administrator pursuant to § 1040.30 for the month within which such transaction occurred;

(2) The operator of such nonpool plant maintains books and records showing the utilization of all skim milk and butterfat received at such plant which are made available if requested by the market administrator for the purpose of verification; and

(3) The skim milk and butterfat so transferred shall be classified on the basis of the following assignment of utilization at such nonpool plant in excess of receipts of packaged fluid milk products from all pool plants and other order plants;

(i) Any Class I utilization disposed of on routes in the marketing area shall be first assigned to the skim milk and butterfat in the fluid milk products so transferred or diverted from pool plants, next pro rata to receipts from other order plants and thereafter to receipts from dairy farmers who the market administrator determines constitute regular sources of supply of milk for such nonpool plant;

(ii) Any Class I utilization disposed of on routes in the marketing area of another order issued pursuant to the Act shall be first assigned to receipts from plants fully regulated by such order, next pro rata to receipts from pool plants and other order plants not regulated by such order, and thereafter to receipts from dairy farmers who the market administrator determines constitute regular sources of supply for such nonpool plant;

(iii) Class I utilization in excess of that assigned pursuant to subdivision (i) and (ii) of this subparagraph shall be assigned first to remaining receipts from dairy farmers who the market administrator determines constitute the regular source of supply for such nonpool plant and Class I utilization in excess of such receipts shall be assigned pro rata to unassigned receipts at such nonpool plant from all pool and other order plants;

(iv) To the extent that Class I utilization is not so assigned to it, the skim milk and butterfat so transferred shall be classified as Class II milk; and

(e) As follows, if transferred to an other order plant in excess of receipts from such plant in the same category as described in subparagraph (1), (2), or (3) of this paragraph:

(1) If transferred in packaged form, classification shall be in the classes to which allocated as a fluid milk product under the other order;

(2) If transferred in bulk form, classification shall be in the classes to which allocated as a fluid milk product under the other order (including allocation under the conditions set forth in subparagraph (3) of this paragraph);

(3) If the operators of both the transferor and transferee plants so request in the reports of receipts and utilization filed with their respective market administrators, transfers in bulk form shall be classified as Class II to the extent of the Class II utilization (or comparable utilization under such other order) available for such assignment pursuant to the allocation provisions of the transferee order;

(4) If information concerning the classification to which allocated under the other order is not available to the market administrator for purposes of establishing classification pursuant to this paragraph, classification shall be as Class I, subject to adjustment when such information is available;

(5) For purposes of this paragraph, if the transferee order provides for more than two classes of utilization, milk allocated to a class consisting primarily of fluid milk products shall be classified as Class I, and milk allocated to other classes shall be classified as Class II; and

(6) If the form in which any fluid milk product is transferred to another order plant is not defined as a fluid milk product under such other order, classification shall be in accordance with the provisions of § 1040.41.

§ 1040.44 Responsibility of handlers.

(a) Except as provided in paragraph (b) of this section, all skim milk and butterfat shall be classified as Class I utilization unless the handler who first receives such skim milk or butterfat proves to the market administrator that such skim milk or butterfat should be classified otherwise.

(b) Milk in bulk delivered by a cooperative association as a handler under § 1040.7(c) or from the pool plant of a cooperative association to a handler's pool plant shall be classified according to use or disposition by the latter handler and the value thereof at the class prices shall be included in his net pool obligation pursuant to § 1040.60.

§ 1040.45 Computation of skim milk and butterfat in each class.

For each month the market administrator shall correct for mathematical and other obvious errors in the monthly report submitted by each handler, and compute the total pounds of skim milk and butterfat, respectively, in Class I and Class II utilization for such handler. If any of the water contained in the milk from which a product is made is removed before the product is utilized or disposed of by a handler, the pounds of skim milk disposed of in such product shall be considered to be an amount equivalent to the nonfat milk solids contained in such product, plus all of the water normally associated with such solids in the form of whole milk.

§ 1040.46 Allocation of skim milk and butterfat classified.

After making the computations pursuant to § 1040.45, the market administrator shall determine for each handler the classification of producer milk and milk received pursuant to § 1040.44(b) as follows:

(a) Skim milk shall be allocated in the following manner:

(1) Subtract from the total pounds of skim milk in Class II the pounds of skim milk classified as Class II pursuant to § 1040.41(b)(7);

(2) Subtract from the remaining pounds of skim milk in each class the pounds of skim milk in fluid milk products received in packaged form from other order plants as follows:

(i) From Class II milk, the lesser of the pounds remaining or 2 percent of such receipts; and

(ii) From Class I milk, the remainder of such receipts;

(3) Subtract in the order specified below from the pounds of skim milk remaining in each class, in series beginning with Class II, the pounds of skim milk in each of the following:

(i) Other source milk in a form other than a fluid milk product;

(ii) Receipts of fluid milk products that are not approved by a duly constituted health authority for fluid consumption in the marketing area or which are from unidentified sources; and

(iii) Receipts of fluid milk products from a producer-handler, as defined under this or any other Federal order;

(4) Subtract, in the order specified below, from the pounds of skim milk remaining in Class II, but not in excess of such quantity:

(i) Receipts of fluid milk products from an unregulated supply plant:

(a) For which the handler requests Class II utilization; or

(b) Which are in excess of the pounds of skim milk determined by subtracting from 125 percent of the pounds of skim milk remaining in Class I milk the sum of the pounds of skim milk in producer milk, receipts from a cooperative association pursuant to § 1040.7(c), receipts from pool plants of other handlers, and receipts in bulk from other order plants; and

(ii) Receipts of fluid milk products in bulk from an other order plant in excess of similar transfers to such plant, if Class II utilization was requested by the operator of such plant and the handler;

(5) Subtract from the pounds of skim milk remaining in each class, in series beginning with Class II, the pounds of skim milk in inventory of fluid milk products on hand at the beginning of the month;

(6) Add to the remaining pounds of skim milk in Class II milk the pounds subtracted pursuant to subparagraph (1) of this paragraph;

(7) Subtract from the pounds of skim milk remaining in each class, pro rata to such quantities, the pounds of skim milk in receipts of fluid milk products from unregulated supply plants which were not subtracted pursuant to subparagraph (4)(i) of this paragraph;

(8) Subtract from the pounds of skim milk remaining in each class, in the following order, the pounds of skim milk in receipts of fluid milk products in bulk from an other order plant(s), in excess in each case of similar transfers to the same plant, which were not subtracted pursuant to subparagraph (4)(ii) of this paragraph:

(i) In series beginning with Class II, the pounds determined by multiplying the pounds of such receipts by the larger of the percentage of estimated Class II utilization of skim milk announced for the month by the market administrator pursuant to § 1040.27(l) or the percentage that Class II utilization remaining is of the total remaining utilization of skim milk of the handler; and

(ii) From Class I, the remaining pounds of such receipts;

(9) Subtract from the pounds of skim milk remaining in each class the pounds of skim milk received in fluid milk products from other pool plants according to the classification assigned pursuant to § 1040.43(a);

(10) If the pounds of skim milk remaining in both classes exceed the pounds of skim milk in producer milk and milk received pursuant to § 1040.44(b), subtract such excess from the pounds of skim milk remaining in each class in series beginning with Class II. Any amount so subtracted shall be known as "overage";

(b) Butterfat shall be allocated in accordance with the procedure outlined for skim milk in paragraph (a) of this section; and

(c) Combine the amounts of skim milk and butterfat determined pursuant to paragraphs (a) and (b) of this section into one total for each class and determine the weighted average butterfat content of such milk in each class.

Minimum Class Prices

§ 1040.50 Basic formula price.

The basic formula price shall be the average price per hundredweight for manufacturing grade milk, f.o.b. plants in Wisconsin and Minnesota, as reported by the U.S.D.A. for the month. Such price shall be adjusted to a 3.5 percent butterfat basis by a butterfat differential rounded to the nearest one-tenth cent computed at 0.12 times the simple average of the daily wholesale selling prices (using the midpoint of any price range as one price) of Grade A (92-score) bulk creamery butter per pound at Chicago, as reported by the U.S.D.A. for the month. The basic formula price shall be rounded to the nearest full cent.

§ 1040.51 Class I milk price.

Subject to the provisions of §§ 1040.53 and 1040.54, the minimum price per hundredweight to be paid by each handler, f.o.b. his plant, for milk of 3.5 percent butterfat content received from producers or from a cooperative association during the month which is classified as Class I milk shall be as follows:

(a) To the basic formula price for the preceding month add $1.40 and add or subtract a "supply-demand adjustment" of not more than 45 cents computed pursuant to paragraph (b) of this section.

(b) A "supply-demand adjustment" shall be computed for the month as follows:

(1) Divide the total pounds of producer milk for the second and third months next preceding by the total pounds of Class I milk for the same months, multiply the result by 100 and round to the nearest whole number. Such receipts and utilization data for months prior to the effective date of this part to be used for such computation shall be those established for handlers and pool plants pursuant to the provisions of the prior Southern Michigan and Muskegon orders. The result shall be known as the "current utilization percentage."

(2) Multiply by $0.03 the number of percentage points that the "current utilization percentage" is above (subtract) or below (add) the applicable standard utilization percentage listed below:

Month for which price is being computed	Preceding months used in computation	Standard utilization percentage
January	October, November	131
February	November, December	132
March	December, January	134
April	January, February	135
May	February, March	135
June	March, April	135
July	April, May	141
August	May, June	147
September	June, July	149
October	July, August	150
November	August, September	150
December	September, October	150

§ 1040.52 Class II milk price.

The minimum price per hundredweight to be paid by each handler, f.o.b. his plant, for milk of 3.5 percent butterfat content received from producers or from a cooperative association during the month which is classified as Class II milk shall be the basic formula price for the month: *Provided*, That such Class II price shall not be more than the sum of paragraphs (a) and (b) of this section plus 10 cents, rounded to the nearest cent:

(a) From the average Chicago butter price for the month described in § 1040.50 subtract 3 cents and multiply the remainder by 4.2; and

(b) From the weighted average of carlot prices per pound of spray process, nonfat dry milk for human consumption, f.o.b., manufacturing plants in the Chicago area, as published from the 26th day of the immediately preceding month to the 25th day of the current month by the U.S.D.A., deduct 5.5 cents, and multiply by 8.2.

§ 1040.53 Handler butterfat differential.

There shall be added to or subtracted from, the price of milk for each class as computed pursuant to §§ 1040.51 and 1040.52, for each one-tenth of 1 percent that the average butterfat test of the milk in each class is above or below 3.5 percent, as the case may be, an amount equal to the average Chicago butter price for the month as described in § 1040.50 multiplied by 0.113 and the result rounded to the nearest one-tenth of a cent.

§ 1040.54 Location adjustments to handlers.

(a) For producer milk received at a pool plant and classified as Class I milk without movement to another pool plant and for other source milk for which a location adjustment is applicable, the price computed pursuant to § 1040.51 shall be reduced pursuant to subparagraph (1) or (2) of this paragraph on the basis of the applicable rate per hundredweight for the location of such plant.

(1) *Zone rates.* For a plant located within the following described territory, the applicable zone rates shall be as follows:

MICHIGAN COUNTIES

Zone I—No adjustment:

Genesee.
Oakland.
Macomb.
Wayne.
Monroe.
St. Clair (except Berlin, Riley, Mussey, Emmett, Lynn, Brockway, Greenwood, Grant, and Burtchville townships).
Washtenaw (except Manchester, Bridgewater, Sharon, Freedom, Sylvan, Lima, Lyndon, and Dexter townships).
Saginaw (except Jonesfield, Richland, Lakefield, Fremont, Marion, Brant, Chapin, Brady, Chesaning, and Maple Grove townships).
Bay (except Gibson, Mt. Forest, Pinconning, Garfield, and Fraser townships).

Zone II—3 cents:

Ingham.
Livingston.
Jackson.
Lenawee.
Washtenaw (all the townships excluded from Zone I).

Zone III—5 cents:

Lapeer.
St. Clair (all the townships excluded from Zone I).
Sanilac (except Greenleaf, Austin, Minden, Delaware, Evergreen, Argyle, Wheatland, Marion, Forester, Lamotte, Moore, Custer, and Bridgehampton townships).
Tuscola (except Denmark, Juniata, Indianfields, Wells, Kingston, Gilford, Fairgrove, Almer, Ellington, Novesta, Wisner, Akron, Columbia, Elmwood, and Ellkland townships).
Arenac.
Bay (all the townships excluded from Zone I).
Gladwin.
Midland.
Isabella.
Montcalm (except Reynolds, Winfield, Cato, Belvidere, Pierson, Maple Valley, Pine, Douglass, Montcalm, Sidney, Eureka, and Fairplain townships).
Gratiot.
Saginaw (all the townships excluded from Zone I).
Clinton.
Shiawassee.
Ionia (except Otisco, Orleans, Keene, Easton, Boston, Berlin, Campbell, and Odessa townships).
Eaton.

Zone IV—7 cents:

Sanilac (all the townships excluded from Zone III).
Tuscola (all the townships excluded from Zone III).
Huron.
St. Joseph.
Branch.
Hillsdale.
Calhoun.
Kalamazoo.
Barry.
Ionia (all the townships excluded from Zone III).
Kent.
Montcalm (all the townships excluded from Zone III).
Mecosta.

Zone V—9 cents:

Berrien.
Cass.
Van Buren.
Allegan.
Ottawa.
Muskegon.
Newaygo.
Lake.
Osceola.
Clare.
Missaukee.
Roscommon.
Ogemaw.
Iosco.
Mason.
Oceana.

Zone VI—12 cents:

Alcona.
Oscoda.
Crawford.
Kalkaska.
Grand Traverse.
Wexford.
Manistee.

Zone VII—15 cents:

Alpena.
Montmorency.
Otsego.
Antrim.
Leelanau.
Benzie.
Charlevoix.
Emmet.
Cheboygan.
Presque Isle.

(2) *Mileage rate.* For any plant at a location outside the territory specified in the preceding paragraph (a)(1), the applicable adjustment rate per hundredweight shall be based on the shortest highway distance between the plant and the nearest point in such territory as determined by the market administrator, and shall be the amount of the zone differential applicable at such point plus one cent for each 10 miles or fraction thereof from such point.

(b) For fluid milk products transferred in bulk from a pool plant to a pool plant described in § 1040.16(a), the operator of the transferee plant shall receive credit at the applicable zone or mileage rate, based on the location of the transferor plant. The total volume on which such credit is computed shall be limited to the amount by which 108 percent of Class I disposition at the transferee plant is in excess of the sum of receipts at such plant (1) from producers, (2) from cooperative associations pursuant to § 1040.7(c), and (3) from other order plants and unregulated supply plants which are assigned in Class I, such assignment of receipts from the transferor plant to be pro rata to receipts of fluid milk products from all transferor pool plants.

§ 1040.55 Use of equivalent prices.

If for any reason a price quotation required by this part for computing class prices or for any other purpose is not available in the manner described, the market administrator shall use a price determined by the Secretary to be equivalent to the price which is required.

DETERMINATION OF UNIFORM PRICES TO PRODUCERS

§ 1040.60 Computation of the net pool obligation of each pool handler.

The net pool obligation of each pool handler during each month shall be a sum of money computed by the market administrator as follows:

(a) Multiply the quantity of milk in each class, as computed pursuant to § 1040.46(c), by the applicable class prices;

(b) Add the amount obtained from multiplying the overage deducted from each class pursuant to § 1040.46(a)(10) and the corresponding step of § 1040.46 (b) by the applicable class prices;

(c) Add the amount obtained from multiplying the difference between the Class II price for the preceding month and the Class I price for the current month by the hundredweight of skim milk and butterfat subtracted from Class I pursuant to § 1040.46(a)(5) and the corresponding step of § 1040.46(b);

(d) Add an amount equal to the difference between the Class I and Class II price values at the pool plant of the skim milk and butterfat subtracted from Class I pursuant to § 1040.46(a)(3) and the corresponding step of § 1040.46(b); and

(e) Add the value at the Class I price, adjusted for location of the nonpool plant(s) from which an equivalent volume was received, of the skim milk and butterfat subtracted from Class I pursuant to § 1040.46(a)(7) and the corresponding step of § 1040.46(b).

§ 1040.61 Computation of the 3.5 percent value of all milk.

For each month the market administrator shall compute the 3.5 percent value of all milk by:

(a) Combining into one total the individual values of milk of all handlers computed pursuant to § 1040.60;

(b) Adding if the weighted average butterfat test of all milk represented in paragraph (a) of this section is less than 3.5 percent, or subtracting if the weighted average butterfat test of such milk is more than 3.5 percent, an amount computed by multiplying the total pounds of butterfat represented by the difference of such average butterfat test from 3.5 percent by the butterfat differential provided in § 1040.82 multiplied by 10;

(c) Adding the aggregate of the values of the applicable location adjustments pursuant to § 1040.81(a)(1); and

(d) Adding not less than one-half of the unobligated balance in the producer-equalization fund.

§ 1040.62 Computation of uniform price.

For each month the market administrator shall compute a uniform price as follows:

(a) Divide the aggregate value computed pursuant to § 1040.61 by the sum of the following:

(1) The total hundredweight of producer milk; and

(2) The total hundredweight for which a value is computed pursuant to § 1040.60(e); and

(b) Subtract not less than 6 nor more than 7 cents from the price computed pursuant to paragraph (a) of this section.

§ 1040.63 Adjusted uniform price.

For the purpose of payments pursuant to § 1040.70(c) the uniform price computed pursuant to § 1040.62 shall be adjusted by deducting therefrom 25 percent of the difference between the uniform price and the excess milk price, rounded to the nearest cent.

§ 1040.64 Excess milk price.

For each month, the excess price shall be the price of Class II milk, determined pursuant to § 1040.52, rounded to the nearest cent.

§ 1040.65 Computation of uniform price for base milk.

(a) Multiply the total pounds of excess milk for the month by the excess milk price;

(b) Multiply the total amount of milk to be paid for at the uniform price pursuant to § 1040.70 (d) and (e)(2) by the uniform price for the month;

(c) Multiply the total amount of milk to be paid for at the adjusted uniform price pursuant to § 1040.70(c) by the adjusted uniform price for the month;

(d) Subtract the total values arrived at in paragraphs (a), (b), and (c) of this section and § 1040.84(b)(2) from the total 3.5 percent value of all producer milk arrived at in § 1040.61;

(e) Divide the resultant value by the total hundredweight of base milk; and

(f) Subtract not less than 6 cents nor more than 7 cents. The resultant hundredweight price shall be the uniform price of base milk of 3.5 percent butterfat content.

§ 1040.66 Obligations of handler operating a partially regulated distributing plant.

Each handler who operates a partially regulated distributing plant shall pay to the market administrator for the producer-equalization fund on or before the 25th day after the end of the month either of the amounts (at the handler's election) calculated pursuant to paragraph (a) or (b) of this section. If the handler fails to report pursuant to § 1040.30 the information necessary to compute the amount specified in paragraph (a) of this section, he shall pay the amount computed pursuant to paragraph (b) of this section:

(a) An amount computed as follows:

(1)(i) The obligation that would have been computed pursuant to § 1040.60 at such plant shall be determined as though such plant were a pool plant. For purposes of such computation, receipts at such nonpool plant from a pool plant or an other order plant shall be assigned to the utilization at which classified at the pool plant or other order plant and transfers from such nonpool plant to a pool plant or an other order plant shall be classified as Class II milk if allocated to such class at the pool plant or other order plant and be valued at the uniform price of the respective order if so allocated to Class I milk. There shall be included in the obligation so computed a charge in the amount specified in § 1040.60(e) and a credit in the amount specified in § 1040.84(b)(2) with respect to receipts from an unregulated supply plant, unless an obligation with respect to such plant is computed as specified below in this subparagraph.

(ii) If the operator of the partially regulated distributing plant so requests, and provides with his report pursuant to § 1040.30 similar reports with respect to the operations of any other nonpool plant which serves as a supply plant for such partially regulated distributing plant by shipments to such plant during the month equivalent to the requirements of § 1040.16(b), with agreement of the operator of such plant that the market administrator may examine the books and records of such plant for purposes of verification of such reports, there will be added the amount of the obligation computed at such nonpool supply plant in the same manner and subject to the same conditions as for the partially regulated distributing plant.

(2) From this obligation there will be deducted the sum of (i) the gross payments made by such handler for milk received during the month from dairy farmers at such plant and like payments made by the operator of a supply plant(s) included in the computations pursuant to subparagraph (1) of this paragraph for an amount of milk equivalent to that received from such supply plant, and (ii) any payment to the producer-settlement fund of another order under which such plant is also a partially regulated distributing plant.

(b) An amount computed as follows:

(1) Determine the respective amounts of skim milk and butterfat disposed of as Class I milk on routes in the marketing area;

(2) Deduct (except that deducted under a similar provision of another order issued pursuant to the act) the respective amounts of skim milk and butterfat received as Class I milk at the partially regulated distributing plant from pool plants and other order plants;

(3) Combine the amounts of skim milk and butterfat remaining into one total and determine the weighted average butterfat content; and

(4) From the value of such milk at the Class I price applicable at the location of the nonpool plant, subtract its value at the uniform price pursuant to § 1040.62 at the same location or at the Class II price, whichever is higher.

§ 1040.67 Notification.

On or before the 12th day after the end of each month the market administrator shall notify each handler of:

(a) The amounts and values of his milk in each class and the total of such amounts and values;

(b) The base of any producer delivering milk to the handler which was not used in making payments for the previous month;

(c) The amount due such handler from the producer-equalization fund or the amount to be paid by such handler to the producer-equalization fund, as the case may be; and

(d) The totals of the minimum amounts to be paid by such handler pursuant to §§ 1040.60, 1040.84, 1040.86, 1040.87, and 1040.88.

BASE RULES

§ 1040.70 Determination of base.

(a) A producer who delivered milk on at least 122 days during the period August 1 through December 31, inclusive, of any year shall have a base computed by the market administrator to be applicable, subject to § 1040.72, for the 12-month period beginning the following February 1, equal to his daily average milk deliveries from the date on which milk was first delivered in the period to the end of such August 1–December 31 period: *Provided,* That a producer who had a base on December 1 and whose average of daily deliveries for the August 1–December 31 period is less than such base shall have a base computed by subtracting from his previous base any amount by which 90 percent of his previous base exceeds such average of daily deliveries;

(b) A producer with an established base who does not forfeit his base pursuant to § 1040.71(c) but who fails to deliver milk on at least 122 days of the August 1 through December 31 period shall have his base for the 12 months beginning the following February 1 computed by dividing the total pounds shipped during the period by 122;

(c) Except as provided in paragraphs (d) and (e) of this section a producer who has no base shall be paid until February 1 following the August–December period within which he establishes a base pursuant to paragraph (a) of this section at not less than the adjusted uniform price computed pursuant to § 1040.63;

(d) Whenever total receipts of producer milk by all handlers during the month are less than 112.5 percent of the total Class I utilization of all milk by handlers during such month, all producers and cooperative associations shall be paid not less than the uniform price for all milk delivered; and

(e) When a plant first becomes a pool plant any producer (except a producer as defined in the Muskegon order in the month prior to the effective date of this paragraph) delivering to such plant may:

(1) Establish a base on deliveries of milk to such plant for the preceding August–December period certified by submission of delivery receipts or other evidence satisfactory to the market administrator, except the base of a producer applicable pursuant to the Muskegon order in the month immediately preceding the effective date of this paragraph shall be his base pursuant to this section through January 31, 1966; or

(2) Elect payment at not less than the uniform price computed pursuant to § 1040.62 until the second February 1, after such plant first became a pool plant. Such election must be made on or before the end of the first month for which it is effective.

§ 1040.71 Application of bases.

(a) A base shall apply to deliveries of milk by the producer for whose account milk was delivered during the base period, and upon death may be transferred to a member or members of the deceased producer's immediate family;

(b) Bases may be transferred under the following conditions upon written

notice by the holder of the base to the market administrator on or before the last day of the month that such base is to be transferred;

(1) Upon retirement or entry into military service of a producer, the entire base may be transferred to a member or members of his immediate family;

(2) Bases may be held jointly and if such joint holding is terminated the base may be divided among the joint holders as specified in writing to the market administrator; and

(3) Two or more producers with bases may combine those bases upon the formation of a bona fide partnership; and

(c) A producer who does not deliver milk to any handler for 45 consecutive days shall forfeit his base except that the following producers may retain their bases without loss for 12 months:

(1) A producer who suffers the complete loss of his barn as a result of fire or windstorm; or

(2) A producer for whom loss of 50 percent or more of the milk herd from brucellosis or bovine tuberculosis, is shown by evidence issued under State or Federal authority.

§ 1040.72 Relinquishing a base.

A producer notifying the market administrator that he relinquishes his established base shall be paid pursuant to the provisions of § 1040.70(c) beginning with the first day of the month in which such notification is received by the market administrator until the next February 1.

Payments for Milk

§ 1040.80 Time and method of payment to producers.

(a) Except as provided by paragraph (b) of this section, on or before the 15th day of each month, each handler (except a cooperative association) shall pay each producer for milk received from him during the preceding month, not less than an amount of money computed by multiplying the total pounds of such milk by the applicable uniform prices computed pursuant to §§ 1040.62, 1040.63, 1040.64, or 1040.65 adjusted by the location and butterfat differentials pursuant to §§ 1040.81 and 1040.82 less the payment made pursuant to paragraph (d) of this section and any proper deductions authorized by the producer. If by such date such handler has not received full payment for such month pursuant to § 1040.85 he may reduce such payments uniformly per hundredweight for all producers, by an amount not in excess of the per hundredweight reduction in payment from the market administrator; however, the handler shall make such balance of payment to those producers to whom it is due on or before the date for making payments pursuant to this paragraph next following that on which such balance of payment is received from the market administrator;

(b) Upon receipt of a written request from a cooperative association which the Secretary determines is authorized by its members to collect payment for their milk and receipt of a written promise to reimburse the handler the amount of any actual loss incurred by him because of any improper claim on the part of the association, each handler shall pay to the cooperative association on or before the second day prior to the end of the month an amount equal to the payments authorized pursuant to paragraph (d) of this section, and on or before the 13th day of each month, in lieu of payments pursuant to paragraph (a) of this section, an amount equal to the gross sum due for all such milk received from certified members, less amounts owing by each member-producer to the handler for supplies purchased from him on prior written order or as evidenced by a delivery ticket signed by the producer.

(1) Each handler shall submit to the cooperative association written information on or before the sixth working day of each month which shows for each such member-producer:

(i) The total pounds of milk received from him during the preceding month;

(ii) The total pounds of butterfat contained in such milk;

(iii) The number of days on which milk was received; and

(iv) The amounts withheld by the handler in payment for supplies sold.

(2) A copy of each such request, promise to reimburse and certified list of members shall be filed simultaneously with the market administrator by the association and shall be subject to verification at his discretion, through audit of the records of the cooperative association pertaining thereto. Exceptions, if any, to the accuracy of such certification by a producer claimed to be a member, or by a handler shall be made by written notice to the market administrator, and shall be subject to his determination;

(3) The foregoing payment and the submission of information pursuant to subparagraph (1) of this paragraph, shall be made with respect to milk of each producer whom the cooperative association certifies is a member, which is received on and after the first day of the month next following receipt of such certification through the last day of the month next preceding receipt of notice from the cooperative association of a termination of membership or until the original request is rescinded in writing by the association.

(c) On or before the 13th day after the end of each month, each handler shall pay a cooperative association, which is a handler with respect to milk received by him from a pool plant operated by such cooperative association, or by bulk tank delivery pursuant to § 1040.7(c), not less than an amount computed by multiplying the uniform price for base milk subject to the location adjustment, if any, applicable at the transferee plant as provided by § 1040.81 and the butterfat differential provided by § 1040.82, by the total hundredweight of milk received by such handler from the cooperative association.

(d) On or before the last day of each month for producer milk received during the first 15 days of the month at not less than the Class II milk price for the preceding month.

§ 1040.81 Location differentials to producers and on nonpool milk.

(a) Subject to the conditions of paragraph (b) of this section, in making payments to producers or cooperative associations pursuant to § 1040.80 each handler:

(1) May deduct for base milk and milk to be paid for at the uniform price or adjusted uniform price the rate per hundredweight applicable pursuant to § 1040.54(a) (1) or (2) for the location of the plant at which the milk was first physically received;

(2) Shall add not less than 4 cents per hundredweight with respect to milk received from producers and cooperative associations pursuant to § 1040.7(c) at a pool plant located within the townships of Royal Oak and Southfield in Oakland County and in those portions of Wayne County other than the townships of Northville, Plymouth, Canton, Van Buren, Sumpter, Livonia, Nankin, Romulus, Huron, Taylor, Brownstown, Monguagon, and Grosse Isle, all in the State of Michigan.

(b) When milk of an individual producer is physically received at more than one location (including any nonpool plant) during the month, the location differential rate shall be the weighted average (rounded to the nearest one-half cent) of the amounts computed for the respective locations, except that if 65 percent or more of such producer's milk is delivered to a plant or plants at which the same rate is applicable, such rate shall be applicable to all deliveries of such producer during the month regardless of point of delivery.

(c) For purposes of computation pursuant to § 1040.84 and § 1040.85, the uniform price shall be adjusted at the rates set forth in § 1040.54 applicable at the location of the nonpool plant from which the other source milk was received.

§ 1040.82 Producer butterfat differential.

In making payments pursuant to § 1040.80, the base price and excess price or the uniform prices shall be increased or decreased for each one-tenth of 1 percent of butterfat content that the milk received from each producer or a cooperative association is above or below 3.5 percent, as the case may be, by the butterfat differential computed under § 1040.53 rounded to the nearest one-half cent.

§ 1040.83 Producer-equalization fund.

The market administrator shall establish and maintain a separate fund, known as the "producer-equalization fund" into which he shall deposit all payments received pursuant to §§ 1040.66 and 1040.84 and out of which he shall make all payments pursuant to § 1040.85.

§ 1040.84 Payments to the producer-equalization fund.

On or before the 13th day after the end of the month each handler shall pay to the market administrator the amount, if any, by which the total amounts specified in paragraph (a) of this section exceed the amounts specified in paragraph (b) of this section;

(a) The sum of:

(1) The net pool obligation computed pursuant to § 1040.60 for such handler; and

(2) In the case of a cooperative association which is a handler, the value, at the uniform price for base milk, of milk delivered to other handlers pursuant to § 1040.44(b).

(b) The sum of:

(1) The value of such handler's producer milk as specified in § 1040.80, excluding any applicable location differential pursuant to § 1040.81(a)(2); and

(2) The value at the uniform price(s) applicable at the location of the plant(s) from which received (not to be less than the value at the Class II price) with respect to other source milk for which a value is computed pursuant to § 1040.60 (e).

§ 1040.85 Payments from the producer-equalization fund.

On or before the 14th day after the end of each month the market administrator shall pay to each handler the amount, if any, by which the amount computed pursuant to § 1040.84(b) exceeds the amount computed pursuant to § 1040.84(a). The market administrator shall offset any payment due any handler against payments due from such handler. If the balance in the producer-equalization fund is insufficient to make all payments to all handlers pursuant to this paragraph, the market administrator shall reduce uniformly such payments and shall complete such payments as soon as the necessary funds become available.

§ 1040.86 Expense of administration.

As his pro rata share of the expense of administration of the order, each handler shall pay to the market administrator on or before the 13th day after the end of the month 2 cents per hundredweight, or such lesser amount as the Secretary may prescribe, with respect to:

(a) Producer milk (including milk of such handler's own production);

(b) Other source milk allocated to Class I pursuant to § 1040.46(a) (3) and (7) and the corresponding steps of § 1040.46(b); and

(c) Class I milk disposed of in the marketing area from partially regulated distributing plants that exceeds the hundredweight of Class I milk received during the month at such plant from pool plants and other order plants.

§ 1040.87 Marketing services.

(a) Except as set forth in paragraph (b) of this section, each handler, in making payments pursuant to § 1040.80(a) for milk received from each producer (including milk of such handler's own production) at a plant not operated by a cooperative association of which such producer is a member, shall deduct 5 cents per hundredweight, or such amount not exceeding 5 cents per hundredweight as the Secretary may prescribe, and, on or before the 13th day after the end of each month, shall pay such deductions to the market administrator. Such moneys shall be used by the market administrator to verify weights, samples, and tests of milk received from producers and to provide producers with market information, such services to be performed by the market administrator or by an agent engaged by and responsible to him;

(b) In the case of producers whose milk is received at a plant not operated by a cooperative association of which such producers are members, for which payment is not made pursuant to § 1040.80 (b) or (c), and for whom a cooperative association is actually performing the services described in paragraph (a) of this section, as determined by the Secretary, each handler shall make, in lieu of the deductions specified in paragraph (a) of this section, such deductions from payments required pursuant to § 1040.80 as may be authorized by such producers, and pay such deductions on or before the 13th day after the end of the month to the cooperative association rendering such services of which such producers are members.

§ 1040.88 Adjustment of accounts.

Whenever audit by the market administrator of any handler's reports, books, records, or accounts discloses adjustments to be made, for any reason, which result in moneys due:

(a) To the market administrator from such handler;

(b) To such handler from the market administrator; or

(c) To any producer or cooperative association from such handler, the market administrator shall promptly notify such handler of any such amount due, and payment thereof shall be made on or before the next date for making payment set forth in the provisions under which such error occurred, following the fifth day after such notice.

§ 1040.89 Overdue accounts.

Any unpaid obligation of a handler or of the market administrator pursuant to §§ 1040.84, 1040.85, 1040.86, 1040.87, and 1040.88 shall be increased one-half of 1 percent on the first day of the month next following the due date of such obligation and on the first day of each month thereafter until such obligation is paid.

Application of Provisions

§ 1040.90 Handler exemption.

A handler who operates a plant, other than a plant described in § 1040.16(b), located outside the marketing area from which fluid milk products are disposed of within the marketing area on a route(s) but from which the disposition of fluid milk products on all routes operated wholly or partly within the marketing area averages less than 600 pounds per day for the month, and from which no milk is transferred to other handlers, shall be exempt for such month from all provisions of this part except §§ 1040.31, 1040.32, and 1040.33.

§ 1040.91 Handlers subject to other Federal orders.

A handler who operates a plant at which during the month milk is fully subject to the classification, pricing, and payment provisions of another marketing agreement or order issued pursuant to the act and the disposition of fluid milk products in the other Federal marketing area exceeds that in the Southern Michigan marketing area shall be exempt for such month from all provisions of this part except §§ 1040.31, 1040.32, and 1040.33.

§ 1040.92 Producer-handler exemption.

A producer-handler shall be exempt from all provisions of this part except §§ 1040.31, 1040.32, and 1040.33.

§ 1040.93 Special reporting dates.

When a holiday prevents normal business activities on any day except Sunday during the first 15 days of the month, those of the dates specified in §§ 1040.27 (k)(2), 1040.30, 1040.31(b), 1040.66, 1040.80, 1040.84, 1040.85, 1040.86, and 1040.87 which follows such holiday shall be postponed by the number of days lost as a result of such holiday.

Effective Time, Suspension or Termination

§ 1040.100 Termination of obligations.

(a) The obligation of any handler to pay money required to be paid under the terms of this part shall, except as provided in paragraphs (b) and (c) of this section, terminate 2 years after the last day of the month during which the market administrator receives the handler's report of utilization of the milk involved in such obligation, unless within such 2-year period the market administrator notifies the handler in writing that such money is due and payable. Service of such notice shall be complete upon mailing to the handler's last known address, and it shall contain, but need not be limited to the following information:

(1) The amount of the obligation;

(2) The month(s) during which the milk, with respect to which the obligation exists, was received or handled; and

(3) If the obligation is payable to one or more producers or to a cooperative association, the name of such producers or association, or if the obligation is payable to the market administrator, the account for which it is to be paid;

(b) If a handler fails or refuses, with respect to any obligation under this part, to make available to the market administrator or his representatives all books or records required by this order to be made available, the market administrator may, within the 2-year period provided for in paragraph (a) of this section, notify the handler in writing of such failure or refusal. If the market administrator so notifies a handler, the said 2-year period with respect to such obligation shall not begin to run until the first day of the month following the month during which such books and records pertaining to such obligation are made available to the market administrator or his representatives;

(c) Notwithstanding the provisions of paragraphs (a) and (b) of this section, a handler's obligation under this part to pay money shall not be terminated with respect to any transaction involving fraud or willful concealment of a fact, material to the obligation, on the part of the handler against whom the obligation is sought to be imposed; and

[Milk Order No. 68]

PART 1068—MILK IN MINNEAPOLIS-ST. PAUL, MINN., MARKETING AREA

Order Suspending Certain Provision

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 *et seq.*), and of the order regulating the handling of milk in the Minneapolis-St. Paul marketing area (7 CFR Part 1068), it is hereby found and determined that:

(a) The following provision of the order no longer tends to effectuate the declared policy of the Act for the months of July 1, 1965, through November 30, 1965, inclusive: In § 1068.56(a) the words "during each of the months of December through June, and 35 percent during each of the remaining months".

(b) Thirty days notice of the effective date hereof is impractical, unnecessary, and contrary to the public interest in that:

(1) This suspension order does not require of persons affected substantial or extensive preparation prior to the effective date.

(2) This suspension order is necessary to reflect current marketing conditions and to maintain orderly marketing conditions in the marketing area.

(3) This suspension order will result in a uniform Class I butterfat differential throughout the year. The order presently provides for a higher Class I butterfat differential for the months of July through November. The seasonally high butterfat differential was designed to reflect in the value of the butterfat a portion of the seasonally higher Class I prices during the summer and fall months of short supply. Because of the increased use of low fat products in Class I, and a slackening in the demand for cream and other high fat products at this season of the year, the higher butterfat differential no longer serves the purpose for which it was intended.

(4) Interested parties were afforded opportunity to file written data, views or arguments concerning this suspension (30 F.R. 6191). Support was received from producers' associations representing more than 90 percent of the producers supplying the market. No opposing views were filed.

Therefore, good cause exists for making this order effective upon publication in the FEDERAL REGISTER.

It is therefore ordered, That the aforesaid provision of the order is hereby suspended for the months of July through November 1965, inclusive.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Effective date. Upon publication.

Signed at Washington, D.C., on June 24, 1965.

GEORGE L. MEHREN,
Assistant Secretary.

[F.R. Doc. 65-6843; Filed, June 29, 1965; 8:47 a.m.]

[Milk Order Nos. 100, 107]

PART 1100—MILK IN CENTRAL MISSISSIPPI MARKETING AREA

PART 1107—MILK IN MISSISSIPPI GULF COAST MARKETING AREA

Order Terminating Remaining Provisions

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 *et seq.*), and of the orders regulating the handling of milk in the Central Mississippi and Mississippi Gulf Coast marketing areas (7 CFR Parts 1100, 1107), it is hereby found and determined that:

(a) The following remaining provisions of the orders no longer tend to effectuate the declared policy of the Act: Sections 1100.103 (Liquidation) and 1100.107 (Continuing obligations) and §§ 1107.92 (Continuing obligations) and 1107.93 (Liquidation).

On September 1, 1964, the Secretary terminated all the provisions of the Central Mississippi and Mississippi Gulf Coast orders except §§ 1100.103 and 1100.107 and §§ 1107.92 and 1107.93 of the respective orders relating to liquidation and continuing obligation provisions of the respective orders.[1]

[1] The sections numbered 1100.103 and 1100.107 in the Central Mississippi order are the same provisions as those which were numbered 1108.103 and 1108.107 in the Central Mississippi Order when such order was previously designated as Part 1108.

(d) Any obligation on the part of the market administrator to pay a handler any money which such handler claims to be due him under the terms of this part shall terminate 2 years after the end of the month during which the milk involved in the claim was received if an underpayment is claimed, or 2 years after the end of the month during which the payment (including deduction or setoff by the market administrator) was made by the handler if a refund on such payment is claimed, unless such handler, within the applicable period of time, files, pursuant to section 8c(15)(A) of the Act, a petition claiming such money.

§ 1040.101 Effective time.

The provisions of this part, or of any amendment hereto, shall become effective at such time as the Secretary may declare and shall continue in force until suspended or terminated.

§ 1040.102 Suspension or termination.

The Secretary shall, whenever he finds that this part, or any provision thereof, obstructs or does not tend to effectuate the declared policy of the Act, terminate or suspend the operation of this part or any such provision thereof.

§ 1040.103 Continuing obligations.

If, upon the suspension or termination of any or all provisions of this part, there are any obligations thereunder the final accrual or ascertainment of which requires further acts by any person (including the market administrator), such further acts shall be performed notwithstanding such suspension or termination.

§ 1040.104 Liquidation.

Under the suspension or termination of the provisions of this part, except this section, the market administrator, or such other liquidating agent as the Secretary may designate, shall, if so directed by the Secretary, liquidate the business of the market administrator's office, dispose of all property in his possession or control, including accounts receivable, and execute and deliver all assignments or other instruments necessary or appropriate to effectuate any such disposition. If a liquidating agent is so designated, all assets, books, and records of the market administrator shall be transferred promptly to such liquidating agent. If, upon such liquidation, the funds on hand exceed the amounts required to pay outstanding obligations of the office of the market administrator and to pay necessary expenses of liquidation and distribution, such excess shall be distributed to contributing handlers and producers, in an equitable manner.

MISCELLANEOUS PROVISIONS

§ 1040.110 Agents.

The Secretary may, by designation in writing, name any officer or employee of the United States to act as his agent or representative in connection with any of the provisions of this part.

§ 1040.111 Separability of provisions.

If any provision of this part, or its application to any person or circumstances, is held invalid the application of such provisions, and of the remaining provisions of this part, to other persons or circumstances shall not be affected thereby.

Effective date. August 1, 1965.

Signed at Washington, D.C., on June 25, 1965.

GEORGE L. MEHREN,
Assistant Secretary.

[F.R. Doc. 65-6865; Filed, June 29, 1965; 8:49 a.m.]

On March 11, 1965, the Assistant Secretary issued his decision (30 F.R. 3470) on a proposed order to regulate the handling of milk in the Mississippi marketing area. In that decision he directed that the entire assets of the Central Mississippi order administrative, producer-settlement and marketing service funds be transferred to the respective funds of the Mississippi order (7 CFR Part 1103). Provision was also made for the distribution of monies in corresponding funds under the Mississippi Gulf Coast order to producers and handlers.

No obligations are due any of the funds under the Mississippi Gulf Coast order. The market administrator in his capacity as liquidating agent for such order has completed the disbursement of all funds under such order. Such obligations as now remain to the funds of the Central Mississippi order will continue as obligations under the new Mississippi order. The assets of the funds under the Central Mississippi order have been transferred to the new Mississippi order. Accordingly, the functions with respect to liquidation of the funds of the Mississippi Gulf Coast and Central Mississippi orders have been completed.

(b) Notice of proposed rule making, public procedure thereon, and 30 days notice of the effective date hereof are impracticable, unnecessary, and contrary to the public interest.

Therefore, good cause exists for making this order effective July 1, 1965.

It is therefore ordered, That the remaining provisions of Orders No. 100 and 107, §§ 1100.103, and 1100.107, and §§ 1107.92, and 1107.93, regulating the handling of milk in the Central Mississippi and Mississippi Gulf Coast marketing areas, respectively (7 CFR Parts 1100 and 1107) are hereby terminated and Parts 1100 and 1107 are vacated effective on and after July 1, 1965, subject, however, to the following condition: That such termination of the remaining provisions of said orders shall not affect or waive any right, obligation, duty or liability under either of the said orders with respect to milk delivered prior to September 1, 1964, or release or extinguish any violations of the said orders, or affect or impair any right or remedy of the United States, the Secretary of Agriculture, or any other person with respect to any such violation which has arisen or occurred or which may arise or occur prior to the time that termination of such remaining provisions become effective.

(Secs. 1–19 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Effective date. July 1, 1965.

Signed at Washington, D.C., on June 24, 1965.

GEORGE L. MEHREN,
Assistant Secretary.

[F.R. Doc. 65-6844; Filed, June 29, 1965; 8:47 a.m.]

Title 41—PUBLIC CONTRACTS AND PROPERTY MANAGEMENT

Chapter 9—Atomic Energy Commission

PART 9–5—SPECIAL AND DIRECTED SOURCES OF SUPPLY

Part 9–5 is revised to read as follows:

Sec.
9–5.000–50 Policy, cost-type contractor procurement.

Subpart 9–5.50—Use of Excess Materials

9–5.5001 Use of excess materials from Defense Materials Service inventories.

Subpart 9–5.51—Use of Government Sources of Supply

9–5.5100 Scope of subpart.
9–5.5100–1 [Reserved]
9–5.5100–2 Use of GSA and other Government supply sources by cost-type contractors.
9–5.5101 Government sources.
9–5.5101–1 Policy.
9–5.5101–2 [Reserved]
9–5.5101–3 Exclusive use on Government work.
9–5.5102 Department of Defense.
9–5.5102–1 Source.
9–5.5102–2 Requisitions.

Subpart 9–5.52—Procurement of Special Items

9–5.5200 Scope of subpart.
9–5.5201 Motor-propelled vehicles.
9–5.5201–1 Scope of section.
9–5.5201–2 [Reserved]
9–5.5201–3 Consolidated purchase of new vehicles by General Services Administration.
9–5.5201–4 Direct purchase.
9–5.5201–5 Used vehicles.
9–5.5201–6 Forfeited or abandoned vehicles.
9–5.5202 Typewriters.
9–5.5202–1 Scope.
9–5.5202–2 Definition.
9–5.5202–3 Replacement standards.
9–5.5202–4 Purchase procedures and requirements.
9–5.5203 Printing equipment and printing services.
9–5.5203–1 Regulations.
9–5.5203–2 Purchase, exchange or transfer of printing equipment.
9–5.5204 Alcohol.
9–5.5204–1 Scope.
9–5.5204–2 Regulations.
9–5.5204–3 Application forms and permits.
9–5.5204–4 Authority to sign applications.
9–5.5204–5 Filing applications.
9–5.5204–6 Forms and authorized plants.
9–5.5204–7 Placing the order.
9–5.5204–8 Notice of shipment.
9–5.5204–9 Orders placed by cost-type contractors.
9–5.5204–10 Abandoned and forfeited alcohol.
9–5.5205 Helium.
9–5.5205–1 Scope.
9–5.5205–2 Source of supply.
9–5.5205–3 Method of shipment.
9–5.5205–4 Relative shipping costs.
9–5.5205–5 Methods of purchases.
9–5.5206 Miscellaneous items.
9–5.5206–1 Scope.
9–5.5206–2 Aircraft.
9–5.5206–3 AEC forms.
9–5.5206–4 Standard, optional and other agency forms.
9–5.5206–5 Steel filing cabinets.
9–5.5206–6 New refrigerators.
9–5.5206–7 New electric water coolers.
9–5.5206–8 Rental of post office boxes.
9–5.5206–9 Government license tags.
9–5.5206–10 Lubricating and transformer oil.
9–5.5206–11 Arms and ammunition.
9–5.5206–12 Furniture.
9–5.5206–13 Gasoline, fuel oil (diesel and burner), kerosene and solvents.
9–5.5206–14 Gold.
9–5.5206–15 Purchase of sundry items from Government Printing Office.
9–5.5206–16 GSA schedules and stores.
9–5.5206–17 Mandatory items—prison-made and blind-made products.
9–5.5206–18 [Reserved]
9–5.5206–19 [Reserved]
9–5.5206–20 Materials handling equipment replacement standards.
9–5.5206–21 Calibration services.
9–5.5206–22 U.S. Code Annotated and Lifetime Federal Digest.
9–5.5207 Special materials.
9–5.5207–1 Special grade calcium and gallium.
9–5.5207–2 Heavy water.
9–5.5207–3 Platinum.
9–5.5207–4 Radium and radium compounds.
9–5.5207–5 Zirconium.
9–5.5208 Coal.

AUTHORITY: The provisions of this Part 9–5 issued under sec. 161, of the Atomic Energy Act of 1954, as amended, 68 Stat. 948, 42 U.S.C. 2201; sec. 205, Federal Property and Administrative Services Act of 1949, as amended, 63 Stat. 390, 40 U.S.C. 486.

§ 9–5.000–50 Policy, cost-type contractor procurement.

The following portions of FPR 1–5 and this AECPR 9–5 constitute specific provisions which the contracting officer shall bring to the attention of Class A and Class B cost-type contractors as constituting areas which require appropriate treatment in the development of statements of contractor procurement practices in order to carry out the basic AEC procurement policy set forth in AECPR § 9–1.5203:

Subparts	*Subject*
FPR:	
1–5.3	Excess Personal Property.
1–5.5	Use of GSA Supply Sources by Prime Contractors in Performing Cost-Reimbursement Type Contracts.
AECPR:	
9–5.50	Use of Excess Materials.
9–5.51	Use of Government Sources of Supply.
9–5.52	Procurement of Special Items.

Subpart 9–5.50—Use of Excess Materials

§ 9–5.001 Use of excess materials from Defense Materials Service inventories.

(a) It is the policy of the AEC to comply with the provisions of the Federal Property Management Regulations Part 101–14, Strategic, Critical and Other Material, as supplemented from time to time by Federal Property Management Regulations Bulletins.

(b) On January 30, 1963, the President approved a report submitted by the Executive Stockpile Committee containing various recommendations covering long-range disposals of excess stockpile materials. The report provides that Federal agencies should continue to purchase their needs for surplus stockpile materials from the General Services Administration. In order to implement this policy for AEC procurement, Field Offices shall carefully screen the lists of excess materials to determine the extent to which AEC requirements can be filled by use of excess stockpile materials.

(c) Defense Materials Service of General Services Administration, Washington, D.C., 20405, should be contacted directly for any detailed information concerning specifications, prices, and method of placing the order.

(d) For reimbursement of AEC orders, a Form 1080 will be issued by GSA, which should be executed by the AEC office concerned within 30 days from the date of issuance by GSA. AEC cost-type contractors will be billed directly by GSA for all orders submitted directly by them.

(e) Each Field Office shall submit a monthly report to the Division of Contracts, Headquarters, indicating the number of purchases of stockpile material by the Field Office and its cost-type contractors, and the quantity, grade and market value of such material.

Subpart 9–5.51—Use of Government Sources of Supply

§ 9–5.5100 Scope of subpart.

This subpart sets forth procedures to be followed in making purchases from Government sources. (For the purchase of specific items, see AECPR 9–5.52, Procurement of Special Items.)

§ 9–5.5100–1 [Reserved]

§ 9–5.5100–2 Use of GSA and other Government supply sources by cost-type contractors.

(a) Managers of Field Offices may authorize cost-type contractors to act as agents for AEC for the purpose of placing orders against Federal Supply Service Stores Depots and Government supply contracts in accordance with the requirements and procedures in FPR 1–5.9.

(b) Cost-type contractors may be authorized to acquire materials and services directly from other Government sources of supply in accordance with the requirements of this subpart, or the consent of the agencies involved.

(c) Direct procurement by AEC, rather than a cost-type contractor, shall be required where deemed necessary by the Managers of Field Offices in order to carry out special requirements of appropriation acts or other applicable laws relating to particular items.

§ 9–5.5101 Government sources.

§ 9–5.5101–1 Policy.

It is AEC policy to use Government sources of supply to the fullest extent practicable.

§ 9–5.5101–2 [Reserved]

§ 9–5.5101–3 Exclusive use on Government work.

Materials, supplies and equipment procured from Government sources of supply under the procedures described herein must be used exclusively in connection with Government work except as authorized by Managers of Field Offices.

§ 9–5.5102 Department of Defense.

§ 9–5.5102–1 Source.

Many supply facilities and contracts of the Department of Defense are made available to AEC and its cost-type contractors. Field Offices will be notified by the Division of Contracts when such contracts and facilities are made available. Inquiries in connection with these sources may be directed to the Director, Division of Contracts, Headquarters. Requisitions or purchase orders shall be submitted directly to these sources, unless otherwise specified.

§ 9–5.5102–2 Requisitions.

Contractors' requisitions submitted to Defense Supply centers should include the following statement on the requisition: "The consignee of the supplies and materials requisitioned herein is acting in behalf of and as agent for the U.S. Atomic Energy Commission with respect to the expenditure of Government funds." Orders submitted directly to DoD contractors shall be accompanied by an authorization substantially similar to that in FPR 1–5.903–2.

Subpart 9–5.52—Procurement of Special Items

§ 9–5.5200 Scope of subpart.

This subpart sets forth requirements and procedures for the acquisition of special items, as described herein.

§ 9–5.5201 Motor vehicles.

§ 9–5.5201–1 Scope of section.

This section covers the acquisition of motor vehicles including new, used, forfeited, and abandoned vehicles for use by either the AEC or cost-type contractors.

§ 9–5.5201–2 [Reserved]

§ 9–5.5201–3 Consolidated purchase of new vehicles by General Services Administration.

(a) *Vehicles for use by AEC or AEC cost-type contractors.* New vehicles for use by AEC and AEC cost-type contractors shall be procured in accordance with FPMR 101–26.501.

(b) *Submission of purchase orders.* Except as determined necessary for internal accounting needs or purchasing records, orders should be made using GSA Form 1781 for vehicles covered by Federal Standard 122. AEC Form 103 or contractors' purchase order forms should be used for vehicles not covered by Federal Standard 122.

(c) *Schedule of dates for submission of orders.* Generally, Managers of Field Offices shall consolidate and submit directly to GSA their requirements for vehicles not included in volume procurements.

(d) *Replacement of used vehicles.* Managers of Field Offices and the Director, Division of Headquarters Services may arrange to sell used motor vehicles being replaced and to apply the proceeds on the purchase of similar new vehicles. However, in the event personnel are not available to make such sales, or it is in the best interest of a particular office, GSA may be requested to sell the used vehicles.

§ 9–5.5201–4 Direct purchase.

Vehicles may be procured by Field Offices from other sources where specific clearance has been granted by GSA or where procurement through the Federal Supply Service, GSA, would impair or adversely affect the program. The purchase price shall not exceed any statutory limitation in effect at the time the purchase is made.

§ 9–5.5201–5 Used vehicles.

Normally AEC does not purchase or authorize cost-type contractors to purchase used vehicles. However, Managers of Field Offices may authorize the purchase of used vehicles where justified by special circumstances, e.g., when new vehicles are in short supply or the vehicles are to be used for experimental or test purposes. (The passenger vehicle allocation requirements for AEC shall apply to any purchase of used vehicles except in the case of those to be used exclusively for experimental or test purposes.)

§ 9–5.5201–6 Forfeited or abandoned vehicles.

Vehicles which have been abandoned to, or seized by and forfeited to, the Government are available for transfer to Federal agencies by the Federal Supply Service, GSA, in accordance with the provisions of the Act of August 27, 1935 (40 U.S.C. sections 304f–304m). Whenever forfeited or abandoned vehicles are available for transfer to AEC, the Utilization and Disposal Service, Personal Property Division, Region 3, GSA, Washington, D.C., 20407, will notify the Office of the Controller, Headquarters, of such availability and allow AEC approximately three days to determine whether the vehicles can be utilized. Within that time, the Office of the Controller will make the necessary arrangements with GSA for the release of any required vehicles. (See FPMR 101–43.4.)

§ 9–5.5202 Typewriters.

§ 9–5.5202–1 Scope.

This section covers the purchase, for use by either AEC and cost-type contractors, of (a) typewriters whether to fill initial requirements or for replacement purposes and (b) typewriter repair and reconditioning services.

§ 9–5.5202–2 Definition.

"Typewriters" are manually and electrically operated machines having standard or special keyboards, designed to produce printed characters by impression of type upon paper through the medium of an inked ribbon. The term includes the varityper, hektowriter, proportional spacer, flexowriter, justowriter, and portable typewriting machines but does not include bookkeeping, billing or teletypewriting machines.

§ 9–5.5202–3 Replacement standards.

Typewriters shall be purchased for replacement purposes in accordance with the standards established by GSA.

§ 9–5.5202–4 Purchase procedures and requirements.

(a) *Orders.* Purchase orders for typewriters, whether for replacement or otherwise, shall be prepared and transmitted to the appropriate Federal Supply Schedule Contractor. AEC contracting officers shall use Form AEC–103 for such purchases. When cost-type contractors are authorized to make purchases under Federal Supply Schedules, Managers of Field Offices may authorize them to use their own purchase order forms properly identified according to FPR 1–5.9.

(b) *Electric typewriters.* Electric typewriters for use by AEC and its cost-type contractors may be purchased only when the AEC standards are met.

(c) *Regulations.* The procurement of typewriters that will be used for printing shall comply with the approval requirements of the Joint Committee on Printing.

§ 9–5.5203 Printing equipment and printing services.

§ 9–5.5203–1 Regulations.

The Joint Committee on Printing, Congress of the United States, periodically publishes "Government Printing and Binding Regulations." These regulations govern the acquisition, use and disposal of printing equipment and the procurement of printing services. When cost-type contractors operate field printing plants, Managers of Field Offices shall require such contractors to comply with those portions of the regulations covering the operation of field printing plants.

§ 9–5.5203–2 Purchase, exchange or transfer of printing equipment.

All purchases of new printing equipment (including replacements for existing equipment), transfers of equipment from one field plant to another, or disposals of equipment as excess property must be approved by the Joint Committee on Printing, whether such actions are to be taken by AEC or by cost-type contractors. Requests for approval shall be submitted through the Publications and Visual Aids Branch, Division of Headquarters Services. When approval to purchase is granted, printing equipment should be purchased either by AEC or cost-type contractors in accordance with regular procurement procedures.

§ 9–5.5204 Alcohol.

§ 9–5.5204–1 Scope.

This section covers (a) Internal Revenue Service, Treasury Department, alcohol regulations applicable to AEC, (b) delegations of authority to submit applications to purchase tax-free alcohol or specially denatured alcohol, and (c) purchases of alcohol by AEC or cost-type contractors. To the fullest extent practicable, alcohol for use by AEC or its cost-type contractors shall be procured on a tax-free basis.

§ 9–5.5204–2 Regulations.

Internal Revenue Service regulations relating to the procurement and use of alcohol free of tax, by Government agencies, are set forth in 26 CFR 213.141—213.146. Copies of excerpts from these regulations may be secured from the Alcohol and Tobacco Tax Division, Internal Revenue Service, Treasury Department, Washington, D.C., 20224. These regulations will be followed in the procurement of alcohol.

§ 9–5.5204–3 Application forms and permits.

Treasury Department Form 1486, "Specially Denatured Spirits for Use of United States," and Treasury Department Form 1444, "Tax Free Spirits for Use of United States," shall be used for procurements of specially denatured alcohol and ethyl alcohol, respectively. Part I of each form is the application for permission to procure and Part II is the permit. If procurement from more than one warehouse is desirable, separate applications must be made for withdrawals from each warehouse. When permits are no longer required, they should be forwarded to the Alcohol and Tobacco Tax Division, Internal Revenue Service for cancellation. Alcohol procured by use of the Treasury Department forms referred to in this subsection shall be used exclusively on AEC work.

§ 9–5.5204–4 Authority to sign applications.

Specific AEC personnel have been authorized to execute Part I of Forms 1444 and 1486 by letters to the Commissioner of Internal Revenue Service without power of redelegation. Copies of such letters have been furnished to Field Offices. In addition, the Director, Division of Contracts, has been authorized to sign and delegate to others authority to sign applications under Internal Revenue Regulations relating to the procurement and use of alcohol free of tax. Only the individuals so authorized shall execute Part I of these forms. Requests by Field Offices for new authorizations or discontinuance of existing authorizations shall be submitted by letter to the Division of Contracts, Headquarters. Requests for new authorizations shall be accompanied in each case by a 3" x 5" plain card with the following information typed thereon:

Mr. ----------, whose signature appears below, is authorized to sign application Forms 1444 and 1486, on behalf of the Atomic Energy Commission.

(Signature)

(Title)

§ 9–5.5204–5 Filing applications.

Applications shall be executed in duplicate by the authorized AEC official and mailed directly to the Director, Alcohol and Tobacco Tax Division of Internal Revenue Service, Washington, D.C., 20224. No transmittal letter is required. Where alcohol or specially denatured alcohol is for use directly by AEC, the form shall indicate that shipment shall be made to the appropriate AEC Field Office. Where a cost-type contractor will be the user, the form shall indicate that shipment shall be made to the Atomic Energy Commission in care of the cost-type contractor.

§ 9–5.5204–6 Forms and authorized plants.

Periodically, the Alcohol and Tobacco Tax Division, Internal Revenue Service, publishes printed lists of Distilled Spirits Plants, Bonded Warehouses and Denaturing Plants Authorized to Operate. These lists are supplied to officials authorized to submit applications. Extra copies of these lists and supplies of Forms 1444 and 1486 may be secured by written request to the Alcohol and Tobacco Tax Division, Internal Revenue Service, Washington, D.C., 20224.

§ 9–5.5204–7 Placing the order.

A signed copy of the permit shall accompany the original purchase order issued to the plant or warehouse, where it will be retained. Subsequent orders shall refer to the permit on file in the plant or warehouse. Order Form AEC–103 shall be issued by AEC for cost-type contractors' requirements, except as provided in § 9–5.5204–9.

§ 9–5.5204–8 Notice of shipment.

When alcohol is shipped, the shipper prepares the required forms as specified by Internal Revenue Service Regulations and forwards them to the consignee. Upon receipt of the receiving report covering the shipment, the officer who signed the purchase order shall execute the certificate of receipt and forward it to the appropriate District Supervisor, Internal Revenue Service. The carrier transporting the alcohol shall also be given a receipt as specified by Internal Revenue Service Regulations.

§ 9–5.5204–9 Orders placed by cost-type contractors.

(a) *Specially denatured alcohol.* Managers of Field Offices may authorize cost-type contractors to apply for permits to purchase specially denatured alcohol, subject to restrictions of Internal Revenue Service as to end use. In order to qualify, cost-type contractors must be bonded, must submit reports, and are subject to inspection by Internal Revenue Service.

(b) *Tax-free alcohol.* Under Internal Revenue Service regulations, cost-type contractors performing scientific or research work or operating hospitals are permitted to procure alcohol tax-free. These regulations require bonding under certain circumstances, submission of reports, and inspection by Internal Revenue Service.

(c) *AEC vs. cost-type contractor alcohol procurement.* Purchase may be made by either AEC or cost-type contractors, whichever is in the best interests of the Government, taking into consideration administrative costs and any other pertinent factors that may be applicable to individual situations. On

purchases for recurring requirements, one of the factors to consider is that for purchases by AEC, the bonding, reporting and inspection requirements do not apply.

§ 9–5.5204–10 Abandoned and forfeited alcohol.

Abandoned and forfeited alcohol which has come into the custody or control of any Federal agency may be obtained by following the procedure set forth in FPMR 101–43.4.

§ 9–5.5205 Helium.

§ 9–5.5205–1 Scope.

This section covers acquisition of helium for use by either AEC and cost-type contractors; and methods of shipment.

§ 9–5.5205–2 Source of supply.

To the extent that supplies are readily available, all major requirements of helium shall be purchased from the Secretary of the Interior. See Public Law 86–777, as amended (50 U.S.C. § 167d).

§ 9–5.5205–3 Method of shipment.

The usual methods of shipment are:

(a) In Government-owned helium tank cars operated from a central Government pool. The capacity of a car is approximately 275,000 cu. ft. of helium, measured at standard conditions;

(b) In standard-type cylinders which hold approximately 237 cu. ft. under normal conditions; and

(c) In specially built helium semi-trailers with a capacity of approximately 95,000 cu. ft. of helium, measured at standard conditions.

§ 9–5.5205–4 Relative shipping costs.

Shipments of helium in standard-type cylinders are approximately three times as costly as shipments in tank cars because, (a) freight costs must be paid both ways on the cylinders and only one way on tank cars, and (b) cylinder weights are greater in relation to the helium carried. It may, therefore, be more economical to obtain small quantities of helium from local distributors or nearby Government installations. Shipment of cylinders by truck may be more economical than by rail under some circumstances, depending on location and the existence of special freight rates.

§ 9–5.5205–5 Methods of purchases.

Purchases from the Secretary of the Interior for either AEC or cost-type contractors' requirements for helium is made by using Form AEC–103 (or the cost-type contractor purchase order properly identified as in the use of Government Sources of Supply) and forwarding it in duplicate to the Helium Activity, Bureau of Mines, Department of the Interior, Amarillo, Tex. Local orders may be placed either by AEC or the cost-type contractor as administratively determined by Field Offices.

§ 9–5.5206 Miscellaneous items.

§ 9–5.5206–1 Scope.

(a) This section sets forth the procedures and requirements for the purchase of various miscellaneous items for use by either AEC or cost-type contractors.

(b) Except as otherwise indicated, Managers of Field Offices shall issue necessary instructions to cost-type contractors to effect control of procurement of these miscellaneous items, and shall require cost-type contractors to procure these items from Government sources of supply, in accordance with 9–1.5203, when they are so available.

§ 9–5.5206–2 Aircraft.

The purchase of all aircraft, whether for AEC or cost-type contractors' use, shall be approved in advance by the Controller.

§ 9–5.5206–3 AEC forms.

(a) *Definition.* AEC forms are those approved by the Office of the Controller, Headquarters, for use throughout AEC.

(b) *Ordering AEC forms.*

(1) AEC offices shall consolidate their requirements for each form for all installations under their jurisdiction for minimum periods of six months and submit them to the Publications and Visual Aids Branch, Division of Headquarters Services, as requested during February and August of each year. Forms may be requisitioned in units of ten (10) or five hundred (500).

(2) Additional requisitions within the six-month period shall be submitted only in unusual circumstances. Such requisitions shall be submitted on Form AEC 205 to the Publications and Visual Aids Branch, Division of Headquarters Services.

§ 9–5.5206–4 Standard, optional and other agency forms.

(a) *Source of supply.* The General Services Administration stocks for issue to agencies standard forms approved by the Bureau of the Budget or the General Accounting Office and other common-use forms, such as Treasury forms, Civil Service forms, and optional forms. The Federal Supply Stores Catalog lists forms carried in stock.

(b) *Ordering forms from Federal Supply Service.* AEC offices shall submit purchase orders for standard forms, except as specified in (c) below, directly to the appropriate Federal Supply Stores Depot. Orders for forms may include requests for other items normally carried in stock. Orders for quantities of forms in excess of quantities normally furnished from stock will be extracted by the stores depot and sent to GSA Region 3, Washington, D.C., 20407, to be filled either by GSA Region 3 or by the Government Printing Office.

(c) *Overprinted or altered forms.* Forms that require overprinting, serial numbering, or different grade, weight or color of paper, or a major alteration in construction shall be requisitioned from the Publications and Visual Aids Branch, Division of Headquarters Services.

§ 9–5.5206–5 Steel filing cabinets.

(a) AEC utilization requirements shall be complied with prior to purchase of any filing cabinets for use by either AEC or cost-type contractors. To the fullest extent possible, the five- (5-) drawer cabinet shall be procured.

(b) Purchase orders for all letter- and legal-size general purpose steel cabinets (other than security-type and insulated filing cabinets) shall be submitted to the appropriate GSA Regional Office.

(c) Security-type and insulated filing cabinets are not stocked by GSA. Purchases shall be made directly from Federal Supply Schedule by AEC offices.

§ 9–5.5206–6 New refrigerators.

New refrigerators shall be procured in accordance with Federal Property Management Regulation 101–26.503.

§ 9–5.5206–7 New electric water coolers.

New electric water coolers shall be procured in accordance with Federal Property Management Regulation 101–26.502.

§ 9–5.5206–8 Rental of post office boxes.

Post office boxes may be rented on an annual basis, or for shorter periods by quarters where necessary. Payments for annual rentals are to be made in advance at the beginning of the fiscal year, and for periods of less than a year either in advance for the whole period, or at the beginning of each quarter in which the box is to be used.

§ 9–5.5206–9 Government license tags.

(a) *In the District of Columbia.* Official Government tags shall be procured (without charge) by the Procurement, Supply and Transportation Branch, Division of Headquarters Services, from the Department of Vehicles and Traffic, District of Columbia, for all motor vehicles (except vehicles exempt for security purposes) operated principally in the Metropolitan Area of Washington, D.C.

(b) *Outside the District of Columbia.* AEC offices operating Government-owned motor vehicles for official purposes (including Government vehicles operated by cost-type contractors), principally outside the Metropolitan Area of Washington, D.C., shall (except for vehicles exempt for security purposes) procure official U.S. Government tags from the Superintendent of Industries, District of Columbia, Department of Correction, Lorton, Va., in accordance with the following instructions:

(1) Orders (Form AEC–103) shall include code letter "E" and tag numbers, delivery dates, consignment and shipping instructions, symbol of the appropriation to be charged, amount of obligation which has been established on the books of the AEC Field Office, and the signature of an officer authorized to obligate the appropriation to be charged.

(2) See FPMR 101–38.3 concerning prices to be used for obligation purposes when ordering tags.

(3) Where the size of the shipment requires use of a Government bill of lading, that document shall accompany the purchase order. Where quantities are available, the District of Columbia, Department of Correction, will supply the necessary postage and add the cost to the invoice. (A pair of tags weighs approximately 1 pound, 1 ounce.)

(4) The letter "E" is the prefix symbol for AEC official license tags. Block numbers have been assigned to field offices. Additional numbers will be assigned by the Division of Contracts, Headquarters, when requested.

(c) *Special plates.* Special plates for security purposes shall be purchased by AEC offices for AEC and cost-type contractors in accordance with local laws, regulations and instructions.

§ 9–5.5206–10 Lubricating and transformer oil.

Lubricating and transformer oil shall be procured in accordance with Federal Property Management Regulation 101–26.602.

§ 9–5.5206–11 Arms and ammunition.

Pursuant to the Act of March 3, 1879, as amended by the Act of April 14, 1937 (50 U.S.C. 61), the Secretary of the Army is authorized to furnish arms, suitable accouterments for use therewith, and ammunition for the protection of public money and property.

(a) The Department of the Army has granted a general clearance for Federal agencies to procure, without further reference to or clearance from that Department, all arms and ammunition of types which are not peculiar to the military services, and which are readily procurable in the civilian market.

(b) Procurement of arms and ammunition readily procurable in the civilian market shall be made in accordance with regular procurement procedures by either AEC or cost-type contractors.

(c) Procurement of arms and ammunition for AEC or cost-type contractors which are peculiar to the military services shall be made by submission of order Form AEC–103 to the Chief of Ordnance, Department of the Army, Washington, D.C., 20310.

§ 9–5.5206–12 Furniture.

Furniture shall be purchased in accordance with Federal Property Management Regulation 101–26.505.

§ 9–5.5206–13 Gasoline, fuel oil (diesel and burner), kerosene and solvents.

Requirements for gasoline, fuel oil (diesel and burner), kerosene and solvents shall be submitted to the GSA Regional Office servicing the state in which delivery is required in accordance with Federal Property Management Regulation 101–26.404.

§ 9–5.5206–14 Gold.

Purchase of gold or gold scrap by the AEC or its cost-type contractors does not require licensing as long as title to the gold is vested in the Government. All such purchases, however, unless made from another Government agency shall be made from a commercial firm holding a United States Treasury Department gold license authorizing such transactions or from a United States Mint. (See CFR Title 31, §§ 440–443; Title 12, § 95a.)

§ 9–5.5206–15 Purchases of sundry items from Government Printing Office.

AEC offices shall purchase from the Government Printing Office, Washington, D.C., 20401, paper, envelopes, inks, glues and other supplies, as listed in the current GPO Catalog and Price List for such items; except that AEC offices may purchase such items from other sources when it is more economical to do so, taking into consideration the cost of packing and transportation.

§ 9–5.5206–16 GSA schedules and stores.

Federal Supply Schedule Contracts and Federal Supply Service Stores Depots. Items listed in Federal Supply Schedules and in Federal Supply Service Stores catalogs shall be procured in accordance with Federal Property Management Regulations 101–26.3 and 101–26.4.

§ 9–5.5206–17 Mandatory items—prison-made and blind-made products.

Managers of Field Offices shall require cost-type contractors to procure items listed in the Schedule of Products made in Federal penal and correctional institutions and in the Schedule of Blind-made Products in accordance with Federal Property Management Regulation 101–26.601.

§ 9–5.5206–18 [Reserved]

§ 9–5.5206–19 [Reserved]

§ 9–5.5206–20 Materials handling equipment replacement standards.

Materials handling equipment shall be purchased for replacement purposes in accordance with the standards established by AEC. (See FPMR 101–35.405.) Managers of Field Offices are authorized to replace an item earlier than the date specified in such standards under unusual circumstances. A written justification shall be placed in the purchase file.

§ 9–5.5206–21 Calibration services.

Orders for calibration service may be placed with the National Bureau of Standards, Washington, D.C., 20234, by either AEC procurement offices or cost-type contractors. Copies of the letters authorizing cost-type contractors to order calibration services on behalf of AEC should be sent to the Bureau of Standards, Attention: "Administrative Service Division."

§ 9–5.5206–22 U.S. Code Annotated and Lifetime Federal Digest.

Appropriation Acts may provide that no part of the appropriation shall be used to pay: in excess of $4 per volume for the current and future volumes of the United States Code Annotated, and such volumes shall be purchased on condition and with the understanding that latest published cumulative annual pocket parts issued prior to the date of purchase shall be furnished free of charge; or in excess of $4.25 per volume for the current or future volumes of the Lifetime Federal Digest; or in excess of $6.50 per volume for the current or future volumes of the Modern Federal Practice Digest. When such a general limitation appears in appropriation legislation, it is applicable to both AEC and cost-type contractor procurement.

§ 9–5.5207 Special materials.

This section covers the purchase of materials peculiar to the AEC program. While purchases of these materials are unclassified, quantities, destination or use may be classified. See appropriate sections of the Classification Guide. Managers of Field Offices shall require cost-type contractors to obtain the special materials identified in the following subsections in accordance with the procedures stated therein.

§ 9–5.5207–1 Special grade calcium and gallium.

The Division of Production controls the procurement and production of these materials for AEC use.

(a) *Designated procurement office.* The following office has been designated as a procurement office for AEC requirements:

(1) Oak Ridge Operations Office—special grade calcium and gallium.

(b) *Placing orders.* AEC offices and cost-type contractors shall place orders directly with the procurement office designated.

§ 9–5.5207–2 Heavy water.

The Division of Production controls the procurement and production of heavy water. AEC offices and cost-type contractors shall place orders directly with the Division of Production, Headquarters.

§ 9–5.5207–3 Platinum.

The New York Operations Office is responsible for maintaining the AEC platinum supply. AEC offices and cost-type contractors shall clear with the New York Operations Office as to the availability of AEC platinum prior to the purchase of platinum on the open market.

§ 9–5.5207–4 Radium and radium compounds.

(a) The Division of Raw Materials is responsible for procuring radium and radium compounds (including radium, mesothorium, radium D, and associated radioactive substances) as requested by the New York Operations Office. AEC offices and cost-type contractors shall place requirements directly with the New York Operations Office.

(b) The New York Operations Office is responsible for the procurement of services for:

(1) Storage of radium salts and sources returned.

(2) Recovery of radium from AEC-owned incapsulated radium sources. AEC offices and cost-type contractors shall obtain such services in accordance with arrangements established by the New York Operations Office.

§ 9–5.5207–5 Zirconium.

The Pittsburgh Naval Reactors Office is responsible for controlled reduction of the existing AEC inventory of zirconium. AEC offices and cost-type contractors shall submit their requirements for zirconium to the Pittsburgh Naval Reactors Office for a determination whether material is to be supplied from inventory or procured by the ordering office on the open market.

§ 9–5.5208 Coal.

GSA coal purchase program. GSA makes annual contracts for direct deliv-

ery of coal in carload or larger lots based on estimates submitted by Federal agencies to GSA. This purchase program is optional. If participation in the program is desired, estimates shall be submitted directly to the appropriate GSA regional office in accordance with Federal Property Management Regulation 101–26.504.

Effective date. These regulations are effective upon publication in the FEDERAL REGISTER.

Dated at Germantown, Md., this 23d day of June 1965.

For the U.S. Atomic Energy Commission.

JOSEPH L. SMITH,
Director, Division of Contracts.

[F.R. Doc. 65–6833; Filed, June 29, 1965; 8:46 a.m.]

PART 9–11—FEDERAL, STATE, AND LOCAL TAXES

Sec.

9–11.000–50 Policy, cost-type contractor procurement.

Subpart 9–11.2—Exemptions From Federal Excise Taxes

9–11.203 Supplies and services for the exclusive use of the United States.

Subpart 9–11.3—State and Local Taxes

9–11.350 Policy.

Subpart 9–11.4—Contract Clauses

9–11.450 Cost-type contracts.
9–11.451 Purchase orders and subcontracts under cost-type contracts.
9–11.452 Cost-type contract clause.

AUTHORITY: The provisions of this Part 9–11 issued under section 161, Atomic Energy Act of 1954, as amended, 68 Stat. 948, 42 U.S.C. 2201; section 205, Federal Property and Administrative Services Act of 1949, as amended, 63 Stat. 390, 40 U.S.C. 486.

§ 9–11.000–50 Policy, cost-type contractor procurement.

All of FPR 1–11 and this AECPR Part 11 constitute specific provisions which the contracting officer shall bring to the attention of Class A and Class B cost-type contractors as constituting areas which require appropriate treatment in the development of statements of contractor procurement practices in order to carry out the basic AEC procurement policy set forth in AECPR. 9–1.5203.

Subpart 9–11.2—Exemptions From Federal Excise Taxes

§ 9–11.203 Supplies and services for the exclusive use of the United States.

(a) The exemption respecting taxes on communication services or facilities has been held to extend to such services when furnished to AEC cost-type contractors who pay for such services or facilities from advances made to them by the AEC under their contracts.

(b) Additional exemptions: Where it is considered that a request for an additional exemption would be justified, a recommendation that such a request be made should be forwarded to the Controller.

(c) Exemption certificates: Where tax exemption certificates are required in connection with the foregoing taxes, the Manager of the Field Office will supply standard Government forms on request.

Subpart 9–11.3—State and Local Taxes

§ 9–11.350 Policy.

It is the policy of AEC to secure those immunities or exemptions from State and local taxes to which it is entitled under the Federal Constitution or State laws. In carrying out this policy, Managers of Field Offices shall:

(a) Take all necessary steps to preclude payment of any taxes as to which any of the foregoing immunities or exemptions are available. Advice of counsel should be sought as to the availability of such immunities or exemptions.

(b) Procure directly and furnish to contractors as Government-furnished property equipment or material when, in the opinion of the Managers of Field Offices:

(1) Direct procurement of such equipment or material will result in substantial savings to the Government, taking into consideration any additional administrative costs that may be involved, and

(2) Such direct procurement will not have a substantial adverse effect on the relationship between AEC and its contractor, and

(3) Such direct procurement will not have a substantial adverse effect on the AEC program or schedules.

Subpart 9–11.4—Contract Clauses

§ 9–11.450 Cost-type contracts.

Contracting officers should include an appropriate contract clause in AEC cost-type contracts (and cost-type subcontracts where the higher-tier contracts and subcontracts are cost-type) which would require that the contractor take certain actions with regard to nonpayment, payment, protest, or other treatment of specific taxes.

§ 9–11.451 Purchase orders and subcontracts under cost-type contracts.

(a) Contracting officers should assure that tax matters are appropriately treated in their review and approval of a cost-type contractor's procurement practices and procedures and in their review and approval of purchase order and subcontract forms as well as individual procurements by such contractor. In general, the tax article in FPR 1–11.401–1 and 1–11.401–2 should be utilized, with appropriate adaptations, for fixed-price purchase orders and subcontracts under cost-type contracts. For cost-type subcontracts, the clause in 9–11.452 should be utilized (with appropriate adaptations).

(b) Contracting officers should also assure that fixed-price subcontracts and purchase orders of cost-type contractors contain provisions covering all tax matters which may require special consideration (see FPR 1–11.401–4).

§ 9–11.452 Cost-type contract clause.

The following clause is suggested for use in cost-type contracts:

STATE AND LOCAL TAXES

(a) The Contractor agrees to notify the Commission of any State or local tax, fee, or charge levied or purported to be levied on or collected from the Contractor with respect to the contract work, any transaction thereunder, or property in the custody or control of the Contractor and constituting an allowable item of cost if due and payable, but which the Contractor has reason to believe, or the Commission has advised the Contractor, is or may be inapplicable or invalid; [1] and the Contractor further agrees to refrain from paying any such tax, fee, or charge unless authorized in writing by the Commission. Any State or local tax, fee, or charge paid with the approval of the Commission or on the basis of advice from the Commission that such tax, fee, or charge is applicable and valid, and which would otherwise be an allowable item of cost, shall not be disallowed as an item of cost by reason of any subsequent ruling or determination that such tax, fee, or charge was in fact inapplicable or invalid.

(b) The Contractor agrees to take such action as may be required or approved by the Commission to cause any State or local tax, fee, or charge which would be an allowable cost to be paid under protest; and to take such action as may be required or approved by the Commission to seek recovery of any payments made, including assignment to the Government or its designee of all rights to an abatement or refund thereof, and granting permission for the Government to join with the Contractor in any proceedings for the recovery thereof or to sue for recovery in the name of the Contractor. If the Commission directs the contractor to institute litigation to enjoin the collection of or to recover payment of any such tax, fee, or charge referred to above, or if a claim or suit is filed against the Contractor for a tax, fee, or charge it has refrained from paying in accordance with this article, the procedures and requirements of the article entitled "Litigation and Claims" shall apply and the costs and expenses incurred by the Contractor shall be allowable items of cost, as provided in this contract, together with the amount of any judgment rendered against the Contractor.

(c) The Government shall save the Contractor harmless from penalties and interest incurred through compliance with this article. All recoveries or credits in respect of the foregoing taxes, fees, and charges (including interest) shall inure to and be for the sole benefit of the Government.

Effective date. These regulations are effective 45 days after publication in the FEDERAL REGISTER, but may be observed earlier.

Dated at Germantown, Md. this 22d day of June 1965.

For the U.S. Atomic Energy Commission.

JOSEPH L. SMITH,
Director, Division of Contracts.

[F.R. Doc. 65–6834; Filed, June 29, 1965; 8:46 a.m.]

[1] Requirement for notice may be broadened to include all State and local taxes which may be claimed as allowable costs when considered to be appropriate.

PART 9–55—JUSTIFICATION AND DOCUMENTATION OF PROCUREMENT ACTIONS

Subpart 9–55.1—Justification of Procurement

Subpart 9–55.2—Documentation

MISCELLANEOUS AMENDMENTS

Section 9–55.001 *Applicability*, is deleted and the following new section is added:

§ 9–55.001 Policy, cost-type contractor procurement.

All of AECPR 9–55 constitutes specific provisions which the contracting officer shall bring to the attention of Class A and Class B cost-type contractors as constituting areas which require appropriate treatment in the development of statements of contractor procurement practices in order to carry out the basic AEC procurement policy set forth in AECPR 9–1.5203.

Section 9–55.100 *Scope of subpart*, is revised to read as follows:

§ 9–55.100 Scope of subpart.

This subpart sets forth the type of information required for justification of procurements through formal advertising or by negotiation.

Section 9–55.102–1 *Applicability*, is revised to read as follows:

§ 9–55.102–1 Applicability.

This section is applicable to all negotiated contracts (including letters of intent or letter contracts) and modifications thereof involving additional supplies or services, to the extent indicated in the following §§ 9–55.102–2 and 9–55.102–3. It is not applicable to: (a) Orders for $2,500 or less, (b) orders against Federal Supply Schedules, (c) orders placed against other Government agencies, (d) orders placed against other AEC offices, and (e) orders placed under one AEC Class A, cost-type contract against another AEC Class A, cost-type contract.

In section 9–55.102–3 *Procurement by cost-type contractors—exceptions*, the first paragraph is revised to read as follows:

§ 9–55.102–3 Procurement by cost-type contractors—exceptions.

Contracting officers need not apply the requirements of § 9–55.102–2 with respect to justification of negotiated contracts to subcontracts and purchase orders placed by cost-type contractors through procedures similar to formal advertising, provided all of the criteria set forth in paragraphs (a) through (e) of this section are met.

* * * * *

In section 9–55.202 *Documentation of negotiated contracts and subcontracts*, the title is revised to read as follows:

§ 9–55.202 Documentation of negotiated contracts.

* * * * *

In section 9–55.203 *Documentation of procurement through formal advertising*, paragraph (m) is revised to read as follows:

§ 9–55.203 Documentation of procurement through formal advertising.

* * * * *

(m) If performance or payment bond requirements on lump-sum or unit-price construction contracts and subcontracts do not conform to the requirements of AECPR 9–10, state the reason.

(Sec. 161, Atomic Energy Act of 1954, as amended, 68 Stat. 948, 42 U.S.C. 2201; sec. 205, Federal Property and Administrative Services Act of 1949, as amended, 63 Stat. 390, 40 U.S.C. 486)

Effective date. These amendments are effective upon publication in the FEDERAL REGISTER.

For the U.S. Atomic Energy Commission.

Dated at Germantown, Md. this 24th day of June 1965.

R. J. HART,
Acting Director, Division of Contracts.

[F.R. Doc. 65–6835; Filed, June 29, 1965; 8:47 a.m.]

Chapter 101—Federal Property Management Regulations

SUBCHAPTER E—SUPPLY AND PROCUREMENT

PART 101–29—FEDERAL SPECIFICATIONS AND STANDARDS

Subpart 101–29.3—Standards

FEDERAL STANDARD NO. 515—STANDARD SAFETY DEVICES FOR AUTOMOTIVE VEHICLES

This amendment prescribes Federal Standard No. 515 covering safety devices for automotive vehicles purchased by the Federal Government for use by the Federal Government. Publication of the standard in the FEDERAL REGISTER is based on the requirement of Public Law 88–515, approved August 30, 1964 (78 Stat. 696), which provided that such regulation be so prescribed and published by the Administrator of General Services not later than one year from the date of enactment of the Act. The standard was developed through consultation with the automotive industry, technical societies, trade associations, the medical profession, and Government agencies. It was published in proposed form in the FEDERAL REGISTER (30 F.R. 797) on January 26, 1965, for public comment. Prior to July 1, 1966, the General Services Administration intends to revise several of the detailed standards contained in Federal Standard No. 515, and to add additional detailed standards. Such proposed changes will be made after consultation with interested parties, and will be published in the FEDERAL REGISTER for public comment before issuance.

1. The table of contents for Subpart 101–29.3 of Subchapter E is amended by the addition of a new section as follows:

Sec.

101–29.303 Federal Standard No. 515—Standard Safety Devices for Automotive Vehicles.

2. A new § 101–29.303 is added which prescribes Federal Standard No. 515.

§ 101–29.303 Federal Standard No. 515—Standard Safety Devices for Automotive Vehicles.

(a) This section prescribes Federal Standard No. 515, covering safety devices for automotive vehicles, as required by Public Law 88–515, August 30, 1964 (78 Stat. 696). Automotive vehicles purchased by the Federal Government for use by the Federal Government shall be equipped with safety devices conforming to Federal Standard No. 515. Copies of this standard may be obtained from the Commissioner, Federal Supply Service, General Services Administration, Washington, D.C., 20405. The standard is composed of detailed Federal standards which include:

(1) No. 515/1—Anchorages for Seat Belt Assemblies for Automotive Vehicles.
(2) No. 515/2—Padded Instrument Panel and Visors for Automotive Vehicles.
(3) No. 515/3—Recessed Instrument Panel Instruments and Control Devices for Automotive Vehicles.
(4) No. 515/4—Impact Absorbing Steering Wheel and Column Displacement for Automotive Vehicles.
(5) No. 515/5—Safety Door Latches and Hinges for Automotive Vehicles.
(6) No. 515/6—Anchorage of Seats for Automotive Vehicles.
(7) No. 515/7—Four Way Flasher for Automotive Vehicles.
(8) No. 515/8—Safety Glazing Materials for Automotive Vehicles.
(9) No. 515/9—Dual Operation of Brake System for Automotive Vehicles.
(10) No. 515/10—Standard Bumper Heights for Automotive Vehicles.
(11) No. 515/11—Standard Gear Quadrant (P R N D L) for Automotive Vehicles Equipped with Automatic Transmissions.
(12) No. 515/12—Windshield Wipers and Washers for Automotive Vehicles.
(13) No. 515/13—Glare Reduction Surfaces—Instrument Panel and Windshield Wipers for Automotive Vehicles.
(14) No. 515/14—Exhaust Emission Control System for Automotive Vehicles.
(15) No. 515/15—Tires and Safety Rims for Automotive Vehicles.
(16) No. 515/16—Backup Lights for Automotive Vehicles.
(17) No. 515/17—Outside Rearview Mirror(s) for Automotive Vehicles.

(b) The standard reads as follows:

[Federal Standard No. 515]

STANDARD SAFETY DEVICES FOR AUTOMOTIVE VEHICLES

S1. *Scope of standard.* This standard establishes requirements for safety devices for automotive vehicles purchased by the Federal Government for use by the Federal Government, to achieve the highest practical degree of uniformity and standardization. Specific requirements for a particular safety device are covered by the applicable detailed standard (see S4).

S2. *Definitions and application.*

S2.1 *Definitions.*

S2.1.1 *Automotive vehicle.* The term "automotive vehicle" means any vehicle, self-propelled or drawn by mechanical power, designed for use on the highways, except any vehicle designed for military field training use, combat, or tactical purposes. This definition includes sedans, buses, carryalls, station wagons, and light trucks up to 10,000 pounds gross vehicle weight (G.V.W.).

S2.1.2 *Federal Government.* The term "Federal Government" includes the legislative, executive, and judicial branches of the

Government of the United States, and the Government of the District of Columbia.

S2.1.3 *Federal agency.* The term "Federal agency" means any executive agency or any establishment in the legislative or judicial branch of the Government (except the Senate, the House of Representatives, and the Architect of the Capitol and any activities under his direction).

S2.2 *Application.* Sedans, buses, carryalls, and station wagons as specified in procurement documents used by the Federal Government, and light trucks up to 10,000 pounds G.V.W. as specified in procurement documents used by Federal agencies, shall be equipped with safety devices as specified herein. Where the requirements stated in this standard conflict with any requirement in such procurement documents, the requirements of this standard shall govern.

S3. *Safety devices.* Safety devices shall be as specified in the detailed standards (see S4). Publications referenced in the detailed standards form a part of this standard, as applicable; the publications referred to are the issues in effect on the date of the publication of this standard in the FEDERAL REGISTER.

S4. *Detailed standards.* Detailed standards for safety devices identified by the sequentially numbered series 515/1, 515/2, etc., are a part of this standard.

S5. *Provision for changes in the standard.* Section 4 of Public Law 88-515 provides for the possibility of changes in the standard first established under section 2 of that Act. Any person, firm, or organization wishing to propose a change in this standard after it is prescribed shall submit the detailed proposal to the Commissioner, Federal Supply Service, General Services Administration, Washington, D.C., 20405. If this standard as first established is thereafter changed, the changes shall take effect one year and ninety days after the date of publication of such changes in the FEDERAL REGISTER.

[Federal Standard No. 515/1]

ANCHORAGES FOR SEAT BELT ASSEMBLIES FOR AUTOMOTIVE VEHICLES

S1. *Purpose and scope.* This standard establishes the requirements and test procedures for anchorages for seat belt assemblies for automotive vehicles. This standard does not cover seat belt assemblies.

S2. *Application.* This standard applies to sedans, buses, carryalls, station wagons, and light trucks up to 10,000 pounds G.V.W. Excluded are stand-up, walk-in package delivery vehicles with tilt type drivers' seats. Excluded are folding jump seats that are folded directly behind the front seat. Also excluded are bus passenger seats without built-in padded head rests.

NOTE. Specifications for padding of head rests or grab rails on bus seats will be prescribed in procurement documents used by Federal agencies pending issuance of a Federal Standard on seat construction.

S3. *Standard characteristics.*

S3.1 *Definitions.*

S3.1.1 *Anchorage.* A seat belt anchorage shall consist of a threaded hole, an eyebolt, or other suitable means of attachment and shall be situated in a suitable structure to receive the seat belt attachment fittings.

S3.1.2 *Attachment fittings.* Attachment fittings are the parts necessary to attach the seat belt assembly to the vehicle structure.

S3.1.3 *Seat belt assembly.* A seat belt assembly is any strap, webbing, or similar device designed to secure a person in an automotive vehicle with the intention of mitigating the results of a traffic accident, including all buckles or other fasteners, and all hardware designed for installing the assembly in an automotive vehicle. The seat belt assemblies intended for installation in the anchorages specified hereinafter are described in Federal Specification JJ-B-185 and Society of Automotive Engineers, Inc. (SAE), Standard for Motor Vehicles Seat Belt Assemblies, SAE J4.

S3.1.3.1 *Type 1 seat belt assembly.* A type 1 seat belt assembly is a lap belt for pelvic restraint.

S3.1.3.2 *Type 2 seat belt assembly.* A type 2 seat belt assembly is a combination of pelvic and upper torso restraints.

S3.1.3.3 *Type 2a seat belt assembly.* A type 2a seat belt assembly is a shoulder belt for upper torso restraint for use only in conjunction with a type 1 lap belt.

S3.2 *Anchorages.* The SAE Recommended Practice for Motor Vehicle Seat Belt Anchorage, SAE J787, forms a basis, in part for this Federal Standard.

S3.2.1 *General.* Anchorages shall be provided for type 1 seat belt assemblies for each occupant for which a seat is designed, and anchorages for type 2 or type 2a seat belt assemblies shall be provided for at least each outboard front seat occupant for which the vehicle is designed. Where a threaded anchorage is used, the threads shall be ⅞-20 UNF-2B except that the threads for outboard anchorages for the upper torso restraint portion for type 2 and type 2a seat belt assemblies shall be ⅜-16 UNC-2B or larger. Where an eyebolt anchorage is used, the eyebolt shall conform to the applicable requirements of JJ-A-630. All threads shall be in accordance with the applicable requirements of the National Bureau of Standards Handbook H28. The location of the anchorages shall be determined with the seat in its rearmost limit of travel.

S3.2.2 *Anchorages for types 2 and 2a seat belt assemblies (front seat only).* Except for buses and vinyl or canvas top or bolted-on metal enclosure vehicles, automotive vehicles covered by this standard shall be provided with anchorages for a type 2 or 2a seat belt assembly for at least each outboard front seat occupant for which the vehicle is designed. For buses, only the drivers' seat need be provided with anchorages for a type 2 and 2a seat belt assembly. At least three anchorages shall be provided for each type 2 or 2a seat belt assembly; two anchorages for the lap portion of a type 2 seat belt assembly and at least one anchorage for the upper torso or shoulder portion of a type 2 or 2a seat belt assembly. The upper end of the upper torso or shoulder portion of the type 2 or 2a seat belt assembly may be fastened to either the seat, side anchorage, rear anchorage, or floor provided that the seat or other structure over which the belt passes or to which it is fastened has been designed or reinforced to withstand the resulting load. The lower end may be fastened either to the lap portion of the belt or to the existing inboard anchorage for the lap portion of the seat belt assembly.

S3.2.2.1 *Anchorages for the lap portion of seat belt assemblies (front seat only).* Anchorages for the lap portion of front seat belt assemblies shall be provided, as applicable, for each occupant for which the vehicle front seat is designed. A common anchorage may be provided for one end of a type 1 center belt, the inboard end of the outboard lap portion and the inboard end of the upper torso or shoulder restraint portion of the types 2 and 2a seat belt assembly, or for the inboard ends of two outboard lap belts and the inboard ends of the upper torso or shoulder restraint portion of the type 2 or 2a seat belt assemblies. The outboard anchorages for multioccupant seats or both anchorages for a single occupant seat may be located to permit the lap portion of the seat belt assembly to pass around the outside of the seat.

S3.2.2.1.1 *Location.* The location of anchorages for type 1 seat belt assemblies or the lap portion of type 2 seat belt assemblies shall be such that a line from the anchorage to the passengers' "hip" point will make an angle from the horizontal as near as practicable to 45 degrees, as shown in figures 1, 2, and 3. The hip point is the point on the manikin defined as the "H" point in SAE Standard, "Manikins for Use in Defining Vehicle Seating Accommodations, SAE J826". The location of the hip point shall be determined by following the procedure in SAE J826. Anchorages for belts that will be installed over the seat bottom frame rear bar shall be rearward of a vertical line through the point where the belt will enter the seat, as shown in figure 4. All anchorages shall be spaced laterally so that the lap portion of the belt essentially forms a U-shaped loop when in use. The same anchorage shall not be used for both ends of a single type 1 seat belt assembly or the lap portion of a single type 2 seat belt assembly.

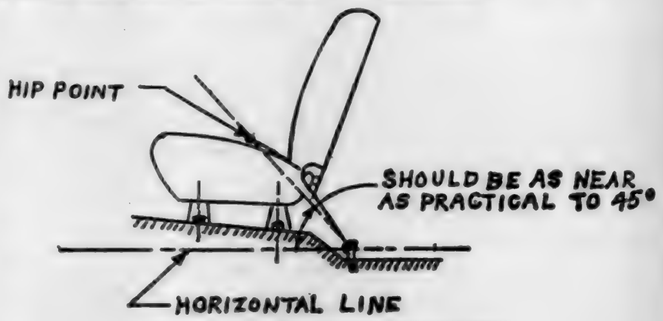


FIG. 1. Belt outside seat or through seat springs.

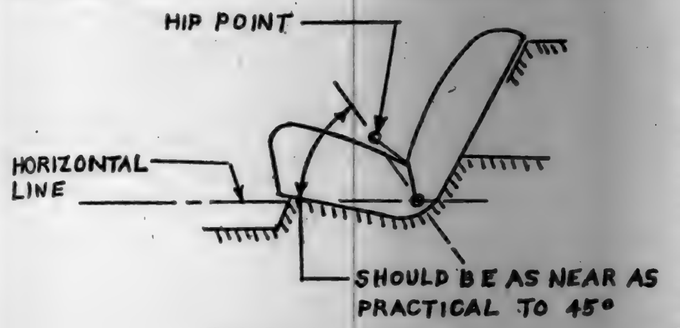


FIG. 2. Rear seat belt installation.

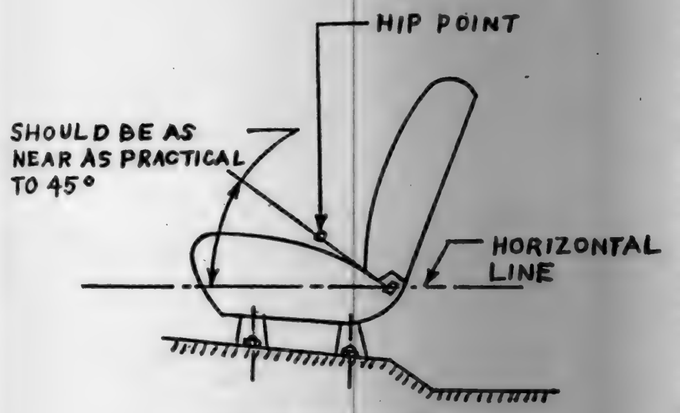


FIG. 3. Belt attached to seat frame.

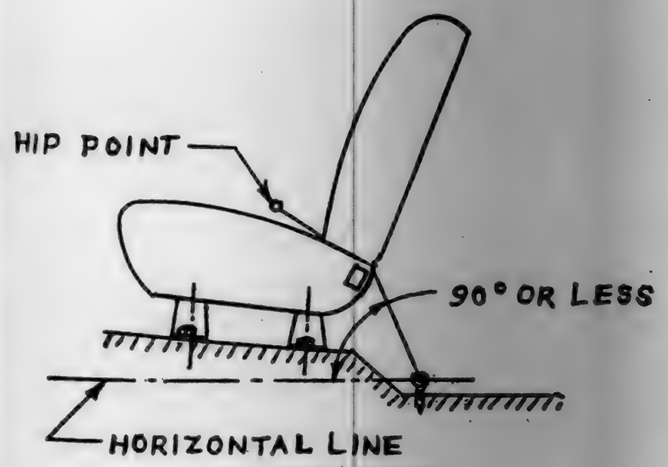


FIG. 4. Belt over seat cross bar.

S3.2.2.2 *Anchorages for the upper torso or shoulder portion of seat belt assemblies.* Anchorages for the upper torso or shoulder portion of a type 2 or 2a seat belt assembly shall be provided for at least each outboard front seat occupant for which the vehicle is designed. These anchorages shall be located in an area behind a vertical line from the shoulder point of a SAE manikin with the seat back in its nominal design position and the seat in its extreme rear position. The downward angle of the belt passing from the shoulder of a SAE manikin to an anchorage, or over suitable structure to an anchorage, shall not be more than 40 degrees from the horizontal.

S3.2.3 *Anchorages for the lap portion of seat belt assemblies (intermediate and rear seats).* Automotive vehicles covered by this standard shall be provided with anchorages for the lap portion of seat belt assemblies for all intermediate and rear seats. Anchorages shall be provided for each occupant for which the seat is designed. A common anchorage may be provided for one end of a center belt and the inboard end of an outboard belt, or the inboard ends of two outboard belts. The outboard anchorage for multioccupant seat or both anchorages for a single occupant seat may be located to permit the belt to pass around the outside of the seat. The location of anchorages for the lap portion of seat belt assemblies shall conform to S3.2.2.1.1.

S3.2.4 *Strength.* The vehicle structure shall sustain the simultaneous pull on each set of seat belt assemblies for each passenger for which the seat is designed. Permanent deformation of any anchorage or surrounding area is acceptable provided there is no rupture or breakage and the anchorage does not pull loose.

S3.2.4.1 *Anchorages for type 2 and type 2a seat belt assemblies.* The outboard anchorage for the lap belt portion of a type 2 seat belt assembly shall sustain a pull of 2,500 pounds. Outboard anchorages for the upper torso or shoulder restraint portion of a type 2 or a type 2a seat belt shall sustain a pull of 1,500 pounds for each anchorage. Common anchorages for the inboard end of a type 1 and type 2a seat belt combination or the inboard anchorage of a type 2 seat belt assembly shall sustain a pull of 3,000 pounds. Common anchorages for one end of a center lap belt and either the inboard end of a type 1 seat belt or the lap belt portion of a type 2 seat belt and the inboard end of an upper torso or shoulder restraint shall sustain a pull of 5,500 pounds. A common anchorage for the inboard ends of two outboard lap belts and inboard ends of the upper torso or shoulder restraint portion of the type 2 and type 2a seat belt assembly shall sustain a pull of 6,000 pounds.

S3.2.4.2 *Anchorages for type 1 seat belt assemblies.* Except for buses, anchorages for type 1 seat belt assemblies shall sustain a pull of 2,500 pounds for each lap belt end attached.

S3.2.4.2.1 *Anchorages for type 1 seat belt assemblies for buses.* Anchorages for type 1 seat belt assemblies, except for the driver's seat, shall sustain a pull of 1,500 pounds for each lap belt end attached. Anchorages for the driver's seat shall conform to S3.2.4.1, as applicable.

S3.2.4.3 *Anchorages for seat belt assemblies attached to the seat frame.* The seat structure, the seat adjusters, if applicable, and the attachments, shall sustain the load specified in S3.2.4.1, S3.2.4.2, and S3.2.4.2.1, as applicable, for each seat belt end attached to the seat plus the seat inertia force. The seat inertia force shall be 20 times the seat weight. Floor and seat deformation is acceptable provided there is no structural failure or release of the seat adjuster mechanism.

S3.2.5 *Test procedure.* The strength test shall be conducted either with the connection from the body block to the anchorages

made in the manner in which the belts are installed or a suitable equivalent method. The load shall be applied to the body block at an angle of 10 degrees plus or minus 5 degrees from the horizontal. As applicable, the doors of the vehicle may be closed during the test.

S3.2.5.1 *Test for type 2 and type 2a seat belt anchorages.* The loads specified in S3.2.4.1 shall be applied using either a body block set up similar to that shown in figure 5 or a suitable equivalent method. The strength test shall be conducted with the seat in place in the vehicle.

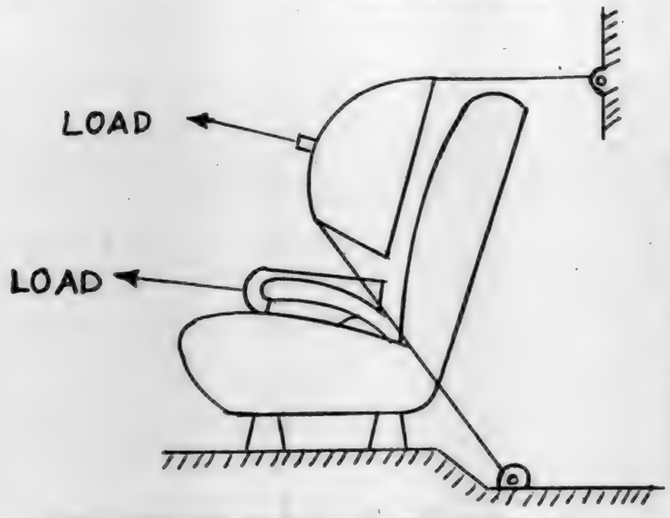


FIG. 5. Body block set up for combination shoulder and lap belt anchorages.

S3.2.5.2 *Test for type 1 seat belt anchorages.* The load specified in S3.2.4.2 or S3.2.4.2.1, as applicable, shall be applied using either a body block similar to that shown in figure 6 or a suitable equivalent method. The strength test shall be conducted either with the seat in place in the vehicle or with the seat installed on an applicable vehicle floor pan.

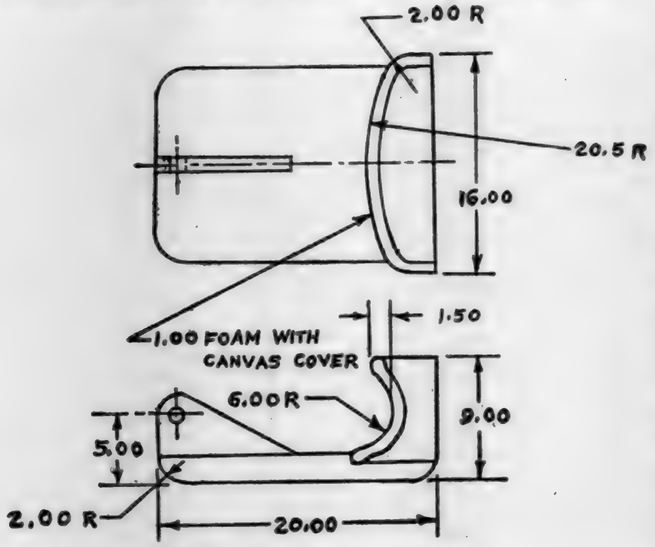


FIG. 6. Body block for lap belt anchorages.

[Federal Standard No. 515/2]

PADDED INSTRUMENT PANEL AND VISORS FOR AUTOMOTIVE VEHICLES

S1. *Purpose and scope.* This standard establishes requirements and test procedures for automotive vehicle instrument panel and sun visors designed to afford a reasonable degree of head protection in the event of a collision for front seat passengers wearing type 1 seat belt assemblies.

S2. *Application.* This standard applies to sedans, carryalls, station wagons, and light trucks up to 10,000 pounds G.V.W. This standard does not apply to that portion of the instrument panel directly in front of the steering wheel or to vehicles without a front passenger seat.

S3. The instrument panel including the padding assembly shall not contain any sharp or protruding rigid edges in the head impact area. The head impact area shall be determined by the use of a SAE two dimensional 50th percentile male manikin in midseat position wearing a type 1 seat belt assembly. The panel below the windshield shall be covered, at least in the impact area determined by the manikin, with energy absorbing cushioning material to cushion and spread the impact of a passenger's head. The structure of the instrument panel with padding in the impact area shall be designed to reduce the likelihood of injury to the passenger's head upon impact. For sedans and station wagons and when using the SAE Recommended Practice for Instrument Panel Laboratory Impact Test Procedure, SAE J921, the deceleration of the head form upon impact at 22 feet per second shall not exceed an effective maximum value of 80 g.'s in 60 milliseconds which value shall exclude all portions of the deceleration time curve of less than 3 milliseconds duration.

S3.1 The sun visors shall be constructed of or be covered by energy absorbing cushioning material. The sun visor mountings shall be designed and located to provide a reasonable degree of head protection.

[Federal Standard No. 515/3]

RECESSED INSTRUMENT PANEL INSTRUMENTS AND CONTROL DEVICES FOR AUTOMOTIVE VEHICLES

S1. *Purpose and scope.* This standard establishes the location and identification of automotive vehicle instruments and control devices to afford a reasonable degree of protection in the event of a collision for front seat occupants wearing type 1 seat belt assemblies with seat in middle position. Occupant protection shall be determined by using a SAE two dimensional 50th percentile male manikin.

S2. *Application.* This standard applies to sedans, carryalls, station wagons, and light trucks up to 10,000 pounds G.V.W. Excluded are stand-up walk-in package delivery vehicles with tilt type drivers' seats.

S3. *Requirements.* Injury potential shall be minimized by constructing, locating, or mounting control devices and instrument bezels in such a manner as to reasonably minimize contact by the head of belted occupants. Injury potential shall be minimized by the following means:

S3.1 *Location, construction, and mounting.*

S3.1.1 All instrument panel mounted instruments and control devices shall be located within reach of the driver wearing a type 1 seat belt assembly with seat in middle driving position, except instruments and controls not essential to controlling a moving vehicle. Essential controls shall be readily identifiable.

S3.1.2 Control devices and instruments not located in front of the steering wheel, but positioned in such a manner to reasonably minimize the likelihood of contact by the head of the belted driver and/or other belted occupants, shall be considered to provide a reasonable degree of protection.

S3.1.3 Control devices not meeting S3.1.2 and likely to be contacted by the head of a belted occupant shall have a contact area of not less than 1.0 square inch of flat surface with an edge radius of not less than 0.125 inch and shall be mounted and constructed of materials which will deflect flush within 0.375 inch of the panel surface or be mounted in such a manner as to allow them to be pushed flush with the panel surface or be detached by the application of a force not to exceed 90 pounds when struck in a plane determined by the use of a SAE two dimensional 50th percentile male manikin.

S3.1.4 Instrument bezels not meeting S3.1.2 and S3.1.3 and likely to be contacted by the head of a belted occupant shall have an edge radius of not less than 0.125 inch and shall project not more than 0.250 inch above the surface of the panel or shall be shielded as to reasonably minimize contact by the head of belted occupant.

S3.1.5 The steering column transmission selector lever end shall have a cross-sectional projected area perpendicular to the lever of not less than 1.0 square inch and an edge radius of not less than 0.125 inch.

[Federal Standard No. 515/4]

IMPACT ABSORBING STEERING WHEEL AND COLUMN DISPLACEMENT FOR AUTOMOTIVE VEHICLES

S1. *Purpose and scope.* This standard establishes requirements for impact absorbing steering wheels and steering columns installed on automotive vehicles.

S2. *Application.* This standard applies to sedans and station wagons.

S3. *Standard characteristics.* The SAE Recommended Practice for Barrier Collision Tests, SAE J850, forms the basis for section S3.2 of this standard.

S3.1 The steering wheel assembly shall be so constructed that when it is impacted at a relative velocity of 22 feet per second with a torso shaped body block as shown in figure 1, weighing 75–80 pounds, and having a spring rate load of 600–800 pounds, the force developed during collapse of the wheel shall not exceed 2,500 pounds. The spring rate is determined by loading the chest of the torso shaped body block with a 4 inch wide flat contact surface so that it is 90 degrees to the longitudinal axis of the body block, parallel to the backing plate and within 15 to 20 inches from the top of the head form. The load is measured when the flat contact surface has moved down ¼ inch, and the spring rate is determined by doubling this load figure.

S3.1.1 The load cell recording device shall be of the type shown in figure 2 and shall be mounted directly behind the wheel, with its axis of primary sensitivity in the direction of body block travel just prior to impact. The steering wheel shall be mounted to the load cell by means of an appropriate nose piece at the same angle as it is to be installed in the vehicle.

S3.2 Other testing methods, such as high capacity acceleration facilities and anthropometric dummies, giving equivalent results, may be utilized in lieu of methods defined in S3.1 and S3.1.1.

S3.3 The steering column shall be so designed that when the front structure of the automotive vehicle collapses during the SAE J 850 barrier collision test at 20 miles per hour, the upper end of the steering column shall not be displaced rearward, relative to an undisturbed point to the rear of the steering wheel position, more than 5 inches.

S3.3.1 The rearward displacement of the steering column shall be determined under dynamic conditions during the barrier collision test.

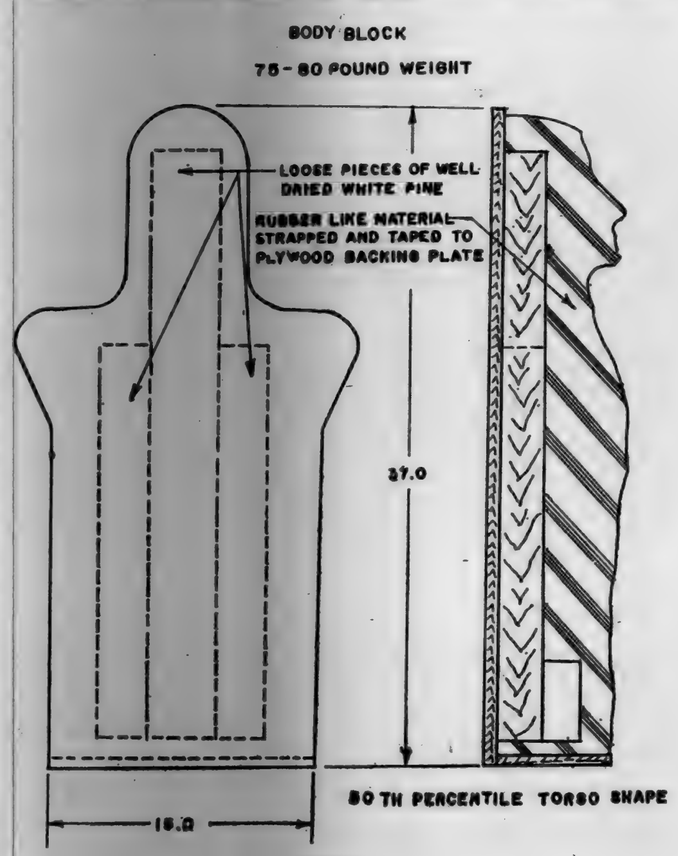


FIGURE 1.

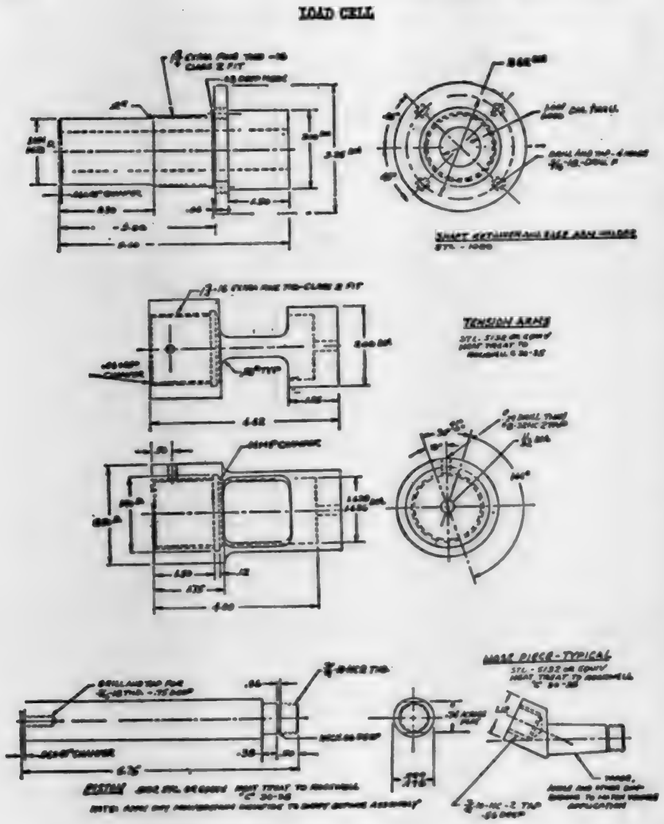


FIGURE 2.

[Federal Standard No. 515/5]

SAFETY DOOR LATCHES AND HINGES FOR AUTOMOTIVE VEHICLES

S1. *Purpose and scope.* This standard establishes uniform test procedures and minimum static load requirements for automotive vehicle side door latches and hinges.

S2. *Application.* This standard applies to sedans, carryalls, station wagons, and light trucks up to 10,000 pounds G.V.W., except those light trucks with folding or cargo type doors or open body trucks with enclosures made of canvas, aluminum, fiber glass, and steel. The secondary latch load does not apply to sliding doors.

S3. *Requirements.* All applicable automotive vehicles purchased by the Federal Government shall be equipped with safety door latches and hinges. The hinges shall have ample strength to support the door and to withstand the longitudinal load and transverse load equal to or greater than that specified in S3.1 and S3.2 for the door latch and striker assembly.

S3.1 *Longitudinal load.* Automotive vehicle door latch and striker assembly when tested as described under test procedures, shall be able to withstand a minimum longitudinal load of 2,500 pounds when in the fully latched position (see S3.3).

S3.2 *Transverse load.* Automotive vehicle door latch and striker assembly, when tested as described under test procedures, must be able to withstand a minimum transverse load of 1,700 pounds when in the fully latched position and 500 pounds when in the secondary latch position (see S3.3).

S3.3 *Static tests.* Test procedures including test fixtures shall be conducted in accordance with section 4 of SAE Recommended Practice for Passenger Car Side Door Latch Systems, SAE J839.

[Federal Standard No. 515/6]

ANCHORAGE OF SEATS FOR AUTOMOTIVE VEHICLES

S1. *Purpose and scope.* This standard establishes requirements for strength and anchorage of automotive vehicle seat assemblies.

S2. *Application.* This standard applies to sedans, buses, carryalls, station wagons, and light trucks up to 10,000 pounds G.V.W. Excluded are stand-up, walk-in package delivery vehicles with tilt type drivers' seats.

S3. *Standard characteristics.* The SAE Recommended Practice for Passenger Car Front Seat and Front Seat Adjuster, SAE J87?, forms a basis for that part of this standard which applies to front seats.

S3.1 *Definitions.*

S3.1 *Automotive vehicle seat.* A structure provided to seat the driver and passengers.

S3.1.2 *Seat frame.* The structural portion of a seat assembly. The frame may be constructed with springs directly attached or with springs attached as a separate assembly for installation on a seat frame member.

S3.1.3 *Seat back frame upper cross bar.* The uppermost horizontal member of a seat back frame.

S3.1.4 *Seat adjuster.* A device suitably anchored to the vehicle structure which supports the seat frame assembly and provides for seat adjustments. This includes any track, link, or power actuating assemblies necessary to adjust the position of the seat.

S3.2 *Requirements, front seats.*

S3.2.1 *Seat adjusters and seat frame combinations.* Each combination of seat adjuster and seat frame, together with its attachments, shall be constructed and anchored to the vehicle structure which supports it in such a manner as to sustain a horizontal forward and rearward static load equal to a minimum of 20 times the weight of the fully trimmed seat.

S3.2.2 *Seat cushion and back frame combination.* Each seat cushion and back frame combination, together with its attachments, shall be constructed and anchored to the vehicle structure which supports it in such a manner as to sustain a rearward static moment about the rear attachment of the seat frame to the seat adjuster of 4,250 inch pounds for each passenger for which the seat back is designed. The load required to obtain this moment shall be applied to the seat back upper crossbar location normal to the seat back.

NOTE: Some energy absorption under impact can be obtained through deflection of the seat back. Therefore, some deflection and permanent set of the seat back consistent with rigidity requirements and normal occupant accommodations, is desirable.

S3.3 *Requirements, rear seats.*

S3.3.1 *Rear seat backs and seat cushions.* Each rear seat back and seat cushion designed to provide rear passenger seating in sedans shall be constructed and anchored to the vehicle structure which supports it in such a manner as to sustain a horizontal forward static load equal to a minimum of 20 times the weight of the fully trimmed component.

S3.4 *Requirements, other seats.*

S3.4.1 *Seat frames.* Seat frames designed to be fastened to the vehicle floor without adjustment in sedans, buses, carryalls, and station wagons shall be constructed and anchored to the vehicle structure which supports them, either permanently or by detachable fittings as specified, in such a manner as to sustain a forward and rearward static load equal to 20 times the weight of the fully trimmed seat.

S3.4.2 *Seat back frames.*

S3.4.2.1 Forward facing seat back frames designed to provide backs for intermediate seating in sedans and buses and intermediate and rear seating in carryalls and station wagons shall be constructed and anchored, either permanently or by detachable fittings as specified, to the seat frame in such a manner as to sustain a rearward (in relation to the seat) static moment, about the rear attachments of the seat frame to the vehicle structure which supports it, equal to a minimum of 4,250 inch pounds for each passenger for which the seat is designed. The load required to obtain this moment shall be applied to the seat back upper crossbar location normal to the seat back (see Note in S3.2.2).

S3.4.2.2 Rearward facing seat back frames designed to provide backs for rear seating in station wagons shall be constructed and anchored, either permanently or by detachable fittings as specified, to the seat frame in such a manner as to sustain a rearward (in relation to the seat) static load equal to a minimum of 4,250 inch pounds for each passenger for which the seat is designed. The load required to obtain this moment shall be applied to the seat back upper cross bar location normal to the seat back (see Note S3.2.2).

S3.4.2.3 Longitudinally mounted seats in station wagons, and when specified for installation in trucks, shall be constructed and anchored, either permanently or by detachable fittings as specified, to the vehicle structure which supports them in such a manner as to sustain a forward and rearward (in relation to the vehicle) static load equal to 20 times the weight of the fully trimmed seat.

S3.5 *Seats designed to provide seat belt anchorage.*

S3.5.1 *Sedans, carryalls, station wagons, and light trucks up to 10,000 pounds G.V.W.* Seat frames and seat back frames designed to provide anchorages for seat belts shall be constructed and anchored to the vehicle structure which supports them in such a manner as to sustain an additional forward static load equal to a minimum of 2,500 pounds for each lap belt end attached or 3,000 pounds for each combination lap and shoulder belt end attached.

S3.5.2 *Buses.*

S3.5.2.1 *Driver's seat.* Driver's seat frames and seat back frames designed to provide anchorages for seat belts shall be constructed and anchored to the vehicle structure which supports them in such a manner as to sustain an additional forward static load equal to a minimum of 2,500 pounds for each lap belt end attached, or 3,000 pounds for each combination lap and shoulder belt end attached.

S3.5.2.2 *Passenger seats.* Passenger seat frames and seat back frames designed to provide anchorages for seat belts shall be constructed and anchored to the vehicle structure which supports them in such a manner as to sustain an additional forward static load equal to a minimum of 1,500 pounds for each lap belt end attached.

S3.6 *Test procedure.* Testing of front seats shall be in accordance with the procedures set forth in SAE Recommended Practice SAE J879. Testing of intermediate and rear seats shall be accomplished by applying similar procedures. Testing of seats designed to provide seat belt anchorage shall be in accordance with applicable procedures set forth in paragraph S3.2.5 of Fed. Std. No. 515/1.

[Federal Standard No. 515/7]

FOUR WAY FLASHER FOR AUTOMOTIVE VEHICLES

S1. *Purpose and scope.* This standard establishes a driver controlled automotive vehicle hazard warning signal light system which will cause all turn signal lamps to flash simultaneously to indicate to the approaching drivers the presence of a vehicular hazard.

S2. *Application.* This standard applies to sedans, buses, carryalls, station wagons, and light trucks up to 10,000 pounds G.V.W.

S3. *Requirements.* Components and tests for this standard shall conform to SAE Recommended Practice for Vehicular Hazard Warning Signal Operating Unit, SAE J910, except that the flasher shall be tested in accordance with SAE Recommended Practice J590 modified as follows:

Life Test Requirement: With maximum lamp load to be used on the vehicle, the flasher shall be subjected to a test of 50 hours duration during which the flasher shall be operated for 12 hours, allowed to rest for 40 minutes, and this cycle repeated for the remainder of the test period.

[Federal Standard No. 515/8]

SAFETY GLAZING MATERIALS FOR AUTOMOTIVE VEHICLES

S1. *Purpose and scope.* This standard establishes requirements for safety glazing for automotive vehicles.

S2. *Application.* This standard applies to sedans, buses, carryalls, station wagons, and light trucks up to 10,000 pounds G.V.W.

S3. *Standard characteristics.* Safety glass used in the windshields, windows, doors, or any other glazed openings in vehicles covered by this standard shall conform to the requirements contained in the American Standards Association, Inc., American Standard Safety Code for Safety Glazing Materials for Glazing Motor Vehicles Operating on Land Highways, ASA Z26.1. Windshields shall be glazed with laminated safety glass.

S3.1 *Buses.* Windshields, windows, doors, or any other openings where glazing is used in buses covered by this standard shall, in addition to S3, conform to the requirements contained in the Interstate Commerce Commission motor carrier safety regulations, 49 CFR 193.60–193.63.

S3.1.1 *School buses.* Windshields, windows, doors, or any other openings where glazing is used in school buses covered by this standard shall, in addition to S3 and S3.1, conform to the requirements contained in the National Education Association Minimum Standards for School Buses. Where inconsistencies may occur with S3.1, the Interstate Commerce Commission motor carrier safety regulations, 49 CFR 193.60–193.63 shall govern.

[Federal Standard No. 515/9]

DUAL OPERATION OF BRAKE SYSTEM FOR AUTOMOTIVE VEHICLES

S1. *Purpose and scope.* This standard establishes requirements for hydraulic brake systems installed on automotive vehicles.

S2. *Application.* This standard applies to sedans, buses, carryalls, station wagons, and light trucks up to 10,000 pounds G.V.W.

S3. *Standard characteristics.* The National Committee on Uniform Traffic Laws and Ordinances, Uniform Vehicle Code, forms the basis for this standard.

S3.1 *Service brake system performance.* The performance ability of the fully operational service brake system shall be not less than described in Section 12–302 of the Uniform Vehicle Code.

S3.1.1 *Design.* The service brake system shall be of such design that rupture or failure of an actuating-pressure component in the system shall not result in complete loss of function of the service brake system. Actuating-pressure components are defined as, the brake master cylinder or master control unit, wheel brake cylinder, brake line, brake hose or equivalent, as applicable.

S3.1.2 *Partial system performance.* In the event of rupture or failure of an actuating-pressure component to any single brake, the components of the unaffected system shall continue to function.

S3.2 *System effectiveness indication.* This shall be indicated by means of an electrically operated red light mounted on the instrument panel. The light shall have an area of not less than 0.196 square inch. It shall illuminate before or upon application of the brakes when an actuating-pressure component of the system has sustained a loss of fluid or pressure. The indicator light shall include an independent means for the vehicle operator to perform a test to assure the light bulb is operable.

[Federal Standard No. 515/10]

STANDARD BUMPER HEIGHTS FOR AUTOMOTIVE VEHICLES

S1. *Purpose and scope.* This standard establishes heights for contact surfaces of front and rear bumpers and/or guards for automotive vehicles.

S2. *Application.* This standard applies to sedans and station wagons.

S3. *Standard characteristics.* When loaded, front and rear bumpers and/or guards shall present a contact line between treads within a 1-inch band enclosed between the heights of 17 and 18 inches above the road level. A loaded vehicle is defined as the curb weight of a vehicle including all accessories, plus the addition of 150 pounds for each passenger distributed as two passengers in the front seat and one passenger in the rear seat. In vehicles having hydropneumatic, hydraulic, or air pressure suspension, or automatic load leveling devices, the contact heights shall be applicable when the engine is in operation.

S3.1 Bumpers and/or guards shall be so constructed so as to extend beyond the projection of any lights to provide protection against damage in connection with vehicle to vehicle contact in parking operations. Compliance with this requirement may be determined by contacting a vertical surface with the exterior face of the bumpers and/or guards, and assuring that no contact is made between any lamp and the vertical surfaces.

[Federal Standard No. 515/11]

STANDARD GEAR QUADRANT (P R N D L) FOR AUTOMOTIVE VEHICLES EQUIPPED WITH AUTOMATIC TRANSMISSIONS

S1. *Purpose and scope.* This standard establishes the requirements for the manual control sequence of shifting mechanisms for automatic transmissions installed in automotive vehicles.

S2. *Application.* This standard applies to sedans, carryalls, station wagons, and light trucks up to 10,000 pounds G.V.W.

S3. *Standard characteristics.* The progressive sequence of the manual control mechanism shall be reverse drive position, neutral position, and forward drive position. Drive positions may have more than one selector designation or position. Neutral shall be positioned between forward drive and reverse drive positions. In no case shall any forward drive be adjacent to any reverse drive position.

S3.1 *Low forward drive braking effect.* When selected and engaged, the lowest forward drive position shall provide a braking effect upon deceleration and the transmission shall be so designed that automatic upshift through the transmission range is blocked effectively for all speeds and loads within the speed range up to and including 25 miles per hour.

S3.2 *Park position.* The transmission manual control sequence mechanism may be provided with a park position. When so provided and engaged, it shall initiate a positive lock for the purpose of preventing the drive wheels of the vehicle from moving. Within the quadrant, the park position shall be located at the end of the sequence, adjacent to the reverse drive position.

[Federal Standard No. 515/12]

WINDSHIELD WIPERS AND WASHERS FOR AUTOMOTIVE VEHICLES

S1. *Purpose and scope.* This standard establishes test procedures and minimum performance requirements for automotive vehicle windshield wiping and washing systems.

S2. *Application.* This standard applies to sedans, buses, carryalls, station wagons, and light trucks up to 10,000 pounds G.V.W., with fixed type windshields.

S3. *Requirements.* The windshield wiper system shall be driven by a motor, actuated by a conveniently located control by which the operator of the vehicle may vary the fre-

quency speed of the wipers. The windshield wiper system shall be designed to provide two or more frequency speeds and each frequency speed shall be constant regardless of engine load. Windshield wiper systems designed to interrupt at the end of each frequency cycle by means of a timing device will be acceptable if the timing device can be varied to provide continuous operation and two or more frequencies of interrupted operation. All other windshield wiper requirements shall conform to SAE Recommended Practice for Passenger Car Windshield Wiper Systems, SAE J903.

S3.1 The windshield washer system shall be provided with a container with a capacity of at least 48 ounces of fluid. The container shall be made of such material that it will not crack or break in the event the fluid becomes frozen. The fluid shall be applied to the outside of the windshield by vacuum or other methods. The washer shall be actuated either manually or automatically.

S3.2 *Tests.* All tests shall conform to SAE Recommended Practice, SAE J903.

[Federal Standard No. 515/13]

GLARE REDUCTION SURFACES—INSTRUMENT PANEL AND WINDSHIELD WIPERS FOR AUTOMOTIVE VEHICLES

S1. *Purpose and scope.* This standard establishes glare limits for appearance finishes of instrument panels and windshield wiper components in and adjacent to the operator's field of view to achieve the most practical reduction of distracting reflectance for automotive vehicles.

S2. *Application.* This standard applies to sedans, buses, carryalls, station wagons, and light trucks up to 10,000 pounds G.V.W.

S3. *Standard characteristics.* Standard methods, tentative methods, and tentative recommended practices and the American Society for Testing and Materials, ASTM Designation D 907, D 523, D 791, D 1535, E 97 and the SAE Standard, SAE J826, form the basis for this Federal standard.

S3.1 *Definitions.*

S3.1.1 *Field of view.* With the operator's seat in its rearmost position, the operator's field of view is defined as that area forward of a line extending to the sides of the vehicle from the point at which the back pan of the SAE J826 three-dimensional manikin makes contact with the operator's seat back.

S3.1.2 *Glare.* The visual effect of any source of light in the field of view that either dilutes or competes with the central attention signal on which attention is being focused.

S3.1.3 *Specular gloss.* The luminous fractional reflectance of a specimen at the specular direction.

S3.1.4 *Luminous directional reflectance (Munsell value).* Ratio of flux reflected to that from a perfect diffuse reflector similarly illuminated and viewed.

S3.1.5 *Saturation (Munsell chroma).* The attribute of color perception that expresses the degree of departure from gray of the same lightness. All grays have zero saturation.

S3.2 *Instrument panels.* The specular gloss of instrument panel top surfaces and appurtenances thereon which can produce glare in the windshield shall not exceed 30 units maximum, measured by the 85-degree method of ASTM D 523, or equivalent.

S3.3 *Windshield wiper arms and blades.* The specular gloss of windshield wiper arms and wiper blades in the operator's field of view shall not exceed 40 units maximum, measured by the 20-degree method of ASTM D 523, or equivalent.

S3.4 *Luminous directional reflectance (Munsell value).* The luminous directional reflectance of instrument panel top surfaces shall not exceed 50 percent (which is equivalent to a Munsell value less than 6.0/—), when measured as described by ASTM D 307, D 791, D 1535, E 97, or equivalent.

S3.5 *Saturation (Munsell chroma).* The Munsell chroma of instrument panel top surfaces shall be not more than /6.

[Federal Standard No. 515/14]

EXHAUST EMISSION CONTROL SYSTEM FOR AUTOMOTIVE VEHICLES

S1. *Purpose and scope.* This standard establishes vehicular emission control limits for contaminants discharged from gasoline powered automotive vehicle engines through the "tail pipe" or exhausted into the surrounding atmosphere. It does not cover losses such as from the fuel tank, carburetor and crankcase vents.

S2. *Application.* This standard applies to sedans, carryalls, station wagons, and light trucks up to and including ½-ton pickup or equivalent equipped with engines of 130 cubic inch displacement or over.

S3. *Standard characteristics.* The State of California, California Test Procedure and Criteria for Motor Vehicle Exhaust Emission Control, forms the basis for this standard.

S3.1 *Definitions.*

S3.1.1 *Contaminants.* Contaminants are defined as hydrocarbons and carbon monoxide.

S3.1.2 *Hydrocarbons.* Hydrocarbons are defined as the organic constitutents of vehicle exhausts measured by a hexane-sensitized nondispersive infrared analyzer or by an equivalent method.

S3.2 All automotive vehicles covered by this standard shall be equipped with an integral or ancillary control system to provide exhaust emission control of contaminants. The average emission limits shall not exceed:

Hydrocarbons—275 parts per million.
Carbon monoxide—1.5 percent.

S3.3 *Test conditions.*

S3.3.1 Test procedures for vehicle exhaust emissions and criteria evaluation shall be as specified in the California Test Procedure and Criteria for Motor Vehicle Exhaust Emission Control Manual.

[Federal Standard No. 515/15]

TIRES AND SAFETY RIMS FOR AUTOMOTIVE VEHICLES

S1. *Purpose and scope.* This standard establishes requirements for tires and safety rims installed on automotive vehicles.

S2. *Application.* This standard applies to sedans, buses, carryalls, station wagons, and light trucks up to 10,000 pounds G.V.W.

S3. *Standard characteristics.* Federal Specification ZZ–T–381, SAE Recommended Practice for Passenger Car Tire Performance Requirements, SAE J919, and the recommendations of the Tire and Rim Association, Inc., Year Book (hereinafter cited as "Year Book"), form the basis for this standard. For tires and rims expressed in dimensions of the metric system, the performance requirements as outlined below shall be expressed in the nearest equivalents of inches, pounds, and miles per hour.

S3.1 *Tires.* Automotive vehicles shall be equipped with tires conforming to Federal Specification ZZ–T–381.

S3.1.1 *Rated capacity.* Each tire shall have a rated capacity, in accordance with Engineering Guide or Recommended Load of the Year Book, at least equal to the total load on each axle, divided by the number of tires on the axle, at the inflation pressure recommended by the vehicle manufacturer, provided that such inflation pressure shall not exceed the recommendations of the Year Book for the size and ply rating of the tire furnished.

S3.1.3 *Fully loaded vehicle.* A fully loaded vehicle is defined as the curb weight of a vehicle including all accessories plus the addition of 1,100 pounds distributed load for sedans, 1,300 pounds distributed load for carryalls and station wagons, and/or the specified G.V.W., or other specific vehicle manufacturer's rated load, distributed as closely as possible to load each axle to its rated load.

S3.2 *Rims for sedans and station wagons.* Automotive vehicles shall be equipped with rims conforming to or wider than the minimum of the listings of the Year Book for the size and ply rating of the tire furnished. In the event of rapid loss of inflation pressure with the vehicle traveling in a straight line at a road speed of 60 miles per hour, the rim shall retain the dedated tire until the vehicle can be stopped with a controlled braking application. For test purposes, an explosive device may be used to induce rapid loss of inflation pressure.

S3.2.1 *Resistance to tire bead unseating for sedans and station wagons.* When tested in accordance with the procedures described in paragraph 4.4 of SAE J918, the applied force required to unseat the tire bead at the point of contact shall be not less than 2,500 pounds.

[Federal Standard No. 515/16]

BACKUP LIGHTS FOR AUTOMOTIVE VEHICLES

S1. *Purpose and scope.* This standard establishes requirements for an automotive vehicle backup light system that will warn pedestrians and approaching vehicles that the vehicle may move or is moving in reverse direction.

S2. *Application.* This standard applies to sedans, carryalls, station wagons and light trucks up to 10,000 pounds G.V.W.

S3. *Requirements.* The backup light system shall consist of two or more white to amber lamps which, when the ignition is on, shall be illuminated automatically whenever the vehicle is in the reverse gear.

S3.1 *Tests.* All tests for the backup light system shall conform to SAE Standard for Backup Lamps, SAE J582.

[Federal Standard No. 515/17]

OUTSIDE REARVIEW MIRROR(S) FOR AUTOMOTIVE VEHICLES

S1. *Purpose and scope.* This standard establishes requirements for outside mounted rearview mirror(s) for automotive vehicles to provide unobstructed driver vision to the rear.

S2. *Application.* This standard applies to sedans, buses, carryalls, station wagons, and light trucks up to 10,000 pounds G.V.W.

S3. *Requirements.* The outside rearview mirror shall provide the driver with a clear, undistorted view of unit magnification under day or night operating conditions.

S3.1 *Size.* The outside mirror reflecting surface shall have a minimum diameter of 4¼ inches if of circular design. Rectangular mirrors shall have a minimum horizontal dimension of 4½ inches and a vertical dimension sufficient to provide the driver a view of the road surface from a distance of not more than 35 feet to the rear of the eye of the driver of the vehicle to the horizon on a level road under normal load conditions. The 35 feet shall be measured from the position of the eye of the driver to the reflecting surface, then to the roadway to the rear of the vehicle.

S3.2 *Mounting.* The outside rearview mirror shall be designed and constructed to be mounted on the left outside of the vehicle in such a manner as to provide the driver with a stable, readily distinguishable image under normal road conditions and shall be so located as to require not more than 60 degrees combined head and eye movement with driver's seat in middle position. The mirror shall not be obscured by the unwiped portion of the windshield or corner pillar. The mirror shall be readily adjustable to accommodate different size drivers, seat positions and load conditions. The mirror and mount shall be designed, constructed, located, and mounted so as to minimize pedestrian injury potential.

S3.3 *Additional outside rearview mirror.* Station wagons, carryalls, buses, and trucks shall be provided with an additional outside rearview mirror to provide driver vision to the right rear areas adjacent to the vehicle obscured by vehicle design or load conditions. The visual characteristics of the right outside mirror shall conform to the requirements of the left outside mirror except that the restriction on combined head and eye movement may be relaxed to the extent dictated by vehicle design. Design, construction, location, and mounting of the right outside mirror shall be symmetrical to the left outside mirror except that where necessary, consideration may be given to location and mounting problems dictated by vehicle design.

S3.4 *Wide angle mirror.* When specified, an auxiliary wide angle (convex) mirror may be incorporated in the same mount as the standard mirror to provide an additional close-in field of vision required under certain operating conditions. The auxiliary mirror shall be incorporated in such a manner as not to interfere with the visual field of the standard mirror.

(Sec. 205(c), 63 Stat. 390; 40 U.S.C., 486(c); Pub. Law 88–515, sec. 2, 78 Stat. 696)

Effective date. This regulation is effective September 28, 1966, but may be observed earlier.

Dated: June 23, 1965.

LAWSON B. KNOTT, Jr.,
Administrator of General Services.

[F.R. Doc. 65–6762; Filed, June 29, 1965; 8:45 a.m.]

Title 9—ANIMALS AND ANIMAL PRODUCTS

Chapter I—Agricultural Research Service, Department of Agriculture

SUBCHAPTER C—INTERSTATE TRANSPORTATION OF ANIMALS AND POULTRY

PART 71—GENERAL PROVISIONS

Interstate Movement of Diseased Livestock

Pursuant to the provisions of sections 1, 2, and 4 of the Act of February 2, 1903, as amended, sections 5, 6, and 7 of the Act of May 29, 1884, as amended, and section 3 of the Act of July 2, 1962 (21 U.S.C. 111–113, 115, 117, 120, 121, 134b), Part 71, Title 9, Code of Federal Regulations, restricting the interstate movement of animals and poultry because of contagious, infectious, and communicable diseases, is hereby amended in the following respects:

§ 71.3 [Amended]

1. The introductory portion of paragraph (d) of § 71.3 is amended by deleting the word "Inspector" immediately following the word "Division" and inserting the words "or State inspector or accredited veterinarian," in lieu thereof.

2. Subparagraphs (1) and (4) of paragraph (d) of § 71.3 are amended to read as follows:

(1) Livestock affected with one or more of the following diseases may be moved interstate for immediate slaughtering establishment where State or Federal meat inspection is maintained: Actinomycosis, actinobacillosis, atrophic rhinitis, contagious ecthyma, foot rot, infectious keratitus, ram epididymitis, ringworm, swine influenza, arthritis (simple lesions only), and shipping fever.

(4) Livestock affected with one or more of the following diseases may be moved interstate for any purpose to a State the laws, rules, or regulations of which require that such livestock be segregated or quarantined under a permit from the appropriate livestock sanitary official of such State: actinomycosis, actinobacillosis, contagious ecthyma, foot rot, and shipping fever: *Provided*, That such livestock is not affected with any other disease named in this paragraph.

3. The first sentence of the text of § 71.4 is amended to read:

§ 71.4 Carrier responsible for cleaning and disinfection of cars, boats, other vehicles, yards, and premises.

Cars, boats, and other vehicles which have been used in the interstate transportation of cattle, sheep, swine, poultry, or other animals affected with, or carrying the infection of, any contagious, infectious, or communicable disease other than slight unopened cases of actinomycosis or actinobacillosis (or both), atrophic rhinitis, bovine foot rot, ram epididymitis, ringworm, infectious keratitis, and arthritis (simple lesions only), shall be cleaned and disinfected under Division supervision in accordance with the regulations in this subchapter, and the final carrier shall be responsible for such cleaning and disinfection.

* * * * * *

4. The text of § 71.5 is amended to read as follows:

§ 71.5 Cars, boats, and other vehicles; cleaning and disinfection required for interstate movement.

Except as provided in §§ 71.4 and 71.7, cars, boats, and other vehicles that have contained cattle, sheep, swine, poultry, or other animals affected with, or carrying the infection of, any contagious, infectious, or communicable disease shall not be moved interstate for any purpose until the said cars, boats, or other vehicles shall have been thoroughly cleaned and disinfected under Division supervision in accordance with §§ 71.9—71.11.

5. The text of § 71.8 is amended to read as follows:

§ 71.8 Disinfection of yards and premises having contained infected animals required.

Yards and premises which have contained interstate shipments of cattle, sheep, swine, poultry, or other animals affected with, or carrying the infection of, any contagious, infectious, or communicable disease other than slight unopened cases of actinomycosis or actinobacillosis (or both), bovine foot rot, atrophic rhinitis, ram epididymitis, ringworm, infectious keratitis, and arthritis (simple lesions only), shall be cleaned and disinfected under the supervision of a Division or State Inspector or accredited veterinarian in accordance with §§ 71.9–71.11, and any animals unloaded into such yards or premises before they have been so cleaned and disinfected shall thereafter be classed as exposed animals and shall not be moved interstate except in compliance with the provisions of the regulations in this subchapter.

(Secs. 4, 5, 23 Stat. 32, as amended, secs. 1, 2, 32 Stat. 791–792, as amended, Sec. 4, 76 Stat. 130; 21 U.S.C. 111–113, 115, 117, 120, 121, 134b; interpret or apply secs. 6, 7, 23 Stat. 32, as amended; 21 U.S.C. 115, 117, 19 F.R. 74, as amended)

Effective date. The foregoing amendments shall become effective upon publication in the FEDERAL REGISTER.

The amendments make certain changes in the provisions of 9 CFR Part 71 which contains the general provisions applicable to the interstate transportation of animals and poultry. Under § 71.3(d)(1) of the regulations (9 CFR 71.3(d)(1)) livestock affected with certain diseases may be moved interstate for immediate slaughter to a slaughtering establishment where State or Federal meat inspection is maintained. Ram epididymitis and shipping fever have been added to the list of such diseases, and influenza has been redesignated swine influenza, thereby permitting interstate movement of livestock affected with such diseases under conditions specified under the regulations. The amendments also exempt cars, boats, and other vehicles, and yards and premises that have contained livestock affected with specified minor diseases from the cleaning and disinfecting requirements of §§ 71.4, 71.5, and 71.8 of the regulations (9 CFR 71.4, 71.5, and 71.8). It has been determined that the movement of animals in accordance with the provisions of these amendments would not endanger the livestock or poultry of the United States.

Inasmuch as the amendments relieve certain restrictions presently imposed, they should be made effective promptly to be of maximum benefit to persons subject to the restrictions which are being relieved. Accordingly, under section 4 of the Administrative Procedure Act (5 U.S.C. 1003), it is found upon good cause that notice and other public procedure with respect to the amendments are impracticable and contrary to the public interest, and good cause is found for making the amendments effective less than 30 days after publication in the FEDERAL REGISTER.

Done at Washington, D.C., this 25th day of June 1965.

R. J. ANDERSON,
Acting Administrator, Agricultural Research Service.

[F.R. Doc. 65–6860; Filed, June 29, 1965; 8:49 a.m.]

Title 12—BANKS AND BANKING

Chapter I—Bureau of the Comptroller of the Currency, Department of the Treasury

PART 1—INVESTMENT SECURITIES REGULATION

Illinois Building Authority Bonds

§ 1.165 Illinois Building Authority Bonds.

(a) *Request.* The Comptroller of the Currency has been requested to rule on the eligibility of the $25,000,000 Illinois Building Authority Revenue Bonds, series of April 1964, the $34,730,000 Illinois Building Authority Revenue Bonds series of June 1965, and subsequent series of Bonds to be hereafter issued under an Act of the 1961 Illinois Legislature, or under statutes containing substantially the same relevant and material provisions as said Act, for dealing in, underwriting, and unlimited holding by National Banks under paragraph Seventh of 12 U.S.C. 24.

(b) *Opinion.* (1) The Illinois Building Authority is a body corporate and politic, the principal purpose of which is to build and otherwise provide such hospital, housing, penitentiary, administrative, classroom, library, recreational, laboratory, office, and other such facilities for use by the State of Illinois as the General Assembly of that State declares to be in the public interest. The Authority may borrow money and issue and sell bonds payable from revenues derived from leases of these facilities to State agencies and to others. The Authority is required to establish charges, fees, and rentals sufficient to pay maintenance and operation, unless the lease otherwise provides, and all principal and interest on the bonds.

(2) The proceeds from the sale of the foregoing bonds along with certain other funds will pay for the cost of facilities built and otherwise provided by the Authority. The payment of principal and interest on these bonds are and will be secured by Authority revenues derived from the leasing of its facilities to the various agencies of the State of Illinois and, if necessary, to other tenants. Payment of rent by a State agency to the Authority will be from appropriations by the General Assembly of the State of Illinois. Revenues from a particular facility which are not required to service bonds issued for such facility will be placed annually into a reserve account and, to the extent necessary, used for the purpose of meeting debt service requirements of all bonds of the Authority.

(c) *Ruling.* It is the conclusion of this Office that the $25,000,000 Illinois Building Authority Revenue Bonds, series of April 1964, and the $34,730,000 Illinois Building Authority Revenue Bonds, series of June 1965, and similar bonds issued by the Illinois Building Authority pursuant to the same statutory authority and which are supported by the same payment and security provisions are "public securities" as defined in § 1.3(c) of this part issued pursuant to paragraph Seventh of 12 U.S.C. 24, and are, therefore, eligible for dealing in, underwriting, and unlimited holding by National Banks.

Dated: June 24, 1965.

[SEAL] JAMES J. SAXON,
Comptroller of the Currency.

[F.R. Doc. 65-6855; Filed, June 29, 1965; 8:48 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Agency

[Docket No. 6016; Amdt. 39-102]

PART 39—AIRWORTHINESS DIRECTIVES

Boeing Models 707 and 720 Series Aircraft

A proposal to amend Part 507 of the Regulations of the Administrator to include an airworthiness directive requiring inspection and removal of the fin-body terminal attachment bolts on Boeing Models 707 and 720 Series aircraft was published in 29 F.R. 14124. Since the publication of that proposal, Part 507 has been recodified into Part 39 of the Federal Aviation Regulations, effective November 20, 1964, therefore this amendment is being made to Part 39.

Interested persons have been afforded an opportunity to participate in the making of the amendment. One comment requested that the 2,400-hour repetitive inspection period of paragraph (a) be changed to 3,600 hours to permit scheduling of the work on mid-basic services. In this regard, subparagraphs (a)(2) and (b)(2) have been added to the AD containing provisions whereby the repetitive inspections of paragraphs (a)(1) and (b)(1) need not be accomplished after the upper four bolts in the fitting are replaced.

Objection was made to the mandatory installation of special high strength, high cost titanium bolts in both upper and lower parts of the fitting, except for the upper four locations in each fitting. Comment was made that adequate strength was inherent in the lower bolts because of lighter loads. The Agency does not agree that adequate strength is inherent in the lower bolts due to lighter loads as has been demonstrated by service life, and records of failed bolts other than the four bolts in the upper part of each fitting. Therefore, corrective action is also necessary for the bolts in the lower part of the fitting. A comment suggested that the initial inspection be made applicable only on those airplanes which have accumulated flight time in excess of 6,000 hours since new bolts would not be subject to fatigue during early life. The comment also proposed that the AD be revised to permit the replacement of the top four bolts at the operator's option in place of repetitive inspections. Boeing has incorporated these changes in a later revision to its Service Bulletin No. 1975 (R-2), and since the Agency feels that these changes may be incorporated into the AD without adversely affecting safety, the AD is being so revised.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (25 F.R. 6489), § 39.13 of Part 39 of the Federal Aviation Regulations is amended by adding the following new airworthiness directive:

BOEING. Applies to Models 707 and 720 Series aircraft noted in Boeing Service Bulletin No. 1975(R-2). (The same list appears in Bulletin No. 1975(R-1).)

Compliance required as indicated.

Inspection of a 720 Series aircraft, revealed that the four MS type bolts and several other lock bolts which attach the fin-body terminal fitting to the Body Station 1505 bulkhead had sheared. To prevent such failures, accomplish the following or an equivalent approved by the Aircraft Engineering Division, FAA Western Region:

(a) On aircraft with 6,000 or more hours' time in service on the effective date of this AD, within the next 600 hours' time in service—

(1) Unless already accomplished within the last 1,800 hours' time in service, and thereafter at periods not to exceed 2,400 hours' time in service from the last inspection, remove any one of the four internal wrenching bolts MS 20005 or MS 20006 which attach each fin-body terminal fitting to Body Station 1505 bulkhead and visually inspect the bolt for cracks, corrosion, or decrease in diameter; or

(2) Replace the top four internal wrenching bolts one time only with bolts of the same designation (or next oversize bolts, if required) and torque to the correct value. Paragraphs (e) and (f) apply to bolt replacement.

(b) On aircraft with less than 6,000 hours' time in service on the effective date of this AD, before the accumulation of 6,600 hours' time in service—

(1) Unless already accomplished within the previous 2,400 hours' time in service, and thereafter at periods not to exceed 2,400 hours' time in service from the last inspection, remove any one of the four internal wrenching bolts MS 20005 or MS 20006 which attach each fin-body terminal fitting to Body Station 1505 bulkhead and visually inspect the bolt for cracks, corrosion, or decrease in diameter; or

(2) Replace the top four internal wrenching bolts one time only with bolts of the same designation (or next oversize bolts, if required) and torque to the correct value. Paragraphs (e) and (f) apply to bolt replacement.

(c) If corrosion is found on the bolt, remove the remaining three MS 20005 or MS 20006 bolts and visually inspect the bolts for cracks or decrease in diameter.

(d) If no corrosion is found on the bolt, check the three remaining bolts and the MS type bolts for the correct torque value of 130–150 inch-pounds.

(e) If any of the four MS type bolts are failed, inspect the remaining fasteners securing the fin-body terminal fitting to the Body Station 1505 bulkhead for looseness by tapping or torquing.

(f) If, as a result of the inspections required by paragraphs (a), (b), (c), (d), or (e), any of the fasteners are found failed, loose, corroded, or less than the manufacturer's minimum tolerance for the fastener, replace the fastener in accordance with the instructions in the applicable FAA-approved Structural Repair Manual or Boeing Service Bulletin No. 1975(R-2) or later FAA-approved revisions before further flight.

(g) Within the next 6,600 hours' time in service after the effective date of this AD, accomplish the modification specified in Boeing Service Bulletin No. 1975(R-2) or later FAA-approved revisions, or an equivalent modification approved by FAA Aircraft Engineering Division, Western Region.

(h) When the modification required by paragraph (g) is accomplished, the special inspections and torquing of bolts required by this AD may be discontinued.

(i) Upon request of the operator, an FAA maintenance inspector, subject to prior approval of the Chief, Aircraft Engineering Division, FAA Western Region, may adjust the repetitive inspection intervals specified in this AD to permit compliance at an established inspection period of the operator if the request contains substantiating data to justify the increase for such operator.

This amendment becomes effective July 30, 1965.

(Secs. 313(a), 601, and 603, Federal Aviation Act of 1958; 49 U.S.C. 1354(a), 1421, and 1423)

Issued in Washington, D.C., on June 23, 1965.

G. S. MOORE,
Director, Flight Standards Service.

[F.R. Doc. 65-6811; Filed, June 29, 1965; 8:45 a.m.]

[Docket No. 6738; Amdt. 39-99]

PART 39—AIRWORTHINESS DIRECTIVES

Boeing Models 707, 720, and 727 Series Aircraft

Amendment 679 (29 F.R. 1680), AD 64-3-1, requires modification of the fuel tank access panels and clamp rings on Boeing Models 707, 720, and 727 Series aircraft. It has been determined that the use of the aluminum powder in the anticorrosion grease, as required by the AD, can cause fretting of the faying surfaces. Elimination of the aluminum powder as required by Boeing Service Bulletins Nos. 1955(R-2) and 28-7(R-3) eliminates the fretting and results in an increase in the electrical conductivity between the faying surfaces. The AD is revised to allow modification in accordance with these Bulletins as an alternative means of compliance.

As this amendment provides an alternative means of compliance and imposes no additional burden on any person, it is found that notice and public procedure hereon are unnecessary and good cause exists for making this amendment effective in less than 30 days.

In consideration of the foregoing and pursuant to the authority delegated to me by the Administrator (25 F.R. 6489), § 39.13 of Part 39 of the Federal Aviation Regulations, Amendment 67 (29 F.R. 1680), AD 64-3-1 is amended—

(a) By striking out the parenthetical statement at the end thereof; and

(b) Amending the introductory clause of the paragraph that begins with the words "Modify the fuel tank", to read as follows:

Modify the fuel tank access panels and clamp rings in accordance with the following or Boeing Service Bulletin No. 1955 for 707 and 720 Series aircraft and Bulletin No. 28-7 for 727 Series aircraft or later FAA-approved revisions or an equivalent approved by the Chief, Aircraft Engineering Division, FAA Western Region:

This amendment becomes effective June 30, 1965.

(Secs. 313(a), 601, and 603, Federal Aviation Act of 1958; 49 U.S.C. 1354(a), 1421, 1423)

Issued in Washington, D.C., on June 23, 1965.

G. S. MOORE,
Director, Flight Standards Service.

[F.R. Doc. 65-6812; Filed, June 29, 1965; 8:45 a.m.]

[Docket No. 6417; Amdt. 39-100]

PART 39—AIRWORTHINESS DIRECTIVES

Lockheed Models 188A/188C Series Aircraft

A proposal to amend Part 39 of the Federal Aviation Regulations to include an airworthiness directive requiring inspection of the left and right lower No. 4 wing plank drain holes for cracks and repair of any cracks found on Lockheed Models 188A/188C Series aircraft was published in 30 F.R. 93.

Interested persons have been afforded an opportunity to participate in the making of the amendment. One comment proposed that if small cracks are discovered, the drain hole be enlarged, and daily inspections be accomplished until permanent repair is accomplished within 455 hours' time in service. The Agency after coordination with the manufacturer has determined that this provision may be incorporated into the AD without adversely affecting safety, and paragraph (d) of the AD has been revised accordingly. Another comment requested the reaming requirement be deleted from the AD, since a permanent reinforcement would be installed eventually. The Agency, after reevaluation of the benefits derived from reaming the drain hole, has determined that the elimination of the reaming requirement would not adversely affect safety, and the AD has been revised by deleting the reaming requirement from paragraph (c).

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (25 F.R. 6489), § 39.13 of Part 39 of the Federal Aviation Regulations is amended by adding the following new airworthiness directive:

LOCKHEED. Applies to Models 188A and 188C aircraft.

Compliance required as indicated.

As a result of cracks occurring at the lower No. 4 wing plank drain hole adjacent to Wing Station 159.6, accomplish the following:

(a) For those aircraft with 5,000 or more hours' time in service as of the effective date of this AD, comply with paragraph (c) within the next 150 hours' time in service unless accomplished within 850 hours' time in service prior to the effective date of this AD, and thereafter at intervals not to exceed 1,000 hours' time in service from the last inspection.

(b) For those aircraft with less than 5,000 hours' time in service as of the effective date of this AD, comply with paragraph (c) prior to the accumulation of 1,150 hours' time in service unless accomplished during the 1,000 hours' time in service from 4,150 hours' to 5,150 hours', and thereafter at intervals not to exceed 1,000 hours' time in service from the last inspection.

(c) Visually or by use of other FAA-approved methods, inspect the areas surrounding both left and right lower No. 4 wing plank drain holes located adjacent to Wing Station 159.6 for cracks radiating from the holes. Do not remove the ¼-inch diameter rivets which plug and seal the holes on wet bay aircraft.

(d) If a crack is found during the inspection required by paragraph (c), the following apply:

(1) Except as provided for by subparagraph (3), if the crack length does not exceed 0.60 inch measured from the center of the drain hole, before further flight make a permanent repair in accordance with section 2.B. of Lockheed Service Bulletin 88/SB-587A as revised by Lockheed Service Bulletin 88/SB-587B, or an equivalent repair approved by the Chief, Aircraft Engineering Division, FAA Western Region. The aircraft may be ferried in accordance with the provisions of FAR 21.197 to the base at which the repairs are to be accomplished; and

(2) If the crack exceeds 0.60 inch measured from the center of the drain hole, before further flight make a permanent repair approved by the Chief, Aircraft Engineering Division, FAA Western Region. The aircraft may be ferried in accordance with the provisions of FAR 21.197 to the base at which the repairs are to be accomplished.

(3) If the crack length does not exceed 0.82 inch, measured from the center of the drain hole, permanent repair of the drain hole area in accordance with subparagraph (1) may be deferred for a period not to exceed 455 hours' time in service after inspection if the following is complied with:

(i) Before further flight, enlarge the drain hole to 0.75 inch diameter.

(ii) Inspect the area surrounding the enlarged hole, for cracks, by dye penetrant method or an FAA-approved equivalent within 60 hours' time in service after compliance with subdivision (i), and thereafter at intervals not to exceed 60 hours' time in service from the last inspection.

(iii) If a crack is found during the inspection required by subdivision (ii), install the permanent repair required by subparagraph (1) or (2), as applicable, before further flight. The aircraft may be ferried in accordance with the provisions of FAR 21.197 to the base at which the repairs are to be accomplished.

(e) The periodic reinspection may be discontinued for aircraft on which the drain hole cracks are repaired in accordance with paragraph (d) and for aircraft with uncracked drain hole areas on which the repair of section 2.B. of Lockheed Service Bulletin 88/SB-587A as revised by Lockheed Service Bulletin 88/SB-587B, or an equivalent approved by the Chief, Aircraft Engineering Division, FAA Western Region, is incorporated as a reinforcement.

(f) Upon request of the operator, an FAA maintenance inspector, subject to prior approval of the Chief, Aircraft Engineering Division, FAA Western Region, may adjust the repetitive inspection intervals specified in this AD to permit compliance at an established inspection period of the operator if the request contains substantiating data to justify the increase for such operator.

(Lockheed Service Bulletins 88/SB-587A dated April 10, 1964, and 88/SB-587B dated Aug. 20, 1964, cover this same subject.)

This amendment becomes effective July 30, 1965.

(Secs. 313(a), 601, and 603, Federal Aviation Act of 1958; 49 U.S.C. 1354(a), 1421, 1423)

Issued in Washington, D.C., on June 23, 1965.

G. S. MOORE,
Director, Flight Standards Service.

[F.R. Doc. 65-6813; Filed, June 29, 1965; 8:45 a.m.]

[Docket No. 6307; Amdt. 39-101]

PART 39—AIRWORTHINESS DIRECTIVES

Lockheed Models 188A and 188C Series Aircraft

A proposal to amend Part 39 of the Federal Aviation Regulations to include an airworthiness directive requiring inspection and replacement of the nose landing gear actuator support link on Lockheed Models 188A and 188C Series aircraft was published in 29 F.R. 15217.

Interested persons have been afforded an opportunity to participate in the making of the amendment. One comment objected to the requirement that airlines keep records of landings for maintenance purposes. Paragraph (d) has been rewritten to provide that compliance may be determined by estimating landings. A comment objected to having to repeat the heat treat check with each inspection conducted on the links, or repeat the heat treat check at the 300 landing inspection if not done within the last 1,700 landings. It was not intended to require more than one check of the heat treat of the links, and the AD has been revised to more specifically set forth the requirement for one check of the heat treat. Another comment suggested that the AD provide for replacement of the Acor, Inc., links with new Acor, Inc., links. The AD has been revised to permit replacement with Acor links. Comment was also received suggesting deletion of the phrase "manufactured by other than Acor, Inc." from paragraph (c) of the AD. Removal of this phrase from the AD would permit discontinuance of the inspections when Acor link replacements are used. Since Acor links are subject to fatigue cracking and can be controlled only through continuation of the inspections, this phrase has not been deleted. One comment suggested that the 2,000 landing interval be changed to 5,000 landings. The 2,000 landing interval was chosen as the most realistic interval in view of the investigative data available at this time. An increase to 5,000 landings is considered excessive and would serve to negate the intent of the AD. One comment expressed concern that its inspection was completed before the last 1,700 landings and its inspection is void. If the inspection was not completed within the last 1,700 landings, more than the 2,000 landings specified for the inspection interval in the AD would accrue between inspections. Objection was raised in the comments for a need to inspect an item which meets design standards. While the Acor links meet the minimum requirements, it has been shown that the fatigue life of these parts is shorter than that of associated structures. This indicates the necessity of either repetitive inspection or replacement with links with a longer fatigue life. The AD has been drafted to reflect each alternative.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (25 F.R. 6489), § 39.13 of Part 39 of the Federal Aviation Regulations is amended by adding the following new airworthiness directive:

LOCKHEED. Applies to Models 188A and 188C Series aircraft.

Compliance required as indicated.

As a result of cracks, substandard heat treat, and failure of the nose landing gear actuator support link, LAC P/N 750645-3 manufactured by Acor, Inc., under Acor P/N NO7011, accomplish the following:

(a) Unless already accomplished within the last 1,700 landings prior to the effective date of this AD, within the next 300 landings after the effective date of this AD, comply with all requirements of paragraph (b) (except, that if a hardness check in accordance with paragraph (b) was accomplished at any time prior to the effective date of the AD, it need not be reaccomplished), and thereafter at intervals not to exceed 2,000 landings, comply with those requirements of paragraph (b) that pertain to crack inspection and replacement of cracked links.

(b) Inspect all Acor, Inc., links for cracks in the necked down area of the link using magnetic particle technique or an FAA-approved equivalent and check the hardness of the Acor, Inc., link flats midway between the bearings. Replace any cracked links and any link on which the heat treat is less than 140,000 p.s.i. before further flight with a new LAC P/N 750645-3 link. If an Acor link is to be installed, its hardness must be checked prior to installation, and its heat treat must be 140,000 p.s.i. or greater. Accomplish this replacement in accordance with sections 2.B(6) through 2.B(10) of Lockheed Service Bulletin 88/SB-612.

(c) The inspections of paragraph (b) may be discontinued when LAC P/N 750645-3 link manufactured by Acor, Inc., under Acor P/N NO7011 is replaced by a new LAC P/N 750645-3 link manufactured by other than Acor, Inc.

NOTE: LAC P/N 750645-3 link manufactured by Acor, Inc., under Acor P/N NO7011 may be identified by its center body thickness which is greater than 0.400 inch.

(d) For the purpose of complying with this AD, subject to acceptance by the assigned FAA maintenance inspector, the number of landings may be determined by dividing each aircraft's hours' time in service by the operator's fleet average time from takeoff to landing for the aircraft type.

(e) Upon request of the operator, an FAA maintenance inspector, subject to prior approval of the Chief, Aircraft Engineering Division, FAA Western Region, may adjust the repetitive inspection intervals specified in this AD to permit compliance at an established inspection period of the operator if the request contains substantiating data to justify the increase for such operator.

(Lockheed Service Bulletin 88/SB-612 dated Feb. 14, 1964, covers this same subject.)

This amendment becomes effective July 30, 1965.

(Sec. 313(a), 601, and 603, Federal Aviation Act of 1958; 49 U.S.C. 1354(a), 1421, 1423)

Issued in Washington, D.C., on June 23, 1965.

G. S. MOORE,
Director, Flight Standards Service.

[F.R. Doc. 65-6814; Filed, June 29, 1965; 8:45 a.m.]

[Airspace Docket No. 65-CE-40]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Control Zone, Designation of Transition Area and Revocation of Control Area Extension

On April 7, 1965, a notice of proposed rule making was published in the FEDERAL REGISTER (30 F.R. 4490) stating that the Federal Aviation Agency proposed to alter controlled airspace in the vicinity of North Platte, Nebr.

Interested persons were afforded an opportunity to participate in the rule making through submission of comments. All comments received were favorable, including those of the Air Transport Association.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0001 e.s.t., October 14, 1965, as hereinafter set forth.

(1) In § 71.165 (29 F.R. 17557) the North Platte, Nebr., control area extension is revoked in its entirety.

(2) In § 71.171 (29 F.R. 17581) the North Platte, Nebr., control zone is amended to read:

NORTH PLATTE, NEBR.

Within a 5-mile radius of Lee Bird Field Municipal Airport, North Platte, Nebr. (latitude 41°07'41" N., longitude 100°41'58" W.); and within 2 miles each side of the North Platte VOR 028° radial extending from the 5-mile radius zone to the VOR; and within 2 miles each side of the 184° bearing from the North Platte RBN extending from the 5-mile radius zone to 8 miles S of the RBN.

(3) In § 71.181 (29 F.R. 17643) the following transition area is added:

NORTH PLATTE, NEBR.

That airspace extending upward from 700 feet above the surface within an 8-mile radius of Lee Bird Field Municipal Airport, North Platte, Nebr. (latitude 41°07'41" N., longitude 100°41'58" W.), and within 2 miles each side of the North Platte VOR 208° radial extending from the 8-mile radius area to 8 miles SW of the VOR; and that airspace extending upward from 1,200 feet above the surface within a 26-mile radius of North Platte VOR.

(Sec. 307(a), Federal Aviation Act of 1958; 49 U.S.C. 1348)

Issued in Kansas City, Mo., on June 17, 1965.

ROBERT I. GALE,
Acting Director, Central Region.

[F.R. Doc. 65-6815; Filed, June 29, 1965; 8:45 a.m.]

[Airspace Docket No. 65-WE-3]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Designation of Control Zone

On January 28, 1965, a notice of proposed rule making was published in the FEDERAL REGISTER (30 F.R. 890) stating that the Federal Aviation Agency proposed the designation of a control zone at Chico, Calif.

Interested persons were afforded an opportunity to participate in the rule making through submission of comments. All comments received were favorable.

Subsequent to the publication of the notice, the FAA found it necessary to revise the final approach course of the instrument approach procedure proposed for Chico Airport from 319° to 308°. Accordingly, the control zone extension proposed on the 319° radial will be changed to the 308° radial.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0001 e.s.t., September 16, 1965, as hereinafter set forth.

In § 71.171 (29 F.R. 117581), the Chico, Calif., control zone is added as follows:

CHICO, CALIF.

Within a 5-mile radius of Chico Municipal Airport (latitude 39°47'45" N., longitude 121°51'25" W.) and within 2 miles each side of the Chico VOR 308° radial, extending from the 5-mile radius zone to 8 miles NW of the VOR, excluding the portion within a 1-mile radius of Ranchero Airport, Chico, Calif. (latitude 39°43'10" N., longitude 121°52'10" W.). The control zone shall be effective during the times established in advance by a Notice to Airmen and continuously published in the Airman's Information Manual.

(Sec. 307(a), Federal Aviation Act of 1958, as amended; 72 Stat. 749; 49 U.S.C. 1348)

Issued in Los Angeles, Calif., on June 22, 1965.

JOSEPH H. TIPPETS,
Director, Western Region.

[F.R. Doc. 65-6816; Filed, June 29, 1965; 8:45 a.m.]

[Airspace Docket No. 65-WE-2]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Change of Effective Date

On March 17, 1965, there was published in the FEDERAL REGISTER (30 F.R. 3515) an amendment to Part 71 of the Federal Aviation Regulations which altered the Marysville, Calif., control zone. This amendment was to become effective July 22, 1965.

Because of a delay in commissioning the Marysville VOR, action is taken herein to change the effective date of the rule to August 19, 1965.

Since 30 days will elapse from the time of publication of the rule as initially adopted to the new effective date, this change is made in compliance with section 4 of the Administrative Procedure Act.

In consideration of the foregoing, Airspace Docket No. 65-WE-2 is amended, effective immediately, as follows:

"Effective July 22, 1965", is deleted and "effective August 19, 1965", is substituted therefor.

(Sec. 307(a), Federal Aviation Act of 1958, as amended; 72 Stat. 749; 49 U.S.C. 1348)

Issued in Los Angeles, Calif., on June 22, 1965.

JOSEPH H. TIPPETS,
Director, Western Region.

[F.R. Doc. 65-6817; Filed, June 29, 1965; 8:45 a.m.]

[Airspace Docket No. 65-CE-42]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Designation of Transition Area

On April 9, 1965, a notice of proposed rule making was published in the FEDERAL REGISTER (30 F.R. 4610) stating that the Federal Aviation Agency proposed to designate controlled airspace in the vicinity of Spencer, Iowa.

Interested persons were afforded an opportunity to participate in the rule making through submission of comments. All comments received were favorable, including those of the Air Transport Association.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0001 e.s.t., September 16, 1965, as hereinafter set forth:

In § 71.181 (29 F.R. 17643) the following transition area is added:

SPENCER, IOWA

That airspace extending upward from 700 feet above the surface within a 5-mile radius of the Spencer, Iowa, Municipal Airport (latitude 43°09'45" N., longitude 95°11'30" W.), and within 2 miles each side of the 191° bearing from the Spencer Municipal Airport, extending from the 5-mile radius to 8 miles S of the airport; and that airspace extending upward from 1,200 feet above the surface within 5 miles W and 8 miles E of the 191° bearing from the Spencer Municipal Airport, extending from the airport to 12 miles S of the airport, and within 5 miles each side of the 011° bearing from the Spencer Municipal Airport, extending from the airport to V-120.

(Sec. 307(a), Federal Aviation Act of 1958; (49 U.S.C. 1348)

Issued in Kansas City, Mo., on June 17, 1965.

ROBERT I. GALE,
Acting Director, Central Region.

[F.R. Doc. 65-6818; Filed, June 29, 1965; 8:45 a.m.]

[Airspace Docket No. 65-WA-34]

PART 75—ESTABLISHMENT OF JET ROUTES

Alteration of En Route Jet Advisory Area and Revocation of Terminal Jet Advisory Area

The purpose of these amendments to Part 75 of the Federal Aviation Regulations is to alter Jet Routes Nos. 25 and 29 jet advisory areas by deleting *"radar"* and substituting *"nonradar"* therefor, and by revoking the Brownsville, Tex., jet advisory area.

Jet Route No. 25 jet advisory area and Jet Route No. 29 jet advisory area are identical and presently are designated as radar jet advisory areas from the United States/Mexican border to the positive control area boundary north of Brownsville. The radar presently available in the area is not acceptable for the provision of this service. Therefore, radar jet advisory service is no longer available along this segment. For this reason, action is taken herein to designate these two radar jet advisory areas as nonradar jet advisory areas.

The Brownsville radar jet advisory area presently is designated from Brownsville via the Brownsville 024° radial to the boundary of the continental control area. A requirement for this area no longer exists and action is taken herein to revoke it.

Since these actions are essentially editorial in nature and are necessary for reasons of safety to aircraft, notice and public procedure hereon are unnecessary.

In consideration of the foregoing, Part 75 of the Federal Aviation Regulations is amended, effective 0001 e.s.t., August 19, 1965, as hereinafter set forth.

1. In § 75.200 (30 F.R. 2440), Jet Routes Nos. 25 and 29 jet advisory areas are amended by deleting *"Radar"* and substituting *"Nonradar"* therefor.

2. In § 75.300 (30 F.R. 2440), the Brownsville, Tex., jet advisory area is revoked.

(Sec. 307(a), Federal Aviation Act of 1958; 49 U.S.C. 1348)

Issued in Washington, D.C.; on June 23, 1965.

H. B. HELSTROM,
Acting Chief, Airspace Regulations and Procedures Division.

[F.R. Doc. 65-6819; Filed, June 29, 1965; 8:45 a.m.]

Title 18—CONSERVATION OF POWER AND WATER RESOURCES

Chapter I—Federal Power Commission

[Docket No. R-243; Order 300]

PART 1—RULES OF PRACTICE AND PROCEDURE

PART 155—CONTRACTS AND RATE SCHEDULES FOR DIRECT INDUSTRIAL SALES

PART 260—STATEMENTS AND REPORTS (SCHEDULES)

Miscellaneous Amendments

JUNE 24, 1965.

This proceeding was initiated by a notice of proposed rule making issued July 15, 1963, published in the FEDERAL REGISTER (28 F.R. 7434, July 20, 1963) and mailed to all natural gas companies and other parties, including Federal and State agencies, who might be interested in the proposals.

Section 155.1 of the Commission's regulations under the Natural Gas Act (18 CFR 155.1) now requires the pipeline companies to furnish currently to the Commission copies of every contract, involving sales of 100,000 Mcf per year or more, in effect for the direct sale of natural gas together with copies of all other writings relative to each such sale. However, no data are available at present on the gas curtailment policies, practices and methods used by the pipeline companies. The notice proposed to require additional information with respect to such sales which the Commission deems essential in order to be advised whether the service being rendered to direct industrial customers conforms to the certificate authorization; whether direct interruptible customers are such only in contract terms; and whether the pipeline's actual operations require modification of the allocation of costs to jurisdictional customers. The new schedule which was proposed in the notice to be added to FPC Report Form No. 2 is intended to supplement information already required by the form. The regulations will supply the Commission

with much more complete and meaningful information concerning the direct industrial sales made by natural gas pipeline companies, for use in carrying out its statutory functions.

Following publication of the notice, comments were received from the Independent Natural Gas Association of America, 10 pipeline companies, 1 state commission and a group of distribution companies. Some opposed the proposed regulation for a variety of reasons; others favored the regulation but suggested certain modifications. By this order we are adopting most of the suggestions proposed. The two principal objections to the regulation were (1) the proposals are beyond the authority of the Commission since it has no jurisdiction over the rates at which direct industrial sales are made, and (2) the publication of detailed rate and curtailment data would give other fuel interests an unfair competitive advantage.

The jurisdictional argument is without merit because the Commission's power to prescribe accounting and reporting is not limited to the regulated portion of the overall business activities engaged in by a natural gas company subject to its jurisdiction. It has long been established that the Commission's discretionary power to require periodic reports encompasses the reporting of such nonregulated activities to the extent that they are relevant to the performance of the Commission's regulatory activities. The imposition of a reporting requirement concerning the nonjurisdictional business of a regulated company does not constitute the regulation of that business. Rather, it is action necessary to enable the Commission to properly regulate matters which fall directly within the ambit of its jurisdiction (Interstate Commerce Commission v. Goodrich Transit Company, 224 U.S. 194 (1911); Norfolk and Western Railway Company v. U.S., 287 U.S. 134 (1932)).

The Commission has no rate jurisdiction over direct industrial sales but it does have certificate jurisdiction pursuant to section 7 of the Act to determine whether the transportation and delivery of natural gas to such customers, and the facilities, if any, meet the standards of public convenience and necessity. In order to exercise this jurisdiction intelligently as well as to make proper allocation between jurisdictional and nonjurisdictional operations of a pipeline in fixing the rates for the jurisdictional sales, we believe we must secure reasonable information as to the nature of the pipeline's direct industrial sales.

The comments also urged that the public availability of curtailment data would afford an undue competitive advantage to suppliers of alternative fuels. While the Commission has the responsibility for obtaining meaningful information to discharge its statutory functions and in appropriate proceedings must make such data available to all interested parties (cf. Federal Communications Commission v. Schreiber, — U.S. —, 33 L.W. 4492, May 24, 1965), we are not obligated in the absence of a proceeding in which the material is relevant to make such business information available to competitors or other parties only indirectly affected by the curtailment practices of the reporting company. Accordingly, we are providing that the new schedule entitled "Curtailments of Main Line Industrial Customers" proposed in paragraph 5(D) of the notice herein, but revised as described below, shall be filed separately from, but concurrently with, Form No. 2 to which it is supplementary. Further, we provide that it, unlike the form itself, will not be open to public inspection but will be available for inspection pursuant to our existing rules relating to the availability to the public of information in the Commission's files (see 18 CFR 1.36(e) and the new subparagraph (7) being added by this order to paragraph (d) of § 1.36), or by incorporation in the record of any proceeding pending before the Commission or the courts when such action is determined by the Commission to be in the public interest.

We are making several substantial changes in the amendments proposed in the notice—in connection with the new schedule; with respect to the amendments proposed to be made by paragraph 5(C) of the notice to the existing schedule "Main Line Industrial Sales of Natural Gas" on page 519 of the form; and to the text of § 155.1 These changes arise out of some of the comments received.

With respect to the new schedule, we are revising the form of the schedule to show both the average daily delivery to direct industrial customers during the system peak period (col. (d)), and the maximum daily delivery during the year (cols. (e) and (f)). This change will make available data from which it will be possible to determine the extent that pipeline capacity is being utilized by jurisdictional interruptible customers and direct industrial customers, and will indicate the extent of the curtailment in relation to the average day and maximum day takes of the particular customer.

Suggestion was made that the rate adjustment information, which under paragraph (d) of the proposed amendment to § 155.1 would be furnished as a special report by May 1 of each year, could be furnished just as well, and in fact preferably, as a part of the existing schedule on page 519 "Main Line Industrial Sales of Natural Gas." This change would eliminate the filing of a special report and would still give the Commission the information it needs. Therefore, in lieu of the proposed § 155.1 (d) and the specific amendments to that schedule proposed in paragraph 5(C) of the notice, we are prescribing a revised schedule which makes provision for the inclusion of the information which under the original proposal, would have been included in a special report.

In addition to the deletion of paragraph (d) of the proposed amendments to § 155.1, two other changes are being made in that section; viz, the reporting date of the list required by paragraph (c) is changed from November 1 of each year to May 1, and in paragraphs (a) and (c) the figure 100,000 Mcf is changed to 50,000 Mcf, thereby requiring the filing and information with respect to contracts involving transactions between those figures. We are informed that the industry generally keeps records for its own purposes on the basis of the lower figure and, therefore, would have no objection to reporting to us on the same basis. It might be noted that instruction 3 of the existing schedule for reporting "Main Line Industrial Sales" on page 519 provides for the reporting separately of sales of $10,000 or more per year. That figure has been changed to 50,000 Mcf in the revised form prescribed herein.

Finally, in view of our conclusion that the new supplemental schedule for reporting curtailments should not be made available for general public inspection, we are amending § 1.36 of the rules of practice and procedure, relating to public information, by adding to paragraph (d) Exceptions, a new subparagraph (7) to exempt, in effect, this schedule from public inspection.

The Commission finds: (1) The amendments herein adopted are necessary and appropriate for the administration of the Natural Gas Act.

The Commission, acting pursuant to the provisions of the Natural Gas Act, as amended, particularly sections 10 and 16 thereof (52 Stat. 826, 830; 15 U.S.C. 717i, 717o), orders:

(A) Part 1, Subchapter A, Part 155, Subchapter E, and Part 260, Subchapter G, Chapter I, Title 18 of the Code of Federal Regulations, are amended as follows:

(1) Paragraph (d) of § 1.36 is amended by deleting subparagraph (7) which is now obsolete and inserting in lieu thereof the following:

§ 1.36 Public information.

* * * * * * *

(d) *Exceptions.* * * *

(7) The schedule entitled "Curtailments of Main Line Industrial Customers" prescribed as a supplement to FPC Form No. 2 by § 260.1 of this chapter.

* * * * * * *

(2) The existing text of § 155.1 is amended, designated as paragraph (a), and new paragraphs (b) and (c) are added, as follows:

§ 155.1 Contracts and rate schedules for direct industrial sales.

(a) Every natural gas company shall furnish to the Commission two full and complete copies of every contract and every amendment thereto, presently or hereafter effective, for the direct sale of natural gas to industrial consumers for consumption where such contract involves the sale of 50,000 Mcf or more per year, together with all rate schedules, agreements, leases, writings or other understandings, services and rules, and regulations relative to such sale. Such submittals shall include the docket number(s) of the certificate proceeding(s) in which the transportation and delivery were authorized for the particular sale and shall be made within 60 days after issuance of the certificate, or execution of the contract or amendment thereto, whichever occurs later. When any contract now on file or hereafter furnished is renewed or extended on identical terms except as to the period during which it is to be in effect, the natural gas company may, in lieu of furnishing copies of such renewal or extension agreement, within 60 days, notify the Commission of such renewal or extension by letter, in duplicate, stating the date of the renewal or extension agreement and the period during which it is to be in effect.

(b) On or before September 1 every natural gas company shall furnish to the Commission a list, in duplicate, of every contract theretofore tendered to the Commission pursuant to this Part 155, which is effective as of the date of submittal of the list. Such list shall include the docket number(s) of the certificate proceeding(s) in which the transportation and delivery were authorized for the particular sale, the name of the buyer thereunder and date of the contract. When any of the listed contracts, or any contract subsequently tendered to the Commission pursuant to this Part 155, is canceled or terminated by its own terms (whether superseded by a new contract or not), the natural gas company shall so advise the Commission within 60 days of such cancellation or termination by letter, in duplicate, identifying the contract being canceled or terminated and the date of such cancellation or termination.

(c) Every natural gas company shall furnish to the Commission, in duplicate, by May 1 of each year, a list of all direct industrial sale customers using 3,000 Mcf or more during any of the 12 months ended with the preceding calendar year, but less than 50,000 Mcf during the 12 months ended with the preceding calendar year, showing the docket number(s) of the proceeding(s) authorizing the transportation of natural gas and facilities, if any, necessary for each particular sale, name, and location of purchaser, type of service such as firm or interruptible, and the maximum monthly use during the 12 months ended with the preceding calendar year.

§ 260.1 [Amended]

(3) Paragraph (c) of § 260.1 is amended by inserting, to follow schedule title "Main Line Industrial Sales of Natural Gas," a new title to read "Curtailments of Main Line Industrial Customers (submitted separately)."

(B) The annual report for natural gas companies, FPC Form No. 2, prescribed by paragraph (a) of § 260.1, is amended as follows:

(1) Effective for the reporting year 1965, the schedule "Main Line Industrial Sales of Natural Gas," set out in Attachment A hereto, is prescribed for use in lieu of the similarly titled schedule appearing on pages 519–520 of such form.[1]

(C) Effective for the reporting year 1965, a new schedule "Curtailment of Main Line Industrial Customers," as set out in Attachment B hereto,[1] is prescribed as a supplement to FPC Form No. 2. The schedule shall be filed concurrently with Form No. 2 but shall not be included as an integral part thereof and shall not be available for inspection in public files of the Commission except pursuant to § 1.36(e) of this chapter. The Commission may, also, when it finds such action to be in the public interest, authorize such schedules to be made public and incorporated in the record of any proceeding before the Commission or the courts.

(Secs. 10, 16, 52 Stat. 826, 830; 15 U.S.C. 717i, 717o)

(D) The amendments herein made to Parts 1, 155, and 260 and to FPC Form No. 2 shall be effective August 1, 1965.

(E) The Secretary shall cause prompt publication of this order to be made in the FEDERAL REGISTER.

By the Commission.

(SEAL) JOSEPH H. GUTRIDE, *Secretary.*

[F.R. Doc. 65-6823; Filed, June 29, 1965; 8:46 a.m.]

[1] Filed as part of original document.

Title 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

SUBCHAPTER A—GENERAL

PART 8—COLOR ADDITIVES

Postponement of Closing Dates of Provisional Listing of Certain Items; Deletion of Certain Items From Provisional Lists

The color additives amendments of 1960 (Public Law 86-618; 74 Stat. 404; 21 U.S.C. 376, note) authorizes the Secretary of Health, Education, and Welfare to postpone the closing date of a provisional listing of a color additive on his own initiative or upon application of an interested person. Requests have been received to postpone the closing dates of the provisional listings of a number of color additives because scientific investigations necessary for listing these color additives under section 706 of the Federal Food, Drug, and Cosmetic Act have not been completed. It is found that postponement of the closing dates of the provisionally listed color additives included in this order will not be contrary to the interests of the public health. Any extensions so granted are conditioned upon a requirement that progress reports be supplied on or before January 1, 1966.

The closing dates of a number of the provisionally listed color additives are not postponed, and their provisional listing therefore automatically terminates on July 1, 1965. The Commissioner of Food and Drugs has no evidence that these color additives are harmful, but the persons making the study have concluded that the colors would not be commercially useful and have terminated the scientific investigations. The termination of these listings as of July 1, 1965, is indicated by deletions in amendments 1b, 2c, and 3b of this order.

Pursuant to the authority of the Federal Food, Drug, and Cosmetic Act (sec. 203(a)(2), Public Law 86-618; 74 Stat. 404; 21 U.S.C. 376, note), delegated by the Secretary to the Commissioner of Food and Drugs (21 CFR 2.90), § 8.501 *Provisional lists of color additives* is amended in the following respects:

1. Paragraph (a) is amended:

a. By changing the closing dates of the following items to July 1, 1966:

FD&C Green No. 3 (§ 9.23 of this chapter).
FD&C Yellow No. 5 (§ 9.40 of this chapter).
FD&C Yellow No. 6 (§ 9.41 of this chapter).
FD&C Red No. 2 (§ 9.61 of this chapter).
FD&C Red No. 3 (§ 9.62 of this chapter).
FD&C Blue No. 1 (§ 9.80 of this chapter).
FD&C Blue No. 2 (§ 9.81 of this chapter).
FD&C Violet No. 1 (§ 9.90 of this chapter).

b. By deleting the following items:

FD&C Green No. 1 (§ 9.21 of this chapter).
FD&C Green No. 2 (§ 9.22 of this chapter).

2. Paragraph (b) is amended:

a. By changing the closing dates of the following items to January 1, 1966:

D&C Red No. 6 (§ 9.151 of this chapter).
D&C Red No. 7 (§ 9.152 of this chapter).
D&C Red No. 17 (§ 9.162 of this chapter).
D&C Red No. 39 (§ 9.184 of this chapter).
D&C Blue No. 9 (§ 9.245 of this chapter).

b. By changing the closing dates of the following items to July 1, 1966:

D&C Green No. 5 (§ 9.103 of this chapter).
D&C Green No. 6 (§ 9.104 of this chapter).
D&C Yellow No. 10 (§ 9.133 of this chapter).
D&C Yellow No. 11 (§ 9.134 of this chapter).
D&C Red No. 19 (§ 9.164 of this chapter).
D&C Red No. 21 (§ 9.166 of this chapter).
D&C Red No. 22 (§ 9.167 of this chapter).
D&C Red No. 27 (§ 9.172 of this chapter).
D&C Red No. 28 (§ 9.173 of this chapter).
D&C Red No. 30 (§ 9.175 of this chapter).
D&C Red No. 36 (§ 9.181 of this chapter).
D&C Red No. 37 (§ 9.182 of this chapter).
D&C Orange No. 5 (§ 9.202 of this chapter).
D&C Orange No. 10 (§ 9.207 of this chapter).
D&C Orange No. 11 (§ 9.208 of this chapter).
D&C Orange No. 17 (§ 9.214 of this chapter).
D&C Brown No. 1 (§ 9.230 of this chapter).
D&C Blue No. 4 (§ 9.240 of this chapter).
D&C Blue No. 6 (§ 9.242 of this chapter).

c. By deleting the following items:

D&C Red No. 5 (§ 9.150 of this chapter).
D&C Black No. 1 (§ 9.260 of this chapter).

3. Paragraph (c) is amended:

a. By changing the closing dates of the following items to July 1, 1966:

Ext. D&C Yellow No. 8 (§ 9.303 of this chapter).
Ext. D&C Red No. 8 (§ 9.347 of this chapter).
Ext. D&C Red No. 24 (§ 9.363 of this chapter).
Ext. D&C Violet No. 2 (§ 9.411 of this chapter).
Ext. D&C Orange No. 3 (§ 9.422 of this chapter).

b. By deleting the following items:

Ext. D&C Red No. 15 (§ 9.354 of this chapter).

Notice and public procedure and delayed effective date are not necessary prerequisites to the promulgation of this order, and I so find, because section 203(a)(2) of Public Law 86-618 provides for this issuance.

Effective date. This order shall be effective on the date of signature.

(Sec. 203(a)(2), Public Law 86-618; 74 Stat. 404; 21 U.S.C. 376, note)

Dated: June 25, 1965.

JOHN L. HARVEY, *Deputy Commissioner of Food and Drugs.*

[F.R. Doc. 65-6900; Filed, June 29, 1965; 8:50 a.m.]

SUBCHAPTER B—FOOD AND FOOD PRODUCTS

PART 121—FOOD ADDITIVES

Subpart F—Food Additives Resulting From Contact With Containers or Equipment and Food Additives Otherwise Affecting Food

LUBRICANTS WITH INCIDENTAL FOOD CONTACT

The Commissioner of Food and Drugs has evaluated data in a petition (FAP 4B1345) filed by Silicone Products Department, General Electric Co., Waterford, N.Y., 12188, and other relevant material, and has concluded that the food additive regulations should be amended to prescribe the safe use of dimethylpolysiloxane as a component of surface lubricants having incidental food contact. Therefore, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1)), and under the authority delegated to the Commissioner by the Secretary of Health, Education, and Welfare (21 CFR 2.90), § 121.2553(a)(3) is amended by inserting in alphabetical sequence, a new item, as follows:

§ 121.2553 Lubricants with incidental food contact.

* * * * * * *

(a) * * *

(3) * * *

Substances	*Limitations*
* * *	* * *
Dimethylpolysiloxane (viscosity greater than 300 centistokes).	Addition to food not to exceed 1 part per million.
* * *	* * *

* * * * * * *

Any person who will be adversely affected by the foregoing order may at any time within 30 days from the date of its publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington, D.C., 20201, written objections thereto, preferably in quintuplicate. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof.

Effective date. This order shall be effective on the date of its publication in the FEDERAL REGISTER.

(Sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1))

Dated: June 24, 1965.

JOHN L. HARVEY,
Deputy Commissioner of Food and Drugs.

[F.R. Doc. 65-6860; Filed, June 29, 1965; 8:45 a.m.]

PART 121—FOOD ADDITIVES

Subpart F—Food Additives Resulting From Contact With Containers or Equipment and Food Additives Otherwise Affecting Food

UREA-FORMALDEHYDE RESINS IN MOLDED ARTICLES

The Commissioner of Food and Drugs, having evaluated the data in a petition (FAP 4B1430) filed by American Cyanamid Co., Wayne, N.J., 07470, and other relevant material, has concluded that the food additive regulations should be amended to provide for the use of urea-formaldehyde resins in molded articles intended for use in contact with food. Therefore, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1)), and under the authority delegated to the Commissioner by the Secretary of Health, Education, and Welfare (21 CFR 2.90), Part 121 is amended by adding to Subpart F the following new section:

§ 121.2595 Urea-formaldehyde resins in molded articles.

Urea-formaldehyde resins may be safely used as the food-contact surface of molded articles intended for use in contact with food, in accordance with the following prescribed conditions:

(a) For the purpose of this section, urea-formaldehyde resins are those produced when 1 mole of urea is made to react with not more than 2 moles of formaldehyde in water solution.

(b) The resins may be mixed with refined wood pulp and the mixture may contain other optional adjuvant substances which may include the following:

List of substances	*Limitations*
Hexamethylenetetramine	For use only as polymerization-control agent.
Tetrachlorophthalic acid anhydride.	Do.
Zinc stearate	For use as lubricant.

(c) The finished food-contact article, when extracted with the solvent or solvents characterizing the type of food and under the conditions of time and temperature characterizing the conditions of its intended use as determined from tables 1 and 2 of § 121.2514(d), yields total extractives in each extracting solvent not to exceed 0.5 milligram per square inch of food-contact surface as determined by the methods described in § 121.2514(e).

(NOTE: In testing the finished food-contact article, use a separate test sample for each required extracting solvent.)

Any person who will be adversely affected by the foregoing order may at any time within 30 days from the date of its publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington, D.C., 20201, written objections thereto, preferably in quintuplicate. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof.

Effective date. This order shall be effective on the date of its publication in the FEDERAL REGISTER.

(Sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1))

Dated: June 24, 1965.

JOHN L. HARVEY,
Deputy Commissioner of Food and Drugs.

[F.R. Doc. 65-6861; Filed, June 29, 1965; 8:45 a.m.]

SUBCHAPTER C—DRUGS

PART 130—NEW DRUGS

Subpart A—Procedural and Interpretative Regulations

RECORDS AND REPORTS CONCERNING EXPERIENCE ON DRUGS FOR WHICH AN APPROVAL IS IN EFFECT

Manufacturers of complete medicated feeds that are new drugs under section 505 of the Federal Food, Drug, and Cosmetic Act have been required to submit periodic reports of certain kinds of information described in § 130.13(a) of the new-drug regulations (21 CFR Part 130). The Commissioner of Food and Drugs has concluded that submission of these periodic reports by such manufacturers is unnecessary and that elimination of this requirement will not adversely affect the public health. Therefore, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (secs. 505, 701(a), 52 Stat. 1052 as amended; 1055; 21 U.S.C. 355, 371(a)), and under the authority delegated to the Commissioner by the Secretary of Health, Education, and Welfare (21 CFR 2.90), § 130.13(b)-(3) is amended by changing subdivision (ii) to read as follows:

§ 130.13 Records and reports concerning experience on drugs for which an approval is in effect.

* * * * * * *

(b) * * *

(3) * * *

(ii) If the drug is intended solely for administration to animals, at intervals within 6 months beginning with the date of approval of the application during the first year following such date, and at yearly intervals thereafter: *Provided, however,* That such reports are not required from applicants to the extent that the reporting obligation is based on their manufacture of complete medicated feed.

* * * * * * *

Notice and public procedure and delayed effective date are unnecessary prerequisites to the promulgation of this order, and I so find, since this amendment, which eliminates submission by manufacturers of complete medicated feeds of certain reports that have been

determined to be unnecessary, relaxes existing requirements without adversely affecting the public health.

Effective date. This order shall be effective on the date of its publication in the FEDERAL REGISTER.

(Secs. 505, 701(a), 52 Stat. 1052 as amended; 1055; 21 U.S.C. 355, 371(a))

Dated: June 24, 1965.

JOHN L. HARVEY,
Deputy Commissioner of Food and Drugs.

[F.R. Doc. 65-6862; Filed, June 29, 1965; 8:45 a.m.]

PART 146a—CERTIFICATION OF PENICILLIN AND PENICILLIN-CONTAINING DRUGS

Sodium Cloxacillin Monohydrate Capsules

Pursuant to the authority vested in the Secretary of Health, Education, and Welfare by the Federal Food, Drug, and Cosmetic Act (sec. 507, 59 Stat. 463 as amended; 21 U.S.C. 357) and delegated to the Commissioner of Food and Drugs by the Secretary (21 CFR 2.90), the antibiotic drug regulations are amended to provide for the certification of an additional dosage size of sodium cloxacillin monohydrate capsules. The amendment is effected by inserting the words "125 milligrams of cloxacillin" in the second sentence of § 146a.115(a). As amended, paragraph (a) reads as follows:

§ 146a.115 Sodium cloxacillin monohydrate capsules.

(a) *Standards of identity, strength, quality, and purity.* Sodium cloxacillin monohydrate capsules are composed of sodium cloxacillin monohydrate and one or more suitable diluents and lubricants. Each capsule contains sodium cloxacillin monohydrate equivalent to 125 milligrams of cloxacillin, 250 milligrams of cloxacillin, or 500 milligrams of cloxacillin. The moisture content is not more than 5 percent. The sodium cloxacillin monohydrate conforms to the requirements of § 146a.114(a). Each other ingredient used, if its name is recognized in the U.S.P. or N.F., conforms to the standards prescribed therefor by such official compendium.

* * * * * * *

I find that the additional dosage size of the subject drug is safe and efficacious for use, conditions prerequisite to certification. I further find that notice and public procedure and delayed effective date are not necessary in this instance, since the amendment is in the best interests of the public health.

Effective date. This order shall be effective on the date of its publication in the FEDERAL REGISTER.

(Sec. 507, 59 Stat. 463 as amended; 21 U.S.C. 357)

Dated: June 24, 1965.

JOHN L. HARVEY,
Deputy Commissioner of Food and Drugs.

[F.R. Doc. 65-6863; Filed, June 29, 1965; 8:49 a.m.]

No. 125——6

Title 49—TRANSPORTATION

Chapter I—Interstate Commerce Commission

SUBCHAPTER B—CARRIERS BY MOTOR VEHICLE

[Special Permission No. M-60160; Revised July 1, 1965]

PART 187—FREIGHT RATE TARIFFS, SCHEDULES, AND CLASSIFICATIONS

Tariffs of Motor Common Carriers; Emergency Transportation of Property

At a session of the Interstate Commerce Commission, Special Permission Board, held at its office in Washington, D.C., on the 23d day of June A.D. 1965.

It appearing, that Special Permission No. M-60160 of December 22, 1947, as amended May 4, 1959, prohibits the publication of distance or mileage rates or rates per hour or other unit of time;

And it further appearing, that the proposed rule making required by section 4(a) of the Administrative Procedure Act (5 U.S.C. 1003) is unnecessary since the change in existing regulations to be effectuated by this order will permit motor common carriers of property having emergency temporary operating authority to publish distance or mileage rates or rates per hour or other units of time, thus constituting a relaxation of the regulations heretofore prescribed;

It is ordered, That 49 CFR 187.100, be, and the same is hereby revised to read as follows:

§ 187.100 Motor common carriers of property; establishment of rates, etc., covering emergency movements of property.

(a) Motor common carriers of property who have been granted emergency temporary operating authority for a period of not more than 30 days under section 210(a) of Part II of the Interstate Commerce Act, may establish in accordance with the existing tariff circular rules, except as authorized herein and subject to limitations hereinafter set forth, rates and other provisions covering emergency movements of property without further notice prior to the acceptance of shipments for transportation other than posting in the manner required by Rule 20(h) of Tariff Circular MF No. 3 (§ 187.44(h)), an individual tariff (not a supplement or revised page) naming rates and other provisions for such emergency movements and filing at once four copies of each publication together with a letter of transmittal with the Regional Director of Operations and Compliance in whose district the carrier is domiciled or with the District Supervisor designated by the Regional Director.

(b) Additional departure from the terms of Tariff Circular MF No. 3 (Sections 187.21—187.47): Motor common carriers of property may depart from the terms of Tariff Circular MF No. 3 (Sections 187.21—187.47) to the extent necessary to permit the filing and posting of the tariffs in the manner authorized in the foregoing paragraph hereof.

(c) Limitations:

(1) This permission does not authorize the cancellation of any rate or provision on the same commodity between the same points and may not be used to establish rates and other provisions which will result in duplicating or conflicting rates.

(2) Tariffs filed hereunder must be consecutively numbered in the carrier's "W" series in the following manner: "MF-ICC No. W ------".

(3) Tariffs filed hereunder may contain *only* the rates, rules, and other provisions covering the movement of property under emergency temporary authority and then only for a period of not more than 30 days and such tariffs may not contain other rates or provisions.

(4) All tariffs filed hereunder must bear a specified expiration date which will not be later than the date upon which the emergency temporary authority expires.

This permission does not modify any outstanding formal order of the Commission, nor waive any of the requirements of its published rules relative to the construction and filing of tariff publications, except as herein authorized, nor modify any of the provisions of Part II of the Interstate Commerce Act, except as to notice.

It is further ordered, That this revision shall become effective July 1, 1965.

(Sec. 204, 49 Stat. 546, as amended; 49 U.S.C. 304. Interpret or apply Sec. 217(c), 49 Stat. 560, as amended; 49 U.S.C. 317(c))

And it is further ordered, That notice of this order be given to the general public by depositing a copy in the Office of the Secretary of the Commission at Washington, D.C., and by filing it with the Director, Office of the Federal Register.

By the Commission, Special Permission Board.

[SEAL] BERTHA F. ARMES,
Acting Secretary.

[F.R. Doc. 65-6845; Filed, June 29, 1965; 8:47 a.m.]

[Special Permission No. M-60161; Revised July 1, 1965]

PART 187—FREIGHT RATE TARIFFS, SCHEDULES, AND CLASSIFICATIONS

Schedules of Motor Contract Carriers; Emergency Transportation of Property

At a session of the Interstate Commerce Commission, Special Permission Board, held at its office in Washington, D.C., on the 23d day of June, A.D. 1965.

It appearing, that Special Permission No. M-60161 of December 22, 1947, as amended May 4, 1959, prohibits the publication of distance or mileage minimum rates or minimum rates per hour or other unit of time;

And it further appearing, that the proposed rule making required by section 4(a) of the Administrative Procedure Act (5 U.S.C. 1003) is unnecessary since the changes in existing regulations to be effectuated by this order will permit motor contract carriers of prop-

erty having emergency temporary operating authority to publish distance or mileage actual or minimum rates or actual or minimum rates per hour or other unit of time, thus constituting a relaxation of the regulations heretofore prescribed;

It is ordered, that 49 CFR 187.101, be, and the same is hereby, revised to read:

§ 187.101 Motor contract carriers of property; establishment of actual or minimum rates, etc., covering emergency movements of property.

(a) Motor contract carriers of property who have been granted emergency temporary operating authority for a period of not more than 30 days under section 210(a) of Part II of the Interstate Commerce Act may establish in accordance with existing schedule rules, except as authorized herein, and subject to the limitations hereinafter set forth, rates and other provisions covering emergency movements of property without further notice prior to the acceptance of shipments for transportation other than posting in the manner required by § 187.4 (Tariff Circular MF No. 4) an individual schedule (not a supplement or revised page) naming actual or minimum charges and other provisions for such emergency movements and filing at once four copies of each publication together with a letter of transmittal with the Regional Director of Operations and Compliance in whose district the carrier is domiciled, or with the District Supervisor designated by the Regional Director.

(b) Additional departure from the terms of Tariff Circular MF No. 4 (§§ 187.0—187.13): Motor contract carriers of property may depart from the terms of Tariff Circular MF No. 4 (§§ 187.0—187.13) to the extent necessary to permit the filing and posting of schedules authorized in the foregoing paragraph hereof.

(c) Limitations:

(1) This permission does not authorize the cancellation of any actual or minimum charge or provisions on the same commodity between the same points and may not be used to establish actual or minimum charges or other provisions which will result in duplicating and/or conflicting actual or minimum charges.

(2) Schedules filed hereunder must be consecutively numbered in the carrier's "W" series in the following manner: "MF-ICC No. W-_____"

(3) Schedules filed hereunder may contain *only* the actual or minimum charges, rules and other provisions covering the movement of property under emergency temporary authority and then only for a period of not more than 30 days, and such schedules may not contain other actual or minimum charges or provisions.

(4) All schedules filed hereunder must bear a specific expiration date which will not be later than the date upon which the emergency temporary authority expires.

This permission does not modify any outstanding formal order of the Commission, nor waive any of the requirements of its published rules relative to the construction and filing of schedule publications, except as herein authorized, nor modify any of the provisions of Part II of the Interstate Commerce Act, except as to notice.

It is further ordered, That this revision shall become effective July 1, 1965.

(Sec. 204, 49 Stat. 546, as amended; 49 U.S.C. 304. Interpret or apply Sec. 218(a), 49 Stat. 561, as amended; 49 U.S.C. 318(a))

And it is further ordered, That notice of this order be given to the general public by depositing a copy in the Office of the Secretary of the Commission at Washington, D.C., and by filing it with the Director, Office of the Federal Register.

By the Commission, Special Permission Board.

[SEAL] BERTHA F. ARMES, *Acting Secretary.*

[F.R. Doc. 65-6846; Filed, June 29, 1965; 8:47 a.m.]

Proposed Rule Making

DEPARTMENT OF AGRICULTURE

Consumer and Marketing Service

[7 CFR Parts 1063, 1070, 1078, 1079]

[Docket Nos. AO 108-A18, AO 239-A10, AO 272-A5, AO 395-A6]

MILK IN QUAD CITIES-DUBUQUE, CEDAR RAPIDS-IOWA CITY, NORTH CENTRAL IOWA, AND DES MOINES, IOWA, MARKETING AREAS

Notice of Recommended Decision and Opportunity To File Written Exceptions on Proposed Amendments to Tentative Marketing Agreements and to Orders

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of the filing with the Hearing Clerk of this recommended decision with respect to proposed amendments to the tentative marketing agreements and orders regulating the handling of milk in the Quad Cities-Dubuque, Cedar Rapids-Iowa City, North Central Iowa, and Des Moines, Iowa, marketing areas. Interested parties may file written exceptions to this decision with the Hearing Clerk, U.S. Department of Agriculture, Washington, D.C., 20250, by the 10th day after publication of this decision in the FEDERAL REGISTER. The exceptions should be filed in quintuplicate. All written submissions made pursuant to this notice will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

Preliminary statement. The hearing on the record of which the proposed amendments, as hereinafter set forth, to the tentative marketing agreements and to the orders as amended, were formulated, was conducted at Cedar Rapids, Iowa, on May 11-12, 1965, pursuant to notices thereof which were issued April 15, 1965 (30 F.R. 5603), and April 23, 1965 (30 F.R. 5907).

The material issue on the record of the hearing relates to the level of Class I prices applicable under the Des Moines, Cedar Rapids-Iowa City, and North Central Iowa orders at any or all plant locations, the Class I price level applicable under the Quad Cities-Dubuque order at certain locations, and the conforming location adjustments of blend prices at the respective plant locations.

Findings and conclusions. The following findings and conclusions are based on the evidence presented at the hearing and the record thereof:

The Class I prices applicable at certain locations under each of the respective orders regulating the handling of milk in the Des Moines, Cedar Rapids-Iowa City, North Central Iowa, and Quad Cities-Dubuque orders should be revised and conforming changes should be made in location adjustments applicable to blend prices. The net effect of such changes should not result in an increase in the average price paid for Class I milk in all four markets. Specifically the following changes should be made:

1. The Class I prices applicable under the Des Moines order at all plant locations should be revised by establishing 24 cents as the maximum adjustment to be made based on the Chicago supply-demand adjustor. This would effect a 14-cent decrease in the price under current conditions.

2. The Class I prices applicable under the Cedar Rapids-Iowa City order should be increased at all locations by 5 cents per hundredweight.

3. The prices applicable under the North Central Iowa order should be established by zones which would effect an increase of 5 cents per hundredweight in Class I prices at plants located in Mower County, Minn., in Marshall County, Iowa, and in the portion of Fayette County, Iowa, which is north of the present "base zone". The Class I price applicable under the North Central Iowa order at plants located in Freeborn County, Minn., should be reduced 5 cents per hundredweight. For plants in Linn and Johnson Counties which might become regulated under the North Central Iowa order, a price 5 cents higher than the base zone price should be established.

4. The Quad Cities-Dubuque order should be amended to establish an additional base point at West Liberty, Iowa, from which to measure the distances beyond which location price adjustments are applicable.

The Class I price under each of these four Iowa orders is established by a common type of pricing formula which brings about identical price changes in all markets from month to month. This is accomplished by adding specified differentials to the same basic formula price (average prices reported paid for manufacturing grade milk in Minnesota and Wisconsin). The differentials vary seasonally according to the same pattern in all four markets. The seasonal pattern of pricing is also identical to the seasonal price changes which are provided under the order regulating the handling of milk in the Chicago milk marketing area.

The present annual Class I price differentials added to the basic formula price under the four orders are:

Quad Cities-Dubuque—$1.10.
Cedar Rapids-Iowa City—$1.05.
North Central Iowa—$1.06.
Des Moines—$1.25.

Each of the Class I prices is subject to the supply-demand adjustment under the Chicago order with a maximum adjustment of plus or minus 24 cents, except for the Des Moines price which has a maximum adjustment of plus or minus 10 cents. Thus, the Class I prices under the Cedar Rapids-Iowa City and North Central Iowa orders are 5 cents higher than the Chicago Class I price and the Quad Cities-Dubuque order price is 10 cents higher than the Chicago Class I price. The Des Moines Class I price at plants in Polk County is 39 cents higher than the Chicago order Class I price and 29 cents higher outside the base zone of Polk County, Iowa.

The Class I price level in the Chicago market is a dominant factor in determining the price level in these Iowa markets because it represents the level of price at which an alternative supply of milk is available for each and all of these markets. In 1964, Grade A milk priced under the Chicago order which was used in Class III (manufactured dairy products) totaled more than 3 billion pounds. Official notice is taken of the Chicago milk market administrator's report of receipts and classification of milk under that order. Class I sales in these four Iowa markets were slightly in excess of 800 million pounds in 1964.

The Class I prices which have prevailed in these Iowa markets in recent years have resulted in a relatively stable percentage of producer milk used in Class I. In both 1963 and 1964, the four-market average of producer milk used in Class I was 73 percent. During the first 4 months of 1965 the average use in Class I was 74 percent as compared to 73 percent in the same period last year.

The four-market total provides the only realistic measure of the supply-sales relationship for these markets. This is because the supply for each of the four markets is influenced by the quantity of milk which the Des Moines Cooperative Dairy, a cooperative with sales to handlers in each of the four markets, assigns as producer milk in each market. The Des Moines Cooperative supplies 75 percent of the producer milk under the Des Moines order, 49 percent of producer milk under the Cedar Rapids-Iowa City order and 16 percent of the producer milk under the North Central Iowa order. Also, a substantial volume of producer milk under the Cedar Rapids-Iowa City order is moved regularly by the cooperative to a Quad Cities-Dubuque handler for Class II use. Cedar Rapids-Iowa City producer milk is also moved by the cooperative to plants regulated under the Des Moines and North Central Iowa orders when it is needed. Thus, the Cedar Rapids-Iowa City producer milk supply represents a reserve supply for each of these Iowa markets. Also, the handlers in each of these markets compete actively for sales with handlers in one or more of the other Iowa markets. Hence, temporary increases in Class I sales in one market often bring about temporary decreases in another market.

The issue presented on this record is the reappraisal of Class I price levels

under the various orders at specific locations. The present framework of Class I prices tied to the Chicago order Class I price was generally accepted by witnesses as necessary and desirable.

An appropriate pattern of pricing at specified locations should reflect the relative cost of transporting milk to the respective locations from an area of alternative milk supplies available at lower prices. The best alternative supply for these markets is the large volume of Grade A milk available in northeastern Iowa, western Wisconsin and southern Minnesota. Because the Chicago market draws large quantities of milk from this area the Chicago Class I price is representative of the alternative supply price. The price levels at which producers in these Iowa markets can maintain their Class I sales cannot for any extended time exceed this alternative supply price plus the cost of transporting milk to the respective market. Thus, Class I prices within Iowa must be lowest in the northeastern counties with somewhat higher levels at other locations. The highest Class I prices may be maintained at locations most distant from the Minnesota-Wisconsin area.

The present pattern of Class I prices under these orders in general reflects a gradual increase from north to south and from northeast to southwest. However, the differences in Class I prices between plants located near each other but regulated under different orders or the same order are too great in some instances and these price differences threaten to disrupt the orderly marketing of milk in this group of markets. Hence, decreases in Class I prices at certain locations and increases at other locations are desirable to provide more uniform prices for plants located similarly with respect to alternative supplies. Since the four markets as a group are adequately supplied, the revision of Class I prices should result in no net increase in the average returns for Class I milk in all four markets.

Des Moines, Iowa, order. The Class I price formula of the Des Moines milk order should be revised to fully reflect the supply-demand adjustment determined under the Chicago order Class I price computation. Currently, this would reduce the Class I price by 14 cents.

The present Class I price is determined by adding a Class I differential averaging $1.25 annually to the basic formula price with a further adjustment of not more than 10 cents based on the supply-demand adjustment to the Chicago Class I price. The limit of 10 cents would be replaced with the limit of plus or minus 24 cents that is now effective under the Quad Cities-Dubuque, Cedar Rapids-Iowa City and North Central Iowa orders.

The cooperative association representing producers that supply about 75 percent of the milk in the Des Moines market and several Des Moines handlers proposed the 14-cent reduction in the Class I price. The only opposition to the proposal was by a cooperative association representative from the Nebraska-Western Iowa market who generally opposed any reduction on the grounds that price relationships with markets to the west and south would be disturbed.

Official notice is taken of an amended order issued August 21, 1959, which became effective September 1, 1959, in which the effect of the Chicago supply-demand adjustment on the Des Moines Class I price was limited to 10 cents through April 1960. An amended order, effective May 1, 1960, of which official notice is taken, extended the temporary limit of 10 cents indefinitely.

In early 1960 when the Des Moines Class I price was increased, 80 percent of producer receipts were utilized in Class I. Since the May 1960 amendment became effective, the annual Class I utilization in the Des Moines market declined to 69 percent of producer receipts in 1961, 75 percent in 1962, 74 percent in 1963, and 72 percent in 1964. Hence, in recent years with 72 to 75 percent of producer milk used in Class I the market has been adequately supplied for fluid needs. But the higher price in Des Moines in relation to other markets now threatens to attract milk from lower priced areas and thus obtain a supply of milk more than sufficient to meet the Class I needs of the market.

Des Moines handlers recently placed the cooperative association on notice that they would discontinue purchases of milk from the cooperative in favor of lower priced milk from other sources unless the Des Moines prices were reduced. One handler claimed that other source milk in a quantity sufficient to supply his total needs (including Class II uses) was available to him at a cost delivered to his plant, reflecting about a 14 cents saving on his Class I use at the Des Moines Class I price. Another handler presented cost estimates for moving milk from his LaCrosse, Wis., plant regulated under the Madison, Wis., milk order to his Des Moines plant regulated under the Des Moines order. He contended that bulk milk could be moved from the LaCrosse plant for 19 cents less and packaged milk could be moved for 21 cents less than the Class I price at the Des Moines plant.

Des Moines handlers indicated their intention to resort to lower priced sources of supply to replace producer milk because of a competitive price disadvantage they have in using producer milk in widespread competition with handlers regulated under the North Central Iowa and Cedar Rapids-Iowa City orders with lower Class I prices.

One Des Moines handler has 82 percent of his Class I sales in an area of competition with handlers under the North Central Iowa and Cedar Rapids-Iowa City orders. He competes primarily for Class I sales with the Marshalltown, Iowa, plant of a North Central Iowa handler in 23 counties in the central and south central regions of Iowa. Sixteen of these counties are in or abut the Des Moines marketing area. He also competes in 12 central and north central Iowa counties with 2 other handlers regulated under the North Central Iowa order. He has Class I sales in the northeastern Iowa four-county area of Bremer, Fayette, Blackhawk, and Buchanan in competition with two Cedar Rapids-Iowa City handlers. The Cedar Rapids-Iowa City handlers also have Class I sales in his distribution area in Mahaska and Keokuk Counties at the southeastern corner of the Des Moines marketing area.

Another Des Moines handler has more than 90 percent of his Class I sales in competition with North Central Iowa and Cedar Rapids-Iowa City handlers. He competes in 15 counties in or immediately adjacent to the Des Moines marketing area with North Central Iowa handlers and with a Cedar Rapids-Iowa City handler in 1 county in the Des Moines marketing area.

The Marshalltown plant regulated under the North Central Iowa order has almost 30 percent of its Class I distribution in competition with Des Moines regulated handlers for Class I outlets.

Des Moines is 47 miles from Marshalltown. The Class I price at the Marshalltown distributing plant under the North Central Iowa order is 34 cents less than the Class I price at plants in Des Moines. The Class I price at a competing plant at Waterloo which is regulated under the North Central Iowa order is also 34 cents less than the Des Moines price. Waterloo is 104 miles from Des Moines. Cedar Rapids is 109 miles and Iowa City is 110 miles from Des Moines. Handlers regulated under the Cedar Rapids-Iowa City order now have a Class I price at their plants 34 cents lower than the Des Moines price at Des Moines plant locations. These price differences are in excess of the prevailing hauling rates for transporting milk from these lower priced markets to Des Moines.

Reinstating the full effect of the Chicago order supply-demand adjustment to the Class I price in the Des Moines order which applied at the inception of the order will assist in aligning the Class I price with those of the other Iowa orders and with the Class I price under the Chicago order plus transportation to this area.

While decreasing the Des Moines Class I price by 14 cents will result in increasing the difference in prices between this market and markets to the south and west, the overriding factor is the need to maintain alignment of the Des Moines price with that of the other Iowa markets and with prices in the Chicago milkshed. The alignment of prices in Des Moines with prices in Wisconsin and Minnesota is necessary to maintain Class I outlets for producer milk in the Des Moines market.

North Central Iowa order. The North Central Iowa Class I price applicable at various plant locations under that order should be revised to provide a better pattern of price alignment. The annual level of the Class I prices in most of the base zone of $1.05 over the basic formula price, adjusted by the Chicago supply-demand adjuster, should not be changed. However, the prices applicable at plants in the northern and southern parts of the market should be revised.

The North Central Iowa marketing area covers 18 counties and the city of Osage in North Central Iowa. The marketing area is approximately 140 miles from east to west and 100 miles from north to south where it adjoins the Des Moines marketing area on the south.

The eastern part of the marketing area is in an area of relatively heavy milk production in northeastern Iowa. Only one tier of counties separates the North Central Iowa marketing area from southern Minnesota and western Wisconsin which represent an alternative source of supplies of large volumes of Grade A milk for the market. The cost of obtaining milk from these supply areas increases with the distances such supply areas are from the market.

The North Central Iowa order now provides for two pricing zones. In the northern zone of the market, the Class I price is 5 cents less than the southern, or base, zone price. Because of the varying distances of the major population centers of the North Central Iowa market from the sources of supply of Grade A milk, the establishment of additional zones for pricing purposes will provide better means for price alignment throughout the market. The present location adjustment rates based on distances from base points in the marketing area should be retained for plants located outside the four pricing zones. These rates and highway mileage distances continue to represent the additional cost of moving milk to the market from such locations by an efficient means at current transportation rates.

A price level 5 cents higher than that now applicable under the order should be established for the North Central Iowa pool plants at Marshalltown, in Marshall County. Marshall County is the southernmost county of the North Central Iowa marketing area. This county abuts the Des Moines marketing area to the south, and Marshalltown is nearer Des Moines than it is to Waterloo, the principal urban area in the North Central Iowa marketing area. Sales from a Marshalltown plant are made as far south as Ottumwa. Because of the separate and specialized processing facilities maintained at the Marshalltown plant and the Des Moines plant of one handler, there is a regular exchange of milk and milk products between the two plants. Increasing the price at the Marshalltown plant by 5 cents in conjunction with the 14-cent lower price adopted under the Des Moines order for the Des Moines plant location, will result in a more realistic alignment of prices between these locations. Since Marshall County plants are considerably further from the area of heavy milk production than are other North Central Iowa order plants, the 5-cent increase at that location will reflect the general pattern of value based on location.

A cooperative association that operates a plant in Albert Lea, Minn., proposed that prices be equated between its plant and the plant of a handler in Austin, Minn. Presently, the Austin plant, because of the location adjustment, has a 10-cent lower price than the Albert Lea plant. Both plants are distributing plants with, for the most part, a common sales area and procurement area. Since both plants are located similarly in relation to the heavy milk production area, the price at Austin and Albert Lea, Minn., should be established at the same level—10 cents less than the Class I price at Waterloo. This will increase the price at the Austin plant by 5 cents and decrease the price at the Albert Lea plant by 5 cents. This adjustment will place the two Minnesota handlers on an equal pricing basis on their Class I milk purchases and provide price alignment, based on transportation, with competing plants.

The Class I price at all plant locations in Fayette County, Iowa, should be at the same level. A North Central Iowa pool plant at Arlington in that county has a location adjustment 10 cents less than the Waterloo prices. Another plant pooled under the North Central Iowa order is located at West Union, 20 miles north of Arlington in Fayette County. The present price at that plant is 5 cents less than the Class I price at Arlington. The prices at these plants, similarly located, should be the same, 10 cents less than the price in Zone 1. The resulting pricing pattern will minimize price differences at plants located near each other and will reflect a gradual increase in prices from north to south throughout the area that is more representative of competitive supply prices than the present order prices.

Maintaining the Waterloo plant price at its present level will result in a 20-cent difference in the Class I prices applicable at that location and at plants in Des Moines. This compares with the hauling rate for moving bulk milk from Waterloo to Des Moines of 22 cents per hundredweight. The resulting price at Marshalltown (approximately midway between Waterloo and Grinnell) would be 5 cents higher than the price at Waterloo plants and 3 cents less than the applicable price under the Des Moines order at the Grinnell plant location.

The Class I prices applicable under the North Central Iowa order at plants in Johnson and Linn Counties should be subject to a 5 cents plus location adjustment. Thus, the Class I price would be at the same level as the Marshalltown plant price under the North Central Iowa milk order. While there are presently no plants located in Johnson or Linn Counties regulated by the North Central Iowa order, there are distributing plants in these counties which might become regulated under the North Central Iowa order in the future. The zone price proposed herein under the North Central Iowa order would be identical to that proposed for plants at that location which are now regulated under the Cedar Rapids-Iowa City order. Thus, the same prices would apply regardless of which order regulated these plants.

Cedar Rapids-Iowa City order. The fluid differentials added to the basic formula price in calculating the Class I price under the Cedar Rapids-Iowa City order should be increased 5 cents per hundredweight.

The increase of 5 cents per hundredweight was requested by the cooperative association which supplies about half the producer milk in the Cedar Rapids-Iowa City market and three-fourths of the producer milk in the Des Moines market. The 5-cent increase in the Cedar Rapids-Iowa City market together with the 14-cent decrease in the Des Moines price was designed to place the prices at which the cooperative sells milk in each of these markets on a more competitive basis in view of the distances involved.

Cedar Rapids is 109 miles and Iowa City is 110 miles from Des Moines which is in the general direction of higher priced milk supplies. The proposed pattern of prices would result in Class I prices 15 cents lower at Cedar Rapids and Iowa City than at Des Moines. This difference in price is generally in line with the transportation cost involved in moving milk such a distance.

Cedar Rapids is 73 miles and Iowa City is 84 miles from Dubuque. Dubuque is within the northeast area of Iowa where milk production is greatest. At a transportation cost of 1½ cents per hundredweight per 10 miles, a Class I milk price 10 cents higher at Cedar Rapids and Iowa City than at Dubuque will align prices between the two areas. Furthermore, the price at Cedar Rapids and Iowa City will then be identical to the Class I price in the Quad Cities portion of the Quad Cities-Dubuque marketing area. The Quad Cities price is now 10 cents higher than the Dubuque price. Davenport and Rock Island in the Quad Cities area are 72 miles from Dubuque.

The Cedar Rapids-Iowa City Class I price as proposed would be the same as that proposed herein for plants at Marshalltown which are regulated under the North Central Iowa order. Marshalltown, Cedar Rapids and Iowa City are located in counties where total milk production is smaller than in northeastern Iowa counties. Also, production is declining generally in Iowa counties other than those located in the northeast part of the State. Milk production in Marshall County (Marshalltown) was 40 million pounds in 1963 compared to 52 million in 1953. In Linn County (Cedar Rapids) 1963 milk production was 99 million pounds as compared to 114 million pounds in 1953. In Johnson County (Iowa City) 1963 production was 40 million pounds as compared to 55 million pounds in 1953.

On the other hand, milk production in Dubuque County rose nearly 50 percent in the 10-year period, from 158 to 235 million pounds in 1963. Similar increases have occurred in the Iowa counties directly north and west of Dubuque. As discussed later, the Class I price at Dubuque for plants regulated under the Quad Cities-Dubuque order should not be increased. The 5-cent increase in the Class I price at Cedar Rapids and Iowa City will provide a better alignment of prices with no change in the Dubuque price.

The representative of two handlers regulated by the Cedar Rapids-Iowa City order opposed the proposed increase contending that plenty of milk is available at present prices within a radius of 15 miles from each of these cities. Nevertheless, the record shows that handlers now obtain their supply from a much wider area. The present supply for the Cedar Rapids-Iowa City market is obtained from an area extended over 19 Iowa counties and 3 Illinois counties. Also, Cedar Rapids and Iowa

City handlers procure milk in these counties primarily in competition with Quad Cities-Dubuque handlers and North Central Iowa handlers. Last year the average blend prices paid by North Central Iowa handlers exceeded the Cedar Rapids-Iowa City blend price by 25 cents and the Quad Cities blend exceeded the Cedar Rapids-Iowa City blend by 10 cents. Hence, the nominal increase of about 3 cents in the Cedar Rapids-Iowa City blend price which will result from a 5-cent increase in the Class I price is not likely to attract an excessive supply of milk for this group of markets.

The handler representative pointed out also that the Cedar Rapids-Iowa City market has the lowest percentage of producer milk utilized in Class I. This is because some handlers who previously purchased milk from the cooperative now buy a part or all of their supply from independent producers. Meanwhile, the cooperative which operates a plant pooled under the Cedar Rapids-Iowa City order has moved much of this displaced milk into other Iowa markets. As described heretofore, however, the Cedar Rapids-Iowa City producer milk serves as a reserve supply for all of these Iowa markets. Nearly 1½ million pounds of Cedar Rapids-Iowa City producer milk is now moved monthly to the Des Moines and North Central Iowa markets. Also substantial quantities of producer milk are moved each month to a Quad Cities handler. Hence, the true supply-demand condition of this area can only be measured in terms of the combined utilization and receipts in all four markets. During 1964, the four-market average use of producer milk in Class I was 73 percent, the same as in 1963 and 2 percent higher than in 1962. In the first 4 months of 1965 the Class I percentage use in the four markets was 74 as compared to 73 in the same period a year earlier.

The proposed increase in the Cedar Rapids-Iowa City Class I price together with the other changes proposed in Class I prices in these markets will not result in a net increase in returns to all producers. Hence, the changes are not expected to develop any increase in the supply for these markets. On the other hand, this proposed increase is necessary to accomplish a gradual adjustment of Class I prices in each market based on the difference in transportation costs to each market from the area of greatest milk production.

Quad Cities-Dubuque order. The Quad Cities-Dubuque order should be amended to establish an additional base point at West Liberty, Iowa, from which to measure the distance beyond which price location adjustments are applied.

There are at least two plants located in the Cedar Rapids area which, by reason of sales in the Quad Cities-Dubuque area, could become pooled under the Quad Cities-Dubuque order. The present provisions of the Quad Cities-Dubuque order would allow a location adjustment to the Class I price applicable at these plants of 11.5 to 13 cents less than the Class I price at pool plants of Quad Cities area handlers.

Establishing an additional base point at West Liberty would extend the area in which no location adjustment applies to prices under the Quad Cities-Dubuque order to plants in the Cedar Rapids-Iowa City area. Thus, regardless of which of the two orders a plant might become regulated under, there would be no change in prices applicable at such plants. The proposal by a cooperative association in the Cedar Rapids area to establish the West Liberty base point was supported by two cooperative associations in the Quad Cities-Dubuque area. Also, Quad Cities-Dubuque handlers and Des Moines handlers in their briefs supported establishing the additional basing point. The proposal should be adopted to minimize the effect of any disruptive influence on prices at Cedar Rapids plants that might result from their regulation under different orders from one month to another and to contribute to the orderly marketing of milk in the area.

The location adjustment to the Quad Cities-Dubuque Class I prices applicable in the Dubuque area (Dubuque and Jackson Counties, Iowa, and East Dubuque, Ill.) should not be changed. Presently, a 10-cent lower price applies at plants in the Dubuque area than in the Quad Cities area.

The two cooperative associations supplying the majority of milk to handlers in the market opposed a proposal that would change the Dubuque area minus location adjustment to the Class I price from 10 cents to 5 cents. One of the cooperatives operates a plant at Dubuque at which milk is received and shipments are made to plants in the Quad Cities area. Also, milk is delivered directly from farms in the Dubuque area to plants in the Quad Cities area. The Quad Cities area contains the major population centers of the marketing area.

The current charges for transporting milk from both the plant and farms in the Dubuque area to the Quad Cities area are 10 cents higher than the charges for moving the milk from farms to plants in the Dubuque area. The present location adjustment to the Class I price at Dubuque area plants should be retained. It reflects the cost of hauling milk to the market from a major production area for the market. As indicated earlier, Dubuque County is a part of the heavy milk production area of northeastern Iowa.

Conforming location adjustments to blend prices. The uniform prices paid producers delivering milk to plants under the four orders at which location differentials apply should continue to be adjusted to reflect the Class I price location adjustments. Hence, changes in Class I prices proposed herein should be reflected also in blend prices at such locations. Because a producer's association with the market is based primarily on his supplying Class I milk for the market, the uniform price returned to a producer should be adjusted at the same rate and for the same reason as the location adjustment is applied to the Class I price.

Rulings on proposed findings and conclusions. Briefs and proposed findings and conclusions were filed on behalf of certain interested parties. These briefs, proposed findings and conclusions and the evidence in the record were considered in making the findings and conclusions set forth above. To the extent that the suggested findings and conclusions filed by interested parties are inconsistent with the findings and conclusions set forth herein, the requests to make such findings or reach such conclusions are denied for the reasons previously stated in this decision.

General findings. The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid orders and of the previously issued amendments thereto; and all said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) The tentative marketing agreements and the orders, as hereby proposed to be amended, and all the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(b) The parity prices of milk as determined pursuant to section 2 of the Act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the respective marketing areas, and the minimum prices specified in the proposed marketing agreements and the orders, as hereby proposed to be amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(c) The tentative marketing agreements and the orders, as hereby proposed to be amended, will regulate the handling of milk in the same manner as, and will be applicable only to persons in the respective classes of industrial and commercial activity specified in, marketing agreements upon which a hearing has been held.

Recommended marketing agreements and orders amending the orders. The following orders amending the orders as amended regulating the handling of milk in the Quad Cities-Dubuque, Cedar Rapids-Iowa City, North Central Iowa, and Des Moines marketing areas are recommended as the detailed and appropriate means by which the foregoing conclusions may be carried out. The recommended marketing agreements are not included in this decision because the regulatory provisions thereof would be the same as those contained in the orders, as hereby proposed to be amended:

PART 1063—MILK IN QUAD CITIES-DUBUQUE MARKETING AREA

Section 1063.52(a) is revised as follows:

§ 1063.52 Location differentials to handlers.

(a) For milk received from producers at a pool plant and disposed of as Class I milk or assigned Class I location adjustment credit pursuant to paragraph (b) of this section and for other source milk for which a location adjustment is applicable, the price specified in § 1063.50 (b) shall be reduced as follows:

(1) At a plant in Dubuque and Jackson Counties, Iowa, and East Dubuque, Ill., by 10 cents; and

(2) At a plant located outside the marketing area and 70 miles or more, by the shortest hard-surfaced highway distance as determined by the market administrator, from the nearer of the City Hall, Rock Island, Ill., or the Post Office, West Liberty, Iowa, by 10 cents and by an additional 1.5 cents for each 10 miles or fraction thereof that such distance exceeds 80 miles.

* * * * *

PART 1070—MILK IN CEDAR RAPIDS-IOWA CITY MARKETING AREA

Section 1070.50(b) is revised as follows:

§ 1070.50 Basic formula and class prices.

* * * * *

(b) *Class I milk price.* The Class I milk price shall be the basic formula price for the preceding month plus $1.30 August through November, $0.90 March through June, and $1.10 in other months: *Provided,* That such Class I price shall be increased or decreased, respectively, 2 cents for each full percent that the adjusted supply-demand ratio computed pursuant to Part 1030 (Chicago) of this chapter is greater or less than 72 percent, but shall not be increased or decreased more than 24 cents because of such adjusted supply-demand ratio.

* * * * *

PART 1078—MILK IN NORTH CENTRAL IOWA MARKETING AREA

§ 1078.17 [Revoked]

1. Section 1078.17 is revoked.

2. Section 1078.50(b) is revised as follows:

§ 1078.50 Basic formula and class prices.

* * * * *

(b) *Class I milk price.* The Class I milk price at plants located in Zone 1 shall be the basic formula price for the preceding month plus $1.25 August through November, $0.85 March through June, and $1.05 in other months: *Provided,* That such Class I price shall be increased or decreased, respectively, 2 cents for each full percent that the adjusted supply-demand ratio computed pursuant to Part 1030 (Chicago) of this chapter is greater or less than 72 percent, but shall not be increased or decreased more than 24 cents because of such adjusted supply-demand ratio. "Zone 1" means all the territory in the counties of Humboldt, Wright, Franklin, Butler, Bremer, Webster, Hamilton, Hardin, Grundy, Black Hawk, and Buchanan, all in the State of Iowa.

* * * * *

3. Section 1078.52 is revised as follows:

§ 1078.52 Location differentials to handlers.

(a) For milk received from producers at a pool plant located in Zones 2, 3, and 4 and classified as Class I milk, the price shall be the Zone 1 price specified in § 1078.50(b) plus or minus the amounts as follows:

(1) Zone 2 amount, plus 5 cents. Zone 2 means all the territory in the Iowa counties of Marshall, Linn, and Johnson.

(2) Zone 3 amount, minus 5 cents. Zone 3 means all the territory in the Iowa counties of Hancock, Cerro Gordo, Floyd, and Chickasaw.

(3) Zone 4 amount, minus 10 cents. Zone 4 means all the territory in Fayette County, Iowa, and the Minnesota counties of Freeborn and Mower.

(b) For milk received from producers at a pool plant located outside Zones 1, 2, 3, and 4 and classified as Class I milk, the price shall be the Zone 1 price specified in § 1078.50(b) less 10 cents and, if the plant is located 65 miles or more by the shortest hard-surfaced highway distance as determined by the market administrator from the city halls of each of the cities of Fort Dodge, Marshalltown, Mason City, and Waterloo, Iowa, less an additional 1.5 cents for each 10 miles or fraction thereof in excess of 65 miles that such plant is from the nearest of such city halls.

(c) For purposes of calculating the location differential adjustment applicable pursuant to this section, fluid milk products which are transferred between pool plants shall be assigned to the Class I milk remaining in the transferee plant after calculations pursuant to § 1078.46 (a)(7) and the corresponding step of § 1078.46(b) that is in excess of receipts at such plant from producers and cooperative associations pursuant to § 1078.12(b), such assignment to transferor plants to be made first to plants at which a plus location adjustment is applicable, next at which no location adjustment is applicable and then in sequence beginning with the plant at which the least location adjustment would apply.

4. Section 1078.82 is revised as follows:

§ 1078.82 Location differentials to producers.

The uniform prices for milk received from producers at a pool plant shall be adjusted according to the location of the pool plant at the rates set forth in § 1078.52.

PART 1079—MILK IN DES MOINES, IOWA, MARKETING AREA

1. Section 1079.50(b) is revised as follows:

§ 1079.50 Basic formula and class prices.

* * * * *

(b) *Class I milk price.* The Class I milk price shall be the basic formula price for the preceding month plus $1.45 August through November, $1.05 March through June, and $1.25 in other months: *Provided,* That such Class I price shall be increased or decreased, respectively, 2 cents for each full percent that the adjusted supply-demand ratio computed pursuant to Part 1030 (Chicago) of this chapter is greater or less than 72 percent, but shall not be increased or decreased more than 24 cents because of such adjusted supply-demand ratio: *And provided further,* That for milk received from approved dairy farmers at an approved plant outside the base zone the price otherwise applicable pursuant to this paragraph shall be reduced 10 cents.

* * * * *

Signed at Washington, D.C., on June 25, 1965.

CLARENCE H. GIRARD,
Deputy Administrator,
Regulatory Programs.

[F.R. Doc. 65-6866; Filed, June 29, 1965; 8:49 a.m.]

FEDERAL AVIATION AGENCY

[14 CFR Part 71]

[Airspace Docket No. 65-EA-35]

CONTROL ZONES AND TRANSITION AREAS

Amendment to Proposed Alteration and Designation

On pages 1122 and 1123 of the FEDERAL REGISTER for February 3, 1965, the Federal Aviation Agency published proposed regulations which would alter the Covington, Ky. control zone, establish a 700- and 1,200-foot transition area over the Cincinnati, Ohio terminal complex, establish a 700-foot transition area over Hook Field Municipal Airport, Middletown, Ohio and establish a 700-foot transition area over Hamilton Airport, Hamilton, Ohio.

Since the notice of proposed rule making was issued, the Greater Cincinnati Airport ILS–18 and ADF–2 missed-approach fix and its associated holding pattern were relocated from the Runway 36 Outer Market Compass Locator to the Union Intersection. Additionally, a radar straight-in approach capability to Hamilton Airport was authorized. These amended procedures will require additional 700-foot-floor transition area airspace. In view of the foregoing, the transition areas for Cincinnati and Hamilton, Ohio will require amending.

Interested persons may submit such written data or views as they may desire. Communications should be submitted in triplicate to the Director, Eastern Region, Attention: Chief, Air Traffic Division, Federal Aviation Agency, Federal Building, John F. Kennedy International Airport, Jamaica, N.Y., 11430. All communications received within 30 days after publication in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment.

No hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Chief, Airspace Branch, Eastern Region.

Any data or views presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in light of comments received.

The official docket will be available for examination by interested persons at the

Office of the Regional Counsel, Federal Aviation Agency, Federal Building, John F. Kennedy International Airport, Jamaica, N.Y., 11430.

The Federal Aviation Agency therefore amends the notice of proposed rule making to delete the proposed Cincinnati, Ohio transition area (Item 2) and Hamilton, Ohio transition area (Item 4) and insert in lieu thereof the following:

2. Amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to designate a Cincinnati, Ohio transition area described as follows:

CINCINNATI, OHIO

That airspace extending upward from 700 feet above the surface within an 11.5-mile radius of the center 39°02'56" N., 84°39'53" W. of Greater Cincinnati Airport, Covington, Ky. and within 5 miles west and 8 miles east of the Greater Cincinnati Airport south localiser extending from the 11.5-mile radius area to 15 miles south of the Runway 36 OM; within 8 miles west and 12 miles east of the Greater Cincinnati Airport north localiser course extending from the 11.5-mile radius area to 14 miles north of the Runway 18 OM. Within an 8-mile radius of the center 39°06'-00" N., 84°25'15" W. of Cincinnati Municipal-Lunken Airport; and within 2 miles each side of the Cincinnati RR northeast course extending from the 8-mile radius area to 8 miles northeast of the RR.

That airspace extending upward from 1,200 feet above the surface beginning at: 38°26'-00" N., 85°15'00" W. to 39°12'00" N., 85°30'-00" W. to 39°40'00" N., 84°25'00" W. to 39°-19'00" N., 84°00'00" W. to 38°30'00" N., 83°-50'00" W. to 38°20'00" N., 84°30'00" W. to point of beginning.

4. Amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to designate a Hamilton, Ohio transition area described as follows:

HAMILTON, OHIO

That airspace extending upward from 700 feet above the surface within a 7-mile radius of the center 39°21'58" N., 84°31'30" W. of Hamilton Airport, Hamilton, Ohio; and within 2 miles north and 8 miles south of a 279° bearing from the Hamilton RBN extending from the 7-mile radius area to 8 miles west of the RBN excluding the portions within the Cincinnati, Ohio and Middletown, Ohio transition areas.

This amendment is proposed under section 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348).

Issued in Jamaica, N.Y. on June 17, 1965.

OSCAR BAKKE,
Director, Eastern Region.

[F.R. Doc. 65-6820; Filed, June 29, 1965; 8:45 a.m.]

[14 CFR Part 157]

[Docket No. 6730; Notice No. 65-14]

AIRPORTS

Alteration of Requirements for Notice of Construction, Alteration, Reactivation, and Deactivation

The Federal Aviation Agency is considering a proposal to amend Part 157 of the Federal Aviation Regulations to establish new reporting procedures, provide categories for airspace determinations, include, when necessary, a provision for void dates as a part of the Agency determination, and to clarify portions of the present regulations pertinent to certain anticipated changes in airport installations.

Interested persons are invited to participate in making the proposed amendment by submitting such written data, views, or arguments as they may desire. Communications should indentify the regulatory docket or notice number and should be submitted in duplicate to the Federal Aviation Agency, Office of the General Counsel, Attention: Rules Docket, 800 Independence Avenue SW., Washington, D.C., 20553. All communications received within 60 days after publication of this notice in the FEDERAL REGISTER will be considered by the Administrator before taking action on the proposed amendment. The proposal contained in this notice may be changed in the light of comments received. All comments submitted will be available in the Rules Docket for examination by interested persons, both before and after the closing date for comments.

Authority for promulgating Part 157 is derived from section 309 of the Federal Aviation Act of 1958 (49 U.S.C. 1350). In effect, this section states that no airport or landing area not involving expenditure of Federal funds shall be established or constructed, or any runway layout substantially altered unless reasonable prior notice thereof is given the Administrator pursuant to regulations prescribed by him. Part 157, as proposed herein, sets forth the regulatory procedures necessary to implement section 309 of the Act.

Part 157 currently requires that the FAA be notified of any proposal to establish a private airport only if the airport either will be open to the public, located 5 miles or less from any other landing area, or 20 miles or less from any landing area for which a civil or military approach procedure is authorized by the FAA. An amendment is proposed, herein, to require prior notice on all airport projects as itemized in the proposal set forth below. Such notices would enable the Agency to advise the proponent, or any known interested parties, of other proposed, or newly established airports or structures, that may affect operations of the proponent or other interests. Additionally, these notices would provide the Agency with information of all airport proposals, a record of which is necessary to conduct airspace studies on subsequent airport projects and related structures. The present regulation exempting certain airport proposals from giving prior notice would require a prior notice of 30 days under the amendment proposed herein. Further, in the interest of standardization, all mileage mentioned in the amendment, as proposed, is expressed in terms of nautical miles.

Also proposed is a requirement to notify the FAA when an airport-use status changes from personal, or private use, to public use. This change would allow the Agency to make a study on the anticipated increase of activity.

A new section, entitled "FAA determination," is proposed which would establish categories for airspace determinations, and would also provide for void dates of FAA determinations on certain airport proposals in order to avoid unnecessary protection of airspace for unjustifiable periods of time.

Finally, several editorial changes are proposed which would not affect the substantive provisions of the regulations.

In consideration of the foregoing, it is proposed to amend Part 157 to read as follows:

PART 157—NOTICE OF CONSTRUCTION, ALTERATION, REACTIVATION, AND DEACTIVATION OF AIRPORTS

Sec.
157.1 Applicability.
157.3 Projects requiring notice.
157.5 Notice of intent.
157.7 FAA determination.

§ 157.1 Applicability.

This part applies to persons proposing to construct, alter, reactivate, or deactivate a civil or joint-use (civil-military) airport, and sets forth requirements for notice to the Administrator as prescribed in § 157.3. This part does not apply to any project for which Federal aid has been allocated under the Federal Airport Act or to any project involving a temporary airport which is intended to be used solely under VFR conditions for a period of less than 30 consecutive days with no more than 10 operations a day.

§ 157.3 Projects requiring notice.

Except as provided in § 157.1, each person who intends to do any of the following shall notify the Administrator in the manner prescribed in § 157.5.

(a) Construct or otherwise establish a new airport or reactivate an airport.

(b) Realign, alter, or reactivate any runway, landing strip, or taxiway.

(c) Deactivate, discontinue using, or abandon an airport for a period of 1 year or more.

(d) Change the status of an airport from personal use (exclusive use by the owner), or private use (use by the owner or other persons authorized by the owner), to an airport open to the public.

§ 157.5 Notice of intent.

Except as provided in paragraphs (a) and (b) of this section, the notice required by § 157.3 shall be submitted, in triplicate, on Form FAA 2681, to the nearest FAA District Airport Engineer's office or FAA Regional office at least 90 days before work is to begin. However, in an emergency a proponent may notify the FAA by telephone, or any other expeditious means, and send Form FAA 2681 within 5 days thereafter.

(a) Information concerning a personal or private use airport used solely under VFR operations and located more than 20 nautical miles from an airport for which an instrument approach procedure is authorized, and more than 5 nautical miles from any airport open to the public, shall be submitted on Form FAA 2681 at least 30 days before work is to begin. After stating whether the project is one of alteration or establishment, only Items A, D, and I of the Form need be filled out.

(b) Information concerning the deactivation, discontinued use, or abandonment of an airport may be submitted by letter, or on Form FAA 2681, and prior notice is not required. Copies of Form FAA 2681 may be obtained from the nearest regional office, or District Airport Engineer's office.

§ 157.7 FAA determination.

The Federal Aviation Agency makes aeronautical studies of airport proposals and after consultations are held with interested persons, as appropriate, advises those concerned of the Agency determination. This determination will be based exclusively on considerations of safety and the efficient use of airspace. In making the determination, the Agency will consider matters such as the effects it would have on existing or contemplated traffic patterns of neighboring airports, the safe aircraft operations at the situs of the proposal, and the effects it would have on the existing airspace structure and projected programs of the Agency. These determinations will fall within one of the following categories:

(a) No objection to the proposal.

(b) No objection to the proposal if certain conditions are met, such as the execution of VFR operations only, the establishment of traffic patterns compatible with those of adjacent airports, and the exclusive use of the airport by the owner.

(c) Objectionable, including reasons for the objections. The FAA may establish void dates for certain determinations to permit orderly planning. Determinations are furnished to the proponent, and when appropriate, to State aviation officials, local political bodies, and other interested persons.

These amendments are proposed under section 309 of the Federal Aviation Act of 1958 (49 U.S.C. 1350).

Issued in Washington, D.C., on June 23, 1965.

ARCHIE W. LEAGUE,
Director, Air Traffic Service.

[F.R. Doc. 65-6821; Filed, June 29, 1965; 8:46 a.m.]

INTERSTATE COMMERCE COMMISSION

[49 CFR Part 211]

[Ex Parte MC-66 (Sub-No. 2)]

MOTOR SERVICE ON INTERSTATE HIGHWAYS; PASSENGERS AND PROPERTY

Notice of Proposed Rule Making

At a general session of the Interstate Commerce Commission, held at its office in Washington, D.C., on the 16th day of June A.D. 1965.

Upon consideration of the record in the above-entitled proceeding and of a petition filed June 2, 1965, by the Contract Carrier Conference of the American Trucking Association, Inc., asking that the scope of the said proceeding be broadened so as to include the operations of motor contract carriers as well as motor common carriers; and good cause appearing:

It is ordered, That the scope of this proceeding be, and it is hereby, broadened so as to include consideration of the operations, over the National System of Interstate and Defense Highways, and other limited-access highways, of motor contract carriers of property operating over regular routes.

By the Commission.

[SEAL] BERTHA F. ARMES,
Acting Secretary.

[F.R. Doc. 65-6847; Filed, June 29, 1965; 8:47 a.m.]

Notices

DEPARTMENT OF STATE

Agency for International Development

[Authority Delegation No. 61]

PRINCIPAL U.S. DIPLOMATIC OFFICER IN MALI

Delegation of Authority

Pursuant to the authority delegated to me by Delegation of Authority No. 104 from the Secretary of State of November 3, 1961 (26 F.R. 10608), as amended from time to time, I hereby delegate to the principal diplomatic officer of the United States in Mali with respect to the administration of the foreign assistance program within Mali, the authorities delegated to Directors of Missions of the Agency for International Development (A.I.D.) in the following delegations, subject to the limitations applicable to the exercise of such authorities by A.I.D. Mission Directors:

(1) Unpublished Delegation of Authority of January 10, 1955;

(2) Delegation of Authority of November 26, 1954, as amended (19 F.R. 8049);

(3) Paragraphs 4 and 5 of Delegation of Authority of September 28, 1960 (25 F.R. 9927).

In addition to the foregoing, there is hereby delegated to the aforesaid diplomatic officer the authorities delegated to A.I.D. Mission Directors in existing A.I.D. manual orders, regulations (published or otherwise), policy directives, policy determinations, memoranda, and other instructions, as they may be amended, supplemented, or superseded from time to time.

This delegation of authority is effective July 1, 1965.

WILLIAM S. GAUD,
Deputy Administrator.

JUNE 22, 1965.

[F.R. Doc. 65-6841; Filed, June 29, 1965; 8:47 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[248-1983]

INTERNATIONAL HYDROCARBONS LTD.

Order Temporarily Suspending Exemption, Statement of Reasons Therefor, and Notice of Opportunity for Hearing–

JUNE 24, 1965.

I

International Hydrocarbons Ltd. (issuer), 505 Eighth Avenue Building, Calgary, Alberta, Canada, incorporated in the Province of Alberta, Canada, on March 12, 1965, filed with the Commission on May 11, 1965, a notification on Form 1–A relating to a proposed offering of 250,000 shares of its common stock of a par value of $1.00 per share at a price of $1.00 per share in U.S. funds or $1.08 per share Canadian funds, for an aggregate offering price of $250,000 in U.S. funds or $270,000 in Canadian funds, for the purpose of obtaining an exemption from the registration provisions of the Securities Act of 1933, as amended, pursuant to the provisions of section 3(b) thereof and Regulation A promulgated thereunder.

II

The Commission has reasonable cause to believe that:

A. The offering would be made in violation of section 17 of the Securities Act of 1933, in that the notification and offering circular contain untrue statements of material facts and omit to state material facts necessary in order to make the statements made, in the light of the circumstances under which they were made, not misleading, particularly with respect to:

1. The failure to disclose, adequately and accurately, in the offering circular the cost to the promoters for the properties transferred by them to the issuer.

2. The failure to set forth, adequately and accurately, certain transactions with management whereby the issuer acquired its interests in properties as well as the nature of such interests.

3. The failure to disclose that the gas well mentioned as testing 2½ million cubic feet per day was drilled in 1948 and made 120 barrels of water per day along with the gas mentioned and that such large amount of water was an adverse factor indicating that the well was not commercial and apparently influenced the major oil company drilling the well to abandon the well.

4. The failure to disclose that the 7½-percent gross royalty assumed by the issuer in favor of the geological engineer who prepared the reports attached to the offering circular is exteremly high and burdensome to the investing public.

5. The failure to disclose that total royalties on acreage in which the issuer has an interest, through ownership, farm-out, or option, are extremely high and would create an unusual burden on any production obtained.

6. The failure to disclose that the proceeds from this offering will be insufficient to enable the issuer to drill all the wells necessary to acquire all the acreage the issuer has claimed in the offering circular.

7. The failure to disclose, adequately and accurately, that the principal consideration to be paid for the issuer's properties will be the drilling of the required number of wells and that the public will be paying 100 percent of the costs of such drilling.

8. The use in the offering circular of a pro forma balance sheet giving effect to the sale of all the securities offered when the offering is on a best-efforts basis.

9. The failure to disclose, adequately and accurately, that practically all the acreage owned or optioned to the issuer (a) is classed as wildcat without benefit of scientific indications of favorable structural conditions; (b) is as near or nearer to dry holes or abandoned wells than it is to productive wells; and (c) that where this is not so, most of such acreage is located lower structurally than abandoned wells or dry holes in the area.

B. The terms and conditions of Regulation A have not been complied with in that:

1. The issuer has failed to list Paragon Investment Syndicate as an affiliate and disclose the nature of the affiliation;

2. The issuer has failed to submit a statement of cash receipts and disbursements.

3. The issuer failed to submit a copy of the underwriting agreement.

III

It appearing to the Commission that it is in the public interest and for the protection of investors that the exemption of the issuer under Regulation A be temporarily suspended:

It is ordered, Pursuant to Rule 261 of the general rules and regulations under the Securities Act of 1933, as amended, that the exemption under Regulation A of securities of International Hydrocarbons Ltd., pursuant to said notification, be, and it hereby is, temporarily suspended.

Notice is hereby given that any person having any interest in the matter may file with the Secretary of the Commission, within 30 days after the entry of this order, a written request for hearing; that within 20 days after receipt of such request the Commission will, or at any time upon its own motion may, set the matter down for hearing, at a place to be designated by the Commission, for the purpose of determining whether this order of suspension should be vacated or made permanent, without prejudice, however, to the consideration and presentation of additional matters at the hearing; that if no hearing is requested and none is ordered by the Commission, this order shall become permanent on the 13th day after its entry and shall remain in effect unless or until it is modified or vacated by the Commission; and that notice of the time and place for any hearing will promptly be given by the Commission.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 65-6822; Filed, June 29, 1965; 8:46 a.m.]

DEPARTMENT OF COMMERCE

Maritime Administration

[Report No. 58]

LIST OF FREE WORLD AND POLISH FLAG VESSELS ARRIVING IN CUBA SINCE JANUARY 1, 1963

SECTION 1. The Maritime Administration is making available to the appropriate Departments the following list of vessels which have arrived in Cuba since January 1, 1963, based on information received through June 21, 1965, exclusive of those vessels that called at Cuba on United States Government-approved noncommercial voyages and those listed in section 2. Pursuant to established United States Government policy, the listed vessels are ineligible to carry United States Government-financed cargoes from the United States.

FLAG OF REGISTRY AND NAME OF SHIP	Gross tonnage
Total, all flags (240 ships)	1,685,012
British (77 ships)	572,934
**Agate (trips to Cuba under ex-name Dairen—British flag).	
**Amalia (now Maltese flag).	
**Amason River (now River—sold to Dutch breakers)	7,234
Antarctica	8,785
Arctic Ocean	8,791
Ardenode	7,036
Ardgem	6,981
Ardmore	4,664
Ardpatrick	7,054
Ardrowan	7,300
Ardsirod	7,025
Arditars	5,795
**Arlington Court (now Southgate—British flag).	
Athelcrown (Tanker)	11,149
Athelduke (Tanker)	9,089
Athelmere (Tanker)	7,524
Athelmonarch (Tanker)	11,182
**Athelsultan (Tanker—broken up)	9,149
Avisfaith	7,868
Baxtergate	8,813
Cheung Chau	8,566
**Chipbee (sold for scrap)	7,271
**Cosmo Trader (trips to Cuba under ex-name, Ivy Fair—British flag).	
**Dairen (now Agate—British flag)	4,939
**East Breese (now Phoenician Dawn—British flag)	8,705
Eastfortune	6,789
Formentor	8,434
Free Enterprise	6,807
Free Merchant	5,277
**Garthdale (now Jeb Lee—British flag)	7,542
Grosvenor Mariner	7,026
Hazelmoor	7,907
Helka	2,111
Hemisphere	8,718
Ho Fung	7,121
Inchstaffa	5,255
**Ivy Fair (now Cosmo Trader—British flag—broken up)	7,301
**Jeb Lee (trip to Cuba under ex-name, Garthdale—British flag).	
Kinross	5,398
La Hortensia	9,486
Linkmoor	8,296

**Ships appearing on the list that have been scrapped or have had changes in name and/or flag of registry.

FLAG OF REGISTRY, NAME OF SHIP—Continued	Gross tonnage
British—Continued	
Magister	2,389
Maratha Enterprise	7,166
Nancy Dee	6,597
Nebula	8,924
**Newdene (now Free Navigator—Haitian flag)	7,181
**Newforest (now Haitian flag)	7,185
Newgate	8,743
Newglade	7,368
**Newgrove (now Haitian flag)	7,172
Newheath	5,891
Newhill	7,355
Newlane	7,043
Newmeadow	8,654
Newmoat	7,151
*Newmoor	7,168
*Niles Amelon	6,281
Oceantramp	6,185
Oceantravel	10,477
Peony	9,037
Redbrook	7,386
**Phoenician Dawn (trips to Cuba under ex-name, East Breese—British flag).	
Ruthy Ann	7,361
**St. Antonio (now Maltese flag).	
Sandsend	7,236
Santa Granda	7,229
Sea Amber	10,421
Sea Coral	10,421
Sea Empress	9,841
Shienfoon	7,127
**Shun Fung (wrecked)	7,148
Socliyve	7,291
**Southgate (previous trips to Cuba under ex-name, Arlington Court—British flag)	9,662
Stanwear	8,108
Suva Breese	4,970
Swift River	7,251
Thames Breese	7,878
**Timios Stavros (now Maltese flag—Previous trips to Cuba under Greek flag).	
Venice	8,611
Vercharmian	7,266
Vergmont	7,381
West Breese	8,718
Yungfutary	5,388
Yungtutaton	5,414
Zela M	7,237
Lebanese (61 ships)	409,077
Agia Sophia	8,106
Aiolos II	7,356
Ais Giannis	6,997
Akamas	7,285
Al Amin	7,186
Alaska	6,989
Anthas	7,044
Antonis	6,269
**Ares (constructive total loss)	5,557
Areti	7,176
Aristefs	6,995
Astir	9,334
Athamas	5,729
**Carnation (sold Spanish breakers)	4,664
Claire	5,411
Cris	6,032
Dimos	7,187
**E. Myrtidiotissa (trips to Cuba under ex-name, Kalliopi D. Lemos—Lebanese flag).	
Free Trader	7,067
Giannis	5,270
Giorgos Tsaktrogiou	7,240
Granikos	7,222
Ilena	5,925
Ioannis Aspiotis	7,297
**Kalliopi D. Lemos (now E. Myrtidiotissa—Lebanese flag)	5,103
Katerina	9,357
Lefkrio	7,176
Lemnos	7,176
Leonidas	7,176
Lilian	7,176
Lorraine	7,176
Lucy	7,176
Maria Despina	7,254
Maria Renee	7,203
Marichristina	7,124
**Marymark (sold German shipbreakers)	4,383
Mersinidi	6,782
Mimosa	7,314
Mousse	6,984
Nictric	7,296
Noelle	7,251
Noemi	7,070
Olga	7,199
Panagos	7,133
Parmarina	6,721
**Rassani (broken up)	7,253
Reneka	7,250
Rio	7,194
St. Anthony	5,340
St. Nicolas	7,165
San George	7,267
San John	5,172
San Spyridon	7,260
Stevo	7,066
Taxiarhis	7,849
Tertric	7,045
Theodoros Lemos	7,198
Theologos	7,246
*Tony	7,176
Toula	4,561
Troyan	7,943
Vassiliki	7,192
Vastric	5,453
Vergolivada	6,339
Yanxilas	10,051
Greek (35 ships)	257,596
Agios Therapon	5,617
Akastos	7,331
Alice	7,169
**Ambassade (sold Hong Kong shipbreakers)	5,600
Americana	7,104
Anacreon	7,359
**Anatoli (now Sunrise—Cypriot flag)	7,167
**Andromachi (previous trips to Cuba under ex-name, Penelope—Greek flag)	6,712
**Antonia (now Amfithea—Cypriot flag).	
Apollon	9,744
Athanassios K	7,216
Barbarino	7,084
Calliopi Michalos	7,249
**Embassy (broken up)	8,418
Flora M	7,244
**Gloria (now Helen—Greek flag).	
**Helen (previous trips to Cuba under ex-name, Gloria—Greek flag)	7,128
Irena	7,232
Istros II	7,275
Kapetan Kostis	5,082
Kyra Hariklia	6,888
Maria Theresa	7,245
Marigo	7,147
Maroudio	7,869
Mastro-Stelios II	7,282
**Nicolaos F. (previous trip to Cuba under ex-name, Nicolaos Frangistas—Greek flag)	7,199
**Nicolaos Frangistas (now Nicolaos F.—Greek flag).	
Pamit	5,929
Pantanassa	7,131
Paxoi	7,144
**Penelope (now Andromachi—Greek flag).	
**Plate Trader (trip to Cuba under ex-name, Stylianos N. Vlassopulos—Greek flag).	
**Presvia (broken up)	10,820
Redestos	5,911
*Roula Maria (Tanker)	10,608

*Added to Report No. 57, appearing in the FEDERAL REGISTER issue of June 16, 1965.

FLAG OF REGISTRY, NAME OF SHIP—Continued

Gross tonnage
Greek—Continued
**Seirios (broken up) 7,229
Sophia 7,030
**Stylianos N. Viassopulos (now Plate Trader—Greek flag) 7,303
**Timios Stavros (formerly British flag—now Maltese flag).
Tina 7,362
Western Trader 9,268
Polish (16 ships) 112,779
Baltyk 6,963
Bialystok 7,173
Bytom 6,967
Chopin 6,987
Chorsow 7,237
Huta Florian 7,258
Huta Labedy 7,221
Huta Ostrowiec 7,175
Huta Zgoda 6,840
Kopalnia Bobrek 7,221
Kopalnia Czeladz 7,252
Kopalnia Miechowice 7,223
Kopalnia Siemianowice 7,165
Kopalnia Wujek 7,033
Piast 8,184
Transportowiec 10,860
Italian (14 ships) 111,681
Achille 6,950
Agostino Bertani 8,360
**Andrea Costa (Tanker—broken up) 10,440
Aspromonte 7,154
*Caprera 7,189
Giuseppe Giulietti (Tanker) 17,519
Mariasusanna 3,479
Montiron 1,595
Nasareno 7,173
Nino Bixio 8,427
San Francesco 9,284
San Nicola (Tanker) 12,461
Santa Lucia 9,275
**Somalia (now Chen Chang—Nationalist Chinese flag) 3,352
Yugoslav (8 ships) 57,143
Bar 7,233
Cavtat 7,266
Cetinje 7,200
Dugi Otok 6,997
Kolsain 7,217
Mojkovac 7,125
Promina 6,960
**Trebisnjica (wrecked) 7,145
French (7 ships) 26,817
Arsince (Tanker) 10,426
Circe 2,874
Enee 1,232
Foulaya 3,739
Mungo 4,820
Nelee 2,874
Neve 852
Moroccan (5 ships) 35,828
Atlas 10,302
Banora 3,082
Marrakech 2,214
Mauritanie 10,392
Toubkal 8,748
Finnish (4 ships) 32,861
Augusta Paulin 7,096
**Hermia (trip to Cuba under ex-name, Amfred—Swedish flag).
Margrethe Paulin 7,251
Ragni Paulin 6,823
Valny (Tanker) 11,691

*Added to Report No. 57, appearing in the FEDERAL REGISTER issue of June 16, 1965.

**Ships appearing on the list that have been scrapped or have had changes in name and/or flag of registry.

FLAG OF REGISTRY, NAME OF SHIP—Continued

Gross tonnage
Maltese (4 ships) 26,497
**Amalia (previous trips to Cuba under British flag) 7,304
Ispahan 7,156
**St. Antonio (previous trip to Cuba under British flag) 6,704
**Timios Stavros (previous trips to Cuba under British flag and Greek flag) 5,333
Cypriot (3 ships) 19,686
Adelphos Petrakis 7,170
**Amfithea (previous trip to Cuba under ex-name, Antonia—Greek flag) 5,171
Artemida 7,247
**Sunrise (trip to Cuba under ex-name Anatoli—Greek flag).
Netherlands (2 ships) 999
Meike 500
Tempo 499
Norwegian (2 ships) 11,094
Ole Bratt 7,144
**Tine (now Jesreel—Panamanian flag—wrecked) 4,750
Swedish (2 ships) 9,318
**Amfred (now Hermia—Finnish flag) 2,928
Dagmar 6,490
Haitian:
**Free Navigator (trips to Cuba under ex-name, Newdene—British flag).
**Newforest (previous trips to Cuba under British flag).
**Newgrove (previous trips to Cuba under British flag).
Nationalist Chinese:
**Chen Chang (trip to Cuba under ex-name, Somalia—Italian flag).
Panamanian:
**Jesreel (trip to Cuba under ex-name, Tine—Norwegian flag—wrecked).

SEC. 2. In accordance with approved procedures, the vessels listed below which called at Cuba after January 1, 1963, have reacquired eligibility to carry United States Government-financed cargoes from the United States by virtue of the persons who control the vessels having given satisfactory certification and assurance:

(a) That such vessels will not, thenceforth, be employed in the Cuba trade so long as it remains the policy of the United States Government to discourage such trade; and

(b) That no other vessels under their control will thenceforth be employed in the Cuba trade; except as provided in paragraph (c); and

(c) That vessels under their control which are covered by contractual obligations, including charters, entered into prior to December 16, 1963, requiring their employment in the Cuba trade shall be withdrawn from such trade at the earliest opportunity consistent with such contractual obligations.

FLAG OF REGISTRY AND NAME OF SHIP

a. Since last report:

Gross tonnage
Greek (1 ship):
Capetan Petros (now Kyramartha—Greek flag) 7,291
British (1 ship):
Eirini 7,402

b. Previous reports:

Number of ships
Flag of registry (total) 88
British 35
Danish 1
Finnish 1
French 1
German (West) 1
Greek 24
Israeli 1
Italian 5
Japanese 1
Kuwaiti 1
Lebanese 1
Norwegian 4
Spanish 6
Swedish 1

SEC. 3. The ships listed in sections 1 and 2 have made the following number of trips to Cuba since January 1, 1963, based on information received through June 21, 1965.

Flag of registry	Number of trips								Total
	1963	1964		1965					
		Jan.–Sept.	Oct.–Dec.	Jan.	Feb.	Mar.	Apr.	May	June	
British	133	168	31	8	7	14	10	13	3	389
Lebanese	64	70	12	8	2	4	6	1	1	177
Greek	90	93	2	2		6	2	4	2	201
Italian	16	16	5	3	2	1	1	1	1	46
Spanish	8	14	3							25
Norwegian	14	8	2							24
Moroccan	0	11	3							14
Yugoslav	12	9	3			4		1		29
French	8	8	4					1		21
Swedish	3	2	1							6
Finnish	1	3	1				1	1		7
Netherlands		1	2							3
Maltese				1			1			4
Israeli				1	1					2
Kuwaiti		2						1		3
Cypriot		1					1			2
Danish	1									1
Germany (West)	1									1
Japanese	1									1
Subtotal	370	424	70	24	12	28	23	24	7	983
Polish	16	12	4	2	1	1	1	1		38
Grand total	386	256	74	26	13	27	24	25	7	1021

NOTE: Trip totals in this section exceed ship totals in secs. 1 and 2 because some of the ships made more than 1 trip to Cuba. Monthly totals subject to revision as additional data become available.

Dated: June 23, 1965.

By order of the Deputy Maritime Administrator.

JAMES S. DAWSON, Jr.,
Secretary.

[F.R. Doc. 65-6831; Filed, June 29, 1965; 8:46 a.m.]

National Bureau of Standards

RADIO STATION WWVB, FORT COLLINS, COLO., ET AL.

Standard Frequency and Time Broadcasts

In accordance with National Bureau of Standards policy of giving monthly notices regarding changes of phases in seconds pulses, notice is hereby given that there will be no change in the phase of seconds pulses emitted from radio station WWVB, Fort Collins, Colo., on 1 August 1965.

Notice is also hereby given that there will be no change in the phase of time pulses emitted from radio station WWV, Greenbelt, Md., and WWVH, Maui, Hawaii, on 1 August 1965. These pulses at present occur at intervals which are longer than 1 second by 150 parts in 10^{10}. This is due to the offset maintained in frequency, as coordinated by the Bureau International de l'Heure (BIH).

A. V. ASTIN,
Director.

[F.R. Doc. 65-6859; Filed, June 29, 1965; 8:48 a.m.]

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

[Bureau Order 551, Amdt. 106]

PROPERTY MATTERS

Redelegation of Authority

JUNE 23, 1965.

Order 551, as amended, is further amended by addition of new section as follows:

SECTION 314. *Transfer of Federally Owned Building, Improvements or Facilities Situated on Lands of any Indian Tribe, Band, or Group.* All of the authority of the Secretary contained in the Act of August 6, 1956 (70 Stat. 1057), authorizing the conveyance to Indian tribes certain federally owned buildings, improvements or facilities on tribal lands or on lands reserved for Indian administration.

JOHN O. CROW,
Deputy Commissioner.

[F.R. Doc. 65-6830; Filed, June 29, 1965; 8:46 a.m.]

Bureau of Land Management

[Serial No. Idaho 016338]

IDAHO

Order Providing for Opening of Public Lands

JUNE 22, 1965.

1. In exchanges of lands made under the provisions of section 8 of the Act of June 28, 1964 (48 Stat. 1272; 43 U.S.C. 315g), as amended, the following described lands have been conveyed to the United States:

BOISE MERIDIAN, IDAHO

Parcel 1

T. 20 N., R. 24 E.,
Sec. 7, lots 3, 4, SW¼NE¼, SE¼NW¼, and NE¼SW¼.

Parcel 2

T. 11 S., R. 14 E.,
Sec. 11, SE¼NE¼.
T. 12 S., R. 16 E.,
Sec. 1, SW¼SW¼;
Sec. 14, S½NW¼, N½SW¼, and SW¼SW¼.
T. 13 S., R. 16 E.,
Sec. 14, SW¼;
Sec. 23, NW¼.

Parcel 3

T. 12 S., R. 25 E.,
Sec. 26, NE¼SE¼.

Parcel 4

T. 15 S., R. 27 E.,
Sec. 12, NE¼SE¼ and S½SE¼.

The areas described aggregate 953.80 acres.

2. Parcel 1 is located in Lemhi County about 4 miles NE of Baker, Idaho. Topography varies from gently sloping to steep and mountainous. Soil is shallow and rocky. Vegetative cover is a sagebrush-grass type.

3. Parcel 2 is located in three separate tracts in Twin Falls County, one tract about 7½ miles S of Buhl, another 1½ miles N of Hollister and the other 4½ miles S and 3 miles E of Hollister. The first and second tracts in Tps. 11 and 12 S., are slightly rolling with a sagebrush-cheatgrass vegetative cover. Both of these tracts could be farmed if water was available. The third tract in T. 13 S., has a rolling to steep surface relief. Vegetative cover consists of a sagebrush-grass type.

4. Parcel 3 is located in Cassia County about 6 miles southeasterly from Albion. Topography is steep and rough with shallow, rocky soils. Vegetative cover consists of sagebrush-cheatgrass with a scattering of Juniper. No agriculture potential. Located in the Raft River critical groundwater area.

5. Parcel 4 is located in Cassia County about 5 miles E of Bridge. Topography is level with fair quality soils. Vegetative cover is a sagebrush-grass type. Located in the Raft River critical groundwater area.

6. Pursuant to the authority delegated to me by Bureau Order No. 701, § 2.5, dated July 23, 1964, of the Associate Director, the lands described in paragraph 1 hereof shall become subject to application, petition, and selection generally, but excepting applications under the Small Tract Act, subject to valid existing rights, the provisions of existing withdrawals and the requirements of applicable law, effective 10 a.m., on July 26, 1965. All valid applications received at or prior to that time and date shall be considered as simultaneously filed at that time.

7. The mineral rights to the lands in parcel 4 were retained by the exchange claimant.

8. The lands described in parcels 1, 2, and 3 shall be open to mineral leasing and to location under the U.S. mining laws at 10 a.m., on July 26, 1965. Any offers received at or prior to this time and date will be considered as simultaneously filed.

9. Inquiries should be addressed to the Manager, Land Office, Bureau of Land Management, Post Office Box 2237, Boise, Idaho, 83701.

EUGENE E. BABIN,
Acting Land Office Manager.

[F.R. Doc. 65-6836; Filed, June 29, 1965; 8:47 a.m.]

National Park Service

[Order No. 4]

EVERGLADES NATIONAL PARK AND FORT JEFFERSON NATIONAL MONUMENT, FLA.

Delegation of Authority

Delegation of authority regarding execution of contracts and purchase orders for supplies, equipment, and services; and approval of appointments and status changes.

1. Assistant Superintendent and Administrative Officer: The Assistant Superintendent and Administrative Officer may execute and approve contracts not in excess of $100,000 for construction, supplies, services, and equipment and may approve appointments and status changes in graded positions GS–7 and below and ungraded positions Foreman I and below in conformity with applicable regulations and statutory authority, and subject to availability of appropriations. This authority may be exercised by the Assistant Superintendent and Administrative Officer in behalf of any coordinated area.

2. General Supply Specialist: The General Supply Specialist may execute and approve contracts not in excess of $50,000 for construction, supplies, services, and equipment in conformity with applicable regulations and statutory authority, and subject to availability of appropriations. This authority may be exercised by the General Supply Specialist in behalf of any coordinated area.

3. General Supply Assistant: The General Supply Assistant may issue purchase orders not in excess of $500 for supplies, services, and equipment in conformity with applicable regulations and statutory authority and subject to availability of appropriations. This authority may be exercised in behalf of any coordinated area.

4. Management Assistant, Captain-Engineer, and Supervisory Park Rangers: The Management Assistant, Captain-Engineer, and Supervisory Park Rangers: Fort Jefferson National Monument, may issue purchase orders not in excess of $300 for supplies, services, and equipment in conformity with applicable regulations and statutory authority and subject to availability of appropriations.

5. Revocation: This order supersedes Everglades National Park Orders No. 1 issued January 14, 1958, and No. 3 issued April 13, 1963.

(National Park Service Order No. 14 (19 F.R. 8824), as amended; 39 Stat. 535, 16 U.S.C.,

sec. 2; Southeast Region Order No. 2 (21 F.R. 1498))

CARROLL A. BURROUGHS,
Acting Superintendent, Everglades National Park.

MAY 10, 1965.

[F.R. Doc. 65-6832; Filed, June 29, 1965; 8:46 a.m.]

Office of the Secretary

OFFICE OF TERRITORIES

Delegation of Authority

Paragraph 250DM4.4 is added to the delegation of authority to the Director, Office of Territories. The following material is a portion of the departmental manual and the numbering system is that of the manual.

PART 250—OFFICE OF TERRITORIES

CHAPTER 4—DIRECTOR, OFFICE OF TERRITORIES

250.4.4 *Compensation of inhabitants of Rongelap.*—A. *Delegation of authority.* The Director of the Office of Territories is hereby authorized to exercise the authority vested in the Secretary of the Interior by sections 2 and 3 of Public Law 88-485, an Act providing for the payment of compensation to the inhabitants of Rongelap Atoll who were exposed to radioactive fallout on March 1, 1954.

B. *Redelegation.* This authority may be redelegated to the High Commissioner of the Trust Territory of the Pacific Islands and by him to the District Administrator of the Marshall Islands.

JOHN A. CARVER, JR.,
Acting Secretary of the Interior.

JUNE 23, 1965.

[F.R. Doc. 65-6837; Filed, June 29, 1965; 8:47 a.m.]

DEPARTMENT OF AGRICULTURE

Consumer and Marketing Service

ROY R. CHANEY'S AUCTION SALE ET AL.

Posting of Stockyards

It has been ascertained, and notice is hereby given, that the livestock markets named herein, originally posted on the respective dates specified below as being subject to the Packers and Stockyards Act, 1921, as amended (7 U.S.C. 181 et seq.), no longer come within the definition of a stockyard under said Act and are, therefore, no longer subject to the provisions of the Act.

Name, location of stockyard, and date of posting
Roy R. Chaney's Auction Sale, Morrilton, Ark., Feb. 16, 1960.
Tri-County Livestock Co-op, Inc., Brooksville, Fla., Aug. 3, 1962.
Farmer's Livestock Sales, Inc., Louisa, Ky., Jan. 4, 1960.
Hodges Stock Yards, Inc., New Orleans, La., Nov. 1, 1921.
Forsyth Auction Barn, Forsyth, Mo., Sept. 15, 1959.
Oconee Stockyards, Inc., Westminster, S.C., Nov. 15, 1963.

Notice or other public procedure has not preceded promulgation of the foregoing rule since it is found that the giving of such notice would prevent the due and timely administration of the Packers and Stockyards Act and would, therefore, be impracticable and contrary to the public interest. There is no legal warrant or justification for not depositing promptly a stockyard which is no longer within the definition of that term contained in the Act.

The foregoing is in the nature of a rule granting an exemption or relieving a restriction and, therefore, may be made effective in less than 30 days after publication in the FEDERAL REGISTER. This notice shall become effective upon publication in the FEDERAL REGISTER.

(42 Stat. 159, as amended and supplemented; 7 U.S.C. 181 et seq.)

Done at Washington, D.C., this 23d day of June 1965.

K. A. POTTER,
Acting Chief, Rates and Registrations Branch, Packers and Stockyards Division, Consumer and Marketing Service.

[F.R. Doc. 65-6867; Filed, June 29, 1965; 8:49 a.m.]

Office of the Secretary

MEAT IMPORT LIMITATIONS

Second Quarter Estimates

P.L. 88-482, approved August 22, 1964 (hereinafter referred to as the Act), provides for limiting the quantity of fresh, chilled, or frozen cattle meat (TSUS 106.10) and fresh, chilled, or frozen meat of goats and sheep, except lambs (TSUS 106.20) which may be imported into the United States in any calendar year. Such limitations are to be imposed when it is estimated by the Secretary of Agriculture that imports of such articles, in the absence of limitations during such calendar year, would equal or exceed 110 percent of the estimated quantity of such articles prescribed by section 2(a) of the Act.

In accordance with the requirements of the Act, the following second quarter estimates are published:

1. The estimated aggregate quantity of such articles which would, in the absence of limitations under the Act, be imported during calendar year 1965, is 675 million pounds.

2. The estimated quantity of such articles prescribed by section 2(a) of the Act during the calendar year 1965 is 848.7 million pounds.

Since the estimated quantity of imports does not equal or exceed 110 percent of the estimated quantity prescribed by section 2(a) of the Act, limitations for the calendar year 1965 on the importation of fresh, chilled, or frozen cattle meat (TSUS 106.10) and fresh, chilled, or frozen meat of goats and sheep, except lambs (TSUS 106.20), are not authorized to be imposed at this time pursuant to P.L. 88-482.

Done at Washington, D.C., this 25th day of June 1965.

ORVILLE L. FREEMAN,
Secretary.

[F.R. Doc. 65-6870; Filed, June 29, 1965; 8:49 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

1,1'-DIMETHYL-4,4'-BIPYRIDINIUM, BIS(METHYL SULFATE) AND DICHLORIDE SALTS

Notice of Establishment of Temporary Tolerances

Notice is given that at the request of the California Chemical Co., Lucas Street and Ortho Way, Richmond, Calif., temporary tolerances are established for residues of the defoliant and desiccant 1,1'-dimethyl-4,4'-bipyridinium, in the form of its bis(methyl sulfate) and dichloride salts, in or on cottonseed at 0.5 part per million and in or on potatoes at 0.25 part per million, calculated in both tolerances as the cation. The Commissioner of Food and Drugs has determined that these temporary tolerances will protect the public health.

Conditions under which these temporary tolerances are established are as follows:

1. The total amount of the defoliant and desiccant to be used under the experimental permit issued by the U.S. Department of Agriculture will not exceed 10,000 pounds calculated as the cation. Distribution will be under the California Chemical Co. name.

2. The defoliant and desiccant will not be marketed for general use but will be supplied to qualified persons for bona fide experimental use.

3. The California Chemical Co. will immediately inform the Food and Drug Administration of any reports on findings from the experimental use that have a bearing on safety. The company will also keep records of production, distribution, and performance and on request make these records available to any authorized officer or employee of the Food and Drug Administration.

These temporary tolerances expire June 24, 1966.

This action is taken pursuant to the authority vested in the Secretary of Health, Education, and Welfare by the Federal Food, Drug, and Cosmetic Act (sec. 408(j), 68 Stat. 516; 21 U.S.C. 346a(j)) and delegated by him to the Commissioner (21 CFR 2.90).

Dated: June 24, 1965.

JOHN L. HARVEY,
Deputy Commissioner of Food and Drugs.

[F.R. Doc. 65-6864; Filed, June 29, 1965; 8:49 a.m.]

CIVIL AERONAUTICS BOARD

[Docket No. 14191; Order E-23358]

AIR TRAFFIC CONFERENCE OF AMERICA

Order Approving Agreements

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 24th day of June 1965.

Agreements among the members of the Air Traffic Conference of America

amending standard agent's ticket and area settlement plan; Agreements 16874-A5, A6, and A7, Docket 14191.

By Order E-20741, dated April 24, 1964, the Board approved under section 412 of the Federal Aviation Act of 1958, as amended (the Act), agreements (CAB 16874 and 16874-A1) among the members of the Air Traffic Conference of America (ATC) establishing a Standard Agent's Ticket and Area Settlement Plan. The agreements contemplated that the carriers would evaluate the experience derived from operation of the Plan in an initial geographical area before implementing it elsewhere.[1]

The Board now has before it for action under section 412 of the Act certain additional agreements relating to the same matter. Specifically, Agreement CAB 16874-A5, filed February 18, 1965, provides for expansion of the Plan to additional bank areas, the related schedule,[2] and various revisions based upon experience in the first bank area. The carriers' report dealing with such experience accompanied this agreement. By Order E-21925, served March 22, 1965, the Board indicated its belief that the Plan should be further implemented in the manner contemplated by the carriers. However, action on the agreement was deferred temporarily to provide an opportunity for interested persons to file comments. Agreement CAB 16874-A6, filed March 11, 1965, provides a modification in bonding requirements for agents which are subject to the Plan.[3] A third agreement (CAB 16874-A7), received May 17, 1965, pertains to the proration of the cost of standard tickets and other forms among carriers.

Timely responses to Order E-21925 were received from the American Society of Travel Agents, Inc. (ASTA), the Association of Retail Travel Agents (ARTA), and a number of individual agents[4] indicating general, although not unanimous satisfaction with the standardized ticket and the procedure for submitting sales reports for all carriers to a central instrumentality (the area bank).[5] However, objections continue to be voiced that the required change for most agents from two to three remitting frequencies per month is not justified. Arguments against the change essentially are that the agents' working capital position tends to be squeezed, and that the new frequency is unfair in relation to the monthly billing which the carriers accord to accounts under the Universal Air Travel Plan. Certain agents maintain that the thrice-monthly remittance system (or even the twice-monthly requirement previously in effect) results in carrier use of agents' funds, rather than vice versa, since agents frequently must remit for tickets sold before the agent's clients make payment therefor.

In its order (E-20741) originally approving the Plan, the Board stated that it is not unreasonable for the carriers to establish rules for agents different from those applicable to the carriers' direct retail customers. The Board also found that the carriers are not obligated, by maintenance of remitting frequencies previously in effect or other device, to in effect provide agents with a specific level of working capital. These conclusions reflected the essentially differing positions of the agent as a purveyor, and the customer as a user, of air transportation, as well as the agent's present largely independent status. Our original decision was reached after careful consideration of the comments of all interested persons. Nothing has been presented, in the responses to Order E-21925, which would warrant a different conclusion. Certainly, any acceptance of the idea that only collected funds belong to and should be remitted to the carrier could lead to abuses in the sale of air transportation, accounting confusion and/or much greater carrier involvement in internal agency affairs than seems desirable. In short, we adhere to our earlier finding that the remittance frequencies established by the Plan are reasonable.

ASTA suggests that the carriers be required to submit detailed information regarding improved cash flow resulting from the Plan's increased remittance frequencies, as well as data on cost savings and other benefits realized by the carriers. The Board carefully reviewed the cost-versus-benefits aspect of the Plan prior to issuance of Order E-20741, and we do not believe that the matter requries re-evaluation at this time, particularly since the Plan is at present only partially implemented.

Turning next to the adjustment in the agency bonding requirement, Agreement CAB 16874-A6 provides that agents who have been on the Agency List for at least 1 year and who participate in the Plan may reduce the amount of bond coverage by 10 percent, such reduction not to exceed $2,500. The carriers state that, although they theoretically are exposed to losses through an agent's default for only a 20-day period, as compared to a 31-day period under the prior reporting system,[6] there occurred one actual agency default involving inter-city bank clearances and an intervening holiday in which 28 days elapsed between the start of the remittance period and withdrawal of the agent's ticket stock and airline identification plates. Accordingly, the carriers feel the bond reduction authorized by the instant resolution to be ample, pending further experience with the Plan.

ASTA and others argue that the reduction is too small, that the carriers' justi-

[1] The Board's decision required, among other things, that the carrier resolution proposing expanded implementation, abandonment or changes in the Plan be filed with the Board not later than 6 months from the date of initial implementation of the Plan; that such resolution contain, or there be filed concurrently, a schedule of implementation of the Plan in the remaining bank areas and thereafter, reports showing any changes in the schedule; and that, not later than the end of the 6-month initial implementation period, the carriers file a statement showing results of the review of the Plan by the Interconference Area Settlement Plan Committee, as well as a resolution modifying the bonding program in line with the reduction in the carriers' risk of loss provided by the Plan, or, in the alternative, a report describing fully the reasons for not enacting such resolution. The Plan was put into effect for agents located in the State of Illinois on Oct. 1, 1964; in the remaining 12 midwestern States in the initially designated bank area on Dec. 1, 1964; in the 9-State area based on Dallas on Apr. 1, 1965; and in 7 far western States on June 1, 1965.

[2] Such schedule, as subsequently revised, follows:

Date	Area	States involved
Aug. 1...	Atlanta/Miami.	Alabama, Florida, Georgia, North Carolina, South Carolina, Tennessee, West Virginia, Virginia.
Aug. 1...	Pittsburgh...	Western Pennsylvania, Western New York.
Sept. 1..	New York City.	Eastern New York, Eastern Pennsylvania, New Jersey, Delaware, Maryland, District of Columbia.
Oct. 1...	Boston.....	Maine, Vermont, New Hampshire, Massachusetts, Rhode Island, Connecticut.
Nov. 1..	Hawaii.	
Dec. 1...	Canada.	

The carriers indicate that a pilot mechanized program using computers and data processing equipment will be operated in the Pittsburgh bank area, that such process will provide more rapid and accurate bank clearing, provide the carriers with improved accounting data, and enable further simplification of agency sales reports. The carriers expect that, after the mechanized system has been tested, other area banks will switch over to this type of processing.

[3] Agreement CAB 16874-A6 also alters a provision in Paragraph 6 of the Sales Agency Agreement under which remittances mailed by agents were deemed on time if postmarked "by post office mark, not postage meter" not later than the third working day following the last day of the period covered by the report. The phrase in quotations has been deleted, the carriers stating that there is not enough risk of misdated remittances for the requirement to be continued. In addition, the agreement amends section XV of Resolution 80.10 to permit a carrier, at its election, to supply envelope-type exchange orders to an agent which is not supplied with the carrier's airline identification plates. The carriers indicate that this might occasionally be desirable in the case of an off-line agent who has relatively few sales wholly via a particular carrier. No objections to these revisions were received by the Board.

[4] Corydon Travel Bureau, Four Winds Travel Service and Personality Tours, Ultramar Travel Bureau, Inc., Harrison Travel Agency, Levittown Travel Center, and Morrison Travel, Inc.

[5] Thus, ASTA acknowledges that the Plan institutes administrative reform. ARTA submitted results of a questionnaire showing that, of replying agents, 94 percent like the basic standard ticket idea, 76 percent like the area bank settlement methods and 68 percent say that the new ticket and reporting program save them time. Conversely, the questionnaire indicated that only 21 percent like the three-times-monthly reporting requirement, only 14 percent believe that agents should be required to pay for their ticket imprinter-validators, while 68 percent would like to see the ATC bond eliminated.

[6] Under the Plan, the agent reports and remits for sales every 10 days, and ticket stock is withdrawn if remittance is not made within 10 days after the close of the report period. Thus, the agent is in a position to sell tickets, without remitting to the carriers, for 20 days measured from the first day of the report period. Under the prior system, most agents reported every 15 days, the report being due the day after the close of the period, and ticket stock was removed if remittance was not received within 15 days thereafter—or a loss exposure period of 31 days.

fication therefor is unpersuasive, and that the resolution should be amended to provide a reduction in bond coverage of at least 33⅓ percent for each agent participating in the Plan.[7]

The Board believes that, although the adjustment of up to 10 percent falls short of the theoretical reduction in loss exposure afforded by the Plan, it does represent a step in the right direction, is of tangible value to all agents operating under the Plan and, accordingly, should be approved. The question remains as to whether a further reduction in bonding requirements should be made, and, if so, when and how much. In this connection, we recognize the possibility that actual experience will not necessarily coincide with the expected lessening of risk. Because the Plan has been operative only since October 1, 1964, and only in certain States, we are not prepared to dispute at this time the carriers' limited approach to the problem. Additional experience appears appropriate before consideration of any further adjustment. For this reason we shall condition approval herein on the carriers filing later a resolution further reducing the bond requirement or in the alternative, information indicating why such a reduction should not be undertaken.[8] In addition, we shall require a report dealing with the subject of agency default experience. The present timetable for extension of the Plan calls for implementation in the final area by December 1, 1965, and we believe that a 4-month period of experience with an entirely operative Plan should be sufficient upon which to base further action relative to bonding. Accordingly, we shall require the mentioned resolution and other data to be filed at the end of such period but, in any event, not later than April 1, 1966.

In addition to the information specifically requested in ordering paragraph 3 herein, the carrier should submit any pertinent information bearing on the question of whether bonding requirements should be adjusted to reflect the carriers' average (rather than worst) experience under the Plan with respect to dollar amounts of defaults, length of exposure of funds, or other factors.[9]

We will mention certain additional matters brought up in various responses to Order E-21925. As noted in that order, the carriers have modified section VII of the resolution (now entitled "Defaults, Late Remittances, and Financial Irregularities by Agents") to codify default procedures as applicable under the Plan and to grant the Executive Secretary of ATC a certain degree of latitude in prescribing the handling of minor agency reporting variances (new section VII H).[10] ASTA feels that the revised procedures could be further improved as concerns notice to agents of and/or justification for certain action or prospective action on the part of the carriers. Thus, for example, ASTA requests that, before ticket stock is withdrawn from an agent for failure to remit in full to the area bank by the due date, or for remitting by check which is subsequently dishonored, ATC should be required to determine the reason for the nonremittance or to assure itself that the agent has had an opportunity to replace the dishonored check. Similarly, where a carrier elects to withdraw airline identification plates from a defaulting agent and, pursuant to section VII B, notifies the Executive Secretary, ASTA believes that the resolution should specifically require a determination by the Executive Secretary that the individual airline's action is justified, before all conference members are advised thereof. ASTA also maintains that the number of citations for late remittances in any 12-month period (four) which presently triggers withdrawal of ticket stock from an agent pursuant to section VII C should be increased to six, on the basis of the increased remitting frequencies imposed by the Plan.[11] In addition, ASTA believes that the reference in new section VII H to "willful and callous error" must be carefully defined "to assure that a subjective test is not applied by the bank or the Air Traffic Conference."

We have concluded that the various provisions complained of should be allowed to stand in their present form. The revisions, considered in conjunction with related changes in the basic Agency Resolution which we have approved,[12] represent a reasonable effort on the part of the carriers to improve procedures governing defaulting agents. Thus, the carriers' remedy in the first instance now basically consists of withdrawal of ticket stock pending satisfaction of the difficulty, rather than outright termination of the agent's ATC authority. Such eased procedures deserve a reasonable chance to succeed. If any unfairness of administration or interpretation, or other difficulties should develop in actual practice, we could, of course, again review these provisions.

Certain agents request that the carriers be required to pay for the ticket imprinter-validator which agents must use in issuing standard tickets under the Plan. The Board does not believe that this business cost should be transferred to the carriers. The ticket imprinter-validator is designed to improve efficiency in the preparation and issuance of tickets. Moreover, cost of the equipment (approximately $75 including taxes and handling), spread over a period of several years' use, seems moderate even for low-volume agents. Accordingly, we would not disturb the present arrangement.[13]

Finally, ARTA and Levittown Travel argue, in effect, that the Plan (or its extension) represents the imposition of unilateral rules by one segment of an industry (the airlines) upon another (the agents) which the Board should not and cannot act on unless agents have an opportunity to make known their views through the device of an evidentiary hearing. In Order E-20741, the Board considered and rejected a similar contention, pointing out that the Federal Aviation Act does not require a hearing before an agreement is acted on under section 412. However, from the inception of this proceeding, agents and other interested persons have been given opportunities to comment on the Plan,[14] and neither ARTA nor Levittown Travel has made any affirmative showing of any matters germane to the present agreements which would warrant any change in this approach.[15]

Based upon the foregoing considerations, the Board concludes that the instant agreements, as conditioned herein, are not adverse to the public interest or in violation of the Act and should be approved.

Accordingly, it is ordered:

1. That Agreements CAB 16874–A5, A6, and A7 be and they hereby are approved, subject to the conditions enumerated below;

2. That, within 4 months following the date of implementation of the Plan in the final bank area (but not later than Apr. 1, 1966), the members of ATC shall file a resolution with the Board under section 412 of the Act modifying the bonding program in line with the reduction in the carriers' risk of loss provided by the Plan or, in the alternative, a report describing fully the reasons for not enacting such resolution; and

3. That, within 4 months following the date of implementation of the Plan in the final bank area (but not later than Apr. 1, 1966), the members of ATC shall file a report in triplicate with the Board's docket section showing separately for periods comprising the year 1963, the 9 months commencing January 1, 1964, and the calendar quarters commencing October 1, 1964, January 1, April 1, July 1 and October 1, 1965, and January 1, 1966:

(A) For agents not subject to the Plan:

(i) The number on the ATC agency list on the first day of the period.

(ii) The number whose sales agency agreements were terminated during the period for default and, for each such termination:

(a) The date of the agent's original approval by ATC,

(b) The total amount of the default as finally determined (or if not finally determined, an estimate of such amount),

(c) The amount of bond carried by the agent, and

(d) The amount collected or to be collected by ATC from the bonding company.

(B) For agents subject to the Plan, the information requested in (A) above, and also:

(i) The number from whom ticket forms, exchange orders and airline identification plates were withdrawn for failure to remit in full to the area bank within 10 days after such remittance was due, but where there was no subsequent termination of the agent's agreement.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON, *Secretary.*

[F.R. Doc. 65-6871; Filed, June 29, 1965; 8:49 a.m.]

[Docket No. 16236; Order E-22352]

INTERNATIONAL AIR TRANSPORT ASSOCIATION

Order Relating to Rate Matters

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 24th day of June 1965.

Agreement adopted by the Traffic Conferences of the International Air Transport Association relating to rate matters; Docket 16236, Agreement CAB 18373, R-1 through R-4.

Pursuant to section 412(a) of the Federal Aviation Act of 1958 (the Act) and Part 261 of the Board's Economic Regulations, there has been filed with the Board an agreement between various air carriers, foreign air carriers, and other carriers, embodied in the resolutions of the Traffic Conferences of the International Air Transport Association (IATA). The agreement, which has been assigned the above-designated CAB Agreement number, was adopted at meetings of the Venice Cargo Conference May 5 through May 27, 1965, and includes resolutions which were intended to become effective on June 12 and 15, 1965.

With the exception of one procedural resolution which provides for deferred voting by Eastern Air Lines, Inc., on a resolution permitting reduced fares for cargo agents, the agreement relates to specific commodity rates. Insofar as air transportation as defined by the Act is concerned, the agreement cancels certain rates to/from Okinawa or Wake, on the one hand, and Fukuoka or Tokyo, on the other hand, which the carriers assert are nonproductive, and names rates for additional commodities from Manila to the West Coast and New York, and from New York to Hong Kong.[1] The rates named provide reductions from the general cargo rates ranging from 40.7 to 57.9 percent.

The Board, acting pursuant to sections 102, 204(a), and 412 of the Act, makes the following findings:

1. The Board does not find the following resolutions to be adverse to the public interest or in violation of the Act, provided that approval thereof is conditioned as hereinafter ordered.

CAB No. 18373	IATA No.	Title	Application
R-3	0017	Special Effectiveness Resolution	
R-2	[illegible]	Specific Commodity Rates	1, 1/2, 3/1, 1/2/3
R-4	590b	TC3 Specific Commodity Rates	3/1, 1/2/3

2. The Board finds that, on the basis of all facts presently known, the following resolutions relating to rates with early effectiveness dates do not affect air transportation within the meaning of the Act:

R-2	[illegible]	Specific Commodity Rates	2/3, 1/2
R-5	590g	TC3 Specific Commodity Rates	

Accordingly, it is ordered, That:

1. That portion of Agreement C.A.B. 18373 as set forth in finding paragraph 1 is approved, provided that such approval shall not constitute approval of the specific commodity descriptions contained in IATA Resolution 590d for purposes of tariff publication.

2. Jurisdiction is disclaimed with respect to that portion of Agreement C.A.B. 18373 as set forth in finding paragraph 2.

Any air carrier party to the agreement, or any interested person, may, within 15 days from the date of service of this order, submit statements in writing containing reasons deemed appropriate, together with supporting data, in support of or in opposition to the Board's action herein. An original and 19 copies of the statements should be filed with the Board's docket section. The Board may, upon consideration of any such statements filed, modify or rescind its action herein by subsequent order.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON, *Secretary.*

[F.R. Doc. 65-6872; Filed, June 29, 1965; 8:50 a.m.]

[Docket No. 13404]

NEW HAVEN-BRIDGEPORT CASE

Notice of Prehearing Conference

As directed by Order E-22339, a prehearing conference in the above-entitled matter is assigned to be held on July 13, 1965, at 10 a.m., e.d.s.t., in room 607, Universal Building, Connecticut and Florida Avenues NW., Washington, D.C., before Examiner Richard A. Walsh.

Dated at Washington, D.C., June 23, 1965.

[SEAL] FRANCIS W. BROWN, *Chief Examiner.*

[F.R. Doc. 65-6873; Filed, June 29, 1965; 8:50 a.m.]

[Docket No. 11908 etc.]

REOPENED TRANSATLANTIC CHARTER INVESTIGATION

Notice of Hearing

Notice is hereby given pursuant to the Federal Aviation Act of 1958, as amended, that the above-entitled proceeding is hereby assigned for hearing on July 13, 1965, at 10 a.m., in room 911, Universal Building, Connecticut and Florida Avenues NW., Washington, D.C., before Examiner Ralph L. Wiser.

Pursuant to the Board's order reopening this proceeding, particular attention will be directed to determining:

1. The current fitness, willingness, and ability and comparative qualifications for selection as transatlantic charter carriers of the applicants.

2. Whether the public convenience and necessity require the certification of supplemental air carriers to provide transatlantic charter service in addition to Capitol Airways, Inc., and Saturn Airways, Inc.

For further details with respect to the issues involved in this proceeding, interested persons are referred to the orders and notices entered by the Board and the examiner, the documents filed by the parties, and the examiner's prehearing conference report served May

[7] The Board had pointed out, in Order E-20741 that (except for certain chain agents) the reduction in the loss exposure period to 20 days (footnote 6 supra) amounts to 35 percent.

[8] Unless experience dictates otherwise, the Board would expect the resolution to result in a 35 percent reduction in the amount of bond carried by agents in all categories, by comparison with pre-Plan requirements.

[9] ASTA also requests reexamination of the existing ATC bonding program, and questions why the carriers should not assume responsibility for payment of bonding premiums in a program "which operates exclusively for their benefit." However, the ATC bonding program, as stated in our order of approval (E-17968, Jan. 30, 1962), eliminates previous requirements that agents maintain a trust account and, upon periodic review by ATC, demonstrate a "satisfactory credit standing," which requirements caused difficulties for agents. In any event there has been no showing of real need for reevaluation of the bonding program at the present time.

[10] Quoted in full in footnote 4 of Order E-21035.

[11] However, because of the combined reporting feature of the Plan, the Board believes that the chances for delinquencies arising from clerical mishandling, etc., should be reduced. Also, any outstanding delinquency notices against an agent are voided when the agent enters the plan, a practical assistance during initial familiarization with the Plan.

[12] See Orders E-21026, dated July 1, 1964, approving Agreement CAB 5044–A104, and E-21361, dated Oct. 5, 1964, approving CAB 5044–A106 and A–109.

[13] ASTA also objects to the fact that members of the International Air Transport Association are not participating fully in the Plan, necessitating separate reporting to such carriers. The Board assumes that domestic carriers also operating international routes are permitting their agents to utilize the Plan as fully as possible, obviating separate reports of international sales to such carriers. We further note that three foreign air carriers have agreed to full participation in the Plan, and it is possible others will find it of equal benefit. Accordingly, and in view of the Plan's demonstrated advantages, we find no reason to delay extension pending further IATA participation.

[14] Comments were received following the filing of the Plan in September 1962. Thereafter the Board issued Order E-19945, dated Aug. 23, 1963, deferring action for receipt of further fact and comment. Only after such procedure did the Board act on the Plan by Order E-20741. The present order follows similar procedures.

[15] Comments of Levittown Travel relative to higher commissions are outside the scope of this proceeding and will not be considered herein.

[1] Rates named and canceled are set forth in the attachment filed as part of the original document.

10, 1965, and supplemental report served May 20, 1965, all of which are on file with the docket section of the Civil Aeronautics Board.

Notice is further given that any person other than the parties of record desiring to be heard in this proceeding shall file with the Board on or before July 6, 1965, a statement setting forth the issues of fact or law raised by this proceeding which he desires to controvert.

Dated at Washington, D.C., June 24, 1965.

[SEAL] RALPH L. WISER,
Hearing Examiner.

[F.R. Doc. 65-6874; Filed, June 29, 1965; 8:50 a.m.]

[Docket No. 18504]

TRANSPORTES AEREOS NACIONALES, S. A.

Renewal Case; Notice of Prehearing Conference

Notice is hereby given that a prehearing conference in the above-entitled matter is assigned to be held on July 16, 1965, at 10 a.m., e.d.s.t., in room 607, Universal Building, Connecticut and Florida Avenues NW., Washington, D.C., before Examiner Leslie G. Donahue.

Dated at Washington, D.C., June 23, 1965.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F.R. Doc. 65-6875; Filed, June 29, 1965; 8:50 a.m.]

FEDERAL MARITIME COMMISSION

ALABAMA STATE DOCKS AND AMERICAN LIBERTY TANK TERMINALS, LTD.

Notice of Agreement Filed for Approval

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1321 H Street NW., room 301; or may inspect agreements at the offices of the District Managers, New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments with reference to an agreement including a request for hearing, if desired, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C., 20573, within 15 days after publication of this notice in the FEDERAL REGISTER. A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter), and the comments should indicate that this has been done.

Notice of agreement filed for approval by:

Alabama State Docks Department, Post Office Box 721, Mobile, Ala., 36601.

Agreement No. T-1818 between the Alabama State Docks (ASD) and American Liberty Tank Terminals, Ltd. (ALT) provides for the lease by ALT of ASD's bulk liquid handling plant at Mobile, Ala., for an initial 10-year period. ASD agrees to make certain improvements and installations of additional pipelines. ALT will have the exclusive use of the storage tanks, connecting pipelines, and certain facilities on Pier "A", South, i.e., the barge dock and Rooms 3 and 4, including drum-filling and conveying equipment therein or attached thereon. ALT will also have preferential use of the vessel berth on the south side of Pier "A", South, for docking vessels (other than barges) handling bulk or drummed liquids moving through the facility, and coextensive use of the railroad tracks alongside and north of Rooms No. 3 and 4. As compensation, ALT will pay a flat monthly sum plus certain fees for each ton of liquid handled either by pipeline or in drums. No wharfage charge will be assessed against any cargo handled by ALT under the agreement and no charges will be made against barges docking at the barge dock for its account. All other rules, regulations and charges contained in ASD's Tariff No. 1-B, amendments thereto and reissues thereof shall be applicable to vessels berthing at Pier "A" South.

Dated: June 25, 1965.

By order of the Federal Maritime Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 65-6858; Filed, June 29, 1965; 8:48 a.m.]

FEDERAL POWER COMMISSION

[Docket No. CP65-402]

CITY OF HAMILTON, OHIO

Notice of Application

JUNE 22, 1965.

Take notice that on June 16, 1965, the city of Hamilton, Ohio (Applicant), filed in Docket No. CP65-402 an application pursuant to section 7(a) of the Natural Gas Act for an order of the Commission directing Texas Gas Transmission Corp. (Texas Gas) to construct a meter station and to establish physical connection between its main line facilities and facilities proposed by Applicant and to sell and deliver up to 37,550 Mcf of natural gas per day, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant states that it currently purchases its natural gas requirements from Cincinnati Gas & Electric Co. under a contract which will expire by its own terms on September 3, 1966. Applicant further states that based upon its investigations of feasible sources of gas supply, it has determined that Texas Gas can provide its requirements at an annual saving in excess of $200,000. Texas Gas' main transmission line traverses the southeastern corner of Applicant's city limits.

Applicant will utilize its existing distribution system, but proposes to construct pipeline facilities to the proposed point of connection with Texas Gas at an estimated cost of $658,900, which is to be financed from cash on hand.

The application further recites that no decision can now be made as to additional volumes of pipeline gas for future years. The volumes are estimated to exceed the peak day requirements for the 1966-67 season which is estimated to be 37,550 Mcf per day. The total annual requirements for 1967 are estimated to be 4,668,488 Mcf. Applicant therefore contemplates the installation of peak shaving facilities to meet the increased requirements for the 1967-68 and 1968-69 seasons, at an estimated cost of $340,000.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C., 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before July 19, 1965.

GORDON M. GRANT,
Acting Secretary.

[F.R. Doc. 65-6825; Filed, June 29, 1965; 8:46 a.m.]

[Docket No. CP65-407]

COLORADO INTERSTATE GAS CO.

Notice of Application

JUNE 24, 1965.

Take notice that on June 18, 1965, Colorado Interstate Gas Co. (Applicant), Post Office Box 1087, Colorado Springs, Colo., 80901, filed in Docket No. CP65-407 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of a meter station and the sale of natural gas to Reserve Pipeline, Inc. (Reserve), for resale, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant would install a meter station on its Kansas Hugoton Field gathering system in Finney County, Kans., to sell gas to Reserve for resale in the State of Kansas on an interruptible basis under a 3-year contract. Reserve has requested delivery of volumes of gas not to exceed 3,500 Mcf per day for resale to farmers in the area and to Century Refining Co. for use as fuel.

The estimated cost of the meter to be installed is $4,180, which will be financed from current working funds on hand.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C., 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (157.10) on or before July 22, 1965.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on

this application if no protest or petition to intervene is filed within the time required herein, and the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a protest or petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 65-6826; Filed, June 29, 1965; 8:46 a.m.]

[Docket No. CP65-404]

NATURAL GAS PIPELINE CO. OF AMERICA

Notice of Application

JUNE 22, 1965.

Take notice that on June 16, 1965, Natural Gas Pipeline Co. of America (Applicant), 122 South Michigan Avenue, Chicago, Ill., 60603, filed in Docket No. CP65-404 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of facilities and the transportation and sale of natural gas, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes to construct and operate approximately 114.70 miles of 30-inch pipeline, partially looping its Gulf Coast line; approximately 34.59 miles of 24-inch pipeline, partially looping the portion of its Amarillo line in Northern Illinois which terminates at Volvo, Ill.; and 23,200 BHP compressor horsepower at various existing compressor stations on its Gulf Coast line. The application states that the proposal would increase the daily design sales capacity of Applicant's system by 100,000 Mcf [1] to a total of 2,189,000 Mcf.

Applicant proposes to sell increased peak day volumes of gas to its existing customers as follows:

	Mcf [1]
Central Illinois Gas & Electric Co.	669
Northern Illinois Gas Co.	65,810
Iowa Electric Light & Power Co.	3,000
Iowa Illinois Gas & Electric Co.	5,000

Applicant further states that the proposed expansion will result in unallocated capacity of 30,171 Mcf per day available for service of presently unforseen requirements and applications filed under section 7(a) of the Natural Gas Act.

The estimated cost of the proposed construction is $21,644,000, which will be financed from interim borrowings from banks and The Peoples Gas Light & Coke Co. (Applicant's parent), and on a permanent basis from the sale of stock and first mortgage bonds.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C., 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (157.10) on or before July 19, 1965.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no protest or petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a protest or petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

GORDON M. GRANT,
Acting Secretary.

[F.R. Doc. 65-6827; Filed, June 29, 1965; 8:46 a. m.]

[Docket No. E-7230]

ORANGE & ROCKLAND UTILITIES, INC.

Notice of Application

JUNE 23, 1965.

Take notice that on June 14, 1965, Orange & Rockland Utilities, Inc. (Applicant), filed an application with the Federal Power Commission, seeking an order, pursuant to section 203 of the Federal Power Act, authorizing it to acquire at par 20,000 shares of capital stock, $100 par value of Rockland Electric Co. (Rockland Electric).

Applicant is incorporated in the State of New York and is domesticated in the States of New York and New Jersey with its principal business office at Nyack, N.Y. Applicant owns and operates facilities for the generation and distribution of electric energy in all of Rockland County, most of Orange County and the easterly portion of Sullivan County, all in the State of New York and also furnishes and transmits across the State line, electrical energy to its wholly owned subsidiary companies, Rockland Electric in New Jersey and Pike County Light & Power Co., a Pennsylvania corporation.

Rockland Electric is incorporated under the laws of the State of New Jersey and is domesticated in the State of New Jersey with its principal business office at Nyack, N.Y. Rockland Electric is engaged in the transmission, distribution and sale of electricity in portions of the northern part of Bergen and Passaic Counties and in small portions of the northern part of Sussex County, all in the State of New Jersey.

According to the application, Applicant proposes to acquire 20,000 shares of securities of the total par value of $2,000,000 of the capital stock of Rockland Electric. The consideration for the securities is to be $2,000,000 in cash, such stock to be purchased at par, at private sale, as set forth in a letter agreement between the two companies. Applicant represents that the funds to pay for such stock will be obtained by the Applicant from the sale of its own securities.

Applicant represents that the operations of Rockland Electric have been integrated with the operations of the Applicant to such an extent that the electric properties of the two companies constitute and are operated as one continuous electric system and that in order to maintain the integration of the systems and to enable Rockland Electric to secure favorable terms for debt financing, it is in the public interest that Applicant continue to own capital stock of Rockland Electric.

Any person desiring to be heard or to make any protest with reference to said application should on or before July 7, 1965, file with the Federal Power Commission, Washington, D.C., 20426, petitions or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). The application is on file and available for public inspection.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 65-6828; Filed, June 29, 1965; 8:46 a.m.]

[Docket No. CP65-403]

TRANSCONTINENTAL GAS PIPE LINE CORP.

Notice of Application

JUNE 22, 1965.

Take notice that on June 16, 1965, Transcontinental Gas Pipe Line Corp. (Applicant), Post Office Box 1396, Houston, Tex., 77001, filed in Docket No. CP65-403 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of a sales meter station on Applicant's 36-inch main transmission line near Belle Mead, Somerset County, N.J., for the sale of natural gas to Public Service Electric and Gas Co. (Public Service) for resale, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Public Service proposes to serve Minnesota Mining & Manufacturing Co. an estimated third year volume of 87,600 Mcf for process drying and building heating. The application states that volumes of gas purchased by Public Service from Applicant at the proposed new delivery point will be from allocations heretofore authorized by the Commission.

Applicant's proposed facilities are estimated to cost $34,000, which are to be initially financed with funds on hand and subsequently reimbursed by Public Service.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C., 20426, in ac-

[1] Applicant's FPC Gas Tariff is stated in billing units of Mcf at 14.65 p.s.i.a. at 1,000 B.t.u. per cubic foot. The proposed increase in pipeline capacity of 100,000 Mcf results in an increase in the number of billing units of 104,650.

cordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (157.10) on or before July 19, 1965.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no protest or petition to intervene is filed within the time required herein, and the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a protest or petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

GORDON M. GRANT,
Acting Secretary.

[F.R. Doc. 65-6829; Filed, June 29, 1965; 8:46 a.m.]

CIVIL SERVICE COMMISSION

SHORTHAND REPORTER

Notice of Manpower Shortage

Under the provisions of section 7(b) of the Administrative Expenses Act of 1946, as amended, the Civil Service Commission has found, effective June 15, 1965, that there is a manpower shortage for the position of Shorthand Reporter, GS-312-6/9, in the Bureau of Ships, Department of the Navy, Washington, D.C.

This manpower shortage finding will terminate when the position is filled. The appointee to this position may be paid for the expenses of travel and transportation to his first duty station.

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] MARY V. WENZEL,
Executive Assistant to Commissioners.

[F.R. Doc. 65-6840; Filed, June 29, 1965; 8:47 a.m.]

INTERSTATE COMMERCE COMMISSION

[Notice No. 786]

MOTOR CARRIER, BROKER, WATER CARRIER, AND FREIGHT FORWARDER APPLICATIONS

JUNE 25, 1965.

The following applications are governed by Special Rule 1.247[1] of the Commission's general rules of practice (49 CFR 1.247), published in the FEDERAL REGISTER, issue of December 3, 1963, effective January 1, 1964. These rules provide, among other things, that a protest to the granting of an application must be filed with the Commission within 30 days after date of notice of filing of the application is published in the FEDERAL REGISTER. Failure seasonably to file a protest will be construed as a waiver of opposition and participation in the proceeding. A protest under these rules should comply with § 1.40 of the general rules of practice which requires that it set forth specifically the grounds upon which it is made and specify with particularity the facts, matters, and things relied upon, but shall not include issues or allegations phrased generally. Protests not in reasonable compliance with the requirements of the rules may be rejected. The original and six (6) copies of the protest shall be filed with the Commission, and a copy shall be served concurrently upon applicant's representative, or applicant if no representative is named. If the protest includes a request for oral hearing, such request shall meet the requirements of § 1.247(d)(4) of the special rule. Subsequent assignment of these proceedings for oral hearing, if any, will be by Commission order which will be served on each party of record.

The publications hereinafter set forth reflect the scope of the applications as filed by applicants, and may include descriptions, restrictions, or limitations which are not in a form acceptable to the Commission. Authority which ultimately may be granted as a result of the applications here noticed will not necessarily reflect the phraseology set forth in the application as filed, but also will eliminate any restrictions which are not acceptable to the Commission.

No. MC 730 (Sub-No. 255), filed June 3, 1965. Applicant: PACIFIC INTERMOUNTAIN EXPRESS CO., a corporation, 1417 Clay Street, Oakland, Calif. Applicant's representative: Alfred G. Krebs (address same as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except livestock, household goods as defined by the Commission, Classes A and B explosives, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading), between Moses Lake and Pasco, Wash., from Moses Lake over Washington Highway 17 to junction U.S. Highway 395, at or near Eltopia, Wash., thence over U.S. Highway 395 to Pasco, and return over the same route, serving no intermediate points, as an alternate route for operating convenience only in connection with carrier's authorized regular-route operations. NOTE: If a hearing is deemed necessary, applicant requests it be held at Seattle, Wash.

No. MC 730 (Sub-No. 256), filed June 10, 1965. Applicant: PACIFIC INTERMOUNTAIN EXPRESS CO., a corporation, 1417 Clay Street, Oakland, Calif. Applicant's representative: Alfred G. Krebs (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except livestock, household goods as defined by the Commission, Classes A and B explosives, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading), serving the junction of U.S. Highway 36 and U.S. Highway 75, at or near Fairview, Kans., as a point of joinder only in connection with carrier's otherwise authorized regular-route operations. RESTRICTION: Restricted to the transportation of traffic moving to or from points west of Fairview, Kans. NOTE: If a hearing is deemed necessary, applicant requests it be held at Kansas City, Mo., or Topeka, Kans.

No. MC 9325 (Sub-No. 25) (AMENDMENT), filed May 10, 1965, published FEDERAL REGISTER issue May 26, 1965, republished as amended June 16, 1965, and further republished as amended this issue. Applicant: K LINES, INC., Post Office Box 216, Lebanon, Oreg. Applicant's attorney: Norman E. Sutherland, 1200 Jackson Tower, Portland, Oreg. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Urea and fertilizer*, in bulk and in sacks, from points in Columbia County, Oreg. to points in Washington. NOTE: The purpose of this republication is to broaden the origin point. If a hearing is deemed necessary, applicant requests it be held at Portland, Oreg.

No. MC 10207 (Sub-No. 12), filed June 10, 1965. Applicant: McCLAIN DRAY LINE, INC., 404 Railroad Avenue, Marion, Ind. Applicant's attorney: Ferdinand Born, 1017-19 Chamber of Commerce Building, Indianapolis, Ind. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading), serving Upland, Ind., as an off-route point in connection with applicant's authorized regular-route operations, to and from points in Indiana, Illinois, Ohio, and Kentucky. NOTE: If a hearing is deemed necessary, applicant requests it be held at Indianapolis, Ind.

No. MC 10761 (Sub-No. 176), filed June 7, 1965. Applicant: TRANSAMERICAN FREIGHT LINES, INC., 1700 North Waterman Avenue, Detroit, Mich. Applicant's attorney: Howell Ellis, Suite 616-618, Fidelity Building, 111 Monument Circle, Indianapolis 4, Ind. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment and those injurious or contaminating to other lading), (1) between Worcester, Mass., and Providence, R.I.; from Worcester over Massachusetts Highway 146 to the Massachusetts-Rhode Island State line, thence over Rhode Island Highway 146 to Providence and return over the same route, serving no intermediate points, as an alternate route for operating convenience only in connection with applicant's authorized regular-route operations between Boston, Mass., and Hartford, Conn., and between Hartford, Conn., and Providence, R.I. NOTE: If a hearing is deemed necessary, applicant requests it be held at Boston, Mass.

No. MC 17000 (Sub-No. 6) (AMENDMENT), filed May 20, 1965, published FEDERAL REGISTER issue of June 9, 1965, amended June 22, 1965, and republished as amended this issue. Applicant: HOHENWALD TRUCK LINES, INC., 14 East Main Street, Hohenwald, Tenn. Applicant's attorney: Robert H. Cowan, Suite 434, Stahlman Building., Nashville, Tenn., 37201. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading), (1) between Hohenwald, Tenn., and Lobelville, Tenn.; from Hohenwald over Tennessee Highway 20 to junction Tennessee Highway 100, thence over Tennessee Highway 100 to Linden, Tenn., thence over Tennessee Highway 13 to Lobelville and return over the same route, serving all intermediate points; (2) between Hohenwald, Tenn., and Hampshire, Tenn., over Tennessee Highway 99, serving no intermediate points but serving the off-route point of the Columbia Gulf Transmission Co.'s compressor station; and (3) between Hampshire, Tenn., and Columbia, Tenn., over Tennessee Highway 99, serving no intermediate points, as an alternate route for operating convenience only in connection with applicant's authorized regular-route operations. NOTE: The purpose of this republication is to more clearly set forth the territorial descriptions in (1) and (3) above and to broaden the scope of authority sought in (1) above by adding all intermediate points. Applicant states that it intends to use the above-proposed authority in connection with that authority previously granted wherein applicant is authorized to serve certain points in Tennessee. If a hearing is deemed necessary, applicant requests it to be at Nashville, Tenn.

No. MC 20183 (Sub-No. 1), filed June 7, 1965. Applicant: BROWNETT BROS. TRUCKING INC., 124 Avenue B, Bayonne, N.J. Applicant's representative: George A. Olsen, 69 Tonnele Avenue, Jersey City, N.J., 07306. Authority sought to operate as a *common carrier*, by motor vehicle over irregular routes, transporting: (1) *Cables*, from the plantsite of General Cable Corp., Bayonne, N.J., to Eastview, N.Y.; (2) *empty cable reels*, from Eastview, N.Y., to Perth Amboy, N.J.; and (3) *rejected, refused*, or *damaged shipments of cables*, from Eastview, N.Y., to Bayonne, N.J. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or New York, N.Y.

No. MC 21170 (Sub-No. 96), filed June 3, 1965. Applicant: BOS LINES, INC., 408 South 12th Avenue., Marshalltown, Iowa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs* (except commodities in bulk in tank vehicles), from Champaign, Ill., to points in Connecticut, Delaware, Indiana, Kentucky, Maine, Maryland, Massachusetts, Michigan, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Tennesse, Vermont, Virginia, West Virginia, and the District of Columbia. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 21170 (Sub-No. 97), filed June 3, 1965. Applicant: BOS LINES, INC., 408 South 12th Avenue, Marshalltown, Iowa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods and frozen products, including frozen animal and poultry feed*, from New Bedford, Mass., and points within twenty (20) miles thereof, to points in Illinois, Indiana, Iowa, Kentucky, Michigan, Minnesota, Missouri, Nebraska, Ohio, and Wisconsin. NOTE: If a hearing is deemed necessary, applicant requests it be held at Boston, Mass.

No. MC 21170 (Sub-No. 98), filed June 3, 1965. Applicant: BOS LINES, INC., 408 South 12th Avenue, Marshalltown, Iowa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs* (except commodities in bulk in tank vehicles), from Champaign, Ill., to points in Arkansas, Colorado, Iowa, Kansas, Minnesota, Missouri, Nebraska, and Wisconsin. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 27970 (Sub-No. 43), filed June 3, 1965. Applicant: CHICAGO EXPRESS, INC., Post Office Box 213, Winston-Salem, N.C. Applicant's attorney: Francis W. McInerny, 1000 16th Street NW., Washington, D.C., 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Synthetic gums and resins*, in bulk, from South Bound Brook, N.J., to Chicago, Ill., and Indianapolis, Ind. NOTE: Common control may invovled. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 28958 (Sub-No. 9), filed June 7, 1965. Applicant: G. P. RYALS, doing business as RYALS TRUCK SERVICE, Post Office Box 234, Albany, Oreg. Applicant's attorney: Earle V. White, Fifth Avenue Building, 2130 Southwest Fifth Avenue, Portland 1, Oreg. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry chemicals and dry fertilizers*, from points in Columbia County, Oreg., to points in Washington. NOTE: If a hearing is deemed necessary, applicant requests it be held at Portland, Oreg.

No. MC 29613 (Sub-No. 3), filed June 7, 1965. Applicant: JAYNE'S MOTOR FREIGHT, INC., 860 North Avenue East, Elizabeth, N.J. Applicant's representative: George A. Olsen, 69 Tonnele Avenue, Jersey City, N.J. Authority sought to operate as a *common carrier*, by motor vehicles, over irregular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, and commodities requiring special equipment), between Newark, N.J., on the one hand, and, on the other, points in Burlington County, N.J., on and north of New Jersey Highway 70. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 30204 (Sub-No. 21), filed June 3, 1965. Applicant: HEMINGWAY TRANSPORT INC., 438 Dartmouth Street, New Bedford, Mass. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading), between junction U.S. Highway 1 and Virginia Highway 17 at or near Falmouth, Va., and junction U.S. Highway 50 and Virginia Highway 17, over Virginia Highway 17, serving no intermediate points, and serving the junction U.S. Highway 50 and Virginia Highway 17 for purpose of joinder only, as an alternate route for operating convenience only in connection with applicant's regular-route operations. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 40235 (Sub-No. 29), filed June 7, 1965. Applicant: I.R.C. & D. MOTOR FREIGHT, INC., 128 South 2d Street, Richmond, Ind. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commitities* (except those of unusual value, livestock, dangerous explosives, household goods as defined in *Practices of Motor Common Carriers of Household Goods*, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading), serving Lapel, Ind., as an off-route point in connection with applicant's regular-route operations at Anderson, Ind. NOTE: If a hearing is deemed necessary, applicant requests it be held at Indianapolis, Ind.

No. MC 41404 (Sub-No. 59), filed May 24, 1965. Applicant: ARGO-COLLIER TRUCK LINES CORPORATION, Post Office Box 151, Martin, Tenn. Appli-

[1] Copies of Special Rule 1.247 can be obtained by writing to the Secretary, Interstate Commerce Commission, Washington, D.C., 20423.

cant's attorney: Joseph M. Scanlan, 111 West Washington Street, Chicago 2, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods, frozen soups, frozen meat pies, frozen dinners, frozen poultry*, and *poultry parts, frozen bakery products*, from Chicago, Ill., to Paducah, Ky. NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 48958 (Sub-No. 77), filed June 11, 1965. Applicant: ILLINOIS-CALIFORNIA EXPRESS, INC., 510 East 51st Avenue, Denver, Colo. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except Classes A and B explosives, commodities in bulk, household goods as defined by the Commission and commodities requiring special equipment), serving points in San Juan County, N. Mex., within 20 miles of U.S. Highway 550 and New Mexico Highway 17 as off-route points in connection with carrier's regular-route operations to and from Farmington, N. Mex. NOTE: Applicant states no duplication of authority is sought. If a hearing is deemed necessary, applicant requests it be held at Farmington, N. Mex.

No. MC 49387 (Sub-No. 23), filed June 7, 1965. Applicant: ORSCHELN BROS. TRUCK LINES, INC., Highway 24 East, Moberly, Mo. Applicant's attorney: G. M. Rebman, Suite 1230, Boatmen's Bank Building, St. Louis, Mo., 63102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Ammonium nitrate, urea, fertilizer, fertilizer materials, and fertilizer ingredients*, other than liquid, from the plantsite of the American Cyanamid Co. at South River (located near Palmyra), in Marion County, Mo., to points in Arkansas, Illinois, Indiana, Iowa, Kansas, Kentucky, Michigan, Minnesota, Missouri, Nebraska, North Dakota, Ohio, Oklahoma, South Dakota, Tennessee, Texas, and Wisconsin. NOTE: If a hearing is deemed necessary, applicant requests it be held at St. Louis, Mo.

No. MC 51146 (Sub-No. 15), filed June 4, 1965. Applicant: SCHNEIDER TRANSPORT & STORAGE, INC., 817 McDonald Street, Green Bay, Wis. Applicant's attorney: Charles W. Singer, Tower Suite 3600, 33 North La Salle Street, Chicago, Ill., 60602. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Paper and paper products, and plywood and plywood products*, from Plymouth, N.C., to points in Illinois, Indiana, Iowa, Michigan, Minnesota, Ohio, Wisconsin, and St. Louis, Mo., and *returned, refused, and rejected shipments* of the above commodities, on return. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 54974 (Sub-No. 2) (CORRECTION), filed May 17, 1965, published FEDERAL REGISTER issue June 9, 1965, and republished as corrected this issue. Applicant: MERRITT CORPORATION, 1048 Southbridge Street, Worcester, Mass. Applicant's attorney: Francis E. Barrett, Jr., 182 Forbes Building, Forbes Road, Braintree, Mass. NOTE: The purpose of this republication is to reflect the attorney representing the applicant shown above, inadvertently omitted from previous publication. If a hearing is deemed necessary, applicant requests it be held at Boston, Mass.

No. MC 55236 (Sub-No. 106), filed June 3, 1965. Applicant: OLSON TRANSPORTATION COMPANY, a corporation, 1970 South Broadway, Post Office Box 1187, Green Bay, Wis. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Anhydrous ammonia, ammonium nitrate, urea, nitric acid, sulphuric acid, and fertilizer solutions*, liquid, in bulk, from the plantsite of the American Cyanamid Co. at South River, Mo. (located near Palmyra, in Marion County, Mo., to points in Arkansas, Illinois, Indiana, Iowa, Kansas, Kentucky, Michigan, Minnesota, Missouri, Nebraska, North Dakota, Ohio, Oklahoma, South Dakota, Tennessee, Texas, and Wisconsin. NOTE: If a hearing is deemed necessary, applicant requests it be held at St. Louis, Mo.

No. MC 59367 (Sub-No. 21), filed June 3, 1965. Applicant: DECKER TRUCK LINE, INC., Post Office Box 915, Fort Dodge, Iowa. Applicant's representative: William A. Landau, 1307 East Walnut Street, Des Moines 16, Iowa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts, and articles distributed by meat packinghouses*, as described in sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk, in tank vehicles), from Minden, Nebr., and points within 5 miles thereof, to points in Illinois, Indiana, Iowa, Kansas, Michigan, Minnesota, Missouri, Ohio, and Wisconsin. NOTE: If a hearing is deemed necessary, applicant does not specify place of hearing.

No. MC 59367 (Sub-No. 22), filed June 3, 1965. Applicant: DECKER TRUCK LINE, INC., Post Office Box 915, Fort Dodge, Iowa. Applicant's representative: William A. Landau, 1307 East Walnut Street, Des Moines 16, Iowa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts, and articles distributed by meat packinghouses*, as described in sections A and C of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk, in tank vehicles), from points in Dawson County, Nebr., to points in Illinois, Indiana, Iowa, Kansas, Michigan, Minnesota, Missouri, Ohio, and Wisconsin. NOTE: If a hearing is deemed necessary, applicant does not specify a location.

No. MC 61396 (Sub-No. 137), filed June 7, 1965. Applicant: HERMAN BROS., INC., 2501 North 11th Street, Omaha, Nebr. Applicant's attorney: Leonard Jaskiewicz, 1155 15th Street NW., Washington, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Ammonium nitrate, urea, fertilizer materials*, and *fertilizer ingredients* (other than liquid), from the plantsite of American Cyanamid Co., at South River, Mo. (located near Palmyra), in Marion County, Mo., to points in Arkansas, Indiana, Illinois, Iowa, Kansas, Kentucky, Michigan, Minnesota, Missouri, Nebraska, North Dakota, Ohio, Oklahoma, South Dakota, Tennessee, Texas, and Wisconsin. NOTE: If a hearing is deemed necessary, applicant requests it be held at St. Louis, Mo.

No. MC 61403 (Sub-No. 132), filed June 2, 1965. Applicant: THE MASON AND DIXON TANK LINES, INC., Eastman Road, Kingsport, Tenn. Applicant's attorney: W. C. Mitchell, 140 Cedar Street, New York 6, N.Y. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals* (except petroleum chemicals), in bulk, in tank vehicles, from Swanton, Ohio, to points in Florida, Georgia, North Carolina, and South Carolina. NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 67167 (Sub-No. 11), filed June 1, 1965. Applicant: EDWARD D. FEE, doing business as E. D. FEE TRANSFER, 111 East Lincoln Avenue, New Castle, Pa. Applicant's attorney: Harold G. Hernly, 711 14th Street NW., Washington, D.C., 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Toilet preparations*, from New Castle, Pa., to points in Lawrence, Mercer, Venango, Butler, and Beaver Counties, Pa., and points in Washington County, Pa., north of Pennsylvania Highway 31, on shipments having a prior out-of-state movement by motor carrier. NOTE: If a hearing is deemed necessary, applicant does not specify place of hearing.

No. MC 71743 (Sub-No. 7) filed June 3, 1965. Applicant: BELLM FREIGHT LINES, INC., 1819 North 17th Street, St. Louis, Mo. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk and commodities requiring special equipment), serving the plantsite of American Cyanamid Co., at South River, Mo. (near Palmyra), as an off-route point in connection with applicant's authorized regular-route operations between Quincy, Ill., and St. Louis, Mo. NOTE: If a hearing is deemed necessary, applicant requests it be held at St. Louis, Mo.

No. MC 72243 (Sub-No. 15), filed June 9, 1965. Applicant: THE AETNA FREIGHT LINES, INCORPORATED, 2507 Youngstown Road SE., Warren, Ohio. Applicant's attorney: John P. McMahon, 100 East Broad Street, Columbus, Ohio, 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron, steel*, and *iron or steel articles*, between points in that part of Illinois, Indiana, Iowa, Michigan, and Wisconsin within 300 miles of Chicago, Ill., including Chicago. NOTE: Applicant states that it intends to tack the above proposed authority with that authority previously granted in Certificates Nos. MC 72243, MC 72243 (Sub-No. 4) and MC 72243 (Sub-No. 11), in order to perform through service between the above described territory and its presently authorized points in New York, Pennsylvania, West Virginia, Ohio, Indiana, Illinois, Michigan, and Kentucky. If a hearing is deemed necessary, applicant requests it be held at Columbus, Ohio.

No. MC 73464 (Sub-No. 97), filed June 1, 1965. Applicant: JACK COLE COMPANY, a corporation, 1900 Vanderbilt Road, Birmingham, Ala. Applicant's attorney: Paul M. Daniell, 1600 First Federal Building, Atlanta, Ga., 30303. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk and those requiring special equipment), serving points in Russell County, Ala., as off-route points in connection with applicant's authorized regular-route operations. NOTE: If a hearing is deemed necessary, applicant requests it be held at Columbus, Ga.

No. MC 75185 (Sub-No. 256), filed June 8, 1965. Applicant: SERVICE TRUCKING CO., INC., Post Office Box 276, Federalsburg, Md., 21632. Applicant's attorney: James W. Lawson, 1000 16th Street NW., Washington, D.C., 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foods*, cooked, cured, preserved or prepared, frozen, from Chambersburg, Pa., to points in Florida. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 75320 (Sub-No. 105), filed June 4, 1965. Applicant: CAMPBELL SIXTY-SIX EXPRESS, INC., Post Office Box 807, Springfield, Mo. Applicant's attorney: Harold D. Miller, Jr., Suite 700, Petroleum Building, Post Office Box 1250, Jackson, Miss., 39205. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving the plant site of The St. Regis Paper Co. at or near Wanilla, Miss., as an off-route point in connection with carrier's regular route operations over U.S. Highway 51 (Interstate Highway 55) and U.S. Highway 11 (Interstate Highway 59). NOTE: If a hearing is deemed necessary, applicant requests it be held at Jackson, Miss.

No. MC 75320 (Sub. No. 106), filed June 7, 1965. Applicant: CAMPBELL SIXTY-SIX EXPRESS, INC., Post Office Box 807, Springfield, Mo. Applicant's attorney: Harold D. Miller, Jr., Suite 700, Petroleum Building, Post Office Box 1250, Jackson, Miss., 39205. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment and those injurious or contaminating to other lading), between Birmingham, Ala., and Atlanta, Ga., over U.S. Highway 78, serving no intermediate points, restricted to the transportation of traffic originating at, destined to, or interlined with connecting carriers at, those points in Mississippi or Missouri (except Kansas City and St. Louis and their commercial zones), which are on applicant's authorized regular-routes. NOTE: If a hearing is deemed necessary, applicant requests it be held at Jackson, Miss., Springfield, Mo., or Atlanta, Ga.

No. MC 76436 (Sub-No. 24), filed June 4, 1965. Applicant: SKAGGS TRANSFER, INC., 2400 Ralph Avenue, Louisville, Ky. Applicant's attorney: Rudy Yessin, 6th Floor, McClure Building, Frankfort, Ky. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading), between Bowling Green, Ky., and Evansville, Ind., from Bowling Green over U.S. Highway 231 to junction Indiana Highway 66, thence over Indiana Highway 66 to Yankeetown, thence over Indiana Highway 662 to Evansville, and return over the same route, serving all intermediate points in Warren County, Ky., on U.S. Highway 231. NOTE: If a hearing is deemed necessary, applicant requests it be held at Louisville, Ky.

No. MC 94350 (Sub-No. 74), filed June 4, 1965. Applicant: TRANSIT HOMES, INC., 210 West McBee Avenue, Post Office Box 1628, Greenville, S.C. Applicant's attorney: Henry P. Willimon, Box 1075, Greenville, S.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Portable buildings* traveling on their own or removable undercarriages which are designed to be joined together to form a complete structure, equipped with hitch ball coupler, excluding trailers or mobile homes designed to be drawn by passenger automobiles, and oil field or industrial buildings, from points in Pennsylvania to points in Louisiana and those in States east of the Mississippi River, namely Alabama, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Kentucky, Maine, Maryland, Massachusetts, Michigan, Mississippi, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Vermont, Virginia, West Virginia, Wisconsin, and the District of Columbia, and *damaged or rejected shipments*, on return. NOTE: If a hearing is deemed necessary, applicant requests it be held at Jackson, Miss., Springfield, Mo., or Atlanta, Ga.

No. MC 94350 (Sub-No. 75), filed June 4, 1965. Applicant: TRANSIT HOMES, INC., 210 West McBee Avenue, Post Office Box 1628, Greenville, S.C. Applicant's attorney: Henry P. Willimon, Box 1075, Greenville, S.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Trailers* designed to be drawn by passenger automobiles, in initial movements, from points in Virginia, except Fairfax County, Southhill, and points within 15 miles thereof, Strasburg, Alexandria, and Norfolk, Va., to points in Louisiana and those in States east of the Mississippi River, namely Alabama, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Kentucky, Maine, Maryland, Massachusetts, Michigan, Mississippi, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Vermont, Virginia, West Virginia, Wisconsin, and the District of Columbia, and *damaged or rejected shipments*, on return. NOTE: If a hearing is deemed necessary, applicant requests it be held at Raleigh, N.C.

No. MC 94350 (Sub-No. 77), filed June 7, 1965. Applicant: TRANSIT HOMES, INC. 210 West McBee Avenue, Post Office Box 1628, Greenville, S.C. Applicant's attorney: Henry P. Willimon, Box 1075, Greenville, S.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Trailers* designed to be drawn by passenger automobiles, in initial movements, from points in Greenville County, S.C., to points in Louisiana and those in States east of the Mississippi River, namely Alabama, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Kentucky, Maine, Maryland, Massachusetts, Michigan, Mississippi, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Vermont, Virginia, West Virginia, Wisconsin, and the District of Columbia, and *damaged or rejected shipments*, on return. NOTE: If a hearing is deemed necessary, applicant requests it be held at Columbia, S.C.

No. MC 94350 (Sub-No. 78) filed June 7, 1965. Applicant: TRANSIT HOMES, INC., 210 West McBee Avenue, Post Of-

fice Box 1628, Greenville, S.C. Applicant's attorney: Henry P. Willimon, Greenville, S.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Portable buildings traveling on their own or removeable undercarriages which are designed to be joined together to form a complete structure, equipped with hitch ball coupler* (excluding trailers or mobile homes designed to be drawn by passenger automobiles, and oil field or industrial buildings), from points in Indiana, to points in California, Colorado, Connecticut, Delaware, Idaho, Maine, Maryland, Massachusetts, Montana, Nevada, New Hampshire, New Jersey, New Mexico, New York, North Carolina, Oregon, Pennsylvania, Rhode Island, South Carolina, Utah, Vermont, Virginia, Wyoming, and Alaska, and *damaged or rejected shipments*, on return. NOTE: If a hearing is deemed necessary, applicant requests it be held at Indianapolis, Ind.

No. MC 95084 (Sub-No. 44), filed June 7, 1965. Applicant: HOVE TRUCK LINE, a corporation, Stanhope, Iowa. Applicant's representative: Kenneth F. Dudley, 901 South Madison Avenue, Post Office Box 279, Ottumwa, Iowa, 52502. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Agricultural implements, machinery, and parts* as described in sections 1(A), 1(B), and 1(C), of Appendix XII to the report in *Descriptions in Motor Carrier Certificates* 61 M.C.C. 209, from Fort Dodge, Iowa, to points in Florida. NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., Indianapolis, Ind., or Columbus, Ohio.

No. MC 95540 (Sub-No. 643), filed June 7, 1965. Applicant: WATKINS MOTOR LINES, INC., Albany Highway, Post Office Box 828, Thomasville, Ga. Applicant's representative: Jack M. Holloway (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Food products* (other than frozen), from points in Texas to points in Connecticut, Delaware, Kentucky, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Tennessee (except Memphis), Vermont, Virginia, West Virginia, and the District of Columbia. NOTE: Common control may be involved. If a hearing is deemed necessary, applicant does not specify place of hearing.

No. MC 103051 (Sub-No. 191), filed June 9, 1965. Applicant: FLEET TRANSPORT COMPANY, INC., 340 Armour Drive NE., Atlanta, Ga., 30324. Applicant's attorney: R. J. Reynolds, Jr., Suite 403–11, Healey Building, Atlanta, Ga., 30303. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Syrup, liquid sugar, and blends thereof*, in bulk, in tank vehicles, from Decatur, Ill., to points in Alabama, Florida, and Georgia. NOTE: If a hearing is deemed necessary, applicant requests it be held at Atlanta, Ga.

No. MC 103378 (Sub-No. 316), filed June 1, 1965. Applicant: PETROLEUM CARRIER CORPORATION, 369 Margaret Street, Jacksonville, Fla. Applicant's attorney: Martin Sack, Atlantic National Bank Building, Jacksonville, Fla., 32202. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Commodities*, in bulk, having a prior movement by rail, water, or pipeline, between points in Alabama, Arkansas, Florida, Georgia, Louisiana, Mississippi, Missouri, Oklahoma, Tennessee, and Texas. NOTE: Applicant states no duplicating authority requested. Further, the above-proposed operations will be restricted against tacking. If a hearing is deemed necessary, applicant requests it be held at Atlanta, Ga.

No. MC 105424 (Sub-No. 5), filed June 7, 1965. Applicant: FLAGGE TRUCK LINE, INC., 251 18th Street SE., Mason City, Iowa. Applicant's attorney: Clayton L. Wornson, 206 Brick and Tile Building, Mason City, Iowa. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Agricultural pesticides, including insecticides, herbicides, and fungicides*, from Wyoming, Ill., to points in Iowa, Minnesota, North Dakota, and South Dakota. NOTE: If a hearing is deemed necessary, applicant requests it be held at Des Moines, Iowa.

No. MC 106398 (Sub-No. 273), filed June 8, 1965. Applicant: NATIONAL TRAILER CONVOY, INC., 1925 National Plaza, Tulsa, Okla. Applicant's attorney: Harold G. Hernly, 711 14th Street NW., Washington, D.C., 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Sectionalized buildings* mounted on wheeled undercarriages equipped with hitchball coupler, from points in the United States, including Alaska, to points in the United States, including Alaska. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., Los Angeles, Calif., Chicago, Ill., Dallas, Tex., Fort Lauderdale, Fla., and Atlanta, Ga.

No. MC 106674 (Sub-No. 14), filed June 2, 1965. Applicant: OSBORNE TRUCKING CO., a corporation, Vincennes, Ind. Applicant's attorney: Thomas F. Kilroy, 1815 H Street NW., Washington, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Ammonium nitrate, urea, fertilizer materials, and fertilizer ingredients* (other than liquid), from the plantsite of American Cyanamid Co. at South River, Mo. (located near Palmyra), in Marion County, Mo., to points in Arkansas, Illinois, Indiana, Iowa, Kansas, Kentucky, Michigan, Minnesota, Missouri, Nebraska, North Dakota, Ohio, Oklahoma, South Dakota, Tennessee, Texas, and Wisconsin. NOTE: If a hearing is deemed necessary, applicant requests it be held at St. Louis, Mo.

No. MC 107002 (Sub-No. 256), filed June 2, 1965. Applicant: HEARIN-MILLER TRANSPORTERS, INC., Post Office Box 1123, Highway 80 West, Jackson, Miss., 39205. Applicant's attorney: E. Stephen Heisley, Transportation Building, Washington, D.C., 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Commodities*, in bulk, having a prior or subsequent movement by rail, water, and/or pipeline between points in Alabama, Arkansas, Florida, Georgia, Louisiana, Mississippi, Missouri, Oklahoma, Tennessee, and Texas. NOTE: Applicant states no duplication of authority is sought. If a hearing is deemed necessary, applicant requests it be held at Memphis, Tenn.

No. MC 107353 (Sub-No. 17), filed June 1, 1965. Applicant: HELPHREY MOTOR FREIGHT, INC., East 3417 Springfield Avenue, Spokane, Wash., 99202. Applicant's attorney: Joseph L. Thomas, 711 Old National Bank Building, Spokane, Wash., 99201. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except Classes A and B explosives, commodities in bulk, household goods as defined by the Commission, commodities requiring special equipment, and those of unusual value), serving points in Cascade, Teton, Pondera, Glacier, Toole, Liberty, Choutesu, and Hill Counties, Mont., as off-route points in connection with applicant's authorized regular-route operations. NOTE: If a hearing is deemed necessary, applicant requests it be held at Great Falls, Mont.

No. MC 107496 (Sub-No. 362), filed June 3, 1965. Applicant: RUAN TRANSPORT CORPORATION, Keosauqua Way at Third, Des Moines, Iowa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Ammonium nitrate, urea, fertilizer materials, and fertilizer ingredients*, other than liquid, from the plantsite of the American Cyanamid Co. at South River, Mo. (located near Palmyra), in Marion County, Mo., to points in Arkansas, Illinois, Indiana, Iowa, Kansas, Kentucky, Michigan, Minnesota, Missouri, Nebraska, North Dakota, Ohio, Oklahoma, South Dakota, Tennessee, Texas, and Wisconsin. NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at St. Louis, Mo.

No. MC 107515 (Sub-No. 516), filed June 9, 1965. Applicant: REFRIGERATED TRANSPORT CO., INC., 290 University Avenue SW., Atlanta, Ga., 30310. Applicant's attorney: Paul M. Daniell, Suite 1600, First Federal Building, Atlanta, Ga., 30303. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products*, and *meat byproducts*, as defined by the Commission (except in bulk, in tank vehicles), from points in Atchison County, Mo., to points in Massachusetts, Rhode Island, the District of Columbia, Virginia, Maryland, Pennsylvania, New Jersey, New York, Delaware, and Connecticut. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 107515 (Sub-No. 517), filed June 9, 1965. Applicant: REFRIGERATED TRANSPORT CO., INC., 290 University Avenue SW., Atlanta, Ga., 30310.

Applicant's attorney: Paul M. Daniell, Suite 1600, First Federal Building, Atlanta, Ga., 30303. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, and meat byproducts* as defined by the Commission (except in bulk, in tank vehicles), from points in Atchison County, Mo., to points in Tennessee (except Memphis and points in the Memphis, Tenn., commercial zone), Florida, Alabama, Georgia, North Carolina, and South Carolina. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 107515 (Sub-No. 518), filed June 7, 1965. Applicant: REFRIGERATED TRANSPORT CO., INC., 290 University Avenue SW., Atlanta, Ga. Applicant's attorney: Paul M. Daniell, Suite 1600, First Federal Building, Atlanta, Ga., 30303. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from the plantsite and warehouses of the Pet Milk Co., located at Allentown, Pa., to points in Kentucky, Tennessee, Alabama, Georgia, Florida, Mississippi, Louisiana, North Carolina, South Carolina, Virginia, and West Virginia. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 107515 (Sub-No. 519), filed June 7, 1965. Applicant: REFRIGERATED TRANSPORT CO., INC., 290 University Avenue SW., Atlanta, Ga., 30310. Applicant's attorney: Paul M. Daniell, Suite 1600, First Federal Building, Atlanta, Ga., 30303. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from the plantsite and warehouses of the Pet Milk Co., located at Allentown and Chambersburg, Pa., to points in Ohio, Indiana, Illinois, Michigan, Minnesota, Wisconsin, and St. Louis, Mo. NOTE: If a hearing is deemed necessary, applicant requests it be held at St. Louis, Mo.

No. MC 108207 (Sub-No. 159) filed June 4, 1965. Applicant: FROZEN FOOD EXPRESS, a corporation, 318 Cadiz, Dallas, Tex. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Potato products*, other than frozen, from points in Montcalm County, Mich., to points in Texas, Louisiana, Mississippi, Missouri, Oklahoma, Arkansas, Iowa, Kansas, and Memphis, Tenn., restricted to traffic originating at the plantsite and warehouse facilities of Ore Ida Foods, Inc., in Montcalm County, Mich. NOTE: If a hearing is deemed necessary, applicant requests it be held at Dallas, Tex.

No. MC 108329 (Sub-No. 10), filed June 7, 1965. Applicant: KATO, INC., Route No. 3, Elizabethtown, Ky. Applicant's attorney: Rudy Yessin, Sixth Floor, McClure Building, Frankfort, Ky., 40601. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Motion picture films, supplies, accessories, and advertising materials* used in motion picture theaters, between Indianapolis, Ind., on the one hand, and, on the other, Louisville, Ky., and points in Jefferson County, Ky. NOTE: If a hearing is deemed necessary, applicant requests it be held at Louisville, Ky.

No. MC 108549 (Sub-No. 7), filed June 3, 1965. Applicant: MURPHY TRANSPORTATION CO., a corporation, Hampton, Iowa. Applicant's representative: Kenneth F. Dudley, 901 South Madison Avenue, Post Office Box 279, Ottumwa, Iowa, 52502. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Twine*, from Philadelphia, Pa., to points in Iowa. NOTE: If a hearing is deemed necessary, applicant requests it be held at Des Moines, Iowa, or Chicago, Ill.

No. MC 109637 (Sub-No. 282), filed June 1, 1965. Applicant: SOUTHERN TANK LINES INC., 4107 Bells Lane, Louisville, Ky., 40211. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Anhydrous ammonia, ammonium nitrate, urea, nitric acid, sulphuric acid, and fertilizer solutions*, liquid, in bulk, in tank vehicles, from the plantsite of the American Cyanamid Co. at South River (Marion County), Mo., to points in Arkansas, Illinois, Indiana, Iowa, Kansas, Kentucky, Michigan, Minnesota, Missouri, Nebraska, North Dakota, Ohio, Oklahoma, South Dakota, Tennessee, Texas, and Wisconsin. NOTE: If a hearing is deemed necessary, applicant requests it be held at St. Louis, Mo.

No. MC 109637 (Sub-No. 283), filed June 9, 1965. Applicant: SOUTHERN TANK LINES INC., 4107 Bells Lane, Louisville, Ky., 40211. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles*, in truckload shipments of 30,000 pounds or more, between points in Kentucky. NOTE: If a hearing is deemed necessary, applicant requests it be held at Louisville, Ky.

No. MC 110098 (Sub-No. 59), filed June 1, 1965. Applicant: ZERO REFRIGERATED LINES, a corporation, 815 Merida Street, Box 7249, Station A, San Antonio, Tex. Applicant's attorney: Donald L. Stern, 630 City National Bank Building, Omaha 2, Nebr. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts, and articles distributed by meat packinghouses* (except hides and commodities in bulk, in tank vehicles), as described in Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, from Hastings, Nebr., and points within five (5) miles thereof to points in Arkansas, Oklahoma, Louisiana, Texas, New Mexico, Arizona, Nevada, and California. NOTE: If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr.

No. MC 110098 (Sub-No. 60), filed June 1, 1965. Applicant: ZERO REFRIGERATED LINES, a corporation, 815 Merida Street, Box 7249, Station A, San Antonio, Tex. Applicant's attorney: Donald L. Stern, 630 City National Bank Building, Omaha 2, Nebr. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts, and articles distributed by meat packinghouses* (except hides and commodities in bulk, in tank vehicles), as described in Appendix I, to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, from Lexington, Nebr., and points within five (5) miles thereof, to points in Arkansas, Oklahoma, Louisiana, Texas, New Mexico, Arizona, Nevada, and California. NOTE: If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr.

No. MC 110420 (Sub-No. 459), filed June 7, 1965. Applicant: QUALITY CARRIERS, INC., 100 South Calumet Street, Burlington, Wis. Applicant's representative: Fred H. Figge, Post Office Box 339, Burlington, Wis. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Ammonium nitrate, urea, fertilizer materials, and fertilizer ingredients*, other than liquid, from the plantsite of the American Cyanamid Co. at South River (Marion County), Mo., to points in Arkansas, Illinois, Indiana, Iowa, Kansas, Kentucky, Michigan, Minnesota, Missouri, Nebraska, North Dakota, Ohio, Oklahoma, South Dakota, Tennessee, Texas, and Wisconsin. NOTE: If a hearing is deemed necessary, applicant requests it be held at St. Louis, Mo.

No. MC 110420 (Sub-No. 460), filed June 7, 1965. Applicant: QUALITY CARRIERS, INC., Post Office Box 339, 100 South Calumet Street, Burlington, Wis. Applicant's representative: Fred H. Figge (same address as applicant's). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry litharge*, in bulk, from Chicago, Ill., to points in Indiana, Iowa, Kentucky, Michigan, Minnesota, Missouri, Nebraska, Ohio, Pennsylvania, West Virginia, and Wisconsin. NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 110525 (Sub-No. 733), filed June 8, 1965. Applicant: CHEMICAL LEAMAN TANK LINES, INC., 520 East Lancaster Avenue, Downingtown, Pa. Applicant's attorneys: Leonard A. Jaskiewicz, 1155 15th Street NW., Madison Building, Washington, D.C., 20005, and Edwin H. van Deusen, 520 East Lancaster Avenue, Downingtown, Pa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum transformer oil*, in bulk, in tank vehicles, from Coraopolis, Pa., to Cincinnati, Ohio. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 110988 (Sub-No. 130), filed June 2, 1965. Applicant: KAMPO TRANSIT, INC., 200 West Cecil Street, Neenah, Wis. Applicant's attorney: Harry C. Ames, Jr., Transportation Building, Washington, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Anhydrous ammonia, ammonium nitrate urea, nitric acid, sulphuric acid, and fertilizer solutions*, liquid, in bulk, in tank vehicles, from the plantsite of the American Cyanamid Co. at South River, Mo. (located near Palmyra), in Marion County, Mo., to points in Arkansas, Illinois, Indiana, Iowa,

Kansas, Kentucky, Michigan, Minnesota, Missouri, Nebraska, North Dakota, Ohio, Oklahoma, South Dakota, Tennessee, Texas, and Wisconsin. NOTE: If a hearing is deemed necessary, applicant requests it be held at St. Louis, Mo.

No. MC 111045 (Sub-No. 49), filed June 9, 1965. Applicant: REDWING CARRIERS, INC., Palm River Road, Box 426, Tampa, Fla. Applicant's attorney: Frank B. Hand, Jr., 921 17th Street NW., Washington 6, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Salt* in bulk, from Tampa, Fla., to points in Georgia. NOTE: If a hearing is deemed necessary, applicant requests it be held at Atlanta, Ga.

No. MC 111302 (Sub-No. 36), filed June 18, 1965. Applicant: HIGHWAY TRANSPORT, INC., Albany Highway, Post Office Box XX, Thomasville, Ga. Applicant's attorney: Thomas F. Kilroy, Federal Bar Building, Washington, D.C., 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Anhydrous ammonia*, in bulk, in tank vehicles, and *dry urea*, in bulk, from the plantsite of the American Cyanamid Co., at or near Avondale, La., to points in Alabama, Arkansas, Florida, Georgia, Kansas, Kentucky, Louisiana, Mississippi, Missouri, North Carolina, Oklahoma, South Carolina, Tennessee, and Texas. NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 111812 (Sub-No. 292), filed June 1, 1965. Applicant: MIDWEST COAST TRANSPORT, INC., Wilson Terminal Building, Post Office Box 747, Sioux Falls, S. Dak., 57101. Applicant's representative: William J. Walsh (address same as applicant), attorney: Donald L. Stern, 630 City National Bank Building, Omaha, Nebr., 68102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Confectionery, candy, cocoa, coatings, compounds, and cough drops*, from Elizabethtown, Lititz, and Reading, Pa., to points in Colorado, Illinois, Indiana, Iowa, Kansas, Kentucky, Michigan, Minnesota, Missouri, Nebraska, New Mexico, North Dakota, Ohio, South Dakota, Tennessee, and Wisconsin. NOTE: If a hearing is deemed necessary, applicant requests it be held at Philadelphia, Pa.

No. MC 111812 (Sub-No. 293), filed June 1, 1965. Applicant: MIDWEST COAST TRANSPORT, INC., Wilson Terminal Building, Post Office Box 747, Sioux Falls, S. Dak. Applicant's representative: William J. Walsh (address same as applicant), attorney: Donald L. Stern, 630 City National Bank Building, Omaha, Nebr., 68102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from Wahoo, Nebr. to points in Arizona, California, Colorado, and New Mexico. NOTE: If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr.

No. MC 111837 (Sub-No. 2), filed June 9, 1965. Applicant: SEMCA MOTOR LINES, INC., 77-15 19th Road, Jackson Heights 70, N.Y. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Missiles and missile parts*, between points in New York, Connecticut, Rhode Island, Massachusetts, Vermont, New Hampshire, Maine, New Jersey, Pennsylvania, Delaware, Maryland, Virginia, West Virginia, Ohio, North Carolina, and the District of Columbia. NOTE: If a hearing is deemed necessary, applicant requests it be held at New York, N.Y.

No. MC 112520 (Sub-No. 121), filed June 1, 1965. Applicant: McKENZIE TANK LINES, INC., New Quincy Highway, Tallahassee, Fla. Applicant's attorney: Norman J. Bolinger, 1730 American Heritage Life Building, Jacksonville, Fla., 32202. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals*, in bulk from Pace, Fla., to points in Alabama, Arkansas, Colorado, Connecticut, Delaware, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Nebraska, New Hampshire, New Jersey, New York, North Carolina, Ohio, Oklahoma, Pennsylvania, Rhode Island, South Carolina, South Dakota, Tennessee, Texas, Vermont, Virginia, West Virginia, Wisconsin, and the District of Columbia. NOTE: If a hearing is deemed necessary, applicant requests it be held at Atlanta, Ga., or Jacksonville, Fla.

No. MC 112567 (Sub-No. 6), filed June 10, 1965. Applicant: ARTHUR B. McRAY, doing business as McRAY TRUCK LINE, Springfield, Ky. Applicant's attorney: Ollie L. Merchant, 140 South Fifth Street, Louisville, Ky., 40202. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Roofing, wire fencing, gates, nails, and supplies* used in the installation of roofing, fencing, and gates, (1) from Crawfordsville, Ind., to points in Maryland, Minnesota, New Jersey, New York, Pennsylvania, Texas, and the District of Columbia, (2) from Crawfordsville, Ind., to Cullman, Ala., (3) from Jacksonville, Fla., to points in Alabama, Arkansas, Georgia, Louisiana, Mississippi, North Carolina, South Carolina, Tennessee, Virginia, and West Virginia, (4) between Jacksonville, Fla., and points in Texas, (5) from Jacksonville, Fla., to points in Illinois and Indiana (except Crawfordsville, Ind., and (6) from Sherman, Tex., to points in Illinois, Indiana, Kentucky, and Tenessee. NOTE: Applicant states the proposed operations will be under a continuing contract with Mid-State Steel & Wire Co. of Crawfordsville, Ind. If a hearing is deemed necessary, applicant requests it be held at Louisville, Ky.

No. MC 112617 (Sub-No. 201), filed June 4, 1965. Applicant: LIQUID TRANSPORTERS, INC., Post Office Box 5135, Cherokee Station, Louisville 5, Ky. Applicant's attorney: L. A. Jaskiewicz, 600 Madison Building, 1155 15th Street NW., Washington, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Ammonium nitrate, urea, fertilizer materials, and fertilizer ingredients*, other than liquid, from the plantsite of the American Cyanamid Co. at South River, Mo. (located near Palmyra), in Marion County, Mo., to points in Arkansas, Illinois, Indiana, Iowa, Kansas, Kentucky, Michigan, Minnesota, Missouri, Nebraska, North Dakota, Ohio, Oklahoma, South Dakota, Tennessee, Texas, and Wisconsin, and *rejected shipments*, on return. NOTE: If a hearing is deemed necessary, applicant requests it be held at St. Louis, Mo.

No. MC 112801 (Sub-No. 23) (AMENDMENT), filed April 5, 1965, published FEDERAL REGISTER issue April 21, 1965, amended June 15, 1965, and republished as amended this issue. Applicant: TRANSPORT SERVICE CO., a corporation, 5100 West 41st Street, Chicago, Ill. Applicant's attorney: Robert H. Levy, 105 West Adams Street, Chicago, Ill. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Acids, chemicals, fertilizer, and fertilizer ingredients*, in bulk, in tank vehicles, from East Dubuque, Ill., and points in Illinois within ten (10) miles thereof, to points in Illinois, Indiana, Iowa, Kansas, Kentucky, Michigan, Minnesota, Missouri, Nebraska, Ohio, South Dakota, and Wisconsin. NOTE: The purpose of this republication is to include additional destination States Kentucky, Michigan, and Ohio, not previously published. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 113362 (Sub-No. 71), filed June 7, 1965. Applicant: ELLSWORTH FREIGHT LINES, INC., 220 East Broadway, Eagle Grove, Iowa. Applicant's attorney: Donald L. Stern, 630 City National Bank Building, Omaha, Nebr. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs*, from Des Moines, Fort Dodge, and Webster City, Iowa, to points in Connecticut, Delaware, District of Columbia, Illinois, Minnesota, Maryland, Massachusetts, New Jersey, New York, Pennsylvania, Rhode Island, and West Virginia. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 113362 (Sub-No. 72), filed June 7, 1965. Applicant: ELLSWORTH FREIGHT LINES, INC., 220 East-Broadway, Eagle Grove, Iowa. Applicant's attorney: Donald L. Stern, 630 City National Bank Building, Omaha, Nebr. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *frozen foods*, from Wells, Minn., to Macon, Carrollton, Marshall, Moberly, St. Joseph, Sedalia, and Milan, Mo.; (2) *salt, spices and food coloring*, and *commodities*, the transportation of which is partially exempt under the provisions of section 203 (b) (6) of the Interstate Commerce Act if transported in vehicles not used in carrying any other property, when moving in the same vehicle at the same time with salt, spices and food coloring, from Marshall, Macon, Carrollton, Moberly, St. Joseph, Milan, and Sedalia, Mo., to Wells, Minn., and (3) *frozen vegetables* and *commodities*, the transportation of which is partially exempt under the provisions of section 203(b)(6) of the Interstate Commerce Act if transported in vehicles not used in carrying any other property, when moving in the same vehicle at the same time with frozen vegetables, from Marshall, Mo., to Wells, Minn. NOTE: If a hearing is deemed necessary, applicant requests it be held at Minneapolis, Minn.

No. MC 113362 (Sub-No. 73), filed June 8, 1965. Applicant: ELLSWORTH FREIGHT LINES, INC., 220 East Broadway, Eagle Grove, Iowa. Applicant's attorney: William J. Boyd, 30 North La Salle Street, Chicago, Ill., 60602. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from Russellville, Ark., to points in Indiana, Illinois, Iowa, Wisconsin, Minnesota, South Dakota, North Dakota, and Nebraska. NOTE: If a hearing is deemed necessary, applicant requests it be held at Little Rock, Ark., or Washington, D.C.

No. MC 113398 (Sub-No. 11) (AMENDMENT), filed April 5, 1965, published in FEDERAL REGISTER issue of April 21, 1965, amended June 9, 1965, and republished as amended this issue. Applicant: CINEMA SERVICE, INC., Post Office Box 4, Fort Collins, Colo. Applicant's attorney: Alvin J. Meiklejohn, Suite 420, Denver Club Building, Denver, Colo., 80202. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Motion picture films and incidental advertising material, and newspapers*, (1) between Denver, Colo., and Laramie, Wyo.: (a) From Denver over U.S. Highway 87 to junction Colorado Highway 14, thence over Colorado Highway 14 to Fort Collins, Colo., and thence over U.S. Highway 287 to Laramie, and return over the same route, serving no intermediate points, (b) from Denver over U.S. Highway 287 to Laramie, and return over the same route, serving no intermediate points; and (c) from Denver over U.S. Highway 85 to Cheyenne, Wyo., thence over U.S. Highway 30 to Laramie, and return over the same route, serving no intermediate points; (2) between Cheyenne, Wyo., and Laramie, Wyo.: From Cheyenne over U.S. Highway 30 to Laramie, and return over the same route, serving no intermediate points; (3) between Fort Morgan, Colo., and Kimball, Nebr., from Fort Morgan over Colorado Highway 52 to junction Colorado Highway 14 thence over Colorado Highway 14 to junction Colorado Highway 21, thence over Colorado Highway 21 to the Colorado-Nebraska State line, thence over Nebraska Highway 29 to Kimball, and return over the same route, serving no intermediate points, as an alternate route for operating convenience only in connection with applicant's regular-route operations; and (4) serving Torrington, Wyo., as an intermediate point on applicant's otherwise authorized regular route between Denver, Colo., and Scottsbluff, Nebr., via Torrington, Wyo. NOTE: Applicant intends to tack all these routes with its otherwise authorized regular and irregular routes to perform through service. Applicant is authorized by virtue of Certificate No. MC 113398 to operate in the States of Colorado, Nebraska, South Dakota, and Wyoming. Purpose of this republication is to add two additional routes between Denver, Colo., and Laramie, Wyo., as shown in paragraph (1) (b) and (c) above. If a hearing is deemed necessary, applicant requests it be held at Denver, Colo.

No. MC 113434 (Sub-No. 18), filed June 2, 1965. Applicant: GRA-BELL TRUCK LINE, INC., 679 Lincoln Avenue, Holland, Mich. Applicant's attorney: Wilhelmina Boersma, 2850 Penobscot Building, Detroit, Mich., 48226. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Glass containers;* (2) *closures, caps, covers, and accessories* for glass containers; and (3) *fiberboard boxes*, from Plainfield, Ill., to points in Michigan, Ohio, and Indiana, and *refused or rejected shipments*, no return. NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Washington, D.C.

No. MC 113678 (Sub-No. 148), filed June 2, 1965. Applicant: CURTIS, INC., 770 East 51st Avenue, Denver, Colo. Applicant's attorney: Duane W. Acklie, Post Office Box 2028, Lincoln, Nebr. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts, and articles distributed by meat packinghouses*, as described in Appendix I, *Descriptions in Motor Carrier Certificates*, 61 M.C.C., 209 from Greeley, Colo., to points in Kansas and Missouri. NOTE: If a hearing is deemed necessary, applicant requests it be held at Denver, Colo.

No. MC 113678 (Sub-No. 150), filed June 3, 1965. Applicant: CURTIS, INC., 770 East 51st Avenue, Denver, Colo., 80216. Applicant's attorney: Duane W. Acklie, Post Office Box 2028, Lincoln, Nebr. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from Braddock, Lake City, Saltsburg, and Pittsburgh, Pa., to points in Colorado, Illinois, Indiana, Iowa, Minnesota, Missouri, Nebraska, South Dakota, Wisconsin, and Fargo, N. Dak. NOTE: Applicant does not specify place of hearing if one is deemed necessary.

No. MC 113678 (Sub-No. 151), filed June 9, 1965. Applicant: CURTIS, INC., 770 East 51st Avenue, Denver, Colo., 80216. Applicant's attorney: Duane W. Acklie, Post Office Box 2028, Lincoln, Nebr. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from North East, Pa., to points in Arizona, California, Colorado, Iowa, Kansas, Minnesota, Missouri, Nebraska, and Wisconsin. NOTE: Applicant does not specify place of hearing if one is deemed necessary.

No. MC 113678 (Sub-No. 152), filed June 9, 1965. Applicant: CURTIS, INC., 770 East 51st Avenue, Denver, Colo., 80216. Applicant's attorney: Duane W. Acklie, Post Office Box 2028, Lincoln, Nebr. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs*, from Des Moines, Fort Dodge, and Webster City, Iowa, to points in Connecticut, Delaware, Illinois (except points on and south of U.S. Highway 36), the Lower Peninsula of Michigan, Minnesota, Maryland, Massachusetts, New Jersey, New York, Pennsylvania, Rhode Island, Virginia, West Virginia, and the District of Columbia. NOTE: Applicant does not specify place of hearing if one is deemed necessary.

No. MC 114091 (Sub-No. 69), filed June 7, 1965. Applicant: HUFF TRANSPORT CO., INC., Fern Valley Road, Louisville, Ky. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Ammonium nitrate, urea, fertilizer materials, and fertilizer ingredients* (other than liquid), from the plantsite of the American Cyanamid Co. at South River, Mo. (located near Palmyra), in Marion County, Mo., to points in Arkansas, Illinois, Indiana, Iowa, Kansas, Kentucky, Michigan, Minnesota, Missouri, Nebraska, North Dakota, Ohio, Oklahoma, South Dakota, Tennessee, Texas, and Wisconsin. NOTE: If a hearing is deemed necessary, applicant requests it be held at St. Louis, Mo.

No. MC 114511 (Sub-No. 3), filed June 4, 1965. Applicant: ORA WESTERFIELD, doing business as WESTERFIELD TRANSFER, Post Office Box 15, McLean, Ill. Applicant's attorney: Mack Stephenson, 42 Fox Mill Lane, Springfield, Ill., 62707. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wooden pallets and lumber used in the manufacture thereof*, between points in Illinois, Indiana, Missouri, and Wisconsin. NOTE: If a hearing is deemed necessary, applicant requests it be held at Springfield, Ill.

No. MC 115066 (Sub-No. 9), filed June 7, 1965. Applicant: LEE MOTOR LINES, INC., Post Office Box 728, Muncie, Ind. Applicant's attorney: Donald W. Smith, Suite 511 Fidelity Building, Indianapolis, Ind. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Glass containers*, from Winchester, Ind., to points in Kentucky, Michigan, and Ohio, and *returned shipments of glass containers, pallets and skids*, on return. NOTE: Applicant states the proposed service to be restricted to service to be performed under a continuing contract with Anchor-Hocking Glass Corp., Lancaster, Ohio. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Indianapolis, Ind.

No. MC 115113 (Sub-No. 7), filed June 7, 1965. Applicant: IOWA PACKERS XPRESS, INC., Post Office Box 448, Fort Dodge, Iowa. Applicant's representative: William A. Landau, 1307 East Walnut Street, Des Moines 16, Iowa. Authority sought to operate as a *common carrier*, by motor vehicle, over irrular routes, transporting: *Meats, meat products, meat byproducts, and articles distributed by meat packinghouses*, as described in sections A and C of Appendix 1 to the report in *Descriptions in Motor*

Carrier Certificates, 61 M.C.C. 209 and 766 (except hides and commodities in bulk, in tank vehicles), from points in Dakota County, Nebr., to points in Connecticut, Delaware, Maryland, Massachusetts, New Jersey, New York, Pennsylvania, Rhode Island, Virginia, West Virginia, and the District of Columbia. NOTE: If a hearing is deemed necessary, applicant does not specify place of hearing.

No. MC 115331 (Sub-No. 135), filed June 7, 1965. Applicant: TRUCK TRANSPORT INCORPORATED, 707 Market Street, St. Louis, Mo. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Ammonium nitrate, urea, fertilizer materials, and fertilizer ingredients* (other than liquid), from the plantsite of the American Cyanamid Co. at South River, Mo. (located near Palmyra), in Marion County, Mo., to points in Arkansas, Illinois, Indiana, Iowa, Kansas, Kentucky, Michigan, Minnesota, Missouri, Nebraska, North Dakota, Ohio, Oklahoma, South Dakota, Tennessee, Texas, and Wisconsin. NOTE: If a hearing is deemed necessary, applicant requests it be held at St. Louis, Mo.

No. MC 115331 (Sub-No. 136), filed June 7, 1965. Applicant: TRUCK TRANSPORT INCORPORATED, 707 Market Street, St. Louis, Mo. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Anhydrous ammonia, ammonium nitrate, urea, nitric acid, sulphuric acid, and fertilizer solutions*, liquid, in bulk, in tank vehicles, from the plantsite of the American Cyanamid Co. at South River, Mo. (located near Palmyra), in Marion County, Mo., to points in Arkansas, Illinois, Indiana, Iowa, Kansas, Kentucky, Michigan, Minnesota, Missouri, Nebraska, North Dakota, Ohio, Oklahoma, South Dakota, Tennessee, Texas, and Wisconsin. NOTE: If a hearing is deemed necessary, applicant requests it be held at St. Louis, Mo.

No. MC 115826 (Sub-No. 66), filed June 7, 1965. Applicant: W. J. DIGBY, INC., Post Office Box 5088, Terminal Annex, Denver, Colo. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts, and articles distributed by meat packinghouses* (except hides and commodities in bulk, in tank vehicles), as described in Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, from points in Dawson County, Nebr., to points in Alabama, Arkansas, Florida, Georgia, Kentucky, Louisiana, Mississippi, North Carolina, South Carolina, Tennessee, Virginia, and West Virginia. NOTE: If a hearing is deemed necessary, applicant requests it be held at Denver, Colo.

No. MC 115826 (Sub-No. 67), filed June 7, 1965. Applicant: W. J. DIGBY, INC., Post Office Box 5088 Terminal Annex, Denver, Colo. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from Wahoo, Nebr., to points in Arizona, California, Colorado, and New Mexico. NOTE: If a hearing is deemed necessary, applicant requests it be held at Lincoln, Nebr.

No. MC 115826 (Sub-No. 68), filed June 7, 1965. Applicant: W. J. DIGBY, INC., Post Office Box 5088 Terminal Annex, Denver, Colo. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, (a) from points in Adams and Hall Counties, Nebr., to points in Washington, Oregon, Idaho, and Montana, (b) from points in Adams and Hall Counties, Nebr., to Denver, Colo. and Salt Lake City, Utah, for storage in transit and subsequent shipment from Denver, Colo., and Salt Lake City, Utah, to points in Washington, Oregon, Idaho, and Montana; and (c) from points in Adams and Hall Counties, Nebr., to Denver, Colo. and Salt Lake City, Utah, for stopping in transit for partial loading or unloading of shipments destined to points in Washington, Oregon, Idaho, and Montana. NOTE: If a hearing is deemed necessary, applicant requests it be held at Boise, Idaho or Lincoln, Nebr.

No. MC 115840 (Sub-No. 17) (AMENDMENT), filed May 4, 1965, published FEDERAL REGISTER issue June 3, 1965, amended June 21, 1965, and republished as amended this issue. Applicant: COLONIAL FAST FREIGHT LINES, INC, 1215 Bankhead Highway West, Post Office Box 2169, Birmingham, Ala. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Insulating materials, mineral wool*, loose or in packages, from Birmingham and Leeds, Ala., to (1) points in Louisiana east of the Mississippi River and points in Louisiana on and south of U.S. Highway 190, and (2) points in Mississippi on and south of U.S. Highway 80. NOTE: The purpose of this republication is to include Leeds, Ala., to the service as proposed above, and not previously published. If a hearing is deemed necessary, applicant requests it be held at Birmingham, Ala.

No. MC 115841 (Sub-No. 242), filed June 8, 1965. Applicant: COLONIAL REFRIGERATED TRANSPORTATION, INC., 1215 Bankhead Highway West, Post Office Box 2169, Birmingham, Ala. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from the plantsite and warehouses of the Pet Milk Co. located at Allentown and Chambersburg, Pa., to points in Illinois, Indiana, Michigan, Minnesota, Ohio, Wisconsin, and St. Louis, Mo. NOTE: If a hearing is deemed necessary, applicant requests it be held at St. Louis, Mo.

No. MC 116073 (Sub-No. 19), filed June 3, 1965. Applicant: BARRETT MOBILE HOME TRANSPORT, INC., 1825 Main Avenue, Moorhead, Minn., Applicant's attorney: Donald E. Cross, Munsey Building, Washington, D.C., 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Mobile homes and other trailers* designed to be drawn by passenger automobiles, and *sections of portable buildings* traveling on affixed or removable undercarriages, which sections are designed to be joined together to form a complete structure, excluding oil field or industrial buildings, in initial movements, in truckaway service, from points in Yamhill County, Oreg., to points in the United States including Alaska but excluding Hawaii. NOTE: Applicant states commodity description is intended to embrace so-called "double wide" mobile homes or sectional buildings assembled or partially assembled to be drawn together to form a complete structure. If a hearing is deemed necessary, applicant requests it be held at Portland, Oreg.

No. MC 116325 (Sub-No. 25), filed June 9, 1965. Applicant: JENNINGS BOND, doing business as BOND ENTERPRISES, Post Office Box 185, Lutesville, Mo. Applicant's attorney: Herman W. Huber, 101 East High Street, Jefferson City, Mo. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Pallets, pallet dividers, pallet racks, pallet bins, pallet materials, boxes, crates, crating, lumber, skids, squares, poles, posts, piling, timbers, logs, and cants.* (1) between points in Missouri on and east of U.S. Highway 67, and (2) from points in Illinois to points in Missouri. NOTE: If a hearing is deemed necessary, applicant requests it be held at Jefferson City, Mo.

No. MC 117883 (Sub-No. 41) (AMENDMENT), filed April 12, 1965, published FEDERAL REGISTER issue April 28, 1965, and republished as amended this issue. Applicant: SUBLER TRANSFER, INC., East Main Street, Versailles, Ohio. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts, and articles distributed by meat packinghouses*, as described in sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (restricted against the transportation of hides and commodities in bulk in tank vehicles), from points in Dakota County, Nebr., and Sioux City, Iowa, to points in Connecticut, Delaware, the District of Columbia, Indiana, Maine, Maryland, Massachusetts, Michigan, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Vermont, Virginia, and West Virginia. NOTE: The purpose of this republication is to add Sioux City, Iowa, as an origin point. If a hearing is deemed necessary, applicant does not specify a location.

No. MC 118130 (Sub-No. 20) (AMENDMENT), filed June 1, 1965, published FEDERAL REGISTER issue June 24, 1965, and republished as amended this issue. Applicant: BEN HAMRICK, INC., 2000 Chelsea Drive West, Fort Worth, Tex. Applicant's attorney: M. Ward Bailey, Continental Life Building, Fort Worth 2, Tex. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products and meat byproducts, dairy products, and articles distributed by meat packinghouses* as described in sections A, B, and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, from points in Dakota County, Nebr., and Sioux City, Iowa, to

points in Alabama, Arkansas, California, Colorado, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Michigan, Mississippi, Missouri, North Carolina, Ohio, Oklahoma, South Carolina, Tennessee, Texas, Virginia, West Virginia, and Wisconsin, and *exempt commodities*, on return. NOTE: The purpose of this republication is to add the origin point of Sioux City, Iowa. If a hearing is deemed necessary, applicant does not specify a location.

No. MC 118196 (Sub-No. 32), filed June 3, 1965. Applicant: RAYE & COMPANY TRANSPORTS, INC., Post Office Box 613, Highway 71, North, Carthage, Mo. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from Humboldt, Tenn., to points in Arkansas, Louisiana, Texas, Oklahoma, Michigan, Illinois, Iowa, Kansas, Nebraska, Missouri, Idaho, Mississippi, Minnesota, Wisconsin, Oregon, Washington, Utah, Arizona, and California. NOTE: If a hearing is deemed necessary, applicant requests it be held at Memphis, Tenn.

No. MC 118535 (Sub-No. 23), filed June 7, 1965. Applicant: JIM TIONA, JR., 803 West Ohio Street, Butler, Mo. Applicant's attorney: Tom B. Kretsinger, 510 Professional Building, Kansas City 6, Mo. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Ammonium nitrate, urea, fertilizer materials, and fertilizer ingredients*, other than liquid, from the plantsite of the American Cyanamid Co., at South River (Marion County), Mo., to points in Arkansas, Illinois, Indiana, Iowa, Kansas, Kentucky, Michigan, Minnesota, Nebraska, North Dakota, Ohio, Oklahoma, South Dakota, Tennessee, Texas, and Wisconsin, and *refused, rejected, and retendered shipments*, on return. NOTE: If a hearing is deemed necessary, applicant requests it be held at St. Louis, Mo.

No. MC 119702 (Sub-No. 17), filed June 4, 1965. Applicant: STAHLY CARTAGE COMPANY, a corporation, 130–A Hillsboro Avenue, Edwardsville, Ill. Applicant's attorney: Leonard A. Jaskiewicz, Madison Building, 1155, 15th Street NW., Washington, D.C., 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Ammonium nitrate, urea, fertilizer materials, and fertilizer ingredients* other than liquid, from the plantsite of the American Cyanamid Co., at South River, Mo. (located near Palmyra), in Marion County, Mo., to points in Arkansas, Illinois, Indiana, Iowa, Kansas, Kentucky, Michigan, Minnesota, Missouri, Nebraska, North Dakota, Ohio, Oklahoma, South Dakota, Tennessee, Texas, and Wisconsin. NOTE: If a hearing is deemed necessary, applicant requests it be held at St. Louis, Mo.

No. MC 119767 (Sub-No. 86), filed June 10, 1965. Applicant: BEAVER TRANSPORT CO., a corporation, 100 South Calumet Street, Burlington, Wis. Applicant's representative: Fred H. Figge, Post Office Box 339, Burlington, Wis. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts, and frozen foods*, restricted against transportation in bulk, from points in Coles County, Ill., to points in North Dakota and South Dakota. NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 119777 (Sub-No. 39), filed June 7, 1965. Applicant: LIGON SPECIALIZED HAULER, INC., Post Office Box 31, Madisonville, Ky. Applicant's attorney: Robert M. Pearce, 221 St. Clair, Frankfort, Ky. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Trucks*, in initial movement in truckaway service, from Decatur, Ill., and (2) *and parts, attachments and accessories for trucks*, from Decatur, Morton, and Joliet, Ill., to points in Indiana, Kentucky, Tennessee, West Virginia, and that part of Ohio on and south of U.S. Highway 40 (except Columbus, Ohio), and *returned and rejected shipments* of the commodities specified above, on return. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Chicago, Ill.

No. MC 119829 (Sub-No. 15), filed June 9, 1965. Applicant: F. J. EGNER & SON, INC., 3969 Congress Parkway, West Richfield, Ohio, 44286. Applicant's attorney: Taylor C. Burneson, 3430 Leveque-Lincoln Tower, 50 West Broad Street, Columbus, Ohio, 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bituminous materials in liquid form*, in bulk, in tank vehicles, from Columbus, Ohio, to points in Indiana and Michigan. NOTE: If a hearing is deemed necessary, applicant requests it be held at Columbus, Ohio.

No. MC 121318 (Sub-No. 3), filed June 4, 1965. Applicant: YOURGA TRUCKING, INC., 104 Church Street, Wheatland, Pa. Applicant's attorney: Harold G. Hernly, 711 14th Street NW., Washington, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel, and iron and steel articles*, between Sharon and Wheatland, Pa., on the one hand, and, on the other, points in Michigan, New Jersey, and New York. NOTE: If a hearing is deemed necessary, applicant requests it be held at Pittsburgh, Pa.

No. MC 121555 (Sub-No. 1), filed June 7, 1965. Applicant: PARCEL DISPATCH, INC., 305 North Senate Avenue, Indianapolis, Ind. Applicant's attorney: James L. Beattey, 130 East Washington Street, Indianapolis, Ind., 46204. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Such commodities* as are dealt in by retail stores and mail order houses, in retail delivery only, (1) between points in Marion County, Ind.; and (2) between points in Marion County, Ind., on the one hand, and, on the other, points in Boone, Hamilton, Madison, Hancock, Shelby, Johnson, Morgan, and Hendricks Counties, Ind. NOTE: Applicant states that it intends to transport rejected shipments and "traded-in" merchandise on return movements. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Indianapolis, Ind.

No. MC 123048 (Sub-No. 61) (AMENDMENT), filed May 12, 1965, published FEDERAL REGISTER issue June 3, 1965, amended June 21, 1965, and republished as amended this issue. Applicant: DIAMOND TRANSPORTATION SYSTEM, INC., 1919 Hamilton Avenue, Racine, Wis. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Agricultural machinery and implements* (other than hand), as defined in Appendix XII 1.(B) in *Descriptions in Motor Carrier Certificates* 61 M.C.C. 209 and *parts thereof* when moving with such machinery and implements, from Memphis, Tenn., to points in Indiana, Michigan, Ohio, points in Missouri on and east of U.S. Highway 65 and those points in Wisconsin, on and north of U.S. Highway 10, and *rejected shipments* of the commodities specified above on return. NOTE: Applicant states the proposed service to be restricted to traffic originating at Memphis, Tenn., and destined to the States and parts of States shown above in the destination territory. The purpose of this republication is to substitute the note previously published for that shown above. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Madison, Wis.

No. MC 123233 (Sub-No. 16), filed June 4, 1965. Applicant: PROVOST CARTAGE, INC., 7725 Souligny, Montreal, Quebec, Canada. Applicant's attorney: John J. Brady, Jr., 75 State Street, Albany, N.Y. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Limestone*, in bulk, in tank and hopper type vehicles, from points in Vermont, to the ports of entry on the international boundary line between the United States and Canada located at or near Champlain and Rouses Point, N.Y., Highgate Springs, Derby Line, and Norton, Vt. NOTE: Applicant states the proposed service is to be restricted to traffic destined to points in the Province of Quebec, Canada. Applicant also holds contract carrier authority in Permit No. MC 115111, therefore, dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Albany, N.Y.

No. MC 123407 (Sub-No. 20), filed June 9, 1965. Applicant: SAWYER TRANSPORT, INC., 2424 Minnehaha Avenue, Minneapolis, Minn. Applicant's attorney: Alan Foss, First National Bank Building, Fargo, N. Dak., 58102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Decorating or preservative materials, supplies and equipment, paint, painting materials, supplies, and equipment, engine coolant, lubricating oil* in packages, *cleaning compounds, glue, and advertising material*, from Chicago Heights, Ill., to points in Wisconsin, Minnesota, South Dakota, Nebraska, and the Upper Peninsula of Michigan. NOTE: If a hearing is deemed necessary, applicant requests it be held at Minneapolis, Minn.

No. MC 123639 (Sub-No. 30), filed June 7, 1965. Applicant: J. B. MONT-

No. MC 124500 (Sub-No. 4), filed May 11, 1965. Applicant: JOHN HUSZAR,

by motor vehicle, over irregular routes,

the plantsite or terminal of the Gulf Oil

operate as a *common carrier*, by motor

Beaver Counties, Pa., on the one hand,

No. MC 123639 (Sub-No. 30), filed June 7, 1965. Applicant: J. B. MONTGOMERY, INC., 5150 Brighton Boulevard, Denver, Colo. Applicant's attorney: Charles W. Singer, 33 North La Salle Street, Chicago, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts, and articles distributed by meat packinghouses*, as described in sections A and C of Appendix I in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, from Lexington and Minden, Nebr., and points within five (5) miles of Lexington and Minden, to points in Missouri south of U.S. Highway 50, Iowa, and Illinois (except Chicago, Ill.). NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 123639 (Sub-No. 31), filed June 7, 1965. Applicant: J. B. MONTGOMERY, INC., 5150 Brighton Boulevard, Denver, Colo. Applicant's attorney: Charles W. Singer, 33 North La Salle Street, Chicago, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts, and articles distributed by meat packinghouses*, as described in sections A and C of Appendix I in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, from Lexington, Nebr., and points within five (5) miles thereof, Minden, Nebr., and points within five (5) miles thereof, and Hastings, Nebr., to points in Indiana, Ohio, Michigan, Pennsylvania, New York, Connecticut, Massachusetts, Rhode Island, New Jersey, and Illinois (except Chicago). NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 124174 (Sub-No. 34), filed June 4, 1965. Applicant: MOMSEN TRUCKING COMPANY, a corporation, Highways 71 and 18 North, Spencer, Iowa, 51301. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat byproducts, meat products*, and *articles distributed by meat packinghouses* as described in Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except liquid commodities in bulk in tank vehicles), from points in Dakota County, Nebr., and Sioux City, Iowa, to points in Iowa, Illinois, Indiana, Wisconsin, Minnesota, Missouri, and Kansas. NOTE: If a hearing is deemed necessary, applicant does not specify place of hearing.

No. MC 124236 (Sub-No. 17), filed June 2, 1965. Applicant: CHEMICAL EXPRESS, INC., 305 Simons Building, Dallas 1, Tex. Applicant's attorney: W. D. White, 2506 Republic National Bank Tower, Dallas, Tex. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cement, cement additives, and fly ash*, in bulk, from rail points in Texas, to points in Texas (with prior movement by rail from points outside of Texas). NOTE: If a hearing is deemed necessary, applicant requests it be held at Dallas, Tex.

No. MC 124560 (Sub-No. 4), filed May 11, 1965. Applicant: JOHN HUSZAR, JR., doing business as HUSZAR'S VEGETABLE FARM, Route 1, Box 204, Holden, La., 70744. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Texture*, in bags, from Hammond, La., to points in Arkansas, Texas, Tennessee, Kentucky, Illinois, and Missouri; (2) *kay soy* (made from soy beans), in bags, used in the manufacture of texture, from Decatur, Ill., to the plantsite of Lee Forbes Co., Inc., at Hammond, La.; and (3) *paper*, in rolls, from Crossett, Ark., to Hammond, La. NOTE: Applicant states that the above-proposed service will be performed for Lee Forbes Co., Inc. Applicant also states that "texture" is a dry wall product used in finishing walls where sheetrock has been used. It is made up in a powder form and when ready to use, is mixed with water to form a plaster. If a hearing is deemed necessary, applicant requests it be held at New Orleans, La.

No. MC 124620 (Sub-No. 1), filed June 9, 1965. Applicant: COMMODITY TRANSPORT, INC., Post Office Box 801, Fremont, Nebr. Applicant's attorney: D. H. Markstein, Jr., 818-821 Massey Building, Birmingham, Ala., 35203. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Feed and feed ingredients*, from Guntersville, Ala., to points in Florida, Georgia, North Carolina, Mississippi, South Carolina, and Tennessee. NOTE: If a hearing is deemed necessary, applicant requests it be held at Birmingham, Ala.

No. MC 125167 (Sub-No. 7), filed June 10, 1965. Applicant: RAY MOORE, doing business as MOORE TRUCKING CO., Post Office Box 436, Morehead, Ky. Applicant's attorney: Robert M. Pearce, 1033 State Street, Bowling Green, Ky. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer, fertilizer ingredients*, and *component fertilizer raw materials* (except in bulk, in tank vehicles), from Cincinnati, Ohio, to points in that part of Kentucky on and east of a line beginning at the Ohio River and extending along U.S. Highway 27 to Paris, Ky., thence along U.S. Highway 227 to Richmond, Ky., thence along U.S. Highway 25 to junction U.S. Highway 25W, thence along U.S. Highway 25W to the Kentucky-Tennessee State line (except Richmond, Ky.), and *returned and rejected shipments*, on return. NOTE: Applicant is also authorized to conduct operations as a contract carrier in Permit No. MC 119915 and subs thereunder, therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Louisville, Ky.

No. MC 125777 (Sub-No. 19) (REPUBLICATION), filed September 3, 1964, published FEDERAL REGISTER, issue of September 24, 1964, heard May 19, 1965, and republished as amended this issue. Applicant: JACK GRAY TRANSPORT, INC., 3200 Gibson Transfer Road, Hammond, Ind. Applicant's attorney: Edward G. Baselon, 39 South La Salle Street, Chicago, Illinois. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Coke*, from Milwaukee, Wis., to points in Illinois, Indiana, Iowa, Michigan, and Ohio. Hearing was held on May 19, 1965, at Chicago, Ill., before Examiner John L. York. At the hearing it was found that the commodity description, coke, in bulk, as set forth in the notice of filing published in the FEDERAL REGISTER, issue of September 24, 1964, did not cover exactly what applicant needed, whereas testimony at said hearing indicated a need for service in connection with the movement of coke, in bulk, in dump vehicles, as well as in bulk, in containers. Any person or persons who may have been prejudiced by this broadening amendment, may, within 30 days from the date of this publication in the FEDERAL REGISTER, file an appropriate pleading.

No. MC 126899 (Sub-No. 15), filed June 7, 1965. Applicant: USHER TRANSPORT INC., 1415 South Third Street, Paducah, Ky. Applicant's attorney: Fred F. Bradley, Suite 202-204, Court Square Office Building, 213 St. Clair Street, Frankfort, Ky., 40601. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages*, in containers, from Cincinnati, Ohio, to Evansville, Ind. NOTE: If a hearing is deemed necessary, applicant requests it be held at Evansville, Ind., Paducah, or Louisville, Ky.

No. MC 127003 (Sub-No. 1), filed June 3, 1965. Applicant: JOHN W. LANKFORD, R.F.D. 1, Pocomoke City, Md. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Feed, and feed supplements, grain and grain goods*, from Seaford, Del., to the facility of J. Miles Lankford, Inc., located at or near Pocomoke City, Md. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 127215 (Sub-No. 3), filed June 7, 1965. Applicant: KENDRICK CARTAGE CO., a corporation, Salem, Ill. Applicant's attorney: Thomas F. Kilroy, 1815 H Street NW., Washington 6, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (a) *Petroleum and petroleum products*, in bulk, in tank vehicles, from Centralia, Ill., and points within 25 miles thereof, to points in that part of Indiana south of a line beginning at the Indiana-Illinois State line and extending along U.S. Highway 36 to Indianapolis, Ind., and west of a line beginning at Indianapolis, Ind., and extending along U.S. Highway 31 to Seilersburg, Ind., and thence along U.S. Highway 31E to the Indiana-Kentucky State line, including points on the indicated portions of the highways specified; (b) *petroleum products*, in bulk, in tank vehicles, from Princeton, Ind., and points within five (5) miles thereof, to points in Illinois; (c) *fertilizer, fertilizer materials, and fertilizer compounds*, from Cairo, Ill., to points in Arkansas, Kentucky, Missouri, and Tennessee within 100 miles of Cairo, Ill.; (d) *petroleum and petroleum products*, as described in Appendix XIII to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, in bulk, in tank vehicles, from the plantsite or terminal of the Gulf Oil Corp., at Paducah, Ky., to points in that part of Illinois on and south of U.S. Highway 36; (e) *petroleum and petroleum products*, as described in Appendix XIII to the report in *descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 (except those petroleum products requiring heat in transit), in bulk, in tank vehicles, from the plantsite or terminal of the Gulf Oil Corp., at St. Louis, Mo., to points in that part of Illinois on and south of U.S. Highway 136.

(f) *Crude coke oven tar*, in bulk, in tank vehicles, from Granite City, Ill., to Terre Haute, Ind.; (g) *residual fuel oil*, in bulk, in tank vehicles, from the refinery of Texaco, Inc., near Lawrenceville, Ill., to points in Indiana and Ohio; (h) *residual fuel oil*, in bulk, in tank vehicles, from the plantsite and terminal facilities of the Marathon Oil Co. at or near Robinson, Ill., to points in Ohio, and Indiana (except Evansville and Muncie, Ind.); (i) *coal, tar, creosote coal tar solution, creosote oil, creosote solution, tar (crude coke oven), tar oil, tar pitch, tar residuum, tar (road), and tar (water gas)*, in bulk, in tank vehicles, from Terre Haute, Ind., to Louisville, Ky., and points in Illinois, Iowa, Michigan, Missouri, Ohio, Tennessee, and Wisconsin; (j) *tar pitch*, in bulk, in tank vehicles, from Terre Haute, Ind., to points in Kentucky (except Louisville); (k) *creosote oil*, in bulk, in tank vehicles, from Memphis, Tenn., to Terre Haute, Ind.; (l) *coal tar distillate*, in bulk, in tank vehicles, from Chicago, Ill., to Terre Haute, Ind., (m) *petroleum and petroleum products*, in bulk in tank vehicles, from Robinson, Ill., and points in Illinois within five (5) miles thereof, to points in Kentucky (except Louisville), and points in Tennessee west of U.S. Highway 27; (n) *molasses*, in bulk, in tank vehicles, from St. Louis, Mo., and Muscatine, Iowa to points in Illinois, and Indiana. NOTE: Applicant states it requests common carrier authority in lieu of contract carrier authority, recited above and held in Permit No. MC 110117 and subs thereunder. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 127322, filed June 1, 1965. Applicant: GLYN L. SADLER, doing business as SADLER AIR FREIGHT DELIVERY, Berry Field, Nashville, Tenn. Applicant's attorney: H. H. Chitwood, 934 Stahlman Building, Nashville 3, Tenn. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except commodities of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment), between Berry Field, Nashville, Tenn., and points in Tennessee. NOTE: If a hearing is deemed necessary, applicant requests it be held at Nashville, Tenn.

No. MC 127325, filed June 3, 1965. Applicant: FLOYD BATES, 507 Slocum Street, Lancaster, Ohio. Applicant's attorneys: James R. Stiverson, 50 West Broad Street, Columbus 15, Ohio, and Herbert Baker, 50 West Broad Street, Columbus 15, Ohio. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General Commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between Lancaster, and Marion, Ohio. NOTE: Applicant states the proposed service is to be restricted to the transportation of commodities having a prior or subsequent rail movement by piggyback. If a hearing is deemed necessary, applicant requests it be held at Columbus, Ohio.

No. MC 127331, filed June 4, 1965. Applicant: AUTO DRIVEWAY COMPANY OF HIALEAH, INC., 79 Hialeah Drive, Hialeah, Dade County, Fla. Applicant's attorney: Courtney A. Evans, 304 Ring Building, Washington, D.C., 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Used passenger vehicles*, with or without baggage, personal effects, and pets, in driveaway service, between points in Hernando, Pasco, Hillsborough, Manatee, Sarasota, Orange, Hardee, Osceola, Polk, Indian River, Okeechobee, Highlands, DeSoto, Saint Lucie, Martin, Charlotte, Glades, Palm Beach, Hendry, Collier, Broward, Dade, Brevard, Seminole, and Sumter Counties, Fla., on the one hand, and, on the other points in the United States including Alaska, but excluding points in the counties of Hernando, Pasco, Hillsborough, Manatee, Sarasota, Orange, Hardee, Osceola, Polk, Indian River, Okeechobee, Highlands, DeSoto, Saint Lucie, Martin, Charlotte, Glades, Palm Beach, Hendry, Collier, Broward, Dade, Brevard, Seminole, and Sumter, Fla., and excluding points in Hawaii. NOTE: If a hearing is deemed necessary, applicant requests it be held at Miami, Fla., or Washington, D.C.

No. MC 127334, filed June 18, 1965. Applicant: CURTIS GOFORTH, doing business as GOFORTH TRUCKING, 210 South 6th Street, Mt. Vernon, Ill. Applicant's attorney: Frank H. Walker, 1001½ Broadway, Post Office Box 913, Mt. Vernon, Ill. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Bakery products*, consisting of but not necessarily limited to, bread, cakes, cookies, and pies, from St. Louis, Mo., to points in Illinois on and south of U.S. Highway 36 and to Evansville, Ind., Owensboro, Paducah and Henderson, Ky., and Cape Girardeau, and Sikeston, Mo., and *rejected or stale bakery goods*, on return. NOTE: If a hearing is deemed necessary, applicant requests it be held at St. Louis, Mo.

No. MC 127336, filed June 1, 1965. Applicant: PETE INSANA, doing business as PETE INSANA'S AUTO AND BODY REPAIR, 139 Ohio Street, Washington, Pa. Applicant's attorney: Frank C. Roney, 63 South Main Street, Washington, Pa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wrecked, damaged, disabled, or repossessed motor vehicles, trucks, tractors, and trailers* between points in Washington, Greene, Fayette, Westmoreland, Allegheny, and Beaver Counties, Pa., on the one hand, and, on the other, points in Ohio, West Virginia, New York, and New Jersey. NOTE: If a hearing is deemed necessary, applicant requests it be held at Pittsburgh, Pa.

No. MC 127337, filed June 7, 1965. Applicant: CHESTER P. SHERRARD, doing business as CHET'S TRANSPORT, Charlotte, Maine. Applicant's attorney: Robert J. Gallagher, 111 State Street, Boston, Mass., 02109. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bananas, and bananas in the same vehicle with fresh fruit, fresh vegetables, and fresh berries*, from Boston, Mass., to ports of entry on the international boundary line between the United States and Canada, at or near Houlton, Vanceboro, Calais, and Bar Harbor, Maine, and *exempt commodities*, on return. Restricted to traffic moving to points in the Provinces of New Brunswick, Prince Edward Island, Nova Scotia, and Newfoundland, Canada. NOTE: If a hearing is deemed necessary, applicant requests it be held at Boston, Mass.

No. MC 127337 (Sub-No. 1), filed June 7, 1965. Applicant: CHESTER P. SHERRARD, doing business as CHET'S TRANSPORT, Charlotte, Maine. Applicant's attorney: Robert J. Gallagher, 111 State Street, Boston, Mass., 02109. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Smoked, cured, or processed fish, and smoked, cured, and processed fish*, in the same vehicle with *fresh or frozen fish*, from ports of entry on the international boundary line between the United States and Canada at or near Vanceboro, Calais, Houlton, and Bar Harbor, Maine, to Boston and Gloucester, Mass., and *fish packing material, and repair parts for fishing boats or fish processing machines*, on return. RESTRICTED to shipments that originate in Petit-to-Grat, Nova Scotia. NOTE: If a hearing is deemed necessary, applicant requests it be held at Boston, Mass.

No. MC 127338, filed June 3, 1965. Applicant: FRANCIS WILLIAMS, Felt, Idaho. Applicant's attorney: Kenneth G. Bergquist, 1110 Bank of Idaho Building, Boise, Idaho, 83702. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Feed, and feed ingredients, livestock, poultry, and fish*, in bags and in bulk, from points in Twin Falls County, Idaho, to points in Wyoming and Montana, and *exempt commodities*, on return. NOTE: If a hearing is deemed necessary, applicant requests it be held at Boise, Idaho.

No. MC 127339, filed June 7, 1965. Applicant: EUGENE W. KETTELSON, doing business as KETTELSON CARTAGE, 4301 Lilley Road, Wayne, Mich. Applicant's attorney: Robert D. Schuler, Suite 1700, 1 Woodward Avenue, Detroit, Mich., 48226. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Corrugated paper articles*, from points in Canton Township, Wayne County, Mich., to points in Indiana and Ohio. NOTE: If a hearing is deemed

necessary, applicant requests it be held at

necessary, applicant requests it be held at Detroit, Mich.

No. MC 127346, filed June 7, 1965. Applicant: HALL'S FAST MOTOR FREIGHT, INC., 330 Oak Tree Avenue, South Plainfield, N.J. Applicant's representative: George A. Olsen, 69 Tonnele Avenue, Jersey City, N.J., 07306. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Poles, signs, and aluminum structural forms*, from the plantsite of Pfaff & Kendall, Newark, N.J., on the one hand, and, on the other, points in Alabama, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Mississippi, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Vermont, Virginia, West Virginia, Wisconsin, and the District of Columbia. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 127348, filed June 9, 1965. Applicant: A. JACK WARMACK AND HAZEL W. TAYLOE, a partnership, doing business as WARMACK TRUCKING COMPANY, Roxobel, N.C. Applicant's attorney: Joseph J. Flythe, Rich Square, N.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Agricultural commodities* and *lumber*, from points in Bertie, Hertford, Northampton, Halifax, Craven, Lenoir, and Greene Counties, N.C., to Roanoke, Norfolk, Richmond, Suffolk, and Franklin, Va., and Washington, D.C. NOTE: If a hearing is deemed necessary, applicant requests it be held at Raleigh, N.C.

No. MC 127349, filed June 9, 1965. Applicant: GLENN DAVIS AND DON R. DAVIS, doing business as DAVIS BROS., Post Office Box 94, Missoula, Mont. Applicant's attorney: John P. Thompson, 450 Capitol Life Building, Denver, Colo., 80203. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Plywood* and *lumber*, from points in Montana, to points in Colorado, points in that part of Wyoming on and east of Interstate Highway 25, and Laramie, Wyo., and points in that part of Nebraska on and west of U.S. Highway 183, and *exempt commodities*, on return. NOTE: Applicant states that the above-proposed operation will be performed for Plateau Supply Co., and David H. Hurst. If a hearing is deemed necessary, applicant requests it be held at Denver, Colo.

No. MC 127352, filed June 3, 1965. Applicant: R. D. McMAHON, doing business as R. D. McMAHON TRANSPORTATION CO., Post Office Box 1055, Fort Dodge, Iowa. Applicant's representative: William A. Landau, 1307 East Walnut, Des Moines, Iowa, 50316. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts, and articles distributed by meat packinghouses*, as described in sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk, in tank vehicles), from points in Dakota County, Nebr., to points in Connecticut, Delaware, Illinois, Indiana, Iowa, Kansas, Maine, Maryland, Massachusetts, Michigan, Minnesota, Missouri, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Vermont, Wisconsin, and the District of Columbia. NOTE: If a hearing is deemed necessary, applicant does not specify place of hearing.

No. MC 127353, filed June 10, 1965. Applicant: PRESTON FEED & SEED LIMITED, Rural Route No. 2, Preston, Ontario, Canada. Applicant's attorney: Rex Eames, 1800 Buhl Building, Detroit, Mich., 48226. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Soybean meal*, in bulk, from points in Illinois, Indiana, and Ohio to ports of entry located on the international boundary line between the United States and Canada at or near Detroit and Port Huron, Mich. NOTE: If a hearing is deemed necessary, applicant requests it be held at Detroit or Lansing, Mich.

MOTOR CARRIERS OF PASSENGERS

No. MC 123633 (Sub-No. 13), filed June 7, 1965. Applicant: THAMES VALLEY TRANSPORTATION, INC., 385 Central Avenue, Norwich, Conn. Applicant's attorney: James M. Verner, 1875 Connecticut Avenue NW., Washington, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage*, in special operations, between Old Saybrook, Conn., on the one hand, and, on the other, La Guardia and Kennedy International Airports, New York, N.Y., and Newark Airport, Newark, N.J. NOTE: Applicant states the proposed service to be restricted to transportation of traffic having an immediately prior or subsequent movement by aircraft. If a hearing is deemed necessary, applicant requests it be held at Norwich or New London, Conn.

No. MC 125066 (Sub-No. 3), filed June 4, 1965. Applicant: M. I. LOKER AND PAULINE LOKER, doing business as SEAWAY COACH LINES, 616 East Main Street, Titusville, Pa. Applicant's attorney: S. Harrison Kahn, Suite 733, Investment Building, Washington, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage*, in special operations, beginning and ending at points on applicant's regular routes, as follow: (1) Between Erie and Troy, Pa., from Erie over U.S. Highway 19 to Waterford, thence over Pennsylvania Highway 97 to Union City, thence over U.S. Highway 6 to Troy, serving all intermediate points; (2) between junction U.S. Highway 6 and Pennsylvania Highway 59 (approximately 3 miles southeast of Warren), and junction U.S. Highway 6 and Pennsylvania Highway 46 one-half mile east of Smithport; from junction U.S. Highway 6 and Pennsylvania Highway 59 over Pennsylvania Highway 59 to junction Pennsylvania Highway 770, thence over Pennsylvania Highway 770 to Custer City, thence over U.S. Highway 219 to junction Pennsylvania Highway 46 (approximately 1 mile east of Bradford), thence over Pennsylvania Highway 46 to junction U.S. Highway 6, serving all intermediate points; (3) between Meadville and Pittsfield, Pa., over Pennsylvania Highway 27, serving all intermediate points, and extending to points in the United States. NOTE: If a hearing is deemed necessary, applicant requests it be held at Pittsburgh, Pa.

APPLICATION FOR BROKERAGE LICENSES

MOTOR CARRIER OF PASSENGERS

No. MC 12957, filed June 21, 1965. Applicant: ALOYSIUS KENNAH AND IRENE KENNAH, a partnership, doing business as, AL'S TOURS, 418 Olive Street, Room 1114, St. Louis, Mo., 63101. Applicant's attorney: Ernest A. Brooks II, 1301-02 Ambassador Building, St. Louis, Mo., 63101. For a license (BMC 5) to engage in operations as a *broker* at St. Louis, Mo., in arranging for the transportation in interstate or foreign commerce of *passengers and their baggage*, in charter operations, in all-expense round trip tours, beginning and ending at St. Louis, Mo., and points within 100 miles thereof, and extending to points in the United States (except Hawaii), including Alaska.

APPLICATIONS IN WHICH HANDLING WITHOUT ORAL HEARING HAS BEEN REQUESTED

MOTOR CARRIERS OF PROPERTY

No. MC 3009 (Sub-No. 60), filed June 7, 1965. Applicant: WEST BROTHERS, INC., 706 East Pine Street, Hattiesburg, Miss. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except commodities of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment), serving the plantsite of the Hammermill Paper Co. near Burnsville, Ala., on the Alabama River, approximately 10 miles east of Selma, Ala., as an off-route point in connection with applicant's authorized regular-route operations between Selma and Montgomery, Ala., and between Clanton and Selma, Ala.

No. MC 4963 (Sub-No. 18) (AMENDMENT), filed March 1, 1965, published FEDERAL REGISTER June 3, 1965, and republished as amended this issue. Applicant: JONES MOTOR CO., INC., Bridge Street and Schuylkill Road, Spring City, Pa. Applicant's attorney: John C. Bradley, Suite 618, Perpetual Building, 1111 E Street NW., Washington, D.C. Applicant states that in connection with routes (7) (a), (b), and (c) previously published it proposes to serve all intermediate points, those off-route points in Delaware, and those off-route points in that part of Pennsylvania on and east of a line beginning at the Maryland-Pennsylvania State line and extending along U.S. Highway 1 (formerly U.S. Highway 122) to junction Pennsylvania Highway 10 (formerly U.S. Highway 122), thence along Pennsylvania Highway 10 to junction U.S. Highway 30, and on and south of a line beginning at junction U.S. Highway 30 and Pennsylvania Highway 10 (formerly U.S. Highway 122), and extending along U.S. Highway 30 to junction unnumbered highway (formerly U.S. Highway 30),

thence along unnumbered highway through Coatesville, Pa., to junction U.S. Highway 30 near Downingtown, Pa., and thence along U.S. Highway 30 to the Pennsylvania-New Jersey State line (including Philadelphia, Pa.), and the off-route points of Aberdeen and Harve de Grace, Md., and points in that part of Maryland east of the Susquehanna River and the Chesapeake Bay. Applicant further states that the service proposed above will be restricted to the transportation of shipments which move from, to or through Wilmington, Del. NOTE: The purpose of this republication is to add "and points in that part of Maryland" to the off-route territorial description. This application is filed pursuant to MC-C-4366, effective May 1, 1964, which provides the special rules for conversion of irregular-route to regular-route motor carrier operations. SPECIAL NOTE: Protests to this application may be filed within 45 days instead of 30 days.

No. MC 15945 (Sub-No. 8), filed June 9, 1965. Applicant: BRINGWALD TRANSFER, INC., Vincennes, Ind. Applicant's representative: W. L. Jordan, 201-2 Merchants Savings Building, 7 South Sixth Street, Terre Haute, Ind., 47801. Authority sought to operate as a *common carrier* by motor vehicle, over irregular routes, transporting: *Television and radio cabinets*, wood, metal, plastic or otherwise, wrapped or in cartons or containers, from Columbus and Edinburg, Ind., to Decatur, Ill., and *rejected and returned shipments*, on return. NOTE: Common control may be involved.

No. MC 17803 (Sub-No. 6) filed March 1, 1965. Applicant: PREMIER TRUCKING SERVICE CO., a corporation, P.O. Box 156 Downtown Station, Omaha, Nebr. Applicant's attorney: David Axelrod, 39 South La Salle Street, Chicago 3, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading), (A) between Omaha, Nebr., and Chicago, Ill., (1) from Omaha over city streets and bridge to junction Iowa Highway 92, thence over Iowa Highway 92 to junction Iowa Highway 48, thence over Iowa Highway 48 to junction U.S. Highway 6, thence over U.S. Highway 6 to junction Interstate Highway 80, thence over Interstate Highway 80 to junction Interstate Highway 55, thence over Interstate Highway 55 to Chicago, and return over the same route; (2) from Omaha over city streets and bridge to junction Iowa Highway 92, thence over Iowa Highway 92 to junction Iowa Highway 48, thence over Iowa Highway 48 to junction U.S. Highway 6, thence over U.S. Highway 6 to junction Interstate Highway 55, thence over Interstate Highway 55 to Chicago, and return over the same route; (3) from Omaha over U.S. Highway 75 to junction U.S. Highway 30, thence over U.S. Highway 30 to junction Illinois Highway 56, thence over Illinois Highway 56 to junction Alternate U.S. Highway 30, thence over Alternate U.S. Highway 30 to junction Interstate Highway 80 to Chicago, and return over the same route, serving no intermediate points on the above described routes (A) thru (C) inclusive, but serving the plantsite of the Container Corporation of America at Carol Stream, Ill., as an off-route point in connection with the above described routes. NOTE: This application is filed pursuant to MC-C 4366, effective May 1, 1964, which provides the special rules for conversion of irregular to regular motor carrier operations. SPECIAL NOTE: Protests to this application may be filed within 45 days instead of 30 days.

No. MC 24379 (Sub-No. 21), filed March 1, 1965. Applicant: LONG TRANSPORTATION COMPANY, a corporation, 3755 Central Avenue, Detroit 10, Mich. Applicant's attorney: A. David Milliner, 1060 Broad Street, Newark 2, N.J. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: I *General commodities* (except those of unusual value, Classes A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), (A) between Harrisburg, Pa., and Burlington, N.J., (1) from Harrisburg over U.S. Highway 322 to junction Pennsylvania Highway 441, thence over Pennsylvania Highway 441 to junction Harrisburg Interchange of the Pennsylvania Turnpike, thence over the Pennsylvania Turnpike and the Bristol-Burlington Toll Bridge to Burlington, (2) from Harrisburg over U.S. Highway 230 to junction Harrisburg Interchange of the Pennsylvania Turnpike, thence over the Pennsylvania Turnpike as described above, to Burlington, (3) from Harrisburg over U.S. Highway 422 to junction Norristown Interchange at the Pennsylvania Turnpike, thence over the Pennsylvania Turnpike to Burlington, as described above, (4) from Harrisburg over U.S. Highway 322 to junction U.S. Highway 30, thence over U.S. Highway 30 to junction U.S. Highway 202, thence over U.S. Highway 202 to Norristown Interchange of the Pennsylvania Turnpike, thence over the Pennsylvania Turnpike as described above, to Burlington, (5) from Harrisburg, Pa., over U.S. Highway 230 to junction U.S. Highway 30, thence over U.S. Highway 30 to U.S. Highway 202 and the Pennsylvania Turnpike, as described above, to Burlington, and return over the same routes; (B) between Norristown, Pa., and Lambertville, N.J., over U.S. Highway 202; (C) between Harrisburg, Pa., and Palmyra, N.J., (1) from Harrisburg over U.S. Highway 322 to junction U.S. Highway 30, thence over U.S. Highway 30 to Philadelphia, Pa.

Thence over city streets and the Tacony-Palmyra Bridge, to Palmyra, (2) from Harrisburg over U.S. Highway 230 to junction U.S. Highway 30, thence over U.S. Highway 30 to Philadelphia, Pa., and thence over routes described above to Palmyra, (3) from Harrisburg over U.S. Highway 422 to Philadelphia, Pa., and thence over routes described above to Palmyra, (4) from Harrisburg to Burlington, N.J., over the routes described above in (A) as far as U.S. Highway 13 in Bristol, Pa., thence over U.S. Highway 13 to Philadelphia, Pa., thence over U.S. Highway 13 and the Tacony-Palmyra Bridge to Palmyra, and return over the same routes. NOTE: Applicant states service over the above-described routes is requested for operating convenience only, serving no intermediate points. It is also requested that in conjunction with the proposed service, the existing restriction in No. MC 24379 of applicant's existing rights between Pittsburgh, Pa., and New York, N.Y., be amended to permit joinder of the proposed routes at Harrisburg, Pa., with applicant's existing authority operating over U.S. Highway 22, which traverses Harrisburg, Pa. II *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading), (A) between Phillipsburg, N.J., and New York, N.Y., from junction U.S. Highway 22 and New Jersey Highway 24 near Phillipsburg, over New Jersey Highway 24 to junction U.S. Highway 46, thence over U.S. Highway 46 to New York, (B) between Netcong, N.J., and Denville, N.J., over Interstate Highway 80, (C) between Ridgefield Park, N.J., and Deepwater, N.J., over the New Jersey Turnpike, (D) between Netcong, N.J., and Montague, N.J., over U.S. Highway 206, (E) between Hasbrouck Heights, N.J., and Mahwah, N.J., over New Jersey Highway 17, (F) between Newark, N.J., and Hasbrouck Heights, N.J., from Newark over New Jersey Highway 21 to junction New Jersey Highway 3, thence over New Jersey Highway 3 to junction New Jersey Highway 17.

Thence over New Jersey Highway 17 to

same points shall be construed as com-

Thence over New Jersey Highway 17 to Hasbrouck Heights, (G) between Fort Lee, N.J., and Alpine, N.J., over U.S. Highway 9W, (H) between Somerville, N.J., and Lambertville, N.J., over U.S. Highway 202, (I) between Wayne, N.J., and Montague, N.J., from Wayne over New Jersey Highway 23 to junction New Jersey Highway 521, thence over New Jersey Highway 521 to Montague, N.J., (J) between Netcong, N.J., and Hammonton, N.J., from Netcong over U.S. Highway 206 to junction New Jersey Highway 54, thence over New Jersey Highway 54 to Hammonton, (K) between Ridgefield, N.J., and Woodbridge, N.J., over U.S. Highways 1 and 9, (L) between Woodbridge, N.J., and Trenton, N.J., over U.S. Highway 1, (M) between Woodbridge, N.J., and Cape May, N.J., over U.S. Highway 9, (N) between Hightstown, N.J., and Ocean Grove, N.J., over New Jersey Highway 33, (O) between South Amboy, N.J., and Point Pleasant, N.J., from South Amboy over New Jersey Highway 35 to junction New Jersey Highway 549, thence over New Jersey Highway 549 to Point Pleasant, (P) between North Brunswick, N.J., and Seaville, N.J., from North Brunswick over U.S. Highway 130 to junction New Jersey Highway 551, thence over New Jersey Highway 551 to junction New Jersey Highway 49, thence over New Jersey Highway 49 to junction New Jersey Highway 50, thence over New Jersey Highway 50 to Seaville, (Q) between Penns Grove, N.J., and Atlantic City, N.J., from Penns Grove over New Jersey Highway 48 to junction U.S. Highway 40, thence over U.S. Highway 40 to Atlantic City, (R) between Palmyra, N.J., and Point Pleasant, N.J., from Palmyra over New Jersey Highway 73 to junction New Jersey Highway 70, thence over New Jersey Highway 70 to junction New Jersey Highway 88, thence over New Jersey Highway 88 to Point Pleasant, (S) between Palmyra, N.J., and Atlantic City, N.J., from Palmyra over New Jersey Highway 73 to junction U.S. Highway 30.

Thence over U.S. Highway 30 to Atlantic City, (T) between Hammonton, N.J., and Millville, N.J., over New Jersey Highway 54, (U) between Camden, N.J., and Cape May, N.J., from Camden over New Jersey Highway 42 to junction U.S. Highway 130, thence over U.S. Highway 130 to junction New Jersey Highway 47, thence over New Jersey Highway 47 to junction U.S. Highway 9, thence over U.S. Highway 9 to Cape May, (V) between Camden, N.J., and Atlantic City, N.J., from Camden over New Jersey Highway 42 to junction U.S. Highway 322, thence over U.S. Highway 322 to Atlantic City. NOTE: (1) Applicant states it proposes to return over the same routes in II (A) through (V) above, serving all intermediate points, and serving all off-route points in New Jersey. (2) Applicant further states the authority proposed herein is restricted to the transportation of traffic to and from points presently authorized on carrier's regular routes and those off-route points west of the Pennsylvania-New Jersey State line subject to the further restriction that the authority herein granted and that now held by carrier between the same points shall be construed as comprising a single operating right and shall not be severable by sale or otherwise from the authority now held. III *General commodities* (except livestock, commodities in bulk, Classes A and B explosives, and household goods as defined by the Commission), except in connection with traffic moving between Newark, N.J., and points in the New York, N.Y., commercial zone, as defined by the Commission, on the one hand, and, on the other, Tuxedo Park, N.Y., and points in Rockland County, N.Y., on which traffic the only exception to *general commodities* shall be commodities in bulk, (A) between Newark, N.J., and Highland, N.Y., (1) from Newark over U.S. Highway 1 to junction U.S. Highway 46, thence over U.S. Highway 46 to junction U.S. Highway 9W.

Thence over U.S. Highway 9W to Highland, (2) from Newark over the New Jersey Turnpike to junction U.S. Highway 46, thence over U.S. Highway 46 to junction U.S. Highway 9W and thence over U.S. Highway 9W to Highland, (3) from Newark over New Jersey Turnpike to junction U.S. Highway 46, thence over U.S. Highway 46 to junction New Jersey Highway 23, thence over New Jersey Highway 23 to junction U.S. Highway 202, thence over U.S. Highway 202 to junction U.S. Highway 9W, thence over U.S. Highway 9W to Highland, (4) from Newark over New Jersey Turnpike to junction U.S. Highway 46, thence over U.S. Highway 46 to junction New Jersey Highway 17, thence over New Jersey Highway 17 to New Jersey extension of New York Thruway, thence over such extension and the New York Thruway to Exit 18 of the New York Thruway, thence over Exit 18 ramps to New York Highway 299, thence over New York Highway 299 to Highland, (5) from Newark over New Jersey Highway 21 to junction New Jersey Highway 3, thence over New Jersey Highway 3 to junction New Jersey Highway 17, thence over New Jersey Highway 17 to New Jersey extension of New York Thruway, thence to Highland, as stated immediately above, (B) between Newark, N.J., and Poughkeepsie, N.Y., (1) from Newark over U.S. Highways 1 and 9 to the approaches to the Hudson River crossings to New York, N.Y., thence via such crossings to New York, N.Y., thence over U.S. Highway 9 to Poughkeepsie, N.Y., (2) from Newark over the New Jersey Turnpike to U.S. Highway 46, thence over U.S. Highway 46 to junction New Jersey Highway 17, thence over New Jersey Highway 17 to the New Jersey extension of the New York Thruway, thence over such extension and the New York Thruway to the Tappan Zee Bridge, thence over the Tappan Zee Bridge to U.S. Highway 9, thence over U.S. Highway 9 to Poughkeepsie, (3) from Newark to U.S. Highway 46 as described immediately above, thence over U.S. Highway 46 to junction U.S. Highway 9W, thence over U.S. Highway 9W to the Tappan Zee Bridge.

Thence to Poughkeepsie as described immediately above, (C) between Highland, N.Y., and Poughkeepsie, N.Y., over the Highland-Poughkeepsie, N.Y. Bridge, (D) between New York, N.Y., and Poughkeepsie, N.Y., from New York over the New York Thruway to junction U.S. Highway 9, thence over U.S. Highway 9 to Poughkeepsie, (E) between New York, N.Y., and White Plains, N.Y., from New York over the New York Thruway to junction New York Highway 100, thence over New York Highway 100 to junction New York Highway 119, thence over New York Highway 119 to White Plains, (F) between Tarrytown, N.Y., and White Plains, N.Y., over New York Highway 119, (G) between New York, N.Y., and Stamford, Conn., (1) over U.S. Highway 1, (2) over Interstate Highway 95. NOTE: Applicant states it will return over the same routes in III above, with service proposed at the following intermediate and off-route points: Those in the New York commercial zone as defined by the Commission; those in that part of Westchester not included in such zone; those in Connecticut on and west of Connecticut Highway 104; those in Putnam County, N.Y.; those in Dutchess County, N.Y., on and south of New York Highway 55; those in Ulster County, N.Y., on U.S. Highway 9W south of Highland, N.Y.; those in Orange County, N.Y., on U.S. Highway 9W; those in Hudson County, N.J., not included in the New York commercial zone; those in Essex County, N.J.; Kingston, N.Y., Tuxedo Park, N.Y., those in Rockland County, N.Y.; Teaneck, Elizabeth, Rahway, and Bound Brook, N.J. NOTE: This application is filed pursuant to MC-C-4366, effective May 1, 1964, which provides the special rules for conversion of irregular- to regular-motor carrier operations. SPECIAL NOTE: Protests to this application may be filed within 45 days instead of 30 days.

No. MC 30887 (Sub-No. 139), filed June 8, 1965. Applicant: SHIPLEY TRANSFER, INC., 534 Main Street, Reisterstown, Md. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Aluminum chloride*, anhydrous, in bulk, in dump-tank or hopper-type vehicles, from Ravenna Arsenal, Ohio, to Baltimore, Md.

No. MC 52458 (Sub-No. 202) (AMENDMENT), filed June 8, 1965, published FEDERAL REGISTER June 16, 1965, and republished as amended this issue. Applicant: T. I. McCORMACK TRUCKING CO., INC., U.S. Highway 9 at Green Street, Woodbridge, N.J. Applicant's attorney: Chester A. Zyblut, 1000 Connecticut Avenue NW., Washington, D.C., 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum and petroleum products* (except petrochemicals and asphalt), in bulk, in tank vehicles, from Karns City and Petrolia, Pa., to points in Delaware, New Jersey, and New York. NOTE: The purpose of this republication is to add the origin point of Karns City, Pa.

No. MC 60012 (Sub-No. 71), filed June 10, 1965. Applicant: RIO GRANDE MOTOR WAY, INC., 1400 West 52d Avenue, Denver, Colo. Applicant's attorney: Ernest Porter, Post Office Box 5482, Denver, Colo., 80217. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, household goods as defined by the Commission, commodities in bulk and those requiring special equipment, including livestock), serving the Montesuma Plywood Co. plant located approximately 7 miles north of Cortez, Colo., on Colorado Highway 145, as an off-route point in connection with applicant's authorized regular-route operations to and from Cortez, Colo. NOTE: Applicant is a wholly owned subsidiary of The Denver & Rio Grande Western Railroad Co. Common control may be involved.

No. MC 73464 (Sub-No. 95), filed March 1, 1965. Applicant: JACK COLE COMPANY, a corporation, 1900 Vanderbilt Road, Birmingham, Ala. Applicant's attorney: James E. Wilson, Perpetual Building, 1111 E Street NW., Washington 4, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: I. *General commodities* (except explosives and commodities requiring special equipment), (1) between Birmingham, Ala., and New York, N.Y., (a) from Birmingham over U.S. Highway 11 to Knoxville, Tenn. (also from Chattanooga over U.S. Highway 27 to junction U.S. Highway 70, thence over U.S. Highway 70 to junction U.S. Highway 11), thence over U.S. Highway 11W to Bristol, Tenn., thence over U.S. Highway 11 to Harrisburg, Pa., thence over U.S. Highway 22 to junction U.S. Highway 1, thence over U.S. Highway 1 to New York, and return over the same route, (b) from Birmingham as specified above to Chambersburg, Pa., thence over U.S. Highway 30 to Philadelphia, thence over U.S. Highway 1 to New York, and return over the same route, (c) from Birmingham as specified above to Winchester, Va., thence over Virginia Highway 7 to junction U.S. Highway 340, thence over U.S. Highway 340 to Frederick, Md., thence over U.S. Highway 40 to Baltimore, thence over U.S. Highway 1 to New York, and return over the same route, (d) from Birmingham over U.S. Highway 78 to Athens, Ga., thence over U.S. Highway 29 to Danville, Va., thence over U.S. Highway 360 to Richmond, thence over U.S. Highway 1 to New York, and return over the same route, (e) from Birmingham as specified above to Athens, Ga.

Thence over U.S. Highway 78 to Washington, Ga., thence over U.S. Highway 378 to Columbia, S.C., thence over U.S. Highway 1 to Richmond, Va., thence over U.S. Highway 1 to New York, and return over the same route, (f) from Birmingham as specified above to Raleigh, N.C., thence over U.S. Highway 64 to Williamston, N.C., thence over U.S. Highway 13 to Wilmington, Del., thence over U.S. Highway 13 to junction U.S. Highway 1, thence as specified above to New York, and return over the same route; (2) between Birmingham, Ala., and Detroit, Mich., (a) from Birmingham over U.S. Highway 31 to Nashville, Tenn. (also from Pulaski over Alternate U.S. Highway 31 to Nashville), thence over U.S. Highway 31W to Elizabethtown, Ky., thence over Interstate Highway 65 to Louisville, thence over U.S. Highway 42 to Cincinnati, Ohio (also from Bedford, Ky., over U.S. Highway 421 to Versailles, Ohio, thence over U.S. Highway 50 to Cincinnati), thence over U.S. Highway 25 to Detroit, and return over the same route, (b) from Birmingham as specified above to Louisville, Ky., thence over U.S. Highway 31 to Indianapolis, Ind., thence over Indiana Highway 37 to Marion, thence over Indiana Highway 9 to Huntington, thence over U.S. Highway 24 to Fort Wayne, thence over Indiana Highway 37 to the Indiana-Ohio State line, thence over Ohio Highway 2 to Bryan, thence over U.S. Highway 127 to Somerset, Mich., thence over U.S. Highway 12 to Detroit, and return over the same route; (3) between Birmingham, Ala., and Cleveland, Ohio; (a) from Birmingham as specified in (2) (a) above to Cincinnati, Ohio, thence over U.S. Highway 22 to Washington Courthouse, thence over U.S. Highway 62 to Columbus, thence over Interstate Highway 71 to junction Ohio Highway 18, thence over Ohio Highway 18 to junction U.S. Highway 31, thence over U.S. Highway 21 to Cleveland, and return over the same route, (b) from Birmingham as specified in (2) (a) above to Cincinnati, Ohio.

Thence over U.S. Highway 50 to Chillicothe, thence over U.S. Highway 23 to Columbus, thence over U.S. Highway 62 to Salem, thence over Alternate Ohio Highway 14 to junction Ohio Highway 14, thence over Ohio Highway 14 to Cleveland, and return over the same route, (c) from Birmingham as specified in (2) (a) above to Cincinnati, Ohio, thence over U.S. Highway 52 to Portsmouth, thence over U.S. Highway 23 to Chillicothe, thence over U.S. Highway 50 to Athens, thence over U.S. Highway 33 to junction Alternate U.S. Highway 50, thence over Alternate U.S. Highway 50 to Marietta, thence over U.S. Highway 21 to Cambridge (also from Columbus, Ohio over U.S. Highway 40 to Cambridge), thence over U.S. Highway 22 to Steubenville, thence over Ohio Highway 7 to junction Ohio Highway 45, thence over Ohio Highway 45 to Salem, thence as specified in 3(b) above to Cleveland, and return over the same route; (4) between Birmingham, Ala., and Chicago, Ill., (a) from Birmingham over U.S. Highway 11 to Gadsden, Ala., thence over U.S. Highway 431 to Huntsville, thence over U.S. Highway 231 to Fayetteville, Tenn., thence over U.S. Highway 431 to Franklin, thence over U.S. Highway 31 to Nashville, thence as specified in (2) (b) above to Indianapolis, Ind., thence over U.S. Highway 31 to South Bend, thence over U.S. Highway 20 to Chicago, and return over the same route, (b) from Birmingham as specified in (4) (a) above to Nashville, Tenn., thence over Alternate U.S. Highway 41 to Hopkinsville, Ky.

Thence over U.S. Highway 41 to Chicago, and return over the same route, (c) from Birmingham as specified in (4) (a) above to Nashville, Tenn., thence over U.S. Highway 431 to Owensboro, Ky., thence over U.S. Highway 231 to Lafayette, Ind., thence over U.S. Highway 52 to junction U.S. Highway 41, thence over U.S. Highway 41 to Chicago (also from junction U.S. Highway 40 and 231 over U.S. Highway 40 to Indianapolis, thence over U.S. Highway 52 to Lafayette), and return over the same route, (d) from Birmingham over U.S. Highway 31 to Decatur, Ala., thence over Alternate U.S. Highway 72 and U.S. Highway 72 to Corinth, Miss., thence over U.S. Highway 45 to Jackson, Tenn., thence over U.S. Highway 45E to Fulton, Ky., thence over U.S. Highway 51 to Bloomington, Ill., thence over U.S. Highway 66 to Chicago, and return over the same route; (5) between Birmingham, Ala., and Memphis, Tenn., (a) over U.S. Highway 78, and (b) from Birmingham over U.S. Highway 31 to Decatur, Ala., thence over U.S. Highway 72 and Alternate U.S. Highway 72 to Memphis, and return over the same route, serving the intermediate point of Philadelphia, Pa., and all intermediate points in Indiana, Ohio, Tennessee, and Illinois, and all off-route points in the Philadephia, Pa., commercial zone as defined by the Commission in 17 M.C.C. 533, those in the New York commercial zone as defined by the Commission in 1 M.C.C. 665 and all off-route points in Indiana, Ohio, Tennessee, and those in that part of Illinois, on east and south of a line beginning at Cairo, Ill., and extending over U.S. Highway 51 to La Salle, Ill., thence over Alternate U.S. Highway 66 to junction U.S. Highway 66, thence over U.S. Highway 66 to Chicago, Ill., and those within 15 miles of Birmingham, Ala. RESTRICTION: Service is not proposed between any two intermediate and/or off-route points in Tennessee, Indiana, or Ohio, those in that part of Illinois, on, east and south of a line beginning at Cairo, Ill., and extending over U.S. Highway 51 to La Salle, Ill., thence over U.S. Highway 6 to Joliet, Ill., thence over Alternate U.S. Highway 66 to junction U.S. Highway 66.

Thence over U.S. Highway 66 to Chicago, Ill., and those within 15 miles of Birmingham, Ala. II. *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), (a) between Montgomery, Ala., and New York, N.Y., from Montgomery over U.S. Highway 80 to junction U.S. Highway 29, thence over U.S. Highway 29 to Atlanta, Ga., thence as specified above to New York, and return over the same routes, (b) between Montgomery, Ala. and Detroit, Mich., from Montgomery over U.S. Highway 31 to Birmingham, thence as specified above to Detroit, Mich., and return over the same route, (c) between Montgomery, Ala. and Cleveland, Ohio; from Montgomery over U.S. Highway 31 to Birmingham, thence by Nashville, Tenn., and Cincinnati, Ohio, to Cleveland, Ohio, as specified above, and return over the same route, serving the intermediate and off-rout points of Andalusia, Anniston, Attalla, Brewton, Demopolis, Dothan, Elba, Enterprise, Eufaula, Evergreen, Gadsden, Georgiana, Greenville, Opelika, Opp, Ozark, and Pratt, Ala.; those in the Philadelphia, Pa., commercial zone, *supra*; those in the New York, N.Y., commercial zone, *supra*, those in Ohio and Indiana and that part of Illinois

on, east and south of a line beginning at Cairo, Ill., and extending over U.S. Highway 51 to La Salle, Ill., thence over U.S. Highway 6 to Joliet, Ill., thence over Alternate U.S. Highway 66 to junction U.S. Highway 66, thence over U.S. Highway 66 to Chicago, Ill. NOTE: This application is filed pursuant to MC-C-4366, effective May 1, 1964, which provides the special rules for conversion of irregular route to regular motor carrier operations. SPECIAL NOTE: Protests to this application may be filed within 45 days instead of 30 days.

No. MC 110525 (Sub-No. 732), filed June 9, 1965. Applicant: CHEMICAL LEAMAN TANK LINES, INC., 520 East Lancaster Avenue, Downingtown, Pa. Applicant's attorneys: Edwin H. van Deusen (same address as applicant), and Leonard A. Jaskiewicz, Madison Building, 1155 15th Street, Washington, D.C., 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cement*, in bulk, from Providence, R.I., to Newington, N.H.

No. MC 111170 (Sub-No. 101), filed June 9, 1965. Applicant: WHEELING PIPE LINE, INC., Post Office Box 1718, El Dorado, Ark. Applicant's attorney: Thomas Harper, Kelley Building, Post Office Box 43, Fort Smith, Ark., 72902. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cresote*, in tank vehicles, from points in Caldwell Parish, La., to El Dorado, Ark.

No. MC 111170 (Sub-No. 102), filed June 9, 1965. Applicant: WHEELING PIPE LINE, INC., Post Office Box 1718, El Dorado, Ark. Applicant's attorney: Thomas Harper, Kelley Building, Post Office Box 43, Fort Smith, Ark., 72902. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid pavement sealer*, in tank vehicles, from Charleston, S.C., and Chicago, Ill., to points in Pulaski County, Ark.

No. MC 111523 (Sub-No. 1), filed May 28, 1965. Applicant: RALPH JOHN SPROUL, doing business as JAMES A. SPROUL, Fairview Road, Medfield Mass. Applicant's attorney: Kenneth B. Williams, 111 State Street, Boston, Mass., 02109. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Fruit juice beverages*, in containers, from Millis, Mass., to points in Rhode Island, Connecticut, and New Jersey, and points in that part of New York south of a line beginning at Hale Eddy, N.Y., and extending in an easterly direction to the point of convergence of the New York, Connecticut, and Massachusetts State lines near Boston Corner, N.Y., under a continuing contract with Cliquot Club Co., Millis, Mass.

No. MC 113828 (Sub-No. 91), filed June 8, 1965. Applicant: O'BOYLE TANK LINES, INCORPORATED, 4848 Cordell Avenue, Washington 14, D.C. Applicant's attorney: William P Sullivan, 1825 Jefferson Place NW., Washington, D.C., 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry spent silica gel catalyst*, in bulk, in tank- or hopper-type vehicles, from Delaware City, Del., to Baltimore, Md.

No. MC 116568 (Sub-No. 27), filed June 1, 1965. Applicant: HOWELL'S MOTOR FREIGHT, INCORPORATED, 2210 Winston Avenue SW., Roanoke, Va. Applicant's attorney: R. Roy Rush, 300 Shenandoah Building, Roanoke, Va., 24004. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products, meat byproducts, dairy products*, and *articles distributed by meat packinghouses*, as defined by the Commission in sections A, B, and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, between Augusta, Ga., and points in that part of South Carolina and Georgia on and east of a line beginning at the North Carolina-Georgia State line and extending along U.S. Highway 441 to Eatonton, Ga., thence along U.S. Highway 129 to Macon, Ga., thence along Interstate Highway 75 to the Georgia-Florida State line.

No. MC 127326, filed June 2, 1965. Applicant: MONMOUTH TRANSPORT CORP., State Highway 35, Hazlet, N.J. Applicant's representative: James J. Farrell, 201 Montague Place, South Orange, N.J. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Talc*, from Balmat, Emeryville, Gouverneur, and Hailesboro, N.Y., to Keyport, N.J., and *rejected shipments*, on return.

MOTOR CARRIER OF PASSENGERS

No. MC 45626 (Sub-No. 57), filed June 7, 1965. Applicant: VERMONT TRANSIT CO., INC., 135 St. Paul Street, Burlington, Vt., 05402. Applicant's attorney: L. C. Major, Jr., 2001 Massachusetts Avenue NW., Washington, D.C., 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers and their baggage* and *express* and *newspapers*, in the same vehicle with passengers, (1) between Concord, N.H., and Fairlee, Vt.; from Concord over access roads to Interstate Highway 93, thence over Interstate Highway 93 and access roads to junction New Hampshire Highway 25, thence over New Hampshire Highway 25 to junction New Hampshire Highway 25A, thence over New Hampshire Highway 25A to junction New Hampshire Highway 10 at Orford, N.H., thence over bridge across the Connecticut River to junction U.S. Highway 5 at Fairlee and return over the same route, serving no intermediate points, as an alternate route for operating convenience only in connection with applicant's authorized regular-route operations; and (2) between junction U.S. Highway 5 and Vermont Highway 25 at Bradford, Vt., and junction Vermont Highway 25 and U.S. Highway 302 west of West Topsham, Vt., over Vermont Highway 25, serving no intermediate points, as an alternate route for operating convenience only in connection with applicant's authorized regular-route operations.

By the Commission.

[SEAL] BERTHA P. ARMES, *Acting Secretary.*

[F.R. Doc. 65-6853; Filed, June 29, 1965; 8:45 a.m.]

[Notice No. 34]

FINANCE APPLICATIONS

JUNE 25, 1965.

The following publications are governed by the Interstate Commerce Commission's General Requirements governing notice of filing of applications under sections 20a except (12) and 214 of the Interstate Commerce Act. The Commission's order of May 20, 1964, providing for such publication of notice, was published in the FEDERAL REGISTER issue of July 31, 1964 (29 F.R. 11126), and became effective October 1, 1964.

All hearings and prehearing conferences, if any, will be called at 9:30 a.m., U.S. standard time unless otherwise specified.

F.D. No. 28706—By application filed June 22, 1965, Atlantic Coast Line Railroad Co., 500 Water Street, Jacksonville, Fla., 32202, seeks authority under section 20a of the Interstate Commerce Act to assume obligation and liability in respect of $6,750,000 principal amount of Equipment Trust Certificates, Series X. Applicant's attorneys: F. J. Primosch, secretary and assistant vice president, Atlantic Coast Line Railroad Co., 220 East 42d Street, New York, N.Y., 10017, and Leonard G. Anderson, general solicitor, Atlantic Coast Line Railroad Co., 500 Water Street, Jacksonville, Fla., 32202. Protests must be filed no later than 15 days from the date of publication in the FEDERAL REGISTER.

By the Commission.

[SEAL] BERTHA P. ARMES, *Acting Secretary.*

[F.R. Doc. 65-6849; Filed, June 29, 1965; 8:47 a.m.]

[Notice No. 356]

MOTOR CARRIER ALTERNATE ROUTE DEVIATION NOTICES

JUNE 25, 1965.

The following letter-notices of proposals to operate over deviation routes for operating convenience only have been filed with the Interstate Commerce Commission, under the Commission's deviation rules revised, 1957 (49 CFR 211.1(c)(8)) and notice thereof to all interested persons is hereby given as provided in such rules (49 CFR 211.1 (d)(4)).

Protests against the use of any proposed deviation route herein described may be filed with the Interstate Commerce Commission in the manner and form provided in such rules (49 CFR 211.1(e)) at any time, but will not operate to stay commencement of the proposed operations unless filed within 30 days from the date of publication.

Successively filed letter-notices of the same carrier under the Commission's deviation rules revised, 1957, will be numbered consecutively for convenience in identification and protests if any should refer to such letter-notices by number.

MOTOR CARRIERS OF PROPERTY

No. MC 10761 (Deviation No. 42), TRANSAMERICAN FREIGHT LINES, INC., 1700 North Waterman Avenue, Detroit, Mich., 48209, filed June 14, 1965. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: from the Ohio-Pennsylvania State line over Interstate Highway 80 to junction Interstate Highway 95, thence over Interstate Highway 95 to New York, N.Y., and return over the same route for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities over pertinent service routes as follows: (1) from Cleveland, Ohio over U.S. Highway 422 to New Castle, Pa., and thence over Pennsylvania Highway 88 via Rochester, Pa., to Pittsburgh, Pa., and (2) from Pittsburgh, Pa., over U.S. Highway 22 to junction New Jersey Highway 29, thence over New Jersey Highway 29 to junction U.S. Highway 1, and thence over U.S. Highway 1 to New York, N.Y., and return over the same routes.

No. MC 108158 (Sub-No. 29) (Deviation No. 9) (Canceling Deviation No. 6), MID-CONTINENT FREIGHT LINES, INC., 11 Oak Street SE., Minneapolis, Minn., 55414, filed June 14, 1965. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions over deviation routes as follow: (1) from Kansas City, Mo., north, over U.S. Highway 69 to Cameron, Mo., thence east over U.S. Highway 36 to junction U.S. Highway 24 at Monroe City, Mo., and (2) from Kansas City, Mo., over Kansas Highway 33 to Lathrop, Mo., thence east over Kansas Highway 116 to junction U.S. Highway 69, thence over U.S. Highway 69 to Cameron, Mo., thence east over U.S. Highway 36 to junction U.S. Highway 24 at Monroe City, Mo., and return over the same routes for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: between junction U.S. Highway 66 and U.S. Highway 24 near Chenoa, Ill. and Kansas City, Mo. over U.S. Highway 24.

MOTOR CARRIER OF PASSENGERS

No. MC 2890 (Deviation No. 53), AMERICAN BUSLINES, INC., 1805 Leavenworth Street, Omaha 2, Nebr., filed June 16, 1965. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *passengers and their baggage*, and *express*, and *newspapers*, in the same vehicle with passengers, over a deviation route as follows: Between junction U.S. Highway 40 and Interstate Highway 80 east of Fernley, Nev., and junction Interstate Highway 80 and U.S. Highway 40 southwest of Wadsworth, Nev. over Interstate Highway 80, for operating convenience only. The notice indicates that the carrier is presently authorized to transport passengers and the same property over a pertinent service route as follows: from Salt Lake City over U.S. Highway 40 via Reno, Nev., and Roseville, Calif., to junction unnumbered Highway near Fairfield, Calif., and return over the same route.

By the Commission.

[SEAL] BERTHA P. ARMES, *Acting Secretary.*

[F.R. Doc. 65-6850; Filed, June 29, 1965; 8:47 a.m.]

[Notice No. 788]

MOTOR CARRIER APPLICATIONS AND CERTAIN OTHER PROCEEDINGS

JUNE 25, 1965.

The following publications are governed by the new Special Rule 1.247 of the Commission's rules of practice, published in the FEDERAL REGISTER, issue of December 3, 1963, which became effective January 1, 1964.

The publications hereinafter set forth reflect the scope of the applications as filed by applicants, and may include descriptions, restrictions, or limitations which are not in a form acceptable to the Commission. Authority which ultimately may be granted as a result of the applications here noticed will not necessarily reflect the phraseology set forth in the application as filed, but also will eliminate any restrictions which are not acceptable to the Commission.

APPLICATIONS ASSIGNED FOR ORAL HEARING

MOTOR CARRIERS OF PROPERTY

No. MC 31600 (Sub-No. 500) (AMENDMENT), filed May 7, 1965, published in FEDERAL REGISTER issue of May 26, 1965, amended June 16, 1965 and republished as amended this issue. Applicant: P. B. MUTRIE MOTOR TRANSPORTATION, INC., Calvary Street, Waltham, Mass., 02154. Applicant's attorney: H. C. Ames, Jr., Transportation Building, Washington, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum and petroleum products*, in bulk, in tank vehicles, from Petrolia and Karns City, Pa., to points in Connecticut, Massachusetts, Maine, New Hampshire, Rhode Island, and Vermont. NOTE: The purpose of this republication is to add Petrolia, Pa., as an origin point.

HEARING: July 30, 1965, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Alton R. Smith.

No. MC 50069 (Sub-No. 225), filed March 17, 1965. Applicant: REFINERS TRANSPORT & TERMINAL CORPORATION, Chicago, Ill. Applicant's attorney: John Andrew Kundtz, 1050 Union Commerce Building, Cleveland, Ohio, 44115 and Roland Rice, Suite 618, Perpetual Building, Washington, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry sugar*, in bulk, from town of Montezuma, Cayuga County, N.Y., to points in Connecticut, Delaware, District of Columbia, Maine, Maryland, Massachusetts, Michigan, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Virginia, Vermont, Rhode Island, and West Virginia. NOTE: The application was originally filed in the name of Quick Deliveries, Inc., Rochester, N.Y., assigned No. MC 115689 (Sub-No. 2), and published FEDERAL REGISTER, issue of April 1, 1965. The purpose of this republication is to show the substituted applicant, and also to show that authority is sought to operate as a common carrier, whereas Quick Deliveries, Inc., sought authority to operate as a contract carrier.

HEARING: July 13, 1965, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Isadore Friedson.

No. MC 107403 (Sub-No. 618) (AMENDMENT), filed April 5, 1965, published FEDERAL REGISTER issue April 28, 1965, and republished as amended this issue. Applicant: MATLACK, INC., 10 West Baltimore Avenue, Lansdowne, Pa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum and petroleum products*, in bulk, in tank vehicles, from Karns City and Petrolia, Pa., to points in Connecticut, Massachusetts, Maine, New Hampshire, Rhode Island, and Vermont. NOTE: The purpose of this republication is to add the origin point of Karns City, Pa.

HEARING: July 30, 1965, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Alton R. Smith.

No. MC 112846 (Sub-No. 42) (REPUBLICATION), filed May 20, 1965, published FEDERAL REGISTER June 16, 1965, and republished this issue. Applicant: PENNLAND TANKERS, INC., Post Office Box 273, Oil City, Pa. Applicant's attorney: Harold G. Hernly, 711 Fourteenth Street NW., Washington, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum and petroleum products*, in bulk, in tank vehicles, from Petrolia and Karns City, Pa., to points in Connecticut, Massachusetts, Maine, New Hampshire, Rhode Island, and Vermont. NOTE: The purpose of this republication is to show hearing information.

HEARING: July 30, 1965, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Alton R. Smith.

No. MC 113678 (Sub-No. 149), filed June 18, 1965. Applicant: CURTIS, INC., 770 East 51st Avenue, Denver, Colo., 80216. Applicant's attorney: Duane W. Acklie, Post Office Box 2028, Lincoln, Nebr. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts, dairy products and articles distributed by meat packinghouses*, from Rapid City, S. Dak., and points within ten (10) miles thereof, to points in Connecticut, Indiana, Kentucky, Maine, Maryland, Massachusetts, Michigan, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Vermont, Virginia, West Virginia, and the District of Columbia.

HEARING: July 7, 1965, in Room 41-C, New Customs House, Denver, Colo., before Examiner James I. Carr.

No. MC 115162 (Sub-No. 98) (AMENDMENT), filed August 25, 1964, published

in FEDERAL REGISTER issue of September 16, 1964, amended April 27, 1965, and republished as amended this issue. Applicant: WALTER POOLE, doing business as POOLE TRUCK LINE, Post Office Box 346, Evergreen, Ala. Applicant's representative: Robert E. Tate, 2031 Ninth Avenue, South, Birmingham, Ala., 35205. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cast iron pipe* and *fittings*, from the plantsite of James B. Clow & Sons, Inc., Irving Park Road, Bensenville, Ill. (Cook County, Ill.), and the site of the same concern's shipping yard on Division Street at or near Bensenville, Ill. (DuPage County, Ill.), to points in Kentucky, Tennessee, Georgia, Florida, Alabama, Mississippi, Louisiana, and Arkansas. NOTE: The purpose of this republication is to more clearly set forth the origin territory, to delete the states of North Carolina and South Carolina from the destination territory and to show the hearing information as set forth below.

CONTINUED HEARING: July 27, 1965, at the Midland Hotel, 172 West Adams Street, Chicago, Ill., before Examiner Leo A. Riegel.

No. MC 115830 (Sub-No. 18) (AMENDMENT), filed March 26, 1965, published in FEDERAL REGISTER issue of April 14, 1965, and republished as amended this issue. Applicant: BABCOCK & LEE PETROLEUM TRANSPORTERS, INC., 1002 Third Avenue North, Billings, Mont. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum products* (except asphalt and road oil), from points in Garfield, Richland, Roosevelt and Yellowstone Counties, Mont., to points in Hughes and Pennington County, S. Dak., and *rejected and contaminated shipments*, on return. NOTE: The purpose of this republication is to add Hughes County as a destination point.

HEARING: July 23, 1965, at the Board of Railroad Commissioners, Helena, Mont., before Joint Board No. 124.

No. MC 115840 (Sub-No. 16) (AMENDMENT), filed October 8, 1964, published in FEDERAL REGISTER, issue of October 28, 1964, amended April 27, 1965, and republished as amended this issue. Applicant: COLONIAL FAST FREIGHT LINES, INC., 1215 Bankhead Highway West, Post Office Box 2169, Birmingham, Ala. Applicant's representative: Robert E. Tate, 2031 Ninth Avenue, South, Birmingham, Ala., 35205. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cast iron pipe* and *fittings*, from the plantsite of James B. Clow & Sons, Inc., Irving Park Road, Bensenville, Ill. (Cook County, Ill.), and the site of the same concern's shipping yard on Division Street at or near Bensenville, Ill. (DuPage County, Ill.), to points in Kentucky, Tennessee, Georgia, Florida, Alabama, Mississippi, Louisiana, and Arkansas. NOTE: The purpose of this republication is to more clearly set forth the origin territory, to delete the states of North Carolina and South Carolina from the destination territory and to show the hearing information as set forth below.

CONTINUED HEARING: July 27, 1965, at the Midland Hotel, 172 West Adams Street, Chicago, Ill., before Examiner Leo A. Riegel.

No. MC 37755 (Sub-No. 6) (REPUBLICATION), filed February 18, 1965, published FEDERAL REGISTER, issue of March 10, 1965, and republished this issue after order of Commission. Applicant: LLOYD GRAHAM, Ozawkie, Kans. By application filed February 18, 1965, applicant seeks a certificate of public convenience and necessity authorizing operation, in interstate or foreign commerce, as a common carrier by motor vehicle, over irregular routes, of *emigrant movables* (except household goods), from Valley Falls, Kans., and points within 25 miles thereof, to points in Missouri and Nebraska. An order, Operating Rights Board No. 1, dated June 10, 1965, served June 18, 1965, finds that the present and future public convenience and necessity require operation by applicant in interstate or foreign commerce, as a *common carrier*, by motor vehicle, over irregular routes, of *emigrant movables*, from points in Jefferson, Atchison, and Jackson Counties, Kans., and that portion of Shawnee County, Kans., north of the Kansas River, to points in Missouri and Nebraska; and that because it is possible that other parties, who have relied upon the notice of the application as published, may have an interest in and would be prejudiced by the lack of proper notice of the authority described in the findings in this order, a notice of the authority actually granted will be published in the FEDERAL REGISTER and issuance of a certificate in this proceeding will be withheld for a period of 30 days from the date of such publication, during which period any proper party in interest may file an appropriate protest or other pleading.

No. MC 126833 (REPUBLICATION), filed December 24, 1964, published FEDERAL REGISTER, issues of January 13 and February 17, 1965, and republished this issue after order of Commission. Applicant: CMIEL MILK TRANSPORT, INC., La Porte, Ind. By application filed December 24, 1964, as amended, applicant seeks a permit authorizing operations, in interstate or foreign commerce, as a contract carrier by motor vehicle, over irregular routes, of sour cream, sour cream mixtures, flavored milk, liquid dietary foods, fruit segments, ice cream, ice cream mix, ice milk, sherbert, water ice, vegetable-fat frozen desserts, water ice bars, fudge bars, ice cream bars (stick and stickless), ice cream cups, ice cream sandwiches, ice cream cake rolls, ice cream pies, orange juice, fruit-flavored drinks, cottage cheese, and dairy products, as described in section B of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, in containers, and rejected or returned shipments, between the plantsites of The Borden Co. at Woodstock, Ill., and Milwaukee, Wis., on the one hand, and, on the other, points in La Porte County, Ind. An order, Operating Rights Board No. 1, dated June 11, 1965, served June 18, 1965, finds that operation by applicant in interstate or foreign commerce, as a *contract carrier*, by motor vehicle, over irregular routes, of *dairy products, liquid dietary foods, vegetable-fat frozen desserts, orange juice, fruit-flavored drinks, fruit segments, and water ice*, in containers, between the plantsites of The Borden Co. at Woodstock, Ill., and Milwaukee, Wis., on the one hand, and, on the other, points in La Porte County, Ind., under a continuing contract with The Borden Co., will be consistent with the public interest and the national transportation policy; and that because it is possible that other parties, who have relied upon the notice of the application as published, may have an interest in and would be prejudiced by the lack of proper notice of the authority described in the findings in this order, a notice of the authority actually granted will be published in the FEDERAL REGISTER and issuance of a permit in this proceeding will be withheld for a period of 30 days from the date of such publication, during which period any proper party in interest may file an appropriate protest or other pleading.

No. MC 126882 (REPUBLICATION), filed January 13, 1965, published FEDERAL REGISTER, issue of February 3, 1965, and republished June 9, 1965 after order of Commission, and republished this issue after corrected order. Applicant: FERNAND POULIN, Beauce County, Quebec, Canada. By application filed January 13, 1965, as amended, applicant seeks a permit authorizing operations, in interstate or foreign commerce, as a contract carrier by motor vehicle, over irregular routes, of lumber and wood fencing, from and to the points indicated below. The application as previously published, sought, in part, authority from Malone, N.Y., to points in New York and New Jersey, whereas the application as amended seeks authority, in part, from Champlain, N.Y., to points in New York and New Jersey. A corrected order, Operating Rights Board No. 1, dated May 24, 1965, served June 22, 1965, finds that operation by applicant, in interstate or foreign commerce, as a contract carrier by motor vehicle, over irregular routes, of lumber and wood fencing, (1) from Jackman, Maine, to points in Maine, New Hampshire, Massachusetts, Connecticut, Rhode Island, New York, and New Jersey, (2) from Norton, Vt., to points in Vermont, New Hampshire, and New York, and (3) from Champlain, N.Y., to points in New York and New Jersey, under continuing contracts with Jean Paul Racine, of St. Honore de Beauce, Quebec, Cedar Products, Ltd., of St. Martin de Beauce, Quebec and Rancourt Industries, Ltd., of St. Georges de Beauce, Quebec, will be consistent with the public interest and the national transportation policy; and that because it is possible that other parties, who have relied upon the notice of the application as published, may have an interest in and would be prejudiced by the lack of proper notice of the authority described in the findings in this order, a notice of the authority actually granted will be published in the FEDERAL REGISTER and issuance of a permit in this proceeding will be withheld

for a period of 30 days from the date of such publication, during which period any proper party in interest may file an appropriate protest or other pleading.

NOTICE OF FILING OF PETITIONS

No. MC 15945 (PETITION FOR REMOVAL OF EXCEPTION OF "COMMODITIES IN BULK AND COMMODITIES REQUIRING SPECIAL EQUIPMENT" FROM CERTIFICATE), filed June 7, 1965. Petitioner: BRINGWALD TRANSFER, INC., Vincennes, Ind. Petitioner's representative: W. L. Jordan, 201 Merchants Savings Building, Terre Haute, Ind. Petitioner holds a certificate in No. MC 15945 (the part pertinent herein), authorizing the transportation of: "*General commodities* (except articles of unusual value, and except livestock, household goods as defined in *Practices of Motor Common Carriers of Household Goods*, 17 M.C.C. 467, commodities in bulk, and commodities requiring special equipment), in truckloads, between Vincennes, Evansville, Bedford, New Albany, Princeton, Shoals, Sullivan, Jasper, and Terre Haute, Ind., on the one hand, and, on the other, Henderson and Louisville, Ky., St. Louis, Mo., Cincinnati, Ohio, and points in Illinois." By the instant petition, petitioner requests that such certificate be amended to read as follows: "*General commodities* (except articles of unusual value, and except livestock, household goods, as defined in *Practices of Motor Common Carriers of Household Goods*, 17 M.C.C. 467), in truckloads,". Any person or persons desiring to participate in this proceeding, may, within 30 days from the date of this publication in the FEDERAL REGISTER, file an appropriate pleading, consisting of an original and six copies each.

No. MC 62512 (PETITION FOR WAIVER OF RULE 1.101(e) FOR REOPENING AND RECONSIDERATION OF THE "GRANDFATHER" PROCEEDING AND REQUEST FOR ISSUANCE OF A CERTIFICATE TO PETITIONERS SUCCESSOR IN CONFORMITY WITH THE COMMISSION'S COMPLIANCE ORDERS THEREIN), filed May 26, 1965. Petitioner: JOSEPH GARNER, doing business as CENTRAL STORAGE & TRANSFER COMPANY, Harrisburg, Pa. Petitioner's attorney: Chester A. Zyblut, 1000 Connecticut Avenue NW., Washington, D.C., 20036. Petitioner states that on February 5, 1936, it filed an application under the "grandfather" provision of the Interstate Commerce Act. Said application was amended on December 15, 1936, as here pertinent, stating that he operated between points within an airline radius of 100 miles of the city of Harrisburg, effecting interchange with rail, express, motor carriers and freight forwarders at any point within the described area. On November 30, 1938, the Commission served a compliance order in which it found that it was entitled to render the following service: *Commodities generally*, except those of unusual value and except livestock, high explosives, household goods (when transported as a separate and distinct service in connection with so-called "household movings"), commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading, between Harrisburg, Pa., and York and Lancaster, Pa., as follows: From Harrisburg over U.S. Highway 111 to York; From Harrisburg over U.S. Highway 111 to Newberrytown, Pa., thence over Pennsylvania Highway 24 via York Haven, Pa., to York; From Harrisburg over U.S. Highway 230 to Elizabethtown, Pa., thence over Pennsylvania Highway 241 to Marietta, Pa., thence over Pennsylvania Highway 441 to Columbia, Pa., and thence over U.S. Highway 30 to York. From Harrisburg over U.S. Highway 230 to Lancaster and return over these routes to Harrisburg, serving all intermediate points; and (b) over irregular routes, *Commodities generally*, with exceptions as specified in (a) above. Between points and places in Pennsylvania within 100 miles of Harrisburg, Pa. Petitioner states that he was advised to request dismissal of the "grandfather" application. The application was dismissed on August 21, 1939, and petitioner has since conducted operations under the former second proviso of section 206(a)(1) of the Act, as amended. By the instant petition, it is respectfully prayed that the Commission waive the requirements of Rule 1.101(e) of the general rules of practice; that it reopen and reconsider the "grandfather" proceeding; that it issue a certificate of public convenience and necessity to petitioner's successor in conformity with the compliance orders; and that it grant such other and further relief as it deems just and proper in the premises. Any person or persons desiring to participate in this proceeding, may, within 30 days from the date of this publication in the FEDERAL REGISTER, file an appropriate pleading, consisting of an original and six copies each.

APPLICATIONS UNDER SECTIONS 5 AND 210a(b)

The following applications are governed by the Interstate Commerce Commission's special rules governing notice of filing of applications by motor carriers of property or passengers under sections 5(a) and 210a(b) of the Interstate Commerce Act and certain other proceedings with respect thereto (49 CFR 1.240).

MOTOR CARRIERS OF PROPERTY

No. MC-F-9150. Authority sought for merger into HOLMES TRANSPORTATION, INC. (formerly JOHNSON MOTOR TRANSPORT), 75-81 St. John Street, Portland, Maine, of the operating rights and properties of (A) ALVIN R. HOLMES (DOROTHY HOLMES and ROBERT C. HOLMES, ADMINISTRATORS), doing business as HOLMES TRANSPORTATION SERVICE AND/OR JONES EXPRESS, 550 Cochituate Road, Framingham, Mass., (B) GAY'S EXPRESS, INC., U.S. Highway 5, Bellows Falls, Vt., (C) NEWBURGH TRANSFER, INC., 4 John Street, Newburgh, N.Y., and (D) TAYLOR'S EXPRESS CO., 23 Maple Street, Haverhill, Mass., and for acquisition by the ESTATE OF ALVIN R. HOLMES (DOROTHY HOLMES and ROBERT C. HOLMES, ADMINISTRATORS), of control of such rights and properties through the transaction. Applicants' attorney: Kenneth B. Williams, 111 State Street, Boston, Mass., 02109. Operating rights sought to be merged: (A) (ALVIN R. HOLMES (DOROTHY HOLMES and ROBERT C. HOLMES, ADMINISTRATORS), doing business as HOLMES TRANSPORTATION SERVICE AND/OR JONES EXPRESS) *General commodities*, excepting, among others, household goods and commodities in bulk, as a *common carrier*, over regular routes, between Twin Mountain, N.H., and Franklin and Concord, N.H., between Manchester, N.H., and Keene, N.H., serving certain off-route points, between Auburn, Mass., and New London, Conn., between Hopkinton, R.I., and New London, Conn., between Stafford Springs, Conn., and Willimantic, Conn., between Fitchburg, Mass., and Athol, Mass., between Webster, Mass., and Willimantic, Conn., serving certain intermediate and off-route points.

General commodities, except those of unusual value, and except dangerous explosives, household goods as defined in *Practices of Motor Common Carriers of Household Goods*, 17 M.C.C. 467, commodities in bulk, solid fuel and petroleum products in tank trucks, and those injurious or contaminating to other lading, between Worcester, Mass., and Concord, N.H., between Worcester, Mass., and Manchester, N.H., between Worcester, Mass., and White River Junction, Vt., between Worcester, Mass., and Keene, N.H., between Providence, R.I., and Greenfield, Mass., between Providence, R.I., and Springfield, Mass., between Boston, Mass., and Bridgeport, Conn., between Boston, Mass., and Hartford, Conn., between Worcester, Mass., and Hartford, Conn., between Springfield, Mass., and Bridgeport, Conn., between Waterbury, Conn., and White River Junction, Vt., between Boston, Mass., and Bridgeport, Conn., between Manchester, N.H., and New Bedford, Mass., between Boston, Mass., and Norwich, Vt., between Boston, Mass., and White River Junction, Vt., serving all intermediate and certain off-route points, four alternate routes for operating convenience only; *general commodities*, excepting, among others, household goods, and commodities in bulk, over irregular routes, between points in Massachusetts, Rhode Island, Connecticut, that part of New York and New Jersey within 20 miles of New York, N.Y., *sprinkler equipment*, and equipment used or useful in the installation thereof, from Worcester, Mass., to points in Connecticut, Maine, Rhode Island, New Hampshire, Vermont, those in New Jersey within 15 miles of New York, N.Y., and those in New York within 25 miles of the Hudson River; *equipment* used or useful in the installation of sprinkler equipment, from the above-specified destination territory to Worcester, Mass.; *airplanes*, from Worcester, Mass., to Newark, N.J.; *milk*, in cans, from South Royalton, North Thetford, and White River Junction, Vt., to Worcester, Mass.; *celluloid* and *plastic articles*, from Athol, Mass., to points in New York and New Jersey within 20 miles of New York, N.Y., and those in Pennsylvania within 20 miles of Philadelphia, Pa.

Carnival equipment, from points in

tween Oneonta, N.Y., and Albany, N.Y., over regular routes between Newburgh

Carnival equipment, from points in Massachusetts to points in Connecticut and Rhode Island, *ski-towing equipment*, from Worcester, Mass., to points in New York, New Hampshire, and Vermont; *foundry sweepings*, from points in Massachusetts to New Haven, Conn.; *metal borings, shavings*, and *chips*, from Claremont, N.H., Worcester, Fitchburgh, and Athol, Mass., to Chicopee Falls, Mass., and New Haven, Conn.; *foundry sand*, from Providence, R.I., to Worcester, Mass.; *ground frit*, from Bayonne, N.J., to Gardner, Mass.; *paper*, from Lincoln and Ashland, N.H., to Lowell, Worcester, Holyoke, Springfield, Haverhill, Tewksbury, Waltham, and Lawrence, Mass., from Millers Falls, Mass., to Providence, R.I.; *groceries*, from Boston, Mass., to Whitefield, Lancaster, Andover, Bethlehem, Lisbon, Littleton, Manchester, N.H., and points in Carroll and Belknap Counties, N.H.; *shipping containers* and *cartons*, from Norwich, Conn., to Burlington and Gloucester, Mass., and Manchester, N.H.; *textile machinery*, from Oxford, Mass., to Suncook, N.H., from Orange, Mass., to Bennington, Vt., Cohoes, N.Y., Pawtucket and Woonsocket, R.I., and points in Massachusetts; *supplies, materials, and equipment*, used or useful in constructing, maintaining, and repairing powerlines, and generating and transmitting electic power stations, between points in Massachusetts, New Hampshire, and Rhode Island, between points in Massachusetts, New Hampshire, and Rhode Island, on the one hand, and, on the other, Barre, Bellows Falls, Burlington, Essex Junction, Gilman, Inwood, Montpelier, Searsburg, Vernon, White River Junction, and Wilder, Vt.; and *lunch cars*, between points in Connecticut, Maine, Massachusetts, New Hampshire, New York, Rhode Island, and Vermont; (B) (GAY'S EXPRESS, INC.).

General commodities, excepting, among others, household goods and commodities in bulk, as a *common carrier*, over regular routes, between North Walpole, N.H., and Lyme, N.H., between Claremont, N.H., and Newport, N.H., between Worcester, Mass., and Fitchburg, Mass., between West Boyleston, Mass., and the junction of Massachusetts Highways 12 and 140, between West Springfield, Mass., and Hartford, Conn., between Bernardston, Mass., and Keene, N.H., between North Troy, Vt., and New York, N.Y., between Hudson Falls, N.Y., and North Adams, Mass., between Waterford, N.Y., and Schenectady, N.Y., between Richford, Vt., and Troy, N.Y., between Burlington, Vt., and Barre, Vt., between Coventry, Vt., and Boston, Mass., between North Troy, Vt., and West Danville, Vt., between Morrisville, Vt., and Waterbury, Vt., between North Adams, Mass., and Watervliet, N.Y., between Stillwater, N.Y., and North Hoosick, N.Y., between Boston, Mass., and North Claredon, Vt., between Manchester Center, Vt., and Hampton, N.Y., between Boston, Mass., and Bennington, Vt., between Hillsboro, N.H., and Boston, Mass., from Gardner, Mass., and Schenectady, N.Y., between Oneonta, N.Y., and Binghamton, N.Y., between Painted Post, N.Y., and Binghamton, N.Y., between Oneonta, N.Y., and Albany, N.Y., serving certain intermediate and off-route points with restrictions, three alternate routes for operating convenience only; *general commodities*, with exceptions as stated above, over irregular routes, between Bennington, Vt., on the one hand, and, on the other, certain points in New York; *carbonated beverages* and *flavoring syrups*, from Chelmsford, Mass., to certain points in Massachusetts, Vermont, New York, and New Hampshire; *fish, fresh and frozen*, from Boston, Mass., to certain points in Vermont, and the destination points above other than Chelmsford and Boston, Mass.; *automobile parts*, from Somerville, Mass., to certain points in Vermont, Massachusetts, New York, and New Hampshire, *wool rags*, from New York, N.Y., to Marlboro, N.H.; *veneer*, and *veneer products*, from North Troy and Randolph, Vt., to Milford and Manchester, N.H., and certain points in Massachusetts.

Cordwood and *wood* used for fuel from points in Cheshire, Merrimack, and Hillsboro Counties, N.H., to certain points in Massachusetts; *sawdust*, from Henniker and Concord, N.H., to Worcester, Mass.; *carbonated beverages and empty containers*, between Williamstown, Mass., on the one hand, and, on the other, Mechanicville and Hoosick Falls, N.Y.; *lumber*, between Hillsboro, N.H., and points within 30 miles of Hillsboro, on the one hand, and, on the other, Worcester, Mass.; *mill machinery and mill machinery parts*, between Hillsboro, N.H., on the one hand, and, on the other, Fitchburg, Holyoke, Lawrence, Salem, and Worcester, Mass.; *household goods*, between points in Belknap, Cheshire, Hillsboro, and Merrimack Counties, N.H., on the one hand, and, on the other, points in Massachusetts, Rhode Island, Connecticut, New York, New Jersey, and Pennsylvania, between points in Vermont, on the one hand, and, on the other, points in Connecticut, Massachusetts, New Hampshire, and New York; *wood turnings, brush blocks, and empty cloth bags*, between Lisbon, N.H., on the one hand, and, on the other, New York and Port Chester, N.Y.; *wire, braid, cable, empty spools*, and *empty cases*, between Lisbon, N.H., on the one hand, and, on the other, New York, N.Y., and Newark, N.J.; *shoddy* and *wool*, between Bedford, Mass., on the one hand, and, on the other, Hillsboro, N.H., from Franklin, Millbury, Shawsheen Village, and Methuen, Mass., to Hillsboro, N.H.; *granite*, in truckload lots, from points in Vermont within 15 miles of Barre, Vt., to points in that part of Massachusetts on and west of U.S. Highway 5; and *Classes A and B explosives*, from Jericho, Vt., to those points in Connecticut, Massachusetts, New Hampshire, New York, and New Jersey presently authorized to be served by carrier in Second Corrected Certificate No. MC 30175 and Certificate No. MC 30175, Sub-10, issued December 11, 1956, and February 21, 1965, respectively, including intermediate and off-route points indicated therein; (C) (NEWBURGH TRANSFER, INC.).

General commodities, excepting, among others, household goods and commodities in bulk, as a *common carrier*, over regular routes, between Newburgh, N.Y., and points in New Jersey and New York, between Newburgh, N.Y., and Bridgeport, Conn., between Newburgh, N.Y., and Philadelphia, Pa., serving certain intermediate and off-route points, one alternate route for operating convenience only; *commodities generally*, except currency, bullion, and uncrated household goods, between Poughkeepsie, N.Y., and Albany, N.Y., serving all intermediate and certain off-route points; *general commodities*, excepting, among others, household goods and commodities in bulk, in truckload lots, over irregular routes, between Newburgh, N.Y., and Hartford, Conn.; and (D) (TAYLOR'S EXPRESS CO.) *General commodities*, excepting, among others, household goods and commodities in bulk, as a *common carrier*, over regular routes, between Boston, Mass., and Haverhill, Mass., between Haverhill, Mass., and Lowell, Mass., serving certain intermediate and off-route points; *general commodities*, excepting, among others, household goods and commodities in bulk, over irregular routes, between Haverhill and Merrimac, Mass., on the one hand, and, on the other, certain points in New Hampshire. HOLMES TRANSPORTATION, INC., is authorized to operate as a *common carrier* in Maine, Massachusetts, New Hampshire, and Rhode Island. Application has not been filed for temporary authority under section 210a(b). NOTE: Common control of the above carriers was granted by the Commission in prior proceedings where necessary.

No. MC-F-9151. Authority sought for purchase by AUTREY F. JAMES, doing business as A. F. JAMES TRUCK LINE, 107 Lelia Street, Texarkana, Tex., of a portion of the operating rights of MILAM TRUCK LINE, INC., Post Office Box 232, Cameron, Tex. Applicants' attorney: Albert G. Walker, 304 Capital National Bank Building, Austin, Tex. Operating rights sought to be transferred: *Salt* and *salt products*, as a *contract carrier*, over irregular routes, from Jefferson Island, La., to points in Texas west of a line beginning at the Oklahoma-Texas State line and extending along U.S. Highway 81 to Hillsboro and thence along U.S. Highway 77 to Brownsville. RESTRICTION: The operations authorized above are limited to a transportation service to be performed under a continuing contract, or contracts with Diamond Crystal Salt Co., St. Clair, Mich.; *salt*, from the site of the plant of the International Salt Co. at Avery Island, La., to points in Texas, from Jefferson Island, La., to points in Texas on and east of U.S. Highway 81 from the Red River to Hillsboro, Tex., thence on and east of U.S. Highway 77 to Brownsville, Tex.; *salt* and *salt products*, from Weeks, La., and points within 10 miles thereof, to points in Texas on and east of a line extending from the Oklahoma-Texas State line along U.S. Highway 81 through Duncan and Bowie, Tex., to Hillsboro, Tex., and thence along U.S. Highway 77 through Waco and Victoria, Tex., to the United States-Mexico boundary line at Brownsville, Tex. Vendee is authorized to operate as a *contract carrier* in Arkansas, Oklahoma, Louisiana, Alabama, Tennessee, Mississippi, Florida, Georgia, Kansas, Kentucky, Missouri, North Carolina, Oklahoma, South Carolina, Virginia, Nebraska and New Mexico. Application has not been filed for temporary authority under section 210a(b).

No. MC-F-9152. Authority sought for control and merger by the O. K. TRUCKING COMPANY, 1810 South Street, Cincinnati, Ohio, 45204, of the operating rights and property of HALL FREIGHT LINES, INC., 12 College Street, Danville, Ill., and for acquisition by A. C. LITTON, Day and Night Building, Charleston, W. Va., A. C. MENNE, and HAROLD L. HOLMES (JOHN H. HOLMES and A. C. MENNE, TRUSTEES), also of Cincinnati, Ohio, of control of such rights and property through the transaction. Applicants' attorneys: Jack Goodman, 39 South La Salle Street, Chicago, Ill., 60603, and Jack B. Josselson, 700 Atlas Bank Building, Cincinnati, Ohio, 45202. Operating rights sought to be controlled and merged: *General commodities*, excepting, among others, household goods and commodities in bulk, as a *common carrier*, over regular routes, between certain points in Illinois, between Danville, Ill., and Indianapolis, Ind., between Peoria, Ill., and Terre Haute, Ind., between Racine, Wis., and Chicago, Ill., between Chicago, Ill., and Milwaukee, Wis., between Terre Haute, Ind., and Fairbanks, Ind., serving certain intermediate and off-route points, with restrictions, two alternate routes for operating convenience only; *general commodities*, with exceptions as specified above, over irregular routes, between points in the Chicago, Ill., commercial zone, as defined by the Commission, between points in the Chicago, Ill., commercial zone, as defined by the Commission, on the one hand, and, on the other, Joliet, Ill.; *such merchandise* as is dealt in by wholesale, retail, and chain grocery and food business houses, and in connection therewith, *equipment, materials, and supplies*, used in the conduct of such business, between certain points in Illinois and Indiana. THE O. K. TRUCKING COMPANY is authorized to operate as a *common carrier* in Kentucky, Indiana, Ohio, and West Virginia. Application has not been filed for temporary authority under section 210a(b).

No. MC-F-9153. Authority sought for purchase of KROBLIN REFRIGERATED XPRESS, INC., Post Office Box 218, Sumner, Iowa, of a portion of the operating rights of ACME CARRIERS, INC., South Kearney, N.J., and for acquisition by ALLEN E. KROBLIN, MILDRED KROBLIN, both of 715 West Sixth Street, Sumner, Iowa, and LOYAL FRISCH, 206 South Maple Street, Sumner, Iowa, of control of such rights through the purchase. Applicants' attorneys: Stockton, Linville, Lewis and Mitchell, The 1650 Grant Street Building, Denver 2, Colo., and Edward M. Alfano, 2 West 45th Street, New York, N.Y. Operating rights sought to be transferred: *General commodities*, excepting, among others, household goods and commodities in bulk, as a *common carrier*, over irregular routes, from New York, N.Y., to Chicago, Ill. Vendee is authorized to operate as a *common carrier* in Illinois, Iowa, Missouri, Michigan, Indiana, Oklahoma, Pennsylvania, New York, Minnesota, South Dakota, Wisconsin, Florida, New Jersey, California, Virginia, Maryland, Massachusetts, South Carolina, Delaware, Maine, New Hampshire, Vermont, Connecticut, Rhode Island, North Dakota, Alabama, Tennessee, West Virginia, Kansas, Colorado, Nebraska, Arkansas, Texas, Ohio, West Virginia, and the District of Columbia. Application has not been filed for temporary authority under section 210a(b).

No. MC-F-9154. Authority sought for purchase by JERSEY COAST FREIGHT LINES, INC., 830 Old Corlies Avenue, Neptune, N.J., of a portion of the operating rights of O'CONNOR'S EXPRESS, 400 Delancey Street, Newark, N.J., and for acquisition by WILLIAM A. KORTENHAUS, 303 South Street, Newark, N.J., of control of such rights through the purchase. Applicants' attorney and representative: Charles J. Williams, 1060 Broad Street, Newark, N.J., and Bernard F. Flynn, Jr., East Blackwell Street, Dover, N.J. Operating rights sought to be transferred: *General commodities*, excepting, among others, household goods and commodities in bulk, as a *common carrier*, over irregular routes, from New York, N.Y., to points in Cape May, Cumberland, Gloucester and Salem Counties, N.J. Vendee is authorized to operate as a *common carrier* in New York and New Jersey. Application has been filed for temporary authority under section 210a(b).

By the Commission.

[SEAL] BERTHA F. ARMES, *Acting Secretary.*

[F.R. Doc. 65-6851; Filed, June 29, 1965; 8:48 a.m.]

[Sec. 5a Application No. 74; Amdt. No. 2]

WESTERN CARRIERS TARIFF BUREAU; AGREEMENT

JUNE 25, 1965.

The Commission is in receipt of an application in the above-entitled and numbered proceeding for approval of amendments to the agreement therein approved under the provisions of section 5a of the Interstate Commerce Act.

Filed June 21, 1965, by: William M. Larimore, Western Carriers Tariff Bureau, 260 California Street, San Francisco, Calif.

Amendments involved: Change the agreement so as to permit division of the membership into regular and limited members, and revise the procedures to implement this change.

The application may be inspected at the office of the Commission in Washington, D.C.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 20 days from the date of this notice. As provided by the general rules of practice of the Commission, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing.

By the Commission, division 2.

[SEAL] BERTHA F. ARMES, *Acting Secretary.*

[F.R. Doc. 65-6852; Filed, June 29, 1965; 8:48 a.m.]

FOURTH SECTION APPLICATION FOR RELIEF

JUNE 25, 1965.

Protests to the granting of an application must be prepared in accordance with Rule 1.40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 39866—*Class and commodity rates from and to Maremont, Ala.* Filed by O. W. South, Jr., agent (No. A4714), for interested rail carriers. Rates on property moving on class and commodity rates, in carloads and less-than-carloads, from or to Maremont, Ala., on the one hand, and points in the United States and Canada, on the other.

Grounds for relief—New station and grouping.

By the Commission.

[SEAL] BERTHA F. ARMES, *Acting Secretary.*

[F.R. Doc. 65-6848; Filed, June 29, 1965; 8:47 a.m.]

CUMULATIVE LIST OF CFR PARTS AFFECTED—JUNE

15 CFR	Page
501	8043

26 CFR—Continued	Page
PROPOSED RULES:	
1	8043

41 CFR—Continued	Page
8-3	8044

CUMULATIVE LIST OF CFR PARTS AFFECTED—JUNE

The following numerical guide is a list of the parts of each title of the Code of Federal Regulations affected by documents published to date during June.

3 CFR

Page

PROCLAMATIONS:
3658 ... 7695

EXECUTIVE ORDERS:
July 10, 1912 (revoked in part by PLO 3699) ... 7898
May 14, 1915 (revoked in part by PLO 3673) ... 7752
Oct. 30, 1916 (revoked in part by PLO 3664) ... 7750
Dec. 12, 1917 (revoked in part by PLO 3699) ... 7898
6143 (revoked in part by PLO 3691) ... 7823
6276 (revoked in part by PLO 3691) ... 7823
6285 (revoked in part by PLO 3693) ... 7824
6583 (revoked in part by PLO 3691) ... 7823
7655 (revoked in part by PLO 3661) ... 7521
8278 (revoked in part by PLO 3705) ... 7901
10530 (superseded in part by EO 11228) ... 7739
10682 (superseded by EO 11228) ... 7739
10800 (superseded in part by EO 11228) ... 7739
10835 (superseded by EO 11228) ... 7739
10903 (superseded in part by EO 11228) ... 7739
11227 ... 7369
11228 ... 7739
11229 ... 7741

PRESIDENTIAL DOCUMENTS OTHER THAN PROCLAMATIONS AND EXECUTIVE ORDERS:
Memo of June 18, 1965 ... 8299

5 CFR

213 ... 7271, 7311, 7425, 7426, 7473, 7515, 7557, 7595, 7645, 7646, 7701, 7895, 7967, 8093, 8301.
511 ... 7962, 8216
531 ... 7962, 8216
630 ... 7557, 8301

7 CFR

Ch. I ... 8093
16 ... 7426
26 ... 8031
28 ... 7426
29 ... 7385
30 ... 7385
34 ... 7385
51 ... 7595
57 ... 8031
68 ... 8031
81 ... 8093
160 ... 7385
201 ... 7887
301 ... 8221
718 ... 7427
722 ... 7271, 7385, 7809, 7987
724 ... 7646, 8153
728 ... 7434
730 ... 7272, 7811
750 ... 7311
775 ... 7515
814 ... 7945
845 ... 7273
850 ... 7987
855 ... 7988
908 ... 7311, 7435, 7647, 7947, 8221
909 ... 7273
910 ... 7435, 7647, 7947, 8222
911 ... 7647, 8031
915 ... 7436, 7893, 8093
916 ... 7948
917 ... 7473–7475, 8031, 8255
922 ... 8255
923 ... 7648
944 ... 7436, 7743
945 ... 8154
958 ... 7596
970 ... 7274
1004 ... 8301
1040 ... 8302
1042 ... 8302
1068 ... 8312
1100 ... 8312
1107 ... 8312
1133 ... 7988
1136 ... 7893
1408 ... 8094
1421 ... 7475, 7811, 7988, 7991
1427 ... 7814, 8096
1438 ... 7948
1600 ... 8155

PROPOSED RULES:
28 ... 8049
29 ... 7494
51 ... 7396
52 ... 7524
53 ... 8225
724 ... 8000
911 ... 7501
915 ... 7501
916 ... 7284, 8226
917 ... 8273
923 ... 8110
991 ... 7825
1002 ... 7839
1040 ... 7903
1042 ... 7903
1063 ... 8340
1068 ... 7221, 8227
1070 ... 8341
1078 ... 8341
1079 ... 8341
1097 ... 8228
1102 ... 8228
1108 ... 8228
1133 ... 7284, 8000
1136 ... 8049
1138 ... 7288, 8050

8 CFR

103 ... 7516
214 ... 8102
264 ... 7312

9 CFR

51 ... 7596
71 ... 8327
74 ... 7274
97 ... 7893
201 ... 7275, 7649

PROPOSED RULES:
94 ... 7445
101 ... 7608
103 ... 7608
131 ... 8271
201 ... 7662, 7721

10 CFR

30 ... 8185
31 ... 8189
32 ... 8192
33 ... 8198
34 ... 8198
35 ... 8200
36 ... 8201

PROPOSED RULES:
150 ... 7445, 7662, 7963, 8228

12 CFR

1 ... 7371, 8328
17 ... 7275
216 ... 7743

PROPOSED RULES:
545 ... 7316

13 CFR

107 ... 7597, 7651
305 ... 7894

14 CFR

1 ... 8256
21 ... 8032
23 ... 8259
25 ... 8259
37 ... 7637, 8262
39 ... 7275, 7371, 7372, 7638, 7701, 7816, 7876, 7993, 8033, 8034, 8155, 8203, 8204, 8263, 8328–8330.
43 ... 8259
61 ... 8256
71 ... 7276, 7312, 7372, 7373, 7517, 7557, 7558, 7598, 7639, 7702, 7703, 7744, 7816–7818, 7877–7886, 7949, 7993, 7994, 8035–8037, 8102, 8103, 8156, 8157, 8264, 8265, 8330, 8331.
73 ... 7744, 7745, 7949, 7994, 8157
75 ... 7702, 7745, 7994, 7995, 8157, 8158, 8331
91 ... 8032, 8259
95 ... 7639
97 ... 7374, 7598, 7867, 7950, 8205
121 ... 7703
137 ... 8104
141 ... 7517
151 ... 7484, 8037
221 ... 7558
241 ... 7704

PROPOSED RULES:
37 ... 7663, 8006
39 ... 7573, 8062, 8228, 8229, 8273–8275
61 ... 7292
71 ... 7316, 7396, 7502, 7503, 7524, 7525, 7573, 7612, 7613, 7663–7666, 7723, 7761, 7840, 7929, 8007, 8008, 8110, 8111, 8166, 8276, 8341.
73 ... 7503, 7724
75 ... 7761, 8006
121 ... 7963, 8009
157 ... 8342
214 ... 8062

15 CFR

Page

503 ... 8042

16 CFR

1 ... 8218
13 ... 7662, 7653, 7655, 7657, 7658, 7660, 7661, 8042, 8043.
14 ... 7894, 7995

17 CFR

240 ... 7276, 8109
249 ... 7566, 7568

PROPOSED RULES:
260 ... 8009
269 ... 8009, 8012

18 CFR

1 ... 8331
8 ... 7313
155 ... 8331
157 ... 7280
260 ... 8331

19 CFR

1 ... 7569, 7704
4 ... 7598
10 ... 7819
12 ... 8265
25 ... 8265

PROPOSED RULES:
22 ... 7756

20 CFR

404 ... 7995

21 CFR

8 ... 7484, 7705, 8333
20 ... 7280
25 ... 7943
27 ... 7484
120 ... 7280, 7385, 7485, 7569, 7996, 8158, 8266
121 ... 7280, 7386, 7485–7487, 7518, 7519, 7570, 7599, 7705–7707, 7895, 7896, 7943, 7944, 7996, 8267, 8334.
130 ... 8334
141a ... 7707
141c ... 7944
141d ... 7487
146a ... 7707, 7896, 8335
146c ... 7707
146d ... 7487
148l ... 8109
148n ... 7944

PROPOSED RULES:
20 ... 7292
121 ... 7501, 8165

22 CFR

204 ... 7571

24 CFR

200 ... 8159
203 ... 7599
227 ... 7708

25 CFR

1 ... 7520
41 ... 7745
42 ... 7746
221 ... 8160
251 ... 8267

PROPOSED RULES:
120 ... 8225

26 CFR

1 ... 7281, 7805, 8044
20 ... 7708
25 ... 7708
48 ... 7809
147 ... 8160
301 ... 7809

PROPOSED RULES:
1 ... 7493, 7721

28 CFR

0 ... 7599, 7709, 7819
16 ... 7488
42 ... 7388
43 ... 7810

29 CFR

5 ... 7819
602 ... 7948
603 ... 7949
1500 ... 7997
1501 ... 7748
1502 ... 7748
1503 ... 7748

PROPOSED RULES:
541 ... 8005
1504 ... 7608

32 CFR

288 ... 7997
562 ... 7710
750 ... 7748
753 ... 7748
1091 ... 7389

33 CFR

124 ... 7314
207 ... 8203

36 CFR

25 ... 8222
221 ... 8260

38 CFR

1 ... 7389
2 ... 7390, 7489
6 ... 8047
8 ... 8047, 8224
36 ... 7521

39 CFR

15 ... 7390
16 ... 7390, 7748
22 ... 7391, 8048, 8224
23 ... 7391
24 ... 7391
25 ... 7391
43 ... 7392
45 ... 7392
46 ... 7394
114 ... 7748
122 ... 7748

PROPOSED RULES:
22 ... 8049

41 CFR

1–1 ... 8217
1–16 ... 8217
5B–2 ... 7436
8–1 ... 7437
8–2 ... 7437, 7599
8–3 ... 7599
8–7 ... 7600
8–14 ... 7600
8–15 ... 7601
8–16 ... 7602
8–75 ... 7602
8–95 ... 7603
9–5 ... 8313
9–11 ... 8318
9–14 ... 7886
9–15 ... 8109
9–16 ... 7887
9–17 ... 7887
9–51 ... 7749
9–53 ... 7819
9–55 ... 8319
9–56 ... 7749
9–58 ... 7750
101–18 ... 7820
101–19 ... 8160
101–20 ... 7820
101–29 ... 8319
101–38 ... 7489

42 CFR

57 ... 7394, 7395

43 CFR

18 ... 7394
2230 ... 7605
3540 ... 7606
4110 ... 7606

PUBLIC LAND ORDERS:
5 (see PLO 3677) ... 7820
509 (revoked in part by PLO 3695) ... 7897
729 (revoked by PLO 3706) ... 7754
993 (revoked in part by PLO 3692) ... 7823
1350 (revoked by PLO 3700) ... 7899
1752 (revoked by PLO 3704) ... 7900
1757 (revoked in part by PLO 3673) ... 7752
1898 (revoked in part by PLO 3703) ... 7900
3528 (corrected) ... 7998
3530 (amended and revoked in part by PLO 3701) ... 7899
3565 (correction) ... 7820
3598 (corrected by PLO 3675) ... 7753
3646 (corrected by PLO 3680) ... 7821
3661 ... 7521
3662 ... 7606
3663 ... 7750
3664 ... 7750
3665 ... 7750
3666 ... 7751
3667 ... 7751
3668 ... 7751
3669 ... 7751
3670 ... 7751
3671 ... 7752
3672 ... 7752
3673 ... 7752
3674 ... 7752
3675 ... 7753
3676 ... 7753
3677 ... 7820
3678 ... 7821
3679 ... 7821
3680 ... 7821
3681 ... 7821
3682 ... 7821
3683 ... 7821
3684 ... 7821
3685 ... 7822
3686 ... 7822
3687 ... 7822
3688 ... 7753
3689 ... 7822
3690 ... 7823
3691 ... 7823
3692 ... 7823
3693 ... 7824
3694 ... 7824
3695 ... 7897
3696 ... 7897
3697 ... 7897
3698 ... 7897
3699 ... 7898
3700 ... 7899
3701 ... 7899
3702 ... 7900
3703 ... 7900
3704 ... 7900
3705 ... 7901
3706 ... 7754

45 CFR	Page
60	7371
104	8268
46 CFR	
146	7437
221	7490
287	8162
309	7697
527	7490
530	8162
PROPOSED RULES:	
248	7291
251	8110
290	7722
380	7722
521	7930
533	7574
47 CFR	
0	7521, 7755
1	7419
2	8222
18	7998
31	7711
33	7711
73	7314, 7711, 8048, 8164
89	7522
97	7755
PROPOSED RULES:	
1	7446
17	7446
21	8009
73	7446, 7525, 7666, 7671, 7673, 7929, 8067, 8160.
91	8009
48 CFR	
201	7754
211	7754
49 CFR	
72	7420
73	7420
74	7423
77	7423
78	7423
79	7425
95	7522, 7945, 8163, 8269
131	7901
187	8335
192	7491
193	7522
PROPOSED RULES:	
211	8229, 8343
50 CFR	
3	7315
10	7571
32	7523
33	7282, 7572, 7824
253	7607
260	7282
262	7444
266	7282

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VOLUME 30 • NUMBERS 1–125

List of CFR Sections Affected

(Codification Guide)



January–June
1965

Includes U.S.C.-CFR
Table of Authorities (see last page)

51-000—65—1

LIST OF CFR SECTIONS AFFECTED

(The Codification Guide)

The List of CFR Sections Affected is published monthly on a cumulative basis. It lists by number the titles, parts, and sections of the *Code of Federal Regulations* amended or otherwise affected by documents published in the *Federal Register* since January 1, 1965. Entries indicate the nature of changes effected. Proposed rules are listed at the end of appropriate titles.

Daily numerical guides listing parts affected are carried following the Contents of each issue of the *Federal Register*, and within-the-month cumulations appear at the end of each issue.

A subject Index to the daily *Federal Register* is published separately, covering the contents of the *Federal Register* as follows: Monthly for the months of January, February, April, May, July, August, October, November, and December; quarterly for the quarters ending in March, June, and September; and annually for the calendar year.

LIST OF CFR SECTIONS AFFECTED

(Cumulative Codification Guide)

1 CFR — Page

Chapter I:
Appendix B amended ... 1727
Appendix A revised ... 3102

2 CFR

U.S.C.-CFR parallel table (see last page of this list).

3 CFR

Proclamations:
1713
Superseded in part by Proc. 3656 ... 6572
3172
Superseded by Proc. 3655 ... 6467
3298
Amended by Proc. 3637 ... 1973
3390
Superseded by Proc. 3655 ... 6467
3423
Corrected by PLO 3576 ... 4476
3633 ... 431
3634 ... 1105
3635 ... 1107
3636 ... 1109
3637 ... 1973
3638 ... 2639
3639 ... 2641
3640 ... 2643
3641 ... 2759
3642 ... 2919
3643 ... 3509
3644 ... 3511
3645 ... 3739
3646 ... 4045
3647 ... 4047
3648 ... 4049
3649 ... 4307
3650 ... 4309
3651 ... 4525
3652 ... 5415
3653 ... 5417
3654 ... 6109
3655 ... 6467
3656 ... 6571
3657 ... 6835
3658 ... 7695

Executive orders:
Dec. 9, 1852
Revoked in part by PLO 3544 ... 2215
March 3, 1854
Revoked in part by PLO 3630 ... 5482
April 10, 1862
Revoked in part by PLO 3656 ... 6437
May 4, 1907
Revoked in part by PLO 3594 ... 4542
July 2, 1910
Revoked in part by PLO 3528 ... 885
Revoked in part by PLO 3616 ... 5378
Dec. 19, 1910
Modified by PLO 3596 ... 4542
Aug. 30, 1911
Revoked in part by PLO 3540 ... 2214
March 23, 1912
Revoked in part by PLO 3659 ... 7101
July 10, 1912
Revoked in part by PLO 3699 ... 7898
Jan. 24, 1914
Revoked in part by PLO 3569 ... 4253
Mar. 21, 1914
Revoked in part by PLO 3535 ... 2213
May 4, 1914
Revoked in part by PLO 3599 ... 4678

3 CFR—Continued — Page

Executive orders—Continued
May 14, 1915
Revoked in part by PLO 3673 ... 7752
Oct 30, 1916
Revoked in part by PLO 3664 ... 7750
Nov. 24, 1916
Revoked in part by PLO 3528 ... 885
Feb. 6, 1917
Revoked in part by PLO 3545 ... 2261
May 17, 1917
Modified by PLO 3596 ... 4542
Dec. 12, 1917
Revoked in part by PLO 3699 ... 7898
July 10, 1919
Revoked in part by PLO 3535 ... 2213
Jan. 26, 1920
Revoked in part by PLO 3535 ... 2213
May 3, 1922
Revoked in part by PLO 3535 ... 2213
June 13, 1925
Revoked in part by PLO 3658 ... 7101
April 17, 1926
Revoked in part by PLO 3535 ... 2213
Revoked in part by PLO 3591 ... 4541
Revoked in part by PLO 3599 ... 4678
Revoked in part by PLO 3604 ... 4717
June 17, 1935
Revoked by PLO 3623 ... 5480
823
See EO 11220 ... 6425
1747
Revoked by PLO 3539 ... 2214
1956
Revoked by PLO 3542 ... 2215
2216
Revoked in part by PLO 3532 ... 1288
2347
Revoked by PLO 3572 ... 4254
3406
Revoked in part by PLO 3590 ... 4541
4719
Revoked by PLO 3602 ... 4679
5182
Revoked in part by PLO 3601 ... 4679
5389
Revoked in part by PLO 3571 ... 4254
5327
See PLO 3573 ... 4254
5352
Revoked by PLO 3602 ... 4679
5447
Revoked by PLO 3519 ... 7
5766
Revoked by EO 11199 ... 2579
6039
Revoked in part by PLO 3592 ... 4541
6143
Revoked in part by PLO 3589 ... 4541
Revoked in part by PLO 3691 ... 7823
6276
Revoked in part by PLO 3691 ... 7823
6285
Revoked in part by PLO 3693 ... 7824
6513
Revoked in part by PLO 3691 ... 7823
7425
Revoked in part by PLO 3657 ... 6586
7655
Revoked in part by PLO 3661 ... 7521
8278
Revoked in part by PLO 3705 ... 7901
8647
Revoked in part by PLO 3522 ... 443

3 CFR—Continued — Page

Executive orders—Continued
8977
Revoked by EO 11215 ... 4662
10358
Amended by EO 11226 ... 7213
10530
Superseded in part by EO 11196 ... 1171
Revoked in part by EO 11222 ... 6473
Superseded in part by EO 11228 ... 7739
10573
Superseded by EO 11196 ... 1171
10682
Superseded by EO 11228 ... 7739
10729
Revoked by EO 11205 ... 3513
10784
Superseded by EO 11223 ... 6636
10800
Superseded in part by EO 11228 ... 7739
10835
Superseded by EO 11228 ... 7739
10845
Superseded by EO 11223 ... 6636
10852
Superseded by EO 11196 ... 1171
10903
Superseded in part by EO 11228 ... 7739
10939
Revoked by EO 11222 ... 6473
11017
Amended by EO 11218 ... 5821
11052
Amended by EO 11214 ... 4527
11071
Superseded in part by EO 11224 ... 6680
11112
Revoked by EO 11208 ... 3927
11124
Revoked by EO 11208 ... 3927
11125
Revoked by EO 11222 ... 6473
11126
Amended by EO 11221 ... 6427
11175
See EO 11198 ... 1929
11176
Superseded by EO 11213 ... 4369
11184
Superseded in part by EO 11196 ... 1171
11186
Revoked by EO 11209 ... 3930
11189
Amended by EO 11195 ... 1169
11191 ... 29
11192 ... 521
11193 ... 821
11194 ... 877
11195 ... 1169
11196 ... 1171
11197 ... 1721
11198 ... 1929
11199 ... 2579
11200 ... 2645
11201 ... 2921
11202 ... 3185
11203 ... 3417
11204 ... 3419

3 CFR—Continued

	Page
Executive orders—Continued	
11205	3513
11206	3741
11207	3743
11208	3927
11209	3929
11210	4051
11211	4385
11212	4387
11213	4389
11214	4527
11215	4661
11216	5817
11217	5819
11218	5821
11219	6381
11220	6425
11221	6427
11222	6469
11223	6635
11224	6679
11225	7093
11226	7213
11227	7369
11228	7739
11229	7741
Presidential documents other than Proclamations and Executive orders:	
Memorandum of July 20, 1961 Revoked by EO 11222	6473
Memorandum of May 2, 1963 Revoked by EO 11222	6473
Notice of Oct. 21, 1963 Supplemented by Notice of Feb. 18, 1965	2301
Memorandum of Feb. 1, 1965	1725
Memorandum of Feb. 16, 1965	2517
Statement of Feb. 16, 1965	2519
Notice of Feb. 18, 1965	2301
Reorganization Plan No. 1 of 1965	7035
Determination of May 22, 1965	7095
Memorandum of June 18, 1965	8299

4 CFR

Chapter I:

52.26b	
Added	6429

5 CFR

Chapter I:

213.3101	
(b) revised	1029
213.3102	
(j) revoked	3593
(q) revised	5701
(t) revised	6337
(v) added	6765
(v) revised	7153
(v) revised	7557
(u) revised	7645
213.3104	
(c) (2) revised	7425
213.3105	
(c) (2) revised	7645
213.3107	
(i) revised	4663
213.3108	
(a) (7) added	739
(a) (8) added	4410
(e) revised	5825
(a) (3) revised	7595
(a) (3) corrected	7695
213.3109	
(c) revoked	2851
213.3113	
(e) (5) added	565
(a) (1) revised; (f) amended	4057
(f) (2) revised	4745
213.3116	
(g) revised	4663
(c) (2) revoked	5619
Heading of (f) and (f) (1) revised	7895
213.3122	
Revoked	6903
213.3126	
Added	6975
213.3132	
(c) added	643
(d) added	5701
(a) through (d) revoked; (e) added	7425
213.3152	
Added	6939
213.3154	
(b) revoked	31
213.3163	
Revoked	1247
213.3164	
(a) revised; (b) revoked	4711
213.3174	
Added	3809
213.3202	
Added	3349
213.3205	
(d) added	3593
213.3206	
(a) (2) revised	1111
(a) (2) revised	5897
213.3215	
Revised	2245
213.3216	
(a) (2) added	5503
213.3256	
Added	7515
213.3273	
(b) through (e) added	1029
(e) revised	1931
213.3276	
Added	7271
213.3277	
Added	7426
213.3304	
(a) (16) and (18) revised; (a) (20) added	6241, 6478
213.3305	
(a) (1), (3), (6) through (9), (12), and (15) revised	5
(a) (15) corrected	1247
(c) (2) revoked	2397
(a) (15) revoked	4410
(a) (7) revoked	6111
(a) (18) added	6637
213.3306	
(a) (24) and (e) revoked	2303
(a) (30) revised	7646
(a) (42) added	7987
213.3307	
(b) (2) revised	7646
213.3308	
(a) (1) revised	7646
213.3310	
(m) (2) revoked; (m) (3) revised; (n) (2) revoked	2851
213.3311	
(h) (3) revised	2649
(h) (1) and (4) revised	5503
(h) (4) corrected	5787
213.3312	
(a) (27) and (28) added	1029
(a) (29) added	4663
213.3313	
(a) (17) revised	701
(m) amended	4057
Heading of (o), and (o) (1), (2), (3), and (4) revised	4311
213.3313—Continued	
(m) (3) revised	7473
(l) revoked	8301
213.3314	
(a) (33) added	7245
(a) (18) revoked; (a) (34) added	7987
213.3315	
(a) (20) and (21) added	3262
(a) (22) and (23) added	6241
213.3316	
(f) (1) revised; (f) (6) added	3745
(a) (11) revoked; (a) (23) added	4311
(c) (4), (5), and (6) added	5471
(a) (24) added	6857
213.3322	
(c) added	251
213.3323	
(b) revised	6215
213.3326	
(b) (2) added	2701
(j) (2) added	3263
(l) amended	6975
213.3329	
(a) revised	8093
213.3332	
(bb) added	205
(cc) added	2649
(r) revised	6857
(h) revised	7987
213.3333	
(f) revoked	5619
213.3340	
(j) revoked	2263
213.3344	
(b) (15) revised	81
(a) (35) and (36) revoked	6903
(a) (46) added	7311
(a) (47) added	7701
213.3354	
(a), (d), (h), and (l) revoked	31
(g) revised; (o) added	2649
(l) revoked	7426
213.3356	
(b) revised	1247
(e) added	7271
213.3357	
(j) added	7311
213.3360	
(z) added	2195
(aa) added	7695
213.3371	
(c) added	7646
213.3373	
Added	1029
(a) (9) and (10) added	3263
213.3375	
Added	4663
213.3376	
Added	7271
302.101	
(d) (6) and (7) revised; (d) (8) added	3349
316.801	
(a) and (b) revised	3931, 4349
330	
Subpart C revised	3931
330.301—330.303	
Subpart C revised	3931
332.103	
Revised	6337
338.202	
Revised	1029
351.506	
Added	2397
351.608	
Revised	1173

5 CFR—Continued

Chapter I—Continued

	Page
351.803	
Revised	1173
351.804	
Revised	1173
351.805	
Revised	1173
410.401	
(a) revoked	5503
410.506	
(c) (1) revised	3349
511.201	
(b) amended	343
(b) amended	4410
(b) amended	5619
511.703	
(a) revised	7962
Effective date of revision of (a)	8216
531.512	
(a) revised	2588
531.516	
(c) revised	7962
Effective date of revision of (c)	8216
534.202	
(b) amended	343
(b) amended	4410
(b) amended	5619
539.203	
(d) revised	2588
550.504	
Introductory text revised	4663
550.505	
(d) and (e) added	4609
Introductory text revised; (f) added	4663
(g) added	4745
591.202	
Revised	6511
630.201	
Revised	7557
630.502	
(b) revised	8301
733	
Revised	1931
771.206	
(c) revoked	1727
771.227, 771.228	
Redesignated as 771.229 and 771.230	1727
771.227, 771.228	
Center heading and sections added	1727
771.229, 771.230	
Redesignated from 771.227 and 771.228	1727
930.209	
Revised	3546
Chapter II:	
1201.100	
Introductory text of (a) revised; (a) (13) added	3546

6 CFR

Chapter I:

4.2	
Revised	6111
50.163	
(e) revised	915
73.2	
Revised	6573
Chapter III:	
300	
Revised	3745
310.3	
Revised	565
Chapter V:	
Heading revised	2129
540	
Applicability	2651

7 CFR

	Page
Subtitle A:	
5.1	
(a) revised	2531
5.2	
Amended	2923
5.4	
Amended	2923
5.5	
(b) revised	2521
7.11	
Revised	3809
7.12	
(a) revised; (c) added	3809, 4157
7.13	
Revised	3809
7.14	
(c) deleted	3810
7.15	
(j) revised; (k) redesignated as (m); new (k) and (l) added	3810
(c) and (f) revised	5759, 5787
7.16	
(c) and (d) revised	5759
7.18	
Revised	3810
7.19	
Revised	3810
7.20	
(b) revised	5759
7.24	
Revised	3810
7.25	
(b) revised	5759
7.28	
(a) and (c) revised	5759
7.29	
(a), (b), and (c) revised	5760
11.7	
(b) (3) revised	4240
11.8	
(d) (8) revised	4240
16.2	
(h) and (j) revised	251
(h) and (j) revised	7426
16.6	
Revised	251
Revised	7426
Subtitle B:	
Chapter I:	
Heading revised	2129
26.2	
(i), (j), (p) amended	8031
26.29	
(m) (3) amended	8031
26.30a	
Amended	8031
26.87	
Amended	8031
26.88	
Amended	8031
26.116	
Amended	8031
26.127	
(a) revised	2851
26.501—26.504	
Recodified as 26.501—26.514; revised	4005
26.501—26.514	
Recodified from 26.501—26.504; revised	4005
26.506	
Corrected	5760
27	
Subpart B deleted; recodified as Subpart C of Part 28	7239
27.210—27.213	
Subpart B deleted; recodified as 28.601—28.603, revised	7239
28	
Subpart C added; recodified from Subpart B of Part 27	7239
28.2	
(e), (f), and (g) amended	6637
28.107	
Revised	6637
28.123	
Amended	6637
28.124	
Amended	6637
28.151	
Amended	6637
28.601—28.603	
Subpart C added; recodified from 27.210—27.213	7239
28.950	
(b), (c), and (d) amended	7426
28.956	
Amended	7426
28.959	
Amended	7427
29.3	
(h) amended	7385
29.16	
Amended	7385
29.17	
Amended	7385
29.51	
Amended	7385
29.1116	
Amended	7385
29.1162	
Amended	6573
29.1163	
Amended	6573
29.1165	
Amended	6573
29.1167	
Amended	6573
29.1181	
Amended	6573
29.2363	
Amended	7385
29.2626	
Amended	7385
29.3112	
Amended	7385
29.3362	
Amended	7385
29.4340	
Amended	7385
29.4595	
Amended	7385
29.5330	
Amended	7385
29.5596	
Amended	7385
29.6096	
Amended	7385
29.9001	
Amended	7385
30.38	
(b) and (c) (1) and (10) amended	7385
30.42	
(a) amended	7385
30.60	
Amended	7385
34.1	
(b) and (c) amended	7385
34.11	
Amended	7385
41.6	
Redesignated as 41.6–1; section heading and center heading revised	479
41.6–1	
Redesignated from 41.6; section heading and center heading revised	479

7 CFR—Continued

Chapter I—Continued

	Page
52.1	
(a) revised	2531
52.2	
Amended	2923
52.4	
Amended	2923
52.5	
(b) revised	2521
52.11	
Revised	3809
52.12	
(a) revised; (c) added	3809, 4157
52.13	
Revised	3809
52.14	
(c) deleted	3810
52.15	
(j) revised; (k) redesignated as (m); new (k) and (l) added	3810
(c) and (f) revised	5759, 5787
52.16	
(c) and (d) revised	5759
52.18	
Revised	3810
52.19	
Revised	3810
52.20	
(b) revised	5759
52.24	
Revised	3810
52.25	
(b) revised	5759
52.28	
(a) and (c) revised	5759
52.29	
(a), (b), and (c) revised	5760
52.30	
(b) (3) revised	4240
52.31	
(d) (8) revised	4240
52.32	
(h) and (j) revised	251
(h) and (j) revised	7426
52.36	
Revised	251
Revised	7426
Chapter II:	
Heading revised	2129
52.102	
(i), (j), (p) amended	8031
52.129	
(m) (3) amended	8031
52.130a	
Amended	8031
52.187	
Amended	8031
52.188	
Amended	8031
52.216	
Amended	8031
52.227	
(a) revised	2851
52.501—52.504	
Recodified as 52.501—52.514; revised	4005
52.501—52.514	
Recodified from 52.501—52.504; revised	4005
52.506	
Corrected	5760
53	
Subpart B deleted; recodified as Subpart C of Part 54	7239
53.210—53.213	
Subpart B deleted; recodified as 54.601—54.603, revised	7239
54	
Subpart C added; recodified from Subpart B of Part 53	7239
54.2	
(e), (f), and (g) amended	6637
54.107	
Revised	6637
54.123	
Amended	6637
54.124	
Amended	6637
54.151	
Amended	6637
54.601—54.603	
Subpart C added; recodified from 53.210—53.213	7239
54.950	
(b), (c), and (d) amended	7426
54.956	
Amended	7426
54.959	
Amended	7427
54.3	
(h) amended	7385
54.16	
Amended	7385
54.17	
Amended	7385
54.51	
Amended	7385
54.1116	
Amended	7385
54.1162	
Amended	6573
54.1163	
Amended	6573
54.1165	
Amended	6573
54.1167	
Amended	6573
54.1181	
Amended	6573
54.2363	
Amended	7385
54.2626	
Amended	7385
54.3112	
Amended	7385
54.3362	
Amended	7385
54.4340	
Amended	7385
54.4595	
Amended	7385
54.5330	
Amended	7385
54.5596	
Amended	7385
54.6096	
Amended	7385
54.9001	
Amended	7385
54.38	
(b) and (c) (1) and (10) amended	7385
54.42	
(a) amended	7385
54.60	
Amended	7385
54.1	
(b) and (c) amended	7385
54.11	
Amended	7385
61.6	
Redesignated as 61.6–1; section heading and center heading revised	479
61.6–1	
Redesignated from 61.6; section heading and center heading revised	479

7 CFR—Continued

Chapter I—Continued

41.6–2
Added ... 479
41.11
Revised ... 479
41.19
Revised ... 479
51
Subpart added ... 3371
Subpart added ... 6063
Subpart added ... 6711
Subpart revised ... 7595
51.1154
Revised ... 3633
51.1154a
Added ... 3633
51.2730—51.2741
Subpart revised ... 7595
51.3115–51.3124
Subpart added ... 6711
51.3585—51.3601
Subpart added ... 6063
51.3610—51.3624
Subpart added ... 3371
52.1281
Revised ... 205
53.1
(j) and (k) amended; (n) revised; (p), (q), and (s) amended; (t) (1) revised; (t) (2) and (u) amended; (v) revised; (x) amended; (ll) added ... 4157
53.2
(a) amended ... 4157
53.3
Revised ... 4157
53.4
Revised ... 4157
53.5
Revised ... 4157
53.8
(a) revised and (c) (1) amended ... 4157
53.12
Amended ... 4157
53.13
(a) (2) and (b) amended ... 4157
(a) (1) revised ... 4158
53.14
Amended ... 4157
53.15
(a) amended ... 4157
53.16
(a) and (c) amended ... 4157
53.17
Amended ... 4157
53.102
Revised ... 4456
53.103
Deleted ... 4459
53.103
Added ... 4459
53.104
Revised ... 4459
54.1
Amended ... 6207
54.3
Amended ... 6207
54.20
(c) and (d) amended ... 6207
54.100
(b) amended ... 6207
54.107
Amended ... 6207
54.108
Amended ... 6207
55.2
(b) and (bb) amended ... 6207
55.10
(b) amended ... 6207
55.11
Amended ... 6207
55.35
Amended ... 6142
55.40
Revised ... 6142
55.60
(b) amended ... 6207
55.66
(a) revised ... 6142
55.68
Amended ... 6207
55.70
(b) revised ... 6142
55.77
(o) and (p) added ... 6142
55.85
(b) and (d) revised; (e) and (f) amended; (g) (1) revised; (l) deleted ... 6143
55.88
(b) revised ... 6143
55.92
(b), introductory text of (c), and (g) revised ... 6143
55.101
(b) revised; (c) added ... 6143
55.102
(a) (2) and (3) revised; (b) (3) deleted ... 6143
55.103
Added ... 6143
55.126
Amended ... 6207
56.1
(b) and (m) amended; (o) deleted; (p) through (y) redesignated as (o) through (w); newly redesignated (x) amended ... 6207
56.10
(b) amended ... 6207
56.11
Amended ... 6207
56.45
(b) amended ... 6207
56.52
Amended ... 6207
57.1
(e) and (i) amended ... 8031
57.2
(a) (6) and (b) (2) amended ... 8031
57.12
Amended ... 8031
57.51
(a) (2) amended ... 8031
58.2
(b), (o), and (z) amended ... 6638
58.50
(d) amended ... 6638
58.147
Amended ... 6638
58.189
(b) amended ... 6638
58.201
Amended ... 6638
58.2533
(a) amended ... 6638
58.2558
Amended ... 6638
58.2605
(a) (1) amended ... 6638
58.2656
(a) amended ... 6638
58.2678
Amended ... 6638
58.2704
(a) (3) and (b) amended ... 6638
58.2707
(a) amended ... 6638
58.2726
(b) amended ... 6638
58.2756
Amended ... 6638
68.2
(e) and (f) amended ... 8031
68.42a
(e) and (g) amended ... 8031
68.49
Amended ... 8031
70.1
Amended ... 6207
70.3
Amended ... 6207
70.30
(c) amended ... 6207
70.130
(b) amended ... 6207
70.138
Amended ... 6207
70.141
Amended ... 6207
70.251
Amended ... 6207
70.252
Amended ... 6207
70.253
Amended ... 6207
70.254
Amended ... 6207
70.256
Amended ... 6207
70.257
Amended ... 6207
70.258
Amended ... 6207
81.1
Amended ... 6207
81.134
Effective date of revision partly postponed ... 981, 2588, 4053, 6064, 7239, 8093
81.161
(b) amended ... 6207
81.174
Amended ... 6207
81.203
Amended ... 6207
81.208
Effective date of revision partly postponed ... 981, 2588, 4053, 6064, 7229, 8093
81.303
Amended ... 6207
101.2
(h) amended ... 8093
102.2
(g) amended ... 8093
103.2
(f) amended ... 8093
104.2
(g) amended ... 8093
105.2
(g) amended ... 8093
106.2
(h) amended ... 8093
107.2
(g) amended ... 8093
108.2
(h) amended ... 8093
110.2
(h) amended ... 8093
111.2
(f) amended ... 8093
112.2
(h) amended ... 8093
113.2
(g) amended ... 8093
160.1
(c) amended ... 7385
160.302
Amended ... 7385
Chapter II:
Heading revised ... 2129
201.31
Amended ... 7887
201.31a
(c) (2) amended ... 7888
201.34
(e) (1) and (6) amended; (e) (8) added ... 7888
201.42
Revised ... 7888
201.46
Amended ... 7888
201.47
(d) amended ... 7890
201.48
(b) and (i) revised ... 7890
201.50
Amended ... 7890
201.51
Introductory text of (a), (a) (1), introductory text of (b), and (b) (2) and (4) revised; (b) (6) deleted; (b) (7) and (8) redesignated as (6) and (7) respectively, and revised; (b) (9) and (10) redesignated as (8) and (9) respectively ... 7890
201.51a
Introductory text amended; (c) added ... 7891
201.56–2
(a) and (b) (1) (iv) and (2) (v) revised; (b) (2) (viii) redesignated as (ix) and revised; new (b) (2) (viii) added ... 7891
201.56–5
(d) revised ... 7891
201.56–6
(b) (1) (iv) amended; (b) (1) (vi) added; (b) (2) (v) amended; (b) (2) (vi) redesignated as (vii) and revised; new (b) (2) (vi) added ... 7891
201.58
(a) (2) revised; (a) (8) amended; (a) (9) and (b) (9) and (11) revised; (c) amended ... 7891
201.58a
(a) (3) added; (b) amended ... 7892
201.102
Amended ... 7892
210
Appendix revised ... 6207
Appendix corrected ... 6479
Chapter III:
301
Subpart recodified and revised ... 6243
301.48–2a
Revised ... 4311
301.52a
Revised ... 8321
301.52–2a
Revised ... 5760
301.64a
Revised ... 2650
301.64–2a
Amended ... 3781
301.64–5
(a) (2) revised ... 3849
301.72–2a
Revised ... 2693
301.76–2a
Revised ... 2095
Revised ... 5761
301.77—301.77–9
Subpart recodified from 301.77—301.77–10; revised ... 6243
301.77—301.77–10
Subpart recodified as 301.77—301.77–9; revised ... 6243
301.77a
Revised ... 6245
301.77–2a
Revised ... 6770
301.80–2a
Revised ... 2095
318.13–2
(b) amended ... 5619
318.58
(a) and (b) revised ... 748
318.58–3
(c) revised ... 748
319.37–24b
Added ... 4099
319.56–2e
(a) (2) (i) revised ... 4745
354.2
Amended ... 4746
Amended ... 6429
362.105
Revised ... 6857
362.118
Revoked ... 1728
Chapter IV:
401.1
Appendix amended ... 81 (2 docs.), 915 (3 docs.), 2781, 2782, 3748, 4240 (2 docs.), 6111.
401.3
(a) amended ... 565
401.11
Amended ... 2303
401.20
Heading and introductory text revised ... 3698
401.43
Added ... 565
401.44
Added ... 3698
404.1
Introductory text amended ... 2303
404.6
Heading revised; text amended ... 2303
407
Added ... 566
407.1
Appendix amended ... 915
408
Added ... 2303
408.1
Appendix added ... 2521
408.6
Corrected ... 2701
Chapter VII:
707
Revised ... 6246
717
Authority citation revised ... 6144
717.5
Amended ... 2521
Amended ... 6144
717.15
Added ... 2589
717.16
Added ... 6144
718
Revised ... 7427
718.10
(d) added ... 1281
719.3
(d) (3) revised ... 3855
(b) (7) added ... 6975
719.7
(a) and (b) (2) revised ... 3855
719.8
(j) added ... 5701
719.10
(a) (3) revised ... 3855
719.11
(f) (4) amended ... 6511
722.14
(b) amended ... 7809
722.15
(a) and (b) revised; (f) deleted ... 7810
722.20
Revised ... 7810
722.21
Revised ... 7810
722.22
Revised ... 7810
722.46
(b) added ... 7810
722.213
(b) (3) through (7) and (c) deleted; (b) (3) through (9) added ... 2017
(b) (5) revised ... 7385
722.214
(a) (3) added ... 777
722.225
(b) deleted ... 6712
722.226
(g) revised ... 2017
(i) added ... 6712
(i) corrected ... 7185
(i) amended ... 7987
722.228
(f) (4) added ... 643
(e) revised ... 4606
(e) amended ... 7385
722.263
Added ... 531
722.313
(b) (3) through (7) and (c) deleted; (b) (3) through (9) added ... 2018
(b) (5) revised ... 7272
722.314
(a) (3) added ... 777
722.324
(b) deleted ... 7272
722.355
Added ... 532
723
Subpart added ... 981
Subpart added ... 4313
723.1, 723.2
Subpart added ... 981
723.3, 723.4
Subpart added ... 4313
724
Subpart added ... 982
Subparts added ... 983
Subpart added ... 984
Subpart added ... 4313
Subpart added ... 6144
Subpart added ... 6207
Subpart added ... 8153

7 CFR—Continued — Page

Chapter VII—Continued
724.34b, 724.34c
Subpart added 982
724.34d, 724.34e
Subpart added 983
724.34f—724.34h
Subpart added 983
724.34l—724.34m
Subpart added 984
724.34n
Added 643
724.34o—724.34q
Subpart added 4313
724.34r, 724.34s
Subpart added 6144
724.34t, 724.34u
Subpart added 6207
724.34v, 724.34w
Subpart added 8153
724.57
Amended 823
724.67
(y) and (z) added 7646
724.68
Added 6147
728
Subpart added 5467
728.10
(m) amended 822
(q) amended 7097
(n) amended 7097
728.15a
(d) (5) deleted 7097
728.51
(b) (6) and (c) (2) (ii) amended 7435
728.52
(e) revised 7435
728.57
(b) revised 7435
728.61
(e) amended 7435
728.64
Revised 749
728.74
Amended 750
728.105
(b) amended 568
728.301—728.303
Subpart added 5467
729.1415
Revised 2589
729.1435
(a) and (b) amended 2589
729.1605
Added 4100
730
Subpart added 206
730.1511
Introductory text and (g) (1) amended; (h) (4) and (5) revised 5620
730.1516
(c) amended 5620
730.1527
(c) amended 5620
730.1531
Amended 5620
730.1532
Amended 5620
730.1567
(b) (1) amended 5503
730.1573
Amended 7811
730.1605—730.1607
Subpart added 206
730.1606
Added 7272
730.1609
Added 2397

7 CFR—Continued — Page

Chapter VII—Continued
750.157
(i) (2) amended 7311
750.513
(i) (2) amended 7311
751.62
Heading and (a) amended; (f) added 2852
751.63
(c) amended 2852
775.301
(a) amended 7515
775.302
(g) amended; (p) revised 7515
775.304
(b) (6) amended; (c) (2) revised 7515
775.311
(c) amended 7515
775.312
(d) and (e) amended; (h) and (i) revised 7515
775.315
(d) amended 7516
775.318
(c) (3) and (4) revised 7516
775.327
(b) revised 5334
775.329
Added 7516
777.14
(c) amended 5358
Chapter VIII:
811.33
(c) (1) and (d) revised 2206
(c) (2) revised 2397
(c) (3) added 4314
813.4
Added 439
814.3
Added 209
(a) revised 1030
(a) revised 2701
(a) revised 2782
Revised 4749
(a) revised 7946
815.5
(a) revised 31
815.6
Added 213
842.9
Added 3634
(a) amended 6338
845.6
Added 7273
849.2
(e) revised 2129
849.8
Added 5825
850.147
(p) amended 7987
851.1
(e) deleted; (j) (2) (ii) and (iii) revised 3961
855.10
(h) (4) (vi) added 7988
862.5
Added 3810
(f) added 6247
863.16
(f) added 6246
864.11
(f) added 6246
868.17
Added 251
876.17
Added 7186
877.17
Added 3699

7 CFR—Continued — Page

Chapter VIII—Continued
878.17
Added 253
Chapter IX:
Heading revised 2129
900.15
(a) amended 254
905.444
Added 254
905.445
Added 255
905.446
Added 256
905.447
Added 256
905.448
Added 750
905.449
Added 751
905.450
Added 751
905.451
Added 752
905.452
Added 879
905.453
Added 879
905.454
Added 986
(b) (2) (iv) and (v) revised 3961
Terminated by 905.465 6771
905.455
Added 987
Terminated by 905.462 5359
905.456
Added 1281
905.457
Added 2019
905.458
Added 2589
Terminated by 905.459 3311
905.459
Added 3311
Terminated by 905.460 3962
905.460
Added 3961
905.461
Added 4663
Terminated by 905.462 5359
905.462
Added 5358
Terminated by 905.463 6065
905.463
Added 6065
Terminated by 905.464 6638
905.464
Added 6638
905.465
Added 6770
907.203
Added 824
907.359
Terminated 752
907.363
(b) (1) revised 752
907.367
Added 5
907.368
Added 257
Corrected 568
(b) (1) (i) and (ii) revised 644
907.369
Added 568
907.370
Added 752
907.371
Added 987

7 CFR—Continued — Page

Chapter IX—Continued
907.372
Added 1282
(b) (1) (i) and (ii) revised 2207
907.373
Added 2019
(d) (1) (i) and (ii) revised 2441
907.374
Added 2305
907.375
Added 2590
907.376
Added 2923
907.377
Added 3372
(b) (1) (i) and (ii) revised 4159
907.378
Added 3703
907.379
Added 4053
907.380
Added 4349
(b) (1) (i) and (ii) revised 4749
907.381
Added 4664
(b) (1) (i) revised 5620
907.382
Added 5503
907.383
Added 5787
908.204
Added 5788
908.404
Added 2019
908.405
Added 2245
908.406
Added 2306
908.407
Added 2590
908.408
Added 2923
908.409
Added 3372
908.410
Added 3703
908.411
Added 4053
908.412
Added 4054
908.413
Added 4349
(b) (1) (i) and (iii) revised 4750
908.414
Added 4665
908.415
Added 4665
(b) (1) (iii) revised 5620
908.416
Added 5504
908.417
Added 5788
908.418
Added 6148
908.419
Added 6429
(b) (1) (i) and (iii) revised 6771
908.420
Added 6681
(b) (1) (i) and (iii) revised 7037
908.421
Added 6939
(b) (1) (i) revised 7311
908.422
Added 7240
908.423
Added 7435
908.424
Added 7647

7 CFR—Continued — Page

Chapter IX—Continued
908.425
Added 7947
908.426
Added 8221
909.322
Added 753
909.323
Added 2020
909.324
Added 2591
909.325
Added 4054
909.326
Added 5788
909.327
Added 6430
Terminated by 909.328 7274
909.328
Added 7273
910.203
Added 777
910.445
Added 5
(b) (1) (i) and (ii) revised 344
910.446
Added 988
910.447
Added 1282
910.448
Added 2021
910.449
Added 2306
(b) (1) (i) and (ii) revised 3650
910.450
Added 2591
(b) (1) (i) and (ii) revised 3187
910.451
Added 2924
(b) (1) (i) and (ii) revised 3421
910.452
Added 3373
(b) (1) (i) and (ii) revised 3748
910.453
Added 3704
910.454
Added 4055
910.455
Added 4350
910.456
Added 4665
(b) (1) (ii) revised 5573
910.457
Added 5504
(b) (1) (ii) revised 5826
910.458
Added 5789
(b) (1) (ii) revised 6148
910.459
Added 6148
(b) (1) (ii) revised 6479
910.460
Added 6430
(b) (1) (ii) revised 6712
910.461
Added 6681
(b) (1) (ii) revised 6975
910.462
Added 6939
910.463
Added 7240
910.464
Added 7435
910.465
Added 7647
910.466
Added 7947
910.467
Added 8222

7 CFR—Continued — Page

Chapter IX—Continued
911.20
Amended 916
911.205
Added 8931
911.310
(b) (1) (iii) redesignated as (b) (1) (iv); new (b) (1) (iii) added 2522
911.317
Added 700
911.318
Added 2207
Terminated by 911.319 3373
911.319
Added 3373
911.320
Added 5620
Terminated by 911.321 7648
911.321
Added 7647
912.204
Added 6
912.323
Added 754
912.324
Added 988
912.325
Added 1282
912.326
Added 2592
(b) (1) revised 3263
915.20
Amended 917
915.204
Added 8093
915.305
(b) (1) (viii) revised 4666
915.307
Added 7240
Corrected 7436
(b) amended 7893
916.319
Added 7242
916.320
Added 7242
916.321
Added 7243
916.322
Added 7243
916.323
Added 7948
917.203
(a) revised 4711
917.353
Added 6903
917.354
Added 6903
917.355
Added 6904
917.356
Added 6905
917.357
Added 7473
917.358
Added 7473
917.359
Added 7474
(b) (1) (i) revised 8255
917.360
Added 7475
917.361
Added 8031
918.64
Temporarily suspended in part by 918.306 6431
918.204
Added 6858

51-000—65—2

7 CFR—Continued — Page

Chapter IX—Continued
919.204
Added 6858
919.304
Added 6858
920.204
Added 6858
920.304
Added 6858
921.204
Added 6858
921.304
Added 6858
922.204
Added 6858
922.304
Added 6858
923.204
Added 6858
923.304
Added 6858
924.204
Added 6858
924.304
Added 6858

7 CFR—Continued Page

Chapter IX—Continued
918.306
Added 6431
918.400
Temporarily suspended in part by 918.306 6431
922.304
Added 8255
923.304
Added 7648
927.204
Added 1283
944.5
Added 7244
(a) (6) corrected 7436
944.103
(a) revised 257
(a) revised 754
(a) revised 4055
(a) revised 5359
(a) revised 6065
(a) revised 6638
944.201
(a) revised 3374
(a) revised 5621
(a) revised 7743
945.323
Terminated by 945.324 8154
945.324
Added 8154
958.309
Terminated 7596
959.205
Added 2784
959.305
(e) revised 4160
Introductory text revised 7037
965.207
Added 6338
985.307
Added 4350
970.305
Introductory text and (a) and (b) revised 258
Introductory text, (a), (b), and (j) revised 644
Revision of introductory text of (a) and (b) canceled 778
Introductory text and (a) through (d) revised 880
Introductory text and (b) revised 1728
Introductory text and (b) revised 6479
Introductory text and (b) revised 7274
971.307
(a) deleted 3264
980.103
Introductory text and (a) revised; (b) republished; (h) revised 881
980.202
Revised 5505
989.159
(g) (2) revised 6906
989.160
Revised 6906
989.173
(b) (6), (c) (2), and (d) (2) revised 6906

Chapter X:
Heading revised 2129
1002.304
Amended 6639
1003.16
(a) and (d) revised 4101

7 CFR—Continued Page

Chapter X—Continued
1003.63
Introductory text revised; (a) amended; (e) added 4101
1003.64
Revised 4101
1004.50
(a) (4) suspended in part 3311
Introductory text of (a) and (a) (4) suspended in part 8301
1005.4
Revised 6112
1005.51
(a) revised 6112
1005.71
(a) (5) added 6112
1005.72
(c) revised 6112
1005.80
(a) revised 6112
1005.89
Added 6112
1006.9
Suspended in part 6975
1013.11
(a) revised 3748
1013.44
(a) (2) amended 3749
1013.46
(a) (3) revised; (a) (3-a) added; (a) (4) and (8) (i) revised 3749
1013.50
Revised 3749
1013.70
(d) amended 3749
1013.72
Amended 3749
1013.86
(a) (2) amended 3749
1030
Terminated in part 3187
Revised 4241
1031
Revised 3188
1031.51
Determination 4160
Termination of determination 4314
1032.51
Determination 4160
Termination of determination 4314
1036
Revised 4101
1036.51
Determination 4160
Termination of determination 4314
1039.51
Determination 4160
Termination of determination 4314
1040
Revised 8302
1042
Revoked; recodified in new Part 1040 8302
1044.22
(i) (1) amended 213
1044.50
Revised 213
1044.51
Revised 213
1044.63
Amended 213
1048.12
(a) (1) suspended in part 5789
1051.51
Determination 4160
Termination of determination 4314
1061
Revised 4161

7 CFR—Continued Page

Chapter X—Continued
1062.51
Determination 4160
Termination of determination 4314
1063.50
Determination 4160
Termination of determination 4314
1064
Revised 4170
1065
Revised 2522
1068.56
(a) suspended in part 8312
1070.50
Determination 4160
Termination of determination 4314
1072
Vacated; recodified in Part 1076 4111
1076
Revised 4111
1078.50
Determination 4160
Termination of determination 4314
1079.50
Determination 4160
Termination of determination 4314
1098.6
Revised 824
1098.8
(c) revised 824
1098.13
Revised 824
1098.15
Revised 824
1098.30
Introductory text amended 825
1098.31
Introductory text of (a) revised 825
1098.32
Revised 825
1098.35
Amended 825
1098.41
(a) (1) (ii) and (b) (3) revised; (b) (3-a) added 825
1098.44
Introductory text of (a) amended 825
1098.46
(a) (4) (i) (b) and (9) amended 825
1098.70
Introductory text amended 825
1098.81
(a) revised 825
1098.82
(c) revised; (d) revoked 825
1098.83
(a) revised 825
1098.85
Revised 825
1099.5
Revised 3750
1099.6
Revised 3750
1099.8
Revised 3750
1099.9
(c) amended 3751
1099.10
(e) (1) revised 3751
1099.11
Revised 3751
1099.13
Revised 3751
1099.14
Revised 3751

7 CFR—Continued Page

Chapter X—Continued
1099.16
Revised 3751
1099.17
Added 3751
1099.18
Added 3751
1099.30
Introductory text amended 3751
1099.41
(b) (4) (i) revised 3751
1099.43
(c) (3) (i) and (ii) amended 3751
1099.45
(a) (9) revised 3751
1099.50
Revised 3751
1099.51
Revised 3751
1099.61
Revised 3751
1099.62
(b) (1) amended 3752
1099.71
(b) revised 3752
1099.86
Revised 3752
1099.88
Revised 3752
1100
Redesignated from Part 1103 4181
Vacated 8313
1103
Redesignated as Part 1100 4181
1103
Added 4181
1104.4
Revised 2246
1104.6
Revised 2246
1104.13
Revised 2246
1104.41
(a) (1) (i) and (b) revised 2246
1104.42
(b) amended 2246
1104.43
(b) revised 2246
1104.46
(a) (1) amended 2246
1104.50
(a) amended 2246
1104.52
(a) revised 2246
1104.61
Revised 2247
1104.63
(a) amended 2247
1104.66
Revised 2247
1104.74
Revised 2247
1105
Vacated; recodified in new Part 1103 4181
1107
Vacated 8313
1131.46
(a) (4) (i) (a) and (ii) revised 4251
1131.51
(a) revised 4251
1131.62
(a) (1) (i) and (b) (4) amended 4251
1131.71
(f) revised; (g) through (k) added 4251
1131.73
(b) amended 4251

7 CFR—Continued Page

Chapter X—Continued
1131.82
(b) (2) amended 4251
1133.12
(c) (1) suspended in part 7988
1133.15
(c) (1) suspended in part 7988
1135.51
(a) amended 917
1136.11
(a) suspended in part 7893
1137.51
(a) amended 918
1138.7
(b) (4) revised 6574
1138.9
(c) added 6574
1138.20
Revised 6574
1138.41
(b) (7) revised 6574
1138.42
(c) added 6574
1138.70
Introductory text revised 6575
1138.80
Introductory text revised; (e) added 6575
1138.84
(a) revised 6575

Chapter XI:
Heading revised 2247
1201.300
Revised 5826

Chapter XIV:
1408
Added 8094
1421
Subpart added 1247
Subpart added 2852
Subpart added 3196
Subpart revised 4193
Subpart added 4529
Subpart added 6338
Subpart added 6511
Subpart added 7475
Subpart added 7811
Subpart added 7988
Subpart added 7991
1421.54
(b) revised 4750
1421.62
(a) revised 4750
1421.66
(c) revised 4750
1421.2133
(e) amended 4666
1421.2141—1421.2153
Subpart added 7475
1421.2221
(f) amended 4607
(f) corrected 5702
(f) amended 6582
1421.2241—1421.2251
Subpart added 7811
1421.2429
Revised 5762
1421.2440—1421.2452
Subpart added 7988
1421.2541—1421.2551
Subpart added 7991
1421.2640—1421.2649
Subpart added 3196
1421.2740—1421.2754
Subpart added 4529
1421.2820
(c) amended 4667

7 CFR—Continued Page

Chapter XIV—Continued
1421.2825—1421.2834
Subpart added 6511
1421.3029
Revised 918
1421.3030
(c) amended 4008
1421.3103, 1421.3104
Subpart added 6338
1421.3481—1421.3491
Subpart added 2852
1421.3755—1421.3772
Subpart added 1247
1421.5551—1421.5560
Subpart revised 4193
1425
Added 6907
1425.18
(b) corrected 7037
1425.20
Corrected 7037
1427
Subpart added 2592
Subpart added 7814
Subpart recodified and revised 8096
1427.1243
Added 7814
1427.1351—1427.1376
Subpart recodified as 1427.1351—1427.1378; revised 8096
1427.1351—1427.1378
Subpart recodified from 1427.1351—1427.1376; revised 8096
1427.1850
Revised 4410
1427.1853
Revised 4410
1427.1857
(b) revised 4410
1427.2001—1427.2025
Subpart added 2592
1427.2235—1427.2243
Subpart added 7814
1430.270
Added 4351
1434.52
(a) revised 7097
1434.53
(b) revised 7097
1434.55
(b) revised 7097
1434.56
Deleted 7098
1434.57
(a) revised 7098
1434.77
Revised 7098
1434.80
Revised 7098
1438
Subpart added 5573
1438.1601—1438.1610
Subpart added 5573
1438.1604
Revised 7948
1464.1651, 1464.1652
Added 2651
1468.205
(d) added 4056
1468.209
(a) amended 6383
1468.214
(a) and (b) revised; (c) deleted 6383
1468.220
Deleted 6383
1468.221
Deleted 6383

7 CFR—Continued Page

Chapter XIV—Continued

1468.223
Deleted ... 6383
1468.223
Deleted ... 6383
1468.229
(a) and (b) amended ... 6383
1472.1045
(a) and (b) revised; (c) deleted ... 6383
1472.1051
Deleted ... 6383
1472.1052
Deleted ... 6383
1472.1053
Deleted ... 6383
1472.1054
Deleted ... 6383
1472.1060
Revised ... 6383
1472.1105
(d) added ... 4056
1472.1121
(d) added ... 4056
1472.1145
(a) and (b) revised; (c) deleted ... 6384
1472.1147
Amended ... 1250
1472.1151
Deleted ... 6384
1472.1152
Deleted ... 6384
1472.1153
Deleted ... 6384
1472.1154
Deleted ... 6384
1472.1160
(a) and (b) amended ... 6384
1475.203
(q) revised ... 6909
1475.207
Revised ... 6909
1475.208
(d) revised ... 6909
1475.209
(b) (2) revised; (b) (4) added ... 6909
1475.210
(c) amended ... 6909
1475.211
(e) (3) and (4) revised ... 2854
(b) amended ... 6909
1475.212
Revised ... 6910
1475.213
Revised ... 6910
1475.214
(a) revised ... 6910
1481
Subpart recodified, revised ... 778
1481.101—1481.158
Subpart recodified as 1481.101—1481.159; revised ... 778
1481.101—1481.159
Subpart recodified from 1481.101—1481.158; revised ... 778
1483.101
Revised ... 532
1483.103
Added ... 4531
1483.105
(j) added ... 532
(e) amended ... 4531
1483.121
(d) amended ... 4531
1483.125
(a) (5) amended ... 4532
1483.127
(b) (6) revised ... 4532

7 CFR—Continued Page

Chapter XIV—Continued

1483.141
(b) revised ... 532
1483.145
Center heading and section revised ... 532
1483.146
Revised ... 533
1483.155
Center heading and section revised ... 533
1483.158
(a) revised ... 533
1483.174
Revised ... 4532
1483.178
Revised ... 533
Amended ... 4532
1483.185
Added ... 533
1483.201
Added ... 6771
1483.205
(d) amended; (i) added ... 6771
1483.221
(e) amended ... 6772
1483.222
(a) revised ... 6772
1483.225
(a) (5) amended ... 6772
1483.227
(b) (1) (vi) and (ix) revised ... 6772
1483.241
(b) revised ... 6772
1483.246
(a) (7) revised ... 6772
1483.260—1483.270
Center heading and sections added ... 6772
1483.268
(a) (1) corrected ... 6976
1483.274
Added ... 6776
1483.278
Revised ... 6776
1484
Revised ... 2784
1484.105
Corrected ... 3515
1484.106
Corrected ... 3515
1484.155
Corrected ... 3515
1485
Subpart added ... 6910
1485.201—1485.220
Subpart added ... 6910
1485.261
(a) revised ... 4314
1486
Added ... 1178
Amended ... 4532
1486.157
Revised ... 4532
1486.174
Revised ... 4532
1486.176
(b) revised ... 4532
1486.190
Redesignated as 1486.191 ... 4532
1486.190
Redesignated from 1486.191 ... 4532
1486.191
Redesignated as 1486.190 ... 4532
1486.191
Redesignated from 1486.190 ... 4532
1487
Added ... 644
Amended ... 6639

7 CFR—Continued Page

Chapter XIV—Continued

1487.5
(e) added ... 6639
1488
Added ... 2129
Amended ... 4056
1488.2
(i) revised ... 6249
1488.3
(b) (6) revised ... 4056
1488.7
Introductory text revised ... 6249
1488.13
(e) added ... 6249
Chapter XVI:
Heading revised ... 2247
Applicability ... 2651
1600
Revised ... 4315
1600.2
Revised ... 6155
1601
Effective date ... 258
Revised ... 4316
1602
Added ... 569
Revised ... 6859
Proposed Rules:
26 ... 1118
27 ... 4064
28 ... 6255, 8049
29 ... 4361, 7494
31 ... 6350
33 ... 6782
51 ... 155, 345, 756, 842, 843, 952, 3716, 3719, 5382, 5850, 6658, 7396.
52 ... 3444, 4486, 7524
53 ... 8225
55 ... 3450
70 ... 6395
201 ... 1945
319 ... 1119, 2106
362 ... 2033, 3542, 4201
718 ... 5708
724 ... 5641, 8000
728 ... 3601
729 ... 224, 757, 2601
730 ... 2402
777 ... 6686
778 ... 7043
814 ... 845
Ch. IX ... 1984, 3658, 6355, 6438, 6523, 6917
905 ... 6983
907 ... 273
908 ... 4635
910 ... 156
911 ... 7501
915 ... 3883, 7501
916 ... 7284, 8226
917 ... 3542, 8273
923 ... 8110
927 ... 710
930 ... 5514, 6255
959 ... 1945, 3662
965 ... 4761
980 ... 4416
989 ... 4361
991 ... 3268, 7825
993 ... 2601, 6782, 7195
1002 ... 7839
1003 ... 2402, 3765
1004 ... 91, 6947, 7195, 7249
1005 ... 584, 4761, 5904
1008 ... 6659
1012 ... 2263
1013 ... 1048, 2870
1030 ... 625

7 CFR—Continued Page

Proposed Rules—Continued

1031 ... 3224
1032 ... 3224
1036 ... 2279, 3768
1038 ... 3224
1039 ... 3224
1040 ... 6163, 7903
1042 ... 6163, 7903
1048 ... 4764
1051 ... 3224
1061 ... 2317, 2604, 3965
1062 ... 3224
1063 ... 3224, 5603, 5907, 8337
1064 ... 2317, 2604, 3965
1065 ... 1857
1067 ... 3224
1068 ... 7721, 8227
1070 ... 3224, 5603, 5907, 8337
1072 ... 38, 953, 2805
1076 ... 38, 953, 2805
1078 ... 3224, 5603, 5907, 8337
1079 ... 3224, 5603, 5907, 8337
1097 ... 6534, 8228
1099 ... 273, 2672
1102 ... 6534, 8228
1103 ... 2058, 3470
1104 ... 53, 1289
1105 ... 2058, 3470
1108 ... 6534, 8228
1125 ... 3603
1127 ... 1119, 2604
1131 ... 3386, 4201
1133 ... 3606, 7284, 8000
1135 ... 537, 1802
1136 ... 2723, 8049
1137 ... 538, 1802
1138 ... 3781, 5851, 6538, 7288, 8050
1201 ... 4321
Ch. XIV ... 2805

8 CFR

Chapter I:
103.1
(e) (15) revised ... 5471
103.2
(b) (2) revised ... 7516
103.7
(c) amended ... 918
(c) amended ... 1030
204.3
(a) and (b) redesignated as (b) and (c); new (a) added ... 572
205.3
(a) amended ... 572
(a) amended ... 3200
205.9
Added ... 3200
212.1
(c) revised ... 1031
212.2
Amended ... 3200
212.5
(a) amended ... 4411
214.1
(a) revised ... 1031
214.2
(c) (1) and (h) (2) (ii) amended ... 533
(h) (2) (iii) amended ... 572
(k) revoked ... 1031
(c) (1) amended ... 3855
(f) (1) amended ... 4351
(f) (3) amended ... 4532
(c) (1) amended ... 6940
(h) (2) (i) revised; (h) (4) amended ... 8102
214.3
Revised ... 918
(c) revised ... 6479

8 CFR—Continued Page

Chapter I—Continued

231.1
Revised ... 6777
231.2
Revised ... 6777
237.2
Revised ... 4411
242.23
(d) revised ... 2021
251.1
Revised ... 6777
251.3
Revised ... 6777
251.4
Revised ... 6777
264.1
(a) and (b) amended; (c) revised ... 1031
(c) amended ... 7312
299.1
Amended ... 1032
332a.2
Amended ... 6940
336.13
(a) amended ... 6940
336.16a
Revised ... 534
341
Revised ... 5472
341.2
(d) corrected ... 5621
499.1
Amended ... 6940
Chapter II:
505.10
Revoked ... 825
505.11
Revoked ... 825
505.12
Revoked ... 825
505.13
Revoked ... 825
505.14
Revoked ... 825
505.15
Revoked ... 825
Proposed Rules:
231 ... 4135
251 ... 4135

9 CFR

Chapter I:
Subchapters A, J, and K recodified as Subchapters A, C, and D, respectively, of Chapter III ... 4195
1–40
Recodified as Parts 301–340 of Chapter III ... 4195
9.20
Added ... 836
40.2
(j) added ... 258
40.3
(d) added ... 258
51.9
(m) revised ... 7596
71.3
Introductory text of (d) amended; (d) (1) and (4) revised ... 8327
71.4
Introductory text amended ... 8327
71.5
Revised ... 8327
71.8
Revised ... 8327
72.5
(g) revised ... 2702

9 CFR—Continued Page

Chapter I—Continued

74.2
(a) (1) revised; (a) (6) added ... 701
(a) (1) revised ... 4750
(a) (1) revised ... 7274
74.3
(a) (6) added ... 701
(a) (2) deleted ... 4750
(a) (1) revised; (a) (5) and (6) deleted ... 7274
74.9
Introductory text revised ... 4751
75.3
Revised ... 5790
76.2
(f) revised ... 1975
78.13
Revised ... 2307
Revised ... 3757
78.15
(b) revised ... 3312
97.2
Amended ... 4609
Amended ... 7894
101.1
(ff) revised; (mm) and (oo) added ... 920
102.77
Revised ... 920
112.1
(b) revised ... 920
112.26
Revised ... 920
112.27
Revised ... 920
114.2
(b) amended ... 920
114.5
Revised ... 920
Revised ... 4751
116
Revised ... 920
117
Revised ... 921
118
Revised ... 923
119
Revised ... 925
121
Revised ... 930
155
Recodified as Part 355 of Chapter III ... 4195
171
Recodified as Part 371 of Chapter III ... 4195
180
Recodified as Part 380 of Chapter III ... 4195
181
Recodified as Part 381 of Chapter III ... 4195
Chapter II:
Heading revised ... 2247
Heading revised ... 7275
201.2
(d) revised ... 7275
201.34
Amended ... 7275
201.43
(c) added ... 2208
201.78
Revised ... 7649
201.78–1
Added ... 7649
Chapter III:
Added; Subchapters A through D recodified from Chapter I ... 4195
301–340
Recodified from Parts 1–40 of Chapter I ... 4195

9 CFR—Continued

Chapter III—Continued
301.1
(d), (e), (f), and (bb) amended 4195
317.9
Heading revised; (f) added 5702
318.4
Heading revised; (c) added 5702
318.7
(b)(4) amended 5702
318.19
Added; designated incorrectly as 318.18 5702
Designated correctly as 318.19 6731
340.2
(b) amended 4195
355
Recodified from Part 155 of Chapter I 4195
355.2
(b) amended 4195
371
Recodified from Part 171 of Chapter I 4195
371.1
Amended 4195
371.3
Amended 4196
380
Recodified from Part 180 of Chapter I 4195
380.1
(b) amended 4195
381
Recodified from Part 181 of Chapter I 4195
Proposed Rules:
16 844, 998
17 844, 3272
18 844, 998, 3272, 3273
30 625
91 1945
94 7445
101 5514, 7608
103 5514, 7608
131 1816, 8271
201 4486, 4487, 6360, 7662, 7721
316 5708
317 5708
318 5708

10 CFR

Chapter I:
1
Subpart G added 3704
1.270, 1.271
Subpart G added 3704
30
Recodified and revised 8185
30.9
(a) revised; (d) added 4352
30.12
Revised 3375
30.21
(c)(4) (i), (iii), and (v) revised 129
(d)(1), (3), and (4) revised; (d)(5) added 3375
30.34
(f)(4) added 129
(j)(1)(ii)(a), (c), and (d), (iii), (iv)(a) and (b), introductory text of (v)(a), (v)(f), (vi), and (j)(2)(i) and (ii)(b) revised; (j)(2)(ii)(c) added; (j)(2)(iii) and (3), (m)(1)(ii)(a), (c), and (e), (iii), (iv)(a) and (b), (v)(e), and (m)(2) and (3) revised 3375
(k) added 6576

10 CFR—Continued

Chapter I—Continued
30.29
Added 6576
30.32
(f) deleted 4352
31
Deleted; recodified in new Part 34 8185
31
Added 8185
32
Added 8185
33
Added 8185
34
Added; recodified from Part 31 8185
35
Added 8185
36
Added 8185
140
Interim decision 1186
150.20
(b)(2) revised 4352
Proposed Rules:
Ch. I 445
2 2821
30 4764, 6118
150 7445, 7062, 7963, 8228

12 CFR

Chapter I:
1.158
Revised 3856
1.163
Added 2651
1.164
Added 7371
1.165
Added 8328
8.3
Revised 5742
8.4
Revised 4462
Revised 5742
8.6
Revised 5742
8.8
Added 4462
Revised 5742
11.15
(c) amended 2308
12.7
Added 6160
12.8
Added 6160
12.9
Added 6160
12.10
Added 6160
12.11
Added 6160
12.12
Added 6160
13.1
Revised 130
17
Added 7275
Chapter II:
204.56
Added 6339
206
Added 362
206.101
Added 6731
208.116
Added 3525
213.4
(g) added 2854

12 CFR—Continued

Chapter II—Continued
217.140
Added 5574
218.110
Added 7743
220.4
(c)(3) revised 5826
221.115
Added 3812
Chapter III:
335
Added 396
Chapter V:
530.1
Revised 3264
541.9
Text designated as (a); (b) added 479
543.2
Revised 7037
545.1–1
(a) revised 31
(b), (c), and (d) amended 130
545.6–1
(b) and (d) revised 214
545.6–5
Revised 214
545.6–6
Revised 827
545.6–7
Revised 215
Revised 5473
545.6–14
(a) revised 2854
545.6–17
Added 479
545.6–18
Added 5473
545.9–2
Added 5474
555.4
(a) deleted; (b) redesignated as (a) and revised; (c) redesignated as (b) 480
555.10
Revised 3264
561.15
Revised 480
Revised 6517
561.16
(e) revised 1032
561.22
Added 827
563.9
(a) revised 827
563.13
Policy statement 4251
563.23–1
Revised 7039
570.1
Revised 3264
570.7
Added 15
Proposed Rules:
11 222
12 3764
17 6074
261 6275
262 6275
541 892
543 2875
544 2876
545 447, 760, 761, 892–894, 2222, 2876, 5861, 7316.
561 3274
563 490, 846, 2876, 6544

13 CFR

Chapter I:
101.3
Revised 1835
107.102
Revised 3635
107.103
Deleted 3635
107.103
Redesignated from 107.104; revised 3636
107.104
Redesignated as 107.103; revised 3636
107.104
Added 3637
107.105
Deleted 3637
107.106
Deleted 3637
107.107
Deleted 3637
107.201
Revised 3637
107.202
Deleted 3637
107.202
Redesignated from 107.203; revised 3637
107.203
Redesignated as 107.202; revised 3637
107.203
Added 3637
107.204
Deleted 3637
107.205
Revised 2652
107.402
Revised 2653
107.504
Revised 2654
(b)(2) revised 7652
107.703
(b) revised 7597
107.704
(a) through (c) deleted; (d) redesignated as (g); (a) through (f) added 2652
107.705
Revised 7597
107.706
Heading and (a) revised 7597
107.716
Revised 534
107.750
Added 1187
107.751
Added 1187
107.801
(f) added 3856
107.802
(b), (d), (f), (g), and (i) revised 3856
111
Revised 4016
112
Added 298
121
Revised 2247
Schedule B amended 6778
121.3–8
(c) amended 4252
Effective date of amendment of (c) corrected 5703
124.8–16
(b) revised 883
Chapter III:
305.2
Revised 7894

13 CFR—Continued

Proposed Rules:
107 762, 2405, 2613, 3683
113 2890
121 2614, 3272

14 CFR

Chapter I:
Special Civil Air Regulations revoked 535
1.1
Effective date of amendment 535
Amended 3638
Amended 8257
13.37
(d) through (j) redesignated as (e) through (k) respectively; new (d) added 7223
13.41
(b) amended 7223
13.49
(a) amended; (b) through (g) redesignated as (c) through (h) respectively; new (b) added 7223
13.59
(a) amended 7224
13.61
Amended 7224
13.65
Deleted 7224
13.67
(a) revised 7224
21.181
(a) revised 8033
23.365
(d) corrected 258
23.427
Corrected 258
23.1325
Revised 8261
25
Appendix D added 6067
25.771
(e) deleted; (f) redesignated as (e) 6113
25.803
(c) revoked 3204
25.809
(f) revised 3203
25.811
Revised 3204
25.813
Revised 3204
25.1325
Heading, (b) and (c) revised; (f) added 8261
25.1457
(a), (b), (c)(3) and (4), and (g) revised 3932
25.1523
Closing sentence added 6067
31.25
(c) amended 3377
31.45
Amended 3377
31.47
(c) through (f) added 3377
31.49
(d) and (e) added 3377
31.55
Revised 3377
31.61
Added 3377
31.63
Added 3377
31.65
Added 3377
31.85
Added 3377

14 CFR—Continued

Chapter I—Continued
33
Effective date 535
35
Effective date 535
37.168
Revised 8263
37.171
Revised 7637
39.13
Amended 81, 82 (2 docs.), 572–573 (3 docs.), 828 (2 docs.), 881, 1032 (2 docs.), 1188, 1239, 1975, 2103, 2133–2134 (5 docs.), 2258, 2438 (2 docs.), 2655, 2761, 2855, 2924, 3349, 3350, 3377, 3421, 3515, 3759, 4240, 4319, 4533, 4609, 5506, 5622 (2 docs.), 5827, 5897 (2 docs.), 6068, 6150, 6431, 6577, 6639, 6640, 6837, 6838, 6940, 6976 (2 docs.), 6977, 7098, 7182 (2 docs.), 7276, 7371, 7372, 7638 (2 docs.), 7701, 7816 (2 docs.), 7876–7877 (3 docs.), 7993, 8033–8034 (4 docs.), 8156, 8203 (5 docs.), 8264, 8328–8330 (4 docs.).
43
Appendix E added 8262
43.9
Heading, (a), (b), and (c) amended 3638
47.69
(d)(2) revised; (d)(3) deleted 1283
61
Subpart G deleted 2927
Subpart F recodified and revised 8258
61.1
(f) deleted 2925
61.3
(d) and (e) redesignated as (e) and (f), respectively; new (d) added 8257
61.5
(e) amended; (f) revised 2925
61.9
(c) and (g) revised 2925
(b) revised 8257
61.15
(g) redesignated as (i) and amended; (e) and (f) redesignated as (g) and (h); (d) redesignated as (f) and amended; new (d) and (e) added 2925
61.17
Section heading and (a) amended; (i) deleted; (f), (g), and (h) redesignated as (h), (j), and (k), respectively; new (f), (g), and (i) added; newly redesignated (j)(1)(ii) amended 2925
(b) revised 2927
(c) amended 8257
61.20
Added 3196
61.21
Closing paragraph revised 4669
Revised 8257
61.23
(d) revised 3026
61.25
(b) amended 2925
61.27
(a) and (b) amended; introductory text of (f) revised; (g) revised 2925
(d)(2) revised 6577

14 CFR—Continued Page

Chapter I—Continued

61.27—Continued
Introductory text of (a) amended; (b) revised 8257
61.31
(a)(1) amended 2925
(a)(3) and (b)(1) and (3) amended 2926
61.39
(a)(2)(iv) revised; (f) amended 2926
Introductory text of (a) amended 8257
61.43
(a)(3), (b)(2), and (c) revised 2926
61.48
Added 2196
61.49
Revised 2926
61.63
(a)(2)(i) amended; closing paragraph of (a) deleted 788
(a)(2)(iii) and (3) amended 8257
61.65
Introductory text of (b) amended; (b)(5) amended; (b)(7) added; closing paragraph added 789
(b)(6) amended; (b)(8) added 8257
61.67
(b)(2) amended; (b)(4) added 8257
61.69
(b) revised; (c) amended 8257
61.71
(a) amended 2926
61.73
(d) and (e) added 8257
61.81
(a) amended 2926
61.97
Section heading and text amended 2926
61.99
Section heading and text amended 2926
61.111
(a) revised; (b) amended; (c) revised; (d) redesignated as (f); new (d) and (e) added 2926
61.113
Introductory text of (a) revised; (a)(3)(ii) and (b) amended; (c) added 2926
61.127
Section heading and text amended 2926
61.128
Added 2926
61.129
Section heading and text amended 2926
61.130
Added 2926
61.131
(d) revised 2927
(d) amended 8258
61.170—61.180
Subpart F recodified from 61.171—61.177; revised 8258
61.171—61.177
Subpart F recodified as 61.170—61.180; revised 8258
61.181, 61.183
Subpart G deleted 2927
63.18
Added 2196
63.20
Added 2196

14 CFR—Continued Page

Chapter I—Continued
65.18
Added 2196
65.20
Added 2196
65.95
(a)(1) amended 3638
67.20
Added 2197
71.5
(c) revised 3932
71.107
Amended 2762
71.109
Amended 200, 8158
71.123
Amended 82, 434 (2 docs.), 606, 789, 1033 (2 docs.), 1035, 1036, 1112–1113 (5 docs.), 1189–1190 (3 docs.), 1836 (2 docs.), 2440, 2655, 2762–2763 (3 docs.), 2928 (3docs.), 3422.
Corrected 3516
Amended 3640, 4121, 4196, 4463, 4533, 4534, 4670, 4752, 5506, 5831.
Effective date amended 6113
Amended 6150, 6241, 6385 (2 docs.), 6479, 6915, 6978 (2 docs.), 7099 (3 docs.), 7224 (2 docs.), 7312–7316 (3 docs.), 7557–7558 (3 docs.), 7744 (2 docs.), 7994, 8158, 8264, 8265.
71.125
Amended 6385, 7818, 8157
71.127
Amended 4122, 7224
71.151
Amended 435, 4534, 5625, 7949, 7994
71.161
Amended 6150, 7099, 8158
71.163
Amended 434, 828, 2763, 3516, 6068, 6682, 8158
71.165
Amended 83 (2 docs.), 201–202 (4 docs.), 433, 739, 789, 1033–1034 (4 docs.), 1036, 1188, 1189, 1836, 1976–1977 (4 docs.), 2197, 2596, 2855–2856 (3 docs.), 3351–3352 (3 docs.), 3422, 3639–3640 (3 docs.), 3813, 3814, 3858–3859 (3 docs.), 4121, 4196, 4463, 4751, 4752, 5506.
Corrected 5623
Amended 5623–5625 (3 docs.), 5731, 5828–5830 (3 docs.), 5898 (2 docs.), 6384 (2 docs.), 6386, 6578, 6977, 7183, 7373 (2 docs.), 7517, 7598, 7702 (2 docs.), 7817–7818 (3 docs.), 7877–7879 (3 docs.), 7881–7883 (5 docs.), 7885, 8035, 8102–8103 (3 docs.), 8264, 8330.
71.171
Amended 83 (2 docs.), 201–204 (10 docs.), 433 (2 docs.), 480 (2 docs.), 606, 647, 739, 789
Corrected 829
Amended 831, 882, 1033–1035 (5 docs.), 1111 (2 docs.), 1113, 1188–1189 (3 docs.), 1239, 1284, 1975–1977 (5 docs.), 2197–2198 (4 docs.), 2257, 2439 (4 docs.), 2596, 2655, 2702, 2764, 2855 (2 docs.), 2927, 2928, 3350–3352 (6 docs.).

14 CFR—Continued Page

Chapter I—Continued
71.171—Continued
Effective date of amendment postponed 3378
Amended 3422, 3515, 3516, 3639–3641 (6 docs.), 3814–3815 (4 docs.), 3857–3859 (5 docs.), 4120–4122 (5 docs.), 4196, 4319, 4391 (2 docs.), 4462, 4463, 4533, 4669 (2 docs.), 4670, 4751, 5506, 5575 (2 docs.), 5623 (2 docs.), 5624, 5731 (2 docs.), 5827–5830 (4 docs.), 5898 (2 docs.), 5899.
Corrected 5899
Amended 6068
Corrected 6069
Effective date amended (4 docs.) 6113
Amended 6216, 6384, 6386 (3 docs.), 6387, 6578 (3 docs.), 6579, 6640 (2 docs.), 6641 (3 docs.), 6682, 6765 (2 docs.), 6766, 6838 (2 docs), 6914 (2 docs.), 6941, 6977 (2 docs.), 7098, 7099, 7182, 7183 (2 docs.), 7276, 7372 (2 docs.), 7517, 7598, 7639, 7702 (2 docs.), 7817–7818 (5 docs.), 7877–7885 (19 docs.), 7994 (2 docs.), 8035–8037 (6 docs.), 8102–8103 (5 docs.), 8156 (2 docs.), 8330, 8331.
Effective date of amendment postponed 8331
71.181
Amended 82–84 (7 docs.), 201–204 (8 docs.), 433–435 (4 docs.), 480, 481, 606, 647, 739 (2 docs.), 789 (2 docs.).
Corrected 829
Amended 882–883 (4 docs.), 1033–1035 (6 docs.)
Corrected 1035 (2 docs.)
Amended 1036, 1111 (2 docs.)
Corrected 1112
Amended 1113, (2 docs.), 1188–1190 (4 docs.), 1239, 1836, 1837, 1976–1978 (6 docs.), 2197–2198 (4 docs.), 2596–2597 (3 docs.), 2764 (2 docs.), 2855–2856 (4 docs.).
Corrected 2856
Amended 3351–3353 (7 docs.)
Corrected 3378
Amended 3422, 3516, 3639–3641 (6 docs.), 3813–3815 (4 docs.), 3857–3860 (10 docs.), 4121–4122 (4 docs.), 4196–4197 (4 docs.), 4319 (2 docs.), 4391 (2 docs.), 4462–4464 (3 docs.), 4534, 4610 (2 docs.), 4670 (3 docs.), 4751, 5359.
Corrected 5506
Amended 5507, 5575 (2 docs.), 5623–5624 (3 docs.), 5703, 5731.
Corrected 5790
Amended 5828–5830 (4 docs.), 5898–5899 (4 docs.), 6068–6069 (4 docs.).
Effective date amended 6113
Amended 6384–6387 (7 docs.), 6577–6579 (4 docs.), 6641 (2 docs.), 6642, 6682, 6765, 6838.
Corrected 6838
Amended 6914, 6915, 6941, 6977, 6978 (2 docs.)

14 CFR—Continued Page

Chapter I—Continued
71.181—Continued
Effective date of amendment postponed 7098
Amended 7100, 7182–7184 (6 docs.), 7372–7373 (3 docs.), 7517, 7557, 7598, 7639, 7702–7703 (3 docs.), 7817–7818 (5 docs.).
Corrected 7818
Amended 7877–7886 (23 docs.)
Corrected 7886
Amended 7886, 7994
Corrected 7994
Amended 8035–8037 (7 docs.), 8102–8104 (5 docs.).
Corrected 8156
Amended 8156, 8157
Corrected 8157
Amended 8157, 8264, 8330, 8331
71.193
Amended 204
Revised 1836
71.203
Amended 435, 1036, 2655, 2763, 3759, 3815, 4533, 6242, 7224, 8265.
71.207
Amended 1190, 3759, 7703
71.209
Amended 1112, 3759, 4391, 4463
71.211
Amended 1977, 6385, 7818
71.213
Corrected 829
73
Amended 6388
73.21
Amended 205
73.22
Amended 4464, 7949
73.23
Amended 65, 6079
73.24
Amended 1036
73.25
Amended 481, 606, 1036, 2764, 4464, 5625, 6070
73.28
Amended 6388
73.29
Amended 606, 8158
73.38
Amended 5831
73.39
Amended 3759
73.40
Amended 1035, 7744
73.43
Amended 3705, 4752
Corrected 6069
73.44
Amended 5831
73.48
Amended 435, 6070, 7100
73.49
Amended 4197
73.50
Amended 1189, 6242
73.51
Amended 7995
73.53
Amended 1037
73.57
Amended 205, 7100
73.63
Amended 5831

14 CFR—Continued Page

Chapter I—Continued
73.64
Amended 4392, 4634
73.66
Amended 3422, 7745
73.67
Amended 7100, 7225
73.69
Amended 1239
75.100
Amended 606, 930, 1036, 1113 (2 docs.), 1190–1191 (3 docs.), 2440.
Corrected 2440
Amended 2440, 2928, 3378 (2 docs.), 3516, 4464
Corrected 4464
Amended 5790, 5831, 6150 (2 docs.), 6242 (2 docs.), 6642, 6915 (2 docs.), 7099, 7100 (2 docs.), 7703, 7745, 7994, 7995, 8158 (3 docs.).
75.200
Amended 1036
Revised 2440
Amended 6422, 8331
75.300
Amended 6422, 8331
77
Revised 1839
77.19
Closing paragraph revised 6713
77.28
(b)(1) amended 6713
91
SFAR 16 3707
Subpart C heading revised 8033
91.23
Revised 8070
91.27
(a) revised 3638
91.30
(d) redesignated as (e); (c) redesignated as (d) and amended; (b) redesignated as (c) and revised; (a) redesignated as (b); new (a) added 2532
91.47
(e) added 3204
91.49
Added 3638
91.63
(a)(9) revised; (b) redesignated as (c) and revised; new (b) added 6070
91.67
(g) amended 3638
91.69
Revised 5507
91.102
Revised 3638
91.104
Added 4123
91.117
(h)(1) amended 3638
91.127
(c) revised 3706
91.161—91.175
Subpart C heading revised 8033
91.161
(b) revised 3638
(a) revised 8033
(b) amended 8262
91.163
(b) revised 8033
91.170
Added 8262

14 CFR—Continued Page

Chapter I—Continued
93
Subpart E revised 5576
93.71—93.75
Subpart E revised 5576
95
Amended 197
Corrected 343
Amended 989, 2532, 3759, 5576, 6766, 7639
97
Notice of future amendment 7598
97.11—97.19
Subpart B amended 189, 335, 607, 689, 740, 1240, 1791, 2199, 2765, 2772, 3517, 3933, 3946, 4392, 5360, 5455, 5732, 5831, 6151, 6329, 6714, 6839, 7225, 7374, 7867, 7950, 8205.
99.47
Revised 6242
121
Corrected 130
Appendixes A, B, and C published 256
Appendix C corrected 481
Appendix D added 3206
Subparts N, O, P, Q, R, and S amended 3639
Subpart N revised; Appendix E added 6727
121.1
(a)(5) amended; (d) deleted 3638
121.3
(e) and (f) amended 3638
121.93
(a)(1) amended 3638
121.173
Corrected 130
121.175
Published as correction to Part 121 130
121.289
(d) added 3638
121.291
Added 3204
(a) amended 7703
121.309
(f), (g), and (h) revised 3204
121.310
Added 3205
121.313
(f) revised 6113
121.321
Amended 3638
121.349
(c)(4) amended 992
121.365
(b) amended 3639
121.387
Revised 6067
121.391
Revised 3206
121.393
Revoked 3206
121.396
Revoked 3206
121.397
Revised 3206
(c) deleted 6727
121.410—121.425
Subpart N amended 3639
Subpart N revised 6727
121.425
(d) amended 3639
121.431—121.453
Subpart O amended 3639

14 CFR—Continued

Chapter I—Continued

121.433
(a) amended ... 6726
121.439
Revised ... 6726
121.441
Introductory text of (b) amended; (b)(23) revised; (d) deleted; (e) redesignated as (d) ... 6726
121.442
Added ... 6726
121.443
(a) amended ... 6726
121.449
Revised ... 6726
121.461—121.465
Subpart P amended ... 3639
121.463
(a) amended ... 6727
121.470, 121.471
Subpart Q amended ... 3639
121.471
(a)(1) amended ... 3639
121.480—121.493
Subpart R amended ... 3639
121.500–121.525
Subpart S amended ... 3639
121.571
Revised ... 3206
121.573
Revised ... 3206
121.597
(b) amended ... 3639
121.653
(d) amended ... 3639
121.709
(d) added ... 6432
127.319
(d) added ... 6432
133.45
(a) revised ... 883
135.1
(a)(1) amended; (a)(2) redesignated as (3); new (a)(2) added ... 4352
137
Added ... 6106
141.21
Revised ... 7517
143.16
Added ... 2197
143.20
Added ... 2197
151
Subpart B heading revised ... 8039
Subpart C heading revised ... 8040
Appendices A and D amended ... 8040
Subpart D added ... 8040
151.3
Revised ... 8039
151.5
Revised ... 8039
151.7
Revised ... 8039
151.9
(b), (c), and (d) deleted; new (b) added; (e) redesignated as (c) and revised ... 7484
151.21—151.67
Subpart B heading revised ... 8039
151.26
Added ... 8039
151.27
(b)(1) and (2) amended ... 8039
151.31
Amended ... 8040
151.33
Amended ... 8040
151.35
Heading revised; (a) and (b) amended ... 8040
151.37
(a) and (b)(3) amended; closing sentence revised ... 8040
151.39
(a) and (b) amended; (a)(4) and (5) redesignated as (a)(5) and (6); new (a)(4) and (c) added ... 8040
151.41
Amended ... 8040
151.49
(a) amended ... 7484
151.54
Amended ... 8040
151.55
(d) revised ... 8040
151.57
(b) amended ... 8040
151.67
Amended ... 8040
151.71—151.97
Subpart C heading revised ... 8040
151.73
(a)(4) amended ... 7484
Amended ... 8040
151.75
(a) amended ... 7484
Amended ... 8040
151.87
(d) amended ... 8040
151.91
(a) amended ... 7484
151.93
(a) revised ... 8040
151.95
(g)(1) amended ... 8040
151.111—151.131
Subpart D added ... 8040
159.11
Revised ... 1037
159.171
(a) revised ... 1037
105
Amended; heading of Subpart P revised ... 7184
Appendix A added ... 7185
165.1
(c) added ... 7184
165.5
Added ... 7184
165.15
(a) revised ... 7184
165.17
Amended ... 7184
165.41
(kk) added ... 7185
165.85
(b) revised ... 7185
165.89
(a) amended ... 7185
165.129
Amended ... 7185
165.151
(c) revised ... 7185
165.245
Amended ... 7185
165.255
Deleted ... 7185
165.257
Deleted ... 7185
165.259
Revised ... 7185
165.261
(b) revised ... 7185
165.271
Revised ... 7185
165.273
Deleted ... 7185
165.277
Heading revised; introductory text of (a) and (a)(3) revised ... 7185
165.279
Deleted ... 7185
165.281
Deleted ... 7185
165.283
Revised ... 7185
Special Federal Aviation Regulations:
16 ... 3707
Chapter II:
207.1
Amended ... 2655
221.3
(d) deleted ... 7560
221.4
Amended ... 7560
221.7
Added ... 7560
231.22
(b)(6) revised; (d) added ... 7560
221.38
(a)(5), (e), and (g) revised ... 7560
221.39
Introductory text deleted; (a)(5) and (7) revised ... 7561
221.51
(b)(3) revised ... 7561
221.52
(a) revised ... 7561
221.55
Revised ... 7561
221.63
(b) revised ... 7561
221.73
(c)(2) amended ... 7561
221.75
(c)(2)(ii) revised ... 7562
221.101
(a)(6) revised ... 7562
221.107
Redesignated as 221.108 ... 7562
221.107
Added ... 7562
221.108
Redesignated from 221.107 ... 7562
221.111
(a) and (b) revised ... 7562
221.112
(h)(1) and (i)(2) revised ... 7562
221.116
Added ... 7563
221.122
(a)(2) and (3) and (b)(3) revised ... 7563
221.132
(b)(1) revised ... 7563
221.161
Revised ... 7563
221.162
Revised ... 7564
221.183
(b) revised ... 7564
221.184
Added ... 7564
221.191
(b) revised ... 7564
221.201
Introductory text revised ... 7564
221.240
(a) revised; (b) amended ... 7564

14 CFR—Continued

Chapter II—Continued

221.241
(a) revised ... 7564
221.244
(a) revised ... 7564
221.246
(a) revised ... 7565
221.247
(a) revised ... 7565
221.248
Revised ... 7566
224
Revised ... 3861
241
Amended ... 745
Amended ... 1191
Amended ... 7704
242
Added ... 2657
288
Revised ... 3869
289.7
(b) amended ... 931
295.2
(l) revised ... 2656
295.14
(c)(1)(i) revised; (c)(2) amended ... 3353
296.21
(b) revised ... 2761
302.1106
Revised ... 5900
302.1107
Revised ... 5900
399.16
Revised ... 3878
399.19
Added ... 5626
399.28
Added ... 3878
Chapter V:
1204.500
Revised ... 3378
1204.507
Added ... 3378
1309
Subpart 1 recodified, revised ... 535
1209.100—1209.103
Subpart 1 recodified from 1209.100—1209.104; revised ... 535
1209.100—1209.104
Subpart 1 recodified as 1209.100—1209.103; revised ... 535
1245
Subpart 3 added ... 1844
1245.300—1245.304
Subpart 3 added ... 1844
1250
Added ... 301

Proposed Rules:

1 ... 6074, 6921
4b ... 953
10 ... 953
21 ... 953
23 ... 6074
25 ... 2468, 5798, 6074
27 ... 6074
29 ... 6074
37 ... 2468, 4206, 6074, 7663, 8006
39 ... 93, 845, 1297, 2469, 2470, 2682, 2718, 3224, 3782, 3783, 4137, 5532, 5643, 5907, 6188, 6274, 7573, 8062, 8228, 8229, 8273–8275.
40 ... 953
41 ... 953
42 ... 953
61 ... 94, 6074, 7292
63 ... 1196

14 CFR—Continued

Proposed Rules—Continued

67 ... 6188
71 ... 94–98, 224–234, 445, 487–489, 539, 587–589, 709, 710, 759, 760, 801–803, 886–892, 1052–1057, 1120–1126, 1200–1202, 1257, 1258, 1297–1301, 1816, 1817, 1873–1877, 1951, 1993–2000, 2106–2111, 2157, 2221, 2285, 2470, 2556–2558, 2606–2612, 2682, 2821, 2822, 2874, 2952, 2953, 3224, 3225, 3356, 3390, 3391, 3452–3455, 3549, 3664, 3665, 3713, 3783–3785, 3820, 3821, 3884, 3885, 4137–4140, 4206, 4207, 4321, 4489–4491, 4553, 4554, 4638, 4680, 4681, 4723, 4766–4768, 5383, 5384, 5604–5606, 5643, 5854–5857, 5906, 6074–6077, 6119, 6120, 6189, 6225, 6397–6402, 6443, 6588, 6589, 6735, 6736, 6793–6795, 6872, 6922–6924, 6984–6986, 7045, 7110–7112, 7196, 7316, 7396, 7502, 7503, 7524, 7525, 7573, 7612, 7613, 7663, 7666, 7723, 7761, 7840, 7929, 8007, 8008, 8110, 8111, 8166, 8276, 8341.
72 ... 446, 1057, 1126, 1877, 2000, 2111, 2157, 3391, 3549, 3885, 6121, 6402, 6444, 6736, 7251, 7503, 7666, 7671, 7673, 7724.
75 ... 1876, 2471, 2558, 2953, 3225, 3391, 3549, 3666, 3714, 3785, 6074, 6443, 6924, 7112, 7761, 8008.
91 ... 953, 3990, 6074, 6541, 6921
93 ... 446, 3550
95 ... 6074
97 ... 6074
99 ... 3550
121 ... 2468, 3990, 7923, 8009
129 ... 6541
135 ... 6074
157 ... 8342
207 ... 3662, 5483
214 ... 8062
241 ... 757, 7251
249 ... 2713
288 ... 998, 2558
294 ... 59
295 ... 92
298 ... 4636
302 ... 3156
378 ... 281, 6119
399 ... 998, 2558, 6660

15 CFR

Subtitle A:
4.3
Added ... 7245
6
Optional and mandatory effective dates ... 1250
8
Added ... 305
Appendix corrected ... 616
8.4
(b)(1)(vi) corrected ... 616
8.5
(b)(4)(iv) corrected ... 616
Subtitle B:
Chapter I:
30.37
(a)(4) added ... 2442
30.53
(e) added ... 2442
Chapter II:
Subchapter B revised ... 5552
201
Revised ... 6748

15 CFR—Continued

Chapter II—Continued

202
Revised ... 5656
204
Revised ... 215
206
Revised ... 4237
208.601
Revised ... 2021
230
Revised ... 5552
Chapter III:
Subchapter B revised ... 1402
368
Revised ... 1402
368.1
(b)(1), (2), and (3) revised ... 4465
370
Revised ... 1402
370.2
(a) revised ... 4465
370.10
Revised ... 4466
371
Revised ... 1402
371.8
Corrected ... 616
371.10
(b) deleted ... 4466
372
Revised ... 1402
372.12
(c)(2) revised ... 5627
372.16
(a) revised ... 4466
373
Revised ... 1402
373.4
(l)(1) and (2) revised ... 5627
373.18
Deleted ... 4466
373.62
Revised ... 4466
373.65
(c)(4) added ... 5628
374
Revised ... 1402
374.2
Revised ... 4466
375
Revised ... 1402
376
Revised ... 1402
377
Revised ... 1402
377.2
Revised ... 4466
379
Revised ... 1402
379.3
(c)(3) revised; (e)(3) and (6) deleted ... 4466
379.10
(c)(1) amended ... 4466
380
Revised ... 1402
380.2
(f)(3) (vii) and (viii) deleted ... 4467
381
Revised ... 1402
382
Revised ... 1402
383
Revised ... 1402
384
Revised ... 1402
384.6
Added ... 4467

15 CFR—Continued

Chapter III—Continued

385 — Page
Revised 1402
Revised 4467
398
Revised 1402
399
Revised 1402
399.1
Revised 5102
Chapter V:
503
Revised 8042
503.1
(a) (5) corrected 746
Proposed Rules:
9 5795

16 CFR

Chapter I:
1.21
Revised 8216
1.132
(f) revised 8216
13.5
8585 2929
C–880 4123
7946 4125
6495 7655
7939 7656
13.10
C–877 3879
8603 o 4252
C–886 7653
C–887 7655
C–890 7657
C–884 7658
8605 o 7660
C–887 7655
C–884 7658
13.30
C–873 2398
C–876 2858
C–877 3879
C–802 3880
C–889 7652
C–886 7653
C–890 7657
C–892 8042
13.45
C–877 3879
13.60
C–884 7658
13.70
8645 1250
C–870 1934
C–869 2308
13.73
C–873 2398
C–876 2858
C–877 3879
13.95
C–870 1934
C–889 7652
13.115
C–884 7658
13.125
8645 1250
C–869 2308
13.135
8645 1250
C–863 1251
C–870 1934
13.140
C–863 1251
13.143
C–884 7658

16 CFR—Continued

Chapter I—Continued

13.155 — Page
8645 1250
8634 1934
C–869 2308
C–889 7652
8605 o 7660
C–892 8042
13.170
C–864 1252
8605 o 7660
13.180
8645 1250
13.195
8603 o 4252
13.235
8645 1250
C–802 3880
13.285
8605 o 7660
13.345
8309 o 1284
13.358
C–881 4713
8623 4714
13.375
C–888 7661
13.385
C–881 4713
8623 4714
13.388
8618 1114
13.395
8618 1114
8638 1115
C–881 4713
8623 4714
13.397
C–888 7661
13.407
C–881 4713
8623 4714
13.410
8638 1115
13.430
8618 1114
8309 o 1284
13.431
8618 1114
13.455
8638 1115
13.470
8638 1115
C–881 4713
8623 4714
13.573
8638 1115
13.617
C–888 7661
13.715
C–885 7655
13.725
C–885 7655
13.770
C–885 7655
13.820
8564 o 4712
13.824
8513 4711
8491 o–8508 4712
C–882 4712
8630 8043
13.825
8625 3878
8513 4711
8491 o–8508 4712
C–882 4712
8630 8043

16 CFR—Continued

Chapter I—Continued

13.930 — Page
C–881 4713
8623 4714
13.1053
C–862 1115
C–866 1252
C–868 1778
C–872 1778
13.1055
8645 1250
C–863 1251
C–869 2308
8593 o 2398
6792 o 3762
C–802 3880
8603 o 4252
13.1060
C–871 1779
C–876 4125
13.1080
C–881 4713
8623 4714
13.1085
C–888 7661
13.1108
C–862 1115
C–865 1251
8610 1778
C–873 2398
C–876 2858
C–889 7652
C–886 7653
C–890 7657
C–892 8042
13.1185
C–861 1113
C–865 1251
C–866 1252
C–867 1777
C–868 1778
8610 1778
C–875 2858
C–876 2858
C–874 2859
C–877 3879
C–879 4127
C–883 4712
C–889 7652
C–886 7653
C–890 7657
C–892 8042
C–891 8043
13.1200
C–877 3879
13.1212
C–861 1113
C–876 2858
C–877 3879
C–879 4127
C–883 4712
C–889 7652
C–892 8042
13.1230
5811 o 3879
13.1255
C–872 1778
C–892 8042
13.1265
5811 o 3879
13.1325
C–892 8042
13.1460
C–887 7655
13.1520
C–887 7655
13.1553
C–887 7655

16 CFR—Continued

Chapter I—Continued

13.1555 — Page
C–887 7655
13.1605
5811 o 3879
8603 o 4252
13.1647
C–870 1934
13.1655
C–870 1934
C–869 2308
5811 o 3879
13.1685
C–870 1934
C–869 2308
13.1695
5811 o 3879
13.1710
8605 o 7660
13.1720
8645 1250
13.1745
8645 1250
13.1775
8605 o 7660
13.1779
8634 1934
13.1785
8605 o 7660
13.1805
8593 o 2398
8605 o 7660
13.1811
8593 o 2398
C–892 8042
13.1820
8605 o 7660
13.1825
C–869 2308
8605 o 7660
13.1845
C–861 1113
C–868 1778
C–873 2398
C–876 2858
8603 o 4252
C–889 7652
C–886 7653
C–890 7657
C–892 8042
13.1850
5811 o 3879
13.1852
C–861 1113
C–862 1115
C–865 1251
C–866 1252
C–867 1777
C–868 1778
8610 1778
C–873 2398
C–875 2858
C–876 2858
C–874 2859
C–883 4712
C–889 7652
C–886 7653
C–890 7657
C–892 8042
13.1855
5811 o 3879
13.1865
C–873 2398
C–889 7652
C–886 7653
C–890 7657
C–892 8042

16 CFR—Continued

Chapter I—Continued

13.1880 — Page
C–863 1251
6792 o 3762
5811 o 3879
13.1890
8603 o 4252
13.1900
C–889 7652
C–886 7653
C–890 7657
C–892 8042
13.1935
C–884 7658
13.2010
C–870 1934
13.2015
C–884 7658
13.2275
8603 o 4252
13.2280
C–861 1113
C–868 1778
C–875 2858
C–876 2858
C–877 3879
C–889 7652
13.2300
6792 o 3762
5811 o 3879
13.2320
6792 o 3762
5811 o 3879
14.5
(a) (1) revised 7995
14.14
Added 7894
21.4
Rescinded 790
74
Added 5331
300.25
Heading revised, (c) added 2257
Effective date of (c) postponed 5742
406
Effective date extended 32
Proposed Rules:
214 5532
302 625
303 1058, 6275

17 CFR

Chapter I:
1.43
Revised 2258
15.02
Amended 1192
15.05
Revised 6941
19.00
Revised 1192
19.04
Redesignated as 19.10 1191
19.04
Added 1191
19.10
Redesignated from 19.04 1191
(b) revised 1192
Chapter II:
200.30–6
(a) (1) (iv) added 3880
230.133
Amended 2022
230.151
Amended 2022
230.152
Amended 2022

17 CFR—Continued

Chapter II—Continued

230.152a — Page
Amended 2022
Revised 2657
230.154
Amended 2022
230.155
Amended 2022
230.156
Amended 2022
239.24
Added 3312
240.0–6
Redesignated from 240.6; (a) revised 2022
240.3a11–1
Added 6114
240.6
Redesignated as 240.0–6; (a) revised 2022
240.12b–1
Center heading and section revised 2022
240.12b–2
Introductory text, (m), and (p) revised; (p–1) added 2022
240.12b–6
Added 482
240.12b–10
Revised 2022
240.12b–11
Revised 2022
240.12b–12
Revised 2022
240.12b–13
Revised 2023
240.12b–14
Revised 2023
240.12b–15
Revised 2023
240.12b–20
Revised 2023
240.12b–23
Revised 2023
240.12b–32
(a) revised 2023
240.12b–36
Revised 2023
240.12f–4
Revised 482
240.12g5–1
Added 483
240.12g5–2
Added 483
240.12h–1
Added 4320
240.12h–2
Added 6114
240.12h–3
Added 6043
240.13a–1
Center heading and section revised 2023
240.13a–2
Revised 2023
240.13a–3
Revised 2023
240.13a–10
(a) and (b) revised 2024
240.13a–13
(a) and (b) revised 2024
240.13a–15
(a) revised 2024
Revised 5629
240.14a–1
Center heading revised 4753
240.14a–2
Introductory text revised 4753

17 CFR—Continued

Chapter II—Continued

240.14a–3
(b) revised ... 702
240.14a–6
(c) revised ... 4753
240.15c3–1
Revised ... 7278
240.15d–1
Center heading and section revised ... 2024
240.15d–13
(a) revised ... 2024
240.15d–15
(a) revised ... 2024
Revised ... 5629
240.16a–1
(b) revised ... 2024
240.16a–2
Revised ... 2024
240.16a–4
(a), (b), and (c) revised ... 2025
240.16a–8
(c) and (f) revised ... 2025
240.16b–3
Revised ... 4128
240.16b–10
Added ... 3526
240.16d–1
Redesignated as 240.16e–1 and revised ... 2025
240.16e–1
Redesignated from 240.16d–1 and revised ... 2025
240.24b–2
(g) and (i) revised ... 704
Introductory text, (a), (b), (d), (f), (h), and (j) revised ... 2025
249.208a
Revised ... 702
249.208b
Revised ... 7566
249.208c
Revised ... 7568
249.210
Revised ... 3423
249.212
Added ... 4057
249.310
Revised ... 3430
249.312
Added ... 4059
249.330
Revised ... 3312
249.332
Added ... 3312
249.441
Revised ... 3312
249.447
Added ... 3312
250.103
(d) revised ... 4129
270.0–1
(a)(4) revised ... 829
274.5
Redesignated as 274.105; revised ... 3312
274.5
Added ... 3312
274.101
Revised ... 2136
Amended ... 3312
274.105
Redesignated from 274.5; revised ... 3312
275.01
Redesignated as 275.0–1 ... 4129
275.02
Redesignated as 275.0–2 ... 4129

17 CFR—Continued

Chapter II—Continued

275.0–1
Redesignated from 275.01 ... 4129
275.0–2
Redesignated from 275.02 ... 4129
275.0–3
Added ... 4129
Proposed Rules:
230 ... 1010
239 ... 1010
240 ... 589, 711, 717, 895, 1010, 3457, 3551, 5908, 7253.
249 ... 157, 346, 349, 590, 592, 4688, 4690, 7253
260 ... 8009
269 ... 8009, 8012
270 ... 2111
274 ... 1010

18 CFR

Chapter I:

1.36
(d)(7) revised ... 8332
2.56
(d) and table added ... 4671
4.41
Amended ... 523
8
Added ... 7313
10.68
(a) amended ... 7819
101
Ordering clause amended ... 484
104
Ordering clause amended ... 484
141
Forms 1–F and 1–M amended ... 605
Form 1 amended ... 3707, 5703
141.2
(c) amended ... 605
141.7
(c) amended ... 605
155.1
Revised ... 8332
157.7
(c)(1)(ii) revised ... 7280
157.18
(g) added ... 4130
157.23
Amended ... 6518
157.30
(a) revised ... 6518
201
Ordering clause amended ... 484
260
Form 2–A amended ... 605
260.1
(c) amended ... 8333
260.2
(c) amended ... 605

Chapter II:

302
Added ... 311
Proposed Rules:
10 ... 4769
11 ... 4259
154 ... 3715, 5861
157 ... 3715, 5861
260 ... 447

19 CFR

Chapter I:

1.1
(c) amended ... 344
(e) amended ... 4411
(c) amended ... 7569
(e) amended ... 7705
2.45
(i) revised ... 3593

19 CFR—Continued

Chapter I—Continued

2.46
(h) revised ... 3593
2.49
(c) amended ... 6116
2.64
Revised ... 5419
3.30
(a) amended ... 573
3.53
(b) revised ... 574
4.22
Amended ... 7599
4.98
(a) amended ... 574
6.12
Amended ... 3593
8.59
(g) amended ... 3593
10.53
(e) and authority citation revised ... 6149
11.15
(a) amended ... 5580
11.16
Amended ... 5580
11.19
(a) (1) and (2) amended ... 5580
12.70
Center heading and section added ... 8265
14.13
(b) amended ... 7188
16.4
Conversion of Luxembourg franc ... 574
16.24
(f) amended ... 2399
18.4
(e) amended ... 1845
19.2
(a) amended ... 5580
24.12
(a)(1)(i) and (iii) and (4) amended ... 5580
(c) revised ... 5900
24.72
Revised ... 4671
25.17
(a) revised ... 8266
Proposed Rules:
Ch. I ... 2952, 7108
11 ... 2317
13 ... 3365, 6686
19 ... 2317
20 ... 1196
22 ... 7756
24 ... 2317

20 CFR

Chapter II:

208.7
(c) revised ... 4061
210.11
Revised ... 4061
237.808
Revised ... 270
237.809
Added ... 4061
237.810
Added ... 4061

Chapter III:

404.322
(a) revised ... 7995
404.1280–404.1287
Added ... 2703
404.1286
(a) corrected ... 3207
404.1290
Added ... 2703

20 CFR—Continued

Chapter V:

601.5
Revised ... 6942
602.10
(d) amended ... 1935
604.8
(h) and (i) added ... 7040

21 CFR

Chapter I:

1.322
(c) and (d) revised ... 5507
2.101
Amended ... 1252
3.8
Revised ... 1845
3.15
Added ... 5790
(a)(1)(iii) and introductory text of (b) corrected ... 6071
3.36
Revised ... 2104
8.1
(v) added ... 7484
8.501
(b), (c), and (g) amended ... 4535
(a), (b) and (c) amended ... 8333
8.8002
Added ... 7705
15.1
Effective date of revision of introductory text of (a) and addition of (c)(4) confirmed ... 131
15.40
Effective date of revision confirmed ... 131
15.75
Effective date stayed ... 6
15.80
Effective date of revision of (a) confirmed ... 131
15.506
(a) revised ... 746
Effective date of revision of (a) ... 4130
19.500
Effective date of revision of (e)(3) ... 992
(d) revised ... 1253
Effective date of revision of (d) ... 4061
19.505
(d) revised ... 1253
Effective date of revision of (d) ... 4061
19.510
(d) revised ... 1253
Effective date of revision of (d) ... 4061
19.535
(d) revised ... 1253
Effective date of revision of (d) ... 4061
19.540
(d) revised ... 1253
Effective date of revision of (d) ... 4061
19.543
(d) revised ... 1253
Effective date of revision of (d) ... 4061
19.545
(d) revised ... 1253
Effective date of revision of (d) ... 4061
19.550
(d) revised ... 1253
Effective date of revision of (d) ... 4061
19.555
(d) revised ... 1253
Effective date of revision of (d) ... 4061
19.580
(d) revised ... 1253
Effective date of revision of (d) ... 4061

21 CFR—Continued

Chapter I—Continued

19.590
(d) revised ... 1253
Effective date of revision of (d) ... 4061
19.591
(d) revised ... 1253
Effective date of revision of (d) ... 4061
19.595
(d) revised ... 1254
Effective date of revision of (d) ... 4061
19.600
Effective date postponed ... 5508
19.601
Effective date postponed ... 5508
19.605
Effective date postponed ... 4130
19.606
Effective date postponed ... 4130
19.610
(d) revised ... 1254
Effective date of revision of (d) ... 4061
19.615
(d) revised ... 1254
Effective date of revision of (d) ... 4061
19.650
(d) revised ... 1254
Effective date of revision of (d) ... 4061
19.655
(d) revised ... 1254
Effective date of revision of (d) ... 4061
19.660
(d) revised ... 1254
Effective date of revision of (d) ... 4061
19.670
(d) revised ... 1254
Effective date of revision of (d) ... 4061
19.680
(d) revised ... 1254
Effective date of revision of (d) ... 4061
19.787
(e)(8) and (f)(9) added ... 3528
20.1
Effective date of (g) postponed ... 7280
20.4
Effective date of (g) postponed ... 7280
20.5
Effective date of (f) postponed ... 7280
25.2
(c)(1) revised ... 5831
Effective date of revision of (c)(1) ... 7943
27.109
(f) added ... 4535
Effective date of (f) ... 7484
36.30
Revised ... 2863
36.31
Revised ... 2864
42.30
Effective date of revision ... 1779
42.60
Effective date of revision ... 1779
51.990
(b) amended; (c)(3)(i) and introductory text of (c)(6) revised; (c)(6)(v) added; (c)(8) revised; (c)(9) deleted; (c) (10), (11), and (12) redesignated as (c) (9), (10), and (11); closing sentence added ... 131
(f) (9), (10), and (11) revised ... 132
Effective date of amendment confirmed ... 2439
120.2
(a) revised ... 2507

21 CFR—Continued

Chapter I—Continued

120.3
(e)(5) amended ... 7570
(e)(4) amended ... 8266
120.33
(a) through (h) amended ... 2704
120.37
Amended ... 7485
Amended ... 7996
120.110
Amended ... 8159
120.122
Revised ... 4412
120.123
Amended ... 2104
120.154
Amended ... 7570
120.176
Amended ... 4197
120.185
Added ... 219
120.188
Added ... 2258
120.197
Amended ... 7280
120.199
Added ... 7386
120.200
Added ... 8266
120.1001
(c) amended ... 5508
121.90
(a) amended ... 1935
121.91
(a) amended ... 1936
(a) amended ... 4672
121.205
(d)(2) amended ... 3708
121.207
(d)(2) amended ... 3708
(c) amended ... 6389
121.208
(e)(2) amended ... 3708
(d) amended ... 4062
(d) amended ... 6390
121.210
(d)(2) amended ... 3708
(c) amended ... 6390
(c) amended; (e) added ... 6732
121.213
(e)(2) amended ... 3708
(d) amended ... 6390
121.225
(w) revised ... 3708
121.232
(d) amended ... 6390
121.233
(d) amended ... 6390
121.237
(b) amended ... 883
Revised ... 4536
121.242
Amended ... 2258
121.246
Heading, introductory text, (a), and (c) revised ... 6477
121.249
(a)(5) added ... 7896
121.251
(d) amended ... 6390
121.253
(c) amended ... 6390
(c) amended; (e) added ... 6732
121.256
(d) amended ... 6390

21 CFR—Continued

121.258
(d) amended ... 6390
121.260
(d) amended ... 6390
121.261
(d) amended ... 6390
121.262
(d) amended ... 6390
121.263
(d) amended ... 6390
121.264
(d) amended ... 6390
121.265
(d) amended ... 6390
121.266
(d) amended ... 6390
121.267
(d) amended ... 6390

21 CFR—Continued — Page

Chapter I—Continued

121.258
(c) amended; (e) added — 3641
121.260
(c) amended — 2036
121.262
(c) amended — 3594
121.263
(b) amended — 3594
121.264
(b) amended — 3434
(b) amended — 3594
121.265
(c) (3) revised — 6433
121.266
Added — 2429
(a) corrected — 2704
121.267
Added — 2945
121.268
Added — 5630
121.269
Added — 3434
121.270
Added — 7281
121.271
Added — 7895
121.1009
Introductory text of (c) (8) revised — 4130
121.1017
(b) (1) amended — 6916
121.1030
Introductory text of (c) (8) revised — 4130
121.1031
(f) amended — 6837
121.1039
Revised — 6
121.1051
Revised — 5630
121.1057
(c) (3) added — 3353
121.1059
(a) amended — 747
121.1066
(d) revised — 1254
121.1067
(a) and (c) revised — 1254
121.1068
(d) revised — 1255
121.1069
(a) and (c) revised — 1255
121.1076
Revised — 6215
121.1085
(c) amended — 7943
121.1099
(a) (3) amended — 7996
121.1103
Revised — 4537
121.1122
Amended — 2258
121.1139
(a) revised; (b) amended — 6579
121.1146
(c) amended — 5474
121.1148
(a) (12) added; (b) revised — 32
121.1154
(c) amended — 3435
121.1163
Added — 992
(b) amended — 3816
121.1164
(b) amended — 2259
121.1167
Revised — 3642

21 CFR—Continued — Page

Chapter I—Continued

121.1170
Effective date of addition — 992
121.1172
Added — 2212
121.1173
Added — 2429
121.1174
Added — 2430
121.1175
Added — 5630
121.1176
Added — 3528
121.1177
Added — 3434
121.1179
Added — 7495
121.1180
Added — 7518
121.1181
Added — 7570
121.1182
Added — 7996
121.2502
(b) amended — 7238
121.2504
Added — 2212
121.2505
(e) amended — 7896
121.2506
(a) amended — 7485
121.2507
(c) amended — 884
(c) amended — 7486
(c) amended — 7942
121.2509
(b) amended — 1255
Introductory text revised — 7386
121.2514
(b) (3) (xxxiii) amended — 85
(b) (3) (xxxiv) revised — 747
(b) (3) (xxii) (b) amended — 4535
Introductory text of (b) (3) (vii) revised; (b) (3) (vii(d) added — 5508
(b) (3) (xxxi) amended — 6478
(b) (3) (viii) (b) amended — 6643
(b) (3) (xxviii) (b) amended — 7486
(b) (3) (viii) (b) amended — 7518
121.2517
Revoked — 2431
121.2519
(b) revised — 2431
(d) (3) amended — 6478
(d) (3) amended — 7996
121.2520
(c) (5) amended — 747
(c) (5) amended — 4714
(c) (5) amended — 5509
(c) (5) amended — 5791
(c) (5) amended — 6339
(c) (5) amended — 7386
(c) (5) amended — 7705
(c) (5) amended — 7944
(c) (5) amended — 7996
(c) (5) amended — 8267
121.2521
Revoked — 2431
121.2522
(a) (4) amended — 5475
121.2523
Revised — 7706
121.2526
Revised — 2431
(c) corrected — 2657
(a) (5) amended — 6115
(b) (2) amended — 7518
(b) (2) amended — 8267
121.2532
Revoked — 2436

21 CFR—Continued — Page

Chapter I—Continued

121.2536
(d) amended — 4061
(h) (2) revised; (l), (j), (k), and (l) added — 7486
121.2541
(c) amended — 6339
121.2543
(c) added — 3354
(b) (1) revised — 7599
121.2550
(b) (5) amended — 7944
121.2553
(a) (3) amended — 5791
(a) (3) amended — 7706
(a) (3) amended — 8334
121.2557
(d) (3) amended; (e) (2) revised — 2436
(d) (3) amended — 4536
(d) (3) amended — 7996
121.2562
(c) (4) (iii) amended — 1937
(c) (4) (ii) (b) and (iii) amended — 3207
(c) (4) (i) amended — 5509
(c) (4) (iv) amended — 7570
(c) (4) (i) amended — 7705
121.2564
Revoked — 2436
121.2566
(b) amended — 7487
121.2567
(b) (4) revised — 7707
121.2569
(b) (3) (i) amended — 748
(b) (3) amended — 5509
(b) (3) amended — 5510
121.2571
Introductory text and (b) revised — 2436
(b) (2) amended — 7519
(b) (2) amended — 7944
121.2573
Revoked — 2437
121.2576
Revised — 7519
121.2582
Added — 4714
121.2585
(b) amended — 4672
121.2589
Introductory text of (b) (1) revised — 5475
121.2593
Added — 5510
121.2594
Added — 7997
121.2595
Added — 8334
121.3002
(b) amended — 3354
121.3004
(a) and (b) revised; (d) added — 5631
121.3005
(b) amended — 3354
130
Subpart C added — 2315
130.4
(c) amended — 993
130.9
(d) through (g) added — 993
130.13
(b) (3) (ii) revised — 8334
130.36
Added — 6979
130.201
Subpart C added — 2315

21 CFR—Continued — Page

Chapter I—Continued

133.1
(c) added — 6475
133.3
Introductory text of (a) revised; (b) revised — 932
133.6
Revised — 932
133.8
(d) revised — 932
133.11
(h) added — 932
133.100—133.110
Added — 6475
141.2
(e) (2) revised — 1779
141a.104
(h) revised — 1780
141a.111
Heading revised — 2437
(c) and (g) revised — 6979
141a.112
Heading revised; (a) amended — 2437
(b) revised — 6980
141a.115
(b) revised — 1780
141a.118
Added — 2597
(f) corrected — 2865
141a.119
Added — 2598
141a.120
Added — 2598
141a.121
Added — 1786
Introductory text of (a) revised — 6115
141a.122
Added — 7040
141a.123
Added — 2865
(h) amended — 7707
141c.218
(c) revised — 7944
141c.227
(b) revised — 1780
141c.235
(d) revised — 7944
141c.242
(b) amended — 1780
141d.305
(d) added — 7488
141d.306
(c) added — 7488
141e.430
(c) (1) and (3) revised — 1780
141e.434
Added — 6980
141e.435
Added — 6980
144.26
(b) (60) added — 4537
(b) (21) (i) amended — 5792
(a) (3) and (5), (b) (1) (iv) and (v), and (b) (20) revised — 6071
(b) (59) revised — 6391
145.3
(a) (1) (x) and (b) (1) (ix) added — 2598
145.4
(b) (36) added — 2598
146.8
(b) revised — 2706
146a.2
(d) (2) and (3) and (e) (1) revised — 1780
146a.8
Heading and introductory text of (a) revised — 2437
(a) (6) added — 6980

21 CFR—Continued — Page

Chapter I—Continued

146a.7
Heading, (a), (b), and (d) (1), (2) (ii), and (3) (ii) revised — 2437
(d) (2) (i) (a) and (3) (i) (b) revised — 7707
146a.8
(d) (3) (i) and (e) (1) revised — 1780
146a.12
(d) (2) (ii) and (e) (1) revised — 1780
(c) (3) revised — 3642
146a.13
(c) (1) and (d) (2) (i) (a) and (3) (i) (a) (2) revised — 3642
146a.25
(d) (3) (i) (b) revised — 1780
146a.41
(d) (3) (i) (b) revised — 1781
146a.43
(d) (3) (i) (b) revised — 1781
146a.45
(d) (3) (i) (b) revised — 1781
(a) revised — 7896
146a.52
(a) (3) amended — 1781
146a.65
(d) (3) (i) (b) revised — 1781
146a.67
(d) (3) (i) (b) revised — 1781
146a.82
(d) (3) (i) (b) revised — 1781
146a.84
(d) (3) (i) (b) revised — 1781
146a.86
(c) revised — 2600
146a.101
(a) (4) (ii) revised — 1781
146a.102
(a) (3) amended — 1781
146a.114
Added — 2598
(c) (3) revised — 6071
146a.115
Added — 2599
(c) revised — 6071
(a) revised — 8335
146a.116
Added — 2599
146a.117
Added — 1786
146a.118
Added — 7040
146a.119
Added — 2865
146b.104
(a) revised — 5630
146b.108
(a) revised — 5630
146b.116
(d) (3) (ii) revised — 1781
146c.205
(f) (5) (ix) added — 4062
146c.234
(d) revised — 7707
146c.352
(c) (1) revised — 1255
146c.356
Revised — 2945
146d.305
(a) (3) revised; (a) (4) added; (d) (1) and (2) amended — 7488
146d.306
(a), (d) (2) (i) and (ii) and (3) (i) and (ii), and (e) (1) revised — 7488
146c.434
Added — 6980
146c.435
Added — 6980

21 CFR—Continued — Page

Chapter I—Continued

147.1
(b) (11) added; (c) (3) and (d) amended; introductory text of (e) (1) revised — 270
(c) (3) and (d) amended — 5792
147.2
(a) (28) added — 5792
148.5
Revised — 7041
148b.2
(a) (3) (ii) (b) (2), (a) (4), and (b) (2) revised — 1781
148c.2
(a) (3) (ii) (c) (2), (a) (4), and (b) (3) revised — 1781
148c.4
(a) (3) (ii) (b), (a) (4), and (b) (2) revised — 1781
148c.5
(a) (3) (ii) (b) (2), (a) (4), and (b) (2) revised — 1781
148e.3
(a) (4) (ii) (a) (2) and (b) (2), (a) (5), and (b) (2) revised — 1782
148e.7
(a) (3) (ii) (b), (a) (4), and (b) (2) revised — 1782
148e.9
(a) (3) (ii) (b) (2), (a) (4), and (b) (2) revised — 1782
148e.18
(a) (3) (ii) (b) (2), (a) (4), and (b) (2) revised — 1782
148e.25
(a) (3) (ii) (b) (2), (a) (4), and (b) (2) revised — 1782
148h.1
(a) (3) (ii) (b), (a) (4), and (b) (2) revised — 1782
148h.2
(a) (1) revised — 1256
(a) (3) (ii) (b) (2), (a) (4), and (b) (2) revised — 1782
148i.1
(a) (4) (ii) (a) (2) and (b) (2), (a) (5), and (b) (2) revised — 1783
148i.8
(a) (3) (ii) (b) (2), (a) (4), and (b) (2) revised — 1783
148i.9
(a) (3) (ii) (b) (2), (a) (4), and (b) (2) revised — 1783
148i.15
(a) (3) (ii) (c) (2), (a) (4), and (b) (2) revised — 1783
148i.20
(a) (3) (ii) (d) (2), (a) (4), and (b) (2) revised — 1783
(a) (3) (ii) (d) (2) revised — 8109
148i.23
(a) (3) (ii) (c) (2), (a) (4), and (b) (2) revised — 1783
148i.24
(a) (3) (ii) (c) (2), (a) (4), and (b) (2) revised — 1783
148i.35
(a) (3) (ii) (b) (2), (a) (4), and (b) (2) revised — 1783
148i.39
(a) (3) (ii) (b) (2), (a) (4), and (b) (2) revised — 1784
148j.1
(a) (3) (ii) (b), (a) (4), and (b) (2) revised — 1784
148j.6
(a) (3) (ii) (b) (2) and (a) (4) revised — 1784

21 CFR—Continued — Page

Chapter I—Continued

148j.8
(a) (3) (ii) (b) (2), (a) (4), and (b) (2) revised — 1784
148j.9
(a) (3) (ii) (b) (2), (a) (4), and (b) (2) revised — 1784
148j.15
(a) (3) (ii) (c) (2), (a) (4), and (b) (2) revised — 1784
148j.20
(a) (3) (ii) (d) (2), (a) (4), and (b) (2) revised — 1784
148j.23
(a) (3) (ii) (c) (2), (a) (4), and (b) (2) revised — 1784
148j.24
(a) (3) (ii) (c) (2), (a) (4), and (b) (2) revised — 1784
148j.35
(a) (3) (ii) (b) (2), (a) (4), and (b) (2) revised — 1784
148j.39
(a) (3) (ii) (b) (2), (a) (4), and (b) (2) revised — 1784
148k.1
(a) (3) (ii) (b), (a) (4), and (b) (2) revised — 1784
148k.6
(a) (3) (ii) (b) (2) and (a) (4) revised — 1784
148k.8
(a) (3) (ii) (b) (2), (a) (4), and (b) (2) revised — 1784
148k.9
(a) (3) (ii) (b) (2), (a) (4), and (b) (2) revised — 1784
148k.15
(a) (3) (ii) (c) (2), (a) (4), and (b) (2) revised — 1784
148k.20
(a) (3) (ii) (d) (2), (a) (4), and (b) (2) revised — 1784
148k.23
(a) (3) (ii) (c) (2), (a) (4), and (b) (2) revised — 1784
148k.24
(a) (3) (ii) (c) (2), (a) (4), and (b) (2) revised — 1784
148k.35
(a) (3) (ii) (b) (2), (a) (4), and (b) (2) revised — 1784
148k.39
(a) (3) (ii) (b) (2), (a) (4), and (b) (2) revised — 1784
148l.1
(a) (3) (ii) (b), (a) (4), and (b) (2) revised — 1784
148l.6
(a) (3) (ii) (b) (2) and (a) (4) revised — 1784
148l.8
(a) (3) (ii) (b) (2), (a) (4), and (b) (2) revised — 1784
148l.9
(a) (3) (ii) (b) (2), (a) (4), and (b) (2) revised — 1784
148l.15
(a) (3) (ii) (c) (2), (a) (4), and (b) (2) revised — 1784
148l.20
(a) (3) (ii) (d) (2), (a) (4), and (b) (2) revised — 1784
148l.23
(a) (3) (ii) (c) (2), (a) (4), and (b) (2) revised — 1784
148l.24
(a) (3) (ii) (c) (2), (a) (4), and (b) (2) revised — 1784
148l.35
(a) (3) (ii) (b) (2), (a) (4), and (b) (2) revised — 1784
148l.39
(a) (3) (ii) (b) (2), (a) (4), and (b) (2) revised — 1784
148m.1
(a) (3) (ii) (b), (a) (4), and (b) (2) revised — 1784
148m.6
(a) (3) (ii) (b) (2) and (a) (4) revised — 1784
148m.8
(a) (3) (ii) (b) (2), (a) (4), and (b) (2) revised — 1784
148m.9
(a) (3) (ii) (b) (2), (a) (4), and (b) (2) revised — 1784
148m.15
(a) (3) (ii) (c) (2), (a) (4), and (b) (2) revised — 1784
148m.20
(a) (3) (ii) (d) (2), (a) (4), and (b) (2) revised — 1784
148m.23
(a) (3) (ii) (c) (2), (a) (4), and (b) (2) revised — 1784
148m.24
(a) (3) (ii) (c) (2), (a) (4), and (b) (2) revised — 1784
148m.35
(a) (3) (ii) (b) (2), (a) (4), and (b) (2) revised — 1784
148m.39
(a) (3) (ii) (b) (2), (a) (4), and (b) (2) revised — 1784
148n.1
(a) (3) (ii) (b), (a) (4), and (b) (2) revised — 1784
148n.6
(a) (3) (ii) (b) (2) and (a) (4) revised — 1784
148n.8
(a) (3) (ii) (b) (2), (a) (4), and (b) (2) revised — 1784
148n.9
(a) (3) (ii) (b) (2), (a) (4), and (b) (2) revised — 1784
148n.15
(a) (3) (ii) (c) (2), (a) (4), and (b) (2) revised — 1784
148n.20
(a) (3) (ii) (d) (2), (a) (4), and (b) (2) revised — 1784
148n.23
(a) (3) (ii) (c) (2), (a) (4), and (b) (2) revised — 1784
148n.24
(a) (3) (ii) (c) (2), (a) (4), and (b) (2) revised — 1784
148n.35
(a) (3) (ii) (b) (2), (a) (4), and (b) (2) revised — 1784
148n.39
(a) (3) (ii) (b) (2), (a) (4), and (b) (2) revised — 1784
148o.1
(a) (3) (ii) (b), (a) (4), and (b) (2) revised — 1784
148o.6
(a) (3) (ii) (b) (2) and (a) (4) revised — 1784
148o.8
(a) (3) (ii) (b) (2), (a) (4), and (b) (2) revised — 1784
148o.9
(a) (3) (ii) (b) (2), (a) (4), and (b) (2) revised — 1784
148o.15
(a) (3) (ii) (c) (2), (a) (4), and (b) (2) revised — 1784
148o.20
(a) (3) (ii) (d) (2), (a) (4), and (b) (2) revised — 1784
148o.23
(a) (3) (ii) (c) (2), (a) (4), and (b) (2) revised — 1784
148o.24
(a) (3) (ii) (c) (2), (a) (4), and (b) (2) revised — 1784
148o.35
(a) (3) (ii) (b) (2), (a) (4), and (b) (2) revised — 1784
148o.39
(a) (3) (ii) (b) (2), (a) (4), and (b) (2) revised — 1784
148p.1
(a) (3) (ii) (b), (a) (4), and (b) (2) revised — 1784
148p.6
(a) (3) (ii) (b) (2) and (a) (4) revised — 1784
148p.8
(a) (3) (ii) (b) (2), (a) (4), and (b) (2) revised — 1784
148p.9
(a) (3) (ii) (b) (2), (a) (4), and (b) (2) revised — 1784
148p.15
(a) (3) (ii) (c) (2), (a) (4), and (b) (2) revised — 1784
148p.20
(a) (3) (ii) (d) (2), (a) (4), and (b) (2) revised — 1784
148p.23
(a) (3) (ii) (c) (2), (a) (4), and (b) (2) revised — 1784
148p.24
(a) (3) (ii) (c) (2), (a) (4), and (b) (2) revised — 1784
148p.35
(a) (3) (ii) (b) (2), (a) (4), and (b) (2) revised — 1784
148p.39
(a) (3) (ii) (b) (2), (a) (4), and (b) (2) revised — 1784
148q.1
(a) (3) (ii) (b), (a) (4), and (b) (2) revised — 1784
148q.6
(a) (3) (ii) (b) (2) and (a) (4) revised — 1784
148q.8
(a) (3) (ii) (b) (2), (a) (4), and (b) (2) revised — 1784
148q.9
(a) (3) (ii) (b) (2), (a) (4), and (b) (2) revised — 1784
148q.15
(a) (3) (ii) (c) (2), (a) (4), and (b) (2) revised — 1784
148q.20
(a) (3) (ii) (d) (2), (a) (4), and (b) (2) revised — 1784
148q.23
(a) (3) (ii) (c) (2), (a) (4), and (b) (2) revised — 1784
148q.24
(a) (3) (ii) (c) (2), (a) (4), and (b) (2) revised — 1784
148q.35
(a) (3) (ii) (b) (2), (a) (4), and (b) (2) revised — 1784
148q.39
(a) (3) (ii) (b) (2), (a) (4), and (b) (2) revised — 1784
148r.1
(a) (3) (ii) (b), (a) (4), and (b) (2) revised — 1784
148r.6
(a) (3) (ii) (b) (2) and (a) (4) revised — 1784
148r.8
(a) (3) (ii) (b) (2), (a) (4), and (b) (2) revised — 1784
148r.9
(a) (3) (ii) (b) (2), (a) (4), and (b) (2) revised — 1784
148r.15
(a) (3) (ii) (c) (2), (a) (4), and (b) (2) revised — 1784
148r.20
(a) (3) (ii) (d) (2), (a) (4), and (b) (2) revised — 1784
148r.23
(a) (3) (ii) (c) (2), (a) (4), and (b) (2) revised — 1784
148r.24
(a) (3) (ii) (c) (2), (a) (4), and (b) (2) revised — 1784
148r.35
(a) (3) (ii) (b) (2), (a) (4), and (b) (2) revised — 1784
148r.39
(a) (3) (ii) (b) (2), (a) (4), and (b) (2) revised — 1784
148s.1
(a) (3) (ii) (b), (a) (4), and (b) (2) revised — 1784
148s.6
(a) (3) (ii) (b) (2) and (a) (4) revised — 1784
148s.8
(a) (3) (ii) (b) (2), (a) (4), and (b) (2) revised — 1784
148s.9
(a) (3) (ii) (b) (2), (a) (4), and (b) (2) revised — 1784
148s.15
(a) (3) (ii) (c) (2), (a) (4), and (b) (2) revised — 1784
148s.20
(a) (3) (ii) (d) (2), (a) (4), and (b) (2) revised — 1784
148s.23
(a) (3) (ii) (c) (2), (a) (4), and (b) (2) revised — 1784
148s.24
(a) (3) (ii) (c) (2), (a) (4), and (b) (2) revised — 1784
148s.35
(a) (3) (ii) (b) (2), (a) (4), and (b) (2) revised — 1784
148s.39
(a) (3) (ii) (b) (2), (a) (4), and (b) (2) revised — 1784
148t.1
(a) (3) (ii) (b), (a) (4), and (b) (2) revised — 1784
148t.6
(a) (3) (ii) (b) (2) and (a) (4) revised — 1784
148t.8
(a) (3) (ii) (b) (2), (a) (4), and (b) (2) revised — 1784
148t.9
(a) (3) (ii) (b) (2), (a) (4), and (b) (2) revised — 1784
148t.15
(a) (3) (ii) (c) (2), (a) (4), and (b) (2) revised — 1784
148t.20
(a) (3) (ii) (d) (2), (a) (4), and (b) (2) revised — 1784
148t.23
(a) (3) (ii) (c) (2), (a) (4), and (b) (2) revised — 1784
148t.24
(a) (3) (ii) (c) (2), (a) (4), and (b) (2) revised — 1784
148t.35
(a) (3) (ii) (b) (2), (a) (4), and (b) (2) revised — 1784
148t.39
(a) (3) (ii) (b) (2), (a) (4), and (b) (2) revised — 1784
148u.1
(a) (3) (ii) (b), (a) (4), and (b) (2) revised — 1784
148u.6
(a) (3) (ii) (b) (2) and (a) (4) revised — 1784
148u.8
(a) (3) (ii) (b) (2), (a) (4), and (b) (2) revised — 1784
148u.9
(a) (3) (ii) (b) (2), (a) (4), and (b) (2) revised — 1784
148u.15
(a) (3) (ii) (c) (2), (a) (4), and (b) (2) revised — 1784
148u.20
(a) (3) (ii) (d) (2), (a) (4), and (b) (2) revised — 1784
148u.23
(a) (3) (ii) (c) (2), (a) (4), and (b) (2) revised — 1784
148u.24
(a) (3) (ii) (c) (2), (a) (4), and (b) (2) revised — 1784
148u.35
(a) (3) (ii) (b) (2), (a) (4), and (b) (2) revised — 1784
148u.39
(a) (3) (ii) (b) (2), (a) (4), and (b) (2) revised — 1784
148v.1
(a) (3) (ii) (b), (a) (4), and (b) (2) revised — 1784
148v.6
(a) (3) (ii) (b) (2) and (a) (4) revised — 1784
148v.8
(a) (3) (ii) (b) (2), (a) (4), and (b) (2) revised — 1784
148v.9
(a) (3) (ii) (b) (2), (a) (4), and (b) (2) revised — 1784
148v.15
(a) (3) (ii) (c) (2), (a) (4), and (b) (2) revised — 1784
148v.20
(a) (3) (ii) (d) (2), (a) (4), and (b) (2) revised — 1784
148v.23
(a) (3) (ii) (c) (2), (a) (4), and (b) (2) revised — 1784
148v.24
(a) (3) (ii) (c) (2), (a) (4), and (b) (2) revised — 1784
148v.35
(a) (3) (ii) (b) (2), (a) (4), and (b) (2) revised — 1784
148v.39
(a) (3) (ii) (b) (2), (a) (4), and (b) (2) revised — 1784
148w.1
(a) (3) (ii) (b), (a) (4), and (b) (2) revised — 1784
148w.6
(a) (3) (ii) (b) (2) and (a) (4) revised — 1784
148w.8
(a) (3) (ii) (b) (2), (a) (4), and (b) (2) revised — 1784
148w.9
(a) (3) (ii) (b) (2), (a) (4), and (b) (2) revised — 1784
148w.15
(a) (3) (ii) (c) (2), (a) (4), and (b) (2) revised — 1784
148w.20
(a) (3) (ii) (d) (2), (a) (4), and (b) (2) revised — 1784
148w.23
(a) (3) (ii) (c) (2), (a) (4), and (b) (2) revised — 1784
148w.24
(a) (3) (ii) (c) (2), (a) (4), and (b) (2) revised — 1784
148w.35
(a) (3) (ii) (b) (2), (a) (4), and (b) (2) revised — 1784
148w.39
(a) (3) (ii) (b) (2), (a) (4), and (b) (2) revised — 1784
148x.1
(a) (3) (ii) (b), (a) (4), and (b) (2) revised — 1784
148x.6
(a) (3) (ii) (b) (2) and (a) (4) revised — 1784
148x.8
(a) (3) (ii) (b) (2), (a) (4), and (b) (2) revised — 1784
148x.9
(a) (3) (ii) (b) (2), (a) (4), and (b) (2) revised — 1784
148x.15
(a) (3) (ii) (c) (2), (a) (4), and (b) (2) revised — 1784
148x.20
(a) (3) (ii) (d) (2), (a) (4), and (b) (2) revised — 1784
148x.23
(a) (3) (ii) (c) (2), (a) (4), and (b) (2) revised — 1784
148x.24
(a) (3) (ii) (c) (2), (a) (4), and (b) (2) revised — 1784
148x.35
(a) (3) (ii) (b) (2), (a) (4), and (b) (2) revised — 1784
148x.39
(a) (3) (ii) (b) (2), (a) (4), and (b) (2) revised — 1784
148y.1
(a) (3) (ii) (b), (a) (4), and (b) (2) revised — 1784
148y.6
(a) (3) (ii) (b) (2) and (a) (4) revised — 1784
148y.8
(a) (3) (ii) (b) (2), (a) (4), and (b) (2) revised — 1784
148y.9
(a) (3) (ii) (b) (2), (a) (4), and (b) (2) revised — 1784
148y.15
(a) (3) (ii) (c) (2), (a) (4), and (b) (2) revised — 1784
148y.20
(a) (3) (ii) (d) (2), (a) (4), and (b) (2) revised — 1784
148y.23
(a) (3) (ii) (c) (2), (a) (4), and (b) (2) revised — 1784
148y.24
(a) (3) (ii) (c) (2), (a) (4), and (b) (2) revised — 1784
148y.35
(a) (3) (ii) (b) (2), (a) (4), and (b) (2) revised — 1784
148y.39
(a) (3) (ii) (b) (2), (a) (4), and (b) (2) revised — 1784

21 CFR—Continued Page

Chapter I—Continued
148m.1
(a)(4)(ii)(a)(2) and (b)(2), (a)(5), and (b)(2) revised 1784
148n.1
(a)(3)(ii)(b), (a)(4), and (b)(2) revised 1784
(b)(4) revised 7044
148n.2
(a)(3)(ii)(b) and (a)(4) revised 1784
148n.5
(a)(3)(ii)(b)(2), (a)(4), and (b)(2) revised 1784
(b)(4) revised 7044
148n.11
(a)(3)(ii)(b)(2), (a)(4), and (b)(2) revised 1784
148n.17
(a)(3)(ii)(b)(2), (a)(4), and (b)(2) revised 1785
148p.1
(a)(4)(ii)(a)(2) and (b)(2), (a)(5), and (b)(2) revised 1785
148p.4
(a)(3)(ii)(b)(2), (a)(4), and (b)(2) revised 1785
148p.8
Added 6981
148s.1
(a)(4)(ii)(a)(2) and (b)(2), (a)(5), and (b)(2) revised 1785
148t.1
(a)(4)(ii)(a)(2) and (b)(2), (a)(5), and (b)(2) revised 1785
148w.1
(a)(4)(ii)(a)(1) and (b)(3) revised 4131
191.63
(a)(25) added 1787
(a)(26) added 4062
191.110
Added 32
191.272
(c) and (d) revised 5507
281.19
(a) revised 2438
Proposed Rules:
5 2604
8 5797, 6490, 6733–6735
10 2604
15 5643
17 1257
20 7292
25 757
27 1296, 5798
51 651
120 2605, 7249
121 998, 2034, 2605, 6588, 6689, 7501, 8165
125 6984
141a 4065, 6795
141c 4205
141e 487
146a 4065
146e 487
148n 4205
148p 487

22 CFR

Chapter I:
51.102
Added 2399
61.5
(c) revised 3265
72.3
(a) revised 4412
141
Added 214

22 CFR—Continued Page

Chapter II:
204
Revoked 7571
209
Added 317
Chapter IV:
401
Revised 3379
Chapter V:
501
Revised 5832
Proposed Rules:
Ch. II 2552, 4321

24 CFR

Subtitle A:
3
Revised 439
3.104
(e)(1), (g), and (i) revised 4715
Subtitle B:
Chapter II:
200.77
(a) revised 8159
200.78
Revised 8159
200.81
Revised 8159
200.84
Revised 2657
200.84f
Added 2657
200.85
(a) revised 2657
200.87
(a) revised 6116
200.98
Revised 6116
200.106
Heading and (a) revised 8159
203.4
(c)(1) revoked 7599
203.12
(a)(1)(i) revised 5900
203.367
(b) revised 5371
203.388
Revoked 2657
203.389
(b) and (l) revised; (m) added 2657
(n) added 5371
203.390
Revised 933
203.391
Added 6982
207.253
(c)(10) added 1727
213.12
Revised 933
213.262
(b)(12) added 1728
220.506
(b) revised 7102
220.755
(a)(2) revised 218
220.760
(a)(1)(ii) revised 218
220.765
(b)(1) revised 218
221.514
(c) revised 933
221.518
(b) revised 7708
221.762
(a)(2) revised 218
232.80
Revised 933
233.755
(a)(1)(ii) revised 219

24 CFR—Continued Page

Chapter II—Continued
234.13
(a)(1) revised 5900
600.252
(c)(9) added 1728
Chapter III:
1500.7
Added 132

25 CFR

Chapter I:
1.4
Added 7520
41
Added 7745
42
Revised 7746
88.6
(e) revised 5742
221.16
Revised 7101
221.17
Revised 7101
221.24
Revised 8160
221.26
Revised 8160
221.28
Revised 8160
221.32
Revised 536
251.9
Revised 8267
251.10
Deleted 8267
251.11
Revised 8267
Proposed Rules:
1 6438
41 222
42 223
120 8226
163 5849
221 5708, 6074, 6523
251 3598

26 CFR

Chapter I:
1
Determination 2442
1.2
Amended 524
1.2–2
(a) revised 524
1.3
Revised 524
1.4
Amended 529
1.4–3
Revised 529
1.37
Amended 85
1.37–1
Revised 86
1.37–2
(a) and (d)(1) revised 87
1.37–3
(a)(1) revised 87
1.37–4
(a) and (b) revised; (d) amended 88
1.37–5
Amended 88
1.62
Amended 1037
1.62–1
(c)(10) revised; (c)(11) added 1037
1.78
Added 3208

26 CFR—Continued Page

Chapter I—Continued
1.78–1
Added 3208
1.141
Revised 530
1.141–1
Revised 530
1.142–1
(b) revised 531
1.144
Amended 531
1.144–2
Heading and (a) revised; (d) added 531
1.162
Amended 5580
1.162–15
Revised 5580
1.162–20
Added 5581
1.163
Amended 6216
1.163–1
(b) revised 6216
1.166–6
(d) added 4472
1.172–3
(b) revised 7805
1.182—1.182–6
Added 790
1.211–1
Revised 1037
1.217
Redesignated as 1.218 and revised 1037
1.217, 1.217–1
Added 1038
1.218
Redesignated from 1.217 and revised 1037
1.243
Revised 8044
1.243–3
Added 8045
1.245–1
(a) revised 8046
1.262–1
(b)(5) revised; (c)(10) added 1041
1.263(a)
Amended 792
1.263(a)–1
(c) revised 792
1.263(a)–3
(b) revised 792
1.333–1
(a) revised 2850
1.337–1
Revised 2850
1.341
Amended 2843
1.341–1
Revised 2850
1.341–6
Added 2845
1.402(a)
Amended 6340
1.402(a)–1
(a)(1)(ii) and (d)(i) revised; (c) added 6340
1.446–1
Liberalization of provision 5372
1.453
Amended 2841
1.453–2
(c) and (d)(2)(ii) revised; (d)(4) amended; introductory text of (d)(5) and (d)(6)(v) revised 2841

26 CFR—Continued Page

Chapter I—Continued
1.535
Amended 3209
1.535–2
(a)(2) revised 3209
1.542–2
Amended 934
1.545
Amended 3209
1.545–2
(a)(3) revised 3209
1.555–1
Amended 934
1.562–1
(a) revised 934
1.595
Added 4473
1.595–1
Added 4473
1.642(h)–1
(b) revised; (c) added 7805
1.642(h)–5
Amended 7806
1.691(a)–1
(a) revised 3435
1.691(a)–5
(a) revised 3435
1.691(e)
Redesignated as 1.691(f); revised 3435
1.691(e)
Added 3436
1.691(e)–1
Redesignated as 1.691(f)–1; revised 3436
1.691(e)–1
Added 3436
1.691(f)
Redesignated from 1.691(e); revised 3435
1.691(f)–1
Redesignated from 1.691(e)–1; revised 3436
1.861
Amended 8046
1.861–3
(a) revised 8046
1.871–7
(b)(3)(i) revised 6341
1.901
Amended 934
Amended 3209
1.901–1
(a)(2) revised 934
1.902
Revised 3209
1.902–1
Heading amended; (f) added 3210
1.902–2
Heading revised; (d) added 3210
1.902–3
Added 3210
1.902–4
Added 3213
1.902–5
Added 3214
1.951—1.951–3
Added 934
1.952—1.952–2
Added 938
1.955–1
(b)(2)(ii)(b) revised 942
1.956–1
(b)(2)(i) and (ii) revised 942
1.957
Amended 942
1.957–2
Added 942

26 CFR—Continued Page

Chapter I—Continued
1.959—1.959–4
Added 943
1.964
Amended 6480
1.964–1
(c)(4)(iv) revised 8044
1.964–3
Added 6480
1.964–4
Added 6481
1.970–1
(c)(2)(ii)(a) revised, (b) deleted, (c) redesignated as (b) 947
1.1016
Amended 948
1.1016–5
(q) and (r) added 948
1.1055
Redesignated as 1.1056 and amended 6216
1.1055—1.1055–4
Added 6216
1.1056
Redesignated from 1.1055 and amended 6216
1.1212
Revised 7806
1.1212–1
Revised 7806
1.1222
Amended 7808
1.1222–1
(b), (d) and (e) revised 7808
1.1238–1
(a) amended 7281
1.1247—1.1247–5
Added 1173
1.1502–31
(b)(3) and (21)(i) and (ii) revised 4412
1.6012–1
(a)(5) revised 4537
1.6014
Amended 531
1.6014–1
(d) added 531
1.6015(a)–1
(f) revised 4537
1.6091–4
(a) revised 704
2
Added 6030
20.2021–1
(b) revised 7708
20.2053–3
(d) revised 7708
25.2512–1
Revised 7709
32
Superseded by Part 2 6030
47.4252–1
(b) revised 3437
47.4352–2
Added 3437
48.6420(b)–1
(d) revised 7809
147.4–1
(a) and (c)(1) revised; (d) added 4413
(c) revised 8160
147.9–1—147.9–3
Added 1937
147.9–4
Added 2399
170
Subpart B recodified and revised 4132

26 CFR—Continued Page

Chapter I—Continued
170.1
Revised 4132
170.2
Revised 4132
170.3
Revised 4132
170.4
Revised 4132
170.5
Revised 4132
170.6
Revised 4132
170.7
Revised 4132
170.8
Revised 4132
170.9
Revised 4132
170.10
Revised 4132
170.11
Revised 4132
170.12
Revised 4132
170.13
Revised 4132
170.14
Revised 4132
170.15
Revised 4132
170.16
Revised 4132
170.17
Revised 4132
170.18
Revised 4132
170.19
Revised 4132
170.20
Revised 4132
170.21
Revised 4132
170.22
Revised 4132

26 CFR—Continued

Chapter I—Continued
170.21—170.24
Subpart B recodified from 170.21—170.26; revised ... 4132
170.21—170.26
Subpart B recodified as 170.21—170.24; revised ... 4132
172.26
(b) revised ... 4197
172.42
Revised ... 4198
250.112
(a), (b), and (c) revised ... 6217
250.113
(c), (d), and (e) revised ... 6217
250.126
Revised ... 6218
250.128
Revised ... 6218
275
Subpart F heading revised ... 2658
275.1
Revised ... 2658
275.45
Deleted ... 2658
275.46
Deleted ... 2658
275.47
Deleted ... 2658
275.48
Deleted ... 2658
275.49
Deleted ... 2658
275.50
Revised ... 2658
275.81—275.91
Subpart F heading revised ... 2658
275.85
Center heading and heading revised ... 2658
275.85a
Added ... 2658
275.119
Revised ... 2658
296
Subpart D recodified and revised ... 4132
296.91–296.94
Subpart D recodified from 296.91—296.96; revised ... 4132
296.91—296.96
Subpart D recodified as 296.91—296.94; revised ... 4132
301.6103(a)
Amended ... 3762
301.6103(a)–1
(a) (2) and (3) (i), (c) (1) (i), and (d) (3) revised ... 3762
301.6103(a)–107
Revised ... 4414
301.6532–1
(a) and (b) revised ... 7809
301.7516–1
Revised ... 33
301.7701–1
(c) revised ... 1116
301.7701–2
Heading revised; (a) (5) added; (g) amended; (h) added ... 1116
Proposed Rules:
1 ... 37, 91, 143, 1048, 2031, 2106, 2450, 2663, 2669, 3764, 3765, 4133, 4256, 4482, 4548, 4619, 4635, 4718, 5584, 5595, 5841, 6222, 6349, 6486, 6488, 7493, 7721.
31 ... 6222
301 ... 6222

27 CFR

Chapter I:
5.21
(i) (1) revised ... 1846
5.51
(d) (3) revised ... 1846

28 CFR

Chapter I:
0
Subpart O appendix added ... 1800
Appendix to Subpart W amended ... 7709
Appendix to Subpart W amended ... 7819
0.6
(b–1) added ... 2588
(b–1) superseded ... 5704
0.25
(i) added ... 7599
0.50
(a) revised ... 5832
0.53
Added ... 5703
0.55
(i) revised ... 2316
(n) revised ... 5832
0.75—0.83
Subpart O appendix added ... 1800
0.86
Amended ... 2316
0.130a
Added ... 485
0.160—0.175
Subpart W appendix amended ... 7709
Subpart W appendix amended ... 7819
0.171
Revised ... 7245
2.49
Added ... 219
3
Revised ... 2316
3.6
Revised ... 5510
16.3
Corrected ... 7488
42
Existing text designated as Subpart A; Subpart B added ... 7387
42.1—42.35
Designated as Subpart A ... 7387
42.3
Amended ... 7389
42.5
(a) and (c) amended ... 7389
42.11
Amended ... 7389
42.17
Amended ... 7389
42.50—42.59
Subpart B added ... 7387
43.3
(a) and (b) amended ... 7819
50.2
Added ... 5510

29 CFR

Subtitle A:
2.10
Revised ... 616
5.14
(d) added ... 7819
40.27
Revised ... 3528
41
Added ... 2945
50.22
(g) amended ... 6249
50.32
(a) revised; (c) added ... 6249

29 CFR—Continued

Subtitle B:
Chapter V:
545.13
Schedules A and B revised ... 5468
601.2
Revised ... 1938
602.2
(a) (1) (i), (2) (i), (3) (i), (4) (i), and (5) (i), and (b) (1) revised ... 7948
603.2
Revised ... 7949
604.2
Revised ... 6218
606.2
Revised ... 6219
610.2
Revised ... 219
612.2
Revised ... 33
Corrected ... 133
614.2
Revised ... 220
670.2
Revised ... 2792
673.2
Revised ... 3529
675.2
Revised ... 2792
677.2
Revised ... 3709
678.3
Revised ... 3709
683
Heading revised ... 6116
683.1
Revised ... 6116
683.2
Revised ... 6117
690.2
Revised ... 6482
720.2
Revised ... 2536
778
Revised ... 1076
Chapter XIII:
1500.21
Further extension of effective date of provisions ... 7997
1501
Appendices deleted ... 7748
1501.5
(a) amended ... 7748
1501.21
(b) revised ... 7748
1502
Appendices deleted ... 7748
1502.5
(a) amended ... 7748
1502.21
(b) revised ... 7748
1503.5
(a) amended ... 7748
Proposed Rules:
541 ... 8005
545 ... 2954
602 ... 3883
603 ... 3883
604 ... 586
606 ... 586
657 ... 6224
683 ... 586
690 ... 586
697 ... 6225
1501 ... 6397
1502 ... 6397
1503 ... 6397
1504 ... 7608

30 CFR

Chapter I:
11.3
Revised ... 3753
12.4
(c) revised ... 3753
13.5
(c) revised ... 3753
14
Revised ... 616
14.6
Revised ... 3754
14a.5
(d) revised ... 3754
18.3
Revised ... 3754
19.2
Revised ... 3754
20.4
Revised ... 3755
21.3
Revised ... 3755
22.3
Revised ... 3755
23.4
Revised ... 3755
24.1
Revised ... 3755
25.4
Revised ... 3755
26.6
Revised ... 3756
27.7
Revised ... 3756
31.3
(c) revised ... 3756
32.3
(c) revised ... 3756
33.5
(a) and (b) revised ... 3757
34.5
Revised ... 3757
35.5
(d) revised ... 3757
36.7
(a) revised ... 3757
Chapter II:
222.9
Text rescinded ... 1041
222.15
Revoked ... 1041
229
Redesignated from Part 301, revised ... 2866
Chapter III:
Revoked ... 2866
301
Redesignated as Part 229, revised ... 2866
Proposed Rules:
11 ... 1989
12 ... 1989
13 ... 1989
14 ... 1989
14a ... 1989
18 ... 1989
19 ... 1989
20 ... 1989
21 ... 1989
22 ... 1989
23 ... 1989
24 ... 1989
25 ... 1989
26 ... 1989
27 ... 1989
31 ... 1989
32 ... 1989
33 ... 1989
34 ... 1989
35 ... 1989
36 ... 1989

31 CFR

Chapter II:
202.7
(m) revised ... 2150
(p) added ... 2400
270.3
(a) and (b) amended ... 1192
306.47
Corrected ... 4716
316.6
(c) corrected ... 4716
316.8
(a) (4) corrected ... 4716
316.14
Corrected ... 4716
332
Corrected ... 4716
332.10
Corrected ... 4716
Chapter V:
505.10
Revised ... 1284
Proposed Rules:
270 ... 16

32 CFR

Chapter I:
1.102
Revised ... 6965
1.103–5
Revised ... 1729
1.104
Revised ... 5959
Text designated as (a); (b) added ... 6965
1.106–1
Introductory text revised ... 6965
1.106–2
(d) added ... 5959
1.106–3
Added ... 6965
1.107
Revised ... 5959
Revised ... 6965
1.111–1
Revised ... 5959
1.111–2
Revised ... 5959
1.111–3
Added ... 5959
1.111–4
Added ... 5959
1.113
Revised ... 5960
1.113–1
Revised ... 5960
1.113–2
(b) revised ... 5960
1.115
Revised ... 5960
1.201–5
Revised ... 5960
1.201–14
Revised ... 5960
1.201–15
Revised ... 5960
1.201–21
Revised ... 5960
1.302–1
Revised ... 1729
1.304
Revised ... 6965
1.308
(d) revised ... 5961
1.310
(a) revised ... 5961
1.315
(a), (b), and (c) revised ... 1729
1.322–3
(d) revised ... 1729
1.324–2
(c) revised ... 6965

32 CFR—Continued

Chapter I—Continued
1.324–6
(a) amended ... 6965
1.325
Added ... 6965
1.506—1.506–1
Redesignated as 1.506—1.506–2; revised ... 5961
1.506—1.506–2
Redesignated from 1.506—1.506–1; revised ... 5961
1.507—1.507–2
Redesignated as 1.507—1.507–3; revised ... 5961
1.507—1.507–3
Redesignated from 1.507—1.507–2; revised ... 5961
1.508—1.508–2
Redesignated as 1.508—1.508–4; revised ... 5962
1.508–1.508–4
Redesignated from 1.508—1.508–2; revised ... 5962
1.509
Revised ... 5962
1.600
Revised ... 5962
1.601–1.601–4
Revised ... 5962
1.601–5
Added ... 5962
1.601–6
Added ... 5962
1.602
Revoked ... 5963
1.603
Revised ... 5963
1.604
Revised ... 5963
1.604–1
Revised ... 5963
1.604–2
(a) revised ... 5963
1.604–3
Revised ... 5963
1.605
Revised ... 5963
1.605–1
Revised ... 5963
1.605–3
Revised ... 5963
1.605–4
Revoked; recodified in 1.605–3 ... 5963
1.606
Revised ... 5964
1.607
Revised ... 5964
1.608—1.608–3
Added ... 5964
1.609—1.609–9
Revised ... 5965
1.610
Revised ... 5965
1.701–1
(d) revised ... 5966
1.703
Revised ... 5966
1.704–3
(b) (3) revised ... 5966
1.705–4
Introductory text of (b) revised ... 5967
1.706–1
(a) revised ... 1729
1.706–5
Introductory text of (c) revised ... 5967
1.706–6
(c) revised; (d) amended; (e) (1) revised ... 1730
Introductory text of (c) revised ... 5967

32 CFR—Continued

1.706–7
(a) revised ... 1730
1.706–8
(a) revised ... 1730
1.707–1
(a) revised ... 1730
1.707–2
(a) revised ... 1730
1.707–3
(a) revised ... 1730
1.707–4
(a) revised ... 1730
1.707–5
(a) revised ... 1730
1.707–6
(a) revised ... 1730
1.707–7
(a) revised ... 1730
1.707–8
(a) revised ... 1730

32 CFR—Continued

Chapter I—Continued

1.804–2
(b) and (c) amended; (d)(1) revised ... 1731
1.1002–1
Revised ... 5967
1.1003–1
(a) revised ... 6966
1.1003–3
Revised ... 6966
1.1003–6
(b) revised ... 6966
1.1003–9
(a)(2) revised; (b)(9) amended ... 6966
1.1004
Revised ... 6966
1.1005–1
(b)(1) revised ... 6966
1.1006
Redesignated as 1.1006–1; revised ... 6966
1.1006
Added ... 6966
1.1006–1
Redesignated from 1.1006; revised ... 6966
1.1006–2
Added ... 6966
1.1107–1
Revised ... 5967
1.1107–2
Revised ... 5967
1.1108
Revised ... 5967
1.1109
Revised ... 5967
1.1201
(b) revised ... 5968
1.1203—1.1203–3
Redesignated from 1.1203; revised ... 5967
1.1203
Redesignated as 1.1203—1.1203–3; revised ... 5967
1.1204
Revised ... 5967
1.1208
(a) and (d) revised ... 5967
1.1602
(c) revised ... 6966
1.1604
(b) and (e) revised ... 1732
Revised ... 6966
2.301
(a)(13) and (14) revised ... 1732
(a) (15), (20), and (25) revised; (a)(28) added; (a)(31), (33), and (35), (b)(6), and (c) revised ... 5969
(b)(2) revised ... 6967
2.202–1
Revised ... 5970
2.202–5
(g) revised ... 5970
2.205–1
(b) revised ... 1732
2.205–4
Revised ... 1732
2.210
(a) revised ... 5970
2.403
(b) revoked ... 1732
2.407–7
(a)(2) revised ... 5970
2.408–1
Revised ... 5970
2.503–1
(e) revised ... 1732
3
Subpart F recodified and revised ... 5972
3.101
(a) revised ... 1733
(h) revised ... 5971
3.108
(a) revised ... 5971
3.200
Revised ... 5971
3.202–2
Introductory text revised ... 5971
3.203–2
Revised ... 5971
3.210–2
(p) revised ... 1733
3.212–3
Revised ... 5971
3.216–2
(c) revised ... 5971
3.218—3.218–3
Revoked ... 5971
3.402
(b)(1) revised ... 6967
3.405–5
(c)(1) revised ... 1733
3.408
(c) revised ... 5971
3.409
(b)(1) and (c)(1) revised ... 5971
3.410–1
(a) revised; (b) (5) through (10) added ... 5971
3.501
(b) (11) and (12) revised ... 1733
(b) (14), (28), (36), (37), and (38) revised; (b)(49) revoked ... 5971
(b)(25) revised ... 6967
3.506–1
Amended ... 6968
3.600—3.608–8
Subpart F recodified from 3.600—3.610–3; revised ... 5972
3.600—3.610–3
Subpart F recodified as 3.600—3.608–8; revised ... 5972
3.607–2—3.607–4
Revised ... 5972
3.808–1—3.808–6
Revised ... 5972
3.808–7
Revoked ... 5972
3.903–2
(c) revised ... 1733
3.903–5
Heading and (c) revised ... 1733
4
Subpart H added ... 1734
Subpart A revoked ... 5985
4.100—4.107
Subpart A revoked ... 5985
4.201
Introductory text of (a), and (a) (5) and (6), and (c) revised ... 1733
4.205–1
(a) and (e) revised ... 1733
4.205–2
(a) revised; (d) and (e) added ... 1733
4.205–4
(c) revised ... 5985
4.211
Revised ... 5985
4.214–1
Revised ... 1734
4.214–3
Revised ... 1734
4.214–4
(c)(1) and (d) revised ... 1734
4.800—4.806
Subpart H added ... 1734
5.104–1
Revised ... 5985
5.207
Revised ... 5985
5.701
(b) revised ... 5985
5.1101
Revised ... 6968
5.1106–2
Revised ... 5985
5.1203
Amended ... 5985
6.102–2
(b) revised ... 1735
6.102–3
Revised ... 5986
7
Subpart J added ... 1737
Subpart F heading revised ... 5987
7.103–4
Revised ... 6968
7.103–16
Revised ... 5986
7.103–18
Revised ... 5986
7.104–1
Revised ... 5986
7.104–9
Revised ... 5986
7.104–12
Introductory text of (a) revised ... 5986
7.104–24
Revised ... 1735
7.104–25
Revised ... 1735
7.104–29
Introductory text of (a) revised ... 1735
Introductory text of (a) revised ... 6968
7.104–41
Introductory text of (c) revised ... 6968
7.104–42
Introductory text of (a) revised ... 5986
Introductory text of (a) revised ... 6968
7.104–44
Revised ... 1735
7.104–45
Revised ... 1735
7.104–52
Added ... 1735
7.104–53
Added ... 1735
7.104–54
Added ... 6968
7.108–1
Amended ... 5987
7.108–2
Amended ... 5987
7.203–2
Revised ... 1735
7.203–16
Revised ... 5987
7.203–18
Revised ... 5987
7.203–21
Revised ... 1735
7.203–30
Revised ... 1735
7.204–1
Revised ... 5967
7.204–9
Revised ... 5987
7.204–32
Revised ... 1735
7.204–38
Added ... 1735
7.302–16
Revised ... 1736
7.302–17
Revised ... 1736
7.302–23
Revised ... 6968
7.302–24
Revised ... 5967
7.303–1
Revised ... 1736
Revised ... 5987
7.303–7
Revised ... 1736
7.303–31
Revised ... 1736
7.303–32
Revised ... 1736
7.303–37
Added ... 1736
7.303–38
Added ... 1736
7.402–16
Revised ... 5987
7.402–17
Revised ... 5987
7.402–22
Revised ... 6968
7.402–23
Revised ... 6968
7.402–25
Revised ... 1736
7.402–31
Revised ... 1736
7.403–1
Revised ... 1736
Revised ... 5987
7.403–27
Revised ... 1736
7.403–28
Revised ... 1736
7.403–33
Added ... 1736
7.404–1
Amended ... 1736
7.504–4
Added ... 1737
7.600
Added ... 5987
7.601—7.604–4
Subpart F heading revised ... 5987
7.601
Revised ... 5987
7.602
Revised ... 5987
7.602–1
Amended ... 5987
7.602–2
Amended ... 5987
7.602–3
Amended ... 5987
7.602–4
Revised ... 5988
7.602–6
(a) amended ... 5988
7.602–7
Revised ... 5988
7.602–8
Amended ... 5988
7.602–9
Amended ... 5988
7.602–11
Amended ... 5988
7.602–12
Amended ... 5988
7.602–13
Amended ... 5988
7.602–14
Amended ... 5988
7.602–15
Amended ... 5988
7.602–16
Amended ... 5988
7.602–18
Revised ... 5988
7.602–19
Amended ... 5988
7.602–20
Revised ... 5988
7.602–22
Revised ... 1737
7.602–23
Revised ... 1737
Revised ... 5988
7.602–26
Revised ... 5988
7.602–32—7.602–37
Added ... 5988
7.602–39—7.602–46
Added ... 5988
7.603, 7.603–1
Revised ... 5990
7.603–5
Revoked ... 5990
7.603–9
Revised ... 5990
7.603–12, 7.603–13
Revised ... 5990
7.603–15
Revised ... 5990
7.603–22—7.603–26
Revised ... 5990
7.603–23
Added ... 1737
7.603–24
Added ... 1737
7.603–25
Added ... 1737
7.603–26
Added ... 1737
7.603–27—7.603–41
Added ... 5992
7.604, 7.604–1
Revised ... 5994
7.604–3, 7.604–4
Revoked ... 5994
7.605—7.605–38
Added ... 5994
7.606—7.606–13
Added ... 5996
7.607—7.607–26
Added ... 5996
7.702–46
Revised ... 5997
7.703–38
Revised ... 5997
7.704–30
Revised ... 5997
7.705–5
Revised ... 5997
7.901–4
Amended ... 1737
7.901–5
Revised ... 5997
7.901–11
Revised ... 5997
7.901–13
Revised ... 5997
7.902–16
Revised ... 6968
7.902–18—7.902–20
Added ... 6968
7.1000—7.1004–3
Subpart J added ... 1737
8.101–15
Revised ... 5998
8.101–22
Revised ... 1742
8.101–23
Revised ... 1742
8.101–24
Revised ... 1742
8.101–25
Revised ... 1742
8.101–26
Revised ... 1742
8.101–27
Added ... 1742
8.202
(d) revised; (e) added ... 1742
8.205
(c)(14) added ... 1742
8.208–4
(a)(1)(ii) revised ... 5998
8.404–8
(a) revised ... 1742
8.407
Revised ... 5998
8.503–2
(a) revised ... 5998
8.503–4
Revised ... 5998
8.505–1
(c) revised ... 5998
8.505–3
Revised ... 5998
8.510
Revised ... 1742
8.602–3
(b) and (e) revised ... 5999
8.602–4
(a) revised ... 5999
8.603—8.603–6
Revoked ... 5999
8.701
Introductory text of (a) revised; (c) and (d) added ... 5999
8.702
Existing text designated as (a); (b) and (c) added ... 5999
8.703
Revoked ... 5999
8.705–2
Revised ... 6000
8.705–3
Added ... 6000
8.707
Revised ... 6000
8.708
Revised ... 6000
8.709
Revised ... 6000
8.711
Added ... 6000
8.801–1
Revised ... 6000
8.801–2
Amended ... 1743
Introductory text of (a) revised; (b) and (c) added ... 6000
9.103–1
(a) amended ... 1743
9.104
Revised ... 6003
9.107–3
(d) revised ... 6003
9.107–4
(c)(1) revised ... 6003

32 CFR—Continued
Chapter I—Continued

7.204–9
Revised ... 5987
7.204–32
Revised ... 1735
7.204–38
Added ... 1735
7.302–16
Revised ... 1736
7.302–17
Revised ... 1736
7.302–23
Revised ... 6968
7.302–24
Revised ... 5967
7.303–1
Revised ... 1736
Revised ... 5987
7.303–7
Revised ... 1736
7.303–31
Revised ... 1736
7.303–32
Revised ... 1736
7.303–37
Added ... 1736
7.303–38
Added ... 1736
7.402–16
Revised ... 5987
7.402–17
Revised ... 5987
7.402–22
Revised ... 6968
7.402–23
Revised ... 6968
7.402–25
Revised ... 1736
7.402–31
Revised ... 1736
7.403–1
Revised ... 1736
Revised ... 5987
7.403–27
Revised ... 1736
7.403–28
Revised ... 1736
7.403–33
Added ... 1736
7.404–1
Amended ... 1736
7.504–4
Added ... 1737
7.600
Added ... 5987
7.601—7.604–4
Subpart F heading revised ... 5987
7.601
Revised ... 5987
7.602
Revised ... 5987
7.602–1
Amended ... 5987
7.602–2
Amended ... 5987
7.602–3
Amended ... 5987
7.602–4
Revised ... 5988
7.602–6
(a) amended ... 5988
7.602–7
Revised ... 5988
7.602–8
Amended ... 5988
7.602–9
Amended ... 5988
7.602–11
Amended ... 5988
7.602–12
Amended ... 5988
7.602–13
Amended ... 5988
7.602–14
Amended ... 5988
7.602–15
Amended ... 5988
7.602–16
Amended ... 5988
7.602–18
Revised ... 5988
7.602–19
Amended ... 5988
7.602–20
Revised ... 5988
7.602–22
Revised ... 1737
7.602–23
Revised ... 1737
Revised ... 5988
7.602–26
Revised ... 5988
7.602–32—7.602–37
Added ... 5988
7.602–39—7.602–46
Added ... 5988
7.603, 7.603–1
Revised ... 5990
7.603–5
Revoked ... 5990
7.603–9
Revised ... 5990
7.603–12, 7.603–13
Revised ... 5990
7.603–15
Revised ... 5990
7.603–22—7.603–26
Revised ... 5990
7.603–23
Added ... 1737
7.603–24
Added ... 1737
7.603–25
Added ... 1737
7.603–26
Added ... 1737
7.603–27—7.603–41
Added ... 5992
7.604, 7.604–1
Revised ... 5994
7.604–3, 7.604–4
Revoked ... 5994
7.605—7.605–38
Added ... 5994
7.606—7.606–13
Added ... 5996
7.607—7.607–26
Added ... 5996
7.702–46
Revised ... 5997
7.703–38
Revised ... 5997
7.704–30
Revised ... 5997
7.705–5
Revised ... 5997
7.901–4
Amended ... 1737
7.901–5
Revised ... 5997
7.901–11
Revised ... 5997
7.901–13
Revised ... 5997
7.902–16
Revised ... 6968
7.902–18—7.902–20
Added ... 6968
7.1000—7.1004–3
Subpart J added ... 1737
8.101–15
Revised ... 5998
8.101–22
Revised ... 1742
8.101–23
Revised ... 1742
8.101–24
Revised ... 1742
8.101–25
Revised ... 1742
8.101–26
Revised ... 1742
8.101–27
Added ... 1742
8.202
(d) revised; (e) added ... 1742
8.205
(c)(14) added ... 1742
8.208–4
(a)(1)(ii) revised ... 5998
8.404–8
(a) revised ... 1742
8.407
Revised ... 5998
8.503–2
(a) revised ... 5998
8.503–4
Revised ... 5998
8.505–1
(c) revised ... 5998
8.505–3
Revised ... 5998
8.510
Revised ... 1742
8.602–3
(b) and (e) revised ... 5999
8.602–4
(a) revised ... 5999
8.603—8.603–6
Revoked ... 5999
8.701
Introductory text of (a) revised; (c) and (d) added ... 5999
8.702
Existing text designated as (a); (b) and (c) added ... 5999
8.703
Revoked ... 5999
8.705–2
Revised ... 6000
8.705–3
Added ... 6000
8.707
Revised ... 6000
8.708
Revised ... 6000
8.709
Revised ... 6000
8.711
Added ... 6000
8.801–1
Revised ... 6000
8.801–2
Amended ... 1743
Introductory text of (a) revised; (b) and (c) added ... 6000
9.103–1
(a) amended ... 1743
9.104
Revised ... 6003
9.107–3
(d) revised ... 6003
9.107–4
(c)(1) revised ... 6003

32 CFR—Continued
Chapter I—Continued

9.107–5
(a) revised ... 6003
9.107–6
(a) revised ... 6003
9.107–7
(a) revised ... 6003
9.107–8
(a) revised ... 6003
9.107–9
(a) revised ... 6003
9.107–10
(a) revised ... 6003
9.107–11
(a) revised ... 6003
9.107–12
(a) revised ... 6003

32 CFR—Continued

Chapter I—Continued
9.107–5
(a) amended ... 1743
9.200—9.202–3
Revised ... 6968
9.202–4—9.202–6
Revoked ... 6968
9.202
Revised ... 6970
9.203–1—9.203–4
Revoked ... 6970
9.204–1
Revised ... 6970
9.207–2
Revised ... 6970
10.302
Revised ... 1742
10.305
Revised ... 1743
10.401
(c) revised ... 1743
10.402
Revised ... 1743
10.404
(a) amended ... 1743
10.503
Revised ... 1743
10.504
(a) amended; (b) revised ... 1743
11.401–4
(b) and (c) revised ... 1744
12
Subpart I revoked; Subpart J recodified as Subpart I and revised ... 6012
12.101–1
Revised ... 6003
12.101–2
(d) added ... 6002
12.101–3—12.101–6
Added ... 6003
12.102–4
Introductory text of (a) revised ... 6005
12.102–6
Revised ... 6005
12.103—12.103–2
Redesignated from 12.103; revised ... 6005
12.103
Redesignated as 12.103—12.103–2; revised ... 6005
12.104
Revised ... 6005
12.106
Added ... 6005
12.300
Revised ... 6006
12.301
Revised ... 6006
12.302
Introductory text and (f) revised ... 6006
12.303–1
Revised ... 6006
12.304
Added ... 6006
12.401
(c), (d) and (e) revised ... 6006
12.403–1
Revised ... 6006
12.403–2
Revoked ... 6006
12.403–3—12.403–5
Revised ... 6006
12.404–1
Revised ... 6006
12.404–2
(b) revised ... 6006
12.602–3
Revised ... 6008
12.604
Revised ... 6008
12.606
Added ... 6008
12.607
Added ... 6008
12.802
Revised ... 6008
12.803
(a) (1) through (5) revised; (a) (8) added ... 6008
12.804
Revised ... 6010
12.805
Revised ... 6010
12.806–1—12.806–8
Revised ... 6010
12.808–1
(a) revised ... 6012
12.808–2
Revised ... 6012
12.809
(b) revoked; (c) redesignated as (b) and revised ... 6012
12.901—12.903
Subpart I revoked ... 6012
12.901
Subpart I redesignated from Subpart J and recodified from 12.1001; revised ... 6012
12.1001
Subpart J redesignated as Subpart I and recodified as 12.901; revised ... 6012
13
Revised ... 1744
13.702
(a) amended ... 6013
13.704
Amended ... 6013
13.705
Amended ... 6013
13.709
Amended ... 6973
15
Subpart D heading revised ... 6974
15.105
Revised ... 6973
15.205–6
(b) revised ... 6013
15.205–9
Revised ... 6973
15.205–25
Revoked ... 6013
15.205–25
Added ... 6973
15.205–40
Revised ... 6973
15.400—15.402–5
Subpart D heading revised ... 6974
15.401–1
Revised ... 6974
15.401–2
Revised ... 6974
16
Subpart D recodified and revised ... 6014
16.101–2
(e) revoked ... 6013
16.102–2
(e) revoked ... 6013
16.201–2
Revised ... 6013
16.202
(d) revised ... 1764
(b) (2) (xiii) added; (c) revised ... 6013
16.203–2
(d) revised ... 6013
16.204—16.204–2
Redesignated from 16.204; revised ... 6014
16.204
Redesignated as 16.204—16.204–2; revised ... 6014
16.301
Revised ... 6014
16.302
Revised ... 6014
16.303
Revised ... 6014
16.303–1, 16.303–2
Revoked ... 6014
16.304
Revised ... 6014
16.400—16.401–4
Subpart D recodified as 16.400—16.405–3; revised ... 6014
16.400—16.405–3
Subpart D recodified from 16.400—16.401–4; revised ... 6014
16.502—16.502–3
Revoked ... 1764
16.802
Revised ... 6019
16.803–1
(c) (2) revoked; (c) (3) redesignated as (c) (2) and revised ... 6019
16.807
Added ... 6019
16.814—16.814–2
Revoked ... 6019
16.815–1
(c) added ... 6019
17.206
(f) and (h) revised ... 6019
17.207–1
(a) revised ... 6019
18
Added ... 6019
30.2
Amended ... 1764
30.6
Added ... 1764
102
Added ... 6942
110
Revised ... 5792
125
Revised; Appendix C added ... 1284
162.43
Revised ... 6161
163.58
(c) revised ... 1978
163.79–1
Amended ... 1978
163.79–2
Amended ... 6161
163.94–2
Revised ... 1978
163.94–3
Revised ... 1978
163.94–5
(b) revised ... 1978
175
Deleted ... 6682
180
Deleted ... 6682
220
Added ... 4753
288.6
Revised ... 7997
300.10
(a) corrected ... 133

32 CFR—Continued

Chapter V:
516.1
Revised ... 6341
516.2
Revised ... 6341
562.13
(a) revised ... 7710
562.15
(b) (1) revised; (g) added ... 7710
564.5
Revised ... 948
(g) and (h) revised ... 5704
Chapter VI:
725.102
Revised ... 5704
725.218
(c) (3) and (8) revised ... 5704
725.227
Revised ... 5704
725.305
(a) revised ... 5705
725.309
Revised ... 5705
725.310
Revised ... 5705
725.311
Revised ... 5705
725.401
Revised ... 5705
725.436
Revised ... 5706
725.510
Revised ... 5706
725.511
Introductory text of (a) revised ... 5706
725.707
(c) revised ... 5706
725.901
(c) revised ... 5706
725.903
Revised ... 5706
725.907
Revised ... 5706
750.48
(b) (1), (2) and (3) revised ... 7748
753.29
(b) (2) (i), (ii) and (iii) revised ... 7748
Chapter VII:
505
Added ... 3321
815.20
Heading, introductory text of (a), and (a) (7) revised ... 6343
815.41
(a) amended; (b) revised ... 6344
815.72a
Added ... 6344
815.73
Heading and introductory texts of (a) and (b) revised ... 6344
815.108
Amended ... 6344
823.1
(a) revised; (j) amended ... 1938
(a) (4) revised ... 4353
833
Added ... 829
834
Added ... 1041
835
Added ... 3689
869
Added ... 1978
882
Subpart G added ... 1043
Subparts B and C recodified and revised; Subpart D revised; Subpart E recodified and revised ... 2581
882.3
(a) amended ... 705
882.6
(b) (1) (iv) and (2) revised; (d) (4) (i) amended; (f) (2) (iii) added; (f) (3) revised; (g) (7) added ... 705
882.9
(a) and (b) amended ... 706
882.10
Introductory text amended ... 706
882.13
(b) (2) amended ... 706
882.14
(c) amended ... 706
882.18
(a) amended ... 706
882.19
(b) revised ... 706
882.23
Amended ... 706
882.26
(a) revised; (b) amended ... 706
882.27
(b) amended ... 707
882.28
(b) amended ... 707
(b) amended ... 6344
882.100—882.109
Subpart B recodified from 882.100—882.115; revised ... 2581
882.100—882.115
Subpart B recodified as 882.100—882.109; revised ... 2581
882.200—882.219
Subpart C recodified as 882.200—882.220; revised ... 2581
882.200—882.220
Subpart C recodified from 882.200—882.219; revised ... 2581
882.212
(b) (2) revised ... 6344
882.300, 882.301
Subpart D revised ... 2581
882.400
Subpart E recodified from 882.400—882.406; revised ... 2581
882.400—882.406
Subpart E recodified as 882.400; revised ... 2581
882.600—882.605
Subpart G added ... 1043
887
Added ... 1938
888
Added ... 2309
889
Added ... 4353
900
Rescinded ... 4353
902.6
(b) (2) revised ... 4353
902.15
(b) (4) revised ... 4353
902.25
Deleted ... 4353
903
Deleted ... 7188
920.7
Revised ... 574
Corrected ... 1044
920.12
(a) (4) (i) amended ... 575
920.13
(a) (1) (i) and (b) (2) (ii) (d) revised ... 575
922
Added ... 830
1001.109–2
Revised ... 7188
1001.109–51
(a) and introductory text of (d) revised ... 7188
1001.201–18
Deleted ... 3595
1001.201–58
Heading revised ... 792
1001.201–62
Revised ... 3595
1001.201–64
Revised ... 792
1001.352
Revised ... 793
1001.366
(b) revised ... 1775
1001.453
(m) (7) revised ... 7188
1001.454
(d) (1), (d) (1) (i) and (iii) and (d) (2) (iii) revised ... 7188
1001.459
Revised ... 1775
1001.460
(a) amended; (c) revised ... 1775
1001.461
(a) (2) and (b) (2) revised ... 1775
(b) (2) corrected ... 2313
1001.465
(a) amended ... 1775
1001.903–2
(a) (7) and (8) revised ... 7189
1001.902–3
Revised ... 7189
Corrected ... 7389
1001.1002–51
(a) (2) and (3) deleted; (a) (4) redesignated as (a) (2); (a) (5) deleted ... 1775
1001.1003–9
Revised ... 1775
1001.1005–3
Revised ... 1775
1001.1005–5
(a) revised ... 1775
1002
Subpart E revised ... 1776
Subpart V deleted ... 3595
1002.403
(b) (9) (iii) deleted ... 793
1002.404–1
(b) (9) (iii) deleted ... 1776
Deletion of (b) (9) (iii) canceled ... 2313
1002.404–2
Added ... 1776
1002.500—1002.503–50
Subpart E revised ... 1776
1002.2200—1002.2203–4
Subpart V deleted ... 3595
1003.101–50
(c) deleted ... 7189
1003.110
Deleted ... 7189

32 CFR—Continued

Chapter VII—Continued
1003.201–50
(c) deleted ... 7189
1003.202
Revised ... 7189
1003.203–50
(c) deleted ... 7189
1003.204–50
(c) deleted ... 7189
1003.205–50
(c) deleted ... 7189
1003.206–50
(c) deleted ... 7189
1003.207–50
(c) deleted ... 7189
1003.208–50
(c) deleted ... 7189
1003.209–50
(c) deleted ... 7189
1003.210–50
(c) deleted ... 7189

32 CFR—Continued

Chapter VII—Continued

1003.112
Deleted ... 7189
1003.207–2
(a) revised ... 793
1003.208–3
Revoked ... 793
1003.501
(b)(4) through (16) revised ... 7189
1003.602—1003.609
Deleted ... 7189
1003.605—1003.608–8
Added ... 7189
1003.801–2
Amended ... 1776
1003.802–2
Revised ... 1776
1003.807–6
Revised ... 1776
1003.809
(c)(1) revised ... 793
1003.850–2
(c)(3) revised ... 793
1003.850–3
(a) amended ... 793
1003.850–6
Amended ... 1776
1003.903–3
(c) amended ... 1776
1003.903–54
(b)(2) revised ... 794
1004.101–53
(b) amended ... 794
1004.101–55
Added ... 794
Deleted ... 3595
1004.104
Deleted ... 794
1004.104–1
Deleted ... 794
1004.107
Revised ... 3595
1004.150–4
(a) revised ... 3595
1004.2402
(a) and (e)(1) revised ... 7190
1004.2502
Revised ... 7190
1004.5002–2
(a) revised ... 7190
1005
Heading revised ... 7190
1005.106
(a)(4) amended ... 7190
1006.2005
Introductory text of (c) revised; (c)(3) deleted ... 7190
1007
Subparts AA and BB deleted ... 794
Subpart ZZ deleted ... 3595
Subpart Y deleted ... 7191
1007.105–51
Added ... 3595
1007.105–52
Added ... 3595
1007.2500—1007.2507–6
Subpart Y deleted ... 7191
1007.2700—1007.2705–50
Subpart AA deleted ... 794
1007.2801—1007.2804–4
Subpart BB deleted ... 794
1007.3303–16
Deleted ... 1777
1007.4006
Deleted ... 1777
1007.4013
Deleted ... 3595
1007.4028
(a) amended ... 7191
1007.4029
Deleted ... 794
1007.4030
Deleted ... 3595
1007.4041
Deleted ... 794
1007.4044
Deleted ... 794
1007.4046
Deleted ... 7191
1007.4048
(a) amended ... 794
Amended ... 7191
1007.4059
Deleted ... 3595
1007.5200—1007.5206
Subpart ZZ deleted ... 3595
1008.202–53
Revised ... 794
1010
Subpart G deleted ... 7191
1010.703
Subpart G deleted ... 7191
1013.103
Deleted ... 7191
1013.103–50
Deleted ... 7191
1016
Subpart C deleted ... 7191
1016.301—1016.350–1
Subpart C deleted ... 7191
1016.501–2
(a), (b), introductory text of (c), and (e)(8) revised; (c)(9) added ... 3596
1016.502
Deleted ... 3596
Deleted ... 4353
1016.502–1
Deleted ... 7191
1030.2
Amended ... 7191
1030.5
Amended ... 7191
1053.404–6
(b)(11) revised; (b)(15) deleted; (b)(17) revised; (d) added ... 794
Heading and (a)(3) revised; (c) deleted ... 3596
(a)(2) amended; (b)(7) deleted; (d)(2) added ... 7192
1054.3004
(a)(3)(iii) amended ... 7192
1059.601
Revised ... 3596
1059.602
(b)(1) and (2) revised ... 795
Chapter XIV:
1453.7
(d) revised ... 2313
1456.3
(b)(3) amended; (b)(6) deleted ... 4672
1458.2
(d) added ... 5475
1470.3
(c) and (e) amended ... 3643
(d)(3) amended ... 5476
(d)(3) corrected ... 5631
1470.90
Center heading, section added ... 3643
1470.91
Revised ... 3643
1470.92
Added ... 3643
Chapter XVI:
1606.32
(a)(1) and (2) revised ... 2150
Chapter XVII:
1710.8
(e) revised; (f) redesignated as (g); new (f) added ... 1777
Chapter XVIII:
1611
Added ... 5372

32A CFR

OEP (Chapter I):
OEP Reg. 5
Added ... 321
OEP Circular 9700.1
Canceled; superseded by DMO 9700.1 ... 1939
DMO 9700.1
Added, superseding OEP Circular 9700.1 ... 1939
OIA (Chapter X):
OI Reg. 1
Amended ... 3212
Amended ... 4415
NSA (Chapter XVIII):
INS–1
Amended ... 3881
OPR–4
Revised ... 2793

33 CFR

Chapter I:
1.25–25
(b) revised ... 1192
1.25–35
(b) revised ... 1192
1.25–40
Revised ... 1192
1.25–45
Revised ... 1192
1.25–50
Revised ... 1192
1.25–55
Revised ... 1193
1.25–60
Revised ... 1193
1.25–65
Revised ... 1193
6.1402
(b) and (c) redesignated as (c) and (d); new (b) added ... 4415
19.06
Revised ... 80
62.35–1
Revised ... 1044
62.35–5
Revised ... 1044
62.35–10
Revised ... 1044
74.20–1
Amended ... 1193
80
Authority citation revised ... 6433
80.03
(a)(2) amended ... 6433
80.16a
(b) revised ... 6434
80.22
(d) revised ... 6434
80.40
Added ... 6434
82
Authority citation revised ... 6434
82.1
Amended ... 6434
82.35
Revised ... 6434
82.120
Amended ... 6434

33 CFR—Continued

Chapter I—Continued

82.122
Added ... 6434
82.230
Amended ... 6434
86.01–5
Amended ... 6434
95
Authority citation revised ... 6434
95.29
(a) revised ... 6434
95.75
Added ... 6434
124.10
(a)(7) revised ... 7314
135
Authority citation revised ... 6434
135.05
Revised ... 6434
135.10
(a) revised ... 6435
135.25
(a), (e), (f), and (g) amended; authority citation revised ... 6435
135.35
(a) amended ... 6435
135.40
(a) amended; authority citation revised ... 6435
135.45
(a) amended; authority citation revised ... 6435
135.50
(b), (c), and (d) amended ... 6435
Chapter II:
202.100
Introductory text of (b) revised; (b)(3) revoked ... 2761
202.145
(a)(2–a)(iii) and (iv) redesignated as (iv) and (v); (a)(2–a)(iii) added ... 3710
202.157
(c) revised ... 3962
202.224
(a)(9) revised; (a)(16) revoked; (g)(2), (12)(i), and (13)(i) revised ... 4756
202.250
Revised ... 3596
203.5a
Added ... 4253
203.95
(b) revised ... 2259
203.225
(f)(6–a) added ... 4756
203.237a
Redesignated as 203.237b ... 575
203.237a
Added ... 575
203.237b
Redesignated from 203.237a ... 575
203.245
(f)(16–a), (16–b), and (16–c) added ... 220
(f)(5–a) added ... 795
(h)(25) revoked ... 5762
(f)(13) revised ... 6161
203.260
Revoked ... 220
203.406
Added ... 4756
203.431a
Revised ... 6388
203.436
Heading and (a) revised ... 575
203.436a
Added ... 5762
203.716
(f) revised ... 2259
203.740
(a)(1) revised ... 2259
203.810
(f)(1) revised ... 795
204.19
Revoked ... 3763
204.34
Revoked ... 220
204.100
(a) and (b)(3) revised ... 884
204.102
(a)(2) and (b) revised ... 1193
204.202
Heading and (b)(2), (3), (5), (6) and (7) revised ... 6643
205.80
(b)(9), (10), (12), and (13) and (c)(5) revised ... 6644
207.100
(i) revised ... 3265
207.116
Heading, (a), and (b)(1) and (3) revised ... 5631
207.125
Revised ... 4198
207.128
(b)(1), (2), and (7) revised ... 220
207.175a
Redesignated as 207.175b ... 6161
207.175a
Added ... 6161
207.175b
Redesignated as 207.175c ... 6161
207.175b
Redesignated from 207.175a ... 6161
207.175c
Redesignated from 207.175b ... 6161
207.300
(q) revised; (aa) added ... 8203
207.590
Revised ... 3382
(l)(4)(i) corrected ... 3881
207.612
(a)(1)(ii) revised ... 2104
207.612a
Redesignated as 207.612b ... 4756
207.612a
Added ... 4756
207.612b
Redesignated from 207.612a ... 4756
207.615
Revised ... 2260
207.750
(h)(1) revised; (h)(2)(iv) redesignated as (v) and revised; new (h)(2)(iv) added ... 6644
208.24
Added ... 3530
211.81
(a) added ... 4475
Chapter IV:
401.102–4
Revised ... 6580
401.102–8
Revised ... 6580
401.102–14
Revised ... 6580
401.102–20
Added ... 6580
401.103–2
Revised ... 6580
401.104–8
Revised ... 6580
401.104–16
Deleted ... 6580
401.104–30
Revised ... 6580
401.104–48
Added ... 6580
401.106–8
Deleted ... 6581
401.106–10
Revised ... 6581
Proposed Rules:
80 ... 832
82 ... 832
95 ... 832
401 ... 4557

36 CFR

Chapter I:
1.61
(b) redesignated as (c); new (b) added ... 4757
2.3
(a) revised ... 6683
6.11
(a) revised ... 707
7.3
(a)(6) revised; (a)(8) and (9) added; (b)(1) and (c)(2) revised; (c)(4) added ... 2951
(j) added ... 6861
25.2
(e) amended; (f) redesignated as (g); new (f) added ... 8222
Chapter II:
211
211.1—211.5 designated as Subpart A; Subpart B added ... 6345
211.1—211.5
Designated as Subpart A ... 6345
211.2
Revoked ... 6345
211.20—211.37
Subpart B added ... 6345
212.1
Revised ... 5476
212.2
Revised ... 5476
212.3
Revised ... 5476
212.7
Revised ... 5476
212.8
Revised ... 5477
212.9
Revised ... 5477
(c) corrected ... 5762
212.10
Revised ... 5477
212.11
Revised ... 5478
212.12
Added ... 5479
221.8
(a) revised ... 8268
251.5
Superseded in part ... 5479
251.20
Applicability to Wilderness Act continued ... 5631
251.21
Applicability to Wilderness Act continued ... 5631
251.21a
Applicability to Wilderness Act continued ... 5631
251.22
Applicability to Wilderness Act continued ... 5631
251.25a
Added ... 5707
261.12
Revoked ... 6982

36 CFR—Continued

Chapter II—Continued

261.13
Revoked ... 6982
261.14
Revoked ... 6982
261.15
Revoked ... 6982
261.16
Revoked ... 6982
261.17
Revoked ... 6982
261.18
Revoked ... 6982
261.19
Revoked ... 6982
261.20
Revoked ... 6982
261.21
Revoked ... 6982
261.22
Revoked ... 6982

36 CFR—Continued

Page

Chapter III:
311.1
Amended ... 4475
Amended ... 6161
311.6
(b) amended ... 6161
313
Added ... 4610
Chapter V:
502
Added ... 6483
Proposed Rules:
1 ... 1857
7 ... 3712, 7108
25 ... 3658

37 CFR

Chapter I:
1.21
(a); (g), (h), (l), (n), and (q) revised ... 6391
1.203
(a) and (b) revised ... 6645
1.205
(a) revised ... 6645
1.206
Revised ... 6645
1.207
Revised ... 6645
1.209
Cancelled ... 6645
1.211
Revised ... 6645
1.215
Revised ... 6645
1.216
Revised ... 6646
1.218
Revised ... 6646
1.221
Cancelled ... 6646
1.223
(a) and (c) revised ... 6646
1.224
Revised ... 6646
1.225
Revised ... 6646
1.226
Revised ... 6646
1.227
Revised ... 6646
1.228
Revised ... 6646
1.231
Revised ... 6647
1.232—1.236
Cancelled ... 6647
1.237
Revised ... 6647
1.241
Cancelled ... 6647
1.243
Revised ... 6647
1.244
(d) revised ... 6647
1.246
Cancelled ... 6647
1.247
Revised ... 6647
1.248
Revised ... 6648
1.251
(b) revised; (d) added ... 6648
1.253
(a), (d), and (f) revised ... 6648
1.254
Revised ... 6648
1.258
(a) and (b) revised ... 6648

37 CFR—Continued

Page

Chapter I—Continued
1.261
Revised ... 6648
1.272
(c) revised ... 6648
1.282
(b) revised ... 6648
1.341
(c) and (d) revised ... 6391
3.44
Revised ... 6648
Proposed Rules:
1 ... 2553, 7195
2 ... 2556, 6687
3 ... 2552
4 ... 6687

38 CFR

Chapter I:
Continued effectiveness ... 221
1.10
(a)(1)(i) revised ... 647
1.514
Revised ... 6435
1.515
Revised ... 6435
1.517
Revised ... 6435
1.525
(a)(1) and (b) (1), (2), and (3) revised ... 7389
1.526
(i) and (l) revised ... 7389
2.75
Added ... 6392
3.109
(a)(1) revised ... 133
3.150
(d) revoked ... 133
3.152
(c)(1) revised; (c)(4) added ... 133
3.325
Revoked ... 3881
3.357
(b) revised ... 3881
3.651
(a) revised ... 133
3.656
(a) revised ... 6649
3.660
Revised ... 3354
3.661
Revised ... 3354
3.1601
(b)(1) revised ... 7489
3.1900
Revised ... 7390
3.1901
Revised ... 7390
3.1902
(b)(10) revised ... 2104
(b)(5) revised ... 7390
3.1906
(c) revised ... 2105
6.19
Revised ... 8047
6.96
Revised ... 8047
6.168
Amended ... 8047
8.0
(b)(4), (d), and (e) added ... 3643
8.2
(c) added ... 3644
8.3
Revised ... 3644
8.5
Revised ... 3645

38 CFR—Continued

Page

Chapter I—Continued
8.7c
Revised ... 8047
8.8
(e) added ... 3645
8.22
(a) revised; (c) and (d) redesignated as (d) and (e) and revised; (c) added ... 3645
8.24
Revised ... 3646
8.26
(a) revised ... 3646
8.26a
Revised ... 8047
8.27
Revised ... 3646
8.29
Revised ... 3647
8.30
Revised ... 3646
8.32
Revised ... 3648
8.33
Revised ... 3648
8.34
Revised ... 3648
8.35
Revised ... 3649
8.36
Revised ... 3648
8.40
Revised ... 3648
8.41
(a) and (b) revised ... 3649
(c) revised ... 8048
8.64
Revised ... 3650
8.66
Revised ... 3650
8.76
Revised ... 3650
8.77
(a)(4) and (5) revised ... 3650
8.78
Revised ... 3651
8.79
Heading and introductory text revised ... 3651
8.80a
Revised ... 3651
8.81
Added ... 3651
8.81a
Added ... 3651
8.85
(c) revised ... 3652
8.88
Revised ... 3652
8.99
Heading and introductory text ... 3652
8.99a
Heading and introductory text revised ... 3652
8.99b
Redesignated as 8.99c; revised ... 3652
8.99b
Added ... 3652
8.99c
Redesignated from 8.99b; revised ... 3652
8.102
Revised ... 3653
8.103
Revised ... 3653
8.106
Introductory text revised; (r) through (v) added; note deleted ... 3654

38 CFR—Continued

Page

Chapter I—Continued
8.111
Revised ... 3654
8.112
(b) revised ... 3654
8.112a
Added ... 3655
8.112b
Added ... 3655
8.116
(a)(1) revised ... 8224
14.664—14.669
Added ... 6392
17
Appendices A and B added ... 2536
17.30
(e), (l), and (o) revised; (q) added ... 1787
17.36
(b)(2) revised ... 1787
17.47
Heading and introductory text revised; (e) added ... 1787
17.48
(b)(1) revised ... 1787
17.49
Introductory text of (c) revised ... 1788
17.50
Introductory text and (b), (c), (d), (f), and (h) revised ... 1788
(j) added ... 3215
17.60
(a)(7)(iii) added; (b) revised ... 1789
(c) added ... 2705
17.66
Center heading revised; (a) and (b) revised ... 1789
17.75
Center heading and section revised ... 1789
17.100
Introductory text of (a) amended; (a)(2), (e), and (f)(1) and (5) revised; introductory text of (g) amended; (g)(2) revised ... 1789
17.115
(a) (1) and (2) revised; (a)(5) added; (b) revised; (c) added ... 707
17.120
(d) and (f) revised ... 1789
17.123
(f) revised ... 1790
17.129
Revised ... 1790
17.140
(b) revised ... 1790
17.165
Center head and section revised ... 221
17.166
Added ... 221
17.167
Added ... 221
17.170—17.176
Center heading and sections added ... 2536
21.103
(b) (1), (2), and (3) revised ... 884
21.130
(d)(9) revised ... 885
21.252
(a)(3)(i)(b) revised ... 2705
21.253
(a)(1) revised ... 2705
36.4402
Introductory text and (d) revised ... 7521

39 CFR

Page

Chapter I:
4.2
Amended ... 3438
4.4
(d) revised ... 6436
5.2
Revised ... 1846
13.5
(e) revised ... 2195
13.8
(a) and (b) amended ... 3438
15.5
(b) amended ... 7390
15.6
(d) revised ... 7390
15.7
(d) revised ... 7390
16.3
(d) (3), (4), and (5) amended; (d)(4) through (8) redesignated as (d)(5) through (9); new (d)(4) added; (e) (3) and (4) amended; (f) (1) and (2) revised ... 7390
16.4
(b) (1) and (2) amended ... 7390
(c) revised ... 7391
16.5
(a) revised; (b) and (c) amended ... 7391
(f) amended ... 7391, 7748
16.7
Revised ... 1940
Corrected ... 2105
17
Revised ... 2659
22.1
(a)(1) amended; (b) revised ... 576
(b)(1)(ii)(b) corrected ... 1193
(a)(1) and (b)(1)(ii) amended; (b)(1)(iii), (b)(3), and (g) revised ... 7391
22.2
(b)(1) revised ... 8224
22.3
Extension of effectiveness of revision of (c)(3) ... 88
(c)(3) revised ... 2150
(c)(4) revised ... 3763
22.4
(h) amended ... 7391
(d) revised ... 8048
(d) revised ... 8224
23.1
Amended ... 576
23.6
Added ... 7392
24.1
(b) (1) and (2) amended ... 576
24.4
(b)(4) and (6) revised ... 1846
(b)(6) amended ... 7392
24.5
(b)(3) revised ... 2313
24.7
Revised ... 7392
25.6
(b)(1) revised ... 7392
27.1
(b) revised; (c) amended ... 89
27.2
(d)(5) revised ... 89
27.7
Redesignated as 27.8; amended ... 89
27.7
Added ... 89
27.8
Redesignated from 27.7; amended ... 89

39 CFR—Continued

Page

Chapter I—Continued
27.8
Redesignated as 27.9 ... 89
27.9
Redesignated from 27.8 ... 89
31.5
(c) and (d) revised ... 4198
36.1
Amended ... 6436
36.2
(a)(4) revised; (b) amended; (d) revised ... 6436
36.3
Amended ... 6436
37.1
(a)(6) revised ... 6436
43.6
(e)(1) revised ... 2314
(h)(1) revised ... 6436
(c)(4), (c)(5)(ii) and (iii), and (d)(5) revised ... 7392
45.6
(f) revised ... 2314
(a)(2) revised; (b)(3)(ii) amended; (b) (4) and (7), (c)(1) and (3)(i), and (d)(1) and (3) revised ... 7393
46.5
(a)(4) redesignated as (a)(5); (a)(1) through (3) recodified as (a)(1) through (4) and revised ... 7394
54.4
(e) amended ... 2761
61.2
(i) revised ... 2868
92.5
(b)(2) amended; (b)(4) revised; (b)(5) and (6) amended; (c)(2) revised; (c)(3)(ii), (e), (f)(2)(i), and (g) amended; (i)(1) revised; (i)(2) amended; (i) (3) and (4) revised; (i)(5) amended ... 4354
92.6
(a)(1)(i) and (ii), (b)(3), and (d)(1)(ii) amended ... 4354
92.7
(a)(3)(vii) amended; (a)(3)(xvi) revised; (h)(1) (ii), (iii), and (iv) and (2)(i) and (ii) amended ... 4354
92.8
(c)(4)(i) and (iv) amended; (d)(2)(ii)(b) and (4)(iii) and (g)(5) revised ... 4354
(i)(3) and (4)(i) (a) and (e) revised ... 4355
92.9
(a)(2) and (d)(3) revised ... 4355
92.10
(c)(2)(iv) and (3) (i) and (ii) amended ... 4354
92.12
(a) (1) and (2) and (b) (3), (4), (6) (i) and (iii)(a), and (7) amended; (c)(1)(i) and (iv) revised; (d), (e), and (h)(5) amended ... 4355
(c)(4)(iv) and (5) revised ... 4356
(c)(6) revised; (g)(1) (ii) and (iii) amended ... 4357
98.1
(f) added ... 3216
98.7
Added ... 3216
111.3
(a)(10) revised ... 2549
(b)(5)(ii)(b) revised ... 3216

39 CFR—Continued Page

Chapter I—Continued
112.5
(a) (2) revised ... 3216
112.7
(g) (2) revised ... 2549
114.1
(d) revised ... 7749
121.2
(c) (1) revised ... 2549
121.5
(a) (2) revised ... 2549
122.1
(c) revised ... 7749
132.5
(b) (2) (i) (a) revised ... 3216
132.6
(a) (1) amended ... 576
137.5
(a) and (b) revised ... 576
141.3
(b) (3) and (c) revised ... 3216
142.1
(a) amended; (b) revised ... 647
142.2
Revised ... 647
142.3
(e) (1) amended ... 648
143.1
Amended ... 648
143.3
(b) amended ... 648
151.6
Revised ... 576
152
Revised ... 577
161.3
Revised ... 3217
161.4
(a) amended; (c) revised ... 3217
161.5
Revised ... 3217
162.2
(e) revised; (f) amended ... 3218
163.2
Revised ... 3218
168.5
Amended ... 2549
Amended ... 3438
Corrected ... 3710
Amended ... 4537
Proposed Rules:
13 ... 2152, 2221
16 ... 2152, 2153, 3820
22 ... 8049
24 ... 2152, 2153, 3820
31 ... 1872
45 ... 2155
96 ... 625, 2552, 4064
111 ... 92
114 ... 3444
122 ... 3444

41 CFR

Chapter 1:
1-1.002
Revised ... 8217
1-1.004-1
Added ... 8217
1-1.209
Revised ... 8217
1-2.201
(a) (23), (25), and (26) deleted; (a) (28) revised; (b) (13) deleted ... 2208
1-3.807-2
Revised ... 6581
1-3.807-3
Revised ... 6581
1-3.807-4
Revised ... 6581

41 CFR—Continued Page

Chapter 1—Continued
1-3.814—1-3.814-3
Revised ... 6582
1-12.401-1
Revised ... 7192
1-12.401-4
Revised ... 7192
1-12.403-1
Amended ... 7192
1-12.403-2
Revised ... 7193
1-12.404-2
(e) revised ... 7193
1-12.404-3
Revised ... 7193
1-12.404-4
Revised ... 7194
1-12.404-10
Revised ... 7194
1-16
Subpart 1-16.6 added ... 8217
1-16.101
Revised ... 2208
1-16.102
Revised ... 2208
1-16.105
Revised ... 2208
1-16.106
Revised ... 2208
1-16.401
(b) revised ... 7194
1-16.402
Revised ... 7194
1-16.600—1-16.603
Subpart 1-16.6 added ... 8217
1-16.901-2
Added ... 8217
1-16.901-2A
Added ... 8217
1-16.901-2B
Added ... 8217
1-16.901-19-A
Revised ... 7194
1-16.901-30
Deleted ... 2208
1-16.901-31
Deleted ... 2208
1-16.901-33
Revised ... 2209
(b) corrected ... 2803
1-16.901-33A
Added ... 2210
Chapter 3:
3-1
Subpart 3-1.6 added ... 3218
3-1.600—3-1.606
Subpart 3-1.6 added ... 3218
3-60
Added ... 1847
Chapter 4:
4-2.205-1
Added ... 6943
4-3.504-5
Revised ... 6943
4-3.504-6
Deleted ... 6943
4-5.5301-3
(f) added ... 6943
4-16.804
Revised ... 6944
Chapter 5:
5-3.852
(c) revised ... 1045
5-7.101-16
Deleted ... 1045
5-8
Added ... 7246
5-12
Subpart 5-12.50 deleted ... 1045
Subpart 5-12.8 added ... 1045

41 CFR—Continued Page

Chapter 5—Continued
5-12.800—5-12.812
Subpart 5-12.8 added ... 1045
5-12.5001—5-12.5006
Subpart 5-12.50 deleted ... 1045
5-16.857
Deleted ... 1047
5-16.858
Revised ... 1047
5-16.859
Deleted ... 1047
5-16.860
Deleted ... 1047
5-19
Added ... 2211
5-53
Subpart 5-53.7 deleted ... 1047
5-53.402
(c) revised ... 7246
5-53.501-5
(b) revised ... 1047
5-53.701—5-53.709-5
Subpart 5-53.7 deleted ... 1047
5-60.204-1
Revised ... 6837
Chapter 5B:
5B-2.202-70
Revised ... 7436
Chapter 6:
6-1.307
Revised ... 7246
6-1.350
Revised ... 7247
6-1.351—6-1.351-4
Revised ... 7247
6-1.352
Revised ... 7247
6-2
Subpart 6-2.1 added ... 7247
6-2.102
Subpart 6-2.1 added ... 7247
6-3
Added ... 7247
Chapter 8:
8-1
Subpart 8-1.2 added ... 24
Subpart 8-1.6 recodified and revised; Subpart 8-1.7 added ... 4673
Subpart 8-1.13 revoked ... 7041
8-1.250, 8-1.251
Subpart 8-1.2 added ... 34
8-1.310-5
Revoked ... 4672
8-1.316
Added ... 4672
8-1.350—8-1.350-3
Added ... 34
8-1.600—8-1.606
Subpart 8-1.6 recodified from 8-1.601—8-1.606; revised ... 4673
8-1.601—8-1.606
Subpart 8-1.6 recodified as 8-1.600—8-1.606; revised ... 4673
8-1.602-1
(c) added ... 7437
8-1.708-3
Subpart 8-1.7 added ... 4673
8-1.1351—8-1.1357-1
Subpart 8-1.13 revoked ... 7041
8-2.102
Introductory text revised ... 7599
8-2.104-3
Revised ... 4674
8-2.201
(e) and (f) revised ... 4674
8-2.205-2
Added ... 7437
8-2.305
Revoked ... 4674

41 CFR—Continued Page

Chapter 8—Continued
8-2.404-2
(a) and introductory text of (b) revised ... 4674
8-2.404-3
Added ... 4674
8-2.406-3
(b) revised ... 4674
8-2.406-4
(b) revised ... 4674
8-3
Subpart 8-3.9 added ... 4674
8-3.101
Introductory text revised ... 7599
8-3.215
(f) revised ... 7600
8-3.402
Redesignated as 8-3.403; revised ... 4674
8-3.403
Redesignated from 8-3.402; revised ... 4674
8-3.404
Revoked ... 4674
8-3.404-3
Redesignated as 8-3.405-5; revised ... 4674
8-3.405-3
Redesignated as 8-3.406; revised ... 4674
8-3.405-5
Redesignated from 8-3.404-3; revised ... 4674
8-3.408
Redesignated from 8-3.405-3; revised ... 4674
8-3.605
Heading revised ... 4674
8-3.605-1
Heading revised ... 4674
8-3.605-2
Redesignated as 8-3.605-50; revised ... 4674
8-3.605-50
Redesignated from 8-3.605-2; revised ... 4674
8-3.903-2
Subpart 8-3.9 added ... 4674
8-4
Subpart 8-4.51 revoked ... 2212
8-4.5101
Subpart 8-4.51 revoked ... 2212
8-6
Subpart 8-6.1 added; Subpart 8-6.2 recodified and revised ... 4675
Subpart 8-6.50 revoked ... 4676
8-6.104-3—8-6.105
Subpart 8-6.1 added ... 4675
8-6.202-1—8-6.204
Subpart 8-6.2 recodified from 8-6.203—8-6.250; revised ... 4675
8-6.203—8-6.250
Subpart 8-6.2 recodified as 8-6.202-1—8-6.204; revised ... 4675
8-6.5000—8-6.5004
Subpart 8-6.50 revoked ... 4676
8-7
Subpart 8-7.51 added ... 7600
8-7.150-12
Added ... 7600
8-7.150-13
Added ... 7600
8-7.150-14
Added ... 7600
8-7.150-15
Added ... 7600
8-7.150-16
Added ... 8376

41 CFR—Continued Page

Chapter 8—Continued
8-7.5100—8-7.5101-11
Subpart 8-7.51 added ... 7600
8-10
Subpart 8-10.1 recodified and revised; Subparts 8-10.2 and 8-10.4 added; Subpart 8-10.50 heading revised ... 4676
8-10.102—8-10.102-50
Subpart 8-10.1 recodified as 8-10.103—8-10.104-1; revised ... 4676
8-10.103—8-10.104-1
Subpart 8-10.1 recodified from 8-10.102—8-10.102-50; revised ... 4676
8-10.204-1, 8-10.204-2
Subpart 8-10.2 added ... 4676
8-10.450
Subpart 8-10.4 added ... 4676
8-10.5000
Revoked ... 4676
8-10.5001
Revoked ... 4676
8-10.5002
Heading of Subpart 8-10.50 revised ... 4676
8-11
Subpart 8-11.2 recodified and revised; Subpart 8-11.3 revoked; Subpart 8-11.5 added ... 4676
8-11.000
Added ... 4676
8-11.203
Subpart 8-11.2 recodified from 8-11.205, 8-11.206; revised ... 4676
8-11.205, 8-11.206
Subpart 8-11.2 recodified as 8-11.203; revised ... 4676
8-11.302
Subpart 8-11.3 revoked ... 4676
8-11.502-1
Subpart 8-11.5 added ... 4676
8-12
Added ... 2314
8-14.152
Added ... 7600
8-14.152-1
Added ... 7600
8-14.152-2
Added ... 7600
8-15
Added ... 7601
8-16
Subpart 8-16.50 revoked ... 4677
Subpart 8-16.2 added ... 7602
Subpart 8-16.4 added ... 7602
8-16.201-150
Subpart 8-16.2 added ... 7602
8-16.401-50
Subpart 8-16.4 added ... 7602
8-16.5000, 8-16.5001
Subpart 8-16.50 revoked ... 4677
8-18
Revoked; recodified as Part 8-30 ... 4677
8-19
Added ... 7041
8-30
Added; recodified from Part 8-18 ... 4677
8-52
Subpart 8-52.2 added ... 4677
8-52.101
Revised ... 4677
8-52.104
Added ... 4677
8-52.107
Revoked ... 4677

41 CFR—Continued Page

Chapter 8—Continued
8-52.201—8-52.203
Subpart 8-52.2 added ... 4677
8-75.201-11
Added ... 2212
8-75.201-12
Added ... 7602
8-75.201-13
Added ... 7602
8-95
Added ... 7603
Chapter 9:
9-1
Subpart 9-1.52 added ... 6483
9-1.104
(b) deleted; new (b) and (c) added ... 6483
9-1.256
Deleted ... 6483
9-1.257
Deleted ... 6483
9-1.305-1
Revised ... 6483
9-1.310-1
Revised ... 6483
9-1.353
Deleted ... 6483
9-1.356
Added ... 6519
9-1.702
(b) (3) amended ... 6483
9-1.709
(b) (5) deleted; (b) (6) redesignated as (b) (5) ... 6519
9-1.802
Deleted ... 6483
9-1.901
Revised ... 6483
9-1.1101
Amended ... 6483
9-1.1150
Amended ... 6483
9-1.5001
Revised ... 6483
9-1.5002
(b) deleted ... 6483
9-1.5200—9-1.5203
Subpart 9-1.52 added ... 6483
9-2.201
Revised ... 1288
9-3.000
Revised ... 6683
9-3.000-50
Added ... 6683
9-3.103
(d) revised ... 6683
9-3.301
Deleted ... 6683
9-3.301
Added ... 6683
9-3.302
Added ... 6683
9-3.303
Added ... 6683
9-3.403-2
Redesignated as 9-3.404-3 ... 6683
9-3.403-50
Redesignated as 9-3.404-50 ... 6683
9-3.403-51
Redesignated as 9-3.404-51 ... 6683
9-3.403-52
Deleted ... 6683
9-3.404-3
Redesignated as 9-3.405-5; (b) amended ... 6683
9-3.404-3
Redesignated from 9-3.403-2 ... 6683
9-3.404-5
Added ... 6683

41 CFR—Continued

Chapter 9—Continued

9–3.404–7
Added ... 6683
9–3.404–50
Redesignated from 9–3.403–50 ... 6683
9–3.404–51
Redesignated from 9–3.403–51 ... 6683
9–3.405–1
Redesignated as 9–3.406–1 ... 6683
9–3.405–3
Redesignated as 9–3.408 ... 6683
9–3.405–5
Redesignated from 9–3.404–3; (b) amended ... 6683
9–3.406–1
Redesignated from 9–3.405–1 ... 6683
9–3.408
Redesignated from 9–3.405–3 ... 6683
9–3.600
Amended ... 6683
9–3.809–50
(b) deleted ... 6683
9–3.902–2
Added ... 6683
9–4.000
Added ... 5519
9–4.000–50
Added ... 6519
9–5
Revised ... 6313
9–5.000–50
Added ... 6519
9–5.100
Revised ... 6519
9–6.103
Redesignated as 9–6.103–2; revised ... 6519
9–6.103–2
Redesignated as 9–6.103–3; revised ... 6519
9–6.103–2
Redesignated from 9–6.103; revised ... 6519
9–6.103–3
Redesignated from 9–6.103–2; revised ... 6519
9–6.202
Revised ... 6519
9–6.202–1
(b) amended ... 6519
9–7.5006–9
Amended ... 3323
9–7.5006–10
Amended ... 3323
9–7.5006–12
Amended ... 3323
9–8
Added ... 622
9–8.000–50
Added ... 6585
9–8.507–50
Corrected ... 831
9–8.507–51
Corrected ... 831
9–9.5000–50
Added ... 6684
9–9.5005
(a) amended ... 6684
9–9.5008–2
Amended ... 6684
9–9.5103
(d)(1) amended ... 6684
9–11
Added ... 6318
9–14.000
Revised ... 7886
9–14.000–50
Added ... 7886
9–14.101
Deleted ... 7886
9–14.108
Added ... 7886
9–14.201
Deleted ... 7886
9–14.5001
(a)(3) revised; (a)(4) deleted; (b) revised ... 7887
9–14.5003
(b) deleted ... 7887
9–15.000–50
Added ... 8109
9–15.5005–4
(a) revised ... 8109
9–15.5008
Revised ... 8109
9–15.5006–1
(a) amended ... 8109
9–15.5010–17
Added ... 3219
9–16.051
Deleted ... 7887
9–16.051–1
Added ... 7887
9–16.051–2
Added ... 7887
9–16.5001
Revised ... 7887
9–16.5002–8
Amended ... 4357, 4358
9–17.000–50
Added ... 7887
9–51.000
Amended ... 7749
9–51.000–50
Added ... 7749
9–53.000–50
Added ... 7819
9–54.000
Revised ... 6684
9–54.000–50
Added ... 6684
9–54.004
(a) and (b) revised ... 6684
9–55.001
Deleted ... 8319
9–55.001
Added ... 8319
9–55.100
Revised ... 8319
9–55.102–1
Revised ... 8319
9–55.102–3
Introductory text revised ... 8319
9–55.202
Heading revised ... 8319
9–55.203
(m) revised ... 8319
9–56.001
(e) deleted ... 7749
9–56.002
Added ... 7749
9–56.000–50
Added ... 7750
9–56.001
Deleted ... 7750
9–56.101
Amended ... 7750
9–56.201
Revised ... 7750

Chapter 10:

10–1
Added ... 950

Chapter 18:

18–54.000
Revised ... 133
18–54.101
Revised ... 133
18–54.102
Revised ... 133
18–54.103
Revised ... 133
18–54.111
Revised ... 133
18–54.116
Revised ... 133
18–54.120
Revised ... 133
18–54.122
Revised ... 133

Chapter 39:

39–1
Subpart 39–1.3 added ... 5793
39–1.305–3, 39–1.306–1
Subpart 39–1.3 added ... 5793

Chapter 101:

Temporary Reg. No. A–2 added ... 577
Temporary Reg. No. A–2 corrected ... 754

101–5
Added ... 4199
Subparts 101–5.2 and 101–5.49 added ... 4358
Subpart 101–5.3 added ... 6684
101–5.200—101–5.204–3
Subpart 101–5.2 added ... 4358
101–5.300—101–5.307
Subpart 101–5.3 added ... 6684
101–5.4900—101–5.4903
Subpart 101–5.49 added ... 4358
101–6.102
Revised ... 1256
101–10.206–1
Revised ... 4359
101–10.206–2
Revised ... 4359
101–11.102–2
(d) added ... 4757
101–15.102–8
Revised ... 1256
101–15.105
(h) revised ... 1256
101–18.102
Revised ... 7820
101–19
Subpart 101–19.2 added ... 8160
101–19.200—101–19.209
Subpart 101–19.2 added ... 8160
101–20.205
Added ... 7820
101–20.206
Added ... 7820
101–20.902—101–20.902–3
Added ... 1709
101–20.4903–1807, 101–20.4902–1807A
Added ... 1790
101–25.104
Added ... 4757
Corrected ... 5479
101–25.104–1
Added ... 5479
101–25.104–2
Added ... 4757
101–25.105
Added ... 4757
101–25.302
(a) revised ... 4757
101–25.302–1
Revised ... 4758
101–25.404–1
Added ... 4758
101–26.301
(g) deleted ... 4200
101–26.301–1
Added ... 3442
101–26.306
Revised ... 4200
101–26.308—101–26.308–2
Added ... 4758
101–26.308
Corrected ... 5480
101–26.401
Text added from 101–26.401–1 and revised ... 4758
101–26.401–1
Heading deleted; text transferred to 101–26.401 and revised ... 4758
101–26.401–1
Redesignated from 101–26.401–2; revised ... 4758
101–26.401–2
Redesignated as 101–26.401–1; revised ... 4758
101–26.401–2
Redesignated from 101–26.401–3; revised ... 4759
101–26.401–3
Redesignated as 101–26.401–2; revised ... 4759
101–26.401–3
Added ... 4759
101–26.401–4
(g) deleted ... 4758
101–26.408
Added ... 646
101–26.409—101–26.409–4
Added ... 649
101–29.303
Added ... 8319
101–38
Subpart 101–38.10 added ... 4121
Subpart 101–38.4 revised ... 7489
101–38.001–4
Revised ... 7489
101–38.304–1
Amended ... 4131
101–38.401—101–38.405
Subpart 101–38.4 revised ... 7489
101–38.501
Revised ... 7489
101–38.1000—101–38.1003
Subpart 101–38.10 added ... 4131
101–38.4903
Revised ... 7489
101–43.4901
Revised ... 5823
101–44.318
Added ... 4716
101–44.319
Added ... 6649
101–45
Revised ... 2930
101–45.4910
Corrected ... 3384
101–47.307–6
Revised ... 755

Proposed Rules:

50–203 ... 801
50–204 ... 5483
Ch. 101 ... 797

42 CFR

Chapter I:

32.1
(l) added ... 2151
32.6
(a)(12) added ... 2151

41 CFR—Continued

Chapter 101—Continued

101–26.301
(g) deleted ... 4200
101–26.301–1
Added ... 3442
101–26.306
Revised ... 4200
101–26.308—101–26.308–2
Added ... 4758
101–26.308
Corrected ... 5480
101–26.401
Text added from 101–26.401–1 and revised ... 4758
101–26.401–1
Heading deleted; text transferred to 101–26.401 and revised ... 4758
101–26.401–1
Redesignated from 101–26.401–2; revised ... 4758
101–26.401–2
Redesignated as 101–26.401–1; revised ... 4758
101–26.401–2
Redesignated from 101–26.401–3; revised ... 4759
101–26.401–3
Redesignated as 101–26.401–2; revised ... 4759
101–26.401–3
Added ... 4759
101–26.401–4
(g) deleted ... 4758
101–26.408
Added ... 646
101–26.409—101–26.409–4
Added ... 649
101–29.303
Added ... 8319
101–38
Subpart 101–38.10 added ... 4121
Subpart 101–38.4 revised ... 7489
101–38.001–4
Revised ... 7489
101–38.304–1
Amended ... 4131
101–38.401—101–38.405
Subpart 101–38.4 revised ... 7489
101–38.501
Revised ... 7489
101–38.1000—101–38.1003
Subpart 101–38.10 added ... 4131
101–38.4903
Revised ... 7489
101–43.4901
Revised ... 5823
101–44.318
Added ... 4716
101–44.319
Added ... 6649
101–45
Revised ... 2930
101–45.4910
Corrected ... 3384
101–47.307–6
Revised ... 755

Proposed Rules:

50–203 ... 801
50–204 ... 5483
Ch. 101 ... 797

42 CFR

Chapter I:

32.1
(l) added ... 2151
32.6
(a)(12) added ... 2151
33.57
Center heading and section added ... 2151
54.113
Revised ... 2443
54.210
Revised ... 2443
57
Subpart E added ... 6944
Headings of Subparts B and C revised ... 7394
57.101—57.109
Heading of Subpart B revised ... 7394
57.201—57.211
Heading of Subpart C revised ... 7394
57.201
Revised ... 7395
57.202
(d)(1), (f), and (n)(1) and (3) revised ... 7395
57.401—57.409
Subpart E added ... 6944
57.404
(a) corrected ... 7395
61.9
(e) revised; (f) added ... 6072
63.5
(c) revised; (e) added ... 6072

Proposed Rules:

73 ... 6795

43 CFR

Subtitle A:

10
Added ... 3265
10.4
(c) revised ... 5632
18.6
(b) amended ... 7394

Chapter I:

416
Revised ... 4536

Chapter II:

1810.4
Added ... 34
1821.2–1
(a) revised ... 755
2033.2–4
(a) revised ... 4759
2033.2–5
(a) revised ... 4759
2033.2–7
(b)(2) revised ... 4759
2033.2–9
(e) revised ... 4759
2211.07
Revised ... 3657
2212.0–3
(c) revoked ... 3710
2212.0–7
(b) revoked ... 3710
2212.9—2212.9–5
Revised ... 3710
2234.1–6
(c)(2) revised ... 7605
2235.1–1
(d) revised ... 5707
2242.6–4
Added ... 5707
2244.5–6
(b)(2) revised ... 3438
2244.5–7
Added ... 3438
2244.5–8
Added ... 3439
3162.6
Revised ... 4760
3545.1
Revoked ... 7606
3545.2
Revoked ... 7606
4111.4–1
Redesignated as 4111.4–2 ... 2260
4111.4–2
Redesignated as 4111.4–3 ... 2260
4111.4–2
Redesignated from 4111.4–1 ... 2260
4111.4–3
Redesignated from 4111.4–2 ... 2260
4115.2–1
(e)(3) and (9)(i) revised ... 7606

Public land orders:

5
Revoked in part by PLO 3549 ... 2262
See PLO 3677 ... 7820
284
See PLO 3549 ... 2262
509
Revoked in part by PLO 3541 ... 2214
Revoked in part by PLO 3695 ... 7897
559
Revoked in part by PLO 3522 ... 443
726
See PLO 3562 ... 3440
729
Revoked by PLO 3706 ... 7754
802
Revoked in part by PLO 3577 ... 4476
823
Revoked by PLO 3563 ... 3440
839
Revoked in part by PLO 3568 ... 3963
891
Revoked by PLO 3578 ... 4476
993
Revoked in part by PLO 3692 ... 7823
1009
Revoked in part by PLO 3582 ... 4478
1034
See PLO 3582 ... 4478
1044
Revoked in part by PLO 3519 ... 7
1212
Revoked in part by PLO 3568 ... 3963
1233
Revoked in part by PLO 3623 ... 5480
1254
Revoked by PLO 3628 ... 5380
1301
Revoked by PLO 3572 ... 4254
1350
Revoked by PLO 3700 ... 7899
1394
Revoked in part by PLO 3568 ... 3963
1457
Revoked in part by PLO 3617 ... 5379
1489
Revoked in part by PLO 3568 ... 3963
1502
See PLO 3617 ... 5379
1507
Revoked in part by PLO 3546 ... 2261
1524
Revoked in part by PLO 3568 ... 3963
1546
Revoked in part by PLO 3642 ... 5636
1570
Revoked in part by PLO 3568 ... 3963
1621
See PLO 3521 ... 271
1632
Revoked by PLO 3593 ... 4542
1695
Modified by PLO 3570 ... 4253

43 CFR—Continued

Public land orders—Continued

	Page
1726	
Modified by PLO 3596	4542
1752	
Revoked by PLO 3704	7900
1757	
Revoked in part by PLO 3673	7752
1785	
See PLO 3651	5639
1843	
Revoked in part by PLO 3587	4540
1898	
Revoked in part by PLO 3703	7900
1993	
Revoked by PLO 3613	5378
2588	
Revoked in part by PLO 3558	3267
Revoked in part by PLO 3562	3440
2659	
Revoked in part by PLO 3562	3440
2676	
See PLO 3549	2262
2932	
Revoked by PLO 3593	4542
3152	
Amended by PLO 3584	4478
3276	
Revoked in part by PLO 3551	2661
3349	
Vacated in part by PLO 3583	4478
3406	
Vacated in part by PLO 3587	4540
3407	
Revoked by PLO 3625	5481
3473	
See PLO 3575	4476
3480	
Amended by PLO 3631	5482
3491	
Corrected	755
3500	
Amended and revoked in part by PLO 3581	4478
3501	
Revoked in part by PLO 3574	4254
3510	
Amended by PLO 3533	1194
3518	7
3519	7
3520	271
3521	271
3522	443
Amended by PLO 3527	755
3523	623
3524	624
3525	624
3526	624
3527	755
3528	885
Corrected	7998
3529	951
3530	1193
Amended and revoked in part by PLO 3701	7900
3531	1194
3532	1288
3533	1194
3534	1194
3535	2213
3536	2213
3537	2213
3538	2260
3539	2214
3540	2214
3541	2214
3542	2215
3543	2215
3544	2215
3545	2261
3546	2261
3547	2261
3548	2261
3549	2262
3550	2262
3551	2661
3552	2661
3553	2661
3554	2661
3555	2661
3556	2662
3557	2662
3558	3267
3559	3439
3560	3439
3561	3440
3562	3440
3563	3440
3564	3441
3565	3441
Corrected	7820
3566	3441
3567	3963
3568	3963
3569	4253
3570	4253
3571	4253
3572	4254
3573	4254
3574	4254
3575	4475
3576	4476
3577	4476
3578	4476
3579	4477
3580	4477
3581	4477
3582	4478
3583	4478
3584	4478
3585	4539
3586	4540
3587	4540
3588	4540
3589	4541
3590	4541
3591	4541
3592	4541
3593	4542
3594	4542
3595	4542
3596	4542
3597	4678
3598	4678
Corrected by PLO 3675	7753
3599	4678
3600	4678
3601	4679
3602	4679
3603	4716
3604	4717
3605	5376
3606	5376
3607	5376
3608	5377
3609	5377
3610	5377
3611	5377
3612	5377
3613	5378
3614	5378
3615	5378
3616	5378
3617	5379
3618	5379
3619	5480
3620	5379
3621	5380
3622	5480
3623	5480
3624	5481
3625	5481
3626	5481
3627	5380
3628	5380
3629	5481
3630	5481
3631	5482
3632	5482
3633	5380
3634	5632
3635	5635
3636	5635
3637	5635
3638	5635
Corrected	6585
3639	5635
3640	5636
3641	5636
3642	5636
3643	5636
3644	5637
3645	5637
3646	5637
Corrected by PLO 3680	7821
3647	5637
3648	5638
3649	5638
3650	5638
3651	5639
3652	6072
3653	6072
3654	6072
3655	6392
3656	6437
3657	6586
3658	7101
3659	7101
3660	7101
3661	7521
3662	7606
3663	7750
3664	7750
3665	7750
3666	7751
3667	7751
3668	7751
3669	7751
3670	7751
3671	7752
3672	7752
3673	7752
3674	7752
3675	7753
3676	7753
3677	7820
3678	7821
3679	7821
3680	7821
3681	7821
3682	7821
3683	7821
3684	7821
3685	7822
3686	7822
3687	7822
3688	7753
3689	7822
3690	7823
3691	7823
3692	7823
3693	7824
3694	7824
3695	7897
3696	7897
3697	7897

43 CFR—Continued

Public land orders—Continued

	Page
3698	7897
3699	7898
3700	7899
3701	7899
3702	7900
3703	7900
3704	7900
3705	7901
3706	7754
Proposed Rules:	
1720	2384
2240	2263, 2384
2410	2384
3610	952

44 CFR

	Page
Chapter VII:	
702	
Heading revised; 702.1—702.17 designated as Subpart A; Subpart B added	5511
702.1—702.17	
Designated as Subpart A	5511
702.1	
Introductory text, (g), and (j) revised	5511
702.3	
(a) revised	5511
702.15	
Revised	5511
702.30—702.38	
Subpart B added	5511

45 CFR

	Page
Chapter X added	325
Subtitle A:	
13.5	
(a), (c), and (d) revised	2443
13.7	
(a) amended	2444
13.9	
(d) through (f) redesignated as (e) through (g); new (d) added	2444
(f) revised	5833
13.10	
Revised	2444
14	
Amended	2445
14.9	
(c) revised	2445
60.14	
(c)(3) revised	7871
80	
Appendix A amended	35
Subtitle B:	
Chapter I:	
104.13	
(a)(1) revised	8268
104.25	
(e) revised	8268
104.29	
Revised	8268
104.30	
Revised	8268
104.33	
Revised	8268
104.42	
(c)(3) revised	8269
114.29c	
Added	3763
130.1	
(k) added	6393
130.8	
(b) revised; (c) added	6393
130.16	
Heading and (c) revised	6394
130.17	
(b) revised	6394
Chapter I—Continued	
141	
Revised	7
142	
Revised	994
143	
Revised	134
166	
Added	3531
170	
Subpart C added	35
170.41—170.45	
Subpart C added	35
180	
Added	4359
Chapter III:	
301.24	
Revised	5794
Chapter IV:	
401.49	
Revised	140
Chapter X:	
Added	325
1010	
Added	325
1030	
Added	3881

46 CFR

	Page
Chapter I:	
1.01	
(b)(1)(ii) revised; (b)(2) and (3) added	3441
1.05	
(a)(1) revised; (a)(2) added	3442
2.50–1	
(b) revised	2799
2.50–10	
(b) revised	2799
2.50–20	
(a), (c), and (d) revised	2799
10.02–5	
(c)(10) amended	2026
10.20–11	
Amended	2027
14	
Authority citation revised	2027
14.05–1	
Amended	2027
14.05–10	
(a) amended	2027
14.05–20	
(c) amended	2027
25.30–20	
(a) revised	6517
25.40–1	
Revised	6518
31.15–5	
Revised	3220
31.15–6	
Added	3220
32.63–1	
Revised	3220
35.01–45	
(a) revised	3221
35.01–50	
Added	3220
35.01–55	
Added	3221
35.30–1	
(d) and (e) added	3221
35.35–1	
Revised	3221
40.05–86	
Deleted; superseded by 35.01–55	3221
81.01–50	
(a) amended	3027
81.07–1	
Amended	2027
Chapter I—Continued	
52.05–10	
Amended	2027
52.22–10	
(a) amended	2027
52.50–1	
(c) amended	2027
52.70–10	
(a) amended	2027
53.03–35	
(b) amended	2027
53.03–55	
(g) deleted	2027
54.01–10	
Amended	2027
54.03–15	
(a) amended	2027
54.03–25	
(c)(5) amended	2027
54.07–5	
(a) amended	2027
55.01–10	
Amended	2027
55.07–1	
Amended	2027
55.07–5	
(a)(1) amended	2027
55.10–30	
(b) amended	2027
56.01–45	
(b) amended	2028
56.05–6	
(a)(2) and (c) amended	2028
57.10–10	
(b) amended	2028
61.01–1	
Amended	2028
61.10–1	
(a) amended	2028
61.45–1	
Amended	2028
61.45–15	
Amended	2028
90.10–12	
Added	3222
94.10–40	
Amended	2028
98.03–1	
(b) added	3222
98.03–35	
Added	3222
98.03–40	
Added	3222
98.03–45	
Added	3222
98.25–60	
(d)(1) revised	2028
111.05–5	
(b)(3) amended	2028
111.50–1	
(a) amended	2028
111.50–15	
(e)(3) amended	2028
137.30–15	
Revised	6713
146.03–19	
(a) revised	7438
146.04–5	
Amended	7438
146.05–5	
(l) and (m) added	7438
146.05–11	
(a) revised	7438
146.06–20	
(a) revised	7438
146.07–5	
(d) revised	7438
146.09–1	
(d) revised	7438

46 CFR—Continued

Chapter I—Continued

146.09–6
(f) revised 7439
146.20–3
(q) revised 7439
146.20–23
(b) and (g) revised 7439
146.21–55
(a) revised 7439
146.21–100
Amended 7439
146.22–15
Introductory text of (b) and (b) (1) revised 7441
146.22–100
Amended 7441
146.23–100
Amended 7441
146.24–100
Amended 7443
146.25–21
(c) revised 7443
146.25–25
(f) revised 7443
146.25–200
Amended 7443
146.26–20
(f) revised 7443
146.27–25
(d) (2) revised 7443
146.27–100
Amended 7443
146.29–5
Revised 7444
146.29–41
(k) revised 7444
146.29–100
Amended 7444
154.06
Revised 89
157.10–75
(a) amended 2028
164.013–4
(j) deleted 2028
164.013–5
Revised 2028
171.10–20
(d) and (e) revised 650

Chapter II:

221.14
Revised 7490
344
Revoked 5794
272.6
(e) revised; (f) and (g) deleted; (h) and (i) redesignated as (f) and (g); (j) deleted 1983
272.7
(a) and (b) revised 1983
287
Revised 7215
287.6
Corrected 8162
309
Revised 7697
355.2
(c) (4) revised 5901

Chapter III:

402.320
(a) (1) revised; (a) (5) added 5512

Chapter IV:

502.211
Revoked 3267
506.4
Effective date postponed 35
510.21
Effective date of (f), (i), (j), and (l) 3355
Effective date of (f), (i), (j), and (l) postponed 4360

46 CFR—Continued

Chapter IV—Continued

510.22
(c) revised 1849
Effective date of (a) 3355
Effective date of (a) postponed 4360
510.23
Effective date of (j) 3355
Effective date of (j) postponed 4360
510.24
Effective date of (e), (g), and (h) 3355
Effective date of (e), (g), and (h) postponed 4360
510.25
Effective date of (a) 3355
Effective date of (a) postponed 4360
526.2
Revoked 3267
527
Added 7491
528.3
Amended 7102
530.5
Revised 8162
536
Added 7139

Proposed Rules:

10 832
12 2219
25 832, 2219
32 832
33 832
34 832
35 2219
40 832, 2219
51 2030
52 832, 2030
53 2030, 5607
54 2030
55 832, 2030
61 832, 2030
72 832
75 832
76 832
94 832
95 832
98 832, 2030, 2219
110 832
111 832
112 832
113 832
144 832
146 832
160 832
162 832, 2030
164 832
187 832
202 345
221 4416
248 7291
251 2681, 3548, 8110
290 7722
380 7722
521 7930
525 4081, 5908
527 285, 3392
533 7574
537 4557, 5908

47 CFR

Chapter I:

0.15
Revised 6250
0.16
Revised 6250
0.311
(a) (13) added 7521
0.322
(i) added 2706
Introductory text of (b) revised; (b) (5) deleted 6779

47 CFR—Continued

Chapter I—Continued

0.371
(a) revised 3223
0.417
(a) (5) amended 4546
0.445
(c) amended 4612
(c) amended 7755
1
Policy statement 7419
1.106
Amended 4479
1.525
(b) (2) revised 6709
1.526
Added 4546
1.580
(f) (10) added 4547
(c) and introductory text of (d) revised 6781
1.594
(d) (5) added 4547
(a) and introductory text of (b) revised 6781
1.615
(f) added 4547
1.911
(e) added 2706
1.922
Amended 2446
Amended 2706
Amended 6779
1.926
(b) (9) revised 2446
1.927
(a) revised 6779
1.928
(b) revised 6779
1.929
Revised 6779
1.962
(a) (8) deleted 4479
1.973
(d) revised 3223
2.1
Amended 7155
2.100
Revised 7156
2.102
(a), (b) (4), (5), and (6) revised 7156
2.104
Revised 7156
2.105
(h) (1) revised 7156
2.106
Amended 343
Provisions waived in part 342
Amended 1851, 4480, 6220, 6388, 7105, 7106, 7156, 8222.
2.601
Revised 7102
2.603
(a) and (b) revised; (c) deleted 7102
13.5
(a) revised 3597
15.63
(c) revised 6250
15.75
(b) (1), (2), and (3) revised 578
18.114
Revised 7999
18.116
(b) and (c) revised 7999
18.118
(a) revised 7999
18.125
Added 7999

47 CFR—Continued

Chapter I—Continued

18.126
Added 7999
21.1
Amended 7174
21.15
Introductory text of (l) revised 2448
21.26
(b) revised 7174
21.107
(b) revised 7174
21.204
Note revised 7174
21.516
Revised 2448
21.701
(a) and (g) revised 7174
21.706
(c) and (d) added 7174
21.708
(a) (7) added 7175
21.710
Added 6060
21.712
Added 6060
21.714
Added 6060
21.716
Added 6060
21.801
(f) revised 7175
21.807
(a) (5) added 7175
21.809
Added 7175
25
Subpart C added 7175
25.103
(d), (e), and (f) added 6869
25.201—25.251
Subpart C added 7175
31.8
Amended 7711
33.81
Amended 7711
43.43
(c) revised 3223
73.37
Amended 3541
73.93
(a) and introductory text of (b) revised 6520
73.120
(d) amended 4547
73.201
Amended 4480
73.202
Amended 15, 1047, 1853–1856 (4 docs.), 3817, 3819, 4481, 5836, 5903, 6063.
Corrected 6117
Amended 6254, 6521, 7314, 8048
73.242
Extension of time for filing requests for exemptions 996
(a) revised 3541
73.265
(a) and introductory text of (b) revised 6520
73.290
(d) amended 4547
73.565
(a) and introductory text of (b) revised 6520
73.590
(d) amended 4547

47 CFR—Continued

Chapter I—Continued

73.606
Amended 6870
(b) amended 7106
(b) revised 7716
Amended 8164
73.636
Amended 578
73.657
(d) amended 4547
73.661
Revised 6520
73.682
(a) (15) revised 3443
74.602
(a) amended 1851
81.304
(a) (2) and (3) amended 650
81.306
(a) (2) amended 650
83.2
(a) and (p) revised 6779
83.5
Deleted 6779
83.33
Revised 2446
83.36
(a) revised 2446
83.49
(a) revised 6779
83.351
(a) (2) and (3) amended 650
83.355
(a) (1) amended 650
83.441
(a) revised 6779
83.442
Revised 6779
83.443
Revised 6780
83.446
(a) (7) revised 6780
83.453
(b) revised 6780
83.486
Revised 6780
83.491
(a) revised 6780
83.538
Revised 6780
83.557
(b) (1) and (c) (2) amended 6780
87.5
Amended 2800
87.65
(a) amended 2800
(a) amended 7106
87.67
(b) (1) amended 2800
87.73
(f) and (g) added 2800
87.77
(d) (6) added 2800
87.81
Revised 2800
87.183
(l) revised; (aa) added 7106
87.461
Revised 2801
87.463
Heading revised; (a) and (b) amended 2801
87.465
Added 2802
89
Subpart D added 4614

47 CFR—Continued

Chapter I—Continued

89.117
(b) revised 7522
89.221–89.231
Subpart D added 4614
91
Subpart N added 4615
91.557
Added 6061
91.559
Added 6061
91.561
Added 6061
91.651—91.656
Subpart N added 4615
93
Subpart G added 4617
93.301—93.306
Subpart G added 4617
95.41
(e) revised 3443
95.83
(a) (1) amended 2712
97
Subpart G added 2706
Appendix 1 amended 4618
Appendix 1 amended 7755
97.9
(d),(1) revised 1944
97.27
(a) revised 1944
97.35
(c) revised 1944
97.301—97.313
Subpart G added 2706

Proposed Rules:

1 3822, 7446
2 1009, 1878, 4322, 4492, 6226
15 2558, 6541, 6689
17 803, 7446
21 155, 892, 1878, 2471, 4322, 6078, 8009
25 589, 892, 1878
31 2472, 5858
33 2472
42 5858
73 98, 346, 490, 651, 803, 846, 1057, 2472, 2473, 3455, 3826, 4065, 4493–4495, 4554, 5798, 5860, 6122, 6274, 6275, 6543, 6590, 6651, 6947, 7113, 7179, 7446, 7525, 7929, 8067, 8166.
74 2473, 3457, 4322, 6078, 8009
83 806
87 4492
91 4322, 6078, 8009
97 4496

48 CFR

Chapter I:

182
Added 2400

Chapter II:

201.1
(b) revised 7754
201.2
(a) revised 648
211.1
Revised 7754
211.4
(d) revised 648

49 CFR

Chapter I:

1.92
Revised 6485
1.93
Revised 6485

49 CFR—Continued

Chapter I—Continued

1.94
(a) revised 6485
(a) revised 6780
(a) revised 7106
(a) revised 7716
(a) revised 8164
(a) revised 8165
(a) revised 8166
(a) revised 8167
(a) revised 8168
(a) revised 8169
(a) revised 8170
(a) revised 8171
(a) revised 8172
(a) revised 8173
(a) revised 8174
(a) revised 8175
(a) revised 8176
(a) revised

49 CFR—Continued Page

Chapter I—Continued
1.94
Revised ... 6485
10
Amended ... 2662
72.5
(a) amended ... 5743
(a) amended ... 7420
73
Note 1 cancelled ... 5743
73.28
(l) added ... 5743
73.31
(d)(8) amended ... 5743
(a)(2) and (c)(10) amended ... 7420
73.33
(m)(7) revised ... 7420
73.34
(d)(7) added; introductory text of (e)(10) and (13) revised; (l)(6) and (7) revised ... 5743
73.51
(q) revised ... 5744
73.115
Heading revised; (c) added ... 5744
(a) revised ... 7420
73.116
Introductory text of (g) revised ... 7420
73.119
Introductory text of (a) revised ... 5744
73.132
(a)(3) added ... 5744
(b) added ... 7420
73.134
Revised ... 5744
73.139
(a)(4) added ... 5744
73.144
(b) added ... 7421
73.145
(a)(7) revised ... 5744
73.149
Added ... 5744
73.157
(a)(4) revised ... 7421
73.176
(e)(2) revised ... 5744
73.204
(a)(6) revised ... 7421
73.206
Heading revised; introductory text of (a) revised; (a)(9) added ... 5745
(a)(10) added; (c)(4) cancelled ... 7421
73.214
(c)(3) added ... 5745
73.217
Heading and introductory text of (a) revised; (a)(4) added; (b) revised ... 7421
73.222
(a)(5) added ... 5745
73.230
(a)(4) added ... 5745
73.239a
Added ... 5745
73.249
(a)(12) added ... 5745
73.252
(e) revised; (g)(2) added ... 5745
73.256
(a)(5) revised ... 7421
73.257
(b) revised ... 5745

49 CFR—Continued Page

Chapter I—Continued
73.263
(a)(27) added ... 5745
Introductory text of (a), (a)(10) and (12) revised ... 7421
73.264
(a)(19) added; (b)(1) revised ... 5746
73.268
(f)(7) added ... 5746
73.269
(a)(5) added ... 5746
73.272
(f)(10) added ... 5746
73.276
(a)(7) added ... 5746
73.281
(a)(1) revised; (a)(2) added ... 5746
(a)(2) revised ... 7422
73.283
(a)(1) revised; (a)(2) added ... 5746
73.284
(a)(1) revised; (a)(2) added; (b) cancelled ... 5746
73.285
(a)(1) and (2) revised ... 5746
73.286
(b)(1) revised ... 5746
73.302
(a)(3) added; introductory text of (c) revised ... 7422
73.304
(a)(1) revised; (a)(2) amended ... 5746
73.314
(c) amended ... 5747
(c) amended ... 7422
73.315
(a)(1) amended ... 7422
73.346
(a)(26) revised ... 7422
73.352
(d) revised ... 7422
73.364
Introductory text of (a) revised ... 7422
73.365
(a)(17) added ... 7423
73.367
(a)(5) revised ... 5747
73.369
(a)(16) added ... 5747
73.370
(b)(1) revised ... 7423
73.376
Heading and introductory text of (a) revised ... 7423
73.377
(l) added ... 7423
73.378
Cancelled ... 7423
73.392
(f) revised ... 5747
73.395
Revised ... 7423
73.402
(a)(10) revised ... 7423
74.502
(a)(8) revised ... 7423
74.529
(b)(1) added ... 5747
74.530
(a)(1) added; (b) revised ... 5747
74.532
(b)(2) and (3) added ... 5747
74.538
(a) amended ... 5747

49 CFR—Continued Page

Chapter I—Continued
74.566
(d) revised ... 7423
77
Note 1 cancelled ... 5748
77.837
(c) revised; (d) added ... 5748
77.848
(a) amended ... 5748
77.860
(d) revised ... 7423
78.14–2
(b) added ... 5748
78.14–3
Revised ... 5748
78.14–4
Revised ... 5748
78.14–6
(b)(4) added; (d) amended ... 5748
78.21–3
(c)(4) added ... 5748
78.24–3
(b) added ... 5748
78.24–6
Cancelled ... 5748
78.24–7
Introductory text of (a) revised ... 5748
78.27–4
(a)(3) added ... 5749
78.35–5
(a)(4) added ... 5749
78.36
Revised ... 7423
78.36–2
Revised ... 7423
78.36–12
Revised ... 7423
78.36–20
(a)(2) revised ... 5749
Revised ... 7424
78.37
Revised ... 7424
78.37–2
Revised ... 7424
78.37–13
Revised ... 7424
78.37–20
(a)(2) revised ... 5749
Revised ... 7424
78.38–20
(a)(2) revised ... 5749
78.39–19
(a)(2) revised ... 5749
78.40–20
(a)(2) revised ... 5749
78.41–19
(a)(2) revised ... 5749
78.42–11
(a)(3) revised ... 7424
78.43–20
(a)(2) revised ... 5750
78.44–23
(a)(2) revised ... 5750
78.48–19
(a)(2) revised ... 5750
78.49–19
(a)(2) revised ... 5750
78.50–19
(a)(2) revised ... 5750
78.51–19
(b) revised; (c)(5) redesignated as (c)(6); new (c)(5) added ... 5750
78.51–20
(a) amended ... 5750
78.52–19
(a)(2) revised ... 5750

49 CFR—Continued Page

Chapter I—Continued
78.53–18
(a)(2) revised ... 5750
78.54–20
(a)(2) revised ... 5751
78.55–20
(a)(2) revised ... 5751
78.56–19
(b) revised ... 5751
78.56–20
(a) amended ... 5751
78.57–14
Heading revised ... 5751
78.57–20
(a)(3) revised ... 5751
78.57–22
(a) amended ... 5751
78.58–10
(a) revised ... 5751
78.58–21
(a)(2) revised ... 5751
78.59–18
(a)(2) revised ... 5751
78.60–4
(a) amended ... 5752
78.60–22
(a)(2) revised ... 5752
78.68–13
(d) revised ... 5752
78.68–19
(a)(2) revised ... 5752
78.80–11
(a)(2) revised ... 5752
78.80–13
Introductory text of (a) and (a)(3) revised ... 5752
78.80–14
Revised ... 5752
78.81–11
(a)(2) revised ... 5752
78.81–13
Introductory text of (a) revised ... 5752
78.82–9
(b) and (c) revised ... 7425
78.82–11
(a)(2) revised ... 5752
78.82–13
Introductory text of (a) revised ... 5752
78.82–14
Revised ... 5752
78.83–11
(a)(2) revised ... 5752
78.83–13
Introductory text of (a) and (a)(3) revised ... 5752
78.84–11
(a)(2) revised ... 5753
78.84–13
Introductory text of (a) and (a)(3) revised ... 5753
78.84–14
Revised ... 5753
78.85–10
(a)(2) revised ... 5753
78.85–12
Introductory text of (a) revised ... 5753
78.87–11
(a)(2) revised ... 5753
78.87–13
Introductory text of (a) revised ... 5753
78.88–10
(a)(2) revised ... 5753
78.88–12
Introductory text of (a) and (a)(3) revised ... 5753
78.89–9
(a)(2) revised ... 5753
78.89–11
Introductory text of (a) revised ... 5753

49 CFR—Continued Page

Chapter I—Continued
78.90–10
(a)(2) revised ... 5753
78.90–12
Introductory text of (a) and (a)(3) revised ... 5753
78.91–11
(a)(2) revised ... 5754
78.91–13
Introductory text of (a) revised ... 5754
78.97–9
(a)(2) revised ... 5754
78.97–11
Introductory text of (a) revised ... 5754
78.97–12
Revised ... 5754
78.98–9
(a)(2) revised ... 5754
78.98–11
Introductory text of (a) revised ... 5754
78.98–12
Revised ... 5754
78.99–9
(a)(2) revised ... 5754
78.99–11
Introductory text of (a) revised ... 5754
78.99–12
Revised ... 5754
78.100–9
(a)(2) revised ... 5754
78.100–11
Introductory text of (a) revised ... 5754
78.101–9
(a)(2) revised ... 5754
78.101–11
Introductory text of (a) revised ... 5754
78.101–12
Revised ... 5754
78.102–4
(a)(2) revised ... 5755
78.107–11
Introductory text of (a) revised ... 5755
78.108–11
Introductory text of (a) revised ... 5755
78.109–11
Introductory text of (a) revised ... 5755
78.110–10
Introductory text of (a) revised ... 5755
78.110–11
Revised ... 5755
78.111–10
Introductory text of (a) revised ... 5755
78.115–8
(c)(1) added ... 7425
78.115–10
(a)(2) revised ... 5755
78.115–12
Introductory text of (a) revised ... 5755
78.115–13
Revised ... 5755
78.116–10
(a)(2) revised ... 5755
78.116–12
Introductory text of (a) revised ... 5755
78.117–11
(a)(2) revised ... 5755
78.117–13
Introductory text of (a) revised ... 5755
78.118–8
(c)(1) added ... 7425
78.118–10
(a)(2) revised ... 5756
78.118–12
Introductory text of (a) revised ... 5756
78.119–10
(a)(2) revised ... 5756
78.119–12
Introductory text of (a) revised ... 5756

49 CFR—Continued Page

Chapter I—Continued
78.130–8
(a)(2) revised ... 5756
78.130–10
Introductory text of (a) revised ... 5756
78.131–9
(a)(3) revised ... 5756
78.131–11
Introductory text of (a) revised ... 5756
78.132–9
(a)(3) revised ... 5756
78.132–11
Introductory text of (a) revised ... 5756
78.133–9
(a)(2) revised ... 5756
78.133–11
Introductory text of (a) revised ... 5756
78.134–4
(a)(2) revised ... 5756
78.136–11
Introductory text of (a) revised ... 5756
78.140–8
Revised ... 5756
78.141–8
(c) revised ... 5756
78.150–3
Revised ... 5757
78.150–4
Revised ... 5757
78.150–5
Revised ... 5757
78.150–6
(b) revised ... 5757
78.150–7
(a)(2) and (3) revised ... 5757
78.205–14
(a) revised ... 7425
78.205–15
Heading revised ... 7425
78.209–8
(a)(4) revised ... 5757
78.209–15
Introductory text of (b) revised ... 5757
78.211–3
(a)(1)(v) added ... 7425
78.212—78.212–8
Added ... 5757
78.224–1
(a)(2) amended ... 7425
78.224–2
(c) amended ... 7425
78.236–2
(a)(2) amended ... 5758
78.237–2
(a)(2) amended ... 5758
78.238–2
(a)(2) amended ... 5758
78.238–3
(a) amended ... 5758
(a) amended ... 7425
78.239–2
(a)(2) amended ... 5758
78.247—78.247–7
Added ... 5758
78.337—78.337–18
Added ... 579
79.101–1
(a) amended ... 7425
95.95
(d) revised ... 8163
95.935
Revised ... 6220
95.946
(d) revised ... 8269
95.947
Revised ... 6220
Amended ... 7522
95.948
(d) revised ... 6269

49 CFR—Continued Page

Chapter I—Continued
95.949
(d) revised ... 6269
95.950
(d) revised ... 6269
95.951
(d) revised ... 6269
95.952
(d) revised ... 6269
95.953
(d) revised ... 6269
95.954
(d) revised ... 6269
95.955
(d) revised ... 6269
95.956
(d) revised ... 6269
95.957
(d) revised ... 6269
95.958
(d) revised ... 6269
95.959
(d) revised ... 6269
95.960
(d) revised ... 6269
95.961
(d) revised ... 6269
95.962
(d) revised ... 6269
95.963
(d) revised ... 6269
95.964
(d) revised ... 6269
95.965
(d) revised ... 6269
95.966
(d) revised ... 6269
95.967
(d) revised ... 6269
95.968
(d) revised ... 6269
95.969
(d) revised ... 6269
95.970
(d) revised ... 6269
95.971
(d) revised ... 6269
95.972
(d) revised ... 6269
95.973
(d) revised ... 6269
95.974
(d) revised ... 6269
95.975
(d) revised ... 6269
95.976
(d) revised ... 6269
95.977
(d) revised ... 6269
95.978
(d) revised ... 6269
95.979
(d) revised ... 6269
95.980
(d) revised ... 6269
95.981
(d) revised ... 6269
95.982
(d) revised ... 6269
95.983
(d) revised ... 6269
95.984
(d) revised ... 6269
95.985
(d) revised ... 6269
95.986
(d) revised ... 6269
95.987
(d) revised ... 6269
95.988
(d) revised ... 6269
95.989
(d) revised ... 6269
95.990
(d) revised ... 6269
95.991
(d) revised ... 6269
95.992
(d) revised ... 6269
95.993
(d) revised ... 6269
95.994
(d) revised ... 6269
95.995
(d) revised ... 6269
95.996
(d) revised ... 6269
95.997
(d) revised ... 6269
95.998
(d) revised ... 6269
95.999
(d) revised ... 6269

49 CFR—Continued Page

Chapter I—Continued
95.1000
(d) revised ... 6269
95.1001
(d) revised ... 6269
95.1002
(d) revised ... 6269
95.1003
(d) revised ... 6269
95.1004
(d) revised ... 6269
95.1005
(d) revised ... 6269
95.1006
(d) revised ... 6269
95.1007
(d) revised ... 6269

49 CFR—Continued

Chapter I—Continued

	Page
95.949	
(d) revised	8269
95.950	
(d) revised	8163
95.951	
(f) revised	7945
95.952	
(f) revised	7945
95.955	
Added	2712
95.959	
Added	4255
95.960	
Added	5419
97.562	
Revised	6394
120.11	
Revised	1983
120.12	
Revised	795
120.14	
Revised	648
120.21	
Revised	885
120.61	
Revised	883
121.0	
Introductory text revised	140
121.01	
Revised	140
121.02	
Revised	140
121.04	
Revised	140
121.1	
Revised	140
121.2	
(b) (1) revised	140
121.9	
Revised	140
121.10	
Revised	140
121.13	
Revised	140
121.17	
Revised	140
121.18	
Revised	140
121.20	
Revised	140
121.24	
Revised	140
121.33	
Revised	140
121.34	
Revised	140
121.35	
Vacated	140
121.36	
Revised	140
121.37	
Revised	140
121.42	
Revised	140
121.43	
Revised	140
121.44	
Revised	140
121.45	
Revised	140
121.46	
Revised	140
121.49	
Revised	140
121.51	
Revised	140

49 CFR—Continued

Chapter I—Continued

	Page
121.54	
Revised	140
121.56	
Revised	140
121.58	
Vacated	140
121.59	
Revised	140
121.65	
Revised	140
121.66	
Revised	140
123.6	
Revised	485
123.28	
Revised	485
123.44	
Revised	485
124.1	
Revised	831
126.1	
(a) revised	831
131.25	
Added	7901
131.26	
Added	7901
132.12	
Interpretations	4063
141.200	
(a) revised	6162
170.3	
Revised	796
170.4	
Revised	2401
Corrected	2712
Effective date of revision	7249
176.1	
Effective date of revision further postponed	3597
Effective date of revision further postponed	3964
Effective date of revision further postponed	6117
176.4	
(a) revised	3711
182	
Revised	5420
187.100	
Revised	8335
187.101	
Revised	8336
192.10	
Revised	7492
192.11	
Revised	7492
193.42	
(b) revised	7522
193.70	
(f) revised	4481
193.71	
(c) revised	7522
206.7	
Revised	485
240	
Added	5836
301.10	
Revised	997
301.20	
Revised	951
Proposed Rules:	
71–78	448, 3225
72	1301, 4681
73	1301, 4681
74	1301, 4681
77	1301, 4681
78	1301, 4681

49 CFR—Continued

Proposed Rules—Continued

	Page
79	4681
91	3226
132	763
136	2405
170	16, 1127, 1876
176	7252
188	5709
211	5384, 8229, 8343
450	2719

50 CFR

Chapter I:

3	
Added	7315
10.1	
Revised	7571
10.2	
(n) added	7571
10.6	
Revised	7571
10.9	
Heading and (d) revised	7572
10.52	
Revised	7572
10.53	
Revised	7572
26.28	
Revised	6587
26.28a	
Added	6587
28.25	
Amended	997
28.28	
Amended	3323
Amended	7106
32.22	
Amended	3711, 3752
32.32	
Amended	7523
33.5	
Amended	272, 708 (3 docs.), 997, 2215, 2448, 2549–2551 (7 docs.), 2802–2803 (5 docs.), 3267, 3752, 3882, 5380, 5381, 5707, 6073, 6344, 6521, 6587 (2 docs.), 6871 (4 docs.), 7282 (2 docs.), 7572, 7824 (2 docs.).
60.11	
Amended	6149
Chapter II:	
253.2	
(a) revised	7607
253.3	
(f) revised	7607
260.6	
(b) (1) revised	7282
260.23	
Revised	7282
260.86	
(b) amended	7282
260.88	
(b) revised	7282
260.99	
(g) revised	7282
267.21	
(1) (2) (ii) revised	7444
268.1	
Revised	7282
Proposed Rules:	
10	5640
13	4721
32	6224, 7249
253	5382
255	6119
256	4761
260	7042
262	3598

PARALLEL TABLE OF STATUTORY AUTHORITIES AND RULES

(Additions to 2 CFR; January–June 1965)

This table lists the sections of the U.S. Code which were added to 2 CFR as a result of new citations of authority carried in the *Federal Register* during January–June 1965. Recent legislation not yet assigned within the U.S. Code is carried by public law number at the end of the list.

In order to determine the *Federal Register* page numbers of the parallel CFR citations, users should consult the List of CFR Sections Affected, above.

5 U.S.C.:	CFR
150	41 Part 101–5
151c	22 Part 141; 41 Part 6–3
1002	6 Part 300
1003	36 Part 6
7 U.S.C.:	
192	9 Part 201
208	9 Part 201
213	9 Part 201
221	9 Part 201
450	7 Part 319
1011	36 Part 211
1132	7 Parts 862, 868
1339	7 Part 707
1348	7 Part 1427
1379d	7 Part 1483
1379j	7 Part 707
1385	7 Part 707
1421	7 Parts 1425, 1438
1427	7 Parts 1486, 1488
1441	7 Part 1425
1444	7 Part 1425
1446d	7 Part 1425
1447	7 Part 1425
1506	7 Parts 407, 408
1516	7 Parts 407, 408
1622	7 Part 51; 50 Part 262
1624	7 Part 51
1783	7 Part 707
1809	7 Part 707
1851	7 Part 1486
2013	7 Parts 1600–1602
2053	29 Parts 40, 41
10 U.S.C.:	
271–272	32 Part 125
1006	32 Part 102
2001	32 Part 102
2110	32 Part 110
2202	32 Part 18
2301–2314	32 Part 18
2734a–2734b	32 Parts 750, 753
8012	32 Parts 805, 833–835, 860, 887–889, 932
9411	32 Part 902
12 U.S.C.:	
1 et seq	12 Part 17
1701c	44 Part 702
14 U.S.C.:	
633	46 Part 1
15 U.S.C.:	
13	16 Part 74
46	16 Part 74
78l	12 Parts 206, 335; 17 Part 249
78m	12 Parts 206, 335; 17 Part 274
78n	12 Parts 206, 335; 17 Part 249
78o	17 Part 274
78p	12 Parts 206, 335
78w	12 Part 206; 17 Part 274
79n	17 Part 274
79o	17 Part 274
79w	17 Part 274
80a–30	17 Part 274
80a–44	17 Part 274
255	7 Part 41
714b–714c	7 Parts 1425, 1486, 1487
714b	7 Parts 707, 1408
714c	7 Part 1488

16 U.S.C.:	CFR
460d	36 Part 313
460k–3	50 Part 26
460l–5	36 Part 251; 43 Part 18
532–538	36 Part 212
590h	7 Part 707
590p	7 Part 707
742e	50 Part 262
797	18 Part 8
803	18 Part 8
825h	18 Part 8
831–831dd	18 Part 302
1131–1136	36 Part 251
19 U.S.C.:	
1306	9 Parts 317, 318
20 U.S.C.:	
107	41 Part 101–19
21 U.S.C.:	
71–91	9 Part 9
89	9 Parts 317, 318
134b	9 Part 75
341	21 Part 121
348	21 Part 19
357	21 Part 148w
371	21 Parts 141d, 144, 146d
22 U.S.C.:	
811	41 Part 6–3
1442	22 Part 501
2402	22 Part 209
25 U.S.C.:	
2	25 Parts 41, 42
9	25 Parts 41, 42
26 U.S.C. (1954 I.R.C.):	
3303–3304	20 Part 601
29 U.S.C.:	
32–33	45 Part 401
32 U.S.C.:	
502	32 Part 102
33 U.S.C.:	
157a	33 Parts 80, 95
941	29 Part 1503
1052	33 Part 135
1073	33 Part 135
37 U.S.C.:	
209	32 Part 110
38 U.S.C.:	
210	41 Parts 8–12, 8–15, 8–19, 8–30, 8–75, 8–95
612	38 Part 17
39 U.S.C.:	
712	39 Part 54
2403	39 Part 54
40 U.S.C.:	
193r	36 Part 502
304f	41 Part 101–45
331	29 Part 5
462	44 Part 702
486	41 Parts 5–8, 5–19, 8–12, 8–15, 8–19, 8–30, 8–75, 8–95, 9–8, 9–11, 10–1, 39–1, 101–5.
702	41 Part 101–29
42 U.S.C.:	
242f	42 Parts 61, 63
296–296c	42 Part 57
1465	24 Part 3
2000c	45 Part 180
2000c–3	45 Part 180

42 U.S.C.—Continued	CFR
2000c–4	45 Part 180
2000d–1	13 Part 112; 14 Part 1250; 15 Part 8; 18 Part 302; 22 Parts 141, 209; 32A Ch. I, OEP Reg. 5; 45 Part 1010; 50 Part 3.
2111	10 Parts 31–36
2112	10 Parts 31, 36
2201	10 Parts 32–36; 41 Parts 9–8, 9–11
2232	10 Parts 32–36
2233	10 Parts 31–36
2717	5 Part 733
2788	45 Part 1030
2841–2854	6 Part 300
2881	7 Part 16
2942	6 Part 300; 45 Parts 166, 1010
2946	6 Part 300
46 U.S.C.:	
2	19 Part 2
527e	46 Part 2
672	46 Part 14
813a	46 Part 536
814	46 Part 527
817	46 Part 536
820	46 Part 527
841a	46 Parts 527, 536
1114	46 Part 287
1161	26 Part 2
47 U.S.C.:	
155	47 Part 2
220	47 Part 43
352	47 Part 1
383	47 Part 1
49 U.S.C.:	
66	4 Part 52
304	49 Part 240
310a	49 Part 240
317–318	49 Part 240
916	49 Part 1
1017	49 Part 1
1120	14 Part 151
1304	14 Part 77
1324	14 Part 242
1341–1355	14 Part 224
1348	14 Part 137
1349	14 Part 151
1354	14 Parts 33, 35, 121, 137
1371	14 Part 298
1373	14 Part 399
1377	14 Part 242
1421	14 Parts 33, 35, 133, 137
1422	14 Parts 63, 65, 67, 143
1423	14 Parts 33, 35, 121
1424	14 Part 121
1425	14 Part 121
1427	14 Part 137
1431	14 Part 77
1482	14 Part 399
1501	14 Part 77
50 U.S.C. App.:	
456	32 Part 110
2017f	13 Part 121
2251–2297	32 Part 220
Public Laws:	
Pub. Law 89–12	7 Parts 717, 718, 724
Pub. Law 89–41	36 Part 221

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INDEX

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THE NATIONAL ARCHIVES OF THE UNITED STATES • 1934 •

Accidents:
AIRCRAFT ACCIDENT, investigation

Page
Agriculture Department—Continued
AUTHORITY DELEGATIONS

Page

THE FEDERAL REGISTER INDEX

The Index to the daily *Federal Register* is published separately, covering the contents of the *Federal Register* as follows: Monthly for the months of January, February, April, May, July, August, October, November, and December; quarterly for the quarters ending in March, June, and September; and annually for the calendar year.

Entries in the Index are carried primarily under the names of the issuing agencies, with the most significant entries additionally carried in appropriate alphabetical position.

A List of CFR Sections Affected (cumulative codification guide), keyed to the *Code of Federal Regulations*, is also published monthly. It lists titles, parts, and sections, and indicates the nature of changes effected by *Federal Register* documents published to date in the calendar year. Proposed rules are listed at the end of pertinent titles.

Accidents: Page
AIRCRAFT ACCIDENT, investigation 5609

Additives, Color and Food:
See Food and Drug Administration.

Advisers, Consultants, and Other Special Government Employees:
ETHICAL STANDARDS OF CONDUCT (Executive Order 11222) 6469

Advisory Council on the Status of Women, Citizens':
MEMBERSHIP (Executive Order 11221) 6427

Agency for International Development:
ADVISORY COMMITTEE on foreign assistance programs, establishment 4642
AUTHORITY DELEGATIONS:
By Assistant Administrator, Development Finance and Private Enterprise, to Chief, Investment Guaranties Division; guaranty contract transfers, delinquency notices, etc 8170
By Assistant Administrator, Near East and South Asia, to various officials:
Assistant to Director, Capital Projects, Turkey; letters of commitment, disbursements, etc 7398
Chief, Contract Staff, et al.; contracts, letters of commitment, etc 5763
U.S. Ambassador and Director, A.I.D. Mission, Ankara, Turkey; loan agreement amendments 7396
By Deputy Administrator to principal U.S. diplomatic officer, Mali; administration of foreign assistance program 8344
COMMODITY TRANSACTIONS financed by A.I.D.; procurement policy, Webb-Pomerene Associations, et al., proposed rules 4321
FOREIGN ASSISTANCE PROGRAMS, General Advisory Committee on; establishment 4642
MUTUAL SECURITY ACT of 1954, guaranties of investments under; revoked 7571
VOLUNTARY FOREIGN AID AGENCIES, certificates of registration:
Christian Medical Society, Inc., 4501.
Community Development Foundation, Inc., 7614.
International Educational Development, Inc., 7614.
World Neighbors, Inc., 7614.

Agriculture Department:
AGRICULTURAL STABILIZATION AND CONSERVATION county and community committees; selection and functions 5759, 5787
ANIMALS:
See also Meat and meat products; Packers and Stockyards Division.
Diseases:
Brucellosis 7596
Dourine in horses and asses 5790
Foot-and-mouth 7445
General provisions 8327
Paratuberculosis 7596
Rinderpest 7445
Scabies in sheep 4363, 4750, 7274
Tuberculosis 7596
Humane slaughter; identification of carcasses 4501, 6496, 7402
Overtime services, imports and exports; travel time 4609, 7893
Pigs, feeder; standards, proposed rules 8225
Viruses, serums, toxins, etc. *See* Viruses, serums, toxins, etc., *below*.
APPLES; export restrictions, proposed rules 6782
APRICOTS, marketing:
Washington, 8255.
AUTHORITY DELEGATIONS:
See also Organization and functions.
By Agricultural Stabilization and Conservation Service officials:
Administrator to Thomas M. Gachet; approving determinations by county committees for counties in Arkansas, revoked 6124
Director, Procurement and Sales Division, to Director or Acting Director, Kansas City ASCS Commodity Office; approval of plants or division of plant 8795

Agriculture Department—Continued Page
AUTHORITY DELEGATIONS—Continued
By Consumer and Marketing Service officials:
Poultry Division:
Director to Chiefs, Grading and Inspection Branches; grading and inspection of poultry, rabbits, etc 5863
Grading Branch Chief to National Technical Supervisors; approval and disapproval of labels, plant facilities, etc 5862
Inspection Branch Chiefs to Heads of Facilities and Poultry Products Sections; approval and disapproval of labels, plant facilities, etc 5863
Transportation and Warehouse Division:
Director to Chief, Warehouse Service Branch, et al.; warehouse examination function, administration of Warehouse Act, etc 7295
Warehouse Service Branch Chief to Officers in Charge, National Grain and Cotton Field Offices, Kansas City, Mo., and New Orleans, La.; license issuance, modification, suspension, etc 7295
AVOCADOS:
Import restrictions 7244, 7436
Marketing:
Florida, 4666, 7240, 7436, 7501, 7893, 8093.
BARLEY:
See also Grains.
Loan and purchase programs:
1964 crop, 4606, 5702, 6661.
1965 crop, 7811.
Price-support program:
1964 crop, 4750.
BEANS, dry edible:
See also Grains.
Loan and purchase program:
1964 crop, 5762.
1965 crop, 7988.
Price-support program:
1964 crop, 4750, 5763.
Warehouses, federally licensed:
Agricultural Marketing Service changed to Consumer and Marketing Service 8093
Storage loans, due date 5763
BROOMCORN, warehouses; Agricultural Marketing Service changed to Consumer and Marketing Service 8093
BUTTERFAT; price-support program:
April 1965–March 1966; 4351.
CANNED FOOD, warehouses; Agricultural Marketing Service changed to Consumer and Marketing Service 8093
CARROTS, marketing:
Texas, 6479, 7274.
CHERRIES, marketing:
Red tart; certain States 5514, 6255
Sweet; Washington 7648, 8110
COMMODITY CREDIT CORPORATION. *See main heading* Commodity Credit Corporation.
COMMODITY EXCHANGE AUTHORITY; reports by traders, maintenance of books and records 6941
CONSERVATION PROGRAMS:
Agricultural; payments due persons who have died, disappeared, or been declared incompetent, applicability, etc 6246
Great Plains; county within Kansas 8016
Soil bank program, conservation reserve:
1956 through 1959 7311
1960 7311
COOPERATIVE MARKETING ASSOCIATIONS, eligibility requirements for price support 6907, 7037
CORN:
See also Grains.
Price-support program:
1964 crop, 4750.
COTTON:
Equalization program; payment-in-kind, cotton waste, spinnable 4410
Export market acreage, upland cotton; 1964 crop 4606
Loan programs:
1965 crop, 8096.

Agriculture Department—Continued Page

COTTON—Continued
- Marketing quotas, acreage allotments, etc.:
  - Extra long staple:
    - 1964 and succeeding crops, 7271, 7809.
  - Upland:
    - 1964 and succeeding crops, 7385, 7809.
    - 1965 crop, 6712, 7185, 7987.
- Price-support program:
  - 1965 and subsequent crop years, 7198, 7814.
- Standards:
  - Agricultural Marketing Service changed to Consumer and Marketing Service ... 6637, 7426
  - American upland, proposed rules ... 6255
  - Withdrawn ... 8049
  - Fiber fineness and maturity ... 7239
  - Micronaire reading fees ... 7426
  - Transfer of certain functions from Washington, D.C., to Memphis, Tenn ... 6637
- Warehouses; Agricultural Marketing Service changed to Consumer and Marketing Service ... 8093

COTTONSEED, warehouses; Agricultural Marketing Service changed to Consumer and Marketing Service ... 8093

CROP INSURANCE. *See main heading* Federal Crop Insurance Corporation.

DAIRY PRODUCTS:
- *See also* Milk and milk products.
- Exports:
  - Payment-in-kind program, terms and conditions ... 6910
  - Payment rates-by-contract, liquidated damages ... 4314
- Grading, inspection, and standards; Agricultural Marketing Service changed to Consumer and Marketing Service ... 6637
- Price-support program, milk and butterfat:
  - April 1965–March 1966; 4351.

DISASTER AREAS, need for agricultural credit:
- Colorado, 8282.
- Illinois, 7257.
- Indiana, 5911.
- Iowa, 5713.
- Michigan, 5713, 6191, 7048.
- Minnesota, 4726.
- Nebraska, 7616, 8071.
- North Dakota, 4693, 6124.
- Ohio, 5911.
- Pennsylvania, 7048.
- South Dakota, 7969.
- Texas, 5335, 7969.
- Utah, 6027.
- Washington, 7257, 7616.
- Wisconsin, 5911, 6027.

EGGS AND EGG PRODUCTS:
- Agricultural Marketing Service changed to Consumer and Marketing Service ... 6207
- Egg whites; pasteurization, heat-treatment, and analysis for Salmonella ... 6141

EXPORTS:
- Animals and products; overtime travel time ... 4609, 7893
- Cotton, upland; export market acreage, 1964 crop ... 4606
- Export credit sales program (GSM–3) ... 6249
- Flour, wheat; cash payment (GR–346) ... 6771, 6976
- Payment-in-kind:
  - Dairy products, 6910.
  - Flaxseed (PS–GR–4), 4532.
  - Linseed oil (PS–GR–4), 4532.
  - Wheat (GR–345), 4531.
- Payment rates-by-contract:
  - Dairy products, liquidated damages, 4314.
- Plants and products; overtime travel time ... 4745, 6429
- Restrictions; proposed rules:
  - Apples, 6782.
  - Pears, 6782.
- Tobacco, export commodity certificates, redemption ... 6639

FARMS, reconstitution; allotments, history, and soil bank base acreages ... 5701, 6511, 6975

FEDERAL CROP INSURANCE CORPORATION. *See main heading* Federal Crop Insurance Corporation.

FEDERAL SEED ACT regulations; vegetable seed, grasses, etc ... 7887

FEED GRAINS:
- Emergency program ... 6909
- Special programs; 1964 and 1965 ... 5334, 7515

Agriculture Department—Continued Page

FLAXSEED:
- Export program; payment-in-kind (PS–GR–4), terms and conditions ... 4532
- Loan and purchase program:
  - 1964 crop, 4608.
- Price-support program:
  - 1964 crop, 4750.
- Purchase program, Texas crops:
  - 1965 crop, 6338.
- Standards for grades ... 4605, 5760

FLOUR, wheat; export program, cash payment (GR–346), terms and conditions ... 6771, 6976

FOOD STAMP PROGRAM:
- Definitions, general information ... 4315, 8155
- Participation:
  - Retail food stores, wholesale food concerns, and banks ... 6859
  - State agencies and eligible households ... 4316
- Pilot program, supersedure in certain States; effective dates ... 4262, 6280, 7322

FOREST SERVICE. *See main heading* Forest Service.

FRUIT:
- *See also specific fruits.*
- Cold-pack, warehouses; Agricultural Marketing Service changed to Consumer and Marketing Service ... 8093

GRAIN SORGHUM:
- Loan and purchase program:
  - 1965 crop, 7991.
- Price-support program:
  - 1964 crop, 4750.

GRAINS:
- *See also specific grains.*
- Agricultural Marketing Service changed to Consumer and Marketing Service ... 8031, 8093

GRAPEFRUIT:
- Imports:
  - From Mexico and certain Central American countries; fumigation ... 4745
  - Restrictions ... 5359, 6065, 6638
- Marketing:
  - Arizona and California, 5788, 6430, 7273.
  - Florida, 4663, 5358, 6065, 6638, 6917, 8063.

GREAT PLAINS conservation program; county within Kansas ... 8016

HAY, standards; Agricultural Marketing Service changed to Consumer and Marketing Service ... 8031

HONEY; price-support program ... 7097

HOPS, marketing; Washington, Oregon, Idaho, and California, proposed rules ... 7825

HUMANE SLAUGHTER of livestock, identification of carcasses ... 4501, 6496, 7402

IMPORTS:
- Animals and products; overtime travel time ... 4609, 7893
- Meat, limitations ... 4364, 8348
- Plants and products:
  - Foreign quarantine. *See under* Plant quarantine.
  - Travel time, overtime ... 4745, 6429
- Restrictions:
  - Avocados, 7244, 7436.
  - Grapefruit, 5359, 6065, 6638.
  - Limes, 5621, 7743.
  - Rhubarb, Hawaii, 5619.
  - Tomatoes, 4416, 5505.

INSECTICIDES, PESTICIDES, etc., enforcement of Federal Insecticide, Fungicide, and Rodenticide Act; economic poisons, directions for use ... 6857

INTERNATIONAL COFFEE ORGANIZATION, functions of Secretary (Executive Order 11229) ... 7741

LEMONS, marketing:
- Arizona and California, 4350, 4665, 5504, 5573, 5789, 5826, 6148, 6430, 6479, 6681, 6712, 6939, 6975, 7240, 7435, 7647, 7947, 8222.

LIMES:
- Import restrictions ... 5621, 7743
- Marketing:
  - Florida, 5620, 7501, 7647, 8031.

LINSEED OIL; export program, payment-in-kind (PS–GR–4), terms and conditions ... 4532

LIVESTOCK:
- *See also* Meat and meat products; Packers and Stockyards Division.
- Humane slaughter of livestock; identification of carcasses ... 4501, 6496, 7402
- Pigs, feeder; standards, proposed rules ... 8225

Agriculture Department—Continued Page

MARKETING QUOTAS, farm acreage allotments, etc.:
See also specific commodities.
Acreage and compliance determination 5708, 7427
Reconstitution of farms, allotments, history, and soil bank base acreages 5701, 6511, 6975
Referenda 6144
MEAT AND MEAT PRODUCTS:
See also Livestock; Packers and Stockyards Division.
Carcass beef, standards for grades 4453
Humane slaughter of livestock, identification of carcasses 4501, 6496, 7402
Import limitations 4364, 8348
Labeling, marking:
Ionizing radiation 5702
Sausage and other products; proposed rule, time extension 5708
Reinspection and preparation of products:
Containers of products entering official establishments; labels showing chemical names 5702
Cooling and retort water treatment agents, denuding and hog scald agents 5702
Gamma radiation 5702, 6731
Sausage and other products; proposed rule, time extension 5708
MILK AND MILK PRODUCTS:
Export payment-in-kind program, dairy products, terms and conditions 6910
Export payment rates-by-contracts, dairy products, liquidated damages 4314
Indemnity payment program:
Application for payment 7426
Definitions; "eligible farmer" and "application period" 7426
Marketing in various areas, orders proposed or adopted:
Arizona:
Central, 4250.
Arkansas:
Central, 6534, 8228.
Fort Smith, 6534, 8228.
Memphis, Tenn., 6534, 8228.
Colorado:
Rio Grande Valley, 5851, 6538, 6573, 7288, 8050.
Delaware:
Delaware Valley, 6947, 7195, 7249, 8301.
Idaho:
Great Basin, 7893, 8049.
Inland Empire, 7284, 7988, 8000.
Illinois:
Chicago, 4241.
Quad Cities-Dubuque, 4314, 5603, 5907, 8340.
Rock River Valley, 4314.
St. Louis, Mo., 4314.
Suburban St. Louis, 4314.
Indiana:
Northwestern, 4314.
Iowa:
Cedar Rapids-Iowa City, 4314, 5603, 5907, 8337.
Des Moines, 4314, 5603, 5907, 8337.
North Central, 4314, 5603, 5907, 8337.
Quad Cities-Dubuque, 4314, 5603, 5907, 8337.
Kentucky:
Tri-State, 4761, 5904, 6111.
Michigan:
Muskegon, 6163, 7903, 8302.
Southern, 6163, 7903, 8302.
Minnesota:
Minneapolis-St. Paul, 7721, 8227, 8312.
Mississippi:
Central, 8312.
Memphis, Tenn., 6534, 8228.
Mississippi Gulf Coast, 8312.
Missouri:
St. Louis, 4314.
Nevada:
Great Basin, 7893, 8049.
New Jersey:
Delaware Valley, 6947, 7195, 7249, 8301.
New York-New Jersey, 6639, 7839.

Agriculture Department—Continued Page

MILK AND MILK PRODUCTS—Continued
Marketing in various areas, orders proposed or adopted—Continued
New Mexico:
Rio Grande Valley, 5851, 6538, 6573, 7288, 8050.
New York:
New York-New Jersey, 6639, 7839.
Ohio:
Greater Wheeling, W. Va., 6659, 6975.
Greater Youngstown-Warren, 4764, 5789.
Tri-State, 4761, 5904, 6111.
Pennsylvania:
Delaware Valley, 6947, 7195, 7249, 8301.
Tennessee:
Memphis, 6534, 8228.
Texas:
Rio Grande Valley, 5851, 6538, 6573, 7288, 8050.
Utah:
Great Basin, 7893, 8049.
Washington:
Inland Empire, 7284, 7988, 8000.
West Virginia:
Greater Wheeling, 6659, 6975.
Tri-State, 4761, 5904, 6111.
Wisconsin:
Madison, 4314.
Milwaukee, 4314.
Rock River Valley, 4314.
Wyoming:
Great Basin, 7893, 8049.
Price-support program, milk and butterfat; April 1965–March 1966 4351
MOHAIR, payment program 6383
NAVAL STORES:
Gum; price support program, 1965 ..... 5573, 7948
Standards, regulations; Agricultural Marketing Service changed to Consumer and Marketing Service 7385
NECTARINES:
Marketing:
California, 7242, 7243, 7284, 7948, 8226.
Standards; proposed rules, extension of time 7396
NUTS:
See also Peanuts.
Mixed, in shell; standards, proposed rules 5850
Warehouses; Agricultural Marketing Service changed to Consumer and Marketing Service 8093
OATS; price-support program:
1964 crop, 4750.
OILSEEDS. *See* Cottonseed; Flaxseed; Peanuts; Soybeans.
OKRA, standards for processing; proposed rules 6658
OLIVES, marketing:
California, 6438.
ONIONS, marketing:
Idaho and Oregon, 7596.
Texas, 7037.
ORANGES:
Imports from Mexico and certain Central American countries; fumigation 4745
Marketing:
Arizona and California:
Navel oranges, 4349, 4664, 4749, 5503, 5620, 5787.
Valencia oranges, 4349, 4635, 4665, 4750, 5504, 5620, 5787, 5788, 6148, 6429, 6661, 6771, 6939, 7037, 7240, 7311, 7435, 7647, 7947, 8221.
Florida, 6770, 6983.
ORGANIZATION AND FUNCTIO.
See also Authority delegations.
Agricultural Research Service 5799, 5801
Consumer and Marketing Service 6597, 6697
Information Division 6597
Transportation and Warehouse Division 6597
Cooperative State Research Service 6228
OVERTIME SERVICES, imports and exports; travel time:
Animals and animal products 4609, 7893
Plants and plant products 4745, 6429
PACKERS AND STOCKYARDS DIVISION:
Posted stockyards, designation or removal 4364, 4644, 5712, 6124, 6597, 6798, 7117, 8282, 8348

Agriculture Department—Continued Page

PACKERS AND STOCKYARDS DIVISION—Con.
Rates and charges; modification of rate orders, petition ---- 4725
Regulations:
Custodial accounts; proposed rules ---- 7662
Market agencies; proposed rules:
Buyers, non-employment of ---- 7721
Dealer bonds ---- 6360
Monorail scales, instructions for testing ---- 4487, 7649
Packer scales ---- 4486, 7649
PEACHES, marketing:
Elberta peaches; California, 4711, 8031, 8273.
Fresh peaches; Georgia, 6431, 6858.
PEANUTS:
See also Nuts.
Marketing agreement, quality regulation; proposed rules ---- 6523
Standards; shelled Spanish type ---- 5382, 7595
PEARS:
Export restrictions, proposed rules ---- 6782
Marketing, fresh Bartlett:
California, 4711, 8273.
Oregon and Washington, 6355.
PEAS, Southern, for processing; standards ---- 6063
PESTICIDES. *See* Insecticides.
PIGS, feeder; standards, proposed rules ---- 8225
PILOT FOOD STAMP PROGRAM. *See* Food stamp program.
PLANT QUARANTINE:
Domestic:
European chafer ---- 6243, 6245, 6770
Japanese beetle ---- 4311
Khapra beetle ---- 5761
Pink bollworm ---- 5760, 8221
Foreign; oranges, grapefruit, and tangerines from Mexico and certain Central American countries ---- 4745
Hawaii, rhubarb ---- 5619
Overtime services, imports and exports; travel time ---- 4745, 6429
PLUMS, fresh:
Marketing:
California, 4711, 6903, 6904, 6905, 7473, 7474, 7475, 8255, 8273.
Standards; proposed rules, extension of time ---- 7396
POTATOES; IRISH:
Marketing:
Idaho and Oregon, 8154.
Standards, frozen French fried; proposed rules ---- 4486
POULTRY AND POULTRY PRODUCTS:
See also Eggs and egg products.
Agricultural Marketing Service changed to Consumer and Marketing Service ---- 6207
Inspection, soups; effective date postponed ---- 6064, 7239, 8093
Standards and grades, establishment of tolerances; proposed rules ---- 6395
PRICE-SUPPORT PROGRAMS. *See under main heading* Commodity Credit Corporation.
PROCUREMENT REGULATIONS:
Advertising, formal ---- 6943
Forms ---- 6943
Negotiation ---- 6943
Supply, sources of; special and directed ---- 6943
PRUNES:
Marketing:
Dried prunes; California, 6782, 7195.
Standards; proposed rules:
Dried prunes ---- 7524
Fresh prunes, extension of time ---- 7396
RABBITS, grading and inspection:
Agricultural Marketing Service changed to Consumer and Marketing Service ---- 6207
Authority delegation ---- 5863
RADIATION; meat and meat products:
Gamma ---- 5702, 6731
Ionizing ---- 5702
RAISINS, marketing:
California, 4361, 6905.
RHUBARB, Hawaiian; plant quarantine notice ---- 5619
RICE:
Loan and purchase program:
1965 crop, 4529.

Agriculture Department—Continued Page

RICE—Continued
Marketing quotas, acreage allotments, etc.:
1964 and subsequent crops, 5503, 5619.
1965 crop, 7272, 7811.
Price-support program:
1964 crop, 4750.
RYE:
Loan and purchase programs:
1964 crop, 4667.
1965 crop, 6511.
Price-support program:
1964 crop, 4750.
SCHOOL LUNCH PROGRAM, apportionment of assistance funds ---- 6207, 6479
SEEDS:
Federal Seed Act regulations; vegetable seed, grasses, etc ---- 7887
Warehouses; Agricultural Marketing Service changed to Consumer and Marketing Service ---- 8093
SIRUP, warehouses; Agricultural Marketing Service changed to Consumer and Marketing Service ---- 8093
SOIL BANK PROGRAM; conservation reserve:
1956 through 1959 ---- 7311
1960 ---- 7311
SOYBEANS; price-support program:
1964 crop, 4750.
STRAW, standards; Agricultural Marketing Service changed to Consumer and Marketing Service ---- 8031
STRAWBERRIES, standards for grades ---- 6711
SUGAR:
Allotment of quotas; mainland cane area, 1965 crop ---- 4746, 7945
Continental requirements and area quotas, 1965 crop ---- 4314
Normal yields and eligibility for abandonment and crop deficiency payments:
Beet sugar area, 1963 crop; 6338.
Sugarcane, mainland, 1964 crop; 7273.
Prices, sugarcane; 1965 crop:
Florida, 6191.
Hawaii, 7186.
Louisiana, 7846.
Proportionate shares:
Cane sugar area, mainland; 1965 crop, 7988.
Sugarbeets:
Domestic area, 1965 crop, 7987.
Prevented acreage credit, 1964 crop, 5026.
Wage rates; 1965 crop:
Sugarbeets, 6247.
Sugarcane:
Florida, 6191, 6248.
Louisiana, 6248, 7548.
SURPLUS COMMODITIES, sales:
Certain commodities acquired through price-support operations; monthly sales list for 1965:
April ---- 5391
May ---- 6693
June ---- 7965
Foreign currencies; commercial sales, financing ---- 4240
TANGELOS, marketing:
Florida, 6983.
TANGERINES:
Imports from Mexico and certain Central American countries; fumigation ---- 4745
Marketing:
Florida, 6983.
TOBACCO:
Agricultural Marketing Service changed to Consumer and Marketing Service ---- 7385, 8093
Export commodity certificates, redemption ---- 6639
Inspection and price-support services, hearings on applications ---- 6740
Marketing, Florida and Georgia; type 62 shade-grown cigar-leaf tobacco ---- 4321, 5826
Marketing quotas, farm acreage allotments, etc., burley, flue-cured, fire-cured, dark air-cured, Virginia sun-cured, cigar-filler and binder, and Maryland tobacco; 1965–68 marketing years ---- 4313, 5641, 6144, 6146, 6191, 6207, 7646, 8000, 8153
Standards:
Dark air-cured tobacco; proposed rules ---- 7494
Flue-cured tobacco ---- 4361, 6573

Agriculture Department—Continued

Page

TOBACCO—Continued
Warehouses; Agricultural Marketing Service changed to Consumer and Marketing Service 8093
TOMATOES:
Import restrictions 4415, 5505
Marketing:
Texas, 4350, 4761, 6338.
VIRUSES, SERUMS, TOXINS, ETC.:
Anti-hog-cholera serum and hog-cholera virus, handling; filing of new price lists, proposed rule 8271
Biological products, experimental production; distribution, preparation, disposition of animals, proposed rule 5514, 7608
Definitions of "research investigator" and "experimental biological product"; proposed rule 5514, 7608
Licensed establishments; brucella abortus vaccine containers required 4751
WAREHOUSES, federally licensed:
Agricultural Marketing Service changed to Consumer and Marketing Service 8093
Storage loans, due date; dry edible beans 5763
WHEAT:
Diversion program, 1964 and 1965 7434
Export program:
Flour, cash payment (GR–346) 6771, 6976
Payment-in-kind (GR–345), terms and conditions 4531
Loan and purchase programs:
1964 crop, 4666.
1965 crop, 7475.
Marketing certificate program; 1964–66:
Exporters, proposed rule 7043
Processors 5358
Proposed rule 6686
Marketing quotas, farm acreage allotments, etc.:
1965 crop, 7097.
1966–67 marketing year, 5467.
Price-support program:
1964 crop, 4750.
WOOL:
Payment program 6383
Standards; proposed rules 6350
Warehouses; Agricultural Marketing Service changed to Consumer and Marketing Service 8093

Air Carriers:

See Aircraft and air carriers.

Air Force Department:

See also Defense Department.
ABSENCE WITHOUT LEAVE and desertion 4353
AUTHORITY DELEGATION from Secretary of Defense, claims settlement 7615
AVIATION CADET TRAINING, navigator; deleted 7186
COMMISSARY STORE PRIVILEGES, authorized patrons 4353
DECORATIONS AND AWARDS, Joint Service Commendation Medal and Armed Forces Expeditionary Medal 6344
MEDICAL CARE, persons authorized; senior ROTC members, Job Corps and VISTA personnel, et al. 6343, 6344
MILITARY TRAINING AND SCHOOLS:
Institute of Technology; rescinded 4353
Officer Training School:
Eligibility requirements; marital restrictions, females 4353
Exception authority; deleted 4353
Information furnished applicants 4353
PROCUREMENT:
Appendixes B and E 7191
Bonds and insurance, special casualty insurance rating plans; deleted 7191
Contracts:
Administration of base procurement contracts 7192
Clauses 7191
General, geographical areas and DOD cognizant plants 7192
Foreign purchases; prohibitions 7191
Forms 4353, 7191
General provisions 7188, 7389
Government property 7191

Air Force Department—Continued

Page

PROCUREMENT—Continued
Interdepartmental and coordinated; Federal Supply Schedules with multiple source provisions 7190
Negotiation 7189
Special types and methods 7190

Aircraft and Air Carriers:

ACCIDENT INVESTIGATION 5609
FEDERAL AIRWAYS, control areas, etc. *See* Federal Aviation Agency.
PARKS AND MONUMENTS, restrictions on use of aircraft in 4757
RADIO COMMUNICATIONS. *See* Federal Communications Commission.
REGULATIONS. *See* Civil Aeronautics Board; Federal Aviation Agency.
RESTRICTED AREAS over military installations. *See* Federal Aviation Agency.

Airports:

ACCIDENT near John F. Kennedy International Airport, investigation 5609
DONATION OF PERSONAL PROPERTY for public airport purposes 4716
FEDERAL AID 7484
PUBLIC LANDS, applications for lease of, for airport and aviation fields 5707
REGULATIONS. *See* Federal Aviation Agency.

Alaska:

GOVERNMENT EMPLOYEES, allowances and differentials payable 6511
PUBLIC LANDS, withdrawals, homesteads, mineral entry, etc. *See under* Land Management Bureau.

Alcoholic Beverages:

EXCISE TAXES. *See* Internal Revenue Service.

Alien Property Office:

RETURN OF VESTED PROPERTY:
Becker, Anna, et al., 8280.
Bureau International de l'Edition Mecanique, et al., 6123.
Kawaoka, Shuichi, 5762.
Keller, Irene Doris, 6961.
Mojsiewicz, Mordka, 8016.
Schauer, Rosel, et al., 6361.
Wien-Film Gesellschaft m. b. H. et al., 6926.

Aliens:

AIRCRAFT PILOTS, waiver of geographical restriction 7521
IMMIGRATION REGULATIONS. *See* Immigration and Naturalization Service.
INCOME TAX REGULATIONS 4552, 6340
VESTED PROPERTY, return of. *See* Alien Property Office.

Allegheny National Forest:

INCLUSION OF LANDS (Executive Order 11212) 4387

American Samoa:

MINIMUM WAGES, investigation 6225

Anchorage Regulations:

See Engineers Corps.

Animals:

See Livestock; Wildlife refuges.

Antenna Structures:

COMMUNITY ANTENNA TELEVISION SYSTEMS. *See* Federal Communications Commission.
RADIO AND TELEVISION ANTENNA STRUCTURES:
Aeronautical studies. *See* Federal Aviation Agency.
Regulations. *See* Federal Communications Commission.

Antidumping Act of 1921:

DETERMINATIONS. *See* Customs Bureau; Treasury Department.
INVESTIGATIONS. *See* Tariff Commission.

Apples:

EXPORT RESTRICTIONS, proposed rules 6782

Apricots:

MARKETING, Washington 8255

Area Redevelopment Administration: Page
RETRAINING SUBSISTENCE PAYMENTS, effective period of program 7804

Armed Forces Day:
PROCLAMATION 3655 6467

Armed Services:
See also Defense Department *and specific services.*
PROCUREMENT. *See* Air Force Department; Defense Department.
VIETNAM AND ADJACENT WATERS, designation as combat zone for purposes of income tax exemption under section 112 of Internal Revenue Code (Executive Order 11216) 5817

Army Department:
See also Defense Department.
AUTHORITY DELEGATION from Secretary of Defense, claims settlement 7815
CIVIL DEFENSE OFFICE, nondiscrimination in Federally-assisted programs 5372
ENGINEERS CORPS regulations. *See main heading* Engineers Corps.
LITIGATION:
Defense of legal proceedings 6342
General; scope, representation of Department, etc 6341
NATIONAL GUARD, commissioned officers; termination of appointment and withdrawal of Federal recognition 5704
NONDISCRIMINATION in Federally-assisted programs, Civil Defense Office 5372
RESERVE OFFICERS' TRAINING CORPS, organization and training of units 7710

Atomic Energy Commission:
BYPRODUCT MATERIAL:
Licensing:
Exempt concentrations, transfers 4352
General licenses:
Ice detection devices; strontium 90, proposed rule 4764
Labeling and installation requirements for certain devices; proposed rule 6118
Medical use of certain byproduct material 6575
Tritium-luminous material 7258
Recodification:
Applicability, general 8185
Export and import 8201
General licenses 8189
Human uses 8200
Radiography and radiation safety requirements for radiographic operations 8198
Specific licenses:
Broad scope 8198
Manufacture, distribute, or import exempted and generally licensed items 8192
Terms and conditions of licenses 4352
Waste disposal; radioactive material, license:
Nuclear Engineering Co., Inc., 7118.
LANDS in Anderson County, Tenn., transferred to Tennessee Valley Authority 7726
NEW YORK, proposed agreement for assumption of certain AEC regulatory authority 6883
OREGON, proposed agreement for assumption of certain AEC regulatory authority 4324, 4640, 5484
PATENT; application for just compensation by Alexander T. Deutsch 7118
PROCUREMENT REGULATIONS:
Construction equipment, rental of 7750
Contractors, selection by Board process 7749
Contracts:
Clauses 6519
Cost principles and procedures 8109
Numbering and distribution 7819
Reporting 6684
Review and approval 7749
Termination 6585
Extraordinary contractual actions to facilitate national defense 7887
Foreign purchases, Buy American Act 6519
Forms 4357, 7887
General 6483, 6519
Inspection and acceptance 7886

Atomic Energy Commission—Continued Page
PROCUREMENT REGULATIONS—Continued
Justification and documentation of procurement actions 8319
Negotiation 6683
Patents and copyrights 6684
Special types and methods 6519
Supply, special and directed sources 8313
Taxes, Federal, State, and local 8318
REACTORS AND CRITICAL EXPERIMENT FACILITIES; construction and/or operation, licenses or permits to listed companies, etc.:
Aerojet-General Nucleonics, 5803, 7674.
Babcock & Wilcox Co., 7766.
Carolinas Virginia Nuclear Power Associates, Inc., 4726.
Colorado State University, 6466.
Columbia University Trustees, 6405.
Commonwealth Edison Co., 6092.
Cornell University, 4326.
Elk River Demonstration Reactor Program Project, 6092.
First Atomic Ship Transport, Inc., 6283, 6446.
General Dynamics Corp., 4263, 4326, 5536, 5647, 6406, 6497, 7117, 7120, 7320, 8017.
General Electric Co., 6405, 7199, 7726, 8236.
IIT Research Institute, 7931.
Illinois University, Trustees, 4697.
Lockheed Aircraft Corp., 6446.
Los Angeles, Calif., Water and Power Department, 6799, 7844, 8237.
Lowell Technological Institute, 4366, 5911.
Massachusetts Institute of Technology, 6283.
Missouri University, Curators, 8236.
National Aeronautics and Space Administration, 4771.
New York University, 7527.
Niagara Mohawk Power Corp., 5536.
Northrop Corp., 6446, 7320.
Oklahoma State University, 8281.
Oregon State University, 6698.
Pacific Gas and Electric Co., 5802, 7320.
Pennsylvania State University, 5536.
Philadelphia Electric Co., 8071.
Power Reactor Development Co., 6229.
Rural Cooperative Power Association, 6092, 7527.
Saxton Nuclear Experimental Corp., 6447.
Southwest Atomic Energy Associates, 7199, 7726.
Southwest Experimental Fast Oxide Reactor, 7258, 7726.
Veterans Administration Hospital, 7456.
Washington University, 4366.
Wyoming University, 4726.
Yankee Atomic Electric Co., 7527.
REGULATORY AUTHORITY OF AEC, assumption of; agreement with States:
Exemptions in Agreement States:
Criteria for guidance 7020
Critical mass, computation of quantities of special nuclear material; proposed rule 7445, 7662, 7963, 8228
Reciprocity, recognition of States' licenses 4352
States:
New York 6883
Oregon 4324, 4640, 5484
Tennessee 7318, 7575, 7842, 8112
SOURCE MATERIAL, licensing; exemption of thorium in radiation detection instruments 5536
TENNESSEE, proposed agreement for assumption of certain AEC regulatory authority 7318, 7575, 7842, 8112

Attorney General:
See Justice Department.

Authority Delegations by the President:
See Delegations of authority by the President.

Automobiles:
See Motor vehicles.

Avocados:
IMPORT RESTRICTIONS 7244, 7436
MARKETING, Florida 4666, 7240, 7436, 7501, 7893, 8093

Awards:
AIR FORCE DEPARTMENT regulation 6344
FEDERAL EMPLOYEES, delegation of functions (Executive Order 11228) 7739

B

Page

Banks:
COOPERATIVES, banks for. *See* Farm Credit Administration.
FEDERAL RESERVE BANKS. *See* Federal Reserve System.
FOOD STAMP PROGRAM, participation in 6859
HOME LOAN BANK BOARD regulations. *See* Federal Home Loan Bank Board.
INSURED BANKS. *See* Federal Deposit Insurance Corporation.
NATIONAL BANKS. *See* Comptroller of Currency; Federal Reserve System.
PRICE-SUPPORT LOANS, agricultural commodities, participation by commercial banks 7814

Barley:
LOAN AND PURCHASE PROGRAMS:
1964 crop 4606, 5702, 6681
1965 crop 7811
PRICE SUPPORT PROGRAM, 1964 crop 4750

Beans, Dry Edible:
LOAN AND PURCHASE PROGRAM:
1964 crop 5762
1965 crop 7988
PRICE SUPPORT PROGRAM, 1964 crop 4750
WAREHOUSES, federally licensed:
Agricultural Marketing Service changed to Consumer and Marketing Service 8093
Storage loans, due date 5763

Bennett Place Commemoration:
PROCLAMATION 3650 4309

Biological Products:
LICENSING. *See* Public Health Service.
VIRUSES, SERUMS, TOXINS, etc. *See* Agriculture Department.

Birds, Migratory:
HUNTING, possession, etc. *See* Fish and Wildlife Service.

Blind Persons:
VENDING STANDS, operation; GSA regulations 8160

Boating:
NATIONAL SAFE BOATING WEEK, 1965 (Proclamation 3651) 4525

Boats:
See Vessels.

Bonds:
REGULATIONS of various agencies. *See specific agencies.*
SAVINGS BONDS. *See* Treasury Department.
SURETY BONDS, companies acceptable. *See* Treasury Department.
TREASURY BONDS. *See* Treasury Department.

Bread:
CANADA, bread in loaves from; determination under Antidumping Act 5390
STANDARDS OF IDENTITY, temporary permit 7257

Bridges:
REGULATIONS. *See* Engineers Corps.

Broomcorn:
WAREHOUSES; Agricultural Marketing Service changed to Consumer and Marketing Service 8093

Budget Bureau:
LANDS in Anderson County, Tenn., transferred from Atomic Energy Commission to Tennessee Valley Authority 7726

Bureau of Standards:
See National Bureau of Standards.

Butterfat:
PRICE SUPPORT PROGRAM, April 1965–March 1966 4251

Buy American Act:
PROCUREMENT REGULATIONS:
Atomic Energy Commission 6519
Veterans Administration 4675

51-000—65—2

C

Page

Cabinet Committee on Federal Staff Retirement System:
STAFF RETIREMENT SYSTEMS of Federal Government, hearing 7506

Canada:
ANTIDUMPING ACT determinations. *See* Customs Bureau; Treasury Department.
BROADCAST STATIONS 5766, 6491, 6493, 7201, 7528
MOTOR VEHICLES and parts from, suspected bounty or grant 5534, 5710, 6958

Canned Food:
WAREHOUSES; Agricultural Marketing Service changed to Consumer and Marketing Service 8093

Carrots:
MARKETING, Texas 6479, 7274

Census Bureau:
MULTIUNIT COMPANIES, survey 4501

Cheese:
STANDARDS OF IDENTITY. *See* Food and Drug Administration.

Cherries:
MARKETING:
Red tart; certain States 5514, 6255
Sweet; Washington 7648, 8110

Child Labor:
STATE CERTIFICATES of age, extension of designations 7997

Citizens' Advisory Council on the Status of Women:
MEMBERSHIP (Executive Order 11221) 6427

Civil Aeronautics Board:
ACCIDENT near John F. Kennedy International Airport, investigation 5609
ALL-EXPENSE TOURS, interstate and overseas, by supplemental air carriers and tour operators; proposed rule, time extension 6119
ECONOMIC PROCEEDINGS; local service carriers, costing proposed changes in operations of:
Aircraft depreciation expense 5899
Investment and tax allowance, return on 5899
ECONOMIC REGULATIONS:
Accounts, uniform system; reporting requirements 7704
Nonscheduled operations; proposed rule 7251
Agreements, filing:
Air Express Committee, weighted voting procedure 7527
Air Traffic Conference of America:
Free baggage allowance 7403
Standard agent's ticket and area settlement plan 6348
Travel agents 6884
International Air Transport Association:
Entertainment, visual in-flight 5648, 6284
Fares and rates 4502, 6229, 7200, 7505, 8351
Specific commodity rates 4435, 4502, 4698, 6196, 6363, 6407, 6799, 6884, 7200, 7847, 7848, 7973, 8071
Certificates, public convenience and necessity; emergency operating authorizations 4328
Charter trips:
Foreign air transportation by charter only; requirements, etc., proposed rule 8062
Special services:
Emergency operating authorizations 4328
Off-route charter trips, restrictions on frequency and regularity; proposed rules, time extension 5483
Classification and exemption of certain air carriers:
Air taxi operators; proposed rule:
Exemptions:
Duration 4636
Limitations; scope of service authorized, mail carriage 4636
General classification; carriage of mail on non-subsidy basis 4636
Indirect air carriers, certain; Defense Department personnel, household effects, temporary order granted 6003, 7578
Military cargo charters, petition denied 7456

Civil Aeronautics Board—Continued

Page

ECONOMIC REGULATIONS—Continued
- Defense Department personnel, household effects; certain indirect air carriers, temporary order granted ---- 6093, 7578
- Tariffs of air carriers; publication, filing, posting, etc ---- 7558

EMERGENCY OPERATING AUTHORIZATIONS ---- 4328

HEARINGS, INVESTIGATIONS, etc. *See list at end of this agency.*

POLICY STATEMENTS:
- Passing off of foreign carrier affiliates and system relationships of air carriers; proposed rule ---- 6650
- Wet leases to foreign air carriers ---- 5625

PROCEDURAL REGULATIONS. *See* Economic proceedings.

HEARINGS, INVESTIGATIONS, ETC.:
- Aerolineas Argentinas, 4727.
- Air New Zealand, Ltd., 7121, 7768.
- Airlift renewal proceeding, 7259.
- Allegheny Airlines, Inc. et al., 4502, 5537, 7527.
- Allen, William H., 5911.
- American Airlines, Inc. et al., 5537, 5903, 7971.
- Atlas Van Lines, 7020.
- Bader Bros. Arrow Van Lines, Inc., 6447.
- Bader Bros. Transfer and Storage Corp., 6447.
- Baggage liability rules case, 6949.
- CAL-AIR Forwarders, Inc., 5764.
- Central Airlines, Inc., 7404.
- Chicago Avenue Transfer, Inc., 7020.
- Chicago Helicopter Airways, Inc., 7677.
- Dean Van Lines, Inc. et al., 7675.
- Delta Air Lines, Inc., 5864, 6406.
- Domestic service mail rate, 4328.
- Eastern Air Lines, Inc. et al., 4263, 4698, 5395, 5804, 6406, 6662, 7726.
- Empresa de Viacao Aerea Rio Grandense (VARIG), S.A., 5487, 7931.
- Engel Brothers, Inc. et al., 6740.
- Entertainment, visual in-flight, 5648, 6284.
- Flying Tiger Line, Inc., 7456.
- Imperial Household Shipping Co., Inc., 7020.
- Inflight Motion Pictures, Inc., 6284.
- International Air Transport Association, et al., 5648.
- International Export Packers, Inc. et al., 7406.
- International Sea Van, Inc., 7020.
- Kingston Flying Club, 7296.
- Loretz, T. A. L., 5764.
- Loretz & Co., 5764.
- Lufthansa German Airlines, 4435.
- Massachusetts Helicopter Airlines, Inc., 7406.
- McEachern, Eldon B., and Rapid Air, 4328.
- Military mail, service rates, 7021.
- Mohawk Airlines, Inc., 4559, 5609, 6448, 7296, 7971.
- Mulks, Charles E., 5911.
- National Airlines, Inc., 4263, 5395, 7726.
- Northeast Airlines, Inc., 4263, 5395, 6230.
- New Haven-Bridgeport case, 8351.
- New York-Florida renewal case, 7678.
- Ozark Air Lines, Inc., 4367.
- Pan American World Airways, Inc., 5648, 5764, 6284.
- Panama Aeronautica, S.A., 4435.
- Portland-Seattle nonstop investigation, 8248.
- San Francisco and Oakland Helicopter Airlines, Inc. et al., 7676.
- Seneca Air Services, Ltd., 5865.
- Sky Courier, Inc. et al., 7847.
- Sony Corporation of America, 6284.
- Southern Airways, Inc., 6597.
- Starck Van Lines, 7020.
- Trans-Pacific Air Cargo, et al., 5911.
- Trans World Airlines, Inc., 4727, 5648, 5809, 6284, 6364, 6406, 7972.
- Transatlantic charter investigation, 4559, 8351.
- Transportes Aereos Nacionales, S.A., 8352.
- United Air Lines, Inc., 4327, 4644, 5609.
- United Arab Airlines, 7406.
- United-Pacific transfer case, 4727.
- United States-Caribbean-South America investigation, 6231.
- Van Lines and Bader Bros. Warehouses, Inc., 6447.
- West Coast Airlines, Inc., 6407, 8243.
- Westbound specific commodity rates, 4368, 6125, 6284, 6949.
- Wheeler Airlines, Ltd., 7121.

Civil Defense:

SURPLUS PERSONAL PROPERTY, allocation for civil defense purposes ---- 4716, 5833, 6649

Civil Defense Office:

Page

NONDISCRIMINATION in Federally assisted programs ---- 5372

Civil Rights:

See Nondiscrimination.

Civil Service Commission:

ALLOWANCES AND DIFFERENTIALS payable in nonforeign areas; Alaska, Puerto Rico, Hawaii, and Virgin Islands ---- 6511

EDUCATIONAL REQUIREMENTS:
- Geodesy series, 5765.
- Oceanography series, 7052.

EMPLOYEE DEVELOPMENT, interagency training; utilization of other Government facilities ---- 5503

ETHICAL STANDARDS OF CONDUCT for Government officers and employees, regulations (Executive Order 11222) ---- 6469

EXCEPTED SERVICE, agencies with positions added, amended, or revoked:

Schedule A:
- Agriculture Department, 4745.
- Army Department, 4663.
- Emergency Planning Office, 6975.
- Entire executive civil service:
  - Mentally retarded persons, 6337.
  - President's Youth Opportunity Campaign, 7153, 7557.
  - Severely handicapped persons, 7045.
  - Temporary positions:
    - Encouraging youth to resume or continue education, 6765, 7557.
    - GS–7 and below to assist scientific or technical personnel, 5701.
- Health, Education, and Welfare Department, 4663, 5619, 7895.
  - Cuban refugees, 4663.
- Interstate Commerce Commission, 6903.
- Navy Department, 4410, 5825, 7595, 7895.
- President's Council on Physical Fitness, 7895.
- Saint Lawrence Seaway Development Corporation, 6939.
- Small Business Administration, 5701, 7425.
- State Department, 7425.
- Treasury Department, 7645.
- U.S. Arms Control and Disarmament Agency, 4711.

Schedule B:
- Appalachian Regional Commission, 7271.
- Civil Rights Commission, 7515.
- Defense Department, 5897.
- Equal Employment Opportunity Commission, 7426.
- Health, Education, and Welfare Department, 5503.

Schedule C:
- Agriculture Department, 4311, 7473, 8301.
- Appalachian Regional Commission, 7271.
- Army Department, 7646.
- Civil Rights Commission, 7271.
- Commerce Department, 7245, 7987.
- Consumer Interests, President's Committee on, 7646.
- Defense Department, 7646, 7987.
- Emergency Planning Office, 6975.
- Equal Opportunity, President's Council on, 4663.
- Federal Aviation Agency, 7311.
- Federal Deposit Insurance Corporation, 5619.
- Federal Home Loan Bank Board, 7426.
- Federal Power Commission, 8093.
- General Accounting Office, 6215.
- Health, Education, and Welfare Department, 4311, 5471, 6857.
- Housing and Home Finance Agency, 6903, 7311, 7701.
- Interior Department, 4663.
- Labor Department, 6241.
- Navy Department, 7646.
- Peace Corps, 7895.
- Post Office Department, 5503, 5787.
- Small Business Administration, 6857, 7987.
- State Department, 6241, 6478.
- Treasury Department, 4410, 6111, 6637.

FOREIGN SERVICE, appointment in competitive service of certain present and former officers and employees (Executive Order 11219) ---- 6381

GOVERNMENT HOSPITALS, student trainees; maximum stipends:
- Dental hygiene students ---- 4410
- Practical nurses, students ---- 4410
- Psychology student trainees ---- 5619

Civil Service Commission—Continued

LEAVE, annual and sick:
- Definition "temporary employees engaged on construction work at hourly rates", etc. 7557
- Sick leave recredit; return of Federal employees from Appalachian Regional Commission 8301

MANPOWER SHORTAGES; appointees to certain positions, payment of travel and transportation expenses 4264, 4645, 6662, 7530, 7727, 8071, 8354

PAY REGULATIONS:
- Classificatiton Act system; salary retention appeals, time limit 7962, 8216
- Compensation from more than one civilian office; exceptions 4609, 4663, 4745
- Government hospital trainees, maximum stipends:
  - Dental hygiene students 4410
  - Practical nurses, students 4410
  - Psychology student trainees 5619
- Increase in minimum rates of pay; certain positions:
  - Nurses, 8173.
  - Podiatrists, 8262.

POSITION CLASSIFICATION, Classification Act system:
- Exclusions:
  - Dental hygiene students, 4410.
  - Practical nurses, students, 4410.
  - Psychology student trainees, 5619.
- Retroactive effective date; time limit on appeals 7962, 8216

PRESIDENTIAL AUTHORITY, delegation of certain functions to Commission (Executive Orders 11222, 11228) 6469, 7739

RECRUITMENT AND SELECTION, competitive examination; certain postmaster positions 6337

TEMPORARY AND INDEFINITE EMPLOYEES:
- Displacement of; correction 4349
- Schedule A positions:
  - Encouraging youth to resume or continue education 6765, 7557
  - GS–7 and below to assist scientific or technical personnel 5701

TRAVEL AND TRANSPORTATION EXPENSES; appointees to certain positions where there are manpower shortages 4264, 4645, 6662, 7530, 7727, 8071, 8354

Coast Guard:

COAST GUARD RESERVE, physical examinations 6415

DANGEROUS CARGOES, transportation or storage of explosives 7437

EQUIPMENT, installations, or materials; approvals and terminations of approvals 5646, 7047

EXPLOSIVES, transportation or storage, etc. 7437

LIGHTS:
- Coast Guard vessels of special construction 6434
- Navigation requirements, vessels on inland waters and Western rivers 6433

LINE-THROWING APPLIANCES, impulse-projected rocket type; temporary suspension cancelled and required drills resumed 5799

NAVIGATION REQUIREMENTS, lights:
- Inland waters 6433
- Western rivers 6434

NAVIGATION RESTRICTIONS:
- James River:
  - USS *Enterprise:*
    - Firing catapults 6277, 7505
    - Sea trials 8015
  - USS *George C. Marshall*, launching 6738
  - USS *John F. Kennedy*, launching 6660
- New London Harbor; USS *James K. Polk*, launching 6926

SECURITY OF VESSELS, advance notice of time of arrival to Captain of Port 7314

SUSPENSION AND REVOCATION PROCEEDINGS, appeals; temporary documents 6713

UNINSPECTED VESSELS; motorboats:
- Fire extinguishers 6517
- Ventilation requirements 6517

Coffee Agreement Act, International:

COFFEE PRICES, effect on (Determination of May 22, 1965) 7095

IMPORTS AND EXPORTS, Customs Bureau regulations 6265

Coffee Organization, International:

PUBLIC INTERNATIONAL ORGANIZATION entitled to certain privileges, exemptions, and immunities, designation as (Executive Order 11225) 7093

U.S. PARTICIPATION, functions (Executive Order 11229) 7741

Color Additives:

See Food and Drug Administration.

Commerce Department:

See Area Redevelopment Administration.
Census Bureau.
Great Lakes Pilotage Administration.
International Commerce Bureau.
Maritime Administration.
National Bureau of Standards.
Patent Office.
Weather Bureau.

APPOINTMENTS WITHOUT COMPENSATION and statements of business interests under Defense Production Act of 1950 4365, 6125, 6229, 6799

AUTHORITY DELEGATIONS:
- By Assistant Secretary for Administration to organization units; procurement authority 6548
- By Secretary to Director, National Bureau of Standards; safety standards for seat belts 5802

CHARGES for certifying, searching, and copying services 7245

INTERNATIONAL COFFEE ORGANIZATION, functions of Secretary (Executive Order 11229) 7741

NONDISCRIMINATION in programs and activities 6281, 6503

ORGANIZATION AND FUNCTIONS:
- Domestic and International Business, Office of Administration 6280
- Undersecretary of Commerce for Transportation 7018

PATENT SYSTEM, PRESIDENT'S COMMISSION ON; functions (Executive Order 11215) 4661

PROCUREMENT AUTHORITY, organization units 6548

SEAT BELTS for motor vehicles; safety standards:
- Authority delegation by Secretary to Director, National Bureau of Standards 5802
- Proposed rules 5795

Committees, Boards, etc.:

AGRICULTURAL STABILIZATION AND CONSERVATION county and community committees; selection and functions 5759, 5787

CIVIL AERONAUTICS BOARD. *See main heading* Civil Aeronautics Board.

COMMUNICATIONS SATELLITE COMMITTEE, INTERIM; designation as public international organization entitled to certain privileges, exemptions, and immunities (Executive Order 11227) 7369

CONGRESSIONAL COMMITTEES, inspection of tax returns. *See* Taxes.

DEFENSE MEDICAL MATERIEL BOARD, organization and functions 7614

FOREIGN ASSISTANCE PROGRAMS, establishment of General Advisory Committee on 4642

GENERAL SERVICES ADMINISTRATION, standing interagency committees chaired by, during 1964 and 1965 6888

HORSE RACING INFORMATION, broadcast of; establishment of advisory committee 5538

INTERAGENCY TEXTILE ADMINISTRATIVE COMMITTEE. *See main heading* Interagency Textile Administrative Committee.

MAILERS TECHNICAL ADVISORY COMMITTEE, formation and appointment of members 7764

NATIONAL POWER SURVEY Industry Advisory Committee on Underground Transmission; establishment and practices 6667

Committees, Boards, etc., Presidential:

ESTABLISHMENT of President's Commission on the Patent System (Executive Order 11215) 4661

RECREATION ADVISORY COUNCIL, membership (Executive Order 11218) 5821

STATUS OF WOMEN, CITIZENS' ADVISORY COUNCIL ON; membership (Executive Order 11221) 6427

STATUS OF WOMEN, COMMITTEE ON; membership (Executive Order 11221) 6427

Commodity Credit Corporation: Page

CASH PAYMENT, wheat flour exports (GR–346) -- 6771, 6976
COOPERATIVE MARKETING ASSOCIATIONS, eligibility requirements for price support ---------- 6907, 7037
EQUALIZATION PROGRAM, cotton; payment-in-kind, waste cotton, spinnable ---------- 4410
EXPORT COMMODITY CERTIFICATES, tobacco, redemption ---------- 6639
EXPORT CREDIT SALES PROGRAM (GSM–3) ---------- 6249
EXPORTS:
- Cash payment, wheat flour (GR–346) ---------- 6771, 6976
- Export commodity certificates, tobacco, redemption -- 6639
- Export credit sales program (GSM–3) ---------- 6249
- Payment-in-kind:
  - Dairy products, terms and conditions, 6910.
  - Flaxseed (PS–GR–4), 4532.
  - Linseed oil (PS–GR–4), 4532.
  - Wheat (GR–345), 4531.
- Payment rates-by-contracts:
  - Dairy products, liquidated damages, 4314.

FEED, livestock; emergency program ---------- 6909
GENERAL POLICIES; setoff, withholding and stop payment ---------- 8094
LOAN PROGRAMS:
- Cotton; 1965 and subsequent crops, 8096.

LOAN AND PURCHASE PROGRAMS:
- 1964 crops:
  - Barley, 4606, 5702, 6681.
  - Beans, dry edible, 5762.
  - Flaxseed, 4606.
  - Rye, 4667.
  - Wheat, 4666.
- 1965 crops:
  - Barley, 7811.
  - Rice, 4529.
  - Rye, 6511.
  - Wheat, 7475.

PAYMENT-IN-KIND; exports:
- Dairy products, terms and conditions, 6910.
- Flaxseed (PS–GR–4), 4532.
- Linseed oil (PS–GR–4), 4532.
- Wheat (GR–345), 4531.

PAYMENT PROGRAMS:
- Mohair, 6383.
- Wool, 6383.

PAYMENT RATES-BY-CONTRACTS; exports:
- Dairy products, liquidated damages, 4314.

PRICE-SUPPORT PROGRAMS:
- Participation in pools of CCC price-support loans; 1965 and subsequent crop years:
  - Commercial banks ---------- 7814
  - Financial institutions ---------- 7814
- Sales of certain commodities acquired through price-support operations; monthly sales list for 1965:
  - April ---------- 5391
  - May ---------- 6693
  - June ---------- 7965
- Various commodities:
  - Barley, 4750.
  - Beans, dry edible, 4750, 5763.
  - Butterfat, 4351.
  - Corn, 4750.
  - Cotton, 7196, 7814.
  - Flaxseed, 4750.
  - Grain sorghum, 4750.
  - Honey, 7097.
  - Milk, 4351.
  - Naval stores, gum, 5573, 7948.
  - Oats, 4750.
  - Rice, 4750.
  - Rye, 4750.
  - Soybeans, 4750.
  - Wheat, 4750.

PURCHASE PROGRAMS, Texas flaxseed:
- 1965 crop, 6338.

Commodity Exchange Authority:

TRADERS, REPORTS BY; maintenance of books and records ---------- 5941

Communications Satellite Committee, Interim: Page

PUBLIC INTERNATIONAL ORGANIZATION entitled to certain privileges, exemptions, and immunities, designation (Executive Order 11227) ---------- 7369

Comptroller of Currency:

CAPITAL STOCK, ownership reports; scope and application ---------- 6160
FEES, assessment, national and District of Columbia banks; filing fees for certain applications ---------- 4462, 5742
INSURED BANKS, joint call for report of condition --- 6227
INVESTMENT SECURITIES; eligibility of specific bond issues for purchase by national banks:
- Federal National Mortgage Association participation certificates, 7371.
- Illinois Building Authority bonds, 8328.

REQUIRED NOTIFICATION to nominate bank directors; amendment of articles of association or bylaws ---------- 6074, 7275

Conduct Standards:

GOVERNMENT OFFICERS AND EMPLOYEES, ethical standards of conduct (Executive Order 11222) ---------- 6469
JUSTICE DEPARTMENT regulations ---------- 7599
WITHOUT COMPENSATION EMPLOYEES, statements of financial interest. *See* Commerce Department; Interior Department; Interstate Commerce Commission.

Conflict of Interest:

See Conduct standards.

Congressional Committees:

INSPECTION OF TAX RETURNS. *See* Taxes.

Conservation Programs, Agricultural:

See Agriculture Department.

Consultants, Advisers, and Other Special Government Employees:

ETHICAL STANDARDS OF CONDUCT (Executive Order 11222) ---------- 6469

Continental Shelf, Outer:

TEXAS, sulphur leasing ---------- 6496

Contracts, Government:

See also Procurement.
FOREIGN ASSISTANCE ACT OF 1961, contracts made under (Executive Order 11223) ---------- 6635

Corn:

PRICE SUPPORT PROGRAM, 1964 crop ---------- 4750

Cotton:

CROP INSURANCE ---------- 4240
EQUALIZATION PROGRAM, spinnable cotton waste; payment in kind ---------- 4410
EXPORT MARKET ACREAGE, upland cotton, 1964 crop ---------- 4606
LOAN PROGRAM, 1965 crop ---------- 8096
MARKETING QUOTAS, acreage allotments, 1964 and succeeding crops:
- Extra long staple ---------- 7271, 7809
- Upland ---------- 6712, 7185, 7385, 7809, 7987

PRICE SUPPORT LOANS, participation of commercial banks and financial institutions in loan pools ---- 7814
PRICE SUPPORT PROGRAM, 1965 and subsequent crops ---------- 7198
STANDARDS. *See* Agriculture Department.
WAREHOUSES, federally licensed; Agricultural Marketing Service changed to Consumer and Marketing Service ---------- 8093

Cotton Textiles:

EXPORT RESTRAINTS, Italy ---------- 5486
SPECIAL REPRESENTATIVE FOR TRADE NEGOTIATIONS, functions (Executive Order 11214) ---- 4527

Cottonseed:

WAREHOUSES, federally licensed; Agricultural Marketing Service changed to Consumer and Marketing Service ---------- 8093

Crop Insurance: Page
See Federal Crop Insurance Corporation.

Cuba:
PARCEL POST RESTRICTIONS 4037
REFUGEES, Civil Service appointment to excepted positions 4063
VESSELS, free world and Polish flag, arriving since January 1, 1963; list 4499, 5644, 6546, 7049, 7762, 8345

Customs Bureau:
ANTIDUMPING ACT, 1921:
Commissioner's determinations; various imports:
Azobisformamide from Japan, 7187.
Brake drums from Canada, 4692.
Fur felt hat bodies from Czechoslovakia, 7725.
Perchlorethylene solvent from France; correction, 5862.
Shoes:
Czechoslovakia, 7293.
Rumania, 7293.
Steel jacks from Canada, 6123, 6445.
Titanium dioxide from West Germany, 6196.
Vinyl asbestos floor tile from Canada, 7614.
Secretary of Treasury determinations. *See main heading* Treasury Department.
ARTICLES CONDITIONALLY FREE, subject to reduced rate, etc.:
Antiques, ports of entry 6149
Theatrical effects, motion-picture films, and commercial travelers' samples; procedure 7819
BONDS, customs, nonproduction of documents; certificates of origin and reexport excepted 8266
CANADA:
Antidumping Act determinations:
Brake drums, 4692.
Steel jacks, 6123, 6445.
Vinyl asbestos floor tile, 7614.
Motor vehicles and parts; suspected bounty or grant 5534, 5710, 6958
CUSTOMS COLLECTION DISTRICTS:
No. 27, Los Angeles; change of name to Los Angeles-Long Beach 4411
No. 31, Alaska, Wrangell; extension of limits 7569
No. 32, Hawaii, Port Allen; change of name to Nawiliwili-Port Allen and extension of limits 7704
DRAWBACK, allowance on certain petroleum products; proposed rules 7756
ENTRY OF IMPORTED MERCHANDISE, special Customs invoice; intention to delay requirement of revised Form 5515 5867
EXAMINATION, MEASUREMENT, TESTING, importations in bulk; proposed rules:
Fluorspar imported in railroad cars; method of analyzing 7108
Petroleum and petroleum products; extension of time 6686
FEES:
Increases 5580
Storage charges 5580, 5900
FINANCIAL AND ACCOUNTING PROCEDURE:
Charges for storage; fee increases 5580, 5900
Claims; setoff 4671
FISH, tuna; tariff-rate quota, 1965 5799
FOREIGN CURRENCY; Philippine peso, rates of exchange 6196
MERCHANDISE, special classes; imports and exports under International Coffee Agreement Act of 1965 5265
PACKING AND STAMPING, marking, etc.:
Fee increases 5580
Trade name, tentative recordation of; Fanon-Masco 5002
PETROLEUM, proposed rules:
Drawback allowance on certain products 7756
Examination, measurement, etc., bulk imports; extension of time 6686
PHILIPPINE ISLANDS:
Handkerchiefs produced in, not "Philippine articles"; proposed tariff classification 8231
Peso, rates of exchange 6196
REORGANIZATION PLAN NO. 1 OF 1965, abolition of certain offices and transfer of functions 7035
TARIFF CLASSIFICATION, proposed; handkerchiefs produced in Philippines not "Philippine articles" 8231
TARIFF-RATE QUOTA, 1965; tuna fish 5799
VESSELS:
In foreign and domestic trade, tonnage tax and light money; exemptions from special taxes, addition of Monaco 7598

Customs Bureau—Continued Page
VESSELS—Continued
Measurement, tonnage:
Adjustment and correction 5419
Deductions from gross tonnage, marking 6116
WAREHOUSES, and control of merchandise therein; application to bond, etc., fee increases 5590

D

Dairy Products:
See Agriculture Department.

Danger and Restricted Areas:
AIRCRAFT restricted areas over military installations. *See* Federal Aviation Agency.
VESSELS, danger zones. *See* Engineers Corps.

Decorations and Awards:
AIR FORCE DEPARTMENT regulation 6344
FEDERAL EMPLOYEES, delegation of functions (Executive Order 11228) 7739

Defense Department:
See Air Force Department.
Army Department.
Navy Department.
CIVIL DEFENSE, military support 4753
CLAIMS PROCESSING, single service assignment of responsibility; authority delegations to Secretaries of Air Force, Army, and Navy 7615
DEFENSE CONTRACT AUDIT AGENCY, organization and functions 8278
DEFENSE CONTRACT FINANCING:
Guaranteed loans, amount and maturity 6161
Progress payments, direct labor and materials cost clause (November 1964) 6161
DEFENSE MEDICAL MATERIEL BOARD, organization and functions 7614
FEES for copying, certification, and search of records 7997
ORGANIZATION AND FUNCTIONS:
Defense Contract Audit Agency 8278
Defense Medical Materiel Board 7614
PROCUREMENT REGULATIONS:
Advertising, formal 5960, 6967
Construction and contracting for architect-engineer services 6019
Contracts:
Clauses 5986, 6968
Cost principles and procedures 6013, 6973
Termination 5998
Extraordinary contractual actions to facilitate national defense 6019
Foreign purchases; procurements from other Government agencies 5986
Forms 6013
General provisions 5959, 6965
Government property 6013, 6973
Interdepartmental and coordinated 5985, 6968
Labor 6003
Negotiation 5971, 6967
Patents, data, and copyrights 6003, 6968
Special types and methods 5985
RESERVE FORCES:
Reserve Officers' Training Corps, Senior; retainer pay and commutation in lieu of uniforms for enrolled members of 5792
Uniform training categories and pay groups 6942
TRANSPORTATION by Military Air Transport Service or other aircraft, regulations deleted 6682

Delaware River Basin Commission:
WATER RESOURCES PROJECTS, additions; hearings 5649, 6365, 7848

Delegations of Authority by the President:
AGENCY AND DEPARTMENT HEADS, ethical standards of conduct (Executive Order 11222) 6469
CIVIL SERVICE COMMISSION (Executive Order 11222, 11228) 6469, 7739
SECRETARY OF AGRICULTURE (Executive Order 11229) 7741
SECRETARY OF COMMERCE (Executive Order 11229) 7741
SECRETARY OF LABOR (Executive Order 11229) 7741
SECRETARY OF STATE (Executive Order 11229) 7741
SECRETARY OF TREASURY (Executive Order 11229) 7741

Disaster Areas: Page
FEDERAL ASSISTANCE. *See* Agriculture Department; Small Business Administration.

Discrimination:
See Nondiscrimination.

Dominican Republic:
BROADCAST STATIONS 4772

Drugs:
CERTIFICATION, TESTS, etc. *See* Food and Drug Administration.

Dumping Grounds:
See Engineers Corps.

E

Education and Educational Facilities:
See also Education Office.
CIVIL SERVICE, educational requirements for appointment to certain positions. *See* Civil Service Commission.
ELECTROMAGNETIC PROPAGATION COURSE at Boulder, Colo 6698
NONIMMIGRANT STUDENTS:
Approval of schools 6479
Employment 4532
School transfers 4351
SCHOOL LUNCH PROGRAM, second apportionment of food assistance funds 6207, 6479
SCHOOLS:
Nonimmigrants:
Approval of schools 6479
Transfers 4351
Public lands reserved for. *See* Land Management Bureau.
TELEVISION STATIONS, noncommercial educational, Federal assistance. *See* Education Office; Health, Education and Welfare Department.

Education Office:
COLLEGES, UNIVERSITIES, etc., applications for Federal capital contributions; cutoff date 6092
DESEGREGATION of public education 4359
LIBRARY CONSTRUCTION; construction of part, and nondiscrimination-in-employment clause 6393
SCIENCE, MATHEMATICS, modern foreign languages, etc., financial assistance; allotment ratios 4366
TELEVISION BROADCAST FACILITIES, noncommercial educational, applications for Federal financial assistance 5764, 6928, 8231
VOCATIONAL EDUCATION, administration; Federal allotments to States 8268

Eggs and Egg Products:
AGRICULTURAL MARKETING SERVICE changed to Consumer and Marketing Service 6207
GRADING AND INSPECTION of products, pasteurization 6141

Ellis Island:
ADDITION to Statue of Liberty National Monument (Proclamation 3656) 6571

Emergency Planning Office:
RESIDUAL FUEL OIL, imports; effects on national security, investigation 4598, 5548
WATCHES, movements and parts, imports; effect on national security, investigation 4598

Employment Security Bureau:
ADMINISTRATIVE PROCEDURE, withholding payments and certifications 6941
UNITED STATES EMPLOYMENT SERVICE, policies; service to minority groups, nondiscrimination 7039

Engineers Corps, Army Department:
ANCHORAGE REGULATIONS; California:
San Francisco Bay, 4756.
BRIDGE REGULATIONS:
Florida:
Black Creek, 6388.
Loxahatchee River, St. Lucie River and St. Lucie Canal, 5763.
Georgia:
Back River, 4756.

Engineers Corps, Army Department—Con. Page
BRIDGE REGULATIONS—Continued
Maine:
Sheepscot River, 4253.
Maryland:
Marshyhope Creek, 6161.
New Jersey:
Bass River, 4756.
DANGER ZONE REGULATIONS; California:
Pacific Ocean, Air Force Western Test Range, 6643.
DUMPING GROUND REGULATIONS; Gulf of Mexico:
Louisiana:
Calcasieu Pass, 6644.
Louisiana coast, 6644.
Texas:
Galveston entrance, 6644.
Sabine Pass, 6644.
Texas coast, 6644.
NAVIGATION REGULATIONS:
California (naval restricted areas):
Point Loma, Pacific Ocean, 4756.
San Diego Harbor, 4756.
Florida:
Withlacoochee River, 6161.
Illinois:
Ohio and Mississippi Rivers, 6203.
Maryland:
Severn River, 5631.
Washington:
Puget Sound area, 6644.
RESERVOIR AREAS:
Cottage site development and use, sale of lands for; Oklahoma:
Fort Supply Reservoir, 4475.
Public use, areas covered:
Kansas:
Elk City Reservoir Area, Elk River, 6161.
Wilson Reservoir Area, Saline River, 4475.
South Dakota:
Big Bend Dam (Lake Sharpe), Missouri River, 6161.
Cold Brook Reservoir Area, Cold Brook, 6161.
Texas:
Sam Rayburn Reservoir Area, Angelina River, 4610.
WATER RESOURCE DEVELOPMENT PROJECT, Sam Rayburn Reservoir Area, Angelina, Tex.; joint regulations, Army and Agriculture Departments 4610

Equal Opportunity:
See Nondiscrimination.

Ethical Standards of Conduct:
See Conduct standards.

Executive Office of the President:
See Budget Bureau.
Emergency Planning Office.

Executive Orders:
See Presidential documents.

Explosives:
TRANSPORTATION and storage. *See* Coast Guard; Interstate Commerce Commission.

Export Control:
See International Commerce Bureau.

Exports:
See Imports and exports.

F

Fallout Shelters:
TRADE PRACTICES, advertising guides 7995

Farm Credit Administration:
BANKS FOR COOPERATIVES consolidated debentures; Custodian and Acting Custodian 6573
INFORMATION AND RECORDS; reports of farm credit examiners 6111

Farms:
RECONSTITUTION; allotments, history, and soil bank base acreages 5701, 6511, 6975

Federal Aviation Agency: Page

Federal Aviation Agency: Page

ACCIDENT near John F. Kennedy International Airport, investigation by CAB 5609
AGRICULTURAL AIRCRAFT OPERATIONS 8104
AIR CARRIERS AND COMMERCIAL OPERATORS, large aircraft:
Aircraft dispatcher qualifications 6727
Airworthiness release or aircraft log entry 6432
Automatic pilot, minimum altitudes for use of; approaches, proposed rule 8009
Crewmember and aircraft dispatcher training program 6727
Emergency evacuation, passenger:
Crewmember training program; certain deletion 6737
Demonstration procedures; time extension for compliance 7703
Flight crew compartment doors 6112
Flight engineer requirements 6066
Flight simulator, use 6726
Flotation equipment, emergency; proposed rule 7963
Pilot qualifications; recent experience, proficiency checks, second in command, and other pilots, etc. 6726
AIR NAVIGATION:
Altitude minimums for instrument flight. *See* Instrument flight rules.
Approach procedures. *See* Instrument flight rules.
Construction or alteration of structures. *See* Airspace.
Control areas and zones on Federal airways, designation of. *See* Federal airways.
Jet routes. *See* Jet routes.
Obstructions, construction of. *See under* Airspace.
Reporting points, on Federal airways. *See* Federal airways.
Restricted areas. *See* Restricted areas.
Security control of air traffic; Alaskan DEWIZ 6242
AIR TAXI AND COMMERCIAL OPERATORS, small aircraft:
Airborne radio navigation and communications equipment requirements, 1965–75; proposed rule 6074
Star route mail carrying operations, applicability 4352
AIR TRAFFIC AND GENERAL OPERATING RULES:
Airport traffic patterns, special; Victor Airway No. 16 5575
General operating and flight rules:
Airborne radio navigation and communications equipment requirements, 1965–75; proposed rule 6074
Airports without control tower, operation at; communications with FAA flight service stations 5507
Altimeter system inspections 8262
Clearances, compliance with ATC; proposed rule 6922
Flight plan and fuel requirements pertaining to alternate airports; proposed rule 6070, 6388
Foreign civil aircraft, special rules; distance measuring equipment, proposed rule, time extension 8541
Maintenance, preventive maintenance and alterations; applicability, etc 8033
Security control of air traffic; Alaskan DEWIZ 6242
AIRMEN:
See also Schools and other certificated agencies.
Medical standards and certification; special medical certificate, medical flight, practical test, or medical evaluation, proposed rule 6188
Pilots and flight instructors, certification:
Airborne radio and navigation and communications equipment requirements, 1965–75, proposed rule 6074
Examinations, written; prerequisites, proposed rule withdrawn 7292
Flight instructors; certificates, eligibility requirements, etc 8256
Flight tests:
Airline transport pilot, retesting after failure 6577
Prerequisites 6569
Student pilots; supervision increased 8256
AIRPORTS:
Alternate airports, flight plan and fuel requirements 6070, 6388
Construction, alteration, reactivation, and deactivation; notice required, proposed rules 8342
Federal aid:
Advance planning and engineering proposals 8040

Federal Aviation Agency—Continued Page

AIRPORTS—Continued
Federal aid—Continued
Airport development projects 7404, 8039
Land use information 8039
General requirements 7484, 8039
Project programming standards 7404, 8040
Traffic patterns, Victor Airway No. 16 5575
Wake Island Airport, boundaries 7184
Without control towers, operations; communications with FAA flight service stations 5507
AIRSPACE:
See also Federal airways, etc.; Jet routes.
Construction proposed; notices, hearings, etc.:
Hotel, 6256.
Office building, 8284.
Radio and television antennas and towers, 4504, 4698, 4699, 5396, 5865, 5866, 5967, 6284, 6285, 6286, 6287, 6408, 7022, 7121, 7931, 8283.
Navigable airspace, objects affecting:
Notice of construction or alteration, acknowledgment of 6713
Obstruction standards, military airport imaginary surfaces 6713
Restricted areas. *See* Restricted areas, *below.*
AIRWORTHINESS DIRECTIVES:
Beech, 6837, 6976, 8203.
Bendix, 5897, 8273.
Boeing, 4240, 5827, 6067, 6150, 6274, 7573, 7638, 7701, 7816, 8033, 8062, 8228, 8329.
Brantly, 5506.
Canadair, 6639, 7876.
Curtiss-Wright, 6188.
De Havilland, 4318, 8274.
Douglas, 5621, 8203, 8274.
Fairchild, 5643, 6431, 6577, 7816, 7876, 8155.
General Dynamics, 7182.
Grumman, 5623, 7638.
Hartzell, 4533, 5532, 7876.
Hughes, 7371.
Lockheed, 5897, 6837, 7098, 7573, 7993, 8033, 8203, 8204, 8228, 8329, 8330.
Lycoming, 5907, 8034, 8273.
Marvel-Schebler, 8034.
Mooney, 7182.
Morrisey, 7275.
Navion and Twin Navion, 8275.
Piper, 6640.
Sikorsky, 4609, 6940.
United Data Control, Inc., 8263.
Vickers, 7272, 8204, 8229, 8275.
AIRWORTHINESS REQUIREMENTS:
Airplane:
Normal, utility, and acrobatic aircraft; standards:
Airborne radio navigation and communications equipment requirements; 1965–75, proposed rule 6074
Pressure system, static 8261
Transport category, standards:
Airborne radio navigation and communications equipment requirements, 1965–75, proposed rule 6074
Flight crew:
Doors, compartment, certain deletion 6112
Minimum requirements 6066
Pressure systems, static 8261
Turbine-powered airplanes, airspeed limitation (SR–450A); proposed rule withdrawn 5798
Rotorcraft; airborne radio navigation and communications equipment requirements, 1965–75, proposed rules:
Normal category 6074
Transport category 6074
CERTIFICATION PROCEDURES, products and parts; duration of airworthiness certificates 8032
DEFINITIONS AND ABBREVIATIONS:
"Air traffic control" and "air traffic control clearance"; proposed rule 6921
Airborne radio navigation and communications equipment requirements, 1965–75; proposed rules 6074
"Dual instruction", deletion 8257
FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS:
Airborne radio navigation and communications equipment requirements 1965–75; proposed rule 6074

Federal Aviation Agency—Continued Page

FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS—Continued
- Colored Federal airways; alterations 6121, 7573, 7665, 8157
- Continental control area, restricted areas included; alterations 5624, 7503, 7949, 7994
- Control areas and control area extensions; alterations:
  - Additional control areas 5622, 6068, 6121, 6682, 6984, 8157
  - Control areas associated with jet routes outside continental control area 6121, 6150, 7099, 8157
  - Extension of control areas 4463, 4490, 4638, 4751, 4752, 4766, 4767, 4768, 5506, 5622, 5623, 5624, 5625, 5731, 5790, 5827, 5829, 5830, 5854, 5856, 5857, 5898, 6069, 6077, 6120, 6384, 6386, 6397, 6400, 6577, 6641, 6793, 6872, 6977, 6985, 7045, 7110, 7182, 7373, 7517, 7598, 7702, 7817, 7818, 7877, 7878, 7879, 7881, 7882, 7883, 7884, 8008, 8035, 8102, 8103, 8264, 8276, 8330.
- Control zones; alterations 4319, 4321, 4391, 4462, 4463, 4489, 4490, 4533, 4553, 4638, 4669, 4670, 4680, 4723, 4751, 4766, 4767, 4768, 5506, 5575, 5604, 5605, 5606, 5623, 5624, 5731, 5790, 5827, 5829, 5830, 5854, 5855, 5856, 5857, 5898, 5899, 5908, 6068, 6069, 6077, 6113, 6119, 6120, 6189, 6215, 6384, 6385, 6386, 6387, 6397, 6399, 6400, 6577, 6578, 6579, 6588, 6589, 6640, 6641, 6682, 6765, 6793, 6838, 6872, 6914, 6922, 6940, 6977, 6985, 7045, 7098, 7110, 7111, 7182, 7183, 7196, 7276, 7372, 7396, 7517, 7524, 7598, 7639, 7663, 7702, 7816, 7817, 7818, 7840, 7877, 7878, 7879, 7880, 7881, 7882, 7883, 7884, 7993, 7994, 8007, 8035, 8036, 8102, 8103, 8156, 8330, 8331, 8341
- Reporting points; alterations:
  - Alaska; low altitude 6384, 7818
  - Domestic:
    - All altitudes 4391, 4463
    - High altitude 6443, 7703
    - Low altitude 4533, 6241, 7224, 8264
- Transition areas; alterations 4319, 4321, 4391, 4462, 4463, 4489, 4490, 4534, 4553, 4554, 4610, 4638, 4669, 4670, 4680, 4681, 4723, 4751, 4752, 4766, 4767, 4768, 5359, 5506, 5575, 5604, 5605, 5606, 5623, 5624, 5703, 5731, 5790, 5827, 5829, 5830, 5854, 5855, 5856, 5857, 5898, 5899, 5908, 6068, 6069, 6077, 6113, 6120, 6189, 6225, 6384, 6385, 6386, 6387, 6397, 6399, 6400, 6402, 6577, 6578, 6579, 6588, 6589, 6641, 6642, 6682, 6736, 6765, 6793, 6795, 6838, 6872, 6914, 6915, 6922, 6924, 6940, 6977, 6978, 6985, 6986, 7045, 7098, 7099, 7110, 7111, 7182, 7183, 7184, 7196, 7316, 7372, 7373, 7396, 7517, 7525, 7557, 7598, 7639, 7663, 7666, 7702, 7703, 7723, 7816, 7817, 7818, 7840, 7877, 7878, 7879, 7880, 7881, 7882, 7883, 7884, 7885, 7886, 7993, 7994, 8007, 8035, 8036, 8037, 8102, 8103, 8111, 8156, 8157, 8264, 8276, 8330, 8331, 8341.
- VOR Federal airways; alterations:
  - Alaska 6384, 7818, 8110, 8156
  - Domestic 4463, 4491, 4533, 4554, 4670, 4752, 5383, 5384, 5506, 5643, 5831, 6113, 6120, 6121, 6150, 6241, 6385, 6400, 6443, 6478, 6735, 6794, 6915, 6923, 6978, 6986, 7099, 7112, 7224, 7312, 7316, 7502, 7557, 7558, 7612, 7613, 7664, 7665, 7744, 7761, 7929, 7994, 8008, 8110, 8157, 8166, 8264, 8265.
  - Hawaii 7224

FOREIGN AIR CARRIERS, operations; radio and distance measuring equipment, proposed rule, time extension 6541

HELICOPTERS:
- Airworthiness, rotorcraft. *See under* Airworthiness requirements.
- Certification and operation; airworthiness release or helicopter log entries 6432

INSTRUMENT FLIGHT RULES:
- Altitudes, minimum en route IFR:
  - Airborne radio navigation and communications equipment requirements, 1965–75; proposed rules 6074

Federal Aviation Agency—Continued Page

INSTRUMENT FLIGHT RULES—Continued
- Altitudes, minimum en route IFR—Continued
  - Changeover points; VOR Federal airways 5579, 6769, 7645
  - Particular routes and intersections:
    - Colored Federal airways (amber) 5576, 6766, 7639
    - Direct routes 5576, 6766, 7639
    - Jet routes 5579, 6769, 7645
    - VOR Federal airways 5576, 6766, 7640
    - Hawaii 6768, 7643
- Approach procedures:
  - Airborne radio navigation and communications equipment requirements, 1965–75; proposed rules 6074
  - Magnetic direction, changes in isogonic values 7598
  - Takeoff and landing; alterations:
    - Landing system 4403, 5367, 5464, 5737, 6158, 6334, 6721, 6851, 7233, 7381, 7873, 7958, 8213
    - Radar 4408, 5369, 5466, 5743, 6159, 6336, 6723, 6855, 7236, 7384, 7876, 8215
    - Radio 4392, 5360, 5455, 5732, 5831, 6151, 6329, 6714, 6839, 7225, 7374, 7376, 7378, 7380, 7867, 7950, 8205

JET ROUTES:
- Airborne radio navigation and communications equipment requirements, 1965–75; proposed rules 6074
- Jet advisory areas; alterations:
  - Enroute 6432, 8331
  - Terminal 6432, 8331
- Jet routes; alterations 4464, 5790, 5831, 6121, 6150, 6241, 6242, 6443, 6642, 6915, 6924, 7099, 7100, 7112, 7703, 7745, 7761, 7994, 7995, 8008, 8158

MAINTENANCE, preventive maintenance, rebuilding, and alteration; altimeter system test and inspection 8262

OPERATING RULES. *See* Air traffic and general operating rules.

PROCEDURAL RULES, enforcement procedures; hearings in certificate proceedings 7222

RESTRICTED AREAS over military installations, etc.:
- Military climb corridors; maintenance of certain flight levels 6387
- Various States; alterations:
  - Alaska, 4464, 7949.
  - Arizona, 6736, 6979.
  - California, 4464, 5624, 6069.
  - Delaware, 6388.
  - Florida, 6121, 6402, 7503, 8157.
  - Georgia, 7724.
  - Kansas, 6444.
  - Maryland, 7744.
  - Minnesota, 4752, 6069.
  - Mississippi, 7251.
  - Nevada, 6069, 7100.
  - New Jersey, 6242.
  - New Mexico, 7503.
  - Texas, 5831, 6114.
  - Utah, 4391, 4594.
  - Virginia, 7745.
  - Washington, 7100, 7225.

ROTORCRAFT:
- *See also* Helicopters.
- Airborne navigation and communications equipment requirements, 1965–75; proposed rules:
  - Normal category 6074
  - Transport category 6074

SCHEDULED AIR CARRIERS. *See* Air carriers.

SCHOOLS for pilots, record retention 7517

SPECIAL USE AIRSPACE. *See* Restricted areas.

SUPPLEMENTAL AIR CARRIERS. *See* Air carriers.

TECHNICAL STANDARD ORDERS, C Series, minimum performance standards:
- Airborne distance measuring equipment (C66a) 7637
- Airborne radio navigation and communications equipment requirements, 1965–75; proposed rule 6074
- Airborne VOR receiving equipment (C40b), proposed rule withdrawn 7663
- Airborne weather radar equipment (C63a) 8262
- Life preservers (C13d); proposed rule withdrawn 8006

WAKE ISLAND CODE; applicability, Island Manager, Justice Court, motor vehicle maintenance and equipment, dental services, etc 7184

Federal Communications Commission: Page

AMATEUR RADIO SERVICE:
- Incentive licensing and distinctive call signs, proposed rules — 4496
- Radio operator examination points:
  - Fairbanks, Alaska — 4618
  - Salem, Va — 7755

ANTENNA STRUCTURES:
- Antenna farm areas, erection of antenna structures; proposed rules — 7448
- Prior proceeding terminated — 7446
- Community antenna television systems:
  - Distribution of TV broadcast signals, inquiry and proposed rules — 6078, 8009
  - Microwave stations to relay TV broadcast signals — 4322, 6060
  - Height limitation, policy statement — 7419

AVIATION SERVICES:
- Definition, aviation instructional station; proposed rule — 4492
- Permissible communications, proposed rule — 4492
- Stations:
  - Airborne stations; frequency for use by survival craft stations — 7105
  - Aviation instructional stations, proposed rules — 4492

CALL LETTER ASSIGNMENT POLICY, commonly owned stations in different services — 4506

CANADIAN BROADCAST STATIONS — 5766, 6491, 6493, 7201, 7528

COMMUNICATIONS SATELLITE. *See* Satellite communications.

COMMUNITY ANTENNA TELEVISION SYSTEMS. *See* Antenna structures.

DOMESTIC PUBLIC RADIO SERVICES:
- Applications and licenses, grants without hearing — 7174
- Community antenna TV systems:
  - Distribution of TV broadcast signals by; inquiry and proposed rules — 6078, 8009
  - Point-to-point microwave service, stations used to relay television broadcast signals — 4322, 6060
- Definitions — 7174
- FCC publications for reference — 7174
- Transmitter power — 7174
- Various services:
  - Local TV transmission service — 7175
  - Point-to-point microwave service:
    - Bands shared with Communication-Satellite Service — 7174
    - Stations used to relay television broadcast signals to CATV systems — 4322, 6060

DOMINICAN REPUBLIC broadcasting stations — 4772, 5064

EXPERIMENTAL BROADCAST SERVICES; community antenna TV systems, proposed rules:
- Distribution of TV broadcast signals by; inquiry — 6078, 8009
- Microwave stations to relay TV signals to; extension of time — 4322

FREQUENCY ALLOCATIONS:
- Allocation, assignment, and use of radio frequencies — 7156, 8222
- International regulations in force — 7156
- Table of frequency allocations:
  - 59–61 kc/s, 6219.
  - 1605–1715 kc/s, 7105.
  - 88–108 Mc/s, 4466, 5613.
  - 108–119.975 Mc/s, 4466.
  - 123.975–128.575 Mc/s, 4462.
  - 173.2–173.4 Mc/s, 6268.
  - 243 Mc/s, 7105.
  - 12200–12700 Mc/s, 4322.
  - 12700–13200 Mc/s, 4322.
- Definitions — 7155
- Aviation instructional station, proposed rule — 4492
- Community antenna relay service; proposed rule, extension of time — 4322
- Fixed service utilizing tropospheric scatter techniques; proposed rules, proceedings terminated — 6236
- Treaties and other international agreements — 7102

HEARINGS, ORDERS, etc.; companies and stations. *See list at end of this agency.*

HORSE RACING INFORMATION, broadcasting; establishment of advisory committee — 5338

INDUSTRIAL HEATING EQUIPMENT, prototype certification procedure — 7266

Federal Communications Commission—Con. Page

INDUSTRIAL RADIO SERVICES:
- Business service, microwave stations to relay television broadcast signals to CATV systems — 4322, 6061
- Community antenna TV systems, distribution of TV broadcast signals by; inquiry and proposed rules — 6078, 8009
- Secondary frequency assignment in California — 4616

LAND MOBILE SERVICE, frequency spacing and sharing; inquiry, extensions of time — 4435, 7581

LAND TRANSPORTATION RADIO SERVICES; secondary frequency assignment in California — 4617

MARITIME SERVICES, shipboard stations:
- Application for exemption — 6779
- Compulsory shipboard equipment, survival craft portable radio equipment — 6780
- Definitions; safety convention and safety convention certificates — 6779
- Radiotelegraph stations — 6779
- Radiotelephone stations:
  - Communication Act or Safety Convention — 6780
  - Great Lakes Radio Agreement — 6780

ORGANIZATION AND FUNCTIONS:
- Applications, radio operator examination points:
  - Fairbanks, Alaska — 4612
  - Salem, Va — 7755
- Data Processing Division — 6250
- Field Engineering Bureau, alien aircraft pilots operator licenses — 7521
- Information, inspection of record — 4546
- Manpower Utilization and Survey Division — 6250
- Safety and Special Radio Services Bureau, Chief — 6779

PRACTICE AND PROCEDURE:
- Broadcast applications:
  - Agreements between parties for amendment or dismissal of applications — 6780
  - Filing requirements, records to be maintained locally — 4546, 6781
  - Forms to be filed, ownership reports — 4547
- General rules:
  - Application for antenna structure, proposed rule — 7448
  - Prior proceeding terminated — 7446
  - Petitions for reconsideration of final action, public notice — 4478
- Safety and special services applications and proceedings — 4479, 6779

PUBLIC SAFETY RADIO SERVICES:
- Secondary frequency assignment in California — 4614
- Transmitters, nontype accepted equipment for police zone and interzone stations — 7522

RADIO BROADCAST SERVICES:
- Educational FM stations, noncommercial:
  - Candidates for public office, broadcasts by; inspection of records — 4547
  - Operator requirements — 6520
- FM stations:
  - Candidates for public office, broadcasts by; inspection of records — 4547
  - Channel assignments, various States:
    - Alabama, 4556, 5901, 6947, 8067.
    - Alaska, 5901.
    - Arizona, 6544.
    - Arkansas, 5901.
    - California, 4556, 6947.
    - Colorado, 5901.
    - Connecticut, 5901.
    - Florida, 6252, 6544, 8068.
    - Georgia, 5833, 6543.
    - Illinois, 8069, 8070.
    - Indiana, 4493, 4555, 5833, 6520, 6543, 6947.
    - Iowa, 4555, 5833, 5901, 6117, 6947, 8068.
    - Kansas, 5833, 5901, 8068, 8070.
    - Kentucky, 8067, 8069.
    - Louisiana, 4555, 6947.
    - Maine, 4555, 5901, 6947.
    - Maryland, 4545, 7920, 8068.
    - Michigan, 5860, 5901, 8068.
    - Minnesota, 4556, 5901, 6252, 6947, 8070.
    - Mississippi, 4495, 4556, 5833, 6251, 6947, 7814.
    - Missouri, 4555, 6253, 6947.
    - Nebraska, 4556, 6947.
    - Nevada, 6254.
    - New Jersey, 5860, 6543.
    - New Mexico, 8069.

Federal Communications Commission—Con.

Page

RADIO BROADCAST SERVICES—Continued
FM stations—Continued
Channel assignments, various States—Continued
New York, 5833, 5901, 6251.
North Carolina, 5833, 6253.
Ohio, 4555, 5643, 6947, 8069.
Oklahoma, 5901.
Oregon, 4493, 6275.
Pennsylvania, 5833.
South Carolina, 6543.
South Dakota, 5833, 5901.
Tennessee, 4556, 5833, 5901, 6543, 6947, 7673.
Texas, 4555, 5833, 6063, 6947, 8069.
Virginia, 4556, 6253, 6274, 6947, 7197, 8069.
Washington, 4493, 6275.
West Virginia, 4480, 6543, 8068.
Wisconsin, 5833, 5901, 8067.
Classification of stations:
Minimum mileage separations, proposed rules— 4495
Numerical designation of channels, VOR test facilities — 4480, 5513
Engineering charts, field strength curves; proposed rules — 6651, 7666
Horse racing information, broadcasting; establishment of advisory committee — 5538
Interference, protection from; location of antenna, proposed rule — 7448
Multiple ownership; proposed rule, extensions of time — 5798, 7525
Operator requirements — 6520
VOR test facilities, use of frequency 108.0 Mc/s— 4480, 5513
Standard broadcast stations:
Applications:
Frequency 1380 to be vacated by KWK, St. Louis, Mo; procedure — 4435
Ready and available for processing — 4559, 5868, 6491, 8017
Candidates for public office, broadcasts by; inspection of records — 4547
Horse racing information, broadcasting; establishment of advisory committee — 5538
Logs, program, operating, maintenance; proposed rules — 6590
Multiple ownership; proposed rule, extensions of time — 5798, 7525
Operator requirements — 6520
Television broadcast stations:
Canadian television assignments; changes, additions — 6491, 8493
Candidates for public office, broadcasts by; inspection of records — 4547
Channel assignments, various States — 7717
Alabama, 6870, 8164.
California, 7711.
Connecticut, 6870.
Delaware, 6870.
Georgia, 6870, 7711.
Illinois, 8164.
Indiana, 7711.
Kentucky, 7711.
Maryland, 7711, 8164.
Michigan, 6870.
Minnesota, 8164.
New Hampshire, 7711.
New Jersey, 6870, 7711.
New York, 6870.
Ohio, 6870, 7711, 8164.
Pennsylvania, 6870.
Tennessee, 6870, 7711.
Texas, 8164.
Wyoming, 7108.
Frequency sharing with land mobile service; inquiry, extension of time — 4435
Horse racing information, broadcasting; establishment of advisory committee — 5538
Interference, protection from; location of antenna, proposed rule — 7448
Monitoring equipment, engineering charts; field strength curves, proposed rules — 6651, 7666
Multiple ownership:
Interim policy — 8173
Proposed rules — 5798, 7525, 8169

Federal Communications Commission—Con.

Page

RADIO BROADCAST SERVICES—Continued
Television broadcast stations—Continued
Network broadcasting, competition, and responsibility; proposed rules, extension of time — 7113
Network programs not available to certain stations, proposed rules — 7666
Operator requirements — 6520
Subscription television service; proposed rules, extensions of time — 6122, 7197
UHF channels, expanded use — 7711, 8164
Proposed rules — 7671
RADIO FREQUENCY DEVICES:
Intruder alarms, proposed rules — 6541, 6689
Radiation interference limits; television broadcast receivers, temporary increase — 6250
SATELLITE COMMUNICATIONS:
Definitions; ownership and operation of earth stations — 6862
Technical standards — 7175
Telecommunications services, inquiry — 8018
Voice grade and TV channels, leasing to common carriers:
Investigation — 8238
Prehearing conference — 8243
SECONDARY FREQUENCY ASSIGNMENTS, California — 4612
TELEPHONE AND TELEGRAPH CARRIERS:
Record preservation, retention period, use of 8mm film, etc.; proposed rules — 5858
Uniform system of accounts:
Class A and B telephone companies, record retention; proposed rules — 5858
Class A, B, and C telephone companies, retirement units for pole lines — 7711
TELEVISION AND LAND MOBILE SERVICE, frequency sharing; inquiry, extensions of time — 4435, 7581
HEARINGS, ORDERS, ETC.:
Abacoa Radio Corp. (WRAI), 4368, 7457.
American Colonial Broadcasting Corp., 5868, 7296.
American Radio-Telephone Service Inc., 6289, 6409, 7297, 8285.
American Telephone & Telegraph Co., 4368, 4560, 6492, 6493, 6709, 6885, 7528, 7529, 7932, 8071.
Anniston Broadcasting Co., 6094, 8017.
Apollo Radio Corp., 7407, 7457.
Associated Television Corp., 4504, 4560, 6231.
Barbourville-Community Broadcasting Co., 4699.
Beard, Sam H., 5714, 5765, 6949, 8072.
Belk Broadcasting Co. of Florida, Inc., 7680.
Big Four Broadcasting, 7579, 7727.
Birmingham Broadcasting Co., 6741.
Brown Radio & Television Co. (WBUL), 4699.
Brownyard, James D., 7128, 7359.
California Western University of San Diego, 5540, 5804.
Campbell and Sheftall, 7617, 7678.
Capital Broadcasting Corp., 7617, 7679.
Capital City Television Co., 4504, 4560, 6231.
Capital News, Inc., 7617, 7679.
Caraballo, Sergio Martinez, 4506, 4561, 5868, 7767.
Caribbean Broadcasting Corp., 4506, 4561, 5868, 7767.
Carolina Radio Broadcasting Co., 5539, 7022.
Cascade Broadcasting Co., 6601, 7766.
Central Broadcasting Corp., 6949.
Century Broadcasting Corp. (KSHE), 7407, 7457.
Chapman Radio & Television Co., 6094, 8017, 8073.
Charlottesville Broadcasting Corp. (WINA), 5714, 8017.
Chesapeake Engineering Placement Service, Inc., 4772, 7458, 8285.
Chicago Federation of Labor and Industrial Union Council, 4368, 6197, 6450, 6549, 7457.
Chicagoland TV Co., 4368, 6197, 6450, 6549, 7457.
Childress, James B., 5539.
Chronicle Publishing Co. (KRON-TV), 6197.
Clay County Broadcasting Co., 8072, 8115.
Clinton Broadcasting Co., 6094, 6126, 7297.
Continental Broadcasting, Inc., 7728, 7767.
Continental Broadcasting of California, Inc. (KDAY), 6549, 6662, 7350.
Crest Broadcasting Co., 5715, 7296, 8178.
Dawson County Broadcasting Corp., 4772, 6450.
Denton Radio Co., 5539.
Dick Broadcasting Co., Inc., of Tennessee, 6288, 6289, 7350, 8285.
Dirigo Broadcasting, Inc., 5714.
Dixie Broadcasting Co., Inc., 6197, 6267, 7200.
Downeast Television, Inc., 5714.
Downriver Broadcasting Association, 4436, 5539, 8073, 8365.
Eastern Long Island Broadcasters, Inc., 7679, 7728.

Federal Communications Commission—Con.

HEARINGS, ORDERS, ETC.—Continued
Effingham Broadcasting Co., 6950.
Emerald Broadcasting Corp. (KPIR), et al., 6699, 6741, 7767.
Erway Television Corp., 4772, 7458, 8285.
Estacada Telephone & Telegraph Co., 7581.
Estes, Edwin H., 6232.
Evergreen Enterprises, Inc., 6197, 6292, 7201, 7461, 8017.
Farragut Television Corp., 7296.
Fidelity Radio, Inc. et al., 7194, 7296, 8017.
Fine Music Broadcasts, Inc., 7680.
5 KW, Inc., 4338, 6950.
Flathead Valley Broadcasters (KOFI), 4368.
Flower City Television Corp. et al., 6600.
Fort Campbell Broadcasting Co., 7617, 7678.
Garden City Broadcasting, Inc. (KYSS), 4366.
Greater Erie Broadcasting Co., Inc., 7125, 7259.
Grenada Broadcasting Co., Inc. (WNAG), 5714.
Gross Broadcasting Co., 5540, 5804.
Hall County Broadcasting Co., 5766, 6950.
Havens & Martin, Inc. (WMBG), 5539.
Hicks, Ralph, 5868, 5912, 6125, 6741, 7350.
Hogin, William S., 6231, 6267, 6597, 6662, 7022.
Holmes County Broadcasting Co. (WXTN), 7126, 7259, 8018.
Integrated Communication Systems, Inc., of Massachusetts, 7125, 8242.
Jet Broadcasting Co., Inc., 6492.
Jobbins, Charles W. et al., 7322, 7486, 8242.
KFOX, Inc. et al., 5715, 6094.
KGMO Radio-Television, Inc. (KGMO), 7122, 7125.
KUNO Radio, Inc. (KUNO), 6365, 6409, 7022, 7767.
KXYZ Television, Inc., 5715, 7296, 8178.
Kent-Sussex Broadcasting Co., 6662, 6741, 7460, 8073.
Kentown Speedway and Hobbies, 6288.
Kingston Broadcasters, Inc., 8174.
Lampasas Broadcasting Corp. (KCYL), 6551, 6663, 7297, 7932.
Lebanon Valley Radio, et al., 7121, 7736.
Marietta Broadcasting Co., 4338, 6950.
Martin, Robert J., 4727.
Mid-Ocean Broadcasting Corp., 4368, 7457.
Missouri-Illinois Broadcasting Co., 7122, 7125.
Morgan Broadcasting Co., 6288, 6289, 7259, 8285.
Music Productions, Inc., 6095, 6126.
Naugatuck Valley Service, Inc. (WOWW), 4368, 6232, 7297.
Nebraska Rural Radio Association (KRVN), 6126, 7022, 7680.
Newhouse Broadcasting Corp. (WAPI), 6126, 7739.
Newman, Dorsey Eugene, 6741.
Northern Indiana Broadcasters, Inc., 5540.
Northland Television Corp. et al., 4727, 7529.
Ocean County Radio Broadcasting Co. et al., 6094, 6126, 6551, 7322.
Oklahoma Press Publishing Co. (KBIX), 6115.
Pacific Northwest Bell Telephone Co., 7581.
Parish Broadcasting Co., 6094, 6126, 7297.
Peoples Broadcasting Corp., 7296.
Peteraburg Broadcasting Co., Inc., 5540, 6868.
Press Wireless, Inc., 4772.
Princess Anne Broadcasting Corp., 4700.
Quality Broadcasting Corp. et al., 5715.
Radio Hot Springs Co., 4544, 7529.
Radio Phone Communications, Inc., 6289, 6409, 7297, 8285.
Radio Station WKEU, 6095, 7322.
Regional Broadcasting Corp., 6197, 6292, 7201, 7461, 8017.
Reunion Broadcasting Corp., 7679, 7738.
Selma Television, Inc. (WSLA-TV), 5715, 6292, 7297, 7407, 7817.
Skylark Corp., 8174.
Sleighter, Dennis A. et al., 5715, 5766, 7128.
Smiles of Virginia, Inc., 5540, 6868.
South Norfolk Broadcasting Co., 4700.
Southeastern Broadcasting Co., Inc. (WKLF-FM), 5714, 6949, 8072.
Southern Broadcasting Co., 5766, 6950.
Southern Newspapers, Inc., 4544, 7529.
Southington Broadcasters, 4772, 5716, 6601.
Southwestern Bell Telephone Co., 4561, 5540, 5868, 5912, 6126, 6741, 7259.
Standard Broadcast Station WPFA, 6095, 6232.
Stora Broadcasting Co. (WTIX), 7530, 7617.
Sunset Broadcasting Co. (KNDX-FM), 6601, 7766.
Symphony Network Association, Inc., 8073.
Syracuse Television, Inc. et al., 6117, 6174.
TLB, Inc. (WTCN-TV), 4538.
Tallahassee Appliance Corp., 6095.
Talton Broadcasting Co., 4727.
Telerad, Inc., 6095, 7322.
Television Broadcasters, Inc. (KBMT), 6594, 6662, 7767.

Federal Communications Commission—Con.

Page

HEARINGS, ORDERS, ETC.—Continued
Texas Goldcoast Television, Inc. (KPAC-TV), 6868, 6869, 7767.
Town & Farm Co., Inc. (KMMJ), 6126, 7023, 7680.
Traxler, John W. et al., 6601, 7296, 7461.
Tri-Cities Broadcasting Co., 4772, 6450.
Trinity Broadcasting Co., 7023, 7407.
Triple C Broadcasting Corp. (WLOR), 7123, 8018.
Tupelo Broadcasting Co., Inc., 6197, 6287, 7200.
Tuscarawas Broadcasting Co., 6950.
Twelve Seventy, Inc., 6409, 7767.
United Artists Broadcasting, Inc.:
Boston, Mass., 6232, 7125.
Houston, Tex., 6232, 7126, 7461, 8174.
Lorain, Ohio, 6232, 7126, 8174.
United Broadcasting Co., Inc., 6492.
United States of America, et al., 7932.
Vanda, Charles, et al., 7461.
WANV, Inc., 7300.
WBXM Broadcasting Co., Inc., 5714, 8017.
WCRB, Inc., 6949.
WEPA-TV, Inc. (WEPA-TV), 6492.
WFLI, Inc. (WFLI), 6126, 7729.
WHOO Radio, Inc. (WHOO), 6492, 6552, 7259, 8174.
WMEN, Inc., 6096.
WMOZ, Inc., 6096, 6232, 7127.
WTCN Television, Inc. (WTCN-TV), et al., 6198, 7124, 8118.
Waynesboro Broadcasting Corp., 6095, 6126, 7300.
Webster County Broadcasting Co., 7126, 7259, 8018.
Wilderness Road Broadcasting Co., 8072, 8115.
Ypsilanti Broadcasting Co. (WYSI), 6601, 6663, 7461.

Federal Credit Unions Bureau:

OPERATION, refund of interest — 5794

Federal Crop Insurance Corporation:

FEDERAL CROP INSURANCE:
1965 crops:
Cotton, 4240.
Rice, 4240.
1966 crop:
Wheat, 6111.

Federal Deposit Insurance Corporation:

INSURED BANKS, joint call for report of condition — 6227
SECURITIES EXCHANGE ACT of 1934, applications for exemption from certain requirements:
Ludlow Savings Bank & Trust Co., 4264.
New Brunswick Trust Co., 4507.
Volunteer-State Bank, 6411.
Western Maryland Trust Co., 4264.

Federal Employees:

See Government employees.

Federal Home Loan Bank Board:

FEDERAL SAVINGS AND LOAN INSURANCE CORPORATION:
Definition, scheduled items — 6517, 6915
Operations:
Premiums, charges, and credits concerning mortgage loans, sale of real estate owned, and related items — 7039
Required amounts and maintenance of Federal insurance reserve — 4251
Proposed rule — 6544
FEDERAL SAVINGS AND LOAN SYSTEM:
Operations:
Loans, real estate:
Lending powers under sections 13 and 14 of Charter K; homes or combination of homes and business property, proposed rule withdrawn — 5861
Real estate loans and investments subject to 20-percent-of-assets limitation; certain property or interests therein — 5473
Urban renewal loans and investments — 5473
Other investments; prohibition against investments in other institutions — 5474
Savings accounts, proposed rule — 7316
Organization; application for permission to organize Federal association — 7037

Federal Housing Administration:

AUTHORITY AND FUNCTIONS, particular position delegations — 6116, 8159

Federal Housing Administration—Continued Page

CONDOMINIUM OWNERSHIP, eligibility requirements, individually owned units; application and commitment extension fees ... 5900
MODERATE INCOME mortgage insurance, projects; eligibility requirements, maximum interest rate ... 7708
MUTUAL MORTGAGE INSURANCE and insured home improvement loans:
Contract rights and obligations ... 5371, 6982
Eligibility requirements ... 5900, 7599
URBAN RENEWAL mortgage insurance and insured improvement loans, eligibility requirements, projects; development of property ... 7102

Federal Maritime Commission:

FREIGHT FORWARDERS, independent, ocean:
Agreements under section 15 of Act:
Boslo, Paul A., Dyson Shipping Co., Inc., 6200.
Express Forwarding & Storage Co., Inc. et al., 7973.
Gogarty, H. A., Inc. et al., 6411.
Pistorino & Co., Inc. et al., 7126.
Sea-Lanes Shipping Co., Inc. et al., 6802.
Smith, J. D., Inter-Ocean, Inc. et al., 6199.
Applications for licenses:
Dineen Shipping Service, et al., 5766.
Gonsales-Colon, Jenario Emilio, et al., 6868.
Mas International Corp.; proceeding discontinued, 7127.
Patco, 5649.
Philippine Forwarding Co., Inc., 8175.
Sotelo, George R., and Universal Forwarders Co.; revoked, 6236.
Licensing, duties and obligations; extension of effective date ... 4360
MARITIME CARRIERS:
See also Freight forwarders, *above*.
Conference agreements:
See also Transportation agreements, etc., *below*.
Concerted activities, provisions of agreements; proposed rules ... 4557, 5607, 5908
Hearing relating to effects on foreign commerce ... 5541, 7127
Filing of tariffs by common carriers by water in foreign commerce ... 7138
New York Harbor, inbound cargo; free time and demurrage practices, investigation, hearing, etc ... 6701, 7848, 8074
Overcharge claims, time limit for filing; proposed rule, extension of time ... 5908
Self-policing systems; reporting requirements ... 7102
Shippers' requests and complaints ... 7490
Shipping Act, 1916, further interpretation; terminal facilities ... 8162
Time for filing and commenting on certain agreements; proposed rules ... 7930
Transshipment and apportionment agreements from Indonesian ports to U.S. Atlantic and Gulf ports; investigation ... 6928
NEW YORK HARBOR, inbound cargo, free time and demurrage practices; investigation, hearing, etc ... 6701, 7848, 8074
RATES, schedules, tariffs, etc.; investigations and hearings:
Matson Navigation Co., 5804.
Puerto Rican Forwarding Co., Inc., 8074.
Seatrain Lines, Inc., 8074.
South Atlantic & Caribbean Line, Inc., 7618.
TMT Trailer Ferry, Inc., 7618.
U.S. Atlantic and Gulf ports and Latin American ports, 4562, 4773.
U.S. Government cargoes, 6552.
TERMINAL OPERATORS, filing of tariffs by; proposed rules ... 7574
TERMINAL PRACTICES, South Atlantic and Gulf Ports; hearing ... 4437, 6552, 7768
TRANSPORTATION AGREEMENTS, terminal agreements, etc.:
See also Maritime carriers: conference agreements, *above*.
Exclusive patronage (dual rate) contracts under Public Law 87–346:
Far East Conference, 6929.
Marseilles North Atlantic U.S.A. Freight Conference, 4437.
North Atlantic Mediterranean Freight Conference, 4437.
North Atlantic Westbound Freight Association; reconsideration denied, 4506.
Pacific Coast European Conference, et al., 8285.

Federal Maritime Commission—Continued

TRANSPORTATION AGREEMENTS, terminal agreements, etc.—Continued
Exclusive patronage (dual rate) contracts under Public Law 87–346—Continued
Pacific Westbound Conference, 4507.
Wallenius Line, 7023.
Section 15 agreements:
Adriatic/North Atlantic Range Freight Pool, 4561.
Alabama State Docks; terminal agreement, 8352.
American Export Isbrandtsen Lines, Inc., 6198, 6868, 7461.
American Liberty Tank Terminals, Ltd.; terminal agreement, 8352.
American Mail Line, Ltd., 6929, 8175.
American President Lines, Ltd., 4338, 4339, 7530, 7531, 8175.
American West African Freight Conference, 5767, 8175.
Atlantic Passenger Steamship Conference, 4645.
Australia, New Zealand and South Sea Islands Pacific Coast Conference, 6366.
Australia/U.S. Gulf, Atlantic, and Great Lakes Conference, 7767.
Black Star Line, Ltd., 7327.
Board of Port Commissioners of City of Oakland, et al., 8073.
Bristol City Line of Steamships, Ltd., 4728.
Cargill of California, Inc., 7768.
Cleveland Stevedore Co.; terminal agreement, 5488.
Commission of Public Docks, Portland, Oreg.; terminal agreement, 7849.
Compagnie Maritime Des Chargeurs Reunis, 7328.
Compania Internacional de Vapores, Ltda. et al.; proposed cancellation, 6702.
Cunard Steam Ship Co., Ltd. et al., 6209.
Terminal agreement, 6929.
Delta Steamship Lines, Inc. et al., 4436, 7201.
East Coast Ports of South Thailand and U.S. Atlantic and Gulf Ports, 7618.
Encinal Terminals; terminal agreements, 4436, 5397, 7768.
Farrell Lines, Inc., 7201, 7327, 7328, 7682.
Fern-Ville Lines, 7128.
First Atomic Ship Transport, Inc., 6868.
Grace Line, Inc., 6412, 6413, 8175, 8176.
Gulf Associated Freight Conferences, 5767.
Gulf/Scandinavian & Baltic Sea Ports Conference, 5767.
Gulf/South & East African Conference, 5767.
Hawaii, State of, 4437.
Hellenic Lines, Ltd., 7461.
Indonesian ports to U.S. Atlantic and Gulf ports, 6928.
International Movers' Rate Agreement, 6508.
Israel/U.S. North Atlantic Ports Westbound Freight Conference, 5760.
Italy, France, Spain and Portugal/North Pacific Freight Pool, 5366.
Ivaran Lines, 7531.
Japan-Atlantic and Gulf Freight Conference, 7531.
Lederer Terminal Warehouse Co.; terminal agreement, 5488.
Liberian National Shipping Lines, Inc., 7682.
Long Beach, city of, Board of Harbor Commissioners; terminal agreements, 4773.
Los Angeles, city of; terminal agreement, 6552.
Lykes Bros. Steamship Co., Inc., 4338, 4339, 6552, 7201.
Manchester Liners, Ltd., 4728.
Matson Navigation Co., 4437, 6412.
Terminal agreements, 4436, 5397, 7768, 7849.
Mediterranean/North Pacific Coast Freight Conference, 6366.
Metropolitan Stevedore Co.; terminal agreements, 4773.
Mitsui O.S.K. Lines, Ltd., 7683.
Moore-McCormack Lines, Inc. et al., 4773, 6552, 7201, 8175, 8176.
National Metal and Sheet Corp.; terminal agreement, 6552.
New Orleans, port of; terminal agreement, 5649.
New Orleans Cold Storage & Warehouse Co., Ltd.; terminal agreement, 5649.
New York City; terminal agreement, 6929.
New York Freight Bureau (Hong Kong) Conference, 5397.
Nippon Yusen Kaisha, 7328.
North Atlantic Baltic Freight Conference, et al., 6951.
Northern Pan America Line, 7683.
Norwegian Asia Line, 7128.
Oakland, Calif., city of; terminal agreement, 5488.
Oceanic Steamship Co., 6412, 6413.
Olympic Steamship Co.; terminal agreement, 4728.
Osaka Shosen Kaisha, Ltd., 7531.
Oy Finnlines, Ltd., 7531.
P & V Atlas Maritime Corp. et al.; terminal agreement, 4436.
Pacific Coast-Australasian Tariff Bureau, 6198.
Pacific Far East Line, Inc., 7530, 7531.
Rederiaktiebolaget Disa, et al., 7328.

Federal Maritime Commission—Continued Page

TRANSPORTATION AGREEMENTS, terminal agreements, etc.—Continued
Section 15 agreements—Continued
Sacramento-Yolo Port District, 7768.
Sea-Land of California, Inc.; terminal agreement, 5488.
Sea-Land Service, Inc., 4773.
Terminal agreement, 8237.
Seatrain Lines, Inc., 6198, 7531.
Seattle, port of; terminal agreement, 4728, 8237.
States Marine Lines, Inc. et al., 4339.
States Marine Lines Joint Service, 6929.
Toledo Marine Terminals, Inc.; terminal agreement, 5488.
Toledo Overseas Terminals Inc.; terminal agreement, 5488.
Trans-Atlantic Associated Freight Conferences; proposed cancellation, 6951.
Transatlantic Shipping Corp. et al., 6708.
Trans-Pacific Freight Conference of Japan, 7532.
Trans-Pacific Passenger Conference, 4773.
Union of Burma Five Star Line Corp., 7328.
U.S. Atlantic and Gulf ports/Bermuda rate agreement, 7129.
United States Lines Co., 6413.
West Coast of Italy, Sicilian and Adriatic Ports/North Atlantic Range Conference, 7934.
Zim Israel Navigation Co., Ltd., 7327, 7328.

Federal Power Commission:

FEDERAL POWER ACT, regulations:
Annual charges; costs of administration, proposed rule ... 4259, 5702
Form 1, annual report, Class A and B companies ... 5702
Joint use of project works or parts thereof for certain water supply purposes; proposed rule terminated ... 4769
Recreational opportunities, publicizing license conditions relating to ... 7213
HEARINGS. *See list at end of this agency.*
LAND WITHDRAWAL, Project No. 2407, Alabama ... 5341
NATIONAL POWER SURVEY Industry Advisory Committee on Underground Transmission; establishment and practices ... 6667
NATURAL GAS ACT, regulations:
Certificates of public convenience and necessity, or abandonment of service, applications under section 7:
Abbreviated applications, budget-type, direct sales ... 7280
Producers and gatherers also natural gas companies:
Abandonment of service ... 6518
Independent producers ... 6518
Necessary exhibits; proposed rule, extension of time, and hearing petition denied ... 5861
Direct industrial sales, contracts and rate schedules ... 8332
Form No. 2, annual report, class A and B companies; direct industrial sales ... 8333
Policy and interpretation, general, area of price levels for sales by producers; anti-triggering conditions in certificates of public convenience and necessity ... 4870
Rate schedules and tariffs; compliance with certificate and rate requirements, proposed rules:
Extension of time ... 5861
Petition for hearing denied ... 5861
PRACTICE AND PROCEDURE; public information, exceptions ... 8332
HEARINGS, ETC.:
Alabama Electric Cooperative, Inc., 7462.
Alabama Power Co., 7462.
Alabama-Tennessee Natural Gas Co., 7331.
Algonquin Gas Transmission Co., 6292.
Amerada Petroleum Corp. et al., 4269, 4507, 6398, 7683.
American Louisiana Pipe Line Co., 7624.
American Petrofina Co. of Texas, et al., 6568.
Appalachian Power Co., 4563.
Arizona Public Service Co., 4563, 7023, 7506.
Arkla Exploration Co., 4508.
Ashland Oil & Refining Co. et al., 7131, 7406.
Atlantic Refining Co. et al., 4336.
Atlantic Seaboard Corp. et al., 4436, 6979, 6951, 7507, 7849.
Auburn, Kans., city of, 5869.
Ausman, Earle V., 5719.
Barbara Oil Co. et al., 6602.
Ben Bolt Gathering Co., 5842.
Berry, Thomas N., & Co. et al., 8120.
Blue Dolphin Pipe Line Co., 5609.
Bluebonnet Gas Corp., 5869.
Brazos River Authority, 5662.

Federal Power Commission—Continued

HEARINGS, ETC.—Continued
Brighton, Iowa, town of, 5844.
Brown, H. L., estate, et al., 4563.
CRA, Inc. et al., 5660, 6268.
Callery, P. A., Inc. et al., 4260, 6665.
Calvert Corp., 7258.
Carnegie Natural Gas Co., 6294.
Carolina Power & Light Co., 8121.
Central Illinois Public Service Co., 4508, 4509.
Central Maine Power Co., 4774, 6668.
Chatham Strait Fish Co., 7333.
Chelan County, Wash., 8020.
Cincinnati Gas & Electric Co., 4702.
Cities Service Gas Co. et al., 4264, 6294, 6555, 7331, 8123.
Cleary Petroleum, Inc. et al., 7052.
Coastal States Gas Producing Co. et al., 5396, 6664, 7300.
Colorado Interstate Gas Co., 4265, 4729, 5805, 6126, 6667, 7634, 8352.
Colorado River Water Conservation District, 7202.
Columbia Gulf Transmission Co. et al., 4269, 5650, 6951.
Confederated Salish and Kootenai Tribes of Flathead Reservation, Mont., 6902.
Consolidated Edison Co. of New York, Inc., 4265.
Consolidated Gas Supply Corp., 8079.
Continental Oil Co. et al., 6102, 7053, 7683.
Cross Plains Natural Gas Utility District, 6665.
Cumberland and Allegheny Gas Co., 7331.
Cushing Gas Transmission Co., 5870.
Delta Natural Gas Co., Inc., 7849.
Denver, Colo., city and county of, 5542.
Donnell Co., 7202.
Eastern Shore Natural Gas Co., 6554, 7260.
El Paso Electric Co., 4774.
El Paso Natural Gas Co. et al., 4266, 5610, 5717, 5870, 6238, 6395, 7624, 7685, 8019, 8243.
El Paso Natural Gas Products Co., 8118.
Escondido, Calif., city of, 6501.
Escondido Mutual Water Co., 6501.
Eugene, Oreg., city of, 6233, 6450.
F.T.F. Gas Corp., 4651.
Florida Gas Transmission Co., 4266, 5805, 8078.
Fluor Corp., Ltd., 6191.
Foree, B. L., 4651.
Forest Oil Corp. et al., 5651, 6367, 8286.
Garnett, B. C. et al., 5542.
Gas Boards:
Oakman, Ala., 4371.
Parrish, Ala., 4509.
Gas Service, Inc., 4564.
Georgia Power Co., 7850.
Great Lakes Gas Transmission Co. et al., 7976.
Great Northern Paper Co., 7624.
Green Mountain Power Corp., 7260.
Gulf Oil Corp. et al., 4328, 6295, 6498.
Gulf States Utilities Co., 4775.
Hamilton, Ohio, city of, 8352.
Hanley Co. et al., 7064, 8122.
Haun, W. G., & Lee Drilling Co. et al., 6874.
Hays Oil & Gas Co. et al., 4564, 7508.
High Plains Natural Gas Co., 8243.
Home Gas Co., 5651.
Howell, H. H. et al., 6128.
Humble Gas Transmission Co., 4338, 6742.
Husky Oil Co., 6603.
Idaho Power Co., 7977.
Illinois Power Co., 6555.
Indiana Natural Gas Corp., 7625.
Interstate Power Co., 4266, 7130.
Iowa Public Service Co., 6502.
Kansas-Nebraska Natural Gas Co., Inc., 4267.
Kentucky Gas Transmission Corp., 5871.
Kewanee Oil Co. et al., 7329, 8074.
Lake Shore Pipe Line Co., 5543.
Lange, R. W., 4267.
Lappi, Tauno, 5719.
Loretto, Tenn., city of, 4728.
Louisiana Nevada Transit Co., 6296.
Manufacturers Light & Heat Co. et al., 5397.
Marathon Oil Co. et al., 4564, 6554, 7630, 7631.
McCommons Oil Co. et al., 4652.
Mead Corp., 4729.
Michigan Gas and Electric Co., 6502.
Michigan Gas Storage Co., 7625.
Michigan Wisconsin Pipe Line Co., 7130, 7260, 7261, 8119.
Midhurst Oil Corp., 6244.

Federal Power Commission—Continued

HEARINGS, ETC.—Continued
Midwestern Gas Transmission Co., 5665, 5912, 6667, 6742.
Minnesota Power & Light Co., 5913.
Mississippi River Transmission Corp., 7729.
Montana Power Co., 4335, 6802, 7202, 7261.
Mountain Fuel Supply Co., 6665.
Natural Gas Pipeline Co. of America, 4564, 4702, 4729, 5806, 5871, 5912, 6296, 6667, 7332, 8079, 8353.
Nekoosa-Edwards Paper Co., 4729, 6952.
Nemours Corp. et al., 7769.
New York State Natural Gas Corp. et al., 4509.
Northern Natural Gas Co. et al., 4510, 6127, 6296, 6554, 6666, 6801, 7203, 7625, 7729, 8245.
Northern States Power Co., 6003, 8289.
Northern Virginia Power Co., 6233.
Ohio Fuel Gas Co. et al., 4565, 5843, 5872, 6666.
Okanogan County, Wash., Public Utility District No. 1, 4329.
Orange & Rockland Utilities, Inc., 8353.
Pacific Gas & Electric Co., 6742.
Pacific Gas Transmission Co., 5719, 7303, 7507, 7626, 8286.
Pacific Power & Light Co., 6233.
Pan American Petroleum Corp. et al., 5768.
Panhandle Eastern Pipe Line Co., 7332.
Pennsylvania Power & Light Co., 4566.
Petersburg, Alaska, city of, 7331.
Petroleum Corporation of Texas, et al., 7361.
Pikeville, Tenn., city of, 7129.
Plains Gas Farmers' Cooperative Society of Hereford, Tex., 4269.
Potomac Light and Power Co., 6555, 6667.
Public Service Co. of New Hampshire, et al., 6953.
Rocky Mountain Power Co., 6743.
St. Charles Gas Corp., 7729.
Schlachter, David A. et al., 6294.
Sharples and Co. Properties, et al., 8121.
Shell Oil Co. et al., 4702, 4775, 5720, 5913, 7626, 7977.
Short, Bill D., 4730.
Signal Oil & Gas Co. et al., 6097.
Sinclair Oil & Gas Co. et al., 4566, 7664.
Socony Mobil Oil Co., Inc. et al., 4646, 6450.
Sohio Petroleum Co. et al., 5545.
South Carolina Electric & Gas Co., 8121.
South Georgia Natural Gas Co., 8079.
South Penn Power Co., 6128.
South Texas Natural Gas Gathering Co., 8543.
Southeastern Public Service Co. et al., 7508.
Southern Natural Gas Co., 4268, 5769.
Southern Union Production Co. et al., 5769.
Southwest Gas Corp., 6297.
Southwestern Power Administration, 8020.
Sumiton, Ala., town of, 6680.
Sun Oil Co., 6603, 6604.
Sunray DX Oil Co. et al., 5489.
Sunset International Petroleum Corp., 4369, 6502.
Superior Oil Co. et al., 5718.
Tennessee Gas Transmission Co., 5544, 5872, 6367, 6743, 7023, 7627, 7685.
Texas Eastern Transmission Corp., 6297, 7665.
Texas Gas Transmission Corp., 4371, 4730, 8245.
Texas Oil & Gas Corp., 4372.
Trahan, J. C., Drilling Contractor, Inc. et al., 6366.
Transcontinental Gas Pipe Line Corp., 4730, 5390, 5644, 7332, 8353.
Transwestern Pipeline Co. et al., 5770, 6297, 7203, 7564.
Tribune Oil Corp. et al., 5872.
Trunkline Gas Co., 7624.
Union Carbide Corp., 7300.
Union Light, Heat & Power Co., 4702.
Union Producing Co., 4330.
Union Texas Petroleum, et al., 4566.
United Fuel Gas Co., 5871, 5914, 8079.
United Gas Pipe Line Co. et al., 4372, 4510, 4702, 5544, 6098, 6297, 7462, 7850, 8289.
Utah Power & Light Co., 4268, 4645.
Vanceburg Electric Light, Heat and Power System, et al., 4372.
Virginia Electric & Power Co., 5718, 6604, 7508.
Wainwright, Thomas G., 6128.
Walsh, Frank H. et al., 6873.
Warren Petroleum Corp. et al., 7584.
Washington Fish & Oyster Co., 7333.
Webb, William G. et al., 4269.
Weir, Miss., town of, 7627.
Western Gas Service Co., 6744.
Western Indiana Public Service Co., Inc., 7627.
Wisconsin Michigan Power Co., 8245.
Wisconsin Public Service Corp., 8021.

Federal Power Commission—Continued

HEARINGS, ETC.—Continued
Zenith Gas System, Inc., 5652, 7850.
Zenith Natural Gas Co., 5652.

Federal Property Management:

REGULATIONS. *See* General Services Administration.

Federal Radiation Council:

RADIATION PROTECTION GUIDANCE for Federal agencies, memorandum for President 6953

Federal Register:

CFR CHECKLIST 4237, 6141, 7271

Federal Reserve System, Board of Governors:

BANK HOLDING COMPANIES; applications, requests for determinations, etc.:
BancOhio Corp., 6368.
Central Wisconsin Bankshares, Inc., 7770.
Denver U.S. Bancorporation, Inc.; approved, 7409.
First National Corp.; extension of time, 7851.
First Oklahoma Bancorporation, Inc.; approved, 8306.
First Virginia Corp.; approved, 5846.
First Wisconsin Bankshares Corp.; approved, 5806.
Mid-Continent Bancorporation, 7628.
Mid-Continent Financial Corp., 5770.
Shawmut Association, Inc., 5807.
Virginia Commonwealth Corp., 5771.
CREDIT by brokers, dealers and members of national securities exchanges; special cash account, modification of 7-day rule 5026
INFORMATION, unpublished, not disclosed, rules regarding; proposed rule 6275
INSURED BANKS, joint call for report of condition 6227
INTEREST EQUALIZATION TAX INFORMATION RETURNS, inspection (Executive Order 11213) 4389
INTEREST ON DEPOSITS, loan on security of time deposit 5574
MERGERS OF BANKS, consolidations, etc.; applications by listed banks, approvals:
Bank of Wood County Co., 7209.
Citizens Bank, 8118.
Commercial and Savings Bank of St. Clair County, 7978.
First Trust Company of Albany, 5653.
Riverside Trust Co., 7628.
United California Bank, 6804.
Wachovia Bank and Trust Co., 6368.
PROCEDURE, rules of; bank holding company and merger applications, proposed rule 6275
RESERVES OF MEMBER BANKS; Toledo, Ohio, termination of designation as reserve city 6339
SECURITIES:
Dealers, relations with; investment for own account 7743
Member State banks; interpretation of definition, "officer" 6731
SECURITIES EXCHANGE ACT of 1934, applications for exemption from registration requirements:
Annapolis Banking & Trust Co., 5846.
Mountain Trust Bank, 5771.
UNLISTED TRADING PRIVILEGES, capital stock of Chase Manhattan Bank 6565, 7850

Federal Staff Retirement Systems, Cabinet Committee On:

HEARING 7506

Federal Trade Commission:

ADMINISTRATIVE INTERPRETATIONS:
Fallout shelters, guides for advertising 7995
Textile industry, guide for avoiding deceptive use of word "mill" 7894
CEASE AND DESIST ORDERS. *See* Prohibited trade practices, *at end of this agency.*
PRACTICE AND PROCEDURES; voluntary compliance and public information 8216
TEXTILE FIBER PRODUCTS IDENTIFICATION ACT; generic names and definitions for manufactured fibers, proposed rule, hearing 6275
TRADE PRACTICE OR REGULATION RULES; various industries:
Fresh fruit and vegetable industry 5331
Hearing aid industry; proposed rule, hearing 5532
WOOL PRODUCTS LABELING ACT OF 1939, fiber content and country of origin; postponement of effective date 5742

Federal Trade Commission—Continued

PROHIBITED TRADE PRACTICES, CEASE AND DESIST ORDERS:
Alaskan Fur Co., 8042.
Allied Central Stores, Inc., 7652.
Allied Electronic Technicians Association, Inc., 4713.
Allied Stores Corp. et al., 7652.
Almart Stores, Inc., 7652.
Atlantic Products Corp., 4711.
Atlantic Products Sales Corp., 4711.
Babbitt, B. T., Inc., 4712.
Becton, Dickinson & Co., 4712.
Bishop, Hazel, Inc., 4712.
Carole Stupell Exclusives, 4252.
Chemway Corp., 4712.
Chesebrough-Ponds, Inc., 4712.
City of Paris, 7659.
Corn Products Co., 4712.
Credit and Investigation Bureau of Maryland, 7655.
Cyn Les Sportswear, Inc., 8043.
Dale, Henry, 4713.
D-Con Co., Inc., The, 4712.
De Bonis, George, 7653.
DeFranco, Anthony J., 4713.
De Teseon, Susanne, 7653.
Edwards, Lewis M., 4713.
Elleson, S. Bruce, 7656.
Elya, Veri G., 7661.
Eversharp, Inc., 4712.
Federal Sweets & Biscuit Co., Inc., 7655.
Fink, Raymond, 4714.
Finkel, Meyer, 8042.
Foremost Dairies, Inc., 7655.
Garrett-Holmes & Co., Inc., 4712.
Glacier Sand & Gravel Co., 7656.
Glickman, Joseph and Hyman, 7657.
Greer, Nancy, Inc., 8043.
Guest, Frank C., 4713.
Haber, Jack and Samuel, 8043.
Hazel Bishop, Inc., 4712.
Kramer Co., 4712.
Lehn & Fink Products Corp., 4712.
Leverence, Henry F., 4713.
Margo's-Downtown, 7657.
Margo's, Inc., 7657.
Margo's-LaMode, 7657.
Margo's-Preston, Inc., 7657.
Markel, M. Leonard, 8042.
Mayhart, James A., 4713.
Mennen Co., The, 4712.
Mervis, Harry, 4252.
Missouri College of Automation, Inc., 7658.
Morris, Philip, Inc., 4712.
Orlinsky, Philip, 4712.
Papovich, Joseph J., 4713.
Paris, City of, 7653.
Permanente Cement Co., 7658.
Philip Morris, Inc., 4712.
Pomeroy's, Inc., 7652.
Radio Servicemen's Association of Trenton, N.J., Inc., 4713.
Rapagnani, Peter, 4713.
Rina Casuals, Ltd., 4712.
Ross, Joseph, 7660.
Schmid, Julius, Inc., 4712.
Shore, Herman, 4714.
Shreve, Marion, 7658.
Skalish, Leon, 4713.
Sterling Drug, Inc., 4712.
Stupell, Carole, 4252.
Stupell Originals, Inc., 4252.
Surrey, John, Ltd., 7660.
Television Service Association of Delaware Valley, 4714.
Television Service Dealers Association of Delaware County, 4713.
Toth, Michael E., 4713.
Union Carbide Corp., 4712.
Universal Business Forms Co., 7661.
Wang, Myron, 8042.
Warner-Lambert Pharmaceutical Co., 4712.
White Laboratories, Inc., 4712.
Youngs Rubber Corp., 4713.

Feed Grains:

EMERGENCY PROGRAM 6909
SPECIAL PROGRAMS, 1964 and 1965 5334, 7515

Fellowships:

OATH OF ALLEGIANCE 6072

Fiscal Service:

See Treasury Department.

Fish:

FROZEN RAW BREADED, standards for grades:
Fish portions 7282
Shrimp 7444
TUNA FISH, tariff rate quota, 1965 5799

Fish and Wildlife Service:

ALASKA, Indian fishing:
Authority delegation, revocation 5763
Enforcement of regulations, supersedure 5742
AUTHORITY DELEGATIONS:
By Director, Sport Fisheries Bureau, to game, refuge, and wildlife management agents, U.S. deputy game wardens; wildlife matters, enforcement of laws and regulations 6546
From Secretary of Interior to certain officials:
Commissioner:
Alaska, Indian fishing in; revoked 5763
Assistant Secretary for Fish and Wildlife and Parks, authority of 6261
Director, Commercial Fisheries Bureau; Federal Register documents 8114
COMMERCIAL FISHERIES:
Fishing vessels:
Differential subsidies, construction:
Hearings:
Captain Ahab, Inc., 8171.
Joseph & Lucia, Inc., 7765.
Kenney-Workman Corp., 5910.
Kiesel, Donald F. and Cecilia, 4363.
Olsen, O. Chris, 4363.
Procedures; definitions, eligibility requirements, proposed rule 4761
Mortgage insurance procedures; definition of "fishing vessel", proposed rule 6119
Indian commercial fishing in Alaska:
Authority delegation, revocation 5763
Enforcement of regulations, revocation and supersedure 5742
Processed fishery products:
Fish portions, frozen raw breaded, standards for grades; description 7282
Inspection and certification:
Debarment and suspension of inspection services, proposed rule 7042
Inspection service, approved identification, etc. 7282
Shrimp, frozen raw breaded, standards for grades; definitions and methods of analysis 7444
Research and development:
Contracts for research, development, and professional services; exception to State contracting procedures 5362, 7607
Funds, State; utilization, previously provided for other commercial fishery projects 5362, 7607
HUNTING AND POSSESSION OF WILDLIFE:
Areas open to hunting and sport fishing. *See under* Wildlife refuges.
Importation; restrictions, etc., proposed rules 4721
Migratory birds:
Definitions:
Game and nongame birds 5640, 7571
Preservation facility, commercial 5640, 7571
Game bird hunting seasons for Puerto Rico and Virgin Islands 7472
Seasons and limits on waterfowl, coots, gallinules, and Wilson's snipe 7572
Tagging and record keeping requirements; commercial preservation facilities 5640, 7572
Transportation in or between States, or to foreign countries 5640, 7571
MIGRATORY BIRDS. *See* Hunting and possession of wildlife.
NONDISCRIMINATION, contracts, permits, and use of facilities 7315
WILDLIFE REFUGES, NATIONAL:
Areas open to hunting or sport fishing:
California; sport fishing:
Modoc, 7282.
Idaho; sport fishing:
Minidoka, 5707.
Iowa; sport fishing:
Union Slough, 7282.

Fish and Wildlife Service—Continued

Page

Areas open to hunting or sport fishing—Continued
Kansas; sport fishing:
Kirwin, 7282.
Minnesota; sport fishing:
Agassiz, 7282.
Mississippi; sport fishing:
Yazoo, 7282.
Missouri; sport fishing:
Squaw Creek, 7282.
Nebraska; sport fishing:
Crescent Lake, 7282.
North Dakota; sport fishing:
Audubon, 7282.
Oklahoma; sport fishing:
Salt Plains, 7282.
Texas; sport fishing:
Anahuac, 7282.
Hagerman, 7282.
Utah; sport fishing:
Fish Springs, 7282.
Wyoming; sport fishing:
Seedskadee, 7282.
Wildlife Refuge Areas, Public Use, 7282.
Wildlife Refuges, Public Use, 7282.
WILDLIFE REFUGES, STATE:
Areas open to hunting and sport fishing:
Alaska; sport fishing:
Kenai, 7282.
Arizona; sport fishing:
Havasu Lake, 7282.
Mittry Lake, 7282.
Arkansas; sport fishing:
Big Lake, 7282.
Felsenthal, 7282.
Holla Bend, 7282.
Overflow, 7282.
Wapanocca, 7282.
White River, 7282.
California; sport fishing:
Colusa, 7282.
Delevan, 7282.
Gray Lodge, 7282.
Los Banos, 7282.
Merced, 7282.
Sacramento, 7282.
Salton Sea, 7282.
Sutter, 7282.
Colorado; sport fishing:
Alamosa-Monte Vista, 7282.
Arapaho, 7282.
Browns Park, 7282.
Monte Vista, 7282.
Connecticut; sport fishing:
Stewart B. McKinney, 7282.
Delaware; sport fishing:
Bombay Hook, 7282.
Prime Hook, 7282.
Florida; sport fishing:
Lake Woodruff, 7282.
Georgia; sport fishing:
Banks Lake, 7282.
Blackbeard Island, 7282.
Harris Neck, 7282.
Idaho; sport fishing:
Deer Flat, 7282.
Minidoka, 7282.
Illinois; sport fishing:
Chautauqua, 7282.
Crab Orchard, 7282.
Indiana; sport fishing:
Muscatatuck, 7282.
Iowa; sport fishing:
Union Slough, 7282.
Kansas; sport fishing:
Kirwin, 7282.
Kentucky; sport fishing:
Clarks River, 7282.
Louisiana; sport fishing:
Atchafalaya, 7282.
Bayou Sauvage, 7282.
Breton, 7282.
Delta, 7282.
Lacassine, 7282.
Maine; sport fishing:
Moosehorn, 7282.
Maryland; sport fishing:
Blackwater, 7282.
Eastern Neck, 7282.
Patuxent, 7282.
Massachusetts; sport fishing:
Great Meadows, 7282.
Michigan; sport fishing:
Seney, 7282.
Minnesota; sport fishing:
Agassiz, 7282.
Mississippi; sport fishing:
Yazoo, 7282.
Missouri; sport fishing:
Squaw Creek, 7282.
Montana; sport fishing:
Benton Lake, 7282.
Bowdoin, 7282.
Charles M. Russell, 7282.
Lee Metcalf, 7282.
Medicine Lake, 7282.
Nebraska; sport fishing:
Crescent Lake, 7282.
Fort Niobrara, 7282.
New Jersey; sport fishing:
Brigantine, 7282.
Great Swamp, 7282.
Manahawkin, 7282.
Tuckahoe, 7282.
New Mexico; sport fishing:
Bitter Lake, 7282.
Bosque del Apache, 7282.
Sevilleta, 7282.
New York; sport fishing:
Iroquois, 7282.
Montezuma, 7282.
North Carolina; sport fishing:
Mattamuskeet, 7282.
North Dakota; sport fishing:
Audubon, 7282.
Ohio; sport fishing:
Ottawa, 7282.
Oklahoma; sport fishing:
Salt Plains, 7282.
Oregon; sport fishing:
Klamath Forest, 7282.
Lower Klamath, 7282.
Malheur, 7282.
Tule Lake, 7282.
Pennsylvania; sport fishing:
John Heinz, 7282.
Texas; sport fishing:
Anahuac, 7282.
Hagerman, 7282.
Utah; sport fishing:
Fish Springs, 7282.
Virginia; sport fishing:
Back Bay, 7282.
Chincoteague, 7282.
Washington; sport fishing:
Columbia, 7282.
Turnbull, 7282.
Wyoming; sport fishing:
Seedskadee, 7282.
Wildlife Refuge Areas, Public Use, 7282.
Wildlife Refuges, Public Use, 7282.

Food and Drug Administration:

Page

ANIMAL FEED, safe use of pesticides and other chemicals 6275
ANIMAL FEED AND DRUGS, new, petitions for:
Chlortetracycline 6275
Oxytetracycline 6275
Penicillin 6275
Streptomycin 6275
Sulfamethazine 6275
Sulfaquinoxaline 6275
Tylosin 6275
ANTIBIOTIC DRUGS, certification:
Chlortetracycline 6275
Oxytetracycline 6275
Penicillin 6275
Streptomycin 6275
Tylosin 6275
ANTIBIOTIC DRUGS, certification, fees 6275
ANTIBIOTIC DRUGS, certification, procedures 6275
ANTIBIOTIC DRUGS, certification, tests and methods of assay 6275
ANTIBIOTIC DRUGS, certification, tolerances and exemptions from tolerances 6275
ANTIBIOTIC DRUGS, certification, withdrawal of certification 6275
ANTIBIOTIC DRUGS, definitions and interpretations 6275
ANTIBIOTIC DRUGS, general requirements 6275
ANTIBIOTIC DRUGS, labeling 6275
ANTIBIOTIC DRUGS, requirements for certification 6275
ANTIBIOTIC DRUGS, samples 6275
ANTIBIOTIC DRUGS, tests and methods of assay 6275
ANTIBIOTIC DRUGS, tolerances and exemptions from tolerances 6275
ANTIBIOTIC DRUGS, withdrawal of certification 6275
COLOR ADDITIVES, petitions for:
Ferrous gluconate 6275
Ferrous lactate 6275
Ferrous sulfate 6275
Iron oxide 6275
Titanium dioxide 6275
Zinc oxide 6275
COLOR ADDITIVES, provisional lists:
Ferrous gluconate 6275
Ferrous lactate 6275
Ferrous sulfate 6275
Iron oxide 6275
Titanium dioxide 6275
Zinc oxide 6275
DRUGS, new, petitions for:
Chlortetracycline 6275
Oxytetracycline 6275
Penicillin 6275
Streptomycin 6275
Sulfamethazine 6275
Sulfaquinoxaline 6275
Tylosin 6275
FOOD ADDITIVES, petitions for:
Ferrous gluconate 6275
Ferrous lactate 6275
Ferrous sulfate 6275
Iron oxide 6275
Titanium dioxide 6275
Zinc oxide 6275
FOOD ADDITIVES, provisional lists:
Ferrous gluconate 6275
Ferrous lactate 6275
Ferrous sulfate 6275
Iron oxide 6275
Titanium dioxide 6275
Zinc oxide 6275
FOOD STANDARDS, definitions and standards of identity:
Cheese, Cheddar cheese 6275
Cheese, Colby cheese 6275
Cheese, Monterey cheese 6275
Cheese, Muenster cheese 6275
Cheese, Washed curd cheese 6275
Cheese, Washed curd and Monterey cheese 6275
Cheese, Washed curd and Muenster cheese 6275
Milk, evaporated milk 6275
Milk, sweetened condensed milk 6275
Milk, sweetened evaporated milk 6275
Milk, sweetened partially skimmed milk 6275
Milk, sweetened skimmed milk 6275
Milk, sweetened skimmed evaporated milk 6275
Milk, sweetened skimmed condensed milk 6275
Milk, sweetened skimmed concentrated milk 6275
Milk, sweetened skimmed dry milk 6275
Milk, sweetened skimmed powdered milk 6275
Milk, sweetened skimmed whole milk 6275
Milk, sweetened skimmed whole evaporated milk 6275
Milk, sweetened skimmed whole condensed milk 6275
Milk, sweetened skimmed whole concentrated milk 6275
Milk, sweetened skimmed whole dry milk 6275
Milk, sweetened skimmed whole powdered milk 6275
Milk, sweetened skimmed whole skimmed milk 6275
Milk, sweetened skimmed whole skimmed evaporated milk 6275
Milk, sweetened skimmed whole skimmed condensed milk 6275
Milk, sweetened skimmed whole skimmed concentrated milk 6275
Milk, sweetened skimmed whole skimmed dry milk 6275
Milk, sweetened skimmed whole skimmed powdered milk 6275
Milk, sweetened skimmed whole skimmed whole milk 6275
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Milk, sweetened skimmed whole skimmed whole skimmed whole skimmed whole skimmed whole skimmed whole skimmed whole skimmed whole skimmed whole powdered milk 6275
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Fish and Wildlife Service—Continued Page

WILDLIFE REFUGES, NATIONAL—Continued
- Areas open to hunting or sport fishing—Continued
  - Louisiana; hunting:
    - Lacassine; proposed deletion, 6224.
  - Maryland; sport fishing:
    - Patuxent, 6140.
  - Minnesota; sport fishing:
    - Rice Lake, 6587.
    - Tamarac, 6587.
  - Montana; sport fishing:
    - Medicine Lake, 6871.
    - Minepipe, 6871.
    - Pablo, 6871.
    - Pishkun, 7854.
    - Red Rock Lakes, 7572.
    - Russell, Charles M., 6871.
    - Willow Creek, 7324.
  - New Mexico; hunting:
    - San Andres, 7526.
  - New York; sport fishing:
    - Montezuma, 5330.
    - Morton, Elizabeth Alexandra, 6344.
  - North Dakota; sport fishing:
    - Arrowwood, 6521.
    - Lake Ilo, 6521.
    - Lower Souris, 6521.
    - Tewaukon, 6521.
    - Upper Souris, 6522.
  - Oklahoma; hunting, proposed rule:
    - Washita, 7249.
  - Vermont; sport fishing:
    - Missisquoi, 5391.
  - Washington; sport fishing:
    - Columbia, 6073.
  - Wisconsin; sport fishing:
    - Horicon, 6587.
    - Necedah, 6587.
- Public recreation, access, and use; proposed rule:
  - Oklahoma, Salt Plains, 7106.
- Restricted or prohibited acts; removal of antiquity and valued objects 6587

Fishing:
- EVERGLADES NATIONAL PARK, proposed rules 7108
- FISHING VESSEL CONSTRUCTION; differential subsidies, mortgage insurance procedures, etc. *See* Fish and Wildlife Service.
- INDIAN FISHING in Alaska:
  - Annette Islands Reserve, restrictions 5742
  - Authority delegations 5763
- WILDLIFE REFUGES, sport fishing in. *See* Fish and Wildlife Service.

Flag Day, 1965:
- PROCLAMATION 3658 7895

Flaxseed:
- EXPORT PAYMENT-IN-KIND PROGRAM 4532
- LOAN AND PURCHASE PROGRAM, 1964 crop 4608
- PRICE SUPPORT PROGRAM, 1964 crop 4750
- PURCHASE PROGRAM, 1965, Texas flaxseed 6338
- STANDARDS for grades 4605, 5760

Flour:
- EXPORT PROGRAM, cash payment 6771, 6976
- STANDARD OF IDENTITY, instant blending flour; proposed rule 5643

Food Additives:
- *See* Food and Drug Administration.

Food and Drug Administration:
- ADDITIVES. *See* Color additives; Food additives.
- ANTIBIOTIC DRUGS:
  - *See also* Drugs.
  - Exemptions from labeling and certification requirements:
    - Animal feed containing antibiotics ... 4537, 5792, 6071, 7199
    - Chicken feed, medicated 6391
  - Labeling requirements; antibiotic and antibiotic-containing drugs intended for use in milk-producing animals 7041

Food and Drug Administration—Continued Page

ANTIBIOTIC DRUGS—Continued
- Laboratory diagnosis of disease, antibiotic sensitivity discs; cloxacillin:
  - Certification procedure 5792
  - Tests and methods of assay, potency 5792
- Procedural regulations, batch certification services; suspension 4693, 7971
- Specific antibiotics; rules proposed or adopted:
  - Bacitracin and bacitracin-containing drugs:
    - Certification, 6080.
    - Tests and methods of assay, 6080.
  - Chloramphenicol palmitate, and oral suspension:
    - Certification, 7488.
    - Tests and methods of assay, 7488.
  - Chlortetracycline and chlortetracycline-containing drugs:
    - Certification, 7707.
    - Tests and methods of assay, 7944.
  - Neomycin sulfate, 8109.
  - Oxytetracycline, 7944.
  - Penicillin and penicillin-containing drugs:
    - Certification, 6071, 6980, 7040, 7707, 7986, 8335.
    - Tests and methods of assay, 6115, 6795, 6979, 7040, 7707.
  - Polymyxin B sulfate for prescription compounding, 6081.
  - Streptomycin and streptomycin-containing drugs; certification, 5530.

BREAD, enriched, deviating from identity standards; alpha-amylase derived from *B. subtilis* added, temporary permit for market testing 7257

CHEESES, mozzarella and scamorza, and part-skim, low-moisture, cheeses; identity standards, stay of effective date 5508

COLOR ADDITIVES:
- Cosmetic use:
  - Exempt from certification; henna, haircolor 7705
  - Subject to certification, lakes of color additives; listing and specifications, proposed rule 6490
- Definitions "externally applied drugs" and "externally applied cosmetics" 7484
- Drug use subject to certification, lakes of color additives, listing and specifications; proposed rule 6490
- Food use; proposed rules:
  - Exempt from certification:
    - Fruit juice 6735
    - Paprika and paprika oleoresin 6733
    - Saffron 6734
    - Turmeric and turmeric oleoresin 6733, 6734
    - Vegetable juice 6735
  - Subject to certification; lakes of color additives, listing and specifications 6490
- Provisional lists; postponement of closing dates, reinstatement, and deletion of certain items 5434, 6333
- Specifications, general; proposed rule 5797

DIETARY MANAGEMENT, oils, fats, and fatty foods, label statements; proposed rule 6984

DRESSING, FRENCH, identity standards; calcium carbonate and sodium hexametaphosphate as optional ingredients 5831, 7943

DRUGS:
- *See also* Antibiotic drugs.
- Animal feeds containing; inquiry 7199
- Good manufacturing practice, current; medicated feeds 6475
- New drugs:
  - Approvals for distribution, list 6497, 6662
  - FD&C Red No. 4, procedure for discontinuing use in new drugs for ingestion; policy statement 6979
  - Records and reports concerning experience on drugs for which application is approved 8334
  - Withdrawal of approval of application; hearing: Potassium chloride, etc., 6445, 6799.
- Potassium salt preparations intended for oral ingestion by man, label warning, etc.; policy statement 5790, 6071

ENFORCEMENT REGULATIONS; inadmissible imports, costs chargeable in connection with relabeling and reconditioning 5507

FLOUR, instant blending; identity standards, optional ingredients, proposed rule 5643

FOOD ADDITIVES in animal feed, foods for human consumption, packaging materials, etc.:
- Animal feeds containing drugs; inquiry 7199
- Definitions, interpretations, etc.; further extension of effective date of statute for certain specific indirect food additives 4672

Food and Drug Administration—Continued Page

FOOD ADDITIVES in animal feed, foods for human consumption, packaging materials, etc.—Continued
- Exemption from requirement of tolerance, adjuvants for pesticide chemicals; proposed rule 6556
- Specific additives, proposed or adopted:
  - Acrylic modifiers, 7258.
  - Adhesives, 4327, 4714, 5609, 5609, 5791, 5863, 6330, 6493, 6596, 7386, 7506, 7705, 7944, 7996, 8267.
  - Amprolium, 5716, 6390, 6732, 7726.
    - Petition withdrawn, 8172.
  - Antioxidants and/or stabilizers for polymers, 6125, 7487, 7616, 8283.
  - Arsenilic acid, 6596, 6732.
  - Bacitracin, 6390.
  - 1,3-Butylene glycol, 6114.
  - Calcium disodium EDTA, 5487, 6016.
  - Cellophane, 7486, 7943.
  - Chlorhexidine, 5630.
  - Chlorinated polyethylene; correction, 4502.
  - 2-Chloro-4-nitrobenzamide, 4365.
  - Chloropentafluoroethane, 6124, 7570.
  - Chlortetracycline, 6390, 6696.
    - Petition withdrawn, 8114.
  - Chlorpheniramine maleate; petition withdrawn, 4365.
  - Citrus fruit, fresh, coatings, 5535, 7485.
  - Closures with sealing gaskets, 7944.
  - DDT, 8115.
  - Defoaming agents, 4536, 6478, 7996.
  - Dexamethasone; petition withdrawn, 4365.
  - Diammonium phosphate, 6433.
  - Dihydrostreptomycin, 5630.
  - Dihydrostreptomycin sulfate, 4365, 5630.
  - Dimetridazole, 4365.
  - 3,5-Dinitrobenzamide, 5717, 6696.
  - Dioctyl sodium sulfosuccinate, 5487.
  - Disodium EDTA, 7895.
  - Emulsifiers and/or surface-active agents, 4365, 6330.
  - Ethopabate, 7726.
  - Ethylene-methacrylic acid copolymers and salts, 4714.
  - Ethylene-methyl acrylate copolymer resins, 6330.
  - Fatty acids; petition withdrawn, 7847.
  - Ferrous fumarate, 7506.
  - Filters, resin-bonded, 7486.
  - Fluorocarbon resins, 7706.
  - Furaltadone, 7896.
  - Glutamic acid fermentation product, condensed, extracted, 6282.
  - Hydroxyethyl cellulose film, water-insoluble, 7707.
  - Hygromycin B, 6390.
    - Petition withdrawn, 8172.
  - Inorganic bromides, 7281.
  - Ion-exchange membranes, 7518.
  - 4,4'-Isopropylidenediphenol-epichlorohydrin thermosetting epoxy resins, 4672.
  - Lactylic esters of fatty acids, 7506.
  - Lubricants with incidental food contact, 5791, 7030, 7706, 8334.
  - Manganese bacitracin; petition withdrawn, 7846.
  - Mineral oil, 5475, 6477.
    - White, 5474.
  - Nihydrazone, 4536, 4537.
  - 4-Nitrophenylarsonic acid, 6283.
  - Nylon resins, 7238.
  - Paper and paperboard, 5536, 5717, 6116, 7519, 7944, 8165, 8172, 8267.
  - Penicillin; petition withdrawn, 8172.
  - Petroleum hydrocarbons, odorless light, 7996, 7997.
  - Piperonyl butoxide, 8165.
  - Piperonyl butoxide-pyrethrin mixture; petition withdrawn, 6125.
  - Polybutene-1, 7030.
  - Polyester resins, cross-linked, 7519, 7616.
  - Polyethylene resins, carboxyl modified, 7502.
  - Polymyxin methane sulfonate, 4502.
  - Polyurethane resins, 5475.
  - Polyvinylidene fluoride resins, 5510.
  - Polyvinylpyrrolidone, 6579.
  - Procaine penicillin, 4365, 6391, 7996.
  - Propylene oxide, 6215.
  - Pyrethrins, 8165.
  - Radiation, 5661, 7509.
  - Release agents, 7866.
  - Resinous and polymeric coatings, 4535, 5508, 5717, 6478, 6662, 7486, 7518.
  - Polyolefin films, 5509.
  - Rubber articles intended for repeated use, 5509, 5717, 5863, 7570, 7705.

51-000—65——4

Food and Drug Administration—Continued Page

FOOD ADDITIVES in animal feed, foods for human consumption, packaging materials, etc.—Continued
- Specific additives, proposed or adopted—Continued
  - Sodium nicotinate; petition withdrawn, 4365.
  - Sodium polyacrylate, 6740, 7943.
  - Starch—modified:
    - Food, 5487, 6637.
    - Industrial, 5487, 7485.
  - Sulfadimethoxine boluses, 7847.
  - Sulfamethazine, 5487.
  - 1,3,5,8-Tetraazotricyclo [6.2.1.1^{3,6}] dodecane, 7896.
  - Thiabendazole, 6124.
  - Tylosin, 5487, 5863.
    - Petitions withdrawn, 8115, 8172.
  - Urea-formaldehyde resins in molded articles, 8334.
  - Zoalene, 6589.

FRUIT DRINKS. *See* Lemonade; Orange juice.

HAZARDOUS SUBSTANCES, inadmissible imports; costs chargeable in connection with relabeling and reconditioning 5507

ICE CREAM, etc.; identity standards, optional ingredients:
- Carrageenan or its salts, cheese whey, concentrated and dried, etc.; effective date postponed 7280
- Labeling, artificial flavoring; proposed rule 7292

IMPORTS, inadmissible; costs chargeable in connection with relabeling and reconditioning 5507

LEMONADE, ARTIFICALLY SWEETENED, frozen concentrate for, deviation from identity standards; temporary permit for market testing 7020, 7403

MARGARINE, LIQUID, vegetable, deviating from identity standards; temporary permit for market testing 7403

OILS, FATS, AND FATTY FOODS for regulating intake of fatty acids in dietary management; label statements, proposed rule 6984

ORANGE JUICE, CONCENTRATED: identity standards:
- Canned, alternative label declaration, degrees of Brix; proposed rule 5798
- Frozen 4535, 7484

PESTICIDE CHEMICALS in or on raw agricultural commodities:
- Exemption from requirement of tolerance, licorice root 5508
- Further extensions of effective date, Public Law 86–139 ..... 7485, 7996
- Specific tolerances; rules proposed or adopted:
  - Aldrin, 7249, 7258.
  - Ammonium nitrate; exemption, 7506.
  - Chlordane, 4411.
  - Chlorosulfamic acid, 8115.
  - DDT, 8115.
  - 2,6-Dichloro-4-nitroaniline, 8266.
  - Dieldrin, 7249, 7258.
  - *O,O*-Diethyl *S*-2-(ethylthio) ethyl phosphorodithioate, 5802.
  - *O,O*-Dimethyl *S*-[4-oxo-1,2,3-benzotriazin-3(4H)-ylmethyl] phosphorodithioate, 5647, 7570.
  - Diuron, 8283.
  - Inorganic bromides, 7281, 7386.
  - Maneb, 5535, 8159.
- Temporary tolerances for experimental use:
  - 2,6-Dichloro-4-nitroaniline, 7726.
  - 1,1'-Dimethyl-4,4'-bipyridinium, bis(methyl sulfate) and dichloride salts, 8348.
  - Phosphamidon, 6282, 7403.
  - Toluene-alpha,alpha-dithiol bis (*O,O*-dimethyl phosphorodithioate), 6282.

POTASSIUM SALT PREPARATIONS intended for oral ingestion by man; label warning, policy statement 5790, 6071

RADIATION:
- Electron beam, for food processing; canned bacon 5631
- Prepackaged foods, preservation of, packaging materials for use in 7599

VEGETABLES, CANNED, deviating from identity standards, butter and guar gum added; temporary permit for market testing 5535

Food Stamp Program:
- GENERAL INFORMATION and definitions 4315, 8155
- PILOT PROGRAM, effective dates for supersedure in certain States 4262, 6280, 7322

Food Stamp Program—Continued Page

RETAIL FOOD STORES, wholesale food concerns, and banks, participation 6859

STATE AGENCIES and eligible 6859

General Services Administration—Continued Page

FEDERAL PROPERTY MANAGEMENT REGULATIONS—Continued
- Delegations of authority:
  - Commissioner, Public Buildings Service 5763
  - Regional Administrators 5763
- Procurement, supply, and management; miscellaneous amendments 5763
- Property management; miscellaneous amendments 5763
- Utilization and disposal; miscellaneous amendments 5763

Government Employees:
- EXECUTIVE ORDERS:
  - Amendment of Executive Order 10450 5659
  - Amendment of Executive Order 10577 5659
- WITHOUT COMPENSATION, EMPLOYEES ..... See Federal Personnel Manual

Grapefruit:
- IMPORTATION, fresh, from Israel 6735
- MARKETING AGREEMENT AND ORDER, Florida; expenses and rate of assessment 6735

Grapes:
- IMPORTATION, fresh, from Israel 6735
- MARKETING AGREEMENT AND ORDER, California; expenses and rate of assessment 6735

Grazing:
- PUBLIC LAND GRAZING, Alaska 5659

Government Employees—Continued Page

WITHOUT COMPENSATION, EMPLOYEES ..... See Federal Personnel Manual

Housing and Home Finance Agency: Page

See Federal Housing Administration.

Food Stamp Program—Continued Page
RETAIL FOOD STORES, wholesale food concerns, and banks, participation 6659
STATE AGENCIES and eligible households, participation of 4316

Foreign Aid:
See Agency for International Development.

Foreign Assets Control:
See Treasury Department.

Foreign Assistance Act of 1961:
FUNCTIONS (Executive Order 11223) 6635

Foreign Currency:
INCOME TAXES, payment in nonconvertible foreign currency 6222
PHILIPPINE PESO, rates of exchange for customs purposes 6196
SURPLUS AGRICULTURAL COMMODITIES, financing commercial sales for foreign currency 4240

Foreign Service:
PRESENT AND FORMER OFFICERS AND EMPLOYEES, appointment in competitive service (Executive Order 11219) 6381

Foreign-Trade Zones Board:
CALIFORNIA, San Francisco, zone No. 3; extension of time to occupy sites 6596
MICHIGAN, Bay County; hearing 6451

Forest Service:
ADMINISTRATION:
Appeals from administrative decisions, National forests or other lands 6345
Private and State agencies, cooperation 6345
AUTHORITY DELEGATIONS by Deputy Chief to certain officials:
Director, Division of Land Adjustments; accept options and execute deeds 6549
Regional and Acting Regional Foresters; grant easements for road rights-of-way 5647
LAND USES:
Permits for roads and trails, superseded in part 5479
Recreation areas, payment for occupancy and use 5707
Wilderness areas, protection and management 5631
TIMBER, advertisements and bids 8268
TRANSPORTATION SYSTEM, forest development 5476, 5762
Prior regulations revoked 5476
TRESPASS; settlement of civil trespass cases, revocation 6982

Forests, National:
See National forests, parks, monuments, etc.

French Dressing:
STANDARD OF IDENTITY, optional ingredients 5831, 7943

Fruit:
See also specific fruit.
FRESH FRUIT INDUSTRY, trade practice rules 5331

G

Gambling Devices:
SEIZURE by Justice Department 5510

Gas Companies:
REGULATIONS, hearings, etc. *See* Federal Power Commission.

General Accounting Office:
TRANSPORTATION, carriers' bills for services 6429

General Services Administration:
See Federal Register.
Public Buildings Service.
Utilization and Disposal Service.
ABACA in national stockpile, proposed disposition 4270
COMMITTEES, standing, interagency, chaired by GSA during 1964 and 1965 6888
FEDERAL PROPERTY MANAGEMENT REGULATIONS:
Archives and records:
Presidential libraries; Franklin D. Roosevelt Library, admission regulations 4359

General Services Administration—Continued Page
FEDERAL PROPERTY MANAGEMENT REGULATIONS—Continued
Archives and records—Continued
Records management, moratorium on purchase of filing cabinets 4757
Centralized services in Federal buildings:
Field duplicating services 4358
Forms, reports, and instructions 4359
Health services 6684
Motor vehicles:
Identification 7489
Safety devices, standards 8319
Public buildings and space:
Acquisition of real property by lease, basic GSA policy 7820
Relinquishment of assigned space, leased or Government-owned 7820
Vending stands operated by blind persons 8160
Supply and procurement:
File cabinets, moratorium on purchase, and reduction in purchase of office furniture and typewriters, etc 4757, 5479
Motor vehicles, Government-owned; standards for safety devices 8319
Procurement sources, GSA stores stock and Federal supply schedule 4758, 5480
Utilization and disposal, personal property:
Donation:
Airport purposes 4716
Surplus electronic property for educational, public health, and civil defense purposes 6649
Excess property reporting requirements 5823
MOTOR VEHICLES, Government-owned:
Identification 7489
Safety devices, standards 8319
PROCUREMENT REGULATIONS:
Federal:
Forms:
Advertised construction contracts 7194
Leases for real property 8217
General; regulation system, definition of procurement 8217
Labor standards in construction contracts 7192
Negotiation policies and techniques 6581
GSA:
Contract Appeals Board 6837
Contracts:
Administration, contractor performance under supply or service contracts 7246
Termination for default 7246
VENDING STANDS operated by blind persons 8160

Geological Survey:
AUTHORITY DELEGATION from Secretary of Interior; approval of unitization, pooling, and drilling agreements 6363
OIL AND GAS FIELDS, known geologic structures; various States 4692
PHOSPHATE AND NONPHOSPHATE LAND classification orders, Idaho 6404, 6445, 6948, 8281

Gift Taxes:
See Internal Revenue Service.

Government Employees:
AWARDS, delegation of functions (Executive Order 11228) 7739
CIVIL SERVICE regulations. *See* Civil Service Commission.
ETHICAL STANDARDS OF CONDUCT for Government officers and employees (Executive Order 11222) 6469
FOREIGN SERVICE, appointment in competitive service of certain present and former officers and employees (Executive Order 11219) 6381
HEALTH SERVICES, centralized services in Federal buildings 6684
HOLIDAYS, observance by Government agencies (Executive Order 11226) 7213
LEAVE, sick and annual, functions respecting (Executive Order 11228) 7739
PAY AND ALLOWANCES, delegation of functions (Executive Order 11228) 7739
RETIREMENT, exemption from automatic separation, functions respecting (Executive Order 11228) 7739

Government Employees—Continued Page
WITHOUT-COMPENSATION EMPLOYEES. *See* Commerce Department; Interior Department; Interstate Commerce Commission.

Grain Sorghum:
LOAN AND PURCHASE PROGRAM, 1965 crop 7991
PRICE SUPPORT PROGRAM, 1964 crop 4750

Grains:
See specific grains.

Grants:
NURSE TRAINING FACILITIES 6944, 7395
SCHOOL BOARDS, in-service training in desegregation problems 4360

Grapefruit:
IMPORTS:
From Mexico and certain Central American countries, fumigation 4745
Restrictions 5359, 6065, 6638
MARKETING. *See* Agriculture Department.

Grazing:
PUBLIC LANDS. *See* Land Management Bureau.

Great Lakes Pilotage Administration:
VOLUNTARY ASSOCIATION POOLS, working rules approved; District Nos. 1 and 3 5512

Gum Naval Stores:
PRICE SUPPORT LOAN PROGRAM, 1965 5573, 7948

H

Hawaii:
DISASTER AREA, financial assistance to small business 6605
GOVERNMENT EMPLOYEES, allowances and differentials payable 6511
QUARANTINE REGULATIONS, rhubarb imports 5619
RADIO STATION WWVH 5862, 6091
TRANSPORTATION AGREEMENT 4437

Hay and Straw:
STANDARDS, change in agency name 8031

Health, Education, and Welfare Department:
See Education Office.
Federal Credit Unions Bureau.
Food and Drug Administration.
Public Health Service.
Social Security Administration.
EDUCATIONAL TELEVISION BROADCAST FACILITIES, noncommercial, Federal financial assistance:
Amount of grant 7371
Applications. *See main heading* Education Office.
ORGANIZATION AND FUNCTIONS:
Public Health Service, functions under Appalachian Regional Development Act relating to grants for health facilities and sewage treatment works 7296
Social Security Administration 4693
SURPLUS PERSONAL PROPERTY, for educational, public health, and civil defense purposes; transfers or retransfers 5833

Hearing Aid Industry:
TRADE PRACTICE RULES, proposed 5532

Holidays:
GOVERNMENT AGENCIES, observance by (Executive Order 11226) 7213

Honey:
PRICE SUPPORT PROGRAM 7097

Hops:
MARKETING, Washington, Oregon, Idaho, and California; proposed rules 7825

Horse Racing:
BROADCAST OF INFORMATION, establishment of advisory committee 5538

Hospital and Medical Care:
RECOVERY OF COST from tortiously liable third persons, Justice Department regulations 7918

Housing and Home Finance Agency: Page
See Federal Housing Administration.
Public Housing Administration.
AUTHORITY DELEGATIONS:
By Administrator to listed officials:
Acting Regional Director, Community Facilities, Region III (Atlanta); designation and ratification of certain acts 6804
Regional Administrators:
All regions:
Loans, housing for elderly or handicapped 6555
Slum clearance and urban renewal, urban renewal demonstration, and urban planning grant programs 6703
Region III (Atlanta); urban planning grant program, Project No. Ind. P–26, within portion of Louisville metropolitan area, Indiana 6889
Urban Renewal Commissioner; slum clearance and urban renewal programs, etc 6703
By Regional Administrators to listed officials:
Region I (New York):
Acting Regional Director, Urban Renewal; designation 7304
Regional Director, Community Facilities; advances for public works planning (first, second, and third programs) 6604
Region III (Atlanta), Regional Director, Community Facilities; advances for public works planning (first, second, and third programs) 6605
Region IV (Chicago):
Acting Regional Administrator; designation 5610
Regional Director, Community Facilities; advances for public works planning (first, second, and third programs) 6605, 6606
Region V (Fort Worth), Regional Director, Community Facilities; advances for public works planning (first, second, and third programs) 6606
Region VI:
(San Francisco), Regional Director, Community Facilities; advances for public works planning (first, second, and third programs) 6606, 6607
(Seattle, Wash.), Director, Northwest Operations; community facilities programs 6607
Region VII (Puerto Rico and Virgin Islands), Regional Director, Community Facilities; public facility loans program and accelerated public works program; ratification 6300
COMMUNITY FACILITIES, advances for public works planning:
First program; definitions, etc 5511
First, second, and third programs; liability for repayment of advances 5511
SLUM CLEARANCE AND URBAN RENEWAL:
Administration of relocation payments program 4715
Authority delegation 6703

Humane Slaughter:
See Livestock.

Hunting:
IN WILDLIFE REFUGES. *See* Fish and Wildlife Service.

I

Ice Cream:
STANDARD OF IDENTITY, optional ingredients 7280
Proposed rule 7292

Immigration and Naturalization Service:
IMMIGRATION REGULATIONS:
Deportation of excluded aliens, notice to surrender 4411
Nonimmigrants:
Classes:
Admission, extension, and maintenance of status, special requirements:
Students 4351, 4532
Temporary employees 8102
Transits, without visas 6940
Schools, petitions for approval 6479
Documentary requirements, waivers; admission of certain inadmissible aliens, parole of aliens in United States 4411
Registration of aliens in United States, replacement; interrogation under oath 7312

Immigration and Naturalization Service—Continued Page
IMMIGRATION REGULATIONS—Continued
Nonimmigrants—Continued
Classes—Continued
Visitors for business or pleasure 6940
Visitors for business or pleasure, Mexican border visitors 6940
Visitors for pleasure 6940
Crewmen 6940
Foreign government officials 6940
Temporary withholding of departure 6940
Waiver of passport and visa requirements 6940
Nonquota immigrants, special 6940
Preference immigrants, allocation of immigrant visas 6940
Registry of aliens 6940
Visas, petitions for approval 6479

Income Taxes:
See Internal Revenue Service.

Indian Affairs Bureau:
ADMINISTRATIVE APPEALS, hearings, etc. 6347
AUTHORITY DELEGATIONS to Area Directors, Navajo and Pueblo Areas, to approve leases, permits, and rights-of-way 6347
CONSTRUCTION, operation, and maintenance, Navajo Indian irrigation project 6347
EDUCATION, Navajo Area, boarding schools, admission of children 6347
LAND MANAGEMENT, Navajo and Pueblo Areas, delegation of authority 6347
LEASES, permits, and rights-of-way, Navajo and Pueblo Areas, delegation of authority 6347
LOANS, Navajo and Pueblo Areas, delegation of authority 6347
PUEBLO LANDS, boundary determinations 6347
RESERVATIONS, Navajo and Pueblo Areas, delegation of authority 6347
TRIBAL ORGANIZATIONS, Navajo and Pueblo Areas, delegation of authority 6347

Indian Claims Commission:
ATTORNEY FEES, maximum contingent fees 6347
PROCEDURE, rules of 6347

Indians:
See Indian Affairs Bureau.

Industrial Mobilization:
See Defense Department.

Industry Advisory Committee:
See Commerce Department.

Interior Department:
See also Land Management Bureau; Mines Bureau; Reclamation Bureau.
AUTHORITY DELEGATIONS:
Director, Bureau of Outdoor Recreation; grants-in-aid for outdoor recreation 6347
Director, Office of Territories; Virgin Islands, Guam, American Samoa, and Trust Territory of the Pacific Islands 6347
Solicitor; Indian claims 6347
Under Secretary; Indian claims 6347
EMPLOYEES, WITHOUT-COMPENSATION, acceptance of services 6347
ORGANIZATION AND FUNCTIONS 6347

Interstate Commerce Commission:
EMPLOYEES, WITHOUT-COMPENSATION, acceptance of services 6347

Interstate Commerce Commission—Continued Page
FREIGHT FORWARDERS, rates, charges, classifications, and practices; investigation 6347
MOTOR CARRIERS:
Applications, notice of filing 6347
Brokers, licensing 6347
Leases 6347
Rates, charges, classifications, and practices; investigation 6347
Transfer proceedings 6347
PASSENGER CARRIERS, rates, charges, classifications, and practices; investigation 6347
PIPE LINE COMPANIES, rates, charges, classifications, and practices; investigation 6347
RAILROADS:
Abandonments 6347
Car service 6347
Consolidations, mergers, and control 6347
Rates, charges, classifications, and practices; investigation 6347
REGULATIONS, practices, and procedures 6347
SECURITIES, issuance, assumption, and guaranty 6347
WATER CARRIERS:
Common carriers, rates, charges, classifications, and practices; investigation 6347
Contract carriers, rates, charges, classifications, and practices; investigation 6347
Leases 6347
Transfer proceedings 6347

Iowa:
DISASTER AREA, financial assistance to small business 6605

Irish Potatoes:
See Potatoes, Irish.

J

Japan:
TRANSPORTATION AGREEMENT 4437

Jewelry:
See Precious Metals.

Justice Department:
See also Alien Property Office.
AUTHORITY DELEGATIONS:
Assistant Attorney General, Civil Division; certain civil actions 6347
Assistant Attorney General, Land and Natural Resources Division; certain civil actions 6347
Assistant Attorney General, Tax Division; certain civil actions 6347
Attorney General; certain civil actions 6347
Deputy Attorney General; certain civil actions 6347
Solicitor General; certain civil actions 6347
EMPLOYEES, WITHOUT-COMPENSATION, acceptance of services 6347
ORGANIZATION AND FUNCTIONS 6347
SEIZURE of gambling devices 5510

K

Kansas:
DISASTER AREA, financial assistance to small business 6605

L

Labor Department:
See also Labor Statistics Bureau; Wage and Hour Division.
AUTHORITY DELEGATIONS:
Assistant Secretary for Manpower; certain civil actions 6347
Solicitor; certain civil actions 6347
EMPLOYEES, WITHOUT-COMPENSATION, acceptance of services 6347
ORGANIZATION AND FUNCTIONS 6347

Labor Statistics Bureau:
ORGANIZATION AND FUNCTIONS 6347

Land Management Bureau:
ALASKA, public land orders:
Withdrawals for Bureau of Indian Affairs 6347
Withdrawals for Bureau of Land Management 6347
Withdrawals for Bureau of Outdoor Recreation 6347
Withdrawals for Forest Service 6347
Withdrawals for Interior Department 6347
Withdrawals for Mines Bureau 6347
Withdrawals for Reclamation Bureau 6347
ARIZONA, public land orders:
Withdrawals for Bureau of Indian Affairs 6347
Withdrawals for Bureau of Land Management 6347
Withdrawals for Bureau of Outdoor Recreation 6347
Withdrawals for Forest Service 6347
Withdrawals for Interior Department 6347
Withdrawals for Mines Bureau 6347
Withdrawals for Reclamation Bureau 6347
AUTHORITY DELEGATIONS:
Director; certain civil actions 6347
Director; certain public land orders 6347
Director; certain withdrawals 6347
Director; certain withdrawals and reservations 6347
Director; certain withdrawals and reservations, Alaska 6347
Director; certain withdrawals and reservations, Arizona 6347
Director; certain withdrawals and reservations, California 6347
Director; certain withdrawals and reservations, Colorado 6347
Director; certain withdrawals and reservations, Idaho 6347
Director; certain withdrawals and reservations, Montana 6347
Director; certain withdrawals and reservations, Nevada 6347
Director; certain withdrawals and reservations, New Mexico 6347
Director; certain withdrawals and reservations, Oregon 6347
Director; certain withdrawals and reservations, Utah 6347
Director; certain withdrawals and reservations, Wyoming 6347
CALIFORNIA, public land orders:
Withdrawals for Bureau of Indian Affairs 6347
Withdrawals for Bureau of Land Management 6347
Withdrawals for Bureau of Outdoor Recreation 6347
Withdrawals for Forest Service 6347
Withdrawals for Interior Department 6347
Withdrawals for Mines Bureau 6347
Withdrawals for Reclamation Bureau 6347
COLORADO, public land orders:
Withdrawals for Bureau of Indian Affairs 6347
Withdrawals for Bureau of Land Management 6347
Withdrawals for Bureau of Outdoor Recreation 6347
Withdrawals for Forest Service 6347
Withdrawals for Interior Department 6347
Withdrawals for Mines Bureau 6347
Withdrawals for Reclamation Bureau 6347
IDAHO, public land orders:
Withdrawals for Bureau of Indian Affairs 6347
Withdrawals for Bureau of Land Management 6347
Withdrawals for Bureau of Outdoor Recreation 6347
Withdrawals for Forest Service 6347
Withdrawals for Interior Department 6347
Withdrawals for Mines Bureau 6347
Withdrawals for Reclamation Bureau 6347
MONTANA, public land orders:
Withdrawals for Bureau of Indian Affairs 6347
Withdrawals for Bureau of Land Management 6347
Withdrawals for Bureau of Outdoor Recreation 6347
Withdrawals for Forest Service 6347
Withdrawals for Interior Department 6347
Withdrawals for Mines Bureau 6347
Withdrawals for Reclamation Bureau 6347
NEVADA, public land orders:
Withdrawals for Bureau of Indian Affairs 6347
Withdrawals for Bureau of Land Management 6347
Withdrawals for Bureau of Outdoor Recreation 6347
Withdrawals for Forest Service 6347
Withdrawals for Interior Department 6347
Withdrawals for Mines Bureau 6347
Withdrawals for Reclamation Bureau 6347
NEW MEXICO, public land orders:
Withdrawals for Bureau of Indian Affairs 6347
Withdrawals for Bureau of Land Management 6347
Withdrawals for Bureau of Outdoor Recreation 6347
Withdrawals for Forest Service 6347
Withdrawals for Interior Department 6347
Withdrawals for Mines Bureau 6347
Withdrawals for Reclamation Bureau 6347
OREGON, public land orders:
Withdrawals for Bureau of Indian Affairs 6347
Withdrawals for Bureau of Land Management 6347
Withdrawals for Bureau of Outdoor Recreation 6347
Withdrawals for Forest Service 6347
Withdrawals for Interior Department 6347
Withdrawals for Mines Bureau 6347
Withdrawals for Reclamation Bureau 6347
UTAH, public land orders:
Withdrawals for Bureau of Indian Affairs 6347
Withdrawals for Bureau of Land Management 6347
Withdrawals for Bureau of Outdoor Recreation 6347
Withdrawals for Forest Service 6347
Withdrawals for Interior Department 6347
Withdrawals for Mines Bureau 6347
Withdrawals for Reclamation Bureau 6347
WYOMING, public land orders:
Withdrawals for Bureau of Indian Affairs 6347
Withdrawals for Bureau of Land Management 6347
Withdrawals for Bureau of Outdoor Recreation 6347
Withdrawals for Forest Service 6347
Withdrawals for Interior Department 6347
Withdrawals for Mines Bureau 6347
Withdrawals for Reclamation Bureau 6347

Land Use Planning:
See Housing and Home Finance Agency.

Lands, Public:
See Land Management Bureau.

Lead Arsenate:
TOLERANCES 6347

Leases:
See Land Management Bureau.

Livestock:
HUMANE SLAUGHTER, methods of slaughtering and handling 6347

Loans:
See Agriculture Department; Commodity Credit Corporation; Farmers Home Administration; Housing and Home Finance Agency.

Immigration and Naturalization Service—Continued — Page

IMMIGRATION REGULATIONS—Continued
- Service officers, powers and duties:
  - Applications, petitions, etc.; inspection of evidence.. 7516
  - Authority delegations, regional commissioners; decisions on applications for certificates of citizenship .. 5471
- NATIONALITY REGULATIONS:
  - Certificates of citizenship.. 5472, 5621
  - Forms, prescribed.. 6940
  - Naturalization court, proceedings before; preparation of lists and orders of court for presentation at final hearing.. 6940
- ORGANIZATION, field service:
  - Border patrol sector No. 12, El Centro, Calif.. 6926
  - District office, District 37; Rome, Italy.. 4434
  - Suboffices, port of entry for aliens arriving by aircraft, No. 7, Buffalo, N.Y.; Malone, N.Y., Malone-Dufort Airport, deleted.. 6797

Imports and Exports:
- AGRICULTURAL COMMODITIES. *See* Agriculture Department.
- ANTIDUMPING ACT of 1921, investigations and determinations. *See* Customs Bureau; Tariff Commission; Treasury Department.
- COTTON TEXTILES, export restrictions, Italy.. 5486
- CUSTOMS REGULATIONS. *See* Customs Bureau.
- DAIRY PRODUCTS export payment rates-by-contract, liquidated damages.. 4314
- EXPORT CONTROL. *See* International Commerce Bureau.
- FLAXSEED AND LINSEED OIL export payment-in-kind program.. 4532
- FUEL OIL imports. *See* Emergency Planning Office; Interior Department.
- INVESTIGATION of certain imports. *See* Emergency Planning Office; Tariff Commission.
- MEAT import restrictions.. 4364, 8348
- OVERTIME SERVICES, animals and products, and plants and products. *See* Agriculture Department.
- WILDLIFE OR EGGS, importation; proposed rules.. 4721

Income Tax Regulations:
See Internal Revenue Service.

Indian Affairs Bureau:
- ALASKA, Indian fishing:
  - Authority delegation.. 5763
  - Enforcement of regulations by Commissioner.. 5742
- AUTHORITY DELEGATIONS:
  - By Commissioner to Area Directors; irrigation matters, Wapato Satus Irrigation Unit.. 7971
  - By Deputy Commissioner to various officials:
    - Area Directors:
      - Forestry matters.. 4501, 7577
      - Mineral leases and permits; approval of agreements for settlement of claims for damage to Indian lands.. 6660
      - Property matters.. 8347
    - Contracting officers and authorized representatives; contracts, etc.. 8281
    - From Secretary of Interior:
      - Homestead designations, approval of certain deeds, etc.. 7198
      - Indian fishing in Alaska.. 5763
      - Irrigation, Wapato-Satus unit.. 7674
- ENROLLMENT:
  - Appeals.. 7746
  - Membership rolls.. 7745
- FISHING, Alaskan Indians. *See* Alaska.
- IRRIGATION PROJECTS; operation and maintenance charges:
  - Flathead, Montana.. 5708, 7101
  - Lump sum assessment.. 6523, 8160
  - Uintah, Utah; proposed rule.. 6074
- LAND RECORDS and title documents:
  - Maintenance; proposed rule.. 8225
  - Transfer from Washington, D.C., to Aberdeen Area Office.. 5910
- LEASING AND PERMITTING; correction of CFR supplement, January 1, 1965.. 6579
- PRACTICE AND PROCEDURE, applicability of rules of bureau; Indian property, state and local regulation.. 6438, 7520

Indian Affairs Bureau—Continued — Page
- ROADLESS AREA, Mesa Verde; exclusion from Ute Mountain Reservation, Colo., proposed rule.. 5849
- RULES, applicability; Indian property, state and local regulation.. 6438, 7520
- TRADERS, LICENSED:
  - Bond requirements, deletion.. 8267
  - License application and period.. 8267
- UTE MOUNTAIN RESERVATION, Colo.; exclusion of Mesa Verde from roadless areas, proposed rule.. 5849

Indians:
- LAWS of California and city of Palm Springs, application to Agua Caliente Indian Reservation.. 8172
- MEMBERSHIP ROLL, Ponca Tribe of native Americans of Nebraska.. 8231
- REGULATIONS. *See* Indian Affairs Bureau.

Information Agency, United States:
- INFORMATION MEDIA GUARANTIES.. 5832

Insecticides:
- FEDERAL INSECTICIDE, FUNGICIDE, AND RODENTICIDE ACT; economic poisons, directions for use.. 6857
- TOLERANCES for residues. *See* Food and Drug Administration.

Insurance:
- BANK DEPOSITS. *See* Federal Deposit Insurance Corporation.
- CROP INSURANCE. *See* Federal Crop Insurance Corporation.
- HOME LOAN BANKS. *See* Federal Home Loan Bank Board.
- HOUSING INSURANCE. *See* Federal Housing Administration.
- OLD-AGE INSURANCE. *See* Social Security Administration.
- VESSELS, war risk insurance.. 7697
- VETERANS LIFE INSURANCE. *See* Veterans Administration.

Insurance Companies:
- REGULATIONS. *See* Internal Revenue Service; Securities and Exchange Commission.

Interagency Textile Administrative Committee:
- EXPORT RESTRAINTS, cotton textiles; Italy.. 5486

Interest Equalization Tax:
- EXCLUSION where required for international monetary stability.. 4413, 8160
- FOREIGN COUNTRIES, designation as economically less developed for purposes of tax (Executive Order 11224).. 6679
- INSPECTION OF TAX RETURNS:
  - (Executive Order 11213).. 4389
  - Regulation.. 4414

Interim Communications Satellite Committee:
- PUBLIC INTERNATIONAL ORGANIZATION entitled to certain privileges, exemptions, and immunities, designation (Executive Order 11227).. 7369

Interior Department:
- *See Fish and Wildlife Service.*
- *Geological Survey.*
- *Indian Affairs Bureau.*
- *Land Management Bureau.*
- *National Park Service.*
- *Reclamation Bureau.*
- APPOINTMENTS WITHOUT COMPENSATION and statements of business interests under Defense Production Act of 1950.. 4598, 5535, 5608, 5609, 5862, 6548, 6549, 6739, 6740, 6948, 7257, 8016
- AUTHORITY DELEGATIONS by Secretary to certain officials:
  - Fish and Wildlife Service:
    - Commissioner:
      - Alaska, Indian fishing in; revoked.. 5763
      - Assistant Secretary for Fish and Wildlife and Parks, authority of.. 8281
    - Director, Commercial Fisheries Bureau; Federal Register documents.. 8114
  - Geological Survey, Director; approval of unitization, pooling, and drilling agreements.. 6363

Interior Department—Continued — Page
- AUTHORITY DELEGATIONS by Secretary to certain officials—Continued
  - Indian Affairs Bureau, Commissioner:
    - Homestead designations, approval of certain deeds, etc.. 7198
    - Indian fishing in Alaska.. 5763
    - Irrigation, Wapato-Satus Unit.. 7674
  - Land Management Bureau, Director, general program delegation.. 4643
  - National Park Service, Director; United States Park Police, Trial Boards.. 4771
  - Territories Office, Director; compensation of inhabitants of Rongelap.. 8348
  - Under Secretary, Assistant Secretaries, et al.:
    - Authority of Secretary.. 7116, 7402, 8281
    - Membership on Virgin Islands Corporation, Forest Reservation Commission, and Migratory Bird Conservation Commission.. 7725
- INDIANS:
  - Agua Caliente Indian Reservation, adoption and application of laws of California and city of Palm Springs.. 8172
  - Ponca Tribe of native Americans of Nebraska, membership roll.. 8231
- JOB CORPS CONSERVATION CENTER COORDINATION, approvals.. 6739
- LOWER COLORADO RIVER land use program.. 5910
- MICRONESIA, legislative authority.. 7765
- OIL, GAS, and POTASH LEASING, potash area, Eddy and Lea Counties, N. Mex.. 6692
- OIL IMPORT ADMINISTRATION, allocations of residual fuel oil in District I.. 4415
- OIL IMPORTS into Puerto Rico, adjustments in maximum level:
  - Crude and unfinished oils.. 5608
  - Finished products other than residual fuel oil.. 5763
- POTASH AREA, Eddy and Lea Counties, N. Mex.; oil, gas, and potash leasing.. 6692
- RECREATION FEES:
  - Group camping and picnic sites.. 7394
  - Optional short term rate.. 5632

Internal Revenue Service:
- AUTHORITY DELEGATION by Commissioner to Director, Personnel Division, et al.; employee-management relation matters.. 4642
- EMPLOYMENT TAXES, returns under FICA; wages paid in nonconvertible foreign currency, proposed rules.. 8222
- ESTATE TAXES, citizens or residents dying after August 16, 1954; valuation of property and of stock sold "ex-dividend", and deduction for administration expenses.. 7708
- EXCISE TAXES:
  - Interest equalization tax, exclusion where required for international monetary stability.. 4413, 8160
  - Manufacturers and retailers taxes, refunds; gasoline used on farms.. 7809
  - Puerto Rico:
    - Liquors and articles from.. 6317
    - Redemption of stamps in, correction of CFR supplement.. 6769
- GIFT TAXES, valuation of property.. 7709
- INCOME TAXES:
  - Accounting periods and methods:
    - Accounting methods:
      - Installment method; interest on certain deferred payments, proposed rule.. 5584
      - Reserve method of treating bad debts, extension granted to banks.. 5372
    - Adjustments, proposed rules:
      - Interest on certain deferred payments.. 5584
      - Method of allocation of income and deductions among taxpayers.. 4256
  - Alien nonresident individuals:
    - Capital gains; disposal of coal and domestic iron ore, proposed rule.. 4552
    - Taxability of income from certain employees' trust funds, etc.. 6340, 6341
  - Banks, mutual savings banks, etc.; foreclosure of property securing loans.. 4473
  - Capital gains and losses:
    - Amortization in excess of depreciation.. 7281
    - Applicability to earlier regulations.. 7281

Internal Revenue Service—Continued — Page
- INCOME TAXES—Continued
  - Capital gains and losses—Continued
    - Capital loss carryover.. 4483, 7806
    - General rules, net capital gain and loss, short-term and long-term gain.. 4485, 7808
    - Patents, sale or exchange; proposed rule.. 4632
    - Property used in trade or business; disposal of coal or iron ore, proposed rules.. 4552
    - Small business stock, losses on; royalties on disposal of coal or domestic iron ore, proposed rule.. 4553
  - Consolidated returns, computations; net operating loss carryovers from separate return years.. 4412
  - Corporations:
    - Controlled corporations; proposed rules, hearing:
      - Election of multiple surtax exemptions.. 4635
      - Surtax exemptions.. 4635
    - Deduction for dividends paid by foreign corporation.. 8044
    - Foreign corporations. *See* Foreign corporations, *below.*
    - Used to avoid income tax on shareholders; disposal of coal or domestic iron ore, proposed rules.. 4549
  - Decedents, income in respect of; proposed rule.. 4632
  - Deductions:
    - Bad debts, sale of mortgaged or pledged property by certain banking organizations.. 4473
    - Interest; redeemable ground rents.. 6216
    - Net operating loss deduction; capital loss carryover.. 4482, 7805
    - Standard deduction, proposed rules.. 4629
    - Trade or business expenses:
      - Contributions, dues, etc.. 5581
      - Lobbying, political campaigns, etc.. 5581
    - Deductions not permitted, disposal of coal or domestic iron ore, expenditures; proposed rules.. 4548
    - Deferred compensation, pension, profit-sharing, etc.:
      - Aliens, nonresident, tax treatment.. 6340
      - Beneficiary, taxability of, exempt trust; proposed rules.. 4630
      - Employee annuities, taxability of, qualified annuity plan; proposed rules.. 4631
    - Depletion, percentage rate for beryllium ores, proposed rules.. 4549
    - Estates and trusts, unused loss carryover on termination.. 4482, 7805
    - Exempt organizations, farmer's cooperative marketing and purchasing associations; proposed rule and hearing.. 6350, 7721
  - Foreign corporations:
    - Controlled:
      - Adjustments to basis of stock in, proposed rules.. 7493
      - Election by individuals to be subject to tax at corporate rates; proposed rules.. 4718
      - Foreign tax credit; proposed rules.. 5596
      - Records and accounts of United States shareholders.. 6480
      - Stock ownership, rules for determining; proposed rules.. 6486
      - Tax adjustments in determining earnings and profits.. 8044
    - Nonresident, capital gains; disposal of coal and domestic iron ore, proposed rule.. 4552
  - Foreign tax credit, proposed rules:
    - Credit for domestic corporate shareholder of foreign corporation.. 5603
    - Taxes paid by foreign corporation.. 5596
  - Gross income, proposed rules:
    - Annuities.. 4628
    - Definitions:
      - Allocations by cooperative associations; per unit retain certificates, proposed rules and hearing.. 6349, 7721
      - Interest on certain deferred payments.. 5584
    - Dividends received from certain foreign corporations by certain domestic corporations choosing foreign tax credit.. 5603
  - Life insurance companies, proposed rules:
    - Capital gains and losses, disposal of coal or iron ore.. 4552
    - Definition, taxable years affected, segregated asset accounts.. 5841
    - Distribution to shareholders.. 5849
    - Gain and loss from operations.. 5847
    - Investment income.. 5846
    - Tax imposed, taxable income defined.. 5845
  - Maritime construction reserve fund.. 6030

Internal Revenue Service—Continued — Page
- INCOME TAXES—Continued
  - Mutual savings banks, etc.; foreclosure of property securing loans.. 4473
  - Natural resources; proposed rules:
    - Coal and domestic iron ore, disposal of.. 4549
    - Percentage depletion rate for beryllium ores.. 4549
  - Nonresident aliens. *See* Alien nonresident individuals, *above.*
  - Partnerships:
    - Computation of partnership taxable income.. 4482, 7805
    - Partnership interest, sale or exchange.. 4485, 7808
  - Patents, sale or exchange; proposed rule.. 4632
  - Personal holding companies, undistributed income.. 4482, 7805
  - Property used in trade or business; disposal of coal or iron ore, proposed rules.. 4552
  - Real estate investment trusts.. 4482, 7805
  - Regulated investment companies.. 4482, 7805
  - Reorganizations.. 4482, 7805
  - Retirement plans for self-employed individuals.. 4482, 7805
  - Sales or exchanges of property:
    - Capital gains and losses, applicability to earlier regulations.. 7281
    - Patents, sale or exchange; proposed rule.. 4632
  - Small business stock, losses on; royalties on disposal of coal or domestic iron ore, proposed rule.. 4553
  - Stock dividends and stock rights.. 4482, 7805
  - Tax on self-employment income.. 4482, 7805
  - Tax-sheltered annuities for certain employees.. 4482, 7805
  - Unemployment compensation.. 4482, 7805
  - Withholding of tax on nonresident aliens and foreign corporations.. 4482, 7805
- INSURANCE COMPANIES:
  - Annuity, endowment, and life insurance contracts.. 4482, 7805
  - Life insurance companies, proposed rules.. 4552
- PENSION PLANS:
  - Deferred compensation, pension, profit-sharing, etc.:
    - Aliens, nonresident, tax treatment.. 6340
    - Beneficiary, taxability of, exempt trust; proposed rules.. 4630
    - Employee annuities, taxability of, qualified annuity plan; proposed rules.. 4631
  - Retirement plans for self-employed individuals.. 4482, 7805
  - Tax-sheltered annuities for certain employees.. 4482, 7805
- PUBLIC UTILITIES, normalization of investment tax credit.. 4482, 7805
- REGULATIONS, applicability to earlier regulations.. 7281
- RETURNS:
  - Declarations of estimated tax.. 4482, 7805
  - Withholding of tax on nonresident aliens and foreign corporations.. 4482, 7805
- SALES OR EXCHANGES OF PROPERTY:
  - Capital gains and losses, applicability to earlier regulations.. 7281
  - Patents, sale or exchange; proposed rule.. 4632
- SECURITIES:
  - Dealers in securities.. 4482, 7805
  - Stock dividends and stock rights.. 4482, 7805
- TAX CONVENTIONS, foreign countries:
  - Canada.. 4482, 7805
  - Ireland.. 4482, 7805
  - Japan.. 4482, 7805
  - Pakistan.. 4482, 7805
- TAX ON SELF-EMPLOYMENT INCOME.. 4482, 7805
- TAX-SHELTERED ANNUITIES for certain employees.. 4482, 7805
- UNEMPLOYMENT COMPENSATION.. 4482, 7805
- WITHHOLDING OF TAX on nonresident aliens and foreign corporations.. 4482, 7805

International Commerce Bureau:
- EXPORT CONTROL:
  - Commodities and destinations; changes.. 5911
  - Validated licenses.. 5911

International Commerce Bureau—Continued — Page
- EXPORT CONTROL—Continued
  - Validated licenses—Continued
    - Delivery verification.. 5911
    - Extension of time limits.. 5911
    - Revocation.. 5911
    - Shipments against outstanding licenses.. 5911
    - Transfer of commodities.. 5911

International Organizations:
- PUBLIC INTERNATIONAL ORGANIZATION entitled to certain privileges, exemptions, and immunities, designation (Executive Order 11227).. 7369

Interstate Commerce Commission:
- ACCOUNTS, CARRIERS BY WATER, uniform system of accounts.. 5911
- ADMINISTRATIVE ASSISTANTS.. 5911
- ANNUAL REPORTS, carriers by water.. 5911
- CARRIERS BY WATER:
  - Accounts, uniform system of accounts.. 5911
  - Annual reports.. 5911
  - Freight forwarders.. 5911
  - Rates and charges.. 5911
- FREIGHT FORWARDERS.. 5911
- RATES AND CHARGES, carriers by water.. 5911

Investment Tax Credit:
- PUBLIC UTILITIES, normalization.. 4482, 7805

Irrigation Projects:
- *See* Indian Affairs Bureau.

Japan:
- TAX CONVENTIONS.. 4482, 7805

Job Corps:
- CONSERVATION CENTER COORDINATION, approvals.. 6739

Justice Department:
- ANTITRUST DIVISION, Assistant Attorney General; delegation of authority.. 5911
- ATTORNEY GENERAL, delegation of authority.. 5911
- IMMIGRATION AND NATURALIZATION SERVICE. *See* Immigration and Naturalization Service.
- PRISONS, BUREAU OF, Director; delegation of authority.. 5911

Labor Department:
- *See* Wage and Hour Division.
- AUTHORITY DELEGATIONS by Secretary to certain officials:
  - Assistant Secretary for Manpower; Federal Register documents.. 8114
  - Wage and Hour Division, Administrator; Federal Register documents.. 8114

Land Management Bureau:
- AUTHORITY DELEGATIONS by Secretary to certain officials:
  - Director; Federal Register documents.. 8114
  - Director, general program delegation.. 4643
- OIL AND GAS LEASING, potash area, Eddy and Lea Counties, N. Mex.. 6692
- POTASH AREA, Eddy and Lea Counties, N. Mex.; oil, gas, and potash leasing.. 6692
- RECREATION FEES:
  - Group camping and picnic sites.. 7394
  - Optional short term rate.. 5632

Land Records:
- *See* Indian Affairs Bureau.

Leasing and Permitting:
- *See* Indian Affairs Bureau.

Lobbying:
- DEDUCTIONS for political campaigns, etc.. 5581

Lower Colorado River:
- LAND USE PROGRAM.. 5910

Maritime Construction Reserve Fund:
- INCOME TAXES.. 6030

Meat:
- IMPORT RESTRICTIONS.. 4364, 8348

Micronesia:
- LEGISLATIVE AUTHORITY.. 7765

Mines Bureau:
- *See* Interior Department.

Minimum Wages:
- *See* Wage and Hour Division.

Mutual Savings Banks:
- INCOME TAXES, foreclosure of property securing loans.. 4473

National Park Service:
- AUTHORITY DELEGATIONS by Secretary to certain officials:
  - Director; Federal Register documents.. 8114
  - Director, general program delegation.. 4643
- RECREATION FEES:
  - Group camping and picnic sites.. 7394
  - Optional short term rate.. 5632

Natural Resources:
- INCOME TAXES, proposed rules:
  - Coal and domestic iron ore, disposal of.. 4549
  - Percentage depletion rate for beryllium ores.. 4549

Navigation Safety Regulations:
- *See* Coast Guard.

Nonresident Aliens:
- *See* Alien nonresident individuals, *above.*

Oil and Gas:
- IMPORT ADMINISTRATION, allocations of residual fuel oil in District I.. 4415
- IMPORTS into Puerto Rico, adjustments in maximum level:
  - Crude and unfinished oils.. 5608
  - Finished products other than residual fuel oil.. 5763
- LEASING, potash area, Eddy and Lea Counties, N. Mex.. 6692

Internal Revenue Service—Continued

INCOME TAXES—Continued
- Natural resources, proposed rules:
  - Deductions, depletion percentage rate for beryllium ores — 4549
  - Sales and exchanges, gain or loss, domestic iron ore — 4550
- Partners, gross income; proposed rule — 4632
- Property disposition, gain or loss on:
  - Basis rules, disposal of coal or domestic iron ore; proposed rules — 4552
  - Redeemable ground rents — 6216
- Readjustment of tax between years, proposed rules:
  - Income attributable to several taxable years; compensation from employment, income from invention, damages for patent infringement, etc. — 4633
  - Income averaging — 4619
- Real estate investment trusts, definition of interests in real property; proposed rule — 4552
- Returns:
  - Income tax:
    - Authority of agents to make returns of income and declarations of estimated income tax for good cause — 4537
    - Persons required to make returns; income averaging, proposed rule — 4632
    - Information returns, dividend and interest payments; proposed rules and hearing — 6488, 7721
    - Place for filing, returns to be filed with Director of International Operations; tax to be paid in foreign currency, proposed rule — 6222
    - Self-employment income, net earnings, gain or loss from disposal of coal or iron ore, proposed rule — 4553
  - Small business corporations, termination of election as to taxable status; royalties, proposed rule — 4553
  - Tax on individuals, proposed rules — 4632
- INTEREST EQUALIZATION TAX:
  - Exclusion where required for international monetary stability — 4413, 8160
  - Inspection of information returns by Board of Governors of Federal Reserve — 4414
  - Executive Order 11213 — 4389
- MARITIME CONSTRUCTION RESERVE FUND — 6030
- PROCEDURE AND ADMINISTRATION:
  - Collection; payment of tax in foreign currency, proposed rules — 6222
  - Inspection of interest equalization tax information returns by Board of Governors of Federal Reserve — 4414
  - Executive Order 11213 — 4389
  - Judicial proceedings, periods of limitation; suits by taxpayers — 7809

International Coffee Agreement Act:

COFFEE PRICES, effect on (Determination of May 22, 1965) — 7095

International Coffee Organization:

PUBLIC INTERNATIONAL ORGANIZATION entitled to certain privileges, exemptions, and immunities, designation as (Executive Order 11225) — 7093

U.S. PARTICIPATION, functions (Executive Order 11229) — 7741

International Commerce Bureau:

EXPORT CONTROL:
- Amendments; walnut logs, lumber, etc. — 4467
- Commodity control list — 5102
- Control by Commerce Department, scope — 4465
- Export clearance and destination control — 4466
- General orders, work stoppage of longshoremen — 4467
- Licenses:
  - General license GLV, shipments to Canada deleted — 4466
  - Individual and other validated licenses:
    - Application for commodities which transit country group Y or Z — 4466
    - Reexportation, request for authority; special requirements — 5637
  - Project licenses, commodities and technical data — 4466
  - Time limit (TL) license, commodities subject to — 4466
- Licensing policies and related special provisions:
  - Destination provisions; ultimate consignee and purchaser statement — 5628
  - Individual commodity section provisions:
    - Applicability of provisions — 4466
    - Walnut logs, bolts, etc., deleted — 4466

International Commerce Bureau—Continued

EXPORT CONTROL—Continued
- Licensing policies and related special provisions—Con.
  - Multiple commodity section provisions; distribution by foreign-based subsidiary, affiliate, or branch — 5627
  - Mutual assistance on U.S. imports — 4465
  - Technical data, exportation — 4467

SUSPENSION OF EXPORT PRIVILEGES:
- Canez, Ltd., 7051.
- Ching, Chiu Ming, 6228.
- Chow, Li Siu, 6228.
- J. L. International, Ltd., 7051.
- Jaymor Enterprises, Inc., 7051.
- Jih Hsin Trading Co., 6228.
- Kokkonen, Ilmari, 6661.
- Levo, Joseph, 7051.
- Levos, Joseph Jeuda, 7051.
- Lewo, Joseph, 7051.
- Liebow, Joseph, 7051.
- Murphy, P. J., 5802.
- Murphy Brothers, Ltd., 5802.
- Ng, N. G., 6228.
- Rimberg, Alfred, 4434.
- Tetalon, 6661.
- Wu, N. G., 6228.

International Development Agency:

See Agency for International Development.

International Joint Commission:

GREAT LAKES, water levels; hearings — 4510

PEMBINA RIVER DEVELOPMENT, hearing — 6607

International Organizations, Privileged:

INTERIM COMMUNICATIONS SATELLITE COMMITTEE (Executive Order 11227) — 7369

INTERNATIONAL COFFEE ORGANIZATION (Executive Order 11225) — 7093

Interstate Commerce Commission:

APPOINTMENTS without compensation and statements of financial interests under Defense Production Act, 1950 — 5888, 8145

EXPLOSIVES and other dangerous articles, packing and transportation:
- Commodity list:
  - Aldrin, etc., proposed rule — 4682
  - Ammonium perchlorate, etc — 5743
- Motor carriers — 4685, 5748, 7423
- Rail freight carriers — 4685, 5747, 7423
- Shippers — 4682, 5743, 7420
- Shipping container specifications — 4685, 5748, 7423
- Tank car specifications — 4687, 7425

FINANCE APPLICATIONS, lists — 4655, 5548, 5807, 6458, 6669, 6958, 7056, 7508, 7687, 8096, 8145, 8370

FREIGHT FORWARDERS, applications:
- Barge Service Corp., 4795.
- Vanpac Carriers, Inc., 8135.

LONG-AND-SHORT-HAUL CHARGES. *See* Tariffs and schedules, *below*.

MOTOR CARRIERS:
- Accounts, uniform system of, Class I and II common and contract property carriers — 5420
- Agreements under section 5a, applications for approval:
  - Eastern Central Motor Carriers, 7357.
  - Interstate Tariff Bureau, Inc., 7509.
  - Motor Carriers Council of St. Louis, Inc., 5950, 7357.
  - National Automobile Transporters Association, 6458.
  - National Motor Equipment Interchange, 8146.
  - New York Movers Tariff Bureau, Inc., 4775.
  - Western Carriers Tariff Bureau, 8375.
  - Wyoming Trucking Association, Inc., 7547.
- Applications for certificates, permits, and licenses:
  - Brokers; lists of applicants:
    - Passenger — 4585, 5677, 6621, 6826, 7081, 7543, 8366
    - Property — 8135
  - Operating authority, lists of applicants:
    - Intrastate carriers — 4517, 6321, 6564, 6805, 7064, 7362, 7551, 7796, 8085
    - Passenger carriers — 4290, 4515, 4584, 5407, 5676, 5681, 5921, 5935, 6313, 6375, 6563, 6621, 6825, 6895, 7063, 7081, 7084, 7351, 7543, 7546, 7794, 7796, 8135, 8143, 8366, 8370

Interstate Commerce Commission—Con.

MOTOR CARRIERS—Continued
- Applications for certificates, permits, and licenses—Continued
  - Operating authority; lists of applicants—Continued
    - Property carriers — 4271, 4292, 4513, 4517, 4570, 4585, 4776, 4795, 5401, 5404, 5658, 5662, 5665, 5677, 5917, 5919, 5922, 5936, 6301, 6313, 6373, 6374, 6460, 6559, 6562, 6609, 6621, 6806, 6826, 6892, 6893, 6958, 7056, 7061, 7063, 7065, 7082, 7335, 7352, 7359, 7362, 7533, 7544, 7547, 7550, 7688, 7771, 7794, 7855, 8083, 8123, 8136, 8354, 8366, 8371.
  - Temporary authority under section 210a(a) of Act — 5836
  - Transfer proceedings — 4300, 4342, 4378, 4439, 4518, 4597, 4704, 4738, 4805, 5494, 5611, 5779, 5808, 5888, 5950, 5951, 6132, 6201, 6235, 6321, 6322, 6417, 6418, 6459, 6504, 6505, 6563, 6670, 6704, 6744, 6826, 6896, 6931, 7027, 7085, 7133, 7134, 7205, 7264, 7357, 7410, 7464, 7509, 7587, 7688, 7732, 7797, 7860, 8024, 8145, 8178, 8290, 8291
- Commercial zone, Washington, D.C., redefinition; effective date — 7248
- Driving of motor vehicles; slowing down and stopping required at railroad grade crossings — 7491
- Explosives. *See* Explosives, *above*.
- Highways, interstate, national system of, use by passenger and property carriers; proposed rules — 5384, 8229, 8343
- Household goods, transportation in interstate or foreign commerce:
  - Credit to shippers following delivery of freight, proposed rule — 5709, 7363
  - Definitions, effective date postponed — 6117
  - Pooling by carriers, proposed rules — 7252
- Rates and charges:
  - *See also* Tariffs and schedules.
  - Central territory, LTL or AQ traffic, increases — 5885
  - Middle Atlantic and New England territory, detention — 7485
  - Southern territory, general increase — 7410
- Reports:
  - Probability sampling studies, Class I and II common carriers of general freight, inquiry — 5951, 7205
- Scope of operating authority, routes; motor service on interstate highways, passengers and property, proposed rules — 5384, 8229, 8343
- Routes:
  - Alternate; deviation notices — 4512, 5399, 5655, 6369, 6558, 7056, 7358, 7853, 8082, 8370
  - Interstate and defense highways, national system of; use by passenger and property carriers, proposed rules — 5384, 8229, 8343
- Safety regulations:
  - Brakes required on all wheels — 7523
  - Coupling devices and towing methods:
    - Driveaway-towaway operations — 7523
    - Requirements for safety chains or cables — 4481
- Tariffs and schedules:
  - *See also* Tariffs and schedules, *below*.
  - Credit to shippers, following delivery of freight; proposed rule — 5709, 7363
  - Emergency movements of property:
    - Common carriers — 8335
    - Contract carriers — 8336
  - Temporary authorities; applications for — 5836

ORGANIZATION AND FUNCTIONS; assignments:
- Accounting and Valuation Board — 5723
- Vice Chairman of Commission — 5723, 8246

PRACTICE, general rules; briefs — 6485

RAILROADS:
- Agreement under section 5a, application for approval by Association of American Railroads — 6322
- Car service:
  - Appointment of agents:
    - Embargo — 6220
    - Refrigerator car — 8163
  - Authorization to use certain trackage:
    - Atchison, Topeka & Santa Fe Railway, 8269.
    - Chicago, Burlington & Quincy Railroad Co., 8163.
    - Chicago, Milwaukee, St. Paul & Pacific Railroad Co., 5419.
    - Chicago, Rock Island and Pacific Railroad Co., 8269.
    - Denver and Rio Grande Western Railroad, 7945.

Interstate Commerce Commission—Con.

RAILROADS—Continued
- Car service—Continued
  - Authorization to use certain trackage—Continued
    - Louisville & Nashville Railroad Co., 4254.
    - St. Louis-San Francisco Railway Co., 8269.
    - Union Pacific Railroad, 7945.
  - Free time for in-car storage at U.S. ports — 7546
  - Freight cars:
    - Adequacy of ownership, utilization, distribution, rules and practices; investigation, amended service list — 7132
    - Movement, railroad operating regulations — 6220, 7522
    - Shortage; distribution orders for various companies — 4440, 4441, 4442, 4443, 4444, 5496, 5722
- Damage to property and disruption of rail transportation facilities due to floods; reduced rates, certain railroads:
  - California Western Railroad, et al., 7264.
  - Northwestern Pacific Railroad Co. et al.; extension, 4775.
- Explosives. *See* Explosives, *above*.
- Routing of traffic, rerouting:
  - Appointment of agents — 6394
  - Authority to divert certain traffic:
    - Atchison, Topeka and Santa Fe Railway Co. et al., 8144.
    - Chicago, Rock Island and Pacific Railroad Co., 8144.
    - Denver & Rio Grande Western Railroad Co., 8144.
    - Georgia & Florida Railway, 7936.
    - Illinois, Iowa, Minnesota; Missouri, and Wisconsin, railroads serving, 5407, 5495, 5722, 6100, 6628, 7132.
    - Midland Valley Railroad Co., 8177.
  - Tariffs and schedules. *See* Tariffs and schedules, *below*.
- Safety appliance standards; track motorcars and pushcars — 7901

REPORTS. *See under* Motor carriers.

SAFETY REGULATIONS. *See under* Motor carriers; Railroads.

TARIFFS AND SCHEDULES:
- *See also* Motor carriers.
- Freight schedules; alternation of through rates with aggregate of intermediate rates — 6162
- Long-and-short haul charges; fourth section applications for relief — 4299, 4341, 4378, 4445, 4512, 4654, 4737, 4805, 5494, 5548, 5611, 5665, 5807, 5808, 5887, 5917, 6100, 6132, 6201, 6235, 6322, 6417, 6458, 6504, 6557, 6628, 6671, 6703, 6744, 6827, 6895, 6931, 6957, 7027, 7055, 7132, 7204, 7263, 7363, 7412, 7466, 7587, 7619, 7686, 7732, 7798, 7860, 7936, 7979, 8085, 8086, 8247, 8290, 8375

WATER CARRIERS; applications for certificates, permits, and licenses:
- Passenger carriers — 5935, 7794
- Property carriers — 4795, 5677, 5935, 6313, 7081, 7352, 7543, 7794, 8135

J

Japan:

DEBT OBLIGATIONS, tax exemption for U.S. citizens on acquisition of original or new issues (Executive Order 11211) — 4385

Job Corps:

CONSERVATION CENTER COORDINATION, approvals — 6739

ENROLLEES, administration of oaths of office by postmasters and assistant postmasters — 6738

MEDICAL CARE, Air Force regulations — 6344

Justice Department:

See Alien Property Office.

Immigration and Naturalization Service.

EQUAL EMPLOYMENT OPPORTUNITY under Government contracts — 5703, 7386

GAMBLING DEVICES, seizure or forfeiture — 5510

HOSPITAL AND MEDICAL CARE, recovery of cost from tortiously liable third persons — 7819

INFORMATION:
- Criminal proceedings, release of information by Department personnel — 5510
- Disclosure of material or information, correction of citation — 7488

Justice Department—Continued

INFORMATION—Continued
- Freedom of Information Act, implementation — 7488

Labor Department:

See Employment Security Bureau.

Wage and Hour Division.

Land Management Bureau:

ALASKA, public land orders:
- Withdrawal for Bureau of Indian Affairs — 4435
- Withdrawal for Bureau of Land Management — 4435

ARIZONA, public land orders:
- Withdrawal for Bureau of Land Management — 4435
- Withdrawal for Bureau of Reclamation — 4435

CALIFORNIA, public land orders:
- Withdrawal for Bureau of Land Management — 4435
- Withdrawal for Bureau of Reclamation — 4435

COLORADO, public land orders:
- Withdrawal for Bureau of Land Management — 4435
- Withdrawal for Bureau of Reclamation — 4435

IDAHO, public land orders:
- Withdrawal for Bureau of Land Management — 4435
- Withdrawal for Bureau of Reclamation — 4435

MONTANA, public land orders:
- Withdrawal for Bureau of Land Management — 4435
- Withdrawal for Bureau of Reclamation — 4435

NEVADA, public land orders:
- Withdrawal for Bureau of Land Management — 4435
- Withdrawal for Bureau of Reclamation — 4435

NEW MEXICO, public land orders:
- Withdrawal for Bureau of Land Management — 4435
- Withdrawal for Bureau of Reclamation — 4435

OREGON, public land orders:
- Withdrawal for Bureau of Land Management — 4435
- Withdrawal for Bureau of Reclamation — 4435

UTAH, public land orders:
- Withdrawal for Bureau of Land Management — 4435
- Withdrawal for Bureau of Reclamation — 4435

WASHINGTON, public land orders:
- Withdrawal for Bureau of Land Management — 4435
- Withdrawal for Bureau of Reclamation — 4435

WYOMING, public land orders:
- Withdrawal for Bureau of Land Management — 4435
- Withdrawal for Bureau of Reclamation — 4435

Land Reclamation Bureau:

See Land Management Bureau.

Library of Congress:

COPYRIGHT OFFICE:
- Fees — 4466
- Registration for renewal — 4466

Loans:

See Agriculture Department.

Commodity Credit Corporation.

Farmers Home Administration.

Rural Electrification Administration.

Small Business Administration.

Longshoremen's and Harbor Workers' Compensation Act:

See Labor Department.

Wage and Hour Division.

M

Maritime Administration:

See Commerce Department.

Maritime Boards:

See Commerce Department.

Maritime Commission:

See Commerce Department.

Maritime Construction Reserve Fund:

See Internal Revenue Service.

Maritime Subsidy Board:

See Commerce Department.

Marketing Service:

See Agriculture Department.

Mediation and Conciliation Service:

See Labor Department.

Medical Care:

See Air Force Department.

Job Corps.

Merchant Marine Act, 1936:

See Commerce Department.

Merchant Marine Act, 1965:

See Commerce Department.

Merchant Marine Academy:

See Commerce Department.

Merchant Marine Council:

See Commerce Department.

Metric System:

See Commerce Department.

Military Personnel:

See Air Force Department.

Minerals:

See Interior Department.

Mines Bureau:

See Interior Department.

Motor Carriers:

See Interstate Commerce Commission.

Motor Vehicle Safety Standards:

See Commerce Department.

N

National Aeronautics and Space Administration:

ORGANIZATION AND FUNCTIONS; assignments:
- Associate Administrator — 5723
- Deputy Associate Administrator — 5723

PROCUREMENT REGULATIONS:
- Amendments — 4467, 5723, 6485, 7252, 7363, 8246
- Miscellaneous amendments — 4467, 5723, 6485, 7252, 7363, 8246

National Bureau of Standards:

See Commerce Department.

National Capital Housing Authority:

See Housing and Urban Development Department.

National Capital Planning Commission:

See Housing and Urban Development Department.

National Capital Transportation Agency:

See Housing and Urban Development Department.

National Defense Executive Reserve:

See Defense Department.

National Labor Relations Board:

See Labor Department.

National Mediation Board:

See Labor Department.

National Park Service:

See Interior Department.

National Science Foundation:

ORGANIZATION AND FUNCTIONS; assignments:
- Director — 5723
- Deputy Director — 5723

PROCUREMENT REGULATIONS:
- Amendments — 4467, 5723, 6485, 7252, 7363, 8246
- Miscellaneous amendments — 4467, 5723, 6485, 7252, 7363, 8246

Navigation:

See Coast Guard.

Navy Department:

See also Defense Department.

ORGANIZATION AND FUNCTIONS; assignments:
- Secretary — 5723
- Under Secretary — 5723

PROCUREMENT REGULATIONS:
- Amendments — 4467, 5723, 6485, 7252, 7363, 8246
- Miscellaneous amendments — 4467, 5723, 6485, 7252, 7363, 8246

Newsprint Production Committee:

See Commerce Department.

Nuclear Energy:

See Atomic Energy Commission.

O

Occupational Safety Act of 1965:

See Labor Department.

Oil Import Administration:

See Interior Department.

Organization and Functions:

See Agriculture Department.

Air Force Department.

Army Department.

Atomic Energy Commission.

Commerce Department.

Defense Department.

Federal Aviation Agency.

Federal Communications Commission.

Federal Maritime Commission.

Federal Power Commission.

Federal Trade Commission.

Health, Education, and Welfare Department.

Housing and Urban Development Department.

Interior Department.

Interstate Commerce Commission.

Justice Department.

Labor Department.

National Aeronautics and Space Administration.

National Science Foundation.

Navy Department.

Post Office Department.

Securities and Exchange Commission.

Small Business Administration.

State Department.

Treasury Department.

P

Panama Canal Company:

See Canal Zone Government.

Passports:

See State Department.

Patents:

See Commerce Department.

Peace Corps:

ORGANIZATION AND FUNCTIONS; assignments:
- Director — 5723
- Deputy Director — 5723

PROCUREMENT REGULATIONS:
- Amendments — 4467, 5723, 6485, 7252, 7363, 8246
- Miscellaneous amendments — 4467, 5723, 6485, 7252, 7363, 8246

Personnel:

See Civil Service Commission.

Petroleum Import Program:

See Interior Department.

Post Office Department:

ORGANIZATION AND FUNCTIONS; assignments:
- Postmaster General — 5723
- Deputy Postmaster General — 5723

PROCUREMENT REGULATIONS:
- Amendments — 4467, 5723, 6485, 7252, 7363, 8246
- Miscellaneous amendments — 4467, 5723, 6485, 7252, 7363, 8246

Power Commission:

See Federal Power Commission.

Price Support:

See Agriculture Department.

Commodity Credit Corporation.

Prisons Bureau:

See Justice Department.

Public Contracts:

See Labor Department.

Public Health Service:

See Health, Education, and Welfare Department.

Public Land Management Bureau:

See Land Management Bureau.

Public Roads Bureau:

See Commerce Department.

R

Railroad Retirement Board:

See Labor Department.

Railroads:

See Interstate Commerce Commission.

Reclamation Bureau:

See Interior Department.

Reclamation Land Management Bureau:

See Land Management Bureau.

Regional Action Planning Commissions:

See Commerce Department.

Renegotiation Board:

ORGANIZATION AND FUNCTIONS; assignments:
- Chairman — 5723
- Vice Chairman — 5723

PROCUREMENT REGULATIONS:
- Amendments — 4467, 5723, 6485, 7252, 7363, 8246
- Miscellaneous amendments — 4467, 5723, 6485, 7252, 7363, 8246

Reorganization Plans:

See Agriculture Department.

Commerce Department.

Health, Education, and Welfare Department.

Housing and Urban Development Department.

Interior Department.

Labor Department.

Rubber Producing Facilities Disposal Commission:

ORGANIZATION AND FUNCTIONS; assignments:
- Chairman — 5723
- Vice Chairman — 5723

PROCUREMENT REGULATIONS:
- Amendments — 4467, 5723, 6485, 7252, 7363, 8246
- Miscellaneous amendments — 4467, 5723, 6485, 7252, 7363, 8246

Rural Electrification Administration:

See Agriculture Department.

S

Saint Lawrence Seaway Development Corporation:

See Commerce Department.

Saint Lawrence Seaway Tolls Review Board:

See Commerce Department.

Securities and Exchange Commission:

ORGANIZATION AND FUNCTIONS; assignments:
- Chairman — 5723
- Commissioners — 5723

PROCUREMENT REGULATIONS:
- Amendments — 4467, 5723, 6485, 7252, 7363, 8246
- Miscellaneous amendments — 4467, 5723, 6485, 7252, 7363, 8246

Selective Service System:

ORGANIZATION AND FUNCTIONS; assignments:
- Director — 5723
- Deputy Director — 5723

PROCUREMENT REGULATIONS:
- Amendments — 4467, 5723, 6485, 7252, 7363, 8246
- Miscellaneous amendments — 4467, 5723, 6485, 7252, 7363, 8246

Shipping:

See Coast Guard.

Small Business Administration:

ORGANIZATION AND FUNCTIONS; assignments:
- Administrator — 5723
- Deputy Administrator — 5723

PROCUREMENT REGULATIONS:
- Amendments — 4467, 5723, 6485, 7252, 7363, 8246
- Miscellaneous amendments — 4467, 5723, 6485, 7252, 7363, 8246

Small Business Corporations:

See Internal Revenue Service.

Social Security Administration:

See Health, Education, and Welfare Department.

Soil Conservation Service:

See Agriculture Department.

Solicitor of Labor:

See Labor Department.

Southeast Area Development:

See Commerce Department.

Southeast Hurricane Disaster Relief:

See Commerce Department.

Southeast Hurricane Disaster Relief Act of 1965:

See Commerce Department.

Southeast Hurricane Disaster Relief Administration:

See Commerce Department.

Southeast Hurricane Disaster Relief Council:

See Commerce Department.

Southeast Hurricane Disaster Relief Office:

See Commerce Department.

Southeast Hurricane Disaster Relief Regulations:

See Commerce Department.

Southeast Hurricane Disaster Relief Regulations Office:

See Commerce Department.

Southeast Hurricane Disaster Relief Regulations Office Regulations:

See Commerce Department.

Southeast Hurricane Disaster Relief Regulations Office Regulations Office:

See Commerce Department.

Southeast Hurricane Disaster Relief Regulations Office Regulations Office Regulations:

See Commerce Department.

Southeast Hurricane Disaster Relief Regulations Office Regulations Office Regulations Office:

See Commerce Department.

Southeast Hurricane Disaster Relief Regulations Office Regulations Office Regulations Office Regulations:

See Commerce Department.

Southeast Hurricane Disaster Relief Regulations Office Regulations Office Regulations Office Regulations Office:

See Commerce Department.

Southeast Hurricane Disaster Relief Regulations Office Regulations Office Regulations Office Regulations Office Regulations:

See Commerce Department.

Southeast Hurricane Disaster Relief Regulations Office Regulations Office Regulations Office Regulations Office Regulations Office:

See Commerce Department.

Southeast Hurricane Disaster Relief Regulations Office Regulations Office Regulations Office Regulations Office Regulations Office Regulations:

See Commerce Department.

Southeast Hurricane Disaster Relief Regulations Office Regulations Office Regulations Office Regulations Office Regulations Office Regulations Office:

See Commerce Department.

Southeast Hurricane Disaster Relief Regulations Office Regulations Office Regulations Office Regulations Office Regulations Office Regulations Office Regulations:

See Commerce Department.

Southeast Hurricane Disaster Relief Regulations Office Regulations Office Regulations Office Regulations Office Regulations Office Regulations Office Regulations Office:

See Commerce Department.

Southeast Hurricane Disaster Relief Regulations Office Regulations Office Regulations Office Regulations Office Regulations Office Regulations Office Regulations Office Regulations:

See Commerce Department.

Southeast Hurricane Disaster Relief Regulations Office Regulations Office Regulations Office Regulations Office Regulations Office Regulations Office Regulations Office Regulations Office:

See Commerce Department.

Southeast Hurricane Disaster Relief Regulations Office Regulations Office Regulations Office Regulations Office Regulations Office Regulations Office Regulations Office Regulations Office Regulations:

See Commerce Department.

Southeast Hurricane Disaster Relief Regulations Office Regulations Office Regulations Office Regulations Office Regulations Office Regulations Office Regulations Office Regulations Office Regulations Office:

See Commerce Department.

Southeast Hurricane Disaster Relief Regulations Office Regulations Office Regulations Office Regulations Office Regulations Office Regulations Office Regulations Office Regulations Office Regulations Office Regulations:

See Commerce Department.

Southeast Hurricane Disaster Relief Regulations Office Regulations Office Regulations Office Regulations Office Regulations Office Regulations Office Regulations Office Regulations Office Regulations Office Regulations Office:

See Commerce Department.

Southeast Hurricane Disaster Relief Regulations Office Regulations Office Regulations Office Regulations Office Regulations Office Regulations Office Regulations Office Regulations Office Regulations Office Regulations Office Regulations:

See Commerce Department.

Southeast Hurricane Disaster Relief Regulations Office Regulations Office Regulations Office Regulations Office Regulations Office Regulations Office Regulations Office Regulations Office Regulations Office Regulations Office Regulations Office:

See Commerce Department.

Southeast Hurricane Disaster Relief Regulations Office Regulations Office Regulations Office Regulations Office Regulations Office Regulations Office Regulations Office Regulations Office Regulations Office Regulations Office Regulations Office Regulations:

See Commerce Department.

Southeast Hurricane Disaster Relief Regulations Office Regulations Office Regulations Office Regulations Office Regulations Office Regulations Office Regulations Office Regulations Office Regulations Office Regulations Office Regulations Office Regulations Office:

See Commerce Department.

Southeast Hurricane Disaster Relief Regulations Office Regulations Office Regulations Office Regulations Office Regulations Office Regulations Office Regulations Office Regulations Office Regulations Office Regulations Office Regulations Office Regulations Office Regulations:

See Commerce Department.

Southeast Hurricane Disaster Relief Regulations Office Regulations Office Regulations Office Regulations Office Regulations Office Regulations Office Regulations Office Regulations Office Regulations Office Regulations Office Regulations Office Regulations Office Regulations Office:

See Commerce Department.

Southeast Hurricane Disaster Relief Regulations Office Regulations Office Regulations Office Regulations Office Regulations Office Regulations Office Regulations Office Regulations Office Regulations Office Regulations Office Regulations Office Regulations Office Regulations Office Regulations:

See Commerce Department.

Southeast Hurricane Disaster Relief Regulations Office Regulations Office Regulations Office Regulations Office Regulations Office Regulations Office Regulations Office Regulations Office Regulations Office Regulations Office Regulations Office Regulations Office Regulations Office Regulations Office:

See Commerce Department.

Southeast Hurricane Disaster Relief Regulations Office Regulations Office Regulations Office Regulations Office Regulations Office Regulations Office Regulations Office Regulations Office Regulations Office Regulations Office Regulations Office Regulations Office Regulations Office Regulations Office Regulations:

See Commerce Department.

Southeast Hurricane Disaster Relief Regulations Office Regulations Office Regulations Office Regulations Office Regulations Office Regulations Office Regulations Office Regulations Office Regulations Office Regulations Office Regulations Office Regulations Office Regulations Office Regulations Office Regulations Office:

See Commerce Department.

Southeast Hurricane Disaster Relief Regulations Office Regulations Office Regulations Office Regulations Office Regulations Office Regulations Office Regulations Office Regulations Office Regulations Office Regulations Office Regulations Office Regulations Office Regulations Office Regulations Office Regulations Office Regulations:

See Commerce Department.

Southeast Hurricane Disaster Relief Regulations Office Regulations Office Regulations Office Regulations Office Regulations Office Regulations Office Regulations Office Regulations Office Regulations Office Regulations Office Regulations Office Regulations Office Regulations Office Regulations Office Regulations Office Regulations Office:

See Commerce Department.

Southeast Hurricane Disaster Relief Regulations Office Regulations Office Regulations Office Regulations Office Regulations Office Regulations Office Regulations Office Regulations Office Regulations Office Regulations Office Regulations Office Regulations Office Regulations Office Regulations Office Regulations Office Regulations Office Regulations:

See Commerce Department.

Southeast Hurricane Disaster Relief Regulations Office Regulations Office Regulations Office Regulations Office Regulations Office Regulations Office Regulations Office Regulations Office Regulations Office Regulations Office Regulations Office Regulations Office Regulations Office Regulations Office Regulations Office Regulations Office Regulations Office:

See Commerce Department.

Southeast Hurricane Disaster Relief Regulations Office Regulations Office Regulations Office Regulations Office Regulations Office Regulations Office Regulations Office Regulations Office Regulations Office Regulations Office Regulations Office Regulations Office Regulations Office Regulations Office Regulations Office Regulations Office Regulations Office Regulations:

See Commerce Department.

Southeast Hurricane Disaster Relief Regulations Office Regulations Office Regulations Office Regulations Office Regulations Office Regulations Office Regulations Office Regulations Office Regulations Office Regulations Office Regulations Office Regulations Office Regulations Office Regulations Office Regulations Office Regulations Office Regulations Office Regulations Office:

See Commerce Department.

Southeast Hurricane Disaster Relief Regulations Office Regulations Office Regulations Office Regulations Office Regulations Office Regulations Office Regulations Office Regulations Office Regulations Office Regulations Office Regulations Office Regulations Office Regulations Office Regulations Office Regulations Office Regulations Office Regulations Office Regulations:

See Commerce Department.

Southeast Hurricane Disaster Relief Regulations Office Regulations Office Regulations Office Regulations Office Regulations Office Regulations Office Regulations Office Regulations Office Regulations Office Regulations Office Regulations Office Regulations Office Regulations Office Regulations Office Regulations Office Regulations Office Regulations Office Regulations Office:

See Commerce Department.

Southeast Hurricane Disaster Relief Regulations Office Regulations Office Regulations Office Regulations Office Regulations Office Regulations Office Regulations Office Regulations Office Regulations Office Regulations Office Regulations Office Regulations Office Regulations Office Regulations Office Regulations Office Regulations Office Regulations Office Regulations Office Regulations:

See Commerce Department.

Southeast Hurricane Disaster Relief Regulations Office

Justice Department—Continued Page

ORGANIZATION:
Civil Division, authority to compromise and close claims; recovery of cost of hospital and medical care 7819
Civil Rights Division:
Elections and political activities, transfer of certain functions to Criminal Division 5832
Functions respecting equal employment opportunity, economic opportunity, etc. 5703
Criminal Division, elections and political activities 5832
Legal Counsel Office, guidance and assistance regarding ethical conduct standards 7599
Tax Division, authority to compromise and close civil claims 7245, 7709

L

Labor Department:
See Employment Security Bureau.
Labor-Management and Welfare-Pension Reports Office.
Labor Standards Bureau.
Public Contracts Division.
Wage and Hour Division.
ADVISORY COUNCIL ON EMPLOYEE WELFARE AND PENSION BENEFIT PLANS, recommendations for appointment 6096
INTERNATIONAL COFFEE ORGANIZATION, functions of Secretary (Executive Order 11229) 7741
LABOR STANDARDS applicable to contracts covering Federally financed and assisted construction, special provisions for firefighters and fireguards 7819
NEIGHBORHOOD YOUTH CORPS PROJECTS for unemployed youth; standards for project, and limitations on Federal assistance 6249

Labor-Management and Welfare-Pension Reports Office:
REPORTING FORM D–2, proposed changes 7306

Labor Standards Bureau:
CHILD LABOR, State certificates of age, acceptance; extension of expiration date 7997
LONGSHORING, safety and health regulations; proposed rules 7608
SHIP REPAIRING, shipbuilding, shipbreaking, safety and health regulations; threshold limit values 6397, 7748

Land Management Bureau:
AIRPORT AND AVIATION FIELDS, applications for lease of public lands for 5707
ALASKA:
Flood control 5378
Homesteads, lands opened to entry. *See* Homesteads, *below.*
Mental health purposes:
Anchorage, 4476.
Fairbanks Meridian, 5378.
Homer, 7901.
Juneau, 5481.
Kodiak, 4541.
Kodiak Island, 7901.
Naknek area, 5379.
Pilot Point, Ouzinkie, and Tyonek, 5480.
Seldovia Harbor, 4541.
Seward Meridian, 4254, 4476, 7899.
Mineral lands opened. *See under* Mineral lands.
Power site classification No. 456 (PLO 3665) 7750
School purposes. *See* School purposes, *below.*
Small tracts. *See* Small tracts, *below.*
Survey plat, Chakachatna River shore 6090
Withdrawals of lands for use of Federal agencies, etc. *See* Withdrawals, *below.*
AUTHORITY DELEGATIONS:
By Associate Director to Director, Great Basin Fire center, et al.; contracts and leases 7616
By Oregon Job Corps Conservation Center Director to Administrative Assistant, Fort Vannoy; contracts and leases 6123
By State Director, Oregon, to Assistant District Managers, et al.; sale or free use of materials other than forest products 7257

Land Management Bureau—Continued Page

AUTHORITY DELEGATIONS—Continued
From Secretary of Interior; management of public domain, acquired lands, and submerged lands of Outer Continental Shelf, etc. 4643
CONTINENTAL SHELF, Texas, sulphur leasing; call for nominations of areas 6496
FLOOD CONTROL, certain States:
Alaska, 5378.
Oregon, 5377, 5636.
Washington, 5377.
GRAZING:
District Advisory Board, elections; general procedures 8170
License and permit procedures 7606
Modification of grazing district No. 7 (PLO 3662) 7606
HOMESTEADS, lands opened to entry:
For small tracts, see Small tracts, *below.*
Various States:
Alaska, 4254, 4476, 4541, 4542, 5378, 5379, 5480, 5481, 7899, 7901.
Arizona, 7674, 7844, 7900, 8016.
California, 4539, 4541, 5378, 6595, 7293, 7624, 7897, 7900.
Colorado, 4477, 5635, 7101, 7900.
Idaho, 5379, 5380, 7101, 7823, 7900, 8347.
Montana, 4261, 4262, 4540, 5480, 5481.
Nevada, 4254, 4477, 4542, 4717.
New Mexico, 4541, 4717, 5480, 5636, 7897.
Oregon, 4478, 4540, 5481, 5636, 7899, 7906.
South Dakota, 6072.
Utah, 5635.
Washington, 5378, 7897, 7898.
Wyoming, 4477, 4540, 5378, 5534, 5636, 6586, 7824.
Veterans, credit for military service 4759
MINERAL LANDS:
See also Oil and gas leases.
Continental shelf, Texas, sulphur leasing; call for nominations of areas 6496
Fissionable source materials, elimination of reservations 7606
Phosphate leases, notice of lease offer 4759
Various States, lands opened to mineral entry:
Alaska:
Anchorage, 4476.
Birchwood Area, 4476.
Cook Inlet, 4541.
Fairbanks Meridian, 5378.
Homer, 7901.
Juneau, 5481.
Kodiak, 4541.
Kodiak Island, 7901.
Naknek Area, 5379.
Seward Meridian, 4253, 4254, 7899.
Arizona, Gila and Salt River Meridian, 7844, 7900.
California:
Mojave Desert, 4541.
Mount Diablo Meridian, 6595, 7900.
Ogilby, 7293.
San Bernardino Meridian, 7824.
Sierra National Forest, 4540.
Colorado:
Lake and Chaffee Counties, 4477.
New Mexico Principal Meridian, 7900.
Sixth Principal Meridian, 7900.
Idaho:
Ada County, 5379, 7101.
Boise County, 4475.
Boise Meridian, 5347.
Owyhee County, 7900.
Nevada:
Humboldt County, 4717.
Mount Diablo Meridian, 4254.
Pershing County, 4542.
Washoe-Pershing County line, 4477.
New Mexico:
Alamogordo, 7897.
Dona Ana County, 5636.
Eddy County, 5480.
Principal Meridian, 4541.
Oregon:
Baker and Union Counties, 5481.
Umatilla County, 4540.
South Dakota, Meade County, 6072.

Land Management Bureau—Continued Page

MINERAL LANDS—Continued
Various States, lands opened to mineral entry—Con.
Washington, Grant County, 7898.
Wyoming:
Carbon County, 4477, 6596, 7824.
Goshen and Platte Counties, 4477.
Natrona County, 4477, 4540, 6586.
Uinta County, 4254.
Veterans, credit for military service 4759
NATIONAL FOREST LANDS; additions, etc.:
See also under Withdrawals, *below.*
California; Klamath National Forest, lands restored from powersite classification No. 116 (PLO 3696) 7897
Michigan:
Hiawatha National Forest:
Addition (PLO 3630) 5481
Proposed addition 6927
Manistee National Forest:
Addition (PLO 3674) 7752
Proposed addition; correction 4327
Minnesota, Superior National Forest; addition (PLO 3636) 5635
Montana, Lewis and Clark National Forest; survey plat filed 6362
New Mexico, Cibola National Forest; proposed addition 6881
Oregon:
Rogue River National Forest, addition of lands excluded from Winema National Forest (PLO 3576) 4476
Willamette National Forest, certain power sites revoked (PLO 3699) 7899
Winema National Forest, addition and deletion of certain lands (PLO 3576) 4476
Proclamation 3423 corrected 4476
OIL AND GAS LEASES, protraction diagrams:
Idaho, 5711.
Nevada, 5711, 6362, 6881.
Washington, 6593.
ORGANIZATION; land offices, new locations:
Cheyenne, Wyoming 5534
Denver, Colorado 6404
POWER PROJECTS, power site reserves, etc.; restoration of lands:
Arizona:
Power site reserve No. 558, Executive order of October 30, 1916 revoked in part (PLO 3664), 7750.
Water power designation No. 9, prior order revoked in part (PLO 3664), 7750.
Colorado:
Power site classification No. 89 (PLO 3659), 7101.
Power site reserve No. 253, Executive order of March 23, 1912, revoked in part (PLO 3659), 7101.
Idaho:
Power site reserve No. 513 (PLO 3621), 5380.
Oregon:
Power site classifications:
No. 143, modified for highway right-of-way (PLO 3596), 4542.
No. 184, prior orders revoked in part (PLO 3699), 7898.
Nos. 278 and 426 (PLO 3628), correction, 7998.
Power site reserves:
Nos. 24, 145, and 566 (PLO 3528), correction, 7998.
Nos. 167 and 623, Executive orders of December 10, 1910, and May 17, 1917 modified for highway right-of-way (PLO 3596), 4542.
No. 285, Executive order of July 10, 1912 revoked in part (PLO 3699), 7898.
Nos. 661 and 664, Executive order of December 12, 1917 revoked in part (PLO 3699), 7898.
Projects Nos. 852, 1068, and 2080 revoked (PLO 3699), 7899.
Water power designation No. 14, prior orders revoked in part (PLO 3699), 7898.
Washington:
Power site classification No. 340, modified for highway right-of-way (PLO 3637), 5635.
Power site reserve No. 72, Executive order of July 2, 1910, revoked in part (PLO 3618), 5378.
POWER SITE CLASSIFICATIONS:
Alaska:
No. 456 (PLO 3665), 7750.

Land Management Bureau—Continued Page

POWER SITE CLASSIFICATIONS—Continued
California:
No. 116 (PLO 3696), 7897.
Idaho:
No. 457 (PLO 3690), 7823.
RIGHTS-OF-WAY:
Highway purposes, various States:
Arizona, 7821.
Oregon, 4542.
Washington, 5635.
Railroads and station grounds, no payments required 7605
SALE OF TOWNSITES, Oklahoma; certified statements 5707
SCHOOL PURPOSES:
Alaska, 4253, 4262, 4363, 4542, 5480, 6279, 6593.
Arizona, 7900.
California, 4540, 4541, 5378, 7900.
Colorado, 4477, 7101, 7900.
Idaho, 5379, 7101, 7900.
New Mexico, 4541.
Oregon, 7899.
South Dakota, 6072.
Washington, 5378, 7898.
Wyoming, 4477, 4540, 5378, 5636, 6586, 7824.
SMALL TRACTS; classification, Alaska:
No. 65–6; 7456.
No. 136; 6091.
Orders cancelled:
No. 46; 6090.
No. 54; 6090.
No. 77; 6090.
No. 81; 6090.
Nos. 131–135; 6090.
SURVEY PLATS; various States:
Alaska, Chakachatna River shore, 6090.
Arizona, Gila and Salt River Meridian, 7844.
California:
Ogilvy, 7293.
San Bernardino Meridian, 6595.
Florida, Escambia County, 6361.
Louisiana, Catahoula Parish, 4771.
Montana, Lewis and Clark National Forest, 6362.
Oregon, Willamette Meridian, 5711, 7401.
Wisconsin, Outagamie County, 6404.
WATER RESERVES, PUBLIC:
No. 14, California No. 2; Executive order of January 24, 1914, revoked in part (PLO 3569) 4253
No. 19, Colorado; Executive order of May 4, 1914, revoked in part (PLO 3599) 4678
No. 91, Utah; Executive order of June 13, 1925, revoked in part (PLO 3658) 7101
No. 107, Executive order of April 17, 1926, revoked in part:
California (PLO 3591) 4541
Colorado (PLO 3599) 4678
Nevada (PLO 3604) 4717
WILDLIFE REFUGES:
Idaho, Deer Flat National Wildlife Refuge, Executive Order 7655 revoked in part (PLO 3661) 7521
Montana, Charles M. Russell National Wildlife Range; certain stock driveways revoked in part (PLO 3583) 4478
Nevada, Alkali Lake Wildlife Management Area (PLO 3598, 3675) 4678, 7753
Wisconsin, Necedah National Wildlife Refuge; lands added (PLO 3651) 5639
Wyoming, Pathfinder National Wildlife Refuge; lands added and deleted, Executive Order 7425 revoked in part (PLO 1157) 6586
WITHDRAWALS of lands for specified uses of Federal agencies, etc.:
Alaska:
Anchorage Townsite, interagency motor pool, General Services Administration; proposed withdrawal terminated 6927
Barrow:
Hospital site, Public Health Service; proposed amendment of PLO 2557 6496, 7018
National Guard armory site, Army Department; proposed amendment of PLO 2323 6496, 7018

Land Management Bureau—Continued Page

WITHDRAWALS of lands for specified uses of Federal agencies, etc.—Continued
Alaska—Continued
Barrow—Continued
Naval petroleum reserve No. 4, Executive order of May 27, 1924, revoked in part (PLO 3662) 7606
Bureau of Land Management:
Administrative site, Executive order of November 26, 1941, revoked in part (PLO 3662) 7606
Public purposes, Executive order of November 26, 1941, revoked in part (PLO 3662) 7606
Coast Guard, Kodiak Island, Executive order of November 26, 1941, revoked in part (PLO 3662) 7606
Fairbanks Townsite, Executive order of November 26, 1941, revoked in part (PLO 3662) 7606
Fish and Wildlife Service, Kodiak Island, Executive order of November 26, 1941, revoked in part (PLO 3662) 7606
Forest Service, Executive order of November 26, 1941, revoked in part (PLO 3662) 7606
Kodiak Island, Executive order of November 26, 1941, revoked in part (PLO 3662) 7606
Naval petroleum reserve No. 4, Executive order of May 27, 1924, revoked in part (PLO 3662) 7606
Public Health Service, Executive order of November 26, 1941, revoked in part (PLO 3662) 7606
Public purposes, Executive order of November 26, 1941, revoked in part (PLO 3662) 7606
Seward Townsite, Executive order of November 26, 1941, revoked in part (PLO 3662) 7606
Arizona:
Bureau of Land Management, Executive order of November 26, 1941, revoked in part (PLO 3662) 7606
Public purposes, Executive order of November 26, 1941, revoked in part (PLO 3662) 7606
Colorado:
Bureau of Land Management, Executive order of November 26, 1941, revoked in part (PLO 3662) 7606
Public purposes, Executive order of November 26, 1941, revoked in part (PLO 3662) 7606
Idaho:
Bureau of Land Management, Executive order of November 26, 1941, revoked in part (PLO 3662) 7606
Public purposes, Executive order of November 26, 1941, revoked in part (PLO 3662) 7606
Montana:
Bureau of Land Management, Executive order of November 26, 1941, revoked in part (PLO 3662) 7606
Public purposes, Executive order of November 26, 1941, revoked in part (PLO 3662) 7606
Nevada:
Bureau of Land Management, Executive order of November 26, 1941, revoked in part (PLO 3662) 7606
Public purposes, Executive order of November 26, 1941, revoked in part (PLO 3662) 7606
New Mexico:
Bureau of Land Management, Executive order of November 26, 1941, revoked in part (PLO 3662) 7606
Public purposes, Executive order of November 26, 1941, revoked in part (PLO 3662) 7606
Oregon:
Bureau of Land Management, Executive order of November 26, 1941, revoked in part (PLO 3662) 7606
Public purposes, Executive order of November 26, 1941, revoked in part (PLO 3662) 7606
South Dakota:
Bureau of Land Management, Executive order of November 26, 1941, revoked in part (PLO 3662) 7606
Public purposes, Executive order of November 26, 1941, revoked in part (PLO 3662) 7606
Utah:
Bureau of Land Management, Executive order of November 26, 1941, revoked in part (PLO 3662) 7606
Public purposes, Executive order of November 26, 1941, revoked in part (PLO 3662) 7606
Washington:
Bureau of Land Management, Executive order of November 26, 1941, revoked in part (PLO 3662) 7606
Public purposes, Executive order of November 26, 1941, revoked in part (PLO 3662) 7606
Wyoming:
Bureau of Land Management, Executive order of November 26, 1941, revoked in part (PLO 3662) 7606
Public purposes, Executive order of November 26, 1941, revoked in part (PLO 3662) 7606

Land Reclamation Bureau Page

ORGANIZATION; Commissioner's Office, Washington, D.C., new location 5534

Land Reclamation Bureau—Continued Page

RECLAMATION PROJECTS:
Boise Project, Arrowrock Division, Idaho; water charges 7606
Columbia Basin Project, Washington; water charges 7606
Deschutes Project, Oregon; water charges 7606
Fort Peck Project, Montana; water charges 7606
Frenchman-Cambridge Division, Nebraska; water charges 7606
Kendrick Project, Wyoming; water charges 7606
Klamath Project, Oregon-California; water charges 7606
Minidoka Project, Idaho; water charges 7606
Missouri River Basin Project, Wyoming; water charges 7606
Owyhee Project, Oregon; water charges 7606
Rio Grande Project, New Mexico-Texas; water charges 7606
Shoshone Project, Wyoming; water charges 7606
Vale Project, Oregon; water charges 7606
Yakima Project, Washington; water charges 7606

Land Use Planning Office:
ORGANIZATION; Director's Office, Washington, D.C., new location 5534

Law Enforcement Assistance Office:
ORGANIZATION; Director's Office, Washington, D.C., new location 5534

Library of Congress:
ORGANIZATION; Librarian's Office, Washington, D.C., new location 5534

Management and Budget Bureau:
ORGANIZATION; Director's Office, Washington, D.C., new location 5534

Maritime Administration:
ORGANIZATION; Administrator's Office, Washington, D.C., new location 5534

Mediation and Conciliation Service:
ORGANIZATION; Director's Office, Washington, D.C., new location 5534

Mines Bureau:
ORGANIZATION; Director's Office, Washington, D.C., new location 5534

Narcotics Bureau:
ORGANIZATION; Commissioner's Office, Washington, D.C., new location 5534

National Aeronautics and Space Administration:
ORGANIZATION; Administrator's Office, Washington, D.C., new location 5534

National Bureau of Standards:
ORGANIZATION; Director's Office, Washington, D.C., new location 5534

National Capital Housing Authority:
ORGANIZATION; Chairman's Office, Washington, D.C., new location 5534

National Capital Planning Commission:
ORGANIZATION; Chairman's Office, Washington, D.C., new location 5534

National Capital Transportation Agency:
ORGANIZATION; Chairman's Office, Washington, D.C., new location 5534

National Park Service:
ORGANIZATION; Director's Office, Washington, D.C., new location 5534

National Science Foundation:
ORGANIZATION; Director's Office, Washington, D.C., new location 5534

Navy Department:
ORGANIZATION; Secretary's Office, Washington, D.C., new location 5534

Patent Office:
ORGANIZATION; Commissioner's Office, Washington, D.C., new location 5534

Post Office Department:
ORGANIZATION; Postmaster General's Office, Washington, D.C., new location 5534

Public Contracts Division:
ORGANIZATION; Director's Office, Washington, D.C., new location 5534

Public Health Service:
ORGANIZATION; Surgeon General's Office, Washington, D.C., new location 5534

Public Housing Administration:
ORGANIZATION; Commissioner's Office, Washington, D.C., new location 5534

Public Roads Bureau:
ORGANIZATION; Commissioner's Office, Washington, D.C., new location 5534

Railroad Retirement Board:
ORGANIZATION; Chairman's Office, Washington, D.C., new location 5534

Renegotiation Board:
ORGANIZATION; Chairman's Office, Washington, D.C., new location 5534

Saint Lawrence Seaway Development Corporation:
ORGANIZATION; Administrator's Office, Washington, D.C., new location 5534

Securities and Exchange Commission:
ORGANIZATION; Chairman's Office, Washington, D.C., new location 5534

Small Business Administration:
ORGANIZATION; Administrator's Office, Washington, D.C., new location 5534

Smithsonian Institution:
ORGANIZATION; Secretary's Office, Washington, D.C., new location 5534

Social Security Administration:
ORGANIZATION; Commissioner's Office, Washington, D.C., new location 5534

Solicitor of Labor:
ORGANIZATION; Solicitor's Office, Washington, D.C., new location 5534

Solicitor, Post Office Department:
ORGANIZATION; Solicitor's Office, Washington, D.C., new location 5534

Solicitor, Treasury Department:
ORGANIZATION; Solicitor's Office, Washington, D.C., new location 5534

Tariff Commission:
ORGANIZATION; Chairman's Office, Washington, D.C., new location 5534

Tax Court of the United States:
ORGANIZATION; Chief Judge's Office, Washington, D.C., new location 5534

Treasury Department:
ORGANIZATION; Secretary's Office, Washington, D.C., new location 5534

Veterans Administration:
ORGANIZATION; Administrator's Office, Washington, D.C., new location 5534

Wage and Hour Division:
ORGANIZATION; Director's Office, Washington, D.C., new location 5534

Land Management Bureau—Continued Page

WITHDRAWALS of lands for specified uses of Federal agencies, etc.—Continued
- Alaska—Continued
  - Barrow—Continued
    - School purposes, for Indians, Eskimos, and Aleuts (PLO 3594) 4542
    - Executive order of May 4, 1907, revoked in part (PLO 3594) 4542
    - Weather station, Weather Bureau; proposed amendment of PLO 1600 6227, 6881
  - Bethel, administrative site, Indian Affairs Bureau; proposed withdrawal 6798
  - Big Delta, Northway, and Delta-Tok Areas, pumping station sites, Army Department (PLO 3689) 7822
  - Birchwood Area, railroad purposes (PLO 3577) 4476
    - PLO 802 revoked in part (PLO 3577) 4476
  - Chefornak, school reserve, Indian Affairs Bureau; proposed withdrawal 4363
  - Clearwater Lake, military purposes, Army Department; proposed withdrawal 7674
  - Cook Inlet, lighthouse purposes, Executive Order 3406 revoked in part (PLO 3590) 4541
  - Copper River Meridian, power site classification No. 452, Geological Survey; proposed withdrawal terminated 6797
  - Fairbanks Meridian:
    - Protection of Elliott Highway; PLO 1993 revoked (PLO 3613) 5378
    - Reindeer experiment stations, Executive Orders 4719 and 5352 revoked (PLO 3602) 4679
  - Homer, military purposes, Air Force Department, PLO 1752 revoked (PLO 3704) 7900
  - Hooper Bay, school purposes (PLO 3571) 4253
    - Executive Order 5289 and departmental order of September 22, 1958 revoked in part (PLO 3571) 4253
  - Juneau, air navigation site No. 12 revoked (PLO 3626) 5481
  - Kodiak, radio station, Army Department; Executive Order 6039 revoked in part (PLO 3592) 4541
  - Kodiak Island, naval purposes, Executive Order No. 8278 revoked in part (PLO 3705) 7901
  - Kwigillingok, school reserve, Indian Affairs Bureau; proposed withdrawal 4262
  - Naknek area, military purposes, Air Force Department (PLO 3617) 5379
    - PLO 1457 revoked in part (PLO 3617) 5379
  - New Koliganek, school reserve, Indian Affairs Bureau; proposed withdrawal 6279
  - Pilot Point, Ouzinkie, and Tyonek, school purposes, Indian Affairs Bureau (PLO 3623) 5480
    - Executive order of June 17, 1935, and PLO 1233 revoked (PLO 3623) 5480
  - Port Snettisham, power project, Army Department; proposed withdrawal terminated in part 6114
  - Prince of Wales Island, Maybeso Experimental Forest, Forest Service; proposed withdrawal 6797
  - Seward Meridian:
    - Administrative site, Interior Department (PLO 3677) 7820
    - Lighthouse purposes, Coast Guard; PLO 1695 modified (PLO 3570) 4253
    - Natives, use of, Executive Order 2347 revoked (PLO 3572) 4254
    - Public purposes, PLO 891 revoked in part (PLO 3578) 4476
    - Recreation sites:
      - Air Force Department (PLO 3700) 7899
      - PLO 1350 revoked (PLO 3700) 7899
      - Land Management Bureau, PLO 1301 revoked (PLO 3572) 4254
  - Tongass National Forest, recreation area, Forest Service; proposed withdrawal 7402
  - Tuluksak, school reserve, Indian Affairs Bureau; proposed withdrawal 6593
  - Wonder Lake, protective area, Land Management Bureau; proposed withdrawal 6593
- Arizona:
  - Apache National Forest, administrative site, Forest Service; proposed withdrawal 7115
  - Coconino National Forest:
    - Archeological ruins, Forest Service; proposed withdrawal 7115
    - Recreation area, Agriculture Department (PLO 3686) 7822

Land Management Bureau—Continued Page

WITHDRAWALS of lands for specified uses of Federal agencies, etc.—Continued
- Arizona—Continued
  - Coronado National Forest, aircraft control site, Engineers Corps; proposed withdrawal terminated 6738
  - Gila and Salt River Meridian:
    - Granite Reef and Salt-Gila Aqueducts, Reclamation Bureau; proposed withdrawals terminated 7114
    - Protection of scientific and recreation values (PLO 3701) 7900
    - PLO 3530 revoked in part (PLO 3701) 7900
  - Navajo County, stock driveway No. 10, Arizona No. 1, prior order modified in part (PLO 3681) 7821
  - Tonto National Forest, recreation sites, Agriculture Department (PLO 3684) 7821
- Arkansas:
  - Fifth Principal Meridian, St. Francis Sunken Lands and Marked Tree Floodway Project, PLO 1254 revoked (PLO 3628) 5380
  - Ouachita National Forest, experimental forest, Agriculture Department (PLO 3647) 5637
- California:
  - Colusa County, Orland Project, reclamation purposes (PLO 3627) 5380
  - Douglas City recreation site, Land Management Bureau; proposed withdrawal 4771
  - El Dorado National Forest, recreation areas, Forest Service; proposed withdrawal 7398
  - Humboldt Meridian, campgrounds and recreation sites, Land Management Bureau; proposed withdrawal 4261
  - Klamath National Forest, campgrounds, etc., Forest Service; proposed withdrawal 7320
  - Lassen National Forest, campgrounds, etc., Forest Service; proposed withdrawal 7320
  - Mojave Desert, water reserve No. 107; Executive order of April 17, 1926, revoked in part (PLO 3591) 4541
  - Mount Diablo Meridian:
    - Campgrounds and recreation sites, Land Management Bureau; proposed withdrawal 4261
    - Petrographic sites, protection of (PLO 3601) 4679
    - Executive Order 5182 revoked in part (PLO 3601) 4679
    - Recreation site (PLO 3702) 7900
    - Scientific and recreation values, protection of (PLO 3701) 7900
  - Plumas National Forest, campgrounds, etc., Forest Service; proposed withdrawal 7320
  - San Bernardino Meridian:
    - Administrative sites and recreation areas, Forest Service; proposed withdrawal corrected 7018
    - Indian petroglyphs, protection, Land Management Bureau; proposed withdrawal 6123
    - National monument, determination; Executive Order 6285 revoked in part (PLO 3693) 7824
    - Recreation areas, etc., Forest Service; proposed withdrawal corrected 4434
  - San Bernardino National Forest, administrative site, Agriculture Department (PLO 3654) 6072
  - Shasta-Trinity National Forest, campgrounds, etc., Forest Service; proposed withdrawal 7320
  - Sierra National Forest, Central Valley Project, Reclamation Bureau; prior order revoked (PLO 3585) 4539
  - Siskiyou County, stock driveway, prior order revoked (PLO 3663) 7750
  - Six Rivers National Forest, campgrounds, etc., Forest Service; proposed withdrawal 7320
  - Stanislaus National Forest, Job Corps Camp, Forest Service; proposed withdrawal 7577
  - Tahoe National Forest, campgrounds, etc., Forest Service; proposed withdrawal 7320
- Colorado:
  - Gunnison National Forest, Fruitland Mesa Project, Reclamation Bureau; proposed withdrawal 5862
  - Lake and Chaffee Counties, Frying Pan-Arkansas Project (PLO 3581) 4477
    - PLO 3500 amended and revoked in part (PLO 3581) 4477
  - New Mexico Principal Meridian:
    - Natural areas, PLO 3530 amended (PLO 3701) 7900

Land Management Bureau—Continued Page

WITHDRAWALS of lands for specified uses of Federal agencies, etc.—Continued
- Colorado—Continued
  - New Mexico Principal Meridian—Continued
    - Recreation sites and protection of ruins, Land Management Bureau; proposed withdrawal 7845
    - Roadside zones, Land Management Bureau; proposed withdrawal 7578
  - Routt National Forest, administrative site; prior withdrawal revoked (PLO 3639) 5635
  - San Juan National Forest:
    - Crater Creek Campground, Forest Service; proposed withdrawal 7578
    - Dolores Project (PLO 3608) 5377
  - Sixth Principal Meridian:
    - Colorado River Storage Project, Reclamation Bureau; proposed withdrawal terminated 4692, 6361
    - Delta National Fish Hatchery, Fish and Wildlife Service; proposed withdrawal 7725
    - Fort Carson Military Reservation, Army Department; proposed withdrawal amendment terminated 5390
    - Recreation sites and protection of ruins, Land Management Bureau; proposed withdrawal 7845
    - Rifle Gap Dam and Reservoir, Reclamation Bureau; proposed withdrawal 6362
    - Scientific and recreation values, (PLO 3701) 7900
    - Water reserves 19 and 107; Executive orders of May 4, 1914, and April 17, 1926, revoked in part (PLO 3599) 4678
  - Uncompahgre National Forest, Bostwick Park Project, Reclamation Bureau; proposed withdrawal 6090
- Idaho:
  - Ada County:
    - Recreation area, Lucky Peak Reservoir, Engineers Corps; proposed withdrawal 6362
    - Snake River Project:
      - Prior order revoked in part (PLO 3660) 7101
      - Reclamation purposes (PLO 3618) 5379
  - Adams and Cassia Counties, Job Corps Conservation Centers, Agriculture Department (PLO 3670) 7751
  - Boise Meridian:
    - Biladeau Lakes Game Management Area, Fish and Wildlife Service; proposed withdrawal terminated in part 5711
    - Mountain Home Job Corps Construction Center, Land Management Bureau; proposed withdrawal 5608
    - Townsite, Forest Service; proposed withdrawal terminated 7846
  - Boise National Forest:
    - Administrative sites, recreation areas, etc:
      - Agriculture Department; proposed withdrawals 4598, 6797
      - Forest Service; proposed withdrawal terminated in part and amended 7399
    - Research purposes, PLO 993 revoked in part (PLO 3692) 7823
  - Caribou National Forest, administrative site, Agriculture Department; proposed withdrawal 6797
  - Cassia County, Idahome Substation, Bonneville Power Administration; proposed withdrawal 6596
  - Coeur D'Alene National Forest:
    - Campsites, Agriculture Department; proposed withdrawal 7399
    - Townsite, Agriculture Department (PLO 3666) 7751
  - Idaho County, fish hatchery site, Fish and Wildlife Service; proposed withdrawal 7115
  - Nezperce National Forest, campsite, Agriculture Department; proposed withdrawal 7398
  - Owyhee County, protection of public, PLO 1898 revoked in part (PLO 3703) 7900
  - Payette National Forest, campground, Agriculture Department; proposed withdrawal 6797
  - Targhee National Forest, roadside zone (PLO 3605) 5376
  - Washington County, Spangler Dam and Reservoir (PLO 3665) 6392
- Kentucky; Camp Breckenridge, oil and gas deposits transferred from Army to Interior Department, PLO 729 revoked (PLO 3706) 7754

Land Management Bureau—Continued Page

WITHDRAWALS of lands for specified uses of Federal agencies, etc.—Continued
- Michigan:
  - Hiawatha National Forest, addition, Forest Service; proposed withdrawal 6927
  - Keweenaw County, lighthouse purposes; Executive order of April 19, 1892, revoked in part (PLO 3656) 6437
  - Manistee National Forest, addition to, Forest Service; proposed withdrawal, correction 4327
  - Michigan Meridian, lighthouse purposes, Executive order of March 3, 1854, revoked in part (PLO 3630) 5481
- Montana:
  - Bitterroot National Forest, ranger station, prior order revoked (PLO 3622) 5480
  - Custer National Forest, campgrounds, Forest Service; PLO 3407 revoked (PLO 3625) 5481
  - Deer Lodge National Forest, Bernice Experimental Forest; PLO 1843 and 3406 revoked in part (PLO 3587) 4540
  - Fergus County, recreation area (PLO 3633) 5380
  - Lewis and Clark National Forest, campground and recreation area, Agriculture Department; proposed withdrawal 7115
  - Lolo National Forest, recreation sites, Agriculture Department (PLO 3687) 7822
  - Madison County, recreation area (PLO 3649) 5638
  - Principal Meridian:
    - Administrative site, Land Management Bureau (PLO 3600) 4678
    - Air Force facilities, Air Force Department (PLO 3635) 5635
    - Kennison Reservoir diversion works and Willow Creek Canal, Reclamation Bureau; proposed withdrawal 7401
    - Programs of Agriculture Department (PLO 3625) 5481
    - Reclamation purposes, Milk River Project, prior order revoked in part (PLO 3678) 7821
    - Recreation purposes (PLO 3606) 5376
    - Stock driveway withdrawals No. 13, et al., PLO 3349 revoked in part (PLO 3583) 4478
  - Valley County, reclamation purposes, Milk River irrigation project, prior order revoked in part (PLO 3683) 7821
- Nebraska; Nebraska National Forest, Missouri River Basin Project (PLO 3597) 4678
- Nevada:
  - Humboldt County, water reserve, public, No. 107; Executive order of April 17, 1926, revoked in part (PLO 3604) 4717
  - Mount Diablo Meridian:
    - Administrative sites and deer range (PLO 3645, 3646) 5637
    - Alkali Lake Wildlife Management Area (PLO 3598, 3675) 4678, 7753
    - Moapa Valley Pumping Project:
      - PLO 3501 revoked in part (PLO 3574) 4254
      - Proposed withdrawal 5390
  - Pershing County, Sahwave Mountain Gunnery Range, Navy Department; PLO 1632 and 2932 revoked (PLO 3593) 4542
  - Washoe-Pershing County line, Truckee-Carson Project, reclamation purposes; prior departmental orders revoked in part (PLO 3579) 4477
- New Mexico:
  - Alamogordo, expansion of water supply, Army Department, PLO 509 revoked in part (PLO 3695) 7897
  - Carson National Forest, camps, Agriculture Department (PLO 3667) 7751
  - Cibola National Forest; proposed withdrawals:
    - Addition to, Forest Service 6881
    - Bernalillo Watershed, protection, Forest Service 6882
  - Coyote, administrative site, Forest Service; proposed withdrawal 5391
  - De Baca County, Carlsbad Project, reclamation purposes (PLO 3632) 5482
  - Dona Ana County, air navigation site No. 159, revoked (PLO 3640) 5636
  - Eddy County, Carlsbad Project, reclamation purposes; prior orders revoked in part (PLO 3619) 5480

Land Management Bureau—Continued Page

WITHDRAWALS of lands for specified uses of Federal agencies, etc.—Continued
- New Mexico—Continued
  - Gila National Forest, recreation areas, Forest Service; proposed withdrawal 7017
  - Grants, Job Corps Camp, Forest Service; proposed withdrawal 6090
  - Lincoln National Forest, recreation areas, Forest Service; proposed withdrawal 7017
  - Principal Meridian:
    - Administrative sites, Agriculture Department (PLO 3611, 3620) 5377, 5379
    - Exchange selections:
      - Executive Order 6143 revoked in part (PLO 3589, 3691) 4541, 7823
      - Executive Orders 6276 and 6583 revoked in part (PLO 3691) 7823
    - Indian Affairs Bureau, proposed withdrawal terminated 7725
    - Land treatment projects, Land Management Bureau; proposed withdrawal 4434
    - Protection of facilities, National Aeronautics and Space Administration (PLO 3685) 7822
    - Recreation purposes, Forest Service; proposed withdrawal 7931
  - San Juan County, Indian school purposes (PLO 3679) 7821
  - Santa Fe County, stock driveway No. 64 (New Mexico No. 11) revoked in part (PLO 3603) 4716
- Oregon:
  - Baker and Union Counties, reclamation purposes; prior order revoked in part (PLO 3624) 5481
  - Josephine County, scenic and recreation areas, PLO 1726 modified for highway right-of-way (PLO 3596) 4542
  - Klamath National Forest, sports area, Agriculture Department (PLO 3650) 5639
  - Lane County, Fall Creek Reservoir Project, Army Department (PLO 3610) 5377
  - Mt. Hood National Forest, administrative sites and recreation areas, Agriculture Department (PLO 3634) 5632
  - Rogue River National Forest:
    - Campground, Agriculture Department (PLO 3671) 7752
    - Roadside zone, Forest Service; proposed withdrawal 6883
    - Sports area, Agriculture Department (PLO 3650) 5639
  - Siskiyou National Forest:
    - Campground, Agriculture Department (PLO 3671) 7752
    - Recreation area, Forest Service; proposed withdrawal 6882
  - Siuslaw National Forest:
    - Administrative sites; prior withdrawals revoked (PLO 3642) 5636
    - Campgrounds, etc., Agriculture Department (PLO 3648, 3650) 5638
  - Sugarloaf Mountain, hardrock site for logging roads, Land Management Bureau; proposed withdrawal 6661
  - Umatilla County; reclamation purposes:
    - Prior orders revoked in part (PLO 3669) 7751
    - Umatilla Project, prior order revoked in part (PLO 3586) 4540
  - Umatilla National Forest, campground:
    - Agriculture Department (PLO 3650) 5639
    - Forest Service; proposed withdrawal 6882
  - Umpqua National Forest:
    - Access road purposes; PLO 1009 revoked in part (PLO 3582) 4478
    - Administrative sites and recreation areas, Agriculture Department (PLO 3688) 7753
  - Wallowa-Whitman National Forest, roadside zone; proposed withdrawal 6883
  - Willamette Meridian:
    - Douglas-fir tree seed orchard (PLO 3609) 5377
    - John Day Project, Engineers Corps; proposed withdrawal terminated in part 4725
    - Recreation areas, Land Management Bureau; proposed withdrawal 6279
    - Reservoir sites, Reclamation Bureau; proposed withdrawal terminated 4597

Land Management Bureau—Continued Page

WITHDRAWALS of lands for specified uses of Federal agencies, etc.—Continued
- Oregon—Continued
  - Willamette National Forest:
    - Blue River Reservoir Project, flood control; Engineers Corps (PLO 3643) 5636
    - Recreation areas, Forest Service; proposed withdrawal terminated 6362
- South Dakota:
  - Black Hills National Forest, streamside zone, Agriculture Department; proposed withdrawal terminated 6363
  - Mead County, reclamation purposes, Belle Fourche project (PLO 3662) 6072
- Utah:
  - Ashley National Forest, Central Utah Project, Reclamation Bureau (PLO 3682) 7821
    - Revoked in part (PLO 3638) 5635, 6585
  - Daggett, Uintah, Grand, and Utah Counties, reclamation purposes; Executive order of May 14, 1915, prior departmental orders and PLO 1757 revoked in part (PLO 3673) 7752
  - Morgan County, Weber Basin Project (PLO 3676) 7753
  - San Juan County, water reserve No. 91; Executive order of June 13, 1925, revoked in part (PLO 3658) 7101
  - Uintah National Forest:
    - Campground, PLO 3480 amended (PLO 3631) 5482
    - Central Utah Project, Reclamation Bureau (PLO 3682) 7821
      - Revoked in part (PLO 3638) 5635, 6585
- Washington:
  - Benton County, John Day Lock and Dam Project, Engineers Corps (PLO 3672) 7752
  - Columbia, Franklin, Walla Walla, and Whitman Counties, Lower Monumental Lock and Dam Project, Army Department (PLO 3612) 5377
  - Franklin County, Ice Harbor Lock and Dam Project, Army Department (PLO 3644) 5637
  - Gifford Pinchot National Forest, administrative sites, Forest Service, prior orders revoked in part (PLO 3697) 7897
  - Grant County, reclamation purposes, Columbia Basin Project, prior order revoked in part (PLO 3698) 7897
  - Mt. Baker National Forest, administrative sites, Forest Service, prior orders revoked in part (PLO 3697) 7897
  - Okanogan National Forest:
    - Administrative sites, Forest Service, prior orders revoked in part (PLO 3697) 7897
    - Recreation area, Agriculture Department (PLO 3607) 5376
  - Olympic National Forest, administrative site, Forest Service; proposed withdrawal 7401
  - Snoqualmie National Forest, recreation area, Agriculture Department (PLO 3607) 5376
  - Umatilla National Forest:
    - Administrative sites, Forest Service, prior orders revoked in part (PLO 3697) 7897
    - Campground, Agriculture Department (PLO 3607) 5376
  - Wenatchee National Forest:
    - Administrative site, Forest Service; proposed withdrawal 7401
    - Blewett Pass Highway, Forest Service; proposed withdrawal 7401
    - Campground, Agriculture Department (PLO 3607) 5376
  - Willamette Meridian, seismological and magnetic observatory, Coast and Geodetic Survey; proposed withdrawal, correction 4262
- Wyoming:
  - Boulder, weather research station, Engineers Corps; proposed withdrawal 7764
  - Carbon County, Kendrick Project (PLO 3595) 4542
    - Prior order revoked in part (PLO 3694) 7824
  - Goshen, Platte, Carbon, and Natrona Counties, North Platte, Kendrick, and Missouri River Basin Projects, reclamation purposes; prior departmental orders revoked in part (PLO 3580) 4477
  - Johnson County, stock driveway withdrawal No. 3; revoked in part (PLO 3641) 5636

Land Management Bureau—Continued Page

WITHDRAWALS of lands for specified uses of Federal agencies, etc.—Continued
- Wyoming—Continued
  - Natrona County, air navigation site No. 122 revoked in part (PLO 3588) 4549
  - Shoshone National Forest, campgrounds, etc., Forest Service; proposed withdrawal 7294
  - Sixth Principal Meridian:
    - Missouri River Basin Project, Reclamation Bureau; proposed withdrawal terminated 7051
    - National Guard rifle range; proposed withdrawal terminated 6227
    - Stock driveway No. 142, Wyoming No. 21; prior order revoked in part (PLO 3615) 5378
  - Sweetwater County, recreation site (PLO 3653) 6072
  - Toadstool Geologic Area, scientific and recreation values, Agriculture Department (PLO 3668) 7751
  - Uinta County, reclamation, departmental orders revoked in part (PLO 3573) 4254

Lemonade:
- FROZEN CONCENTRATE, artificially sweetened; permit for market testing 7020, 7403

Lemons:
- MARKETING. *See* Agriculture Department.

Libraries, Public:
- FEDERAL ASSISTANCE 6393

Limes:
- IMPORT RESTRICTIONS 5621, 7743
- MARKETING, Florida 5620, 7501, 7647, 8031

Linseed Oil:
- EXPORT PAYMENT-IN-KIND PROGRAM 4532

Liquor:
- EXCISE TAXES. *See* Internal Revenue Service.

Livestock:
- *See also* Meat and meat products.
- DISEASES, control of, etc. *See* Agriculture Department.
- FEED PROGRAMS 5334, 6909, 7515
- FOOD ADDITIVES in feed and drinking water. *See* Food and Drug Administration.
- HUMANELY SLAUGHTERED LIVESTOCK, identification of carcasses 4501, 6496, 7402
- STOCKYARDS, posting, deposting. *See* Agriculture Department.

Loans:
- AGRICULTURAL COMMODITIES, various loan programs. *See* Commodity Credit Corporation.
- DISASTER AREAS, emergency loans. *See* Agriculture Department; Small Business Administration.
- HOUSING LOANS. *See* Federal Housing Administration.
- OPTOMETRY STUDENTS 7294
- REAL ESTATE LOANS, Federal Savings and Loan System. *See* Federal Home Loan Bank Board.
- VETERANS, loans to. *See* Veterans Administration.

Longshoring:
- SAFETY AND HEALTH REGULATIONS 7608

M

Margarine:
- STANDARDS OF IDENTITY, temporary permit 7403

Maritime Administration:
- ADDITIONAL SAILINGS by U.S.-flag vessels, interpretation; proposed rule 7291
- CONSTRUCTION RESERVE FUNDS, establishment 6030, 7215, 8162
- CUBA, free world and Polish flag vessels arriving in, since January 1, 1963; list 4499, 5644, 6346, 7049, 7762, 8345
- DOCUMENTATION, TRANSFER OR CHARTER OF VESSELS, charges for processing certain applications 4416, 7490
- FORMS, construction-differential subsidy construction contract; proposed rule 7722
- FREIGHT FORWARDERS, business practices of; revoked 5794

Maritime Administration—Continued Page

- MARITIME CONSTRUCTION RESERVE FUNDS 6030, 7215, 8162
- RECORDS RETENTION SCHEDULE, reproduction, responsibility, etc.; proposed rules 7722
- SUBSIDIZED VESSELS AND OPERATORS:
  - Construction-differential subsidy, proposed rules:
    - Applications for; statement of general policy 8110
    - Contract forms 7722
  - Operating-differential subsidies:
    - Applications under Merchant Marine Act, 1936:
      - American President Lines, Ltd., 4964.
      - Delta Steamship Lines, Inc., 4771, 6091, 6405.
      - Farrell Lines, Inc., 6091.
      - Moore-McCormack Lines, Inc., 6083, 6927.
    - Cruise applications pursuant to Public Law 87–45:
      - Moore-McCormack Lines, Inc., 8238.
- UNITED STATES CITIZENSHIP, evidence requirements 5901
- WAR RISK INSURANCE, values for 7697

Maritime Commission, Federal:
- *See* Federal Maritime Commission.

Meat and Meat Products:
- *See also* Livestock.
- CARCASS BEEF, standards for grades 4453
- GAMMA RADIATION for treatment 6731
- IMPORT LIMITATIONS 4364, 8348
- INSPECTION REGULATIONS 5702, 5708, 6731

Medical Care:
- AIR FORCE REGULATIONS 5343
- RECOVERY OF COST from tortiously liable third persons, Justice Department regulations 7819

Medicines:
- DRUGS. *See* Food and Drug Administration.

Memorial Day, 1965:
- PRAYER FOR PEACE (Proclamation 3657) 6835

Mexico:
- QUARANTINE REGULATIONS; imports of oranges, grapefruit, and tangerines 4745

Micronesia:
- LEGISLATIVE AUTHORITY 7765

Migratory Birds:
- HUNTING, POSSESSION, etc. *See* Fish and Wildlife Service.

Milk and Milk Products:
- EXPORTS, MARKETING, etc. *See* Agriculture Department.

Mineral Lands and Minerals:
- PHOSPHATE LAND CLASSIFICATION. *See* Geological Survey.
- POTASH LEASING, New Mexico 6692
- PUBLIC LANDS, mineral entry. *See* Land Management Bureau.

Mint Bureau:
- DIRECTOR, et al.; order of succession 6692

Mohair:
- PAYMENT PROGRAM 6383

Mother's Day, 1965:
- PROCLAMATION 3654 6109

Motor Carriers:
- REGULATIONS, NOTICES, etc. *See* Interstate Commerce Commission.

Motor Vehicles:
- CANADA, vehicles and parts from; investigation of suspected bounty 5534, 5701
- GOVERNMENT VEHICLES:
  - Identification 7489
  - Standards for safety devices 8319
- PARKING, Smithsonian Institution 6482
- RAILROAD GRADE CROSSINGS, safety regulation 7491
- SEAT BELTS, safety standards:
  - Authority delegation 5802
  - Proposed rules 5795
- WAKE ISLAND, vehicle maintenance and equipment 7185

N

National Bureau of Standards:
AUTHORITY DELEGATION from Secretary of Commerce; safety standards for seat belts ... 5802
ELECTROMAGNETIC PROPAGATION COURSE at Boulder, Colo., announcement of ... 6696
RADIO STATIONS:
Frequency and time broadcasts; WWV, WWVB, WWVH, and WWVL ... 4364, 6091, 6191, 7199, 8347
Improved service, WWVH ... 5862
STANDARD REFERENCE MATERIALS ... 5552
TEST FEE SCHEDULES:
Electricity ... 6748
Mechanics ... 4237
Metrology ... 5686

National Forests, Parks, Monuments, etc.:
ALLEGHENY NATIONAL FOREST, inclusion of lands (Executive Order 11212) ... 4387
OKANOGAN NATIONAL FOREST, transfer of lands from (Executive Order 11220) ... 6425
REGULATIONS. *See* Forest Service; National Park Service.
STATUE OF LIBERTY NATIONAL MONUMENT, addition of Ellis Island (Proclamation 3656) ... 6571
WENATCHEE NATIONAL FOREST, transfer of lands to (Executive Order 11220) ... 6425
WITHDRAWALS for specific use of Federal agencies, etc. *See* Land Management Bureau.

National Guard:
TERMINATION OF APPOINTMENT and withdrawal of Federal recognition ... 5704

National Park Service:
AIRCRAFT, restrictions on deliveries by ... 4757
AUTHORITY DELEGATIONS:
By Regional Director, National Capital Region, to various officials:
Associate Regional Director, Assistant Regional Director (Administration), contracts ... 6738
Associate Regional Director, Assistant Regional Directors, and certain Superintendents; authority of Regional Director ... 6738
By Superintendents of certain parks, monuments, etc., to various officials:
Antietam National Battlefield Site, Administrative Assistant; purchase orders ... 7765
Catoctin Mountain Park, Job Corps Conservation Center Director and Administrative Officer; purchase orders ... 6883
Everglades National Park and Fort Jefferson National Monument, Assistant Superintendent and Administrative Officer, etc.; contracts and purchase orders ... 5347
San Juan National Historic Site, Construction and Maintenance Representative; contracts ... 6739
Yellowstone National Park, Assistant Superintendent; operations ... 4598
From Interior Department Secretary; United States Park Police, Trial Boards ... 4771
NATIONAL MILITARY PARKS; licensing of guides ... 8222
NATIONAL PARKS, monuments, historic sites, etc.:
Coulee Dam National Recreation Area; camping restriction ... 6682
Everglades National Park; boating, fishing, mining, etc., proposed rules ... 7108
General provisions; aircraft, restrictions on deliveries by ... 4757
Glacier National Park; eating, drinking and lodging establishments on private lands ... 6861
Mammoth Cave National Park; jurisdiction over certain lands ... 6404
NATIONAL RECREATION AREA, Coulee Dam; camping restriction ... 6682

National Safe Boating Week, 1965:
PROCLAMATION 3651 ... 4525

Naval Stores:
PRICE SUPPORT LOAN PROGRAM, 1965 ... 5573, 7948

Navigation Regulations:
AIRWAYS. *See* Federal Aviation Agency.
WATERWAYS. *See* Coast Guard; Engineers Corps.

Navy Department:
See also Defense Department.
AUTHORITY DELEGATION from Secretary of Defense; claims settlement ... 7615
CLAIMS, general and foreign; single service assignment of responsibility for processing:
Authority delegation from Secretary of Defense ... 7615
List of countries ... 7748
PHYSICAL DISABILITY, disposition of cases involving; purpose, misconduct, etc ... 5704

Nectarines:
MARKETING, California ... 7242, 7243, 7284, 7948, 8226
STANDARDS FOR GRADES; proposed rules, extention of time ... 7396

Nondiscrimination:
CIVIL DEFENSE OFFICE, Federally assisted programs ... 5372
COMMERCE DEPARTMENT programs and activities ... 6281, 6503
CONSTRUCTION GRANTS for nurse training facilities ... 6945, 7396
JUSTICE DEPARTMENT regulations ... 7386
LIBRARY CONSTRUCTION with Federal funds ... 6393
PUBLIC EDUCATION, desegregation ... 4359
SPORT FISHERIES AND WILDLIFE BUREAU, contracts, permits, and use of facilities ... 7315
UNITED STATES EMPLOYMENT SERVICE, policies; service to minority groups ... 7039

Nurses:
PAY RATE, adjustment, Staten Island, New York ... 8173
TRAINING FACILITIES, grants for ... 6944, 7396

Nuts:
See also Peanuts.
STANDARDS, mixed nuts in shell; proposed rules ... 5850

O

Oats:
PRICE SUPPORT PROGRAM, 1964 crop ... 4750

Oil and Gas:
EXPORT PAYMENT-IN-KIND PROGRAM, linseed oil ... 4532
FIELDS, definitions of known geologic structures. *See* Geological Survey.
IMPORTS. *See* Customs Bureau; Emergency Planning Office; Interior Department.
LEASING:
Potash area in New Mexico ... 6692
Public lands. *See* Land Management Bureau.
PETROLEUM IMPORTS, customs regulations. *See* Customs Bureau.

Oil Import Administration:
RESIDUAL FUEL OIL, allocations in District I ... 4415

Oilseeds:
See Flaxseed; Peanuts; Soybeans.

Okanogan National Forest:
TRANSFER OF LANDS to Wenatchee National Forest (Executive Order 11220) ... 6425

Okra:
STANDARDS for grades, okra for processing; proposed rules ... 6658

Old-Age Insurance:
See Social Security Administration.

Oleomargarine:
STANDARDS OF IDENTITY, temporary permit ... 7403

Olives:
MARKETING, California ... 6438

Onions:
MARKETING:
Idaho and Oregon ... 7596
Texas ... 7037

Optometry Students:
LOANS ... 7395

Orange Juice:
STANDARDS OF IDENTITY; concentrated juice:
Canned, proposed rules ... 5796
Frozen ... 4535, 7484

Oranges:
IMPORTS from Mexico and certain Central American countries, fumigation ... 4745
MARKETING. *See* Agriculture Department.

Organizations, Privileged, International:
See International organizations, privileged.

P

Patent Office:
PATENT CASES:
Assignment records, accessibility; proposed rule ... 7195
Fees and charges ... 6391
Interferences:
Forms, preliminary statement of domestic inventor ... 6948
Practice rules ... 6944
TRADEMARK CASES, rules of practice, and forms; proposed rules ... 6667

Patent System:
STUDY OF (Executive Order 11215) ... 4661

Patent System, President's Commission on:
ESTABLISHMENT (Executive Order 11215) ... 4661

Patents:
See also Patent Office.
AEC PATENT COMPENSATION BOARD, application for just compensation ... 7118
PROCUREMENT REGULATIONS:
Atomic Energy Commission ... 6684
Defense Department ... 6968

Pay, Allowances, Etc.:
CIVIL SERVICE. *See* Civil Service Commission.
FEDERAL EMPLOYEES, delegation of functions (Executive Order 11228) ... 7739
MINIMUM WAGES. *See* Wage and Hour Division.
OVERTIME SERVICES relating to imports and exports, commuted travel time allowances:
Animals and products ... 4609, 7893
Plants and products ... 4745, 6429
SUGAR PRODUCTION, wage rates. *See* Agriculture Department.
TRAVEL EXPENSES. *See* Travel and transportation expenses.

Peaches:
MARKETING:
California ... 4711, 8031, 8273
Georgia ... 6431, 6858

Peanuts:
See also Nuts.
MARKETING AGREEMENT, quality regulation; proposed rules ... 6523
STANDARDS for grades, shelled Spanish type ... 5382, 7595

Pears:
EXPORT RESTRICTIONS, proposed rules ... 6782
MARKETING, Bartlett pears:
California ... 4711, 8273
Oregon and Washington ... 6355

Peas:
STANDARDS for grades, Southern peas for processing ... 6063

Pesticides:
FEDERAL INSECTICIDE, FUNGICIDE, AND RODENTICIDE ACT; economic poisons, directions for use ... 6857
TOLERANCES for residues. *See* Food and Drug Administration.

Petroleum and Petroleum Products:
See Oil and gas.

Philippine Islands:
PESO, rates of exchange for customs purposes ... 6196
TARIFF CLASSIFICATION, handkerchiefs ... 8231

Phosphate Lands:
CLASSIFICATION. *See* Geological Survey.

Photography Week, Professional:
PROCLAMATION 3649 ... 4307

Pigs:
STANDARDS for feeder pigs, proposed rules ... 8225

Plant Quarantine:
See Agriculture Department.

Plums:
MARKETING, California ... 4711, 6903, 6904, 6905, 7473, 7474, 7475, 8253, 8273
STANDARDS for grades; proposed rules, extension of time ... 7396

Post Office Department:
AUTHORITY DELEGATION:
See also Organization and administration.
By Deputy Postmaster General to Postmasters and Assistant Postmasters, administer oaths of office to Job Corps enrollees ... 6738
DOMESTIC SERVICES:
Classification and rates:
Controlled circulation publications; addressing, etc ... 7392
Fourth class; enclosures, books ... 7392
Second class:
Matter mailable:
Advertisements ... 7391
Supplements ... 8048, 8049, 8224
Qualifications for privileges, basic; regular issuance ... 8224
Rates ... 7391
Third class, bulk mailings and enclosures ... 7392
Collection and delivery:
City delivery, apartment house receptacles ... 7392
Mail deposit and collection, chutes and receiving boxes ... 6436, 7392
Rural service, boxes; specifications ... 7394
Information on postal matters; available records ... 6436
Postage:
Prepayments and refunds, postage payment ... 6436
Special cancellations ... 6436
Transportation of mail; railroads, comprehensive Plan A ... 4353
Wrapping and mailing:
Second-class bulk mailings; newspaper treatment, etc ... 7390, 7748
Special rules, matter mailable under; firearms, switchblade knives, etc ... 7390
INTERNATIONAL MAIL:
Directory, individual country regulations; Cuba, prohibitions ... 4537
Parcel post, incoming, storage charges ... 7749
Postal Union mail, incoming; storage charges ... 7749
MAILERS TECHNICAL ADVISORY COMMITTEE, formation and appointment of members ... 7764
ORGANIZATION AND ADMINISTRATION ... 6988
Bureau of Personnel ... 7969
PROCUREMENT, general policies ... 5793
UNIFORM QUALITY CONTROL PROGRAM; additional men's shirt requirements, authorization of insignia, and women's blouse fabrics ... 5391
ZIP CODE SYSTEM, use by Federal agencies, regulations (Memorandum of June 18, 1965) ... 8299

Potatoes, Irish:
MARKETING, Idaho and Oregon ... 8154
STANDARDS FOR GRADES, frozen French fried potatoes; proposed rules ... 4486

Poultry and Poultry Products:
AGRICULTURAL MARKETING SERVICE changed to Consumer and Marketing Service ... 6207
GRADING AND INSPECTION, proposed rules ... 6395
SOUPS, minimum meat content; postponement of effective date ... 6064, 7239, 8093

Power Commission:
See Federal Power Commission.

Prayer for Peace:
MEMORIAL DAY, 1965 (Proclamation 3657) ... 6835

President, The:
DELEGATIONS OF AUTHORITY. *See* Delegations of authority by the President.
EXECUTIVE ORDERS, proclamations, etc. *See* Presidential documents.
RADIATION PROTECTION GUIDANCE for Federal agencies, memorandum for President ... 6953
REPORTS TO:
Patent System, President's Commission on (Executive Order 11215) ... 4661

President, The—Continued — Page

REPORTS TO—Continued
- Status of Women, Committee on (Executive Order 11221) — 6427
- Tariff Commission, respecting certain imports:
  - Clinical thermometers — 7306
  - Lead and zinc, unmanufactured — 7619
  - Safety pins — 6891
  - Sheet glass — 7771
  - Stainless-steel table flatware — 5655

Presidential Documents:

ADVISERS, CONSULTANTS, and other special Government employees; ethical standards of conduct (EO 11222) — 6469

ADVISORY COUNCIL ON THE STATUS OF WOMEN, CITIZENS'; membership (EO 11221) — 6427

AGRICULTURE DEPARTMENT; International Coffee Organization, functions of Secretary (EO 11229) — 7741

ALLEGHENY NATIONAL FOREST, inclusion of lands (EO 11212) — 4387

ARMED FORCES; Vietnam and adjacent waters, designation as combat zone for purposes of income tax exemption under section 112 of Internal Revenue Code (EO 11216) — 5817

ARMED FORCES DAY (Proc. 3655) — 6467

AUTHORITY, DELEGATIONS OF. *See* Delegations of authority by the President.

AWARDS. *See* Decorations and awards.

BENNETT PLACE COMMEMORATION (Proc. 3650) — 4309

BOATING; National Safe Boating Week, 1965 (Proc. 3651) — 4525

CITIZENS' ADVISORY COUNCIL ON THE STATUS OF WOMEN, membership (EO 11221) — 6427

CIVIL SERVICE:
- Awards, delegation of functions (EO 11228) — 7739
- Ethical standards of conduct for Government officers and employees (EO 11222) — 6469
- Foreign Service, appointment in competitive service of certain present and former officers and employees (EO 11219) — 6381
- Holidays, observance by Government agencies (EO 11226) — 7213
- Leave, sick and annual, functions (EO 11228) — 7739
- Pay and allowances, delegation of functions (EO 11228) — 7739
- Retirement, exemption from automatic separation, functions (EO 11228) — 7739

CIVIL SERVICE COMMISSION:
- Ethical standards of conduct for Government officers and employees, regulations (EO 11222) — 6469
- Foreign Service, regulations on appointment in competitive service of certain present and former officers and employees (EO 11219) — 6381
- Presidential authority, delegation of certain functions to Commission (EO 11222, 11228) — 6469, 7739

COFFEE AGREEMENT ACT, INTERNATIONAL; effect on coffee prices (Determination of May 22, 1965) — 7095

COFFEE ORGANIZATION, INTERNATIONAL:
- Designation as public international organization entitled to certain privileges, exemptions, and immunities (EO 11225) — 7093
- U.S. participation, functions (EO 11229) — 7741

COFFEE PRICES, effect of International Coffee Agreement Act (Determination of May 22, 1965) — 7095

COMMERCE DEPARTMENT:
- International Coffee Organization, functions of Secretary (EO 11229) — 7741
- President's Commission on the Patent System, functions (EO 11215) — 4661

COMMISSIONS. *See* Committees, boards, etc.

COMMITTEES, BOARDS, ETC.:
- Communications Satellite Committee, Interim; designation as public international organization entitled to certain privileges, exemptions, and immunities (EO 11227) — 7369
- Congressional committees; inspection of tax returns. *See* Taxes.
- Establishment of President's Commission on the Patent System (EO 11215) — 4661
- Recreation Advisory Council, membership (EO 11218) — 5821
- Status of Women, Citizens' Advisory Council on; membership (EO 11221) — 6427

Presidential Documents—Continued — Page

COMMITTEES, BOARDS, ETC.—Continued
- Status of Women, Committee on; membership (EO 11221) — 6427

COMMUNICATIONS SATELLITE COMMITTEE, INTERIM; designation as public international organization entitled to certain privileges, exemptions, and immunities (EO 11227) — 7369

CONDUCT, ethical standards for Government officers and employees (EO 11222) — 6469

CONFLICT OF INTERESTS; ethical standards of conduct for Government officers and employees (EO 11222) — 6469

CONGRESSIONAL COMMITTEES; inspection of tax returns. *See* Taxes.

CONSULTANTS, ADVISERS, and other special Government employees; ethical standards of conduct (EO 11222) — 6469

CONTRACTS, GOVERNMENT, under Foreign Assistance Act of 1961 (EO 11223) — 6635

COTTON TEXTILES AND TEXTILE PRODUCTS, functions of Special Representative for Trade Negotiations (EO 11214) — 4527

COUNCILS. *See* Committees, boards, etc.

CUSTOMS BUREAU, abolition of certain offices and transfer of functions (Reorganization Plan No. 1 of 1965) — 7035

DAYS OF OBSERVANCE:
- Armed Forces Day (Proc. 3655) — 6467
- Bennett Place commemoration (Proc. 3650) — 4309
- Flag Day, 1965 (Proc. 3658) — 7695
- Memorial Day, 1965, prayer for peace (Proc. 3657) — 6835
- Mother's Day, 1965 (Proc. 3654) — 6109
- Photography Week, Professional (Proc. 3649) — 4307
- Safe Boating Week, National, 1965 (Proc. 3651) — 4525
- Senior Citizens Month, 1965 (Proc. 3653) — 5417
- United Nations Day, 1965 (Proc. 3652) — 5415

DECORATIONS AND AWARDS, civil service, delegation of functions (EO 11228) — 7739

DELEGATIONS OF AUTHORITY BY THE PRESIDENT:
- Agency and department heads, ethical standards of conduct (EO 11222) — 6469
- Civil Service Commission (EO 11222, 11228) — 6469, 7739
- Secretary of Agriculture (EO 11229) — 7741
- Secretary of Commerce (EO 11229) — 7741
- Secretary of Labor (EO 11229) — 7741
- Secretary of State (EO 11229) — 7741
- Secretary of the Treasury (EO 11229) — 7741

ELLIS ISLAND, addition to Statue of Liberty National Monument (Proc. 3656) — 6571

ETHICAL STANDARDS OF CONDUCT for Government officers and employees (EO 11222) — 6469

FEDERAL EMPLOYEES. *See* Civil service; Civil Service Commission.

FEDERAL RESERVE SYSTEM, BOARD OF GOVERNORS, inspection of interest equalization tax information returns (EO 11213) — 4389

FLAG DAY, 1965 (Proc. 3658) — 7695

FOREIGN ASSISTANCE ACT OF 1961, functions (EO 11223) — 6635

FOREIGN COUNTRIES, designation of certain countries as economically less developed for purposes of interest equalization tax (EO 11224) — 6679

FOREIGN SERVICE, appointment in competitive service of certain present and former officers and employees (EO 11219) — 6381

FORESTS, NATIONAL. *See* National forests.

GOVERNMENT EMPLOYEES. *See* Civil service; Civil Service Commission.

HOLIDAYS, observance by Government agencies (EO 11226) — 7213

INTEREST EQUALIZATION TAX:
- Designation of certain countries as economically less developed for purposes of (EO 11224) — 6679
- Information returns, inspection by Board of Governors, Federal Reserve System (EO 11213) — 4389

INTERIM COMMUNICATIONS SATELLITE COMMITTEE, designation as public international organization entitled to certain privileges, exemptions, and immunities (EO 11227) — 7369

INTERNATIONAL COFFEE AGREEMENT ACT, effect on coffee prices (Determination of May 22, 1965) — 7095

Presidential Documents—Continued — Page

INTERNATIONAL COFFEE ORGANIZATION:
- Designation as public international organization entitled to certain privileges, exemptions, and immunities (EO 11225) — 7093
- U.S. participation, functions (EO 11229) — 7741

INTERNATIONAL ORGANIZATIONS, PRIVILEGED:
- Interim Communications Satellite Committee (EO 11227) — 7369
- International Coffee Organization (EO 11225) — 7093

JAPAN; tax exemption for U.S. citizens on acquisition of original or new issues of Japanese debt obligations (EO 11211) — 4385

LABOR DEPARTMENT; International Coffee Organization, functions of Secretary (EO 11229) — 7741

MEMORIAL DAY, 1965, prayer for peace (Proc. 3657) — 6835

MONUMENTS, NATIONAL. *See* National monuments.

MOTHER'S DAY, 1965 (Proc. 3654) — 6109

NATIONAL FORESTS:
- Allegheny National Forest, inclusion of lands (EO 11212) — 4387
- Okanogan National Forest, transfer of lands from (EO 11220) — 6425
- Wenatchee National Forest, transfer of lands to (EO 11220) — 6425

NATIONAL MONUMENTS; Statue of Liberty National Monument, addition of Ellis Island (Proc. 3656) — 6571

NATIONAL SAFE BOATING WEEK, 1965 (Proc. 3651) — 4525

OKANOGAN NATIONAL FOREST, transfer of lands to Wenatchee National Forest (EO 11220) — 6425

ORGANIZATIONS, PRIVILEGED INTERNATIONAL. *See* International organizations, privileged.

PATENT SYSTEM, PRESIDENT'S COMMISSION ON; establishment (EO 11215) — 4661

PATENT SYSTEM, study of (EO 11215) — 4661

PAY AND ALLOWANCES; civil service, delegation of functions (EO 11228) — 7739

PHOTOGRAPHY WEEK, PROFESSIONAL (Proc. 3649) — 4307

POST OFFICE DEPARTMENT; ZIP Code system, use by Federal agencies, regulations (Memorandum of June 18, 1965) — 8299

PRAYER FOR PEACE, MEMORIAL DAY, 1965 (Proc. 3657) — 6835

PRESIDENT OF THE UNITED STATES:
- Delegations of authority. *See* Delegations of authority by the President.
- Reports to. *See* Reports to the President.

PRESIDENT'S COMMISSION ON THE PATENT SYSTEM, establishment (EO 11215) — 4661

PRIVILEGED INTERNATIONAL ORGANIZATIONS. *See* International organizations, privileged.

PROFESSIONAL PHOTOGRAPHY WEEK (Proc. 3649) — 4307

PUBLIC INTERNATIONAL ORGANIZATIONS, PRIVILEGED. *See* International organizations, privileged.

RECREATION ADVISORY COUNCIL, membership (EO 11218) — 5821

REORGANIZATION PLANS OF 1965; No. 1, Customs Bureau, abolition of certain offices and transfer of functions — 7035

REPORTS TO THE PRESIDENT:
- Patent System, President's Commission on (EO 11215) — 4661
- Status of Women, Committee on (EO 11221) — 6427

RETIREMENT, civil service, exemption from automatic separation; functions (EO 11228) — 7739

SAFE BOATING WEEK, NATIONAL, 1965 (Proc. 3651) — 4525

SATELLITE COMMUNICATIONS SYSTEM; Interim Communications Satellite Committee, designation as public international organization entitled to certain privileges, exemptions, and immunities (EO 11227) — 7369

SENIOR CITIZENS MONTH, 1965 (Proc. 3653) — 5417

SPECIAL REPRESENTATIVE FOR TRADE NEGOTIATIONS, functions respecting cotton textiles (EO 11214) — 4527

STATE DEPARTMENT:
- Foreign Service, appointment in competitive service of certain present and former officers and employees (EO 11219) — 6381
- International Coffee Organization, functions of Secretary (EO 11229) — 7741

STATUE OF LIBERTY NATIONAL MONUMENT, addition of Ellis Island (Proc. 3656) — 6571

Presidential Documents—Continued — Page

STATUS OF WOMEN, CITIZENS' ADVISORY COUNCIL ON; membership (EO 11221) — 6427

STATUS OF WOMEN, COMMITTEE ON; membership (EO 11221) — 6427

TAXES:
- Inspection of tax returns:
  - Federal Reserve System, Board of Governors (EO 11213) — 4389
  - House Committee on Un-American Activities (EO 11217) — 5819
- Interest equalization tax. *See* Interest equalization tax.
- Japanese debt obligations, tax exemption for U.S. citizens on acquisition of original or new issues (EO 11211) — 4385
- Vietnam and adjacent waters, designation as combat zone for purposes of income tax exemption under section 112 of Internal Revenue Code (EO 11216) — 5817

TENNESSEE VALLEY AUTHORITY; membership on Recreation Advisory Council (EO 11218) — 5821

TRADE AGREEMENTS; cotton textiles and textile products, functions of Special Representative for Trade Negotiations (EO 11214) — 4527

TRADE NEGOTIATIONS, SPECIAL REPRESENTATIVE FOR; functions respecting cotton textiles (EO 11214) — 4527

TREASURY DEPARTMENT:
- *See also* Customs Bureau.
- Interest equalization tax, designation of certain countries as economically less developed for purposes of; regulations (EO 11224) — 6679
- International Coffee Organization, functions of Secretary (EO 11229) — 7741
- Tax exemption for U.S. citizens on acquisition of original or new Japanese issues of debt obligations, functions (EO 11211) — 4385

UN-AMERICAN ACTIVITIES, HOUSE COMMITTEE ON; inspection of tax returns (EO 11217) — 5819

UNITED NATIONS DAY, 1965 (Proc. 3652) — 5415

VESSELS; National Safe Boating Week, 1965 (Proc. 3651) — 4525

VIETNAM AND ADJACENT WATERS, designation as combat zone for purposes of income tax exemption under section 112 of International Revenue Code (EO 11216) — 5817

WENATCHEE NATIONAL FOREST, transfer of lands from Okanogan National Forest (EO 11220) — 6425

WOMEN:
- Citizens' Advisory Council on the Status of Women, membership (EO 11221) — 6427
- Committee on the Status of Women, membership (EO 11221) — 6427

ZIP CODE SYSTEM, use by Federal agencies (Memorandum of June 18, 1965) — 8299

President's Commission on the Patent System:

ESTABLISHMENT (Executive Order 11215) — 4661

Privileged International Organizations:

See International organizations, privileged.

Proclamations:

See Presidential documents.

Procurement:

ARMED SERVICES. *See* Air Force Department; Defense Department.

AUTHORITY DELEGATIONS respecting procurement functions. *See specific agencies.*

FEDERAL PROCUREMENT REGULATIONS. *See* General Services Administration.

REGULATIONS of various agencies. *See specific agencies.*

Professional Photography Week:

PROCLAMATION 3649 — 4307

Property Management, Federal:

REGULATIONS. *See* General Services Administration.

Prunes:

MARKETING, California; dried prunes — 6782, 7195

STANDARDS for grades, proposed rules:
- Dried prunes — 7524
- Fresh prunes, extension of time — 7396

Public Buildings Service: Page
PROCUREMENT by formal advertising, listing of subcontractors ... 7436

Public Contracts Division, Labor Department:
RADIATION SAFETY AND HEALTH STANDARDS, AEC-agreement State licensees; proposed rule ... 5483

Public Health Service:
BIOLOGICAL PRODUCTS:
Licensed products, manufacturers, and license numbers; list ... 4418
Standards, additional; immune serum globulin (human), proposed rules ... 6795
FELLOWSHIPS; benefits, oath of allegiance ... 6072
GRANTS:
Nurse training facilities, construction ... 6944, 7395
Student loans, optometry students ... 7395
Teaching facilities excluding nurse training, construction ... 7394
ORGANIZATION AND FUNCTIONS; Appalachian Regional Development Act, grants for health facilities and sewage treatment works ... 7296
TRAINEESHIPS, National Institutes of Health; terms and conditions of award, oath of allegiance ... 6072

Public Housing Administration:
ORGANIZATION AND FUNCTIONS, delegation of final authority; Assistant Directors for Management and Programs ... 6029

Puerto Rico:
COMMISSION ON STATUS OF PUERTO RICO, public hearings ... 4377, 7409
GOVERNMENT EMPLOYEES, allowances and differentials payable ... 6511
HUNTING of doves and pigeons ... 7572
LIQUOR FROM, excise taxes ... 6217
OIL IMPORTS, adjustment in maximum levels ... 5608
WAGE ORDERS, etc., various industries. *See* Wage and Hour Division.

Q

Quarantine Regulations:
ANIMAL DISEASES, control of. *See* Agriculture Department.
PLANT QUARANTINE. *See* Agriculture Department.

R

Rabbits:
GRADING AND INSPECTION, Agricultural Marketing Service changed to Consumer and Marketing Service ... 6207

Radiation:
FOOD PROCESSING ... 5631, 5702, 6731, 7599
REACTORS, construction, operation, etc. *See* Atomic Energy Commission.
SAFETY AND HEALTH STANDARDS, Federal supply contracts; proposed rules ... 5483
TELEVISION BROADCAST RECEIVERS, interference limits; temporary increase ... 6250

Radiation Council, Federal:
RADIATION PROTECTION GUIDANCE for Federal agencies, memorandum for President ... 6953

Radio Communications:
See Federal Communications Commission; National Bureau of Standards.

Railroads:
REGULATIONS, notices. *See* Interstate Commerce Commission.

Raisins:
MARKETING, California ... 4361, 6905

Reclamation Bureau:
COLUMBIA BASIN PROJECT, Washington; reclassification of high land as irrigable ... 4538

Records:
AVAILABILITY for research, retention, fees for reproduction, etc. *See specific agencies.*

Recreation: Page
FEDERAL POWER ACT licensees to publicize recreational opportunities ... 7313
PUBLIC LANDS, withdrawals for recreation areas. *See* Land Management Bureau.
USER FEES:
Group camping and picnic sites ... 7394
Short term fees, amendment ... 5632

Recreation Advisory Council:
MEMBERSHIP (Executive Order 11218) ... 5821

Renegotiation Board:
CONTRACTORS, information required; extension of time for filing financial statement ... 5476, 5631
RECEIPTS OR ACCRUALS under statutory minimum, computation of aggregate receipts and accruals ... 5475
RENEGOTIABLE AND NON-RENEGOTIABLE SALES, methods of segregating; how to determine receipts or accruals subject to renegotiation, generally ... 4672

Reorganization Plans of 1965:
NO. 1, CUSTOMS BUREAU, abolition of certain offices and transfer of functions ... 7035

Reservoir Areas:
PUBLIC USE OF. *See* Engineers Corps.

Restricted Areas:
AIRCRAFT restricted areas over military installations. *See* Federal Aviation Agency.
VESSELS, navigation danger areas. *See* Engineers Corps.

Retirement:
CABINET COMMITTEE ON FEDERAL STAFF RETIREMENT SYSTEMS, hearing ... 7506
FEDERAL EMPLOYEES, exemption from automatic separation, functions (Executive Order 11228) ... 7739

Rhubarb:
IMPORTS from Hawaii, quarantine regulations ... 5619

Rice:
CROP INSURANCE ... 4240
LOAN AND PURCHASE PROGRAM, 1965 crop ... 4529
MARKETING QUOTAS, acreage allotments; 1964 and subsequent crops ... 5503, 5619, 7272, 7811
PRICE SUPPORT PROGRAM, 1964 crop ... 4750

Rights-of-Way:
HIGHWAY PURPOSES, public lands. *See* Land Management Bureau.
NATIONAL FOREST DEVELOPMENT ... 5476, 5647
RAILROADS and station grounds on public lands ... 7605

Rye:
LOAN AND PURCHASE PROGRAM:
1964 crop ... 4667
1965 crop ... 6511
PRICE SUPPORT PROGRAM, 1964 crop ... 4750

S

Safe Boating Week, National, 1965:
PROCLAMATION 3651 ... 4525

Saint Lawrence Seaway Development Corporation:
SEAWAY RULES:
Condition of vessels ... 6580
Radio communications ... 6580
Toll assessment and collection ... 6580
Transit instructions ... 6580

Satellite Communications:
EARTH STATIONS, initial, ownership and operation of ... 6862
INTERIM COMMUNICATIONS SATELLITE COMMITTEE, designation as public international organization entitled to certain privileges, exemptions, and immunities (Executive Order 11227) ... 7369
TECHNICAL STANDARDS ... 7175
TELECOMMUNICATIONS SERVICES, inquiry ... 8018
VOICE GRADE AND TV CHANNELS, leasing to common carriers:
Investigation ... 8238
Prehearing conference ... 8243

School Lunch Program: Page
FOOD ASSISTANCE FUNDS, second apportionment ... 6207, 6479

Schools:
See Education and educational facilities; Education Office.

Seat Belts:
STANDARDS:
Authority delegation by Secretary to Director, National Bureau of Standards ... 5802
Proposed rules ... 5795

Securities and Exchange Commission:
HEARINGS, etc. *See list at end of this agency.*
SECURITIES EXCHANGE ACT, 1934:
Definition, "equity security" ... 6115, 6109
Director or officer of issuer of equity security, insider trading profits; exemption of certain transactions ... 6642
Exemptions from registration under section 12(g) of Act, equity securities ... 6115, 6109
Forms:
Brokers and dealers transacting business on over-the-counter markets, registration of; proposed rules:
SECO–2 ... 7253
SECO–3 ... 7253
Securities, registration on national security exchanges:
8–B ... 4688, 7567
8–C ... 4690, 7568
Insurance companies, temporary exemption from registration ... 4319
Over-the-counter markets, net capital requirements for brokers and dealers ... 7278
Proxy solicitation ... 4752
Registration of brokers and dealers; qualifications requirements and initial assessment, nonmembers of registered national securities association, etc., proposed rule ... 7253
Reports:
Directors, officers, and principal stockholders; ownership of more than 10 percent of equity security, insider trading reports, proposed rule ... 5008
Quarterly, certain real estate companies ... 5029
TRUST INDENTURE ACT, 1939; proposed rules:
Applications for qualification of indentures; delaying amendments ... 5009
Forms for statements of eligibility and qualification:
T–1, corporate trustees ... 8010
T–2, individual trustees ... 8012
HEARINGS, ETC.:
Alabama Power Co., 6176.
American Automation Development Fund, Inc., 7055.
American Enka Corp., 4653.
American Natural Gas Co., 6608.
Auditron Radio Corp., 4438, 5653, 6300.
Automation Investments Co., 7204.
Baldwin Securities Corp., 7463.
Bay State Exchange Fund, Inc., 4730.
Belock Instrument Corp., 8246.
Black & Decker Manufacturing Co., 7025.
Blossman Hydratane Gas, Inc., 7024.
Boston Fund, Inc., 6099.
Boston Safe Deposit & Trust Co., 6930.
Brown Co., 7532.
Business Funds, Inc., 7628.
Capital Securities Fund, Inc., 4703.
Case, J. I., Co. et al., 8021.
Chatham Corp., 7935.
Columbia Gas System, Inc. et al., 4374, 4375, 6129, 7304.
Commonwealth Natural Gas Corp., 4511.
Consolidated Gas Supply Corp. et al., 6955.
Consolidation Coal Co., 7730.
Constitution Mutual Fund, Inc., 7851.
Continental Vending Machine Corp., 4375, 4703, 5713, 6130, 6556, 6889, 7305, 7566, 7978.
Corroon & Reynolds Corp., 5654.
Decatur Income Fund, Inc., 4330.
Delaware Fund, Inc., 4339.
Dow Theory Investment Fund, Inc., 6368.
ERT Corp., 6556.
Elizabeth Securities, Inc., 6415.
Empire Petroleum Co., 4511.
First Hartford Exchange Fund, Inc., 4372.
First Utilities Exchange Fund, Inc., 4731.
Flying Tiger Line, Inc., 7852.
Fontana Union Water Co., 6980.
General American Transportation Corp., 5914.
General Aniline & Film Corp., 6708, 7026, 7562.
General Exchange Fund, Inc., 4378.
General Public Utilities Corp., 6369, 6889.
Gibco, Inc., 6956.
Gold Seal International A & C, Inc., 4340.
Hanna Mining Co., 5713, 7586.
Idamont Oil & Mining Co., 8290.
Imperial Equity Corp., 7852.
Imperial Fund, Inc. et al., 7852.
Imperial Land Co., 7852.
Insurance Co. of North America, 6703.
International Hydrocarbons, Ltd., 8344.
International Resources Fund, Inc., 7462.
Investment Co. of America, 7463.
Investors Accumulation Plan, Inc., 6413.
Investors Diversified Services, Inc., 6413.
Investors Inter-Continental Fund, Ltd., 6804.
Jersey Central Power & Light Co., 4511.
KLM Royal Dutch Airlines, 7305.
Kingsport Power Co., 7261.
La Fonte Oil Co., 5771.
Lazard Freres & Co., 7979.
Lear-Siegler, Inc. et al., 8021.
Louisiana Power & Light Co., 7567.
M. A. Hanna Co., 7730.
Maser-Optics, Inc., 6369.
Massachusetts Electric Co., 6805.
Massachusetts Investors Trust, 7731.
Master Fund, Inc., 4703.
McGraw-Edison Co., 4340.
Menominee Common Stock and Voting Trust Trustees, 6300.
Menominee Enterprises, Inc., 6300.
Metropolitan Edison Co., 4373, 4653, 7464.
Michigan Consolidated Gas Co., 6414, 6606.
Middle South Utilities, Inc., 7567.
Mississippi Power Co., 7770.
Model, Roland & Co., 7731.
Municipal Investment Trust Fund, Series E, 7333.
New England Electric System, 6805.
New Jersey Power & Light Co., 4438.
Northwest Airlines, Inc., 7853.
Overland Corp., 6369.
Penn Fruit Co., Inc., 4654.
Penn Fuel Gas, Inc., 5654, 8246.
Pennsylvania Electric Co., 5414.
Pennzoil Co., 4240.
Pierce Bros., 5874.
Pittsburgh, Youngstown, and Ashtabula Railway Co. et al., 6556.
Presidential Exchange Fund, Inc., 4374.
Public Service Co. of Oklahoma, 6890.
Quarterly Distribution Shares, Inc., 5772.
Registered Exchange Fund, Inc., 6301.
Research Capital Corp., 7262.
Roosevelt Field, Inc., 6498.
SCM Corp., 7025.
Savant Instruments, Inc., 6415.
Security Trust Associates, 6557.
Selected American Shares, Inc., 7686.
Trans World Airlines, Inc., 4654.
UBS Fund of Canada, Ltd., 7334.
United International Fund, Ltd., 5915.
Ware, John H., 5654, 8246.
Washington Water Power Co., 4340.
Webb & Knapp, Inc., 6498.
Wellington Fund, Inc., 6957.

Security:
AIR TRAFFIC security control ... 6242
IMPORTS, certain, investigations:
Residual fuel oil ... 4596, 5548
Watches, movements and parts ... 4598
VESSELS, advance notice of time of arrival ... 7314

Seeds:
FEDERAL SEED ACT regulations ... 7887

Senior Citizens Month, 1965:
PROCLAMATION 3653 ... 5417

Shellfish: Page
MARKETING AGREEMENTS, Gulf coast area; proposed amendments ... 5796

Shipping:
See Coast Guard; Commerce Department; Federal Maritime Commission; Saint Lawrence Seaway Development Corporation.

Small Business Administration:
DISASTER AREAS:
Alaska ... 4241
Arizona ... 4241
Colorado ... 4241
Idaho ... 4241
Montana ... 4241
Nevada ... 4241
New Mexico ... 4241
Oregon ... 4241
Utah ... 4241
Washington ... 4241
Wyoming ... 4241
LOANS:
Economic opportunity loans ... 6207
Eligibility ... 6207
Interest rates ... 6207
Maximum amounts ... 6207
Terms ... 6207

Small Business Investment Companies:
LICENSES:
Conflicts of interest ... 6207
Eligibility ... 6207
Financing ... 6207
Management ... 6207
Operations ... 6207
Organization ... 6207
Regulations ... 6207

Smoke Control:
See Air Pollution Control Office.

Social Security Administration:
HEARINGS, etc. *See list at end of this agency.*
HOSPITAL INSURANCE BENEFITS, payments to providers of services ... 6207
MEDICAL INSURANCE, payments to providers of services ... 6207
OLD-AGE, SURVIVORS, AND DISABILITY INSURANCE:
Benefits, payments to providers of services ... 6207
Coverage ... 6207
Determination of disability ... 6207
Eligibility ... 6207
Employment ... 6207
Self-employment ... 6207
HEARINGS, ETC.:
Bowen, Otis R., 6207.
Cohen, Wilbur J., 6207.
Gardner, John W., 6207.
Ribicoff, Abraham A., 6207.
Wirtz, W. Willard, 6207.

Soil Conservation Service:
WATERSHED PROTECTION AND FLOOD PREVENTION, Arkansas-White-Red River Basins; Bayou Meto, Arkansas ... 4241
Big Creek, Arkansas ... 4241
Bois D'Arc Creek, Arkansas ... 4241
Cache River, Arkansas ... 4241
Cadron Creek, Arkansas ... 4241
Cypress Creek, Arkansas ... 4241
Dardanelle-Russellville, Arkansas ... 4241
Fourche Bayou, Arkansas ... 4241
Fourche La Fave River, Arkansas ... 4241
Illinois Bayou, Arkansas ... 4241
Lake Conway-Point Remove, Arkansas ... 4241
Little Red River, Arkansas ... 4241
Lower Cadron, Arkansas ... 4241
Lower Illinois Bayou, Arkansas ... 4241
Lower Mulberry, Arkansas ... 4241
Lower Point Remove, Arkansas ... 4241
Mulberry River, Arkansas ... 4241
Petit Jean, Arkansas ... 4241
Poteau River, Arkansas ... 4241
Upper Cadron, Arkansas ... 4241
Upper Illinois Bayou, Arkansas ... 4241
Upper Mulberry, Arkansas ... 4241
Upper Point Remove, Arkansas ... 4241
Wolf Bayou, Arkansas ... 4241
Yell County, Arkansas ... 4241
Bear Creek, Colorado ... 4241
Big Thompson, Colorado ... 4241
Boulder Creek, Colorado ... 4241
Cache La Poudre, Colorado ... 4241
Cherry Creek, Colorado ... 4241
Clear Creek, Colorado ... 4241
Coal Creek, Colorado ... 4241
Crooked Creek, Colorado ... 4241
Dry Creek, Colorado ... 4241
Fountain Creek, Colorado ... 4241
Fourmile Creek, Colorado ... 4241
Grand Valley, Colorado ... 4241
Gunnison River, Colorado ... 4241
Hayden Creek, Colorado ... 4241
Hermosa Creek, Colorado ... 4241
Horse Creek, Colorado ... 4241
Kiowa Creek, Colorado ... 4241
Lake Creek, Colorado ... 4241
Lefthand Creek, Colorado ... 4241
Little Thompson, Colorado ... 4241
Lone Tree Creek, Colorado ... 4241
Lower Arkansas, Colorado ... 4241
Lower Boulder Creek, Colorado ... 4241
Lower Fountain Creek, Colorado ... 4241
Lower Gunnison River, Colorado ... 4241
Lower Horse Creek, Colorado ... 4241
Lower Lefthand Creek, Colorado ... 4241
Lower Monument Creek, Colorado ... 4241
Lower Purgatoire River, Colorado ... 4241
Lower Rio Grande, Colorado ... 4241
Lower South Platte, Colorado ... 4241
Lower Thompson, Colorado ... 4241
Lower Tomichi Creek, Colorado ... 4241
Lower Uncompahgre, Colorado ... 4241
Middle Arkansas, Colorado ... 4241
Middle Rio Grande, Colorado ... 4241
Middle South Platte, Colorado ... 4241
Middle Tomichi Creek, Colorado ... 4241
Middle Uncompahgre, Colorado ... 4241
Monument Creek, Colorado ... 4241
Muddy Creek, Colorado ... 4241
Plum Creek, Colorado ... 4241
Purgatoire River, Colorado ... 4241
Rio Grande, Colorado ... 4241
Rock Creek, Colorado ... 4241
Saguache Creek, Colorado ... 4241
Sand Creek, Colorado ... 4241
Sangre De Cristo, Colorado ... 4241
Second Creek, Colorado ... 4241
Silver Creek, Colorado ... 4241
Smith Fork, Colorado ... 4241
South Platte, Colorado ... 4241
Spring Creek, Colorado ... 4241
Tomichi Creek, Colorado ... 4241
Upper Arkansas, Colorado ... 4241
Upper Boulder Creek, Colorado ... 4241
Upper Fountain Creek, Colorado ... 4241
Upper Gunnison River, Colorado ... 4241
Upper Horse Creek, Colorado ... 4241
Upper Lefthand Creek, Colorado ... 4241
Upper Monument Creek, Colorado ... 4241
Upper Purgatoire River, Colorado ... 4241
Upper Rio Grande, Colorado ... 4241
Upper South Platte, Colorado ... 4241
Upper Thompson, Colorado ... 4241
Upper Tomichi Creek, Colorado ... 4241
Upper Uncompahgre, Colorado ... 4241
Wet Mountain Valley, Colorado ... 4241
Big Wood, Idaho ... 4241
Boise River, Idaho ... 4241
Bruneau River, Idaho ... 4241
Camas Creek, Idaho ... 4241
Clover Creek, Idaho ... 4241
Cottonwood Creek, Idaho ... 4241
Dry Creek, Idaho ... 4241
Eagle Creek, Idaho ... 4241
Fivemile Creek, Idaho ... 4241
Goose Creek, Idaho ... 4241
Hayden Creek, Idaho ... 4241
Henrys Fork, Idaho ... 4241
Indian Creek, Idaho ... 4241
Jacks Creek, Idaho ... 4241
Lake Creek, Idaho ... 4241
Little Wood, Idaho ... 4241
Lower Big Wood, Idaho ... 4241
Lower Boise River, Idaho ... 4241
Lower Bruneau River, Idaho ... 4241
Lower Camas Creek, Idaho ... 4241
Lower Clover Creek, Idaho ... 4241
Lower Cottonwood Creek, Idaho ... 4241
Lower Dry Creek, Idaho ... 4241
Lower Eagle Creek, Idaho ... 4241
Lower Fivemile Creek, Idaho ... 4241
Lower Goose Creek, Idaho ... 4241
Lower Hayden Creek, Idaho ... 4241
Lower Henrys Fork, Idaho ... 4241
Lower Indian Creek, Idaho ... 4241
Lower Jacks Creek, Idaho ... 4241
Lower Lake Creek, Idaho ... 4241
Lower Little Wood, Idaho ... 4241
Lower Malad River, Idaho ... 4241
Lower Medicine Lodge Creek, Idaho ... 4241
Lower Owyhee River, Idaho ... 4241
Lower Payette River, Idaho ... 4241
Lower Portneuf River, Idaho ... 4241
Lower Rock Creek, Idaho ... 4241
Lower Salmon River, Idaho ... 4241
Lower Snake River, Idaho ... 4241
Lower Teton River, Idaho ... 4241
Lower Weiser River, Idaho ... 4241
Malad River, Idaho ... 4241
Medicine Lodge Creek, Idaho ... 4241
Middle Big Wood, Idaho ... 4241
Middle Boise River, Idaho ... 4241
Middle Bruneau River, Idaho ... 4241
Middle Camas Creek, Idaho ... 4241
Middle Clover Creek, Idaho ... 4241
Middle Cottonwood Creek, Idaho ... 4241
Middle Dry Creek, Idaho ... 4241
Middle Eagle Creek, Idaho ... 4241
Middle Fivemile Creek, Idaho ... 4241
Middle Goose Creek, Idaho ... 4241
Middle Hayden Creek, Idaho ... 4241
Middle Henrys Fork, Idaho ... 4241
Middle Indian Creek, Idaho ... 4241
Middle Jacks Creek, Idaho ... 4241
Middle Lake Creek, Idaho ... 4241
Middle Little Wood, Idaho ... 4241
Middle Malad River, Idaho ... 4241
Middle Medicine Lodge Creek, Idaho ... 4241
Middle Owyhee River, Idaho ... 4241
Middle Payette River, Idaho ... 4241
Middle Portneuf River, Idaho ... 4241
Middle Rock Creek, Idaho ... 4241
Middle Salmon River, Idaho ... 4241
Middle Snake River, Idaho ... 4241
Middle Teton River, Idaho ... 4241
Middle Weiser River, Idaho ... 4241
Owyhee River, Idaho ... 4241
Payette River, Idaho ... 4241
Portneuf River, Idaho ... 4241
Rock Creek, Idaho ... 4241
Salmon River, Idaho ... 4241
Snake River, Idaho ... 4241
Teton River, Idaho ... 4241
Upper Big Wood, Idaho ... 4241
Upper Boise River, Idaho ... 4241
Upper Bruneau River, Idaho ... 4241
Upper Camas Creek, Idaho ... 4241
Upper Clover Creek, Idaho ... 4241
Upper Cottonwood Creek, Idaho ... 4241
Upper Dry Creek, Idaho ... 4241
Upper Eagle Creek, Idaho ... 4241
Upper Fivemile Creek, Idaho ... 4241
Upper Goose Creek, Idaho ... 4241
Upper Hayden Creek, Idaho ... 4241
Upper Henrys Fork, Idaho ... 4241
Upper Indian Creek, Idaho ... 4241
Upper Jacks Creek, Idaho ... 4241
Upper Lake Creek, Idaho ... 4241
Upper Little Wood, Idaho ... 4241
Upper Malad River, Idaho ... 4241
Upper Medicine Lodge Creek, Idaho ... 4241
Upper Owyhee River, Idaho ... 4241
Upper Payette River, Idaho ... 4241
Upper Portneuf River, Idaho ... 4241
Upper Rock Creek, Idaho ... 4241
Upper Salmon River, Idaho ... 4241
Upper Snake River, Idaho ... 4241
Upper Teton River, Idaho ... 4241
Upper Weiser River, Idaho ... 4241
Weiser River, Idaho ... 4241
Big Sioux River, Iowa ... 4241
Boyer River, Iowa ... 4241
Floyd River, Iowa ... 4241
Little Sioux River, Iowa ... 4241
Maple River, Iowa ... 4241
Monona-Harrison, Iowa ... 4241
Soldier River, Iowa ... 4241
Tarkio River, Iowa ... 4241
Turkey River, Iowa ... 4241
Upper Iowa River, Iowa ... 4241
Willow Creek, Iowa ... 4241
Big Creek, Kansas ... 4241
Bluff Creek, Kansas ... 4241
Buckner Creek, Kansas ... 4241
Cedar Creek, Kansas ... 4241
Chapman Creek, Kansas ... 4241
Clarks Creek, Kansas ... 4241
Cottonwood River, Kansas ... 4241
Deer Creek, Kansas ... 4241
Delaware River, Kansas ... 4241
Dry Creek, Kansas ... 4241
Elk Creek, Kansas ... 4241
Fall River, Kansas ... 4241
Grasshopper Creek, Kansas ... 4241
Hackberry Creek, Kansas ... 4241
Hickory Creek, Kansas ... 4241
Honey Creek, Kansas ... 4241
Jones Creek, Kansas ... 4241
Kickapoo Creek, Kansas ... 4241
Lake Creek, Kansas ... 4241
Little Arkansas River, Kansas ... 4241
Little Blue River, Kansas ... 4241
Little Cottonwood River, Kansas ... 4241
Little Delaware River, Kansas ... 4241
Little Walnut River, Kansas ... 4241
Lower Big Creek, Kansas ... 4241
Lower Bluff Creek, Kansas ... 4241
Lower Buckner Creek, Kansas ... 4241
Lower Cedar Creek, Kansas ... 4241
Lower Chapman Creek, Kansas ... 4241
Lower Clarks Creek, Kansas ... 4241
Lower Cottonwood River, Kansas ... 4241
Lower Deer Creek, Kansas ... 4241
Lower Delaware River, Kansas ... 4241
Lower Dry Creek, Kansas ... 4241
Lower Elk Creek, Kansas ... 4241
Lower Fall River, Kansas ... 4241
Lower Grasshopper Creek, Kansas ... 4241
Lower Hackberry Creek, Kansas ... 4241
Lower Hickory Creek, Kansas ... 4241
Lower Honey Creek, Kansas ... 4241
Lower Jones Creek, Kansas ... 4241
Lower Kickapoo Creek, Kansas ... 4241
Lower Lake Creek, Kansas ... 4241
Lower Little Arkansas River, Kansas ... 4241
Lower Little Blue River, Kansas ... 4241
Lower Little Cottonwood River, Kansas ... 4241
Lower Little Delaware River, Kansas ... 4241
Lower Little Walnut River, Kansas ... 4241
Lower Mill Creek, Kansas ... 4241
Lower Mission Creek, Kansas ... 4241
Lower Muddy Creek, Kansas ... 4241
Lower Neosho River, Kansas ... 4241
Lower Nine Mile Creek, Kansas ... 4241
Lower Pawnee River, Kansas ... 4241
Lower Pottawatomie Creek, Kansas ... 4241
Lower Rattlesnake Creek, Kansas ... 4241
Lower Republican River, Kansas ... 4241
Lower Rock Creek, Kansas ... 4241
Lower Smoky Hill River, Kansas ... 4241
Lower Spring Creek, Kansas ... 4241
Lower Turkey Creek, Kansas ... 4241
Lower Verdigris River, Kansas ... 4241
Lower Walnut River, Kansas ... 4241
Lower Wildcat Creek, Kansas ... 4241
Mill Creek, Kansas ... 4241
Mission Creek, Kansas ... 4241
Muddy Creek, Kansas ... 4241
Neosho River, Kansas ... 4241
Nine Mile Creek, Kansas ... 4241
Pawnee River, Kansas ... 4241
Pottawatomie Creek, Kansas ... 4241
Rattlesnake Creek, Kansas ... 4241
Republican River, Kansas ... 4241
Rock Creek, Kansas ... 4241
Smoky Hill River, Kansas ... 4241
Spring Creek, Kansas ... 4241
Turkey Creek, Kansas ... 4241
Upper Big Creek, Kansas ... 4241
Upper Bluff Creek, Kansas ... 4241
Upper Buckner Creek, Kansas ... 4241
Upper Cedar Creek, Kansas ... 4241
Upper Chapman Creek, Kansas ... 4241
Upper Clarks Creek, Kansas ... 4241
Upper Cottonwood River, Kansas ... 4241
Upper Deer Creek, Kansas ... 4241
Upper Delaware River, Kansas ... 4241
Upper Dry Creek, Kansas ... 4241
Upper Elk Creek, Kansas ... 4241
Upper Fall River, Kansas ... 4241
Upper Grasshopper Creek, Kansas ... 4241
Upper Hackberry Creek, Kansas ... 4241
Upper Hickory Creek, Kansas ... 4241
Upper Honey Creek, Kansas ... 4241
Upper Jones Creek, Kansas ... 4241
Upper Kickapoo Creek, Kansas ... 4241
Upper Lake Creek, Kansas ... 4241
Upper Little Arkansas River, Kansas ... 4241
Upper Little Blue River, Kansas ... 4241
Upper Little Cottonwood River, Kansas ... 4241
Upper Little Delaware River, Kansas ... 4241
Upper Little Walnut River, Kansas ... 4241
Upper Mill Creek, Kansas ... 4241
Upper Mission Creek, Kansas ... 4241
Upper Muddy Creek, Kansas ... 4241
Upper Neosho River, Kansas ... 4241
Upper Nine Mile Creek, Kansas ... 4241
Upper Pawnee River, Kansas ... 4241
Upper Pottawatomie Creek, Kansas ... 4241
Upper Rattlesnake Creek, Kansas ... 4241
Upper Republican River, Kansas ... 4241
Upper Rock Creek, Kansas ... 4241
Upper Smoky Hill River, Kansas ... 4241
Upper Spring Creek, Kansas ... 4241
Upper Turkey Creek, Kansas ... 4241
Upper Verdigris River, Kansas ... 4241
Upper Walnut River, Kansas ... 4241
Upper Wildcat Creek, Kansas ... 4241
Verdigris River, Kansas ... 4241
Walnut River, Kansas ... 4241
Wildcat Creek, Kansas ... 4241
Bayou Bodcau, Louisiana ... 4241
Bayou Dorcheat, Louisiana ... 4241
Bayou Pierre, Louisiana ... 4241
Bayou Pierre Extension, Louisiana ... 4241
Bayou Pierre Tributaries, Louisiana ... 4241
Bayou Pierre Tributaries Extension, Louisiana ... 4241
Bayou Pierre Tributaries Extension No. 2, Louisiana ... 4241
Bayou Pierre Tributaries Extension No. 3, Louisiana ... 4241
Bayou Pierre Tributaries Extension No. 4, Louisiana ... 4241
Bayou Pierre Tributaries Extension No. 5, Louisiana ... 4241
Bayou Pierre Tributaries Extension No. 6, Louisiana ... 4241
Bayou Pierre Tributaries Extension No. 7, Louisiana ... 4241
Bayou Pierre Tributaries Extension No. 8, Louisiana ... 4241
Bayou Pierre Tributaries Extension No. 9, Louisiana ... 4241
Bayou Pierre Tributaries Extension No. 10, Louisiana ... 4241
Bayou Pierre Tributaries Extension No. 11, Louisiana ... 4241
Bayou Pierre Tributaries Extension No. 12, Louisiana ... 4241
Bayou Pierre Tributaries Extension No. 13, Louisiana ... 4241
Bayou Pierre Tributaries Extension No. 14, Louisiana ... 4241
Bayou Pierre Tributaries Extension No. 15, Louisiana ... 4241
Bayou Pierre Tributaries Extension No. 16, Louisiana ... 4241
Bayou Pierre Tributaries Extension No. 17, Louisiana ... 4241
Bayou Pierre Tributaries Extension No. 18, Louisiana ... 4241
Bayou Pierre Tributaries Extension No. 19, Louisiana ... 4241
Bayou Pierre Tributaries Extension No. 20, Louisiana ... 4241
Bayou Pierre Tributaries Extension No. 21, Louisiana ... 4241
Bayou Pierre Tributaries Extension No. 22, Louisiana ... 4241
Bayou Pierre Tributaries Extension No. 23, Louisiana ... 4241
Bayou Pierre Tributaries Extension No. 24, Louisiana ... 4241
Bayou Pierre Tributaries Extension No. 25, Louisiana ... 4241
Bayou Pierre Tributaries Extension No. 26, Louisiana ... 4241
Bayou Pierre Tributaries Extension No. 27, Louisiana ... 4241
Bayou Pierre Tributaries Extension No. 28, Louisiana ... 4241
Bayou Pierre Tributaries Extension No. 29, Louisiana ... 4241
Bayou Pierre Tributaries Extension No. 30, Louisiana ... 4241
Bayou Pierre Tributaries Extension No. 31, Louisiana ... 4241
Bayou Pierre Tributaries Extension No. 32, Louisiana ... 4241
Bayou Pierre Tributaries Extension No. 33, Louisiana ... 4241
Bayou Pierre Tributaries Extension No. 34, Louisiana ... 4241
Bayou Pierre Tributaries Extension No. 35, Louisiana ... 4241
Bayou Pierre Tributaries Extension No. 36, Louisiana ... 4241
Bayou Pierre Tributaries Extension No. 37, Louisiana ... 4241
Bayou Pierre Tributaries Extension No. 38, Louisiana ... 4241
Bayou Pierre Tributaries Extension No. 39, Louisiana ... 4241
Bayou Pierre Tributaries Extension No. 40, Louisiana ... 4241
Bayou Pierre Tributaries Extension No. 41, Louisiana ... 4241
Bayou Pierre Tributaries Extension No. 42, Louisiana ... 4241
Bayou Pierre Tributaries Extension No. 43, Louisiana ... 4241
Bayou Pierre Tributaries Extension No. 44, Louisiana ... 4241
Bayou Pierre Tributaries Extension No. 45, Louisiana ... 4241
Bayou Pierre Tributaries Extension No. 46, Louisiana ... 4241
Bayou Pierre Tributaries Extension No. 47, Louisiana ... 4241
Bayou Pierre Tributaries Extension No. 48, Louisiana ... 4241
Bayou Pierre Tributaries Extension No. 49, Louisiana ... 4241
Bayou Pierre Tributaries Extension No. 50, Louisiana ... 4241
Bayou Pierre Tributaries Extension No. 51, Louisiana ... 4241
Bayou Pierre Tributaries Extension No. 52, Louisiana ... 4241
Bayou Pierre Tributaries Extension No. 53, Louisiana ... 4241
Bayou Pierre Tributaries Extension No. 54, Louisiana ... 4241
Bayou Pierre Tributaries Extension No. 55, Louisiana ... 4241
Bayou Pierre Tributaries Extension No. 56, Louisiana ... 4241
Bayou Pierre Tributaries Extension No. 57, Louisiana ... 4241
Bayou Pierre Tributaries Extension No. 58, Louisiana ... 4241
Bayou Pierre Tributaries Extension No. 59, Louisiana ... 4241
Bayou Pierre Tributaries Extension No. 60, Louisiana ... 4241
Bayou Pierre Tributaries Extension No. 61, Louisiana ... 4241
Bayou Pierre Tributaries Extension No. 62, Louisiana ... 4241
Bayou Pierre Tributaries Extension No. 63, Louisiana ... 4241
Bayou Pierre Tributaries Extension No. 64, Louisiana ... 4241
Bayou Pierre Tributaries Extension No. 65, Louisiana ... 4241
Bayou Pierre Tributaries Extension No. 66, Louisiana ... 4241
Bayou Pierre Tributaries Extension No. 67, Louisiana ... 4241
Bayou Pierre Tributaries Extension No. 68, Louisiana ... 4241
Bayou Pierre Tributaries Extension No. 69, Louisiana ... 4241
Bayou Pierre Tributaries Extension No. 70, Louisiana ... 4241
Bayou Pierre Tributaries Extension No. 71, Louisiana ... 4241
Bayou Pierre Tributaries Extension No. 72, Louisiana ... 4241
Bayou Pierre Tributaries Extension No. 73, Louisiana ... 4241
Bayou Pierre Tributaries Extension No. 74, Louisiana ... 4241
Bayou Pierre Tributaries Extension No. 75, Louisiana ... 4241
Bayou Pierre Tributaries Extension No. 76, Louisiana ... 4241
Bayou Pierre Tributaries Extension No. 77, Louisiana ... 4241
Bayou Pierre Tributaries Extension No. 78, Louisiana ... 4241
Bayou Pierre Tributaries Extension No. 79, Louisiana ... 4241
Bayou Pierre Tributaries Extension No. 80, Louisiana ... 4241
Bayou Pierre Tributaries Extension No. 81, Louisiana ... 4241
Bayou Pierre Tributaries Extension No. 82, Louisiana ... 4241
Bayou Pierre Tributaries Extension No. 83, Louisiana ... 4241
Bayou Pierre Tributaries Extension No. 84, Louisiana ... 4241
Bayou Pierre Tributaries Extension No. 85, Louisiana ... 4241
Bayou Pierre Tributaries Extension No. 86, Louisiana ... 4241
Bayou Pierre Tributaries Extension No. 87, Louisiana ... 4241
Bayou Pierre Tributaries Extension No. 88, Louisiana ... 4241
Bayou Pierre Tributaries Extension No. 89, Louisiana ... 4241
Bayou Pierre Tributaries Extension No. 90, Louisiana ... 4241
Bayou Pierre Tributaries Extension No. 91, Louisiana ... 4241
Bayou Pierre Tributaries Extension No. 92, Louisiana ... 4241
Bayou Pierre Tributaries Extension No. 93, Louisiana ... 4241
Bayou Pierre Tributaries Extension No. 94, Louisiana ... 4241
Bayou Pierre Tributaries Extension No. 95, Louisiana ... 4241
Bayou Pierre Tributaries Extension No. 96, Louisiana ... 4241
Bayou Pierre Tributaries Extension No. 97, Louisiana ... 4241
Bayou Pierre Tributaries Extension No. 98, Louisiana ... 4241
Bayou Pierre Tributaries Extension No. 99, Louisiana ... 4241
Bayou Pierre Tributaries Extension No. 100, Louisiana ... 4241
Bayou Pierre Tributaries Extension No. 101, Louisiana ... 4241
Bayou Pierre Tributaries Extension No. 102, Louisiana ... 4241
Bayou Pierre Tributaries Extension No. 103, Louisiana ... 4241
Bayou Pierre Tributaries Extension No. 104, Louisiana ... 4241
Bayou Pierre Tributaries Extension No. 105, Louisiana ... 4241
Bayou Pierre Tributaries Extension No. 106, Louisiana ... 4241
Bayou Pierre Tributaries Extension No. 107, Louisiana ... 4241
Bayou Pierre Tributaries Extension No. 108, Louisiana ... 4241
Bayou Pierre Tributaries Extension No. 109, Louisiana ... 4241
Bayou Pierre Tributaries Extension No. 110, Louisiana ... 4241
Bayou Pierre Tributaries

Ships: Page
See Vessels.

Slum Clearance:
RELOCATION PAYMENTS 4715

Small Business Administration:
AUTHORITY DELEGATIONS:
By Area Administrators to Regional Directors:
Middle Atlantic Area 5778, 8060
Midwestern Area 7688
Pacific Coastal Area 8060
Rocky Mountain Area 8060
Southeastern Area 8060
By Deputy Administrator for Financial Assistance to Assistant Deputy Administrators:
Business Loans Assistance 6608
Economic Development Assistance 6609
By Regional Directors to various officials:
Chiefs, Financial Assistance Divisions, et al.:
Middle Atlantic Area:
Baltimore, Md., 6453.
Cleveland, Ohio, 7262.
Columbus, Ohio, 6454.
Newark, N.J., 6453.
Philadelphia, Pa., 6455.
Pittsburgh, Pa., 6456.
Richmond, Va., 6456.
Washington, D.C., 6457.
Midwestern Area:
Chicago, Ill., 4567.
Des Moines, Iowa, 4731.
Detroit, Mich., 4568.
Indianapolis, Ind., 4732.
Kansas City, Mo., 5546.
Minneapolis, Minn., 4734.
St. Louis, Mo., 7334.
New York Area:
New York, N.Y., 5680.
Syracuse, N.Y., 5776.
Northeastern Area:
Augusta, Maine, 6452.
Boston, Mass., 4376.
Concord, N.H., 4569.
Providence, R.I., 5547.
Pacific Coastal Area:
Los Angeles, Calif., 4733.
San Francisco, Calif., 4376.
Seattle, Wash., 5610.
Rocky Mountain Area:
Fargo, N. Dak., 5776.
Omaha, Nebr., 5774.
Salt Lake City, Utah, 4734.
Sioux Falls, S. Dak., 4568.
Wichita, Kans., 5775.
Southeastern Area:
Atlanta, Ga., 5677.
Birmingham, Ala., 5674.
Charlotte, N.C., 5681.
Columbia, S.C., 5683.
Jackson, Miss., 5679.
Jacksonville, Fla., 5675.
Louisville, Ky., 5678.
Miami, Fla., 5676.
Nashville, Tenn., 5682.
Southwestern Area:
Albuquerque, N. Mex., 5680.
Dallas, Tex., 5777.
Little Rock, Ark., 5675.
Lubbock, Tex., 5684.
New Orleans, La., 5679.
Oklahoma City, Okla., 5682.
San Antonio, Tex., 6201.
Managers, Disaster Field Offices:
Illinois:
Crystal Lake, 6457, 7409.
Rock Island, 6569, 7409.
Indiana:
Kokomo, 7025.
Minnesota:
Minneapolis, 7028.

Small Business Administration—Continued Page
AUTHORITY DELEGATIONS—Continued
By Regional Directors to various officials—Continued
Managers, Disaster Field Offices—Continued
Ohio:
Findlay, 6200.
Toledo, 6200.
Wisconsin:
La Crosse, 6891.
Prairie du Chien, 6891.
DISASTER AREAS requiring Federal assistance:
Alabama, 4270, 6200.
Arkansas, 5772.
Hawaii, 6805.
Illinois, 5772, 6569.
Indiana, 5772.
Iowa, 5773.
Kansas, 8061, 8177.
Michigan, 5773.
Minnesota, 5773, 6890.
Missouri, 6890, 8062.
Nebraska, 6891.
New York, 4439.
North Carolina, 4271.
North Dakota, 6200.
Ohio, 5774.
South Dakota, 7268.
Tennessee, 5399, 6200.
Texas, 7409, 8061, 8062.
Washington, 6639.
Wisconsin, 5774, 6452.
SMALL BUSINESS ACT regulations, size standards; definition of small business for Government procurement:
Artificial leather, oilcloth, etc 6778
Nonmanufacturing, thread industry 4252, 5703
SMALL BUSINESS INVESTMENT COMPANIES:
Equity capital, stock redemption privileges 7651
Investment advisory services, management consulting services, etc 7597
Suspension or revocation of licenses:
Midwest Capital Corp., 6177.
Southern Equities, Inc., 6606.

Smithsonian Institution:
VEHICLE PARKING 6482

Social Security Administration:
See Federal Credit Unions Bureau.
FEDERAL OLD-AGE, SURVIVORS and DISABILITY INSURANCE; child's insurance benefits, time when dependency requirement must be met 7098
ORGANIZATION AND FUNCTIONS 4693

Soil Bank Programs:
See Agriculture Department.

Southeast Basins Inter-Agency Committee:
ESTABLISHMENT 5778

Soybeans:
PRICE SUPPORT PROGRAM, 1964 crop 4750

Special Representative for Trade Negotiations:
COTTON TEXTILES, functions (Executive Order 11214) 4527

Standards:
AGRICULTURAL COMMODITIES. *See specific commodities.*
CONDUCT STANDARDS. *See* Conduct standards.
FOODS, canned, processed, etc. *See* Food and Drug Administration.
TECHNICAL STANDARDS for equipment, materials, operations, etc. *See specific agencies.*

Standards Bureau:
See National Bureau of Standards.

Standards of Conduct:
See Conduct standards.

State Department: Page
See Agency for International Development.
DEATHS, telegraphic notifications of 4412
FOREIGN SERVICE, appointment in competitive service of certain present and former officers and employees (Executive Order 11219) 6381
INTERNATIONAL COFFEE ORGANIZATION, functions of Secretary (Executive Order 11229) 7741
PROCUREMENT REGULATIONS:
Advertising, formal; policy 7247
General 7246
Negotiation 7247

Statue of Liberty National Monument:
ADDITION of Ellis Island (Proclamation 3656) 6571

Status of Women, Citizens' Advisory Council on:
MEMBERSHIP (Executive Order 11221) 6427

Status of Women, Committee on:
MEMBERSHIP (Executive Order 11221) 6427

Strawberries:
STANDARDS for grades 6711

Students:
See also Education and educational facilities.
MINIMUM WAGES for certain employed students. *See* Wage and Hour Division.
NONIMMIGRANTS:
Employment 4532
School transfers 4351
OPTOMETRY STUDENTS, loans to 7304

Sugar:
PRODUCTION, MARKETING, etc. *See* Agriculture Department.

Surplus Property and Commodities:
AGRICULTURAL COMMODITIES:
Export credit sales program 6240
Financing commercial sales for foreign currencies 4240
Sales of commodities acquired through price-support operations 5391, 6693, 7965
PERSONAL PROPERTY:
Allocation for public health, educational and civil defense purposes, etc 4716, 5833, 6649
Reporting requirements, classes reportable to GSA 5623
STRATEGIC AND CRITICAL MATERIALS in national stockpile, proposed disposition of abaca 4370

T

Tangelos:
MARKETING, Florida 6983

Tangerines:
IMPORTS from Mexico and certain Central American countries, fumigation 4745
MARKETING, Florida 6983

Tariff Classifications:
See Customs Bureau.

Tariff Commission:
INVESTIGATION OF IMPORTS:
Azobisformamide from Japan, determination of injury, 6130.
Clinical thermometers, report to President, 7306.
Lead and zinc, unmanufactured; report to President, 7619.
Safety pins, report to President, 6891.
Sheet glass; report to President, 7771.
Stainless-steel table flatware, report to President, 5655.
Watches and parts, 6131.

Taxes:
EXCISE, INCOME. *See* Internal Revenue Service.
INSPECTION OF TAX RETURNS:
Federal Reserve System, Board of Governors 4414
(Executive Order 11213) 4389
House Committee on Un-American Activities (Executive Order 11217) 5819
INTEREST EQUALIZATION TAX:
Designation of certain countries as economically less developed for purposes of (Executive Order 11224) 6479
Exclusion for international monetary stability 4413, 8160
Information returns, inspection 4389, 4414

Taxes—Continued Page
JAPANESE DEBT OBLIGATIONS, tax exemption for U.S. citizens on acquisition of original or new issues (Executive Order 11211) 4385
VIETNAM AND ADJACENT WATERS, designation as combat zone for purposes of income tax exemption under section 112 of Internal Revenue Code (Executive Order 11216) 5817

Television Antenna Structures:
CONSTRUCTION:
Aeronautical studies respecting. *See* Federal Aviation Agency.
Regulations. *See* Federal Communications Commission.

Television Stations:
BROADCAST FACILITIES, regulations. *See* Federal Communications Commission.
EDUCATIONAL BROADCAST FACILITIES, Federal financial assistance:
Amount of grant 7371
Applications accepted 5764, 6929, 8231

Tennessee Valley Authority:
LANDS in Anderson County, Tenn., transferred from Atomic Energy Commission 7726
RECREATION ADVISORY COUNCIL, membership (Executive Order 11218) 5821

Territories Office:
RONGELAP ATOLL, compensation of inhabitants; authority delegation 8348

Textile Fiber Products:
IDENTIFICATION, generic names; proposed rules, hearing 6275

Textile Industry:
TRADE PRACTICES, avoiding deceptive use of word "mill" 7894

Timber Sales:
INDIAN LANDS, authority delegation 4501
NATIONAL FOREST LANDS, advertisements and bids 8268

Tobacco and Tobacco Products:
EXPORT COMMODITY CERTIFICATES 6639
INSPECTION AND PRICE-SUPPORT SERVICES, hearings on applications 6740
MARKETING, Florida and Georgia 4321, 5826
MARKETING QUOTAS, acreage allotments. *See* Agriculture Department.
PUERTO RICO, minimum wages, tobacco industry 6224
STANDARDS:
Dark air-cured, proposed rules 7494
Flue-cured 4361, 6573

Tomatoes:
IMPORT RESTRICTIONS 4416, 5505
MARKETING, Texas 4350, 4761, 6338

Trade Agreements:
COTTON TEXTILES AND TEXTILE PRODUCTS, functions of Special Representative for Trade Negotiations (Executive Order 11214) 4527

Trade Commission:
See Federal Trade Commission.

Trade Information Committee:
OFFICE, ADDRESS, telephone number, and hours 7754

Trade Name:
RECORDATION, tentative; Fanon-Masco 5608

Trade Negotiations, Special Representative for:
COTTON TEXTILES, functions (Executive Order 11214) 4527
ORGANIZATION, location of office 7754
TRADE INFORMATION COMMITTEE, office, address, etc 7754

Trade Practices:
See Federal Trade Commission.

Trademarks:
RULES OF PRACTICE, proposed 6687

Traineeships: Page
NATIONAL INSTITUTES OF HEALTH, terms and conditions of award; oath of allegiance 6072

Training:
See Education and educational facilities; Education Office.

Trains:
REGULATIONS, tariffs, etc. *See* Interstate Commerce Commission.

Travel and Transportation Expenses:
APPOINTEES to certain positions where there are manpower shortages 4264, 4645, 6662, 7530, 7727, 8071, 8354

Treasury Department:
See Coast Guard.
Comptroller of Currency.
Customs Bureau.
Internal Revenue Service.
ACCOUNTS BUREAU:
Authority delegation by Accounts Commissioner to Assistant Accounts Commissioner, et al.; order of succession 6361
Surety companies acceptable on Federal bonds:
Certificates of authority issued to listed companies:
Commercial Standard Insurance Co., 7505.
Forum Insurance Co., 8278.
United Fire & Casualty Co.; terminated, 7402.
Wabash Fire & Casualty Insurance Co., 7725.
List of companies holding certificates of authority 7449
ANTIDUMPING ACT, 1921:
Customs Commissioner's determinations. *See main heading* Customs Bureau.
Fair value determinations by Secretary:
Apple juice from Canada, 4692.
Bicycles from Poland, 6660.
Bread in loaves from Canada, 5390, 7505.
Crude sulfur from Canada, 7018.
Ferrochromium from France, 5390.
Fertilizers from Canada, 5910.
Field strength meters from Canada, 5910.
Galvanized ware from Canada, 6548, 8231.
Hardboard from South Africa, 8015.
Headboards from Yugoslavia, 8016.
Titanium dioxide from France, 6692.
Welded wire mesh from Belgium, 7196.
AUTHORITY DELEGATIONS:
By Commissioner of Accounts to Assistant Commissioner, et al.; order of succession 6361
By Secretary respecting use of securities bearing signature of former Secretary 4501
BONDS:
Surety companies acceptable on Federal bonds. *See* Accounts Bureau.
Treasury. *See* Public Debt Bureau.
U.S. Savings. *See* Public Debt Bureau.
FISCAL SERVICE. *See* Accounts Bureau; Public Debt Bureau.
FOREIGN ASSETS CONTROL; importation of various commodities directly from certain countries, available certifications:
Chinese-style garments, Hong Kong, 8015.
Hoods (hat bodies), bakou, hemp and palm raffia, Taiwan (Formosa), 6090.
Jade and jade articles, Hong Kong; suspended, 7577.
Kumquats, canned or bottled, Japan; 6660.
Palm raffia hoods (hat bodies), Taiwan (Formosa), 6090.
Radish and goat hair, Taiwan (Formosa), India, and Korea, 5608.
INTEREST EQUALIZATION TAX, designation of certain countries as economically less developed for purposes of; regulations (Executive Order 11224) 6679
INTERNATIONAL COFFEE ORGANIZATION, functions of Secretary (Executive Order 11229) 7741
JAPANESE DEBT OBLIGATIONS, tax exemption for U.S. citizens on acquisition of original or new issues, functions (Executive Order 11211) 4385
MINT BUREAU, Director, et al.; order of succession 6692
NOTES, Treasury. *See* Public Debt Bureau.
PUBLIC DEBT BUREAU:
Bonds, Treasury, offering:
1974, 4¼ percent, 6278.

Treasury Department—Continued Page
PUBLIC DEBT BUREAU—Continued
Notes, Treasury, offering:
Series A–1966, 4 percent, 6277.
United States savings bonds; corrections:
Series E, offering:
Extended terms and improved yields for outstanding bonds 4716
Purchase of bonds 4716
Reservations as to terms of offer; certain tables 4716
Series H, offering; certain tables 4716
United States securities, general regulations; evidence of certifying officer's authority, correction 4716

Tuna Fish:
TARIFF RATE QUOTA, 1965 5799

U

Un-American Activities, House Committee on:
INSPECTION OF TAX RETURNS (Executive Order 11217) 5819

Uniforms:
QUALITY CONTROL PROGRAM, Post Office Department 5391
ROTC, commutation rates in lieu of uniforms 5792

United Nations Day, 1965:
PROCLAMATION 3652 5415

United States Employment Service:
POLICIES; service to minority groups, nondiscrimination 7039

United States Information Agency:
INFORMATIONAL MEDIA GUARANTIES 5832

United States—Puerto Rico Commission On Status of Puerto Rico:
PUBLIC HEARINGS:
Legal-constitutional matters regarding United States-Puerto Rico relations 4377
Social and cultural matters 7409

Urban Renewal:
RELOCATION PAYMENTS 4715

Utilization and Disposal Service:
WILDLIFE CONSERVATION PURPOSES, transfer of portion of National Guard Training Area, Cadet Point, Biloxi, Miss., to Interior Department 7203

V

Vegetable Industry:
TRADE PRACTICE RULES 5331

Vegetables:
See also specific vegetables.
CANNED VEGETABLES, identity standards; temporary permit 5535

Vehicles:
See Motor vehicles.

Vending Stands:
BLIND PERSONS, operation of stands by; GSA regulations 8160

Vessels:
COAST GUARD regulations. *See* Coast Guard.
CUBA, list of free world and Polish flag vessels arriving since January 1, 1963 4499, 5644, 6546, 7049, 7762, 8345
CUSTOMS BUREAU regulations. *See* Customs Bureau.
DANGER ZONE regulations. *See* Engineers Corps.
FISHING VESSEL CONSTRUCTION; differential subsidies, mortgage insurance procedures, etc. *See* Fish and Wildlife Service.
MARITIME CARRIERS, regulations affecting. *See* Federal Maritime Commission; Maritime Administration.
MEASUREMENT of vessels. *See* Customs Bureau.
NATIONAL SAFE BOATING WEEK, 1965 (Proclamation 3651) 4525

Vessels—Continued Page
NAVIGATION REGULATIONS. *See* Coast Guard; Engineers Corps.
SAFETY AND HEALTH REGULATIONS, ship repairing, shipbuilding, etc 6397, 7748
WAR RISK INSURANCE 7697

Veterans Administration:
ADJUDICATION. *See* Burial benefits; Pensions, compensation.
AUTHORITY DELEGATIONS:
See also Organization.
By Administrator to General Counsel, et al.; payment of certain claims on personal property 6392
By Associate Deputy Administrator to various officials; contracts for loan guaranty, vocational rehabilitation and education programs 7602
BURIAL BENEFITS, supporting evidence; statement of accounts 7489
INFORMATION, release of:
Educational institutions cooperating with VA 6435
Private physicians and hospitals other than VA 6435
Records:
Copies, fees 7389
Recognized representatives of organizations, inspection by, etc 7389
State soldiers' homes, commanding officers 6435
INSURANCE:
National Service life 8047, 8224
United States Government life 8047
LEGAL SERVICES, GENERAL COUNSEL; authority for payment of certain claims on personal property 6392
LOAN GUARANTY, assistance to certain disabled veterans in acquiring specially adapted housing; eligibility 7521
ORGANIZATION:
See also Authority delegations.
Field stations and areas of jurisdiction 7204
PENSION, COMPENSATION:
Adjustment and resumptions, disappearance of veteran 6649
Waiver of overpayments 7390
PROCUREMENT:
Advertising, formal 4674, 7437, 7599
Authority delegations 7602
Bonds and insurance 4676
Contracts:
Administration 4677
Clauses 5376, 7600
Cost principles and procedures 7601
Financing 4677
Foreign purchases, Buy American Act 4675
Forms 4677, 7602
General 4672, 7041, 7437
Inspection and acceptance 7600
Loan guaranty and vocational rehabilitation and education programs 7603
Negotiation 4674, 7599
Taxes; Federal, State and local 4676
Transportation 7041

Vietnam and Adjacent Waters:
COMBAT ZONE, designation for purposes of income tax exemption under section 112 of Internal Revenue Code (Executive Order 11216) 5817

Virgin Islands:
AUTHORITY DELEGATION by Secretary of Interior regarding membership on Virgin Islands Corporation 7725
GOVERNMENT EMPLOYEES, allowances and differentials payable 6511
HUNTING of doves and pigeons 7572

Vocational Education:
FEDERAL ALLOTMENTS to States 8268

Voluntary Agencies:
FOREIGN AID. *See* Agency for International Development.

W

Wage and Hour Division, Labor Department:
AMERICAN SAMOA, appointment of Special Industry Committee No. 6; hearing 6225
DRIVER SALESMEN, definition; proposed rule 8005
LEARNERS, employment at below minimum wages; certificates, special, to various industries 4445, 4735, 5720, 5915, 6323, 6671, 7026, 8022
PUERTO RICO:
Homeworkers in various industries, minimum piece rates:
Children's dress and related products, 5468.
Handerchief, scarf, and art linen, 5469.
Women's and children's underwear and women's blouse, 5468.
Minimum wage orders:
Appointment of tobacco industry committee; hearing 6224
Various industries:
Electrical, instrument, and related products, 6219.
Fabric and leather glove industry, 7949.
Leather, leather goods, and related products, 7948.
Metal, machinery, transportation equipment, and allied products, 6218.
Plastic products, fabricated, 6482.
Retailing, wholesaling, and warehousing industry:
Definition 6117
Wage rates 6117
RETAIL OR SERVICE ESTABLISHMENTS, certificates authorizing employment of full-time students at special minimum wages 5493, 7025, 8021

Wages:
See Pay, allowances.

Wake Island:
CODE; applicability, Island Manager, Justice Court, motor vehicle maintenance, dental services, airport boundaries, etc 7184

Water Carriers:
See Federal Maritime Commission; Interstate Commerce Commission; Maritime Administration.

Water Resource Projects:
DELAWARE RIVER BASIN 5649, 6365, 7848
SAM RAYBURN RESERVOIR AREA, Angelina River, Tex.; joint regulations of Army and Agriculture Departments 4610

Weather Bureau:
CHARGES for copies of weather records 8042

Wenatchee National Forest:
TRANSFER OF LANDS from Okanogan National Forest (Executive Order 11220) 6425

Wheat:
CROP INSURANCE, 1966 crop 6111
DIVERSION PROGRAM, 1964 and 1965 7434
EXPORT PROGRAMS:
Cash payment, flour 6771, 6976
Payment-in-kind (GR–345) 4531
LOAN AND PURCHASE PROGRAMS:
1964 crop 4666
1965 crop 7475
MARKETING CERTIFICATE PROGRAMS:
Exporters; proposed rules 7043
Processors 5358
Proposed rules 6686
MARKETING QUOTAS, acreage allotments:
1965 crop 7097
1966–67 marketing year 5467
PRICE SUPPORT PROGRAM, 1964 crop 4750

Wildlife Conservation:
REFUGES:
Hunting, sport fishing. *See* Fish and Wildlife Service.
Lands withdrawn. *See* Land Management Bureau.
TRANSFER OF LANDS at Biloxi, Miss., to Interior Department 7203

Without Compensation, Employees: Page

Without-Compensation Employees: Page
APPOINTMENTS and statements of financial interests. *See* Commerce Department; Interior Department; Interstate Commerce Commission.

Women:
CITIZENS' ADVISORY COUNCIL ON THE STATUS OF WOMEN, membership (Executive Order 11221) ---- 6427
COMMITTEE ON THE STATUS OF WOMEN, membership (Executive Order 11221) ---- 6427

Wool:
PAYMENT PROGRAM ---- 6383
STANDARDS for grades, proposed rules ---- 6350

Wool Products: Page
FIBER CONTENT and country of origin ---- 5742

Y

Youth Corps Projects:
NEIGHBORHOOD PROJECTS for unemployed youths ---- 6249

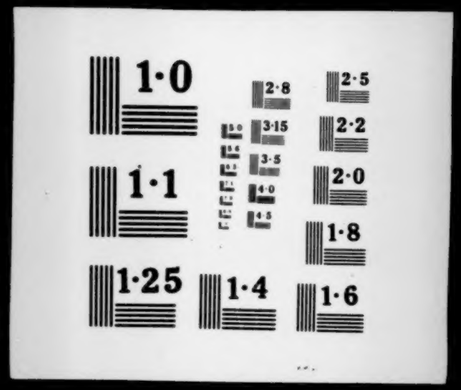
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ZIP Code System:
FEDERAL AGENCIES, use by (Memorandum of June 18, 1965) ---- 8299

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RESOLUTION CHART



100 MILLIMETERS

INSTRUCTIONS Resolution is expressed in terms of the lines per millimeter recorded by a particular film under specified conditions. Numerals in this chart indicate the number of lines per millimeter in adjacent "L-shaped" groupings.

In microfilming it is necessary to determine the reduction ratio and multiply by the number adjacent to the group in which it can be decerned that the lines are either horizontal or vertical. As an aid in determining the reduction ratio the line below is 100 millimeters in length. Measuring this line in the film image and dividing the length into 100 gives the reduction ratio. Example: the line is 10 millimeters long in the film image and 100/10 = 10.

Examine the "L-shaped" line groupings in the film with a forty power microscope and note the number adjacent to the group in which it is possible to decern that the lines are either horizontal or vertical. It is only necessary to determine that there are lines in both directions regardless of the number of lines. Under these conditions it is considered that the group in question is resolved. Example: the lines in 7.9 group are discernible horizontally and vertically while the lines in the 8.9 group are not discernible. Reduction ratio is 10 and 7.9 × 10 = 79 lines per millimeter recorded satisfactorily. 8.9 × 10 = 89 lines per millimeter which are not recorded satisfactorily. Under the particular conditions maximum resolution is between 79 and 89 lines per millimeter.

In order to check the camera for vibration several exposures should be made with the chart in the center of the field in one orientation and then turn it through an angle of 45° and make several more exposures. If the lines in both directions at both orientations are equally resolved the camera is free from vibrations.

Resolution as measured on the film, is a test of the entire photographic system, including lens, exposure, processing, and other factors. It is recommended the resolution charts be placed on every roll of microfilm, at the beginning of the roll or preferably at both ends of the roll. This practice will provide a convenient means of continually checking both the operation and performance of the system which can be referred to at any time.